ZONING BOARD OF APPEALS
Thursday, March 23, 2017
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

AGENDA

I. Roll Call

II. Call to order

III. Pledge of Allegiance

IV. Approval of January 26, 2017 minutes

V. Statement about the role of the Zoning Board of Appeals and the procedure it follows

VI. Variance Requests

A. Request #1 *119 Swan St.*
Robert Ziminski, owner

Area Variance: Addition of a second driveway on the south side of this parcel. The proposed new stone driveway is to be 10' wide and 60' in length

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

B. Request #2 *115 Washington Ave.*
Robert Gerace, real estate agent for the owner

Use Variance: Change the second floor use from a permitted use single dwelling unit to a land surveyor's office

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

VII. Setting of Next Meeting: April 27, 2017

VIII. Adjournment

ZONING BOARD OF APPEALS
Draft Minutes
Thursday, January 26, 2017
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

Members present: *Bill Cox, Nick Harris, Deborah Kerr-Rosenbeck, Paul McCarthy, Jim Russell*

Others present: Meg Chilano – Clerk

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 5:55 pm.

III. Pledge of Allegiance

IV. Approval of Minutes

MOTION: Mr. McCarthy moved to approve the minutes as written; the motion was seconded by Mr. Harris, and on roll call, was approved 4-0-1.

Votes in favor: 4 (Nick Harris, Deborah Kerr-Rosenbeck, Paul McCarthy, Jim Russell)
Votes opposed: 0
Votes abstained: 1 (Bill Cox)
RESULT: Approval of December 15, 2016 minutes.

V. Zoning Board of Appeals statement

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

VI. Variance Requests

A. <u>Area Variance: Placement of a 21' round above ground swimming pool with deck in the southeast side yard on this corner lot parcel</u>

Address: *23 Roosevelt Ave.*
Applicant: David Culver, owner

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

DRAFT

1. Review Application

Acting Vice Chair Ms. Kerr-Rosenbeck read the summary of the proposal. Mr. McCarthy verified with the clerk that the Genesee County Planning Board recommended approval.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Cox, and on roll call, was approved 5-0.
RESULT: Public hearing opened at 6:04 pm.

Mr. Culver's property is located on a corner. He explained that he owns two city lots that have been joined together and he wants to locate the pool in the center.

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 6:12 pm.

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

- Undesirable change in neighborhood character: no
- Alternative cure sought: no other place to put the pool on a corner lot
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no
- Self-created: no, it's a corner property

3. Action by the Board

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

B. <u>Area Variance: Installation of a parking lot in the front yard of this church property</u>

Address: *238 Vine St.*
Applicant: Robert Greathouse, Trustee for Grace Baptist Church

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

1. Review Application

Ms. Kerr-Rosenbeck read the summary of the proposal. Mr. McCarthy reported that the PDC recommended approval. Mr. McCarthy verified with the clerk that the Genesee County Planning Board recommended approval.

2. Public Hearing and Discussion

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

RESULT: Public hearing opened at 6:25 pm.

Mr. Greathouse explained that the church had expanded the parking in the rear as far as it could. The church continued to grow so it applied and was approved for an area variance to install this parking lot in the front in 2015. Shortly after that time, the church was approached by the owners of an adjacent property, which the church ultimately purchased. The church allowed the permit to expire while arrangements were made for the disposal of the house that had been purchased. The house underwent demolition and asbestos abatement was necessary. The church is now prepared to resume and complete the parking lot project.

Mr. Russell asked the reason why the parking cannot be extended any farther in the back. Mr. Greathouse replied that the area is a wetland.

Ms. Kerr-Rosenbeck asked if there were any calls or email concerning the proposal and the clerk answered there were none.

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. McCarthy stated that he would not be voting because he is the engineer for the project.

Mr. Cox asked about the average attendance on Sunday. Mr. Greathouse answered that there are approximately 375-400 attendees.

Mr. Cox asked about the amount of parking currently. Mr. Greathouse responded that there are about 150 spaces. The new parking lot will create about 50 new spaces, which will eliminate the approximately 20 cars that park on the street now. Mr. Greathouse noted that there is generally more than one person in a car.

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

- Undesirable change in neighborhood character: no, it will improve the situation
- Alternative cure sought: can't, with the wetlands in the back
- Substantiality: pretty substantial
- Adverse effect or impact on neighborhood/community: no
- Self-created: the attendance is increasing

3. SEQR

Mr. McCarthy asked if the board had reviewed part one of the SEQR application and they indicated they had. The board went through the questions for part two.

MOTION: Mr. Cox moved to approve a negative declaration of SEQR; the motion was seconded by Ms. Kerr-Rosenbeck, and on roll call, was approved 4-0.

RESULT: Negative declaration of SEQR

4. Action by the Board

MOTION: Mr. Russell 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.

RESULT: Approval of Area Variance.

VII. New Business: none

VIII. Setting of Next Meeting: February 27, 2017

IX. Adjournment

Mr. McCarthy moved to adjourn the meeting at 6:37 pm; Mr. Russell seconded. All voted in favor.

Meg Chilano
Bureau of Inspection Clerk

City of Batavia
Department of Public Works
Bureau of Inspections
One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Genesee County Planning
Planning and Development Committee
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 12/19/16

Re: 119 Swan St.
Tax Parcel No. 84.074-2-39

Zoning Use District: R-2

The applicant, Robert Ziminski (owner), has applied for a permit to add a second driveway on the south side of this parcel. The proposed new stone driveway is to be 10' wide and 60' in length.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (13).

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the **right of way of a state road or highway.**

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

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

Required variances- Area

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

	Permitted	Proposed	Difference
Driveway width	12.37' (25%)	21.2' (43%)	8.83' (18%)

THE CITY OF BATAVIA
PLANNING & DEVELOPMENT COMMITTEE
ZONING RECOMMENDATIONS

Meeting Date: 2/21/17

Applicant's Name	Robert Ziminski
Location	119 Swan St.
Zoning District	R-2
Referral Type	
Variance(s)	Area
Description	Addition of a second driveway on the south side of the parcel. The proposed new stone driveway will be 10' wide and 60' in length.

PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION

Disapproval:

Precedent – in the past the PDC has recommended disapproval of a second driveway if there is room in the rear of the property for additional parking.

Despite the inconvenience, there is room on the property to relocate the current driveway

It is important to preserve the character of the City's street fronts; a second driveway would have a negative impact on the character of the neighborhood

ZONING BOARD OF APPEALS DECISION

GENESEE COUNTY PLANNING BOARD
ZONING REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID	C-03-BAT-1-17
Review Date	1/12/2017
Municipality	BATAVIA, C.
Board Name	ZONING BOARD OF APPEALS
Applicant's Name	Robert Ziminski
Referral Type	
Variance(s)	Area Variance(s)
Description:	Area Variance to place a second driveway for a two-family home. Width of Driveway Maximum allowed: 25% of lot frontage (12.37 ft.) Existing: 22.6% (11.2 ft.) Proposed: 43% (21.2 ft.)
Location	119 Swan St., Batavia
Zoning District	Residential (R-2) District

PLANNING BOARD DECISION

DISAPPROVAL

EXPLANATION:

The variance is substantial and may affect the character of the neighborhood as neighboring properties do not have two driveways. In addition, the driveway location could negatively impact and may result in the removal of a street tree. The applicant has the option of parking in the rear yard as do neighboring properties.

Felice A. Ziminski — January 12, 2017

Director — Date

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

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

DEPARTMENT USE ONLY:
GCDP Referral # _____

* GENESEE COUNTY * PLANNING BOARD REFERRAL

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

1. REFERRING BOARD(S) INFORMATION

Board(s) Zoning Board of Appeals
Address One Batavia City Centre
City, State, Zip Batavia, NY 14020
Phone (585) 345 - 6347 Ext.

2. APPLICANT INFORMATION

Name Robert Ziminski
Address 119 Swan St.
City, State, Zip Batavia, NY 14020
Phone (585) 356 - 4214 Ext. Email skiman8310@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 119 Swan St.
B. Nearest intersecting road Ellicott St.
C. Tax Map Parcel Number 84.074-2-39
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 place a second driveway on the south side of the front yard with a total driveway width in excess of 25% of the lot frontage.

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

- ☒ Local application
- ☒ Site plan
- ☐ Subdivision plot plans
- ☐ SEQR forms
- ☐ Zoning text/map amendments
- ☐ Location map or tax maps
- ☐ Elevation drawings
- ☐ Agricultural data statement
- ☐ New or updated comprehensive plan
- ☐ Photos
- ☒ Other: Cover letter

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17. Email to planning@co.genesee.ny.us

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext.
Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drandall@batavianewyork.com

CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 16-19
Hearing Date/Time: _____

APPLICANT: Robert Ziminski — skiman8310@yahoo.com
Name — E-Mail Address
119 S. Swan St. — 585-356-4214
Street Address — Phone — Fax
Batavia — N.Y. — 14020
City — State — Zip

STATUS: ✓ Owner ___ Agent for Owner ___ Contractor

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

LOCATION OF PROPERTY: 119 S. Swan ST,

DETAILED DESCRIPTION OF REQUEST: Want to Put a Second Driveway on South side of house. House is a 2 Family House and there is not Enough Room for Parking. It is dangerous to park out Back with Incline. I Dont want Parking in Back of House It is fenced off Now.

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 Ziminski — **Applicant's Signature**
12-13-16 — **Date**

_____ — **Owner's Signature**
_____ — **Date**

To be Filled out by Zoning Officer

TAX PARCEL: 84.074-2-39 **ZONING DISTRICT:** R-2 **FLOOD PLAIN:** AH

TYPE OF APPEAL:
✓ Area Variance
___ Use Variance
___ Interpretation
___ Decision of Planning Committee

FEE:
✓ $50 (One or Two Family Use)
___ $100 (All other Uses)

PAID
DEC 15 2016
CITY OF BATAVIA
CLERK/TREASURER

Provision(s) of the Zoning Ordinance Appealed: BMC 190-39 (I) driveways in Front dist. shall not exceed 25% of lot Frontage.

Criteria to Support Area Variance

In making its determination, the zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, moral, aesthetics and welfare of the neighborhood or community. The Zoning Board of Appeals shall consider the following test, as per §81-b of the General City Law when making its determination:

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

1. **Undesirable Change in neighborhood Character.** The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties. NO, The adjoining Property Has a drive way next to the one I want to add. Also across the street is 2 Drive ways Right next to each other.

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. There is not enough space for Parking and we are not allowed to Park on street after certain time. Its a 2 Family house.

3. **Substantiality.** The requested area variance is not substantial. It is substantial and there is ample room for one. Its a 2 Family House, ~~and so it~~ 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. There is none at all

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 it was Not.

Roberto Zimbri
Applicant's Signature

12-13-16
Date

Permit No._____
Date:_____

DRIVEWAY AND PARKING SPACE PERMIT

$10 fee – Please attach Survey / Illustration

APPLICANT: Robert Ziminski — Skimaw8310@Yahoo.com
Name — E-mail Address

119 S. Swan St. — 585-356-4214
Street Address — Phone

Batavia — N.Y. — 14020
City — State — Zip

✓ Owner _____ Agent for Owner _____ Contractor

OWNER: Same
Name — E-mail Address

Street Address — Phone

City — State — Zip

ADDRESS OF PROPERTY: 119 S. Swan St.

