

ZONING BOARD OF APPEALS

Thursday, July 26, 2018

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 June 28, 2018 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

A. Request #1 *51 Prospect Ave.*
Paula Sullivan, owner

Area Variances: Placement of 32' of 8' tall fence parallel to a portion of the north property line

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

B. Request #2 *9 Hillside Dr.*
Robert Kuszlyk, owner

Area Variance: Placement of an above ground swimming pool on this property 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 23, 2018

VIII. Adjournment

ZONING BOARD OF APPEALS

Draft Minutes

Thursday, June 28, 2018

6:00 pm

Council Board Room

One Batavia City Centre, Batavia, NY

Members present: *Bill Cox, Nick Harris, Paul McCarthy, Leslie Moma, Jim Russell*

Members absent: Deborah Kerr-Rosenbeck

Others present: Meg Chilano – Recording Secretary, Ron Panek – 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 6:01 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 by unanimous consent.

RESULT: Approval of May 24, 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 proposals
 2. Remove application from table
 3. Public hearing and discussion
 4. Action by the board

1. Review Application

Acting Vice Chair Nick Harris read the summary of the proposal.

2. Remove Application from Table

MOTION: Mr. McCarthy moved to remove the application from the table; the motion was seconded by Ms. Moma, and on roll call, was approved 5-0.

RESULT: Application removed from table.

3. Public Hearing and Discussion

Mr. McCarthy reported that the Genesee County Planning Board recommended approval of the application with modifications. Approval was recommended for the front and side yard setbacks. However, the recommendation for the driveway width variance was disapproved because the driveway would be two times greater than the allowed amount, turning the front yard into a parking lot and affecting the residential nature of the neighborhood.

Mr. McCarthy related that the application was also considered by the Planning and Development Committee. According to the clerk, the PDC recommended approval of spaces 2,3, and 4 on the drawing; the space on the far side (toward Main St.) was excluded.

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 6:08 pm.

Mr. Panek explained that the house can only be divided into two units as per the Batavia Municipal Code. According to the BMC, each unit must have two parking spaces; however, there is not enough room to put that number of parking spaces on the property. Mr. Freeman said that he could make less spaces work because many of the people he rents to do not own vehicles. Mr. Panek noted that it may be advisable to seek relief from the requirement concerning the number of parking spaces at a future date.

There was no one else present who wished to speak, and no calls, emails, or letters regarding the project.

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

RESULT: Public hearing closed at 6:13 pm.

Mr. McCarthy said that he would be willing to approve the addition of one space.

Mr. Russell said that he stands with the County; he does not believe front yards should be turned into parking areas. He noted that once approved, the parking area would be there for the life of the property.

Ms. Moma asked if parking is allowed on the street, and Mr. Panek answered that it is not.

Mr. Cox said that he believes the parking situation creates a significant hardship. He pointed out that the property is landlocked, and though he is not in favor of front yard parking, Mr. Freeman will not be able to rent half of the building without additional parking.

Ms. Moma noted that one of the County's concerns is the amount of hardscape, which affects the City's stormwater management. She asked if the stormwater issues could be mitigated by requiring the materials used to create the parking area be water permeable.

Mr. McCarthy related that his experience with water permeable pavers in the northern states has been that they look good and work well until the weather turns cold, and then they buckle and become maintenance problems.

Mr. McCarthy said that he would prefer to vote on the variances separately. He chose the variance for the side setbacks first.

4. 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, there is no room
- Substantiality: no
- Adverse effect or impact on neighborhood/community: no
- Self-created: no, no room on the lot

MOTION: Mr. Harris 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 for side setbacks.

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

- Undesirable change in neighborhood character: yes
- Alternative cure sought: no, there is no room
- Substantiality: yes, 21' is a large difference
- Adverse effect or impact on neighborhood/community: yes
- Self-created: yes

MOTION: Mr. McCarthy moved to approve the variance with the modification that only one parking space – the one adjacent to the existing driveway (#2 on the drawing) - is added. The motion was seconded by Mr. Cox, and on roll call, was **not** approved 3-2, because a supermajority of four votes was required to override the decision of the Genesee County Planning Board.

Votes in favor: 3 (Bill Cox, Nick Harris, Paul McCarthy)

Votes opposed: 2 (Leslie Moma, Jim Russell)

Votes abstained: 0

RESULT: Disapproval of Area Variance for additional parking spaces.

- B. 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

Address: 16 Otis St.

