# ZONING BOARD OF APPEALS
# STAFF REPORT
# April 21, 2016

## Area Variance

**Case # 1:** Staff Reviewer: Jill Symonds

**File Number:** V-066-15-16

**Applicant:** Torben Arend

**Project Address:** 1431 Mount Hope Avenue

**Zoning District:** C-V Collegetown Village District

**Section of Code:** 120-177

**Request:** **To modify a condition from the previously approved sign package. The proposal is to install a third attached sign on the west elevation in lieu of the proposed monument sign.**

**Analysis:** The applicant came before the Zoning Board of Appeals on February 18, 2016, with a sign package for CVS pharmacy. The sign package 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.

The applicant is proposing to eliminate the monument sign while also retaining the third attached sign located on the west elevation. The remainder of the sign package would remain the same.

**Code Compliance:** Section 120-177 permits the following signs:

- 1 attached sign identifying uses or services on the premises that includes 0.5 square foot in area for every foot of the building frontage per street frontage. The third attached sign is not facing a building frontage **(area variance required).**
- Internal illumination is not permitted on the parking lot façade **(area variance required).**

**Code Enforcement:** The subject property is not in code enforcement.

## PROJECT INFORMATION

**PLEASE TYPE OR PRINT**

1. **PROJECT ADDRESS(ES):** 1431 Mt. Hope

2. **APPLICANT:** Torben Arend **COMPANY NAME:** CVS Rochester, LLC

   **ADDRESS:** 7 Jackson Walkway **CITY:** Providence **ZIP CODE:** 02903

   **PHONE:** 401-456-5526 **FAX:** _____

   **E-MAIL ADDRESS** tarend@gilbaneco.com

   **INTEREST IN PROPERTY:** **Owner** ☑ via ground lease **Lessee** ☐ **Other** ☐

3. **PLAN PREPARER:** Poyant

   **ADDRESS:** 125 Samuel Barnet Blvd **CITY:** New Bedford **ZIP CODE:** 02745

   **PHONE:** 800-544-0961 **FAX:** _____

4. **ATTORNEY:** _____

   **ADDRESS:** _____ **CITY:** _____ **ZIP CODE:** _____

   **PHONE:** _____ **FAX:** _____

   **E-MAIL ADDRESS** _____

5. **ZONING DISTRICT:** C-V Collegetown Village

6. **DETAILED PROJECT DESCRIPTION (additional information can be attached):**
   Signage package for the new CVS Pharmacy

7. **LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:)** 1 year

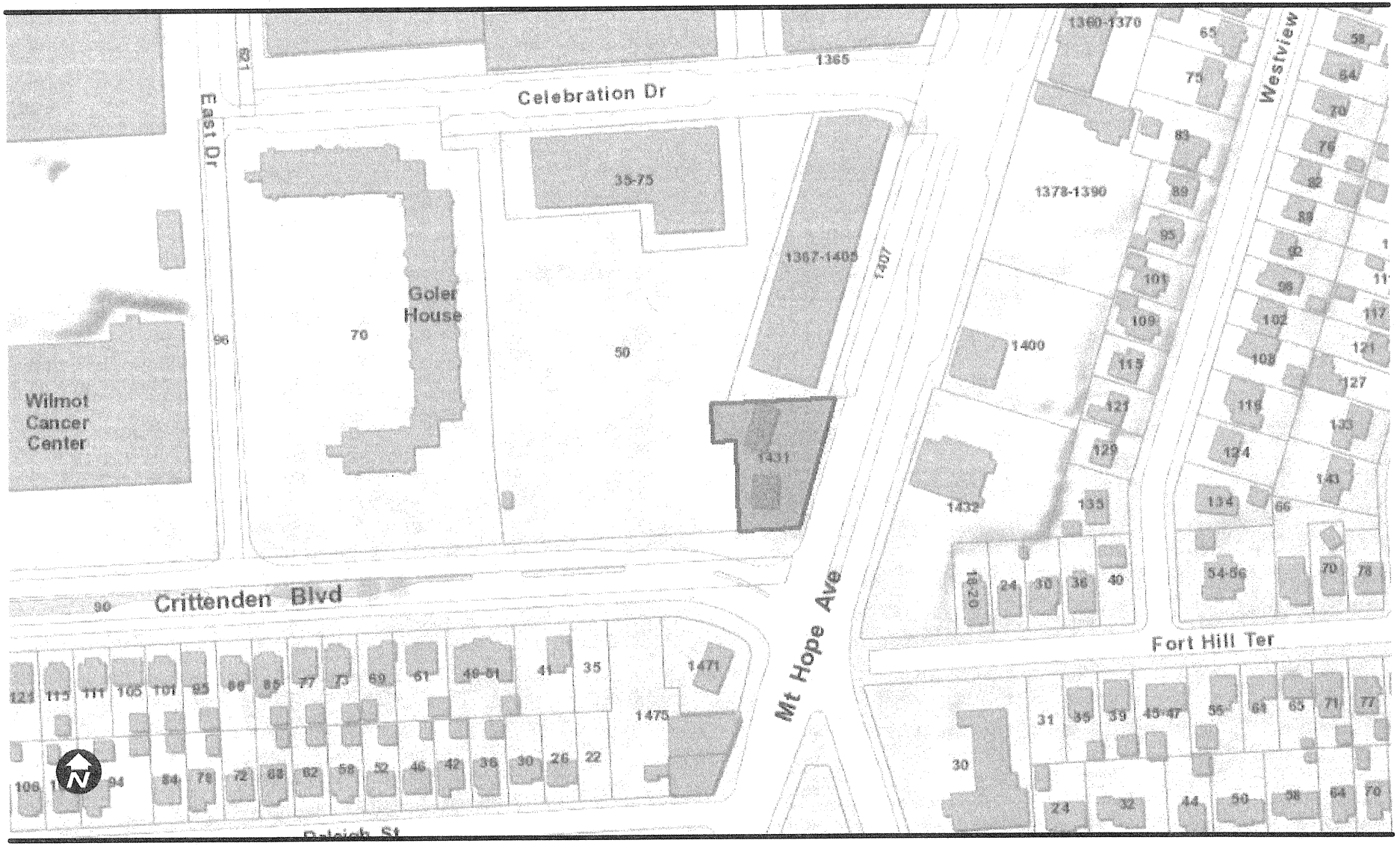
**APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.**

**SIGNATURE:** _____ **DATE:** 1/12/16

**OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.**

**SIGNATURE:** _____ **DATE:** _____

# 1431 MT HOPE AV




**February 5, 2016**

This map is intended for general reference only.

The City of Rochester makes no representation as to the accuracy or fitness of the data presented.

City of Rochester, NY

City of Rochester, NY
*Lovely A. Warren, Mayor*

City of Rochester, NY

# AREA VARIANCE
# STATEMENT OF DIFFICULTY
## Section 120-195B(4)(b)

**An area variance shall be granted only if the applicant can establish the existence of EACH of the following conditions:**

**A. Benefits.** The benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community by the granting of the variance.

A pharmacy with a drive through lane is considered to be a benefit to the community. The signage shown will help serve the public with wayfinding of and into the new store, its drive thru lane, and requisite parking. There are no detriments seen to health, safety or welfare of the neighborhood. The corner as designed for the new CVS will be a great improvement compared with the prior use or with the current site.

**B. Essential character of the area.** No undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the variance.

The signage shown is consistent in size, design and character with the rest of the Collegetown development, as well as the other retail establishments along the proximate section of Mt. Hope.

**C. No other remedy.** There is no other means feasible for the applicant to pursue, other than the granting of this area variance.

The area variance is the appropriate course for the request, to allow for the signage as shown on plans 1.1-1.5. The signage along Crittenden is within 3sf of complying. The proposed signage facing the parking area helps identify and orient pedestrians to the parking lot pedestrian entrance. The monument sign is in keeping with similar signs in the project and helps anchor and identify the primary parking field for this store.

D. **Significance**. The requested variance is not substantial.

The requested variance is not substantial, in that the project sits on a prominent corner and the signage is in scale and keeping with the building and the area.

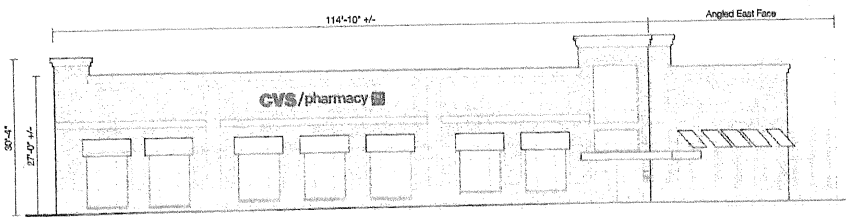
E. **Physical and environmental conditions**. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The requested variance for signage does not present an adverse effect on the physical or environmental conditions in the Collegetown Village District, and should benefit customers by orienting them to the pedestrian entries, drive through and parking areas.

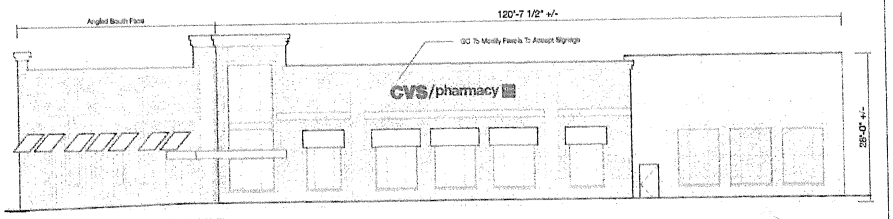
F. **Not self created**. The alleged difficulty was not self created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance.

The signage shown is in keeping with the elevations and drawings that have been used for all neighborhood and city meetings and city filings to date.

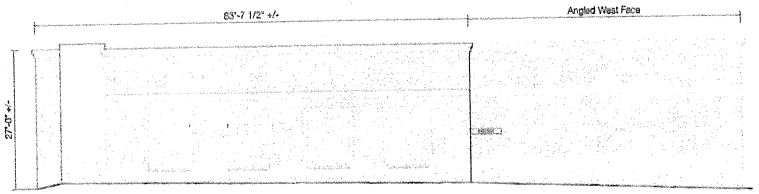
# PROPOSED VARIANCE PACKAGE



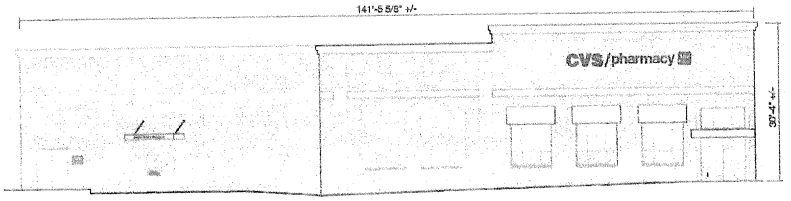

A SOUTH ELEVATION - CRITTENDEN BOULEVARD
SCALE: 3/32" = 1'-0"



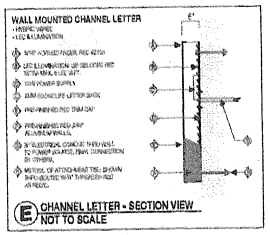

B EAST ELEVATION - MOUNT HOPE AVENUE
SCALE: 3/32" = 1'-0"




C NORTH ELEVATION - PARKING LOT
SCALE: 3/32" = 1'-0"

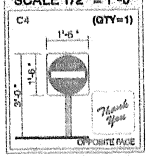



D WEST ELEVATION - PARKING LOT
SCALE: 3/32" = 1'-0"




E CHANNEL LETTER - SECTION VIEW
NOT TO SCALE

DIRECTIONALS:
SCALE 1/2" = 1'-0"




## SQUARE FOOTAGE CHART OF ELEVATION SIGNS

| | SIGN TYPE & SIZE | HEIGHTS | PROPOSED SQ. FOOTAGE |
|---|---|---|---|
| A: SOUTH ELEVATION - CRITTENDEN BOULEVARD | | | |
| CVS/pharmacy | INTERN. ILLUM C/L & BUG BOX 2'-6" H. x 24'-1/8" W. | 30" H. 17½" H. | 60.09 SQ. FT. |
| | TOTAL | | 60.09 SQ. FT. |
| B: EAST ELEVATION - MOUNT HOPE AVENUE | | | |
| CVS/pharmacy | INTERN. ILLUM C/L & BUG BOX 2'-6" H. x 24'-1/8" W. | 30" H. 17½" H. | 60.09 SQ. FT. |
| | TOTAL | | 60.09 SQ. FT. |
| C: WEST ELEVATION - PARKING LOT | | | |
| CVS/pharmacy | INTERN. ILLUM C/L & BUG BOX 2'-6" H. x 24'-1/8" W. | 30" H. 17½" H. | 60.09 SQ. FT. |
| | TOTAL | | 60.09 SQ. FT. |
| | TOTAL SIGNAGE | | 180.27 SQ. FT. |

## SQUARE FOOTAGE CHART OF DIRECTIONAL SIGNS

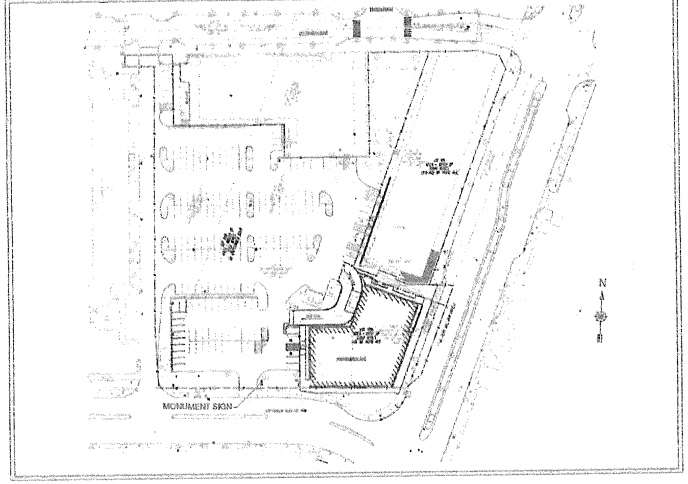
| | SIGN TYPE & SIZE | HEIGHTS | PROPOSED SQ. FOOTAGE |
|---|---|---|---|
| CANOPY ELEVATION | | | |
| DRIVE-THRU | INTERN.L ILLUM PUSH THRU GRAPHICS | 6" H. 3" H. | 8.00 SQ. FT. |
| DRIVE-THRU PHARMACY | INTERN.L ILLUM PUSH THRU GRAPHICS | 6" H. | 10.00 SQ. FT. |
| | TOTAL | | 18.00 SQ. FT. |
| DIRECTIONALS | | | |
| DO NOT ENTER (Qty. 1) | 1'-6" H. x 1'-6" W. | | 2.00 SQ. FT. (EA.) |
| | TOTAL | | 2.00 SQ. FT. |
| | TOTAL SIGNAGE | | 2.00 SQ. FT. |

## SQUARE FOOTAGE CHART OF DIRECTIONAL SIGNS

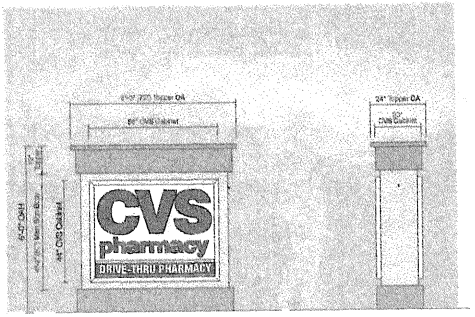
| | SIZES | PROPOSED SQ. FOOTAGE |
|---|---|---|
| PYLON | | |
| MONUMENT | 5'-6" H. x 7'-10" W. | 17.11 SQ. FT. |
| | TOTAL | 17.11 SQ. FT. |
| | TOTAL SIGNAGE | 17.11 SQ. FT. |

**NOTES**
* BLOCKING INFO: ALL BLOCKING TO BE DONE BY OTHERS.

## SITE PLAN




## 6'-0" HIGH INTERNALLY ILLUMINATED MONUMENT SIGN




F SIGN ELEVATION - FRONT VIEW
SCALE: 1/2" = 1'-0"


Poyant
Signs
105 Samuel Barnet Boulevard
New Bedford, MA 02745
800.544.0961 | poyantsigns.com


CVS/pharmacy

Store #947
Crittenden Blvd. & Mt Hope Ave.
Rochester, NY

Project: 11790
CVS/pharmacy
Exterior Signage Package

Sales: Gary McCoy
Date: 11.20.15
Designer: LR


Note:
This is an original unpublished drawing created by Poyant Signs, Inc. It is submitted for your personal use in connection with a project being planned for you by Poyant Signs, Inc. It is not to be shown to anyone outside your organization, nor is it to be reproduced, copied or exhibited in any fashion until transferred.


Revisions:

11.24.15 LR Rev reduced to 30" pole & added set to west elev

Comments:

GMc

Approved by:

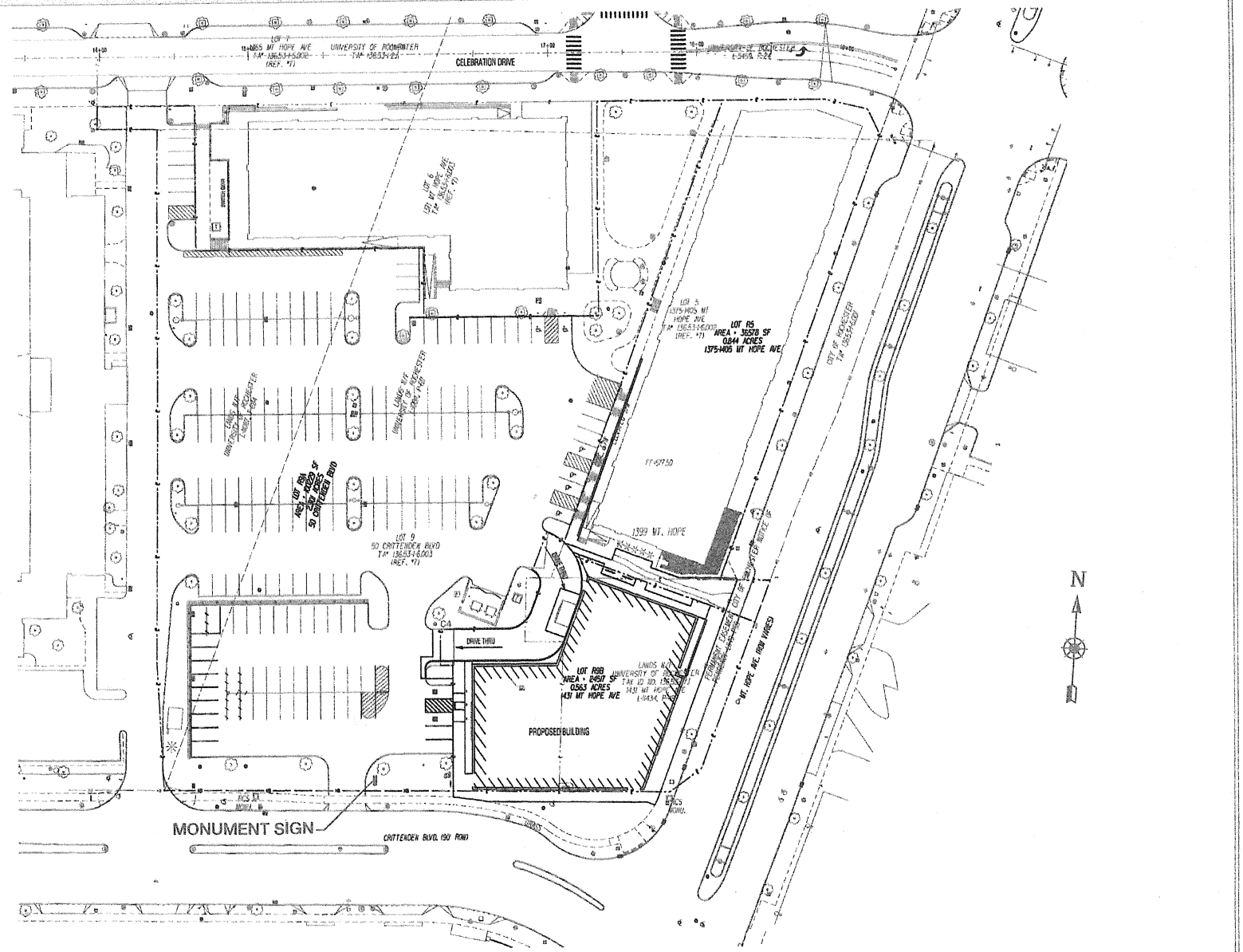
Date:

Building Signage

Sign Elevation

11790-rm | 1.1

# SITE PLAN





Poyant
Signs, Inc.
123 Samuel Sarnoff Boulevard
New Bedford, MA 02745
800.944.0961 | poyantsigns.com


CVS/pharmacy

Store #587
Crittendon Blvd. & Mt Hope Ave.
Rochester, NY

Project: 11796
CVS/pharmacy
Exterior Signage Package

Sales: Gary McCoy
Date: 11.20.15
Designer: LR


Note:
This is an original unpublished drawing created by Poyant Signs, Inc. It is submitted for your personal use in connection with a project being planned for you by Poyant Signs, Inc. It is not to be shown to anyone outside your organization, nor is it to be reproduced, copied or exhibited in any fashion until transferred.


