

# Village Of Williamsville

## Area/ Use Variance Application



### TYPE OF REQUEST

☒ Area Variance

☐ Use Variance

RECEIVED Village of Williamsville  
2025 JUL 9 PM 1:22

### APPLICANT INFORMATION

#### Property Owner(s):

Name: Brian and Alison Rosiek Signature: Alison Rosiek, Brian Rosiek

Email: BrianRosiek@gmail.com, aburt4@naz.edu

Address: 82 Reist Street Williamsville, NY 14221

Phone: Brian - (716) 812-5637 Alison - (716) 860-6607

#### Applicant(s) (if other than property owner):

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Email: \_\_\_\_\_

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

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

If the applicant is not the property owner, owner's signature or a letter of permission allowing the applicant to file this application is required.

### PROPERTY INFORMATION

Property Address: 82 Reist Street, Williamsville, NY 14221

SBL: 68.20-2-25 Zoning District: R-2

### OFFICIAL USE

☐ 239m applicable ☐ SEQR Short EAF ☐ FEE (\$100-residential \$150-commercial)

Meeting Date: \_\_\_\_\_ Reviewed By: \_\_\_\_\_ Appeal #: \_\_\_\_\_

# Village Of Williamsville

## Area/ Use Variance Application



### AREA VARIANCE REQUEST

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In making its determination on an area variance, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance were granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making that determination, the ZBA will consider these five questions:

1. Describe whether there will be an undesirable change in the character of the neighborhood or a detriment to nearby properties by the granting of the subject variance;  
No, the proposed variance will not result in any undesirable change. The proposed addition to the back of the property is consistent in scale and design with other homes in the neighborhood. It will not interfere with privacy, access, or views of neighboring properties and will improve the overall organization and functionality of the current property.
2. Describe whether the benefit sought by the applicant can be achieved by some other feasible method, other than a variance;  
Due to the narrow width of the lot, alternative configurations that comply with current zoning regulations are not feasible. In order to maintain required front and side setbacks and accommodate increased living space and an attached garage, the rear extension is the only solution.
3. Describe whether the requested variance is substantial; (How substantial are the potential impacts to neighboring properties?)  
The requested variance proposes a modest encroachment of about 9 feet into the rear setback requirement of 25% lot depth. This would not surpass 25 ft of the rear lot coverage and would still maintain limited visual or functional impact on neighboring properties.
4. Describe whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood/district;  
No, the variance will not have any adverse effect on the physical or environmental conditions of the neighborhood. The proposed addition would account for and comply with building codes and environmental regulations, while allowing a more functional space consistent with neighboring properties.
5. Describe whether the alleged difficulty is self-created;  
While the desire of the addition is initiated by the property owner, much of the difficulty stems from the nature of the narrow lot. The narrow lot restricts design flexibility when trying to accommodate for our goals in creating a safer and more functional living space for our current family, future family and allows the home to be more adaptable in order to fulfill our desire to stay in the area and age in place.

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### USE VARIANCE REQUEST

- 1) Describe how the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

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- 2) Describe how the alleged hardship is unique to the subject property and does not apply to a substantial portion of the district or neighborhood;

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- 3) Describe how, if granted, the requested use variance will not alter the essential character of the neighborhood;

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- 4) Describe how the alleged difficulty is not self-created;

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**Note:** Please attach additional sheets if necessary when responding the above questions

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### DISCLOSURE AFFIDAVIT

I maintain that the information provided in this application is true and accurate to the best of my knowledge:

Date: 7/9/2025

Brian Rosick Alison Rosick  
Property owner or applicant name (print):

Brian Rosick Alison Rosick  
Property owner or applicant signature:

STATE OF NEW YORK COUNTY OF ERIE

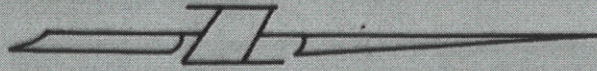
WITNESS my hand and official seal:

On the day of in the year before me, the above individual personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes therein stated.

