

ZONING BOARD OF APPEALS

Thursday, August 24, 2017

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 July 27, 2017 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

A. Request #1

2 Verona Ave.

James Basham, owner

Area Variance:

Construction of a shed addition on the south side of the dwelling within the side yard clear space

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

B. Request #2

142 Oak St.

Tom Dickes, owner

Area Variance:

Construction of a 5' x 6' pressure treated wood frame deck with stairs and rails at the front entrance of this single family dwelling. A portion of the deck and stairs is proposed to be located within the front yard clear space

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

C. Request #3

67 Manhattan Ave.

Richard Saunders, owner

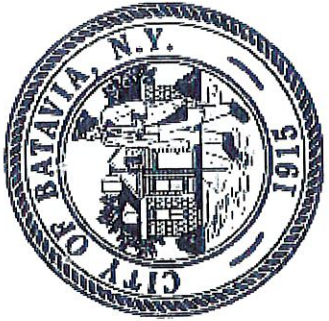
Area Variance:

Placement of a 6' tall fence parallel to the north property line within 15' of the front property line

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

VII. Setting of Next Meeting: September 28, 2017

VIII. Adjournment



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: 6/27/17

Re: 2 Verona Ave.
Tax Parcel No. 84.006-2-43

Zoning Use District: R-1A

The applicant, James Basham (owner), has filed an application to construct a shed addition on the south side of the dwelling within the side 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) (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.

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		
		Required	Proposed	Difference
	Side yard clear space	8'	0'	8'



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

GCDP Referral ID C-20-BAT-7-17
Review Date 7/13/2017

Municipality
Board Name
Applicant's Name

**BATAVIA, C.
ZONING BOARD OF APPEALS**

James Basham

Referral Type
Variance(s)
Description:

Area Variance(s)
Area Variance to build a shed for a single-family residence.

Side Yard Setback
Minimum required: 8 ft.
Proposed shed: 0 ft.

Location
Zoning District

2 Verona Ave., Batavia
Residential (R-1A) District

PLANNING BOARD DECISION

APPROVAL WITH MODIFICATION(S)

EXPLANATION:

The required modification is that the shed be setback at least three feet from the property line in order to allow for maintenance of the shed and yard from within the applicant's property. Neighboring properties exhibit at least 3-foot setbacks for accessory uses. With this required modification, the proposed variance should pose no significant county-wide or inter-community impact.

Director

July 13, 2017

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



*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

DEPARTMENT USE ONLY:

GCDP 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 James Basham
Phone (716) 228 - 2963 Ext. _____ Address 2 Verona Ave.
Email phecbasham@gmail.com City, State, Zip Batavia, NY 14020

MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia

3. TYPE OF REFERRAL: (Check all applicable items)

- ☒ Area Variance ☐ Zoning Map Change
☐ Use Variance ☐ Zoning Text Amendments
☐ Special Use Permit ☐ Comprehensive Plan/Update
☐ Site Plan Review ☐ Other: _____

Subdivision Proposal
☐ Preliminary
☐ Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

A. Full Address 2 Verona Ave.

B. Nearest intersecting road Richmond Ave.

C. Tax Map Parcel Number 84.006-2-43

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 190-29 A. and Schedule I

C. Please describe the nature of this request Approval to place a shed addition on the south side of the dwelling within the side yard clear space.

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 checked="" type="checkbox"/> Site plan | <input type="checkbox"/> Location map or tax maps | <input checked="" 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 drandall@batavianewyork.com

BUREAU OF INSPECTIONS

RE: 2 VERONA AVE

I BELIEVE THEY GOT A HOUSE
SMALL FOR THEM. THEY HAVE 1000
"POUD" WITH FISH, HOCKEY NET, IN

- 16 RICHMOND LARGELY UNOCCUPIED
PARK RESTAURANT AT 16 RICHMOND, BOW

- ALL OF ABOVE & ILLEGAL SITES
NEIGHBORHOOD

- NO RESPECT FOR NEIGHBORS OR

RE	
CITY	JUL
INSPECT	



CITY OF BATAVIA

APPLICATION TO THE ZONING BOARD OF APPEALS

PAID

JUL 21 2017

Application No.: 17-10

Hearing Date/Time: _____

APPLICANT:

