



## GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **C-05-BAT-6-22**  
Review Date **6/9/2022**

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

<b>BATAVIA, C.</b>
<b>ZONING BOARD OF APPEALS</b>
<b>Ashley Mogavero</b>
<b>Area Variance(s)</b>
<b>Area Variance to construct a deck with a roof structure for a single-family home.</b>
<b>Side Yard Setback</b> <b>Minimum required: 8 ft.</b> <b>Existing home: 2.52 ft.</b> <b>Proposed deck: 3 ft.</b>
<b>9 Charles St., Batavia</b>
<b>Residential (R-1A) District</b>

### PLANNING BOARD RECOMMENDS:

**APPROVAL**

### EXPLANATION:

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

Director

June 9, 2022

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 # C-05-BAT-6-22

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

**RECEIVED  
Genesee County  
Dept. of Planning  
5/31/2022**

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) Zonning Board of Appeals  
Address One Batavia City Centre  
City, State, Zip Batavia, NY 14020  
Phone (585) 345 - 6345 Ext. \_\_\_\_\_

**2. APPLICANT INFORMATION**

Name Ashley Mogavero  
Address 9 Charles St  
City, State, Zip Batavia, NY 14020  
Phone (585) 409 - 4894 Ext. \_\_\_\_\_ Email ashley101484@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         | <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 9 Charles St.
- B. Nearest intersecting road Oak St.
- C. Tax Map Parcel Number 84.024-1-17
- D. Total area of the property \_\_\_\_\_ Area of property to be disturbed \_\_\_\_\_
- E. Present zoning district(s) R-1A

**5. REFERRAL CASE INFORMATION:**

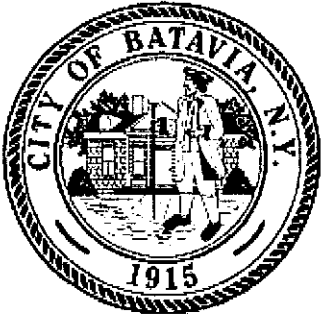
- A. Has this referral been previously reviewed by the Genesee County Planning Board?  
 NO  YES If yes, give date and action taken \_\_\_\_\_
- B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law  
BMC 190-29 A and Schedule 1
- C. Please describe the nature of this request Approval to place a portion of a deck and roof structure within the 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 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>Cover letter</u> |
| <input type="checkbox"/> SEQR forms                   | <input type="checkbox"/> Agricultural data statement |  |

**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: 5/31/22

Re: 9 Charles St.  
Tax Parcel No. 84.024-1-17

Zoning Use District: R-1A

The applicant, Ashley Mogavero (owner), Has filed an application to place a wood frame deck with roof structure on the north elevation of the dwelling. A portion of the deck and roof will be located within the side yard clear space.

**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) (1).

**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 right of way of a state road or highway.

**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

**1) BMC Sec. 190-29 A. and Schedule I**

	<u>Required</u>	<u>Proposed</u>	<u>Difference</u>
Side yard clear space	8'	3'	5'



CITY OF BATAVIA  
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 22-3

Hearing Date/Time: 6/23/22

APPLICANT: ASHLEY MOGIAVERO Ashley101484@yahoo.com  
Name E-Mail Address  
9 Charles STREET 585-409-4894  
Street Address Phone Fax  
BATAVIA NV 14020  
City State Zip

STATUS:  Owner  Agent for Owner  Contractor

OWNER:  
Name E-Mail Address  
Street Address Phone Fax  
City State Zip

LOCATION OF PROPERTY: \_\_\_\_\_

DETAILED DESCRIPTION OF REQUEST: To Build Deck within 3 FT of the property to the east side of the property (Lot 16) Discussed with the neighbors on that side AND they are ok with. Deck would within the lines of the back of house

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.

Ashley Mogiavero  
Applicant's Signature

5/9/2022  
Date

Ashley Mogiavero  
Owner's Signature

5/9/2022  
Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.024-1-17 ZONING DISTRICT: R-1A FLOOD PLAIN: C

TYPE OF APPEAL:  Area Variance  
 Use Variance  
 Interpretation  
 Decision of Planning Committee

FEE:  \$50 (One or Two Family Use)  
 \$100 (All other Uses)

PAID  
MAY 10 2022  
CITY OF BATAVIA  
CLERK-TREASURER

Provision(s) of the Zoning Ordinance Appealed: BMC 190-29 A and 84.1  
Side yard setback is min 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.

