

ZONING BOARD OF APPEALS

Thursday, July 23, 2020

6:00 pm

Council Board Room

One Batavia City Centre, Batavia, NY

AGENDA

- I. Roll Call
- II. Call to order
- III. Pledge of Allegiance
- IV. Approval of June 25, 2020 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

A. Request #1 *237 Bank Street*
Ron Viele, agent for the owner

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

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

B. Request #2 *252 East Avenue*
Todd Dennis, owner

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

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

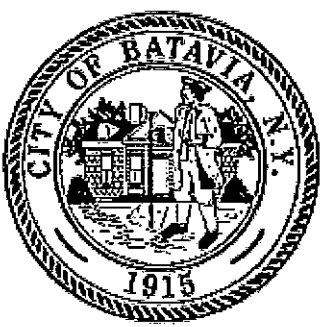
C. Request #3 *1 Lincoln Avenue*
Kara Nigro Tress, owner

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

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

VII. Setting of Next Meeting: August 27, 2020

VIII. Adjournment



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: 6/19/20
Re: 237 Bank St.
Tax Parcel No. 84.026-1-79

Zoning Use District: R-1A

The applicant, Ronald Viele (agent for the owner), has filed an application to construct an entry stair and landing at the front door of this dwelling. A portion of the new stairs will be located within the front yard clear space.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (10).

Review and Approval Procedures:

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

1) **Required variances- Area** BMC Sec. 190-29 A. and Schedule I

	<u>Required</u>	<u>Proposed</u>	<u>Difference</u>
Front yard clear space	20'	13.04'	6.96'



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 20-09

Hearing Date/Time: _____

Viele Development & Construction Corporation, Inc.
Box 425

APPLICANT: _____
Name Batavia, N.Y. 14021 E-Mail Address _____

Street Address _____ Phone _____ Fax _____

City _____ State _____ Zip _____

STATUS: Owner Agent for Owner Contractor

OWNER: RITA RUFFINO
Name _____ E-Mail Address _____

237 BANK STREET
Street Address _____ Phone _____ Fax _____

BATAVIA, N.Y. 14020
City _____ State _____ Zip _____

LOCATION OF PROPERTY: 237 BANK STREET

DETAILED DESCRIPTION OF REQUEST: NEW FRONT STAIRS + LANDSCAPE

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

6/15/20
Date

[Signature]
Owner's Signature

6/15/20
Date

PAID
JUN 19 2020
CITY OF BATAVIA
CLERK

To be Filled out by Zoning Officer

TAX PARCEL: 84.026-1-79 **ZONING DISTRICT:** R-1A **FLOOD PLAIN:** C

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

Provision(s) of the Zoning Ordinance Appealed: BMC 190-29 A and Schedule 1
The minimum required front yard clear space is 20'. 13.04' is proposed.

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.

N/A

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.

N/A

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

N/A

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.

N/A

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.

