

**ZONING BOARD OF APPEALS DECISION GRID**

January 19, 2017

CASE #	ADDRESS	DECISION	RECORD OF VOTE
<b><u>V-044-16-17:</u></b> To legalize the parking area in the rear yard of a four-family dwelling that exceeds the lot coverage requirement.	316 Meigs Street	Approve with Lesser Relief and On Condition	6-0-0
<b><u>V-045-16-17:</u></b> To legalize the front and rear yard parking area a four-family dwelling that and to waive the lot coverage requirement.	320 Meigs Street	Approve with Lesser Relief and On Condition	6-0-0
<b><u>V-051-16-17:</u></b> To waive certain parking design requirements associated with the re-establishment of the property as a two-bay vehicle repair operation.	176 Child Street	Approve	6-0-0
<b><u>V-052-16-17:</u></b> To legalize the front yard parking area of this mixed use building (a 3-family and an office) and to waive the lot coverage requirement.	446 Alexander Street	Approve with Lesser Relief and On Condition	5-1-0
<b><u>V-053-16-17:</u></b> To install a 6' tall decorative wrought iron fence in the front yard of a vacant auto repair/sales/paint operation.	246 Maple Street	Approve	6-0-0
<b><u>V-054-16-17:</u></b> To construct a 2-story addition to the existing health care facility, an expansion of a nonconforming use, and not meeting certain setback, dumpster, parking, or bicycle parking requirements.	319 Hudson Avenue	Approve	5*-0-0
<b><u>V-055-16-17:</u></b> To install an internally illuminated 6.5' tall kiosk sign, not meeting certain sign requirements.	21 Humboldt Street	Approve	6-0-0
<b><u>P-001-16-17:</u></b> To appeal a denied Certificate of Nonconformity regarding the establishment of a takeout restaurant.	1531 E. Main Street	Appeal Granted (Director's Decision Overturned)	6-0-0
<b><u>V-073-14-15:</u></b> Time extension request to construct an 8,500 sq. ft. single-story building that does not meet the front yard setback or bulk requirements.	1341 Portland Avenue	Time Extension Granted to March 19, 2018	6-0-0

\*David Carr recused himself.

**ATTENDANCE:**

Zoning Board Members Present: J. Best, L. Boose, D. Carr, J. O'Donnell, M. Tilton  
 Zoning Board Members Absent: M. Morales, E. Van Dusen  
 Alternate Zoning Board Members Present: J. DeMott

**DISTRIBUTION:**

Mayor Warren	B. Muhammed	K. Washington	City Council Members	A. Guzzetta	H. Washington
NSC Administrators	Zoning Staff	J. Brennan	V. Wehbring	T. Mann	G. Kirkmire

**CONDITIONS:**

**V-044-16-17 (316 Meigs Street):** Remove the fence located in the front yard. Remove one parking space, closest to the rear of the dwelling and restore this area to grass. Identify an area for refuse and enclose it with a fence. Identify the trees and grass to be planted on the property. Final site plan to be approved by the Director of Planning and Zoning.

**V-045-16-17 (320 Meigs Street):** Remove the fence located in the front yard. Remove front yard parking space and restore to grass. Reduce width of the cut-through from 24' to 12' and restore the area closest to the dwelling with grass. Identify an area for refuse and enclose it with a fence. Identify the trees and grass to be planted on the property. Final site plan to be approved by the Director of Planning and Zoning.

**V-052-16-17 (446 Alexander Street):** There are two options available to the applicant:

- 1) Reduce the width of the driveway to 10' and restore the side of the yard to grass. An additional parking spot may be added next to the garage in the rear yard (see the attached site plan). Expansion of the parking area in the rear yard must be paved.

**OR**

- 2) The front yard parking area must be eliminated and the area restored to grass (approximately 10' x 20'). The driveway may be extended into the northeast corner of the parcel (see the attached site plan). Any expansion of the driveway must be paved.

**ZONING BOARD OF APPEALS DECISION GRID**

February 16, 2017

CASE #	ADDRESS	DECISION	RECORD OF VOTE
<b><u>V-056-16-17:</u></b> To waive certain off-street parking design requirements associated with the legalization of a fence construction and contracting business.	41 Culdorf Alley	Held to the 03/16/17 hearing at the request of the Zoning Board for more information from the applicant	
<b><u>V-057-16-17:</u></b> To waive certain landscape design and fence requirements associated with the establishment of the property as a vehicle repair station.	404 Adirondack Street	6-0-0	Approved on Condition
<b><u>V-058-16-17:</u></b> To re-establish use of the property as a two-family dwelling that has lost its rights due to a period of vacancy greater than nine months.	33 Mead Street	1-5-0	Denied
<b><u>P-002-16-17:</u></b> To appeal the Certificate of Nonconformity decision regarding the parking lot at 17 Langslow Street.	17 Langslow Street	Held to the 03/16/17 hearing at the request of the Zoning Board for more information from the City	

**ATTENDANCE:**

Zoning Board Members Present: J. Best, L. Boose, J. O'Donnell, M. Morales, E. Van Dusen  
 Zoning Board Members Absent: D. Carr, M. Tilton  
 Alternate Zoning Board Members Present: L. Jennings

**DISTRIBUTION:**

Mayor Warren      B. Muhammed      K. Washington      City Council Members      A. Guzzetta      H. Washington  
 NSC Administrators      Zoning Staff      J. Brennan      V. Wehbring      T. Mann      G. Kirkmire

**CONDITIONS:**

**V-057-16-17 (404 Adirondack Street):** The area identified on the site plan must be landscaped to include grass and other plantings like those at 447 Adirondack Street; the final design is to be approved by the Director of Planning and Zoning.

