



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

March 3, 2016

Loretta Spezio
Regional Gravel Products, Inc.
8222 Route 5 & 20
P.O. Box 65
West Bloomfield, NY 14585

Location: 111 Industrial Street
Zoning District: CCD-C Center City – Cascade-Canal District
File Number: V-046-15-16
Vote: 4-2-0

NOTICE OF DECISION

In the matter of the request to consider the economic hardship associated with the proposal to store trucks and equipment on the vacant lot at 111 Industrial Street to serve the existing paving and trucking company located at 100-106 Industrial Street, please take notice that at the Zoning Board of Appeals meeting held on February 18, 2016, said application was **APPROVED**.

The next step in the process is to apply for site plan review (please see application, enclosed). If you have any questions or concerns, 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: Kurt B. Odenbach, 28 E. Main St., Suite 700, Rochester, NY 14614

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Resolution and Findings of Fact:

1. Can the applicant realize a reasonable return as shown by competent financial evidence? Yes ___ No X

Finding: In testimony, an employee of Regional Gravel Products explained that there have been two offers to purchase the property since the owner, Joseph Spezio, passed away in 2012. In 2013, there was an offer of \$180,000 from Spoleta Construction. The offer was contingent on finding someone to construct a building within a year. As this did not occur, the sale did not go through. In 2015, Tandoi Asphalt & Sealcoating Inc. made an offer on the property of \$80,000. Mr. Tandoi would like to purchase the property to store trucks and equipment associated with his asphalt and paving company that is currently located at 100-106 Industrial Street.

A real estate agent testified that the prospects for development of this parcel are limited, given its location outside of the Inner Loop and across the street from a lumber yard.

In testimony, Mr. Tandoi also noted that he has obtained a quote of \$840,000 to construct a building on the property in order to store his trucks and equipment.

Given the challenge of selling the property and the cost to construct a building, the Zoning Board determined that there is financial hardship on the property.

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:

Kurt Odenbach
T.J. Cushetto
Michael Tandoi
Ritamarie Dreimiller

Opposing Testimony:

None

Evidence:

Staff Report and Variance Application

GIS Property Location Map

Use Variance Statement of Income and Expense

Use Variance Statement of Unnecessary Hardship

Email from Tandoi Asphalt & Sealcoating, dated 01/11/16

Letter from Michael Marafioti, dated 01/04/16

Two letters from Regional Gravel Products, dated 01/13/16

Quote from Globalsoft Environmental, Inc. dated 10/08/15

Subdivision Map

Aerial Photos

Site Plan Map

Google Earth Photos

Letter from Cascade Historic District, dated 02/16/16

Personal Appearance Notice, Affidavit of Notification and Speakers' List



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Bureau of Planning
and Zoning

March 3, 2016

P. Reffell
130 White Street
Rochester, NY 14608

Location: 130 White Street
Zoning District: C-3 Regional Destination Center District
File Number: V-047-15-16
Vote: 6-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to legalize a change in use from office to church on the first floor of this building, not meeting the off-street parking requirements, please take notice that at the Zoning Board of Appeals meeting held on February 18, 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 Certificate of Occupancy is obtained and maintained. 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: Abib T. Conteh, P.O. Box 7253, Albany, NY 12224

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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?** Yes X No

Finding: In testimony, the applicant explained that the use of the property as a church would be a positive force in the neighborhood. White Street is quiet and does not have a lot of traffic. In addition, the applicant obtained a parking agreement from the First Niagara bank to use their parking lot when the bank is closed on Sundays from 7:00 am to 6:00 pm. The bank is located across the street from the church and according to the applicant, there are at least 15 parking spaces in this lot. The parking agreement mitigates the impact of the variance request.

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

Finding: Most of the congregants do not own cars and will be walking to the church. The majority of church activities will take place on Sunday, when there is not a great demand for parking at the First Niagara Bank. The church is expected to have a minimal parking impact, and will therefore, not create an undesirable change in 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 building takes up much of the parcel, leaving no room for off-street parking. To accommodate the need for parking, the applicant obtained approval from First Niagara Bank to use the parking lot on Sundays.

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

Finding: The variance request is to waive 15 parking spaces, which is based on having a total of 68 seats in the church. According to the applicant, there are currently only 25 members of the church, however, they will provide the additional 43 seats in case the congregation grows. The Zoning Board determined that this is not a substantial variance request.

