

Town of Hamburg
Board of Zoning Appeals
March 1, 2022
Minutes

The Town of Hamburg Board of Zoning Appeals met for a Regular Meeting on Tuesday, March 1, 2022 at 7:00 P.M. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Brad Rybczynski, Vice-Chairman Ric Dimpfl, Commissioner Nicole Falkiewicz, Commissioner Louis M. Chiacchia, Commissioner Jeff Adrian, Commissioner Mark Yodar and Commissioner Laura Hahn.

Also in attendance was Board of Zoning of Appeals Attorney Michelle Parker.

Chairman Rybczynski asked for a moment of silence in honor of those who have paid the ultimate sacrifice.

Commissioner Falkiewicz read the Notice of Public Hearing.

Application # 5919 Leon Pawlewski – Requesting an area variance for a proposed residential addition at 4543 Camp Road L-#57

Mr. Tyler Samer from Cortese Construction, representing the applicant, stated that the applicant would like to add a sun room to the existing home and needs a rear yard variance in order to do so.

In response to a question from Mrs. Hahn, Mr. Samer stated that this is the only home he is currently under contract with that will have this problem.

Findings:

Ms. Falkiewicz made a motion, seconded by Mr. Dimpfl, to approve Application # 5919.

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 – Possibly, but the balance test favors the applicant.

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

Application # 5920 Donald Hancock – Requesting an area variance for a proposed fence at 2321 Agassiz Drive

Mr. Donald Hancock, applicant, stated that the property owner behind him has a six-foot high fence along the rear property line and it does not afford him (Mr. Hancock) any privacy because

of the way the ground slopes downward. He noted that he only needs an eight-foot high fence for the rear section of the fence.

Findings:

Mr. Dimpfl made a motion, seconded by Mr. Adrian, to approve Application # 5920.

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 because the applicant’s rear yard slopes downward.
3. Whether the request is substantial – No.
4. Whether the request will have adverse physical or environmental effects – No.
6. Whether the alleged difficulty is self-created – Possibly, but the balance test favors the applicant.

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

Application # 5921 Ellen Fitzgerald – Requesting an area variance for a proposed covered porch at 4555 Exeter Terrace

Ms. Ellen Fitzgerald, applicant, stated that she would like to construct a covered porch and it would be too close to the front property line.

Chairman Rybczynski noted that many homes in this neighborhood have the same problem.

Findings:

Mrs. Hahn made a motion, seconded by Mr. Dimpfl, to approve Application # 5921.

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 – Possibly, but the balance test favors the applicant.

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

Application # 5922 Dennis & Simone Labounty – Requesting two (2) area variances for a proposed detached garage at 2490 North Creek Road

Mrs. Simone Labounty, applicant, stated that she and her husband own over 32 acres and would like to build an eight-stall barn that is too high and the total square footage of their accessory structures is over what is allowed.

Findings:

Mrs. Hahn made a motion, seconded by Ms. Falkiewicz, to approve Application # 5922.

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 – Yes.
4. Whether the request will have adverse physical or environmental effects – No.
5. Whether the alleged difficulty is self-created – This can be argued, but the balance test favors the applicant.

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

Application # 5923 Edward Vargo – Requesting two (2) area variances for a proposed detached garage at 4828 Milestrip Road

Mr. Edward Vargo, applicant, stated that he would like to construct a detached garage. He noted that he needs the garage to store his back hoe, a few pickup trucks, etc. He further stated that the garage would only be used for his private use.

Mr. Paul Szulist, 4833 Milestrip Road, asked what the size of the proposed garage is. He noted that when Mr. Vargo constructed a bridge on his property, there was a lot of noise, trucks, etc. He asked what how much noise would be created by the construction of the garage.

Chairman Rybczynski advised Mr. Szulist to contact the Building Department about any concerns regarding his concern regarding the noise and trucks.

Findings:

Ms. Falkiewicz made a motion, seconded by Mr. Dimpfl, to approve Application # 5923.

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 – Yes.
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 favors the applicant.

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

Application # 5924 Mark & Paula Waring – Requesting an area variance for a detached garage addition at 3170 Lakeview Road

Mr. Mark Waring, applicant, submitted letter of support from the following property owners:

- Leo Schifano, 3183 Lakeview Road
- Jack and Holly Putnam, 3160 Lakeview Road
- Melonie Scholl, 3174 Old Lakeview Road
- Kimberly Longo, 3194 Lakeview Road

Mr. Waring stated that he would like to put an addition on his garage so he can put the things that are currently outside in an enclosed building. He further stated that the garage is only used for his personal use and not for any business.

Findings:

Mr. Adrian made a motion, seconded by Mr. Dimpfl, to approve Application # 5924.

On the question:

Mr. Adrian 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 – Yes, but it will not have a negative effect because of the size of his property.
4. Whether the request will have adverse physical or environmental effects – No.
5. Whether the alleged difficulty is self-created – Yes, but the balance test favors the applicant.

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

Mr. Dimpfl made a MOTION, seconded by Mr. Yodar, to approve the minutes of February 1, 2022. All members voted in favor of the motion.

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

The meeting was adjourned at 7:26 P.M.

Respectfully submitted,
Nicole Falkiewicz, Secretary
Board of Zoning Appeals

DATE: March 2, 2022