No change

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 IT IS NOT

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 IT WILL NOT

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. N/A

  
Applicant's Signature

5/9/2022  
Date

DATE: 5-9-22

APPLICANT NAME & PHONE: ASHLEY MogaVERO 585-409-4894

**Project Location and Information**

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

Address of Project: 9 Charles st.

Owner & Address: ASHLEY MogaVERO 9 Charles st.

Phone: 585-409-4894

**Project Type/Describe Work**

Estimated cost of work: 5000<sup>00</sup>

Start date: TBD

Describe project:

Build Enclosed Deck/with roof on the back House

**Contractor Information** – Insurance certificates (liability & workers comp) required being 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: \_\_\_\_\_

SUPPORTS & POSTS

To Roof + 6

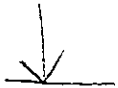


Supports 4 x 6 x 14

posts 4 x 4 x 8 = 6 pcs and 4 x 4 x 16 = 6 pcs



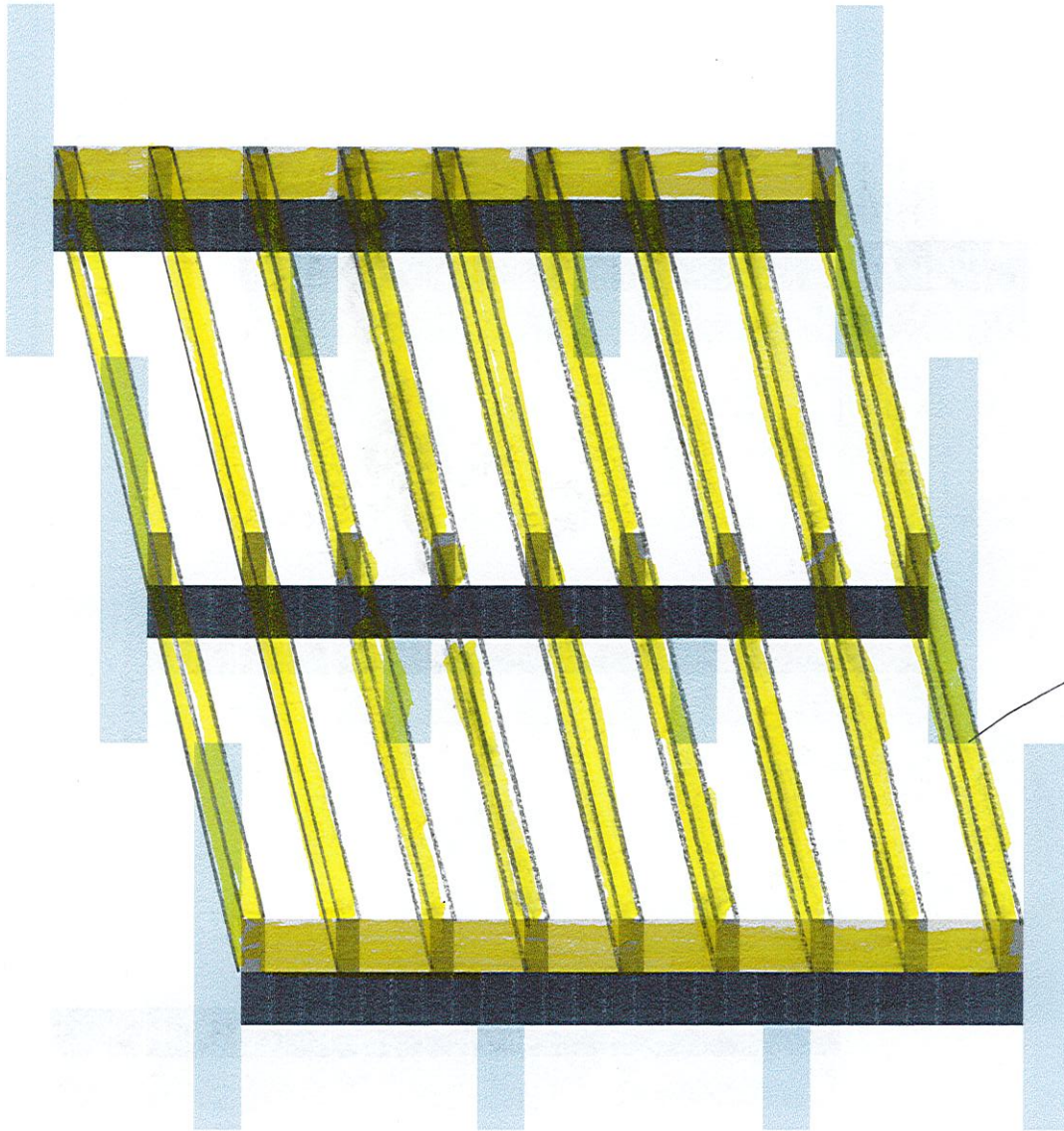
14 ft



13.5



# JOISTS



Supports 4 x 6 x 14

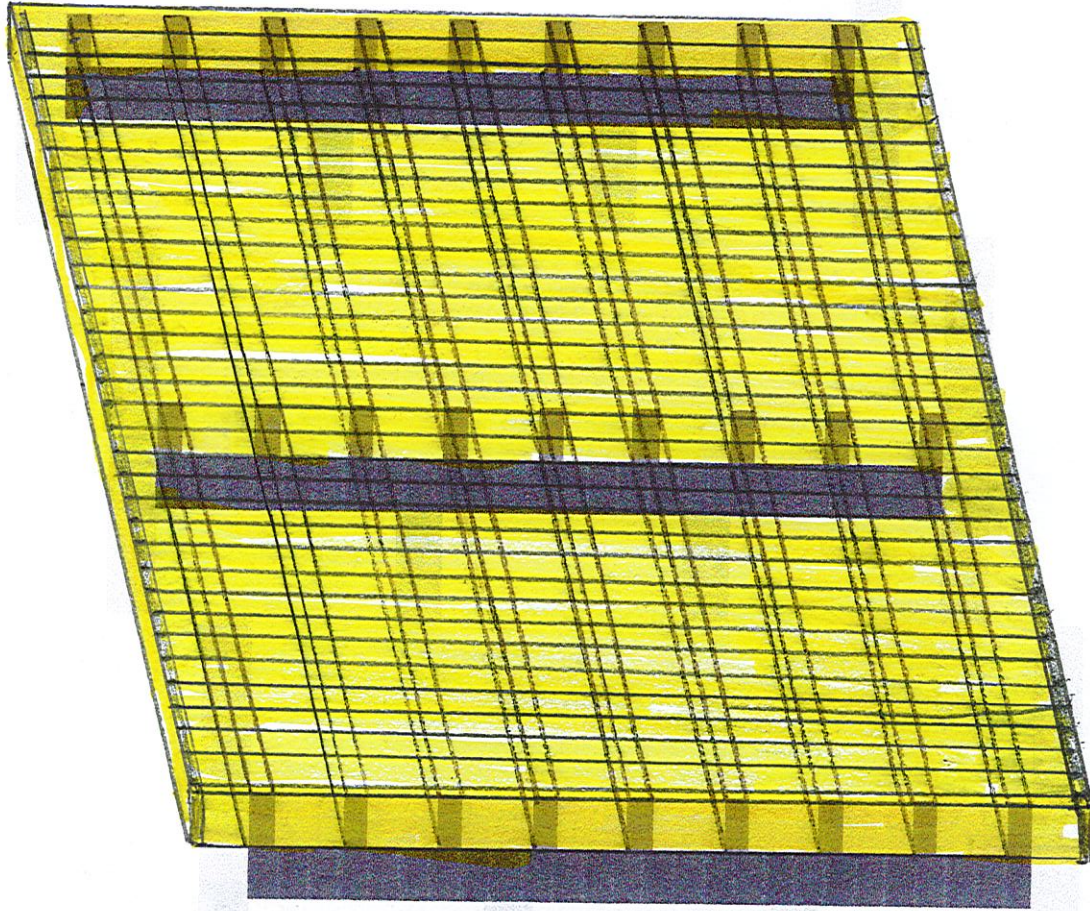
Posts 4 x 4 x 8 = 6 pcs and 4 x 4 x 16 = 6 pcs

