

# APPLICATION TO BOARD OF APPEALS

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

Appeal No. 2020-30  
Date 5/28/2020

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

I (we) JANE HARRINGTON Esq of 300 CENTER RD  
W. 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, WHEREBY THE BUILDING INSPECTOR DID DENY PERMIT 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) OWNERS ATTORNEY

2. LOCATION OF THE PROPERTY 210 CENTER RD. W. SENECA

3. State in general the exact nature of the permission required, EXISTING BLOB BUILT OVER 2 PROPERTY LINES, OWNER WANTS TO MAKE 1 PARCEL

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 LETTER.

B. Interpretation of the Zoning Ordinance is requested because: NEW PARCEL SITUAT ON BULK AREA AND NEED A PERMANENT ACCESS BASEMENT TO ALLOW FIRE DEPT ACCESS TO BOWLING ALLEY

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: \_\_\_\_\_

Jane Harrington  
Applicant's 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  
120-29 - 8,000 SF FOR 1<sup>ST</sup> UNIT + 5,000 SF FOR EXH UNIT - 43,000 SF LOT REQUIRED  
- 18,900 SF LOT REQUESTED

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

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. THIS IS THE BEST WAY TO MAKE PROPERTY ZONING COMPLIANT FOR FUTURE

Building Inspector [Signature]

**MICHALEK & HARRINGTON, LLC**

**Attorneys at Law  
300 Center Road  
West Seneca, NY 14224**

**(716) 675-6715**

[michalek.harrington@gmail.com](mailto:michalek.harrington@gmail.com)\*\*

PAUL M. MICHALEK

\*\*not for service of process  
JANE MICHALEK HARRINGTON  
JEFFREY M. HARRINGTON

May 21, 2020

Jeffrey Schieber  
Town of West Seneca  
Code Enforcement  
1250 Union Road  
West Seneca, NY 14224

RE: 210 Center Road, West Seneca, NY  
Application for Variance

Dear Mr. Schieber:

As you may be aware, I am the attorney representing Bueme Development Corp with regard to the above captioned property. My client has entered into a contract to sell the above parcel. Currently, the property is improved by an 8 Family Apartment Building. However, as evidenced by the attached survey, the Apartment Building was constructed on 210 Center Road, but also on 220 Center Road. In order to facilitate the transfer of the property, my client is proposing to sell the portion of 220 Center Road which is improved by the Apartment Building. Said transfer will require a Variance from the Town.

I am attaching a proposed survey, which references the proposed property lines of the new parcel. Please allow this correspondence to formally request a Variance, reducing the required Bulk Yard for an Eight (8) Unit Apartment Building.

I am also attaching correspondence from Carl Bueme, President of Bueme Development Corp, approving of my office making the application for the variance on its behalf.

It is my understanding that you will contact me to arrange an appointment for the review of the application and payment of the application fee, prior to the scheduling of the matter with the Zoning Board of Appeals.

Thank you for your assistance in this matter.

Respectfully yours,

Jane Michalek Harrington, Esq.

Enc.

BUEME DEVELOPMENT CORP  
220 Center Road  
West Seneca, NY 14224  
(716) 674-3333

May 26, 2020

Town of West Seneca  
1250 Union Road  
West Seneca, NY 14224

RE: 210 Center Road


To whom it may concern:

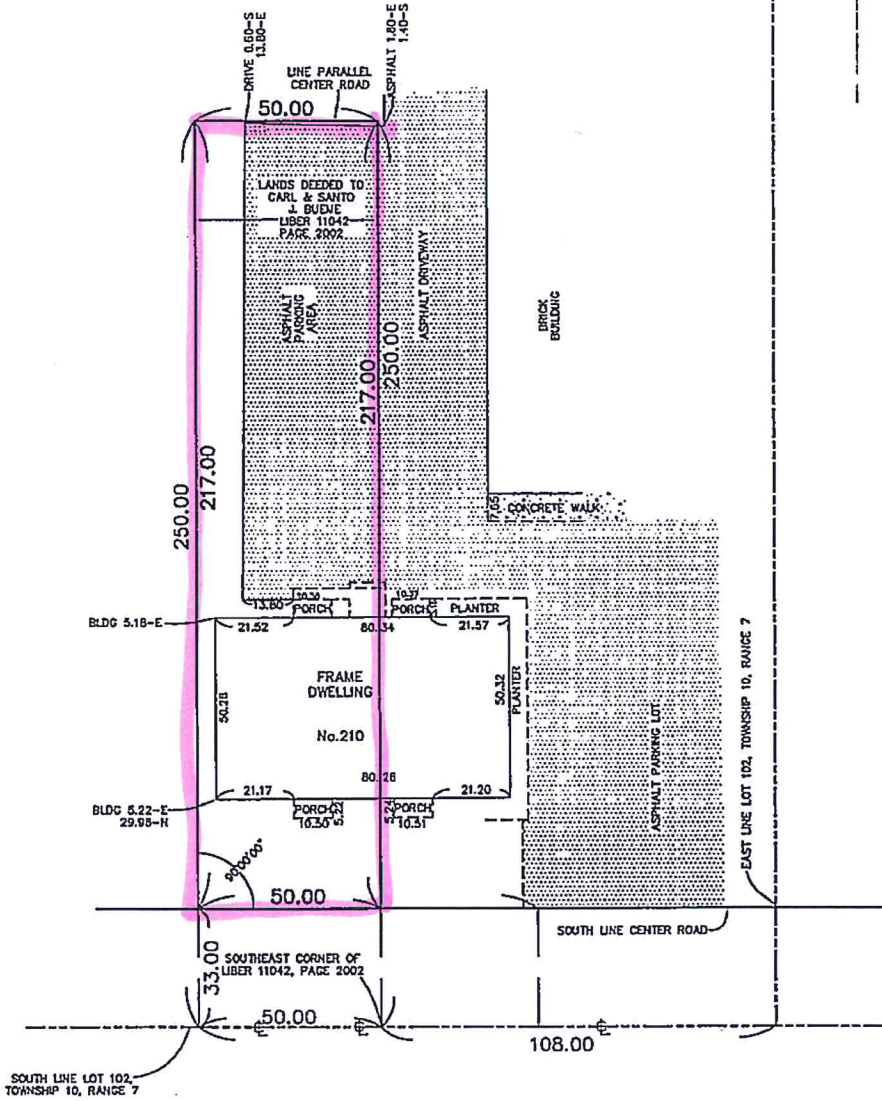
I am the President of Bueme Development Corp. Bueme Development Corp is the owner of real property located at 210 Center Road. There is a contract to sell real property located at 210 Center Road. In order to effectuate the sale, a variance must be obtained from the Town. I have reviewed the attached Application for a Variance and hereby approve of same. Additionally, I authorize attorney Jane Harrington, Esq., to file the appropriate application and accompanying documentation and to appear on my behalf before the Zoning Board of Appeals with regard to this matter.

Please direct any and all questions regarding this matter to my attorney, Jane Harrington, Esq., 300 Center Road, West Seneca, NY 14224, (716) 675-6715.

Thank you.

Respectfully yours,

  
Carl Bueme



CENTER (66.00 WIDE) ROAD

• CURRENT SURVEY  
 • BLDG BUILT OVER 2 PROPERTY LINES



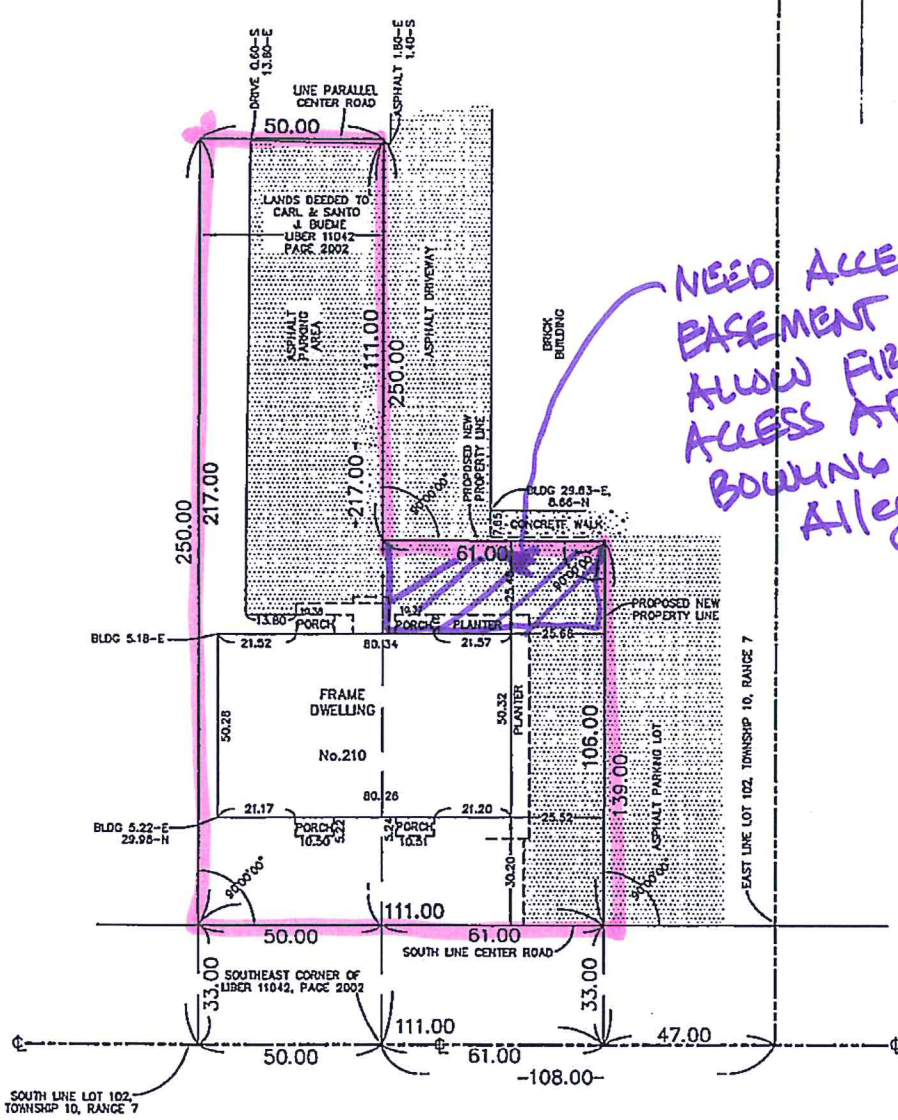
Feet	Inches
0.09	1 inch
0.17	2 inches
0.33	4 inches
0.42	5 inches
0.56	6 inches
0.72	8 inches
0.87	10 inches
1.00	12 inches

