

**Town of Hamburg
Board of Zoning Appeals
Meeting - October 6, 2009**

The Town of Hamburg Zoning Board met for a regular meeting on Tuesday October 6, 2009 at 7:00 p.m. in Room 7B to discuss the following applications. Those attending included:

Chairman Vincent Gugluizza
Vice-Chairman Brad Rybczynski
Secretary Jack Rahill
Commissioner Shawn Connolly
Commissioner Paul Eustace
Commissioner Chuck Morlock
Commissioner Jim Sortisio
Attorney Joseph Shaw **Excused**
Attorney Tim Quinlivan
Building Inspector Roger Gibson
Recording Secretary Laurie Wutz

Secretary Rahill read the following Legal Notice of Public Hearing:

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Application # 5266 - Kim St. George for a pole barn at 5633 Stillwell Road.
Violates 280-278 B (4) (a) - code 850 - actual 1152 - variance needed 306.

Gene Jezewicz spoke on behalf of Ms. St. George. Mr. Jezewicz will be residing at 5633 Stillwell Road with Ms. St. George who is the property owner. They need an additional garage to accommodate their vehicles and feel that a pole barn would best fit their needs. Mr. Jezewicz also has a couple of classic cars which need to be stored.

Ms. St. George owns 2 joining lots which need to be merged before they can proceed with putting up the pole barn.

They presented no architectural plans, but did show the Board a picture of what they hoped it to look like. The structure would be 32' x 36', the walls would be 10' high, and the peak would be 15.5'.

There is currently a stockade fence which would be removed and a 10' x 12' shed which would be moved or taken down if needed. There is also a chain link fence which would have to be shifted over. The driveway to the pole barn would go around the existing garage and back. For the time being the driveway would be stone and eventually replaced with pavers.

No letters from neighbors were presented, but Ms. St. George stated that she spoke with one of her neighbors who has no problem with their request.

Findings: Mr. Gugliuzza stated that the combined area for the accessory structures would require a variance of 470'.

Mr. Rybczynski stated that without the 2 lots merged, the Board is not permitted to act on the variance request. He stated that he was not comfortable acting on it.

Mr. Quinlivan stated that without the 2 lots being merged to 1, the applicant was requesting an accessory structure on an vacant lot, changing the request from an area variance to an use variance. An use variance is subjected to much stricter criteria test.

Mr. Morlock asked if the area variance could be granted with the condition of the lots being merged?

Mr. Connolly stated that the applicants seem vague as to where the pole barn would located. He also stated that he to is hesitant acting on the request. Mr. Connolly also stated that if the shed is not eliminated, the variance request increases by 33.5%, he is reluctant to vote in favor of such a large variance.

Mr. Gugliuzza suggested to the applicant that tabling the application would be an option, that way they could have the 2 lots merged and come before the Board with more a detailed plan. The Board would like to see a survey map showing the structure, setback, etc.

The applicants were agreeable to tabling the application for 1 month.

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Mr. Rybczynski made a MOTION to table Application # 5266 for 1 month so the applicants can have the 2 parcels merged and present a more detailed plan to the Board. Mr. Connolly seconded, all voted in favor. **Tabled**

Application # 5267 - Colleen Eagen for a garage addition at 3500 Howard Road.
Violates 280-41 B - Code allows minimum 10' - actual 7.5' - variance needed 2.5'.

Mrs. Eagen spoke explaining that their existing garage is over 50 years old and in very poor condition. The wood is rotting, the garage door, windows, and roof are all in need of repair. They decided to demolish the garage and rebuild the garage with an addition to it. They are recently married and need more space.

Tim Willard from Building Inspection suggested that they come before the Board to request the variance so that the new addition to the garage would line up with the house which is 7.5' from the property line.

The lot is an irregular shaped lot with a creek embankment on the east side. It is also considered a flood zone, so moving the garage over to the east side of the lot is not really an option.

Mrs. Eagen presented 2 letters from neighbors stating they had no objection to the variance request:

John & Rita Geberl - 3494 Howard Rd.
Heidi Ann Hodgson - 3512 Howard Rd.

Findings: Mr. Rybczynski read through the area variance criteria test: The benefit can not be achieved by any other means, the current condition of the garage is very poor, new garage will line-up with the house; there would be no undesirable change to the neighborhood, the repairs will be an improvement; it is not a substantial request, it's already a non-conforming structure; there is no evidence to prove adverse environmental effect; it is not self-created.

Mr. Rybczynski made a MOTION to approve Application # 5267 for a 2.5' side yard variance at 3500 Howard Road. Mr. Eustace seconded, all voted in favor. **Granted**

Application # 5268 - Withdrawn

Other Business

Mr. Gugluizza informed that Board that even though there is no requirement to send letters notifying neighbors of a variance request, as per the Code Review Committee we will now be notifying neighbors within 100' radius of the variance request. This is due in part to the Smith Road application and the neighbors being upset about not being notified.

Mr. Rybczynski announced that the next training classes were available on November 10, 2009. He and Mr. Rahill are the only members who still need to attend.

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The November meeting was changed from Tuesday, November 10, 2009 to Thursday, November 5, 2009 so that Mr. Rybczynski and Mr. Rahill can attend the training session.

Mr. Rybczynski made a MOTION to approve the minutes from September 1, 2009. Mr. Rahill seconded, all voted in favor motion carried.

MOTION to ADJOURN was made by Mr. Rybczynski, seconded by Mr. Connolly. Motion carried. Meeting adjourned at 8:15 pm. The next Zoning Board meeting will be held Thursday, November 5, 2009.

Respectfully Submitted,

Jack Rahill, Secretary
Board of Zoning Appeals

Date: 10/6/09