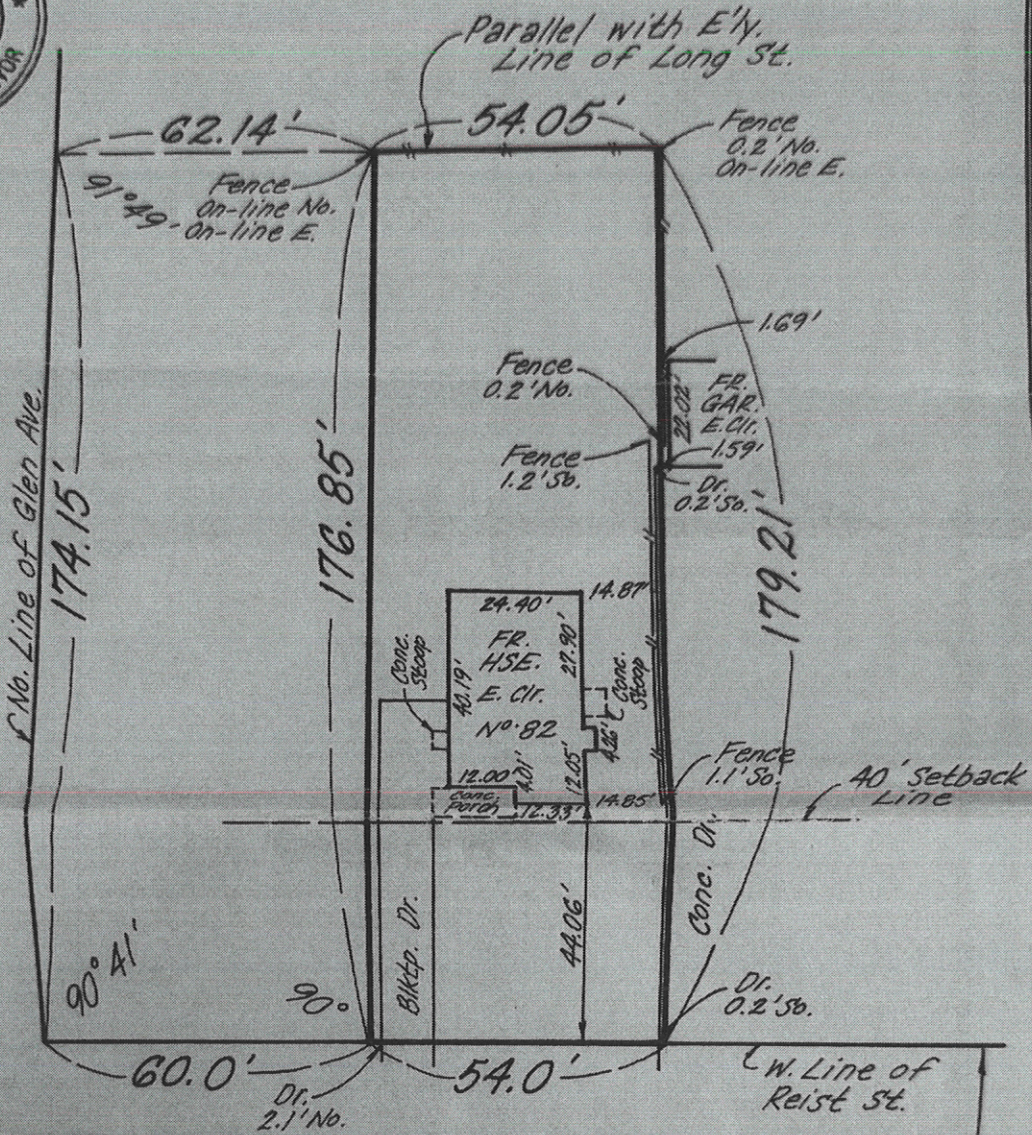
Signature of Notary Public

Print Name:

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 RECORDS.



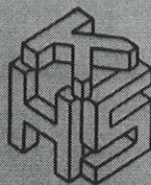
GLEN 50.0' WIDE AVE.



REIST 49.50' WIDE ST.

E. Line of Lot 7, Twp. 12, Rge. 7

Village of Williamsville  
Town of Amherst  
County of Erie, New York  
Part of Lot 7, Twp. 12, Rge. 7  
Map Cover 1626, Sublot 10



**Kenneth M. Hahn**

Licensed Land Surveyor

35 Gresham Drive  
Amherst, N.Y. 14226

Phone (716) 832-2909

Scale: 1" = 30' Lot No. 82, 83, 84



nonconforming use, regardless of any reservation of an intent not to abandon the same or of an intent to resume active operations. If actual abandonment of the nonconforming use of land and/or buildings is in fact evidenced by the removal of buildings, structures, machinery, equipment or other evidences of such nonconforming use, the abandonment shall be construed to be completed, and all rights to reestablish or continue such nonconforming use shall be terminated immediately.

- (2) In addition to the requirements of § 112-101(1), the use of any property or portion thereof to operate a drive-in service facility shall be deemed abandoned upon the change in the entity or individual owning, leasing or operating such property or drive-in service facility, regardless of any interruption in the operation of such drive-in service facility.

