



City of Rochester

Neighborhood and Business Development
City Hall Room 125B, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

Bureau of Planning
and Zoning

February 4, 2016

Waled Alsalahi
1168 Dewey Avenue
Rochester, NY 14613

Location: 1168 Dewey Avenue
Zoning District: C-1 Neighborhood Center District
File Number: V-039-15-16
Vote: 0-4-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to legalize the conversion of approximately 600 square feet of Laundromat space to high-impact retail space, an expansion of a nonconforming use, please take notice that at the Zoning Board of Appeals meeting held on January 21, 2016, said application was **DENIED**.

Please be advised that as a result of this decision, you must obtain a building permit to restore the high-impact retail space to its original size. This permit should be obtained in the immediate future, or enforcement will continue, which may result in fines.

If you have any questions or would like to obtain a building permit, please contact Jill Symonds at (585) 428-7364 or Jill.Symonds@cityofrochester.gov.

Zina Lagonegro, EIT, AICP
Secretary to the Zoning Board of Appeals

cc: Gary Kirkmire, Director, Inspections and Compliance, City of Rochester

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Resolution and Findings of Fact:

1. **Do the benefits to the applicant outweigh any detriments to the health, safety and welfare of the neighborhood or the community by granting the variance?**

Yes ___ No X

Finding: The subject property is located immediately across the street from the Aquinas Institute. In testimony, the applicant explained that kids from the high school shop at the store. The additional space provides room for more snacks and greater maneuverability within the store. However, the Zoning Board determined that this store, which is a high-impact use, should not be expanded given its proximity to the school. According to the Zoning Code, high-impact uses can have a negative impact on the surrounding area, which could be a detriment to the health, safety and welfare of the community.

2. **Will the proposed use produce an undesirable change in the character of neighborhood or be a detriment to nearby properties?**

Yes X No ___

Finding: The subject property is located in the C-1 Neighborhood Center District, which is comprised of five parcels along Dewey Avenue and Albermarle Street. These five parcels are surrounded by an R-1, Low-Density Residential District.

Section 120-33 of the Zoning Code defines the purpose of the C-1 Neighborhood Center District as follows: *to provide for small-scale commercial uses offering primarily convenience shopping and services for adjacent residential areas. Proximity to residences requires that commercial operations in the C-1 District are low intensity, unobtrusive and conducted at a scale and density compatible with the surrounding neighborhood.* Between the high school across the street and the residential dwellings next door, the expansion of the high-impact use is not appropriate at this location and could be a detriment to the neighborhood.

3. **Can the benefit sought by the applicant be achieved by a feasible alternative to the variance?**

Yes X No ___

Finding: The applicant could continue to operate the existing high-impact use with the original footprint (i.e. with less retail space).

4. **Is the requested variance substantial?**

Yes X No ___

Finding: The variance request is substantial and would result in a store area that has nearly twice the floor space.

5. **Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood?**

Yes X No ___

Finding: Section 120-146.1 of the Zoning Code regulates retail sales and service and panbrokers. High-impact retail operations are described as follows:

High-impact retail sales and service and pawnbrokers, due to the nature, volume or intensity of the sales and services provided, have a history of or a likelihood of creating negative impacts to adjacent properties or the surrounding neighborhood by virtue of operational impacts such as noise, traffic, parking, loitering, and increased need for police services.

Expanding the existing high-impact use may worsen existing physical and environmental conditions, as described above.

6. Is the alleged difficulty self-created?

Yes X No

Finding: The applicant expanded the size of the store without a permit. The need to legalize the expansion of the high-impact use is a self-created hardship.

