

APPLICATION TO BOARD OF APPEALS

Tel. No. _____

Appeal No. 2023-026

Date 06/26/2023

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

I (we) Cody Schmidt of 1909 Center 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: 135, 19-1-12.21

- 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) _____

2. LOCATION OF THE PROPERTY SAME

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 Attachment)

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: _____

Cody Schmidt
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

120-39(B) Fences shall not exceed 4' in front/side yard.
Requesting 6' fence in front/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. _____

Building Inspector _____

DJB

To whom it may concern, I am submitting a request to apply for a variance for a 6' fence located at 1909 Center rd. Between the property 1907 Center rd and myself as it is a commercial property and constantly has people unknown to the area attending and straying onto and looking into my property and home. It is a major safety concern as I have two younger children.

Thank you, Cody Schmidt

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.
AND REPLY TO MUNICIPALITY**

Submit this form with full statement of proposed action (as described in GML 239-m(c)) at www.Erie.gov/IRonline, OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y., 14202

DO NOT WRITE IN THIS SPACE

Case No.: _____

Postmark/Delivery Date: _____

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 1 - nn
A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

Description of Proposed Action

1. Name of Municipality: Town of West Seneca

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.
If the county fails to reply within such period, the referring body may take final action.
However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5)
The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

2. Hearing Schedule: Date 07/26/23 Time 6pm Location 1300 Union Rd, West Seneca NY 14224

3. Action is before: Legislative Body Board of Appeals Planning Board

4. Action consists of: New Ordinance Rezone/Map Change Ordinance Amendment
 Site Plan Variance Special Use Permit Other: _____

5. Location of Property: Entire Municipality Address: 1909 Center Rd
West Seneca NY 14224

5a. S.B.L. of Property: _____

6. Referral required as site is within 500' of: State or County Property/Institution Municipal Boundary Farm Operation located in an Agricultural District
 Expressway County Road State Highway Proposed State or County Road, Property, Building/Institution, Drainageway

7. Proposed change or use: to erect a 6' fence in front and side yard (fences shall not exceed 4' in front/side yard)
(specify the action, such as the scope of variances or site plans)

8. Other remarks: _____

9. Submitted by: Amy Kobler Email: akobler@twsny.org

10. Return Address: 1250 Union Rd, West Seneca NY 14224

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on _____. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. The proposed action is not subject to review under the law.
2. Comment on proposed action is attached hereto.
3. The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.
4. No Recommendation; proposed action has been reviewed and determined to be of local concern.

By the Division of Planning: _____ Date: _____

Amy Kobler

From: ECDEP Document Submission <webmaster@erie.gov>
Sent: Tuesday, June 27, 2023 1:45 PM
To: Amy Kobler
Subject: 1909 Center Rd

Your for 1909 Center Rd / 135.19-1-12.21 was/were submitted on Tue, 06/27/2023 - 1:44 pm

We will reply via email within 30 days (except for reports of final action) to:

Contact Person
Amy Kobler, Town Clerk

Contact Email
akobler@twsny.org

Contact us at 716-858-8390 for any urgent issues.

Thank you,
ECDEP

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Case No.: 369-ZR-23
Postmark/Delivery Date: 6/27/23

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By the Division of Planning:  Date: 7/10/23

