

ZONING BOARD OF APPEALS

Thursday, January 15, 2015

6:00 pm

Council Board Room

One Batavia City Centre, Batavia, NY

AGENDA

- I. Roll Call
- II. Call to order
- III. Pledge of Allegiance
- IV. Approval of December 18, 2014 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

A. Request #1 *316 East Main Street*
Terry Platt, owner

Area Variance: Installation of a wooden fence along the west property line with the structural supports, cross members, and rails installed facing the neighboring property in violation of the municipal requirement

- 1. Review application
- 2. Public Hearing
- 3. Discussion and action by the board

B. Request #2 *143 Vine Street*
William Graham, owner

Area Variance: Construction of an 8' x 21'-10 ¾" one story addition to the south side of an existing 12' x 21'-10 ¾" one story attached garage. A portion of the proposed addition will be located within the required 35' rear yard clear space

- 1. Review application
- 2. Public hearing
- 3. Discussion and action by the board

C. Request #3 *29 Williams Street*
Rose Mary Christian, owner

Area Variance: Placement of a 21' x 20' one story pre-manufactured steel garage in the side yard of this property

1. Review application
2. Public hearing
3. Discussion and action by the board

D. Request #4

438 East Main Street

D. A. Tufts, owner

Area Variance:

Construction of a 3,490 sq.' two story detached two family dwelling that will include four indoor parking spaces on the first floor and two dwelling units on the second floor. This proposal was previously approved as an addition

1. Review application
2. Public hearing
3. Discussion and action by the board

VII. Setting of Next Meeting

VIII. Adjournment

ZONING BOARD OF APPEALS

Minutes

Thursday, December 18, 2014

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *Jeffrey Gillard, William Hayes, Lee Hyatt, Sandra Licata, Paul McCarthy*

Others present: Robert Greathouse, Brandon Hall, Kelly Herold (late), Nicholas Salvador, Dave Tufts, Mr. and Mrs. White, Meg Chilano - Recording Secretary, Doug Randall - Code Enforcement Officer

I. Roll Call

Roll call of the members was conducted. Five members were present and Chairman Gillard declared a quorum.

II. Call to Order

Mr. Gillard called the meeting to order at 6:04 pm.

III. Pledge of Allegiance

IV. Approval of Minutes from October 23, 2014 Meeting

Motion by: *Lee Hyatt*

“I make a motion to accept the minutes as written.”

Seconded by: *Sandra Licata*

Votes in favor: 5 (Jeffrey Gillard, William Hayes, Lee Hyatt, Sandra Licata, Paul McCarthy)

Votes opposed: 0

Votes abstained: 0

Result: Approval of October 23, 2014 minutes.

V. Zoning Board of Appeals statement

Mr. Gillard read a statement regarding the role of the Zoning Board of Appeals and the procedures it follows.

VI. Variance Requests

- A. Add a second driveway along the north property line. The proposed loose stone driveway with Portland cement apron and sidewalk will be 9' wide and 35' long

Address: *6 Goade Park*

Applicant: Kelly Herold, owner

Vice Chairman Hayes summarized the first application for the board. Mr. McCarthy had a question but the applicant was not present. He said that he wished to table the proposal.

Motion by: *Paul McCarthy*

“I make a motion to table the application.”

Seconded by: Lee Hyatt

Votes in favor: 5 (Jeffrey Gillard, William Hayes, Lee Hyatt, Sandra Licata, Paul McCarthy)

Votes opposed: 0

Votes abstained: 0

Result: Application tabled

B. Placement of an 8' x 12' one story wood frame shed in the northernmost portion of this property which has two yards that adjoin a street

Address: *20 Chestnut Street*

Applicant: Brandon Hall, owner

- Actions:
1. Review of application
 2. Public hearing
 3. Discussion and action by the board

1. Review of Application

Mr. Hayes summarized the proposal for the board. He asked the applicant if the shed had already been erected and Mr. Hall replied that it had. Mr. Hayes then asked if the shed is moveable, and Mr. Hall responded that it is.

2. Public Hearing

Mr. Gillard opened the public hearing at 6:09 pm. There was no one present who wished to speak about the proposal and no correspondence or calls from adjacent neighbors. He closed the public hearing at 6:10 pm.

3. Discussion and Action by the Board

Mr. Gillard went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no

Motion by: *Paul McCarthy*

“I make a motion to approve this variance with 60 days to complete the paperwork.”

Seconded by: *William Hayes*

Votes in favor: 5 (Jeffrey Gillard, William Hayes, Lee Hyatt, Sandra Licata, Paul McCarthy)

Votes opposed: 0

Votes abstained: 0

Result: Approval of Area Variance

The first applicant, Kelly Herold had arrived late to the meeting. At this point, Mr. Gillard asked if Kelly Herold was present, and the board went back to the first application.

- A. Add a second driveway along the north property line. The proposed loose stone driveway with Portland cement apron and sidewalk will be 9’ wide and 35’ long

Address: *6 Goade Park*

Applicant: Kelly Herold, owner

- Actions:
1. Remove application from table
 2. Review application
 3. Public hearing
 4. SEQR
 5. Discussion and action by the board

1. Remove Application from Table

Motion by: *Paul McCarthy*

“I make a motion to remove the application from the table.”

Seconded by: *Lee Hyatt*

Votes in favor: 5 (Jeffrey Gillard, William Hayes, Lee Hyatt, Sandra Licata, Paul McCarthy)

Votes opposed: 0

Votes abstained: 0

Result: Application removed from the table

2. Review Application

Mr. Hayes summarized the proposal for the board. He asked Ms. Herold if there is enough room in the current driveway for two vehicles. Ms. Herold said that there is space for two cars, which is taken up by the tenants in the upper apartment. She explained that while the lower apartment is presently vacant, she intends to rent it and there will be no available

parking space for that tenant. She stated that she owns both 6 and 2 Goade Park and there is room at 6 for the driveway. At the board's request, Ms. Herold indicated on the photo accompanying the application where the driveway would be placed. According to Ms. Herold, though the driveway will be made of stone at the moment, she intends to have it paved.

3. Public Hearing

Mr. Gillard opened the public hearing at 6:14 pm. No calls or correspondence had been received and there was no one present who wished to speak about the proposal. Mr. Gillard closed the public hearing at 6:15.

4. SEQR

After reviewing the application a motion was made to approve SEQR.

Motion by: *Sandra Licata*

"I make a motion to approve a negative declaration of SEQR."

Seconded by: *Jeffrey Gillard*

Votes in favor: 5 (Jeffrey Gillard, William Hayes, Lee Hyatt, Sandra Licata, Paul McCarthy)

Votes opposed: 0

Votes abstained: 0

Result: Approval of SEQR

5. Discussion and Action by the Board

Mr. Gillard went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no

Mr. Gillard noted that the Genesee County Planning Board recommended approval. Mr. Randall informed the board that the Planning & Development Committee (PDC) recommended approval with the condition that the driveway is paved within one year.

Motion by: *Sandra Licata*

"I make a motion to approve this variance with a provision to pave within one year, and 60 days to obtain the permit."

Seconded by: *William Hayes*

Votes in favor: 5 (Jeffrey Gillard, William Hayes, Lee Hyatt, Sandra Licata, Paul McCarthy)

Votes opposed: 0

Votes abstained: 0

Result: Application for Area Variance approved

- C. Construction of a 12' x 12' one story addition that is proposed within the side yard clear space on the west side of this property

Address: 509 Ellicott Street
Applicant: Nicholas Salvador, owner

- Actions: 1. Review of application
2. Public hearing
3. Discussion and action by the board

1. Review of Application

Mr. Hayes read the summary for the proposal.

2. Public Hearing

Mr. Gillard opened the public hearing at 6:21. There was no correspondence or calls and no one present who wished to speak. Mr. Gillard closed the public hearing at 6:22.

3. Discussion and Action by the Board

Mr. Gillard went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no

Mr. Gillard read the recommendation for approval by the Genesee County Planning Board.

Motion by: *Paul McCarthy*

“I make a motion to approve the variance with 60 days to obtain the building permit.”

