



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

April 9, 2024

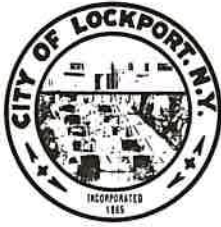
Megan Brewer

AGENDA

Please be advised that there are (2) two items on the agenda for the regularly scheduled Zoning Board of Appeals Meeting, Tuesday, April 23, 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)
2. Karla Bow. 20 Hill Street. Request to subdivide the lot into two parcels situated in an R-2 Zone. (area-lot width 53', area-lot size 7,657.44)

***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. 2319

April 9, 2024

Megan Brewer

Dear Sir or Madam:

An Appeal under the Zoning Ordinance as applied to the properties at 20 Hill Street, Lockport, New York, had been filed by Karla Bow.

The request is for a variance to subdivide the lot into two parcels situated in an R-2 Zone.

Approval of the permit application was denied or withheld because the newly created lot will be 53' wide and will have a total lot size of 7,657.44 square feet.

The City of Lockport Zoning Ordinance requires a minimum 70' lot width and a minimum 12,000 square foot lot size in an R-2 Zone.

A Public Hearing will be held by the Zoning Board of Appeals on **Tuesday, April 23, 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

KARLA BOW
20 Hill Street
Lockport, NY 14094
lockportrealtor@gmail.com
Phone: 716-444-1028

April 4, 2024

ATTN: Jason Dool
Building Inspection Dept.
City of Lockport
One Locks Plaza
Lockport, NY 14094

HAND DELIVERED

RE: 20 Hill Street, Lockport, NY

Dear Mr. Dool:

You may recall I submitted a Planning Board Application in December, 2023, and after your site visit, you advised I need a variance first.

Therefore, enclosed please find original and 9 copies of Zoning Board of Appeals Application, Description of Proposal and Hardship, Proposed Subdivision Plot Plan, Survey dated 10/10/23, and my check for \$150 for the application fee.

I would appreciate it if you would review the enclosed and confirm via email that you have put this on the agenda for the April 23, 2024, Zoning Board meeting at 5pm.

Thank you for your consideration.

Very truly yours,



KARLA BOW

KB/s

Enclosures

Cc: Patrick M. Balkin, Esq.
Via email only to pzbalk@gmail.com

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

X 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: 20 Hill St.

APPLICANT INFORMATION

NAME: Karla Bow ADDRESS: 20 Hill St.

PHONE: 716-444-1028 Lockport, NY 14094
CITY STATE ZIP

FAX: 716-434-9105 E-MAIL: LOCKPORTREALTOR@GMAIL.COM

OWNER INFORMATION

NAME: SAME ADDRESS: _____

PHONE: _____
CITY STATE ZIP

FAX: _____ E-MAIL: _____

RELATIONSHIP OF APPLICANT TO PROPERTY:

- CONTRACT PURCHASER CONTRACTOR OTHER OWNER
 ARCHITECT/ENGINEER LESSEE

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.)

SEE ATTACHED DESCRIPTION OF PROPOSAL

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

SEE ATTACHED DESCRIPTION OF PROPOSAL

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)

SEE ATTACHED DESCRIPTION OF PROPOSAL - PAGE 3

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

SEE ATTACHED DESCRIPTION OF PROPOSAL

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.

Karla Bow
Signature (Applicant)

4/4/24
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 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.

DESCRIPTION OF PROPOSAL

20 Hill Street is a fully-fenced parcel measuring approximately 149' x 149', consisting of 3-4 oversized tax lots numbered 41, 43 and 45, currently zoned R2, containing a single family brick ranch house approximately 1,340 sq ft and a terracotta tile building measuring approximately 1,787 sq ft, designated by the City as a garage but with no overhead door to allow for actual indoor parking or use as a garage.

When Karla Bow purchased said property in July, 2016, specifically due to the building, Ms Bow had to purchase with a combination of cash and a private mortgage.

Ms Bow proposes to subdivide the building, the vinyl shed, and the existing concrete driveway located right next to the building apart from the residence at 20 Hill Street, and to convert the interior of the building to a single family residence.

In conjunction with this, Ms Bow will add a new driveway for the house on the east side of the property. The new driveway will be closer to the house in a more practical location, and next to the neighbor's driveway, which is located in the rear of that property. The subject property has no actual side neighbors, only garages; the house to the east faces Church St. and the house to the west faces N. Transit St.

