

DEC 18 2023

# Village Of Williamsville

Area/ Use Variance Application

VILLAGE OF WILLIAMSVILLE  
**RECEIVED**



## TYPE OF REQUEST

Area Variance

Use Variance

## APPLICANT INFORMATION

### Property Owner(s):

Name: Heather Anderson

Signature: *Heather Anderson*

Email: heather@andersonlawbuffalo.com

Address: 40 Evans Street

Phone: 716-908-8604

### Applicant(s) (if other than property owner):

Name: Same

Signature: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

If the applicant is not the property owner, owner's signature or a letter of permission allowing the applicant to file this application is required.

## PROPERTY INFORMATION

Property Address: 40 Evans Street

SBL: 69.170-4-22

Zoning District: R3

### OFFICIAL USE

112-12.C.2(d) exterior side yard setback (14.85')  
112-22.A.2(b) minimum offset from public sidewalk

239m applicable    SEQR Short EAF    FEE (\$100-residential \$150-commercial)

Meeting Date: 1.17.24

Reviewed By: *gdp*

Appeal #: 2024-ZBA-03

# Village Of Williamsville

## Area/ Use Variance Application



### AREA VARIANCE REQUEST

In making its determination on an area variance, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance were granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making that determination, the ZBA will consider these five questions:

1. Describe whether there will be an undesirable change in the character of the neighborhood or a detriment to nearby properties by the granting of the subject variance;

There will be no change at all. We are merely replacing the existing wood panels and wood posts that are deteriorating to beautify the neighborhood. The fence (photo attached) has been there for over 35 years.

We would like to move two of the posts over approximately 6-10 inches inside the property line so that the fence is more straight as it is not in a straight line. Other than that, the fence is exactly the same. Same height, same size panels and posts

2. Describe whether the benefit sought by the applicant can be achieved by some other feasible method, other than a variance;

We were looking to repair the existing fence as the posts were rotting. The code reads that a repair permit should go

to the building department. Instead it went to the planning department, and from there we were told that the fence repairs

were not "repairs" but a new fence. As such, I was told that the only way to repair the dilapidated existing fence with replica materials was to request a variance.

3. Describe whether the requested variance is substantial; (How substantial are the potential impacts to neighboring properties?)

There is no impact to the neighboring properties as the same size fence has been there for 4-5 decades.

Attached are affidavits from the property owner who lives adjacent to the fence and a couple others across the street that look at the fence. The request is not substantial because we are not requesting to have anything change other than to have nicer wood and to move two fence posts approximately 6-10 inches inwards to straighten the line.

4. Describe whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood/district;

While we do not believe a variance is necessary for these repairs/replacements, if it is necessary, then

we maintain that there would be no negative impact on the neighborhood because it is a replica of the fence that has been in existence for over 35 years. The neighbors agree and very much like the new materials (Please see attached affidavits)

Further, there are no visibility issues with the fence and the Evans and Eagle intersection (see video and statement of retired Buffalo Police Detective accident investigator)

5. Describe whether the alleged difficulty is self-created;

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### DISCLOSURE AFFIDAVIT

I maintain that the information provided in this application is true and accurate to the best of my knowledge:

Date: 12/18/2023

Heather Anderson  
Property owner or applicant name (print):

