



# THE CITY OF BUFFALO

## ZONING BOARD OF APPEALS

912 City Hall  
Buffalo, NY 14202  
<http://www.buffalony.gov>

~SUMMARY~

James Lewis

Wednesday, September 16,  
2026

2:00 PM

OPS Conference Room

### I. Call to Order

Meeting Notice - This meeting will be held via videoconferencing and in-person. Anyone who wishes to attend may do so in Room 912 City Hall or via videoconferencing. To join on-line go to [www.microsoft.com/en-us/microsoft-teams/join-a-meeting](http://www.microsoft.com/en-us/microsoft-teams/join-a-meeting), Meeting ID: 241 983 707 830 95, Password: Cm6Yn7t6; or by calling (716) 221-4568, Phone Conference ID: 879 465 987#.

### II. Roll Call

| Present                                                 | Absent                                   | Late | Arrived |
|---------------------------------------------------------|------------------------------------------|------|---------|
| Zoning Board of Appeals Board Member Thomas Dearing     | Chairman of the Zoning Board James Lewis |      |         |
| Zoning Board of Appeals Board Member James Hornung, Jr. |                                          |      |         |
| Zoning Board of Appeals Board Member Janice McKinnie    |                                          |      |         |

### III. Minutes Approval

**MOTION:** Approved  
**RESULT:** Motion Passed [Yes 3, No 0, Abstained 0]  
**MOVER:** Janice McKinnie  
**SECONDER:** James Hornung, Jr.  
**AYES:** Thomas Dearing, James Hornung, Jr., Janice McKinnie  
**NAYS:** None  
**ABSENT:** James Lewis

The board approved the minutes for July 15, 2026.

### IV. New Business

- 1707 Hertel Ave. - Extension request.

**MOTION:** Approved  
**RESULT:** Motion Passed [Yes 3, No 0, Abstained 0]  
**MOVER:** None

**SECONDER:** James Hornung, Jr.  
**AYES:** Thomas Dearing, James Hornung, Jr., Janice McKinnie  
**NAYS:** None  
**ABSENT:** James Lewis

The board approved a one year extension for this project.

2. 54 High View Terrace - Extension request.

**MOTION:** **Approved**  
**RESULT:** Motion Passed [Yes 3, No 0, Abstained 0]  
**MOVER:** Janice McKinnie  
**SECONDER:** Thomas Dearing  
**AYES:** Thomas Dearing, James Hornung, Jr., Janice McKinnie  
**NAYS:** None  
**ABSENT:** James Lewis

The board approved a one year extension for this project.

**V. Public Hearings**

3. 79 Pomona Pl. — Install parking pad; "In excess of maximum driveway width", and "Parking is not permitted forwards of any detached house building type." Zone N-3R. Section Table 8C, and 496-8.3.2.A.2.

**MOTION:** **Approved**  
**RESULT:** Motion Passed [Yes 3, No 0, Abstained 0]  
**MOVER:** James Hornung, Jr.  
**SECONDER:** Janice McKinnie  
**AYES:** Thomas Dearing, James Hornung, Jr., Janice McKinnie  
**NAYS:** None  
**ABSENT:** James Lewis

The Public Hearing was closed.

The board approved the variances for "In excess of maximum driveway width", and "Parking is not permitted forwards of any detached house building type".

4. 11 Armbruster St. - Construct building; "Accessory structure must be clearly incidental and subordinate to the principal use", "Accessory structures may not occupy more than 50% of any required yard", In excess of maximum height for an accessory structure", and "No more than one driveway permitted for residential use". Zone N-4-30. Section 496-6.2.1.C.2, -6.2.1.D.2, -6.2.1.D.5, and -8.3.2.C.

**MOTION:** **Approved**

|                  |                                                     |
|------------------|-----------------------------------------------------|
| <b>RESULT:</b>   | Motion Passed [Yes 3, No 0, Abstained 0]            |
| <b>MOVER:</b>    | Thomas Dearing                                      |
| <b>SECONDER:</b> | James Hornung, Jr.                                  |
| <b>AYES:</b>     | Thomas Dearing, James Hornung, Jr., Janice McKinnie |
| <b>NAYS:</b>     | None                                                |
| <b>ABSENT:</b>   | James Lewis                                         |

The Public Hearing was closed.

Negative Declaration Adopted.

The board approved the variances for "Accessory structure must be clearly incidental and subordinate to the principal use", "Accessory structures may not occupy more than 50% of any required yard", "In excess of maximum height for an accessory structure", and "No more than one driveway permitted for residential use".