Applicant: Dominic Cervone, owner

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

1. Review Application

Mr. Harris read the summary of the proposal. The clerk informed the board that the Genesee County Planning Board recommended approval 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 6:29 pm.

Mr. Cervone stated that his daughter and son will be needing vehicles and there is not enough room for them to park.

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. Harris, and on roll call, was approved 5-0.

RESULT: Public hearing closed at 6:30 pm.

Mr. Russell asked if it would be possible to create more space by moving the parking area near the fence. Mr. McCarthy pointed out that moving the driveway in that direction would place it in front of the porch.

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: no
- Adverse effect or impact on neighborhood/community: no, the neighbors park the same way
- Self-created: no, it's a narrow city lot

MOTION: Mr. McCarthy 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 4-1.

RESULT: Approval of Area Variance.

Votes in favor: 4 (Bill Cox, Nick Harris, Paul McCarthy, Jim Russell)

Votes opposed: 1 (Leslie Moma)

Votes abstained: 0

C. 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

Address: *212 Richmond Ave.*

Applicant: Sarah Strumpf, owner

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

1. Review Application

Mr. Harris read the summary of the proposal. Mr. Cox reported that the Genesee County Planning Board recommended approval 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 6:37 pm.

Ms. Strumpf explained that the area is busy, with Notre Dame High School across the street and the V.A. Hospital in the vicinity, and there is no parking on the street. She noted that the entire driveway will be concrete.

Ms. Moma asked if the tree will remain, but Ms. Strumpf answered that the tree has already been removed. Ms. Moma expressed her concern that the widening the driveway will take away too much green space, and that the driveway width should be reduced by 2' on the side where the tree used to be.

Following a discussion of average parking space width in the City and car sizes, Mr. Harris said that the requested size seemed appropriate.

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, there is no room anywhere else on the property
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no
- Self-created: yes, to a degree

MOTION: Mr. Harris moved to approve the variance with 60 days to obtain the permit. The motion was seconded by Mr. Cox, and on roll call, was approved 4-0.

Votes in favor: 4 (Bill Cox, Nick Harris, Paul McCarthy, Jim Russell)

Votes opposed: 1 (Leslie Moma)

Votes abstained: 0

RESULT: Area Variance approved.

- D. Area Variance: placement of 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

Address: 23 Maple St.

Applicant: Polly Rapone, owner

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

1. Review Application

Mr. Harris 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 6:44 pm.

Ms. Rapone described how what she considers her rear yard is defined as a side yard by the BMC because the parcel is a corner property. According to the BMC, pools are not allowed in a side yard, so she needs a variance in order to put up a pool.

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 6:46 pm.

Mr. Russell asked about the fence requirement for a pool. Mr. Panek responded that in this case the pool will act as the barrier.

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 property
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no
- Self-created: no, it's a corner with a side yard

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

RESULT: Area Variance approved.

VII. New Business: none

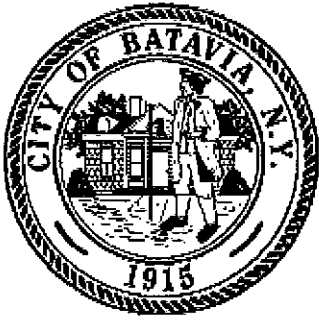
VIII. Setting of Next Meeting: July 26, 2018

IX. Adjournment

Mr. McCarthy moved to adjourn the meeting at 6:49 pm; Mr. Harris seconded. All voted in favor.

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
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 6/8/18

Re: 51 Prospect Ave.
Tax Parcel No. 84.024-1-10

Zoning Use District: R-1A

The applicant, Paula Sullivan (owner), has filed an application to place approx.. 32' of 8' tall fence parallel to a portion of the north 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 6' in height.**



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID C-05-BAT-7-18
Review Date 7/12/2018

Municipality BATAVIA, C.
Board Name ZONING BOARD OF APPEALS
Applicant's Name Paula Sullivan
Referral Type Area Variance(s)
Variance(s) Area Variance to install a fence for a single-family home.
Description: Fence Height
Maximum allowed 6 ft.
Proposed: 8 ft.
Location 51 Prospect Ave., Batavia
Zoning District Residential (R-1A) District

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

The proposed variance should pose no significant county-wide or inter-community impact.

Director

July 12, 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.

