PRINT FORM

TOWN AND VILLAGE OF ELLICOTTVILLE
BUILDING / CODE ENFORCEMENT DIVISION

17 MILL ST. ELLICOTTVILLE, NY 14731

Code Enforcement Officer: Kelly Fredrickson, (716) 699-4773

E-MAIL: kelly.fredrickson@evlengineering.com

Planner: Gary Palumbo, , (716) 923-1325, E-MAIL: gary.palumbo@aecom.com

ZONING BOARD OF APPEALS APPLICATION

Property is in: ☐ TOWN ☑ VILLAGE App. # _____

APPLICANT INFORMATION:

Applicant's name: Alan Elia Date: 08/15/2021

Mailing address: 19 Elizabeth St

Cell Phone Number: 716-628-2816 E-Mail: arelia@sevenson.com

Applicant must be (check all that apply): ☑ Owner ☐ Operator ☐ Lessee

Applicant's Engineer or representative: James Mulka

Address: 179 Deer Ridge

Phone #: 716-289-5372 E-Mail: jim@mulkadesign.com

PROPERTY OWNER INFORMATION (if different than Applicant)

Name: _____

Mailing Address: _____

Cell Phone Number: _____ E-Mail: _____

TYPE OF APPEAL:

☑ Area Variance ☐ Use Variance ☐ Interpretation of Zoning Law text or map

Section of Zoning Law from which variance is requested: Section 3A.2

Describe the requested variance: Floor Area Ration Variance to allow for a new 2 car detattached garage after demo of existing garage and new house additions

Is this appeal from a decision of the Town/Village of Ellicottville Building Official? ☑ YES ☐ NO

If yes, what as the type of decision or permit? Planning submission/Gary Palumbo

Date of decision: 7/27/2021

A previous appeal ☐ has ☑ has not been made with respect to this decision or with respect to the property. If a previous appeal was made, provide the Appeal # _____ and Date of Appeal _____.

Reasons Supporting Your Appeal

Please reply to the questions below for the type of appeal that you are making. These are the criteria that the Zoning Board of Appeals will use to evaluate your appeal. Provide as much detail as possible. Feel free to attach an additional statement.

AREA VARIANCE

In making it's determination on an area variance, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance were granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making that determination , the ZBA will consider these five questions.

1. Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by the granting of the area variance?
   There is no character change based on the proposed garage and additions. A 2 garage garage at the rear of the property is typical in the village and we are matching existing style and finishes.
2. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?
   The current position of the garage and adjacent house does not allow for a reasonable family entry with typical winter activities. Also, to allow for the teh Elia's family and friends to visit and stay, the need additional sleeping areas.
3. Is the requested area variance substantial?
   The area variance requested is 680 sf which is not a substantial amount and is approxiamte to the size of the garage.
4. Will the proposed variance have a adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
   There are no adverse affects to the neighborhood with the addition and garage. This project is keeping in the conditions that are found on this street and trhough out the Village of Ellicottville.
5. Is the alleged difficulty self-created, which consideration shall be relevant to the decision of the board, but shall not necessarily preclude the granting of the area variance.
   The requested additions and new garage are to meet the needs of the Elia family and are consistent to typical family homes. They are not asking for anything that is not typical in the Village already.

USE VARIANCE

In order for the Zoning Board of Appeals to grant a use variance, the applicant shall show that the applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove unnecessary hardship, the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial, as demonstrated by competent financial evidence; and
2. The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood; and
3. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

4. That the alleged hardship has not been self-created

Provide a statement that discusses each of these points, demonstrating that the zoning regulations have caused unnecessary hardship.

INTERPRETATION OF ZONING LAW

Provide a statement that describes what the Building Official determined, what you believe should be the interpretation, and why.

The current zoning allows for a floor are ration of .2 which the proposed project exceeds by 680sf. Based on the fact that this project is keeping with the character and typical identity already established in the village, this project will not have adverse effect on the village and will meet the needs of the Elia family. This is not for a short term rental property use. Attach additional statement.

