

**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 24<sup>th</sup> day of August, 2022 at 6:45 PM at the Alden Town Hall, 3311 Wende Rd., Alden, NY on the following matter:

Appeal by Mark Leonard 13340 North Rd. Alden, NY from a Notice of Disapproval issued by the Town Code Enforcement Officer/Building Inspector denying a request to install ground mounted solar panels at 13340 North Rd, Alden, NY (SBL #97.00-6-10.2) because the required side yard setback is 30 feet; rear setback is 100 feet and the front yard setback is 250 feet (Alden Town Code at Section 365-24D(6)(c)(1)(a), (b) and (c). 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



Date: 8/3/2022

Paid Amount: 250.-

Receipt Number 165199

05-22 ZONING BOARD OF APPEALS

716 937-6969 Ext.4  
Fax: 716-937-9817  
Email: [building@erie.gov](mailto:building@erie.gov)

ALDEN TOWN HALL  
3311 Wende Road  
Alden, New York 14004

**APPLICATION FOR ZONING VARIANCE**

Date: 8/1/2022

Applicant Name Mark P. Leonard  
Address 13340 NORTH RD  
ALDEN, NY 14004  
Telephone (312) 643-1290

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: 47.00-6-10.2 lot size 1.41 acres Zoned R-A
2. Street Address 13340 NORTH ROAD ALDEN, NY 14004
3. Name of Property Owner(s) Mark and Rachel Leonard
4. Date Property Acquired 11/9/2016
5. Adjacent Zoning \_\_\_\_\_ on the north  
\_\_\_\_\_ on the east  
\_\_\_\_\_ on the south  
\_\_\_\_\_ on the west
6. Proposed Zoning Change \_\_\_\_\_ is; \_\_\_\_\_ is not consistent with the Town Master Plan
7. Alden Town Code Section to be Varied: \_\_\_\_\_

**Variance or Permit Requested:**

1. State the purpose of this application (i.e., type of variance from Zoning Ordinance or permit requested)  
I am requesting a variance for §365-24 ; D.; (b); (c); (1); (a, b and c) to allow solar panels to be ground-mounted in less space than is required by code.
2. Where variance is requested, state the practical difficulties or unnecessary hardships involved in carrying out the strict letter of the Zoning Ordinance:  
In consideration of possible roof repairs and extra costs associated with roof-mounted solar panels, I would like to ground-mount panels in an effort to help the enviro.
3. Where permit is requested, state the reasons for requesting this permit:  
The above mentioned code does not allow panels to be ground-mounted on a property of this size. and save on energy costs. ment

Mark P. Leonard  
Signature of Applicant

8/1/2022  
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:**

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**ZBA Chairperson:** \_\_\_\_\_ **DATE:** \_\_\_\_\_



**CODE ENFORCEMENT OFFICE**

716 937-6969 Ext.4  
Fax: 716-937-9587  
Email: [building@erie.gov](mailto:building@erie.gov)

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

Mark P. Leonard  
13340 North Road  
Alden, NY 14004

***Notice of Disapproval***

Date: August 3, 2022

PLEASE TAKE NOTICE that your request to install ground mounted solar panels without the required setback at 13340 North Road, Town of Alden, New York is *disapproved* for the following reason:

**The Town of Alden Code 365-24 D(6)(c)[1][a] states the minimum required side yard setback is 30 feet, [b] minimum required rear yard setback is 100 feet and [c] minimum front yard setback is 250 feet.**

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

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CHRIS SNYDER  
Building Inspector  
Code Enforcement Officer

## SCHEDULE A

### LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Alden, County of Erie and State of New York, being part of Lot No. 14, Township 11, Range 5 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the center line of North Road, being also the south line of Lot No. 14, 282.09 feet westerly from the west line of lands conveyed by deed recorded in the Erie County Clerk's Office in Liber 355 of Deeds at page 360; thence westerly along the center line of North Road 282.09 feet to a point distant 379 feet easterly from the east line of lands conveyed by deed recorded in the Erie County Clerk's Office in Liber 426 of Deeds at page 436; thence northerly at right angles to the north line of North Road, 201.58 feet record and 206.75 feet measured distance, to the southerly line of lands conveyed to the New York, Lackawanna & Western Railway Company by deed recorded in the Erie County Clerk's Office in Liber 426 of Deeds at page 277; thence easterly along said southerly line 283.39 feet to a point; thence southerly 233.92 feet to the point or place of beginning.





- (5) Building-integrated photovoltaic (BIPV) systems. BIPV systems are permitted in all zoning districts and shall be shown on the plans submitted for the building permit application for the building containing the system.
- (6) Freestanding and ground-mounted solar collectors. Freestanding or ground-mounted solar collectors are permitted as accessory structures in all zoning districts of the Town subject to the following conditions:
  - (a) Building permits are required for the installation of all ground-mounted and freestanding solar collectors and they must be located in the side or rear yards.
  - (b) In the R-1 and R-2 Districts a lot must have a minimum size of 40,000 square feet with an unencumbered space of 30,000 square feet in order for a ground-mounted or freestanding solar collector to be permitted. Unencumbered space is the lot space available minus all structures, the front yard, and the driveway(s).
  - (c) The location of the ground-mounted or freestanding solar collector shall meet the following setback requirements and limitations set forth in this provision:
    - [1] R-A, R-1, and R-2 Districts.
      - [a] Minimum required side yard setback: 30 feet.
      - [b] Minimum required rear yard setback: 100 feet.
      - [c] Minimum required front yard setback: 250 feet.
      - [d] No freestanding/ground-mounted systems allowed in front yard.
    - [2] R-3 District.
      - [a] Minimum required side yard setback: 20 feet.
      - [b] Minimum required rear yard setback: 50 feet.
      - [c] Minimum required front yard setback: 250 feet.
      - [d] Minimum unencumbered lot size for ground-mounted systems: 30,000 square feet.
      - [e] No ground-mounted or freestanding permitted in front yards.
    - [3] R-C District.
      - [a] Ground-mounted and freestanding solar collectors are not permitted in connection with any use.
    - [4] C-1 and C-2 Districts.