

ZONING BOARD OF APPEALS DECISION GRID
JANUARY 15, 2015

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-052-14-15: To establish live entertainment in an existing bar/restaurant.	519 Thurston Road	6-0-0	APPROVED on condition
V-059-14-15: To waive the off-street parking requirement associated with the establishment of a place of worship.	500 Lyell Avenue	6-0-0	APPROVED
V-060-14-15: To waive the off-street parking requirement associated with the legalization of a place of worship and to legalize the two existing signs.	293 Bay Street	6-0-0	APPROVED with lesser relief
V-061-14-15: To legalize an existing deck in the side yard.	87 Sanford Street	6-0-0	APPROVED on condition
V-062-14-15: To convert a portion of an open front porch to living space and to waive the front yard setback.	26 Ellison Street	6-0-0	APPROVED on condition
V-063-14-15: To legalize an existing front yard parking area for a three-family dwelling and to waive the associated lot coverage.	646 University Avenue	6-0-0	APPROVED
V-064-14-15: To legalize a parking area in the rear yard of a single-family dwelling that exceeds the lot coverage requirements.	69 Crittenden Blvd	6-0-0	APPROVED with lesser relief
V-065-14-15: To legalize the four space, front yard parking area of a single family dwelling.	1046 Genesee Street	HELD to February 19, 2015 hearing	
V-066-14-15: To demolish a single car garage and replace it with a two-car garage.	91 Independence Street	6-0-0	APPROVED
V-067-14-15: To remove and replace two wall signs that do not meet the sign requirements.	265 Hayward Avenue	HELD to February 19, 2015 hearing	

Zoning Board Members Present: D. O'Brien, J. O'Donnell, D. Carr, R. Khaleel, D. Turner, E. Van Dusen
Absent: M. Tilton

DISTRIBUTION:

L. Warren D. Smith D. Algarin H. Washington A. Guzzetta Zoning Staff
G. Kirkmire V. Wehbring T. Mann J. Brennan NSC Administrators

CONDITIONS:

V-052-14-15 (519 Thurston Road):

Live entertainment to be conducted Sunday through Wednesday until 10:00 pm and Thursday through Saturday until 1:00 am.

V-060-14-15 (293 Bay Street):

The sign located above the door must be removed.

V-061-14-15 (87 Sanford Street):

Additional blacktop cannot be added to the rear yard.

V-062-14-15 (26 Ellison Street):

- 1) The window trim on the windows on the addition must match those on the second floor of the dwelling.
- 2) A window must be added to the north side of the addition. This window must be the same size as those facing Ellison Street.
- 3) A trellis, matching the existing front porch, must be added to the front of the addition in order to conceal the solid foundation.
- 4) Landscaping must be installed in front of the addition to soften the appearance of the trellis and the foundation.

V-064-14-15 (69 Crittenden Blvd):

The asphalt area behind the house must be reduced to a 10' x 20' area. The excess asphalt must be removed and restored to grass.

**ZONING BOARD OF APPEALS DECISION GRID
FEBRUARY 19, 2015**

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-072-14-15: To waive the off-street parking requirement associated with the change of use from a Laundromat to a place of worship.	678 North Street	6-0-0	APPROVED
V-070-14-15: To install a driveway that is 10' x 26' and results in front yard parking.	19 Menlo Place	6-0-0	APPROVED on condition
V-071-14-15: To legalize an existing solid wood fence in the front yard of a single family home that is 4' in height along Handy Street.	91 Independence Street	6-0-0	APPROVED on condition
V-065-14-15: To legalize the four space, front yard parking area of a single family dwelling.	1046 Genesee Street	6-0-0	APPROVED with lesser relief
V-067-14-15: To remove and replace two wall signs that do not meet the sign requirements.	265 Hayward Avenue	6-0-0	APPROVED on condition
V-055-13-14: To install an 8'4" high detached LED message board, not meeting the sign requirements.	1775 East Avenue	6-0	REHEARING request granted

Zoning Board Members Present: D. O'Brien, J. O'Donnell, D. Carr, R. Khaleel, M. Tilton, E. Van Dusen
Absent: D. Turner

DISTRIBUTION:

L. Warren D. Smith D. Algarin H. Washington A. Guzzetta Zoning Staff
G. Kirkmire V. Wehbring T. Mann J. Brennan NSC Administrators

CONDITIONS:

V-070-14-15 (19 Menlo Place):

The driveway must be moved over so that it is 2' from the west lot line. The driveway cannot extend beyond the front wall of the house. The recommendations outlined in the email from Jenny Ames, dated 02/17/15, regarding mitigation of the stress on the cherry tree when the driveway is installed must be followed. These include:

- Watering the tree is essential both prior to and after installation of the driveway;
- During excavation of the driveway, ensure that any tree roots are cleanly cut and not dug with a backhoe or other equipment;
- Any exposed tree roots need to be covered with wet burlap until they are able to be properly covered with soil.

V-071-14-15 (91 Independence Street): The fence must be painted or stained white.

V-065-14-15 (1046 Genesee Street): The existing driveway is approved. The gravel front yard parking area must be removed.

V-067-14-15 (265 Hayward Avenue): The 24' x 20" blade sign facing Braggs Alley must contain white lettering and brick red accents on a black background with white and black trim to match the 24' x 3' attached sign on the building facing Railroad Street. The round 28" x 25" pedestrian oriented blade sign (option A) facing Railroad Street must be installed.