Seconded by: *Jeffrey Gillard*

Votes in favor: 5 (Jeffrey Gillard, William Hayes, Lee Hyatt, Sandra Licata, Paul McCarthy)

Votes opposed: 0

Votes abstained: 0

Result: Application for Area Variance approved.

- D. Installation of a parking lot in the front yard of this Church property

Address: 238 Vine Street

Applicant: Robert Greathouse, Trustee for Grace Baptist Church

Actions: 1. Review application
2. Public hearing
3. SEQR
4. Discussion and action by the board

1. Review Application

Mr. Hayes summarized the application for the board. Mr. Randall reported that the PDC recommended approval with three conditions: the parking lot is paved within 12 months; development of a snow removal plan for ZBA approval; and, a small swale along the northern property line for drainage purposes. Mr. Gillard asked Mr. Greathouse if the snow management plan was part of the proposed application and he responded that it was intended but not yet written. Mr. Greathouse explained that the snow management plan is to plow the snow to the west between Vine Street and the lot. If excess snow becomes problematic, it will be trucked away, the same way the parking lots at the Church are presently handled.

Mr. Gillard asked about drainage and Mr. Greathouse indicated on the drawings the direction of the drainage. Mr. Hayes asked if the water drained in only one direction or several directions. Mr. McCarthy discussed drainage using the drawings to show how the water drains. Mr. Greathouse said that the current swale was put in according to the permit from the Church's previous expansion project. He added that the new permit will allow for extension of the swale. Mr. McCarthy explained that the parking lot is being built up a bit so the water will drain toward the street. A discussion followed about the placement of the swale, what plants make up the swale, how the swale is graded, and how it works to direct the flow of water.

2. Public Hearing

Mr. Gillard opened the public hearing at 6:33 pm. Sharon White, 8 Northern Boulevard, said that she would like to know about the Church's snow removal plan. Dr. Licata asked Mrs. White to indicate the location of their property on the map. Mr. Hayes asked if the Mr. and Mrs. White are experiencing problems at the moment. Mrs. White replied that they had had a problem at one time, but that they had spoken with the pastor and he had corrected it. She said that their concern is that with the increased parking there will be more snow. Mr. Greathouse repeated to the Whites how the Church intends to handle the snow removal. Mr. White wanted to know if the snow removal plan could be made permanent and not contingent upon who is in office at the Church. Mr. Randall said that the snow management plan would be a condition of the permit and handled through code enforcement. Mr. Greathouse said that as an additional safeguard the snow removal plan would go into the Church minutes and become part of the record. The plan would be attached to the snow

removal contract. Mr. White asked what would happen if the Church was taken over by another church and Mr. Gillard answered that the permit is attached to the property. Mr. Gillard asked if the Whites were satisfied and they responded that they were. Mr. Gillard closed the public hearing at 6:40 pm.

3. SEQR

After reviewing the application a motion was made to approve SEQR.

Motion by: *William Hayes*

“I make a motion to approve a negative declaration of SEQR.”

Seconded by: *Lee Hyatt*

Votes in favor: 4 (Jeffrey Gillard, William Hayes, Lee Hyatt, Sandra Licata)

Votes opposed: 0

Votes abstained: 1 (Paul McCarthy abstained from voting because his company is doing the work)

Result: Approval of SEQR

4. Discussion and Action by the Board

Mr. Gillard went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no

Motion by: *Lee Hyatt*

“I make a motion to approve this variance with the following conditions: 1. Drainage swale on the north side; 2. Length of paving reduced to 19’ to align with the front of the garage and not the dwelling; 3. Must be paved within a year; 4. Snow removal plan consists of plowing snow to the west and if there is a problem with excess snow, it will be trucked away; with six months to obtain the permit.”

Seconded by: *Sandra Licata*

Votes in favor: 4 (Jeffrey Gillard, William Hayes, Lee Hyatt, Sandra Licata)

Votes opposed: 0

Votes abstained: 1 (Paul McCarthy)

Result: Application for Area Variance approved

- E. Construction of a 3,490 sq.’ two story addition that will include four indoor parking spaces on the first floor and two dwelling units on the second floor; a 172 sq.’ (approx.) enclosed entry stairway to provide private access to two proposed dwelling units on the second floor of the

existing building; and a 189 sq.' one story enclosed front entry addition to the first floor commercial space with patio/deck above to service second floor dwelling units

Address: 438 East Main Street

Applicant: D.A. Tufts Co., agent for the owner

- Actions:
1. Review application
 2. Public hearing
 3. SEQR
 4. Discussion and action by the board

1. Review Application

Mr. Hayes summarized the application for the board. Mr. Tufts was present to speak about the project. He said that he is purchasing the property with the intent to take advantage of what he sees as a need for higher end apartments. He said that each apartment would be 1,300 sq.' and have a private entrance. The apartments will have two bedrooms, two bathrooms, walk-in closets, a private indoor garage, and be furnished with washers and dryers. He said that the approach to development style would be consistent with the mid-century modern approach taken initially with the building. According to Mr. Tufts, inquiries have resulted in expressions of interest in the idea of the higher end apartments. He said that the side yard variance will be necessary in order to construct the stairs for the private entrance on that side. He said that there would have been enough parking for the apartments and office spaces; however, medical office space requires an increase in the number of parking spaces. Mr. Tufts said that the parking variance would allow greater flexibility in prospective tenants for the office space. Mr. Gillard commented that it is nice to see old buildings rehabbed and use. Mr. Tufts said that the building has fallen into disrepair and will go down quickly if something is not done to maintain it.

Mr. Hayes asked about the garages and Mr. Tufts said replied that there would be one for each apartment. Mr. Hyatt asked about outside entrances. Mr. Tufts said that each apartment has one and pointed out that there was not enough room in the front for one of them and it had to be situated on the northwest corner. Mr. Tufts clarified that tenants of apartments 2 and 4 have to enter their apartments from outside while 1 and 3 can enter from within the garage. Mr. Hyatt asked if there is an overhang in the front and Mr. Tufts answered that the dotted line on the drawing indicates the overhang. Mr. Hayes asked about parking for the commercial space on the first floor. Mr. Tufts responded that the variance is needed because 19.5 spaces are required and there are only 16 spaces available.

2. Public Hearing

Mr. Gillard opened the public hearing at 6:58 pm. No calls or correspondence had been received and there was no one present who wished to speak about the variance. A letter had been sent by Fred Powell, DDS, 436 East Main Street, which Mr. Gillard read into the minutes. Mr. Gillard closed the public hearing at 6:59 pm.

Mr. Gillard read the referral from the Genesee County Planning Board which recommended gutters to divert water away from the neighboring property. Mr. Hyatt asked about diverting the water. Mr. Tufts answered that the neighboring property is 2' higher and will not pose a problem for water management. He said that the parking lot is paved and the water runs toward Harvester Avenue.

3. Discussion and Action by the Board

Mr. Gillard went through the list of supporting criteria for the side yard variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no

Motion by: *Lee Hyatt*

“I make a motion to approve this variance with the stipulation that the water runoff is managed.”

Seconded by: *Sandra Licata*

Votes in favor: 4 (Jeffrey Gillard, William Hayes, Lee Hyatt, Sandra Licata)

Votes opposed: 0

Votes abstained: 1 (Paul McCarthy abstained because he said he does work for Dave Tufts)

Result: Application for Area Variance approved

Mr. Gillard asked for discussion on the parking variance. Mr. Tufts showed the board photos of the parking on Main Street in front of the building. He pointed out that there are seven available spaces which he said the photos indicate are seldom used and could compensate for the missing 3.5 spaces.

Motion by: *Sandra Licata*

“I make a motion to approve the parking variance with six months to obtain the permit.”

