

# Town of Canandaigua

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

RECEIVED	TOWN OF CANANDAIGUA DEVELOPMENT OFFICE	FOR REVIEW
	SEP - 9 2020	
CPN #: <u>20-665</u>		

## ZONING BOARD OF APPEALS APPLICATION

FOR: ☒ AREA VARIANCE    ☐ USE VARIANCE    ☐ INTERPRETATION

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

1. Name and address of the property owner: Greg & Roberta Bantfield  
5082 Foster Rd, Canandaigua NY 14424  
Telephone Number of property owner: (772) 285-2949  
Fax #                      E-Mail Address: gbantfiel@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: Design Works  
Architecture, P.C. 6 N Main St #104 Fairport, NY 14450  
Telephone Number of Applicant: (585) 377-9001  
Fax #                      E-Mail Address: kendall@newdesignworks.com

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

3. Subject Property Address: 5082 Foster Rd  
Nearest Road Intersection: Co Rd 16  
Tax Map Number: 126.00-1-10.114 Zoning District: R-1-20

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?

New 26' x 26' attached garage  
Requesting side yard setback variance  
(17' whereas 25' required for Principal Bldg)

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.***

Roberta A. Banfield Gregory Banfield 9-8-2020  
(Signature of Property Owner) (Date)

# *Town of Canandaigua*

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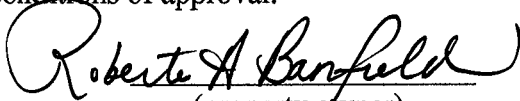
Canandaigua, NY 14424

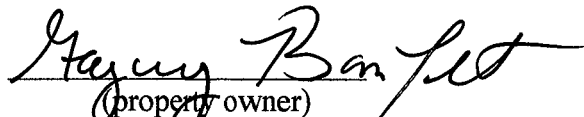
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***Property Owner is responsible for any consultant fees  
(Town Engineer, Town Attorney, etc.) incurred during the application process.***

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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)

## TESTS FOR GRANTING AREA VARIANCES

### **Proposed Attached Garage Addition – 5082 Foster Rd, Canandaigua NY 14424**

To enable the Zoning Board of Appeals (ZBA) to grant an area variance, the applicant must present substantial evidence concerning the following topics by providing supporting evidence for each.

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.  
**No. The proposed attached garage is designed to fit the character and massing of the current house and current detached garage. There are no neighbors visible from the structure due to good tree cover between neighboring properties. The proposed attached garage will be 215' 9 1/4" at its nearest point to the Foster Rd ROW.**
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.  
**No. The *existing* detached garage is non-conforming (21' side yard setback where 25' is required). The homeowners will benefit from centering the garage addition on the existing garage (functionality and aesthetics). Even if the rear (west) wall of the proposed garage addition is aligned with the rear wall of the existing garage, the degree of non-conformity will increase slightly as these walls do not appear to be exactly parallel with the west lot line.**
3. Whether the requested area variance is substantial.  
**No. Since the attached garage will become part of the Principal Building, we are requesting an 8' side yard setback variance (17' whereas minimum 25' for R-1-20 district). If the proposed garage was not attached to the existing garage, it would be considered an Accessory Building and would be in conformance (17' whereas minimum 15' for R-1-20 district Accessory Buildings). The existing house and other proposed additions (connector/mudroom and north wing addition) will be in conformance.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.  
**No. The proposed attached garage will be slab-on-grade foundation (minimal excavation) and will not feature any plumbing or mechanicals (other than electric). The proposed construction is not in the vicinity of any environmentally sensitive features. There are no neighbors visible from the structure due to good tree cover between neighboring properties. The neighbors will not experience any change due to increased drainage runoff or blocked sunlight.**
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.  
**Yes.**

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## Sketch Plan Checklist

Applicant: Design Works Architecture, PC (on behalf of Greg Banfield)  
Project Address: 5082 Foster Rd, Canandaigua NY 14424  
Tax Map #: 126.00-1-10.114 Zoning District: R-1-20  
Project Description Narrative: Proposed 26' x 26' attached garage

Sketch Plan Checklist – Chapter 220 §220-66 (Not required for any property in a major subdivision)	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
A. The sketch plan shall be clearly designated as such and shall identify all existing and proposed:			
1) Zoning classification and required setbacks.	X		
2) Lot lines.	X		
3) Land features including environmentally sensitive features identified on the NRI. (woods, streams, steep slopes, wetlands)	X		
4) Land use(s). (residential, agricultural, commercial, or industrial)	X		
5) Utilities. (i.e. location of electric, gas, well, septic, sewer, cable)*	X		
6) Development including buildings, pavement and other improvements including setbacks.	X		
7) Location and nature of all existing easements, deed restrictions and other encumbrances.	X		
B. Sketch plans shall be drawn to scale.	X		
C. It is the responsibility of the applicant to provide a sketch plan that depicts a reasoned and viable proposal for development of the lot.	X		

I have reviewed my submitted application and drawings against the above noted criteria and hereby certify that the submitted application matches this check list.

Kendall Smith (Design Works Architecture) 9/9/20  
Signature of Applicant / Representative Date

\*May be obtained from UFPO – dial 811 for assistance.