**ZONING BOARD OF APPEALS DECISION GRID
MARCH 19, 2015**

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-073-14-15: To construct an 8,500 sq. ft. single-story office building that does not meet front yard setback and bulk requirements.	1341 Portland Avenue	5-0-0	APPROVED
V-074-14-15: To construct a 3-story, 60-unit, 63,000 sq. ft. apartment building that does not meet front yard setback, fence height, and parking requirements.	267 Monroe Avenue	5-0-0	APPROVED with lesser relief
V-075-14-15: To install internally illuminated signs for Bruegger's and Great Northern Pizza.	1400 Mt. Hope Avenue	5-0-0	APPROVED
V-076-14-15: To install a second 3'6" x 4' double face internally illuminated monument sign for "7-11"	923 S. Clinton Avenue	5-0-0	APPROVED
V-077-14-15: To construct a 3,475 sq. ft. one-story addition to an existing church that does not meet building coverage, front, side and rear yard setback, and parking requirements.	694 Hudson Avenue	5-0-0	APPROVED
V-078-14-15: To re-establish the rights to a 2-family dwelling.	29 Spiegel Park	5-0-0	APPROVED
V-055-13-14: To modify a condition from the previous approval regarding a detached sign with LED message board.	1775 East Avenue	5-0-0	APPROVED on condition

Zoning Board Members Present: D. O'Brien, J. O'Donnell, D. Carr, M. Tilton, D. Turner
Absent: R. Khaleel, E. Van Dusen

DISTRIBUTION:

L. Warren	D. Smith	D. Algarin	H. Washington	A. Guzzetta	Zoning Staff
G. Kirkmire	V. Wehbring	T. Mann	J. Brennan	NSC Administrators	

CONDITIONS:

V-074-14-15 (267 Monroe Avenue):

The fence can be no higher than 4' tall with 4'9" brick piers.

V-055-13-14 (1775 East Avenue):

The 4th condition of the original approval, issued February 24, 2014, which read, "the text on the sign can only be changed once per day" is deleted and replaced with the following, "the sign message can only change once per hour".

**ZONING BOARD OF APPEALS MINUTES
APRIL 23, 2015**

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-079-14-15: To add accessory passenger vehicle sales to the existing repair operation.	525 West Avenue	5-0-0	APPROVED on condition
V-080-14-15: To install a 4' x 6' hanging sign and a 2' x 6' attached sign for "Goodman Hots and Pizzeria".	1709 Clifford Avenue	5-0-0	APPROVED with lesser relief
V-081-14-15: To install an 11' tall detached sign that provides LED gas pricing and has a sign face that is 5' x 4'.	994 St. Paul Street	HELD pending redesign of proposed sign	
V-082-14-15: To establish an outdoor seating area in front of the building for Roc Brewing Co.	54 S. Union Street	5-0-0	APPROVED with lesser relief and on condition
V-083-14-15: To install a driveway that is 10' x 29' and results in front yard parking.	59 Pollard Avenue	4-1-0	APPROVED on condition
V-084-14-15: To raise the roof of an existing two-family dwelling, thereby expanding a non-conforming use.	112 Southview Terrace	5-0-0	APPROVED on condition
V-085-13-14: To construct a 19,500 square foot, one-story brewery building (Three Heads Brewing).	186 Atlantic Avenue	5-0-0	APPROVED on condition

**Zoning Board Members Present: D. O'Brien, J. O'Donnell, D. Carr, M. Tilton, E. Van Dusen
Absent: R. Khaleel**

DISTRIBUTION:

L. Warren	B. Muhammed	D. Algarin	H. Washington	A. Guzzetta	Zoning Staff
G. Kirkmire	V. Wehbring	T. Mann	J. Brennan	NSC Administrators	

CONDITIONS:

V-079-14-15 (525 West Avenue):

- Landscaping must be provided at the northeast corner of the parcel.
- Existing landscape planters must be maintained.
- Parking spaces closest to Grover St. residences can only be used by employees.
- Employee parking must be clearly indicated either with signs or the words "employee parking" painted on the pavement, or both.
- Business signs must be brought into compliance.
- A business permit (and/or secondhand dealer's license) must be obtained.

- The Zoning Board is in support of the recommendation made in the May 20, 2014 Department of Environmental Services memo from Albert Giglio to Terry Mott, to reduce the driveway openings to 24', subject to review and approval by the Director of Planning and Zoning with regard to proper site planning requirements.
- If the curb cuts are reduced to 24' wide, the pipe rail must be extended between curb openings.

V-080-14-15 (1709 Clifford Avenue):

The applicant can install one sign only, the 4' x 6' projecting sign.

V-082-14-15 (54 S. Union Street):

- The sidewalk café is not permitted.
- The hours of operation for the outdoor seating are from 8:00 am to 10:00 pm.
- There can be a maximum of 20 people in the outdoor seating area.
- There can be no music or live entertainment.
- There can be no waitress service in the outdoor seating area.
- The benches along the north and south perimeter must be eliminated (i.e. only the benches shown on the elevation dated 06/13/12 that are adjacent to the tables are permitted).

V-083-14-15 (59 Pollard Avenue):

The landscaping shown on the site plan dated 04/16/15 must be installed.

