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MEMORANDUM

November 7, 2018

To: The Honorable Zoning Board of Appeals

From: Brian P. Andrzejewski, PE, Zoning Enforcement Officer *BPA*

Re: Applications for Variances and Special Permits – Meeting of November 20, 2018

The following is a summary of specific information for each application, showing minimum requirements appealed from and requested variances to be considered by your Honorable Body:

**1 Transit Lanes, Inc. 7842-7852 Transit Road Temporary Use Permit  
2<sup>nd</sup> renewal**

This application is for 1 Temporary Use Permits in the GB District.  
1) Storage of new vehicles.

NOTES:

1) Temporary Use Permit, Per Section 4-4-3, the storage of new vehicles is not a permitted accessory use. A Temporary Use Permit was granted for one year for 85 cars with no car horns on November 21, 2017.

NOTES:

Parking spaces on site:	293
Leased spaces:	85
Remaining spaces:	208
Required spaces:	208

**2 Dave's Christmas Wonderland 8010 Transit Road Temporary Use Permit**

This application is for a Temporary Use Permit to extend the timeframe for a 'New Business' Sign in the GB District.

NOTES:

1) A Temporary sign permit was issued for 30 days. Applicant is seeking an extension beyond 30 days for a total of 78 days in order to coincide with the lease.

**3 Sheridan Drive Capital LLC 3720 Sheridan Drive Use Variance**

This application is for a Use Variance for a Parking Lot without a Principle Structure in the GB and MFR-5 District.

- 1) Use Variance for a parking lot as a primary use.

NOTES:

- 1) Per Section 4-4, a parking lot without a principle structure is not a permitted use. A Temporary Use Permit was granted on July 18, 2017 for one year with conditions – one being that there will be no parking on the MFR-5 property.

**4 Carolyn Robinson 283 Tonawanda Creek Road Area Variance**

This application is for an area variance for fence height in the front yard of property in the R-3 District.

NOTES:

- 1) Per Section 7-5-3 no fence over three feet high shall extend into the front yard of any lot, except in an industrial district.

**5 Norman Kosmerl 105 Forestlake Drive Area Variance**

This application is for an area variance to install a generator less than the required 5 feet side yard setback in the MFR-5 District.

NOTES:

Required setback	5 ft
Proposed setback	3.92 ft
Short of required	1.08 ft or 21%

**6 Mill Manor Condominium 340-360 Mill Street Area Variance**

This application is for an area variance for fence height in the R-4 District. Petitioner is proposing to replace vegetative hedge with a board on board wood fence.

NOTES:

Allowable Fence Height	6ft
Proposed Fence Height	7ft
Exceeds allowable	1ft or 16%

**7 Bohler Engineering MA, LLC 3050 Niagara Falls Blvd. 2 Area Variances**

This application is for an area variance for front yard setback in the GB District to increase the vehicle use area. The required setback is indicated in Section 4-4-2B. An area variance for minimum size of landscape islands per section 7-2-3A(b) is also needed.

NOTES:

Required front yard setback	10ft
Proposed front yard setback	3ft

Exceeds allowable	7ft or 70%
Required landscape islands	8 ft x 16 ft

**8 Kathryn Conlon 3201 Tonawanda Creek Rd. Use Variance**

This application is for a use variance to create a second dwelling in the SA District. Per Section 3-3-2A there shall not be more than one principal residential structure permitted on a lot in the SA District.

NOTES:

- 1) Petitioners desire to convert existing accessory structure workshop into a guest home for family.

**9 Belmont Housing Resources for WNY  
45,52,64,70 Amsterdam, 545 Alberta, ROW Amsterdam 7 Area Variances**

This application is for seven (7) area variances in the MFR-7 District.

- 1. Front Yard Setback (west)
- 2. Rear Yard Setback (north)
- 3. Length of Building without 10 ft offset (north)
- 4. Length of Building without 10 ft offset (west)
- 5. Setback of Vehicle Use Area (east)
- 6. Setback of Vehicle Use Area (south)
- 7. Number of required Parking Spaces

- 1) Per Section 2-5-4B(3)(a) the front yard setback shall be 30ft.

NOTES:

Due to this project site being a corner lot the proposed setback is 9ft 4.5in on Alberta Drive.

- 2) Per Section 3-15-5A(4) the rear yard setback shall be 3xBuilding Height or 108.75ft.

NOTES:

The property north of this project site is National Grid ROW and the proposed setback is 5ft.

- 3) Per Section 3-15-5B the maximum length of a building without an offset is 132 ft.

NOTES:

The proposed length of the north side is 176ft.

- 4) Per Section 3-15-5B the maximum length of a building without an offset is 132 ft.

NOTES:

The proposed length of the west side is 151.6 ft.

- 5) Per Section 3-15-6 the setback of the Vehicle Use Area is 20ft

NOTES:

The proposed vehicle use area for the east side is 12 ft

- 6) Per Section 3-15-6 the setback of the Vehicle Use Area is 20ft

NOTES:

The proposed vehicle use area for the south side is 7ft.

- 7) Per Section 7-1-6A the required number of parking spaces is 2 per dwelling unit or 92 spaces.

NOTES:

The Applicant has proposed 33 spaces based on experience in developing similar projects in Western New York.

**10 CRDI Development LLC 315 Campbell Blvd. 4 Area Variances**

- 1. First Floor Dwelling Units
- 2. Building Height
- 3. Setback from centerline of Campbell Blvd.
- 4. Building setback -- east boundary

1) First floor dwelling units in the NB District.  
 Proposed project is to build 2, two story mixed use buildings.  
 Ground floor commercial / residential dwelling units and eight second floor dwelling units.  
 No elevator provided.

NOTES:

Per Section 4-3-2 A Upper floor dwelling unit is permitted.

Per Chapter 11 of the International Building Code (IBC) Group R-2 Occupancy, The number of required accessible units for a structure with 1-25 units is 1 unit.

North building:

Permitted ground floor units:	0
Required accessible units:	1
Proposed ground floor accessible units:	1

East building:

Permitted ground floor units:	0
Required accessible units:	1
Proposed ground floor accessible units:	4

2) Per Section 4-3-2B the height shall be 30ft

NOTES:

The proposed building height is 38ft 5.75in

3) Per Section 2-5-3 the setback from the centerline of Campbell Road shall be 90ft

NOTES:

The proposed setback is 72.33ft

4) Per Section 2-5-4B(3)(a) the setback of the eastern boundary shall be 115.8ft

NOTES:

The proposed setback is 99ft.

BA/ac

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cc: Brian Kulpa, Supervisor  
Councilmembers  
Stanley Sliwa, Town Attorney  
Kathleen Cooper, Deputy Town Clerk  
Daniel Howard, Planning Director  
Ellen Kost, Assistant Planning Director  
Patrick Lucey, Highway Superintendent  
Mark Berke, Building Commissioner