

**MINUTES**  
**MUNICIPAL BUILDING**  
**ZONING BOARD OF APPEALS**

April 27, 2021

6:00 P.M.

PRESENT: Kevin Foltz, Chairman, Andy Rosenberg, Nancy Babis, Meghan Lutz, Sheila Tracy, Lynn Harper, Nancy Babis, Pat McGrath, Deputy Corporation Counsel, Clayton Dimmick, Senior Building Inspector.

EXCUSED: Tom Hull

The Chairman explained to those present the procedure followed in these Hearings, First the explanation by the Appellant as to what he/she is appealing for, second, any questions those present wishes to ask to clarify the appeal, and third, the Board will hear any opinions for or against the granting of this variance. The chairman stressed the point that anyone wishing to speak must first state their name and address.

Roll call was taken by Chairman Kevin Foltz and all the members present stated that they have seen the properties.

The first case to be called was Case No. 2228, Appeal of Thomas Seekins to erect a 16' x 23' carport on the east side of the house at 653 Walnut Street, Lockport, New York situated in an R-1 Zone.

Mr. Seekins stated that he would like to construct a carport for two purposes. In the good weather he would like to use it as a patio and in the bad weather he would like to park underneath it.

Ms. Tracy asked if he planned on making this a permanent structure.

Mr. Seekins said no, they don't need more space.

Mr. Foltz said that they need to make sure that the drainage goes away for the neighbor's house. He asked if the carport is going to match the house.

Mr. Seekins said yes, he has extra siding from when he did the house.

Mr. Foltz asked if there is going to be any lighting on the carport.

Mr. Seekins said that he is going to put a ceiling fan under the carport with a light.

Ms. Tracy asked how he is going to side the carport if there are no sides.

Mr. Seekins said that just the front will be sided.

Mr. Foltz asked if he is siding just the peak.

Mr. Seekins said yes.

The meeting was opened to the public.

A letter was read aloud from Ashley Thompson, 665 Walnut Street, that is in favor of the project.

The meeting was closed to the public.

There being nothing further Meghan Lutz made a motion to approve the variance for the carport to be situated 6' from the east property line as follows:

AND IT APPEARING, benefit cannot be achieved by other means feasible to the applicant, and

WHEREAS, there will be no change to the character of the neighborhood, and

WHEREAS, request is not substantial, and

WHEREAS, there will be no adverse physical or environmental effect, and

WHEREAS, alleged difficulty is not self-created, and

WHEREAS, premises shall be kept in a neat, clean and orderly condition

Seconded by Sheila Tracy.

Kevin Foltz-yes  
Andy Rosenberg-yes  
Lynn Harper-yes  
Meghan Lutz-yes  
Sheila Tracy-yes  
Nancy Babis-yes

#### AREA VARIANCE GRANTED

Meghan Lutz made a motion to approve the variance for the lot coverage to be increased to 25.5% as follows:



AND IT APPEARING, the carport shall never be enclosed,  
WHEREAS, benefit cannot be achieved by other means feasible to the applicant, and  
WHEREAS, there will be no change to the character of the neighborhood, and  
WHEREAS, request is not substantial, and  
WHEREAS, there will be no adverse physical or environmental effect, and  
WHEREAS, alleged difficulty is not self-created, and  
WHEREAS, premises shall be kept in a neat, clean and orderly condition  
Seconded by Sheila Tracy.

Kevin Foltz-yes  
Andy Rosenberg-yes  
Lynn Harper-yes  
Meghan Lutz-yes  
Sheila Tracy-yes  
Nancy Babis-yes

#### AREA VARIANCE GRANTED

The next case to be called was Case No. 2229, Appeal of Jason Walling to erect a 6' x 9' ground mounted LED sign located at 555 Davison Rd, Lockport, New York situated in an R-1 Zone.

Mr. Walling, 320 No. Transit Street, stated that the church would like to install a 6' x 9' sign on Davison Road. He said that the sign will have an LED display that the church will use to advertise for events for the church, community events and charitable events that the church sponsors.

Ms. Tracy asked what hours the sign will be lit. She asked if they would be ok with the sign being turned off at 10 p.m.

Mr. Walling said yes.

Ms. Tracy asked if they would be ok with the sign only being lit from 7 a.m. to 10 p.m.

Mr. Walling said yes.

Mr. Foltz asked if the sign will flash.

Mr. Walling said no, it will cycle messages but not flash.

Megan Brewer explained that the Sign Ordinance only allows the sign to change messages every 20 seconds.

Mr. Foltz explained to the audience that the new LED signs have an auto dimming feature so they are not as bright at night.

Mr. Walling said that the sign they plan on installing has that feature.

The meeting was opened to the public.

