

APPLICATION TO BOARD OF APPEALS

Tel. No. _____

Appeal No. 2018-48

Date JUL 30 2018

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

I (we) Molly E. Switzer of 1739 CENTER RD

_____, HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT NO. _____, DATED _____, 20____, WHEREBY THE BUILDING INSPECTOR DID DENY 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 1739 CENTER RD

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. NK, 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 LETTER BY OWNER

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: _____

Molly E. Switzer
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)(2)-10 SEPARATION REQUIRED BETWEEN POOL + HOUSE
- 3' + 4' SETBACK REQUESTED

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

2018 JUL 30 PM 2:33

To whom it may concern:

I am the homeowner at 1739 Center Rd. This is my childhood home that I obtained from my parents in January of 2016. Shortly after taking ownership of the home we realized that the detached, x2 story garage built off of the edge of an easement was failing and would need to be demolished secondary to safety issues due to instability of steel beams and failing retaining wall. I obtained stamped plans by Consulting Engineer Norman J. Abraham, P.E. , who is also an engineer for Erie County. Norm created the plans based on the existing structure of the house and existing pool. Due to the size of the lot and grade of the land there was no other option for placement of the garage that is set to become attached to the house. Based on the diagram on the West Seneca town website I believed that the garage placement was within regulation as it states a 5 foot distance from a garage to pool and 10 feet from a house to pool. There is no text on the diagram or in the swimming pool requirements that distinguish attached vs detached garage or specify that the garage must be an accessory structure to the house.

A permit was pulled for the demolition of the existing detached garage with demolition completed and trenches dug to pour new attached garage foundation. The builder was in contact with the town of West Seneca code enforcement and necessary changes to create additional footer per code enforcement recommendation. I was under the assumption that all permits were in place as the demolition permit had been obtained by hired company and changes had been made at town request. All companies (demolition, concrete foundation, and builder) had been in contact with each other through face to face meetings and phone conversations regarding plans and changes. Upon our return from a week-long family vacation while the foundation was poured we were informed that the town code enforcement officer had called the builder to report that there was no permit in place and that the pool was not within guidelines for distance to garage. At this point I was contacted regarding the issue and informed of the miscommunication between hired companies about who was required to obtain the permit. I called the town enforcement office after being informed and explained the miscommunication and asked how to proceed (as the foundation had already been poured). I am working with the building department to obtain a variance to the distance rule from garage to the pool. All work has stopped until official approval of the variance has been given and a permit is issued.

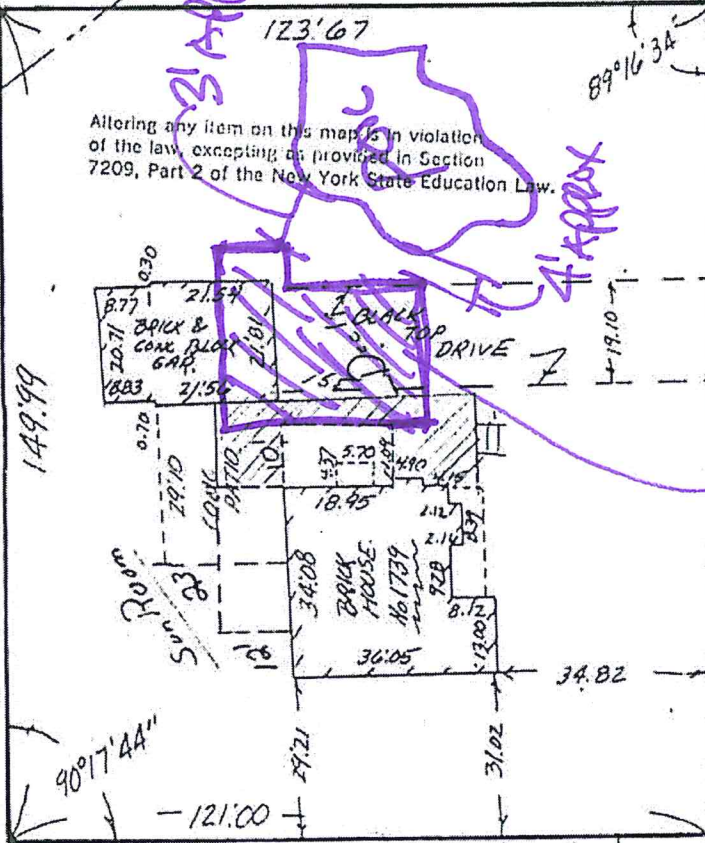
Thank you for your time,

Molly E. Switzer

SCALE: 1" = 30'

EAST LINE OF
WEST LINE OF

NORTH EDGE OF
DITCH



Altering any item on this map is in violation of the law, excepting as provided in Section 7209, Part 2 of the New York State Education Law.

