

ZONING BOARD OF APPEALS

Thursday, January 25, 2024

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 November 16, 2023 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

A. Request #1

111 Ross Street

Philip Marcello (owner)

Area Variance:

Place a 10' x 12' x 9'-tall pressure treated wood-frame gazebo with metal roof in a yard other than a rear yard on this corner lot property

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

B. Request #2

19 Union Street Drive

James Muoio (owner)

Area Variance:

Place a 12' x 24' one-story wood-frame utility shed in a yard other than a rear yard. The building will be located in the north side yard of this property. The accessory building is proposed to be located 1.166' (14") from the north side lot line

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

C. Request #3

107 Naramore Drive

Jackie Thompson (owner)

Area Variance:

Place a 12' x 12' x 10.5'-tall wood-frame gazebo in a yard other than a rear yard, front yard on this property)

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

D. Request #4

7 Morse Place

Jeffrey Harris (contractor, H & H Mobility)

Area Variance:

Place an aluminum access ramp within the front yard clear space on this property

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

VII. Setting of Next Meeting: February 22, 2024

VIII. Adjournment

ZONING BOARD OF APPEALS
Draft Minutes
Thursday, November 16, 2023
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

Members present: *Jeff Gillard, Dave McCarthy, Jim Russell*

Members absent: Nick Harris, Leslie Moma

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 Chair Dave McCarthy declared a quorum.

II. Call to Order

Mr. McCarthy called the meeting to order at 6:01 pm.

III. Pledge of Allegiance

IV. Approval of Minutes

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

RESULT: Approval of September 28, 2023 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: replace the existing pole sign with a new pole sign identifying a new business located within the R-2 Residential District

Address: *301 North Street*
Applicant: Mike Hodgins (sign contractor)

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

1. Review Application

Acting Vice Chair, Jeff Gillard, 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 3-0.

RESULT: Public hearing opened at 6:05 pm.

Jim Gardner represented Hodgins Printing. He said that the job entails replacing a sign that has been in place since the 1960s.

Mr. Russell asked about the placement of the sign. Mr. Gardner said that the original posts are still in the ground. Even though the posts will be replaced, they will go in the same holes as the original.

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

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

RESULT: Public hearing closed at 6:08 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 proposal with 60 days to obtain the permit; the motion was seconded by Mr. Russell, and on roll call, was approved 3-0.

RESULT: Area Variance approved.

B. Area Variance: move the stairs within the required front yard clear space

Address: 20 Washington Avenue
Applicant: Richard Richmond (owner)

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

1. Review Application

Mr. Gillard 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 3-0.

RESULT: Public hearing opened at 6:12 pm.

Mr. Richmond told the board that he had hired Viele Construction to move the stairs to make it easier for his wife to get in and out of the house.

Mr. Russell asked if the stairs Mr. Richmond is referring to are the ones currently in place. Mr. Richmond said that they are.

Mr. Russell stated that he does not have a problem with the project itself; however, he does have a problem when projects are completed before the proper approvals and before the permitting has been issued. Mr. McCarthy agreed.

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

The board members were in agreement with their disapproval of those who fail to obtain the necessary documents before starting projects, and expressed the wish for City Council to make changes that would help prevent and punish unpermitted work.

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

RESULT: Public hearing closed at 6:15 pm.

3. Action by the Board

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

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

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

RESULT: Area Variance approved.

VII. Approval of 2024 Meeting Dates

MOTION: Mr. McCarthy moved to approve the meeting dates; the motion was seconded by Mr. Gillard, and on roll call, was approved 3-0.

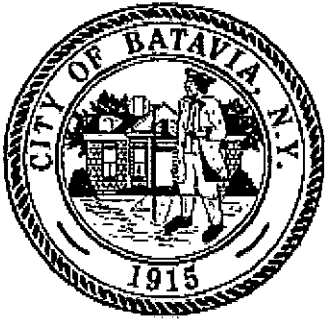
RESULT: 2024 meeting dates approved.

VIII. Setting of Next Meeting: October 26, 2023

IX. Adjournment

Mr. McCarthy adjourned the meeting at 6:21 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: 12/3/24
Re: 111 Ross St.
Tax Parcel No. (84.042-2-18)

Zoning Use District: R-2

The applicant, Philip Marcello (owner), has filed an application to place a 10' x 12' x 9' tall pressure treated wood frame gazebo with metal roof in a yard other than a rear yard on this corner lot property.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (12).

Review and Approval Procedures:

Zoning Board of Appeals- Pursuant to BMC Sec. 190-49 of the zoning ordinance and BMC 87-19 A of the Flood Damage Prevention requirements, the ZBA shall review and act on required variances.

Required variances- Area

- 1) BMC 190-35 D. Accessory buildings are not permitted to occupy spaces other than a rear yard.



PAID

JAN - 2 2024

CITY OF BATAVIA
CLERK-TREASURER

CITY OF BATAVIA

APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 2023-30

Hearing Date/Time: _____

APPLICANT: Philip Marcello pmarcell@rochester.rr.com
 Name E-Mail Address
111 Ross St 716-498-2072
 Street Address Phone Fax
Batavia NY 14020
 City State Zip

STATUS: Owner Agent for Owner Contractor

OWNER:

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

LOCATION OF PROPERTY: 111 Ross St Batavia NY 14020

DETAILED DESCRIPTION OF REQUEST: Approval to put up a backyard gazebo that is not a permanent structure in our fenced in yard

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.

