

### **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

May 7, 2025

Megan Brewer

#### **AGENDA**

Please be advised that there are two (2) items on the agenda for the regularly scheduled Zoning Board of Appeals Meeting, Tuesday, May 27, 2025 at 5:00 P.M.

- 1. Jeanette Sheliga. 3 Nixon Place. Request to remove the existing block patio in the rear yard and install a 912 square feet concrete patio situated in a Low Density Residential Zone. (Area-impervious area increased to 38.3%)
- 2. Second Niagara, LLC. 616 West Avenue. Request to subdivide the property situated in a GI Zone. (Areabuilding on northerly parcel 11.8' east line, Area-northeast building on southerly parcel 26.02' north line, Use-sign on the northerly parcel advertising for businesses on the southerly)

#### **NOTICE OF PUBLIC HEARING**

Case No. 2349

May 7, 2025

Fax (716) 439-6605

Megan Brewer

Dear Sir or Madam:

An Appeal under the Zoning Ordinance as applied to the property at 3 Nixon Place, Lockport, New York, had been filed by Jeanette Sheliga.

The request is for a variance to remove the existing block patio in the rear yard and install a 912 s.f. concrete patio situated in a Low Density Residential Zone.

Approval of the permit application was denied or withheld because the installation of the concrete patio will increase the impervious area to 38.3%

The City of Lockport Zoning Ordinance allows a maximum 30% impervious area in a Low Density Residential Zone.

A Public Hearing will be held by the Zoning Board of Appeals on **Tuesday, May 27, 2025 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.

Supporting documentation for this case may be found on the City of Lockport website lockportny.gov.

LOCKPORT ZONING BOARD OF APPEALS Megan Brewer

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

AREA VARIANCE			— USE V	ARIANCE
It is the responsibility of the applicant attachments, and as precisely as possib being placed on a Zoning Board of Ap	ble. Failure to submit a c	omplete applic	ation may re	sult in a delay in
PROPERTY ADDRESS:	3 Nixon	PI.		
APPLICANT INFORMATION				
NAME: Jeane He She	Lag ADDRESS:	3 N	ixon	P1.
PHONE: 716-622-23	43	Lockpo	ort, No	14094
FAX:	E-MAIL:	"She	STATE	amail
OWNER INFORMATION		)		
NAME: <u>Same as</u> PHONE:	ADDRESS: _			
PHONE:	E-MAIL:	CITY	STATE	ZIP
RELATIONSHIP OF APPLICANT T	<del></del>		=======================================	
CONTRACT PURCHASER	CONTRA	ACTOR	(	OTHER
ARCHITECT/ ENGINEER	9	LESS	SEE	
	OFFICE USE O			
RECEIVED BY:	DATE.TIME F	RECEIVED:	-	
FEE AMOUNT:	CHECK/MONI	EY ORDER#:	2	
·				
ZONING:	FEE TRANSM	IITTAL DATE	D:	

A single-family home that I purchased
December 3050.
DESCRIPTION OF PROPOSED ACTION (include specific use proposed, hours, # of employees, etc.)
Removal of old block patio that was uneven and needing repair.
New concrete patio to come off the back door and as around the sunroom within existing fence.
BRC Contracting + Kodiak Concrete companies.
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 proposed new potion is to replace a difficult-to-maintain area of the ward as it was raised up higher, had numerous ponds, stone + paver paths, an arbor, trees, etc. that a lawn mower could not navigate.
to maintain and not be overgrowing towards my neighbor's
Describe how the requested variance will not alter the character of the larger neighborhood or impact adjacent properties:  I think the patic would improve the character of the larger neighborhood as it will look pleasing versus what was overgrown and encroaching towards my neighbor. We spoke to our neighbors on both sides of our house and they were excited and happy for us and the new patio.

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

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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 THA 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 RESOND TO ANY QUESTIONS FROM THE ZONING BOARD OF APPEALS MEMBERS.
Genette Sholian  Signature (Applicant)  5/2/25  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 SUBJEC 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)

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.