Revisions:

11.24.15 LR Rev reduced to 30" sets & added set to west elev.

Comments:

Approved by:

Date:

Building Signage

Site Plan

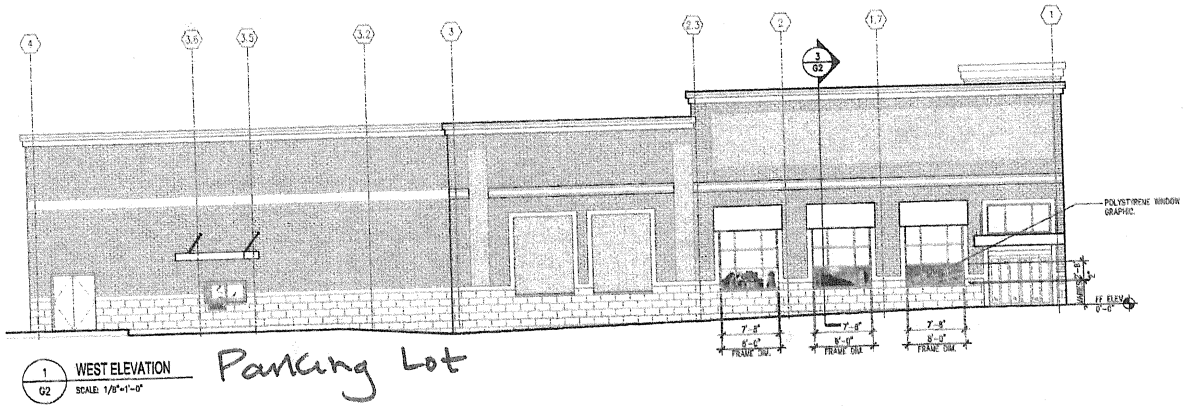
1.2

# CVS/pharmacy | Store Windows Graphics Program

**STORE #0547:** NEC CRITTENDEN BLVD & MT. HOPE, ROCHESTER, NY

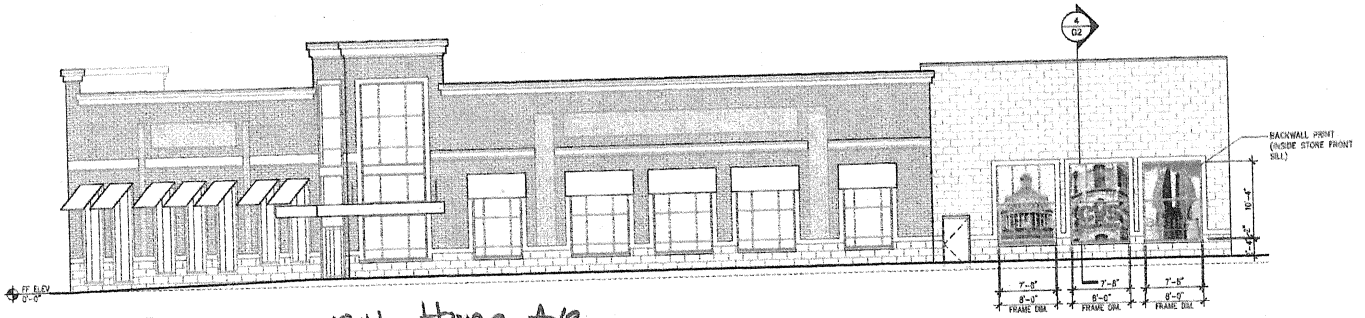
## STORE TYPE

[X] New




1 / G2 WEST ELEVATION — SCALE: 1/8"=1'-0"

Parking Lot




2 / G2 EAST ELEVATION — SCALE: 1/8"=1'-0"

Mt. Hope Ave

Poyant
Building Your Brand

125 Samuel Barnet Boulevard
New Bedford, MA 02745
800.544.0951 | poyantsigns.com

CVS/pharmacy

Store #547
Crittenden Blvd. & Mt. Hope Ave.
Rochester, NY

Project: 11796
CVS/pharmacy

Sales: Gary McCoy
Date: 11.20.15
Designer: LR

Note:
This is an original unpublished drawing created by Poyant Signs, Inc. It is submitted for your personal use in connection with a project being planned for you by Poyant Signs, Inc. It is not to be shown to anyone outside your organization, nor is it to be reproduced, copied or exhibited in any fashion until transferred.

Revisions:

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and / or other applicable local codes. This includes proper grounding and bonding of the sign.

Approved By:

Date:

Building Signage

Window Graphics

11796 | 1.3

# CVS/pharmacy | Store Windows Graphics Program

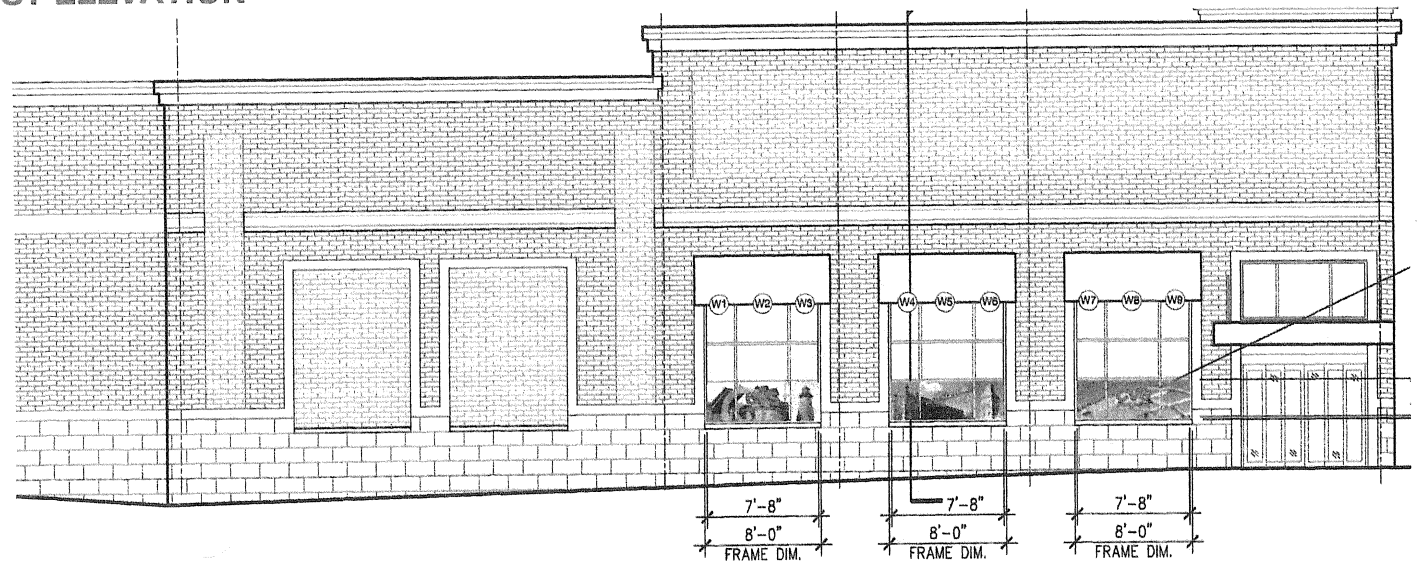
**STORE #0547:** NEC CRITTENDEN BLVD & MT. HOPE, ROCHESTER, NY

| TYPOGRAPHY DIMENSIONS | | | |
|---|---|---|---|
| SIGN# | MESSAGE | DIMENSIONS | SQUARE FOOTAGE |
| w2 | cvs logo | 16.18"h x 28.3"w | 3.18 |
| w8 | cvs logo | 16.18"h x 28.3"w | 3.18 |
| | | TOTAL SQ FT = 6.36 | |

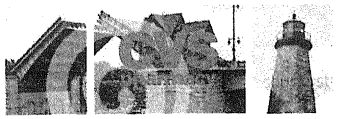
## STORE TYPE

[X] New

## WEST ELEVATION




**Standard .040 Styrene**



Poyant
Building Your Brand
125 Samuel Barnet Boulevard
New Bedford, MA 02745
800.544.0961 | poyantsigns.com


CVS/pharmacy

Store #547
Crittenden Blvd. & Mt. Hope Ave.
Rochester, NY

Project: 11796
CVS/pharmacy

Sales: Gary McCoy
Date: 11.20.15
Designer: LR


Note:
This is an original unpublished drawing created by Poyant Signs, Inc. It is submitted for your personal use in connection with a project being planned for you by Poyant Signs, Inc. It is not to be shown to anyone outside your organization, nor is it to be reproduced, copied or exhibited in any fashion until transferred.


Revisions:

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and / or other applicable local codes. This includes proper grounding and bonding of the sign.

Approved By:

Date:

Building Signage

Window Graphics

# CVS/pharmacy® | Store Windows Graphics Program

**STORE #0547:** NEC CRITTENDEN BLVD & MT. HOPE, ROCHESTER, NY

## STORE TYPE

[X] New

| TYPOGRAPHY DIMENSIONS | | | |
|---|---|---|---|
| SIGN# | MESSAGE | DIMENSIONS | SQUARE FOOTAGE |
| 1 | cvs logo | 42.12" H X 72.2" | 21.12 |
| | | TOTAL SQ FT = 21.12 | |

NON-REVERSED DIECUT TEXT ON BACKWALL

CVS pharmacy X 1

## EAST ELEVATION

## Backwall Scotchprints

SECTION A


Poyant
Building Your Brand
125 Samuel Barnet Boulevard
New Bedford, MA 02745
800.544.0961 | poyantsigns.com


CVS/pharmacy

Store #547
Crittenden Blvd. & Mt. Hope Ave.
Rochester, NY

Project: 11796
CVS/pharmacy

Sales: Gary McCoy
Date: 11.20.15
Designer: LR


Note:
This is an original unpublished drawing created by Poyant Signs, Inc. It is submitted for your personal use in connection with a project being planned for you by Poyant Signs, Inc. It is not to be shown to anyone outside your organization, nor is it to be reproduced, copied or exhibited in any fashion until transferred.


Revisions:

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and / or other applicable local codes. This includes proper grounding and bonding of the sign.

Approved By:

Date:

Building Signage

Window Graphics

11796 1.5

## SQUARE FOOTAGE CHART OF ELEVATION SIGNS

| | SIGN TYPE & SIZE | HEIGHT(S) | PROPOSED SQ. FOOTAGE |
|---|---|---|---|
| **A: SOUTH ELEVATION - CRITTENDEN BOULEVARD** | | | |
| CVS/pharmacy 1hr Photo | INTERN. ILLUM C/L & BUG BOX 2'-6" H. x 24'-1/8" W. | 30" H. 17½" H. | 60.09 SQ. FT. |
| | TOTAL | | 60.09 SQ. FT. |
| **B: EAST ELEVATION - MOUNT HOPE AVENUE** | | | |
| CVS/pharmacy 1hr Photo | INTERN. ILLUM C/L & BUG BOX 2'-6" H. x 24'-1/8" W. | 30" H. 17½" H. | 60.09 SQ. FT. |
| | TOTAL | | 60.09 SQ. FT. |
| **C: WEST ELEVATION - PARKING LOT** | | | |
| CVS/pharmacy 1hr Photo | INTERN. ILLUM C/L & BUG BOX 2'-6" H. x 24'-1/8" W. | 30" H. 17½" H. | 60.09 SQ. FT. |
| | TOTAL | | 60.09 SQ. FT. |
| | TOTAL SIGNAGE | | 180.27 SQ. FT. |

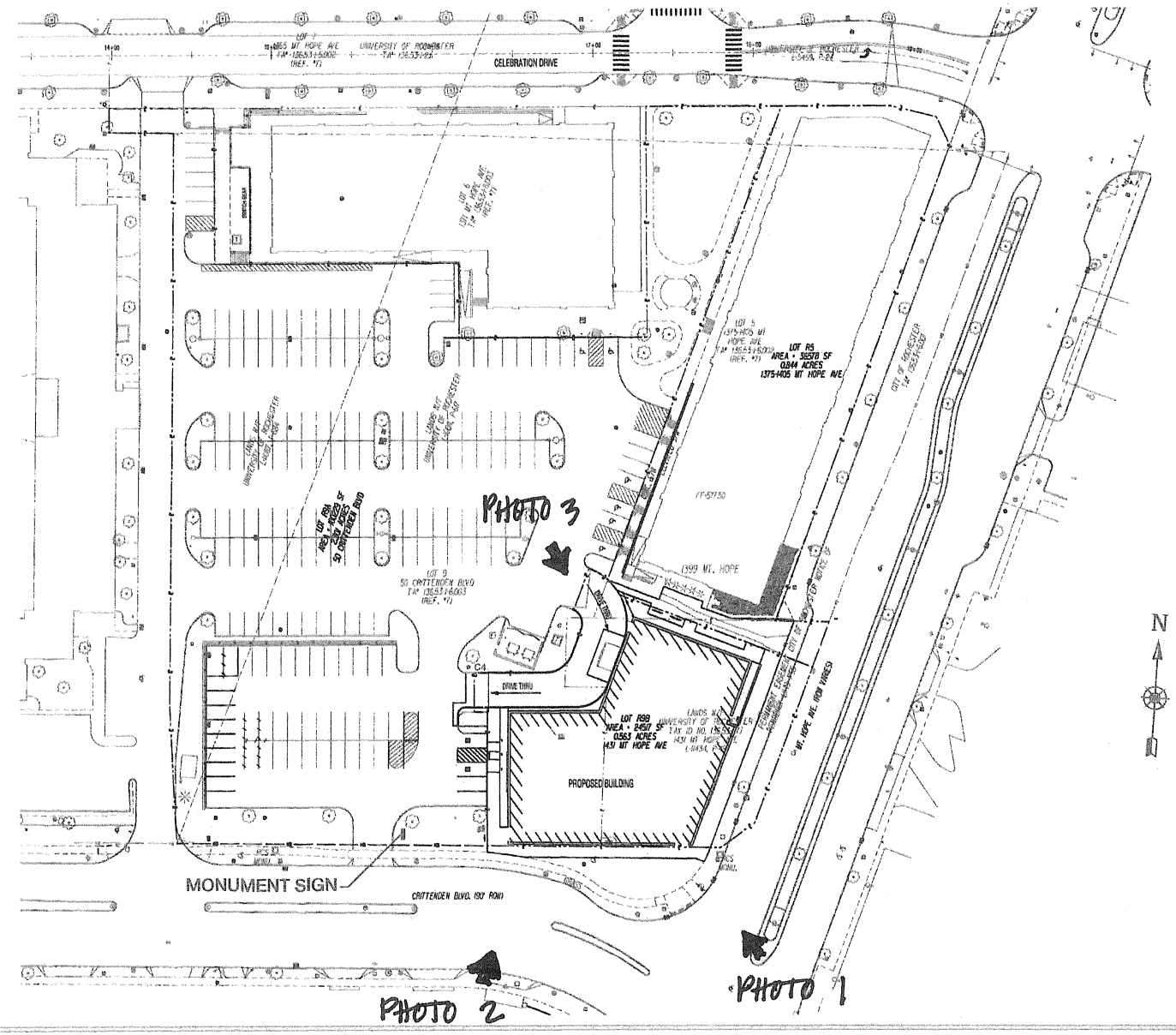
## SQUARE FOOTAGE CHART OF DIRECTIONAL SIGNS

| | SIGN TYPE & SIZE | HEIGHT(S) | PROPOSED SQ. FOOTAGE |
|---|---|---|---|
| **CANOPY ELEVATION** | | | |
| DRIVE-THRU CLEARANCE 0"-00" | INTERN. ILLUM PUSH THRU GRAPHICS | 6" H. 3" H. | 6.00 SQ. FT. |
| DRIVE-THRU PHARMACY | INTERN. ILLUM PUSH THRU GRAPHICS | 6" H. | 10.00 SQ. FT. |
| | TOTAL | | 16.00 SQ. FT. |
| **DIRECTIONALS** | | | |
| DO NOT ENTER (Qty. 1) | 1'-6" H. x 1'-6" W. | | 2.00 SQ. FT. (EA.) |
| | TOTAL | | 2.00 SQ. FT. |
| | TOTAL SIGNAGE | | 2.00 SQ. FT. |

## SQUARE FOOTAGE CHART OF DIRECTIONAL SIGNS

| | SIZES | PROPOSED SQ. FOOTAGE |
|---|---|---|
| **PYLON** | | |
| MONUMENT | 3'-8" H. x 7'-10" W. | 17.11 SQ. FT. |
| | TOTAL | 17.11 SQ. FT. |
| | TOTAL SIGNAGE | 17.11 SQ. FT. |

# SITE PLAN





Poyant
Signage Group
115 Gerhard Starret Boulevard
New Bedford, MA 02745
800.542.2966 | poyantsigns.com


**CVS/pharmacy**

Store #947
Crittenden Blvd. & Mt Hope Ave.
Rochester, NY

Project: 11798
CVS/pharmacy
Exterior Signage Package

Sales: Gary McCoy
Date: 11.20.15
Designer: LR


Note:
This is an original unpublished drawing created by Poyant Signs, Inc. It is submitted for your personal use in connection with a project being planned for you by Poyant Signs, Inc. It is not to be shown to anyone outside your organization, nor is it to be reproduced, copied or exhibited in any fashion until transferred.


Revisions:

11.24.15 LR Rev (reduced to 50' sets & added set to west elev...

Comments:

Approved by:

Date:

Building Signage

Site Plan

11798-19 | 1.2

PHOTO 1

PHOTO 2

PHOTO 3

# ZONING BOARD OF APPEALS
# STAFF REPORT
# April 21, 2016

## Area Variance

**Case # 2:** Staff Reviewer: Jill Symonds

**Held by the Applicant from the 03/24/16 Hearing**

**File Number:** V-055-15-16

**Applicant:** Lyjha Wilton

**Project Address:** 371-375 Averill Avenue

**Zoning District:** C-2 Community Center District

**Section of Code:** 120-45

**Request:** **To construct a 7,480 sq. ft. addition to the existing 2,760 sq. ft. building to be used as a meat market, thereby exceeding the 6,000 sq. ft. size limitation for a principal use in the district.**

**Background:** The site is located in the C-2 Community Center District at the southeast corner of Averill Avenue and S. Clinton Avenue. The parcel is approximately half an acre in size (or 23,640 sq. ft.) and holds an L-shaped row of garages, a 2,759 sq. ft. one-story building, and the brick walls of a former building.

There is very little permit history for this property that sheds light on its past use.

The proposal is to establish a low-impact retail store for Main Street Meats. The brick walls of the former building will be rebuilt into a 7,480 sq. ft. building to house the retail operation. When combined with the existing building, the new retail store will have a total of 10,952 sq. ft. of space. The existing building will be used for loading and unloading, office space, and freezer space. A new overhead door will be installed in the existing building facing Averill Avenue. The Traffic Control Board approved an on-street Commercial Loading Zone for this location at their March 1, 2016 meeting.

The L-shaped row of garages will be demolished to make room for a 22 space parking lot. There will be an enclosed dumpster in the southeast corner of the parcel. There will also be a freezer located in the rear yard alongside the existing building and accessible only from inside the building.

***This proposal went before the Zoning Board of Appeals on March 24, 2016. The applicant requested to hold the case open until April 21, 2016, in order to have more time to reach out to neighbors. The variance application has not changed.***

**Code Compliance:** This proposal did not require Site Plan Review. The project meets all Zoning Code requirements (e.g. city-wide design standards, parking, etc.), apart from the item noted below.