Previously, the building was used as Kearns Print Shop and was built prior to the house in 1959. The print shop was closed, all equipment was removed, and the building was redesignated as a "garage" prior to Ms Bow's purchase of the property. However, the building was never a garage, it was never intended to be one, and it will never be able to be used as one without extensive structural modifications; most likely, there was no better designation for the building once the business closed.

Since at one time it was used as a successful, commercial business location, it has all of the major mechanics one would expect to find in a commercial space such as heat, separate electric service, separate water and sewer service, windows, non-load bearing walls, and parking. There is an attached portion at the back of the building with double doors and a concrete ramp that could be designated as an attached garage.

The new proposed building lot will be approximately 53' x 149' and the house lot will be approximately 96' x 149', both still significantly larger than the average City parcel, especially in the North End.

Ms Bow has been a Realtor for over 20 years and while she has seen many garages that have heat and water, like the "garage" at 20 Hill St., Ms Bow has never seen a garage with a 2nd story, a crawl space, full water and sewer lines, with remnants of a kitchenette and a bathroom, but one that you can't actually park in.

This past fall, Ms Bow spent over \$10,000 performing routine repairs and maintenance to the garage area and exterior only of the building, only to realize that she was still just left with a huge storage space for junk.

The proposed variance and subsequent subdivision will not alter the neighborhood or impact adjacent properties because the building is surrounded by back yards and garages. Subdividing, rezoning the building to R1, and minor interior remodeling will actually enhance the neighborhood by bringing the building into conformance with its surroundings, which are all residential homes. The building is not a garage. It's a beautiful, old terracotta tile building that should be allowed to reach its full potential as a unique residential property!

Description of hardship

20 Hill Street, which currently includes the house and building, is zoned R2, which is technically accurate because there are 2 free-standing (residential) units, however, the problem is that while the house is habitable, the building is not habitable as a single family home. Therefore, no banks will provide financing of any kind to purchase the property or to obtain a home equity loan to improve the property.

Further, with its designation as a "garage", a proper and sufficient amount of insurance cannot be obtained on the building. The house has \$350,000 of replacement value coverage but insurance companies will only insure the building for \$25,000 or less! Obviously, this is ludicrous on its face. You could never replace an 1,800 square foot, 2 story terracotta structure for \$25,000.

While there is plenty of frontage to subdivide and not require a variance, the proposed subdivision line makes the most sense due to the topography of the land. If the frontage was split evenly or even 70/80 (building/house respectively), the house would be left with a useless, narrow side yard and the building would have an unnecessary large side yard which would be a waste of space.

