

ZONING BOARD OF APPEALS

Tuesday, June 23, 2015

Regular Meeting

Council Chambers

5:00 P.M.

Present: Acting Chairman Galardo, Commissioners: Collier, Helwig and Rice.

Absent: Chairman Bankoski

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 appeals:

APPEAL #2015-04 Appeal of Ryan Reading, 100 Lincoln Avenue for permission to construct a deck in the rear yard at his place of residence. Not in compliance with Article V, Section 79-5060(in part) of the Zoning Code of the City of Dunkirk, New York.

Ryan Reading, 100 Lincoln Avenue, 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 #2015-05 Appeal of Terrance Buchanan for permission to construct a deck in the front yard at property located at 42 Middle Road. Not in compliance with Article IV, Section 79-4060 (in part) of the Zoning Code of the City of Dunkirk, New York.

Lester DeVaughn, 49 Front Street, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Rotunda Buchanan, 609 Deer Street, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Daniel Firman, 143 E. Second 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 #2015-06 **Appeal of Melissa Thompson, 783 Park Avenue for permission to install front yard parking at her place of residence. Not in compliance with Article XXIV, Section 79-24030(2); Article V, Section 79-5060 (in part) of the Zoning Code of the City of Dunkirk, New York.**

Melissa Thompson, 783 Park Avenue, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Clerk read a communication from Richard and Susan Czerwinski, 776 Park Avenue, Dunkirk, New York; surrounding property owner, stating they were in opposition to the granting of this appeal.

DETERMINATION

APPEAL #2015-04 **In the appeal of Ryan Reading 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, June 23, 2015.
2. The New York State and City of Dunkirk Building Codes shall be adhered to in the construction of the deck.

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

1. It will not be a detriment to the neighborhood.
2. The property is small in nature, therefore, this is the owners only option.
3. The property size does not allow the owner to meet the 35% rule for the lot.
4. It will not alter the essential character of the neighborhood.
5. The alleged difficulty is not self-created.

APPEAL #2015-05

In the appeal of Terrance Buchanan 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, June 23, 2015.
2. The proper permit shall be obtained for this front yard deck.

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

1. The space was occupied by a structure (brick porch) previously.
2. The property front yard is small in nature and the porch needed to be replaced.
3. Due to the existing porch and the neighboring properties, it is not a variation in the zoning law.
4. It will not alter the essential character of the neighborhood.
5. The alleged difficult was not self-created.

APPEAL #2015-06

In the appeal of Melissa Patterson it was the unanimous decision of the Board that this appeal be denied.

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

1. *The Applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial:*

Proof: There is no evidence that it depreciates the value of the property.

2. *The alleged hardship relating to the property is unique. (The hardship may not apply to a substantial portion of the zoning district or neighborhood:*

Proof: A lack of off-street parking exists in the area.

3. *The requested use variance, if granted, will not alter the essential character of the neighborhood:*

Proof: The granting of this variance will alter the essential character of the neighborhood.

4. The alleged hardship has been self-created:

Proof: The alleged hardship is self-created.

Commissioner Rice moved to adjourn, seconded by Commissioner Collier. Carried, all voting aye.

**I DO HEREBY APPROVE OF THE
FOREGOING MINUTES IN FULL**

CHAIRMAN BANKOSKI (Absent)

COMMISSIONER COLLIER

ACTING CHAIRMAN GALARDO

COMMISSIONER HELWIG

COMMISSIONER RICE

