

ZONING BOARD OF APPEALS

Thursday, July 28, 2016

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 May 26, 2016 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

A. Request #1

59 Lyon St.

Randy White, owner

Area Variance:

Addition of a driveway to the southeast portion of this property by placing pavers and loose stone to form a 16' wide x 60' long area for parking. This would be in addition to the existing 12' wide asphalt driveway in the northeast portion of this property

- 1. Review application
- 2. Public hearing and discussion
- 3. Action by the board

B. Request #2

62 Bogue Ave.

Brian and Holly Dunning, owners

Area Variance:

Placement of a 4' tall fence parallel to the north and east property lines within 15' of the front property line

- 1. Review application
- 2. Public hearing and discussion
- 3. Action by the board

C. Request #3

28 Trumbull Pkwy.

Jason Forkey, owner

Area Variance:

Widen an existing 13.66' wide asphalt driveway by placing 2.34' of asphalt to the south side of the existing driveway

1. Review application
2. Public hearing and discussion
3. Action by the board

D. Request #4

14 Cherry St.
Eric Wallace, owner

Area Variance: Placement of a 14' x 10' one story wood frame shed in a front yard (woutheast corner) of this corner lot property

1. Review application
2. Public hearing and discussion
3. Action by the board

E. Request #5

2 Redfield Pkwy.
Randy White, owner

Area Variance: Placement of a 12' x 14' one story wood frame shed in a front yard (woutheast corner) of this corner lot property

1. Review application
2. Public hearing and discussion
3. Action by the board

F. Request #6

22 Redfield Pkwy.
Sharon Kubiniec, owner

Area Variance: Placement of a 14' x 18' covered pavilion in the rear yard of this property within the side and rear yard clear spaces

1. Review application
2. Public hearing and discussion
3. Action by the board

G. Request #7

4 Allanview Dr.
James Peruzzini, owner

Area Variance: Placement of a 12' x 16' one story wood frame shed in a side yard (north side) of this corner lot property

1. Review application
2. Public hearing and discussion
3. Action by the board

VII. Setting of Next Meeting: August 25, 2016

VIII. Adjournment

ZONING BOARD OF APPEALS
Draft Minutes
Thursday, May 26, 2016
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

Members present: *Nicholas Harris, Lee Hyatt, Deborah Kerr-Rosenbeck, Sandra Licata, Paul McCarthy*

Members absent: Emma Morrill

Others present: Meg Chilano – Clerk, Doug Randall – Code Enforcement Officer

I. Roll Call

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

II. Call to Order

Mr. McCarthy called the meeting to order at 6:02 pm.

III. Pledge of Allegiance

IV. Approval of Minutes

MOTION: Ms. Kerr-Rosenbeck moved to approve the minutes as written; the motion was seconded by Mr. Hyatt, and on roll call, was approved 5-0.

RESULT: Approval of April 28, 2016 minutes.

V. Zoning Board of Appeals statement

Mr. McCarthy explained the role of the Zoning Board of Appeals and the procedures it follows.

VI. Variance Requests

- A. Area Variance: Placement of a 6' tall privacy fence 12.25' west of the east property line on this corner lot parcel

Address: 124 East Avenue

Applicant: James Pacino, owner

- Actions:
1. Review application
 2. Public hearing and discussion
 3. Action by the board

1. Review Application

Dr. Licata, acting as Vice Chair, read the proposal summary for the board. Mr. McCarthy reported that the Genesee County Planning Board recommended approval of this variance.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Ms. Kerr-Rosenbeck, and on roll call, was approved 5-0.

RESULT: Public hearing opened at 6:07 pm.

Mr. Pacino told the board that he wanted to put the fence even with his house and noted that by placing it in this position, the meter and wires would be avoided. He also pointed out that the fence would not obstruct the view of the street or the corner lot.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Ms. Kerr-Rosenbeck, and on roll call, was approved 5-0.

RESULT: Public hearing closed at 6:11 pm.

Ms. Kerr-Rosenbeck and Mr. Harris agreed that the fence would not obstruct vision in any way.

Mr. McCarthy asked if the purpose of the fence is for privacy and Mr. Pacino explained the he has small grandchildren he would like to keep safe inside the fence.

There was no one else present who wished to speak and no calls or correspondence.

3. Action by the Board

Mr. McCarthy 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
- Self-created: no

MOTION: Ms. Kerr-Rosenbeck moved to approve the variance as requested with 60 days to obtain the permit. The motion was seconded by Dr. Licata, and on roll call, was approved 5-0.

RESULT: Approval of Area Variance

B. Area Variance: Placement of a 6' tall vinyl privacy fence parallel to the west property line within 15' of the front property line

Address: *10 LaCrosse Avenue*

Applicant: Richard and Betty Ahl, owners

Actions: 1. Review application
 2. Public hearing and discussion
 3. Action by the board

1. Review Application

Dr. Licata read the summary of the proposal.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 5-0.

RESULT: Public hearing opened at 6:12 pm.

Mrs. Ahl stated that the fence was already in place 48 years ago when she and her husband purchased the property. She said that 23 years ago they were granted a variance to install a new fence. The fence is deteriorating and now needs to be replaced. Mr. and Mrs. Ahl would like to replace the existing fence with a vinyl one.

Dr. Licata asked about the height of the fence. Mrs. Ahl said that they would like the new fence to be as maintenance free as possible and vinyl fences only come in 6' high panels.

Mr. Hyatt asked if the neighbor has experienced difficulty when backing out of his driveway. Mrs. Ahl answered that the fence is back far enough that it does not obstruct the view.

Mr. McCarthy reported that the Genesee County Planning Board took no action on the variance request.

There was no one else present who wished to speak and no calls or correspondence.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Dr. Licata, and on roll call, was approved 5-0.

RESULT: Public hearing closed at 6:17 pm.

Mr. Hyatt asked about amount of distance between the pavement and the fence. Mrs. Ahl answered that it is 15' from the pavement to the fence. Mrs. Ahl noted that when the last variance was granted the board set the condition that the fence must be 15' back from the pavement.

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

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not substantial; there is already a fence in the same place
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

3. Action by the Board

MOTION: Mr. McCarthy moved to approve the variance with 60 days to obtain the permit. The motion was seconded by Ms. Kerr-Rosenbeck, and on roll call, was approved 5-0.

RESULT: Approval of Area Variance

C. Area Variance: Construction of a pressure treated wood frame deck in the rear yard within the rear yard clear space

Address: 2 Madison Avenue

Applicant: Donald H. Morris, agent for the owner

- Actions:
1. Review application
 2. Public hearing and discussion
 3. Action by the board

1. Review Application

Dr. Licata read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Dr. Licata, and on roll call, was approved 5-0.

RESULT: Public hearing opened at 6:22 pm.

Mr. Morris was unable to attend the meeting. Mrs. Morris explained that the resident of the property needs a ramp in order to come home from the nursing home; she has a broken leg and must use a walker.

There was no one else present who wished to speak and no calls or correspondence.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Ms. Kerr-Rosenbeck, and on roll call, was approved 5-0.

RESULT: Public hearing closed at 6:24 pm.

3. Action by the Board

Mr. McCarthy pointed out that the ramp extends quite a distance into the yard but noted that the slope must comply with ADA regulations. He observed that according to the application, the ramp will not be attached to the house.

Mr. McCarthy 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
- Self-created: no

MOTION: Dr. Licata moved to approve the variance as written with 60 days to obtain the permit. The motion was seconded by Ms. Kerr-Rosenbeck, and on roll call, was approved 5-0.

RESULT: Approval of Area Variance

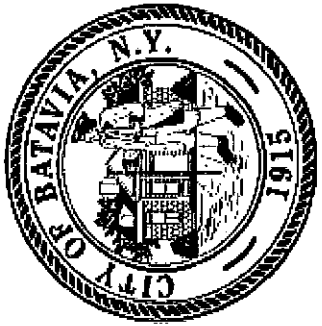
VII. New Business: none

VIII. Setting of Next Meeting: June 30, 2016

IX. Adjournment

Mr. McCarthy moved to adjourn the meeting at 6:31 pm; Dr. Licata seconded. All voted in favor.

Meg Chilano
Bureau of Inspection Clerk



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: 5/25/16

Re: 59 Lyon St.
Tax Parcel No. 84.006-3-3

Zoning Use District: R-1A

The applicant, Randy White (owner), has applied for a permit to add a driveway to the southeast portion of this property by placing pavers and loose stone to form a 16' wide x 60' long area for parking. This would be in addition to the existing 12' wide asphalt driveway in the northeast portion 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) (13).

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 right of way of a state road or highway.

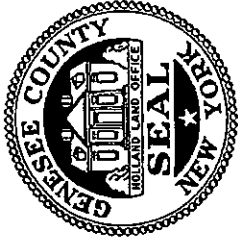
City Planning and Development Committee- Pursuant to section 190-49 C. of the zoning ordinance, the Planning and Development Committee shall review and make recommendations to the ZBA for applications that include parking variances.

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

EMC Sec. 190-39 E (1) The width of driveways shall not exceed 25% of the lot frontage.

	Permitted	Proposed	Difference
Driveway width	18.75' (25%)	29' (38.6%)	10.25' (13.6%)



**GENESEE COUNTY PLANNING BOARD
ZONING REFERRALS NOTICE OF FINAL
ACTION**

GCDP Referral ID C-13-BAT-6-16
Review Date 6/16/2016

Municipality

Board Name

Applicant's Name

Referral Type

Variance(s)

Description:

BATAVIA, C.

