

ZONING BOARD OF APPEALS
Thursday, September 24, 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 July 23 and August 27, 2020 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Request

34 Prospect Avenue
Kyle Eldridge, agent for the owner

Area Variance: Construct a new front entrance porch with stairs. The stairs are proposed to project into the clear yard space 1' more than the existing stairs

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

- VII. Setting of Next Meeting: October 22, 2020
- VIII. Adjournment

ZONING BOARD OF APPEALS
Draft Minutes
Thursday, June 25, 2020
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

Members present: *Nick Harris, Paul McCarthy, Leslie Moma*

Members absent: Deborah Kerr-Rosenbeck, Jim Russell

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

I. Roll Call

Roll call of the members was conducted. Three members were present and Chairman McCarthy declared a quorum.

II. Call to Order

Mr. McCarthy called the meeting to order at 6:03 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 January 23, 2020 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 30 sq.' pole sign on this property that identifies the address and business with space for a manual reader board. The new sign will require approval of one area variance for clearance under the sign

Address: *542 East Main St.*

Applicant: Dr. Sandra Licata, owner

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

1. Review Application

Acting Vice Chair, Nick Harris, read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval of the variance.

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.

Dr. Licata told the board that she just moved into her new office space three months ago. The design of the sign she is proposing is three-tiered and will replace the current sign which is falling apart. The top portion will contain Dr. Licata's office information; the bottom portion will contain the information for a new massage therapist; and, the middle portion will consist of a manual reader board.

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

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

RESULT: Public hearing closed at 6:10 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 60 days to obtain the permit. The motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Area Variance approved.

- B. Area Variance: place a 26 sq.' pole sign on this property that identifies the address and directs truck traffic to the appropriate campus access point. The new sign will require approval of two area variances

Address: 165 Cedar St.

Applicant: Joe Reinhart (Ulrich Sign Co.)

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

1. Review Application

Mr. Harris read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval of the project.

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 6:13 pm.

Jason Brown, representative from OATKA, spoke on behalf of the project. He explained that there is a lot of truck traffic going to this particular dock from an entrance which is also used by over 300 employees. A sign is needed to reroute trucks to use the Ag Park Drive entrance.

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

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

RESULT: Public hearing closed at 6:14 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 60 days to obtain the permit. The motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Area Variance approved.

C. Area Variance: widen two existing 10'3" wide, loose stone driveways. Each of the two driveways would be expanded by 5.75', placing one 16' width of asphalt on each side of this two family

Address: 151 Oak St.

Applicant: Fred Mruczek, owner

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

1. Review Application

Mr. Harris read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval of the variance.

He also reported that the proposal came before the City of Batavia Planning and Development Committee. It was the PDC's recommendation that the driveway should remain at its current width at the street, tapering to 16' at the house. In addition, it should slope away from the neighboring property, and a French drain should be installed.

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 3-0.

RESULT: Public hearing opened at 6:18 pm.

Mr. Mruczek was available to speak about the project. He said that the driveway is only wide enough to park one car behind the other, and it is a nuisance as well as a hazard.

Mr. Mruczek told the board that the owner of 149 Oak Street had pointed out the problem of water running from Mr. Mruczek's property onto his own. Mr. Mruczek said that he had addressed the issue. He explained that he dealt with the problem by creating a gulley to carry the water away from the neighboring property.

Mr. McCarthy read three letters from concerned neighbors into the minutes. [See attached.]

Mr. McCarthy said that he would be more inclined to widen the parking area near the house rather than at the street. That way any switching around of vehicles would not take place near the sidewalk or the street.

Mr. Randall pointed out that the average driveway width is 9'. Mr. McCarthy said that he could see having the driveway be 18-19' wide at the end near the house. Mr. Harris said that he thought the driveway should be narrower at the street and then bump out near the house to create an area that could fit two vehicles side by side.

Mr. Mruczek said he would rather only have 16' and put swale in.

Ms. Moma said that she believes the driveway will be too narrow at 16', causing the tenants to drive on the grass.

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 6:27 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 the following conditions:

- the driveway will be 12' wide at the sidewalk
- the driveway will remain at 12' wide for 15'
- then the driveway will bevel to become 19' at the house;

with 60 days to obtain the permit. The motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Area Variance approved.