### CITY OF LOCKPORT, NEW YORK DEPARTMENT OF BUILDING INSPECTION

#### **BUILDING PERMIT APPLICATION**

Application Number: 2025-0351	Application Date: 04/30/2025
ipplication (4ambor, 2025-055)	Application Date: 04/30/2023

LOCATION: 3 Nixon Pl LOCKPORT, NY 14094

WARD: 2 ZONE: LDR

Permission is sought by Jeanette Sheliga, to perform the following work, at the above location:

remove the existing block patio on the west side of the house and install a 900 sf concrete patio along the north side of the house and northwest portion of the rear yard

Contact type

Full name

Phone number

Contractor

Owner

Kodiak Concrete Jeanette Sheliga 716-778-4136

Requirements

Actual

Lot Coverage 30%

allowed 30% concrete pad will increase the lot coverage to 38.3%

This building permit application has been denied because of the following:

The installation of the concrete pad will increase the lot coverage to 38.3% A maximum 30% lot coverage is allowed in a LDR Zone.

The undersigned hereby acknowledges that this application does not meet the minimum standards and that no work is to begin until a building permit has been issued

I do certify that I have examined the forgoing petition and building plans and plot plan and that they do not conform to Ordinances of the City of

Lockport, NY

SIGNED:

OWNER OR AGENT

OWNER OF RECORD: Jeanette Sheliga

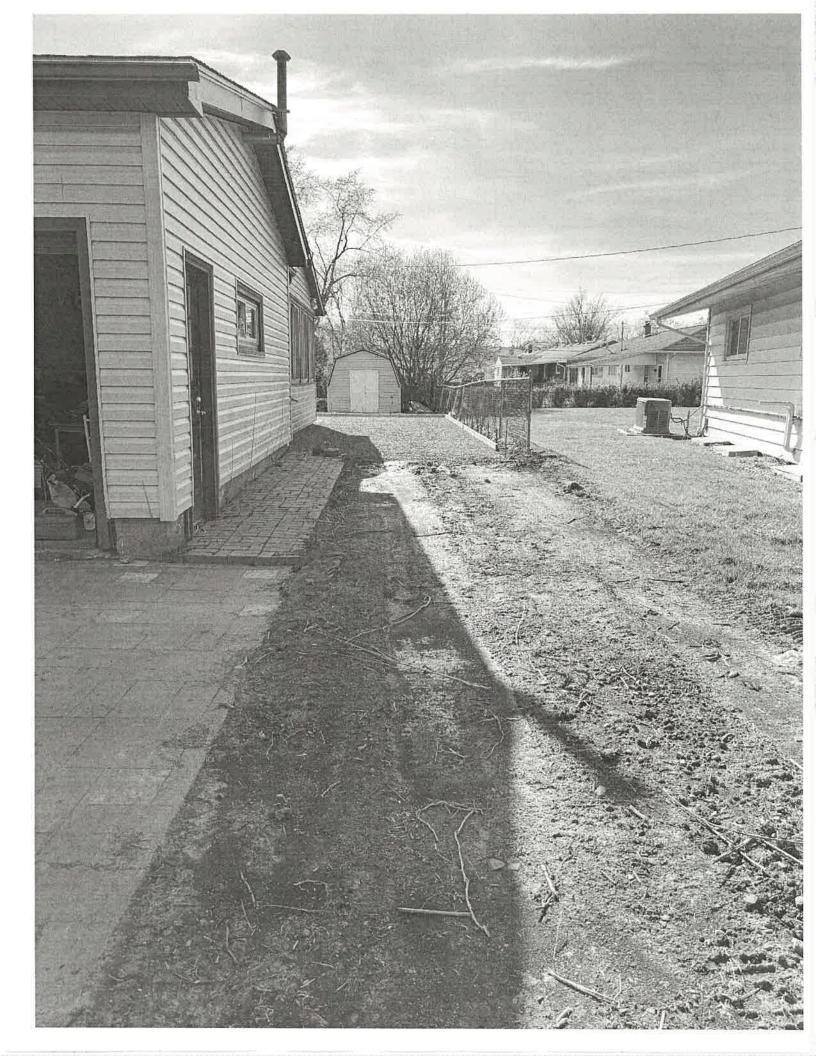
Address:

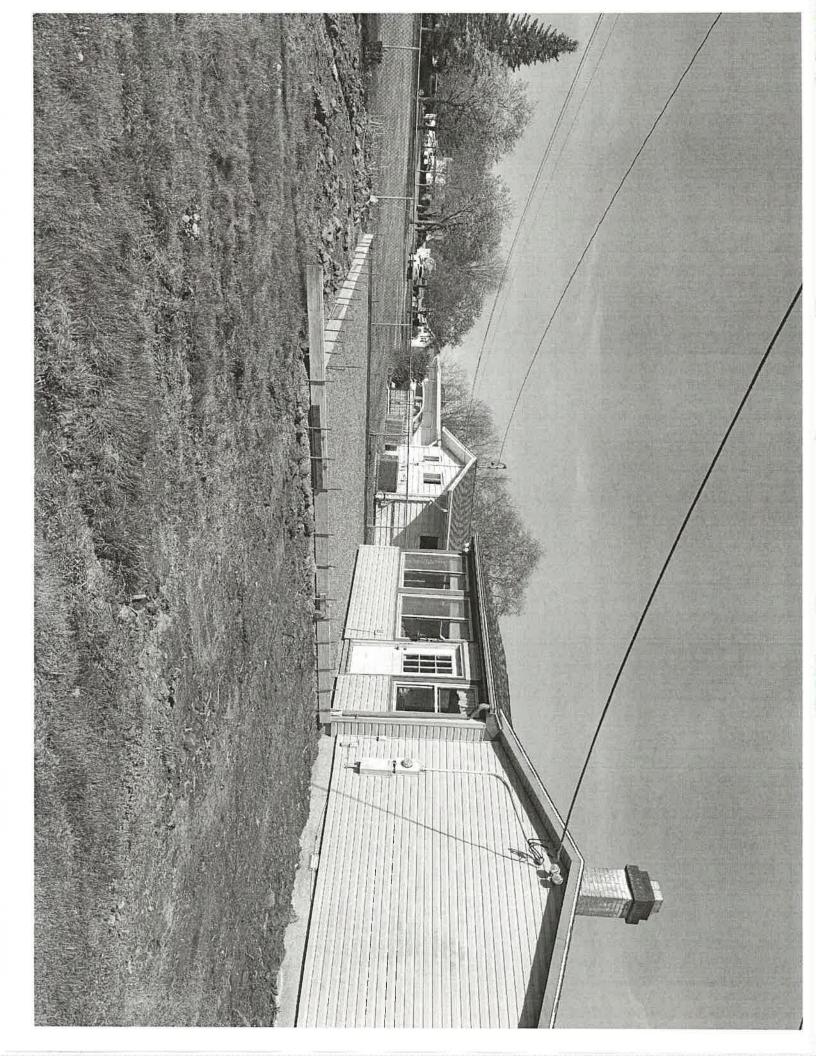
3 Nixon Pl

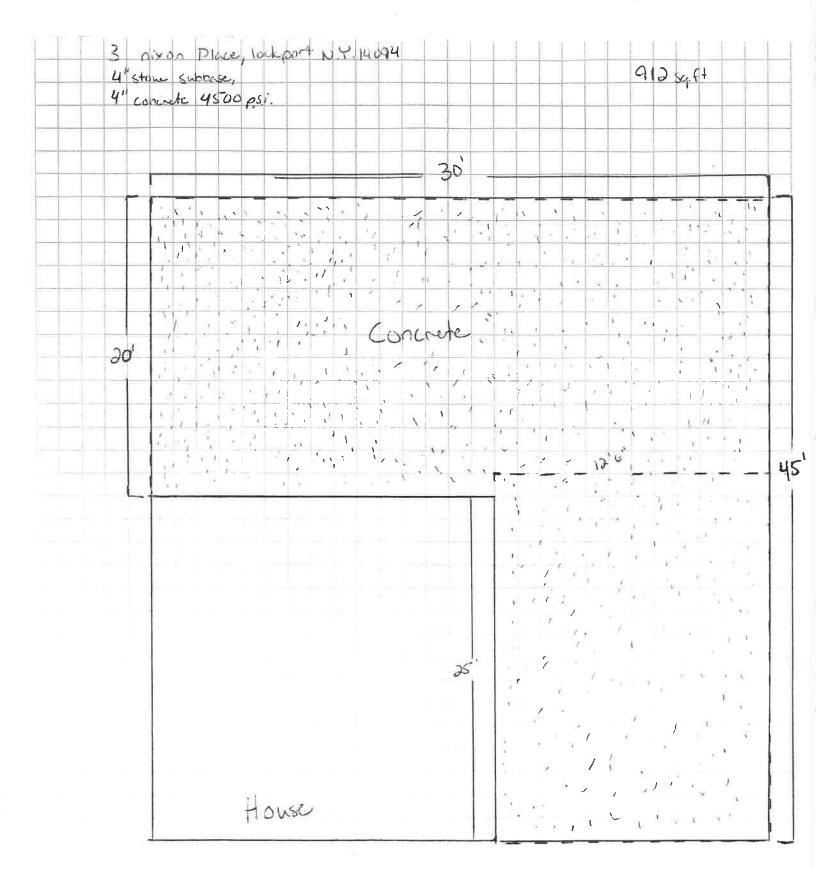
Lockport, NY 14094

Issuing Officer

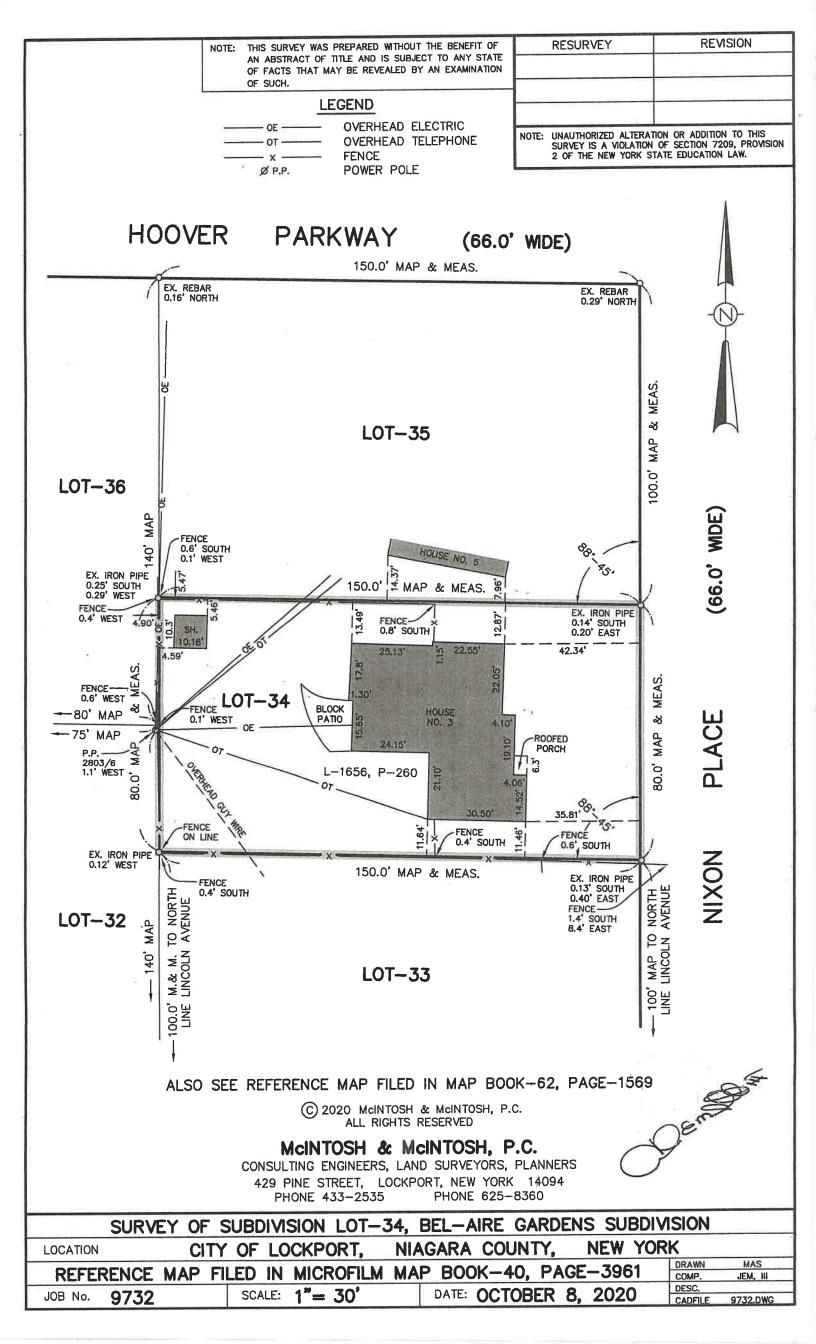
Megan Brewer











## **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

#### **NOTICE OF PUBLIC HEARING**

Case No. 2350

May 7, 2025

Megan Brewer

Dear Sir or Madam:

An Appeal under the Zoning Ordinance as applied to the property at 616 West Avenue, Lockport, New York, had been filed by Second Niagara, LLC.

The request is for a variance to subdivide the parcel situated in a GI Zone.

Approval of the permit application was denied or withheld because building on the northerly parcel will be located 11.8' from the east property line, the northeast building on the southerly parcel will be located 26.02' from the north property line and the existing pole sign will advertise for the businesses located on the southerly parcel situated in a GI Zone.

