



**TOWN AND VILLAGE OF ELLICOTTVILLE
PLANNING AND CODE ENFORCEMENT**

23 Parkside Drive • P.O. Box 600 • Ellicottville, New York 14731
(716) 699-2240 | www.ellicottvillegov.com

ZONING PERMIT APPLICATION

APPLICATION NUMBER: 2023-309

GENERAL INFORMATION

Project Address: 6690 Poverty Hill Road
Tax Parcel Number: 46.009-1-12.2 Town of Ellicottville Village of Ellicottville
Purpose of this Permit: New Construction Structural Alteration Change of Use Intent to Subdivide

APPLICANT

Name(s): William H. Gilbert
Mailing Address: PO Box 1313 Ellicottville NY 14731
Phone Number: 716 574 0071 Email: gilbertbg78@gmail.com
Is the applicant the property owner? Yes No (proof of ownership or authorization must be provided)

PROPERTY OWNER (if different than the applicant)

Name(s): _____
Mailing Address: _____
Phone Number: _____ Email: _____

APPLICANT'S REPRESENTATIVE (if different than the applicant)

Company Name: _____
Company Address: _____
Contact Name: _____
Phone Number: _____ Email: _____
Check all that apply: Architect Contractor Designer Engineer Attorney Other

DESCRIPTION OF PROJECT OR USE (attach additional pages if necessary)

Provide a detailed and complete description of the proposed work to be completed and/or the intended use(s)

Cold storage pole barn to park cars in

SITE INFORMATION

Current use of the property including any buildings or structures on the lot (attach additional pages if necessary):

single family home

Zoning District(s): LOW-DENSITY RESIDENTIAL Historic District? Yes No

Current Lot Size (sq. ft./acres): 1.6 acres Area to be Developed (sq. ft./acres): 24'x24', 576sq.ft

Current Lot Coverage (sq. ft./acres): 1728sq.ft Proposed Lot Coverage (sq. ft./acres): 2304sq.ft

Method Sanitary Sewerage Disposal: septic

Method of Water Supply: well

Flood Hazard Area? Yes No FIRM Zone: _____ Base Flood Elevation: _____

STRUCTURE INFORMATION

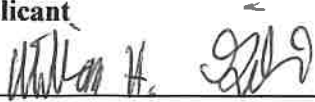
| Dimensional Requirements | Principal Structure | | Accessory Structure | |
|-------------------------------|---------------------|----------|---------------------|---------------------------------|
| | Existing | Proposed | Existing | Proposed |
| Building Footprint | sq. ft. | _____ | _____ | <u>24'x24', 576sq.ft.</u> |
| Gross Floor Area | sq. ft. | _____ | _____ | <u>576 sq.ft</u> |
| Structure Height | feet | _____ | _____ | <u>12' to Eave, 17' to peak</u> |
| Structure Height | stories | _____ | _____ | <u>1</u> |
| Dwelling Units | number | _____ | _____ | <u>0</u> |
| Front Yard Setback | feet | _____ | _____ | <u>17'</u> |
| Side Yard Setback (near side) | feet | _____ | _____ | <u>50'</u> |
| Side Yard Setback (far side) | feet | _____ | _____ | <u>154'</u> |
| Combined Side Yard | feet | _____ | _____ | <u>204'</u> |
| Rear Yard Setback | feet | _____ | _____ | <u>298'</u> |

SIGNATURES

Applicant and Property Owner(s) (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 the 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 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 and Village of Ellicottville Zoning Law that is relevant to this application. By signing this form, the owner or the owner's authorized representative is giving their consent for the Building, Planning and Code Enforcement Division to inspect the site as necessary and related to this application even if the property has been posted against trespassing.

