

APPLICATION TO BOARD OF APPEALS

2020-34

Tel. No. _____

Appeal No. _____

Date 6/1/20

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

I (we) Cynthia Bielinski of 3924 Clinton St

_____, 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: _____

- 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) _____

2. LOCATION OF THE PROPERTY 3924 Clinton St.

3. State in general the exact nature of the permission required, 6' fence in side 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_____.

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 Attachment)

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: _____

Cynthia Bielinski
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

120-39 (B)

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. _____

Building Inspector DJB



CAPITAL FENCE CO., INC.

42 North Ellicott Creek Rd.

Amherst NY 14228

716-691-7438 • Fax 716-691-0688

www.capitalfence.com

Job No. _____

Approx. Start Date _____

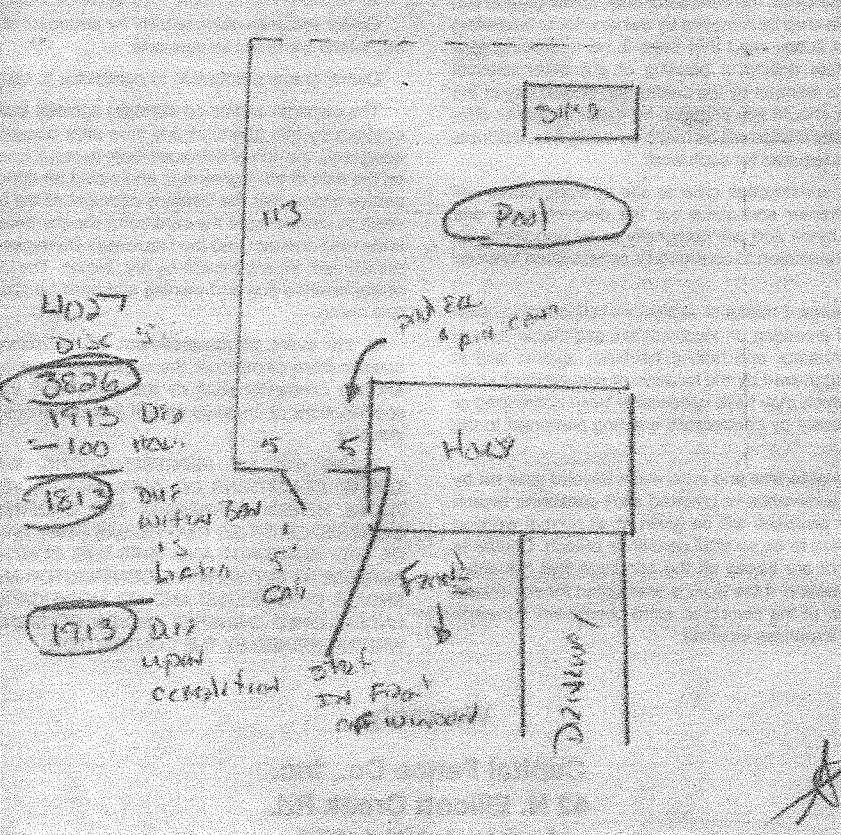
Approx. Finish Date _____

Name: DICK SWANSON Hm Phone: _____ Wk Phone: _____ Date: 5/10/12

Address: 3724 Clinton St City: West Seneca Zip: 14225 Cross St.: _____

Ship to Address: _____

FENCE #1	
Material	<u>217</u>
Color	
Style	<u>DAK 200</u>
Post Style	<u>FLAT</u>
Height	<u>4</u>
Total Ft.	<u>123</u>
Gate	<u>10.5 (Pool cover)</u>
Gate	
Post	
Post	
Post	
FENCE #2	
Material	
Color	
Style	
Post Style	
Height	
Total Ft.	
Gate	
Gate	
Post	
Post	
Post	



