

ZONING BOARD OF APPEALS
Thursday, September 24, 2015
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

AGENDA

- I. Roll Call
- II. Call to order
- III. Pledge of Allegiance
- IV. Approval of August 27, 2015 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

A. Request #1

509 Ellicott Street
Nicholas Salvador, owner

Area Variance: Relocate the front entrance stairs from the east elevation of the front porch to the south (front) elevation of the porch in a location that is within the front yard clear

- 1. Review application
- 2. Action by the board

B. Request #2

18 Fisher Park Street
Bill Fox, contractor for owner

Area Variance: Construction of a three season room on the rear of this one family dwelling. A portion of the addition is proposed to be locate within the west side yard clear space

- 1. Review application
- 2. Action by the board

C. Request #3

30 Washington Avenue
Timothy Stoddard, contractor for owner

Area Variance: Construction of a 6' x 6' wood frame entry deck with stairs and rails on the southwest corner of this one family dwelling. The proposed construction will be located within the front yard clear space

1. Review application
2. Action by the board

VII. Setting of Next Meeting: October 22, 2015

VIII. Adjournment

ZONING BOARD OF APPEALS

Minutes

Thursday, August 28, 2015

6:00 pm

Council Board Room

One Batavia City Centre, Batavia, NY

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

Members absent: Lee Hyatt

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

I. Roll Call

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

II. Call to Order

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

III. Pledge of Allegiance

IV. Approval of Minutes from July 23, 2015 Meeting

MOTION: Mr. McCarthy moved to approve the minutes; the motion was seconded by Dr. Licata, and on roll call, was approved 4-0.

Result: Approval of July 23, 2015 minutes.

V. Zoning Board of Appeals statement

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

VI. Variance Request

Construction of an in-ground swimming pool in the west side yard of the corner lot property

Address: *101 Naramore Drive*

Applicant: Tim Johnson, owner

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

1. Review Application

Vice Chairman Hayes read the proposal summary for the board.

2. Public Hearing and Discussion

Mr. Gillard opened the public hearing at 6:04 pm. There were no calls or correspondence and no one present who wished to speak. Mr. Gillard closed the public hearing at 6:05 pm.

Mr. Johnson told the board that the reason for the variance is that since his property is a corner lot, there is technically no rear yard in which to construct the pool. Dr. Licata asked Mr. Randall if it would be acceptable for Mr. Johnson to move the pool slightly from what is indicated on the survey should he discover that a power line runs beneath the ground. Mr. Randall explained that if the variance is approved for the side yard without conditions, the exact location of the pool within that area is not specific.

3. Action by the Board

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

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

MOTION: Mr. Gillard moved to approve the application as written, with 60 days to obtain the permit. The motion was seconded by Dr. Licata, and on roll call, was approved 4-0.

Result: Approval of Area Variance

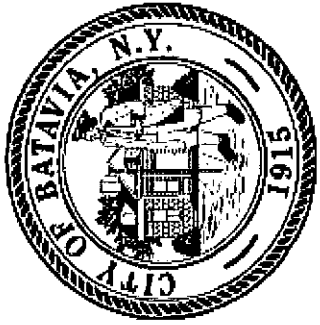
VII. New Business

VIII. Setting of Next Meeting: September 24, 2015

IX. Adjournment

Mr. Gillard moved to adjourn the meeting at 6:09 pm. The motion was seconded by Mr. Hayes. All voted in favor.

Meg Chilano
Bureau of Inspection Clerk



City of Batavia
Department of Public Works
Bureau of Inspections

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

To: Genesee County Planning
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 8/28/15

Re: 509 Ellicott St.
Tax Parcel No. 84.020-1-72

Zoning Use District: R-2

The applicant, Nicholas Salvador (owner), has filed an application to relocate the front entrance stairs from the east elevation of the front porch to the south (front) elevation of the porch in a location that is 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 boundary of **the right of way of a state parkway, thoroughway, expressway, 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- | | BMC Sec. 190-29 A. and Schedule I | | |
|---------------------|------------------------|-----------------------------------|-----------------|-------------------|
| | Area | <u>Required</u> | <u>Proposed</u> | <u>Difference</u> |
| 1) | Front yard clear space | 20' | 12.8' | 7.2' |

SEND OR DELIVER TO:

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

DEPARTMENT USE ONLY:

GCDP Referral # _____

*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

Required According to:

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

1. REFERRING BOARD(S) INFORMATION

Board(s) Zoning Board of Appeals

Address One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347 Ext. _____Phone (585) 993 - 7139 Ext. _____

Email _____

Name Nicholas SalvadorAddress 509 Ellicott St.City, State, Zip Batavia, NY 14020MUNICIPALITY: ☒ **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 509 Ellicott St.B. Nearest intersecting road HarvesterC. Tax Map Parcel Number 84.020-1-72

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 190-29 A and Schedule IC. Please describe the nature of this request Approval to relocate entry steps to front yard 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 RandallTitle Code Enf. OfficerPhone (585) 345 - 6327

Ext. _____

Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020Email drandall@batavianewyork.com



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

GCDP Referral ID C-34-BAT-9-15

Review Date 9/10/2015

Municipality

BATAVIA, C.

