



# Request for Action

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

## Town Use Only

Date: September 8, 2024

Received By: Planning & Zoning Office

APPLICANT REQUEST:

Project Address: 8550 Nottingham Terrace

SBL #: 82.07-1-30

### Action Desired:

Applicant requests a variance of 4' to allow an 8'6" principal structure side yard setback to allow for the construction of a deck located at 8550 Nottingham Terrace in the Residential Single-Family zone.

### Reason:

Town Code Reference:  
§229-52(B)

CONTACT INFO:

### APPLICANT INFO

Name / Business: Kevin Stoldt - CMK Builders

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: \_\_\_\_\_

E-Mail: \_\_\_\_\_

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

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

Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

ON FILE

### SIGNATURE

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Signed: Signature On File

Town Use Only:

Action: \_\_\_\_\_ By: \_\_\_\_\_ On: \_\_\_\_\_ Fee: \_\_\_\_\_ Paid: \_\_\_\_\_

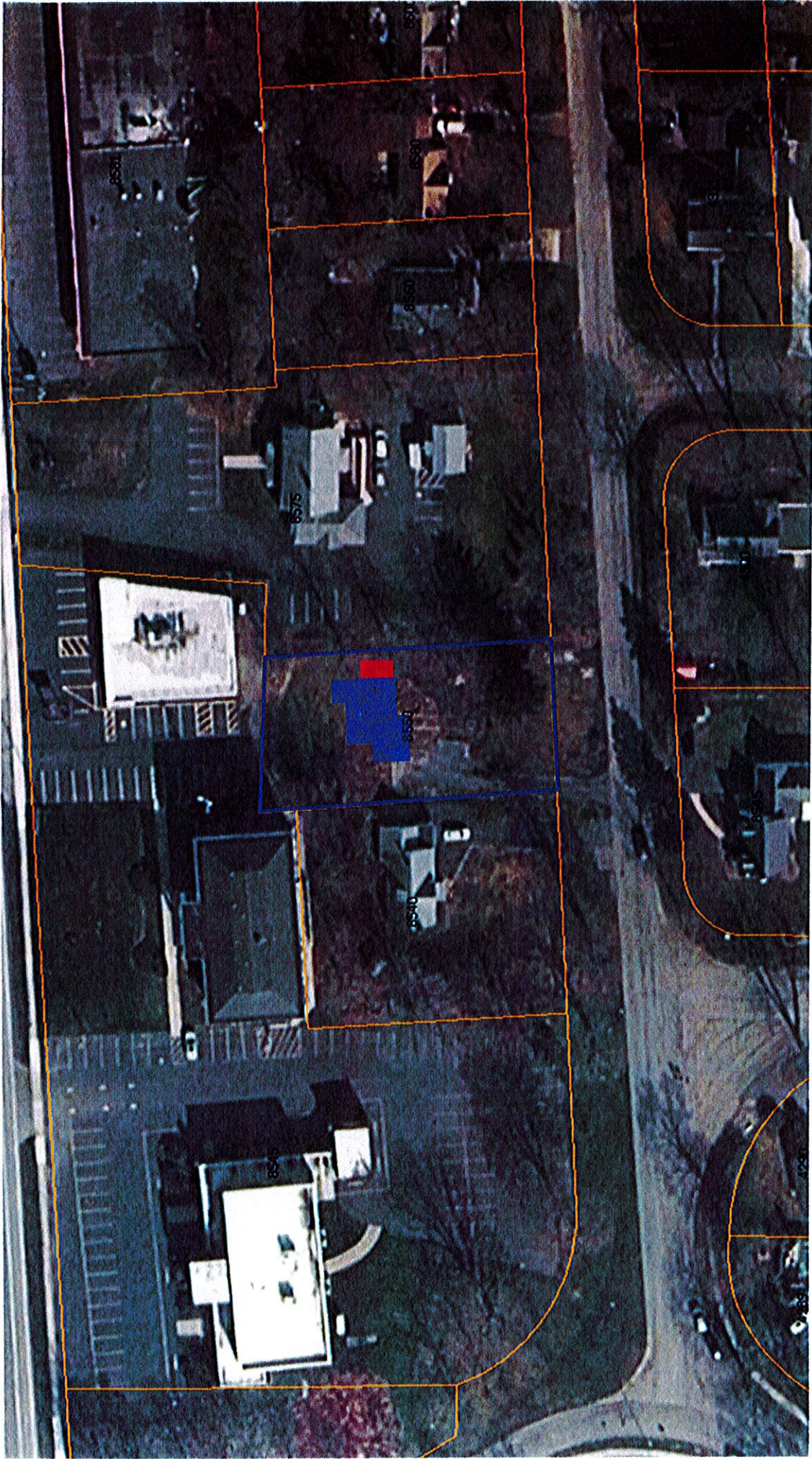
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Action: \_\_\_\_\_ By: \_\_\_\_\_ On: \_\_\_\_\_ Fee: \_\_\_\_\_ Paid: \_\_\_\_\_



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

## 8550 Nottingham Terrace



Proposed 8'6" side yard setback to allow for the construction of a deck.

A 12'6" principal structure side yard setback is required.

A 4' variance is requested.



ZBA 2-13-2024

**Appeal No. 3**

CMK Builders  
Residential Single-Family

Town Code Reference:  
§229-52(C)

Applicant requests a variance of 1' 6" to allow a 43' 6" rear yard setback to allow for the construction of a principal structure (single-family residence) located at 8550 Nottingham Terrace.

**DISCUSSION:**

Matthew Stoldt, Vice President of CMK Builders was present to represent the homeowner.

Chairman Mills asked what occurred that necessitated the need for this variance request.

Mr. Stoldt explained that there is a pergola that the homeowner wanted to keep and remain on the property. Therefore, the foundation needed to be moved back, and is located back further than what is allowed by Town Code.

