



# GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **C-04-BAT-6-22**  
Review Date **6/9/2022**

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

**BATAVIA, C.**  
**ZONING BOARD OF APPEALS**  
**Terry Speed**  
**Area Variance(s)**  
**Area Variance to expand a parking area for a turnaround in the front yard.**  
**Driveway Width**  
**Maximum allowed: 25% of lot frontage area (18 ft.)**  
**Existing: 32% (23 ft.)**  
**Proposed: 48% (35 ft.)**

Location  
Zoning District

**49 Oak St. (NYS Rt. 98), Batavia**  
**Residential (R-2) District**

### 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-04-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) PDC and ZBA  
Address One Batavia City Centre  
City, State, Zip Batavia, NY 14020  
Phone (585) 345 - 6345 Ext. \_\_\_\_\_

**2. APPLICANT INFORMATION**

Name Terry Speed  
Address 49-51 Oak St.  
City, State, Zip Batavia, NY 14020  
Phone (585) 548 - 9990 Ext. \_\_\_\_\_ Email tspeed10live.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 49-51 Oak St.  
B. Nearest intersecting road LaCross Ave  
C. Tax Map Parcel Number 84.024-1-36  
D. Total area of the property \_\_\_\_\_ Area of property to be disturbed \_\_\_\_\_  
E. Present zoning district(s) R-2

**5. REFERRAL CASE INFORMATION:**

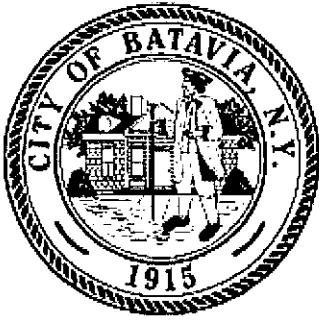
A. Has this referral been previously reviewed by the Genesee County Planning Board?  
 NO  YES If yes, give date and action taken \_\_\_\_\_  
B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law  
BMC 190-39 E(1)  
C. Please describe the nature of this request Approval to widen driveway to 48% of lot frontage.

**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  
Planning and Development Committee  
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 5/31/22

Re: 49-51 Oak St.  
Tax Parcel No. 84.024-1-36

Zoning Use District: R-2

The applicant, Terry Speed (owner), has applied for a permit to widen an existing 23' wide asphalt driveway by placing 12' of loose stone to the south side of the existing driveway.

**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) (13).**

**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.

**City Planning and Development Committee-** Pursuant to section 190-49 C. of the zoning ordinance, the Planning and Development Committee shall review and make recommendations to the ZBA for applications that include parking 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

1) **BMC Sec. 190-39 E (1) The width of driveways shall not exceed 25% of the lot frontage.**

	<u>Permitted</u>	<u>Proposed</u>	<u>Difference</u>
Driveway width	17.97' (25%)	35' (48%)	17.03' (23%)



CITY OF BATAVIA  
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 22-4  
Hearing Date/Time: \_\_\_\_\_

APPLICANT: TERRY SPEED TSPEED2@LIVE.COM  
Name E-Mail Address  
7365 COWARD RD 585 3564134 585 5489990  
Street Address Phone Fax  
BYRON NY 14422  
City State Zip

STATUS:  Owner  Agent for Owner  Contractor

OWNER: DAWN SPEED TSPEED2@LIVE.COM  
Name E-Mail Address  
49 OAK ST. 585 3436466 NONE  
Street Address Phone Fax  
BATAVIA NY 14020  
City State Zip

LOCATION OF PROPERTY: 49 OAK ST BATAVIA NY 14020

DETAILED DESCRIPTION OF REQUEST: THE ADDITION OF A PROPER TURBINE ABOUT DRIVEWAY IN THE FRONT YARD.

SEE ATTACHED NOTES

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.

