



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

901 City Hall

**Minutes • July 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 2:10 PM by Vice Chairman Anthony Diina

<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"/>	3:21 PM
Anthony Diina	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**II. Minutes Approval**

Zoning Board of Appeals - Regular - Jun 21, 2017 2:00 PM **Accepted**

**III. Agenda Items in Room 901 City Hall**

**Old Business**

1. 2929 Main Street - Construct 320 dwelling units and commercial space; in excess of permitted front and interior side yards; deficient in required tree conservation; deficient in required interior parking lot landscape; and in excess of permitted driveway width (9431727). N-1C Zone. Section 496-3.2.11.D, 7.1.3, 7.1.5.C and 8.3.2 (Unlisted-Uncoordinated) **Approve Variance**

2929 Main Street - Construct Mixed Use Project including 320 apartments, office and retail **Approve Variance**

2929 Main Street - Construct Mixed Use Project including 320 apartments, office and retail **Approve Variance**

2. 700 Military Road - Establish a Self-Storage Use; Use Not Permitted in Zone (9432348). DIH Zone. Section 496-6.1.1. (Unlisted-Uncoordinated) **Accept SEQR Declaration**

700 Military Road - Establish a Self-Storage Use; Use Not Permitted in Zone (9432348). DIH Zone. Section 496-6.1.1. (Unlisted-Uncoordinated) **Approve Variance**

3. 80 Milton Street - Establish a Contractor Storage Facility; Use Not Permitted in Zone (9429996). N-3R Zone. Section 496-6.1.1. (Unlisted- Uncoordinated) **Accept SEQR Declaration**

80 Milton Street - Establish a Contractor Storage Facility; Use Not Permitted in Zone (9429996). N-3R Zone. Section 496-6.1.1. (Unlisted- Uncoordinated) **Deny Variance**

4. 109 Mayer Avenue - Establish a Contractor Storage Yard; Use Not Permitted in Zone (9431528). N-3R Zone. Section 496-6.1.1. (Unlisted-Uncoordinated)**Accept SEQR Declaration**
- 109 Mayer Avenue - Establish a Contractor Storage Yard; Use Not Permitted in Zone (9431528). N-3R Zone. Section 496-6.1.1. (Unlisted-Uncoordinated)**Denied**
5. 2695 Bailey Avenue - Establish Two Storage Containers in Rear Yard; Storage Containers Not Permitted as Permanent Uses (9429672). D-S Zone. Section 496-6.3.2.E. (Unlisted-Uncoordinated)**Accept SEQR Declaration**
- 2695 Bailey Avenue - Establish Two Storage Containers in Rear Yard; Storage Containers Not Permitted as Permanent Uses (9429672). D-S Zone. Section 496-6.3.2.E. (Unlisted-Uncoordinated)**Tabled**

### Public Hearings

6. 79 Rother Avenue - Install Fence; Exceeding Permitted Height (9433288). N-3R Zone. Section 496-7.2.2.B. (Type II)**Tabled**
7. 39 Lexington Avenue - Install Parking Pad; Not Permitted in Front Yard (9429853). N-2R Zone. Section 496-8.3.3.A. (Type II)**Tabled**
8. 135 Herman Street - Construct an Accessory Parking Lot; Use Not Permitted in Zone (9429935). N-3R Zone. Section 496.6.1.1 (Unlisted-Uncoordinated).**Closed Public Hearing**
- 135 Herman Street - Construct an Accessory Parking Lot; Use Not Permitted in Zone (9429935). N-3R Zone. Section 496.6.1.1 (Unlisted-Uncoordinated).**Accept SEQR Declaration**
- 135 Herman Street - Construct an Accessory Parking Lot; Use Not Permitted in Zone (9429935). N-3R Zone. Section 496.6.1.1 (Unlisted-Uncoordinated).**Tabled**
9. 83 Hodge Avenue - Establish a 9-Unit Multiple Dwelling; in Excess of Permitted Density (9431443). N2R Zone. Section 496-3.2.1.E (Unlisted-Uncoordinated)**Closed Public Hearing**
- 83 Hodge Avenue - Establish a 9-Unit Multiple Dwelling; in Excess of Permitted Density (9431443). N2R Zone. Section 496-3.2.1.E (Unlisted-Uncoordinated)**Accept SEQR Declaration**
- 83 Hodge Avenue - Establish a 9-Unit Multiple Dwelling; in Excess of Permitted Density (9431443). N2R Zone. Section 496-3.2.1.E (Unlisted-Uncoordinated)**Deny Variance**
10. 271 Howard Street - Establish Live Entertainment; Use Not Allowed in Zone (9432785). N4-30 Zone. Section 496-6.1.1 (Unlisted-Uncoordinated)**Closed Public Hearing**
- 271 Howard Street - Establish Live Entertainment; Use Not Allowed in Zone (9432785). N4-30 Zone. Section 496-6.1.1 (Unlisted-Uncoordinated)**Accept SEQR Declaration**
- 271 Howard Street - Establish Live Entertainment; Use Not Allowed in Zone (9432785). N4-30 Zone. Section 496-6.1.1 (Unlisted-Uncoordinated)**Tabled**
11. 352 Eden Street - Enclose a Front Porch; Porch Must be Open on All Sides Except the Exterior Wall of the House (9433098). N-3R Zone. Section 496-3.3.8. (Type II)**Closed Public Hearing**