**Section 120-45** provides that the maximum square footage for a principal use in the C-2 District is 6,000 sq. ft. In this case, a total of 10,952 sq. ft. is proposed **(area variance required).**

**Code Enforcement:** The subject property is not in code enforcement.

# PROJECT INFORMATION

**PLEASE TYPE OR PRINT**

1. **PROJECT ADDRESS(ES):** 375 AVERIL AVENUE

2. **APPLICANT:** LYJHA WILTON **COMPANY NAME:** BOULDER COFFEE

   **ADDRESS:** 100 ALEXANDER STREET **CITY:** ROCHESTER **ZIP CODE:** 100 ALEXANDEF

   **PHONE:** 585.509.7355 **FAX:** N/A

   **E-MAIL ADDRESS** LYJHA@AOL.COM

   **INTEREST IN PROPERTY: Owner** [ ] **Lessee** [ ] **Other** [X]

3. **PLAN PREPARER:** CHRISTIAN DUERR

   **ADDRESS:** 1375 HIGHLAND AVE **CITY:** ROCHESTER **ZIP CODE:** 14620

   tc

   **PHONE:** 585.755.7356 **FAX:** N/A

4. **ATTORNEY:** N/A

   **ADDRESS:** _____ **CITY:** _____ **ZIP CODE:** _____

   **PHONE:** _____ **FAX:** _____

   **E-MAIL ADDRESS** CDDSB@ROCHESTER.RR.COM

5. **ZONING DISTRICT:** C-2

BUILDING BUREAU
ROOM 121
9:51AM Mar 4/16
01-0002-001 BMB
#20505
Zoning $250.00
CHECK $250.00

6. **DETAILED PROJECT DESCRIPTION (additional information can be attached):** 71 AVERILL

CHANGE USE OF A BUILDING FROM A MECHANICAL CONTRACTORS OFFICE AND STORAGE YARD TO A MEAT MARKET . CONVERT THE OLD ENCLOSED STORAGE YARD INTO PARKING AND USE THE EXISTING STORAGE YARD WALLS TOWARD SOUTH CLINTON AVENUE FOR A NEW BUILDING. THE EXISTING OFFICES TO REMAIN AND BE USED AS THE SAME WITH THE POSSIBILITY OF CONVERTING SOME OF THE SPACE FOR THE MEAT MARKET AT GRADE LEVEL.

7. **LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:)** 6 MONTHS

**APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.**

**SIGNATURE:** _____ **DATE:** 12/7/15

CHRISTIAN DUERR

**OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.**

**SIGNATURE:** _____ **DATE:** 12/7/15

LYJHA WILTON

# 375 AVERILL AV

**March 11, 2016**

This map is intended for general reference only.

The City of Rochester makes no representation as to the accuracy or fitness of the data presented.

City of Rochester, NY

City of Rochester, NY
*Lovely A. Warren, Mayor*

City of Rochester, NY

# AREA VARIANCE
# STATEMENT OF DIFFICULTY
## Section 120-195B(4)(b)

**An area variance shall be granted only if the applicant can establish the existence of EACH of the following conditions:**

**A. Benefits.** The benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community by the granting of the variance.

THE PROPOSED USE IS CONSISTENT WITH THE CITY OF ROCHESTER MASTER PLAN AS IT PROVIDES A NEW SHOPPING VENUE AND WILL CREATE MORE ACTIVITY. REQUIRED PARKING IS HIDDEN BEHIND THE PROPOSED MARKET AND THE EXISTING BRICK BUILDING FACADE ON SOUTH CLINTON BECOMES AN ACTIVE STOREFRONT.

**B. Essential character of the area.** No undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the variance.

THE PREVIOUS USE, MECHANICAL CONTRACTOR, WAS OF THE SAME SIZE AS THE PROPOSED MEAT MARKET USE, THUS NO UNDESIRABLE CHANGES WILL BE PRODUCED BY THE NEW USE. THE BUILDING FACADE WILL BE IMPROVED TO MEET THE CITY DESIGN STANDARDS. THERE WILL BE AN INCREASE IN ACTIVITY WHICH IS CONSISTENT WITH THE CITY'S MASTER PLAN.

**C. No other remedy.** There is no other means feasible for the applicant to pursue, other than the granting of this area variance.

THE MEAT MARKET NEEDS THE PROPOSED BUILDING SIZE SO THERE IS NO OTHER REMEDY OTHER THAN ANOTHER LOCATION POSSIBLE OUTSIDE OF THE CITY OF ROCHESTER. THE MEAT MARKET IS A USE CONSISTENT WITH THE CITY'S MASTER PLAN.

**D. Significance.** The requested variance is not substantial.

THE EXTERIOR WALLS OF THE EXISTING BUILDING REMAIN WITH FACADE IMPROVEMENTS TO THE SOUTH CLINTON AVENUE FACADE AND MORE PARKING IS PROVIDED. BOTH MEET THE CITY OF ROCHESTER DESIGN GUIDELINES. THE INCREASE IN INTENSITY IS CONSISTENT WITH THE CITY'S MASTER PLAN. THE REQUESTED VARIANCE IS NOT SUBSTANTIAL.

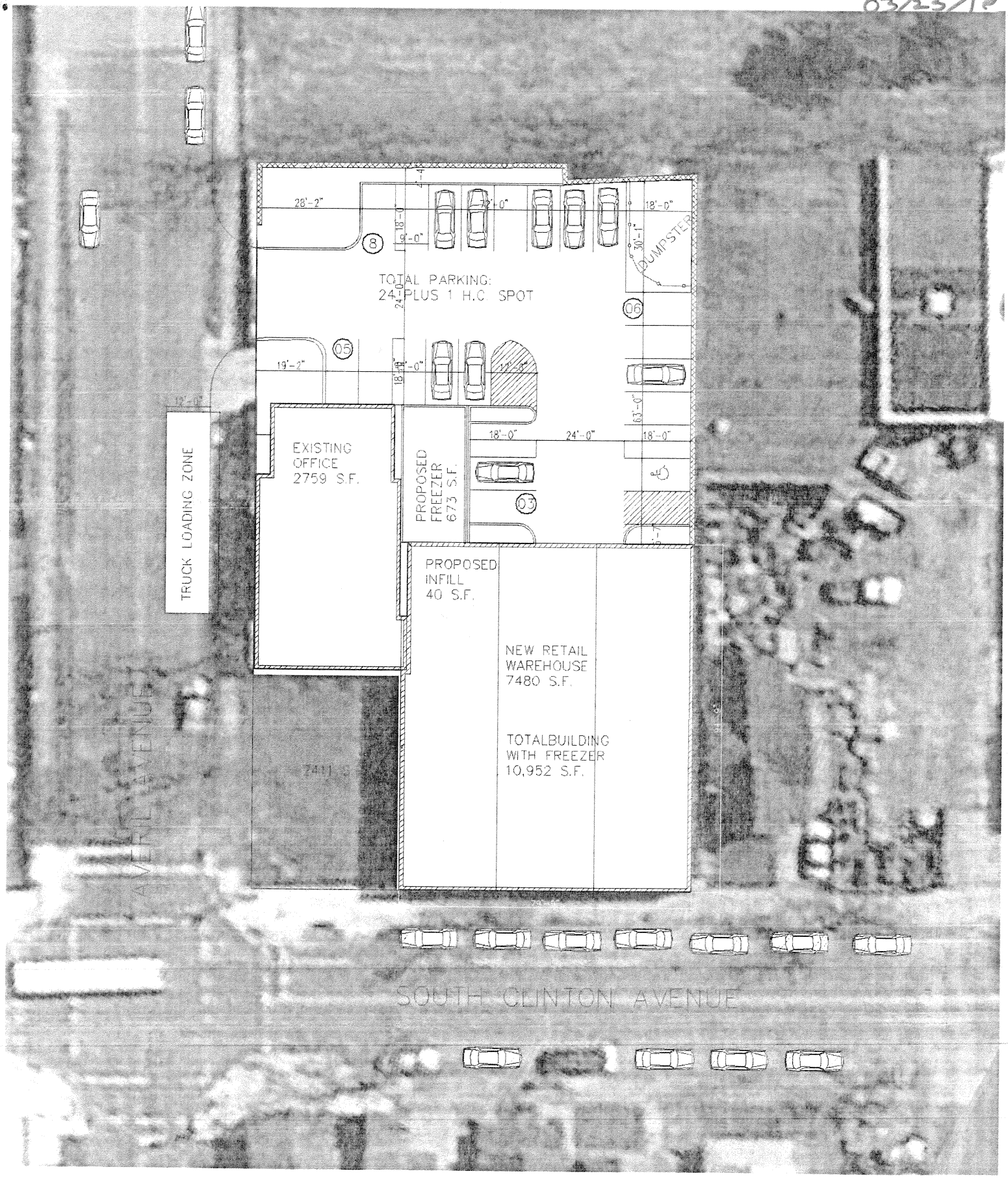
**E. Physical and environmental conditions.** The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

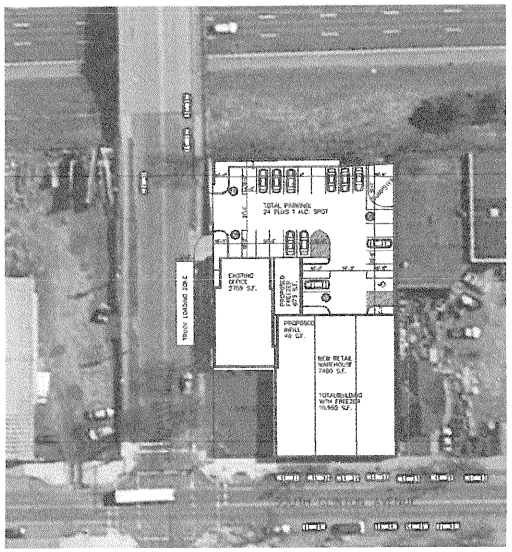
THE EXTERIOR STORAGE AREA WALLS ARE TO REMAIN THE SAME EXCEPT FOR A WIDER CURB CUT. THE CURB CUT IS BEING WIDENED AND MOVE 20 FEET AND IS ADJACENT TO A MAJOR EXPRESS WAY OVERPASS. THE STORAGE AREA WALL ALONG SOUTH CLINTON WILL BECOME A NEW STOREFRONT. PARKING WILL BE PROVIDED BEHIND THE BUILDINGS HIDDEN FROM THE STREET. THERE WILL NOT BE AN ADVERSE PHYSICAL OR ENVIRONMENTAL IMPACT ON THE NEIGHBORHOOD.

**F. Not self created.** The alleged difficulty was not self created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance.

THE PROPOSED RECONFIGURED BUILDING AREA/USE WILL BE SLIGHTLY LESS THAT THE CURRENT BUILDING/USE AREA. THE DIFFICULTY CURRENTLY EXISTS.

Case # 2
Revised site plan
03/23/15



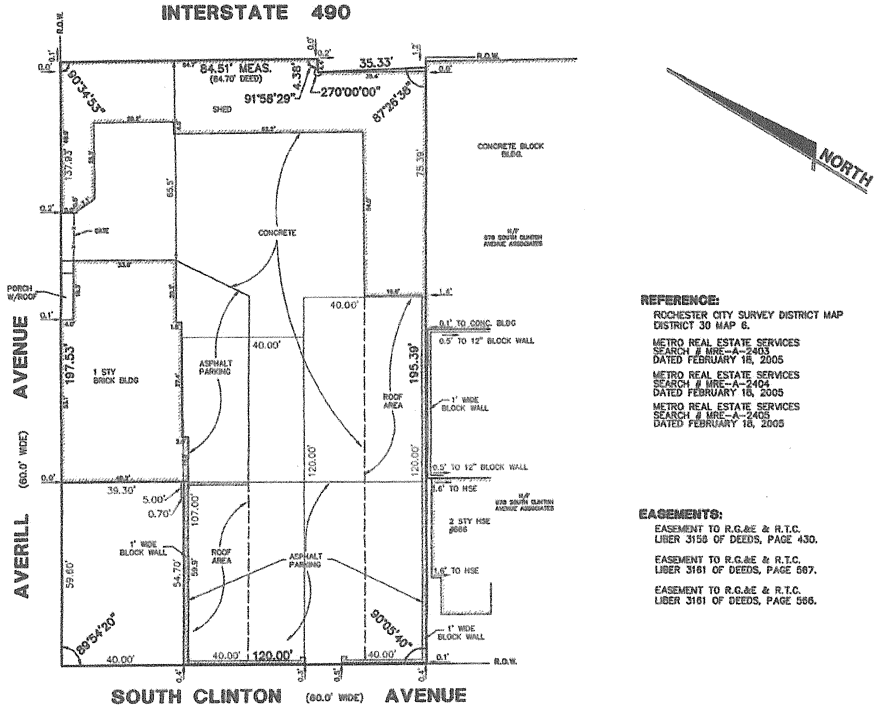



SITE PLAN

SCALE: 1"=40'-0"

SITE AERIAL

SCALE: 1"=40'-0"




**REFERENCE:**

ROCHESTER CITY SURVEY DISTRICT MAP
DISTRICT 30 MAP 6.

METRO REAL ESTATE SERVICES
SEARCH # MRE--A--2403
DATED FEBRUARY 18, 2005

METRO REAL ESTATE SERVICES
SEARCH # MRE--A--2404
DATED FEBRUARY 18, 2005

METRO REAL ESTATE SERVICES
SEARCH # MRE--A--2405
DATED FEBRUARY 18, 2005

**EASEMENTS:**

EASEMENT TO R.G.&E & R.T.C.
LIBER 3158 OF DEEDS, PAGE 430.

EASEMENT TO R.G.&E & R.T.C.
LIBER 3161 OF DEEDS, PAGE 567.

EASEMENT TO R.G.&E & R.T.C.
LIBER 3161 OF DEEDS, PAGE 566.

ANY UNAUTHORIZED ALTERATION OR ADDITION TO THIS MAP IS A VIOLATION OF ARTICLE 145, SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW.

WE, PARRONE ENGINEERING, HEREBY CERTIFY THAT THIS MAP WAS PREPARED FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED ON APRIL 21, 2005

DAVID S. STAERR, P.L.S.
PARRONE ENGINEERING

LIC. NO. 049982

STATE OF NEW YORK DAVID S. STAERR LIC. NO. 049982 LICENSED LAND SURVEYOR

| REVISIONS: | BY: |
|---|---|
| | |

PARRONE engineering
THE PIANO WORKS
340 WEST COMMERCIAL STREET
SUITE 2020
EAST ROCHESTER, NY 14445
T 585.586.8250
F 585.586.8752

Copyright © 2005
PARRONE engineering

INSTRUMENT SURVEY
FOR:

# #375 AVERILL AVENUE

SITUATE IN:
CITY OF ROCHESTER MONROE COUNTY NEW YORK

| | |
|---|---|
| Designed by: | |
| Drawn By: | PJR |
| Checked By: | DS |
| DATE: | MAY 2, 2005 |
| SCALE: | 1" = 20' |
| JOB No.: | 6256 |

Drawing Alteration: The following is an excerpt from the New York Education Law Article 145, Section 7209, and applies to this drawing: "It is a violation of this law for any person unless he is acting under the direct supervision of a licensed architect to alter an item in any way". If an item bearing the seal of an architect is altered, the altering architect shall affix his seal and notation "ALTERED BY" followed by his signature and date of such alteration and a specific description of the alteration.

| NO. | REVISION DESCRIPTION | DATE |
|---|---|---|
| 1 | ZONING AREA VARIANCE | 12/09/15 |

RENOVATION TO 375 AVERIL AVE. FOR MAIN STREET MEATS
375 AVERILL AVENUE, Rochester, New York 14620

| DWG. NAME | DWG. TITLE | CLIENT | | |
|---|---|---|---|---|
| | SURVEY | LYFHA WILTON<br>100 ALEXANDER ST<br>ROCHESTER NY | STEVE LEVINE<br>GC FOODS | |
| JOB NO.: 001 | DWG. BY: CSD | DESIGN BY: CSD | APPROVED CSD | DATE 10/24/15 |

CHRISTIAN D. SUERR ARCHITECT
1375 HIGHLAND AVENUE
ROCHESTER, N.Y. 14620
PHONE: 585.755.7356
FAX: 585.442.9339
CDDSB@ROCHESTER.RR.COM

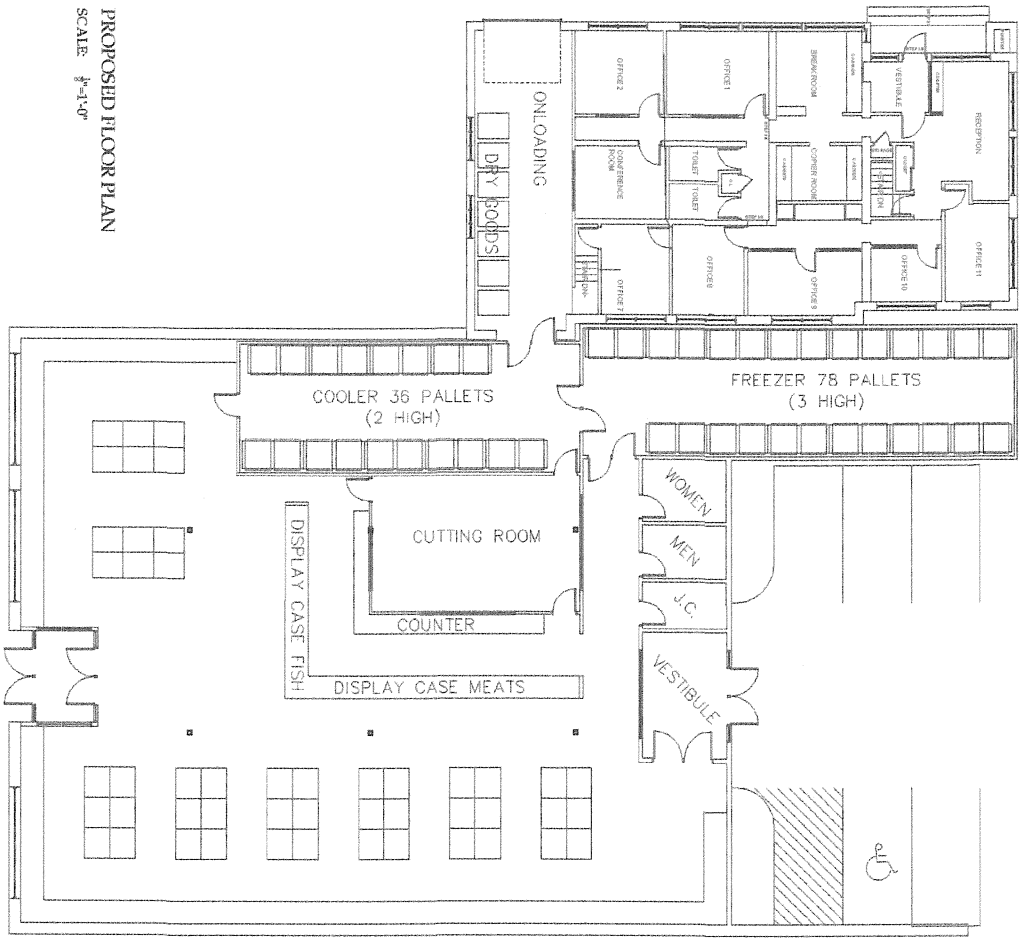
DRAWING NO:
2 OF 5

SCALE: AS NOTED

# SKETCH D

## PROPOSED FLOOR PLAN

SCALE: $\frac{3}{8}$"=1'-0"




DRAWING NO: 3 OF 5

SCALE: AS NOTED


CJD URBAN PLANNING ARCHITECT
1375 HIGHLAND AVENUE
ROCHESTER, N.Y. 14620
PHONE: 585.755.7356
FAX: 585.442.9339
CDJSB@ROCHESTER.RR.COM


DWG NAME: RENOVATION TO 375 AVERIL AVE. FOR MAIN STREET MEATS
CITY OF ROCHESTER, Monroe County, N.Y.

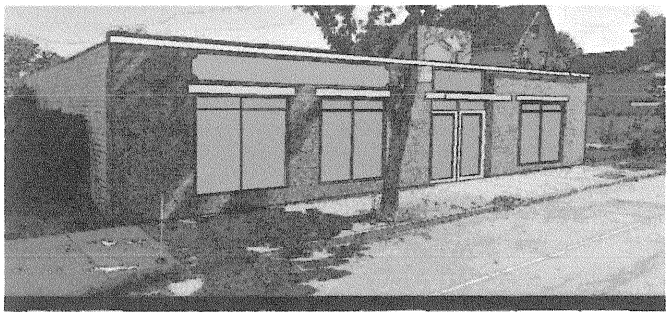
DWG TITLE: CONCEPT FLOOR PLAN AND TRUCK LOADING OVERLAY

CLIENT: LYJHA WILTON, 100 ALEXANDER ST ROCHESTER NY — STEVE LEVINE, GC FOODS

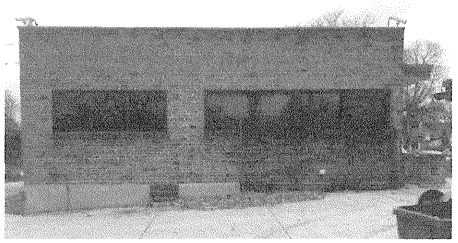
| JOB NO: | DWG. BY: | DESIGN BY: | APPROVED: | DATE: |
|---|---|---|---|---|
| 001 | CSD | CSD | CSD | 10/14/15 |

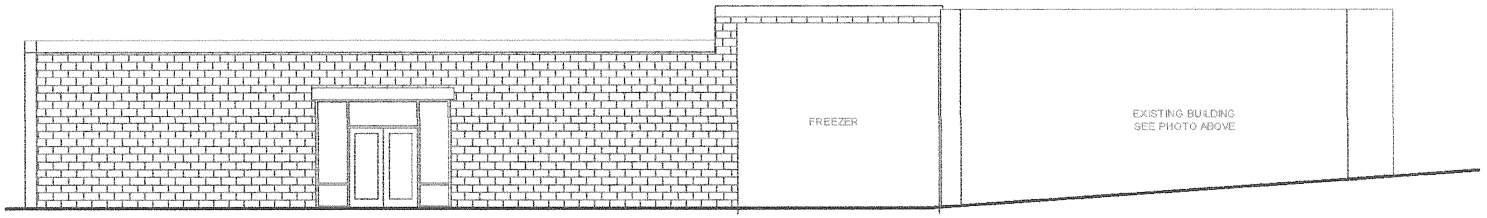
| NO.: | REVISION DESCRIPTION | DATE |
|---|---|---|
| 1 | ZONING AREA VARIANCE | 12/09/15 |

During Alteration: The following is an excerpt from the New York Education Law Article 145, Section 7209, and applies to this drawing: "It is a violation of this law for any person unless he is acting under the direct supervision of a licensed architect to alter an item in any way". If an item bearing the seal of an architect is altered, the altering architect must affix to the item his seal and the notation "ALTERED BY" followed by his signature and date of such alteration, and a specific description of the alteration.

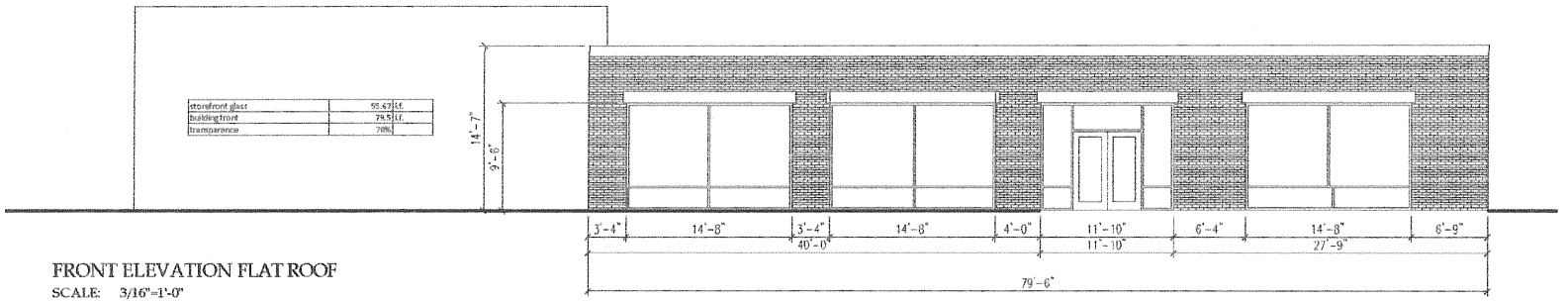


PICTURE OVERLAY FLAT ROOF






REAR ELEVATION SLOPED ROOF
SCALE: 3/16"=1'-0"




FRONT ELEVATION FLAT ROOF
SCALE: 3/16"=1'-0"

Drawing Alteration: The following is an excerpt from the New York Education Law Article 145, Section 7209, and applies to this drawing: "It is a violation of this law for any person unless he is acting under the direct supervision of a licensed architect to alter an item in any way". If an item bearing the seal of an architect is altered, the altering architect shall affix his seal and notation "ALTERED BY" followed by his signature and date of such alteration and a specific description of the alteration.

| NO. | REVISION DESCRIPTION | DATE |
|---|---|---|
| 1 | ZONING AREA VARIANCE | 12/08/15 |

RENOVATION TO 375 AVERIL AVE. FOR MAIN STREET MEATS
CONCEPT ELEVATIONS

| DWG. NAME | DWG TITLE | CLIENT | JOB NO. | DWG BY: | DESIGN BY: | APPROVED: | DATE |
|---|---|---|---|---|---|---|---|
| | | LVHA WILTON 100 ALEXANDER ST ROCHESTER NY STEVE LEVINE GC FOODS | 001 | CSD | CSD | CSD | 10/14/15 |

CHRISTIAN DUERR ARCHITECT
1375 HIGHLAND AVENUE
ROCHESTER, N.Y. 14620
PHONE: 585.755.7356
FAX: 585.442.9339
CDDSB @ ROCHESTER.RR.COM

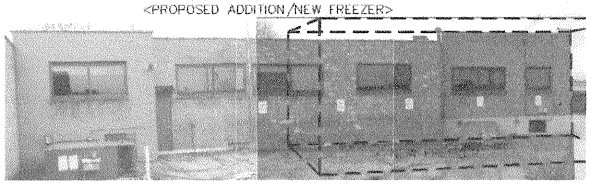
DRAWING NO: 4 OF 5
SCALE: AS NOTED

AVERIL AVENUE OFFICE FACADE

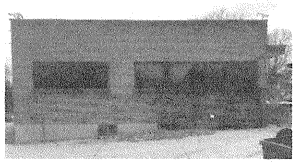
AVERIL AVENUE STORAGE WALL

SOUTH CLINTON OFFICE FACADE

SOUTH CLINTON STORAGE WALL



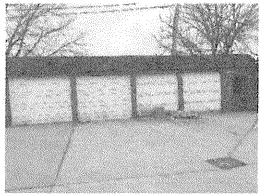

STORAGE YARD OFFICE WALL LOOKING NORTH

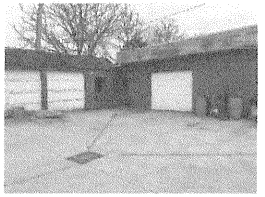


STORAGE YARD OFFICE FACADE
LOOKING WEST

AVERIL AVE ENTRANCE

< EXPRESS WAY



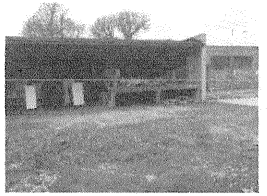


EXPRESS WAY > < COMMON PROPERTY LINE

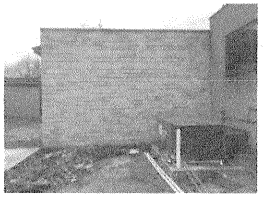
COMMON PROPERTY LINE >

< SOUTH CLINTON AVENUE >

< AVERIL AVE



AVERIL AVE >



< END WALL >

Drawing Alteration: The following is an excerpt from the New York Education Law Article 148, Section 7209, and applies to this drawing: "It is a violation of this law for any person unless he is acting under the direct supervision of a licensed architect to alter an item in any way". If an item bearing the seal of an architect is altered, the altering architect shall affix his seal and notation "ALTERED BY" followed by his signature and date of such alteration and a specific description of the alteration.

| NO. | REVISION DESCRIPTION | DATE |
|---|---|---|
| 1 | ZONING AREA VARIANCE | 12/30/25 |

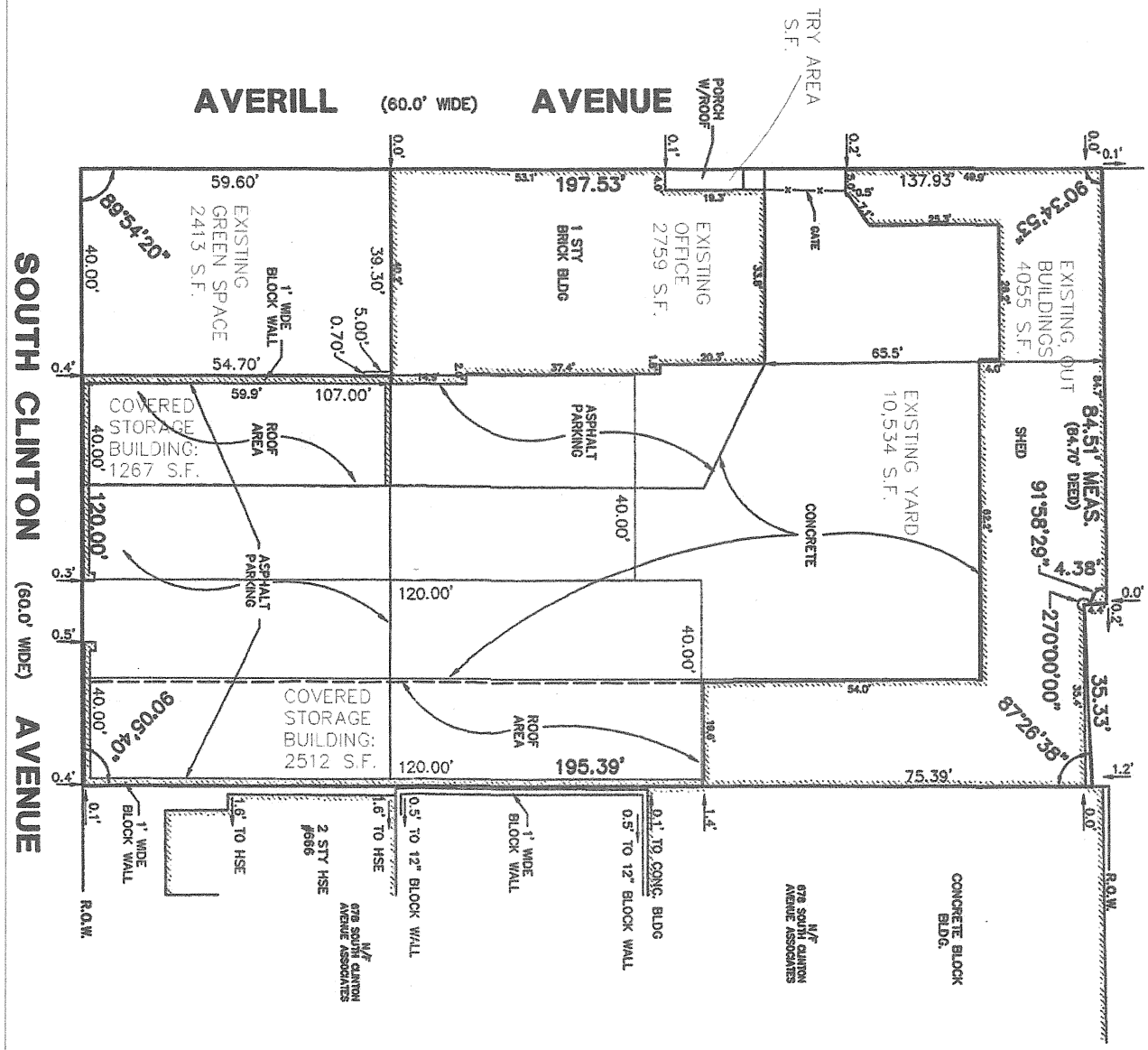
RENOVATION TO 375 AVERIL AVE. FOR MAIN STREET MEATS
City of Rochester, Monroe County, N.Y.
BUILDING AND SITE PHOTOS

| DWG NAME | DWG TITLE | CLIENT | JOB NO: | DWG BY: | DESIGN BY: | APPROVED: | DATE: |
|---|---|---|---|---|---|---|---|
| | | LYFHA WILTON<br>100 ALEXANDER ST<br>ROCHESTER NY<br>STEVE LEVINE<br>GC FOODS | 001 | CSD | CSD | CSD | 10/14/25 |

CHRISTIAN D. SUERR
ARCHITECT
1375 HIGHLAND AVENUE
ROCHESTER, N.Y. 14620
PHONE: 585.755.7356
FAX: 585.442.9339
CDDSB@ROCHESTER.RR.COM

DRAWING NO:
5 OF 5

SCALE: AS NOTED




DRAWING NO: 1 OF 1

SCALE AS NOTED


CDJ SHAN DURR ARCHITECT
1575 HIGHLAND AVENUE
ROCHESTER, N.Y. 14620
PHONE: 585.755.7356
FAX: 585.442.9339
CDJSD@ROCHESTER.RR.COM


DRAWING TITLE: RENOVATION TO 375 AVERIL AVE. FOR MAIN STREET MEATS
CITY OF ROCHESTER, Monroe County, N.Y.

EXISTING AREAS

CLIENT: LYJHA WILTON, 100 ALEXANDER ST ROCHESTER NY — STEVE LEVINE, GC FOODS

| JOB NO: | DWG. BY: | DESIGN BY: | APPROVED: | DATE: |
|---|---|---|---|---|
| 001 | CSD | CSD | CSD | 10/14/15 |

| NO: | REVISION DESCRIPTION | DATE |
|---|---|---|
| 1 | ZONING AREA VARIANCE | 12/08/15 |

Drawing Alteration: The following is an excerpt from the New York Education Law Article 145 Section 7209, and applies to this drawing: It is violation of this law for any person unless he is acting under the direct supervision of a licensed architect to alter an item in any way. If an item bearing the seal of a licensed architect is altered, the altering architect shall affix his seal and the notation "ALTERED BY" followed by his signature and date of such alteration and a specific description of the alteration.

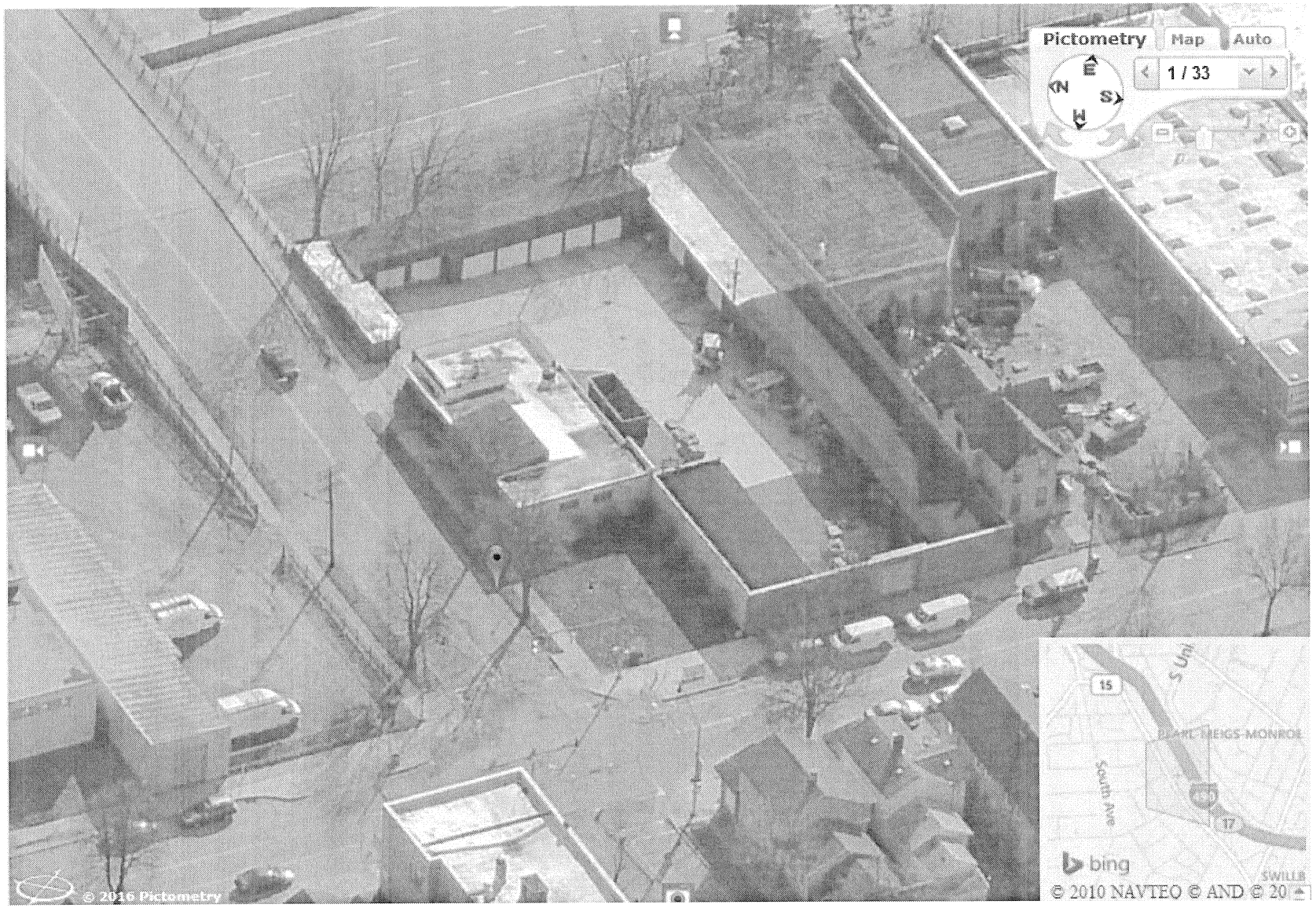
# 375 Averil Main Street Meats

| | | | | |
|---|---|---|---|---|
| EXISTING CONDITIONS | EXISTING OFFICE SPACE | 2759 | S.F. | 12% |
| | EXISTING OUT BUILDINGS | 4055 | S.F. | 17% |
| | EXISTING COVERED STORAGE | 2512 | S.F. | 11% |
| | EXISTING COVERED STORAGE | 1267 | S.F. | 5% |
| | **BUILDING TOTAL** | **10593** | **S.F.** | 45% |
| | | | | |
| | EXISTING YARD | 10534 | S.F. | 45% |
| | EXISTING GREEN SPACE | 2413 | S.F. | 10% |
| | ENTRY AREA | 80 | S.F. | 0.3% |
| | | | | |
| | TOTAL | 23620 | S.F. | |

| | | | | |
|---|---|---|---|---|
| PROPOSED CONDITIONS | EXISTING OFFICE SPACE | 2759 | S.F. | 12% |
| | PROPOSED BUILDING | 7480 | S.F. | 32% |
| | INFILL BUILDING | 40 | S.F. | 0.2% |
| | EXTERIOR FREEZER | 673 | S.F. | 2.8% |
| | **BUILDING TOTAL** | **10952** | **S.F.** | 46% |
| | | | | |
| | PROPOSED PAVEMENT | 9245 | S.F. | 39% |
| | EXISTING GREEN SPACE | 2413 | S.F. | 10% |
| | PROPOSED GREEN SPACE | 930 | S.F. | 4% |
| | ENTRY AREA | 80 | S.F. | 0.3% |
| | | | | |
| | **TOTAL** | **23620** | **S.F.** | |

| parking | | | |
|---|---|---|---|
| office | 2/1000 s.f. net | 2759 | 5.518 |
| general retail | 2/1000 s.f. net | 8193 | 16.386 |
| **total** | | | **21.904** |

| | | |
|---|---|---|
| storefront glass | 55.85 | l.f. |
| building front | 79.5 | l.f. |
| transparence | 70% | |


Pictometry
Map
Auto
E
N
S
W
1 / 33
15
South Ave
17
bing
© 2016 Pictometry
© 2010 NAVTEQ © AND © 20

SOUTH CLINTON AVE

March 23, 2016

Division of Zoning
30 Church Street, Room 125B
Rochester, NY 14614

To whom it may concern:
Division of Zoning: File Number V-055015016 # 371-375 Averill Avenue

On behalf of the **South Clinton Merchants Association**, we are writing in opposition of the proposed Zoning changes to #375 Averill Avenue, File Number V-055015016 # 371-375 Averill Avenue.

- This proposed development will exceed the 6,000 sq. ft. size limitation for a principal use in a C-2 district. What if the business that is to occupy the space, fails? Is this variance going to follow the specific business? The issue is this is already a large commercial building. The design doesn't show an improvement of what the street scape would look like and how it would be suitable for **any** commercial business. The design is too specific to the type of Tenant that is said will be occupying the space.
- The developer has a very poor track record with other projects and buildings that it owns and renovates in the community. He has brought bad businesses in the neighborhood that have failed. Then his buildings sit vacant and the property becomes a nuisance to the neighborhood community and its residents.

- The developer has made no attempt to contact our neighborhood association in regards to this development and there has been no communication from the applicant with the neighbors or merchants in the area. As a result this project has had no community input. In the proposal it states that there isn't any detriment to the neighborhood as a result of this proposal... **we disagree strongly**. If it wouldn't hurt the neighborhood why then not reach out and get some feedback from them?

- The location and design of the proposed loading dock will cause an entire lane of traffic being blocked on Averill Avenue when the loading dock is in use; this street is already narrow and has a high volume of traffic.

- Although there is a proposed 22 space parking area in the rear of the building there is also offices, employees, and patron parking that is needed for this

development. We believe that the 22 spaces would not be enough. There are already significant parking and traffic concerns on this street.

- Per the design the parking lot is located in the rear of the building. On the proposal there is no good design that shows how patrons would know they would have to park in the rear of the facility. The entrance to the parking lot is off of Averill Ave and the business entrance is on South Clinton Ave. The buildings are all very closed off and the design shows very limited ability to change the proposed layouts. The design shows nothing that would assume there wouldn't be additional parking issues created. After looking at the drawing it would seem that the parking in the back if for the rear offices, not Main Street Meat and Grocery. Even the loading dock is off of Averill Ave.

