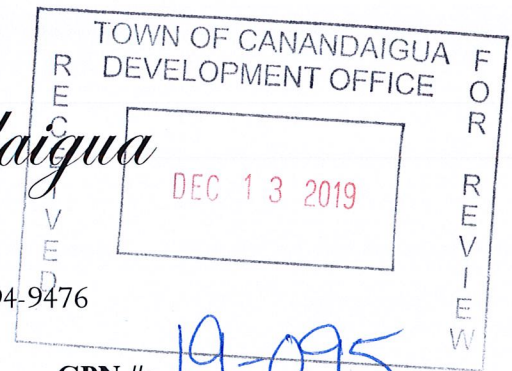


# Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

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



## 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: Loretta Richenberg  
3657 Summit Drive, Canandaigua, NY 14424

Telephone Number of property owner: 585-315-4988

Fax # \_\_\_\_\_ E-Mail Address: lmrichenberg@yahoo.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*: Marks Engineering, P.C.  
42 Beeman St. Canandaigua, NY 14424

Telephone Number of Applicant: 585-905-0360 @ag1homes.com (585-226-6150)

Fax # \_\_\_\_\_ E-Mail Address: bmmarks@marksengineering.com

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

3. Subject Property Address: 4971 Island View Drive

Nearest Road Intersection: County Road 16 & Island View Drive

Tax Map Number: 98.05-3-7.000 Zoning District: R-1-20

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?  
The owner requests a ~~24.41~~-foot variance from the ~~50~~ foot front setback required for a new garage to be located ~~28.59~~ feet from the roadline.

*Owner requests a 32.71' variance from the 60' front setback requirement (27.29' from road) as per submitted revised site plan 12/20/19.*

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.***

*Loralle M. Richey*  
(Signature of Property Owner)

*Dec 12-19*  
(Date)

# 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.

No, the homeowner requires a front setback variance for the construction of an attached garage with a modest single-family house. The house is located on a smaller cottage lot of a private drive.

- (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, the lot size setbacks and configuration does not allow for 2,100 SF ranch with attached garage.

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

No, the variance request is less than 50% of the required amount.

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

No, the neighborhood has several cottage and permanent residences located within the front and side setbacks.

- (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.

Yes, the owner requires the replacement of the residence with an attached garage.

# Town of Canandaigua

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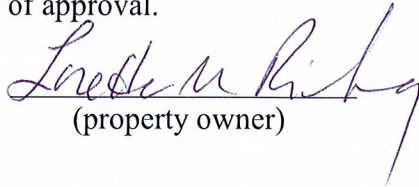
Canandaigua, NY 14424

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

***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)

# 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		
DEC 13 2019		
CPN#: 19-095		

## One-Stage (Preliminary & Final) Site Plan Checklist

Applicant: Loretta Richenberg

Project Address: 4971 Island View Drive

Tax Map#: 98.05-3-7.000

Zoning District: R-1-20

Project Description Narrative: A tear-down & rebuild of single-family residence.

Per Chapter 220 §220-67-A: **One and Two stage review.**

- A. Applications for site plans to be reviewed in one stage where no preliminary site plan review is required:
- (1) Shall be processed and reviewed as required in NYS Town Law Article 16, Section 274-a, as may be amended.
  - (2) Shall be submitted in final form.
  - (3) Shall include all information required for preliminary and final site plans as specified in sections Town Code §§ 220-69 and 220-70.
  - (4) The submitted site plan drawing shall be marked as final and shall include a note that no preliminary site plan review was required.

Preliminary Site Plan Checklist - Chapter 220 Section 220-69	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
A. A preliminary application shall include an affidavit that the applicant is the owner or equitable owner of the land proposed to be developed or their legal representative.	N/A	✓	
B. Information shown on the preliminary site plan shall be organized to clearly depict existing and proposed conditions and assist the Planning Board's understanding of potential impacts as well as proposed mitigation.	Y	✓	
C. The preliminary site plan shall be clearly marked as preliminary and show all of the following information:	N/A	-	
(1) General Content			
(a) All dimensions shall be shown in feet and in hundredths of a foot.	Y	✓	
(b) Proposed development name or identifying title (Preliminary Site Plan of Property Owner);	Y	✓	
(c) Name of the owner of the property;	Y	✓	
(d) Names of owners of all abutting land;	Y	✓	
(e) Name and seal of the New York State licensed professional engineer or surveyor responsible for the plan;	Y	✓	
(f) Date, North point and scale. The site plan shall be at a scale of no more than 100 feet to the inch;	Y	✓	
(g) A legible location map;	Y	✓	
(h) A map revision box;	Y	✓	

