

APPLICATION TO BOARD OF APPEALS

Tel. No. 394-1526

Appeal No. 2024-014

Date 4/9/24

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

I (we) Linda Emami & John Oshei of 100 Rosewood Dr.

_____, HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE
DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT, WHEREBY THE BUILDING
INSPECTOR DID DENY PERMIT 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) _____

2. LOCATION OF THE PROPERTY Same

3. State in general the exact nature of the permission required, _____

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: _____

(See Letter)

B. Interpretation of the Zoning Ordinance is requested because: _____

C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article _____,

Section _____, Subsection _____, Paragraph _____ of the Zoning Ordinance, because: _____

Linda Emami
Applicant's 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

120-39(B) Fences shall not exceed 4' in front/side yard.
Requesting 6' fence in side yard.

2. Zoning Classification of the property concerned in this appeal R7S

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. _____

Building Inspector Dyke

West Seneca Zoning Board of Appeals
1250 Union Road
West Seneca, NY 14224

Monday, April 8, 2024

100 Rosewood Drive
West Seneca, NY 14224

To whom it may concern,

I am putting a cat fence on the side and rear boundary lines of my property. The specific purpose of this type of fence is to keep my two cats safely in my yard. I selected the Kitty Corral Fence because it is six feet in height, which will prevent my cats from entering my neighbors' property or streets. The fence is built from a black structured nylon fiber net, resembling a deer fence. From twenty feet away, this fence is nearly invisible and camouflaged. The posts, which are placed fourteen feet apart, are 1 and 3/8" in diameter, have a 180-degree curve at the top, and a curve that projects one foot into my yard. The netting and curve are designed to drop my cats to the ground if they climb to the top of the fence.

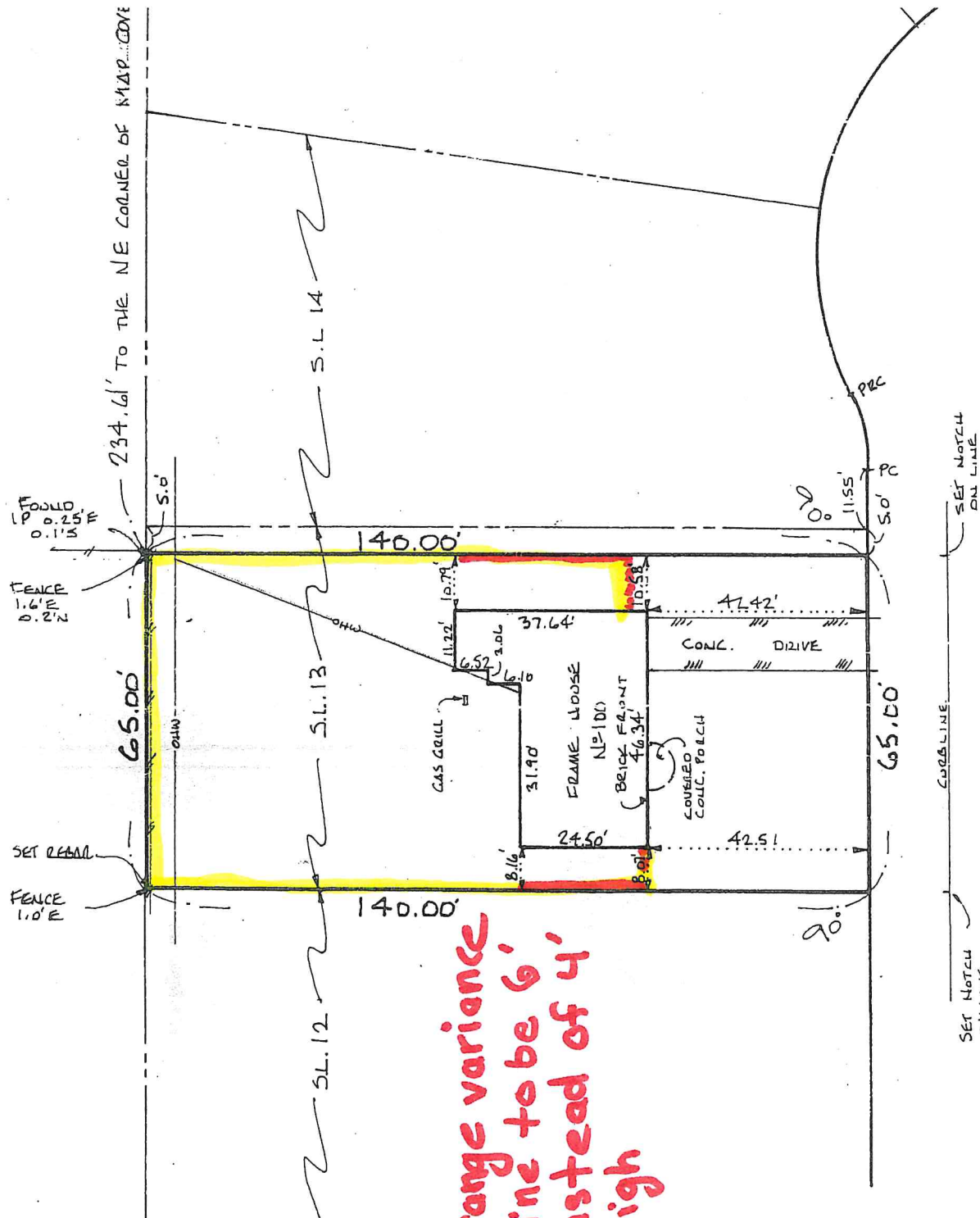
As the attached picture illustrates, the fence is anchored twenty-four inches into the ground with sleeves and is six feet high up to the highest point of the curve. The fence is neat, clean, and square in conformity with the well-ordered nature of properties on Rosewood Drive. The orange line on the survey indicates the area of the variance I am requesting. The yellow line indicates the remainder of the fence. As well, I will be installing a custom, aesthetically-pleasing arbor on the northern side of the property that will enhance its beauty and visually cover up the view of the fence. I am installing a three metal barrier along the bottom of the fence to enable my neighbors to mow and weed-whack their lawns.

