

April 6, 2011

Zoning Board of Appeals

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Proceedings by Authority

State of New York,  
City of Jamestown, ss:  
Council Chambers

The regular meeting of the Zoning Board of Appeals of the City of Jamestown, New York, was held on Wednesday, April 6, 2011 at 3:30 p.m.

Members Present: Ellen Ditonto, Richard Hanson, John Sixbey, and Robert Karbacka

Members Absent: Sally Martinez, Dave Daversa and Patricia Calanni

Others Present: City Clerk/Director of Financial Services James N. Olson and Building Code Enforcement Officer Larry Scalise

Chairwoman Ditonto called the meeting to order.

**KATHLEEN COLBY, 28 FAIRFIELD AVENUE**

The Secretary read the petition of Kathleen Colby, 28 Fairfield Ave., Jamestown, New York for a use variance to allow for the continued use of a garage apartment on parcel 387.18-9-8 in an R-1 Zone owned by Kathleen Colby. (Section 300-0305 – R-1 Single Family Residential District, Multiple dwellings (3 or more units) are not permitted in the R-1 District. The first permitted district for multi-family is the R-C district. The use of the property as a two (2) family is a pre-existing use and is illegally occupied).

Kathleen Colby, 28 Fairfield Ave.: I'm requesting, as you know, that you please allow the existing garage apartment on my property to remain. My elderly mother resides there currently. A few years ago my husband at the time converted the garage to a studio apartment. This is something we needed for my mother because she had to have a single floor situation – one level – and she needed to be in close proximity because I'm her primary care giver. My ex spearheaded the project and I assumed he was doing everything properly but apparently he didn't apply for a permit. I'm doing all I can at this time to correct this. I maintain my own home, on my own; I screen potential tenants very carefully because I'm an owner/occupant and I need to be very selective. I have to be that way because of the safety and wellbeing of my property and the neighborhood. My request will not change the character of the neighborhood. There are several two-three family units in the neighborhood. There's two on my left and there's two on my right and there's one across the street and then down the street there is another one. Just a block away, there's a multi-unit, five-six units above a convenience store Fresh Cut Meats and More. I have two pages of signatures from my neighbors showing their support. They're not in the least bit opposed to this request. They are extremely supportive. As a matter of fact, two of the families asked that they keep the letter because they wanted to get additional signatures for me and put them back in my mailbox.

Ms. Ditonto: We will put those letters and signatures into the record. Are there questions from the Board members about this petition?

Mr. Hanson: How long has it been there as a studio apartment?

Ms. Colby: I believe 2005.

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Ms. Ditonto: So it's been six or seven years and your mother was living there at the time but is no longer living there, I take it?

Ms. Colby: I'm sorry. It's probably been about 4 years.

Mr. Karbacka: Did you get a permit to put in the apartment for your mother to live there?

Ms. Colby: No. That's the issue. As I stated, I thought my ex was following things properly, going through the procedures and...

Mr. Karbacka: With your mother living there, you probably would not have needed a variance, probably would need a permit? Right?

Mr. Scalise: We probably would have at the time. We did have a record of when you issued the permit for the garage back in 1997, I believe it was. We were unaware that the conversion had been made or we would have had the discussion and it probably had been before the Zoning Board of Appeals.

Mr. Karbacka: But that wouldn't have required a variance just for her mother to live there, I don't think, unless it changed.

Mr. Scalise: The way I would have interpreted it, I would have said yes and we would have been here – that way it would have been on the record and clear as to the intent. We did find a record of when the BPU did hook the service up to the property; I believe that was 2007. I'm not positive. I don't have the notes in front of me; but we were unaware and Ms. Colby did speak with one of the Housing Inspectors and was looking into possible rental rehab grant funding and one of the questions that's right on that says "is the property in compliance with zoning?" The answer at the present time is no; so she's here before the Board to attempt to rectify the situation.

Mr. Karbacka: So your mother is still living there or is it rented?

Ms. Colby: She's there. She's still there.

Mr. Karbacka: Will it be rented when she no longer uses it? Are you going to rent it out?

Ms. Colby: I would like to.

Ms. Ditonto: Can you tell me about the parking situation? I know there's a driveway there. Would the occupant of the garage apartment, as well as yourself, use the driveway, or would they have to use on street parking?

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Ms. Colby: It could be worked out that they could use the driveway, but I guess that's just an option; but they probably would park in the street.

