

APPLICATION TO BOARD OF APPEALS

Tel. No. _____

Appeal No. 2023-033

Date 7/19/2023

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

I (we) KAREN + JEFFREY SCHIEBEL of 1896 CENTER RD.

W. Seneca NY, 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: _____

- | | |
|--|---|
| <input 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 1900 CENTER RD.

3. State in general the exact nature of the permission required, CONSTRUCT SMALL SINGLE FAMILY RESIDENCE ON VACANT LOT

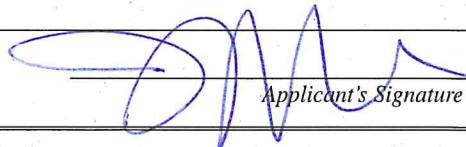
4. PREVIOUS APPEAL. No previous appeal has been made with respect to this decision of the Building Inspector or with respect to this property, except the appeal made in Appeal No. NA, dated _____, 20____.

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 DOCUMENTS.

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'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
- 120-29(A): 75 FT ROAD FRONTAGE w/ 10,000 SF LOT REQ'D // 20 FT w/ 6,050 REQUEST
- 120-30: 40 FT FRONT SETBACK REQ'D // 30 FT REQUESTED

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

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 

**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.: 410-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: 1900 Center Road
West Seneca, NY 14224

5a. S.B.L. of Property: 135.19-2-20.1

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 construct a single family home with: 1) 20' road frontage with 6,050-sf lot; 2) 30' front setback (75' road frontage with 10,000-sf lot required; 40' front setback required)
(specify the action, such as the scope of variances or site plans)

8. Other remarks: _____

9. Submitted by: Amy Kobler, Town Clerk 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 7/20/23. 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

July 17, 2023

ATTN: Zoning Board of Appeals

RE: 1900 Center Rd

Thank you for taking the time to review this matter. I have acquired a vacant parcel of land, next to my primary residence, on Center Rd. In an attempt to build something on the lot, the first request would be to construct a small, single story, wood framed, single family dwelling for my family. I am attempting to do this to provide residence to parents and/or my children. The zoning of this parcel is R-75A, which permits a 1 or 2 family home. If this was attached to my primary residence, it would require some major overhaul of the existing home. I thought it would be best to have these on 2 separate parcels and allow for separate utilities. We also explored the opportunity of converting a detached garage into a dwelling unit. This would have made 2 dwellings units on 1 singular property. This is not something typical in the Town and would have set precedence for future requests.

This request would require 3 variances:

- 1- 120-29(A): 75 ft road frontage with 10,000 sf lot.
 - a. Requesting 20ft road frontage with 6,050 sf lot
- 2- 120-30: 40ft front setback.
 - a. Requesting 30ft setback

In considering these variances, please note a few key features.