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

Finding: Church members can walk, take transit, or drive to the church. Those who own cars and choose to drive can park across the street at the First Niagara Bank. Making use of an existing parking lot is preferable to developing more parking for the church since it anticipates needing it only one day a week. The variance request to waive the parking requirement will not have an adverse impact on the physical or environmental conditions of the neighborhood.

6. Is the alleged difficulty self-created?

Yes ___ No X

Finding: The parcel is landlocked and therefore, it is not possible to develop on-site parking. The inability to add parking to the site is not a self-created difficulty.

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:

Abib T. Conteh
P. Reffell

Opposing Testimony:

None

Evidence:

Staff Report
Area Variance Application and Statement of Difficulty
City Property Information Map
Survey Map
Floor Plans
Photographs
Email from Ronald Penders, Administrator for the NW NSC, dated 01/25/16
Personal Appearance Notice, Affidavit of Notification and Speakers' List



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Bureau of Planning
and Zoning

March 3, 2016

Askar Salem
Mount Read Gas
430 Mt. Read Blvd
Rochester, NY 14611

Location: 430 Mt. Read Blvd
Zoning District: R-1 Low-Density Residential District
File Number: V-048-15-16
Vote: 6-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to install a 3' x 5' internally illuminated attached sign for "Chester's" take-out food, which is located in a high-impact retail store with gas sales and to legalize the existing signs on the gas canopy and pumps, not meeting certain sign requirements, please take notice that at the Zoning Board of Appeals meeting held on February 18, 2016, said application was **APPROVED on condition:**

The following signs are approved: 1) the existing "Gulf" signs on two sides of the gas canopy, 2) the existing signs on both sides of the gas pumps; and 3) the proposed, internally-illuminated sign for "Chester's".

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 detriment to the health, safety and welfare of the neighborhood or the community? Yes X No

Finding: The proposal will enable the applicant to retain the existing “Gulf” signs on the gas canopy and gas pumps (see image, below) and to install a new sign on the building for “Chester’s”. These signs are fairly minimal given the overall dimensions of the site (86’ x 185’). More than one sign is needed to identify the gas brand (Gulf) and to identify a key product sold within the store (Chester’s Chicken). The signs on the gas canopy and pumps are not illuminated. However, the proposed “Chester’s” sign will be internally illuminated as it is set back approximately 60’ from the public right-of-way. Overall, the variance request does not result in any significant detriments to the health, safety and welfare of the neighborhood and community.



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

Finding: The subject property is a nonconforming use located on a busy section of Mt. Read Blvd. The “Gulf” signs are typical for a gas station, and the “Chester’s” sign is appropriately scaled to the size of the building. The signs are reasonable for a gas station and retail use and will not impact 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 subject property has a 185’ frontage along Mt. Read Blvd and almost entirely paved. The property is on the corner of Mt. Read Blvd and Jay Street and has vehicle access from both streets. The single-story building has a frontage of approximately 45’. Given the configuration of the parcel, it is not possible to install a single sign for both services (gas and retail) that would be visible to motorists while remaining under 15 sq. ft.

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

Finding: The signage is typical for this type of business operation and for a site that is accessed from two streets. Therefore, the Zoning Board determined that the request is not substantial.

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

Finding: The variance request will not result in any adverse physical or environmental impacts such as noise, odor, or flashing lights.

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

Finding: The variance for the proposed signage is required because of the nature of the operation and its multiple uses.

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:

Aymun Shalibi
Askar Salem

Opposing Testimony:

None

Evidence:

Staff Report
Area Variance Application
City Property Information Map
Statement of Difficulty
Sign rendering
Google Earth images
Email from Ronald Penders, NW NSC Administrator, dated 01/25/16
Personal Appearance Notice, Affidavit of Notification and Speakers' List



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Bureau of Planning
and Zoning

March 3, 2016

Speedway, Inc.
500 Speedway Drive
Enon, OH 45323

Location: 771-777 Monroe Avenue and 1849 East Avenue
Zoning District: C-2 Community Center District
File Number: V-049-15-16
Vote: 6-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to remove the existing 24' tall pole sign and replace it with a 6' tall monument sign with LED gas pricing for Speedway at each of the above locations, not meeting certain sign requirements, please take notice that at the Zoning Board of Appeals meeting held on February 18, 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

cc: Betsy D. Brugg, Esq., 2 State Street, Rochester, NY 14614

Philadelphia Sign, 707 W. Spring Garden St., Palmyra, NJ 08065

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Resolution and Findings of Fact:

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

Finding: The variance request is to install a 6' tall monument sign with LED gas pricing at both locations. The monument signs are 2' taller than what is permitted by the Zoning Code, but the extra height will enable Speedway to remain visible during the winter months when snow accumulates. In addition, the removal of the existing 24' tall pole signs will improve the visual character of both properties. Therefore, the benefits to the applicant of this request outweigh any detriment to the community.

