



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **T-03-BAT-2-19**
Review Date **2/14/2019**

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

BATAVIA, T.
ZONING BOARD OF APPEALS
Robin Johnson
Area Variance(s)
Area Variance to replace a previously existing garage.
Side Yard Setback Minimum required: 10 ft. Existing Home: 16 ft.; Proposed: 3 ft.
2609 School St., Batavia
Hamlet Residential (HR) District

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

The proposed location of the garage should pose no significant county-wide or inter-community impact. Neighboring properties exhibit similar such setbacks.

Director

February 14, 2019

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-03-BAT-2-19



*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

RECEIVED
Genesee County
Dept. of Planning
2/6/2019

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) Town of Batavia Planning board

Address 3833 West Main St.

City, State, Zip Batavia, NY 14020

Phone (585) 343 - 1729 Ext. 208

2. APPLICANT INFORMATION

Name Robin Johnson

Address 2609 School St.

City, State, Zip Batavia, NY 14020

Phone (585) 356 - 2600 Ext. _____ Email robin.jjohnson@yahoo.com

MUNICIPALITY: City Town Village of Batavia

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 2609 School

B. Nearest intersecting road Read Rd.

C. Tax Map Parcel Number 10.-1-30

D. Total area of the property .5 A Area of property to be disturbed 20x 30

E. Present zoning district(s) HR

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

235 Attachment 1

C. Please describe the nature of this request area variance for side yard setback of 3 ft and removal of existing garage ar

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 type="checkbox"/> Site plan | <input type="checkbox"/> Location map or tax maps | <input type="checkbox"/> Photos |
| <input type="checkbox"/> Subdivision plot plans | <input type="checkbox"/> Elevation drawings | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> SEQOR forms | <input type="checkbox"/> Agricultural data statement | |

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

Name Bruce Gerould Title CEO Phone (585) 343 - 1729 Ext. 208

Address, City, State, Zip 3833 West Main St., Batavia NY 14020 Email _____

Building and Zoning Application Permit No. 19-10

Town of Batavia 3833 West Main Rd. Batavia NY 14020 PH. 585-343-1729

Date 2/1/19 Zone H-R Flood Zone N Wellhead Protection N Corner Lot N

New Construction Fence Pond Sign Alteration(s) Addition Demolition

Accessory Bldg. Mobile Home Fill Permit Home Occupation Land Separation Site Plan Approval

Special Use Permit Temporary Use Subdivision Zoning Variance Request Other Specify: _____

Tax Map No. 10-1-30

Owners Name Robin Johnson Phone No. 585 356-2600

Address 2609 School ST Project Road Width _____ ft

Applicants Name Robin Johnson Project Address 2609 School ST

E Mail Address robin.j.johnson@yahoo.com Phone No. 585 356 2600

Description of Project: Build a Approx 20' x 30' pole barn

Existing Use _____ Proposed Use Garage

Estimated Cost Building 15000 Plumbing NO Mechanical NO Miscellaneous NO

SEQR CLASSIFICATION Type 1 Type 2 Unlisted

Review completed by Planning Board Zoning Board of Appeals
AREA VARIANCE - 100.-

Permit Fee \$ _____ Application Date 1/1/19 Permit Expires On 1/1/19

Issuing Officer _____ Date 1/1/19

IN SIGNING THIS DOCUMENT I HEREBY GIVE THE RIGHT OF AN ON SITE INSPECTION TO THE TOWN OF BATAVIA CODE ENFORCEMENT OFFICIAL OR THEIR DESIGNE. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED 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 LAW REGULATING CONSTRUCTION OR THE PREFORMANCE OF CONSTRUCTION.

I, _____, as Owner or Authorized Agent hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge.

Signature of Owner or Authorized Agent

Date

GUIDELINES AND CRITERIA TO SUPPORT ZONING APPEAL

AREA VARIANCE

In order to be entitled to an Area Variance, an Applicant to the Town of Batavia must show by documentation in the record that the benefit to the Applicant from the proposed variance will not outweigh the detriment to the health, safety, and welfare of the community and the neighborhood, if the variance is granted. (See Town Law §267-b(3)).

In making this determination the Zoning Board of Appeals shall consider the following factors, and the Applicant must respond to these questions with facts and circumstances and not merely repeat all or part of the questions.

