



**GENESEE COUNTY PLANNING BOARD
ZONING REFERRALS NOTICE OF FINAL
ACTION**

GCDP Referral ID **C-18-BAT-7-17**

Review Date **7/13/2017**

Municipality
Board Name
Applicant's Name

BATAVIA, C.
ZONING BOARD OF APPEALS
Dennie Lougheed

Referral Type
Variance(s)
Description:

Area Variance(s)
Area Variance to widen a driveway for a single-family home.

Driveway Width
Maximum allowed (25% of lot frontage): 19.43 ft.
Existing: 20 ft. (26%)
Proposed: 30 ft. (38%)

Location
Zoning District

23 Meadowcrest Dr., Batavia
Residential (R-2) District

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

Given that neighboring properties exhibit similar size driveways, the proposed variance should pose no significant county-wide or inter-community impact.

Director

July 13, 2017

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.

SEND OR DELIVER TO:
GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404

DEPARTMENT USE ONLY:
GCDP Referral # C-18-BAT-7-17



*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

RECEIVED

JUN 22 2017

Required According to:
GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M Genesee County Department of Planning
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATION

Board(s) PDC and ZBA

Address One Batavia City Centre

City, State, Zip Batavia, NY 14020

Phone (585) 345 - 6347 Ext. _____

2. APPLICANT INFORMATION

Name Dennie Loungheed

Address 23 Meadowcrest Dr.

City, State, Zip Batavia, NY 14020

Phone (585) 356 - 2439 Ext. _____ Email alougheed@rochester.rr.ca

MUNICIPALITY: City Town Village of Batavia

3. TYPE OF REFERRAL: (Check all applicable items)

- Area Variance
 Use Variance
 Special Use Permit
 Site Plan Review

- Zoning Map Change
 Zoning Text Amendments
 Comprehensive Plan/Update
 Other: _____

- Subdivision Proposal
 Preliminary
 Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

A. Full Address 23 Meadowcrest Dr.

B. Nearest intersecting road Edgewood Dr.

C. Tax Map Parcel Number 84.009-1-91

D. Total area of the property _____ Area of property to be disturbed _____

E. Present zoning district(s) R-2

5. REFERRAL CASE INFORMATION:

A. Has this referral been previously reviewed by the Genesee County Planning Board?

NO YES If yes, give date and action taken _____

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law
BMC 190-39 E (1)

C. Please describe the nature of this request Approval to widen the existing driveway by adding 10'

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

- Local application
 Site plan
 Subdivision plot plans
 SEQR forms

- Zoning text/map amendments
 Location map or tax maps
 Elevation drawings
 Agricultural data statement

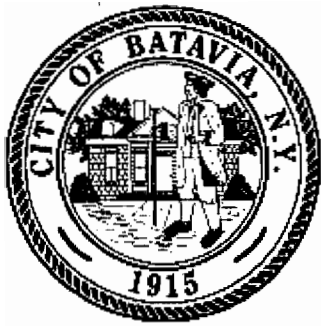
- New or updated comprehensive plan
 Photos
 Other: Cover letter

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.
Email to planning@co.genesee.ny.us

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext. _____

Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drandall@batavianewyork.com



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: Genesee County Planning
Planning and Development Committee
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 6/21/17

Re: 23 Meadowcrest Dr.
Tax Parcel No. 84.009-1-91

Zoning Use District: R-2

The applicant, Dennie Loungheed (owner), has applied for a permit to widen an existing 20' wide driveway by placing 10' of portland cement to the southwest 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:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the boundary of the city.

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

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	19.43' (25%)	30' (38%)	10.57' (13%)



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

APPLICANT:

Name: DENNIE Loughheed E-Mail Address: ALoughheed@Rochester.RR.com
Street Address: 23 MEADOW CREST Drive
City: BATAVIA State: NY Zip: 14020

STATUS:

Owner Agent for Owner Contractor

OWNER:

Name: _____ E-Mail Address: _____
Street Address: _____ Phone: _____ Fax: _____
City: _____ State: _____ Zip: _____

LOCATION OF PROPERTY: 23 Meadow Crest Drive BATAVIA.

