

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

Michael Notto
642 County Line Road
Alden, NY 14004

Notice of Disapproval

Date: January 3, 2022

PLEASE TAKE NOTICE that your request for a variance to construct an accessory building over 20' high on 642 County Line Road also identified as lot 120.00-2-17.12, Town of Alden, New York is *disapproved* for the following reason:

The Town of Alden Code 365-10F(2)(a) states the maximum height allowed for an accessory building is 20'.

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

CHRIS SNYDER
Building Inspector
Code Enforcement Officer

Chapter 365. Zoning

Article III. District Use Regulations

§ 365-10. R-A Rural Agricultural District.

This district is intended to preserve and protect agricultural areas and to provide for limited rural residential development together with other nonintensive compatible activities.

A. Permitted principal uses are as follows:

[Amended 3-20-1995 by L.L. No. 1-1995; 12-6-2010 by L.L. No. 6-2010; 2-3-2014 by L.L. No. 1-2014]

(1) General agricultural land uses, agricultural buildings and activities, such as the growing of field, truck and tree crops, dairying, livestock raising, poultry farming, fur farming and hog raising, subject to the following:

(a) Buildings or structures used for the stabling of livestock (including but not limited to horses, cows, sheep, fowl or other animals) shall be located at least 150 feet from any street line.

(b) Minimum land area for horses shall be 40,000 square feet per horse.^[1]

[1] *Editor's Note: Original Subsection A(1)(b), concerning setbacks for livestock fences, was repealed 1-17-2017 by L.L. No. 1-2017, which also provided for renumbering Subsection A(1)(c) to Subsection A(1)(b).*

(2) Kennels, only upon the issuance of a kennel special use permit as regulated by Chapter **143**, Dogs, of the Alden Town Code.

(3) Single-family dwellings.

(4) Churches, schools, parks and playgrounds.

(5) Fire stations and emergency services.

(6) Nurseries and greenhouses.

(7) Riding academies and stables.

(8) Private wildlife reservations or conservation projects, including the usual buildings therefor.

(9) Mining, turf farming and pond excavation in accordance with Chapter **195**, Filling, Excavating and Topsoil Removal, of the Code of the Town of Alden.

(10) Veterinarians.

B. Permitted accessory uses are as follows:

[Amended 2-3-2014 by L.L. No. 1-2014]

(1) Private garages.

(2) Barns and other farm buildings.

- (3) Seasonal roadside stands for the sale of farm products produced on the premises.
 - (4) Private swimming pools.
 - (5) Home occupations.
 - (6) Other customary uses normally associated with the principal use.
- C. Uses permitted upon issuance of a special permit are as follows:
[Amended 3-20-1995 by L.L. No. 1-1995; 2-3-2014 by L.L. No. 1-2014]
- (1) Golf courses.
 - (2) Gun club or shooting ranges.
 - (3) Animal cemeteries.
 - (4) Forest farming.
 - (5) Telecommunication towers.^[2]
[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
 - (6) Gas wells.
 - (7) Racetracks.
 - (8) Cemeteries.
 - (9) Picnic and campgrounds.
- D. Minimum lot sizes are as follows:
- (1) Area: 80,000 square feet.
 - (2) Width: 200 feet. (See cluster provisions in Article VI.)
- E. Minimum yard requirements are as follows:
- (1) Front yard: 35 feet, except as provided under § 365-21.
 - (2) Side yards.
 - (a) Ten feet each for dwellings; and
 - (b) Thirty feet each for other principal buildings.
 - (3) Rear yard: 30 feet.
- F. Building, structure and driveway requirements are as follows:
[Amended 9-5-2006 by L.L. No. 1-2006]
- (1) Principal buildings:
 - (a) Maximum height.
 - [1] Dwellings: 30 feet.
 - [2] Other: 40 feet (no limit on farm buildings).
 - (b) Minimum floor area per dwelling unit:
 - [1] Two-family dwellings: 600 square feet.
 - (2) Accessory buildings.
 - (a) Maximum height: 20 feet (no limit on farm buildings).

