

# ZONING BOARD OF APPEALS

Thursday, April 27, 2023

6:00 pm

Council Board Room

One Batavia City Centre, Batavia, NY

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## AGENDA

- I. Roll Call
- II. Call to order
- III. Pledge of Allegiance
- IV. Approval of March 23, 2023 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

**A. Request #1**                      *19 Madison Avenue*  
Justin Euren, owner

Area Variance:                      Place a 10' x 15' one-story wood-frame shed addition onto the back of the existing garage located in the rear yard of this property

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

**B. Request #2**                      *9-11 Seneca Avenue*  
Jennifer Griffith, owner

Area Variance:                      Remove an existing 12' x 28' attached garage and patio roof in order to construct a new 24' x 34.5' attached garage structure between the south elevation of the dwelling and the southern lot line of this parcel. The front porch will also be extended by 14 sq.' west of the existing porch

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

VII. Setting of Next Meeting: May 25, 2023

VIII. Adjournment

**ZONING BOARD OF APPEALS**  
***Draft Minutes***  
**Thursday, March 23, 2023**  
**6:00 pm**  
**Council Board Room**  
**One Batavia City Centre, Batavia, NY**

Members present: *Leslie Moma, Dave McCarthy, Jim Russell*

Members absent: Jeff Gillard, Nick Harris

Others present: Lauren Donovan – Recording Secretary, Doug Randall – Code Enforcement Officer

**I. Roll Call**

Roll call of the members was conducted. Four members were present and Acting Chair Dave McCarthy declared a quorum.

**II. Call to Order**

Mr. McCarthy called the meeting to order at 6:04 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 February 23, 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: widen an existing 10'-wide asphalt driveway by placing 10' of gravel to the east side of the existing driveway

Address: *177 South Main Street*

Applicant: Kathy Antinore, owner

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

**1. Review Application**

Acting Vice Chair, Leslie Moma, 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 6:08 pm.**

Ms. Antinore explained that she lives in the lower apartment and has a tenant in the upper. There is not enough space in the driveway for all of the vehicles. She would like to create a space where the tenant can park and no vehicles have to be left on the street.

James Carney, 164 South Main Street, spoke regarding the project. He said that it is customary in this area to park on the street.

Pam and Mike Goodrich, 179 South Main Street, sent a letter in which they objected to the proposal. They believe putting stone in the front yard will detract from the appeal of the neighborhood.

There was an unsigned letter, which indicated disapproval of the project. The board prefers not to consider anonymous comments.

**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 6:12 pm.**

Mr. Russell noted that the City has an ordinance prohibiting parking on the front lawn. Mr. McCarthy said that he has never been a proponent of parking in the front yard.

Mr. Randall clarified that the ordinance refers to parking in the front on an unsuitable surface, which would include grass.

The board agreed that while it is an inconvenience, it is not a good policy to allow parking in the front and they would like to be cautious about setting precedencies.

## **3. Action by the Board**

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

- Undesirable change in neighborhood character: yes
- Alternative cure sought: perhaps widen the driveway
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: yes
- Self-created: yes

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

**RESULT: Area Variance denied.**

- B. Area Variance: construct a 4' x 8' one-story side entrance addition on the west elevation. A portion of the proposed addition will be located within the 8' side yard clear space

Address: 4 Fordham Drive  
 Applicant: Tim Stoddard, contractor

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

### 1. Review Application

Ms. Moma 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 6:23 pm.**

Mr. Stoddard told the board that the addition would provide the residents with easier access to the house. He pointed out that the door by the garage cannot be opened without hitting the car in the garage.

Thomas Burns, 10 Holmes Avenue, spoke in opposition to the proposal. He said that the project would affect the character of the neighborhood by disrupting the pattern of the layout of the houses on the street.

Mr. Stoddard pointed out that the addition is not substantial and will not jut out past the house. It is designed to look as though it is a natural part of the house. He noted that the new door will swing inward, which is considered to be in accordance with industry standards, whereas the current door swings outward.

**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 6:31 pm.**

Mr. McCarthy said that he did not have a problem with the project, and Ms. Moma concurred. She said that the addition blends in well with the face of the structure.