Board Name

ZONING BOARD OF APPEALS

Applicant's Name

Nicholas Salvador

Referral Type

Variance(s)

Description:

Area Variance(s)

Area Variance to relocate the front steps of a single-family home.

Front Yard Setback

Minimum required: 20 ft.

Existing porch: 16.8 ft.

Proposed steps: 12.8 ft.

Location

509 Ellicott St. (NYS Rt. 63), Batavia

Zoning District

Residential (R-2) District

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

The proposed variance should pose no significant county-wide or inter-community impact. The neighboring property exhibits a similar setback for the front steps.

Director

September 10, 2015

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.



C-34-BAT-9-15





CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____
Hearing Date/Time: _____

APPLICANT:

Name Nicholas J Salvatore E-Mail Address _____
509 Ellicott Street 585.993.7139
Street Address: Phone _____ Fax _____
Batavia New York 14020
City State Zip

STATUS:

☒ Owner _____ Agent for Owner _____ Contractor _____

OWNER:

Name Nicholas J Salvatore E-Mail Address _____
509 Ellicott Street 585.993.7139
Street Address: Phone _____ Fax _____
Batavia New York 14020
City State Zip

LOCATION OF PROPERTY:

509 Ellicott Street

DETAILED DESCRIPTION OF REQUEST:

Rebuild Front Porch, Move
Steps to Front

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] Date 8-26-15
Applicant's Signature

[Signature] Date 8-26-15
Owner's Signature

To be Filled out by Zoning Officer

TAX PARCEL: 84.020-1-72 **ZONING DISTRICT:** R-2 **FLOOD PLAIN:** 4b

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

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

DATE: 8-26-15APPLICANT NAME & PHONE: Nicholas J Salvatore 585-993-7139Project Location and Information

Permit #: _____ Fee: _____

Address of Project: 509 Elliott Street Batavia, NY 14020Owner & Address: Nicholas J Salvatore 509 Elliott St.Phone: 585.993.7139Project Type/Describe Work

Estimated cost of work: _____

Start date: _____

Describe project:

Rebuild Front Porch, Move Steps to FrontContractor Information – Insurance certificates (liability & workers comp) required being on fileGENERALName/Address: Danny Johnson Batavia NYPhone: 716-274-0556PLUMBING (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: _____

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.

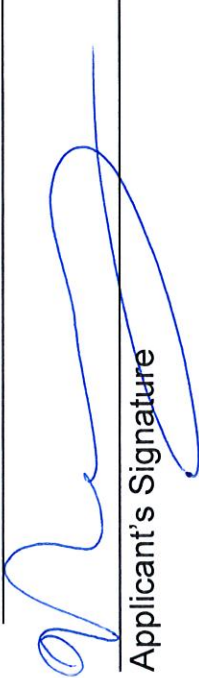
No Undesirable Change in the Neighborhood