Seconded by: *William Hayes*

Votes in favor: 4 (Jeffrey Gillard, William Hayes, Lee Hyatt, Sandra Licata)

Votes opposed: 0

Votes abstained: 1 (Paul McCarthy)

Result: Application for Area Variance approved

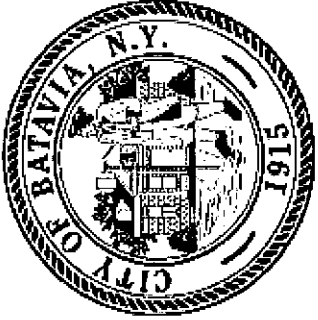
VII. Setting of Next Meeting: January 15, 2015

VIII. Adjournment

Mr. Gillard made a motion to adjourn the meeting at 7:24 pm. Dr. Licata seconded. All voted in favor.

Respectfully submitted,

Meg Chilano



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 12/17/14

Re: **29 Williams St.**
Tax Parcel No. 84.020-2-37

Zoning Use District: R-1A

The applicant, Rose Mary Christian (owner), has filed an application to place a 21' x 20' one story pre-manufactured steel garage in the side yard of this property.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (10).

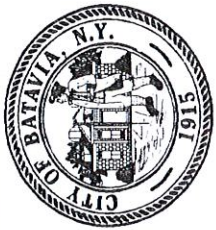
Review and Approval Procedures:

Zoning Board of Appeals- Pursuant to BMC Sec. 190-49 of the zoning ordinance, the ZBA shall review and act on required variances.

Required variances- Area

- 1) **BMC Sec. 190-35 D. Accessory buildings-** Accessory buildings are not permitted in any yard other than a rear yard.

Definition: Rear Yard- An open, unoccupied space, except for accessory buildings, on the same lot with the building between the rear line of the building and the rear lot line and extending the full width of the lot.



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____
Hearing Date/Time: _____

APPLICANT:

Reed Young Foundation
Name: Reed Young Foundation
E-Mail Address: _____
Street Address: 22 Williams St.
Phone: _____ Fax: _____
City: Batavia N.Y. State: _____ Zip: 14020

STATUS: ☒ Owner _____ Agent for Owner _____ Contractor _____

OWNER: Dave D. Dore
Name: _____ E-Mail Address: _____

Street Address: _____ Phone: _____ Fax: _____
City: _____ State: _____ Zip: _____

LOCATION OF PROPERTY: 22 Williams St.

DETAILED DESCRIPTION OF REQUEST: I am opening in side yard.

Applicant must be present at the hearing date. Failure to do so will result in the application being discarded. It is the responsibility of the applicant to present evidence sufficient to satisfy the Zoning Board of Appeals that the benefit of the applicant does not outweigh the health, safety, morals, aesthetics and general welfare of the community or neighborhood.

Reed Young Foundation
Applicant's Signature: _____ Date: 12/17/14
Reed Young Foundation
Owner's Signature: _____ Date: _____

To be Filled out by Zoning Officer

TAX PARCEL: 84.020-2-37 **ZONING DISTRICT:** R1A **FLOOD PLAIN:** A-H

TYPE OF APPEAL: ☒ Area Variance **FEE:** ☒ \$50 (One or Two Family Use)
_____ Use Variance _____ \$100 (All other Uses)
_____ Interpretation
_____ Decision of Planning Committee

Provision(s) of the Zoning Ordinance Appealed: BMC 190-35 D. Accessory bldgs.
may not occupy any space other than a rear yard.

Criteria to Support Area Variance

In making its determination, the zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, moral, aesthetics and welfare of the neighborhood or community. The Zoning Board of Appeals shall consider the following test, as per §81-b of the General City Law when making its determination:

Explain how the proposal conforms to EACH of the following requirements:

1. Undesirable Change in neighborhood Character. The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.

2. Alternative Cure Sought. There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance. SEE ATTACHED

3. Substantiality. The requested area variance is not substantial. SEE ATTACHED

4. Adverse Effect or Impact. The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community.
SEE ATTACHED

5. Not Self-Created. The alleged difficulty existed at the time of the enactment of the provision or was created by natural force or governmental action, and was not the result of any action by the owner or the predecessors in title.
SEE ATTACHED

Donna M. Smith
Applicant's Signature

12/17/14
Date

DATE: _____
APPLICANT NAME & PHONE: Robert Paul Christman

Project Location and Information Permit #: _____ Fee: _____

Address of Project: 22 W 22nd Ave
Owner & Address: Dana
Phone: 514 2276

Project Type/Describe Work

Estimated cost of work: \$3655. Start date: _____

Describe project: 22 x 24 garage

Contractor Information – Insurance certificates (liability & workers comp) required being on file

GENERAL

Name/Address: Wade 1800 488 6903
Phone: _____

PLUMBING (City of Batavia Licensed Plumber Required)

Name/Address: _____
Phone: _____

HEATING

Name/Address: _____
Phone: _____

ELECTRICAL (Third Party Electrical Inspection Required)

Name/Address: _____
Phone: _____

FOR OFFICE USE ONLY

Zoning District: _____ Flood Zone: _____ Corner Lot: _____ Historic District/Landmark: _____
Zoning Review: _____ Variance Required: _____ Site Plan Review: _____ Other: _____
National Grid Sign Off (Pools): _____ Lot Size: _____
Existing Use: _____ NYS Building Code Occupancy Class: _____
Proposed Use: _____ NYS Building Code Occupancy Class: _____



Store Home

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Garage Kits

Pergola Kits

Accessory Parts

Main Site

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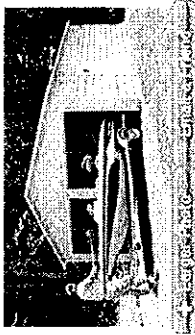
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Side Color

Click to view product details

14 GA or 12 GA

Uncertified or Certified

Anchoring

Garage Door Color

Garage Door on Side

Manual or Automatic Garage Door

Walk in Door

Walk in Door Location

Windows

Windows Location

Foundation Type

Power Available

Free Delivery and Installation

DAVID S. LAMENDOLA
Licensed Land Surveyor
206 East Main Street
Batavia, New York 14020
Phone (585) 344-1331
Fax (585) 343-2691

WILLIAMS STREET (49.5' R.O.W.)

679.50' MEAS. TO
SOUTH STREET LINE
OF ELLCOTT STREET

LOT-15

LOT-14

LOT-13

R/O BARTOSIAK, SOPHIE
LIBER 589, PAGE 284

R/O PONTILLO, JENNIE
LIBER 422, PAGE 983

PARCEL SURVEYED
CONTAINING
0.284 +/- ACRES
LIBER 651, PAGE 267

Wood
Shed
6.2
8.2
5.31'

165.00'
4.26'
10.0
28.1
8.0
4.29' N.
18.0
28.1
16.9
6.7
7.4
Deck
Wood
1 Stry. Wood
House No. 29
Porch
Conc.
27.16'

2.51' S.
Neigh. Wood
Garage

Neigh. Old
Foundation
4.56'
4.05'

Chain Link
1.1' S.
0.9' E.
1.0' S.
0.7' S.
Cor. Wood
1.28' E.
0.47' N.
Ex. I. Pin

6' Wood Fence
4' Ch. Link Fence

R/O FALCONE, JOSEPH JR.
LIBER 563, PAGE 283

R/O MANIACE, SAMUEL
LIBER 344, PAGE 407

LEGEND
● SET IRON PIN
○ EXISTING IRON STAKE

REFERENCES:

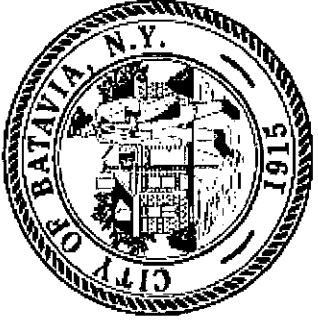
LIBER 327, PAGE 451.
LIBER 390, PAGE 404.
EDWARD C. WALKER SUBDIVISION
FILED AT BOOK 1 OF MAPS PAGE 34.
ALL INTERIOR ANGLES = 90°00'00"

"UNAUTHORIZED ALTERATION OR ADDITIONS
TO A SURVEY MAP BEARING A LICENSED LAND
SURVEYOR'S SEAL IS A VIOLATION OF SECTION
7209, SUB-DIVISION 2, OF THE NEW YORK
STATE EDUCATION LAW."
"ONLY COPIES FROM THE ORIGINAL OF THE
SURVEY MARKED WITH AN ORIGINAL OF THE
LAND SURVEYOR'S EXPOSED SEAL SHALL
BE CONSIDERED TO BE VALID TRUE COPIES."
"CERTIFICATIONS INDICATED HEREON SIGNIFY
THAT THIS SURVEY WAS PREPARED IN ACCORDANCE
WITH THE EXISTING CODE OF PRACTICE FOR LAND
SURVEYING ADOPTED BY THE NEW YORK STATE
ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.
SAID CERTIFICATION SHALL RUN ONLY TO THE
PERSON FOR WHOM THE SURVEY IS PREPARED,
AND ON HIS/HER BEHALF TO THE TITLE COMPANY,
GOVERNMENTAL AGENCY AND LEASING INSTITUTION,
LISTED HEREON, AND TO THE ASSIGNEES OF THE
TRANSFERRABLE TO ADDITIONAL INSTITUTIONS OR
SUBSEQUENT OWNERS."

