

Town of Hamburg
Board of Zoning Appeals Meeting
January 7, 2020
Minutes

The Town of Hamburg Board of Zoning Appeals met for a Regular Meeting on Tuesday, January 7, 2020 at 7:00 P.M. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Brad Rybczynski, Commissioner Ric Dimpfl, Commissioner Nicole Falkiewicz, Commissioner Louis M. Chiacchia, Commissioner Laura Hahn, Commissioner Mark Yoder and Commissioner Jeffrey Adrian.

Others in attendance included Sarah desJardins, Planning Consultant.

Commissioner Chiacchia read the Notice of Public Hearing.

Chairman Rybczynski made a motion with multiple seconds to appoint Commissioner Dimpfl as Vice-Chairman and Commissioner Chiacchia as Secretary for 2020. All members voted in favor of the motion.

Application # 5782 Thomas & Vanessa Erickson – Requesting two (2) area variances for a proposed residential addition at 5448 Columbia Avenue

Tommaso Briatico, architect, representing the applicant, stated that the proposal is to construct additions and a new attached garage on the existing home. He noted that the project if built would result in the home being too close to both side property lines, which is why variances are being requested.

In response to a question from Chairman Rybczynski, Mr. Briatico stated that an office is planned for Mr. Erickson because he works out of the home, but it would be private, and no one would be coming to the office.

Findings:

Ms. Falkiewicz made a MOTION, seconded by Ms. Hahn, to approve Application # 5782.

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 requested variance 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 # 5783 David Braun – Requesting an area variance for a proposed accessory building at 6489 Boston State Road

Mr. Michael Kearns, stepson of the applicant, stated that he stepfather would like to build a 1,600 sq.ft. pole barn with a 480 sq.ft. lean-to.

In response to a question from Mr. Adrian, Mr. Kearns stated that the proposed pole barn would be as far from the rear property line as is required by Code.

Findings:

Mr. Dimpfl made a MOTION, seconded by Mr. Chiacchia, to approve Application # 5783.

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 requested variance is substantial – It could be argued that the request is 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 # 5784 Reid Petroleum Corp. – Requesting a use variance for a replacement of the sign panel on an existing pole sign at 5461 Southwestern Boulevard

Attorney Sean Hopkins, representing the applicant, stated that the applicant proposes to replace the sign panel on the existing pylon sign (approximately 12 feet high) because the gasoline sold at this site is being rebranded.

Attorney Hopkins stated that without the variance being granted, the applicant would not have the ability to effectively sell fuel from this location. He further stated that all four (4) use variance criteria can be met.

Chairman Rybczynski stated that the existing pylon sign could be converted to a monument sign, since the pylon sign is only 12 feet high. Attorney Hopkins responded that the applicant would still need a variance, although it would be an area variance, to allow the replacement of the sign panel.

Findings:

Mr. Adrian made a MOTION, seconded by Ms. Falkiewicz, to approve Application # 5784.

On the question:

Mr. Adrian reviewed the use variance criteria as follows:

1. The applicant cannot realize a reasonable rate of return – substantial as shown by competent financial evidence – The applicant has shown this.
2. Whether the alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood – The hardship is unique.

3. Whether the requested variance will alter the essential character of the neighborhood – It will not.
4. Whether the alleged hardship is self-created – It is not.

Chairman Rybczynski stated that the Board needs to start being more particular about how it goes about dealing with this type of request, and perhaps the financial evidence should be more detailed.

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

Ms. Falkiewicz made a MOTION, seconded by Ms. Hahn, to approve the minutes of December 3, 2019. All members voted in favor of the motion.

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

The meeting was adjourned at 7:20 P.M. in memory of Patricia Bissonette, a member of the Dispatch family at the Town of Hamburg who recently passed away.

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

DATE: January 8, 2020