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. NONE

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

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

8-26-15
Date



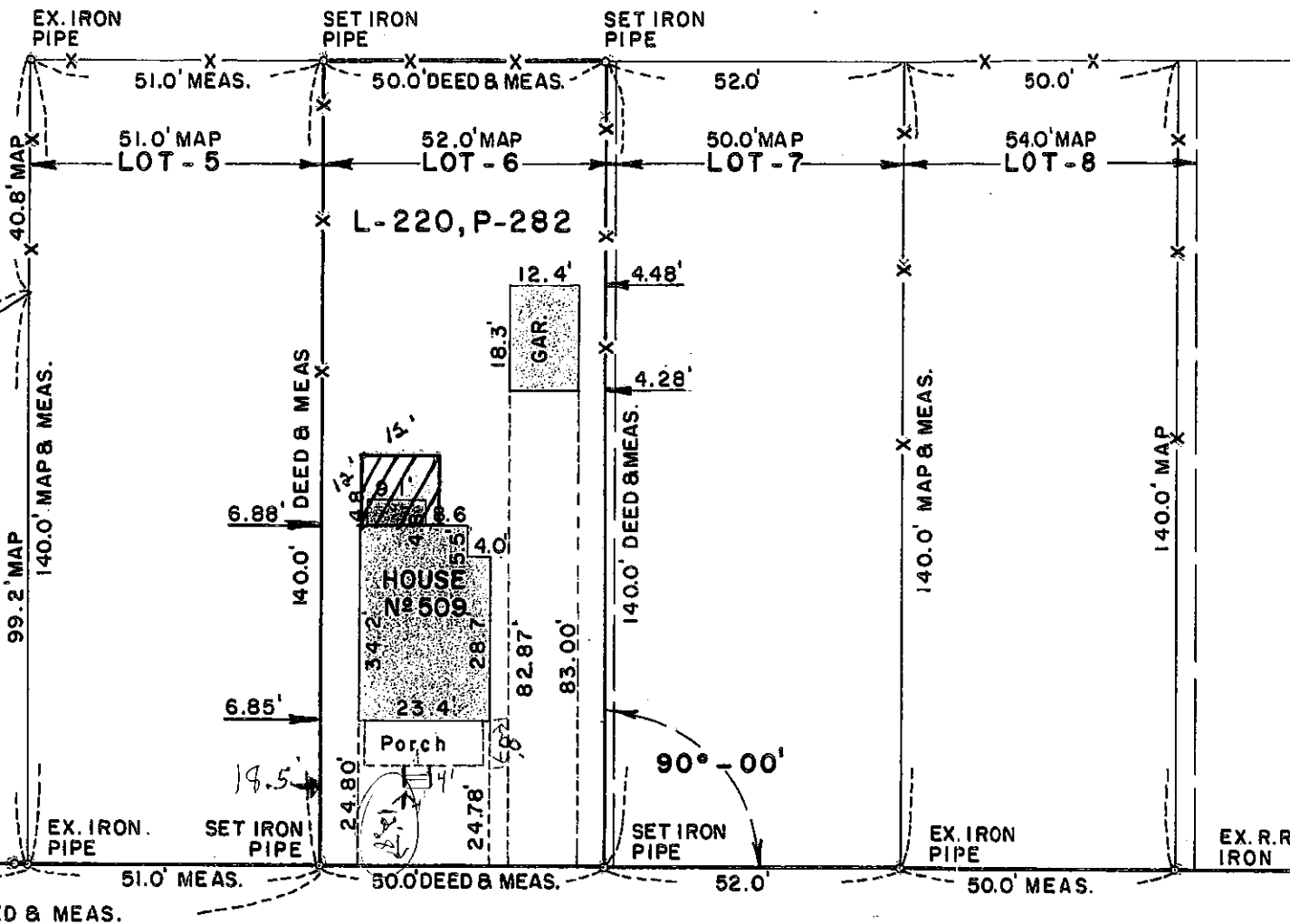


HARVESTER AVENUE
(54.0' WIDE)

106.35' MAP

LOT - 4

50.0' MAP



ELLICOTT STREET (99.0' WIDE)

JOHN E. MCINTOSH, LAND SURVEYOR

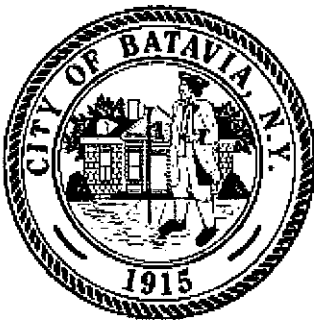
429 PINE ST., LOCKPORT, N. Y.
PHONE HF 3-2535

28 MILL ST., MT. MORRIS, N. Y.
PHONE 677

14 MAIN ST., BATAVIA, N. Y.
PHONE FI. 3-5654

509 Ellicott

| | | |
|---|-----------------|-------------------------|
| SURVEY OF PART OF VILLAGE LOT-43, PT. OF SUB-LOT-6, GOODENBURY SUBDIV | | |
| LOCATION CITY OF BATAVIA, GENESEE COUNTY, NEW YORK | | |
| REFERENCE MAP FILED IN MAP BOOK-2, PAGE-82 | | |
| JOB No. B-1719 | SCALE: 1" = 30' | DATE: DECEMBER 14, 1962 |



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: 8/28/15

Re: **18 Fisher Pk.**
Tax Parcel No. 84.012-1-11

Zoning Use District: R-2

The applicant, Bill Fox (contractor for owner), has filed an application to construct a three season room on the rear of this one family dwelling. A portion of the addition is proposed to be located within the west 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 parkway, throughway, expressway, 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> |
|----------------------------------|-----------------|-----------------|-------------------|
| 1) Minimum side yard clear space | 8' | 7.75' | .25' |



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

GCDP Referral ID **C-33-BAT-9-15**

Review Date **9/10/2015**

Municipality

BATAVIA, C.

Board Name

ZONING BOARD OF APPEALS

Applicant's Name

Bill Fox (contractor)

Referral Type

Variance(s)

Area Variance(s)

Description:

Area Variance to construct a three season room addition for a single-family home.

