

ZONING BOARD OF APPEALS
Official Minutes
Thursday, June 22, 2023
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

Members present: *Nick Harris, Leslie Moma, Dave McCarthy*

Members absent: Jeff Gillard, Jim Russell

Others present: Meg Chilano – Recording Secretary, Doug Randall – Code Enforcement Officer

I. Roll Call

Roll call of the members was conducted. Three members were present and Acting Chair Dave McCarthy declared a quorum.

II. Call to Order

Mr. McCarthy called the meeting to order at 6:01 pm.

III. Pledge of Allegiance

IV. Approval of Minutes

There were no corrections to the minutes. Mr. McCarthy assumed the motion and the minutes were approved by unanimous consent.

RESULT: Approval of May 25, 2023 minutes.

V. Zoning Board of Appeals statement

Mr. McCarthy explained the role of the Zoning Board of Appeals and the procedures it follows.

VI. Variance Requests

- A. Area Variance: remove an existing 20.5'-wide asphalt driveway and place a new 22'-wide Portland cement concrete driveway in its place. A zoning variance was previously granted by the ZBA on 8/28/08 to increase the width of the existing (approx.) 10.5'-wide asphalt driveway by adding 10' of width on the west side of the existing driveway

Address: *29 Cherry Street*

Applicant: Jennifer Lynn Gobeyn, owner

- Actions: 1. Review proposal
 2. Public hearing and discussion
 3. Action by the board

1. Review Application

Vice Chair, Leslie Moma, read the summary of the proposal.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:05 pm.

Ms. Gobeyn explained when she lived alone, the parking was sufficient. However, her fiancé, who works in construction, drives a pick-up truck and there is insufficient room to park in the driveway. The size of the lot is barely wider than the house and there is no room on the side for a vehicle. In addition, the vehicles cannot pull forward far enough to prevent the vehicles from resting on the sidewalk.

There were no calls, letters, or email concerning the proposal, and no one present who wished to speak regarding the project.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 6:10 pm.

3. Action by the Board

Mr. McCarthy went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no, there is no room on the property
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no
- Self-created: no, the lot is narrow

MOTION: Mr. Harris moved to approve the proposal with 60 days to obtain the permit; the motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Area Variance approved.

B. Area Variance: place a 12' x 20' one-story wood-frame shed in the west side yard of this property. This property is located within the AH special flood hazard area (SFHA) and is subject to additional requirements of the Batavia Municipal Code that include elevating the floor level to a point at least 2' above the base flood elevation (BFE). Code compliant alternatives have been proposed and are indicated below

Address: 5 Sumner Street
Applicant: Valentino Zinni, owner

- Actions:
1. Review application
 2. Public hearing and discussion
 3. Action by the board

1. Review Application

Ms. Moma read the summary of the proposal.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:16 pm.

Mr. Zinni said that the reason he wants to put the shed in the front is that the front yard space is huge while the rear yard is almost non-existent. He told the board that he would make the storage space look appealing and adhere to whatever strictures were required to make it flood compliant.

The board had a discussion regarding FEMA floodplain regulations and venting systems. Mr. McCarthy said that he did not have a problem with the project as long as it was consistent with FEMA guideline.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 6:18 pm.

3. Action by the Board

Mr. McCarthy went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no
- Self-created: no, there is no room in the rear yard

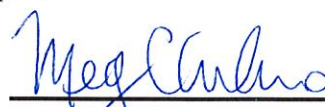
MOTION: Mr. McCarthy moved to approve the variance, providing the structure is FEMA compliant, with 60 days to obtain the permit. The motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Area Variance approved.

VII. Setting of Next Meeting: July 27, 2023

VIII. Adjournment

Mr. McCarthy adjourned the meeting at 6:26 pm.



Meg Chilano

Recording Secretary