(b) Yards and setbacks: as regulated under § **365-20**, except as provided under § **365-21**.

(3) Lot coverage. Maximum lot coverage by all buildings: 20%.

(4) Lot grading: § **365-29**.

(5) Driveways: No driveways shall be constructed any closer than five feet to any side or rear property line.^[3]

[3] *Editor's Note: Requirements for buffers and landscaping are reserved.*

G. Site plan review. All applications for building permits shall be accompanied by an approved site plan except for the following: a single- or two-family dwelling on an individual lot, including its permitted accessory uses, general farming use and additions not exceeding 25% of the square footage of the existing structure. There shall be no limit on additions to single- or two-family dwellings.



Date: 12-23-21
 Paid Amount: \$ 250.-
 Receipt Number 165014

FEE \$ 250.-

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: December 23, 2021

Applicant Name Michael D. Notto
 Address 642 County Line Rd
Alden, NY 14004
 Telephone (716) 863-0152

22-01

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: 120.00-2-17.12
2. Street Address: 642 COUNTYLINE
3. Name of Property Owner(s): MICHAEL NOTTO
4. Date Property Acquired: _____
5. Adjacent Zoning: _____ RA on the north
 _____ on the east
 _____ ↓ on the south
 _____ 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: 365-10 F. (2) (a)

Variance or Permit Requested:

1. State the purpose of this application (i.e., type of variance from Zoning Ordinance or permit requested)
MAX. HEIGHT ALLOWED IS 20', PROPOSED BUILDING TO BE 22' HIGH
2. Where variance is requested, state the practical difficulties or unnecessary hardships involved in carrying out the strict letter of the Zoning Ordinance:

3. Where permit is requested, state the reasons for requesting this permit:

Michael Notto
 Signature of Applicant

12/23/2021
 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:** _____

Michael D. Notto
642 County Line Road
Alden, NY 14004
(716) 863-0152

December 23, 2021

Zoning Board of Appeals
Aldeen Town Hall
3311 Wende Road
Alden, NY 14004

Dear Board Members:

My name is Michael Notto and I have resided at 642 County Line Road since June of 2010. My connections to the Town of Alden go back to December of 1982 when I served as a Corrections Officer for the Erie County Correctional Facility resigning in March of 1986 at which time I began a career with the New York State Police.

It was the friends and love for the town that I found through my employments that swayed my wife Linda and I to chose to make our home here.

I am before the board to respectfully request a variance to erect a pole barn behind our proerty which is zoned Rural Agricultural.

On December 7, 2021 I was denied a permit to have the pole barn erected citing the height of the proposed pole barn being approximately 2 feet in excess of the allowed height. All other requirements having been met.

The variance and permit is requested as stated below:

1.) The purpose of this application is to allow a variance to sec. 20-11 (F) 2 (a) of the Alden Town Code to allow 2 additional feet of height to a proposed pole barn (picture of barn attached) which is currently limited to 20 feet in height with no limit to farm buildings.

2.) The hardship involved in not allowing the 2 additional feet in height would be for two reasons. First we own an older 35 foot RV (picture attached) that requires periodic cleaning and sealing of the roof. The requested 2 additional feet to the height would allow me to safely do so outside of the elements, inclusive of rain, snow and wind. Second, we reside approximately 1.25 miles south of Broadway and receive heavy lake effect snow fall. Part of the reason for the 2 additional feet in height would allow for a 6/12 roof pitch. This would increase the snow load capacity and could prevent damage resulting from an extreme snow fall such as we had in November, 2014. The 6/12 pitch also allows for the pole barn to appear more residential and appealing to the eye.

3.) The permit is being requested to allow my wife and I to move the motor home indoors and out of our front yard along with our boat, motorcycle and classic car. It will not be used for any commercial purposes.

Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in black ink that reads "Michael D. Notto". The signature is written in a cursive style with a large, stylized initial "M".

