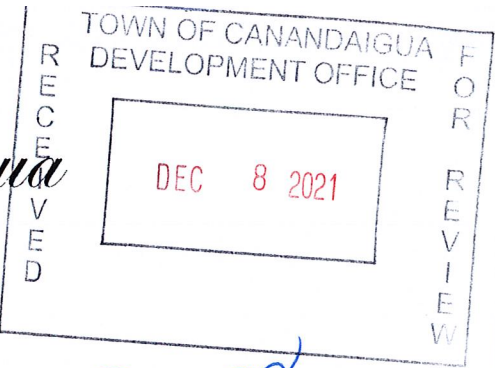


Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

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



CPN #: 21-098

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: Timber Wind LLC, 1950 Brighton Henrietta Town Line Road,
Rochester, NY 14623

Telephone Number of property owner: 585-272-7760

Fax # 585-272-0720

E-Mail Address: jrd@dimarcogroup.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*: Same as above

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: 6170 Dugway Road

Nearest Road Intersection: State Route 21

Tax Map Number: 153.00-0-63.200

Zoning District: RR-3 Rural Residential

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?
Request to subdivide property to create two lots. Lot 1 will be 18.644 acres and Lot 2 will be 3.571 acres. Code requires minimum frontage for a lot to be 225' whereas the proposed Lot 1 frontage will be 30'. An area variance is required.
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. N/A
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)

12-7-2021
11/16/21
(Date)

November 16, 2021

Re: Application of Timber Wind LLC for consideration of an area variance to allow a two-lot subdivision whereby Lot 1 of the subdivision does not conform to the required lot width as measure at the right of way of Dugway Road.

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 variance.

No, there will not be an undesirable change to the character of the neighborhood. The proposed two-lot subdivision is being requested by Timber Wind LLC to allow sale of the existing single-family home and detached garage along with 3.571 acres. Owner desires to maintain Lot 1 as undeveloped land and maintain 30' of frontage for access to remaining 18.644 acres. Timber Wind LLC through an affiliated entity, Johnson Hill LLC owns additional land including the existing 60' right-of-way abutting the eastern property line of Lot 1. Flag lots are very common on Dugway Road. The requested variance is consistent with adjacent lots and not out of character of the neighborhood.

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.

The sale of proposed Lot 2 is what precipitates the variance request. In order to establish a conforming lot for Lot 2, 3+ acres must be created along with the required width for non-farm, single family dwelling of 225'. It is not feasible to create two conforming lots given the existing frontage (346.22') along Dugway Road. A variance must be obtained to allow creation of the proposed two lot subdivision.

3. Whether the requested area variance is substantial.

The variance is substantial, however given the existing character of the neighborhood with multiple flag lots for access to land, it is not out of character with the neighborhood. Additionally, maintaining Lot 1 as undeveloped agricultural/hunting land is the desire of the Applicant.

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

No, there will be no adverse effect or impact on the physical or environmental conditions in the neighborhood. The Applicant desires to create a two-lot subdivision to allow sale of Lot 2 along with the existing single-family residence and detached garage. The Applicant will retain Lot 1 as undeveloped agricultural/hunting land for recreation and enjoyment along with the additional land owner by Timber Wind LLC and Johnson Hill LLC. No new development is proposed that will have any adverse effect or impact.

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

Yes, the difficulty is self-created. The proposed sale of the existing single-family home is precipitating the need for the variance.