Side Yard Setback

Minimum required: 8 ft.

Existing home: 7.4 ft.

Proposed addition: 7.75 ft.

Location

18 Fisher Pk., Batavia

Zoning District

Residential (R-2) District

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

Given that the variance is not significant and that the addition will not encroach onto the side yard any further than the existing home, the variance should pose no significant county-wide or inter-community impact.

Director

September 10, 2015

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.



C-33-BAT-9-15



SEND OR DELIVER TO:

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

DEPARTMENT USE ONLY:

GCDP Referral # _____



*** GENESEE COUNTY ***
PLANNING BOARD REFERRAL

Required According to:

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

(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATION

Board(s) Zoning Board of Appeals

Address One Batavia City Centre

City, State, Zip Batavia, NY 14020

Phone (585) 345 - 6347 Ext. _____

2. APPLICANT INFORMATION

Name Bill Fox (contractor)

Address 5742 Ellicott St Rd.

City, State, Zip East Bethany, NY 14054

Phone (585) 344 - 1118 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 18 Fisher Pk.

B. Nearest intersecting road Elm

C. Tax Map Parcel Number 84.012-1-11

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 190-29 A and Schedule I

C. Please describe the nature of this request Approval to construct a three season room on the rear of this dwelling with a portion of the addition located within the minimum side 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

15-11



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

AUG 26 2015

Application No.: _____

Hearing Date/Time: _____

APPLICANT:

Foxy Home Enhancements LLC
Name _____ E-Mail Address _____
5742 Ellicott St. Rd. 344-1118
Street Address _____ Phone _____
E. Bethany NY 14054
City _____ State _____ Zip _____

STATUS:

____ Owner _____ Agent for Owner ☒ Contractor

OWNER:

Jon & Carol McManis
Name _____ E-Mail Address _____
18 Fisher Park 943-1375
Street Address _____ Phone _____
Batavia NY 14020
City _____ State _____ Zip _____

LOCATION OF PROPERTY:

18 Fisher Park

DETAILED DESCRIPTION OF REQUEST:

Variance for 3 Season room
on back of home. ~~Room~~ Wanting room in
line with existing home wall.

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.

Bill Fox
Applicant's Signature _____
Jon McManis
Owner's Signature _____

8/26/15
Date _____
8/26/15
Date _____

To be Filled out by Zoning Officer

TAX PARCEL: 84.012-1-11 ZONING DISTRICT: R-2 FLOOD PLAIN: NO

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

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

Provision(s) of the Zoning Ordinance Appealed: BMC 190-29 A and Schedule 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.
New 3 Season room will be in line with existing wall of home.
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.
None
3. **Substantiality.** The requested area variance is not substantial.
only 4 3/4" closer to property line than should be.
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.
None
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.
wall on home pre existing

Bill Fox
Applicant's Signature

8/26/15
Date

O.B.O. Foxy Home Enhancements LLC

DATE: 8/13/15APPLICANT NAME & PHONE: William Fox a.b.o. Fox Home Enhancements LLC**Project Location and Information**

Permit #: _____ Fee: _____

Address of Project: 18 Fisher ParkOwner & Address: Jon & Carol McManis

Phone: _____

Project Type/Describe WorkEstimated cost of work: \$8,000 Start date: NovDescribe project:
Addition on back of home**Contractor Information** – Insurance certificates (liability & workers comp) required being on file**GENERAL**Name/Address: Foxy Home Enhancements LLC
Phone: 344-1118**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: _____

Q. How many people
were in the
Carroll's car
at the time?

9

57

2000



—

1000

Y-2" Batts Enc 7/24"
Slipped

- 2x10
rate

- Joist hangers

2x10
Joists -
16" O.C.

Double 2X10 Load
Beam Center

at deck under
joists

Double
2 X/O Lead

Tripple 2x10
load beam on
6x6 posts

Load Bearing
on top of
posts

STREET LINE

CONCRETE WALK

S 70°50'00" E 41.25' M&M

23.9' FRONT SETBACK 20'

PORCH

2.5'

25.2'

6.8'

7.4'

21.3'

9.9'

4.4'

9.3'

6.0'

PORCH

36.5'

CONCRETE WALK

32.6'

BLOCK CHIMNEY

FRAME 2 1/2 STORY #18

29.3'

ASPHALT

33.8'

FRAME 2 1/2 STORY #20

24.5'

7.6'

24.5'

9.2'

6.3'

PORCH

1.7'

24'-5" X 12'-3" SINGLE STORY 3-SEASON RM ADDITION

12.3'

12.3'

24.5'

STEPS

0.6' FNC.

