

Current use of property:
Single family residence

Description of Proposed Project/Use (attach additional pages, survey and plans):
To build a 96sq ft single story, storage shed (see attachment)

Zoning Requirements from Town/Village Zoning Local Law

Front yard setback: 35 Rear yard setback: 10
Side yard setback: 35/15 Combined side: 50
Minimum lot size: 12500 sq ft Width: 80
Height: 2.5 stories Floor area ratio: .25/lot (Village)
Usable Open space: 14206 sq ft

Site Information for proposed/existing structures:

Size of lot: 15000 Sq. Ft. Size of area to be developed: 96 Sq. Ft.

Number of proposed lots: 1

Proposed method of Sanitary Sewage disposal: NA

Proposed method of Water Supply: NA

Main Structure proposed or existing:

Construction type: _____ Front yard setback: _____ feet
Height: _____ stories, _____ feet Side yard setback: _____ feet
of family units: _____ Total of both side yard setbacks: _____ feet
Size of lot: _____ Sq. Ft. Rear yard setback: _____ feet
Usable Open Space: _____ % Floor area ratio: _____ (village)
Corner or interior lot? corner Other: _____

Accessory Building proposed or existing:

Description:
Single Story Storage Shed

Percentage of yard: 6% Height: 10'10" feet
Setback from rear lot line: 27 feet Setback from side lot line: 12 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 Local Law for a zoning permit. Additional copies of all plans, documents and other application materials may be required. Please include copy of survey if available. Plot Plan Survey Site Plan

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).

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: *Jeffrey Wayland* Date: Sept 23, 2022

Applicant must be (check all that apply): Owner Operator Lessee/purchaser

Applicant Name: ^{Print} Jeffrey Wayland

Property Owner’s Signature (if different than applicant) _____ Date: _____

Property Owner’s Name: ^{Print} _____

Office use only:

Application Fee: \$46.00

Received by: *[Signature]* on 9/29/22 (Date)