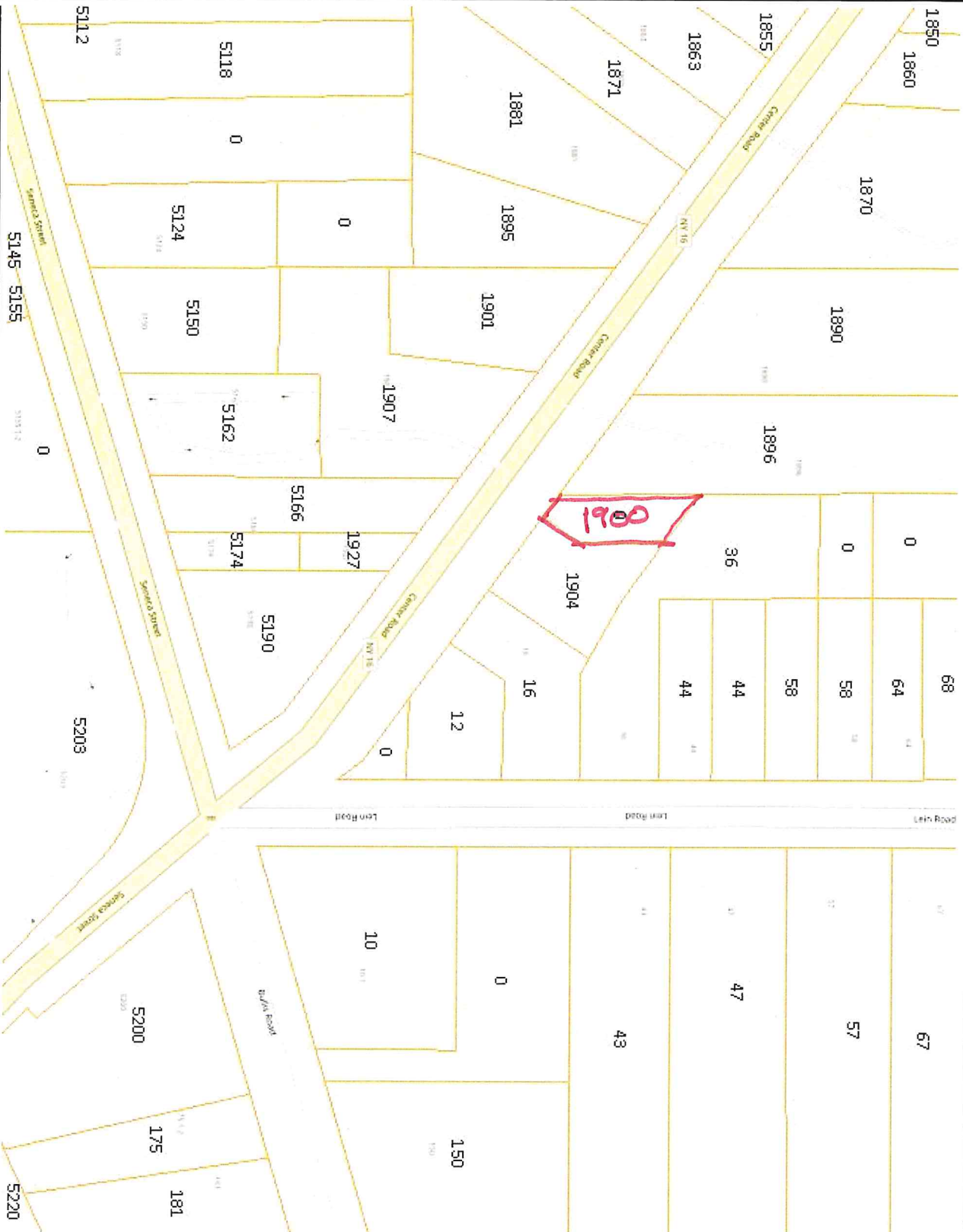
- 1- There are 1 and 2 family homes surrounding this parcel. There is a church across the street that is in operation 1 or 2 days a week. As you approach the intersection, there are various commercial properties with car sales, repairs, site contractor business, and retail sales.
- 2- Directly across the street at 1927 Center Rd, exists a single-family home on a lot that is 43ft wide, and approx. 6,145 sf in size.
- 3- The building would conform to the side yard setbacks, 5ft min., by providing 8ft side yard setbacks.
- 4- Due to the size of the lot, there is no other way to meet required sizes. The only other way to do this would be to re-adjust the property lines for both this parcel and my primary residence. This may not even be achievable due to the existing underground utilities for my primary residence.
- 5- The ditch that flows through the rear of the parcel requires the proposed building to be shifted towards the street, to reduce the front yard setback. This would also allow protection of the ditch by keeping disturbance away from it. The same variance was granted for the duplex right next door for the same reasons.

We have spoken to all surrounding property owners about what we are attempting to do. Every neighbor has provided their signature of support for this project. We feel a single story, small, single-family home would complement the neighborhood. I would be maintaining the property to ensure the upmost care. This request allows for the care of family members, while providing them with their own space. Thank you for your consideration of this request.

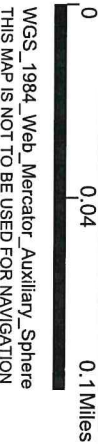
Karen & Jeffrey Schieber



Erie County On-Line Mapping Application



Legend
 Parcels



ERIE COUNTY
 DEPARTMENT OF ENVIRONMENT & PLANNING
 OFFICE OF GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1 : 2,257