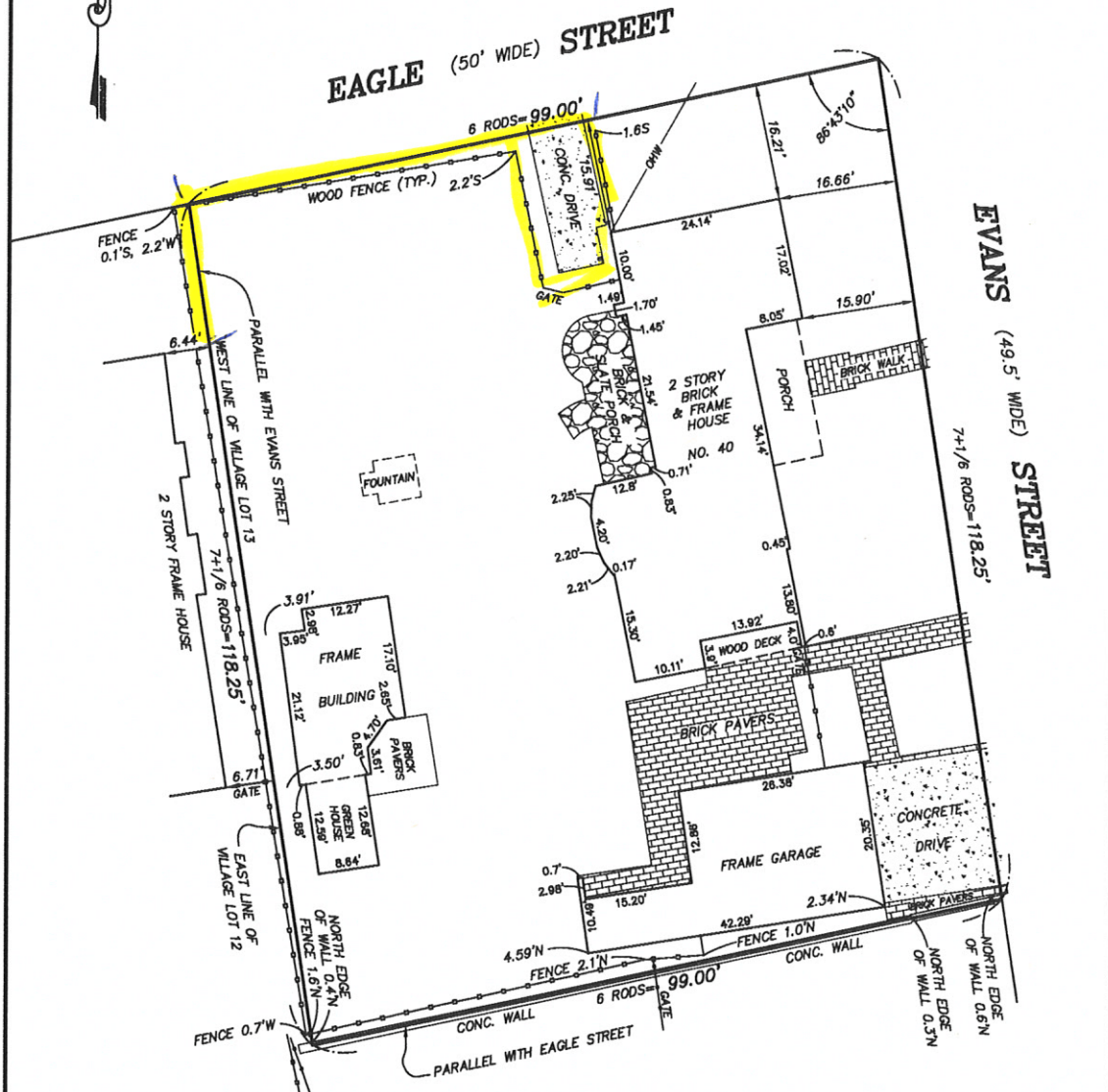
*Heather Anderson*  
Property owner or applicant signature:

<p>STATE OF NEW YORK COUNTY OF ERIE</p> <p>On the day of in the year before me, the above individual personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes therein stated.</p>	<p>WITNESS my hand and official seal: <b>COLLEEN POULES</b> Notary Public, State of New York No. 01PO6392195 Qualified in Erie County Commission Expires 5-20-2027</p>
	<p>Signature of Notary Public <u><i>Colleen Poules</i></u> Print Name: Colleen Poules</p>

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE.

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

● SET OR EX. 5/8" REBAR OR AS NOTED



SURVEY OF  
 NORTH PART OF VILLAGE LOT 13  
 PART OF LOT 1, TOWNSHIP 12, RANGE 7  
 HOLLAND LAND COMPANY  
 VILLAGE OF WILLIAMSVILLE  
 TOWN OF AMHERST, ERIE COUNTY, NEW YORK

DATE	REVISION/TYPE

GPI

**GPI ENGINEERING, LANDSCAPE ARCHITECTURE & SURVEYING, LLP**

ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE

4850 GENESEE STREET, SUITE 300  
 BUFFALO, NEW YORK 14225

(716) 633-4844      FAX 633-4840

Job No. 10998      Date: AUGUST 10, 2023  
 Scale 1" = 20'      Tax No. 69.17-4-22

**AFFIDAVIT**

**Re: 40 Evans Street, Williamsville, New York**

STATE OF NEW YORK                    )  
COUNTY OF ERIE                    ) ss:

The undersigned, being duly sworn, deposes and says:

1. I am over the age of 18 and the Property Owner of 111 Eagle Street, Williamsville, New York.
2. The fence at 40 Evans Street is adjacent to my property.
3. The repairs of the fence at 40 Evans Street have been called into question.
4. I have owned my home at 111 Eagle Street for 35 years. The fence at 40 Evans was there when I purchased my home, and has been there ever since.
5. I do not have any objections to the fence. In fact, I enjoy growing plants on the fence and putting holiday lights on it.
6. I do not have any objections to the owner of 40 Evans Street replacing the fence posts or panels with new ones.
7. The replacement of the fence panels has added to the beauty of our neighborhood.
8. I am in favor of the repairs and replacement of the fence so long as it remains the same height and type of materials (wood panels and posts).

