

# Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

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

CPN #: 015-16

## 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: GALE HRIBAR

4332 LABRADOR LANE, CANANDAIGUA N.Y. 14424

Telephone Number of property owner: 585.394.5845

Fax # \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

**\*\*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*: \_\_\_\_\_

Telephone Number of Applicant: \_\_\_\_\_

Fax # \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

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

3. Subject Property Address: 4332 LABRADOR LANE, Cdga N.Y. 14424

Nearest Road Intersection: Rte 21 South

Tax Map Number: 322 400 125.16-1-7.00 Zoning District: R-1-30

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?

Project is a REAR DECK. VARIANCE REQUESTED DUE TO THE PRIMARY  
STRUCTURE BEING NON-CONFORMING IN ITS OWN RIGHT.

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.

YES  
YES INCLUDED  
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.

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

***\*See Town Clerk for current Fee Schedule***

*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.***

Gale A. Ambrose

(Signature of Property Owner)

3.4.14

(Date)

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CPN #: \_\_\_\_\_

## Sketch Plan Checklist

Applicant: GALE HRIBAR  
Project Address: 4332 LABRADOR LANE COGA, N.Y. 14424  
Tax Map #: \_\_\_\_\_ Zoning District: R-1-30  
Project Description Narrative: CONSTRUCTION OF REAR DECK

| Sketch Plan Checklist – Chapter 220 §220-66***                                                                                                | 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.                                                                                               | ✓                          | 0                  | zoning info          |
| 2) Lot lines.                                                                                                                                 | ✓                          | ✓                  |                      |
| 3) Land features including environmentally sensitive features identified on the NRI. (woods, streams, steep slopes, wetlands)                 | ✓                          | ✓                  |                      |
| 4) Land use(s). (residential, agricultural, commercial, or industrial)                                                                        | ✓                          | ✓                  |                      |
| 5) Utilities. (i.e. location of electric, gas, well, septic, sewer, cable)*                                                                   | ✓                          | —                  |                      |
| 6) Development including buildings, pavement and other improvements including setbacks.                                                       | ✓                          | ✓                  |                      |
| 7) Location and nature of all existing easements, deed restrictions and other encumbrances.                                                   | ✓                          | —                  |                      |
| B. Sketch plans shall be drawn to scale.**                                                                                                    | ✓                          | ✓                  |                      |
| 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. | ✓                          | ✓                  |                      |

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

Gale A. Hribar  
Signature of Applicant / Representative

3.4.16  
Date

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

\*\*Development that exceeds 1,000 square feet, requires the site plan to be completed by a NYS licensed professional engineer and/or surveyor. (§220-99-C-1-c)

\*\*\*This form is not required for the construction of a new single-family dwelling within an approved subdivision.

# TESTS FOR GRANTING AREA VARIANCES

## BE VERY SPECIFIC WHEN ANSWERING THESE QUESTIONS

"Area variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.  
(Town Law Section 267, subsection 1.(b)).

In deciding whether to grant an area variance, the Zoning Board of Appeals takes into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community. (Town Law Section 267-b, subsection 3.(b)).

To enable the Zoning Board of Appeals to grant an area variance, the applicant must present substantial evidence concerning the following topics by providing supporting evidence for each. Attach additional sheets if necessary.

- (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.

THIS DECK WILL INCREASE PROPERTY VALUE & APPEARANCE

- (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.

EXISTING STRUCTURE IS NON-CONFORMING THERE ARE NO OTHER ALTERNATIVES.

- (3) Whether the requested area variance is substantial.

AREA IS NON APPLICABLE. THE ONLY DIMENSION NOT MEETING CODE REGARDING THE DECK IS THE DISTANCE TO CREEK. FOR WHICH THE PROPOSED DECK BEING ON THE NORTH/EAST CORNER IS STILL FARTHER FROM THE SAID CREEK THAN THE SOUTH EAST CORNER OF THE HOME.

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

NO IT WILL NOT.

- (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.

N/A.

