

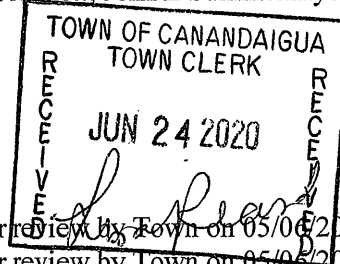
Town of Canandaigua

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

Established 1789

ZONING LAW DETERMINATION

PROPERTY OWNER: Susan Kieren; Mary Swaim; Margaret Abbott; John E Summerhays
PROPERTY ADDRESS: 4691 N Menteth Dr
TAX MAP NUMBER: 140.11-1-14.000
ZONING DISTRICT: RLD



DETERMINATION REFERENCE:

- Application for Area Variance, dated 05/05/2020. Received for review by Town on 05/06/2020.
- Application for New Structure, dated 06/18/2020. Received for review by Town on 05/06/2020.
- Application for One Stage Site Plan, dated 06/18/2020. Received for review by Town on 05/08/2020.
- Application for Soil Erosion and Sediment Control Permit, dated 06/18/2020. Received for review by Town on 05/08/2020.
- Application for Lot Line Adjustment, dated 06/19/2020. Received for review by Town on 06/10/2020.
- Plans titled "One Stage (Preliminary/Final) Site Plan Set for the Cuvelier Family" by Venezia Land Surveyors and Civil Engineers, dated 05/08/2020, revised on 05/22/2020, received by the town on 06/19/2020.
- Plans titled "Lot Line Revision prepared for Summerhays & Swaim" by Venezia Land Surveyors and Civil Engineers, dated 05/15/2020, no revisions noted, received by the town on 05/18/2020.
- Certificate of Nonconformity dated 06/24/2020, received by Town Clerk 06/24/2020.

PROJECT DESCRIPTION:

- Applicant is proposing to alter existing parcel boundaries, construct a new single-family dwelling with associated improvements and repurpose an existing principle building to a detached garage.

DETERMINATION:

- Proposed Lot Line Adjustment creates lots of sufficient area and dimension to meet minimum requirements for zoning and building purposes.
- Proposed front setback for new dwelling is 15.75 ft. when 60 ft. is required.
- Proposed rear (lake) setback for new dwelling is 33.43 ft. when 60 ft. is required.
- Proposed building coverage is 17.9% when 15% is required.
- Proposed rear (lake) setback for accessory structure (patio) is 19.76 ft. when 25 ft. is required.
- Proposed detached garage does not increase the degree of nonconformance and shall be allowed.
- Proposed development disturbs greater than 500 sq. ft. of steep slope area within 2,000 ft. of Canandaigua Lake and SHALL comply with Town of Canandaigua Steep Slopes Law, including:
 - o Any development proposed in a steep slope protection area shall be designed to work with the natural elements of the site, locating the proposed improvements in such a manner as to minimize land disturbance, cut and fill operations, tree removal, and alterations to natural drainage. The applicant must provide the Development Office with documentation that the improvements were designed to fit the existing natural elements of the site, rather than making the site fit the development goals of the landowner as part of the site plan review process. In any project with cut and fill operations, the applicant shall prove to the Planning Board that there was no other alternative to cut and fill to develop the site and that cut and fill has been minimized. The Town of Canandaigua Development Office will provide steep slope site illustration examples to applicants.
 - o If total land disturbance exceeds 7,500 square feet and greater than 50% of land disturbance is within a steep slope protection area, then lot coverage for the entire site shall be reduced to 90% of

the allowable lot coverage for the underlying zoning district.

- o All development projects that disturb greater than 10,000 square feet of steep slope protection areas in Zones A and B, and 20,000 square feet of steep slope protection areas in Zone C shall be required to provide for water quality treatment up to the one-year storm event.
- o The Planning Board may approve modifications to these standards if the applicant can prove that such modifications would result in less total site disturbance and/or less change to the natural grade than would compliance with these standards and that such modifications meet the intent of this chapter to the greatest extent possible.

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 area variances and site plan approval within 500 ft. of a county highway.

REFERRAL TO ZONING BOARD of APPEALS (ZBA) FOR:

- ZBA approval required for 44.25 ft. front setback area variance.
- ZBA approval required for 26.75 ft. rear setback area variance.
- ZBA approval required for 2.9% building coverage area variance.
- ZBA approval required for 5.24 ft. accessory structure rear setback variance.

REFERRAL TO PLANNING BOARD FOR:

- Planning Board Site Plan approval required as proposed development exceeds 1,000 sq. ft. within the RLD Zoning District.

CODE SECTIONS: Chapter §1-17; §174-8; §220-8; §220-9; §220-21; §220-64; §220-107; §220a Sch.1 Zoning Schedule

DATE: June 24, 2020

BY:


Eric Cooper – Planner

CPN- 20-030

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

