

APPLICATION TO BOARD OF APPEALS

Tel. No. 716-480-3249 / 716-449-6433

Appeal No. 2019-68

Date _____

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

I (we) JOE MILAZZO / DANIEL BACCARI - ARCHITECT of 11 COWING, DEPEW, 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 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) _____

2. LOCATION OF THE PROPERTY 479 LEIN ROAD, WEST SENECA, NY

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: _____

THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME OTHER FEASIBLE METHOD WHICH WOULD NOT REQUIRE A VARIANCE

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: _____

Joe Milazzo
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 _____

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. _____

Joe Milazzo

11 Cowing, Depew, NY,
(716) 480-3249

Variance for 479 Lein Road
West Seneca, New York

October 8, 2018

Zoning Board of Appeals
Town of West Seneca
West Seneca Town Hall
1250 Union Road
West Seneca, NY 14224

Re: Zoning Variance for 479 Lein Road, West Seneca, New York

Dear Zoning Board Members:

I have engaged Daniel Baccari, as Architect of Record for Professional Design Services required for the above referenced property.

Those services include assisting and representing me to the ZBA with this variance request.

If you have any questions or additional information required of me regarding this matter, please feel free to contact me at (716) 480-3249

Thank you,


Joe Milazzo

October 8, 2018

Zoning Board of Appeals
Town of West Seneca
West Seneca Town Hall
1250 Union Road
West Seneca, NY 14224

Re: Zoning Variance for 479 Lein Road, West Seneca, New York

Dear Zoning Board Members:

I have been engaged as Mr. Joe Milazzo's Architect of Record for Professional Design Services he requires for the above referenced property. Those services include assisting and representing him with this variance request.

Mr. Milazzo has purchased the existing residence and detached garage at 479 Lein Road, which at the time of purchase was abandoned and in disrepair. He is now in the process of restoring the property and renovating the buildings for his use as a residence.

Part of Mr. Milazzo's plan for the residence is to repair and enlarge the detached garage. He has an automotive hobby that includes a specialty truck and a classic car along with a trailer and associated pick-up truck that transports these vehicles. Due to the value of the vehicles and trailer, Mr. Milazzo stores all of them indoors when not in use. Mr. Milazzo also has an extensive shop with equipment that he uses to work on these hobby vehicles.

The vehicles and associated shop are the reason for the garage addition and its configuration. The proposed addition to the garage is shown on the attached Drawing 1.

The need for a variance arises due to the height restrictions for an accessory structure (the garage) on a residential lot. The truck & trailer, which will be stored inside the garage, is of a height that requires a door tall enough to allow entry (12 feet high). That, and the configuration of the structure and associated roof makes the garage (in the location of the door) higher than the zoning ordinance allows for building height.

Following are the zoning requirements applicable to the proposed addition to the garage (accessory structure):

- The Property Zoning is (per current zoning map): R-90 A Residence District
- Applicable sections of **Chapter 120 Zoning:**

§ 120-14 Permitted Uses in R-90A include: A (1): As permitted in § 120-13A, which includes: Single Family Dwelling & B (1): As permitted in § 120-13B, which includes: Private Garage, Off Street Parking.

§ 120-30 Minimum Yards for One & Two Family Dwellings: Rear Yard = 30 feet minimum

§ 120-39 Limitations on accessory uses in R Districts:

- A. Location of accessory buildings, structures and other improvements. No accessory building, structure or other improvement shall be erected or altered so as to:
 - (1) Be in any required front yard or required side yard, except that an attached garage may extend three feet into a required side yard, provided that such garage is not nearer than five feet to any lot line.
 - (2) Be nearer than 10 feet to any dwelling unless attached thereto or nearer than five feet to any other building.
 - (3) Be within three feet of any side or rear lot line.

§ 120-34 Maximum heights of buildings or structures

C. For accessory buildings.

(1) In R Districts: 12 feet. (applicable definition of building height, § 120-64: The vertical distance measured from the average elevation of the proposed finished grade of the building to the mean height between eaves and ridge of gable, hip or gambrel roofs).