- 352 Eden Street - Enclose a Front Porch; Porch Must be Open on All Sides Except the Exterior Wall of the House (9433098). N-3R Zone. Section 496-3.3.8. (Type II)**Deny Variance**
12. 754 Tonawanda Street - Establish Self-Storage Use; Not Permitted on the First Floor (9433978). N-3C Zone. Section 496-6.1.5.V. (Type II)**Closed Public Hearing**
- 754 Tonawanda Street - Establish Self-Storage Use; Not Permitted on the First Floor (9433978). N-3C Zone. Section 496-6.1.5.V. (Type II)**Approve Variance w/Cond**
13. 125 Washington Street - Utilize Existing Electronic Messaging Center for Animated Messages; Electronic Messaging Centers Must be Static for at Least Five Minutes Before Changing (9433960). N-1C Zone. Section 496-9.1.5.B.4. (Unlisted-Uncoordinated)**Closed Public Hearing**
- 125 Washington Street - Utilize Existing Electronic Messaging Center for Animated Messages; Electronic Messaging Centers Must be Static for at Least Five Minutes Before Changing (9433960). N-1C Zone. Section 496-9.1.5.B.4. (Unlisted-Uncoordinated)**Accept SEQR Declaration**
- 125 Washington Street - Utilize Existing Electronic Messaging Center for Animated Messages; Electronic Messaging Centers Must be Static for at Least Five Minutes Before Changing (9433960). N-1C Zone. Section 496-9.1.5.B.4. (Unlisted-Uncoordinated)**Deny Variance**
14. 297 West Utica - Construct apartment building not in compliance with side yard and rear yard requirements, excess of permitted residential density; and garage not setback from front facade of principal building (9433969). N-2R Zone. Section 496-3.2.11.D, -3.2.1.E, -6.2.2.G (Type I)**Closed Public Hearing**
- 297 West Utica - Construction of New 9 Unit Multifamily Structure (N-2R)**Approve Variance**
- 297 West Utica - Construction of New 9 Unit Multifamily Structure (N-2R)**Approve Variance**
- 297 West Utica - Construction of New 9 Unit Multifamily Structure (N-2R)**Approve Variance**
15. 119 Glenwood Avenue - Construct a Attached Garage and Enclose a Front Porch; Garage Insufficient in Setback from Front Facade, Exceeding Permitted Driveway Width, and Porch Must be Open on All Sides Except the Exterior Wall of the House (9433962). N-2R Zone. Section 496-6.2.2.G, -8.3.2. and -3.3.8. (Type II)**Closed Public Hearing**
- 119 Glenwood Avenue - Construct a Attached Garage and Enclose a Front Porch; Garage Insufficient in Setback from Front Facade, Exceeding Permitted Driveway Width, and Porch Must be Open on All Sides Except the Exterior Wall of the House (9433962). N-2R Zone. Section 496-6.2.2.G, -8.3.2. and -3.3.8. (Type II)**Tabled**
16. 110 Villa Avenue - Install a Front Parking Pad; Not Permitted in Front Yard (9433899). N-3R Zone. Section 496-8.3.3.A.2. (Type II)**Closed Public Hearing**
- 110 Villa Avenue - Install a Front Parking Pad; Not Permitted in Front Yard (9433899). N-3R Zone. Section 496-8.3.3.A.2. (Type II)**Deny Variance**
17. 505 Seventh Street - Install Sign, Exceeding Maximum Sign Area (9433540). N-2R Zone. Section 496-9.2.1C. (Type II)**Closed Public Hearing**
- 505 Seventh Street - Install Sign, Exceeding Maximum Sign Area (9433540). N-2R Zone. Section 496-9.2.1C. (Type II)**Approve Variance**

18. 141 Vermont Street - Install 10 Yard Signs for Civic Use, Exceeding Number of Signs Permitted and Total Sign Area Permitted (9433627). N-2R Zone. Section 496-9.2.1.B and C. (Type II)**Closed Public Hearing**
- 141 Vermont Street - Install 10 Yard Signs for Civic Use, Exceeding Number of Signs Permitted and Total Sign Area Permitted (9433627). N-2R Zone. Section 496-9.2.1.B and C. (Type II)**Approve Variance**
- 141 Vermont Street - Install 10 Yard Signs for Civic Use, Exceeding Number of Signs Permitted and Total Sign Area Permitted (9433627). N-2R Zone. Section 496-9.2.1.B and C. (Type II)**Approve Variance**
19. 192 15Th Street - Construct Two Single-Family Dwellings; Insufficient in Build-To Percentage, Insufficient Side Yard, Insufficient Transparency Along Ground Floor Facade, Insufficient Transparency Along Second Floor Facade, Driveway in Excess of Permitted Width, and Parking Not Permitted in Front Yard (9432557). N-2R Zone. Section 496-3.2.6.D, -3.2.6.F, -3.3.8.1, -8.3.2 and -8.3.3.A.2. (Type II)**Closed Public Hearing**
- 192 15Th Street - Construct Two Single-Family Dwellings; Insufficient in Build-To Percentage, Insufficient Side Yard, Insufficient Transparency Along Ground Floor Facade, Insufficient Transparency Along Second Floor Facade, Driveway in Excess of Permitted Width, and Parking Not Permitted in Front Yard (9432557). N-2R Zone. Section 496-3.2.6.D, -3.2.6.F, -3.3.8.1, -8.3.2 and -8.3.3.A.2. (Type II)**Tabled**
20. 227 14Th Street - Construct Parking Lot; Not Permitted in Interior Side Yard and Must be Designed So that the Driver Does Not Have to Back Out into Traffic (9434124). N-2R Zone. Section 496-8.3.3.A and -8.3.1.D.2. ((Unlisted-Uncoordinated)**Closed Public Hearing**
- 227 14Th Street - Construct Parking Lot; Not Permitted in Interior Side Yard and Must be Designed So that the Driver Does Not Have to Back Out into Traffic (9434124). N-2R Zone. Section 496-8.3.3.A and -8.3.1.D.2. ((Unlisted-Uncoordinated)**Accept SEQR Declaration**
- 227 14Th Street - Construct Parking Lot; Not Permitted in Interior Side Yard and Must be Designed So that the Driver Does Not Have to Back Out into Traffic (9434124). N-2R Zone. Section 496-8.3.3.A and -8.3.1.D.2. ((Unlisted-Uncoordinated)**Deny Variance**
- 227 14Th Street - Construct Parking Lot; Not Permitted in Interior Side Yard and Must be Designed So that the Driver Does Not Have to Back Out into Traffic (9434124). N-2R Zone. Section 496-8.3.3.A and -8.3.1.D.2. ((Unlisted-Uncoordinated)**Deny Variance**
21. 2424 Delaware Avenue - Install Electronic Messaging Center; Not Permitted in Zone and Must be Static for at Least Five Minutes (9434108). N-3E Zone. Section 496-9.1.5.A and -9.1.5.B.4. (Unlisted-Uncoordinated)**Closed Public Hearing**
- 2424 Delaware Avenue - Install Electronic Messaging Center; Not Permitted in Zone and Must be Static for at Least Five Minutes (9434108). N-3E Zone. Section 496-9.1.5.A and -9.1.5.B.4. (Unlisted-Uncoordinated)**Accept SEQR Declaration**
- 2424 Delaware Avenue - Install Electronic Messaging Center; Not Permitted in Zone and Must be Static for at Least Five Minutes (9434108). N-3E Zone. Section 496-9.1.5.A and -9.1.5.B.4. (Unlisted-Uncoordinated)**Approve Variance**

- 2424 Delaware Avenue - Install Electronic Messaging Center; Not Permitted in Zone and Must be Static for at Least Five Minutes (9434108). N-3E Zone. Section 496-9.1.5.A and -9.1.5.B.4. (Unlisted-Uncoordinated)**Approve Variance w/Cond**
22. 527 West Ferry Street - Construct an Art Gallery; Not in Compliance with Setback and Height Requirements, and Use Not Permitted in Zone (9434096). N-2R Zone. Section 496-3.2.11.D.E and -6.1.1. (Unlisted-Uncoordinated)**Closed Public Hearing**
- 527 West Ferry Street - Construct an Art Gallery; Not in Compliance with Setback and Height Requirements, and Use Not Permitted in Zone (9434096). N-2R Zone. Section 496-3.2.11.D.E and -6.1.1. (Unlisted-Uncoordinated)**Approve Variance**
- 527 West Ferry Street - Construct an Art Gallery; Not in Compliance with Setback and Height Requirements, and Use Not Permitted in Zone (9434096). N-2R Zone. Section 496-3.2.11.D.E and -6.1.1. (Unlisted-Uncoordinated)**Approve Variance**
23. 2475 Niagara Street - Construct a One Story Addition to House, Insufficient in Interior Side Yard (9434037). N-3R Zone. Section 496-3.2.6.D. (Type II)**Closed Public Hearing**
- 2475 Niagara Street - Construct a One Story Addition to House, Insufficient in Interior Side Yard (9434037). N-3R Zone. Section 496-3.2.6.D. (Type II)**Approve Variance**
24. 55 Ojibwa Circle - Construct Two Town Houses; Deficient in Ground Floor Transparency and Garage Setback (9434214). D-R Zone. Section 496-4.1.6 and -6.2.2.G. (Type II)**Closed Public Hearing**
- 55 Ojibwa Circle - Construct Two Town Houses; Deficient in Ground Floor Transparency and Garage Setback (9434214). D-R Zone. Section 496-4.1.6 and -6.2.2.G. (Type II)**Approve Variance**
- 55 Ojibwa Circle - Construct Two Town Houses; Deficient in Ground Floor Transparency and Garage Setback (9434214). D-R Zone. Section 496-4.1.6 and -6.2.2.G. (Type II)**Approve Variance**
- 55 Ojibwa Circle - Construct Two Town Houses; Deficient in Ground Floor Transparency and Garage Setback (9434214). D-R Zone. Section 496-4.1.6 and -6.2.2.G. (Type II)**Approve Variance**