JAMES BASHAM CITY OF BATAVIA
CLERK-TREASURER jbasham@gmail.com

Name

2 VERONA AVE

E-Mail Address

(716) 228-2963

Phone

Fax 14020

Street Address

BATAVIA

City

NY

State

STATUS:

☒ Owner

____ Agent for Owner

____ Contractor

OWNER:

SAME AS ABOVE

Name

E-Mail Address

Street Address

Phone

Fax

City

State

Zip

LOCATION OF PROPERTY:

2 VERONA AVE.

DETAILED DESCRIPTION OF REQUEST:

USE EXISTING FENCE/ PROPERTY
LINE FOR SHED AS NO OTHER OPTIONS EXIST

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

6/29/2017

Owner's Signature

Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.006-2-43

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 190-29 A. and Schedule I

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.

IMPROVES THE PROPERTY APPEARANCE

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.

DUE TO PROPERTY LAYOUT NO OTHER ALTERNATIVE EXISTS. AREA WAS PREVIOUSLY USED TO STORE LAWN EQUIPT ETC. AND HAD A TARP WRAPPED OVER FENCE.

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

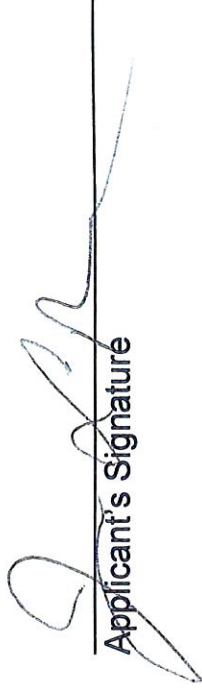
NOT SUBSTANTIAL AS AREA WAS PREVIOUSLY A MESS (PREVIOUS OWNERS) WE LANDSCAPED AND MADE LOOK NICE.

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 IMPROVE THE LOOKS BUT HAVE NO ADVERSE EFFECT.

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


Applicant's Signature

6/20/17
Date

CITY OF BATAVIA BUILDING PERMIT APPLICATION

DATE: 6/12
APPLICANT NAME & PHONE: JAMES BASHAM

Project Location and Information
Permit #: _____ Fee: _____

Address of Project: 2 VERNONA AVE.
Owner & Address: SAME
Phone: (716) 228-2963

Project Type/Describe Work
Estimated cost of work: 3500 Start date: 7/1/17

Describe project:
- SHED USING EXISTING FENCE POSTS
- REPAIR ROOF AFTER APRIL WIND STORM
- RECOVER DECK TREX REPLACES WOOD

