

APPLICATION TO BOARD OF APPEALS

Tel. No. _____

Appeal No. 2018 - 36

Date 6/10/18

TO THE ZONING BOARD OF APPEALS, WEST SENECA, NEW YORK:

I (we) Jason Havens of Rusty Nickel Brewing Co.

_____, HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE
DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT NO. _____,
DATED _____, 20____, WHEREBY THE BUILDING INSPECTOR DID DENY TO

- ☒ A PERMIT FOR USE
☐ A PERMIT FOR OCCUPANCY
☐ A TEMPORARY PERMIT OR EXTENSION THEREOF
☐ A CERTIFICATE OF EXISTING USE
☒ A CERTIFICATE OF ZONING COMPLIANCE
☐ AREA PERMIT

1. Applicant is the ☐ PROPERTY OWNER
☐ CONTRACTOR FOR THE WORK CONCERNED HEREIN
☐ PROSPECTIVE TENANT
☒ OTHER (Describe) Existing Tenant

2. LOCATION OF THE PROPERTY 4350 Seneca St. West Seneca, NY 14224

3. State in general the exact nature of the permission required, Variance for building offset to property line adjacent to residential

4. PREVIOUS APPEAL. No previous appeal has been made with respect to this decision of the Building Inspector or with respect to this property, except the appeal made in Appeal No. _____, dated _____, 20____.

5. REASON FOR APPEAL.

A. A Variance to the Zoning Ordinance is requested because strict application of the ordinance would produce undue hardship, or the hardship created is unique and is not shared by all properties alike in the immediate vicinity of this property and in this use district, or the variance would observe the spirit of the ordinance and would not change the character of the district because:

Please See Attached "NOTICE TO WEST SENECA Code, Enforcement...", SITE PLAN w/ Proposed Change & PARKING PLAN.

B. Interpretation of the Zoning Ordinance is requested because: 25' required side setback requesting 7 feet

C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article _____, Section 120, Subsection 31, Paragraph B(3b) of the Zoning Ordinance, because:


Signature

TO BE COMPLETED BY THE BUILDING INSPECTOR

1. Provision(s) of the Zoning Ordinance Appealed, including article, section, subsection or paragraph of the Zoning Ordinance

TOWS Zoning Code 120-31 B(3b)

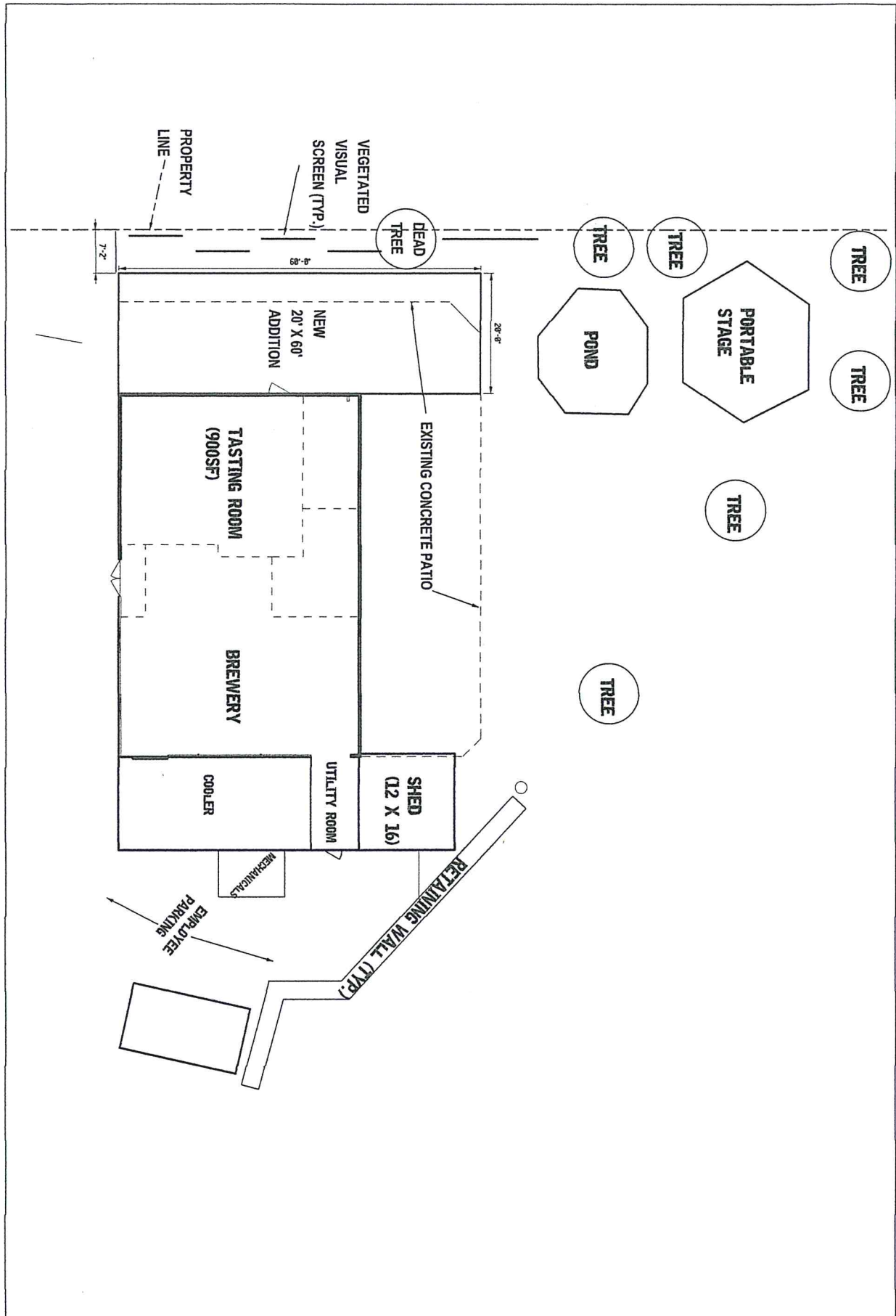
Side yard 25' or half the height of building whichever is greater

