

**Zoning Board of Appeals  
May 28, 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 #2013-08      Appeal of Jason Sebzda, 54 E. Green Street for permission to construct a deck in front yard at 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.**

**Jason Sebzda, 54 E. Green Street, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.**

**Doris Laspada, 49 E. Green Street, 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 #2013-09      Appeal of Daniel Salerno, prospective purchaser of property located at 118 Pine Street vacant, for permission to construct a pole barn at the property located at 118 Pine Street vacant. Not in compliance with Article IV, Section 79-4020, Section 79-4060 (in part) and Article XXX – Definitions, of the Zoning Code of the City of Dunkirk, New York.**

**Daniel T. Salerno, 64 N. Ocelot 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.**

Commission Beehler stated that she would be abstaining from voting due to the fact she was a surrounding property owner.

**VOTE ON ALLOWING COMMISSIONER BEEHLER TO ABSTAIN:**

Commissioner Helwig – yes  
Commissioner Rice – yes  
Commissioner Galardo – yes  
Chairman Bankoski – yes

Commissioner Beehler did not vote on this appeal.

**DETERMINATION**

**APPEAL #2013-08**

In the appeal of Jason Sebdza 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, May 28, 2013.

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

1. It will enhance the character of the neighborhood.
2. Safety issues exist which this porch will alleviate this issue.

**APPEAL #2013-09**

In the appeal of Daniel T. Salerno/Edward & Patricia Klocek 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 May 28, 2013.
2. The south side of the building will be 18' from the property line. The north side of the building would be 12' from the property line.
3. The buildings only use will be the storage of vehicles.
4. There will be no vehicle repairs conducted in the building or on the property.

5. There will be no outside parking of vehicles on the property.

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

1. The appellant has shown a hardship.

**VOTE ON APPEAL:**

Commissioner Helwig – yes  
Commissioner Rice – yes  
Commissioner Galardo – yes  
Chairman Bankoski – yes  
Commissioner Beehler - abstain

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

I DO HEREBY APPROVE OF THE  
FOREGOING MINUTES IN FULL

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CHAIRMAN BANKOSKI

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COMMISSIONER BEEHLER

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COMMISSIONER GALARDO

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COMMISSIONER HELWIG

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COMMISSIONER RICE