Philip J. Marcello
Applicant's Signature

12-19-23
Date

Owner's Signature

Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.042-2-18 ZONING DISTRICT: R-2 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 190-35 D. Accessory Bldg. in a yard other than a rear yard.

Criteria to Support Area Variance

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

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

1. **Undesirable Change in neighborhood Character.** The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.
The gazebo is in our fenced in backyard and causes no detriment to nearby properties
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.
3. **Substantiality.** The requested area variance is not substantial. Granting this variance would not affect neighbors in any way
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

Phen J. Marshall
Applicant's Signature

12-19-23
Date

CITY OF BATAVIA, NEW YORK APPLICATION FOR A BUILDING PERMIT

Application Date: 11/27/23

APPLICANT NAME Philip J Marcello PHONE 716-498-2072

APPLICANT MAILING ADDRESS 111 Ross St Batavia NY 14020

APPLICANT EMAIL pmarcello@rochester.rr.com

Project Location and Information

Address of Project: 111 Ross St Batavia NY 14020

Owner: Philip J Marcello Phone: 716-498-2072

Owners Mailing Address: 111 Ross St Batavia NY 14020

Project Type/Describe Work 16x13 Estimated cost of work: \$1,000

Describe project: Put together a 10x12 gazebo in backyard. Gazebo is not a permanent structure, has no floor, is only 9' high. It can be moved.

Contractor Information - Insurance certificates (liability & worker comp) required to be on file in our office before issuance of any permit. Liability Workers Comp

GENERAL

Name & Address:

Phone:

PLUMBING (City of Batavia Licensed Plumber Required)

Name & Address:

Phone:

HEATING

Name & Address:

Phone:

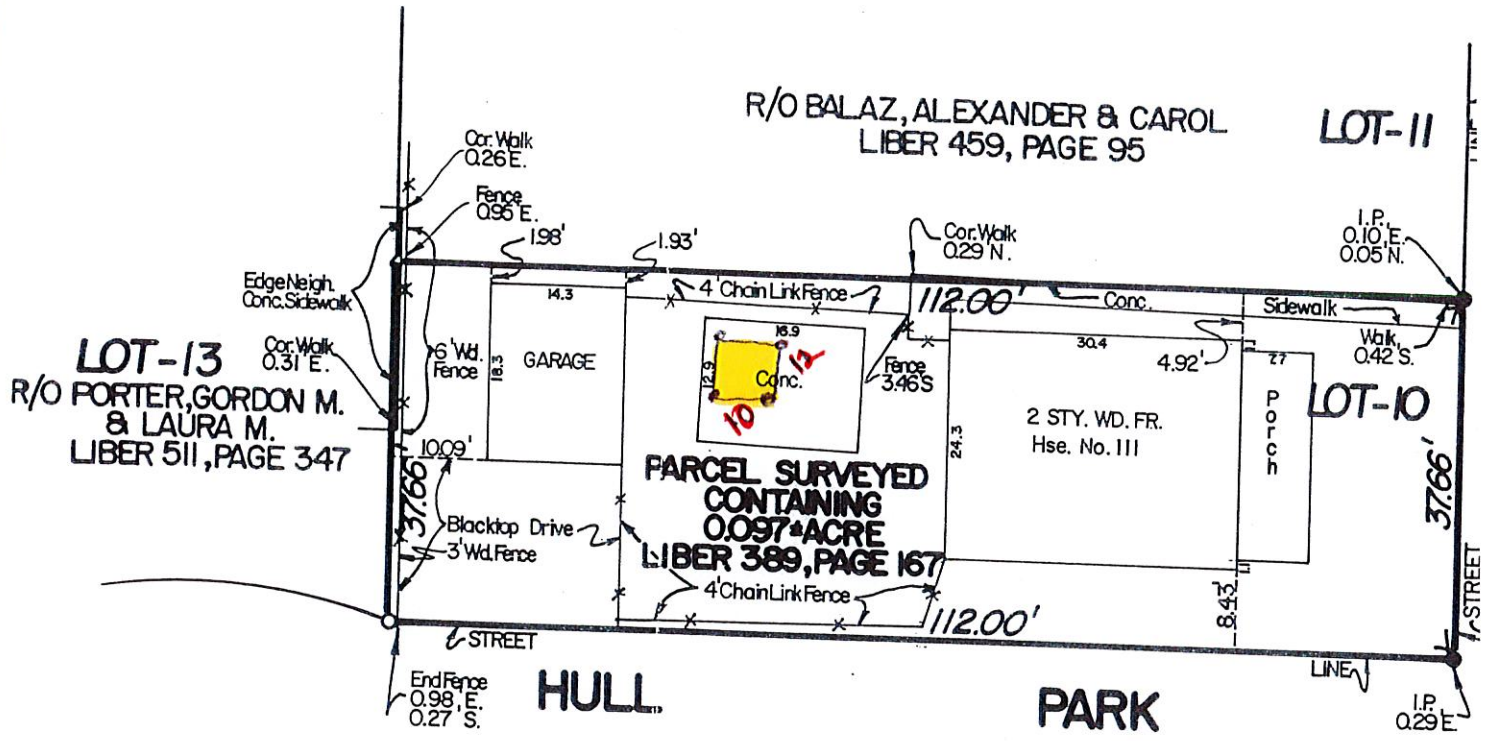
ELECTRICAL (Third Party Electrical Inspection Required)

