

# *Town of Canandaigua*

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

*Established 1789*

## **ZONING LAW DETERMINATION**

**PROPERTY OWNER:** ROYAL CAR WASH CANANDAIGUA

**PROPERTY ADDRESS:** 2586 ST RT 332

**TAX MAP NUMBER:** 70.16-4-6.100

**ZONING DISTRICT:** CC

### **DETERMINATION REFERENCE:**

- Application for Zoning Board Area Variance, dated 06/13/2019. Received for review by Town on 06/14/2019.
- Application for New Structure/Addition Building Permit, dated 05/28/2019. Received for review by Town on 06/14/2019.
- Application for Sign Permit, dated 05/28/2019, Received for review by Town on 06/14/2019.
- Plans titled "Royal Car Wash" by Passero Associates, dated 03/2019, no revisions noted, received by the town on 06/19/2019.
- Zoning Board of Appeals decision, meeting dated 05/21/2019, filed with Town Clerk 05/23/2019.

### **PROJECT DESCRIPTION:**

- Applicant proposes to demolish existing principal building on parcel and construct a car wash establishment within the CC Zoning District with associated signs and development.

### **DETERMINATION:**

- Proposed driveway is 16 ft. from side property line when 20 ft. is required.
- Proposed business identification sign of 48 sq. ft. when 32 sq. ft. is the maximum.
- Proposed ground sign meets all requirements for zoning and building purposes.
- Planning Board shall have authority to waive provisions of Off-Street Parking regulations where applicant bears the burden of proof, including;
  - o Proposed parking stalls of 13 when 41 spaces are required. Planning Board may not reduce the number of required parking spaces by more than 50%.
  - o Off-street parking areas for more than five vehicles shall be effectively screened on the rear and side yards by a fence of acceptable design, unpierced masonry wall, landscaped berm or compact evergreen hedge. Such fence shall be erected and maintained in accordance with §220-9K of these regulations. Such wall or hedge shall not be less than six feet in height and shall be maintained in good condition.
- Planning Board shall have the authority to waive provisions of Landscaping and Buffering regulations where applicant bears the burden of proof, including;
  - o In addition, in all nonresidential zones, automotive uses shall be separated from the streetside property line by a vegetated, landscape buffer strip 25 ft. in width.

### **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 variance requests within 500 ft. of a State Highway.

**REFERRAL TO ZONING BOARD of APPEALS FOR:**

- Application received for 4 ft. driveway setback area variance.
- Application received for 16 sq. ft. sign size area variance.
- Application received for 8 parking space area variance.
- Whenever the Zoning Board of Appeals, after hearing all the evidence presented upon an application for appeals under the provisions of this chapter, takes action to deny the application, said Board shall refuse to hold further hearings on the same or substantially similar application for appeal by the applicant, their successors or assigns, for a period of one year, except and unless the Board shall find and determine from the information supplied in the request for a rehearing that changed conditions have occurred relating to the promotion of public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing may be granted only upon a unanimous vote of all members of the Board then present.

**REFERRAL TO PLANNING BOARD FOR:**

- Planning Board Site Plan approval required for all development greater than 1,000 sq. ft. within the CC Zoning District.

**CODE SECTIONS:** Chapter §1-17; §220-9V; §220-76; §220-23; §220-64; §220-73; §220-92D; §220a Sch. I Zoning Schedule; §220c Sch. II Off-Street Parking

DATE: 7/3/2019

BY: Kyle Ritts  
Kyle Ritts – Zoning Inspector

**CPN- 19-051**

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

