

REQUEST FOR ACTION BY:
TOWN OF CLARENCE, N.Y.

- Appeal Board
- Planning Board
- Town Board

- Appeal
- Rezone
- Revise Ordinance
- Subdivision
- Limited Use Permit
- Other

Rec'd. by: Michael Hutchinson
Date February 27, 2013

Action Desired Applicant requests 2 variances to allow for the construction of an accessory structure (parking field) in association with a customary agricultural use at 8441 County Road in the agricultural Rural Residential Zoning District:

Variance #1: Applicant is requesting a variance to allow for an accessory structure in the front yard space of a primary structure.

Variance #2: Applicant is requesting a 25' variance to allow for a 20'

Reason setback to an accessory structure in the front yard space of a primary structure.

PLEASE PRINT

Town Code Reference:	Name Don Lavocat
Variance #1: Section 229-44 (E)	Address 9855 Heroy Road
Variance #2: Section 229-41 (A)	Clarence Center, NY 14032
	Town/City State Zip
	Phone 866-1396
	Signed SIGNATURE ON FILE

Requests for action on zoning should be filled out completely in above spaces if practicable, otherwise give brief description and refer to attached papers. The complete request with all necessary plans, maps, signatures, should be filed with the Secretary of the Planning Board. Requests (except appeals) may be filed with the Town Clerk or Town Board, but will generally be referred to Planning Board with subsequent loss of time.

Initial Action

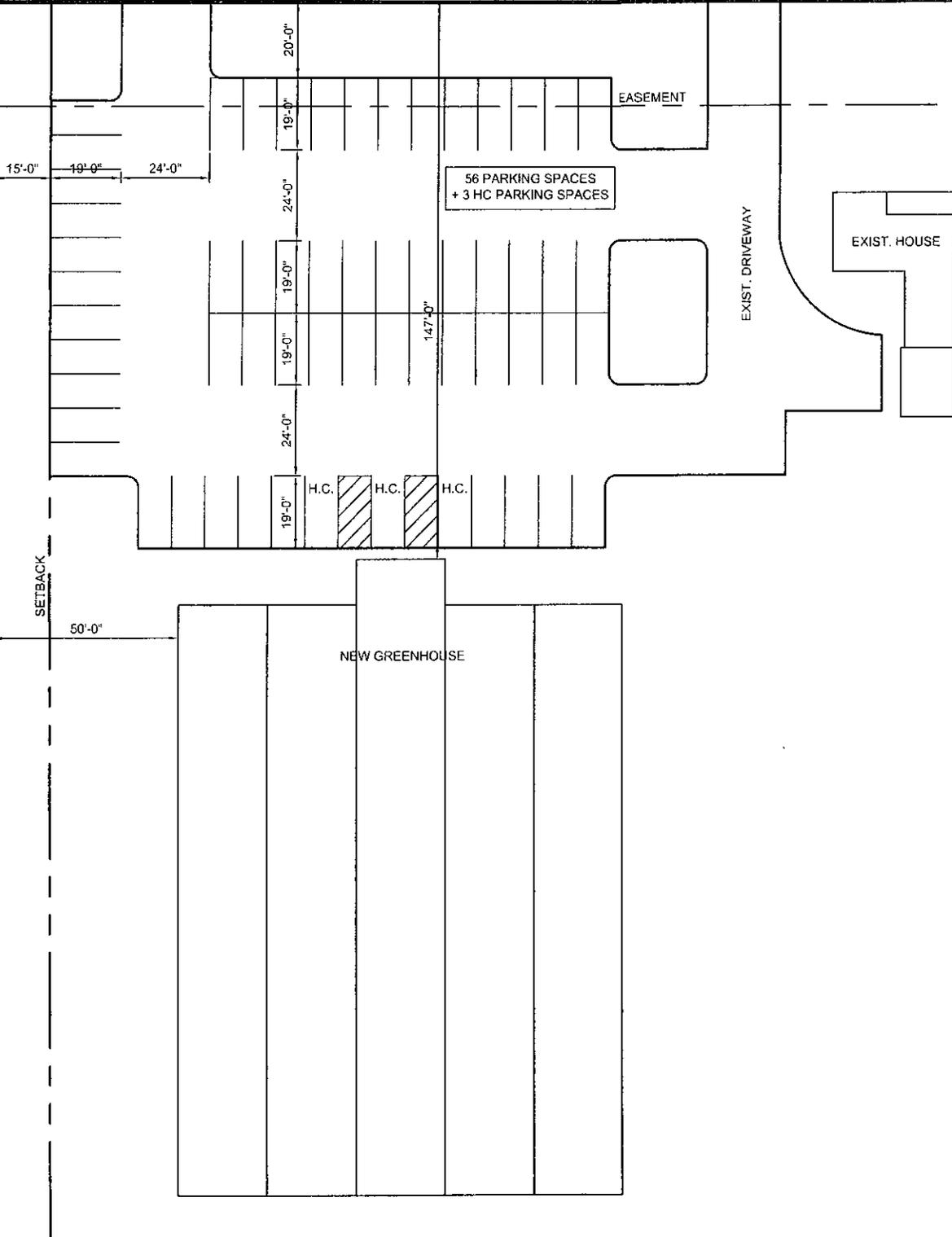
- Approved
- Rejected by on 19
- Approved
- Rejected by on 19
- Published (Attach Clipping) on 19
- Hearing Held by on 19

Final Action Taken

- Approved
- Rejected by on 19
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- Filed with Town Clerk on 19
- Filed with County Clerk on 19

