

BOARD OF APPEALS

Regular Session

North Tonawanda, New York 14120

Monday, July 17, 2023

6:00 P.M.

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

ROLL CALL

**Present: Chairman Smolinski
Commissioner Evans, Kuebler, Wistner**

Absent: Commissioner Haacker

Also Present: Building Inspector Robert C. DePaolo

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JUNE 12, 2023

MOVED by Commissioner Evans SECONDED by Commissioner Kuebler
That the minutes of the regular session held June 12, 2023 be approved as circulated and filed in the office of the City Clerk-Treasurer.

Ayes: Commissioner Evans, Kuebler, Wistner, Smolinski (4)

Nays: None (0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED JUNE 3, 2023

MOVED by Commissioner Kuebler SECONDED by Commissioner Wistner
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 3, 2023 be received and filed.

Ayes: Commissioner Evans, Kuebler, Wistner, Smolinski (4)

Nays: None (0)

CARRIED.

OLD BUSINESS

#1.

AREA VARIANCE TO ERECT A 30' X 60' ACCESSORY STRUCTURE 5' FROM REAR AND SIDE PROPERTY LINES. (EXISTING 440 SQ FT + NEW 1800 SQ FT). [§103-6 (A) (9) (e) PRIVATE GARAGES WITH A LIMIT OF 750 SQUARE FEET IN SIZE AND OF SIMILAR CONSTRUCTION STYLE AS THE SURROUNDING NEIGHBORHOOD].

**Leroy Junn
198 Rumbold Avenue
North Tonawanda, NY 14120**

**Re: Area Variance to erect a 30' x 60'
detached garage 5' from property
line, located at 198 Rumbold 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 Evans **SECONDED** by Commissioner Kuebler
 That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 198 Rumbold Avenue and will notify other agencies involved, and finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR with a change to #1 to No, #2 to No, #3 to 1/8 acre, #4 to Residential, #5a to No and #6 to Yes.

Ayes: Commissioner Evans, Kuebler, Wistner, Smolinski (4)

Nays: None (0)

CARRIED.

MOVED by Commissioner Smolinski **SECONDED** by Commissioner Evans
 That the Zoning Board of Appeals hereby approves the area to Leroy Junn, 198 Rumbold Avenue to erect a 28' x 50' (1,400 sq ft.) detached garage 5' from property line, at 198 Rumbold Avenue, after completion old garage and shed will have to be taken down. 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 Evans, Kuebler, Wistner, Smolinski (4)

Nays: None (0)

CARRIED.

NEW BUSINESS

AREA VARIANCE TO INSTALL A 9' X 24' COVERED FRONT ENTRY PORCH EXTENDING BEYOND AVERAGE SETBACK. [§103-15C (9)(a)(3a) PROHIBIT A VARIATION OF THREE FEET FROM THE COMPUTED AVERAGE SETBACK, IF SUCH SETBACK IS AT LEAST THREE FEET GREATER THAN THE MINIMUM SPECIFIED IN THE DISTRICT REGULATIONS].

Michael McCullough
 310 Elmwood Avenue
 North Tonawanda, NY 14120

Re: Area Variance to install a 9' x 24' covered
 front entry porch, located at 310 Elmwood
 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 Kuebler **SECONDED** by Commissioner Wistner
 That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 310 Elmwood Avenue and will notify other agencies involved, and finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR with a change to #3 to 1/8 acre, and #5a to No.

Ayes: Commissioner Evans, Kuebler, Wistner, Smolinski (4)

Nays: None (0)

CARRIED.

MOVED by Commissioner Wistner **SECONDED** by Commissioner Kuebler
 That the Zoning Board of Appeals hereby approves the area variance to Michael McCullough, 310 Elmwood Avenue, to erect a 9' x 24' covered front entry porch at 310 Elmwood Avenue. 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 and the alleged difficulty was not self-created.

Ayes: Commissioner Evans, Kuebler, Wistner, Smolinski (4)

Nays: None (0)

CARRIED.

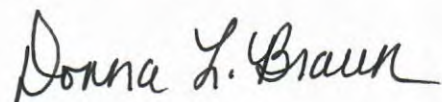
ADJOURNMENT

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

Time Adjourned: 6:16 P.M.

Next Regular Meeting: August 14, 2023 at 6:00 P.M.

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer