

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424
Phone: (585) 394-1120 / Fax: (585) 394-9476

R E C E I V E D	TOWN OF CANANDAIGUA DEVELOPMENT OFFICE	F O R R E V I E W
	AUG 27 2020	

CPN #: 20-061

ZONING BOARD OF APPEALS APPLICATION

FOR: ☒ AREA VARIANCE ☐ USE VARIANCE ☐ INTERPRETATION

Permission for on-site inspection for those reviewing application: ☒ Yes ☐ No

1. Name and address of the property owner: Janie and Sarah Farr
3209 Daisy Way, Canandaigua NY 14424
Telephone Number of property owner: 585 233-9051
Fax # _____ E-Mail Address: janiefarr1@yahoo.com

****If you provide your e-mail address, this will be the primary way we contact you****

2. Name and Address of Applicant if not the property owner: _____

Telephone Number of Applicant: _____
Fax # _____ E-Mail Address: _____

****If you provide your e-mail address, this will be the primary way we contact you****

3. Subject Property Address: 3209 Daisy Way Canandaigua NY 14424
Nearest Road Intersection: Dandelion
Tax Map Number: 83.10-1-54.000 Zoning District: PUD

4. Is the subject property within 500' of a State or County Road or Town Boundary? (If yes, the Town may be required to refer your application to the Ontario County Planning Board.)

Please circle one:

YES

NO

5. Is the subject property within 500' of an Agricultural District? (If yes, an Agricultural Data Statement must be completed and submitted with this application – for use variance applications only.)

Please circle one:

YES

NO

(Continued on back)

6. What is your proposed new project and the variance(s) or interpretation requested?
We are asking for a 3'8" forgiveness on the side
property line where we plan to have an in-ground
pool installed

7. Have the necessary building permit applications been included with this form? If not, please verify with the Development Office which forms are required to be submitted. ✓

8. With your completed application for an Area Variance, attach a tape map/survey/site plan, elevation of the proposed structure, and other documentation necessary describing the requested variance(s) illustrating why it is practically difficult for you to conform to the Zoning Law. ✓

All maps, surveys, or site plans shall accurately depict the property including all existing and proposed structures, setbacks, and dimensions. *All dimensions must be precise.*

9. With your completed application for a Use Variance, attach a current survey map/site plan of the subject parcel with a detailed description of the proposed use, a statement as to why you feel this use variance is necessary, and a completed Environmental Assessment Form. NA

10. With your completed application for an Interpretation, attach a current survey map/site plan of the subject parcel with a detailed description of the proposed use, a statement as to why you are appealing the zoning law determination, and a copy of the zoning law determination of which said appeal is requested. NA

11. If the variance requested is related to signs, attach a Sign Detail Sheet, a site plan, and colored renderings of the proposed signage, and any other documentation required in Article IX (Sign Regulations) of the Town of Canandaigua Zoning Law. NA

I have examined this application and declare that it is true, correct, and complete. I understand that my application and all supporting documentation will be examined by the Zoning Board of Appeals as an integral component of deliberations.

I hereby grant my designee permission to represent me during the application process.


(Signature of Property Owner)

8/21/2020
(Date)

Town of Canandaigua

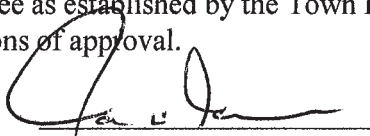
5440 Routes 5 & 20 West

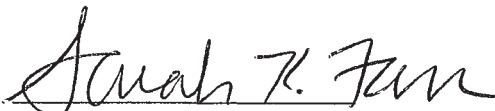
Canandaigua, NY 14424

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***Property Owner is responsible for any consultant fees
(Town Engineer, Town Attorney, etc.) incurred during the application process.***