Preliminary Site Plan Checklist - Chapter 220 Section 220-69	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
(i) A map legends/key;	Y	✓	
(j) A signature block for the Planning Board Chairperson and others as may be required; <i>remove</i>	Y	0	
(k) An area for general map notes;		✓	
(l) A completed agricultural data statement form identifying whether the site lies within an area which is further regulated under § 283-a of Town Law, as amended;	N/A	n/a	
(m) For lots located within or adjacent to established Ontario County Agricultural District lands the site plans shall have a general note identifies and thereby acknowledges the provisions of the Town's Right-to-Farm Law.	N/A	n/a	
(n) Current zoning of the land including district boundaries and all setback dimensions for said zoning district(s);	Y	✓	
(2) Existing Conditions	Y		
(a) All existing property lines, with bearings and distances including the subject (parent) parcel Tax Map numbers;	Y	✓	
(b) Area of the subject lot(s);	Y	✓	
(c) Required building setback lines on each lot;	Y	✓	
(d) Sufficient data to determine readily the location, bearing and length of every existing street, easement, lot and boundary line and to reproduce such lines on the ground, including:	Y	✓	
[1] The length of all straight lines, radii, lengths of curves and tangent bearings for each street; and	Y	✓	
[2] All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.	Y	✓	
(e) The boundaries and nature of all existing easements, deed restrictions and other encumbrances; <i>show encumbrance for street</i>	N/A	0	
(f) Existing contours at vertical intervals of 20 feet, including the source of the information. In the case of steep or unusual tracts, the Planning Board may require contours at such lesser intervals as it finds necessary for study and Planning of the tract.	Y	✓	
(g) Existing vegetative land cover;	Y	✓	
(h) Delineation of natural features described in the NRI including;	Y	n/a	
[1] existing watercourses	Y	n/a	
[2] tree masses and other significant land cover	Y	n/a	
[3] land exceeding a slope of 10%	N/A	n/a	
[4] NYSDEC or Federally regulated wetland	N/A	n/a	
[5] FEMA Special Flood Hazard Zone boundaries and designations, including the Flood Hazard Zone, Community Map Panel Number and the effective date of the Flood Insurance Mapping as shown;	N/A	n/a	
[6] other natural features identified in the NRI		n/a	
(i) All existing significant man-made features including but not limited to:			
[1] buildings with property line setbacks	Y	✓	
[2] width, location, and sight distances for all private driveways	Y	✓	
[3] limits of pavement and parking areas	Y	✓	

- setbacks for demolished building

Preliminary Site Plan Checklist - Chapter 220 Section 220-69	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
[4] existing streets on or adjacent to the subject lot including names, right-of-way widths and pavement widths	Y	✓	
[5] sanitary and storm sewers	Y	✓	
[6] wastewater treatment systems	N/A	n/a	
[7] public and private wells, water mains and fire hydrants	Y	✓	
[8] drainage features including, storm water ponds, swales, culverts, and known underground drain tiles	Y	✓	
[9] Location of all other existing utility lines and related facilities including, gas, electric and telephone.	Y	✓	
(j) Agricultural infrastructure including surface and subsurface drainage systems, and access lanes for farm equipment.	N/A	n/a	
(3) Proposed Conditions: Development			
(a) Delineation of all proposed sections or phases if any;		n/a	
(b) Delineation of limits of any land to be disturbed in any manner including areas to be cleared of vegetation, cut, filled, excavated, or graded. The delineation shall include dimensions and other references needed to allow efficient field verification.	Y	✓	
(c) Existing and proposed contours, at vertical intervals of no more than five feet;	Y	✓	
(d) The boundaries and nature of all proposed easements, deed restrictions and other encumbrances <i>sanitary sewer</i>	Y	✓	
(e) The proposed building setback from each property line and other buildings on the same lot;	Y	✓	
(f) Location and dimension of all areas to be protected as open space.	N/A	n/a	
(g) Location and dimensions of all, public buildings, public areas and other parcels of land proposed to be dedicated to or reserved for public use;	N/A	n/a	
(h) Proposed location, boundaries and uses of all buildings.	N/A	✓	
(i) Location and description of all swales, ponds, basins, fences, dikes or other devices required to control soil erosion and sedimentation or otherwise comply with the provisions of the Town Soil Erosion and Sedimentation Control Law (see Chapter 165).	Y	✓	
(j) Limits of pavement and parking areas of the Town Code);	N/A	✓	
(k) Location and width of all proposed streets, alleys, rights-of-way and easements. The Planning Board shall have the right to name new developments and streets in accordance with historic characteristics of the community and the Ontario County 911 addressing policy.	N/A	n/a	
(l) Typical cross-sections, street profiles and drainage details for all streets. Such profiles shall at least show the following: existing grade along the proposed street center line; existing grade along each side of the proposed street right-of-way; proposed finished center-line grade or proposed finished grade at top of curbs; sanitary sewer mains and manholes; and, storm sewer mains, inlets, manholes and culverts;	N/A	n/a	

