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**ZONING BOARD OF APPEALS
COMMON COUNCIL CHAMBERS - CITY HALL
OCTOBER 11, 2016 5:00 PM**

ZBA Case No.: 45-16
2516 Genesee Street
Applicant: Jack & Simon Eisenbach
Owner: Julia Herbowy

Zone: OPR
Use Variance
Area Variance

Pursuant to Section 2-29-67(d)(2) of the Zoning Ordinance of the City of Utica, the applicant is seeking approval of a use variance in order to establish a mixed use property at the above referenced location.

The applicant is proposing to house two businesses which will be a professional video production studio/animation studio. Each will employ one person with the occasional use of an independent contractor. The hours of operation will primarily be 9:00 am – 5:00pm.

The rear of the building will be open for lease for a legal conforming use in accordance with Section 2-29-232 of the Zoning Ordinance of the City of Utica. The second floor of the property will remain residential.

In accordance with Section 2-29-232 of the Zoning Ordinance of the City of Utica, there shall be a maximum of two (2) professionals allowed per lot, regardless of the size of the lot and provided that the density standards are maintained. Therefore the applicant will require an area variance in order to have the third professional office.

ZBA Case No.: 48-16
1 Arnold Avenue CTM #330.21-1-16
Applicant: Francesco Salamone
Owner: SRS Family LLC

Zone: CN
Area Variance

Pursuant to Section 2-29-67(d)(1) of the Zoning Ordinance of the City of Utica, the applicant is seeking an area variance in order to construct a digital format sign at the above referenced property.

The applicant is proposing to construct a 13'5" free standing digital sign at the newly constructed carwash. The face of the sign will be double sided with a digital display area of 3'5" x 5'3" and a permanent display area of 2' x 5'3" for a total of approximately 56 sf of signage which is within the permitted 60 sf in a Neighborhood Commercial zoning district. In accordance with Section 2-29-348 of the Zoning Ordinance of the City of Utica, illumination shall be steady in nature, not flashing, moving or changing in brilliance, color or proximity, therefore, the applicant will be required to receive an area variance for the movement of the text.

ZBA Case No.: 49-16
1417 South Park Drive
Applicant: Melissa Daniels
Owner: Melissa Daniels

Zone: RS-1
Area Variance

Pursuant to Section 2-29-67(d)(1) of the Zoning Ordinance of the City of Utica, the applicant is seeking an area variance in order to construct a shed at the above referenced property.

The applicant is proposing to install a 12' x 12' (144 sf) shed in the rear of the property. In accordance with Section 2-29-491 of the Zoning Ordinance of the City of Utica, 100 sf is the maximum allowable size for an accessory structure in a residential zoning district. The applicant is seeking an area variance in order to increase the size of the shed to 144 sf.

ZBA Case No.: 50-16
766 Lansing Street
Applicant: Fadil Kuloglija
Owner: Fadil Kuloglija

Zone: RM-1
Area Variance

Pursuant to Section 2-29-67(d)(1) of the Zoning Ordinance of the City of Utica, the applicant is seeking an area variance in order to legitimize the construction of a shed at the above referenced property.

The applicant has constructed an 8' x 16' (128 sf) shed with an additional 8' x 14' (112 sf) attached covered patio area in the rear yard of the above referenced property. In accordance with Section 2-29-491 of the Zoning Ordinance of the City of Utica, 100 sf is the maximum allowable size for an accessory structure in a residential zoning district. The applicant is seeking an area variance in order to increase the size of the structure to 240 sf.

In accordance with Section 2-29-495 of the Zoning Ordinance of the City of Utica, no accessory structure or use which exceeds six (6) feet in height shall be located closer than a distance equal to its height from any side or rear property line. The height of the shed is 10'4". The applicant has approximately 7' in the rear and 4' from the side property line, therefore, the applicant will require an area variance for the reduction in the side and rear yard setbacks.