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 Paula SullivanAddress 51 Prospect Ave.City, State, Zip Batavia, NY 14020Phone (716) 474 - 1210 Ext. _____ Email pksully51@yahoo.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 51 Prospect Ave.B. Nearest intersecting road Richmond Ave.C. Tax Map Parcel Number 84.024-1-10

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 190-33 DC. Please describe the nature of this request Approval to place approx. 32' of 8' tall privacy fence on this 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.: _____

Hearing Date/Time: _____

APPLICANT:

Name Paula Sullivan E-Mail Address psullivan51@yahoo.com
Street Address 51 Prospect Avenue Phone (914) 474-1210 Fax 14020
City Batavia State NY Zip 14020

STATUS:

☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER:

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

LOCATION OF PROPERTY:

51 Prospect Ave., Batavia, NY 14020

DETAILED DESCRIPTION OF REQUEST:

① 8'x8' (4 panels) vinyl, white, privacy fence 2' from edge of front of garage along driveway. Would like privacy from walkway & Richmond Ave traffic.

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

Paula Sullivan

Date

6/5/18

Owner's Signature

Paula Sullivan

Date

6/5/18

To be Filled out by Zoning Officer

TAX PARCEL: 84.024-1-10

ZONING DISTRICT: R-1A

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 190-33 D. Fences located in Residential districts may not exceed 6' in height.

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.

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

Paula Salfinger
Applicant's Signature

6/5/18
Date

DATE: 6/5/18APPLICANT NAME & PHONE: Paula Sullivan (716) 474-1210**Project Location and Information**

Permit #: _____ Fee: _____

Address of Project: 51 Prospect Ave., Batavia, NY 14020Owner & Address: Paula Sullivan, 51 Prospect Ave., Batavia NY 14020Phone: (716) 474-1210**Project Type/Describe Work**Estimated cost of work: 2,000⁰⁰Start date: a.s.a.p.

Describe project:

① 8'x8' (4 panels) white, vinyl privacy fence 2' from front of garage along driveway

② 6' fence approx 30' privacy fence along back yard. North

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

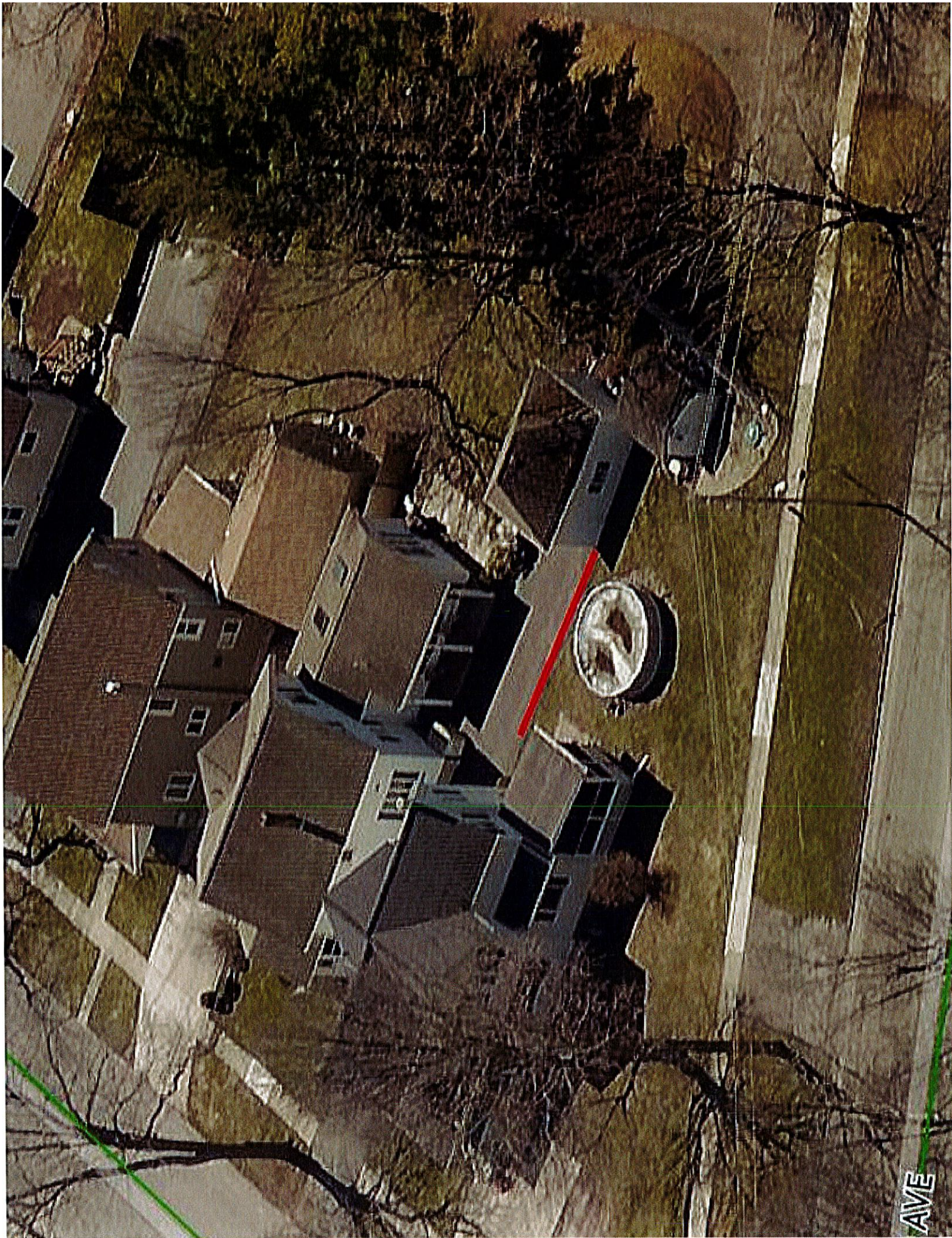
Zoning District: _____ Flood Zone: _____ Corner Lot: _____ Historic District/Landmark: _____

