BOARD OF APPEALS

Regular Session
North Tonawanda, New York 14120
Monday, July 18, 2016
6:00 P.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**
Absent:	**Commissioner Lemke**
Also Present:	**Assistant City Attorney Luke Brown** **Building Inspector Cosimo Capozzi**

AMENDMENT TO MINUTES OF JUNE 13, 2016

MOVED by Commissioner Dreier SECONED by Commissioner Haacker
That the minutes of the meeting held June 13, 2016 be approved as amended, circulated and filed in the Office of the City Clerk-Treasurer as follows:

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker
That the Zoning Board of Appeals approves an area variance to Randolph & Dana Mirowski, 244 Spruce Street, North Tonawanda, NY 14120 to install a 6′ fence at rear of house 15′ off property line tapering down to a 5′ solid fence, with 45 degree cut back along 2 driveway corners. The request will not change the character of the neighborhood, there was not an alternate solution, the request was not substantial, and the request 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 (4)
Nays: None (0)
CARRIED.

Ayes: Commissioner Dreier, Evans, Haacker, Braun (4)
Nays: None (0)
CARRIED.

APPROVAL OF THE MINUTES OF MEETING OF JUNE 13, 2016

MOVED by Commissioner Evans SECONDED by Commissioner Dreier
That the minutes of the regular session held June 13, 2016 be approved as circulated and filed in the office of the City Clerk-Treasurer.
Ayes: Commissioner Dreier, Evans, Haacker, Braun (4)
Nays: None (0)
CARRIED.

PROOF OF PUBLICATION PUBLISHED JUNE 4, 2016

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 June 4, 2016 be received and filed.
Ayes: Commissioner Dreier, Evans, Haacker, Braun (4)
Nays: None (0)
CARRIED.

NEW BUSINESS

#1
AREA VARIANCE TO CONSTRUCT AN 11′ X 36′ ATTACHED GARAGE WITH STORAGE 3′ FROM WEST PROPERTY LINE. [§103-7 D (2) STRUCTURES NOT PERMITTED TO BE LESS THAN 5′ FROM PL IN ANY RESIDENTIAL ZONE.]

Terry J. Sigler
589 Wurlitzer Drive
North Tonawanda, NY 14120

Re: Area Variance to construct an 11′ x 36′ attached garage with storage 3′ from property line at 589 Wurlitzer Drive.

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

There were no speakers for or against the requested area variance.

MOVED by Commissioner Haacker SECONDED by Commissioner Dreier
That the Zoning Board of Appeals finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR.
Ayes: Commissioner Dreier, Evans, Haacker, Braun (4)
Nays: None (0)
CARRIED.

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker
That the Zoning Board of Appeals grants an area variance to Terry Sigler, 589 Wurlitzer Drive, to construct an 11′ x 36′ attached garage 2.88′ from west property line with a second floor for storage (no living space on the second floor). The request will not change the character of the neighborhood, there was not an alternate solution, the request was not substantial, the request 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, Braun (4)
Nays: None (0)
CARRIED.

#2
AREA VARIANCE TO INSTALL A 128′ X 6′ VINYL FENCE @ LEFT SIDE OF DWELLING. [§103-15 C (1) (b) – FENCES NOT PERMITTED IN RESTRICTED AREA, CORNER LOT MODIFICATION.]

Brittnee Zimmermann
289 Spruce Street
North Tonawanda, NY 14120

Re: Area Variance to install a 128′ x 6′ vinyl fence at left side of dwelling at 289 Spruce Street.

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

There were no speakers for or against the requested area variance.

MOVED by Commissioner Haacker SECONDED by Commissioner Dreier
That the Zoning Board of Appeals finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR.
Ayes: Commissioner Dreier, Evans, Haacker, Braun (4)
Nays: None (0)
CARRIED.

MOVED by Commissioner Evans SECONDED by Commissioner Haacker
That the Zoning Board of Appeals approves an area variance Brittnee Zimmermann, 289 Spruce Street, to install a 128′ x 6′ vinyl fence with a 15′ x 15′ setback along driveway and 2′ from sidewalk off of Wright Street. The request will not change the character of the neighborhood, there was not an alternate solution, the request was not substantial, the request 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, Braun (4)
Nays: None (0)
CARRIED.

#3
AREA VARIANCE TO CONSTRUCT A 10′ X 32′ COVERED PORCH @ FRONT OF DWELLING. [§103-15 C (9) (3a) FRONT SET BACK CANNOT VARY BY MORE THAN 3′ OF THE COMPUTED AVERAGE – AVERAGE IS 45′ REQUESTED IS 32′.]

Sue Clark
24 Porter Avenue
North Tonawanda, NY 14120

Re: Area Variance to construct a 10′ x 32′ covered front porch at 24 Porter Avenue.

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

<u>Ryan Olmstead</u> – Contractor - spoke for applicant Sue Clark

---

MOVED by Commissioner Haacker SECONDED by Commissioner Dreier
That the Zoning Board of Appeals finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR with the exception of a change to #2 to Yes, and #5a to No.
Ayes: Commissioner Dreier, Evans, Haacker, Braun (4)
Nays: None (0)
CARRIED.

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker
That the Zoning Board of Appeals grants an area variance to Sue Clark, 24 Porter Avenue, to construct a 10′ x 32′ covered front porch. The request will not change the character of the neighborhood, there was not an alternate solution, the request was not substantial, the request 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, Braun (4)
Nays: None (0)
CARRIED.

#4
AREA VARIANCE TO CONSTRUCT A 22′ X 30′ SINGLE STORY DETACHED GARAGE 3′ FROM LEFT PL AND 5′ FROM DWELLING. [§103-15 C (4) (b) (c) – ACCESSORY BUILDING NOT PERMITTED TO BE LESS THAN 5′ FROM SIDE PL AND NO LESS THAN 10′ FROM ANY DWELLING.]

David J. Fronczak
869 Oliver Street Upper
North Tonawanda, NY 14120

Re: Area Variance to construct a 22′ x 30′ single story detached garage 3′ from left pl and 5′ from dwelling

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

There were no speakers for or against the requested area variance.

MOVED by Commissioner Haacker SECONDED by Commissioner Dreier
That the Zoning Board of Appeals finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR with the exception of a change to #3a to 1/2 acre, #4 to Commercial, #5 a & b to No, #12b to No, and #14 to Suburban.
Ayes: Commissioner Dreier, Evans, Haacker, Braun (4)
Nays: None (0)
CARRIED.

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker
That the Zoning Board of Appeals grants an area variance to David Fronczak, 869 Oliver Street, to construct a 22′ x 30′ single story detached garage 3′ from left property line and 5′ from main building. The request will not change the character of the neighborhood, there was not an alternate solution, the request was not substantial, the request 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, Braun (4)
Nays: None (0)
CARRIED.

ADJOURNMENT

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

Time Adjourned: 6:24 P.M.
Next Regular Meeting: August 8, 2016, 6:00 P.M.

Respectfully submitted,

Daniel R. Quinn
City Clerk-Treasurer