

Town of Canandaigua

5440 Routes 5 & 20 West • Canandaigua, NY 14424 • (585) 394-1120

Established 1789

ZONING LAW DETERMINATION

PROPERTY OWNER: DIGABRIELE, DANIEL
PROPERTY ADDRESS: 3310 FALLBROOK PARK
TAX MAP NUMBER: 98.11-1-5.100
ZONING DISTRICT: RLD

DETERMINATION REFERENCE:

- Application for One Stage Site Plan, dated 11/14/2019. Received for review by Town on 11/08/2019.
- Application for Zoning Board Area Variance, dated 11/14/2019. Received for review by Town on 11/15/2019.
- Application for Site Development/General Building Permit, dated 11/25/2019. Received for review by Town on 11/18/2019.
- Application for Soil Erosion and Sediment Control Permit, dated 11/08/2019. Received for review by Town on 11/18/2019.
- Plans titled "One Stage (Preliminary/Final) Site Plan Set for The Haseley Family" by Venezia Land Surveyors and Civil Engineers, dated 11/15/2019, revised on 11/14/2019, received by the town on 11/15/2019.
- Zoning Board of Appeals decision, decision dated 07/18/1989, filed with Town Clerk 09/22/1989.
- Certificate of Non-conformity dated 11/25/2019. Filed with Town Clerk 11/25/2019.

PROJECT DESCRIPTION:

- Applicant proposes a garage addition to an existing dwelling and to construct a new screen porch addition, patio area, installation of a swimming pool, and to remove an existing deck.

DETERMINATION:

- Proposed swimming pool to be located in the rear yard when such structure shall not be located in the front or rear yard of a lot where said rear yard adjoins Canandaigua Lake.
- Proposed dwelling to have 21.5 ft. front yard setback when 55 ft. is required. Preexisting nonconforming dwelling has a front setback of 21.5 ft.
- Subject property previously granted a left-side setback of 7.5 ft. when 12 ft. was required. Existing/Proposed single-family dwelling has a left-side setback of 8.6 ft.
- Proposed building coverage of 27.3% when maximum permitted 20%. Preexisting nonconforming dwelling has a building coverage of 28.7%.
- Proposed lot coverage of 43.9% when maximum permitted is 30%. Preexisting nonconforming dwelling has a lot coverage of 52.8%.
- Changes to preexisting nonconformities that reduce the degree of nonconformance shall be allowed.
- Preexisting nonconformities shall not be altered by any way that increases the degree of nonconformance without first obtaining a variance from the Zoning Board of Appeals.

REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:

- This application is required to be reviewed by the Ontario County Planning Board as it relates to an area variance and site plan within 500 ft. of a county road.

REFERRAL TO ZONING BOARD OF APPEALS FOR:

- Application received for Area Variance to allow swimming pool in rear yard adjoining Canandaigua Lake.

REFERRAL TO PLANNING BOARD FOR:

- Planning Board Site Plan approval is required for development in the Residential Lake District which exceeds thresholds as would require a soil erosion permit.

CODE SECTIONS: Chapter §1-17; §165 §220-9; §220-21; §220-64; §220-107; §220a Sch. 1 Zoning Schedule

DATE: 11/25/2019

BY: 
Kyle Ritts-- Zoning Inspector

CPN- 19-091

NYS Town Law, Section 267-a(5)(b), an appeal may be made to the ZBA within 60 days of the date of this determination.

c: Binder
Property File
Property Owner
Town Clerk

