

Town of Hamburg
Board of Zoning Appeals Meeting
April 4, 2017
Minutes

The Town of Hamburg Board of Zoning Appeals met for a Regular Meeting on Tuesday, April 4, 2017 at 7:00 P.M. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Vice-Chairman Shawn Connolly, Commissioner Louis M. Chiacchia, Commissioner Bob Ginnetti, Commissioner Ric Dimpfl, Commissioner L. Michael Chiacchia, Commissioner Nicole Falkiewicz and Commissioner Laura Hahn.

Others in attendance included Attorney Mark Walling, Board of Zoning Appeals Attorney and Sarah desJardins, Planning Consultant.

Excused: Chairman Brad Rybczynski

Vice-Chairman Connolly asked for a moment of silence to honor our fallen armed service members.

Commissioner Dimpfl read the Notice of Public Hearing.

Tabled Application # 5608 Barclay Damon LLP - Requesting an appeal of a Code interpretation made by the Supervising Code Enforcement Official

Vice-Chairman Connolly stated that the Board had been advised by its counsel to leave this matter on the table.

Findings:

Mr. Dimpfl made a MOTION, seconded by Mr. Ginnetti, to leave this matter on the table.

All members voted in favor of the motion.

Application # 5612 Joseph Nelson – Requesting one (1) use variance and one (1) area variance for signage at 3756 Lakeview Road

Mrs. desJardins stated that the applicant had requested that this matter be tabled so that he can seek counsel.

Findings:

Mr. Dimpfl made a MOTION, seconded by Ms. Hahn, to table Application # 5612.

All members voted in favor of the motion. **TABLED.**

Application # 5613 Once Upon a Child – Requesting an area variance for wall signage at 4271 Lake Avenue

Kathy Kruger, applicant, stated that her business has been at this Lake Avenue location for nine (9) months. She noted that previously she was in the BJ's Plaza, but the rent became too expensive so she moved to Lake Avenue. She stated that the wall signage would help her customers locate her store since it is considered a destination store.

In response to a question from Vice Chairman Connolly, Ms. Kruger stated that people look for her store and then stop in once they find it. She noted that there are 375 Once Upon a Child

stores, and the wall signage would help her business. She stated that three (3) businesses have left the plaza in which she is located.

In response to a question from Vice-Chairman Connolly, Mrs. desJardins stated that the Supervising Code Enforcement Official determined that a use variance is required for this wall signage.

Mr. Chiacchia stated that the Board of Zoning Appeals approved wall signage at this location in 2014, and at that time the Board was concerned about possible traffic safety issues with the signage being distracting to motorists. He noted that to his knowledge there have been no traffic safety issues since that wall signage was approved.

Vice-Chairman Connolly stated that he has no problem with the requested area variance, but he does have concerns with the requested use variance. He asked Ms. Kruger to elaborate on the use variance criteria that deals with financial hardship.

Ms. Kruger stated that since she has been located at this location, it has been difficult to get people in to the store and her income has been flat.

Attorney Walling advised Ms. Kruger that she should provide financial information comparing her profits when she was at the BJ's location to the profits she is making at the new location.

Board members discussed the option of tabling this matter so that Ms. Kruger can gather financial evidence of her hardship.

Findings:

Mr. Dimpfl made a MOTION, seconded by Ms. Hahn, to table Application # 5613.

All members voted in favor of the motion. **TABLED.**

Application # 5614 Paul Hornberger – Requesting an area variance for a second floor addition to an existing detached garage at 6629 Taylor Road

Paul Hornberger, applicant, stated that his garage needs a new roof, so he decided to add a second story to it while replacing the roof so he can use the additional space for storage.

In response to a question from Vice-Chairman Connolly, Mr. Hornberger stated that he wants to improve the look of his property and clean it up. He further stated that the second story would not be used as living space.

Mr. Chiacchia stated that currently there is quite a bit of junk on the property and asked Mr. Hornberger if the second story addition would help alleviate some of that. Mr. Hornberger responded that it would.

Mr. Chiacchia stated that the requested variance is extreme.

Mr. Hornberger stated that he submitted letters from his neighbors indicating that they do not oppose the requested variance. It was determined that those letters were not in his file, and Vice-Chairman Connolly stated that Board members would like to see them.

Vice-Chairman Connolly noted that the applicant's property does need improvement.

Mr. Ginnetti made a MOTION, seconded by Ms. Falkiewicz, to table Application # 5614 until Board members can review the letters from the neighbors Mr. Hornberger referred to.

All members voted in favor of the motion. **TABLED.**

Mr. Dimpfl made a MOTION, seconded by Mr. Chiacchia, to approve the minutes of March 7, 2017. All members voted in favor of the motion.

Ms. Hahn made a MOTION, seconded by Mr. Dimpfl, to adjourn the meeting. All members voted in favor of the motion.

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

L. Michael Chiacchia, Secretary
Board of Zoning Appeals

DATE: April 7, 2017