- D. Use Variance: add a non-permitted physician's office in a portion of the building presently used for a "legal non-conforming" philanthropic use (YWCA). It would make sense to also consider including the non-conforming use, philanthropic organization for inclusion with this request to ensure those uses will be permitted to continue as conforming uses

Address: 301 North St.

Applicant: Dr. Emily Fraser-Branche, contract vendee

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

1. Review Application

Mr. Harris read the summary of the proposal. He noted that the proposal sounded familiar and asked if the board had previously dealt with this project. Mr. Randall answered yes. He explained that the last time the project came before the board it had been approved with the condition that the permit must be obtained within a year. The allotted time had expired, so the proposal had to be resubmitted.

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 3-0.

RESULT: Public hearing opened at 6:55 pm.

Dr. Branche explained to the board that after the proposal was approved the last time, there were requirements that had to be met for the lender that took more time than anticipated, and then the pandemic put all projects on hold.

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

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 6:58 pm.

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

- Reasonable return: no
- Unique hardship: yes, it's a commercial building in a residential neighborhood
- Essential character of neighborhood: no, it's been this way for a long time
- Self-created: no, it's an existing building

3. SEQR

Mr. McCarthy asked if the board had reviewed part one of the SEQR application and they indicated they had. The board went through the questions for part two.

MOTION: Mr. McCarthy moved to approve a negative declaration of SEQR; the motion was seconded by Mr. Harris, and on roll call, was approved 5-0.

RESULT: Negative declaration of SEQR

4. Action by the Board

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

RESULT: Area Variance approved.

- E. Area Variance: place a 6' tall fence parallel to the north property line within 15' of the front property line

Address: *217 Bank St.*

Applicant: Deb Gardner, occupant

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

1. Review Application

Mr. Harris 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 7:07 pm.

Mr. McCarthy wanted to ask questions of the applicant, who was not present.

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

RESULT: Public hearing closed at 7:08 pm.

3. Action by the Board

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

RESULT: Application tabled.

F. Area Variance: place an 8' x 7' one story wood frame utility shed in the northwest side yard of this corner lot property

Address: 249 Bank St.
Applicant: Pamela Phelps, owner

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

1. Review Application

Mr. Harris 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 7:09 pm.

Ms. Phelps told the board that she bought a shed for storage purposes and then discovered that she needs a variance because she lives on a corner property.

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

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 7:11pm.

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 a corner lot

MOTION: Mr. Harris moved to approve the variance with 60 days to obtain the permit. The motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Area Variance approved.

G. Area Variance: place an 8' x 12' one story wood frame shed in the north yard of this corner lot property

Address: 25 Ganson Ave.
Applicant: Gerald Casper, owner

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

1. Review Application

Mr. Harris 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 3-0.

RESULT: Public hearing opened at 7:14 pm.

Mr. Casper explained that when he purchased the property, the shed was already in place. The shed has deteriorated and Mr. Casper wishes to replace it. He needs a various because his property is a corner lot.

There was no one present who wished to speak, and no letters, email or phone calls.

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 7:16 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: no
- Adverse effect or impact on neighborhood/community: no
- Self-created: no, it's a corner lot

MOTION: Mr. Harris moved to approve the variance with 60 days to obtain the permit. The motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Area Variances approved.

- H. Area Variance: construct a 20,100 sq., two story, 20 dwelling unit addition to an existing 49,786 sq., 42 dwelling unit Large Multifamily Development building

Address: 555 East Main St. (DePaul)
 Applicant: Paul Schreiner, PE, agent for DePaul

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

1. Review Application

Mr. Harris read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval of the proposal. He also reported that the City of Batavia Planning and Development Committee approved the Special Use permit, and then recommended approval of all three variances.

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 3-0.

RESULT: Public hearing opened at 7:20 pm.

Mark Fuller, President of DePaul, spoke about the addition.

There was no one present who wished to speak, however, Mr. McCarthy read two letters into the minutes. [See attached.]

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

RESULT: Public hearing closed at 7:26 pm.

