



GENESEE COUNTY PLANNING BOARD  
ZONING REFERRALS NOTICE OF FINAL  
ACTION

GCDP Referral ID | T-02-ALA-9-14  
Review Date | 9/11/2014

Municipality	ALABAMA, T.
Board Name	ZONING BOARD OF APPEALS
Applicant's Name	Vance M. Wyder
Referral Type	
Variance(s)	Area Variance(s)
Description:	Area Variance to build a deck and gazebo for a single-family home.  Rear Yard Setback Minimum Required: 40 ft. Existing Home: 24 ft. Proposed: 5 ft.
Location	1181 Judge Rd., Alabama
Zoning District	Agricultural-Residential (A-R) District

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

The proposed setback should pose no significant county-wide or inter-community impact. The property to the rear is part of the WNY STAMP site which will have at least a 100 ft. natural buffer abutting this property.

Director

9/12/14

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 x5466, 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, N.Y. 14020-9404  
Phone: (585) 344-2580 Ext. 5467

DEPARTMENT USE ONLY:  
G.C.D.P. Referral # T-02-ALA-9-14  
Date Received 8-25-14



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

**RECEIVED**

Required According to:  
**GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N** **AUG 25 2014**

**(Please answer ALL questions as fully as possible)**

GENESEE COUNTY  
DEPARTMENT OF PLANNING

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

Board(s) Zoning Board of Appeals  
Address 2218 Judge Rd.  
Oakfield, NY 14125

**2. APPLICANT INFORMATION**

Name Vance M. Wyder  
Address 1181 Judge Rd., Basom, NY 14013  
Phone 585-297-2577 Email \_\_\_\_\_

MUNICIPALITY:  City  Town  Village of Alabama

**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. Address 1181 Judge Rd.
- B. Nearest intersecting road Alleghany Rd.
- C. Tax Map Parcel Number 10-1-38.2
- D. Total area of the property 40,655.78 sq ft Area of property to be disturbed 488 sq. ft.
- E. Present zoning district(s) Agricultural-Residential

**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  
ARTICLE III Section 306 Table 1 Row A, ARTICLE VIII Section 807 I-3

C. Please describe the nature of this request Applicant proposes to build a handicapped accessible deck and a gazebo. An Area Variance is needed for a rear yard setback of 35 ft.

**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"/> Subdivision plot plans       | <input type="checkbox"/> Elevation drawings          | <input type="checkbox"/> Other: _____                      |
| <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 in.  
Digital copies may be sent via 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 Samuel D. Ferris Title Chairman Phone 585-948-8520  
Address 2251 Judge Rd., Oakfield, NY 14125 Email \_\_\_\_\_

**OFFICIAL COPY**

**TOWN OF ALABAMA  
Genesee County New York**

**APPLICATION FOR AN AREA VARIANCE**

If the Applicant is **NOT** the owner of the property for which the request is being made, a letter signed by the property owner giving authorization for the applicant to apply for the request **MUST** accompany the application or no action can be taken

PLEASE PRINT OR TYPE

Date:

Applicant's Name Vance M. Wyder Phone: (585) 297 - 2577

Applicant's Mailing Address: 1181 Judge Road Basom NY 14013

Area Variance requested for property located at: SAME

Tax Map # 10.-1-38.2 Zoning District of property: Agricultural / Residential

Lot was created - Prior to June 8, 1987

Explain why you are requesting a variance:

To build a 12ft x 18ft Gazebo attached to a 12ft x 16ft deck with handicap ramp

*\*A detailed plot diagram clearly showing lot lines, lot size and all buildings and structures located on the property is required. It must also clearly and accurately show the distances from any proposed buildings or structures to all lot lines.*

Vance M. Wyder  
Applicant's Signature

***Fees for application must be paid before a public hearing will be scheduled***

**For official use only**

The above request is for an Area Variance from the Town of Alabama Zoning Board of Appeals according to Article VIII Section 807- I -3 of the Town of Alabama zoning law

Article III Section 306 Table 1 row A requires a minimum rear yard setback of 40 feet the plot diagram submitted only shows a setback of 5 feet

An Area Variance is needed for: 35 feet of rear lot setback

Date \_\_\_/\_\_\_/\_\_\_ request was sent to the County (County recommendations attached).

