

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: 11/17/2015

Meeting Date: 12/15/2015

Public Hearing Closed: 12/15/2015

Project: 095-15

Applicant

Fisher Associates
135 Calkins Road Suite A
Rochester, NY 14623

Owner

Daniel & Konstanze
Wegman
4895 County Road 16
Canandaigua, NY 14424

Project Type

Install
swimming
pool, move
septic system

Project Location

4895 County Road 16

Tax Map #

140.18-1-10.100

TYPE OF APPLICATION:

☒ Area Variance ☐ Use Variance ☐ Interpretation ☐ Rehearing ☐ Type I ☒ Type II

Variance/Interpretation Requested: Shall the applicant be granted an area variance to construct an addition (attached garage) to a pre-existing non-conforming dwelling with a front setback of 33' when 60' is required? Applicant is requesting a 27' front setback 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:

David Emery	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Bob Hilliard	<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
Carol Ingle	<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

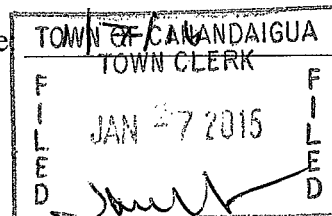
REASONS/CONDITIONS:

The benefit to the applicant outweighs the detriment to the neighborhood, therefore the variance is approved. The Board's decision is based on drawings submitted December 11 and 15, 2015 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. Granting of this variance is in keeping with the character of the neighborhood and will not have an adverse effect on the property or neighborhood.

Certified By: _____

Chairperson, Zoning Board of Appeals

Date: _____



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SEQR:

☐ Type I ☒ Type II

Variance/Interpretation Requested: Shall the applicant be granted an area variance to install an in-ground swimming pool measuring 17' x 75' when swimming pools are not allowed to be larger than 20' x 40'? A 35' variance to the length of the pool is being requested in the RLD zoning district.

☐ Unlisted

☐ See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

☒ Granted ☐ Denied ☐ Continued to:

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David Emery
Bob Hilliard
Kelly LaVoie
Carol Ingle
Chip Sahler

☒ AYE
☒ AYE
☒ AYE
☒ AYE
☒ AYE

☐ NAY
☐ NAY
☐ NAY
☐ NAY
☐ NAY

☐ Abstained
☐ Abstained
☐ Abstained
☐ Abstained
☐ Abstained

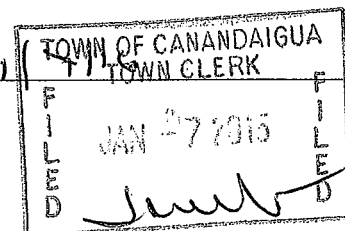
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TYPE OF APPLICATION:

☒ Area Variance ☐ Use Variance ☐ Interpretation ☐ Rehearing

Variance/Interpretation Requested: Shall the applicant be granted an area variance to install an ~~in-ground swimming pool~~ and garage addition with a setback to the bed of a stream carrying water more than 6 months of the year of 41.6' when 100' is required? A 58.4' variance to the ~~length of the pool~~ is being requested in the RLD zoning district.

*proposed
STRUCTURES*

SEQR:

☐ Type I ☒ Type II

☐ Unlisted

☐ See Attached resolution(s)

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VOTING:

David Emery
Bob Hilliard
Kelly LaVoie
Carol Ingle
Chip Sahler

☒ AYE
☒ AYE
☒ AYE
☒ AYE
☒ AYE

☐ NAY
☐ NAY
☐ NAY
☐ NAY
☐ NAY

☐ Abstained
☐ Abstained
☐ Abstained
☐ Abstained
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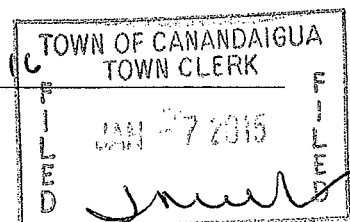
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Certified By: _____

Chairperson, Zoning Board of Appeals

Date: 1/7/16



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TYPE OF APPLICATION:

☒ Area Variance ☐ Use Variance ☐ Interpretation ☐ Rehearing

Variance/Interpretation Requested: Shall the applicant be granted an area variance to install an in-ground swimming pool measuring 17' x 75' with a perimeter of 184' when swimming pools are not allowed to have a perimeter larger than 125'? A 59' variance to the perimeter of the pool is being requested 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:

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VOTING:

David Emery
Bob Hilliard
Kelly LaVoie
Carol Ingle
Chip Sahler

☒ AYE
☒ AYE
☒ AYE
☒ AYE
☒ AYE

☐ NAY
☐ NAY
☐ NAY
☐ NAY
☐ NAY

☐ Abstained
☐ Abstained
☐ Abstained
☐ Abstained
☐ Abstained

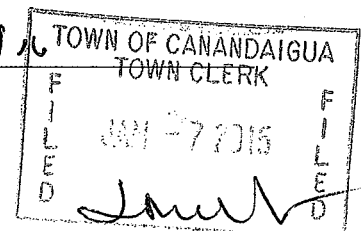
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Certified By: _____

Chairperson, Zoning Board of Appeals

Date: _____



TOWN OF CANANDAIGUA
ZONING BOARD OF APPEALS

Fisher Representing Wegman
4895 County Road 16
CPN-095-15

FINDINGS

1. Applicant is proposing the construction of a swimming pool, surrounding patio, and an addition to an attached garage.
2. Applicant's parcel is in the RLD Zoning District.
3. Applicant is requesting the following variances:
 - a. Area variance to construct an addition to an attached garage on a pre-existing non-conforming dwelling with a front setback of 33' when 60' is required. Applicant is requesting a 27' front setback variance.
 - b. Area variance to install an in-ground swimming pool measuring 17' by 75' when swimming pools are not allowed to be larger than 20'x40'. Applicant is requesting a 35' variance for pool length.
 - c. Area variance to install an in-ground swimming pool and attached garage addition with a setback to a streambed of 41.6' when 100' is required. Applicant is requesting a 58.4' streambed setback variance.
 - d. Area variance to install an in-ground swimming pool with a perimeter of 184' when maximum perimeter for swimming pools is 125'. Applicant is requesting a 59' variance for swimming pool perimeter.
4. Applicant's combined parcel size is 256,971 SF.
5. The proposed garage addition will be 712.5 SF.
6. The proposed patio and swimming pool will add 4,334.2 SF of lot coverage.
7. The existing buildings on applicant's parcel total 8,207 SF.
8. The existing patio, pavement, and walls total 25,586 SF.
9. Total proposed building coverage will be 3.7%.
10. Total lot coverage will be 15%.

11. The existing septic leach bed and septic lines are in the stream setback.
Applicant will remove the existing leach bed and lines from the lakeside and moving it across the street.
12. The adjacent road is above the elevation of proposed garage
13. The proposed wall was pulled back from original design to remove impervious surface.
14. Property line was moved in from the road so the County right-of-way would include the culverts adjacent to the road.
15. Pool location has changed in an effort to preserve existing trees.
16. Garage location is elevated significantly above the stream location.
17. Garage is set on pilings.
18. Benefit to the applicant outweighs the detriment to the neighborhood
19. Decisions based on the facts presented at the public hearings held on November 17, 2015 and December 15, 2015
20. This lot is very large especially for lakeside properties in the area.
21. Applicant's lot is unique in its size, shape, and topography.
22. Character of neighborhood will not change significantly because of the size of applicant's lot.
23. No undesirable change will be produced in the character of the neighborhood because of the size of applicant's parcel. Neighboring properties will not be effected because they are located far enough away that the proposed construction will not be noticeable. Adequate screening exists on this parcel that the proposed construction will not be noticeable.
24. The benefit sought by the applicant cannot be achieved without the requested area variances. Applicant explored several different pool location options and the present location is by far the best in terms of impact on the neighborhood and environment.
25. The requested variances are not substantial in light of the size of applicant's parcel. Applicant's front property line was changed to allow for County access to culverts so the distance from the proposed garage to County Road 16 is actually much greater than the requested setback to applicant's property line.

26. The requested variances will not have an adverse effect on the physical or environmental conditions in the neighborhood because of the size of applicant's parcel and the relocation of the septic system. The adjacent stream will not suffer negative environmental impacts because of the elevation of the proposed construction.

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 except that the front setback shall be 33' not 32.9'.
2. The variance(s) is conditioned on building permits being issued within one (1) year of the date the variance(s) is granted.

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Canandaigua Zoning Board of Appeals Resolution

SEQR Resolution Determination of Significance – TYPE II Action

FILE # CPN-095-15

APPLICANT: FISHER ASSOCIATES, DANIEL & KONSTANZE WEGMAN, 4895
COUNTY ROAD 16

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 Kelly LaVoie and seconded by Bob Hilliard at a regularly scheduled meeting of the ZBA held on Tuesday, December 15, 2015. Following discussion therein, the following roll call vote was taken and recorded:

VOTING:

David Emery	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Bob Hilliard	<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
Carol Ingle	<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

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 December 15, 2015 meeting.

a. Catalano for
Cheryl Berry, Secretary of the ZBA

