

# ZONING BOARD OF APPEALS

Thursday, June 28, 2018

6:00 pm

Council Board Room

One Batavia City Centre, Batavia, NY

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## AGENDA

- I. Roll Call
- II. Call to order
- III. Pledge of Allegiance
- IV. Approval of May 24, 2018 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

### **A. Request #1**

*13 Porter Ave.*

Gerald Freeman, agent for owner

Area Variances:

Addition of two 9' x 20' asphalt parking spaces in the front (east) yard of this former four family dwelling. Two parking spaces are already provided in the existing 14.3' x 52' asphalt driveway

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

Construction of two sets of wood frame entry stairs, one at the front entrance and one at the north side entrance. Both sets will project into the required clear spaces

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

### **B. Request #2**

*16 Otis St.*

Dominic Cervone, owner

Area Variance:

Widen an existing 10.5' wide loose stone driveway/parking area by placing an additional 6.5' of loose stone to the south side of the existing driveway/parking area in the front yard of this property

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

**C. Request #3**

*212 Richmond Ave.*  
Sarah Stumpf, owner

Area Variance:

Widen an existing 11.3' wide driveway by placing 4' of stone on the east side and 4.7' on the west side of the existing driveway

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

**D. Request #4**

*23 Maple St.*  
Polly Rapone, owner

Area Variance:

Place a 24' diameter above ground swimming pool with a 10'x 12' access deck in a yard other than a rear yard on this corner lot parcel

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

VII. Setting of Next Meeting: July 26, 2018

VIII. Adjournment

# **ZONING BOARD OF APPEALS**

## ***Draft Minutes***

**Thursday, May 24, 2018**

**6:00 pm**

**Council Board Room**

**One Batavia City Centre, Batavia, NY**

Members present: *Bill Cox, Nick Harris, Deborah Kerr-Rosenbeck, Paul McCarthy, Leslie Moma (Alt.), Jim Russell*

Members absent: none

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

### **I. Roll Call**

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

### **II. Call to Order**

Mr. McCarthy called the meeting to order at 6:00 pm.

### **III. Pledge of Allegiance**

### **IV. Approval of Minutes**

There were no corrections to the minutes. Mr. McCarthy assumed the motion and the minutes were approved as distributed by unanimous consent.

**RESULT: Approval of April 26, 2018 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: addition of two 9' x 20' asphalt parking spaces in the front (east yard of this former four family dwelling. Two parking spaces are already provided in the existing 14.3' x 52' asphalt driveway

Area Variance: construction of two sets of wood frame entry stairs, one at the front entrance and one at the north side entrance. Both sets will project into the required clear spaces

Address: *13 Porter Ave.*

Applicant: Gerald Freeman, agent for owner

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

### 1. Review Application

Acting Vice Chair Deborah Kerr-Rosenbeck read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval of the variance request for the front and side setbacks. However, the Genesee County Planning Board recommended disapproval for the driveway on the grounds that it is three times larger than the maximum allowed and would convert the whole front yard into a parking lot, affecting the residential nature of the neighborhood.

Mr. McCarthy also reported that the City of Batavia Planning and Development reviewed the proposal. The PDC recommended approval of the front and side setbacks as well, and approval of the driveway with modifications. They recommended approval of three out of the four requested parking spaces: the two already in existence, and the one adjacent to the driveway (numbers 2, 3, and 4 on the Site Plan).

### 2. Public Hearing and Discussion

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

**RESULT: Public hearing opened at 6:07 pm.**

The applicant was not available to speak regarding the project.

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

**RESULT: Public hearing closed at 6:08 pm.**

### 3. Action by the Board

**MOTION:** Mr. McCarthy moved to table the proposal. The motion was seconded by Mr. Harris, and on roll call, was approved 5-0.

**RESULT: Area Variance application tabled.**

- B. Area Variance: placement of a 21' diameter above ground swimming pool in the front yard of this corner lot property

Address: *178 South Main St.*  
 Applicant: Dennis Schrader, owner

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

### 1. Review Application

Ms. Kerr-Rosenbeck 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 6:09 pm.**

Mr. Schrader described the difficulty with putting a pool in the side yard because of a large tree. He said that the pool would end up situated in what would be considered a front yard in order to avoid the tree. He noted that the area is fenced.

There was no one else present who wished to speak, and no calls, letters, or email concerning the proposal.

The board members agreed that there is no alternative for this corner property where there is no back yard, especially considering that there is a fence around the yard.

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

**RESULT: Public hearing closed at 6:11 pm.**

## 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, it's a corner lot
- Substantiality: no
- Adverse effect or impact on neighborhood/community: no
- Self-created: no, once again, it's a corner lot

**MOTION:** Ms. Kerr-Rosenbeck moved to approve the variance, with a 60-day time limit to obtain the permit. The motion was seconded by Mr. Cox, and on roll call, was approved 5-0.

**RESULT: Approval of Area Variance.**

C.                    Area Variance: placement of a 10' x 14' one story metal shed in the front yard of this property

Address:            *270 Bank St.*

Applicant:        Clifford Rigerman, owner

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

### 1. Review Application

Ms. Kerr-Rosenbeck 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 6:13 pm.**

Mr. Rigerman said that he is replacing a shed at the same location. He noted that the house sits far back from the street, making it a short distance in the back yard to the rear property line.

There was no one else present who wished to speak, and no calls, letters, or email concerning the proposal.

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

**RESULT: Public hearing closed at 6:15 pm.**

## **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, it's a replacement
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

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

**RESULT: Area Variance approved.**

**VII. New Business: none**

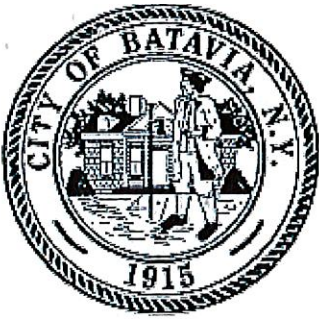
**VIII. Setting of Next Meeting: June 28, 2018**

## **IX. Adjournment**

Mr. McCarthy moved to adjourn the meeting at 6:18 pm; Mr. Russell seconded. All voted in favor.

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Meg Chilano  
Bureau of Inspection Secretary



*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: 2/15/18

Re: 13 Porter Ave.  
Tax Parcel No. 84.040-2-30

Zoning Use District: R-3

The applicant, Gerald Freeman (agent for owner), is requesting two variances:

1) Approval to increase parking for this proposed two family dwelling by adding two 9' x 20' asphalt parking spaces in the front (east) yard of this former four family dwelling. Two parking space are already provided in the existing 14.3' x 52' asphalt driveway. Note: BMC 190-39 A.(2)(a) requires 2 off street parking spaces per dwelling unit.

2) Approval to construct two sets of wood frame entry stairs, one at the front entrance and one at the north side entrance. Both sets will project into the required 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) (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.

