

# APPLICATION TO BOARD OF APPEALS

Appeal No. 2021-021

Date 4/6/21

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

I (we) Nicole Smith of 81 John Alex Drive

, 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 81 John Alex Drive

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: \_\_\_\_\_

(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: \_\_\_\_\_

Nicole Smith  
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) Fences shall not exceed 6' in front/side yard.  
Fences shall not project more than 10' past house. Requesting 29"

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.

4. A statement of any other facts or data which should be considered in this appeal. Corner lot

Building Inspector [Signature]

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

April 5, 2021

Dear Mr. Jeffrey Schieber,

I am writing to seek a fence variance for my single-family home at 81 John Alex Drive, West Seneca, NY 14224. Current code enforcement rules state that fences shall not exceed 4 feet in any front or side yard. I respectfully request to install a white vinyl fence that is 6 feet tall in my left side and right yard on our corner lot.

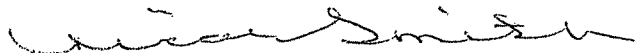
The main reasoning for installing a higher fence is for the safety of my youngest children who are 5 and 7 (we also have 17 and 19 year children residing with us). The children love to play outside in our corner lot and the security of fence will provide my wife and I the piece of mind that they are safe in the yard and do not have access to the street. We are also planning to have a puppy join our family in May and similarly do not have to worry about the safety of our dog. The taller fence will also help to keep the sound level of the kids playing down for our direct neighbors. Extending the fence into the side yard of our corner lot will allow us to extend the usable area of the backyard and the ability to store some of the children toys obscured from the street and sidewalk traffic. Finally, we are planning to add a concrete patio and inground pool in the summer, and the 6 feet tall fence in the side yard will provide added privacy.

There are many other homes in the Camelot Square neighborhood that have 6 feet tall fences in their side yard, along with many corner homes. I have spoken to my next-door neighbor and across the street neighbors. They are supportive of my plan to install the 6 feet tall fence in my side yard.

I have signed a contract with Iroquois Fence, Inc. of West Seneca to install the fence in May or June of 2021. The fence material will be Bufftech Chesterfield Smooth White Vinyl. This is the same style fence that my next-door neighbor has. I have included a marked-up copy of my survey with the details of the fence, along with a copy of the contract from Iroquois Fence Inc.

I hope that you agree that my request would produce an aesthetically proper addition, if not an enhancement to our neighborhood. Should you have any questions, please do not hesitate to contact me. Thank you for your thoughtful consideration of this request.

