

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

Proposed single-family home with a 36' front yard setback.

Map Cover 3858 requires a minimum 45' principal structure front yard setback.

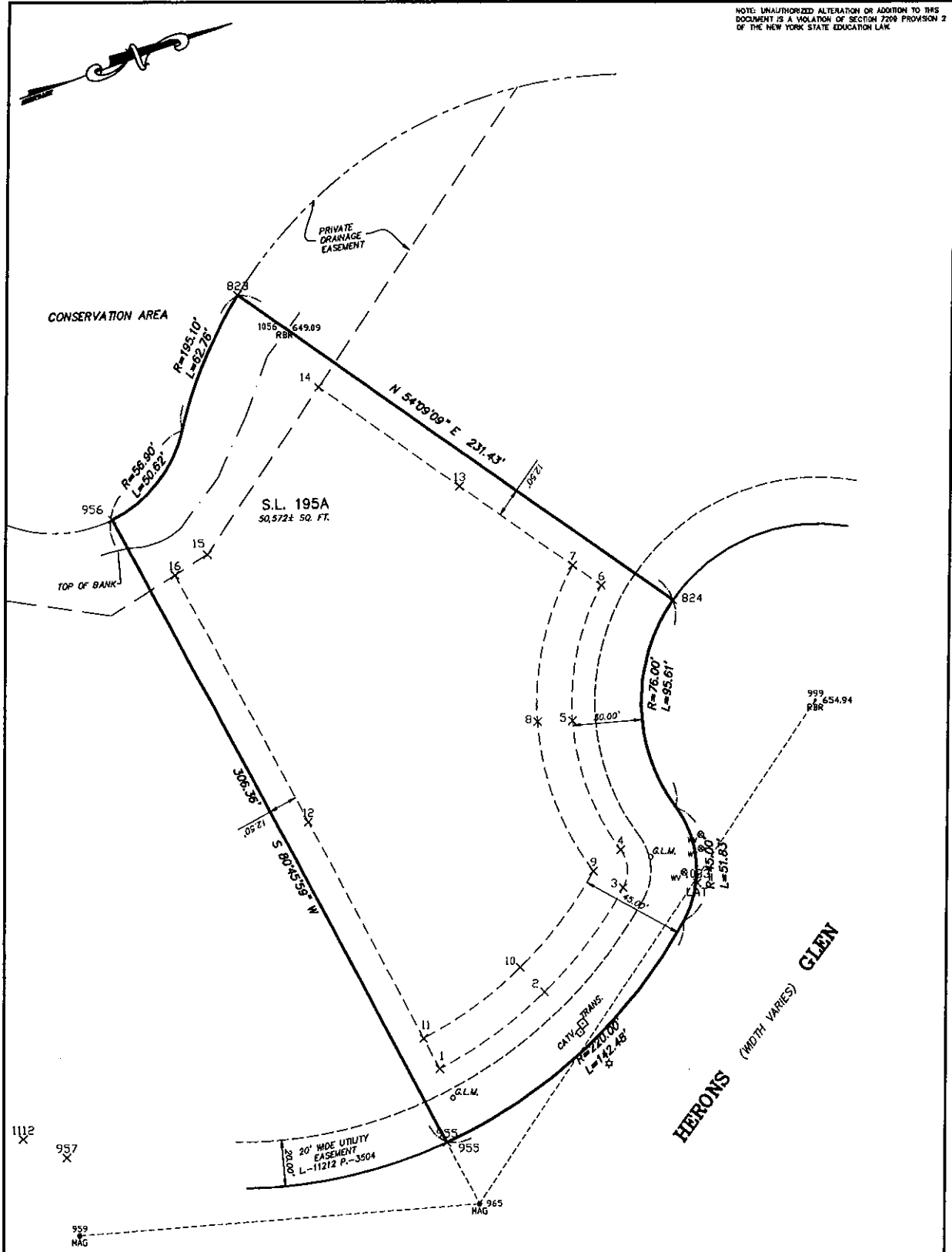
A 9' variance is requested.



## 5544 Herons Glen



NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.



SUB-LOT 195A, MAP COVER 3658  
**SPAULDING GREEN SUBDIVISION PHASE 4A**  
 BEING PART OF LOT 12, SECTION 6, TOWNSHIP 12, RANGE 6  
 HOLLAND LAND SURVEY  
 TOWN OF CLARENCE, ERIE COUNTY, NEW YORK

DATE	REVISION/TYPE

GPI

**GPI ENGINEERING, LANDSCAPE ARCHITECTURE & SURVEYING, LLP**

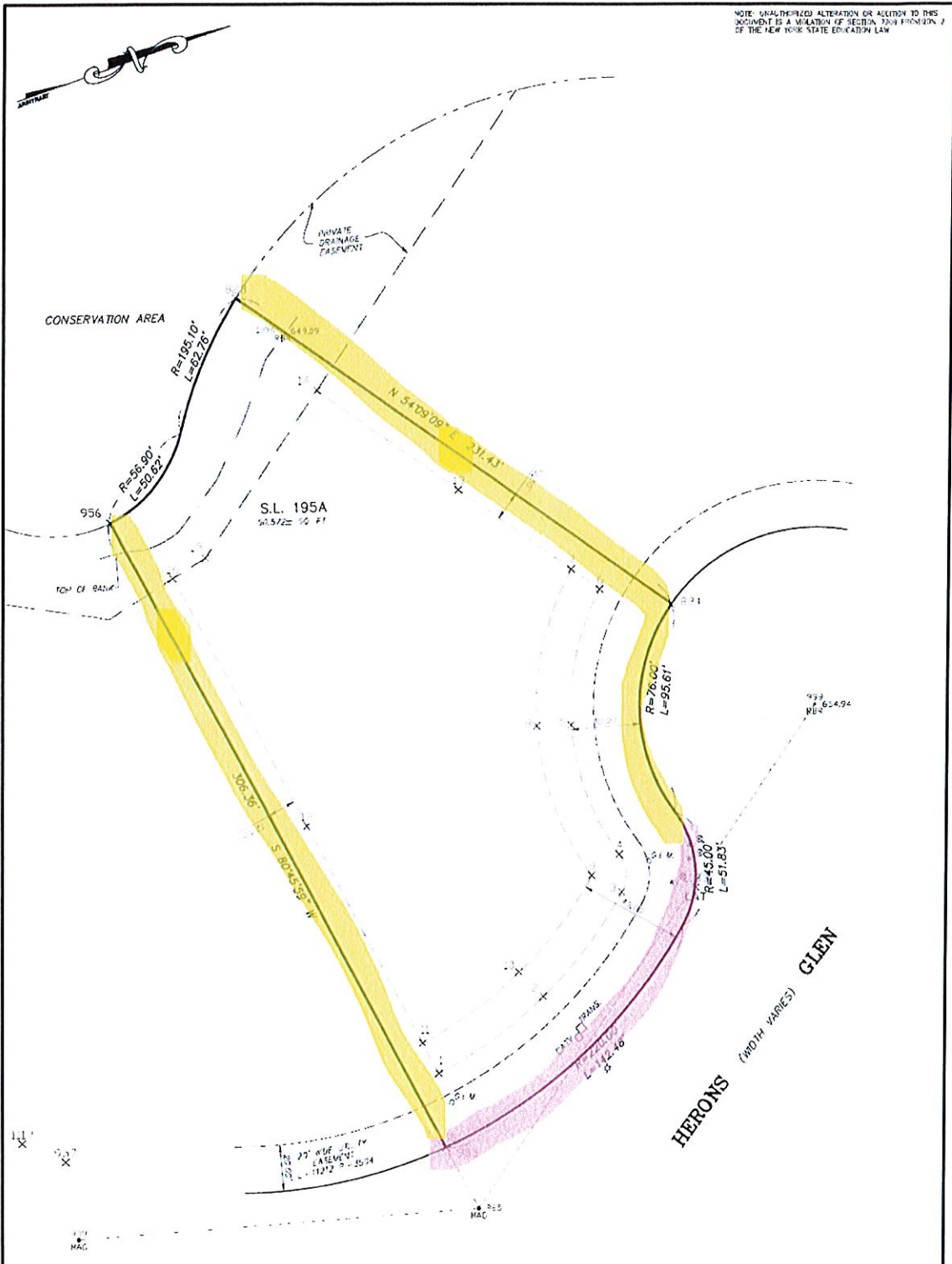
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE

4950 GENESEE STREET, SUITE 100  
 BUFFALO, NEW YORK 14226

(716) 833-4844      FAX 833-4840

Job No. 6132-195A      Date: \_\_\_\_\_  
 Scale 1" = 40'      Tax No. \_\_\_\_\_

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 1704, PARAGRAPH 2 OF THE NEW YORK STATE EDUCATION LAW

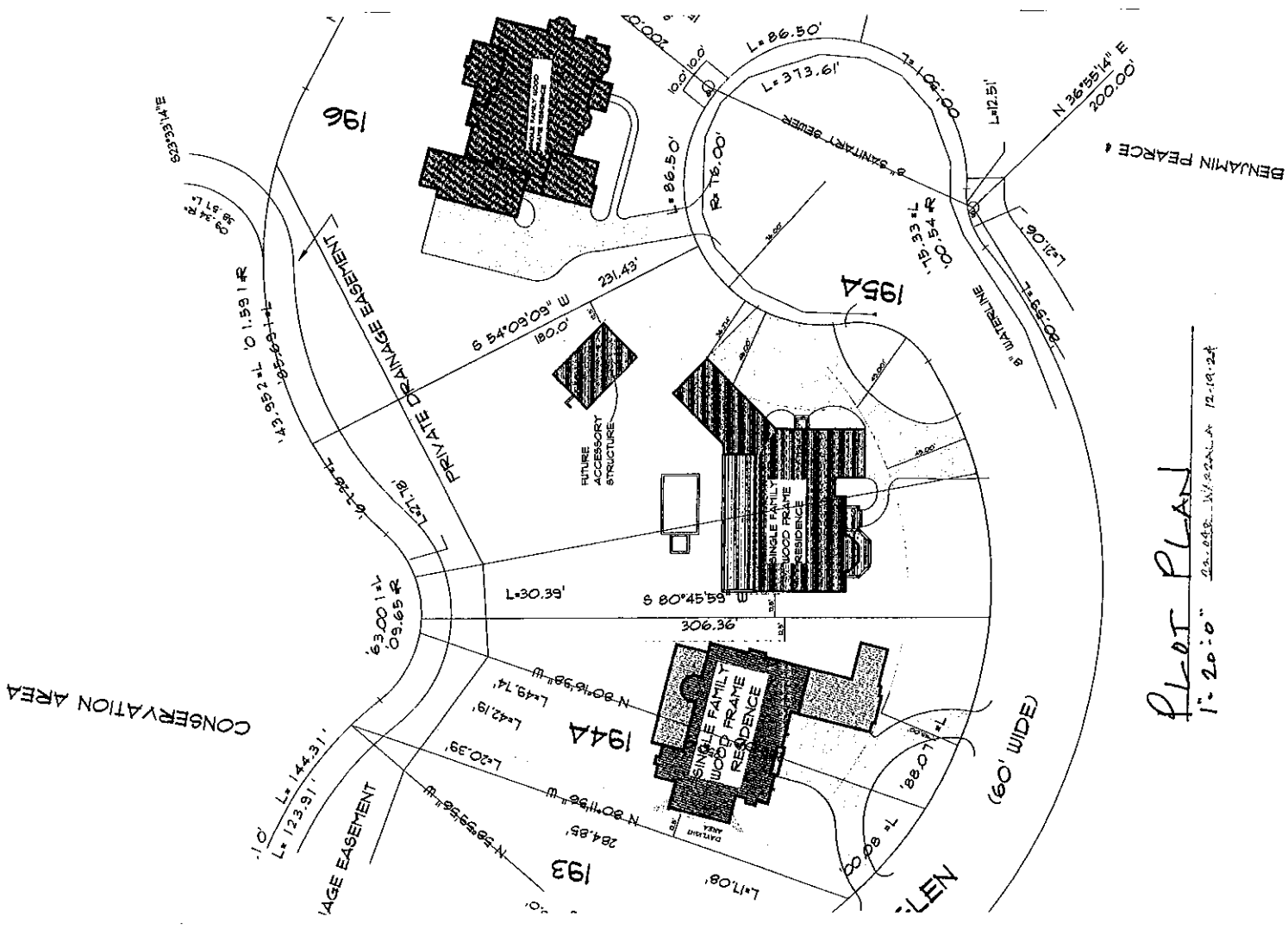


SUB-LOT 195A, MAP COVER 3858  
 SPAULDING GREEN SUBDIVISION PHASE 4A  
 BEING PART OF LOT 12, SECTION 6, TOWNSHIP 12, RANGE 6  
 HOLLAND LAND SURVEY  
 TOWN OF CLARENCE, ERIE COUNTY, NEW YORK

DATE	REVISION/TYPE

**GPI ENGINEERING, LANDSCAPE ARCHITECTURE & SURVEYING, LLP**  
 ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE  
 4550 GEDSKE STREET, SUITE 100  
 BUFFALO, NEW YORK 14225  
 (716) 633-6244 FAX 633-6940

Job No 6132-195A Date: \_\_\_\_\_  
 Scale 1" = 40' Tax No. \_\_\_\_\_



**Plot Plan**  
 1" = 20'-0"  
 22-248-11/22-248-12-19-24

## T of Clarence Area Variance – Questions.

### Area Variance

An area variance shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood community by such grant. In making such determination the Board shall also consider:

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;

**RESPONSE:** The reason for seeking the area variance is to allow the property owner to build a residence that matches the current character of the neighborhood. As shown on the design plan, the Lot 5544 shows significant frontage curvature due to the shape of the cul-de-sac. The frontage curvature makes it impossible to build a front-facing residence that has a consistent 45-foot setback. The building shown on the design plan shows that a 8-foot variance is required on the side of the residence with the cul-de-sac curves more than 45 degrees. Nonetheless, when comparing the design of Lot 5544, it appears to match the aesthetic and character of the two neighboring premises – single family residence, multiple garages, circular driveway, etc. There is no undesirable change or detriment to the neighborhood or nearby properties. In fact, the property owner has obtained consent from almost every property owner in the area.

