

May 27

MINUTES
MUNICIPAL BUILDING
ZONING BOARD OF APPEALS

July 27, 2021

6:00 P.M.

PRESENT: Kevin Foltz, Chairman, Andy Rosenberg, Meghan Lutz, Andrew Rosenberg, Sheila Tracy, Pat McGrath, Deputy Corporation Counsel.

EXCUSED: Nancy Babis

ABSENT: Lynn Harper

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. 2234, Appeal of Ramgapaul Goorbaran to erect an 8'x 10' storage shed in the rear yard located at 21 South Street, Lockport, New York situated in a B-5 Zone.

Mr. Goorbaran stated that he recently purchased the house in April or May. He said that he didn't find out about the shed until after he closed on the house. He said that he spoke with his attorney. He said that he has been going back and forth from the hospital because his wife is sick from a surgery that she had. He said that after he closed on his house he got notified about the shed, he is hoping to get a variance to keep it. He said that the house is two floors and he has a lot of stuff and four kids. He said that he would like the variance to keep the shed for storage.

Mr. Foltz said that he has a problem with the shed being so close to the house.

Mr. Goorbaran said that it is also close to the fence.

Mr. Foltz said that he can move it to the other corner of the property.

Mr. Goorbaran said that he would have to talk to a contractor and see if it can be moved. He said that it is 2' from the house and closer to the fence.

Mr. Foltz said that he is asking for four variances, three for the setbacks and one for the lot coverage.

Ms. Lutz stated that if he moves the shed to the opposite corner of the property, he could maintain the 5' setback.

Mr. Goorbaran said that he would have to talk to a contractor.

Megan Brewer explained that the shed is prefabricated and can be moved.

Mr. Foltz explained that if he keeps the shed where it is, it would have to be fire rated. He said that it would be better to move it, it will be cheaper.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Meghan Lutz made a motion to approve the variance request to increase the lot coverage to 44% as follows:

AND IT APPEARING, the shed to be moved to the southeast corner of the lot, maintaining the required 5' setbacks,

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
Meghan Lutz-yes
Sheila Tracy-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2237, Appeal of Marleine & Dejassun Volmy to erect a 4' vinyl fence in the front yard located at 394 High Street, Lockport, New York situated in an R-3 Zone.

Mr. Volmy stated that he is here because he was told that the fence can't be where it is. He said that when he bought the house the neighbor beside him asked him to move the fence but his wife told him no. He said that the neighbor removed the fence. He said that he went to City Hall and was told what he needed to do. He said that someone from the City came to his house and looked at this. He said that they want to put up a fence. He said that he tried to treat his neighbors like family.

Mrs. Volmy explained the disagreement with their neighbors. She said that they had to take the neighbor's to court for taking their fence down. She said that they have raised 12 children and paid \$10,000 for this fence. She said that they got a letter from the City after they put the fence up and she doesn't know why she is here.

Ms. Tracy asked if the neighbors took down the old fence.

Mrs. Volmy said yes.

The meeting was opened to the public.

Mr. Edwin Garey, 390 High Street, stated that he is their neighbor. He said that they have raised 12 great kids. He said that the prior owners of this house put a fence up years ago and it started to lean. He said that the young lady that owns the other neighbor's house lives across the street. He said that the Volmy family has a pool and they need a fence. He said that they contracted someone and they put the fence up. He said that the fence enhances the street. He said that shortly after the fence was installed Jason Dool stopped at the house and told them that the fence was too high on one side. He said that he doesn't understand why the contractor didn't talk to the City and get the building permit. He said for what they paid for the fence; the contractor should have pulled the permit.

Mr. Foltz explained that either the home owner or the contractor can pull the permit. He said that if someone would have contacted Building Inspection before they did the install this could have been alleviated. He said they probably would have ended up in front of the Board anyways, this way is just harder.

Mr. Garey said that the Volmy family is worried they can't keep their fence.

Mr. Foltz said that not all contractors know. He said that this has happened before.

Ms. Barbara Garey, 390 High Street, stated that she has no issue with the fence and it looks great. She said that she would like this to be a nonissue.

Ms. Volmy said that they spent \$26,000 remodeling their kitchen. She said that they have put a lot of money into their house and it is expensive.

The meeting was closed to the public.

There being nothing further Andy Rosenberg made a motion to grant the variance to erect a 6' vinyl fence in the front yard 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
Meghan Lutz-yes
Sheila Tracy-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2238, Appeal of James Kane to erect a 6' wooden fence on the north property line located at 105 Roosevelt, Lockport, New York situated in an R-1 Zone.