NUSSBAUMER & CLARKE, INC.
 SURVEYING AND ENGINEERING

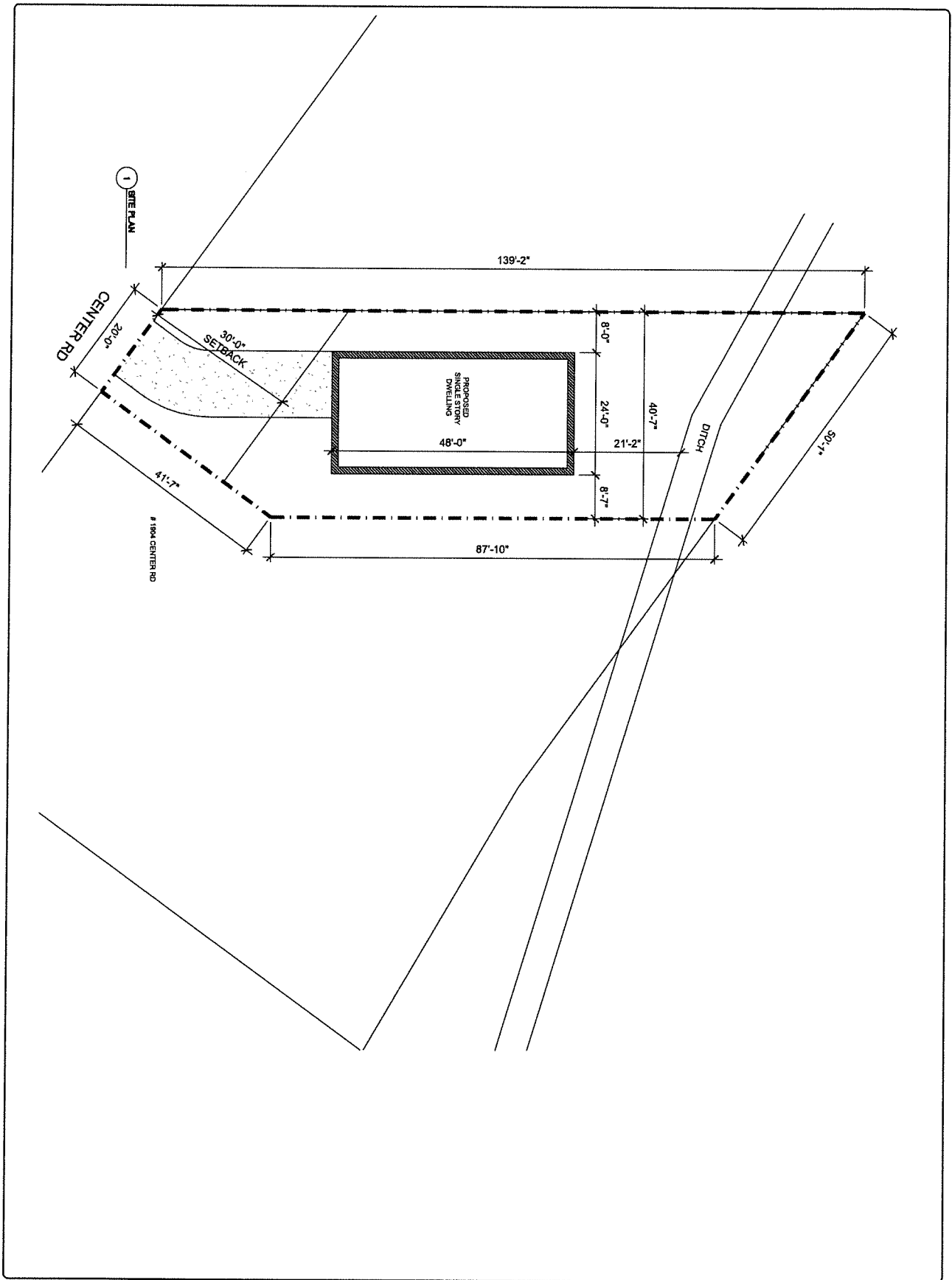
5555, also show front, back and side, with a bearing
 27°18'27.80" S 73°18'12.00" W 1000.00' ± (SEE DRAWING)

125.00' ± TO THE SOUTH LINE
 "CENTER" IN L. 2795, P. 9

BOUNDARY SURVEY
 1 CENTER ROAD
 Part of Lot No. 252
 of the Eborozant Lands
 Town of Walden
 County of Erie, State of New York

Date of Survey: 04/09/2020 Scale: 1" = 20' Project No.: 2022-0447


 ROBERT M. NUSSBAUMER



Scale: 1/4" = 1'-0"
 Date: 6/12/21
S1.0

Owner: [Blank]
 Designer: [Blank]