Record of Vote:

D. Carr	Deny
R. Khaleel	Absent
D. O'Brien	Deny
J. O'Donnell	Absent
M. Tilton	Deny
E. Van Dusen	Deny

This decision was based on the following testimony and evidence:

Testimony:

Support:

Waled Alsalhi
Rene Lebeau

Opposition:

None

Evidence:

Staff Report
City Property Information Map
Area Variance Application and Statement of Difficulty
Floor Plan
Photos
Letter from the Maplewood Neighborhood Association, dated 01/20/16
Email from Marsha Enright, dated 01/20/16
Personal Appearance Notice, Affidavit of Notification and Speakers' List



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February 4, 2016

Bill Burwood
Rochester-Lyell FDS 713588, LLC
5500 Brooktree Road, Suite 303
Wexford, PA 15090

Location: 715, 731, and 737 West Main Street
Zoning District: C-2 Community Center District
File Number: V-040-15-16
Vote: 4-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to construct a high impact retail store (Family Dollar) that exceeds the maximum 6,000 square foot permitted for a principal structure in the C-2 zone, and that does not meet the rear yard setback requirement nor certain city-wide design standards, please take notice that at the Zoning Board of Appeals meeting held on January 21, 2016, said application was **APPROVED on condition:**

The awnings along W. Main Street and Edgewood Park that are depicted in the elevation dated 05/08/15 must be installed.

Please Note: Pursuant to Section 120-195B(9) of the City Code, a Variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit is obtained. Please contact Jill Wiedrick at (585) 428-6914 or Jill.Wiedrick@cityofrochester.gov to complete the Site Plan Review process and obtain a Building Permit.

Zina Lagonegro, EIT, AICP
Secretary to the Zoning Board of Appeals

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Resolution and Findings of Fact:

1. **Do the benefits to the applicant outweigh any detriments to the health, safety and welfare of the neighborhood or the community by granting the variance?**

Yes No

Finding: Maximum 6,000 sq. ft.: The existing parcels are currently vacant and were most recently used for automotive repair. The Family Dollar project will enhance the aesthetics of the neighborhood by creating a new building that blends in with the architecture in the area and improves the site's overall appearance with landscaping, lighting and new pavement. The 9,180 sq. ft. store will allow Family Dollar to provide an expanded merchandise offering including a full array of refrigerated and frozen foods for the benefit of the community shopping in the store. The larger store will also provide much needed storage which will eliminate excess inventory in isles, thereby providing a cleaner and safer shopping experience.

Transparency: The overall look of the building will be consistent with the W. Main Street façade, which has clear glazing and meets the transparency requirements.

Setback: The proposed building is located in the C-2 district and is adjacent to 4 Edgewood Park, which is R-2. The parcel is 30' x 55' and is a nonconforming lot. This parcel will remain vacant and acts as a 30' buffer between Family Dollar and the residential dwelling at 6 Edgewood Park.

2. **Will the proposed use produce an undesirable change in the character of neighborhood or be a detriment to nearby properties?**

Yes No

Finding: Maximum 6,000 sq. ft.: The main front building wall is 78 linear feet, which is reasonable given the 237 foot front lot line of the combined parcels. In addition, the building at 750 W. Main is approximately 230 linear feet and 736 W. Main is about 65 linear feet. The size of the building is not out of character in this area.

Transparency: The frosted glazing on the glass along the Edgewood façade will have the appearance of full transparency like the W. Main Street side of the building.

Setback: The parcel that is most affected by the setback is at 4 Edgewood Park and is owned by Family Dollar. It will have underground utilities servicing the proposed building. As such, the parcel is expected to remain vacant and provide a landscaped buffer from the neighboring residential properties.

3. **Can the benefit sought by the applicant be achieved by a feasible alternative to the variance?**

Yes No

Finding: Maximum 6,000 sq. ft.: According to the applicant, the proposed 9,108 sq. ft. building is required to safely and effectively operate a store with the expected

volume. The amount of shelving on the inside walls of the store is reduced as a result of the transparency requirements on W. Main Street and Edgewood Park.

Transparency: Since Edgewood Park is a one-way residential Street, frosted glazing on the glass is a reasonable screening solution to mitigate views to and from the residential neighborhood. There is no alternative that would provide this degree of protection, while still maintaining the visual aesthetic offered by windows.