The foundation has already been poured; Mr. Stoldt stated that they were not aware of this information until afterwards.

Mr. Skaine stated that he understands why it was done, he only wishes the variance request would have been made prior to doing the work.

Mr. Drinkard asked if the height of the foundation and the house itself will have a heavy slope on the driveway, and is that equivalent to what was already there.

Mr. Stoldt responded yes.

Mr. Drinkard asked what type of house is going to be built on the foundation.

Mr. Stoldt responded a two-story house, similar to what is in the neighborhood.

Mr. Krey asked Mr. Stoldt if they have learned what to do differently in the future, and if there has been a process change within the company to assure that this won't occur again.

Mr. Stoldt stated that they will double check and confirm in the future. The homeowner that they are building the home for also owns the property behind this one, so they did not think it would be an issue in that sense.

Chairman Mills asked Mr. Stoldt if the setback varies in the different communities that they build in.

Mr. Stoldt responded yes.

ZBA 2-13-2004

Chairman Mills noted that most of CMK Builder's business appears to be in the Alden area. Mr. Stoldt confirmed that, and added that generally the houses aren't so close together, so they don't need to worry as much about the property lines.

Chairman Mills asked what the total square footage of this house will be.

Mr. Stoldt responded approximately 1,200 sq. ft., two-story with a crawl space.

In regards to Public Participation, the following resident spoke:

1. Brian Panzer of 8545 Nottingham Terrace:
  - the height does not match the previous structure, it is severely higher than the adjacent property
  - it will make a steep slope once the grading is complete
  - what is the drainage plan
  - if there is this error, he wonders how many other errors there may be
  - feels the gazebo is an odd reason for an 18 in. error

Chairman Mills explained that throughout the process there are Town of Clarence Building Enforcement Officers from the Building Department that check for compliance, which is when it was determined that it was off.

Mr. Schaefer added that a drainage plan needs to be approved by the Engineering Department. Both the Building and Engineering Departments require plans for new builds, and there are multiple inspections throughout the phases.

Mr. Stoldt asked if there is a height requirement also.

Mr. Schaefer explained that the maximum height for a single-family dwelling is 35 ft. total from the base of the home to the ridgeline. The height of the actual grade is better answered by the Engineering Department.

Discussion continued regarding where the measurements were taken from.

Public Participation was closed for this project.

Neighbor Notifications are on file, no comments were received.

**ACTION:**

Motion by Raymond Skaine, seconded by Gerald Drinkard, to **approve** Appeal No. 3 as written.

**ON THE QUESTION:**

Mr. Skaine stated that this was a mistake, and that 18 inches is not a large amount.

Mr. Krey explained that this is unique because it abuts a commercial property which changes the nature of the property line.

ZBA 2-13-2024

Chairman Mills added that the rear of the parcel is also owned by the owner of this house and property. The builder of this house has learned from the mistake, and is not expected to return to this board for any similar errors.

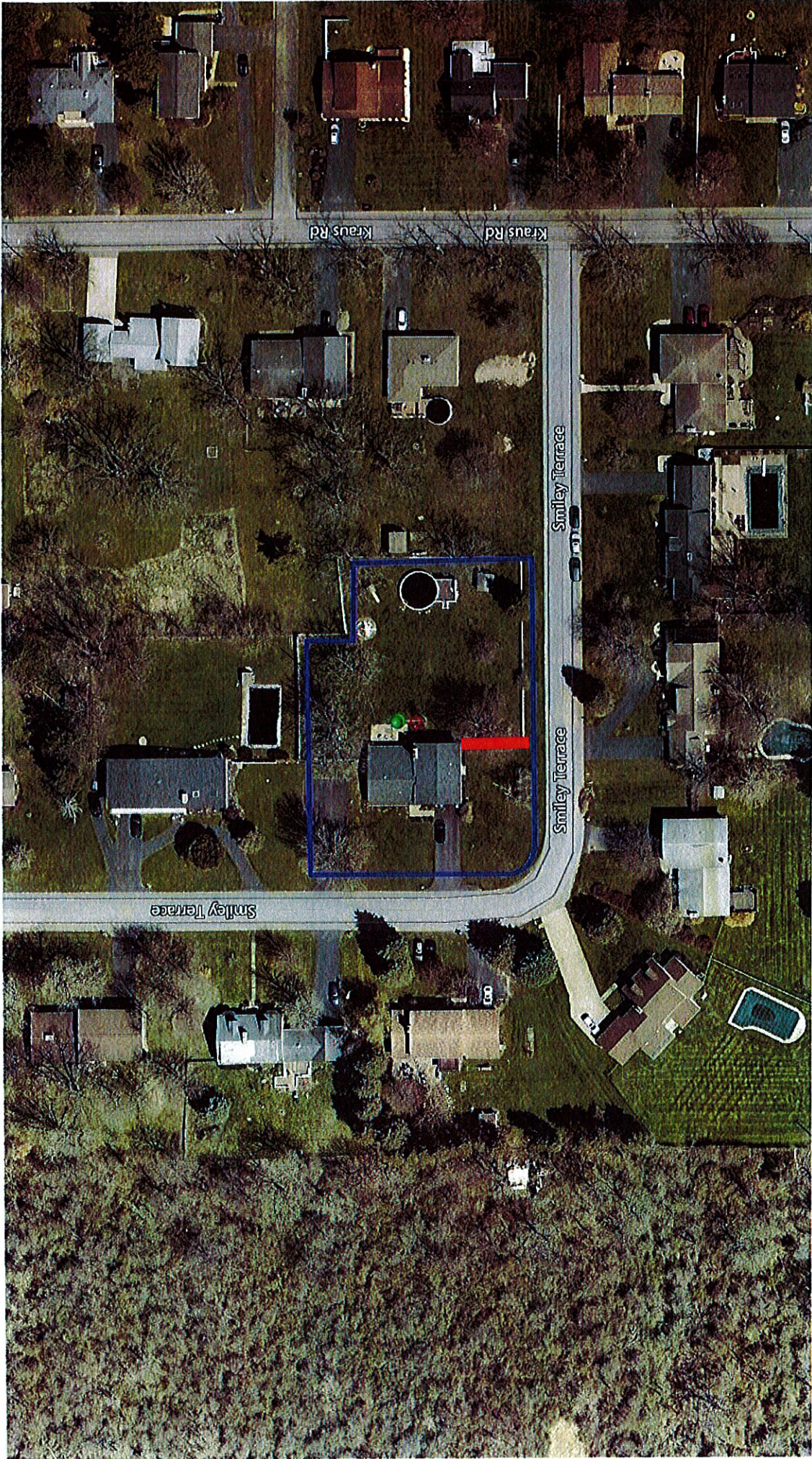
Gerald Drinkard	Aye	Raymond Skaine	Aye	Ryan Mills	Aye
Patrick Krey	Aye	Richard McNamara	Aye		

