

# APPLICATION TO BOARD OF APPEALS

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

Appeal No. 2024-055

Date 9/27/2024

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

I (we) Spenser Austin of 160 Phyllis Drive

\_\_\_\_\_, 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: Install 6' fence on corner lot

- |  |   |
|--|---|
| <input checked="" 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 160 Phyllis Dr

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: \_\_\_\_\_

Corner lot, Privacy & security

B. Interpretation of the Zoning Ordinance is requested because: R district fences 4' permitted in front and side yard, requesting 6 foot

C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article \_\_\_\_\_, Section 120, Subsection 31, Paragraph B of the Zoning Ordinance, because: \_\_\_\_\_

Spenser Austin  
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  
TOWS Zoning Ordinance 120-31 B  
R District fences

2. Zoning Classification of the property concerned in this appeal \_\_\_\_\_

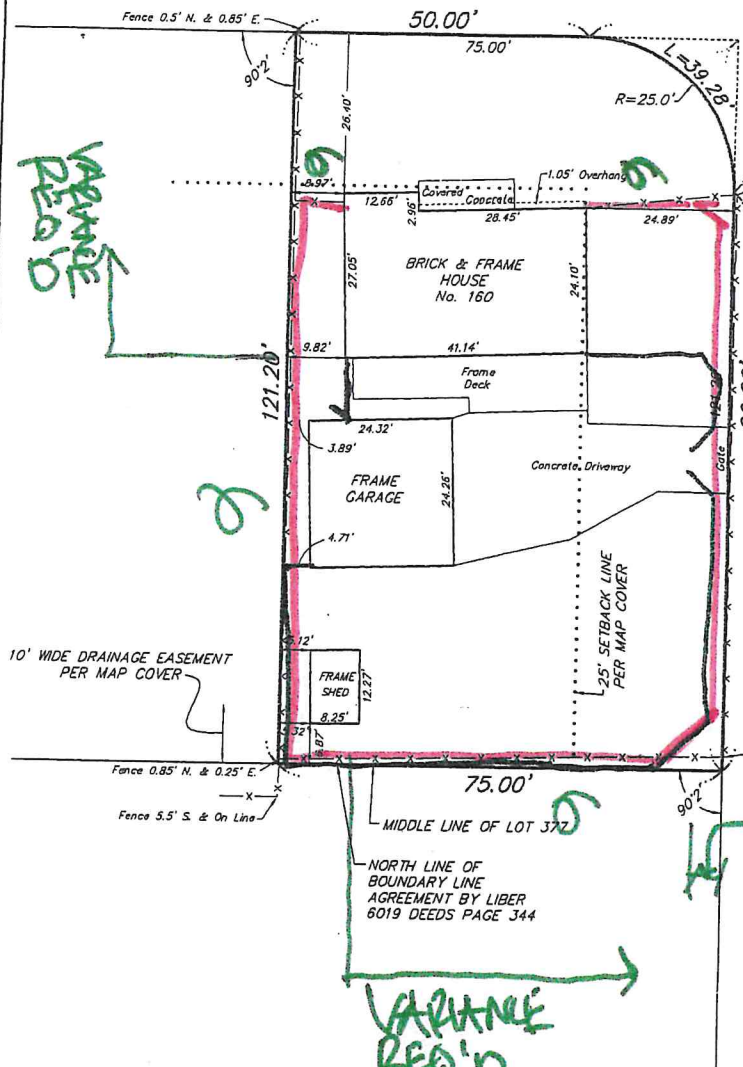
3. Type of Appeal:

- 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. Corner Lot

Building Inspector JFR

PHYLLIS (60' WIDE) DRIVE



INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: Libor 11260 Deeds Page 4018  
 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.

<p>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  <i>Christopher J. Barr</i>                  CHRISTOPHER J. BARR NYSPLS No. 031088</p>	<p>© COPYRIGHT 2024 BY:  <b>TRUE NORTH</b>                  LAND SURVEYING, PLLC                  150 AERO DRIVE                  BUFFALO, NEW YORK 14225                  (716)631-5140 ~ Truenorthpllc@aol.com</p>	<p>AMEND:                  SURVEY DATE: 7-25-24                  DRAWING DATE: 7-31-24                  SCALE: 1" = 20'                  "ALL RIGHTS RESERVED"</p>
<p>SUBLOT 1 ~ MAP COVER 2187                  PART OF LOT 377 SECTION _____ TOWNSHIP 10 RANGE 7 OF THE:                  Buffalo Creek Reservation SURVEY - Erie COUNTY, N.Y.                  SURVEY OF: 160 Phyllis Drive, Town of West Seneca</p>		<p>THIS MAP VOID UNLESS EMBOSSED WITH NEW YORK STATE LICENSED LAND SURVEYOR'S SEAL. ALTERING ANY ITEM ON THIS MAP IS A VIOLATION OF THE LAW EXCEPT AS PROVIDED IN SECTION 7209, PART 2, OF THE NEW YORK STATE EDUCATION LAW.                  SBL No. 144.13-3-26</p>

