

ZONING BOARD OF APPEALS

Thursday, August 24, 2023

6:00 pm

Council Board Room

One Batavia City Centre, Batavia, NY

AGENDA

- I. Roll Call
- II. Call to order
- III. Pledge of Allegiance
- IV. Approval of July 27, 2023 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

A. Request #1

9-11 Seneca Avenue

Jennifer Griffith, owner

Area Variance:

Remove an existing 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

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

B. Request #2

59 Vernon Avenue

Anthony Ray, owner

Area Variance:

Remove the existing wood-frame deck and stairs, and construct a new 12' x 17' pressure-treated wood-frame deck with stairs and rails on the east elevation (font yard) of the dwelling. The new deck expands the footprint into the front yard clear space

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

VII. Setting of Next Meeting: September 28, 2023

VIII. Adjournment

ZONING BOARD OF APPEALS
Draft Minutes
Thursday, July 27, 2025
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

Members present: *Jeff Gillard, Nick Harris, Leslie Moma, Dave McCarthy, Jim Russell*

Members absent: none

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

I. Roll Call

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

II. Call to Order

Mr. McCarthy called the meeting to order at 6:02 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 May 25, 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: place a gas-fired electric generator within the required side yard clear space on the south side of the dwelling. An existing generator will be removed and the new equipment will be installed in the same location

Address: *111 North Spruce Street*

Applicant: William and Diane Cox, owners

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

1. Review Application

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 Mr. Russell, and on roll call, was approved 5-0.

RESULT: Public hearing opened at 6:06 pm.

Mr. Cox said that the generator was already in place when he and his wife moved into the house in 2016. They did not realize that a permit had not been issued for installation of the generator and that it was not in compliance. The generator needs to be replaced. Mr. Cox is asking for a variance so the new generator can be installed in the same place as existing one.

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. Harris, and on roll call, was approved 5-0.

RESULT: Public hearing closed at 6:09 pm.

The board agreed there was no problem with putting the new generator in the same place as the previous one.

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, it is going in the same place
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

MOTION: Mr. Gillard moved to approve the proposal with 60 days to obtain the permit; the motion was seconded by Mr. Russell, and on roll call, was approved 5-0.

RESULT: Area Variance approved.

- B. Area Variance: construct a pressure treated wood-frame deck in the northeast side yard of this property. The deck will be located within the required side yard clear space

Address: 107 Grandview Terrace

Applicant: Bert Earl, 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. Harris, and on roll call, was approved 5-0.

RESULT: Public hearing opened at 6:12 pm.

Mr. Earl told the board that the deck had been in place for a long time and needed some repairs. It turned out that the repairs needed were more substantial than he had realized and that he needed a variance.

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 5-0.

RESULT: Public hearing closed at 6:14 pm.

Ms. Moma noted that the new construction will be located in the same place and is the same size as the previous deck.

3. Action by the Board

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

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

MOTION: Mr. Russell moved to approve the variance with 60 days to obtain the permit. The motion was seconded by Mr. Mr. Gillard, and on roll call, was approved 5-0.

RESULT: Area Variance approved.

- C. Area Variance: construct a 12' x 10' pressure treated wood-frame deck in the rear yard of this property. The deck will be constructed to adjoin an existing entry porch and will be located within the side and rear yard clear spaces

Address: 210 Ross Street

Applicant: Susan Davis, 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. Harris, and on roll call, was approved 5-0.

RESULT: Public hearing opened at 6:16 pm.

Ms. Davis told the board that without a variance, the deck would be split in the middle.

Mr. McCarthy pointed out that the side of the house is closer to the property line than the new deck would be.

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 5-0.

RESULT: Public hearing closed at 6:18 pm.

3. Action by the Board

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

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

MOTION: Mr. McCarthy moved to approve the variance with a 60-day time limit to obtain the permit; the motion was seconded by Mr. Harris, and on roll call, was approved 5-0.

RESULT: Area Variance approved.

D. Area Variance: place a portion of the front entry stairs within the front yard clear space

Address: *113 South Main Street*

Applicant: Paul Riner, agent for Habitat for Humanity

- 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 5-0.

RESULT: Public hearing opened at 6:21 pm.

Mr. Riner explained that originally there were only steps leading up to the front door, which resulted in a violation. When Mr. Riner constructed a landing and corrected the violation, he discovered that the extension of the stairs required a variance.

