

ZONING BOARD OF APPEALS

Thursday, October 22, 2020

6:00 pm

Council Board Room

One Batavia City Centre, Batavia, NY

AGENDA

- I. Roll Call
- II. Call to order
- III. Pledge of Allegiance
- IV. Approval of July 23 and August 27, 2020 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

A. Request #1

34 Prospect Avenue

Kyle Eldridge, agent for the owner

Area Variance:

Construct a new front entrance porch with stairs. The stairs are proposed to project into the clear yard space 1' more than the existing stairs

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

B. Request #2

230 Ross Street

Joseph Mahler, owner

Area Variance:

Construct a 5' x 26' roof projection over the two side entry doors on the south side of the dwelling. This projection will be located within the required side yard setback

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

C. Request #3

131-133 South Main Street

David Carney, owner

Area Variance:

Place a 49" tall fence that is within 15' of the front property line

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

VII. Setting of Next Meeting: November 19, 2020

VIII. Adjournment

ZONING BOARD OF APPEALS
Draft Minutes
Thursday, June 25, 2020
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

Members present: *Nick Harris, Paul McCarthy, Leslie Moma*

Members absent: Deborah Kerr-Rosenbeck, Jim Russell

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

I. Roll Call

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

II. Call to Order

Mr. McCarthy called the meeting to order at 6:03 pm.

III. Pledge of Allegiance

IV. Approval of Minutes

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

RESULT: Approval of January 23, 2020 minutes.

V. Zoning Board of Appeals statement

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

VI. Variance Requests

- A. Area Variance: place a 30 sq.' pole sign on this property that identifies the address and business with space for a manual reader board. The new sign will require approval of one area variance for clearance under the sign

Address: *542 East Main St.*

Applicant: Dr. Sandra Licata, owner

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

1. Review Application

Acting Vice Chair, Nick Harris, read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval of the variance.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:08 pm.

Dr. Licata told the board that she just moved into her new office space three months ago. The design of the sign she is proposing is three-tiered and will replace the current sign which is falling apart. The top portion will contain Dr. Licata's office information; the bottom portion will contain the information for a new massage therapist; and, the middle portion will consist of a manual reader board.

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

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 6:10 pm.

3. Action by the Board

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

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

MOTION: Mr. McCarthy moved to approve the variance with 60 days to obtain the permit. The motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Area Variance approved.

- B. Area Variance: place a 26 sq.' pole sign on this property that identifies the address and directs truck traffic to the appropriate campus access point. The new sign will require approval of two area variances

Address: 165 Cedar St.

Applicant: Joe Reinhart (Ulrich Sign Co.)

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

1. Review Application

Mr. Harris read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval of the project.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:13 pm.

Jason Brown, representative from OATKA, spoke on behalf of the project. He explained that there is a lot of truck traffic going to this particular dock from an entrance which is also used by over 300 employees. A sign is needed to reroute trucks to use the Ag Park Drive entrance.

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

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 6:14 pm.

3. Action by the Board

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

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

MOTION: Mr. McCarthy moved to approve the variance with 60 days to obtain the permit. The motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Area Variance approved.

- C. Area Variance: widen two existing 10'3" wide, loose stone driveways. Each of the two driveways would be expanded by 5.75', placing one 16' width of asphalt on each side of this two family

Address: 151 Oak St.

Applicant: Fred Mruczek, owner

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

1. Review Application

Mr. Harris read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval of the variance.

He also reported that the proposal came before the City of Batavia Planning and Development Committee. It was the PDC's recommendation that the driveway should remain at its current width at the street, tapering to 16' at the house. In addition, it should slope away from the neighboring property, and a French drain should be installed.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:18 pm.

Mr. Mruczek was available to speak about the project. He said that the driveway is only wide enough to park one car behind the other, and it is a nuisance as well as a hazard.

Mr. Mruczek told the board that the owner of 149 Oak Street had pointed out the problem of water running from Mr. Mruczek's property onto his own. Mr. Mruczek said that he had addressed the issue. He explained that he dealt with the problem by creating a gulley to carry the water away from the neighboring property.

Mr. McCarthy read three letters from concerned neighbors into the minutes. [See attached.]

Mr. McCarthy said that he would be more inclined to widen the parking area near the house rather than at the street. That way any switching around of vehicles would not take place near the sidewalk or the street.

Mr. Randall pointed out that the average driveway width is 9'. Mr. McCarthy said that he could see having the driveway be 18-19' wide at the end near the house. Mr. Harris said that he thought the driveway should be narrower at the street and then bump out near the house to create an area that could fit two vehicles side by side.

Mr. Mruczek said he would rather only have 16' and put swale in.

Ms. Moma said that she believes the driveway will be too narrow at 16', causing the tenants to drive on the grass.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 6:27 pm.

3. Action by the Board

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

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

MOTION: Mr. McCarthy moved to approve the variance with the following conditions:

- the driveway will be 12' wide at the sidewalk
- the driveway will remain at 12' wide for 15'
- then the driveway will bevel to become 19' at the house;

with 60 days to obtain the permit. The motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Area Variance approved.

- D. Use Variance: add a non-permitted physician's office in a portion of the building presently used for a "legal non-conforming" philanthropic use (YWCA). It would make sense to also consider including the non-conforming use, philanthropic organization for inclusion with this request to ensure those uses will be permitted to continue as conforming uses

Address: 301 North St.

Applicant: Dr. Emily Fraser-Branche, contract vendee

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

1. Review Application

Mr. Harris read the summary of the proposal. He noted that the proposal sounded familiar and asked if the board had previously dealt with this project. Mr. Randall answered yes. He explained that the last time the project came before the board it had been approved with the condition that the permit must be obtained within a year. The allotted time had expired, so the proposal had to be resubmitted.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:55 pm.

Dr. Branche explained to the board that after the proposal was approved the last time, there were requirements that had to be met for the lender that took more time than anticipated, and then the pandemic put all projects on hold.

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

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 6:58 pm.

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

- Reasonable return: no
- Unique hardship: yes, it's a commercial building in a residential neighborhood
- Essential character of neighborhood: no, it's been this way for a long time
- Self-created: no, it's an existing building

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. McCarthy moved to approve a negative declaration of SEQR; the motion was seconded by Mr. Harris, and on roll call, was approved 5-0.

RESULT: Negative declaration of SEQR

4. 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. Moma, and on roll call, was approved 3-0.

