## **BOARD OF APPEALS**

Regular Session North Tonawanda, New York 14120 Monday, February 8, 2021 6:15 P.M.

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

ROLL CALL

Present:

Chairman Braun

Commissioner Dreier, Haacker, Evans

Absent:

**Commissioner Lewis** 

Also Present:

City Attorney Luke Brown

**Building Inspector Cosimo Capozzi** 

# APPROVAL OF THE MINUTES OF THE REGULAR SESSION NOVEMBER 16, 2020

MOVED by Commissioner Evans SECONDED by Commissioner Haacker That the minutes of the regular session held November 16, 2020 be approved as circulated and filed in the office of the City Clerk-Treasurer.

Ayes: Commissioner Dreier, Haacker, Evans, Braun Navs: None

(4)

CARRIED.

# PROOF OF PUBLICATION PUBLISHED NOVEMBER 7, 2020

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 November 7, 2020 be received and filed.

Ayes: Commissioner Dreier, Haacker, Evans, Braun

(4) (0)

Nays: None

CARRIED.

## **OLD BUSINESS**

#1.

AREA VARIANCE TO ERECT A 4' PICKET STYLE FENCE IN FRONT YARD. [§103-15B (4)(b) FENCES CANNOT EXCEED FOUR (4) FEET WHERE LOCATED IN FRONT OF THE PRINCIPAL BUILDING AND IN EXCESS OF 15 FEET FROM THE FRONT PROPERTY LINE AND NO MORE THAN 3 FEET WHERE LOCATED WITHIN 15 FEET OF THE FRONT PROPERTY LINE. ANY FENCE CONSTRUCTED IN THE FRONT YARD MUST BE LESS THAN 50% SOLID WITH NO LESS THAN 2 ½ INCHES OF SPACE BETWEEN EACH PICKET OR, UPON THE APPROVAL OF THE BOARD OF APPEALS, SUBJECT TO CONFORMANCE WITH THE CORNER VISIBILITY PROVISIONS ESTABLISHED UNDER THIS SECTION].

Vincent J. Kalota 139 Eleventh Avenue North Tonawanda, NY 14120

Re: Area Variance to erect a 4' picket style fence in front yard located at 139 Eleventh 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 Haacker SECONDED by Commissioner Dreier That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 139 Eleventh Avenue and will notify other agencies involved. 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 #9 to No.

Ayes: Commissioner Dreier, Haacker, Evans, Braun
Nays: None

(4)

CARRIED (0)

MOVED by Commissioner Haacker SECONDED by Commissioner Dreier That the Zoning Board of Appeals approves the Area Variance request from Vincent Kalota, 139 Eleventh Avenue, to erect a 4' picket style fence in front yard. Fence must be 2 Feet from sidewalk, Baron Style fencing must have 2 15/16" spacing between slats also fence is approve to go up to 6 Feet on east side of house. 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
Nays: None
(4)

Nays: None CARRIED (0)

### **NEW BUSINESS**

#1.

AREA VARIANCE TO ERECT A 24' X 26' DETACHED GARAGE. [§103-6 (A) (9) (e) PRIVATE GARAGES ARE LIMITED TO 750 SQUARE FEET IN SIZE AND OF SIMILAR CONSTRUCTION]. EXISTING GARAGE IS 308 SQUARE FEET.

Robert O'Connor 1130 Ruie Road North Tonawanda, NY 14120

Re: Area Variance to erect a 24' x 26' detached garage, located at 1130 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 Haacker SECONDED by Commissioner Dreier That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 1130 Ruie Road and will notify other agencies involved. 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.

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

MOVED by Commissioner Haacker SECONDED by Commissioner Evans
That the Zoning Board of Appeals approves the Area Variance request from Robert
O'Connor, 1130 Ruie Road, to erect a 24' x 26' detached garage. Approval is granted
contingent that the other sheds on the property are removed. 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
Nays: None
(4)

CARRIED (0)

#2.

USE VARIANCE TO CONVERT AN EXITING BUILDING INTO A MUSIC AND PHOTOGRAPHY STUDIO BUSINESS. [§103-8 GENERAL RESIDENTIAL DISTRICT DOES NOT ALLOW BUSINESSES AS A PERMITE USE-BUSINESS FIRST PERMITTED IN AN RC BUSINESS DISTRICT].

David Kelly 849 Oliver Street North Tonawanda, NY 14120

Re: Use Variance to convert an existing building into a music and photography studio, Located at 108 12th 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 Haacker SECONDED by Commissioner Dreier That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 108 12th Avenue and will notify other agencies involved. 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, Haacker, Evans, Braun

(4)

Nays: None CARRIED

(0)

MOVED by Commissioner Haacker SECONDED by Commissioner Dreier That the Zoning Board of Appeals approves the Use Variance request from David Kelly, 849 Oliver Street, to convert 108 12th Avenue into a music studio, green screen room and photography studio. 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 Evans SECONDED by Commissioner Dreier That the meeting of the Zoning Board of Appeals be adjourned. CARRIED.

Time Adjourned: 6:50 P.M.

Next Regular Meeting: March 8, 2021 at 6:00 P.M.

Respectfully submitted,

onna L. Braun

Donna L. Braun

City Clerk-Treasurer