



# Building Inspection Department

Jason Dool  
Chief Building Inspector

Lockport Municipal Building  
One Locks Plaza  
Lockport, NY 14094  
Phone (716) 439-6759  
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February 12, 2024

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, February 27, 2024 at 5 P.M.

1. Corey Hogan. 770 Davison Rd. Request to convert the existing office building into a multifamily dwelling situated in a B-4 Zone. (Use-conversion of a commercial building into residential units)

\*\*\*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. 2317

February 12, 2024

Megan Brewer

Dear Sir or Madam:

An Appeal under the Zoning Ordinance as applied to the properties at 770 Davison Rd, Lockport, New York, had been filed by Corey Hogan.

The request is for a variance to convert the existing office building into a multifamily dwelling situated in a B-4 Zone.

Approval of the permit application was denied or withheld because the conversion of a non-dwelling structures into residential dwellings is not permitted use in a B-4 Zone.

The City of Lockport Zoning Ordinance Section 190-120 states that no commercial or manufacturing structure originally designed for other than residential use shall be converted to a dwelling structure, nor shall any such structure which was so converted prior to the adoption of this chapter be further converted to provide for additional dwellings.

A Public Hearing will be held by the Zoning Board of Appeals on **Tuesday, February 27, 2024 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



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

This property is part of a commercial office park that was developed in the 1990's and was initially financially viable. Approximately 10 years ago, the area began losing commercial tenants and entered a sustained decline. The buildings also changed ownership several times. This occupancy rate decline became catastrophic during the Covid-related collapse in commercial real estate, and many of the buildings were resold after bankruptcy. They currently are over 90 percent vacant. 770 Davison currently has only one tenant in 5 units, with little prospect of new tenants.

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

It is proposed to convert 770 Davison from a commercial space to a multifamily unit in accordance within the requirements of the exiting building code. This use variance request is asking to allow the conversion from commercial to residential which I have been informed is not allowed under current building code. It is also my understanding that there is under consideration changes to the building code that if approved would not restrict conversions from commercial to residential in this location.

**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)

The demand for commercial office space has dropped radically over the past few years associated with the onset of the work from home trend. I currently own two of the larger properties located in the Lockport professional parkway off of Davison Road 770 Davison and 57 Davison Court. Additionally I am under contract to purchase 6 more properties in the complex. Of the roughly 38000 sq ft of space I own or are in the process of purchasing roughly 6000 sq feet is currently rented. Of the three leases that exist only one is of a long term nature with one month to month and one expiring at the end of March. Rick Recckio a prominent real estate broker in WNY has been actively marketing the all of the buildings for sale or rent since March of 2021 with dismal results ( see attached letter for more details). Based on the current and foreseeable demand for commercial / office space in this location we are requestion a use variance to allow 770 Davison to be converted to apartment space. The proposed plan would create a number of well equipped, spacious and modern apartments. 770 Davison is in an area that is appropriately zoned for multifamily units. There is however a condition in the current building code that prohibits the conversion of existing commercial space to residential. It is that specific item that we are asking a variance for.

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

770 Davison is in a location already zoned for multifamily residential space as such I believe tearing down and building new on the same space would be an approvable activity. Since a perfectly good building currently exist on the lot already it would not be environmentally or economically prudent to do so and thus the request for the variance to convert. I believe a similar conversion from commercial to single family residential may have previously been done at 691 Davison which is in the same building code designation as 770.

**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 RESPOND TO ANY QUESTIONS FROM THE ZONING BOARD OF APPEALS MEMBERS.

  
\_\_\_\_\_  
Signature (Applicant)

\_\_\_\_\_  
2-8-2024  
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.

\_\_\_\_\_  
Signature (Owner)

\_\_\_\_\_  
Date

Regular meetings of the Zoning Board of Appeals are generally held on the 4<sup>th</sup> Tuesday of every month. The meetings are held at 5:00 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.



# Recckio

Real Estate & Development, Inc.



4455 Transit Road, Suite 3B, Williamsville, NY 14221 • Phone: 716.636.8888 • FAX: 716.632.6666 • [www.recckio.com](http://www.recckio.com)

February 7, 2024

Mr. Corey Hogan  
2410 North Forest Road  
Suite 301  
Amherst, New York 14068

RE: Lockport Professional Park  
Lockport, New York

Dear Mr. Corey Hogan;

I have been marketing this office park since March of 2021 for the new ownership. My company has 35+/- web site links more than any brokerage Company in WNY and PA. With all this exposure, real estate signage, web site links and being available 7 days a week, into late evenings.

All of these efforts my office has gone thru in the last 35 months to secure tenants for the Lockport Professional Park properties (especially 770 Davison Rd.) which I haven't been able to secure one tenant in this building in fact we lost one tenant. This entire complex has had very dismal results in trying to secure new tenants and not from a lack of marketing.

I have been a licensed Real Estate Broker in Buffalo, NY for over thirty-four years and over nine years in Pennsylvania, I have completed several sales and leases in the WNY, Southern Tier market including Erie and Northern PA over the years. I have a huge dominance in these markets as a commercial real estate Broker. Most of my experience is in retail, restaurants, office, industrial, investments and land sales and leasing. The areas which I cover are in WNY to Pennsylvania lines west and south, including northern western Pennsylvania. Have been a Costar/Loopnet power Broker for five (5) consecutive years.

Please visit us online at [www.recckio.com](http://www.recckio.com) to learn why so many national, regional, and local businesses trust Recckio Real Estate & Development, Inc to represent this client base for their commercial property needs in Western New York and Pennsylvania.

Sincerely,

Richard R. Recckio  
Broker

**Recckio Real Estate & Development, Inc.**  
RRR/tir



Professional Pkwy

Davison Rd



770 Davison Rd,  
Lockport, NY 14094

780

on Rd









**FLOOR PLAN**

GROSS INTERNAL AREA  
 FLOOR PLAN 7,950 sq.ft.  
 EXCLUDED AREAS : HALL 1,027 sq.ft.  
 TOTAL : 7,950 sq.ft.  
 SIZES AND DIMENSIONS ARE APPROXIMATE. ACTUAL MAY VARY