

**NOTICE OF PUBLIC HEARING
BEFORE THE
TOWN OF ALDEN
ZONING BOARD OF APPEALS
ON AN APPLICATION FOR A
ZONING VARIANCE**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Zoning Board of Appeals of the Town of Alden on the 21 day of FEBRUARY, 2012 at 7:30 PM, prevailing time at the Alden Town Hall, 3311 Wende Road, Alden, New York on the following matter:

Appeal by Bernadine Metz, 12704 North Road, Alden, New York 14004, from an Order to Remedy Violation issued by the Town of Alden Code Enforcement Officer/Building Inspector giving notice that a violation exists at 12704 North Road, as the applicant is running a contractors yard in a R/A Zone. (SBL # 108.00-1-11.112) .

Said appeal seeks a variance from the Code of the Town of Alden.

Said Zoning Board of Appeals will, at the time and place set forth above hear all persons in support of said matters and all persons in objection to said matters. Persons may appear in person or by their agent(s).

Dated: FEBRUARY¹², 2012

ZONING BOARD OF APPEALS
OF THE TOWN OF ALDEN

By: _____

Paul A. Alessi, Jr., Chairmen



Town of Alden
 Zoning Board of Appeals
 3311 Wende Road
 Alden, New York 14004
 (716) 937-6969 ext 4
 www.alden.erie.gov

Date:	
File No:	
Zoning Board Rec:	
Town Board Action:	
Status:	

Application for Zoning Variance

Applicant should file this application in duplicate with the Town Clerk along with \$200.00 application fee and \$50 publication fee etc.

Applicant Name: BERNADINE METZ Telephone: 937-7152
 Address: 12704 NORTH RD ALDEN NY 14004

Supporting Information Required: *The following informaton 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:
 - a. Location of Buildings
 - b. Roads, Parking and Sidewalks
 - c. Lancscaping, Fences and Screening
 - d. Easements

Where variance allowing two family dwelling is requested, the following must also be attached:

- 5 Copy of building plans
- 6 Approval of sanitory system & water supply by Erie County Health Department

Property Identification:

1 Tax Map Number: 108.00-1-11.112
 2 Street Location: 12704 NORTH RD
 3 Street Address: 12704 NORTH RD ALDEN N.Y.
 4 Name(s) of Property Owners Bernadine Metz

5 Names(s) of Adjoining Landowners: Mark Metz

6 Date Property Acquired: 1960's

7 Adjacent Zoning RA on the north
RA on the east
RA on the south
RA on the west

8 Proposed Zoning Change _____ is; X is not consistent with the Town Master Plan

9 Alden Town Code Section to be Varied: C-20-34

Variance or Permit Requested:

1 State the purpose of this application (ie. type of variance from Zoning Ordinance or permit requested.):

TOWN OF ALDEN ZONING CODE CHAPTER 20 ARTICLE III

2 Where variance is requested, state the practical difficulties or unnecessary hardships involved in carrying out the strict letter of the Zoning Ordinance:

Premises have been a site for family business without objection from 2003 - 2010

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

Bernadine Mety
Signature of Applicant

12-16-11
Date

(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}.
Alleged hardship is unique and does not apply to substantial portion of
2 district or neighborhood.
3 Requested variance will not alter essential character of 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 Can benefit be achieved by other means feasible to applicant?
2 Cause undesirable change in neighborhood or nearby properties?
3 Is request substantial?
4 Will request have adverse physical or environmental effects?
5 Is alleged difficulty self created?

APPROVED: _____ Date: _____

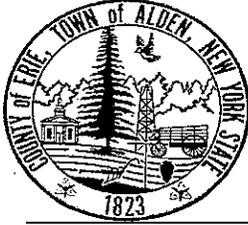
DENIED: _____ Date: _____

Conditions for Approval: _____

Empty lines for additional conditions or notes.

ZBA Chairman: _____

Date: _____



OFFICE OF CODE ENFORCEMENT

Telephone: 716.937.6969 ext 4
Relay/Dial #711
Fax: 716.937.9817
Email: building@alden.erie.gov

ALDEN TOWN HALL
3311 Wende Road
Alden, New York 14004

November 28, 2011

Mrs. Bernadine Metz
12704 North Road
Alden, New York 14004

Re: Zoning Variance

Dear Mrs. Metz:

At the meeting of the Zoning Board of Appeals held on May 17th, 2011, your request for a variance to operate a contractors yard in an R-A zone was granted. The variance was granted with the stipulation that the property was to be brought up to current town codes with respect to contractors yards. As of this date there has been no effort to acquire the proper site plan permits required to move forward with this project.

In accordance with the Code of the Town of Alden, chapter 20-87 D(9), Revocation of Authorization – “any variance granted by the Board of Appeals shall be automatically revoked unless a building permit is obtained within six months of said variance”.