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: _____

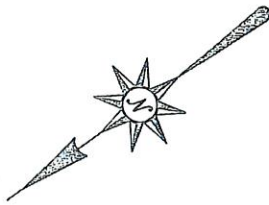
FOR OFFICE USE ONLY

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: _____

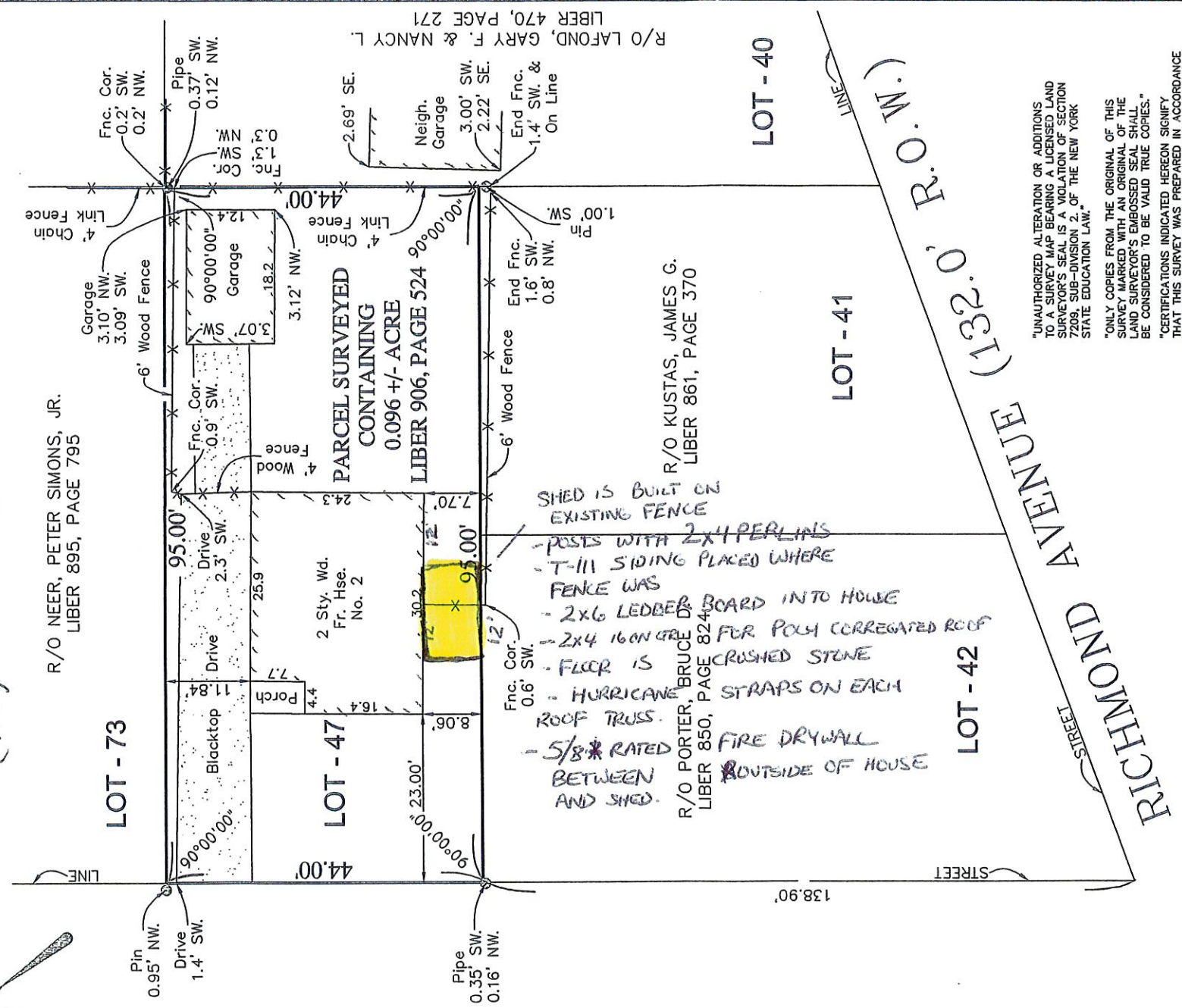


2 Verona

GREGORY W. TOWNSEND
Licensed Land Surveyor
435 East Main Street
Batavia, New York 14020
Phone (585) 344-1331
Fax (585) 219-4313



VERONA AVENUE (40.0' R.O.W.)



"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. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS."

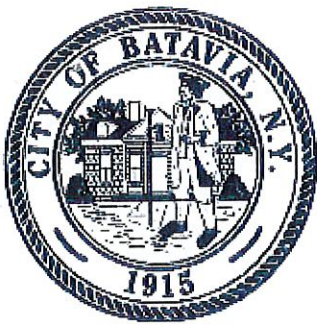
LEGEND
 ☉ EXISTING IRON STAKE

BOUNDARY SURVEY SHOWING THE PARCEL
TO BE CONVEYED BEING LOT 47 OF THE
HOLLAND PARK ADDITION. SITUATE IN
THE CITY OF BATAVIA, COUNTY OF
GENESEE AND STATE OF NEW YORK

REFERENCE
HOLLAND PARK ADDITION SUBDIVISION FILED
AT BOOK 2 OF MAPS, PAGE 71

SEPTEMBER 10, 2015 SCALE 1" = 20'
JOB NO. 15-319

DATE 09/13/00 N.Y.S.R.L.S. No. 50249



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: 7/31/17

Re: 142 Oak St.
Tax Parcel No. 71.018-3-69

Zoning Use District: R-1

The applicant, Tom Dickes (owner), has filed an application to construct a 5' x 6' pressure treated wood frame deck with stairs and rails at the front entrance of this single family dwelling. A portion of the deck and stairs is proposed to be located within the front 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) (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.