Area Variance Request:

Mr. Milazzo is requesting an area variance from the building height requirements in order to construct a garage (accessory structure) addition that will be viable for his personal use. In order to minimize the request, the garage addition will be designed so that only the Eastern most 20 feet is the requested variance area (that is the area furthest from the road, at 260 feet). The attached Drawing 1 shows the configuration of the proposed addition as well as highlights the area where the variance is requested.

The proposed garage addition is on a 2-acre lot which is approximately 120 feet wide by 750 feet deep (current survey attached). With the exception of the variance (if granted), all other zoning requirements for the proposed garage addition will be met.

We believe that the benefit the applicant stands to receive from the variance will outweigh any burden to health, safety and welfare that may be suffered by the community. We also believe that, should the variance request be approved:

- There will not be an undesirable change in the character of the neighborhood, nor will there be a detriment to nearby properties. It is a significant distance from the road, not higher than the primary structure (the house, which partially screens it) and it is significantly East (behind) of all other structures in the vicinity, which results in screening of the variance area by buildings or by trees with the exception of the property to the East, however, the variance area is over 100 feet to the rear of that house, which is a significant distance for sight lines. This is shown on the attached Aerial Photo with the addition and variance area indicated.
- The benefit sought by the applicant (to store the described vehicles within the garage) cannot be achieved by some other feasible method which would not require a variance.
- The requested area variance is not substantial: the requested height addition is 4.3 feet higher than required (which is only a 35% increase), and the portion of the addition which it is requested for is only 23% of the footprint of the addition.
- The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

Per the requirements of the Zoning Board, we are submitting the following documents herein for use in consideration of the requested area variance :

- Completed *Application To Board Of Appeals*
- Letter of Authorization for representation by the Architect
- Current Property Survey
- Building Plans and Renderings pertaining to the variance request:
 - Drawing 1
 - Aerial Photo with addition added
- Tax Map indicating which neighbors were informed of the requested variance along with the signed letters and attachment to same.

We appreciate the Zoning Board's consideration in this matter.

If there are any questions or additional information required, or if you have any additional requirements of me, please feel free to contact me at (716) 449-6433 or via email: baccari@roadrunner.com

Regards.



Daniel Baccari

Registered Architect - State of New York
Certified Code Enforcement Officer - State of New York

Copy: Joe Milazzo

Miscellaneous Notes

- (M1) Some features shown on this plot may be shown out of scale for clarity.
- (M2) Certain assessments and/or utility fees, may or may not be shown herein, however this shall not imply that all assessments or utilities siting/placement are shown.
- (M3) Unauthorized Alteration or Addition to this Survey Map is a Violation of Section 7209 Provision 2 of the New York State Education Law.
- (M4) This Survey was prepared without the benefit of an up-to-date abstract of title and is subject to any sale of facts that may be revealed by an examination of such.
- (M5) THIS MAP IS NOT VALID WITH AFFIDAVIT OF NO CHANGE

Legend of Symbols & Abbreviations

- N: North
 - S: South
 - E: East
 - W: West
 - DP: Ditch
 - LP: Light Pole
 - PS: Power Pole
 - ST: Storm Water
 - PH: Fire Hydrant
 - SM: Sanitary Manhole
 - VA: Valve
 - SG: Sign
 - EB: Easement
 - CC: Conveyance
 - IL: Indefinite Interest
 - IF: Iron or Formerly
 - OC: One Chain = 66.0 Ft.
 - OL: One Link = 3.300333 Ft.
 - OA: One Acre = 43,560.0 Sq. Ft.
- Property Boundary
 Line of Road
 Edge of Road
 National Land Co. Lot Line
 Road Centerline
 Fence Along Line

Survey

Being Part of
Lot 955
Buffalo Creek Reservation
Town of West Seneca
Erle County, New York

Freeman and Freeman Land Surveyors
 Resurveying the Holland Land Company for the 21st Century
 10432 Camp Road - Glenside, N.Y. 14059
 Phone: (716) 592-7740, Email: David@FreemanSurveyors.com

