



# CITY OF UTICA

URBAN & ECONOMIC DEVELOPMENT  
1 KENNEDY PLAZA, UTICA, NEW YORK 13502  
PH. 315-792-0181 | FAX. 315-797-6607

ROBERT M. PALMIERI  
MAYOR

BRIAN THOMAS, AICP  
COMMISSIONER

May 28, 2020

Greetings Neighbors,

Please take notice that the City of Utica Zoning Board of Appeals will hold a Public Hearing on **Tuesday, June 9, 2020 at 5:00 pm** via Webex from Utica City Hall. In order to access this meeting go to:

Meeting number (access code): 795 973 526  
Meeting password: DiKFMXyD433

**<https://cityofutica.my.webex.com/cityofutica.my/j.php?MTID=m8df64a55a897f0160817bc197bdb0df9>**

### **Join by phone**

Tap to call in from a mobile device (attendees only)  
**+1-408-418-9388** United States Toll

According to Section 2-29-108(3)(b) of the City of Utica Zoning Ordinance, with respect to an application for a variance or special use permit, the clerk of the board shall send written notice to all owners of property within 200 feet of the exterior boundaries of the subject property.

This letter shall serve as written notice of stated ordinance.

If you have any questions feel free to Brian Thomas at (315) 792-0181.



# CITY OF UTICA

URBAN & ECONOMIC DEVELOPMENT  
1 KENNEDY PLAZA, UTICA, NEW YORK 13502  
PH. 315-792-0181 | FAX. 315-797-6607

ROBERT M. PALMIERI  
MAYOR

BRIAN THOMAS, AICP  
COMMISSIONER

## ZONING BOARD OF APPEALS JUNE 9, 2020 5:00 PM

<https://cityofutica.my.webex.com/cityofutica.my/j.php?MTID=m8df64a55a897f0160817bc197bdb0df9>

---

ZBA Case No.: 42-19  
1507 Elm Street  
Applicant: Patricia Washington  
Owner: Ulysses Smith

Zone: RT-1  
Use Variance  
Rehearing

---

Pursuant to Section 2-29-65 of the Zoning Ordinance of the City of Utica, the applicant is seeking a rehearing for a previous denial of a Use Variance application. In accordance with Section 2-29-65, a motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision or determination of the Board not previously reviewed may be made by any member of the Board. A unanimous vote of all members of the Board then present is required for such rehearing to occur. Upon such rehearing the Board may reverse, modify or annul its original decision or determination upon the unanimous vote of all members then present.

The previous application from September 10, 2019 was denied, however, the applicant is now proposing to modify the application to the following:

- Decrease the number of residents residing in the structure from 12 to 6;
- Decrease the number of residents sharing a rood from 2 to 1;
- Change the program to transitional housing;
- Modify the age for 17 years and older to 18 years and older;
- Modify the target population from post-release males to homeless male or female individuals;
- Add a live-in house manager;
- Modify regular hours of operation from 8:30-4:30 to 8:00 – 5:00 seven days a week to include 2 weekly pop-ins from administrative staff.

### **The application that was denied had proposed the following:**

*The applicant was proposing to operate a mission at the above referenced location. The Patty-Roy Foundation will provide temporary housing and case management services for 12 post release males between the ages of 17-50 years of age. They will also accommodate individuals who are economically disadvantage. The hours of operation will be 8:30 – 4:30 pm.*

*The applicant stated that the Foundation will take every measure to make sure the program participants and community residents are safe. Some of the measures consist of 24 hour security system, access to public safety and professional staff. The organization will be working with other service providers in the community and parole/probation as some of the participants will be under some sort of other supervision.*

The property is a two-family home with two units which both include 1 bath, 3 bedrooms, kitchen, living room and den area.

Patricia and Michael Washington presented the application to the Board. Mrs. Washington stated that she inherited the home from her grandfather. The house is currently two (2) - three (3) bedroom units. They stated that they will house homeless and post release males. They will accommodate clients from the Rescue Mission when they are at capacity. She stated that there will be a 24 hr house manager, two (2) full time and two (2) part time employees along with two (2) volunteers at this site. Mrs. Washington said that they do not have intentions of housing sex offenders at this time.

The Board reviewed the criteria in Section 2-29-67(d)(2) of the Zoning Ordinance of the City of Utica and addressed the following:

1. The hardship of the owner is not unique and does not apply to a substantial portion of the district or neighborhood because it currently is a two-family residential house located within a residential neighborhood;
2. Under the applicable zoning regulations, the applicant is not deprived a reasonable use or benefit from the property because, again, it currently is set up and operating as a two family residential structure as expressly permitted in a Residential Two Family zoning district. The applicant did not provide proof of being deprived a reasonable use or benefit.
3. The use to be authorized by the variance will alter the essential character of the neighborhood; and
4. The alleged hardship is self-created – The applicant can locate this program in an area where it is permitted.

The Board voted to deny the Use Variance at the meeting on September 10, 2019.

---

ZBA Case No.: 16-20  
915 Lincoln Avenue  
Applicant: Vincent Singe  
Owner: Vincent Singe

---

Zone: RT-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 location.

