

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

May 28, 2024

5:00 P.M.

PRESENT: Kevin Foltz, Chairman, Nancy Babis, Meghan Lutz, Sam Marotta, Shelia Tracy Kevin McDonough, Kathleen Kugler, Deputy Corporation Counsel, Jason Dool, Chief Building Inspector.

EXCUSED: Andrew Rosenberg

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. 2320. Appeal of George Enzinna to erect an 8.5' x 20' carport on the south side of the house located at 58 Beattie Avenue, Lockport, New York situated in an R-1 Zone.

Mr. Enzinna stated that he would like to put a carport on the side of his house.

Mr. Foltz asked if the carport is going to aluminum.

Mr. Enzinna said yes.

Mr. Enzinna said that the drainage will go straight down his driveway.

Mr. Foltz asked if the roof is going to be pitched.

Mr. Enzinna said that the water will hit his driveway and flow down.

Mr. Foltz asked if the carport is going to be pitched parallel or perpendicular to the house. (He showed Mr. Enzinna a copy of the property survey)

Ms. Lutz stated that if gutters are going to be installed on the carport, they cannot be located on the neighbor's property nor can they drain onto the neighbor's property.

Mr. Enzinna said that the water will run into his driveway right to the street.

Mr. Foltz said that the gutters cannot go over the property line.

Mr. Foltz asked if any lighting is going to be installed on the carport.

Mr. Enzinna said no.

Mr. Foltz said that the property line is close, he said that the carport or gutters cannot go over the property line. He asked if the carport is going to be open.

Mr. Enzinna said yes.

The meeting was opened to the public.

The meeting was closed to the public.

Ms. Tracy asked if the carport is going to be fire rated.

Ms. Lutz said that the board's concern is that the 8.5' wide carport won't fit. She said that Mr. Enzinna needs to be aware of how much room he has on the south side of the property and where the property line is.

There being nothing further Kevin McDonough made a motion to approve the request for the carport to be located 0' 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 Sheila Tracy.

Kevin Foltz-yes  
Nancy Babis-recused  
Kevin McDonough-yes  
Sam Marotta-yes

Sheila Tracy-yes  
Meghan Lutz-yes

**AREA VARIANCE GRANTED**

Sam Marotta made a motion to approve the request for the lot coverage to increase to 40.6% 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  
Nancy Babis-recused  
Kevin McDonough-yes  
Sam Marotta-yes  
Sheila Tracy-yes  
Meghan Lutz-yes

**AREA VARIANCE GRANTED**

The next case to be called was Case No. 2321. Appeal of Mark Butler to erect a 24' x 5.5' two-story addition to the west side of the house and a 12' x 5.75' addition to the front porch located at 103 Caledonia Street, Lockport, New York situated in an I-2 Zone.

Mr. Butler stated that he is renovating 103 Caledonia Street. He said that it is a single family home. He said that he would like to install first floor laundry and for it to be three bedroom and 2.5 bathroom. He said that he needs to expand the house to the left line. He said that he would like to enclose the front porch to create a half bath and entrance.

Mr. Foltz asked if he plans on residing the entire house to match everything.

Mr. Butler said that eventually he plans on residing the entire house but for now it will be white to match.

Mr. Foltz asked if he plans on installing gutters on the additions.

Mr. Butler said yes.

Mr. Foltz said that he needs to make sure he doesn't discharge water on the neighboring property.

Mr. Butler said that it will discharge onto his own property.

Ms. Lutz asked if he will be in compliance with the Fire Code.

Mr. Butler said yes, he talked to the architect.

The meeting was opened to the public.

Ms. Angela Blackley, 6 McCue Street, stated that she was at the meeting on behalf of Roberta Manna.

Ms. Blackley stated that she is concerned with the addition being located 1' from the property line.

Mr. Butler said that the addition will not be any closer to the property line than the existing house. He said that he has cleared out a lot of the bamboo that was on that side of the house.

Mr. Foltz showed Ms. Blackley a copy of the drawings submitted to the Board.

Ms. Blackley asked if the addition is two-story.

Mr. Butler said that there is a 2<sup>nd</sup> story on the house now, he said that he wants to install dormers on that side of the house to raise the height of the ceiling. He said that he would like to have 8' ceilings.

Ms. Blackley asked how much higher the house will be.

Mr. Butler said not much. He said that he will bring the roof up to a pitch.

Roberta Manna, owner of 117 Caledonia Street asked if this is going to shade that part of her property.

Jason Dool explained that this house is in the middle of the block not on the corner.