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>
Front yard clear space	20'	13.08'	6.92'

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 Tom DickesAddress 142 Oak St.City, State, Zip Batavia, NY 14020

Phone (585) _____ - _____ 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 142 Oak St.B. Nearest intersecting road Cecery Dr.C. Tax Map Parcel Number 71.018-3-69

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

190-29 A and Schedule 1C. Please describe the nature of this request Approval to place a wood frame deck within the front yard clear space.**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.: 17-13
Hearing Date/Time: _____

APPLICANT: Justin Murray
Name 35 Tracy ave
Street Address Batavia
City NY

E-Mail Address _____
Phone 585/585-815-3403
Fax 14020
Zip _____

STATUS: ☐ Owner ☐ Agent for Owner ☒ Contractor

OWNER: Tom Dicker
Name 142 OAK st
Street Address Batavia
City NY

E-Mail Address _____
Phone _____
Fax 14020
Zip _____

LOCATION OF PROPERTY: 142 OAK st

DETAILED DESCRIPTION OF REQUEST: _____

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]
Applicant's Signature

7/24/17
Date

Owner's Signature

Date



To be Filled out by Zoning Officer

TAX PARCEL: 71.018-3-69 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 190-29 A and Schedule 1
The min. req. front yard clear space is 20' and 18' is proposed.

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

7/24/17
Date

DATE: 7/24/17APPLICANT NAME & PHONE: Justin Murray**Project Location and Information**

Permit #: _____ Fee: _____

Address of Project: 142 OAK stOwner & Address: Tom Dickes

Phone: _____

Project Type/Describe WorkEstimated cost of work: 2800Start date: 8-1-17

Describe project:

Deck JOB 6x5**Contractor Information – Insurance certificates (liability & workers comp) required being on file****GENERAL**Name/Address: Justin MurrayPhone: 585-815-3403**PLUMBING (City of Batavia Licensed Plumber Required)**Name/Address: NA

