



TOWN OF LEWISTON
1375 Ridge Road
Lewiston, New York 14092
(716) 754-8213
www.townoflewiston.us

ZONING BOARD OF APPEALS

**Thursday – March 9, 2017
7:00 P.M. – Town Hall**

- A. Variance Request – Sanborn Fire Company – Buffalo Street –
SBL# 118.20-2-27**

- B. Miscellaneous**

PLEASE NOTIFY SANDY IF YOU CANNOT ATTEND



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Fee _____ Date Paid _____ Hearing Date 3/9/17 Approved Denied

Appeal to the Zoning Board Area Variance, Use Variance and/or Interpretation

23228

Applicant

Owner(s) (If not applicant)

Attorney/ Agent

Name Sanborn Fire Company

Address PO Box 362 / 5811 Buffalo Street Sanborn, NY 14132

Phone/Fax (716) 731-4616

Email ewsherwood@roadrunner.com

Property Information

Property Address 5811 Buffalo Street Side of street (north, east, etc.) East

Tax Parcel No 118.20-2-27

Date acquired by owner Approx 1936 Zoning District when purchased TND

Present use of property Fire Company/Park Current Zoning District: TND

Has previous ZBA applicant/appeal been filed with property? Yes No If yes, when? 1980

For what Original Changable Lighted Letter Sign in Front of Building

Is property located within a 500' of a State Park, town or city boundary or county/state highway? Yes

Brief description of the proposed action Using the existing support structure, replace the current out-dated
Changeable Lighted Letter Sign with an up to date and technologically current Hi-Resolution Digital LED Message
Center. The new LED sign would be the same size and in the same location as the current sign, just the insert would be
replaced. The new sign would contain features such as all-weather display, wireless communication to allow for easy
and remote updates, temperature sensor, auto-dimming capable, etc.

Is there a written violation for this parcel that is not the subject of this application? Yes No

Has the work, use or occupancy to which the appeal relates already begun? Yes No

Identify the type of appeal you are requesting Area Variance Use Variance Interpretation

Use Variance - Please answer the following (add additional information as necessary)

A use variance is requested to permit the following Replace our current out dated Lighted Changeable Letter Sign with a new Hi-Res Digital LED Message Center using the existing support structure that is in place. The new sign will allow us to properly advertise for events of all organizations that use the facilities as well as display public service announcements.

For the Zoning Board to grant a request for a Use Variance, an applicant **MUST** prove that the zoning regulations create an **UNNECESSARY HARDSHIP** in relation to that property. In seeking a use variance, New York State law **REQUIRES** an applicant to prove **ALL FOUR** of the following "tests".

I. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. "Dollars and Cents" proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons.

The current sign has become inadequate to properly promote and advertise the multiple functions and/or events that are held at the facility. The existing Town Sign Regulations are outdated only allowing for older style signage for organizations to advertise and promote functions and events.

Please see additional documentation for further information.....

A. Submit the following financial evidence relating to the property (attached additional evidence as needed):

1. Date of purchase Approx 1936 Purchase Amount N/A

2. Indicate dates and costs of any Improvements made to property after purchase:

Date	Improvement	Cost
<u>On-Going</u>	<u>Numerous Building Expansions - Most recent in 2003</u>	<u>1,300,000.00</u>
<u>1947</u>	<u>Bandstand</u>	
	<u>Town Park, Bathrooms, etc</u>	

3. Annual maintenance expenses Approx \$20,000 4. Annual Taxes \$6,533.00

5. Annual income generated from property Non-Profit

6. Town assessed value \$3,600,000.00 7. Estimated Market Value \$3,600,000.00

8. Appraised Value 3,600,000.00 Appraiser Utica Insurance Date March 2016

Appraisal Assumptions:

B. Has property been listed for sale with the Multiple Listing Service (MLS) Yes No

If Yes, for how long? N/A

1. Original listing date(s) N/A Original listing price N/A

If listing price was reduced, describe when and to what extent N/A

2. Has the property been advertised in the newspapers or other publications? Yes No

If yes, describe frequency and name of publications N/A

3. Has the property had a "For Sale" sign posted on it? Yes No

If yes, list dates when sign was posted N/A

4. How many times has the property been shown and with what results? N/A

II. That the financial hardship related to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous properties in the neighborhood or district would not satisfy) this requirement. This previously identified financial hardship is unique for the following reasons.

