

Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

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

CPN #:

040-17

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: Lynn Fuller and Oksana Fuller
3971 County Road 16, Canandaigua, NY 14424

Telephone Number of property owner: 585-394-2949

Fax # _____ E-Mail Address: lfeee@rit.edu

****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: 4422 Deuel Road, Canandaigua, NY

Nearest Road Intersection: Deuel Road and Route 21

Tax Map Number: 125.00-1-23.110 Zoning District: RR3

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?

Replace deck that was once on the side of the house towards Deuel road.

Request is to allow setback from the road to be 10 feet when 50 feet is required.

7. 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.*

8. 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.
9. 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.
10. 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.

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

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)

6/23/2017
(Date)

INTERPRETATION NARATIVE

BE VERY SPECIFIC IN YOUR NARATIVE

"Interpretation" shall mean the authorization by the Zoning Board of Appeals to overturn the enforcement officer's determination for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

To enable the Zoning Board of Appeals to overturn the Zoning Officer's determination, the applicant must present substantial evidence why the determination should be overturned.

I am restoring a house that was built in 1860, I think the house was built before Deuel Road existed. The center of Deuel Road was placed 42.6 feet from the rear of the house. A deck existed and provided a second means of egress from the first floor, important for safety. There is a guard rail along the road 30 feet from the house. I want to replace the deck with a new one. The deck would extend out from the house 8 feet on this side making the setback 10 feet to the road right-of-way and 34.75 feet from the road centerline and 22 feet from the guard rail. I am appealing the zoning law determination based on the existence of a prior non conforming structure.



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.

The character of the neighborhood is rural with no other nearby homes. (see attached pictures North, South, East and West). No undesirable change in character 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.

To access the existing door on this side of the house and meet the road setback is not possible. Other alternatives such as moving the house or changing the door to another location all are not feasible. Eliminating the door would be a safety hazard.

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

The deck on the east side of the building is 240 sq. ft. or 0.6% of lot size. In addition it will be behind road guard rail and evergreen trees with room to spare. (see pictures attached)

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

No adverse effect on the physical or environmental conditions of the neighborhood or district is envisioned.

- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA,

The house was built in 1860, I do not know when the deck was attached to the east side of the building. When I purchased the property the deck was a pile of rotten lumber on the ground with an exit door ten feet above the ground going nowhere.. (see attached picture)