

# *Town of Canandaigua*

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

*Established 1789*

## **ZONING LAW DETERMINATION**

**PROPERTY OWNER:** QUEHL, RICHARD W.; VESTAL, KELLI B.

**PROPERTY ADDRESS:** 3312 FALLBROOK PARK

**TAX MAP NUMBER:** 98.11-1-6.000

**ZONING DISTRICT:** RLD

### **DETERMINATION REFERENCE:**

- Application for Zoning Board Area Variance, dated 04/06/2020. Received for review by Town on 04/08/2020.
- Application for One Stage Site Plan, dated 04/06/2020. Received for review by Town on 04/08/2020.
- Application for Soil Erosion and Sediment Control Permit, dated 04/08/2020. Received for review by Town on 04/08/2020.
- Application for Site Development/General Building Permit, dated 04/08/2020. Received for review by Town on 04/08/2020.
- Plans titled, "One Stage (Preliminary/Final) Site Plan Set For Quehl-Vestal Residence" by Venezia Land Surveyors and Civil Engineers, dated 04/08/2020, revised on 4/17/2020, received by the town on 04/20/2020.
- Certificate of Non-Conformity, dated 04/22/2020. Filed with Town Clerk 04/22/2020.

### **PROJECT DESCRIPTION:**

- Applicant proposes to tear down existing dwelling and construct a new, single-family dwelling and attached garage.

### **DETERMINATION:**

- Proposed building coverage to be 35.2% when maximum permitted is 25%.
- Proposed lot coverage to be 52.8% when maximum permitted is 40%. Preexisting nonconforming dwelling has a lot coverage of 58.7%.
- Proposed dwelling to have 23.32 ft. front yard setback when required front setback shall be no less than 50 ft. Preexisting nonconforming dwelling has a front setback of 5.7 ft.
- Proposed dwelling to have 3.0 ft. right-side setback when required side yard setback shall be no less than 8 ft. Preexisting nonconforming dwelling has a right-side setback of 0.4 ft.
- Proposed accessory structure (pool) to have 4.5 ft. right-side setback when required side yard setback shall be no less than 8 ft. Preexisting nonconforming accessory structure (patio) has a right-side setback of 0.3 ft.
- Proposed pool to be located in rear yard when such structure shall not be located in the rear yard of a lot where said rear yard adjoins Canandaigua Lake. Preexisting nonconforming swimming pool is located in the rear yard which adjoins Canandaigua Lake.
- Changes to preexisting nonconformities that reduce the degree of nonconformance shall be allowed.

### **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 recreation area (Canandaigua Lake).

**REFERRAL TO ZONING BOARD OF APPEALS FOR:**

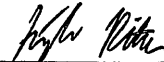
- Application received for 10.2% building coverage area variance.

**REFERRAL TO PLANNING BOARD FOR:**

- Planning Board Site Plan approval 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: 4/22/2020

BY:   
Kyle Ritts - Zoning Inspector

**CPN- 20-022**

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

