



MEMORANDUM

September 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 September 17, 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 750 Paradise Road Temporary Use Permit

This application is for Temporary Use Permit in the CF District. The petitioner is requesting to establish a Public Works Construction Yard.

1) Per Section 5-5-2(A) a Public Works Construction Yard is not a permitted use.

2. Town of Amherst 1790 North French Road Temporary Use Permit

This application is for Temporary Use Permit in the SA District. The petitioner is requesting to establish a Public Works Construction Yard.

1) Per Section 3-3-2(A) a Public Works Construction Yard is not a permitted use.

3. X-Press Signs 6812 Transit Road Area Variance

This application is for an area variance in the GB District. The petitioner is requesting to allow a 10ft high by 23.5ft long mural painted on the building to remain. The petitioner was unaware that this mural constitutes a sign under the Zoning Ordinance.

1) Per Section 7-8-8(C) the mural exceeds the maximum allowable sign area..

4. Flexlume 3921 Harlem Road Area Variance

This application is for an area variance in the GB-TNB-1 District. The petitioner is requesting to construct signage on all building faces.

1) Per Section 5-7-7(C) the allowable signage is 1SF per linear foot of façade frontage.

Allowable sign area west: 50.7 SF
Proposed sign area west: 124.5 SF
Overage: 73.8 SF or 145%

Allowable sign area south: 71.3 SF
Proposed sign area south: 153.8 SF
Overage: 82.5 SF or 162%

Allowable sign area east: 0 SF
Proposed sign area west: 124.5 SF
Overage: 124.5 SF

Allowable sign area north: 0 SF
Proposed sign area west: 153.8 SF
Overage: 153.8 SF

5. Margaret Crawford 342 Grover Cleveland Blvd. Special Use Permit

This application is for a Special Use Permit within the R-3 District to operate a Type 2 Home Occupation for counseling services.

1) Per Section 6-8-6(B)(2) a Special Use Permit is required.

6. Wegmans Food Markets 675 Alberta Drive Area Variance

This application is for an area variance for lighting in the GB District to permit bulb replacement.

- 1) Per Section 7-3-4(C) the proposed lighting level will exceed 10fc within the parking lot.
- 2) Per Section 7-3-4(D) the proposed lighting level will exceed 0.2fc at adjacent residential use property lines and 0.5fc at adjacent commercial use and public right-of-way property lines.

7. Santoro Signs 2490 Kensington Avenue Area Variance

This application is for an area variance for signage within the OB District to install new signs.

1) Per Section 7-8-8 the total allowance of sign area for this location is 448.61SF.

Allowable sign area: 448.61 SF
Proposed sign area: 508.16 SF
Overage: 59.55 SF or 13%

8. Uniland 540, 562 & 580 Crosspoint Parkway Area Variances

This application is for area variances in the RD District. The petitioner is requesting to change property lines. This change necessitates variances.

1) Per Section 4-9-2(B) side yard setbacks are 15 FT for Buildings up to 30 FT height and 25 FT for Buildings 30 FT high or more.

9. Eerie Productions 2055 & 2065 Niagara Falls Blvd. Temporary Use Permit

This application is for a Temporary Use Permit in the GB District. The petitioner is seeking to provide searchlights and signage for a temporary business.

1) Per Section 7-8-2 beacons are not permitted. The petitioner is seeking relief on this requirement to draw attention to the business due to the location.

2) Per Section 7-8-10(A)(1) a new business may request a 32SF sign for a maximum of 30 days. The petitioner is requesting an 80SF off-premise sign for 51 days.

10. Uniland 6265 Sheridan Drive Area Variance

This application is for an area variance in the OB District. The petitioner is seeking a relief to install a bus shelter.

1) Per Section 2-5-3 the setback to the centerline of Sheridan Drive is 115 FT. The setback for the shelter is proposed to be 92.92FT.

11. 9187 Group, LLC 1350 Eggert Road Area Variances

This application is for area variances in the OB-TNB-1 District. The petitioner is requesting relief from Landscaping and Parking Islands.

1) Per Section 7-2-3(A)(3)(b) an interior landscaped island shall be provided every 15 spaces. The petitioner has two rows of parking that do not meet this requirement.

2) Per Section 7-2-3(A)(3)(c) all rows of spaces shall terminate in a landscaped island. The petitioner has four rows of parking that do not meet this requirement.

12. Excelsior Orthopedics 3915-3925 Sheridan Drive Area Variance

This application is for an area variance in the OB District. The petitioner is requesting to install signage on entrance walls.

1) Per Sections 7-8-4(B)(1)(a) only one ground sign is allowed. The petitioner is proposing two ground signs.

2) Per Sections 7-8-4(B)(1)(b) there must be 250FT separation from a pole sign. The petitioner is requesting an 8FT separation and 65FT separation.

On June 22, 2016 the ZBA granted a pole sign for this location with the conditions that wall signage be removed.

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