### 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 3-0.

**RESULT: Area Variance approved.**

- C. Area Variance: relief from the rear-yard setback requirements in order to subdivide this parcel. The wood-frame deck on the rear of the dwelling projects to within 18.1' of the proposed rear lot. The rear wall of the dwelling complies with the 35' minimum rear yard clear space

Address: *164 South Main Street*

Applicant: James Carney, owner

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

### **1. Review Application**

Mr. Moma 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 6:34 pm.**

Mr. Carney explained that he bought the property adjacent to his at 162 South Main Street. He wants to sell 162 South Main Street but he would like to redraw the boundary line between the two properties so that he can drive behind his barn and also maintain ownership of the land behind the houses. Mr. Carney pointed out that there is a problem with the way the surveyor drew the boundary line because he measured from the back of the house rather than the back of the deck.

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 6:41 pm.**

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

- Undesirable change in neighborhood character: could be
- Alternative cure sought: no
- Substantiality: yes
- Adverse effect or impact on neighborhood/community: yes
- Self-created: yes

### 3. Action by the Board

**MOTION:** Mr. Russell moved to approve the variance with the stipulation that a 6' solid fence be placed along the northern and eastern property lines, with 60 days to obtain the permit. The motion was seconded by Mr. McCarthy, and on roll call, was approved 3-0.

**RESULT: Area Variance approved as stipulated above.**

- D. Area Variance: place a 10' x 4' externally illuminated sign and pole sign structure on this property. The vertical clearance and sign area are not compliant with the requirements for properties located within the industrial use district

Address: 665 East Main Street

Applicant: Dean Robb, owner

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

#### 1. Review Application

Mr. Russell 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 6:44 pm.**

Mr. Robb explained that the foundation for the sign had been installed when the permit was originally issued in 2016. At that time, however, he had been unable to purchase the steel for the post. When he was finally able to buy the steel, the sign material was not available due to COVID shortages. The sign was finally erected, but during the intervening period, the sign Code changed, and now the sign is not compliant.

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

**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 6:47 pm.**

Mr. Russell asked a question about the sign permit issued in 2016, and Mr. Randall clarified that the sign permit issued in 2016 was not for the sign under discussion. A sign had been erected upon the issuance of the permit in 2016, and the permit had been closed.

The sign currently under discussion will go in the same location but will be slightly taller and wider. However, the sign Code no longer allows for the requested size or ground clearance.

Mr. Russell observed that the sign will not intervene with the flow of traffic, nor will it flash or change. Mr. McCarthy and Ms. Moma agreed.

### 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. Russell moved to approve the proposal with 60 days to obtain the permit; the motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

**RESULT: Application approved.**

- E. Area Variance: replace the existing freestanding sign for University Eye that is located on the RRH-UMMC campus property immediately adjoining University Eye. The proposed non-illuminated monument sign is an “off-premises” sign

Address: *127 North Street*

Applicant: Rochester Regional Health - UMMC

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

#### 1. Review Application

Ms. Moma 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 6:52 pm.**

Michelle Zeches spoke on behalf of University Eye Specialists. She told the board that the property had been purchased from UMMC in 1995 and the signs erected at that time. The signs are now old, faded, and peeling, and University Eye would like to replace the sign closest to the front entrance of the building.

Mr. McCarthy asked about the City ROW and Mr. Randall said that the City owns the property almost to the treatment doors, so there is no room for them to place the sign on their own property.

Ms. Moma observed that the sign will not block the view of traffic, and the traffic will be limited to the clinic area.

**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 6:55 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, it's just a replacement

**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 3-0.

**RESULT: Area Variance approved.**

## **VII. Setting of Next Meeting: April 27, 2023**

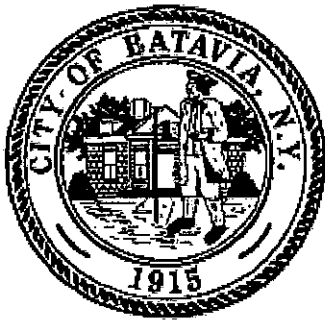
## **VIII. Adjournment**

Mr. McCarthy adjourned the meeting at 6:58 pm.

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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: 4/4/23  
Re: 9-11 Seneca St.  
Tax Parcel No. 84.034-3-49

Zoning Use District: R-2

The applicant, Jennifer A. Griffith (owner), has filed an application to remove an existing 12' x 28' attached garage and patio roof in order to construct a new 24' x 34.5' attached garage structure between the south elevation of the dwelling and the southern lot line of this parcel. The front porch will also be extended by adding 14 sq.' west of the existing porch.