Applicant



Signature of Applicant

8/30/23

Date

Property Owner



Signature of Property Owner

8/30/23

Date

OFFICIAL USE ONLY

Application Fee: _____

Received By: _____



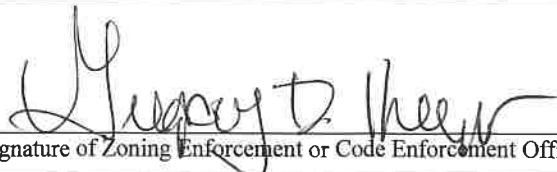
Date: _____

Zoning Permit Review

- APPROVED – This permit complies with the Zoning Ordinance and may obtain a building permit.
- REFERRAL – This permit is not valid until the following approvals have been obtained from the Planning Board.

DENIED – This permit is not in conformance with the following provision(s) of the Zoning Ordinance.

SECTION 3.3.D.31 - ~~BACK~~ YARD SETBACK
FRONT



Signature of Zoning Enforcement or Code Enforcement Official

8/30/2023

Date



**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. # 2023-309

APPLICANT INFORMATION:

Applicant's name: William H. Gilbert Date: _____

Mailing address: PO Box 1313 Ellicottville NY 14731

Cell Phone Number: 716 5740071 E-Mail: gilbertbg78@gmail.com

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

Applicant's Engineer or representative: Same as Owner

Address: _____

Phone #: _____ E-Mail: _____

PROPERTY OWNER INFORMATION (if different than Applicant)

Name: Same as Owner

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: 3.3 (LD) Front yard setback 50'

Describe the requested variance: Build pole barn with front yard setback of 17'

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? Verbal decision Front set back to close

Date of decision: 8/30/2023

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?
No. There are trees between the Road + proposed pole barn. Barn will be built to match House
2. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?
No. Septic is on right side of House, well is on Left side of House, and creek is behind house
3. Is the requested area variance substantial?
No. 24' x 24'
4. Will the proposed variance have a adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
No. This will be a 24' x 24' cold storage pole barn to park cars in
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.
No. The current septic, well, and creek have existed since House was built in 1984. No other spot for pole barn is practical

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.

I want to build a pole barn closer than a 50' set back from the Road, other property on Poverty Hill are closer than 50' set back Attach additional statement.

PROPERTY / FACILITY NAME

Address: 6690 Poverty Hill Road Ellicottville NY 14731

Property tax map #: _____

Current use of property: Single Family Home

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

Single Family Home with Pole Barn to park cars in

Zoning Requirements from Town/Village Zoning Law.

Front yard setback: _____, Rear yard setback: _____, Side yard setback: _____,

Combined side: _____, Minimum lot size: _____, Width: _____,

Height: _____, Floor area ratio: _____ (Village)

Usable Open space: _____

Site Information

Size of site: 1.6 acres Sq. Ft. Size of area to be developed: 576 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: _____

Percentage of yard: _____ Height: _____ feet.

Setback from rear lot line: _____ feet. Setback from side lot line: _____ 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: William H. Gilbert Date: _____