PROPERTY / FACILITY NAME

Elia Residence

Address: 19 Elizabeth St

Property tax map #: 55.027-2-14

Current use of property: Residential - Single occupancy

Description of Proposed Project/Use (attach additional pages, survey and plans):

Demolition of existing detached garge and rebuild at rear of property, expand existing house for owners needs.

Zoning Requirements from Town/Village Zoning Law.

Front yard setback: 25', Rear yard setback: 35', Side yard setback: 10',

Combined side: 30', Minimum lot size: Existing, Width: -,

Height: 28' Max, Floor area ratio: .20+5% - 2,633sf (Village)

Usable Open space: 30%

Site Information

Size of site: 12,539 Sq. Ft. Size of area to be developed: 3,307 Sq. Ft.

Main Structure:

Construction type: V

Height: 2 stories, 25'-8" feet

# of family units: 1

Size of lot: 12,539 Sq. Ft.

Usable Open space: 21% %

Corner or interior lot? Interior

Front yard setback: Existing feet

Side yard setback: 10/22'-2" feet

Total of both side yard setbacks: 32'-2" feet

Rear yard setback: 35' feet

Floor area ratio: 2639 (Village)

Other:

Accessory Building:

Description: 2 Car Detached Garage w/ Storage

Percentage of yard: 5% Height: 19'-3" feet.

Setback from rear lot line: 35' feet. Setback from side lot line: 10'/20' feet.

Floodplain:

FIRM Zone _____ BFE _____

Flood Plain Development Permit Required? ☐ YES ☑ NO

ATTACHMENTS

Attach all relevant items listed in the Town/Village of Ellicottville Zoning Law for type of application(s) being submitted. Additional copies of all plans, documents and other application materials may be required. See attached list of required forms and information needed for type of application being submitted. Deadline for submittal is three (3) weeks prior to regularly scheduled meeting date. Meeting dates are subject to change by the Board Chair.

SIGNATURES

Applicant and Owner (if different) must sign the application.

I hereby certify that I have examined this application and know the same to be true and correct. All provisions of laws and ordinances covering this type of work will be complied with whether specified herein or not. The acceptance or approval of this application does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction, land use or the performance of construction. I have read and am familiar with the Town/Village of Ellicottville zoning law that is relevant to this application(s).

Additional Fees may be charged for: pre-application meetings, SEQR review, and additional legal/consulting/engineering labor. Permit Fees are NON-REFUNDABLE

Permission to inspect – I hereby consent to Town/Village of Ellicottville Staff inspection of the project site and adjacent property areas. Town/Village staff may enter the property without notice. Inspection may occur without the owner, applicant or agent present, If the property is posted with "keep out" signs or fenced with an unlocked gate, staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site.

Applicant Signature: _____ Date: _____

Applicant must be (check all that apply) ☐ Owner ☐ Operator ☐ Lessee

Applicant Name:[Print] _____

Property Owner's Signature (if different than applicant)

