

**MINUTES**  
**MUNICIPAL BUILDING**  
**ZONING BOARD OF APPEALS**

April 23, 2024

5:00 P.M.

PRESENT: Kevin Foltz, Chairman, Nancy Babis, Andrew Rosenberg, Meghan Lutz, Kevin McDonough, Kathleen Kugler, Deputy Corporation Counsel, Jason Dool, Chief Building Inspector.

EXCUSED: Sam Marotta, Shelia Tracy

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. 2317. Appeal of Corey Hogan to convert the existing office building into a multifamily dwelling located at 770 Davison Road, Lockport, New York situated in a B-4 Zone.

Mr. Sean Hopkins was present to represent Mr. Hogan.

Mr. Hopkins stated that they would like to change their application.

Megan Brewer questioned if Mr. Hopkins has a letter of authorization allowing him to represent Mr. Hogan.

Mr. Hopkins said Brian Kulpa from Wave Architecture was on his way.

Megan Brewer stated that Mr. Kulpa doesn't have authorization to represent Mr. Hogan either.

Mr. Hopkins stated that as his attorney, he can represent Mr. Hogan in this matter but will have a letter sent over.

Deputy Corporation Counsel Kugler said that if the application is being changed then they need to reapply.

Mr. Hopkins said that he would like to have a discussion with the Board about the issue of this being an area variance.

Deputy Corporation Counsel Kugler stated that they are before the Board for a decision of their application, if they would like to change their request they need to reapply.

Mr. Hopkins stated that he would like to discuss the definition of a use variance.

Megan Brewer explained the process for submitting applications for variances and interpretations.

Jason Dool explained that there are here for a decision, if they are changing the application they need to reapply.

Mr. Hopkins said that he would like to table the decision until the next meeting so they can discuss the criteria for a use variance.

Mr. Rosenberg made a motion to go into executive session to discuss the legalities of the situation.

Ms. Lutz seconded the motion. Ayes-5 Noes-0

The Board went into executive session.

Mr. Rosenberg made a motion to come out of executive session. Seconded by Ms. Babis. Ayes-5 Noes-0

Mr. Foltz stated that the Board is prepared to make a decision on the application. He asked if the applicant would like to move forward with the decision or withdraw the application.

Mr. Hopkins said that he would like to withdraw the application for the petty use variance.

Mr. Foltz asked that a letter of authorization be submitted.

Mr. Hopkins said that he can make that happen.

### **APPLICATION WITHDRAWN**

The next case to be called was Case No. 2319. Appeal of Karla Bow to subdivide the lot into two parcels located at 20 Hill Street, Lockport, New York situated in an R-2 Zone.

Ms. Bow said that this house and building are very new and dear to her heart.

Ms. Bow showed the Board a picture that she has of the building that hangs in her home.

Ms. Bow said that the building on the property is the old Kern's print shop. She provided the Board members more documents and pictures of the property.

Ms. Bow said that she is a paper geek and a real estate geek. She said that she has been a real estate agent for 20 plus years.

Ms. Bow stated that she has her attorney Pat Balkin with her.

Ms. Bow said that her lot is a quadruple lot with the parcel running north and south the long way. She said that there was 4 50'x 100' lots running north to south. She said that she believes that the building was once on its own 50'x 100' lot. She said that she would like to go back and split the lot in half. She said that in her professional opinion and because of the topography it makes more sense to move the line over a few feet. She said that there is a beautiful maple tree on the property that will remain with the house. She said that the lot with the building on it will have two trees behind it. She said that the new lot will have 53' of frontage.

Ms. Bow said that R-2 requires the lot to be 12,000 square feet in total area. She said that she is requesting that it be rezoned to R-1 because it will be a single family home. She said that it shouldn't be R-2, it should be R-1 which requires the lot to be 10,000 square feet. She said that the new lot will be 7,657 square feet.

Jason Dool explained that she is not applying to rezone the property from R-2 to R-1. He said that R-2 allows for single and two-family homes. He said that she is apply for two area variances.

Ms. Bow said that she will be short on square footage, however looking at the surrounding area, there are a lot of lots that are smaller than what she is proposing.

Ms. Bow said that when she purchased the property she had to get a private mortgage. She said that she couldn't get financing because it is R-2 and they see the house and one unit and the building as unit two. She said that they consider unit two as uninhabitable. She said that the building has plumbing, heat but there are no cupboards or anything. She said that she has tried to get a home equity loan and was rejected because of the property specs.

Ms. Bow stated that this is 2024 and a commercial building in this area is not an option. She said that she has to convert the building into a single family home. She said that she has completed 19 projects at the property.

Ms. Bow said that on March 27, 2024 she read an article about affordable housing. She said that here are too few homes in the area that are affordable. She said that there is a housing crisis and this needs to be done. She said that we have to start somewhere, why not right here.

