

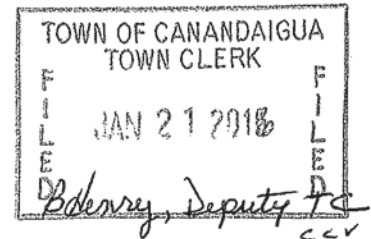
Town of Canandaigua

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

Established 1789

ZONING LAW DETERMINATION

PROPERTY OWNER: Schottland, Peter
PROPERTY ADDRESS: 4711 North Menteth Drive
TAX MAP NUMBER: 140.11-1-20.000
ZONING DISTRICT: RLD



DETERMINATION REFERENCE:

- Plans entitled "Final Site Plan - Patio Addition" by Professional Engineering Group, dated Dec 2015. No Revisions. Received for review by Town on 1/15/16.
- "Site Plan" application dated 1/15/16
- FEMA Flood Map #3605980025C

PROJECT DESCRIPTION:

- Construction of a 667 ft² patio addition and installation of an outdoor fireplace in the side yard.

ISSUE:

- The property owner wishes to install an outdoor fire place, and expand an existing patio by 667 ft² in the side yard. The proposed finished patio will have a minimum side set back of 8.3', an unknown rear setback to the mean high water mark, and a new lot coverage of 37.5%. A portion of the patio expansion is in the A and E Flood zones.

DETERMINATION:

- A patio is a permitted accessory use in the RLD zoning district. The minimum requirements in the RLD for an accessory structure are limited to a single structure of no more than 100 ft² area, with a minimum side yard setback of 12', a rear yard setback of 60', 15% lot coverage for buildings, and 25% lot coverage buildings and accessories. Under current Zoning Code the building and existing patio are pre-existing nonconforming. There is no proposed increase to the building lot coverage. This proposed project increases the level of nonconformity by increasing the total lot coverage, and requires review by the Planning Board as well as several variances from the Zoning Board of appeals. A new plan with the addition of the rear setback between the proposed patio and the mean high watermark shall be submitted prior to ZBA scheduling. A certificate of Pre-existing nonconformance shall be requested by the property owner. A current map depicting the boundaries of the subject property as well as physical improvements and uses shall accompany the request.

REFERRAL TO ONTARIO COUNTY PLANNING BOARD) FOR:

- This application is required to be reviewed by the Ontario County Planning Board.

REFERRAL TO ZBA FOR:

- An area variance application for a side yard setback of 8.3' when 12' is allowed shall be submitted to the ZBA.
- An area variance application for a total lot coverage of 37.5% when 25% is allowed shall be submitted to the ZBA
- An area variance application for the rear yard setback from the mean high water mark (if less than

60') shall be submitted to the ZBA.

*All applications to the ZBA must be approved if the proposed project is to be permitted.

REFERRAL TO PLANNING BOARD FOR:

- The application shall be forwarded for recommendations regarding potential impacts to the Town's Planning Board.

CODE SECTION: Chapters §220-107, §1-17, §220-21

DATE: 1/21/16

BY: 
Tyler McMahon – Zoning Officer

CPN-005-16

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