_____ Date: _____

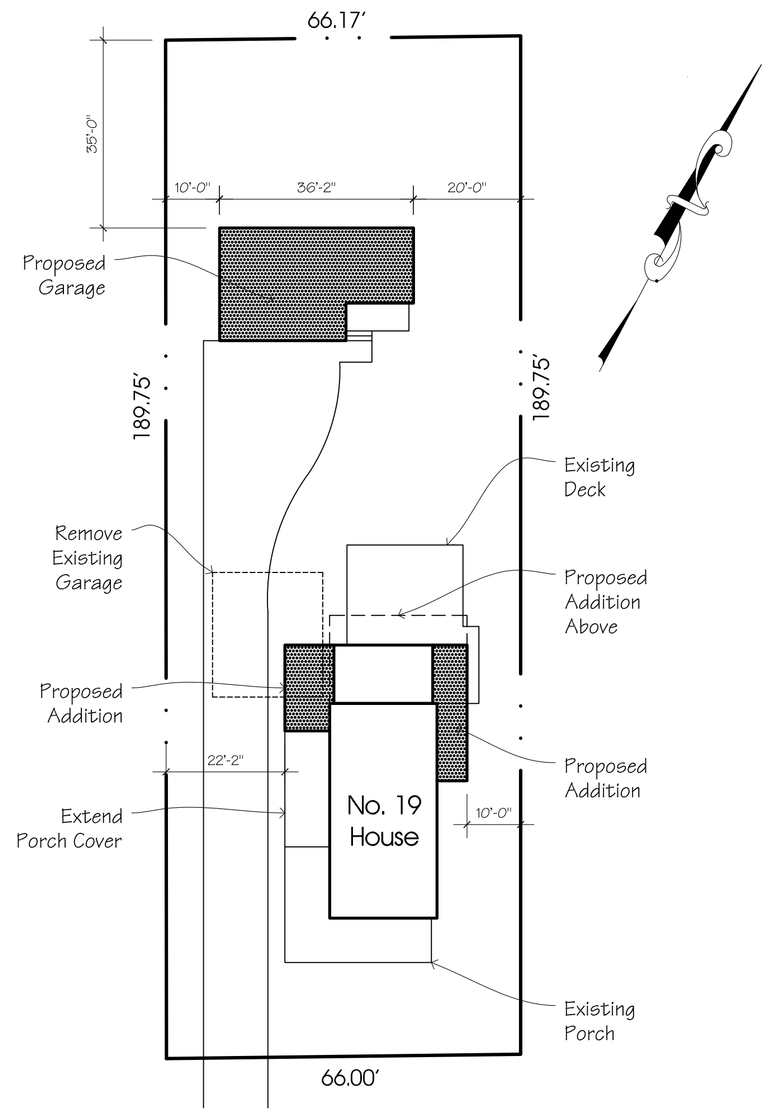
Property Owner's Name:[Print] _____

Office use only:

Application Fee(s) _____

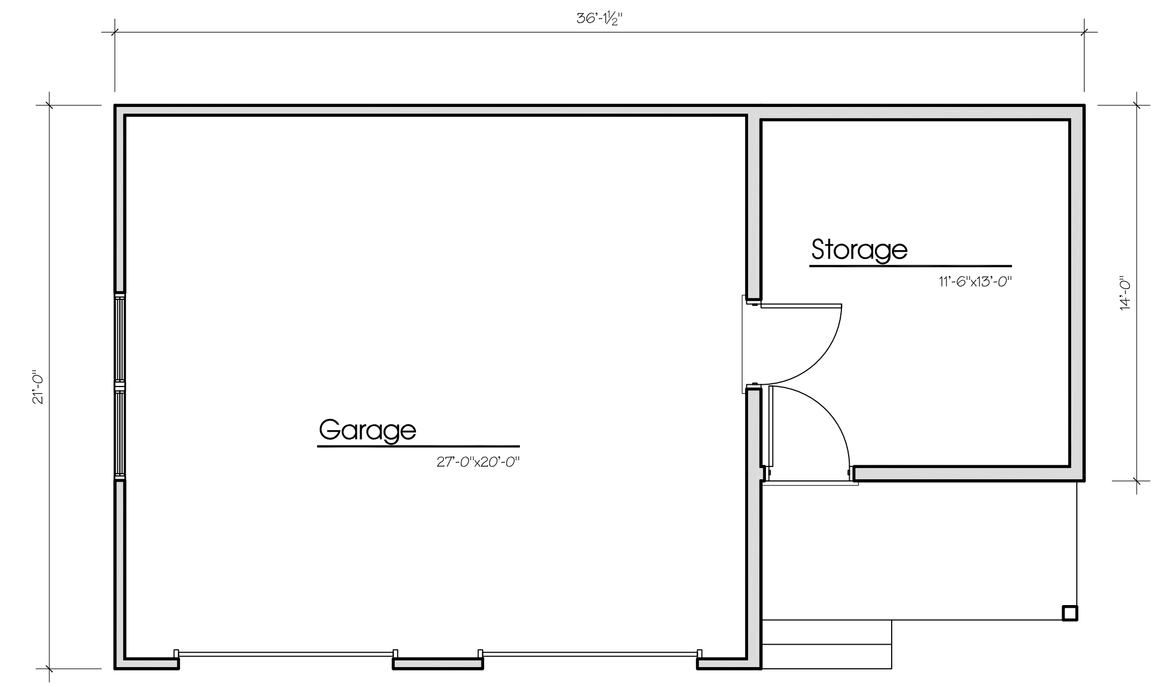
Received by: _____ on _____ (Date)

