

# APPLICATION TO BOARD OF APPEALS

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

Appeal No. 2019-64

Date \_\_\_\_\_

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

X I (we) Derek Hartman of 101 Roundtrail Rd  
West Seneca NY 14218

\_\_\_\_\_, 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

- A PERMIT FOR USE
- A PERMIT FOR OCCUPANCY
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A CERTIFICATE OF ZONING COMPLIANCE
- AREA PERMIT

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

X 2. LOCATION OF THE PROPERTY 101 Roundtrail Rd West Seneca NY 14218

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\_\_\_\_.

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

CASH - 10/11/19

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  
120 - 39 (B) Fences shall not exceed 6' in rear yard.  
or 4' in side yard.

2. Zoning Classification of the property concerned in this appeal R75

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.

[Signature]

4. A statement of any other facts or data which should be considered in this appeal. Replaced existing  
privacy fence (6') - Did not know variance required  
for fence replacement.

September 16, 2019

**RE: Request for Variance for a fence exceeding 6 feet in a back yard**

To Whom It May Concern,

I am writing to request your consideration for a variance approval of a newly constructed back yard privacy fence.

The neighborhood is built on an incline. 3 of my 4 surrounding neighbors have properties that are higher grade than my own property. When I replaced an existing rotted fence in May, 2019 (after sections were lost due to winter storms and due to decay) I decided to help retain my neighbor's grade by laying 6 x 6's in between my newly installed 6 x 6 posts in order to prevent any future damage or rot to the new fence.

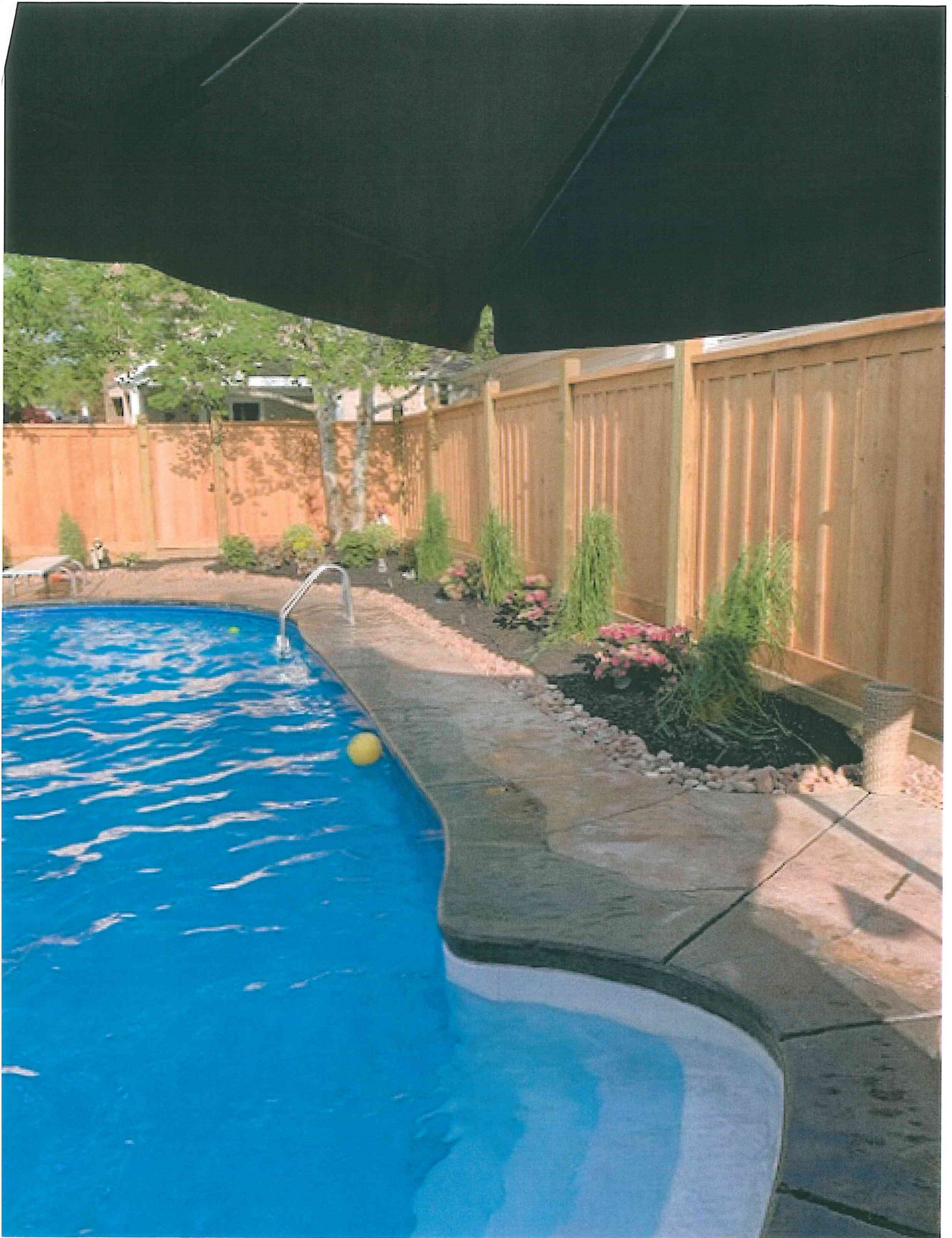
The other reason that I am requesting this variance is because it provides a measure of additional privacy to my own family when using the in-ground pool. For example, neighbors right behind us who's home is on higher ground can easily see right into my backyard and into my windows.