Name & Address:

Phone:

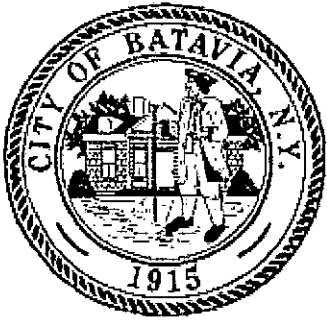
FOR OFFICE USE ONLY

Zoning District: Flood Zone: Corner Lot: Historic District/Landmark: Zoning Review: Variance Required: Site Plan Review: Other: National Grid Sign Off (Pools): Lot Size:



I, DAVID S. LAMENDOLA, CERTIFY TO:
 FLEET REAL ESTATE FUNDING CORP., ITS
 SUCCESSORS AND ASSIGNS.
 PHILIP J. & KIM M. MARCELLO.
 JOHN L. RIZZO.
 STEWART TITLE INSURANCE CO.

"Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveyors adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners."



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: 1/2/24
Re: 107 Naramore Dr.
Tax Parcel No. 85.005-1-55

Zoning Use District: R-1

The applicant, Jackie Thompson (owner), has filed an application to place a 12' x 12' x 10.5' tall wood frame gazebo in a yard other than a rear yard, front yard on this property.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (12).

Review and Approval Procedures:

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

Required variances- Area

- 1) BMC 190-35 D. Accessory buildings are not permitted to occupy spaces other than a rear yard.



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 23-28
Hearing Date/Time: _____

APPLICANT: Jackie Thompson Jackie@hotmail107.com
Name E-Mail Address
107 NARAMORE DR 716-390-8925
Street Address Phone Fax
BATAVIA NY 14020
City State Zip

STATUS: Owner Agent for Owner Contractor

OWNER: Ben Thompson Ben@hotmail107.com
Name E-Mail Address
Street Address Phone Fax
City State Zip

LOCATION OF PROPERTY: 107 NARAMORE DR

DETAILED DESCRIPTION OF REQUEST: 12x12 Free standing gazebo style
STRUCTURE, front of Dwelling

Applicant must be present at the hearing date. Failure to do so will result in the application being discarded. It is the responsibility of the applicant to present evidence sufficient to satisfy the Zoning Board of Appeals that the benefit of the applicant does not outweigh the health, safety, morals, aesthetics and general welfare of the community or neighborhood.

Applicant's Signature [Signature] Date 11-27-2023
Owner's Signature [Signature] Date 11-27-2023

PAID
DEC - 1 2023
CITY OF BATAVIA
CLERK-TREASURER

To be Filled out by Zoning Officer

TAX PARCEL: 85.005-1-55 ZONING DISTRICT: R-1 FLOOD PLAIN: C

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

Provision(s) of the Zoning Ordinance Appealed: BMC 190-35 D Accessory Bldgs
May not occupy any Reg. space other than a Rear yard.

Criteria to Support Area Variance

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

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

- 1. Undesirable Change in neighborhood Character.** The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.
VERY ATTRACTIVE STRUCTURE. DOZENS OF NEIGHBORS
HAVE COMPLIMENTED IT AND ASKED FOR INFORMATION.
INCLUDING JUDGE DUVIN ROGERS
- 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 NOTHING OTHER THAN VARIANCE
- 3. Substantiality.** The requested area variance is not substantial.
CORRECT. NOT STRUCTURAL TO THE PROPERTY
- 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.
ABSOLUTELY NOT. IT IS MEETING SNOW LOAD REQUIREMENTS
AND IS VERY ATTRACTIVE
- 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. WE DIDN'T KNOW
IT REQUIRED A PERMIT/VARIANCE. WE HAD IT INSTALLED
BY A LOCAL CONTRACTOR

Applicant's Signature

Date

11-27-2023

CITY OF BATAVIA, NEW YORK APPLICATION FOR A BUILDING PERMIT

Application Date: 11-27-23

APPLICANT NAME Jackie Thompson PHONE 716-390-8925

APPLICANT MAILING ADDRESS 107 NARAMORE DR

APPLICANT EMAIL Jackie@hotshot7.com

Project Location and Information

Address of Project: 107 NARAMORE DR

Owner: Jackie/Ben Thompson Phone: 716-390-8925

Owners Mailing Address: 107 NARAMORE DR

Project Type/Describe Work

Estimated cost of work:

Describe project: INSTALL 12x12 gazebo-style structure
that is rated for NY snow loads, professionally
installed, and not affixed to house structure.