ZONING BOARD OF APPEALS

Randy White

Area Variance(s)

Area Variance to add a second driveway to an existing single-family home.

Width of Driveway

Maximum allowed: 25% of lot frontage (18.75 ft.)

Existing: 17% (12.5 ft.)

Proposed: 38.6% (29 ft.)

Location

Zoning District

59 N. Lyon St., Batavia

Residential (R-1A) District

PLANNING BOARD DECISION

APPROVAL WITH MODIFICATION(S)

EXPLANATION:

The required modification is that the applicant merge the two parcels into one. Given that a neighboring property also has two driveways in the manner proposed, with the required modification the proposed driveway should pose no significant county-wide or inter-community impact.

Director

June 16, 2016

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.

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) INFORMATION

Board(s) Zoning Board of Appeals

Address One Batavia City Centre

City, State, Zip Batavia, NY 14020

Phone (585) 345 - 6347 Ext. _____

Name Randy White

Address 59 Lyon St.

City, State, Zip Batavia, NY 14020

Phone (585) 409 - 5655 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 59 Lyon St.

B. Nearest intersecting road Richmond Ave.

C. Tax Map Parcel Number 84.006-3-3

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

E. Present zoning district(s) R-1A

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 190-39 E(1)C. Please describe the nature of this request Approval to place an additional driveway on this property in excess of the total driveway width permitted.**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 drandall@batavianewyork.com

**THE CITY OF BATAVIA
PLANNING & DEVELOPMENT COMMITTEE
ZONING RECOMMENDATIONS**

Meeting Date: 7/19/16

Applicant's Name	Randy White
Location	59 Lyon St.
Zoning District	R-1A
Referral Type	PDC Recommendation
Variance(s)	Area Variance
Description	Addition of a driveway to the southeast portion of this property by placing pavers and loose stone to form a 16' wide x 60' long area for parking. This would be in addition to the existing 12' wide asphalt driveway in the northeast portion of this property.

PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION

DISAPPROVAL

The problem is self-created. There is already a driveway and this space would be used like a parking lot and ruin the residential look of the neighborhood.

The space requested is too great an amount over the maximum allowed.

ZONING BOARD OF APPEALS DECISION

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CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____
Hearing Date/Time: _____

APPLICANT:

Name Randy White N/A
E-Mail Address _____
Street Address 59 N. Lyon St. 409-5655 N/A
City Batavia State NY Phone _____
Zip 14020 Fax _____

STATUS:

☒ Owner _____ Agent for Owner _____ Contractor _____

OWNER:

Name Same as above E-Mail Address _____
Street Address _____ Phone _____ Fax _____
City _____ State _____ Zip _____

LOCATION OF PROPERTY:

59 Lyon St., Batavia

DETAILED DESCRIPTION OF REQUEST:

Add driveway (stone) to
South East corner of my lot.
Size will be 16' wide by 66' long.

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.

Randy White

Applicant's Signature

Date 5/17/16

Randy White

Owner's Signature

Date 5/17/16

To be Filled out by Zoning Officer

TAX PARCEL: 84-006-3-3 **ZONING DISTRICT:** R-1A **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 190-39 E(1) driveway with shall
not exceed 25% of the lot width.

Douglas E. Randall

From: Douglas E. Randall
Sent: Friday, May 27, 2016 1:16 PM
To: 'Felipe Oltramari'
Subject: RE: 59 N Lyon St.

Thanks, we'll have to make that a condition as well

From: Felipe Oltramari [mailto:Felipe.Oltramari@co.genesee.ny.us]
Sent: Friday, May 27, 2016 1:13 PM
To: Douglas E. Randall <DRandall@batavianewyork.com>
Subject: FW: 59 N Lyon St.

Doug,

See below. Looks like he will have to merge the parcels. We'll make that a modification. Have a great weekend.

-Felipe

Felipe A. Oltramari, AICP, CNUa
Director
Genesee County Department of Planning
3837 West Main Street Road
Batavia, NY 14020-9404
Felipe.Oltramari@co.genesee.ny.us
(585) 815-7901
(585) 345-3062 (fax)
On the web at: www.co.genesee.ny.us/departments/planning

From: Brett Frank
Sent: Friday, May 27, 2016 1:09 PM
To: Felipe Oltramari
Subject: RE: 59 N Lyon St.

Hi Felipe,

I just looked into the parcels you referenced below and no these two properties were never officially merged. For the 2016 Roll year they are still listed as two separate parcels 84.006-3-3 (Residence) & 84.006-3-2 (Res. Vacant Land), I also double checked the Parcel history database and there is nothing showing that a merge request was ever filed for these two properties. Please feel free to let me know if you need any other information and I'll be happy to assist.

From: Felipe Oltramari
Sent: Friday, May 27, 2016 12:11 PM
To: Brett Frank
Subject: 59 N Lyon St.

Hi Brett,

I called and was wondering if you could look into a discrepancy we ran into today. The attached survey shows a home at 59 N. Lyon St. in the City on a single parcel, but the tax map shows it as two separate parcels 84.006-3-3 and 84.006-3-2. Were these properties ever officially merged?

Thanks,

-Felipe

Felipe A. Oltramari, AICP, CNUA

Director

Genesee County Department of Planning

3837 West Main Street Road

Batavia, NY 14020-9404

Felipe.Oltramari@co.genesee.ny.us

(585) 815-7901

(585) 345-3062 (fax)

On the web at: www.co.genesee.ny.us/departments/planning

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 it will not create these issues.

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. There are no other cures.

3. **Substantiality.** The requested area variance is not substantial. no it is not.

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 it will not.

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

5/17/16

Date



Permit No. _____
Date: _____

DRIVEWAY AND PARKING SPACE PERMIT
\$10 fee – Please attach Survey / Illustration

APPLICANT:

Randy White

Name 59 N Lyon St E-mail Address 585-409-5655
Street Address _____ Phone _____
Batavia NY 14020
City State Zip

☒ Owner _____ Agent for Owner _____ Contractor _____

OWNER:

Same as Above

Name _____ E-mail Address _____

Street Address _____

Phone _____

City _____

State _____

Zip _____

ADDRESS OF PROPERTY: 59 N Lyon St Batavia NY 14020

DIMENSIONS OF EXISTING DRIVEWAY: Width N/A Length N/A

DIMENSIONS OF NEW DRIVEWAY / ADDITION: Width 16'6" Length 66'

SURFACE MATERIAL: Existing N/A Proposed Stone / Pavers

Randy White
Applicant's Signature

5/17/16
Date

Randy White
Owner's Signature

5/17/16
Date

To be filled out by Zoning Enforcement Officer

TAX PARCEL: _____ ZONING DISTRICT: _____ SURVEY: _____

DIMENSIONS OF LOT: Lot Frontage 75' Front Yard 75'

PERCENTAGE OF LOT FRONTAGE: 38.6% SURFACE MATERIAL: Stone

APPROVED: _____ AREA VARIANCE: ☒ GRADE PLAN: _____

ISSUING OFFICER: _____ DATE: _____

18.75' Permitted
- 29' Proposed.
10.25' Over
25A Reg.

12.5' Existing driveway.
+ 16.5' New/Additional driveway.
29' Total = 38.6%

R/O WEATHERALL, WILLIAM E.
LIBER 840, PAGE 233

Formerly North Line Worth
Liber 419, Page 1125 and
Liber 335, Page 336

Formerly Northeastly Corner
Gerald L. & Margaret P. Worth
Liber 335, Page 336

Drive
On Line
Pin
1.30' SE.
0.12' SW.

R/O KICKBUSH,
ROLLAND G. & CAROL A.
LIBER 356, PAGE 438

R/O JACKSON, MICHAEL
A. & KATHLEEN B.
LIBER 583, PAGE 259

PARALLEL
LOT - 15
PARCEL SURVEYED
CONTAINING
0.539 +/- ACRE
LIBER 824, PAGE 10

LOT - 15

LOT - 14

R/O WIEDRA, JAMES C.
LIBER 849, PAGE 645

LEGEND

● EXISTING IRON STAKE

REFERENCE

HEMAN POMEROY SUBDIVISION FILED
AT BOOK 1 OF MAPS, PAGE 2

"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 8, DISTINGUISHED AS PART OF
SUBDIVISION LOTS 14 AND 15 OF THE
HEMAN POMEROY SUBDIVISION. SITUATE IN
THE CITY OF BATAVIA, COUNTY OF GENESEE
AND STATE OF NEW YORK

MARCH 16, 2009

SCALE 1" = 30'

JOB NO. 09-39

DATE

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

DAVID S. LAMENDOLA
GREGORY W. TOWNSEND
Licensed Land Surveyors
435 East Main Street
Batavia, New York 14020
Phone (585) 344-1331
Fax (585) 343-2691

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

LINE

STREET

Formerly Westerly Line Worth
Liber 419, Pages 1125 & 1127

Parallel To
Lyon Street

Bent Pipe
0.2' NW.

Formerly Easterly Line Worth
Liber 335, Page 336 and
Liber 419, Page 1127

Pipe
0.75' NE.
0.20' NW.