DIMENSIONS OF EXISTING DRIVEWAY: Width 11.2' Length _____

DIMENSIONS OF NEW DRIVEWAY / ADDITION: Width 10' Length 60'

12.37' Permitted
21.2 Proposed
8.83' over (18%)

SURFACE MATERIAL: Existing grass Proposed Gravel

Robert Ziminski — 12-12-16
Applicant's Signature — Date

_____ _____
Owner's Signature — Date

To be filled out by Zoning Enforcement Officer

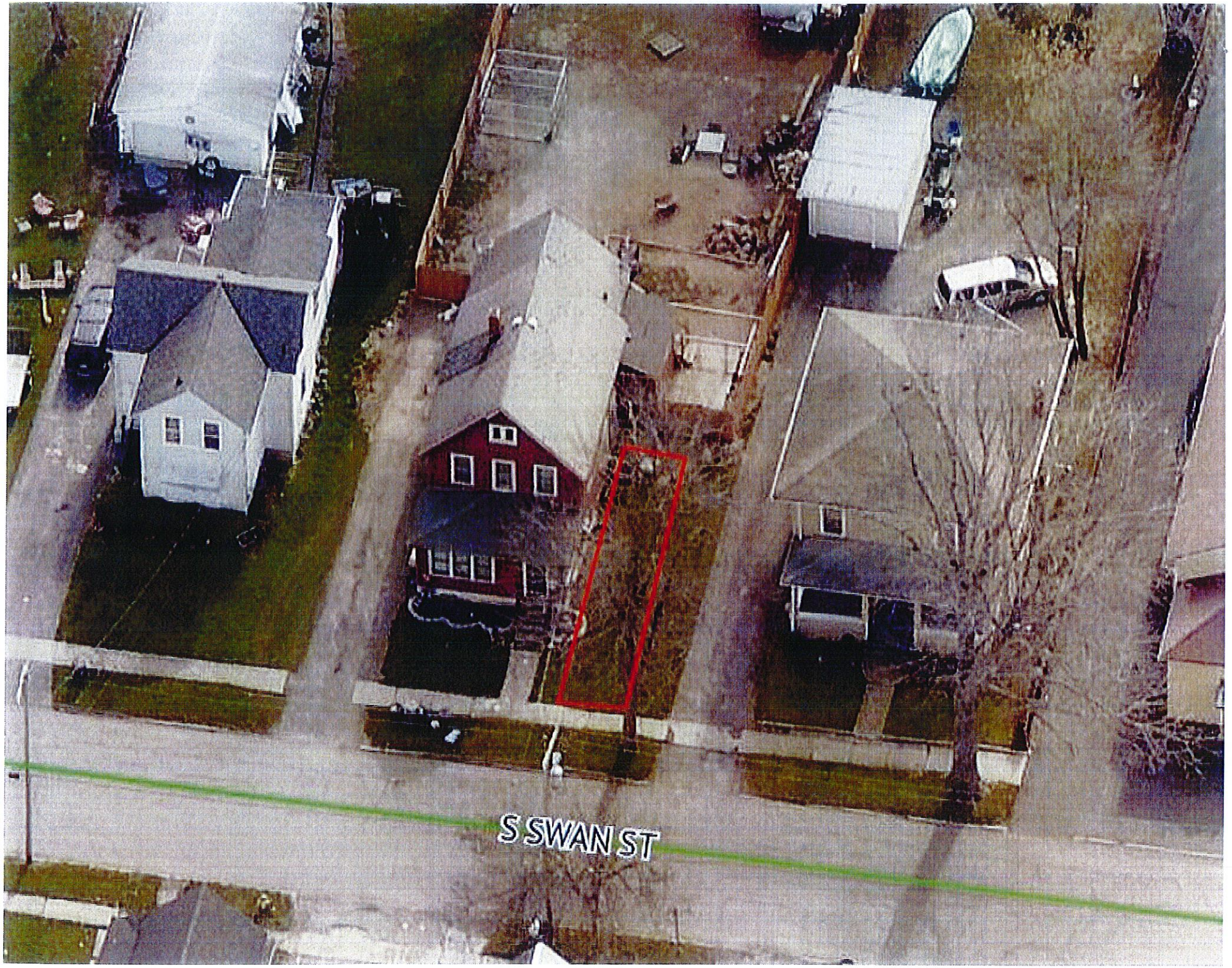
TAX PARCEL: 84.074-2-39 ZONING DISTRICT: R-2 SURVEY: _____

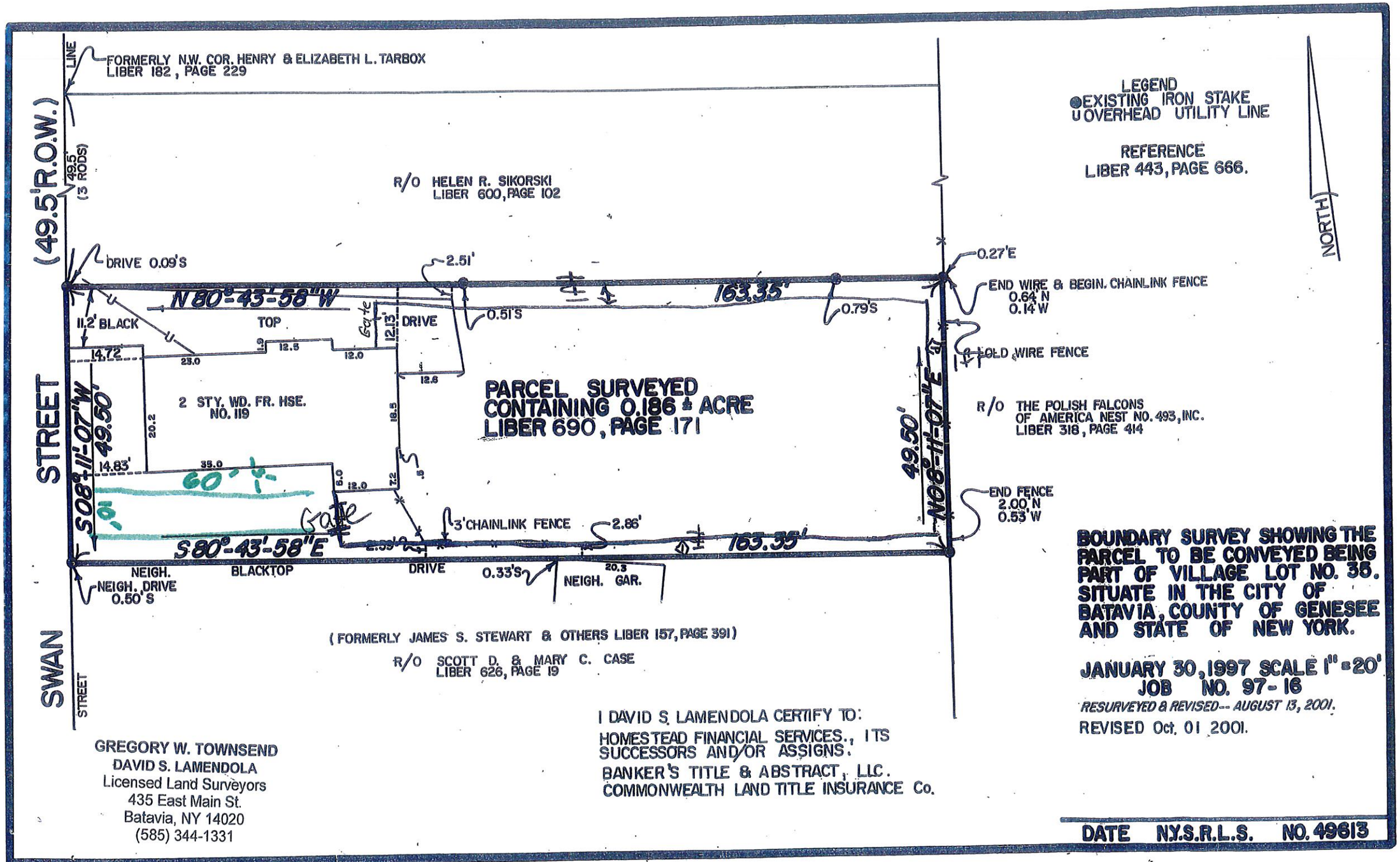
DIMENSIONS OF LOT: Lot Frontage 49.5' Front Yard _____

