



GENESEE COUNTY PLANNING BOARD
ZONING REFERRALS NOTICE OF FINAL
ACTION

GCDP Referral ID C-09-BAT-8-14
Review Date 8/14/2014

Municipality BATAVIA, C.
Board Name ZONING BOARD OF APPEALS
Applicant's Name Richard Hameister
Referral Type
Variance(s) Area Variance(s)
Description: Area Variances to construct a new deck for a single-family for a single-family home.
Side Yard Setback
Minimum required: 8 ft.
Existing home: 1.67 ft.
Proposed deck: 6.31 ft.
Rear Yard Setback
Minimum required: 35 ft.
Existing pool: 15 ft.
Proposed deck: 15 ft.
Location 3 Montclair Ave., Batavia
Zoning District Residential (R-3) District

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

The proposed deck should pose no significant county-wide or inter-community impact. The existing home, pool and neighboring properties have similar if not smaller setbacks for such accessory structures.

Director

8/14/14

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 at 344-2580 x 5466, or online at <http://www.co.genesee.ny.us/> under Forms and Permits for Towns and Villages.

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 344-2580 Ext. 5467

DEPARTMENT USE ONLY:
GCDP Referral # C-09-BAT-8-14

*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

RECEIVED

JUL 24 2014

GENESEE COUNTY
DEPARTMENT OF PLANNING

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 One Batavia City Centre
City, State, Zip Batavia, NY 14020
Phone (585) 345 - 6347 Ext. _____

2. APPLICANT INFORMATION

Name Richard Hameister
Address 3 Montclair Ave.
City, State, Zip Batavia, NY 14020
Phone (585) 409 - 0107 Ext. _____ Email _____

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 | <input type="checkbox"/> 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 3 Montclair Ave.
- B. Nearest intersecting road West Main St.
- C. Tax Map Parcel Number 84.031-2-21
- D. Total area of the property _____ Area of property to be disturbed _____
- E. Present zoning district(s) R-3

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 190-29 A and Schedule I
- C. Please describe the nature of this request Approval to construct a pressure treated wood deck within a portion of the side and rear yard set backs.

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 type="checkbox"/> Photos |
| <input type="checkbox"/> Subdivision plot plans | <input type="checkbox"/> Elevation drawings | <input checked="" type="checkbox"/> Other: <u>Cover letter</u> |
| <input type="checkbox"/> SEQR forms | <input type="checkbox"/> Agricultural data statement | |

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
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 7/22/14

Re: **3 Montclair Ave.**
Tax Parcel No. 84.031-2-21

Zoning Use District: R-3

The applicant, Richard Hameister (owner), has filed a permit application to construct a pressure treated wood deck that is proposed to be located within the side and rear yard setbacks.

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) (10).

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; the boundary of a County or State park or other recreation area; **the right of way of a state parkway, thoroughway, expressway, road or highway;** the boundary of county or state owned land on which a public building or institution is situated; the boundary of a farm operation located in an agricultural district (not required for area 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. 190-29 A. and Schedule I		
	Required	Proposed	Difference
Side yard	8'	6.31'	1.69'
Rear Yard	35'	15'	20'



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Richard Hamester

Application No.: _____
Hearing Date/Time: _____

APPLICANT: KATHLEEN J HAMEISTER Mydolly@rochesterrr.com
Name E-Mail Address
3 Montclair Ave (585) 409-0107
Street Address Phone Fax
BATAVIA NY 14020
City State 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: 3 Montclair Ave Batavia NY

DETAILED DESCRIPTION OF REQUEST: Variance to place pool deck in back yard

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.

Richard Hamester
Applicant's Signature

7/18/14
Date

Kathleen J Hamester
Owner's Signature

7/18/14
Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.031-2-21 **ZONING DISTRICT:** R-3 **FLOOD PLAIN:** X-500

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
(Side + Rear Setback.)

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


Applicant's Signature

7-18-14
Date

DATE: 7/18/14

APPLICANT NAME & PHONE: KATHY HAMEISTER 585 409-0107

Project Location and Information Permit #: _____ Fee: _____

Address of Project: 3 Montclair Ave BATAVIA

Owner & Address: SAME

Phone: (585) 409-0107

Project Type/Describe Work

Estimated cost of work: 1000⁰⁰ Start date: Sept 1

Describe project: Build Pool Deck in Back yard

Contractor Information – Insurance certificates (liability & workers comp) required to be on file

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: _____

Existing Use: _____ NYS Building Code Occupancy Class: _____

Proposed Use: _____ NYS Building Code Occupancy Class: _____



- LEGEND**
- EXISTING IRON STAKE
 - SET IRON PIN
 - ▲ SET P.K. NAIL

REFERENCE
 MONTCLAIR TRACT FILED AT BC
 OF MAPS, PAGES 126-127

"UNAUTHORIZED ALTERAT
 TO A SURVEY MAP BEAR
 SURVEYOR'S SEAL IS A VI
 7209, SUB-DIVISION 2. C
 STATE EDUCATION LAW."

