

Town of Hamburg  
Board of Zoning Appeals Meeting  
August 1, 2017  
Minutes

The Town of Hamburg Board of Zoning Appeals met for a Regular Meeting on Tuesday, August 1, 2017 at 7:00 P.M. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Brad Rybczynski, Commissioner Louis M. Chiacchia, Commissioner Bob Ginnetti, Commissioner Ric Dimpfl and Commissioner Laura Hahn.

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

Excused: Commissioner Nicole Falkiewicz, Vice-Chairman Shawn Connolly

Chairman Rybczynski asked for a moment of silence to honor our fallen men and women in the military.

Commissioner Dimpfl read the Notice of Public Hearing.

**Application # 5637** Jeffrey Schassel – Requesting an area variance for a proposed accessory structure at 4303 Highland Parkway

Jeffrey Schassel, applicant, stated that he would like to construct a 12' X 24' shed on the rear of his property because he needs more storage space. He submitted signatures from twelve (12) nearby property owners who have no objection to him constructing the shed at the proposed location.

Mr. Schassel stated that the shed would be placed on a gravel base, and it would have siding and shingles consistent with the other structures on his property. He noted that the shed would be virtually invisible from the road and almost 170' from the road.

Chairman Rybczynski stated that he is concerned that the shed would not be anchored. He noted that the variance requested would place the shed closer to the side yard than what is allowed, and if over time the shed is moved even closer to the side yard, the applicant could be in violation of the variance if granted.

Mr. Schassel stated that the shed would be on a gravel base and would be full of his belongings, so it would not shift.

Chairman Rybczynski stated that he is not concerned that the shed would move on its own. He stated that if, in the future, the applicant decides that he would rather have the shed closer to the side yard than what the variance allows, he would have to return to the Board of Zoning Appeals for relief.

Mr. Schassel stated that he does not anticipate wanting to move the shed closer to the side yard than what he is currently requesting.

**Findings:**

Mr. Dimpfl made a MOTION, seconded by Mr. Ginnetti, to approve Application # 5637.

On the question:

Mr.Dimpfl reviewed the area variance criteria as follows:

1. Whether the benefit can be achieved by other means feasible to the applicant – No, the applicant is looking for additional storage space.
2. Whether there would be an undesirable change in neighborhood character or to nearby properties – No.
3. Whether the request is substantial – no.
4. Whether the request will have adverse physical or environmental effects – No.
5. Whether the alleged difficulty is self-created – This could be argued either way, but on balance it favors the granting of the variance.

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

**Application # 5638** Matthew Matla – Requesting two (2) area variances for a proposed attached garage addition at 3077 Cloverbank Road

Ron Matla, representing the applicant, stated that he is the applicant's father. He stated that his son would like to install a 14' X 25' garage addition. He noted that his son has a small utility trailer, two (2) vehicles and three (3) children, and he has run out of room.

In response to a question from Mr. Ginnetti, Mr. Dimpfl stated that there would still be approximately 20' – 25' between the applicant's garage and the adjacent home, so fire access would not be a problem.

Mr. Matla stated that the adjacent home has no windows on the side facing his son's garage.

Ms. Colleen Gibbons, 3081 Cloverbank Road, stated that she is the adjacent homeowner and is absolutely opposed to the proposed structure. She stated that she has a beautiful front porch, and the proposed addition would decrease her line of sight by approximately 30% from the front of her house. She stated that she would no longer be able to look down the street, but rather would be looking at a wall.

Ms. Gibbons stated that her home is only ten (10) feet from the property line shared with the applicant, and the proposed addition would devalue her property.

Ms. Gibbons stated that a realtor came to her home recently, and he advised her that the proposed garage addition will decrease the value of her home.

Mr. Ginnetti stated that it appears that the proposed garage addition would be behind the front line of the applicant's home and therefore would not obstruct Ms. Gibbons' view.

Mr. Matla stated that he believes Ms. Gibbons' front porch extends out further than the garage addition would, so there would be no obstruction of her view.

Chairman Rybczynski stated that the applicant can construct a garage addition ten (10) feet from the side property line without a variance, and the applicant is requesting permission to construct the addition four (4) additional feet closer to that property line. He stated that the applicant could possibly build the addition the allowed ten (10) feet from the property line and go back further with the garage towards the rear of his property.

In response to a question from Chairman Rybczynski, Mr. Matla stated that his son is going to construct the garage addition, and it does not make much sense for him to be stopped.

The owner of 3081 Cloverbank Road stated that he is opposed to the granting of the variance because he does not want it there and because it would decrease the value of his home.

In response to a question from Chairman Rybczynski, Ms. Gibbons stated that she did not bring anything from the realtor who visited her home, and the realtor did not want to be identified. She further stated that if the Board tabled this request, she would get a realtor involved.

Mr. Dimpfl stated that he would like some kind of inclination as to how the realtor feels the applicant's garage addition would decrease the value of Ms. Gibbons' home.

Ms. Gibbons stated that she feels that if the variances are granted, she would be losing her view and her space.

**Findings:**

Ms. Hahn made a MOTION, seconded by Mr. Dimpfl, to table Application # 5638.

On the question:

Ms. Hahn stated that the Board would like more information from both parties and would like to give them the opportunity to present supporting documentation they might like to add.

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

**Application # 5639** John Robson – Requesting three (3) area variances for a proposed covered front porch at 3315 Hawley Road

John Robson, applicant, stated that he would like to construct a covered front deck. He stated that he enjoys sitting outside, and he is trying to fix up the home, which would improve the neighborhood. He stated that the porch would not obstruct anyone's view around him.

Mr. Robson submitted four (4) letters of support from nearby property owners.

**Findings:**

Mr. Ginnetti made a MOTION, seconded by Mr. Dimpfl, to approve Application # 5639.

On the question:

Mr. Ginnetti reviewed the area variance criteria as follows:

1. Whether the benefit can be achieved by other means feasible to the applicant – No.
2. Whether there would be an undesirable change in neighborhood character or to nearby properties – No, many nearby properties have front porches.
3. Whether the request is substantial – No.
4. Whether the request will have adverse physical or environmental effects – No.
5. Whether the alleged difficulty is self-created – This could be argued either way, but on balance it favors the granting of the variance.

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

It was determined that the next meeting of the Board of Zoning Appeals will be held on September 12, 2017.

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

The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

L. Michael Chiacchia, Secretary  
Board of Zoning Appeals

DATE: August 9, 2017