

**Zoning Board of Appeals
March 26, 2013
Regular Meeting
Council Chambers**

5:00 P.M.

Present: Chairman Bankoski, Commissioners Helwig and Rice.

Absent: Commissioners Beehler and Galardo.

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.

Chairman Bankoski advised the appellants that since two Board members were absent, a unanimous decision was necessary to grant an appeal, therefore, a postponement would be granted if the appellant desired.

The meeting was held for the purpose of hearing the following appeals:

**APPEAL #2013-01 Appeal of Lucky in Dunkirk, Inc./Donald Nash
for permission to install signage for the
proposed pharmacy at 436 Central Avenue.
Not in compliance with Article XXI, Section 79-21040,
Subsection 3(b)(iii) and (iv) of the Zoning Code
of the City of Dunkirk, New York.**

Cody J. Britton, 19 Norton Place, Fredonia, New York, representative of Donald Nash was sworn in and testimony was taken in favor of the Board granting this appeal. Cody Britton is the owner of Southpaw Sign Company.

A communication was received from Woodbury Surveying and Geomatics owners of 12 E. Fifth Street and 14 East Fifth Street stating that they had no objections to the granting of the variance for this signage.

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

**APPEAL #2013-02 Appeal of Richard & Geraldine Grace, 31 Albany
Avenue for permission to construct a roof
projection attached to the garage at their
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.**

Dick Grace, 31 Albany 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 #2013-03 Appeal of the Gymnastic Society of Polish Falcons, 343 Lake Shore Drive East for permission to install signage at their property. Not in compliance with Article IV, Section 79-4060 (in part) of the Zoning Code of the City of Dunkirk, New York.

Bill Barnes, 341-343 Lake Shore Drive East, Dunkirk, New York - Falcon Club address; 61 Burgess Street, Silver Creek, New York - home address, was sworn in and represented the Falcon Club. Mr. Barnes was sworn in and testimony was taken in favor of the Board granting this appeal.

A communication was received from the Chautauqua County Department of Planning and Economic Development stating that the proposed matter was of local concern. The communication was signed by Donald McCord, Senior Planner.

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

DETERMINATION

APPEAL #2013-01 In the appeal of Lucky in Dunkirk, Inc. 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, March 26, 2013.
2. If the owner chooses to light the signage, an appeal will need to be heard before the Zoning Board for permission to install lighting.

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

1. It will not alter the essential character of the neighborhood.
2. A sign previously existed in the same location.

APPEAL #2013-02

In the appeal of Richard Grace 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, March 26, 2013.
2. No storage of equipment under the projection.

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

1. It will enhance the essential character of the neighborhood.

APPEAL #2013-03

In the appeal of the Gymnastic Society of Polish Falcons 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, March 26, 2013.

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

2. It will not alter the essential character of the neighborhood.
3. The sign is replacing a previously damaged sign.

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

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

CHAIRMAN BANKOSKI

COMMISSIONER BEEHLER

COMMISSIONER GALARDO

COMMISSIONER HELWIG

COMMISSIONER RICE