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;

**RESPONSE:** If the property owner were to build a residence that had a consistent 45-foot setback, the residence would not be front-facing and would have to be pushed back much further than 45 feet. This would create a design that would be an eye-sore for the neighborhood and adjacent property owners. This would also create further issues for the property as it could potentially encroach upon the private drainage easements towards the back of the property. It appears that there is no other method that would avoid having to obtain a variance.

3. Whether the requested area variance is substantial;

**RESPONSE:** Do I consider the impact that the required 45-foot setback has on the build of my residence substantial? Yes. Do I consider my request for a variance to allow me to build 8 feet from the property line (as opposed to 45 feet) substantial? No. I consider this request reasonable and fair. When you look at the dimension of the Lot 5544, the curvature of the road and the issues this creates for the design and placement of a building, there is no other option than to obtain a variance. As stated previously, the variance will allow the property owner to build a residence that upholds the character of the neighborhood and matches the aesthetic of the buildings around it.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

**RESPONSE:** There will be no adverse effects or impacts on the physical or environmental conditions in the neighborhood or district. The variance is strictly to assist with building a beautiful residence that matches the character and aesthetic of the residences surrounding it.

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.

**RESPONSE:** The difficulty was not self-created. Upon purchasing Lot 5544, the property owner was informed that the Town of Clarence would consider the shape of the lot and the curvature of the cul-de-sac when considering the necessity of a variance.



ZBA 9-10-2024

Appeal No. 6

Allie & Tac LLC.  
Residential Single-Family

Applicant requests a variance of 19' to allow a 26' front yard setback for the construction of a single-family home located at 5544 Herons Glen.

Town Code Reference:  
Map Cover 3858

**DISCUSSION:**

Sean Hopkins with Hopkins Sorgi & McCarthy PLLC was present on behalf of the applicant, the applicants Steve and Allie Rozala, architect J.R. Kruzyski as well as the builder for the proposed house.

Mr. Hopkins distributed an additional handout to the Zoning Board members, and noted that all neighbor notifications are on file.

Mr. Hopkins reviewed the property, which consists of a lot and a half, equaling 50,272 sq. ft. / 1.15 acres. There is a decorative / stormwater management pond located directly behind the parcel.

Referring to the survey of the parcel, Mr. Hopkins noted that it has A-typical dimensions, with 288' of frontage, but it is not a straight line due to the location partially on and off of a cul-de-sac. There is also a private stormwater drainage easement located at the back of the site.

Mr. Hopkins reviewed the dimensions of the property, noting it is not the typical pie-shaped lot that sits on a cul-de-sac.

Normally, a 45' front yard setback is required. A portion of this house goes to 26' which is the portion of the lot that extends out towards the cul-de-sac. The front of the house that faces Herons Glen and not on the cul-de-sac complies with the required setback of 45'. Placing the proposed house the way that they have allows for the backyard to be aligned with the adjacent neighbor's backyard.

Mr. Hopkins stated that because of the size of the lot, they will comply with all of the other requirements including the side yard setback of 12 ½ ft. and the rear yard setback of 45 ft., and all technical standards.

Mr. Hopkins reviewed the reasoning for the orientation of the proposed house, noting that they placed it facing the non-bulb portion of the cul-de-sac, so that it aligns with the house next door. In terms of street frontage and usable backyard, so that the backyard would not be oriented towards the neighbor to the south.

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Mr. Hopkins reviewed some alternatives that do comply with the code, but would be less consistent with the character of the neighborhood.

Mr. Hopkins reviewed the criteria and requirements for the variance request.

Mr. Hopkins explained that they must receive a building permit, comply with drainage standards, all of the same standards that require approval for a detached single-family home. No environmental impacts will result from this request.

Regarding whether this difficulty was self-created, this specific criteria cannot be the sole basis for any decision making. While this request can be viewed as being self-created, an additional half-lot was purchased to accommodate the larger home. When this property was originally sold to the applicant, they were advised that a house of this size could fit on the lots without any variances.

Chairman Mills referred to the information that showed the analysis in terms of what percentage of the structure would be in compliance versus what would not be in compliance.

Chairman Mills asked about the garage space.

J. R. Kruzyski, architect for the proposed project explained that the area Chairman Mills is asking about that is closest to the street is a garage, as well as the indented area. The farthest bump-out is living space.

Mr. Kruzyski stated that it is a pool room to support the pool to the outside.

Chairman Mills asked if that could be pushed back farther.

Mr. Kruzyski stated that area is not the problem, the front corner of the proposed house is what is causing the issue. They could move that section back, though they would still be requesting a 26' variance.

The applicant Steve Warzala and his wife Allie were present.

Mr. Warzala stated that he understands Chairman Mills' point, and if necessary, they can push that sunroom to the inside more, they were attempting to not encroach on the property to the north. They positioned this area of the home more towards the street to move it away from the neighbor's property, and more in line with the other houses in the cul-de-sac.

Chairman Mills explained that they are looking at the request from an overall character of the neighborhood as well as the design aspect, with different views and sightlines for everyone.

Mr. Warzala explained how they determined the requested setback, and that to him there did not appear to be a noticeable difference between a 45' setback and a 26' setback.

Noting that the overall size of the parcel is 1.15 acres, Chairman Mills asked what the size of the proposed home is.

Mr. Warzala responded that it is approximately 6,500 sq. ft.

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Chairman Mills asked if that includes the covered patio / cabana space.

Mr. Warzala responded no.

Chairman Mills stated that the proposed plans include a 6-car garage with entry from both the cul-de-sac and Heron's Glen.

Mr. Warzala responded yes.

Mr. McNamara asked why the footprint was not designed to meet the standards.

Mr. Warzala recounted a conversation and understanding that he made with the developer and original property owner, which he did not understand was a Town of Clarence approval and not the property owner's approval.

Once they began designing the home, Mr. Warzala stated that he was not aware they would not be allowed to continue on until Mr. Kruzyski advised him that they were not within the setbacks. What they looked at was that they are mostly staying within the frontage setback, but what he feels should be considered the side yard setback due to the irregularly shaped, is why they are requesting the variance.