MOTION CARRIED









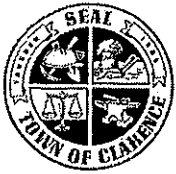
\*\*\*note the parcel lines displayed are approximate\*\*\*

## 4875 Smiley Terrace



Proposed 6' fence to be located within front yard. The maximum allowed height for a fence extending into the front yard is 4'. A 2' variance is requested.

Note: 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.



# Request for Action

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

**Town Use Only**

Date: 10/22/2024

Received By: [Signature]

APPLICANT REQUEST:

Project Address: 4875 Smiley Terrace  
SBL #:

Action Desired:  
Fix Existing fence; Replace material.

Reason: The wood is decayed, I just want to change it to vinyl.

CONTACT INFO:

### APPLICANT INFO

Name / Business: Ever Gracas  
E-Mail:  
Phone #:  
Address:  
Town:

### SIGNATURE

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Signed: [Signature]

### PROJECT SPONSOR INFO (If Different Than Applicant)

Name / Business:  
E-Mail:  
Phone #:  
Address:  
Town: State: Zip:

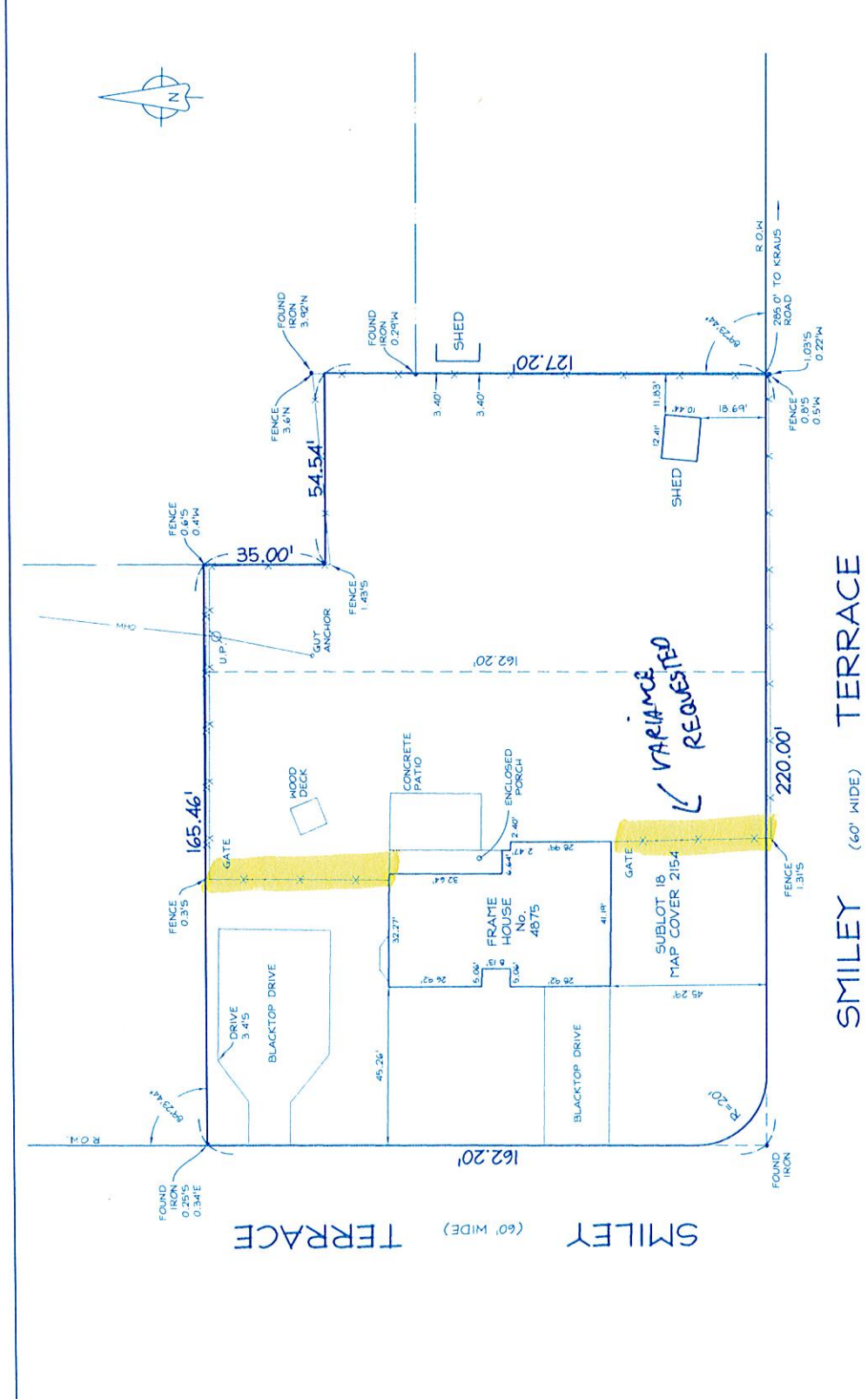
### CORRESPONDENCE

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

Town Use Only:

Action:	By:	On:	Fee: <u>\$150.00</u>	Paid: <u>Cash 10/25/24</u>
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:



NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.  
 This survey was prepared without the benefit of an Unauthorised alterations or additions to any survey, drawing, abstract of title and is subject to any state of facts (design, specification, plan or reports) in violation of section 7203, provision 2 of the New York State Education Law.