Michael D. Notto





This Indenture, made the 11th day of June, 2010

BETWEEN

JOHN V. TOPE, residing at 642 County Line Road, Alden, NY 14004

Grantor, and

MICHAEL D. NOTTO, residing at 29 Texas Street, Upper, Buffalo, NY 14211

Grantee,

WITNESSETH, that the said Grantor in consideration of One and More (\$1.00 & More) Dollars lawful money of the United States, paid by the Grantee, does hereby grant and release unto the Grantee, his heirs and assigns forever:

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. 2, 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 County Line Road, said center line also being the east line of Lot No. 2, distant 600 feet north of the southeast corner of Lot No. 2; thence northerly along the center line of County Line Road, a distance of 200 feet to a point; thence westerly parallel with the south line of Lot No. 2, a distance of 410.54 feet to a point; thence southerly at an interior angle 89° 53' 35", a distance of 200 feet to a point; thence easterly at an interior angle of 90° 06' 25" and parallel with the south line of Lot No. 2, a distance of 411.15 feet to a point or place of beginning.

TOGETHER with the appurtenances and all the estate and rights of the Grantor in said premises,

TO HAVE AND TO HOLD, the above granted premises unto the said Grantee; his heirs and assigns forever.

AND the said Grantor does covenant with said Grantee as follows:

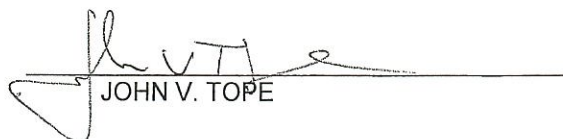
First, the Grantee shall quietly enjoy the said premises.

Second, the Grantor will **FOREVER WARRANT** the title to said premises.

Third, subject to the trust fund provisions of section 13 of the lien law.

IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal the 11th day of June, 2010.

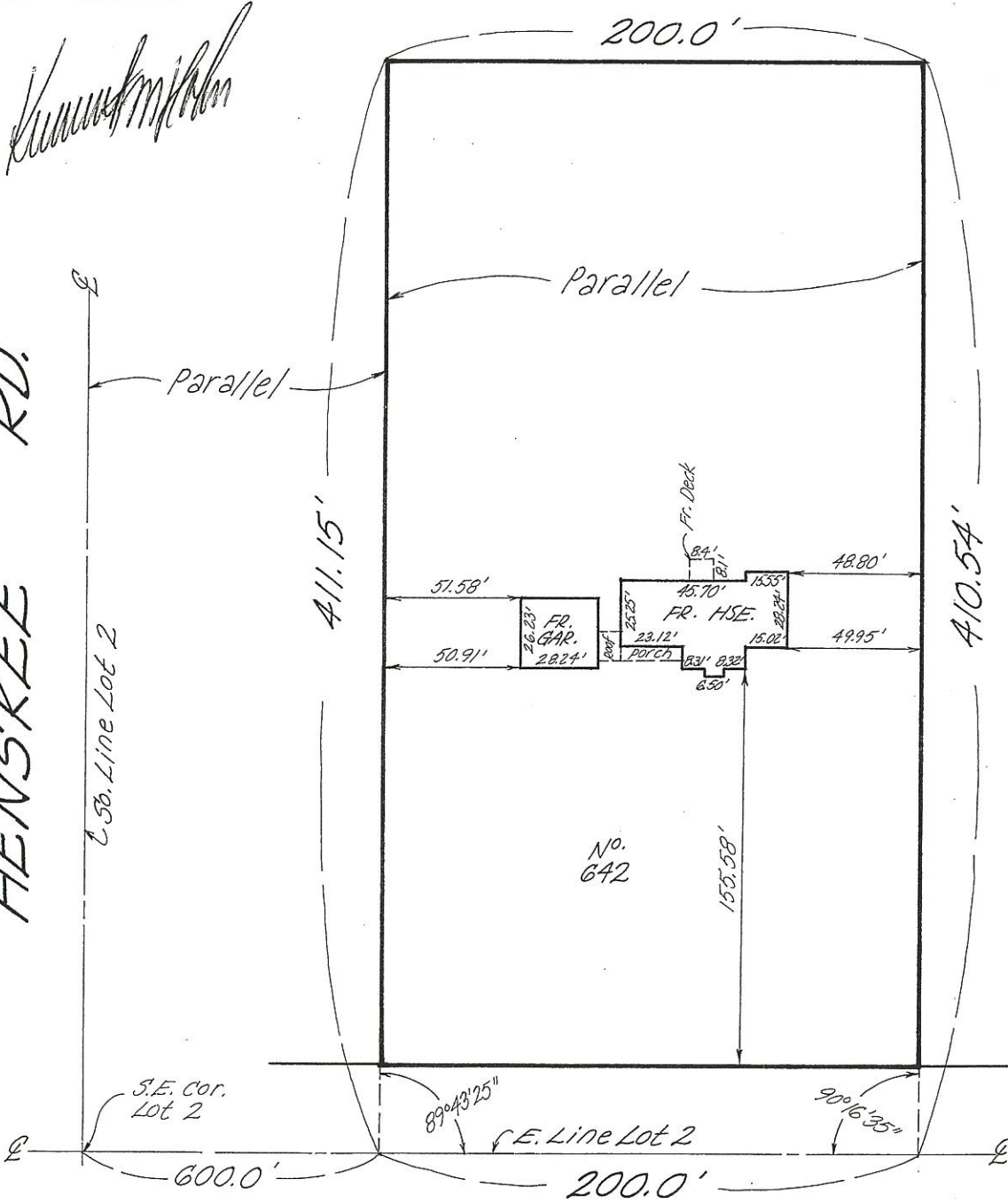
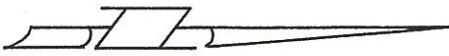
In presence of


