

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 June 6, 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 June 18, 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. Jonathan Yioulos

147 Washington Highway

Area Variance

This application is for an area variance in the R3 District. The petitioner is requesting a 4 foot high fence in the front yard to fully enclose the yard.

1) Per Section 7-5-3 no fences higher than 3 feet shall extend into the front yard except in an Industrial District.

2. James Huddleston

1375 Campbell Blvd.

Temporary Use Permit

This application is for temporary use permit in the SA District. The petitioner is requesting an extended yard sale.

1) Per Section 3-3-3 yard sales are not an allowable accessory use in the SA District.

3. NAS Sign Company 2061 Sweet Home Road Area Variance

This application is for an area variance to install two 4ft x 4ft ground signs in the NCD R5 District.

1) Per Section 56-25 of the 1973 Town of Amherst Zoning Ordinance one wall sign a maximum of two (2) square feet is permitted.

4. NAS Sign Company 7600 Transit Road Area Variances

This application is for two area variances for signage in the GB District.

1) Per Section 7-8-8A of the Zoning Ordinance the allowable sign area is 86.86SF.

NOTES:

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> Required sign area: 86.86 SF Proposed sign area: 128.0 SF

Overage: 41.14 SF or 47%

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

Required sign area: 64 SF Proposed sign area: 80 SF

Overage: 16 SF or 25 %

5. Belmont Housing Resources

45, 52, 64&70 Amsterdam Ave. Area Variance

This application is for an area variance in the MFR-7 District. The petitioner is requesting relief from providing high impact screening along the north property line.

1) Per Section 7-2-4(B) high impact screening is required along the northern boundary. The petitioner is requesting to reduce the level of required screening due to the neighboring property being a utility right-of-way and the rear/delivery area of a furniture store.

6. Stephen Carnduff

340 Old NF Blvd.

Area Variances

This application is for area variances in the GB District. The petitioner is requesting relief from front and rear yard setbacks to construct a deck and accessory garage. The lot is presently legal non-conforming and located between the bike trail and Old NF Blvd.

1) Per Section 4-4-2B the required front yard setback is 20 ft. The petitioner is requesting 0 ft.

Required front setback: 20 FT Proposed front setback: 0 FT

Short of required: 20 FT or 100%

2) Per Section 4-4-2B of the required rear yard setback is 15 ft. The petitioner is requesting 1ft.

Required front setback: 15 FT Proposed front setback: 1 FT

Short of required: 14 FT or 93%

7. Dianna Kruss

25 Castle Court

Temporary Use Permit

This application is for a Temporary Use Permit in the R3 District. The petitioner is requesting to raise a full size pig as an emotional support animal.

1) Per Sections 3-6-3A and 6-8-9 Livestock is not allowed in the R3 District.

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8. Kristina Stadlmeir

1370 Dodge Road

Temporary Use Permit

This application is for a Temporary Use Permit in the R3 District. The petitioner is requesting to park a commercial vehicle over ¾ ton with commercial advertising in the driveway.

1) Per Section 7-1-12 commercial vehicles over ¾ ton or with commercial advertising are not allowed in the R3 District.

9. TY Lin International 3120 Niagara Falls Blvd. Area Variance

This application is for an area variance for signage in the GB District. The petitioner is requesting to add directional signage.

1) Per Section 7-8-8A of the Zoning Ordinance the allowable sign area is 113.57 SF.

NOTES:

Required sign area: 113.57 SF Proposed sign area: 151.37 SF

Overage: 37.80 SF or 33%

10. 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%

11. Sarah Griebner

290 Campbell Blvd.

Special Use Permit

This application is for a special use permit in the NCD-B-2 District.

1) Per Section 56-83 of the previous Zoning Code in effect on December 23, 1972 per the contract with NYS-UDC chickens are not a permitted use in the B-2 District. The petitioner is requesting to construct a chicken coop and run.

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12. William Cloen

101 Smith Road

Area Variance

1) Per Section 6-8-1B the total floor area of all accessory structures and the floor area of attached or built-in garages shall not exceed 75% of the floor area of the principal structure.

NOTES:

Allowable area: 1760 SF Proposed area: 2162 SF

Overage: 402 SF or 23%

13. Leonard Mioducki

82 Westfield Road

Area Variances

This application is for area variances in the R3 District. The petitioner is requesting to construct an 829SF carport.

1) Per Section 6-8-1B the total floor area of all accessory structures and the floor area of attached or built-in garages shall not exceed 75% of the floor area of the principal structure.

NOTES:

Allowable area: 1094.25 SF Proposed area: 1209.00 SF

Overage: 114.75 SF or 10%

2) Per Section 3-6-3B the minimum side yard setback for an accessory structure is 3ft.

NOTES:

Required setback: 3 ft Proposed setback: 2 ft

Short of required: 1 ft or 33%

BA/ac

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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