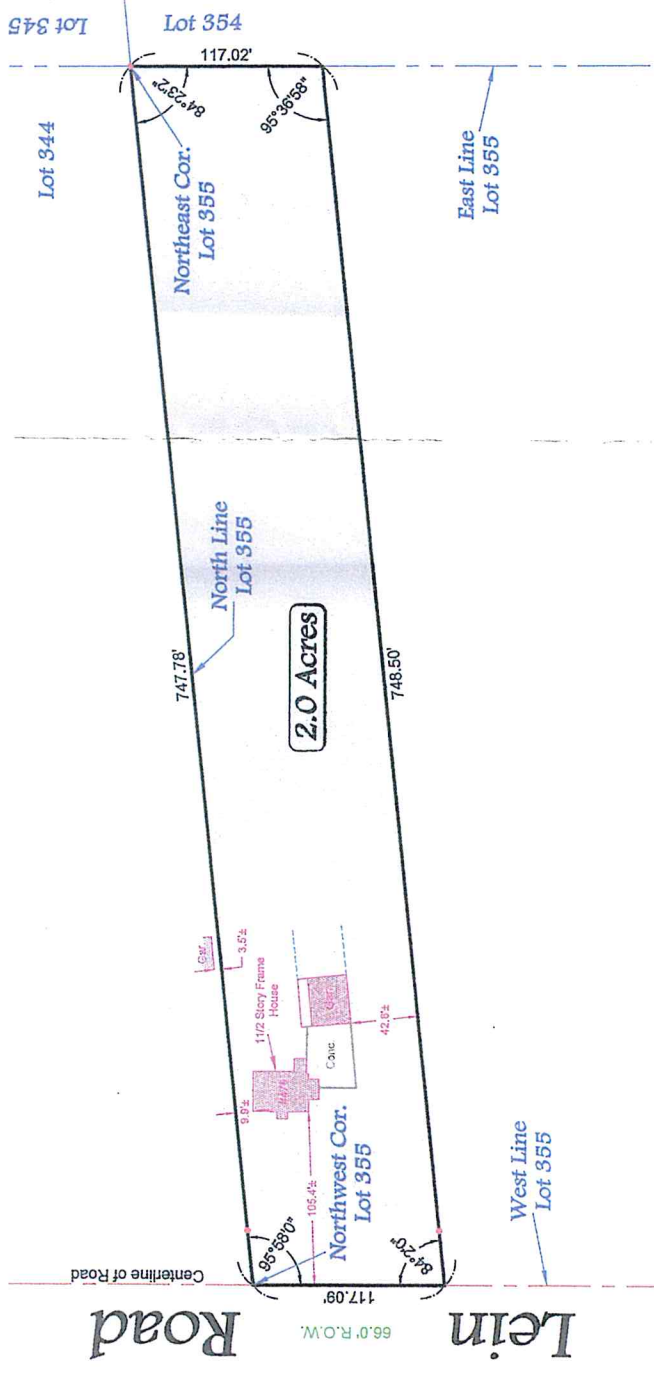


Survey Prepared By:
 Licensed Surveyor: David Scott Freeman
 License No.: 050460
 State of New York
 Date of Survey: 10/18/2019
 Date of Last Revision:
 Drawing Scale: 1" = 76'
 Freeman & Freeman, Job No. 6014
 Freeman and Freeman Copyright 2019 Sheet 1 of 1

Surveyor's Certificate

I hereby certify that the survey was prepared in accordance with the current Code of Practice for Land Surveyors. This certification does not extend to subsequent owners, mortgagees, or holders of interests in the land surveyed. This certification is void unless signed by the surveyor. This certification is not valid if the fee for said certification is not paid.

David Scott Freeman



Survey Statement

- (S1) A survey not shown to have been based on the Original Survey, is correct due to adjacent boundaries. The Surveyor has located the best evidence obtainable the courses and area at the same place where the HOLLAND LAND COMPANY originally surveyed.
- (S2) Easement fences are NOT based on title, old occupied easement fences lines were actually surveyed and recorded that perpetually don't always satisfy title requirements.
- (S3) Using physical evidence and applying original Holland Land Company field notes and maps is the only way a Licensed Land Surveyor can relocate the Holland Land Companies old surveys.

Copyright Information

1 This Survey is Published in many different colors. Any Black and White reproduction is not a valid map from Freeman and Freeman Land Surveyors.

Reference Data

(R1) Maps and notes from the Holland Land Company Survey.

Statement of Encroachments

A No encroachments were noted or surveyed to in the original field survey.

