

Town of Canandaigua

5440 Routes 5 & 20 West
Phone (585) 394-1120

Canandaigua, NY 14424
Fax (585) 394-9476

Zoning Board of Appeals Decision Notification

Public Hearing Opened: 1/19/2016

Meeting Date: 1/19/2016

Public Hearing Closed: 1/19/2016

Project: 065-15

Applicant

James Vanderhoof
60 Pinewood Knoll
Rochester, NY 14614

Owner

James Vanderhoof
60 Pinewood Knoll
Rochester, NY 14614

Project Type

Residential
addition &
garage
addition

Project Location

3490 Sandy Beach
Drive

Tax Map #

98.15-1-56.000

TYPE OF APPLICATION:

☒ Area Variance ☐ Use Variance ☐ Interpretation ☐ Rehearing

Variance/Interpretation Requested: Shall the applicant be granted an area variance to expand a pre-existing non-conformity (single family dwelling) with a right side setback to the dwelling of 8' when 10' is required? Applicant is requesting a 2' variance in the RLD zoning district.

SEQR:

☐ Type I ☒ Type II

☐ Unlisted

☐ See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

☒ Granted ☐ Denied ☐ Continued to:

☐ See attached resolution(s)

VOTING:

| | | | |
|------------------|---|------------------------------|------------------------------------|
| Bob Hilliard | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Dave Emery | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Kelly LaVoie | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Chip Sahler | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Terence Robinson | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |

REASONS/CONDITIONS:

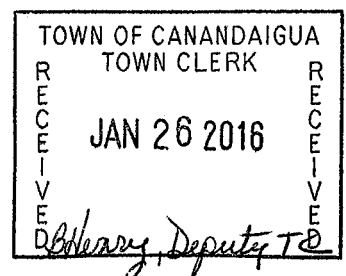
The benefit to the applicant outweighs the detriment to the neighborhood, therefore the variance is granted. The Board's decision is based on information received 8/14, 9/18, 10/23, 11/6, 11/16 and 12/2 as well as facts presented during the Public Hearing. This variance shall be void if construction has not commenced within one year of the date of its issuance. Variance is being granted to accommodate a family member with mobility issues. This is the minimum variance possible to accommodate the living quarters on the first floor for that family member. No rights vested in persons acting in good faith and reliance on the grounds of previous denial will be prejudice.

Certified By: _____

Terence Robinson
Chairperson, Zoning Board of Appeals

Date: _____

January 21, 2016



Town of Canandaigua

5440 Routes 5 & 20 West
Phone (585) 394-1120

Canandaigua, NY 14424
Fax (585) 394-9476

Zoning Board of Appeals Decision Notification

Public Hearing Opened: 1/19/2016

Meeting Date: 1/19/2016

Public Hearing Closed: 1/19/2016

Project: 065-15

Applicant

James Vanderhoof
60 Pinewood Knoll
Rochester, NY 14614

Owner

James Vanderhoof
60 Pinewood Knoll
Rochester, NY 14614

Project Type

Residential
addition &
garage
addition

Project Location

3490 Sandy Beach
Drive

Tax Map #

98.15-1-56.000

TYPE OF APPLICATION:

☒ Area Variance ☐ Use Variance ☐ Interpretation ☐ Rehearing

SEQR:

☐ Type I ☒ Type II

Variance/Interpretation Requested: Shall the applicant be granted an area variance to expand a pre-existing non-conformity (single family dwelling) with a lot coverage of 37% when no more than 30% is allowed? Applicant is requesting a 7% variance to the lot coverage in the RLD zoning district.