1. Whether or not an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance.

When completed the 20'x30' Garage will add value to the property and near by properties

2. Whether or not the benefit sought by the Applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance.

Due to property constraints a area variance is needed

3. Whether or not the requested Area Variance is substantial.

Area is substantial Due to their WAS a 20'x30' Garage in that SAME place 30 yrs ago

4. Whether or not the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

No Environmental Effect at All

5. Whether or not the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the Area Variance.

Just replacing a building that was demolished

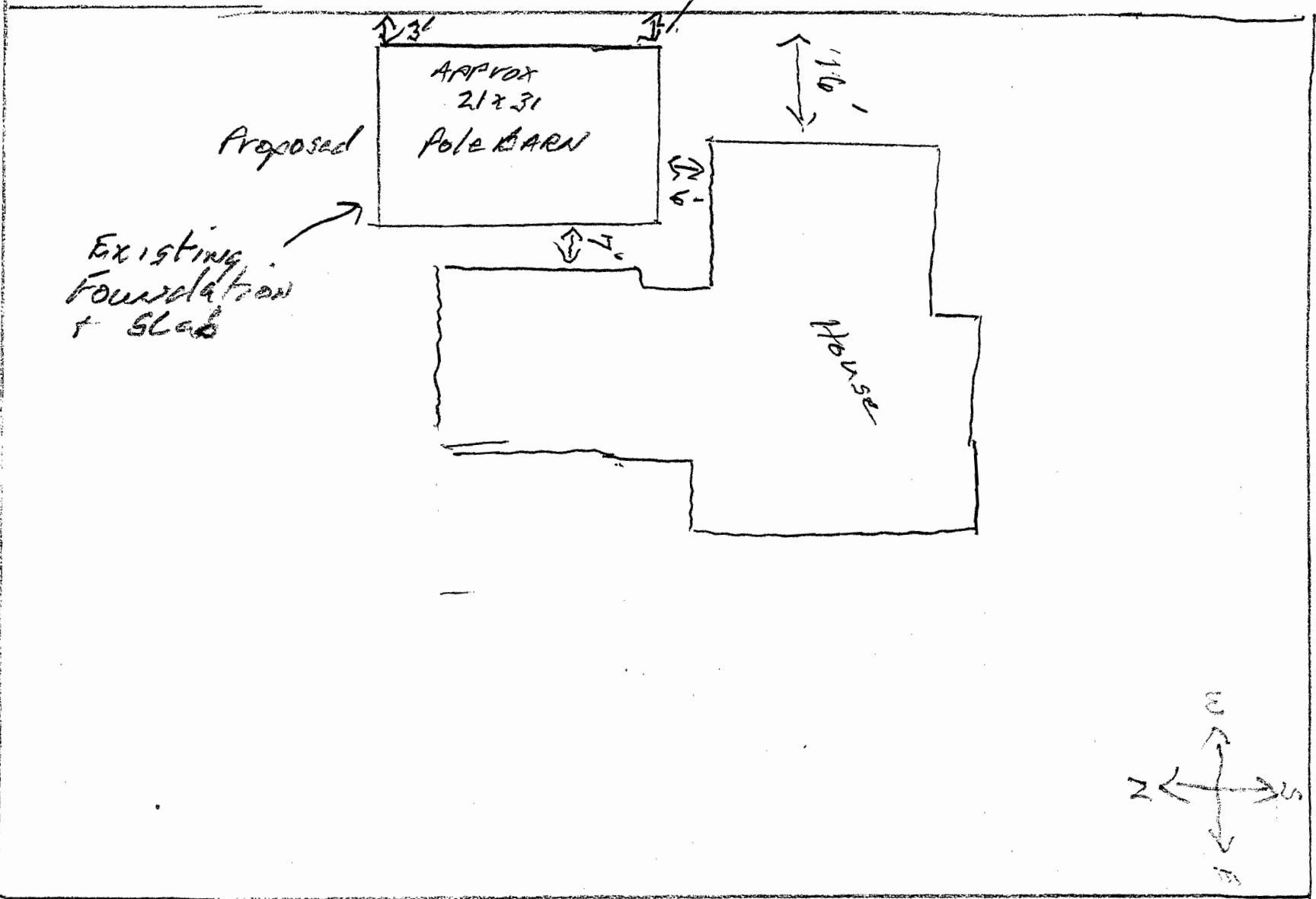
Before to our purchase, existing floor (cement) & foundation is still there. To remove ^{foundation} could change conditions to existing + neighbors environment

