

# Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

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

TOWN OF CANANDAIGUA		FOR REVIEW
DEVELOPMENT OFFICE		
OCT 12 2018		
RECEIVED		
CPN #:	<u>18074</u>	

## 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: John and Joanne Smith, 4519 Davidson  
Landing Drive, Canandaigua NY 14424

Telephone Number of property owner: \_\_\_\_\_

Fax # \_\_\_\_\_ E-Mail Address: JTS@britecomputers.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*: \_\_\_\_\_

Bushen  
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: 4519 Davidson Landing Drive

Nearest Road Intersection: West Lake Road

Tax Map Number: 126.20-1-15.200 Zoning District: RLD - Residential Lake District

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

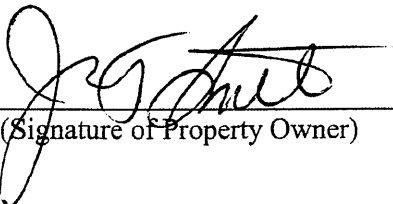
☒ NO

(Continued on back)

6. What is your proposed new project and the variance(s) or interpretation requested?  
Enclose and reconfigure the existing lakeside porch, expand the Davidson Landing Drive  
side of the house by 7 feet, and construct an attached garage.  
Requested variance is for Min Front Setback (from Davidson Landing Drive) of 24 ft vs 60 ft
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)

10/11/18  
(Date)

# *Town of Canandaigua*

5440 Routes 5 & 20 West

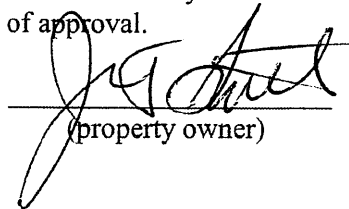
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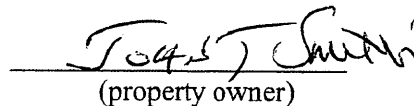
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***Property Owner is responsible for any consultant fees  
(Town Engineer, Town Attorney, etc.) incurred during the application process.***

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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)

### Overview

The applicant proposes to enclose and reconfigure the existing lakeside porch, expand the Davidson Landing Drive side of his house by 7 feet, and construct an attached garage. Other proposed sitework includes the removal of existing asphalt currently used for parking, the reconfiguration of the driveway, and removal of an existing shed. The overall impervious area will be reduced.

One variance will be required:

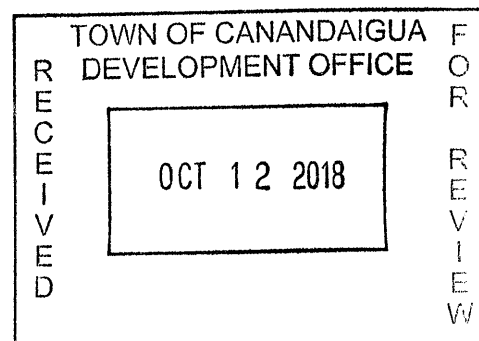
Variance:	REQUIRED	PROPOSED
1) Min Front Setback (from Davidson Landing Drive)	60.0 ft	24.0 ft

### Tests for Granting Area Variances

- 1) *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.*

The attached garage and building addition have been designed to complement the original house structure. The proposed structure is smaller than many other structures located on Davidson Landing Drive. After construction is completed, the parcel and its buildings will be similar in appearance to the other properties in the neighborhood. The project will not have a deleterious effect on the neighborhood, rather it will enhance its character.

Sight lines will be unaffected or minimally affected. There are no neighbors across Davidson Landing Drive. The property is extensively landscaped – the area around the proposed garage will also be landscaped. Therefore, no detriment to nearby properties will be created.



- 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.*

One alternative would be to change the site of the proposed garage. Regardless of where the garage is placed on the lot, area variances will be required. The structure would still require variances from either front or side setback requirements, perhaps a height variance, and be situated in the front yard.

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

Min Front Setback (from Davidson Landing Drive)

*Code requires:* 60.0 foot setback

*Request:* 24.0 foot setback

The garage is situated to maximize the front setback as much as practicable, and facilitates the removal of impervious area through reconfiguring the driveway. It should be noted the existing shed, which is being removed, has a 2.8 foot setback. Additionally, the setback is calculated from Davidson Landing Drive, which, as a private street, could be considered similar to a shared driveway commonly found in a side yard.

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

Other than during construction, there will be no additional traffic, dust, noise, or odors as a result of the proposed garage. There will be no adverse effect or impact on the physical or environmental conditions in the neighborhood.

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

The current lot configuration was not created by the current owner; the requested variances were therefore not self-created.