BOUNDARY SURVEY SHOWING THE PARCEL
TO BE CONVEYED BEING PART OF VILLAGE
LOTS 41 AND 43, DISTINGUISHED AS SUB-
DIVISION LOT NO 14 AND THE SOUTH HALF
OF SUBDIVISION LOT NO. 13 OF THE EDWARD
C. WALKER SUBDIVISION. SITUATE IN THE
CITY OF BATAVIA, COUNTY OF GENESEE AND
STATE OF NEW YORK.
AUGUST 15, 2002 JOB NO. 02-162
SCALE 1" = 20'

N.Y.S.R.L.S. No. 49613

DATE



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Zoning Board of Appeals
From: Doug Randall, Code Enforcement Officer
Date: 12/12/14
Re: 143 Vine St.
Tax Parcel No. 84.035-1-17.1

Zoning Use District: R-2

The applicant, William Graham (owner), has filed an application to construct an 8' x 21'-10 ³/₄" one story addition to the south side of an existing 12' x 21'-10 ³/₄" one story attached garage. A portion of the proposed addition will be located within the required 35' rear yard clear space.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (7).

Review and Approval Procedures:

Zoning Board of Appeals- Pursuant to BMC Sec. 190-49 of the zoning ordinance, the ZBA shall review and act on required variances.

1) Required variances- Area	BMC Sec. 190-29 A. and Schedule I		
	<u>Required</u>	<u>Proposed</u>	<u>Difference</u>
Rear yard clear space (min.)	35'	24.6'	10.4'



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____
Hearing Date/Time: _____

APPLICANT:

Name: JASON HEINEMAN E-Mail Address: _____
Street Address: 3405 TOWNLINE RD Phone: 585 609 5097
City: BATAVIA State: N.Y. Fax: 14020
Zip: _____

STATUS: _____ Owner _____ Agent for Owner _____ Contractor ☒

OWNER:

Name: WILLIAM GRAHAM E-Mail Address: _____
Street Address: 143 VINE ST Phone: 585 219 4233
City: BATAVIA State: NY Fax: 14020
Zip: _____

LOCATION OF PROPERTY: 143 VINE ST

DETAILED DESCRIPTION OF REQUEST: VARIANCE FOR ATTACHED GARAGE

Applicant must be present at the hearing date. Failure to do so will result in the application being discarded. It is the responsibility of the applicant to present evidence sufficient to satisfy the Zoning Board of Appeals that the benefit of the applicant does not outweigh the health, safety, morals, aesthetics and general welfare of the community or neighborhood.

Applicant's Signature _____ Date: 12.12.14

Owner's Signature William J. Graham Date: 12.12.14

To be Filled out by Zoning Officer

TAX PARCEL: 84.035-1-17.1 ZONING DISTRICT: R-2 FLOOD PLAIN: No

TYPE OF APPEAL: ☒ Area Variance
_____ Use Variance
_____ Interpretation
_____ Decision of Planning Committee

FEE: ☒ \$50 (One or Two Family Use)
_____ \$100 (All other Uses)

Provision(s) of the Zoning Ordinance Appealed: BMC 190-29 A and Schedule 12 2014

PAID

CITY OF BATAVIA
CLERK-TREASURER

Criteria to Support Area Variance

In making its determination, the zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, moral, aesthetics and welfare of the neighborhood or community. The Zoning Board of Appeals shall consider the following test, as per §81-b of the General City Law when making its determination:

Explain how the proposal conforms to EACH of the following requirements:

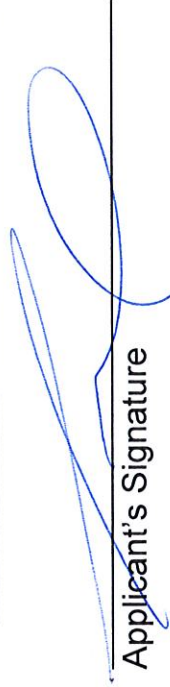
1. **Undesirable Change in neighborhood Character.** The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.
N/D

2. **Alternative Cure Sought.** There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance. N/D

3. **Substantiality.** The requested area variance is not substantial. N/D

4. **Adverse Effect or Impact.** The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community. N/D

5. **Not Self-Created.** The alleged difficulty existed at the time of the enactment of the provision or was created by natural force or governmental action, and was not the result of any action by the owner or the predecessors in title. N/D


Applicant's Signature

12-12-14
Date

CITY OF BATAVIA

BUILDING PERMIT APPLICATION

DATE: 12.9.14APPLICANT NAME & PHONE: BTH Construction 585 409 5097Project Location and Information

Permit #: _____ Fee: _____

Address of Project: 143 VINE STOwner & Address: BILL GRAHAM 143 VINE ST BATAVIAPhone: 585 219 4333Project Type/Describe WorkEstimated cost of work: \$13,500.00Start date: JAN 2015

Describe project:

WALK DOWN PART OF EXISTING GARAGE AND RECONSTRUCT.Contractor Information – Insurance certificates (liability & workers comp) required being on fileGENERALName/Address: JASON HENDERSON 3405 TOWNLINE RD BATAVIAPhone: 585 409 5097PLUMBING (City of Batavia Licensed Plumber Required)

Name/Address: _____

Phone: _____

HEATING

Name/Address: _____

Phone: _____

ELECTRICAL (Third Party Electrical Inspection Required)

Name/Address: _____

Phone: _____

FOR OFFICE USE ONLYZoning District: R-2 Flood Zone: NO Corner Lot: NO Historic District/Landmark: NO

Zoning Review: _____ Variance Required: _____ Site Plan Review: _____ Other: _____

National Grid Sign Off (Pools): N/A Lot Size: 96 x 150Existing Use: Family NYS Building Code Occupancy Class: _____Proposed Use: Same NYS Building Code Occupancy Class: _____

LEAVE THIS SECTION
OF EXISTING WALL FRAME
SAME AS SIDEWALL

8'

12'

REMOVE EXISTING WALL
w/ FLOOR AND SIDEWALL.

3'x4' SUDER

EXISTING CONCRETE
FLOOR

REMOVE EXISTING WALL

LEAVE EXISTING WALL
2x6x9, DISTANCE TO
EXISTING STUDS AND ATTACH NEW
DBL TOP PLATE.

MAN DOOR

10'x7' OND

10'x7' OND

LEAVE AND
REFRAME AS OTHER
EXISTING WALLS

HOUSE

- POSTS 8' O.C.

- 2x8" HDR @ 9'

- 4" CONC. FLOOR w/ FIBER

4' O.C.

- MANUF. TRUSSES 22' BM CHORD w/ 1/2" ON HANG 1/2 PIV

- STEEL ROOF AND SIDEWALLS

- PURLINS/GIRTS @ 2' O.C.

NORTH STREET

LEGEND

● EXISTING IRON PIPE

REFERENCES

EVA A SMITH SUBDIVISION FILED AT BOOK
1 OF MAPS, PAGE 35.

SURVEY MAP NO. 79-101 BY THOMAS F.

DUTTON, L.S., DATED MAY 14, 1979.

