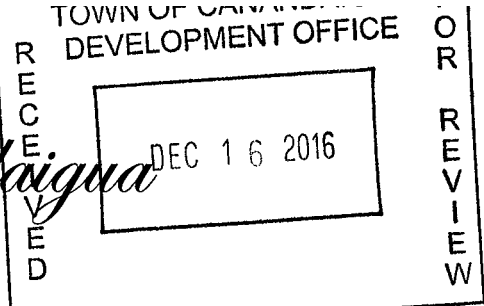


Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

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



CPN #: 079-16

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: JOEL REISER & NANCY HYMAN
6 WINDHAM CIR. MENDON NY 14506

Telephone Number of property owner: 585 764 9911

Fax # _____ E-Mail Address: JOEL@REISER-TECHNIK.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: HANLON ARCHITECTS
1300 UNIVERSITY AVENUE ROCHESTER NY 14607

Telephone Number of Applicant: 585 223-6440 Jay Harris-Maxwell

Fax # _____ E-Mail Address: JHARRIS-MAXWELL@HANLON
ARCHITECTS.COM

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

3. Subject Property Address: 5265 MENTETH DR.
Nearest Road Intersection: WELL CURTIS Rd / WEST LAKE Rd.
Tax Map Number: #140.11-1-25 Zoning District: PLD

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

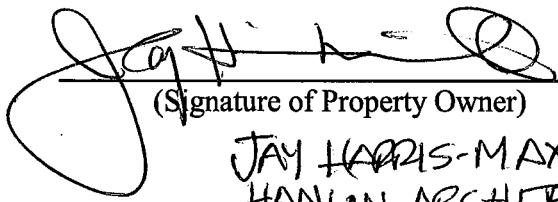
NO

(Continued on back)

6. What is your proposed new project and the variance(s) or interpretation requested?
REMOVAL OF EXISTING HOUSE & DETACHED GARAGE. CONSTRUCT NEW HOUSE & DETACHED GARAGE. VARIANCES OF SETBACK REQUESTED
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.


(Signature of Property Owner)
JAY HARRIS-MAXWELL,
HANLON ARCHITECTS
FOR JOEL REISER &
NANCY HYMAN.

12 / 15 / 16
(Date)

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CPN #: 079-16

Sketch Plan Checklist

Applicant: HANLON ARCHITECTS, 1300 UNIVERSITY AVENUE,
Project Address: 5265 MONTETH DR. ROCHESTER
Tax Map #: #140.11-1-25 Zoning District: FLD NY
Project Description Narrative: REMOVAL OF EXISTING HOUSE & DETACHED
GARAGE. CONSTRUCT NEW HOUSE & DETACHED GARAGE.

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.	✓		
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.


Signature of Applicant / Representative

HANLON ARCHITECTS

12 / 15 / 16
Date

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

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.

SEE ATTACHMENT

- (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.

SEE ATTACHMENT

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

SEE ATTACHMENT

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

SEE ATTACHMENT

- (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.

SEE ATTACHMENT.

Hyman- Reiser Lake House
5265 Menteth Drive
Canandaigua, New York
December 12, 2016

ZBA- tests for granting area variances.

1. We feel that we are not creating an undesirable change to the character of the neighborhood or detriment to nearby properties. We have been sensitive during the course of planning to the placement and scale of our home to keep within the context of the neighborhood, and neighboring homes. And we have worked to satisfy concerns of the neighbors.
2. The benefit sought by the applicant cannot be obtained by other methods other than through variances being requested. Further explanation of this is described in test response #5 below.
3. We believe that this requested area variance is not substantial. We feel that we are not requesting setback variances in excess of what is typical or what are the average conditions of the neighborhood and neighboring homes conditions, while working with the constraints of the existing structure conditions.
4. We feel that the project will not have an adverse effect on the physical or environment conditions or neighborhood properties. The new home placement and accessory structure, generally oriented to the same footprints respectively of the buildings being razed. Site work is limited providing deck and terraced lawn areas. We believe that we are enhancing the current conditions of the property and neighborhood.
5. The alleged difficulties of the property that we are working with are not self-created. We are contending with site setback and height constraints that will require variances for the development of this property: A). Setback of 100' from Menteth Creek; B). 10' Setback buffer for the existing raised bed septic field; C). 60' Setback from Canandaigua Lake; D). Finish floor requirements being established at an elevation of 694.00' per flood plain regulations. Refer to submitted site plan drawings for setbacks. As noted above, we feel we are not making an unreasonable request for what is needed to keep our home project in the context of the neighborhood.

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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)