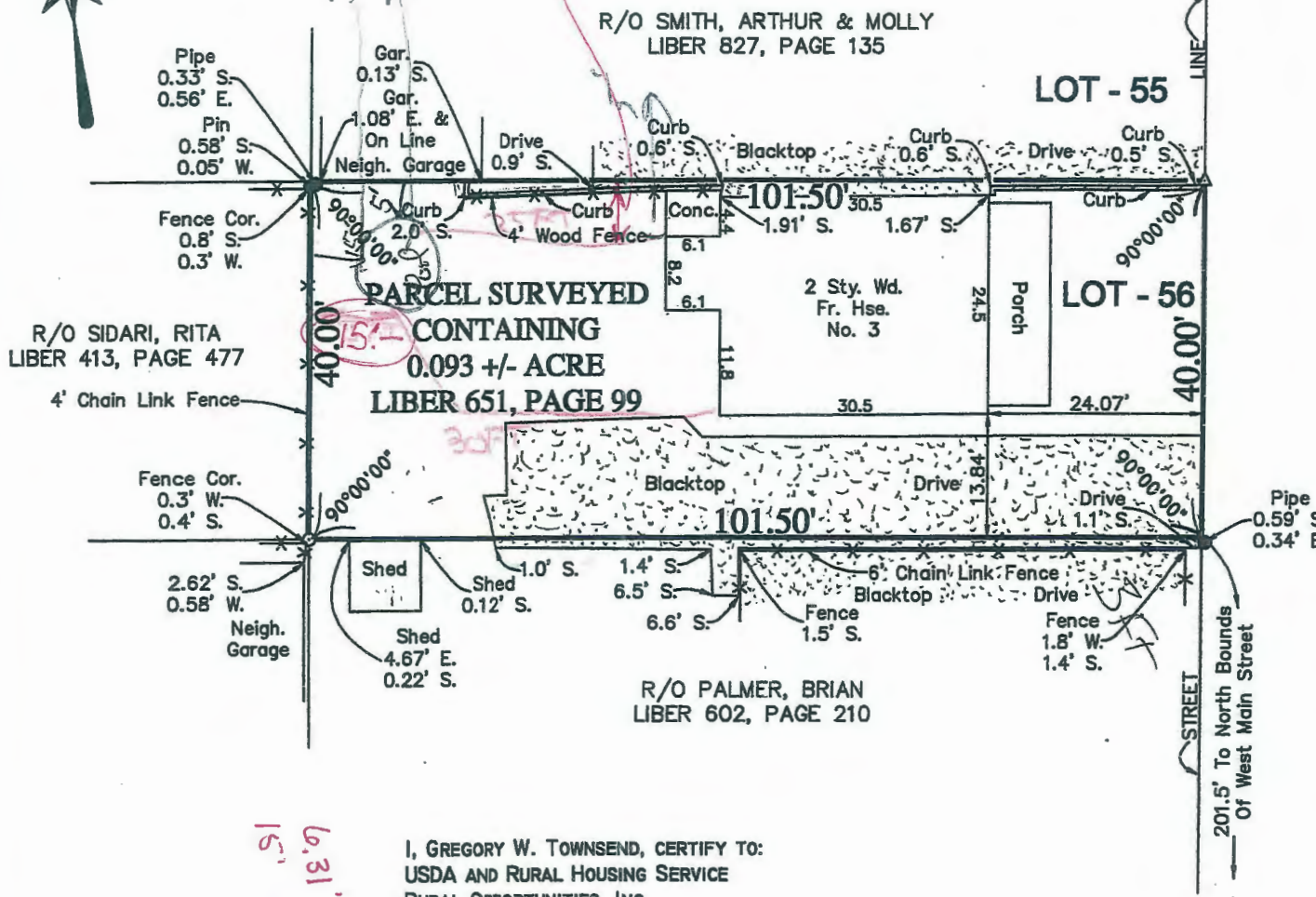
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**BOUNDARY SURVEY
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 GENESEE AND STA**