PERCENTAGE OF LOT FRONTAGE: 43% proposed SURFACE MATERIAL: Stone

APPROVED: _____ AREA VARIANCE: _____ GRADE PLAN: _____

ISSUING OFFICER: _____ DATE: _____


S SWAN ST



BOUNDARY SURVEY SHOWING THE PARCEL TO BE CONVEYED BEING PART OF VILLAGE LOT NO. 35. SITUATE IN THE CITY OF BATAVIA, COUNTY OF GENESEE AND STATE OF NEW YORK.

JANUARY 30, 1997 SCALE 1" = 20'
JOB NO. 97-16
RESURVEYED & REVISED-- AUGUST 13, 2001.
REVISED Oct. 01 2001.

I DAVID S. LAMENDOLA CERTIFY TO:
HOMESTEAD FINANCIAL SERVICES., ITS SUCCESSORS AND/OR ASSIGNS.
BANKER'S TITLE & ABSTRACT, LLC.
COMMONWEALTH LAND TITLE INSURANCE Co.

GREGORY W. TOWNSEND
DAVID S. LAMENDOLA
Licensed Land Surveyors
435 East Main St.
Batavia, NY 14020
(585) 344-1331

DATE N.Y.S.R.L.S. NO. 49613

City of Batavia
Department of Public Works
Bureau of Inspections
One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Planning and Development Committee
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 3/10/17

Re: 115 Washington Ave.
Tax Parcel No. 84.041-1-25

Zoning Use District: R-3

The applicant, Robert Gerace (Real Estate Agent) for owner (Dr. Sadegh Danesh), has filed two applications to change the present uses of this existing mixed used building located within the R-3 (Residential) use district.

The first floor use would change from a physician's office to an Attorney's Office with the issuance of a required Special Use Permit.

The second floor use would change from a permitted use single dwelling unit to a Land Surveyor's Office with authorization of a zoning use variance.

Review and Approval Procedures:

City Planning and Development Committee-

Special Use Permit:
Pursuant to section 190-37 of the zoning ordinance, the Planning and Development Committee may authorize Special Use Permits.

BMC 190-10 C (2) Offices for attorneys, physicians and/or dentists, not exceeding four offices in a single building are permitted uses in the R-3 use district with the issuance of a Special Use Permit.

The following standards serve as a guide for the purpose of reviewing special use applications; BMC 190-37 B (1-8) and 190-37 K (1-14).

Use variance:
Pursuant to section 190-49 C. of the zoning ordinance, applications for variances that include non-permitted uses shall be referred to the PDC for recommendation to the ZBA.

BMC 190-10 The use of Land Surveyor's Office is not an approved use within the R-3 (Residential) use district.

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- Use

BMC Sec. 190-10 The use of Land Surveyor's Office is not an approved use within the R-3 (Residential) use district.

The ZBA will be the lead agency to conduct SEQR.

PERMIT NO._____

SPECIAL USE PERMIT

CITY OF BATAVIA, NEW YORK

LOCATION: 115 Washington Ave
OWNER: Sadegh Danesh
Address:_____

Application Date: 3/6/17
Tax Parcel No.: 84.044-1-25
Phone No._____

No COUNTY PLANNING REVIEW	No ZONING VARIANCE REQUIRED
R-3 ZONING DISTRICT	No HISTORIC DISTRICT
No FLOOD ZONE	No HISTORIC LANDMARK
No CORNER LOT	No CITY ENGINEER REVIEW
No SITE PLAN REVIEW	No CITY COUNCIL REVIEW
No BID	_____ OTHER

PROJECT DESCRIPTION: The 1st Floor of the Property To Be used as an Attorneys Office. BMC 190-10.C.(2) - Attorney office is an approved use with issuance of a special use permit.

EXISTING USE: Dr. Office
PROPOSED USE: Attorney Office

N.Y.S. BLDG. CODE OCC. CLASS:_____
N.Y.S. BLDG. CODE OCC. CLASS: mixed B & 1 Fam.

LOT SIZE: 48x190
LOT AREA: 9,120 sq.'