- There would be a significant impact on a number of important area businesses with regards to traffic, parking concerns and similar businesses that are currently in the neighborhood. They all heavily rely on street parking in an already very busy highly congested area in the South Wedge.

We propose that the developer re-configure the design and layout so that any use of the space would follow the city requirements to not exceed the 6,000 sq. ft. size limitation for a principal use in a C-2 district. In addition we would hope that they would provide ample information with regards to parking and traffic concerns as well as reach out to the community and neighborhood association for input.

Sincerely,

**Sarah M. Farmer**
President South Clinton Merchants Association

**SSM&RC, Inc.** SPRING SHEET METAL & ROOFING
678 CLINTON AVENUE SOUTH • ROCHESTER, NEW YORK 14620 • TEL: (585) 244-7730• FAX: (585) 244-8511

**Date:** March 23, 2016

**To:** City of Rochester
Zoning Board of Appeals

**Re:** 371 – 375 Averill Avenue
**Case No:** 2
**File No:** V-055-15-16
**Case Type:** Area Variance

---

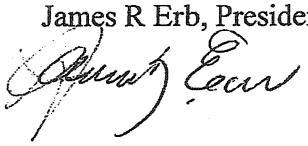
**Concerns:**

- Construction of and the addition to an existing building that will exceed the zoning size allotted for this property and lot by 83 percent
- Changing the traffic flow by constructing a "Store Front" on South Clinton Ave. where presently the building entrance and parking entrance are on Averill Avenue
- Set back limitations of proposed parking and building from property line if required are non existent
- Proposed loading zone is located on the portion of Averill where the street is a two way with no posted parking accessibility, therefore causing traffic issues
- The new entrance on Averill will be located 49 ft from the Averill Ave. Rt 490 bridge and this will create some blind traffic patterns for the new entrance, elevation will increase approximately 2 feet from where the existing is and almost 2 feet above the existing parking area presently
- This portion of Averill has no storm drainage from the 490 bridge to the crosswalk at South Clinton Ave. (will this create any drainage issues ?)
- The proximity of another existing meat market with-in a little more than a city block of the newly proposed one

**Notes:**

- Spring Sheet Metal & Roofing has been at there present location in the city of Rochester for 65 years and been a Rochester resident for 106 years
- SSM&RC, Inc has between 8 and 16 tractor trailers of different sizes back into there yard weekly and creates very limited traffic disruption
- We also own a parking lot at 663 – 665 South Clinton Ave. that is for our employees only and we have concern of increased parking on our lots and around curb cut entrances where deliveries and customers now enter from South Clinton

Sincerely;
James R Erb, President



SOUTH WEDGE
PLANNING COMMITTEE

224 Mt Hope Ave Rochester, NY 14620 ▲ Phone: (585) 256-1740 ▲ Fax: (585) 256-1497

March 22, 2016

Jill Symonds
Division of Zoning
30 Church Street, Room 125B
Rochester, NY 14614

Ms. Symonds:

On behalf of the South Wedge Planning Committee's Housing & Structures Committee, we are writing to recommend that the Zoning Board of Appeals delay a decision on proposed changes to 375 Averill Avenue (listed on File Number V-055015016 as 371 Averill Avenue).

Because the City mailed notices only those within 300' of the proposed project, a significant number of businesses, plus the business associations and neighborhood groups in the area were not notified about this project, which could have significant impacts on both residents and businesses.

In addition to markedly exceeding the 6,000 sq. ft. size limitation for a principal use in a C-2 district, the other concerns being expressed in the community include:

- no communication from the applicant with the neighborhood, resulting in a complete lack of neighbor resident and business input,
- concerns about the location and configuration of the proposed loading dock, which will lead to an entire lane of traffic being blocked on Averill Avenue when the loading dock is in use.
- parking and traffic concerns,
- impact on a number of important area businesses

Because of these concerns, we recommend delaying a decision for at least 30 days until the neighborhood residents and area business owners have an opportunity to review the proposal and provide constructive input.

Sincerely,

John Page
Executive Director

**Symonds, Jill**

**From:** Judy Hay <judylhay.jh@gmail.com>
**Sent:** Thursday, March 24, 2016 7:29 AM
**To:** Symonds, Jill
**Subject:** Wilton Enterprise

March 23, 2016

Jill Symonds

Division of Zoning

30 Church Street, Room 125B

Rochester, NY 14614

Ms. Symonds:

As a representative of the Swillburg Neighborhood Association and as a leader of NBN6, I am writing to recommend that the Zoning Board of Appeals delay a decision on proposed changes to 375 Averill Avenue (listed on File Number V-055015016 as 371 Averill Avenue). The larger neighborhood that is impacted by this development was not notified of the proposed development. As is the case with numerous other developments in the growing South East, developers have taken the time to seek community in-put prior to zoning changes. **This is not the case with Wilton Enterprises. We did not hear of this development until it was listed on the zoning docket. The community has had no in-put.**

**The notification on the hearing had 371 as the address which adds to the confusion.**

We seek a delay and a request that Wilton Enterprises presents their proposal in a formal way to NBN6 and to the South Wedge Planning Committee INc.

Sincerely,

Judy

The Reverend Judy Hay, B.A., M.Div

The Reverend Judy Lee Hay, M.Div
judylhay.jh@gmail.com

528 Benton Street
Rochester, NY 14620
cell 585-738-4871

## Symonds, Jill

**From:** Renee Beadling <reneebeadling@gmail.com>
**Sent:** Wednesday, March 23, 2016 2:28 PM
**To:** Symonds, Jill
**Subject:** Lyjah Wilton area variance- 371 Averill Ave
**Attachments:** 20160323_135723.jpg; 20160323_135646.jpg

Good afternoon Ms. Symonds-
I am writing to you in regards to the request for an area variance made by Mr. Wilton. I am unable to attend the meeting tomorrow but would like to share my thoughts on the situation. Mr. Wilton owns a property at 300 Hamilton Street, which sits adjecent to my home at 293 Hamilton street. This property is in disrepair, and has been for quite some time. I do not agree with granting him a variance for a new property expansion, when he appears incapable of maintaining his current ones. I have attached photos for reference. Please feel free to contact me with any questions.

Thank you,
Renee Christakis

**Symonds, Jill**

**From:** Irene Allen <irene@pentastich.org>
**Sent:** Wednesday, March 23, 2016 3:57 PM
**To:** Symonds, Jill
**Subject:** Zoning Board of Appeals File Number V-055015016

Re: Zoning Board of Appeals File Number V-055015016

I am a resident of the South Wedge, frequently patronize businesses on Clinton Ave, and frequently bike and drive on Averill Ave, so I am very familiar with this location.
I am strongly against this zoning variance, for several reasons

- The proposed addition would make the main building over 10,000 sq feet. That's 40% larger than normally permitted! This would be acceptable if the development were mixed use multi-story that helped the Clinton corridor evolve in a positive way, but the proposal results in a sprawling single-story building that is out of character with the desired evolution of the streetscape and neighborhood. The proposal has windows on Clinton, so is a small improvement over the current building, but it's not enough of an improvement to justify a variance

- It appears that there is no Off-Street Loading area, so delivery trucks will negatively impact driver visibility and pedestrian and bike safety.

- The South Wedge and Swillburg areas have been working for decades to improve, and those efforts have just recently started to bear fruit on Clinton. Redevelopment of large old industrial lots like this one is welcome, but only if it's an overall improvement to the aesthetics and vitality of the area. This development will only sap vitality from McCann's Meats 1 block away, and the much anticipated Abundance Coop full service grocery store going in 3 blocks away at South & Averill. If Main St Meats is leaving their Main St location to come here, then that hurts the Susan B Anthony neighborhood as well.

We should reserve zoning variances for developments that are a net plus, or at least do no harm!

thank you for your consideration
Irene Allen
315 Mount Hope Ave, Apt 601
Rochester NY 14620

# ZONING BOARD OF APPEALS
# STAFF REPORT
# April 21, 2016

## Area Variance

**Case # 4:** Staff Reviewer: Jill Symonds

***Held by the Applicant from the 03/24/16 Hearing**

**File Number:** V-063-15-16

**Applicant:** James A. Boglioli, Esq.

**Project Address:** 980 West Ridge Road

**Zoning District:** C-3 Regional Destination Center District

**Section of Code:** 120-177

**Request:** **To legalize the existing 20' tall kiosk sign for "Delta Sonic" which includes a proposed LED display, not meeting certain sign requirements.**

**Background:** The subject property is an automatic car wash and gas station facility. The parcel lies partially in the City of Rochester and partially in the Town of Greece. In 1988, the City issued a permit for a 10'-8" x 8' wide freestanding, illuminated sign. Since that time, the sign was increased to 20' tall without a permit. The request is to renovate and legalize the existing 20' tall kiosk sign, which includes a 3'-6" x 7' LED display.

***The variance application has not changed since the 03/24/16 public hearing.***

**Code Compliance:** Section 120-177D provides that the property is permitted to have maximum signage of 10% of the primary building façade per lot including:

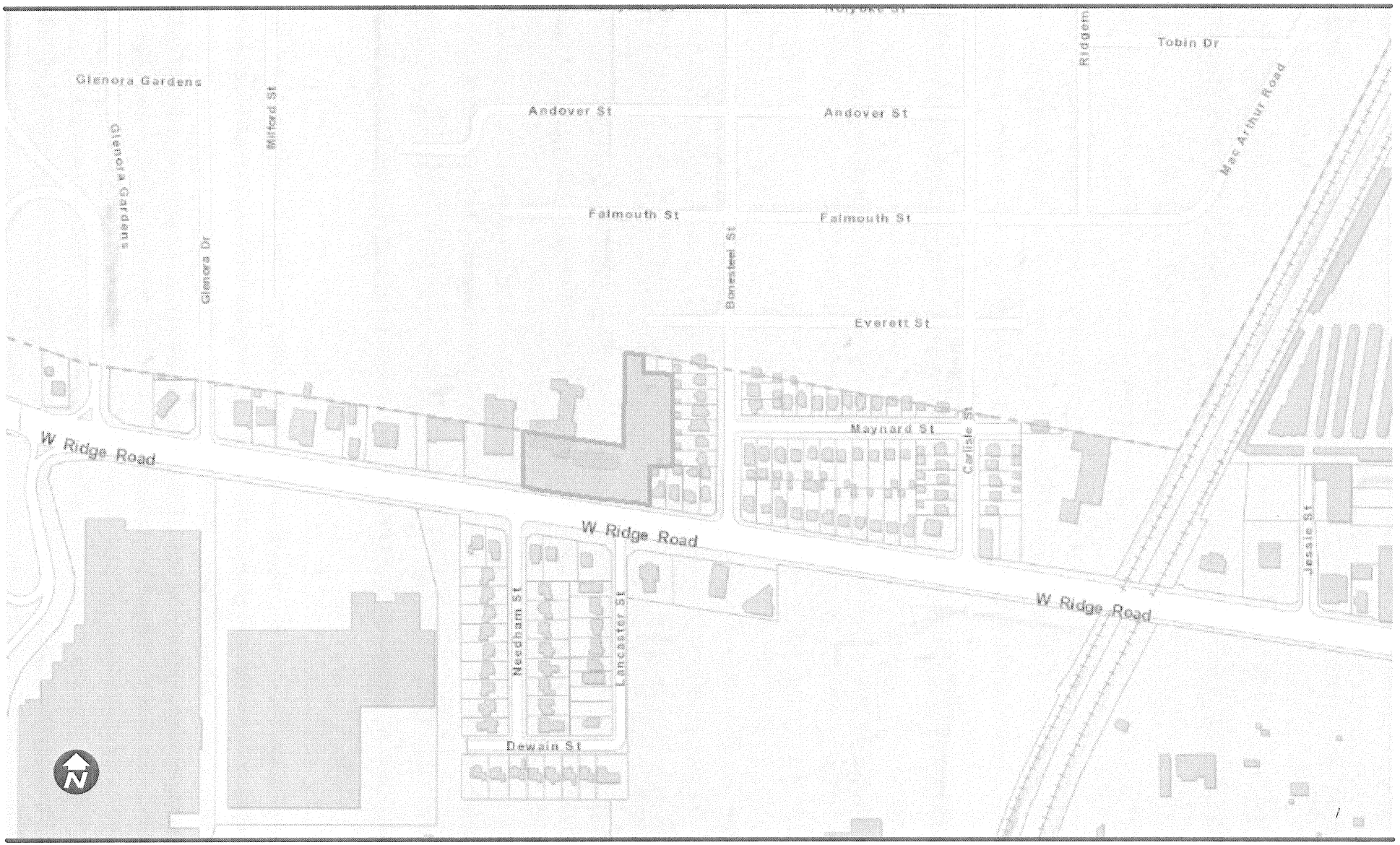
- Attached signs identifying uses or services on the premises not exceeding 1.5 square feet for every foot of building frontage; and/or
- 1 detached sign located in the front yard not exceeding 50 square feet in size per side and posted no more than 15 feet in height from the finished grade of the lot. **Area variance required because the kiosk sign is 20' in height and has a sign face of approximately 100 sq. ft.**

The proposed **LED sign** may or may not be in compliance with the following:

- 120-177F(1) - Signs shall relate through their design, size and height to pedestrians and conform to the surrounding character.
- 120-177F(3) - No more than 50% of the sign face may be covered with text or graphics.
- 120-177F(6) - No sign shall consist of strings of lights or contain blinking, flashing, intermittent, rotating, glaring, or moving lights or other attention-attracting devices.
- 120-177F(7) - Any illuminated sign shall employ only lights emitting a light of constant intensity.

**Code Enforcement:** The subject property is not in code enforcement.

# 990 W RIDGE RD




**March 11, 2016**

This map is intended for general reference only.

The City of Rochester makes no representation as to the accuracy or fitness of the data presented.

City of Rochester, NY

City of Rochester, NY
*Lovely A. Warren, Mayor*

## PROJECT INFORMATION

**PLEASE TYPE OR PRINT**

1. **PROJECT ADDRESS(ES):** 990 West Ridge Road, Rochester, New York

2. **APPLICANT:** James A. Boglioli, Esq **COMPANY NAME:** Delta Sonic Car Wash Systems, Inc.

   **ADDRESS:** 570 Delaware Avenue **CITY:** Buffalo **ZIP CODE:** 14020

   **PHONE:** 716-878-9626 **FAX:** 716-886-1026

   **E-MAIL ADDRESS** JMB@Benderson.com

   **INTEREST IN PROPERTY:** Owner ☑ Lessee ☐ Other ☑

3. **PLAN PREPARER:** James Rumsey, RA

   **ADDRESS:** 570 Delaware Ave **CITY:** Buffalo **ZIP CODE:** 14032

   **PHONE:** 716-878-9626 **FAX:** 716-886-1026

4. **ATTORNEY:** James A. Boglioli

   **ADDRESS:** 570 Delaware Avene **CITY:** Buffalo **ZIP CODE:** 14032

   **PHONE:** 716-878-9626 **FAX:** 716-886-1026

   **E-MAIL ADDRESS** JMB@Benderson.com

5. **ZONING DISTRICT:** C-3

BUILDING BUREAU
ROOM 121
10:14AM Mar 4/16
04 0002 001 BUD
#20512
Zoning $250.00
INFO 980 W RIDGE
CHECK $250.00

6. **DETAILED PROJECT DESCRIPTION (additional information can be attached):**

Delta Sonic is proposing to renovate an existing 20' high freestanding sign. While there will be no change to the height of the existing sign, Delta Sonic is proposing to add a brick facade to the sign as well as to replace an existing acrylic sign panel with a new LED display.

7. **LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:)** 1 month

**APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.**

**SIGNATURE:** James A. Boglioli **DATE:** 01-20-16

**OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.**

**SIGNATURE:** James A. Boglioli **DATE:** 01-20-16

City of Rochester, NY

# AREA VARIANCE
# STATEMENT OF DIFFICULTY
## Section 120-195B(4)(b)

**An area variance shall be granted only if the applicant can establish the existence of EACH of the following conditions:**

**A. Benefits.** The benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community by the granting of the variance.

The property is an existing carwash, gas station and convenience store located at 990 West Ridge Road. As demonstrated by the site plan and photograph attached as Exhibit A, the property is improved with an existing freestanding sign which is currently 20' high. The existing sign contains electronic changeable gas price numbers in addition to a white acrylic face with a fixed image on the panel. Delta Sonic is proposing to renovate the existing sign to add brick to the sign to make it more visually attractive. The sign will remain at its existing height of 20'. In addition, Delta Sonic is proposing to replace the existing acrylic panel located under the gas price numbers with new LED display. The LED display is a significant benefit to Delta Sonic based on the nature of its business and will enable it to advertise different promotions and sales in connection with the car wash, gas station and convenience store. As discussed below, while there is a significant benefit to Delta Sonic, there will be no detriment to the health, safety and welfare of the neighborhood or the community by granting the variance relief because the sign is presently existing at a height of 20' and because the property exists on West Ridge Road in a highly commercial area with similar signage.

**B. Essential character of the area.** No undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the variance.

There will be no undesirable change produced in the character of the neighborhood or a detriment to nearby properties by granting the variance. As demonstrated by the aerial photograph attached as Exhibit B, the property is located in a commercial area of West Ridge Road. The sign currently exists at a height of 20' and maintaining the height will not change the current condition and the existing character of the neighborhood. Moreover, the addition of an LED display to the existing sign is consistent to other signs that have been developed in the area, including the Fastrac Gas Station and eCars USA. Photographs of the other signs in the area which maintain an LED display are attached as Exhibit C. In addition, the existing proposal will result in an aesthetic improvement to the existing sign with the addition of brick to match the existing gas station building. Based on the fact that the sign already exists at a height of 20' and that other LED displays have been installed on signs in the area in which the Delta Sonic is located, there will not be an undesirable change in area character or detriment to nearby properties.

**C. No other remedy.** There is no other means feasible for the applicant to pursue, other than the granting of this area variance.

There is no way to develop an LED display without the sough-after variance. The applicant is seeking to have a changeable message center to advertise sales and associated car wash/convenience store items. Moreover, the height is an existing condition and the applicant cannot demolish the existing sign due to the associated cost and need for the existing sign.

**D. Significance.** The requested variance is not substantial.

The variance relief is not substantial for two reasons. First, with respect to the height of the sign, Delta Sonic is not asking to change the existing sign and is simply seeking to maintain the sign as it currently exists for height. Second, with respect to the LED display, the addition of this display will not increase the size of the sign and simply replaces an existing sign panel. The LED display is consistent with other LED displays which have been developed on West Ridge Road. The Court stated in Matter of Easy Home Program v. Trotta, 276 A.D.2d 553 (2d Dept. 2000), that the fact that a variance may seem substantial on paper does not justify the denial of an application if there is no demonstrated harm to the community. In the present case, there is no demonstrated harm to the community and therefore the variance is not substantial.

**E. Physical and environmental conditions.** The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

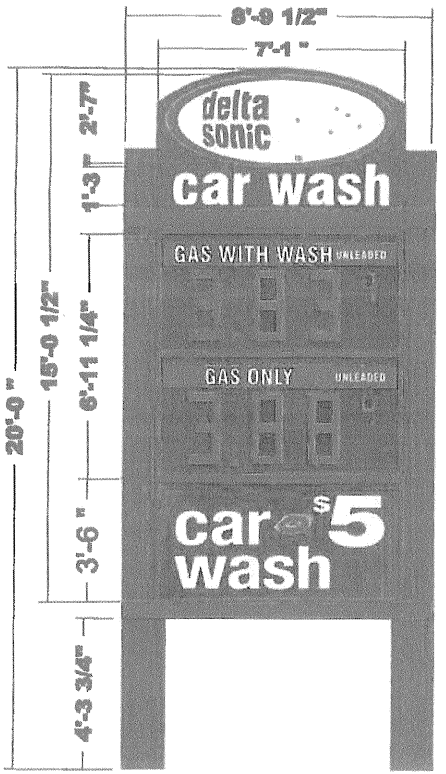
The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. his is a modification to an existing sign in a commercial area developed with similar uses and signage. The requested LED display will not have any impact on any physical or environmental conditions.

**F. Not self created.** The alleged difficulty was not self created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance.

NY General City Law explicitly states that self-created hardship is not by itself a sufficient basis to deny an area variance application. The Court was directly confronted with this issue in Matter of Easy Home Program v. Trotta, 276 A.D.2d 553 (2d Dept. 2000) when it held that even though the hardship was self-created and even though the variance was substantial, where there was no evidence demonstrating the variance would have an undesirable effect on the character of the community, a variance application must be approved. See, also, Jackson v. Kirkpatrick, 125 A.D.2d 471 (2d Dept. 1986); De Sena v. Zoning Board of Appeals, 45 N.Y.2d 105 (1978); Goshen Shopping Center v. Zoning Board of Appeals, 112 A.D.2d 140 (2d Dept. 1985). In the present case, there is no evidence that the variance would have any negative effect on the neighborhood.