N/A

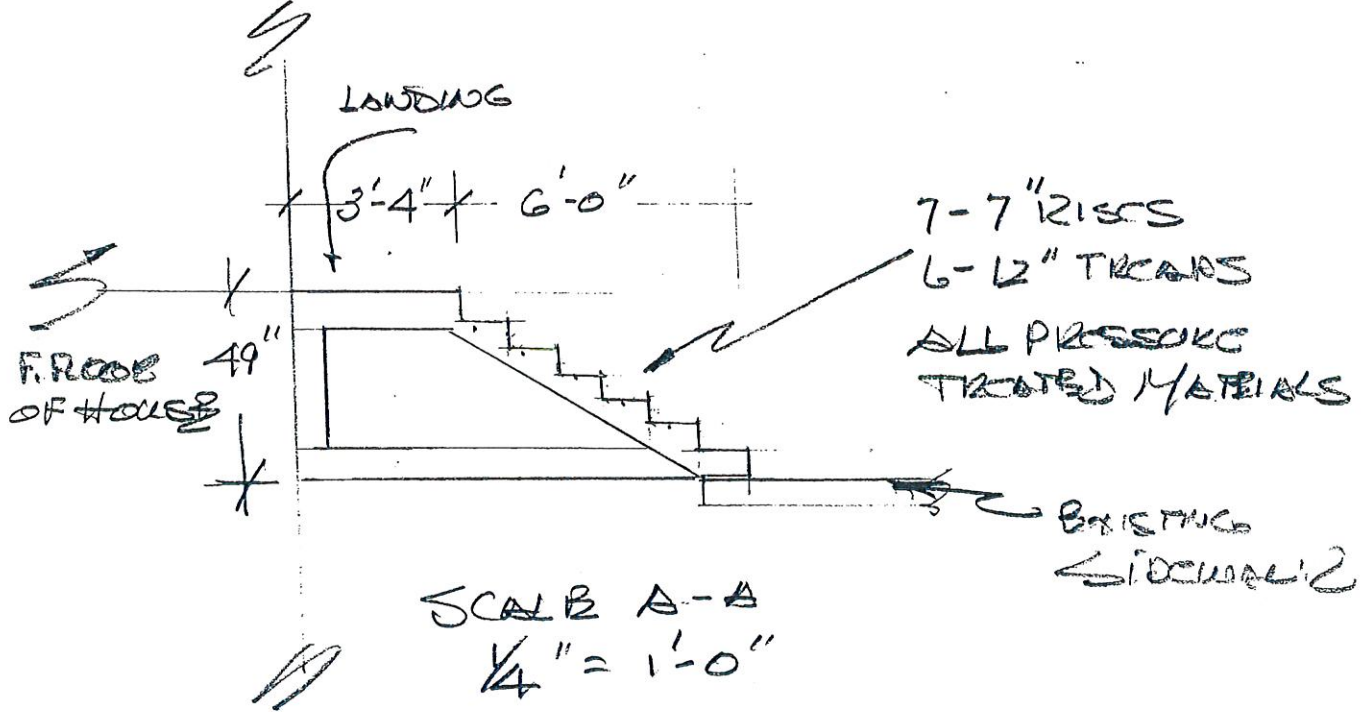
Applicant's Signature

Date



6/15/20





ALL DRAWINGS
WORK TO
CONFORM TO CITY CODE 1

NOTE: 48" WIDE STAIRS
72" WIDE LANDING

Viele Development & Construction Corporation, Inc.
Box 425
Batavia, N.Y. 14021

HART STREET

STREET

LINE

LEG
● EXISTING IF
○ SET IRON

REF
NORRIS AD
PAGE 113.

1 DAVID
INTERC
AND
UNDER
RITA Z
STEWART

R/O COUCHIE, LEONA
LIBER 650, PAGE 82

147.81 Mea.

R/O WHITE, SHARI A.
LIBER 580, PAGE 334
LOT-45

148.11 Mea.

(495' R.O.W.)