**ZONING BOARD OF APPEALS DECISION GRID**

**March 16, 2017**

<b>CASE #</b>	<b>ADDRESS</b>	<b>DECISION</b>	<b>RECORD OF VOTE</b>
<b><u>V-056-16-17:</u></b> To waive certain off-street parking design requirements associated with the legalization of a fence construction and contracting business.	41 Culdorf Alley	6-0-0	Approved on Condition
<b><u>P-002-16-17:</u></b> To appeal the Certificate of Nonconformity Decision regarding the parking lot at 17 Langslow Street.	17 Langslow Street	4-1-0*	Appeal Granted (Director's Decision Overturned)
<b><u>V-059-16-17:</u></b> To convert first floor from one office to two residential units.	1006 South Plymouth Avenue	6-0-0	Approved on Condition
<b><u>V-060-16-17:</u></b> To change use of the rear building at 1045 S. Clinton Avenue from community center/offices to two apartments.	1037 & 1045 South Clinton Avenue	6-0-0	Approved on Condition
<b><u>V-061-16-17:</u></b> To legalize the change of use from a 3-family to a 4-family dwelling.	32 Vick Park B	0-6-0	Denied
<b><u>V-062-16-17:</u></b> To legalize the expansion of three units into the third floor and to waive the associated parking requirement.	17 Thayer Street	0-6-0	Denied
<b><u>V-063-16-17:</u></b> To establish use of the property as a medical transportation company with an office and outdoor storage of up to 10 medical transport vehicles.	175 Lyell Avenue	6-0-0	Approved on Condition
<b><u>V-064-16-17:</u></b> To increase the number of bedrooms in an existing rooming house from 17 to 19.	709 Dewey Avenue	6-0-0	Approved
<b><u>V-065-16-17:</u></b> To increase the number of bedrooms in an existing rooming house from 18 to 21.	320 Buffalo Road	6-0-0	Approved with Lesser Relief and on Condition
<b><u>V-066-16-17:</u></b> To waive the lot coverage requirement associated with the construction of a two-car garage in the rear yard.	1126 Park Avenue	6-0-0	Approved
<b><u>V-067-16-17:</u></b> To legalize the expansion of the restaurant, the signage, and the refuse storage area.	461 Maple Street	Restaurant: 6-0-0 Signs: 6-0-0 Refuse: 0-6-0	Approved on Condition Approved Denied

\* J. DeMott (alternate) did not review February materials ahead of hearing so did not participate in this case.

**ATTENDANCE:**

Zoning Board Members Present: J. Best, L. Boose, J. O'Donnell, M. Tilton  
Zoning Board Members Absent: D. Carr, M. Morales  
Alternate Zoning Board Members Present: J. DeMott, L. Jennings

**DISTRIBUTION:**

Mayor Warren      B. Muhammed      K. Washington      City Council Members      A. Guzzetta      H. Washington  
NSC Administrators      Zoning Staff      J. Brennan      V. Wehbring      T. Mann      G. Kirkmire

**CONDITIONS:**

**V-056-16-17 (41 Culdorf Alley):** The applicant may install four parking spaces, as shown on the attached site plan. No loading, unloading, or outdoor storage may occur in front of the building (for example, see attached photo).

**V-059-16-17 (1006-1008 S. Plymouth Avenue):** The façade must be restored pursuant to section 120-159C of the Zoning Code, below. Drawings must be prepared by a licensed design professional and submitted to the Director of Planning and Zoning for review. If section 120-159C is not met, then site plan review is required.

120-159C. Storefront conversion.

(1) Residential use standards. The applicant for conversion of a commercial storefront to a residential use in an area that is predominantly residential shall have the option either to:

- (a) Retain the storefront features (for example, display windows, transoms, lintels, etc.). Retaining the original storefront design is not subject to the first-floor transparency minimum; or
- (b) Remove the entire storefront and redesign the facade to a residential appearance.

**V-060-16-17 (1037 & 1045 S. Clinton Avenue):** The subject properties must be combined. The illegal parking area at 1037 S. Clinton Avenue must be removed and the area restored to grass.

**V063-16-17 (175 Lyell Avenue):** The parking area for ten medical transportation vehicles, which includes passenger cars and vans, must be located toward the rear of the parking lot, as shown on the attached site plan.

**V-065-16-17 (320 Buffalo Road):** The first floor must retain at least 420 square feet of space for a common area, which does not include the office, bathroom, or hallway. Up to TWO additional sleeping rooms may be added.

**V-067-16-17 (461 Maple Street):** 461 and 457 Maple Street must be combined.

**ZONING BOARD OF APPEALS DECISION GRID**

April 27, 2017

<b>CASE #</b>	<b>ADDRESS</b>	<b>DECISION</b>	<b>RECORD OF VOTE</b>
<b><u>V-065-16-17:</u></b> To increase the number of bedrooms in an existing rooming house from 18 to 21.	320 Buffalo Road	0-5-0	Denied
<b><u>V-068-16-17:</u></b> To legalize the expansion of an existing barbershop.	34 S. Union Street	5-0-0	Approved
<b><u>V-069-16-17:</u></b> To legalize the parking area in the two front yards of this single family dwelling.	329 Beach Avenue	4-1-0	Approved with Lesser Relief
<b><u>V-070-16-17:</u></b> To install a generator in the front yard of the one-story building in Holy Sepulcher Cemetery.	2259 Lake Avenue	5-0-0	Approved
<b><u>V-071-16-17:</u></b> To change the use of the first floor office to one residential unit.	116 Barrington Street	4-1-0	Approved
<b><u>V-072-16-17:</u></b> To install new signage for “Kwik Fill” on the gas canopy and to replace the sign face on the pole sign.	1835 Mt. Hope Avenue	Held by the Zoning Board to the May 25, 2017 Hearing for Additional Information	
<b><u>V-073-16-17:</u></b> To install a permanent handicapped access ramp in the front yard of a single family dwelling.	214 Waring Street	5-0-0	Approved
<b><u>V-046-15-16:</u></b> To establish use of the property for truck and equipment storage to serve the paving and trucking company located at 100-106 Industrial Street.	111 Industrial Street	5-0-0	Approved on Condition (Economic Hardship Granted 02/18/16)
<b><u>V-074-16-17:</u></b> To legalize the expansion of a nonconforming two-family dwelling into the third floor.	84 Alliance Avenue	5-0-0	Approved on Condition
<b><u>V-075-16-17:</u></b> To legalize an existing first and second-story deck in the side yard of a three-family dwelling.	23 Oxford Street	Postponed to the May 25, 2017 Hearing as the Applicant Did not Appear	

