

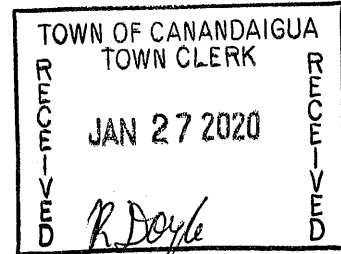
# Town of Canandaigua

5440 Routes 5 & 20 West • Canandaigua, NY 14424 • (585) 394-1120

*Established 1789*

## ZONING LAW DETERMINATION

**PROPERTY OWNER:** LANDRIGAN, JOHN M. & JUDITH C.  
**PROPERTY ADDRESS:** 4991 WYFFELS ROAD  
**TAX MAP NUMBER:** 112.00-1-20.300  
**ZONING DISTRICT:** R-1-20



### DETERMINATION REFERENCE:

- Application for Special Use Permit, dated 01/05/2020. Received for review by Town on 01/02/2020.
- Plans titled, "Driveway Configuration" by *unnamed*, dated 12/30/2019, no revisions noted, received by the town on 12/30/2019.

### PROJECT DESCRIPTION:

- Applicant proposes to operate a Major Home Occupation (Chiropractic Office) utilizing 280 sq. ft., approximately 15.3% of the total gross floor area, of the principal dwelling.

### DETERMINATION:

- Proposed special use meets appropriate dimensional requirements set forth in Zoning Schedule.
- The Planning Board may condition or restrict the special use permit for a major home occupation if, in the Board's judgment, such restriction is required to minimize the impact of the use upon the neighborhood or district. No special use permit shall be issued unless the Planning Board makes a finding that, in addition to compliance with the general requirements in § 220-35 of this article, all of the following criteria have been met:
  - o The major home occupation is determined to be clearly subordinate to the permitted principal residential use of the premises.
  - o The special use permit must be issued to the owner of the premises who is an actual resident of the premises.
  - o The major home occupation must be carried on within an existing or proposed building on the premises. A major home occupation located within the principal dwelling unit may not exceed 25% of the total gross floor area, or 500 square feet of the principal dwelling unit. Home occupations in excess of 15% of the floor area of the primary structure may be required to meet commercial occupancy requirements as established in the New York State Uniform Fire Prevention and Building Code.
  - o The major home occupation must be fairly transparent and unobtrusive. The standard "fairly transparent and unobtrusive" requires that the nonresidential character of the home occupation shall not be apparent to the Planning Board. The Planning Board shall consider the following standards when making this determination:
    - Vehicular traffic. The Board must find that the major home occupation is not likely to produce significantly more vehicular traffic to and from said premises than would exist in the case of a residence without a major home occupation and that timing of such traffic is not inconsistent with the primary residential use.
    - Parking. The Board must find that the major home occupation does not create a need for more than three additional off-street parking spaces. In addition, such off-street parking spaces shall not be provided on the lot in such a manner as to create the backing of vehicles onto a public highway. Furthermore, such off-street parking spaces shall be

adequately landscaped so as to provide a visual buffer between the parking spaces and adjacent properties or public rights-of-way.

- Trash. The Board must find that the major home occupation does not create additional waste products that are not properly contained within receptacles normally associated with the principal residential use of the premises. Where there is found to be additional waste products associated with a major home occupation that cannot be stored within such receptacles, then there must be provision for adequately securing such waste products within a screened and landscaped facility. Such a facility should be located behind the principal dwelling unit, or behind the accessory structure used for the major home occupation and must be effectively screened from adjacent properties and the public right-of-way.
- Exterior display. The Board must find that the major home occupation does not involve the exterior display or storage of goods, materials, equipment or inventory.
- One commercial speech sign shall be permitted as provided for elsewhere in this chapter.
- In applying the above criteria, the Planning Board may consider the following:
  - The size of the lot (i.e., acreage, lot width and depth, shape, etc.)
  - The size and/or number of vehicles (including machinery) used in connection with such major home occupation.
  - The density and/or character of the neighborhood and the proximity of neighboring properties and residences.
  - The necessity for screening and/or buffering of the major home occupation from adjacent properties or public right-of-way; and
  - The size and type of highway (i.e. state, county, Town) upon which such major home occupation is located.
- Where it is deemed appropriate by the Town Planning Board, any of these provisions contained within §220-59, may be waived by the Planning Board based upon findings as set forth in the public record on said application.

**REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:**

- This application is not required to be reviewed by the Ontario County Planning Board because it does not meet the proximity requirements.

**REFERRAL TO PLANNING BOARD FOR:**

- Planning Board approval required for all Special Use Permits.

**CODE SECTIONS:** Chapter §1-17; §220-9; §220-19; §220-35; §220-59; §220a Sch. 1 Zoning Schedule

DATE: 1/27/2020

BY:   
Kyle Ritts– Zoning Inspector

**CPN- 20-001**

NYS Town Law, Section 267-a(5)(b), an appeal may be made to the ZBA within 60 days of the date of this determination.

c: Binder  
Property File  
Property Owner  
Town Clerk