## § 112-11. Frontage on street.

In all zoning districts, no dwelling or principal building shall be erected on a lot which does not have frontage on a street or alley.

## § 112-12. R-1 Single-Family Residence District.

- A. Permitted uses. The following uses shall be permitted in an R-1 Single-Family Residence District:

- (1) Principal uses.

- (a) One single-family dwelling.
- (b) Religious facility.
- (c) A private, nonprofit elementary or secondary school accredited by the New York State Department of Education.
- (d) Boarding/rooming house.
- (e) A day-care facility which is accessory to a school or religious facility.
- (f) Fire station without club facilities.

- (2) Accessory uses. Accessory uses may be permitted in an R-1 Single-Family Residence District as follows:

- (a) A single accessory apartment, subject to the following:

- [1] Approval of a special permit, granted by the Zoning Board of Appeals under this chapter.
- [2] The owner(s) of the dwelling unit in which the accessory apartment is located shall occupy at least one of the dwelling units on the premises, except for bona fide absences, for a period of five years prior to applying for the special permit, and said accessory apartment shall be clearly a subordinate part of the dwelling units.
- [3] No rent shall be received for the accessory apartment, and such unit shall be occupied only by persons related by blood or marriage to the family occupying the dwelling or by not more than one employee of that family.
- [4] The accessory apartment may be created only through conversion of a dwelling unit. Garage space shall not be converted.

- [5] No exterior changes shall be made which, in the opinion of the Board of Appeals, do not conform to the visual character of the one- or two-family neighborhood.
  - [6] Any new entrances shall be located on the side or in the rear of the dwelling unit. In no case shall an accessory apartment be greater in floor area than 500 square feet.
  - [7] At least three off-street parking spaces shall be available for use by the owner-occupant(s) and tenant(s).
  - [8] In order to encourage the development of dwelling units for disabled and handicapped individuals and persons with limited mobility, the Board of Appeals may allow reasonable deviation from these stated conditions where necessary to install features that facilitate access and mobility for disabled persons.
  - [9] Any other appropriate or more stringent conditions deemed necessary by the Board of Appeals to protect public health, safety and the character of the residential neighborhood.
  - [10] Purchasers of a dwelling that has been previously granted a special permit for an accessory apartment, who desire to continue the accessory apartment, shall reapply for a permit and must demonstrate that all conditions prerequisite to granting of the original permit have been met.
- (b) Short-term rental, subject to the following:  
[Added 11-25-2019 by L.L. No. 8-2019<sup>[1]</sup>]
- [1] Approval of a special use permit granted by the Zoning Board of Appeals under this chapter. An application for a special use permit shall be on a form provided by the Building Department and shall be accompanied by an application fee as established by the Board of Trustees from time to time. Such special use permit shall remain in effect unless revoked by the Code Enforcement Officer for noncompliance with the terms of the permit or any of the following conditions, or the property is transferred to a new owner.  
[Amended 6-12-2023 by L.L. No. 4-2023]
  - [2] Before such special use permit may be granted, the premises must be inspected by the Code Enforcement Officer or his/her designee to ensure that the premises is in substantial compliance with these regulations and the New York State Uniform Fire Prevention and Building Codes. By applying for a special use permit, the owner consents to biennial inspections of the premises for the duration of the permit, unless more frequent inspections are deemed necessary by the Code Enforcement Officer or his/her designee.
  - [3] The short-term rental dwelling unit may be, but is not limited to, an attached or detached accessory apartment or whole house property.
  - [4] The owner of the premises in which the short-term rental dwelling unit is located shall continuously occupy the premises throughout the operation of the short-term rental units unless the Zoning Board of Appeals finds that such non-owner-occupied short-term rental dwelling unit will not adversely affect the overall character of the neighborhood and would not violate the intent of this chapter.
  - [5] No fewer than two off-street parking spaces shall be provided for the premises in which the short-term rental dwelling unit is located.
  - [6] No two short-term rental dwelling units shall be located on the same residential block without a finding by the Zoning Board of Appeals that such short-term rental dwelling unit(s) in excess of such limitation will not adversely affect the

overall character of the neighborhood and would not violate the intent of this chapter.

