

APPLICATION TO BOARD OF APPEALS

Tel. No. _____

Appeal No. 2023-032

Date X 7-18-2023

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

I (we) X Ashlee Kibler of X 940 Orchard Park Road

West Seneca, N.Y. 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: 940 Orchard Park Rd House chickens

- 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 940 Orchard Park Rd

3. State in general the exact nature of the permission required, Requesting 10 hens no roosters

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 enclosed

REC'D MS TOWN CLERK
28 JUL 18 PM 12:55

B. Interpretation of the Zoning Ordinance is requested because: Farm animals and poultry not permitted as per zoning

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: _____

120-13 Zoning Regulations

X Ashlee Kibler
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
Town Zoning Ordinance 120-13 poultry not permitted in zoning

2. Zoning Classification of the property concerned in this appeal C-1

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 [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.: 411-ZR-23

Postmark/Delivery Date: 7/20/23

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 l - 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 08/23/23 Time 6pm Location 1300 Union Rd, West Seneca

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: 940 Orchard Park Rd
West Seneca, NY 14224

5a. S.B.L. of Property: 143.10-2-12

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 allow the raising of chickens (raising of farm animals not permitted)
(specify the action, such as the scope of variances or site plans)

8. Other remarks: _____


9. Submitted by: Amy Kobler, Town Clerk Email: akobler@twсны.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 7/20/23. 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: Amy Kobler
Sent: Thursday, July 20, 2023 11:51 AM
To: dot.sm.r05.SEQR
Subject: Variance requests
Attachments: survey young development.pdf; concept plan young dev.pdf; schultz transit20230720112727.pdf; 940 op survey20230720112056.pdf; 940 orchard park rd ws.pdf; 1900 center rd20230720112234.pdf

Please see the attached 3 variances:

- 1) 391 Schultz Rd and 2852 Transit Rd (application packet, survey and concept plan)
- 2) 940 Orchard Park Rd (application packet and survey)
- 3) 1900 Center Rd (application packet)

Please advise if you have any comments to provide.

Amy Kobler
West Seneca Town Clerk
1250 Union Road, Room 212
West Seneca, NY 14224
716-558-3215

To Whom It May Concern

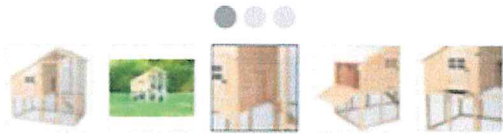
We are the Kohler/Rieske Family. We live at 940 Orchard Park Road, recently as a family we decided to buy and raise chickens. We bought our chicks from Tractor Supply at the Hamburg location. When the chicks were available at the time unfortunately, they were unsexed, and we took a gamble and hoped to only get hens. Over the last several weeks as the chicks have grown, we discovered we did receive rooster's and are in the process of rehoming them but we are hoping to house up to 10 hens. Our family decided to raise hens so we could help teach our son how to use the environment and the art of where real food comes from. We now know what our chickens are eating and what nutrients are put into the eggs. We plan to raise our chickens organically and eat the eggs they produce. With inflation so high and the cost of products this is one way our family will sustain a steady supply and bring our cost of groceries down. Raising these chicks has become part of my son's daily routine and giving a great responsibility. Each morning he wakes up, goes to their coop and opens their door for them to go into their enclosed area under the coop where there is access to food and their water supply. The hens are a few weeks away from beginning to lay eggs. Most egg laying hens produce four to six eggs per week for the first two years of laying. That's about 200-250 eggs per year, including the time off while they're molting and during the less productive season of winter.

Between 2020-2023 we as humanity didn't think a worldwide pandemic would happen. Yet it did and our family has realized we need to be able to rely on ourselves and the environment to sustain a food supply. We just went through an egg shortage where stores throughout our county had barren shelves and began price gouging. The ongoing pandemic has brought to light the fragility of global food and supply systems. During the early days of the pandemic, food producers were deemed essential and kept operating, but a surge of in-home baking and cooking led to shortages in flour and eggs. Not finding everything on your shopping list at the grocery stores doesn't quite sit right. Many of our thoughts immediately turned to ways of becoming more self-sufficient. Not many people have enough land to grow grain for flour, but even a small backyard can house chickens. Backyard chickens are a greener option for my family by also having them as pest control in my gardens instead of using harmful pesticides on our property with all the other wildlife that live in the area along the creek. Having backyard chickens is going to be a lot of work and require planning but we are willing to put in the effort so that our backyard chickens are economically and ecologically efficient.

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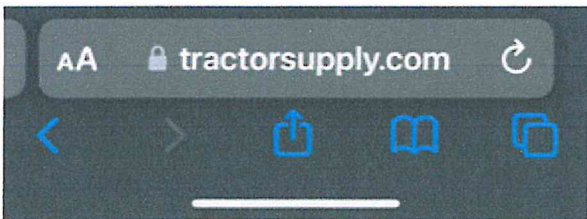
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