# Exhibit A

**PHOTO OF EXISTING SIGN**




**EXISTING SIGN**

1814

DELTA SONIC
990 West Ridge Rd.
ROCHESTER, NY

DELTA SONIC CAR WASH

SIGNAGE
EXISTING ID

S

1 SITE PLAN




LOCATION SKETCH




SEAL

NOTICE

| | DATE | BY |
|---|---|---|
| | | |

Project: Delta Sonic Car Wash Systems
990 West Ridge Road
Rochester, New York 14615

Project: Delta Sonic Car Wash VACUUM UPGRADE

Title: EXISTING SITE PLAN

HENDERSON ENGINEERING COMPANY, LLC

Date: 10-12-06

Drawn By: CRW

Checked By: JAR

Drawing No: C-1

Area: -

Project No: 1814

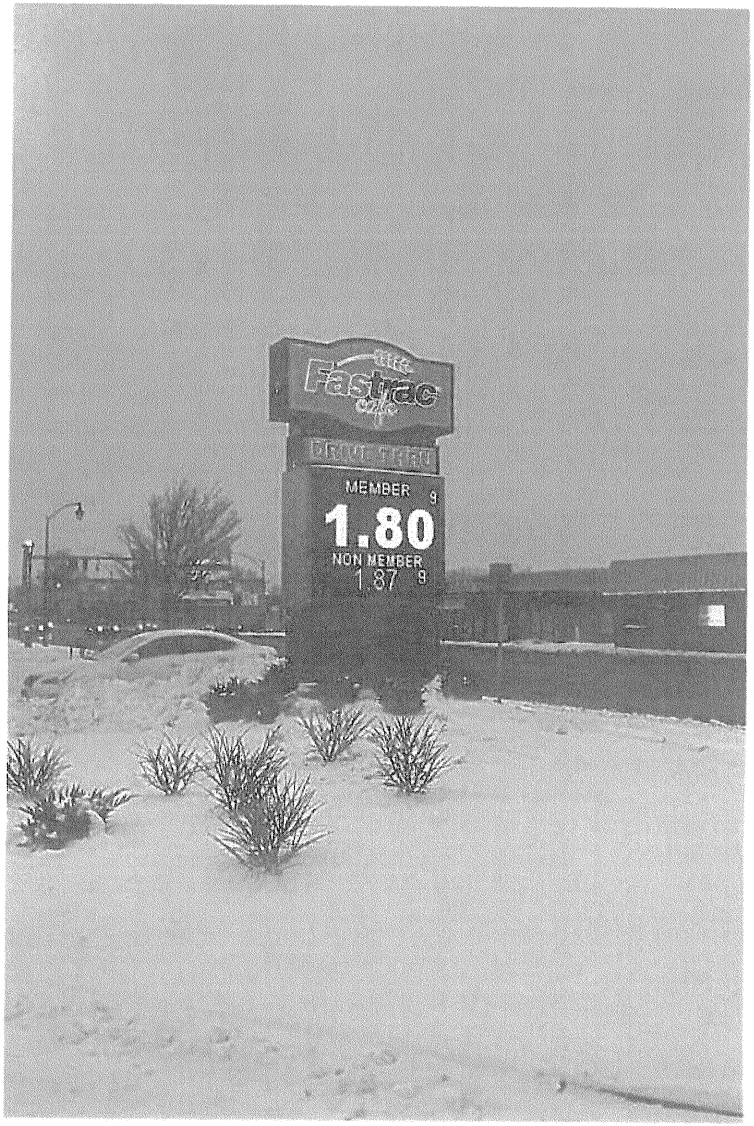
Status: CD

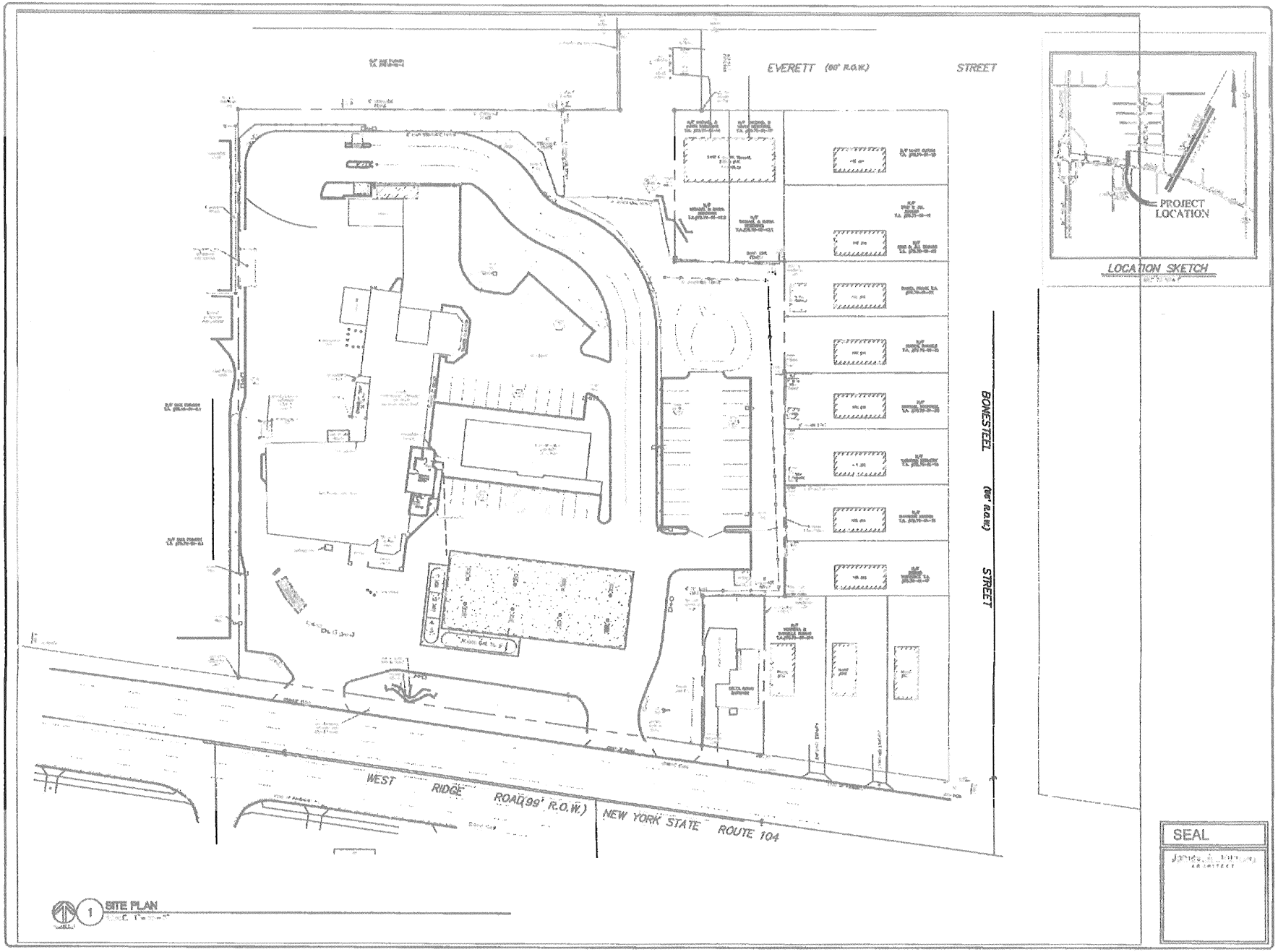
# Exhibit B

Milford St
Holyoke St
Falmouth St
Everett St
Maynard St
Carlisle St
Tobin Dr
Delta Sonic
104
18
Needham St
Dewain St
Jessie St
Eastman Ave
Dewey Ave
Velox St
Mayflower St
Dorothy Ave
W Ridge Rd
Kodak Park
Wheatland St
Ramona Park
Rand St
Palm St
Goodwill St
Roadside St
Merrill St
Google earth

# Exhibit C

eCarsUSA.com
We Finance
Everyone
Guaranteed!


Fastrac
MEMBER
1.80
NON MEMBER
1.87




1 SITE PLAN

NOTICE

Property ID: 1814

Phase: CD

Delta Sonic Car Wash Systems
990 West Ridge Road
Rochester, New York 14615

Delta Sonic Car Wash VACUUM UPGRADE

Title: EXISTING SITE PLAN

SEAL

BENDERSON DEVELOPMENT COMPANY, LLC.

Drawn By: CRW

Checked By: JAR

Date: 12-12-15

Drawing No: C-1

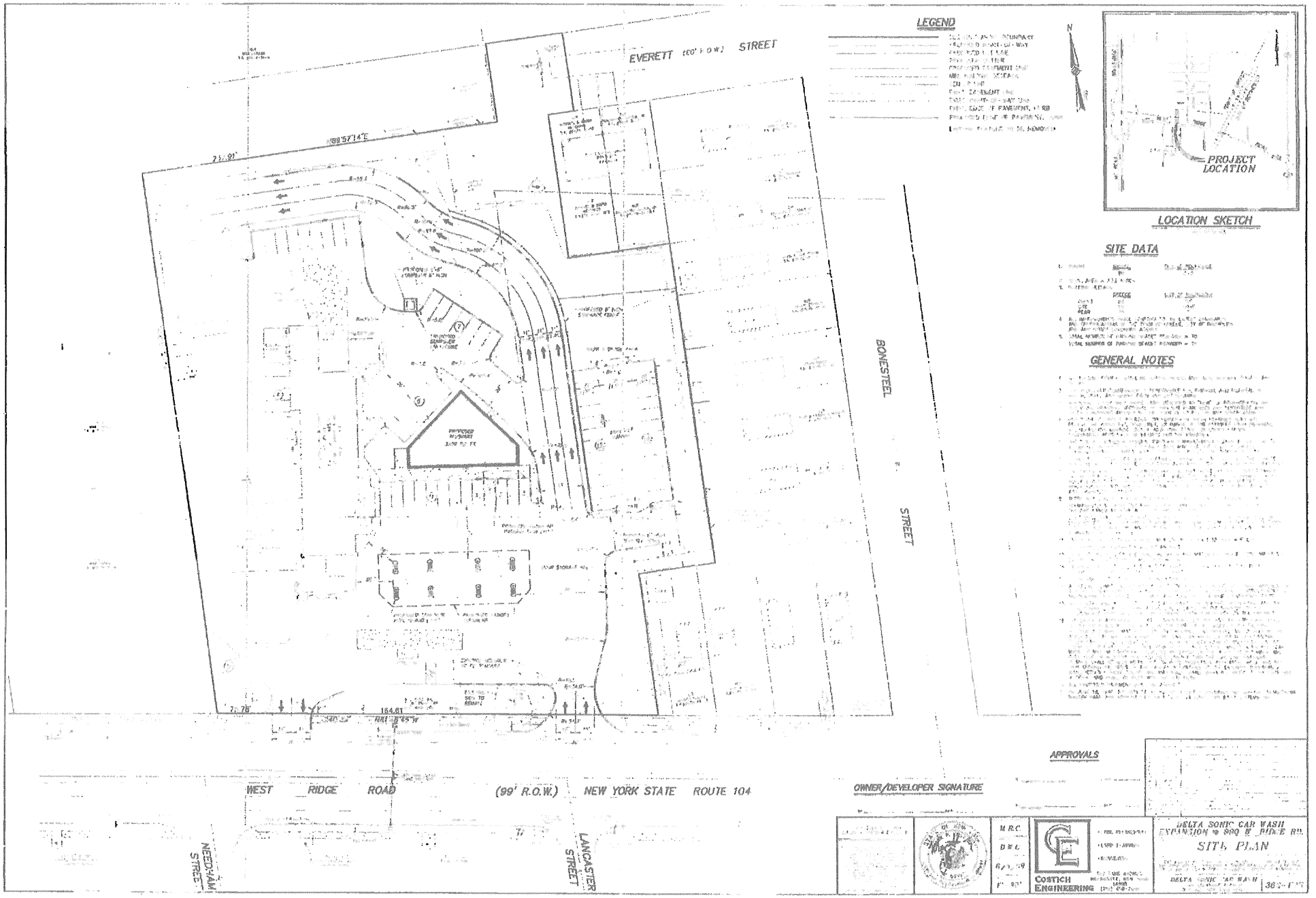
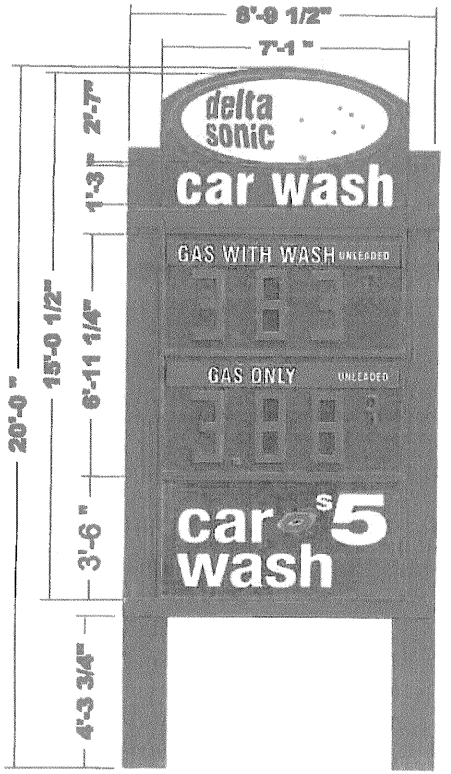

EVERETT (60' R.O.W.) STREET
BONESTEEL STREET
WEST RIDGE ROAD (99' R.O.W.) NEW YORK STATE ROUTE 104
NEEDHAM STREET
LANCASTER STREET
LEGEND
N
PROJECT LOCATION
LOCATION SKETCH
SITE DATA
GENERAL NOTES
APPROVALS
OWNER/DEVELOPER SIGNATURE
COSTICH ENGINEERING
DELTA SONIC CAR WASH EXPANSION @ 980 E. RIDGE RD.
SITE PLAN

**PHOTO OF EXISTING SIGN**




**EXISTING SIGN**

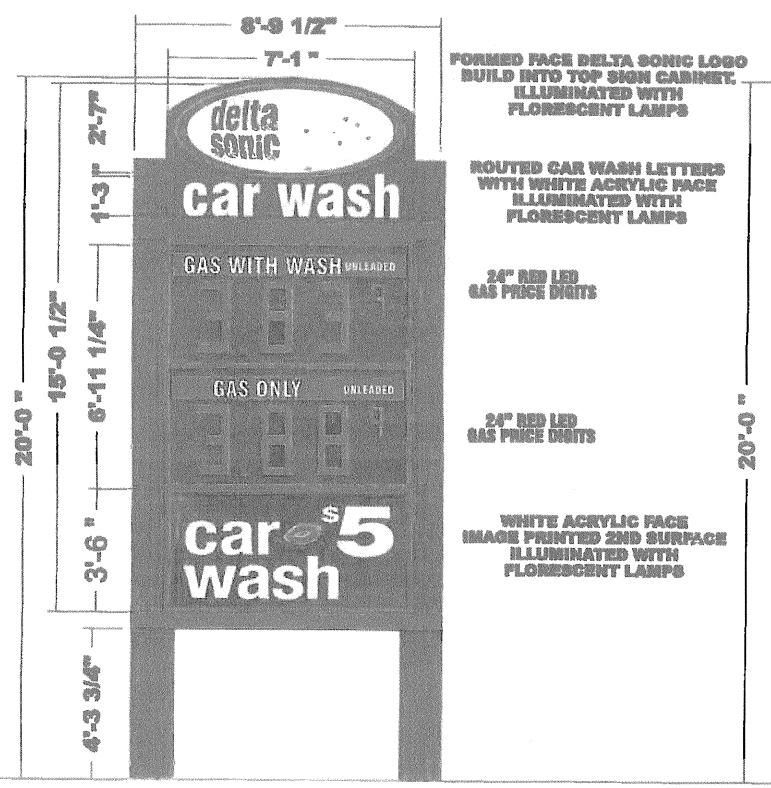
1814

DELTA SONIC
990 West Ridge Rd.
ROCHESTER, NY

DELTA SONIC CAR WASH

SIGNAGE EXISTING ID

S



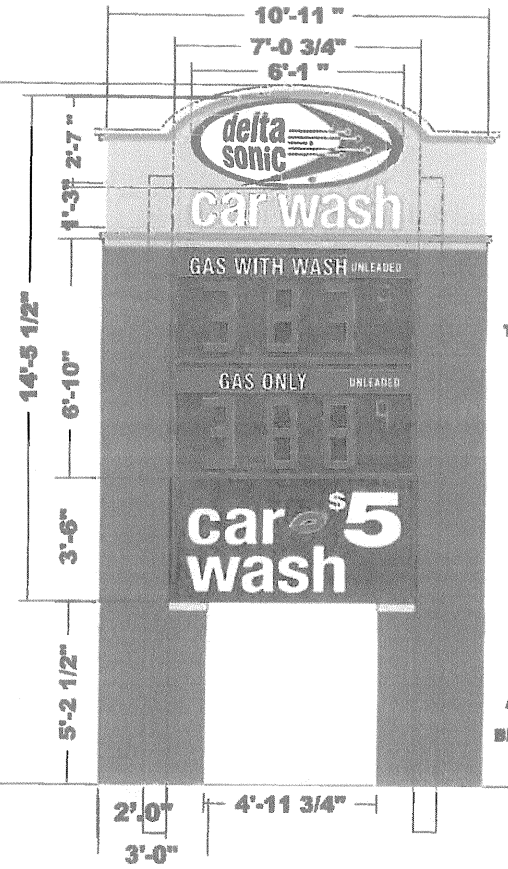

FORMED FACE DELTA SONIC LOGO BUILD INTO TOP SIGN CABINET. ILLUMINATED WITH FLORESCENT LAMPS

ROUTED CAR WASH LETTERS WITH WHITE ACRYLIC FACE ILLUMINATED WITH FLORESCENT LAMPS

24" RED LED GAS PRICE DIGITS

24" RED LED GAS PRICE DIGITS

WHITE ACRYLIC FACE IMAGE PRINTED 2ND SURFACE ILLUMINATED WITH FLORESCENT LAMPS



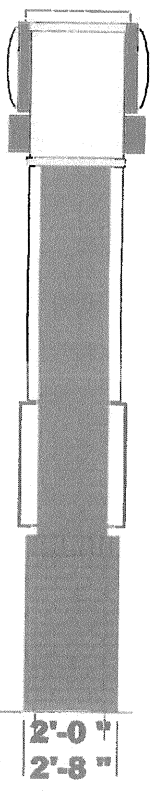

FABRICATE AND INSTALL NEW TOP SIGN CABINET USING EXISTING STEEL POLES FORMED FACE DELTA SONIC LOGO BUILD INTO TOP SIGN CABINET. ILLUMINATED WITH WHITE LEDS 120 VOLT

WHITE CHANNEL LETTERS WITH RED RETURNS, SURFACE MOUNTED TO FACE OF CABINET. WHITE LED ILLUMINATION. 120 VOLT

DOUBLE SIDED LED FUEL PRICE DISPLAY TWO UNLEADED PRICES, 24" DIGITS, WITH RED LED ILLUMINATION, EXISTING SIGNS TO BE REUSED SIGN TO BE 120 VOLTS. UL LISTED USING EXISTING POLE AND BASE

INSTALL NEW 16MM LED DISPLAY, REPLACES EXISTING STATIC IMAGE SIGN BOX

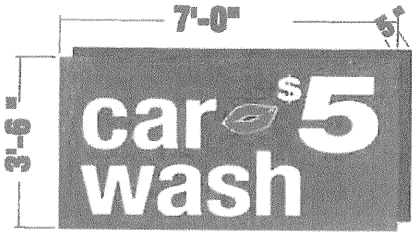
INSTALL BRICK TO MATCH NEW C STORE. BRICK TO BE ANCHORED TO THE EXISTING 8" X 8" STEEL COLUMNS. BRICK COLUMNS TO BE 24" X 24" BASE TO BE 32" X 32"




EXISTING SIGN

PROPOSED SIGN

SIDE VIEW




-Led display to be 16 mm full color
1 red, 1 blue and 1 green led per pixel
-Wireless ethernet communication
- No pixel sharing
- Display area 42" x 84", no border.
_Cabinet to be made of aluminum; formed and welded,
semi gloss black
- Two faces
- 208 / 120 VOLT

PROPOSED LED DISPLAY

1814

DELTA SONIC
990 West Ridge Rd.
ROCHESTER, NY

DELTA SONIC CAR WASH

SIGNAGE PROPOSED II

## Symonds, Jill

**From:** Penders, Ronald
**Sent:** Tuesday, April 05, 2016 7:59 AM
**To:** Symonds, Jill; Parrino, Marguerite V.; Lagonegro, Zina B.
**Subject:** Community response
**Attachments:** April 21 2016 ZBA Agenda Revised.pdf

Good morning,

I just wanted to comment on the cases being heard by the Zoning Board of Appeals;

**980 W. Ridge Rd.** I have only heard positive things about this location and only had a couple of people commented on this case, both were in favor of the sign.