COUNTY RD CENTERLINE

PROPERTY LINE



Lavocat's Family Greenhouse

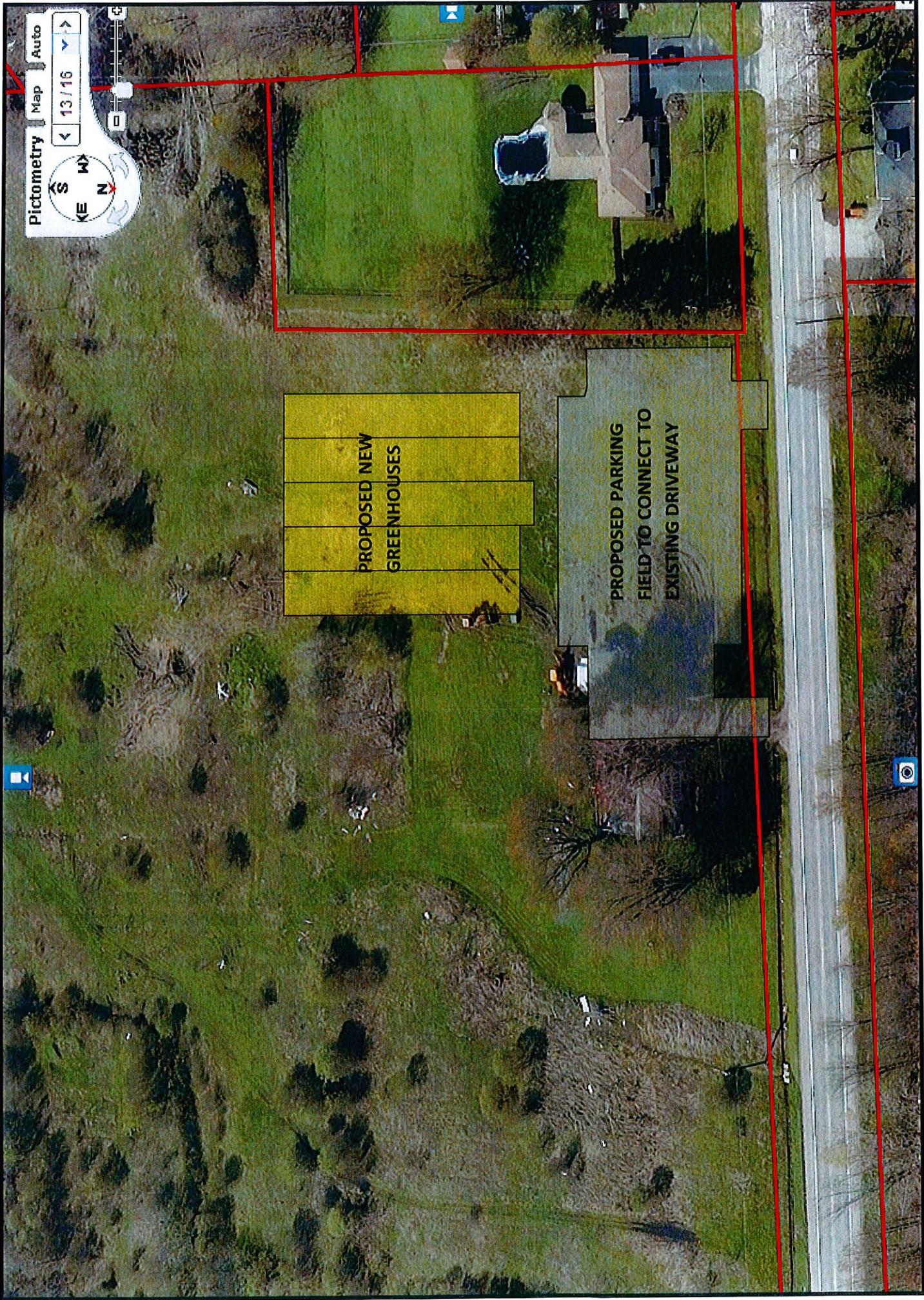
8441 County Rd.
Clarence, New York 14051

**Arete
WNY**

Site Layout Plan

Project number:	100.03
Date:	2013-02-28
Drawn By:	JM
Scale:	1"=40'

