



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

July 1, 2020

Greetings Neighbors,

Please take notice that the City of Utica Zoning Board of Appeals will hold a Public Hearing on **Tuesday, July 14, 2020 at 5:00 pm** via Webex from Utica City Hall. In order to access this meeting go to:

<https://cityofutica.my.webex.com/cityofutica.my/j.php?MTID=m45531e9b60e42a0764e69c6acc68963e>

Meeting number (access code): 132 294 6889

Meeting password: HPbieyp8g33

Join by phone

[+1-408-418-9388](tel:+14084189388) 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 Patti DeCarr at (315) 792-0181.



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ZONING BOARD OF APPEALS

JULY 14, 2020 5:00 PM

<https://cityofutica.my.webex.com/cityofutica.my/j.php?MTID=m45531e9b60e42a0764e69c6acc68963e>

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.: 23-20
137 Kensington Drive
Applicant: Nicole Law
Owner: Nicole Law

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 deck at the above referenced location.

The applicant is proposing to construct a 20' x 9' deck on the front of their home. The deck will be wood construction and will not have a roof. In accordance with Section 2-29-171 of the Zoning Ordinance of the City of Utica, the minimum side yard setback in a Residential Single Family Zoning District is 15' where the applicant is proposing a 9' side yard setback. The applicant will be required to receive an area variance for the reduction of the side yard setback.

ZBA Case No.: 24-20
2429 Chenango Street
Applicant: Park Outdoor Advertising
Owner: Park Outdoor Advertising

Zone: I-1
Special Use Permit
Area Variances

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 erect a billboard at the above referenced location.

In accordance with Section 2-29-341 of the Zoning Ordinance of the City of Utica, billboard signs shall be considered a special use and will require the issuance of a special use permit.

The applicant is proposing to erect a 30' high 12' x 24' back to back style billboard, 288 sf each side – 576 sf total. In accordance with Section 2-29- 341 of the Zoning Ordinance of the City of Utica, no billboard shall exceed 30 feet in height from ground level or 400 square feet in sign area. The applicant will be required to receive an area variance for the increase in sign area.

There must be a minimum of 1,000 feet between billboards on primary roads and a minimum of 500 feet between billboards on secondary roads and state controlled access highways, and this distance shall be measured in all directions. The location the applicant is proposing is within 500' of another billboard, therefore, the applicant will be required to receive an area variance for the location of the proposed billboard.

ZBA Case No.: 25-20
1311 South Street
Applicant: Husein Huskic
Owner: Husein Huskic

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 4' solid white vinyl 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 landscaped 2' high brick wall. It will extend along the Rosemary Street side of the property back to the garage.

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 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.: 26-20
601 Mapledale Avenue
Applicant: Erick Viktorovich
Owner: Erick Viktorovich

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 location.

The applicant is proposing to construct a 10' x 20' (200 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 storage 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 200 sf.

In accordance with Section 2-29-492 of the Zoning Ordinance of the City of Utica, the maximum height for a storage structure in a residential district is 10'. The applicant will be required to receive an area variance in order to increase the height to 12'. The proposed shed will be located approximately 14' from the rear and side property lines.

ZBA Case No.: 27-20
306 Hartford Place
Applicant: Michael Fiore
Owner: Michael Fiore

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 to an existing garage at the above referenced location.

The applicant is proposing to construct an 8' x 33' addition to an existing 13' x 33' garage. The total size of the garage will be 693 sf. In accordance with Section 2-29-495 of the Zoning Ordinance of the City of Utica, the maximum size for a garage in a residential zoning district is 616 sf. The applicant will be required to receive an area variance for the increase in the proposed size of the garage.

ZBA Case No.: 28-20
1114 Herkimer Road
Applicant: Myly Nguyen
Owner: Ruth Begent Estate

Zone: RS-1
Major Home Occupation

Pursuant to Section 2-29-176 of the Zoning Ordinance of the City of Utica, the applicant is seeking a Major Home Occupation Permit in order to operate a nail salon at the above referenced property.

In accordance with Section 2-29-176 of the Zoning Ordinance of the City of Utica, in a general sense, a home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances would not be aware of its existence. The standards for home occupations are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood, plus a clearly secondary or incidental status in relation to the residential uses of the main building as the criteria for determining whether a proposed accessory use qualifies as a home occupation.

The applicant is proposing to utilize the attached garage for a nail salon. The owner will be the only nail technician at this location. The proposed hours of operation will be Monday – Saturday 8:30 am – 4:30 pm by appointment only.

The applicant has stated that there will only be one nail station and one pedicure station. There will only be one client at a time and this will allow for parking in the driveway which can accommodate four (4) cars.

