

# APPLICATION TO BOARD OF APPEALS

Tel. No. 837 - 0833

Appeal No. 2021-053

Date 8/9/21

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

I (we) Robert Blood of Lever - Manguso 4080

Ridge Lea Rd, Buffalo 14228, 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 type="checkbox"/> AREA PERMIT                        |

1. Applicant is the  PROPERTY OWNER  
 CONTRACTOR FOR THE WORK CONCERNED HEREIN  
 PROSPECTIVE TENANT  
 OTHER (Describe) Architect

2. LOCATION OF THE PROPERTY 310 Orchard Park Rd.

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 Attached)

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: \_\_\_\_\_

Robert Blood  
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 Required front yard 40' (Requesting 0') Required side yard 5' (Req. 0')  
120-44(B) 10' parking setback required (Requesting 5' and 3.5')

2. Zoning Classification of the property concerned in this appeal 120-40-1.2 10' sign setback

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.  
(Requesting 1' setback)

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

Building Inspector D. J. B...



**LAUER-MANGUSO &  
Associates  
Architects/Engineers**

4080 Ridge Lea Road / Buffalo, NY 14228  
PHONE: 716.837.0833 / FAX: 716.837.5734  
E - Mail: info@lauer-manguso.com

**LETTER OF TRANSMITTAL**

<b>DATE:</b>	August 4, 2021
<b>ATTENTION:</b>	Jeffrey Schieber, Code Enforcement Office
<b>COMPANY:</b>	Town of West Seneca
<b>ADDRESS:</b>	1250 Union Road - Room 210 West Seneca, NY
<b>PROJECT NAME:</b>	Rachel's Mediterranean Grill 310 Orchard Park Road
<b>LMA PROJECT #:</b>	21034

(PLEASE SELECT PREFERRED METHOD OF DELIVERY)

- |   |  |
|---|--|
| <input type="checkbox"/> Standard Overnight | <input type="checkbox"/> Standard U.S. Mail                    |
| <input type="checkbox"/> Priority Overnight | <input type="checkbox"/> Rep to Pick Up                        |
| <input type="checkbox"/> Ground Delivery    | <input checked="" type="checkbox"/> Other: <u>By Applicant</u> |

WE ARE SENDING YOU:  ATTACHED  UNDER SEPARATE COVER VIA: \_\_\_\_\_

QTY.	DATE	DESCRIPTION
2	8/4/21	Concept Site Plan
2	12.17.20	Proposed Division Map Survey
1	8/4/21	Letter of Intent
1		Application fee of \$160.00

THESE ARE TRANSMITTED AS CHECKED BELOW:

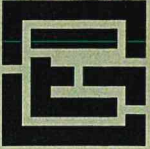
- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> For Your Use           | <input type="checkbox"/> For Approval          | <input type="checkbox"/> As Requested                     |
| <input checked="" type="checkbox"/> For Review and Comment | <input type="checkbox"/> Approval as Submitted | <input type="checkbox"/> Approval as Noted                |
| <input type="checkbox"/> Returned for Corrections          | <input type="checkbox"/> For Bids Due: _____   | <input type="checkbox"/> Prints Returned After Loan to Us |

**REMARKS:**

Please contact our office with any questions, comments or requests for additional information.

COPY TO: \_\_\_\_\_

SIGNED: Robert J. Blood, RLA



**Lauer-Manguso & Associates Architects**

August 4, 2021

Jeffrey Schieber, Code Enforcement Office  
Town of West Seneca  
1250 Union Road, Room 210  
West Seneca, NY 14224

RE: **Proposed Rachel's Mediterranean Grill**  
**Zoning Board of Appeals (ZBA) Application**  
310 Orchard Park Road – SBL No. 134.17-2-4.1 (Lot 'C')  
LMA # 21034

Dear Mr. Schieber,

In regards to the project referenced above, please find the following materials attached as part of our application requesting Area Variances from the Town of West Seneca ZBA:

- Survey of property requesting variance (2 copies)
- Proposed Concept Site Plan (2 copies each)

**Project Description** – The Applicant is proposing to construct a new 1,800 sf one-story restaurant on a sub-divided parcel at 310 Orchard Park Road on which they have a purchase contract pending. The proposed site improvements associated with the project will include demolition of the existing insurance agency building, construction of the new restaurant building, and installation of the proposed parking areas, access drives, pedestrian accommodations, trash enclosure, landscaping, stormwater facilities, and utility connections. Our client intends to propose a cross-access easement and potentially a shared parking agreement with both of the adjacent property owners.

**Variance Request** – The project parcel is zoned C-2 (S). Based on the somewhat irregular shape and dimensions of the parcel, the Applicant is requesting the following setback variances:

1. **Building Setbacks** – Whereas the required front yard building setback is 40' or 50', a **zero foot setback** is requested to allow the proposed restaurant building to be located a similar distance from the road edge as adjacent buildings. Likewise, a min. 5' side yard setback is required, whereas a **zero foot setback** is requested to allow compliant vehicular access to the site.
  2. **Parking Setback** – Whereas the required parking area setback is a minimum of 10', setback variances of 5' and 3.5' are requested to allow compliant vehicular access within the site.
  3. *Requesting 1 ft setback to property line for new sign. 10' required.*
- Please let me know if you have any questions or require additional information.

Sincerely,

LAUER-MANGUSO & ASSOCIATES  
ARCHITECTS & ENGINEERS

Robert J. Blood, RLA