**MAY 25, 2006
 JOB NO.**

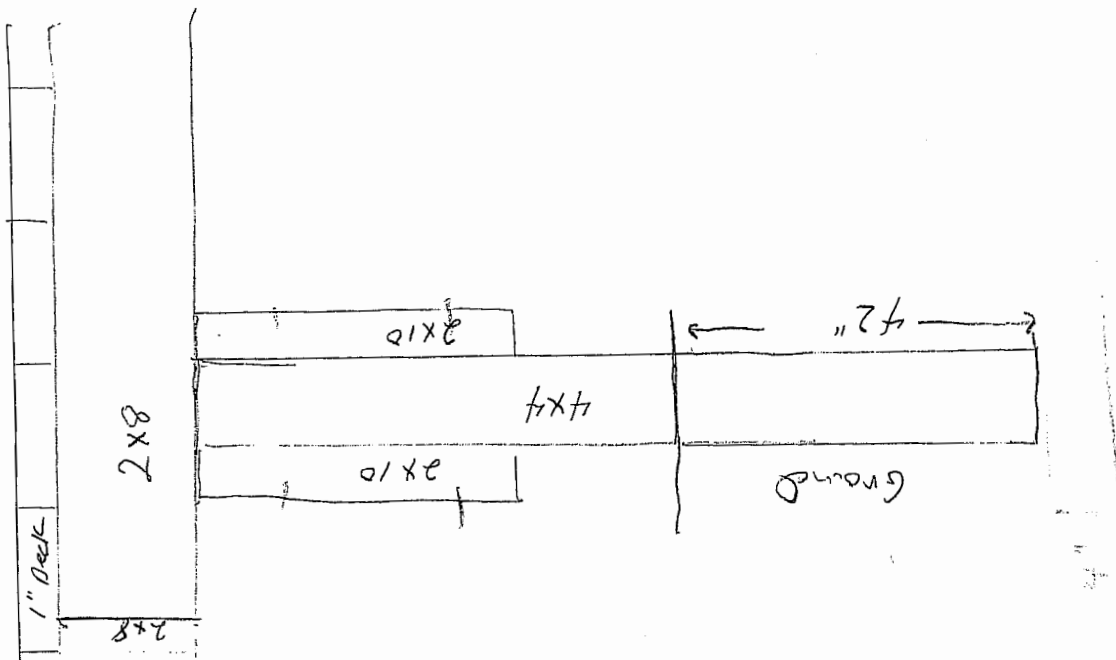
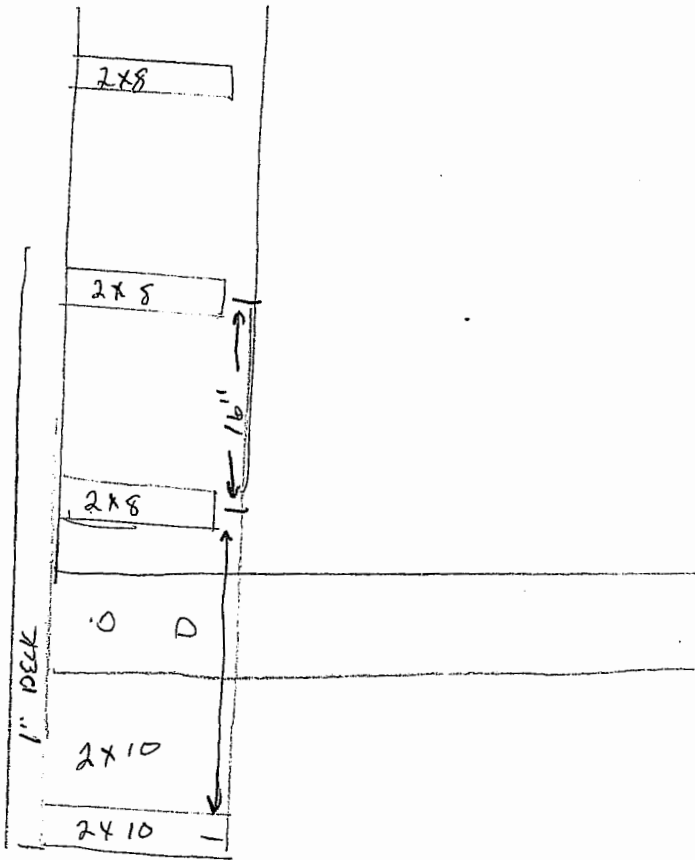
MONTCLAIR AVENUE (40.0' R.O.W.)