Terry Speed \_\_\_\_\_  
Applicant's Signature Date 5/13/2022

Dawn Speed \_\_\_\_\_  
Owner's Signature Date 5/13/2022

To be Filled out by Zoning Officer

TAX PARCEL: 84,024-1-36 ZONING DISTRICT: R-2 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)

Provision(s) of the Zoning Ordinance Appealed: BMC 190-39 E(1) The width of  
Driveways and Parking spaces may not exceed 25% of lot frontage.

**PAID**  
MAY 18 2022  
CITY OF BATAVIA  
CLERK-TREASURER

## 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.  
THE AREA USED WILL BE IN THE FRONT YARD  
AWAY FROM ANY PROPERTY BOUNDARIES
- 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.  
THERE IS NO OTHER SPACE TO LOCATE  
THE TURNABOUT
- 3. Substantiality.** The requested area variance is not substantial.  
WITH ~~85~~ 79'  
FRONTAGE IT IS ONLY 35' AND NOT ACTUAL ACCESS  
TO THE STREET JUST FRONT YARD
- 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.  
THIS SHOULD NOT EFFECT THE NEIGHBORHOOD AT ALL
- 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.  
THIS ISSUE IS DUE  
TO BUMPER TO BUMPER TRAFFIC ON OAK ST WEEKDAYS

  
Applicant's Signature

5/13/2022  
Date

## **City of Batavia**

### **Application to the Zoning Board of Appeals**

Dawn Speed owner of property located at 49 Oak St. has a In Home Beauty Salon business approved by the City of Batavia. She has 6 to 12 clients 5 days a week between the hours of 10 am and 8 pm. With the increased flow of traffic on Oak St. weekday during these hours it has become very difficult and dangerous for her clients to try to back in the driveway so they can pull out when leaving. As it is against the law and very dangerous to back out on to a State highway.

Therefore, Dawn is making a request to the City to have a proper turnabout in the front yard this turnabout will require the addition of driveway area 13' long x 20' wide from the sidewalk by the house to 24" before the city sidewalk. There has been a 5' x 15' dirt turnabout there form the time Dawn purchased the property which was apparently not ever approved by the city.





