



THE CITY OF BUFFALO

Zoning Board of Appeals

901 City Hall

Minutes • March 15, 2017

Buffalo, NY 14202
<http://www.city-buffalo.com>
James Lewis

Regular

OSP Conference Room
901 City Hall, 65 Niagara Sq., Buffalo, NY 14202

2:00 PM

I. Call to Order

The meeting was called to order at 2:08 PM by Chairman James A. Lewis

Attendee Name	Present	Absent	Late	Arrived
Bernice Radle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Thomas Dearing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
James A. Lewis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Anthony Diina	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

II. Minutes Approval

- Zoning Board of Appeals - Regular - Feb 15, 2017 2:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, James A. Lewis, Anthony Diina

III. Agenda Items

- 313 Rhode Island - Establish Contractor's Storage Yard with Two Storage Containers; Use Not Permitted (9426587). R2 Zone. Section 511-12. (Unlisted-Uncoordinated)

RESULT:	TABLED [UNANIMOUS]
	Next: 4/19/2017 2:00 PM
MOVER:	James A. Lewis, Chairman
SECONDER:	Thomas Dearing
AYES:	Bernice Radle, Thomas Dearing, James A. Lewis, Anthony Diina

- 431 Colvin Avenue - Installation of Front Yard Parking Pad; Use Not Permitted (9427190). R2 Zone. Section 511-115.F.6.C. (Unlisted- Uncoordinated)

Negative Declaration was Adopted.

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, James A. Lewis, Anthony Diina

3. 113 Lafayette Avenue - Construction of addition to school in excess of permitted height (9426831). R2 Zone. Section 511-13.A. (Unlisted-Uncoordinated)

Negative Declaration was Adopted.

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	James A. Lewis, Chairman
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Bernice Radle, Thomas Dearing, James A. Lewis, Anthony Diina

4. 25 Linwood Avenue - Installation of Sign Not in Compliance with Placement Requirements (9427153). R5 Zone. Section 511-24.G.4. (Type II)

RESULT:	RECEIVED AND FILED [UNANIMOUS]
MOVER:	James A. Lewis, Chairman
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, James A. Lewis, Anthony Diina

5. 300 Bedford Avenue - Establish Catering Use on First Floor of a 2-Family Dwelling; Use Not Permitted (9427424). R2 Zone. Section 511-12. (Unlisted-Uncoordinated)

Conditions:

*Approval is for one year.

* No ads on vehicles parked in the front yard

Negative Declaration was Adopted.

RESULT:	APPROVE VARIANCE W/COND [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Thomas Dearing
AYES:	Bernice Radle, Thomas Dearing, James A. Lewis, Anthony Diina

6. 192 Seneca Street - Administrative Appeal of Decision by the Department of Public Works Not to Permit Parking Lot and Curb Cuts (9422075). M1 Zone. Section 511-122.B. (Type II)

Conditions:

*Install two planter boxes

*Only five parking spots allowed on the East side of the building.

RESULT:	APPROVE VARIANCE W/COND [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, James A. Lewis, Anthony Diina

7. 474 Seneca Street - Construction of a Mixed Use Building Not in Compliance with Yard and Parking Requirements (9426851). M1 Zone. Section 511-46A and 511.96.B.1. (Unlisted-Uncoordinated)

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Bernice Radle, Thomas Dearing, James A. Lewis, Anthony Diina

8. 388 AMHERST STREET - Place a 24Sf Illuminated Blade Sign at Front of Restaurant with 32SF Wall Sign (9426487). N-2C District. Section 496-9.2.1.C. Total Sign Area Exceeds 35SF. (Type II)

Project "Denied" because it is a detriment to the neighborhood due to the additional clutter, it is not appealing, it is large and stands out, it reduces the appearance and character of the adjacent buildings.

RESULT:	DENY VARIANCE [3 TO 1]
MOVER:	Bernice Radle
SECONDER:	Thomas Dearing
AYES:	Bernice Radle, Thomas Dearing, James A. Lewis
NAYS:	Anthony Diina

9. 1166 Jefferson Avenue - Construction of a mixed use building not in compliance with lot width, corner side setback and parking lot interior landscaping/tree requirements (9427241). N-3E Zone. Section 496-3.2.5. and 496-7.1.5.C. (Type II)

Board approved the "Lot width variance" because the neighborhood character would be positively impacted; Improves the health, safety, nature and welfare of the neighborhood.

