

# Village of Lancaster



**Municipal Building**  
**5423 Broadway**  
**Lancaster, NY 14086**  
Telephone: (716) 683-2105  
Facsimile: (716) 684-4830  
[www.lancastervillage.org](http://www.lancastervillage.org)

## MEMORANDUM

TO: Zoning Board of Appeals  
D. Blakeley, J. Volpe, J. Smith, C. Adolf, A. Debbins

FROM: Michael E. Stegmeier, Village Clerk & Treasurer

DATE: May 17, 2024

RE: Variance Application – 2 Sherwood Rd., Lancaster, NY 14086

Petitioner and property owner, Christopher Durkin, of 2 Sherwood Rd., is seeking relief from the following Village Codes with respect to a solid fence in a side yard along a public right-of-way:

### **Section 148-4 Fences – Height limitations**

*No fence shall be more than six feet in height at the rear of homes or buildings situated in a residentially zoned district, which fence shall not extend forward of the rear building line of any existing or proposed building. No other fence or portions of a fence shall be higher than 36 inches (3 feet) in any front yard or 48 inches (4 feet) in any side yard.*

### **Section 148-6 Obstructions Affecting Public Safety**

*Any fence, wall or similar structure, as well as shrubbery, which unduly cuts off light or air, which may cause a nuisance, a fire hazard or a dangerous condition or an obstruction to combating fires or an obstruction to men and equipment for combating fires, which may affect public safety, is hereby expressly prohibited. Further, no fence shall be erected in a front yard in a residential district or along a public right-of-way unless the fence is uniformly less than 50% solid.*

The petitioner is seeking relief from the Village Code to install a solid, six-foot (6') fence in a side yard along a public right-of-way. Two feet (2') of relief in height and an additional 50% solid relief is requested.

The hearing has been scheduled for **THURSDAY, June 6, 2024, at 7:25P.M.** in Council Chambers at 5423 Broadway.

Enc. Petition, public notice, survey

Cc: Arthur A. Herdzik, Village Attorney  
Matt Fischione, Town Building Department  
Christopher Durkin, Petitioner and Property Owner

**PLEASE NOTE:** It is recommended that the petitioner/property owner be present at the hearing to answer any questions or concerns of the Zoning Board.

**Village of Lancaster  
Zoning Board of Appeals  
2 Sherwood Rd. Lancaster, NY**

Please take notice that the Zoning Board of Appeals of the Village of Lancaster, New York will hold a public hearing in the Council Chambers of the Municipal Building at 5423 Broadway, Lancaster, New York, on Thursday, June 6, 2024, at 7:25 p.m.

The purpose of this hearing is to consider the request from petitioner, Christopher Durkin, of 2 Sherwood Rd. in the Village of Lancaster, NY. The petitioner is seeking relief from the following Village Codes with respect to a solid fence in a side yard along a public right-of-way:

**Section 148-4 Fences – Height limitations**

*No fence shall be more than six feet in height at the rear of homes or buildings situated in a residentially zoned district, which fence shall not extend forward of the rear building line of any existing or proposed building. No other fence or portions of a fence shall be higher than 36 inches (3 feet) in any front yard or 48 inches (4 feet) in any side yard.*

**Section 148-6 Obstructions Affecting Public Safety**

*Any fence, wall, or similar structure, as well as shrubbery, which unduly cuts off light or air, which may cause a nuisance, a fire hazard or a dangerous condition or an obstruction to combating fires or an obstruction to men and equipment for combating fires, which may affect public safety, is hereby expressly prohibited. Further, no fence shall be erected in a front yard in a residential district or along a public right-of-way unless the fence is uniformly less than 50% solid.*

The petitioner is seeking relief from the Village Code to install a solid, six-foot (6') fence in a side yard along a public right-of-way. Two feet (2') of relief in height and an additional 50% solid relief is requested.

At said hearing, all persons so desiring shall have the opportunity to be heard.

Michael E. Stegmeier  
Village Clerk

7:25pm

VILLAGE OF LANCASTER

PETITION FOR VARIANCE

Property Location:	2 Sherwood Rd.	SBL#:	115.11-7-35
--------------------	----------------	-------	-------------

Owner's Name:	Christopher Durkin	Telephone #:	
Address:	2 Sherwood Rd.		
City/State:	Lancaster, NY	Zip:	14086

Petitioner's Name:	Same	Telephone #:	
Address:			
City/State:		Zip:	

**Survey:** Attach a copy of the most current property survey, showing complete property as it presently exists. On this copy, draw to scale the proposed work to be done. Indicate dimensions of work and dimensions of property lines.

Lot Description:	On Lot	38.08	Feet wide and	133.00	Feet deep, area	5,064.64	Square feet
Lot is on N E S W	North		side of street and is	0	Feet N E S W of	Eats of 4th Ave.	Street


Present Property Zoning:	R-1	Present Use of Premises:	Single Family Residence
Proposed Property Zoning:	R-1	Proposed Use of Premises:	Single Family Residence

Pursuant to Article VIII of Chapter 350 "Zoning", of the Code of the Village of Lancaster, the undersigned petitioner hereby makes application variance from:

Section(s)	Entitled
§ 148-4	Height limitations
§ 148-6	Obstructions affecting public safety.Any

Petitioner is requesting relief from above mention section(s) to allow:

- 1.) A 6' Tall Fence in a exterior side yard. 2'-0" relief is requested.
  - 2.) A Solid Fence along a public right-of-way. An additional 50% relief is requested.
- Lancaster Bldg. Dept.  
Authorization MA

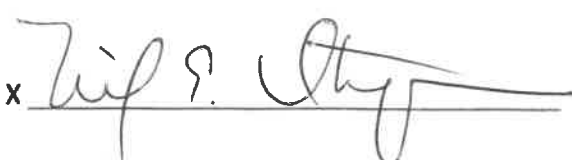
Petitioner's Signature: X  Date: 5/9/25

STATE OF NEW YORK:

COUNTY OF ERIE:

On this 9th day of May, 2024, (name) Rebecca Durkin  
 Who resides at 2 Sherwood Rd., Lancaster NY 14086

Personally appeared before me as the petitioner, to me well known to be the same person described in and who signed and executed the foregoing petition and who duly acknowledged to me the execution of the same for the purpose therein mentioned.

Notary Public X 

\$175.00 filing fee due at the Village Clerk's Office

MICHAEL E. STEGMEIER  
 NOTARY PUBLIC, STATE OF NEW YORK  
 REGISTRATION No. 01ST6155616  
 QUALIFIED IN ERIE COUNTY  
 My Commission Expires November 13, 2026

No 2 Sherwood Rd.

Sub Lot 22: Block F: Cover Map 1021 Sec. 1. in Lot 1, Sec. 10, Twp. 11, Rge. 6: Vill of Lancaster, N.Y.

Survey Apr. 6, 1981: Job L-6939  
Survey Nov. 19, 1976: Job L-5413 R.S.

KIND: SURVEY HOUSE 1 GARAGE 1  
JOB NO: L-5394 L-5413  
DATE: 1-22-64 C-25-64  
SCALE: 1 IN. = 20 FT.  
HARVEY ROESSLER  
LANSASTER NEW YORK  
73 COMD PARK BLVD

JOE. BISCARO, JR.  
Survey for

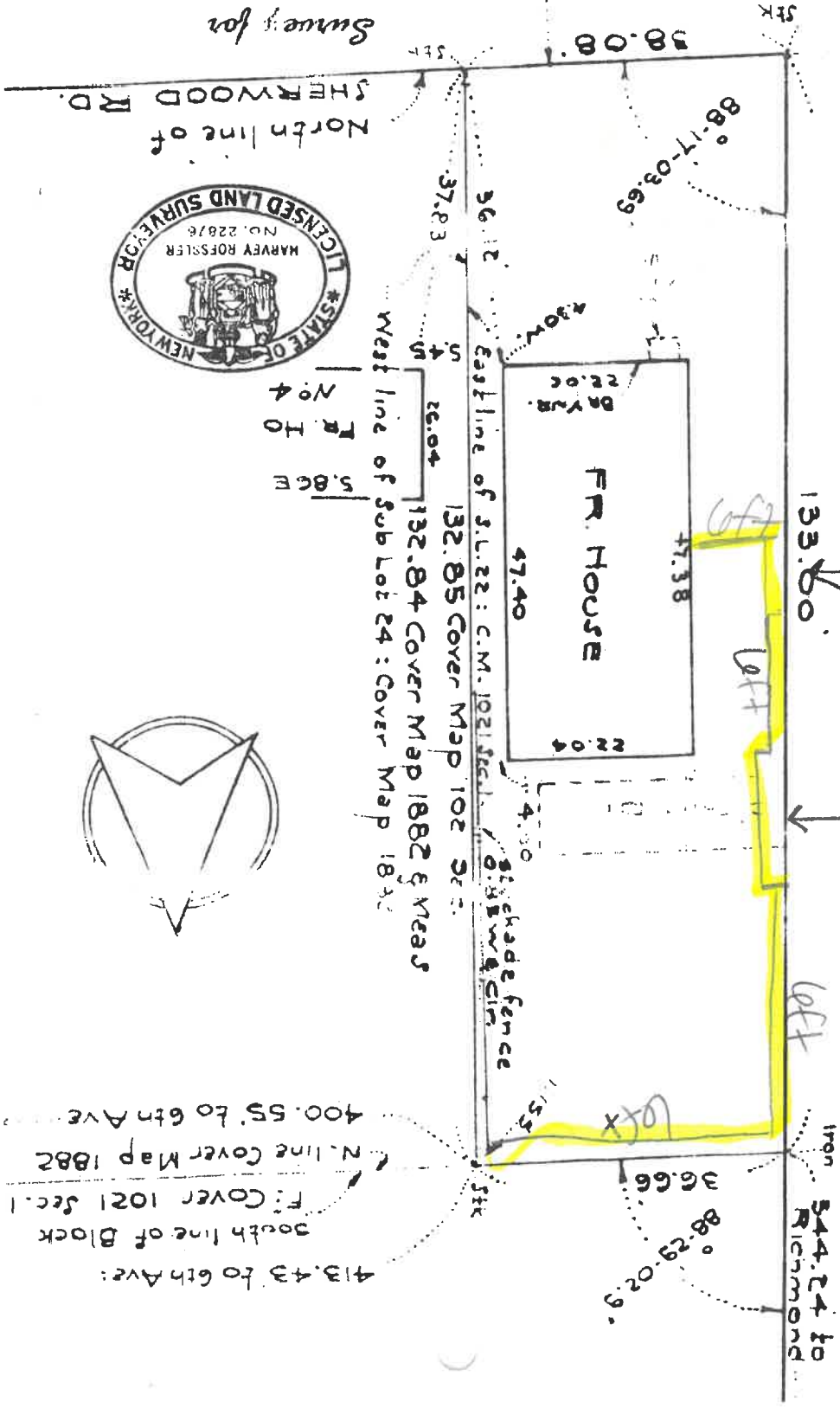
Line of

Cover Map 1021 Sec. 1

FOURTH

(50 WIDE)

AVE



413.43 to 6th Ave  
South line of Block F: Cover Map 1021 Sec. 1  
N. line Cover Map 1882  
400.55 to 6th Ave

6939