



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

August 13, 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, August 27, 2024 at 5:00 P.M.

1. Haris Ali. 163 South Street. Request to erect a wooden fence around the perimeter of the vacant lot situated in an R-3 Zone. (Area-fence not located on the same parcel as primary building)
2. Nicholas Pasceri. 755 Market Street. Request to utilize a portion of the existing building as retail space situated in an R-2 Zone. (use-retail store)

***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. 2331

August 13, 2024

Megan Brewer

Dear Sir or Madam:

An Appeal under the Zoning Ordinance as applied to the property at 163 South Street, Lockport, New York, had been filed by Haris Ali.

The request is for a variance to erect a wooden fence around the perimeter of the vacant lot situated in an R-3 Zone.

Approval of the permit application was denied or withheld because the fence is not located on the same lot as the primary structure.

The City of Lockport Zoning Ordinance Section 190-19 stated that any accessory building or use shall be located on the same lot with the principal building.

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

**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: 163 South Street, Lockport, NY 14294

APPLICANT INFORMATION

NAME: Haris Ali ADDRESS: 8 Elmwood Avenue

PHONE: (845) 394-1394 Lockport NY 14094

FAX: _____ E-MAIL: hali22996@gmail.com
CITY STATE ZIP

OWNER INFORMATION

NAME: Haris Ali ADDRESS: 8 Elmwood Avenue

PHONE: (845) 394-1394 Lockport NY 14094

FAX: _____ E-MAIL: hali22996@gmail.com
CITY STATE ZIP

RELATIONSHIP OF APPLICANT TO PROPERTY:

- CONTRACT PURCHASER CONTRACTOR OTHER
- ARCHITECT/ ENGINEER LESSEE

OFFICE USE ONLY

RECEIVED BY: me DATE/TIME RECEIVED: 7/25/04

FEE AMOUNT: 150 CHECK/MONEY ORDER#: CASH

ZONING: _____ FEE TRANSMITTAL DATE: _____

AGENDA DATE: _____ DEADLINE DATE: _____

COUNTY TAX MAP IDENTIFICATION NUMBER: _____

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

Previously owned by Michael Hare, on 5/16/24 by my wife and I
Property use to have a dwelling that burned down according to Michael
and has been an empty lot for some time

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

I would like to build a fence around most of the perimeter
of the property. The back of my home at 8 Elmwood Avenue
borders this parcel of land. I would like to, for the time being
use this property as a backyard until I have further plans. I
would like to fence it in as I have a young child (2 years old) whom
I'd like to have a place to enjoy safely. I have unscrupulous neighbors
who are using this land even after being instructed many times not to do so.

VARIANCE STANDARDS (USE VARIANCE)

I cannot incorporate new land into existing
property, as it would make it difficult to

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.

sell or build
on it in
the future
if I choose
to go that
route. Therefore

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.

I would like
to use it as
a backyard
that I can
put up a privacy
fence for safety
and privacy.

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

It is an empty lot and according to inspector, it is not
allowable to fence empty lots. However I would like to
temporarily use it as a backyard and for that I would
like to put up a privacy fence along its perimeter.

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

It will be a basic privacy fence, and since it is the last residential
property on that side of the street, it will not stick out as it
would if it was in between two homes.

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)

7/22/24

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)

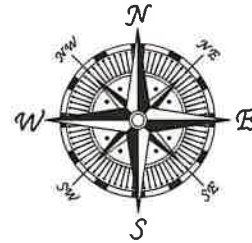
Date

Regular meetings of the Zoning Board of Appeals are generally held on the 4th Tuesday of every month. The meetings are held at 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.