Permit No. \_\_\_\_\_

Date: \_\_\_\_\_

### DRIVEWAY AND PARKING SPACE PERMIT \$55 fee – Please attach Survey / Illustration

ADDRESS OF PROPERTY: 49 OAK ST,

OWNER: DAWN SPEED TSPEED1@LIVE.COM  
Name E-mail Address

49 OAK ST 3436456  
Street Address Phone

BATAVIA NY 14020  
City State Zip

CONTRACTOR: TERRY SPEED TSPEED1@LIVE.COM  
Name E-mail Address

7365 COWARD RD 5853564134  
Street Address Phone

BYRON NY 14422  
City State Zip

[Signature] 5/5/22  
Owner/Contractor's Signature Date

DIMENSIONS OF EXISTING DRIVEWAY: Width \_\_\_\_\_ Length \_\_\_\_\_

DIMENSIONS OF NEW DRIVEWAY / ADDITION: Width 8 Length 20

SURFACE MATERIAL: Existing CONCRETE STONE Proposed STONE

To be filled out by Zoning Enforcement Officer

TAX PARCEL: \_\_\_\_\_ ZONING DISTRICT: \_\_\_\_\_ SURVEY: \_\_\_\_\_

DIMENSIONS OF LOT: Lot Frontage \_\_\_\_\_ Front Yard \_\_\_\_\_

PERCENTAGE OF LOT FRONTAGE: \_\_\_\_\_ SURFACE MATERIAL: \_\_\_\_\_

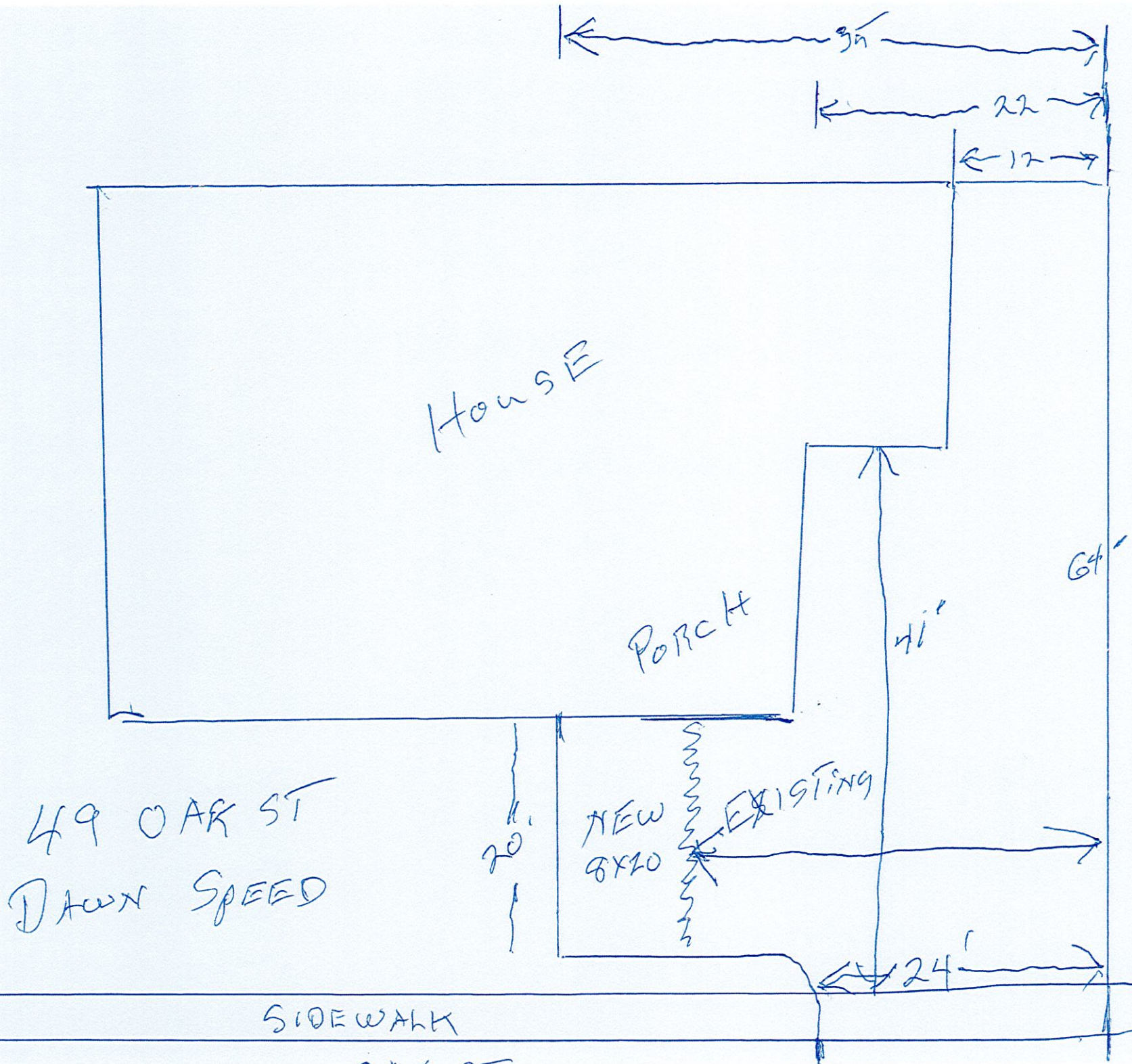
APPROVED: \_\_\_\_\_ AREA VARIANCE: \_\_\_\_\_ GRADE PLAN: \_\_\_\_\_

ISSUING OFFICER: \_\_\_\_\_ DATE: \_\_\_\_\_

17.97' Permitted . (23' Existing)  
35' Proposed,  
17.03' dif. (LBA)







HOUSE

PORCH

49 OAK ST  
DOWN SPEED

NEW  
8x20

EXISTING

SIDEWALK





@akSt