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

LINE

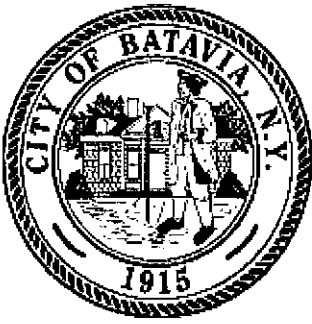
LINE

LINE

LINE

LINE

LINE



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: 6/29/16

Re: 62 Bogue Ave.
Tax Parcel No. 71.017-2-5

Zoning Use District:

The applicant, Brian and Holly Dunning (owners), have filed an application to place a 4' tall fence parallel to the north and east property lines within 15' of the front property line.

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) (13).

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 state owned property.

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 located in residential districts shall not exceed 3' in height above ground when located within 15' of a property line abutting a street.

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) INFORMATION

Board(s) Zoning Board of Appeals

Address One Batavia City Centre

City, State, Zip Batavia, NY 14020

Phone (585) 345 - 6347 Ext. _____

2. APPLICANT INFORMATION

Name Brian and Holley Dunning

Address 62 Bogue Ave.

City, State, Zip Batavia, NY 14020

Phone (716) 560 - 3672 Ext. _____ Email hldunning@hotmail.com

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 62 Bogue Ave.

B. Nearest intersecting road Richmond Ave.

C. Tax Map Parcel Number 71.017-2-5

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

E. Present zoning district(s) R-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 190-33 D

C. Please describe the nature of this request Approval to place a 4' tall fence along the north and east property lines within 15' of the front property line.

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 drandall@batavianewyork.com



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

JUL 22 2016

CITY OF BATAVIA
CLERK-TREASURER

Application No.: 16-13

Hearing Date/Time: _____

APPLICANT: Brian & Holley Dunning

bldunning@hotmail.com

Name

E-Mail Address

62 Bogue Ave

716-560-3672

Street Address

Phone

Fax

Batavia

NY

14020

City

State

Zip

STATUS:

☒ Owner

☐ Agent for Owner

☐ Contractor

OWNER:

Name

E-Mail Address

Street Address

Phone

Fax

City

State

Zip

LOCATION OF PROPERTY:

62 Bogue Ave Batavia NY 14020

DETAILED DESCRIPTION OF REQUEST:

4' fence within 15' of the sidewalk

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

6-27-16

Owner's Signature

Date

6-27-16

To be Filled out by Zoning Officer

TAX PARCEL: 71.017-2-5

ZONING DISTRICT: R-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 190-33 D. Fences in

Res. districts shall not exceed 3' in height above ground when located within 15' of a prop. line abutting a street.

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.

70

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

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.

סח

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

ha

Applicant's Signature

Date _____

6-27-16

DATE: _____

APPLICANT NAME & PHONE: Brian & Helley Dunning**Project Location and Information**

Permit #: _____ Fee: _____

Address of Project: 102 Bogue Ave Batavia NY 14020Owner & Address: SamePhone: 716-560-3672**Project Type/Describe Work**

Estimated cost of work: _____

Start date: _____

Describe project:

Installing fence**Contractor Information – Insurance certificates (liability & workers comp) required being on file****GENERAL**

Name/Address: _____

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

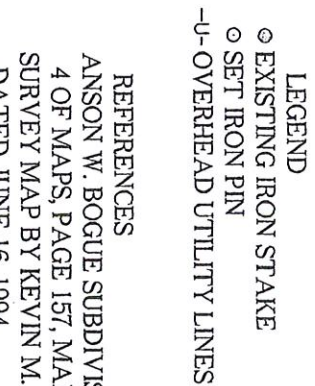
Zoning District: _____ Flood Zone: _____ Corner Lot: _____ Historic District/Landmark: _____

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: _____



REFERENCES
ANSON W. BOGUE SUBDIVISION FILED AT BOOK
4 OF MAPS, PAGE 157, MAP NO. 705
SURVEY MAP BY KEVIN M. O'DONOGHUE, L.S.,
DATED JUNE 16, 1994

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

"ONLY COPIES FROM THE ORIGINAL OF THAT THIS SURVEY WAS PREPARED WITH THE EXISTING CODE OF PRACTICE SURVEYORS ADHERED TO. THE NEW SAID CERTIFICATION SHALL RUN ONLY A PERSON FOR WHOM THE SURVEY IS F AND ON HIS/HER BEHALF TO THE TITLAND ON HIS/HER BEHALF TO THE TITLAND GOVERNMENTAL AGENCY AND LEADERSHIP LISTED HEREON, AND TO THE ASSIGNMENT LEADING INSTITUTION, CERTIFICATION TRANSFERABLE TO ADDITIONAL INSTITUTIONAL SUBSEQUENT OWNERS."

BOUNDARY SURVEY SHOWING
TO BE CONVEYED BEING PART
VILLAGE LOT NO. 3, DISTING
BEING SUBDIVISION LOT NO.
ANSON W. BOGUE SUBDIVISION
IN THE CITY OF BATAVIA, C
GENESEE AND STATE OF NE

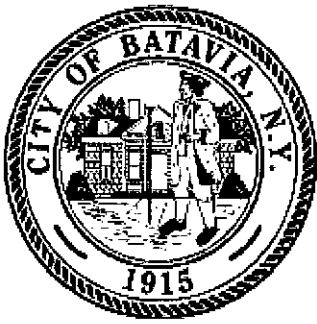
DATE _____

N.Y.S.P.

BOGUE AVE

RICHMOND AVE





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: Planning and Development Committee
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 6/30/16

Re: 28 Trumbull Pkwy.
Tax Parcel No.

Zoning Use District:

The applicant, Jason Forskey (owner), has applied for a permit to widen an existing 13.66' wide asphalt driveway by placing 2.34' of asphalt to the south side of the existing driveway.

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) (13).

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).

City Planning and Development Committee- Pursuant to section 190-49 C. of the zoning ordinance, the Planning and Development Committee shall review and make recommendations to the ZBA for applications that include parking 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

BMC Sec. 190-39 E (1) The width of driveways shall not exceed 25% of the lot frontage.

	<u>Permitted</u>	<u>Proposed</u>	<u>Difference</u>
Driveway width	14' (25%)	16' (28.5%)	2' (3.5%)

**THE CITY OF BATAVIA
PLANNING & DEVELOPMENT COMMITTEE
ZONING RECOMMENDATIONS**

Meeting Date:

Applicant's Name	Jason Forkey
Location	28 Trumbull Pkwy.
Zoning District	R-2
Referral Type	
Variance(s)	Area Variance
Description	Widen an existing 13.66' wide asphalt driveway by placing 2.34' of asphalt to the south side of the existing driveway.

PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION

APPROVAL

Applicant is basically squaring up the driveway, which will not be in front of the house.

ZONING BOARD OF APPEALS DECISION

--

**THE CITY OF BATAVIA
PLANNING & DEVELOPMENT COMMITTEE
ZONING RECOMMENDATIONS**

Meeting Date: 7/19/16

Applicant's Name	Jason Forkey
Location	28 Trumbull Pkwy.
Zoning District	R-2
Referral Type	
Variance(s)	Area Variance
Description	Widen an existing 13.66' wide asphalt driveway by placing 2.34' of asphalt to the south side of the existing driveway.

PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION

APPROVAL

Applicant is basically squaring up the driveway, which will not be in front of the house.

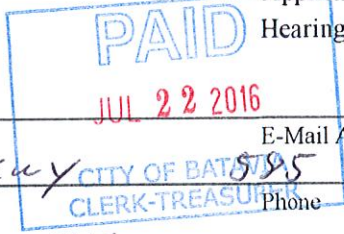
ZONING BOARD OF APPEALS DECISION

--



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 16-14
Hearing Date/Time: _____



APPLICANT: Jason Forkey
Name _____ E-Mail Address _____
28 Trumbull pkwy 585-300-7466
Street Address _____ Phone _____ Fax _____
Batavia NY 14020
City _____ State _____ Zip _____

STATUS: ☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER: Jason Forkey
Name _____ E-Mail Address _____
28 Trumbull pkwy 585-300-7466
Street Address _____ Phone _____ Fax _____
Batavia NY 14020
City _____ State _____ Zip _____

LOCATION OF PROPERTY: The Drive way at 28 Trumbull pkwy

DETAILED DESCRIPTION OF REQUEST: Going to make the driveway
2 foot wider, so the cars don't hit the
retaining wall that already exists

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.

[Signature] 6-27-16
Applicant's Signature Date
[Signature] 6-27-16
Owner's Signature Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.051-2-18 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 190-39 E(1) driveway width
shall not exceed 25% of lot frontage.

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:

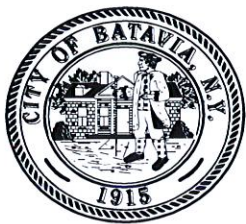
Explain how the proposal conforms to EACH of the following requirements:

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.
IT will help The neighborhood, Less street parking During
The Day, & only cars fit in Driveway TO TIGHT For
TRUCKS, & SUV'S, Campers & Trailers.
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 other way There is a retaining wall
on The South Side OF Driveway, car doors HIT IT
Damage vehicles & wall is starting to lean
3. **Substantiality.** The requested area variance is not substantial.

