

Town of Hamburg
Board of Zoning Appeals Meeting
October 6, 2015
Minutes

The Town of Hamburg Board of Zoning Appeals met for a Regular Meeting on Tuesday, October 6, 2015 at 7:00 P.M. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Vice-Chairman Shawn Connelly, Commissioner Joseph Sacco, Commissioner Bob Ginnetti, Commissioner Paul Eustace, Commissioner Ric Dimpfl and Commissioner Louis M. Chiacchia.

Others in attendance included Sarah desJardins, Planning Consultant.

Excused: Chairman Brad Rybczynski

Commissioner Eustace read the Notice of Public Hearing.

Application # 5549 Sandra Phillippi – Requesting a use variance to keep bees at 5129 Roseview Avenue

Findings:

Vice-Chairman Connolly stated that at the request of the applicant, this application would remain on the table.

Application # 5550 Michael Welch – Requesting an area variance to construct a covered front porch at 4437 Valleyview Avenue

David Kazmierczak, architect, representing the applicant, stated that the applicant would like to construct a porch on the front of his home that would be six (6) feet closer to the front property line than what is allowed.

Mr. Sacco stated that he does not believe there would be any problems with site distances if this porch is constructed because the street is on a bit of an angle.

Mr. Chiacchia stated that he visited the site and noticed that some of the other homes in the area are non-conforming. He noted that the new porch would be in line with the home to its right (as one stands in front of the applicant's home), and it would enhance the neighborhood.

Findings:

Mr. Dimpfl made a MOTION, seconded by Mr. Eustace, to approve Application # 5550.

On the question:

Mr. Dimpfl reviewed the area variance criteria as follows:

1. Whether the benefit 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 does not matter, because the balancing test tilts in favor of approval.

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

GRANTED.

Application # 5551 Popeyes Restaurant – Requesting three (3) area variances for proposed signage at 3670 McKinley Parkway

Chris Kamar, architect, representing the applicant, stated that Popeyes intends to build a new drive-thru restaurant parallel to McKinley Parkway, and variances are needed for the two (2) menu boards and the proposed monument sign.

Mr. Kamar stated that one (1) freestanding sign is allowed per property, and menu boards are considered “freestanding signs”, so variances are needed to allow those two (2) menu boards, as well as the third freestanding sign, which is the monument sign that identifies the restaurant.

In response to a question from Vice-Chairman Connolly, Mr. Kamar, stated that the aggregate square footage of all three (3) freestanding signs would be 78.2 sq. ft., and the square footage of the monument sign itself would be 31 sq.ft.

It was determined that the monument sign would be 8’ 10” high, requiring an 8” height variance.

Findings:

Mr. Sacco made a MOTION, seconded by Mr. Chiacchia, to approve application # 5551.

On the question:

Mr. Sacco reviewed the area variance criteria as follows:

1. Whether the benefit can be achieved by other means feasible to the applicant – The signage is extremely important to the applicant.
2. Whether there would be an undesirable change in neighborhood character or to nearby properties – No, this is a commercial area.
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 – No.

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

Mr. Chiacchia made a MOTION, seconded by Mr. Sacco, to approve the minutes of September 1, 2015.

All members voted in favor of the motion.

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

The meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Paul Eustace, Secretary
Board of Zoning Appeals

DATE: October 19, 2015