DETAILED DESCRIPTION OF REQUEST: ADD ON to Drive way

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.

D. L. L.
Applicant's Signature

6-15
Date

Owner's Signature

Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.009-1-91 **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 190-39 E (1) Driveway width shall not exceed 25% of the lot frontage.

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

J. RA
Applicant's Signature

6-15-17
Date



Permit No. _____

Date: _____

DRIVEWAY AND PARKING SPACE PERMIT
\$10 fee – **Please attach Survey / Illustration**

ADDRESS OF PROPERTY: 23 MEADOW Crest Drive Batavia

OWNER: DENNIE Loughheed ALoughheed@Rochester.RR.com
 Name E-mail Address
23 MEADOW Crest Drive 585-356-2439
 Street Address Phone
BATAVIA N.Y. 14020
 City State Zip

CONTRACTOR: RJ Concrete LLC
 Name E-mail Address
 Street Address Phone
 City State Zip

Owner/Contractor's Signature _____ Date _____

DIMENSIONS OF EXISTING DRIVEWAY: Width 22-6 Length 44.68

DIMENSIONS OF NEW DRIVEWAY / ADDITION: Width 10 Ft Length 21 Ft

SURFACE MATERIAL: Existing _____ Proposed Cement

To be filled out by Zoning Enforcement Officer

TAX PARCEL: 84.009-1-91 ZONING DISTRICT: R-2 SURVEY: _____

DIMENSIONS OF LOT: Lot Frontage 77.73' Front Yard _____

PERCENTAGE OF LOT FRONTAGE: 38% SURFACE MATERIAL: Asphalt + portland cem.

APPROVED: _____ AREA VARIANCE: _____ GRADE PLAN: _____

ISSUING OFFICER: _____ DATE: _____

19.43' wide Permit @ 25%
30' Proposed @ 38%
10.57' Over 13%



MEADOWCREST DR

R.O.W.

Private prop.

MEADOWCREST DRIVE (66.0' R.O.W.)

R = 30.00', L = 8.38'

S 30°57'10" W 77.73'

LOT - 41

R/O DIECK, BRIAN W.R. & PATRICIA J.
LIBER 616, PAGE 39

N 59°02'50" W 156.97'

LOT - 43

Concrete Porch

2 Sty. Wd.
Fr. Hse.
No. 23

Deck

PARCEL SURVEYED
CONTAINING
0.310 +/- ACRE
LIBER 818, PAGE 61

LOT - 45

S 59°02'50" E 155.81'

R/O N.Y.S. ARC GENESEE COUNTY CHAPTER
LIBER 775, PAGE 172

STORAGE BUILDING
SITDOWN TO SCALE AS
DEPICTED BY APPLICANT

PROPOSED 7'x10.5'
STORAGE BUILDING

DECK REATTACHED
UNDER 398-60

- LEGEND
- EXISTING IRON
 - SET IRON PIN
 - ◆ PHONE CABLE
 - ELECTRIC BOX
 - ◇ CABLE T.V. MA

R/O CURT.
LIE

REFERENC
MEADOWBRO
FILED DECE
SURVEY MAI
L.S., REVISE

R/O ELMORE, JAMES R. & LISA A.
LIBER 542, PAGE 57

BOUNDARY
TO BE COI
LOTS 67 A
43 OF THE
7 SUBDIVI
BATAVIA, C
OF NEW YO
MAY 1, 20

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

← REAR YARD 77'± x 30'± = 6160SF →
EXISTING COVERAGE = 8.8%
PROPOSED COVERAGE = 10%
IN COMPLIANCE
ZONING OFFICER 5-15-09

05/02/09
DATE