Contractor Information – Insurance certificates (liability & worker comp) required to be on file in our office before issuance of any permit. _____ Liability _____ Workers Comp

GENERAL

Name & Address: Bucky Bensen

Phone: 585-319-6235

PLUMBING (City of Batavia Licensed Plumber Required)

Name & Address: N/A

Phone: _____

HEATING

Name & Address: N/A

Phone: _____

ELECTRICAL (Third Party Electrical Inspection Required)

Name & Address: N/A

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: _____



Snow Load Capacity
1,000+ lbs.; More than 453 kg

Weights & Dimensions



Overall
12' W x 12' D x 10' 6" H

Interior Width - Side to Side
10' 6"

Interior Depth - Front to Back
10' 6"

Interior Height - Top to Bottom
9' 3"

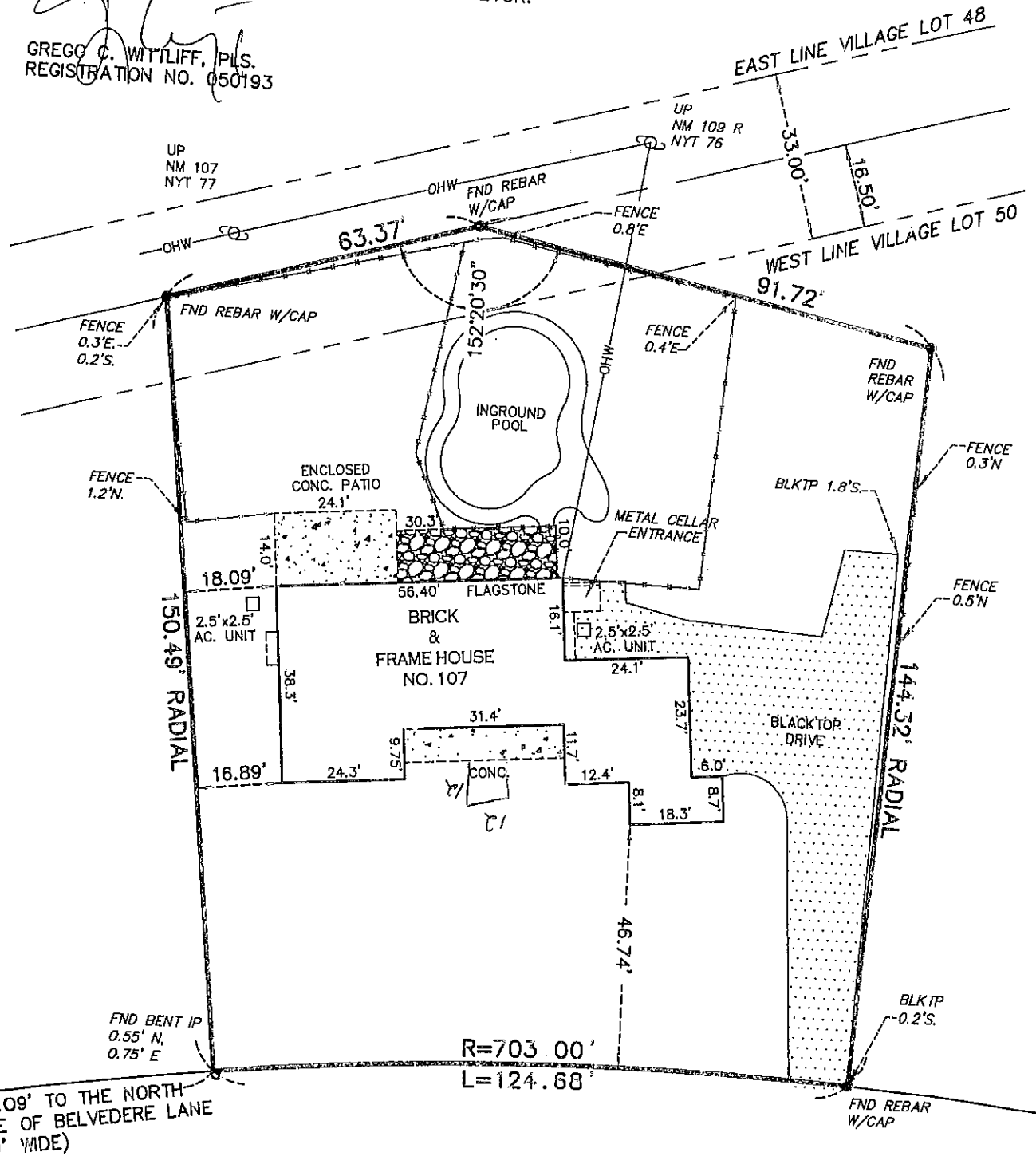
Overall Product Weight
529 lb.



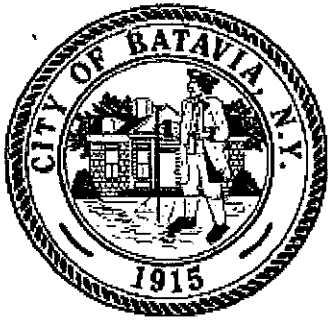
I HEREBY CERTIFY TO:
 PREMIUM MORTGAGE CORPORATION ISAOA
 DOLLINGER & ASSOCIATES
 STEWART TITLE INSURANCE CORPORATION
 BENJAMIN J. BONARIGO
 DAVID B. & JACQUELINE A. THOMPSON
 THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE CURRENT
 CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK
 STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS AND AS
 AMENDED BY THE NIAGARA FRONTIER LAND SURVEYORS ASSOCIATION.
 THIS CERTIFICATION DOES NOT EXTEND TO SUBSEQUENT OWNERS,
 MORTGAGES, OR TITLE INSURERS, UNLESS THIS SURVEY HAS BEEN
 RESURVEYED FOR THIS PURPOSE BY THE SURVEYOR.