FILE NO. 144.13-5-26

VARIANCE REQ'D

VARIANCE REQ'D

VARIANCE REQ'D

2 FT OFF SIDEWALK

MILL ROAD (66' WIDE)

Spenser Austin

160 Phyllis Dr

West Seneca, NY 14224

9/17/2024

West Seneca Zoning Board of Appeals

1250 Union Road

West Seneca, NY 14224

Dear Members of the Zoning Board,

I am writing to request three variances regarding the fence height regulations for my property at 160 Phyllis Dr, a corner lot. The current town policy limits fence heights to 4 feet in side-yards, but I am seeking approval to install a 6-foot fence around the entire property, including the sides facing Mill Rd, Phyllis Dr, and the side bordering my neighbor to the west. The fence will start at the rear east corner of the house and end at the rear west corner, enclosing the full yard.

The primary reason for this request is safety. I own two large dogs, and a 4-foot fence could pose a risk, as it would be easy for pedestrians or children to reach over, potentially leading to accidents or liability issues. A 6-foot fence would provide a secure barrier. To address any concerns about visibility, the portion of the fence along Mill Rd will be set 3 feet back from the sidewalk. Additionally, I have included photographs of the existing chain-link fence, showing that visibility at the stop sign on Phyllis Dr will remain unobstructed with the construction of the new 6-foot fence and the additional 3 feet that the fence will be set back from the sidewalk.

Enclosed with this letter is a drawing of the planned fence layout. I appreciate your time and consideration of my request and look forward to your decision.

Sincerely,

Spenser Austin



160 Phyllis Dr

West Seneca, NY 14224

920-213-8549

TOWN OF WEST SENECA



CODE ENFORCEMENT OFFICE  
"BUILDING SAFETY IS NO ACCIDENT"

TOWN SUPERVISOR  
GARY A. DICKSON

TOWN COUNCIL  
ROBERT J. BREIDENSTEIN  
SUSAN K. KIMS  
JEFFREY A. PIEKAREC  
SCOTT D. ROBERTSON

Applicant name: SPENSER Austin Property address: 160 PLYMUS DR

Dear Neighbor,

I am writing to inform you that I am requesting from the Town of West Seneca a variance to:

Erect 6ft fence in front and side yards

If you do not have any objections to the additions to our property as described above and shown in the attached plans, please print and sign your name below and include your address.

Meeting date: October 23, 2024 6:00 PM. Community Center Building  
1300 Union Road

Name	Signature	Address
<del>_____</del>	<del>_____</del>	<del>233 Mill Rd</del>
Kim Corvick	<u>Kim Corvick</u>	239 Mill Rd
Sally Jagiello	<u>Sally Jagiello</u>	240 Mill Rd
Refuse to sign	<u>Refuse to sign</u>	245 Mill Rd
TODD PETROWSKI	<u>TODD</u>	251 Mill Rd
William Black	<u>William Black</u>	257 Mill Rd
WILLIAM RUMMINGS	<u>William Rummings</u>	260 Mill Rd
Dave Dietrich	<u>Dave Dietrich</u>	263 Mill Rd

Sincerely,

Spenser Austin



# Erie County On-Line Mapping Application



### Legend

□ Parcels



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.