V-084-14-15 (112 Southview Terrace):

Revised elevations must be submitted to the Director of Planning and Zoning for review and approval, including the following changes:

- The front porch must be restored to an open front porch, per the definition in the Zoning Code. The porch must also include stairs down to grade.
- Landscaping must be installed along the front of the house, to the north of the porch.
- The pattern of windows must meet the intention of the residential design guidelines in section 120-160 of the Zoning Code (e.g. two windows, spaced apart, on the second floor façade facing Southview Terrace; a double-hung window in the gable).

V-085-14-15 (186 Atlantic Avenue):

The masonry façade on the east elevation must be installed per the elevation drawing submitted at the hearing.

ZONING BOARD OF APPEALS MINUTES
May 21, 2015

CASE #	ADDRESS	DECISION	RECORD OF VOTE
V-081-14-15: to install a 6' tall monument sign with a 4' x 4' sign face that provides LED gas pricing for "St. Paul Convenience Store", not meeting certain sign requirements.	994 St. Paul Street	APPROVED	5-0-0
V-086-14-15: To install a 4' x 10' attached sign for "Wu's Discount", not meeting certain sign requirements.	531 Lyell Avenue	APPROVED ON CONDITION	5-0-0
V-087-14-15: To install a 28' x 45' parking area in the front yard of a multi-family dwelling, not meeting certain parking requirements.	363 Lake Avenue	DENIED	0-5-0
V-088-14-15: To legalize the conversion of an attached, single-car garage to living space, thereby resulting in front yard parking.	518 Hillside Avenue	HELD <i>pending receipt of additional information from applicant.</i>	
V-089-14-15: To construct an 8,500 square foot addition for the Boys and Girls Club, not meeting setback, building and lot coverage, fence, sign, and accessory use requirements.	500 and 480 Genesee Street 497, 477, and 473 Hawley Street	APPROVED	5-0-0
V-090-14-15: To waive the distance separation requirement associated with the establishment of a high-impact use (i.e. CVS Pharmacy), and to waive certain building placement, setback, height, and transparency requirements.	1431 Mt. Hope Avenue	APPROVED: <i>building placement, setback and height.</i> HELD: <i>transparency and distance separation until June 25, 2015 Hearing.</i>	4-0-0 (RK recused)
V-091-14-15: To construct a 600 square foot addition to the front of an existing low-impact bakery, to be used as an accessory seating area, not meeting the minimum required building height, nor off-street parking requirements.	1195 N. Clinton Avenue	APPROVED ON CONDITION	5-0-0

Zoning Board Members Present: D. O'Brien, J. O'Donnell, D. Carr, M. Tilton, R. Khaleel
Absent: E. Van Dusen

DISTRIBUTION:

L. Warren B. Muhammed D. Algarin H. Washington A. Guzzetta Zoning Staff
G. Kirkmire V. Wehbring T. Mann J. Brennan NSC Administrators

CONDITIONS:

V-086-14-15 (531 Lyell Avenue):

The sign shall be 3' x 15' and include trim or edging and only contain the business name.

V-091-14-15 (1195 N. Clinton Avenue):

The addition shall be re-designed as presented to the ZBA at the hearing.

ZONING BOARD OF APPEALS MINUTES
June 25, 2015

CASE #	ADDRESS	DECISION	RECORD OF VOTE
P-003-14-15: To appeal the issuance of Certificate of Zoning Compliance #1150582 to construct a 15' x 20.5' sunroom addition to the side of an existing single family dwelling.	235 Browncroft Blvd.	DENIED (Director's Decision Upheld)	1-5-0
P-004-14-15: To appeal the denial of Certificate of Zoning Compliance #1150722 to maintain use of the property as a two-family dwelling by proving that the structure has been structurally altered to such an extent that it is impracticable to restore such structure to its built-as condition.	390 Hayward Ave.	DENIED (Director's Decision Upheld)	1-5-0
V-058-14-15: To establish a sit-down restaurant with a drive-thru operation for Dunkin' Donuts, both having hours of operation from 5:00 am to 11:00 pm, a prohibited use in the C-1 zone, and to waive certain site requirements for the drive through component, parking lot design, and sign limitations.	3885 Lake Ave.	APPROVED ON CONDITION	6-0-0
V-088-14-15: To legalize the conversion of an attached, single-car garage to living space, thereby resulting in front yard parking.	518 Hillside Ave.	APPROVED	5-1-0
V-090-14-15: To waive the distance separation and transparency requirements associated with the establishment of a high-impact use (i.e. CVS Pharmacy).	1431 Mt. Hope Ave.	APPROVED ON CONDITION	5-0-0 (RK recused)
V-092-14-15: To legalize the expansion of an existing sit-down restaurant into a portion of the second floor, thereby expanding a nonconforming use, and not meeting the off-street parking requirements.	1054 S. Clinton Ave.	APPROVED ON CONDITION	6-0-0
V-093-14-15: To establish a high impact retail store, a prohibited use in the H-V zone, and not meeting the transparency requirement.	118 Petten St.	DISMISSED BY THE CITY LAW DEPARTMENT	
V-094-14-15: To construct a 7' x 16'8" one-story addition to the rear of an existing three family dwelling, thereby exceeding lot coverage limitations.	61 Westminster Rd.	APPROVED	6-0-0
V-095-14-15: To legalize the change in use of the property from a 4-family dwelling to a 6-family dwelling, a prohibited use in the zone, and not meeting certain dwelling unit conversion standards.	1303-1305 Dewey Ave.	DENIED	0-6-0
V-096-14-15: To convert a vacant machine shop to a single family dwelling, not meeting certain lot, area, and yard requirements.	63 Greenleaf St.	APPROVED ON CONDITION	6-0-0

<p>V-097-14-15: To construct a 14' x 15' addition to the rear of the existing sit-down restaurant, thereby expanding a nonconforming use, and to legalize the use of a previously approved 14' x 18' stairwell/storage addition as restaurant space (kitchen), also an expansion of a nonconforming use.</p>	<p>564 Merchants Rd.</p>	<p>APPROVED ON CONDITION</p>	<p>6-0-0</p>
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Zoning Board Members Present: D. O'Brien, J. O'Donnell, D. Carr, M. Tilton, R. Khaleel, E. Van Dusen

DISTRIBUTION:

L. Warren	B. Muhammed	D. Algarin	H. Washington	A. Guzzetta	Zoning Staff
G. Kirkmire	V. Wehbring	T. Mann	J. Brennan	NSC Administrators	

CONDITIONS:

V-058-14-15 (3885 Lake Ave.)

- 1) Hours of operation for the restaurant and the drive-thru shall be 6:00am to 11:00pm;
- 2) A solid 6 ft. fence shall be installed on the west property line to buffer the drive-thru operation;
- 3) Evergreens shall be planted on the neighboring side of the fence (if the city approves);
- 4) No pole sign is permitted;
- 5) Building signage shall be externally illuminated;
- 6) Awnings shall not include any text or graphics;
- 7) Final dumpster design shall be approved by the Director of Planning and Zoning through Site Plan Review.

V-090-14-15 (1431 Mt. Hope Ave.)

The window awnings should be raised to the top of the window and either project out farther or have a steeper slant to cover pedestrians walking below.

V-092-14-15 (1054 S. Clinton Ave.)

There shall be no residential units in the building.

V-096-14-15 (63 Greenleaf St.)

- 1) Garage door and loading dock shall either be converted to an infill window leading to a raised planting bed or sliding doors leading to a patio or deck, etc.;
- 2) Replace glass block windows with "traditional" windows, either single or double hung;
- 3) Existing gravel driveway needs to be edged so that there is a clear delineation between the driveway and the rest of the area in front of the rear structure; restoring that area to grass would be preferable.

V-097-14-15 (564 Merchants Rd.)

Prior condition of removing the asphalt between the building/outdoor seating area and the sidewalk along Merchants and Wyand frontages still remains.

ZONING BOARD OF APPEALS MINUTES
July 23, 2015

CASE #	ADDRESS	DECISION	RECORD OF VOTE
V-001-15-16: To install a 4' high fence in the front yard of a House of Worship, a portion of which will be chain link.	676 Hudson Ave	Approved on Condition	5-0-0
V-002-15-16: To legalize an enclosed porch not meeting the front yard setback requirements and City Wide Design Guidelines	170 Leigh Ave	DENIED	0-5-0
V-003-15-16: To legalize the expansion of the 2 nd floor apartment into the 3 rd floor, thereby expanding a nonconforming use, and to legalize the lot coverage limitation.	20 Alliance Ave	Expansion approved on condition Lot coverage granted lesser relief	4-1-0 5-0-0
V-004-15-16: To construct a new 24' x 31' detached garage that is not subordinate to the principal structure and exceeds lot coverage limitations	598 Cedarwood Terr	Withdrawn by applicant	n/a
V-005-15-16: To construct an addition connecting a detached garage to the principal structure thereby making it part of the principal structure which does not meet setback requirements.	165 Croyden Rd	APPROVED ON CONDITION	5-0-0
V-006-15-16: To construct a retail store (Family Dollar) that exceeds the maximum 6,000 square foot permitted for a principal structure.	205-217 Lyell Ave	APPROVED	4-1-0
V-007-15-16: To construct a retail store (Family Dollar) that exceeds the maximum 6,000 square foot permitted for a principal structure and does not meet the rear yard setback requirement.	715, 731, 737 W Main St	HELD	
V-008-15-16: To construct a grocery store (ALDI Food) not meeting certain setback, bulk and sign requirements and not meeting certain Citywide Design Guidelines.	235-245 N Winton Rd and 650 658 Blossom Rd	ADJOURNED BY APPLICANT	n/a

Zoning Board Members Present: D. O'Brien, J. O'Donnell, M. Tilton, R. Khaleel, E. Van Dusen (D. Carr absent)

DISTRIBUTION:

L. Warren	B. Muhammed	D. Algarin	H. Washington	A. Guzzetta	Zoning Staff
G. Kirkmire	V. Wehbring	T. Mann	J. Brennan	NSC Administrators	

CONDITIONS:

V-001-15-16 (676 Hudson Ave)

The chain link fence must be black vinyl clad to match the black metal picket fence along the street frontage

V-003-15-16 (20 Alliance Ave)

- 1) The 3rd floor bathroom must be removed and the space incorporated into living space
- 2) Asphalt beyond 20' in width from the side of the garage and the rear yard area beyond the rear wall line of the garage and that area restored to grass.

V-005-15-16 (165 Croyden Rd)

Only a single direction step permitted and patio rail to be decorative, both of which are subject to approval of the Director of Zoning.

ZONING BOARD OF APPEALS MINUTES
August 20, 2015

CASE #	ADDRESS	DECISION	RECORD OF VOTE
V-009-15-16: To construct an 18' x 22' patio in the side yard of a single family dwelling, not meeting setback requirements.	81 Beckwith Terrace	Approved	4-0-0
V-010-15-16: To expand an existing driveway by 6', thereby creating a front yard parking area.	33 Morven Road	Approved on Condition	4-0-0
V-011-15-16: To legalize the change in use of non-residential floor area and 7 apartments to a total of 10 apartments, not meeting certain dwelling unit conversion standards.	17-19 Pullman Ave	Approved on Condition	4-0-0
V-012-15-16: To replace an existing detached sign with a new, approximately 7.3' x 5' internally lit detached sign, exceeding the size limitations and certain design standards.	905 Culver Rd	Approved on condition	4-0-0
V-008-15-16: To construct a grocery store (ALDI Food) not meeting certain setback, bulk and sign requirements and not meeting certain Citywide Design Guidelines.	235-245 N Winton Rd and 650-658 Blossom Rd	POSTPONED at the request of the applicant until the September 24, 2015 Hearing	

Zoning Board Members Present: D. O'Brien, J. O'Donnell, M. Tilton, R. Khaleel,
Absent: E. Van Dusen and D. Carr

DISTRIBUTION:

L. Warren B. Muhammed D. Algarin H. Washington A. Guzzetta Zoning Staff
G. Kirkmire V. Wehbring T. Mann J. Brennan NSC Administrators

CONDITIONS:

V-010-15-16 (33 Morven Rd)

The material used for the expansion must also be used to replace the existing driveway.

V-011-15-16 (17-19 Pullman Ave)

Changes to the pattern, size and materials of windows and siding must be undertaken, and landscaping provided in the rear of the building, all of which is to be approved by the Director of Planning and Zoning.

V-012-15-16 (905 Culver Rd)

The maximum height of the sign shall be 6'6" with top portion (white background) not to exceed 3'4" and the sign to be located 10' back from the front property line.

ZONING BOARD OF APPEALS MINUTES
September 24, 2015

CASE #	ADDRESS	DECISION	RECORD OF VOTE
<u>V-013-15-16:</u> To waive certain additional requirements associated with the request to establish a recycling center.	1650 Dewey Avenue	Approve on Condition	5-0-0
<u>V-014-15-16:</u> To establish use of the property as a hookah lounge, a high-impact use, not meeting the distance separation requirements.	143 State Street	Approve	5-0-0
<u>V-015-15-16:</u> To expand an existing 2 nd floor apartment into the 3 rd floor, thereby expanding a nonconforming 3-family use.	3371 Lake Avenue	Deny	0-5-0
<u>V-016-15-16:</u> To re-establish use of the property as a 2-family dwelling that lost its rights due to an extended period of vacancy.	192 Jerold Street	Deny	0-5-0
<u>V-017-15-16:</u> To enclose an open front porch, a prohibited activity under the City Wide Design Guidelines.	530 Wellington Avenue	Deny	0-5-0
<u>V-018-15-16:</u> To waive certain lot, area, yard and parking requirements associated with the construction of a 5-space parking area in the front yard to serve a proposed residential care facility.	531 Post Avenue	Postponed to October 22, 2015 Hearing Pending City Planning Commission Decision	
<u>V-007-15-16:</u> To construct a retail store (Family Dollar) that exceeds the maximum 6,000 square foot permitted for a principal structure and does not meet the rear yard setback requirement.	715, 731, 737 W. Main Street	Postponed to October 22, 2015 Hearing Pending City Planning Commission Decision	
<u>V-008-15-16:</u> To construct a grocery store (ALDI Food) not meeting certain setback, bulk and sign requirements and not meeting certain Citywide Design Guidelines.	235-245 N Winton Rd and 650-658 Blossom Rd	Approve on Condition	4-1-0
<u>V-019-15-16:</u> To waive the parking lot landscape and design requirements associated with the establishment of accessory vehicle sales at an existing repair facility.	202 and 208 Burrows Street	Deny	0-5-0

Zoning Board Members Present: D. O'Brien, M. Tilton, R. Khaleel, E. Van Dusen, D. Carr
Absent: J. O'Donnell

DISTRIBUTION:

L. Warren	B. Muhammed	D. Algarin	H. Washington	A. Guzzetta	Zoning Staff
G. Kirkmire	V. Wehbring	T. Mann	J. Brennan		NSC Administrators

CONDITIONS:

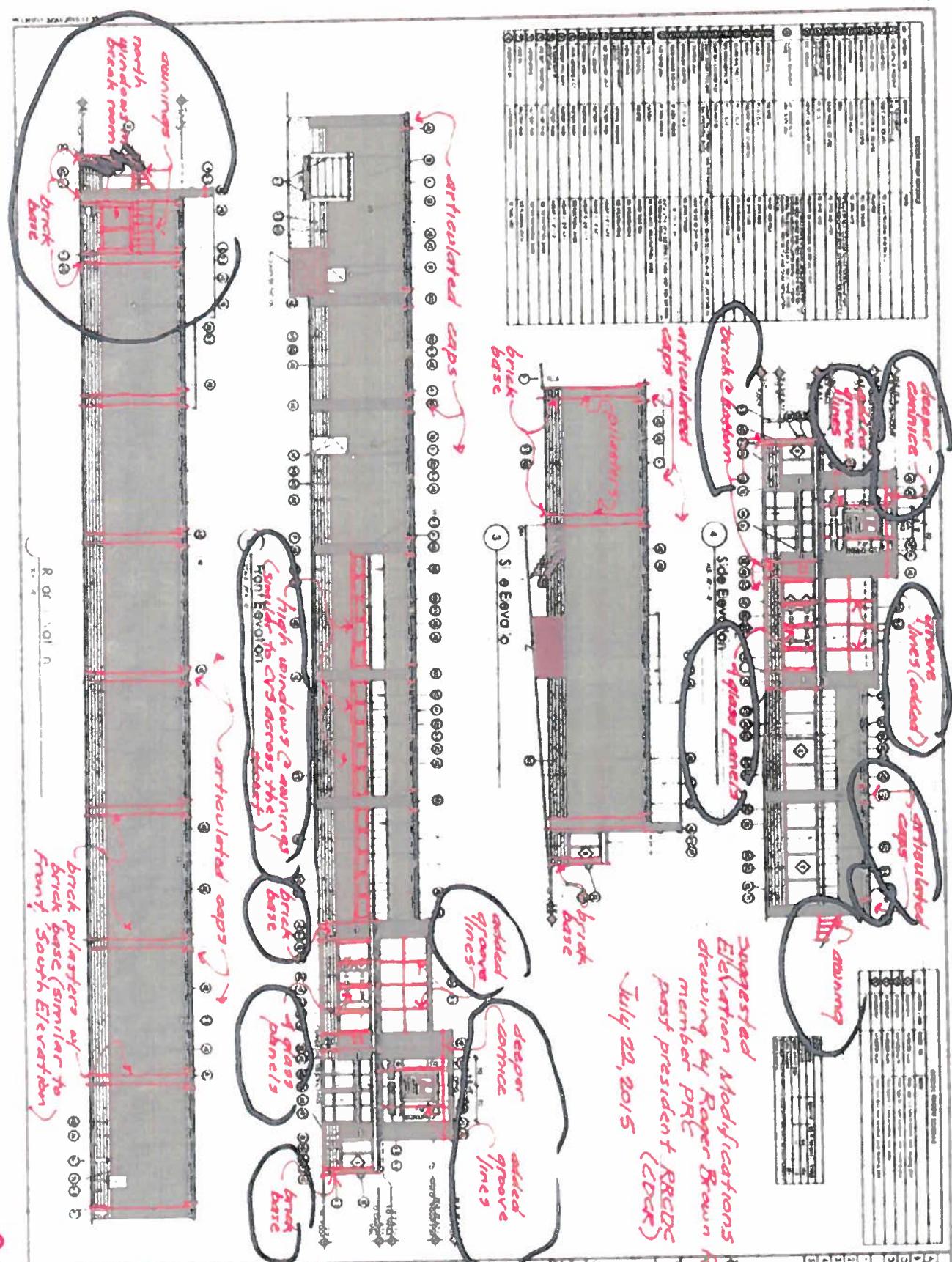
V-013-15-16 (1650 Dewey Avenue)

All storage of materials must occur inside the building. The hours of operation are limited to 9:00 am to 7:00 pm, Monday to Saturday and 10:00 am to 4:00 pm on Sunday.

V-008-15-16 (235, 237, 239, 245 N. Winton Rd and 650, 658 Blossom Rd)

Changes to the site plan and elevations are required, per the attached drawing.

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Suggested Elevation Modifications
 drawing by Roger Brown AIA
 member PRC
 past president (2008)
 July 22, 2015

<p>AID INC. ARCHITECTS 13-01 2A CEE</p>	<p>APD Engineering & Architecture, PLLC 1111 1st St. Raleigh, NC 27601</p>	<p>AID INC. ARCHITECTS 13-01 2A CEE</p>
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ZONING BOARD OF APPEALS MINUTES
October 22, 2015

CASE #	ADDRESS	DECISION	RECORD OF VOTE
<u>V-020-15-16:</u> To expand the existing driveway of a 2-family.	1349 Culver Road	Approve on condition	4-0-0
<u>V-021-15-16:</u> To expand the existing driveway of a 3-family.	403 Thurston Road	Approve on condition	4-0-0
<u>V-022-15-16:</u> To legalize four, 6' tall fences used to screen garbage toters in the front yard of a multi-family dwelling.	449 Meigs Street	Held to the Nov. 19, 2015 hearing	
<u>V-023-15-16:</u> To install an internally illuminated sign for "Roc Harbor Clam Co".	490 River Street	Held to the Nov. 19, 2015 hearing	
<u>V-024-15-16:</u> To install three signs for Acme Bar & Pizza.	493-495 Monroe Avenue	Approve on condition	4-0-0
<u>V-025-15-16:</u> To install two signs for Yager's bar/restaurant.	510 Monroe Avenue	Approve on condition	4-0-0
<u>V-026-15-16:</u> To replace the sign faces on the 23'-8" tall pole signs for Speedway at each location.	771-777 Monroe Avenue 1849 East Avenue 440 Lake Avenue	Postponed to the Nov. 19, 2015 hearing	
<u>V-027-15-16:</u> To waive certain lot, area, and yard requirements associated with the construction of a 2-family dwelling and a 2-car garage with a studio apartment above.	37 Eagle Street	Deny	3-1-0
<u>V-028-15-16:</u> To legalize the enclosure of an open front porch on a single family dwelling.	148 Marlborough Road	Approve on condition	4-0-0
<u>V-029-15-16:</u> To install approximately 1.3 acres of solar panels in the front yard of the GM facility (along Driving Park).	1000 Lexington Avenue	Approve on condition	4-0-0
<u>V-018-15-16:</u> To waive certain lot, area, yard and parking requirements associated with the construction of a 5-space parking area in the front yard to serve a proposed residential care facility.	531 Post Avenue	Application withdrawn (as a result of a denial from the City Planning Commission)	
<u>V-007-15-16:</u> To construct a retail store (Family Dollar) that exceeds the maximum 6,000 square foot permitted for a principal structure and does not meet the rear yard setback requirement.	715 W. Main Street	Application withdrawn (as a result of a denial from the City Planning Commission)	

