



Request for Action

Town of Clarence | Office of Planning & Zoning
(716)741-8933 | 1 Town Place, Clarence, NY 14031

Town Use Only

Date: November 17, 2023

Received By: Planning & Zoning Office

APPLICANT REQUEST:

Project Address: 5884 Bent Brook Court

SBL #: 57.05-6-6

Action Desired:

Applicant requests variances:

- 1) to allow a secondary detached garage; and
 - 2) to allow the detached accessory structure (garage) to be located within the front yard setback; and
 - 3) of 280 sq.ft. to allow a 480 sq.ft. detached accessory structure (garage);
- located at 5884 Bent Brook Court in the Residential Single-Family zone.

Reason:

Town Code Reference:

- 1) §229-55(H)
- 2) §229-55(D)
- 3) §229-55(H)

CONTACT INFO:

APPLICANT INFO

Name / Business: Ashvani Gulati

E-Mail: _____

Phone #: _____

Address: _____

Town: _____ State: _____ Zip: _____

ON FILE

CORRESPONDENCE

Please indicate the preferred entity that shall receive the appropriate correspondence and billing associated with this Request for Action. Please select only one.

<input checked="" type="checkbox"/>	Applicant
<input type="checkbox"/>	Project Sponsor

PROJECT SPONSOR INFO (If Different Than Applicant)

Name / Business: KCM Custom Build Garages

E-Mail: _____

Phone #: _____

Address: _____

Town: _____ State: _____ Zip: _____

ON FILE

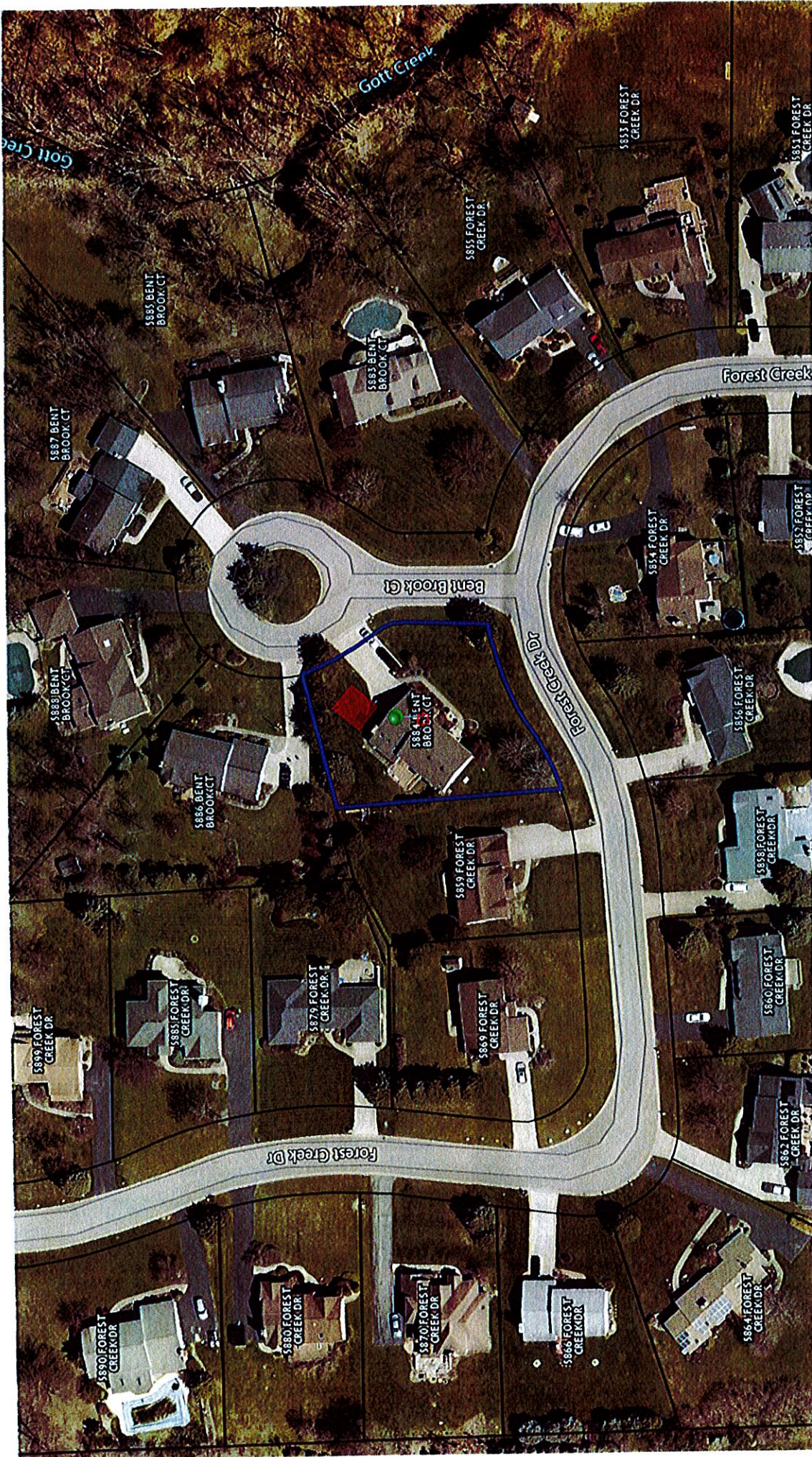
SIGNATURE

Request for Action shall be filled out completely in the spaces provided. The complete Request for Action shall be submitted to the Office of Planning and Zoning along with all necessary plans, maps, and supporting documentation. By signing below I certify that I have the authority to submit this Request for Action, and further certify its contents to be true and correct.

Signed: Signature On File

Town Use Only:

Action:	By:	On:	Fee:	Paid:
_____	_____	_____	_____	_____
Action:	By:	On:	Fee:	Paid:
_____	_____	_____	_____	_____
Action:	By:	On:	Fee:	Paid:
_____	_____	_____	_____	_____
Action:	By:	On:	Fee:	Paid:
_____	_____	_____	_____	_____
Action:	By:	On:	Fee:	Paid:
_____	_____	_____	_____	_____



note the parcel lines displayed are approximate

Proposed 480 sq.ft. (24' x 20') detached accessory structure (garage) located within the front yard setback. Detached accessory structures are only permitted in the side and rear yard setbacks.

The maximum allowable square footage for a detached accessory structure when an attached garage exists is 200 sq.ft. A 280 sq.ft. variance is requested.



5884 Bent Brook Court

Appeal No. 3 – From December 2023 Meeting

Ashvani Gulati
Residential Single-Family

Town Code Reference:

1. §229-55(H)
2. §229-55(D)
3. §229-55(H)

Applicant requests variances:

1. to allow a secondary detached garage; and
2. to allow the detached accessory structure to be located within the front yard setback; and
3. of 280 sq. ft. to allow a 480 sq. ft. detached accessory structure (garage);
located at 5884 Bent Brook Court.

DISCUSSION:

Kanika Gulati was present and stated that they are requesting a detached garage to accommodate extra vehicles and storage.

Mr. Drinkard asked Mrs. Gulati if they are the original owners of the home.

Mrs. Gulati responded no; they are the second owners.

Mr. Drinkard asked how long they have lived there.

Mrs. Gulati responded almost 30 years.

Mr. Drinkard explained that with the lot being on two corners, it is compromising in terms of the space and what is allowed.

Mr. Drinkard asked Mrs. Gulati if they have considered alternatives to the proposed structure.

Mrs. Gulati responded no; they felt that this proposed placement would be the least obtrusive.

Mr. Drinkard stated that in the current proposed location, it appears that the proposed garage will block the neighbor's home and view extensively.

Mrs. Gulati stated that they have consulted with their neighbor, and the trees that are currently there will remain. The proposed garage would be placed in front of the trees; therefore, their view would not be impeded.

Mrs. Gulati noted that the neighbors voiced no objection to the proposed garage when they informed them of their request.

Mr. Skaine asked what the setback is for an attached garage in the area in question.

Mr. Bleuer responded that it is as established, at 45 ft.

Mr. Skaine stated that he didn't see any stakes, and asked how far towards the street they plan to build the proposed structure.

Mrs. Gulati stated that she is unsure; the builder placed the stakes as needed.

Mr. Krey asked why the garage needs to be detached.

Mrs. Gulati stated that she thinks it is because of the way their current garage is situated on the lot. They could possibly have it attached to the house, but they are choosing to have it slightly detached.

ZBA 1-9-2024

ZBA 1-9-2024

Mr. Krey asked if a breezeway has been considered, to attach the two garages.

Mrs. Gulati said that they have thought about it but have kept with the detached garage.

Mr. Krey asked Mr. Bleuer if the proposed garage was attached to the existing garage with a breezeway, would it change any of the zoning variances.

Mr. Bleuer responded that it would depend on the design, but would mostly likely still require a frontage variance because it would extend out to the front yard. There would also need a new size calculation.

Mr. Krey noted that his initial reaction to the plans is that the proposed garage would look out of place and awkward.

