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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  
JUNE 12, 2018 5:00 PM**

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ZBA Case No.: 12-18  
1102 Sherman Center  
Applicant: Sead Bajrektarevic  
Owner: Sead Bajrektarevic

Zone: RS-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 construct a garage at the above referenced location.

The applicant is proposing to construct a 13' x 34' (442 sf) garage attached to the existing home. There is an existing driveway in the proposed location. The applicant is proposing to construct the garage approximately 2' from the side property line. In accordance with Section 2-29-171 of the Zoning Ordinance of the City of Utica, the minimum side yard setback is 15' in a Residential Single Family zoning district. The applicant will be required to receive an area variance for the reduction in the side yard setback.

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ZBA Case No.: 13-18  
429 Van Rensselaer Road  
Applicant: Armen Gredelj  
Owner: Armin Gredelj

Zone: RS-2  
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 erect a fence in the front yard at the above referenced property.

The applicant is proposing to erect a 6' vinyl fence to enclose his yard for privacy and protection for his disabled child. Currently, there is an existing 4' chain link fence in the exact location of the proposed vinyl fence. The applicant has recently removed an 8' – 10' hedge which lined the yard along the fence line.

In accordance with Section 2-29-447, 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.

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ZBA Case No.: 14-18  
221 Genesee Street  
Applicant: Park Outdoor Advertising  
Owner: Monroe Muffler & Brake

Zone: CC  
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 convert an existing billboard to digital at the above referenced property.

The applicant received an area variance in 2013 for the construction of a steel single pole, cantilever, back to back, "v"

poster panel structure containing two 12' x 25' (600 sf) standardized poster panels with a 30' above grade height. The structure is on the southeast side of the building in the parking area.

In accordance with Section 2-29-348 of the Zoning Ordinance of the City of Utica, illumination for signs shall be steady in nature, not flashing, moving or changing in brilliance, color or proximity. The applicant is requesting an area variance to allow the billboard to be converted to digital text and graphics.

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ZBA Case No.: 15-18

16 Kraemer Place

Applicant: Frances Colucci

Owner: Frances Herrera Colucci

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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 construct a shed at the above referenced property.

The applicant is proposing to construct a 12' x 28' (336 sf) shed in the rear yard of the property. The applicant has stated that they need a larger shed than what they currently have due to the small garage area. They are proposing to utilize the shed for lawn, garden and snow removal equipment. The existing shed will be removed once the new shed is constructed. The shed will be 12' in height.

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 336 sf.

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ZBA Case No.: 16-18

1000 Blandina Street

Applicant: Mahdi Kassim

Owner: Mahdi Kassim

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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 erect a fence in the front yard at the above referenced property.

The applicant is proposing to erect a 6' vinyl fence to enclose his yard for privacy. He will be installing a vinyl fence with a lattice style top along the sidewalk and a solid vinyl fence on the remainder of the property. He will be replacing a dilapidated wood fence along with an old metal fence.

In accordance with Section 2-29-447, 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.

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ZBA Case No.: 17-18

1705 Genesee Street

Applicant: Beacon Center

Owner: Louis Rabice

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Zone: CC

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 operate a medical care facility at the above referenced property.

The Beacon Center has been providing substance counseling at 1508 Genesee Street since 2011. They are looking to expand services at the above referenced location to include counseling and treatment for opioid use disorders. They are proposing to add methadone as a form of treatment. This will require medication to be stored on site. All DEA

regulations will be followed. The hours of operation will be Monday – Friday 5:00 am – 2:00 pm and Saturdays 5:00 am to 10:00 am. This will add fifteen (15) employees.

Parking is provided in the rear of the building. Minor changes to the floor plan of the office suite will be implemented to add a safe room and a medication room.

Oneida County Department of Mental Health has provided a letter of support for this proposed service at the Beacon Center.

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ZBA Case No.: 18-18  
423 Trenton Road  
Applicant: Bandar Kassim  
Owner: Joseph Antonelli

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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 currently operating a store at this location. It is a cell phone/convenience store and smoke shop. The hours of operation are 9:00 am – 9:00 pm seven days a week. The owner of the store and one employee operate the store. There are approximately 6-8 off- street parking spaces. The entire lot is paved, therefore, the customers can drive around the store to accommodate one-way traffic. There are areas in the rear of the property for the proper removal of snow.

The applicant stated that the neighborhood is highly commercialized. The adjacent businesses include stores, an auto shop, a bank and restaurants.