



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

GCDP Referral ID **C-21-BAT-11-14**

Review Date **11/13/2014**

Municipality  
Board Name  
Applicant's Name

**BATAVIA, C.**

**ZONING BOARD OF APPEALS**

**Nicholas J. Salvador**

Referral Type  
Variance(s)  
Description:

**Area Variance(s)**

**Area Variance for a rear addition to an existing single-family home.**

**Side Yard Setback  
Minimum required: 8 ft.  
Existing and proposed: 6.88 ft.**

Location  
Zoning District

**509 Ellicott St. (NYS Rt. 63), Batavia**

**Residential (R-2) District**

### PLANNING BOARD DECISION

**APPROVAL**

### EXPLANATION:

**Given that the addition will not encroach any further into the side yard than the existing home and that neighboring properties exhibit similar such setbacks, the proposed addition should pose no significant county-wide or inter-community impact.**

Director

November 13, 2014

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-21-Bat-11-14



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

**RECEIVED**

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

NOV 04 2014  
GENESEE COUNTY  
DEPARTMENT OF PLANNING

**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 Nicholas J. Salvador  
Address 509 Ellicott Ave.  
City, State, Zip Batavia, NY 14020  
Phone (585) 993 - 7139 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 509 Ellicott St.
- B. Nearest intersecting road Harvester
- C. Tax Map Parcel Number 84.020-1-72
- 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 190-29 A. and Schedule I
- C. Please describe the nature of this request Approval to place a 12' x 12' addition within the west side yard clear space.

**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 checked="" 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](mailto: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: 10/31/14

Re: **509 Ellicott St.**  
Tax Parcel No. 84.020-1-72

Zoning Use District: R-2

The applicant, Nicholas J. Salvador (owner), has applied for a permit to construct a 12 ft. x 12 ft. one story addition that is proposed within the side yard clear space on the west side of this property.

**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		
	<u>Required</u>	<u>Proposed</u>	<u>Difference</u>
Side yard set back (min.)	8'	6.88'	1.12'

DATE: 10-10-14

APPLICANT NAME & PHONE: Nicholas J Salvarar

**Project Location and Information**

Permit #: \_\_\_\_\_

Fee: \_\_\_\_\_

Address of Project: 509 Ellicott Street

Owner & Address: Nicholas J Salvarar 509 Ellicott Street Batavia, NY

Phone: 585.993.7139

**Project Type/Describe Work**

Estimated cost of work: 35k +

Start date: 11/1

Describe project: New plumbing, heating, elec as needed, complete interior remodel (drywall, windows etc...) addition per (12'x12') City of Batavia codes, siding, replace front porch, fencing

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

**GENERAL**

Name/Address: Doug McClurg 6467 Ellicott St Rd Pavilion

Phone: (585) 590-9329

**PLUMBING (City of Batavia Licensed Plumber Required)**

Name/Address: Danny Johnson Union St Batavia

Phone: (716) 474-0556

**HEATING**

Name/Address: Danny Johnson

Phone: \_\_\_\_\_

**ELECTRICAL (Third Party Electrical Inspection Required)**

Name/Address: Danny Johnson

Phone: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Zoning District: R-2 Flood Zone: C/B Corner Lot: NO Historic District/Landmark: NO

Zoning Review: \_\_\_\_\_ Variance Required: \_\_\_\_\_ Site Plan Review: \_\_\_\_\_ Other: \_\_\_\_\_

National Grid Sign Off (Pools): N/A Lot Size: 50 X 140

Existing Use: 1 family NYS Building Code Occupancy Class: \_\_\_\_\_

Proposed Use: same NYS Building Code Occupancy Class: \_\_\_\_\_

**REQUIRED INSPECTIONS**

Contact the Bureau of Inspection at (585) 345-6345 twenty-four (24) hours in advance to schedule all inspections.

IT IS THE RESPONSIBILITY OF THE OWNER AND/OR AGENT TO CONTACT THIS OFFICE & BE PRESENT FOR ALL INSPECTIONS

- Site
- Footing before Placing Concrete
- Foundation before backfill
- Framing before enclosing (After mechanical inspection)
- Electrical before enclosing (Third Party Electrical Inspection Agency)
- Plumbing before enclosing (City of Batavia Licensed Plumber Required)
- Insulation before enclosing
- Water Service
- Smoke & Carbon Monoxide Detectors
- Ice/Water Shield
- Sewer Service
- Final Completion

In consideration of the granting of the permit hereby petitioned for, the undersigned hereby agrees to: 1) comply with the terms thereof, the laws of the State of New York, the Ordinance of the City of Batavia, and the Regulations of the various departments of the County of Genesee and the State of New York; 2) preserve the established building line; 3) request all the necessary inspections and authorize and provide the means of entry to the premises and building to the Bureau of Inspection, and 4) will not use or permit to be used the structure or structures covered by the permit until sanitary facilities are completely furnished and either a Certificate of Occupancy or Certificate of Completion is issued. The undersigned hereby certifies that all of the information in this petition is correct and true.

[Signature] \_\_\_\_\_ Date 10/10/14

**Roofing Disclaimer - Per the Residential & Building Code of New York State**

**R907.3 Recovering versus Replacement**

New roof coverings shall not be installed without first removing existing roof coverings where any of the following conditions occur:

1. Where the existing roof or roof coverings is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.
2. Where the existing roof covering is wood shake, slate, clay, cement or asbestos-cement tile.
3. Where the existing roof has two or more applications of any type of roof covering.

**Exceptions:**

1. Complete and separate roofing systems, such as standing-seam metal roof systems, that are designed to transmit the roof loads directly to the building's structural system and that do not rely on existing roofs and roof coverings for support shall not require the removal of existing roof coverings.
2. Metal panel, metal shingle, and concrete and clay tile roof coverings shall be permitted to be installed over existing wood shake roofs when applied in accordance with Section R907.4.

I, \_\_\_\_\_ owner and/or agency of the property located at \_\_\_\_\_ for Building Permit No. \_\_\_\_\_ have reviewed and understand the requirements of Section 907.3 Recovering versus Replacement.

\_\_\_\_\_  
Applicant Signature Date

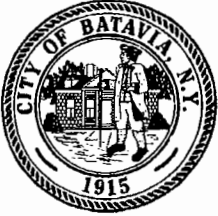
**Fence Disclaimer**

I understand Section 190-33.B Fences, Walls and Hedges of the City of Batavia Zoning Ordinance regulated the installation of fences as follows:

"Fences, hedges and walls in Residential Districts shall not exceed three (3) feet above ground level when located within fifteen (15) feet of the property line abutting any street and shall not exceed six (6) feet above ground level when located elsewhere on the property. However, there shall be no height limit for hedges in rear yards within residential zones. In commercial and Industrial Districts, fences, hedges, and walls shall not exceed eight (8) feet in height unless permitted by a special use permit from the Planning & Development Committee. A fence designed to be structurally supported by posts, cross members or rails on one (1) side only shall be erected with the posts, cross members or rails on the fence owner's side, and the finished side of the fence shall face adjacent properties."

I, Nicholas Salvador owner and/or agent of the property located at 509 Ellcott St Batavia for Permit No. \_\_\_\_\_ understand that this permit is issued based on information supplied by owner/agent and that the City of Batavia accepts no responsibility for inaccurate documentation or information supplied to secure the permit.

[Signature] \_\_\_\_\_ Date 10/10/14



**CITY OF BATAVIA**  
**APPLICATION TO THE ZONING BOARD OF APPEALS**

Application No.: \_\_\_\_\_

Hearing Date/Time: \_\_\_\_\_

APPLICANT: Nicholas J Salvador

Name: 509 Ellicott Street E-Mail Address: 585.993.7139

Street Address: Batavia New York Phone: \_\_\_\_\_ Fax: 14020

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

STATUS:  Owner \_\_\_\_\_ Agent for Owner \_\_\_\_\_ Contractor \_\_\_\_\_

OWNER: Nicholas J Salvador

Name: 509 Ellicott Street E-Mail Address: 585.993.7139

Street Address: Batavia New York Phone: (585) 993-7139 Fax: 14020

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

LOCATION OF PROPERTY: 509 Ellicott Street

DETAILED DESCRIPTION OF REQUEST: Addition to Back of House / SEE PLANS

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.

[Signature]  
Applicant's Signature

10-30-14  
Date

[Signature]  
Owner's Signature

10-30-14  
Date

*To be Filled out by Zoning Officer*

TAX PARCEL: 84.020-1-72 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 190-29 A. and Schedule 1  
The min. side yard required is 8'

## 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.

YES

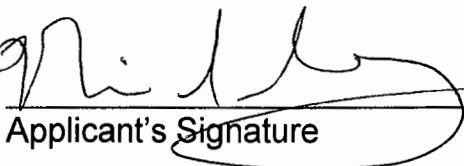
2. **Alternative Cure Sought.** There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance. NO

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.

YES

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

10-30-14  
Date



**HARVESTER AVENUE**  
(54.0' WIDE)

106.35' MAP

LOT - 4

50.0' MAP

EX. IRON PIPE

SET IRON PIPE

SET IRON PIPE

51.0' MEAS.

50.0' DEED & MEAS.

52.0'

50.0'

51.0' MAP LOT - 5

52.0' MAP LOT - 6

50.0' MAP LOT - 7

54.0' MAP LOT - 8

L-220, P-282

40.8' MAP

140.0' MAP & MEAS.

99.2' MAP

DEED & MEAS

6.88'

140.0'

6.85'

12.4'

18.3'

GAR.

4.48'

4.28'

HOUSE N<sup>o</sup> 509

Porch

15.1'

4.8'

4.8'

4.8'

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4.8'

90°-00'

SET IRON PIPE

140.0' MAP & MEAS.

140.0' MAP

EX. IRON PIPE 0.6' WEST

EX. IRON PIPE

SET IRON PIPE

63.0' MAP & MEAS.

51.0' MEAS.

50.0' DEED & MEAS.

52.0'

EX. IRON PIPE

EX. R.R. IRON

114.0' DEED & MEAS.

**ELLICOTT STREET (99.0' WIDE)**

**JOHN E. MCINTOSH, LAND SURVEYOR**

429 PINE ST., LOCKPORT, N. Y.  
PHONE HF 3-2535

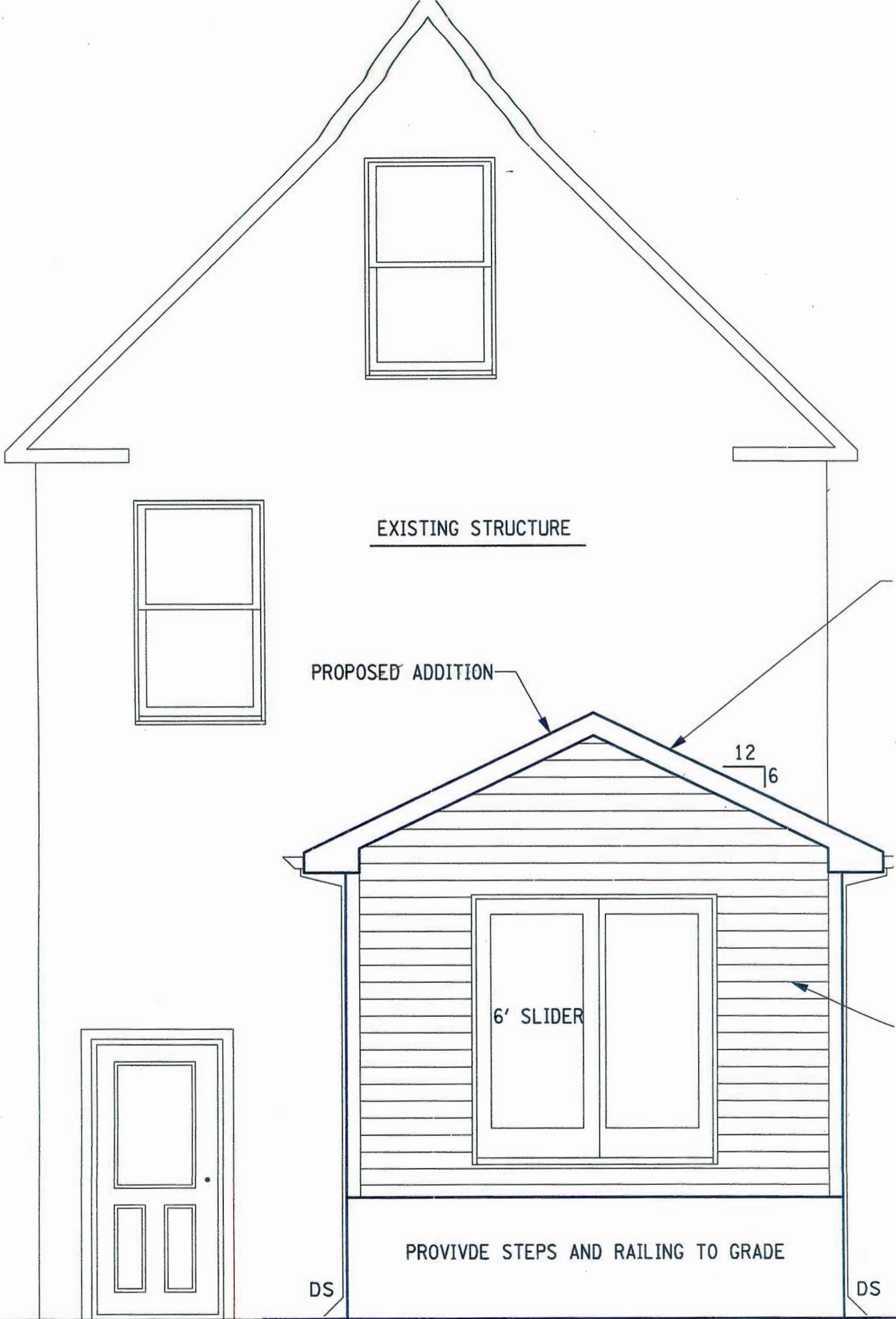
28 MILL ST., MT. MORRIS, N. Y.  
PHONE 677