#### IV. Agenda Items in Council Chambers @4:30pm

##### Public Hearings

25. 1764 Hertel -Construct a grocery store; Exceed max lot width; Exceed max side yard width; Deficient in rear yard; Deficient in ground floor transparency front facade; Deficient in ground floor transparency corner side facade; Exceed ground floor sill height front & corner facades; Exceed fence height; Deficient interior parking lot landscape; Parking not permitted interior side yard. N-3C. Section 496- 325.C.B, 325.D.E, 325.D.F, 325.F.A., 325.F.B, 325.F.F, 7.2.2.B, 7.1.5.C, 8.3.3.A**Closed Public Hearing**
- 1764 Hertel Avenue - Dash's Market - Construction of a New Grocery Store (N-3C)**Approve Variance**
- 1764 Hertel Avenue - Dash's Market - Construction of a New Grocery Store (N-3C)**Approve Variance**

1764 Hertel Avenue - Dash's Market - Construction of a New Grocery Store (N-3C)**Approve Variance**

1764 Hertel Avenue - Dash's Market - Construction of a New Grocery Store (N-3C)**Approve Variance w/Cond**

1764 Hertel Avenue - Dash's Market - Construction of a New Grocery Store (N-3C)**Approve Variance w/Cond**

1764 Hertel Avenue - Dash's Market - Construction of a New Grocery Store (N-3C)**Approve Variance**

1764 Hertel Avenue - Dash's Market - Construction of a New Grocery Store (N-3C)**Approve Variance w/Cond**

1764 Hertel Avenue - Dash's Market - Construction of a New Grocery Store (N-3C)**Approve Variance w/Cond**

1764 Hertel Avenue - Dash's Market - Construction of a New Grocery Store (N-3C)**Approve Variance**

26. 1111 Elmwood Avenue - Construct a Four-Story Mixed Use Building in Excess of Permitted Lot Width and No More Than Two Parcels May be Combined for the Purposes of New Construction (9421384). N-2C Zone. Section 496-3.2.5.C and -3.2.1.J**Closed Public Hearing**

1111 Elmwood Avenue - Construct a Four-Story Mixed Use Building in Excess of Permitted Lot Width and No More Than Two Parcels May be Combined for the Purposes of New Construction (9421384). N-2C Zone. Section 496-3.2.5.C and -3.2.1.J**Adopted**

1111 Elmwood Avenue - Construct a Four-Story Mixed Use Building in Excess of Permitted Lot Width and No More Than Two Parcels May be Combined for the Purposes of New Construction (9421384). N-2C Zone. Section 496-3.2.5.C and -3.2.1.J**Approve Variance**

1111 Elmwood Avenue - Construct a Four-Story Mixed Use Building in Excess of Permitted Lot Width and No More Than Two Parcels May be Combined for the Purposes of New Construction (9421384). N-2C Zone. Section 496-3.2.5.C and -3.2.1.J**Approve Variance**

### **Old Business**

27. 1111 Elmwood Avenue - Construct a four-story mixed-use building; in excess of permitted building width, in excess of permitted height, in excess of permitted finished ground floor level height, insufficient ground story height, in excess of permitted window sill height, and frontage element(stoop) not permitted. N-2C & N-2R Zones. Section 496-3.2.1.C.5, 3.2.5.E.A, 3.2.5.E.C, 3.2.5.E.D, 3.2.5.F.F, 3.2.5.B**Approve Variance**

1111 Elmwood Avenue**Approve Variance**

1111 Elmwood Avenue**Approve Variance**

1111 Elmwood Avenue**Approve Variance**

1111 Elmwood Avenue**Approve Variance**

1111 Elmwood Avenue**Approve Variance**

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City Clerk