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 Mr. Russell, and on roll call, was approved 5-0.

RESULT: Public hearing closed at 6:22 pm.

3. Action by the Board

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

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

MOTION: Mr. McCarthy moved to approve the proposal with 60 days to obtain the permit; the motion was seconded by Mr. Harris, and on roll call, was approved 5-0.

RESULT: Application approved.

- E. Area Variance: construct a portion of a building within the front yard clear spaces in the north and east yards of this corner lot parcel

Address: *20 Howard Street*

Applicant: Andrew Schmieder, PE, engineer for the owner

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

1. Review Application

[Mr. Gillard needed to leave the meeting. He excused himself at 6:24 p.m.] 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 5-0.

RESULT: Public hearing opened at 6:25 pm.

Mr. Schmieder explained that the intent is to demolish the existing building, which is in bad shape and not worth refurbishing, and construct a new one. The footprint of the new building will be slightly smaller than the current one.

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 Mr. Harris, and on roll call, was approved 5-0.

RESULT: Public hearing closed at 6:29 pm.

3. Action by the Board

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

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

MOTION: Mr. Harris moved to approve the variance with 10 months to obtain the permit. The motion was seconded by Mr. Russell, and on roll call, was approved 5-0.

RESULT: Area Variance approved.

F. Area Variance: relief for parking and distance separation requirements for the construction of a 1,324 sq.' one-story automobile service station / public garage for the servicing (oil change) of automobiles

Address: 425A West Main Street

Applicant: Evan Gefell (agent for Quattro Batavia LLC)

- 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. Mr. Randall reported that the Planning and Development Committee recommended approval of the project.

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 5-0.

RESULT: Public hearing opened at 6:36 pm.

Mr. Gefell told the board that the project is a re-development consisting of removing the existing building and constructing a two-bay oil change facility. Mr. Gefell pointed out that

there is a large amount of existing pavement and that the PDC requested more landscape development. Mr. Gefell noted that the new plan calls for an increase of 47% green space.

Mr. Gefell explained that only the employees need parking spaces. The way the model works is that the oil change is performed in ten minutes while the driver remains in the vehicle.

Mr. Gefell said that the business is a low traffic generator and should not disrupt adjacent businesses. Fume should not affect local restaurants because only oil changes, wipers, and air filters are involved.

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 5-0.

RESULT: Public hearing closed at 6:39 pm.

Mr. McCarthy said that he thinks it is a good use for the awkward space on the corner, especially since it involves a large amount of green space.

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 because it will improve the corner
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

MOTION: Mr. McCarthy moved to approve the variances with the stipulation that the business does not turn into an auto repair shop, with 10 months to obtain the permit; the motion was seconded by Mr. Russell, and on roll call, was approved 5-0.

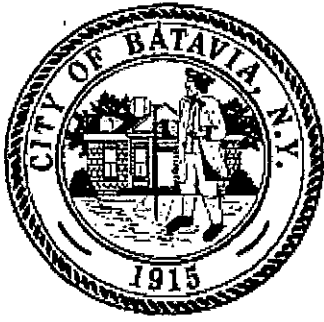
RESULT: Area Variance approved.

VII. Setting of Next Meeting: August 24, 2023

VIII. Adjournment

Mr. McCarthy adjourned the meeting at 6:44 pm.

Meg Chilano
Recording Secretary



City of Batavia
Department of Public Works
Bureau of Inspections

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

To: Zoning Board of Appeals
From: Doug Randall, Code Enforcement Officer
Date: 8/1/23
Re: 59 Vernon Ave.
Tax Parcel No. (84.023-2-5)

Zoning Use District: R-1A

The applicant, Anthony Ray (owner), has applied for a permit to remove the existing wood frame deck and stairs, and construct a new 12' x 17' pressure treated wood frame deck with stairs and rails on the east elevation (front yard) of the dwelling. The new deck expands the footprint into 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) (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 Sec. 190-29 A. and Schedule I

	<u>Required</u>	<u>Proposed</u>	<u>Difference</u>
Front yard clear space	20'	8.26'	11.74



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

PAID

JUL 21 2023

CITY OF BATAVIA
CLERK-TREASURER

Application No.: 2023-21
Hearing Date/Time: _____

APPLICANT: Anthony Ray
Name 59 Vernon Ave
Street Address Batavia
City NY
State 585-356-0725
Phone 14020
Fax Cuzz4169@gmail.com
E-Mail Address

STATUS: Owner Agent for Owner Contractor

OWNER: Anthony Ray
Name 59 Vernon Ave
Street Address Batavia
City NY
State 585-356-0725
Phone 14020
Fax

LOCATION OF PROPERTY: Batavia 59 Vernon Ave

DETAILED DESCRIPTION OF REQUEST: Replaced old ^{Deck} porch that was unsafe and an eyesore to neighborhood. Went out two feet more towards the sidewalk. Those are the only measurement changes.