Project Number(s): _____

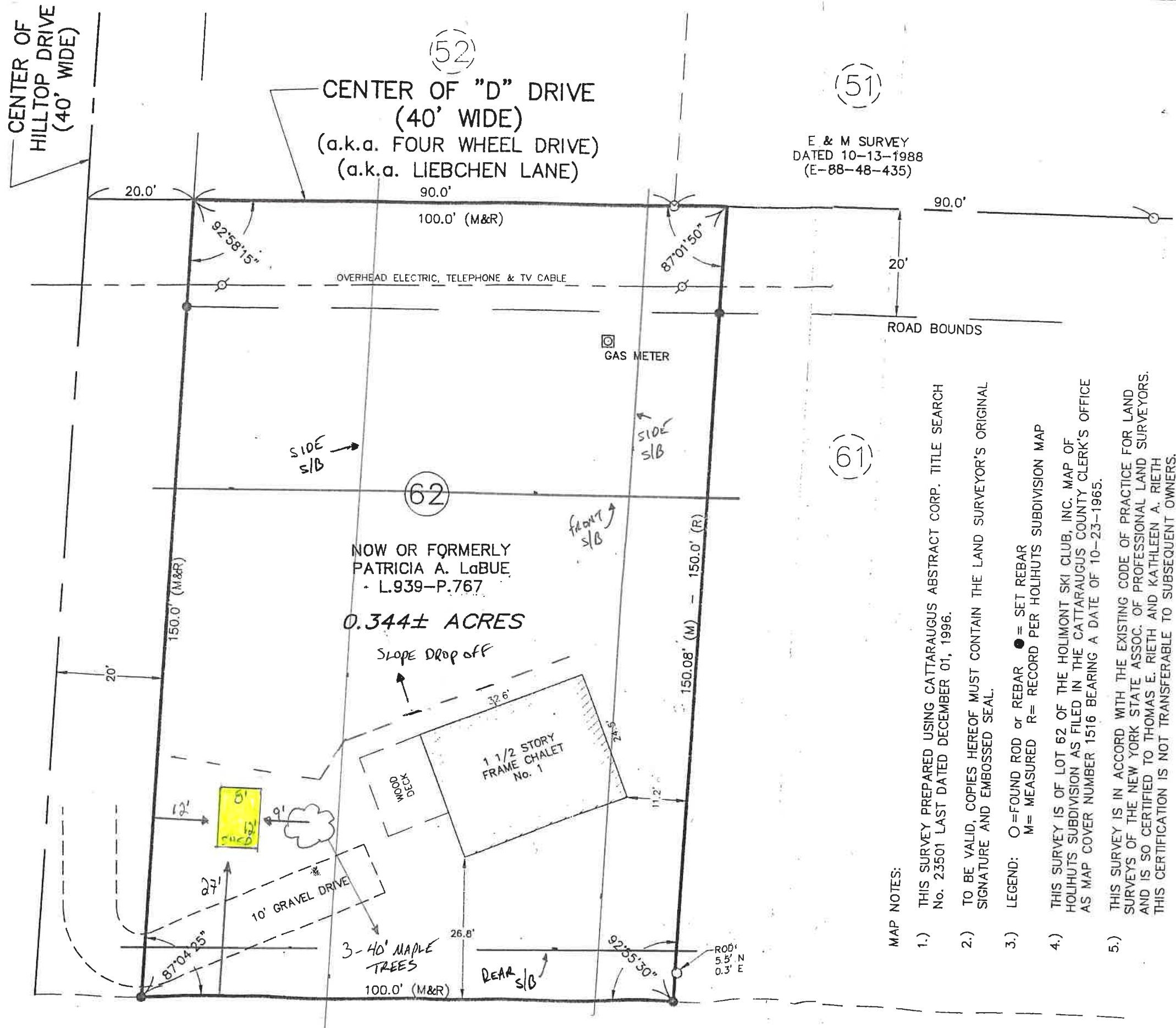
Zoning Permit Approved - May obtain building permit.
 Denied – Not in conformance with following provision(s) of the Zoning Ordinance:

SECTION 3.4(15)(3) - SIDE SETBACK

ZEO Signature: *[Signature]*

CEO Signature: _____

Date: 10/4/22



E & M SURVEY
DATED 10-13-1988
(E-88-48-435)

MAP NOTES:

- 1.) THIS SURVEY PREPARED USING CATTARAUGUS ABSTRACT CORP. TITLE SEARCH No. 23501 LAST DATED DECEMBER 01, 1996.
- 2.) TO BE VALID, COPIES HEREOF MUST CONTAIN THE LAND SURVEYOR'S ORIGINAL SIGNATURE AND EMBOSSED SEAL.
- 3.) LEGEND: ○ = FOUND ROD or REBAR ● = SET REBAR
M = MEASURED R = RECORD PER HOLIHUTS SUBDIVISION MAP
- 4.) THIS SURVEY IS OF LOT 62 OF THE HOLIMONT SKI CLUB, INC. MAP OF HOLIHUTS SUBDIVISION AS FILED IN THE CATTARAUGUS COUNTY CLERK'S OFFICE AS MAP COVER NUMBER 1516 BEARING A DATE OF 10-23-1965.
- 5.) THIS SURVEY IS IN ACCORD WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS OF THE NEW YORK STATE ASSOC. OF PROFESSIONAL LAND SURVEYORS. AND IS SO CERTIFIED TO THOMAS E. RIETH AND KATHLEEN A. RIETH THIS CERTIFICATION IS NOT TRANSFERABLE TO SUBSEQUENT OWNERS.

ANY ALTERATION OF THIS DOCUMENT SHALL CONFORM TO THE EDUCATION LAW.