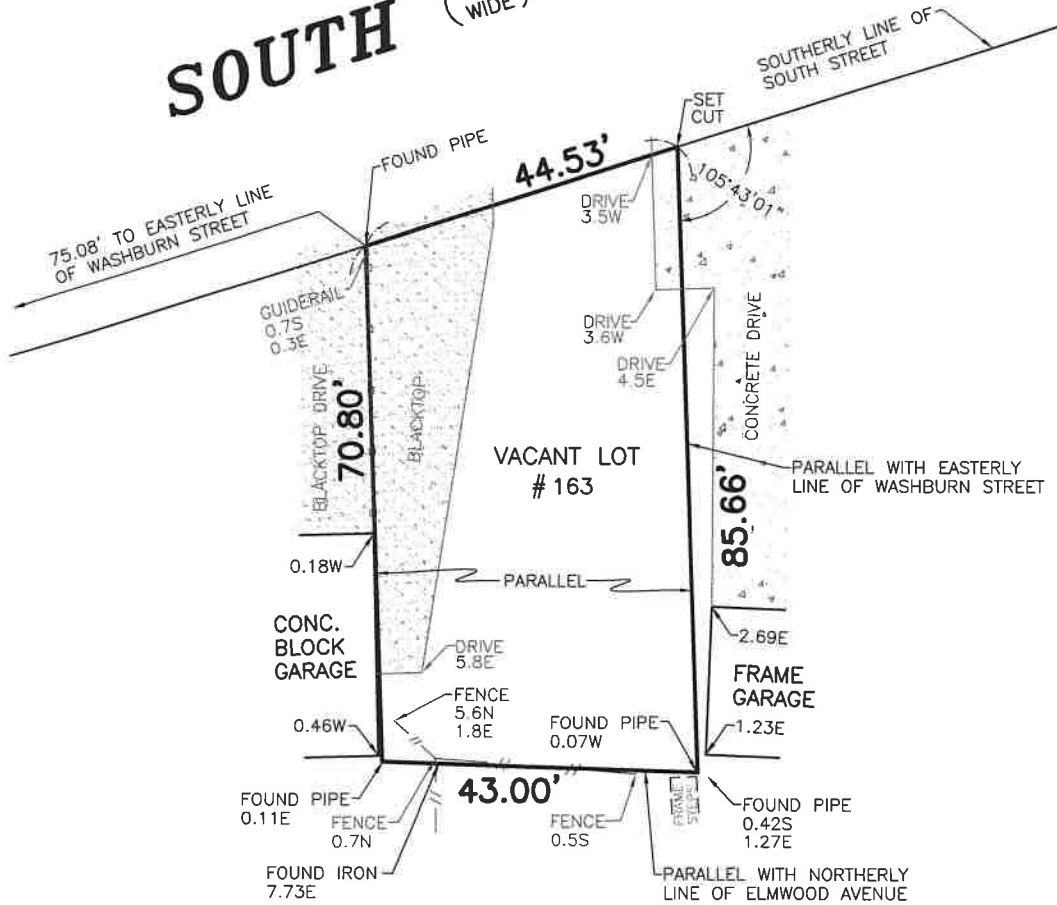
Pursuant to Section §190-188(d) of the City of Lockport Zoning Ordinance, property owners within a 200' radius will be notified of the intent of the applicant and given an opportunity to speak for or against the application.

Feet Inches
 0.08 - 1 inch
 0.17 - 2"
 0.25 - 3"
 0.33 - 4"
 0.42 - 5"
 0.50 - 6"
 0.58 - 7"
 0.67 - 8"
 0.75 - 9"
 0.83 - 10"
 0.92 - 11"
 1.00 - 12"

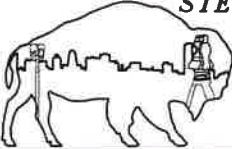
NOTE: 1) THIS SURVEY IS NULL AND VOID WITH AN AFFIDAVIT OF NO CHANGE
 2) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH



SOUTH STREET (66' WIDE)



SPC

LOCATION: CITY OF LOCKPORT		MAP COVER: BOOK 25 PAGE 2433-2439		JOB NO.:
COUNTY OF NIAGARA, STATE OF NEW YORK		SUBLOT(S): PART OF 47		24-11602
PART OF LOT 10, SECTION 14, TOWNSHIP 14, RANGE 6		DATE: APRIL 18, 2024	SCALE: 1"=20'	DRAWN BY:
OF THE HOLLAND LAND COMPANY'S SURVEY		REVISIONS:		J. HARTWELL
 STEVE A. CARVER PLS. LAND SURVEY SERVICES 1089 KINKEAD AVE #104 N. TONAWANDA NY 14120 TEL. 716-525-1250 FAX 716-525-1275 STEVE@CARVERSURVEY.COM		Copyright Steve A. Carver PLS. all rights reserved. No portion of this drawing may be reproduced, stored or transmitted by any means without prior written permission of the surveyor.		CHECKED BY:
		This survey is a report of the findings in the field and is not a guarantee of title. This survey is null and void with an affidavit of no change.		S. CARVER











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Chief Building Inspector

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NOTICE OF PUBLIC HEARING

Case No. 2332

August 13, 2024

Megan Brewer

Dear Sir or Madam:

An Appeal under the Zoning Ordinance as applied to the property at 755 Market Street, Lockport, New York, had been filed by Nicholas Pasceri.

The request is for a variance to utilize a portion of the existing building as retail space situated in an R-2 Zone.

Approval of the permit application was denied or withheld because retail businesses are not a permitted use in an R-2 Zone.

The City of Lockport Zoning Ordinance allows retail stores in B-2, B-3 and B-5 Zones.

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

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

 AREA VARIANCE

 X 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: 755 Market St.