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.

Anthony Ray
Applicant's Signature 7-18-23
Date
Anthony Ray
Owner's Signature 7-18-23
Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.023-2-5 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: _____

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.

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

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

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

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

Applicant's Signature

Date

Application Date: July 7 2023

APPLICANT NAME Tony Ray PHONE 585-356-0725

APPLICANT MAILING ADDRESS 59 Vernon Ave

APPLICANT EMAIL Cuzz4169@gmail.com

Project Location and Information

Address of Project: 59 Vernon Ave

Owner: Tony Ray Phone: 585-356-0725

Owners Mailing Address: 59 Vernon Ave

Project Type/Describe Work

Estimated cost of work: \$3000

Describe project: Front Deck Build 4x4, 2'x8" x 8' - 16" center

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

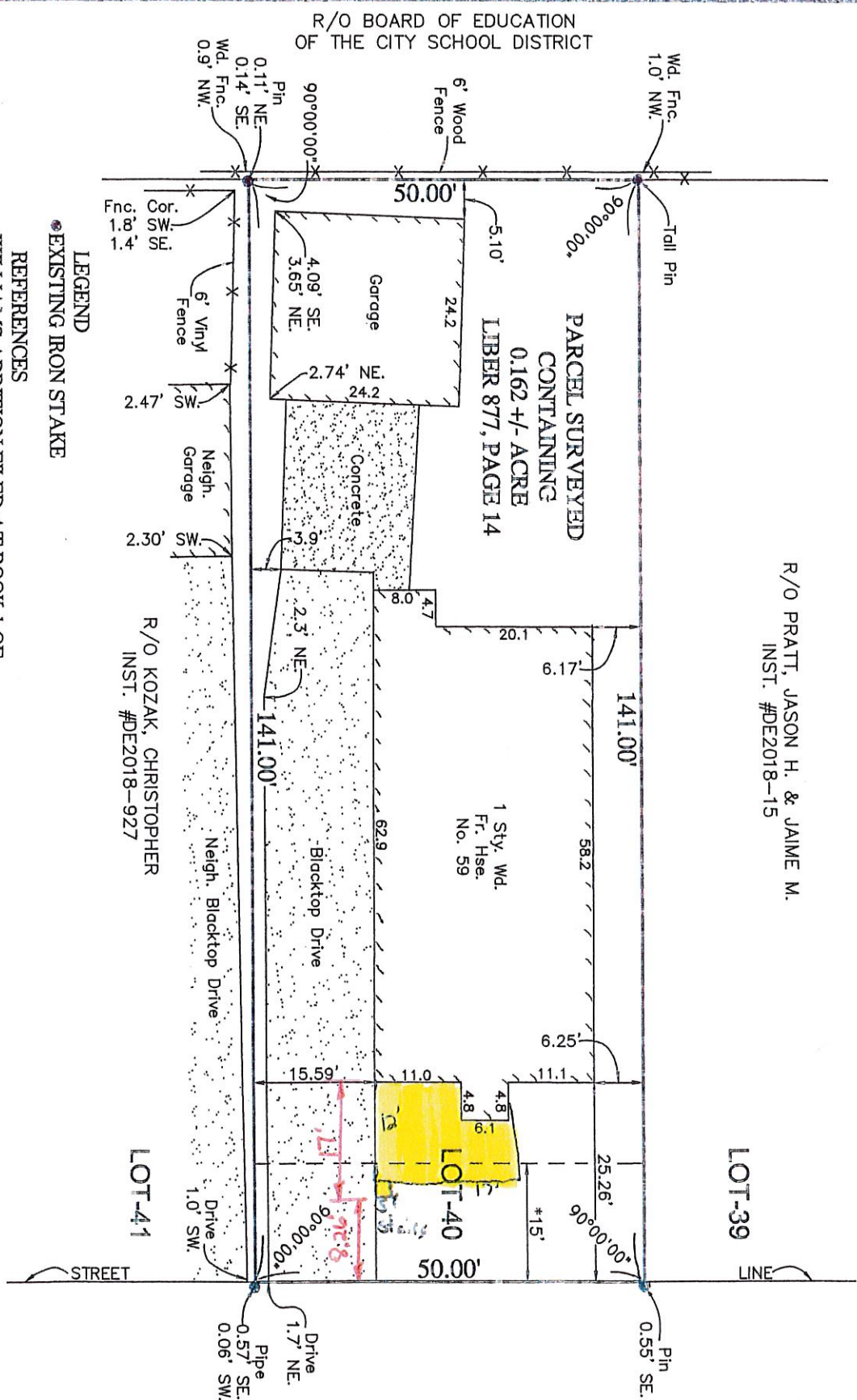
Zoning District: _____ Flood Zone: _____ Corner Lot: _____ Historic District/Landmark: _____