5. 992 Fillmore Ave. — Install parking pad; "In excess of maximum driveway width", and "Parking not allowed forward of a house." Zone N-3R. Section 496-8.3.2.B, and -8.3.3.A.2.

|                  |                                                     |
|------------------|-----------------------------------------------------|
| <b>MOTION:</b>   | <b>Rec. Approve w/Conditions</b>                    |
| <b>RESULT:</b>   | Motion Passed [Yes 3, No 0, Abstained 0]            |
| <b>MOVER:</b>    | James Hornung, Jr.                                  |
| <b>SECONDER:</b> | Janice McKinnie                                     |
| <b>AYES:</b>     | Thomas Dearing, James Hornung, Jr., Janice McKinnie |
| <b>NAYS:</b>     | None                                                |
| <b>ABSENT:</b>   | James Lewis                                         |

The Public Hearing was closed.

The board approved with conditions the variances for "In excess of maximum driveway width", and "Parking not allowed forward of a house".

Conditions:

\*The apron/curb cut may not exceed the 12-foot code requirement.

6. 21 Folger St. — Permit short-term rental; "Non-owner-occupied short-term rental not permitted in zone. Zone N-3R. Section 496-380-7.A.2.

|                  |                                                     |
|------------------|-----------------------------------------------------|
| <b>MOTION:</b>   | <b>Denied</b>                                       |
| <b>RESULT:</b>   | Motion Passed [Yes 3, No 0, Abstained 0]            |
| <b>MOVER:</b>    | James Hornung, Jr.                                  |
| <b>SECONDER:</b> | Janice McKinnie                                     |
| <b>AYES:</b>     | Thomas Dearing, James Hornung, Jr., Janice McKinnie |
| <b>NAYS:</b>     | None                                                |
| <b>ABSENT:</b>   | James Lewis                                         |

The Public Hearing was closed.

Negative Declaration Adopted.

The board denied the variance for "Non-owner-occupied short term rental not permitted in zone" - because the applicant failed to demonstrate that the zoning code caused unnecessary hardship.

7. 22 & 26 Lemon St. — Combine lots; "In excess of maximum lot width." Zone N-2R. Section 496-3.2.6.C.B.

**MOTION:**        **Approved**  
**RESULT:**       Motion Passed [Yes 3, No 0, Abstained 0]  
**MOVER:**        James Hornung, Jr.  
**SECONDER:**    Janice McKinnie  
**AYES:**         Thomas Dearing, James Hornung, Jr., Janice McKinnie  
**NAYS:**         None  
**ABSENT:**       James Lewis

The Public Hearing was closed.

The board approved the variance for "In excess of maximum lot width".

8. 200 Englewood Ave. — Renovate building; "In excess of maximum residential density." Zone N-3R. Section 496-3.2.1.E.

**MOTION:**        **Denied**  
**RESULT:**       Motion Passed [Yes 3, No 0, Abstained 0]  
**MOVER:**        James Hornung, Jr.  
**SECONDER:**    Janice McKinnie  
**AYES:**         Thomas Dearing, James Hornung, Jr., Janice McKinnie  
**NAYS:**         None  
**ABSENT:**       James Lewis

The Public Hearing was closed.

The board denied the variance for "In excess of maximum residential density" - Because the benefit to the applicant was outweighed by the detriment to the health, safety, and welfare of the neighborhood and community - primarily because the applicant didn't sufficiently demonstrate that adding more units to the residence would allow for better tenants.

9. 247 Georgia St. — Install parking pad; "No more than one driveway permitted for residential use", "Curb cuts must be located at least 60 feet from intersection", and "Parking not permitted in corner side yard." Zone N-4-30.section 496-8.3.2.c, -8.3.2.A.2, and -8.3.3.A.1.

**MOTION:**        **Tabled**  
**RESULT:**       Motion Passed [Yes 3, No 0, Abstained 0]  
**MOVER:**        James Hornung, Jr.  
**SECONDER:**    Janice McKinnie  
**AYES:**         Thomas Dearing, James Hornung, Jr., Janice McKinnie

**NAYS:** None  
**ABSENT:** James Lewis

10. 306 Carolina St. - Construct addition; "Insufficient interior side yard", and "Insufficient build-to percentage front facade." Zone N-2R. Section 496-3.2.6.D.E., and -3.2.6.D.B.