Mrs. Gulati asked if a separate variance would be needed if they were to include a breezeway.

Mr. Bleuer explained that a breezeway would be considered part of the principal structure. It is very likely a variance would still be required, but would perhaps be a lesser variance.

Mr. McNamara asked what the side yard setback is.

Mr. Bleuer responded that it is 12.5 ft.

Mr. McNamara stated that if the applicant could move the garage closer to the house and further away from the street, then push it further away from the driveway it would be less visual from the street.

Mrs. Gulati stated that one of the reasons they did not want to attach it to the house is they would need to walk all the way around and not have access to the existing pathway to access the backyard.

Mr. McNamara asked what size the space is between the house and the garage,

Mrs. Gulati responded that she doesn't have that information.

Mrs. Burkard agreed that it would be better if it was attached.

Mrs. Burkard asked if there are any rooms of the house located behind the garage, and if there is a fireplace.

Mrs. Gulati stated yes, there is a fireplace and the proposed garage would be adjacent to the family room.

Mrs. Burkard asked if having the fireplace would be an issue if the proposed garage was attached.

Mrs. Gulati responded yes; though she does not know the exact details.

Mrs. Burkard asked if the existing trees will camouflage the entire side of the proposed garage.

Mrs. Gulati stated that they will cover the rear of the proposed garage. The side that faces the yard would not have any trees there as that would be the middle of their yard, but once the structure is built, she would be in agreement to plant foliage to help make it cosmetically pleasing.

Chairman Mills stated that he has concerns with how the proposed structure would fit in with the criteria of the neighborhood. As a Zoning Board, one of the criteria that they are to consider is how something will fit and integrate with the character of the neighborhood. A free-standing larger structure such as what is being proposed may not be perceived as integrated if not attached.

ZBA 1-9-2024

Chairman Mills explained that a breezeway serves as an appealing architecturally aesthetic connection to the principal residence and the accessory structure. Chairman Mills noted that in the subdivision nearby, several detached accessory structures have been attached via a breezeway.

Chairman Mills explained that from an architectural design standpoint, there is a preference to the breezeways, and that would take out at least one of the components of the variance requests.

Chairman Mills stated that based on comments from the Board members, there appears to be a preference for a breezeway.

Chairman Mills explained this is the applicant's option as to whether the Board acts on the variance request tonight with an approval or denial, or the applicant can request to have the variance tabled so that they can consult with their architect and re-submit with amended plans.

Mrs. Gulati asked if having the proposed structure attached would affect the tax structure differently than having a detached structure.

Mr. Bengart stated that there is no good answer. He can say that generally when adding a structure on to a building, you improve the property and he would say likely there would be some effect on the property taxes.

Discussion continued regarding whether having a breezeway would affect property taxes.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

Mrs. Gulati requested the Board **table** Appeal No. 3 under Old Business.

ACTION:

Motion by Ryan Mills, seconded by Raymond Skaine to table Appeal No. 3 under Old Business at the request of Mrs. Gulati.

ON THE QUESTION:

Chairman Mills noted that the applicant has heard from the Board members as to what they would like to see, commonly related to the addition of a breezeway.

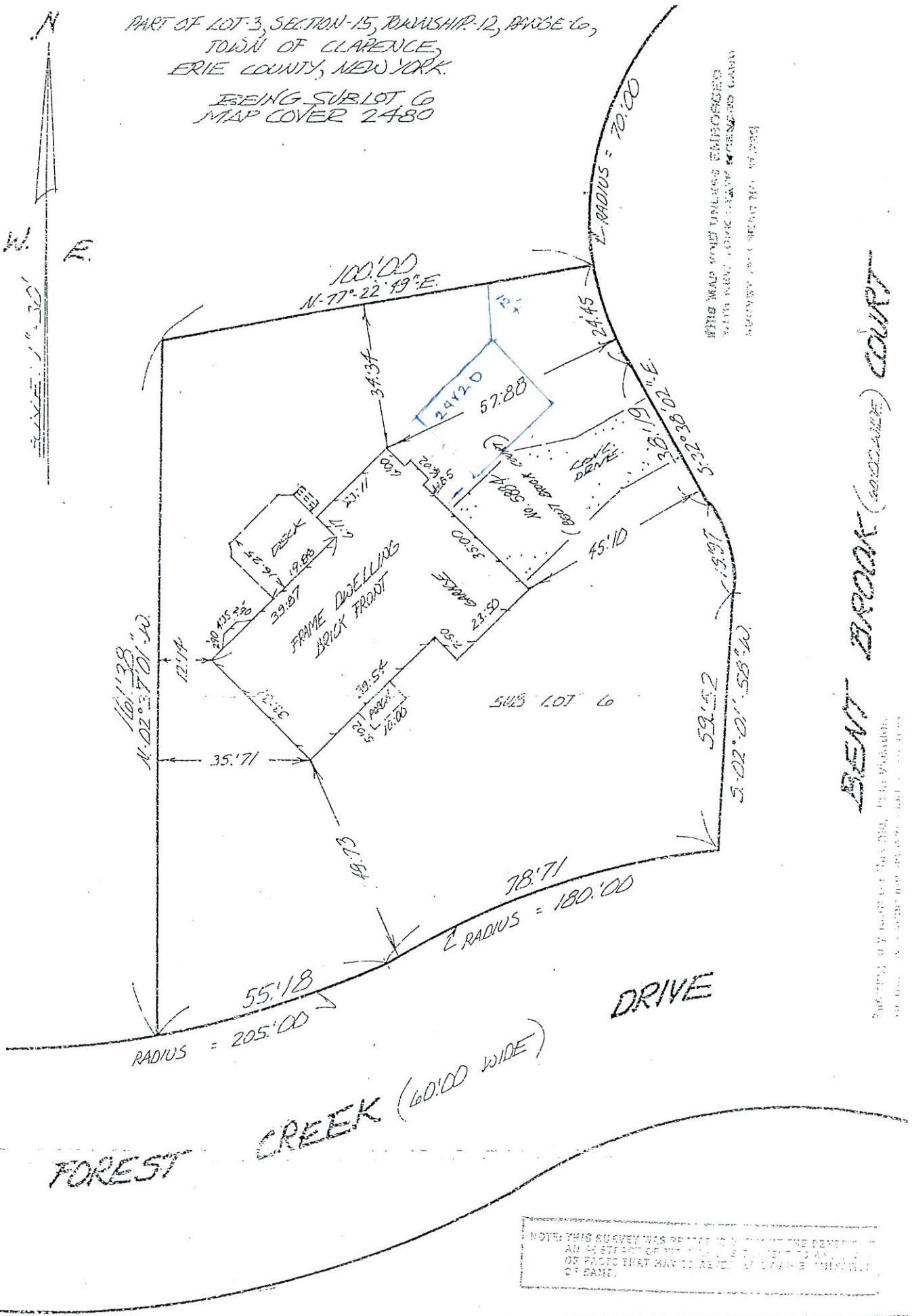
Gerald Drinkard	Aye	Raymond Skaine	Aye	Ryan Mills	Aye
Patrick Krey	Aye	Richard McNamara	Aye		

MOTION CARRIED

Mr. Bleuer added that the next Zoning Board of Appeals meeting date is February 13, 2024 and the application deadline is January 26, 2024.

PART OF LOT 3, SECTION-15, TOWNSHIP-12, RANGE-6,
TOWN OF CLARENCE,
ERIE COUNTY, NEW YORK.

BEING SUBLT 6
MAP COVER 2480



THIS MAP WOULD UNLESS OTHERWISE
SPECIFIED, BE A SURVEY OF LAND
ACQUIRED BY THE STATE OF NEW YORK

BENT BROOK (WOODWIDE) COURT

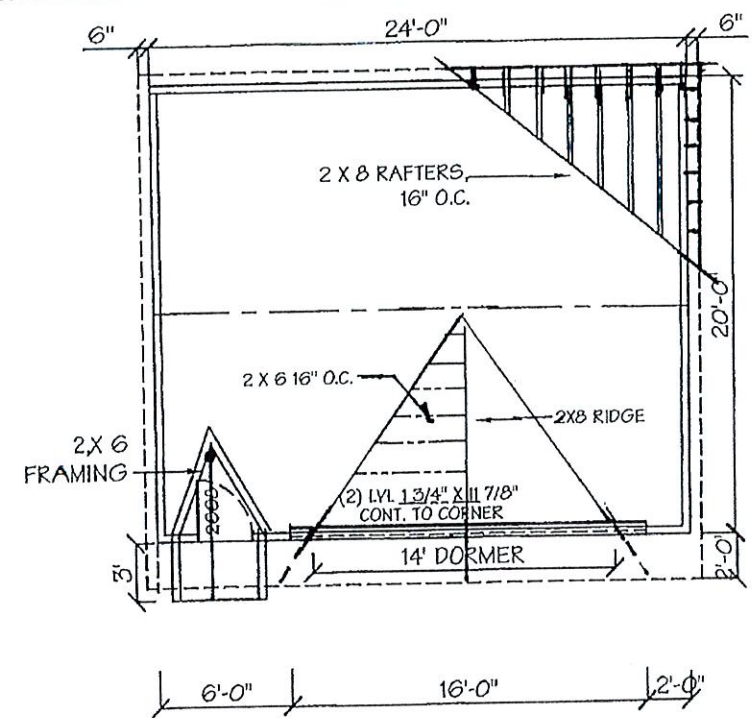
RECORDING OFFICE OF THE STATE OF NEW YORK
ALBANY COUNTY

NOTE: THIS SURVEY WAS PREPARED BY THE REVEALING OF AN INTEREST OF THE STATE OF NEW YORK IN A PORTION OF THE LAND THAT MAY BE AFFECTED BY THE REVEALING OF SAID INTEREST.

