

Zoning Board of Appeals Agenda

August 1th, 2023

Appeal #104AV-23

Joe Nacca – Area Variance @ 940 Angus Point Road (Attached)

TOWN OF BENTON

PLANNING BOARD - ZONING BOARD OF APPEALS APPLICATION

Application No. 104AV-23 Date _____ Fee _____

Name: Joe Nacca phone _____

Address: 43 W. Church St., Fairport, NY 14450 email jnacca@sagerutty.com

Applicant is applying for the following:

- Area Variance
- Use Variance
- Special Use Permit
- Zoning Interpretation
- Subdivision
- Site Plan Review

Other _____

Location of Property 940 Angus Point Rd.

Tax Map No. 19.42-1-3 & 19.42-1-1 Zoning District LR (Lake Residential)

Describe Action requested:

This project involves the construction of a cottage at the very end of Angus Point Rd. Due to the proximity of the cottage and the retaining wall along the lake front, this project will require a front setback variance of 40.2 feet.
The cottage retaining wall will be setback from the mean high water level at a distance of 9.2 feet when 50 feet is required

Area Variance Information:

	Required	Actual	Variance Request
Frontage:	_____	_____	_____
Front Setback:	<u>50'</u>	<u>9.2'</u>	<u>40.2'</u>
Side Setback:	_____	_____	_____
Rear Setback:	_____	_____	_____
Lot Size:	_____	_____	_____

Attached to this application is the following documentation:

Site Plan Construction Plans SEQR Other _____

Property Owner Joe Nacca Telephone _____

Address 43 W. Church St., Fairport, NY 14450

Signature Joe Nacca Date 6/6/2023

Application for an Area Variance:

To enable the Zoning board of appeals to grant an area variance, the applicant should address the five factors listed below. Attach additional sheets if necessary. The Zoning Board of Appeals will consider these five factors when balancing two elements: (1) the benefit to the applicant from the variance and (2) the detriment to the health, safety, and welfare of the community or neighborhood that would occur if the variance were to be granted.

Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the grant of the variance.

An undesirable change will not be produced in the character of the neighborhood or the detriment of the nearby properties as this project will match the way the houses are currently placed along Angus Point Extension.

Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.

Given the size of the lot along the lakefront there is no feasible way to achieve the desired result without an area variance

Whether the requested variance is substantial.

This variance request is not substantial as this project will match the orientation of the buildings along the lakefront

Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or the district.

This project will not have an adverse effect on the physical or environmental conditions within the neighborhood.

With the construction of this project we will be stabilizing the lake front and preventing any further erosion occurring on this site, due to the steepness of the banks running down to the lake.

Whether the alleged difficulty was self-created.

This difficulty is a result of the railroad dissecting the property and leaving a small lot along the lake front.

Applicant Signature: _____

DocuSigned by:
Joe Nacca
B54B557906B44F4...

Date: 6/6/2023

TOWN OF BENTON

BUILDING AND ZONING APPLICATION

1000 SR 14A, PENN YAN, NY 14527
585-329-6904 315-536-9600
FAX 315-536-7715
E-MAIL: zoning@townofbenton.us

Name of Applicant Joe Nacca Date: 06/06/23
Address 43 W. Church St., Fairport, NY 14450 Phone: _____
Property Owner (if not same) _____
Address _____ Phone: _____

APPLICATION IS BEING MADE FOR:

Building Permit Variance/Special Use ** Septic System Permit**
 Site Plan ** Subdivision** Other (** Add'l Forms)

On Land Located at 940 Angus Point Rd. (Same) or _____

Zoning District _____ Tax Map # N/A - New number to be assigned. It is currently part of 19.42-1-1 & 19.42-1-3.

Present Use of Property Vacant

Description of Proposed Improvements and/or Use: This project consists of the construction of a new single-family cottage on what will be Lot #2 of the the 3-lot subdivision of the subject parcel(s). Site improvements include grading, drainage, and utilities.

Size of Improvement 1,236 Sq. Ft. Estimated Cost: \$100,000

Type of Construction: Wood , Metal _____, Masonry _____, Other _____

Height: In Stories 1-story, In Feet 23.5'

Yard Setback: Front 9.2', Rear 15.0'

Side (Widest) 15', Side (Narrowest) 15'

Signature: Joe Nacca Date: 6/6/2023
DocuSigned by: B51B557906B44F4...

Approved _____ Not Approved _____ Variance Requested _____

Variance Granted: Yes _____ No _____ Date: _____

Permit # 104-AV-23 Fee \$ _____

Code Enforcement Officer _____ Date: _____

Contractor Name: TBD Phone: _____

Address: _____ E-Mail address: _____

Insurance: Workman's Comp. Liability Exemption Form

Contractor/Owner agrees to comply with all New York State and Local Codes and Laws.

Contractor/Owner agrees to call for all inspections as required.