Phone: _____

HEATINGName/Address: NA

Phone: _____

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

Phone: _____

FOR OFFICE USE ONLY

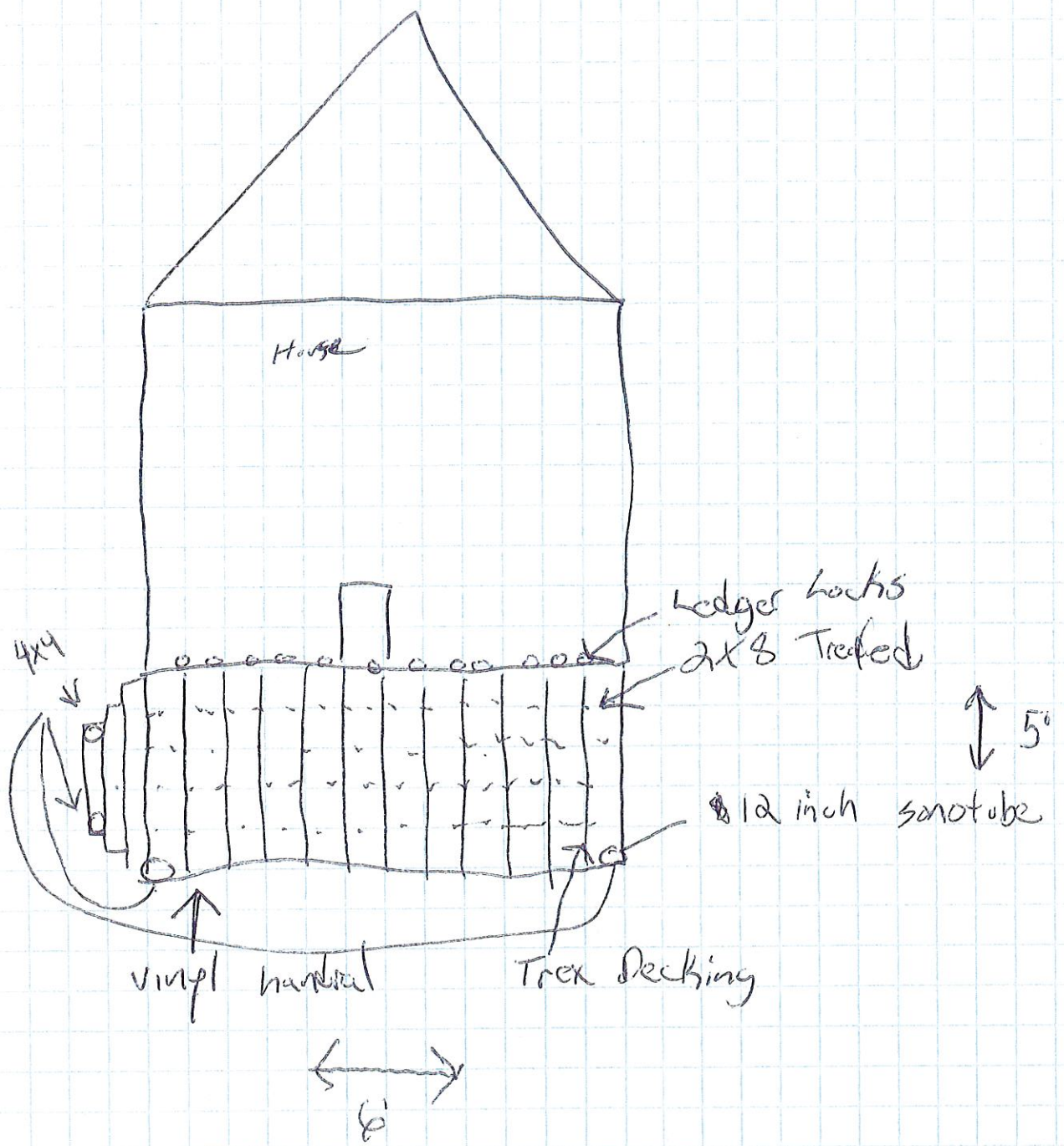
Zoning District: _____ Flood Zone: _____ Corner Lot: _____ Historic District/Landmark: _____

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: _____




Q STREET

NOTE:
NEW IRON STAKES SHOWN THUS: (■)
EXISTING IRON STAKES SHOWN THUS: (○)

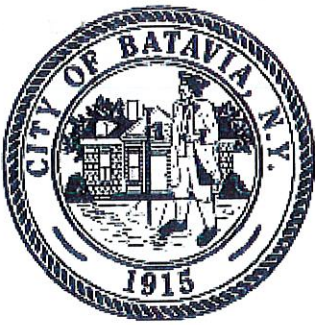
I HEREBY CERTIFY TO THE PARTIES LISTED BELOW
THAT THIS MAP WAS MADE FROM THE NOTES OF AN
INSTRUMENT SURVEY DATED 7-15-1997 AND THAT THE
SURVEY MEETS THE MINIMUM STANDARDS AS SET FORTH
BY THE N.Y.S. ASSOCIATION OF PROFESSIONAL LAND
SURVEYORS

- 1) FLEET MORTGAGE CORP., ITS SUCCESSORS
AND/OR ASSIGNS
- 2) ROBERT F. HUMPHREY, ESQ.
- 3) THOMAS E. DICKES & SANDRA M. DICKES
- 4) STEWART TITLE INSURANCE COMPANY



15 X 17





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: 8/1/17

Re: 67 Manhattan Ave.
Tax Parcel No. 84.035-1-2

Zoning Use District: R-1A

The applicant, Richard Saunders (owner), has filed an application to place a 6' tall fence parallel to the north property line 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:

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.**



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 17-18
Hearing Date/Time: _____

APPLICANT: Richard Saunders

Name 67 Manhattan Ave E-Mail Address _____
Street Address Batavia Phone _____ Fax _____
City NY State 14020 Zip _____

STATUS: ☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER: Richard Saunders

Name 67 Manhattan Ave E-Mail Address _____
Street Address Batavia Phone _____ Fax _____
City NY State 14020 Zip _____

