

**ZONING BOARD OF APPEALS**

**Tuesday, January 25, 2011**

**Regular Meeting**

**Council Chambers**

**5:00 P.M.**

**Present: Acting Chairman Galardo, Commissioners Haynes, Beehler and Rice.**

**Absent: Chairman Bankoski.**

**Also present: City Attorney Carrie.**

**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 #2011-01**      **Appeal of Nicholas Christopher for permission to sell a 24' x 75' portion of his property located at 39 Leming Street to the owners of the property at 47 Pine Street. Not in compliance with Article IV, Section 79-4060 (in part) of the Zoning Code of the City of Dunkirk, New York.**

Nicholas H. Christopher, Jr., 14 Tenney 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 #2011-02**      **Appeal of Edwin & Molly Pagan, 47 Pine Street for permission to construct a garage 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.**

Edwin Pagan, 47 Pine 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 #2011-03**      **Appeal of the Estate of Mary Lou Raimondo for permission to sub-divide properties located at 331 Eagle Street and Pelican Street lot. Not in compliance with Article VII, Section 79-7020(1); Article V, Section 79-5060 (in part) of the Zoning Code of the City of Dunkirk, New York.**

Jeffrey Passafaro, Attorney-at-Law, 93 E. Fourth Street, Dunkirk, New York represented the Estate of Mary Lou Raimondo.

Louis Raimondo, 149 King 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 #2011-01** In the appeal of Nicholas Christopher 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 Tuesday, January 25, 2011.

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

1. Any non-compliance would not be injurious to the neighborhood.

**APPEAL #2011-02** In the appeal of Edwin & Molly Pagan 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, January 25, 2011.
2. The building coverage shall not exceed 44% of the lot.

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

1. It will not alter the essential character of the neighborhood.

**APPEAL #2011-03** In the appeal of the Estate of Mary Lou Raimondo 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 Tuesday, January 25, 2011.

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

1. It will not alter the essential character of the neighborhood.

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

I DO HEREBY APPROVE OF THE  
FOREGOING MINUTES IN FULL

  
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CHAIRMAN BANKOSKI

  
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COMMISSIONER BEEHLER

  
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COMMISSIONER GALARDO

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COMMISSIONER HAYNES

  
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COMMISSIONER RICE