JOHN V. TOPE

*all done
2-10
2/15*

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



COUNTY LINE RD.
66.0' WIDE

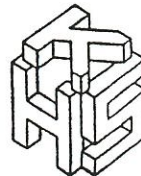
Kenneth M. Hahn

Licensed Land Surveyor

N.Y.S. License No. 050151

189 Lamont Drive
Amherst, N.Y. 14226

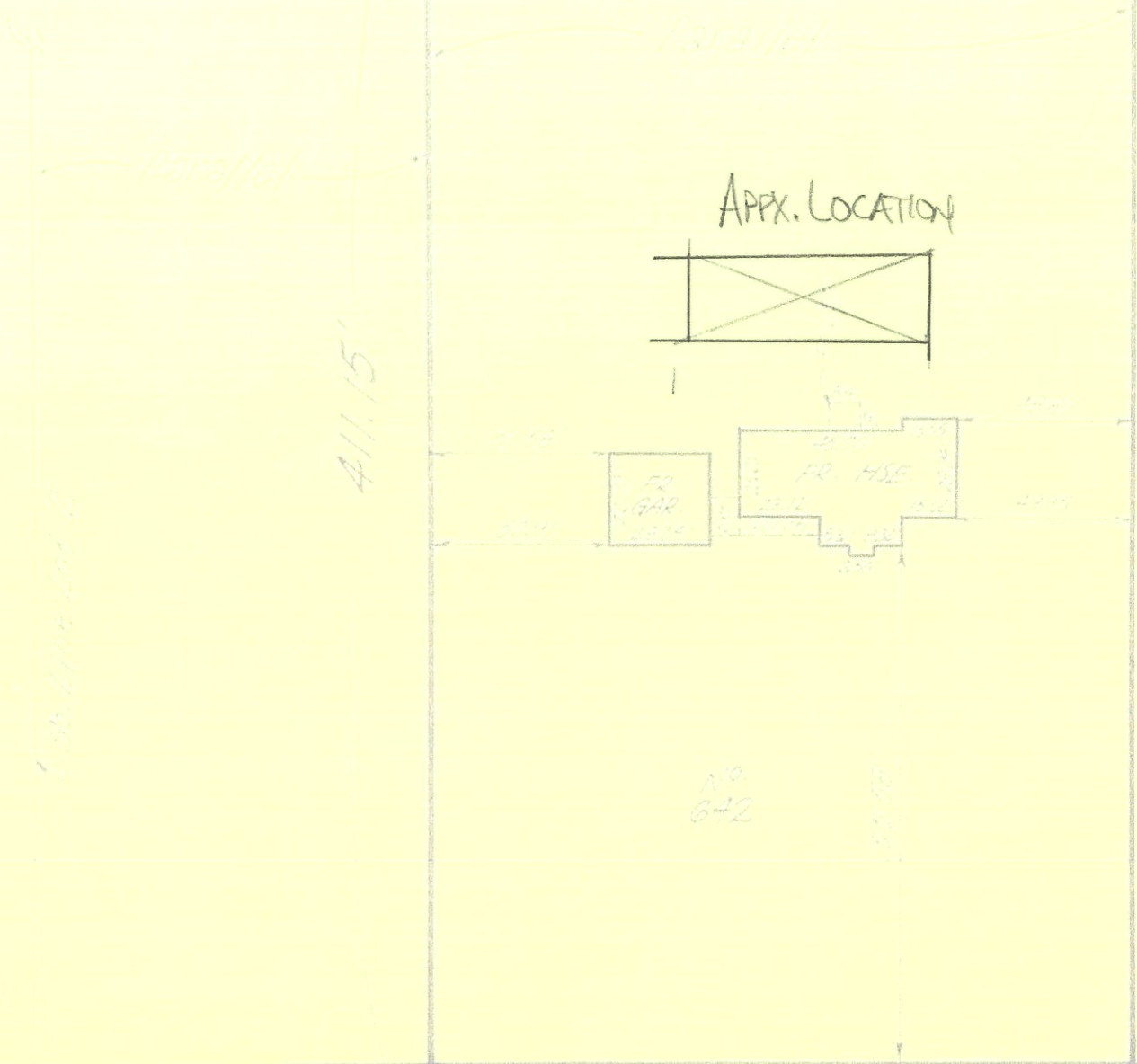
Phone: (716) 837-5082



Town of Aiden
County of Erie, New York
Part of Lot 2, Twp. 11, Rge. 5

