

BOARD OF APPEALS

Regular Session

North Tonawanda, New York 14120

Monday, July 13, 2015

6:05P.M.

THE REGULAR SESSION OF THE BOARD OF APPEALS WAS CALLED TO ORDER BY CHAIRMAN BRAUN.

ROLL CALL

Present: Chairman Braun
Commissioner Dreier, Evans, Haacker, Lemke

Absent: None

Also Present: City Attorney Shawn Nickerson
Building Inspector Cosimo Capozzi

APPROVAL OF THE MINUTES OF MEETING OF JUNE 8, 2015

MOVED by Commissioner Dreier **SECONDED** by Commissioner Evans
That the minutes of the regular session held June 8, 2015 be approved as circulated and filed in the office of the City Clerk-Treasurer.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun (5)

Nays: None (0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED MAY 30, 2015

MOVED by Commissioner Dreier **SECONDED** by Commissioner Haacker
That the proof of publication presented by the Clerk of the Board of Appeals of the notice of a public hearing of the various appeals filed with and to be presented at the regular session of the Board of Appeals, which was published May 30, 2015 be received and filed.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun (5)

Nays: None (0)

CARRIED.

OLD BUSINESS

#1

AREA VARIANCE TO ERECT A 5FT. SOLID FENCE IN FRONT YARD AREA. [§103-15(B)(4)(b) FENCE CANNOT BE SOLID-TYPE FENCE IN ANY FRONT YARD AREA.]

David Hinterberger
721 Payne Avenue
North Tonawanda, NY 14120

Re: Area Variance to erect a 5' solid
fence in front yard at 721 Payne
Avenue.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Dreier
That the Zoning Board of Appeals finds that there will be not significant environmental impact and as such declares a Negative Declaration on the SEQR with a change to #2 to YES, #3a to less than 1 acre, and #6 to NO.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun (5)

Nays: None (0)

CARRIED.

MOVED by Commissioner Lemke **SECONDED** by Commissioner Haacker
That the Zoning Board of Appeals hereby grants an area variance to David Hinterberger, 721 Payne Avenue, for a 5' solid fence in front yard of said property. Fence must be 10.6' off front corner of house and 20' set back from sidewalk. The aforementioned variance did not change the character of the neighborhood, there was not an alternate solution, the request was not substantial, it will not have an adverse effect on the physical or environmental conditions of the neighborhood and the alleged difficulty was not self-created.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun (5)

Nays: None (0)

CARRIED.

#2

AREA VARIANCE TO CONSTRUCT A 12' X 27' TWO LEVEL DECK @ FRONT YARD. [§105-15 C (5)(9)(3a) SET BACK CANNOT VARY MORE THAN 3' FROM THE COMPUTED AVERAGE SET BACK.]

Karen & Bill Cowell
192 Witmer Rd.
North Tonawanda, NY 14120

Re: Area Variance to construct 12'x 27'
two level deck at 192 Witmer Rd.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Lemke
That the Zoning Board of Appeals finds that there will be not significant environmental impact and as such declares a Negative Declaration on the SEQR with a change to #2 to YES, #3a to less than 1 acre, and #10 to YES.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun (5)

Nays: None (0)

CARRIED.

MOVED by Commissioner Dreier **SECONDED** by Commissioner Haacker
That the Zoning Board of Appeals hereby grants an area variance to Karen & Bill Cowell, 192 Witmer Road, to erect a 12'x 27' two story front porch, steps must be moved to side of porch and roof removed from over steps. The aforementioned variance did not change the character of the neighborhood, there was not an alternate solution, request was not substantial, and it will not have an adverse effect on the physical or environmental conditions of the neighborhood, the alleged difficulty was not self-created.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun (5)

Nays: None (0)

CARRIED.

NEW BUSINESS

#1

AREA VARIANCE TO ERECT APPROX. 40 L.F. OF 7 FOOT FENCE IN SIDE YARD. [§103-15 (B)(4)(a) MAXIMUM HEIGHT IN SIDE YARD IS SIX (6) FEET.]

Ken Fawcett
845 Nash Road
North Tonawanda, NY 14120

Re: Area Variance for a 7' privacy fence
in side yard of 845 Nash Road.

MOVED by Commissioner Braun **SECONDED** by Commissioner Dreier
That the Zoning Board of Appeals finds that there will be not significant environmental impact and as such declares a Negative Declaration on the SEQR.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun (5)

Nays: None (0)

CARRIED.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Lemke
That the Zoning Board of Appeals hereby grants an area variance to Charlene Buseck & Keith Johnson of 927 Walck Road to construct a 17'x 24' two story addition in rear of dwelling at 927 Walck Road. Addition must follow existing house line and be 5' from garage. The request did not change the character of the neighborhood, the request area variance was not substantial, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood, and the difficulty was not self-created.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun (5)

Nays: None (0)

CARRIED.

ADJOURNMENT

MOVED by Commissioner Dreier **SECONDED** by Commissioner Haacker
That the meeting of the Zoning Board of Appeals be adjourned.
CARRIED.

Time Adjourned: 6:38P.M.

Next Regular Meeting: August 10, 2015, 6:00 P.M.

Respectfully submitted,



Daniel R. Quinn
City Clerk-Treasurer