Mr. Hopkins noted that the Warzala's have worked closely with the architect to help design their dream home, and this footprint works. He does not see that the minor area and setback request will cause any harm.

Mr. McNamara noted that the sunroom / cabana could be placed on the south side of the proposed home and would fit better there, as well as provide additional privacy for the neighbor on the south side. The house would then be able to be moved back a little further.

Mr. McNamara stated that there are options to consider that would make the request even more minimal. He understands that the lot is unique, but the setbacks are provided for a reason, and there has been substantial work over the past 20 years to make this development what it is.

Mr. McNamara suggested the house can be re-designed to make it fit more appropriately on the lot.

Mr. Warzala explained why they designed the proposed house the way that they did, with the 6-car garage.

Mr. Warzala explained his reasoning and thought process for the placement of the proposed landscaping.

Noting that Mr. Warzala had commented that there are previous revisions of this proposed plan, Mr. McNamara asked what the differences were between the first rendition and this one that is being proposed.

Mr. Hopkins stated that they had a house designed that followed the front yard setback and resulted in a straight-shaped layout.

Mr. Warzala explained that previous renditions of the house plans elongated the house and pushed it to the back right, and pushed the garage towards the neighbor, which they are trying to avoid.

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Mr. McNamara stated that he would like to see the setback pushed back farther on the right side of the proposed house, move the cabana to the left side of the pool, giving the neighbor to the south more privacy, and the applicant's backyard additional privacy.

Mr. Kruzyski stated that when they started with the design, they did work within the setbacks, then with the request of a 6-car garage, in order to comply, they would have dog-legged the 6-car garage on an angle to the cul-de-sac. This would result in a line of 6 garage door openings, and as anyone in a cul-de-sac drove by, it would not be the most attractive view, but they would not need the variance.

Mr. Kruzyski explained that the design of the house will be American Traditional style to match the character of the street.

Mr. Drinkard complimented the late Dominic Piestrak for his development, and eclectic lot designs.

Noting that if he lived in the neighborhood, he would not have any issue with the proposed home, Mr. Drinkard asked Mr. Warzala if he has received any comments from any of the neighbors regarding the design of this proposed house.

Mr. Warzala responded no. The neighbors have all been notified, he does believe there may have been some confusion with the notifications and that they were requesting approval from the neighbors, which they were not doing.

Mr. Warzala explained how they have worked on adjusting the plans to address concerns from the neighbor to the north.

Mr. Warzala explained that he assisted the original property owner / developer in designing the lots to give each one more space.

Mr. Drinkard asked Mr. Warzala what the rectangle is on the plans.

Mr. Warzala explained that he grew up playing hockey, they reside next to a hockey player, and in hopes of someday building an ice rink for their son, they put it in the design of the house and property.

Mr. Drinkard asked what the rectangle shape is directly behind the proposed house on the drawings.

Mr. Warzala responded that it is a pool, but the schematics of the property with the rink and pool are very draft and nothing has been confirmed yet.

Mr. Drinkard noted that it is a very busy piece of property.

Mr. Drinkard asked Mr. Warzala if he has seen the homeowner's agreement between himself and the developer, and if this property and layout of the proposed house violates anything in the homeowner's agreement.

Mr. Warzala responded no; it does not.

Neighbor Notifications are on file, no written comments were received.

SBA 9-10-2024

In regards to Public Participation, the following residents spoke:

1. Chris Skomra of 5554 Herons Glen:
  - when he purchased the property, he was assured additional builders would be required to match the aesthetics of the neighborhood
  - concerned with the proximity of the proposed house to the street level
  - the lot should be considered a corner lot. He does not consider it the side of the house, it is directly adjacent to the cul-de-sac street and by bringing it closer to the street creates a blockage of view for not only drivers, but also for him when he exits his driveway
  - every other house on the cul-de-sac has their driveway on the left as you face the house, but for some reason this proposed house was designed contrary to all of the others, with the driveway adjacent to his
  - concerned that there are two driveways proposed for a residential property
  - feels the applicant has had ample time to come up with a design for a house that fits the lot and the neighborhood as well as conforming to the codes of the Town of Clarence
  - would like to see the proposed house redesigned

Chairman Mills noted that from a visual aesthetic standpoint, the cabana structure is on the side of one of the garages, which Mr. Skomra would have a clear view of.

Chairman Mills asked if the side garage facing the court did not have a garage door on it but more of a tandem garage, would that help remediate some of the visual concerns.

Mr. Skomra stated that if the driveway was gone it would, yes. He does not understand the need for two driveways.

Chairman Mills noted that there are 3 curb cuts.

Chairman Mills asked Mr. Skomra about the placement of the proposed cabana.

Mr. Skomra noted that it is close to the property line, he feels could be easily corrected to fit within the code. He strongly feels that the driveway should be on the left side and conform with everyone else on the street. He feels it violates his privacy having it located there.

Mr. McNamara asked Mr. Bleuer if there is an allowed number of curb cuts on a residential lot.

Mr. Bleuer responded that it is subject to review and approval by the Highway Department.

2. Alex Tuch of 5534 Herons Glen
  - agrees with Mr. Skomra on all of his statements
  - was not informed by Mr. Warzala, but his wife who is not the property owner was
  - concerns with privacy
  - they were one of the last residents to purchase their lot and they had no say in the size of shape of the lot but through a long, painstaking process, they were able to design and build a home that fit within the Town of Clarence guidelines

- 30A 9-10-24
- they did have to make some adjustments that they would rather not have while designing their house, in order to have it comply with the town standards, including the placement of their garage
  - they want to be neighborly and make sure everyone abides by the guidelines, they also want to be in unison

Mr. Drinkard asked Mr. Tuch if his house was the property adjacent to the applicant's.

Mr. Tuch responded yes.

Chairman Mills asked Mr. Tuch if the house was pushed back as shown in page 5 of the additional supporting documents, more of the house would be seen from Mr. Tuch's backyard.

Mr. Tuch responded yes.

Chairman Mills asked Mr. Tuch if that design would be more amenable to him.

Mr. Tuch stated that he is unsure how he feels about that design. 12 ½ ft. is fairly close to have side-by-side houses. The only reason he had to do it when building his house was due to the size, and they also relocated their driveway to the front of the house to be sure they stayed within the guidelines. They were not expecting someone to build that close on the other side of them.

Mr. Tuch stated that there are privacy issues, and as neighbors you have to do your due diligence and protect your own privacy. He has put in hedges, and although he is not sure how much the hedges will mitigate the views, there is a bit of an awkwardness on both sides.

Mr. McNamara asked Mr. Tuch what the size of his house is.

Mr. Tuch responded approximately 11,000 sq. ft.

Mr. McNamara asked what the sq. ft. is for the first and second floors.

Mr. Tuch responded approximately 7,000 sq. ft. and they have a 4-car garage, one with a deep section that has a garage door in the back.

Public Participation was closed for this item.