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

|                                                                                                                                                                                                                                                                    |  |                            |                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------|--------------------------------------------------------------|
| <b>Part 1 - Project and Sponsor Information</b>                                                                                                                                                                                                                    |  |                            |                                                              |
| Name of Action or Project:<br><i>Construction of Deck</i>                                                                                                                                                                                                          |  |                            |                                                              |
| Project Location (describe, and attach a location map):<br><i>REAR OF HOUSE AT 4332 LABRADOR LANE COGA. N.Y.</i>                                                                                                                                                   |  |                            |                                                              |
| Brief Description of Proposed Action:<br><i>CONSTRUCTION OF STEPS &amp; NEAR GAME DECK TO SIDE (NORTH) ENTRY WHICH WILL WRAP AROUND TO THE WEST SIDE OF THE HOUSE CONTAINING JUST FIRST SLIDING DOORS AT WHICH POINT THE DECK WILL BE APPROX. 8' ABOVE GROUND.</i> |  |                            |                                                              |
| Name of Applicant or Sponsor:<br><i>GAIL KRAIBAR</i>                                                                                                                                                                                                               |  | Telephone: <i>394.5845</i> |                                                              |
|                                                                                                                                                                                                                                                                    |  | E-Mail:                    |                                                              |
| Address:<br><i>4332 LABRADOR LANE</i>                                                                                                                                                                                                                              |  |                            |                                                              |
| City/PO:<br><i>COGA. N-Y</i>                                                                                                                                                                                                                                       |  | State:<br><i>N-Y</i>       | Zip Code:<br><i>14424</i>                                    |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?                                                                                                                             |  |                            | NO YES                                                       |
| If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.                                                         |  |                            | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency?                                                                                                                                                              |  |                            | NO YES                                                       |
| If Yes, list agency(s) name and permit or approval:                                                                                                                                                                                                                |  |                            | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action?                                                                                                                                                                                                             |  | <i>17.06</i> ACRES         |                                                              |
| b. Total acreage to be physically disturbed?                                                                                                                                                                                                                       |  | <i>0</i> acres             |                                                              |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?                                                                                                                                             |  | <i>.759</i> acres          |                                                              |
| 4. Check all land uses that occur on, adjoining and near the proposed action.                                                                                                                                                                                      |  |                            |                                                              |
| <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)                                                 |  |                            |                                                              |
| <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____                                                                                                              |  |                            |                                                              |
| <input type="checkbox"/> Parkland                                                                                                                                                                                                                                  |  |                            |                                                              |

|                                                                                                                                                                                                                                                                                                                                                                                                                   |                                           |                                            |                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------------------|---------------------------------|
| 5. Is the proposed action,<br>a. A permitted use under the zoning regulations?                                                                                                                                                                                                                                                                                                                                    | NO<br><input type="checkbox"/>            | YES<br><input checked="" type="checkbox"/> | N/A<br><input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan?                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/>                  | <input checked="" type="checkbox"/>        | <input type="checkbox"/>        |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?                                                                                                                                                                                                                                                                                                   | NO<br><input type="checkbox"/>            | YES<br><input checked="" type="checkbox"/> |                                 |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?<br>If Yes, identify: _____                                                                                                                                                                                                                                                                       | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |                                 |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?                                                                                                                                                                                                                                                                                                                  | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |                                 |
| b. Are public transportation service(s) available at or near the site of the proposed action?                                                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                   |                                 |
| c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?                                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                   |                                 |
| 9. Does the proposed action meet or exceed the state energy code requirements?<br>If the proposed action will exceed requirements, describe design features and technologies: _____                                                                                                                                                                                                                               | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |                                 |
| 10. Will the proposed action connect to an existing public/private water supply?<br>If No, describe method for providing potable water: _____                                                                                                                                                                                                                                                                     | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |                                 |
| 11. Will the proposed action connect to existing wastewater utilities?<br>If No, describe method for providing wastewater treatment: _____                                                                                                                                                                                                                                                                        | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |                                 |
| 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?                                                                                                                                                                                                                                                                                              | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |                                 |
| b. Is the proposed action located in an archeological sensitive area?                                                                                                                                                                                                                                                                                                                                             | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                   |                                 |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?                                                                                                                                                                                                                          | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |                                 |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?<br>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____                                                                                                                                                                                                         | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                   |                                 |
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:<br><input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban |                                           |                                            |                                 |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?                                                                                                                                                                                                                                            | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |                                 |
| 16. Is the project site located in the 100 year flood plain?                                                                                                                                                                                                                                                                                                                                                      | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |                                 |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?<br>If Yes,<br>a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES<br>b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?<br>If Yes, briefly describe: _____                    | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |                                 |

|                                                                                                                                                                                                                                       |                                               |                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-------------------------------------|
| 18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?<br>If Yes, explain purpose and size: _____<br>_____<br>_____ | NO<br><br><input checked="" type="checkbox"/> | YES<br><br><input type="checkbox"/> |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br>If Yes, describe: _____<br>_____<br>_____                                               | NO<br><br><input checked="" type="checkbox"/> | YES<br><br><input type="checkbox"/> |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br>If Yes, describe: _____<br>_____<br>_____                                             | NO<br><br><input checked="" type="checkbox"/> | YES<br><br><input type="checkbox"/> |
| <p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: _____ Date: <u>3-4-16</u></p> <p>Signature: <u>Gale A. Harts</u></p>                           |                                               |                                     |