



# CITY OF UTICA

Department of Urban & Economic Development  
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ROBERT M. PALMIERI  
MAYOR

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COMMISSIONER

## ZONING BOARD OF APPEALS COMMON COUNCIL CHAMBERS - CITY HALL MARCH 8, 2016 5:00 PM

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ZBA Case No.: 05-16  
915 Lincoln Avenue CTM: 318.49-1-10  
Applicant: Vincent Singe  
Owner: Vincent Singe

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Zone: RT-1  
Area Variances

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

The applicant is proposing to install a 6' x 2' (12 sf) sign on the north wall of the building, and a 4' x 4' (16sf) corrugated sign on the north wall and a 4' x 4' (16 sf) corrugated sign on the west wall. A total of 44 sf.

In accordance with the Zoning Ordinance of the City of Utica, signage is not allowed in a residential zoning district, therefore, the applicant is required to receive an area variance for this proposal. The neighboring properties are zoned Neighborhood Commercial and Central Business District.

The applicant previously received an area variance to install 15" x 28' (35 sf) aluminum internally illuminated sign on the face of the building.

The applicant is proposing to construct a 16' x 24' (384 sf) shed at the rear of the building. 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 384 sf.

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ZBA Case No.:06-16  
927-929 Bleecker Street  
Applicant: Rahim Jan Bakhtar Gol  
Owner: Michael Sementsov

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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 applicant is proposing to operate the grocery store similar to the previous store which was at this location; the former Utica Gastronome International Food Market. The applicant will sell international and traditional grocery items.

The proposed hours of operation will be 6:00 am to 10:00 pm weekdays and 9:00 am to 10:00 pm on weekends. Parking is available in the adjacent lot on the corner of Bleecker and Pellettieri Avenue.

The applicant is seeking an Area Variance to waiver from the 2,000 linear feet requirement.

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ZBA Case No.: 07-16

410 Van Dyke Road

Applicant: Amanda Demma

Owner: Amanda Demma

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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 a shed at the above referenced property.

The applicant is proposing to construct a 12' x 30' (360 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 360 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 feet in height shall be located closer than a distance equal to its height from any side or rear property line. The applicant is seeking an area variance in order to reduce the side yard setback to approximately six feet (6').

The applicant has stated that they need it for storage as they do not have a basement or a garage on the property.

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ZBA Case No.: 08-16  
514-516 Kossuth Avenue  
Applicant: Valeria Garcia  
Owner: Valeria Garcia

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Zone: RM-1  
Use 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 Spanish restaurant at the above referenced property.

The applicant is proposing to operate the restaurant six days a week from 7:00 am to 9:00 pm. They estimate to have 5-6 employees. The restaurant will accommodate approximately 30 patrons. Parking will be provided by a rental agreement with an adjacent property owner.