Gregg C. Wittleff
 GREGG C. WITLIFF, PLS.
 REGISTRATION NO. 050193



NARAMORE DRIVE (66' WIDE)



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: 1/2/24
Re: **19 Union St.**
Tax Parcel No. 84.022-1-13

Zoning Use District: R-1A

The applicant, James Muoio (owner), has filed an application to place a 12' x 24' one story wood frame utility shed in a yard other than a rear yard. The building will be located in the north side yard of this property. The accessory building is proposed to be located 1.166' (14") from the northside lot 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) (12).

Review and Approval Procedures:

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

Required variances- Area

- 1) **BMC 190-35 D. Accessory buildings are not permitted to occupy spaces other than a rear yard.**
- 2) **BMC 190-35 D. Accessory buildings are not permitted to be placed closer than 3' from a lot line.**



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

copy: owner paid fee 12/29

Application No.: 2023-29
Hearing Date/Time: _____

APPLICANT: JAMES E. MUOIO JR James.muio@L3Harris.com
Name E-Mail Address
19 UNION ST. 585-978-1988
Street Address Phone Fax
BATAVIA NY 14020
City State Zip

STATUS: Owner _____ Agent for Owner _____ Contractor

OWNER: SAME AS ABOVE
Name E-Mail Address
Street Address Phone Fax
City State Zip

LOCATION OF PROPERTY: 19 UNION ST BATAVIA NY 14020

DETAILED DESCRIPTION OF REQUEST: Replaced fire damaged garage with shed on same footprint. 12'x24' 1.166' from lot line (14")

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.

James E. Muoio Jr 12/18/2023
Applicant's Signature Date
James E. Muoio Jr 12/18/2023
Owner's Signature Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.022-1-13 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 190-35 D Accessory bldgs may not occupy a yard other than a Rear yard, and may not be closer than 3' from a lot line.

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.

Sned is a replacement to fire damaged garage. Placed on pad left by old garage. Fire wall will be installed in order to meet code.

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.

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

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

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.


Applicant's Signature

12/18/2023
Date

CITY OF BATAVIA, NEW YORK APPLICATION FOR A BUILDING PERMIT

Application Date: 11/2/2023

APPLICANT NAME JAMES E. MUOIO JR PHONE 585-978-1988

APPLICANT MAILING ADDRESS 19 UNION ST BATAVIA NY 14020

APPLICANT EMAIL ~~Muioj427@gmail.com~~

Project Location and Information

Address of Project:

Owner: Phone:

Owners Mailing Address:

Project Type/Describe Work

Estimated cost of work: \$16,000

Describe project: INSTALLED AMISH SHED TO REPLACE FIRE DAMAGED GARAGE

shed is 14" off property line. Size 12x24'

Contractor Information - Insurance certificates (liability & worker comp) required to be on file in our office before issuance of any permit. Liability Workers Comp

GENERAL

Name & Address:

Phone:

PLUMBING (City of Batavia Licensed Plumber Required)

Name & Address:

Phone:

HEATING

Name & Address:

Phone:

ELECTRICAL (Third Party Electrical Inspection Required)

Name & Address:

Phone:

FOR OFFICE USE ONLY

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

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

National Grid Sign Off (Pools): Lot Size:

QUY E. B
AGE 554

S. ROBERT G.
PAGE 07

R/O HALE, LAWRENCE E. & DIANE
LIBER 693
PAGE 221
LOT-115

PARCEL SURVEYED
CONTAINING
0.192+ACRE
LIBER 605, PAGE 214

R/O
CAITO
CATHERINE M.
LIBER 552 PAGE 260

LOT-113

LOT-114

LEGEND
● EXISTING IRON PIPE
○ SET IRON PIN
△ SET P.K. NAIL

REFERENCES
DENNIS AND CONE SUBDIVISION FILED AT
BOOK 2 OF MAPS, PAGE 45, MAP NO. 212.
ALL INTERIOR ANGLES = 90° 00' - 00".
LIBER 296 PAGE 328