**ATTENDANCE:**

Zoning Board Members Present: J. Best, L. Boose, D. Carr, M. Tilton  
 Zoning Board Members Absent: M. Morales, J. O’Donnell  
 Alternate Zoning Board Members Present: L. Jennings

**DISTRIBUTION:**

Mayor Warren	B. Muhammed	K. Washington	City Council Members	A. Guzzetta	H. Washington
NSC Administrators	Zoning Staff	J. Brennan	V. Wehbring	T. Mann	G. Kirkmire

**CONDITIONS:**

**V-069-16-17 (329 Beach Avenue):** The front yard parking area along Beach Avenue must be removed and returned to green space.

**V-046-15-16 (111 Industrial Street):** The outdoor storage area may be gravel or paved (so long as drainage requirements are met).

**V-074-16-17 (84 Alliance Avenue):** A kitchen or bathroom cannot be installed on the third floor. Sprinklers and other Building Code requirements (e.g. roll-out ladder) are permitted.

**ZONING BOARD OF APPEALS DECISION GRID**

**May 25, 2017**

<b>CASE #</b>	<b>ADDRESS</b>	<b>DECISION</b>	<b>RECORD OF VOTE</b>
<b><u>V-072-16-17:</u></b> To install new signage for “Kwik Fill” on the gas canopy and to replace the sign face on the pole sign.	1835 Mt. Hope Avenue	Canopy: 7-0-0 Pole Sign: 0-7-0	Approve Deny
<b><u>V-075-16-17:</u></b> To legalize an existing first and second-story deck in the side yard of a three-family dwelling.	23 Oxford Street	6-1-0	Approve
<b><u>V-076-16-17:</u></b> To construct a third floor addition to the existing medical office building.	973 East Avenue	7-0-0	Approve
<b><u>V-077-16-17:</u></b> To construct a new freestanding, double sided advertising sign (billboard), consisting of one conventional and one digital sign face.	687 Lee Road	6-1-0	Approve on Condition
<b><u>V-078-16-17:</u></b> To remove one conventional advertising sign face (billboard) and replace it with a digital sign.	1850 University Avenue	4-2-0	Approve on Condition
<b><u>V-079-16-17:</u></b> To construct a 9,107 sq. ft. retail store (Family Dollar) that exceeds the maximum 6,000 sq. ft. permitted for a principal structure in the C-2 district.	1073 North Clinton Avenue	Held by the Zoning Board Pending Additional Information	
<b><u>V-080-16-17:</u></b> To construct a parking lot for the church along Saint Clair Street.	309 Jefferson Avenue	7-0-0	Approve on Condition
<b><u>V-081-16-17:</u></b> To legalize the parking area in the front yard of a two-family dwelling.	337 Beach Avenue	7-0-0	Approve
<b><u>V-082-16-17:</u></b> To construct an attached garage with a second-story addition in the rear yard of a single family dwelling.	281 Yarmouth Road	1-6-0	Deny
<b><u>V-083-16-17:</u></b> To expand the existing rooming house by converting a basement storage area to an overflow sleeping room.	709 Dewey Avenue	7-0-0	Approve
<b><u>V-084-16-17:</u></b> To install a second sign for “Living Roots”, where only one sign is permitted.	1255 University Avenue	7-0-0	Approve
<b><u>V-085-16-17:</u></b> To convert a two-car attached garage to living space.	234 Kilmar Street	7-0-0	Approve on Condition

**ATTENDANCE:**

Zoning Board Members Present: J. Best, L. Boose, D. Carr, K. Joyner, M. Morales, M. Tilton  
Zoning Board Members Absent: J. the

**CONDITIONS:**

**V-077-16-17 (687 Lee Road) and V-078-16-17 (1850 University Avenue):**

A permit will not be issued to install the new billboards until the following existing billboards are removed:

- 220-226 East Main Street (Main St. and N. Clinton Ave.)
- 456 Mt. Hope Avenue (at Ford St.)
- 1850 University Avenue (eastern advertising sign on the property)

Removal of the existing billboards includes the removal of all support structures (e.g. poles, braces, etc.) as well as the termination of any existing easement or other legal mechanism related to the billboards.

