

6. What is your proposed new project and the variance(s) or interpretation requested?

Remove existing detached garage, construct new detached storage barn (accessory structure).

Four variances requested: 6' height variance, 22' building height when 16' max is permitted; 6.8' side setback variance, 5.2' when 12' is required; 54.8' front setback variance, 5.2' when 60' is required; 81.7' stream side setback variance, 18.3' when 100' is required.

(note: the three(3) setback variances had been approved under a previously submitted application)

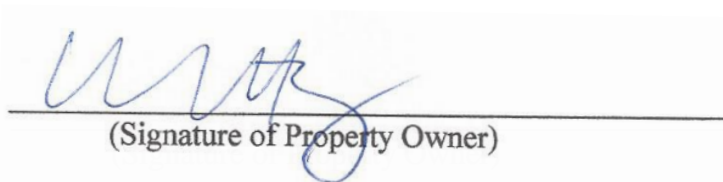
7. Have the necessary building permit applications been included with this form? If not, please verify with the Development Office which forms are required to be submitted.
8. With your completed application for an Area Variance, attach a tape map/survey/site plan, elevation of the proposed structure, 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)

August 11, 2020

(Date)

Town of Canandaigua

5440 Routes 5 & 20 West

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.***

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)

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 attached, next sheet.

- (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 attached, next sheet.

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

See attached, next sheet.

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

See attached, next sheet.

- (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 attached, next sheet.



August 11, 2020

Re: 5265 Menteth Drive
Storage Barn

ZBA- tests for granting area variances.

1. There will not be an undesirable change to the character of the neighborhood or detriment to nearby properties. The storage barn is positioned generally on the same footprint of the detached garage being demolished & it is not readily visible to anyone other than the two adjacent properties. The exterior design and materials match the house (principle structure) which will only enhance the character of this property.
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. This requested area variance is not substantial. With the new footprint generally over existing footprint of the detached garage being demolished, the building setbacks are relatively in line with existing conditions.
4. There will not be an adverse effect on the physical or environment conditions or neighborhood properties. The new storage barn is 'in kind' to the existing detached garage being removed. We believe that we are enhancing the current conditions of the property, and neighborhood, with this new structure.
5. The challenges of working within this property have conditions that are not self-created. We are contending with site setbacks which require variances for the storage barn (accessory structure) A). 100' required setback from Menteth Creek B). 60' required setback at front yard; C). 12' required yard setback. The structure meeting these setbacks cannot be built without variances. Height variance, D). 16' maximum height. With finish floor requirements being established at an elevation of 694.00' per flood plain regulations, building a basement for storage on this site is not permitted or structurally feasible;. The available storage to the home within the footprint of the storage barn is limited without a variance to height.

1300 UNIVERSITY AVE

ROCHESTER, NY 14607

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WWW.HANLONARCHITECTS.COM

PLANNING

DESIGN

REALIZATION

Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

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

CPN #: _____

Sketch Plan Checklist

Applicant: Richard & Alyse Brovitz

Project Address: 526 Menteth Drive, Canandaigua, NY 14424

Tax Map #: 140.11-1-25 Zoning District: R.L.D.

Project Description Narrative: Remove existing detached garage, construct new detached storage barn (accessory structure)

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.			

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

Jay Harris-Maxwell, Hanlon Architects

Signature of Applicant / Representative

August 11, 2020

Date

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

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AGRICULTURAL DATA STATEMENT

CPN #: _____

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: Richard Brovitz 5265 Menteth Drive, Canandaigua, NY 14424

B. Name and Address of Applicant: Richard Brovitz 5265 Menteth Drive, Canandaigua, NY 14424

C. Description of the proposed project: Removed existing detached garage, construct new detached storage barn (accessory structure)

D. Project Location: 5265 Menteth Drive, Canandaigua, NY 14424

E. Tax Map #: 140.11-1-25

F. Is any portion of the subject property currently being farmed? Yes X 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. _____
2. _____
3. _____

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