Prior to June 2023, I had two cats who mostly stayed in my yard but who occasionally entered my adjacent neighbor's property. One of my neighbors reported that my cat damaged a screen door, which I paid to repair. The other neighbor does not like cats and asked me to keep my cats in my yard or house. In June 2023, one of my cats was hit by a car and the other died a few days later. I am seeking this variance because I believe that pets should be able to safely experience nature away from neighbors who are opposed to pet ownership.

Thank you for your consideration,



Linda Emmi and John Oshei



SOUTH 65' OF SUBLOT 13
MAP COVER 2175

orange variance
line to be 6'
instead of 4'
high

ROSEWOOD (60' WIDE) DR.

My fence posts will be 14 feet apart unlike this picture as
advised by company.



*** RECEIPT ***

Date: 04/09/24

Receipt#: 85949

Quantity	Transactions	Reference	Subtotal
1	Zoning Board of Appeals	20156099	\$160.00

Total Paid: \$160.00

Notes:

Payment Type	Amount	Paid By
Credit Card-Ref #visa	\$160.00	Oshei, John

Thank you for allowing the Town Clerk's office to serve you. Have a wonderful day!

Name: Oshei, John
100 Rosewood Dr
West Seneca, NY 14224

Clerk ID: CLAIRE Internal ID: 20156099



KATE NEWTON
TOWN CLERK

RECEIVER OF TAXES
REGISTRAR OF VITAL STATISTICS
NOTARY PUBLIC
RECORDS MANAGEMENT OFFICER

TOWN OF WEST SENECA

TOWN SUPERVISOR
GARY A. DICKSON

TOWN COUNCIL
ROBERT J. BREIDENSTEIN
SUSAN K. KIMS
JEFFREY A. PIEKAREC
SCOTT D. ROBERTSON

April 10, 2024

Linda Emmi
John Oshei
100 Rosewood Drive
West Seneca, NY 14224

Re: **Zoning Board Meeting – Variance Annual Review**

Dear Applicant:

Enclosed is a Notice of a Public Hearing of the Zoning Board of Appeals of the Town of West Seneca scheduled to be held on **April 24, 2024**, at the West Seneca Community Center, 1300 Union Road at 6:00 PM.

A case in which you are the petitioner will come before this hearing. It will be necessary for you or your authorized representative to be present at this hearing to address and answer any questions of the Zoning Board Members.

Sincerely yours,

Kate Newton
Town Clerk
Zoning Board Secretary

cc: Code Enforcement Officer
Zoning Board Chairwoman