2. Zoning Classification of the property concerned in this appeal C-1(S)

3. Type of Appeal:

- ☒ Variance to the Zoning Ordinance.
☐ Interpretation of the Zoning Ordinance or Zoning Map
☐ Special or Temporary Permit or an extension thereof under the Zoning Ordinance.

4. A statement of any other facts or data which should be considered in this appeal. JG BR



RUSTY NICKEL BREWING CO.
4350 SENECA STREET
SITE PLAN

DATE: 04/25/17

SCALE:
 1"= 30FT on 11"x17" paper
 1"=15FT on 8.5"x11" paper
 Drawn by: Jason Havens, P.E.



RUSTY NICKEL BREWING CO.

RE: Rusty Nickel Brewing Co. Building Addition – Variance

Notice to West Seneca Code Enforcement, Zoning Board and Town Board

Rusty Nickel Brewing Co. has become a popular destination to host gatherings and events. Many family parties, reunions, and corporate events have planned their outings with us. So much so we have been turning them away because of double bookings, unpredictable weather and the limited season the patio can be used over the course of the year for private events.

To accommodate the demand for hosting private events we are seeking offset variance for a commercial property abutting a residential property. The variance would be for a proposed 20' wide x 60' long patio enclosure / three (3) season room over the existing patio on the west side of our tasting room. The walls would initially be open and within 12-18 months enclosed with windowed roll up doors allowing the space to be either enclosed or open air pending the weather. The offset distance from the exterior of the building to the property line would be approximately 7ft. We would like to point out that our neighbor Don, has no issue with this addition and has confirmed he is fine with us building towards his property line.

We would like to point out that there are also advantages to the neighboring residences with this addition. As many know the neighbors have had concern about noise and in rare occasions smoke from camp fires. This addition will utilize directional gas heaters to heat the interior of the space and utilize gas fire pits. It will also contain a bulk of the noise created at the building including that of our popular open mic Sunday afternoons.

Knowing there is Town concern for parking, we would like to bring to your attention, this addition does NOT add parking load, the number of parking spaces required, to our business. We would also like to note, that we have made every effort to limit the parking load from those who visit us. We openly encourage car pooling, ride sharing and bike / walk options when visiting our establishment. The word has gotten out and many locals actively consider these options especially car pooling and the bike/walk options. We are going to be installing bike racks as a result of the frequency of bicyclists visiting the brewery. Ride sharing is quickly taking front stage for guests who are traveling from near and far, we even offer Lyft for business and discounts for Lyft users. The obvious advantages as a customer have made ride sharing a popular option for many, especially on busy nights. These active approaches have helped reduce our impact on the parking condition. Furthermore we have designed a striping plan for parking spaces to allow at least 102 parking spaces, which is 24 more spaces than the existing 88 spaces.

To ensure complete transparency regarding parking spaces required, the following represents the Town Code parking requirements and the parking loads from both RNBC and the Ebenezer Ale House:

*Place of Assembly: Eating or Drinking Establishment – 2 parking spaces for each 5 seats

RNBC has seating for 50 = 20 parking spaces

RNBC patio seating for 60 = 24 parking spaces

Parking spaces required = 44 spaces

The Ebenezer Ale House has seating for 90 guests = 36 parking spaces

Ebenezer's patio has seating capacity of 40 people = 16 parking spaces.