RE-SURVEY MAY 13, 1994 RE-SURVEY RE-SURVEY

HAROLD L. GANTZER

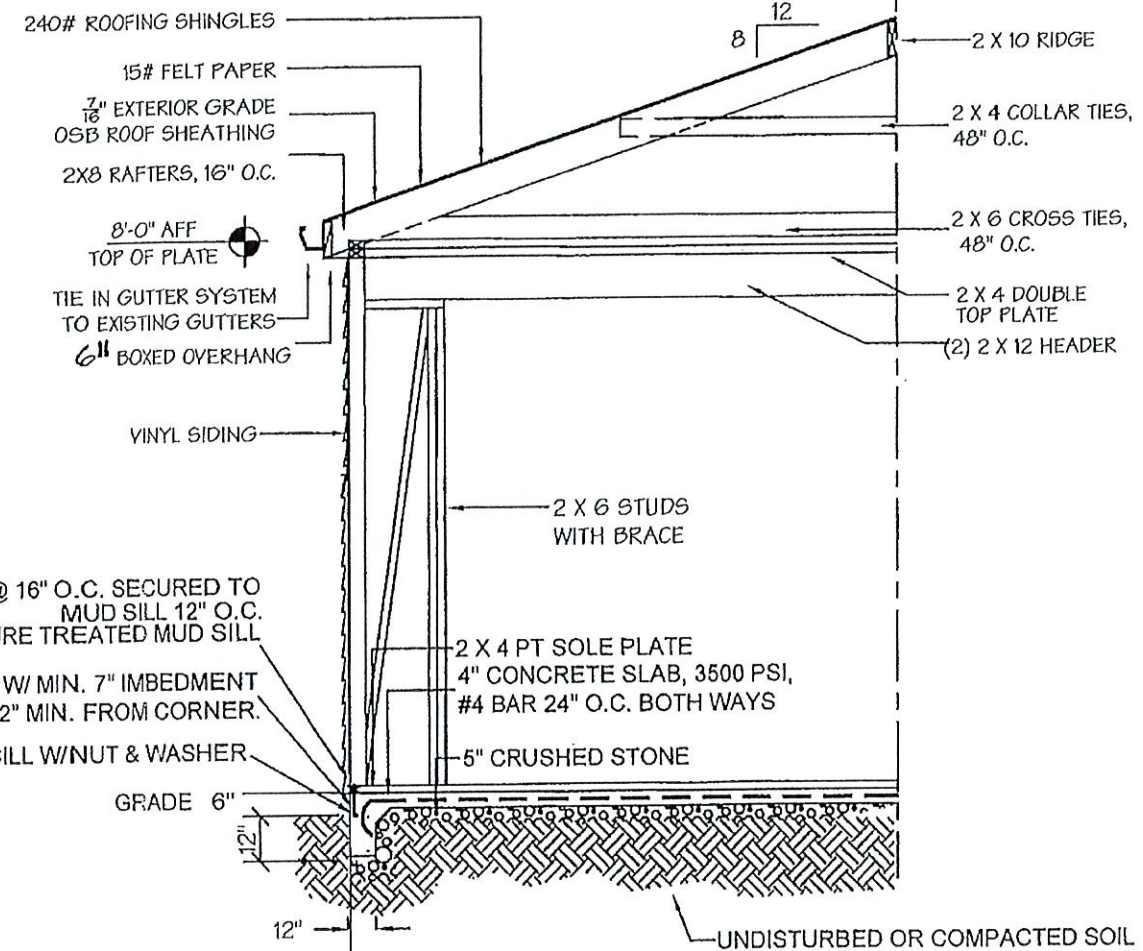
THIS DOCUMENT IS THE EXCLUSIVE PROPERTY OF F. J. WAILAND ASSOCIATES, INC. NO RIGHTS TO OWNER ARE TRANSFERABLE OR SHALL BE LOST BY THE FILING OF THIS DOCUMENT WITH ANY AND ALL PUBLIC AUTHORITIES FOR THE PURPOSE OF COMPLIANCE WITH CODES AND/OR ORDINANCES, I.E. BUILDING PERMIT, ETC.



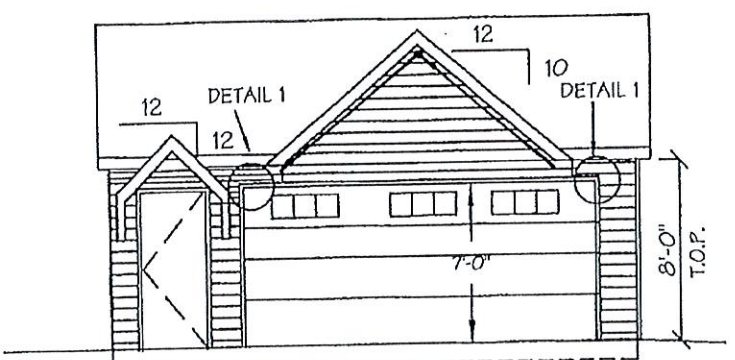
FLOOR / ROOFING PLAN
SCALE: 1/8" = 1'-0"

**NYS BUILDING CODE
DESIGN CONDITIONS:**
EXPOSURE "B"
SOIL BEARING 1500 PSF
SNOW LOAD 50 PSF
WIND: HORIZ. 20 PSF
VERT. 10 PSF
UPLIFT 16 PSF

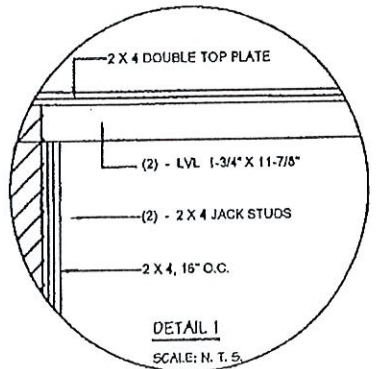
LUMBER SPECIES
SPRUCE-PINE-FIR #2
MIN. F_b = 1000 PSI



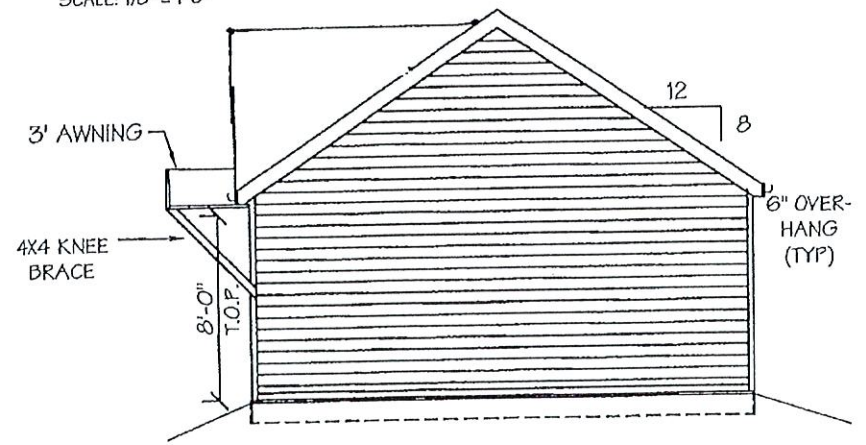
GARAGE CROSS SECTION
SCALE: N. T. S.



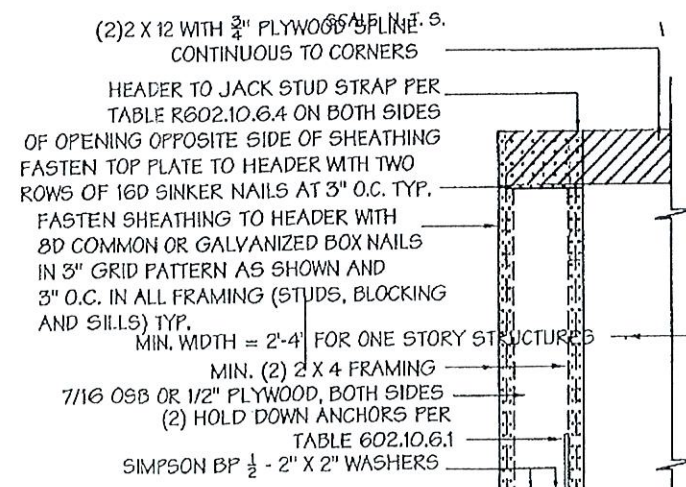
FRONT ELEVATION
SCALE: 1/8" = 1'-0"



DETAIL 1
SCALE: N. T. S.