CITY PLANNING & DEVELOPMENT REVIEW:

____**APPROVAL AS PRESENTED** ____**DISAPPROVAL**____**APPROVAL WITH CONDITIONS**

CHAIRMAN SIGNATURE:_____ **DATE:**_____

Sadegh Danesh 3-6-17
Applicant Signature Date

Robert Lane
Issuing Officer

Permit Fee:_____

Issue Date:_____

CITY OF BATAVIA

APPLICATION TO ~~THE ZONING~~ BOARD OF APPEALS

PAID
MAR 15 2017
CITY OF BATAVIA
CLERK-TREASURER

Application No.: 17-01
Hearing Date/Time:

APPLICANT: Robert Gorace — RGorace@GoraceRealty.com
Name — E-Mail Address
103 Elm St. — 585-813-4902
Street Address — Phone — Fax
Batavia — NY — 14020
City — State — Zip

STATUS: ___ Owner — X Agent for Owner — ___ Contractor

OWNER: Sadegh Danesh — DontGoLeft1@Gmail.com
Name — E-Mail Address
115 Washington Ave — 739-7343
Street Address — Phone — Fax
Batavia — NY — 14020
City — State — Zip

LOCATION OF PROPERTY: 115 Washington Ave Batavia NY

DETAILED DESCRIPTION OF REQUEST: To Allow 2nd Floor of Building To Be Used As Surveyor Office. Also 1st Floor to Be Used As Attorney Office.

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 Gorace — 3-6-17
Applicant's Signature — **Date**

Sadegh Danesh — 3/6/17
Owner's Signature — **Date**

To be Filled out by Zoning Officer

TAX PARCEL: 84.04-1-25 **ZONING DISTRICT:** R-3 **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 190-10 Use of the Second Floor Occupancy for Surveyors Office is not an approved principal use or Permitted use with a special use permit within the R-3 use dist.

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project:
115 WASHINGTON AVE - PROPOSED OFFICE USE

Project Location (describe, and attach a location map):
115 WASHINGTON AVE Batavia NY 14020

Brief Description of Proposed Action:
TO ALLOW 1ST FLOOR ATTORNEY OFFICE AND 2ND FLOOR SURVEYOR OFFICE -

Name of Applicant or Sponsor:	Telephone:
Robert Gerace	585-813-4902
	E-Mail: RGerace@GeraceRealty.com
Address: 103 Elm Street	
City/PO: Batavia	State: NY / Zip Code: 14020

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	X	X
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:	X	

3.a. Total acreage of the site of the proposed action? .20 acres
b. Total acreage to be physically disturbed? 0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .20 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	X		
b. Consistent with the adopted comprehensive plan?			

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		X
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	X	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	X	
b. Are public transportation service(s) available at or near the site of the proposed action?		X
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		X
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:		X
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		X
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		X
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	X	
b. Is the proposed action located in an archeological sensitive area?	X	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	X	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	X	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☐ Urban ☒ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	X	
16. Is the project site located in the 100 year flood plain?	X	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☒ NO ☐ YES		X
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: Existing Systems ☐ NO ☒ YES		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	X	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	X	

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Robert Cerracc Date: 3-6-17

Signature: _____ DW

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☐	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☐
3. Will the proposed action impair the character or quality of the existing community?	☐	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☐	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☐	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☐	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☐	☐
b. public / private wastewater treatment utilities?	☐	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☐	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☐	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☐	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☐	☐

PRINT FORM

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Use Variance Application

Statement of Unnecessary Hardship

In order for the Zoning Board of Appeals to grant a use variance, an applicant must show documentation in the record that the restrictions of the Zoning Ordinance has caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the Zoning Ordinance for the particular district where the property is located, that all four (4) requirements as per §81-b of the General City Law have been proven. Additional documentation may be included. If any one of these requirements have not been proven, the Zoning Board of Appeals must deny the variance, as per §81-b of the General City Law.

Explain **how** the request conforms to EACH of the following requirements (additional pages may be attached):

1. **Reasonable Return.** The subject property is not capable of yielding a reasonable rate of return if used for its present use or developed, redeveloped or used for any other use permitted in the district in which such property is located. There is no means other than the granting of the variance by which the property can yield a reasonable return. Such inability to yield a reasonable return must be shown by specific fact (dollars and cents) from an expert or authority in economic deprivation, not the unsupported opinion of the owner or those appearing for the owner.

   "The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence"

The proposed use of the building is for (2) owner occupied office spaces. There will be no income produced from them.

(Please provide / attach competent financial evidence)

2. **Unique Hardship.** The inability to yield a reasonable return results from a unique circumstance peculiar to the subject property which does not apply to or affect other properties in the immediate vicinity that are subject to the same regulations. The personal situation of the owner shall not be considered unique.

   "The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood"

A surveyors office is not listed as a permitted use. Why? This is for an office of attorney/surveyor with less foot traffic than it would be if it were (2) doctors offices being used on the property at the same time.

3. **Essential Character of the Neighborhood.** The granting of the variance will not be materially detrimental to the public health, safety, and welfare or injurious to the enjoyment, use or development of neighboring properties or the community. Applicant must demonstrate that the proposed use will not change the essential character of the neighborhood with regard to such physical and environmental elements such as parking, traffic, signage, landscape, architectural and structural features, location and dimensions of buildings, any by-products of proposed use such as noise or smoke, and any other impacts upon adjacent or neighboring lands.

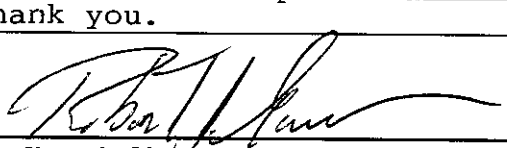
"The requested use variance, if granted, will not alter the essential character of the neighborhood"

The requested use as an attorneys office and 2nd floor surveyors office will have no impact on the neighborhood as to additional foot traffic or parking issues. The property has approximately 6 parking spaces there is also on street parking available. There are presently many other office spaces and doctors/dentists/ attorneys offices in the area.