*Landscaping variance removed; revisions will be made to site plan.

RESULT:	APPROVE VARIANCE [3 TO 0]
MOVER:	James A. Lewis, Chairman
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Thomas Dearing, James A. Lewis, Anthony Diina
ABSTAIN:	Bernice Radle

- 1166 Jefferson Avenue - Construction of a Mixed Use Building. (N-3E)

Board approved the "Corner yard side setback variance" because the neighborhood character would be positively impacted; Improves the health, safety, nature and welfare of the neighborhood.

RESULT:	APPROVE VARIANCE [3 TO 0]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Thomas Dearing
AYES:	Thomas Dearing, James A. Lewis, Anthony Diina
ABSTAIN:	Bernice Radle

10. 1140 Jefferson Avenue - Construction of a mixeduse building not in compliance with lot width and parking lot interior landscaping/tree requirements (9427299). N-3E Zone. Section 496-3.2.11 and 496-7.1.5.C. (Type II)

Board approved the variance because the neighborhood character would be positively impacted; Improves the health, safety, nature and welfare of the neighborhood; Is a benefit to the "Cold Spring" area.

*Landscaping variance removed; revisions will be made to site plan.

RESULT:	APPROVE VARIANCE [3 TO 0]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Thomas Dearing
AYES:	Thomas Dearing, James A. Lewis, Anthony Diina
ABSTAIN:	Bernice Radle

11. 880 Elmwood Avenue - Construction of a Commercial Parking Lot; Use Not Permitted and Drive Aisle Deficient in Required Width (9427402). N-2C Zone. Section 496-6.1.1. (Unlisted-Uncoordinated)

Variance "Denied" because it is a use variance that goes with the land not the owner; The applicant didn't provide financial hardship information to the board.

Negative Declaration Adopted.

RESULT:	DENY VARIANCE [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Bernice Radle, Thomas Dearing, James A. Lewis, Anthony Diina

12. 2401 Delaware Avenue - Installation of a Monument Sign; in Excess of Permitted Square Footage and Height (9426757). N-3E Zone. Section 496-9.2.1.C. and 496-9.2.7. (Type II)

Conditions:

*Sign height be limited to 8ft.

Board deemed the sign appropriate and consistent with signage of the neighborhood.

RESULT:	APPROVE VARIANCE W/COND [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, James A. Lewis, Anthony Diina

13. 682 Abbott Road - Installation of an Off-Premise Sign; Use Not Permitted and Not in Compliance with Placement Requirements (9426929). N-3E Zone. Section 496-9.3.1.A and 496-9.3.2.C. (Type II)

Board "Denied" variance because the impact on the adjacent land uses - Olmsted and Cazenovia Park businesses; It is very close to Mt. Mercy Hospital and "Dog Ears" bookstore.

RESULT:	DENY VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Bernice Radle, Thomas Dearing, James A. Lewis, Anthony Diina

14. 2178 Seneca Street - Construction of parking lot not in compliance with street tree, parking lot perimeter landscaping/buffer, parking lot interior landscaping, and drive aisle requirements (9427257). N-3C Zone. Section 496-7.1.4, 496-7.15.B/7.1.6, 496-7.1.5.C and 496-8.3.1.E. (Unlisted-Uncoordinated)

Board "Approved" the Street Tree Variance.

*Drive aisle variance removed - incorrectly cited by City.

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Thomas Dearing
AYES:	Bernice Radle, Thomas Dearing, James A. Lewis, Anthony Diina

- 2178 Seneca Street - Renovation of an Existing Building to Mixed Use.

Board "Approved" the Parking Lot Variance.

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Anthony Diina, Vice Chairman
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, James A. Lewis, Anthony Diina

- 2178 Seneca Street - Renovation of an Existing Building to Mixed Use.

Board "Approved" the Parking Lot Landscaping Variance.

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Anthony Diina, Vice Chairman
AYES:	Bernice Radle, Thomas Dearing, James A. Lewis, Anthony Diina

City Clerk