

Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

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

CPN #: 042-17

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: Russell H. & Amy S. Brandon
8191 Pinestone Court Williamsville, NY 14221

Telephone Number of property owner: 716 863-5202

Fax # N/A E-Mail Address: amybrandon@roadrunner.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: James R. Fahy
James Fahy Design Associates, 2024 W. Henrietta Rd Ste 3K
Telephone Number of Applicant: Rochester, NY 14623 585-272-1650

Fax # 585-272-1008 E-Mail Address: jrfahy@jamesfahy.com

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

3. Subject Property Address: 3394 + 3396 Fallbrook Park, Canandaigua, NY
Nearest Road Intersection: Lakeshore Drive

Tax Map Number: 98.11-1-39.000 Zoning District: RLD
98.11-1-40.000

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?

(see attached)

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.*

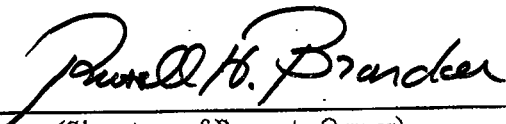
- N/A 9. With your completed application for a Use Variance, attach a current survey map/site plan of the subject parcel with a detailed description of the proposed use, a statement as to why you feel this use variance is necessary, and a completed Environmental Assessment Form.

- N/A 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.

- N/A 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)

6-11-17

(Date)

Town of Canandaigua

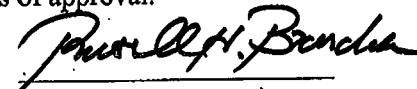
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Property Owner is responsible for any consultant fees
(Town Engineer, Town Attorney, etc.) incurred during the application process.

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)

Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

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

CPN #:

04217

Sketch Plan Checklist

Applicant: James R. Fahy representing Russ & Amy Brandon

Project Address: 3394+3396 Fallbrook Park

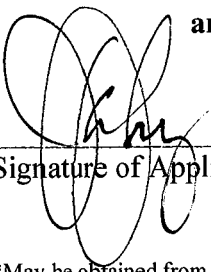
Tax Map #: 98.11-1-39.0440

Zoning District: RLD

Project Description Narrative: combination of two parcels into 0.42 acre lot; demolition of two existing homes & detached garage, followed by construction of a new single family residence with associated site improvements.

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.



Signature of Applicant / Representative

6/14/17

Date

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

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TOWN OF CANANDAIGUA		FOR REVIEW
DEVELOPMENT OFFICE		
JUN 16 2017		
E I V E D		

AGRICULTURAL DATA STATEMENT

CPN #:

042-17

In accordance with NYS Town Law § 283-a, the Town of Canandaigua will use the following information to evaluate possible impacts that would occur on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation.

- A. Name and Address of Property Owner: Russell H. & Amy S. Brandon
8191 Pinestone Court Williamsville, NY 14221
- B. Name and Address of Applicant: James R. Fahy - James Fahy Design
Associates, 2024 W. Henrietta Rd Ste Bk Rochester NY 14623
- C. Description of the proposed project: combination of two parcels; demolition of
two existing homes and a detached garage followed by the
construction of a new home with associated site improvements.
- D. Project Location: 3394 & 3396 Fallbrook Park, Canandaigua, NY
- E. Tax Map #: 98.11-1-39.0 & 40
- F. Is any portion of the subject property currently being farmed? ☐ Yes ☒ No
- G. List the name and address of any land owner within the agricultural district that the land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed.
- | Name / Address |
|----------------|
| 1. <u>N/A</u> |
| 2. <u>↓</u> |
| 3. <u>↓</u> |
- H. Attach a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in this Agricultural Data Statement.

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

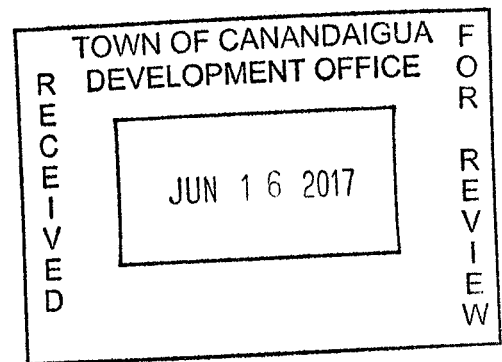
June 16, 2017



Town of Canandaigua
5440 Route 5 & 20
Canandaigua, New York 14424

Attention: Mr. Terrance Robinson
Chairman, Zoning Board of Appeals

Re: Application for Area Variances
Brandon Residence
3394 & 3396 Fallbrook Park
Canandaigua, New York



Dear Chairman Robinson and Board Members,

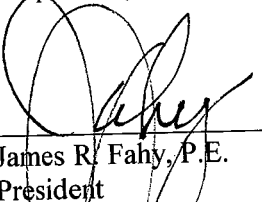
We are representing Russ and Amy Brandon in their request for four (4) area variances associated with their plans to construct a new home at the referenced site. The project includes the joining of two parcels; demolition of two cottages and a detached garage followed by the construction of a new home and associated site improvements.

