



## GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **T-06-BETH-8-20**  
Review Date **8/13/2020**

Municipality  
Board Name  
Applicant's Name  
Referral Type  
Variance(s)  
Description:

**BETHANY, T.**

**ZONING BOARD OF APPEALS**

**Kennedy & Sandy Wilson**

**Area Variance(s)**

**Area Variance to build a new front porch for a single-family home.**

**Front Yard Setback  
Minimum required: 75 ft.  
Existing home: 43 ft.  
Proposed porch: 33 ft.**

Location  
Zoning District

**5051 Broadway Rd. (NYS Rt. 20), Bethany**

**Agricultural-Residential (A-R) District**

### PLANNING BOARD DECISION

**APPROVAL**

### EXPLANATION:

**The proposed variance should pose no significant county-wide or inter-community impact.**

Director

August 13, 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.

**SEND OR DELIVER TO:**

GENESEE COUNTY DEPARTMENT OF PLANNING  
3837 West Main Street Road  
Batavia, NY 14020-9404  
Phone: (585) 815-7901

**DEPARTMENT USE ONLY:**  
GCDP Referral # T-06-BETH-8-20



**\* GENESEE COUNTY \*  
PLANNING BOARD REFERRAL**

RECEIVED  
Genesee County  
Dept. of Planning  
8/3/2020

Required According to:  
**GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N**  
(Please answer ALL questions as fully as possible)

**1. REFERRING BOARD(S) INFORMATION**

Board(s) Zoning Board of Appeals  
Address 10510 Bethany Center Road  
City, State, Zip 14054  
Phone (584) 343-1399

**2. APPLICANT INFORMATION**

Name Kennedy & Sandy Wilson  
Address 5051 Broadway Road  
City, State, Zip \_\_\_\_\_  
Phone (585) 813/7887 Email \_\_\_\_\_

MUNICIPALITY:  City  Town  Village of Bethany

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

- |   |  |                                      |
|---|--|--------------------------------------|
| <input checked="" type="checkbox"/> Area Variance | <input type="checkbox"/> Zoning Map Change         | Subdivision Proposal                 |
| <input type="checkbox"/> Use Variance             | <input type="checkbox"/> Zoning Text Amendments    | <input type="checkbox"/> Preliminary |
| <input type="checkbox"/> Special Use Permit       | <input type="checkbox"/> Comprehensive Plan/Update | <input type="checkbox"/> Final       |
| <input type="checkbox"/> Site Plan Review         | <input type="checkbox"/> Other: _____              |                                      |

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

- A. Full Address 5051 Broadway Road, East Bethany, NY 14054
- B. Nearest intersecting road Marsh Road
- C. Tax Map Parcel Number 7.-1-30.22
- D. Total area of the property 3.8 A Area of property to be disturbed 10' x 24'
- E. Present zoning district(s) AR

**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  
Art. III, Sec. 301, Schedule A, A-R, Residential minimum yard setback, front
- C. Please describe the nature of this request Erect a front portch 33 feet from right-of-way (75' required by Town of Bethany  
Zoning Law

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

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Local application | <input type="checkbox"/> Zoning text/map amendments             | <input type="checkbox"/> New or updated comprehensive plan |
| <input checked="" type="checkbox"/> Site plan         | <input type="checkbox"/> Location map or tax maps               | <input checked="" type="checkbox"/> Photos                 |
| <input type="checkbox"/> Subdivision plot plans       | <input type="checkbox"/> Elevation drawings                     | <input checked="" type="checkbox"/> Other: <u>Drawings</u> |
| <input type="checkbox"/> SEQR forms                   | <input checked="" type="checkbox"/> Agricultural data statement |  |

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

Name Thomas Douglas Title CEO/ZEO Phone (585) 356-0824  
Address, City, State, Zip 10510 Bethany Center Rd, E. Bethany, NY 14054 Email ceobethanyny@yahoo.com



# TOWN OF BETHANY

Area  Use  Interpretation Variance

APPLICATION NO: SA-20012

DATE: 07/09/2020

PROPERTY OWNER: Kennedy & Sandy Wilson

ADDRESS: 5051 Broadway Rd PHONE NO: (5) - 813 - 7887  
E. Bethany NY 14054

APPLICANT (if other than owner): N/A

ADDRESS: \_\_\_\_\_ PHONE NO: ~~(5) - 813 - 7887~~

LOCATION OF PROPERTY: 5051 Broadway Rd

ZONING DISTRICT: A-R TAX MAP PARCEL NO: 7-1-30.22

PROVISION OF ZONING LAW INVOLVED:

ARTICLE: III SECTION: 301 SUBSEC: SCH A PARA: A-R, Resid. mix use, Front

PURPOSE OF REQUEST: Erect a front porch 33 ft from ROW. 75' from ROW is required.

The owner must submit appropriate supporting materials including site plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps and any other materials that will assist the Board in understanding the request.

**CERTIFICATION:** I hereby certify that I have read the instructions and examined this application and supporting attachments and know the same to be true and correct. All provisions of laws and of work or use will be complied with whether specific herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local ordinance or performance of construction.

