

Town of Canandaigua

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

Established 1789

ZONING LAW DETERMINATION

PROPERTY OWNER: Theodore Shepard & Laureen Burke

PROPERTY ADDRESS: 5007/5009 County Road 16

TAX MAP NUMBER: 154.09-1-21.000/154.09-1-22.000

ZONING DISTRICT: RLD – Residential Lake District

DETERMINATION REFERENCE:

Area Variance application, dated 10/3/2022, received 10/3/2022.

Statement of Compliance with Shoreline Development Guidelines, 7/15/2022.

Layout Plan titled “Preliminary/Final Site Plans for Burke-Shepard Residence” by Marathon Engineering, dated 7/1/2022, last revised 09/29/2022, received 10/3/2022.

PROJECT DESCRIPTION:

The applicants are proposing to demolish the existing small cottages on 5007/5009 County Road 16. A lot line adjustment has been submitted to consolidate two lots into one. The homes will be demolished and a year-round residence is proposed. Applicant proposes a new dwelling, driveway, swimming pool and additional site improvements.

On 8/16/2022, the applicant received four area variances; front setback (40’ when 60’ is required), rear setback (37’ when 60’ is required), lot coverage (26.9% when 25% is allowed), and driveway setback (3.8’ when 10’ is required).

The Planning Board, while reviewing the proposed site plan, commented on the proximity to the blue line stream on the neighboring parcel to the south and asked staff to determine whether the proposed structure meets the 100-foot stream setback requirement.

DETERMINATION:

Per Town Code, a watercourse is a stream, gully or other body of water identified either on the Town of Canandaigua Watercourse Map, which is available in the Town Development Office, or identified through site reconnaissance as part of Planning Board review. Review would consist of a watercourse that contains a discernible channel, bed, and/or banks, flows in a particular direction, and has a drainage area of 20 acres or greater at the downstream end of the parcel.

This stream is identified as a “blue-line stream” on the Town’s Watercourse Map, contains a channel, and flows in a particular direction.

Staff has determined that the proposed structure is within the 100-foot stream setback, per §220-9(A)(1).

REFERRAL TO ZONING BOARDS OF APPEALS:

The corner of the garage (southern most point) is 54.6 feet from the top of the stream bank when 100 feet is required. The applicant will require a 45.4 setback from the stream.

REFERRAL TO PLANNING BOARD FOR:

Site plan review is required for development within the Residential Lake District with disturbance which exceeds such thresholds as would require a Soil Erosion and Sedimentation Control Permit.

CODE SECTIONS: Chapter §1-17; §220-9; §220-21; §220-68

DATE: 10/28/22

BY: _____

Shawna Bonshak, Town Planner/Zoning Officer

CPN- 22-076

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 Owner
Town Clerk

CANANDAIGUA TOWN CLERK
OCT 28 2022
RECEIVED

Shawna