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.
IT will Have NO Environmental Effect on
The neighborhood
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.
IT was my choice
TO make The Driveway wider

Applicant's Signature

6-27-16
Date



Permit No. _____
Date: _____

DRIVEWAY AND PARKING SPACE PERMIT
\$10 fee – Please attach Survey / Illustration

APPLICANT: Jason Forkey Jason Forkey@yahoo.com
Name E-mail Address
28 Trumbull pkwy 585 300-7466
Street Address Phone
Batavia NY 14020
City State Zip
☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER: Jason Forkey
Name E-mail Address
28 Trumbull pkwy 585-300-7466
Street Address Phone
Batavia NY 14020
City State Zip

ADDRESS OF PROPERTY: 28 Trumbull pkwy

DIMENSIONS OF EXISTING DRIVEWAY: Width 13'8" Length 59'

DIMENSIONS OF NEW DRIVEWAY / ADDITION: Width 16' Length 59'

SURFACE MATERIAL: Existing Black top Proposed Black top (remove & lay new)

[Signature]
Applicant's Signature

6-27-16
Date

[Signature]
Owner's Signature

6-27-16
Date

To be filled out by Zoning Enforcement Officer

TAX PARCEL: 84,051-2-18 ZONING DISTRICT: R-2 SURVEY: _____

DIMENSIONS OF LOT: Lot Frontage 516' Front Yard _____

PERCENTAGE OF LOT FRONTAGE: 28.5% SURFACE MATERIAL: Asphalt

APPROVED: _____ AREA VARIANCE: ☒ GRADE PLAN: _____

ISSUING OFFICER: _____ DATE: _____

14' Permitted
16' Proposed
+ 2' ZBA

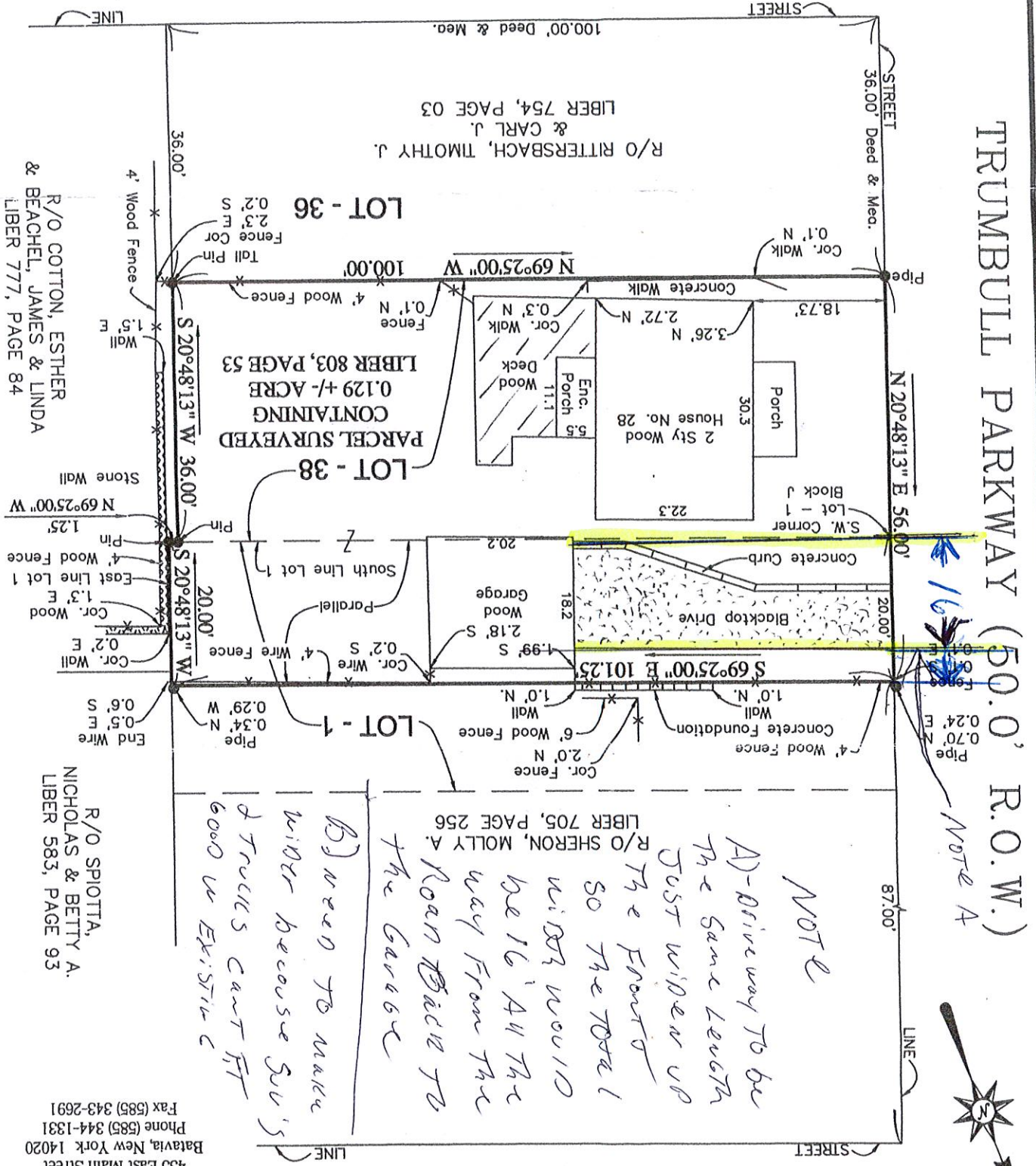
Phone # 585-300-7466

DAVID S. LAMENDOLA
GREGORY W. TOWNSEND
Licensed Land Surveyors
435 East Main Street
Batavia, New York 14020
Phone (585) 344-1331
Fax (585) 343-2691

R/O SPIOTTA,
HOLAS & BETTY A.
SER 583, PAGE 93

A) - Drive way To be
The same length
Just widen up
The Front
So The Total
Width would
be 16' All The
way From The
Roan Bridge To
The Garage

B) Need To make
wider because Su
Trucks cant fit
Good w Existing

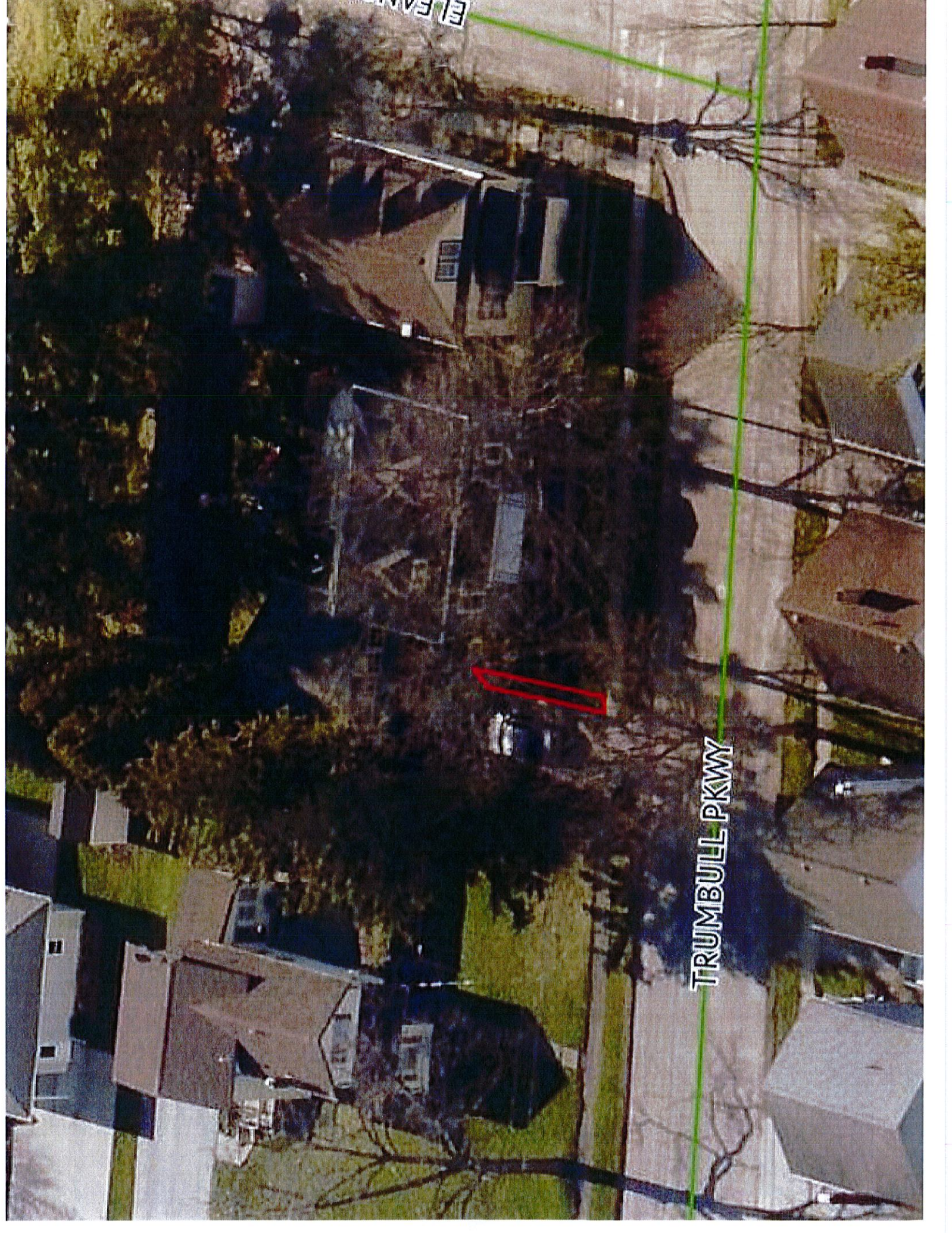


ELEANOR PLACE (40' R.O.W.)