7'-9 1/2"

8'

0.2' C-L FNC.

3.1'

8.3'

12.3'

FRAME SHED

0.5' FNC.

8.0'

CK 8.0'

3.1'

DECK

150.00' D&M

150.00' W

150.00' D&M

S 19°39'00" W

SUB. LOT 15

SUB. LOT 28

SUB. LOT 29

| PROPOSED | VARIANCE |
|----------|----------|
| 41.25' | N/A |
| 25.2' | N/A |
| 7.75' | YES |
| 80.0' | NO |

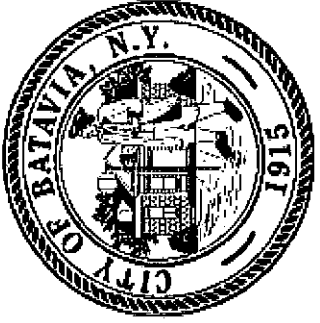
N/F

MARGARET M 1.837

| | | | | |
|---|---------------------------------------|----------|----------|----------|
| 1 | TAX ID. NO. 84.012-1-11 | | | |
| 2 | ZONING: R-1 | | | |
| 3 | PARCEL AREA = 0.142 +/- ACRES | | | |
| | | REQUIRED | PROPOSED | VARIANCE |
| 4 | SETBACKS REQUIREMENTS | | | |
| | FRONTAGE MIN. (EXISTING CONDITIONS) = | 75' | 41.25' | N/A |
| | MIN. FRONT = | 20' | 25.2' | N/A |
| | MIN. SIDE SETBACK = | 8' | 7.75' | YES |
| | MIN. REAR SETBACK = | 35' | 80.0' | NO |

N/F
MARGARET M. STANKOVIC
I 837 D.825

IT IS A VIOLATION OF LAW FOR ANY PERSON,
UNLESS ACTING UNDER THE SUPERVISION
OF A LICENSED ARCHITECT TO ALTER ANY
ITEM ON THIS DOCUMENT IN ANY WAY.



City of Batavia
Department of Public Works
Bureau of Inspections
(585)-345-6345 (585)-345-1385 (fax)

One Batavia City Center, Batavia, New York 14020

To: Zoning Board of Appeals
From: Doug Randall, Code Enforcement Officer
Date: 8/28/15
Re: **30 Washington Ave.**
Tax Parcel No. 84.040-2-8
Zoning Use District: R-1A

The applicant, Timothy Stoddard (contractor for the owner), has filed an application to construct a 6' x 6' wood frame entry deck with stairs and rails on the southwest corner of this one family dwelling. The proposed construction will be located within required 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:

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> |
|----------------------------------|------------------------|------------------------|--------------------------|
| 1) Front yard clear space | 20' | 5.8' | 14.2' |

190-33 A. Yards on corner lots- Any yard adjoining a street shall be considered a front yard for the purposes of this chapter and shall comply with all requirements for a front yard in the district in which located.

190-33 F. (1) Every part of a required yard shall be open from its lowest part to the sky unobstructed, except for the ordinary projections of sills, bet cornices, pilasters, leaders, chimneys, eaves and ornamental features, provided that no such projection may extend more than three feet into any required yard.

Fax # (585) 345-1385



CITY OF BATAVIA

APPLICATION TO THE ZONING BOARD OF APPEALS

 Application No.: _____
 Hearing Date/Time: _____
APPLICANT:

Amerson Home Remodeling

Name _____ E-Mail Address _____
20 Callcott Ave. 746-1354
 Street Address _____ Phone _____
Batavia NY Fax _____
 City _____ State _____ Zip _____

STATUS:
 _____ Owner _____ Agent for Owner _____ Contractor ☒
OWNER:

Rebecca Smith

Name _____ E-Mail Address _____
30 Washington Ave. (916) 697-1178
 Street Address _____ Phone _____
Batavia NY Fax _____
 City _____ State _____ Zip _____

LOCATION OF PROPERTY:
30 Washington Ave. Batavia
DETAILED DESCRIPTION OF REQUEST:
Variances to build a 6'x6'
Back Entrance Deck.

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

5-27-15
Owner's Signature

Date

5-27-15

To be Filled out by Zoning Officer

TAX PARCEL:
84.040-2-8
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 and Schedule 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.

No - Change will enhance 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. None -

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 Effect - will be Appretive to the Neig-

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 - need

a back Entrance with a platform.