RESULT: Area Variance approved.

- E. Area Variance: place a 6' tall fence parallel to the north property line within 15' of the front property line

Address: 217 Bank St.

Applicant: Deb Gardner, occupant

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

1. Review Application

Mr. Harris read the summary of the proposal

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 7:07 pm.

Mr. McCarthy wanted to ask questions of the applicant, who was not present.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 7:08 pm.

3. Action by the Board

MOTION: Mr. McCarthy moved to table the proposal; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Application tabled.

F. Area Variance: place an 8' x 7' one story wood frame utility shed in the northwest side yard of this corner lot property

Address: 249 Bank St.
Applicant: Pamela Phelps, owner

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

1. Review Application

Mr. Harris read the summary of the proposal.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 7:09 pm.

Ms. Phelps told the board that she bought a shed for storage purposes and then discovered that she needs a variance because she lives on a corner property.

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

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 7:11pm.

3. Action by the Board

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

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

MOTION: Mr. Harris moved to approve the variance with 60 days to obtain the permit. The motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Area Variance approved.

G. Area Variance: place an 8' x 12' one story wood frame shed in the north yard of this corner lot property

Address: 25 Ganson Ave.
Applicant: Gerald Casper, owner

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

1. Review Application

Mr. Harris read the summary of the proposal.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 7:14 pm.

Mr. Casper explained that when he purchased the property, the shed was already in place. The shed has deteriorated and Mr. Casper wishes to replace it. He needs a various because his property is a corner lot.

There was no one present who wished to speak, and no letters, email or phone calls.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 7:16 pm.

3. Action by the Board

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

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: no
- Adverse effect or impact on neighborhood/community: no
- Self-created: no, it's a corner lot

MOTION: Mr. Harris moved to approve the variance with 60 days to obtain the permit. The motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Area Variances approved.

- H. Area Variance: construct a 20,100 sq., two story, 20 dwelling unit addition to an existing 49,786 sq., 42 dwelling unit Large Multifamily Development building

Address: 555 East Main St. (DePaul)
 Applicant: Paul Schreiner, PE, agent for DePaul

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

1. Review Application

Mr. Harris read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval of the proposal. He also reported that the City of Batavia Planning and Development Committee approved the Special Use permit, and then recommended approval of all three variances.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 7:20 pm.

Mark Fuller, President of DePaul, spoke about the addition.

There was no one present who wished to speak, however, Mr. McCarthy read two letters into the minutes. [See attached.]

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 7:26 pm.

3. Action by the Board

Mr. McCarthy asked if there are plans to upgrade the stormwater system. Ed Perrone, engineer for the project, said that the stormwater management facility has been redesigned. He noted that the stormwater pollution prevention plan would be reviewed by the DEC.

Ms. Moma observed that the expansion of the retention pond appears as though it will bring it close to the residential property to the east. Mr. Perrone pointed out that the pond will still basically be the same as it is currently, moving only slightly and more to the north than the east. He said that it will be 20-25' away from the nearest property.

Mr. McCarthy asked how the runoff reduction will be addressed on the stormwater system. Mr. Perrone indicated on the drawing the location of a bio-retention facility.

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

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not for the site
- Adverse effect or impact on neighborhood/community: no
- Self-created: no, doesn't apply here

MOTION: Mr. McCarthy moved to approve all three variances with 12 months to obtain the permit. The motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Area Variances approved.

VII. Setting of Next Meeting: July 23, 2020

VIII. Adjournment

Mr. McCarthy adjourned the meeting at 7:35 pm.

Meg Chilano
Bureau of Inspection Secretary

ZONING BOARD OF APPEALS
Draft Minutes
Thursday, July 23, 2020
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

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

Members absent: Deborah Kerr-Rosenbeck

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 McCarthy declared a quorum.

II. Call to Order

Mr. McCarthy called the meeting to order at 5:59 pm.

III. Pledge of Allegiance

IV. Approval of Minutes

Will take place at next meeting.

V. Zoning Board of Appeals statement

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

VI. Variance Requests

- A. Area Variance: construct an entry stair and landing at the front door of this dwelling. A portion of the new stairs will be located within the front yard clear space

Address: 237 Bank St.

Applicant: Ron Viele, contractor

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

1. Review Application

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

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 4-0.

RESULT: Public hearing opened at 6:03 pm.

Mr. Viele told the board that the stairs need to be replaced. The owner would like to extend the stairs to a landing.

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

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 4-0.

RESULT: Public hearing closed at 6:04 pm.

3. Action by the Board

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

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

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

RESULT: Area Variance approved.

B. Area Variance: place an 18' x 36' in-ground swimming pool in the southeast yard of this corner lot property

Address: 252 East Ave.

Applicant: Todd Dennis, owner

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

1. Review Application

Mr. Harris read the summary of the proposal.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Russell, and on roll call, was approved 4-0.

RESULT: Public hearing opened at 6:06 pm.

Mr. Dennis explained that he would like to install a pool but lives on a corner property which technically does not have a back yard. He noted that he has already received a clearance letter from National Grid.

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

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 4-0.

RESULT: Public hearing closed at 6:07 pm.

3. Action by the Board

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

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

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

RESULT: Area Variance approved.

- C. Area Variance: construct a new front entry stair and landing that projects into the front yard clear space. This entryway expansion is part of an overall front porch renovation already underway

Address: *1 Lincoln Ave.*

Applicant: Kara Nigro Tress, owner

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

1. Review Application

Mr. Harris read the summary of the proposal.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Russell, and on roll call, was approved 4-0.

RESULT: Public hearing opened at 6:10 pm.

Ms. Nigro Tress explained that the steps need to be replaced. She noted that the steps are narrow and she would like to widen them.

The builder, Matt Hume, spoke in support of the project.

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

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 4-0.

RESULT: Public hearing closed at 6:12 pm.

3. Action by the Board

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

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

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

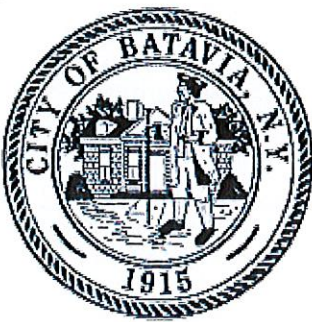
RESULT: Area Variance approved.

VII. Setting of Next Meeting: August 27, 2020

VIII. Adjournment

Mr. McCarthy adjourned the meeting at 6:14 pm.