SURVEY MAP NO. 03-204 BY DAVID S. LAMENDOLA,
L.S., LAST DATED NOVEMBER 12, 2003

"UNAUTHORIZED ALTERATION OR ADDITIONS
TO A SURVEY MAP BEARING A LICENSED LAND
SURVEYOR'S SEAL IS A VIOLATION OF SECTION
7209, SUB-DIVISION 2. OF THE NEW YORK
STATE EDUCATION LAW."

"ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES."

"CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATION SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS/HER BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATION ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS."

BOUNDARY SURVEY SHOWING THE PARCEL
TO BE CONVEYED BEING PART OF ORIGINAL
VILLAGE LOT NO. 36, DISTINGUISHED AS
SUBDIVISION LOT NO. 47 AND THE EASTERLY
125 FEET OF SUBDIVISION LOT NO. 46 OF
THE EVA A. SMITH SUBDIVISION. SITUATE IN
THE CITY OF BATAVIA, COUNTY OF GENESEE
AND STATE OF NEW YORK.

OCTOBER 23, 2007

SCALE 1" = 30'

JOB NO. 07-315

DATE _____

N.Y.S.R.L.S. No. 50249

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 344-2580 Ext. 5467

DEPARTMENT USE ONLY:

GCDP Referral # _____



*** GENESEE COUNTY ***
PLANNING BOARD REFERRAL

Required According to:

GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N

(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATIONBoard(s) Zoning Board of AppealsAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347 Ext. _____**2. APPLICANT INFORMATION**Name Terry PlattAddress PO Box 338City, State, Zip Batavia, NY 14021Phone (585) 474 - 2122 Ext. _____ Email _____MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia**3. TYPE OF REFERRAL:** (Check all applicable items)

- ☒ Area Variance
☐ Use Variance
☐ Special Use Permit
☐ Site Plan Review

- ☐ Zoning Map Change
☐ Zoning Text Amendments
☐ Comprehensive Plan/Update
☐ Other: _____

- Subdivision Proposal
☐ Preliminary
☐ Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:A. Full Address 316 East Main St.B. Nearest intersecting road Swan St.C. Tax Map Parcel Number 84.058-1-16

D. Total area of the property _____ Area of property to be disturbed _____

E. Present zoning district(s) C-1**5. REFERRAL CASE INFORMATION:**

A. Has this referral been previously reviewed by the Genesee County Planning Board?

☒ NO ☐ YES If yes, give date and action taken _____

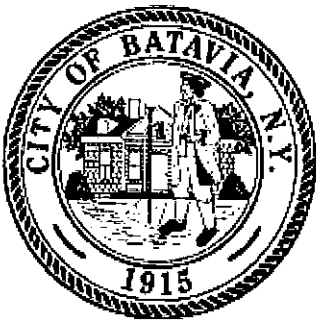
B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

BMC 190-33DC. Please describe the nature of this request Approval to install a wooden fence with structural supports, cross members and rails facing the neighboring property.**6. ENCLOSURES** – Please enclose copy(s) of all appropriate items in regard to this referral

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Local application | <input type="checkbox"/> Zoning text/map amendments | <input type="checkbox"/> New or updated comprehensive plan |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Location map or tax maps | <input type="checkbox"/> Photos |
| <input type="checkbox"/> Subdivision plot plans | <input type="checkbox"/> Elevation drawings | <input checked="" type="checkbox"/> Other: <u>Cover letter</u> |
| <input type="checkbox"/> SEQR forms | <input type="checkbox"/> Agricultural data statement | |

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.

Email to planning@co.genesee.ny.us**7. CONTACT INFORMATION** of the person representing the community in filling out this form (required information)Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext. _____Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drrandall@batavianewyork.com



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

To: Genesee County Planning
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 12/11/14

Re: **316 East Main St.**
Tax Parcel No. 84.058-1-16

Zoning Use District: C-1

The applicant, Terry Platt (owner), is requesting approval to install a wooden fence along the west property line with the structural supports, cross members and rails installed facing the neighboring property in violation of the municipal requirement.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (10).

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the boundary of the city; the boundary of a County or State park or other recreation area; **the right of way of a state parkway, thoroughway, expressway, road or highway**; the boundary of county or state owned land on which a public building or institution is situated; the boundary of a farm operation located in an agricultural district (not required for area variances).

Zoning Board of Appeals- Pursuant to BMC Sec. 190-49 of the zoning ordinance, the ZBA shall review and act on required variances.

Required variances- Area

- 1) **BMC 190-33 D. Fences, walls and hedges-** Fences designed to be structurally supported by posts, cross members or rails on one side shall be erected with the posts, cross members or rails on the fence owner's side, and the finished side of the fence on shall face adjacent properties.



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

APPLICANT:

Terry Platt
Name
316 E. main

Plattterry@yahoo.com
E-Mail Address

Street Address

Batavia

City

N.Y.

State

Phone

716-474-2122

Fax

14021

Zip

STATUS:

☒ Owner

___ Agent for Owner

___ Contractor

OWNER:

Terry Platt
Name
P.O. Box 338

Same
E-Mail Address

Street Address

Batavia

City

N.Y.

State

Phone

14021

Fax

14021

Zip

LOCATION OF PROPERTY:

316 E. main, Batavia

DETAILED DESCRIPTION OF REQUEST:

Installed a fence between 316 + 318 and the neighbor at 318 wanted me to keep the chain link fence up that I own and said he doesn't care about the good side on his side because he wants the chain fence to stay. We cannot install the boards with the chain fence in the way. I told the neighbor that at any time if he wants me to take chain fence down then I would install a good side for him also.

Applicant's Signature

Date

12/5/14

Owner's Signature

Date

12/5/14

To be Filled out by Zoning Officer

TAX PARCEL: 84.058-1-16

ZONING DISTRICT: C-1

FLOOD PLAIN: NO

TYPE OF APPEAL:

☒ Area Variance

___ Use Variance

___ Interpretation

___ Decision of Planning Committee

FEE: ___ \$50 (One or Two Family Use)

☒ \$100 (All other Uses)

Provision(s) of the Zoning Ordinance Appealed:

BMC 190-33D Structural Supports and cross members or nails shall be located on the installers side with the finish side facing the adjacent prop.

PAID

CITY OF BATAVIA
CLERK-TREASURER

Criteria to Support Area Variance

In making its determination, the zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, moral, aesthetics and welfare of the neighborhood or community. The Zoning Board of Appeals shall consider the following test, as per §81-b of the General City Law when making its determination:

Explain **how** the proposal conforms to EACH of the following requirements:

1. **Undesirable Change in neighborhood Character.** The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.

NO

2. **Alternative Cure Sought.** There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance.

NO

3. **Substantiality.** The requested area variance is not substantial.

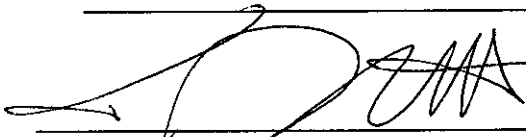
NO

4. **Adverse Effect or Impact.** The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community.

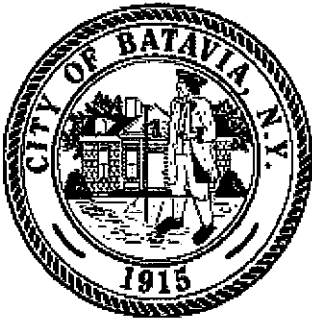
NO

5. **Not Self-Created.** The alleged difficulty existed at the time of the enactment of the provision or was created by natural force or governmental action, and was not the result of any action by the owner or the predecessors in title.