  
Rosalie Pappagallo

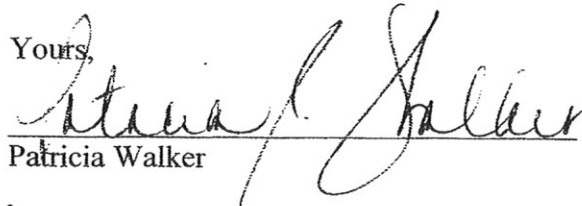
Exhibit  
"B"

January 8, 2024

Dear Zoning Board Members;

1. I am over the age of 18 and the Property Owner of 116 Eagle Street, Williamsville, New York.
2. The fence at 40 Evans Street is across the street from my property where I reside.
3. I understand that the repairs of the fence at 40 Evans Street have been called into question.
4. I have no objections whatsoever to the fence as it has been replaced by the new owner of 40 Evans Street.
5. I have no objection to the owner of 40 Evans Street replacing the fence posts or panels with new ones to replace the fence that had been there for many years, although I do not know when the original fence was installed.

Yours,

  
Patricia Walker

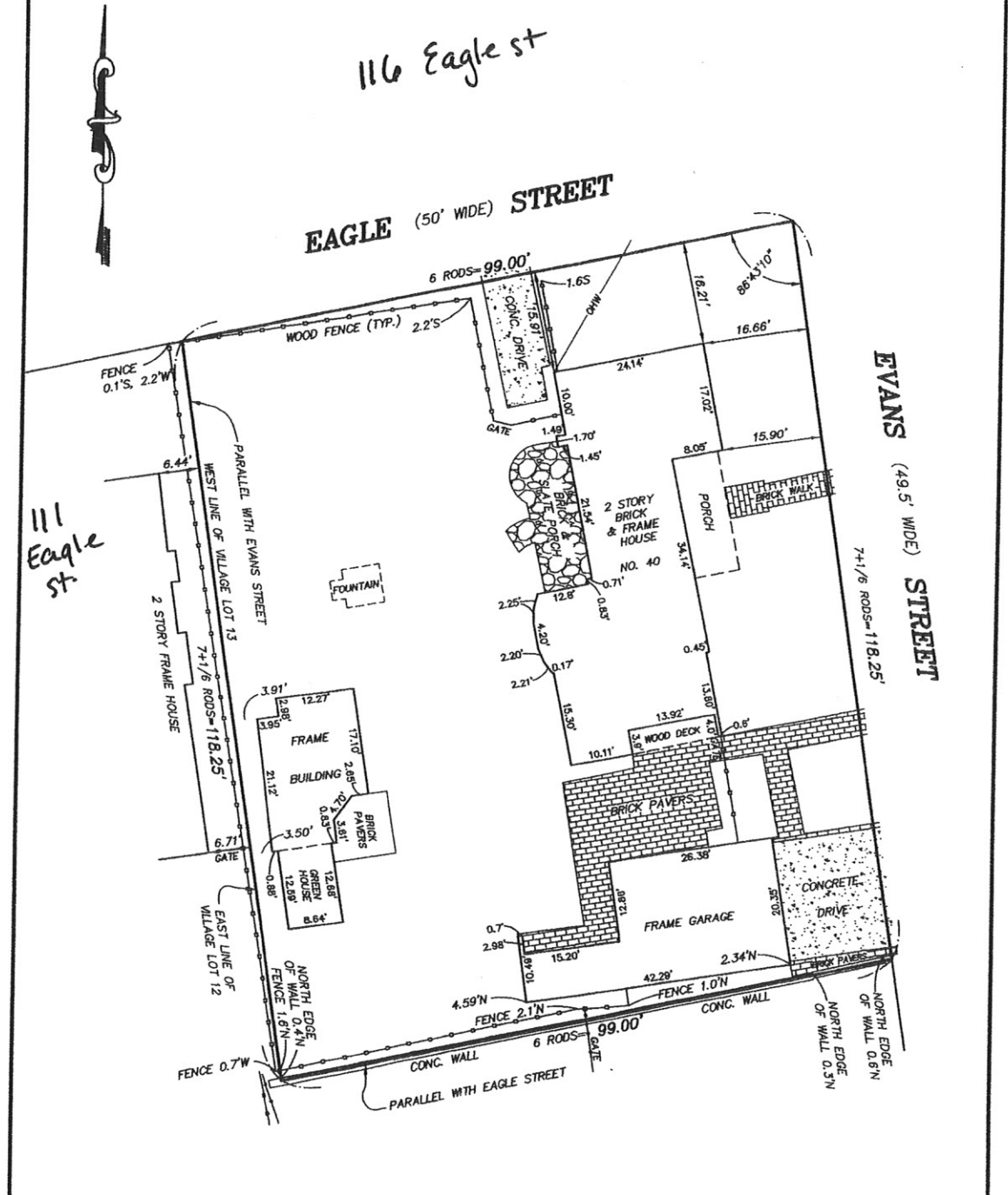
Please call if any  
questions - 716/908-2335.

Exhibit  
"A"

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*Exhibit "C"*