**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) (16).

**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 190-29 A. and Schedule I**

	<u>Existing</u>	<u>Required</u>	<u>Proposed</u>	<u>Difference</u>
Front yard clear space	18'	20'	16'	4'
Side yard clear space	13.25'	8'	33'	6.67'
Rear yard clear space	17.61'	35'	17.61'	17.39'
Maximum lot coverage area	2,037.94 (36.39%)	1,400sq' (25%)	2,880.23sq' (51.43%)	1,480sq' (26.43%)



CITY OF BATAVIA  
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 2023-8  
Hearing Date/Time: \_\_\_\_\_

APPLICANT: JENNIFER A GRIFFITH

Name: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_  
9-11 SENECA AVE jgriff1414@gmail.com  
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: 9-11 SENECA AVE

DETAILED DESCRIPTION OF REQUEST: REMOVE EXISTING SINGLE CAR GARAGE AND 4 FT WIDE COVERED PORCH. REPLACE WITH NEW CONSTRUCTED 1-1/2 STORY, 2-CAR GARAGE AND 6 FT. WIDE NEW COVERED FRONT PORCH.

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 3/30/23  
Owner's Signature \_\_\_\_\_ Date 3/30/23

To be Filled out by Zoning Officer

TAX PARCEL: 84.034-3-49 ZONING DISTRICT: R-2 FLOOD PLAIN: NO

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 190-29A and 190-29B

PAID  
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 - IN FACT IT WILL ADD A PLEASANT  
FACE LIFT TO THE EXISTING RANCH HOUSE.

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 - THE EXISTING PORCH AND GARAGE  
NEEDS REPAIRS, I WOULD LIKE TO REPLACE  
EXISTING 4'-WIDE PORCH WITH 10'-WIDE PORCH.  
I WOULD LIKE TO CONST. A LARGER GARAGE AS WELL.

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

UNFORTUNATELY WITH THE SMALL LOT SIZE, THE  
SIDE ADDITION WILL BE CLOSE TO THE PROPERTY LINE.

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 SURROUNDING HOMES ARE 2-STORY AND  
SOME WITH 2-CAR GARAGES. THERE WILL BE  
NO ADDITIONAL IMPACT TO THE EXISTING NEIGHBORHOOD

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, I WOULD LIKE TO IMPROVE MY HOME AND  
UPGRADE THE VALUE OF PROPERTY.

Applicant's Signature

3/30/23  
Date

Application Date: 3/30/2023

APPLICANT NAME Jennifer Griffith PHONE 5857301330

APPLICANT MAILING ADDRESS 11 Seneca Ave, Batavia NY 14020

APPLICANT EMAIL jgriff1414@gmail.com

**Project Location and Information**

Address of Project: 11 Seneca Ave, Batavia NY 14020

Owner: Jennifer Griffith Phone: 5857301330

Owners Mailing Address: same

**Project Type/Describe Work** **Estimated cost of work:**

Describe project: Tear down existing garage, and "rebuild" larger, 2 car garage with loft, extend front porch  
\_\_\_\_\_  
\_\_\_\_\_

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

**GENERAL** CONTRACTOR INFORMATION IS PENDING

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: \_\_\_\_\_

<b><u>FOR OFFICE USE ONLY</u></b>			
Zoning District: _____	Flood Zone: _____	Corner Lot: _____	Historic District/Landmark: _____
Zoning Review: _____	Variance Required: _____	Site Plan Review: _____	Other: _____
National Grid Sign Off (Pools): _____	Lot Size: _____		