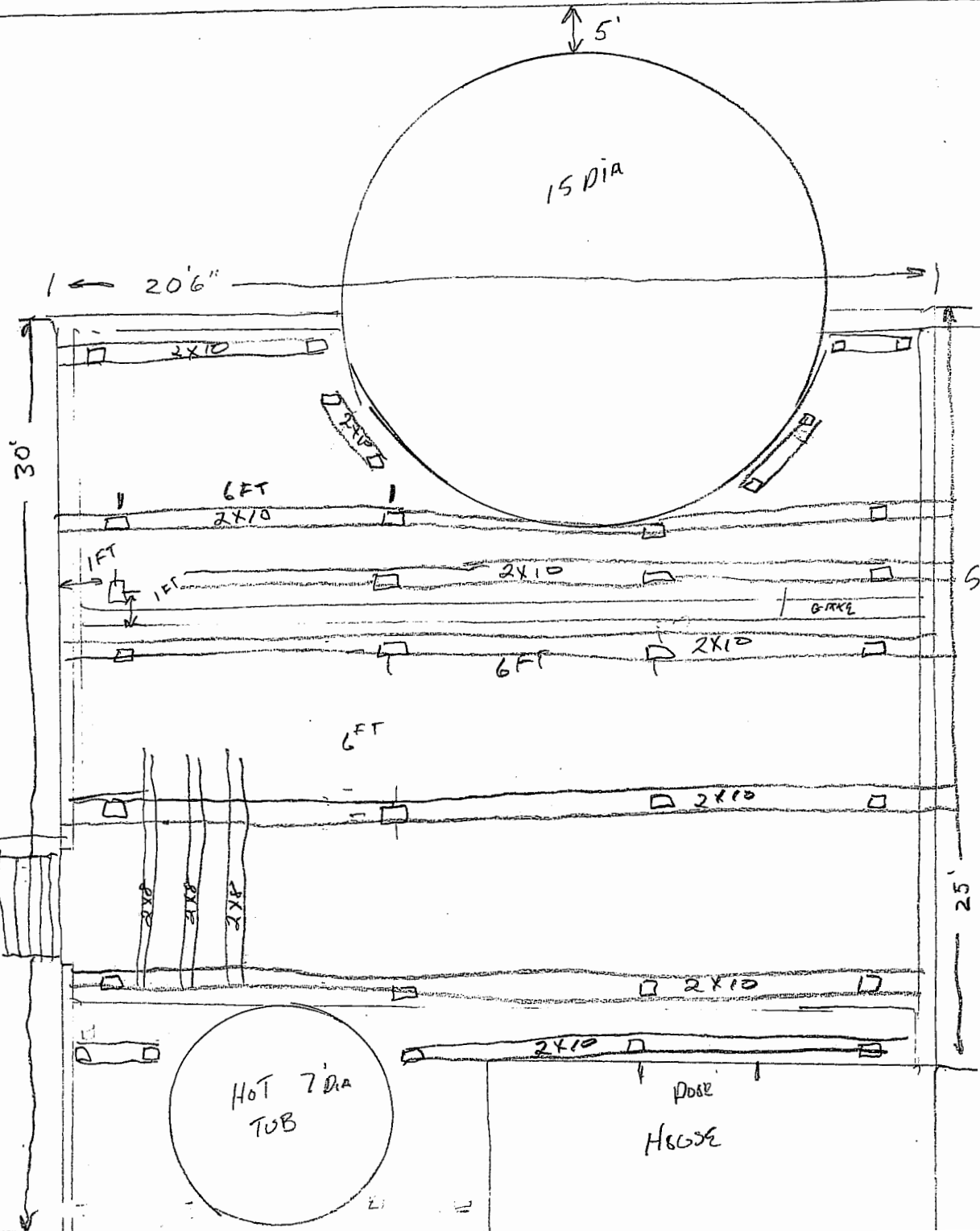
I, GREGORY W. TOWNSEND, CERTIFY TO:
 USDA AND RURAL HOUSING SERVICE
 RURAL OPPORTUNITIES, INC.
 KATHY HAMEISTER
 THE WILLIAMS LAW FIRM

*10.31' From Side Line
 15' From Rear Line*

05/21/06 *[Signature]*
 DATE



YARD



15 DIA

← 20'6" →

↑ 5' ↓

30'

2x10

6 FT

2x10

1 FT

1 FT

2x10

GAZEBO

6 FT

2x10

6 FT

2x10

25'

HOT TUB
7' DIA
TUB

POST
HOUSE

SIDE
WALK



C-09-BAT-8-14