PARCEL SURVEYED
CONTAINING
0.172 ± ACRE
LIBER 484, PAGE 146

LOT-46

2 STY. WD. FR.
Hse. No. 237

STREET

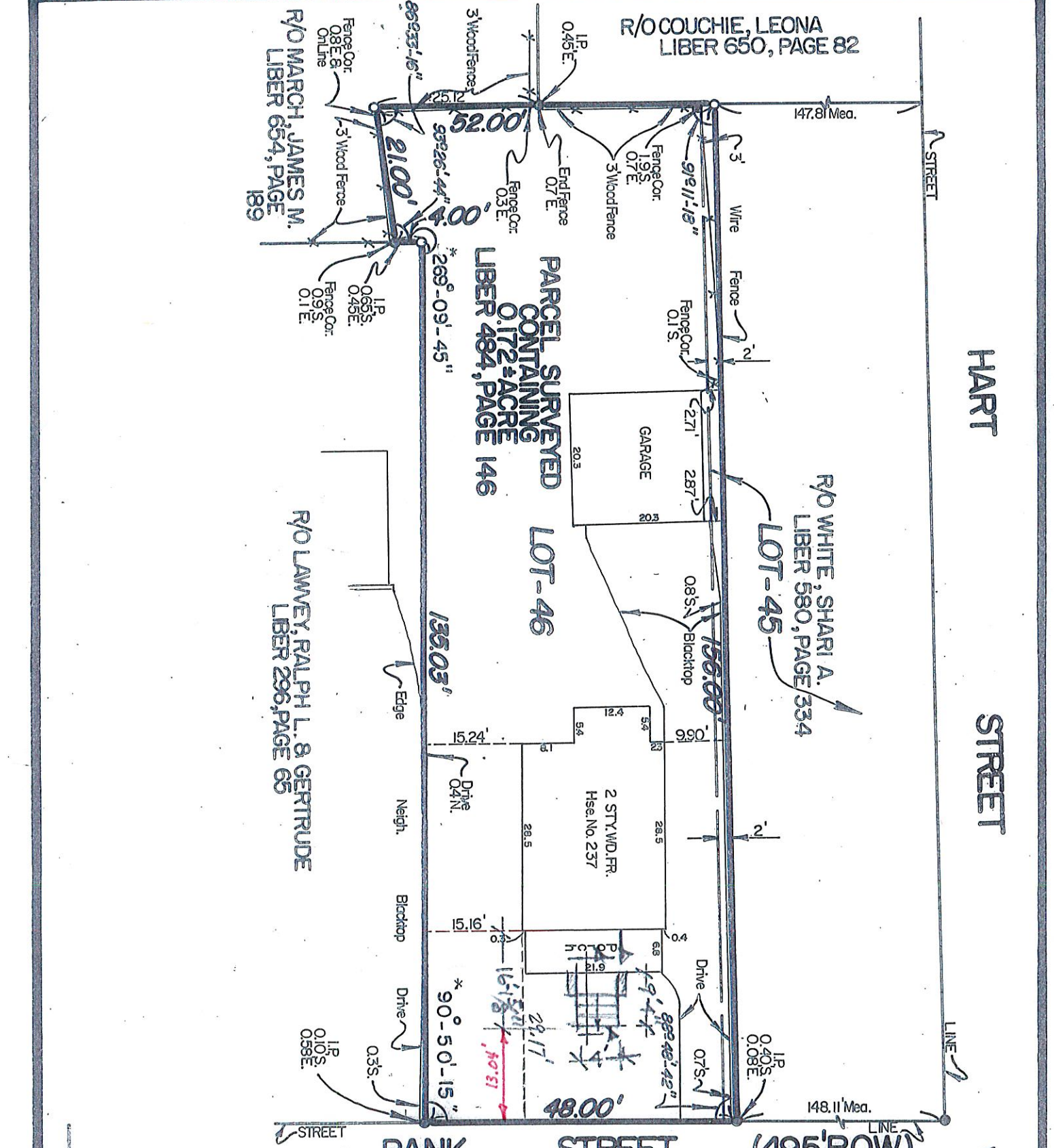
R/O MARCH, JAMES M.
LIBER 654, PAGE 189

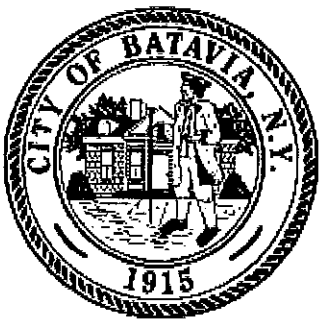
R/O LAWVEY, RALPH L. & GERTRUDE
LIBER 296, PAGE 65

BOUNDARY SUR
TO BE CONVEY
SOUTH 2 FEET
AND SUBDIVIS
VILLAGE LOTS
NORRIS ADDIT
BATAVIA, COUNT
OF NEW YORK.
AUGUST 19, 1997

REVISED - SEPTEMBER 16

DATE





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: 6/30/20
Re: 252 East Ave.
Tax Parcel No. 85.009-1-40

Zoning Use District: R-1

The applicant, Todd Dennis (owner), has filed an application to place an 18' x 36' in-ground swimming pool in the southeast yard of 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) (10).