LEGEND
● EXISTING IRON STAKE

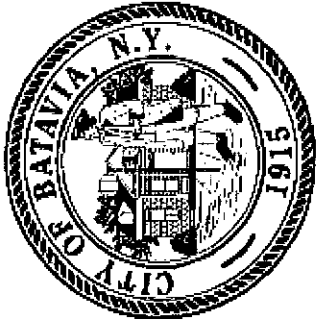
REFERENCES

I, GREGORY W. TOWNSEND, CERTIFY TO:
JASON FORKEY
M & T BANK AND ITS SUCCESSORS AND/OR ASSIGNS



ELEANOR

TRUMBULL PKWY



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: Planning and Development Committee
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 6/30/16

Re: 14 Cherry St.
Tax Parcel No. 84.073-1-21

Zoning Use District: R-2

The applicant, Eric Wallace (owner), has filed an application to place a 14' x 10' one story wood frame shed in a front yard (southeast corner) of this corner lot 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 190-35 D. Accessory buildings are not permitted to occupy space other than a rear yard.
- BMC 190-33 A. Yards on corner lots- Any yard adjoining a street shall be considered a front yard.



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

PAID
JUL 22 2016

Application No.: 16-11
Hearing Date/Time: _____

APPLICANT: ERIC WALLACE ewallace2770@yahoo.com
Name 14 CHERRY ST CITY OF BATAVIA E-Mail Address
BATAVIA CLERK-TREASURER 954-296-6863
Street Address City State NY Zip
Phone 14020
Fax

STATUS: ☒ Owner _____ Agent for Owner _____ Contractor _____

OWNER: ERIC WALLACE ewallace2770@yahoo.com
Name 14 CHERRY ST 954-296-6863 E-Mail Address
BATAVIA NY 14020
Street Address City State Zip
Phone Fax

LOCATION OF PROPERTY: 14 CHERRY ST BATAVIA, NY 14020

DETAILED DESCRIPTION OF REQUEST: PROPERTY IS BORDERED BY THREE STREETS,
REQUESTING TO HAVE A PRE-BUILT SHED ON CORNER OF PROPERTY
CORNER WHERE GARFIELD AVE & CONE STREET MEET. THE SHED WILL
BE PLACED 42 FEET IN FROM GARFIELD AND 21 FEET IN FROM CONE ST.

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.

Eric W. Wallace 6-22-16
Applicant's Signature Date

Owner's Signature _____ Date _____

To be Filled out by Zoning Officer

TAX PARCEL: 84.073-1-21 **ZONING DISTRICT:** R-2 **FLOOD PLAIN:** AA

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 open 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:

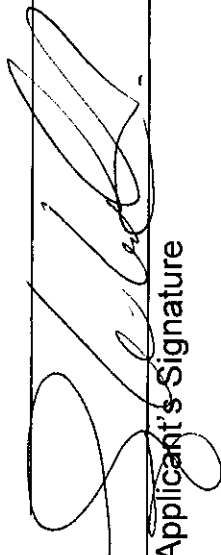
1. **Undesirable Change in neighborhood Character.** The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.
NO

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 ALTERNATIVE

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

6-22-16
Date

CITY OF BATAVIA

BUILDING PERMIT APPLICATION

DATE: 6/22/16
APPLICANT NAME & PHONE: ERIC WALLACE 954-290-6863

Project Location and Information

Permit #: _____ Fee: _____
Address of Project: 14 CHERRY STREET BATAVIA, NY 14020
Owner & Address: ERIC WALLACE 14 CHERRY STREET BATAVIA, NY 14020
Phone: 954-290-6863

Project Type/Describe Work

Estimated cost of work: \$2100 Start date: _____
Describe project:
10'x14' SHED BEING BUILT BY AMISH ON THEIR PROPERTY
AND BEING DELIVERED 3 WEEKS AFTER ORDER DATE
*BUYING PRE-BUILT SHED FROM DOUGLAS FARMS

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

Name/Address: DOUGLAS FARMS
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: R-2 Flood Zone: AH/B Corner Lot: YES Historic District/Landmark: NO
Zoning Review: _____ Variance Required: _____ Site Plan Review: _____ Other: _____
National Grid Sign Off (Pools): N/A Lot Size: 192 x 173
Existing Use: 1 family NYS Building Code Occupancy Class: _____
Proposed Use: same NYS Building Code Occupancy Class: _____

GARFIELD AVE

CONE ST

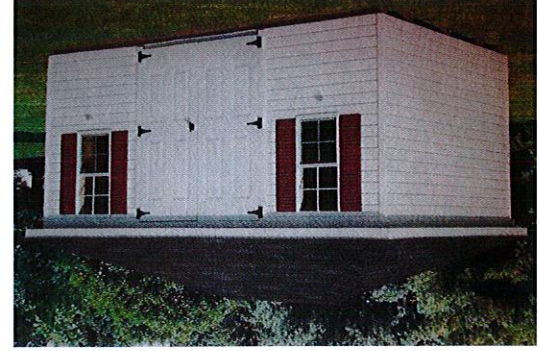
CONE ST



Mini Shed



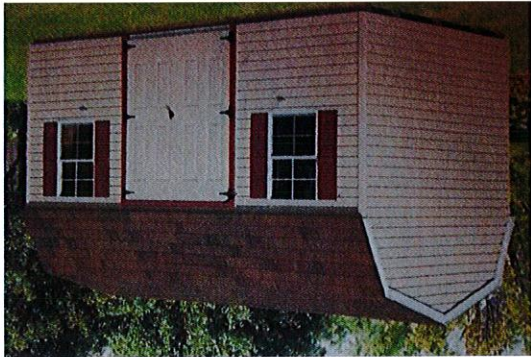
Hip Roof Shed



THE EMPIRE SERIES

w/ Duratemp / Vinyl

Dutch Shed

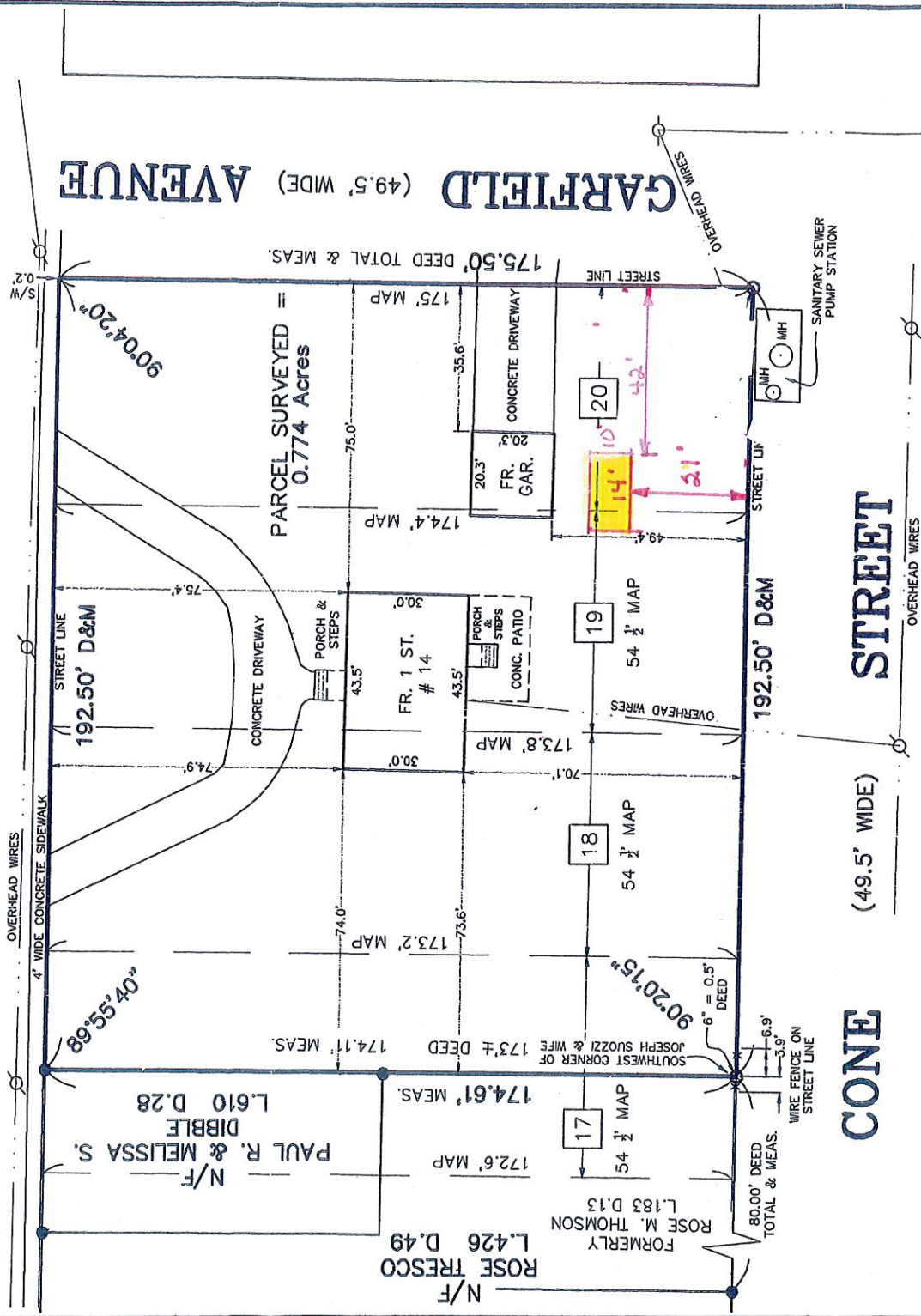


A - Frame Shed



CHERRY STREET (50.0' WIDE)