Project Number(s): _____



A1.5 Site Plan

1" = 20'-0"



A1.3 Garage Floor Plan

1/4" = 1'-0"

Main House

Existing First Floor Plan	1,000 S.F.
Existing Second Floor Plan	800 S.F.
Existing Total Square Footage	1,800 S.F.
Proposed First Floor Plan	1,293 S.F.
Proposed Second Floor Plan	1,346 S.F.
Proposed Total Square Footage	2,639 S.F. x .75 = 1,979 S.F.
Build Height	25'-8" x .75 = 19'-3"

Proposed Garage

Proposed First Floor Plan	674 S.F.
Build Height	19'-3"

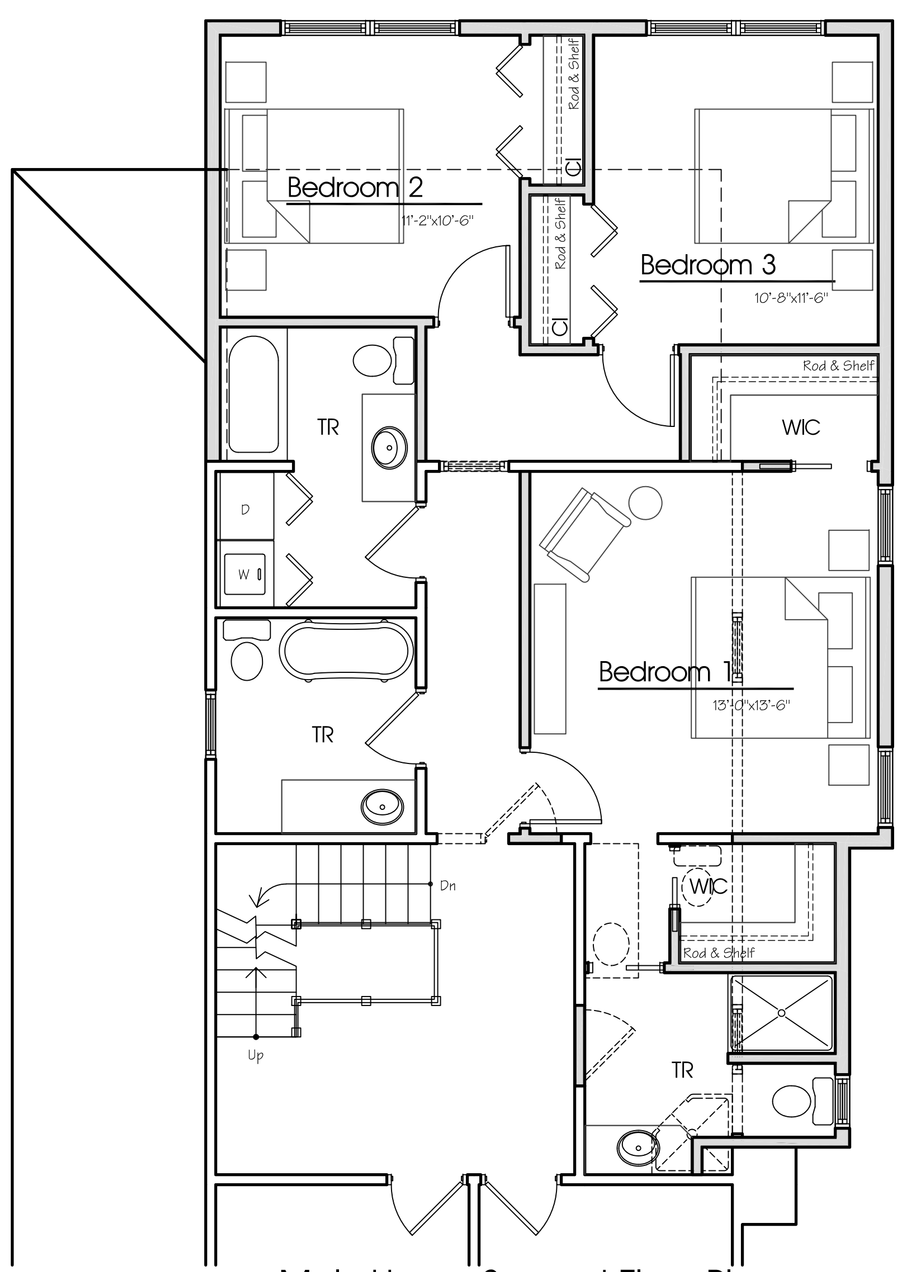
Total Proposed Area: 3,313

Floor Area Ratio

Lot Size	12,539 S.F.
Allowable F.A.R.	x .2
Allowable Area	2,508 S.F.
Covered Porch Allowance (5%)	125 S.F.
Total Allowable Area	2,633 S.F.