The proposed digital advertising sign details, as articulated on page 2 of the Preliminary Site Plan Findings, and as reproduced below, are accepted as follows:

- Maximum brightness will not exceed 5,000 cd/m<sup>2</sup> in day light and ~~280~~ **200 (a condition of the ZBA)** cd/m<sup>2</sup> at night.
- The sign will be equipped with both a dimmer control and a photocell, which will automatically adjust the display intensity according to natural ambient light conditions and not exceed maximum brightness.
- Dwell Time (the message change interval) will be a minimum of ten seconds.
- The displayed image will remain static during the ten second interval.
- There will be no visual “special effects” of any kind during a message or during the transition between successive messages.
- The image will transition from one message to the next, with no perceptible dimming or blanking of the display, and with no visible effects such as fade, dissolve, animation, flashing or moving lights.
- Sequencing of messages, such as using two or more successive screens to convey a message on a single sign that will not fit on one screen will not be used.
- The sign will contain a default mechanism that will freeze the sign in one position if a malfunction occurs. In the event of any failure or combination of failures that affect its luminance, the display will default to an output level no higher than that which has been independently determined to be the acceptable maximum under normal operation. If this cannot be achieved, then the display will default to an “off” position until the problem can be resolved.
- The sign will not be interactive and will not feature or support personalized communications with the driver in real-time, nor emit “audible, sound, odor, or visible matter, other than light”.

In addition, the digital billboard face must be equipped with anti-hacking equipment.

**V-080-16-17 (309 Jefferson Avenue):** The applicant may install a 4’ tall decorative fence to match what is proposed along Jefferson and St. Clair around the entire property.

**V-085-16-17 (234 Kilmar Street):** The proposed windows must have shutters, and they must match the existing shutters on the house.

**ZONING BOARD OF APPEALS DECISION GRID**

June 22, 2017

<b>CASE #</b>	<b>ADDRESS</b>	<b>DECISION</b>	<b>RECORD OF VOTE</b>
<b><u>V-079-16-17:</u></b> To construct a 9,107 sq. ft. retail store (Family Dollar) that exceeds the maximum 6,000 sq. ft. permitted for a principal structure in the C-2 district.	1073 North Clinton Avenue	6-0-0	Approve on Condition
<b><u>V-086-16-17:</u></b> To legalize expansion of apartment into third floor.	473 Ridgeway Avenue	6-0-0	Approve on Condition
<b><u>V-087-16-17:</u></b> To re-establish use of property as a two-family dwelling.	134 Van Stallen Street	0-6-0	Deny
<b><u>V-088-16-17:</u></b> To construct a shed and 6' tall fence in front yard of single family dwelling.	40 Glen Parkway	6-0-0	Approve
<b><u>V-089-16-17:</u></b> To legalize conversion of attached garage to living space.	52 Oak Hill View	5-1-0	Approve on Condition
<b><u>V-090-16-17:</u></b> To install a/c unit in front yard of single family dwelling.	420 Rugby Street	6-0-0	Approve
<b><u>V-091-16-17:</u></b> To legalize conversion of the property from a three to a four-family dwelling.	27 Glasgow Street	5-1-0	Approve
<b><u>V-092-16-17:</u></b> To establish use of the property as a rooming house.	417 Alexander Street	1-5-0	Deny
<b><u>V-093-16-17:</u></b> To legalize the patio area of a single family dwelling.	48 E. Henrietta Street	6-0-0	Approve with Lesser Relief and on Condition
<b><u>V-094-16-17:</u></b> To legalize the patio in the front yard of this single family dwelling.	365 Canterbury Road	6-0-0	Approve
<b><u>V-095-16-17:</u></b> To install a sign on the rear wall (facing I-490) of the building for the YMCA.	797 Monroe Avenue	<b>Held at the Request of the Applicant to Consider Alternatives</b>	
<b><u>V-090-16-17:</u></b> To legalize live entertainment accessory to an existing bar/restaurant and to waive the associated parking requirement.	366 Thurston Road	3-3-0	Default Denial

**ATTENDANCE:**

Zoning Board Members Present:

J. Best, L. Boose, D. Carr, J. O'Donnell, M. Tilton

Zoning Board Members Absent:

K. Joyner, M. Morales

Alternate Zoning Board Members Present: L. Jennings

**DISTRIBUTION:**

Mayor Warren	B. Muhammed	K. Washington	City Council Members	A. Guzzetta	H. Washington
NSC Administrators	Zoning Staff	J. Brennan	V. Wehbring	T. Mann	G. Kirkmire

**CONDITIONS:**

**V-079-16-17 (1073 N. Clinton Ave):** Further to the Site Plan Review Committee’s recommendation as articulated in the Preliminary Site Plan Findings, additional bike parking must be provided.

**V-086-16-17 (473 Ridgeway Ave):** The third floor cannot contain any plumbing for a bathroom or kitchen.

**V-089-16-17 (52 Oak Hill View):** The plywood garage door must be removed. The garage must be sided to match the house. Two double-hung windows must be installed in the former garage (e.g. windows to match the existing first floor windows on the house or something similar, see photo below). The driveway cannot be widened. The final design to be approved by the Director of Planning and Zoning.



**V-093-16-17 (48 E. Henrietta Street):** The 20’ x 20’ patio is approved. The patio must consist of the materials articulated in the Zoning Code. The gravel must be removed from the remainder of the yard, and the area restored to greenspace. A landscape barrier (e.g. hedge) must be installed along the driveway to prevent the yard from being used for parking. The final design to be approved by the Director of Planning and Zoning.

