

Town of Hamburg
Board of Zoning Appeals Meeting
December 4, 2018
Minutes

The Town of Hamburg Board of Zoning Appeals met for a Regular Meeting on Tuesday, December 4, 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 Sarah desJardins, Planning Consultant.

Chairman Rybczynski asked for a moment of silence to honor our soldiers who have paid the ultimate sacrifice.

Commissioner Chiacchia read the Notice of Public Hearing.

Application # 5718 Ernest Lounsbury – Requesting two (2) area variances for a proposed detached garage at 4108 Sowles Road

Tom Story from Aaron Michael Services stated that the applicant would like to construct a pole barn on his property. He stated that the proposed pole barn is slightly larger than what is allowed, and the peak of the structure would be higher than what is allowed.

Mr. Story stated that the pole barn would be placed near a commercial building and would be placed well off the road. He noted that the applicant needs the space to store his camper in the winter months.

In response to a question from Chairman Rybczynski, Mr. Story stated that there will be no commercial operations in the building.

In response to a question from Mr. Chiacchia, Mr. Story stated that one of the existing bays in his garage will be taken down so that the camper can be backed into the new pole barn via the driveway.

Mr. Chiacchia stated that the adjacent apartment complex units have windows facing the applicant's rear yard, and he is concerned for the views of those apartment dwellers.

In response to a question from Mrs. Falkiewicz, Mr. Story stated that there is no way the applicant can go any smaller than what is being requested.

Findings:

Mr. Ginnetti made a MOTION, seconded by Mr. Dimpfl, to approve Application # 5718.

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 – No, considering the size of the applicant's camper.
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 – Yes.

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

Application # 5719 Forbes Capretto Homes – Requesting an area variance for a partially constructed new home at 5432 Sycamore Lane (Pleasant Creek Subdivision)

William Tuyn from Forbes Capretto Homes stated that the plot plan that was submitted with the building application for this new home was not correct regarding where the home was to be placed on the lot. He stated that the home was shown set back a distance of 31 feet instead of the required 35 feet. He noted that the erroneous plot plan was reviewed and a building permit issued.

Mr. Tuyn stated that a different surveyor was hired to locate the foundation once it was in, and that person found the mistake and notified Forbes Capretto Homes immediately. He stated that at that point, Forbes Capretto Homes notified the Hamburg Building Department and stopped work on the home.

Mr. Tuyn apologized for the mistake and noted that Forbes Capretto Homes tries very hard not to do this sort of thing.

Findings:

Mrs. Falkiewicz made a MOTION, seconded by Mr. Dimpfl, to approve Application # 5719.

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 – Yes, but the applicant did the right thing by notifying the Building Department.

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

Mr. Dimpfl made a MOTION, seconded by Mrs. Falkiewicz, to approve the minutes of November 8, 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 at 7:25 P.M. in the memory of the late George H.W. Bush.

Respectfully submitted,
L. Michael Chiacchia, Secretary
Board of Zoning Appeals

DATE: December 26, 2018