4. **Not Self-Created.** The inability to yield a reasonable return is not the result of any action by the owner or predecessors in title. The applicant must show that when the property was purchased the zoning restrictions from which a use variance is now sought were not in existence or that some other change or factor has occurred that has resulted in an inability to yield a reasonable return. Otherwise, the hardship is self-created.

"The alleged hardship has not been self-created"

The proposed use of the building is in line with permitted uses. -As like kind-etc. Our claim to this is that the current code 190-10 (R3) needs to be amended to allow more discretion as to what permitted uses should be allowed so not to inhibit reasonable use for office space doctors/dentists, etc.
Thank you.



03/06/2017

Applicant's Signature **Date**

Provider of Financial Evidence **Date**

USE VARIANCE

Statement of Income and Expense

All Entries Must be Completed and Documented for at Least Two (2) Calendar Years or From the Date of Purchase Whichever is Less

PROPERTY ADDRESS: 115 Washington Avenue, Batavia, NY 14020

A. PROPERTY DATA

1. Date property was purchased by current owner 01/29/2004
2. Was a Certificate of Occupancy issued?
   Date of Issuance?
   If so, for what use(s)?
   If not, why?

3. Cost of Purchase $77,000
4. a) Amount of Mortgage _____ Interest Rate _____
   Mortgage Holder _____ Duration _____
   Address _____

   b) Amount of Mortgage _____ Interest Rate _____
   Mortgage Holder _____ Duration _____
   Address _____

   c) Amount of Mortgage _____ Interest Rate _____
   Mortgage Holder _____ Duration _____
   Address _____

5. Is the property for sale? Yes
   If so, for how long One Month
   Asking price $125,000
   For what use(s) Doctors office/Lower, Apartment/Upper
   Have any offers been received One offer
   If so, for what amount(s)

   Summarize any attempts to sell the property This has been the first attempt to sell the property.

6. Present value of property $102,000
   Source(s) Tax records - Assess Value

B. GROSS ANNUAL INCOME [BASED ON PERMITTED USE(S)]

	USE	INCOME
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

TOTAL RENTAL INCOME _____

LESS VACANCY FACTOR _____

(Attach explanation if greater than 8%)

TOTAL GROSS INCOME _____

C. ANNUAL EXPENSES

1. Annual Fixed Charges
   - Real Estate Taxes (City & County) _____
   - Insurance _____
   - Average Annual Interest (over next 5 years) _____
2. Operating Expenses
   - Electric _____
   - Fuel _____
   - Water _____
   - Advertising _____
   - Miscellaneous (attach explanation) _____
3. Maintenance Expenses (attach list)
   - Repairs _____
   - General Building Maintenance _____
   - Yard and Ground Care _____
   - Miscellaneous _____

TOTAL ANNUAL EXPENSES _____

Profit or Loss _____

D. TOTAL INVESTMENT

1.	Downpayment	_____
2.	Capital Improvements (attach list)	_____
3.	Principal Paid to date (original mortgage less current principal balance)	_____
	TOTAL INVESTMENT (Sum of D1, D2, & D3)	_____

E. RATE OF RETURN = Profit or Loss

TOTAL INVESTMENT _____

_____ _____

Signature of Preparer **Date**

_____

Profession of Preparer

115 Washington Ave, Batavia, NY 14020-2112, Genesee County

Owner Information

Owner Name:	**Danesh Sadegh**	Tax Billing Address:	**115 Washington Ave**
Owner Name 2:		Tax Billing City & State:	**Batavia, NY**
Do Not Mail:		Tax Billing Zip:	**14020**
Owner Occupied:	**Yes**	Tax Billing Zip+4:	**2112**

Location Information

School District:	**180200**	Zoning:	**R-**
School District Name:	**Batavia**	Assessment District :	
Subdivision:		Location Influence :	
Township :	**Batavia**	Flood Zone Code:	**C**
Census Tract:	**9506.00**	Flood Zone Date:	**09/16/1982**
Carrier Route:	**C015**	Flood Zone Panel:	**3602790001B**

Tax Information

Tax ID :	**180200-084-041-0001-025-000**	% Improved:	**75%**
Alt. Tax ID :	**180200A0840410001025000**	SWIS Code :	**180200**
Lot # :	**25**	Tax Appraisal Area:	**0200**
Block # :	**1**		
Legal Description:	**127 005785A**		

Assessment & Tax

Assessment Year	2016	2015	2014
Assessed Value - Total	$102,000	$102,000	$102,000
Assessed Value - Land	$25,000	$25,000	$25,000
Assessed Value - Improved	$77,000	$77,000	$77,000
YOY Assessed Change ($)	$0	$0	
YOY Assessed Change (%)	0%	0%	
Market Value - Total	$102,000	$102,000	$102,000
Market Value - Land	$25,000	$25,000	
Market Value - Improved	$77,000	$77,000	
Exempt Building Value			
Exempt Land Value			
Exempt Total Value			

Characteristics

Land Use - State :	**2 Family Resid**	Full Baths:	
Land Use - CoreLogic :	**Duplex**	Half Baths:	
Lot Acres:	**0.1**	Total Rooms:	
Lot Sq Ft:	**4,356**	Basement Type:	
Lot Frontage:	**48**	Basement Sq Ft:	
Lot Depth:	**190**	Finished Basement Sq Ft :	
Total Units:		Fireplaces:	
Total Buildings:		Heat Type:	
Building Type:		Heat Fuel Type:	
Parking Type:		Cooling Type:	
No. Parking Spaces:		Electric Service Type:	**Type Unknown**
Garage Type:		Other Rooms:	
Garage Capacity:		Exterior:	
Garage Sq Ft:		Condition:	
Style:		Quality:	
Stories:	**MLS: 1**	Patio Type:	
Year Built:	**MLS: 1940**	Patio/Deck 1 Sq Ft :	
Effective Year Built:		Patio/Deck 2 Sq Ft :	
Building Sq Ft:	**MLS: 1,200**	Porch:	
Above Grade Sq Ft:		Porch 1 Sq Ft:	
Ground Floor Sq Ft :		Pool:	
2nd Floor Sq Ft :		Pool Size:	
Gross Sq Ft:	**MLS: 1,700**	Water:	**Commercial**
Bedrooms:		Sewer:	**Commercial**
Total Baths:			