Request has been - [ ] Approved [ ] Disapproved Date \_\_\_/\_\_\_/\_\_\_ (see attached resolution)

Board Chairman \_\_\_\_\_

Board Members \_\_\_\_\_

Application Fee \*\* \$140.00

Received By RR [Signature]

Date Received 8/14/2004

**\*\*Section 813 - Public hearing and Notice Requirements. Town of Alabama Zoning Law.** When a public hearing is required by the Town of Alabama Zoning Law, the requirements set forth in this section, as well as the applicable requirements of the NYS Town Law, shall be followed. All costs for the public hearing including, but not limited to the legal ad(s), required mail notifications and posting of signs, shall be paid by the applicant.

**\*\*** And any additional cost inquired by the town to process this application as per town fee schedule

Permit # \_\_\_\_\_  
 Zoning Permit Fee \$ \_\_\_\_\_  
 Building Permit Fee \$ \_\_\_\_\_  
 Fee Total \$ \_\_\_\_\_

**TOWN OF ALABAMA**  
**GENESEE COUNTY, NEW YORK**

**Application For Zoning/Building Permit**

Fill out the application with a black or blue ballpoint pen. Return the completed application to the Town Clerk. Once the application has been processed the Town Clerk will contact the applicant to inform them it is ready to be picked up and the cost of the permit. **Permits must be picked up within two weeks from the date the town clerk notifies the applicant.** If applicant fails to pick up the permit within the time stated the application will be returned to the Zoning Officer and Voided. A new application will need to be submitted for the project. **Permits Expire one year from the date it is issued.**

Vance M Wyder Property Owners Name (Print) Vance M Wyder Property Owners Signature 8/17/14 Date Submitted

Property Owners Mailing Address 1181 Judge Rd. BASOM NY 14013

Owners Home Phone (585) 297-2577 Owners Cell Phone: \_\_\_\_\_

Address of property where work will be done if different than mailing address 1181 Judge Rd Basom NY

Contractors Name Vance M Wyder Contractors Phone Number \_\_\_\_\_

1. Nature of work: [ ] New structure Deck/Gazebo [ ] Addition to \_\_\_\_\_ (What is it?) (What)  
 [X] Alteration \_\_\_\_\_ [ ] Other \_\_\_\_\_ (What type) (What is it?)

2. If a dwelling: No. of Stories \_\_\_\_\_ No. of Families \_\_\_\_\_ Garage - Attached \_\_\_\_\_ Unattached \_\_\_\_\_ No. of Cars \_\_\_\_\_

3. If other use, specify use handicapped accessible deck & Gazebo

4. Dimensions of new structure Deck 12 Ft Ft. BY 18 Ft Total Sq. Ft. 192  
GAZEBO 12 Ft Ft. BY 18 Total Sq. Ft. 216

5. Dimensions of additions ROOF OVER ENTRY Ft. BY 8 X 10 Ft. Total Sq. Ft. 80

6. Pools, Spas & Hot tubs \_\_\_\_\_ Ft BY \_\_\_\_\_ Ft Depth TOTAL 488 sq Ft

7. Size and Area of the lot 223.58 Width Ft. BY 181.58 Depth Ft. Total Sq. Ft. 40655.78  
 (Lot size must be feet not Acres)

8. Zoning District in which property is located - [X] Agricultural / Residential [ ] Residential [ ] Commercial [ ] Industrial

9. Tax Map # 10-1-38.2 10. Estimated cost of project \$ 7000.00

**DO NOT WRITE BELOW THIS LINE, FOR OFFICIAL USE ONLY**

Does the proposed construction or use violate any Town Zoning Law, Ordinance, or Regulation? YES  
 If yes give details LOT CREATION DATE PRIOR TO 6-8-87 ROW A TABLE 1 ARTICLE III SECTION 306  
REQUIRES A MINIMUM OF 40 FT REAR YARD SETBACK. PLOT DIAGRAM SHOWS ONLY 5 FT

[ ] Approved Date | \_\_\_\_/\_\_\_\_/\_\_\_\_ Permit Expires \_\_\_\_/\_\_\_\_/\_\_\_\_

[X] Denied Date 8/8/14 Reason Denied [X] A is Variance required [ ] A Special Use Permit is required

