



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

**ZONING BOARD OF APPEALS
COMMON COUNCIL CHAMBERS - CITY HALL
APRIL 9, 2019 5:00 PM**

ZBA Case No.: 05-19
1643 Wesley Avenue
Applicant: Ralph O'Dell
Owner: Ralph O'Dell

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 an addition to the garage at the above referenced property.

The applicant is proposing to construct an 8' addition to the side of the garage and extend the length of the garage out 16' toward the rear of the property. In accordance with Section 2-29-172 of the Zoning Ordinance of the City of Utica, the minimum side yard setback in a Residential Single-Family Medium Density zoning district is ten (10) feet. The applicant is proposing to have approximately ½" from the side property line, therefore, the applicant will be required to receive an area variance for the reduction in the side yard setback.

ZBA Case No.: 06-19
1561 Dudley Avenue
Applicant: Steven Ryan
Owner: City of Utica

Zone: RT-1
Use Variance

Pursuant to Section 2-29-67(d)(2) of the Zoning Ordinance of the City of Utica, the applicant is seeking an use variance in order to utilize a vacant lot for parking at the above referenced property.

The applicant is proposing to utilize the vacant lot which is 53' x 103' for parking for four cars. The applicant lives at 1556 Dudley Avenue which is located across and up the street for the proposed parking. In accordance with Section 2-29-382 of the Zoning Ordinance of the City of Utica, all required off-street parking spaces shall be located on the same lot as the structure or use to which they are accessory or on a lot contiguous thereto which has the same zoning classification and is under the same ownership, provided that where there are practical difficulties or if the public safety and/or public convenience would be better served by a location other than on the same lot or on a contiguous lot with the use to which it is accessory. Therefore, the applicant is seeking a use variance in order to utilize this property for parking.

In accordance with Section 2-29-173 of the Zoning Ordinance of the City of Utica, a standard buildable lot in a Residential Two-Family zoning district is 50' x 100'.

ZBA Case No.: 07-19
1938 Rutger Street
Applicant: Jasmin Sokolar
Owner: Jasmin Sokolar

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 an addition to an existing shed at the above referenced property.

The applicant is seeking an area variance in order to add a covered patio attached to an existing shed. The addition will be 10' x 16' (160 sf). 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 proposed shed.

ZBA Case No.: 08-19

2812 Genesee Street

Applicant: Utica District Telephone Credit Union

Owner: Utica District Telephone Credit Union

Zone: OPR

Area Variance

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 construct an addition to the Credit Union at the above referenced property.

The applicant is proposing to expand a legal non-conforming use in an Office Professional/Residential zoning district, therefore will require a Special Use Permit from the Zoning Board of Appeals.

The applicant is proposing to remove the existing Genesee Street exterior wall and construct a new 58' x 20' (1160 sf) front addition. The total size of the building will be 2871 sf. The new addition will use similar brick to match the existing on the building. Clerestory cladding will be cement board lap siding or equal. New roof to match the existing roof pitch with a fully adhered EPDM rubber roof membrane. The proposed tower roof will have a standing seam metal roof in, owner-selected and Commission approved color. Downspouts and gutters will be complimentary color to the cement board siding. The proposed aluminum windows, frames and entry door will be dark brown anodized. The soffit, fascia, and frieze will be a complimentary color to the cement board siding.

For the building addition, the landscaped area between the existing building and Genesee Street will be excavated for foundation and exterior wall installation. The existing driveway ingress from Genesee Street will be removed and replaced with a concrete sidewalk to match the existing, the remainder of the area will have topsoil and grass seed planted.

Thirteen (13) parking spaces will be provided where eleven and a half (11 ½) are required. The sidewalk will be modified to provide handicap accessibility.

The proposed plan has received approval from the City of Utica Scenic and Historic Preservation Commission and will require review and approval from the City of Utica Planning Board.

ZBA Case No.: 09-19

1236 Hillview Drive

Applicant: Tarik Mekic

Owner: Tarik Mekic

Zone: RS-2

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 construct a shed at the above referenced property.

The applicant is proposing to construct an 18' x 22' shed with an overhead door 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 Single-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 396 sf.

Due to a large willow tree in the rear yard, the shed will be placed approximately 8' from the side 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.

ZBA Case No.: 10-19
230-238 Roosevelt Drive
Applicant: Jamie Nimey
Owner: Ashford-Clinton Corp.

Zone: CN
Special Use Permit

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 operate a neighborhood convenience store at the above referenced property.

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.

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.

The applicant is proposing to operate a neighborhood store to sell local grocery items along with an assortment of produce, alcohol, lottery, tobacco products and fresh home made products such as made to order meals.

The store hours will be seven (7) days a week from 7:00 am – 9:00 pm. They anticipate approximately ten (10) employees. The applicant stated that ample parking is available in the plaza. The plaza currently has a barber shop, hair salon and a pet groomer.