84.034-2-4

84.034-3-52

84.034-3-51

84.034-3-57

84.034-3-55

84.034-3-56

Sanegar Ave

84.034-3-49

Existing addition

Proposed garage

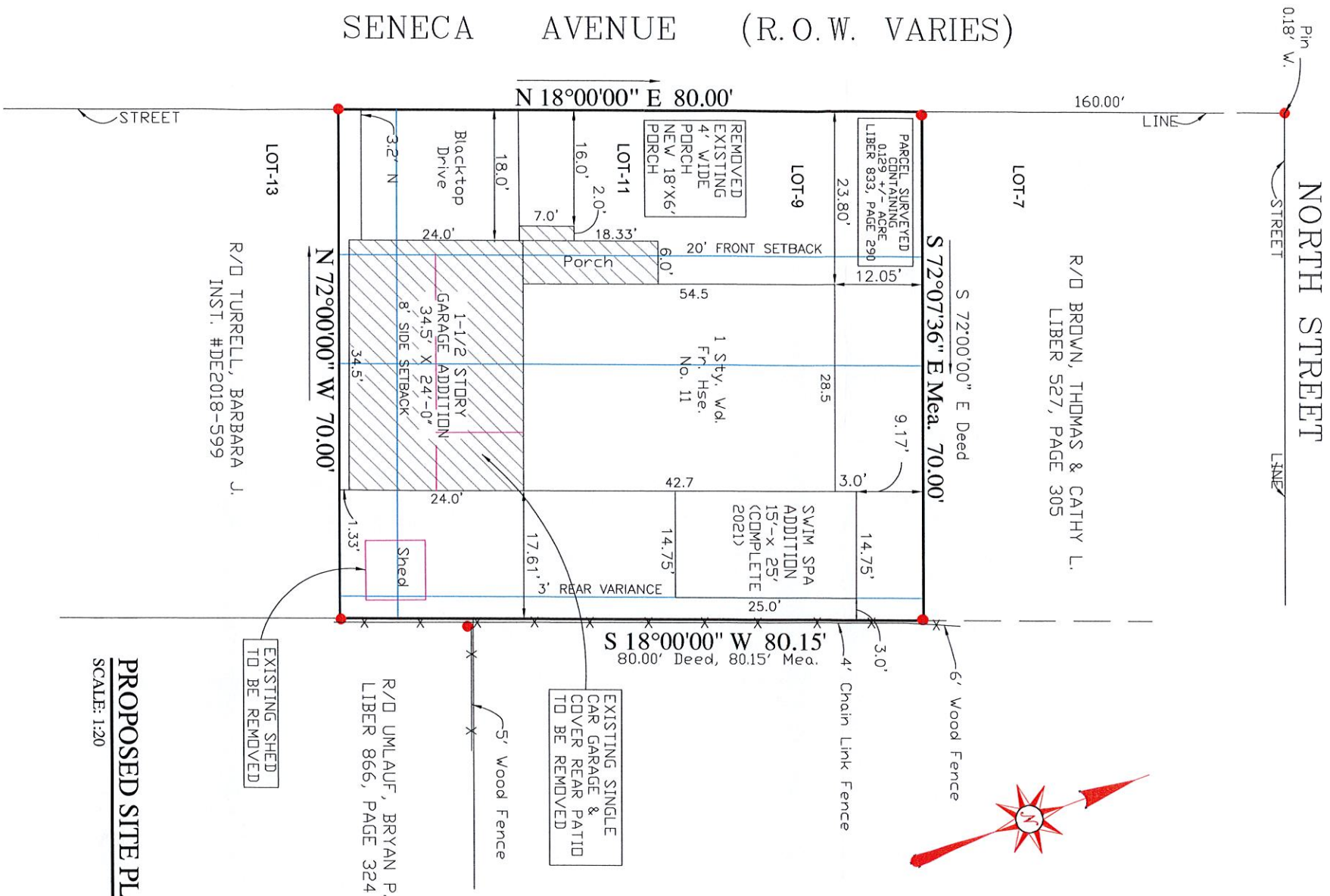
84.034-3-15

84.034-3-48

84.034-3-16

84.034-3-17

© A



CITY OF BATAVIA - SITE DATA

1	TAX ID. #	84.0343-.49			
2	ZONING:	R-1			
3	PARCEL AREA = +/-	.129 ACRES	REQUIRED	PROPOSED	VARIANCE
4	MIN. LOT SIZE (SQ. FT.)	8,000	8,000	5,598.40'	YES
5	MIN. FRONTAGE (FEET)	75'	75'	80.0'	NO
6	SETBACKS FOR ADDITION:				
	FRONT =	20.0'	20.0'	16.0'	YES
	NORTH SIDE =	8.0'	8.0'	9.17'	NO
	SOUTH SIDE =	12.0'	12.0'	1.33'	YES (# OPTION 2)
	REAR =	35.0'	35.0'	17.61'	YES *
7	MAXIMUM BUILDING HEIGHT =	35'	35'	22'	NO
8	MAX. LOT COVERAGE	25%	25%	45 %	YES
*	EXISTING HOUSE SETBACK				
(# OPTION 2) BUILD THE GARAGE 22' WIDE, DISTANCE FROM PROPERTY LINE 3.33'					