Applicant's Signature

P-27-15

Date

CITY OF BATAVIA

BUILDING PERMIT APPLICATION

DATE: 8-25-15APPLICANT NAME & PHONE: Tim Fordan786-1354Project Location and Information

Permit #: _____ Fee: _____

Address of Project: 30 Washington Ave BataviaOwner & Address: Rebecca Smith 30 Washington AvePhone: 716-697-1178Project Type/Describe Work 5560.wEstimated cost of work: 3190.00 Start date: 8-27-15Describe project: See contract AttachedContractor Information – Insurance certificates (liability & workers comp) required to be on file OKGENERALName/Address: American Home Remodeling 20 Ellicott Ave. BataviaPhone: 585-345-4122PLUMBING (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: _____

PROPOSAL

AMERICAN HOME REMODELING

20 Ellicott Ave.
Batavia, New York 14020
Phone 345-4122
AmericanRemodelingonline.com

No.

Page No. 1 at 1

| | | |
|---|--|-----------------------|
| Proposal Submitted to <u>Bevera Smith</u> | Phone <u>716-697-1178</u> | Date <u>6-16-15</u> |
| Street <u>Porter Ave</u> | Email <u>becky.stella@rocketmail.com</u> | |
| City <u>Batavia</u> | State <u>NY</u> | Zip Code <u>14020</u> |
| Submitted by <u>TS</u> | Date of Plans | Job Phone |

We hereby submit specifications for:

- 1 Remove existing back entrance stairs
 - 2 Build a new 6x6 treated platform entrance with attached stairs on back entrance where new door was installed
 - 3 Install 2x2 square spindle treated railing around perimeter of platform and down both sides of stairs.
 - 4 Lattice skirt
- Note: Platform to be built with 2x8 floor joists on 16" center, lag to ledger board at house and one 48" deep cement pier at outer corner.

Note-Permit fee to be billed at end of job. (actual cost of permit only)

You the buyer, may cancel this transaction at any time prior to the midnight of the third business day after the date of this transaction. Owner agrees that in the event of cancellation after this specified time, owner shall pay contractor thirty percent (30) of the contract price as liquidated damages for the breach.

We **Propose** hereby to furnish material and labor - complete in accordance with above specifications, for the sum of: 3190.00 ^{Twenty} dollars (\$ 3190.00).
Three Thousand Four Hundred Ninety dollars (\$ 3470.00)
Payment to be made as follows:

Unless otherwise specified - payment is due immediately upon completion of job. A 2% finance charge will be added 2 business days after completion on any balance due and 2% each month thereafter.

All material is guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to specifications submitted, per standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation insurance.

Authorized Signature

Note: This proposal may be withdrawn by us if not accepted within _____ days

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature

Signature

Date of Acceptance 7/3/15

PROPOSAL

AMERICAN HOME REMODELING

20 Ellicott Ave.
Batavia, New York 14020
Phone 345-4122
AmericanRemodelingonline.com

No.

Page No. 1 at 1

| | | | | | |
|-----------------------|-------------------------------|---------------|----------------------------|-----------|---------|
| Proposal Submitted to | Bebecca Smith | Phone | 716-497-1178 | Date | 6-16-15 |
| Street | Porter Ave 30 Washington Ave. | Email | beckystella@rocketmail.com | | |
| City | Batavia NY | State | NY | Zip Code | 14020 |
| Submitted by | TS | Date of Plans | | Job Phone | |

We hereby submit specifications for: ~~✱~~ Owner will have wall down to studs.

1) Remove existing back entrance door and frame in opening. Sheath exterior with 1/2 plywood. Insulate interior wall and install 1/2" drywall, tape, mud and sand to prep for paint.

2) Remove back entrance window and frame in to accommodate new entrance door, provided by owner. Install door with new 1x interior casing.

3) Aluminum trim exterior door casing

4) Install new white vinyl siding as needed to finish exterior wall.

Note-Permit fee to be billed at end of job. (actual cost of permit only)

You the buyer, may cancel this transaction at any time prior to the midnight of the third business day after the date of this transaction. Owner agrees that in the event of cancellation after this specified time, owner shall pay contractor thirty percent (30) of the contract price as liquidated damages for the breach.

We **Propose** hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

Two Thousand Three Hundred Sixty four ^{Twenty} dollars (\$ 2370.00 ^{2370.00})
Payment to be made as follows: Two Thousand Three Hundred Sixty four ^{Twenty} days

Unless otherwise specified - payment is due immediately upon completion of job. A 2% finance charge will be added 2 business days after completion on any balance due and 2% each month thereafter.

All material is guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to specifications submitted, per standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation insurance.