Attached are all required application documents, including a detailed summary of the four area variances requested and associated plans and photo simulations in support of our requests. Documents included in this application are as follows:

- Area Variance Application Checklist
- Zoning Board of Appeals Application
- Consultant Fee Acknowledgement Form Signed by Property Owner
- Tests For Granting Area Variance
- Agricultural Data Statement
- Short Environmental Assessment Form
- Sketch Plan Checklist
- Site Plan
- Elevations of Proposed Home With Building Height Noted
- Photo 1 Aerial view of existing neighborhood setting
- Photo 2 Existing conditions – view from lake
- Photo 3 of Proposed home on site – view from lake

We appreciate your consideration of these variance requests and I look forward to presenting our case in detail at your meeting on July 18th.

Respectfully submitted,



James R. Fahy, P.E.
President

Attachments

A MODERN APPROACH TO TIMELESS ARCHITECTURAL DESIGN

2024 w. henrietta rd. | suite 3k | rochester, ny 14623
tel (585) 272.1650 | fax (585) 272.1008
info@jamesfahy.com | www.jamesfahy.com

Tests for Granting Variances

Project:

Brandon Residence
3394 & 3396 Fallbrook Park
Canandaigua, New York

Variances Requested:

- A. Front Yard Setback
- B. Building Coverage
- C. Lot Coverage
- D. Building Height

Supplemental Narratives:

A. Front Yard Setback

Town Code Section: §220-21-D (2) (a) [1]

Required: 55-feet minimum

Existing: 3396 – Detached garage encroaches over setback by approximate 5-feet

Existing: 3394 – House/garage encroaches over setback by approximate 1-foot

Proposed: 8.21-feet

1. *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties by granting the variance:*

There will be no undesirable change to the character of the neighborhood nor a detriment to nearby properties resulting from the granting of this variance. The Fallbrook Park neighborhood is characterized by principle structures and or detached garages located in close proximity to the front property line, as shown in aerial photo no. 1, attached. The existing attached two car garage at 3394 and the detached garage at 3396 are both located over the front property line, as shown on photo 1 and the existing conditions site plan, attached. The proposed setback of 8.21 feet for the new garage will be a significant improvement over current conditions at the property and in character with the neighborhood setting.

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 benefit sought could not be achieved by other feasible methods without adversely effecting other zoning setbacks. In effort to maintain lake side (rear yard) and side yard setbacks in compliance with current zoning the front yard setback encroachment was necessary. It is believed to be the least impactful on neighboring properties and in keeping with the overall character of the neighborhood.

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

The front yard setback requested is not only a significant improvement upon current structure setbacks on the parcel, it is in character with the neighboring property setbacks. Therefore, the variance request is not believed to be substantial.

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JAMES FAHY DESIGN ASSOCIATES
ARCHITECTURE & ENGINEERING P.C.

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

As noted above, the requested front yard setback is an improvement upon existing structure setbacks at the site and in keeping with the setbacks at most properties along Fallbrook Park. The resulting effect or impact of this variance will be an improvement to the physical and environmental conditions in the neighborhood.

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.*

I believe the alleged difficulty is self-created. However, the variance is in keeping with the character of the neighborhood and reflects a significant improvement to existing structure setbacks at the site and to the physical conditions in the neighborhood as a whole.

B. Minimum Building Coverage on Lot

Town Code Section: §220-21-D (2)(c)

Required: 20% of lot area (3663 s.f.)

Existing: 27.2% of lot area (4982 s.f.)

Proposed: 27.6% of lot area (5060 s.f.)

1. *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties by granting the variance:*

Granting of the requested variance for building coverage produces no undesirable change in the character of the neighborhood or a detriment to nearby properties.

In review of existing site data for thirteen properties on Fallbrook Park from lot 3392, immediately adjacent to our site to lot 3360 the average building coverage was found to exceed 30 percent of lot area for the properties. Building coverage for Lot 3392, the north side neighboring property is 32.4 percent. Existing building coverage for our combined parcel is 27.2 percent. The proposed building coverage of 27.6 percent is only a 0.4 percent increase over that existing and less than the average of the thirteen surveyed properties on Fallbrook nearest our property.

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 benefit sought cannot be achieved by other feasible methods. The program for the design of the home has been closely reviewed to limit the footprint while meeting the requests of the owner's family needs. Over fifty percent of the living space has been located on the second floor in order to minimize building coverage.

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

The requested variance is not substantial. As previously stated, it is less than the average percent building coverage for neighboring properties surveyed and it represents less than a one-half percent increase in building coverage over that currently on-site.

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

The existing residence on lot 3394 is less than five (5) feet from the north side property line and it extends over the front property line by almost one-foot. The detached garage on lot 3396 is located approximately nine (9) feet from the south side property line and it extends over the front property line by over five (5) feet. The proposed single family residence will be located thirteen (13) feet from the north side property line and over twenty six (26) feet from the south property line, both setbacks in compliance with current zoning and both a significant improvement to the physical conditions prior to demolition of the existing structures.

