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BRIAN THOMAS, AICP
COMMISSIONER

ZONING BOARD OF APPEALS COMMON COUNCIL CHAMBERS - CITY HALL JANUARY 8, 2019 5:00 PM

ZBA Case No.: 01-19
913 Third Avenue
Applicant: AlBaraka Supermarket Inc./Mundher Hameed
Owner: Motaher Real Property, LLC

Zone: CN
Special Use Permit
Area Variance

WHEREAS: 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 for the above referenced property in order to operate a small grocery store which is classified as a neighborhood convenience store in accordance with the Zoning Ordinance.

WHEREAS: The applicant is proposing to operate a specialty Halal food market at the above referenced location. They are proposing to operate from 8:00 am – 8:00 pm seven days per week with two additional employees along with the owner of the store. No cigarettes and no alcohol are proposed to be sold at this store. A variety of ethnic foods and a minim of convenience items will be sold. The applicant has stated that parking is available on the Rutger Street side of the building. They are proposing to reface the existing free-standing sign on the property.

WHEREAS: In December 2015, a Special Use Permit and an Area Variance were granted to the former owner for a similar market with the condition that no tobacco, alcohol or lotto products be sold at this location. This store did not open or continue to operate without a lapse of use of six (6) months, therefore, the applicant is required to apply for the Special Use Permit and Area Variance.

WHEREAS: 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.

WHEREAS: 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.

ZBA Case No.: 02-19

1621 Oneida Street

Applicant: Sunnyside Properties of Utica LLC

Owner: Sunnyside Properties of Utica LLC/Timothy Julian

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 a use variance in order to utilize the above referenced property as a parking lot.

The applicant is seeking a use variance in order to create a driveway from the Oneida Street side of the property to the back portion of the property to create parking for the Utica Community Health Center which is located further south on Oneida Street. There will be greenspace maintained on the front area of the parcel.

The applicant has indicated that the parking will be utilized by staff of the health center between the hours of Monday – Friday 8:00 am – 5:00 pm. The area will be resurfaced and striped, along with the installation of appropriate lighting and fencing. A gate will be installed at the entrance on Oneida Street.

The applicant will be required to receive a curb cut permit from the City of Utica’s Engineering Department.