

**ZONING BOARD OF APPEALS
Tuesday, February 22, 2011
Regular Meeting
Council Chambers**

5:00 P.M.

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

Absent: Commissioner Haynes.

Also present: 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 #2011-04 Appeal of Eric & Crystal Hites, 516 Deer Street for permission to operate a permanent home office for a life coaching business at their place of residence. Not in compliance with Article V, Section 79-5020; Article XXI, Section 79-21040(2); Article XXIV, Section 79-24080 of the Zoning Code of the City of Dunkirk, New York.

Crystal Nyaa Hites, 516 Deer 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 #2011-05 Appeal of Julie McFarland, The Pet Pantry, prospective purchaser of property located at 15 Marsden Street for permission to operate a pet food pantry and an independent office as a separate tenancy at 15 Marsden Street. The Estate of William R. Radloff is the owner of record of the property. Not in compliance with Article IV, Section 79-4020, Article XXI, Section 79-21040(2); Article XXIV, Section 79-24080 and Article XVI, Section 79-16070 of the Zoning Code of the City of Dunkirk, New York.

Julia McFarland, 5277 Van Buren Road, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Judy Morris, P.O. Box 231, Sheridan, NY 14135, Secretary of the Pet pantry was sworn in and testimony was taken in favor of the Board granting this appeal.

Crystal Nyya Hites, 516 Deer Street, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Dorothy Radloff, 81 Otter Street, Dunkirk, New York owner of property, 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 #2011-04

In the appeal of Eric & Crystal Hites, 516 Deer Street 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 Tuesday, February 22, 2011.
2. Sign shall be limited to 2' x 2' and be non-illuminated.
3. The appellant is allowed a maximum of two clients at one time at the premises.

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

1. It has not altered the essential character of the neighborhood.

APPEAL #2011-05

In the appeal of Julie McFarland, prospective purchaser, 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 February 22, 2011.
2. Total signage on the building shall be limited to 1.5 square feet of the frontage on the Howard Street side of the building. The sign shall be non-illuminated. Total signage for all occupants of building and any other building needs.
3. Any change of hours of operation, the appellant must re-apply to the Zoning Board of Appeals.
4. No storage of product outside.

5. Any additional office use shall return to the Zoning Board for approval.

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

1. Hardship has been exhibited in that the building has been vacant for over three years with only one prospective purchaser.
2. The building is of commercial nature and the use of the building will not change.

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

I DO HEREBY APPROVE OF THE
FOREGOING MINUTES IN FULL

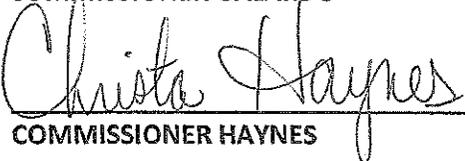


CHAIRMAN BANKOSKI

COMMISSIONER BEEHLER



COMMISSIONER GALARDO



COMMISSIONER HAYNES



COMMISSIONER RICE