Addressing the applicant, Chairman Mills stated that some of the neighbor's concerns have been heard, and asked Mr. Warzala what his thoughts are.

Mr. Warzala responded, stating that he showed some of the plans to Dr. Skomra and Mr. Tuch and offered to meet them at his lot to walk through it and explain it to them, they were unable to do that.

Mr. Warzala noted that he was not aware Mr. Tuch's wife was not listed as a property owner when she signed the notification, he received correspondence from Mr. Tuch stating that his wife signed and they were good.

Mr. Bleuer pointed out that Neighbor Notifications are not signatures of approval or disapproval, it is simply a notice and not an opinion.

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Mr. Warzala stated that they wanted to be transparent with all of the neighbors, not only the ones adjacent to their property. Their goal was to show everyone their plans and that they want to build a great house that is in-line with what the rest of the neighborhood.

Regarding the concern that his proposed driveway is on the right-hand side of the property, Mr. Warzala pointed out several other neighbors in the cul-de-sac who also have their driveway on the right-hand side of their property.

Discussion continued regarding personal reasons the applicant did not begin building their house right after purchasing the property.

Allie Warzala explained their reasoning as to why they did not begin building their house right away.

Mr. Warzala explained that were attempting to be neighborly and intended to discuss the plans and any concerns privately before coming to the Zoning Board. Mr. Warzala noted that Mr. Kruzyski designed all of the neighbor's houses included his.

Regarding the 3 driveway points, Mr. Warzala stated that it was listed on the paper, but is not necessarily what it will be.

Chairman Mills noted that Mr. and Mrs. Warzala have heard some feedback from the neighbors, with one of the points being the other driveway point closest to Mr. Smora's residence, as well as other concerns from the neighbors.

Chairman Mills noted that it would make the most sense to table this request, come up with some other designs, communicate more with the neighbors, and possibly provide some elevations. Elevations go a long way in terms of helping the board as well as the neighbors to see the aesthetics and how it fits in.

Mr. Hopkins requested to table this request, they have heard from some residents that have a vested interest and secondly, that the public hearing is left open so that everyone including the residents in attendance tonight have the opportunity to speak.

**ACTION:**

Motion by Ryan Mills, seconded by Gerald Drinkard to **table** Appeal No. 6.

**ON THE QUESTION:**

Chairman Mills explained that each board member is different and have different requests. While not a requirement, Chairman Mills stated that it would be helpful is to have some form of elevations even in a sketch format. Also, the driveway is a concern so alternative designs would be helpful. In terms of the 6 garages, Chairman Mills suggested a tandem garage so that there are not 6 garage doors.

Mr. McNamara asked Mr. Warzala what the square footage of their proposed house is currently planned for.

Mr. Warzala responded approximately 6,500 sq. ft.

BBA 9-10-2024

Mr. McNamara noted that Mr. Tuch's house is approximately 7,000 -7,500 sq. ft. but is more condensed, and suggested Mr. Warzala consider condensing the plans more.

Mr. Hopkins noted that they will review the plans to see if they are able to reduce the amount of relief that is needed.

Mr. Drinkard stated that this is the time to determine what is fair specifically with next door neighbors in the immediate area.

Mr. Krey noted that the applicant should consider some landscaping for buffering, and review that with the adjacent neighbors, specifically the neighbor to the south.

Mr. Warzala explained that they want to provide the neighbors with as much privacy as they can.

Chairman Mills stated that after hearing comments from neighbors and board members, the applicant should work on alternative plans and return for another meeting.

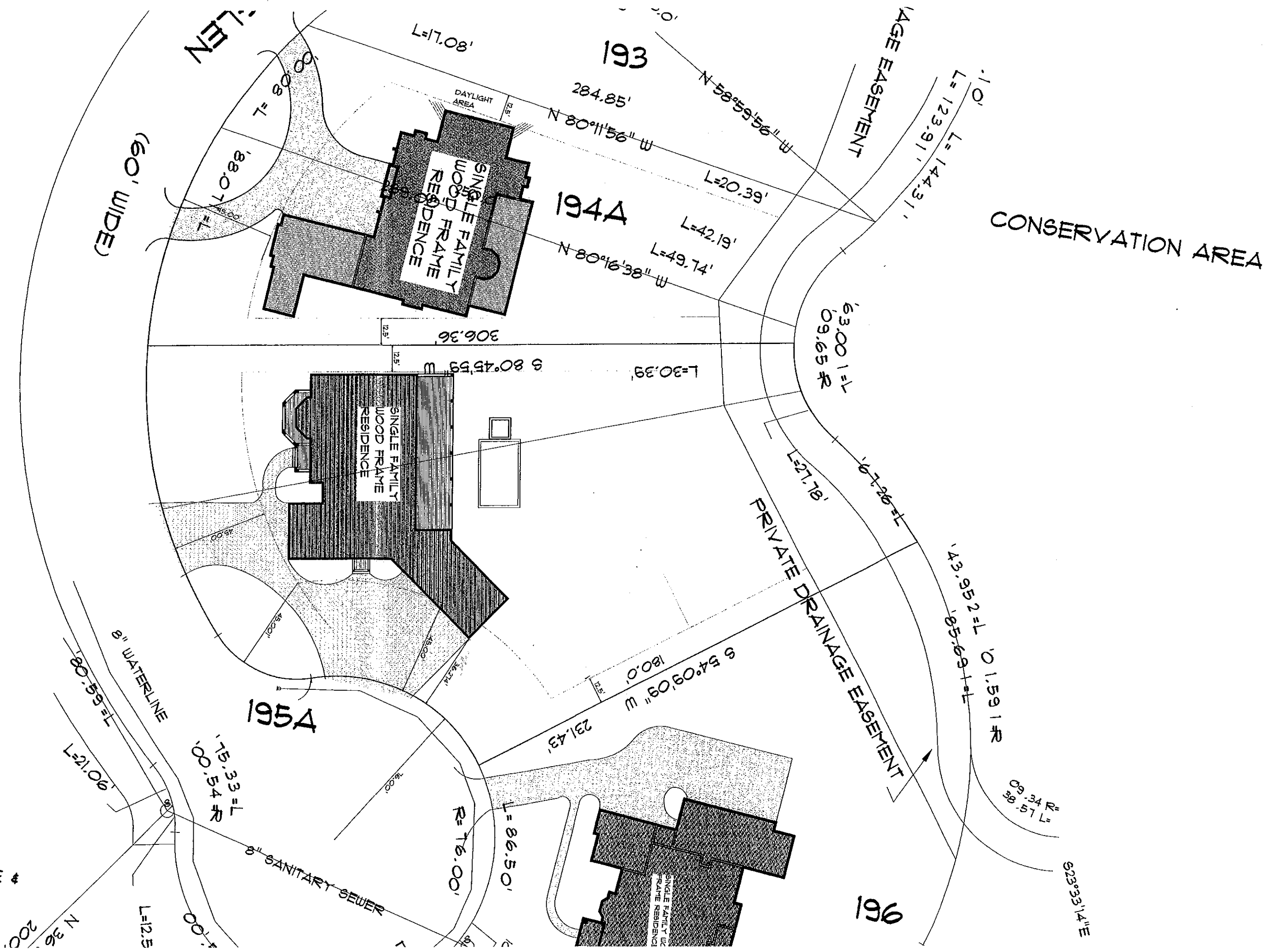
Gerald Drinkard	Aye	Richard McNamara	Aye	Ryan Mills	Aye
Patrick Krey	Aye				