Zoning Board Members Present: D. O'Brien, M. Tilton, R. Khaleel, E. Van Dusen
Absent: D. Carr, J. O'Donnell

DISTRIBUTION:

L. Warren	B. Muhammed	D. Algarin	H. Washington	A. Guzzetta	Zoning Staff
G. Kirkmire	V. Wehbring	T. Mann	J. Brennan	NSC Administrators	

CONDITIONS:

V-020-15-16 (1349 Culver Road)

The driveway expansion must consist of permeable pavers (i.e. some kind of porous material). Landscaping and a walkway must be installed, the final design of which shall be approved by the Director of Planning & Zoning.

V-021-15-16 (403 Thurston Road)

To delineate the patio from the proposed driveway expansion and to ensure that parking does not occur on the patio, a fence, hedge, low wall, etc. must be installed between the northeast corner of the garage and the dwelling.

V-024-15-16 (493-495 Monroe Avenue)

The pendant sign must be installed on one of the pillars on either side of the building.

V-025-15-16 (510 Monroe Avenue)

The height of the sign must be reduced from 48" to 44". Reducing the height of the sign will enable one more piece of clapboard to be visible beneath the sign, giving it a more centered placement on the building.

V-028-15-16 (148 Marlborough Road)

The following conditions, recommended by the 19th Ward Community Association in their letter dated October 22, 2015, apply to the enclosure of the porch:

1. Substantial amounts of clear glass windows.
2. Windows that are arranged in banks of double-hung windows. Each window should be taller than they are wide.
3. If a door is installed, at least half should be transparent; fully transparent doors are preferable.
4. Any existing column or pillar shall be retained.
5. Limiting solid wall area to underneath the windows. Window sills should be no higher than the typical porch railing of 30-32" above the floor.
6. Retention of existing porch supports and porch skirting (latticework, etc).
7. Under no circumstances should this porch be used as sleeping quarters.

V-029-14-15 (1000 Lexington Avenue)

The applicant shall provide the Zoning Board with a review of the installation and impact of the solar panels approximately one year after they have been installed. This review shall include information regarding the construction and installation costs of the solar panels, the estimated and resulting energy targets, etc.

ZONING BOARD OF APPEALS MINUTES
November 19, 2015

CASE #	ADDRESS	DECISION	RECORD OF VOTE
V-030-15-16: Construct an attached 4-car garage in rear yard of 3-family dwelling.	71 Rutgers Street	Held to the 12/17/15 hearing pending additional information	
V-031-15-16: Establish use of third floor as a separate dwelling unit in an existing 2-family dwelling.	73 Luzerne Street	Denied	1-3-0
V-032-15-16: Install a 6' tall solid wood fence in the front yard of a single family dwelling.	852 & 846 Exchange Street	Approved on Condition	4-0-0
V-023-15-16: To install an internally illuminated sign for "Roc Harbor Clam Co".	490 River Street	Held by the City	
V-026-15-16: To replace the sign faces on the 23'-8" tall pole signs for Speedway at each location.	771-777 Monroe Avenue 1849 East Avenue 440 Lake Avenue	Postponed to the 12/17/15 hearing at the applicant's request	
V-022-15-16: To legalize four, 6' tall fences used to screen garbage totes in the front yard of a multi-family dwelling.	449 Meigs Street	Denied	0-4-0
V-027-15-16: To demolish the existing building and construct a new 9,000 sq. ft. church. Request was approved on condition on 10/24/13: <i>The parking agreement between School #22 and the church must be fully executed and approved by the City School District and submitted to the Director of Planning and Zoning. This variance request does not include a fence.</i> The applicant submitted a parking agreement with Grace Unity Fellowship Church instead and requested that the condition be modified.	975 Joseph Avenue	Condition Modified and Approved	4-0-0
V-028-15-16: To install three signs for Acme Bar & Pizza. Request was approved on condition on 10/22/15: <i>the pendant sign must be installed on one of the pillars on either side of the building.</i> Applicant requested that the condition be removed and pendant sign installed above the door, as originally proposed.	493-495 Monroe Avenue	Condition Removed and Approved	4-0-0

Zoning Board Members Present: D. Carr, D. O'Brien, J. O'Donnell, E. Van Dusen
Absent: R. Khaleel, M. Tilton

DISTRIBUTION:

L. Warren	B. Muhammed	D. Algarin	H. Washington	A. Guzzetta	Zoning Staff
G. Kirkmire	V. Wehbring	T. Mann	J. Brennan	NSC Administrators	

CONDITIONS:

V-032-15-16 (852 & 846 Exchange Street)

The fence must be setback 3 ft. from the property line along Violetta Street. The 6 ft. tall fence must include 18 inches to 2 ft. of lattice (or some degree of transparency) along the top portion of the fence. The 4 ft. fence in front of the house may be extended along Exchange Street to better connect the front and side yards of the property.