Mr. Marotta explained that this project is not next door to Ms. Manna's rental house.

The meeting was closed to the public.

Ms. Lutz asked if the front porch is going to be fully enclosed to install a ½ bath and a foyer on the existing slab.

Mr. Butler said yes.

There being nothing further Meghan Lutz made a motion to approve the request for the two-story addition to be located 1' 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 Sam Marotta.

Kevin Foltz-yes  
Nancy Babis-yes  
Kevin McDonough-yes  
Sam Marotta-yes  
Sheila Tracy-yes  
Meghan Lutz-yes

**AREA VARIANCE GRANTED**

Nancy Babis made a motion to approve the request for the front porch addition to be located 14' 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 Meghan Lutz.

Kevin Foltz-yes  
Nancy Babis-yes  
Kevin McDonough-yes  
Sam Marotta-yes  
Sheila Tracy-yes  
Meghan Lutz-yes

**AREA VARIANCE GRANTED**

Meghan Lutz made a motion to approve the request for the front porch addition to be located 'from the east 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  
Nancy Babis-yes  
Kevin McDonough-yes  
Sam Marotta-yes  
Sheila Tracy-yes  
Meghan Lutz-yes

### **AREA VARIANCE GRANTED**

The next case to be called was Case No. 2322. Appeal of Saif Alazzawi to utilize the existing building as an automotive repair shop located at 205 Washburn Street, Lockport, New York situated in an R-3 Zone.

Mr. Alazzawi stated that he would like to use the property for a repair shop. He said that he is a mechanic and will also sell cars.

Mr. Foltz asked if he intends to sell cars from the property.

Mr. Alazzawi said yes.

Mr. Foltz asked how many cars he intended to have on the lot at one time.

Mr. Alazzawi said 5-10.

Mr. Foltz said that is a lot of cars for such a small lot.

Mr. Alazzawi said that he measured and they will fit.

Ms. Lutz asked how he plans on parking them all on the lot.

Mr. Alazzawi said they will be 5 cars by 5 cars.

Ms. Tracy asked what the hours of operation will be.

Mr. Alazzawi said 9 am to 5 or 6 pm. 6-7 days a week.

Ms. Tracy asked how many days a week.

Mr. Alazzawi said 6.

Mr. Foltz asked if he will be doing car repairs on the property.

Mr. Alazzawi said yes.

Mr. Foltz asked where the cars that are being worked on are going to be parked.

Mr. Alazzawi said in front of the bays.

Ms. Babis asked if he plans on doing any body or paint work.

Mr. Alazzawi said no, only repairs.

Mr. Foltz said that the surrounding neighborhood is residential. He said that they need to make sure they aren't working early and disturbing the neighbors. He said that they need to keep it 9 am to 5 pm.

Mr. Alazzawi said ok.

The meeting was opened to the public.

Mr. Foltz stated that they received an anonymous letter regarding the project but he will not read it aloud as it was anonymous.

The meeting was closed to the public.

Ms. Tracy said that they need to make sure the cars are all parked in the lot.

Ms. Babis said that there should not be any cars used for parts on the property.

Mr. Alazzawi said that only good cars will be on the lot.

Ms. Babis said that they don't want to see a junk yard.

Mr. Foltz asked how many cars he plans on having on the lot for sale at one time.

Mr. Alazzawi said 5-10.

Mr. Foltz said that he needs to make sure there is no excess noise or lighting to be respectful to the neighbors.

Mr. Alazzawi said that he hopes the neighbors are clients. He said that it will be a slow business, nothing crazy. He said that it will be clean, he doesn't want any problems.

Mr. Foltz said that he thinks this a good fit for a mechanic shop.



There being nothing further Nancy Babis made a motion to approve the request to utilize the existing building as a mechanic shop as follows:

AND IT APPEARING, the hours of operation for the business shall be 9 am to 5 pm,

WHEREAS, there shall be no painting of vehicles on the property,

WHEREAS, there shall be no body work performed on vehicles on the property,

WHEREAS, there shall be not more than ten vehicles stored outside on the property at any one time,

WHEREAS, 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  
Sam Marotta-yes  
Sheila Tracy-yes  
Meghan Lutz-yes

**USE VARIANCE GRANTED**

Meghan Lutz made a motion to approve the minutes of the April 23, 2024 meeting.  
Seconded by Nancy Babis. Ayes-6 Noes-0

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

**MEETING ADJOURNED**

**The next regularly scheduled meeting will be Tuesday, June 25, 2024 at 5:00 p.m.**