LOCATION OF PROPERTY: 67 Manhattan Ave. Batavia

DETAILED DESCRIPTION OF REQUEST: We would like to install a new 6ft. high white vinyl fence in the same location where we tore down a 6ft. high wood fence which has been there for 40 yrs. This is a 6ft. privacy fence that has been up on a corner lot for a pool

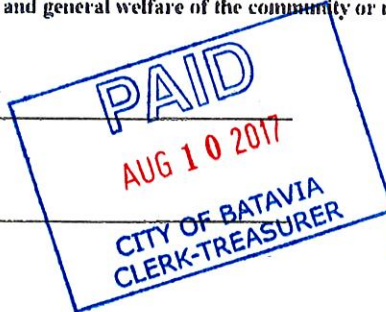
Applicant must be present at the hearing date. Failure to do so will result in the application being discarded. It is the responsibility of the applicant to present evidence sufficient to satisfy the Zoning Board of Appeals that the benefit of the applicant does not outweigh the health, safety, morals,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

Richard Saunders
Applicant's Signature

Date July 20, 2017

Richard Saunders
Owner's Signature

Date July 20, 2017



To be Filled out by Zoning Officer

TAX PARCEL: 84.035-1-2 ZONING DISTRICT: R-1A FLOOD PLAIN: x/0

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 19.0-33 D. Fences shall not exceed 3' above grade when located within 15' of front property line.

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.
The new fence will be in the same location as the old fence was for 40 yrs.
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. This fence is installed right next to concrete pad and the pad ends 3ft. off the unground pad.
3. **Substantiality.** The requested area variance is not substantial.
Fence is a straight line along pad concrete and back to house.
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 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. The fence line and height of fence was granted to previous owners 40 yrs. ago and replaced at least 3 times.

Applicant's Signature

Date

Raksha

July 20, 2017

DATE: May 30, 2017APPLICANT NAME & PHONE: Richard Saunders**Project Location and Information**

Permit #: _____

Fee: _____

Address of Project: 67 Manhattan AveOwner & Address: 67 Manhattan AvePhone: 585-344-0521**Project Type/Describe Work**Estimated cost of work: 2000.00Start date: May 31, 2017

Describe project:

replace fence on North Bryant St. side
possibly concrete wall between neighbor**Contractor Information** – Insurance certificates (liability & workers comp) required being on file**GENERAL**Name/Address: H & S FencePhone: 343-6631**PLUMBING** (City of Batavia Licensed Plumber Required)

Name/Address: _____

Phone: _____

HEATING

Name/Address: _____

Phone: _____

ELECTRICAL

(Third Party Electrician)