THIS MAP VOID UNLESS EMBOSSED WITH NEW YORK STATE LICENSED LAND SURVEYOR'S SEAL NO. 31,728

PREMISES SITUATED IN LOT 265 & 273, OF EBENEZER LANDS LOWER 58 TOWN OF WEST SENELA.

ROAD.

CENTER (66.00 WIDE)

602.84 TO E. LINE LOT 273

RE-SURVEY

RE-SURVEY

RE-SURVEY

Feet	Inches
0.08	1 inch
0.17	2 "
0.25	3 "
0.33	4 "
0.42	5 "
0.50	6 "
0.58	7 "
0.67	8 "
0.75	9 "
0.83	10 "
0.92	11 "
1.00	12 "

Date of Survey OCT. 18, 1977

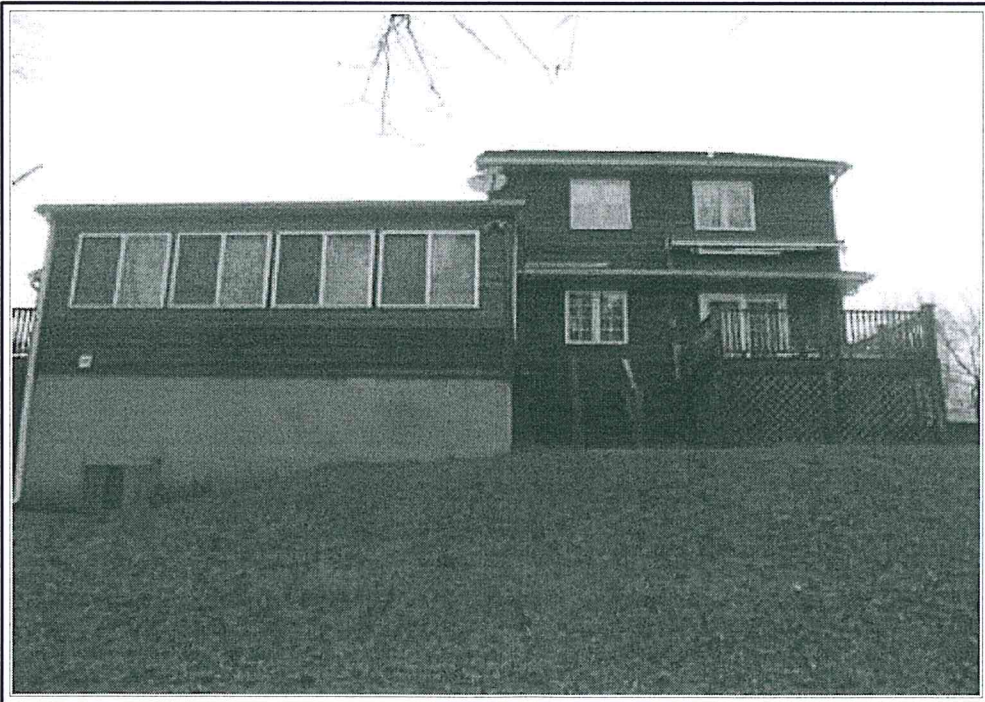
Harold L. Gantzer
Signature

HAROLD L. GANTZER
KRAUSE & GANTZER
CIVIL ENGINEERS & LAND SURVEYORS
1728 LIBERTY BANK BLDG.
430 MAIN STREET
BUFFALO, N.Y., 14202

NO. 109464



**FRONT OF
SUBJECT PROPERTY**
1739 Center Rd
West Seneca, NY 14224



**REAR OF
SUBJECT PROPERTY**



STREET SCENE



2 CAR GARAGE



INGROUND POOL