3556 Lake Shore Road, Suite 500, Buffalo, NY 14219  
 P (716) 827-8000 F (716) 270-6091 www.nussbaumer.com

**BOUNDARY SURVEY**  
**4875 SMILEY TERRACE**  
 Part of Lot 5, Section 6, Township 12, Range 6  
 Holland Land Company's Survey  
 Town of Clarence  
 County of Erie, State of New York

Date of Survey: 04/26/2024  
 Scale: 1" = 30'  
 Project No.: 2432-0470



*[Handwritten Signature]*



# Request for Action

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

## Town Use Only

Date: October 24, 2024

Received By: Planning & Zoning Office

APPLICANT REQUEST:

Project Address: 10793 Main Street

SBL #: 72.11-2-4

**Action Desired:**

Applicant requests a variance of 2' to allow a 6' tall fence to be located within the front yard setback located at 10793 Main Street in the Traditional Neighborhood District.

**Reason:**

Town Code Reference:  
§101-3(C)(2)

CONTACT INFO:

### APPLICANT INFO

Name / Business: Christopher Buman

E-Mail: \_\_\_\_\_

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

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

Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**ON FILE**

### CORRESPONDENCE

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

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Name / Business: \_\_\_\_\_

E-Mail: \_\_\_\_\_

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

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

Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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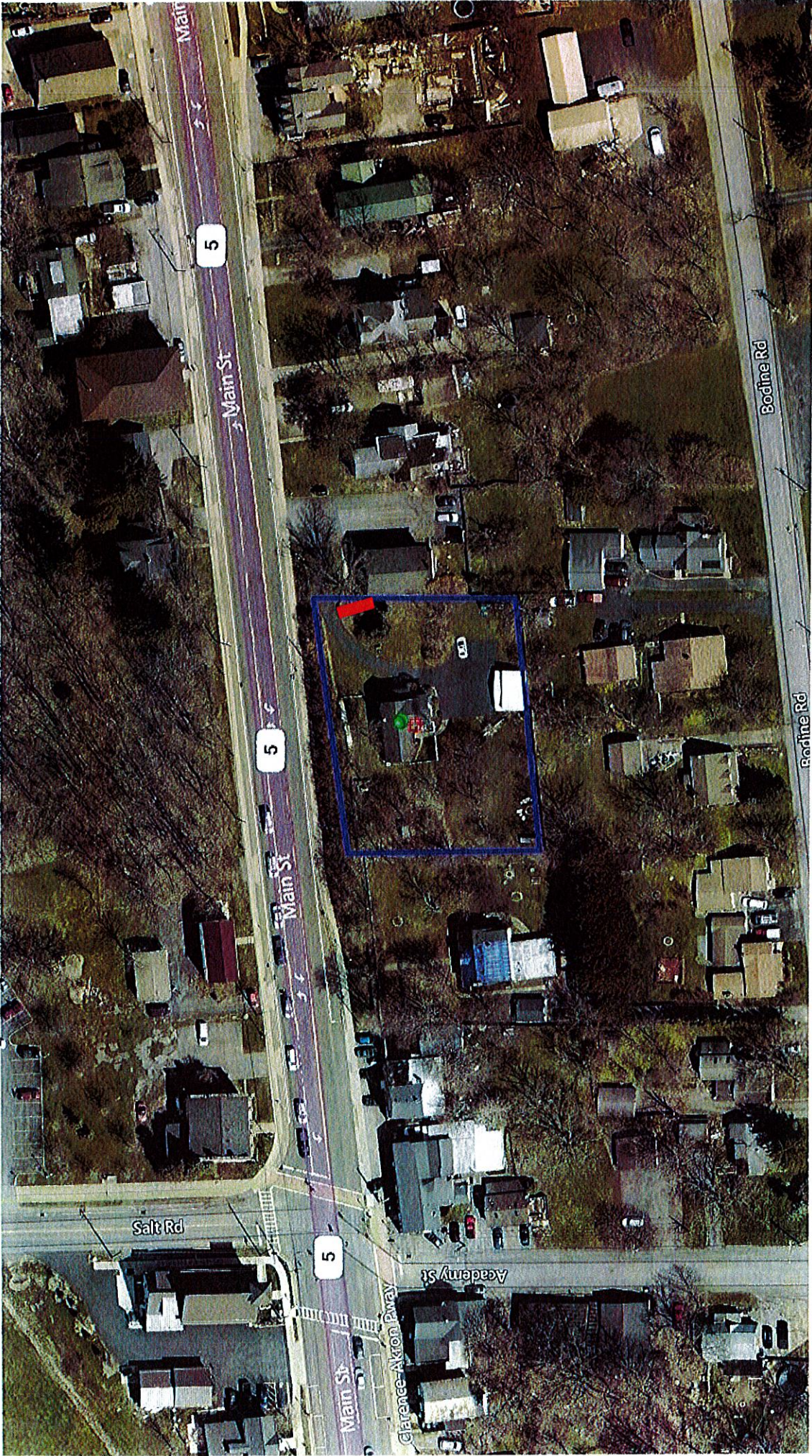
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Action: \_\_\_\_\_ By: \_\_\_\_\_ On: \_\_\_\_\_ Fee: \_\_\_\_\_ Paid: \_\_\_\_\_





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

## 10793 Main Street



Proposed 6' fence to be located within front yard. The maximum allowed height for a fence extending into the front yard is 4'. A 2' variance is requested.