Stakes			
Plot/Survey			
Steep Grade			
Rails In/Out			
Line to be Clear (ft)	<u>110</u>		
Take Down Old Fence (ft)	<u>110</u>		
Haul Away	<u>✓ 25 (wood)</u>		
Holes Thru Blacktop/Concrete			
Trees			
Rocks			
Landscaping			
Existing Fence			
Fence Behind			
Holes Thru			
Customer Installed Utilities			
Other			
Installation Type			
A	B	C	D
See Back of Form			
Remarks:			
<u>OWNER will install fence</u>			
<u>FRONT FOR POOL</u>			

Owner is responsible for reasonable attorney's fees & costs in the enforcement of the terms of this contract
Any changes to this contract may result in price change

- OUR FOREMAN IS REQUIRED TO PICK UP BALANCE UPON COMPLETION. VISA, MASTERCARD & DISCOVER ACCEPTED.
- * Conditions: A service charge of 16% per annum shall be charged if the balance is not paid in full upon the completion of the job." The balance of said price is due upon completion unless otherwise set forth.
- * DIRT FROM POST HOLES REMOVED FROM SITE \$10 PER HOLE, RELOCATED ON SITE \$5 PER HOLE, PILED AT POST NO CHARGE.
- * Cancellation By Owner. The Owner may cancel this Contract up to midnight of the 3rd business day after the day on which the Owner has signed this Contract.
- * The Owner shall provide Capital Fence Co., Inc. ("Capital Fence") with an accurate survey of the property. In the event that the provided survey is inaccurate, the Owner shall defend and indemnify Capital Fence in any boundary dispute claims.
- * Underground locators only mark major utilities, therefore it is the customer's responsibility to locate & mark personal utilities including but not limited to drain tile, sprinklers, electric, etc. Capital Fence Co. assumes no liability for damage to personal or unmarked underground utilities.
- * Owner shall obtain all necessary permits.
- * Owner shall contact adjacent neighbors and inform them of the date and time of fence installation. Owner shall obtain permission from adjacent neighbors in the event Capital Fence needs to navigate across a neighboring property in order to install the fence.
- * The quoted price assumes normal digging and labor. In the event there are other obstacles, including, but not limited to, rock, shale, tree roots, or any other obstacles, which requires extra time and labor, additional charges shall apply.

_____ I have read & agree to the TERMS & CONDITIONS on reverse side.

Owner's Signature: _____ Sold By: _____

Owner's Signature: _____ Accepted by Capital Fence Co., Inc. _____

Date: _____ Date: 5/10/12

6/1/20

DEAR MR BUSSE & ZONING BOARD MEMBERS,

MY NAME IS CYNTHIA BIELINSKI AND I LIVE AT 3924 CLINTON ST. WEST SENECA, WITH MY FIANCE RICHARD SWANSON.

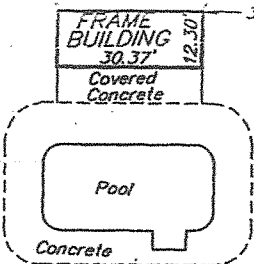
WE HAVE AN INGROUND POOL AND HAVE A 6' WOODEN STOCKADE STYLE FENCE AROUND THE ENTIRE YARD. WE PLAN TO PROFESSIONALLY REMOVE AND REINSTALL A NEW FENCE ALONG THE WEST SIDE OF THE PROPERTY. THE CURRENT FENCE RUNS FROM THE REAR PROPERTY LINE TO THE REAR CORNER OF OUR HOUSE. AT THIS TIME, THE POOL FILTER, HEATER & HOME AIR CONDITIONER SIT OUTSIDE THE FENCE.

