



TOWN OF AMHERST

BUILDING DEPARTMENT

ERIE COUNTY, NEW YORK

5583 MAIN STREET

WILLIAMSVILLE, NEW YORK 14221

PHONE: (716) 631-7080

FAX: (716) 631-7192

BRIAN P. ANDRZEJEWSKI, PE
Commissioner of Building

December 7, 2017

TO: The Honorable Zoning Board of Appeals
FROM: Brian P. Andrzejewski, P.E., Commissioner of Building
RE: Applications for Variances and Special Permits -
Meeting of December 19, 2017

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 Northtown Automotive Group **772 North French Road** **Temporary Use Permit**
c/o Sean Hopkins Esq.

This application is for Temporary Use Permit in the RC District for the storage of new vehicles.

1) Per Section 5-9-2A the storage of new vehicle is not a permitted use

NOTES:

The business on the property is closed.

Requesting permission to store up to 350 new vehicles on existing parking areas.

2 Bohler Engineering **8200 Transit Road** **Area Variance**

This application is for an Area Variance in the GB District.

The required number of stacking spaces for a drive thru window

1) Per Section 7-1-10 A, the minimum required number of stacking spaces for the order box is 6 vehicles.

NOTES:

Minimum spaces:	6 spaces	
Proposed Spaces:	4 spaces	
Short of required space:	2 spaces	33%

3 Santoro Signs Inc.

962 Wehrle Drive

2 Area Variances

This application is for 2 Area Variances pole sign message board in the CF District.

- 1) Message center sign setback from a residential district.
- 2) Promoting, advertising off premise activates.

1) Per Section 7-8-4 B 2 (b) Message center signs are not permitted in the - TNB, PRD, PDD or TND overlay districts or on any parcel within 500 feet of a residential district.

NOTES:

Required setback:	500.00'	
Proposed setback:	88.00'	
Short of required setback:	412.00'	82%

2) Per Section 7-8-2 E Signs, as regulated by this Ordinance, used to attract attention to an object, product, place, activity, institution, organization or business not available or located on the premises where the sign is located, unless part of a unified development and a coordinated sign plan is approved.

NOTES:

The petitioner is requesting permission to promote activities and businesses not on the property. The petitioner states that they will comply with standards of Section 7-8-4 B for Message Center Signs

4 Sutton Architecture, PLLC

6569 Main Street

2 Area Variances

This application is for two area variances in the OB District.

The parcel has three zoning districts. R-3, GB & OB

- 1) Per Section 2-5-3

Minimum Distances to Principal and Accessory Structures for Specific Streets. Except as provided in subsections 2-5-2A(2) through 2-5-2A(5), the minimum setback for structures, as measured from the center of the street, shall supersede minimum setback requirements for any yards abutting the following streets for those districts where such setbacks are lower than those established in this section.

Required setback from center line of Main Street: 115.00'.

NOTES:

Required front setback:	115.00'	
Proposed setback:	74.88'	
Short of required:	40.12'	34%

- 2) Per Section 4-2-2 B, Side yard setback from an adjacent residential property is determined using Section 2-5-4B (3)

2-5-4 B(3) When adjacent to the following districts: R-R, S-A, R-1, R-2, R-3, CR-3A, TR-3, R-4, MFR-4A, MFR-5, MFR-6, MFR-7 PRD, PDD, PRD, or NCD, the following shall apply to any building or structure in the MFR-6, MFR-7, OB, GB, NB, CS, MS, SC, RD, ST, GI, AG, CF, R-R, S-A or RC districts:

[Amended 1-16-2007 by L.L. No. 2-2007; 2-4-2008 by L.L. No. 1-2008; 8-1-2011 by L.L. No. 19-2011; 2-24-2014 by L.L. No. 5-2014; 11-3-2014 by L.L. No. 39-2014]

(a)

In no case shall the side or rear setback be less than the greater of 30 feet or that required for a parcel abutting a nonresidential district. Buildings greater than 35 feet in height shall have minimum side and rear setbacks of three feet for each foot of building height. The maximum permitted height at the side and rear setback lines as measured from the nearest residential district boundary shall be 35 feet or two stories for a structure with a pitched roof of 6:12 or greater, and 30 feet or two stories for a building with a flat roof or pitched roof of less than 6:12. Any structure that faces a public right-of-way shall have its facade set back 20 feet for the first 30 feet of building height and 30 feet for building height above 30 feet. No building shall encroach into the vehicle use setback.