☐ Unlisted

☐ See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

☒ Granted ☐ Denied ☐ Continued to:

☐ See attached resolution(s)

VOTING:

| | | | |
|------------------|---|------------------------------|------------------------------------|
| Bob Hilliard | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Dave Emery | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Kelly LaVoie | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Chip Sahler | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Terence Robinson | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |

REASONS/CONDITIONS:

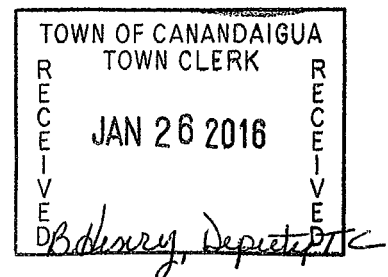
The benefit to the applicant outweighs the detriment to the neighborhood, therefore the variance is granted. The Board's decision is based on information received 8/14, 9/18, 10/23, 11/6, 11/16 and 12/2 as well as facts presented during the Public Hearing. This variance shall be void if construction has not commenced within one year of the date of its issuance. Variance is being granted to accommodate a family member with mobility issues. This is the minimum variance possible to accommodate the living quarters on the first floor for that family member. No rights vested in persons acting in good faith and reliance on the grounds of previous denial will be prejudice.

Certified By:

Terence Robinson
Chairperson, Zoning Board of Appeals

Date:

January 21, 2016



Town of Canandaigua

5440 Routes 5 & 20 West
Phone (585) 394-1120

Canandaigua, NY 14424
Fax (585) 394-9476

Zoning Board of Appeals Decision Notification

Public Hearing Opened: 1/19/2016

Meeting Date: 1/19/2016

Public Hearing Closed: 1/19/2016

Project: 065-15

Applicant

James Vanderhoof
60 Pinewood Knoll
Rochester, NY 14614

Owner

James Vanderhoof
60 Pinewood Knoll
Rochester, NY 14614

Project Type

Residential
addition &
garage
addition

Project Location

3490 Sandy Beach
Drive

Tax Map #

98.15-1-56.000

TYPE OF APPLICATION:

☒ Area Variance ☐ Use Variance ☐ Interpretation ☐ Rehearing

SEQR:

☐ Type I ☒ Type II

Variance/Interpretation Requested: Shall the applicant be granted an area variance to expand a pre-existing non-conformity (single family dwelling)? Applicant is requesting an area variance in the RLD zoning district.

☐ Unlisted

☐ See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

☒ Granted ☐ Denied ☐ Continued to:

☐ See attached resolution(s)

VOTING:

| | | | |
|------------------|---|------------------------------|------------------------------------|
| Bob Hilliard | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Dave Emery | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Kelly LaVoie | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Chip Sahler | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Terence Robinson | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |

REASONS/CONDITIONS:

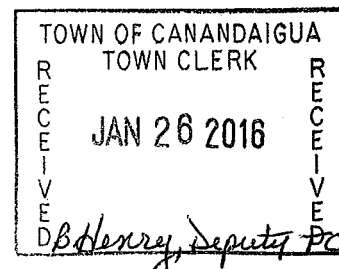
The benefit to the applicant outweighs the detriment to the neighborhood, therefore the variance is granted. The Board's decision is based on information received 8/14, 9/18, 10/23, 11/6, 11/16 and 12/2 as well as facts presented during the Public Hearing. This variance shall be void if construction has not commenced within one year of the date of its issuance. Variance is being granted to accommodate a family member with mobility issues. This is the minimum variance possible to accommodate the living quarters on the first floor for that family member. No rights vested in persons acting in good faith and reliance on the grounds of previous denial will be prejudice.

Certified By:

Terence Robinson
Chairperson, Zoning Board of Appeals

Date:

January 21, 2016



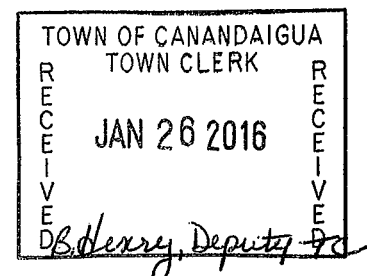
TOWN OF CANANDAIGUA
ZONING BOARD OF APPEALS

James Vanderhoof
3490 Sandy Beach Drive
CPN-065-15

FINDINGS

1. Applicant is proposing to construct additions to existing single family dwelling in the RLD Zoning District.
2. Applicant is proposing to construct a 96SF addition and a 145SF addition.
3. The proposed 96SF addition will be 8 feet from the right side property line when 10 feet is required.
4. The Zoning Board of Appeals denied applicant's original request for variances on November 17, 2015.
5. Pursuant to NYS Town Law § 267-a(12) and Town of Canandaigua Town Code § 220-92(D), the Zoning Board of Appeals granted applicant's request for a rehearing on December 15, 2015.
6. Applicant originally requested a variance to construct a 480SF garage. Applicant has removed the proposed garage from the development plan.
7. Applicant's parcel is approximately 13,363SF in size.
8. 200SF sidewalks will be removed to improve drainage and add green space.
9. Current lot coverage is 37.6%. Proposed lot coverage will be just under 37%.
10. No rights vested in persons acting in good faith in reliance upon the ZBA's denial will not be prejudiced.
11. Applicant's variance requests are SEQR Type II.
12. The benefit to the applicant outweighs the potential detriment to the neighborhood.
13. The Zoning Board of Appeals bases its decisions based on the information submitted by applicant on the following dates:

- a. August 14, 2015



- b. September 18, 2015
- c. October 23, 2015
- d. November 6, 2015
- e. November 16, 2015
- f. December 2, 2015

14. The Zoning Board of Appeals bases its decisions on information received at public hearings held on the following dates:

- a. November 17, 2015
- b. January 19, 2016

15. Applicant is seeking an area variance to expand preexisting nonconformity

16. Applicant is seeking an area variance for lot coverage of 37% when no more than 30% is allowed

17. Applicant is seeking an area variance for right side setback of 8' when 10' is required.

18. Variance is being granted to accommodate a family member with mobility issues. The minimum variance required to accommodate the wheelchair bound family member is being granted.

19. No adverse on property in the neighborhood

20. No undesirable change will be produced in the character of the neighborhood because there are other properties with similar setbacks and lot coverage in the area. No detriment will occur to nearby properties in this case because of the removal of impervious surface.

21. The benefit sought by the applicant cannot be achieved by another method because of the small size of applicant's parcel.

22. The requested variances are not substantial when compared to the original variances requested and when consideration is given to the size and shape of the lot.

23. The proposed variances will not have an adverse effect on the physical or environmental conditions in the neighborhood because of the similar structures existing on neighboring parcels.

CONDITIONS

1. The variance(s) granted are specific to the plans submitted to the Zoning Board of Appeals. Any change in the plans shall invalidate the variance(s) and applicant shall request a new variance from the Zoning Board of Appeals.
2. The variance(s) is conditioned on building permits being issued within one (1) year of the date the variance(s) is granted. Failure to obtain building permits within one (1) year shall invalidate the variance(s).

Town of Canandaigua
5440 Routes 5 & 20 West
Canandaigua, NY 14424
(585) 394-1120 / Fax (585) 394-9476

Canandaigua Zoning Board of Appeals Resolution

SEQR Resolution Determination of Significance – TYPE II Action

FILE # CPN-065-15

APPLICANT: JAMES VANDERHOOF, 3490 SANDY BEACH DRIVE

WHEREAS, The Town of Canandaigua Zoning Board of Appeals, hereinafter referred to as ZBA, has determined the above referenced Action to be a Type II under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations;

NOW, THEREFORE, BE IT RESOLVED that the ZBA in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by Bob Hilliard and seconded by Dave Emery at a regularly scheduled meeting of the ZBA held on Tuesday, January 19, 2016. Following discussion therein, the following roll call vote was taken and recorded:

| | | | | |
|-----------------------|------------------|---|------------------------------|------------------------------------|
| <u>VOTING:</u> | Bob Hilliard | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| | Dave Emery | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| | Kelly LaVoie | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| | Chip Sahler | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| | Terence Robinson | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |

I, Cheryl Berry, Secretary of the ZBA, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the Minutes of the Canandaigua ZBA for the January 19, 2016 meeting.

a. Catalano for
Cheryl Berry, Secretary of the ZBA