**ZONING BOARD OF APPEALS DECISION GRID**

July 20, 2017

**\*Revised 08/07/17**

<b>CASE #</b>	<b>ADDRESS</b>	<b>RECORD OF VOTE</b>	<b>DECISION</b>
<b>V-001-17-18:</b> To legalize a 6' tall fence in the front yard of a single family dwelling.	32 Bauer Street	Approve on Condition	5-0-0
<b>V-002-17-18:</b> To legalize the conversion of the front porch to living space and to legalize the front yard parking.	355 Brooks Avenue	Approve on Condition Approve	Porch: 5-0-0 Parking: 4-1-0
<b>V-003-17-18:</b> To install two signs for "Salvatore's Old Fashioned Pizzeria".	1961 E. Main Street	Default Denial*	3-2-0
<b>V-004-17-18:</b> To re-establish use of the property as a two-family dwelling.	53 Mason Street	Approve on Condition	5-0-0
<b>V-005-17-18:</b> To legalize the parking area and the shed in the front yard of a single-family dwelling.	333 Beach Avenue	Approve	4-1-0
<b>V-006-17-18:</b> To install two detached monument signs for "Hidden Creek Townhomes and Apartments".	1996 Culver Road	Deny Approve on Condition	Proposed sign: 0-5-0 Existing sign: 5-0-0
<b>V-007-17-18:</b> To legalize the expanded parking area for a four-family dwelling.	192 Desmond Street	Approve with Lesser Relief and on Condition	5-0-0
<b>V-008-17-18:</b> To establish use as a sit-down restaurant, not meeting the parking or window transparency requirements.	258 N. Winton Road	Approve on Condition	5-0-0
<b>V-009-17-18:</b> To legalize the change in use of the first floor office to two residential units.	551 Lexington Avenue	Approve with Lesser Relief and on Condition	5-0-0
<b>P-01-17-18:</b> To appeal the interpretation made by the Director of Planning and Zoning on April 12, 2017.	2.5 & 14 Highland Heights Drive	Director's Decision Upheld	5-0-0

**ATTENDANCE:**

Zoning Board Members Present:

K. Joyner, J. O'Donnell, M. Tilton

Zoning Board Members Absent:

J. Best, L. Boose, D. Carr, M. Morales

Alternate Zoning Board Members Present:

L. Jennings, P. O'Neill

**DISTRIBUTION:**

Mayor Warren	B. Muhammed	K. Washington	City Council Members	A. Guzzetta	H. Washington
NSC Administrators	Zoning Staff	J. Brennan	V. Wehbring	T. Mann	G. Kirkmire

**CONDITIONS:**

**V-001-17-18 (32 Bauer Street):** Remove the rust-colored post in the front yard.

**V-002-17-18 (355 Brooks Avenue):** The siding on the skirt of the porch must be replaced to match the house in style, size, and material. Four, double-hung windows must be installed along the front face of the porch to match the existing windows to the side and to restore significant transparency to the front porch. The final design is to be approved by the Manager of Zoning.

**\* V-003-17-18 (1961 E. Main Street):** This variance application failed to reach four concurring votes of the Board, and is therefore deemed a denial pursuant to Zoning Code Section 120-186(D)(1) requiring no further findings of fact.

**V-004-17-18 (53 Mason Street):** The front yard parking area in front of the dwelling must be removed, and additional parking must be installed in the rear yard (e.g. by rehabilitating the garage, demolishing the garage, and/or expanding the parking).

**V-006-17-18 (1996 Culver Road):** The existing sign may be modified by adding a small hanging pendant sign beneath the monument sign face which includes information such as a phone number or website.

**V-007-17-18 (192 Desmond Street):** Four parking spaces may be provided, per the attached site plan. The additional asphalt must be removed and restored to grass. The curb cut on the southeast corner of the parcel does not constitute a legal parking space.

**V-008-17-18 (258 N. Winton Road):** The dumpster must be rotated 90 degrees and lined up next to the parking area along the north lot line. The dumpster may be located immediately adjacent to the building or in the second parking space, but in no case shall it be located further to the east. The fence along the eastern lot line shall be 6' as shown, and then continue at 4' tall for the remaining 15' to the lot line (in other words, the entire length of the eastern lot line shall be screened).

**V-009-17-18 (551 Lexington Avenue):** Only one, 2-bedroom apartment is permitted on the first floor. This 2-bedroom apartment must include the entire floor area of the first floor. This will make the property a two-family dwelling. The property cannot be a two-family with an office in the front. The width of the driveway must be reduced and some asphalt removed from the rear yard, as shown in the attached site plan.

**ZONING BOARD OF APPEALS DECISION GRID**

**August 17, 2017**

CASE #	ADDRESS	RECORD OF VOTE	DECISION
<b><u>P-02-17-18:</u></b> To appeal the decision by the Manager of Zoning that the site plan review application (SP-022-15-16) must be withdrawn as a result of substantial changes to the project, and that a new site plan review application (including SEQR) must be submitted in order to proceed.	1176, 1182 & 1186-1188 Mt. Hope Avenue, 17 Langslow Street		The deliberations on this case were postponed as there were only four Zoning Board members present. The deliberations will take place at 8:30 AM on Wednesday, Sept. 20 <sup>th</sup> in Room 223B at City Hall.
<b><u>P-03-17-18:</u></b> To appeal the Administrative Adjustment denial by the Manager of Zoning regarding a sign for Advantage Federal Credit Union.	205 W. Broad Street	0-5-0	Denied Director's Decision Upheld
<b><u>V-010-17-18:</u></b> To install a second sign for "Bitter Honey" restaurant.	127 Railroad Street	5-0-0	Approved with Lesser Relief
<b><u>V-011-17-18:</u></b> To install an attached sign for "Key Bank" on the west façade of the building.	1185 University Avenue	5-0-0	Approved on Condition
<b><u>V-012-17-18:</u></b> To install an attached sign for "PUC Achieve Charter School" on the north façade of the building.	8-14 Mark Street, 540-544, 548-550 & 554 Hudson Avenue, 13, 15, 17-19 Watkins Terrace	0-4-0*	Denied
<b><u>V-013-17-18:</u></b> To legalize the driveway expansion in the front yard of a single family.	29 Lyncrest Drive	5-0-0	Approved on Condition
<b><u>V-014-17-18:</u></b> To pave an existing gravel driveway that does not lead to the rear yard.	29 Weld Street	Withdrawn by City Staff	
<b><u>V-015-17-18:</u></b> To re-establish use of the property as a two-family dwelling.	67 Post Avenue	5-0-0	Approved
<b><u>V-016-17-18:</u></b> To waive certain parking requirements associated with the establishment of a convenience store with accessory gas sales.	379 & 387 Hudson Avenue, 618 Upper Falls Boulevard	4-0-0*	Approved
<b><u>V-017-17-18:</u></b> To construct a 2,256 sq. ft. one-story addition to an existing church.	694 Hudson Avenue	4-0-0*	Approved

