



**THE CITY OF BUFFALO**  
**The City of Buffalo Zoning Board of Appeals**

901 City Hall

**Minutes • April 19, 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 2:03 PM by Chairman James A. Lewis

<b>Attendee Name</b>	<b>Present</b>	<b>Absent</b>	<b>Late</b>	<b>Arrived</b>
Bernice Radle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Thomas Dearing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Janice McKinnie	<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 - Mar 15, 2017 2:00 PM

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Anthony Diina, Vice Chairman
<b>SECONDER:</b>	Thomas Dearing
<b>AYES:</b>	Radle, Dearing, McKinnie, Lewis, 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)

Project was "Denied without Prejudice" as it was the second time applicant failed to appear before the board.

Negavie Declaration Adopted.

<b>RESULT:</b>	<b>DENY VARIANCE [UNANIMOUS]</b>
<b>MOVER:</b>	Bernice Radle
<b>SECONDER:</b>	Thomas Dearing
<b>AYES:</b>	Radle, Dearing, McKinnie, Lewis, Diina

- 138 Colvin Avenue - Establish Parking Pad; NOT PERMITTED IN FRONT YARD (9424345). N-3R Zone. Section 496.8.3.3.A (Type II)

Parking pad approved given the existing parking situation on Colvin Avenue and the unique alternative street parking situation and the volume of traffic on Colvin Avenue.

<b>RESULT:</b>	<b>APPROVE VARIANCE [UNANIMOUS]</b>
<b>MOVER:</b>	Thomas Dearing
<b>SECONDER:</b>	Anthony Diina, Vice Chairman
<b>AYES:</b>	Radle, Dearing, McKinnie, Lewis, Diina

3. 129 Holden Street - Construct 4 multi-unit dwellings and 32 single-unit attached dwellings (9428412). D-R Zone. Section 496-7.1.5 and 496-8.3.2 DEFICIENT IN PERIMETER BUFFER YARD & EXCEEDING MAXIMUM DRIVEWAY WIDTH (Type II)

Board "Approved" the Deficient in Perimeter Buffer Yard Variance.

<b>RESULT:</b>	<b>APPROVE VARIANCE [UNANIMOUS]</b>
<b>MOVER:</b>	Anthony Diina, Vice Chairman
<b>SECONDER:</b>	Thomas Dearing
<b>AYES:</b>	Radle, Dearing, McKinnie, Lewis, Diina

- 129 Holden Street

Board "Approved" the Exceeding Maximum Driveway Width Variance.

<b>RESULT:</b>	<b>APPROVE VARIANCE [UNANIMOUS]</b>
<b>MOVER:</b>	Anthony Diina, Vice Chairman
<b>SECONDER:</b>	Thomas Dearing
<b>AYES:</b>	Radle, Dearing, McKinnie, Lewis, Diina

4. 143 Wellington Road - Establish Rooming House Use; USE NOT PERMITTED IN ZONE (9428211). N-4-30 Zone. Section 496.6.1.1 (Unlisted-Uncoordinated)

Denied due to the inconsistency of the proposed use with the single family nature of the surrounding neighborhood.

Negative Declaration Adopted.

<b>RESULT:</b>	<b>DENY VARIANCE [UNANIMOUS]</b>
<b>MOVER:</b>	Thomas Dearing
<b>SECONDER:</b>	Anthony Diina, Vice Chairman
<b>AYES:</b>	Radle, Dearing, McKinnie, Lewis, Diina

5. 385 Vermont - Establish a Parking Pad; NOT PERMITTED IN FRONT YARD (9428358). N-2R Zone. Section 496.8.3.3.A (Type II)

Denied based on the negative impact on the residential character of the neighborhood by way of eliminating front/lawn green space and the presence of alternatives of on street parking.

<b>RESULT:</b>	<b>DENY VARIANCE [UNANIMOUS]</b>
<b>MOVER:</b>	Thomas Dearing
<b>SECONDER:</b>	Bernice Radle
<b>AYES:</b>	Radle, Dearing, McKinnie, Lewis, Diina

6. 355 Linwood Avenue - Construct garage; GARAGE NOT PERMITTED FORWARDS OF A PRINCIPAL BUIDLING (9428166). N-2R Zone. Section 496-6.2.1.D.3 (Type II)

Denied because the owner didn't meet the financial hardship criteria as well as it does not meet the character of the neighborhood; there are other alternatives that

could be used that would meet their codes which the applicant did not care to seek.

<b>RESULT:</b>	<b>DENY VARIANCE [4 TO 1]</b>
<b>MOVER:</b>	Bernice Radle
<b>SECONDER:</b>	Anthony Diina, Vice Chairman
<b>AYES:</b>	Bernice Radle, Janice McKinnie, James A. Lewis, Anthony Diina
<b>NAYS:</b>	Thomas Dearing

7. 115 Plymouth Avenue - Establish Parking Pad; NOT PERMITTED IN FRONT YARD (9425977). N-2R Zone. Section 496.8.3.3.A (Type II)

Conditions:

Applicant must move the parking pad over two feet to the left (facing the house) to ensure the easement can be met.