Features

Feature Type	Unit	Size/Qty	Width	Depth	Year Built	Value

Building Description **Building Size**

Estimated Value

RealAVM™ (1):	**$102,228**	Confidence Score (2):	**67**
RealAVM™ Range:	**$79,738 - $124,718**	Forecast Standard Deviation (3):	**22**
Value As Of:	**01/27/2017**		

(1) RealAVM™ is a CoreLogic® derived value and should not be used in lieu of an appraisal.
(2) The Confidence Score is a measure of the extent to which sales data, property information, and comparable sales support the property valuation analysis process. The confidence score range is 60 - 100. Clear and consistent quality and quantity of data drive higher confidence scores while lower confidence scores indicate diversity in data, lower quality and quantity of data, and/or limited similarity of the subject property to comparable sales.
(3) The FSD denotes confidence in an AVM estimate and uses a consistent scale and meaning to generate a standardized confidence metric. The FSD is a statistic that measures the likely range or dispersion an AVM estimate will fall within, based on the consistency of the information available to the AVM at the time of estimation. The FSD can be used to create confidence that the true value has a statistical degree of certainty.

Listing Information

MLS Listing # :	**R1020107**	MLS Orig. List Price :	**$1,200**
MLS Status :	**A-Active**	MLS Contingency Date:	
MLS Area :		MLS Pending Date:	
MLS D.O.M :	**25**	MLS Sale Date :	
MLS Status Change Date :	**01/10/2017**	MLS Sale Price:	
MLS Listing Date :	**01/10/2017**	MLS Withdrawn Date:	
MLS Current List Price :	**$1,200**		

MLS Listing #	R318189	B440293
MLS Status	X-Expired	S-Closed/Rented
MLS Listing Date	08/10/2016	10/11/2013
MLS Listing Price	$1,200	$800
MLS Orig Listing Price	$1,200	$1,000
MLS Sale Date		02/24/2014
MLS Sale Price		
MLS Expiration Date	12/31/2016	04/11/2014
MLS Withdrawn Dat	12/31/2016	02/28/2014

Last Market Sale & Sales History

Recording Date:	**01/29/2004**	Owner Name 2:	
Sale Date :	**01/29/2004**	Seller:	**Danosos Douglas A**
Sale Price:	**$77,000**	Document Number:	**830-161**
Price Per Square Feet:		Deed Type:	**Warranty Deed**
Owner Name:	**Danesh Sadegh**		

Recording Date	01/29/2004
Sale/Settlement Date	01/29/2004
Sale Price	$77,000
Nominal	
Buyer Name	Danesh Sadegh
Buyer Name 2	
Seller Name	Danosos Douglas A
Document Number	830-161
Document Type	Warranty Deed

Mortgage History

Mortgage Date
Mortgage Amount
Mortgage Lender
Mortgage Type

Foreclosure History

Document Type
Default Date
Foreclosure Filing Date
Recording Date
Document Number
Book Number
Page Number
Default Amount
Final Judgment Amount
Original Doc Date
Original Document Number

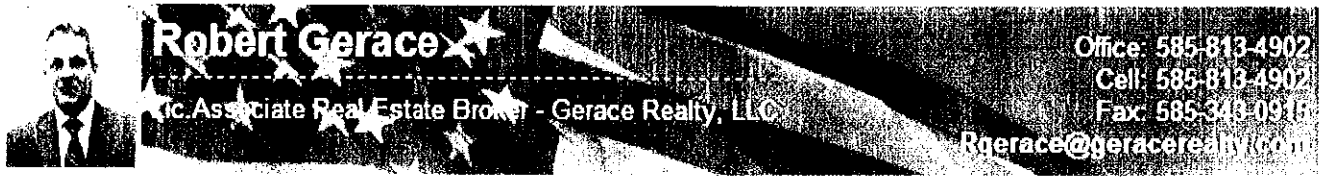
Original Book Page

Lien Type

Courtesy of Robert Gerace, New York State Alliance MLS

The data within this report is compiled by CoreLogic from public and private sources. If desired, the accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality.

Property Detail





MLS#: **R1026234** **Multi-Family Res (2-4) units** **A-Active**

115 Washington Ave VR Pricing: **No** List Price: **$125,000**

County: **Genesee** Zip: **14020** Sale Price:

Sell Concess:

Town: **Batavia-City** Pstl City: **Batavia** Cross St: **Bank Street**

Area#: **Batavia-City-180200**

Acres: **0.10**

Subdivision: Lot Front: **48**

TxMap#: **180200-084-041-0001-025-000** Lot Depth: **190**

City Nghbrhd: Lot Shape: **Rectangular**

School Dist: **Batavia** Lot #:

High School: **Batavia High**

Middle School: SqFt: **2,700**

Elem School: Year Built: **1940**

Type of Sale: **Normal** Yr Blt Desc: **Existing**

Attach: **1** # Photo: **25**

Listing Office Information

Offc Name: **Gerace Realty, LLC (GER01)** Offc Lic#: **10991224028**

Offc Addr: **6 Ellicott Avenue** Offc Phone: **585-343-8434**

Batavia, NY 14020 Offc Fax: **585-343-0915**

LA Name/ID: **Robert J. Gerace (10606)** LA Cell # **585-813-4902**

LA Email: **Rgerace@geracerealty.com** LA Accpts Txt: **Yes**

LA Dir Phone/Fax: **585-813-4902/585-343-0915** LA NY Lic#: **30GE1008732**

Owner Name: **Sadegh Danesh** Comp (SA): **3**

Owner 2: Comp (BA): **3**

Owner Addr: **115 Washington Ave** Comp (Brk): **0**

Batavia, NY 14020 Exclusions:

Listing Type: **Exclusive Right To Sell** Spc Conditions: **No** List Date: **02/15/2017**