Meg Chilano
Recording Secretary



City of Batavia
Department of Public Works
Bureau of Inspections

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

To: Zoning Board of Appeals
From: Doug Randall, Code Enforcement Officer
Date: 9/2/20
Re: 34 Prospect Ave.
Tax Parcel No. 84.006-4-58

Zoning Use District: R-1A

The applicant, Kyle Eldridge (agent for the owner), has filed an application to construct a new front entrance porch with stairs. The stairs are proposed to project into the clear yard space 1' more than the existing stairs.

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) (1).

Review and Approval Procedures:

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

Required variances- Area

1) BMC Sec. 190-29 A. and Schedule I

	<u>Required</u>	<u>Proposed</u>	<u>Difference</u>
Front yard clear space	20'	16.82'	3.18'



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 20-12
Hearing Date/Time: _____

APPLICANT: Kyle Eldridge Eldridge-Kyle@yahoo.com
Name E-Mail Address
10 Lewis Place 585-300-7079
Street Address Phone Fax
Batavia NY 14020
City State Zip

STATUS: ☐ Owner ☐ Agent for Owner ☒ Contractor

OWNER: Graciela Benavides Michael Robbins
Name E-Mail Address
34 Prospect Avenue 8136415
Street Address Phone Fax
Batavia NY 14020
City State Zip

LOCATION OF PROPERTY: 34 Prospect Avenue

DETAILED DESCRIPTION OF REQUEST: To demo existing concrete
steps and build a deck w/ steps of pressure
treated and composite material

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.

1/4th inf
Applicant's Signature
Michael Robbins
Owner's Signature

Aug 27th 2020
Date
8/27/2020
Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.006-4-58 ZONING DISTRICT: R-1A FLOOD PLAIN: C

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

Provision(s) of the Zoning Ordinance Appealed: BMC 190-29 A and Schedule 1
Frontyard clear space is required to be 20', 16.82' is proposed.

PAID

SEP 17 2020

CITY OF BATAVIA
CLERK-TREASURER

Criteria to Support Area Variance

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

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

1. Undesirable Change in neighborhood Character. The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.

NO

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

NONE

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

NO

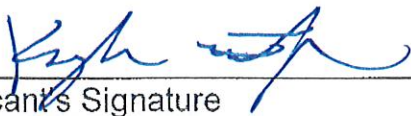
4. Adverse Effect or Impact. The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community.

NO

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



Date

Aug 27th 2020

DATE: Aug 24, 2020APPLICANT NAME & PHONE: Kyle E-Builds (585) 300-7079Project Location and Information

Permit #:

Fee:

Address of Project: 34 Prospect AvenueOwner & Address: Gracia Henavides & Michael Robbins

Phone: _____

Project Type/Describe WorkEstimated cost of work: 3,500Start date: Aug 26, 2020

Describe project:

Putting a pressure treated frame w/composite decking over existing porch and redoing stepsContractor Information – Insurance certificates (liability & workers comp) required being on file20' Reg.
16.82 prop.
3.18' dif.
ZBA.GENERALName/Address: E-Builds (Kyle & Rebecca Eldridge)Phone: (585) - 300-7079PLUMBING (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: _____

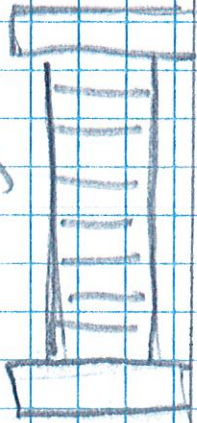
Zoning Review: _____ Variance Required: _____ Site Plan Review: _____ Other: _____

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

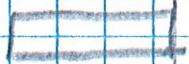
Existing Use: _____ NYS Building Code Occupancy Class: _____

Proposed Use: _____ NYS Building Code Occupancy Class: _____

VINYL RAILING

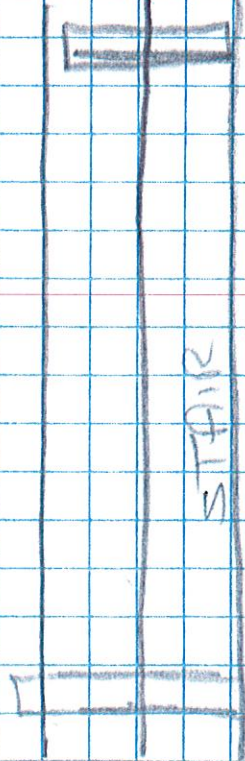


Composite
deck



2x6 Framing 16" OC

4x4
post

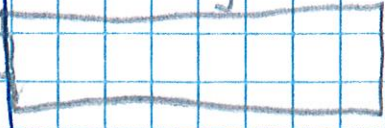


STAIR

37"