If you would like to continue running your business at this location, you may apply for another variance. Please let me know of your intentions regarding this matter within ten (10) days of receipt of this letter.

Very truly yours,

CHRIS SNYDER
Code Enforcement Officer

CS/bje

cc: TOWN BOARD
ATTNY

Together with the appurtenances and all the estate and right of the part 200 of the first part in and to said premises,

Do give and to hold, the above granted premises unto the said part 7 of the second part, her heirs and assigns forever.

And said parties of the first part covenant as follows:

First, that the part 7 of the second part shall quietly enjoy the said premises;

Second, that said parties of the first part will forever WARRANT the title to said premises.

Third, that this conveyance is subject to the trust fund provisions of section thirteen of the lien law.

In Witness Whereof, the parties of the first part has hereunto set their hands and seal(s) the day and year first above written.

In presence of

Richard J. Metz
Bernadine B. Metz
[Signature lines]

State of New York
County of Erie } ss.

On this 8th day of June, Nineteen Hundred and Ninety
before me, the subscriber, personally appeared
RICHARD J. METZ AND BERNAIDINE B. METZ, HIS WIFE.

to me personally known and known to me to be the same person(s) described in and who executed the
within instrument, and he(she/they) acknowledged to me that he(she/they) executed the same.

[Signature]
ARTHUR E. MORAPPA
Notary Public in and for the County of Erie, New York

State of New York
County of Erie } ss.

On this day of
before me, the subscriber, personally appeared

to me personally known and known to me to be the same person(s) described in and who executed the
within instrument, and he (she)(they) acknowledged to me that he(she/they) executed the same.

Box 207
Filed
1990 JUN 11 PM 12:39
ERIE COUNTY CLERK'S OFFICE
RECORDED BY: [Signature]
AND
BERNAIDINE B. METZ,
his wife
10
BERNAIDINE B. METZ 176

Filed June 6, 1990
STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE
Recorded in Liber 10182, Page 383
of [Signature]
on this 11th day of June 1990
at Erie, Pa.
and examined.
David J. [Signature]
CLERK
THIS SPACE FOR CLERK'S TIME STAMP
(Do not write in this space.)

B046539-11-
1-2-0
Erie County Clerk's Office
Erie, New York 16501

101-DEED-When-ly with (an cover) (individual)

State Land Publisher
P.O. Box 100, Buffalo, N.Y. 14210

This Indenture, Made the 11th day of June, Nineteen Hundred and Ninety

Between **RICHARD J. METZ and BERNADINE B. METZ, his wife**, residing at 12704 North Road, Alden, New York, 14004

part 1 of the first part, and

BERNADINE B. METZ residing at 12704 North Road, Alden, New York, 14004

Witnesseth, that the part 1 of the first part, in consideration of one and no more dollar (\$1.00 & 00/100)

lawful money of the United States, paid by the part 1 of the second part, does hereby grant and release unto the party of the second part, her 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. 25, Township 11, Range 5 of the Holland Land Company's Survey, being more particularly provided and described as follows:

BEGINNING at a point at the intersection of the center line of North Road with the westerly line of lands deeded to Richard J. Pautler by Deed recorded in Erie County Clerk's Office in Liber 9376 of Deeds at Page 197; thence northeasterly along said center line of North Road a distance of one hundred ninety-two and eight hundredths (192.08) feet to a point; thence northeasterly along center line of North Road on a line making a deflection angle of five (5) degrees to north from last described line a distance of two thousand two hundred-fifty-five (2255) feet recorded and two thousand two hundred fifty (2250) feet measured to a point on the easterly line of Lot No. 25 at the northeasterly corner of said lands of Richard J. Pautler; thence northerly along said easterly line of Lot No. 25 and the center of the Peters Corners Road a distance of one hundred forty-three and seventy hundredths (143.70) feet to a point on the southerly right of way line of the Delaware, Lackawanna, and Western Railroad; thence westerly along said right of way line a distance of one thousand nine hundred thirty-two and sixty-eight hundredths (1931.68) feet to a concrete monument at the westerly line of lands of Albert A. Howard by Deed recorded in Erie County Clerk's Office in Liber 2116 of Deeds at page 461; thence southerly along the said westerly line of lands of Albert A. Howard one thousand four hundred (1400) feet, more or less, to the aforesaid center line of North Road at the point of beginning. Excepting and reserving from the above description the premises conveyed to Mark Sindzinski and Suzanne Sindzinski, by Deed dated the 8th day of June, 1980, and recorded in the office of the Clerk of the County of Erie in Liber 811, Page 307 on the 11th day of June, 1990, and the premises conveyed to Mark Metz and Susan Metz, his wife, being dated the 1st day of November, 1981, and recorded the 10th day of December, 1981, in Liber 9086 of Deeds at Page 521.

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ALD

RECEIVED
\$. EXEMPT
RF STATE
JUN 11 1990
TRANSFER TAX
ERIE COUNTY

!! 010182 P 352