V-027-15-16 (975 Joseph Avenue)

~~The parking agreement between School #22 and the church must be fully executed and approved by the City School District and submitted to the Director of Planning and Zoning.~~ This variance request does not include a fence.

V-024-15-16 (493-495 Monroe Avenue)

~~The pendant sign must be installed on one of the pillars on either side of the building.~~

ZONING BOARD OF APPEALS MINUTES
December 17, 2015

***AMENDED 12/23/15**

CASE #	ADDRESS	DECISION	RECORD OF VOTE
<u>V-008-15-16:</u> Re-open the hearing solely to allow Zoning Board members to certify on the record that they have reviewed testimony from the hearings from which they were absent.	235, 237, 239, 245 N. Winton Road, 650, 658 Blossom Road	Approved on Condition	**See Below
<u>P-001-15-16:</u> Appeal the denied Certificate of Zoning Compliance to re-establish use of the property as a two-family dwelling.	81 Orange Street	Denied (Director's Decision Upheld)	0-5-0
<u>V-033-15-16:</u> Establish use of the property as a multi-family dwelling.	965 Monroe Avenue	Approved with Lesser Relief	5-0-0
<u>V-034-15-16:</u> Change use from a full-line food store to a high-impact retail by adding lotto.	1218 Jay Street	Denied	0-5-0
<u>V-035-15-16:</u> To legalize the change in use from a two-family dwelling to a three-family dwelling and to legalize the expansion of the rear yard parking area.	18 Sumner Park	Denied	3-family: 0-5-0 Parking: 1-4-0
<u>V-036-15-16:</u> Replace existing fence, not meeting fence requirements.	158 Vassar Street	Approved on Condition	5-0-0
<u>V-037-15-16:</u> Construct a 165 sq. ft. addition to the rear of the single family dwelling.	100 Ellicott Street	Approved	5-0-0
<u>V-038-15-16:</u> Install two, internally illuminated signs for "Family Dollar" and one, internally illuminated medallion sign.	205 and 215 Lyell Avenue	Approved	5-0-0
<u>V-026-15-16:</u> To replace the sign faces on the 23'-8" tall pole signs for Speedway at each location.	771-777 Monroe Avenue 1849 East Avenue 440 Lake Avenue	771-777 Monroe Ave and 1849 East Ave Withdrawn by Applicant 440 Lake Ave Approved with Lesser Relief and on Condition	5-0-0 (Lake Ave Only)
<u>V-030-15-16:</u> Construct a 4-car attached garage in the rear yard of a 3-family dwelling.	71 Rutgers Street	Approved with Lesser Relief and on Condition	5-0-0

Zoning Board Members Present for Case #1:

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

Zoning Board Members Present for Cases #2 - 10:

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

DISTRIBUTION:

L. Warren	B. Muhammed	D. Algarin	H. Washington	A. Guzzetta	Zoning Staff
G. Kirkmire	V. Wehbring	T. Mann	J. Brennan	NSC Administrators	

**** V-008-15-16 (235, 237, 239, and 245 N. Winton Road and 650, 658 Blossom Road)**

Motion #1: Vote: 5-0-1

To rescind the Board's decision dated October 13, 2015 and filed October 14, 2015 and to re-open the hearing solely for the purpose of permitting Board members who were absent from one or more of the prior hearings where the matter was heard, to certify for the record that they have fully familiarized themselves with the record of the hearings. No additional testimony or written evidence will be accepted.

Motion #2: Vote: 5-0-1

- 1) To adopt the record, including all testimony and written evidence, from the hearings held on July 23, August 20, and September 24, 2015, and;
- 2) To accept the certifications made by Board members David Carr and Eric Van Dusen

Motion #3: Vote: 4-1-1

- 3) To adopt the Resolution and Findings as set forth in the October 14, 2015 Decision document, including all conditions of the prior decision, as the Resolution and Findings of Fact and conditions of this Decision, and;
- 4) To approve the area variance requests for 235, 237, 239, and 245 N. Winton Road and 650, 658 Blossom Road.

	Motion #1	Motion #2	Motion #3
D. Carr	Approve	Approve	Approve
R. Khaleel	Approve	Approve	Deny
D. O'Brien	Approve	Approve	Approve
J. O'Donnell	Abstain	Abstain	Abstain
M. Tilton	Approve	Approve	Approve
E. Van Dusen	Approve	Approve	Approve

CONDITIONS:

V-033-15-16 (965 Monroe Avenue)

The following configuration is approved: 1st floor, two 1-bedroom units; 2nd floor, two 1-bedroom units; 3rd floor, one studio unit. The 3rd floor attic studio can only occupy the front portion of the building, per the attached floor plan. The asphalt in the side yard that is reserved for snow removal must be removed per the attached drawing and the area restored to green space.

V-036-15-16 (158 Vassar Street)

The fence must be stained within one year of being installed. The picket fence cannot exceed 42" in height at any point, and the board-on-board fence cannot exceed 6' in height.

V-026-15-16 (440 Lake Avenue)

The freestanding sign is approved for a maximum height of 15' with a sign face of 8' x 6'-2". The LED portion of the sign can only be used for gas pricing and cannot be flashing. The area surrounding the base of the freestanding sign must be landscaped, which is to be approved by the Director of Planning and Zoning.

V-030-15-16 (71 Rutgers Street)

The 3-car attached garage is approved on condition that the architectural details are consistent with the existing house.

ZONING BOARD ELECTION

D. O'Brien and M. Tilton were re-appointed as chair and vice-chair respectively.