Ms. Ditonto: Did you have a contractor at the time to do the work in the garage, or was it just done in the family?

Ms. Colby: It was my ex that did that and he built his own home years ago so he does know what he's doing, plus he did hire an electrician and a plumber to do that work.

Ms. Ditonto: Any questions? At this time, we'll open it up to the floor. If there's anyone that's either in favor of the petition or opposed to the petition, you can come forward to one of the microphones – probably the one over near the door. State your name and address and your comments. Is there anyone that would like to speak on this petition? Seeing none, is there any other correspondence?

Mr. Olson: No.

Mr. Hanson moved that this variance be approved.

Mr. Sixbey seconded the motion.

Carried: 4 ayes, 0 nays

**PATRICK WINCHESTER, 4101 BELLEVIEW RD., BEMUS POINT:**

The Secretary read the petition of Patrick Winchester 15 East 6<sup>th</sup> Street, Jamestown, New York for a use variance to operate a Firearms Dealership, by appointment only on parcel 387.32-3-25 in an R-C Zone owned by Irene C. Winchester. (Section 300-0307 – R-C Multiple Family and Professional Office District, retail sales are not allowed in an R-C District. The first permitted district is the C-1 Neighborhood Commercial District).

Patrick Winchester, 4101 Belleview Rd., Bemus Point: The address in discussion is 15 E. 6<sup>th</sup> Street, Jamestown, New York, the upper level of the establishment. As stated previously, my hours of operation I'm shooting for are by appointment only after 6:00 P.M. weekdays and 100% by appointment only on the weekends. I'll try to answer as many questions as possible before any arise. As far as firearms on hand, no more than five to ten on average. There will be no stock items as far as an actual showcase, so to speak. It'll be order-in only by individuals that want to purchase them. Firearms will usually be on hand for on average no longer than 48 hours at a time. There will be no ammunition stocked on the premises. All firearms will be locked and disabled in a storage device. As far as operation of the business, it's planned to be operated as a corporation which is to be formed pending approval by zoning. Any person wishing to purchase a firearm would be subject to what's called a NIX Check, National Instinct Criminal background check which is performed by the FBI and required by law. My main goal is to provide a service to the community, possibly save individuals' revenue on firearms and to promote the sport. That's what I have.

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Ms. Ditonto: Are there questions from the Board?

Ms. Ditonto: I have a question. You said five to ten firearms on hand of various kinds and locked in what kind of a container?

Mr. Winchester: It's going to be a safe. We're going to be installing a safe.

Ms. Ditonto: Okay. What other security is going to be in the facility?

Mr. Winchester: There's already security provided by Allied Alarm.

Ms. Ditonto: Windows, doors, intrusion alarms?

Mr. Winchester: Yes.

Ms. Ditonto: And you said this is going to be a new corporation?

Mr. Winchester: Yes.

Ms. Ditonto: Tell me a little bit about location and desirability there in that particular location. What did you do in terms of looking for a location for this business?

Mr. Winchester: To be honest, my father and I operate Greenlee-Winchester Insurance on the primary level. The residence is owned by my mother; therefore, we have vacancy upstairs that can be used to support the business.

Ms. Ditonto: We have to determine if that's the best location based on some concern. It sounds like financial would be one because it's already something that's owned in the family. The second floor location is somewhat of a concern. What about access to that – if it's going to be a retail operation; is it just a stairway?

Mr. Winchester: There will be a stairway.

Mr. Scalise: From a building code standpoint, the area of the space is below required by the Code to have handicap accessibility, so therefore, he doesn't have to have an elevator, ramp or anything to get to that floor. Also, just for the Board, be aware – the property in question is right on the edge of a retail area. Actually, the property just to the west of it is in the C-2 area which does permit retail sales. So, he's awfully close to being in an area where it is permitted.

Ms. Ditonto: This is a professional office building. You have the insurance agency; there's another business or two right on the first floor?

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Mr. Winchester: There's just the one business on the first floor which is solely the insurance agency.

Ms. Ditonto: Okay.

Mr. Scalise: Next door is the chiropractor – that might be what you were thinking.

Ms. Ditonto: Yes, I think I saw that. It looked like it was connected. Any questions?

Mr. Hanson: What occupies that space now?

Mr. Winchester: The upstairs level?

Mr. Hanson: Yes.