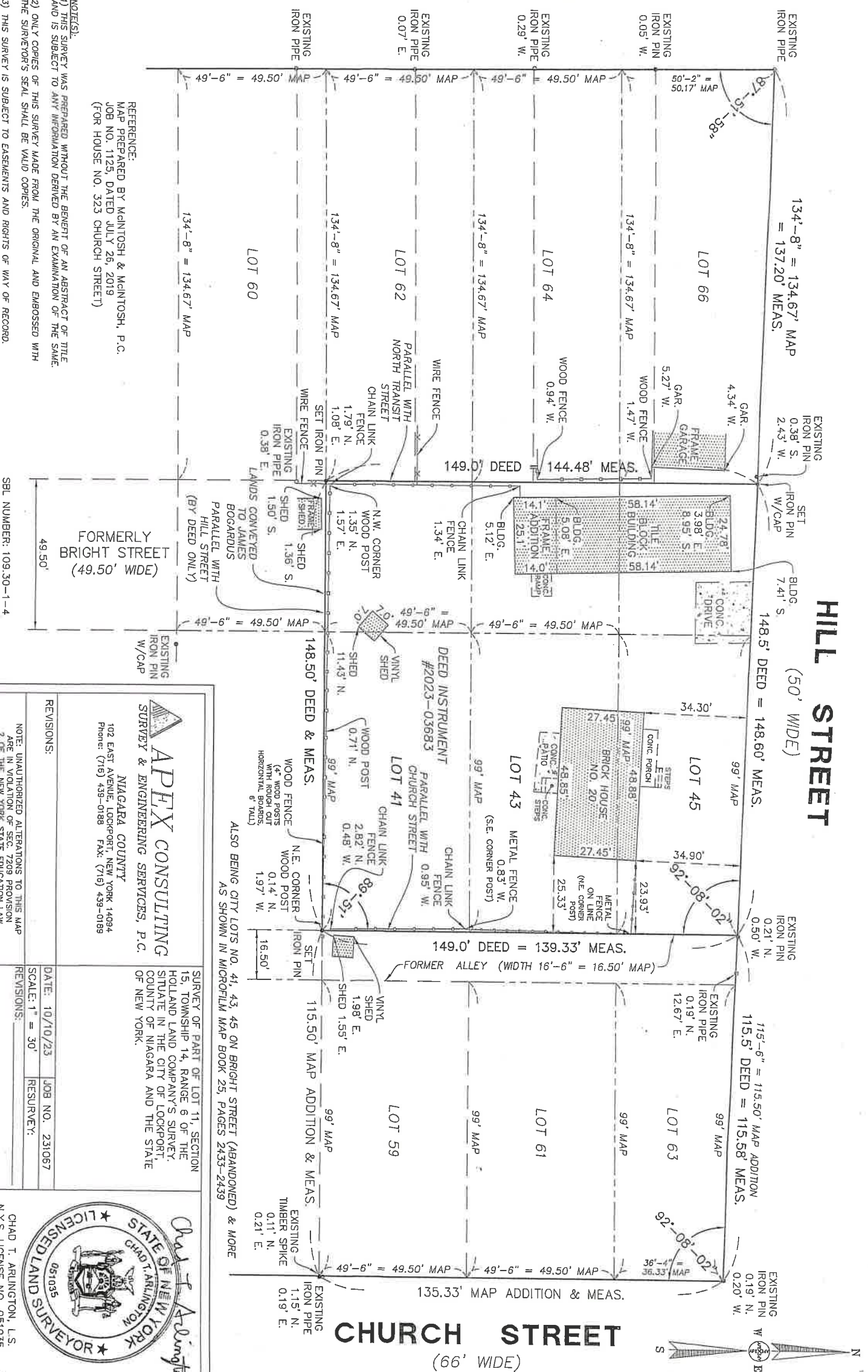
I have considered and researched these issues thoroughly during the 7 ½ years I have owned and occupied the property and have come to the realization that the most cost-effective and efficient solution is to apply for a variance for the minor frontage shortfall and to subdivide the building from the house at a location on the land that makes sense and to have the building be its own single family residence zoned R1.

Thank you for your consideration!

NORTH TRANSIT STREET (66' WIDE)

HILL STREET (50' WIDE)

CHURCH STREET (66' WIDE)



REFERENCE:
 MAP PREPARED BY MCINTOSH & MCINTOSH, P.C.
 JOB NO. 1125, DATED JULY 26, 2019
 (FOR HOUSE NO. 323 CHURCH STREET)

NOTES:
 1) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY INFORMATION DERIVED BY AN EXAMINATION OF THE SAME.
 2) ONLY COPIES OF THIS SURVEY MADE FROM THE ORIGINAL AND EMBOSSED WITH THE SURVEYOR'S SEAL SHALL BE VALID COPIES.
 3) THIS SURVEY IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

SBL NUMBER: 109.30-1-4

APEX CONSULTING
 SURVEY & ENGINEERING SERVICES, P.C.
 NIAGARA COUNTY
 102 EAST AVENUE, LOCKPORT, NEW YORK 14094
 Phone: (716) 439-0188 FAX: (716) 439-0189

SURVEY OF PART OF LOT 11, SECTION 15, TOWNSHIP 14, RANGE 6 OF THE HOLLAND LAND COMPANY'S SURVEY, SITUATE IN THE CITY OF LOCKPORT, COUNTY OF NIAGARA AND THE STATE OF NEW YORK.

