Town of Amherst Planning Department



Erie County, New York

Brian J. Kulpa Supervisor Daniel C. Howard, AICP Planning Director Ellen M. Kost, AICP Assistant Planning Director

MEMORANDUM

August 13, 2019

To: The Honorable Zoning Board of Appeals

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

Re: Applications for Variances and Special Permits – Meeting of August 27, 2019

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. Gethsemane Cemetery 203 Reist Street Area Variances

This application is for area variances in the RC District. The petitioner is requesting to place two ground signs on adjacent property.

1)Per Section 7-8-4(B)(1)(a) one ground sign is permitted. The petitioner is requesting two ground signs.

2) Per Section 7-8-4(B)(1)(e) the required sign setback is 50 ft. from adjacent residential property. The petitioner is requesting 14 ft.

Required setback:	50 FT
Proposed setback:	10 FT
Short of required:	40 FT or 80%

2. Michael Badding 10850 Transit Road Area Variance

This application is for an area variance in the SA District. The petitioner is requesting to construct an accessory structure that is 62FT x 48FT.

1) Per Section 6-8-1(B) the total floor area of all accessory structures ... shall not exceed 75% of the principal structure.

Allowable accessory area:	1722 SF
Proposed accessory area:	2976 SF
Overage:	1254 SF or 73%

3. Blum Builders 580 Klein Road Temporary Use Permit

This application is for a Temporary Use Permit in the R-2 District. The petitioner is requesting to construct a second (new) dwelling while maintaining the existing dwelling. The petitioner states the existing dwelling will be razed within 60 days of a certificate of occupancy being issued.

1) Per Section 3-5-2 there shall not be more than one principal structure.

5.

4. James Gehring 56 Jack Road Area Variance

This application is for an area variance in the R-3 District. The petitioner is requesting to construct an overhang on an accessory structure that is 10FT x 53FT.

1) Per Section 6-8-1(B) the total floor area of all accessory structures ... shall not exceed 75% of the principal structure.

Greg Fowler	118 Hendricks Blvd.	Area Variance
Overage:	358 SF or 23%	
Proposed accessory area:	1908 SF	
Allowable accessory area:	1550 SF	

This application is for an area variance within the R-3 District to permit an air conditioning condensing unit to be within 1 foot of the side property line.

1) Per Section 2-5-2A(e) air conditioning structures shall not be located closer than 3 feet to any property line.

Required setback:	3 FT
Proposed setback:	1 FT
Short of required:	2 FT or 67%

6. Pyramid Contractor, LLC 1815 Eggert Road

Area Variances

This application is for several area variances within the GB District to permit the re-development of an existing vacant retail building.

1) Per Section 4-4-2B proposed vehicle use areas shall be a minimum of 15 feet from residential property lines.

Required setback:	15 FT
Proposed setback:	4 FT
Short of required:	11 FT or 73%

2) Per section 4-8-2 proposed vehicle use areas shall be setback a minimum of 10 feet along a side yard which faces a street.

Required setback:	0 FT
Proposed setback:	10 FT
Short of required:	10 FT or 100%

3) Per section 4-8-6D(1) storefront window displays shall cover a minimum of 25 % of those facades facing a public right of way.

Requirement:	25 % of wall (facing Sweethome Rd.)
Proposed:	6% of wall
Short of required:	19 FT or 76%

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1815 Eggert Road cont.

4) Per section 7-1-5 & 7-1-6 any change in use that increases required parking, shall provide parking in accordance with the "schedule of parking requirements"

Requirement:	16 parking spaces
Proposed:	10 parking spaces
Short of required:	6 parking spaces or 63 %

5) Per section 7-1-9A(2) minimum drive aisle width for vehicle use areas shall be 24 feet for two way travel.

Requirement:	24 feet in width
Proposed:	15 feet minimum
Short of required:	9 feet or 63 %

6) Per section 7-2-3A(2) A landscaped area with a minimum average width of 3 feet shall be provided adjacent to a building and an off-street parking area, except at covered pedestrian walkways.

