

# Town of Canandaigua

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

TOWN OF CANANDAIGUA  
RECEIVED  
DEVELOPMENT OFFICE  
JUN 28 2019  
FOR REVIEW  
CPN #: 19-054

## 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: Timothy and Kimberly Wesley  
5454 Wells Curtice Rd. Canandaigua NY 14424  
Telephone Number of property owner: 396-9165 Home / 831-2297 mobile  
Fax # 396-9165 E-Mail Address: toppcat59@yahoo.com

**\*\*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: same

Telephone Number of Applicant: same

Fax # — E-Mail Address: —

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

3. Subject Property Address: 5454 Wells Curtice Rd. Canandaigua NY 14424  
Nearest Road Intersection: Johnson Road  
Tax Map Number: 126-1-49.110 Zoning District: AR 2

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?  
*24x32x104 Pole Barn. The roof peak height is 18'7" which is 2'7" above the maximum allowed per code. (Section 220-9B(7)(c)[1]. We're requesting it be allowed as it will not obstruct any neighbors views and is in our back of house, not side or front of home.*
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. *Submitted 6/25/19. Resubmitted 6/28/19 w/ tax map & zone corrections.*
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, *site plan (copy from septic engineer) submitted 6/25/19. & Builder's structure plans submitted 6/25/19.*  
 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. *N/A* 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. *N/A* 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. *N/A* 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.***

*Jim Walsh*  
 (Signature of Property Owner)

*6/28/19*  
 (Date)

# 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. The following are our closest neighbors with outbuildings of their own:  
① Paul Garling - 5470 Wells Curtice. ② William + Marcia McMahon 5430 Wells Curtice w/ 1760 sq. ft. Pole barn ③ David Reibsome + Betsy Lee - 5451 Wells Curtice - small shed + 2ga car detached garage ④ Roger + Kim Noble - 1500 sq. ft. Pole barn and ⑤ Helen Saxby - 5485 Wells Curtice w/ Small horse stable + horses.
- (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. Placement elsewhere on lot is not the issue, rather proposed pole barn 2' 7 inches above the max allowed by town code of 16 feet. Barn to be on west + back of house w/ background of huge mature trees + blocks NO ones views of nature. Sq. feet of our property 249,729 sq ft. Barn to cover 768 sq. feet or a mere 0.0043% of lot.
- (3) Whether the requested area variance is substantial.  
We find the peak of barn at 18'7" or two feet 7 inches above code to not be substantial. Will also ask for our neighbors to submit their approval to town or us (the applicant).
- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.  
Not likely. This is zoned Agrural 2 and former farmland. Most closest neighbors have outbarns, detached garages etc + to my knowledge, it is no one's concern that huge properties add these types of buildings. It's actually desirable. Our barn will fit in as its
- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, RED! but shall not necessarily preclude the granting of the area variance.  
The building has an attic + the extra height is necessary.

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CPN #: \_\_\_\_\_

## Sketch Plan Checklist

Applicant: TIM & KIM WESLEY  
Project Address: 5454 WELLS-CURTICE RD. CANANDAIGUA, NY 14424  
Tax Map #: 126-1-49.110 Zoning District: AR2  
Project Description Narrative: 24x32x10 POLE BARN

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.	SUBMITTED 6/29/19	✓	
2) Lot lines.	SUBMITTED 6/25/19	✓	
3) Land features including environmentally sensitive features identified on the NRI. (woods, streams, steep slopes, wetlands)	SUBMITTED 6/25/19	✓	
4) Land use(s). (residential, agricultural, commercial, or industrial)	SUBMITTED 6/25/19	✓	
5) Utilities. (i.e. location of electric, gas, well, septic, sewer, cable)*	SEE SITE DRAWING	0	
6) Development including buildings, pavement and other improvements including setbacks. <u>Any Extension</u>	SEE SITE DRAWING	0	
7) Location and nature of all existing easements, deed restrictions and other encumbrances.	NONE	✓	
B. Sketch plans shall be drawn to scale.	SUBMITTED 6/25/19	0	
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.	SUBMITTED 6/25/19		

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

Tim Wesley Kim Wesley  
Signature of Applicant / Representative

6/28/19  
Date

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

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## AGRICULTURAL DATA STATEMENT

CPN #: \_\_\_\_\_

In accordance with NYS Town Law § 283-a, the Town of Canandaigua will use the following information to evaluate possible impacts that would occur on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation.

A. Name and Address of Property Owner: TIM AND KIM WESLEY  
5454 WELLS CURTICE RD CANANDAIGUA, NY 14424

B. Name and Address of Applicant: SAME AS ABOVE

C. Description of the proposed project: 24x32x10 POLE BARN

D. Project Location: SAME AS "A"

E. Tax Map #: 126-1-49.110

F. Is any portion of the subject property currently being farmed? ☐ Yes ☒ No

G. List the name and address of any land owner within the agricultural district that the land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed.

Name / Address

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

H. Attach a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in this Agricultural Data Statement.

SUBMITTED 6/25/19

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***Property Owner is responsible for any consultant fees  
(Town Engineer, Town Attorney, etc.) incurred during the application process.***

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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.

Jim Woly 6/28/19  
(property owner)

Kim Wesley 6/28/19  
(property owner)