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

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

R/O BOARD OF EDUCATION
OF THE CITY SCHOOL DISTRICT

R/O PRATT, JASON H. & JAIME M.
INST. #DE2018-15



VERNON AVENUE (50.0' R.O.W.)

LEGEND
 *EXISTING IRON STAKE

REFERENCES
 WILLIAMS ADDITION FILED AT BOOK 1 OF
 MAPS, PAGE 40
 SURVEY MAP NO. 95-193 BY DAVID S.
 LAMENDOLA, I.S., DATED OCTOBER 24, 1995
 ABSTRACT OF TITLE NO. 54,692 - STEWART
 TITLE INSURANCE COMPANY
 *RIGHT OF WAY TO NATIONAL FUEL GAS
 DISTRIBUTION CORPORATION FILED AT LIBER
 828 OF DEEDS, PAGE 383

I, GREGORY W. TOWNSEND, CERTIFY TO:
 ANTHONY W. RAY, SR.
 FIVE STAR BANK, ITS SUCCESSORS AND/OR
 ASSIGNS, AS THEIR INTERESTS MAY APPEAR
 STEWART TITLE INSURANCE COMPANY
 BONARIGO & MCCUTCHEON

BOUNDARY
 TO BE COI
 VILLAGE LA
 SUBDIVISIC
 ADDITION.
 BATAVIA, (

FEBRUARY

REVISED (CERTS

DATE

10/13/22

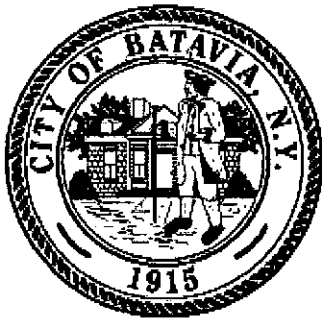




Vernon Ave

17'

17'



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: 7/31/23
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.

This application was previously approved on 5/25/23. The time to obtain the building permit has expired.

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%)

Doug Randall



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

APPLICANT: Jennifer Griffith

Name: Jennifer Griffith E-Mail Address: _____
Street Address: 9-11 Seneca Ave Phone: 585-730-1330 Fax: _____
City: Batavia State: NY Zip: 14020

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 Batavia NY 14020

DETAILED DESCRIPTION OF REQUEST: Remove existing single car garage + 4 foot wide covered porch. Replace with new larger garage (2 car) + steps to front door with stamped concrete front "patio"/walk. New sidewalk + patio/mudroom (will be changing size)

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

7/26/23

Date

7/26/23

Owner's Signature

Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.034-3-49 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 190-29A and Schedule 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 will add a pleasant face lift to 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 existing garage + porch need repairs. I would like to construct larger garage for storage + 2 cars + updated front patio.

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

Unfortunately w/ size of lot (small) + garage addition will be close to property line. Previously approved for 3 feet

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 surrounding homes have 2 car garages + many surrounding houses are closer to road. No additional impact to existing neighbors.