S-001



Pictometry Map Auto

< 13/16 >

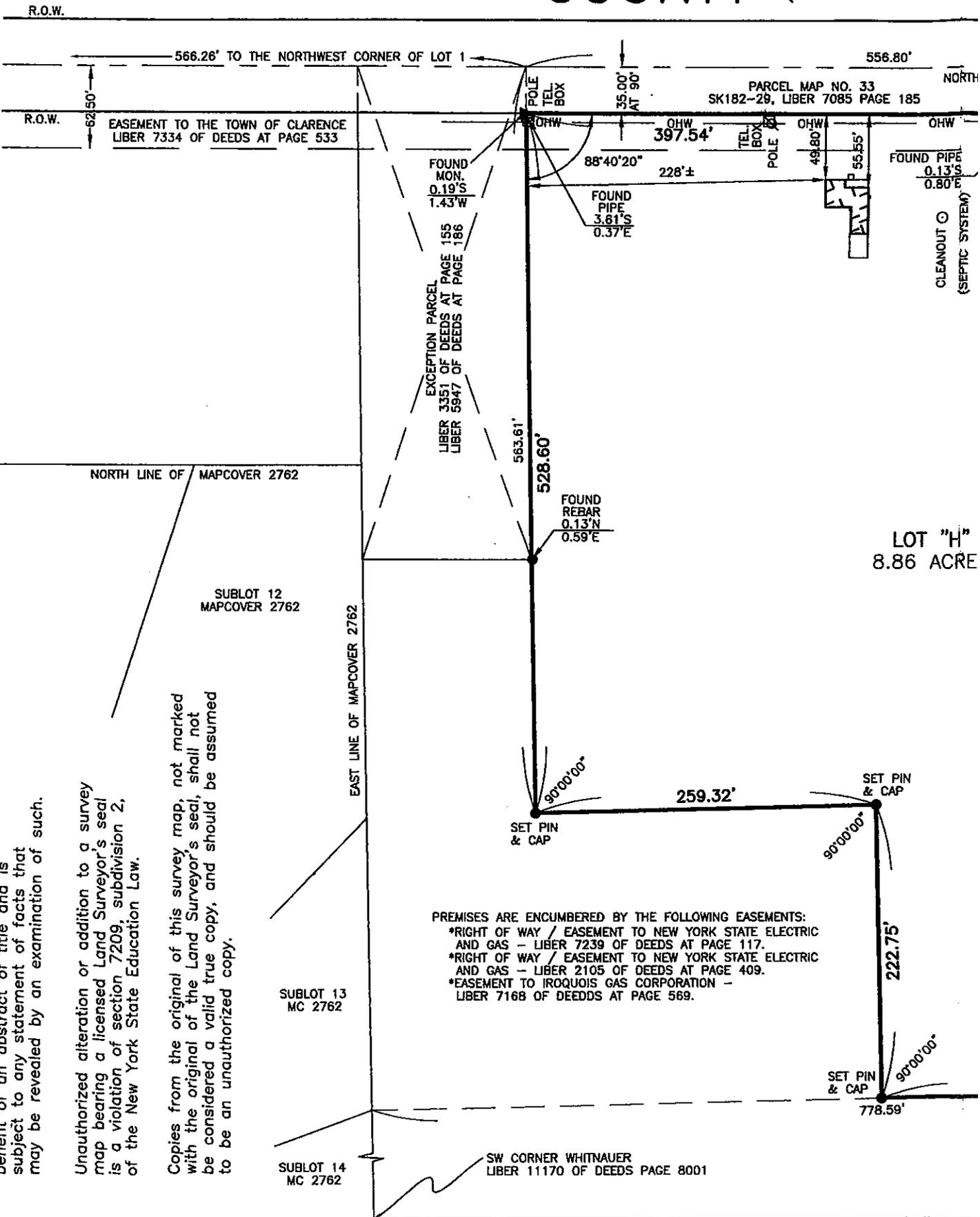
Compass: N, S, E, W

Scale bar

PROPOSED NEW GREENHOUSES

PROPOSED PARKING FIELD TO CONNECT TO EXISTING DRIVEWAY

COUNTY (WIDTH VARIES)



LOT "H"
8.86 ACRE

This survey was prepared without the benefit of an abstract of title and is subject to any statement of facts that may be revealed by an examination of such.

Unauthorized alteration or addition to a survey map bearing a licensed Land Surveyor's seal is a violation of section 7209, subdivision 2, of the New York State Education Law.

Copies from the original of this survey map, not marked with the original of the Land Surveyor's seal, shall not be considered a valid true copy, and should be assumed to be an unauthorized copy.

- PREMISES ARE ENCUMBERED BY THE FOLLOWING EASEMENTS:
- *RIGHT OF WAY / EASEMENT TO NEW YORK STATE ELECTRIC AND GAS - LIBER 7239 OF DEEDS AT PAGE 117.
 - *RIGHT OF WAY / EASEMENT TO NEW YORK STATE ELECTRIC AND GAS - LIBER 2105 OF DEEDS AT PAGE 409.
 - *EASEMENT TO IROQUOIS GAS CORPORATION - LIBER 7168 OF DEEDS AT PAGE 569.

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Rec'd. by: Michael Hutchinson
 Date February 19, 2013

Action Desired Applicant is requesting a variance to allow a proposed sign that totals 32 square feet. The proposed sign will be located in a Traditional Neighborhood Zoning District on the southwest corner of Main Street and Ransom Road. The applicant is requesting a 12' variance to allow for the sign that exceeds the 20' square footage.

Reason _____

Town Code Reference:

Section 181-3(D)

PLEASE PRINT

Name	Jean O'Connell		
Address	10646 Main Street		
	Clarence	NY	14031
Town/City		State	Zip
Phone			
Signed	SIGNATURE ON FILE		

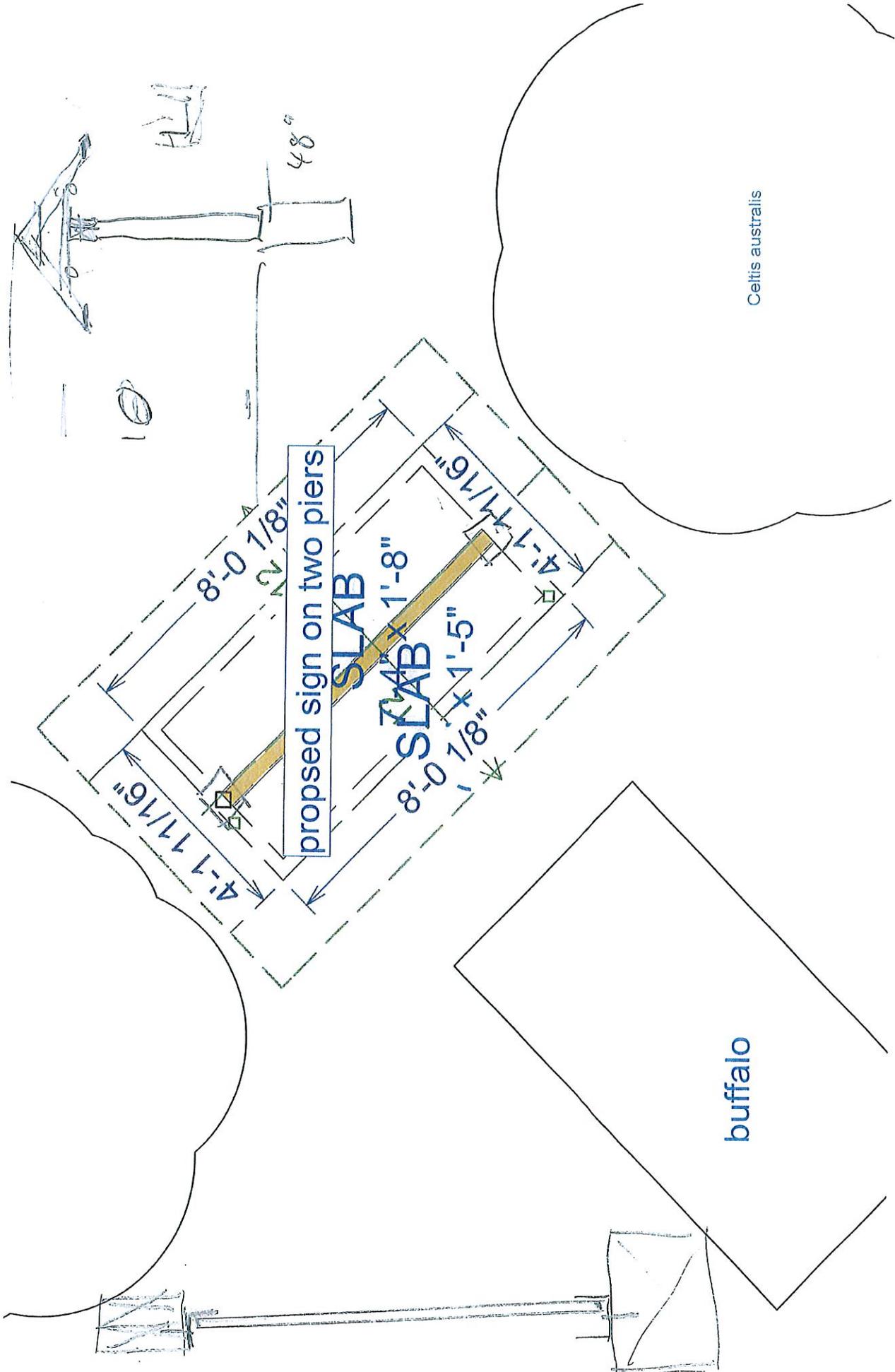
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proposed sign on two piers