- 1) Required variances- Area

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

	<u>Permitted</u>	<u>Proposed</u>	<u>Difference</u>
Driveway width	11' (25%)	32.3' (73%)	21.3 (48%)

- 2) 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'	14.24'	5.76'
Side yard clear space	8'	6.3'	1.7'

FEB 15 2018

CITY OF BATAVIA  
CLERK-TREASURER

# CITY OF BATAVIA

## APPLICATION TO THE ZONING BOARD OF APPEALS

 Application No.: 18-01  
 Hearing Date/Time: \_\_\_\_\_

 APPLICANT: Gerald Freeman  
 Name 15 S. Spruce St E-Mail Address \_\_\_\_\_  
 Street Address Batavia Phone (716) 912-7665  
 City NY State NY Fax 14020  
 Zip \_\_\_\_\_

 STATUS: ☒ Owner ☐ Agent for Owner ☒ Contractor

 OWNER: Jeff Freeman  
 Name 15 S. Spruce E-Mail Address \_\_\_\_\_  
 Street Address Batavia Phone 716 912 1090  
 City NY State NY Fax 14020  
 Zip \_\_\_\_\_

 LOCATION OF PROPERTY: 13 Porter Ave.

 DETAILED DESCRIPTION OF REQUEST: Approval of an area variance for  
front yard parking and set backs for front and side entry  
stairs and landings.

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 [Signature] Date 2/15/18  
 Owner's Signature [Signature] Date 2/15/18

To be Filled out by Zoning Officer

 TAX PARCEL: 84.040-5-30 ZONING DISTRICT: R-3 FLOOD PLAIN: C

 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: ① BMC 190-39 E. (1)-driveways and parking  
spaces located in front yards may not exceed 25% of lot frontage.  
② BMC 190-29 A and Schedule I - Construction is not permitted within  
required clear yard spaces.



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. Yes it's a driveway Playground near By kids can play @ it

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

2/15/18  
Date



## GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **C-01-BAT-3-18**  
Review Date **3/8/2018**

Municipality  
Board Name  
Applicant's Name

**BATAVIA, C.**

**ZONING BOARD OF APPEALS**

**Gerald Freeman**

Referral Type  
Variance(s)

**Area Variance(s)**

Description:

**Area Variances to expand front yard parking and to construct two entry stairs.**

**Front Yard Setback**

**Minimum required: 20 ft.**

**Existing building: 20 ft.; Proposed stairs: 14.24 ft.**

**Side Yard Setback**

**Minimum required: 8 ft.**

**Existing building: approx. 3 ft.; Proposed stairs: 6.3 ft.**

**Driveway Width**

**Maximum allowed (25% of lot frontage): 11 ft.**

**Existing: 11 ft. (25%); Proposed: 32.3 ft. (73%)**

Location  
Zoning District

**13 Porter Ave., Batavia**

**Residential (R-3) District**

### PLANNING BOARD DECISION

**APPROVAL WITH MODIFICATION(S)**

### EXPLANATION:

The variances for front and side yard setback are approved as they are not significant and should pose no significant county-wide or inter-community impact. The variance for driveway width is disapproved as it is nearly three times the maximum allowed and converts almost the entire front yard of the property into a parking lot thus affecting the residential nature of the neighborhood.