Authorized Signature

Note: This proposal may be withdrawn by us if not accepted within _____ days

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature

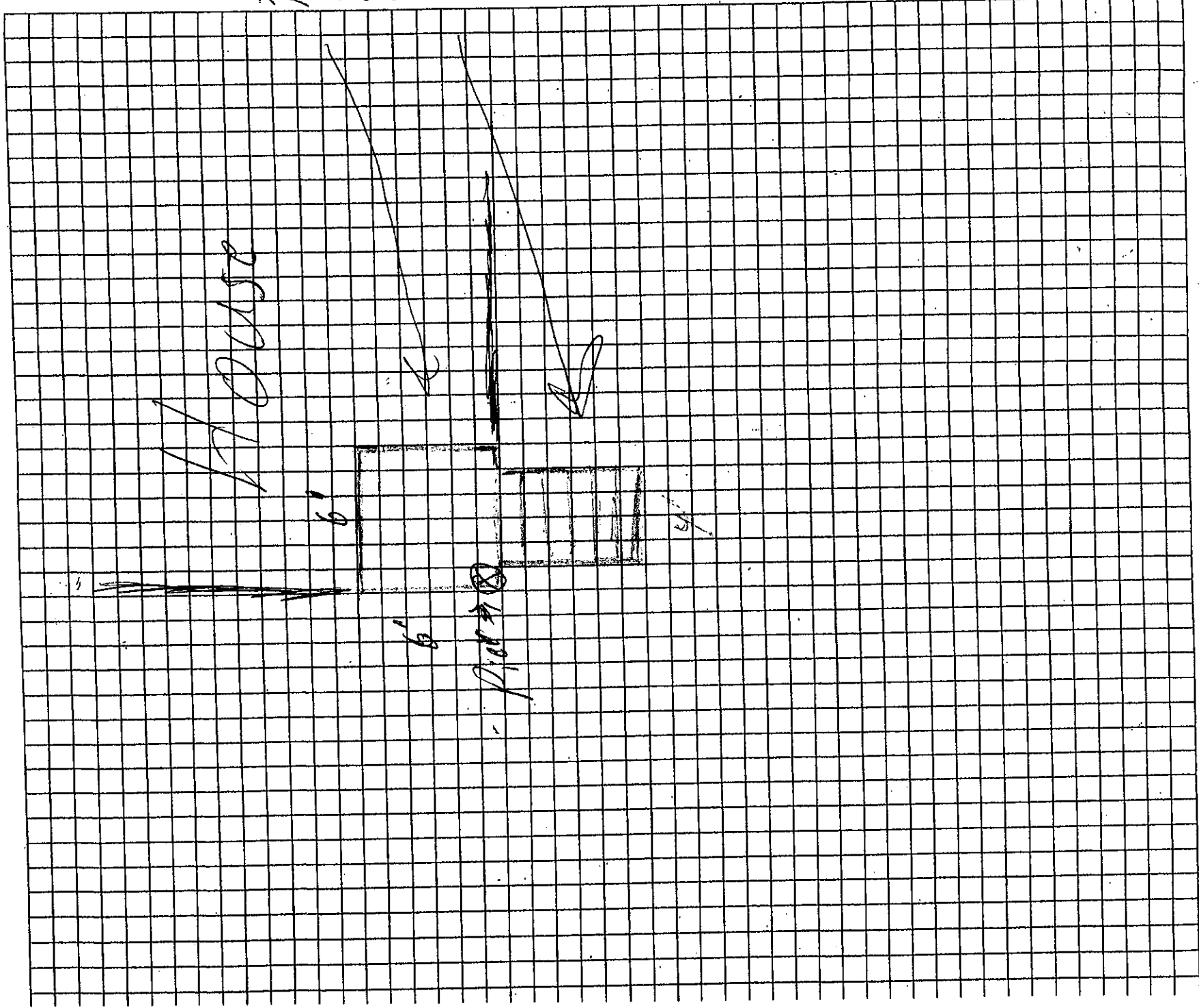
Date of Acceptance

7/3/15

Signature

PLOT DIAGRAM INSTRUCTIONS

Plot diagram must show all existing buildings and structures as well as proposed on the property. Show dimensions in feet from the Proposed building or structure to All lot lines. (Dimensions not needed for existing) (Identify adjoining parcels, the owners of the parcels and clearly identify Street names and property lines.)