ZBA Case No.: 51-16
1422 Miranda Drive
Applicant: Majic Construction
Owner: Vesna Pehlic

Zone: RS-2
Area Variance

Pursuant to Section 2-29-67(d)(1) of the Zoning Ordinance of the City of Utica, the applicant is seeking an area variance in order to construct an addition at the above referenced property.

The applicant is proposing to construct a 20' x 22' (440 sf) addition to the rear of the home at the above referenced property. In accordance with Section 2-29-172 of the Zoning Ordinance of the City of Utica, the minimum side yard setback in a Residential Single-Family zoning district is 10'. The applicant is proposing to construct the addition in line with the existing home which is 7' from the side property line. The applicant is seeking an area variance for the reduction in the side yard setback.

ZBA Case No.: 52-16
1601 Bleecker Street
Applicant: Majic Construction
Owner: Ale Libic

Zone: CC
Area Variances

Pursuant to Section 2-29-67(d)(1) of the Zoning Ordinance of the City of Utica, the applicant is seeking area variances in order to construct an addition at the above referenced property.

The applicant is proposing to construct a 22' x 70' addition to the rear of the property. In accordance with Section 2-29-192 of the Zoning Ordinance of the City of Utica, the minimum rear and side yard setback in a Community Commercial zoning district is 15'. The applicant is requesting area variances for the reduction in the setbacks to approximately 2' in the rear and 5' on the side.

In accordance with Section 2-29-192 of the Zoning Ordinance of the City of Utica, the applicant will be required to receive an area variance in order to exceed the maximum allowed lot coverage of 40 percent.

ZBA Case No.: 53-16
401 South Street
Applicant: Dally Alanazi
Owner: Ahmad Hassan

Zone: CN
Special Use Permit
Area Variance

Pursuant to Section 2-29-68 of the Zoning Ordinance of the City of Utica, the applicant is seeking a special use permit and an area variance in order to operate a neighborhood convenience store at the above referenced property.

In accordance with Section 2-29-4 of the Zoning Ordinance of the City of Utica, a Neighborhood Convenience Store is defined as any retail sales business of less than 6,000 square feet of gross floor area per floor which specializes in providing household products and foods and may also provide for any or all of the following as an accessory use: the sale and/or rental of audio/video recordings of any format, provided that an adult-oriented business is specifically prohibited; the preparation and sales of delicatessen sandwiches and foods; and the use of no more than two amusement devices such as pinball machines, video games or other similar devices. Neighborhood convenience stores shall not include the dispensing of gasoline or other motor vehicle fuels.

In accordance with Section 2-29-605 of the Zoning Ordinance of the City of Utica, neighborhood convenience stores shall be special permit uses within the Neighborhood Commercial (C-N) Zoning District. No such use shall be located within 2,000 linear feet of a similar existing use regardless of the zoning district in which such existing use is located and measured from lot line to lot line. As part of the application for a special use permit to the Zoning Board of Appeals, the applicant shall submit a development plan that addresses the following: days/hours of operation; hours of deliveries and services (i.e., trash removal, snow plowing, etc.); provisions for parking, both on- and off-street; provisions to manage and regulate potential impacts of use, including but not limited to: litter and refuse by store patrons, excessive noise, loitering, crime prevention; signage, including both permanent and advertising/promotional signage; staffing; landscaping; and a building floor plan.

The owner is currently operating a smoke shop at this location and was seeking to sell other food products as accessory to this use, however was denied by the Codes Department.

The proposed hours of operation will be 8:00 am to 12:00 am. On street parking will be utilized for the customers. The applicant is proposing to sell Middle Eastern items along with candy items, snacks, cold and hot drinks, lotto tickets, ice cream products, tobacco products; middle eastern items such as dairy products, bread, frozen foods, pickles, olives, dates, hummus, kibbeh, tabbouleh, clothing, oils and incense and hookahs, pipes and electronic cigarettes.

The applicant is seeking an Area Variance to waiver from the 2,000 linear feet requirement. The applicant has demonstrated that there are several convenience stores in the immediate area; one directly across the street.