

ZONING BOARD OF APPEALS

Tuesday, July 22, 2014

Regular Meeting

Council Chambers

5:00 P.M.

Present: Chairman Bankoski, Commissioners: Beehler, Galardo, Helwig 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 appeal:

APPEAL #2013-14 Appeal of Stephen and Elizabeth O'Brien, 72 W. Fourth Street for further consideration of the factors enumerated under the General City Law for the appeal granted on September 24, 2013.

Chairman Bankoski stated that the Supreme Court had referred this appeal back to the Zoning Board of Appeals for further consideration of the factors enumerated under the General City Law. He further stated that no additional testimony would be heard.

DETERMINATION

APPEAL #2013-14 The Zoning Board of Appeals approved the following additional findings of fact in their determination of the appeal of Stephen and Elizabeth O'Brien.

Findings of Fact:

- (1) It is not detrimental to the neighborhood. It essentially enhances the house and property.
- (2) The lay of the land leaves little use without leveling or building. The surrounding lots are currently unavailable .
- (3) The majority of the properties in the neighborhood are over the 35% building coverage usage as stated in testimony from the July 2013 and September 2013 transcript. Which is why the variance is not a substantial variation.

- (4) To comply with the setback regulations would be impossible.
- (5) The property within the setback served no use in its original state.
- (6) It will enhance the physical condition in the neighborhood. The environmental condition does not apply in this appeal.
- (7) At the time of purchase, the house itself was over the 35% rule and the house itself does not comply with any of the setback regulations making it impossible to comply with the current zoning regulations.

VOTE TO APPROVE THE FURTHER CONSIDERATION OF THE FACTORS ENUMERATED UNDER THE GENERAL CITY LAW:

CHAIRMAN BANKOSKI - YES
COMMISSIONER BEEHLER - YES
COMMISSIONER GALARDO - YES
COMMISSIONER HELWIG - YES
COMMISSIONER RICE - YES

VOTE ON APPROVAL : 5 YES – 0 NO

Commissioner Galardo moved to change the date of the next Zoning Board of Appeals Meeting to Wednesday, September 3, 2014, if necessary. Seconded by Commissioner Rice. Carried, all voting aye.

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

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

CHAIRMAN BANKOSKI

COMMISSIONER BEEHLER

COMMISSIONER GALARDO

COMMISSIONER HELWIG

COMMISSIONER RICE