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

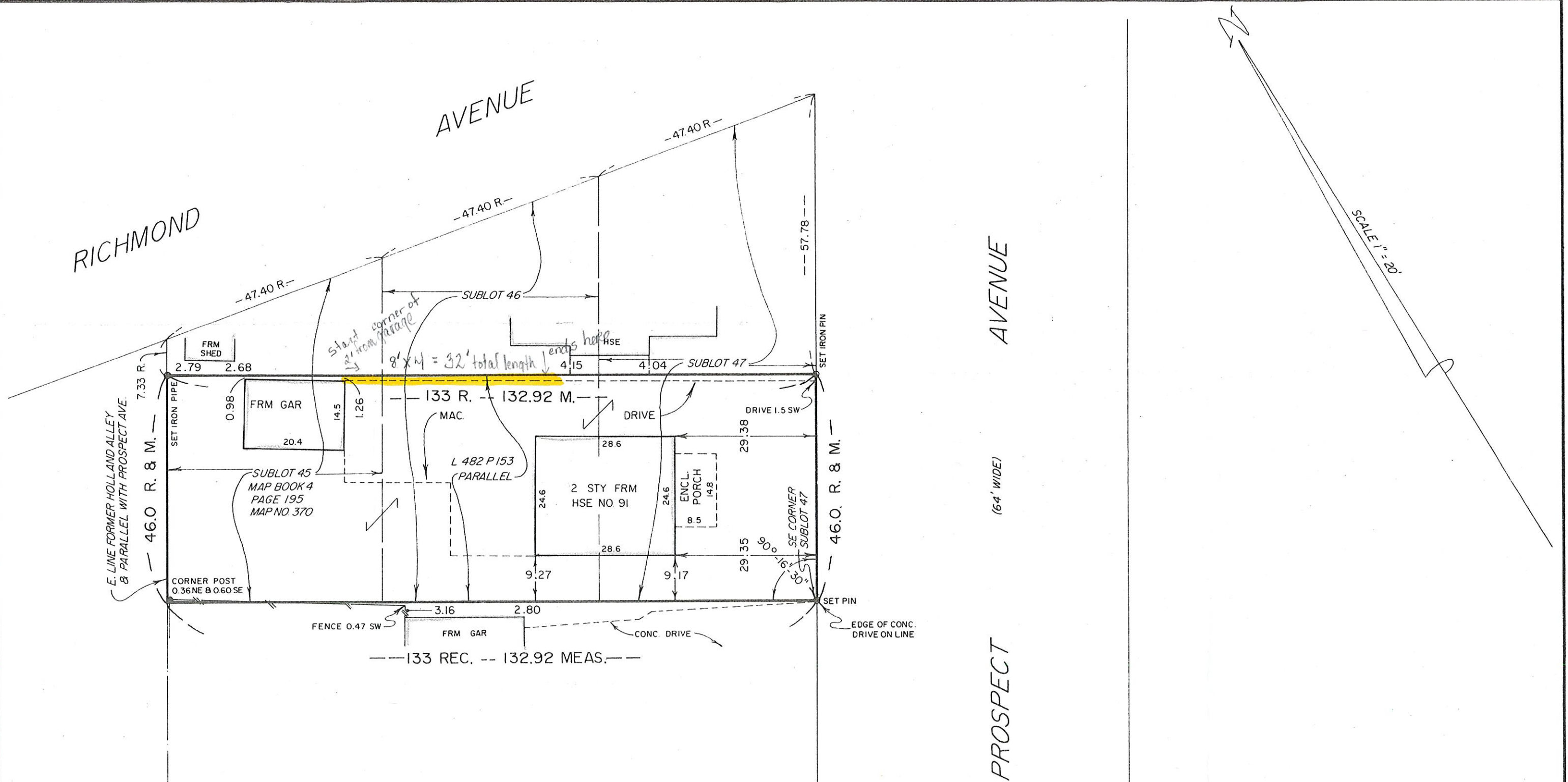
National Grid Sign Off (Pools): _____ Lot Size: _____

