

Town of Amherst Planning Department

Erie County, New York



Supervisor

Daniel C. Howard, AICP
Planning Director

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**MEMORANDUM** 

July 12, 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 July 23, 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. John Rubino

891 Millersport Highway 212 Dellwood Road **Area Variances** 

This application is for area variances in the MFR-5 District.

1) Per Section 3-15-5 A(4) the side yard setback of the greater length building wall parallel to the lot line is 2 times height. The petitioner is requesting to construct one apartment building on an odd shaped lot and is requesting relief for the north and south side yard setback.

NOTES:

Required setback Building:

45.33 FT

Proposed setback Building:

31.00 FT

Short of required:

14.33 FT or 32%

2. Metzger Engineering

46&48 Roger Chaffee Drive

Area Variance

This application is for an area variance in the MFR-5 District. The petitioner is requesting to not plant the large deciduous trees as required with high impact screening due to power lines.

1) Per Section 7-2-4B a high impact screen is necessary between multifamily and single family homes.

3. Kent Walser

37 Pin Oak Drive

Area Variance

This application is for an area variance in the R-3 District. The petitioner is requesting to install a generator in the side yard.

1) Per Section 3-6-2B the required side yard setback is 5 feet. The petitioner is requesting 2 feet. 5583 Main Street • Williamsville • New York • 14221 • (716) 631-7051 • Fax (716) 631-7153

Required side setback:

5 FT

Proposed side setback:

2 FT

Short of required:

3 FT or 60%

4. Diane Serra

711 Niagara Falls Blvd.

**Temporary Use Permit** 

This application is for a Temporary Use Permit in the CF District. The petitioner is requesting to operate a bakery within the kitchen of a church.

1) Per Section 5-5-3A the operation of a commercial bakery is not a permitted accessory use.

5. Kimberly Fedkiw

292 N Ivyhurst Road

**Special Use Permit** 

This application is for a special use permit in the R-3 District. The petitioner is seeking the second renewal of the originally issued 2016 permit.

1) Per Section 6-8-9 chickens require a special use permit.

6. Laurine Neal

2 Brantwood Road

Area Variance

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.

7. Scheid Architectural

1880 Eggert Road

Area Variances

This application is for three (3) area variances in the CF District. The petitioner is requesting relief from ground sign setback, message sign within 500 feet of residential and sign area.

1) Per Section 7-8-4(B)(1)(e) the required sign setback is 15 ft. from the right-of-way. The petitioner is requesting 14 ft.

Required setback:

15 FT

Proposed setback:

14 FT

Short of required:

1 FT or 7%

2) Per Section 7-8-4(B)(2)(b) message center signs are not permitted within 500 feet of a residential district.

Required setback:

500 FT

Proposed setback:

82.5 FT

Short of required:

417.5 FT or 83%

3) Per Section 7-8-8A of the Zoning Ordinance the allowable sign area is 90.33 SF.

NOTES:

Allowable sign area:

90.33 SF

Proposed sign area:

138.00 SF

Overage:

47.67 SF or 53%

8. Aliye Cosan

5122 Sheridan Drive

Area Variance

This application is for an area variance in the R3 District. The petitioner is requesting to place a sandwich board sign in the front yard.

1) Per Section 6-8-6(B)(2)(b) signage is limited to 2 SF and affixed flat to the building or if allowed by ZBA, in the required front yard along an arterial or collector street.

9. Norman Kosmerl

105 Forestlake Drive

Area Variance

This application is for an area variance in the MFR-5 District. The petitioner is requesting to install a generator in the side yard.

1) Per Section 3-11-3(B)(2) the required side yard setback is 5 feet. The petitioner is requesting 1.5 feet.

Required side setback:

5.0 FT

Proposed side setback:

1.5 FT

Short of required:

3.5 FT or 70%

10. Daniel Syracuse

7770 Transit Road

Area Variances

This application is for three (3) area variances in the GB District. The petitioner is seeking to create more outdoor seating.

1) Per Section 2-5-3 the front yard setback to Transit Road is 135 ft.

NOTES:

Required front setback:

135.0 FT

Proposed front setback:

102.0 FT

Short of required:

33.0 FT or 24%

2) Per Section 6-4-9C the maximum number of outdoor seats not requiring parking is 23. The petitioner is seeking 36 outdoor seats.

3) Per Section 7-2-3(A)(2) the required landscaped area adjacent to buildings is three feet average width. The petitioner is proposing two feet of shrubbery on new concrete in a masonry wall with integral seats.

NOTES:

Required landscaping width:

3 FT

Proposed landscaping width:

2 FT

Short of required:

1 FT or 33%

11. Kristijan Kurdic

171 Rosedale Blvd.

Area Variance

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.

# 12. Betsy Doyle Levy

16 Bradenham Place

Area Variance

This application is for an area variance in the R-3 District. The petitioner is requesting to replace an A/C unit in the side yard

1) Per Section 2-5-(A)(1)(e) a three (3) foot setback is required for an A/C unit.

NOTES:

Required setback:

3 FT

Proposed setback:

1.5 FT

Short of required:

1.5 FT or 50%

## 13. Myron Hunt

5 Hopkins Road

Area Variance

This application is for an area variance in the OB District. The petitioner is requesting to construct a ground sign.

1) Per Section 7-8-4(B)(1)(e) the required sign setback is 15 ft. from the right-of-way. The petitioner is requesting 14 ft.

Required setback:

15 FT

Proposed setback:

6 FT

Short of required:

9 FT or 60%

#### 14. Ryan Chivers Brown

252 Burroughs Drive

Area Variance

This application is for an area variance in the R-3 District. The petitioner is requesting to replace an A/C unit in the side yard

1) Per Section 2-5-(A)(1)(e) a three (3) foot setback is required for an A/C unit.

NOTES:

Required setback:
Proposed setback:

Short of required:

3 FT

2 FT

1 FT or 33%

# 15. N.A.S. Sign Company

5117 Sheridan Drive

Area Variances

This application is for an area variance in the MS District. The petitioner is requesting relief from sign area.

1) Per Section 7-8-8A of the Zoning Ordinance the allowable sign area is 75.30 SF.

NOTES:

Allowable sign area:

75.30 SF 111.98 SF

Proposed sign area:

26.60 SE on 400/

Overage:

36.68 SF or 49%

2) Per Section 7-8-8B of the Zoning Ordinance the allowable sign area for a pylon sign is 64 SF.

NOTES:

Allowable sign area:

64 SF

Proposed sign area:

96 SF

Overage:

32 SF or 50%

## 16. Elise Cusack

117 Hyledge Drive

Area Variance

This application is for an area variance in the R-3 District. The petitioner is requesting to erect a pool house.

1) Per Section 3-6-3B an accessory structure is limited to a 20 FT height.

NOTES:

Allowable height:

20 FT

Proposed height:

21.5 FT

Overage:

1.5 FT or 8%

BA/ac

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cc:

Brian Kulpa, Supervisor

Councilmembers

Stanley Sliwa, Town Attorney

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Mark Berke, Building Commissioner