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BRIAN THOMAS, AICP
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ZONING BOARD OF APPEALS COMMON COUNCIL CHAMBERS - CITY HALL MAY 8, 2018 5:00 PM

ZBA Case No.: 05-18
1262 Culver Avenue CTM #331.10-1-14
1251 Albany Street CTM #331.10-1-15
Applicant: Clifford Fuel Co., Inc.
Owner: 1262 Culver Ave Realty LLC

Zone: CN
Special Use Permit
Area Variance

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 expand a legal non-conforming use at the above referenced property.

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 reduce the front yard setbacks for a newly proposed building at the above referenced property.

The applicant is proposing to remove the existing retail portion of the vehicle service station. The applicant is proposing to construct a 4,333 sf one story building to replace the existing store and subway on the two sites. This will be 875 sf larger than the combined areas of the two existing buildings. The gas canopy will be reduced by approximately 13 feet. The applicant will be required to receive a Special Use Permit to expand this legal non-conforming use. Twenty-three (23) parking spaces will be required in accordance with the Zoning Ordinance of the City of Utica. There will be an additional eight (8) spaces provided at the gas pumps.

The applicant is seeking an Area Variance for the two front yard setbacks. In accordance with Section 2-19-191(5)(a) of the Zoning Ordinance of the City of Utica, the minimum required front yard setback in a Neighborhood Commercial zoning district is 10' or the average of the street. The applicant is proposing front yard setbacks of 5' on the Welsh Bush Road and Albany Street sides of the property. The applicant is seeking an area variance for the reduction in the front yard setback.

This project will require Site Plan review and approval from the City of Utica's Planning Board.

ZBA Case No.: 06-18
1210 Blandina Street
Applicant: Greater Utica United Somali Bantu Assoc.
Owner: Mohamed Abindoor

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 a use variance in order to operate an after school/religious education center at the above referenced property.

The applicant is currently utilizing the building for instruction for 12 – 15 children ages 5 to 14 years old for religious and after school activities. The members of their community act as the instructors for this program. Instructions are taught on Wednesdays and Thursdays from 5-8 pm and Saturdays and Sundays from 11:00 am to 1:00 pm.

The applicant will be required to receive a Use Variance in order to continue the operation of this program at this location.

ZBA Case No.: 08-18
406 Spratt Place
Applicant: Hase Rosic
Owner: Hase Rosic

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 subdivide the property at the above referenced location.

The applicant is proposing to subdivide a portion of his property (4' 6") and allot it to the neighbor which will allow the neighbor ample space to install a driveway for the existing garage.

This will reduce the side yard setback at 406 Spratt Place to approximately 7' where 10' is the minimum required setback. The applicant will be required to receive an area variance for this reduction in the side yard setback.

ZBA Case No.: 09-18
2643 Genesee Street
Applicant: The Beer Hub
Owner: SUP, LLC

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 construct a deck/patio in the front yard at the above referenced property.

In order to provide an outdoor seating area for the business, the applicant is proposing to construct a deck/patio area which will extend 25' across the front of the building and extend along the railroad track side of the business to a side door entrance. The deck will be either wood or concrete decking with a black wrought iron style fence surround.

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 is 10'. Therefore, the applicant will be required to receive an area variance for the reduction of the front yard setback to approximately one foot (1').

The proposed deck/patio has been reviewed and approved by the City of Utica's Scenic and Historic Preservation Commission.

ZBA Case No.: 10-18
1309 Neilson Street
Applicant: Angel Tenezaca
Owner: Angel Tenezaca

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 an attached garage at the above referenced property.

The applicant is proposing to construct a 25' x 17' garage attached to his home. The garage will have one 10' overhead door. There currently is an existing curb cut at the street from a former driveway at this location which will be utilized to access the garage.

In accordance with Section 2-29-173 of the Zoning Ordinance of the City of Utica, the minimum rear yard setback in a Residential Two-Family zoning district is 25'. The applicant is proposing to have approximately 7' from the garage to the rear property line. The applicant will be required to receive an area variance for the reduction in the rear yard setback.

ZBA Case No.: 11-18
719 Arthur Street
Applicant: Milan Zivkovic
Owner: Dijana Zivkovic

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 legitimize the partial construction of a shed at the above referenced property.

The applicant has started construction of an 8' x 14' (112 sf) wood shed in the rear yard of the property. The applicant has explained that due to the size of the yard and the location of an in ground pool, they needed to locate the shed approximately 2' from the rear and side property lines. 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.

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 112 sf.