

Town of Hamburg  
Board of Zoning Appeals Meeting  
November 8, 2018  
Minutes

The Town of Hamburg Board of Zoning Appeals met for a Regular Meeting on Thursday, November 8, 2018 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 Nicole Falkiewicz, Commissioner Ric Dimpfl, Commissioner Laura Hahn and Commissioner Ray Gallagher.

Others in attendance included Attorney Tamara Harbold, Board of Zoning Appeals Attorney and Joe Boncore, Building Inspector.

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

Commissioner Chiacchia read the Notice of Public Hearing.

**Application # 5711** John & Yvonne Biddlecom - Requesting an area variance for a new single family dwelling to be constructed on vacant land on Heltz Road

- Yvonne Biddlecom, applicant, stated that she and her husband own a vacant parcel of land on Heltz Road and plan to build a new home on it. She stated that the property is only 100 feet wide, and a variance was obtained previously by someone else for a side yard setback, but her home would require a larger variance than what was previously granted.

Mr. Boncore stated that the two (2) required side yards must be at least 30 feet each (60 feet total), and the applicant is requesting a variance to allow the total side yard setbacks to be 36 feet (18 feet on each side).

Mr. Chiacchia stated that the property is considered a non-conforming lot because it does not have 200 feet of width at the building line.

Mr. Robert Morford, 6725 Heltz Road, stated that he owns property adjacent to the applicants'. He stated that there are ponds in the immediate vicinity, and the one on his property is close to the shared property line. He expressed concern about where the applicants' septic system would be located and whether it would drain into the ponds in the area.

In response to a question from Chairman Rybczynski, the applicants' builder stated that the septic system would not drain into any pond. He stated that he did not know how far the septic system would be from the property lines.

**Findings:**

Mrs. Falkiewicz made a MOTION, seconded by Mr. Dimpfl, to approve Application # 5711.

On the question:

Mrs. Falkiewicz reviewed the area variance criteria as follows:

1. Whether the benefit sought can be achieved by other means feasible to the applicant – No, unless the floor plan of the home is changed.
2. Whether there would be an undesirable change in neighborhood character or to nearby properties – No.

3. Whether the request is substantial – The request is slightly substantial.
4. Whether the request will have adverse physical or environmental effects – No.
5. Whether the alleged difficulty is self-created – No, because of the width of the lot.

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

**Application #5712** Suzanne Wischerath - Requesting an area variance for a proposed detached garage at 5517 Lakeshore Road

Daniel Wischerath stated that he would like to build a two-story garage on his property to match his existing detached garage, and it would be three (3) feet too high.

In response to a question from Chairman Rybczynski, Mr. Wischerath stated that the area above the garage would be used for storage only.

Mr. Chiacchia stated that he noticed that the applicant's existing detached garage is full, so it appears that he needs more space.

**Findings:**

Mr. Dimpfl made a MOTION, seconded by Mrs. Hahn, to approve Application # 5712.

On the question:

Mr. Dimpfl reviewed the area variance criteria as follows:

1. Whether the benefit sought 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.
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 tilts to approval.

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

**Application # 5713** Patrick Lawler – Requesting two (2) area variances for a proposed residential addition at 4994 City View Avenue

Patrick Lawler, applicant, stated that he would like to add square footage to an existing house that is 668 sq.ft., and most of the other homes in the neighborhood are approximately 1,100 sq.ft. He further stated that the addition would be no closer to the side property line than the home already is.

Mr. Chiacchia stated that the existing home is smaller than the minimum square footage allowed for a home under the current regulations, and the addition would bring it into conformance. He further noted that the existing home is approximately 40 feet from the adjacent home, so there should be no concern from that neighbor.

**Findings:**

Mrs. Falkiewicz made a MOTION, seconded by Mr. Ginnetti, to approve Application # 5713.

On the question:

Mrs. Falkiewicz reviewed the area variance criteria as follows:

1. Whether the benefit sought 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, the home will now conform more to the neighborhood.
3. Whether the request is substantial – The request is slightly substantial.
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 tilts to approval.

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

**Application # 5714** Mark Zilliox - Requesting two (2) area variances for a proposed detached garage at 4077 Tasseff Terrace

Mark Zilliox, applicant, stated that he recently purchased vacant land at the end of Nada Street, which is adjacent to the property on which his home is located. He stated that he would like to build a detached garage on the property he recently purchased for additional space for his belongings. He noted that the garage would be larger and higher than what is allowed per Code. He stated that the height variance is being requested so that the garage can match the look of his existing home and noted that there will be attic trusses in the garage, although at this time there would be no access to the attic trusses.