Title: **SITE PLAN**

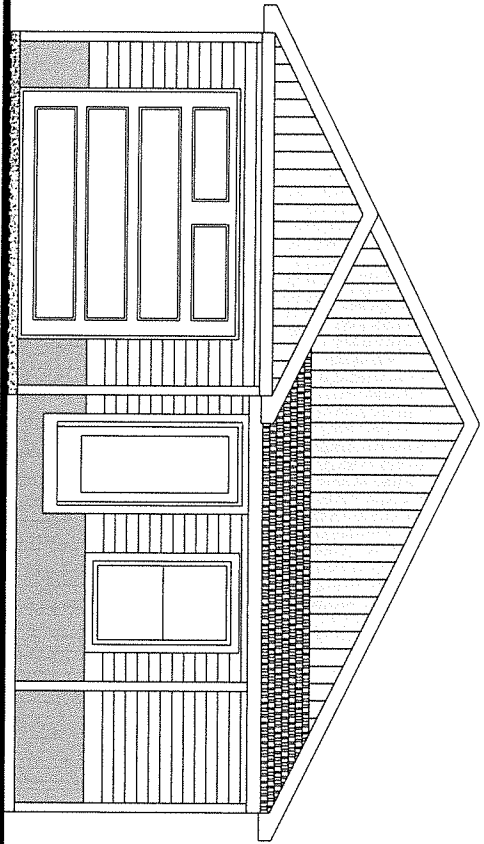
Property: **RESIDENCE**
1900 CENTER ROAD
WEST SENECA, NEW YORK

NEW DWELLING

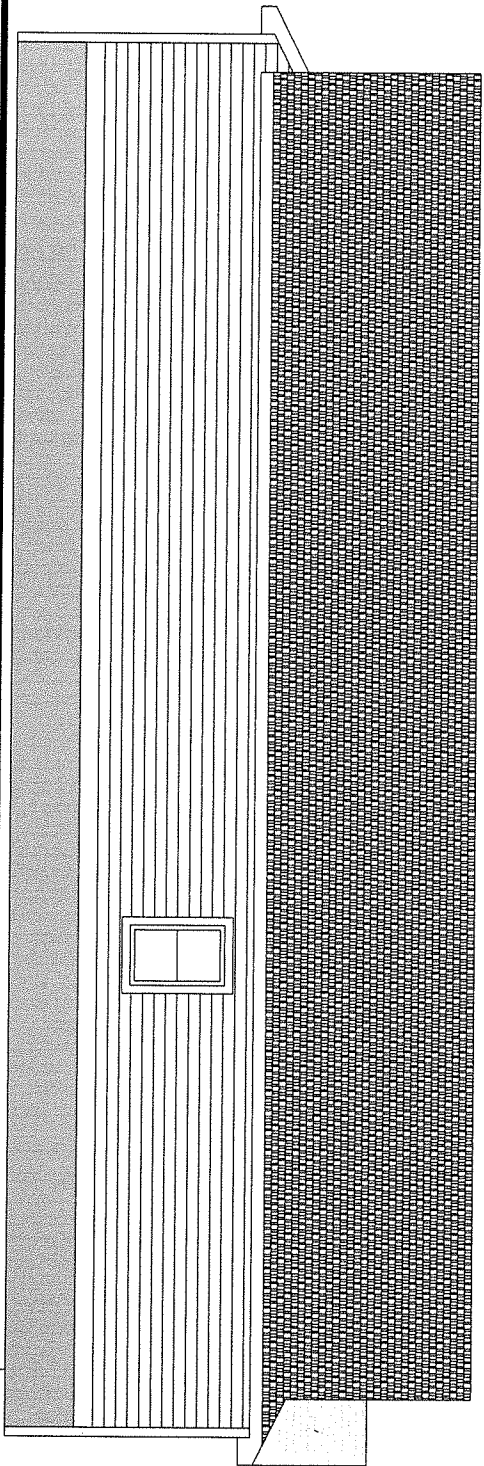
CD

Drawing Revisions:			
No.	DATE	BY	REMARKS

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1
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



2
LEFT ELEVATION
SCALE: 1/4" = 1'-0"

PERMIT INFORMATION:
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Drawing Revisions:

No.	DATE	BY	REMARKS

CD
SHEET

Property: **RESIDENCE**
1900 CENTER ROAD
WEST SENECA, NEW YORK

NEW DWELLING

TITLE:
ELEVATIONS

OWNER: _____
ARCHITECT: _____
DATE: 6-13

A1.0