Setback: The proposed setback is mitigated by the vacant parcel at 4 Edgewood Park. In reality, this parcel acts as a 30' setback between the building and the next residential dwelling, which is greater than the 20' required by the City Zoning Code.

4. Is the requested variance substantial? Yes ___ No X

Finding: Maximum 6,000 sq. ft.: The store will be approximately 3,000 sq. ft. greater than what is permitted by Code. The building size affords the applicant the ability to sell a greater variety of goods and is consistent with other buildings in the area.

The site is approximately 0.8 acres in size, which can reasonably contain the proposed building. Relative to the size of the site, the size of the building is not substantial.

Transparency: The applicant is proposing 288 sq. ft. of transparency along Edgewood Park rather than the required 421 sq. ft. The frosted glazing on the glass gives the appearance of a window and still permits some light transmission during evening hours. Moreover, should the use change in the future, the glass can be swapped out and changed for clear glass.

Setback: The vacant parcel at 4 Edgewood Park essentially functions as a 30' setback, which mitigates the variance request.

5. Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood? Yes ___ No X

Finding: The variances will not have an adverse impact on the physical or environmental conditions of the neighborhood. The project will enhance a vacant property and improve any existing sub-surface environmental impacts that exist from years of use as a fuel station and auto repair shop. The project includes installation of landscaping, mitigation of storm water run-off and will generally enhance the aesthetics of the neighborhood.

6. Is the alleged difficulty self-created? Yes X No ___

Finding: The variance requests are a self-created difficulty. However, the design of the proposed building and the required environmental cleanup of the site mitigate the request.

Record of Vote:

D. Carr	Approve on condition
R. Khaleel	Absent
D. O'Brien	Approve on condition
J. O'Donnell	Absent
M. Tilton	Approve on condition
E. Van Dusen	Approve on condition

This decision was based on the following testimony and evidence:

Testimony:

Support:

Bill Burwood
Julie Fowler

Opposition:

None

Evidence:

Staff Report
City Property Information Map
Area Variance Application and Standards
Preliminary Site Plan Findings, dated July 13, 2015
Existing Conditions Plan
Demolition Plan
Site Plan
Utility Plan
Grading/Erosion Control Plan
Landscape Plan
Miscellaneous Details
Landscape and Dumpster Enclosure Details
Photometric Plan
Work Zone Traffic Control
Building Floor Plans
Building Proposed Elevations
Letters from Rosa Lloyd, dated 07/03/15, 12/18/15, and 01/17/16
Email from Donna Bazer, dated 09/18/15
Letter from Donna Haag-Bazer, undated
Letter from Changing of the Scenes Neighborhood Association, dated 12/29/15
Letter from Mark H. Fuller, DePaul, dated 08/13/15
Email from Vaegorstein Insurance Agency, dated 08/11/15
Email from Wayne Haskins, dated 08/12/15
Letter from Julie S. Fowler, Nothnagle Commercial, dated 08/25/15
Additional site plan and elevation drawings from Bergman, dated 07/20/15
Personal Appearance Notice, Affidavit of Notification and Speakers' List



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February 4, 2016

Joseph Santacroce
Toro Real Estate Dev. LLC
P.O. Box 77339
Rochester, NY 14617

Location:	1661 North Clinton Avenue
Zoning District:	M-1 Industrial District
File Number:	V-041-15-16
Vote:	0-4-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to expand the existing driveway of a two-family dwelling on a parcel that also contains an auto repair shop in the rear yard, thereby creating front yard parking, please take notice that at the Zoning Board of Appeals meeting held on January 21, 2016, said application was **DENIED**.

If you have any questions or concerns regarding this Decision, please contact Jill Symonds at (585) 428-7364 or Jill.Symonds@cityofrochester.gov.

Zina Lagonegro, EIT, AICP
Secretary to the Zoning Board of Appeals

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Resolution and Findings of Fact:

1. Do the benefits to the applicant outweigh any detriments to the health, safety and welfare of the neighborhood or the community by granting the variance?