**ERIE COUNTY**  
**DEPARTMENT OF ENVIRONMENT & PLANNING**  
**OFFICE OF GIS**

0.1 Miles

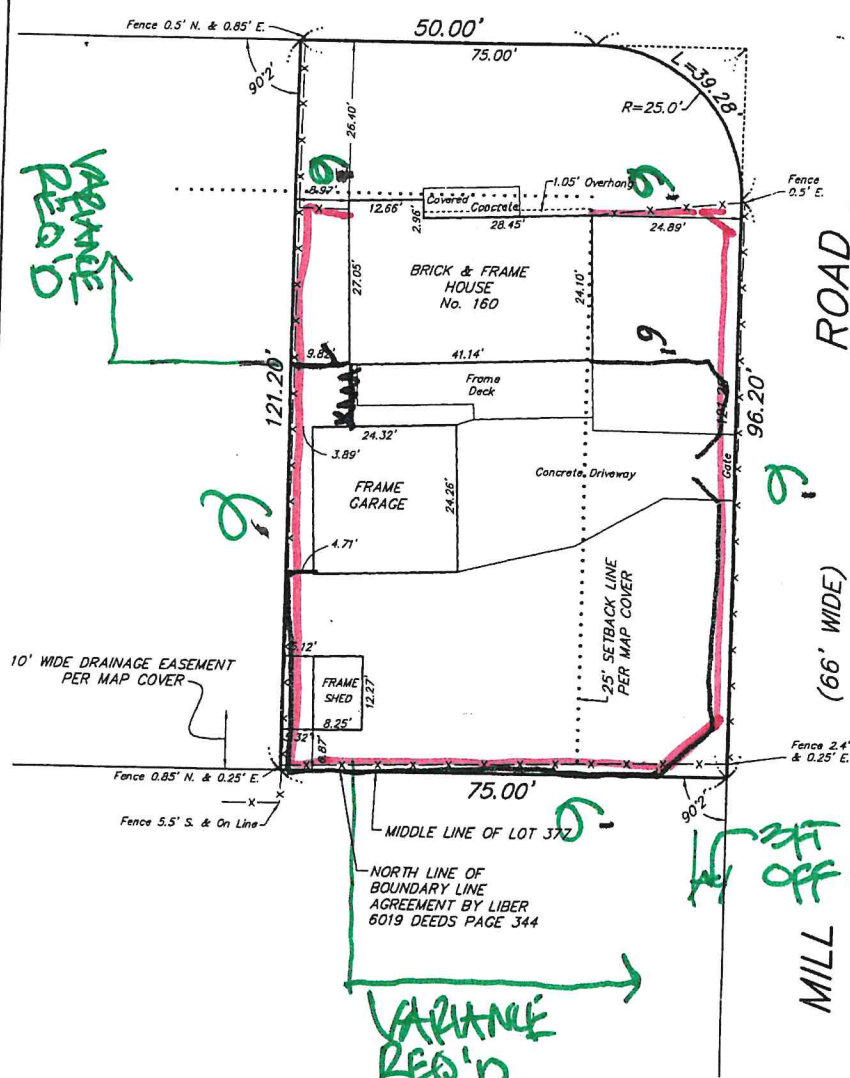
0.04

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 2,257



PHYLLIS (60' WIDE) DRIVE



INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: Lib. 11260 Deeds Page 4018  
 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.

<p>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 Gerald Paradise Esq.</p> <p><i>Christopher J. Barr</i>                  CHRISTOPHER J. BARR NYSPLS No. 031068</p>	<p>©COPYRIGHT 2024 BY:  <b>TRUE NORTH</b>                  LAND SURVEYING, PLLC                  150 AERO DRIVE                  BUFFALO, NEW YORK 14225                  (716)631-5140 ~ Truenorthpllc@aol.com</p>	<p>AMEND:                  SURVEY DATE: 7-25-24                  DRAWING DATE: 7-31-24                  SCALE: 1" = 20'                  "ALL RIGHTS RESERVED"</p>
<p>SUBLOT 1 ~ MAP COVER 2187                  PART OF LOT 377 SECTION _____ TOWNSHIP 10 RANGE 7 OF THE:                  Buffalo Creek Reservation SURVEY - Erie COUNTY, N.Y.                  SURVEY OF: 160 Phyllis Drive, Town of West Seneca</p>		<p>THIS MAP VOID UNLESS EMBOSSED WITH NEW YORK STATE LICENSED LAND SURVEYOR'S SEAL. ALTERING ANY ITEM ON THIS MAP IS A VIOLATION OF THE LAW EXCEPT AS PROVIDED IN SECTION 7209, PART 2, OF THE NEW YORK STATE EDUCATION LAW.</p> <p>SBL No. 144.13-3-26</p>

FILE NO. 144.13-3-26

**\*\*\* RECEIPT \*\*\***

**Date:** 09/27/24

**Receipt#:** 89728

<b>Quantity</b>	<b>Transactions</b>	<b>Reference</b>	<b>Subtotal</b>
1	Zoning Board of Appeals	20157405	\$160.00
<b>Total Paid:</b>			<b>\$160.00</b>

**Notes:** 160 Phyllis Dr

<b>Payment Type</b>	<b>Amount</b>	<b>Paid By</b>
Credit Card-Ref #Visa	\$160.00	Austin, Spenser

Thank you for allowing the West Seneca Town Clerk's office to serve you. Have a wonderful day!

**Name:** Austin, Spenser  
160 Phyllis Dr  
West Seneca, NY 14224

**Clerk ID:** ELYSE

Internal ID: 20157405