Joist 2 x 8 x 14 = 11 pcs

16" on center spacing



# ~~Joists~~ Decking



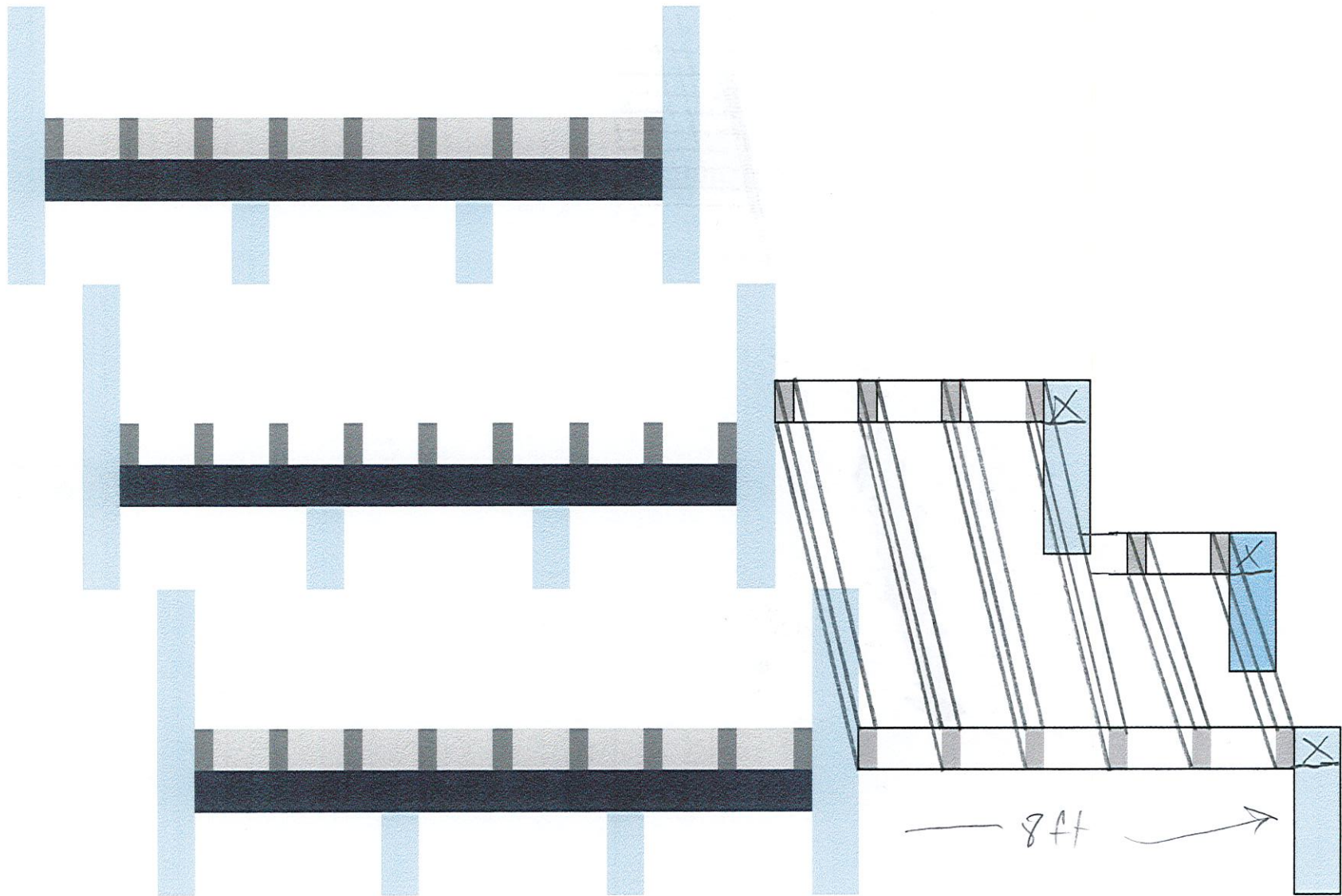
Supports 4 x 6 x 14

Posts 4 x 4 x 8 = 6 pcs and 4 x 4 x 16 = 6 pcs