The City of Lockport Zoning Ordinance requires a minimum 30' side yard setback and a 75' front yard setback is required in a GI Zone. The City of Lockport Sign Ordinance Section 190-34.9 states that all signs shall be located on the site of the use being promoted, identified or advertised.

A Public Hearing will be held by the Zoning Board of Appeals on **Tuesday, May 27, 2025 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.

Supporting documentation for this case may be found on the City of Lockport website lockportny.gov.

LOCKPORT ZONING BOARD OF APPEALS Megan Brewer

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

PROPERTY ADDRESS: 616 West Av	/enue, Lоскроп, New	YORK		
APPLICANT INFORMATION				
Second Niagara, LLC and NAME: Robert Scemann	ADDRESS:	341 Linwood	Ave	
PHONE: 716-445-8189	<u></u>	Buffalo	NY	14209
FAX:	E-MAIL:	CITY drphhi@att.ne	STATE et	ZIP
OWNER INFORMATION				
NAME: Second Niagara, LLC	ADDRESS:	341 Linwood	Ave	
PHONE: 716-445-8189		Buffalo	NY	14209
FAX:	E-MAIL:	CITY drphhi@att.	STATE net	ZlP
RELATIONSHIP OF APPLICANT TO P	ROPERTY:			
X CONTRACT PURCHASER	CONTE	RACTOR	X	OTHER (Owne
ARCHITECT/ ENGINEER		LESS	EE	
. As a second of the ball distribution of the second of th	OFFICE USE	ONLY	Mary Dutter	
RECEIVED BY:	DATE.TIME	RECEIVED:	-	
FEE AMOUNT:	CHECK/MON	EY ORDER#:	-	
ZONING:	FEE TRANSMITTAL DATE:			

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

Second Niagara, LLC acquired the Property by deed recorded August 6, 2019 as Instrument No. 2019-12605. Second Niagara, LLC has not made any alterations to the Property since it acquired title. There are two different uses of the Property. The northern portion of the Property (the "Northern Parcel") is used as a multi-use commercial property consisting a bar and restaurant, a small commercial office space, and a residential apartment. The southern portion of the Property (the "Southern Parcel") is used as a self-storage facility and automotive service center. The Northern Parcel and the Southern Parcel are each shown on Exhibit A attached hereto.