Note: 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.

# MAIN ST.

(Formerly Buffalo Road)

99' Wide

Wall 10.25' No.  
Post 11.20' No.

Pole 4.08' W.  
4.90' So.  
Wall 1.10' No.  
2.05' W.

2.8' x 2.8' Stone Posts

858.14' to NE →  
Corner of lot 4

181.0' Deed & Meas.

83'39" Meas

2.50' Loose Stone Wall  
30.66'  
64.90'  
12.26' So.  
23.58'

1.50 Loose Stone Wall

No. 10793

FRAME HOUSE

Eaves Clear

FRAME PLAY HOUSE  
Clear

Post 7.0' W.  
3.12' So.

FRAME BUILDING  
Eaves Clear

135.75' Deed & Meas.

2.50' Loose Stone Wall

Enc1

12.95'

36.72'

4.30'

6.90'

18.40'

4.20'

70.90'

1.90'

4.70'

135.75' Deed & Meas.

Blacktop

30.28'

Parallel

Found iron 0.45' W.

Fence 0.40' W.

FRAME GARAGE

Eaves Clear

30.79'

53.79'

Parallel With South Line of Main St.

Fence 0.65' E.

181.0' Deed & Meas.

Wall 2.50' W.  
Found ip

Fence 1.30' No.

Found iron 0.40' No.

Fence 0.65' No.

4.84'

Fence 0.60' No.

Fence 0.30' No.



Without Benefit of ABSTRACT of TITLE		Richard W. Siepel	
LOCATION: Part of Lot 4, Sect. 1, T-12, R-6, H.L.C.S., Town of Clarence, Erie County, N.Y.		Kind	Date
Requested by Shaw & Shaw, PC.		Survey (not Staked)	6-8-15
Professional Land Surveyor		Richard W. Siepel	
610 Englewood Ave.		© Copyright 2015 Richard W. Siepel	
Buffalo, N.Y. 14223		Scale: 1" = 30'	
Phone/Fax (716) 898-3344		SBL No.	
License No. 49191		Job No. 15174	
Successor to William C. Siepel			

This map void unless EMBOSSED with the New York State Licensed Land Surveyor's Seal No. 49191  
Altering any item on this map is in violation of the law, excepting as provided in section 7209 of the New York State Education Law.







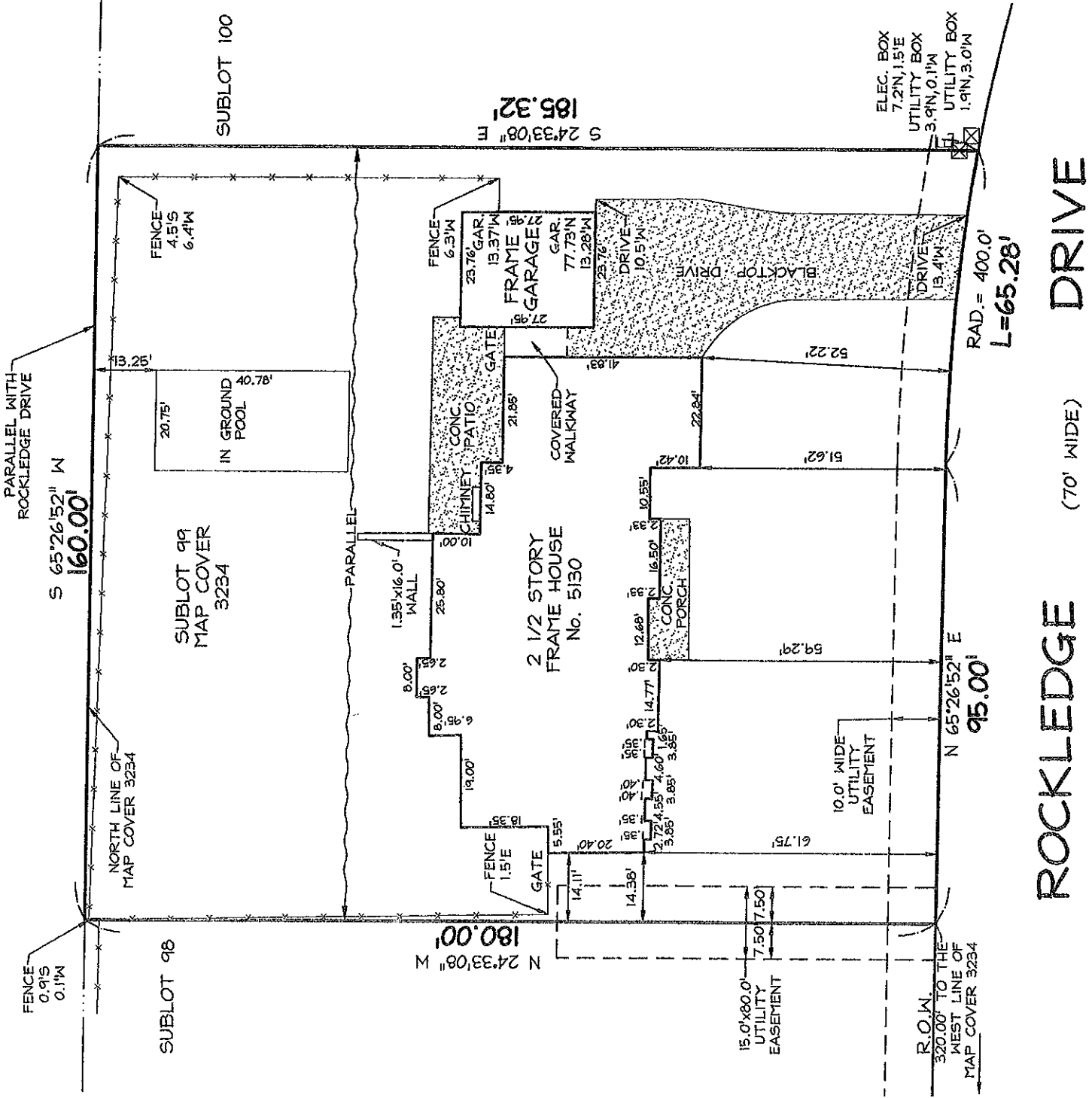
\*\*\*note the parcel lines displayed are approximate\*\*\*