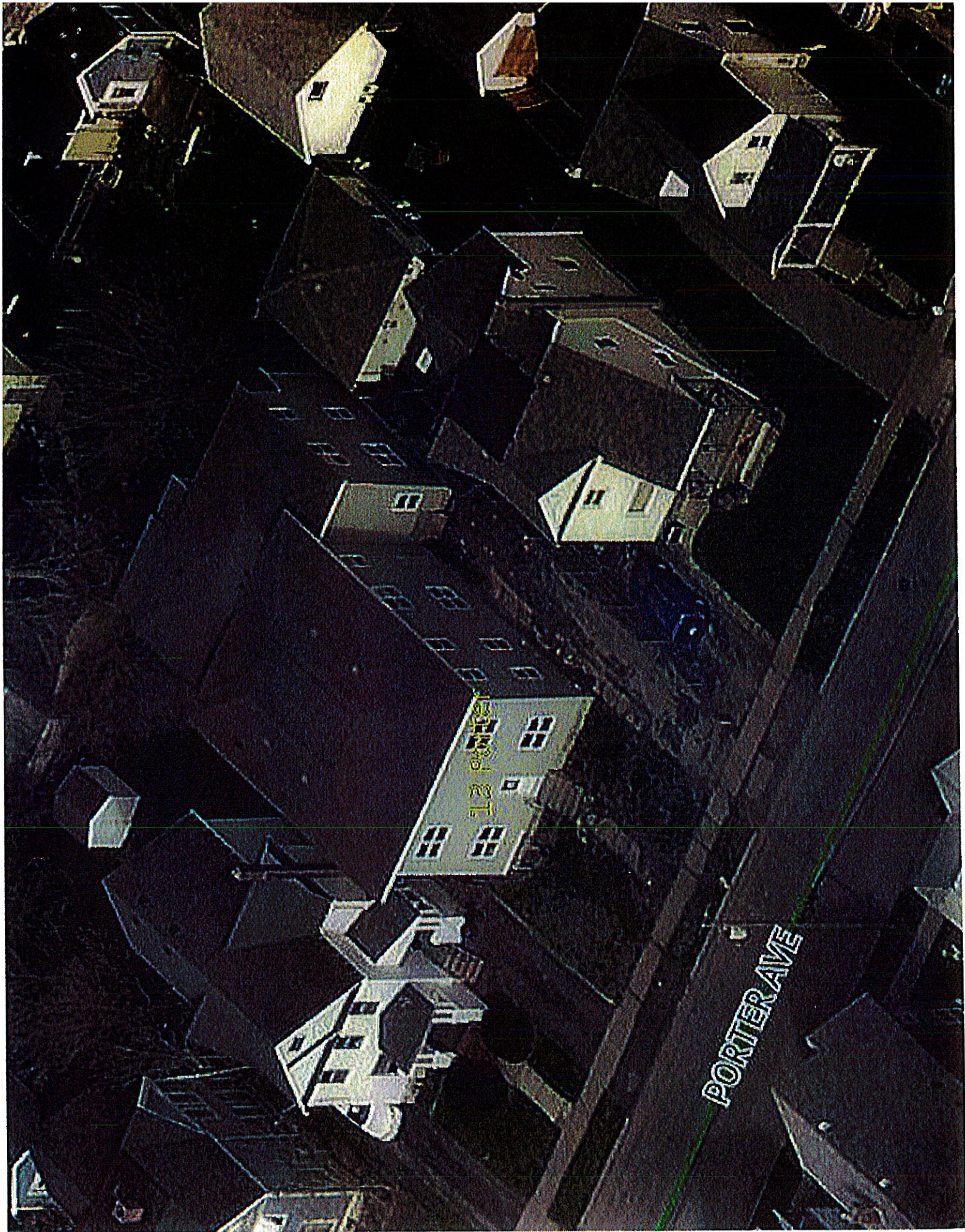
Director

March 8, 2018

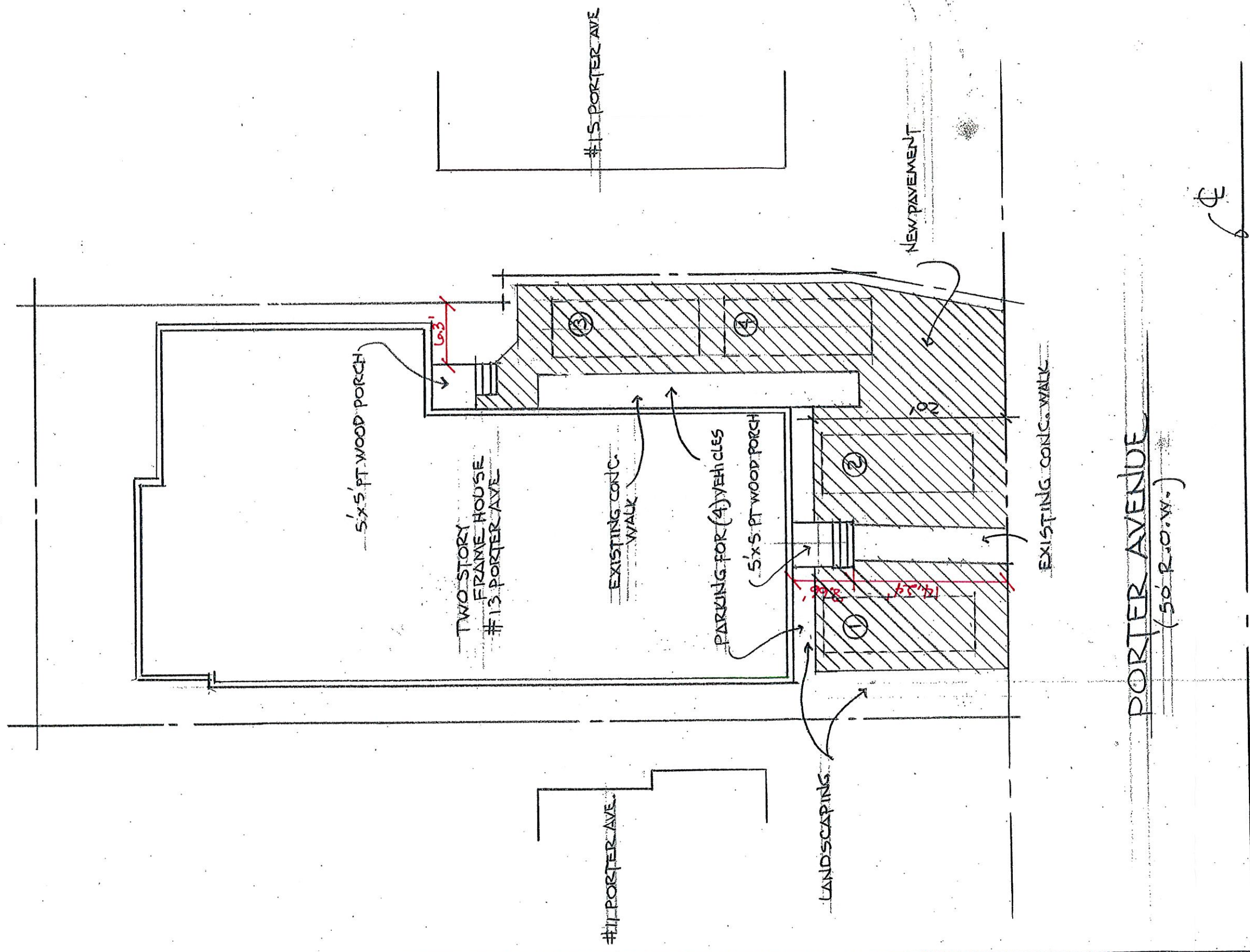
Date

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.







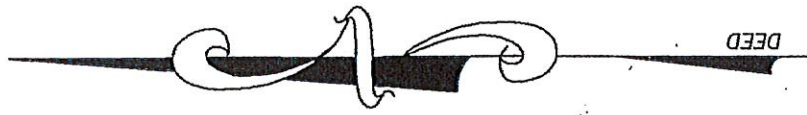


PORTER AVENUE  
(50' R.O.W.)