Scale: 1" = 50'
Survey Date: 5-10-10
Job No. 10-0356

HENSKEE RD.



COUNTY LINE RD.

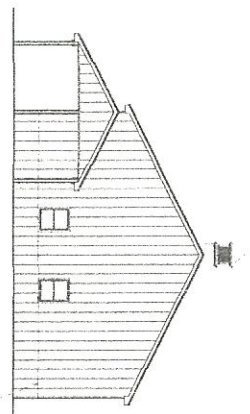
66.0' WIDE

Kenneth M. Hahn

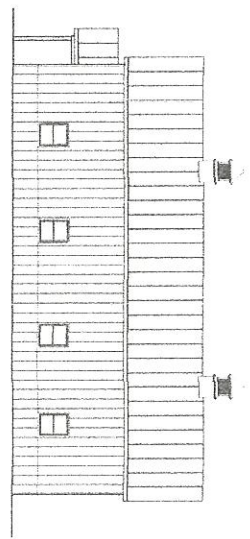
Licensed Land Surveyor

N.Y.S. License No. 050151

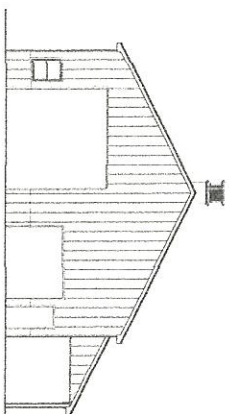
Town of Alden



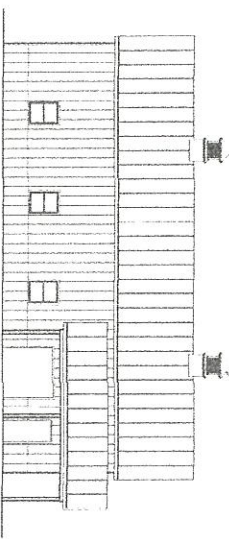
REAR ELEVATION
SCALE: 1/8" = 1'-0"



