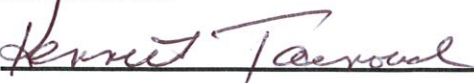


APPROVAL OF MINUTES DATED June 28, 2023

Stanley Tyma - Shed

Due to minutes of above meeting being mailed to all members of the Zoning Board of Appeals
I the undersigned do hereby approve said minutes as mailed, or disapprove with comments below.

Signed 

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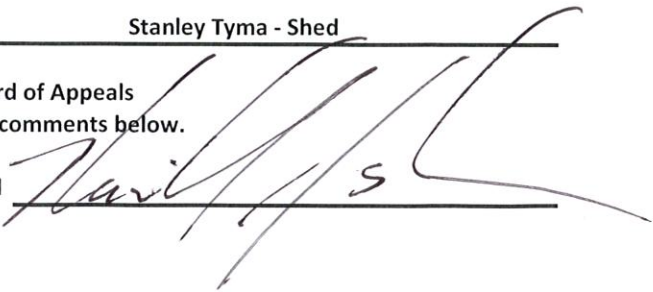
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**MEETING OF THE ZONING BOARD OF APPEALS
TOWN OF DUNKIRK JUNE 28, 2023
STANLEY TYMA – SHED – AREA VARIANCE & USE VARIANCE**

The Town of Dunkirk Zoning Board of Appeals held a Zoning meeting at 5:45 p.m. on Wednesday June 28, 2023 at the Town Hall, 4737 Willow Road, Town of Dunkirk with Scott Pagano presiding as Chairman.

PRESENT: Scott Pagano, Thomas Tarnowski, Michael Miller, Michael Bohn and Kenny Tarnowski.

ALSO, PRESENT: Supervisor Pagan, Kyle Coughlin Zoning Clerk, Diane Tyma, Richelle Tyma, and Stanley Tyma.

The Meeting was opened at 5:45 P.M with roll call taken previously; all Members were in attendance.

Chairman Scott Pagano read the legal notice that was posted on June 16, 2023:

“NOTICE IS HERBY GIVEN that a public hearing before the Zoning Board of Appeals of the Town of Dunkirk will be held, June 28, 2023 at 5:45 p.m. at the Dunkirk Town Hall, 4737 Willow Road to consider the following application: In the matter of the application of Stanley Tyma for property located at 3639 Middle Road, Town of Dunkirk., Tax Map No. 80.01-1-23 and 80.01-1-24 for a use variance and area variance. This is in violation of Article III –Section 13 Accessory Uses. This is due to restricted accessory uses and dimensions within this zone. The use variance is to build an accessory building with no main building. The area variance is for two side yard setbacks of 23.6 ft; the requirement is 25 ft. A variance of 1.4 ft for both side setbacks. The second area variance is for a nonconforming lot size. Any person may appear in person, agent or attorney. All interested persons shall be heard at said public hearing. If you have any questions regarding the above, please contact me at the Town Clerk’s Office at (716) 366-3967.”

An affidavit of this posting is available in the clerk’s office.

Chairman Pagano asked if Stanley could present what he wanted to do to the Board.

Mr. Tyma stated that he wanted to put a storage shed to the side of the house on a second parcel. He turned in the paperwork to combine the parcels with the assessor so that he does not need a use variance. The setbacks are minor on the side yard. It’s a 10 x 16 Storage shed.

There were no questions from the public or Board Members.

Zoning Clerk Coughlin stated that the paperwork was submitted to the assessor and was in her hands.

Chairman Pagano stated that they did not have to move forward with the use variance just the area variance.

PART 2

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. The Board agreed with the applicants answer of no because this shed is not large and almost meets the setback requirements
2. Whether benefit sought by the applicant can be achieved by a feasible alternative. The Board agreed with the applicants answer of no because he already agreed to merge his property to eliminate one zoning issue.
3. Whether the variance request was substantial. The Board agreed that it was not a substantial request because the shed is small and the variance is for 1.4 feet.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood. The Board agreed with the applicants answer of no because it's not bothering any neighbors or coming close to any property lines.
5. Whether the alleged difficulty was self-created. The Board stated that the issue was not self-created because the lot was split into two parcels when purchased, he was unaware of the zoning requirements.

It was determined by the ZBA, based on the factors above that the benefit to the applicant does outweigh the detriment to the neighborhood or community. The ZBA felt that they could approve the area variance for the shed.

1. The two parcels be merged together.

Member Miller made a motion to approve the area variance for side yard setbacks of 23.6 feet, a 1.4-foot variance for the side yard setback . The motion was second by Member Ken Tarnowski and carried.

A roll call vote was taken.

AYE:
Member Miller
Member Tarnowski
Chairman Pagano
Member Tarnowski
Member Bohn

NAY:

ADJOURNMENT:

A motion was made by Member Tom Tarnowski to adjourn the meeting. The motion was seconded by Chairman Pagano and carried. The meeting was adjourned at 5:52 p.m.

Respectfully submitted,

Kyle Coughlin
Secretary to Zoning