Signature of Property Owner: Sandy Wilson Date: 7/30/2020  
(only applications signed by the property owner may be considered)

### OFFICE USE ONLY:

Amount/Date Fee Paid: \$200.00 / 8/3/2020  
Check No: 2878

Planning Board Submission: 7/30/2020  
Planning Board Recommend: \_\_\_\_\_  
G.C.P.B. Submission: 8/3/2020  
G.C.P.B Recommend: \_\_\_\_\_  
Date Received: \_\_\_\_\_

500 ft Notification: \_\_\_\_\_  
1st Public Hearing: 8/26/2020  
2nd Public Hearing: \_\_\_\_\_  
ZBA Recommend: \_\_\_\_\_  
Signature: \_\_\_\_\_  
File Closed: \_\_\_\_\_

**TOWN VILLAGE CITY OF** Bethany  
(circle one)  
**Agricultural Data Statement**

Application # SA-20012

Date 07/09/2020

**Instructions:** This form must be completed for any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in a NYS Dept. of Ag & Markets certified Agricultural District.

Applicant	Owner if Different from Applicant
Name: <u>Kennedy &amp; Sandy Wilson</u> Address: <u>5051 Broadway Rd</u> <u>E. Bethany NY</u> <u>14054</u>	Name: _____ Address: _____

- Type of Application:  Special Use Permit;  Site Plan Approval;  Use Variance;  
(circle one or more)  Subdivision Approval
- Description of proposed project: Erect a 24' wide x 10' projection  
porch on front of SFD, 33' actual set back  
75' Req.
- Location of project: Address: 5051 Broadway Rd  
Tax Map Number (TMP) 70-1-30.22
- Is this parcel within an Agricultural District?  NO  YES (Check with your local assessor if you do not know)
- If YES, Agricultural District Number NO
- Is this parcel actively farmed?  NO  YES
- List all farm operations within 500 feet of your parcel. Attach additional sheets if necessary.

Name: <u>Lo R - Rob Farms</u> Address: <u>Bethany</u> Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Name: <u>Barwick Farm</u> Address: <u>Bethany</u> Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES
Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES

Sandy Wilson  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner (if other than applicant)

Reviewed by: [Signature]  
Signature of Municipal Official

07/09/2020  
Date

**NOTE TO REFERRAL AGENCY:** County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.



**TOWN OF BETHANY**  
10510 Bethany Center Road  
East Bethany, NY 14054  
(P) 585-343-1399 (F) 585-343-3605

## **Denial Letter**

Date: 07/09/2020

Kennedy Wilson  
5051 Broadway Rd  
E Bethany, NY 14054

The following application was submitted to our office for review and has been denied.

**Application #** Z-20010

**Application Date:** 07/09/2020

Erect a front porch approx. 24 ft. wide x 10 ft. projection on front of SFD

### **Description of Work:**

**At the location:** 5051 Broadway Rd      **Tax Map No:** 7.-1-30.22

**Applicant:** Kennedy Wilson

**Denial Date:** 7/9/2020

I regret to inform you that your application for your permit has been DENIED for the following reason(s):

***DENIED --Zoning permit denied as front porch encroaches in required front yard space. Proposed front proch is located 33 ft. from ROW. Current zoning requires 75 ft. from ROW. Area Variance required***

Please contact this office to discuss this denial of this permit or to schedule an appointment..

Sincerely,

  
Thomas Douglas  
Building Inspector



# Memo

**To:** Zoning Board of Appeals  
**From:** Thomas J. Douglas  
Code Enforcement Officer  
**Re:** **SEQR**

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This action, AV- SA-200, is an Area Variance only.

Therefore this action is covered under NYS Dept. of Environmental Conservation, Rules and Regulations, 6 NYCRR Part 617. State Environmental Quality Review (SEQR)

Section 617.5(C) (12) granting of individual setback and lot line variances; and Section 617.5(C) (13) granting of an area variance (s) for a single-family, two-family, or three-family residence, are listed as Type II actions not subject to review.

Hence no SEQR review is required as part of this action



SA20012 7.-1-30.22  
Kennedy + Sandy Wilson  
5051 Broadway Rd  
East Bethany

**TOWN OF BETHANY**

**VARIANCE MEETING SCHEDULE**

- > Town of Bethany Planning Board  
10510 Bethany Center Road  
East Bethany NY 14054  
Date: 8/6/2020  
Day: Thursday  
Time: 7:00 p.m.
  
- > Genesee County Planning Board  
County Building #2  
Batavia NY 14020  
Date: 8/13/2020  
Day: Thursday  
Time: 7:00 p.m.  
(Arrive 15 min. early)
  
- > Town of Bethany Zoning Board of Appeals  
10510 Bethany Center Road  
East Bethany NY 10440  
Date: 8/26/2020  
Day: Wednesday  
Time: 7:30 p.m.
  
- > Public Hearing  
10510 Bethany Center Road  
East Bethany NY 14054  
Date: 8/26/2020  
Day: Wednesday  
Time: 7:30 pm





210 Feet  
To E.  
Property  
line

Door

Window

Door

Window

10 feet

\*

\*

\*

\*

56 feet from  
Curb to  
Door (E)

Roadside Curb

Driveway

76 feet from  
center line to door (existing)

Rt-20 center line

Each square = 4 feet

MARSH

517-20012  
Wilson  
SOSI Bdwg



SA - 2012  
Wilson  
5051 Broadway





Sandy + Skip  
Wilson  
5051 Broadway  
14054  
7/2020