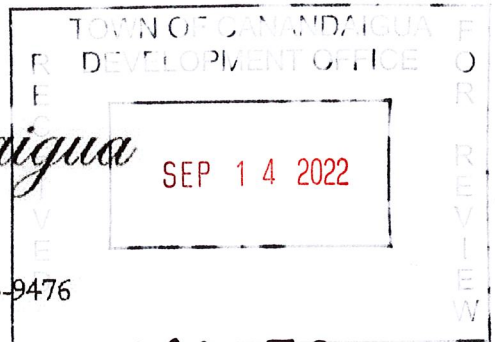


Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

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



CPN #: 22-072

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: Widewaters Roeland Center
Company LLC, 5845 Widewaters Parkway, East Syracuse, NY 13057
Telephone Number of property owner: (315) 445-2424
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: Liberty Restaurants
Development, 252-25 Union Trpk, Bellrose, NY 11426
Telephone Number of Applicant: (215) 317-2734
Fax # E-Mail Address: Heidi@Lrholdings.us

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

3. Subject Property Address: 3225 State Route 364
Nearest Road Intersection: Routes 5 & 20 & Moran Road
Tax Map Number: 98.00-1-46.10 Zoning District: Community Commercial

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

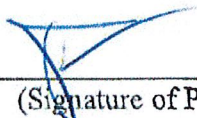
NO

(Continued on back)

6. What is your proposed new project and the variance(s) or interpretation requested?
Requesting an area variance for six additional signs at the proposed Popeyes. Code allows for (2) signs applicant is proposing a total of (8). of the signs is within the area permitted for (2) signs
Note: The total sign area
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)

08/30/2022

(Date)

Town of Canandaigua


5440 Routes 5 & 20 West

Canandaigua, NY 14424

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

**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.


(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.

See attached

- (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.

See attached

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

See attached

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

See attached

- (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.

See attached

Variance Tests – Canandaigua Popeyes Signage

3225 State Route 64

1. The requested variance will not create and undesirable change in character of the neighborhood or a detriment to nearby properties for the following reasons:

- There are several properties near the proposed use that have more than two building signs. Most notably is Crosby's gas station kitty corner to the subject parcel. Others include Rite Aid and Burger King. While many of these signs may not be in the Town of Canandaigua they are still within the surrounding neighborhood along Routes 5 & 20.
- The request is for additional number of signs and not for an additional "area" of signage as it relates to the code. Therefore we believe the proposed signage is uniform in scale to the building and surrounding area thus not creating a adverse visual impact.
- For the most part the proposed signs are small in scale than many of the signs within the neighborhood. The signage and symbols proposed on the building are intended to be complementary to the architectural elevations and fitting with the scale of the building. Rather than an individual sign larger (which could be permitted) it is the applicant's opinion that additional smaller signs are more aesthetically pleasing.

2. Larger signage could be proposed on the front and side elevations thus negating the need for a variance; however, it is the applicant's opinion that additional smaller signs are more aesthetically pleasing.

3. The requested variance is substantial. The applicant is requesting 4 additional building mounted signs/images and two site related signs if the board determines that having "Thanks Yall" on the back of the do not enter signage constitutes a sign.

4. The additional signs will not have an adverse impact on the physical or environmental conditions of the neighborhood or district. The request is for additional number of signs and not for an additional "area" of signage as it relates to the code. Therefore we believe the proposed signage is uniform in scale to the building and surrounding area thus not creating a adverse visual impact.

5. The variance is self created. Two larger out of scale signs could be constructed on the front and side of the building by code.

Brett L. Steenburgh PE PLLC

2832 Rosendale Road
Niskayuna, NY 12309
(518) 365-0675

Sheet 1 of 1 Prep. by Date 8/26/22
Town Canandaigua County
Job Name Popeyes Canandaigua

Signage Analysis

Frontage = 287 L.F.

Per Section 220.83

One Building Sign Max Area of 287 s.f. permitted

Second Building Sign Max Area of 143.5 s.f. permitted

Proposed Building Signage

Front Elevation:

Speech Sign - 53.0 s.f.

Symbo. - 37.3 s.f.

Left Side Elevation:

Speech Sign - 14.5 s.f.

Speech Sign - 48 s.f.

Right Side Elevation

Speech Sign - 90.47 s.f.

Speech Sign - 10 s.f.

Site Signage

Back side of Do Not Enter "Thank Y'all" - 6 s.f. (2 signs)

Total of 8 signs = 2 permitted

Total Area 265 s.f. Total sign area permitted - 430.5 s.f.