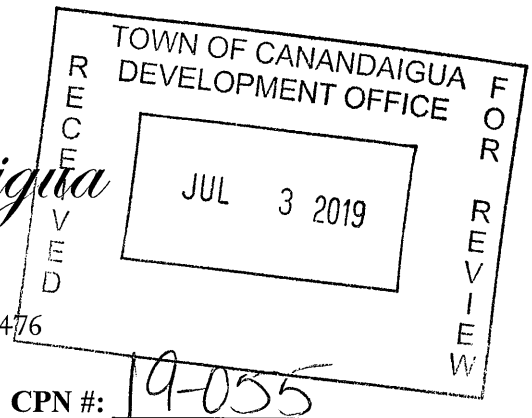


# Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

Phone: (585) 394-1120 / Fax: (585) 394-9476



## 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: Scott and Sarah Vassello  
3217 Daisy way Canandaigua NY 14424  
Telephone Number of property owner: (315) 521-2907 (scott)  
Fax # \_\_\_\_\_ E-Mail Address: scottvassello@gmail.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: 3217 Daisy way Canandaigua NY  
Nearest Road Intersection: \_\_\_\_\_ 14424  
Tax Map Number: 83.10-1-57.000 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

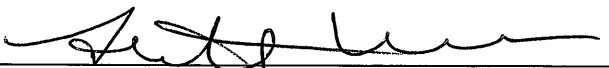
NO

(Continued on back)

6. What is your proposed new project and the variance(s) or interpretation requested?  
we are asking for a 7.5 foot forgiveness  
on the back + right side of our back yard  
where we plan to put an inground pool.
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.
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.
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.

*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.*

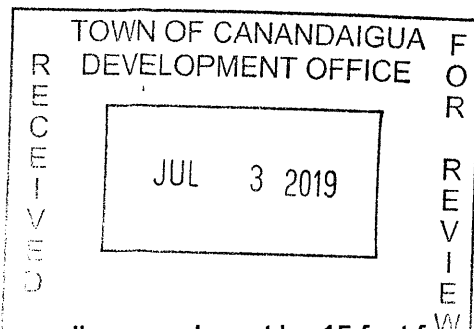
*I hereby grant my designee permission to represent me during the application process.*

  
(Signature of Property Owner)

6/20/19  
(Date)

### Tests for Granting Area Variances

Scott and Sarah Vassello  
3217 Daisy Way  
Canandaigua, NY 14424



The law states that a built-in swimming pool/Concrete surrounding a pool must be 15 feet from the property line. We are concerned how close that would put our pool to our house with a walk-out basement and upper deck. We are applying for a 7.5 foot variance - allowing us to place our pool 7.5 feet from our property line, which would then give us 13 feet from our house.

Due to the unique elevation changes in our lot, we are also asking for a 7.5 variance on the right (south) side of our yard. Allowing the concrete surround to start 7.5 feet from the property line on the right side would help us avoid the need to dig into the gradient/retaining wall on the left (north) side of our yard.

Q1 -

An undesirable change would not be produced in the character of the neighborhood should this application be approved. We plan to put a fence along the inside of our property line around the perimeter of the back yard. We plan to place a pool with concrete surround within the fence. As noted above, we hope for safety reasons and the uniqueness of the lot, we can place it 7.5 feet closer to the back/right side of the lot (giving us more distance from the house- for safety).

Q2 -

The zoning law requires a 15 foot space between the property line and the start of the pool/surround. We were told (by North Eastern Pools) that applying for a variance would be our best option in gaining permission to place the pool in a safer, more feasible position within our lot.

Q3 -

We feel this request is very important for the safety of people on our property. Positioning the pool further from the house provides more than 13 feet from the house/upper deck, and keeping it to the right side of the property would avoid an already elevated area from becoming more steep/dangerous. With the current code, the pool would need to be placed 6.5 feet from our house in places, which we feel is far too close to the home/upper deck.

Q4 -

This proposed variance will not have an adverse effect or impact on the physical or environmental condition of the neighborhood, whatsoever. The neighbors on the right side of our property (where we are requesting the variance) have offered to share their approval of our request if needed.

Q5 -

Our situation is unique because of the layout/size of our lot, the elevation/gradient, as well as our hope to create a safer layout with adequate space between the pool and house/deck. Therefore, the alleged difficulty was not self-created.

We thank you in advance for your consideration, and for helping us reach an agreement that can provide more safety for our family and the people who visit our home.