<b>RESULT:</b>	<b>APPROVE VARIANCE W/COND [4 TO 1]</b>
<b>MOVER:</b>	Anthony Diina, Vice Chairman
<b>SECONDER:</b>	Bernice Radle
<b>AYES:</b>	Bernice Radle, Janice McKinnie, James A. Lewis, Anthony Diina
<b>NAYS:</b>	Thomas Dearing

8. 49 Cottage Street - Add Units to Existing Multi-Unit Dwelling; EXCEEDING RESIDENTIAL DENSITY (9429577). N-2R Zone. Section 496-3.2.1.E (Type II)

<b>RESULT:</b>	<b>APPROVE VARIANCE [UNANIMOUS]</b>
<b>MOVER:</b>	Anthony Diina, Vice Chairman
<b>SECONDER:</b>	Bernice Radle
<b>AYES:</b>	Radle, Dearing, McKinnie, Lewis, Diina

9. 105 Urban Street - Divide Two Existing Lots; DEFICIENT IN AREA (9429610). N-3R Zone. Section 496.3.2.6.C (Type II)

Variance waived by the Permits & Inspections Department - therefore "No Action Needed" from this board.

<b>RESULT:</b>	<b>WITHDRAWN</b>
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10. 36 Massachusetts Avenue - Establish Food Vending Use; USE NOT ALLOWED IN ZONE (9428357). N-2R Zone. Section 496.-6.1.1 (Unlisted-Uncoordinated)

Denied because this is a residential neighborhood and the applicant is requesting a use variance which is not allowed in this zone.

Negative Declaration Adopted.

<b>RESULT:</b>	<b>DENY VARIANCE [UNANIMOUS]</b>
<b>MOVER:</b>	Bernice Radle
<b>SECONDER:</b>	Anthony Diina, Vice Chairman
<b>AYES:</b>	Radle, Dearing, McKinnie, Lewis, Diina

- 11. 470 West Delavan Avenue - Establish Parking Pad; NOT PERMITTED IN FRONT YARD (9426740). N-2R Zone. Section 496.8.3.3.A (Type II)

Conditions:

Parking pad be of a permeable type construction material.

Replacement with two trees for the one that is being removed.

<b>RESULT:</b>	<b>APPROVE VARIANCE W/COND [UNANIMOUS]</b>
<b>MOVER:</b>	Thomas Dearing
<b>SECONDER:</b>	Bernice Radle
<b>AYES:</b>	Radle, Dearing, McKinnie, Lewis, Diina

- 12. 730 West Avenue - Establish Multi Unit Dwelling and Office Use; ESTABLISH COMMERCIAL USE NOT ALLOWED IN ZONE & EXCEEDING ALLOWED RESIDENTIAL DENSITY (9427887). N-2R Zone. Section 496-6A and 496-3.2.1.E (Unlisted-Uncoordinated)

The board denied the "Commercial Use" for the gym - because it is a residential neighborhood and doesn't fit the character of the neighborhood; no hardship proved by the applicant.

<b>RESULT:</b>	<b>DENY VARIANCE [UNANIMOUS]</b>
<b>MOVER:</b>	Bernice Radle
<b>SECONDER:</b>	Anthony Diina, Vice Chairman
<b>AYES:</b>	Radle, Dearing, McKinnie, Lewis, Diina

- 730 West Avenue - Establish Multi Unit Dwelling and Office Use; ESTABLISH COMMERCIAL USE NOT ALLOWED IN ZONE & EXCEEDING ALLOWED RESIDENTIAL DENSITY (9427887). N-2R Zone. Section 496-6A and 496-3.2.1.E (Unlisted-Uncoordinated)

The board approved the variance for "Exceeding the Allowed Residential Density".

Negative Declaration Adopted.

<b>RESULT:</b>	<b>APPROVE VARIANCE [UNANIMOUS]</b>
<b>MOVER:</b>	Anthony Diina, Vice Chairman
<b>SECONDER:</b>	Bernice Radle
<b>AYES:</b>	Radle, Dearing, McKinnie, Lewis, Diina

- 13. 145 Broadway - Expand existing building; ADD ELEVATOR & STAIR TOWER NOT MEETING REQUIRED SETBACKS (9428295). N-2C Zone. Section 496-3.2.5.C (Type II)

<b>RESULT:</b>	<b>APPROVE VARIANCE [UNANIMOUS]</b>
<b>MOVER:</b>	Bernice Radle
<b>SECONDER:</b>	Janice McKinnie
<b>AYES:</b>	Radle, Dearing, McKinnie, Lewis, Diina

**IV. Adjournment**

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City Clerk