

# *Town of Canandaigua*

5440 Routes 5 & 20 West • Canandaigua, NY 14424 • (585) 394-1120

## **ZONING LAW DETERMINATION – COMPLAINT RESPONSE**

**PROPERTY OWNER:** Russell Perrin  
**PROPERTY ADDRESS:** 4744 County Road 16  
**TAX MAP NUMBER:** 140.11-1-7.100  
**ZONING DISTRICT:** RR-3

**DETERMINATION REFERENCE:**

- Site visits on June 6, 2022, July 18, 2022, August 3, 2022, August 11, 2022, & August 23, 2022.

**COMPLAINT SUMMARY:**


- Complainant alleges that the person occupying the parcel is utilizing the parcel as a commercial occupancy.

**DETERMINATION:**

- There is an existing single-family dwelling on the parcel which was built circa 1968. Parcel is within the RR-3 Zoning District and single-family dwellings are a principally permitted use.
- During the multiple site visits, I personally observed multiple registered vehicles parked on the driveway. There was no sign of commercial activity.
- Commercial uses are generally accepted as activities carried out on property developed for industry, commerce, trade, recreation, or business or being developed to be occupied for such purposes, for profit or nonprofit.
- Registered motor vehicles may be registered for Commercial Use and operated on a parcel without the use being a Commercial Use.
- An owner of a commercial vehicle may drive their commercial vehicle home and the use is not Commercial.
- The final determination is that the complaint is unfounded. There was not sufficient evidence to support the claim that the owner is operating a commercial use within the residential parcel.

**TOWN CODE SECTIONS:** Chapters §1; §220

DATE: 9/7/2022

BY:   
Chris Jensen Zoning/Code Enforcement Officer

NYS Town Law, Section 267-a(5)(b), an appeal may be made to the ZBA within 60 days of the date of this determination.

cc: Binder  
Property Owner  
Town Clerk