SLAB

8'-0" x 1'-8"

SLAB

8'-0" x 1'-5"

Celtis australis

buffalo

48"

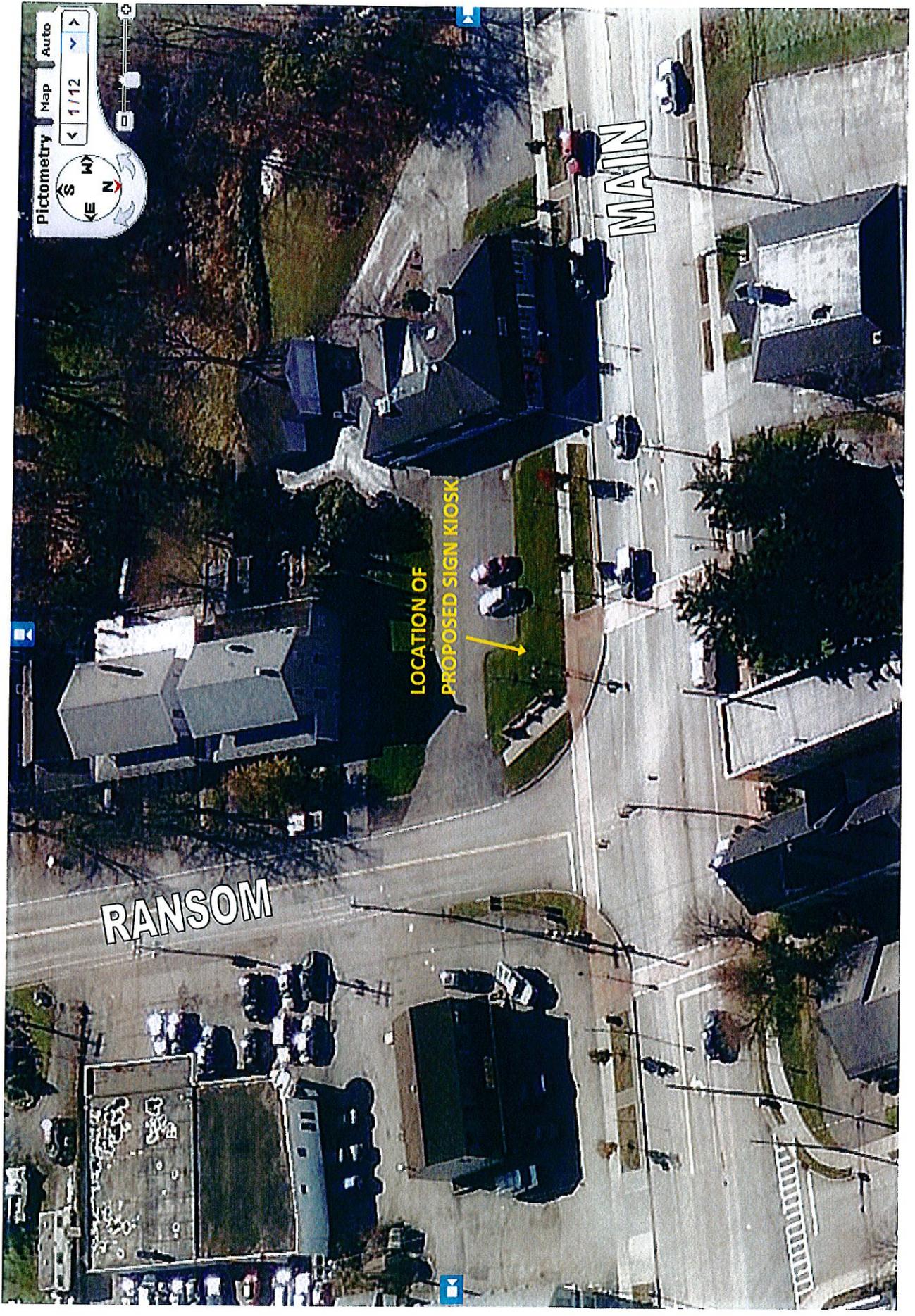
8'-0" 1/8"

4'-1 1/16"

4'-1 1/8"

4'-1 1/8"





