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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  
AUGUST 14, 2018 5:00 PM**

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ZBA Case No.: 19-18  
2303 Portal Road  
Applicant: Daniel Post  
Owner: Daniel Post

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 erect a fence at the above referenced location.

The applicant is proposing to install a 6' high wood fence in the front yard area of his property. In accordance with Section 2-29-447 of the Zoning Ordinance of the City of Utica, 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.

The fence will need to be placed at least 11.5' in from the edge of the pavement to calculate the area maintained as the City right-of-way.

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ZBA Case No.: 27-18  
1210 South Street  
Applicant: Nermin Hozanovic  
Owner: Nermin Hozanovic

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 at the above referenced location.

The applicant is proposing to install a 6' high white vinyl fence in the rear of the property, however, fronts on Mummery Street. The applicant would like to fence in their yard which runs from South Street to Mummery Street. The fence will be placed approximately 1' from the inside edge of the sidewalk on Mummery Street. In accordance with Section 2-29-447 of the Zoning Ordinance of the City of Utica, 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.

The applicant has stated that the fence will match the white vinyl fence which is currently on a portion of the property.

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ZBA Case No.: 28-18  
1114 Blandina Street  
Applicant: Zuhdija Tricic  
Owner: Zuhdija Tricic

Zone: RT-1  
Area Variances

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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 area variances in order to construct a garage and install a fence at the above referenced property.

The applicant is proposing to construct a 22' x 25' (550 sf) two stall garage at the above referenced property. The parcel is very narrow. The lot is approximately 30' deep. The house is on a corner parcel, however, the house faces Milgate Street and they would like a garage adjacent to the home. The proposed garage will be situated approximately 5' from the front property line and approximately 5' 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 shall be located in any required minimum front yard. The minimum front yard setback in a Residential Two-Family zoning district is 25'. The applicant is seeking an area variance for the reduction in the front yard setback from 25' to approximately 5'. The applicant will be required to receive an area variance to expand the proposed curb cut larger than 20' which is the maximum size allowed in a residential zoning district.

The applicant is also seeking an area variance in order to replace a 4' high chain link fence with a 6' high vinyl fence. In accordance with Section 2-29-447 of the Zoning Ordinance of the City of Utica, 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.: 29-18  
716 Plant Street  
Applicant: Sidika Nadarevic  
Owner: Sidika Nadarevic

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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 porch on the side of the home at the above referenced property.

The applicant is proposing to construct a 12' x 16' porch at the side entrance to the home. The portion of the home was formerly a garage which has been converted to living space.

In accordance with Section 2-29-173 of the Zoning Ordinance of the City of Utica, the minimum side yard setback in a Residential Two-Family zoning district is 10 feet. The applicant is proposing to have approximately 2' which will require an area variance. The existing house currently is placed approximately 4 1/2' from the side property line.

The applicant will also require an area variance for the reduction in the front yard setback from the required 25' to 22' which is proposed.

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ZBA Case No.: 30-18  
1128 Ontario Street  
Applicant: Ernis Sehovic  
Owner: Ernis Sehovic

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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 legitimize the installation of an above-ground pool in the front yard at the above referenced property.

In accordance with Section 2-29-601 of the Zoning Ordinance of the City of Utica, the swimming pool shall be erected only on the same lot as the principal structure and only in the rear yard or side yard in relation to the principal structure or accessory structure attached to the principal structure. The swimming pool shall be not less than eight feet from any side lot line as the lines relate to the principal structure or accessory structure. Distance to the lot line shall be measured from the rim of the pool.

The home essentially has a large front/side yard and no rear yard do to the placement of the house on the parcel. The applicant will require an area variance for the location of the pool in the front yard.

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ZBA Case No.: 31-18  
167 Genesee Street  
Applicant: 167 Market LLC  
Owner: 167 Market LLC

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Zone: CCBD  
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 establish a neighborhood market at the above referenced property.

The applicant is proposing to operate a neighborhood convenience store at the above referenced property. It will be operated as superette/market. It will offer a wide selection of meat, dairy, fresh fruits and vegetables as well as locally produced products from vendors such as Casa Imports. It will also offer household items such as cleaning products, paper products and sundries.

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.

This property is located within the City of Utica's Scenic and Historic Preservation District. Any changes or signage on the exterior of the property will be required to receive review and approval from the Scenic and Historic Preservation Commission.

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ZBA Case No.: 32-18  
124 Ardmore Place  
Applicant: William Farrell Sr.  
Owner: William Farrell Sr.

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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 install a 21' above-ground pool in the front yard at the above referenced property.

In accordance with Section 2-29-601 of the Zoning Ordinance of the City of Utica, the swimming pool shall be erected only on the same lot as the principal structure and only in the rear yard or side yard in relation to the principal structure or accessory structure attached to the principal structure. The swimming pool shall be not less than eight feet from any side lot line as the lines relate to the principal structure or accessory structure. Distance to the lot line shall be measured from the rim of the pool.

The parcel is a corner lot which dictates that this property has two front yards. The property behind the house is not very deep and does not provide the space for a pool. The area is surrounded by a hedge row which will provide privacy for the pool. The applicant will be required to receive an area variance for the proposed location of the pool.

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ZBA Case No.: 33-18  
1202 Mary Street  
Applicant: Gordana Alibasic  
Owner: Gordana Alibasic

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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 garage at the above referenced property.

The applicant is proposing to construct a 30' x 14' (420 sf) garage at the above referenced property. The existing handicap ramp on the side of the home will be removed.

In accordance with Section 2-29-173 of the Zoning Ordinance of the City of Utica, the minimum side yard setback in a Residential Two- Family zoning district is 10 feet. The applicant is proposing to have approximately 4' which will require an area variance for the proposed location of the garage.

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ZBA Case No.: 34-18  
75 Ballantyne Brae  
Applicant: Eric M. Kennedy  
Owner: Eric M. Kennedy

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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 extend a garage at the above referenced property.

The applicant is proposing to extend the side of the garage with a bump out area which measures 5' x 14'. 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 10' where the applicant is proposing to have approximately 7.5'. The applicant will be required to receive an area variance for the reduction in the side yard setback.

The existing hedge row will be removed to allow the construction of the extension. The exterior will match the existing house materials.

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ZBA Case No.: 35-18  
701 Herkimer Road  
Applicant: James Giruzzi  
Owner: James Giruzzi

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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 12' x 20' (240 sf) shed/pool house in the rear yard of the property. The applicant has stated that they need a shed for additional storage for the newly installed in-ground pool and all of the equipment. They are proposing to utilize the shed for pool, lawn, garden and snow removal equipment. The shed will be 10' 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 240 sf.

The applicant has poured the concrete slab for the shed and is located approximately 6' from the rear property line. 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.