



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **T-01-DAR-3-22**
Review Date **3/10/2022**

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

DARIEN, T.
ZONING BOARD OF APPEALS
Steven Cummings
Area Variance(s)
Area Variance place a 128 sq. ft. (8 x 16 ft.) storage shed for a single-family home.
Side Yard Setback Minimum Required: 10 ft. Proposed: 4 ft.

Location
Zoning District

10565 Harper Rd., Darien
Commercial (C) District

PLANNING BOARD RECOMMENDS:

APPROVAL

EXPLANATION:

The proposed setback should pose no significant county-wide or intercommunity impact.

Director

March 10, 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) 547-2274

Clear Form

DEPARTMENT USE ONLY:

GCDP Referral # T-01-DAR-3-22



*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

**RECEIVED
Genesee County
Dept. of Planning
3/2/2022**

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) Town of Darien ZBA
Address 10569 Alleghany Road
City, State, Zip Darien Center, NY 14040
Phone (585) 547-2274 Ext. 1026

2. APPLICANT INFORMATION

Name Steven Cummings
Address 10565 Harper Road
City, State, Zip Darien Center, NY 14040
Phone (585) 813-1380 Ext. _____ Email _____

MUNICIPALITY: City **Town** Village of _____

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 10565 Harper Road, Darien Center, NY 14040
- B. Nearest intersecting road Broadway Rd. (NYS Rt. 20)
- C. Tax Map Parcel Number 12.-1-9
- D. Total area of the property 0.22 acres Area of property to be disturbed 8 x 16 feet
- E. Present zoning district(s) Commercial (C) District (Property pre-dates zoning)

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
Schedule A - This use and property predates town Zoning Law. Residential use.
- C. Please describe the nature of this request Using the MDR setback of 10 feet which is consistent with the current non-conforming preexisting use. The applicant wants to place an 8 x16 ft. prefab shed adjacent to his garage to store ice fishing equipment and an ATV. The proposed setback is 4 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 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>Criteria to support the area variance</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 Gwen Yoder Title PBZBA Clerk Phone (585) 547-2274 Ext. 1026
Address, City, State, Zip 10569 Alleghany Road, Darien Center, NY 14040 Email pbzba@townofdarienny.com

TOWN OF DARIEN

APPLICATION TO THE ZONING BOARD OF APPEALS

APPEAL NUMBER: _____

DATE: _____

APPLICANT: NAME: Steven Cummings
ADDRESS: 10565 Harper Rd.
Darien, NY 14040
TELEPHONE #: 585-813-1380

1. *Request to the Board of Appeals to overturn the Zoning Enforcement Officer's decision to DENY* () *GRANT* () *an application for a Zoning Permit number _____ Dated _____*

2. **APPLICATION FOR:** *Use Variance* () *Interpretation* ()
 Area Variance () *Other* ()
 Notice of Appeal () _____
Please Specify

3. *Address of Project Site: Same* _____

4. *Provisions of Zoning Law being Appealed:*
 Article Schedule A Section _____ Subsection _____ Paragraph _____

5. *Has a previous Appeal been filed pertaining to this parcel?* NO () YES ()
 If Yes, list Appeal No. _____ Date _____ Purpose of Request: _____

6. *Justification for request (General Explanation):* Placement of the shed is adjacent to the garage and does not pose an encroachment on septic system. The building still allows for access to backyard and does not alter the character of the neighborhood.

***A more SPECIFIC RESPONSE should accompany this application on separate sheet(s) of paper.**

The applicant shall submit with this Appeal, appropriate supporting materials including, but not limited to, site plans, elevations, traffic circulation diagrams and any other material that will assist the Zoning Board in making a determination regarding this request.

CERTIFICATION: I hereby certify that I have read and examined this application and supporting attachments and know the same to be true and correct. All provisions of laws and ordinances covering this type of work or use will be complied with whether specified herein or not. The granting of an Appeal does not presume to give authority to violate or cancel the provisions of any other state or local ordinance or law regulating construction or performance of construction and/or use.

 Applicants Signature

 Reviewed by Zoning Enforcement Officer

OFFICIAL USE ONLY	<u>FEE COLLECTED</u> Public Hearing Fee \$ _____ PAID: Cash \$ _____ Check # _____		_____ Town Clerk Signature/Date
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Application #: _____

(For office use only)

Town of Darien 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 §267-b of the NYS Town 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 - Sheds and outbuilding are common and acceptable uses in this neighborhood.

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.

True - Placement of the shed on the South side of the garage would encroach on the septic system.

3. Substantiality. The requested area variance is not substantial.

Area variance is 60% of the requirement of 10' under Zoning Law. Property predates Zoning Law and is considered MDR for purposes of the variance request.

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.

Applicant's Signature

Date



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03/22/2021