



CITY OF UTICA

Department of Urban & Economic Development
1 Kennedy Plaza, Utica, New York 13502
(315) 792-0181 fax: (315) 797-6607

ROBERT M. PALMIERI
MAYOR

BRIAN THOMAS, AICP
COMMISSIONER

**ZONING BOARD OF APPEALS
COMMON COUNCIL CHAMBERS - CITY HALL
APRIL 12, 2016 5:00 PM**

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

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.

ZBA Case No.: 07-16
410 Van Dyke Road
Applicant: Amanda Demma
Owner: Amanda Demma

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.

ZBA Case No.: 09-16
164 Wilbur Street
Applicant: Almedin & Selma Mekic
Owner: Almedin & Selma Mekic

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 erect a stockade fence at the above referenced property.

The applicant is proposing to replace a 4' high chain link fence on the Wilbur Street side of the property with a 6' high solid wood stockade style fence. On the Coolidge Road side of the home, the applicant is proposing to replace the 3' high picket style fence with a 6' high solid wood stockade style fence. Since this is a corner lot the applicant is considered to have two front yards. In accordance with Section 2-29-447 of the Zoning Ordinance of the City of Utica, all solid fences measuring more than three (3) feet high are prohibited in the front yard. Therefore, the applicant will be required to receive area variances for the height and location of the proposed fencing.

ZBA Case No.: 10-16
405 Kossuth Avenue
Applicant: Ahmedin Mehmedovic
Owner: Ahmedin Mehmedovic

Zone: RM-2
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 create a parking lot at the above referenced property.

The applicant is proposing to create a parking lot which will accommodate approximately 31 cars to support the former "Mr. Nostalgia" restaurant across the street at 400-402 Kossuth Avenue which he currently owns.

A parking lot which is not contiguous to a commercial property, is not a permitted use in a Residential Multi-Family zoning district, therefore, the applicant is seeking the approval of a use variance to utilize this parcel as a parking lot.

ZBA Case No.: 11-16
7 Arlington Road
Applicant: Michael A. Coluzza
Owner: Michael A. Coluzza

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 construct a 150 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 150 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 four feet (4').

The applicant has stated that the home does not have attic space and the basement space is limited by the encroachment of the garage within the footprint of the home. He further explained that he needs space for a lawn tractor, snow blower, and lawn furniture.

ZBA Case No.: 12-16
1601, 1603, 1605 Whitesboro Street
Applicant: Marven Eugene Adams
Owner: Elona Ivory

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 erect a stockade fence at the above referenced properties.

The applicant is proposing to erect a 6' high wood stockade fence along the Whitesboro Street and Cherry Street sides of the properties. The fence will also extend along the back of the vacant lots.

This is a home for handicap individuals and the applicant is seeking to secure an area for them to be able to be outside and be safe.

Since this includes a corner lot the applicant is considered to have two front yards. In accordance with Section 2-29-447 of the Zoning Ordinance of the City of Utica, all solid fences measuring more than three (3) feet high are prohibited in the front yard. Therefore, the applicant will be required to receive area variances for the height and location of the proposed fencing.

The applicant will be required to consolidate all three parcels.