SIDE ELEVATION
SCALE: 1/8" = 1'-0"



(TYP. BOTH SIDES)
SECTION 2
SCALE: N. T. S.

NOTE: NEW YORK STATE CODE:
FASTEN TOP PLATE TO HEADER WITH TWO ROWS OF 16D SINKER NAILS AT 3" O.C. TYP.
FASTEN SHEATHING TO HEADER WITH 8D COMMON OR GALVANIZED BOX NAILS IN 3" GRID PATTERN AS SHOWN AND 3" O.C. IN ALL FRAMING (STUDS, BLOCKING, AND SILLS) TYP. MIN. WIDTH = 16" FOR ONE STORY STRUCTURES. MIN. WIDTH = 24" FOR USE IN THE FIRST OF TWO STORY STRUCTURES.
MIN. 2 X 4 FRAMING. 3/8" MIN. THICKNESS WOOD STRUCTURAL PANEL SHEATHING.
CONTRACTOR IS RESPONSIBLE FOR ALL BUILDING BEARING / SUBSURFACE CONDITIONS FOR A PROPERLY CONSTRUCTED STRUCTURE.

ITEM	DATE	REVISION
1		

GULATI GARAGE
5884 BENT BROOK CT.
E. AMHERST, NY

FLOOR PLAN & SECTION

JAMES A. RUMSEY
ARCHITECT
5720 EAST RIVER ROAD
GRAND ISLAND, NY 14072

REGISTERED ARCHITECT
JAMES ALLEN RUMSEY
NEW YORK STATE
EXPIRES 12/31/2024

5-21-24

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OR COPIED IN ANY FORM OR BY ANY MEANS
WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

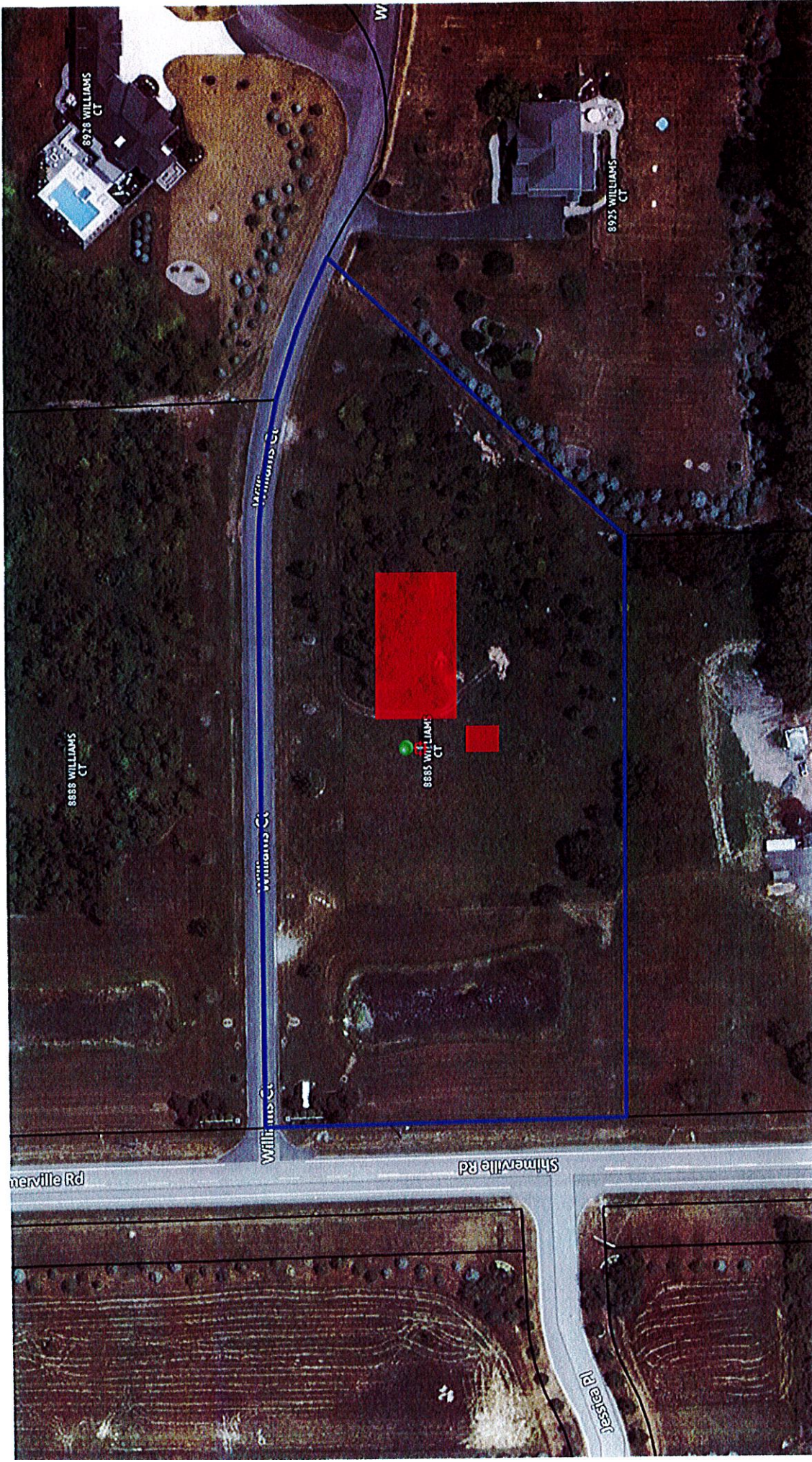
PREPARED FOR:
F.J. WAILAND ASSOCIATES INC.

Construction Management
3922 Seneca Street
West Seneca, New York 14224
(716) 474-9215

PROJECT NO. ###	SHEET NO. A-1
DRAWN BY: msw	
DATE: MAY 21, 2024	
SCALE: 1/8" = 1'-0" OR AS INDICATED	

RECEIVED
JUN 6 2024

ZONING OFFICE



note the parcel lines displayed are approximate

8885 Williams Court



Proposed 393 sqft detached accessory structure within the front yard setback.

The maximum allowable square footage for a detached accessory structure is 200 sq.ft. A 193 sqft variance requested.

A corner lot shall be considered to have two front yards from the public road right-of-way to the closest point of the principal structure.



ZBA 2-14-2023

Appeal No. 3

Marlana W. White
Residential Single-Family

Town Code Reference:

- 1. §229-55(D)
- 2. §229-55(D)
- 3. §229-55(H)

Applicant requests a variance:

- 1. of 751 sq. ft. to allow for a total of 1,711 sq. ft. of attached garage space; and
- 2. to allow a detached accessory structure (pool house) to be located within the front yard setback; and
- 3. of 50 sq. ft. to allow a 250 sq. ft. detached accessory structure; located at 8885 Williams Court.

DISCUSSION:

Marlana White was present to further explain her request and answer any questions.

Mrs. White stated that her request is for a very large garage and a pool house. The reason for the size is because of their large vehicles, multiple recreational vehicles, and all of their other stuff. Also, it will be used as a workspace, she is an artist and has a lot of materials.

Regarding the pool house, Mr. Krey noted that because their property is located on a corner lot, they have two front yards.

Mr. Krey asked Mrs. White if they plan to do any landscaping around the proposed pool house.

Mrs. White responded that they plan to put a line of trees along the side closest to the retention pond. Though nothing is confirmed, they have plans for landscaping including trees and bushes all around the property for privacy purposes.

Mr. Krey stated that he would like to make it a condition if this request is approved, to include landscaping to mitigate the view.

Mrs. White responded that they do plan to include rows of trees and bushes, that she marked on Chairman Mills photo as "T" and "B" along the north and south sides of the property, and is entered as Exhibit 1.

Mrs. White stated that she would like to plant pine trees to keep it in line with what the neighbors currently have.

Mrs. White explained that the neighbors on her street would like to have the existing berm redone, and since it is on their property, and the homeowner's association takes care of it, they plan to do even more.

Mr. Drinkard asked Mrs. White if they have a homeowner's agreement.

Mrs. White responded yes.

Mr. Drinkard asked who will manage the retention pond that is on their lot.

Mrs. White responded that the homeowner's association does, it is in the homeowner's agreement.

Mr. Drinkard asked if there is anything that Mrs. White is requesting in her variance that is not allowed per the homeowner's agreement.

Mrs. White responded no, and she has shown her plans to all of her neighbors and they have all been receptive of them

ZBA 2/14/2023

Mr. Krey asked for the total square footage of the proposed home that they are building is.

Mrs. White responded that the main house not including the garage, and what is is slightly more than 4,500 sq. ft.

Mr. Skaine praised Mrs. White for the beautiful plans.

