



# 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

August 27, 2020

Greetings Neighbors,

Please take notice that the City of Utica Zoning Board of Appeals will hold a Public Hearing on **Tuesday, September 8, 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=m7fabca0c16f169b7b05b69c6bfe21867>

Meeting number (access code): 132 942 5604  
Meeting password: wjJKp9JPD32

**Join by phone**  
+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 Patti DeCarr at (315) 792-0181.



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## ZONING BOARD OF APPEALS SEPTEMBER 8, 2020 5:00 PM

<https://cityofutica.my.webex.com/cityofutica.my/j.php?MTID=m7fabca0c16f169b7b05b69c6bfe21867>

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ZBA Case No.: 33-20

Zone: RT-1

1122 Kossuth Avenue

Use/Area Variance

Applicant: Joseph Vittone/Krittivaret Kittipanakol

Owner: Steven G. Miller

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Pursuant to Section 2-29-67(d)(2) of the Zoning Ordinance of the City of Utica, the applicant is seeking a use variance in order to operate a neighborhood convenience store at the above referenced location.

The applicant is applying for a use variance to be able to utilize the first floor of the property to operate a high-end, specialty Asian grocery store, the second floor as their personal residence and the third floor for storage. The applicant hopes to source from local farms and distributors to provide high quality wholesome products to not only local Asian patrons but to our community as a whole. The applicant's mother currently operates a similar store on South Street and is doing well, however she is unable to expand at her current location to further sever her growing customer base and their needs.

The proposed hours of operation would be Monday – Saturday from approximately 9:00 am to 8:00 pm. They anticipate employing 4-5 on site employees if business progresses as projected. The property would be well lit at night and would have ample security cameras overseeing the building and parking areas to ensure the safety of not only the store and the applicant's family but the safety of the surrounding neighborhood as well. The applicants do not plan to sell any tobacco, alcohol or lottery tickets.

A neighborhood convenience store is defined as a 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.

In accordance with Section 2-29-605 of the Zoning Ordinance of the City of Utica, 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. The applicant will be required to receive an area variance for the location of the store which is proposed approximately 500 linear feet from a similar existing use.

The current owner purchased the property from the Utica Urban Renewal Agency in 2003 after they were approved for a use variance for the current owner to utilize the property for an art gallery and residential living space. The current owner is now retired and no longer uses the property as his personal residence, resulting in the property having been vacant for years, and its deterioration. The current state of the building has made it unsuitable for renting or leasing purposes since 2013.

The current owner has been tirelessly trying to sell the property for approximately 14 years. It has been marketed as residential pursuant to its zoning classification, and despite a currently booming real estate market, the owner has been unable to find a buyer with its current zoning use. Additionally, the hardship created by the current zoning is unique to the property subject to this application. The property's shape, design, square footage, layout and aesthetic is clearly unique from any of the neighboring residentially zoned properties.

At the previous meeting on August 11, 2020, the Board voted to table the use variance and area variance and requested that the applicant submit a parking plan, lighting plan and an agreement with the neighboring property at 1118 Kossuth Avenue regarding ingress and egress access.

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ZBA Case No.: 38-20  
172 Proctor Blvd  
Applicant: Neil H. Mullin  
Owner: Neil H. Mullin

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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 14' x 21' (294 sf) carport adjacent to the existing garage in the rear of the property. In accordance with Section 2-29-492 of the Zoning Ordinance of the City of Utica, the 220 sf is the maximum size permitted for a carport. Therefore, the applicant will be required to receive an area variance in order to increase the size to 294 sf.

The proposed carport will be connected to the existing garage and will have a shed style roof with a concrete pad and open sides.

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ZBA Case No.: 39-20  
161 Proctor Blvd  
Applicant: Khoi T. Pham  
Owner: Khoi T. Pham

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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 legitimize the construction of a shed at the above referenced location.

The applicant has partially constructed a 12' x 16' (192 sf) shed in the rear yard of his 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 192 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 has indicated that the shed is located 15' from the side property line.

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ZBA Case No.: 40-20  
421 Linda View Lane  
Applicant: Timothy/Kathleen Barcomb  
Owner: Timothy/Kathleen Barcomb

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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 10' x 16' (160 sf) shed in the rear yard of this 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 160 sf.

The applicant stated that they will be removing the existing 10' x 12' shed and will place the proposed shed in the exact location. 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 has indicated that the existing shed is located 12' from the side and rear property lines.