- [7] No exterior display or signage related to the use of the premises for short-term rental shall be permitted.
- [8] The owner/operator of a short-term rental property shall also comply with Chapter 75 Rental Property.
- [1] *Editor's Note: This local law also renumbered former Subsection A(2)(b) through (d) as Subsection A(2)(c) through (e), respectively.*

(c) Home occupation, subject to the following:

- [1] The home occupation is clearly incidental and secondary to the use of the dwelling for living purposes and does not change the character thereof.
- [2] Employment or participation of occupants shall not exceed two persons, and of nonoccupants, one person.
- [3] No exterior display or indication of the activity shall be visible to the general public.
- [4] Outdoor sales or display of items for sale is prohibited.
- [5] Signs, except for professional identification signs, are prohibited.
- [6] On-site parking of a commercial vehicle advertising the home occupation is prohibited unless housed in an enclosed residential garage whenever the vehicle is on the premises.
- [7] Any variation in the residential character of the property, such as construction of a separate entrance, other exterior structural alteration or addition of paved areas, is prohibited.
- [8] Outdoor storage of any materials or goods associated with the home occupation is prohibited.
- [9] The home occupation is confined to the principal structure and no accessory structure or yard is used in conjunction therewith, except for required parking spaces.
- [10] The floor area within a principal building used or occupied in conjunction with the home occupation, inclusive of basements, attics, cellars and similar areas, shall not involve more than 25% of any one story or exceed a cumulative total of 500 square feet.
- [11] The following uses are expressly prohibited: a barbershop, a beauty parlor, a restaurant or tavern, a funeral home, a dance studio, a printing/copy service, a product/component manufacture or fabrication company, all motor vehicle repair or dismantling and small-engine repair.
- [12] The on-premises sale of merchandise is prohibited except where clearly incidental and secondary to the home occupation, limited in scope, and items for sale are not displayed in any configuration resembling a retail store.
- [13] The home occupation shall not create any hazards to neighboring persons or property and shall not cause any electronic interference, excessive noise, vibration, smoke, dust, odors, heat or glare on surrounding properties.
- [14] Students receiving instruction in visual or performing arts, including but not limited to music, dance, fine arts or crafts, within any common period of time shall not exceed two.

## (d) A single chicken coop, subject to the following:

[Added 6-25-2018 by L.L. No. 10-2018<sup>[2]</sup>; amended 6-24-2019 by L.L. No. 5-2019]

- [1] Approval of a permit granted by the Code Enforcement Officer under this chapter. An application for a permit shall be on a form provided by the Code Enforcement Officer and shall be accompanied by an application fee as established by the Board of Trustees from time to time.
- [2] The raising of chickens shall be conducted as an accessory use on the same premises associated with an occupied single-family detached dwelling as the principal use;
- [3] The chickens shall be raised for noncommercial purposes;
- [4] The number of chickens shall be limited to a maximum of six;
- [5] Roosters shall not be allowed. Breeding of chickens on-site shall not be allowed;
- [6] The permit shall be limited to the applicant and shall not be transferable;
- [7] The raising of the chickens shall be subject to all applicable sanitary, noise and property maintenance regulations, ordinances and laws. Chicken waste shall not be composted or mulched on-site. Chicken waste shall be stored in appropriate containers that do not create any nuisance;
- [8] Any odor associated with the raising of the chickens shall not be perceptible beyond the property line of the premises where the chickens are being raised;
- [9] The chickens shall not be allowed to roam freely beyond the property lines of the premises associated with the special use permit application and, unless the chickens have had their wings clipped so as to prevent flight, must be kept within the coop or other enclosed area to prevent escape from said property;
- [10] Feed for the chickens must be stored in secure, rodent proof containers. Unsecured excess feed shall not be allowed;
- [11] Chickens shall not be allowed in the front yard between the principal structure and a public or private street;
- [12] Chicken coops shall be located at least 15 feet from any property line.
- [13] The Code Enforcement Officer may require screening of the chicken coop as deemed appropriate.
- [14] The permit shall be valid for a maximum of two years. Additional consecutive or non-consecutive permits may be granted by the Code Enforcement Officer upon the filing of each new application.
- [15] The applicant shall provide proof that he or she has notified, in person or in writing, all property owners within 100 feet of the applicant's property that the applicant has applied for a special use permit to maintain a chicken coop and informing such property owners of the date and time of the public hearing on the application. Prior to the issuance of a permit hereunder, the Code Enforcement Officer shall conduct an inspection of the premises associated with application and prepare a report concerning the suitability of the property to house a chicken coop without causing unreasonable interference with the use and enjoyment of neighboring properties and without posing a threat to public health and safety. Any property maintenance issues noted in such inspection must be corrected prior to any application hereunder being deemed complete and a public hearing scheduled.

[16] The Code Enforcement Officer may revoke any permit granted hereunder if, upon inspection of the premises, he or she determines that the permit holder is not in compliance with the requirements of this subsection or the permit.