Chairman Mills asked about the living space adjacent to the proposed garage is intended for.

Mrs. White responded that it is currently intended to be a workshop with an open layout, utility sink, and a bathroom.

Chairman Mills asked if they made it a condition of approval that no business is to be conducted from the structure, would that be agreeable.

Mrs. White responded yes.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Patrick Krey, seconded by Chairman Mills to **approve** Appeal No. 3 as written with the following conditions:

1. row of trees and bushes planted on the west and south sides of the property as shown in Exhibit 1.
2. Trees to be no less than 4-5 ft. in height
3. Trees spaced no more than 15 ft. apart with bushes to fill in the gaps
4. No business to operated out of the attached accessory structure

Mrs. White stated that she heard, understands, and agrees to the conditions.

ON THE QUESTION:

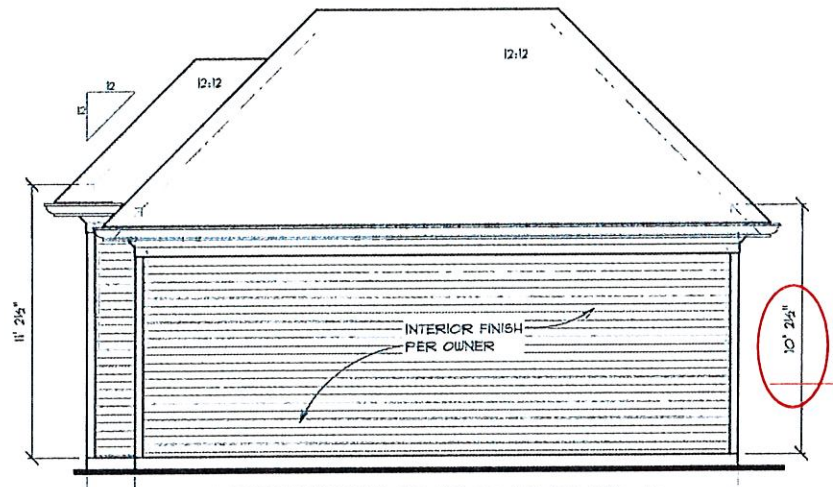
Mr. Krey explained that the homes currently built in the same area are large. This proposed home and accessory structures will blend nicely with the neighborhood and not have any negative impact.

Chairman Mills added that due to the parcel size and the extensive landscaping that the applicant has agreed to as illustrated in Exhibit 1 has mitigated any of the impacts from the variances. It also complies with the character of the neighborhood.

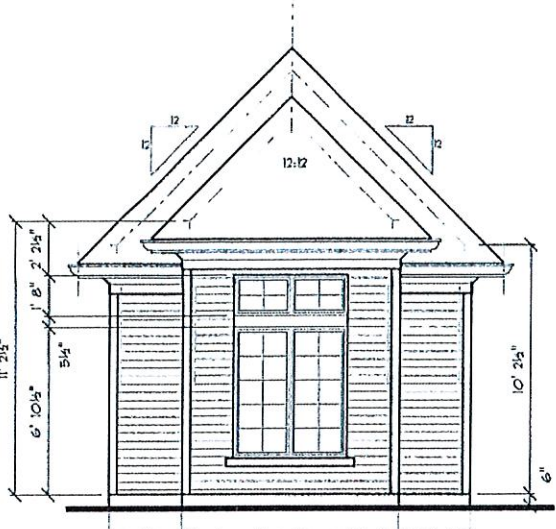
Richard McNamara	Aye	Patrick Krey	Aye	Ryan Mills	Aye
Raymond Skaine	Aye	Gerald Drinkard	Aye		

MOTION CARRIED

CONT RIDGE VENT OR
SQUARE VENTS
PROVIDE 1 SQ. FT. OF
VENT PER 300 SQ. FT. OF
ATTIC AREA TYP.

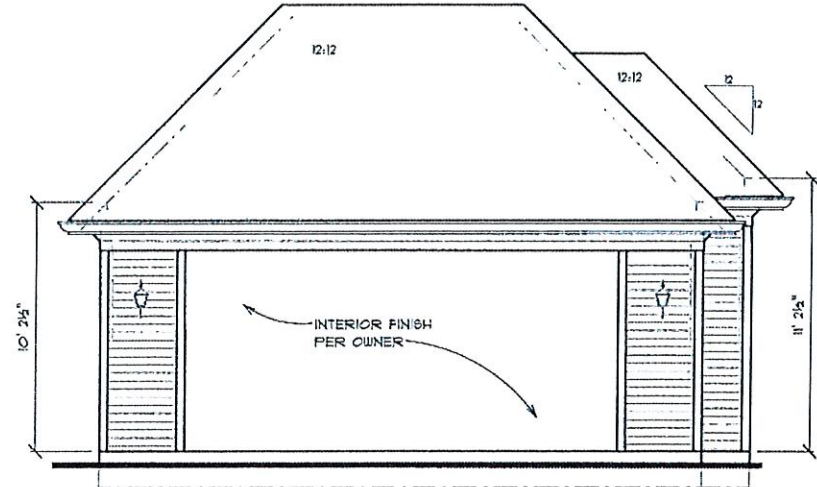


REAR ELEVATION



RIGHT SIDE

POOL CABANA



FRONT ELEVATION

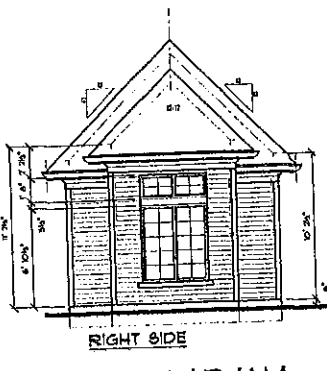
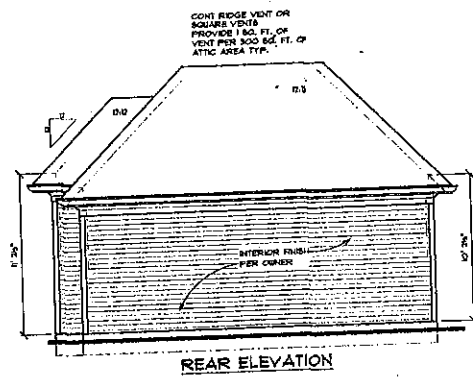
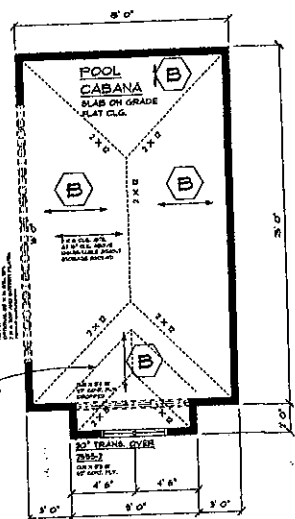
GRACE ICE AND WATERSHIE
A MIN. OF 24" FROM INSIDE
MEASURED HORIZONTALLY

*10' 1/2 to 8' 2"

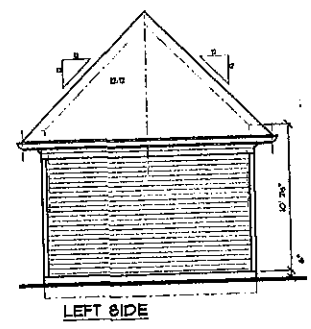
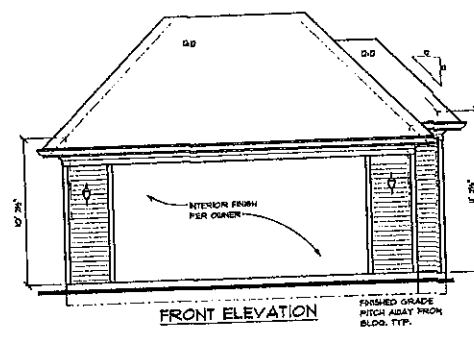
FLOOR PLAN POOL CABANA