The proposed variance will improve the physical conditions within the neighborhood. The project includes demolition of two single family residences and a detached garage on the parcels prior to construction of the proposed home. Consolidation of the three structures to a single structure on the property will not only enhance the setting on site, but it will reduce the visual impact from all directions. Photo 2, attached, provides an aerial view of the neighborhood setting with the addition of the proposed residence and site improvements at our site. As evidenced in Photo 2, the neighborhood is an eclectic mix of homes in both scale and massing. Our proposed residence is clearly in character with the neighborhood setting and arguably a significant improvement over the existing physical conditions on-site.

The attached Photo nos. 3 and 4 provide a visual comparison from the lake of the existing and proposed site. Existing trees between the lake and proposed residence will remain as shown in Photos 3 and 4 and illustrated in the landscape overlay Photo no. 5, which maintains a screened and natural view from the lake.

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.*

The alleged difficulty is self-created, but for the reasons noted in questions 1 through 4, it is believed that the overall character and setting of the property and neighborhood will be enhanced with the granting of the requested variance.

C. **Maximum Lot Coverage**

Town Code Section: §220-21-D (2) (d)

Required: 30% of lot area (5494 s.f.)

Existing: 34.8% (6375 s.f.)

Proposed: 38.0% (6955 s.f.)

1. *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties by granting the variance:*

Granting the requested variance for lot coverage produces no undesirable change in the character of the neighborhood or a detriment to nearby properties.

In review of existing site data for thirteen properties on Fallbrook Park from lot 3392, immediately adjacent to our site to lot 3360 the average lot coverage exceeded 45 percent. Lot coverage for 3392 immediately north of our property is 56.5 percent. Existing lot coverage for our combined parcels is 34.3 percent. The proposed lot coverage for the new home and site improvements of 38.0 percent is only a 3.2 percent increase over that existing and well under the

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average of the surveyed properties on Fallbrook, nearest our property. Additionally, the consolidation of coverage to a single structure and associated site improvements will significantly improve useable green space at the property, as illustrated on the attached site plan.

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 benefit sought cannot be achieved by other feasible methods. The program for the design of the home and site improvements has been closely reviewed to limit site coverage while meeting the requests of the owner's family needs. Living space within the home was balanced between first and second floors to maintain the building footprint as efficient as possible. Patios, walkways and driveway were also closely planned for efficiency to limit their impact.

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

The requested variance is not substantial. As previously stated, the requested 38.0 percent lot coverage is less than the average percent lot coverage for the neighboring properties surveyed and it represent less than a four (4) percent increase in over that currently on-site.

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

The proposed variance will improve the physical conditions at the site and within the neighborhood as a whole, as similarly argued in the physical conditions test under Builder Coverage.

Additionally, the location of the property at the very south end of the Fallbrook Park neighborhood provides a unique and somewhat private setting to the property from all others. The cul-de-sac style loop of the roadway at the front of the property provides a greater sense of space to the site than any other along Fallbrook. Consolidation of the three structures to one will only enhance this sense of space, which in turn, is an improvement of the overall physical conditions within the neighborhood.

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.*

The alleged difficulty is self-created, but for the reasons noted in questions 1 through 4 it is believed that the overall character and setting of the property and neighborhood will be enhanced with the granting of the requested variance.

D. Maximum Building Height

Town Code Section: §220-104

Required: 25-feet maximum roof height above average finished grade

Proposed: 27-feet maximum roof height above average finished grade

Variance Requested: 2-feet

1. *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties by granting the variance:*

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Homes along Fallbrook Park vary significantly in building height with a mixture of both single story and two story homes. Many of the homes have maximum roof heights at or near the zoning codes maximum of 25-feet. Visual differentiation of maximum roof heights within a few feet of each other is difficult to make and insignificant with respect to visual impact.

The home immediate north at 3392 has a maximum ridge height of 25.65 feet. Our proposed home with a maximum roof height of 27-feet and an average finished grade about a foot lower than 3392, will have a resulting ridge height similar to the neighboring home. Therefore, granting of the variance request of 2-feet in maximum roof height will not produce an undesirable change in the 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 property is located in your Residential Lake District with portions of the existing yard within the designated flood hazard zone with existing finished grade at or below elevation 691.7. We are proposing to construct the first floor at approximately elevation 695 to provide adequate space for mechanical, electrical and plumbing systems to be located above the designated flood plain.

The proposed single family home will be two stories in height to keep the first floor footprint to the least possible size. Even though the cape style roof with second floor dormers minimizes the second story roof height, the two foot building height variance is believed to be necessary to allow installation of mechanical, electrical and plumbing systems in compliance with flood plain limitations.

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

The variance requested is not substantial nor believed to represent any greater visual impact to views to or from the lake.

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

The proposed variance will have no adverse effect or impact on the physical or environmental conditions in the neighborhood. The proposed maximum roof height of 27-feet is arguably an unrecognizable difference from the other two story homes within the Fallbrook Park neighborhood.

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.*

The requested variance is precipitated by construction limitations imposed by the Flood Resistant Construction Regulations set forth by local and state codes for properties within flood hazard zones. Therefore, I believe that alleged difficulty was not self-created.