

# ZONING BOARD OF APPEALS

Thursday, May 25, 2023

6:00 pm

Community 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

**C. Request #3**                      *149 Jackson Street*  
Michael Pastore, owner

Area Variance: Demolish a portion of the dwelling and construct a two-story addition within the front yard clear space

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

**D. Request #4** *114 Jackson Street*  
Brian White, owner

Area Variance: Widen an existing 12'-wide asphalt driveway by placing 12' of asphalt to the south side of the existing driveway

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

**E. Request #5** *249 Bank Street*  
Brian Kotarski, contractor

Area Variance: Widen an existing 23'-wide concrete driveway by placing 30' of additional concrete to the west side of the existing driveway

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

VII. Setting of Next Meeting: June 22, 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 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**

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 6:34 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 does not own the land adjacent to the sign. The City ROW ends near the entrance doors at the cancer treatment center.

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.**

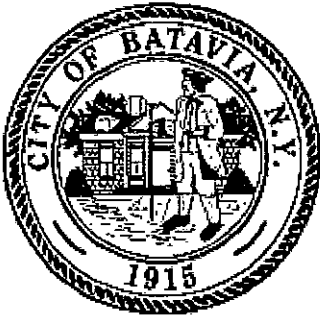
## **VII. Setting of Next Meeting: April 27, 2023**

## **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: 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.



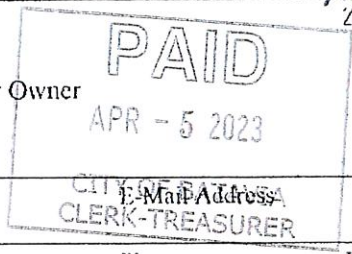
**CITY OF BATAVIA**  
**APPLICATION TO THE ZONING BOARD OF APPEALS**

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 perkins  
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: \_\_\_\_\_





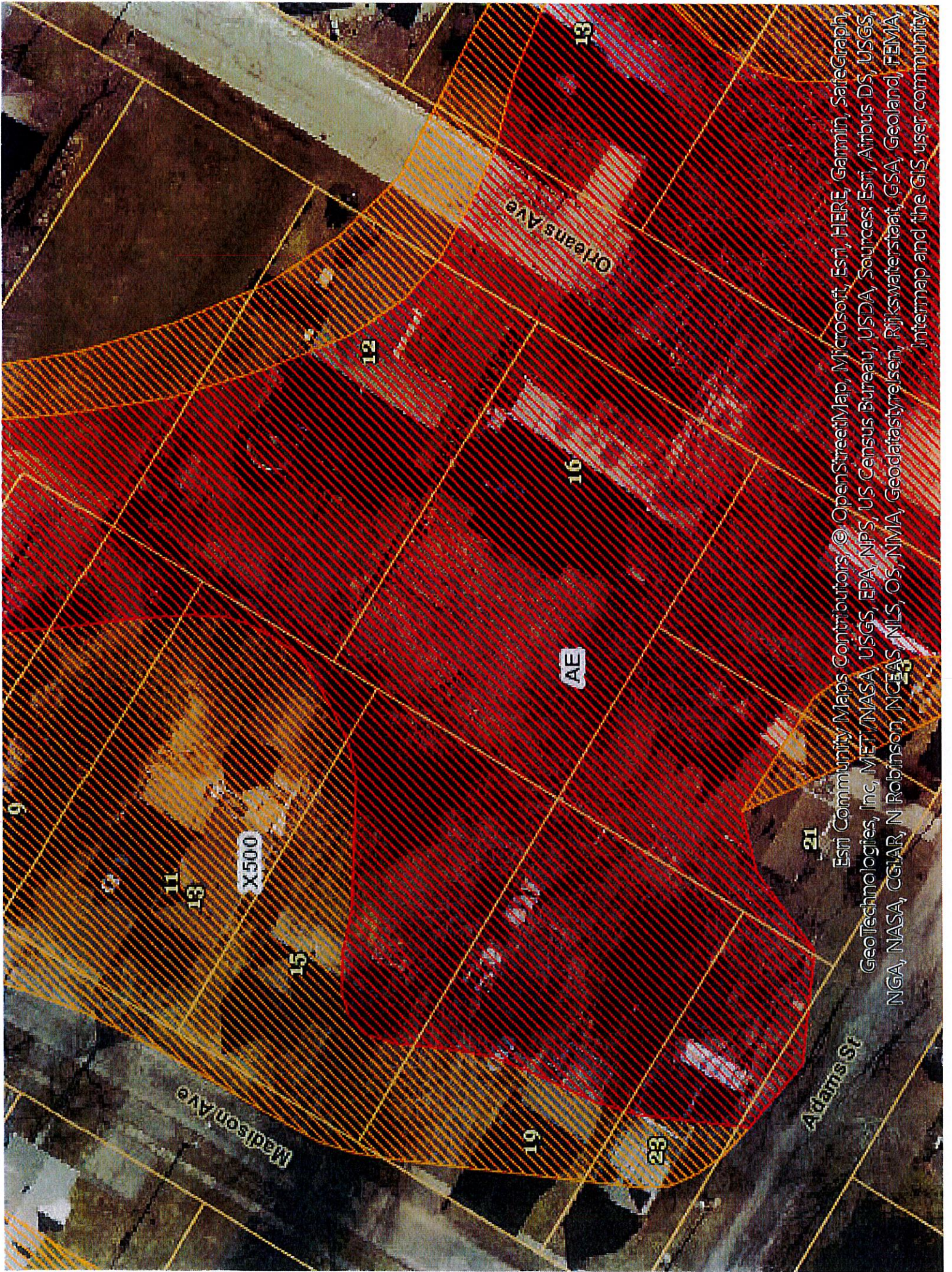
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GA





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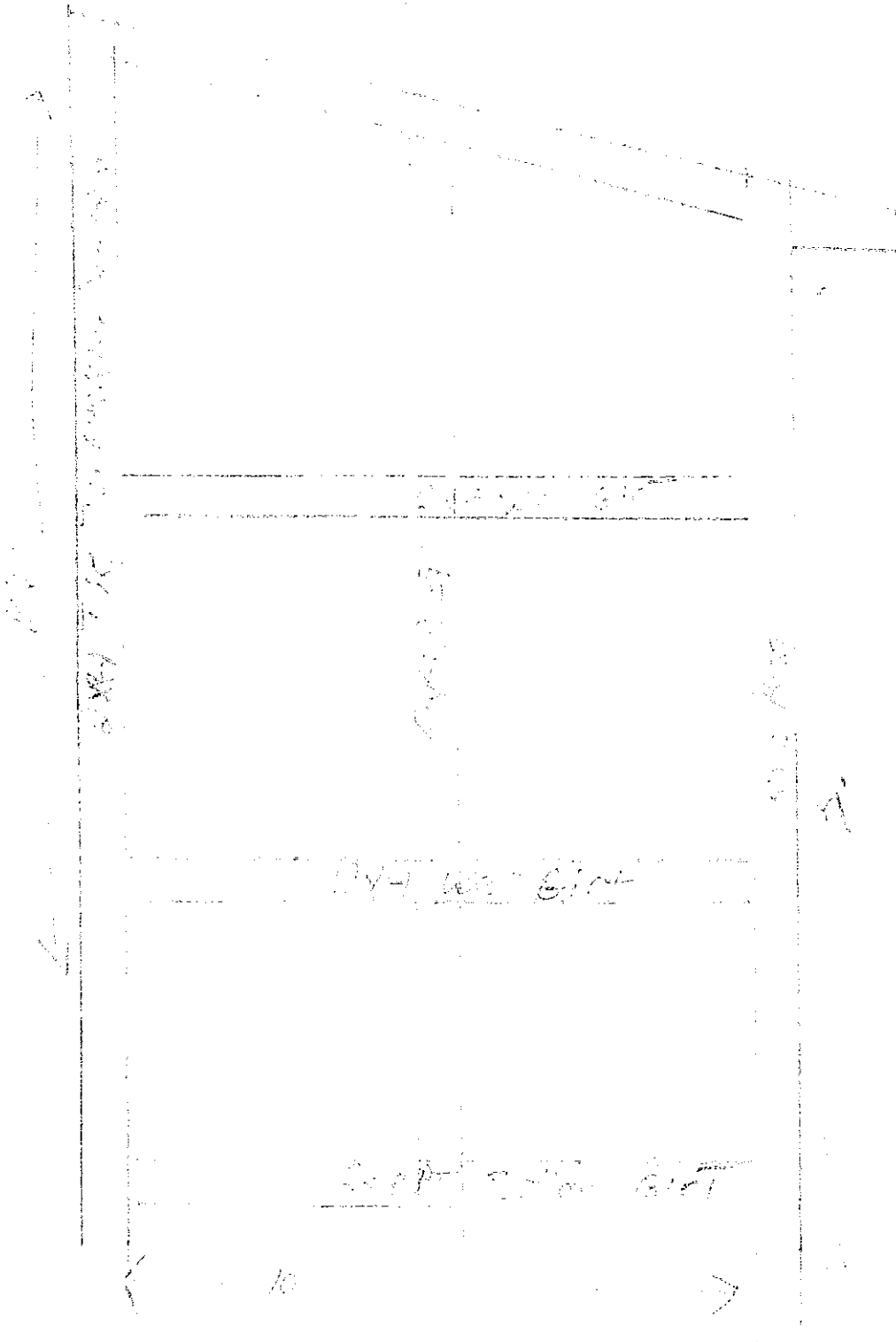