Ebenezer Parking spaces required = 52 spaces

Total Parking Spaces required = 96

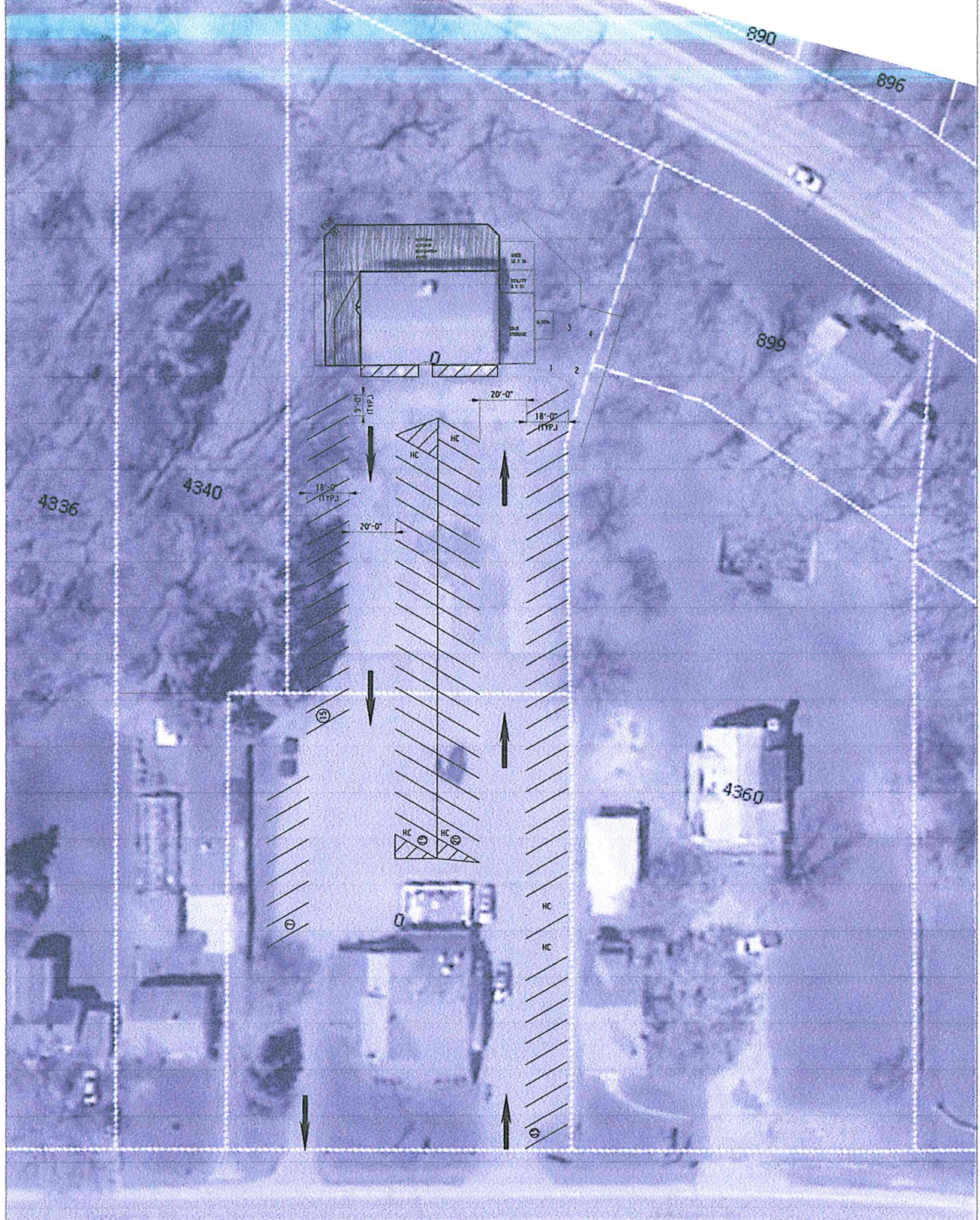
Total available parking spaces with striping = 100+

With Regard,

Jason Havens & David Johnson

Rusty Nickel Brewing Co. – Co-Owners

4350 Seneca Street
West Seneca, NY 14224
RustyNickelBrewing.com



DRAWING NO. 1
SCALE: 1"= 20FT DATE: 10-12-16
DRAWN BY: JASON HAVENS, P.E.