

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

June 24, 2025

5:00 P.M.

PRESENT: Kevin Foltz, Chairman, Sam Marotta, Shelia Tracy, Meghan Lutz, Nancy Babis, Kevin McDonough, Anthony Serianni, Deputy Corporation Counsel, Dan Wojewoda, Building Inspector, Connor McCarthy, 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. 2351. Appeal of Brian Harrington to erect a 36' x 104' building to be utilized as an auto glass business located at 134 State Rd, Lockport, New York situated in a Medium Density Residential Zone.

Mr. Harrington, 240 Chestnut Street, Lockport, New York, stated that he would like to build a steel building in a Medium Density Zone. He said that there will not be a lot of traffic. He said that it is a small shop, most of his work is mobile. He said that he wants to do more work in the shop. He said that it will be a pole barn style building. He said that there will be a blacktop parking lot in front.

Mr. Foltz asked what the hours of operation would be.

Mr. Harrington said they would be during daylight. He said that he would work during the day and the evening. He said that there is a bar next door and the start of the bike path is across the street. He said that he doesn't expect a lot of noise being made.

Ms. Lutz said that the zoning is Medium Density Residential. She said that one of the criteria of a use variance is a financial hardship and an inability to achieve a reasonable return on the property. She asked if Mr. Harrington has any documentation to substantiate a financial impact.

Mr. Harrington said that he purchased the property at the City tax auction. He said that it was listed as a commercial property. He said that he found out after he paid the balance

for the property that it is not commercial but zoned R-2. He said that since then the zoning ordinance has changed but the property is zoned the same.

Ms. Lutz asked if Mr. Harrington did any research on the property before he purchased it. She asked where he got the information that it was a commercial property.

Mr. Harrington said that it was an auction property, they had it listed as commercial.

Megan Brewer explained the difference between an assessment classification, which is identified in the auction book and the zoning classification.

Mr. Harrington said that the area is commercial. He said that there is a bar next door and the Board of Education building.

Mr. Foltz said that lot is vacant. He asked the size of the lot.

Mr. Harrington said that he has 48' of road frontage.

Mr. Foltz asked if Mr. Harrington plans on storing cars on the property.

Mr. Harrington said not really, anything there would be registered.

Ms. Lutz asked if Mr. Harrington has any financial documents showing the purchase price or assessed value to prove the financial hardship.

Mr. Harrington said that he purchased the lot for \$10K. He said that he wouldn't have bought it if he would have known he couldn't build what he wants. He said that he can't even put a shed up but he has to cut and maintain the grass.

Ms. Lutz said that he can build on the lot but it has to be residential.

Mr. Foltz said that you have to have a primary structure on the property before an accessory structure.

Mr. Harrington said he still has to maintain the property.

The meeting was opened to the public.

Ms. Aleza O'Connor, 25 Beverly Avenue, Lockport, New York stated that she thinks it is a great idea.

The meeting was closed to the public.

Mr. McDonough asked what the value of the land is.

Mr. Harrington said it is assessed at \$12K.

Ms. Babis asked if Mr. Harrington has ever considered building a residential home on the property.

Mr. Harrington said that he is not interested in building a house at this time. He said that he has three young kids and it is not a good area for residential. He said that the area is not residential.

Ms. Babis asked if there are houses behind the property.

Mr. Harrington said yes, on Amelia up the hill.

Ms. Tracy said that on the east side of Amelia there are houses.

Mr. Harrington said down farther, it is his vacant lot then houses.

Mr. Foltz read the criteria for a use variance.

Ms. Lutz said that no evidence has been presented to justify a hardship.

Ms. Babis said that this situation is not unique, there are other building options to improve the lot.

Ms. Babis said that this is a Medium Density Residential Zone, it does not allow commercial, there is a natural transition from commercial to residential.

Ms. Lutz said that this situation is self-created. She said that the property was sold at auction and Mr. Harrington did not research the property prior to purchase.

