

# *Town of Canandaigua*

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

*Established 1789*

## **ZONING LAW DETERMINATION**

**PROPERTY OWNER:** Daniel Wegman  
**PROPERTY ADDRESS:** 4905/4907/4911 County Road 16  
**TAX MAP NUMBER:** 140.18-1-11.000/140.18-1-12.000/140.18-1-15.100  
**ZONING DISTRICT:** RLD

### **DETERMINATION REFERENCE:**

- Application for Area Variance, dated 01/13/2017, received for review by Town on 01/13/2017.
- Application for Sketch Plan Review, dated 01/13/2017, received for review by Town on 01/13/2017.
- Short Environmental Assessment Form, dated 01/13/2017, received for review by Town on 01/13/2017.
- Sketch Plans titled "Daniel R. Wegman" by Bayer Landscape Architecture, dated 01/13/2013, revised on 01/20/2017, received by the Town on 01/13/2017.
- Rendered Sketch Plans titled "Wegman-Wehle Lake Residence" by Bayer Landscape Architecture, dated 01/13/2017, revised on 01/20/2017, received by the Town on 01/20/2017.

### **PROJECT DESCRIPTION:**

- Owner proposes to consolidate three existing lots into one 2.178 Acre lot. Additional development to demolish two existing single-family dwellings and associated structures to construct one single-family dwelling with associated structures.

### **DETERMINATION:**

- For lot line adjustments, all resulting lots must meet minimum requirements for building and zoning purposes.
- Changes that reduce the degree of nonconformance shall be allowed.
- Preexisting nonconformities shall not be altered by way of property boundary modifications, or by any other way that increases the degree of nonconformance without first obtaining a variance from the Zoning Board of Appeals. Upon application for such variance, a request shall be made to the Planning Board for a recommendation regarding potential impacts.
- Proposed swimming pool is 45 ft. long when 40 ft. maximum length is permitted.
- Proposed principle structure is 46 ft. from a stream when 100 ft. minimum is permitted.
- Proposed principle structure has a front setback of 23.5 ft. when 60 ft. minimum is permitted.
- Proposed dwelling has a rear setback of 26 ft. when 60 ft. minimum is permitted.
- Pre-existing non-conforming accessory building (shed) has a front setback of 50 ft. when 60 ft. minimum is permitted.
- Pre-existing non-conforming accessory building is 240 sq. ft. when 100 sq. ft. is permitted.
- Pre-existing non-conforming accessory building includes a porch when porches are not permitted on accessory buildings.
- Plans and renderings detail placement of stone face on existing shoreline retaining wall. The NYSDEC permits a one-time allowance for a refacement. The existing wall has already been refaced with wood. Any work below the mean High Water Mark of Canandaigua Lake will require a Protection of Waters Permit from the DEC and approval of the Town.

### **REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:**

- This application is required to be reviewed by the Ontario County Planning Board due to

proximity with County Road 16.

**REFERRAL TO ZONING BOARD of APPEALS FOR:**

- Application received for 5 ft. area variance for swimming pool length.
- Application received for 54 ft. area variance for stream setback from principle structure.
- Application received for 36.5 ft. area variance front setback for principle structure.
- Application received for 34 ft. rear setback area variance for dwelling.
- Application received for 10 ft. front setback area variance for existing accessory structure.
- An application requesting a 140 sq. ft. area variance for accessory building size shall be submitted.
- An application requesting an area variance to allow porches on accessory buildings shall be submitted.

**REFERRAL TO PLANNING BOARD FOR:**

- Planning Board approval required for sketch plan review.
- A request shall be made to the Planning Board for a recommendation on potential impacts.

**CODE SECTIONS:** Chapter §1-17; §220-9; §220-21; §220-107; §174-8

DATE: 1/23/2017

BY:   
Eric Cooper – Zoning Officer

CPN- 004-17  
005-17

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.

c: Binder  
Property File  
Property Owner  
Town Clerk