Mr. Zilliox stated that he needs the oversized garage for storage and to store his work vehicle. In response to a question from Chairman Rybczynski, Mr. Zilliox stated that he has begun the process of merging the newly acquired property with his existing property.

**Findings:**

Mrs. Falkiewicz made a MOTION, seconded by Mr. Dimpfl, to approve Application # 5714.

On the question:

Mrs. Falkiewicz reviewed the area variance criteria as follows:

1. Whether the benefit sought can be achieved by other means feasible to the applicant – No, considering the limitations the applicant has.
2. Whether there would be an undesirable change in neighborhood character or to nearby properties – No.
3. Whether the request is substantial – Yes.
4. Whether the request will have adverse physical or environmental effects – No.
5. Whether the alleged difficulty is self-created – No.

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

**Application # 5715** Ronald Henry - Requesting three (3) area variances for a proposed maintenance building at 5873 Camp Road

Ronald Henry, applicant, stated that he owns an auto repair shop and has outgrown the four-bay garage he has. He stated that he would like to build a three-bay garage in the rear of the property. He submitted a letter from the adjacent resident indicating that he has no objections to what he (Mr. Henry) would like to do.

Chairman Rybczynski read the following letter from Jeffrey & Stephanie Vara, 3965 Staley Road:

“Dear sir,

This letter is to inform you that we reside at the above address and our property is adjacent to Hamburg Auto Center, 5873 Camp Road. We have no objections to the proposed building project requested by Ronald Henry. If you have any questions or require more information, please contact us at the number or email listed above. Thank you for your time.”

It was determined that a building currently is located in the area where the new building would be located.

Mr. Henry stated that an addition to the existing building would not be feasible because he wants to be able to continue driving around the building.

**Findings:**

Mr. Dimpfl made a MOTION, seconded by Mrs. Falkiewicz, to approve Application # 5715.

On the question:

Mr. Dimpfl stated that the Board received a letter of support from the adjacent residential property owner.

Mr. Dimpfl reviewed the area variance criteria as follows:

1. Whether the benefit sought 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.
3. Whether the request is substantial – Yes.
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 tilts to approval.

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

**Application # 5716** Michael Zuchowski – Requesting an area variance for a proposed deck at 4775 Clifton Parkway.

Michael Zuchowski, applicant, stated that he would like to build a new deck on his house.

Mr. Chiacchia stated that the adjacent home has a non-conforming garage, and this new deck would not do any harm to that neighbor.

**Findings:**

Mr. Ginnetti made a MOTION, seconded by Mrs. Hahn, to approve Application # 5716.

On the question:

Mr. Ginnetti reviewed the area variance criteria as follows:

1. Whether the benefit sought can be achieved by other means feasible to the applicant – Yes, the applicant could build a smaller deck.
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 tilts to approval.

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

**Application # 5717** John & Beverly Blette – Requesting two (2) area variances for a proposed garage addition at 1647 North Creek Road

John Blette, applicant, stated that he would like to double the size of his detached garage, which is approximately 100 feet from North Creek Road. He stated that he owns four (4) acres of land. He noted that the double garage would be larger than what is allowed and slightly higher, and he needs the space for storage.

In response to a question from Chairman Rybczynski, Mr. Blette stated that the garage would be located approximately 600 feet from Eighteen Mile Creek.

**Findings:**

Mrs. Falkiewicz made a MOTION, seconded by Mr. Dimpfl, to approve Application # 5717.

On the question:

Mrs. Falkiewicz reviewed the area variance criteria as follows:

1. Whether the benefit sought 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.
3. Whether the request is substantial – No.
4. Whether the request will have adverse physical or environmental effects – No. The enlarged garage would be located 600 feet from Eighteen Mile Creek.
5. Whether the alleged difficulty is self-created – This could be argued either way, but on balance it tilts to approval.

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

Mr. Dimpfl made a MOTION, seconded by Mr. Chiacchia, to approve the minutes of October 2, 2018. All members voted in favor of the motion.

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

The meeting was adjourned in memory of Sister Bernadette, Franciscan Sister of St. Joseph, who passed away recently, as well as the shooting victims in California and Pittsburgh. The meeting was adjourned at 8:00 P.M.

Respectfully submitted,

L. Michael Chiacchia, Secretary  
Board of Zoning Appeals

DATE: November 25, 2018