100 MASSAW.

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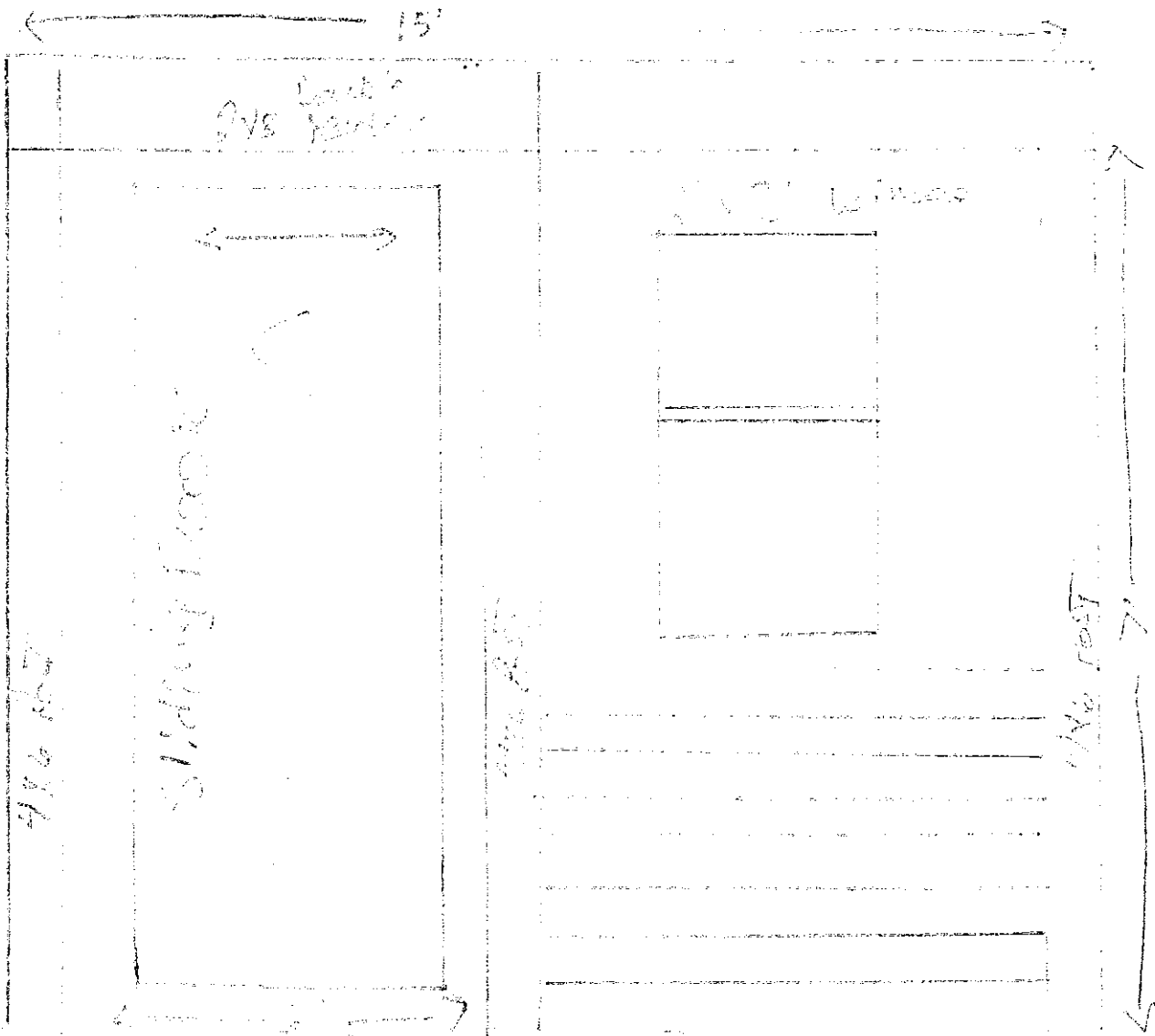
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Back side

Leaving side

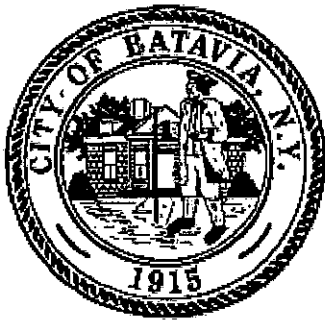
Dimensions



Study Room

Door

X X X X X X X X X X X X X X X X X X



*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 \_\_\_\_\_

3/30/23  
Date

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

3/30/23  
Date

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  
 Use Variance  
 Interpretation  
 Decision of Planning Committee