SEE PLOT PLAN FOR LOCATION
1/4" FLOOR STUDS
SEE WALL SECTION PAGE FOR DETAIL

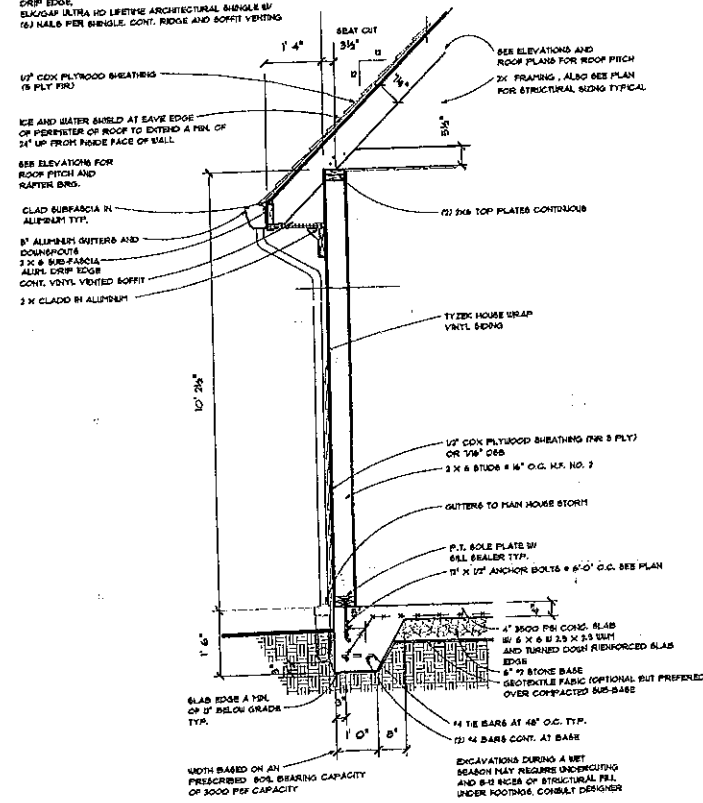
B 2x8 RAFTERS @ 16" O.C.
SPAN 8'0" @ 10'
STRONGBACK @ GREATER
SPANS TYPICAL 2" X 4" COLLAR
1x6 @ 24" O.C. USE



POOL CABANA



GRADE ICE AND WATERSHIELD AT BAYE EDGES A MIN. OF 1" FROM SURE EDGE OF FRAMING REBARRED HORIZONTALLY, AND ALL VALLEYS AND WALL TRANSITIONS, ALUMINUM STEP FLASHING AT ALL WALL ROOF TRANSITIONS, SYNTHETIC FELT WATER/SLUR CRIP EDGE, ELUGRAF ULTRA HO LIFE TIME ARCHITECTURAL SHINGLE BY 1/2" NAILS PER SHINGLE, CONT. RIDGE AND SOFFIT VENTING



TYPICAL WALL SECTION AT POOL CABANA

SCALE: 3/4" = 1'-0"

I HEREBY CERTIFY THAT THE FOUNDATION DESIGN MEETS OR EXCEEDS THE REQUIREMENTS SET FORTH BY CHAPTER 3 AND 4 OF THE NYC RESIDENTIAL CODE.

IF ELEVATIONS OR DRAWINGS CAN NOT BE ACHIEVED OR FOUND SOILS ARE ENCOUNTERED, CONSULT WITH DESIGNER AND GEOTECHNICAL ENGINEER PRIOR TO CONSTRUCTION.

ALL FILL TO BE PLACED IN A MANNER OF 8" LIFT AND COMPACTED WITH MECHANICAL ROLLERS/ BLEED COMPACTORS TO 95% OF HANDED DRY DENSITY AND WITHIN 1/4" OF THE OPTIMUM MOISTURE CONTENT, PER ANY TESTS SEE GEOTECHNICAL ENGINEER.

ANY FOUR SUB-GRADE MATERIALS TO BE REMOVED AND REPLACED WITH STRUCTURAL MATERIAL CONSIST OF BEDROCK ENGINEERED TYP. NATIVE BEARING SOILS TO BE FREE OF TOPSOIL, VEGETATION AND ANY DELETERIOUS MATERIALS VISIBLE RELATIVE SOILS TO BE PROOF COMPACTED.

REVISIONS	PROPOSED SINGLE FAMILY RESIDENCE FOR: MR. AND MRS. WHITE 8888 WILLIAMS COURT CLARENCE, NEW YORK	SCALE: 1/4" = 1'-0" UNLESS NOTED OTHERWISE (ON 36" X 48" PAPER) IF PRINTED ON 18" X 24" PAPER, ALL LISTED SCALES ARE HALF SIZE, VERIFY BY GRAPHIC SCALES ON DRAWINGS?	FOR PERMIT AND CONSTRUCTION DATE: JUL 2024 SIGNATURE IN RED INK	 JRZ ARCHITECTURE PLLC 10 NORTH HAVEN CLARENCE, NY 11411 JON R. STRICKLAND REGISTERED ARCHITECT LICENSE NO. 49444 EX-00000000
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note the parcel lines displayed are approximate

