

Tests for Granting Variances

Project:

Cuvelier Residence
4691 North Menteth Drive
Canandaigua, New York

Variances Requested:

- A. Front Yard Setback
- B. Rear Yard Setback
- C. Building Coverage

A & B Front and Rear Yard Setbacks

Town Code Section: §220-21-D Schedule I

Required: 60-foot minimum (front and rear yards)

Proposed: 15.75-foot front yard setback
33.43-foot rear yard setback

1. *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties by granting the variance:*

There will be no undesirable change to the character of the neighborhood nor a detriment to nearby properties resulting from the granting of either variance. North Menteth Drive, due to its alignment, disproportionately effects the allowable building envelope of properties at the north end of the neighborhood. Additionally, the shoreline varies significantly along the lake side of the neighborhood. As a result, the neighborhood has a somewhat eclectic setting with respect to front and rear yard setbacks. Building setbacks from North Menteth vary from over 125-feet at the south end to about 18-feet at the north end of the neighborhood. Lake side setbacks also vary significantly between properties principally due to the meandering alignment of the shoreline along the neighborhood.

The proposed home is located in similar alignment to the immediate neighboring properties. Our requested front yard setback of 15.75-feet is similar to that of the home immediately north. The proposed rear or lake side of the home has been set by a tie line between the properties neighboring north and south. Our requested rear yard or lake side setback of 33.43-feet falls between that of the neighboring homes with setbacks of 27-feet and 73-feet respectively, south to north. The proposed lake side alignment respects views from both neighboring homes to the lake and promotes a more uniform view from the lake.

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.*

The benefit sought could not be achieved by other feasible methods. Compliance with required front and rear yard setbacks is a practical impossibility. The allowable building depth in compliance with the Towns 60-foot front and rear yard setback varies between three and ten feet across the property, as shown on the attached existing conditions site plan. Our proposed building footprint is believed to be the least impactful on neighboring properties and within the overall character of the neighborhood.

3. *Whether the requested area variance is substantial.*

The front and rear yard setbacks are consistent with several other homes in the Menteth neighborhood and, therefore, not believed to be substantial.

4. *Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*

As previously stated, the proposed variances for front and rear yard setbacks are consistent with many neighboring properties of similar physical constraints and in character with the neighborhood as a whole. There will be no adverse effect or impact on the physical or environmental conditions in the neighborhood as a result of the granting of the requested variances.

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.*

The existing physical constraints at the property due to the division of the lot by North Menteth Drive leaves an unreasonable building area. Therefore, the alleged difficulty is believed not to be self-created.

C. Maximum Building Coverage on Lot

Town Code Section: §220-21-D Schedule I

Allowed: 15% of lot area (3236 s.f.)

Proposed: 17.9% of lot area (3854 s.f.) (includes 264 s.f. existing storage building)

1. *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties by granting the variance:*

Several properties within the Menteth neighborhood have building coverage exceeding the maximum allowable 15 percent. The proposed lot coverage of 17.9 percent includes the proposed residence and an existing 264 s.f. storage building on-site west of the access drive. This minimal increase in building coverage is not out of character for the neighborhood nor a detriment to nearby properties.

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.*

The benefit sought cannot be achieved by other feasible methods. The program for the design of the home has been reworked to limit the footprint while meeting the requests of the owner's family needs. Approximately 30 percent of the living space has been located on the second floor in order to minimize building coverage.

3. *Whether the requested area variance is substantial.*

As previously stated, several other neighboring properties have building coverage exceeding the maximum 15 percent and greater than that requested for this property. The proposed building coverage is therefore believed not to be a substantial request.

4. *Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*

The improvements to existing site grading and stormwater management proposed in the site development plans ensures that the minimal increase in building coverage over that allowed will have no adverse effect or impact on the physical or environmental conditions in the neighborhood.

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.*

The alleged difficulty is self-created, but for the reasons noted in questions 1 through 4, it is believed that the overall character and setting of the property and neighborhood will be maintained should the requested variance be granted.