**1628 Lyell Ave.** I have quite a few people in the neighborhood who are very much against any more auto related businesses being legalized. Especially ones like this one that continued to operate even after they were told not to.

**28 Locust St.** I have heard nothing from the community on this one.

Thank you,

Ron Penders
Administrator
City of Rochester
Department of Neighborhood and
Business Development
Northwest Neighborhood Service Center
Pendersr@cityofrochester.gov
(585) 428-7620 Office
(585) 428-7621 Fax

# ZONING BOARD OF APPEALS
# STAFF REPORT
# April 21, 2016

## Area Variance

**Case # 5:** Staff Reviewer: Jill Symonds

**File Number:** V-065-15-16

**Applicant:** Michael Mammano

**Project Address:** 527-531 Monroe Avenue

**Zoning District:** C-2 Community Center District

**Section of Code:** 120-177

**Request:** **To install three internally illuminated signs that are 3' x 35' each for "Pet Supplies Plus", exceeding certain sign requirements.**

**Analysis:** The subject property is legal for low-impact retail. The proposal is to install a 3' x 35' (105 sq. ft.) LED illuminated sign for "Pet Supplies Plus" on three sides of the building: facing Monroe Ave. and S. Goodman Ave, and on the western façade (i.e. facing Advanced Auto Parts). The applicant is not proposing additional signage on the two existing pole signs.

**Code Compliance:** 120-177 permits one attached sign that is 0.5 sq. ft. in area for every foot of the building frontage. The building frontage along Monroe Avenue is 58', permitting a 29 sq. ft. sign. The building frontage along S. Goodman, is 112', permitting a 56 sq. ft. sign. **An area variance is required for the size and number of proposed signs.**

**Code Enforcement:** This property is not in code enforcement.

## PROJECT INFORMATION

**PLEASE TYPE OR PRINT**

1. **PROJECT ADDRESS(ES):** Pet Supplies Plus 531 Monroe Ave

2. **APPLICANT:** Michael Mammano **COMPANY NAME:** Clinton Signs, Pet Supplies

   **ADDRESS:** 1407 Empire Blvd **CITY:** Webster **ZIP CODE:** 14580

   **PHONE:** 482-1620 **FAX:** 482-3384

   **E-MAIL ADDRESS** mike@clintonSigns.com

   **INTEREST IN PROPERTY:** **Owner** ____ **Lessee** X **Other** X

3. **PLAN PREPARER:** Clinton Signs

   **ADDRESS:** 1407 Empire Blvd **CITY:** Webster **ZIP CODE:** 14580

   **PHONE:** 482-1620 **FAX:** 482-3384

4. **ATTORNEY:** ____

   **ADDRESS:** ____ **CITY:** ____ **ZIP CODE:** ____

   **PHONE:** ____ **FAX:** ____

   **E-MAIL ADDRESS** ____

5. **ZONING DISTRICT:** ____

6. **DETAILED PROJECT DESCRIPTION (additional information can be attached):** Install (3) sets of 36" letters PETSUPPLIES plus 104.6 square feet each on 3 sides of existing building North, West & EAST

7. **LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:)** 90 Days

**APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.**

**SIGNATURE:** ____ **DATE:** 3-17-16

**OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.**

**SIGNATURE:** ____ **DATE:** ____

BUILDING BUREAU
ROOM 121

12:53PM Mar 30/16
01-0002 001 BUD
#21954

Zoning $250.00
INFO 527 MONROE
CHECK $250.00

# 527-531 MONROE AV

March 17, 2016

This map is intended for general reference only.

The City of Rochester makes no representation as to the accuracy or fitness of the data presented.

City of Rochester, NY

City of Rochester, NY
*Lovely A. Warren, Mayor*

City of Rochester, NY

# AREA VARIANCE
# STATEMENT OF DIFFICULTY
## Section 120-195B(4)(b)

**An area variance shall be granted only if the applicant can establish the existence of EACH of the following conditions:**

**A. Benefits.** The benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community by the granting of the variance.

The benefits of this application would allow for customers traveling East & West on Monroe Ave to identify the store. The sign on the North elevation facing Monroe Ave could be seen when traveling South on Goodman St. The size of the signs is consistent with the previous Block Buster Video sign package.

**B. Essential character of the area.** No undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the variance.

The neighborhood on Monroe Ave needs these sign to identify this new tenent. Many stores on Monroe Ave have signage on the EAST and West sides of the building

**C. No other remedy.** There is no other means feasible for the applicant to pursue, other than the granting of this area variance.

The Store is on the corner and can be seen from the intersection as well as traveling East on Monroe Ave. The parking lot is before the Store and can be accessed from Monroe Ave between Pet Supplies Plus and Advanced Auto Parts. The West side elevation sign would allow for Customers to identify the store and Enter here

**D. Significance.** The requested variance is not substantial.

Although we are requesting (3) sets of 36" letters, the previous tenant also used 36" high letters on 2 elevations.

We are not requesting panels in the existing (2) pole sign.

Del Supplies Plaza is 104.6 square feet per side
Block Buster video was 105 square feet per elevation

**E. Physical and environmental conditions.** The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The signage will have no negative physical or environmental effect on the AREA.

**F. Not self created.** The alleged difficulty was not self created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance.

The building is existing and we would like to repaint all fascades and top trim. We would like to make use of the three elevations for signage.

The variances granted for Advanced Auto Parts & Family Dollar indicate the need for larger signage at this location.

34' 10-1/2"

3M 3630-26 Green Vinyl, First Surface over #2447 White Pigmented Acrylic

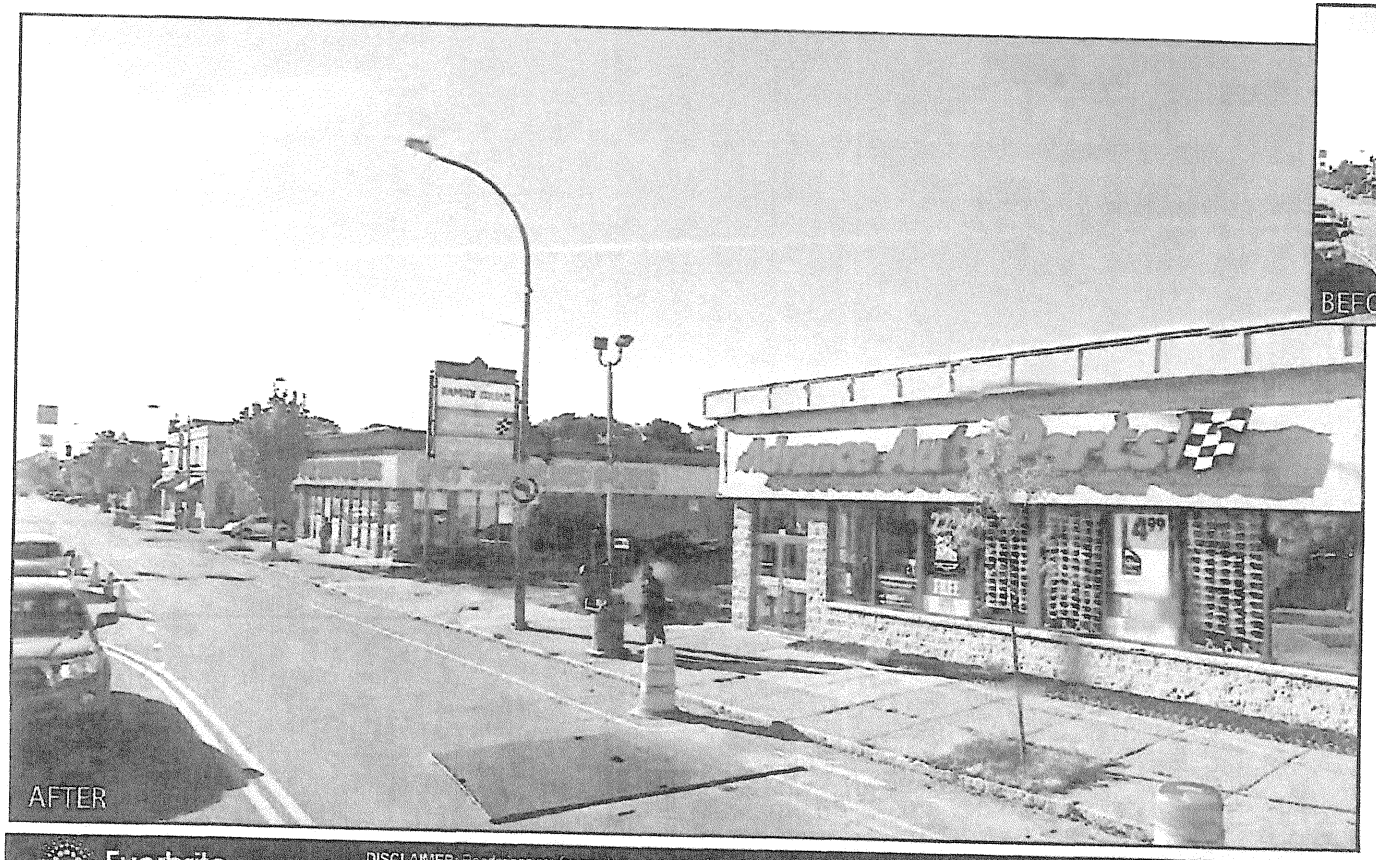
LED ILLUMINATED

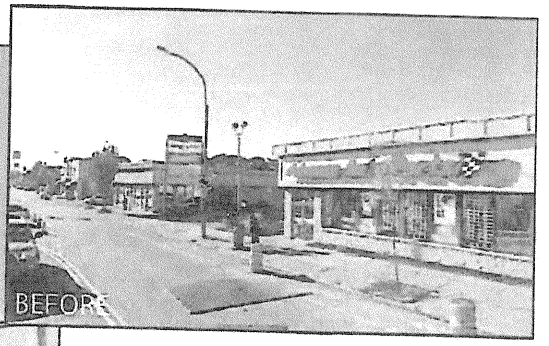
36"

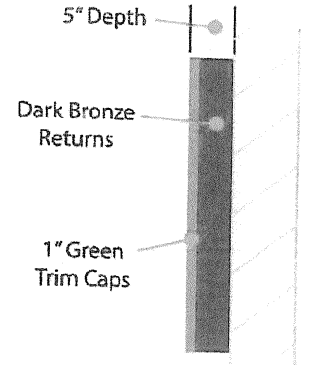
# PET SUPPLIES PLUS

Flat Pigmented Acrylic Faces with 3/4" Green Trim Caps & 5" Dark Bronze Aluminum Returns

104.63 Sq. Ft.




Letter Side View

Everbrite

DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings. These drawings and designs are the exclusive property of Everbrite LLC. Use of, or duplication in any manner without express written permission of Everbrite LLC is prohibited.

Customer: PS: Pet Supplies Plus

Project No: 340040 Scale: NTS

Date: 1/08/16 Drawn By: KW

Location: Rochester, NY Site No: PS531ADR

Description: 36" LED Channel Letter Sets

Revised:

Revised:

Customer Approval: Graphics and colors on file will be used unless otherwise specified by customer. Please review drawing carefully. By signing below, you agree to graphics as shown above, and to location of sign as shown. Please return signed copy back to Everbrite.

CUSTOMER SIGNATURE

LANDLORD SIGNATURE

DATE 3/8/16

DATE

Owner's signature

34' 10-1/2"

3M 3630-26 Green Vinyl, First Surface over #2447 White Pigmented Acrylic

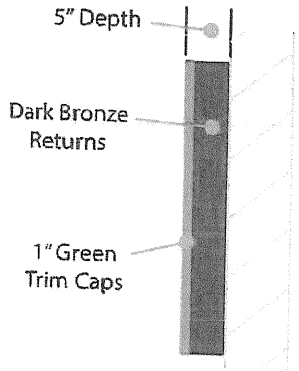
LED ILLUMINATED

36"

# PET SUPPLIES PLUS

Flat Pigmented Acrylic Faces with 3/4" Green Trim Caps & 5" Dark Bronze Aluminum Returns

104.63 Sq. Ft.




Letter Side View

Everbrite

DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings. These drawings and designs are the exclusive property of Everbrite LLC. Use of, or duplication in any manner without express written permission of Everbrite LLC is prohibited.

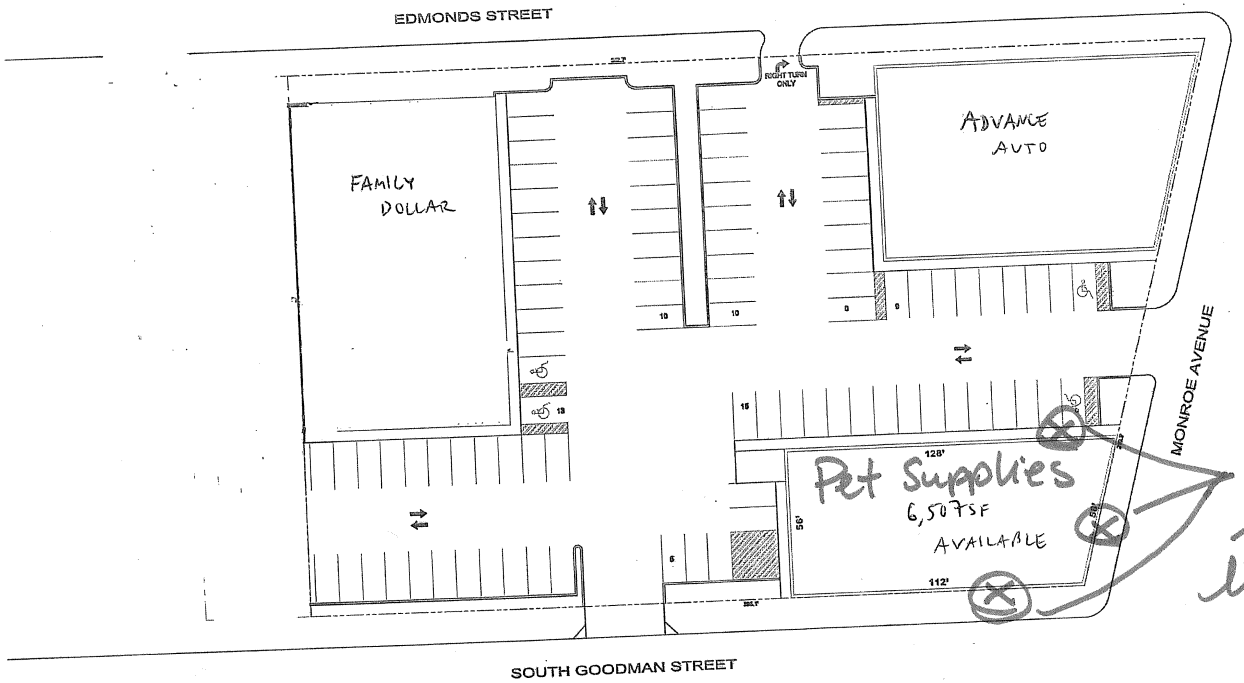
| | | | |
|---|---|---|---|
| Customer: PS: Pet Supplies Plus | | Description: 36" LED Channel Letter Sets | Customer Approval: Graphics and colors on file will be used unless otherwise specified by customer. Please review drawing carefully. By signing below, you agree to graphics as shown above, and to location of sign as shown. Please return signed copy back to Everbrite. |
| Project No: 340040 | Scale: NTS | | |
| Date: 1/08/16 | Drawn By: KW | | |
| Location: Rochester, NY | Site No: PS531ADR | Revised: | CUSTOMER SIGNATURE _____ DATE _____ |
| | | Revised: | LANDLORD SIGNATURE _____ DATE 3/8/16 |

FAMILY DOLLAR
Advance
Auto Parts

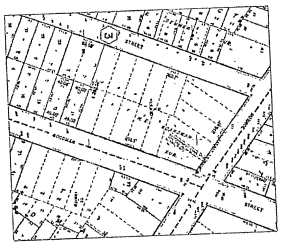
FAMILY DOLLAR
Advance Auto Parts
TURN
ONLY
THIS IS
PRIVATE PROPERTY

Advance Auto
20
NO
TUNE

FAMILY DOLLAR




SITE PLAN
1 SP-1
1"=20'



TAX MAP
2 SP-1
N.T.S.

REVISIONS
No | DATE | DESCRIPTION | BY

MONROE & GOODMAN PLAZA
MONROE & GOODMAN ST.
ROCHESTER, NEW YORK

PROPOSED SITE PLAN

SEAL

PREPARED FOR:
ELLICOTT DEVELOPMENT COMPANY
219 ELLICOTT STREET
BUFFALO, N.Y. 14203

JOB NO. 7112
DATE
DRR

ROBERT C. SPAHN, A.I.A.
Registered Architect
202 Ellicott Square
Buffalo, New York 14203
TEL (716) 854-0062

SHEET SP-1

# ZONING BOARD OF APPEALS
# STAFF REPORT
# April 21, 2016

## Area Variance

**Case # 6:** Staff Reviewer: Jill Symonds

**File Number:** V-067-15-16

**Applicant:** Rev. Robert Rios

**Project Address:** 676 Hudson Avenue

**Zoning District:** R-1 Low-Density Residential District

**Section of Code:** 120-11

**Request:** **To expand a place of worship by adding 600 sq. ft. of space and to demolish a single family dwelling at 275 Bernard Street in order to construct additional parking, not meeting the side yard setback requirements and exceeding lot coverage.**

**Analysis:** The subject property is an L-shaped parcel that contains two buildings, a church and a two-family dwelling. The applicant is proposing to add a 600 sq. ft. addition to the church along Hudson Avenue, demolish the two-family dwelling, and expand the parking area.

**Code Compliance:** 120-11 requires a minimum 5' side yard setback for the principal structure. The proposed church addition extends to the lot line, leaving no side yard setback **(area variance required).**

120-11 limits lot coverage to 50%. The proposal will increase lot coverage from 51% to 82% **(area variance required).**

120-173 regulates the design of off-street parking. Minor changes to the site plan are required in order to bring the design into compliance. These include:

- The parking lot along Bernard Street must be screened with a 4' tall fence.
- The stall lengths must be 21' long.
- The exit onto Bernard Street must be one-way.
- The entrance and exit to the parking lot must be clearly marked as one-way.

**Code Enforcement:** This property is not in code enforcement.

## PROJECT INFORMATION

**PLEASE TYPE OR PRINT**

1. **PROJECT ADDRESS(ES):** 676 HUDSON AVE.

2. **APPLICANT:** REV. ROBERT RIOS **COMPANY NAME:** _____

   **ADDRESS:** 676 HUDSON AVE **CITY:** ROCHESTER **ZIP CODE:** 146

   **PHONE:** 766 8913 **FAX:** _____

   **E-MAIL ADDRESS** loucarini@aol.com

   **INTEREST IN PROPERTY:** **Owner** ✓ **Lessee** _____ **Other** _____

3. **PLAN PREPARER:** LOUIE CARINI PE

   **ADDRESS:** 196 DEERFIELD DR **CITY:** ROCHESTER **ZIP CODE:** 14609

   +C

   **PHONE:** 766 8913 **FAX:** _____

4. **ATTORNEY:** _____

   **ADDRESS:** _____ **CITY:** _____ **ZIP CODE:** _____

   **PHONE:** _____ **FAX:** _____

   **E-MAIL ADDRESS** _____

5. **ZONING DISTRICT:** R-1

6. **DETAILED PROJECT DESCRIPTION (additional information can be attached):**

   The church wishes to add approximately 600 sq. ft. to the church building to create 4 new classrooms. It also wants to demolish an old house to create 6 additional parking spaces.

7. **LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:)** 6 MONTHS

**APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.**

**SIGNATURE:** Robert Rios **DATE:** 3/9/16

**OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.**

**SIGNATURE:** _____ **DATE:** _____

# 676 HUDSON AV

**March 17, 2016**

This map is intended for general reference only.

The City of Rochester makes no representation as to the accuracy or fitness of the data presented.

