

# APPLICATION TO BOARD OF APPEALS

Tel. No. 7

Appeal No. 2024-040

Date X 7-18-24

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

I (we) X Ryan Koster of X 57 Borden Rd.

, 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 6 foot fence in front & side yard

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> A PERMIT FOR USE             | <input type="checkbox"/> A CERTIFICATE OF EXISTING USE      |
| <input checked="" type="checkbox"/> A PERMIT FOR OCCUPANCY       | <input type="checkbox"/> A CERTIFICATE OF ZONING COMPLIANCE |
| <input type="checkbox"/> A TEMPORARY PERMIT OR EXTENSION THEREOF | <input 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 57 Borden Rd

3. State in general the exact nature of the permission required, Requesting 6 foot fence in front and side yard.

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

B. Interpretation of the Zoning Ordinance is requested because: R district fences 4 foot permitted in front and side yard.

C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article \_\_\_\_\_, Section 120, Subsection 39, Paragraph B of the Zoning Ordinance, because: \_\_\_\_\_

X Ryan Koster  
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 120-39(B)

2. Zoning Classification of the property concerned in this appeal R-90 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.

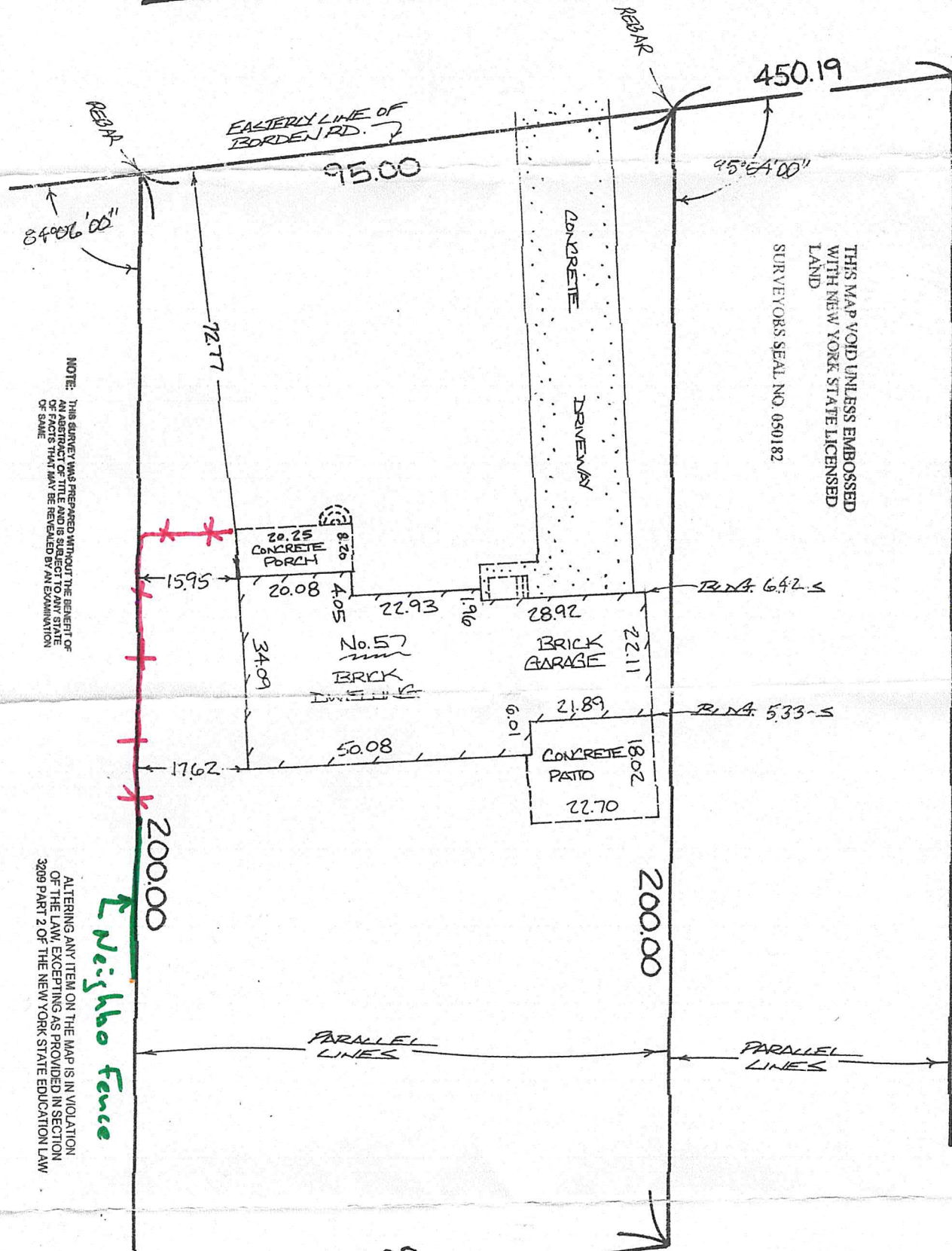
4. A statement of any other facts or data which should be considered in this appeal. \_\_\_\_\_