The uniqueness of this request is that the Sanborn Fire Company is neither residential or a typical commercial property. The Sanborn

Fire Company is a non-profit organization that not only operates as a Fire Company but also as a Community and Recreation Center for the area.

The Sanborn Fire Company as well as the multiple organizations that use the facility and grounds throughout the year rely heavily

on their functions and events to raise funds for their organization to operate and thrive. Community support and involvement is a key

element in making those functions and events a success and one of the main ways to ensure the community is aware and involved

with these events is to properly advertise them.

III. That the variance, if granted will not alter the essential character of the neighborhood. Changes that alter the character of the neighborhood or district would be at odds with the purpose of the Zoning Ordinance. The requested variance will not alter the character of the neighborhood for the following reasons.

This change would not alter the characteristics of the neighborhood as it is not changing the structure or the location of the current sign, it is simply changing the insert from an out-dated changable letter format to a state of the are digital LED format. There are also other Digital LED signs within Sanborn and around the Town of Lewiston. Examples of existing Digital LED signs in the Sanborn area are Subway, Gails Smoke Shop, St Peters Lutheran Church, American Legion, and Forestview Church of God and others throughout the Town of Lewiston are Lewiston Town Hall, Niagara Frontier Bible Church, as well as others. A Digital LED Message Center at Sanborn Fire Company would help keep the residents of Sanborn informed of various events occurring year round by the various organizations that use the facility and grounds.

IV. That the alleged hardship is not self-created. An applicant (whether a property owner or someone acting on behalf of the (property owner) cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property knowing (or was in the position to know) the condition for which the applicant was seeking relief. The hardship was not self-created for the following reasons.

The hardship put upon the Sanborn Fire Company has been created by a number of factors. Our facility has proven to be an optimal location for the numerous organizations that use it based on the location, size, ease of availability, and the "community friendly" environment of the facility and it's members. We are approached by new organizations each year requesting to use our facility because of the reasons listed above.

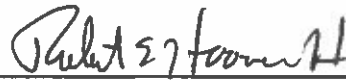
Please see additional documentation for further information.....

Applicant Signature

I/We the property owner(s), or purchaser(s), lessee(s) under contract of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature attached hereto, I/We believe the information provided within this application and accompanying documentation to be true and accurate. I/We further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/We hereby authorize the members of the Zoning Board of Appeals to enter the property associated with this application for purposes of conducting any necessary site inspections related to the fact finding process with regard to this pending application.



Signature

Signature

2/27/17

2/27/17

Date

Date

- I. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. "Dollars and Cents" proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons.***

The current sign has become inadequate to properly promote and advertise the multiple functions and/or events that are held at the facility. The existing Town Sign Regulations are outdated only allowing for older style signage for organizations to advertise and promote functions and events.

The Sanborn Fire Company, on top of our own functions and events, allows a number of organizations (see attached) to use our facility throughout the year free of charge or for a minimal fee to cover the cost cleanup and utilities. These various organizations rely on the functions and events to raise funds to support themselves. Therefore in order for each of these organizations to prosper there is a need and desire to properly advertise and one method of doing so is by requesting the Sanborn Fire Company to display information on our sign. This easily causes hardships to the Sanborn Fire Company as well as the other organizations because we frequently have times where there are numerous functions/requests within a short period of time however due to the current sign limitations we are unable to meet all of those requests. For example: Our current Changeable Letter Sign has 4 lines available to display information with two of those lines used to advertise our weekly Bingo Prize information, that leaves 2 lines to advertise any other function. We may have 6 different organizations having different functions over the course of a month and each requesting to advertise on our sign for 2 weeks prior to their function. That simply would not be possible to do with our current sign unless a person manually changes the sign lettering multiple times a day which is not feasible. However with a Digital Message Center we could simply add a new advertisement to the rotation of existing events and properly advertise for that event and organization.

Digital message boards and signage have proven to be extremely effective. Recent studies have shown that Digital Message Boards in public areas reach more customers than videos on the Internet or Facebook. Digital Signs also stand out to an individual, upwards of 71%, more than a standard sign. Passerby's don't just glance at them, they engage and spend measurably longer time looking at them and remember what they see on them, ranging anywhere from 55% to 90% more so than a standard sign.