Please note that the **Property Owner** is responsible for all consultant fees during the review of this application including legal, engineering, or other outside consultants. Applications submitted to the Town of Canandaigua Planning Board will normally receive chargeback fees of at least five hours to ten hours for planning services including intake, project review, resolution preparation, SEQR, and findings of fact. PLEASE NOTE that the number of hours will be SIGNIFICANTLY INCREASED due to incomplete applications, plans lacking detail, or repeated continuations. Subdivision applications and larger commercial or industrial projects traditionally require more hours of engineering, legal, and other consultant review and preparation and will incur higher costs. Applications for new construction may be referred to the Town Engineer for engineering review which may include at least an additional eight to twelve hours of review time. The **Property Owner** will also be responsible for legal fees for applications submitted to the Town of Canandaigua Planning Board, Zoning Board of Appeals, or the Town of Canandaigua Development Office. Fees for engineering and legal expenses traditionally range between one hundred and one hundred fifty dollars per hour. A copy of the Town's annual fee schedule is available upon request from the Development Office or the Town Clerk's Office. The **Property Owner's** signature below indicates that the **Property Owner** understands that the **Property Owner** will be responsible for all outside consultant fees incurred as a result of the submitted application, and consents to these charges. Additionally projects approved by the Town of Canandaigua Planning Board may be required to pay a parks and recreation fee as established by the Town Board (currently \$ 1,000 per unit) if required as part of the conditions of approval.


(property owner)


(property owner)

TESTS FOR GRANTING AREA VARIANCES

BE VERY SPECIFIC WHEN ANSWERING THESE QUESTIONS

"Area variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

(Town Law Section 267, subsection 1.(b)).

In deciding whether to grant an area variance, the Zoning Board of Appeals takes into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community. (Town Law Section 267-b, subsection 3.(b)).

To enable the Zoning Board of Appeals to grant an area variance, the applicant must present substantial evidence concerning the following topics by providing supporting evidence for each. Attach additional sheets if necessary.

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

See Next Page for all answers

- (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

- (3) Whether the requested area variance is substantial.

- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

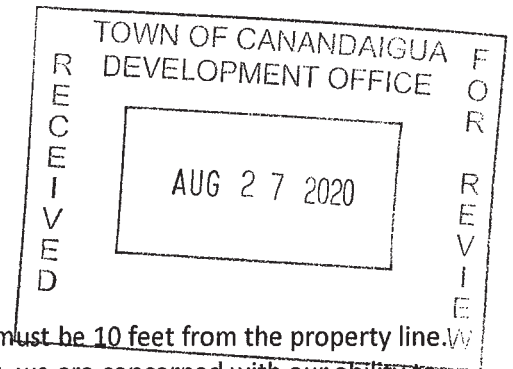
- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.

Jamie and Sarah Farr

3209 Daisy Way

Canandaigua, NY 14424

Re. Tests for Granting Area Variances



To Whom It May Concern;

The code states that a built-in swimming pool including the concrete surround must be 10 feet from the property line. Due to the size, shape, and slope of the lot in addition to pre-existing structures, we are concerned with our ability to safely install our pool and allow construction equipment to sufficiently and adequately navigate the property. The other consideration is the distance which the pool would be away from our house, discouraging a person from trying to jump from a high space (window, roof, etc.) and potentially suffer injury.

Permitting a variance of 3'8" to the shared green space behind the house would sufficiently allow us to safely install said in-ground pool. This would mean the end of concrete will be 6'4" from our back property line instead of the required 10 feet.

Q1 – An undesirable change would not be produced in the character of the neighborhood should this application be approved. We plan to place a fence along the inside of our property line around the perimeter of our back yard. We plan to place the pool with a concrete surround within the fence. It will have a tasteful appearance.

Q2 – The zoning law requires 10 feet of space between the property line and the start of the pool/surround. We were told by Cannon Pools that applying for this variance is our best and only course of action in order to provide them ample space to install and provide a safe end product. It is the smallest in-ground pool they can install at 12'x24'. We can sufficiently stay within the 10 feet of space to either side of our property line nearest our neighbors. The difficulty is being able to do so to the back property line where there are no homes backing to us as it is shared green space followed by a steep hill down to the other homes. Our back yard is not visible to the homes directly across from the shared green space. Additionally, a neighbor three houses down was granted a variance for their in-ground pool within this past year so there is a past decision in favor of a request similar to ours.

Q3 – We feel this request is very important for the safety of people on our property and the installation crew. Positioning the pool as far away from our house discourages unsafe use behavior and also allows for the construction equipment to safely navigate between our house and the pre-existing patio. The variance would position the pool 6' from our house which is still closer than desirable but manageable.

Q4 – This variance will not have an adverse effect or impact on the physical or environmental condition of the neighborhood. We have included a signed petition by the homeowners who back to the green space in support of the approval of this variance as well.

Q5 – Our situation is unique due to the small lot sizes in addition to the significant slope and pie shaped lot. The houses are larger in proportion to the lot, thus leaving little to no space to install an in-ground pool.

We thank you for your consideration and support.

Sincerely,

Jamie Farr & Sarah Farr