Mr. Winchester: Currently it is unoccupied. We just have some miscellaneous storage that's used by the office there which will be relocated to the basement.

Mr. Hanson: Has it been otherwise occupied in the recent past?

Mr. Winchester: Not to my knowledge by a business or an individual.

Mr. Hanson: Okay.

Ms. Ditonto: Just for Mr. Scalise, in terms of a firearms dealership other than not being in the correct zoned area, are there any other stipulations that the City has to consider?

Mr. Scalise: No. The City does not have any regulations against the firearms. It's considered retail sales. There have been other instances where people have asked for it. The Alcohol, Tobacco and Firearms is involved – the federal agency – and they do put him through quite a check. They do inspect the property; they do look for security and the safe and so forth. They're aware that the school is just around the corner and ATF won't speak with him unless he gets approval from the City; that's why he's here. If we grant it to him, then they will follow through and make sure he abides by all the appropriate laws.

Ms. Ditonto: So this is the first step. You haven't really completed that ATF investigation.

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Mr. Winchester: Correct. They're very thorough with their investigation on it. Probably one of the first calls they would make would be for zoning on the property to make sure that's in compliance.

Ms. Ditonto: Mr. Scalise brought up the issue of the school. You said this is only going to be after 6:00 P.M. and on the weekends that you will be there.

Mr. Winchester: Correct.

Ms. Ditonto: Is there anyone who would like to speak either for or against the petition of Patrick Winchester? If so, please go to a microphone and state your name and address and then state your case.

Matt Hamilton Craft, representing Chautauqua Opportunities and specifically the Safe House. Chautauqua Opportunities Administration Building is at 17 W. Courtney Street in Dunkirk, New York. The Safe House which falls under my supervision is at 12-16 W. 6<sup>th</sup> Street across from the proposed retail business. I don't know how many of you are aware that the Safe House for Chautauqua County is located in that neighborhood right across the street. We serve there 110-120 families in a given year of youth and kids that are homeless and/or dealing with other alcohol or drug related issues. Some of them are diversion from County Jail for older kids and that kind of stuff, as well as support that we provide to their families on a regular basis as they are going through sometimes significant contested custody battles – that kind of thing. This neighborhood already has a gun and ammo shop. This would sandwich the Love Elementary School between two gun dealerships. The one, I understand, has been in the neighborhood for decades and has advertised sporting equipment, but according to Mr. Winchester's request to have this by appointment only, there'd be no such similar accountability and visibility from his dealership as the M & M Sports Den which is on the other side of Love Elementary School. I wanted to point out your attention to a study that was done by the NBC News Bureau over the past three years that indicates that neighborhoods where gun shops open, the crime rates have gone up significantly almost unilaterally across the country; from (a) people committing the crimes and then (b) easy access from people in those neighborhoods wanting to defend themselves from invasion or assault and having easy access. Several gun shop owners from across the country report that they sell as many as 10 guns a week to first-time owners and these are from reputable businesses with storefronts, accountable business hours that can be monitored and evaluated which is one of our main concerns as we are operating businesses and with kids in this neighborhood that are often out and about after 6:00 P.M. This neighborhood is also highly susceptible to negative influence. There's already a high crime rate there according to JPD, a growing number of police calls if you look at the neighborhood from 5<sup>th</sup> Street to 15<sup>th</sup> Street which is easily walking distance. In it there's a school, the Safe House which I've already mentioned; there's also a half-way house which many people don't know exists there. There's also mental health counseling offices, two churches with daycares and two with active youth groups. This is also a main thoroughfare for kids walking from the teen streets to JHS as they're going back and forth both for regular school hours and after school activities. The Principal at Love School was unable to join me today, but she did call and ask me to speak on the school's behalf which is to say that the school does not want another gun shop where the school to be surrounded by gun shops. They have already a growing amount of family issues, custody battles and safeguards which they as a school district in a building have had to employ based on (which include not letting parents into buildings or classrooms without strict measures and monitoring) because of some of the dysfunction and the issues among the population there. This would add one more criminalized culture to that neighborhood, in their opinion. We have done some preliminary polling of the businesses and the residential neighbors on the immediate streets around the proposed area and this entity is not wanted in the neighborhood and from our perspective also