WE ARE ASKING FOR A VARIANCE TO EXTEND THE SAME 6' FENCE 23' FORWARD TO INCORPORATE THE HEATER FILTER AND AIR CONDITIONER INTO THE YARD. THE REASON FOR THIS CHANGE IS FOR SAFETY CONCERNS. THIS PAST WINTER, A NEW FAMILY WITH 4 YOUNG CHILDREN MOVED IN NEXT DOOR. TWO OF WHICH ARE VERY ACTIVE AND INQUISITIVE 7 YEAR OLD TWIN BOYS. THEY HAVE ALREADY FLIPPED ELECTRICAL SWITCHES ON THE POOL FILTER PUMPS AND TURNED THE HEATER ON TO 98° WITH NO WATER RUNNING THROUGH THEM. THANKFULLY THE CIRCUIT BREAKER FLIPPED WHEN THEY OVERHEATED AND SHUT THEM DOWN BEFORE ANY DAMAGE WAS DONE. WE SPOKE WITH THE PARENTS AND EXPLAINED TO THE BOY HOW DANGEROUS THIS WAS. (AND COSTLY TO REPAIR PUMPS) WE ARE ON VERY GOOD TERMS WITH OUR NEW NEIGHBOR, AND WOULD LIKE TO KEEP IT THAT WAY. THEY ARE AWARE OF OUR FENCE PLANS TO KEEP THE ELECTRICAL, PUMPS, FILTER & HEATER & AIRCONDITIONER OUT OF HARMS WAY AND AGREE IT WOULD BE THE BEST SOLUTION FOR ALL.

Sincerely
Cynthia Bielinski

5873

Fnd. I.P. 0.15 W & 4.84 S



Fence 0.57' E. & 1.5' S
Fence 0.44 W. & 0.74' S

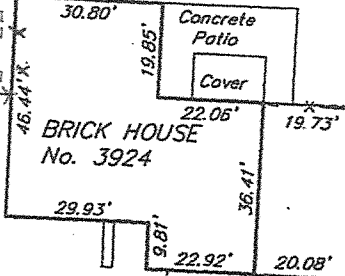
WEST LINE OF LANDS CONVEYED TO THOMAS PINNAVAIA IN LIBER 4184 OF DEEDS P. 247

Fence 1.18' E.
POOL HEATER
POOL FILTER
AIR CONDITNALL

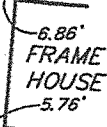
220.00'

PARALLEL

214.00'



Fence 0.45' W



Concrete 5.8' W.

83'45"
Concrete 6.0' W.

96'15"

90.55'

Found I.P. (Bemt) 2.1 N & 0.24 E

87.29 TO THE WEST LINE OF LOT 315 & THE EAST LINE OF SHARON DRIVE (60' WIDE)

CLINTON (66' WIDE) STREET

INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: L. 10943 P. 9749
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID ABSTRACT.
NOTE: PROPERTY CORNER MONUMENTS WERE NOT PLACED AS PART OF THIS SURVEY. NOTE: THIS SURVEY WAS PERFORMED UNDER SEVERE SNOW AND ICE CONDITIONS.

THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT STANDARDS FOR LAND SURVEYS ADOPTED BY THE BAR ASSOCIATION OF ERIE COUNTY AT THE REQUEST OF Nancy Soia, Esq.

Francis C. Delles
FRANCIS C. DELLES

NYSPLS No. 050477

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Millard, MacKay & Delles
LAND SURVEYORS, LLP
150 AERO DRIVE
BUFFALO, NEW YORK 14225
PHONE (716) 631-5140 ~ FAX 631-3811

AMEND: "B"
SURVEY DATE: 1-15-07
DRAWING DATE: 1-16-07
SCALE: 1" = 40'
"ALL RIGHTS RESERVED"

COVER NO. 58

PART OF LOT 315 SECTION TOWNSHIP RANGE OF THE:
Ebenezer Lands SURVEY - Erie COUNTY, N.Y.

THIS MAP VOID UNLESS EMBOSSED WITH NEW YORK STATE LICENSED LAND SURVEYOR'S SEAL. ALTERING ANY ITEM ON THIS MAP IS A VIOLATION OF THE LAW EXCEPT AS PROVIDED IN SECTION 7209, PART 2, OF THE NEW YORK STATE EDUCATION LAW.

SURVEY OF: 3924 Clinton Street, Town of West Seneca

SBL No. 125.17-4-40