

**NOTICE OF PUBLIC HEARING
BEFORE THE
TOWN OF ALDEN
ZONING BOARD OF APPEALS**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town of Alden Zoning Board of Appeals on the 24th day of August, 2022 at 6:30 PM at the Alden Town Hall, 3311 Wende Rd., Alden, NY on the following matter:

Appeal by Robert Bebee 1051 Olean Rd, E. Aurora, NY from a Notice of Disapproval issued by the Town Code Enforcement Officer/Building Inspector denying a request to construct an addition to a commercial building located at 12344 Broadway, Alden, NY (SBL #118.12-1-2.1) because the required setback is 135 feet (Alden Town Code at Section 365-21A(2)(a)). Said appeal seeks a variance from the Alden Town Code.

Said Zoning Board of Appeals will, at the time and place set forth above, hear all persons in support of and in objection to said matters. Persons may appear in person or by their agent.

Dated: August 11, 2022

ZONING BOARD OF APPEALS
OF THE TOWN OF ALDEN



By: _____
Susanne M. Galbraith, Chairwomen



22-04

Date:	7-19-22
Paid Amount:	250.-
Receipt Number:	165183

716 937-6969 Ext.4
 Fax: 716-937-9817
 Email: building@erie.gov

ZONING BOARD OF APPEALS
 ALDEN TOWN HALL
 3311 Wende Road
 Alden, New York 14004

APPLICATION FOR ZONING VARIANCE

Date: 7-19-22

Applicant Name: ROBERT BEBEE
 Address: 1051 OLEAN RD
EAST AURORA 14052
 Telephone: 716-425-7473

Supporting Information needed: (The following information must be attached to the application.)

1. Copy of legal description from property deed.
2. Copy of property survey
3. Letter of Denial from Building Inspector
4. Site plan at appropriate scale showing existing and proposed location of:
 - a. Buildings
 - b. Roads, Parking and Sidewalks
 - c. Landscaping, Fences and Screening
 - d. Easements

Where variance allowing two family dwelling is requested, the following must be attached:

1. Copy of building plans
2. Approval of sanitary system by Erie County Health Department

Property Identification

1. Tax Map Number: 118.12-1-2.1
2. Street Address: 12433 BROADWAY ST.
3. Name of Property Owner(s): ROBERT BEBEE
4. Date Property Acquired: _____
5. Adjacent Zoning:

<u>C-2</u>	_____	on the north
<u>C-2</u>	_____	on the east
<u>C-2</u>	_____	on the south
<u>C-2</u>	_____	on the west
6. Proposed Zoning Change X is; _____ is not consistent with the Town Master Plan
7. Alden Town Code Section to be Varied: CH 365-21A (2)(a) [1]

Variance or Permit Requested:

1. State the purpose of this application (i.e., type of variance from Zoning Ordinance or permit requested)
CONSTRUCTION OF ADDITION TO COMMERCIAL BUILDING THAT DOES NOT MEET THE REQUIRED FRONT YARD SETBACK OF 135'
2. Where variance is requested, state the practical difficulties or unnecessary hardships involved in carrying out the strict letter of the Zoning Ordinance:
THE EXISTING BUILDING DOES NOT MEET THE REQUIRED SETBACK
3. Where permit is requested, state the reasons for requesting this permit:
N/A


 Signature of Applicant

7/19/22
 Date

ZONING BOARD OF APPEALS REVIEW

(Zoning Board of Appeals use only)

_____ **Use Variance** - to allow a use not otherwise allowed in zoning, applicant must demonstrate to the Board unnecessary hardship. Such demonstration includes all of the following, for each and every permitted use:

- _____ 1. Cannot realize reasonable return {include financial evidence}.
- _____ 2. Alleged hardship is unique and does not apply to substantial portion of district or neighborhood.
- _____ 3. Requested variance will not alter essential character of the neighborhood.
- _____ 4. Alleged hardship has not been self-created.