**MAP OF LOT No. 62 OF THE HOLIHUTS SUBDIVISION
IN THE TOWN OF ELLICOTTVILLE, CATTARAUGUS COUNTY, NEW YORK**

E & M ENGINEERS AND SURVEYORS, P.C.
SPRINGVILLE, NEW YORK
BRADFORD, PENNSYLVANIA

SCALE 1" = 20' NOTE BK. 217PK.11 LOT 48T 4 R 6
DATE 12-30-1996 MAP NO. E-96-48-655

James A. Spaulding
PLS # 49057



TOWN AND VILLAGE OF ELLICOTTVILLE
BUILDING / CODE ENFORCEMENT
DIVISION

PO Box 600, ELLICOTTVILLE, NY 14731

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

E-MAIL: kelly.fredrickson@evlengineering.com

Planner: Greg Keyser, (716) 801-3016, E-MAIL: greg.keyser@evlengineering.com

ZONING BOARD OF APPEALS APPLICATION

Property is in: TOWN VILLAGE App. # T2P-2022-197

APPLICANT INFORMATION:
 Applicant's name: Jeffrey Wayland Date: Sept 23, 2022
 Mailing address: 1 Four Wheel Drive, Ellicottville, NY, 14731
 Cell Phone Number: 4165870349 E-Mail: jeffrwayland@gmail.com
 Applicant must be (check all that apply): Owner Operator Lessee
 Applicant's Engineer or representative: NA
 Address: _____
 Phone #: _____ E-Mail: _____

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.4.3
 Describe the requested variance: Erecting a 96 sq ft shed that encroaches on the side yard set back (West)

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? _____
 Date of decision: _____
 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 its 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?
see attachment for responses to questions re Area and Use Variance

2. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?

3. Is the requested area variance substantial?

4. Will the proposed variance have a adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

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.

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.

see attachment

Attach additional statement.

PROPERTY / FACILITY NAME

Address: 1 Four Wheel Drive Ellicottville, NY, 14731

Property tax map #: 55.011-2-69

Current use of property: Single Family Residential

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

Construction of a 96 sq ft storage Shed

Zoning Requirements from Town/Village Zoning Law.

Front yard setback: 35, Rear yard setback: 10, Side yard setback: 35 & 15,

Combined side: 50, Minimum lot size: 12500 sq ft, Width: 80,

Height: 10'10", Floor area ratio: .25/lot (Village)

Usable Open space: 14206 sq ft

Site Information

Size of site: 15000 Sq. Ft. Size of area to be developed: 96 Sq. Ft.

Main Structure:

Construction type: _____ Front yard setback: _____ feet

Height: _____ stories, _____ feet Side yard setback: _____ feet

of family units: _____ Total of both side yard setbacks: _____ feet

Size of lot: _____ Sq. Ft. Rear yard setback: _____ feet

Usable Open space: _____ % Floor area ratio: _____ (Village)

Corner or interior lot? _____ Other: _____

Accessory Building:

Description: Single story storage shed

Percentage of yard: .6% Height: 10'10" feet.

Setback from rear lot line: 27 feet. Setback from side lot line: 12 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: Sept 23, 2022

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

Applicant Name: Print Jeffrey Wayland

Property Owner's Signature (if different than applicant) _____ Date: _____

Property Owner's Name: Print _____

Office use only:	
Application Fee(s)	<u>\$275</u>
Received by:	<u></u> on <u>9/29/22</u> (Date)
Project Number(s):	_____

From: Jeffrey Wayland

Attachment to Permit and ZBA Application

September 23, 2022

AREA VARIANCE In making its 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?

The shed will not have an undesirable effect on the neighborhood as many lots and homeowners within Holihuts have similar sheds (out buildings). The shed will be constructed to match the Chalet in terms of the exterior (Siding/Roof, see photo 4). Additionally, the front of the shed will be 113 ft from the front lot line. The addition of the shed will result in a minimal use of the open space on the lot (.6%).

2. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?