Project Name & Address:

GRIFFITH RESIDENCE  
Jennifer Griffith  
11 Seneca Ave.  
Batavia, NY 14020  
Genesee County

Engineer:



Structure Solutions  
JAMES C. WALTON, PE  
3950 BATAVIA VIA-ELBA  
TOWN LINE RD.  
OAKFIELD, NY 14125  
716-525-4093  
WWW.STRUCTURESOLUTIONS@GMAIL.COM

Designer:

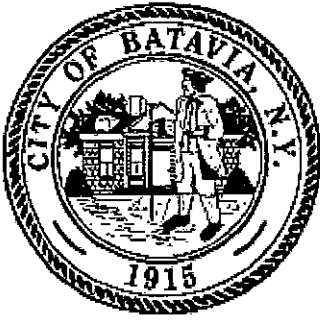


DESIGN & DRAFTING  
BY GINA, LLC  
Gina Pestillo,  
Architectural Designer  
8468 Seven Springs Road  
Batavia, New York 14020  
+1 (585) 469-1113  
gpestillo@gmail.com

PROPOSED SITE PLAN

Drawing Name:  
Date: March 30, 2023  
Drawn By: GMP  
Project: 2023.026  
Scale: AS SHOWN  
Sheet: S-1

Reconstructed Front Porch  
18.33' X 6' = 110 sq. ft.  
Garage Addition  
34.5' X 24' = 828 sq. ft.



*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: 4/4/23  
Re: 19 Madison Ave.  
Tax Parcel No. 84.046-1-3

Zoning Use District: R-2

The applicant, Justin Euren (owner), has filed an application to place a 10' x 15' one story wood frame shed addition onto the back of the existing garage located in the rear yard of this property.

The rear yard of this property is located within the AE special flood hazard area and is subject to additional requirements of the Batavia Municipal Code that include elevating the floor level to a point at least 2' above the base flood elevation. Code compliant alternatives have been proposed and are indicated below.

**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-

1) BMC 87-17 A (1) and/or BMC 87-17 A (2) The lowest floor level of buildings located within a special flood hazard area are required to be elevated to a point 2 or more feet above the base flood elevation; or be flood proofed so that the structure is water tight to a point 3 feet above the base flood elevation.

The applicant is proposing a code compliant alternative flood proofing method that will provide for the equalization of hydrostatic flood forces by allowing automatic entry and exit of floodwaters. A minimum of two openings having a total area of not less than 1 square inch per 1 square foot of enclosed floor area will be placed in the exterior walls. Placement will be made so that each opening is on a separate wall and the bottom of the openings will be no higher than 1 foot above the lowest adjacent finished grade. The openings will permit the automatic entry and exit of floodwaters.

3) BMC 87-13 D (1) In special flood hazard areas, an as-built elevation certificate is required upon placement of the lowest floor. This verifies the requirement that the floor is located a minimum of 2 feet above the base flood elevation as is required by BMC 87-17 A (1). An elevation certificate would not be needed if a variance from BMC 87-17 A (1) is granted.





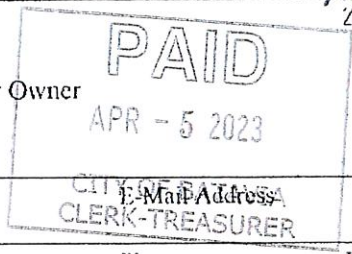
**CITY OF BATAVIA**  
**APPLICATION TO THE ZONING BOARD OF APPEALS**

Application No.: 2023-9  
 Hearing Date/Time: \_\_\_\_\_

APPLICANT: Justin Euren  
 Name \_\_\_\_\_ E-Mail Address \_\_\_\_\_  
19 Madison Ave. \_\_\_\_\_  
 Street Address \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Batavia \_\_\_\_\_  
 City \_\_\_\_\_ State NY \_\_\_\_\_ Zip 14020

STATUS:  Owner  Agent for Owner  Contractor

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



LOCATION OF PROPERTY: 19 Madison Ave.

DETAILED DESCRIPTION OF REQUEST: Construct a 10' x 15' storage shed addition on back of garage where a portion of property is located within the AE special flood hazard area.