Ms. Rene Ioviello, 25 Spruce Street, Lockport, New York, presented a letter from Mr. Kane allowing her to represent the matter.

Ms. Ioviello stated that the house is at the corner of Pennsylvania and Roosevelt. She said that the plan is for her to move into the house with Jim but she has two small dogs and they need the fence first. She said that there also is no privacy. She said that she works from home and would like to be able to sit outside. She said that they have talked to the neighbors and they are ok with it.

Mr. Foltz asked if the new fence is going to match the existing fence.

Ms. Ioviello said the old one is coming down and they are installing a wooden fence.

Mr. Foltz said that the property looks nice.

Ms. Ioviello said that corner lots are hard.

Mr. Foltz said that he understands that privacy is an issue.

Ms. Tracy asked if the fence is going to be wooden.

Mr. Ioviello said yes.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Ms. Lutz made a motion to approve the variance to erect a 6' wooden fence on the north 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 Andy Rosenberg.

Kevin Foltz-yes
Andy Rosenberg-yes
Meghan Lutz-yes
Sheila Tracy-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2239, Appeal of Richard McDonald to utilize two detached garages located at 2 Georgia Avenue, Lockport, New York situated in an R-1 Zone.

Mr. McDonald stated that he doesn't want two garages, he wants one garage but Building Inspection told him that his shed is 25 s.f. too large to consider a shed. He said that he needs a variance to keep the shed. He said that his new garage will be a standard wood frame garage.

Mr. Foltz asked if it will match the house.

Mr. McDonald said yes.

Mr. Foltz asked where on the property the garage will be located.

Mr. McDonald said that it will be on the east side of the property where he removed a tree, between the driveway and the property line.

Mr. Foltz asked if it will be 5' from the property line.

Mr. McDonald said that it will be 10' from the property line.

Mr. McDonald said that he needs the garage because he can't put anything in his basement. He said that his basement floods and he has no room to put anything.

Mr. Foltz asked if he is putting another driveway in.

Mr. McDonald said no, expanding the driveway to the new garage for a separate entrance.

Mr. Foltz asked if he plans on putting lights on the garage.

Mr. McDonald said that he plans on putting lights on the front of the garage.

Mr. Foltz asked if he is installing gutters on the garage. He needs to keep the water away from the neighbors.

Mr. McDonald said that he is going to bury a drain pipe in the ground and direct it to the street.

The meeting was opened to the public.

Ms. Candy Kane, 268 Beattie Avenue, asked if they are going to take down or keep the rotten shed. She asked if this is going to be a separate garage.

Mr. McDonald said that he would like to keep the shed. He said that it is 25 s.f. too large to be considered a shed, he can cut 2.5' off of it.

Ms. Kane said that her house is one of the first built in this neighborhood and there have always been water problems. She said that over the years people have raised their property, making the problem worse. She said that she also has a foreclosure house next to her.

Mr. McDonald asked where her house is.

Ms. Kane explained where her house is located.

Mr. McDonald said that he snow blows their sidewalks, he is a good neighbor. He said that he has done a ton of work to his property.

Mr. Foltz asked Ms. Kane what her problem is with this request.

Ms. Kane said that she wants then to knock down the shed, it is an eyesore and has skunks.

Ms. Diane McDonald, 2 Georgia Avenue, stated that even if they took down the existing shed, they would put a new one up next year.

Ms. Kane said at least that one wouldn't have holes under it.

Mr. Foltz said that maybe they can fix the shed.

Mr. Foltz explained that there are here about the garage that is going up. He said that you can't control skunks.

The meeting was closed to the public.

Mr. Rosenberg asked if they plan on getting a new shed.

Ms. McDonald said that they will if they have to next year.

Ms. Lutz said she just wanted to clarify that the drainage pipe will be directed to the street.

Mr. McDonald said yes, he is under contract with MKC Construction to do the work. He said that he has the plans, it will be wood frame with siding that matches the house.

There being nothing further Meghan Lutz made a motion to approve the variance to utilize two detached garages 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
Meghan Lutz-yes
Sheila Tracy-yes

USE VARIANCE GRANTED

Andy Rosenberg made a motion to approve the minutes of the June 22, 2021 meeting.
Seconded by Sheila Tracy. yes-4 Noes-0

Meghan Lutz made a motion to adjourn; Motion seconded by Sheila Tracy Ayes-4 Noes-0

MEETING ADJOURNED

The next regularly scheduled meeting will be Tuesday, August 24, 2021 at 6:00 p.m.