NO


Applicant's Signature

12/9/14
Date



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

To: Genesee County Planning
Planning and Development Committee
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 12/30/14

Re: **438 East Main St.**
Tax Parcel No. 84.016-1-9

Zoning Use District: C-1

The applicant, David Tufts (owner), has filed an application to construct a 3,490 sq.' two story detached two family dwelling that will include 4 indoor parking spaces on the first floor and 2 dwelling units on the second floor. This detached building was previously proposed as an addition to an existing structure and was recommended for approval by the Genesee County Planning Board on 12/11/14; was approved by the City of Batavia Planning and Development Committee on 12/16/14 and the Zoning Board of Appeals on 12/18/14. The proposed building's size, interior layout and exterior appearance will match the previously approved plan with the exception of its detached construction. The new plan places this structure within the clear yard spaces along the south and west property lines. Area variances were previously granted to permit the construction, as proposed, within 5.1' of the west property line and to modify the required off street parking spaces to permit 10 spaces for medical office parking with 6 spaces provided for the residential uses.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (9).

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the boundary of the city; the boundary of a County or State park or other recreation area; **the right of way of a state parkway, throughway, expressway, road or highway;** the boundary of county or state owned land on which a public building or institution is situated; the boundary of a farm operation located in an agricultural district (not required for area variances).

City Planning and Development Committee- Pursuant to section 190-12 A(1) of the zoning ordinance, the Planning and Development Committee shall perform site plan review in compliance with 190-44 for all new buildings proposed within the C-1 limited commercial zoning use district.

Zoning Board of Appeals- Pursuant to BMC Sec. 190-49 of the zoning ordinance, the ZBA shall review and act on required variances.

Required variances- Area

1) BMC Sec. 190-29 A. and Schedule I

	<u>Required</u>	<u>Proposed</u>	<u>Difference</u>
Minimum side yard clear space (south prop. line)	12'	5.1'	6.9'
Minimum side yard clear space (west prop. line)	12'	5.1'	6.9'

Per 190-33 A., This is a corner parcel and all yards adjoining a street are considered front yards.

Definition: 190-3

Side yard- An open, unoccupied space on the same lot with the building, situated between the building and the side lot line, and extending from the front yard to the rear yard.

Side lot line- That lot line not a front lot line or a rear lot line.

Rear lot line- That lot line which is opposite and most distant from the front lot line.

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 344-2580 Ext. 5467

DEPARTMENT USE ONLY:

GCDP Referral # _____



*** GENESEE COUNTY ***
PLANNING BOARD REFERRAL

Required According to:

GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATIONBoard(s) Planning and Development CommitteeAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347 Ext. _____**2. APPLICANT INFORMATION**Name David TuftsAddress 4857 Ellicott St.City, State, Zip Batavia, NY 14020Phone (585) 344 - 1286 Ext. _____ Email _____MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia**3. TYPE OF REFERRAL:** (Check all applicable items)

- ☒ Area Variance
☐ Use Variance
☐ Special Use Permit
☒ Site Plan Review

- ☐ Zoning Map Change
☐ Zoning Text Amendments
☐ Comprehensive Plan/Update
☐ Other: _____

- Subdivision Proposal
☐ Preliminary
☐ Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:A. Full Address 438 East Main St.B. Nearest intersecting road HarvesterC. Tax Map Parcel Number 84.016-1-9D. Total area of the property 15,297.5 sq.' Area of property to be disturbed _____E. Present zoning district(s) C-1**5. REFERRAL CASE INFORMATION:**

A. Has this referral been previously reviewed by the Genesee County Planning Board?

☒ NO ☐ YES If yes, give date and action taken _____

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

BMC 190-29 and Schedule IC. Please describe the nature of this request Approval to construct a 3,490 sq.' two story, two family dwelling with portions located within the side yard setbacks of the west and south side yards.**6. ENCLOSURES** – Please enclose copy(s) of all appropriate items in regard to this referral

- ☒ Local application
☒ Site plan
☐ Subdivision plot plans
☐ SEQR forms

- ☐ Zoning text/map amendments
☐ Location map or tax maps
☒ Elevation drawings
☐ Agricultural data statement

- ☐ New or updated comprehensive plan
☐ Photos
☐ Other: Cover letter

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.
Email to planning@co.genesee.ny.us

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext. _____Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drrandall@batavianewyork.com



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

APPLICANT: D.A. TUFTS Co. dtufts@datufts

Name 1857 ELLICOTT ST. E-Mail Address .com

Street Address BATAVIA Phone 344-1286 Fax 344-2168

City NY State 14020 Zip

STATUS: ☒ Owner ☐ Agent for Owner ☒ Contractor

OWNER: D.A. TUFTS Co.

Name AS ABOVE E-Mail Address

Street Address Phone Fax

City State Zip

LOCATION OF PROPERTY: 438 EAST MAIN ST. BATAVIA

DETAILED DESCRIPTION OF REQUEST: SIDE YARD VARIANCE
ALLOWING 5.1' AT WEST AND SOUTH
YARDS.

Applicant must be present at the hearing date. Failure to do so will result in the application being discarded. It is the responsibility of the applicant to present evidence sufficient to satisfy the Zoning Board of Appeals that the benefit of the applicant does not outweigh the health, safety, morals, aesthetics and general welfare of the community or neighborhood.

David Tufts
Applicant's Signature

12-27-14
Date

David Tufts
Owner's Signature

12-27-14
Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.016-1-9 ZONING DISTRICT: C-1 FLOOD PLAIN: No

TYPE OF APPEAL: ☒ Area Variance ☐ Use Variance ☐ Interpretation ☐ Decision of Planning Committee
FEE: ☐ \$50 (One or Two Family Use) ☒ \$100 (All other Uses)

Provision(s) of the Zoning Ordinance Appealed: BMC 190-29 and Schedule I Sideyard Setback.

Criteria to Support Area Variance

In making its determination, the zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, moral, aesthetics and welfare of the neighborhood or community. The Zoning Board of Appeals shall consider the following test, as per §81-b of the General City Law when making its determination:

Explain how the proposal conforms to EACH of the following requirements:

1. **Undesirable Change in neighborhood Character.** The granting of the variance will not

Currently installed at the west and south property lines is a stockade fence to height of approx. 8' above finish ground floor of building. All entryways and generated activities are located on opposite side of building from variance area. Adjacent property has no closely located structures. Adjacent property is mixed residential rental and medical office use and property to the south is a paved roadway leading to 436 East Main.

2. **Alternative Cure Sought.** There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance.

Shifting the 2 apartments and garages structure to the south reduces the complexity to comply with Building Code of NYS where the common walls occur. Other tried layouts result in project breaking costs for code compliance.

3. **Substantiality.** The requested area variance is not substantial. _____

The 5.1' side yard setback on the south still allows for normal maintenance and is consistent with other properties on Harvester Ave.

4. **Adverse Effect or Impact.** The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community.

When constructed, the addition will provide added shielding of on site activities from neighboring property. Exterior lighting will be limited to the east side of the structure and will not spill onto property adjacent to where variance is requested.

5. **Not Self-Created.** The alleged difficulty existed at the time of the enactment of the provision or was created by natural force or governmental action, and was not the result of any action by the owner or the predecessors in title.

The variances are requested to make economically feasible the purchase, repurposing and development of this deteriorating and vacant building.


Applicant's Signature

12-27-14
Date

339 EAST AVENUE SUITE 205
ROCHESTER, NEW YORK 14604
TEL (617) 714-4250 FAX (617) 767-6433

APARTMENT CONVERSION & ADDITION
438 EAST MAIN STREET
BAYVIEW NEW YORK

PROJECT NUMBER:	DATE:	PROJECT:	PROJECT TYPE:	PROJECT PLAN:
2014-20	01-20-2014	WASH BY	PEACOCK	

5

EAST MAIN STREET (Rm 5433)



A line drawing of a building facade. It features a central entrance with a small porch, flanked by two side wings. The drawing is simple, showing the basic outline and some architectural details like windows and doors.

HARVESTER STREET.

