

MINUTES
MUNICIPAL BUILDING
ZONING BOARD OF APPEALS

November 22, 2022

5:00 P.M.

PRESENT: Kevin Foltz, Chairman, Andy Rosenberg, Sheila Tracy, Nancy Babis, Meghan Lutz, Roxanne Devine, Pat McGrath, Deputy Corporation Counsel, Jason Dool, Chief Building Inspector.

ABSENT: Sam Marotta

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. 2281. Appeal of Wayne LeBlanc & Steve Lekanka to covert the existing office building into a single-family dwelling located at 221 Chestnut Street, Lockport, New York situated in a B-4 Zone.

Mr. LeBlanc stated that they would like to convert the existing structure into a single-family home. He said that his son wants to live in the house.

Mr. LeBlanc said that the property is currently zoned B-4 and is split between a doctor's office and an apartment upstairs. He said they want to convert the entire building into a single-family dwelling.

Mr. Foltz asked if the building is going to be a single or two-family dwelling.

Mr. LeBlanc said a single.

Mr. Foltz asked if they are going to do anything to the outside of the building.

Mr. Lekanka said yes, some of the windows are too small and they are going to relocate some of the doors. He said they are going to replace the roof if it needs it.

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 request to convert the existing office building into a single-family dwelling 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
Sheila Tracy-yes
Roxanne Devine-yes
Meghan Lutz-yes
Nancy Babis-yes

USE VARIANCE GRANTED

The next case to be called was Case No. 2282. Appeal of Kristin Barnard to remove the existing storage shed and erect a 10' x 14' storage shed in the rear yard located at 36 Bonner Drive, Lockport, New York.

Ms. Barnard was present with her husband Adam Barnard.

Ms. Barnard stated that they have a plastic shed now and they want a shed that is a little bit bigger. She said they would like the shed to store their summer furniture. She said that when she went to Building Inspection, Megan told her she needed a variance.

Mr. Foltz asked where the shed is going to be located.

Ms. Barnard said that it will be 5' from the property lines where the existing shed was. She said that the shed will be on metal struts sitting on cinder blocks.

Mr. Foltz asked if there is going to be power to the shed.

Ms. Barnard said no.

The meeting was opened to the public.

Mr. Foltz read aloud a letter sent by Lynn Smith, 44 Bonner Drive, in favor of the request.

The meeting was closed to the public.

There being nothing further Andy Rosenberg made a motion to approve the request to remove the existing storage shed and erect a 10' x 14' storage shed in the rear 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 Nancy Babis.

Kevin Foltz-yes
Andy Rosenberg-yes
Sheila Tracy-yes
Roxanne Devine-yes
Meghan Lutz-yes
Nancy Babis-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2283. Appeal of Jonathan Bennett to remove the existing detached garage and erect a 22' x 21.25' addition to the west side of the house and erect an 8' x 12' storage shed located at 104 Evans Street, Lockport, New York situated in an R-3 Zone.

Mr. Bennett stated that his existing garage is crooked and has been since last year. He said that he would like to put a small shed up, then take the garage down. He said that he would like to construct a new structure. He said that he works from home, the second story would be a multipurpose loft. He said that he would like the addition to be in the

same line as the existing house. He said that there is a bump out on the back of the house and he would like the new garage to line up with the foundation of the bump out.

Mr. Bennett said that the space behind the house is not usable. He would like to match the new garage and house. He said that he will still be able to access the space on Robinson Place, there is a chain link fence to the east with a gate. He said that this will not cut off any access to the rear yard.

Mr. Bennett said that he would also like to put up an 8' x 12' shed on the back side of the driveway on the east side of the house. He said that he and his son live at the house. He said that he spoke to his neighbor Allen and he had no objections. He said that the shed will be 2' and 3' off the property lines.

Megan Brewer questioned the shed location. She stated that last they spoke he was going to move the shed to maintain the 5' setback.

Ms. Lutz asked if the shed is going to be 5' from the east and south property lines.

Mr. Bennett said that he is asking relief from the 5' setback.

Ms. Lutz asked Mr. Bennett is that is what he would like to apply for.

Mr. Bennett said yes.

Mr. Foltz asked if he is going to remodel the house to match the addition.

Mr. Bennett said that the house is blue cedar shake siding, the exterior of the addition will be the same. He said that there will be an enclosed breezeway between the two structures.

Ms. Lutz asked if there is going to be any additional lighting on the house.

Mr. Bennett said that there will be a porch light in the breezeway. He said that there already is a light on the main porch and he might add a small recessed light. He said that there won't be any accent lighting.

Mr. Foltz asked if there is going to be gutters on the sides of the new addition.

Mr. Bennett said yes.

Mr. Foltz asked if he was aware that the south side of the addition will have to be fire rated.

