



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **T-02-DAR-4-22**
Review Date **4/14/2022**

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

DARIEN, T.
ZONING BOARD OF APPEALS
Chad Downs
Area Variance(s)
Area Variance place a 1,200 sq. ft. (30 x 40 ft.) storage barn for a single-family home.
Front Yard Setback
Minimum Required: 50 ft.
Proposed: 38 ft.

Location
Zoning District

1300 McVean Rd., Darien
Low Density Residential (LDR) District

PLANNING BOARD RECOMMENDS:

APPROVAL

EXPLANATION:

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

Director

April 14, 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) , 941+ 586

Clear Form

DEPARTMENT USE ONLY:

GCDP Referral # T-02-DAR-4-22



*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

**RECEIVED
Genesee County
Dept. of Planning
3/31/2022**

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

2. APPLICANT INFORMATION

Name Chad Downs
Address 1300 McVean Road
City, State, Zip Corfu, NY 14036
Phone (716) 583 - 3304 Ext. _____ Email _____

MUNICIPALITY: City Town Village of Darien

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 1300 McVean Rd., Darien
B. Nearest intersecting road Alleghany Rd (NYS Rt. 77)
C. Tax Map Parcel Number 2.-1-43.1
D. Total area of the property 1.25 acres Area of property to be disturbed 30X40 feet
E. Present zoning district(s) LDR

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
C. Please describe the nature of this request He needs an area variance for a pole barn. Relief from front setback requirement of 50 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 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>Variance Test</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 Rd. Darien, NY 14040 Email pbzba@townofdarienyny.com

TOWN OF DARIEN APPLICATION FOR ZONING PERMIT (revised 2/01/2021)

Today's Date: 3/21/2022 Application Number: ZBA - 06 - 22

Owner's Name: Chad Downs Tax Map #: 2.-1-43.1

Owner's Phone: 716-583-3304 Owner's 2nd Phone: 716-759-1492

Owner Address: 1300 Mc Vean Rd. Corfu, NY 14036

Address of Project: same

Owner's Email: Pestrx1300@icloud.com Builder Email: _____

Builder Contact: _____ Builder Phone: _____

INSTRUCTIONS:

Fill out the application completely. Submit the application & required attachments to the Zoning Enforcement Officer (ZEO) prior to commencing this project or use.

***THIS APPLICATION IS NONTRANSFERABLE AND IS VALID FOR ONE YEAR PERIOD ONLY**

1. Zoning District property located in: RESIDENTIAL Low or Medium Density
 Industrial Commercial Recreational
2. Permit Application for: New Construction Demolition Addition Alteration Relocation
 Roof Solar Panels Generator Swimming Pool Signs Fence Kennel
 SPECIAL USE VARIANCE SITE PLAN HOME OCCUPATION
3. Is this parcel: Corner Lot Water District Sewer District
4. Dimensions of this lot: 260' length X 200' width and/or area 1.25 acres
5. What is the front set back (in feet) from the project to the street right-of-way (Check Survey for ROW);
38' ft and what is the set back (in feet) from project property line Side A 50' Side B 120'
Back 170' (Also depict on plot diagram).
6. Total percentage (%) of coverage of all buildings on lot (including proposed): N/A %
7. Total Dwelling Units: _____
8. Project Cost: _____ Actual Estimated

PROPOSED PROJECT	HEIGHT	LENGTH	WIDTH	SQUARE FEET	
House					# Bathrooms: _____
Garage/Pole Barn					# Bedrooms: _____
Accessory Structure					Rec Room: _____
Commercial					Family Room: _____
Industrial					Fireplace: _____
Signs					

Describe proposed project and/or use:

Area variance for pole barn. Relief from front setback requirement of 50'.

Attachments required & verified by ZEO:

Application, Site map, Variance test.

Action taken by ZEO: **APPROVED:** **DENIED:** Reason:

Requires area variance.

Referral To: Town Planning Town Appeals County Planning Building Inspector

Requires: Zoning Permit Zoning/Building Permit Operating Permit Temporary Use Permit
 Emergency Housing Permit Certificate of Compliance

3/21/2022

Date of Signature

Signature of ZEO

Date of Signature

of Inspects

Signature of Building Inspector

3/21/2022

160⁰⁰

Date Fee Received

Fee

Indicate Fees Paid/Town Clerk Use Only

Date of Signature

Renewal Approval / ZEO Signature

CERTIFICATION: I hereby certify that I have read the instructions, examined this application and supporting attachments and know them to be true & 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 a permit does not give authority to violate or cancel the provisions of any other State or Local Law/Ordinance regulating construction, performance, or use.