Preliminary Site Plan Checklist - Chapter 220 Section 220-69	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
(m) Location and widths of all proposed driveway intersections with streets and sight distances there from. Suitable means of access in accordance with Town Code and Town of Canandaigua Site Design and Development Criteria.	Y	✓	
(n) Location and size of all proposed water mains, laterals, hydrants, meters, and valves;	Y	✓	
(o) Location of any public or private wells	N/A	n/a	
(p) Location, size and invert elevations of all proposed sanitary and storm sewers and location of all manholes inlets and culverts;	Y	✓	
(q) Location, size and design of proposed on site wastewater treatment systems;	N/A	n/a	
(r) Location of all other proposed utility lines and related facilities including, gas, electric and telephone;	Y	✓	
(s) Proposed vegetative land cover and landscaping;	Y	✓	
(t) Outdoor lighting;	Y	0	
(u) Location and design of all signs	N/A	n/a	
(v) A description of all approvals required from outside agencies.	N/A	n/a	
(w) Schedule for development including a detailed sequence of construction and estimated dates for start and completion.		✓	
(x) The Planning Board may require an applicant to submit additional information as may be needed to assess the potential impacts from the proposed development and		✓	

Final Site Plan Requirements – Chapter 220 Section 220-70	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
A. Site plan size and legibility.			
(1) Final site plans shall be on sheets no smaller than 8 1/2 inches by 11 inches and not larger than 24 inches by 36 inches. Where necessary, final site plans may be drawn in two or more sections accompanied by a key diagram showing relative location of the sections.	Y	✓	
B. The final site plan shall be clearly marked as final and shall show thereon or be accompanied by:			
(1) All information provided on the approved preliminary site plan as well as any improvements, modifications and additional information required as part of the preliminary approval;	Y	✓	
(2) The names of developments and proposed streets which have first been approved by the Planning Board and Ontario County 911 Center;	N/A	✓	
(2) Detailed sizing and final material specification of all required improvements;	Y	✓	
(4) Permanent reference monuments as required by any proper authority;	Y	✓	
(5) A detailed plan identifying all lands, easements, and rights-of-way which shall be commonly owned with the identification of the association responsible for said ownership and method of managing the commonly owned properties;	N/A	✓	
(6) Copies of other proposed easements deed restrictions and other encumbrances;	N/A	✓	
(7) Protective covenants, if any, in a form acceptable for recording;	N/A	✓	

Final Site Plan Requirements – Chapter 220 Section 220-70	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
(8) Cost estimates for improvements where surety may be required by the Planning Board including but not limited to: landscaping and storm water and erosion control measures. Sureties shall comply with Town Code § 174-32 “Surety”;		n/y	
(9) The owner shall tender offers of cession, in a form certified as satisfactory by the Town Board Attorney, of all land included in streets, highways or parks not specifically reserved by the property owner. Although such tender may be irrevocable, approval of the site plan by the Planning Board shall not constitute an acceptance by the Town of the dedication or gift of any street, highway or park or other open public areas. A dedication or gift of any such improvements may only be accepted by resolution of the Town Board.		n/y	

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

Laedra M. Riley  
Signature of Applicant / Representative

Dec 12 19  
Date