Name/Address: _____

Phone: _____

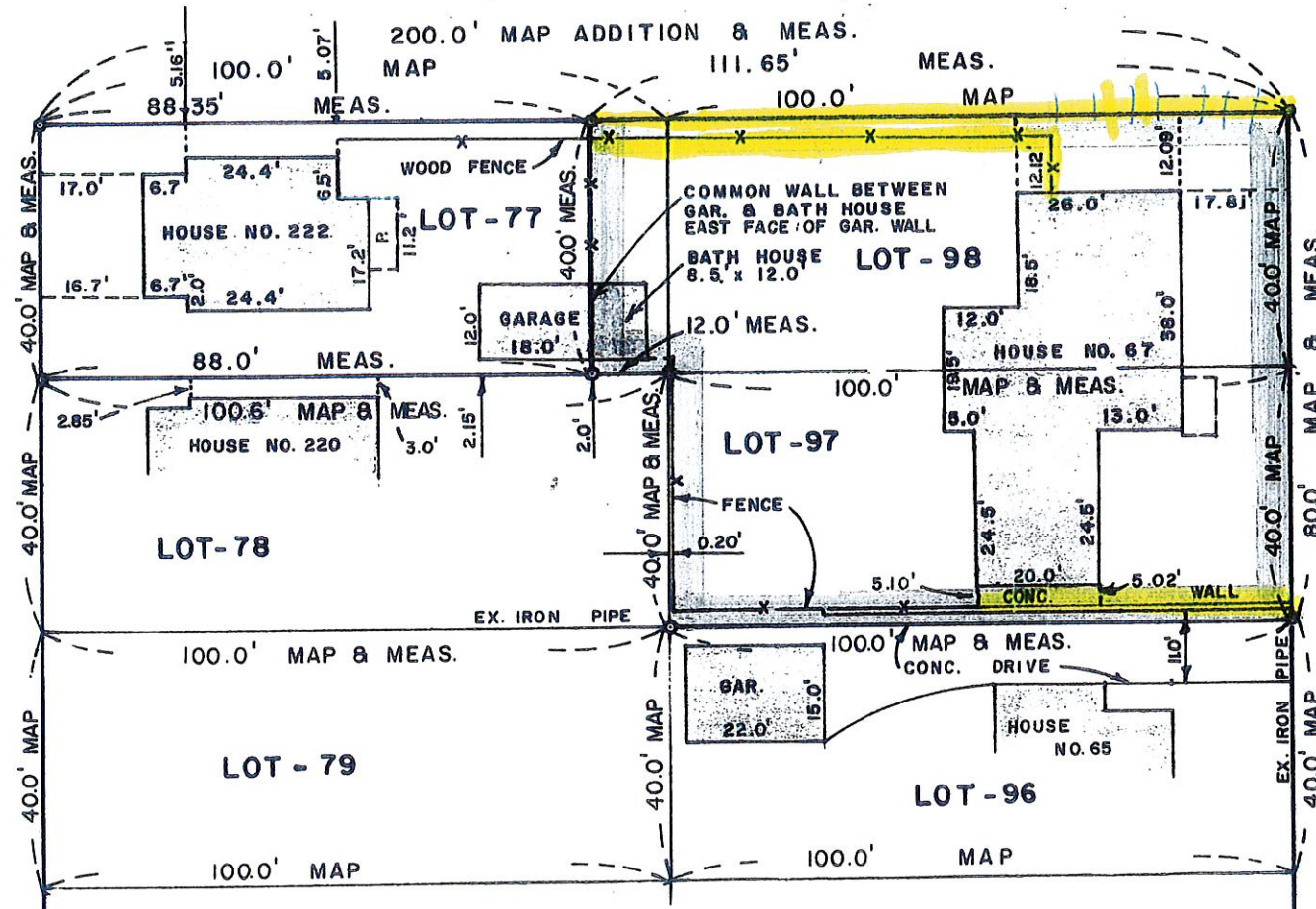
FOR OFFICE USE ONLYZoning District: R-1A Flood Zone: NO Corner Lot: yes Historic District/Landmark: NO

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

National Grid Sign Off (Pools): N/A Lot Size: 80x112Existing Use: Family NYS Building Code Occupancy Class: _____Proposed Use: same NYS Building Code Occupancy Class: _____

Zoning Variance
Reg. Comm
getting app.

The seal is circular with a double-lined border. The outer ring contains the text "STATE OF NEW YORK" at the top and "LICENSED LAND SURVEYOR" at the bottom, separated by small stars. In the center is the State of New York coat of arms, featuring a shield with a plow, a sheaf of wheat, and a rising sun, flanked by a Native American holding a bow and arrow, and a Minuteman. Above the shield is an eagle with wings spread. Below the coat of arms, the text "JOHN E. MCINTOSH, JR." and "No. 42514" is inscribed.



MANHATTAN AVENUE
(40.0' WIDE)

MCINTOSH & MCINTOSH, P.C.

CONSULTING ENGINEERS, LAND SURVEYORS, PLANNERS

LOCKPORT, NEW YORK
PHONE 433-2535

**ALBION, NEW YORK
PHONE 589-9184**

BUFFALO, NEW YORK
PHONE 625-8360

BATAVIA. NEW YORK
PHONE 343-5654

- O - INDICATES SET IRON PIPE UNLESS OTHERWISE NOTED.

