

# APPLICATION TO BOARD OF APPEALS

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

Appeal No. 2019-05

Date FEB 12 2019

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

X I (we) Jamie Barnes of 670 Main Street  
West Seneca NY 14224, 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 type="checkbox"/> AREA PERMIT                        |

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

X 2. LOCATION OF THE PROPERTY 670 Main Street, West Seneca NY  
3. State in general the exact nature of the permission required, Requesting 12' variance for pool 14224  
in required 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\_\_\_\_.

X 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: \_\_\_\_\_

X Jamie Barnes  
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(1) Accessory structures not permitted in any  
front required yard. Requesting 12' setback.
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.
4. A statement of any other facts or data which should be considered in this appeal. Corner lot

[Signature]

February 11, 2019

Jamie L. Barnes  
670 Main Street  
West Seneca, NY 14224

**Re: 670 Main Street  
West Seneca, NY 14224  
Variance Request**

To Whom It May Concern:

I am writing this letter to request a zoning variance in the matter of a potential pool installation for a 21' above-ground swimming pool.

I am requesting a 12' Variance for the following reasons:

- The allowed space for the correct zoning regulation is too small for the above-mentioned pool size
- Service wire at the side of the property serving the neighbor is Triplex. Pool must be at least 10' from directly under the service wire. - see attached letter
- The Property sits on a corner lot and does not allow for a pool to sit in the correct zoning limitations.

I would like to install the above- ground pool in my yard with the following dimensions.

- Approx. 10 feet from the garage
- Approx. 22 feet from the back of the house.
- Approx.10 feet from westerly property line (near firehall. *[Required by NYSEG]*)
- Approx.12-13 feet from easterly side of said property line.

I have also enclosed a copy of my current survey to show exactly where the pool will be located. As per the town code, the pool will be 10' from the house and garage. The pool will be at least 10' feet from the utility service wires.

Should you have any questions, concerns or require additional information, please do not hesitate to contact me.

