



TOWN OF AMHERST

BUILDING DEPARTMENT

ERIE COUNTY, NEW YORK

5583 MAIN STREET

WILLIAMSVILLE, NEW YORK 14221

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BRIAN P. ANDRZEJEWSKI, P.E.
Commissioner of Building

September 5, 2018

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 September 25, 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) **Jacqueline Bojanowski** **300 Clearfield Drive** **SPECIAL USE PERMIT**
300 Clearfield Drive **Raising Chickens in the R-3**
Amherst, NY 14226 **District**

This application is a request for a special use permit for raising chickens in the R3 District.

This application is for a temporary Special Use permit to allow the raising of chickens on property zoned R3 in accordance with Section 6-8-9 B of the Zoning ordinance.

NOTES:

There are 15 requirements in section 6-8-9 B of the Zoning Ordinance for the special use permit. The application indicates that the chickens will be kept in accordance with items 1-12 of the requirements. Items 13-15 are not addressable by the applicant.

The time period for the special use permit indicated in Item 13 is for the Board to determine. Item 14, solicitation of property owners within 100 ft., is carried out by the Town Clerk. Item 15, inspection of the premises, will be conducted by the Building Department.

2)

Philip Schwegler
189 Washington Highway
Amherst, NY 14226

189 Washington Highway

SPECIAL USE PERMIT
Auxiliary housing unit

This application is for a Special Use Permit for an Auxiliary Housing Unit in the R-3 District

Per Section 3-6-3 A

Where permitted as an accessory use in Part 3, an auxiliary housing unit may be constructed within any single-family detached dwelling following approval of a special use permit as set forth in § 8-6, subject to the following standards.

A. An auxiliary housing unit shall accommodate not more than two members of the family occupying the principal dwelling. At least one of the persons housed in the auxiliary housing unit shall be at least 60 years of age or handicapped or otherwise incapacitated to the extent that independent housing is not practical.

B. The auxiliary housing unit shall not exceed 500 square feet.

C. The permit for the auxiliary housing unit shall be valid for a period not exceeding two years.

Thereafter, it can be renewed, from time to time, for additional two-year periods upon proof satisfactory to the ZBA that the circumstances warranting the original permit continue to exist.

NOTES:

A Special Use Permit was first issued in 1997 to a previous owner and was renewed every two years until 2001 at which time it was no longer needed.

The space is 700 sf and has not changed from when it was previously approved.

The property has sold and the new owner has made this application.

3)

North Bailey Fire Company
c/o William Richter
966 Sweet Home Road
Amherst, NY 14226

966 Sweet Home Road

2 AREA VARIANCES

This application is a request for 2 Area Variances for signs in the CF District

1) Message center sign setback from a residential district.

2) Ground sign front setback.

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

NOTES:

Required setback: 500.00'

Proposed setback: 70.00'

Short of required: 430.00' 86%

The residential districts are to the left and across the street from the Fire Department.

2) Per Section 7-8-4 B (1) (e) the minimum allowed ground sign setback is 15.00'.

NOTES:

Minimum allowed:	15.00'	
Proposed size:	00.00'	
Short:	15.00'	100%

This sign is replacing and existing nonconforming ground sign.

4)

Keepsake Homes, Inc.	71 Thornbury Drive	2 AREA VARIANCES
c/o Andrew Grimm		
250 Grider Street		
Buffalo, NY 14215		

This application is a request for 2 Area Variances for a single family house in the R-3 District.

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

1) Per Section 3-6-3 A, the minimum required front yard setback is 30.00'

NOTES:

Required setback:	30.00'	
Proposed setback:	20.00'	
Short of required:	10.00'	33%

2) Per Section 3-6-3 A the minimum rear yard setback is 30.00'

NOTES:

Required setback:	30.00'	
Proposed setback:	20.00'	
Short of required:	10.00'	33%

5)

Jeffrey Hamilton	35 The Village Green	2 AREA VARIANCES
35 The Village Green		
Amherst, NY 14221		

This application is a request for 2 Area Variances an accessory structure in the R-3 District.

- 1) Accessory structure in the front yard.
- 2) Front yard setback.

1) Per Section 6-8-1 A (3)

No accessory structure shall be located in the required front yard of the structure to which it is accessory and the street line of the street servicing it.

Per Section 2-5-2

Yards on Corner Lots.[Amended 7-16-2007 by L.L. No. 7-2007]

(a) The shorter property line abutting streets on a residential corner lot shall be deemed the front lot line.

