

**SPECIAL MEETING OF THE ZONING BOARD OF APPEALS  
TOWN OF DUNKIRK FEBRUARY 25, 2021  
ELIZABETH WOODS (REBUILD HOME)**

The Town of Dunkirk Zoning Board of Appeals held a Zoning meeting at 5:30 p.m. on Thursday February 25, 2021 at the Town Hall, 4737 Willow Road, Town of Dunkirk with Scott Pagano presiding as Chairman.

**PRESENT:** Thomas Tarnowski, Estelle Harper, and Michael Miller.

**PRESENT VIA ZOOM:** Scott Pagano.

**ABSENT:** Ken Tarnowski.

**ALSO, PRESENT:** Supervisor Richard Puro, Councilman Juan Pagan, Councilman Robert Penharlow, Code enforcement Officer Ryan Mourer, Contractor Jim Alexander representing the Petitioner.

Petitioner: Elizabeth Woods requested an area variance to rebuild her home on 5096 Shorewood Drive. The area variance request was for an east side setback of 10.97 ft. Zoning Requires a 25 ft. this request is for a variance of 14.03 ft. West side setback request of 7 ft. Zoning Requires a 25 ft. minimum, the variance is an 18 ft. request. The North side meets requirements. The south side set back or front yard is a request for 34.75 ft. Zoning requires a 75 ft. minimum, the variance request is for 40.25 ft. This property is located on Section 95. 13; Block 1; Lot 17 of the Chautauqua County Tax map.

With all notices having been properly posted and published for attendance for public via zoom and in person, Chairperson Pagano called the meeting to order at 5:31 p.m.

Chairman Pagano began the meeting by announcing that the legal notice was posted in the Observer on February 6<sup>th</sup>, 2021. This notice stated "NOTICE IS HEREBY GIVEN THAT; the Town of Dunkirk Zoning Board of Appeals has scheduled a Zoning Board Hearing at 5:30 p.m. on the 25th day of February 2020 at the Town Hall, 4737 Willow Road to consider the following appeal: Petitioner: Elizabeth Woods of 10601 Linwood Drive, is requesting an East side setback request of 10.97', a variance of 14.03'. A west side setback request of 7', a variance request of 18' and a south side setback request of 34.75', a variance of 40.25'. This is for a residence located at 5096 Shorewood Drive West. Located on Section 95.13, Block 1; Lot 17 of the Chautauqua County Map in the R-1 Single Family Residential District. In violation of Article III; Section 16; lot requirements. All interested persons shall be heard at said special meeting via electronic means due to the New York PAUSE limitations. Login information will be published on the Town's website <http://www.townofdunkirk.org> at least five days before the hearing.

Residents are also encouraged to send written comments to the Town Clerk via e-mail to [townclerk@dunkirkny.org](mailto:townclerk@dunkirkny.org) or by mail to 4737 Willow Road, Dunkirk, New York 14048.”

No correspondence was received in regard to this variance.

Chairman Pagano then informed representative of the petitioner, Jim Alexander, that since there was not a full board present, he had the option to proceed with the meeting or he can request to postpone and schedule another meeting.

Mr. Alexander stated he wanted to proceed with the meeting without a full board.

Chairman Pagano explained that the meeting had two parts to it. The first part of the meeting would be testimony and public comment. The second half of the meeting would be Zoning Board member deliberation and discussion.

#### **PART 1**

Chairman Pagano asked Mr. Alexander if he could give the Zoning Board Members a brief description of the project.

Mr. Alexander explained that he just recently got involved with Mrs. Woods and her project. The original plans for the home were to remodel the existing home and add an addition. (this was approved by the Zoning Board of Appeals August 25, 2020.) He stated that once he got into the home and really examined it, he realized that the home was not safe and would no way meet code. He stated the floor was completely rotted out. If he had tried to go with Mrs. Woods original plans, he would have to take a part the house piece by piece. He stated that in the end the house would still be an old house and while it would be up to code, there could still be issues in the future. He explained that he suggested to the petitioner, Mrs. Woods that demoing the home and rebuilding it would be the better option.

Member Miller asked Mr. Alexander what the height of the roof was.

Mr. Alexander stated he believed it was 20 feet. He stated they would not be exceeding the height that was approved for the original variance on August 25, 2020.

Member Tarnowski stated that there would be no major changes.

Mr. Alexander stated that he was correct. The only difference between the variance approved in August and this day was that rather than being 2 feet from the property line they will be 7 feet from the property line.

Code Enforcement Officer, Ryan Mourer verified this after looking at the plans that were presented to the Zoning Board Members.

Member Miller asked if the foundation and basement area would be completely new.

Mr. Alexander stated that the foundation would be new and it would be a crawl space not a basement.

Chairman Pagano asked which setback was the one closest to the lake.

Code Enforcement Officer, Ryan Mourer stated that Mrs. Woods lot is much larger than most of the neighboring lots. He stated she is in conformance in regard to the lake front set back. She will be closer to the road rather than the lake. Which in her previous area variance we approved her to be closer to the road.

Before closing this portion of the meeting Code Enforcement Officer, Ryan Mourer read the previous area variance Mrs. Woods received approval for. The East side setback request was for 15.4 ft., the West side and north side were both conforming setbacks, and the Front Yard setback or south side set back request was for 37.7 ft. Mr. Mourer explained that they are not asking for a front yard setback of 34.75. Which means they are moving further away from the lake and closer to the road, which is a privately owned road. In sum Mr. Mourer stated this variance is less substantial than the previous request Mrs. Woods was approved for.

Chairman Pagano asked Zoning board Members if they had any more questions on the project for Mr. Alexander.

All Members stated that they didn't have any more questions.

Chairman Pagano made a motion for the Board to close the first portion of the meeting and open the second portion. The motion was seconded by Member Harper and carried unanimously.

**PART 2**

Chairman Pagano opened the second portion of the meeting for the Zoning Board Members to discuss the area variance in front of them.

With no further discussion from the Zoning Board, they began reviewing the area variance application.

1. Whether undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties.

All members agreed with the applicants answer of no because the current state of the home is in bad condition. This would enhance the esthetics of the neighborhood.

2. Whether benefit sought by the applicant can be achieved by a feasible alternative.

All members agreed with the applicants answer of no because she tried to do an addition to the home and remodel the existing home but the contractor stated the existing home was in too bad of shape to remodel.

3. Whether the variance requested is substantial.

All members agreed with the applicants answer of no because she requested less than what she requested for prior approved variance.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood.

All members agreed with applicants answer of no because the new home will have a similar footprint of the existing home. Mr. Alexander will just slightly shift the home over to be further away from the neighboring property line.

All in favor of the area variance presented above with no stipulations the Zoning Board Members voted:

AYE:

NAY:

Member Harper  
Member Miller  
Member Tarnowski  
Chairman Pagano

A motion was made by Member Harper to approve the area variance for 5096 W. Shorewood Dr., a variance request for an east side setback request 14.03 ft., a west side setback request of 7 ft. and a southside setback request of 34.75 feet. The motion was seconded by Member Miller. The motion was carried unanimously.

**ADJOURNMENT:**

A motion was made by Member Tarnowski to adjourn the meeting. The motion was carried by Member Harper and carried. The meeting was adjourned at 5:58 p.m.

Respectfully submitted,

Kyle Coughlin  
Secretary to Zoning