NOTES:

Parcel zoned OB, neighboring parcel zoned R-3

The building height is more than:	35.00'	(45.67')
Required setback:	137.00'	(45.67 x 3')
Proposed setback:	10.34'	
Short of required:	126.67'	92%

Variances granted on 1/24/2017 by ZBA. Building height has increased from 22.00' to 45.67'. A second story has been added to building design.

This is the Variance analysis from the 1/24/2017 ZBA application:

1) Per Section 2-5-3

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[Amended 1-16-2007 by L.L. No. 2-2007; 2-4-2008 by L.L. No. 1-2008; 8-1-2011 by L.L. No. 19-2011; 2-24-2014 by L.L. No. 5-2014; 11-3-2014 by L.L. No. 39-2014]

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NOTES:

Parcel zoned OB, neighboring parcel zoned R-3

The building height is less than 35.00'

Required setback 30.00'

Proposed setback: 10.34'

Short of required: 19.66' 65%

**5 Metzger Civil Engineering, 3488 Sheridan Drive Area Variance
PLLC**

This application is for 2 Area Variances for building setback in the GB District.

- 1) Rear yard setback.
- 2) Side yard setback.

NOTE: Section sited on application should be 4-4-2(B)

1) Per Section 4-4-2(B) The minimum required rear yard setback, adjacent to a residential district is 30 feet for structures under 30.00'. Existing rear yard setback 15.10'. Proposed setback 14.80'.

NOTES:

Required setback:	30.00'	
Proposed setback:	14.80'	
Existing setback:	15.10'	
Short of existing setback:	00.30'	(3 1/2")
Short of required setback:	15.20'	51%

2) Not required per Section 9-3-2, **Enlargement of Nonconforming Structures**. Nonconforming structures may be enlarged or extended, provided that the enlargement does not increase the degree of the existing nonconformity, and the enlargement or extension does not create a new nonconformity.

NOTES:

Existing setback:	5.00'
Proposed setback:	5.00'

6 Amherst Care Group, LLC 8820 Transit Road 2 Area Variances

This application is for 2 Area Variances for a ground sign (Subdivision Identification Sign) in the MFR-7 District.

- 1) Maximum allowable sign face area
- 2) Maximum height of a ground sign
- *Permit for sign was issued in error.

1) Per Section 7-8-4 B 4 (f) Allowable sign face area is 20 square feet.

NOTES:

Maximum sign face area:	20.00 sf	
Proposed sign face area:	39.00 sf	
Exceeds allowable by:	19.00 sf	95%

2) Per Section 7-8-4 B 4 (f) Sign shall not exceed 6.00' in height

NOTES:

Maximum height allowed:	6.00'	
Proposed height:	7.16' (7' 2")	
Exceeds allowable by:	1.16' (1' 2")	27%

7 Michael Santa Maria 20 Knollwood Lane 2 Area Variances

This application is for 2 area variances in the R-2 District.

- 1) Accessory structure maximum square footage.
- 2) Accessory structure height.

1) Area Variance, Per Section 6-8-1 B, The total floor area of all accessory structures and the floor area of attached or built-in garages shall not exceed 75 percent of the floor area of the principal structure, except as permitted by the ZBA in accordance with the provisions of § 8-13 of this Ordinance.

NOTES:

Primary structure square footage:	3,440 sf	
Allowable accessory square footage:	2,580 sf	(3,440 x 75%)
Existing accessory square footage:	2,506 sf	(barn)
Proposed accessory square footage:	1,400 sf	(barn addition)
Total accessory square footage:	3,906 sf	
Exceed allowable:	1,326 sf	51%

2) Area Variance, Accessory structure height.

Per Section 3-5-2 B, the maximum height of an accessory structure in the R-4 District is 20.00'

Maximum allowed:	20.00'	
Proposed height:	30.00'	
Exceed allowable:	10.00'	50%

11/21/2017 Adjourned by applicant

**8 Northtown Property Owner, 3045 Sheridan Drive
LLC**

9 Area Variances

This application is for 9 Area Variances for a six building commercial development in the SC District

- 1. The north front yard setback of the Vehicle Use Area (Sheridan Drive) will be less than required by Section 4-7-2B of the Zoning Code

NOTES:

This represents an existing condition and the setback of the Vehicle Use Area on the Sheridan Drive frontage.