Building Inspector SGRL

PREMISES SITUATED IN  
 PART OF LOT 44, OF THE VILLAGE OF UPPER ERENETER  
 TOWN OF WEST SENECA,  
 ERIE COUNTY, NEW YORK  
 MAP COVER-102

**BORDEN ROAD** (66.00 WIDE)

**BLOSSOM ROAD** (66.00 WIDE)



THIS MAP VOID UNLESS EMBOSSED  
 WITH NEW YORK STATE LICENSED  
 LAND  
 SURVEYORS SEAL NO. 050182

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF  
 AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE  
 OF SALES THAT MAY BE REVEALED BY AN EXAMINATION

ALTERING ANY ITEM ON THE MAP IS IN VIOLATION  
 OF THE LAW, EXCEPTING AS PROVIDED IN SECTION  
 3209 PART 2 OF THE NEW YORK STATE EDUCATION LAW

July 11, 2024

Town of West Seneca Zoning Board of Appeals

1250 Union Rd. West Seneca, NY 14224

Subject: Fence Variance for 57 Borden Rd.

To Whom it May Concern:

We request a variance to allow for a 6 foot tall fence along the south side yard of our property in lieu of the 4 foot tall fence permitted in the code. Our request is to provide privacy to minimize interaction with the neighbor, minimize light trespass and to protect vegetation from deer damage.

Throughout the past four years there have been multiple unhealthy incidents with our *neighbor on our side yard. This includes harassment such as threats of physical harm, vulgar name calling and intimidating stares.* There is a recent issue of the teenage boy trespassing from the side yard into our back yard, which he has been notified that trespassing is not permitted. His response is he does not care. A 6 foot fence should mitigate such issues.

Recently there has been a solar panel floodlight with a sensor installed five feet from the property line on the side yard. The sensor is triggered on our property where we have a small garden and the 3 LED floodlights light trespass unto the entire side yard, entire side of house (from the ground to the roof) and our bedroom window that is located directly across from where these 3 floodlights are. They are a nuisance. Having a 6 foot fence here should minimize the light trespass and block the sensor from being activated while being on our own property.

We are also avid gardeners and our side yard has a small garden that is a cut through for the deer. We do have deer fencing around this garden however deer have got in and damaged the plants. The deer netting is easily damaged and needs to be replaced or repaired yearly. In the past 13 plus years we have lost about 20 shrubs in the side yard that were decimated by deer damage in the winter that were costly. There have been deer ticks found on family members several times. Deer can easily jump a 4 foot fence and having a 6 foot fence should block them and keep them out.

Overall, if this variance is granted it would provide our family with the tool needed to overcome these hardships. It would improve the safety and well being of our family of four. *It will help keep the peace and abate nuisances while making our property more private and enjoyable.* We are willing to match our neighbor's existing 6 foot wooden fence and give her the "good" side. It would be aesthetically appealing and is not uncommon in the town.

Respectfully Submitted,

Ryan and Alyssa Koster

*Ryan Koster*  
*Alyssa Koster*