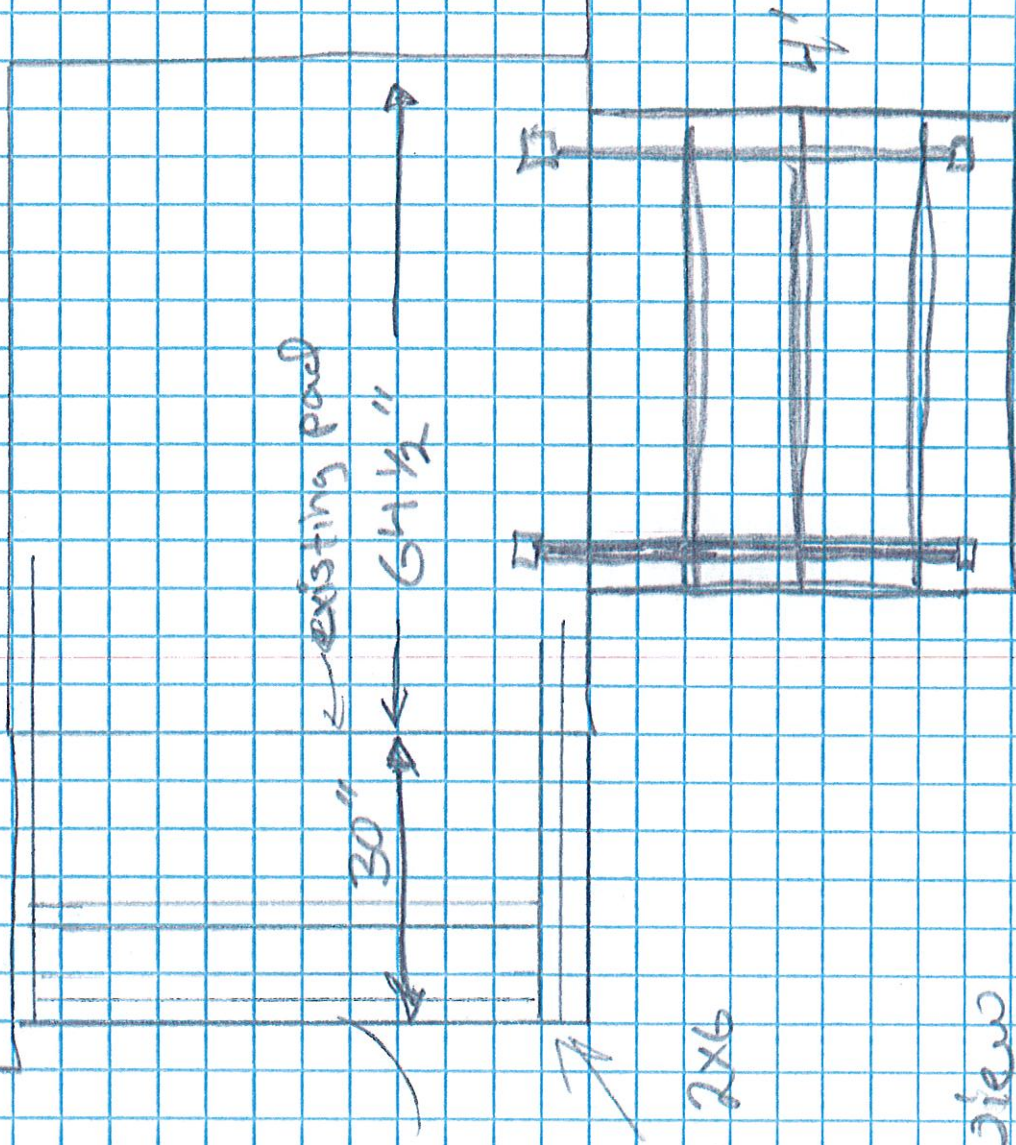
House

10"
Sonotube



House

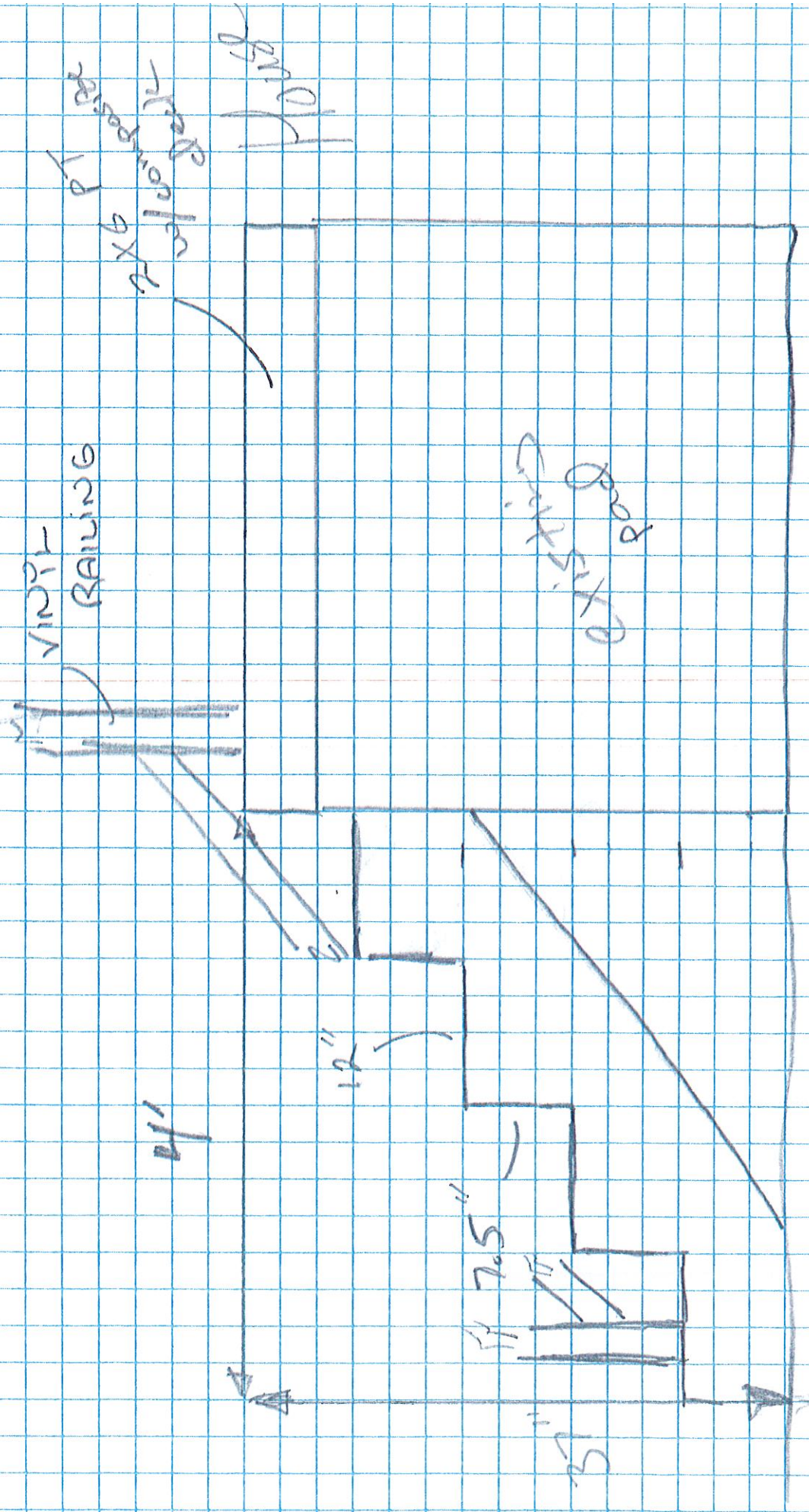
House



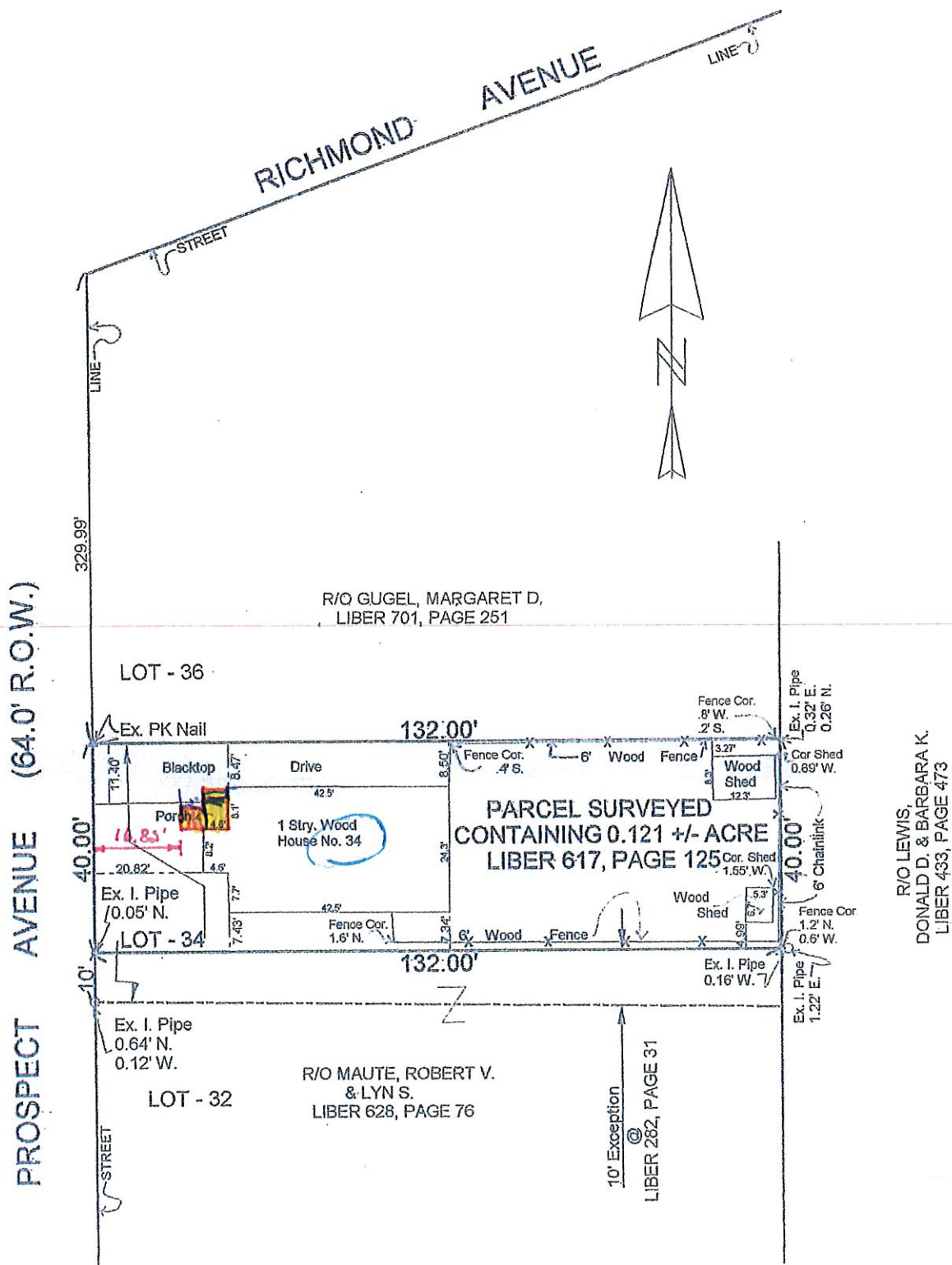
2x6
16" OC

Double 2x6

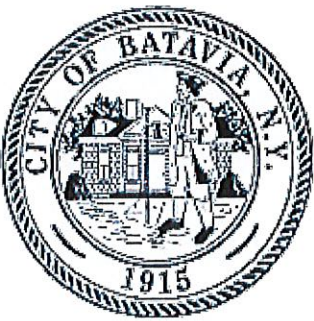
Aerial View



SIDE VIEW



BOUNDARY SURVEY SHOWING THE PARCEL TO BE
CONVEYED. BEING PART OF VILLAGE LOT NO. 11,
DISTINGUISHED AS THE NORTHERLY 40 FEET OF
SUBDIVISION LOT NO. 34 OF THE CHADDOCK
SUBDIVISION. SITUATE IN THE CITY OF BATAVIA,
COUNTY OF GENESEE AND STATE OF NEW YORK.



City of Batavia
Department of Public Works
Bureau of Inspections

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

To: Zoning Board of Appeals
From: Doug Randall, Code Enforcement Officer
Date: 9/28/20
Re: 230 Ross St.
Tax Parcel No. 84.008-1-6.4

Zoning Use District: R-1A

The applicant, Joseph Mahler (owner), has applied for a permit to construct a 5' x 26' roof projection over the two side entry doors on the south side of the dwelling. This projection will be located within the required side yard set back.

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)	Side yard clear space	8' (7.49' existing)	2.49'	5.51'



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 20-14
Hearing Date/Time: _____

APPLICANT: Joseph Mahler
Name 230 Ross St E-Mail Address 585-409-7139
Street Address Batavia Phone 14020 Fax _____
City NY State _____ Zip _____

STATUS: ☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER: Joseph Mahler
Name 230 Ross St E-Mail Address 585-409-7139
Street Address Batavia Phone 14020 Fax _____
City NY State _____ Zip _____

LOCATION OF PROPERTY: 230 Ross St

DETAILED DESCRIPTION OF REQUEST: The addition of a roof over entrance door & cement pad

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.

Joseph Mahler 9/23/2020
Applicant's Signature Date
Joseph Mahler 9/23/2020
Owner's Signature Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.008-1-6.4 ZONING DISTRICT: R-1A FLOOD PLAIN: C

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

Provision(s) of the Zoning Ordinance Appealed: BMC 190-29 and Sched. 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.

IT DOESN'T MAKE A CHANGE

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

3. **Substantiality.** The requested area variance is not substantial. NO

4. **Adverse Effect or Impact.** The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community.

NO

5. **Not Self-Created.** The alleged difficulty existed at the time of the enactment of the provision or was created by natural force or governmental action, and was not the result of any action by the owner or the predecessors in title.

