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MEMORANDUM

December 6, 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 December 18, 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. Saint Paul's Lutheran Church 4001 Main Street Use Variance/Area Variance

This application is for a use variance and an area variance in the CF-TNB-1 District.

1) A Use Variance must be granted to allow a message sign. Per Section 5-7-7B, a message sign is prohibited in the TNB-1 Overlay District.

An Area Variance is needed in the CF District for a message sign within 500.00 ft. of a Residential District.

2) Per Section 7-8-4 B 2 (b), a message center sign is not permitted within 500.00 ft. of a residential district.

NOTES:

Required setback: 500.00ft.
Proposed setback: 100.00ft.
Short of required: 400.00ft. 80%
The residential district is to the east and north of this property.

**2. Landmark Properties Inc. 1185 Sweet Home Road Area Variances
Special Use Permit**

This application is for twenty- seven (27) area variances in the GB, MFR-6 and NCD-LC Districts. The variances are grouped by zoning section.

1) The number of four-bedroom attached residential units on the portion of the Project Site that is zoned MFR-6 is greater than permitted pursuant to Section 3-12-2B(3) of the Zoning Code [75 units permitted versus 82 units proposed].

2) The separation between attached townhome buildings with greater sides being parallel or within 30 degrees of parallel on the portion of the Project Site zoned MFR-6 is less than permitted pursuant to

Section 3-15-5A(4) of the Zoning Code [56.29 ft. separation required (33.91 ft. mean height x 1.66) versus separation of 53.33 ft. between Buildings No. 3 and No. 4].

3) The separation between attached townhome buildings with lesser sides being parallel or within 30 degrees of parallel on the portion of the Project Site zoned MFR-6 is less than permitted pursuant to Section 3-15-5A(4) of the Zoning Code. The required separation is 50.87 ft. (1.5 times the mean roof height of 33.91 ft.) versus the following proposed separations:

- Building No. 4 and No. 6 – 48.67 ft.
- Building No. 5 and No. 6 – 20.00 ft.
- Building No. 8 and No. 9 – 20.00 ft.
- Building No. 15 and No. 17 – 27.58 ft.
- Building No. 16 and No. 18 – 27.58 ft.

4) The separation between attached townhome buildings with angles between 30 and 60 degrees from one another on the portion of the Project Site zoned MFR-6 is less than permitted pursuant to Section 3-15-5A(4) of the Zoning Code. The required separation is 50.87 ft. (1.5 times the mean roof height of 33.91 ft.) versus the following proposed separations:

- Building No. 6 and No. 7 – 20.00 ft.
- Building No. 9 and No. 10 – 20.84 ft.
- Building No. 10 and No. 15 – 43.10 ft.
- Building No. 12 and No. 13 – 33.67 ft.
- Building No. 14 and No. 15 – 31.71 ft.
- Building No. 14 and No. 17 – 49.08 ft.

5) The setback of attached townhome buildings from the property line with lesser sides parallel to the property line is less than permitted pursuant to Section 3-15-5A(4) of the Zoning Code. The required setback is 50.87 ft. (1.5 times the mean roof height of 33.91 ft.) versus the following proposed setbacks:

- Building No. 3 from the northern property line – 23.37 ft.
- Building No. 4 from the northern property line – 24.82 ft.
- Building No. 12 from the southern property line – 48.00 ft.
- Building No. 13 from the southeast property line – 48.00 ft.
- Building No. 14 from the southeast property line – 48.00 ft.
- Building No. 17 from the southern property line – 45.04 ft.
- Building No. 18 from the southern property line – 45.47 ft.

6) The setback of the main wall of the attached townhome buildings on the MFR-6 zoned portion of the Project Site from the Vehicle Use Area is less than permitted pursuant to Section 3-15-6 of the Zoning Code [15 ft. setback required vs. setback of 14.67 ft. for Buildings No. 6 and No. 10].

7) The setback of the end wall of the attached townhome buildings on the MFR-6 zoned portion of the Project Site from the Vehicle Use Area is less than permitted pursuant to Section 3-15-6 of the Zoning Code [10 ft. setback required vs. setback of 8.31 ft. for Building No. 15 and setback of 9.35 ft. for Building No. 10].

8) The length of the covered pedestrian walkway [awnings] to be provided along the applicable commercial spaces on portions of the facades of Buildings No. 1 and No. 2 is less than required pursuant to Section 4-8-6F(2)(b) of the Zoning Code [85% required]:

- Building "1": 246.5 ft. required vs. 188.5 ft. proposed [65%]
- Building "2": 72.25 ft. required vs. 55.25 ft. proposed [65%]

9) The proposed first floor residential units in the two proposed mixed-use buildings on the portion of the Project Site zoned General Business (GB) District are not permitted pursuant to Section 4-4-2A of the Zoning Code.

A Special Use Permit is necessary for the Dormitory Use in the two mixed use building in the GB District.

3. 3980 Bailey Avenue LLC 3980 Bailey Avenue Area Variances

This application is for two area variances in the GB-TNB-3 district.

1. The proposed first floor residential units in the General Business (GB) District are not permitted pursuant to Section 4-4-2A of the Zoning Code.
2. Per Section 5-7-2B Subzone 3 the minimum height is 26FT.

NOTES:

Required height	26.00 ft.
Proposed height	22.5 ft.
Short of required	3.50 ft. or 13%

Other Matters

4. 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	10.00 ft.
Proposed front yard setback	3.00 ft.
Exceeds allowable	7.00 ft. or 70%
Required landscape islands	8.00 ft. x 16.00 ft.

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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