Pictometry Map Auto
1/12
S W
E N

LOCATION OF PROPOSED SIGN KIOSK

RANSOM

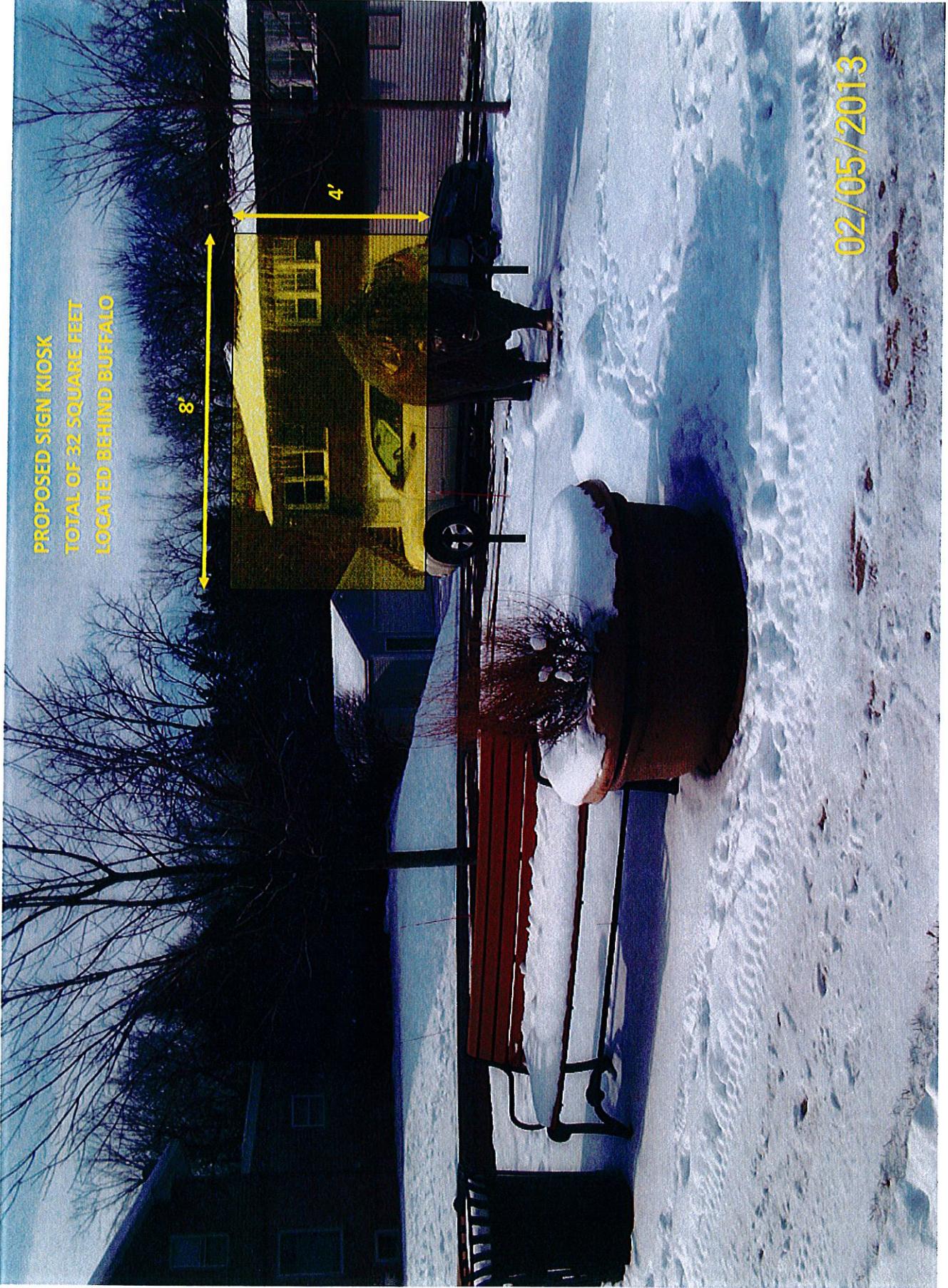
MAIN

PROPOSED SIGN KIOSK
TOTAL OF 32 SQUARE FEET
LOCATED BEHIND BUFFALO

8'

4'

02/05/2013



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Rec'd. by: Michael Hutchinson

Date February 27, 2013

Action Desired Applicant requests a 228' variance to allow for approximately a 310' Front Yard Setback for the construction of a single family home at 8187 Tonawanda Creek Road. The primary property is located in a Agricultural Floodzone.

Reason _____

PLEASE PRINT

Town Code Reference:

Section 229-31(A)