Respectfully,



Nicole Smith  
81 John Alex Drive  
West Seneca, NY 14224

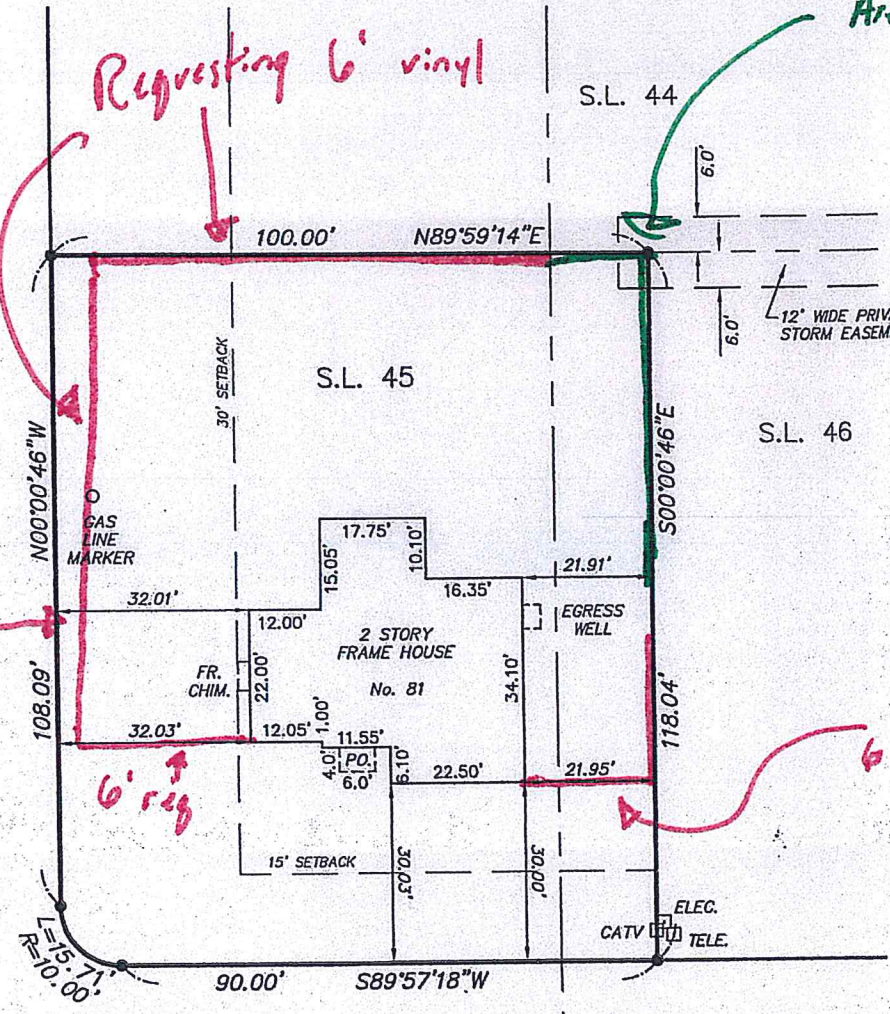


Permitted 6' Area

Requesting 6' vinyl

5' off Sidewalk

JOHN ALEX (60' WIDE) DRIVE



ADAM CHRIS (60' WIDE) DRIVE

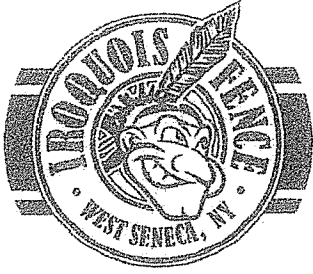
EAST LINE LOT 380  
WEST LINE LOT 381

SURVEY OF  
 SUB LOT 45, MAP COVER 3570  
 CAMELOT SQUARE PART III  
 BEING PART OF LOTS 380 & 381, TOWNSHIP 10, RANGE 7  
 BUFFALO CREEK RESERVATION  
 TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK

*W. J. ...*

DATE	REVISION/TYPE

**GPI** ENGINEERING, LANDSCAPE ARCHITECTURE & SURVEYING, LLP  
 ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE  
 4050 SENECA STREET SUITE 100



# IROQUOIS FENCE, INC.

51 North America Drive  
 West Seneca, New York 14224  
 Phone: 674-5745 Fax: 674-3557  
[www.IroquoisFence.com](http://www.IroquoisFence.com)  
[Sales@IroquoisFence.com](mailto:Sales@IroquoisFence.com)

Name Nicole Smith Date 8/25/20  
 Address 81 John Alex Drive City West Seneca Work Ph \_\_\_\_\_  
 Zip 14224  
 Work Site Same  
 Cross Streets \_\_\_\_\_

CHAIN LINK	NOTES	ORNAMENTAL
Total ft _____ Height _____ Wire _____ Terms _____ Lines _____ Top rail _____ Gates _____ Other: _____	-All posts will be set in wet mix concrete  	Type _____ Total ft _____ Height _____ Style _____ Posts _____ Gates _____ Color _____ Other: _____
<u>WOOD</u> Total ft _____ Height _____ Style _____ Type _____ Gates _____ Post _____ Facing: In <input type="checkbox"/> Out <input type="checkbox"/> Other: _____	Remove Existing Fence: Y <input type="checkbox"/> N <input checked="" type="checkbox"/> Type _____ Total Cost – If Paying w/ Credit: <u>\$11,200.00</u> Total Cost – If Paying w/ Check: <u>\$10,850.00</u> Deposit: _____ Balance: _____	<u>VINYL</u> Total ft <u>243'</u> Height <u>6'</u> Style <u>Chesterfield</u> Texture <u>Smooth</u> Color <u>White</u> Gates <u>1-4' wide</u> Caps <u>New England</u> Other: _____

Customer agrees to provide a lot survey, applicable building permit, and applicable variance. If a lot survey is not provided, customer assumes all responsibility for location and accuracy of lot lines. Iroquois Fence, Inc. will call to have the public underground utilities located. Customer assumes all responsibility for the location and accuracy of all unmarked utilities – both public and private (including, but not limited to...gas, electric, cable, phone, satellite, pool equipment, sprinkler system, drain tile, etc.). Iroquois Fence, Inc. will not be held liable for any damage, subsequent repair, and/or loss of goods and services, resulting from damage to unmarked, or incorrectly marked, utilities/lines. Owner may cancel contract, with no penalty, within 3 business days of signing. Please pay balance, in full, upon completion.

**All excavated dirt will remain on site.**

I have read and agree to the terms in this paragraph. \_\_\_\_\_ Initial

Print Nicole Smith

Sales Professional Dan Reardon

Sign Nicole Smith

Date 9/12/2020