## 5130 Rockledge Drive



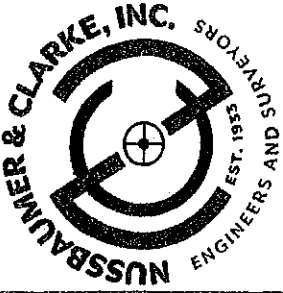
Proposed 1,008 sq.ft. (24' x 42') detached accessory structure (pool house). The maximum allowable square footage for a detached accessory structure is 200 sq.ft. A 808 sq.ft. variance is requested.

Proposed 21' tall detached accessory structure (pool house). The maximum allowable height for a detached accessory structure is 16'. A 5' variance is requested.



NOTE: PHYSICAL FEATURES AT GROUND LEVEL NOT CHECKED AND/OR LOCATED DUE TO THE PRESENCE OF EXCESSIVE SNOW AND/OR ICE.

3556 Lake Shore Road, Suite 500, Buffalo, NY 14219  
 p (716) 827-8000 f (716) 270-6091 www.nussclarke.com



**BOUNDARY SURVEY**  
**5130 ROCKLEDGE DRIVE**  
 Part of Lot 9, Section 6 Township 12, Range 6  
 Holland Land Company's Survey  
 Town of Clarence

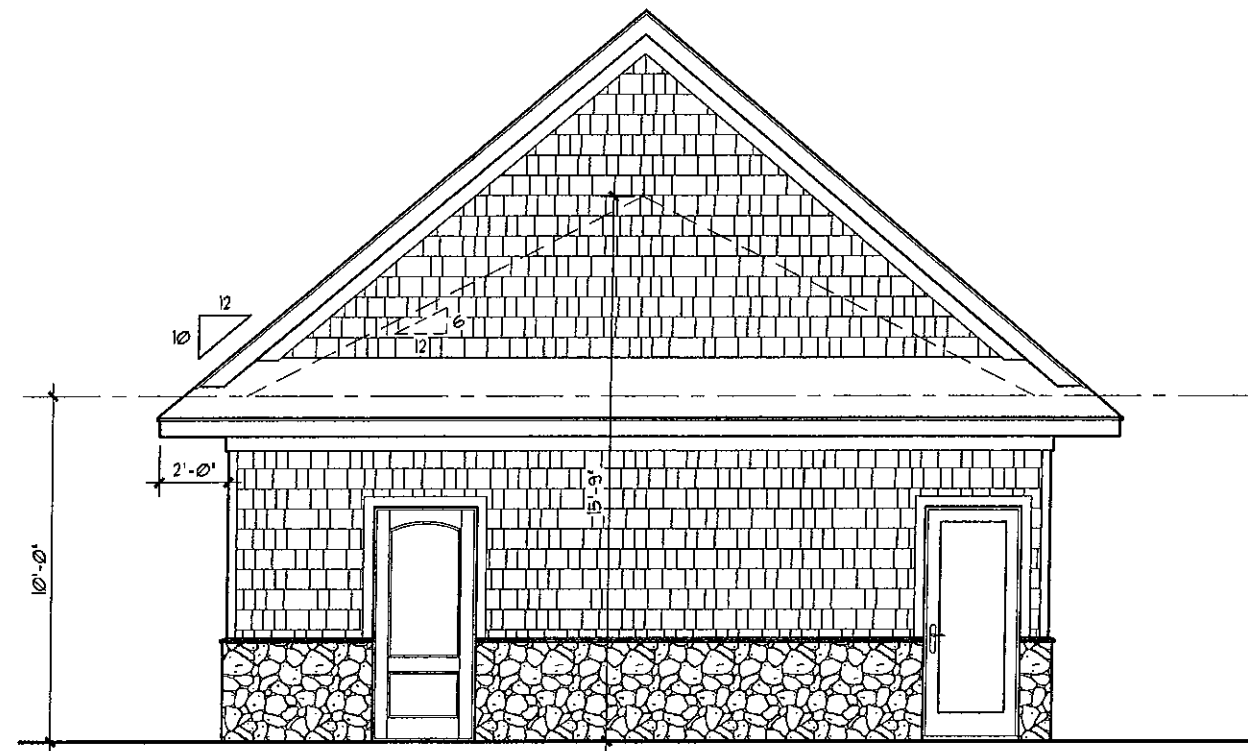
*Michael L. E.*

Date of Survey: 01/19/2021  
 Scale: 1" = 30'  
 Project No.: 21J2-0006

Successors to the records of Graf Land Surveyors Successors to the records of James L. Shisler, Land Surveyor