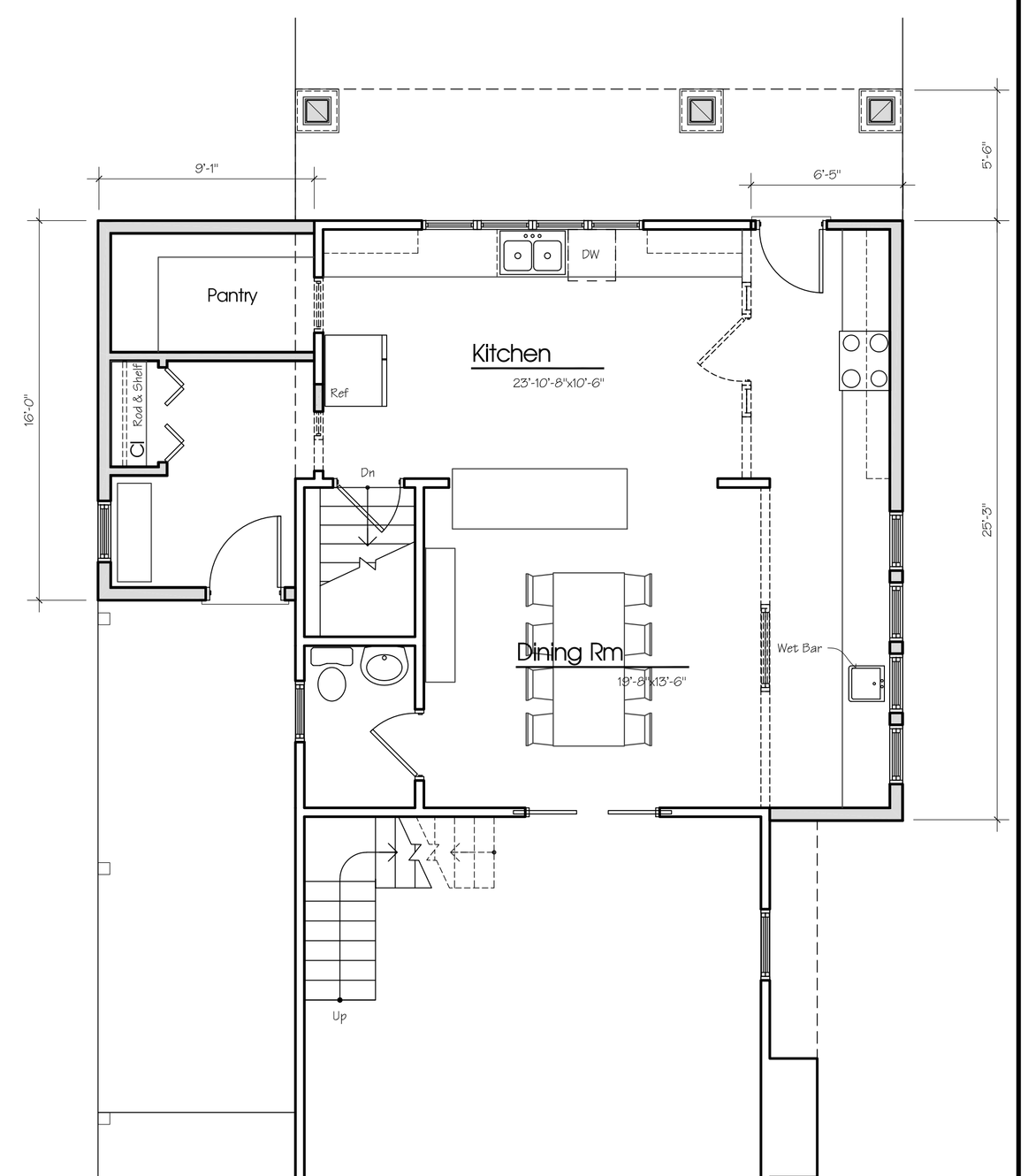
Legend

- Demolished Wall
- Existing Wall
- New Wall
- Demolished Door
- Demolished Window
- Existing Door
- New Door



A1.2 Main House Second Floor Plan

1/4" = 1'-0"



A1.1 Main House First Floor Plan

1/4" = 1'-0"

MULKA DESIGN

James E. Mulka, Architect

179 Deer Ridge
Getzville, New York 14068

mulkadesign.com

Job Number:
21-006