Yes ___ No X

Finding: The subject property is located in an M-1 Industrial District and contains both a residential dwelling and an auto repair garage in the rear yard. The neighboring properties also contain residential dwellings, despite being zoned M-1. Across the street, there is an R-1 Low Density Residential District.

The Zoning Board determined that paving the majority of the front yard would detract from the residential appearance of the area. Front-yard parking obstructs the front yard, blocks access to the house, and does not support a pedestrian environment.

2. Will the proposed use produce an undesirable change in the character of neighborhood or be a detriment to nearby properties?

Yes X No ___

Finding: The loss of green space in the front yard would have a negative impact on nearby properties. The applicant proposed about 5' of landscaping along the front lot line, however, it would not be sufficient to mask the two cars parked in front of the home.

3. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance?

Yes X No ___

Finding: In testimony, the applicant explained that about 15-18 vehicles can park in the rear yard. Most of the rear yard parking is used by the auto repair. The Zoning Board determined that some of the spaces in the rear yard could be allocated for the residents of the two-family dwelling.

4. Is the requested variance substantial?

Yes X No ___

Finding: The proposed driveway expansion more or less eliminates the front yard of the property. The proposed landscaping area is small and will not mask the vehicles. As a result, the front yard parking will have a negative visual impact on the residential character of the area, which is a substantial variance request.

5. Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood?

Yes X No ___

Finding: The variance request, as submitted, would have an adverse impact on the physical and environmental conditions of the neighborhood by enabling parking to occur in front of the main living area of the house. Unobstructed front yards are an important characteristic of residential neighborhoods.

6. Is the alleged difficulty self-created?

Yes X No ___

Finding: There are an existing 15-18 parking spaces available in the rear yard, which appears to be mostly paved. The desire for additional parking in the front yard is a self-created difficulty.

Record of Vote:

D. Carr	Deny
R. Khaleel	Absent
D. O'Brien	Deny
J. O'Donnell	Absent
M. Tilton	Deny
E. Van Dusen	Deny

This decision was based on the following testimony and evidence:

Testimony:

Support:

Joseph Santacroce

Opposition:

None

Evidence:

Staff Report
City Property Information Map
Area Variance Application and Statement of Difficulty
Survey Maps
Photos
Personal Appearance Notice, Affidavit of Notification and Speakers' List



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Bureau of Planning
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February 4, 2016

David Blauth
188 Edgemont Road
Rochester, NY 14607

Location: 320 Castleman Road
Zoning District: R-1 Low-Density Residential District
File Number: V-042-15-16
Vote: 0-4-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to legalize the driveway expansion of a two-family dwelling, thereby resulting in front yard parking, please take notice that at the Zoning Board of Appeals meeting held on January 21, 2016, said application was **DENIED**.

Please be advised that as a result of this decision, you must remove the paving next to the garage. This permit should be obtained in the immediate future, or enforcement will continue, which may result in fines.

If you have any questions or would like to obtain a building permit, please contact Jill Symonds at (585) 428-7364 or Jill.Symonds@cityofrochester.gov.

Zina Lagonegro, EIT, AICP
Secretary to the Zoning Board of Appeals

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Resolution and Findings of Fact:

1. Do the benefits to the applicant outweigh any detriments to the health, safety and welfare of the neighborhood or the community by granting the variance?

Yes ___ No X

Finding: The subject property is a two-family dwelling located on the corner of Castleman and Edgemont Roads, and thus has two front yards. In testimony, the applicant explained that he repaved the driveway in order to resolve a drainage issue on his property. He also explained that the configuration of the driveway has not changed since he purchased the property in 1990.

The driveway leads to a detached, two car-garage and is 30' wide. The area to the east of the garage constitutes front yard parking. The Zoning Board determined that there is sufficient legal parking (i.e. 2 spaces in the garage and 2 spaces in front of the garage), and the additional paving should be removed. Having three cars parked alongside each other is inconsistent with the design of other parcels in the area.

2. Will the proposed use produce an undesirable change in the character of neighborhood or be a detriment to nearby properties?