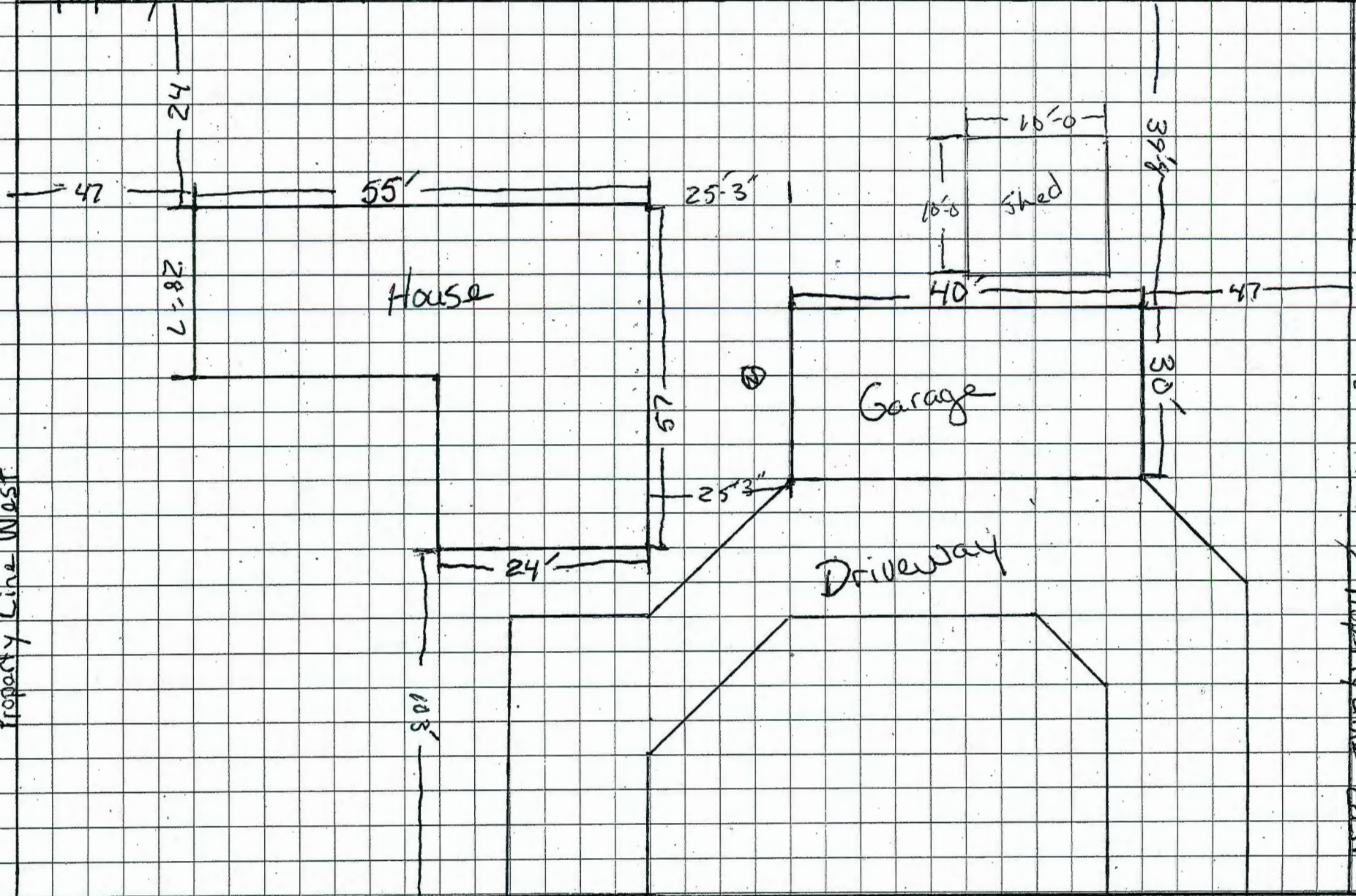
\_\_\_\_\_  
 Signature of Zoning Enforcement Officer

Comes Property Line North

Barro Property

Property Line West

Eric Albina Property Property Line East



1181 Judge Rd

BARRO NY 14013



T-02-ALA-9-14

