

## **ZONING BOARD OF APPEALS**

Tuesday, October 28, 2014

Regular Meeting

Council Chambers

5:00 P.M.

Present: Chairman Bankoski, Commissioners: Collier, 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 appeal:

**APPEAL #2014-14** Appeal of Chad A. Bongiovanni, 27 Albany Avenue, for permission to construct a deck at his 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.

Chad Bongiovanni, 27 Albany Avenue, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Mr. Bongiovanni submitted pictures of the proposed deck and area in his yard for the Board to review. (Marked Exhibit A.)

Joanne Culmo, 25 Albany Avenue, Dunkirk, New York was sworn in and spoke in opposition to the Board granting this appeal.

Ms. Culmo submitted pictures taken from her property for the Board to review. (Marked Exhibit B.)

### **DETERMINATION**

**APPEAL #2014-14** In the appeal of Chad Bongiovanni 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 meetings held Tuesday, October 28, 2014.

2. A building permit and an electrical permit shall be obtained for this project. A third party electrical inspection shall be conducted to certify the electric.
3. The chain link fence shall be removed.
4. The top three pieces of treated lumber shall be removed and replaced with lattice panels.

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

1. It will not alter the essential character of the neighborhood since a deck already exists at the property.
2. The area the deck is being constructed has no use because of the vegetation and lack of sunlight.
3. The variance is for 2-3 feet. Moving the deck would not rectify the setback requirement.
4. It will enhance the property.

<b>VOTE ON APPEAL:</b>	<b>Commissioner Collier</b>	-	<b>yes</b>
	<b>Commissioner Helwig</b>	-	<b>yes</b>
	<b>Commissioner Rice</b>	-	<b>no</b>
	<b>Commissioner Galardo</b>	-	<b>yes</b>
	<b>Chairman Bankoski</b>	-	<b>yes</b>

Appeal granted - 4 in favor, 1 opposed.

Commissioner Rice moved to reschedule the November Meeting of the Zoning Board of Appeals to November 19, 2014, if necessary. Seconded by Commissioner Collier. Carried, all voting aye.

Commissioner Galardo moved to adjourn, seconded by Commissioner Rice. 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 COLLIER**

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**COMMISSIONER GALARDO**

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**COMMISSIONER HELWIG**

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**COMMISSIONER RICE**

