

APPLICATION TO BOARD OF APPEALS

Tel. No.

Appeal No. 2023-016

Date 4/24/23

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

I (we) Andy Pawelek of 935 Harlem Rd.

HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT, WHEREBY THE BUILDING INSPECTOR DID DENY PERMIT TO: Have outdoor seating and Reduced front setback

- | | |
|--|---|
| <input checked="" type="checkbox"/> A PERMIT FOR USE | <input type="checkbox"/> A CERTIFICATE OF EXISTING USE |
| <input type="checkbox"/> A PERMIT FOR OCCUPANCY | <input type="checkbox"/> A CERTIFICATE OF ZONING COMPLIANCE |
| <input type="checkbox"/> A TEMPORARY PERMIT OR EXTENSION THEREOF | <input checked="" type="checkbox"/> AREA PERMIT |

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

2. LOCATION OF THE PROPERTY 935 Harlem Rd.

3. State in general the exact nature of the permission required, _____

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____.

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 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: _____

Andy Pawelek
Applicant's 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
120-30 C zoning front yard setback 40' - Requesting 25.9' (ratio) 16.7' + 19'

120-20 (2)(3) Outdoor seating not permitted ; Requesting outdoor seating (Dome)

2. Zoning Classification of the property concerned in this appeal C2/S1

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. _____

Building Inspector DJJ

April 21, 2023

Town of West Seneca
1250 Union Road - Room 210
West Seneca, NY 14224

Re: Zoning Board of Appeals for:

Volleyball Court/Dome and Covered Outdoor Dining Additions to:
Holiday's Sports Bar & Volleyball
935 Harlem Rd, West Seneca, NY 14224

Dear Board Members:

We hereby request a variance to the zoning code to construct a volleyball court, with a seasonal dome cover, and covered patio dining addition within the required 40' setback of the front yard.

The State installed curbs and paving on the lot in the recent improvements to Harlem Road and shifted the road further from the existing facility. The existing dome is 43.69', at the minimum point, from the new east line of Harlem Road, and the edge of the street paving is now approximately 85' from the closest face of the dome. This variance request is for a 27' deep x 88' wide addition to the dome, which brings the closest edge of the dome to 16.7' (+/-) to the east line of Harlem Road, and approximately 58' to the east edge of street paving.

The existing face of the bar/restaurant is 39.70' from the east line of Harlem Road, and the edge of the street paving is approximately 75' from the closest face of the building where the covered outdoor dining patio is intended to go. The closest face of the patio addition is proposed to be 25.9' from the east line of Harlem Road, and approximately 61' to the east edge of street paving.

The improvements to Harlem Road that the State made included curbing and paving to the parking lots, as shown on the drawings, which are already within the required setbacks.

This project also requires minor striping modifications to the parking lot and the elimination of 12 (+/-) spaces. The existing site contains adequate additional parking to meet requirements,

Thank you for your consideration on this matter.

Regards

Adrew Pawelek Jr.
Holiday's Sports Bar & Volleyball