

# Town of Canandaigua

5440 Routes 5 & 20 West  
Canandaigua, NY 14424

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

R E C E I V E D	TOWN OF CANANDAIGUA DEVELOPMENT OFFICE	F O R  R E V I E W
	AUG 10 2018	

CPN #: 052-18

## ZONING BOARD OF APPEALS APPLICATION

FOR: ☐ AREA VARIANCE ☐ USE VARIANCE ☐ INTERPRETATION

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

1. Name and address of the property owner: Evan & Kristin Smith

5325 State Route 21 S Canandaigua, NY 14424

Telephone Number of property owner: 585-662-7816

Fax # \_\_\_\_\_ E-Mail Address: evan@smithzoo.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: 5325 State Route 21 S Canandaigua, NY 14424

Nearest Road Intersection: Monks Road

Tax Map Number: 153.00-1-56.210 Zoning District: RR-3

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?  
**Garage to be constructed in front yard of property, requiring both a front and set-back variance.**
- 
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.***

  
(Signature of Property Owner)

8/9/18  
(Date)

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***Property Owner is responsible for any consultant fees  
(Town Engineer, Town Attorney, etc.) incurred during the application process.***

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(property owner)

  
(property owner)

## 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 to the character of the neighborhood or detriment to nearby properties by granting the requested area variances. Local structures are equidistant or closer to the set-back.

- (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 proposed location for the garage is the most optimum on the property due to woodlands, marshy areas, slopes and leach field.

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

The variance requested is not substantial.

- (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 variance will not have any 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 difficulty is not self-created as the wooded areas, marshy lands, sloped landscape, leach field and streams to mitigate run-off are restrictive. A larger barn previously stood in the same approximate location.

# *Town of Canandaigua*

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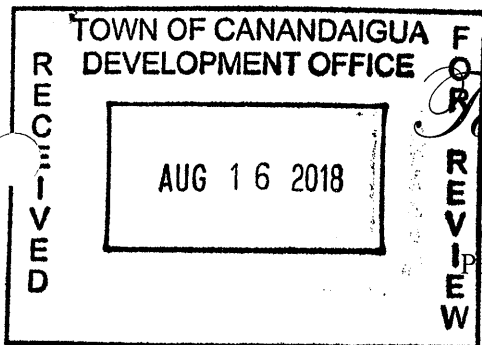
Phone: (585) 394-1120 / Fax: (585) 394-9476

## **AGRICULTURAL DATA STATEMENT**

CPN #: \_\_\_\_\_

In accordance with NYS Town Law § 283-a, the Town of Canandaigua will use the following information to evaluate possible impacts that would occur on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation.

- A. Name and Address of Property Owner: Evan & Kristin Smith  
5325 State Route 21 South Canandaigua, NY
- B. Name and Address of Applicant: Evan & Kristin  
Smith  
5325 State Route 21 South Canandaigua, NY
- C. Description of the proposed project: New detached two story garage  
\_\_\_\_\_  
\_\_\_\_\_
- D. Project Location: 5325 State Route 21 South Canandaigua, NY
- E. Tax Map #: 153.00-1-56.210
- F. Is any portion of the subject property currently being farmed? \_\_\_\_ Yes \_\_\_\_ ☒ No
- G. List the name and address of any land owner within the agricultural district that the land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed.
- Name / Address
1. Brian McCarthy, 6135 Dugway Rd Canandaigua, NY
2. \_\_\_\_\_
3. \_\_\_\_\_
- H. Attach a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in this Agricultural Data Statement.



*Town of Canandaigua*

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CPN #: 2018-052

(#2)

## ZONING BOARD OF APPEALS APPLICATION

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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?  
**Two story garage to be constructed in front yard of property, requiring height variance in addition to the front and set-back variances requested separately.**
- 

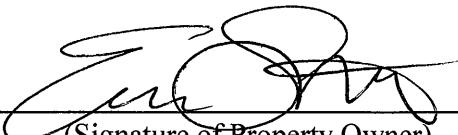
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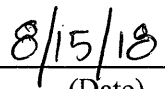
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(Signature of Property Owner)

  
(Date)

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(Town Law Section 267, subsection 1.(b)).

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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 to the character of the neighborhood or detriment to nearby properties by granting the requested area variances. The height will match previous and nearby accessory buildings.

- (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.

A two story structure is necessary to provide additional personal and vehicle storage as our home does not have an attic or basement.

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

The variance requested is not substantial.

- (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 variance will not have any 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 difficulty was not self created as the home was constructed without ample storage options. The basement is finished and there is only a crawlspace in the attic. The previous barn on the same proposed location had two stories.

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A. Name and Address of Property Owner: **Evan & Kristin Smith**  
**5325 State Route 21 South Canandaigua, NY**

B. Name and Address of Applicant: **Evan & Kristin Smith**  
**5325 State Route 21 South Canandaigua, NY**

C. Description of the proposed project: **New detached two story garage**

D. Project Location: **5325 State Route 21 South Canandaigua, NY**

E. Tax Map #: **153.00-1-56.210**

F. Is any portion of the subject property currently being farmed? ☐ Yes ☒ No

G. List the name and address of any land owner within the agricultural district that the land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed.

Name / Address

1. **Brian McCarthy, 6135 Dugway Rd Canandaigua, NY**
2. \_\_\_\_\_
3. \_\_\_\_\_

H. Attach a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in this Agricultural Data Statement.

\*\*\*\*\*

## FOR TOWN USE ONLY

**Circle Type of Application:**

Special Use Permit

Site Plan Approval

Subdivision

Use Variance

**Circle Review Authority:**

Zoning Board of Appeals

Planning Board

Town Board

**Notice Provision:**

Date when written notice of the application described in Part I was provided to the land owners identified in the Agricultural Data Statement.

\_\_\_\_\_

Date referral sent to the Ontario County Planning Department:

\_\_\_\_\_

\_\_\_\_\_  
Name of Official Completing Form

\_\_\_\_\_  
Date