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

Applicant Name: ^{Print} William H. Gilbert

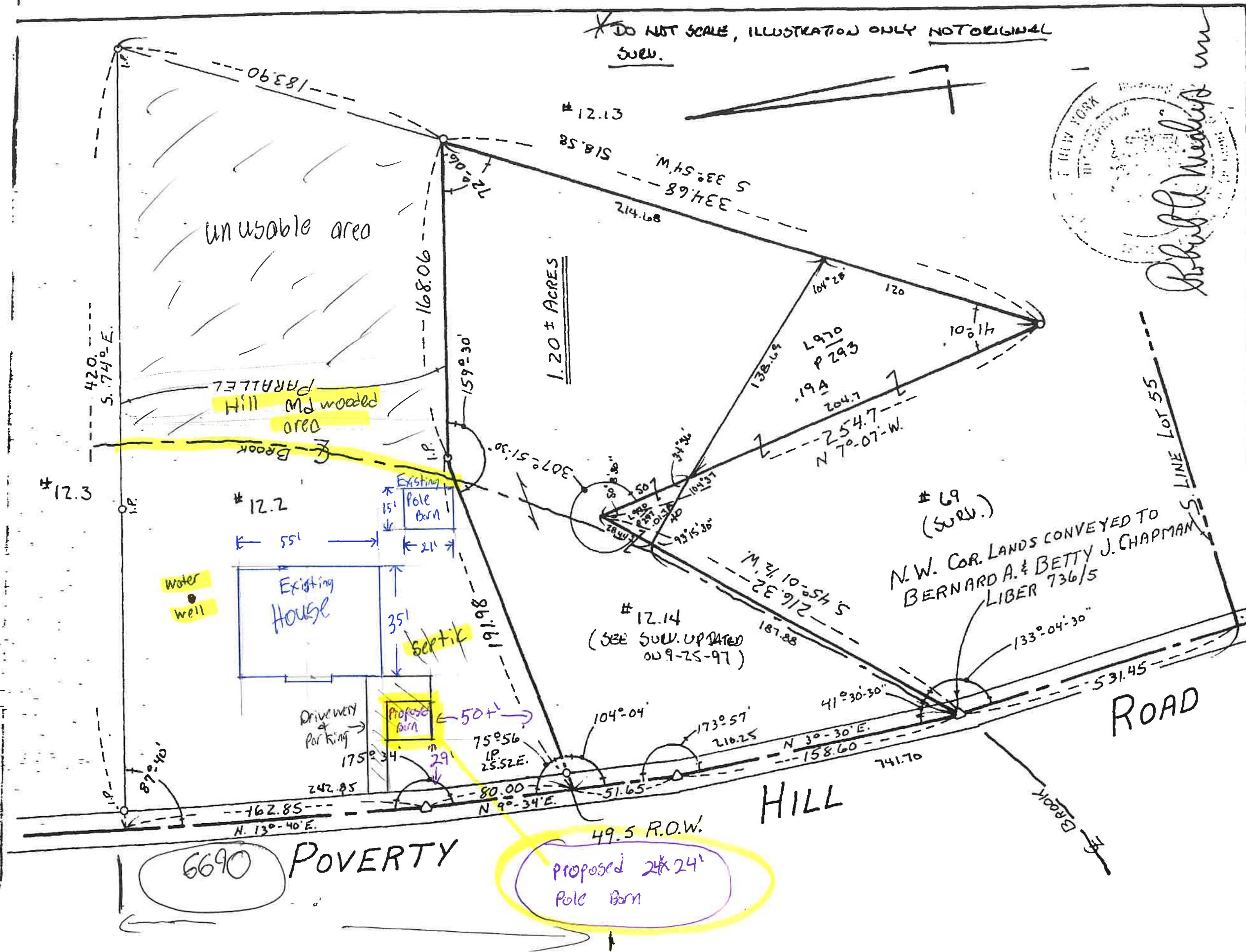
Property Owner's Signature (if different than applicant) _____ Date: _____

Property Owner's Name: ^{Print} William H. Gilbert

| | |
|-------------------------|------------------------------------|
| <u>Office use only:</u> | |
| Application Fee(s) | <u>\$275</u> |
| Received by: | <u>[Signature]</u> on _____ (Date) |
| Project Number(s): | _____ |

T.ELL 46.004-1-12.2, 12.14, 69

DO NOT SCALE, ILLUSTRATION ONLY NOT ORIGINAL SURV.



| | |
|--|--------------------|
| ROBERT A. NIEDERPRUEM Engineer - Surveyor 674-5618 WEST SENECA, NY 14224 | |
| RE-SURVEYED | DATE MARCH 21 1997 |
| | SCALE 1" = 60' |
| | FB L.L. |
| | JOB NO. 7136 |

PART OF LOT 55, T. 4, R. 6
TOWN OF ELLICOTTVILLE
CATTARAUGUS CO., NEW YORK

0 = IRON PIPE = I.P.

This map void unless STAMPED with New York State Licensed Land Surveyor's Seal No. 028085.

NOTE: This survey was prepared without the benefit of an abstract of title and is subject to any state of facts that may be revealed by an examination of such

Altering any item on this map is in violation of the law, excepting as provided in Section 7209, Part 2 of the New York State Education Law.