

# Town of Canandaigua

5440 Routes 5 & 20 West  
Canandaigua, NY 14424

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

TOWN OF CANANDAIGUA		FOR REVIEW
DEVELOPMENT OFFICE		
JUN 14 2019		
RECEIVED		

CPN #: 19-045

## 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: Violas Family Trust  
3320 Fallbrook Park

Telephone Number of property owner: (818) 516-0011

Fax # \_\_\_\_\_ E-Mail Address: guy@guyviolas.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*: Venezia & Assoc.  
5120 Laura Lane, Canandaigua

Telephone Number of Applicant: (585) 396-3267

Fax # \_\_\_\_\_ E-Mail Address: Anthony@veneziasurvey.com

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

3. Subject Property Address: 3320 Fallbrook Park

Nearest Road Intersection: Lake Shore Drive

Tax Map Number: 98.11-1-10.000 Zoning District: RLD

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?  
Proposed project is a tear down and rebuild of a single family home on Canandaigua Lake. Front Setback, Building & Lot Coverage are the variances we are requesting.
- 
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.***

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(Signature of Property Owner)

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(Date)

# *Town of Canandaigua*

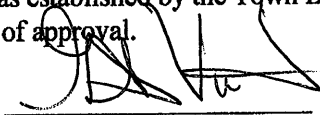
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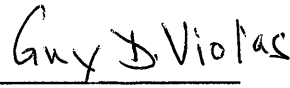
***Property Owner is responsible for any consultant fees  
(Town Engineer, Town Attorney, etc.) incurred during the application process.***

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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)

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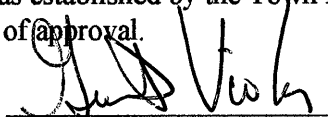
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(property owner)

\_\_\_\_\_  
(property owner)

\*\*\*\*\*

**FOR TOWN USE ONLY**

**Circle Type of Application:**

Special Use Permit

Site Plan Approval

Subdivision

Use Variance

**Circle Review Authority:**

Zoning Board of Appeals

Planning Board

Town Board

**Notice Provision:**

Date when written notice of the application described in Part I was provided to the land owners identified in the Agricultural Data Statement.

\_\_\_\_\_

Date referral sent to the Ontario County Planning Department:

\_\_\_\_\_

\_\_\_\_\_  
Name of Official Completing Form

\_\_\_\_\_  
Date

Project: **Violas Residence**

Location: 3320 Fallbrook Park, Canandaigua, NY 14424

Date: June 14, 2019

**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, an undesirable change will not be produced in the character or the neighborhood as many of the neighboring properties have been renovated or newly built. The road side setback for the garage we are asking for is consistent with nearly every property on Fallbrook Park. The development of this property will not cause any detriments to its neighbors or other nearby properties.

**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, we would not be able to achieve the sought after development by any other means. This existing property is smaller than the minimum lot area required by the zoning code, placing it in a unique situation.

**3. *Whether the requested area variance is substantial.***

No, the area variances we are requesting are not substantial for the Fallbrook Park neighborhood. Please refer to the submitted table indicating all past variances approved in Fallbrook Park. The existing house and garage are currently non-conforming and with our proposed plan we are moving both the front yard setback and lot coverage closer to conformity.

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

No, we do not feel that the proposed development plan will have any adverse effect on the physical or environment conditions in the neighborhood. We designed the home and surrounding property to seamlessly tie into the existing neighborhood aesthetic while still having some distinguishing features and elements. The proposed development plan also takes into account modern roof and ground water drainage techniques, native landscaping and lower building forms at both the lake and road side elevations (minimizing the feeling of height at the prominent sides of the property).

**5. *Whether the alleged difficulty was self created, which consideration shall be relevant to the decision of the ZBA, but shall no necessarily preclude the granting of the area variance.***

No, these difficulties were not self created.