SITE PLAN



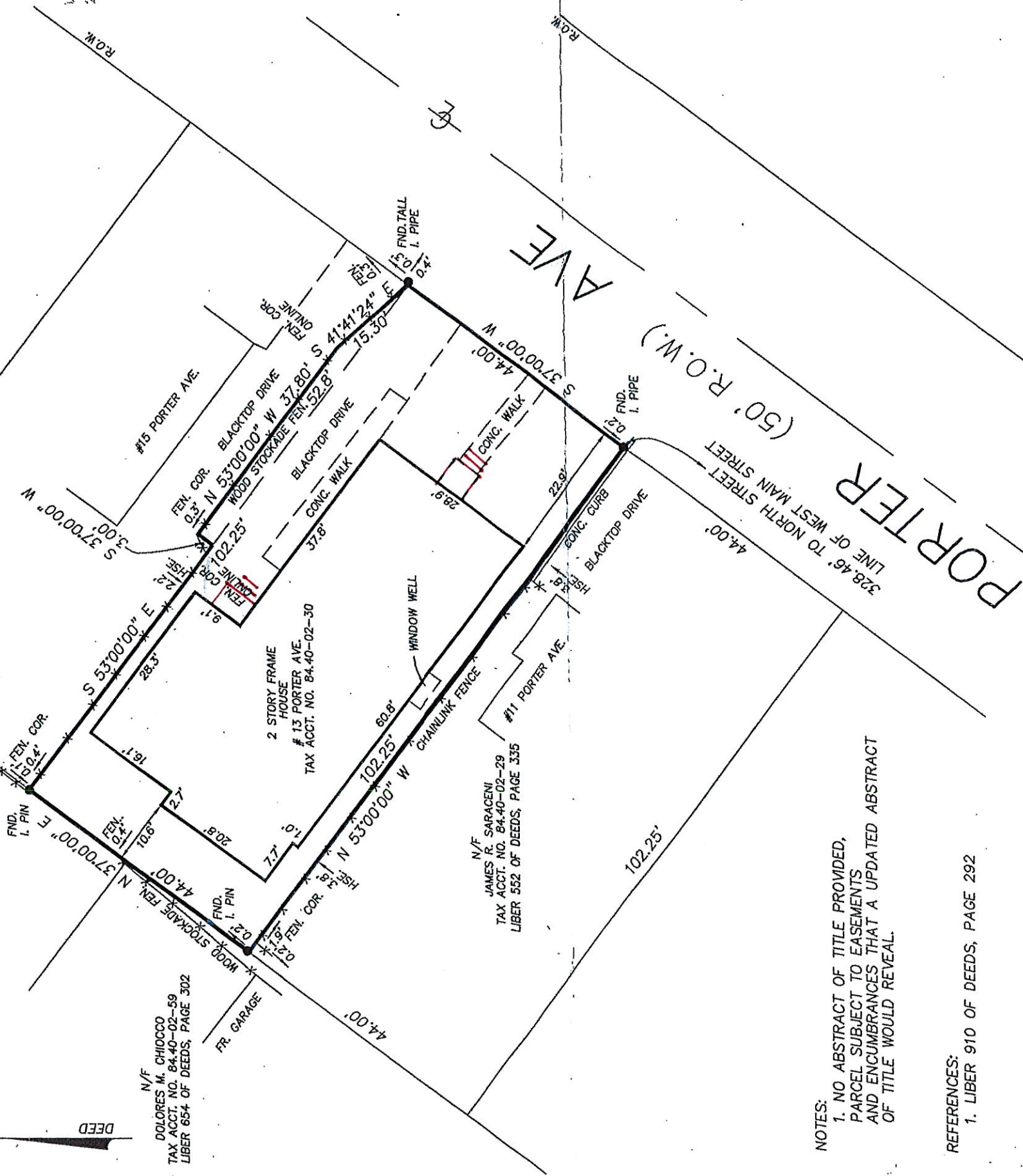
13 Porter



N/F  
MARY ELLEN DEL PLATO  
TAX ACCT. NO. 84-40-02-58  
LIBER 539 OF DEEDS, PAGE 51

N/F  
MICHAEL HOLSTEN  
TAX ACCT. NO. 84-40-02-31  
LIBER 882 OF DEEDS, PAGE 555

N/F  
DOLORES M. CHIOTTO  
TAX ACCT. NO. 84-40-02-59  
LIBER 654 OF DEEDS, PAGE 302



NOTES:  
1. NO ABSTRACT OF TITLE PROVIDED,  
PARCEL SUBJECT TO EASEMENTS  
AND ENCUMBRANCES THAT A UPDATED ABSTRACT  
OF TITLE WOULD REVEAL.

REFERENCES:  
1. LIBER 910 OF DEEDS, PAGE 292

I HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY  
ME FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED ON  
JUNE 14, 2016 AND REFERENCES LISTED HEREON.



CERTIFIED THIS 21 DAY OF APRIL 2016  
*Bernard C. Schmieder*  
BERNARD C. SCHMIEDER, N.Y.S.P.L.S. NO. 50219

UNAUTHORIZED ALTERATION OR ADDITION  
TO A SURVEY MAP BEARING A LICENSED  
LAND SURVEYOR'S SEAL IS A VIOLATION  
OF SECTION 7209, SUBDIVISION 2, OF  
THE NEW YORK STATE EMBLEMATION LAW.

# INSTRUMENT LOCATION PLAN OF #13 PORTER AVENUE

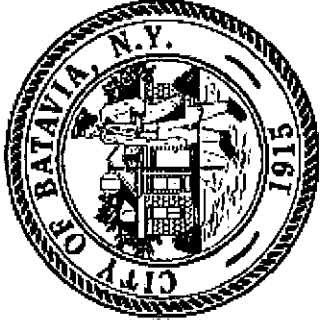
SITUATE IN  
PART OF ORIGINAL VILLAGE LOT 15  
OF THE HOLLAND LAND COMPANY'S LAND  
CITY OF BATAVIA  
COUNTY OF GENESEE, STATE OF NEW YORK

FOR  
**JEFFERY FREEMAN**  
15 S. SPRUCE STREET, BATAVIA, NEW YORK 14020  
BY  
**BERNARD C. SCHMIEDER, P.E., L.S.**  
CONSULTING ENGINEER & LAND SURVEYOR  
11172 SILVER ROAD EAST BETHANY, NEW YORK 14054  
(585) 345-0747

SCALE: 1" = 20'

JUNE 10, 2016

*E.M.A.C.*



*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: 5/22/18

Re: 16 Otis St.  
Tax Parcel No. 84.074-2-20

Zoning Use District: R-2

The applicant, Dominic Cervone (owner), has applied for a permit to widen an existing 10.5' wide loose stone driveway/parking area by placing an additional 6.5' of loose stone to the south side of the existing driveway/parking area in the front yard of this property.

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

- 1) **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	9' (25%)	17' (47%)	8' (22%)

**SEND OR DELIVER TO:**

GENESSEE 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) PDC and ZBAName Dominic CervoneAddress One Batavia City CentreAddress 16 Otis St.City, State, Zip Batavia, NY 14020City, State, Zip Batavia, NY 14020Phone (585) 345 - 6347 Ext. \_\_\_\_\_Phone (585) 813 - 4932 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 16 Otis St.B. Nearest intersecting road SumnerC. Tax Map Parcel Number 84.074-2-20

D. Total area of the property \_\_\_\_\_

Area of property to be disturbed \_\_\_\_\_

E. Present zoning district(s) R-2**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 widen existing stone driveway/parking by placing an additional 6.5' of loose stone on the south side of existing driveway located in the front yard.

**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](mailto:planning@co.genesee.ny.us)

**7. CONTACT INFORMATION** of the person representing the community in filling out this form (required information)Name Douglas RandallTitle Code Enf. OfficerPhone (585) 345 - 6327 Ext. \_\_\_\_\_Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drandall@batavianewyork.com





## GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID C-03-BAT-6-18

Review Date 6/14/2018

Municipality

Board Name

Applicant's Name

Referral Type

Variance(s)

Description:

**BATAVIA, C.**

**ZONING BOARD OF APPEALS**

**Dominic Cervone**

**Area Variance(s)**

Area Variance to widen a driveway for a single-family home.

Driveway Width

Maximum allowed (25% of lot frontage): 9 ft.

Existing: 10.5 ft. (29%)

Proposed: 17 ft. (47%)

Location

Zoning District

**16 Otis St., Batavia**

**Residential (R-2) District**

PLANNING BOARD DECISION

**APPROVAL**

EXPLANATION:

Given that neighboring properties exhibit similar size driveways, the proposed variance should pose no significant county-wide or inter-community impact.

Director

June 14, 2018

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.



**CITY OF BATAVIA**  
**APPLICATION TO THE ZONING BOARD OF APPEALS**

Application No.: \_\_\_\_\_  
Hearing Date/Time: \_\_\_\_\_

APPLICANT: Dominic Cerrone  
Name \_\_\_\_\_ E-Mail Address \_\_\_\_\_  
16 Otis St.  
Street Address \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_  
BATAVIA NY 14028  
City State Zip

STATUS: ☒ Owner \_\_\_\_\_ Agent for Owner \_\_\_\_\_ Contractor \_\_\_\_\_

OWNER: 1  
Name \_\_\_\_\_ E-Mail Address \_\_\_\_\_  
Street Address \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

LOCATION OF PROPERTY: 16 OTIS ST. BATAVIA NY

DETAILED DESCRIPTION OF REQUEST: NEED Room for additional car for my children to drive to work, school etc.

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.