MOTION CARRIED

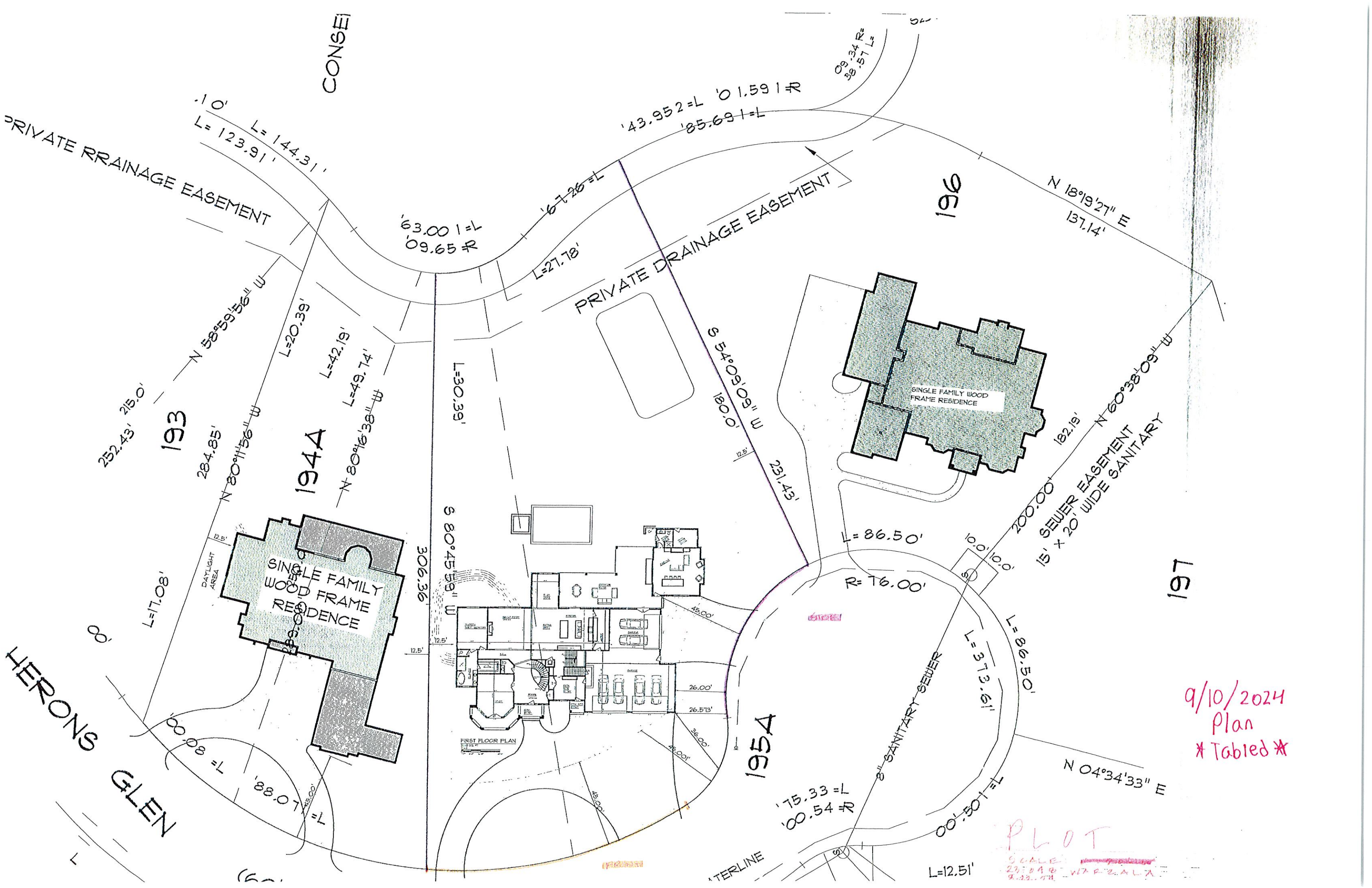


**Plot Plan**  
 1" = 20'-0"  
 40'-0"

ENJAMIN PEARCE #







CONSEI

PRIVATE DRAINAGE EASEMENT

PRIVATE DRAINAGE EASEMENT

HERONS GLEN

L=123.91'

L=144.31'

N 58°59'56" W

L=20.39'

L=42.19'

L=49.74'

N 80°16'38" W

L=30.39'

L=30.39'

L=17.08'

N 80°11'56" W

252.43' 215.0'

284.85'

306.36'

306.36'

63.00' L

09.65' R

67.26' L

43.952' L

01.591' R

85.691' L

09.34' R

38.57' L

193

194A

1954

196

197

15' SEWER EASEMENT

20' WIDE SANITARY

8" SANITARY SEWER

15' x 20' WIDE SANITARY

DAYLIGHT AREA

SINGLE FAMILY WOOD FRAME RESIDENCE

SINGLE FAMILY WOOD FRAME RESIDENCE

FIRST FLOOR PLAN

TERLINE

N 18°19'27" E

137.14'

N 60°38'09" W

182.19'

200.00'

10.0'

10.0'

R=16.00'

L=373.61'

L=86.50'

L=86.50'

N 04°34'33" E

175.33' L

00.54' R

00.50' L

L=12.51'

9/10/2024 Plan \*Tabled\*

SCALE: 1"=20'-0" W.P. Z.A.L.A. 9.22.24

LOT





# 8440 Lakemont Drive

Proposed 504 sq.ft. (14' x 36') detached accessory structure (garage).

200 sq.ft. is the maximum allowable square footage for a detached accessory structure when an attached garage exists.

A 304 sq.ft. variance is requested.