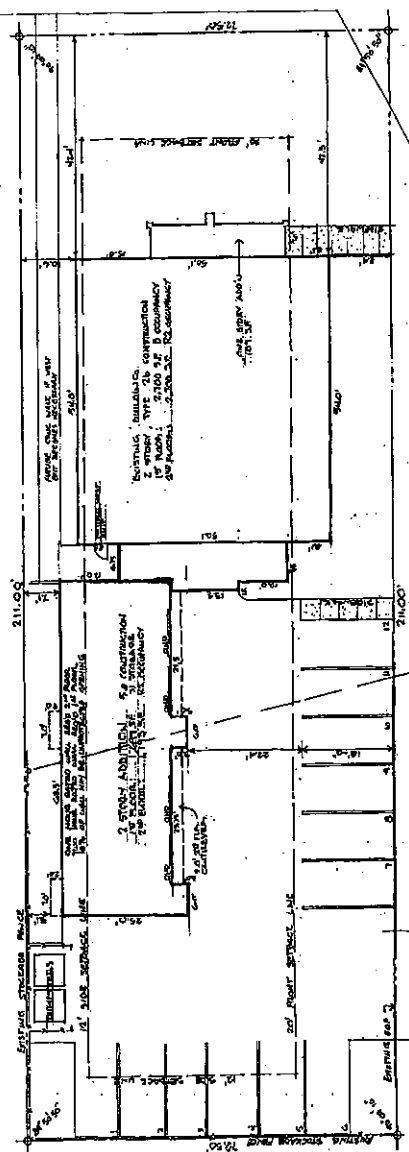
STEEPLAND

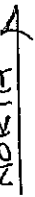
PARKING REQUIREMENTS:

OFFICE (NON-MEDICAL) 2,700 S.F. 15 SPACES
 OFFICE (MEDICAL) 2,700 S.F. 15 SPACES
 ADJUSTMENTS 0 S.F. 0 SPACES
 TOTAL DEAD W/ MEDICAL OFFICES 15 SPACES
 TOTAL DEAD W/ MEDICAL OFFICES 15 SPACES
 TOTAL SPACES PROVIDED 4 INTERIOR + 12 EXTERIOR = 16 SPACES

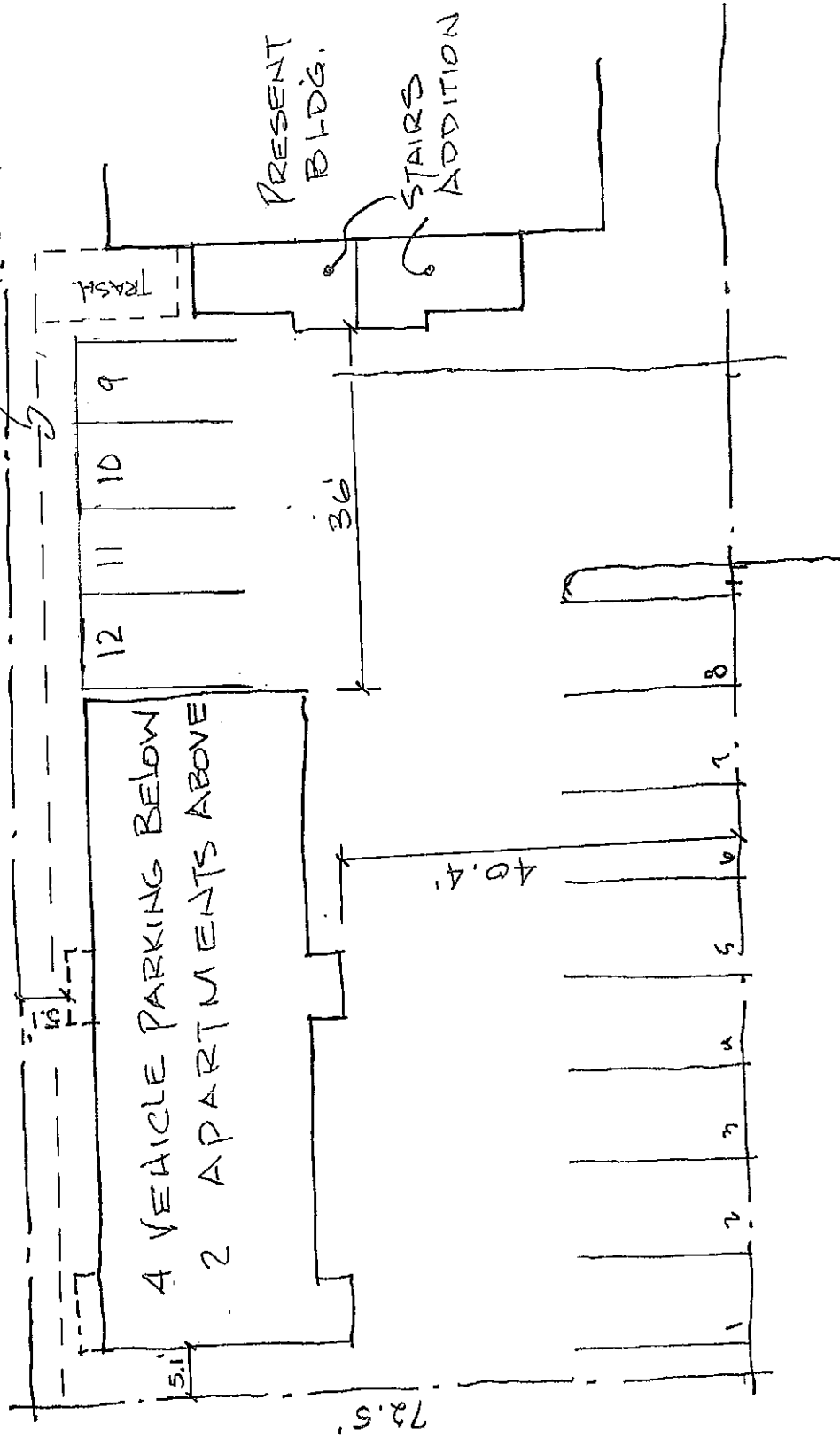
SITE DATA: _____
 SITE AREA: _____ % 15,297.5 SF 15,297.5 SF (100%)
 BUILDING FOOTPRINT (EXISTING): _____
 PROPOSED BUILDING FOOTPRINT (W/OUTLINES) = 4,500 SF (30%)
 PROPOSED BUILDING FOOTPRINT (W/OUTLINES) = 4,062 SF (26.6%)

OCCUPANCY:
FIRST FLOORS (4) INDOOR PARKING SPACES
2700 S.E. BUSINESS OFFICES
SECOND FLOORS (2) BEDROOM APARTMENTS
(2) 2-BEDROOM APARTMENTS

