

APPLICATION TO BOARD OF APPEALS

Tel. No. _____

Appeal No. 2016-017
Date 3.9.15

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

I (we) Jason Havens and David Johnson of WNY BEER CLUB, LLC
DBA / RUSTY NICKEL BREWING Co, 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

RECEIVED
TOWN CLERKS OFFICE
WEST SENECA, N.Y.
2016 MAR 19 AM 9:17

- 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) 4350

2. LOCATION OF THE PROPERTY ~~4350~~ SENECA ST → REAR BUILDING.

3. State in general the exact nature of the permission required, UTILIZE OUTDOOR PATIO

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. NA, dated _____, 20____.

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 ENCLOSED LETTER.

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: _____

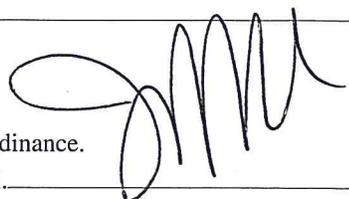
APPLICANT DROPPED OFF
Signature

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 120-20 (7) (5) - RESTAURANTS SERVING ALCOHOL REQUIRED WITHIN AN ENCLOSED BUILDING
REQUESTING USE OF OUTDOOR PATIO.

2. Zoning Classification of the property concerned in this appeal C-2

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. _____

Rusty Nickel Brewing Company

4348 Seneca Street, West Seneca, NY



Dear Neighbor,

We would like re-introduce ourselves, we are the Rusty Nickel Brewing Company, RNBC for short. We are a small business providing WNY with a new and unique variety of craft beer. Dave and I, are writing to let you know that the Rusty Nickel Brewing Co., a NYS farm-brewery, has been open for business since March 14th, 2015.

We are hopeful that you are pleased to have us as neighbors. We fully anticipate our business to operate without bother to you as being a well-respected part of the community is of the utmost importance to us. The brewing process is quiet, and requires few people to operate the equipment. It is safe and non-hazardous to the environment. In fact, it is a considerably green process with its bi-product used to feed live stock.

In order for the business to be sustainable in West Seneca and compete with others in the industry we are filing for a zoning variance for the use of our patio. This allows our patrons to enjoy the outdoors of West Seneca while supporting our business.

The patio will be open for use during normal business hours after 12 noon during the day and until 1am in the evening. Most days the brewery does not open until 5pm during the week and closes around 11pm. Generally, the patio use consists of patrons sitting at tables and conversing. On weekends, generally Sundays, the patio may be used at 10:30am for activities such as yoga.

The brewery patio is intended to be used as a seasonal patio and generally available to guests between late April and late October, but may vary slightly with appropriate weather. Occasional warm spells may allow for supplemental days of patio enjoyment but are generally limited between November and early April. Specific dates that would utilize the patio include the date coinciding with the Ebenezer Ale House annual St. Patrick's day celebration, the weekend before or after May 31st for celebration of the Brewery Anniversary, a weekend in early October for our annual Harvest Fest, New Years Eve, and the last weekend in January for our annual sausage festival. One or two other Saturdays may evolve in to enjoyable afternoons as well. A few hours on Sunday afternoons may become acoustic open mic opportunities where guests come and play soft music. All of our events are family friendly, thereby ensuring there is no vulgar language or inappropriate activity.

We are also hopeful to host other events on the patio such as wedding rehearsals, reunions, family gatherings, bridal showers, baby showers and the like. All of which are calm in nature and generally end early in the evening.

We ensure you that we will comply with all noise ordinances for the Town of West Seneca for any and all of the uses for the patio.

It should be noted that Rusty Nickel Brewing Co. is not affiliated with the Ebenezer Ale House and their patio use is not associated with ours. Our hours of operation are considerably shorter than theirs.

Our goal is to help re-establish the storied brewing history of WNY and provide a quality brew unique to this area.