Proposed Addition/Renovations For:

Alan & Sarah Elia

19 Elizabeth Street
Ellicottville, New York

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No.	Description	Date	By

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Title:
Floor Plans & Site Plan

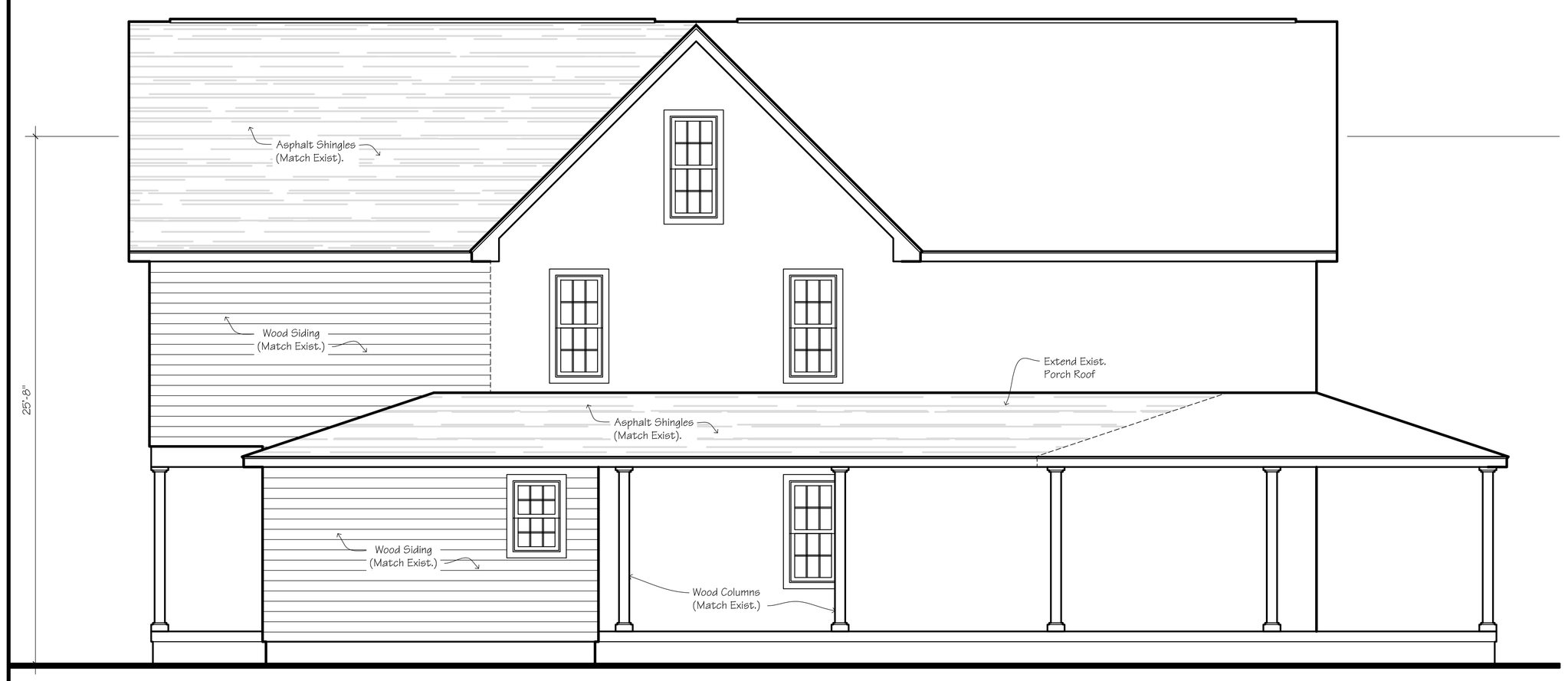
Drawn By: JEM	Sheet No.: A-1
Date: 6/7/2021	
Checked: JEM	
Scale: As Noted	