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having worked with youth and individuals that are being diverted that there are already a couple of businesses that operate in this neighborhood by appointment only on second floors with drawn shades and the Police Department will tell you that they're staking those businesses out for drug sales and other of that kind of thing so this is the same kind of "appointment only" drawn shades operation which we don't want in the community. I would also respond to one of your questions Maam, that you asked that one of the characteristics – you asked about surveillance and security – we did some studies that one of the things nationally that they will...security companies often do is they determine the bundle or the scope of the surveillance equipment needed by putting such businesses through a check list or report card scoring of some kind. They look at things like crime rate in the neighborhood, education level of the neighborhood, location to drug stores, bars, liquor stores, size of the lot, angles of the building in relationship to the street view from all sides, and this property, if you take those things into consideration based on some of the surveillance check list, and again this is just a check list that I looked at – nothing in stone, but this property would score high as it meets nearly all of the high need characteristics for surveillance. So based on the proposal that Mr. Winchester has put out, is he then going to invest in the safety measures that are required to help the community and the Police should there be a problem? There was some of that addressed in your questions, but it seemed from the initial proposal that those things had not been considered that we read. So, we would ask on behalf of the children in the community, the school and the shelter for kids and the Half Way House also in the community that this waiver not be granted for the property for use of this purpose and that if Mr. Winchester would like to open a firearms dealer, that his parents seem to also own the property in Bemus Point which he mentioned and also there are plenty of empty store fronts down in the retail district that would have visibility, monitoring and be connected to the business community. Thank you.

Ms. Ditonto: Thank you. Is there anyone else in the audience who would like to speak in favor or in opposition to this petition? Is there any correspondence?

Mr. Olson: No.

Ms. Ditonto: Are there other questions from the Board?

Mr. Karbacka: I've just got one. Are there going to be security cameras installed at your premises?

Mr. Winchester: No. We do not have security cameras currently. To be honest with you, I didn't feel there was a need to being that we are going to have what firearms would be on hand would be locked in a safe weighing roughly 600 lbs. or over and being bolted to the premises along with our security provided by Allied Alarm.

Mr. Karbacka: I understand that; but I would be concerned, not about legal sales, I'm sure you can legally buy a gun any place. You can go down to Walmart and buy a gun. You can get a gun any place in Jamestown if you want to go to a legal gun shop. But the break-in part is the part that bothers me. There doesn't seem to be...it seems to be in a location where there are other crimes being committed. There's kids living across the street, they're out and about, and if they were going to look for a place to easily break into a gun shop, you'd be in a prime location to do that. Security cameras, to me, would be a better deterrent then even an alarm system so you could tell who was on the premises and if they stole something or did something.

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Mr. Winchester: Correct. That definitely would make a positive motion towards that. That's something that would be addressed and by the sounds of it, it would be installed.

Mr. Hanson: One of the things the Board must consider in granting a use variance is the petitioner must demonstrate a hardship case. I have not seen that and therefore I would move that his petition be denied.

Mr. Sixbey seconded the motion.

Denied: 4 ayes, 0 nay

**GUY LOMBARDO, 443 BUFFALO STREET, JAMESTOWN, REPRESENTING ALLEN-CRESCENT PROPERTY CORPORATION, 825 ALLEN STREET**

The Secretary read the petition of Guy Lombardo 443 Buffalo Street, Jamestown, New York, representing Allen-Crescent Property Corporation 825 Allen Street for an area variance to reduce the required number of parking spaces from 45 to 32 on parcel 370.20-7-12 in an M Zone owned by Allen-Crescent Property Corporation. (Section 300-0506 – Required Spaces, The number of required parking spaces is 45, the request is to provide 32 spaces).

