

**Zoning Board of Appeals
Tuesday, July 24, 2012
Regular Meeting
Council Chambers**

5:00 P.M.

Present: Chairman Bankoski, Commissioners Beehler, Galardo, Helwig and Rice.

Also present: City Attorney Szot and Housing, Building and Zoning Officer Zurawski.

The reading of the minutes of the previous meeting was dispensed with, same having been approved in writing by a majority of the Board.

The meeting was held for the purpose of hearing the following appeals:

APPEAL #2012-08 Appeal of Carmen Medina, 328 Franklin Avenue for permission to construct a new front porch at their place of residence. Not in compliance with Article IV, Section 79-4060(in part) of the Zoning Code of the City of Dunkirk, New York. Additional information requested by the Zoning Board of Appeals will be submitted.

Carmen Medina, 328 Franklin Avenue, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Alexis Diaz, 328 Franklin Avenue, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Pictures of the proposed construction and drawings of the proposed porch were submitted to the Board.

No one appeared in opposition to the Board granting this appeal.

APPEAL #2012-12 Appeal of Matthew Spears for permission to continue to operate a commercial automotive repair/retail shop at property located at 243-245 Lake Shore Drive West. John J. Zmuda is the owner of record of the property. Not in compliance with Article IV, Section 79-4020 of the Zoning Code of the City of Dunkirk, New York.

John Zmuda, 2962 E. Main Road, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Nathan Spears, 5772 Ellicott Road, Brocton, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Matthew Spears, 25 Spring Street, Fredonia, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

A communication was received from Paul V. Lutz, owner of 222 Lake Shore Drive West stating that he had no objection to the operation of the business as it was presently.

A communication was received from the Chautauqua County Department of Planning and Economic Development stating that the proposed matter was of local concern. The communication was signed by Donald McCord, Senior Planner.

No one appeared in opposition to the Board granting this appeal.

DETERMINATION

APPEAL #2012-08

In the appeal of Carmen Medina it was the unanimous decision of the Board that this appeal be granted with the following stipulation:

1. The appellant must comply with all testimony and information presented at the Zoning Board of Appeals meetings held June 26, 2012 and July 24, 2012.

The Board stated the following findings of fact in their determination:

1. It will enhance the character of the neighborhood.
2. The site line on the porch will continue as with neighboring properties.

APPEAL #2012-12

In the appeal of Matthew Spears it was the unanimous decision of the Board that this appeal be granted with the following stipulations:

1. The appellant must comply with all testimony and information presented at the Zoning Board of Appeals meetings held 7/26/11 and 7/24/12.
2. Cars shall be parked only on paved areas.
3. No cars shall be parked in front of the building along Lake Shore Drive West.

4. No outside storage of parts, inventory, trailers, dollies or other business or residential items.
5. No use of neighboring lands or right of way.
6. Dumpster, trash containers and oil barrels to be fenced with gate.
7. Material used for fencing and gate shall be sufficient to withstand its use.
8. Area shall be kept clean and in good repair.
9. Exterior lighting shall not interfere with any traffic. Lighting shall be shielded if necessary.
10. No temporary signs, displays or merchandise placed on exterior unless permitted by a temporary sign permit.
11. Building colors to be conservative on the exterior. No brilliant or fluorescent colors.
12. Signage maximum square footage to be 1.5 times the longest side of the building.

The Board stated the following finding of fact in their determination:

1. It will not alter the essential character of the neighborhood due to this was a previous use of the existing building.

Chairman Bankoski stated that a conflict exists for the August Zoning Board Meeting, therefore, he would entertain a motion to change the date of the meeting to August 20, 2012. Vote on motion: Carried, all voting aye.

Commissioner Rice moved to adjourn, seconded by Commissioner Galardo . Carried, all voting aye.

**I DO HEREBY APPROVE OF THE
FOREGOING MINUTES IN FULL**

CHAIRMAN BANKOSKI

COMMISSIONER BEEHLER

COMMISSIONER GALARDO

COMMISSIONER HELWIG

COMMISSIONER RICE