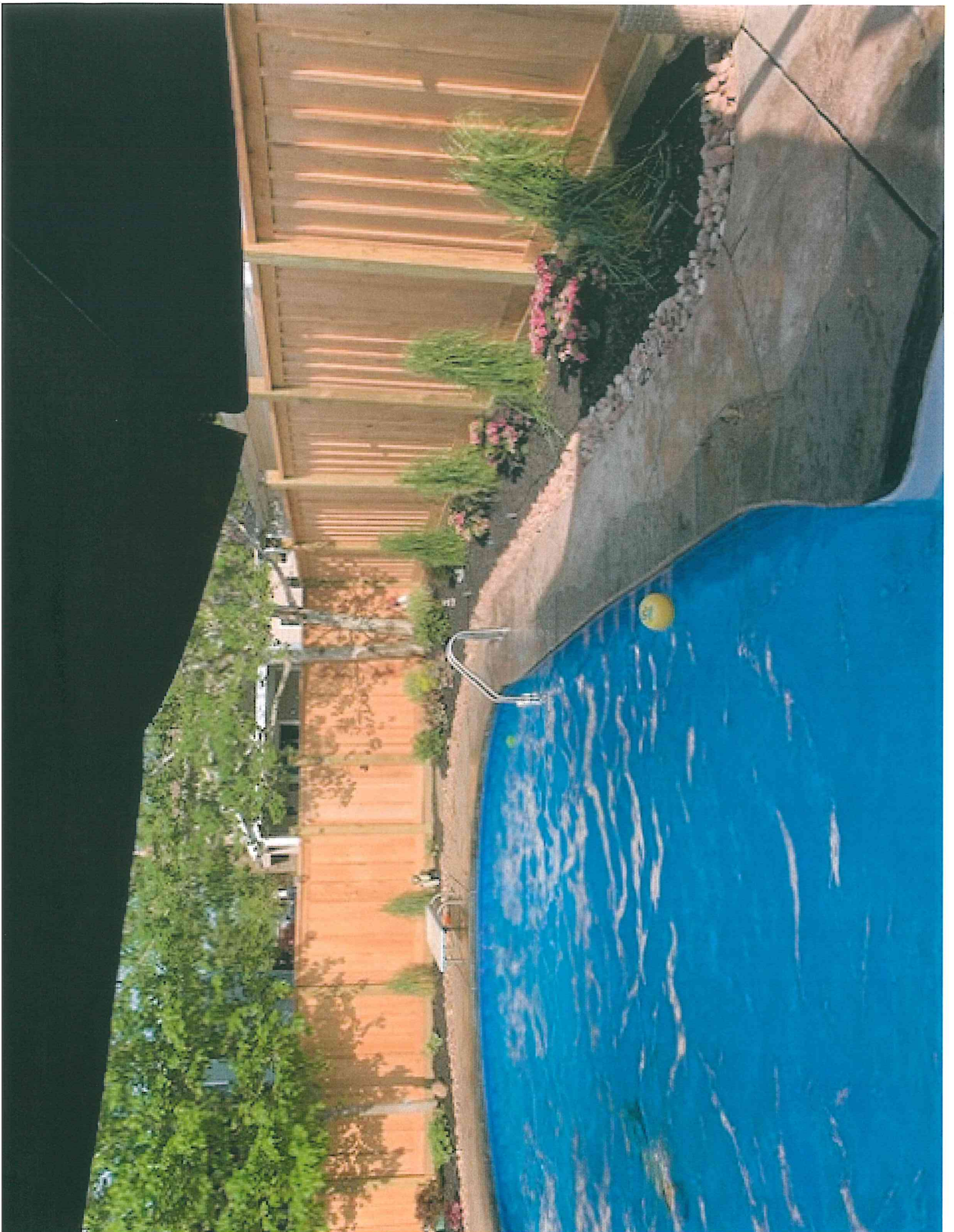
SO, even though this fence (by published code standards) exceeds maximum allowed height, it was built to level things off due to grading differences and between neighboring properties.

