

ZONING BOARD OF APPEALS

Tuesday, April 28, 2015

Regular Meeting

Council Chambers

5:00 P.M.

Present: Chairman Bankoski, Commissioners: Collier, 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 appeals:

APPEAL #2015-02 Appeal of Nicholas Anson, 149 W. Sixth Street for permission to continue to operate a dog grooming business at his place of residence. Jeanette Anson is the operator of the business. Not in compliance with Article IV, Section 79-4020 and Article XXIV, Section 79-24080 of the Zoning Code of the City of Dunkirk, New York.

Nicholas Anson, 149 W. Sixth Street, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Jeanette Anson, 149 W. Sixth 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 #2015-03 Appeal of Samuel & Heather Medema, 139 W. Chestnut Street for permission to retain a pot belly pig at their place of residence. Not in compliance with Section 79-28040(8) of the Zoning Code of the City of Dunkirk, New York.

Clerk read a communication from Arkwright Veterinary Services, Katie J. Ball, DVM.

Heather Medema, 139 W. Chestnut Street, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Samuel Medema, 139 W. Chestnut 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 #2015-02

In the appeal of Nicholas and Jeanette Anson 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, June 24, 2014 and Tuesday, April 28, 2015.
2. The signage shall be no larger than four square feet and placed in the window.
3. There will be no boarding of dogs at the premises.

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

1. It will be a financial benefit to the business and will enhance the family life.
2. The appellant has a financial stake in this property since it is her residence.
3. It will not alter the essential character of the neighborhood.
4. The previous location could no longer sustain her business.

APPEAL #2015-03

In the appeal of Samuel & Heather Medema it was the 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, April 28, 2015.
2. A fence shall be installed around the pen or a fenced pen shall be constructed. i.e. dog kennel
3. Natural landscaping shall be installed so a pen is not visible from the street.
4. This variance is granted for Eleanor Only. No other animal is permitted.

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

1. The hardship was not created by the appellant. This is a unique circumstance only for this one case.
2. Due to the construction of the pen, the rooting of the soil, the electric fence and the ramp, it will alter the character of the neighborhood.
3. The appellant adopted the pot belly pig after they were told there was no law against it.

VOTE ON APPEAL:	Chairman Bankoski	-	yes
	Commissioner Collier	-	yes
	Commissioner Helwig	-	yes
	Commissioner Rice	-	no
	Commissioner Galardo	-	no

3 in favor – 2 opposed – APPEAL GRANTED

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

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

CHAIRMAN BANKOSKI

COMMISSIONER COLLIER

COMMISSIONER GALARDO

COMMISSIONER HELWIG

COMMISSIONER RICE