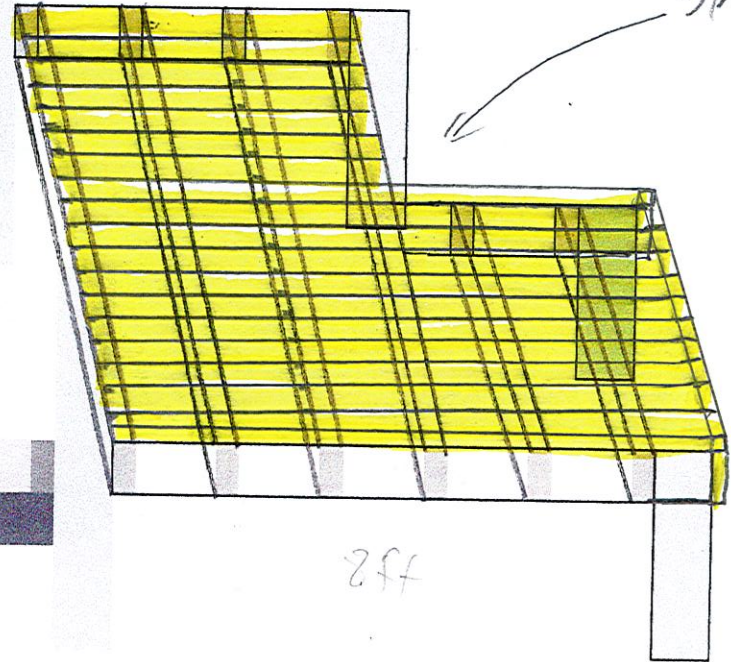
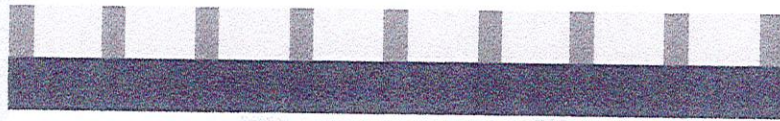
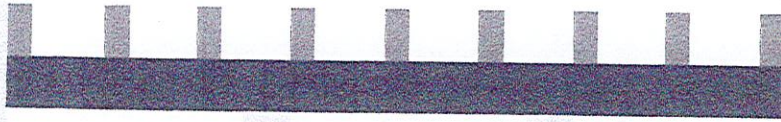
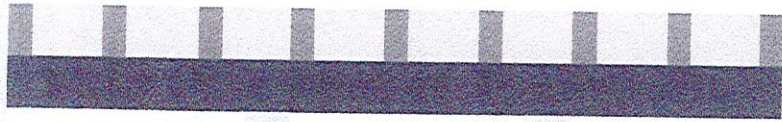
Joist 2 x 8 x 14 = 11 pcs