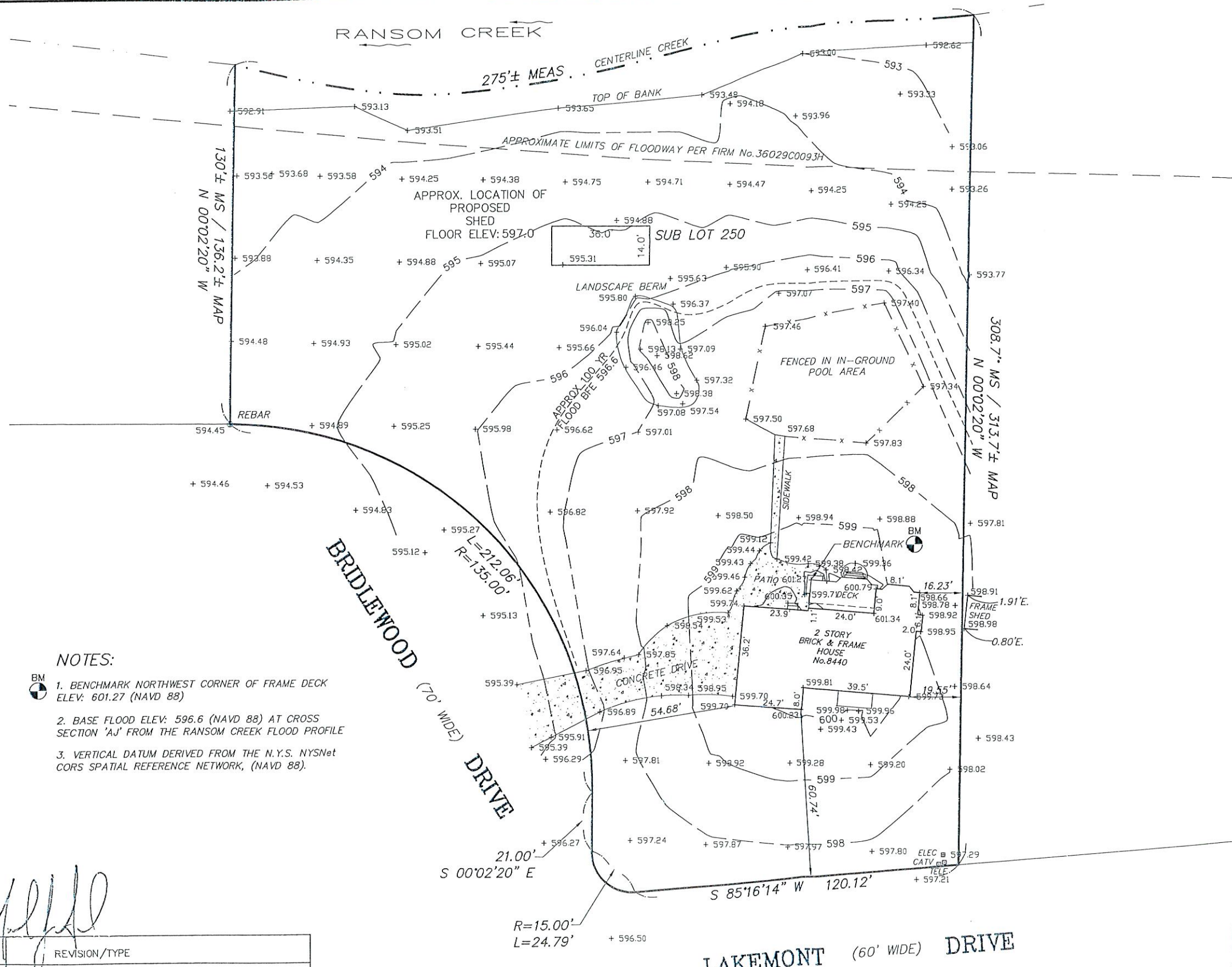
\*\*\*note the parcel lines displayed are approximate\*\*\*



NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

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⊙ SET OR EX. 5/8" REBAR



**NOTES:**

- 1. BENCHMARK NORTHWEST CORNER OF FRAME DECK ELEV: 601.27 (NAVD 88)
- 2. BASE FLOOD ELEV: 596.6 (NAVD 88) AT CROSS SECTION 'AJ' FROM THE RANSOM CREEK FLOOD PROFILE
- 3. VERTICAL DATUM DERIVED FROM THE N.Y.S. NYSNet CORS SPATIAL REFERENCE NETWORK, (NAVD 88).

*W. J. [Signature]*

DATE	REVISION/TYPE

BOUNDARY & TOPOGRAPHIC SURVEY OF  
 SUB LOT 250, MAP COVER 2598  
 MEADOWLAKES SUBDIVISION PHASE VI  
 PART OF LOT 1, SECTION 16, TOWNSHIP 12, RANGE 6  
 HOLLAND LAND COMPANY'S SURVEY  
 TOWN OF CLARENCE, ERIE COUNTY, NEW YORK

