



CITY OF UTICA

URBAN & ECONOMIC DEVELOPMENT
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**ZONING BOARD OF APPEALS
COMMON COUNCIL CHAMBERS - CITY HALL
OCTOBER 8, 2019 5:00 PM**

ZBA Case No.: 45-19
1532 Oriskany Street/1532 Erie Street
Applicant: Alex Carbone
Owner: City of Utica

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 in order to erect a billboard at the above referenced location.

The applicant is proposing to erect a double sided 10' x 30' (600 sf) digital billboard on the Oriskany Street side of the property.

Pursuant to Section 2-29-67(d)(1) of the Zoning Ordinance of the City of Utica, the applicant is seeking area variances in order to increase the size of the proposed sign to 600 sf where 400 sf is the maximum size allowed; reduce the minimum of 1,000 feet between billboards on primary roads; and reduce the front yard setback where 25' is required.

ZBA Case No.: 46-19
117 Proctor Blvd.
Applicant: Monk Rowe & Rosemary Britell
Owner: Monk Rowe

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 fence at the above referenced location.

The applicant has constructed a 6' high wood solid fence in the front yard area of the home. A maximum height of 3' is allowed for solid fences 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 of the fence.

The fence has been installed along the side property line extending into the front yard. The applicant stated that they replaced a 4' chain link fence with the 6' solid fence for privacy and screening from the neighbor's dogs. The fence has been placed at grade on the owner's property and is above grade approximately 3' from the neighboring property.

ZBA Case No.: 47-19
1403 Jimmy Blvd.
Applicant: Debra Bonanza
Owner: Debra Bonanza

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 an 8' x 10' garden shed in the rear of the property. The applicant is proposing to install the shed approximately 2' from the side property line due to the topography of the back yard. She has explained that the rear yard is on a steep incline. 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. The height of the shed is approximately 8'.

ZBA Case No.: 48-19
1102 Culver Avenue
Applicant: Galina Mironova
Owner: Galina Mironova

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 extend a curb cut at the above referenced property.

In accordance with Section 2-23-123 of the City of Utica Code of Ordinance, for the purpose of constructing a driveway approach, no curb cut, opening or section broken out or removed shall exceed 20 feet for residential purposes. The applicant is proposing to increase the curb cut to extend along the full width of the existing driveway. The total curb cut distance proposed is 44'. Therefore, the applicant will be required to receive an area variance in order to increase the size of the curb cut.

ZBA Case No.: 49-19
713 Tracy Street
Applicant: Nabila Carabajo
Owner: Nabila Carabajo

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 create parking in the front yard.

The applicant has removed the grass area in the front of the home to create a driveway between her home and the neighboring property. However the standard size of a parking space required in accordance with the Zoning Ordinance of the City of Utica is 8'6" where the applicant has 7.3'. Therefore, the applicant will require an area variance in order to create parking in the front yard of the home.

In accordance with Section 2-29-382 of the Zoning Ordinance of the City of Utica, in residential districts or properties adjoining residential districts, parking is prohibited in all front yards. In the event that no access is available to the rear of the property, a property owner may apply for an area variance to allow parking in a front yard (between the sidewalk and the house).

ZBA Case No.: 23-19
936 Arnold Avenue
Applicant: Andrew Miner
Owner: Andrew Miner

Zone: RT-1
Area Variance

Pursuant to Section 2-29-65 of the Zoning Ordinance of the City of Utica, the applicant is seeking a rehearing from the previous decision made by the Board on July 9, 2019.

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. Such rehearing is subject to the same notice provisions as an original hearing. 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 Board made the following determination on July 9, 2019.

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 20' shed (240 sf) to accommodate storage needs at this residence. 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 Two-Family zoning district is 100 sf. The applicant will be required to receive an area variance to increase the size of the proposed shed to 240 sf.

The shed will be placed approximately 2'-5' from the east property line and 5' from the north property line. 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. The height of the shed will be approximately 8'.

The applicant presented the application to the Board and expressed the need for additional storage because the house doesn't have a basement or attic. He stated that he would like to have two 5' roll up metal doors to create two separate storage areas to allow some space for the tenants of the property area also. He advised the Board that the shed would be painted white to match the building.

Aside from the applicant, there were no speakers present at the meeting in support or opposed to the proposal.

The Board had discussion regarding the large size requested and the placement of the shed at the end of the driveway since it is visible from the street. They felt that this will resemble commercial storage units and set a precedent for other requests in the future. They suggested the option of constructing a garage at this location to the applicant. They felt that a garage would better resemble the character of the neighborhood.

The Board voted on July 9, 2019 to **approve** the area variance with the following conditions:

1. The shed shall be turned 180° to have the doors face the interior of the yard;
2. The maximum size shed shall be 10' x 20'; and
3. The applicant shall secure any and all permits and approvals from the City Code Enforcement Office and the Engineering Office.