A2.4 Side Elevation

1/4" = 1'-0"

A2.3 Rear Elevation

1/4" = 1'-0"



A2.2 Driveway Side Elevation

1/4" = 1'-0"

A2.1 Front Elevation

1/4" = 1'-0"

MULKA DESIGN
James E. Mulka, Architect
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Getzville, New York 14068
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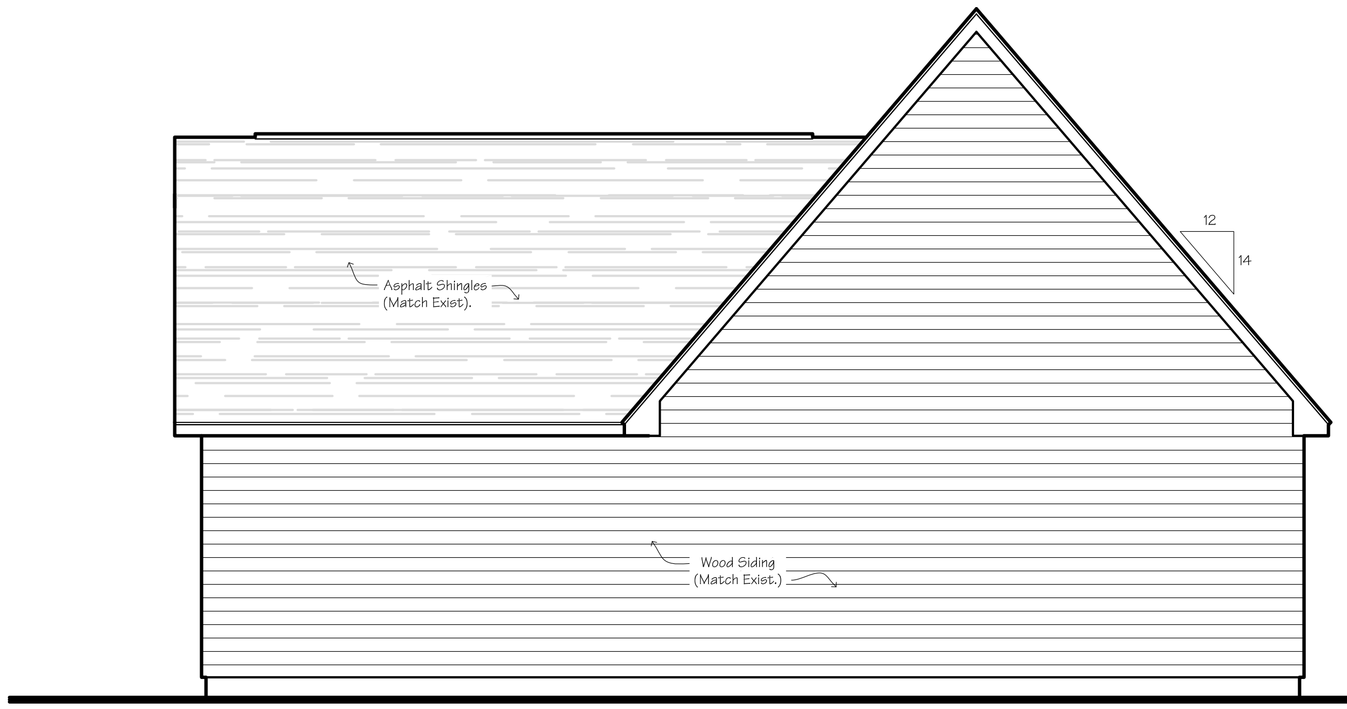
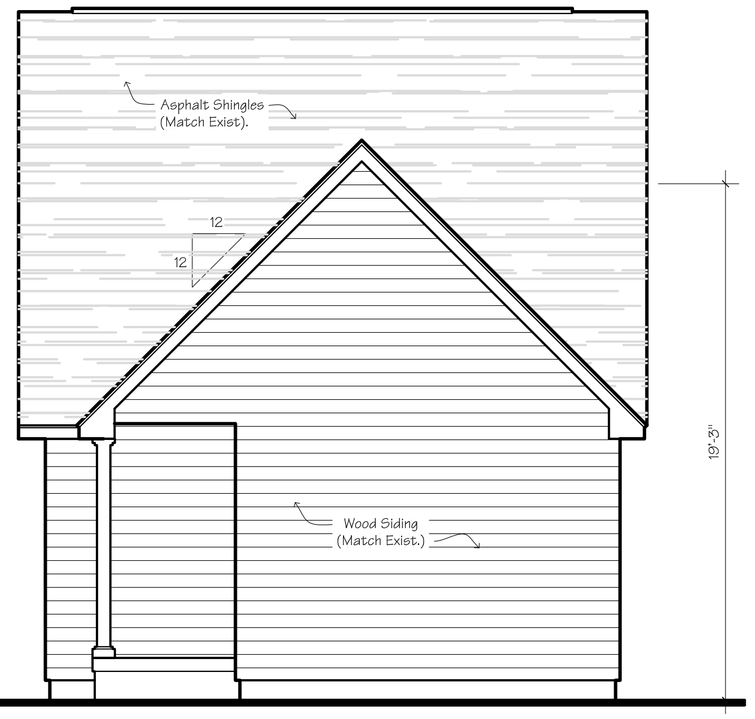
Title:
Main House
Elevations