Name Brandon Houck

Address 8189 Tonawanda Creek Road
East Amherst, NY 14051

Town/City **State** **Zip**
Phone 639-5905

Signed SIGNATURE ON FILE

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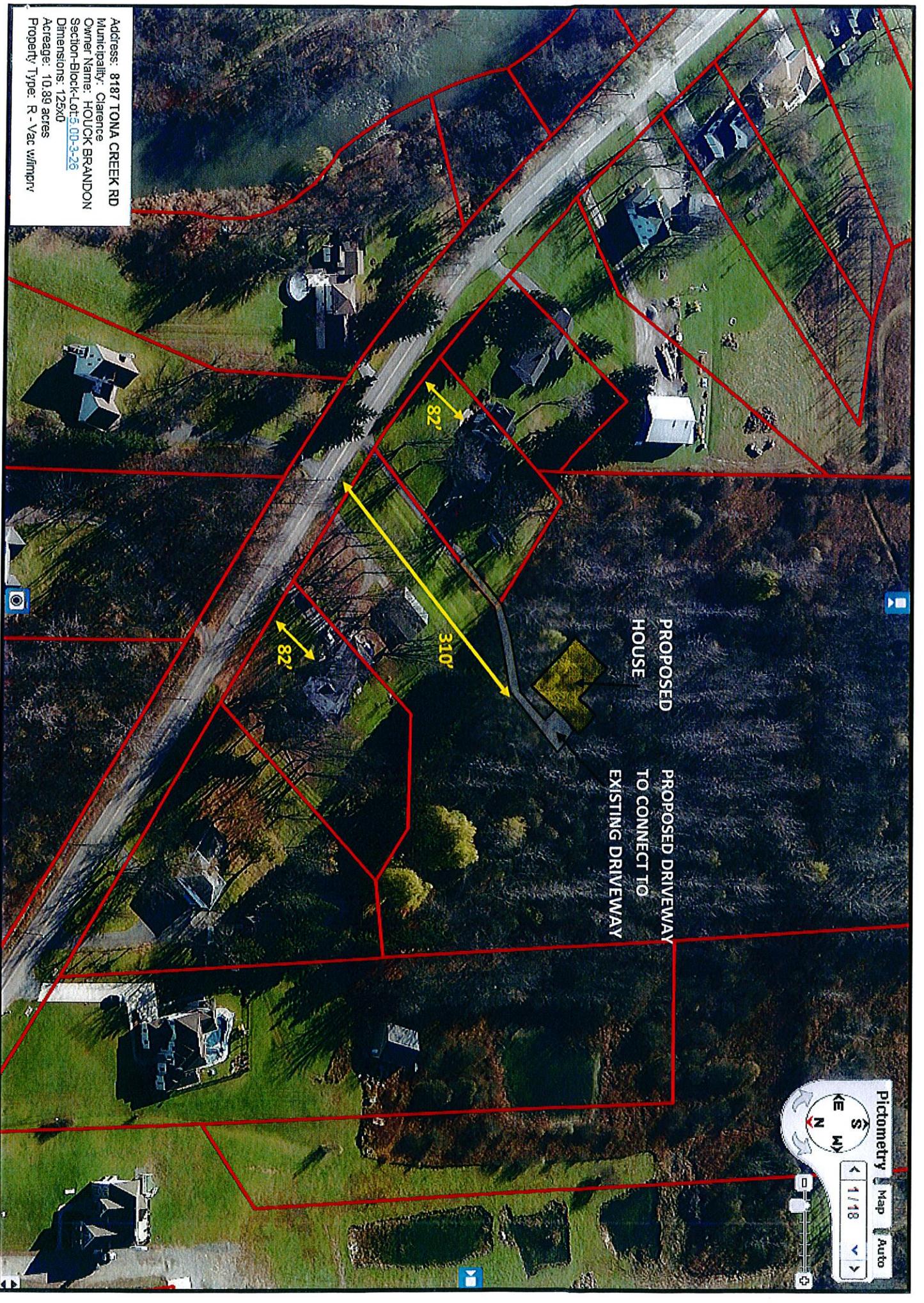
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Pictometry Map Auto
1/18
N S E W



PROPOSED DRIVEWAY
TO CONNECT TO
EXISTING DRIVEWAY

PROPOSED
HOUSE

82'

310'

82'

Address: 8187 TONA CREEK RD
Municipality: Clarence
Owner Name: HOLLOK BRANDON
Section-Block-Lot: 3 00-3-28
Dimensions: 125x0
Acreage: 10.88 acres
Property Type: R - Vac w/imprv

Action Desired

We request to vary the established front yard setback of approximately 82' by 228' to 310' for the construction of a single family home and landscaping berm on a 10.664± acre parcel located at 8187 Tonawanda Creek Road, Town of Clarence.

Reason

There are several reasons for this request that we feel justify the action. The subject parcel which was purchased by the owner in its present configuration, and not altered in dimension in any way, is odd in shape in that it has a relatively narrow frontage on Tonawanda Creek Road at 125' and opens up in the back to a consistent width of 421'. Within the frontage portion of the parcel there exists a driveway for the home at 8189 Tonawanda Creek Road which has a side-load garage and was on the property when purchased. This driveway is contained within a 60' wide easement. This portion of the parcel also contains an 1100 square foot garage and driveway which were on the property when purchased.

The parcel owners also desire to construct a house which is 85' in width, also containing a side-load garage. As such, there is insufficient width at the established setback to place the house. Even without the existing driveway and its 60' easement, 1100 square foot garage and its driveway on the property, there would not be adequate width for the 85' wide house and 30' driveway pad supporting the side-load garage without violating side yard setbacks.

The property owners also desire to place their new home within the natural wooded setting which is consistent with the rural character of the neighborhood.

The owners propose to construct over 500' of 4' high landscaped berms on the property to buffer views for the neighboring property owners, offering privacy to all those involved. Please refer to the attached site plan for the proposed orientation of the house, berm and driveway. The added front setback is also necessary to allow for the construction of the berms and reasonable setback for their ongoing maintenance.

Action Consistency with Area Variance Considerations

The following is a point-by-point summary of how the proposed area variance is consistent with the area variance considerations listed in Town Law Section 267-b, to be assessed by the Zoning Board of Appeals in this action:

(1) "whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;" – The rural character of the neighborhood will not only be preserved by the requested variance, it will actually be enhanced in that the home's placement will present a more rural and open feel than would be created by stacking the neighborhood houses one after the other. The back-set house with landscaped berms and natural vegetation setting will maintain the neighborhood rural character. Several other homes in the immediate area have extended front yard setbacks including the third and fourth houses to the west on the same side of the road as the subject parcel (No. 8131 and No. 8161), as well as the two properties immediately across the street at No. 8172 and No. 8178. The enhanced rural character will clearly not create a detriment to nearby properties further protected through the use of the landscaped berms.