CASE #	ADDRESS	RECORD OF VOTE	DECISION
<b>V-018-17-18:</b> To construct a single family dwelling, not meeting certain setback requirements.	2.5 & 14 Highland Heights Drive		The deliberations on this case were postponed as there were only four Zoning Board members present. The deliberations will take place at 8:30 AM on Wednesday, Sept. 20 <sup>th</sup> in Room 223B at City Hall.

\*David Carr recused himself from this case.

**ATTENDANCE:**

Zoning Board Members Present: J. Best, T. Bryant\*\*, D. Carr, J. O’Donnell, M. Tilton  
 Zoning Board Members Absent: L. Boose, K. Joyner  
 Alternate Zoning Board Members Present: L. Jennings

\*\* T. Bryant was present for the majority of the hearing, but absent for deliberations

**DISTRIBUTION:**

Mayor Warren      B. Muhammed      K. Washington      City Council Members      A. Guzzetta      H. Washington  
 NSC Administrators      Zoning Staff      J. Brennan      V. Wehbring      G. Kirkmire

**CONDITIONS:**

**V-010-17-18 (127 Railroad Street):** The size of the sign must be 2.5’ x 18’.

**V-011-17-18 (1185 University Avenue):** The building can have a maximum of two signs – one on the Culver Road façade and one on the west façade facing the parking lot. A third sign on the University Avenue façade cannot be installed.

**V-013-17-18 (29 Lyncrest Drive):** The applicant must remove the pavement in front of the porch and the area restored to grass. The driveway may span from the north of the porch to the side lot line (i.e. 18’).

**ZONING BOARD OF APPEALS DECISION GRID**  
**September 20, 2017**

CASE #	ADDRESS	RECORD OF VOTE	DECISION
<b><u>P-02-17-18:</u></b> To appeal the decision by the Manager of Zoning that the site plan review application (SP-022-15-16) must be withdrawn as a result of substantial changes to the project, and that a new site plan review application (including SEQR) must be submitted in order to proceed.	1176, 1182 & 1186-1188 Mt. Hope Avenue, 17 Langslow Street	4-1-0*	Director's Decision Upheld (Appeal Denied)
<b><u>V-018-17-18:</u></b> To construct a single family dwelling, not meeting certain setback requirements.	2.5 & 14 Highland Heights Drive	4-1-0*	Approved
<b><u>V-019-17-18:</u></b> To install a 10' x 12' wheelchair accessible deck in the front yard of a single family dwelling.	775 Melville Street	6-0-0	Approved on Condition
<b><u>V-020-17-18:</u></b> To re-establish property as a two-family dwelling.	306 Electric Avenue	0-6-0	Denied
<b><u>V-021-17-18:</u></b> To legalize an internally illuminated sign for "Comedy on Carlson".	390 Blossom Road	Removed from agenda by City Staff as a result of new information. To be rescheduled at a later date.	
<b><u>V-022-17-18:</u></b> To install an internally illuminated sign for "Overstock Flooring".	295 W. Ridge Road	6-0-0	Approved
<b><u>V-023-17-18:</u></b> To install two pendant signs for "Subway".	667 Monroe Avenue	4-2-0	Approved with Lesser Relief
<b><u>V-024-17-18:</u></b> To install a fence ranging in height from 4' to 6' on the Maynard St. frontage of a single family dwelling.	53 Carlisle Street	6-0-0	Approved
<b><u>V-025-17-18:</u></b> To legalize conversion of property to a two-family dwelling.	497 Averill Avenue	0-6-0	Denied
<b><u>V-026-17-18:</u></b> To construct a retail store (Family Dollar) that exceeds the max square footage allowance and exceeds the sign requirements.	706, 710-712, 714 & 722 Dewey Avenue	5-1-0	Approved on Condition
<b><u>V-01712-13:</u></b> Time extension request to construct a single family dwelling.	40 Marina Drive	5-1-0	Granted to September 20, 2022

**ATTENDANCE:**

Zoning Board Members Present: J. Best, T. Bryant, K. Joyner, J. O'Donnell, M. Tilton

Zoning Board Members Absent: L. Boose, D. Carr

Alternate Zoning Board Members Present: L. Jennings

\* J. Best, T. Bryant, L. Jennings, J. O'Donnell, M. Tilton deliberated this case.

**DISTRIBUTION:**

Mayor Warren      B. Muhammed      K. Washington      City Council Members      A. Guzzetta      H. Washington  
NSC Administrators      Zoning Staff      J. Brennan      G. Kirkmire

**CONDITIONS:**

**V-019-17-18 (775 Melville Street):** The deck may be a maximum of 12' deep measured from the front wall of the dwelling toward the front lot line.

**V-023-17-18 (667 Monroe Avenue):** The applicant may install two pendant signs on condition that the existing wall sign for "Subway" is removed. Should the applicant choose to leave the wall sign for "Subway", the existing pendant sign brackets must be removed.

**V-026-17-18 (706-722 Dewey Avenue):** The sign facing Dewey Avenue must be reduced proportionally to fit within one architectural panel and must leave at least 6" of space adjacent to the joints of the architectural panel. The southwest corner of the parcel may be enclosed with a 6' tall fence, subject to the discretion of the Manager of Zoning.