TO PREVENT STREETS FROM FORMING ICE DURING WINTERS

Joseph Muhl
Applicant's Signature

9/23/2020
Date

DATE: 9/23/2020APPLICANT NAME & PHONE: Joseph Mahler 585-409-7139Project Location and Information

Permit #: _____

Fee: _____

Address of Project: 230 Ross St, BataviaOwner & Address: Joseph Mahler 230 Ross St.Phone: 585-409-7139Project Type/Describe WorkEstimated cost of work: \$1,000.00Start date: asap

Describe project:

add a roof over 26' of cement pad for entrance
into house.RCNYS 12302.1 and table 302.1(1)Projections are not permitted within 2' of lot line. From 2'-5' 1 in. BackContractor Information – Insurance certificates (liability & workers comp) required being on fileGENERALName/Address: Self

Phone: _____

PLUMBING (City of Batavia Licensed Plumber Required)Name/Address: na

Phone: _____

HEATINGName/Address: na

Phone: _____

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

Phone: _____

FOR OFFICE USE ONLY

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

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

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

Existing Use: _____ NYS Building Code Occupancy Class: _____

Proposed Use: _____ NYS Building Code Occupancy Class: _____

EXISTING IRON STAKE

REFERENCES

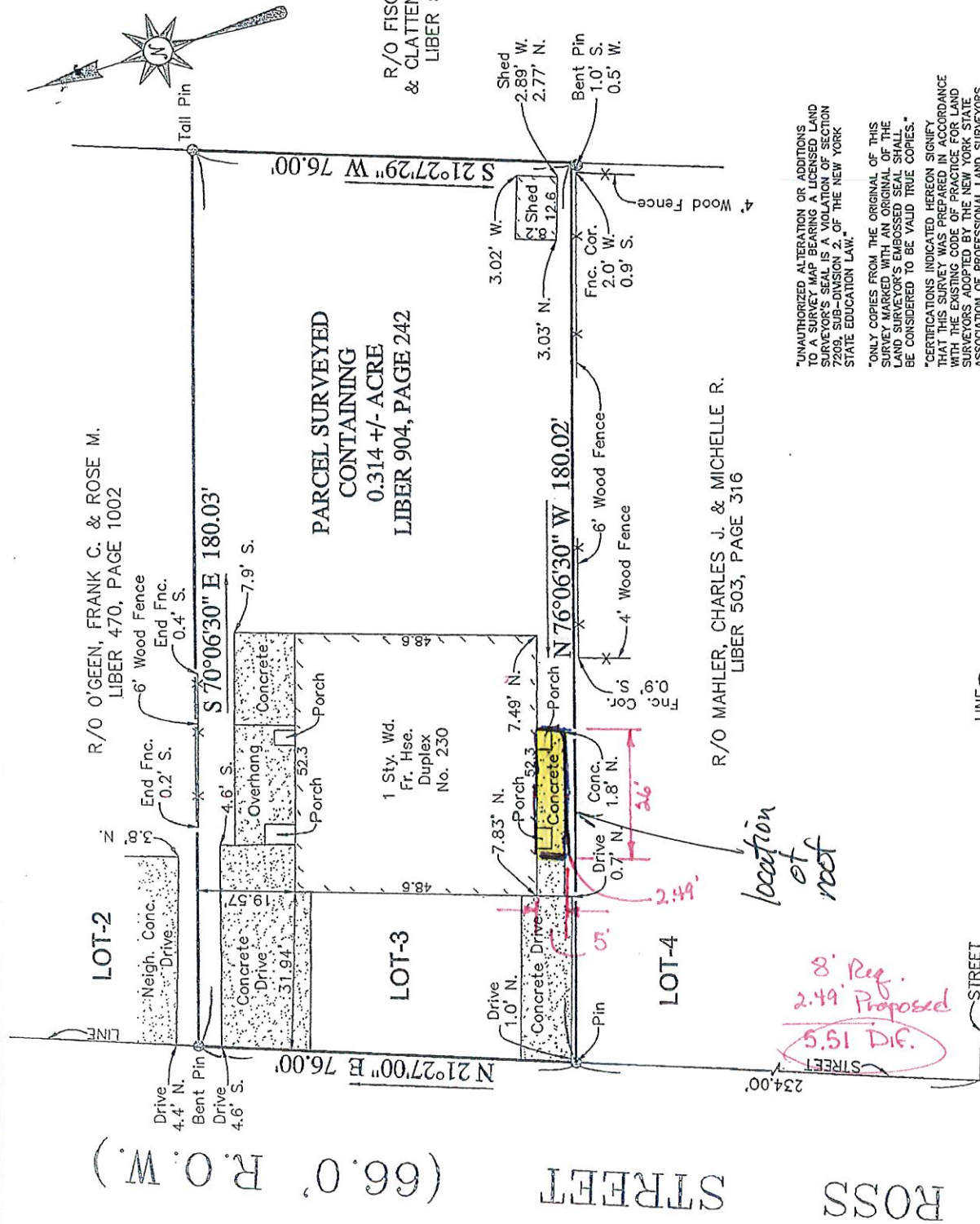
BONADONNA SUBDIVISION
L.S., DATED JANUARY
FEBRUARY 2, 1984 AS
ABSTRACT OF TITLE N
Title Insurance Company

R/O FISCHER, PAULA M.
CLATTENBURG, MARIANNE
LIBER 520. PAGE 25

BOUNDARY SURVEY
TO BE CONVEYED
LOT NO. 3 OF
SITUATE IN TOWNSHIP
OF GENESEE COUNTY
SEPTEMBER 2, 1884

DATE _____

09/28/17



"UNAUTHORIZED ALTERATION OR ADDITIONS TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW."

"ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES."

THAT THIS SURVEY WAS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATION SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS/HER BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE SURVEYOR, AND TO ANY ARCHITECTURAL INSTITUTIONS OR SUBSEQUENT OWNERS.