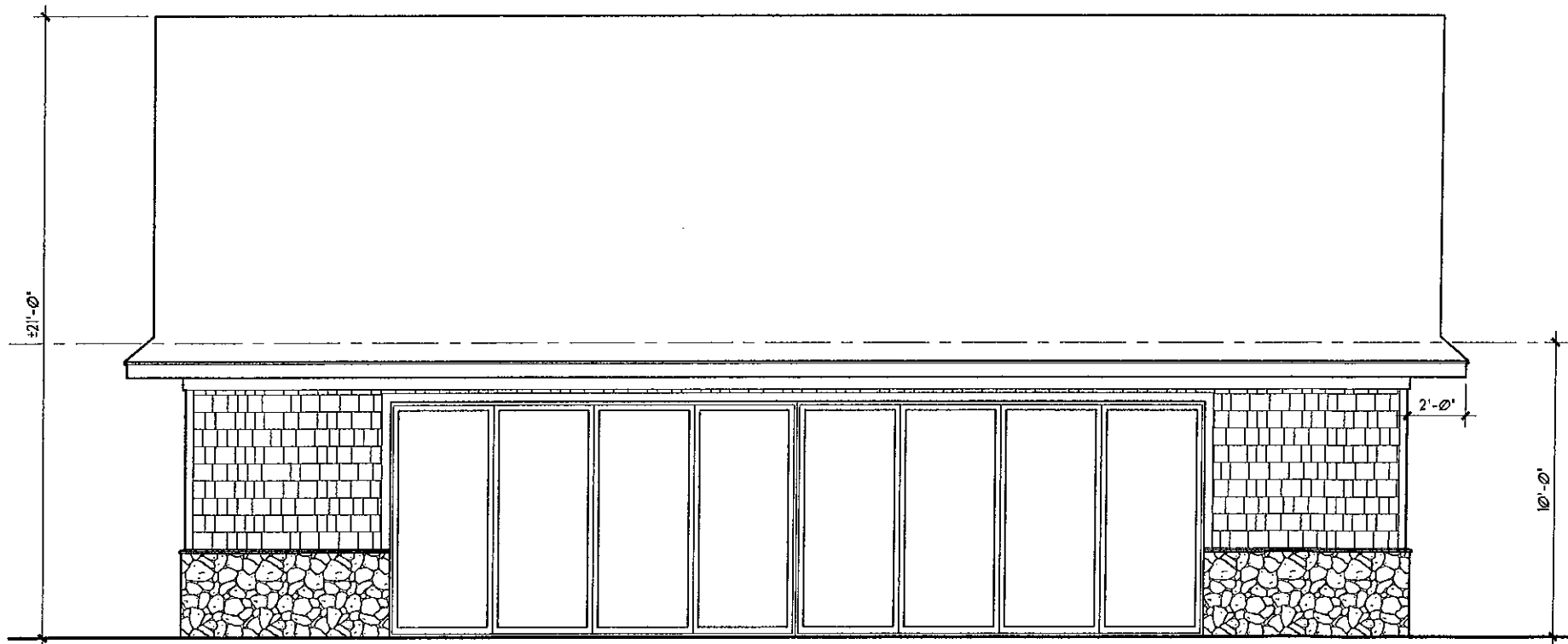
NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.  
 This survey was prepared without the benefit of an abstract of title and is subject to any state of facts that may be revealed by an examination of such.

Unauthorized alterations or additions to any survey, drawing, design, specification, plan or report is a violation of section 7209, provision 2 of the New York State Education Law.



