



CITY OF UTICA

URBAN & ECONOMIC DEVELOPMENT
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**ZONING BOARD OF APPEALS
COMMON COUNCIL CHAMBERS - CITY HALL
MAY 14, 2019 5:00 PM**

ZBA Case No.: 11-19
735 Bleecker Street
Applicant: Mayra Cedenó
Owner: Jose M. DeJesus

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 church at the above referenced property.

The applicant is proposing to operate a small church in the storefront of this property. The proposed hours for services will be Tuesday 6:00 pm – 9:00 pm; Thursday 6:00 pm – 9:00 pm; Friday 6:00 pm – 9:00 pm; and Sunday 2:00 pm – 5:00 pm. The applicant has stated that there is on-street parking available.

In accordance with Section 2-29-191 of the Zoning Ordinance of the City of Utica, churches and other similar places of worship are specially permitted uses within the Neighborhood Commercial zoning district.

ZBA Case No.: 12-19
805 Court Street
Applicant: Boilermaker Road Race, Inc.
Owner: Boilermaker Road Race, Inc.

Zone: CC
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 sign at the above referenced property.

The applicant is proposing to install a 40' x 8' (320 sf) photographic mural on aluminum panels on the North wall of the one-story building facing Court Street. Light fixtures will be installed to illuminate the mural.

The photos on the mural are meant to depict the meaning of the Boilermaker as “More Than a Race” and be visible to the public as they travel along Court Street and visit the Brewery District. In accordance with Section 2-29-340 of the Zoning Ordinance of the City of Utica, the maximum area for a sign in the Community Commercial zoning district is 60 sf, therefore, the applicant will be required to receive an area variance for the size of the sign.

ZBA Case No.: 13-19
1503 Steuben Street
Applicant: Thu Nguyen
Owner: Thu Nguyen

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 erect a fence at the above referenced property.

The applicant is proposing to install a 6' high chain link fence along the interior edge of the sidewalk of the corner

lot of Arthur and Steuben Street. In accordance with Section 2-29-4 of the Zoning Ordinance of the City of Utica, on a corner lot, the two yards lying between the principal building and the two or more public streets shall be deemed to be front yards. A maximum height of 4' is allowed for open fences in the front yard in a Residential Two-Family zoning district.

This will afford the applicant the opportunity to have a yard for the adjacent house without pedestrians cutting through the lot.

ZBA Case No.: 14-19
231-233 Roosevelt Drive
Applicant: Michael Wolfe
Owner: Michael Wolfe

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 construct a shed at the above referenced property.

The applicant is proposing to construct an 8' x 10' shed to accommodate storage needs at this residence.

The shed will be placed approximately 3' from both side property lines. Both property lines are enclosed with a 6' high solid fence, therefore it will not be visible from the neighboring properties. 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.: 15-19
711 Parkway East
Applicant: Nancy Petrie
Owner: Nancy Petrie

Zone: RS-2
Home Occupation

Pursuant to Section 2-29-176 of the Zoning Ordinance of the City of Utica, the applicant is seeking a Major Home Occupation Permit in order to operate a hair salon at the above referenced property.

The applicant is proposing to utilize a sunroom which is a space separate from the living quarters of the home with a separate entrance for this space. She is proposing to use the organic products and services which she currently uses in the salon where she is currently working. The proposed hours of operation will be Monday – Friday 9 am – 5 pm. No night or weekend hours will be scheduled. This will basically be a part-time business due to the small number of clientele. The applicant will be the only stylist at this location.

The applicant has stated that there will only be one client at a time and this will allow for parking in the driveway. A 1' x 1' sign is permitted at the location of a home occupation.

ZBA Case No.: 16-19
408 Elizabeth Street
Applicant: Gaetano Construction
Owner: CABVI

Zone: CN
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 sign and a fence at the above referenced property.

The applicant is proposing to construct a brick monument style double sided sign on Elizabeth Street near the main sidewalk entrance of the newly constructed facility. The base of the sign will be approximately 9' 4" high x 12' wide (111 sf). There will be a stainless steel wrap 52.5 sf within the base of the sign which will read "cabvi Vision Health & Wellness Center."

The applicant is also proposing a facial sign on the front of the facility along with "408" to identify the location.

In accordance with Section 2-29-340 of the Zoning Ordinance of the City of Utica, the maximum size for a free-standing sign in a Neighborhood Commercial zoning district is 60 sf, therefore the applicant will be required to receive an area variance for the increase in the size of the monument style sign.

The applicant is also seeking an area variance to install a 6' high ornamental fence along the property line on the south side of the new facility. In accordance with Section 2-29-447 of the Zoning Ordinance of the City of Utica, an open fence may be erected in the interior side yard or rear yard of a lot in any commercial district to a height not to exceed six feet above the existing grade. The applicant will be required to receive an area variance for the location of the fence in the front yard.

ZBA Case No.: 17-19
463 Deland Drive
Applicant: George Nowiki
Owner: George Nowiki

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 garage at the above referenced location.

The applicant is proposing to construct an 6' addition to the side of the garage and extend the length of the garage out 16' toward the rear of the property. The applicant is proposing to construct a 6' x 16' addition to the side of the attached garage to allow for additional storage for a snow blower and lawn tractor. In accordance with Section 2-29-172 of the Zoning Ordinance of the City of Utica, minimum side yard setback in a Residential Single Family zoning district is 10' where the applicant is proposing approximately 5'. The applicant will be required to receive an area variance for the reduction in the side yard setback.

The exterior of the addition will match the existing garage area of the house.

ZBA Case No.: 18-19
1814 Lansing Street
Applicant: Fazila Besovic
Owner: Fazila Besovic

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 a 10' x 16' shed (160 sf) to accommodate storage needs at this residence. The applicant will be removing an old shed which is currently in the rear yard. 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 160 sf.

The shed will be placed approximately 6' from the side property line and 3.5' from the rear property line (similar to the existing shed's location). 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 9'.

ZBA Case No.: 19-19
1513 Roberta Lane
Applicant: Medina Mehmedovic
Owner: Medina Mehmedovic

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 11' x 17' shed (187 sf) to accommodate storage needs at this residence. The applicant is also proposing to construct a covered patio area off of the shed to accommodate a grill and patio furniture. The shed will have an overhead door for convenience. 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 187 sf.

The applicant will be removing an old shed which is currently in the proposed location in the rear yard. The shed will be placed approximately 2' from the side property line and 3' from the rear property line (similar to the existing shed's location). 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.: 20-19

Zone: CN

728 Court Street

Area Variance

Applicant: Richard Kiersnowski

Owner: Richard Kiersnowski

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 accessory structure at the above referenced property.

The applicant is proposing to construct a 24' x 24' x 24' outdoor triangular stage in the fenced in area of the business at this location. In accordance with Section 2-29-495 of the Zoning Ordinance of the City of Utica, no accessory structure or use shall be located in any required minimum front yard, except a statue, flagpole, wall, fence or similar piece of apparatus, provided that such wall or fence does not exceed four feet in height. The minimum front yard setback in a Neighborhood Commercial zoning district is 10'. The applicant will be required to receive an area variance for the proposed location of the stage.

ZBA Case No.: 50-18

Zone: RM-2

316 Kossuth Avenue

Use/Area Variance

Applicant: Jafar Mohamed

Owner: Jafar Mohamed

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.