Requirement:	3 feet in width
Proposed:	0 feet minimum
Short of required:	3 feet or 100 %

7) Per section 7-2-3A(3)(c) interior landscaped islands shall have a minimum width of 8 feet.

Requirement:	8 feet in width
Proposed:	3.4 feet minimum
Short of required:	4.6 feet or 43 %

8) Per section 7-2-4A(1) & 7-2-4A(2) front yards shall be suitably landscaped and vehicle use areas shall also be screened along the street.

Petitioner is seeking a reduction in quantity of plantings along Eggert Road and reduction in screening along a portion of Sweet Home Road, adjacent to the proposed parking area.

9) Per section 7-2-4B(4) requires screening adjacent to residential zoning districts.

Petitioner desires to utilize an existing deciduous hedge along residential zoning district as his/her required screening.

7.	National Fuel Gas Co.	6363 Main Street	Area Variance
/.	National Fuel Gas Co.	0303 Main Street	Alea vallance

This application is for an area variance within the OB District to permit the maintenance of a nonconforming ground sign.

1) Per Section 7-8-4(B)(1)(a) one ground sign shall be permitted for each individual building.

Requirement:	1 sign per building
Proposed:	Re-utilize 1 of 3 existing ground signs

8. ECP, LLC 6286 Main Street Area Variance

This application is for an area variance in the GB District. The petitioner is requesting relief from the requirement to provide hedges adjacent to his/her vehicle use area along the road right of way (Stonham Way).

1) Per Section 7-2-4A(2) vehicle use areas located adjacent to a public street shall be screened from the street with tree and shrub plantings, earthen berms, walls or a combination of these methods.

9. Morgan Property Mgt. 3310 & 3340 Millersport Highway Area Variance

This application is for area variances in the MFR-4A District. The petitioner is seeking relief from the requirement to provide screening along the mutual interior property line separating both of his/her properties and; relief from the maximum allowable lighting lumen levels along the aforesaid mutual interior property line.

1) Per Section 7-2-4B(1) a high impact screen shall be provided between the vehicle use area and the nearest property line. The petitioner is seeking relief on the requirement to provide screening along his/her property line which separates his existing apartment complex and his proposed apartment complex.

2) Per section 7-3-4(D) all outdoor lighting shall be designed and located such that the maximum illumination measured at the property line on adjacent residential uses does not exceed 0.2 foot candles.

Requirement:	0.2 foot candles maximum
Proposed:	4.9 foot candles
Over maximum:	4.7 foot candles

10. 5275 Millersport Highway LLC 5275 Millersport Highway Area Variances

This application is for area variances in the OB District. The petitioner is seeking a relief to the high impact requirements due to the existing vegetation that is present.

1) Per Section 7-2-4(B)(1) proposed office use adjacent to single family residential requires high impact screening.

11.John Adornetto127 Fox Hunt LaneArea Variance

This application is for an area variance in the R-2 District. The petitioner is requesting to place an accessory structure in the side yard.

1) Per Section 3-5-2(B) a thirty (30) foot setback is required for an accessory structure on a corner lot.

30 FT
6 FT
24 FT or 80%

MOTEC.

12.Sean Hopkins21 Forest Stream DriveArea Variance

This application is for an area variance in the R-3 District. The petitioner is requesting to construct a detached garage that is 22 FT high in the rear yard.

1) Per Sections 2-5-4(B)(5) and 3-6-3(B) an accessory structure has a maximum height of 20 FT.

Kristijan Kurdic	171 Rosedale Blvd.	Area Variance
Short of required:	2 FT or 10%	
Proposed setback:	22 FT	
Required height:	20 FT	
NOTES:		

This application is for an area variance in the R-3 District. The petitioner is requesting a six foot fence in the front yard and is on a corner lot.

1) Per Section 7-5-3 no fence over three feet shall extend into the front yard.

BA/ac

13.

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