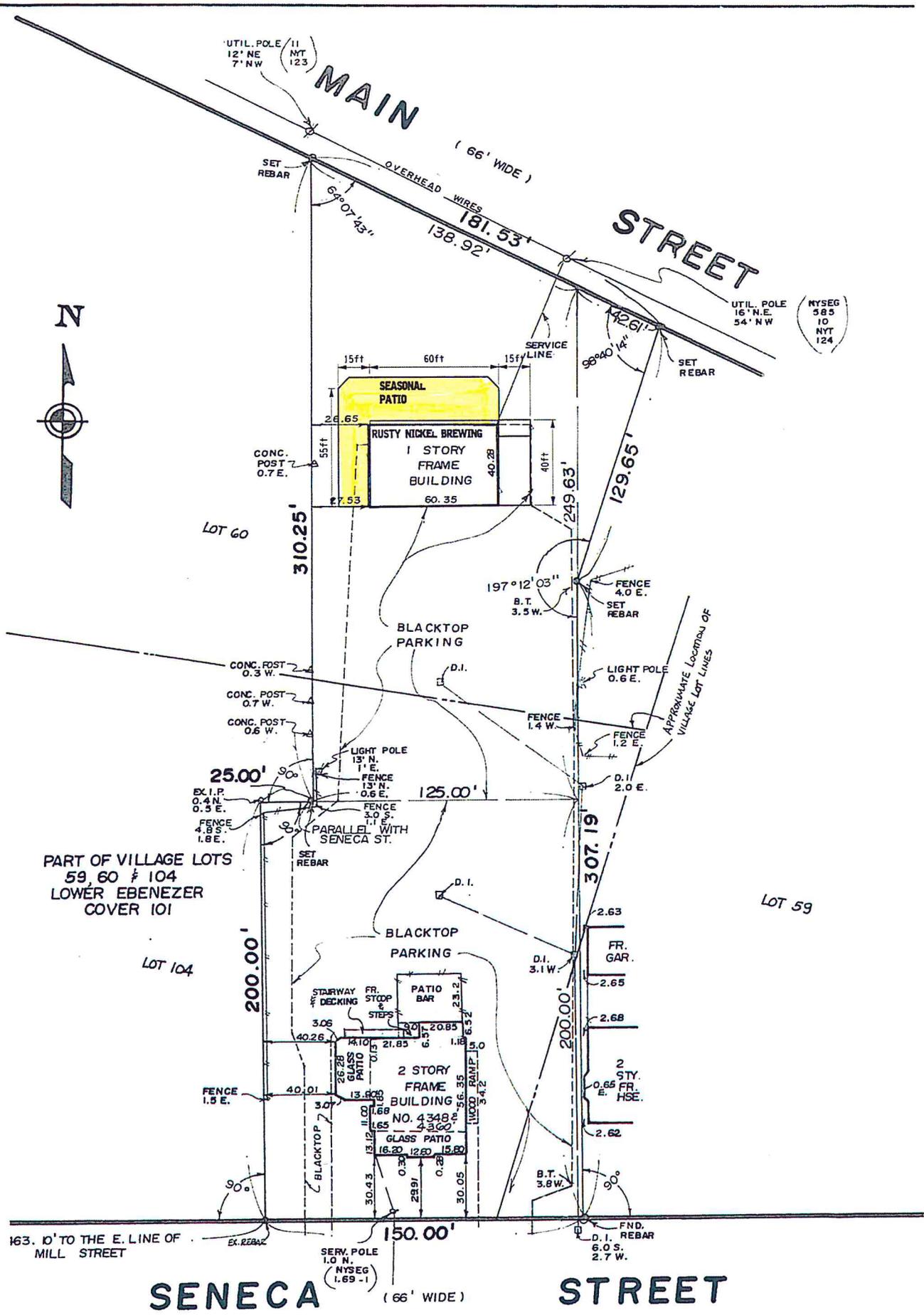
If you have any questions please feel free to contact us!! 716-608-6155 (Jason Havens or Dave Johnson)

Email: jason@rustynickelbrewing.com or Dave@rustynickelbrewing.com

Kind Regards, Jason Havens, Rusty Nickel Brewing Co.

2-17-16

Rusty Nickel Brewing Co.
SITE PLAN



PART OF VILLAGE LOTS
59, 60 & 104
LOWER EBENEZER
COVER 101

LOT 104

LOT 59

SENECA STREET