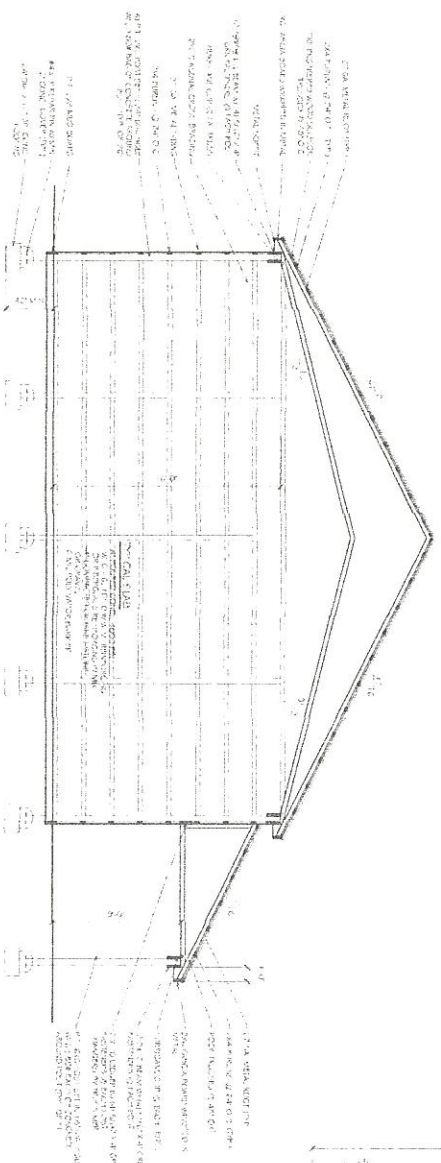
SIDE ELEVATION
SCALE: 1/8" = 1'-0"



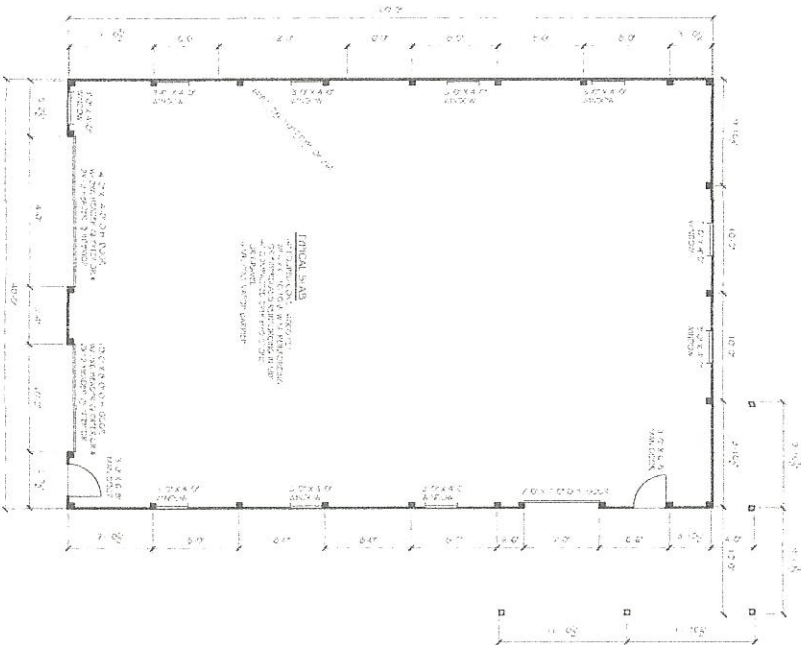
FRONT ELEVATION
SCALE: 1/8" = 1'-0"



SIDE ELEVATION
SCALE: 1/8" = 1'-0"



BUILDING SECTION
SCALE: 1/8" = 1'-0"



FLOOR PLAN
SCALE: 3/16" = 1'-0"

NEW POLE BARN
642 COUNTY LINE RD.
ALDEN, NEW YORK 14004

FLOOR PLAN, ELEVATIONS & SECTION

MPD Architecture



16011 1st Floor 04-11
Building Date: 04-11
100 FIVE TOWN HALL 71-775-1111 FAX: 716-775-1111

Sheet No. A-1

21001-1112

Designed by: DMH
Checked by: DMH
Approved by: MPO