**ZONING BOARD OF APPEALS DECISION GRID**  
**October 19, 2017**

CASE #	ADDRESS	RECORD OF VOTE	DECISION
<b><u>V-027-17-18:</u></b> To install a 6' tall fence in front yard of single family.	116 Adams Street	7-0-0	Approved
<b><u>V-028-17-18:</u></b> To construct an addition to an existing warehouse/showroom not meeting the rear yard setback requirement.	14 Mart Place	7-0-0	Approved
<b><u>V-029-17-18:</u></b> To construct an addition to an existing office/clinic, exceeding the bulk requirement.	747-757 S. Clinton Avenue	6-1-0	Approved
<b><u>V-030-17-18:</u></b> To install a second driveway located in the front yard of a single family.	131 Masseth Street & 29 Immel Street	7-0-0	Approved with Lesser Relief and on Condition
<b><u>V-031-17-18:</u></b> To replace and expand an existing driveway, exceeding the lot coverage requirement.	50 Wilmington Street	7-0-0	Approved on Condition
<b><u>V-032-17-18:</u></b> To legalize the conversion of the attached garage to living space, creating front yard parking.	187 Congress Avenue	7-0-0	Approved on Condition
<b><u>V-033-17-18:</u></b> To construct an attached, single-family dwelling, exceeding the lot coverage requirement.	246 Whitney Street	5-2-0	Approved
<b><u>V-034-17-18:</u></b> To legalize the change in use of a portion of the 1 <sup>st</sup> floor from office to apartment.	883 Lake Avenue	6-1-0	Approved
<b><u>V-039-16-17:</u></b> To legalize the use of the detached garage for vehicle repair.	1628 Lyell Avenue	7-0-0	Approved on Condition

**ATTENDANCE:**

Zoning Board Members Present: J. Best, L. Boose, T. Bryant, D. Carr, K. Joyner, J. O'Donnell  
Zoning Board Members Absent: M. Tilton  
Alternate Zoning Board Members Present: L. Jennings

**CONDITIONS:**

**V-030-17-18 (131 Masseth Street & 29 Immel Street):** The applicant must install a driveway that is 12' x 46'. The driveway must be screened by either of the following (as depicted on the attached site plan):

- a) A 6' tall stockade fence running parallel to the driveway. If this fence is installed, the bollards on 131 Masseth Street must be removed.
- b) A 4' tall solid fence to enclose the yard at 131 Masseth Street. If the applicant uses the bollards to support the fence, they must not be visible from the right-of-way. The fence may be located in line with the bollards.

**V-031-17-18 (50 Wilmington Street):** The applicant must file a legal easement with the Monroe County Clerk's Office prior to the issuance of a permit to pave one to two feet of the neighbor's parcel (at 58 Wilmington St.).

**V-032-17-18 (187 Congress Avenue):** The façade of the garage cannot be altered (i.e. the garage doors must remain).

**V-039-16-17 (1628 Lyell Avenue):**

<b>Variance Request</b>	<b>Vote</b>
120-42 (use)	7-0-0
120-173 (parking surface and drainage)	Withdrawn*
120-173 (# of parking spaces)	7-0-0
120-177 (signs)	Withdrawn**
120-152 (dumpster)	7-0-0 on Condition***
120-152 (landscaping)	7-0-0

\*In testimony, the applicant stated that he would pave the gravel driveway/parking area. As a result, Final Site Plan Approval must be conditioned on the area being paved by May 1, 2018.

\*\* In testimony, the applicant claimed that the two pole signs have been removed. As a result, Final Site Plan Approval will not be issued until the City has confirmation that these pole signs have been removed.

\*\*\* The dumpster must be on wheels and must be located behind the dwelling and out of site from the public right-of-way.

**ZONING BOARD OF APPEALS DECISION GRID**  
**November 16, 2017**

CASE #	ADDRESS	RECORD OF VOTE	DECISION
<b><u>V-035-17-18:</u></b> To legalize the parking area in the front yard of a single family dwelling.	341 Beach Avenue	6-0-0*	Approved
<b><u>V-036-17-18:</u></b> To legalize the parking area in the rear yard of a multi-family dwelling.	283 Beach Avenue	Hold by the Zoning Board to the December 21, 2017 public hearing.	
<b><u>P-004-17-18:</u></b> To appeal the decision of the Manager of Zoning (N-02-17-18) that the use of the property cannot be changed from a funeral home to a fulfillment center for an e-commerce building.	1210-1218 Culver Road	5-2-0	Appeal Granted on Condition: Manager's Decision Overturned
<b><u>V-037-17-18:</u></b> To install a new 21'-8" tall pole sign for "Sunoco".	567 W. Main Street	0-7-0	Denied
<b><u>V-038-17-18:</u></b> To install five attached signs and one monument sign for "Wendy's".	740 & 748 E. Main Street	6-0-0*	Approved with Lesser Relief
<b><u>V-039-17-18:</u></b> To legalize the conversion of the garage to an apartment.	780 University Avenue	0-6-0*	Denied
<b><u>V-040-17-18:</u></b> To expand the existing retail store (Wisteria Flowers & Gifts) into the adjacent space.	340-360 Culver Road	6-0-0*	Approved
<b><u>V-041-17-18:</u></b> To re-establish use of the property as a two-family dwelling that has lost its rights due to a period of vacancy greater than nine months.	929 Culver Road	5-1-0*	Approved
<b><u>V-011-15-16:</u></b> Time extension request to legalize the change in use of non-residential floor area and 7 apartments to 10 apartments.	17-29 Pullman Avenue	7-0-0	Time Extension Granted for six months to 05-16-18

\*Laurene Jennings did not deliberate on this case.

