

ZONING BOARD OF APPEALS

Tuesday, March 25, 2014

Regular Meeting

Council Chambers

5:00 P.M.

Present: Chairman Bankoski, Commissioners: Galardo, Helwig and Rice.

Absent: Commissioner Beehler

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 #2014-02 **Appeal of Todd Tyler for permission to create front yard parking off of West Second Street for proposed two family residence at 121 Pike Street. Not in compliance with Article XXIV, Section 79-24030(2), and Article IV, Section 79-4060 (in part) of the Zoning Code of the City of Dunkirk, New York.**

Todd Tyler, 2064 Bard Road, Cherry Creek, NY 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 #2014-03 **Appeal of Jason & Katie Cieslewicz, 21 Market Street for permission to construct a barn at vacant property located at Market Street - Section 79.16, Block 4, Lot 43. Not in compliance with Article IV, Section 79-4020 and Article XXX, Definitions – Accessory Use, of the Zoning Code of the City of Dunkirk, New York.**

Jason Cieslewicz, 21 Market Street, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Katie Cieslewicz, 21 Market Street, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

A communication was received from Annemarie B. Roman, surrounding property owner, stating that she was opposed to the barn being built.

DETERMINATION

APPEAL #2014-02

In the appeal of Todd Tyler 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. There is no other property that has front yard parking in the area.
2. Ample on street parking is available.
3. There is no front yard parking in the area.
4. Granting this appeal would be setting a precedent for the neighboring properties to request front yard parking.
5. The house is presently a one-family residence, the owner would be changing the property to a two-family residence.

APPEAL #2014-03

In the appeal of Jason & Katie Cieslewicz 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 Tuesday, March 25, 2014.

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

1. The requested variance will not alter the essential character of the neighborhood.
2. The alleged hardship has not been self-created because a residence does not exist on the property and the applicants current residence does not have ample room to construct a barn of this size. The applicants current residence is approximately 45' away from the proposed structure.

Chairman Bankoski clarified the size of the barn for the Cieslewicz appeal as 40' x 28'.

Commissioner Galardo 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