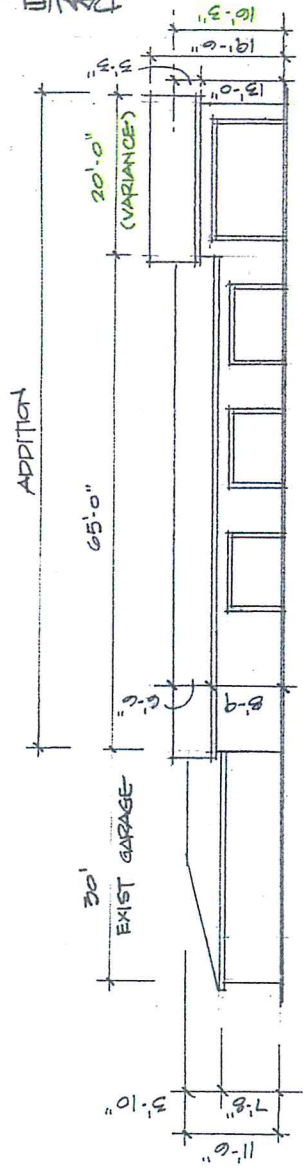


DRAWING
#11

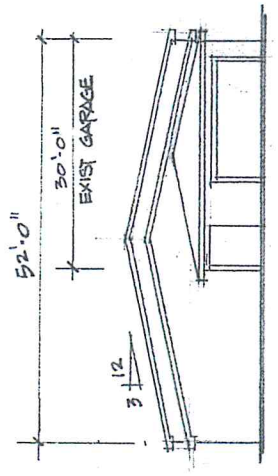
479 LEIN ROAD - WEST SENeca
GARAGE ADDITION - VARIANCE REQUEST
JOE MILAZZO - OWNER

30 SEPT 2019

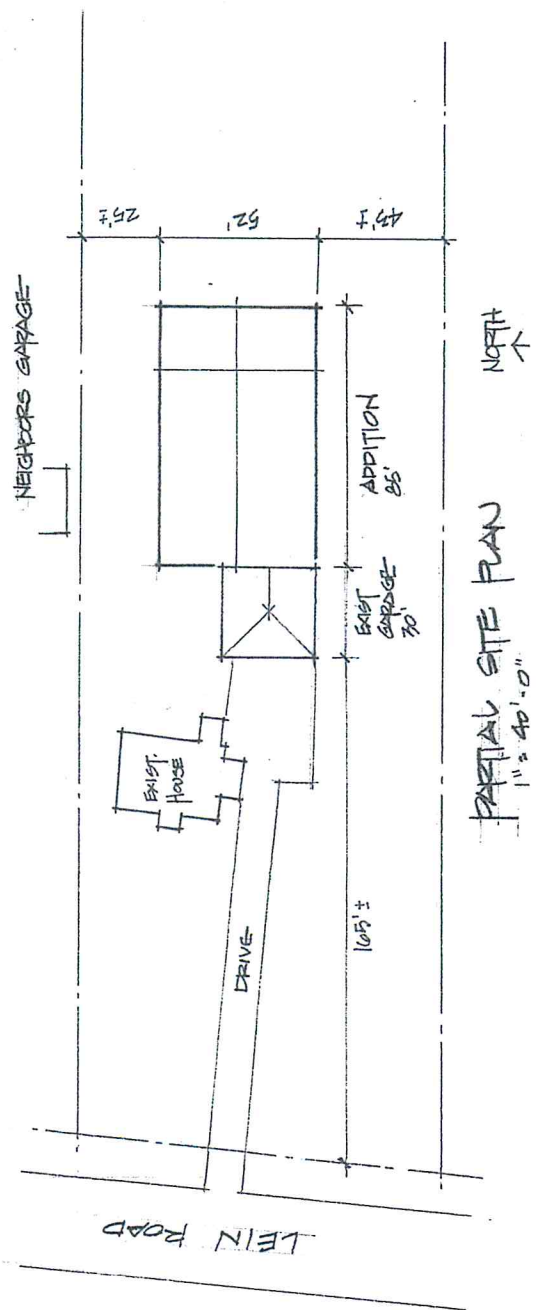
DANIEL BACCARI
ARCHITECT
716-449-6433



SOUTH ELEVATION
1/16" = 1'-0"



WEST ELEVATION
1/16" = 1'-0"



LEIN ROAD