**ATTENDANCE:**

Zoning Board Members Present: J. Best, L. Boose, T. Bryant, D. Carr, J. O'Donnell  
Zoning Board Members Absent: K. Joyner, M. Tilton  
Alternate Zoning Board Members Present: L. Jennings, P. O'Neill

**CONDITIONS:**

**P-004-17-18 (1210-1218 Culver Road):** The Zoning Board determined that the proposed fulfillment center for an e-commerce business is not a manufacturing use and that the use is more characteristic of the typical operation of an office. As a result, the proposed use is less intense and will have less impact than the permitted funeral home use and may be established at this location, based and conditioned on the following description of the use, as identified by the applicant:

- No manufacturing;
- No retail operations, including no development of a pickup center for individuals to collect a individual packages;
- Distribution of finished goods only;
- No outdoor storage of any kind, including pallets;
- Hours of operation limited to 7:00 am to 8:00 pm.;
- No more than eight employees;
- Occupation of 2,600 sq. ft. of the first floor only;
- No warehousing;
- Installation of a 10' landscape buffer in the parking lot;
- No semi tracker trailer deliveries on site;
- Use of residential delivery trucks only.

**V-038-17-18 (740 & 748 E. Main Street):**

The following signs are not permitted:

- Internally lit "quality is our recipe" sign on the front façade that is 15'-7" x 1'-2" (18 sq. ft.);
- "Quality" sign on the east façade that is 5'-11" x 5'-2" (31 sq. ft.);
- "Thank you" sign on the east façade that is 7" x 3'-6" (2 sq. ft.).

**ZONING BOARD OF APPEALS DECISION GRID**  
**December 21, 2017**

**\*REVISED 12-29-17**

CASE #	ADDRESS	RECORD OF VOTE	DECISION
<b><u>V-036-17-18:</u></b> To legalize the parking area in the rear yard of a multi-family dwelling.	283 Beach Avenue	5-0-0	Approved with Lesser Relief and On Condition
<b><u>V-042-17-18:</u></b> To widen the existing shared driveway of a single family home.	388 Newcastle Road	0-5-0	Denied
<b><u>V-043-17-18:</u></b> To construct a breezeway between the single family dwelling and detached garage.	79 Oakland Street	5-0-0	Approved on Condition
<b><u>V-044-17-18:</u></b> To install new signage for the existing M&T Bank.	1385 Lyell Avenue	5-0-0	Approved with Lesser Relief
<b><u>V-045-17-18:</u></b> To install a 32 sq. ft. sign for "Fortune Chinese Food".	1653-1691 Mount Hope Avenue	5-0-0	Approved
<b><u>V-046-17-18:</u></b> To legalize two dumpster enclosures.	390 Blossom Road	Held at the Request of the Zoning Board for More Information	
<b><u>V-047-17-18:</u></b> To legalize four detached signs and to permit the installation of two additional detached signs.	390 Blossom Road	Held at the Request of the Zoning Board for More Information	
<b><u>V-048-17-18:</u></b> To re-establish use of the property as a five-family dwelling.	71-75 Electric Avenue	0-5-0	Denied
<b><u>V-049-17-18:</u></b> To re-establish use of the property as a two-family dwelling.	76 Furlong Street	4-1-0	Approved
<b><u>V-050-17-18:</u></b> To legalize live entertainment accessory to an existing bar/restaurant (Eclipse Bar & Lounge) and to waive the associated parking requirement.	366-372 Thurston Road	5-0-0	Approved on Condition
<b><u>V-051-17-18:</u></b> To construct a single-family home.	1 & 3 Eisenberg Place	4-1-0	Approved on Condition
<b><u>V-052-17-18:</u></b> To construct a single-family home.	3 & 5 Eisenberg Place	4-1-0	Approved on Condition

CASE #	ADDRESS	RECORD OF VOTE	DECISION
<b>V-053-17-18:</b> To construct a 4-story, 100 unit multi-family dwelling where 86,000 sq. ft. of land is required and 78,361 sq. ft. of land is available, and, where 104 parking spaces are required and 92 parking spaces are provided.	625 South Goodman Street	5-0-0	Approved
<b>Zoning Board Procedures:</b> To amend and update the Zoning Board procedures for greater clarity.	N/A	4-0-0	Approved

**ATTENDANCE:**

Zoning Board Members Present:  
 Zoning Board Members Absent:

J. Best, L. Boose, T. Bryant, D. Carr, M. Tilton  
 K. Joyner, J. O'Donnell

**CONDITIONS:**

**V-036-17-18 (283 Beach Avenue):**

The applicant may have an 18' wide curb opening leading to a parking area that is 45' wide. The asphalt to the south of the 45' must be removed (approximately 25' x 10').

**V-043-17-18 (79 Oakland Street):**

The paved area to the west of the garage must be removed and the area restored to grass. The brick finish shown on the elevation must be replaced by the stone finish, as illustrated at the hearing (see below).



**CONDITIONS, continued:**

**V-044-17-18 (1385 Lyell Avenue):** The pole sign is denied (in other words, it cannot be updated with new sign faces). All other signs in the package are approved.

**V-050-17-18 (366-372 Thurston Road):** Live entertainment is permitted on Friday and Saturday only. This approval is contingent on obtaining a building permit to legalize the parking areas at 165 & 175 Milton Avenue **by April 30, 2018.**

**V-051-17-18 (1 & 3 Eisenberg Place):** The dwelling must meet the front setback requirement, as depicted in the site plan provided at the hearing (i.e. 12').

**V-052-17-18 (3 & 5 Eisenberg Place):** The dwelling must meet the front setback requirement, as depicted in the site plan provided at the hearing (i.e. 12').