4" x 4" PRESSURE TREATED
 @ 6' o/c WITH 12' OVERHANGS END
 & INTO GROUND
 * TOTAL 216' LENGTH COVERED

CURRENT CEMENT PATH

Not to Exceed 5' total
 3' EXTENSION
 2x6 Rafter
 CURRENT OVERHANG 24"

Match Roof slope

Gutter

2x6 HEADER

12"

H O U S E

4x4 POST

6'

CEMENT PATH

12' x 4" DEEP

MATERIALS:

2x6 JOIST & HAUGERS @ 16" o/c

7/8" OSB 4x8 SHEETS

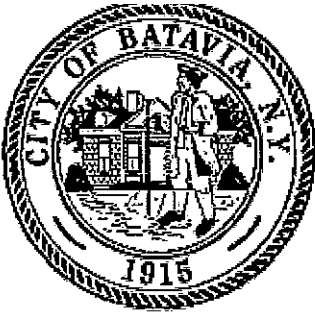
4x4 PRESSURE TREATED POST

REPERFLEX ROOFING (BOLL OUT)

ALUM. GUTTERS & DOWN SPOUT

COST: \$1,000.00





City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

To: Zoning Board of Appeals
From: Doug Randall, Code Enforcement Officer
Date: 9/29/20
Re: 131-133 South Main St.
Tax Parcel No. 84.038-1-12

Zoning Use District:

The applicant, David Carney (owner), has filed an application to place a 49" tall fence that is within 15' of the front property line.

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

Review and Approval Procedures:

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

Required variances- Area

- 1) BMC 190-33 D. Fences located in residential districts shall not exceed 3' in height above ground when located within 15' of a property line abutting a street.

David A. Carney
133 S. Main St.
Batavia N.Y. 14020
585-344-0464

I am requesting a variance for the fence I repaired in August of this year.

The fence is aprox. 36' in length and 48" tall.

- The fence was chain link. I replaced the chain link with 5.5" pressure treated wood. They are spaced aprox. 2.25" apart and used the five original metal support posts. I dog eared the top of the pickets.
- The old chain link was getting rusted and the top rails were sagging. The chain link was around 30 years old.

There are several important reasons I feel I should be granted the variance.

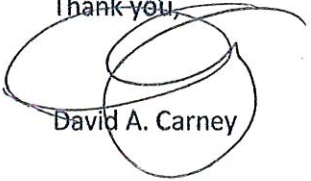
- The materials I used are almost the exact same dimensions.
- I used the original metal supports.
- Our side yard dips down about 3 feet very close to the sidewalk. (could be a hazard for people walking by if the fence was not there)
- It enhances our property and neighborhood.
- With the high volume of traffic on S. Main It gives us a little privacy.

As I stated previously the fence is about 30 years old. We purchased the property a little over 26 years ago and in that time, no one has ever mentioned the fence was not in compliance. I enclose a copy of the survey done prior to our purchase of the property. I also enclosed a few photographs of the fence.

I honestly didn't realize I needed a building permit or the need for a variance to repair my fence. For that I apologize.

Please accept my request for a variance in regards to this matter.

Thank you,



David A. Carney



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 20-15
Hearing Date/Time: PAID

APPLICANT: DAVID A. CARNEY

Name 133 S. MAIN ST E-Mail Address
Street Address BATAVIA Phone 14020
City NY State 14020 Zip

SEP. 29 2020

CITY OF BATAVIA
CLERK-TREASURER

STATUS: ☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER: SALE

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

LOCATION OF PROPERTY: 133 S. MAIN ST BATAVIA NY

DETAILED DESCRIPTION OF REQUEST:

APPROVAL TO PLACE A 4'9" FENCE WITHIN
15' OF ROW

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

9/23/2020

Owner's Signature

Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.038-1-12 ZONING DISTRICT: R-1A FLOOD PLAIN: C

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

Provision(s) of the Zoning Ordinance Appealed: BMC 190-33 D Fences located in
residential districts shall not exceed 3' in height above ground when
located within 15' of prop. lines abutting a street.

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.

NONE

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.

NONE

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.

NONE

Applicant's Signature

Date

9/23/20/20

DATE: 9/23/2020
APPLICANT NAME & PHONE: DAVID A. CARNEY

Project Location and Information Permit #: _____ Fee: _____
Address of Project: 133 S. MAIN ST BATAVIA NY 14020
Owner & Address: _____
Phone: 585-344-0464

Project Type/Describe Work
Estimated cost of work: \$5000 Start date: _____
Describe project:
4'9" FENCE ON PORTION OF PROPERTY LINE

Contractor Information – Insurance certificates (liability & workers comp) required being on file