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

**PAID**  
CITY OF BATAVIA  
CLERK-TREASURER

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



## 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: \_\_\_\_\_

**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:





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

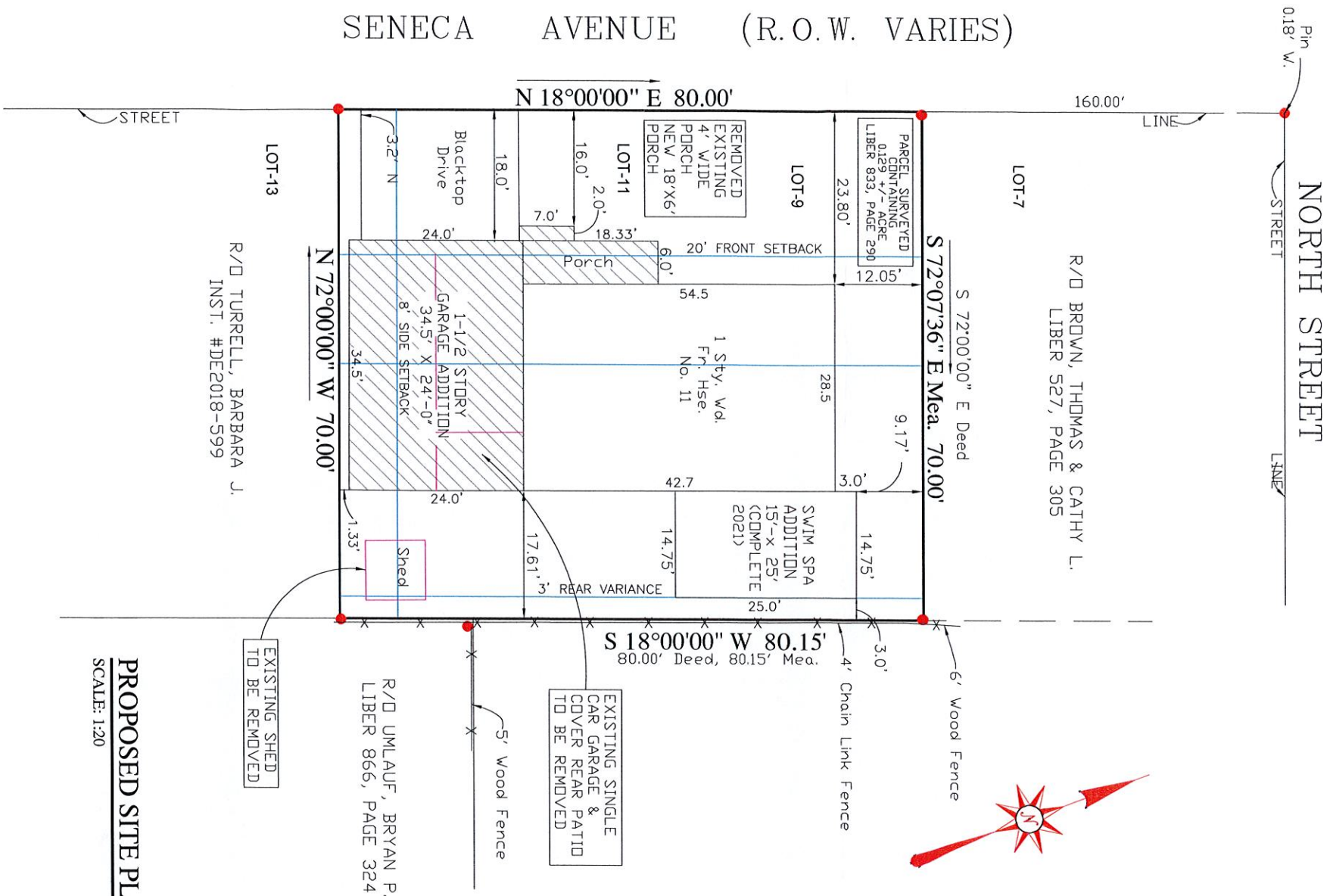
84.034-3-48

84.034-3-16

84.034-3-17

© A





R/O TURRELL, BARBARA J.  
INST. #DE2018-599

R/O UMLAUF, BRYAN P.  
LIBER 866, PAGE 324

**PROPOSED SITE PLAN**  
SCALE: 1:20

**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

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

**Engineer:**



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

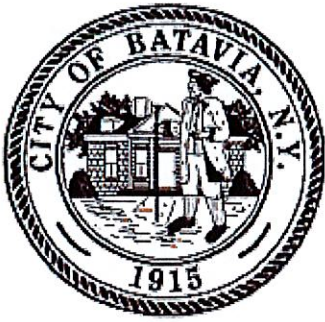
**Designer:**



**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



*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: 5/3/23  
 Re: 149 Jackson St.  
 Tax Parcel No. 84.065-2-28

Zoning Use District: R-2

The applicant, Michael Pastore (owner), has filed an application to demolish a portion of the dwelling and construct a two story addition within the front yard clear space.

**Note:** On 11/18/21 the ZBA approved this application with the condition that a permit be issued within 6 months (6/18/22). The conditioned time frame expired.

On 9/22/22 the ZBA re-approved the application with the condition the permit be issued within 60 days. The timeframe of the conditional approval has expired and the applicant has requested approval of this new application.

**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) (11).

**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>Existing</u>	<u>Proposed</u>	<u>Difference</u>
Front yard clear space	20'	1.89'	1.5'	18.5'





CITY OF BATAVIA  
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 2023-12

Hearing Date/Time: \_\_\_\_\_

APPLICANT: Michael J. Pastore

Name \_\_\_\_\_ E-Mail Address \_\_\_\_\_  
3932 Hunn RC  
Street Address \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Alexander NY 14005  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

STATUS:  Owner \_\_\_\_\_ Agent for Owner \_\_\_\_\_

**PAID**  
MAY - 4 2023  
CITY OF BATAVIA  
CLERK-TREASURER

OWNER:

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

LOCATION OF PROPERTY: 149 Jackson St

DETAILED DESCRIPTION OF REQUEST: Addition at Rear and other Alterations indicated in drawings

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]

4/28/23

Applicant's Signature

Date

Owner's Signature

Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.065-2-28 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 190-29 A and Sched. 1  
min. front yard clear space is 20'

## 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.

NO

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

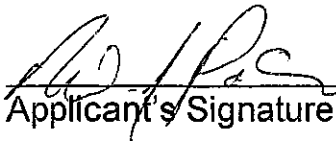
NO

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.

NO

  
Applicant's Signature

4/28/23  
Date



DATE: 9/26/22

APPLICANT NAME & PHONE: Michael J. Pastora - Genesee Country Residential Svc.  
585-509-3584 mikuhandy001@gmail.com

**Project Location and Information**

Permit #: \_\_\_\_\_ Fee: \_\_\_\_\_

Address of Project: 149 Jackson - St.

Owner & Address: Genesee Country Properties - Michael J. Pastora - 3932 Hunn Rd  
Phone: 585-509-3584

**Project Type/Describe Work**

Estimated cost of work: 70,000 Start date: ASAP

Describe project:  
Demolish Lower Rear Addition - Construct New 2 Story Addition AS  
Per Plans/Drawings. Already have a permit for roofing,  
Siding and other work at main 2 story section -  
Might need Renewal!

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

**GENERAL**

Name/Address: GCPS - 3932 Hunn Rd.  
Phone: ~~509-38840~~ 345-0076

**PLUMBING** (City of Batavia Licensed Plumber Required)

Name/Address: Genesee Plumbing  
Phone: 343-3805

**HEATING**

Name/Address: GCPS - 3932 Hunn Rd. Alexander NY  
Phone: 585-345-0076

**ELECTRICAL** (Third Party Electrical Inspection Required)

Name/Address: GCPS - 3932 Hunn Rd. Alexander  
Phone: 345-0076

**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: _____		



STATE OF NEW YORK  
**DEPARTMENT OF STATE**

ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
WWW.DOS.NY.GOV

KATHY HOCHUL  
GOVERNOR

ROBERT J. RODRIGUEZ  
SECRETARY OF STATE

-----  
In the Matter of the Petition of:  
MIKE PASTORE  
For a Variance to the New York State  
Uniform Fire Prevention & Building Code  
-----

DECISION

PETITION NO. 2022-0675

Upon the application of the Mike Pastore, filed pursuant to 19 NYCRR 1205 on December 9, 2022, and upon all other papers in this matter, the Department makes the following determination:

NATURE OF GRIEVANCE AND RELIEF SOUGHT

The petition pertains to a building located on residential property, located at 149 Jackson Street, City of Batavia, County of Genesee, State of New York.

Relief is requested from:

**19 NYCRR Part 1220, The 2020 Residential Code of New York State, Section 302.1, Exterior Walls**, which requires that construction, projections, openings and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1 (1). The table requires five (5) feet from the property line.

[The petitioner requests to be less than 5 feet from property line for an opening to be permitted.].

FINDINGS OF FACT

1. It was determined that the subject dwelling is located less than 5 feet from the adjacent Cherry Street right of way.
2. Since the exterior wall location is along a public way that will not be built upon, this will reduce the likelihood of fire spreading from one structure to the other.
3. The local Code Enforcement Official has been consulted in this matter and does not object to the granting a routine variance under Part 1205.

CONCLUSION OF LAW

The proposed variance will not substantially adversely affect the Code's provisions for health, safety and security. Strict compliance with the provisions of the Uniform Fire Prevention and Building Code would entail practical difficulty or unnecessary hardship or would otherwise be unwarranted because



such would entail a change so slight as to produce a negligible additional benefit consonant with the purpose of the code.

DETERMINATION

WHEREFORE IT IS DETERMINED that the application for a variance from 19 NYCRR Part 1220, The Residential Code, Section 302.1, be and is hereby PROPOSED TO BE GRANTED.

This DECISION is issued under 19 NYCRR 1205.6. Unless objected to by the petitioner in a writing received by the department, the decision shall become FINAL after fifteen days of receipt of the decision by the parties.