Dominic Cerrone 5/18/2018  
Applicant's Signature Date  
Dominic Cerrone 5/18/2018  
Owner's Signature Date

*To be Filled out by Zoning Officer*

TAX PARCEL: 84.074-2-20 ZONING DISTRICT: R-2 FLOOD PLAIN: C

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: 190-39 E(1) driveways and parking spaces in front yards may not exceed 25% of lot width.

## 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

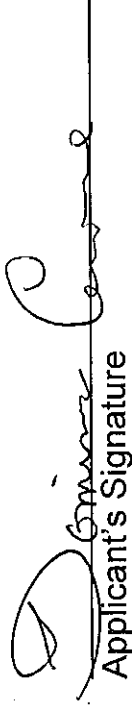
2. **Alternative Cure Sought.** There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance. NO

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

5/18/2018  
Date





Permit No. \_\_\_\_\_  
Date: \_\_\_\_\_

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

ADDRESS OF PROPERTY: 16 OTIS ST. BATAVIA N.Y.

OWNER: DOMINIC CERVONE  
Name \_\_\_\_\_ E-mail Address \_\_\_\_\_  
16 OTIS ST. (585) 813-4932  
Street Address \_\_\_\_\_ Phone \_\_\_\_\_  
BATAVIA N.Y. 14020  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

CONTRACTOR: OWNER  
Name \_\_\_\_\_ E-mail Address \_\_\_\_\_

Street Address \_\_\_\_\_ Phone \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Dominic Cervone  
Owner/Contractor's Signature \_\_\_\_\_ Date 5/18/2018

DIMENSIONS OF EXISTING DRIVEWAY: Width 10'6" Length 19'

DIMENSIONS OF NEW DRIVEWAY / ADDITION: Width 6'6" Length 19'

SURFACE MATERIAL: Existing STONE Proposed STONE

To be filled out by Zoning Enforcement Officer

TAX PARCEL: 84.074-2-20 ZONING DISTRICT: R-2 SURVEY: Yes

DIMENSIONS OF LOT: Lot Frontage 36' Front Yard 36'

PERCENTAGE OF LOT FRONTAGE: 47 proposed SURFACE MATERIAL: Stone

APPROVED: \_\_\_\_\_ AREA VARIANCE: \_\_\_\_\_ GRADE PLAN: \_\_\_\_\_

ISSUING OFFICER: \_\_\_\_\_ DATE: \_\_\_\_\_

9' permitted @ 25%  
17' proposed @ 47%  
8' over 22% over ZBA Reg.





OTIS ST



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

"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."

I, GREGORY W. TOWNSEND, CERTIFY TO:  
BOYLAN, MORTON & WHITING, LLP.  
DOMINIC CERVONE, JR.  
THE BANK OF CASTILE.  
NEW YORK BANKERS TITLE AGENCY WEST, LLC.

REFERENCES  
SURVEY MAP NO. 01-118 BY DAVID S. LAMENDOLA, L.S., REVISED JULY 03, 2001.  
LIBER 282 OF DEEDS, PAGE 134.

LEGEND  
● EXISTING IRON PIN

PARCEL SURVEYED  
CONTAINING  
0.131 +/- ACRE  
LIBER 786, PAGE 46

R/O SALLOME, JOHN A.  
LIBER 500, PAGE 171

R/O TAMFER, RICHARD  
A. & TERESA A.  
LIBER 691, PAGE 34

R/O STILES, CHARLES L.  
LIBER 821, PAGE 963

ELLICOTT STREET

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



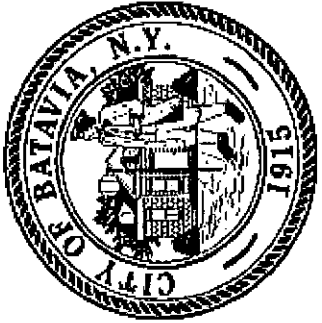
NOTE:  
There is no evidence in the field  
of the right of way to Socony-Vacuum  
Oil Company, Inc., filed at Liber  
285 of Deeds, page 70 and Liber 286  
of Deeds, page 48.

BOUNDARY SURVEY SHOWING THE PARCEL  
TO BE CONVEYED BEING PART OF ORIGINAL  
VILLAGE LOT NO. 37, SITUATE IN THE  
CITY OF BATAVIA, COUNTY OF GENESEE AND  
STATE OF NEW YORK.

AUGUST 05, 2004  
JOB NO. 04-157  
SCALE 1" = 20'

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

*Gregory W. Townsend*  
08/05/04



*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: 6/1/18

Re: 212 Richmond Ave.  
Tax Parcel No. 71.018-1-39

Zoning Use District: R-1

The applicant, Sarah Stumpf (owner), has applied for a permit to widen an existing 11.3' wide driveway by placing 4' stone on the east side and 4.7' on the west 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 county or state owned land on which a public building or institution is situated.

**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.

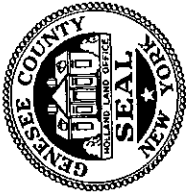
Required variances- Area

- 1) **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	16.5' (25%)	20' (30%)	3.5' (5%)

**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) PDC and ZBA

Name Asrah Strumpf

Address One Batavia City Centre

Address 212 Richmond Ave.

City, State, Zip Batavia, NY 14020

City, State, Zip Batavia, NY 14020

Phone (585) 345 - 6347 Ext.

Phone (716) 698 - 6146 Ext.

Email sarahstrumpf@yahoo.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 212 Richmond Ave.

B. Nearest intersecting road Woodrow

C. Tax Map Parcel Number 71.018-1-39

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 190-39 E(1)

C. Please describe the nature of this request Approval to widen driveway in front yard

**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](mailto: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





## GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID C-04-BAT-6-18

Review Date 6/14/2018

Municipality

Board Name

Applicant's Name

Referral Type

Variance(s)

Description:

**BATAVIA, C.**

**ZONING BOARD OF APPEALS**

**Sarah Strumpf**

**Area Variance(s)**

Area Variance to widen a driveway for a single-family home.

**Driveway Width**

Maximum allowed (25% of lot frontage): 16.5 ft.

Existing: 11.3 ft. (17%)

Proposed: 20 ft. (30%)

Location

Zoning District

**212 Richmond Ave., Batavia**

**Residential (R-1) District**

PLANNING BOARD DECISION

**APPROVAL**

EXPLANATION:

Given that neighboring properties exhibit similar size driveways, the proposed variance should pose no significant county-wide or inter-community impact.

Director

June 14, 2018

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.



**CITY OF BATAVIA**  
**APPLICATION TO THE ZONING BOARD OF APPEALS**

Application No.: \_\_\_\_\_  
Hearing Date/Time: \_\_\_\_\_

**APPLICANT:**

Name Sarah Strumpf SarahStrumpf@yahoo.com  
Street Address 212 Richmond Ave E-Mail Address 716 698 6146  
City Batavia State NY Phone 14020  
Zip \_\_\_\_\_

**STATUS:**

☒ Owner \_\_\_\_\_ Agent for Owner \_\_\_\_\_ Contractor \_\_\_\_\_

**OWNER:**

Name Sarah Strumpf SarahStrumpf@yahoo.com  
Street Address 212 Richmond Ave E-Mail Address 716 698 6146  
City Batavia State NY Phone 14020  
Zip \_\_\_\_\_

**LOCATION OF PROPERTY:** 212 Richmond Ave. Batavia, NY 14020

**DETAILED DESCRIPTION OF REQUEST:**

Widen driveway from 11.3' to 20'  
to allow for two cars to park side by side.