Job No. 170,215  
 LL5422



Date of Survey: JANUARY 17, 2020  
 Signature: *[Signature]*  
 Marshall L. Mill PLS  
 Krause & Genzler  
 Land Surveyors  
 19 Clean Street  
 East Aurora, New York 14052

Part of Lot (Lots) 102, Section 7, Township 10, Range 7, of the ERIE ENGINEER LANDS, County of ERIE, State of New York  
 City (or Village of) WEST SENECA  
 Notes:  
 1) This Survey is VOID unless embossed with New York State Licensed Land Surveyors Seal #659183.  
 2) This Survey is VOID unless embossed with an embossed seal of the New York State Education Law.  
 3) This Survey is VOID unless embossed with an embossed seal of No. Change.  
 4) 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 the same.



CENTER (66.00 WIDE) ROAD

PROPOSED SURVEY

NEED ACCESS  
BASEMENT TO  
ALLOW FIRE DEPT  
ACCESS AROUND  
BOWLING  
ALLEY

Feet	Inches
0.06	1 inch
0.17	2 inches
0.25	3 inches
0.32	4 inches
0.42	5 inches
0.50	6 inches
0.58	7 inches
0.67	8 inches
0.75	9 inches
0.82	10 inches
0.92	11 inches
1.00	12 inches



Date of Survey: JANUARY 17, 2020  
 Signature: *[Signature]*  
 Marshall L. Mill PLS  
 Krause & Gantzer  
 Land Surveyors  
 13 Clean Street  
 East Aurora, New York 14052

Part of Lot (Lots) 102, Section 1, of The EBENEZER LANDS, County of ERIE, State of New York  
 City (or Village of) WEST SENECA  
 Notes:  
 1) This Survey is VOID unless embossed with New York State Licensed Land Surveyors Seal #50182.  
 2) Altering any item on this Survey is in violation of law, excepting as provided in Section 7209 Part 2 of the New York State Education Law.  
 3) This Survey VOID if used with an Affidavit of No Change.  
 4) 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 the same.

Job No. 170,215  
 ESTABLISHED 1870  
 REVISED

For Area Variance Only:

To enable the Zoning board of appeals to grant an area variance, the applicant should address the five factors listed below. Attach additional sheets if necessary. The Zoning Board of Appeals will consider these five factors when balancing two elements: (1) the benefit to the applicant from the variance and (2) the detriment to the health, safety, and welfare of the community or neighborhood that would occur if the variance were to be granted.

Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the grant of the variance.

The Building was constructed in approximately 2004 and has been used for the same purpose since construction. It is believed that it will continue to be maintained as an 8 family apartment building post closing. There should be no effect on the character of the neighborhood or detriment to neighbors.

ZBA Determination \_\_\_\_\_

Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.

It would be impossible to sell/transfer the 8 unit apartment building located at 210 Center Road without a variance. Currently, the only way to transfer it would be to transfer it together with 220 Center Road. The only parcel being transferred at this time is 210 Center Road. 220 Center Road is not being sold.

ZBA Determination \_\_\_\_\_

Whether the requested variance is substantial.

The requested variance should not be considered substantial as the building currently exists on the property. There are 2 separate SBL Numbers for the 2 parcels. It is aligning the parcels with the structures.

ZBA Determination \_\_\_\_\_

Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or the district.

As the Building is currently in existence, any effect on the physical or environmental conditions has already occurred. There should be no new physical or environmental impact. There will be easements for a fire lane for 220 Center Road and parking for both parcels.

ZBA Determination \_\_\_\_\_

Whether the alleged difficulty was self-created.

The alleged difficulty was created when the building was built in 2004. All necessary permits and inspections were obtained at the time the building was constructed, including a Building Permit from the Town of West Seneca, and a Certificate of Occupancy.

ZBA Determination \_\_\_\_\_

Applicant Signature: Jane M Harring Date: 5-27-2020