This decision is limited to the specific building and application before it, as contained within the petition, and should not be interpreted to give implied approval of any general plans or specifications presented in support of this application.

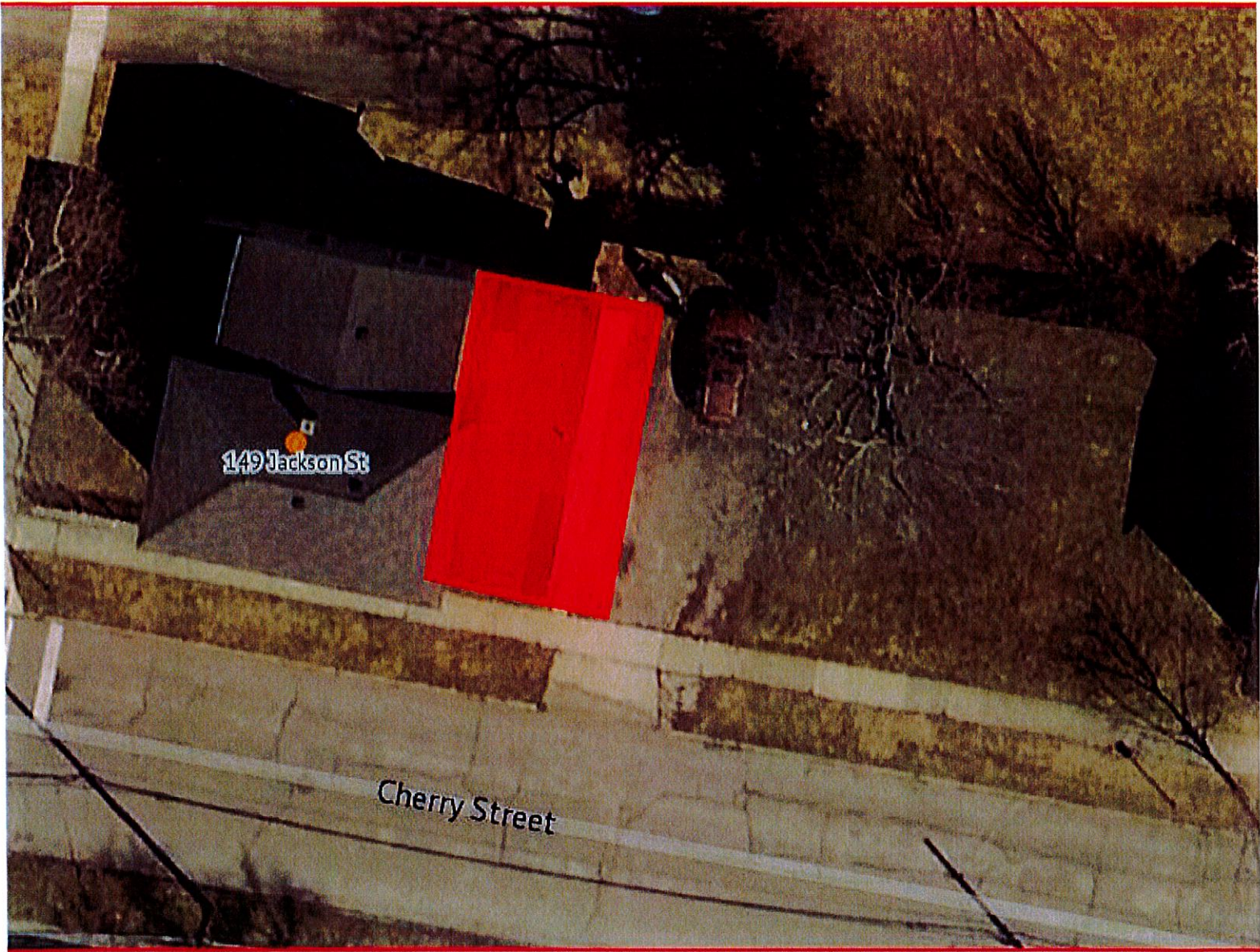


John Addario PE, Director  
Division of Building Standards and Codes

