



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **T-01-ELBA-1-22**

Review Date **1/13/2022**

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

ELBA, T.

ZONING BOARD OF APPEALS

Michael and Heather Dillon

Area Variance(s)

Area Variance to build a pond.

**Setback to Property Lines
Minimum required: 100 ft.
Proposed: 75 ft.**

Location
Zoning District

3933 Lockport Rd., Elba

Agricultural-Residential (A-R) District

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

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

Director

January 13, 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) , 9!+ \$%

Clear Form

DEPARTMENT USE ONLY:

GCDP Referral # T-01-ELBA-1-22



*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

RECEIVED
Genesee County
Dept. of Planning
12/9/2021

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) Elba Town/Village Zoning Board
Address 7133 Oak Orchard Rd
City, State, Zip Elba, NY, 14058
Phone () - Ext. _____

2. APPLICANT INFORMATION

Name Michael and Heather Dillon
Address 4677 North Byron Rd
City, State, Zip Elba, NY, 14058
Phone (585) 356 5399 Ext. _____ Email _____

MUNICIPALITY: City Town Village of Elba

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 4677 North Byron Rd, Elba ,NY ,14058
B. Nearest intersecting road (Old) Oak Orchard Rd
C. Tax Map Parcel Number 17.-1-94.21
D. Total area of the property 4.7 Acres Area of property to be disturbed 100' x 150'
E. Present zoning district(s) A-R

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
section 501,A,7. and section 607,C.
C. Please describe the nature of this request Excavation of a pond will be 75 feet from east property line instead of the required 100 feet.

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 type="checkbox"/> Photos |
| <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 | |

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Chuck Norton Title ZBA Secretary Phone (716) 474 2463 Ext. _____
Address, City, State, Zip 4484 Ridge rd ,Elba,NY 14058 Email cwlmnorton@hotmail.com

Name of Applicant

Address

Telephone Number

Michael Dillon Heather Dillon
4677 N. Byron Rd Elba, Ny 14058
585-356-5399

Appeal Concerns Property at the address

Parcel Number

17-1-94.21

Zoning District Classification

Variance Requested

GUIDELINES AND CRITERIA TO SUPPORT ZONING APPEAL

AREA VARIANCE

In order to be entitled to an Area Variance, an Applicant to the Town/Village of Elba must show by documentation in the record that the benefit to the Applicant from the proposed variance will not outweigh the detriment to the health, safety, and welfare of the community and the neighborhood, if the variance is granted.

In making this determination the Planning/Zoning Board of Appeals shall consider the following factors, and the Applicant must respond to these questions with facts and circumstances and not merely repeat all or part of the questions.

1. Whether or not an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance.

Do not at all both neighbors enjoy the view and possible uses of a pond.

2. Whether or not the benefit sought by the Applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance.

Due to the grading of property the visibility of the pond would be limited.

3. Whether or not the requested Area Variance is substantial.

Both neighbors enjoy the viewing, and could be used for fire prevention for 3 houses.

4. Whether or not the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Do - Done

5. Whether or not the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the Area Variance.

Would be far enough from all property lines to maintain side encumbrances.

11/9/21

Applicant Signature

Date

Determination of Planning/ZBA based on the above factors:

The Planning/ZBA, after reviewing the above, finds:

Chairperson Signature

Date

Looking for variance on the
Halls Property line, suppose to be
at 100 ft.