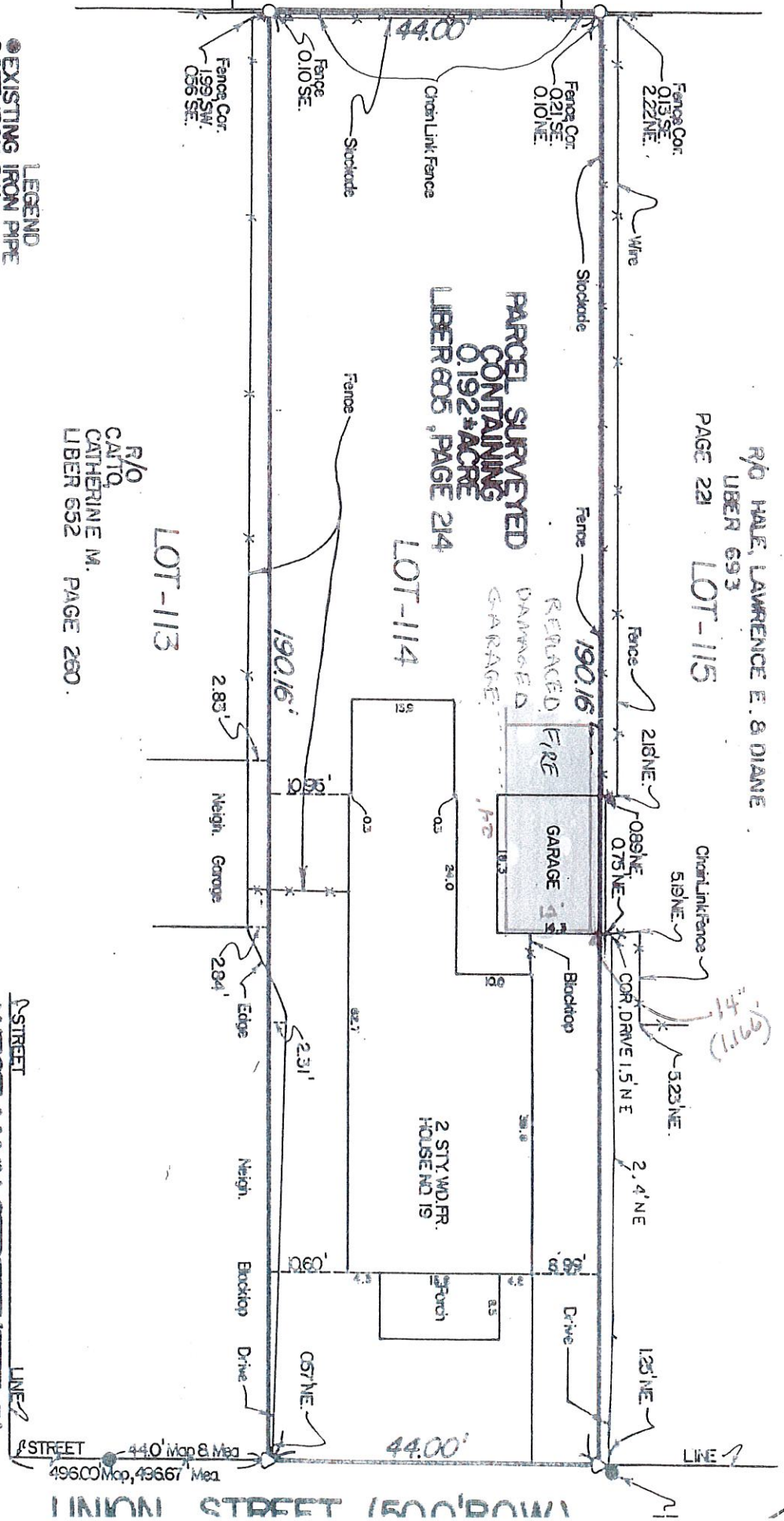
DAVID S. LAMENDOLA, L.S.
206 EAST MAIN ST.
BATAVIA, NY 14020
(716) 344-1331

WEST STREET
WEST MAIN STREET (RTE.5)

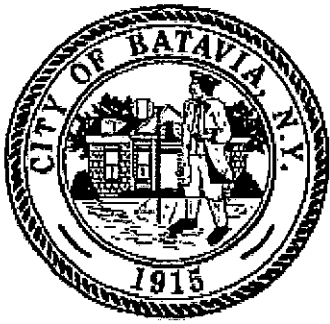
BOUNDARY SURVEY SHOWING
OF VICTOR L. & JANET E. CECIL
OF ORIGINAL VILLAGE LOT NO.
GUSHED AS SUBDIVISION LOT
DENNIS AND CONE SUBDIVISION
THE CITY OF BATAVIA, COUNTY
AND STATE OF NEW YORK.

AUGUST 30, 1991
JOB NO. 91-232
REVISED 9-23-91 RESURVEYED AUG

DATE 9-17-1999
BY [Signature]
NYS, R.L.S.



UNION STREET (500' DOWN)



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: 1/12/24
Re: 7 Morse Pl.
Tax Parcel No. 84.060-1-4

Zoning Use District: R-3

The applicant, Jeffrey Harris, Contractor H&H Mobility, has filed an application to place an aluminum access ramp within the front yard clear space on this property.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (17).

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'	.60'	19.4'
Side yard clear space	8'	1'	7'



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

PAID

JAN 1-8 2024

CITY OF BATAVIA
 CLERK-TREASURER

Application No.: 2024 7

Hearing Date/Time: _____

APPLICANT: Jeffrey Harris (H&H Mobility LLC) hhmobilityllc@gmail.com

Name	<u>58 Sandbank Rd</u>	E-Mail Address	<u>607-373-9622</u>
Street Address		Phone	
<u>Erin</u>	<u>NY</u>		<u>14838</u>
City	State		Zip

STATUS: Owner Agent for Owner Contractor

OWNER: SANDRA A. LICATA LICATA CHIROPRACTIC@gmail.com

Name	<u>542 EAST MAIN ST</u>	E-Mail Address	<u>585-393-2146</u>
Street Address		Phone	
<u>BATAVIA</u>	<u>NY</u>		<u>14020</u>
City	State		Zip

LOCATION OF PROPERTY: 7 Morse Place Batavia, NY 14020

DETAILED DESCRIPTION OF REQUEST: Aluminum Modular ramp installation (wheelchair ramp)

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.