○ = UTILITY POLE
● = IRON PIN SET
● = IRON PIN/PIPE FOUND
D&M = DEED & MEASURED



- REFERENCES
- 1) MAP OF E. F. & FRANK S. WOOD'S SUBDIVISION BY: DAVID E. MIX FILED: AUGUST 10, 1882 (BOOK 3, PAGE 118, MAP No. 273)
 - 2) DEED TO: FRANK & LORETTA STROGEN L.303 D.15

E.F. & FRANK S. WOOD'S SUBDIVISION
FILED: AUGUST 10, 1882
(BOOK 3, PAGE 118, MAP No. 273)

MAP OF A SURVEY
OF LAND BELONGING TO
THE LORETTA STROGEN ESTATE
BEING PART OF SUBDIVISION LOT 17 AND ALL OF SUBDIVISION LOTS 18, 19 & 20
AS LAID DOWN ON A MAP OF E. F. & FRANK S. WOOD'S SUBDIVISION
ON ORIGINAL VILLAGE LOTS 25 & 27 & MORE
SITUATE IN THE
CITY OF BATAVIA
GENESEE COUNTY, NEW YORK
1" = 40'
AUGUST 9, 2005



I HEREBY CERTIFY
THAT THIS MAP WAS MADE AUGUST 9, 2005 FROM
NOTES OF A SURVEY COMPLETED AUGUST 6, 2005.

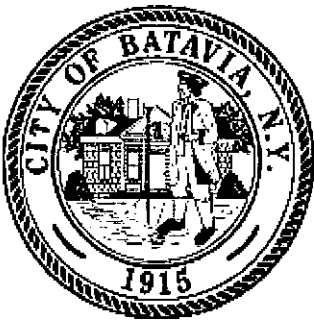
NOTES:
1) UNAUTHORIZED ALTERATION OR ADDITION TO THIS
SURVEY MAP IS A VIOLATION OF SECTION 7209
PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.
2) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT
OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO
ANY STATE OF FACT THAT MAY BE REVEALED BY AN
EXAMINATION OF SUCH.

WELCH & O'DONOGHUE
LAND SURVEYORS, PC
P.O. BOX 669
8713 ROUTE 237
STAFFORD, NEW YORK 14143

PH. (585) 343-5334
FAX 343-5810

JOB No. G05-2948S

KEVIN M. O'DONOGHUE, L.S. No. 49514



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: 6/30/16

Re: **2 Redfield Pkwy.**
Tax Parcel No. 84.

Zoning Use District: R-1

The applicant, Jim Owen (owner), has filed an application to place a 12' x 14' one story wood frame shed in a front yard (southeast corner) of this corner lot 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 190-35 D. Accessory buildings are not permitted to occupy space other than a rear yard.

BMC 190-33 A. Yards on corner lots- Any yard adjoining a street shall be considered a front yard.

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 Jim OwenAddress 2 Redfield Pkwy.City, State, Zip Batavia, NY 14020Phone (585) 343 - 1877 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 2 Redfield Pkwy.B. Nearest intersecting road West Main St.C. Tax Map Parcel Number 84.005-1-52

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

E. Present zoning district(s) R-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 190-35 DC. Please describe the nature of this request Approval to place a 12' x 14' shed in the front yard of this corner lot property.**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



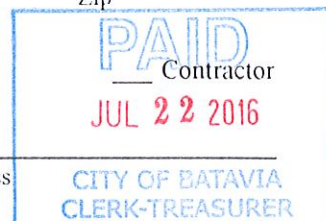
CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 16-16
Hearing Date/Time: _____

APPLICANT: Jim + KATHY OWEN
Name _____ E-Mail Address _____
2 Bedford Pkwy
Street Address _____ Phone _____ Fax _____
Batavia NY 14020
City _____ State _____ Zip _____

STATUS: ☒ Owner _____ Agent for Owner _____

OWNER: Same
Name _____ E-Mail Address _____
Street Address _____ Phone _____ Fax _____
City _____ State _____ Zip _____



LOCATION OF PROPERTY: 2 Bedford Pkwy.

DETAILED DESCRIPTION OF REQUEST: Add an garden shed to side property. Property is surrounded by hedgerow. Shed will be vinyl, and hidden by trees + hedge row.

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.

James P Owen
Applicant's Signature _____
Kathleen A. Owen
Owner's Signature _____

6/30/16
Date _____
6/30/16
Date _____

To be Filled out by Zoning Officer

TAX PARCEL: 84.005-1-52 ZONING DISTRICT: R-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 190-35 D Accessory Bldgs. not permitted in yards other than rear yard.

Criteria to Support Area Variance

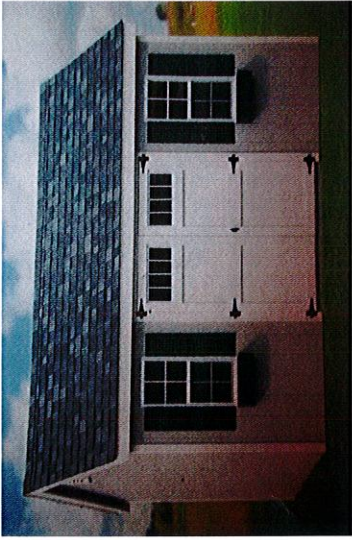
In making its determination, the zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, moral, aesthetics and welfare of the neighborhood or community. The Zoning Board of Appeals shall consider 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:

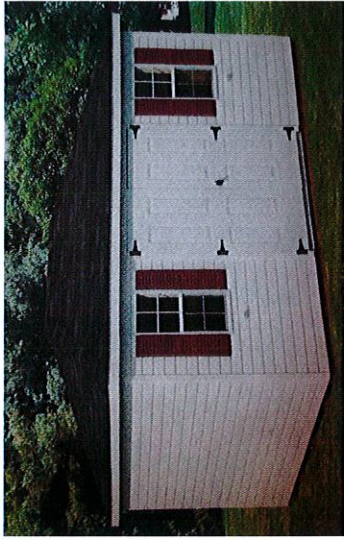
1. **Undesirable Change in neighborhood Character.** The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.
No changes to neighborhood, as the shed will be hidden from them. Set back into the tree area. + property is lined by hedge to approx 6-7' in height.
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. SHED can only be set at that location to meet codes.
3. **Substantiality.** The requested area variance is not substantial. it will not impact the environment or neighbors
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.
Shed will be set back in amongst flower beds + gardens, which is hidden by approx. 6-7' hedgerow of trees.
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 rules were set up by the zoning office that my side yd is called a front yd.