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.

Sarah Strumpf

Applicant's Signature

Date

5/23/18

Sarah Strumpf

Owner's Signature

Date

5/23/18

*To be Filled out by Zoning Officer*

**TAX PARCEL:** 71.018-1-39

**ZONING DISTRICT:** R-1

**FLOOD PLAIN:** C

**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)



## 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.

yes, it will not.

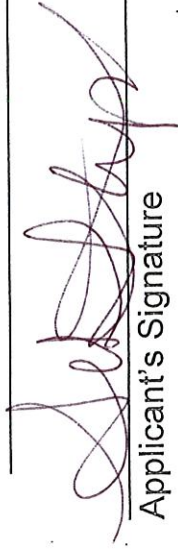
2. **Alternative Cure Sought.** There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance. yes, there are no other means.

3. **Substantiality.** The requested area variance is not substantial. yes, it 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.

yes, there will be no adverse effect or impact.

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. yes, it is not self-created.

  
Applicant's Signature

5/23/18

Date



Permit No. \_\_\_\_\_  
Date: 5/23/18

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

ADDRESS OF PROPERTY: 212 Richmond Ave.

**OWNER:**

Name Sarah Strumpf E-mail Address Sarahstrumpf@yahoo.com

Street Address 212 Richmond Ave. Phone 716 698 6146

City Batavia State NY Zip 14020

**CONTRACTOR:**

Name Dan Rebmann Masonry E-mail Address N/A

Street Address 3594 Pile Road Phone (716) 560-2683

City Batavia State NY Zip 14020

Owner/Contractor's Signature [Signature] Date 5/23/18

**DIMENSIONS OF EXISTING DRIVEWAY:**

Width 11.3' Length 41'

**DIMENSIONS OF NEW DRIVEWAY / ADDITION:**

Width 20' Length 41'

**SURFACE MATERIAL:** Existing Stone Proposed \_\_\_\_\_

*To be filled out by Zoning Enforcement Officer*

TAX PARCEL: \_\_\_\_\_ ZONING DISTRICT: \_\_\_\_\_ SURVEY: \_\_\_\_\_

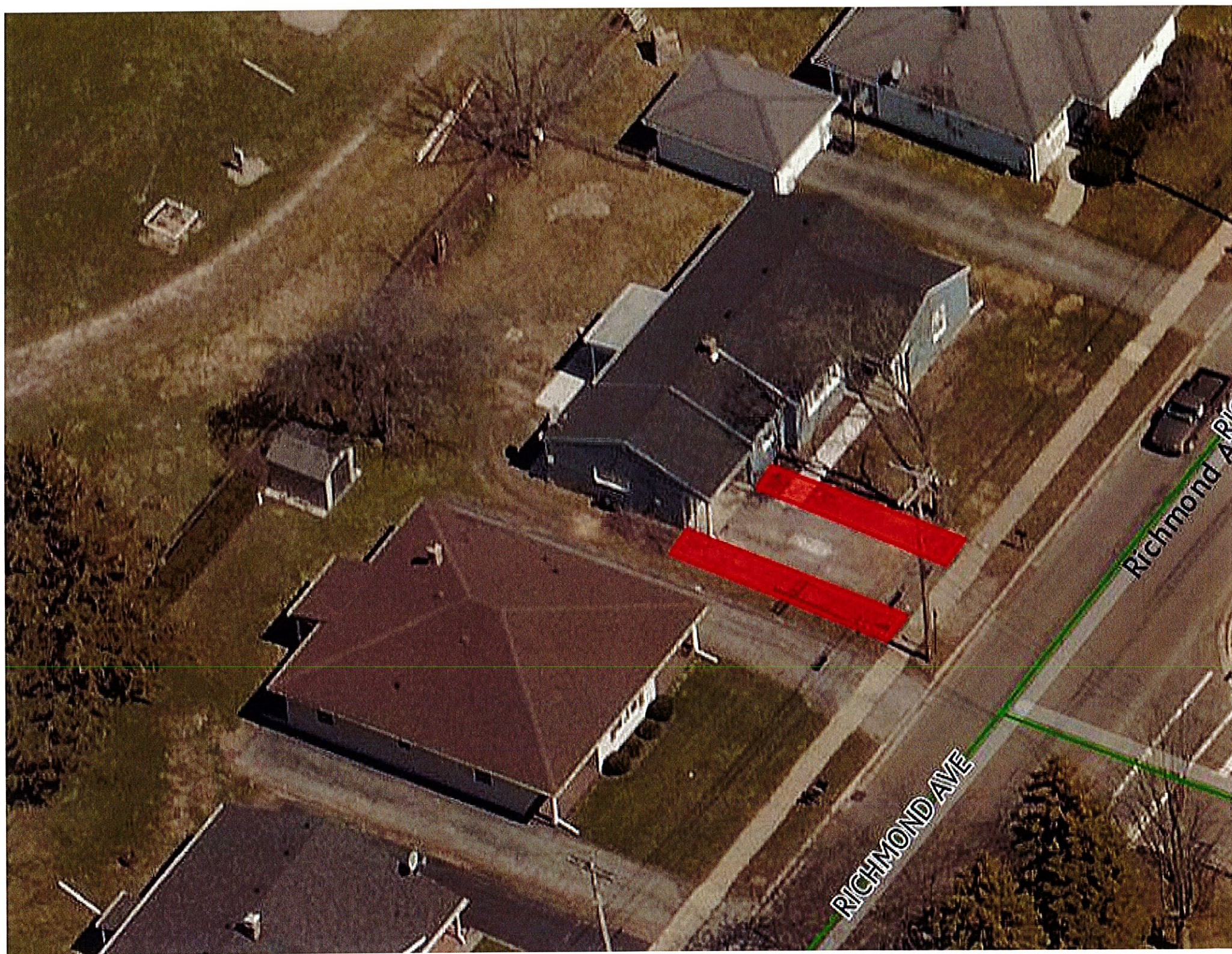
DIMENSIONS OF LOT: Lot Frontage \_\_\_\_\_ Front Yard \_\_\_\_\_

PERCENTAGE OF LOT FRONTAGE: \_\_\_\_\_ SURFACE MATERIAL: \_\_\_\_\_

APPROVED: \_\_\_\_\_ AREA VARIANCE: \_\_\_\_\_ GRADE PLAN: \_\_\_\_\_

ISSUING OFFICER: \_\_\_\_\_ DATE: \_\_\_\_\_





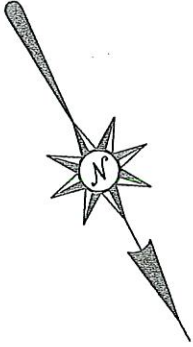
RICHMOND AVE

RICHMOND AVE



GREGORY W. TOWNSEND  
Licensed Land Surveyor  
115 Washington Avenue  
Batavia, New York 14020  
Phone (585) 344-1331  
Fax (585) 219-4313

"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  
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"CERTIFICATIONS INDICATED HEREON SIGNIFY  
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WITH THE EXISTING CODE OF PRACTICE FOR LAND  
SURVEYORS ADOPTED BY THE NEW YORK STATE  
ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.  
AND ON HIS/HER BEHALF TO THE TITLE COMPANY,  
PERSON FOR WHOM THE SURVEY IS PREPARED,  
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."