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 the functionality of my home (storage) + increase the value of my property

Applicant's Signature

Date

7/26/23



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 JENNIFER A GRIFFITH E-Mail Address jjgri1414@gmail.com
Street Address 9-11 SENECA AVE Phone _____ Fax _____
City BATAVIA NY State 14020 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 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 190-29 B

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 RAUNCH 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

Date

3/30/23

CITY OF BATAVIA, NEW YORK

APPLICATION FOR A BUILDING PERMIT

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: _____

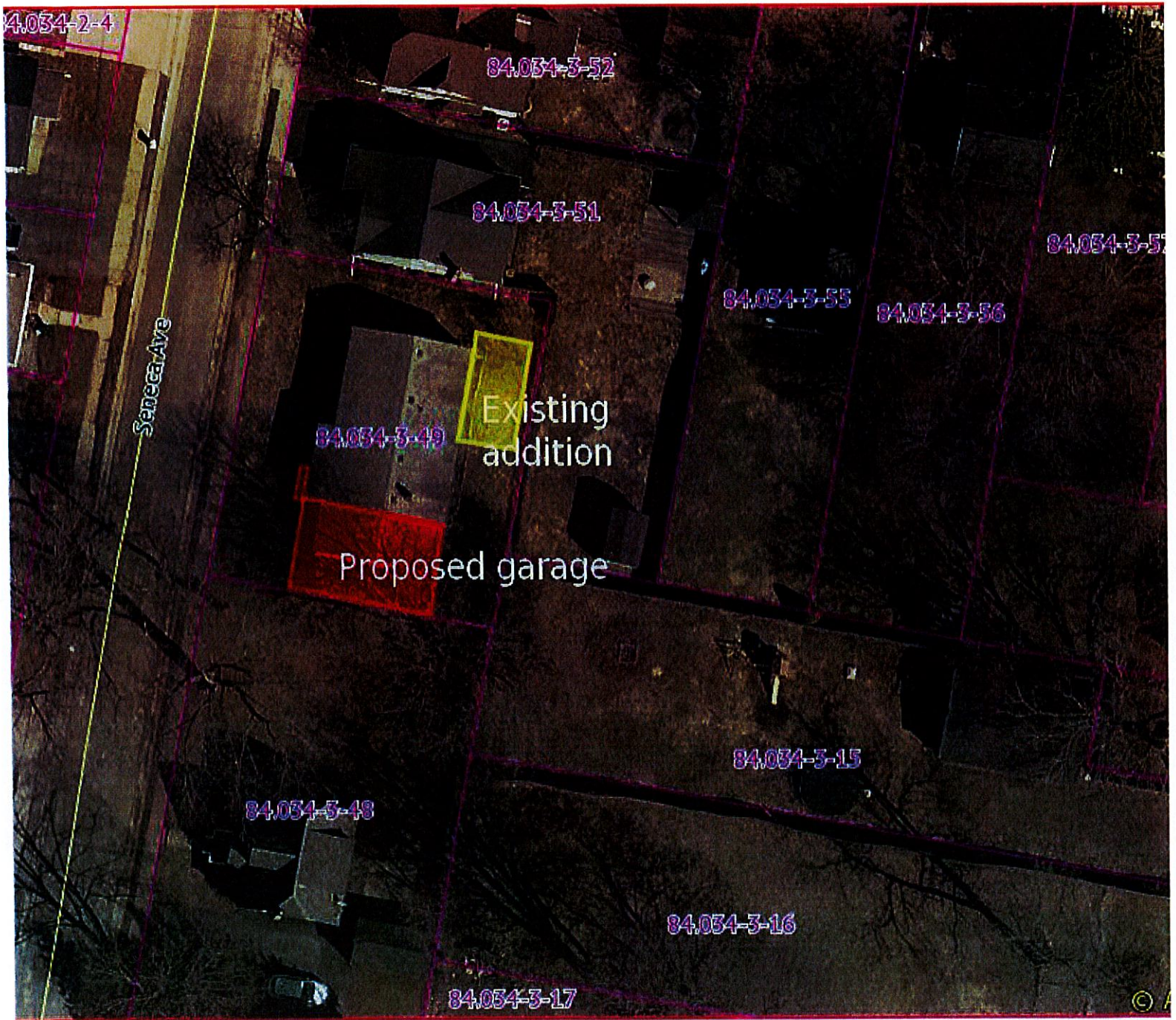
ELECTRICAL (Third Party Electrical Inspection Required)

