

APPLICATION TO BOARD OF APPEALS

X Tel. No.

Appeal No. 2023-48

Date 9/29/23

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

X I (we) Wilford Whitney JR of 237 Highland Place

West Seneca, 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: _____

- 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) _____

X 2. LOCATION OF THE PROPERTY 4780 Clinton

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 Attached 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: _____

[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

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

120-30 Required 40' front setback no construction. Requesting turn around in

2. Zoning Classification of the property concerned in this appeal R65A

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.

Front setback with 13' to front lot line

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.: _____

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 October 25, 2023 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: 4780 Clinton Street
West Seneca NY 14224

5a. S.B.L. of Property: 125.16-5-19.12

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: requesting 1) a 6' fence in side yard (4' maximum height allowed in side yard) 2) ~~requesting a turn-around in front setback with 13' to front lot line (no construction in 40' front setback)~~
(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 _____. 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: _____

9/29/2023

Town of West Seneca,

My name is Kelly Whitney, I am the owner of 4780 Clinton Street. I am seeking permission from the town board to place a 15'x 20' turnaround in my front yard to be able to pull out of my driveway safely. This turnaround will not be used as a parking space, it will only be used to avoid backing out onto Clinton Street to exit my house. I am also seeking permission to place a 6' privacy fence along the side of my house to block the view of the road for my dog and new patio.

Thanks for the consideration.

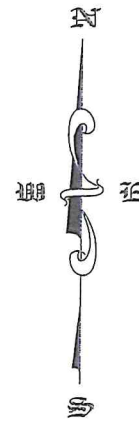
Kelly Whitney

Copyright Information

1 This Survey is Published in many different colors. Any Black and White reproduction is not a valid map from Freeman and Freeman Land Surveyors.

Reference Data

RD1 Maps and notes from the Holland Land Company Survey.



SBL: 125.16-5-16.1
L. 11122 / P. 5016

4760 Clinton Street
SBL: 125.16-5-18
L. 8074 / P. 509

Lands of N/F
Justin O'Connor
SBL: 125.16-5-19.12
L. 11294 / P. 8035

0.54 Acres

4780 Clinton Street
SBL: 125.16-5-32
L. 11273 / P. 6251

4764 Clinton Street
SBL: 125.16-5-19.2
L. 10890 / P. 3257

Clinton Street
(66' ROW)

Requesting 15' x 20' turn around in front setback 10' from house

Requesting 6' Privacy

Miscellaneous Notes

- MN1 Some features shown on this plat may be shown out of scale for clarity.
- MN2 Certain easements and/or utility lines, may or may not be shown hereon, however this shall not imply that all easements or utilities affecting premises are shown.
- MN3 Unauthorized Alteration or Addition to this Survey Map is a Violation of Section 7209 Provision 2 of the New York State Education Law.
- MN4 This Survey was prepared without the benefit of an up-to-date abstract of title and is subject to any state of facts that may be revealed by an examination of such.
- MNS **THIS MAP IS NOT VALID WITH AFFIDAVIT OF NO CHANGE**

Legend of Symbols & Abbreviations

IP / ReRod	N. North	Enc. ROW	Encroachment Right-of-way Centerline
Power Pole	S. South	¢	Indicates Mutual Owner
	E. East	1	Now or Formerly
	W. West	N/F	One Chain = 66.0 Ft.
	° Degrees		One Meter = 3.2808333 Ft.
	' Ft. or Min.		One Acre = 43,560.0 Sq.Ft.
	" In. or Sec.		
R	Record		
M	Measured		
L	Liber		
P.	Page		
Ex.	Existing		
		---	Property Boundary
		---	Line of Record
		---	Edge of R.O.W.
		---	Holland Land Co. Lot Line
		---	Road Centerline
		---	Fence

Map of 4780 Clinton Street

Being Part of
Lot 336 Township 10 Range 7
Buffalo Creek Reservation
Town of West Seneca
Erie County, New York

I hereby certify

that this survey was prepared in accordance with the current Code of Practice for Land Surveyors.

This certification does not extend to subsequent owners, mortgages, or insurers unless this survey has been re-surveyed for this purpose by the surveyors. This certification is void unless signed by the surveyor listed below. This certification is null and void if the fee for said certification is not paid.

David Scott Freeman

Survey Prepared By:
Licensed Surveyor: David Scott Freeman
License No.: 50480
In the State of: New York
Date of Survey: July 12, 2023
Date of Revision: July 28, 2023
Date of Last Revision: August 14, 2023
Drawing Scale: 1" = 50'
Freeman & Freeman Job No. 11997



Resurveying the Holland Land Company for the 21st Century
 Freeman and Freeman Land Surveyors
 10432 Crump Road - Glenwood, N.Y. 14069
 Phone: (716) 592-7740, Email: Survey@FreemanSurveyors.com

