



## MEMORANDUM

October 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 October 22, 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. Town of Amherst                      1995 Wehrle Drive                      Area Variances**

This application is for five Area Variances in the RC District. The petitioner is requesting to construct a Parking Lot.

1) Per Section 5-9-2(B) the required vehicle use area setback is 15FT. The petitioner is requesting 5FT.

Required setback:	15 FT
Proposed setback:	5 FT
Short of required:	10 FT or 67%

2) Per Section 7-2-3(A)(3)(b) interior landscaped islands shall be provided for every 15 spaces. The petitioner is requesting no interior islands.

3) Per Section 7-2-3(A)(3)(c) all rows shall terminate in a landscaped island. The petitioner is requesting that some rows will not terminate in a landscaped island.

4) Per Section 7-2-3(A)(3)(e) one large deciduous tree is required for all landscaped islands over 128SF. The petitioner is requesting that some landscaping islands will not have trees.

5) Per Section 7-2-4(B) minimum impact screening is required between adjoining land uses. The petitioner is requesting no impact screening.

### **2. ASI Signage                      40 George Karl Blvd.                      Area Variances**

This application is for three area variances in the OB District. The petitioner is requesting to construct directional and ground signage.

1) Per Section 7-8-4(C) the allowable signage area for directional signs is 16SF per sign. The petitioner is requesting 42SF.

Allowable sign area:	16 SF
Proposed sign area:	42 SF
Overage:	26 SF or 162%

2) Per Section 7-8-4(C) one directory sign is permitted at each entrance. One additional directory sign is allowed on the premises. The petitioner is requesting that four (4) signs are placed as shown in the application.

3) Per Section 7-8-4(B) one ground sign is allowed per building. The petitioner is requesting two ground signs as shown on the application.

**3. Jerome Gorski 101 Dawnbrook Lane Area Variance**

This application is for an area variance in the R-3 District. The petitioner is requesting a 6'-5" fence height.

1) Per Section 7-5-1 no fence in a residential district shall exceed six feet in height.

**4. Rodney Knight 239 Stevenson Blvd. Area Variance**

This application is for an area variance in the R-3 District. The petitioner is requesting a 5" side yard setback for a deck.

1) Per Section 3-6-3(B) an accessory structure shall be a minimum of three feet from the lot line.

Required side setback:	3 FT
Proposed side setback:	0.42 FT
Short of required:	2.58 FT or 86%

**5. Kimley-Horn of NY 8290 Transit Road Temporary Use Permit**

This application is for a Temporary Use Permit within the GB District to place storage containers and reduce the number of off-street parking spaces for a construction project.

1) Per Section 7-1-3 a Temporary Use Permit is required to reduce the number of required off-street parking spaces.

**6. Theresa Palmieri 36 Dawnbrook Lane Area Variance**

This application is for an area variance for rear yard setback in the R-3 District to construct a one story addition.

1) Per Section 3-6-2(B) the required rear yard setback is 30FT. The petitioner is requesting 22FT.

Required rear setback:	30 FT
Proposed rear setback:	22 FT
Short of required:	8 FT or 27%

**7. Mussachio Architects 30 N Forest Road Area Variances**

This application is for two area variances for vehicle use setback and vehicle use screening within the OB District to install new parking.

1) Per Section 4-2-2(B) the vehicle use rear setback is 25FT because the adjoining Zoning District is MFR-5. The petitioner is requesting a 6'-2 1/2" setback.

Required side setback:	25 SF
Proposed side setback:	6.2 SF
Short of required:	18.8 SF or 75%

2) Per Section 7-2-4(B)(1) high impact screening is required. The petitioner is requesting medium impact screening.

**8. Home Décor Staging Group 1717 Eggert Road Area Variances**

This application is for two area variances in the R-3 District. The petitioner is requesting to change property lines. This change necessitates variances.

1) Per Section 3-6-2 B(2) the minimum lot width is 65 feet and the minimum lot area is 8450 SF. The petitioner is requesting to create three single family lots.

NOTES:

Required lot width:	65 FT
Proposed lot width:	50 FT
Short of required:	15 FT or 23%
Required lot area:	8450 SF
Proposed lot area:	5225 SF or 6534 SF
Short of required:	3225 SF or 38% , 1916 SF or 23%

**9. Benderson Development Company                      2350 Maple Road                      Area Variance**

This application is for an area variance in the NB District. The petitioner is requesting to install signage on the south elevation that will be a greater area than allowed.

1) Per Section 7-8-8 the allowable signage area for NB is 0.75SF/linear foot of building. The petitioner is requesting 1.45SF/linear foot.

Allowable sign area:	236.78 SF
Proposed sign area:	342.58 SF
Overage:	105.80 SF or 45%

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