

TOWN OF LOCKPORT  
ZONING BOARD OF APPEALS  
February 26, 2013

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PRESENT: Kevin Roth  
Charles Dahlquist  
Kevin McCabe, Appointed Alternate  
Donald Jablonski  
Tim Lederhaus, Chairman

ALSO PRESENT: Jason Thompson, Town Building Inspector  
Jane Trombley, Secretary  
Daniel Seaman, Town Attorney

ABSENT: Michael Bartus

The February 26, 2013 Zoning Board of Appeals meeting was called to order at 7:00 pm by Chairman Lederhaus, who then led the Pledge of Allegiance.

Chairman Lederhaus appointed Alternate McCabe a full voting member due to the absence of Member Bartus.

**CASE #1**                    **5654 Bowmiller Road – SBL #124.03-1-77 Scott & Melinda Hassan.**  
Requesting an area variance to construct a 40 x 60' storage building in a residential district. Member Dahlquist recued himself from this case.

TOWN OF LOCKPORT  
ZONING BOARD OF APPEALS

Case No. 5654 Bowmiller Road, SBL # 124.03-1-77. Scott and Melinda Hassan requesting an Area Variance to construct a 40' by 60' storage building in an R-1 District.

Chairman Lederhaus noted this is a variance request that was brought back for re-hearing after initial denial upon the affirmative vote of all members in attendance. The Public Hearing was held on January 22, 2013.

Motion by Member Roth; seconded by Member Jablonski.

A Public Hearing having been held on January 23, 2013, and after hearing the Applicant and his attorney, and after considering the comments of all persons who wished to be heard, and considering the evidence in the record before the Board, this Board makes the following findings of fact:

·The area is zoned R-1. The R-1 Zone prohibits construction of out buildings in excess of 1/3 of the size of the Residential Building on a lot.

·The requested Variance is a constructed Storage Building which is 2400 square feet, and is therefore larger than the residence, far in excess of the Principal Residence.

·The Applicant's lot is 186' x 400 feet (1.7 acres) which is several times larger than the required lot in an R-1 District

·All adjacent property owners are in favor of the requested Variance.

·The area where the Applicant resides is part of a unique neighborhood in the Town of Lockport because the neighborhood consists of the Applicant and nearby properties on the west side of Bowmiller Road. All properties in the neighborhood are oversized and contain much vacant land; the neighborhood is also bordered on the West and North by a large tract of land owned by Bowmiller Holdings which has at one time been approved for Planned Unit Development with a variety of uses, including uses not allowed in an R-1 District. In the neighborhood, there are two other existing large storage buildings used in conjunction with the residences. The neighborhood is bounded East by Bowmiller Road, and West by the West Bounds of Bowmiller Holdings. The neighborhood is unique in the Town, and has developed differently from any other part of Town.

·The depth of the property allows the Applicant to place the front edge of the building 262' back from the centerline of the road and well off of property lines.

·The building will be partially blocked because there is an existing building between it and the road, and there is a wooded parcel to the West.

·The requested variance is an Area Variance.

·The Board has taken into consideration the benefit to the Applicant if the Variance is granted as weighed against the detriment to other health and safety to the neighborhood by such grant.

·Because of the unique character of the neighborhood as found by this Board, this will not be an undesirable change caused by the granting of the requested Variance, nor will there be a detriment to the nearby properties.

·The benefit sought, i.e., keeping all his personal belongings inside and out of sight, on his property, cannot be achieved by any other method feasible to the Applicant other than by the granting of the Variance.

·The variance is substantial.

·The proposed variance will not have an adverse affect upon the physical or environmental conditions of the neighborhood as determined in this decision for the reasons set forth herein.

·The difficulty is self-created.

Weighing all factors, with heavy weight being given to the unique character of this neighborhood, it is determined that the requested Variance be granted.

Ayes 4, Nays 0, 1 Abstained, Member Dahlquist

MOTION made by Member Dahlquist, seconded by Member Jablonski to adjourn. 5 Ayes, 0 Nays, Carried.

BY ORDER OF THE TOWN OF LOCKPORT

ZONING BOARD OF APPEALS