

# *Town of Canandaigua*

5440 Routes 5 & 20 West • Canandaigua, NY 14424 • (585) 394-1120

*Established 1789*

## **ZONING LAW DETERMINATION**

**PROPERTY OWNER:** Joel Reiser & Nancy Hyman

**PROPERTY ADDRESS:** 5265 Menteth Drive

**TAX MAP NUMBER:** 140.11-1-25.000

**ZONING DISTRICT:** RLD

### **DETERMINATION REFERENCE:**

- Application for Area Variance, dated 12/15/2016, received for review by Town on 12/16/2016.
- Application for One Stage Site Plan Approval, dated 12/15/2016, received for review by Town on 12/16/2016.
- Application for Soil Erosion and Sediment Control Permit, dated 12/15/2016, received for review by Town on 12/16/2016.
- Application for Tear Down/Rebuild House Permit, dated 12/15/2016, received for review by Town on 12/16/2016.
- Application for Floodplain Development Permit, dated 12/19/2016, received for review by Town on 12/19/16.
- Short Environmental Assessment Form, dated 12/15/2016, received for review by Town on 12/16/2016.
- Plans titled "5265 Menteth Drive" by Costich Engineering, dated 12/15/2016, revised on 01/06/2017, received by the Town on 01/13/2017.
- Plans titled "Hyman – Reiser Lake House" by Hanlon Architecture, dated 12/16/2016, revised 12/21/2016, received by the Town on 12/23/2016.
- Four (4) Zoning Board of Appeals Decision Notifications dated 11/19/2013, received for review by Town on 11/22/2013.
- Applicant has stated in Email dated 01/12/2017 that planter on North East side of house will be removed.

### **PROJECT DESCRIPTION:**

- Owner proposes to remove existing dwelling, shed and portions of driveway and construct a new dwelling, attached garage, detached garage, patio and associated structures.

### **DETERMINATION:**

- One single-family dwelling, a detached and attached private garage are permitted uses in the RLD.
- As proposed development exceeds 500 sq. ft. of disturbance within 500 ft. of Canandaigua Lake, Site Plan review is required.
- Proposed dwelling has a height of 26.5 ft. above average finished grade when maximum of 25 ft. is permitted.
- Proposed dwelling has a rear setback of 40.7 ft. when 60 ft. is required.
- Proposed concrete walkway has a stream setback of 17.1 ft. when 100 ft. is required.
- Proposed dwelling has a stream setback of 25.6 ft. when 100 ft. is required.
- Proposed driveway structure has a stream setback of 4.5 ft. when 100 ft. is required.
- Proposed detached garage has a side setback of 5.2 ft. when 12 ft. is required.
- Town ZBA previously granted an area variance to allow detached garage with a front setback of 5.2 ft. when 60 ft. is required. A 54.8 ft. area variance.
- Town ZBA previously granted an area variance to allow detached garage with a stream setback of

18.25 ft. when 100 ft. is required. An 81.75 ft. area variance.

- Town Floodplain Administrator shall review proposed new development and associated floodplain development permit to determine whether the proposed development in area of special flood hazard will result in physical damage to any other property.

**REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:**

- This application is required to be reviewed by the Ontario County Planning Board as it relates to multiple variance requests within 500 ft. of County Road 16 and Canandaigua Lake.

**REFERRAL TO ZONING BOARD of APPEALS FOR:**

- An application requesting a 1.5 ft. height variance for the proposed dwelling has been submitted to the Town ZBA.
- An application requesting a 19.3 ft. rear setback variance for the proposed dwelling has been submitted to the Town ZBA.
- An application requesting an 82.9 ft. stream setback variance for the proposed concrete walkway has been submitted to the Town ZBA.
- An application requesting a 74.4 ft. stream setback variance for the proposed dwelling has been submitted to the Town ZBA.
- An application requesting a 96.5 ft. stream setback variance for the proposed retaining wall has been submitted to the Town ZBA.
- An application requesting a 6.8 ft. side setback variance for the proposed detached garage has been submitted to the Town ZBA.

**REFERRAL TO PLANNING BOARD FOR:**

- Site Plan approval is required as proposed project is in the Residential Lake District and exceeds the threshold requiring a soil erosion and sediment control application.

**CODE SECTIONS:** Chapter §1-17; §165-7; §220-64; §220-21; §220-9; §220a Sch 1 Zoning Schedule

DATE: 1/13/2017

BY:   
Eric Cooper – Zoning Officer

CPN- 079-16  
080-16

NYS Town Law, Section 267-a(5)(b), an appeal may be made to the ZBA within 60 days of the date of this determination.

c: Binder  
Property File  
Property Owner  
Town Clerk