3. Action by the Board

Mr. McCarthy asked if there are plans to upgrade the stormwater system. Ed Perrone, engineer for the project, said that the stormwater management facility has been redesigned. He noted that the stormwater pollution prevention plan would be reviewed by the DEC.

Ms. Moma observed that the expansion of the retention pond appears as though it will bring it close to the residential property to the east. Mr. Perrone pointed out that the pond will still basically be the same as it is currently, moving only slightly and more to the north than the east. He said that it will be 20-25' away from the nearest property.

Mr. McCarthy asked how the runoff reduction will be addressed on the stormwater system. Mr. Perrone indicated on the drawing the location of a bio-retention facility.

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

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not for the site
- Adverse effect or impact on neighborhood/community: no
- Self-created: no, doesn't apply here

MOTION: Mr. McCarthy moved to approve all three variances with 12 months to obtain the permit. The motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Area Variances approved.

VII. Setting of Next Meeting: July 23, 2020

VIII. Adjournment

Mr. McCarthy adjourned the meeting at 7:35 pm.

Meg Chilano
Bureau of Inspection Secretary

ZONING BOARD OF APPEALS
Draft Minutes
Thursday, July 23, 2020
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

Members present: *Nick Harris, Paul McCarthy, Leslie Moma, Jim Russell*

Members absent: Deborah Kerr-Rosenbeck

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

I. Roll Call

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

II. Call to Order

Mr. McCarthy called the meeting to order at 5:59 pm.

III. Pledge of Allegiance

IV. Approval of Minutes

Will take place at next meeting.

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: 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

Address: 237 Bank St.

Applicant: Ron Viele, contractor

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

1. Review Application

Acting Vice Chair, Nick Harris, 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 4-0.

RESULT: Public hearing opened at 6:03 pm.

Mr. Viele told the board that the stairs need to be replaced. The owner would like to extend the stairs to a landing.

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

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 4-0.

RESULT: Public hearing closed at 6:04 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 60 days to obtain the permit. The motion was seconded by Mr. Russell, and on roll call, was approved 4-0.

RESULT: Area Variance approved.

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

Address: 252 East Ave.

Applicant: Todd Dennis, owner

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

1. Review Application

Mr. Harris 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 4-0.

RESULT: Public hearing opened at 6:06 pm.

Mr. Dennis explained that he would like to install a pool but lives on a corner property which technically does not have a back yard. He noted that he has already received a clearance letter from National Grid.

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

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 4-0.

RESULT: Public hearing closed at 6:07 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 60 days to obtain the permit. The motion was seconded by Mr. Russell, and on roll call, was approved 4-0.

RESULT: Area Variance approved.

- C. 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

Address: *1 Lincoln Ave.*

Applicant: Kara Nigro Tress, owner

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

1. Review Application

Mr. Harris 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 4-0.

RESULT: Public hearing opened at 6:10 pm.

Ms. Nigro Tress explained that the steps need to be replaced. She noted that the steps are narrow and she would like to widen them.

The builder, Matt Hume, spoke in support of the project.

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

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 4-0.

RESULT: Public hearing closed at 6:12 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. Russell to approve the variance with 60 days to obtain the permit. The motion was seconded by Mr. Harris, and on roll call, was approved 4-0.

RESULT: Area Variance approved.

VII. Setting of Next Meeting: August 27, 2020

VIII. Adjournment

Mr. McCarthy adjourned the meeting at 6:14 pm.

Meg Chilano
Recording Secretary



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **C-12-BAT-9-20**

Review Date **9/10/2020**

Municipality

BATAVIA, C.

Board Name

CITY PLANNING AND DEVELOPMENT COMM.

Applicant's Name

Batavia City Council

Referral Type

Zoning Text Amendments

Variance(s)

Description:

Zoning Text Amendments to add public garages to the list of allowed uses with a Special Use Permit in the Industrial (I-1) District.

Location

All I-1 Industrial District in Batavia

Zoning District

Industrial (I-1) District

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

The proposed Zoning Text Amendments should pose no significant county-wide or inter-community impact.

Director

September 10, 2020

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.

