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**ZONING BOARD OF APPEALS
COMMON COUNCIL CHAMBERS - CITY HALL
NOVEMBER 13, 2018 5:00 PM**

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

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 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.

ZBA Case No.: 41-18
759, 763, 765 Bleecker Street
Applicant: West Bosnian Islamic Center of Utica
Owner: West Bosnian Islamic Center of Utica

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.

ZBA Case No.: 46-18
Harbor Point Road CTM #318.08-1-53
Applicant: Adirondack Railway Preservation Society
Owner: Oneida County Industrial Development

Zone: I-1
Special Use Permit

Pursuant to Section 2-29-68 of the Zoning Ordinance of the City of Utica, the applicant is seeking approval of a special use permit in order to construct a rail maintenance shop at the above referenced location.

In accordance with Section 2-29-211 of the Zoning Ordinance of the City of Utica, railroad yards, shops or similar facilities are specially permitted uses within a Light Industrial zoning district.

The applicant is proposing to construct a 40' x 120' (4,800 sf) maintenance shop on one acre of the four acre parcel. A zone change from Land Conservation to Light Industrial was approved by the Common Council. A new section of rail will be construct to lead into the maintenance shop with an additional storage section of approximately 120' of tracks.

ZBA Case No.: 47-18
1834 South Street
Applicant: NawFal al Farhood
Owner: NawFal al Farhood

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 porch at the above referenced property.

The applicant is proposing to construct a 5' x 9' porch in the front of the home. The entrance door will be relocated to the front of the home. In accordance with Section 2-29-172 of the Zoning Ordinance of the City of Utica, the minimum front yard setback required in a Residential Single Family zoning district is 25'. The applicant is proposing to have approximately 23', therefore, will be required to receive an area variance for the reduction in the front yard.

ZBA Case No.: 48-18
923 South Street
Applicant: Demir Buzaljko
Owner: Demir Buzaljko

Zone: RM-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 extend the driveway at the above referenced property.

The parcel is located on the corner of South and Mason Street. The garage and driveway are on the Mason Street side of the property. The existing garage is close to the street with limited parking. The curb cut was approximately 27' until the street was repaved and new curbs installed, at which time it was reduced to 20'.

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 seeking an area variance in order to expand the driveway to 47'. This will enable the applicant to park their new vehicle in the driveway. It is too large for the garage.

ZBA Case No.: 49-18
2637 Oneida Street
Applicant: Edmundo Alfaro
Owner: Edmundo Alfaro

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 extend the driveway 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 seeking an area variance in order to expand the driveway to 35'.

The applicant has stated that because the property is on a large incline, they had a lot of water and drainage problems which have been rectified.

ZBA Case No.: 50-18
316 Kossuth Avenue
Applicant: Jafar Mohamed
Owner: Jafar Mohamed

Zone: RM-2
Use/Area 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 operate a neighborhood convenience store at the above referenced location.

The applicant currently rents space and operates a Halal market at 859 Bleecker Street. The applicant purchased 316 Kossuth Avenue with the intent to move his existing store to this location. The property lends itself to a commercial business on the first floor. The sale included large commercial coolers and refrigerators that were in the property at the time of the sale.

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.