14 MAIN ST., BATAVIA, N. Y.  
PHONE FI. 3-5654

*509 Ellicott*

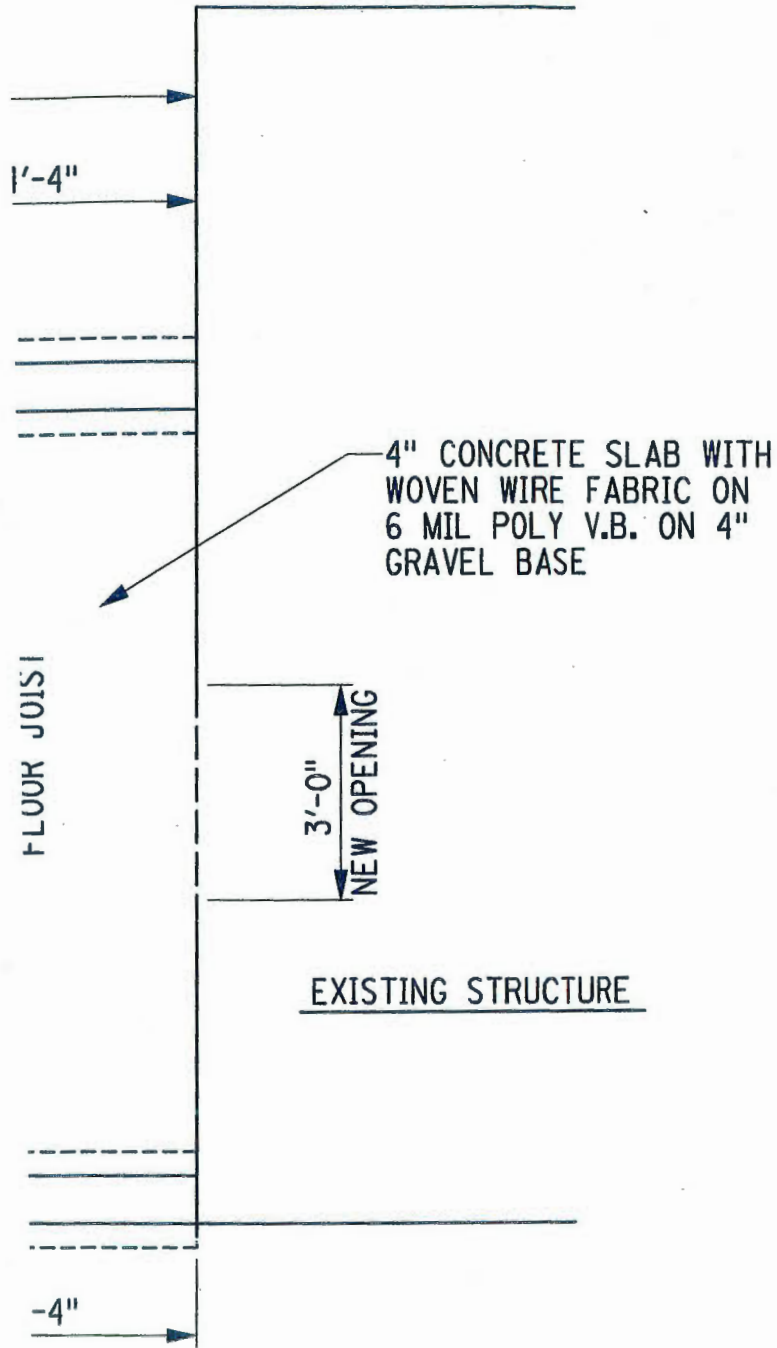
SURVEY OF PART OF VILLAGE LOT-43, PT. OF SUB-LOT-6, GOODENBURY SUBDIV		
LOCATION CITY OF BATAVIA, GENESEE COUNTY, NEW YORK		
REFERENCE MAP FILED IN MAP BOOK-2, PAGE-82		
JOB No. B-1719	SCALE: 1" = 30'	DATE: DECEMBER 14, 1962