Mr. Bennett said yes, the exterior wall will be fire rated for one hour. He said that he already has it on the plans.

Mr. Foltz asked if he was aware that there cannot be any openings on that side of the garage.

Mr. Bennett said yes, there will be no openings on the south side of the building.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Nancy Babis made a motion to approve the request for the addition to be located 1.33' from the west 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
Sheila Tracy-yes
Roxanne Devine-yes
Meghan Lutz-yes
Nancy Babis-yes

AREA VARIANCE GRANTED

There being nothing further Meghan Lutz made a motion to approve the request for the addition to be located 1.26' from the south 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
Sheila Tracy-yes
Roxanne Devine-yes
Meghan Lutz-yes
Nancy Babis-yes

AREA VARIANCE GRANTED

There being nothing further Meghan Lutz made a motion to approve the request for the lot coverage to increase to 45% 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 Nancy Babis.

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

Nancy Babis-yes

AREA VARIANCE GRANTED

There being nothing further Andy Rosenberg made a motion to approve the request for the 8' x 12' storage shed to be located 2' from the east property line and 3' from the south property line from the 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
Sheila Tracy-yes
Roxanne Devine-yes
Meghan Lutz-yes
Nancy Babis-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2284. Appeal of Kevin Donovan to replace the existing 6' wooden fence on the east side of the property located at 68 Pennsylvania Avenue, Lockport, New York situated in an R-1 Zone.

Mr. Donovan stated that the fence has been existing for 20 years. He said that it was damaged in a wind storm and he wasn't aware that he needed a permit to change the fence. He said that they didn't change the posts. He said that the fence was leaning on the other fence. He said that he got a citation from the City and then was told that he needed a variance.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Nancy Babis made a motion to approve the request to replace the existing 6' wooden fence on the east side of the property 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 Meghan Lutz.

Kevin Foltz-yes
Andy Rosenberg-yes
Sheila Tracy-yes
Roxanne Devine-yes
Meghan Lutz-yes
Nancy Babis-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2285. Appeal of Jeff Braham to remove the 9.7' x 36.3' northly section of the building and erect a 9.6' x 42' addition to the north side of the building located at 519 Park Avenue, Lockport, New York situated in an I-2 Zone.

Mr. Braham stated that the existing structure there was damaged. He said that the northwest side of it needed some roof work. He said that when they tore into it, they realized that it needed a wall replacement and a sill plate replacement. He said that in order to move forward they need to take care of the setback issue.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Andy Rosenberg made a motion to approve the request to remove the 9.7' x 36.3' northly section of the building and erect a 9.6' x 42' addition to the north side the building 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
Sheila Tracy-yes
Roxanne Devine-yes
Meghan Lutz-yes
Nancy Babis-yes

AREA VARIANCE GRANTED

The next case to be called was Case No. 2286. Appeal of Jennifer Lilley to erect a 6' high wooden fence on the south side of the property located at 51 Roosevelt Drive, Lockport, New York situated in an R-1 Zone.

No show. Applicant will be placed on the December agenda.

The next case to be called was Case No. 2287. Appeal of Kara Thomson to utilize a portion of the first and second floor of the building as a single-unit dwelling located at 211 Chestnut Street, Lockport, New York situated in a B-4 Zone.

Mr. Sam Terrazino was present to represent the owner and applicant.

Mr. Terrazino stated that his client is having a hard time getting a loan because of the zoning of the property. He said that it needs to be 51% residential to get the loan. He said that the owner did some work in the building without permits and the building is now 75% residential. He said that only a little of the building will remain commercial.

Mr. Foltz asked if the remaining commercial space will be used as a tattoo parlor.

Mr. Terrazino said that it could be a tattoo parlor or a professional office.

Mr. Foltz asked if it is a small space.

Mr. Terrazino said yes.

Mr. Foltz asked if there is a bathroom in that space.

Mr. Terrazino said yes.

Ms. Lutz suggested that the new owner checks with Building Inspection before they rent that space.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Nancy Babis made a motion to approve the request to utilize a portion of the first and second floor of the building as a single-unit dwelling as follows:

There being nothing further Nancy Babis made a motion to approve the request for the addition to be located 1.33' from the west 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 Meghan Lutz.

Kevin Foltz-yes
Andy Rosenberg-yes
Sheila Tracy-yes
Roxanne Devine-yes

Meghan Lutz-yes
Nancy Babis-yes

USE VARIANCE GRANTED

Meghan Lutz made a motion to approve the minutes of the October 25, 2022 meeting.
Seconded by Andy Rosenberg. Ayes-6 Noes-0

Sheila Tracy made a motion to adjourn; Motion seconded by Meghan Lutz. Ayes-6 Noes-0

MEETING ADJOURNED

The next regularly scheduled meeting will be Wednesday, December 21, 2022 at 5:00 p.m.