**MOTION:** **Approved**  
**RESULT:** Motion Passed [Yes 3, No 0, Abstained 0]  
**MOVER:** Thomas Dearing  
**SECONDER:** James Hornung, Jr.  
**AYES:** Thomas Dearing, James Hornung, Jr., Janice McKinnie  
**NAYS:** None  
**ABSENT:** James Lewis

The Public Hearing was closed.

The board approved the variances for "Insufficient interior side yard", and "Insufficient build-to percentage front facade".

11. 27 Ashland Ave. — Install fence; "In excess of maximum fence height, interior side yard", and "In excess of maximum fence height, rear yard." Zone N-2R. Section 496-7.2.2.B.4, and -7.2.2.B.5.

**MOTION:** **Tabled**  
**RESULT:** Motion Passed [Yes 3, No 0, Abstained 0]  
**MOVER:** Janice McKinnie  
**SECONDER:** James Hornung, Jr.  
**AYES:** Thomas Dearing, James Hornung, Jr., Janice McKinnie  
**NAYS:** None  
**ABSENT:** James Lewis

12. 62 Brownell St. — Install fence; "In excess of fence height, interior side yard." Zone N-4-30. Section 496-7.2.2.B.4.

**MOTION:** **Approved**  
**RESULT:** Motion Passed [Yes 3, No 0, Abstained 0]  
**MOVER:** James Hornung, Jr.  
**SECONDER:** Thomas Dearing  
**AYES:** Thomas Dearing, James Hornung, Jr., Janice McKinnie  
**NAYS:** None  
**ABSENT:** James Lewis

The Public Hearing was closed.

The board approved the variance for In excess of fence height, interior side yard".

13. 35 McCarthy Dr. - Expand driveway; "In excess of maximum driveway width", and "Parking not permitted forward of any detached house." Zone N-4-50. Section 496-8.3.2.B, -8.3.3.A.2.

**MOTION:** Denied  
**RESULT:** Motion Passed [Yes 3, No 0, Abstained 0]  
**MOVER:** James Hornung, Jr.  
**SECONDER:** Janice McKinnie  
**AYES:** Thomas Dearing, James Hornung, Jr., Janice McKinnie  
**NAYS:** None  
**ABSENT:** James Lewis

The Public Hearing was closed.

The board denied the variances for "In excess of maximum driveway width", and "Parking not permitted forward of any detached house" - because the benefit to the applicant was outweighed by the detriment to the health, safety and welfare of the neighborhood and community - primarily because the expanded driveway/parking area would require the trailer to be forward of the front facade of the dwelling, thereby encroaching into the front yard.

14. 36 Tennyson Ave. - Install fence; "In excess of maximum fence height, rear yard." Zone N-3R. Section 496-7.2.2.B.5.

**MOTION:** Approved  
**RESULT:** Motion Passed [Yes 3, No 0, Abstained 0]  
**MOVER:** Thomas Dearing  
**SECONDER:** Janice McKinnie  
**AYES:** Thomas Dearing, James Hornung, Jr., Janice McKinnie  
**NAYS:** None  
**ABSENT:** James Lewis

The Public Hearing was closed.

The board approved the variance for "In excess of maximum fence height, rear yard".

15. 38 Brinkman Ave. - Permit bookstore; "Use not permitted in zone." Zone N-3R. Section 496-6.1.1.B.

The Public Hearing was closed.

Negative Declaration Adopted.

**MOTION:** Denied  
**RESULT:** Motion Passed [Yes 3, No 0, Abstained 0]  
**MOVER:** Thomas Dearing  
**SECONDER:** James Hornung, Jr.  
**AYES:** Thomas Dearing, James Hornung, Jr., Janice McKinnie  
**NAYS:** None

**ABSENT:** James Lewis

The Public Hearing was closed.

Negative Declaration Adopted.

The board denied the variance for "Use not permitted in zone" - because the applicant had not demonstrated that the zoning code had caused unnecessary hardship; failed to provide financial hardship; the issue at hand was self-created and is not unique to the property; and the applicant didn't provide any evidence of an inability to procure a reasonable return on the investment.

16. 42 Ada Pl. - Install driveway; "In excess of maximum driveway width", and "Parking not allowed forward of a house." Zone N-3R. Section 496-8.3.2.B, and -8.3.3.A.2.

**MOTION:** **Approved**

**RESULT:** Motion Passed [Yes 3, No 0, Abstained 0]

**MOVER:** Thomas Dearing

**SECONDER:** James Hornung, Jr.

**AYES:** Thomas Dearing, James Hornung, Jr., Janice McKinnie

**NAYS:** None

**ABSENT:** James Lewis

The Public Hearing was closed.

