



Building Inspection Department

Jason Dool
Chief Building Inspector

Lockport Municipal Building
One Locks Plaza
Lockport, NY 14094
Phone (716) 439-6759
Fax (716) 439-6605

September 12, 2023

Megan Brewer

AGENDA

Please be advised that there is (1) one item on the agenda for the regularly scheduled Zoning Board of Appeals Meeting, Tuesday, September 26, 2023 at 5 P.M.

1. Andrew Perilli, 55 Independence Drive. Request to erect a 16' x 27' covered deck on the rear of the house situated in an R-1 Zone. (Area-lot coverage 23%)

***IF YOU CANNOT ATTEND THIS MEETING, PLEASE CONTACT MEGAN AT 439-6754 or
mbrewer@lockportny.gov ***



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NOTICE OF PUBLIC HEARING

Case No. 2307

September 12, 2023

Megan Brewer

Dear Sir or Madam:

An Appeal under the Zoning Ordinance as applied to the property at 55 Independence Drive, Lockport, New York, had been filed by Andrew Perilli.

The request is for a variance to erect a 16' x 27' covered deck on the rear of the house situated in an R-1 Zone.

Approval of the permit application was denied or withheld because the covered deck will increase the lot coverage to 23%.

The City of Lockport Zoning Ordinance allows a maximum 20% lot coverage in an R-1 Zone.

A Public Hearing will be held by the Zoning Board of Appeals on **Tuesday September 26, 2023 at 5:00 P.M.**, at the Lockport Municipal Building, One Locks Plaza, Lockport, New York, at which time you may appear, if you so desire, either in person or by agent or attorney.

The purpose of this Hearing is to give all affected property owners an opportunity to support or oppose the granting of this Appeal.

LOCKPORT ZONING BOARD OF APPEALS
Megan Brewer

**CITY OF LOCKPORT, NEW YORK
ZONING BOARD OF APPEALS APPLICATION**

☒ **AREA VARIANCE**

☐ **USE VARIANCE**

It is the responsibility of the applicant to complete this form in its entirety, including all required attachments, and as precisely as possible. Failure to submit a complete application may result in a delay in being placed on a Zoning Board of Appeals agenda or a delayed decision from the Zoning Board.

PROPERTY ADDRESS: 55 Independence Drive Lockport, NY

APPLICANT INFORMATION

NAME: Andrew Perilli ADDRESS: 55 Independence Drive
PHONE: 716-481-0995 Lockport NY 14094
FAX: 716-433-2086 E-MAIL: andrewperilli6@gmail.com
CITY STATE ZIP

OWNER INFORMATION

NAME: Andrew Perilli ADDRESS: 55 Independence Drive
PHONE: 716-481-0995 Lockport NY 14094
FAX: 716-433-2086 E-MAIL: andrewperilli6@gmail.com
CITY STATE ZIP

RELATIONSHIP OF APPLICANT TO PROPERTY:

☐ CONTRACT PURCHASER ☐ CONTRACTOR ☒ OTHER My residence
☐ ARCHITECT/ ENGINEER ☐ LESSEE permanent home

OFFICE USE ONLY

RECEIVED BY: _____ DATE/TIME RECEIVED: _____
FEE AMOUNT: _____ CHECK/MONEY ORDER#: _____
ZONING: _____ FEE TRANSMITTAL DATE: _____
AGENDA DATE: _____ DEADLINE DATE: _____
COUNTY TAX MAP IDENTIFICATION NUMBER: _____

BRIEF HISTORY OF PROPERTY (historic use of property, ownership history, etc.)

4 bed, 2.5 bath built in 1990. I purchased the home in May 2022. I live here permanently with my wife + dog. Plan to stay here for next 10-20 years + have children.

DESCRIPTION OF PROPOSED ACTION (include specific use proposed, hours, # of employees, etc.)

Building outdoor patio in backyard for personal use + to host family gatherings. Patio footprint is 16'x27'.

VARIANCE STANDARDS (USE VARIANCE)

Applications for use variances must be based on alleviating a clearly demonstrable hardship, as opposed to a special privilege of convenience sought by the owner. Furthermore, the hardship must be peculiar to the land or building and must not generally apply to land throughout the neighborhood. An example of a property that may potentially have a case for a used variance is a corner store in a predominantly residential neighborhood. If the building has large plate glass windows, a parking lot and loading docks in the rear, it would be extremely costly to convert the building to residential uses to comply with existing zoning regulations.

VARIANCE STANDARDS (AREA VARIANCE)

Applications for area variances must be based on some extraordinary topographic condition or other physical condition inherent in the parcel (for example: exceptional narrowness, shallowness, shape or area). This condition must prohibit or unreasonably restrict the use of the land and/or building. One example of special condition: A utility right-of-way cutting through the rear half of several properties within a larger neighborhood limiting the buildable area of those properties, thereby requiring variances for rear and side yard setbacks for those particular property owners to construct new garages or sheds.

DESCRIPTION OF HARDSHIP (describe the features or conditions of the property that restrict reasonable use of the property under current zoning regulations)

Decreased square footage

Describe how the requested variance will not alter the character of the larger neighborhood or impact adjacent properties:

We simply are replacing a wooden deck in our back yard with a patio with roof. This will not alter any character of the neighborhood or adjacent houses. Our backyard is faced in.

APPLICATION ATTACHMENTS

To ensure appropriate and timely review of the application, please provide the following additional documentation in support of the application. Failure to provide all of the applicable materials listed below may result in a delay in scheduling the application for review by the Zoning Board of Appeals.

- ☒ \$150 application fee (cash or checks payable to the City of Lockport)
- ☒ Detailed site plan (10 copies)
- ☐ Photographs of existing conditions
- ☐ Property survey (10 copies)

APPLICANT/OWNER AFFIRMATION

I, THE UNDERSIGNED, DO HEREBY AFFIRM THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND I FURTHER UNDERSTAND THAT INTENTIONALLY PROVIDING FALSE OR MISLEADING INFORMATION IS GROUNDS FOR IMMEDIATE DENIAL OF MY APPLICATION.

FURTHERMORE, I UNDERSTAND THAT I (OR A DESIGNATED REPRESENTATIVE) MUST BE PRESENT AT THE MEETING TO REPRESENT THE APPLICATION AND RESOND TO ANY QUESTIONS FROM THE ZONING BOARD OF APPEALS MEMBERS.

Andrew Penelli
Signature (Applicant)

7/26/23
Date

IF APPLICANT IS NOT THE OWNER OF RECORD FOR SUBJECT PARCEL:

I, THE UNDERSIGNED, HEREBY AFFIRM THAT I AM THE OWNER OF RECORD FOR THE SUBJECT PARCEL AT THE TIME OF APPLICATION. FURTHERMORE, I AM FAMILIAR WITH THE REQUEST BY THE APPLICANT AND AUTHORIZE SAID APPLICANT TO REPRESENT THE INTEREST OF THE OWNER (S) IN FURTHERANCE OF THE REQUEST.

Andrew Penelli
Signature (Owner)

7/26/23
Date

Regular meetings of the Zoning Board of Appeals are generally held on the 4th Tuesday of every month. The meetings are held at 6:00 P.M. in the Common Council chambers on the first floor of City Hall. Applicants will receive a reminder notice in the mail prior to the meeting.

Pursuant to Section §190-188(d) of the City of Lockport Zoning Ordinance, property owners within a 200' radius will be notified of the intent of the applicant and given an opportunity to speak for or against the application.