Drawn By: JEM
Date: 6/7/2021
Checked: JEM
Scale: As Noted
Sheet No.: **A-2**



A3.3 Rear Elevation

1/4" = 1'-0"

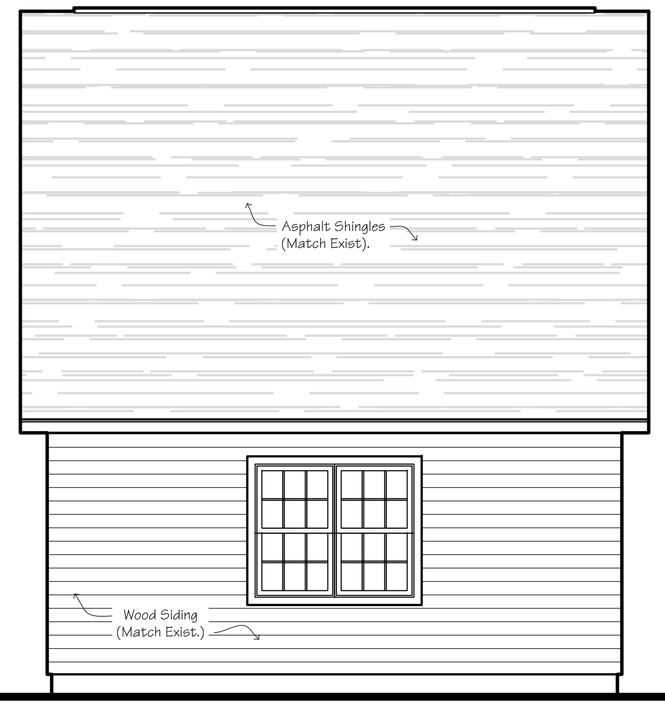


A3.4 Side Elevation

1/4" = 1'-0"

A3.1 Front Elevation

1/4" = 1'-0"



A3.2 Side Elevation

1/4" = 1'-0"

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Getzville, New York 14068
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Job Number:
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Proposed
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For:

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Title:
Garage Elevations

Drawn By: JEM
Date: 6/7/2021
Checked: JEM
Scale: As Noted
Sheet No.: **A-3**