

Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

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

CPN #: 043-16

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: Jeff & Laurie Twombly
4365 W. Lake Rd. Canandaigua, NY 14424

Telephone Number of property owner: 585-507-0540

Fax # N/A

E-Mail Address: ltwombly@rochester.rr.com - Laurie
ltwombly@us.tuv.com - Jeff

****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*: James Fahy
James Fahy Design Associates 2024 W. Henrietta Rd. Ste 3k. Roch, NY 14623

Telephone Number of Applicant: 585-272-1650

Fax # N/A

E-Mail Address: jrfahy@jamesfahy.com

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

3. Subject Property Address: 4341 Tichenor Point Drive Canandaigua, NY

Nearest Road Intersection: Tichenor Point Drive & W. Lake Rd.

Tax Map Number: 126.12-2-13.1

Zoning District: RLD

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)

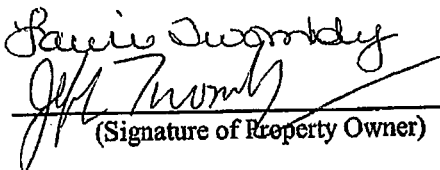
6. What is your proposed new project and the variance(s) or interpretation requested?

Construction of single family home that would require granting of a 1-ft height variance. The proposed maximum roof height would be no greater than 26 ft. above average grade.

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)

6/15/16
6.15.16
(Date)

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ZONING BOARD OF APPEALS REQUIRED PAPERWORK FOR APPLICATION SUBMITTAL

Area Variance Application

- ☒ Variance Application (Zoning Board of Appeals)
- ☒ Description of documents which would support a determination that it is practically difficult for you to conform to the dimensional requirements of the zoning law (Tests for Granting Area Variances).
- ☒ Map showing size and location of all existing and proposed structures, including lot width, lot area, setback dimensions and computations of percentage of lot coverage. (See attached Sketch Plan Checklist) Projects over 1,000 square feet will require a professionally prepared site plan.
- ☒ Front elevation or view of proposed structure showing the height measured from the average finished grade.
- ☒ Property owner signatures on all application forms and checklists

**You must submit the original application and attachments / survey map / site plan.
Contact the Zoning Officer to determine which additional building/sign permit application is
required to be submitted with this application.
Additional copies of the site plan, etc. will be requested after the Planning Review Committee
(PRC) has reviewed your application.**

FEES:

1. The \$100 application fee is required upon submission of the application. This fee is non-refundable. A separate, additional fee will be rendered for the building permit.
2. Building permit fees vary – the fee will be determined by the Town Code Enforcement Officer.
3. The property owner is responsible for reimbursement of any Town Engineer and/or Town Attorney fees incurred during application review.

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CPN #: _____

Sketch Plan Checklist

Applicant: James R. Fahy, James Fahy Design Associates
Project Address: 4341 Tichenor Point Drive Canandaigua, NY
Tax Map #: 126.12-2-13.1 Zoning District: RLD
Project Description Narrative: Construction of a single family residence.

Sketch Plan Checklist – Chapter 220 §220-66 (Not required for any property in a major subdivision)	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
A. The sketch plan shall be clearly designated as such and shall identify all existing and proposed:			
1) Zoning classification and required setbacks.	✓		
2) Lot lines.	✓		
3) Land features including environmentally sensitive features identified on the NRI. (woods, streams, steep slopes, wetlands)	✓		
4) Land use(s). (residential, agricultural, commercial, or industrial)			
5) Utilities. (i.e. location of electric, gas, well, septic, sewer, cable)*			
6) Development including buildings, pavement and other improvements including setbacks.	✓		
7) Location and nature of all existing easements, deed restrictions and other encumbrances.	✓		
B. Sketch plans shall be drawn to scale.	✓		
C. It is the responsibility of the applicant to provide a sketch plan that depicts a reasoned and viable proposal for development of the lot.	✓		

I have reviewed my submitted application and drawings against the above noted criteria and hereby certify that the submitted application matches this check list.



Signature of Applicant / Representative

6/15/16
Date

*May be obtained from UFPO – dial 811 for assistance.



June 16, 2016

Town of Canandaigua
5440 Route 5 & 20
Canandaigua, New York 14424

Attention: Mr. Terence Robinson
Chairman, Zoning Board of Appeals

Re: Application for Area Variance
Twombly Residence
4341 Tichenor Point Drive
Canandaigua, New York

Dear Chairman Robinson and Board Members,

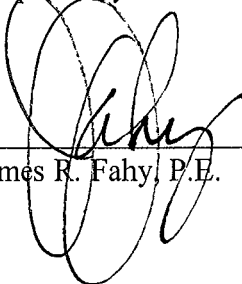
We are representing Jeffrey and Laurie Twombly, the owners of the referenced property, in their application for an area variance requested prior to construction of a new home on their site.

The property is located in your Residential Lake District and within a designated flood hazard zone. Both local and state codes require that not only the lowest floor of the residence, but all mechanical, electrical and plumbing systems be located at or above elevation 694 (base flood plain elevation plus 2-foot freeboard). Existing grade varies slightly, but on average is slightly above elevation 691.

We are proposing a modest two-story home constructed with gambrel-style framing to maintain second story roof lines as low as practically possible. The first floor elevation will be set at elevation 696 to provide adequate space for mechanical, electrical and plumbing systems below the first floor and above elevation 694. In effort to comply with the limitations set forth in the New York State Flood Plain regulations, we are requesting a height variance of 2-feet so that all mechanical, electrical, and plumbing systems can be installed in conventional fashion and above elevation 694.

I appreciate your consideration of this variance request and I look forward to presenting our case in detail at your meeting on July 19th.

Respectfully submitted,



James R. Fahy, P.E.

TEST FOR GRANTING AREA VARIANCES

- 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.**

Homes along Tichenor Point Drive vary significantly in scale, massing, and overall character. The proposed residence will have a massing much less than several of the neighboring homes. The proposed maximum roof height of 27-feet is also within the overall character of the neighborhood. The home and carriage garage at 4335 Tichenor Point Drive, which borders our property to the north, have maximum roof heights of 26-feet 6-inches and 26-feet 4-inches, respectively.

It is, therefore, believed that the proposed residence will not only fit seamlessly into the neighborhood, but it will enhance the overall character along Tichenor Point Drive.

- 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.**

We have explored all options and we believe our design solution is the only feasible solution without creating the need for a variance greater than that being requested.

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

The area variance being requested is not substantial nor believed to represent any greater visual impact of views to or from the lake.

- 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 residence will have no adverse effect or impact on the physical or environmental conditions in the neighborhood. Other than the minor area variance request, the proposed home complies with all zoning of the RLD. There are neighboring homes that have significantly greater footprints and overall massing with maximum roof heights similar to the proposed residence.

- 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 requested area variance is precipitated by the construction limitations imposed by the Flood Resistant Construction regulations set forth by local and state codes for properties within designated flood hazard zones. We would not be requesting this variance if the property was not within a flood hazard zone which includes the limitations on minimum elevation of mechanical, electrical and plumbing systems.

Therefore, I believe the alleged difficulty was not self-created.

A MODERN APPROACH TO TIMELESS ARCHITECTURAL DESIGN