Review and Approval Procedures:

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

Required variances- Area

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



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 20-10
Hearing Date/Time: _____

APPLICANT: TODD A. DENNIS
Name deweyd@skyworksllc.com
Street Address 252 EAST AVE. E-Mail Address
City BATAVIA State NY Phone (585) 208-6963 Fax _____
Zip 14020

STATUS: Owner _____ Agent for Owner _____ Contractor

OWNER: TODD A. DENNIS
Name deweyd@skyworksllc.com
Street Address 252 EAST AVE. E-Mail Address
City BATAVIA State NY Phone (585) 208-6963 Fax _____
Zip 14020

LOCATION OF PROPERTY: _____

DETAILED DESCRIPTION OF REQUEST: INSTALLING 18' x 36" INGROUND POOL BEHIND HOUSE

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.

PAID
JUL - 1 2020
CITY OF BATAVIA
CLERK-TREASURER

Applicant's Signature Todd A. Dennis Date 06-22-2020
Owner's Signature _____ Date _____

To be Filled out by Zoning Officer

TAX PARCEL: 85.009-1-40 **ZONING DISTRICT:** R-1 **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 Swimming pools are not permitted to occupy spaces 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.

LANDSCAPING AND FENCE WILL BE RE-INSTALLED

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.

YES

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

06-25-2020

Date

DATE: 06-22-2020

APPLICANT NAME & PHONE: Todd Dennis / 585-208-0903

Project Location and Information

Permit #: _____ Fee: _____

Address of Project: 252 East Ave, Batavia, NY 14020

Owner & Address: Todd Dennis / 252 East Ave, Batavia, NY 14020

Phone: 585-208-0903

Project Type/Describe Work

Estimated cost of work: \$30,000

Start date: ASAP

Describe project:

Inground pool



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

GENERAL

Name/Address: ALBION POOL - JOEL D'ALBA

Phone: (585) 721-3780

PLUMBING (City of Batavia Licensed Plumber Required)

Name/Address: ALBION POOL - JOEL D'ALBA

Phone: (585) 721-3780

HEATING

Name/Address: N/A ALBION POOL - JOEL D'ALBA

Phone: (585) 721-3780

ELECTRICAL (Third Party Electrical Inspection Required)