The applicant is proposing to construct a 15' x 7' (105 sf) storage shed at the above referenced property. In accordance with Section 2-29-492 of the Zoning Ordinance of the City of Utica, the maximum size for an accessory structure in a residential zoning district is 100 sf. The applicant will be required to receive an area variance to increase the size of the proposed storage unit to 105 sf.

The shed will be placed approximately 6" from the side and rear property lines. 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. Therefore, the applicant will be required to receive an area variance for the location of the shed.

---

ZBA Case No.: 17-20  
2634 Sunset Avenue  
Applicant: Cory Cantales  
Owner: Cory Cantales

---

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 fence at the above referenced location.

The applicant is proposing to install a 6' high wood stockade fence in the side yard of the property, however, since the property is located on a corner lot, it is considered to have two front yards. The fence will run along the inside

edge of the sidewalk. It will extend along the sidewalk on Collier Place and run to the opposite side of the yard parallel with the neighboring property on Collier Place. The applicant has stated that they wish to have a safe and secure area for their family.

In accordance with the Zoning Ordinance of the City of Utica, a maximum height of 3' solid fence is allowed in the front yard in a Residential Single-Family zoning district. The applicant will be required to receive an area variance for the proposed height and location of the fence.

---

ZBA Case No.: 18-20  
932 Rutger Street  
Applicant: Chris Tringali  
Owner: Turning Point Church of Utica, Inc.

---

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 install signage at the above referenced location.

The applicant is proposing to replace a free standing sign close to the corner of Rutger and Nichols Street. The proposed sign will be a 5' circular double-sided non-illuminated sign with a small rectangular panel at the lower portion of the sign. It will be centered between two posts.

Two additional 5' circular LED back lit signs will be installed at the top of the church on the front and East side (Nichols Street side) of the church. These signs will read "Utica City Church".

The applicant is required to receive an area variance for the signage because signage isn't permitted in a residential district.

---

ZBA Case No.: 19-20  
1227 Dudley Avenue  
Applicant: Mae Sa  
Owner: Mae Sa

---

Zone: RT-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 erect a fence at the above referenced location.

The applicant is proposing to install a 5' high chain link fence on the perimeter of his property. The fence will run along the inside edge of the sidewalk on both Dudley Avenue and Leah Street and around the rear and side of the property. The applicant has stated that they wish to have a safe and secure area for their family without obstructing the view of the street.

In accordance with the Zoning Ordinance of the City of Utica, a maximum height of 4' open fence is allowed in the front yard in a Residential Two-Family zoning district. The applicant will be required to receive an area variance for the proposed height and location of the fence.

---

ZBA Case No.: 20-20  
1680 Wesley Avenue  
Applicant: Lindsay Kaczor  
Owner: Lindsay Kaczor

---

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 fence at the above referenced location.

The applicant is proposing to replace an existing 4' high chain link fence with 6' high wood dog-ear stockade fence side yard of the property, however, since the property is located on a corner lot, it is considered to have two front

yards. The fence will run along the inside edge of the sidewalk. It will extend along the sidewalk on Fox Place and run to the opposite side of the yard connecting to their garage and parallel with the neighboring property on Fox Place.

In accordance with the Zoning Ordinance of the City of Utica, a maximum height of 3' solid fence is allowed in the front yard in a Residential Single-Family zoning district. The applicant will be required to receive an area variance for the proposed height and location of the fence.

---

ZBA Case No.: 21-20  
2611 Oneida Street  
Applicant: Aaron/Karen Baker  
Owner: Aaron/Karen Baker

---

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 location.

The applicant is proposing to construct a 12' x 16' (192 sf) storage shed at the above referenced property. In accordance with Section 2-29-492 of the Zoning Ordinance of the City of Utica, the maximum size for an accessory structure in a residential zoning district is 100 sf. The applicant will be required to receive an area variance to increase the size of the proposed storage unit to 192 sf. The shed will be 8' high.

The applicant has stated that they have yard equipment that is currently stored in the yard with a tarp as the covering and would like to get it out of sight. The shed will be finished with siding to match the existing house. It will be located adjacent to the neighbor's shed which is the same size of the proposed shed.

The shed will be placed approximately 5' from the side and rear property lines. 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. Therefore, the applicant will be required to receive an area variance for the location of the shed.

---

ZBA Case No.: 22-20  
173 Pleasant Street  
Applicant: Adis Razic  
Owner: Adis Razic

---

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 carport at the above referenced location.

The applicant is proposing to construct a 12' x 20' (240 sf) carport in the rear of his property. The applicant has stated that he does not have a garage on the property. In accordance with Section 2-29-492 of the Zoning Ordinance of the City of Utica, the maximum size of a carport is 220 sf, therefore, the applicant will be required to receive an area variance for the size of the carport.

The applicant is proposing to locate the carport approximately 2' from the rear and side property lines. In accordance with Section 2-29-171 of the Zoning Ordinance of the City of Utica, the minimum side yard setback is 15' and the minimum rear yard setback is 30'. Since the applicant is proposing 2' at both locations, he will be required to receive an area variance for the position of the proposed carport.