Existing Use: _____ NYS Building Code Occupancy Class: _____

Proposed Use: _____ NYS Building Code Occupancy Class: _____



AVE



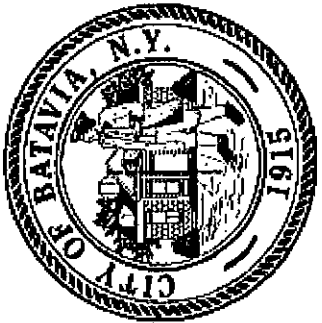
PART OF VILLAGE LOT II
 PART OF LOT _____ SEC _____
 TWP. _____ RGE. _____
 VILLAGE OF _____
 CITY OF BATAVIA
 COUNTY OF GENESEE N.Y.

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 Education Law.

Only copies from the original of this survey map marked with an original of the land surveyor's embossed seal and signature shall be considered to be valid true copies.

Elmer J. Ottney

ottney & miller, L.S.P.C.
 25 BUFFALO STREET - AKRON, NEW YORK 14001
 PHONE: (716) 542-5764 FAX: (716) 542-5208
 DATE 7-8-93 REVISED _____
 FB # 119-2 JOB # 9955



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: 6/29/18
Re: **9 Hillside Dr.**
Tax Parcel No. 84.012-2-47
Zoning Use District: R-1

The applicant, Robert Kuszlyk (owner), has filed an application to place an above ground swimming pool on this property 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 190-35 D.** Swimming pools are not permitted to occupy spaces other than a rear yard.



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____
Hearing Date/Time: _____

APPLICANT:

Name Robert Kuszlyk E-Mail Address robert.kuszlyk@gmail.com
Street Address 9 Hillside Drive Phone 585 727-8581 Fax 585 727-8581
City Batavia State NY Zip 14020

STATUS:

☒ Owner _____ Agent for Owner _____ Contractor _____

OWNER:

Name Robert Kuszlyk E-Mail Address robert.kuszlyk@gmail.com
Street Address 9 Hillside Drive Phone 585 - Fax 14020
City Batavia State NY Zip 14020

LOCATION OF PROPERTY: 9 Hillside Dr. Batavia, NY 14020

DETAILED DESCRIPTION OF REQUEST: pool installation

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.

Robert Kuszlyk _____
Applicant's Signature Date 6-26-18

Robert Kuszlyk _____
Owner's Signature Date 6-26-18

To be Filled out by Zoning Officer

TAX PARCEL: 84.02-2-47 **ZONING DISTRICT:** D-1 **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: Bmc 190-35 D Swimming pools may not occupy any 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.
As the granting will not change the neighborhood character
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. 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.
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

6-26-18
Date

CITY OF BATAVIA

BUILDING PERMIT APPLICATION

Robert Kuszyk@gmail.com

DATE: 06/08/18

APPLICANT NAME & PHONE: Rob Kuszyk 585-727-8581

Project Location and Information

Permit #: _____ Fee: _____

Address of Project: 9 Hillside Drive

Owner & Address: Rob Kuszyk 9 Hillside Drive

Phone: 585-727-8581

Project Type/Describe Work

Estimated cost of work: \$2,500.00 Start date: _____

Describe project:
Installation of an above ground poolContractor Information – Insurance certificates (liability & workers comp) required being on fileGENERAL

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: 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): N/A Lot Size: 110 x 145

Existing Use: 1 family NYS Building Code Occupancy Class: _____

Proposed Use: same NYS Building Code Occupancy Class: _____

HILLSIDE DR
Hillside Drive



CREST DR
WOODCREST DR

N.Y.S.R.L.S. NO. 50249