Guy Lombardo, Treasurer of Dawson Metal of Spray-Tech and of Allen-Crescent Properties. Allen-Crescent Properties owns the parcel of land that is on Allen Street that Dawson Metal operates a portion of their plant there and there's approximately six acres of undeveloped land to the right of the Dawson Metal plant. To give you a little history on the project, back in 1993 when Dahlstrom Manufacturing was winding down after losing a major customer, Dawson Metal went in and bought the medium volume cell which allowed us to step up the size of product that we were selling for a job shop sheet metal fabrication job shop and we started getting into the larger cabinetry like Dahlstrom's did so we needed a larger facility to paint these large cabinets and so we went in and leased the Dahlstrom paint line at 443 Buffalo Street and started Spray-Tech, all of Dahlstrom Metal products would go over to Spray-Tech and be painted, assembled, packed and shipped out from there. So we've been in the building since 1993 and our lease expires in September of 2012 and what we would like to do...we're currently leasing 80,000 sq. feet which includes the paint line and a lot of storage area...what we would like to do is put an addition on to the Dawson Metal Plant – 49,000 sq. feet – which our architects can explain where it'll be. What we're trying to do is achieve some efficiencies by not putting everything in a truck and driving it over there. It'd be a lot easier to manage it and the biggest issue is we're trying to get out of what is a very inefficient operation at the old Dahlstrom facility – an old 1960's paint line that we converted to do powder coating and the ovens are huge and a lot bigger than what we need and consume a lot of gas and we think there's a lot of synergy in putting it right next to Dawson Metal – attach it to the Dawson Metal Building and put an entrance way and just roll product in to the new facility on steel carts. We're going to install a state of the art powder coating line, powder coat it and at a very efficient rate and then take the parts and assemble them right in the building. We'll have three truck bays and we'll have shipping right out of the same facility right next to Dawson Metal.

Mr. Lombardo provided employment charts to the members.

Ms. Ditonto: Since this petition is about changing the number of parking spaces, I think...

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Mr. Lombardo: Basically, we're planning on 32 parking spaces behind the facility separate from the Dawson Metal parking lot and this chart will show you that throughout the entire history of Spray-Tech our high point has been 21 employees back in 2001; we're currently at 14, while we believe we're going to create some jobs, we may add as many as ten jobs, we'll still have plenty of parking. At the time when we did have 21 employees, we operated on two shifts so approximately 1/3 of the employees were on the 2<sup>nd</sup> shift so we didn't have a conflict there on parking so we feel that 32 is more than adequate and that's why we're asking for the variance.

Ms. Ditonto: The timeframe for this project – you said your lease is over in September of 2012 at your current facility; so will this be up and running in early 2012?

Mr. Lombardo: Yes. We plan to let contracts out by August of this year and start the building, have it buttoned up by the first of January and then we'll spend the next six months getting all the new equipment installed in it and we'll start processing product in June of 2012. It will give us a nice buffer period to finish....make sure everything's running right before we shut down.

Ms. Ditonto: Is this the expectation that you would go to two shifts as you said you previously did?

Mr. Lombardo: Yes. There's a constraint on the amount of people that can work the equipment at once and so it's just very...when you buy a \$700,000 piece of equipment, you really need to run it two shifts, if you have the work to do it. Yes – we would need to split it up. Right now we're operating on one shift.

Ms. Ditonto: Is there something that the architects would like to add?

David Rhinehart, Frewsburg, New York with Habiterra Architects: The site plan has already gone through site plan approval.

Ms. Ditonto: Mr. Scalise – is there any issue that we would have to reference in terms of the fact that there would be shift work here so that it may be better to have fewer spaces in a manufacturing facility lot than is stated in the Code?

Mr. Scalise: Not really. The Code tries to encompass all manufacturing and I think it's more based on older philosophies in manufacturing back into the '50's and '60's where you had more people and less square footage per person, but today in the manufacturing, they have large pieces of equipment that are operated by fewer people so to be honest, I think the number they're requesting is more than adequate as far as their needs based on the way technology is today and when we do review and update the zoning code, that will definitely be considered. They know their employees and how they operate better than we do and even if they did run both shifts at once, they're still adding more parking than anticipated employees as it is.

Ms. Ditonto: Questions from members of the Board? Is there correspondence?

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Mr. Olson: No.

Ms. Ditonto: Is there anyone in the audience who would like to speak either for or against the petition? Is there anything else you would like to say Mr. Lombardo?

Mr. Lombardo: No. At times, Dawson Metal's had 160 employees operating on the site – right now we're at 100 and again, we do the same process. When we need to expand the workforce we do go onto more shifts, we feel that it's adequate.

Ms. Ditonto: This project has what kind of a dollar figure on it in terms of your addition?

Mr. Lombardo: At this point, it's estimated with the building, it's about \$2,500,000.00.

Ms. Ditonto: And the possible addition of 10 jobs, you said?

Mr. Lombardo: Yes.

Mr. Sixbey moved to approve the petition.

Mr. Karbacka seconded the motion.

Petition approved.

**APPLEYARD III PROJECT:**

Ms. Ditonto: We do have one other item on the Agenda for the Commission. You did receive a resolution that referenced approval on petitions from the last month that we do have to put into our Agenda for today. It's on the variances for the C.O.D.E. project and I'm going to have the Clerk read that.