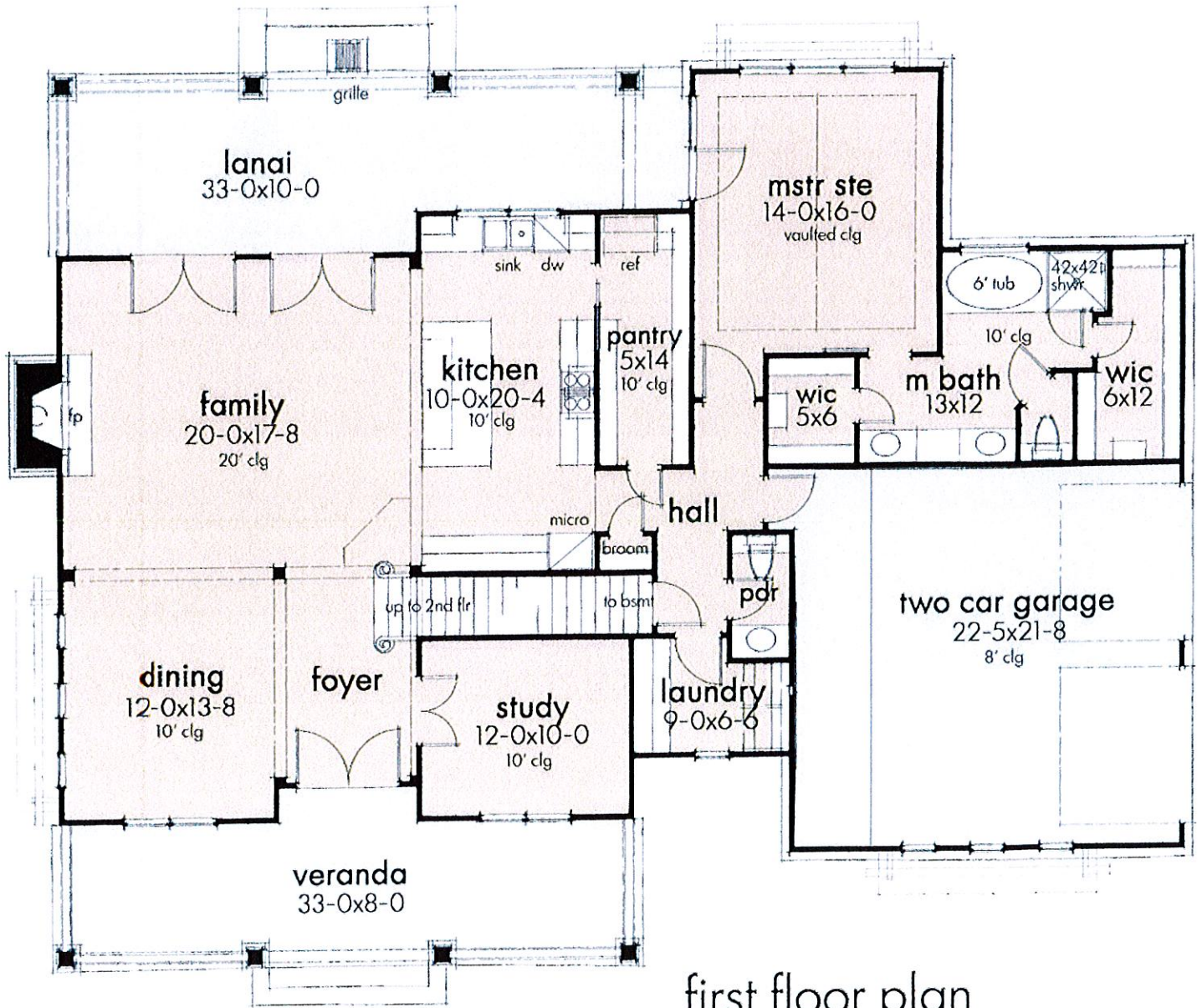
4765 Shisler Road



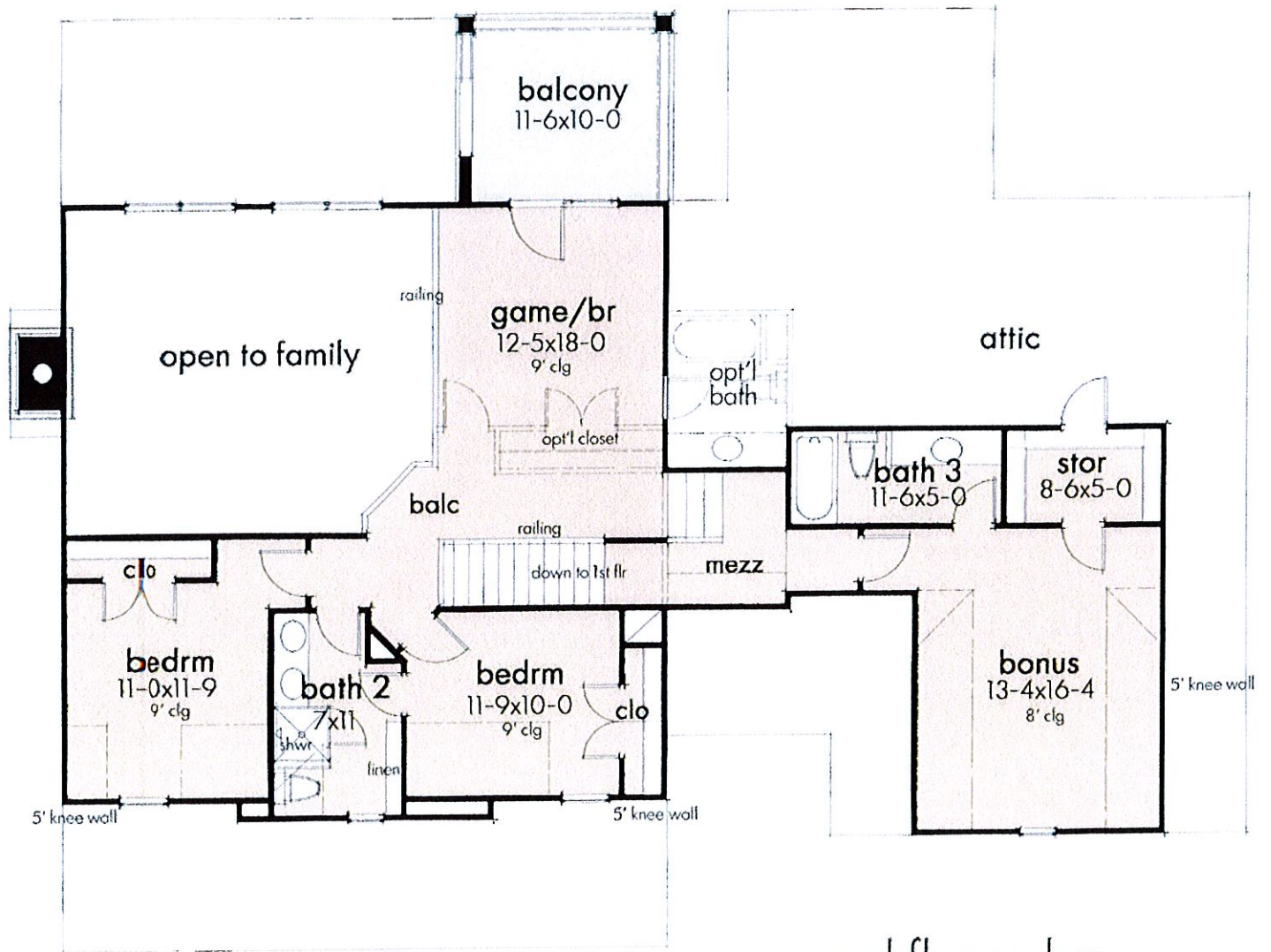
Applicant requests the reconstruction of a nonconforming residential single-family home in the Commercial zone.

A nonconforming use of a structure or land that has ceased for a consecutive period of 12 consecutive months may not be altered, rebuilt or resumed unless in conformity with §229-162.

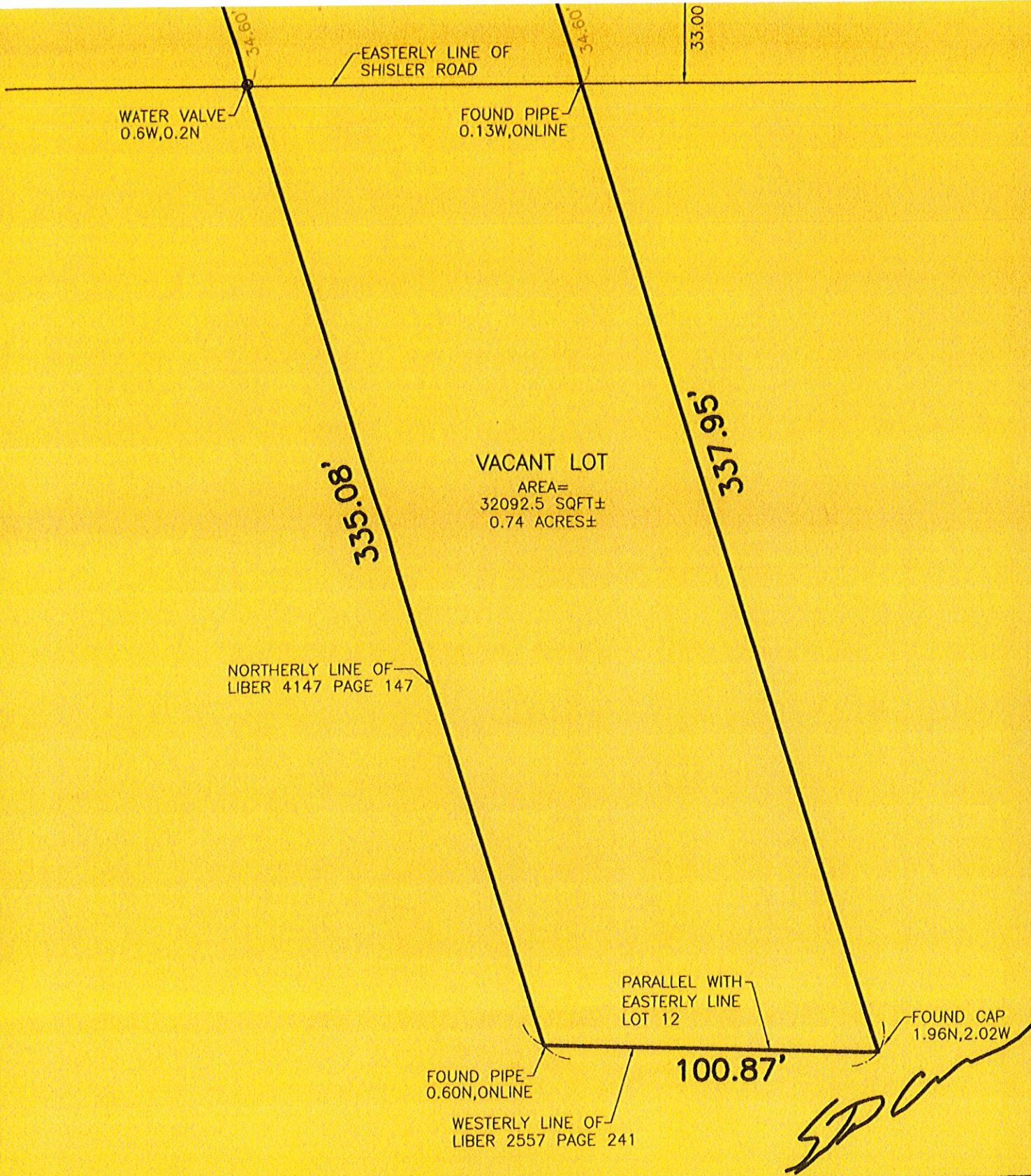




first floor plan



second floor plan



LOCATION: TOWN OF CLARENCE	MAP COVER:	JOB NO.:
COUNTY OF ERIE, STATE OF NEW YORK	SUBLOT(S):	23-10848
PART OF LOT 12, SECTION 1, TOWNSHIP 12, RANGE 6	DATE: AUGUST 17, 2023	SCALE: 1" = 40'
OF THE HOLLAND LAND COMPANY'S SURVEY	REVISIONS:	DRAWN BY:
		S. CARVER JR