Yes X No ___

Finding: One of the intents of the zoning regulations for the R-1 district is to "preserve and promote neighborhoods characterized by unobstructed front yards and pedestrian-scale streetscapes." Front-yard parking obstructs the front yard and does not support a pedestrian environment. The Upper Mount Hope Neighborhood is an increasing walkable area that is surrounded by employment, recreation, shopping, and amenities. Excessive paving in the front yard detracts from this environment.

3. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance?

Yes X No ___

Finding: There are four legal parking spaces available on this property.

4. Is the requested variance substantial?

Yes X No ___

Finding: Legalizing the front yard parking area is a substantial variance request. Triple-wide driveways are uncommon in this neighborhood and will have a negative visual impact on the residential character of the area.

5. Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood?

Yes X No ___

Finding: The variance request would have an adverse impact on the physical and environmental conditions of the neighborhood by permitting an overly wide driveway, a portion of which is in the front yard. This variance request would have a negative visual impact on the neighborhood.

6. Is the alleged difficulty self-created?

Yes X No ___

Finding: In testimony, the applicant explained that the contractor obtained a permit to repave the apron but not the driveway. The lack of permit and the desire for additional parking is a self-created difficulty.

Record of Vote:

D. Carr	Deny
R. Khaleel	Absent
D. O'Brien	Deny
J. O'Donnell	Absent
M. Tilton	Deny
E. Van Dusen	Deny

This decision was based on the following testimony and evidence:

Testimony:

Support:

David Blauth

Opposition:

None

Evidence:

Staff Report

City Property Information Map

Area Variance Application and Statement of Difficulty

Survey Map

Photos

Email from Bruce Mellen, dated 01/10/16

Email from Nancy Rice, dated 01/19/16

Email from Jerry Reynolds, dated 01/20/16

Personal Appearance Notice, Affidavit of Notification and Speakers' List



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Bureau of Planning
and Zoning

February 4, 2016

Matthew Denker & Laura Beth Lincoln
13436 Via Varra
Broomfield, CO 80020

Location: 37 Eagle Street
Zoning District: R-3 High-Density Residential District
File Number: V-043-15-16
Vote: 4-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to waive certain lot, area, and yard requirements associated with the construction of a two-family dwelling and a two-car garage with a studio apartment above, please take notice that at the Zoning Board of Appeals meeting held on January 21, 2016, said application was **APPROVED**.

Please Note: Pursuant to Section 120-195B(9) of the City Code, a Variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit is obtained. This project may now proceed to the Rochester Preservation Board. Please contact Peter Siegrist at (585) 428-7238 regarding that process. If you have any questions about this Decision, please contact Jill Symonds at (585) 428-7364.

Zina Lagonegro, EIT, AICP
Secretary to the Zoning Board of Appeals

cc: Robert Fornataro, 387 E. Main Street, Rochester, NY 14604

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Resolution and Findings of Fact:

1. **Do the benefits to the applicant outweigh any detriments to the health, safety and welfare of the neighborhood or the community by granting the variance?**

Yes X No

Finding: Further to section 120-25 of the Zoning Code, the purpose of the R-3 High-Density Residential District is as follows:

The R-3 High-Density Residential District protects, preserves and enhances existing residential areas of higher density which include multifamily dwellings mixed with other housing types. The R-3 High-Density Residential District is intended to provide residential areas that accommodate higher-density housing while protecting, maintaining and enhancing existing residential areas. The R-3 District may include various housing types ranging from single-family detached to high-density apartments. The district adds to the urban character of Rochester and provides diversity in housing types particularly in proximity to Community Center and Village Center Districts.

The project includes a two-family dwelling and a two-car garage with a studio apartment above. From Eagle Street, the parcel will have the appearance of a single-family home. The primary unit in the two-family dwelling has a main entrance that faces Eagle Street, while the basement apartment is accessed from the rear of the structure. The massing of the building masks the garage with the second-story studio located behind it. The integration of this hidden density is creative and an excellent way of achieving a higher density on a block that contains many single and two-family dwellings. The Zoning Board determined that the proposal will not be a detriment to the neighborhood.