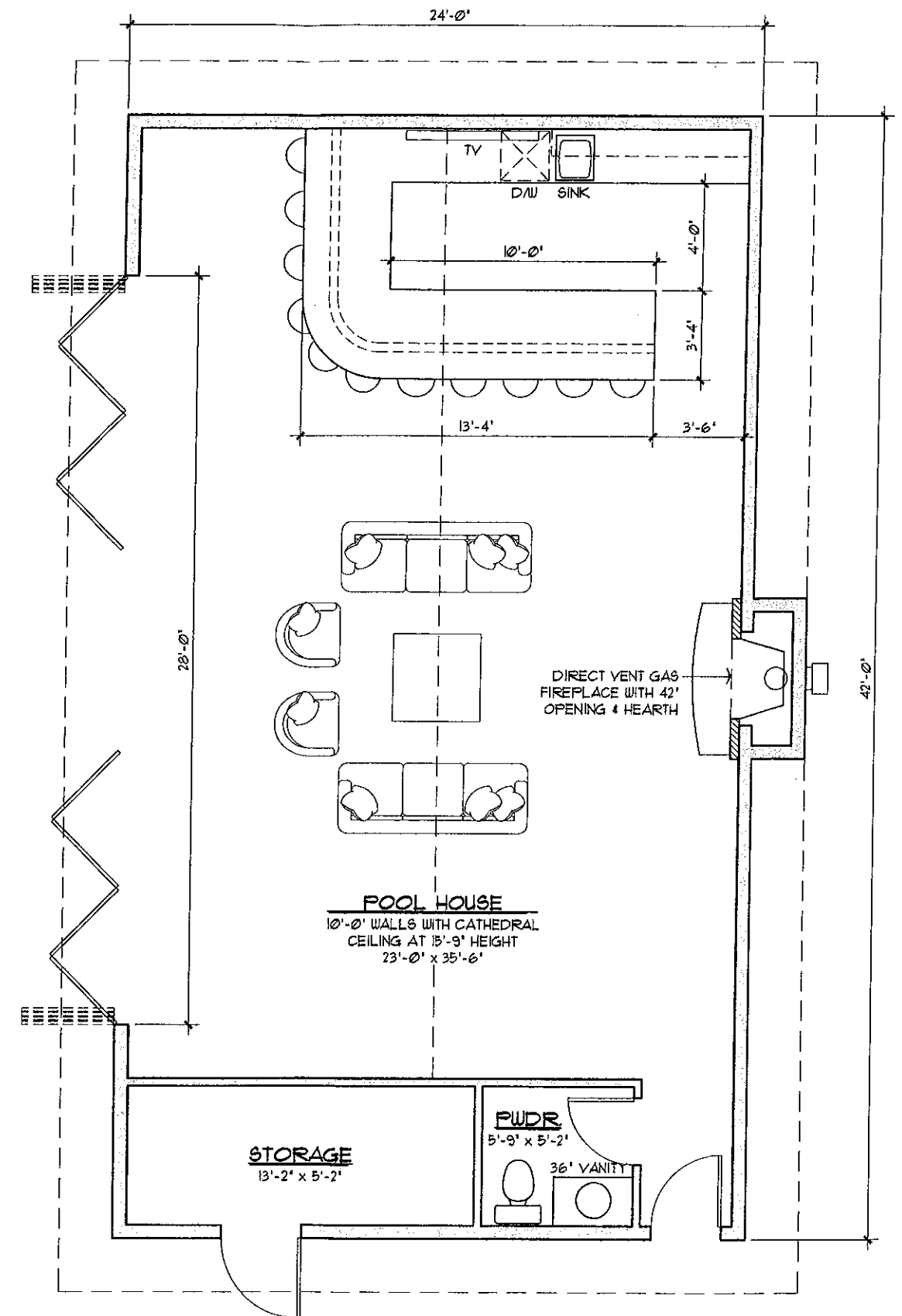
**Side Elevation**

Scale: 1/4" = 1'-0"



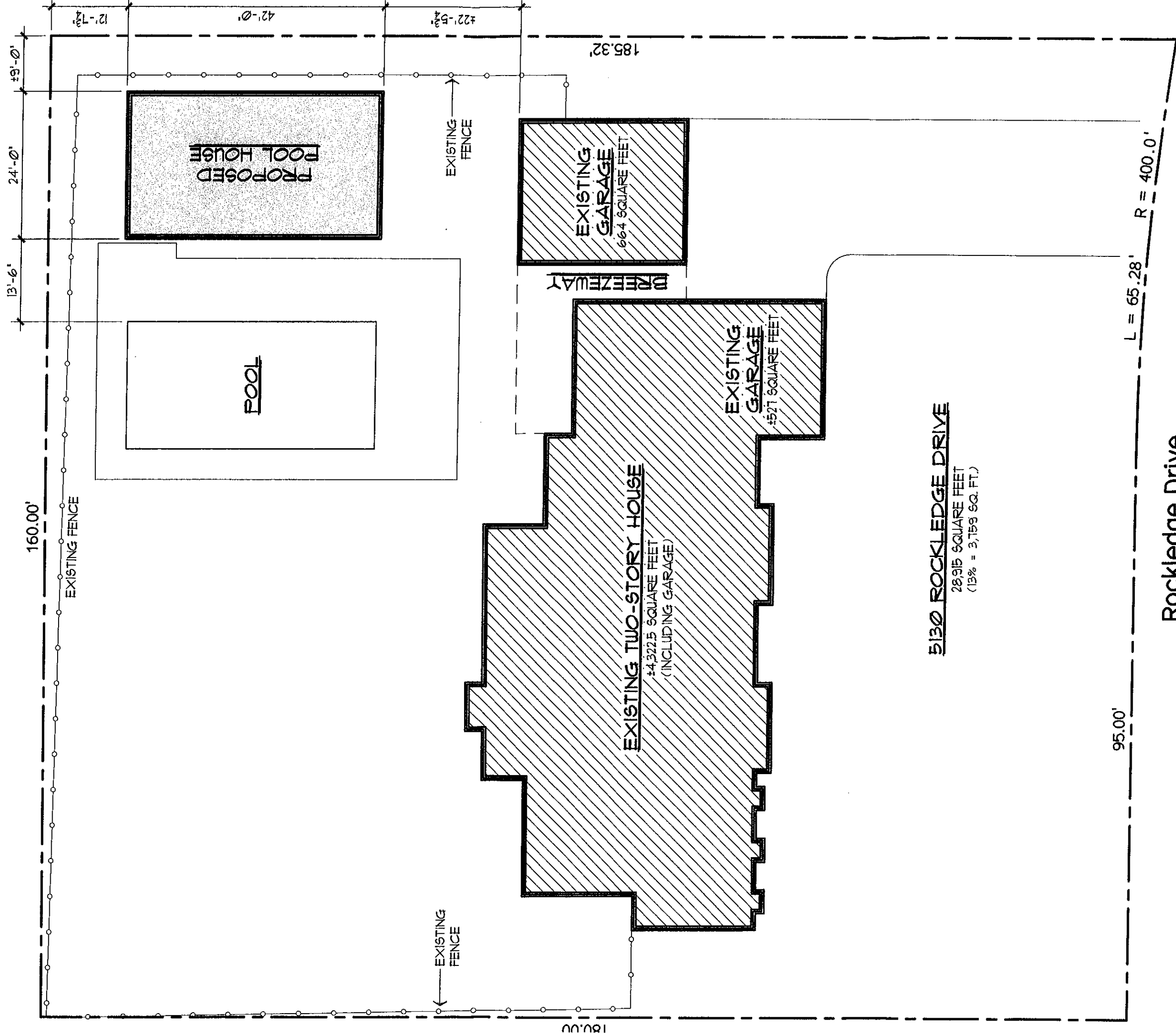
**Pool Side Elevation**

Scale: 1/4" = 1'-0"



**Cabana Plan**

Scale: 1/4" = 1'-0"



**5130 ROCKLEDGE DRIVE**  
 28,915 SQUARE FEET  
 (13% = 3,759 SQ. FT.)

Rockledge Drive

**New Site Plan**

Scale: 1/16" = 1'-0"