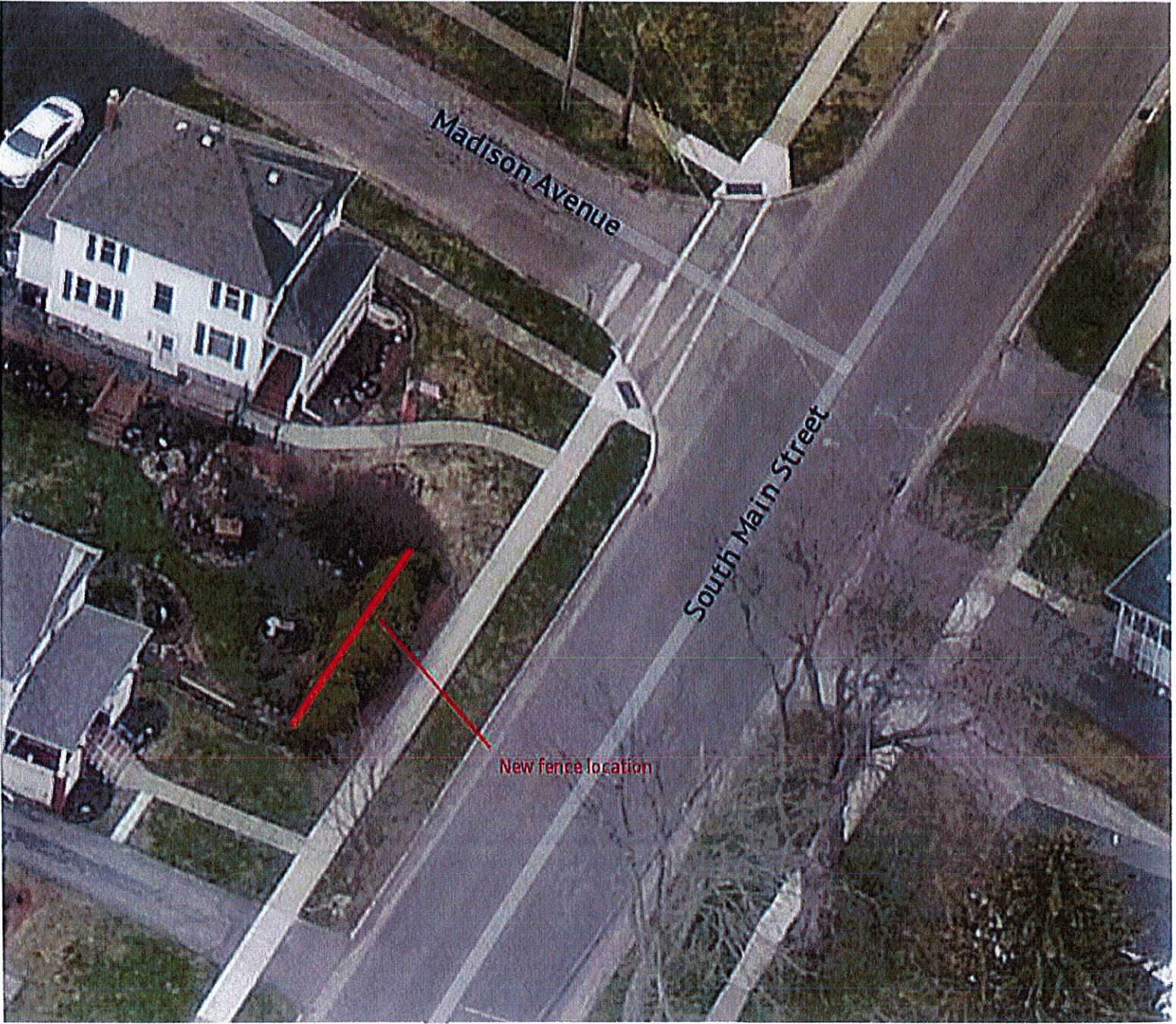
GENERAL
Name/Address: SELF
Phone: _____

PLUMBING (City of Batavia Licensed Plumber Required)
Name/Address: _____
Phone: _____

HEATING
Name/Address: _____
Phone: _____

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

FOR OFFICE USE ONLY			
Zoning District: _____	Flood Zone: _____	Corner Lot: _____	Historic District/Landmark: _____
Zoning Review: _____	Variance Required: _____	Site Plan Review: _____	Other: _____
National Grid Sign Off (Pools): _____	Lot Size: _____		
Existing Use: _____	NYS Building Code Occupancy Class: _____		
Proposed Use: _____	NYS Building Code Occupancy Class: _____		

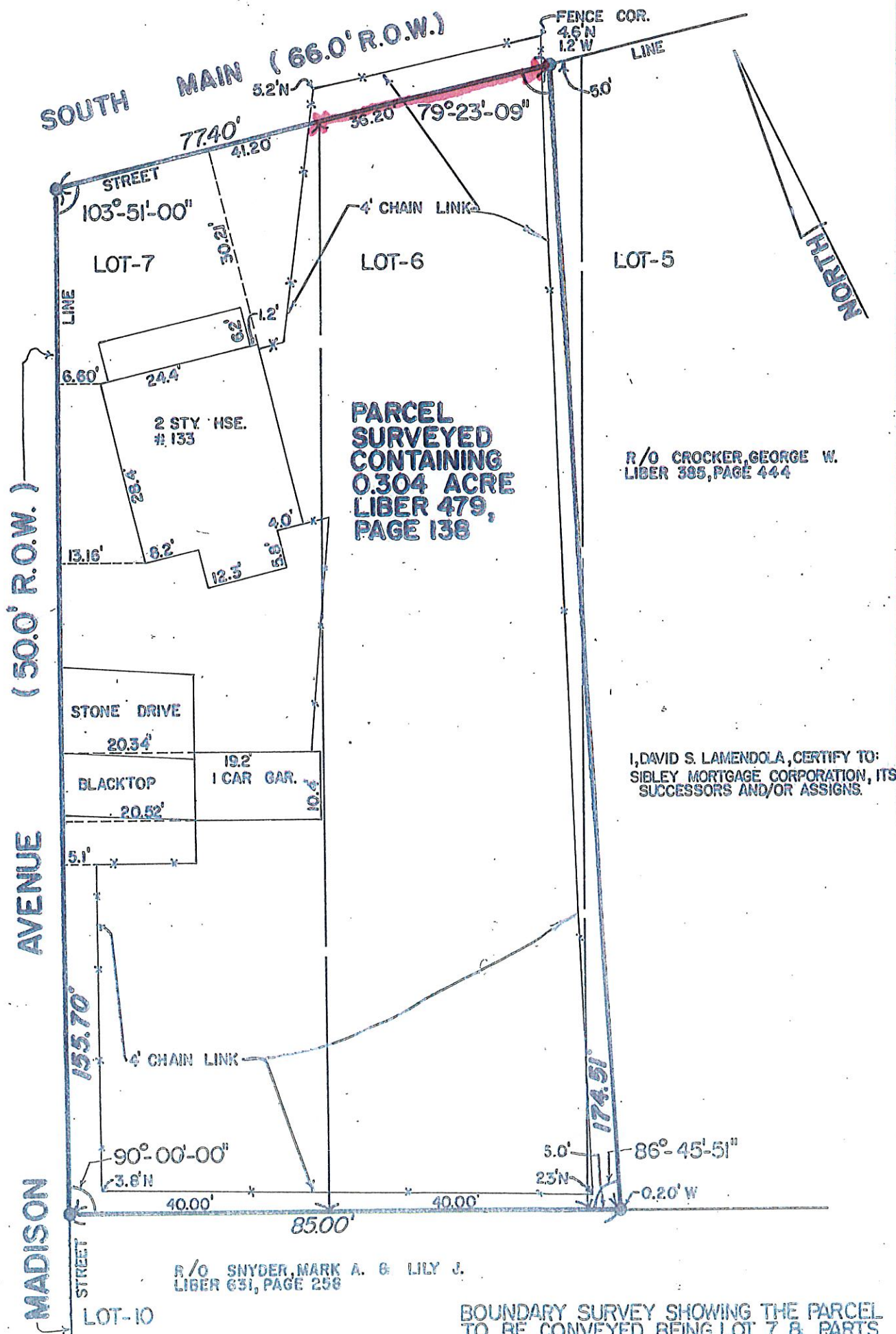












R/O SNYDER, MARK A. & LILY J.
LIBER 631, PAGE 258

BOUNDARY SURVEY SHOWING THE PARCEL
TO BE CONVEYED BEING LOT 7 & PARTS
OF LOTS 5 & 6, BLOCK C OF THE
MILWAUKEE SUBDIVISION OF PARTS OF