Deck 16 ft x 32

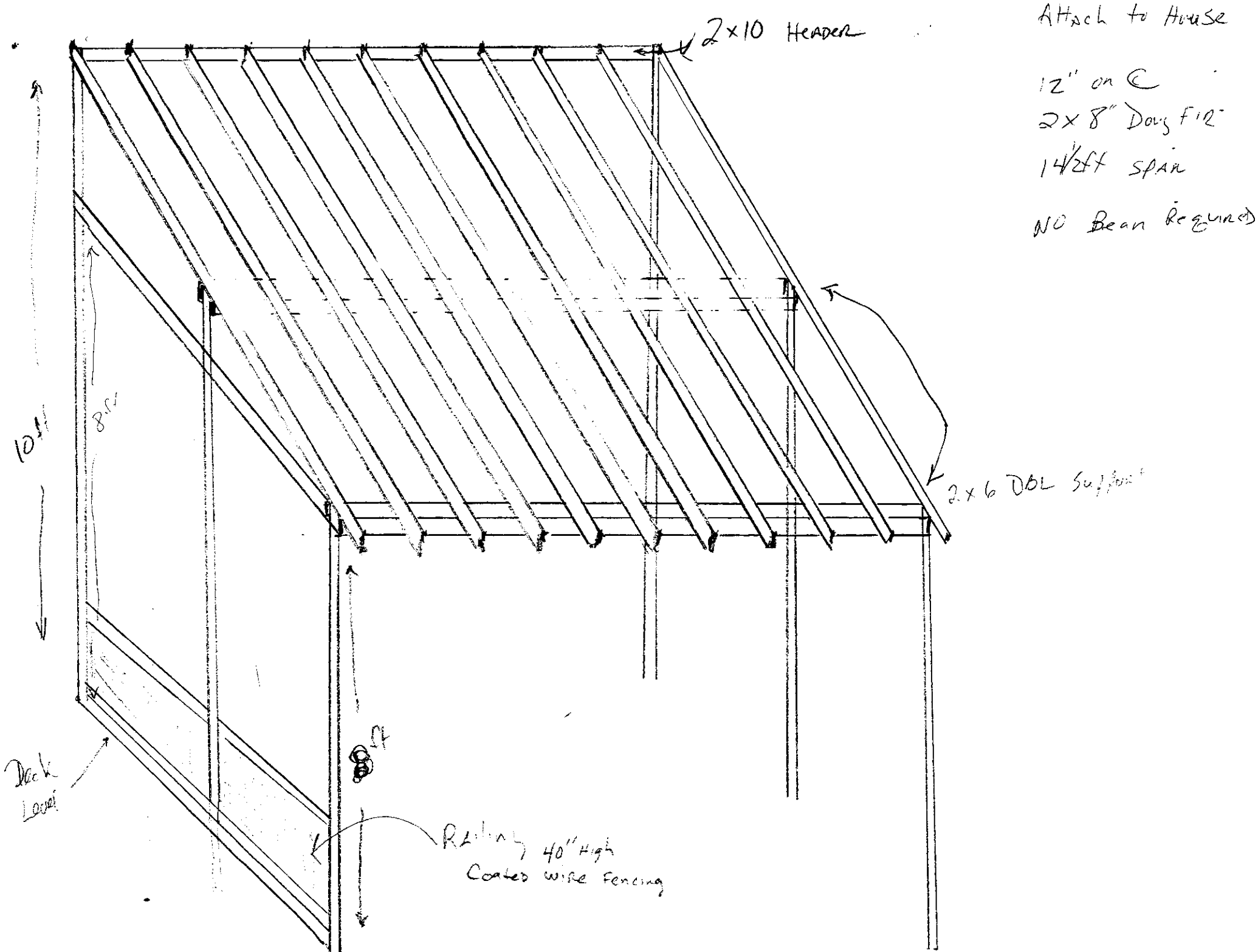
SECONDARY Deck  
& JOISTS



SECONDARY Decking



2ft



Attach to House

12" on C

2x8" Doug Fir

14 1/2ft span

NO Beam Required

2x10 Header

2x6 DBL Support

10ft

8ft

Deck Level

RAILING 40" High  
Coated wire fencing

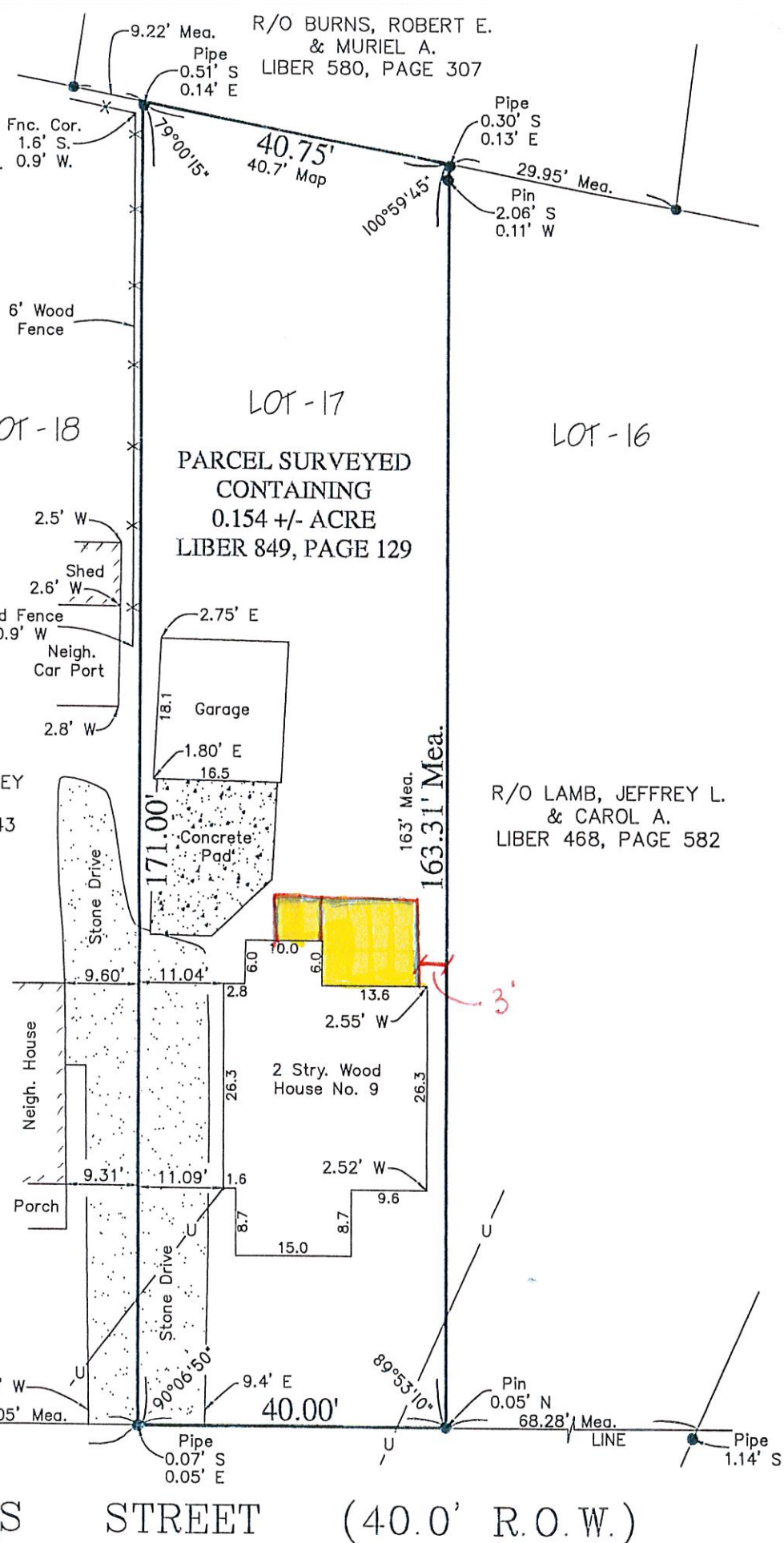
**Licensed Land Surveyors**  
 435 East Main Street  
 Batavia, New York 14020  
 Phone (585) 344-1331  
 Fax (585) 219-4313



"UNAUTHORIZED ALTERATION OR ADDITIONS TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW."

"ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES."

"CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATION SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS/HER BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATION ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS."



