

Town of Hamburg
Board of Zoning Appeals Meeting
May 7, 2019
Minutes

The Town of Hamburg Board of Zoning Appeals met for a Regular Meeting on Tuesday, May 7, 2019 at 7:00 P.M. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included, Vice-Chairman Ric Dimpfl, Commissioner Louis M. Chiacchia, Commissioner Nicole Falkiewicz, Commissioner Laura Hahn, Commissioner Bob Ginnetti and Commissioner Ray Gallagher.

Excused: Chairman Brad Rybczynski

Others in attendance included Attorney Tamara Harbold and Planning Consultant Sarah desJardins.

Vice-Chairman Dimpfl asked for a moment of silence to honor our service members who have served and are serving.

Commissioner Chiacchia read the Notice of Public Hearing

Application # 5734 Samuel Sabato – Requesting two (2) areas variance for a proposed addition to a detached garage at 3094 Lyth Road

Mr. Samuel Sabato, applicant, stated that he would like to add on to the front of his existing garage, and the existing garage is too close to the side property line. He stated that the addition would not be any closer to the property line than the existing garage is. He noted that the existing accessory building on the property will be demolished.

In response to a question from Mr. Chiacchia, Mr. Sabato stated that he spoke with his adjacent neighbors, and neither has a problem with his request.

Findings:

Mr. Chiacchia made a MOTION, seconded by Ms. Falkiewicz, to approve Application # 5734. All members voted in favor of the motion. **GRANTED.**

Application # 5735 Guy Drusbik – Requesting an area variance for a proposed deck at 5067 Glendale Avenue

Mr. Guy Drusbik, applicant, stated that he would like to build a second-story deck on his home that would be too close to the road. He noted that his neighbors do not object.

Findings:

Mrs. Falkiewicz made a MOTION, seconded by Ms. Hahn, to approve Application # 5735.

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 –It could be, be it would not be exactly what the applicant is looking for.
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 # 5736 John Hajnosz – Requesting an area variance for a proposed detached garage at 5368 Columbia Avenue

Mr. John Hajnosz, applicant, stated that he would like to build a detached garage in front of his home. He stated that he has an attached one-car garage, but he and his wife both want to park their cars inside.

It was determined that the applicant has an old three-car garage 350 feet behind his house, but there is no driveway to access the garage and it is just used for storage.

In response to a question from Mr. Chiacchia, Mr. Hajnosz stated that there is not enough room to add a bay to the existing attached one-car garage.

Findings:

Ms. Falkiewicz made a MOTION, seconded by Mr. Ginnetti, to approve Application # 5736.

On the question:

Ms. 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.
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 # 5737 Patrick Marsillo – Requesting two (2) area variances for a proposed pole barn at 5056 McKinley Parkway

Mr. Patrick Marsillo, applicant, stated that he would like to build a pole barn to house his trailers associated with his food concession business. He noted that the rear of his property is wooded, and the pole barn would not obstruct anyone's view. He stated that the barn needs to be larger than what is allowed because he wants to be able to fit both trailers in it.

The applicant submitted two (2) letters of support from surrounding neighbors.

Mr. Chiacchia stated that the trailers are currently kept outside, and the pole barn will help with the visual and allow them to be stored inside during the winter months.

Findings:

Mr. Ginnetti made a MOTION, seconded by Ms. Falkiewicz, to approve Application # 5737.

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.
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 # 5738 Michael Kruszka - Requesting an area variance for a proposed residential addition at 4945 Clark Street

Mr. Michael Kruszka, applicant, stated that he would like to build an addition off the back of his existing home. He noted that it would be too close to the side property line, but the property owner who shares that property line has submitted a letter of support. He noted that the property is on an angle, and as one goes further back, the house gets closer to the side property line.

Findings:

Ms. Hahn made a MOTION, seconded by Mr. Ginnetti, to approve Application # 5738.

On the question:

Mrs. Hahn 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 # 5739 Sarah Jean Veith - Requesting an area variance for a proposed detached garage at 3734 Columbia Street

Ms. Sarah Jean Veith, applicant, stated that she would like to demolish an existing detached garage and construct a new one in the same place, which would be closer to the side property line than what is allowed. She stated that her neighbor who shares that property line supports the variance request.