Robin Johnson

Applicant Signature

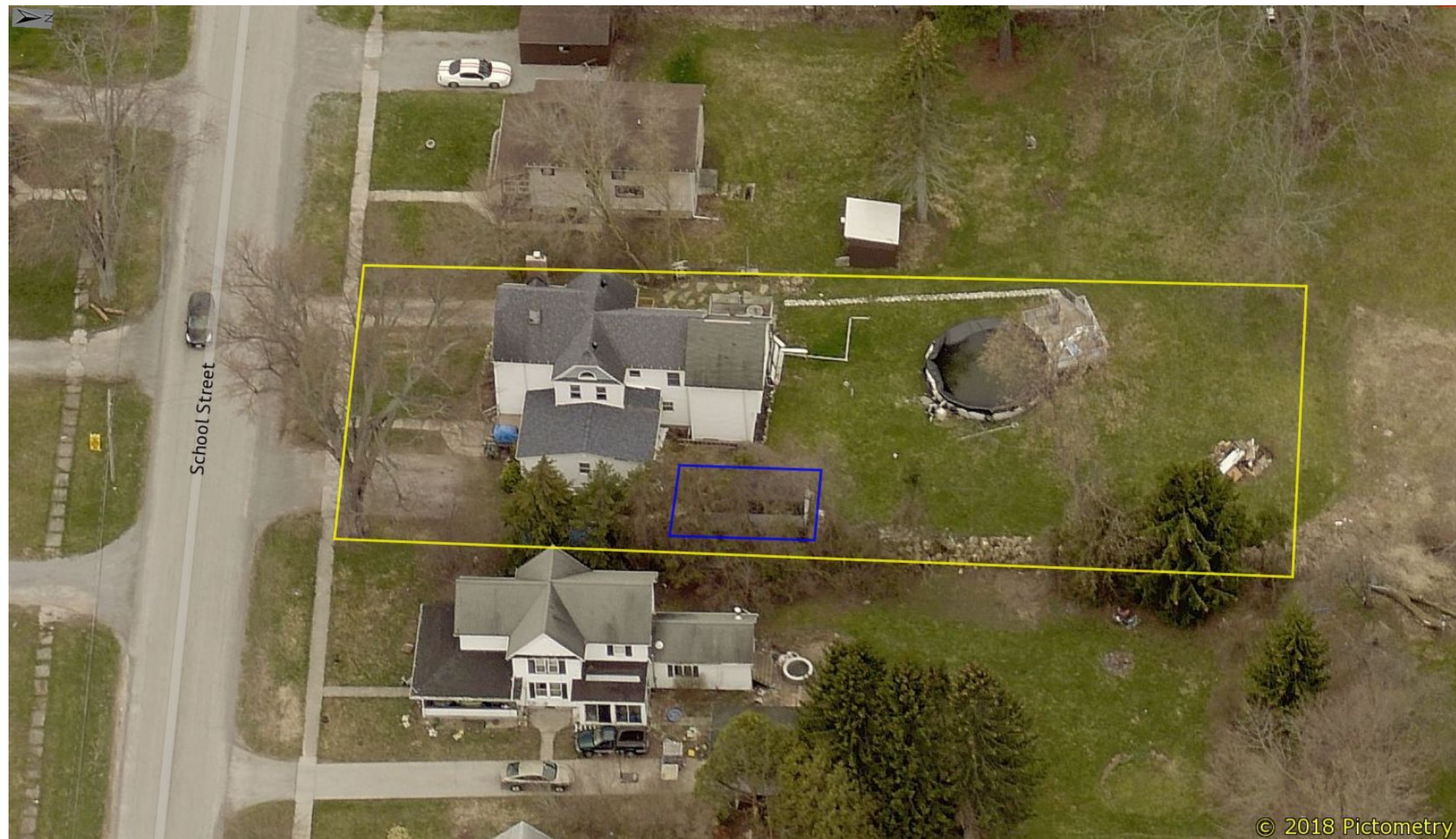
Date

205'



85 N

T-03-BAT-2-19



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04/24/2018