_____ **Area Variance** – Board shall balance benefit to applicant with the detriment to health, safety and welfare of the community.

- _____ 1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created?
- _____ 2. Can benefit be achieved by other means feasible to applicant?
- _____ 3. Is the request substantial?
- _____ 4. Will request have adverse physical or environmental effects?
- _____ 5. Is the alleged difficulty self-created?
- _____ 6. Will request create a hazard to health, safety or general welfare?

APPROVED: _____ **DENIED:** _____ **DATE:** _____

CONDITIONS FOR APPROVAL:

ZBA Chairperson: _____ **DATE:** _____



716 937-6969 Ext.4
Fax: 716-937-9587
Email: building@erie.gov

CODE ENFORCEMENT OFFICE

**ALDEN TOWN HALL
3311 Wende Road
Alden, New York 14004**

Robert Bebee
1051 Olean Road
East Aurora, NY 14052

Notice of Disapproval

Date: July 20, 2022

PLEASE TAKE NOTICE that your request to construct an addition to a commercial building that does not meet the required front yard setback of 135' at 12433 Broadway Street, Town of Alden, New York is *disapproved* for the following reason:

The Town of Alden Code 365-21A(2)(a) requires a 135' minimum frontage.

You will be advised by mail regarding the date and time for the Zoning Board of Appeals Hearing.

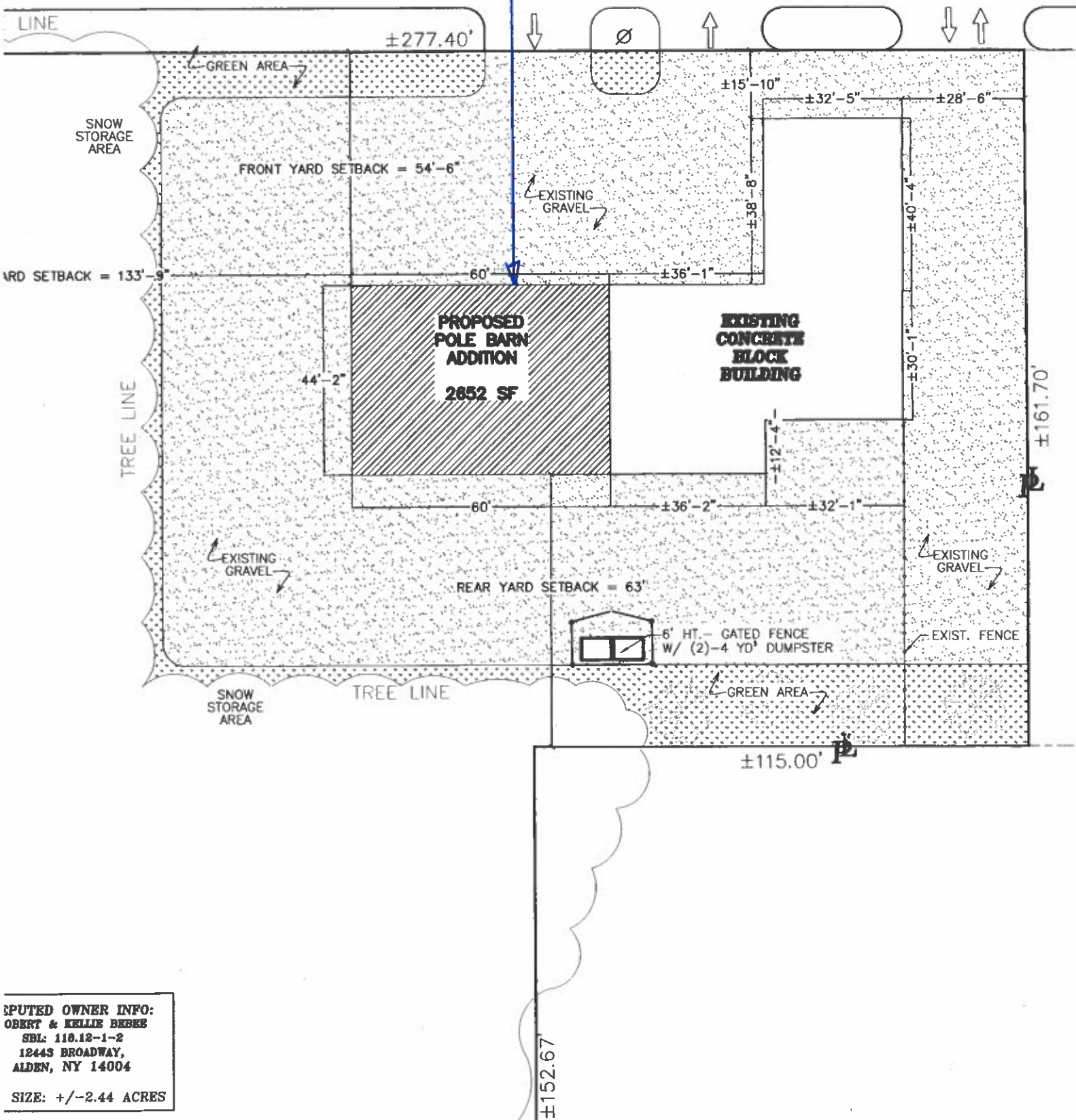
A handwritten signature in black ink, appearing to read 'Chris Snyder', is written over a horizontal line.

