



**NIAGARA FALLS BOARD OF APPEALS  
CRAIG AVERY, CHAIRMAN**

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**AGENDA**

Tuesday, July 21, 2020

5:30 p.m. – City Hall

Council Chambers, First Floor

1. **CALL TO ORDER.**
2. **ROLL CALL.**
3. **APPROVAL OF MINUTES OF MEETING HELD FEBRUARY 11, 2020.**
4. **ACTION ITEMS:**

A-4286 – Robert Harper, (Lamar), as agent for owner for property located at 7311 Niagara Falls Boulevard which is located in the C3 zoning district. The applicant is proposing to erect a new billboard and is requesting the following variances:

1. No individual sign face shall exceed 25' in length. The applicant is proposing a sign face of 36' in length, therefore, requesting a variance of 11' in length.
2. No billboard structure shall exceed 25' above average grade established for the area (HAGL). The applicant is proposing a height of 45' above the average finished grade established for the area (HAGL), therefore requesting a variance of 20' for the (HAGL).
3. No billboard sign shall be located closer than 25' from any street right-of-way. The applicant is proposing the billboard sign located 13' from any street right-of-way, therefore, requesting a variance of 12' for the street right-of-way setback.

**DECISION OF THE BOARD**

A-4287 – Mike Costantino, owner of the property located at 612 – 93<sup>rd</sup> Street. The applicant is requesting to erect a detached garage in the rear yard. A detached garage (accessory structure) shall not exceed a maximum height of 16' from finished grade to garage peak. The applicant is proposing a maximum height of 17' from finished grade to garage peak, therefore, requesting a variance of 1' in height.

**DECISION OF THE BOARD**

SP-4288 - -4289 – UpState Tower Co. LLC (co applicant Buffalo-Lake Wireless Systems Co. LLC), as agent for owner of property located at 161 – 86<sup>th</sup> Street. The applicant is requesting a special permit to construct and operate a 110' telecommunication facility (with a 4' lightning rod) to be used by Blue Wireless and potential future carriers.

#### DECISION OF THE BOARD

A-4289 – UpState Tower Co. LLC (co applicant Buffalo-Lake Wireless Systems Co. LLC), as agent for owner of property located at 161 – 86<sup>th</sup> Street. The applicant is requesting to construct and operate a 110' public utility telecommunications facility (with a 4' lighting rod) to be used by Blue Wireless and potential future carriers. The maximum allowed height is 40' in the C1-C zoning district. The applicant is proposing a height of 110' tower (with a 4' lightning rod), therefore, requesting a variance of 74' in height.

#### DECISION OF THE BOARD

U-4290 – Samantha Bassett, as agent for owner of property located at 3695 Pine Avenue. The applicant is proposing to operate a bakery (The Little Bakery) and a small hair salon. A bakery and hair salon are not allowed in a R1-D zoning district. Therefore, requesting a use variance to operate a bakery (The Little Bakery) and a small hair salon in a R1-D zoning district.

#### DECISION OF THE BOARD

A-4291 – James Zacker II, as owner of property located 180 – 63<sup>rd</sup> Street. The applicant is requesting to erect a 15' above ground pool in the rear yard. No swimming pool shall be erected nearer than 3' from the rear and side property lines and no nearer than 3' from any accessory structure (detached garage). The applicant is proposing 0' from rear and side property lines and 1' from accessory structure (detached garage). Therefore, requesting a variance of 3' at rear and side property lines and 2' at accessory structure (detached garage).

#### DECISION OF THE BOARD

A-4292 – Kevin Taylor, as owner of the property located at 3061 Falls Street. The applicant is requesting to erect a 24' x 52' pole barn in the rear yard. An accessory building shall not exceed 1,000 square feet in area. No one horizontal dimension may exceed 36' in length. An accessory building shall occupy no more than 30% of the rear yard (1170 square feet). The applicant is proposing to erect an accessory building of 1248 square feet. A horizontal dimension of 52' and a total rear yard coverage of 1650 square feet. Therefore, the applicant is requesting a variance of 248 square feet in area, 16' for one horizontal dimension, and 480 square feet for the rear yard coverage.

#### DECISION OF THE BOARD

A-4293 – Monty Holding Group LLC (Penny McGuire), owner of property located at 7722 Lindbergh Avenue. Applicant is proposing to erect a 6' fence in side and rear yards on a corner lot. The maximum height of 4' is required for that part of the rear yard which is adjacent to the street and abuts the front yard of an adjacent property. A maximum height of 4' for the side yard adjacent to the street. The applicant is proposing a maximum height of 6' in both areas mentioned above. Therefore, requesting a variance to allow a 6' fence in both areas mentioned above.

#### **DECISION OF THE BOARD**

A-4294 – Joshua and Shirley Jimenez, owners of property located at 1002 College Avenue. The applicant is requesting to erect a 6' fence in the rear yard on a corner lot. The maximum height of 4' is required for that part of the rear yard which is adjacent to the street and abuts the front yard of an adjacent property. The applicant is proposing a maximum of 6' fence in the area mentioned above. Therefore, requesting a variance to allow a 6' fence in the area mentioned above.

#### **DECISION OF THE BOARD**

5. **OLD BUSINESS.**
6. **NEW BUSINESS.**
  - Resolution from City Council.
7. **ADJOURN.**

Respectfully submitted,

Julie Kunecki, Secretary  
Niagara Falls Board of Appeals



## NIAGARA FALLS ZONING BOARD OF APPEALS CITY OF NIAGARA FALLS, NEW YORK

A hearing of the Niagara Falls Zoning Board of Appeals will be held on **Tuesday, July 21, 2020 at 5:30 p.m.**, in the Council Chambers, First Floor, City Hall. If you have any questions, please contact the Department of Code Enforcement at 716-286-4450.

### **APPLICANT OR REPRESENTATIVE MUST BE PRESENT**

A-4286 – Robert Harper, (Lamar), as agent for owner for property located at 7311 Niagara Falls Boulevard which is located in the C3 zoning district. The applicant is proposing to erect a new billboard and is requesting the following variances:

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Respectfully submitted,

Julie Kunecki  
Secretary  
Niagara Falls Zoning Board of Appeals

***DEPARTMENT OF CODE ENFORCEMENT***  
***TELEPHONE (716) 286-4450***

July 8, 2020

Niagara Gazette  
Legal Notice Section  
310 Niagara Street  
Niagara Falls, New York 14303

Attention: Janet Slipko, Legal Ad Department

Dear Janet:

Attached is a legal notice regarding a Board of Appeals hearing to be held on Tuesday, July 21, 2020. Please publish said notice in the Niagara Gazette on **Saturday, July 11, 2020**.

Thank you for your consideration on this item. If you have any further questions, please feel free to contact the undersigned at 286-4450.

Very truly yours,

Julie Kunecki  
Secretary  
Niagara Falls Zoning Board of Appeals

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Attachment