2. **Will the proposed use produce an undesirable change in the character of neighborhood or be a detriment to nearby properties?**

Yes No X

Finding: The Cornhill Neighborhood is a unique area that includes buildings from Rochester's very beginning right up to the present day. The neighborhood includes historic homes as well as more modern homes. There are single-family dwellings alongside apartments, townhouses, and multi-families. The proposal is sensitive to this context and will fit in with the neighborhood. The proposal will not result in an undesirable change to the character of the neighborhood.

3. **Can the benefit sought by the applicant be achieved by a feasible alternative to the variance?**

Yes No X

Finding: The property is located on a corner, which makes it difficult to meet setback requirements. The size of the parcel also makes it challenging to meet building coverage requirements. The size of the parcel itself, which is a pre-existing nonconforming lot of record, cannot be increased in size. As a result of these challenges, there is no alternative to the requested variances that would allow this high-density residential parcel to be developed.

4. Is the requested variance substantial? Yes ___ No X

Finding: The variances are not substantial in light of the resulting buildings that will occupy this vacant parcel.

5. Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood? Yes ___ No X

Finding: The project will not have an adverse impact on the physical and environmental conditions of the neighborhood. The visual appearance of the block will be enhanced by filling in this vacant parcel.

6. Is the alleged difficulty self-created? Yes X No ___

Finding: The variances are a self-created difficulty, however, this is not of sufficient concern to merit overriding the granting of this request.

Record of Vote:

D. Carr	Approve
R. Khaleel	Absent
D. O'Brien	Approve
J. O'Donnell	Absent
M. Tilton	Approve
E. Van Dusen	Approve

This decision was based on the following testimony and evidence:

Testimony:

Support:

Robert Fornataro

Opposition:

None

Evidence:

Staff Report
City Property Information Map
Area Variance Application and Statement of Difficulty
Survey Map
Site Plan
Floor Plans

Evidence Cont'd:

3D Massing

Perspective

Elevations

Photos

Email from Lee Pumputis, dated 01/18/16

Letter from Lee Pumputis, undated

Email from Claudia Bly, dated 01/17/16

Email from Robert Seltenreich, dated 01/20/16

Personal Appearance Notice, Affidavit of Notification and Speakers' List



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Bureau of Planning
and Zoning

February 4, 2016

Daniel P. Green
195 Vassar Street
Rochester, NY 14607

Location:	114 Field Street
Zoning District:	R-1 Low-Density Residential District
File Number:	V-044-15-16
Vote:	4-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to convert the first floor commercial space into two apartments, not meeting certain dwelling unit conversion standards, please take notice that at the Zoning Board of Appeals meeting held on January 21, 2016, said application was **APPROVED on condition:**

The variance is approved on condition that the ancillary parking lot associated with the proposed use is approved by the Planning Commission at their January 25, 2016 Hearing.

Please Note: Pursuant to Section 120-195B(9) of the City Code, a Variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit and/or Certificate of Occupancy is obtained and maintained. Please contact Jill Symonds at 585-428-7364 or Jill.Symonds@cityofrochester.gov to complete that process.

Zina Lagonegro, EIT, AICP
Secretary to the Zoning Board of Appeals

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Resolution and Findings of Fact:

1. Do the benefits to the applicant outweigh any detriments to the health, safety and welfare of the neighborhood or the community by granting the variance?

Yes X No

Finding: The subject property consists of a two-story building with a first floor commercial space and a second floor apartment. The existing apartment is 1,100 sq. ft. and has two bedrooms. Permit records indicate that the building was used as a bakery as early as 1912, and was later a gift shop. Between 1953 and 1964 the property was used as a photo lab and offices until about 2000. Given this unique history and structure, changing the use to a multi-family residential building is more consistent with the R-1 Low-Density Residential District.