Service Type: Expire Date: **07/10/2017**

Negotiation w/: **Listing Broker Only** DOM: **19**

Show Appt/Desc: 585-813-4902/Agent;**Call List Agent for Showing Instructions, Owner Occupied**

Private Rmrks: **Owner occupied upper apartment.**

Branded VT:

Unbranded VT:

Sub Board: **Rochester**

General Information

Lot Info: **Commercial Zoning** Type of Res: **Duplex, Mixed Use**

Exterior Constr: **Vinyl** Prk/Driveway: **2 or More Spaces, Blacktop, Parking Area**

Rent Includes: **No Utilities**

Attic: **Full, Stair Access, Unfinished** Basement: **Exterior Walkout, Full**

Foundation: **Block, Stone**

Apartmnt: **2** # Stories: **2.5**

Elec Mtr: **1** #Gar Sp: **0.0**

Gas Mtr: **1**

Heat Un: **2**

On Wtrfrnt:	**No**	Desc:		Riparian Rgts:	**No**
Name:			Footage:	Island Name:	**No**

Unit Information

Apt **1**

Studio? **No**	Living Rm:	**12X12**	Dining Rm:	**10X10**	Kitchen:	**14X13**	BR 1:	**12X13**	BR 2: **11X12** BR 3:
							Other:		
# Beds:	**2**		# Baths:	**1/0**	# Rooms: **5**		Rent:	**$0**	Own Occ: **Yes**
Features:	**Dining Area With Living Room, Eat-In Kitchen, Living Room**								
Appliances:	**Dishwasher, Oven/ Range, Refrigerator, Microwave**								
Type of Tenancy:	**Owner Occupied**						Lease Expires:		

Apt **2**

Studio? **No**	Living Rm:		Dining Rm:		Kitchen:		BR 1:		BR 2: BR 3:
							Other:		
# Beds:	**0**		# Baths:	**1/1**	# Rooms: **7**		Rent:	**$1,200**	Own Occ: **No**
Features:	**Other - See Remarks, Porch**								
Appliances:									
Type of Tenancy:							Lease Expires:		

Public Remarks: **Move -in Condition - Office space.. Has been used for Doctors office with 2 exam rooms, 2 bath rooms, 2 office areas, break room , 2 waiting rooms, enclosed rear entrance ramp. Paved private parking lot. 2 entrances. Convenient location for Downtown office. Attorneys, Dentist, Etc. ** 1st floor doctors office etc. and 2nd floor owner occupied, 2 bedroom apartment. Building is set up for 2 gas meters and 2 electric meters. But only using one meter each currently. Owner willing to lease 1st floor office space. See MLS # R1020107**

Directions: **From Bank Street: Left onto Washington Ave. Property is on the right side**

Interior & Exterior Features

Appliances:	**Dishwasher, Microwave, Negotiable, Oven/Range Gas-Some, Refrigerator**
Add'l Interior Features:	**Ceiling Fan, Circuit Breakers - Some, Copper Plumbing - Some, Laundry- Separate Hook ups- Some, Natural Woodwork - some**
Add'l Exterior Features:	**Partially Fenced Yard, Private Yard - see Remarks, Thermal Windows - Some**
Accessibility:	**Accessible/ANSI - some, Adaptable Home - some, No Step Entry, Ramp**
Floor:	**Vinyl-Some, Wall To Wall Carpet-Some**

Utilities Information

HVAC Type:	**AC-Central, Forced Air**	Sewer:	**Sewer Connected**
Heating Fuel:	**Gas**	Water:	**Public Connected**
Water Htr Fuel:	**Gas**	ENERGY STAR® Qualified:	
Type of Well:	**None**	Well Location:	
Separate Util:			

Financial Information

Possible Fin:	**Cash, Conventional**				
Operating Exp:	**Other - See Remarks**				
Gross Income:		Annl Op Exp:		Net Op Inc:	
1st Mtg Bal:	**$0**	Equity:	**$125,000**	Town/Cnty Tax:	**$1,004**
2nd Mrt Bal:	**$0**	Escrow Agt/Bnk:	**Gerace Realty LLC/M & T Bank**		
Orig. List Price:	**$125,000**	Annl Spc Assess:	**$0**	City/Vil Tax:	**$940**
PriceChg Time:		Assess Val:	**$102,000**	School Tax:	**$2,427**
				Total Taxes:	**$4,371**

Type Tenancy:
Cert of Occup: **Not Required**
Tax Info:

Display & Occupancy Information

Possession: **After Closing** Lockbox Serial #:
Internet: **Yes** Inet St Addrs: **Yes** IDX: **Yes** AVM: **Yes** Blog: **No** Realtor.com: **Yes**

MLS#: **R1026234**

Robert J. Gerace
NY Licensed Assoc. R.E. Broker
Gerace Realty, LLC
6 Ellicott Avenue Batavia, NY 14020

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[redacted]

[redacted] R-2 Residential Districts.

§ 190-10 R-3 Residential Districts.

In R-3 Residential Districts, no building or structure shall be erected, altered or extended, and no land, buildin structure or part thereof shall be used for other than one or more of the following uses:

A. Permitted principal uses.

(1) Any principal use permitted in R-2 Residential Districts.

(2) Fraternity, sorority, dormitory, club house, except a club the chief activity of which is a service customarily carried on as a business.

(3) Private nursery school or kindergarten.

B. Permitted accessory uses.

(1) Such accessory uses as are customarily incidental to the above uses including home occupations and home professional uses subject to the provisions of § **190-35**.

(2) Off-street parking, subject to the provisions of § **190-39**.

(3) Signs subject to the provisions of § **190-43**.

C. Uses permitted with special use permits.

(1) Municipal or public utility structures or facilities when necessary for the service of a neighborhood and of a kind and character in keeping with the residential character of the neighborhood.

(2) Offices for attorneys, physicians, and/or dentists, not exceeding four offices in a single structure.

(3) High-rise apartments.

[redacted]

Genesee County Web Mapping [PHD]

