

APPLICATION TO BOARD OF APPEALS

Tel. No. _____

Appeal No. 2023-031

Date July 13 2023

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

I (we) Thane Hoffman of 414 Angle Rd

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, WHEREBY THE BUILDING

INSPECTOR DID DENY PERMIT TO: construct a single family home 29 feet off front

property line.

- 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 77 East 3 West Rd

3. State in general the exact nature of the permission required, construct single family home
29' from front property line 40 foot front setback 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: _____

I would like to Demolish the old House
and put up a new Home in the existing Footprint

B. Interpretation of the Zoning Ordinance is requested because: Requesting a 29 foot front
setback, 40 foot minimum setback (front) in R-75A district.

C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article _____, Section 120, Subsection 30, Paragraph _____ of the Zoning Ordinance, because: Minimum
yard requirements.

[Signature]
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
TOWNS Zoning Ordinance 120-30 R-75A required
front setback minimum 40 feet

2. Zoning Classification of the property concerned in this appeal R-75 A

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. existing home to be
demolished is currently 29 feet off front property line

Building Inspector [Signature]

**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.: 390-ZR-23

Postmark/Delivery Date: 7/13/23

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239.1 - nm.
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 08/23/2023 Time 6pm Location 1300 Union Rd, West Seneca NY

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: 77 East & West Rd

5a. S.B.L. of Property: 143.15-1-5.2 West Seneca NY 14224

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: construct a single family home 29' from front property line (40' front setback required)
(specify the action, such as the scope of variances or site plans)

8. Other remarks: _____

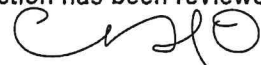
9. Submitted by: Amy Kobler Email: akobler@twsny.org

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 7/13/23. 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: 8/9/23

Amy Kobler

From: dot.sm.r05.SEQR <dot.sm.r05.SEQR@dot.ny.gov>
Sent: Tuesday, August 15, 2023 3:15 PM
To: Amy Kobler
Subject: 2023-75 - 77 East & West Rd Variance Request - NYSDOT Comments

Good afternoon,

The New York State Department of Transportation (NYSDOT) has reviewed the documentation provided for 77 East & West Road, a setback variance request, and has the following comments:

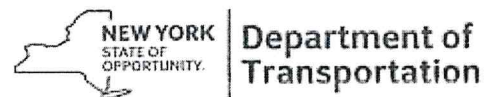
- NYSDOT has no opinion on the Town granting a variance for a reduced housing setback from the road.
- Based upon the information provided, the proposed project does not appear to have a significant impact to traffic on the State Highway System.
- If the variance is granted and the proposed construction is permitted, a NYSDOT Highway Work Permit will be required for work located within the State Highway Right-of-Way. More detailed plans will be required for the Highway Work permit application and an additional site engineering review will be performed as part of the Highway Work Permit process. This correspondence does not constitute approval for the purpose of a Highway Work Permit.
 - Additional information on permits can be found at:
<https://www.dot.ny.gov/divisions/operating/oom/transportation-systems/traffic-operations-section/highway-permits>
 - Applicant should direct the highway Work Permit application and/or questions to:

Erie South County Residency

Ronald Frei
Assistant Resident Engineer
New York State Department of Transportation Region 5
3754 Lakeview Road, Hamburg, New York 14075
716-649-2157 | Ronald.Frei@dot.ny.gov

Respectfully,
Casey Gordon
Transportation Analyst
Planning and Program Management

New York State Department of Transportation, Region 5
100 Seneca Street, Buffalo, NY 14203
(716) 847-3580
Casey.Gordon@dot.ny.gov
www.dot.ny.gov