Ms. Bow said that this will not be a traditional home, but this type of home is becoming more popular. She said that the State is trying to shrink lot sizes to make more room available for more cottages and smaller homes according to the NY Times.

Ms. Bow said that this will be a two bedroom home, about 18,000 square feet. She said that it could be sold for \$100,000 to \$150,000.

Ms. Bow said that she has no plans on selling the house. She said that currently the building is being used a staging and storage area for her business and her friends.

Ms. Bow listed the exterior renovations that she completed.

Ms. Bow stated that said that four months ago the roof leaked in the rear of the building and it costed her \$10,000 to fix it. She said that even doing that she still doesn't have a garage that she can park in.

Ms. Bow showed the Board a copy of the tax map. She said that the surrounding lots to the north, west and east are all tiny, way smaller than what she wants to create.

Ms. Bow said that her property was reassessed and her assessment went up \$45,000 last year and \$6,000 this year. She said that if she separates the parcel and converts the building into a single-family home, it will be another \$100,000 house on the tax roll.

Ms. Bow said that the building already has water and sewer. She said that she won't have to make any major structural changes. She said that if she wanted to use the building as a garage she would have to install beams and garage doors. She said that she doesn't have that kind of money.

Ms. Bow said that she can't sell or refinance her house because no bank will give anyone money because of the unique property.

Ms. Bow said that she already has a local contractor to do the work. She said that All Pro Contracting is going to do the work inside. She said that they would move the fence to separate the parcels. She said that the existing driveway would stay with the building and she would install a new driveway for her house. She said that she can't even insure the building correctly because of the way it is. She said that currently there is a \$25,000 replacement value and it is worth more. She said that no one knows how to designate the building.

Ms. Bow said that the building really doesn't have any neighbors. She said that on one side of the building there is a garage and a 6' fence. She said in the rear there is a 6' fence and the people will not be affected.

Ms. Bow said that she and her assistant have done several projects on the building. She showed the Board pictures of the exterior building.

Ms. Bow said that the building is beautiful. She said that she hand stenciled the logo back on the building. She said that the rear of the building was rescued. She said that the contractor told her that it would have collapsed if she didn't fix the roof. She said that it would have costed her \$25,000 to demolish that part of the building. She said that she power washed the entire building and sealed all of the mortar and painted the building.

Ms. Bow said that she talked to the neighbors and they are excited and happy about this idea. She said that they seemed grateful. She said that some of the neighbors couldn't be at the meeting.

Ms. Bow gave the Board seven letters in support of the project from the neighbors.

Ms. Bow said that she loves the building and it gives her great hope.

Ms. Lutz said that Ms. Bow stated she intends to use the building as a home. She asked what the time frame is on when the building will be converted to a single-family home.

Ms. Bow said as soon as she gets the approval and the loan. She said that she already has contractors lined up.

Mr. Foltz said that it seems like most of the work outside is done. He asked if any work has been done inside.

Ms. Bow said yes, when she bought the property the previous owners has removed all the printing equipment which damaged the oak floors. She said that she repaired the floors.

The meeting was opened to the public.

Mr. Paul Webster, 21 Hill Street, stated that he owns the property across the street. He said that he has no objections. He said that he isn't worried about the lot size. He said that this will fit in with the neighborhood and will be a benefit to the neighborhood.

The meeting was closed to the public.

Mr. Foltz asked when the project will be completed.

Ms. Bow said that she is at the mercy of the contractor. She said that she hopes before the end of the year.

Mr. Foltz asked if it could be completed within 6 months.

Ms. Bow said more like 9 months.

There being nothing further Ms. Babis made a motion to approve the request for the newly created lot to be 53' wide as follows:

AND IT APPEARING, the conversion of the building into a single-family home be completed within nine months of the granting of the variance,

WHREAS, 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  
Nancy Babis-yes  
Kevin McDonough-yes  
Andrew Rosenberg-yes  
Meghan Lutz-yes

**AREA VARIANCE GRANTED**

Meghan Lutz made a motion to approve the request for the newly created lot to be 7,657.44 square feet as follows:

AND IT APPEARING, the conversion of the building into a single-family home be completed within nine months of the granting of the variance,

WHREAS, 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 Kevin McDonough.

Kevin Foltz-yes  
Nancy Babis-yes  
Kevin McDonough-yes  
Andrew Rosenberg-yes  
Meghan Lutz-yes

**AREA VARIANCE GRANTED**

Andy Rosenberg made a motion to approve the minutes of the March 26, 2024 meeting.  
Seconded by Nancy Babis. Ayes-5 Noes-0

Andy Rosenberg made a motion to adjourn; Motion seconded by Meghan Lutz. Ayes-5  
Noes-0

**MEETING ADJOURNED**

**The next regularly scheduled meeting will be Tuesday, May 28, 2024 at 5:00 p.m.**