A 1' x 1' sign attached to the house is permitted at the location of a home occupation.

ZBA Case No.: 29-20
1605 Genesee Street
Applicant: Christine Martin
Owner: The First Presbyterian Church of Utica

Zone: OA
Special Use Permit

Pursuant to Section 2-29-68 of the Zoning Ordinance of the City of Utica, the applicant is seeking a special use permit in order to operate a community residence at the above referenced location.

Willowvale is a privately-owned for-profit recovery destination where patients can rehabilitate free from distractions, in a calming and relaxed environment, surrounded by counselors and peers with similar backgrounds and experiences. What will set our facility apart is our focus on recreational therapy, a non-traditional approach to addiction recovery that is growing in popularity due to its success. Recreational therapy utilizes recreation and other activity-based interventions to address the unique needs of people suffering with substance use disorder as a means

to recovery. Participants will learn the importance and benefits of fully participating in life through improving their physical, cognitive, social, emotional and spiritual functioning.

Willowvale Recovery & Wellness is going to be a privately owned OASAS certified organization which offers phase 2 in the multi-phase process of addiction recovery. It was founded by Christine Martin and Dr. Adrienne Bonham to combat the opioid epidemic in the United States by providing a unique approach to treatment that encompasses physical and mental health with an emphasis on Recreational Therapy as a means to sustain sobriety post-treatment. With the in-patient residential program, clients have the opportunity to learn about addiction, build social skills, and discover their personal motivation for working towards a substance-free future in which they can thrive.

The applicant proposes to have 40 beds and expect to experience an average of 80% capacity.

The staff of 70 will include doctors, nurses, therapists, counselors, activities coordinators, housekeeping personnel, food service professionals and administrative support staff.

Admission is by appointment only and clients will be dropped off discreetly at the rear entrance by either a family member or friend, or by their private shuttle service.

The renovations consist of building additional bathrooms, several dividing walls, and some minor repairs and improvements. The floor plan will be reviewed and approved by the New York State Office of Alcoholism and Substance Abuse Services (OASAS) prior to beginning renovations.

The facility occupies approximately 40,000 square feet. It offers 40 patient beds, 7 group counseling and activity rooms, and 4 individual counseling rooms. Lounges, a fitness room, and recreational areas will provide patients space to enjoy their free time. A full kitchen and cafeteria will provide high quality meals and snacks throughout the day.

Medical and intake staff are located in the rear of the building near the secure entrance from the parking lot. Other staff offices are located in the historic mansion.

ZBA Case No.: 30-20
1611 Guelich Street
Applicant: Himzo Kulovac
Owner: Himzo Kulovac

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' solid wood stockade fence in the front yard of the property. The fence will extend out toward the sidewalk from the edge of the house and run along the inside edge of the sidewalk to meet the fence on the side property line.

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.: 31-20
137 Higby Road
Applicant: Timothy Julian
Owner: Timothy Julian

Zone: RS-1
Major Home Occupation

Pursuant to Section 2-29-176 of the Zoning Ordinance of the City of Utica, the applicant is seeking a Major Home

Occupation Permit in order to operate an aesthetic skin care clinic at the above referenced property.

In accordance with Section 2-29-176 of the Zoning Ordinance of the City of Utica, in a general sense, a home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances would not be aware of its existence. The standards for home occupations are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood, plus a clearly secondary or incidental status in relation to the residential uses of the main building as the criteria for determining whether a proposed accessory use qualifies as a home occupation.

The applicant is proposing to utilize one stall (10' x 19') of the attached garage for an aesthetic skin care clinic. The owner will be the only clinician at this location. The proposed hours of operation will be Monday – Friday 11:00 am – 4:00 pm by appointment only.

The garage doors will be removed and replaced with similar windows as the existing house. There will only be one client at a time and this will allow for parking in the driveway.

A 1' x 1' sign attached to the house is permitted at the location of a home occupation.

ZBA Case No.: 32-20
474 Ashwood Avenue
Applicant: Steven Fitzgerald
Owner: Steven Fitzgerald

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 install a swimming pool at the above referenced location.

The applicant is proposing to install a 21' above ground swimming pool. In accordance with Section 2-29-601 of the Zoning Ordinance of the City of Utica, the swimming pool shall be not less than eight feet from any side lot line as the lines relate to the principal structure or accessory structure. Distance to the lot line shall be measured from the rim of the pool. The applicant is proposing a 5' setback due to the narrow dimensions of the lot. The applicant will be required to receive an area variance in order to reduce the setback distance.