

**Zoning Board of Appeals  
Tuesday, June 26, 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.**

**Absent: Chairman Bankoski.**

**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.**

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.

John Alf, 19 Leming Street, Dunkirk, New York was sworn in and questioned the proposed construction of the porch.

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

**APPEAL #2012-09      Appeal of Linda & Marc Guy, 17 Taft Place for  
permission to rebuild and expand the existing garage  
at their place of residence. Not in compliance with  
Article IV, Section 79-4060 (in part) and Article  
XXVI, Section 79-26020(1) of the Zoning Code of  
the City of Dunkirk, New York.**

Ed Cope, 3131 West Sheridan Road, Dunkirk, New York, contractor for project, 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 #2012-10      Appeal of Ron & Sue Hall for permission to erect new**

**signage at property located at 200 Lake Shore Drive West. Not in compliance with Article XXI, Section 79-21040, Subsection (3)(b)(i) and (v) of the Zoning Code of the City of Dunkirk, New York.**

Cody Britton, 19 Norton Place, Fredonia, New York, contractor for project, 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.

Clerk stated a communication was sent to the Chautauqua County Planning Board and we are awaiting a response.

**APPEAL #2012-11 Appeal of Edwin & Molly Pagan, 47 Pine Street for permission to install an above ground swimming pool with deck at their place of residence. Not in compliance with Article IV, Section 79-4060 (in part), and Article XXVI, Section 79-26020(1) of the Zoning Code of the City of Dunkirk, New York.**

Molly Pagan, 47 Pine Street, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Edwin Pagan, 47 Pine Street, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Gloria Stolinski, 40 Genet Street, Dunkirk, New York was sworn in and testimony was taken in opposition to the Board granting this appeal.

Rev. Robert Stolinski, 330 Linwood Avenue, Buffalo, New York, surrounding property owner, was sworn in and stated a concern he had with the possible installation of the swimming pool.

### **DETERMINATION**

**APPEAL #2012-08 In the appeal of Carmen Medina it was the unanimous decision of the Board to reserve decision pending further plans or drawings of the proposed construction or a possible picture of similar porch construction.**

**APPEAL #2012-09 In the appeal of Marc & Linda Guy 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 6/26/12.

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

1. The present garage is in deteriorated condition and needs to be repaired or replaced.
2. It will not alter the essential character of the neighborhood.

**APPEAL #2012-10**

**In the appeal of Ron & Sue Hall 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 6/26/12.
2. Any type of illumination of the sign shall be low level lighting and shall not be a hindrance to pedestrian or vehicular traffic.

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

1. A need has been exhibited to advertise for all tenants the reason to exceed the allowable square footage.
2. It will not alter the essential character of the neighborhood.

**APPEAL #2012-11**

**In the appeal of Edwin & Molly Pagan it was the 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 6/26/12.
2. Plans shall be submitted to the Building Inspector for construction of a deck no larger than 6' x 8'.

**The Board stated the following finding of fact in their**

**determination:**

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

**Commissioner Gawronski moved to adjourn, seconded by Commissioner Helwig at 6:05 P.M. Carried, all voting aye.**