APPLICANT INFORMATION

NAME: Nicholas Pasceri ADDRESS: 39 Lindhurst Dr.
PHONE: (716) 417.0274 Lockport NY 14094
FAX: _____ E-MAIL: njp28@aol.com
CITY STATE ZIP

OWNER INFORMATION

NAME: Nicholas Pasceri ADDRESS: 39 Lindhurst Dr.
PHONE: (716) 417.0274 Lockport, NY 14094
FAX: _____ E-MAIL: njp28@aol.com
CITY STATE ZIP

RELATIONSHIP OF APPLICANT TO PROPERTY:

 CONTRACT PURCHASER CONTRACTOR X 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.)

1966 - Boat Sales & Repair
1993 - Electrical Shop - owner Hildreth Electric
2000 - Fleetwash Co - owner Nicholas Pasceri - install 2 apartments

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

- Change variance from commercial use to a small retail storefront.
They will sell school apparel, sports apparel & merchandise.
- Hours of operation will be Mon-Fri 11am-5pm, Sat 10am-2pm
- 2 employees

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)

Fleetwash is no longer a lessee. An application was made to use the space for additional residential apartment in 2010 and it was denied. In order to keep to R-2, we would need to invest at least \$100,000 to make the space connect to the apartment upstairs and the return of investment is too great of a period of time. The current variance is too specific and it is a waste of space/real estate. With only an ADA bathroom, a retail space would have an ROI within a year.

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

No change to the exterior of the current property. A neighboring property was granted permission to have flea markets/car shows/etc. It is already a nice tourist attraction area with the marina, kayak rentals and the "beach" area.

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 *(will have at meeting)*

___ 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)

8/4/24
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.

755 MARKET STREET
NIAGARA FLEETWASH, INC.

*PROPERTY SURVEY

4/14/66 PERMIT #2873 ISSUED TO ERECT SALES AND SERVICE SHOP FOR BOATS AND ACCESSORIES. *NOTE: SANITARY FACILITIES MUST BE INSTALLED IF THERE ARE ANY EMPLOYEES AT ANY TIME - \$2,000.00

9/29/66 CERTIFICATE OF COMPLETION FOR PERMIT #2873.

4/26/77 REPAIR FROST DAMAGE TO THE REAR OF MCDONOUGH MARINE, AND TO ADD A 16' X 62' ADDITION TO THE WEST SIDE, AND A 16' X 29'5" ADDITION TO THE REAR OF THE BUILDING – GRANTED

10/4/77 PERMIT #6894 ISSUED TO ERECT MASONRY BUILDING WITH A FRAME ROOF TO BE USED FOR MARINE SALES AND SERVICE – ELECTRICAL PERMIT #1782. \$10,000.00

5/25/93 CASE 1184 CONVERT BUILDING TO AN ELECTRICAL SHOP – GRANTED

4/28/94 PERMIT #16168 ISSUED TO REMODEL EXISTING BUILDING AND EXTEND ADDITION - \$30,000.00

4/30/99 PERMIT #21169 ISSUED TO INSTALL 10' X 20' DRIVEWAY \$500 CONTRACTOR, DAN'S PAVING

3/28/00 – GRANTED A VARIANCE TO CONSTRUCT A 29' X 36' ADDITION, # 1522

4/25/00 – GRANTED A VARIANCE TO CHANGE USE FROM ELECTRICAL SUPPLY STORAGE BUILDING TO A FLEET WASH & TRUCK STORAGE BUILDING, # 1528

5/1/00 APPEAL TO PLANNING BOARD TO CONSTRUCT TWO STORY ADDITION TO PRESENT BUILDING – APPROVED

6/8/00 – PERMIT TO CONSTRUCT & INCREASE EXISTING GARAGE & CONSTRUCT TWO FAMILY UNITS OVER EXISTING BUILDING, # 22572

1/19/01 CERTIFICATE OF COMPLETION FOR ELECTRICAL INSPECTION

3/13/02 – CERTIFICATE OF COMPLETION ISSUED FOR PERMIT #22,572 – HJA

6/22/10 – APPEAL TO THE ZONING BOARD OF APPEALS, CASE NO. 1885 FOR ONE AREA VARIANCE AND ONE USE VARIANCE:

- (1) CONVERT TWO FAMILY INTO MULTI-FAMILY IN AN R-2 ZONE, AND
- (2) MINIMUM LOT AREA (1338 S.F. VARIANCE)

USE VARIANCE DENIED

AREA VARIANCE WITHDRAWN.

10/13/10 PERMIT #34917 ISSUED TO RESURFACE DRIVEWAY. R & M PAVING & SEALING-CONTRACTOR \$2,700

11/23/10 CERTIFICATE OF COMPLETION ISSUED FOR PERMIT #34917 JCD