The board approved the variances for "In excess of maximum driveway width", and "Parking not allowed forward of a house".

17. 9-25 Lakeview Ave. - Combine lots; "In excess of maximum lot width." Zone N-2R. Section 496-3.2.11.C.B.

**MOTION:** **Denied**

**RESULT:** Motion Passed [Yes 3, No 0, Abstained 0]

**MOVER:** Thomas Dearing

**SECONDER:** Janice McKinnie

**AYES:** Thomas Dearing, James Hornung, Jr., Janice McKinnie

**NAYS:** None

**ABSENT:** James Lewis

The Public Hearing was closed.

The board denied the variance for "In excess of maximum lot width" - because the benefit to the applicant was outweighed by the detriment to the health, safety and welfare of the neighborhood and community - primarily due to a lack of involvement of the neighborhood regarding the intentions of the applicant and the significant impacts it could have on the surrounding neighborhood.

18. 92 Pooley Pl. — Install parking pad; "Parking not allowed forward of a house." Zone N-2R. Section 496-8.3.3.A.2.

**MOTION:** **Tabled**

**RESULT:** Motion Passed [Yes 3, No 0, Abstained 0]  
**MOVER:** James Hornung, Jr.  
**SECONDER:** Janice McKinnie  
**AYES:** Thomas Dearing, James Hornung, Jr., Janice McKinnie  
**NAYS:** None  
**ABSENT:** James Lewis

19. 333 Wyoming Ave. — Combine lots; "In excess of lot width." Zone N-3R. Section 496-3.2.6.C.B.

**MOTION:** **Approved**  
**RESULT:** Motion Passed [Yes 3, No 0, Abstained 0]  
**MOVER:** James Hornung, Jr.  
**SECONDER:** Janice McKinnie  
**AYES:** Thomas Dearing, James Hornung, Jr., Janice McKinnie  
**NAYS:** None  
**ABSENT:** James Lewis

The Public Hearing was closed.

The board approved the variance for "In excess of lot width".

20. 3070 Bailey Ave. — Install signage; "Monument sign may be erected only where building is set back at least 15 feet from lot line", "In excess of wall signs per right-of-way frontage (Bailey)", "In excess of wall signs per right-of-way frontage (Kensington)", and "In excess of sign area per right-of-way frontage". Zone N-3C. Section 496-9.2.7.1, -9.2.13.1, -9.2.13.1, and -9.2.1.C.

**MOTION:** **Approved**  
**RESULT:** Motion Passed [Yes 3, No 0, Abstained 0]  
**MOVER:** Janice McKinnie  
**SECONDER:** James Hornung, Jr.  
**AYES:** Thomas Dearing, James Hornung, Jr., Janice McKinnie  
**NAYS:** None  
**ABSENT:** James Lewis

The Public Hearing was closed.

Negative Declaration Adopted.

The board approved the variances for "Monument sign may be erected only where building is set back at least 15 feet from lot line", "In excess of wall signs per right-of-way frontage (Bailey)", "In excess of wall signs per right-of-way frontage (Kensington)", and "In excess of sign area per right-of-way frontage".

21. 80 Midway Ave. - Permit Parking lot; "off-site accessory parking not permitted as a principal use." Zone N-3C. Section 496-8.3.1.F.2.

**MOTION:** **Tabled**  
**RESULT:** Motion Passed [Yes 3, No 0, Abstained 0]

**MOVER:** Thomas Dearing  
**SECONDER:** Janice McKinnie  
**AYES:** Thomas Dearing, James Hornung, Jr., Janice McKinnie  
**NAYS:** None  
**ABSENT:** James Lewis

The Public Hearing was closed.  
Negative Declaration Adopted.

22. 107 Delaware Ave. - Install banner sign; "In excess of maximum sign area for a banner sign", "In excess of maximum display period", and "No sign may be placed so as to obstruct any window." Zone N-1D. Section 496-9.4.2.A.2, - 9.4.2.A.4.B, and 9.1.2.E.

**MOTION:** **Approved**  
**RESULT:** Motion Passed [Yes 3, No 0, Abstained 0]  
**MOVER:** James Hornung, Jr.  
**SECONDER:** Janice McKinnie  
**AYES:** Thomas Dearing, James Hornung, Jr., Janice McKinnie  
**NAYS:** None  
**ABSENT:** James Lewis

The Public Hearing was closed.  
Negative Declaration Adopted.

The board approved the variances for "In excess of maximum sign area for a banner sign", "In excess of maximum display period", and "No sign may be placed so as to obstruct any window".

## **VI. Adjournment**