

**Zoning Board of Appeals
April 23, 2013
Regular Meeting
Council Chambers**

5:00 P.M.

Present: Chairman Bankoski, Commissioners Beehler, 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 #2013-04 Appeal of Brett & Amber Lancaster, 820 Central Avenue for permission to construct a driveway in the front yard at their place of residence. Not in compliance with Article XXIV, Section 79-24030(2); and Article V, Section 79-4060 (in part) of the Zoning Code of the City of Dunkirk, New York.

Brett Lancaster, 820 Central Avenue, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Paul VandenVouver, 818 Central Avenue, Dunkirk, New York, surrounding property owner, 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 #2013-05 Appeal of Kenneth Long II, 129 Frazier Street for permission to construct a deck to the front of his place of residence. Not in compliance with Article III, Section 79-3060 (in part) of the Zoning Code of the City of Dunkirk, New York.

Amanda Long, 129 Frazier 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 #2013-06 Appeal of Eric Krystofik, 239 Townsend Street for permission to construct a driveway in the front yard 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.

Eric C. Krystofik, 239 Townsend Street, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Jerry Kubera, 246 Townsend Street, Dunkirk, New York was sworn in and testimony was taken in opposition to the Board granting this appeal.

Mr. Kubera submitted pictures for the Boards review.

Mike Kujawa, 240 Townsend Street, Dunkirk, New York was sworn in and testimony was taken in opposition to the Board granting this appeal.

APPEAL #2013-07 Appeal of Martina & Luis Ramos, prospective purchasers of property located at 634 Leopard Street for permission to construct an addition to the existing residence. Not in compliance with Article V, Section 79-5060 (in part) of the Zoning Code of the City of Dunkirk, New York.

Martina Ramos, 634 Leopard 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.

DETERMINATION

APPEAL #2013-04 In the appeal of Brett & Amber Lancaster it was the 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, April 23, 2013.

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

- 1. It will not alter the essential character of the neighborhood due to the neighboring property having the same front yard parking.**

VOTE ON APPEAL:

Commissioner Helwig – yes

Commissioner Beehler – yes

Commissioner Rice – no

Commissioner Galardo – yes

Chairman Bankoski – abstain

APPEAL PASSED: 3 YES, 1 NO, 1 ABSTENTION

APPEAL #2013-05

In the appeal of Kenneth Long II 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, April 23, 2013.**

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

- 1. It will enhance the essential character of the neighborhood.**
- 2. Hardship has been exhibited.**

APPEAL #2013-07

In the appeal of Martina & Luis Ramos 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, April 23, 2013.**

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

- 1. Hardship has been exhibited showing that the living space is too small for the appellants growing family.**
- 2. It will enhance the character of the property.**

APPEAL #2013-06

In the appeal of Eric Krystofik it was the decision of the Board that this appeal be denied.

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

- 1. Other alternatives exist in that the applicant could pursue other alternatives on the property due to the size and set up of the lot.**
- 2. It will alter the character of the neighborhood.**

VOTE ON APPEAL:

**COMMISSIONER HELWIG – no
COMMISSIONER BEEHELK – no
COMMISSIONER RICE – no
COMMISSIONER GALARDO – no
CHAIRMAN BANKOSKI - abstain**

APPEAL DENIED.

Commissioner Galardo 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