As mandated by State Law, this form must be completed and filed within 30 days after Final Action by the local agency.



**-NOTICE OF FINAL ACTION-
ZONING REFERRALS**

PURSUANT TO SECTIONS 239 l, m and n OF GENERAL MUNICIPAL LAW

Date : _____

Reference : G.C.D.P. Referral Number : _____

Applicant : _____

☐ AGREEMENT with County Planning Board recommendations.

☐ OVERRULED County Planning Board recommendations.

Is a copy of the resolution attached? YES ☐ NO ☐

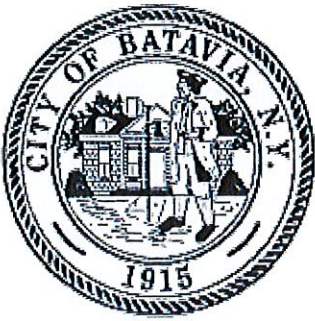
If not, please list the substance of the resolution below.

Signature of the Referring Official

Representing Board

Article 12B, Sections 239 l, m and n of the General Municipal Law requires the County Planning Board to review all zoning matters as specified by that resolution. It also provides that a recommendation of the County Planning Board may be overruled by the local referring agency. The local referring agency must pass a resolution expressing the reason for such action by a majority plus one vote of its membership. Article 12B also requires that the local municipal agency file a report of its final action informing the County Planning Board of what action the local agency took.

Please return this form within 30 days of your final action to:
GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, New York 14020-9404



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: 9/2/20
Re: 34 Prospect Ave.
Tax Parcel No. 84.006-4-58

Zoning Use District: R-1A

The applicant, Kyle Eldridge (agent for the owner), has filed an application to construct a new front entrance porch with stairs. The stairs are proposed to project into the clear yard space 1' more than the existing stairs.

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) (1).

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'	16.82'	3.18'



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 20-12
Hearing Date/Time: _____

APPLICANT: Kyle Eldridge Eldridge-Kyle@yahoo.com
Name E-Mail Address
10 Lewis Place 585-300-7079
Street Address Phone Fax
Batavia NY 14020
City State Zip

STATUS: ☐ Owner ☐ Agent for Owner ☒ Contractor

OWNER: Graciela Benavides Michael Robbins
Name E-Mail Address
34 Prospect Avenue 8136415
Street Address Phone Fax
Batavia NY 14020
City State Zip

LOCATION OF PROPERTY: 34 Prospect Avenue

DETAILED DESCRIPTION OF REQUEST: To demo existing concrete
steps and build a deck w/ steps of pressure
treated and composite material

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.

1st inf
Applicant's Signature
Michael Robbins
Owner's Signature

Aug 27th 2020
Date
8/27/2020
Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.006-4-58 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
Frontyard clear space is required to be 20', 16.82' is proposed.

PAID

SEP 17 2020

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

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

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

Kyle [Signature]
Applicant's Signature

Aug 27th 2020
Date

DATE: Aug 24, 2020APPLICANT NAME & PHONE: Kyle E-Builds (585) 300-7079Project Location and Information

Permit #:

Fee:

Address of Project: 34 Prospect AvenueOwner & Address: Gracia Henavides & Michael Robbins

Phone: _____

Project Type/Describe WorkEstimated cost of work: 3,500Start date: Aug 26, 2020

Describe project:

Putting a pressure treated frame w/composite decking over existing porch and redoing stepsContractor Information – Insurance certificates (liability & workers comp) required being on file20' Reg.
16.82 Prop.
3.18' dif.
ZBA.GENERALName/Address: E-Builds (Kyle & Rebecca Eldridge)Phone: (585) - 300-7079PLUMBING (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: _____

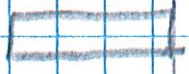
Existing Use: _____ NYS Building Code Occupancy Class: _____

Proposed Use: _____ NYS Building Code Occupancy Class: _____

VINYL RAILING



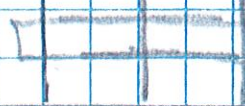
Composite
deck



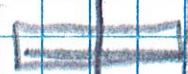
2x6 Framing 16" OC



4x4
post

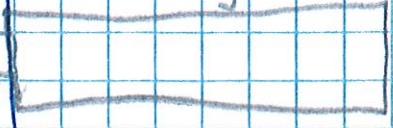


STAIR



37"