Name/Address: N/A ALBION POOL - JOEL D'ALBA

Phone: (585) 721-3780

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: _____



East A

38

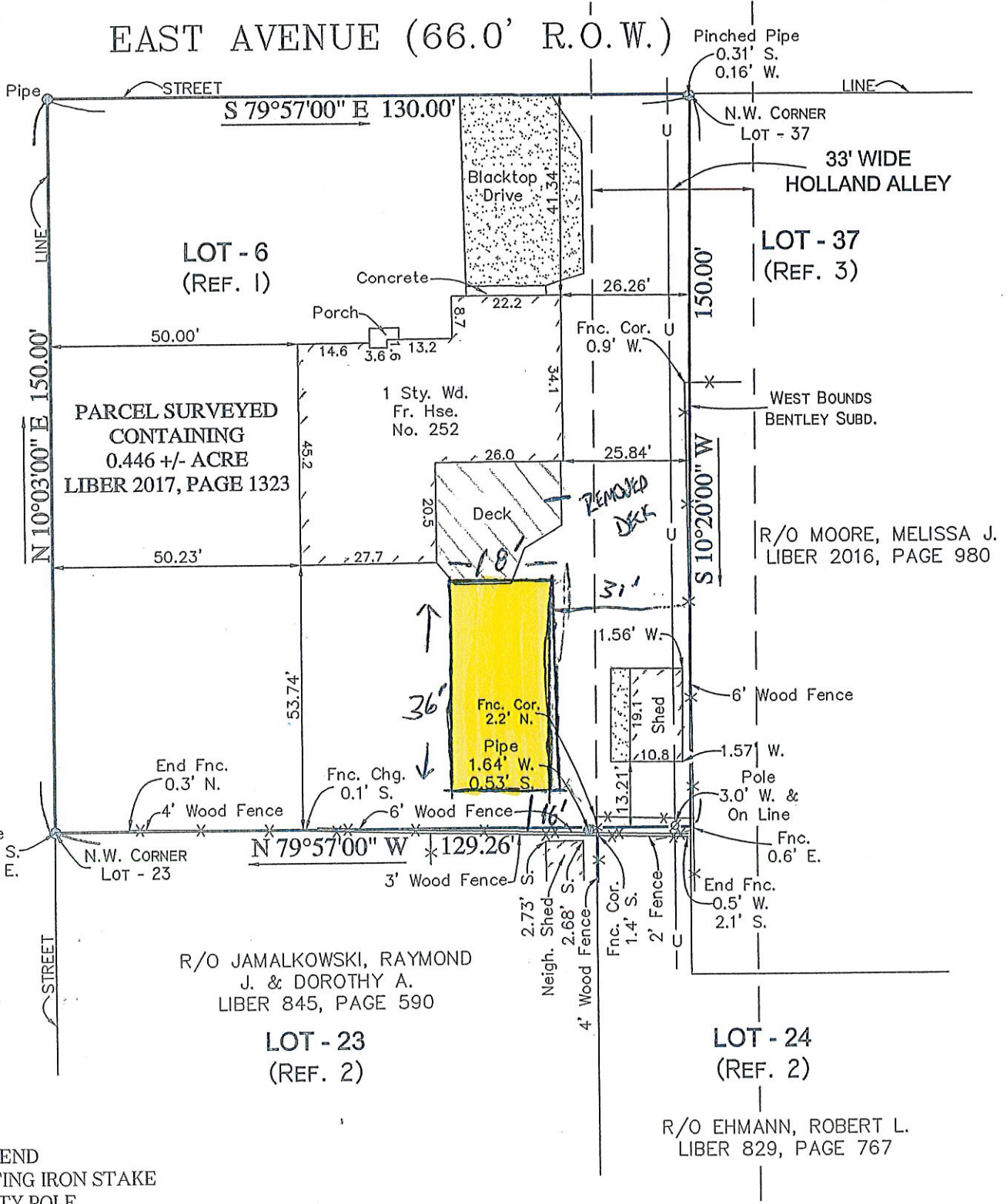
How far from from PR

GREGORY W. TOWNSEND
Licensed Land Surveyors
115 Washington Avenue
Batavia, New York 14020
Phone (585) 344-1331
Fax (585) 219-4313



EAST AVENUE (66.0' R.O.W.)

EUGENE STREET (60.0' R.O.W.)

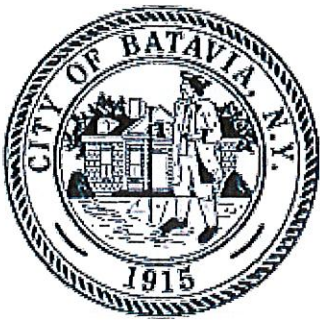


LEGEND
 ⊙ EXISTING IRON STAKE
 ∅ UTILITY POLE
 -U- OVERHEAD UTILITY LINES

REFERENCES
 1) "MAP OF CLINTON GARDENS, SECTION 1, PART A" SUBDIVISION FILED AT BOOK 9 OF MAPS, PAGE 440, MAP NO. 750
 2) "MAP OF CLINTON GARDENS PART 2" SUBDIVISION FILED AT BOOK 9 OF MAPS, PAGE 453, MAP NO. 756
 3) WILLIAM BENTLEY SUBDIVISION FILED AT BOOK 2 OF

I, GREGORY W. TOWNSEND, CERTIFY TO:
 PRIMELENDING, A PLAINSCAPITAL COMPANY, ITS SUCCESSORS AND/OR ASSIGNS
 TODD A. DENNIS AND MEGAN L. DENNIS
 FIRST AMERICAN TITLE INSURANCE COMPANY

BOUNDARY SURVEY SHOWING THE PARCEL TO BE CONVEYED BEING PART OF ORIGINAL



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: 7/7/20
Re: 1 Lincoln Ave.
Tax Parcel No. 84.032-2-46

Zoning Use District: R-1A

The applicant, Kara Nigro Tress (owner), has filed an application to construct a new front entry stair and landing that projects into the front yard clear space. This entryway expansion is part of an overall front porch renovation already underway.