There being nothing further Ms. Lutz made a motion to deny the request to erect a 36' x 104' building to be utilized as an auto glass business as follows:

WHEREAS, no financial evidence was presented to prove a financial hardship, and

WHEREAS, the situation is not unique as there are other options to improve the property.

Seconded by Nancy Babis.

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

## **USE VARIANCE DENIED**

The next case to be called was Case No. 2352. Appeal of Aleza O'Connor to install a 16' x 22' concrete patio on the rear of the house located at 25 Beverly Avenue, Lockport, New York situated in a Low Density Residential Zone.

Ms. O'Connor said that she put an addition on the house a few years ago. She said that at that time she had intentions of putting a patio on the back of the kitchen that is now grass. She said that she ran out of money. She said that the zoning ordinance has now changed.

Ms. O'Connor said that the main reason she wants to install patio is because her elderly parents moved in with her. She said that she put the addition on to put a bathroom and closet on the first floor. She said that now she doesn't have a dining room because it is a bedroom. She said that she has three daughters and nieces and nephews. She said that her kitchen is small and she can no longer have family gatherings. She said that if she had the patio she could put a six person table on it. She said that she could use the patio to entertain. She said that she would also like the patio because she has lost her privacy and this would give her a space.

Ms. O'Connor said that she brought a drawing of where the patio will go.

Mr. Foltz asked if the patio was on the drawing when she appeared before the Board the last time.

Ms. O'Connor said no.

Mr. Foltz said that she does have another option, she can build a deck and it wouldn't count against the impervious area.

Ms. O'Connor said that she wants a concrete patio not a deck. She said that the old hospital is behind her and eventually someone will do something with it. She said that she doesn't want to be seen.

Mr. Foltz said that she can build the deck low.

Ms. O'Connor said that she has a shed, she doesn't know why it is considered a permanent structure when it is movable.

The meeting was opened to the public.

The meeting was closed to the public.

Mr. McDonough said that 65% is a lot of coverage.

Ms. Babis said it would be raised to 65% if this is granted. She asked what is allowed now.

Mr. McDonough said 30%.

Ms. Lutz asked if Ms. O'Connor is willing to remove the shed or arguing the fact that it is a permanent structure.

Ms. O'Connor said arguing. She said that she can move the shed. She said that they moved the shed there for her mother to use for sewing. She said that her parents winter in Florida.

Ms. Tracy asked if the shed was a sewing room.

Ms. O'Connor said yes, it is a she shed.

Deputy Corporation Counsel said that an area variance is a balance test, the Board needs to weight the criteria.

Mr. Foltz read through the criteria for an area variance.

Mr. Foltz said that this benefit can be achieved by other means, there is the option to build a deck.

Mr. Foltz said that it will not change the character of the neighborhood.

Mr. Foltz said that 65% is a lot of coverage.

Mr. Foltz said there will be no environmental effects.

Mr. Foltz said that this situation is self-created.

Ms. Lutz said that looking at the affects, water will have nowhere to go. She said that is something the Board looks at.

Ms. O'Connor said that she has already looked at putting drainage in.

Ms. Babis said that water is always a concern. She said that if can affect the neighbors. She said that in her neighbor it would be an issue with the neighbors.

Ms. O'Connor said that drainage would be something that she would do.

There being nothing further Sam Marotta made a motion to approve the request to install a 16' x 22' concrete patio in the rear of the house as follow:

AND IT APPEARING, drain tile be installed that flows toward public utilities,

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 Sheila Tracy.

Kevin Foltz-No  
Sam Marotta-yes  
Kevin McDonough-No  
Nancy Babis-No  
Meghan Lutz-No  
Shelia Tracy-yes

#### **AREA VARIANCE DENIED**

Nancy Babis made a motion to approve the minutes from the May 27, 2025 meeting.  
Seconded by Sam Marotta. Ayes-6 Noes-0

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

#### **MEETING ADJOURNED**

**The next regularly scheduled meeting will be Tuesday, July 22, 2025 at 5:00 p.m.**