

APPLICATION TO BOARD OF APPEALS

Tel. No. (585) 742-2222

Appeal No. 20 220 002
Date 11/10/22

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

I (we) Steven Songer of APD

615 Fishers Run Victor NY 14564, 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) Engineer

2. LOCATION OF THE PROPERTY 1997 - 2003 Ridge 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: _____

Steven Songer
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
120-44 B(2) OFF street parking setback 10' Required.
Requesting 3' setback

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

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]

APD ENGINEERING | ARCHITECTURE

APD Project No. 21-0239

January 6, 2022

Town of West Seneca Zoning Board of Appeals
c/o Doug Busse
Code Enforcement Office
1250 Union Road, Room 210
West Seneca, NY 14224

RE: Burger King (1997-2007 Ridge Road) – Parking Setback Petition

Dear Members of the Zoning Board of Appeals,

On behalf of our Client, JSC Management Group, LLC, we are enclosing site plans, survey, and supporting information for the above-referenced property to request an off-street parking setback variance as per Section 120-44,B,2 of the Town zoning ordinance (10' required, 3' provided).

The proposed project includes the demolition of the existing houses and construction of a new Burger King restaurant with an associated drive-thru at 1997-2007 Ridge Road. This includes a ±2,730 SF building with associated sitework including site access, proposed cross-access with the Wendy's to the east, and full truck access around the site.

The narrow depth of each parcel and typical layout for a Burger King restaurant with a double drive-through pose a challenge to provide the minimum parking setback. We have provided a site layout that we feel is adequate to promote circulation layout around the site for passenger cars and trucks while reducing the need for additional variances. As shown on the Site Plan and noted above, we are seeking to reduce the off-street parking setback provided from 10' to 3'. Including the concrete gutter along Ridge Road, proposed 4' sidewalk and additional greenspace, the parking area is 17' from the edge of road pavement.

We do not believe that this change or request for variance has a negative impact on the surrounding properties nor operation of the restaurant. As previously stated, the site is challenging based on existing conditions, and thus removing parking in front of the building would not meet the minimum amount of required parking spaces. In addition, there are numerous properties up and down this corridor that do not provide the 10' required off-street parking setback.

As required, we are submitting hard copies of the following items for your review and consideration:

- Letter of Intent
- Zoning Review Fee -- \$160
- Site Plan
- Property Survey & Legal Description

Headquarters

615 Fishers Run, Victor, NY 14564
phone 585.742.2222 • fax 585.924.4914
web www.apd.com • email info@apd.com

Office Locations

P.O. Box 11626, Santa Ana, CA 92711 • phone/fax 714.987.1380

We are requesting to be placed on the January 26th, 2022 Zoning Board of Appeals agenda for review of the project. Should you have any comments, questions, or are in need of additional information, please feel free to contact me at (585) 742-2222.

Sincerely,

Steven Songer

Steven Songer
Civil Designer