100 ft

75 ft

Halls Property
line

Harrington
Property line

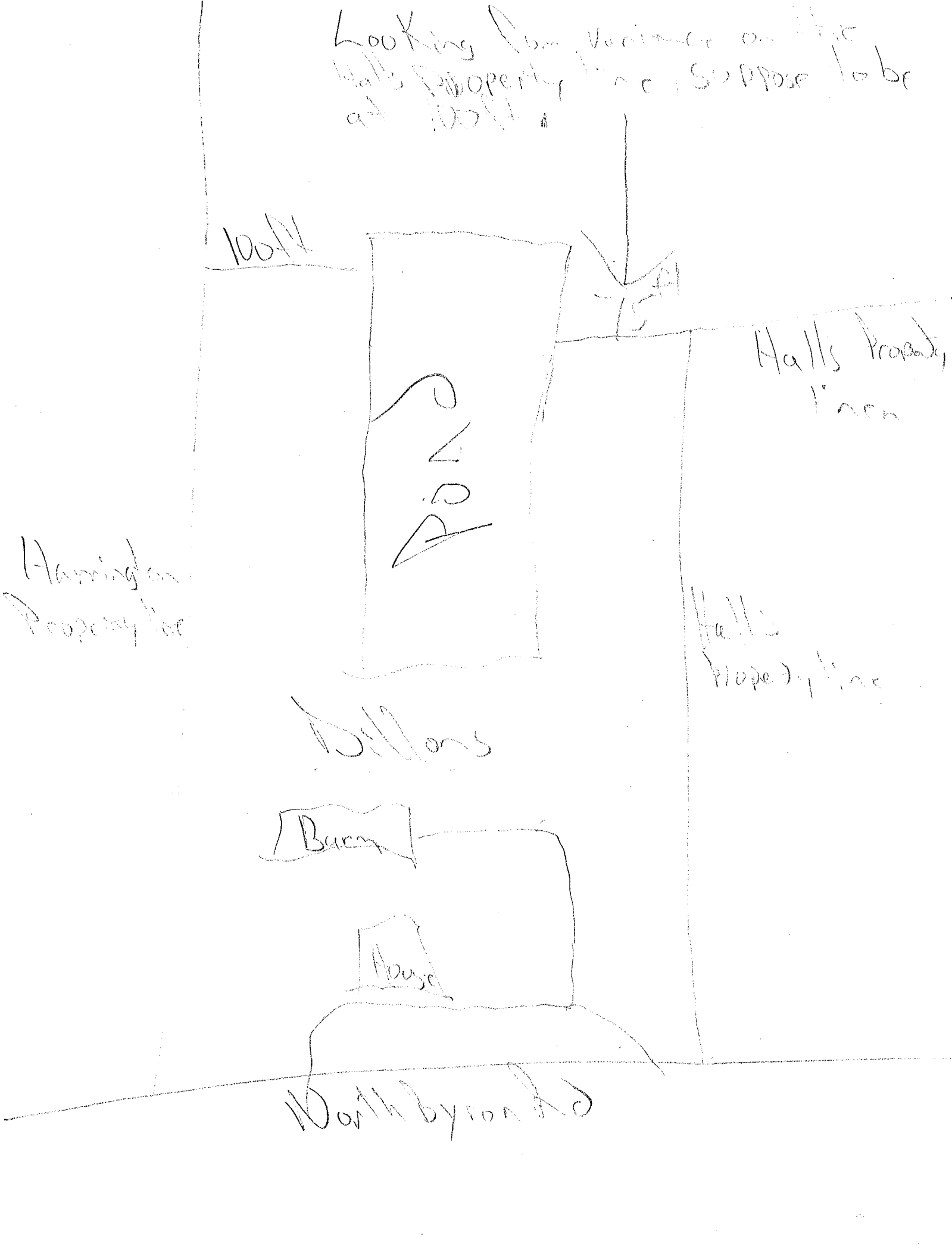
Halls
Property line

Willows

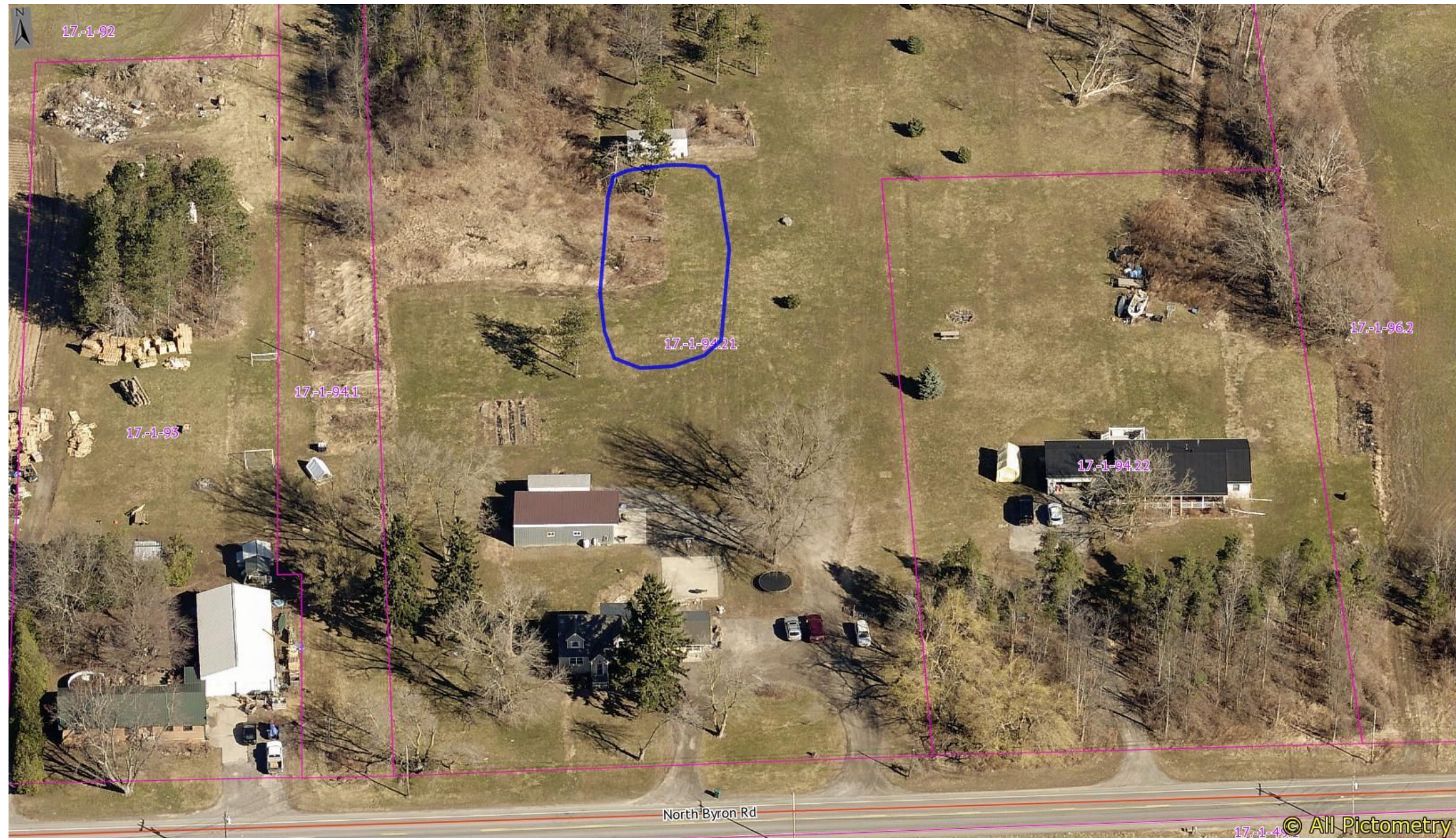
Back

House

North by road



T-01-ELBA-1-22



03/20/2021