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

Finding: Both locations have an existing, internally illuminated, 24' pole sign with a 96 sq. ft. sign face. The variance proposal will reduce the height of the sign to 6' and the sign face to 24 sq. ft. (less than what is permitted by Code). Replacing the manual price signs with LEDs and adding landscaping to the base will improve the appearance of the sign. Therefore, the variance request will enhance the visual impact of the site and is a positive change on both Monroe and East Avenue.

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

Finding: Speedway purchased the Hess operation and is required to rebrand it from Hess to Speedway. The applicant needs a visible price and logo sign at each location in order to convey price information to customers and passing traffic. The 6' tall monument sign will be visible along both Monroe and East Avenue and will prevent snow accumulation from obstructing the logo and LEDs in the winter.

4. Is the requested variance substantial? Yes No X

Finding: The requested sign height is not substantial in amount, nature, or impact. The replacement sign will significantly reduce the height and area of the existing sign at both locations. The new sign will only be 2' taller than what is permitted and the sign face will be smaller than what is permitted. This variance is minimal, in light of the nature of the gas station use, the need for visible price and branding signage, and the need to address seasonal snow accumulation.

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

Finding: The proposed variance will not have any adverse impact on the physical or environmental conditions in either neighborhood. The signage variance will allow Speedway to appropriately identify the business operation and price information without any adverse impact to the district or neighborhood. The reduced size, LEDs, and new landscaping will enhance the physical and environmental conditions along Monroe and East Avenue.

6. Is the alleged difficulty self-created?

Yes X No ___

Finding: The variance is not self-created. The variance was required as a result of the need to rebrand the signage to reflect the change in the business operation from Hess to Speedway, and due to the nature of the gas station business. Both of the existing gas stations are located on intersections that are close to a highway on-ramp. There are also existing, large buildings in close proximity to the properties, such that the signs need to stand out and be seen by drivers. The existing conditions of the properties create the need for a 6' tall sign. The driving public needs to clearly see gas price and brand information to be able to make a quick decision about where and whether or not to stop.

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:

Daniel Brennan
John Lembach
Andy Lautenbacher

Opposing Testimony:

None

Opposing Testimony:

None

Evidence:

Staff Report

Letter of support from the Park-Meigs Neighborhood Association, dated 02/15/16

Personal Appearance Notice, Affidavit of Notification and Speakers' List

771-777 Monroe Avenue

Area Variance Application
City Property Information Map
Letter of Intent
Sign Rendering, dated 01/06/16
Site Plan
Google Earth image

1849 East Avenue

Area Variance Application
City Property Information Map
Letter of Intent
Sign Rendering, dated 01/06/16
Site Plan
Google Earth image



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Bureau of Planning
and Zoning

March 3, 2016

Razy Kased
As-Sunnah Masjid
P.O. Box 90752
Rochester, NY 14609

Location: 490 N. Goodman Street
Zoning District: C-2 Community Center District
File Number: V-051-15-16
Vote: 6-0-0

NOTICE OF DECISION

In the matter for the request for an Area Variance to renovate the front façade of the existing place of worship, not meeting the city-wide design standards, please take notice that at the Zoning Board of Appeals meeting held on February 18, 2016, said application was **APPROVED on condition:**

The façade renovation must use the heaviest, reinforcing mesh EIFS available in order to reinforce the EIFS from the transom down. The 2' water table at the base of the building must be maintained according to the elevation submitted at the 02/18/16 hearing. The additional windows proposed in the elevation submitted at the 02/18/16 hearing are required.

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

cc: Reza Hourmanesh, 333 Glen Haven Rd., Rochester, NY 14609

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Resolution and Findings of Fact:

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

Finding: Transparency: The subject property is a place of worship, which does not have the need for large storefront windows along N. Goodman Street. The building was donated to the organization, and they have been working to restore it, e.g., they have recently removed the vinyl cladding and roll-down shutters.

The original submission would have reduced the transparency from 232 to 112 sq. ft. At the hearing, the applicant submitted a revised proposal to include additional windows that increase the transparency to 144 sq. ft. The proposed façade renovation will improve the overall appearance of the building, which is a benefit to the community.

EIFS: The variance approval on condition strikes a balance between the need for durable materials on the first floor of the building and finding a cost effective means for improving the façade. The Zoning Board conditions require the applicant to retain the 2' water table and use the heaviest reinforced EIFS. These conditions will contribute to the longevity of the façade improvement. The requested variance will not be a detriment to the health, safety or welfare of the community.

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

Finding: Transparency: The variance request to reduce the amount of transparency will not change the character of the neighborhood. The traditional retail façade is not conducive to the use of the property as a place of worship. Some new windows will be installed to retain the connection with the street and sidewalk and contribute to enlivening this walkable neighborhood.

EIFS: The buildings immediately to the south of the subject property have been nearly completely boarded up on the ground floor. The investment in the façade renovation at 490 N. Goodman Street will improve the character of the area and will enhance the visual character of the block.

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

Finding: Transparency: The retention of the storefront glass is not conducive to a place a worship, and therefore, there is no feasible alternative. To mitigate the request, the applicant will increase the transparency from 112 sq. ft. to 144 sq. ft. by installing semi-circle windows above the already proposed windows.

EIFS: The applicant considered retaining the brick portion of the façade. However, the brick appears to be spalling and is in bad shape.

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

Finding: Transparency: The proposed façade renovation will change the appearance of the building from a retail storefront with two entrances to more of a place of worship with just one entrance. The building will have new windows and a substantially improved appearance. Overall, the request is not substantial.

EIFS: The use of EIFS on the first floor is mitigated by the variance conditions imposed by the Zoning Board, and as a result, the request is not substantial.

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

Finding: Transparency & EIFS: The variance request will have a positive impact on the physical conditions of the neighborhood by improving the visual impact of the façade and creating a more welcoming appearance along the street. There are no environmental impacts associated with this request.

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

Finding: Transparency & EIFS: Both variances are self-created, however, this does not override the benefits of granting the request.

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:

Razy Kased
Reza Hourmanesh

Opposing Testimony:

None

Evidence:

Staff Report
Area Variance Application
City Property Information Map
Statement of Difficulty
Survey Map and Elevation
Google Earth Map
Photographs
Memo from Jason Haremza, Sr. Planner/Urban Design Specialist, dated 02/08/16
Letter of Support from Beechwood Neighborhood Coalition, dated 02/16/16
Revised Elevation submitted at the hearing on 02/16/16
Personal Appearance Notice, Affidavit of Notification and Speakers' List



City of Rochester

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Bureau of Planning
and Zoning

March 3, 2016

Reza Hourmanesh
GRH
333 Glen Haven Road
Rochester, NY 14609

Location: 835 W. Main Street (aka 849 W. Main Street)
Zoning District: C-2 Community Center District
File Number: V-052-15-16
Vote: 6-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to legalize the combination of two retail spaces in the Bull's Head Plaza resulting in a low-impact retail store of 8,200 sq. ft., thereby exceeding the 6,000 sq. ft. size limitation for a principal use in the district, please take notice that at the Zoning Board of Appeals meeting held on February 18, 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. Please contact Jill Symonds at Jill.Symonds@CityofRochester.gov or 585-428-7364 or to obtain a Building Permit and/or Certificate of Occupancy.

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?** Yes X No

Finding: The existing Kicks & Caps clothing and shoe store is 3,480 sq. ft. The proposed expansion will increase the floor space to a total of 8,200 sq. ft. The expansion will allow the retailer to provide a wider range of merchandise to the public. The applicant would like to renovate the space, which includes the installation of new windows along West Main and Genesee Streets. The expansion will be an asset to the neighborhood by activating a vacant portion of the building and by enhancing the façade.

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 existing building is located at a major intersection in the neighborhood. The proposed expansion will enhance the existing store through an interior renovation and increased transparency. Since the proposed expansion of the store is occurring within an existing building, there is no undesirable change in the character of the area.

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

Finding: In order to provide an extended line of clothing and shoes for shoppers, the Kicks & Caps tenant space must be increased. Rather than expanding into the vacant retail space next door, the applicant could move into a larger space in the plaza or relocate altogether. However, the existing location is right on the corner of W. Main Street and Genesee Street and is highly visible to drivers and pedestrians alike. There is no alternative to the proposed variance that would allow the applicant to expand while retaining his existing location.