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

Seneca Ave

84.034-3-49

Existing addition

Proposed garage

84.034-3-48

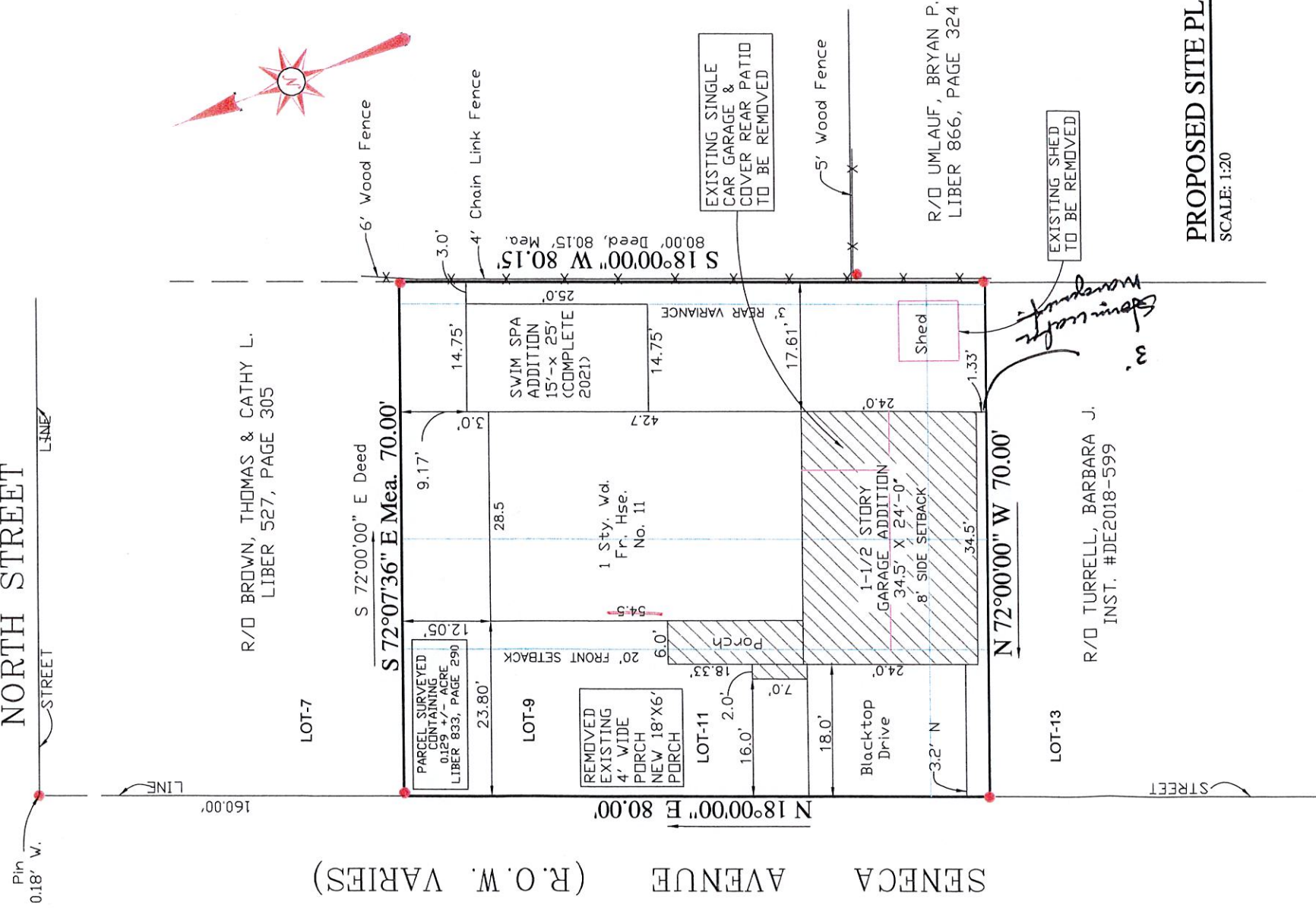
84.034-3-15

84.034-3-16

84.034-3-17

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NORTH STREET



PROPOSED SITE PLAN

SCALE: 1:20

CITY OF BATAVIA - SITE DATA

1	TAX ID. #	84.034-3.-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
 WWSTRUCTURESOLUTIONS@GMAIL.COM

Designer:



DESIGN & DRAFTING
 BY GINA, LLC

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

PROPOSED SITE PLAN

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

S-1