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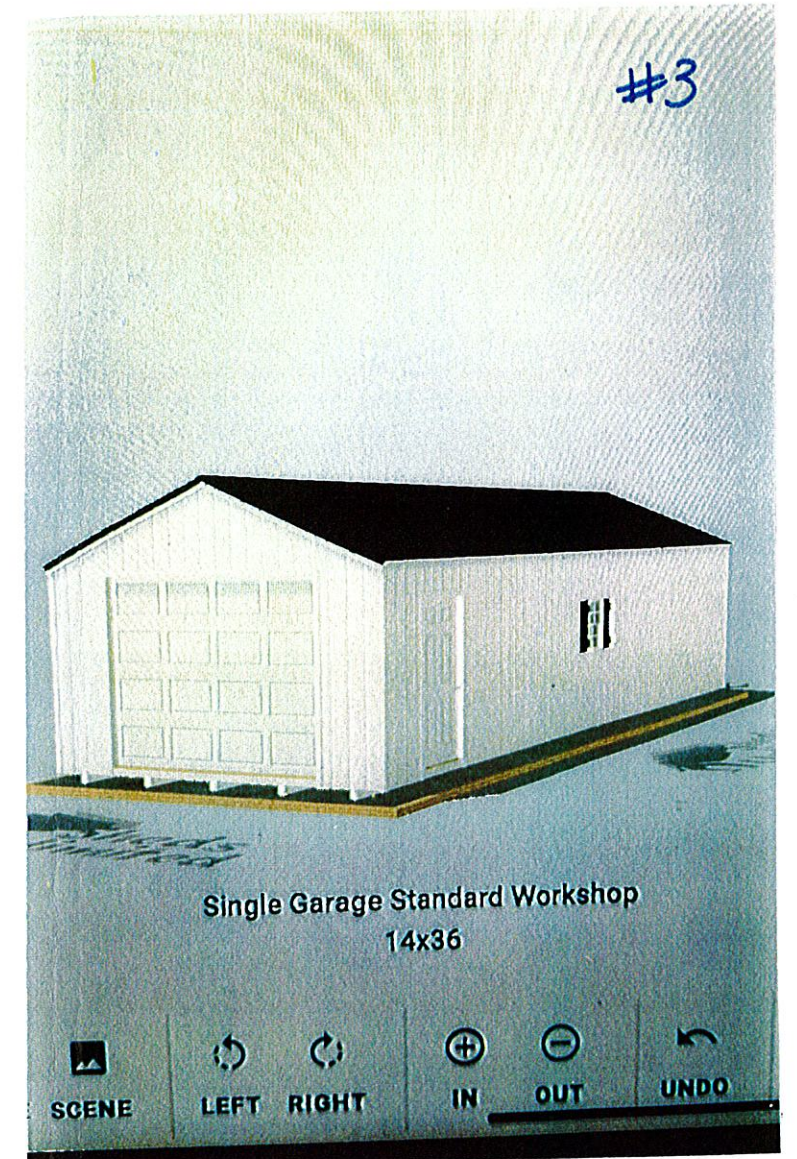
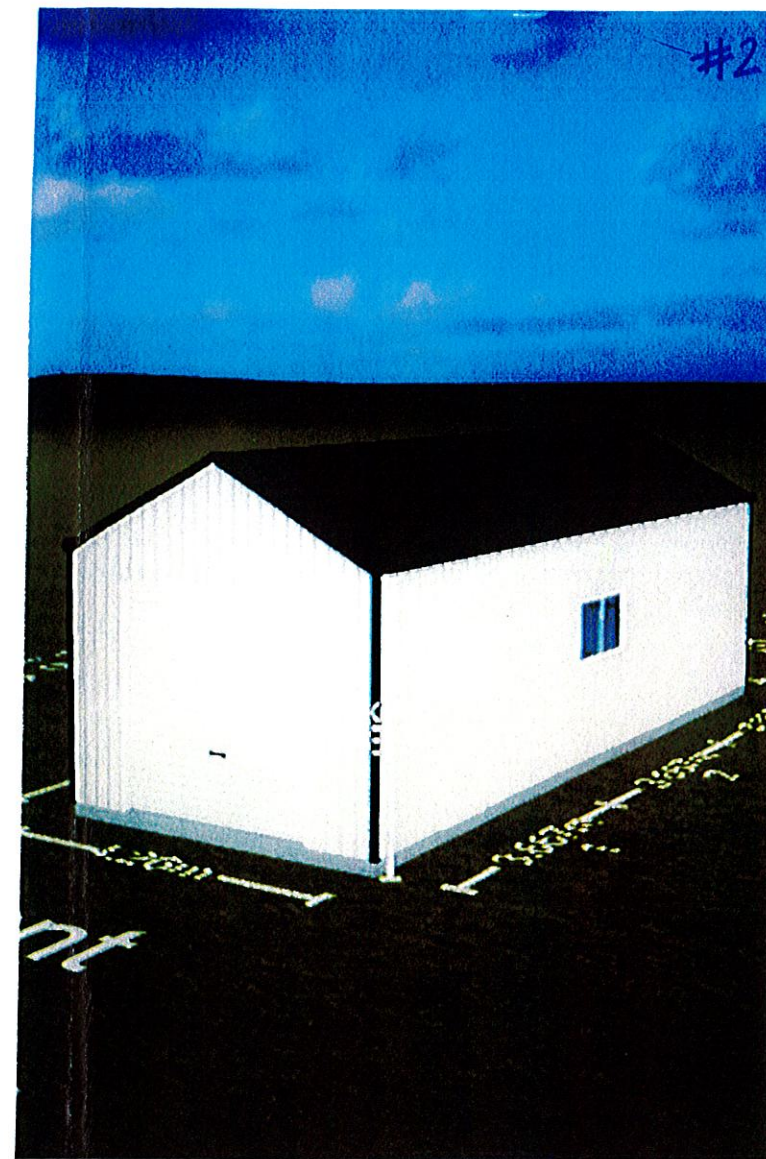
**GPI ENGINEERING, LANDSCAPE ARCHITECTURE & SURVEYING, LLP**

ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE

4950 GENESEE STREET, SUITE 100  
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(716) 633-4844      FAX 633-4940

Job No. 12167      Date: DECEMBER 12, 2024  
 Scale: 1" = 40'      Tax No. 43.10-1-1

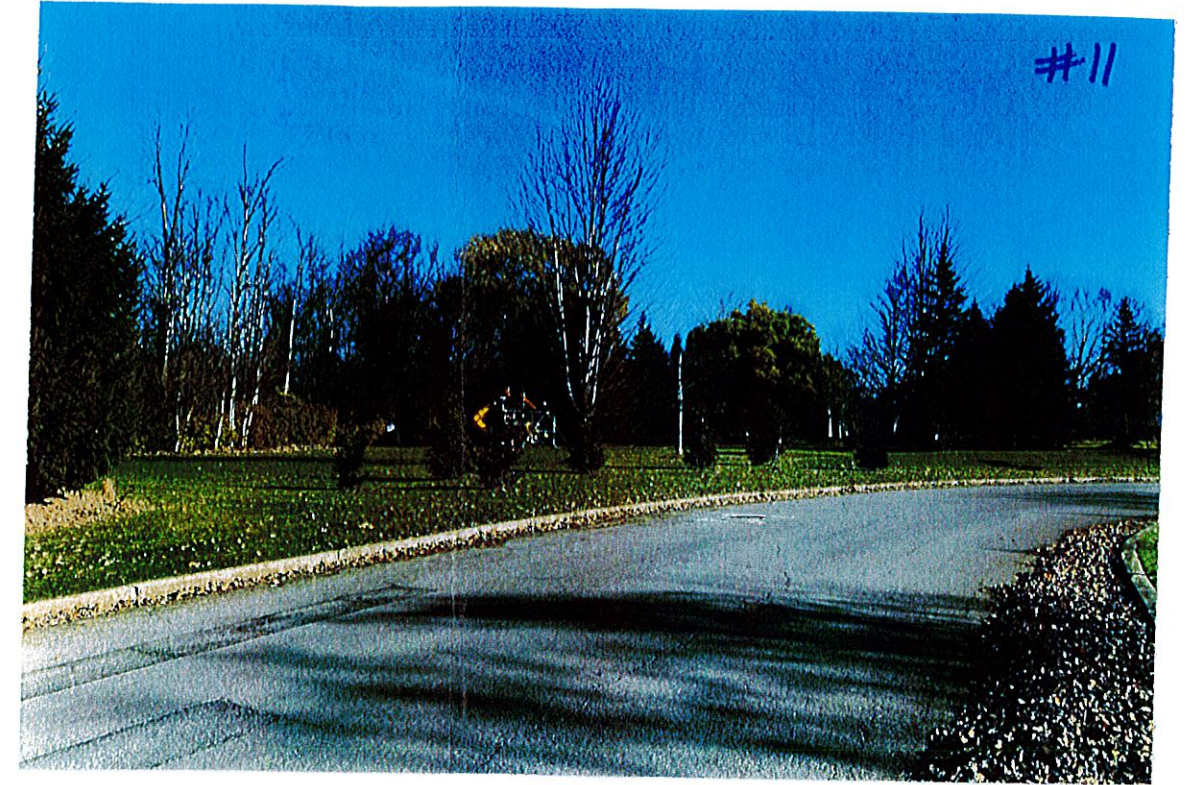








#10



#11



#12



#13