

Town of Hamburg
Board of Zoning Appeals Meeting
August 4, 2020
Minutes

The Town of Hamburg Board of Zoning Appeals met for a Regular Meeting on Tuesday, August 4, 2020 at 7:00 P.M. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Vice-Commissioner Ric Dimpfl, Commissioner Nicole Falkiewicz, Louis M. Chiacchia, Commissioner Laura Hahn, Commissioner Mark Yoder and Commissioner Jeff Adrian.

Others in attendance included ZBA Attorney Michelle Parker.

Excused: Chairman Brad Rybczynski

Commissioner Falkiewicz read the Notice of Public Hearing.

Application # 5805 Matthew & Nora Gregoire – Requesting two (2) area variances for a proposed detached garage at 4684 Dorothy Place

Matthew Gregoire, applicant, stated that he would like to construct a detached garage that would be two (2) feet higher than what is allowed and 728 sq.ft. larger than what is allowed.

Findings:

Ms. Hahn made a MOTION, seconded by Ms. Falkiewicz, to approve Application # 5805.

On the question:

Ms. 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 – It could be considered substantial.
4. Whether the request will have adverse physical or environmental effects – No.
5. Whether the alleged difficulty is self-created – Yes, but the balancing test tilts in favor of approval.

All members voted in favor of the motion. GRANTED.

Application # 5806 Angela Vullo – Requesting an area variance for a proposed fence at 5693 Walden Drive

Angela Vullo, applicant, stated that she would like to construct a fence to keep her dog on her property, and it would be two (2) feet too high where it comes close to the street.

Findings:

Ms. Falkiewicz made a MOTION, seconded by Ms. Hahn, to approve Application # 5806.

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 – Yes, but the balancing test tilts in favor of approval.

All members voted in favor of the motion. GRANTED

Application # 5807 Matthew Bellitiere – Requesting two (2) area variances for a proposed residential addition and a detached garage at 4871 Morgan Parkway

The mother of Matthew Bellitiere, applicant, stated that her son would like to construct a residential addition that would be too close to the front property line. She noted that her son does not intend to construct the detached garage at this time and therefore is not requesting the second variance.

Findings:

Ms. Falkiewicz made a MOTION, seconded by Ms. Hahn, to approve Application # 5807.

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 – Yes, but the balancing test tilts in favor of approval.

All members voted in favor of the motion. GRANTED

Application # 5808 Larry Baker – Requesting two (2) area variances for a proposed detached garage at 5053 Fairgrounds Road

Larry Baker, applicant, stated that he would like to construct a detached garage that would be 110 sq.ft. larger than what is allowed and one (1) foot higher.

Findings:

Ms. Falkiewicz made a MOTION, seconded by Ms. Hahn, to approve Application # 5808.

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 – Yes, but the balancing test tilts in favor of approval.

All members voted in favor of the motion. GRANTED

Application # 5809 William Gritsavage – Requesting an area variance for a proposed detached garage addition at 3980 Garfield Avenue

William Gritsavage, applicant, stated that he would like to construct a detached garage addition that would bring the total square footage of accessory structures on his property to 166 sq.ft. more than what is allowed.

Findings:

Ms. Falkiewicz made a MOTION, seconded by Ms. Hahn, to approve Application # 5809.

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 – Yes, but the balancing test tilts in favor of approval.

All members voted in favor of the motion. GRANTED

Application # 5810 Thomas Meleca – Requesting three (3) area variances for a proposed detached garage at 5669 Apollo Drive

Thomas Meleca, applicant, stated that he would like to demolish the existing garage on the property and construct a new one that would be larger and higher than what is allowed, and have two (2) stories.

Findings:

Ms. Falkiewicz made a MOTION, seconded by Ms. Hahn, to approve Application # 5810.

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 – Yes, but the balancing test tilts in favor of approval.

All members voted in favor of the motion. GRANTED

Application # 5811 A & J Ming LLC – Requesting a use variance to operate a trailer sales dealership with showroom and repair services at 4245 McKinley Parkway

Attorney Sean Hopkins, representing the applicant, stated that the applicant would like to operate this trailer sales and services business at this location. He stated that the building has been vacant for several years.

Findings:

Ms. Falkiewicz made a MOTION, seconded by Ms. Hahn, to approve Application # 5811.

On the question:

Ms. Falkiewicz reviewed the use variance criteria as follows:

1. The applicant cannot realize a reasonable rate of return as demonstrated by competent financial evidence – The applicant cannot realize a reasonable rate of return. This property has been for sale with a decrease in sales price and has had two (2) failed restaurants.
2. Whether the alleged hardship is unique – It is unique because it is surrounded by C-2 zoning on all other sides.
3. Whether the requested variance, if granted, will alter the character of the neighborhood - No.
4. Whether the alleged hardship is self-created - No.

All members voted in favor of the motion. GRANTED

Application # 5812 Keith Szydlowski – Requesting an area variance for a proposed accessory structure at 5456 South Park Avenue

Findings:

Ms. Hahn made a MOTION, seconded by Ms. Falkiewicz, to deny Application # 5812.

On the question:

Ms. Hahn reviewed the area variance criteria as follows:

1. Whether the benefit sought can be achieved by other means feasible to the applicant – Yes.
2. Whether there would be an undesirable change in neighborhood character or to nearby properties – Yes. The applicant stated that he would not be living on the premises and would be storing work-related items.
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 – Yes.

All members voted in favor of the motion. DENIED.

Mr. Dimpfl made a MOTION, seconded by Mrs. Hahn, to approve the minutes of July 7, 2020. 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 8:05 P.M.

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

DATE: August 24, 2020