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS
SURVEY MAP IS A VIOLATION OF SECTION 7209,
PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

SURVEY OF SUBDIVISION LOTS 77, 97, 98 LINCOLN PARK TRACT

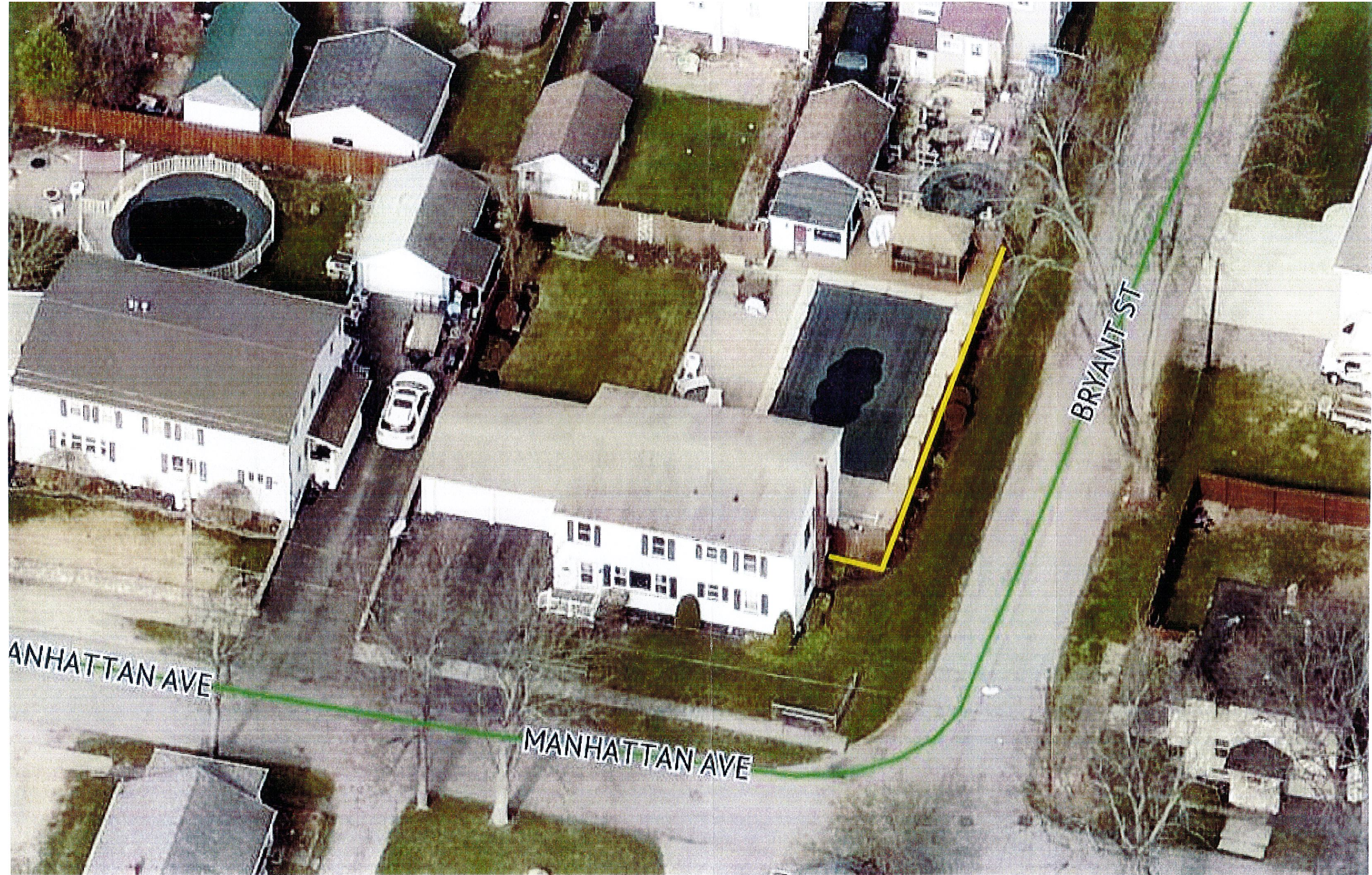
LOCATION	CITY OF BATAVIA,	GENESEE COUNTY,	NEW YORK
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REFERENCE MAP FILED IN MAP BOOK 3, PAGES 130 & 131

JOB No. B - 3751

SCALE: 1" = 30'

DATE: NOVEMBER 13, 1976



BRYANT ST

MANHATTAN AVE

MANHATTAN AVE