**LEGAL NOTICE  
ZONING BOARD OF APPEALS**

**Notice is hereby given** that the Zoning Board of Appeals of the City of Jamestown, New York will hold a Public Hearing on **Wednesday, April 6, 2011 at 3:30 p.m.** in the Council Chambers, Municipal Building, 200 E. 3<sup>rd</sup> Street, Jamestown, New York to consider the following resolution regarding the petition that was approved at the February 2, 2011 public hearing for Jonathan H. Morris, AIA, Carmina Wood Morris P.C. 487 Main Street Buffalo, New York 14203 representing C.O.D.E, Inc., 411 Winsor Street, Jamestown, New York and S.T.E.L. Inc. 715 Central Ave, Dunkirk, New York, for a use variance to (1) allow for construction of a 3 unit

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townhouse 4' from the westerly property line, the requirement is 14.4" (2) allow for the construction of an asphalt parking lot 5.79' from the north property line, the requirement is 12' (3) allow for the construction of an asphalt parking lot 2' from the northwest property line, the requirement is 10' on parcels 387.34-1-15 owned by C.O.D.E, 16 owned by Willin Holdings LLC, 17, 18, 19 owned by the Jamestown Veterans Club in a C-2 Zone. New Appleyard L.C. has a contract for sale of real property dated December 23, 2009 and January 26, 2010 respectively. (Section 300-0309 – C-2 Community Commercial District, the required side yard setback for a structure is 10% of the lot width, 14.4', the proposed is 4'. Section 300-0502 Design and Layout Standards the required side yard/rear yard setback for automobile use areas is 10% of the lot width/depth, but no less than 10').

WHEREAS, on or about January 4, 2011, Citizens' Opportunity for Development & Equality, Inc. ("C.O.D.E.") and Southern Tier Environments for Living, Inc. (STEL) (the "Co-Sponsors") submitted to the City of Jamestown Planning Commission ("Commission") an application for site plan approval for a project known as the New Appleyard Terrace Apartments ("Appleyard III") ; and

WHEREAS, the City of Jamestown Planning Commission ("Commission") has been designated lead agency for purposes of review of the project pursuant to the State Environmental Quality Review Act ("SEQRA") and has determined that the Project constitutes an action classified as "unlisted" under the SEQRA regulations; and

WHEREAS, the Project has been referred to the City of Jamestown Zoning Board of Appeals ("ZBA") for review and approval of the Co-Sponsors' January 3, 2011 application for three area variances, consisting of relief from the following side yard and rear yard setbacks; and

- Westerly limit of 3-unit townhouse: 14.4' to 4'.
- Northern limit of proposed parking area: 12' to 5.79'
- Egress driveway along western property line: 10' to 2'

WHEREAS, on February 2, 2011, the ZBA conducted a public hearing and considered the application and all comments received in light of the criteria set forth in §300-1107 of the City of Jamestown Zoning Ordinance, and unanimously approved the aforementioned variances subject to completion of the SEQRA review by the Commission as lead agency; and

WHEREAS, The Chautauqua County Department of Planning and Economic Development has reviewed the Project and expressed no objections with respect thereto; and

WHEREAS, on March 22, 2011, the Commission adopted the attached Notice of Determination of Non-Significance under SEQRA and approved the site plan for Appleyard III; and

WHEREAS, the ZBA wishes to confirm its findings that, for the reason detailed in the attached Notice of Determination of Non-Significance, that:

- the requested variances will not result in an undesirable change in the character of the neighborhood or be a detriment to nearby properties;
- the benefit sought by the Co-Sponsors cannot be achieved by other feasible means;
- the requested area variances are not excessive as they closely resemble existing setback conditions; and
- the requested area variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

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NOW, THEREFORE, BE IT RESOLVED, that the ZBA hereby adopts the Commission's Notice of Determination of Non-Significance, which is expressly incorporated herein in its entirety; and

BE IT FURTHER RESOLVED, that the ZBA hereby ratifies its prior decision to approve the requested area variances for Appleyard III.

Mr. Karbacka moved to approve the variance.

Mr. Hanson seconded the motion.

Carried: 4 ayes, 0 nays

There being no further business, the meeting was adjourned.

James N. Olson, Director of Financial  
Services/City Clerk  
Zoning Board of Appeals