

APPLICATION TO BOARD OF APPEALS

Tel. No. _____

Appeal No. 2010-040

Date 4/27/10

TO THE ZONING BOARD OF APPEALS, WEST SENECA, NEW YORK:

X I (we) Thomas and Lisa Turner of 10 Wetherstone Dr,
West Seneca, NY 14224, HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE
DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT NO. _____,

DATED _____, 20____, WHEREBY THE BUILDING INSPECTOR DID DENY TO

grant permit to build a fence

- A PERMIT FOR USE
- A PERMIT FOR OCCUPANCY
- A TEMPORARY PERMIT OR EXTENSION THEREOF

- A CERTIFICATE OF EXISTING USE
- A CERTIFICATE OF ZONING COMPLIANCE
- AREA PERMIT

1. Applicant is the PROPERTY OWNER
- CONTRACTOR FOR THE WORK CONCERNED HEREIN
 - PROSPECTIVE TENANT
 - OTHER (Describe) _____

- X 2. LOCATION OF THE PROPERTY 10 Wetherstone Dr., West Seneca NY 14224
3. State in general the exact nature of the permission required, exception to 4' fence requirement.

4. PREVIOUS APPEAL. No previous appeal has been made with respect to this decision of the Building Inspector or with respect to this property, except the appeal made in Appeal No. _____, dated _____, 20____.

X 5. REASON FOR APPEAL.

A. A Variance to the Zoning Ordinance is requested because strict application of the ordinance would produce undue hardship, or the hardship created is unique and is not shared by all properties alike in the immediate vicinity of this property and in this use district, or the variance would observe the spirit of the ordinance and would not change the character of the district because: _____

See Attached

B. Interpretation of the Zoning Ordinance is requested because: _____

C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article _____, Section _____, Subsection _____, Paragraph _____ of the Zoning Ordinance, because: _____

Lisa Turner
Signature

TO BE COMPLETED BY THE BUILDING INSPECTOR

1. Provision(s) of the Zoning Ordinance Appealed, including article, section, subsection or paragraph of the Zoning Ordinance
120-39(B) Fences shall not exceed 4' in height in any
side yard ; Requesting 6' in side yard

2. Zoning Classification of the property concerned in this appeal _____

3. Type of Appeal:

- Variance to the Zoning Ordinance.
- Interpretation of the Zoning Ordinance or Zoning Map
- Special or Temporary Permit or an extension thereof under the Zoning Ordinance.

4. A statement of any other facts or data which should be considered in this appeal. _____

Doug Bruce

Attachment for Variance Application

A variance to the Zoning Ordinance is requested because without variance we would incur undue monetary hardship, and the variance requested observes the spirit of the ordinance.

The 6' fence was erected to enclose the backyard for our small dogs and restrict access to the yard (i.e., preventing our dogs from wandering as well as preventing large dogs and other animals - deer, fox, rabbits, etc. from entering the yard). Removal and replacement would cause us to incur significant costs.

The variance requested would observe the spirit of the ordinance and would not change the character of the district because the fence is:

- Completely located in our backyard;
- Set-in 2'-2.5' from the neighbor's property line;
- In-line with the back of the neighbor's house.

Also, a drive thru the neighborhood notes that there are at least 5-10 houses (on Wetherstone and Pine Court North) with similar fences/circumstances that appear to have been built in exception to the 4' requirement with a variance to the zoning ordinance.