Required Setback:	25.00'	
Proposed setback:	2.60'	
Short of required:	22.40'	90%

- 2. The south front yard setback of the Vehicle Use Area (Eggert Road) will be less than required by Section 4-7-2B of the Zoning Code

NOTES:

This represents an existing condition and the setback of the Vehicle Use Area on the Eggert Road frontage of the Project Site

Required setback:	25.00'	
Proposed setback:	4.20'	
Short of required:	20.80'	83%

- 3. The front yard setback for Building "F" from the southern edge of the Eggert Road Right-of-Way will be less than required by Section 4-7-2B of the Zoning Code

NOTES:

Required setback:	20.00'	
Proposed setback:	18.00'	
Short of required:	2.00'	10%

- 4. The minimum building separation between the existing Key Bank building on the parcel at 3051 Sheridan Drive and Building "B" is less than required by Section 4-7-2B of the Zoning Code

NOTES:

Required setback:	30.00'	
Proposed setback:	15.33'	
Short of required:	14.67'	49%

- 5. The number of off-street parking spaces is less than required by Section 7-1-6A of the Zoning Code

NOTES:

Required spaces:	984	
Proposed spaces:	752	
Short of required:	232	23%

- 6. Portions of the parking areas will not comply with Section 7-2-3A(3)(b) of the Zoning Ordinance: 1 interior landscaped island required for every row of 15 parking spaces

NOTES:

There are 11 instances that the maximum number is exceeded.
 Parking rows with 17, 26, 26, 33, 33, 32, 32, 31, 30, 36 & 40 parking spaces between interior landscaped islands proposed

- 7. The percentage of interior landscaped area is less than required pursuant to Section 7-2-3A(3) of the Zoning Code

NOTES:

Required landscaping:	10.00%	
Proposed landscaping:	8.45%	
Short of required:	1.55%	15.5%

- 8. The minimum percentage of landscaping adjacent to Building "A" is less than required by Section 7-2-3A(2) of the Zoning Code

Required Landscaped Area Adjacent to Buildings. A landscaped area with a minimum average width of three feet shall be provided between each and every side of the proposed principal use building and any off-street parking or internal access road with the exception of building entrances/exits, drive-throughs and covered pedestrian walkways. A minimum of 50 percent of this landscaped area shall be planted with small trees, shrubs, perennials or combinations thereof. The balance of the landscaped area not planted with trees, shrubs or perennials shall be lawn or groundcover.

NOTES:

Building "A"		
Required landscaping:	1173 sf	
Proposed landscaping:	988 sf	
Short of required:	185 sf	16%

9. The length of the covered pedestrian walkway to be provided along the applicable facades of Buildings "A", "B", "C", "E" and "F" is less than required pursuant to Section 4-8-6F(2)(b) of the Zoning Code

Covered Pedestrian Walkway on Retail Facades. A covered pedestrian walkway a minimum of six feet in width shall be required along any facade featuring a customer entrance or along any building facade abutting a parking area in accordance with the following:

Multiple Development. A building within a multiple development shall provide a covered pedestrian walkway consisting of either:

- (a) An arcade covering 100 percent of the length of the facade; or
- (b) An awning covering a minimum of 85 percent of the length of the facade.

NOTES:

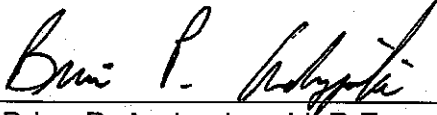
Building "A"		
Required covered sidewalks:	85%	
Proposed covered sidewalks:	40%	
Short of required:	45%	52%

Building "B"		
Required covered sidewalks:	85%	
Proposed covered sidewalks:	60%	
Short of required:	25%	29%

Building "C"		
Required covered sidewalks:	85%	
Proposed covered sidewalks:	70%	
Short of required:	15%	17%

Building "E"		
Required covered sidewalks:	85%	
Proposed covered sidewalks:	75%	
Short of required:	10%	11%

Building "F"		
Required covered sidewalks:	85%	
Proposed covered sidewalks:	65%	
Short of required:	20%	23%



Brian P. Andrzejewski, P.E.

DG:js

cc: Dr. Barry Weinstein, Supervisor
Councilmembers
Stanley Sliwa, Town Attorney
Marjory Jaeger, Town Clerk
Eric Gillert, Planning Director
Ellen Kost, Planning Department
Patrick Lucey, Highway Superintendent