CHRIS SNYDER
Building Inspector
Code Enforcement Officer

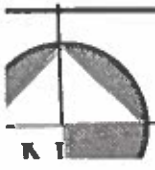
**BROADWAY
(66' WIDE)**

REQUIRED SETBACK- 135'

PROPOSED SETBACK- 87'-6"



PUTATED OWNER INFO:
OBERT & KELLIE DEBEE
 SBL: 118.12-1-2
 12443 BROADWAY,
 ALDEN, NY 14004
 SIZE: +/-2.44 ACRES



ENLARGED SITE PLAN

2
S-1

SCALE: 1" = 30'

- C. An attached garage not over 12 feet in height may extend into a required side yard not more than three feet, but not nearer any side lot line than five feet.
- D. In any district, the distance between the main building and the accessory building shall be a minimum of 10 feet.

§ 365-21. Exceptions to yard requirements.

A. Front yard exceptions.

- (1) Except for Subsection A(2) below, a required front yard need not exceed the average of those of existing buildings within a distance of 150 feet either side of the lot to be developed.
- (2) In all districts on property fronting on Broadway, Walden Avenue and on that portion of Genesee Street east of its intersection with Walden Avenue, a minimum setback from the center line of the pavement is required in order to provide a front yard of at least 75 feet. Minimum setbacks from the center line of said road shall be as follows:
 - (a) Broadway.
 - [1] From the west Town boundary to the west village line: 135 feet.
 - [2] From the east village line to the east Town boundary: 108 feet.
 - (b) Walden Avenue, for the entire distance within the Town: 125 feet.
 - (c) Genesee Street, from its intersection with Walden Avenue eastward for the entire remaining distance within the Town: 108 feet.

- B. Side yard exception for corner lots. On a corner lot where the rear lot line coincides with a side lot line of an adjoining lot, the required width of the exterior side yard shall not be less than the front yard requirement along the street on which the exterior side yard abuts.
- C. Rear yard exception for through lots. On a through lot where the rear lot line coincides with a street line, a front yard equivalent shall be provided. The rear yard depth requirements in the district regulations shall not apply on that portion of a through lot where a front yard equivalent is required.

§ 365-22. Open space requirements for mixed occupancy buildings.

In the case of a building of mixed occupancy, 400 square feet of open space for each dwelling unit contained in such building shall be provided on the lot exclusively for recreation and household service activities.