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>Existing</u>	<u>Proposed</u>	<u>Difference</u>
Front yard clear space	20'	9.43'	8.57'	.86' less than existing



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 20-11
Hearing Date/Time: _____

APPLICANT: Kara Tress tressk30@gmail.com
Name E-Mail Address
1 Lincoln Ave 716-361-6009
Street Address Phone
Batavia NY 14020
City State Zip

STATUS: Owner _____ Agent for Owner _____ Contractor

OWNER: Kara Tress tressk30@gmail.com
Name E-Mail Address
1 Lincoln Ave 716-361-6009
Street Address Phone
Batavia NY 14020
City State Zip

LOCATION OF PROPERTY: 1 Lincoln Ave

DETAILED DESCRIPTION OF REQUEST: Building new porch.
Requesting first step to be 3 feet
instead of 1 foot.

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 7/1/2020
Owner's Signature _____ Date 7/1/2020

To be Filled out by Zoning Officer

TAX PARCEL: 84.032-2-46 ZONING DISTRICT: R-1A FLOOD PLAIN: C

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

Provision(s) of the Zoning Ordinance Appealed: BMC 190-29 A. and Schedule T JUL - 8 2020

The min. front yard clear space is 20'. 8.57' is proposed

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.
The reconstructed porch & steps will remain similar to steps of nearby properties. New porch will add charm to 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. N/A
- 3. Substantiality.** The requested area variance is not substantial. New steps will remain similar to other steps in neighborhood. Only difference is the extension of first step.
- 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.
The reconstructed porch will only add to environmental condition of the 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. N/A

Applicant's Signature

Date

7/1/2020

DATE: 5/26/2020

APPLICANT NAME & PHONE: Matthew Hume - Hume Construction, Inc.

Project Location and Information

Permit #: _____ Fee: _____

Address of Project: 1 Lincoln Ave. Batavia NY 14020

Owner & Address: _____

Phone: 585-409-7682

Project Type/Describe Work

Estimated cost of work: \$30k

Start date: 6/1/2020

Describe project:
remodel front porch

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

GENERAL

Name/Address: Hume Construction, Inc.

Phone: 585-409-7682

PLUMBING (City of Batavia Licensed Plumber Required)

Name/Address: _____

Phone: _____

HEATING

Name/Address: _____

Phone: _____

ELECTRICAL (Third Party Electrical Inspection Required)

Name/Address: _____

Phone: _____

FOR OFFICE USE ONLY

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

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

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

Existing Use: _____ NYS Building Code Occupancy Class: _____

Proposed Use: _____ NYS Building Code Occupancy Class: _____



Lincoln Avenue



01.25' M&M

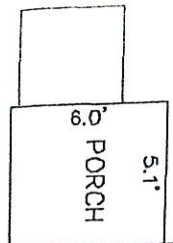
CONCRETE DRIVEWAY

LOT 3

EL SURVEYED = 1093 ACRES

101.25' M&M

FRAME GARAGE



8.6'

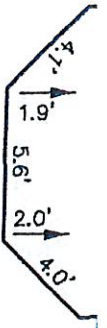
7.0'

24.4'

30.4'

30.4'

2 1/2 STORY FRAME #1



0.3' CONC.

2.9'

CONCRETE DRIVEWAY

24.3'

8.8'

COVERED PORCH

7.2'

CONCRETE DRIVEWAY

23.6'

New front steps + landing

New steps Dist. to Prop. line

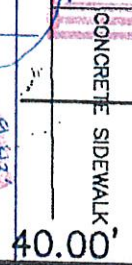
old steps Dist. to prop. lines

6.0' WIDE R.O.W. TO: NATIONAL FUEL GAS DISTRIBUTION CORP. L.469, D.490

90°00'00"

90°00'00"

90°00'00"



CONCRETE SIDEWALK

140.00' MAP TOTAL & MEAS.

LINCOLN

(50.0' WIDE)

AVENUE

0.6' PIPE

N/F