ALSO BEING CITY LOTS NO. 41, 43, 45 ON BRIGHT STREET (ABANDONED) & MORE AS SHOWN IN MICROFILM MAP BOOK 25, PAGES 2433-2439

REVISIONS:	DATE: 10/10/23	JOB NO. 231067
NOTE: UNAUTHORIZED ALTERATIONS TO THIS MAP ARE IN VIOLATION OF SEC. 7208 PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.	SCALE: 1" = 30'	RESURVEY:

CHAD T. ARLINGTON, L.S.
 N.Y.S. LICENSE NO. 051035

PROPOSED SUBDIVISION PLOT PLAN (NOT TO SCALE)

RED = PROPOSED NEW PROPERTY LINE
BLUE = PROPOSED ADDITIONS

NORTH TRANSIT STREET (66' WIDE)

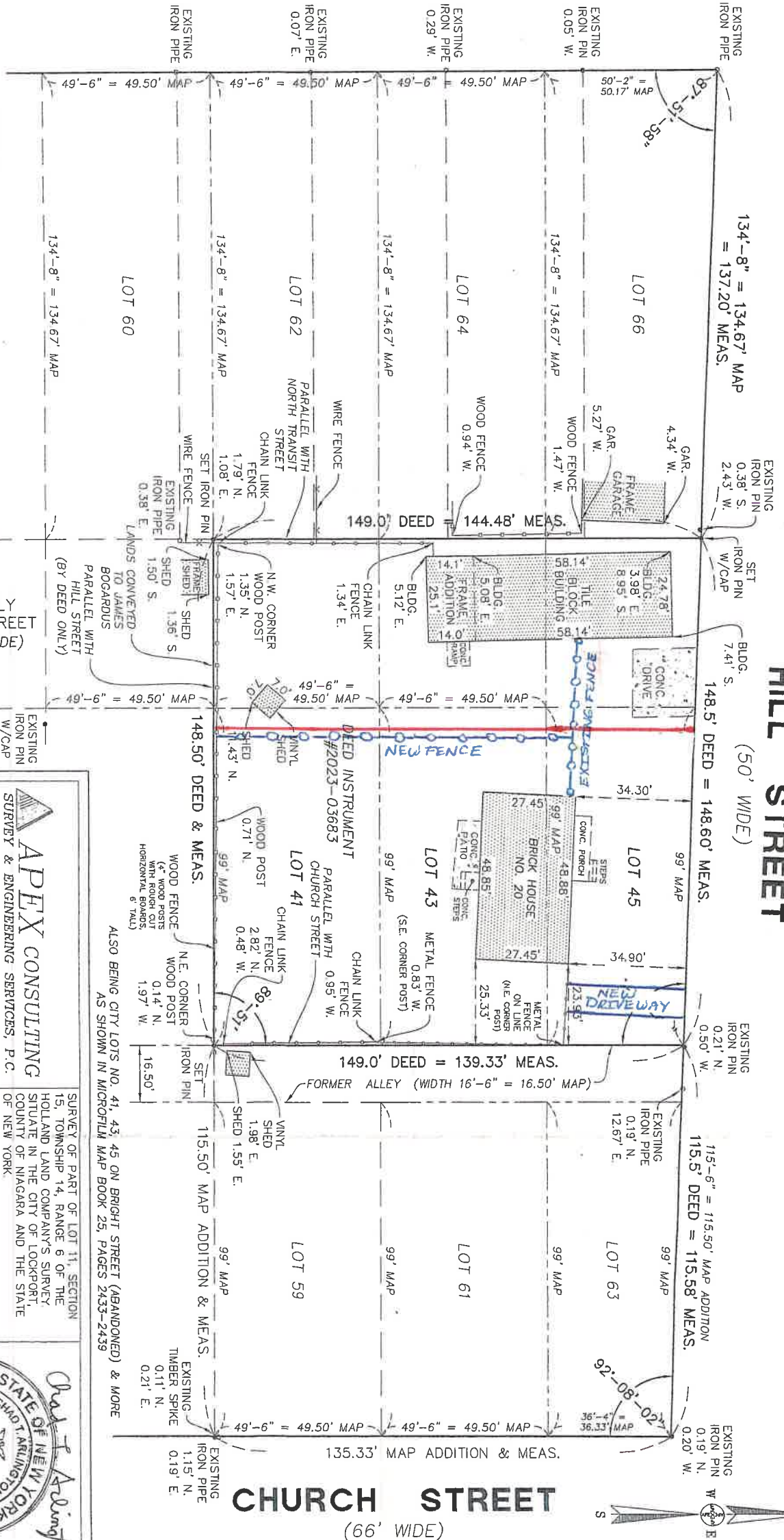
HILL STREET
(50' WIDE)

CHURCH STREET
(66' WIDE)

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SEL NUMBER: 109.30-1-4



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