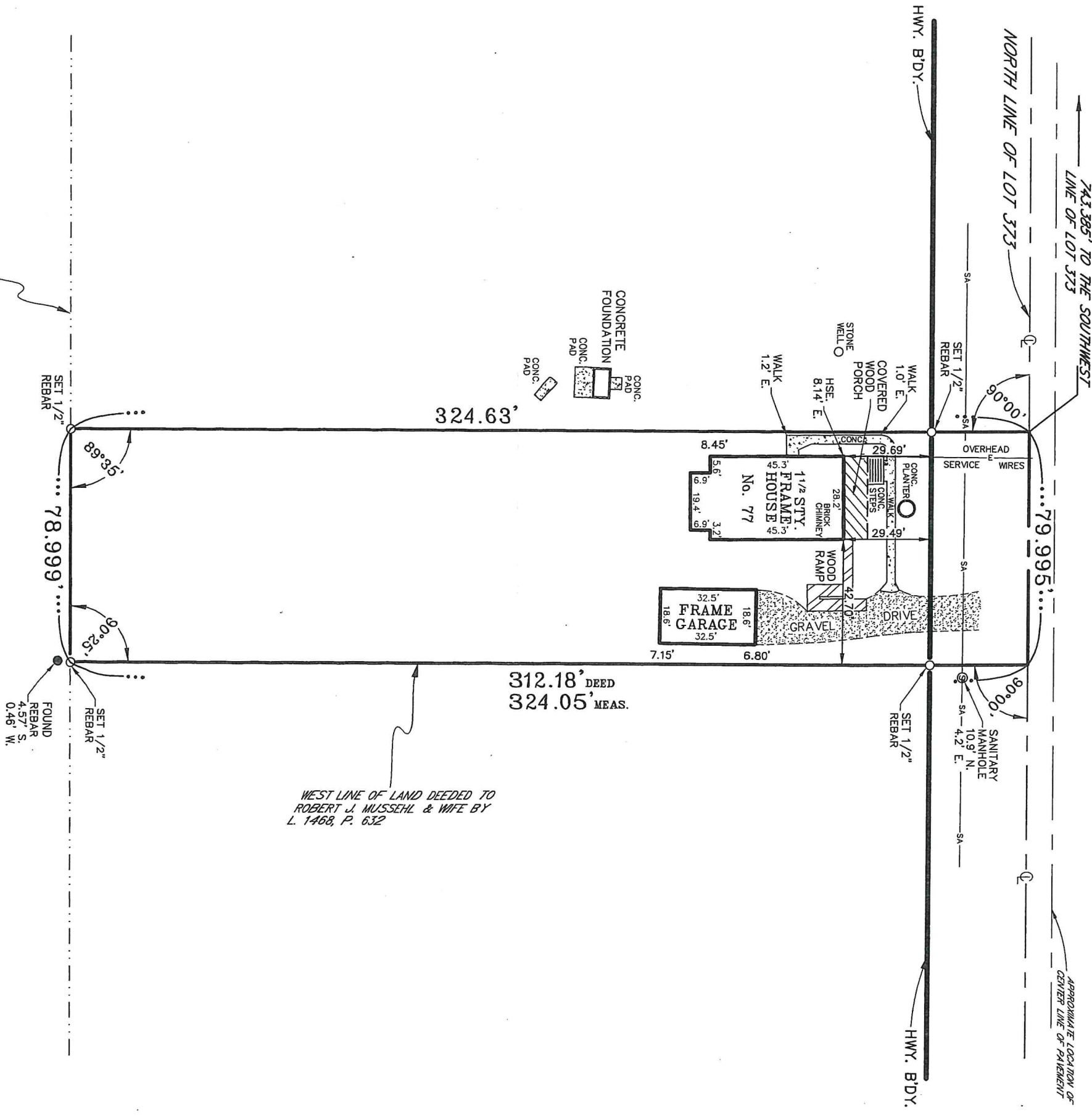


• UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY, DRAWING, DESIGN, SPECIFICATION, PLAN, OR REPORT IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.



• THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

EAST & WEST (66.0' WIDE) ROAD



WEST LINE OF LAND DEEDED TO ROBERT J. MUSSEHL & WIFE BY L. 1468, P. 632

NORTH LINE OF LAND DEEDED TO CHRISTOPHER ULBRICK BY L. 672, P. 426

Existing

BUFFALO CREEK RESERVATION
PART OF L. 373, T. 10, R. 7 • TOWN OF WEST SENECA • COUNTY OF ERIE • STATE OF NEW YORK

DATE	JOB	DESCRIPTION
	UPDATE / REVISION	-

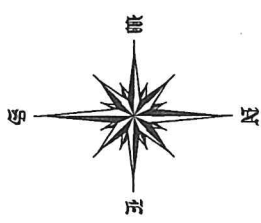
PAUL G. PAGANO, PLS

PROFESSIONAL LAND SURVEYOR
9653 SAVAGE ROAD
HOLLAND, NEW YORK 14080
PHONE & FAX (716) 537-2170

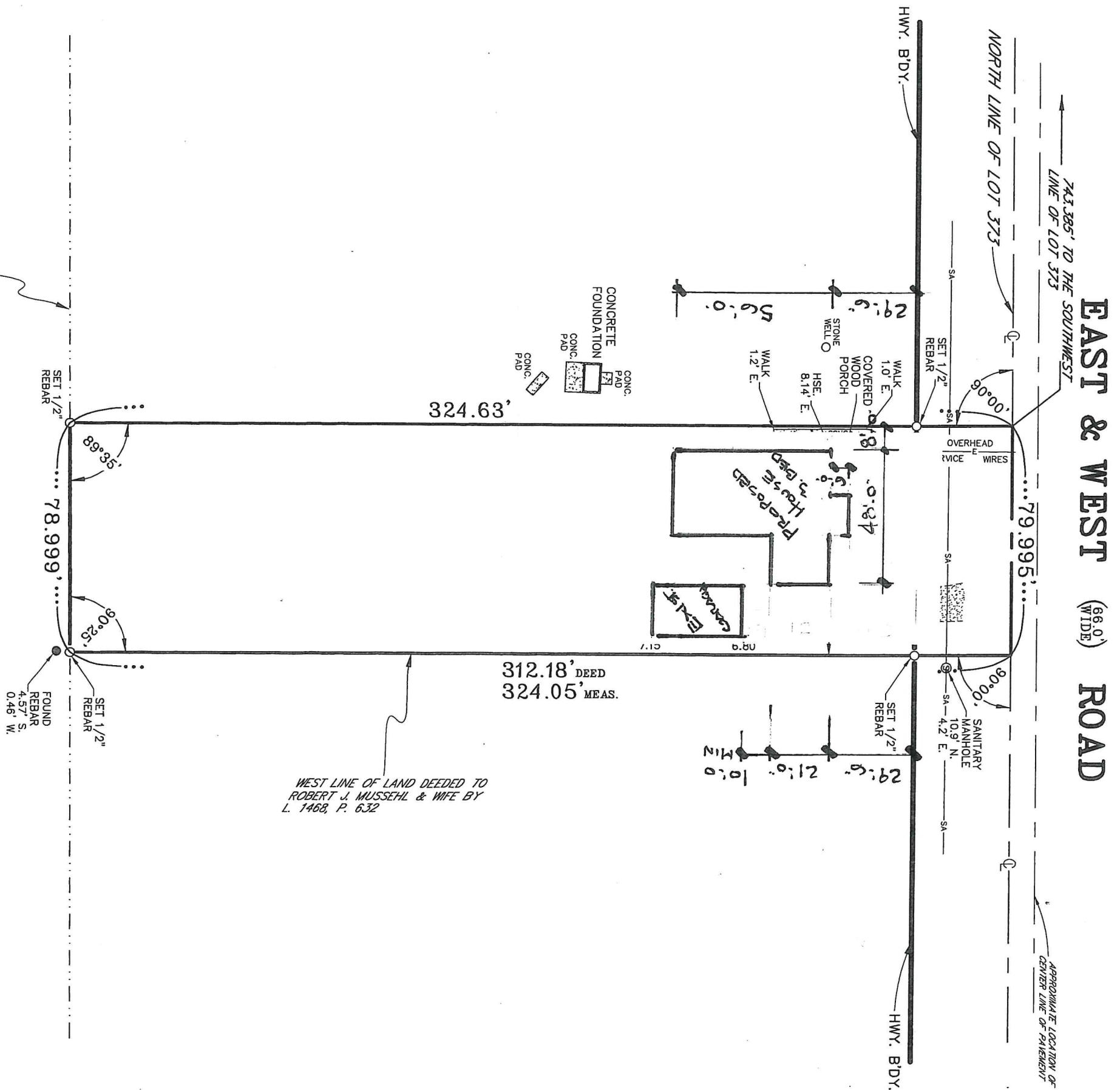
SHS
PGP
SCALE: 1" = 40'
DATE: 5/2/19
JOB NO.: 19116
SHEET NO.: C - 656

PAUL G. PAGANO, PLS
N.Y.S. Lic. No. 050520

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Proposed

PART OF L. 373, T. 10, R. 7 • TOWN OF WEST SENECA • COUNTY OF ERIE • STATE OF NEW YORK

PAUL G. PAGANO, PLS

PROFESSIONAL LAND SURVEYOR

9653 SAVAGE ROAD
HOLLAND, NEW YORK 14080
PHONE & FAX (716) 537-2170

DRAWN BY: SHS
CHECKED BY: PGP
DATE: 5/2/19
JOB NO.: 19116
SHEET NO.: C - 656

PAUL G. PAGANO, PLS
N.Y.S. Lic. No. 050520

DATE	JOB	DESCRIPTION

— UPDATE / REVISION —