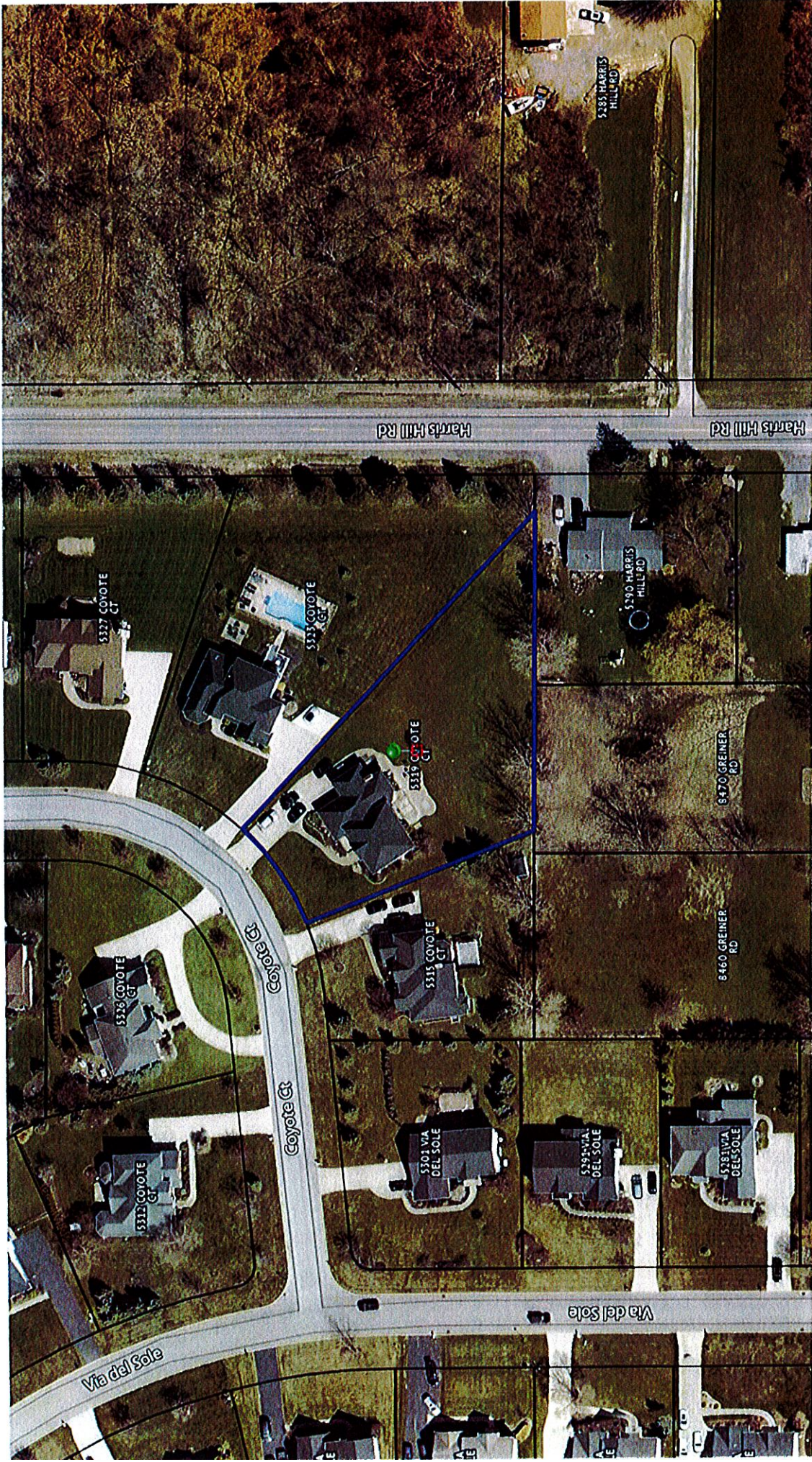
STEVE A. CARVER PLS.
LAND SURVEY SERVICES

1089 KINKEAD AVE #104
N. TONAWANDA NY 14120
TEL. 716-525-1250
FAX 716-525-1275
STEVE@CARVERSURVEY.COM



Unauthorized alteration or addition to any survey, drawing, design, specification, plan or report is a violation of Section 7209, Provision 2 of the New York State Education Law. Only copies from the original of this survey map marked with an original of the land surveyor's embossed seal and signature shall be considered to be valid true copies.

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*** note the parcel lines displayed are approximate ***

5319 Coyote Court

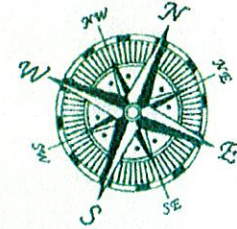


Applicant requests the allowance for chickens on a parcel less than 5 acres in size.

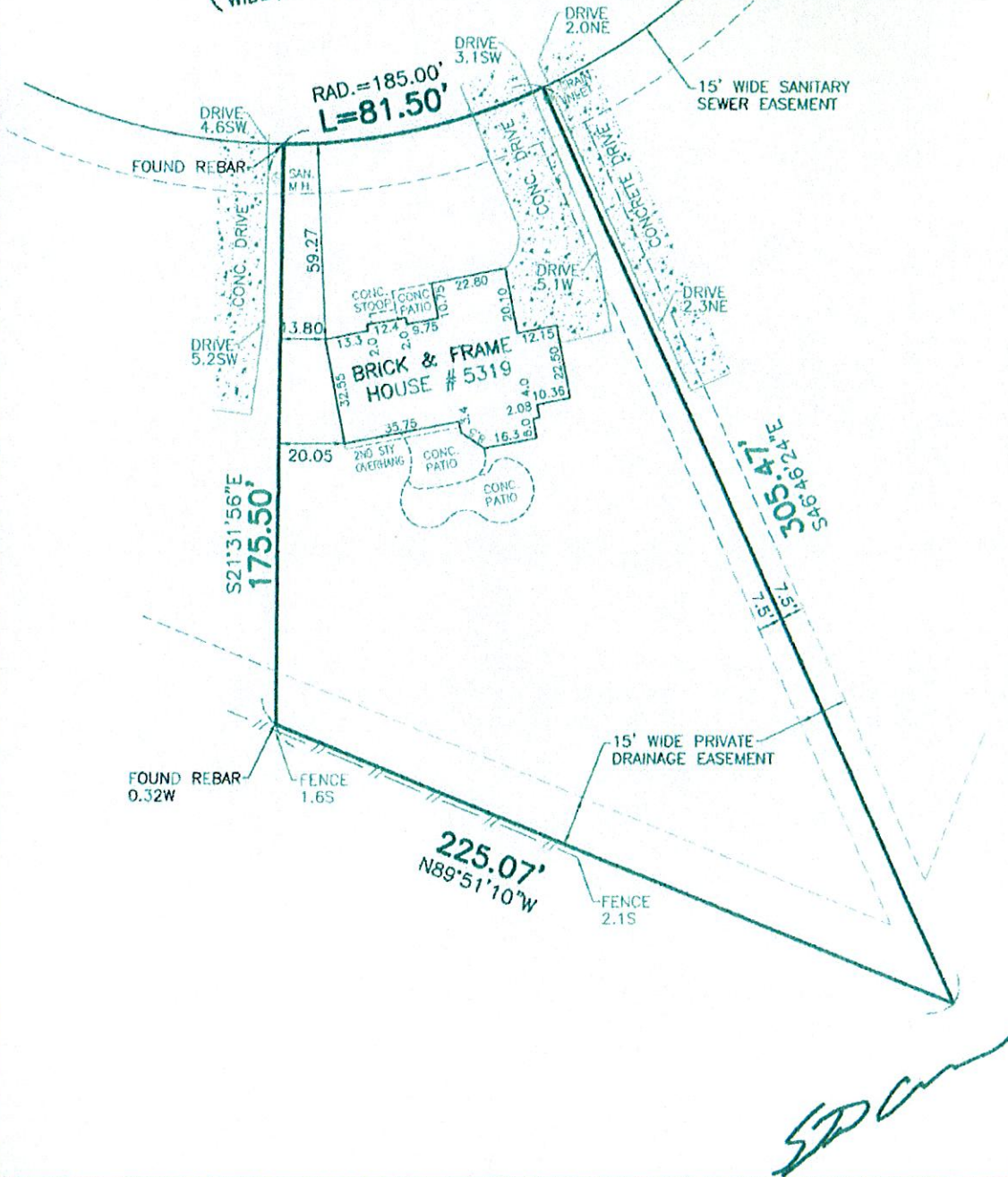
Chickens are allowed on parcels greater than 5 acres in size in the Residential Single-Family zone, or in the Agricultural zones.

Feet Inches
 0.08 - 1 inch
 0.17 - 2"
 0.25 - 3"
 0.33 - 4"
 0.42 - 5"
 0.50 - 6"
 0.58 - 7"
 0.67 - 8"
 0.75 - 9"
 0.83 - 10"
 0.92 - 11"
 1.00 - 12"

NOTE: 1) THIS SURVEY IS NULL AND VOID WITH AN AFFIDAVIT OF NO CHANGE
 2) 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



COYOTE COURT (70' WIDE)



SPC

LOCATION: TOWN OF CLARENCE		MAP COVER: 2976	JOB NO.: 23-10853
COUNTY OF ERIE, STATE OF NEW YORK		SUBLOT(S): 450	DRAWN BY: J. HARTWELL
PART OF LOT 6, SECTION 14, TOWNSHIP 12, RANGE 6 OF THE HOLLAND LAND COMPANY'S SURVEY		DATE: AUGUST 22, 2023	SCALE: 1" = 40'
		REVISIONS:	CHECKED BY: S. CARVER
STEVE A. CARVER PLS. LAND SURVEY SERVICES 1089 KINKEAD AVE #104 N. TONAWANDA NY 14120 TEL. 716-525-1250 FAX 716-525-1275 STEVE@CARVERSURVEY.COM		<small>Unauthorized alteration or addition to any survey drawing, design, specification, plan or report is a violation of Section 7209, Provision 2 of the New York State Education Law. Only copies from the original of this survey map marked with an original of the land surveyor's embossed seal and signature shall be considered to be valid true copies.</small>	<small>Copyright Steve A. Carver PLS. all rights reserved. No portion of this drawing may be reproduced, stored or transmitted by any means without prior written permission of the surveyor. This survey is a report of the findings in the field and is not a guarantee of title. This survey is null and void with an affidavit of no change.</small>