DATE: April 27, 2023  
AH: nc

149 Jackson St

Cherry Street







149 Jackson St

Cherry Street



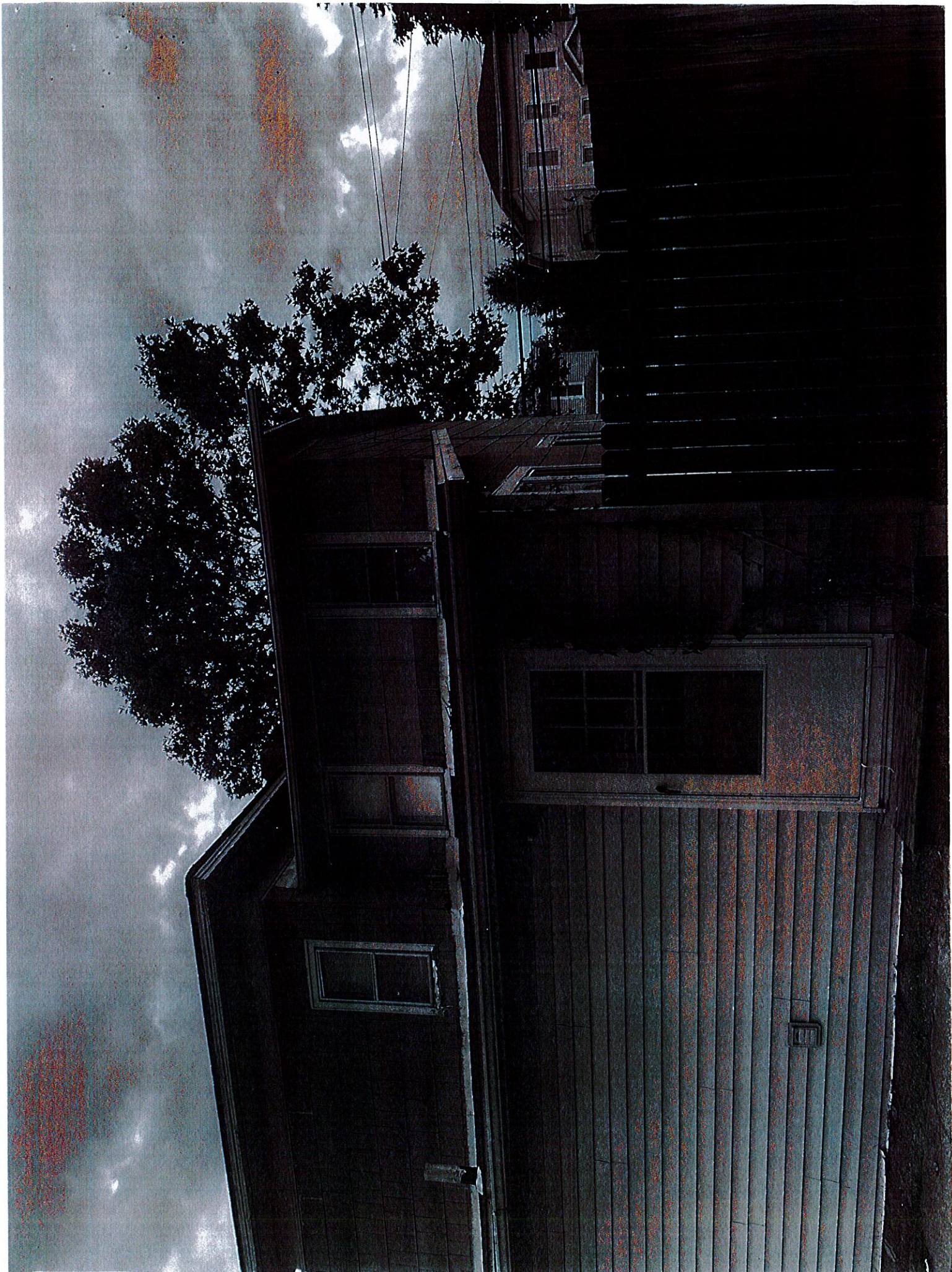
ADD 2nd Story

to

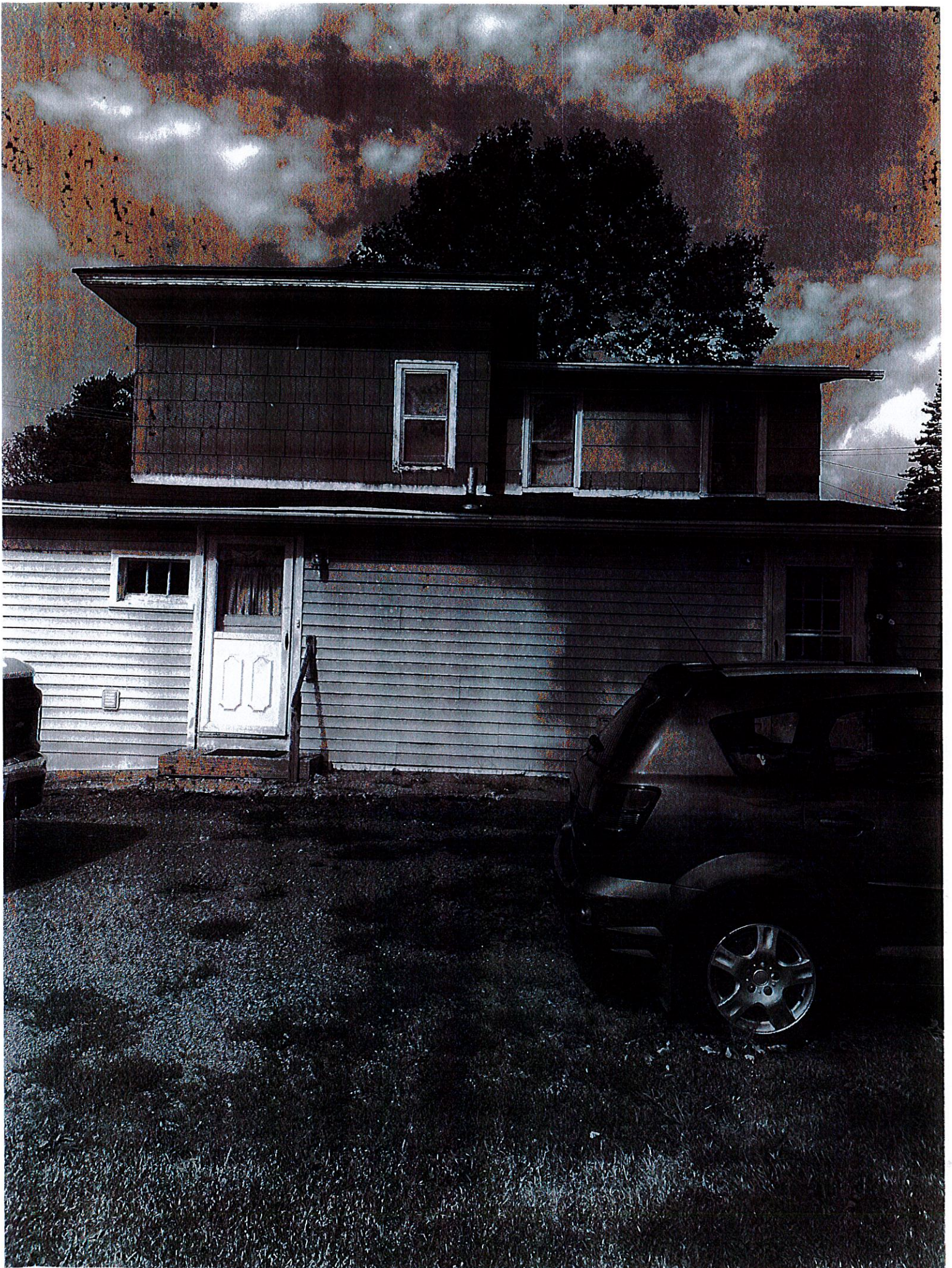
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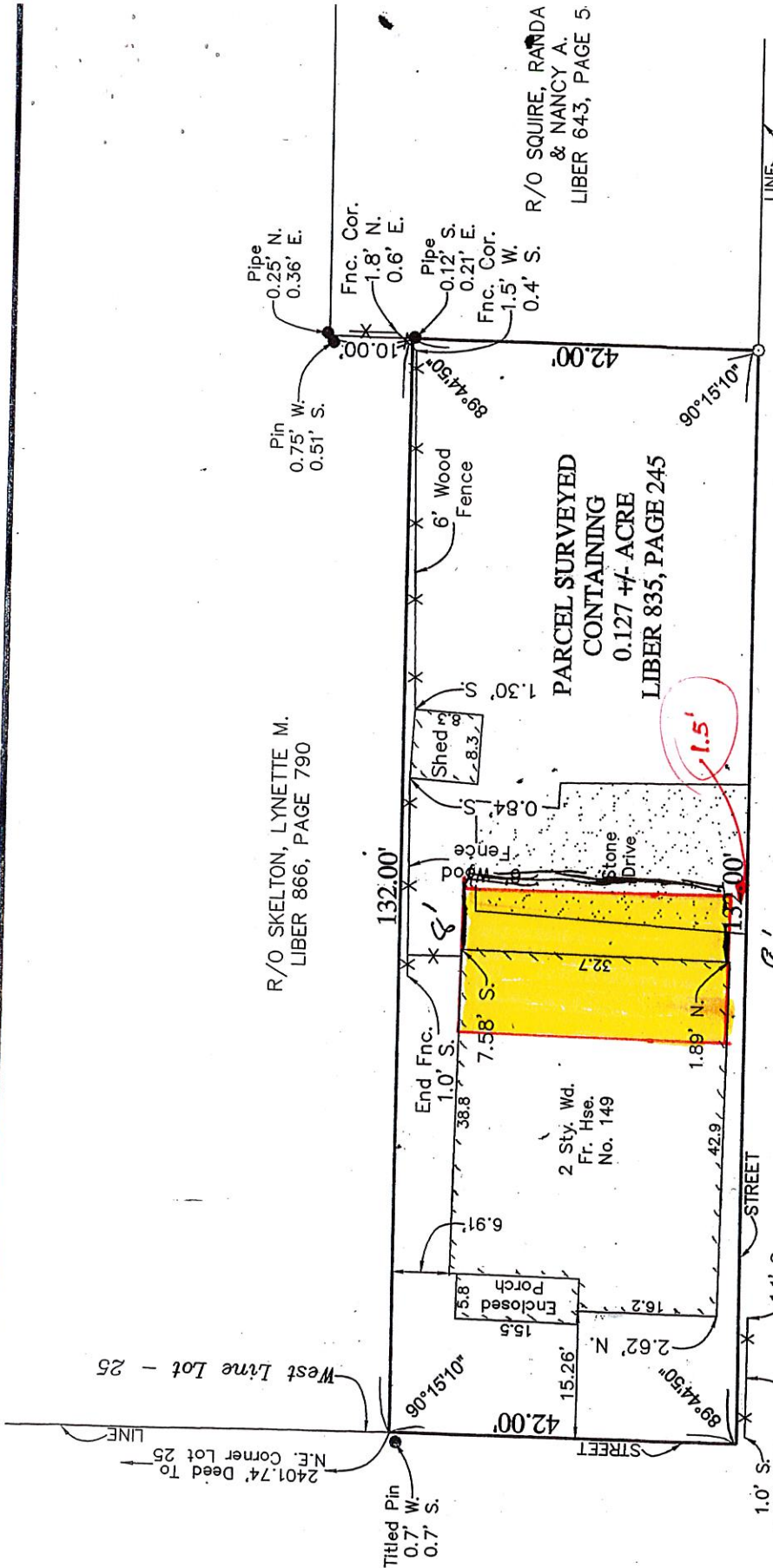






JACKSON STREET (66.0' R.O.W.)

CHERRY STREET (50.0' R.O.W.)