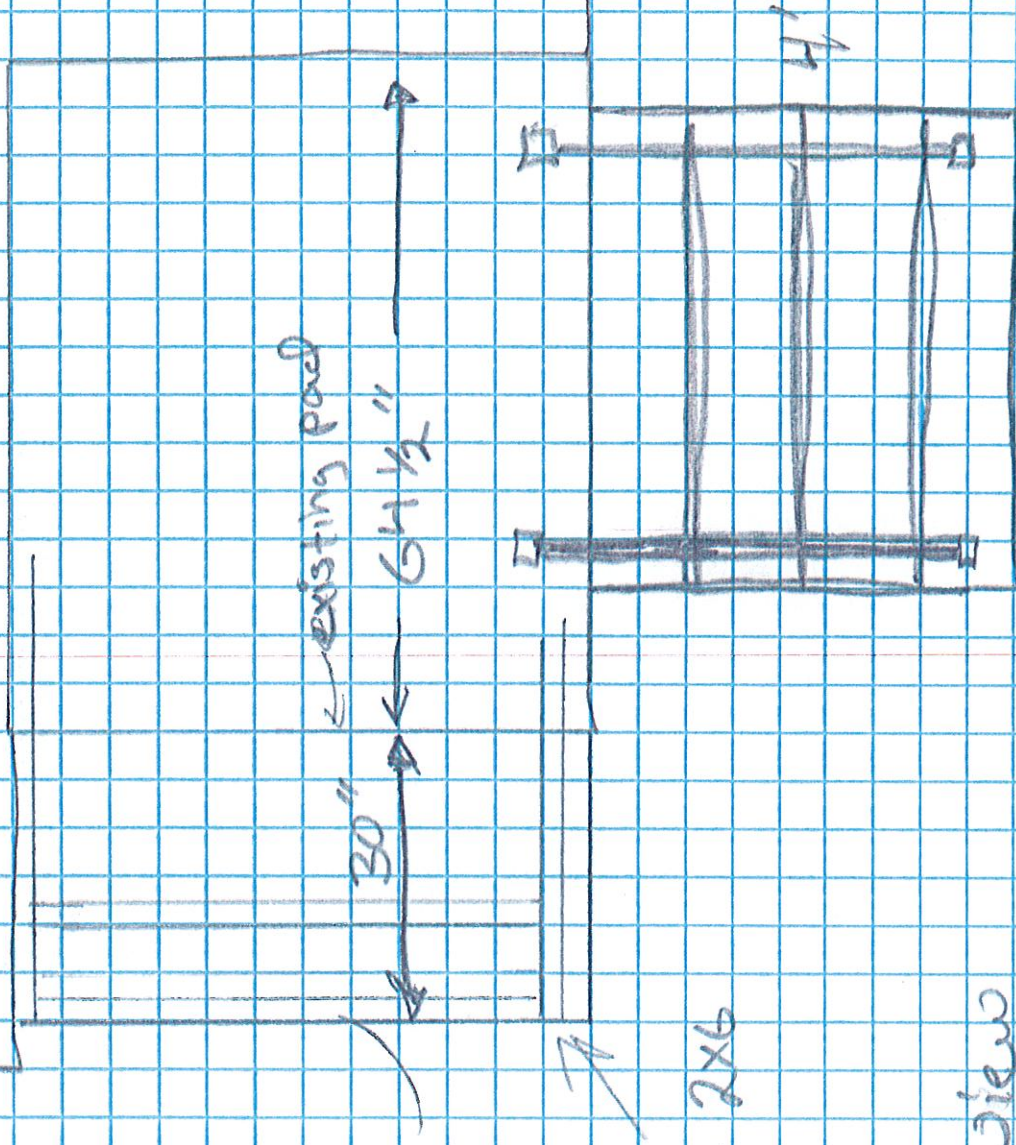
House



10"
sonotube

House

House



existing pad

30"

6' 1/2"