WASHINGTON AVE

Q3

PORTER AVE



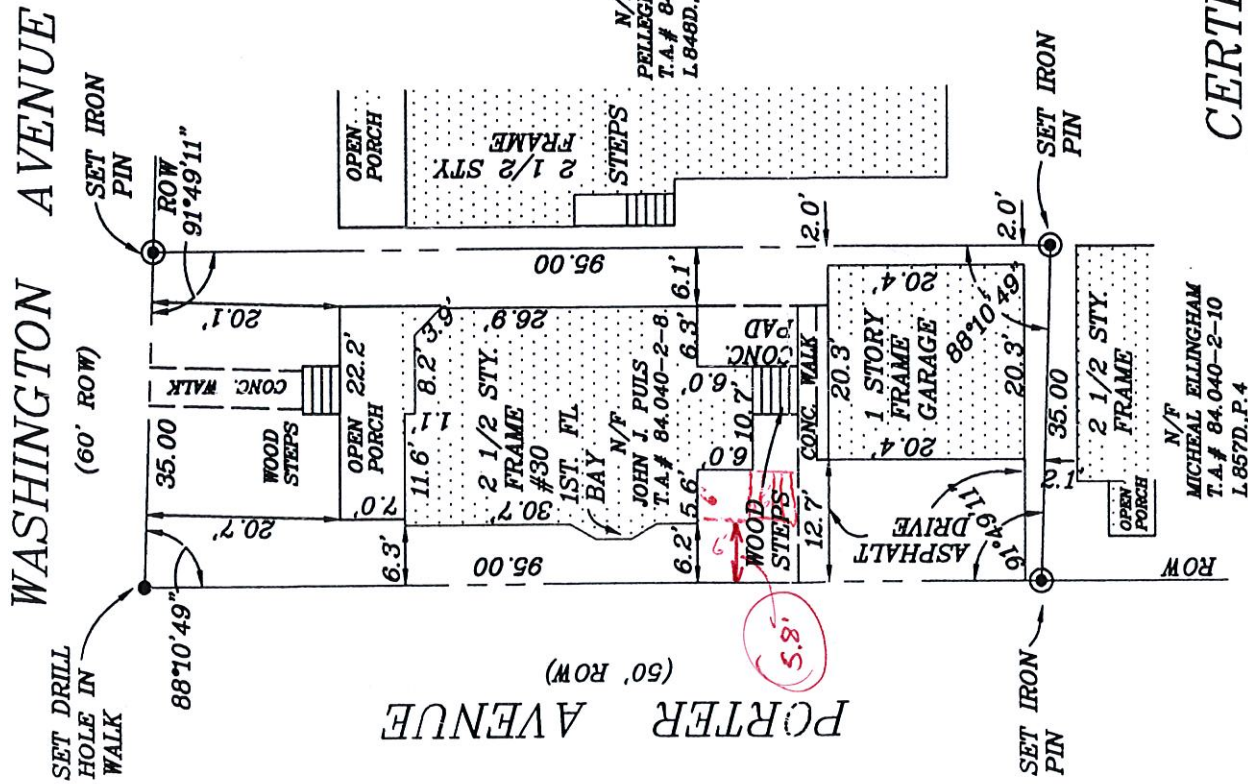
INSTRUMENT LOCATION MAP SHOWING A PARCEL
OF LAND LOCATED AT #30 WASHINGTON AVENUE
SITUATE IN THE CITY OF BATAVIA, COUNTY OF
GENESEE, STATE OF NEW YORK.



SCALE: 1" = 20'

REFERENCES

- 1.) LIBER 876 OF DEEDS, PAGE 445
- 2.) ABSTRACT OF TITLE PREPARED
BY CROSSROADS ABSTRACT
SEARCH NO. G25705
DATED MAY 12, 2011.

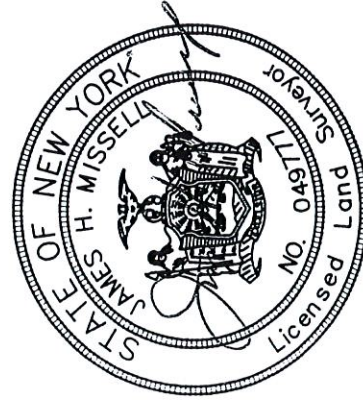


CERTIFY TO:

- 1.) UNITED STATES OF AMERICA, ACTING THROUGH
RURAL HOUSING SERVICE OR ITS SUCCESSOR AGENCY
- 2.) BECKY A STELLA
- 3.) THE WILLIAMS LAW FIRM, LLP
- 4.) CORNER STONE ABSTRACT, LLC

SURVEY CERTIFICATION

WE, JAMES H. MISSELL AND ASSOCIATES CERTIFY THAT THIS MAP
WAS PREPARED IN ACCORDANCE WITH CURRENT STANDARDS JOINTLY
ADOPTED BY GENESEE VALLEY LAND SURVEYORS ASSOCIATION AND
THE MONROE COUNTY BAR ASSOCIATION AND FROM FIELD NOTES
OF AN INSTRUMENT SURVEY PERFORMED ON JULY 17, 2011.



JAMES H. MISSELL AND ASSOCIATES

PROFESSIONAL LAND SURVEYING SERVICES
900 JEFFERSON ROAD, ADMINISTRATION BUILDING
ROCHESTER, NEW YORK 14623
TEL. 585-340-2315 FAX 585-340-2316