Designation of Representative to act in my stead form required? _____ (attach form if required)

APPLICANT SIGNATURE

PROPERTY OWNER SIGNATURE (If other than applicant)

Office Use Only:

Total Square Footage: _____

Average Sq. Footage Cost: _____

Valuation: _____

Reference Year: _____

TOWN OF DARIEN

APPLICATION TO THE ZONING BOARD OF APPEALS

APPEAL NUMBER: 2BA-06-22

DATE: 3/2/2002

APPLICANT:

NAME: Chad Downs
 ADDRESS: 1300 Mc Vean Rd.
 Corfu, NY 14036
 TELEPHONE #: 716-583-1492

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: 1300 Mc vean Rd. Corfu, NY 14036

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

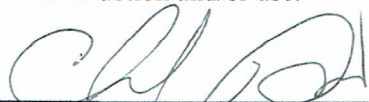
5. Has a previous Appeal been filed pertaining to this parcel? NO () YES ()
 If Yes, list Appeal No. _____ Date _____ Purpose of Request: _____

6. Justification for request (General Explanation): Request front setback variance to place a pole barn adjacent to existing driveway to make the building functionally and aesthetically pleasing.


***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	FEE COLLECTED <u>\$60</u> Public Hearing Fee \$ _____ PAID: Cash \$ _____ Check # <u>1075</u> <div style="text-align: right;">Town Clerk Signature/Date _____</div>
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Application #: ZBA-06-22
(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, the owner merged his two adjacent parcels to create a larger parcel. The request is minor and will enhance the aesthetics of the parcel. To conform with the setback would actually detract from the aesthetics of the 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.

Compliance would create an undesirable aesthetic by altering the driveway flow of the parcel and increasing surface driveways.

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

Reequest is approximately 20% of requirement. Request 38' setback as opposed to 50' required under zoning .

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.

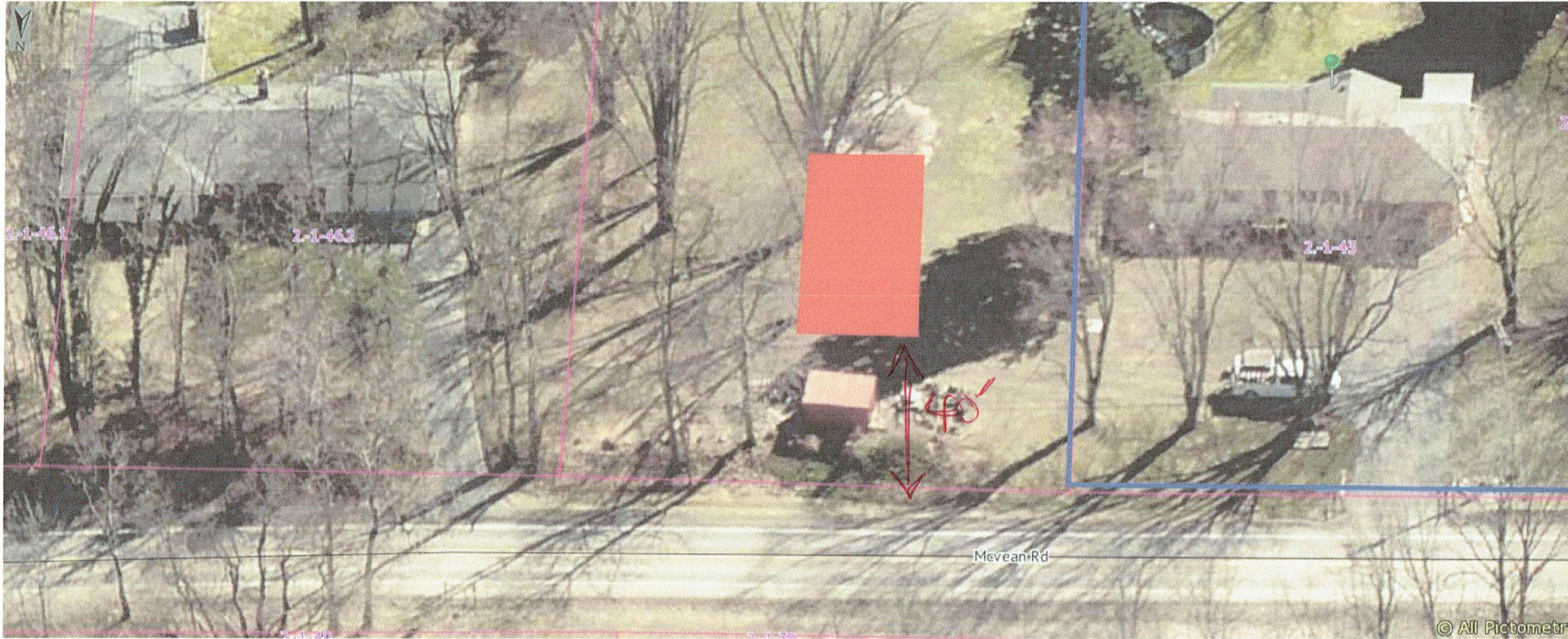


Applicant's Signature

Date

3/21/22

Downs area variance 1300 Mc Vean Rd



03/21/2021