

# APPLICATION TO BOARD OF APPEALS

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

Appeal No. 2021-044

Date 6/8/21

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

(we) Joseph Pinto & Jennifer Roberto of 83 Tampa Dr

\_\_\_\_\_, 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 83 Tampa Dr

3. State in general the exact nature of the permission required, Requesting 11' front setback for pool

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 Attached Letter)

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: \_\_\_\_\_

Joseph Roberto  
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 120-30 R65 30' Required Front yard Set Back

Requesting 11' Front yard Set Back

2. Zoning Classification of the property concerned in this appeal R65 for swimming pool

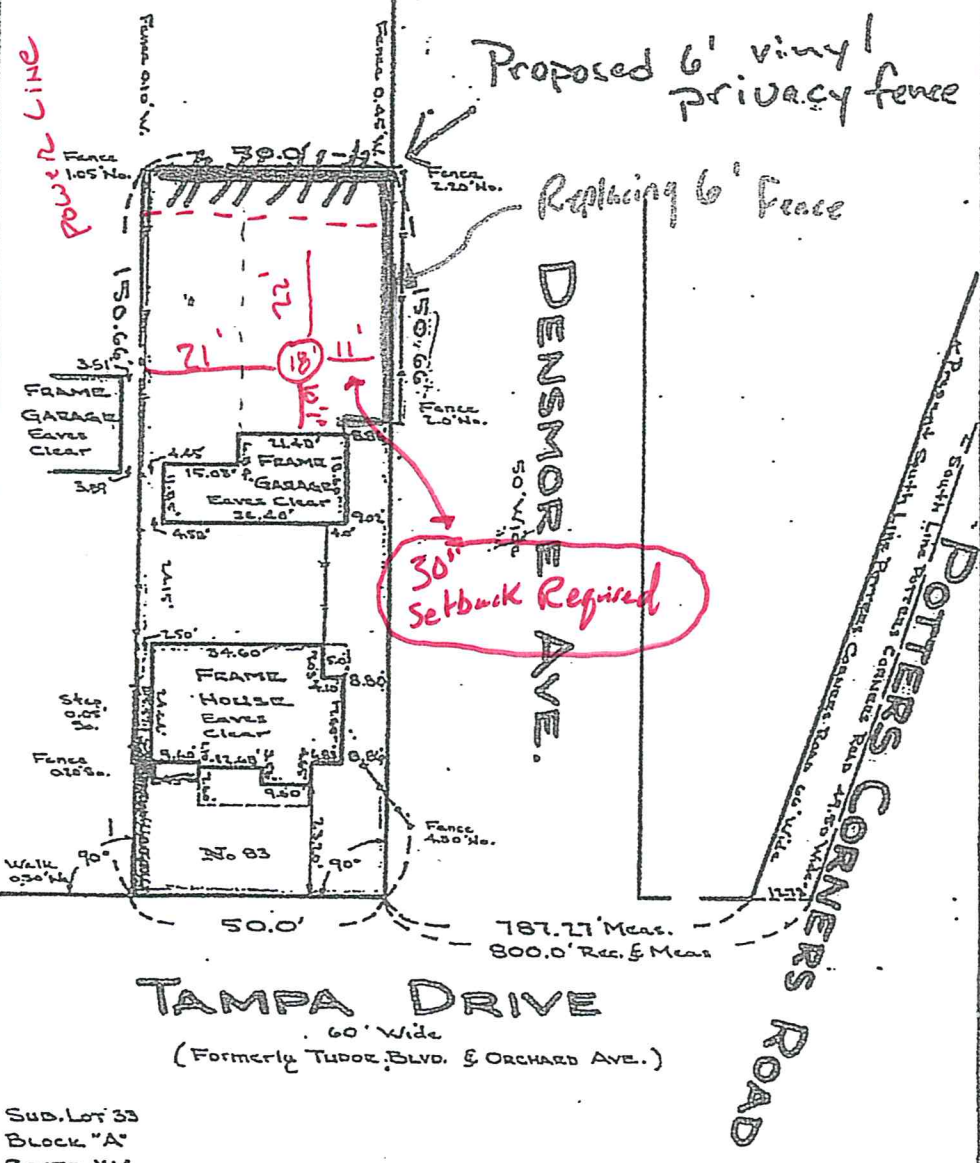
3. Type of Appeal:
- Variance to the Zoning Ordinance.
  - Interpretation of the Zoning Ordinance or Zoning Map.
  - Special or Temporary Permit or an extension thereof under the Zoning Ordinance.