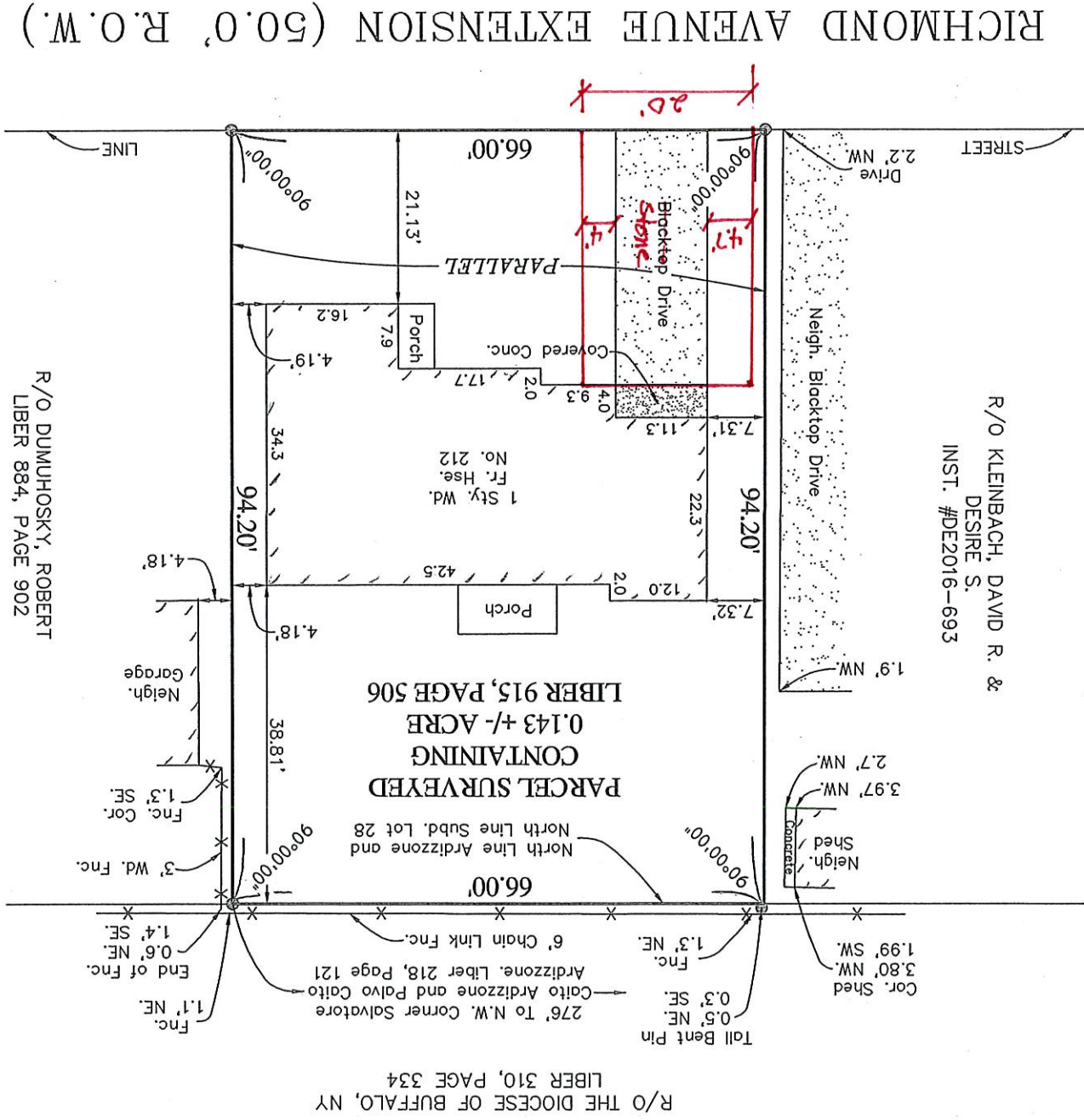


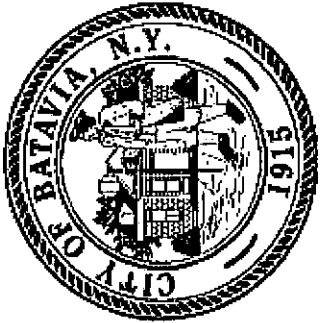
LEGEND  
● EXISTING IRON PIN

REFERENCE  
RUSSELL & HOLDEN SUBDIVISION FILED  
AT BOOK 5 OF MAPS, PAGE 224

BOUNDARY SURVEY SHOWING THE PARCEL  
TO BE CONVEYED BEING PART OF ORIGINAL  
VILLAGE LOTS NOS. 4 & 5 AND DISTINGUISHED  
AS PART OF SUBDIVISION LOT NO. 28. SITUATE  
IN THE CITY OF BATAVIA, COUNTY OF GENESEE  
AND STATE OF NEW YORK.  
JANUARY 15, 2015  
JOB NO. 18-13  
SCALE 1" = 20'

DATE  
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: Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 6/4/18

Re: 23 Maple St.  
Tax Parcel No. 84.015-2-1

Zoning Use District: R-3

The applicant, Polly Rapone (owner), has filed an application to place a 24' diameter above ground swimming pool with a 10' x 12' access deck in a yard other than a rear yard on the corner lot parcel.

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

**Review and Approval Procedures:**

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

Required variances- Area

- 1) **BMC Sec. 190-35 D Swimming pools may not occupy a yard other than a rear yard.**



**CITY OF BATAVIA**  
**APPLICATION TO THE ZONING BOARD OF APPEALS**

Application No.: \_\_\_\_\_  
Hearing Date/Time: \_\_\_\_\_

**APPLICANT:**

Polly Rapone  
Name 83 Maple St. 585-277-5959  
Street Address Batavia, NY Phone 14020  
City Batavia State NY Zip 14020

**STATUS:**

☒ Owner \_\_\_\_\_ Agent for Owner \_\_\_\_\_ Contractor \_\_\_\_\_

**OWNER:**

Polly and Donald Rapone Jr.  
Name 83 Maple St. 585-277-8440  
Street Address Batavia, NY Phone 14020  
City Batavia State NY Zip 14020

**LOCATION OF PROPERTY:**

83 Maple St. Batavia, NY

**DETAILED DESCRIPTION OF REQUEST:**

applying to put 14020  
a pool with a deck on a corner  
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.