James P. Owen
Applicant's Signature

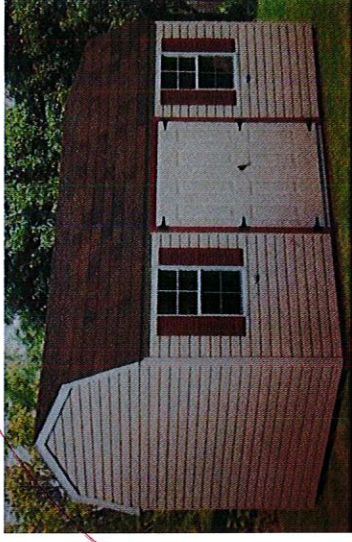
6-30-16
Date



A - Frame Shed



Hip Roof Shed



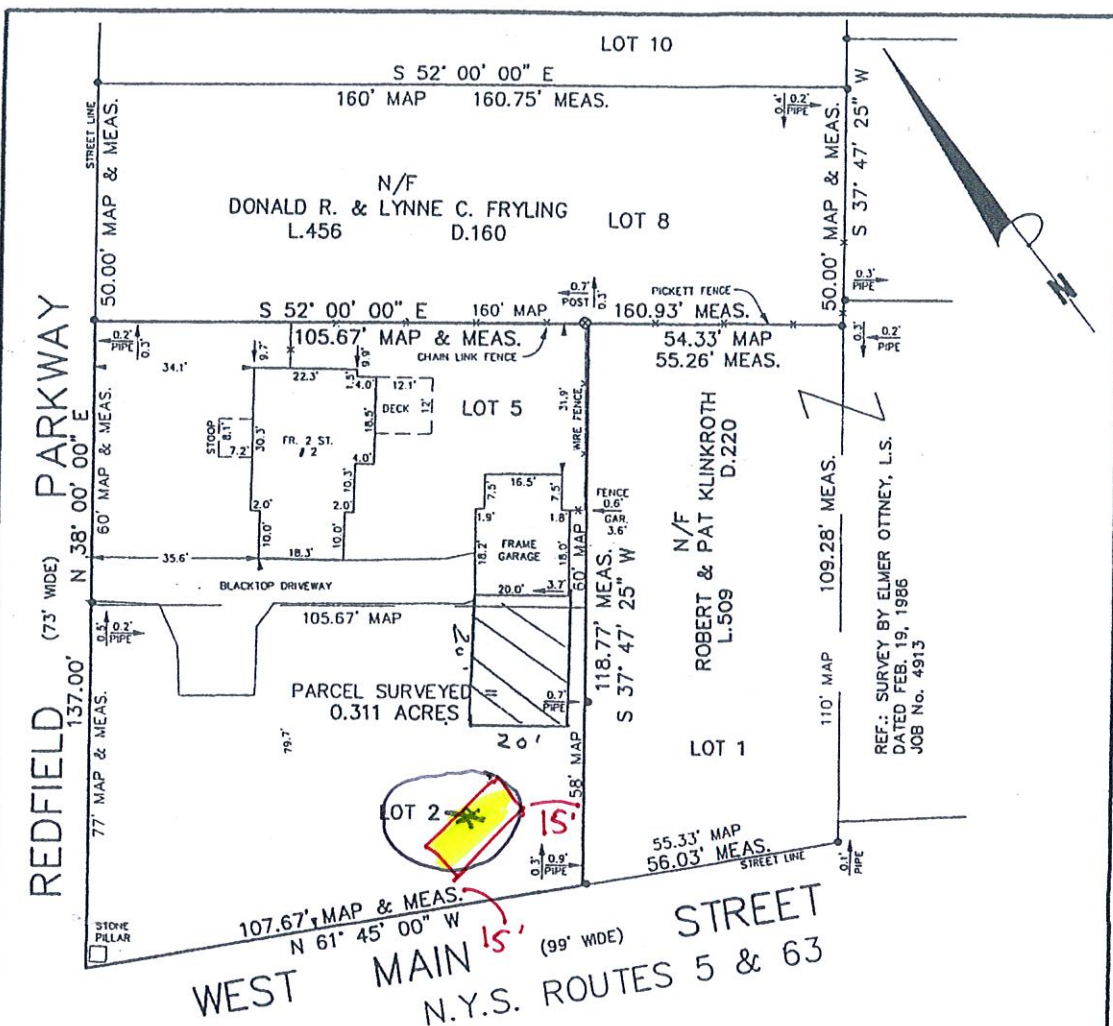
Dutch Shed

THE EMPIRE SERIES

w/ Duratemp / Vinyl



Mini Shed



MAP OF A SURVEY
OF LAND BELONGING TO
JAMES R. & KATHERINE A. OWEN
BEING PART OF ORIGINAL VILLAGE LOT 2 &
BEING LOTS 2 & 5 OF THE WILLIAMS & GARRETT SUBDIVISION
SITUATE IN THE
CITY OF BATAVIA
GENESEE COUNTY, NEW YORK
1" = 30'
JUNE 18, 1998

- = IRON PIPE FOUND
- ⊙ = METAL FENCE POST

~ REFERENCES ~

- 1) GENESEE COUNTRY ABSTRACT COMPANY
ABSTRACT No. 5759
LAST DATED MARCH 5, 1945
- 2) GENESEE COUNTRY ABSTRACT COMPANY
ABSTRACT No. 12,463
LAST DATED MARCH 5, 1945
- 3) MAP OF WILLIAMS & GARRETT SUBDIVISION
DATED AUGUST 16, 1912
FILED: BK.2, PG.84, MAP No.177
- 4) DEED TO OWEN L.565 D.214

KEVIN M. O'DONOGHUE
LAND SURVEYOR
P.O. BOX 669
8713 ROUTE 237
STAFFORD, NEW YORK 14143

PH. (716) 343-5334
FAX 343-5810

I HEREBY CERTIFY
THAT THIS MAP WAS MADE JUNE 18, 1998 FROM
NOTES OF A SURVEY COMPLETED JUNE 16, 1998.

Kevin M. O'Donoghue
KEVIN M. O'DONOGHUE, L.S. No. 049514



JOB No. G98-1824

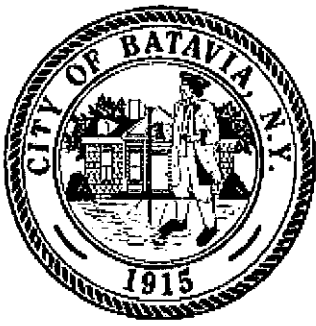
344-1557

343-1877



W-MAIN-ST

REDFIELD PK



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: 6/30/16

Re: 22 Redfield Pkwy.
Tax Parcel No. 84.005-1-58

Zoning Use District: R-1

The applicant, Sharn Kubiniec (owner), has applied for a permit to place a 14' x 18' covered pavilion in the rear yard of this property within the side and rear yard clear spaces.

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 right of way of a state road or highway and the boundary of county or state owned land on which a public building or institution is situated.

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 BMC Sec. 190-29 A. and Schedule I

	<u>Required</u>	<u>Proposed</u>	<u>Difference</u>
Rear yard clear space	35'	20'	15'
Side yard clear space (min)	8'	5'	3'

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 Sharon KubiniecAddress 22 Redfield Pkwy.City, State, Zip Batavia, NY 14020Phone (585) 356 - 2771 Ext. _____ Email sharonkubiniec@gmail.comMUNICIPALITY: ☒ 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 22 RedfieldB. Nearest intersecting road West Main St.C. Tax Map Parcel Number 84.005-1-58

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

E. Present zoning district(s) R-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 A and Sched. IC. Please describe the nature of this request Approval to place a gazebo/pavilion in the rear yard of this property within the rear and side yard clear spaces.**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 drandall@batavianewyork.com



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 16
Hearing Date/Time: _____

APPLICANT: SHARON RUBINIEC SHARON RUBINIEC Q6MAIL
Name E-Mail Address
22 REDFIELD 356-2771
Street Address Phone Fax
BATAVIA N.Y. 14020
City State Zip

STATUS: ☒ Owner _____ Agent for Owner _____ Contractor

OWNER: SHARON RUBINIEC SHARON RUBINIEC Q6MAIL
Name E-Mail Address
22 REDFIELD 356-2771
Street Address Phone Fax
BATAVIA N.Y. 14020
City State Zip

LOCATION OF PROPERTY: 22 REDFIELD BATAVIA N.Y.

DETAILED DESCRIPTION OF REQUEST: VARIANCE REQUEST FOR A
COLEMAN pavilion TO SHADE the SOIL FOR
A SITTING AREA.

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.

[Signature] 6-27-16
Applicant's Signature Date

[Signature] 6-27-16
Owner's Signature Date

To be Filled out by Zoning Officer

TAX PARCEL: 84,005-1-58 ZONING DISTRICT: R-1 FLOOD PLAIN: No

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 190-29 A and Sched. 1

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.
THERE ARE ALREADY PAVILIONS OR GAZEBOS NEXT TO
THE PROPERTY TO THE NORTH AND SOUTH,
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. THE PAVILION IS NEEDED TO CREATE SHADE FOR
THE DIRECT SUNLIGHT FROM THE WEST AND SOUTH
IN THE SEATING AREA
3. **Substantiality.** The requested area variance is not substantial. THE POOL WALL
AND FENCE ARE ON THE LINE. 10' IS NEEDED FROM THE
BACK PROPERTY LINE. AND 5' FROM THE SIDE YARD
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.
THERE IS ALREADY HARDSCAPE IN PLACE AND WATER
WILL NATURALLY FLOW TO THE BACK OF THE PROPERTY
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 AREA WAS THE FLAT
PART OF THE POOL LOCATION - FOR SEATING SPACE
BUT NEEDS SHADE FOR THE DIRECT SUNLIGHT


Applicant's Signature

6-27-14
Date

DATE: _____

APPLICANT NAME & PHONE: SHARON RUBINWITZ 356-2771**Project Location and Information**

Permit #: _____ Fee: _____

Address of Project: 22 Redfield Batavia NY.Owner & Address: SHARON RUBINWITZ 22 Redfield Batavia NYPhone: 356-2771**Project Type/Describe Work**Estimated cost of work: \$15,000 Start date: _____

Describe project:

SHADE NEBOW FOR POOL AREA
18'x14' Pavilion - open with shingled
Roof**Contractor Information** – Insurance certificates (liability & workers comp) required being on file**GENERAL**Name/Address: Schwartz ConstructionPhone: 409-7879**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: _____

photos of pool pavili...

Outdoor Kitchen
Pavilion

Backyard Pool
Cabanas

Pool Pavilion
Designs

Pavilion
Design

Pool
House



View page: homeplacestructures.com
1355 x 907 · jpeg

📌 Pavilions with Outdoor Pools

Once upon a time, a backyard with a giant swimming
— smallbackyardlandscapingideas.com



More
about
this
image

photos of pool pavili...

Outdoor Kitchen
Pavilion

Backyard Pool
Cabanas

Pool Pavilion
Designs

Pavilion
Design

Pool
House

Outdoor
Pavilions



View page: calmwaterpools.com
640 x 460 · jpeg

Gazebos Pergolas Pavilions
Gazebos are great for enjoying a family dinner, readir
— wefixuglypools.com



More about this
image

7 pages with it



SIDE YARD
(NORTH)

EXISTING FENCE

20'

TURF
AROUND

18x14'

PROPOSED
PAVING

GRILL

PAVING
AREA

18'

PAVERS

55'

PAVERS

POOL

PAVERS

PLANTING

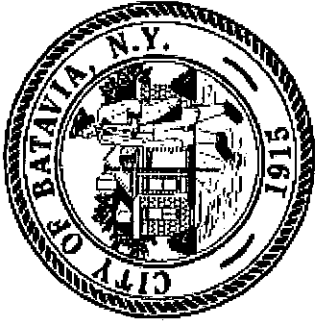
75'

REAR YARD (EAST)

EXISTING
GARAGE

SIDE YARD - (SOUTH)





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: 7/6/16

Re: 4 Allanview Dr.
 Tax Parcel No. 84.012-2-77

Zoning Use District: R-1

The applicant, James Peruzzini (owner), has filed an application to place a 12' x 16' one story wood frame shed in a side yard (north side) of this corner lot 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 1990-35 D. Accessory buildings are not permitted to occupy spaces other than a rear yard.