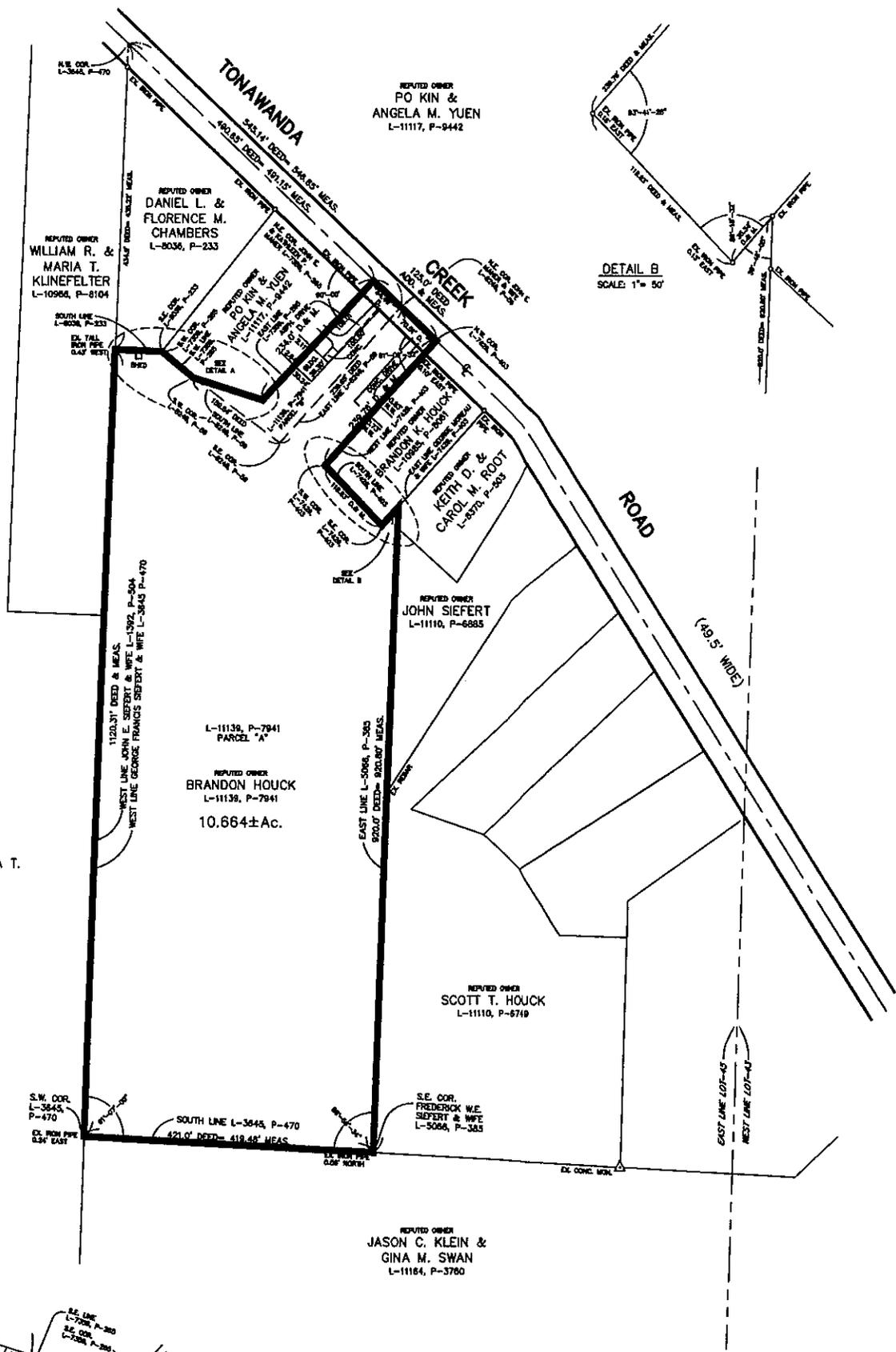
(2) "whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;" – There are no other reasonable methods to achieve the desired goal in that removal of the neighboring property's driveway located in a 60' wide ingress and egress easement would be costly and undesirable as that home is served by a side-load garage. Demolition of the perfectly sound and currently used existing 1100 square foot garage on site with its attendant driveway is also not a reasonable option. Lastly, providing reasonable setbacks to neighboring homes and the desire to provide a natural setting for the proposed home cannot be accomplished through other means.

(3) "whether the requested area variance is substantial;" – The requested area variance is not substantial in that it is not a wide ranging change that would affect many people or the entire community. It has a limited impact and, as shown here, a positive impact at that. As generally described, the measure of substantial as it relates to an area variance is not related to the magnitude of the number. It is a measure of the related impacts.

(4) "whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;" – Physical or environmental impacts are not any more severe under the proposed plan with the granting of the subject area variance than if the home was to be placed in line with other homes in the neighborhood. In fact, physical impacts will be less adverse when driveway access and house to house setbacks are considered.

(5) "whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance." - This situation was clearly not self created in that the subject parcel's configuration, lot dimensions, location of neighboring property's driveway and easement, and existing garage placement all existed prior to the current owner's taking possession of the parcel.

It is clear that a review of the subject application and supporting materials will lead to the conclusion that granting of this requested area variance is warranted with the benefit of the property owner outweighing any detriment to the health, safety and welfare of the neighborhood or community as a whole.



DETAIL B
SCALE: 1" = 50'

DETAIL A
SCALE: 1" = 50'

NOTES:
1) TONAWANDA CREEK ROAD APPEARS TO MONUMENTED AS A 49.5' WIDE RIGHT OF WAY, THE RECORD RIGHT OF WAY WIDTH FOR THE ERIE COUNTY HIGHWAY DEPARTMENT IS 60.0' WIDE. BUILDING OFFSETS ARE SHOWN TO THE EDGE OF THE 49.5' WIDE RIGHT OF WAY.

McINTOSH & McINTOSH, P.C.
CONSULTING ENGINEERS, LAND SURVEYORS, PLANNERS
429 PINE STREET, LOOKPORT, NEW YORK 14094
PHONE 433-2335 PHONE 825-8360

RESURVEY	REVISION

SURVEY OF PART OF LOT-45, TWP.-13, R.-6, HOLLAND PURCHASE
LOCATION TOWN OF CLARENCE, ERIE COUNTY, NEW YORK

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.	NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7306, PROVISION 1 OF THE NEW YORK STATE EDUCATION LAW.	JOB No. 20797-L	SCALE: 1" = 100'	DATE: NOVEMBER 18, 2011	DRAWN: MAS CHECKED: GNC DATE: 11/18/11 CHECKED: 3078/PLR
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ALL RIGHTS RESERVED

REPUTED OWNER
WILLIAM R. & MARIA T. KUNEFELTER
 L-10970, P-4372

1120.31' DEED & MEAS.