2) Per Section 3-6-3 A the minimum rear yard setback is 30.00'

NOTES:

Required setback:	30.00'	
Proposed setback:	3.58'	
Short of required:	26.42'	88%

6) **CRDI Development, LLC** **315 Campbell Blvd** **3 AREA VARIANCES**
c/o Sean Hopkins, Esq.
5500 Main Street, Suite 343

This amended application is for 3 Area Variances in the NB District.

- 1) Ground floor dwelling units.
- 2) Building height
- 3) Building setback from centerline of Campbell Boulevard.

Proposed project is to build 1, 3 story mixed use building. Ground floor commercial / residential dwelling units and 11 second floor dwelling units and 11 third floor dwelling units and a 9 bay detached garage building.

1) Per Section 4-3-2 A, Upper floor dwelling units are permitted.

NOTES:

North building:		
Permitted ground floor units:	0	
Proposed ground floor units:	6	
Exceeds allowable:	6	600%

2) Per Section 4-3-2 B, the maximum height of a building shall be 30.00'

NOTES:

Maximum height:	30.00'	
Proposed height:	33.00'	
Exceeds allowable:	3.00'	10%

3) Per Section 2-5-3, Minimum setback from the centerline of Campbell Boulevard shall be 90.00'

NOTES:

Minimum setback:	90.00'	
Proposed setback:	72.33'	
Short of required:	17.67'	20%

7)

Morgan Property Management Group, LLC c/o Sean Hopkins, Esq. 5500 Main Street, Suite 343 Williamsville, NY 14221	3310 & 3340 Millersport Highway and portion of 347 Miller Road	5 AREA VARIANCES
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This application is for 5 Area Variances in the MFR-4A District.

- 1) Side yard setback, north, 4 buildings
- 2) Side yard setback, south, 4 buildings
- 3) Setback from centerline of Millersport Hwy
- 4) VUA setback, south (3340 Millersport Hwy)
- 5) VUA setback, north, (3310 Millersport Hwy)

Both properties are under common ownership.

1) Per Section 3-10-2 B (3), the required side yard setback (north) shall be 40.00'

NOTES:

Required setback:	40.00'	
Proposed setback:	25.39'	
Short of required:	14.61'	36%

All four building require this variance.

2) Per Section 3-10-2 B (3), the required side yard setback (south) shall be 40.00'

NOTES:

Required setback:	40.00'	
Proposed setback:	1.98'	
Short of required:	38.02'	95%

All four building require this variance.

3) Per Section 2-5-3, the minimum setback from the centerline of Millersport Highway shall be 115.00'

NOTES:

Minimum setback:	115.00'	
Proposed setback:	80.00'	
Short of required:	35.00'	30%

4) Per Section 3-15-6, required vehicle use area setback from a property line shall be 5.00' (south)

NOTES:

Minimum setback:	5.00'	
Proposed setback:	0.00'	
Short of required:	5.00'	100%

This is for access to 3310 Millersport.

5) Per Section 3-15-6, required vehicle use area setback from a property line shall be 5.00' (north)

NOTES:

Minimum setback:	5.00'	
Proposed setback:	0.00'	
Short of required:	5.00'	100%

This is for access to 3340 Millersport.

8)

**Craig Alesse
c/o Sean Hopkins, Esq.
5500 Main Street, Suite 343
Williamsville, NY 14221**

1463 Tonawanda Creek Road

**AREA VARIANCE
Lot width in the SA District**

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

Per Section 3-3-2 B, the minimum lot width shall be 200.00'

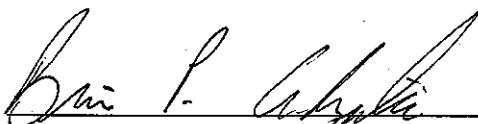
NOTES:

Minimum width:	200.00'	
Proposed width:	15.00'	
Short of required:	185.00'	92%

This is an existing condition from when the properties were split in 2000 creating this nonconforming lot.

Other Matters

1



Brian P. Andrzejewski, P.E.

DG

- cc: Brian Kulpa, Supervisor
Councilmembers
Stanley Sliwa, Town Attorney
Marjory Jaeger, Town Clerk
Dan Howard, Planning Director
Ellen Kost, Planning Department
Patrick Lucey, Highway Superintendent