R/O SKELTON, LYNETTE M.  
LIBER 866, PAGE 790

R/O SQUIRE, RANDA & NANCY A.  
LIBER 643, PAGE 5

BOUNDARY SURVEY TO BE CONVEYED VILLAGE LOT NO. 2 OF BATAVIA, COUNTY OF NEW YORK STATE OF NEW YORK

I, GREGORY W. TOWNSEND, CERTIFY TO:  
GENESEEE COUNTRY PROPERTIES, LLC  
DELPLATO CASEY LAW FIRM, LLP

ABSTRACT OF TITLE NO. BLB-21-10628 BY INDEPENDENT TITLE AGENCY, LLC

- LEGEND
- EXISTING IRON STAKE
  - SET IRON PIN

"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."

MAY 26, 2021  
JOB 1

DATE  
06/09/21



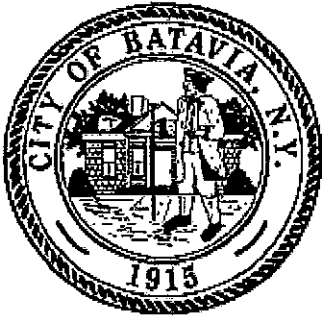
**THE CITY OF BATAVIA  
PLANNING & DEVELOPMENT COMMITTEE  
ZONING RECOMMENDATIONS**

**Meeting Date: 5/16/23**

Applicant's Name	Brian White
Location	114 Jackson Street
Zoning District	
Referral Type	
Variance(s)	Area
Description	Widen an existing 12'-wide asphalt driveway by placing 12' of asphalt to the south side of the existing driveway

**PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION**

Approval: basically, the space is just being squared up and will be blacktopped
---



*City of Batavia*  
*Department of Public Works*  
*Bureau of Inspections*

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

To: Planning and Development Committee  
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 5/3/23

Re: 114 Jackson St.  
Tax Parcel No. 84.056-1-38

Zoning Use District: R-3

The applicant, Brian White (owner), has applied for a permit to widen an existing 12' wide asphalt driveway by placing 12' of asphalt to the south side of the existing driveway.

**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:**

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

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

Required variances- Area

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

	<u>Permitted</u>	<u>Proposed</u>	<u>Difference</u>
Driveway width	16.72' (25%)	24' (36%)	7.28' (11%)



CITY OF BATAVIA  
APPLICATION TO THE ZONING BOARD OF APPEALS

PAID  
MAY - 3 2023  
CITY OF BATAVIA  
CLERK-TREASURER

Application No.: 2023-11  
Hearing Date/Time: \_\_\_\_\_

APPLICANT: Brian White  
Name 114 Jackson Street E-Mail Address (716) 531-2758  
Street Address Batavia NY Phone 14020  
City NY State NY Zip 14020

STATUS:  Owner  Agent for Owner  Contractor

OWNER: Brian White bwhite81284@gmail.com  
Name 114 Jackson Street E-Mail Address 716 531 2758  
Street Address Batavia NY Phone 14020  
City NY State NY Zip 14020

LOCATION OF PROPERTY: 114 Jackson Street Batavia NY

DETAILED DESCRIPTION OF REQUEST: We are looking to make the driveway the same width from the garage to the road so that our tenants family and guests dont have to park on the street overnight.

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  
Brian White  
Owner's Signature

Date  
4-16-23  
Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.065-1-38 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 190-39 E(1) driveways shall not exceed 25% of the lot width at the frontage.



Permit No. \_\_\_\_\_

Date: \_\_\_\_\_

### DRIVEWAY AND PARKING SPACE PERMIT \$55 fee – Please attach Survey / Illustration

ADDRESS OF PROPERTY: 114 Jackson Street

OWNER: Brian White 6white81284@gmail.com  
 Name E-mail Address  
114 Jackson Street (716) 531 2758  
 Street Address Phone  
Batavia NY 14020  
 City State Zip

CONTRACTOR: R and R construction  
 Name E-mail Address  
6030 Crosby Rd (716) 433-3482  
 Street Address Phone  
Lockport NY 14094  
 City State Zip

Owner/Contractor's Signature \_\_\_\_\_ Date \_\_\_\_\_

DIMENSIONS OF EXISTING DRIVEWAY: Width 12' Length 42'  
 DIMENSIONS OF NEW DRIVEWAY / ADDITION: Width 24' Length 42'  
 SURFACE MATERIAL: Existing Blacktop Proposed Blacktop

*16.72' prop.*  
*24' Prop.*  
*7.28' over ZBA*

*To be filled out by Zoning Enforcement Officer*

TAX PARCEL: \_\_\_\_\_ ZONING DISTRICT: \_\_\_\_\_ SURVEY: \_\_\_\_\_  
 DIMENSIONS OF LOT: Lot Frontage \_\_\_\_\_ Front Yard \_\_\_\_\_  
 PERCENTAGE OF LOT FRONTAGE: \_\_\_\_\_ SURFACE MATERIAL: \_\_\_\_\_  
 APPROVED: \_\_\_\_\_ AREA VARIANCE: \_\_\_\_\_ GRADE PLAN: \_\_\_\_\_  
 ISSUING OFFICER: \_\_\_\_\_ DATE: \_\_\_\_\_



## 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 will not produce undesirable change, because it will keep cars off the street and be safer.
- 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.  
There is not enough parking for the 2 units without parking on the street
- 3. Substantiality.** The requested area variance is not substantial.  
We are looking to extend the width of the driveway ~~only~~ by only 12 ft to match the width of the garage
- 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.  
It will make the neighborhood safer because there will be less cars parked on the street causing traffic congestion.
- 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.  
The house was designed for a single family, but it is a multifamily, not leaving enough space for all tenants to park or have any company overnight

Applicant's Signature

Date

R White

4-16-23





Watson St

Jackson St

© All EagleView Te



R/D KD PROPERTY  
MANAGEMENT &  
CONSTRUCTION, LLC  
INST# DE2017-1860

R/D HAVENS, RICK S.  
LIBER 718, PAGE 54

R/D BEZON PROPERTIES, LLC  
LIBER 867, PAGE 602

WATSON STREET  
LINE

STREET

STREET

JACKSON STREET (66.0' R.O.W.)



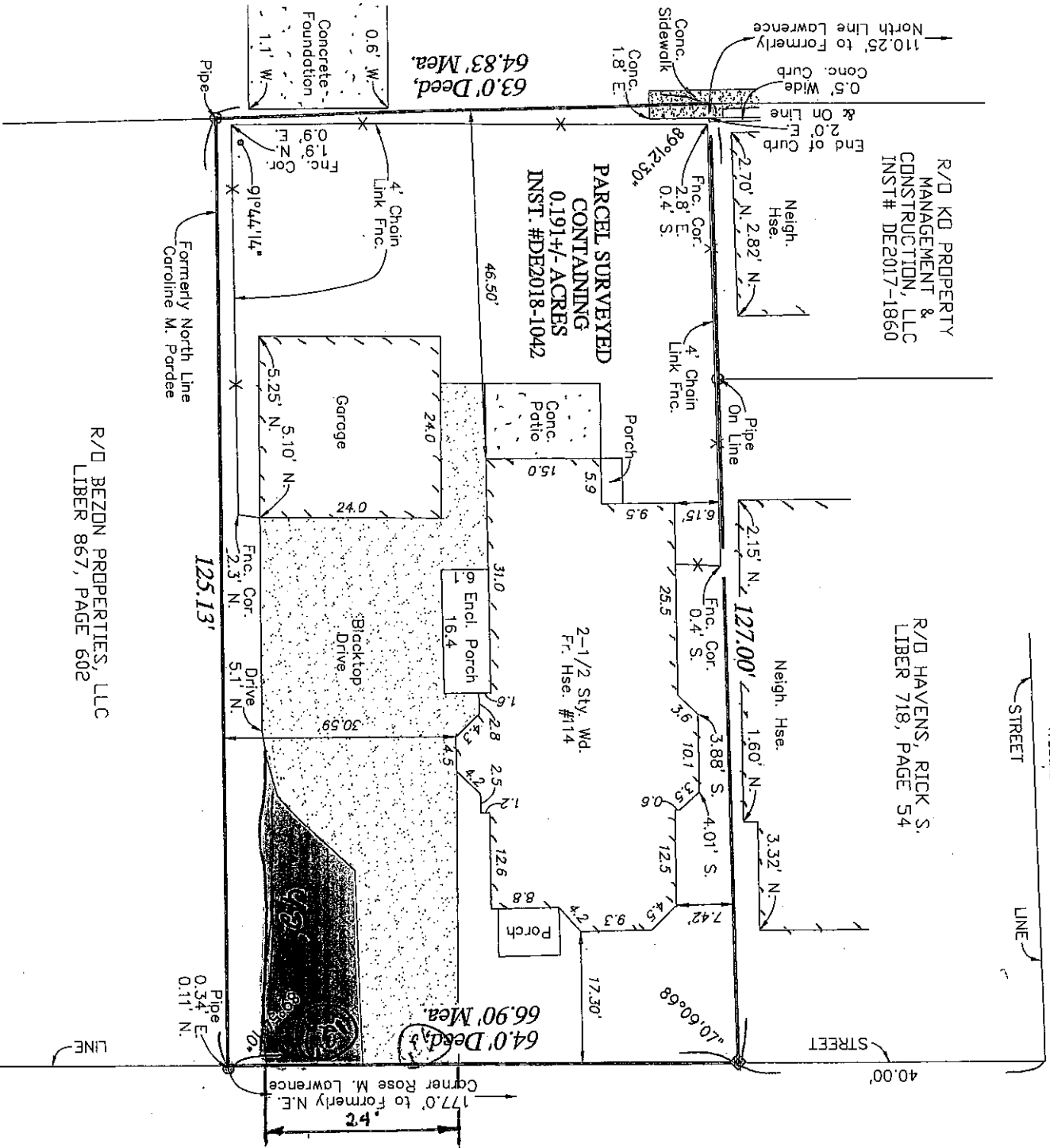
LEGEND  
 ● EXISTING IRON S  
 ◆ EXISTING RAILR

