

5440 Routes 5 & 20 West
Canandaigua, NY 14424
Phone: (585) 394-1120 / Fax: (585) 394-9476

CPN #: 22-027

ZONING BOARD OF APPEALS APPLICATION

FOR: ☒ AREA VARIANCE ☐ USE VARIANCE ☐ INTERPRETATION

Permission for on-site inspection for those reviewing application: X Yes No

1. Name and address of the property owner: Nathan and Tasmyn
Morris, 5146 Overlook Ln Canandaigua NY 14424
Telephone Number of property owner: 585-905-9589
Fax # N/A E-Mail Address: thenatano@gmail.com

****If you provide your e-mail address, this will be the primary way we contact you****

2. Name and Address of Applicant *if not the property owner*: _____

Telephone Number of Applicant: _____

Fax # _____ E-Mail Address: _____

****If you provide your e-mail address, this will be the primary way we contact you ****

3. Subject Property Address: 5146 Overlook Ln
 Nearest Road Intersection: Buffalo St + Overlook Lane
 Tax Map Number: 83, 10-1 ~ 152.100 ✓ Zoning District: PUD

4. Is the subject property within 500' of a State or County Road or Town Boundary? (If yes, the Town may be required to refer your application to the Ontario County Planning Board.)

Please circle one:

YES

NO

5. Is the subject property within 500' of an Agricultural District? (If yes, an Agricultural Data Statement must be completed and submitted with this application – for use variance applications only.)

Please circle one:

✓YES.

NO

(Continued on back)

6. What is your proposed new project and the variance(s) or interpretation requested?
We would like to build a fence in backyard
that is 6ft high.

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.

no, waiting on approval.

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)

03-31-22

(Date)

Town of Canandaigua

5440 Routes 5 & 20 West

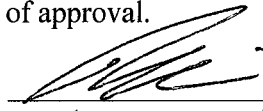
Canandaigua, NY 14424

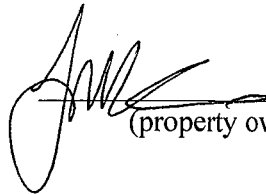
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TOWN OF CANANDAIGUA		F O R R E V I E W
DEVELOPMENT OFFICE		
R E C I V E D	APR 1 2022	

***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, SEQ, 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)

TOWN OF CANANDAIGUA
RECREATION & DEVELOPMENT OFFICE

APR 1 2022

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.

①

- (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.

①

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

①

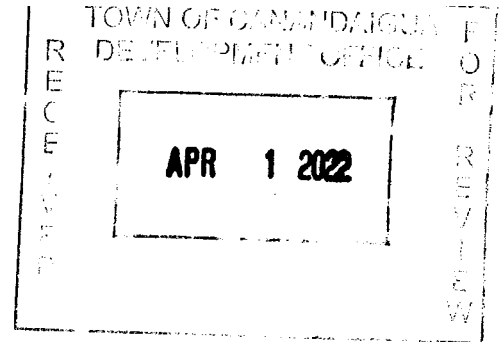
- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

①

- (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.

①

Nathan and Jasmyn Morris
Fence Variance Application
5146 Overlook Lane



- 1) There will be no undesirable change in the neighborhood or detriment to nearby properties, as a result of the area variance. Our neighbors at 5152, 5154, 5126 and 5124 Overlook Ln, all have 6ft full backyard fences backing up to Buffalo St., so the sight of a 6ft backyard fence at 5146 Overlook Ln, would not look out of place or uncharacteristic for the neighborhood. However, we believe having a backyard fence where roughly 2/3 of it is 6ft tall, while the other third is 4ft tall, would look unsightly. This is one reason why we're applying for a variance to be able to build a fence that's consistently 6ft tall.

We also want to address the stop sign at the corner of our lot. The fence will not block visibility of the stop sign, as the fence will be 10 ft back from Overlook Ln. In addition, visibility eastbound on Buffalo st. is already impeded by a large hill. We also plan to install the fence 10ft back from Buffalo St., where this wouldn't be an issue anyway to a car stopped at the stop sign on Overlook Ln.

- 2) No, we cannot achieve this benefit without an area variance. Without it, we would be required to have part of our fence be a different height, at an awkward area of the fence. This, we believe, would result in an undesirable change in appearance to the entrance of the Brookside development, where our corner lot is located.
- 3) No, the requested area is roughly 1/3 of the planned perimeter of the entire fence.
- 4) No, the difference between a 4ft tall fence and a 6ft tall fence, would not have an adverse effect or impact on the physical or environment conditions in the neighborhood or district. The fence is also in the backyard, so it would not prohibit the fire department or other emergency personnel from seeing our house from the main road. The closest fire hydrant is in the front yard as well, which would be unaffected by the fence.
- 5) This was not self-created, the code was in place prior to our purchasing the house. Our goal is to build a fence to protect our dog and child from the traffic on Buffalo St. Ext., and the relatively busy entrance to the housing development. While doing so, we're hoping to be able to build a fence that's beautiful!