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

Finding: The existing building is approximately 85,000 sq. ft. and is located on a 4 acre parcel. There are several tenant spaces that exceed the 6,000 sq. ft. limitation for the C-2 zoning district. The proposed expansion will occur within the building and is not expanding the footprint. Therefore, the Zoning Board determined that the request is not substantial and is mitigated by the addition of more windows.

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

Finding: The variance will not result in any noise, fumes, or other negative physical or environmental impact. The variance request will improve the façade along W. Main Street and Genesee Street, which will have a physical benefit to the neighborhood by enlivening the street front.

6. Is the alleged difficulty self-created?

Yes X No ___

Finding: The variance request is a self-created difficulty, however, it is not of sufficient concern to override the benefits of granting this request.

Record of Vote:

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

This decision was based on the following testimony and evidence:

Testimony:

Support:

Reza Hourmanesh

Opposition:

None

Evidence:

Staff Report
City Property Information Map
Area Variance Application and Standards
Site Plan
Floor Plans
Elevations
Google Earth photo
Personal Appearance Notice, Affidavit of Notification and Speakers' List



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Rochester, New York 14614-1290
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Bureau of Planning
and Zoning

March 3, 2016

Nasser Ahmed
110 Field Wood Drive
Rochester, NY 14609

Location: 247 N. Clinton Avenue
Zoning District: CCD-B Center City – Base District
File Number: V-053-15-16
Vote: 0-6-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to establish use of the property as a high-impact retail store, not meeting the distance separation requirements, please take notice that at the Zoning Board of Appeals meeting held on February 18, 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

cc: Al Hamilton, 1511 South Avenue, Rochester, NY 14620

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? Yes ___ No X

Finding: The applicant would like to open a high-impact retail store selling lotto, tobacco, and other products such as cold and hot drinks and snack food. In testimony, it was explained that the applicant started investing in the preparation of the retail space prior to receiving a permit from the City. To date, the applicant has spent \$20,000 renovating the space. The variance request would benefit the applicant by allowing him to recoup his investment more quickly.

However, the proposed high-impact retail store is located across the street from the Urban League of Rochester, which provides services to developmentally challenged adults as well as 80 young students. According to the President and CEO of the Urban League, this is a busy intersection with very limited parking. The parking challenges along with the vulnerable population being served by the Urban League are not compatible with the proposed high-impact use. The Zoning Board determined that this variance request would have a negative impact on the health, safety and welfare of the neighborhood.

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 across the street from the Grey Hound Bus Depot and near an on-ramp to the Inner Loop. This block is a gateway to downtown. The proposed 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 open a low-impact retail store at this location and sell hot and cold drinks, snack food, and beer, if desired.

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

Finding: Given the location between an existing high-impact retail store and the Urban League of Rochester, the variance request is substantial.

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 pawnbrokers. 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.

Establishing a high-impact use at this location may worsen existing physical and environmental conditions, as described above.

6. Is the alleged difficulty self-created?

Yes X No ___

Finding: The applicant could open a low-impact retail store at this location. The desire to sell lotto and tobacco is a self-created difficulty.

Record of Vote:

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

This decision was based on the following testimony and evidence:

Testimony:

Support:

Nasser Ahmed
Bart Girangaya
Dimitri Galitzzy

Opposition:

William Clark
Brian Coutu

Evidence:

Staff Report
City Property Information Map
Area Variance Application and Standards
Floor Plans
Photographs
Petition in favor of opening a store at 255 N. Clinton, including 52 signatures
Email of opposition from William Clark, dated 02/01/16
Letter of opposition, undated, anonymous
Email of opposition from Brian Coutu, dated 02/17/16
Photographs submitted by William Clark at the hearing on 02/18/16
Personal Appearance Notice, Affidavit of Notification and Speakers' 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

March 3, 2016

Torbin Arend
CVS Rochester, LLC
7 Jackson Walkway
Providence, RI 02903

Location: 1431 Mt. Hope Avenue
Zoning District: C-V Collegetown Village District
File Number: V-054-15-16
Vote: 5-0-0 (Khaleel recused)

NOTICE OF DECISION

In the matter of the request for an Area Variance to waive certain sign requirements associated with the sign package for the proposed CVS pharmacy with drive-thru, please take notice that at the Zoning Board of Appeals meeting held on February 18, 2016, said application was **APPROVED with lesser relief and on condition:**

**The base of the monument sign must use brick that matches the building.
The proposed sign on the west elevation (i.e. facing the parking lot) is denied.**