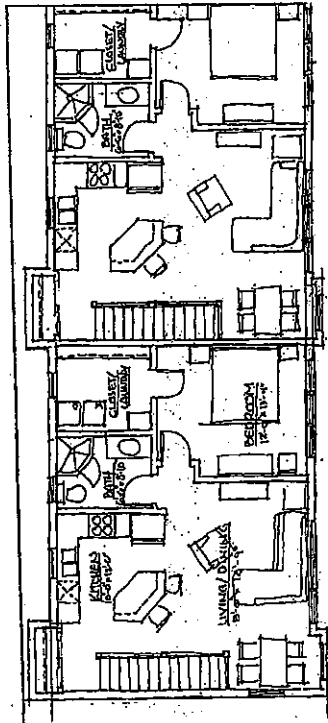


NORTH 

PRESENT RETAINING
WALL & FENCE
TO REMAIN

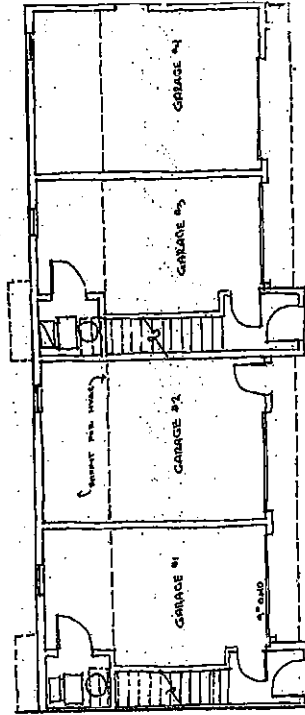


438 EAST MAIN ST.
BATON
SITE PLAN - REVISED
12-26-14

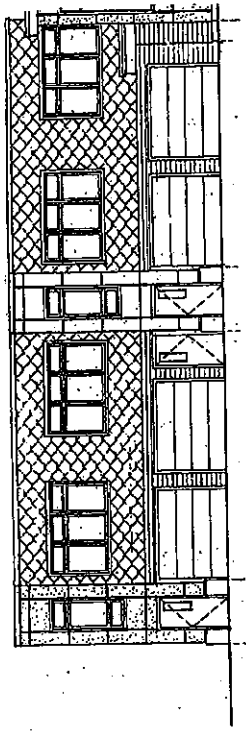


TBD SE
2ND FLOOR PLAN
TBD SE

Two family dwelling



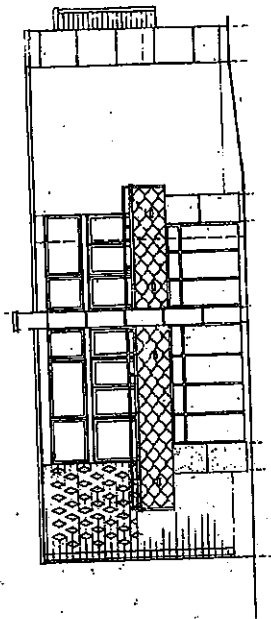
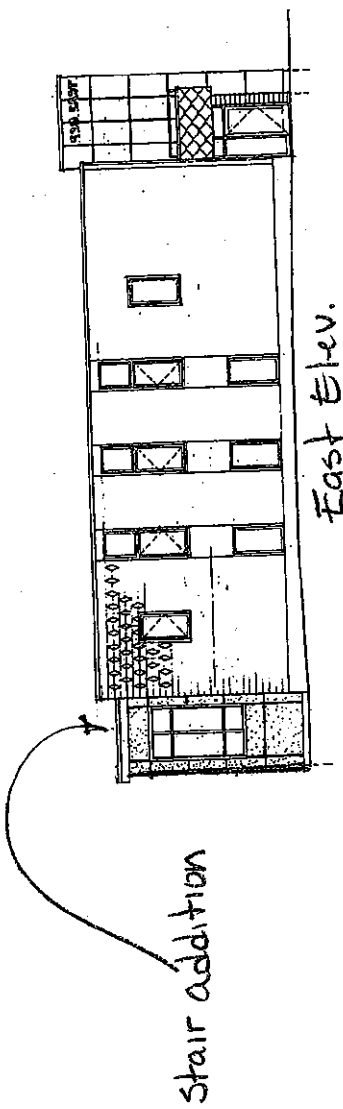
TBD SE
GROUND FLOOR PLAN
TBD SE

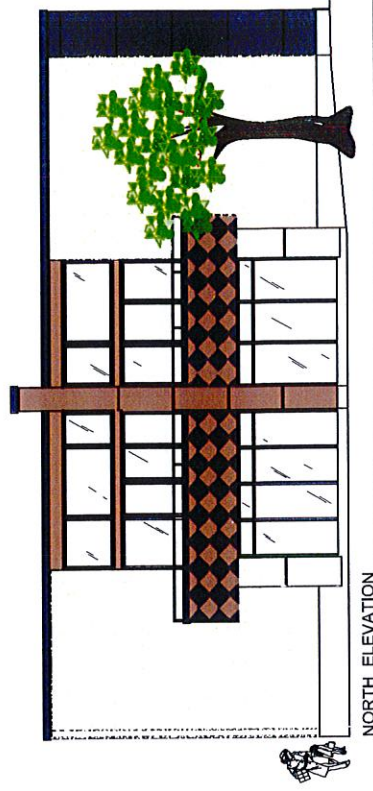
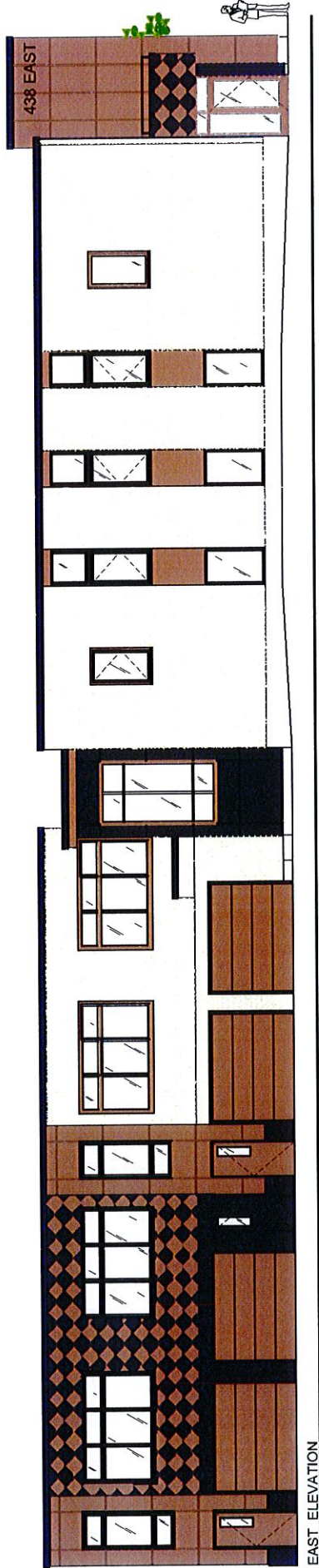


EAST ELEVATION Two Family Dwelling



RANDALL F. PEACOCK, RA ARCHITECT 339 EAST AVENUE, SUITE 205 ROCHESTER, NEW YORK 14604 TEL: (716) 442-1110 FAX: (716) 442-1111		APARTMENT CONVERSION + ADDITION 438 EAST MAIN STREET CATAUGUS, NEW YORK		SHEET NUMBER A-20	
DATE: _____ DRAWN BY: _____ CHECKED BY: _____ DESIGNED BY: _____ PROJECT NO.: _____ ELEVATION: _____		DATE: _____ DRAWN BY: _____ CHECKED BY: _____ DESIGNED BY: _____ PROJECT NO.: _____ ELEVATION: _____		DATE: _____ DRAWN BY: _____ CHECKED BY: _____ DESIGNED BY: _____ PROJECT NO.: _____ ELEVATION: _____	





COMMERCIAL & APARTMENTS BUILDING 438 EAST MAIN STREET BATAVIA, NEW YORK 14020 EXTERIOR FINISHES

GENERAL CONTRACTOR
 D.A. TUFTS CO. INC.
 4857 ELLICOTT STREET RD.
 BATAVIA, NEW YORK 14020

RANDALL F. PEACOCK
 339 EAST AVENUE, STE 205
 ROCHESTER, N.Y. 14604
 ARCHITECT OF RECORD



DRAWING REVISION DATES

EXT-1
 EXTERIOR FINISH
 OPTION COMBINATION 1

DRAWN BY: LTS
 SCALE: 1/8" = 1'-0"
 DATE: DECEMBER 9, 2014

Douglas E. Randall

From: Doris Brackett <doris@brackett.com>
Sent: Monday, January 12, 2015 9:20 PM
To: Douglas E. Randall
Subject: Zoning appeal for 143 Vine St.
Attachments: Drainage.jpg; water.jpg; view.jpg

Dear Mr. Randall and board members,

We live at 44 Columbia Ave. and our property backs up to 143 Vine St. Actually, that property was at one time part of the 44 Columbia lot. Any one living on these 2 streets is aware of a rainwater and snow melt drainage issue. Any building to the north and east of our property has increased the amount of water in our, and the neighboring yards.

We built an addition onto the back of our house in 1979, so the addition faces Vine St. which was very park like at the time. So we are concerned about what we see out of the family room. Our neighbor, William Graham added a large barn like structure to their backyard for storage of lawn equipment, that partially obstructs our view. It is stained a different color than their house and garage.

Now they wish to add on to their garage structure for additional storage. This would almost totally block our view out of our family room windows. My concern is that it would be a different color, structure, and look like a shed, as well as block any view.

Because of the drainage issues, we would be left with more water in my backyard perennial garden.

Perhaps there could be another solution to the snow blower storage?

We would like to turn down that request until these issues could be resolved. I have attached photos of the existing yard.

Thanking you in advance for your consideration.

Doris and Philip Brackett

