

ZONING BOARD OF APPEALS

Tuesday, September 23, 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 appeals:

APPEAL #2014-11 Appeal of Becc Property Management LLC, 761 Central Avenue for permission to operate an office at the existing residence at 761 Central Avenue. Not in compliance with Article V, Section 79-5020 of the Zoning Code of the City of Dunkirk, New York.

Dan Culligan, 10 Clark Street, Fredonia, New York; contractor and representative of Becc Property Management LLC, was sworn in and testimony was taken in favor of the Board granting this appeal.

Debora Becerra, 757 Central Avenue, Dunkirk, New York was sworn in and testimony was taken regarding concerns she had with the property at 761 Central Avenue.

APPEAL #2014-12 Appeal of Valentin & Myrna Irizzary for permission to convert the vacant space at 203 Swan Street into a church with limited off street parking. Not in compliance with Article XXIV, Section 79-24040(1), Section 79-24050(1) and Section 79-24080 (in part) of the Zoning Code of the City of Dunkirk, New York.

Valentin Irizzary, 509 Dove Street, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Thomas Osorio, 203 Swan Street, Dunkirk, New York was sworn in and acted as interpreter for Mr. Irizzary.

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

APPEAL #2014-13 Appeal of Patrick Pacos, 774 Central Avenue for permission to install a 25' x 30' front yard parking area at his place of residence. Not in compliance with Article XXIV, Section 79-24030(2) and Article V, Section 79-5060 (in part) of the Zoning Code of the City of Dunkirk, New York.

Patrick C. Pacos, 774 Central Avenue, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Nicholas Morales, 453 S. Roberts Road, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Sam Qadri, 17 Westwood Drive, Jamestown, New York 14701 was sworn in and testimony taken in favor of the Board granting this appeal.

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

Rosemarie Hilliker, 21 E. Lucas Avenue, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Harriet Tower, 438 Swan Street, Dunkirk, New York was sworn in and spoke in opposition to the Board granting this appeal.

Marlen DeVries, 10349 Van Buren Bay Court, Dunkirk, New York was sworn in and spoke in opposition to the Board granting this appeal.

Stephen Rees, 433 Dove Street, Dunkirk, New York was sworn in and spoke in opposition to the Board granting this appeal.

APPEAL #2014-10 Appeal of Rataunda Buchanan, 609 Deer Street, for permission to construct a deck in the front yard at her 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.

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

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

Rataunda Buchanan submitted photos of the deck to the Board (marked Exhibit #1).

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

DETERMINATION

APPEAL #2014-11

In the appeal of Becc Property Mgmt. LLC 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 September 23, 2014.
2. Signage shall comply with the City of Dunkirk Code – 1.5 square feet for every foot of the building’s lineal frontage. If the sign is to be lighted, the Zoning Board refers this to the Planning Board for their approval.
3. The over-grown foliage on the northwest portion of the property will be removed and cleaned and general property maintenance shall be performed.
4. Drainage for the parking lot shall be in accordance with the Department of Public Works regulations.
5. No storage of equipment shall be stored at the property.

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

1. The present location of the business has become too small. There is not room for expansion. Therefore, the owner cannot realize a reasonable return.
2. The property has been vacant for several years with no future progress.
3. It will not alter the essential character of the neighborhood. Several commercial businesses currently exist in the area. It will enhance the character of the neighborhood.

APPEAL #2014-12

In the appeal of Valentin & Myrna Irizzary 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. An undesirable change would be produced in the neighborhood due to the lack of parking.
2. With the removal of the garage to create parking, the church would still lack adequate parking spaces.
3. Granting this appeal would have an adverse effect on the physical conditions of the neighborhood.
4. The alleged difficulty is self-created.

APPEAL #2014-13

In the appeal of Patrick Pacos 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. An undesirable change would be produced in the neighborhood.
2. The owner can park in the access driveway area.
3. There is no other front yard parking in the area.
4. There would be an adverse effect in the historical over-lay district if the front yard parking were granted.
5. Other alternatives exist for parking.
6. Having front yard parking would create a hazardous condition in the area with site distances due to the neighboring school.

APPEAL #2014-10

In the appeal of Rataunda 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 September 23, 2014.

2. The deck construction shall be moved to align with the front wall of the house. The step will be removed and relocated to comply with the setback of the house.

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

1. It will not alter the essential character of the neighborhood.
2. The Zoning Board of Appeals has decided to alter the design of the deck.
3. The requested area variance is not a substantial variation in the area.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.
5. The alleged difficulty was self-created.

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

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

CHAIRMAN BANKOSKI

COMMISSIONER COLLIER

COMMISSIONER GALARDO

COMMISSIONER HELWIG

COMMISSIONER RICE

