

# APPLICATION TO BOARD OF APPEALS

Tel. No. \_\_\_\_\_

Appeal No. 2023-045

Date 9/7/23

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

I (we) Jason D. Cummings of 83 Bayberry Ave

\_\_\_\_\_, 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 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\_\_\_\_.

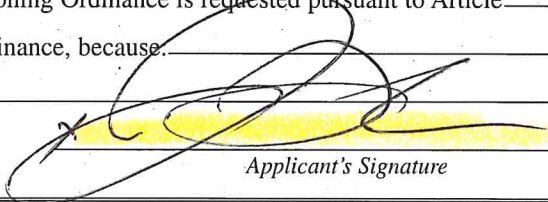
### 5. REASON FOR APPEAL.

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 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: \_\_\_\_\_

  
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 A(3) Accessory Structures required 3' side yard setback

Requesting 1'4" side yard setback.

2. Zoning Classification of the property concerned in this appeal R6S

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 garage  
same setback off lot line

Building Inspector DJB

## Doug Busse

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**From:** Cummings  
**Sent:** Thursday, September 7, 2023 10:55 AM  
**To:** Doug Busse  
**Subject:** Variance- 83 Bayberry Avenue

Good morning,

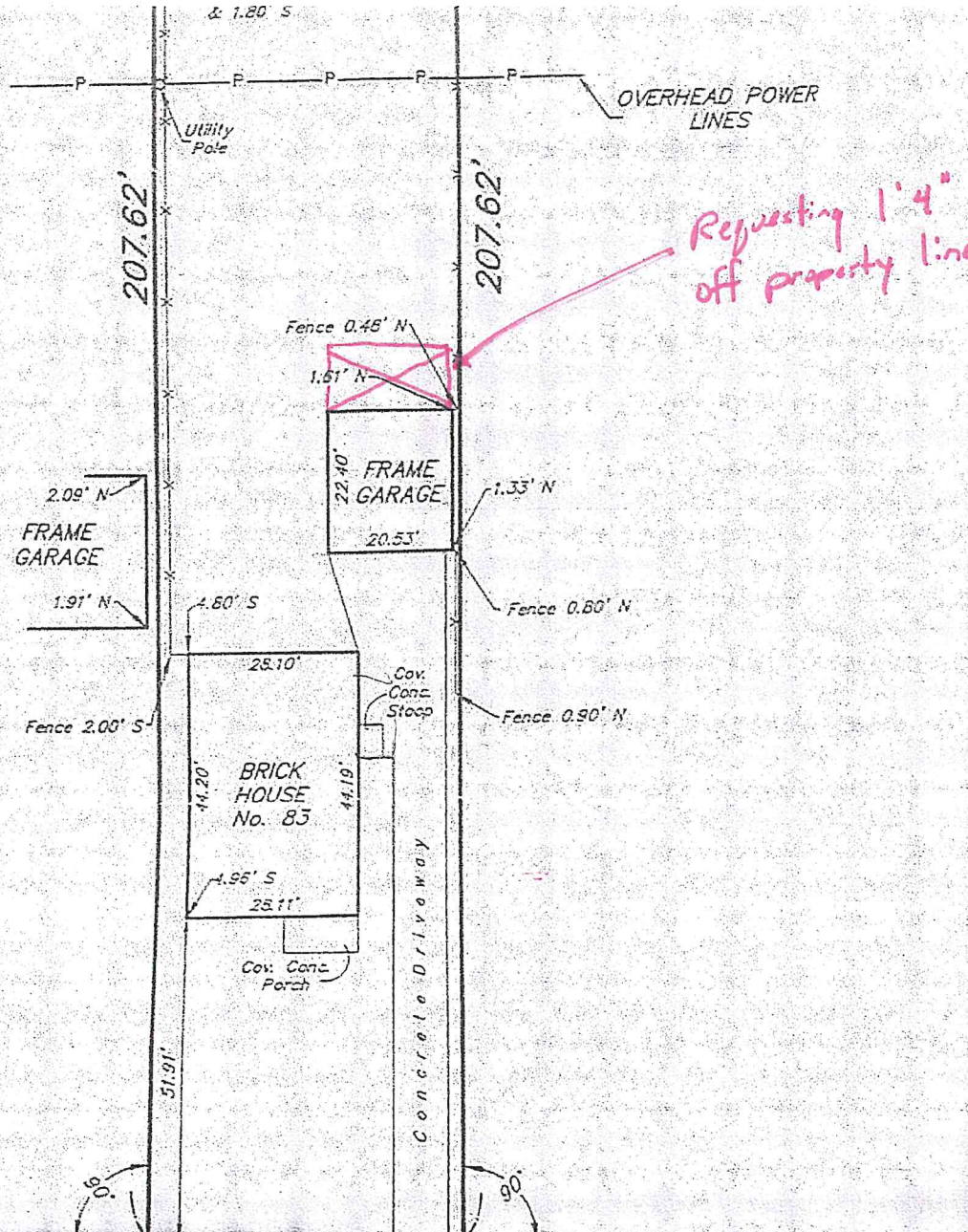
My name is Jason Cummings, and I have been a West Seneca resident since my wife Valerie and I bought our home on Bayberry Avenue in 2016. Over the past few years, we have done our best to make upgrades to our home to boost the curb appeal in our neighborhood, as well as our quality of life while enjoying our home, and all of the great things West Seneca has to offer young families. Our garage has always been an issue, as the overhead door is too short (6' 2" exactly) for my vehicle to fit. With the walls only being 7 feet tall, this leaves no room for modifications. The current garage may be fine for a small car, and a single person but not for two vehicles, and a growing family. Our winters here in West Seneca haven't gotten easier over the past few years either, so with the expectation of snowstorms and blizzards over the years to come, it would be wonderful to be able to fit our vehicles in the garage for safe keeping. I am currently employed by The Department of Homeland Security as a Federal Police Officer. When these storms arise, I still have to go to work, leaving my wife and eight year old little boy at home. Knowing that they are safe, and their vehicle is clean and accessible in case of an emergency is paramount. What I would like to do is remove the current garage, and build a new building in its place, only two feet wider, and 18 feet deeper. The front right corner will remain in the exact location that it is now, giving us the best location, and keeping the overall layout of our property and adjacent properties the same. I would like the building to have nine foot walls, so the building can accommodate a new 16' by 8' overhead door. This will allow our vehicles to be stored comfortably and safely in all scenarios. I would like to thank you all for your time and consideration. Please feel free to reach out for any questions regarding this matter.

Respectfully,

Jason Cummings

LOT 137

& 1.80' S



Requesting 1'4" off property line

# BAYBERRY (50' WIDE) AVENUE

INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: Liber 10976 of Deeds Liber 6274  
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID ABSTRACT.  
NOTE: PROPERTY CORNER MONUMENTS WERE NOT PLACED AS PART OF THIS SURVEY.

THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT STANDARDS FOR LAND SURVEYS ADOPTED BY THE BAR ASSOCIATION OF ERIE COUNTY AT THE REQUEST OF Campbell, Bolas & Associates, LLP

*Francis C. Delles*  
FRANCIS C. DELLES  
NYSES No. 050477

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AMEND:
SURVEY DATE: 5-4-16
DRAWING DATE: 5-9-16
SCALE: 1" = 30'
"ALL RIGHTS RESERVED"

THIS MAP VOID UNLESS EMBOSSED WITH NEW YORK STATE LICENSED LAND SURVEYOR'S SEAL. ALTERING ANY ITEM

SUB LOT 227 OF MAP COVER 1286