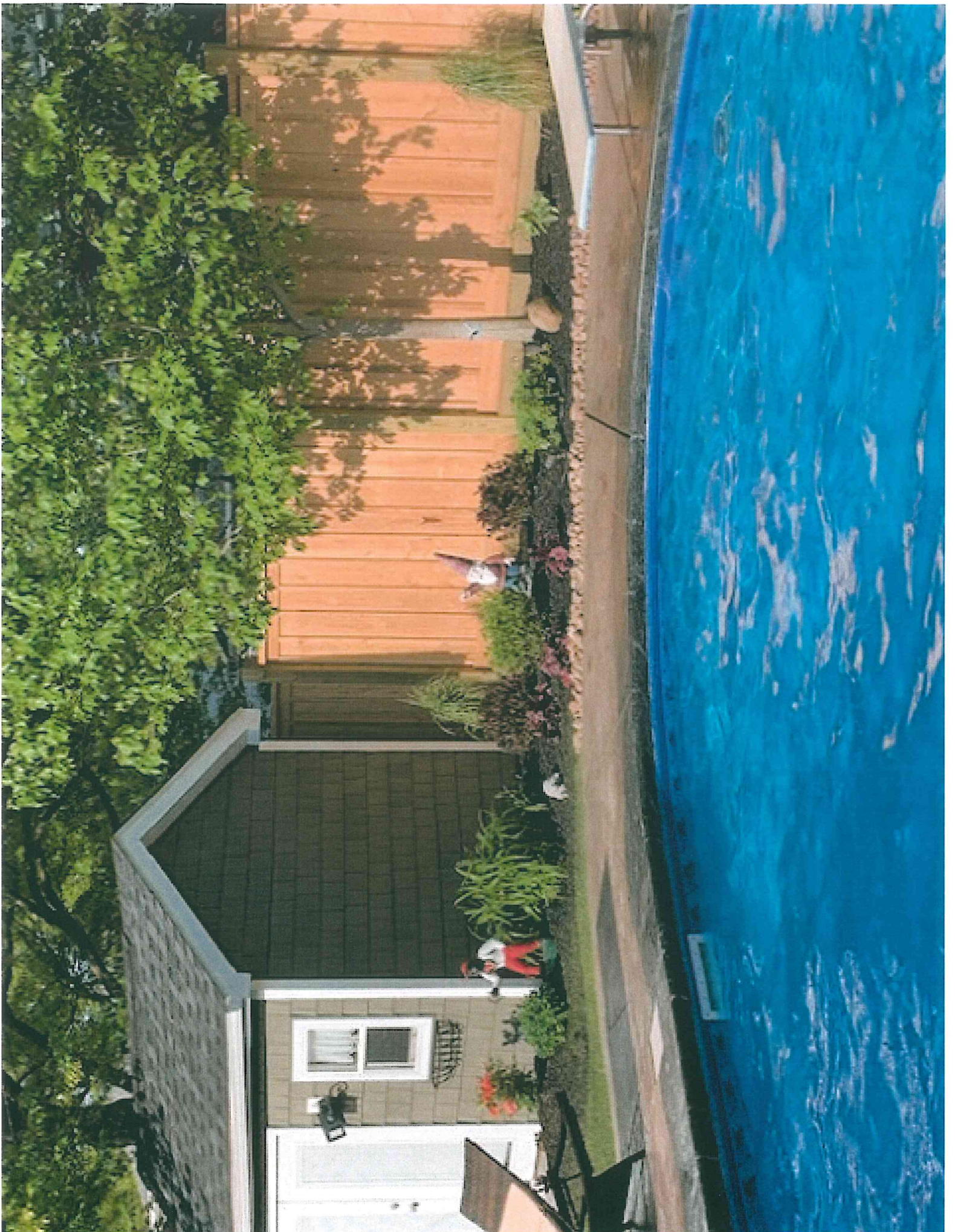
Lastly, attached please find signatures from 3 of my neighbors as they would concur that they don't have any issues with the height of this new fence and actually enjoy the benefits of their additional privacy.

