

APPLICATION TO BOARD OF APPEALS

Tel. No. 674-1000

Appeal No. 2018-59

Date OCTOBER 2, 2018

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

I (we) DALE J McCAHR of 976 A UNION RD
W. SENECA NY, 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 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 type="checkbox"/> AREA PERMIT |

1. Applicant is the PROPERTY OWNER
 CONTRACTOR FOR THE WORK CONCERNED HEREIN
 PROSPECTIVE TENANT
 OTHER (Describe) LEGAL COUNSEL

2. LOCATION OF THE PROPERTY 1306 ORCHARD PARK RD.

3. State in general the exact nature of the permission required, INTERPRETATION ON USE
OF PROPERTY.

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. NA, 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 INFO

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]
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

NA

2. Zoning Classification of the property concerned in this appeal C-2 (S)

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. _____

TOWN OF WEST SENECA



CODE ENFORCEMENT OFFICE
"BUILDING SAFETY IS NO ACCIDENT"

TOWN SUPERVISOR
SHEILA M. MEEGAN

TOWN COUNCIL
EUGENE P. HART
WILLIAM P. HANLEY JR.

October 2, 2018

RE: 1366 Orchard Park Rd- zoning issues

Attention Zoning Board of Appeals:

This letter is provide you with some sort of background on the issues be presented before this Board. This property has existed in the Town for a very long time. It is currently zoned C-2(S), with a Special Permit granted for the sale of 5 vehicles and vehicle repair. Over the course of time this property has grown in scale. Back when this was approved in 1986, Special Permits were not specific for the other things taking place on site. This office is looking for an interpretation from the Zoning Board on the use of the property in conjunction with what was approved in 1986. To be clear, we are not seeking to classify this property as a junkyard, but to have restrictions set in place to regulate in the future. I have researched the entire file for the above captioned property and have the following notes:

- 1- In 1986, originally approved to sell 5 cars and perform vehicle repair
- 2- in 1997, application was made to increase to 10 vehicles at a time
- 3- The meeting minutes from 1997 show surrounding neighbors complaining about the condition of the property and lack of up keep
- 4- It appears this application for 10 vehicles was denied.
- 5- So as it exists today, the property is zoned for automotive sale and repair, C-2(S) for the sale of 5 vehicles and repair of vehicles.

This office is asking for an interpretation on whether travel trailers and campers are permitted to be sold on property. Our concern is the appearance this has and the amount of space taken up by these.

In addition to the use of property, I would ask the Zoning Board to review the rear of the property. When this office as on site months ago, there was a very large accumulation of scrap metal on site. We have asked numerous times to remove. There are numerous dismantled vehicles, boats and trailers in rear of property. We are seeking a detailed resolution of can and can not be done there so there can be some sort of regulations and enforcement set in place for the future.

Regards
Jeffrey Schieber

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Admitted in New York and Florida

Christopher Whelan

Admitted in New York

October 2, 2018

West Seneca Zoning Board of Appeals
1250 Union Road
West Seneca, New York 14224

RE: OWNER – JOSEPH STEPHAN
1336 ORCHARD PARK ROAD
WEST SENECA, NEW YORK

Dear Board Members,

I am the attorney for Joseph Stephan owner of 1336 Orchard Park Road, West Seneca, New York 14224.

Building Inspector Jeffrey Schieber issued a summons against my client relating to his use of the premises which my client disputes.

I have attached a copy of Mr. Schieber's letter dated September 6, 2018.

I am requesting that this matter be placed on your upcoming agenda for review and discussion.

Very truly yours,



Dale J. McCabe

DJM/km

Encl.

Cc: West Seneca Building Inspectors Office ✓

TOWN OF WEST SENECA



CODE ENFORCEMENT OFFICE
"BUILDING SAFETY IS NO ACCIDENT"

TOWN SUPERVISOR
SHEILA M. MEEGAN

TOWN COUNCIL
EUGENE P. HART
WILLIAM P. HANLEY JR.

September 6, 2018

RE: 1336 Orchard Park Rd
ZBA Application Requirement

To Whom It May Concern:

In reference to the above captioned address, the Town of West Seneca has deemed this property a junkyard. This conclusion is based upon a detailed review of the history of this property and its current condition. Briefly, we agree the owner is permitted to display 5 vehicles for sale. An application was filed in Oct 1986 to sell 5 vehicles. This was subsequently approved. Another application was made in 1997 to increase quantity from 5 to 10 cars. It is my understanding this was never approved.

Section 78A-2, provides the definition for junkyard. Briefly, "...business which is maintained, operated or used for storing, buying or selling, dismantling, salvaging or handling junk." This operation is only approved for sale of 5 vehicles. Currently, the conditions on site exactly fit the above cited definition. There are numerous cars and boats that are dismantled. There is a very large pile of scrap metal, along with various other items. And in lieu of 5 cars for sale, the front of property contains numerous travel campers.

Section 78A-10, Appeals, allows any person to "appeal" my decision. Their appeal must be made to the Zoning Board of Appeals. An interpretation will then be made by the Zoning Board on any of the items listed above. Mainly, does the original granted Special Permit for car sales apply to travel trailers. Secondly, does the operations in rear of lot, storage of junk metal and dismantled vehicles, constitute a junkyard as defined in section 78A of the Town Code.

In summary, the fee will be waived for this specific application so we can simply get clarity on the ongoing issues at this property. Secondly, this allows an owner an opportunity to present his case in which one person, myself, is not making the final determination.

Please call with questions.

Regards
Jeffrey Schieber
Town of West Seneca

Google Maps 1366 Orchard Park Rd



Imagery ©2018 Google, Map data ©2018 Google 20 ft

1366 Orchard Park Rd