Polly Rapone

Applicant's Signature

Date

5/24/18

Polly Rapone

Owner's Signature

Date

5/24/18

To be Filled out by Zoning Officer

TAX PARCEL: 84.015-2-1

ZONING DISTRICT: R-3

FLOOD PLAIN: C

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: 190-35 D

Swimming pools may not  
occupy a yard 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.

*Will not change anything in neighborhood only my own property.*

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.

*can only put a pool in my own yard.*

3. **Substantiality.** The requested area variance is not substantial. *Not a big request.*

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 impact on anyone except my own family. (fun!)*

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 fact that I live on a corner lot.*

*Dolly Rapone*

Applicant's Signature

*5/24/18*

Date

## CITY OF BATAVIA

## BUILDING PERMIT APPLICATION

DATE:

5/29/10

APPLICANT NAME &amp; PHONE:

585-297-3959

Project Location and Information

Permit #:

Fee:

Address of Project:

23 Maple St. Batavia

Owner &amp; Address:

Donald and Polly Rapone  
same as above

Phone:

Project Type/Describe Work

Estimated cost of work:

\$4,000

Start date:

June 30

Describe project:

Building a 10' x 12' deck  
with 24' round above ground pool  
in yard of our propertyContractor Information – Insurance certificates (liability & workers comp) required being on fileGENERAL

Name/Address:

Splash Pools LeRoy, NY

Phone:

585-5708-7071

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:

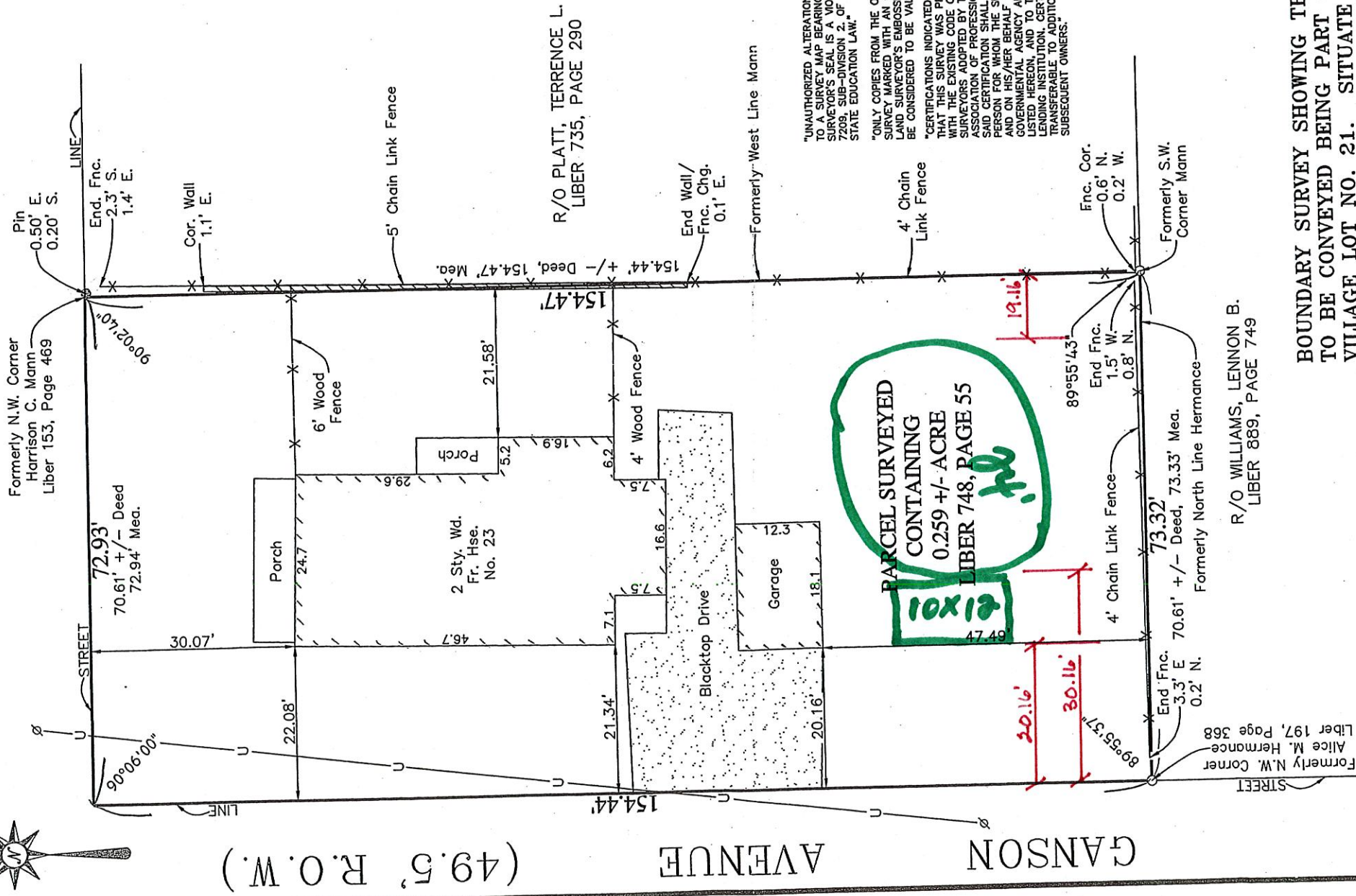






435 East Main Street  
Batavia, New York 14020  
Phone (585) 344-1331  
Fax (585) 219-4313

MAPLE STREET (49.5' 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 EMBOSSED SEAL ACT."

"ONLY COPIES FROM THE ORIGINAL OF THE 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."

R/O WILLIAMS, LENNON B.  
LIBER 889, PAGE 749

BOUNDARY SURVEY SHOWING THE PARCEL  
TO BE CONVEYED BEING PART OF ORIGINAL  
VILLAGE LOT NO. 21. SITUATE IN THE CITY  
OF BATAVIA, COUNTY OF GENESEE AND  
STATE OF NEW YORK

OCTOBER 29, 2014 SCALE 1" = 20'  
JOB NO. 14-321

LEGEND

- EXISTING IRON STAKE
- SET IRON PIN
- ∅ UTILITY POLE
- OVERHEAD UTILITY LINES

I, GREGORY W. TOWNSEND, CERTIFY TO:  
DONALD G. RAPONE, JR.  
UNITED STATES OF AMERICA ACTING THROUGH RURAL  
HOUSING SERVICE OR ITS SUCCESSOR AGENCY  
THE WILLIAMS LAW FIRM, LLP  
THE TITLE INSURANCE COMPANY INSURING THE MORTGAGE

THE WILLIAMS LAW FIRM, LLP  
THE TITLE INSURANCE COMPANY INSURING THE MORTGAGE

DATE \_\_\_\_\_

NY/S.R.I.S. No. 50249