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

The intent is to split the Property into two (2) parcels consistent with its current use, and convey the Northern Parcel to the owner of Attitudes Bar and Restaurant, which such bar is located on the Northern Parcel. As a result of the Property split, the Southern Parcel will be landlocked and will not have direct access to West Avenue. As such, an easement will be recorded granting the Southern Parcel an ingress and egress easement to and from the Southern Parcel to West Avenue, together with a utility easement for the benefit of the Southern Parcel. This easement will supplement existing access easements benefitting the Southern Parcel (pursuant to a deed recorded in Liber 198 of Deeds at page 79, a deed recorded in Liber 1030 of Deeds at page 541, and a deed recorded in Liber 1108 of Deeds at page 558). The applicants are requesting the following four variances: 1) Northern Parcel Side Yard Set Back (a 30 foot side yard setback is required), 2) Southern Parcel front yard setback (the "frame garage" is only 26 ft from the parcel line, whereas the Code requires 75 feet), 3) Southern Parcel no frontage variance; and 4) Sign Variance (the existing sign on the Northern Parcel will continue to be used to advertise the storage units on the Southern Parcel). The minor subdivision of the Property into the Northern Parcel and the Southern Parcel is requested so that the owner of the Property (which operates the self-storage facility on the Southern Parcel) can transfer fee ownership of the Northern Parcel to the owner and operator of the Attitudes Bar and Restaurant.

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)

Without the granting of the requested area variances, the Property cannot be split and the Northern Parcel cannot be sold to the bar operator.

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

The requested variances will not impact or alter the character of the neighborhood or impact any adjacent properties, as the request for variance is in connection with a request of a parcel split into 2 parcels. The zoning of the Property and the uses of the Property will not change, nor will the improvements on the Property change, as a result of the granting of the requested area variances. The sale of the Northern Parcel to the bar operator will encourage the operator (and new owner) to invest further into the Northern Parcel (as it will be the owner interested in a long term investment of the Northern Parcel and the business it operates thereon, as opposed to a temporary tenant). There will be absolutely no visible impact resulting from the granting of the variances.

### APPLICATION ATTACHMENTS

To ensure appropriate and timely review of the application, pleadocumentation in support of the application. Failure to provide result in a delay in scheduling the application for review by the	all of the applicable materials listed below may
\$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 APPLICATION IS TRUE TO THE BEST OF MY KNOWLEI INTENTIONALLY PROVIDING FALSE OR MISLEADING IMMEDIATE DENIAL OF MY APPLICATION.	OGE AND I FURTHER UNDERSTAND THAT
FURTHERMORE, I UNDERSTAND THAT I (OR A DESIGN PRESENT AT THE MEETING TO REPRESENT THE APPLIQUESTIONS FROM THE ZONING BOARD OF APPEALS MEETING TO REPRESENT THE APPLICATION OF THE PROPERTY OF	ICATION AND RESOND TO ANY
Signature (Applicant)	4/3/2025 Date
IF APPLICANT IS NOT THE OWNER OF RECORD FOR	R SUBJECT PARCEL:
I, THE UNDERSIGNED, HEREBY AFFIRM THAT I AM THE PARCEL AT THE TIME OF APPLICATION. FURTHERMO. BY THE APPLICANT AND AUTHORIZE SAID APPLICAN OWNER (S) IN FURTHER ANCE OF THE REQUEST.	RE, I AM FAMILIAR WITH THE REQUEST
Signature (Owner)	4/30/2025 Date
Regular meetings of the Zoning Board of Appeals are generally meetings are held at 5:00 P.M. in the Common Council chambe	held on the 4th Tuesday of every month. The

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.

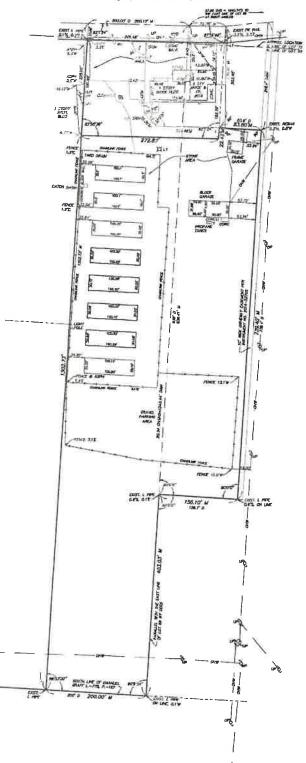
receive a reminder notice in the mail prior to the meeting.