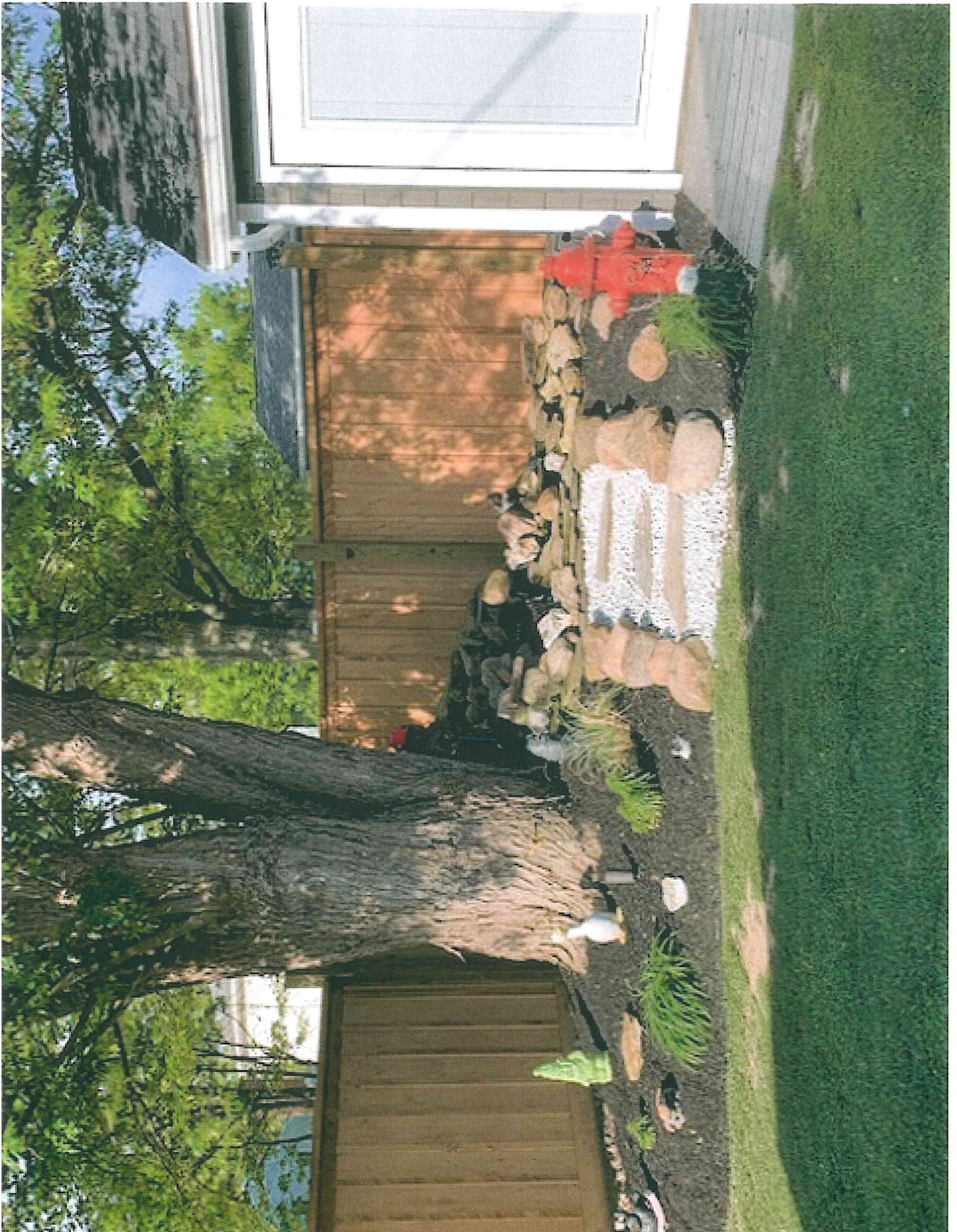
Very truly yours,

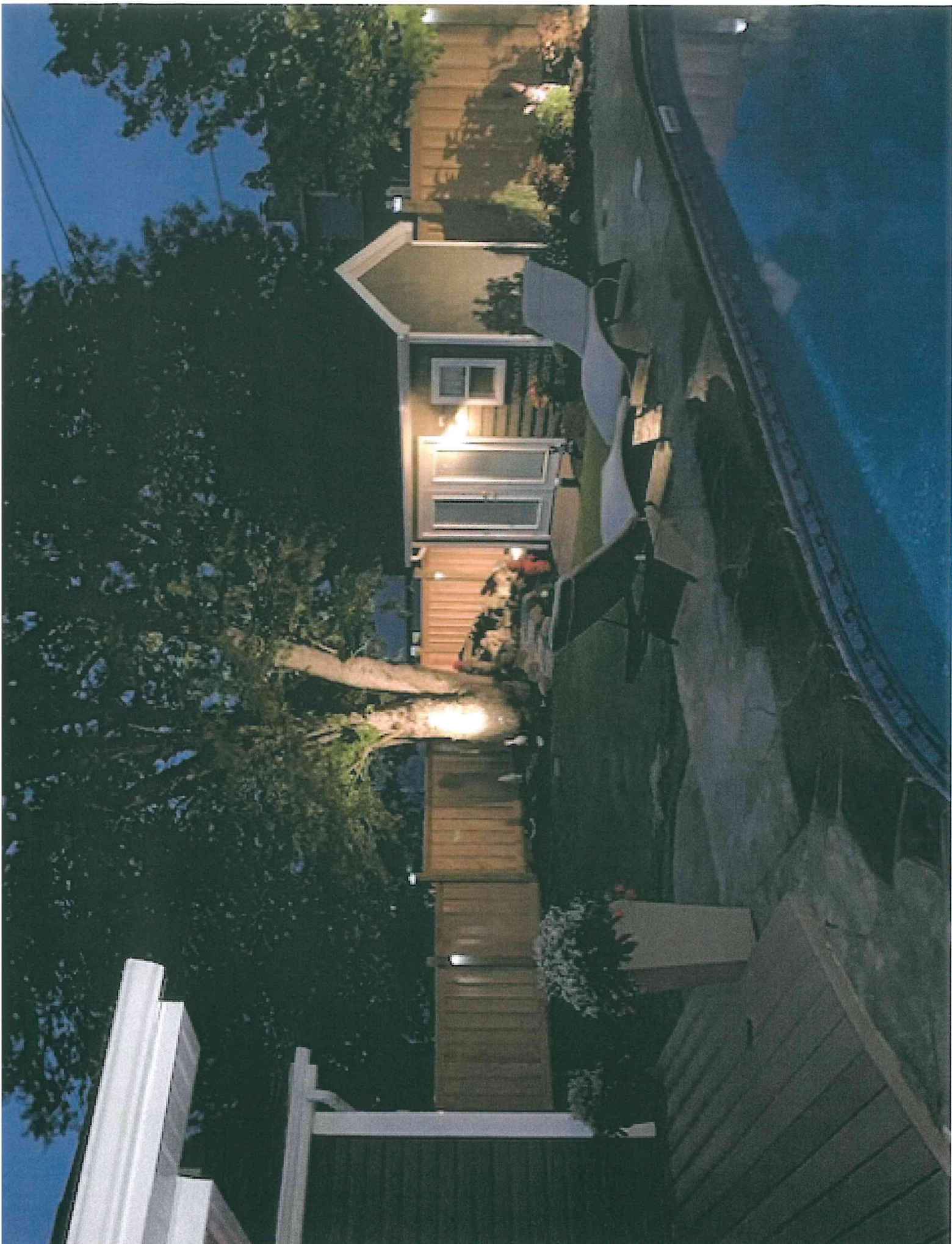
Derek Hortman











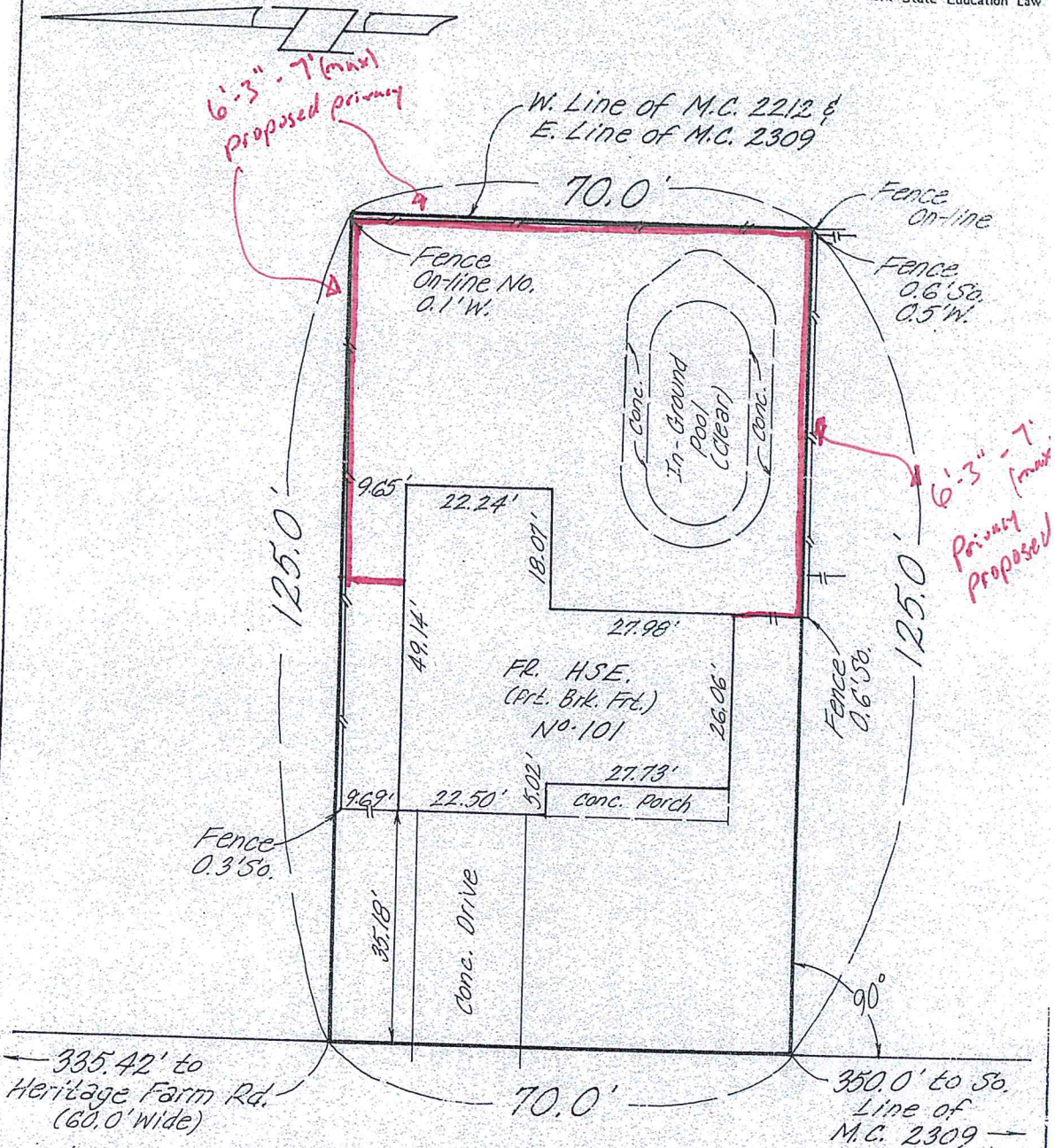






This survey was prepared without the benefit of an abstract of title and is subject to any state of facts that may be revealed by an examination of such

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



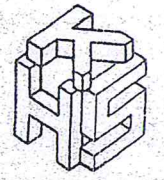
# ROUND TRAIL ROAD

60.0' WIDE

Town of West Seneca  
County of Erie, New York  
Part of Lot 420, Twp. 10, Rge. 7  
Buffalo Creek Reservation  
Map Cover 2309, Sublot 99

**Kenneth M. Hahn**  
Licensed Land Surveyor  
N.Y.S. License No. 050151

35 Gresham Drive  
Amherst, N.Y. 14226  
Phone (716) 832-2909



Scale: 1" = 20' Job No. 01-2474  
Survey Date: 9-18-01