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# CITY OF UTICA

URBAN & ECONOMIC DEVELOPMENT

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BRIAN THOMAS, AICP  
COMMISSIONER

**ZONING BOARD OF APPEALS  
COMMON COUNCIL CHAMBERS - CITY HALL  
OCTOBER 9, 2018 5:00 PM**

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ZBA Case No.: 39-18  
1005 Jefferson Avenue  
Applicant: Shamsu Juma  
Owner: Shamsu Juma

Zone: RT-1  
Area Variance

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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 property.

The applicant has installed an 8' x 20' (160 sf) storage shed at the above referenced property. The applicant also has an existing 8' x 10' (80 sf) shed on the property. The two shed are in line with each other next to the neighboring property line.

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 sheds to 160 sf.

In accordance with Section 2-29-495 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.

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ZBA Case No.: 40-18  
502 Albany Street  
Applicant: Caroline Rodriguez  
Owner: Fred Castronovo

Zone: CN  
Use Variance

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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 vehicle service station with a retail establishment as an accessory use at the above referenced property.

The applicant is proposing to operate a gas station/convenience store which will be open 7 days a week from 6:00 am – 2:00 am. They are project four people will be employed there. They are proposing to install new gas tanks and pumps at the existing canopy location. Their estimated time for the rehabilitation of the property is approximately 75 days.

In accordance with Section 2-29-233 of the Zoning Ordinance of the City of Utica, the Auto Overlay (A-O) District protects and enhances older City neighborhoods along major and secondary thoroughfares or proximate to commercial and employment centers by regulating automobile uses and their potential impacts. The A-O District permits automobile-related commercial uses, such as vehicle service stations, repair stations and sales/rental operations.

This property is located in a Neighborhood Commercial zoning district and is not located within the City of Utica's Auto-Overlay district, therefore, the applicant is applying for a Use Variance in order to operate this type of business at this property.

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ZBA Case No.: 41-18

759, 763, 765 Bleecker Street

Applicant: West Bosnian Islamic Center of Utica

Owner: West Bosnian Islamic Center of Utica

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Zone: CN

Area Variances

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 steel/aluminum fence in the front yard area of this property. In accordance with Section 2-29-447 of the Zoning Ordinance of the City of Utica, all open fences measuring more than four feet high are prohibited in the front yard, therefore, the applicant will be required to receive an area variance for the location of the 5' proposed fence. In accordance with Section 2-29-191 of the Zoning Ordinance of the City of Utica, the minimum front yard setback in a Neighborhood Commercial zoning district shall be 10' or the average of the street. The applicant is proposing to install the fence 5' from the front property line.

The applicant is also seeking an area variance for a 5' high concrete wall which has been constructed on three of the property lines of the parcels. In accordance with Section 2-29-191 of the Zoning Ordinance of the City of Utica, the minimum rear yard setback in a Neighborhood Commercial zoning district is 25' where the applicant has constructed the wall on the property line.

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ZBA Case No.: 42-18

1107 Noyes Street

Applicant: Valerie Holm

Owner: Valerie Holm

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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 legitimize the construction of a carport at the above referenced property.

The applicant has constructed a carport in 2012 approximately 6" from the side property line. The applicant is requesting an area variance for the location of the structure. In accordance with Section 2-29-173 of the Zoning Ordinance of the City of Utica, the minimum side yard setback in a Residential Two-Family zoning district is 10' where the applicant currently has approximately 6".

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ZBA Case No.: 43-18

1200 Greenview Drive

Applicant: Jacqueline Concepcion

Owner: Jacqueline Concepcion

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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 fence in the front yard area of the property. In accordance with Section 2-29-447 of the Zoning Ordinance of the City of Utica, all solid fences measuring more than three feet high are prohibited in the front yard, therefore, the applicant will be required to receive an area variance for the location of the 6' proposed fence.

The proposed fence will be erected beyond the hedge row and existing concrete pillar on the corner of Greenview Drive and Eagle Street.

In accordance with Section 2-29-581 of the Zoning Ordinance of the City of Utica, visibility requirements for corner lots. In all zones other than the C-N and C-CBD Districts no obstruction to vision, other than an existing building, post, column or tree, exceeding 30 inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a line drawn between the points along such street lot lines 30 feet distant from their points of intersection. This configuration will need to be adhered to when installing a fence on a corner lot.

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ZBA Case No.: 44-18

113 Patricia Lane

Applicant: Michael MacDonald

Owner: Michael MacDonald

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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 property.

The applicant is proposing to construct a 12' x 12' (144 sf) shed in the rear of the 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 Single-Family zoning district is 100 sf. The applicant will be required to receive an area variance to increase the size of the shed to 144 sf.

In accordance with Section 2-29-495 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 which is proposed to be 3' from the east side property line.

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ZBA Case No.: 45-18

163 Genesee Street

Applicant: Philip Steppello

Owner: Philip Steppello

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Zone: CCBD

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 three digital style signs at the above referenced property.

The applicant is proposing to install two (2) 6'5" x 11'3" and one (1) 5'5" x 9'3" LED multi colored, metal housing message boards to the face of the building. Each LED Board will be attached directly to the recessed outlined boxes on the building which will enable them to be flush-mounted and wireless. They will be U1/ETL certified/approved. 10 pixel pitch/resolution.

The applicant stated that this would enhance the surrounding neighborhood by providing a "Times Square" atmosphere. Advertisement will be provided for all sporting events along with other local events.

In accordance with Section 2-29-343 of the Zoning Ordinance of the City of Utica, illumination shall be steady in nature, not flashing, moving or changing in brilliance, color or proximity. An area variance will be required in order to have digital style signage.

In accordance with Section 2-2-340 of the Zoning Ordinance of the City of Utica, the maximum area of a facial sign in a Central Business District zoning district is 50 sf. The applicant will be required to receive an area variance to exceed that size.

This proposal has been reviewed and approved by the City of Utica's Scenic and Historic Preservation Commission.