To ensure appropriate and timely review of the application, please provide the for documentation in support of the application. <u>Failure to provide all of the application</u> result in a delay in scheduling the application for review by the Zoning Board of	ble materials listed below may
\$150 application fee (cash or checks payable to the City of	Lockport)
Detailed site plan (10 copies)	
Photographs of existing conditions	# # P
Property survey (10 copies)	
ARRIGANT OWNER METERALIZATION	
I, THE UNDERSIGNED, DO HEREBY AFFIRM THAT THE INFORMATION APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND I FUR INTENTIONALLY PROVIDING FALSE OR MISLEADING INFORMATION IMMEDIATE DENIAL OF MY APPLICATION.	THER UNDERSTAND THAT
FURTHERMORE, I UNDERSTAND THAT I (OR A DESIGNATED REPRESENT AT THE MEETING TO REPRESENT THE APPLICATION AND QUESTIONS FROM THE ZONING BOARD OF APPEALS MEMBERS.	SENTATIVE) MUST BE RESOND TO ANY
Signature (Applicant)	04/29/8023 Date
IF APPLICANT IS NOT THE OWNER OF RECORD FOR SUBJECT PA	ARCEL:
I, THE UNDERSIGNED, HEREBY AFFIRM THAT I AM THE OWNER OF PARCEL AT THE TIME OF APPLICATION. FURTHERMORE, I AM FAMI BY THE APPLICANT AND AUTHORIZE SAID APPLICANT TO REPRESE OWNER (S) IN FURTHERANCE OF THE REQUEST.	LIAR WITH THE REQUEST
Signature (Owner)  Regular meetings of the Zoning Board of Appeals are generally held on the 4th of	Date Tuesday of every month. The
meetings are held at 5:00 P.M. in the Common Council chambers on the first floreceive a reminder notice in the mail prior to the meeting.	oor of City Hall. Applicants will

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.

#### Exhibit A Southern Parcel

WEST (66' MDE) AVENUE

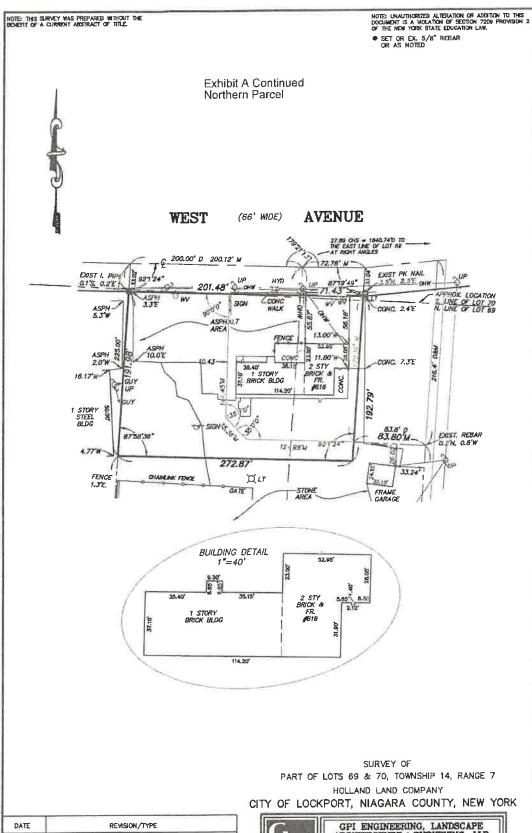


SURVEY OF
PART OF LOTS BE & 76, TOWNSHEP 14, RANGE 7
HELLIND LIND COMPANY
CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK



Job No. 6313 Scale 1° = 80° Date: WARCH 1, 2017 Tax No. 108.19-1-25

DATE	REVIEW/TOY	
12/13/24	RESURVEY & REVISE PARCEL SIZE	
19/20/20	LOCATE IMPROVEMENTS	
7/20/20	REVISED PARCEL BOUNDARY	
7/20/20	PARTIAL TOPOGRAPHIC SURVEY	



DATE	REVISION/TYPE	_

GPI ENGINEERING, LANDSCAPE ARCHITECTURE & SURVEYING, ILP ENGINEERING - SURVEYING - LANDSCAPE ARCHITECTURE 4050 OBMESS STREET, SURVEY 100 BURGE STREET, SURVEY 14229 (716) 633-4644 FAX 633-4640

Job No. 6313-616Scale 1'' = 80' Date: DECEMBER 13, 2024 Tax No.