REFERENCES  
 SURVEY MAP NO  
 L.S. LAST DATE  
 SURVEY MAP NO  
 L.S. DATED DEC  
 SURVEY MAP NO  
 L.S. LAST DATE

BOUNDARY SU  
 TO BE CONVEY  
 OF BATAVIA, C  
 STATE OF NEW

MAY 14, 2019  
 J01

DATE  
 05/15/19



63.0' Deed, 64.83' Mea.  
 110.25' to Formerly North Line Lawrence  
 0.5' Wide Conc. Curb  
 End of Curb & On Line  
 2.70' N. 2.82' N.  
 Neigh. Hse.  
 89°12'30"  
 Fnc. Cor. 2.8' E. 0.4' S.  
 46.50'  
 4' Chain Link Fnc.  
 91°44'14"  
 Formerly North Line Caroline M. Pardee  
 5.25' N. 5.10' N.  
 Garage  
 24.0  
 24.0  
 4' Chain Link Fnc.  
 5.9  
 9.5  
 9.5  
 2-1/2 Sty. Hd. Fr. Hse. #114  
 31.0  
 9' Encl. Porch 16.4  
 30.59  
 2.3' N. 5.1' N.  
 Fnc. Cor. Drive  
 125.13'  
 2.15' N. 127.00'  
 Neigh. Hse.  
 1.60' N. 3.32' N.  
 3.88' S. 4.01' S.  
 7.42'  
 12.5  
 12.6  
 4.5  
 8.8  
 12.30'  
 64.0' Deed, 66.90' Mea.  
 177.0' to Formerly NE Corner Rose M. Lawrence  
 1.42'  
 40.00'

**THE CITY OF BATAVIA  
PLANNING & DEVELOPMENT COMMITTEE  
ZONING RECOMMENDATIONS**

**Meeting Date: 5/16/23**

Applicant's Name	Brian Kotarski
Location	249 Bank Street
Zoning District	
Referral Type	
Variance(s)	Area
Description	Widen an existing 23'-wide concrete driveway by placing 30' of additional concrete to the west side of the existing driveway

**PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION**

Disapproval: there is room in the rear yard and parking a camper in the front yard is detrimental to the neighbors
--





*City of Batavia*  
*Department of Public Works*  
*Bureau of Inspections*

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

To: Planning and Development Committee  
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 5/4/23

Re: 249 Bank St.  
Tax Parcel No. 84.026-1-80

Zoning Use District: R-1A

The applicant, Brian Konarski, (contractor), has applied for a permit to widen an existing 23' wide concrete driveway by placing 30' of additional concrete to the west side of the existing driveway.

**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:**

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

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

Required variances- Area

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

	<u>Permitted</u>	<u>Proposed</u>	<u>Difference</u>
Driveway width	35' (25%)	53' (38%)	18' (13%)



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

PAID
APR 27 2023
CITY OF BATAVIA
CLERK-TREASURER

Application No.: 2023-10
Hearing Date/Time:

APPLICANT: Brian Kearns
Name: Brian Kearns
Street Address: 2016 Lewiston Rd
City: Batavia NY 14013
E-Mail Address: Teliaboth098@gmail.com
Phone: 585-356-8746

STATUS: Owner Agent for Owner Contractor

OWNER: Pamela Phelps
Name: Pamela Phelps
Street Address: 249 BANK ST
City: Batavia NY 14020
Phone: 322-3716

LOCATION OF PROPERTY: City of Batavia 249 BANK ST.

DETAILED DESCRIPTION OF REQUEST: Excavate form and pour concrete pad 10x30 TO PARK Camping trailer on it.

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: 4/27/23
Owner's Signature: Pamela Phelps Date: 4/27/23

To be Filled out by Zoning Officer

TAX PARCEL: 84.026-1-80 ZONING DISTRICT: R1-A 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:



## 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.

This 11x30 pad will not produce an undesirable change to the neighborhood

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

This variance will provide parking for her camper that can not be parked on the grass

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

not substantial

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

This concrete pad will have no adverse effect or impact the physical or environmental cond. of the comm

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.

This pad is needed to comply with the zoning laws in place that have no parking on the lawn

  
Applicant's Signature

4/27/23  
Date



Permit No. \_\_\_\_\_

Date: \_\_\_\_\_

### DRIVEWAY AND PARKING SPACE PERMIT \$55 fee – Please attach Survey / Illustration

ADDRESS OF PROPERTY: \_\_\_\_\_

OWNER: Pamela Phelps Che4ster@aol.com  
 Name E-mail Address  
249 Banks St 322-3716  
 Street Address Phone  
Batavia NY 14020  
 City State Zip

CONTRACTOR: BDK Const Juliaroth098@gmail  
 Name E-mail Address  
2016 Lewiston Rd Brian 585-356-8746  
 Street Address Phone  
Batavia NY 14013  
 City State Zip

[Signature] 4/18/23  
 Owner/Contractor's Signature Date

DIMENSIONS OF EXISTING DRIVEWAY: Width 23'-0" Length 12'0"  
 DIMENSIONS OF NEW DRIVEWAY / ADDITION: Width 30' Length 10.96'  
 SURFACE MATERIAL: Existing 276 sq' Proposed 372 sq'

*35' Permit*  
*58' Propose*  
*ZBA.*

To be filled out by Zoning Enforcement Officer

TAX PARCEL: \_\_\_\_\_ ZONING DISTRICT: \_\_\_\_\_ SURVEY: \_\_\_\_\_  
 DIMENSIONS OF LOT: Lot Frontage \_\_\_\_\_ Front Yard \_\_\_\_\_  
 PERCENTAGE OF LOT FRONTAGE: \_\_\_\_\_ SURFACE MATERIAL: \_\_\_\_\_  
 APPROVED: \_\_\_\_\_ AREA VARIANCE: \_\_\_\_\_ GRADE PLAN: \_\_\_\_\_  
 ISSUING OFFICER: \_\_\_\_\_ DATE: \_\_\_\_\_