Sincerely,

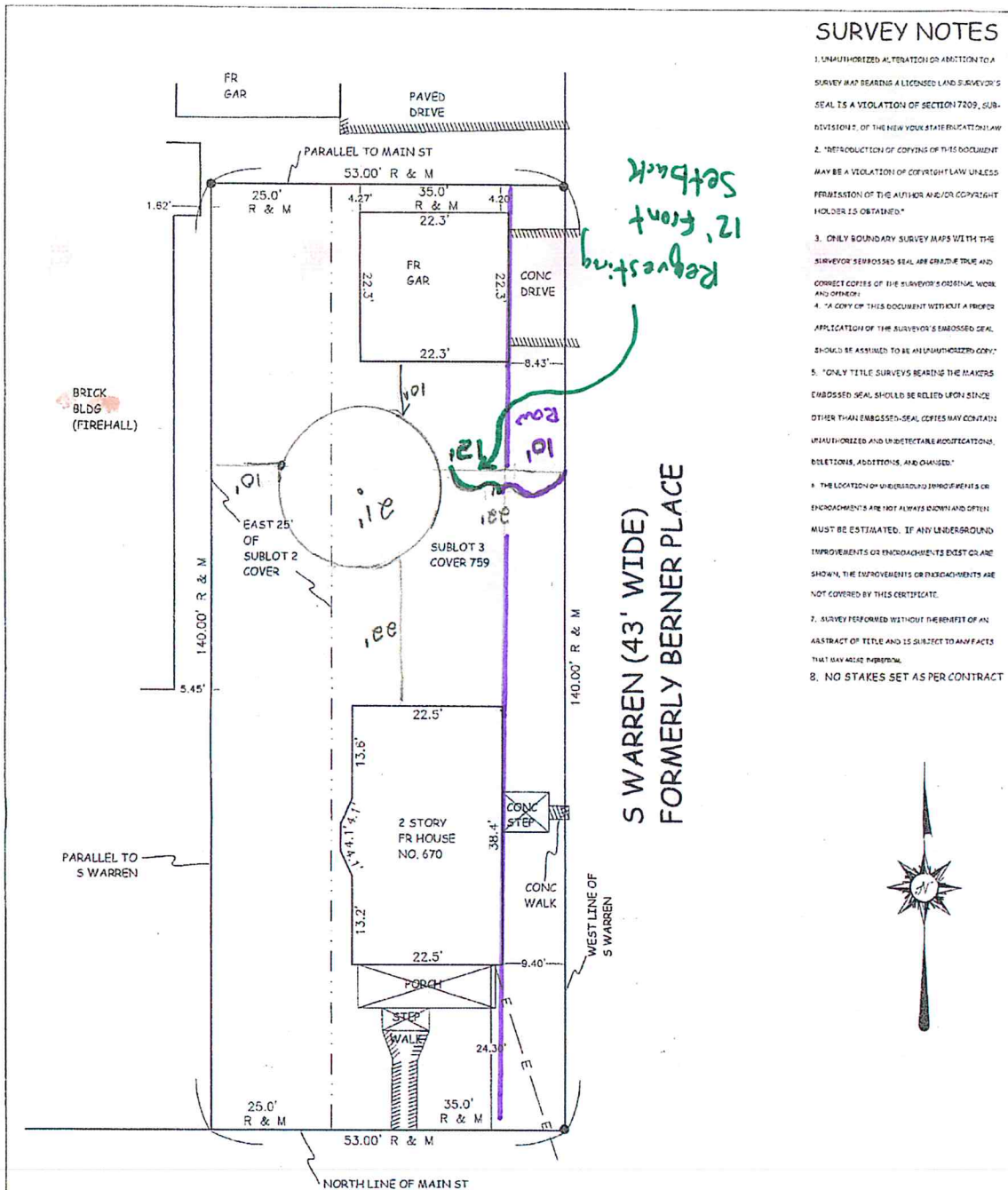


Jamie Barnes

(716) 512-3286

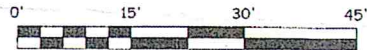
### SURVEY NOTES

1. UNAUTHORIZED ALTERATION OR REMOVAL TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 7, OF THE NEW YORK STATE EDUCATION LAW.
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6. THE LOCATION OF UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS ARE NOT ALWAYS SHOWN AND OFTEN MUST BE ESTIMATED. IF ANY UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS EXIST OR ARE SHOWN, THE IMPROVEMENTS OR ENCROACHMENTS ARE NOT COVERED BY THIS CERTIFICATE.
7. SURVEY PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY FACTS THAT MAY ARISE HEREFROM.
8. NO STAKES SET AS PER CONTRACT.



S WARREN (43' WIDE)  
FORMERLY BERNER PLACE

MAIN (66.0' WIDE) STREET  
(A.K.A. RIDGE ROAD)



*MW*  
MANGUSO LAND SURVEYING, P.C.  
572 TUSCARORA RD  
ANGOLA, NY 14006  
PHONE 716-549-4717 FAX 716-549-4717  
LIC NO 049775-1  
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SUCCESSOR TO THE RECORDS OF  
WILLIAM C. BUCKLAND L.S.  
NORMAN B. JOHNSON L.S.  
WILSON M. HUNTER L.S.

### LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE
- SET IRON PIPE
- UTILITY POLE
- BOUNDARY
- X— FENCE
- ||— DRIVE
- E— OVERHEAD UTILITY LINE

### 670 MAIN STREET

DRAWN FMM	DATE 06/23/10	PART OF LOT 44 T-10 R-7, TOWN OF WEST SENECA, COUNTY OF ER
APPROVED FMM	DATE 06/23/10	NEW YORK STATE
SCALE 1" = 15'	SHEET	PROJECT NO. 2010350



August 16, 2018

Jamie Barnes  
670 Main Street  
West Seneca, NY 14224-3032

REGARDING: Swimming Pool Locations vs. Electrical Line Clearances  
670 Main St, West Seneca  
Notification #10300490376

Dear NYSEG Customer:

When installing a swimming pool, minimum clearances have to be maintained from electrical and communication wires as follows:

- The National Electric Safety Code (NESC) Article 234 does not permit swimming pools or platforms to be placed closer than 10 feet to overhead triplexed electrical secondary or service wires or communications wires, unless the wires meet a minimum height of 22'6" measured from the waters edge.
- The NESC further limits the placement of swimming pools or platforms closer than 25' to overhead open wire (not triplexed) electric secondary or service wires or high voltage wires, unless they meet minimum height of 23' or greater measured from the waters edge.
- Similarly, underground electric wires should not be located under the pool or within the area extending five (5) feet horizontally from the inside wall of the pool.

Enclosed is a drawing indicating the location of the electric wires in your yard. Also indicated is the (existing/proposed pool), and the clearances that have to be maintained or the corrective action that has to be taken.

- There may be corrective action that you will have to complete as indicated.
- NYSEG may complete work at no expense to you as indicated.
- There may be work that NYSEG can complete but at an expense to you as indicated.

It is in everyone's best interest that you enjoy the safe use of your swimming pool. NYSEG will forward a copy of this information to the building inspector, as all installations must conform to building codes.

If you require additional information or have any questions, please call the Customer Service Center at 1-800-572-1111.

Sincerely,

*Field Planning Department*

Field Planning Department  
Lancaster Division

150 Erie Street, Lancaster, NY 14086

[www.nyseg.com](http://www.nyseg.com)

An equal opportunity employer





NEW YORK STATE  
ELECTRIC & GAS CORP.

JOB TITLE:	New Pool Install - 670 Main St, West Seneca		
NOTIFICATION:	10300490376	DRAWN BY:	J R Pellien
WORK ORDER:		DATE:	August 15, 2018
COUNTY:	ERIE	REVISION:	
TOWN:	West Seneca	SCALE:	NONE
ROAD:			
SUB/CKT:			

Pool must be at least 10' horizontal distance from NYSEG owned pole/anchor.

Service wire at the side of the property serving the neighbor is Triplex.  
Pool must be at least 10' from directly under the service wire.