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

Building Inspector DJB

MAY 2 8 1983

CHAS LINCOLN COST CO., INC.  
 THE SUCCESSORS and/or DESIGNERS  
 OF THE SURVEY  
 COMPANY OF HEALTH LAND & TRAC  
 CO.  
 This was a survey of land in West Seneca, N.Y. and was prepared as a preliminary survey as shown on this plan and was prepared in accordance with the provisions of the laws of the State of New York and the provisions of the laws of the State of New York relating to the Surveying and Mapping Act of 1920 and the provisions of the laws of the State of New York relating to the Surveying and Mapping Act of 1920 and the provisions of the laws of the State of New York relating to the Surveying and Mapping Act of 1920.



SUB. LOT 33  
 BLOCK "A"  
 COVER 1114

LOCATION PART OF LOT 214, T.O. R.T. 1, TOWN OF WEST SENECA, N.Y. SCALE: 1" = 25 FT.

RICHARD W. SIEPEL Licensed Land Surveyor 610 ENGLWOOD AVE. SUTELA, NEW YORK 10583 PHONE 850-0544 LICENSE NO. 40181	NO.	DATE	Richard W. Siepel	JOB NO.
	SURVEY	5-4-81	Without Benefit of Notice of Title	CERTIFY 5-20-81
RE-SURVEY	4-5-83	"	"	"
CERTIFY	4-19-83	"	"	"
AMENDED	5-21-83	"	"	"
RE-SURVEY	4-28-84	"	"	"

PLANNED FOR 1983

SUCCESSOR TO  
 WILLIAM C. SIEPEL

06/08/21

To Whom It May Concern:

In January of this year we purchased an 18' above ground pool which was not scheduled for delivery until some time at the end of June. Thinking we needed to have an exact delivery date to schedule the installation, we did not arrange for an installer. In April, the pool company updated the delivery time to the end of May. It was at this time we began the search for an installer. The one who did return my call said he had nothing available until the mid to end of August. Panicking, we reached out to everyone we knew who might know someone that could install out pool.

Subsequently, we received a call from the pool company that our pool was in. It was to be delivered on Friday, May 28<sup>th</sup>.

We found an installer through a relative. He was gracious enough to put us ahead of the 87 other installations he had lined up. I received a call from him 6 days after the pool was delivered. He could install the pool the next day, Friday, June 4<sup>th</sup>. Imagine our elation.

Not thinking I needed a permit to have it installed, we gave the go ahead. The installation was completed that Friday.

I learned from a contractor that a permit was indeed needed. I contacted Code Enforcement on Monday, June 7<sup>th</sup> and was informed that a permit was needed, that NYSEG had to complete a powerline survey and then send the results to the Town.

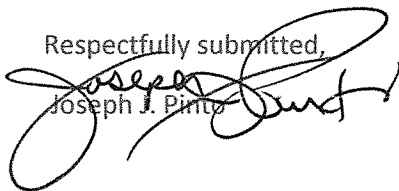
On Tuesday, June 8<sup>th</sup>, I went to the Town Code Enforcement Office and explained what happened, why it happened, and requested guidance to rectify my blunder. I was informed I needed a variance, and it would be necessary to go before the Board to get permission for the premature installation.

I am, therefore, requesting your guidance, and a variance so we may keep the pool where it is, that the necessary permits are granted in order to complete the installation of the pool, and that you forgive my ignorance.

The pool is situated 10'1" from the detached garage. It is 11' from the north property line, along Densmore, 21' from the south property line where our neighbor's property is separated from our yard by a 6' foot fence (which we just recently had installed. Permit on file.)

I am humbly requesting that the variance be granted and my error, and ignorance, be forgiven.

Respectfully submitted,

  
Joseph J. Pinto