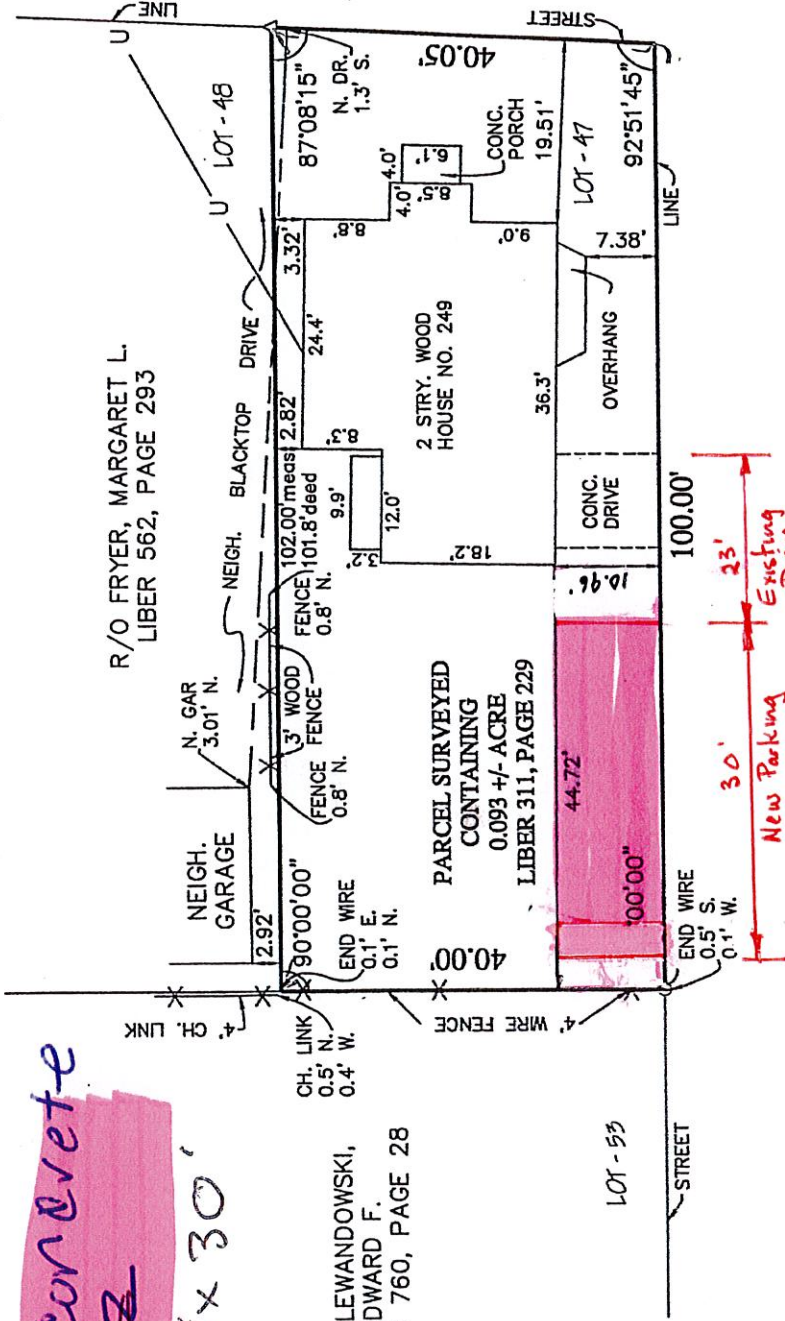


REFERENCES:  
 NORRIS ADDITION SUBDIVISION FILED AT BOOK 3  
 OF MAPS, PAGE 113.

*New concrete*  
~~31 x 12~~  
 10.96' x 30'

R/O LEWANDOWSKI,  
 EDWARD F.  
 LIBER 760, PAGE 28

R/O FRYER, MARGARET L.  
 LIBER 562, PAGE 293



HART STREET (50.0' R.O.W.)

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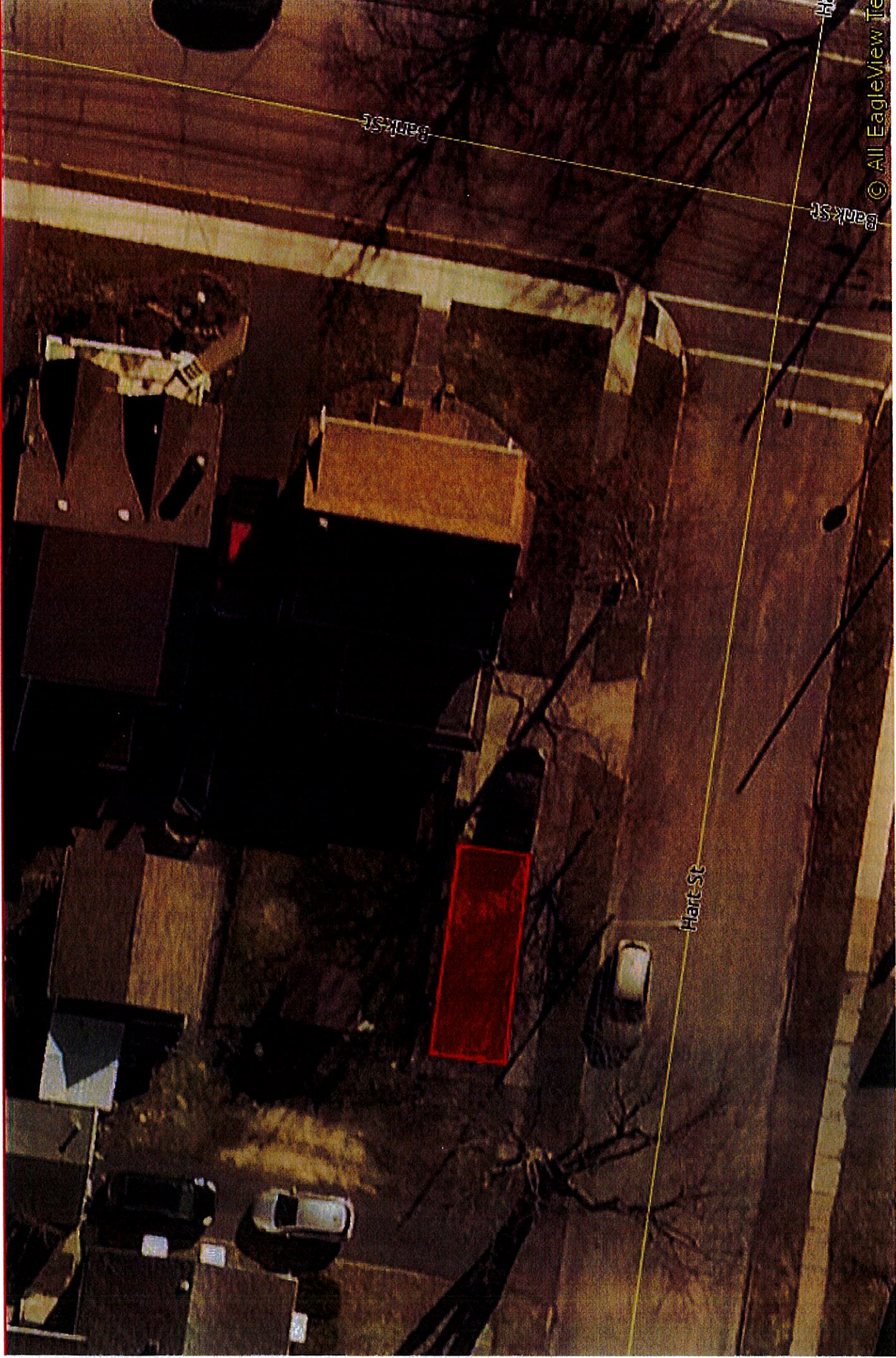
LEGEND  
 ○ SET IRON PIN  
 △ SET PK NAIL  
 U OVERHEAD UTILITY LINE

APRIL 15, 2

DAVID S. LAMENDOLA  
 Licensed Land Surveyor  
 206 East Main Street  
 Batavia, New York 14020  
 Phone (585) 344-1331  
 Fax (585) 343-2691

DATE





Bank St

Bank St

Hart St

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