In response to a question from Mrs. desJardins, Ms. Veith stated that the new garage would be slightly larger than the original, but it would be within the square footage allowed by Town Code.

Findings:

Ms. Falkiewicz made a MOTION, seconded by Ms. Hahn, to approve Application # 5739.

On the question:

Ms. Falkiewicz reviewed the area variance criteria as follows:

1. Whether the benefit sought can be achieved by other means feasible to the applicant – This could go either way.
2. Whether there would be an undesirable change in neighborhood character or to nearby properties – No, the adjacent property owner is in favor of the addition being placed right on the property line.
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 # 5740 Curt Krempa - Requesting an area variance for a proposed accessory building at 2717 North Creek Road

Mr. Curt Krempa, applicant, stated that he would like to replace a 12' X 12' shed that is in disrepair with a 24' X 24' pole barn to be used to store his toys and an old car. He noted that there would be a shed-type porch. He stated that the roof line would extend five (5) feet higher than what is allowed because he would like it to look like a horse barn.

Mr. Krempa submitted a letter of support from two (2) nearby property owners.

Mr. Chiacchia stated that the proposed pole barn would not obstruct any views of the nearby property owners, and it will increase the property values in the area.

Findings:

Ms. Falkiewicz made a MOTION, seconded by Ms. Hahn, to approve Application # 5740.

On the question:

Ms. Falkiewicz reviewed the area variance criteria as follows:

1. Whether the benefit sought can be achieved by other means feasible to the applicant – This could be the case, but it would not be what the applicant is looking for aesthetically.
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 # 5741 Patrick Scott - Requesting two (2) area variances for a proposed detached garage at 6079 Old Lakeshore Road

Mr. Patrick Scott, applicant, stated that he would like to build a barn for storage on this vacant property, and at the same time build a 1,920 sq.ft. home. He stated that the barn would be 60 sq.ft. larger than what is allowed and 3.5 feet higher than what is allowed.

Mr. Scott stated that he cannot build the barn on the property where he lives because the property is too narrow and steep, and there is not enough room. He noted that he stores a lot of equipment on the property, so the barn will make the property look much better.

Mr. Scott stated that he could build a home and barn that are connected and not require a variance, but he does not feel that would be aesthetically pleasing.

Mr. Scott stated that he intends to build the home and barn simultaneously.

Mr. Scott stated that the barn would be set back approximately 300 feet back from the road.

Mrs. Barbara Hyde stated that she lives next to the vacant property and has been looking at his equipment for several years. She noted that her family has been in her home since 1909, and she plans to live in the existing barn on her property someday. She stated that she will not appreciate looking at Mr. Scott's barn from there, and she noted that he could place his barn further back on the property.

Mrs. Hyde stated that the applicant's proposed barn would not fit in with the character of the neighborhood.

Mr. Chiacchia stated that the applicant has a lot of toys and equipment that should be inside a building, and it probably would be difficult for him to put the barn at the rear of the property.

Mr. Scott stated that the home would be custom built, and the home and barn would be well behind Mrs. Hyde's existing barn on her property.

Findings:

Ms. Falkiewicz made a MOTION, seconded by Ms. Hahn, to approve Application # 5741 with the following condition:

- A Certificate of Occupancy must be obtained by the applicant before a Building Permit is issued for the storage barn.

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

Application # 5742 Yvonne Biddlecom - Requesting an area variance for a proposed new home to be constructed on vacant land, south side of Heltz Road

Rick Friedman, project coordinator for the applicant, stated that the applicant would like to build a home on this property and needs a variance for side yard setbacks.

Findings:

Ms. Falkiewicz made a MOTION, seconded by Mr. Ginnetti, to approve Application # 5742.

On the question:

Ms. Falkiewicz reviewed the area variance criteria as follows:

1. Whether the benefit sought can be achieved by other means feasible to the applicant – No because the applicant previously received a variance for this project, the lot is irregularly shaped and the applicant has already decreased the size of the home.
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.**

Ms. Falkiewicz made a MOTION, seconded by Mr. Chiacchia, to approve the minutes of April 2, 2019. All members voted in favor of the motion.

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

The meeting was adjourned at 7:45 P.M.

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

DATE: May 12, 2019