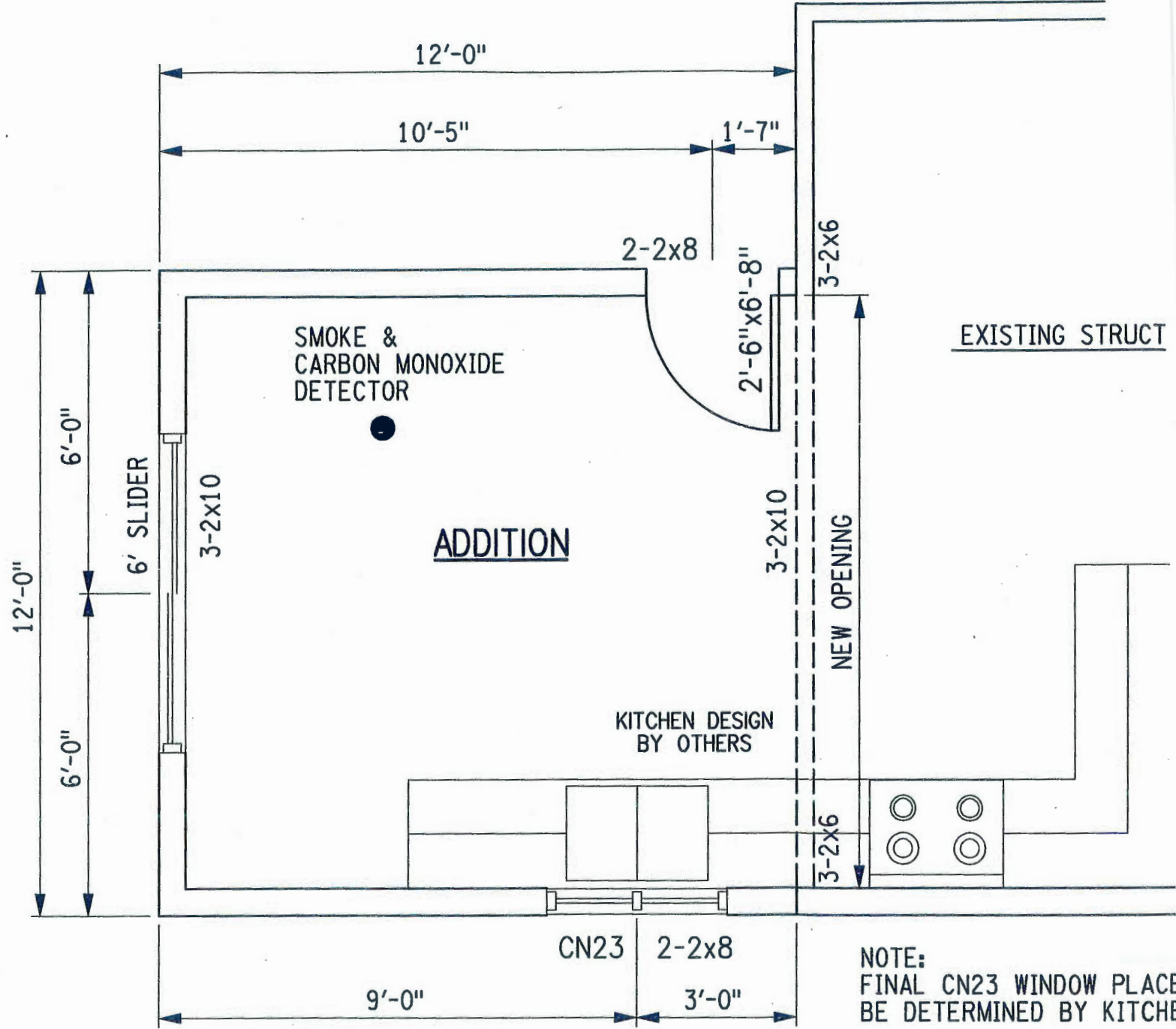


REAR ELEVATION

SCALE:  $\frac{3}{8}$ " = 1'-0"

