

**Zoning Board of Appeals  
Tuesday, March 22, 2011  
Regular Meeting  
Council Chambers**

**5:00 P.M.**

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

**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 #2011-06**      **Appeal of Vicky Mirenda, prospective purchaser of 138 East Second Street on behalf of Luis & Maria Rosario, owners of record of the property, for permission to re-open the beauty shop at the property located at 138 East Second Street. Not in compliance with Article IV, Section 79-4020, Article XVI, Section 79-16070 and Article XXIV, Section 79-24080 of the Zoning Code of the City of Dunkirk, New York.**

Vicky Mirenda, 138 East Second Street, Dunkirk, New York, prospective purchaser 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.

**APPEAL #2011-07**      **Appeal of John Davis, owner of record, on behalf of Glenn Hurrell, land contract owner of property located at 312 Lake Shore Drive East for permission to construct a one bedroom apartment bringing the total to three apartments at the property located at 312 Lake Shore Drive East. Not in compliance with Article IV, Section 79-4020 and Article XXIV, Section 79-24080 of the Zoning Code of the City of Dunkirk, New York.**

Glen Hurrell, 15 Main Street, P. O. Box 409, Forestville, NY, 14062, land contract owner, was sworn in and testimony was taken in favor of 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 Donald McCord, Senior Planner.

Jody Briggs, 309 Lake Shore Drive East, Dunkirk, New York was sworn in and spoke in opposition to the Board granting this appeal.

## DETERMINATION

**APPEAL #2011-06**

**In the appeal of Vicky Mirenda 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 March 22, 2011.
2. Signage shall conform with the City Zoning Code.

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

1. The appellant was the previous owner and operator of the business and has returned to the area, therefore, it shall not alter the essential character of the neighborhood.

**APPEAL #2011-07**

**In the appeal of Glen Hurrell 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 March 22, 2011.

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

1. It will not alter the essential character of the neighborhood due to the fact that there are currently several other multi-family dwellings in the immediate area.
2. The appellant has the opportunity to attain a reasonable return on his investment.

Commissioner Galardo moved to adjourn, seconded by Commissioner Haynes at 5:20 P.M.  
Carried, all voting aye.