

BOARD OF APPEALS

Regular Session

North Tonawanda, New York 14120

Monday, June 11, 2018

6:01P.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, Lewis**

Absent: None

**Also Present: City Attorney Luke Brown
Building Inspector Cosimo Capozzi**

APPROVAL OF THE MINUTES OF THE REGULAR SESSION MAY 14, 2018

**MOVED by Commissioner Evans SECONDED by Commissioner Braun
That the minutes of the regular session held May 14, 2018 be approved as circulated
and filed in the office of the City Clerk-Treasurer.**

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

Nays: None (0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED MAY 5, 2018

**MOVED by Commissioner Haacker SECONDED by Commissioner Evans
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 5, 2018 be
received and filed.**

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

Nays: None (0)

CARRIED.

NEW BUSINESS

#1

**AREA VARIANCE TO ERECT A 24' X 30' DETACHED GARAGE, 1.5 FEET FROM
REAR AND LEFT SIDE PROPERTY LINES. [§103-15 (C) (4) (c) (4c). GARAGE
PERMITTED TO BE THREE (3) FEET FROM PROPERTY LINES.]**

**David Perkins
64 Hagen Avenue
North Tonawanda, NY 14120**

**Re: Area Variance to erect a 24' x 30'
detached garage less than 3' from
property line located at 64 Hagen
Avenue**

**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 Lewis **SECONDED** by Commissioner Haacker
That the Zoning Board of Appeals hereby makes no decision on the SEQR, and tables the aforementioned request from David Perkins, 64 Hagen Avenue. The applicant needs to provide new surveys for next scheduled Zoning Board meeting.

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

Nays: None (0)

CARRIED.

#2

AREA VARIANCE TO ERECT 162 L.F. OF 6' HIGH FENCE ON CORNER LOT. [§103.15 (C) (1) (b) IN THE CASE OF A CORNER LOT IN AN R DISTRICT WHERE THE REAR LOT LINE ABUTS A SIDE LOT LINE OF AN ADJACENT LOT IN ANY R DISTRICT, THE REQUIRED SIDE YARD ON THE STREET SIDE OF SUCH CORNER LOT SHALL EQUAL 60% (15 FEET) OF THE REQUIRED FRONT YARD OF SAID ADJACENT LOT].

Eric Carlson
1058 Ruie Road
North Tonawanda, NY 14120

**Re: Area Variance to erect 162 l.f. of 6'
high fence on a corner lot located
at 1058 Ruie Road.**

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 Dreier **SECONDED** by Commissioner Evans
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 1058 Ruie Road, and will notify other agencies involved.

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

Nays: None (0)

CARRIED.

MOVED by Commissioner Evans **SECONDED** by Commissioner Haacker
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 a change to #2 to Yes, #5a to No and #5b to No, and #12b to No.

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

Nays: None (0)

CARRIED.

MOVED by Commissioner Dreier **SECONDED** by Commissioner Evans
That the Zoning Board of Appeals hereby approves the area variance to Eric Carlson at 1058 Ruie Road. With an 11' section with a 3' door coming off left corner of house must be 2' off sidewalk along Fairfield Drive. Fence must have a 15' set back with a 45 degree angle at left corner next to neighbor's driveway, also a 6' panel on right side connecting to neighbor's chain-link fence on back corner of garage. The request did not change the character of the neighborhood, there was not an alternate solution. The request was not substantial and 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, Lewis, Braun (5)

Nays: None (0)

CARRIED.

ADJOURNMENT

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

Time Adjourned: 6:22 P.M.

Next Regular Meeting: July 9, 2018 at 6:00 P.M.

Respectfully submitted,



**Daniel R. Quinn
City Clerk-Treasurer**