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

[Signature]  
 Applicant's Signature

4-5-23  
 Date

\_\_\_\_\_  
 Owner's Signature

\_\_\_\_\_  
 Date

*To be Filled out by Zoning Officer*

TAX PARCEL: 84-046-1-3 ZONING DISTRICT: R-2 FLOOD PLAIN: AE

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 87-17A(1) and 87-17A(2)  
BMC 87-13D(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

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 it will not

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

  
Applicant's Signature

4-5-23  
Date

Application Date: 3-20-23

APPLICANT NAME Justin Euren PHONE 585-873-2083

APPLICANT MAILING ADDRESS 19 Madison Ave

APPLICANT EMAIL \_\_\_\_\_

Project Location and Information

Address of Project: 19 Madison Ave

Owner: Justin Euren Phone: 585-873-2083

Owners Mailing Address: \_\_\_\_\_

Project Type/Describe Work

Estimated cost of work: \_\_\_\_\_

Describe project: Construct a lean to style storage shed  
10' x 15' with metal roof and vinyl siding concrete floor 4"  
Post framing 4x4 posts 2x6 o/c rafters 2x4 purlins  
2x8 out side leader

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: \_\_\_\_\_

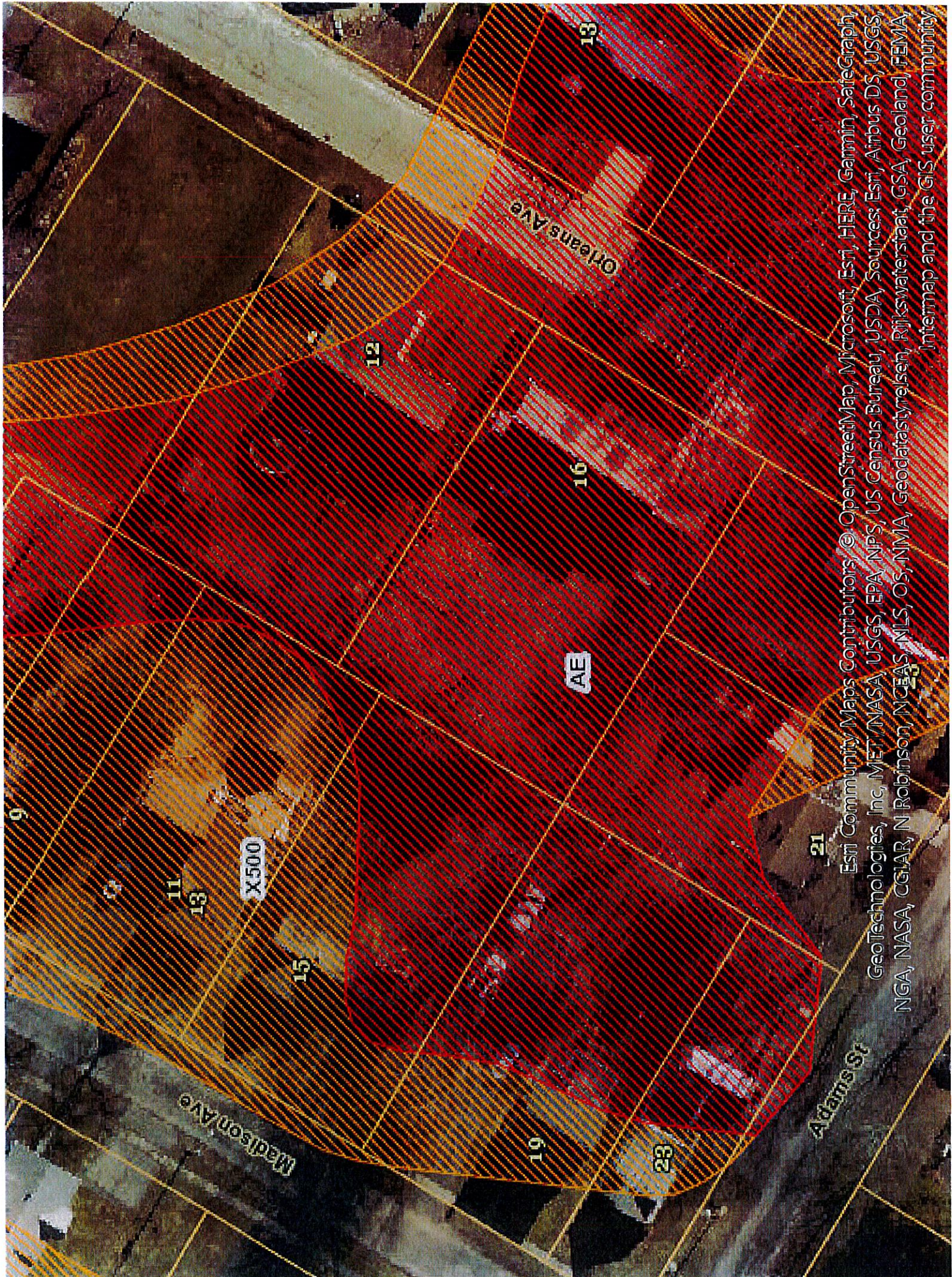


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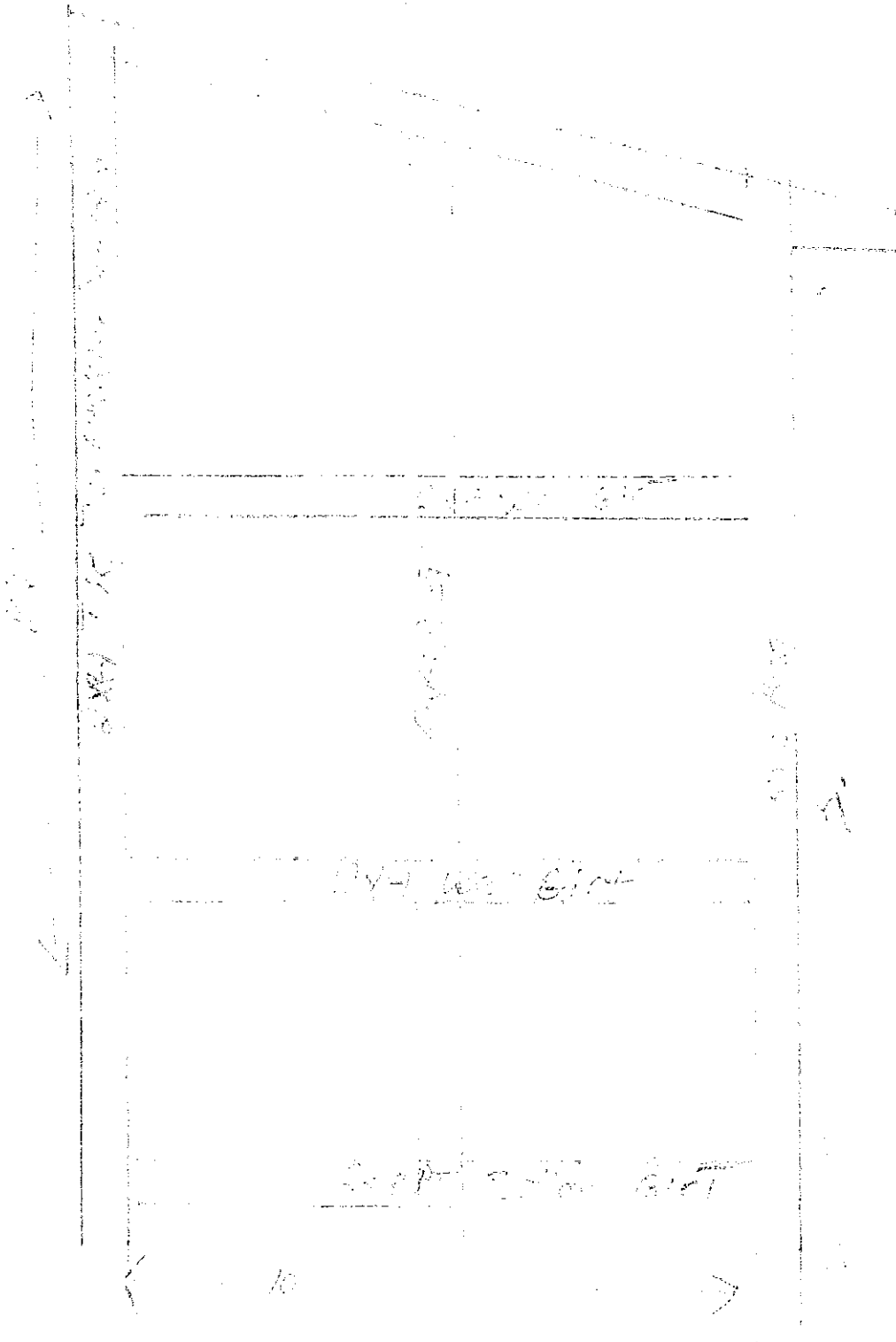
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Side View of [unclear]

