

Town of Ellicottville
1 West Washington Street
P.O. Box 600, Ellicottville, New York, 14731
Phone: (716) 699-4773 Fax: (716) 699-2334

NOTICE OF PUBLIC HEARING

ZONING BOARD OF APPEALS TOWN OF ELLICOTTVILLE, NEW YORK

Notice is hereby given that the Town of Ellicottville Zoning Board of Appeals will hold a public hearing on **Thursday, July 7, 2022 at 6:00 p.m.** to consider:

ZBA-2022-60 - the appeal by Steven Chaffee for an area variance from Section 3.1.D of the Town Zoning to allow the construction of an accessory storage shed less than the required minimum 15-foot setback from the side property line. The site is located at 6179 Route 219 S; identified as tax map parcel 55.043-2-4.1.

The Zoning Board will hear interested persons at the public hearing. Persons wishing to do so, may submit written comments prior to the public hearing. Written comments may be mailed to the Zoning Board, 1 West Washington Street, P.O. Box 600, Ellicottville NY 14731 or sent by email to: greg.keyser@evlengineering.com.

Prior to the meeting, application materials will be made available for review at the Ellicottville Town Hall or on the Town website: <https://www.ellicottvillegov.com/town-zoning-board-meetings.html>.



**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. # 2022-60

APPLICANT INFORMATION:

Applicant's name: Steven Chaffee Date: May 1, 2022

Mailing address: 4880 Holly Pl Hamburg NY 14075

Cell Phone Number: 716 984-3959 E-Mail: schaffee@hcsdk12.org

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

Applicant's Engineer or representative: _____

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: _____

Describe the requested variance: Put a shed on my existing concrete pad. The shed would be approximately 10ft from my neighbor on the north side.

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? 15' side variance for shed from code enforcement officer Kelly Fredrickson

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?

I did ask the speak with the group home who seemed to think a she would be a nice division between properties

- 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 most logical place for the storage shed would be on the existing pad

- 3. Is the requested area variance substantial?

I believe it is.

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

I honestly feel as did the state real estate officer that oversees this property that a she would be a positive for both sides.

Matt Richardson Real estate officer (518) 438-5555 | Cell

- 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.

Yes

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.

Attach additional statement.

PROPERTY / FACILITY NAME

Address: 6179 Rt 219 south Ellicottville NY 14731

Property tax map #: 55.043-2-4.1

Current use of property: _____

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

Place a 12 x 20 shed on the existing pad in the side yard it would leave approximately 10'

Zoning Requirements from Town/Village Zoning Law.

Front yard setback: 35 feet, Rear yard setback: 15 feet, Side yard setback: 15 feet,

Combined side: n/a, Minimum lot size: 15 sf, Width: 80 feet,

Height: 35 feet, Floor area ratio: n/a (Village)

Usable Open space: 50% (16,355.72 sf)

Site Information

Size of site: 32,711.44 Sq. Ft. Size of area to be developed: 0 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: 12 x 20 Shed (240 sf)

Percentage of yard: < 1% Height: 10 feet.

Setback from rear lot line: 122 feet. Setback from side lot line: 10 feet.

Floodplain:

FIRM Zone n/a BFE n/a

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: 5/2/22

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

Applicant Name: ^{Print} Steven Chaffee

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

Date: 5/2/22

Property Owner's Name: ^{Print} Steven Chaffee

Office use only:

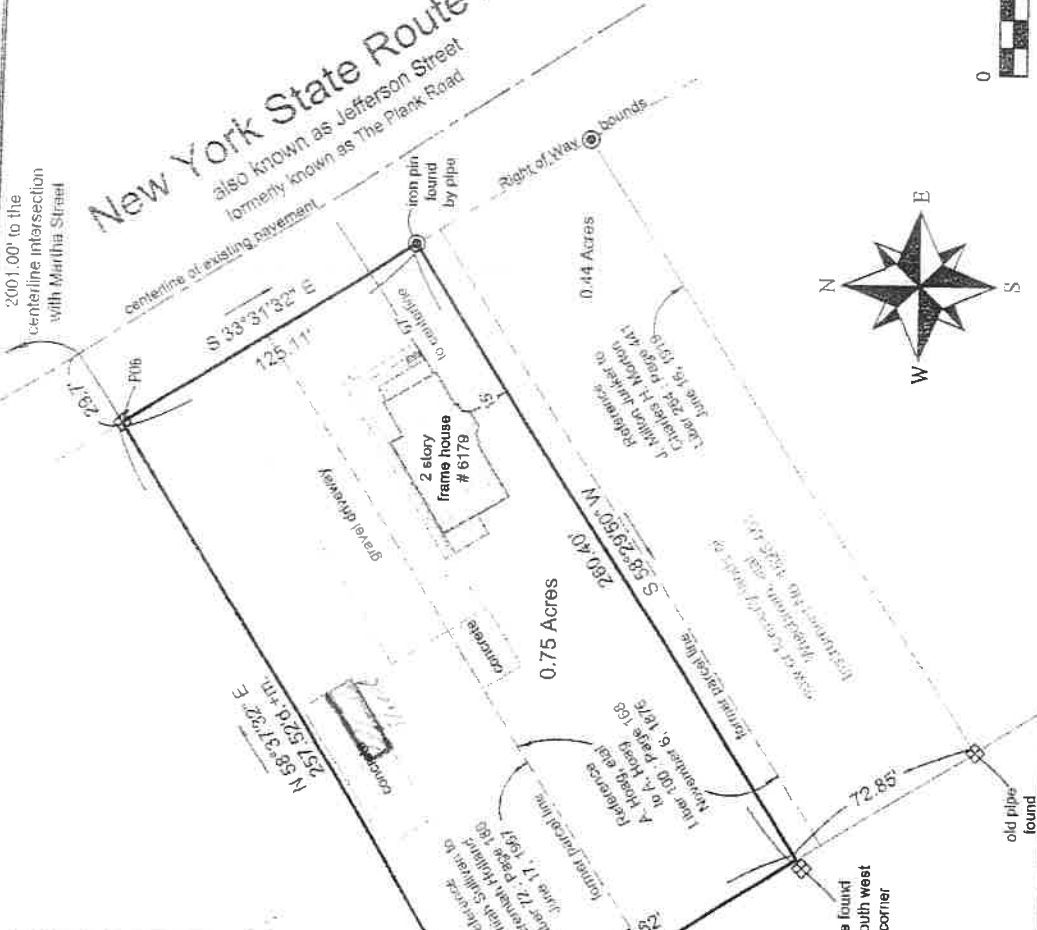
Application Fee(s) _____

Received by: _____ on _____ (Date)

Project Number(s): _____

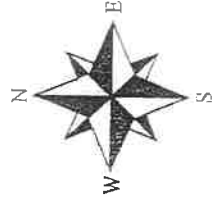
55.043-2-4.1

LEGEND	
	iron pin set
	iron pin found
	1" pipe found
	concrete monument
	m. measured distance
	d. deed distance
	Point of Beginning



- References:
- 1.) Title Search #: 76-2096
Dated: July 7, 2014
Empire Search Company
 - 2.) Deed - Barrera to Barrera, et al.
Instrument No. 86498-001
Recorded: August 30, 2007
 - 3.) Previous Survey of Premises
by D. Michael Canada, LS
Job No. 2574 - Dated Dec. 1, 1988
Revised on May 22, 2006

This Map is Certified to:
1.) First Niagara Bank, NA
2.) Steven C. Chaffee



Tax Map ID #: 55.043-2-4.1

Map & Survey
of Lands to be Conveyed by
Barrera, et al.
to
Chaffee

of lands at
6179
New York State
Route 219

Part of Lot 37, Township 4
and Range 6, of the
Holland Land Co.'s Survey,
Village of Ellipticville,
Cattaraugus County, New York
Date: July 18, 2014
Revised: July 30, 2014 - to show
Point of Beginning, etc.
Scale: 1 in. = 50 ft.

Alteration of This Document
is Illegal Under Sec. 7203
Subdivision 2 of The New
York State Education Law.

Prepared By
D. Michael Canada
New York State
Licensed Land Surveyor
483 North Union Street
Olean, NY 14760
N.Y.S. Lic. No. 49215
716-379-7918

D. Michael Canada

Copies Available Unless Embossed

Job Number: 2574R

**TOWN OF ELLICOTTVILLE
ZONING BOARD OF APPEALS**

STAFF REPORT

May 31, 2022

File No: TZBA #2022-60
Applicant: Steven Chaffee
Location: 6179 Route 219 S, Ellicottville, N.Y. 14731
Tax Map No: 55.043-2-4.1
Existing Zoning: High Density Residential District
Prepared By: Gregory Keyser, Town Planner
Attachments: application, site sketch figures, site photos

PROJECT DESCRIPTION

This is an appeal requesting a side setback variance to Section 3.5.D(3) of the Town Zoning Code to construct a 12'x20' accessory storage shed on an existing concrete pad approximately 10-feet from the north property line. The property encompasses approximately 32,711 square feet (0.75 acres) and is situated within the High Density Residential District (HD).

ZONING COMPLIANCE

The current use of the property is classified as apartments and the proposed storage shed as an accessory use is permitted in the HD District. Based on application material submitted, a breakdown of the height and bulk standards as applied to the proposed storage shed is provided in the table below.

	HD District Standard	Current	Proposed	Compliant
Min. Lot Size	15,000 sf	32,711 sf	No change	Yes
Min. Lot Width	80 feet	138.9 feet	No change	Yes
Min. Front Yard	35 feet	n/a	~ 100 feet	Yes
Min. Rear Yard	15 feet	n/a	~ 137 feet	Yes
Min. Side Yard (north)	15 feet	n/a	~ 10 feet	No
Min. Side Yard (south)	15 feet	n/a	~ 116 feet	Yes
Max. Height	35 feet (2 ½ Stories)	n/a	~ 10 feet	Yes
Open Space (minimum)	40%	~ 73%	No change	Yes

***Bold/Shaded** indicates non-compliance.

Based on the information provided, the following variances are required:

- Minimum Side Yard Setback (north side) – Section 3.5.D(3):

Required Minimum: 15.0'
Proposed: 10.0'
Variance Requested 5.0' (~ 34%)

AREA VARIANCE BALANCING TEST

Area variances are requested by an individual wishing to use their property in a manner that does not comply with the dimensional or physical requirements of the zoning regulations. In making this



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6/11/10 10:11 AM

Plum Creek

6179 US 219

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Shuttle, New York

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