Ms. Judy Hensel, 266 Akron Street, stated that she is a member of the church and also lives in the area. She thanked the Board for their service.

Ms. Hensel stated that over the years thousands of kids have attended their church's vacation bible school, teen programs, CareNet, homeless programs and Easter egg hunts. She said that the church needs something other than a sandwich board sign so that people know that the church can help them. She said they need the sign so that they can reach more people.

Ms. Billie Jo Harrington, 504 Davison Road, said that she lives directly across the street and she is against an LED sign. She said that this is a residential area. She said that she owns two properties and this could affect their value. She said that she doesn't want to see flashing. She said that she tries to be a good neighbor to the church but an LED sign she can't agree with. She said that if the sign was down the street where the other sign is it might be ok, but she doesn't want to look at it. She said that this is a fairly residential area, the only other LED sign on Davison Rd is by 7-11.

Mr. Foltz asked she has looked at the sign the Board approved on the corner of Beattie and Lincoln that is LED. He said that there are multiple residences there as well as the signs they approved for the Kenan Center. He said that all of the schools have installed LED signs. He said that the Board can make it so the sign does not flash. He said the sign dims at night.

Ms. Harrington said that Mr. Foltz doesn't live across the street, she doesn't want to see it.

Mr. Walling stated that the sign would be perpendicular to the street, not facing her house.

Ms. Harrington said that she rents the other property she owns and her tenants are going to be able to see it. She said that she feels bad, the church does great things but she doesn't like it. She said that she would like to see anything but an LED sign.



The meeting was closed to the public.

There being nothing further Andrew Rosenberg made a motion to approve the variance to erect a 6' x 9' LED sign as follows:

AND IT APPEARING, the sign be lit from 7 a.m. to 10 p.m. only,

WHEREAS, benefit cannot be achieved by other means feasible to the applicant, and

WHEREAS, there will be no change to the character of the neighborhood, and

WHEREAS, request is not substantial, and

WHEREAS, there will be no adverse physical or environmental effect, and

WHEREAS, alleged difficulty is not self-created, and

WHEREAS, premises shall be kept in a neat, clean and orderly condition

Seconded by Lynn Harper.

Kevin Foltz-yes  
Andy Rosenberg-yes  
Lynn Harper-yes  
Meghan Lutz-yes  
Sheila Tracy-yes  
Nancy Babis-yes

#### USE VARIANCE GRANTED

The next case to be called was Case No. 2230, Appeal of Tiffany Korn to replace the existing 6' wooden fence on the north and west property lines located at 85 Lincoln Avenue, Lockport, New York situated in an R-1 Zone.

Ms. Korn stated that she would like to take down the existing fence and replace it exactly where it is.

Mr. Foltz asked what color the fence will be.

Ms. Korn said that they are going to stain it something similar to the house.

Mr. Foltz asked if they are going to cut the fence at a 45-degree angle by the neighbor.

Ms. Korn said yes.

The meeting was opened to the public.

Mr. Foltz read aloud a letter from Alderman Allport in favor of the request.

Mr. Richard Porroni, 43 Hamilton Dr, stated that he is the neighbor. He said the fence does not obstruct his view. He said that the fence has been there for the 37 years he has lived there. He said that the fence is an eyesore now and replacing it would be good for the neighborhood.

Mr. Steven McDonough, 34 Hamilton Dr, stated that he agrees with Alderman Allport. He said that they are just replacing what is there, not change anything.

The meeting was closed to the public.

There being nothing further Andrew Rosenberg made a motion to approve the variance to replace the existing 6' wooden fence on the north and west property lines as follows:

AND IT APPEARING, the northwest corner of the fence be installed at a 45-degree angle,

WHEREAS, benefit cannot be achieved by other means feasible to the applicant, and

WHEREAS, there will be no change to the character of the neighborhood, and

WHEREAS, request is not substantial, and

WHEREAS, there will be no adverse physical or environmental effect, and

WHEREAS, alleged difficulty is not self-created, and

WHEREAS, premises shall be kept in a neat, clean and orderly condition

Seconded by Sheila Tracy.

Kevin Foltz-yes  
Andy Rosenberg-yes  
Lynn Harper-yes  
Meghan Lutz-yes  
Sheila Tracy-yes  
Nancy Babis-yes

AREA VARIANCE GRANTED

Meghan Lutz made a motion to approve the minutes of the March 23, 2021 meeting.  
Seconded by Nancy Babis. yes-6 Noes-0

Meghan Lutz made a motion to adjourn; Motion seconded by Nancy Babis Ayes-6 Noes-0

### **MEETING ADJOURNED**

**The next regularly scheduled meeting will be Tuesday, May 25, 2021 at 6:00 p.m.**