[17] Any person aggrieved by the issuance, denial or revocation of a permit granted hereunder may appeal such determination or action by the Code Enforcement Officer to the Zoning Board of Appeals as provided for and governed by New York Village Law §§ 7-712-a and 7-712-b(1). In deciding such appeal, the Board of Appeals shall consider the requirements and intent of this subsection and shall set forth the basis for its determination in writing. Any person aggrieved by the decision of the Board of Appeals may seek judicial review of such determination as provided for and governed by New York Village Law § 7-712-c.

[2] *Editor's Note: This ordinance also redesignated former Subsection A(2)(c) as Subsection A(2)(d).*

(e) Other customary accessory uses, but not including any use conducted for gain.

B. Prohibited uses. Uses prohibited shall be all other uses not enumerated above.

C. Lot and structural requirements. The following lot and structural requirements shall apply in an R-1 Single-Family Residence District:

(1) Lots.

- (a) Minimum lot area: 10,000 square feet.
- (b) Street frontage: 75 feet minimum.
- (c) Maximum lot coverage: not to exceed 25% for principal building or 35% for principal and accessory buildings and structures.

(2) Principal building.

(a) Minimum floor area.

Building Type	Square Feet
One-story	1,200
Two-story	1,500

- (b) Front yard setback: twenty-five-foot minimum and fifty-foot maximum or an average of existing principal buildings within 150 feet on either side.
- (c) Side yard setback: five-foot minimum on each of two required side yards, and where a side yard is used for vehicle ingress or egress, such side yard shall be at least 12 feet in width.
- (d) Side yard setback, corner lots. An exterior side yard (corner lot) shall have a width at least equal to 15% of the lot width but need not exceed the front yard requirement along the street on which the exterior yard abuts. In no event shall an exterior side yard be less than 10 feet.
- (e) Rear yard setback: 25% of the lot depth, but not less than 25 feet.
- (f) Rear yard setback, through lot. On a through lot where the rear lot line coincides with a street line, a front yard equivalent shall be provided and shall take precedence over rear yard setbacks.
- (g) Maximum height: 30 feet.

- (h) In no case shall a principal building or any addition thereto be located within 10 feet of any other building or structure unless the building or addition thereto is constructed with materials that will afford one hour of fire protection, in accordance with the New York State Uniform Building and Fire Safety Code.<sup>[3]</sup> In no event, however, shall the distance between buildings and structures be less than eight feet.

[3] *Editor's Note: See Ch. 28, Fire Prevention and Building Code Administration.*

(3) Accessory buildings/structures.

- (a) Front yard setback: not permitted in front yard.
- (b) Side yard setback: not permitted in side yard, except that an attached one-story garage not over 12 feet in height may extend into a required side yard not more than three feet. In no case shall any part of an accessory building be located within 10 feet of any other building or structure unless the accessory building is constructed with materials that will afford one hour of fire protection, in accordance with the New York State Uniform Building and Fire Safety Code. In no event, however, shall the distance between buildings and structures be less than eight feet.
- (c) Rear yard setback. No part shall be closer than two feet to a lot line and in no case within 10 feet of any other building or structure unless the building or structure is constructed with materials that will afford one hour of fire protection, in accordance with the New York State Uniform Building and Fire Safety Code. In no event, however, shall the distance between buildings and structures be less than eight feet. In the case of a corner lot, no accessory building or structure shall be closer than 10 feet to a rear lot line, nor shall it be closer to the exterior side lot line than an average of existing buildings within 150 feet on either side. Playsets and treehouses shall not be closer than five feet to a lot line.  
[Amended 6-28-2021 by L.L. No. 1-2021]
- (d) Maximum height: 14 feet.
- (e) The setback requirements of this section shall not apply to fences and walls, which are regulated pursuant to § 112-22 and, in the case of fences or walls enclosing a swimming pool, Chapter 93.  
[Added 6-28-2021 by L.L. No. 1-2021]

- (4) Required open area. Access drives, walks, unenclosed steps or terraces not extending more than one foot above the adjoining finished grade level may be located in any required open area.
- (5) Storage of firewood. No person shall store firewood or maintain a woodpile unless it is kept stacked and reasonably secure, it is raised at least three inches off the ground and it is stored in such a manner as to protect against infestation by rodents, insects or other pests.
- (6) Berms. No berm shall be constructed, the height of which exceeds more than 36 inches above the natural surface of the surrounding terrain.

## § 112-13. R-2 Single-Family Residence District.

A. Permitted uses. The following uses shall be permitted in an R-2 Single-Family Residence District:

- (1) Principal uses: as permitted and regulated in an R-1 District.
- (2) Accessory uses: as permitted and regulated in an R-1 District.