Jeffrey Harris
 Applicant's Signature

12/29/23
 Date

Sandra A. Licata
 Owner's Signature

12/29/23
 Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.060-1-4 ZONING DISTRICT: R-3 FLOOD PLAIN: C

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

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

Provision(s) of the Zoning Ordinance Appealed: BMC 190-29 A 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.
NO, the granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.
- 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 are NO other means feasible for the applicant to pursue that would result in difficulty being avoided or remedied, other than the granting of the area variance.
- 3. Substantiality.** The requested area variance is not substantial.
NO, the requested area variance is not substantial.
- 4. Adverse Effect or Impact.** The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community.
NO, the requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community.
- 5. Not Self-Created.** The alleged difficulty existed at the time of the enactment of the provision or was created by natural force or governmental action, and was not the result of any action by the owner or the predecessors in title.
Yes, 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.

Jeffrey Hwang
Applicant's Signature

12/29/23
Date

Application Date: 12/29/23

APPLICANT NAME Jeffrey Harris (H&H Mobility LLC) PHONE 607-373-9622

APPLICANT MAILING ADDRESS 58 Sandbank Rd Erin, NY 14838

APPLICANT EMAIL hhmobilityllc@gmail.com

Project Location and Information

Address of Project: 7 Morse Place Batavia, NY 14020

Owner: SANDRA LICATA Phone: 716-560-2055

Owners Mailing Address: 572 EAST MAIN ST BATAVIA NY 14020

Project Type/Describe Work Estimated cost of work: \$6,000.00

Describe project: Aluminum modular ramp installation (wheelchair ramp)

* **Contractor Information** - Insurance certificates (liability & worker comp) required to be on file in our office before issuance of any permit. _____ Liability _____ Workers Comp

GENERAL - Durable Medical Equipment installation and repair

Name & Address: H&H Mobility LLC 58 Sandbank Rd Erin, NY 14838

Phone: 607-373-9622

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: _____



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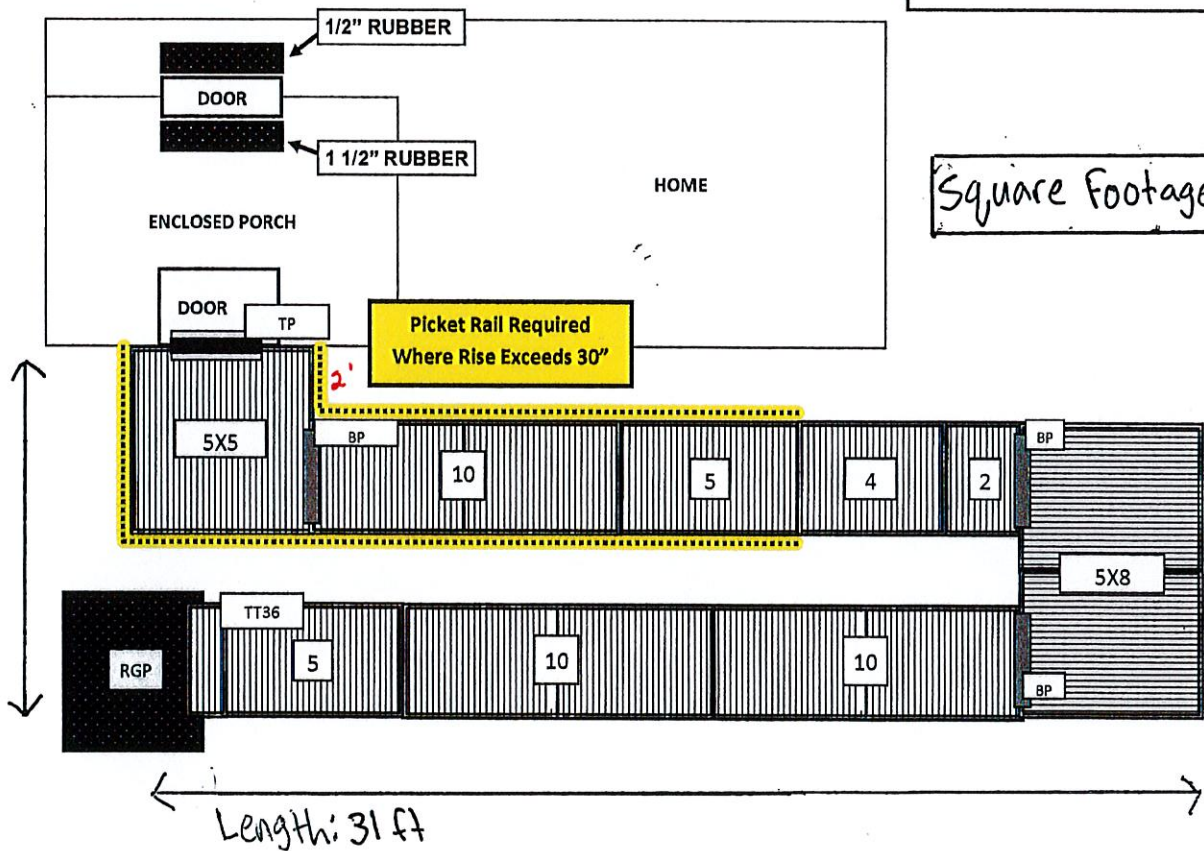
RAMP LAYOUT

