

# APPLICATION TO BOARD OF APPEALS

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

Appeal No. 2021-002

Date 11/6/20

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

I (we) Tara Mathias of The Broadway Group

216 Westside Sq. Huntsville AL 35801, 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) Developer

2. LOCATION OF THE PROPERTY 5203 Seneca St

3. State in general the exact nature of the permission required, 55 Required stalls; requesting 30

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: \_\_\_\_\_

Tara.Mathias@broadwaygroup.net

Tara Mathias  
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  
120-41 6 Spaces per 1000 Sq Ft of floor area required.  
(Requesting 30 spaces)

2. Zoning Classification of the property concerned in this appeal C2

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 [Signature]



Commercial Real Estate Development

The Broadway Group, LLC • 216 Westside Square • Huntsville, AL 35801 • Phone: 256.533.7287 • Fax: 256.533.7236

January 4, 2021

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

RE: Zoning Board of Appeals  
5203 Seneca Street / Request for Variance

Dear Board Members,

Please accept this as our request to consider an area variance for the proposed development at 5203 Seneca Street.

We presented the project during a sketch plan review to the Planning Board on 12/10/20. As a brief overview of the project, we propose to demolish the existing structure and build a new retail store. The proposed store will be approximately 9,100 sq ft and will provide general variety merchandise to serve the everyday needs of the surrounding community. Our plan includes storm water management, connection to public utilities, landscaping, building façade enhancements, and parking spaces sufficient for store operations. The Planning Board provided guidance that the development should also include a fire lane and that they would like to consider a layout with a second entrance. We revised the plan to include both items and have included the most recent layout for your consideration of our variance request.

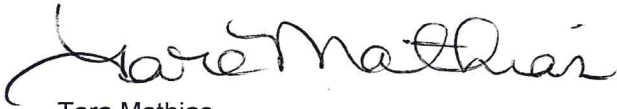
Regarding the area variance, we are seeking approval to reduce the requirement of parking stalls from 55 to 30. We would like to offer some comments to support the basis of our request:

- Although the reduction of stalls is substantial, the number of stalls needed for the operation of this retail store is less than the general categorization of retail stores that is provided in the zoning code. With over 16,000 stores in operation, significant data from this specific brand of stores show that the proposed 30 stalls are sufficient to accommodate customers even during peak shopping seasons.
- The requested variance will not have an effect on population density that would impact governmental services.
- The reduction of parking stalls will not have a detrimental impact to the character of the neighborhood or adjoining properties. In fact, the proposal provides for larger amounts of greenspace rather than a “sea of asphalt” for unneeded parking stalls. It also allows parking area to be condensed to the immediate area at the store. This provides a greater buffer of vehicle sounds and light to the adjacent property owner at the west.
- The reduction of stalls is requested in part due to factors including the shape and position of the property. It is on a corner lot with an irregular shape. Also, the added fire lane and driveway increased the amount of pavement on the site which increases the impervious area. The trade-off of reducing stalls provides an environmental benefit by balancing the impact of more paved area.

- The interests of justice are served in that the reduction of parking stalls does not create any adverse impacts to the community but provides positive benefits to the aesthetic of the corner lot as well as improving the stormwater impacts to the environment.

We respectfully request your favorable response to our application. Please contact me at [tara.mathias@broadwaygroup.net](mailto:tara.mathias@broadwaygroup.net) or (256) 533-7287 if I can assist in any way.

Happy New Year,



Tara Mathias  
Development Manager

Enclosures: Filing Fee, Layout, Survey, Architectural Elevations, and Owner Authorization



**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.  
AND REPLY TO MUNICIPALITY**

Note: Please complete in triplicate. Send original and one copy (with attachments) to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202. Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.: \_\_\_\_\_

Postmark/Delivery Date: \_\_\_\_\_

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, replay is received at any time prior to municipal Action, such reply must be considered.

Description of Proposed Action

1. Name of Municipality: Town of West Seneca
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2. Hearing Schedule:      **Date** 01/27/2021      **Time** 6pm      **Location** virtual
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3. Action is before:       Legislative Body       Board of Appeals       Planning Board
4. Action consists of:       New Ordinance       Rezone/Map Change       Ordinance Amendment
- Site Plan       Variance       Special Use Permit       Other
5. Location of Property:       Entire Municipality       Specific as follows      5203 Seneca Street
- 
6. Referral required as Site is within 500' of:       State or County Property/Institution       Municipal Boundary       Farm Operation located in an Agricultural District
- Expressway       County Road       State Highway       Proposed State or County Road, Property, Building/Institution, Drainageway
7. Proposed change or use (be specific):      Request of The Broadway Group c/o Tara Mathias for a variance for property located at 5203 Seneca Street to reduce the number of parking stalls from 55 to 30.
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8. Other remarks (SBL#, etc.):      135.20-1-3
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9. Submitted by:      Amy Kobler, Town Clerk
- 
10. Return Address:      1250 Union Road, West Seneca, NY 14224

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on \_\_\_\_\_. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1.  The proposed action is not subject to review under the law.
2.  Comment on proposed action is attached hereto.
3.  The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.
4.  No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning: \_\_\_\_\_ Date: \_\_\_\_\_