

Zoning Board of Appeals
Tuesday, September 25, 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 #2012-18 Appeal of Richard Goodman on behalf of Spoke Folk for permission to operate "Spoke Folk" a community bicycle project at property located at 811-819 Central Avenue. Stephen P. Colicchia 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.

Richard Goodman, 6 Newton Street, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

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

APPEAL #2012-14 Appeal of John P. Brown, 630 McKinley Avenue for permission to install a driveway in the front yard at his place of residence. Not in compliance with Article IV, Section 79-4060 (in part) and Article XXIV, Section 79-24030(2) of the Zoning Code of the City of Dunkirk, New York.

John P. Brown, 630 McKinley Avenue, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Joanna Brown, 10325 Miller Road, Fredonia, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

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

APPEAL #2012-15 **Appeal of Luis & Mary Lynn Perez for permission to construct an addition to property located at 279 Lincoln Avenue. Not in compliance with Article IV, Section 79-4060 (in part) of the Zoning Code of the City of Dunkirk, New York.**

Mary Lynn Perez, 159 Lake Shore Drive East, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Clerk stated that the surrounding property owner letter for Rudolf Hajduk had been return by the Post Office as undeliverable.

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

APPEAL #2012-16 **Appeal of Christopher Campbell, prospective operator of proposed business, for permission to operate a thrift shop at property located at 506 Main Street. Ali Razak is the owner of record of the property. Not in compliance with Article V, Section 79-5020 of the Zoning Code of the City of Dunkirk, New York.**

Chris Campbell, 23 Armadillo Street, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

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

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 Mark Geise, Deputy Director Chautauqua County Planning Division.

APPEAL #2012-17 **Appeal of Philip & Marjorie Ebert, 116 E. Second Street for permission to construct a deck at the front of 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.**

Marjorie Ebert, 116 E. Second Street, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

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

DETERMINATION

APPEAL #2012-18 **In the appeal of Richard Goodman on behalf of "Spoke Folk" 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 meeting held September 25, 2012.
2. Signage shall be submitted to the Building Inspector prior to installation and shall meet the City of Dunkirk Zoning Regulations. The sign shall be limited to 1.5 x the longest lineal footage of the building for the square feet of the sign.

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

1. The building has been vacant for 18 months.
2. Spoke Folk will maintain the building.
3. It will enhance the character of the neighborhood.

APPEAL #2012-14 **In the appeal of John Brown 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 meeting held September 25, 2012.

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

1. Hardship has been exhibited due to the lack of off street parking in the area.

APPEAL #2012-15 **In the appeal of Luis & Mary Lynn Perez 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 meeting held September 25, 2012.

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

2. It will enhance the character of the neighborhood.
3. Hardship has been exhibited due to the fact the size of the family cannot be accommodated.

APPEAL #2012-16

**In the appeal of Christopher Campbell/Ali Razak
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 meeting held September 25, 2012.
2. The appeal is granted for a six month trial basis. After six months the appellant shall reapply for a permanent variance.
3. Signage shall be submitted to the Building Inspector prior to installation and shall meet the City of Dunkirk Zoning Regulations. The sign shall be limited to 1.5 x the longest lineal footage (the front of the building along Main Street) of the building for the square feet of the sign.

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

1. It will not alter the essential character of the neighborhood.
2. The use is consistent with previous uses of the building.

APPEAL #2012-17

**In the appeal of Philip & Marjorie Ebert 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 meeting held September 25, 2012.

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

1. It will enhance the character of the neighborhood.

**Commissioner Helwig 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