PROPOSED 25'
 BERM, WITH 3:
 TOP WIDTH, 2'

REPUTED OWNER
BRANDON HOUCK
 L-11139, P-7941
 10.664±AC.

PROPOSED 260' LONG
 BERM, WITH 3:1 SIDES
 TOP WIDTH, 26' BOT

EX. IRON PIPE
 0.24' EAST
 91°-07'-00"

421.0' DEED = 419.46' MEAS.

EX. IRON PIPE
 0.58' NORTH
 88°-58'-34"

REPUTED OWNER
**JASON C. KLEIN &
 GINA M. SWAN**
 L-11164, P-3760

920.0' DEED = 920.80' MEAS.

EX. REBAR

REPUTED OWNER
SCOTT T. HOUCK
 L-11110, P-6749

REPUTED OWNER
JOHN SIEFERT
 L-11110, P-6885

EX. CONC. MON.

EAST LINE LOT-45

WEST LINE LOT-43

(49.5' WIDE)

NOTES

- 1) SURVEY INFORMATION PROVIDED BY McINTOSH & McINTOSH, P.C., JOB NO. 20797-L, DATED 11-18-2011.
- 2) THIS IS NOT A PROPERTY SURVEY.

DESIGNED BY:	PCC
DRAWN BY:	PCC
CHECKED BY:	MJM
CAD FILE:	SITEA.DWG
NOTE:	UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW

ROLL

150'

PROPOSED
STRUCTURE

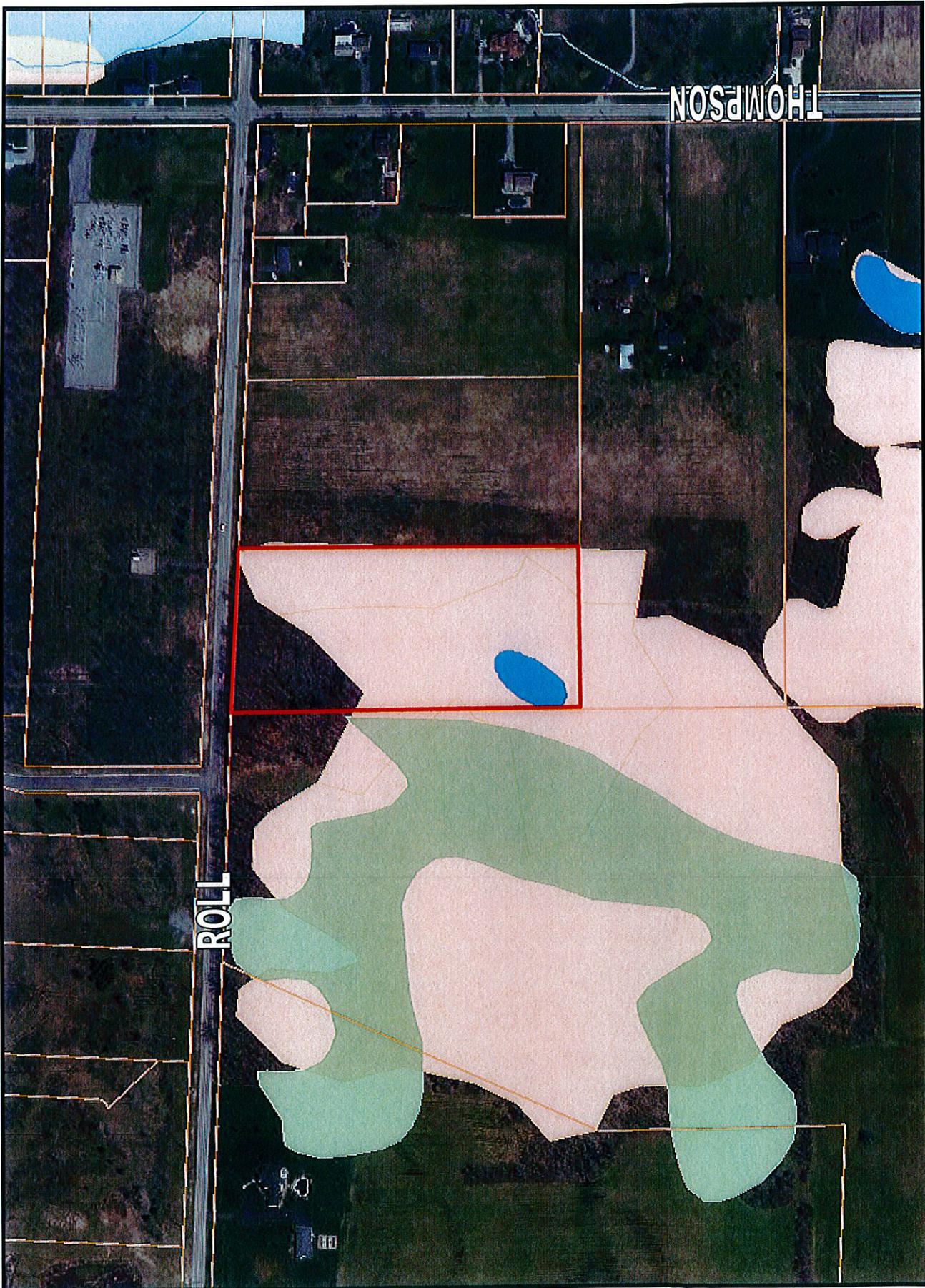
9121 Roll Road

Section-Block-Lot: [58.09-1-4.11](#)

Dimensions: DX0

Acreage: 6.55 acres

Property Type: -



National Wetlands Inventory



DEC Wetlands