There is no location on the property, within the setbacks, where the shed could be built and, and be effectively used. The 35 ft West set-back abuts to the main building (Chalet), The East side setback does not have sufficient space to accommodate the shed within the 15 ft setback with the adjacent neighboring residence. Locating the shed in front of the Chalet, on the North side of the lot is not possible given there is a 12 ft slope directly to the north side of the Chalet (see photo 2). The only available space would be in-between the front of the chalet and Four Wheel Drive. This is very undesirable as people do not usually put a shed in-front of their house in the middle of the lot. Locating at the rear of the lot, setback from the rear lot line is not possible given step slope (approx. 15ft) that slopes right to within 4 ft of the Chalet (see photo 9). In terms of locating on the West side of the property (as proposed), there is a cluster of 3 40' Maple trees between the existing Chalet and the proposed location for the shed. The proposed location would allow for a 9 ft space between the side of the shed and the trunk of the Maple tree. The proposed location uses the limited, relatively flat portion of land on the south/western portion of the lot.

3. Is the requested area variance substantial?

The variance is not substantial in that the existing lot is one of the largest in the Holihuts subdivision at 15000 sq ft. The existing Chalet has a footprint of 794 sq ft, or 5.3% lot coverage. The existing Chalet is one of the smallest in the Holihuts subdivision. The shed would occupy an additional .6% lot coverage.

Total lot coverage with the shed would be 6%. The lot will have 94% open space with the addition of the shed.

4. Will the proposed variance have a adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

The shed will occupy .6% of the existing open lot land. Based on the proposed location, no trees, or any other vegetation would need to be removed. The shed construction, would not alter the slope of the existing land, nor the current natural water drainage on the lot (see photo 8)

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.

Given there are no other locations on the lot where the shed can be erected, and provide efficient use, I do not believe the difficulty is self-inflicted. Given the existing Chalet does not have a basement, adequate storage space is very limited, and thus a shed would alleviate current storage constraints within the main building

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

NA

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

The lot does not have any abutting lots/neighbors to either the south (see photo 1), or west side (see photo 3) where the shed would be built. On both south side the shed would abut greenspace, and on the west side the shed would abut a service road that is used by occasionally Holimont maintenance vehicles to access Holimont slopes (see photo 5). The road on the west side of the lot is used exclusively by the lot owner to access the driveway and by Holimont service vehicles (see photo 5). Beyond the service road on the west side of the property, is additional greenspace. The side road on the west side of the lot is not a regular use road

3. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

Many lots within Holihuts have exterior buildings. These are primarily sheds, as such the addition of a shed of this size would be consistent with the numerous out-buildings in the neighborhood.

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

No, the hardship has not been self created as there are no other locations on the property, that are within the setback where the shed could be erected and provide efficient use.

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

The building official has advised that the location of the shed would encroach on the side yard set back. I am requesting consideration to allow the encroachment given the uniqueness of the lot. The lot does NOT have any abutting lots to either the rear or west of the lot. Additionally, the road on the west side of the lot is not a regular use road. The road is strictly used by the lot owner (myself) to access my driveway, and Holimont Service vehicles to occasionally access the ski hills in the summer months. Abutting land to the rear and west side of the lot is greenspace.

Supporting Photos:

Photo 1 south perspective shed location



Photo 2 lot slope



Photo 3 west perspective shed location



Photo 4 existing chalet with D-log siding



Photo 5 south perspective of service road



Photo 6 north perspective of service road



Photo 7 north perspective road to west of lot



Photo 8 north perspective shed location



Photo 9 perspective of rear slope on lot



Description of Proposed Project/Use:

Shed size: 8x12 (96 sq ft)

Foundation: 4 6x6 piers buried below frost line

Construction: 2x4 framing with wall height of 8', Gable roof with 7/12 pitch, Roof – Standing Seam Metal. Single metal door facing north. Siding – 8" D-Log.