OAK STREET - - ROUTE 98

R/O BENNETT, SIDNEY  
 L. & LAURIE K.  
 LIBER 788, PAGE 43

LOT - 17  
 PARCEL SURVEYED  
 CONTAINING  
 0.154 +/- ACRE  
 LIBER 849, PAGE 129

R/O LAMB, JEFFREY L.  
 & CAROL A.  
 LIBER 468, PAGE 582

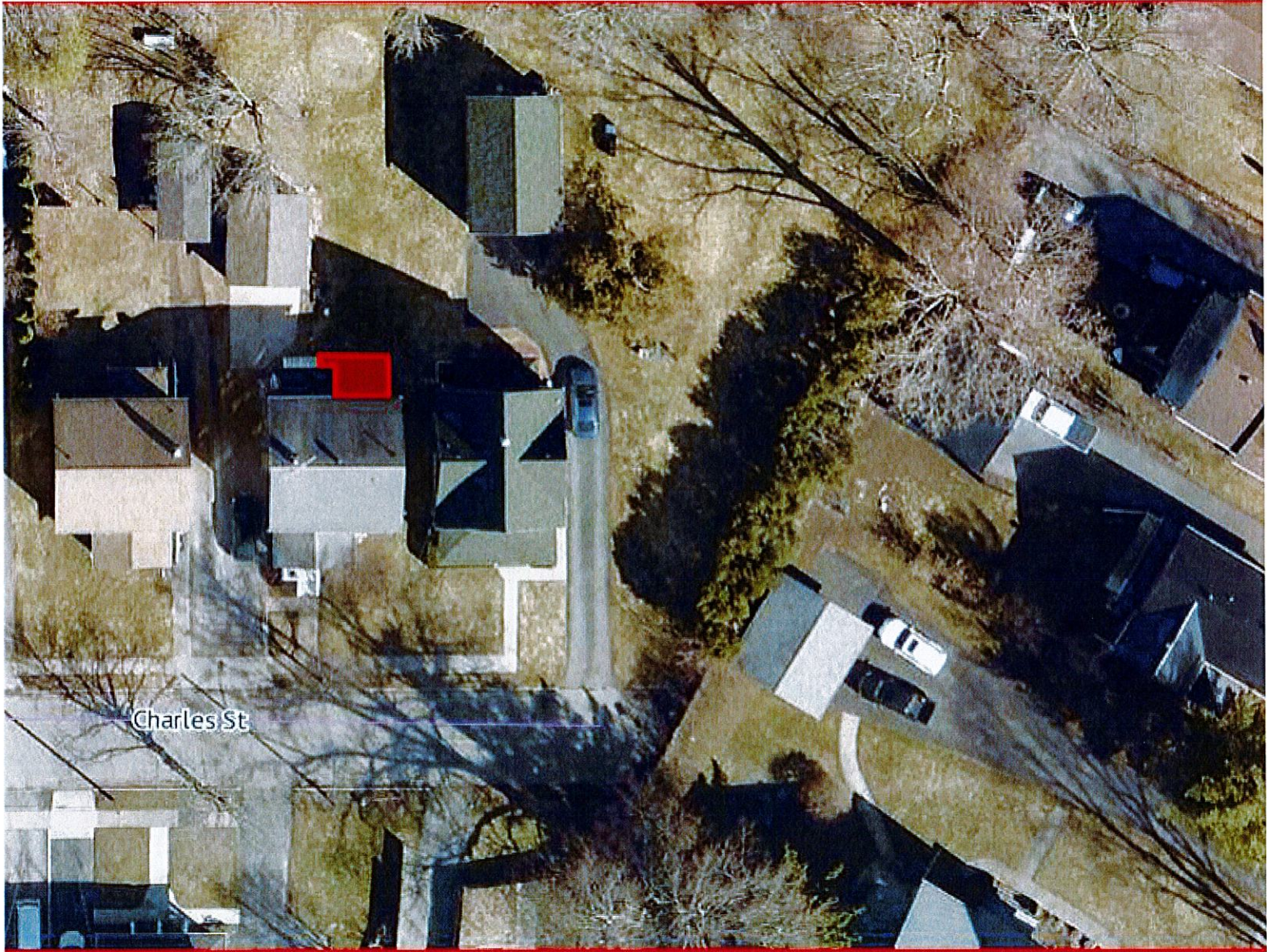
CHARLES STREET (40.0' R.O.W.)

**LEGEND**

- EXISTING IRON STAKE
- U- OVERHEAD UTILITY LINE

**REFERENCE**

BOUNDARY SURVEY SHOWING THE PARCEL TO BE CONVEYED DISTINGUISHED AS LOT NO. 17 OF THE HOLLAND PARK ADDITION, SITUATE IN THE CITY OF



Charles St

# C-05-BAT-6-22



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03/20/2021