

Agenda  
Town of Hamburg  
Board of Zoning Appeals  
Meeting – September 5, 2023

The Town of Hamburg Board of Zoning Appeals will meet on Tuesday, September 5, 2023 at 7:00 P.M. in Room 7B of Hamburg Town Hall. The Board will consider the following applications:

1. Tabled Application #5965 DATO Development, LLC – Requesting six (6) area variances for a proposed residential project to be located on vacant land west of Briercliff Drive SBL 169.20-1-39 (Zoned PUD)
2. Tabled Application #5966 Hamburg Retail, LLC – Requesting a use variance to allow a nine-unit townhouse building at 4100 St. Francis Drive (Zoned WC)
3. Tabled Application #5967 3800 Hoover Road – Requesting a use variance to allow a seven (7) unit townhouse building at 3800 Hoover Road (Zoned WC)
4. Tabled Application #5998 Patrick Lawler – Requesting one (1) area variance for a rear yard setback at 4997 Daisy Lane (Zoned R-2)
5. Application #5999 Richard and Christine Poczalski – Requesting one (1) area variance for a side yard setback at 3677 Breckenridge Rd (Zoned R-2)

Violates: 280-27 B. (2) Limitations and restrictions in required open space.  
Code: 5' side yard setback  
Actual: 2' side yard setback  
Variance: 3'

6. Application #6001 Ralph and Deborah Demarco – Requesting two (2) area variances for a detached garage at 6665 Heltz Rd (Zoned R-A)

Violates: 280-278.B.4.b Limitations on obstructions in required open space  
Code: 1,000 sq ft maximum area of accessory structure  
Actual: 2,400 sq ft  
Variance: 1,400 sq ft  
Violates: 280-19.D. Height of buildings  
Code: Accessory structures not to exceed 18' in RA district  
Actual: 23'  
Variance: 5'

7. Application #6002 Starbucks – Requesting one (1) area variance for a detached sign at 3670 McKinley Parkway (Zoned C-2)

Violates: 280-240 E. Signs allowed in commercial districts  
Code: A monument sign is allowed on the property  
Actual: 3 monument signs  
Variance: Allow a 3rd monument sign of property

8. Application #6003 Bruce Monckton – Requesting two (2) area variances for a residential lot at 3648 Old Lakeview Road (Zoned R-1, R-A)

Violates: 280-18 C Minimum lot size RA  
Code: 100' lot width at the front li  
Actual: 69.5' lot width at the front line  
Variance: 30.5'

Violates: Minimum lot size R1  
Code: 30' lot width at the front line  
Actual: 25.5'  
Variance: 4.5'

9. Application #6004 Rylie Podger – Requesting two (2) area variances for domestic fowl at 4671 Carlyes Ct (Zoned R-3)

Violates: 280-32 A (1)  
Code: 15,000 sq ft  
Actual: 12,686 sq ft  
Variance: 2,314 sq ft

Violates: 280-32 B. (1)  
Code: 90' ft  
Actual: 69'  
Variance: 21'

10. Application #6000 Perennial Properties LLC – Requesting four (4) area variances for commercial addition at 6666 Gowanda State Road (Zoned C-1)

Violates: 280-74 A. Required Yards in C-1 Zoning  
Code: 40' front yard setback  
Actual: 34' front yard setback  
Variance: 6'

Violates: 280-229 B. (1) Setback site requirements for off-street parking spaces  
(Gowanda State Road)  
Code: Parking spaces setback off of the street line 35'  
Actual: Parking spaces setback off of the street line 11'  
Variance: 24'

Violates: 280-229 B. (1) Set back site requirements for off-street parking spaces  
(South Creek Road)  
Code: Parking spaces setback off of the street line 35'  
Actual: Parking spaces setback off of the street line 10'  
Variance: 25'

Violates: 280-70 A. (2) (c) Permitted Uses and Structures in C-1 Zoning  
Eating or drinking establishments provided that no sale of alcoholic  
beverages for consumption on the premises shall be permitted on any lot  
where the principal building is less than 500 feet from a side lot line abuts  
any R District boundary.  
Code: Principal building that provides the sale of alcoholic beverages for  
Actual: consumption is 68' from the side lot line of the abutting R District boundary  
Variance: 432'

Brad Rybczynski, Chairman  
Nicole Falkiewicz, Secretary  
Board of Zoning Appeals

Dated: August 17, 2023