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

cc: Poyant, 125 Samuel Barnet Blvd., New Bedford, CT 02745

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Resolution and Findings of Fact:

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

Finding: The sign package includes a 60 sq. ft., internally illuminated sign on the south, west and east elevations; two canopy signs for the drive-thru; a directional sign; a 6' tall, detached monument sign (sign face is 17 sq. ft.); and window graphics located on internal display boards on three windows on both the parking lot (west elevation) and Mt. Hope Avenue façades. The Zoning Board approved the sign package with the exception of the attached sign on the west elevation (i.e. facing the parking lot) and on condition that the detached monument sign includes a brick base. The Zoning Board determined that the sign on the west elevation was unnecessary and that the monument sign would better withstand the weather and require less maintenance by having a brick base.

The new building will take up most of the vacant corner along Mt. Hope Avenue and Crittenden Boulevard. The proposed signs are appropriately scaled to the architecture of the building and will contribute to the existing, pedestrian-oriented, urban shopping street context of Mt. Hope Avenue. The sign package will not have any detriments to the health, safety or welfare of the community.

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

Finding: Given the size of the building and its proximity to other multistory structures, the proposed sign package is reasonable. The size, location, and number of signs will not produce an undesirable change in 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 applicant considered installing externally illuminated signs on the building in order to maintain consistency with the Collegetown development. However, gooseneck lighting is not consistent with the other lights that will be installed on the building.

In addition, the Zoning Board did not approve the attached sign facing the parking lot (west elevation), as noted above. Otherwise, there is no alternative that would allow the applicant to install necessary signs for a pharmacy and drive-thru.

4. Is the requested variance substantial? Yes No X

Finding: The proposed sign package is not substantial given the size and location of the building along this busy, commercial corridor. The building has two frontages, and the public parking area is at the side and rear of the building. The proposed signs are necessary for visibility of the business and to provide information on how to access the drive-thru.

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

Finding: The variance does not result in any adverse impact such as noise, odor, or flashing lights.

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

Finding: While the difficulty is self-created, multiple signs in several locations are necessary for visibility and to identify the location of the drive-thru.

Record of Vote:

D. Carr	Approve with lesser relief and on condition
R. Khaleel	Recused
D. O'Brien	Approve with lesser relief and on condition
J. O'Donnell	Approve with lesser relief and on condition
M. Tilton	Approve with lesser relief and on condition
E. Van Dusen	Approve with lesser relief and on condition

This decision was based on the following testimony and evidence:

Supporting Testimony:

Todd Hamula
Gary McCay

Opposing Testimony:

None

Evidence:

Staff Report
Area Variance Application
City Property Information Map
Sign Renderings
Elevation
Site Plan
Photos
Letter of support from the Park-Meigs Neighborhood Association, dated 02/15/16
Personal Appearance Notice, Affidavit of Notification and Speakers' List



City of Rochester

Neighborhood and Business Development
City Hall Room 125B, 30 Church Street
Rochester, New York 14614-1290
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Bureau of Planning
and Zoning

March 3, 2016

Mr. Robert Morgan
Morgan Management LLC
1080 Pittsford-Victor Road
Pittsford, NY 14534

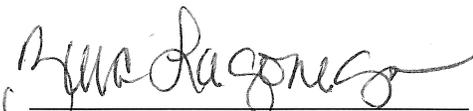
Re: Extension of Variance Approval for 1341 Portland Avenue (V-073-14-15)

Dear Mr. Morgan:

I am in receipt of your application for a time extension request for the variance “to construct an 8,500 sq. ft., single-story office building that does not meet the front yard setback or bulk requirements”, at the above location. At the March 19th, 2015 Zoning Board of Appeals hearing, the variance was approved.

Pursuant to Section 120-182E(2)(i) of the Zoning Code, the Director of Planning and Zoning is authorized to grant extensions of time for a period not to exceed the length of the original period of the decision or one year. For any additional time limit extensions, the appropriate approval body shall be notified and shall make a recommendation to the Director. **Your request for an extension has been granted for one additional year, until March 19, 2017.**

If you have any questions regarding this letter, please contact Jill Symonds, Senior City Planner at (585) 428-7364 or Jill.Symonds@CityofRochester.gov.



Zina Lagonegro, EIT, AICP
Director of Planning & Zoning

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cc: Betsy Brugg, Woods Oviatt Gilman, 700 Crossroads Building, 2 State Street, Rochester, NY 14614
Jason Haremza, Bureau of Planning and Zoning

