



January 12, 2017

TOWN OF CANANDAIGUA ZONING BOARD
5440 ROUTE 5 & 20 WEST
CANANDAIGUA, NY 14424

RE: 4211 NYS Rte 21 & 4215 NYS Rte 21 (Hamlet of Cheshire)

Dear Sirs/Madams:

I am writing on behalf of my clients, The Mary Ann Eddy Estate who intend to annex a portion of their neighbor's property at 4215 NYS Rte. 21 onto their property at 4211 NYS Rte.21 in order to include an existing gravel driveway. The tax map parcel #'s involved are:

Eddy Estate: TM# 125.12-1-6.10

Matthew & Lindsay Bolton: TM# 125.12-1-54.10

In order to attain this outcome, we are requesting several area variances which are as follows:

Lot 1: Existing detached accessory structure is 1 ft. from the right lot line when 15 ft. is required;

Existing dwelling is approx. 7 ft. from the front lot line when 60 ft. is required

Lot 2: Existing gravel drive is approx. 2 ft. from right property line when 10 ft. is required;

Existing concrete drive is approx. 8 ft. from left property line when 10 ft. is required;

Existing dwelling is approx. 33 ft. from front property line when 60 ft. is required

Enclosed with this application is the Zoning Law Determination sheet prepared by Eric Cooper, Zoning officer.

Please review our survey map & contact us with any questions or comments. Thank you

Sincerely

Rocco Venezia, LS
Venezia & associates

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

Phone: (585) 394-1120 / Fax: (585) 394-9476

RECEIVED	TOWN OF CANANDAIGUA DEVELOPMENT OFFICE	FOR REVIEW
	JAN 13 2017	

CPN #:

077-16

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: Eddy Estate 4211 NYS Rt 21 and
Matthew + Lindsay Bolton 4215 NYS Rt 21

Telephone Number of property owner: See Venezia #'s

Fax # E-Mail Address:

****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: Venezia + associates
5120 Laura Lane Canandaigua NY 14424

Telephone Number of Applicant: 585-396-3267 cell 314-2538

Fax # E-Mail Address: rocco@veneziasurvey.com

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

3. Subject Property Address: 4211 NYS Rt 21 and 4215 NYS Rt 21

Nearest Road Intersection:

Tax Map Number: 4211 = TM# 125.12-1-6.10 Zoning District: R130

4215 = 125.12-1-54.10

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?

* Per Attached determination by Eric Cooper Zoning officer

* Test question letter attached

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.

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.

Erin Scott preliminary execution
(Signature of Property Owner) (S)

1/6/17
(Date)

Matthew Bolton
Matthew Bolton

1/10/17
Date

Lindsay Bolton
Lindsay Bolton

1/10/16
Date

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424
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**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, SEQR, 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.

* Angele Spelt - preliminary Matthew Bolton *
(property owner) (property owner)
Matthew Bolton
Lindsay Bolton

R E C E I V E D	TOWN OF CANANDAIGUA DEVELOPMENT OFFICE	F O R R E V I E W
	JAN 13 2017	

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.

There will be no undesirable change or detriment to the neighboring properties by granting the variances. This is an old established neighborhood.

- (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.

In order for 4211 NYS Rte 21 to have its driveway within its property lines the requested variances are necessary.

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

Some of the requested variances appear substantial due to current Town Code, but Main Street Cheshire is an old neighborhood with various nonconforming properties.

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

The proposed variances will have no adverse effect or impact on the physical or environmental conditions of 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, however the requested variances are necessary to achieve including the gravel driveway on to the 4211 Rt 21 parcel.

Town of Canandaigua

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

Established 1789

ZONING LAW DETERMINATION

PROPERTY OWNER: Mary Ann Eddy / Matthew and Lindsay Bolton

PROPERTY ADDRESS: 4211 St. Route 21 / 4215 St. Route 21

TAX MAP NUMBER: 125.12-1-6.10 / 125.12-1-54.10

ZONING DISTRICT: R-1-30

DETERMINATION REFERENCE:

- Application for Lot Line Adjustment, dated 12/05/2016, received for review by Town on 12/05/2016.
- Plans titled "Mary Ann Eddy & Matthew T. & Lindsay B. Bolton" by Venezia Land Surveyors and Civil Engineers, dated 12/02/2016, no revisions noted, received by the Town on 12/05/2016.

PROJECT DESCRIPTION:

- Owner proposes to annex a portion of 125.12-1-54.10 (Lot 2) to 125.12-1-6.10 (Lot 1) in order to include an existing gravel driveway.

DETERMINATION:

- For lot line adjustments, all resulting lots must meet minimum requirements for building and zoning purposes.
- Changes that reduce the degree of nonconformance shall be allowed.
- Preexisting nonconformities shall not be altered by way of property boundary modifications, or by any other way that increases the degree of nonconformance without first obtaining a variance from the Zoning Board of Appeals. Upon application for such variance, a request shall be made to the Planning Board for a recommendation regarding potential impacts.
- Submitted plats for lot line adjustments shall show information as described in §174-13 and §174-14.
- Application SHALL be signed by both property owners.

Lot 1:

- Existing detached accessory structure is 1 ft. from the right lot line when 15 ft. is required.
- Existing dwelling is approximately 7 ft. from the front lot line when 60 ft. is required.
- Existing driveway is 1.5 ft. from right lot line when 10 ft. is required. However, proposed action reduces the degree of nonconformance and shall be allowed.
- Existing home is approximately 16 ft. from right lot line when 25 ft. is required. However, proposed action reduces the degree of nonconformance and shall be allowed.
- Proposed lot width is 95.14 ft. when 125 ft. is required. However proposed action reduces the degree of nonconformance and shall be allowed.
- Proposed lot size is approximately 15,115 ft.² when 30,000 ft.² is required. However proposed action reduces the degree of nonconformance and shall be allowed.

Lot 2:

- Existing gravel drive is approximately 2 ft. from right property line when 10 ft. is required.
- Existing concrete drive is approximately 8 ft. from left property line when 10 ft. is required.
- Existing dwelling is approximately 33 ft. from front property line when 60 ft. is required.

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 variances within 500 ft. of a State Highway.

REFERRAL TO ZONING BOARD of APPEALS FOR:

- Applicant shall apply for a 14 ft. area variance for right side setback to existing detached accessory structure on Lot 1.
- Applicant shall apply for a 53 ft. area variance for front setback to existing dwelling on Lot 1.
- Applicant shall apply for an 8 ft. area variance for right side setback to existing gravel drive on Lot 2.
- Applicant shall apply for a 2 ft. area variance for left side setback to existing concrete drive on Lot 2.
- Applicant shall apply for a 27 ft. area variance for front setback to existing dwelling on Lot 2.

REFERRAL TO PLANNING BOARD FOR:

- A request shall be made to the Planning Board for a recommendation on potential impacts.

CODE SECTIONS: Chapter §1-17, §174-8; §174-13; §220-9; §220-17; §220-107; §220a Sch 1 Zoning Schedule.

DATE: _____

BY: _____
Eric Cooper – Zoning Officer

CPN- 077-16

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