The proposed units on the first floor will consist of a two-bedroom 1,375 sq. ft. apartment, and a two-bedroom 1,464 sq. ft. apartment (the Zoning Code requires 800 sq. ft. for a two-bedroom unit). Residents at 114 Field Street will have access to parking on the adjacent parcels at 110 and 116 Field Street (pending approval of the ancillary parking lot by the City Planning Commission). The size of the parcel cannot be increased and thus requires a variance in order to bring the first floor of the building back to use. The proposal will not be a detriment to the health, safety and welfare of the community.

2. Will the proposed use produce an undesirable change in the character of neighborhood or be a detriment to nearby properties?

Yes No X

Finding: The subject property is located in an R-1 Low Density Residential District that includes many two-family and multi-family dwellings nearby. The re-activation of the vacant portion of this building will enliven the street front, which is a benefit to nearby properties.

3. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance?

Yes No X

Finding: The Zoning Code requires a 9,000 sq. ft. lot for a multifamily dwelling, whereas this parcel has only 5,356 sq. ft. (26' x 162'). The existing building takes up most of the parcel. Conversion of the building to apartments is more consistent with the neighborhood than another commercial use. There is no way to convert the property to a multi-family dwelling without a variance.

4. Is the requested variance substantial?

Yes No X

Finding: The variance request is not substantial as the reactivation of the building on this unusual parcel is great improvement for the area. Moreover, the units are large and will have access to parking nearby, which lessens the impact of the request.

5. Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood? Yes ___ No X

Finding: The project will not have an adverse impact on the physical and environmental conditions of the neighborhood. The visual appearance of the street will be enhanced by reactivating the ground floor of this building.

6. Is the alleged difficulty self-created? Yes ___ No X

Finding: The size of the parcel is not a self-created difficulty.

Record of Vote:

D. Carr	Approve
R. Khaleel	Absent
D. O'Brien	Approve
J. O'Donnell	Absent
M. Tilton	Approve
E. Van Dusen	Approve

This decision was based on the following testimony and evidence:

Testimony:

Support:

Daniel Green

Opposition:

None

Evidence:

Staff Report
City Property Information Map
Preliminary Site Plan Findings, dated 12/07/15
Area Variance Application and Statement of Difficulty
Survey Maps
Site Plan
Floor Plans
3D Massing
Photos
Letter from Joseph Schmidlin, dated December 2015
Letter from Joseph Latteau, dated December 28, 2015
Email from Peter House, dated 01/10/16
Personal Appearance Notice, Affidavit of Notification and Speaker's List



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Bureau of Planning
and Zoning

February 4, 2016

Ray Trotta
10 Prince Street
Rochester, NY 14607

Location: 10 Prince Street
Zoning District: R-3 High-Density Residential District
File Number: V-045-15-16
Vote: 4-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to convert a former school building to twelve apartments, not meeting certain dwelling unit conversion standards, please take notice that at the Zoning Board of Appeals meeting held on January 21, 2016, said application was **APPROVED**.

Please Note: Pursuant to Section 120-195B(9) of the City Code, a Variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit and/or Certificate of Occupancy is obtained and maintained. Please contact Jill Symonds at 585-428-7364 or Jill.Symonds@cityofrochester.gov to complete that process.

Zina Lagonegro, EIT, AICP
Secretary to the Zoning Board of Appeals

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Resolution and Findings of Fact:

1. Do the benefits to the applicant outweigh any detriments to the health, safety and welfare of the neighborhood or the community by granting the variance? Yes X No

Finding: Further to section 120-25 of the Zoning Code, the purpose of the R-3 High-Density Residential District is as follows:

The R-3 High-Density Residential District protects, preserves and enhances existing residential areas of higher density which include multifamily dwellings mixed with other housing types. The R-3 High-Density Residential District is intended to provide residential areas that accommodate higher-density housing while protecting, maintaining and enhancing existing residential areas. The R-3 District may include various housing types ranging from single-family detached to high-density apartments. The district adds to the urban character of Rochester and provides diversity in housing types particularly in proximity to Community Center and Village Center Districts.