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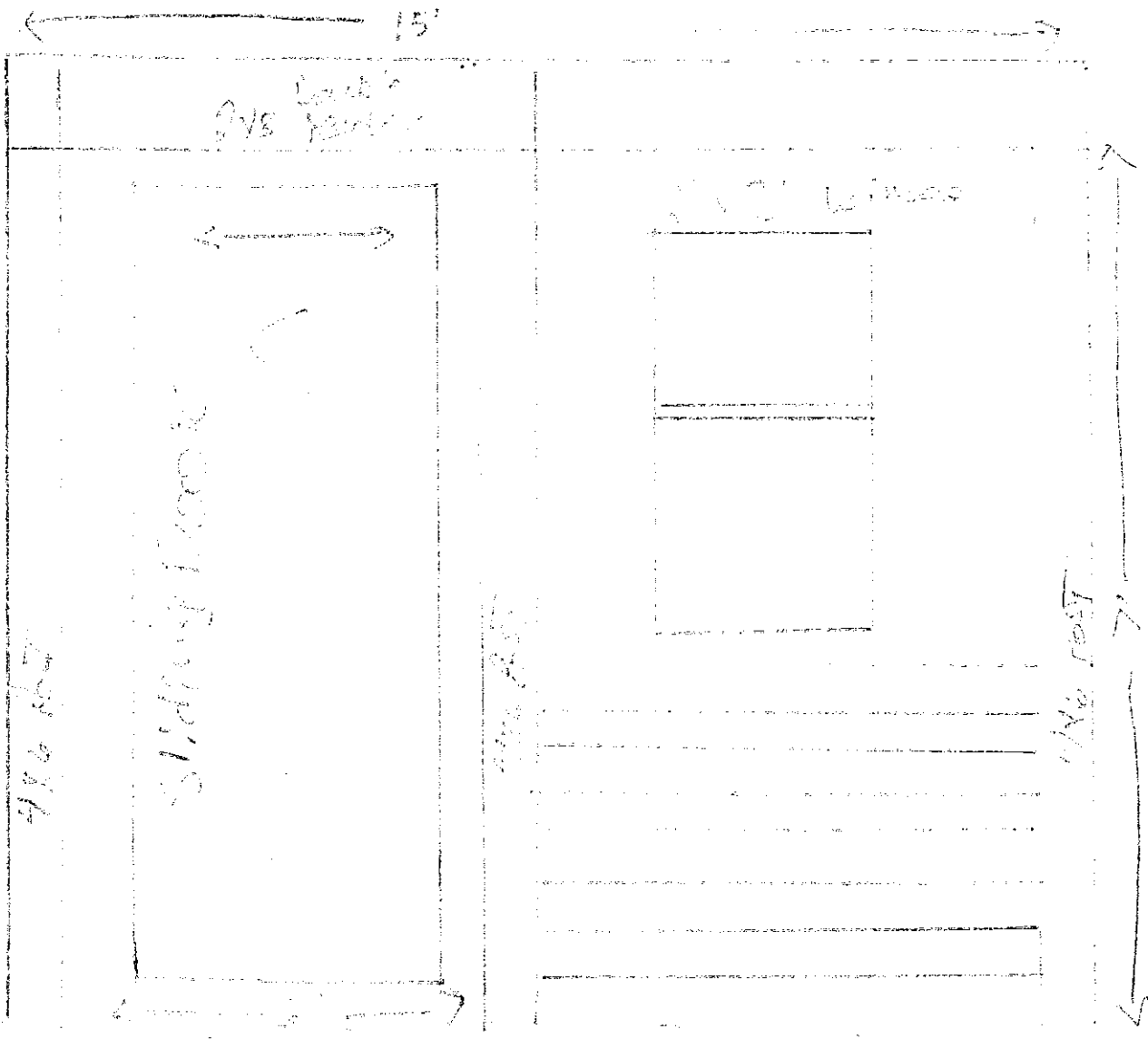
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Back side

Low-Pro  
side

Front side



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