

# *Town of Canandaigua*

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

*Established 1789*

## **ZONING LAW DETERMINATION**

**PROPERTY OWNER:** SUSAN KIEREN; MARGARET ABBOTT; JOHN E SUMMERHAYS;  
MARY SWAIM

**PROPERTY ADDRESS:** 4691 N MENTETH DRIVE / 4695 N MENTETH DRIVE

**TAX MAP NUMBER:** 140.11-1-14.000 / 140.11-1-15.000

**ZONING DISTRICT:** RLD

### **DETERMINATION REFERENCE:**

- Application for Zoning Board of Appeals, dated 02/12/2020. Received for review by Town on 02/14/2020.
- Application for Lot Line Adjustment, dated 02/12/2020. Received for review by Town on 02/14/2020.
- Plans titled "Lot Line Revision prepared for Summerhays & Swaim" by Venezia Land Surveyors and Civil Engineers, dated 01/13/2020, revised on 02/24/2020, received by the town on 02/24/2020.
- Certificate of Pre-Existing Non-Conformity, dated 02/26/2020, filed with Town Clerk 02/26/2020.

### **PROJECT DESCRIPTION:**

- Applicant proposes to annex land from existing TM# 140.11-1-15.000 (Lot 1) to TM# 140.11-1-14.000 (Lot 2) which will create 14,771 sq. ft. Lot 1 and 23,802 sq. ft. Lot 2.

### **DETERMINATION:**

- Proposed Lot 2 is of sufficient area and dimension to meet minimum requirements for zoning and building purposes.
- Existing Lot 1 is a pre-existing non-conforming lot within the RLD Zoning District by:
  - o Lot size of 16,977 sq. ft. when 20,000 sq. ft. is required.
- Proposed Lot 1 is 14,771 sq. ft. when 20,000 sq. ft. is required.
- Preexisting nonconformities shall not be altered by way of property boundary modifications that increases the degree of nonconformance without first obtaining a variance from the Zoning Board of Appeals.

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

- This application is not required to be reviewed by the Ontario County Planning Board as the proposed variance is single-item and unrelated to site a plan. Exception #01

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

- Application received for 5,229 sq. ft. lot size area variance.

### **REFERRAL TO PLANNING BOARD FOR:**

- Referral to Planning Board required for a recommendation regarding potential impacts.

**CODE SECTIONS:** Chapter §1-17; §174-8; §220-9; §220-21; §220-107; §220a Sch.1 Zoning Schedule

DATE: 2/26/2020

BY: Kyle Ritts  
Kyle Ritts – Zoning Inspector

CPN- 20-007

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