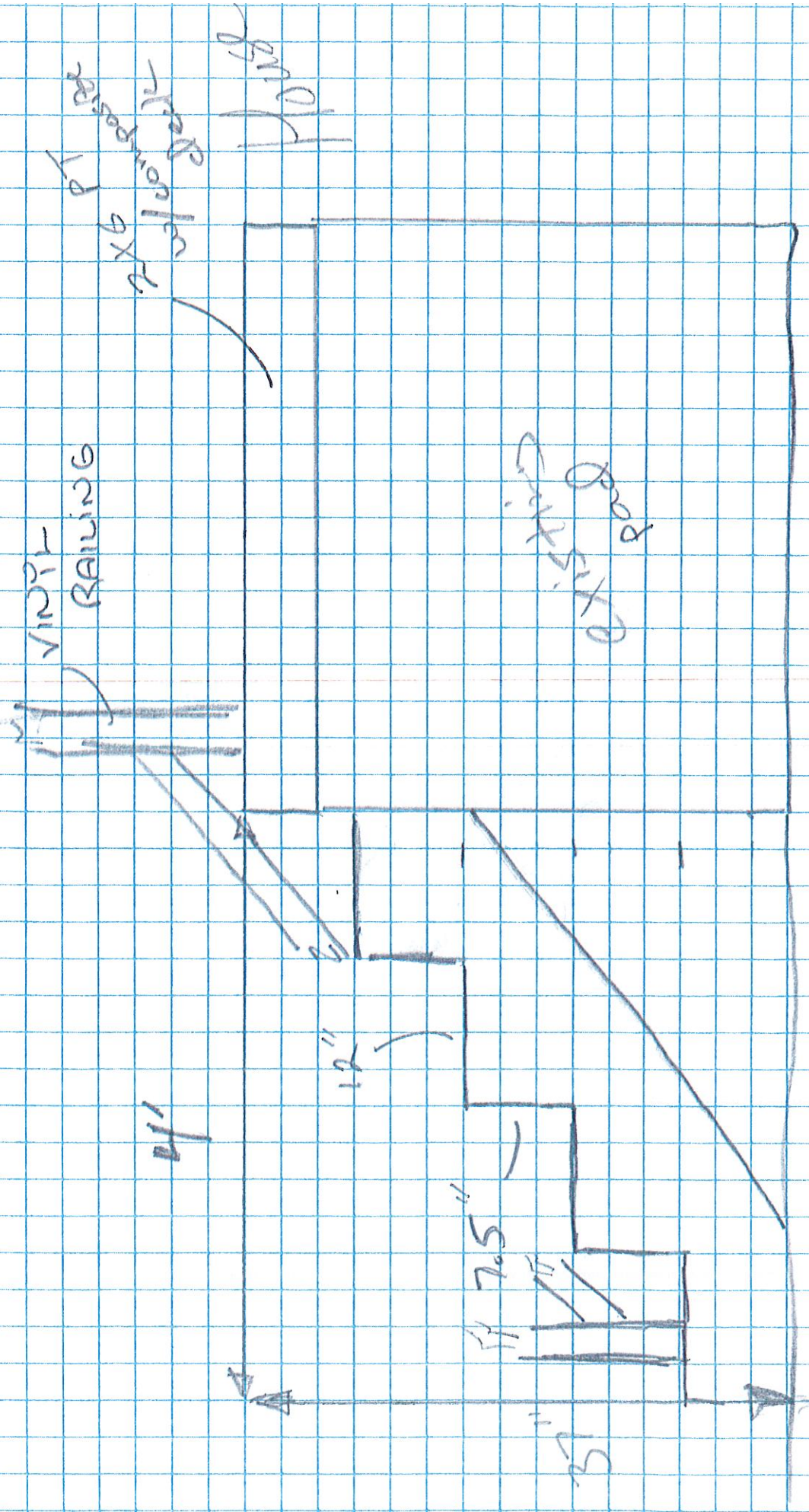
2x6
16" OC

Deck 2x6

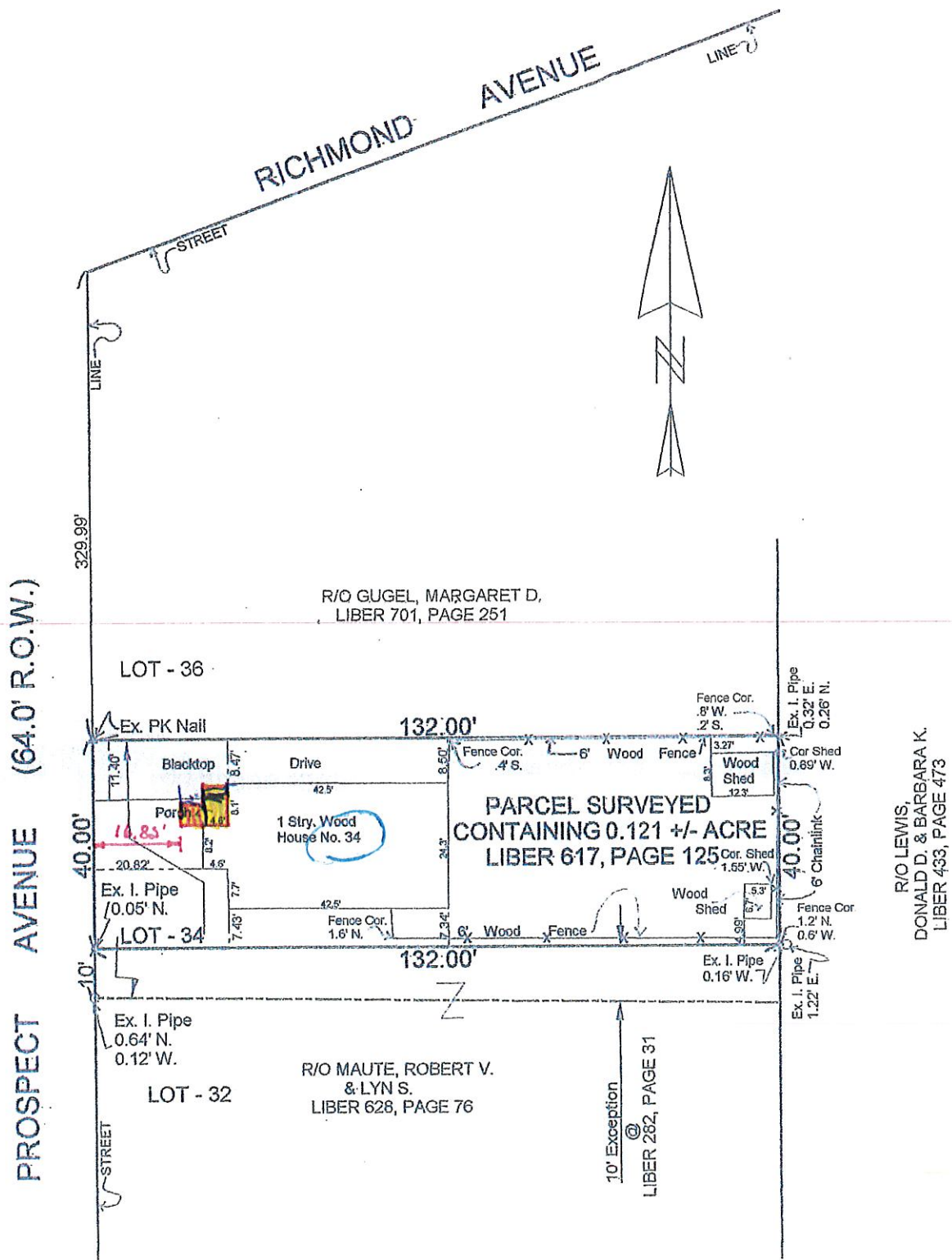
Aerial View

58"

41"



SIDE VIEW



BOUNDARY SURVEY SHOWING THE PARCEL TO BE
CONVEYED. BEING PART OF VILLAGE LOT NO. 11,
DISTINGUISHED AS THE NORTHERLY 40 FEET OF
SUBDIVISION LOT NO. 34 OF THE CHADDOCK
SUBDIVISION. SITUATE IN THE CITY OF BATAVIA,
COUNTY OF GENESEE AND STATE OF NEW YORK.