CITY OF BATAVIA

APPLICATION TO THE ZONING BOARD OF APPEALS

PAID

JUL 22 2016

Application No.: 16-12

Hearing Date/Time: _____

APPLICANT:

Name James Peruzzi James Peruzzi James Peruzzi@yahoo.com

Street Address

4 Allanview Drive

City Batavia State NY Zip 14020

Phone 585-746-7703

Fax _____

E-Mail Address

STATUS:

☒ Owner

____ Agent for Owner

____ Contractor

OWNER:

Name James Peruzzi James Peruzzi James Peruzzi@yahoo.com

Street Address

4 Allanview Drive

City Batavia State NY Zip 14020

Phone 585-746-7703

Fax _____

E-Mail Address

LOCATION OF PROPERTY:

4 Allanview Drive, Batavia

DETAILED DESCRIPTION OF REQUEST:

creat or purchase 12x16 shed
No permanent foundation, no utilities. To be
located on North central area of property.

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.

James Peruzzi
Applicant's Signature

Date

6/22/16

James Peruzzi
Owner's Signature

Date

6/22/16

To be Filled out by Zoning Officer

TAX PARCEL: 84.012-2-77

ZONING DISTRICT: R-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 190-35 D Accessory Bldgs. Not

Permitted in yards other than 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.
No, The shed will no affect any of the above.
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. Correct I have no other space to erect the shed.
3. **Substantiality.** The requested area variance is not substantial. unknown
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. Not self-created.

James H. Perry
Applicant's Signature

6/22/16
Date

CITY OF BATAVIA

BUILDING PERMIT APPLICATION

DATE: 6/22/16APPLICANT NAME & PHONE: James Peruzzini 585-746-7703Project Location and Information

Permit #: _____ Fee: _____

Address of Project: 4 Allanview Drive Batavia, NY 14020Owner & Address: Same as abovePhone: 585-746-7703Project Type/Describe WorkEstimated cost of work: \$2000 Start date: July 2016

Describe project:

Build or Purchase pre-built 12'x16' shed to be placed on grade as a temporary structure. No utilities required.Contractor Information – Insurance certificates (liability & workers comp) required being on fileGENERALName/Address: N/A

Phone: _____

PLUMBING (City of Batavia Licensed Plumber Required)Name/Address: N/A

Phone: _____

HEATINGName/Address: N/A

Phone: _____

ELECTRICAL (Third Party Electrical Inspection Required)Name/Address: N/A

Phone: _____

FOR OFFICE USE ONLYZoning District: R-1 Flood Zone: No Corner Lot: Yes Historic District/Landmark: No

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

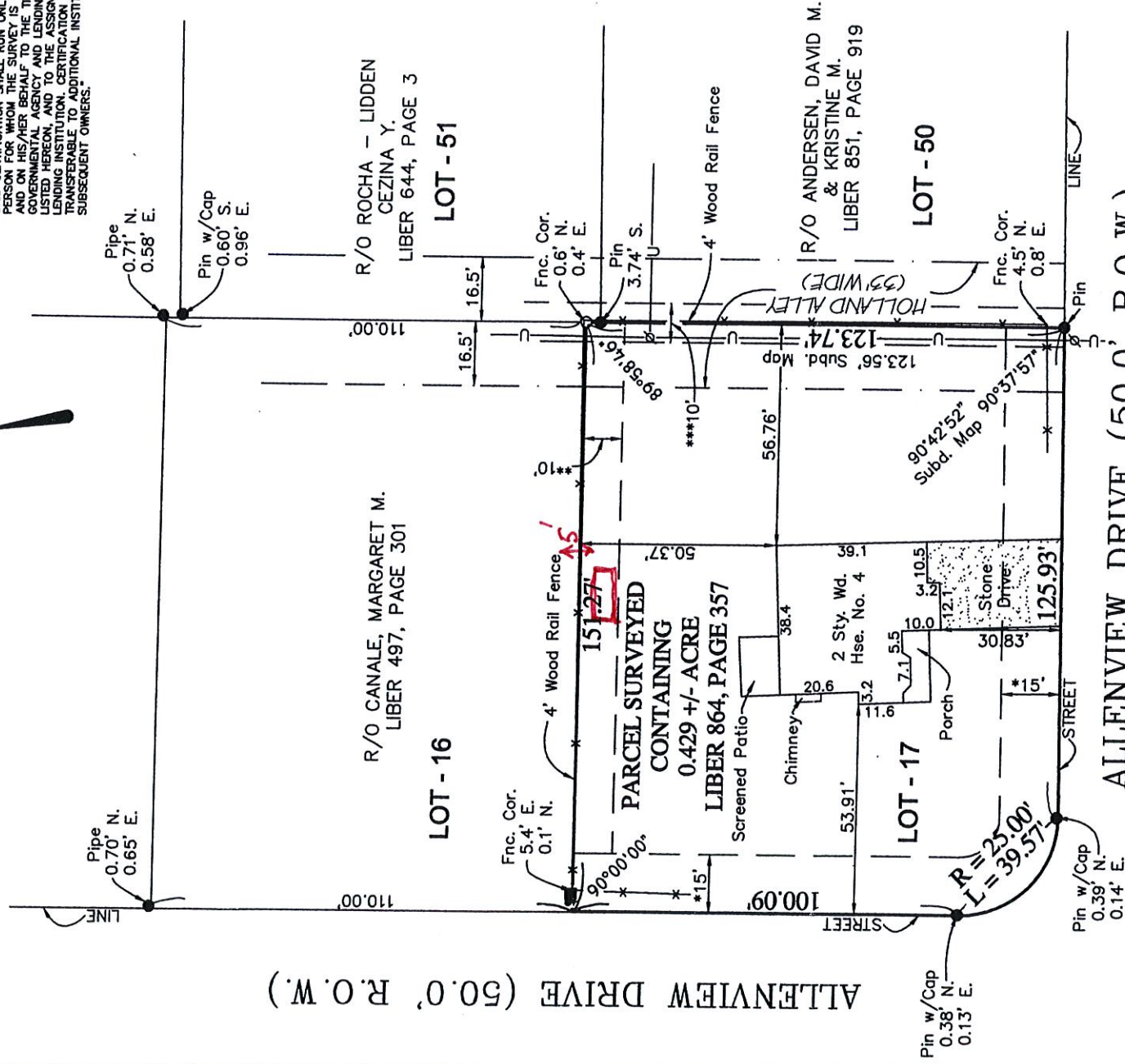
National Grid Sign Off (Pools): NA Lot Size: 100.09 x 151.27Existing Use: 1-family NYS Building Code Occupancy Class: _____Proposed Use: Same NYS Building Code Occupancy Class: _____

I, GREGORY W. TOWNSEND, CERTIFY TO:
BEACON FEDERAL, ITS SUCCESSORS AND/OR ASSIGNS
THE TITLE INSURANCE COMPANY INSURING THE MORTGAGE
PHTERSON, STERN, CALABRESE, NEILANS & SPATORICO, LLP
JAMES H. PERUZZINI AND KELLY M. PERUZZINI
HEATH & MARTIN



"UNAUTHORIZED ALTERATION OR ADDITIONS TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7208, 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 BE VALID 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."

ALLENVIEW DRIVE (50.0' R.O.W.)



- LEGEND
- EXISTING IRON STAKE
 - UTILITY POLE
 - U- OVERHEAD UTILITY LINE
 - ELECTRIC BOX
 - TELEPHONE CABLE MARKER
 - ◆ CABLE T.V. MARKER

REFERENCES
CLINTON GARDENS PART 16 SUBDIVISION
FILED AS MAP NO. 1050
SURVEY MAP NO. B-4338 BY MCINTOSH
& MCINTOSH, L.S., DATED MAY 11, 2001
SURVEY MAP NO. 55725 BY KREHBIEL
ASSOCIATES, L.S., DATED SEPTEMBER
27, 1984

DAVID S. LAMENDOLA
GREGORY W. TOWNSEND
Licensed Land Surveyors
435 East Main Street
Batavia, New York 14020
Phone (585) 344-1331
Fax (585) 343-2691

REFERENCES: (Per Krehbiel Map)
*15' Right Of Way To National Fuel Gas Distribution Corp.
At Liber 483 of Deeds, Page 46
**10 Easement To Niagara Mohawk Power Corp. and New
York Telephone Co. At Liber 484 of Deeds, Page 192
***10' Easement To New York Telephone Co. At Liber 466
of Deeds, Page 861
Easement to American Telephone & Telegraph Co. At Liber
258 of Deeds, Page 542 and Liber 273 of Deeds, Page 429

BOUNDARY SURVEY SHOWING THE PARCEL
TO BE CONVEYED BEING PART OF LOT NO.
48 AND THE WESTERLY PART OF A 33'
WIDE ALLEY BETWEEN VILLAGE LOTS 48
AND 50, DISTINGUISHED AS SUBDIVISION
LOT NO. 17 OF THE CLINTON GARDENS,
PART 16 SUBDIVISION. SITUATE IN THE
CITY OF BATAVIA, COUNTY OF GENESEE
AND STATE OF NEW YORK

SEPTEMBER 28, 2009

SCALE 1" = 40'

JOB NO. 09-223

09/30/09

DATE 09/30/09

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