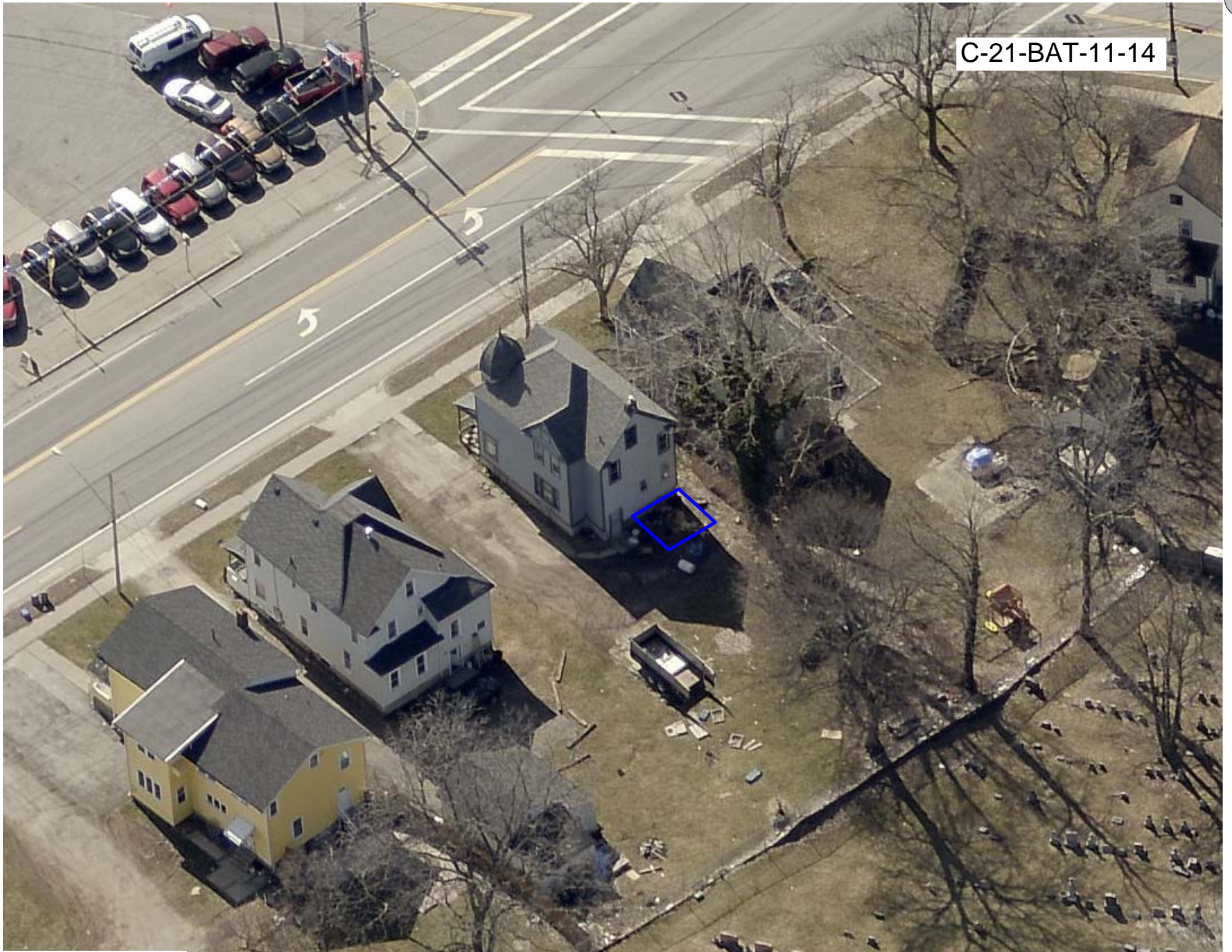


-AN



FLOOR PLAN

SCALE:  $\frac{3}{8}'' = 1'-0''$



C-21-BAT-11-14