The project will convert a former school building into twelve apartments. The configuration of the one-bedroom apartments was driven by the desire to maintain some of the characteristics of the former school, including the large center hallway on each floor and the staircases at either end of the building. The project is a great reuse of the building and will fit into this vibrant, mixed use area.

2. Will the proposed use produce an undesirable change in the character of neighborhood or be a detriment to nearby properties? Yes No X

Finding: The subject property is located in the East Avenue Preservation District, which includes an extraordinarily consistent array of elegant buildings. (This proposal received a Certificate of Appropriateness from the Rochester Preservation Board on October 7, 2015). The reuse of the subject property for a multi-family dwelling will not impact the exterior appearance of the property and is an appropriate use in this R-3 High Density District. The apartments range in size from 323 sq. ft. and 574 sq. ft. in size. The unit size is partially offset by the 10' tall ceilings, crown moldings, and other finishes the applicant plans to retain or install in the units.

3. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance? Yes No X

Finding: The applicant originally considered creating two-bedroom apartments, but decided to create larger, one-bedroom apartments instead. Each of the three floors has four units each, two on either side of the hallway. The layout and subsequent size of the units is constrained by the existing configuration of this historic building. There is no feasible alternative to the variance that would allow for the conversion to one-bedroom apartments.

4. Is the requested variance substantial? Yes ___ No X

Finding: The variance request is not substantial as the majority of the twelve apartment units are at least 400 sq. ft. in size.

5. Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood? Yes ___ No X

Finding: The project will not have an adverse impact on the physical and environmental conditions of the neighborhood. The use of the building for residential will likely create less traffic and noise than the former use of the building as a school.

6. Is the alleged difficulty self-created? Yes ___ No X

Finding: The variance request for smaller units derives primarily from the existing constraints of the building and are therefore, not a self-created difficulty.

Record of Vote:

D. Carr	Approve
R. Khaleel	Absent
D. O'Brien	Approve
J. O'Donnell	Absent
M. Tilton	Approve
E. Van Dusen	Approve

This decision was based on the following testimony and evidence:

Testimony:

Support:

Ray Trotta
John Lembach

Opposition:

None

Evidence:

Staff Report
City Property Information Map
Area Variance Application and Statement of Difficulty
Subdivision Map
Site Plan
Floor Plans
Photos
Letter from the Park-Meigs Neighborhood Association, dated 01/21/16
Personal Appearance Notice, Affidavit of Notification and Speaker's List



City of Rochester

Neighborhood and Business Development
City Hall Room 125B, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

Bureau of Planning
and Zoning

February 4, 2016

Ugur Ozturkoglu
103 Vassar Street
Rochester, NY 14607

Re: Extension Request for Variance Approval V-081-13-14 (101-103 Vassar Street)

Dear Mr. Ozturkoglu:

On June 12, 2014, the Zoning Board of Appeals (ZBA) approved an area variance request to legalize the expansion of a 3-family dwelling into the 3rd floor, thereby expanding a nonconforming use in the R-1 District.

The Director of Planning and Zoning granted a time request, extending the variance approval until December 27, 2015.

Pursuant to Section 120-182E(2)(i) of the Zoning Code, the ZBA must make a recommendation to the Director of Planning and Zoning regarding any additional time extensions. On January 21, 2016, the ZBA recommended denying an additional time extension. Taking this recommendation under advisement, your request for another time extension is **DENIED**.

Your property will remain in code enforcement until such time that the third floor is deconverted or legalized. You must obtain a building permit to deconvert use of the third floor. If you would like to obtain a building permit or have any questions regarding this letter, please contact Jill Symonds, Senior City Planner at (585) 428-7364 or Jill.Symonds@CityofRochester.gov.

Sincerely,

Zina Lagonegro, EIT, AICP
Director of Planning and Zoning

cc: Gary Kirkmire, Director, Inspections and Compliance, City of Rochester

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