FRONT ENTRANCE

Address: 7 Morse Place Batavia, NY 14020

Rise at door INSIDE: 0.5"
 Rise at door OUTSIDE: 1.5"
 Rise at porch: 36"
 Grade variance: +11"
 Total Rise in inches: 47"

Square Footage: 206

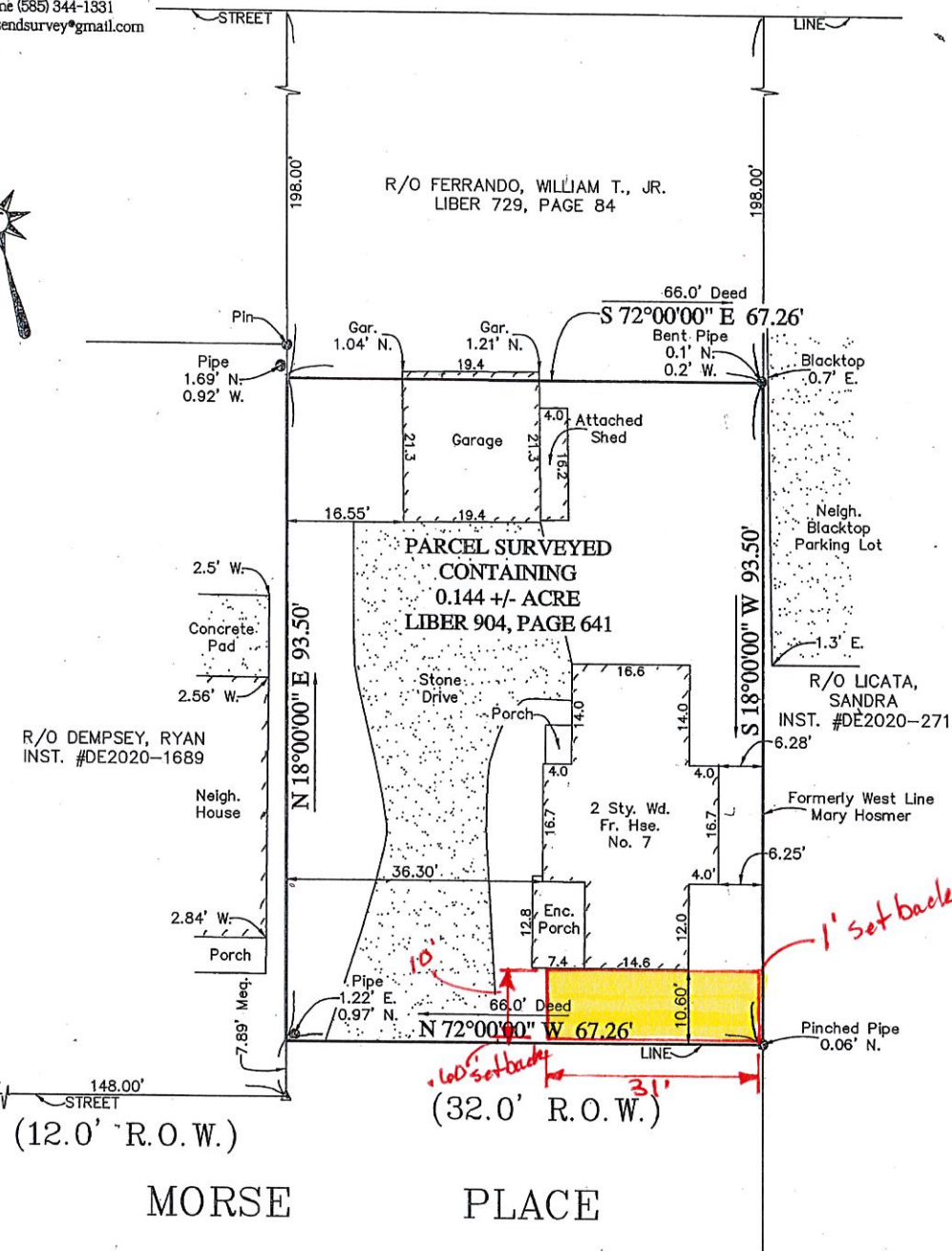


GREGORY W. TOWNSEND
 Licensed Land Surveyor
 115 Washington Avenue
 Batavia, New York 14020
 Phone (585) 344-1331
 gwtownsendsurvey@gmail.com

EAST MAIN STREET



SOUTH SPRUCE STREET



R/O DEMPSEY, RYAN
 INST. #DE2020-1689

R/O FERRANDO, WILLIAM T., JR.
 LIBER 729, PAGE 84

R/O LICATA, SANDRA
 INST. #DE2020-271

(12.0' R.O.W.)

(32.0' R.O.W.)

MORSE PLACE

- LEGEND
- ⊙ EXISTING IRON STAKE
 - ▲ EXISTING P.K. NAIL

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

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

"CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATION SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED; AND ON HIS/HER BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATION ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS."

BOUNDARY SURVEY SHOWING THE PARCEL TO BE CONVEYED BEING PART OF ORIGINAL VILLAGE LOT NO. 47. SITUATE IN THE CITY OF BATAVIA, COUNTY OF GENESEE AND STATE OF NEW YORK

MAY 24, 2021 SCALE 1" = 20'
 JOB NO. 21-245

Gregory W. Townsend
 DATE _____ N.Y.S.R.L.S. No. 50249



Morse-Pl