City of Rochester, NY

City of Rochester, NY
*Lovely A. Warren, Mayor*

City of Rochester, NY

# AREA VARIANCE
# STATEMENT OF DIFFICULTY
## Section 120-195B(4)(b)

**An area variance shall be granted only if the applicant can establish the existence of EACH of the following conditions:**

**A. Benefits.** The benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community by the granting of the variance.

_____

____ The granting of the variance will improve the operation of the church without causing any ____
____ detriment to the health, safety and welfare of the neighborhood or the community. ____

_____

_____

_____

_____

**B. Essential character of the area.** No undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the variance.

_____

_____ The granting of the variance will not produce any change in the character of the neighborhood _____
_____ or a detriment to nearby properties. _____

_____

_____

_____

_____

**C. No other remedy.** There is no other means feasible for the applicant to pursue, other than the granting of this area variance.

_____

_____ There is no other means feasible than the granting of this area variance. _____
_____ _____

_____

_____

_____

_____

**D. Significance.** The requested variance is not substantial.

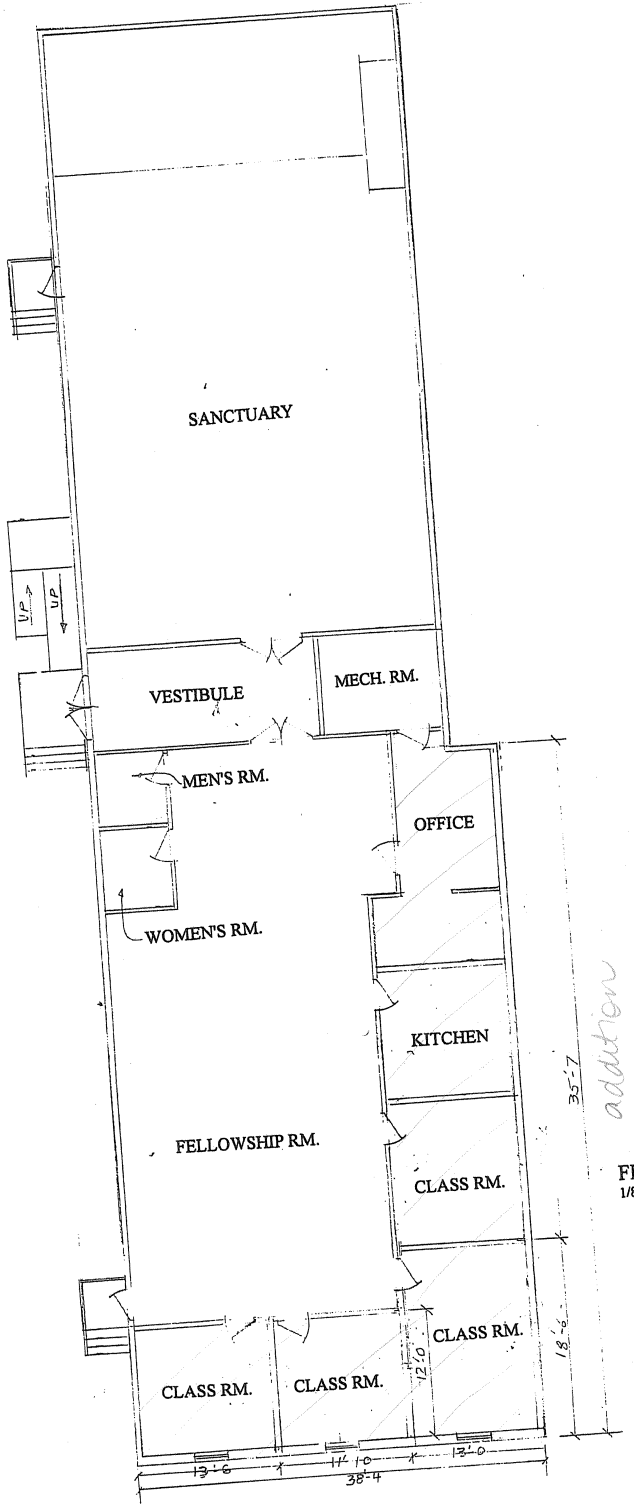
The requested variance is not substantial.

**E. Physical and environmental conditions.** The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

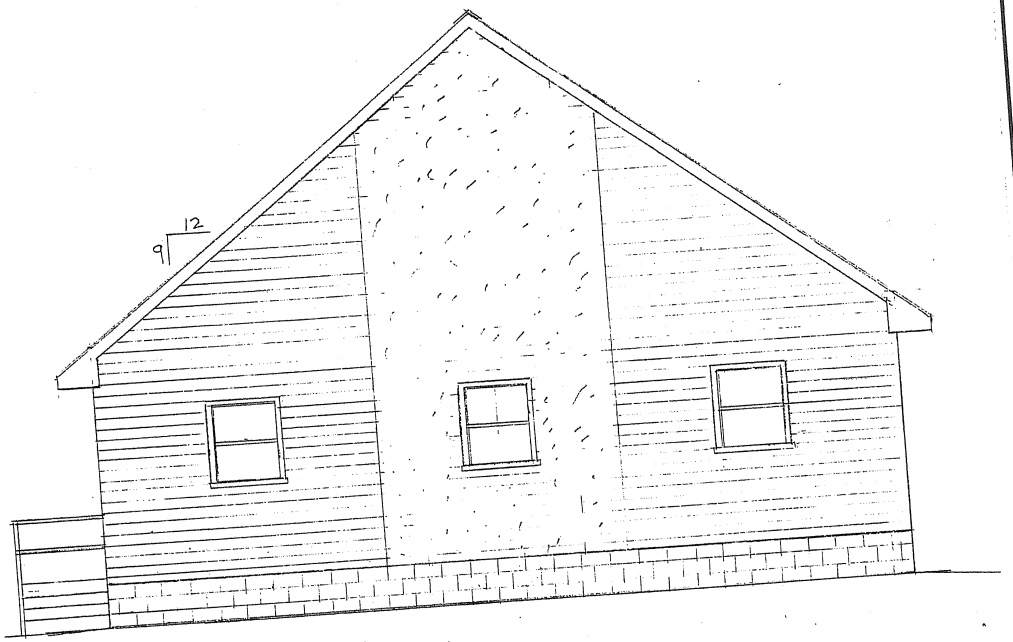
The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

**F. Not self created.** The alleged difficulty was not self created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance.

The lot sizes in an R-1 district are usually small and it is difficult for a church to provide enough parking. This condition is not self created.




FLOOR PLAN
1/8" = 1'-0"




FRONT ELEVATION
1/4" = 1'-0"

LOUIS
CARINI
P.E.
198 DEERFIELD DRIVE
ROCHESTER, NY 14609
TEL. (585) 766-8913
LOUCARINI@AOL.COM

Use of this plan indicates understanding and agreement with the following:

It is a violation of Section 7209 (2) of the Education Law for any person, unless acting under the direction of a licensed Engineer to alter any item in these documents in any way. Any licensee who alters these documents is required by law to affix his/her seal and signature and date with notification "altered by" followed by a specific description of changes made.

Louis Carini P.E. has not been retained for construction observation or administration and assumes no responsibility for field changes, contractor methods, material selections, product performance or warranty, code or document compliance or safety during construction.

These plans are instruments of service for the construction of one building only and are not to be copied in any form without the express written permission of Louis Carini P.E. The plans & ideas represented on this sheet are copyrighted and violators of this copyright will be prosecuted.

The contractor is responsible for checking dimensions and site conditions and is to report any errors or omissions to this office before the start of construction. Written dimensions always have precedence over scaled dimensions. All materials, products, fixtures, and equipment shall be installed in accordance with manufacturer's installation instructions and all applicable codes.

The seal affixed to these documents is for the work performed by Louis Carini P.E. on the original documents and does not relate to any added data by others. Our liability is limited to the amount of the fee paid.

These plans comply with the N.Y.S. Uniform Building Code.
© COPYRIGHT 2015

Revisions

Project
CHURCH ADDITION

Client
CONCILLIO DE IGLESIA DE CRISTO MISIONERA

Job Location
676 HUDSON AVE.
ROCHESTER, NY

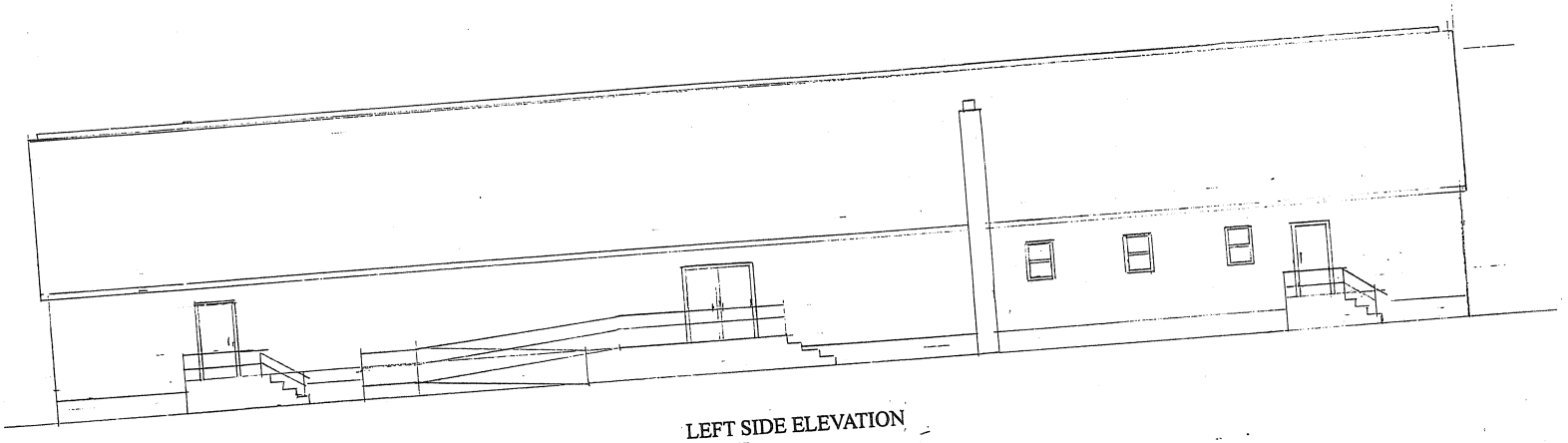
Drawing Title:
FLOOR PLAN &
FRONT ELEV.

Drawn: LC | Checked By:

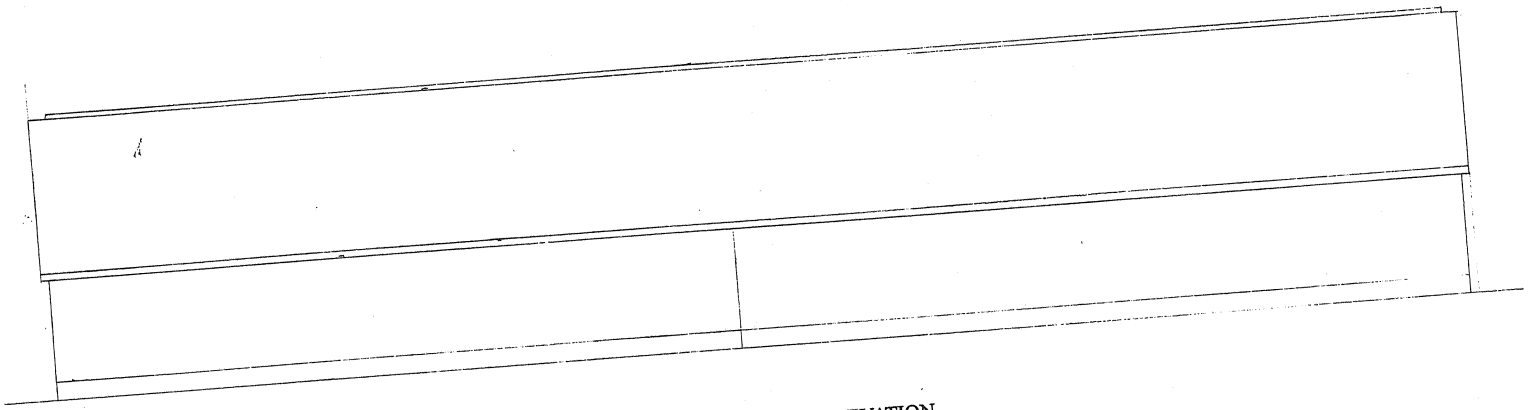
Date: 12-15-2015

Job No.: 1578

Sheet: 1 OF 2



LEFT SIDE ELEVATION
1/8" =1'-0"



RIGHT SIDE ELEVATION
1/8" = 1'-0"


LOUIS
CARINI
P.E.
198 DEERFIELD DRIVE
ROCHESTER, NY 14609
TEL. (585) 766-8913
LOUCARINI@AOL.COM



Use of this plan indicates understanding and agreement with the following:

It is a violation of Section 7209 (2) of the Education Law for any person, unless acting under the direction of a licensed Engineer to alter any item in these documents in any way. Any licensee who alters these documents is required by law to affix his/her seal and signature and date with notification "altered by" followed by a specific description of changes made.

Louis Carini P.E. has not been retained for construction observation or administration and assumes no responsibility for field changes, contractor methods, material selections, product performance or warranty, code or document compliance or safety during construction.

These plans are instruments of service for the construction of one building only and are not to be copied in any form without the express written permission of Louis Carini P.E. The plans & ideas represented on this sheet are copyrighted and violators of this copyright will be prosecuted.

The contractor is responsible for checking dimensions and site conditions and is to report any errors or omissions to this office before the start of construction. Written dimensions always have precedence over scaled dimensions. All materials, products, fixtures, and equipment shall be installed in accordance with manufacturer's installation instructions and all applicable codes.

The seal affixed to these documents is for the work performed by Louis Carini P.E. on the original documents and does not relate to any added data by others. Our liability is limited to the amount of the fee paid.

These plans comply with the N.Y.S. Uniform Building Code.
© COPYRIGHT 2016


Revisions

Project
CHURCH ADDITION

Client
CONCILLIO DE IGLESIA DE CRISTO MISIONERA

Job Location
676 HUDSON AVE.
ROCHESTER, NY

Drawing Title
LEFT ELEV. &
RIGHT ELEV.

| Drawn | Checked By |
|---|---|
| LC | |

Date
12-15-2015

Job No.
1578

Sheet
2 OF 2

| PLANTS | | | | |
|---|---|---|---|---|
| A | NAME<br>YEW<br>(TAXIS MEDIA) | SPACING<br>4' | HEIGTH AT PLANTING<br>12" | QUANITY |
| B | COWBERRY<br>(VACCINIUM-<br>VITIS-IDAEA) | 4'<br>2 ROWS | 12" | |

## NOTE

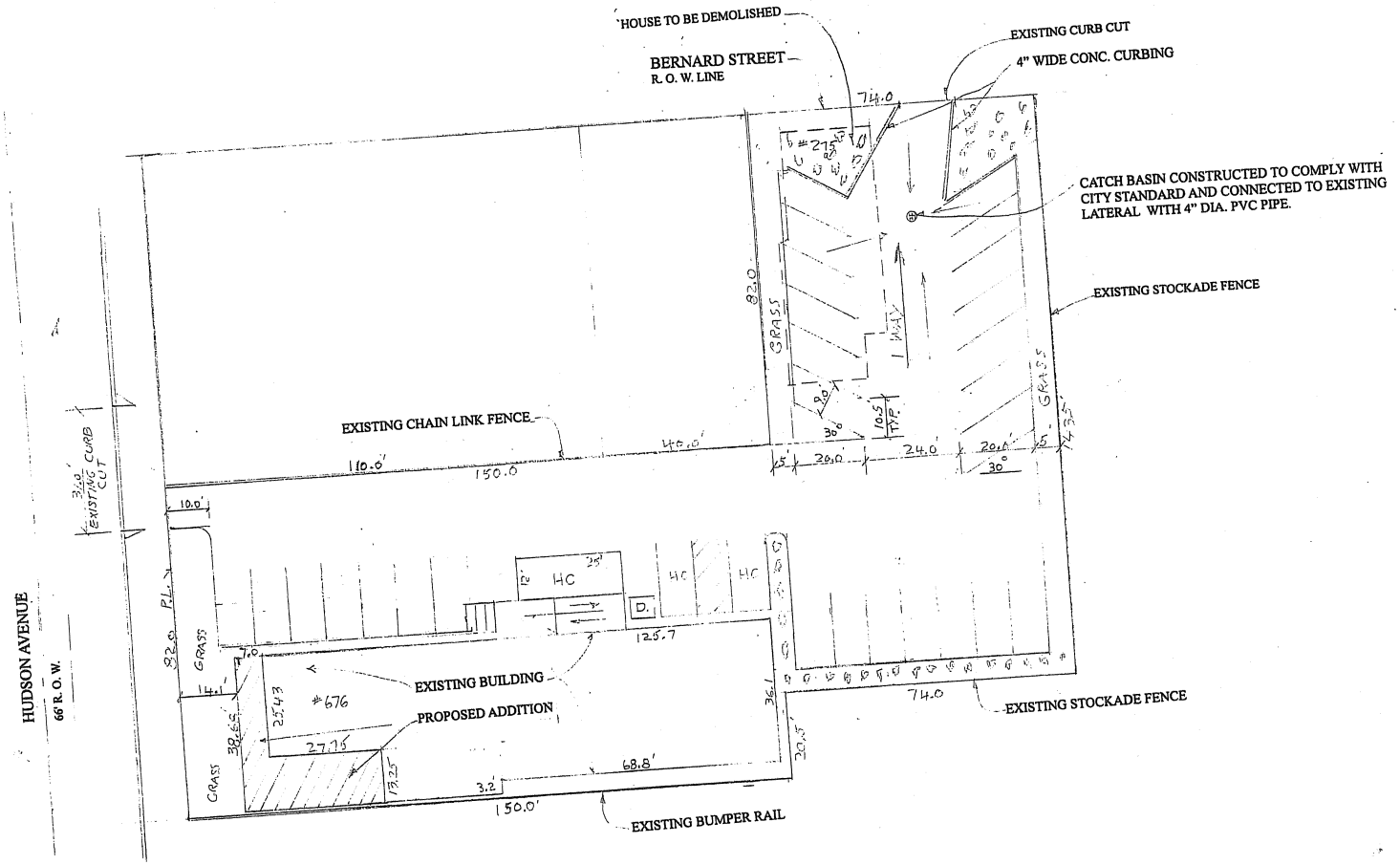
BASEMENT OF BUILDING TO BE DEMOLISHED MAY BE FILLED WITH CONCRETE BLOCKS FROM THE BUILDING BEING DEMOLISHED.. NO WOOD OR ROOFING MATERIALS IS TO BE USED AS FILL.

FINISH FILLING THE BASEMENT WITH BANK OF RUN GRAVEL AND 4 INCHES OF NO.. 1 CRUSHED STONE ON TOP. COMPACT GRAVEL AND CRUSHED STONE IN 8" LIFTS.

AFTER USING THE PARKING AREA FOR 1 YEAR FINISH GRADING WITH A MIX OF #0 AND #1 CRUSHED STONE. INSTALL A LAYER OF 2" THICK ASPHALT BINDER COURSE AND 1" THICK OF ASPHALT TOP COURSE.

PAINT PARKING LAYOUT AS SHOWN ON THIS SITE PLAN WITH WHITE PAINT. THE LINES ARE TO BE 4" WIDE.

INFORMATION FOR THIS SITE PLAN WAS TAKEN FROM AN INSTRUMENT MAP MADE BY TRIPLE POINT LAND SURVEYING, LLC DATED FEB. 11, 2016.




SITE PLAN
1" = 20'-0"


CARINI
P.E.
198 DEERFIELD DRIVE
ROCHESTER, NY 14609
TEL. (585) 766-8913
LOUCARINI@AOL.COM



Use of this plan indicates understanding and agreement with the following:

It is a violation of Section 7209 (2) of the Education Law for any person, unless acting under the direction of a licensed Engineer to alter any item in these documents in any way. Any licensee who alters these documents is required by law to affix his/her seal and signature and date with notification "altered by" followed by a specific description of changes made.

Louie Carini P.E. has not been retained for construction observation or administration and assumes no responsibility for field changes, contractor methods, material selections, product performance or warranty, code or document compliance or safety during construction.

These plans are instruments of service for the construction of one building only and are not to be copied in any form without the express written permission of Louie Carini P.E. The plans & ideas represented on this sheet are copyrighted and violators of this copyright will be prosecuted.

The contractor is responsible for checking dimensions and site conditions and is to report any errors or omissions to this office before the start of construction. Written dimensions always have precedence over scaled dimensions. All materials, products, fixtures, and equipment shall be installed in accordance with manufacturer's installation instructions and all applicable codes.

The seal affixed to these documents is for the work performed by Louie Carini P.E. on the original documents and does not relate to any added data by others. Our liability is limited to the amount of the fee paid.

These plans comply with the N.Y.S. Uniform Building Code.
© COPYRIGHT 2015


Revisions

Project
CHURCH ADDITION

Client
CONCILLIO DE IGLESIA DE CRISTO MISIONERA

Job Location
676 HUDSON AVE.
ROCHESTER, NY

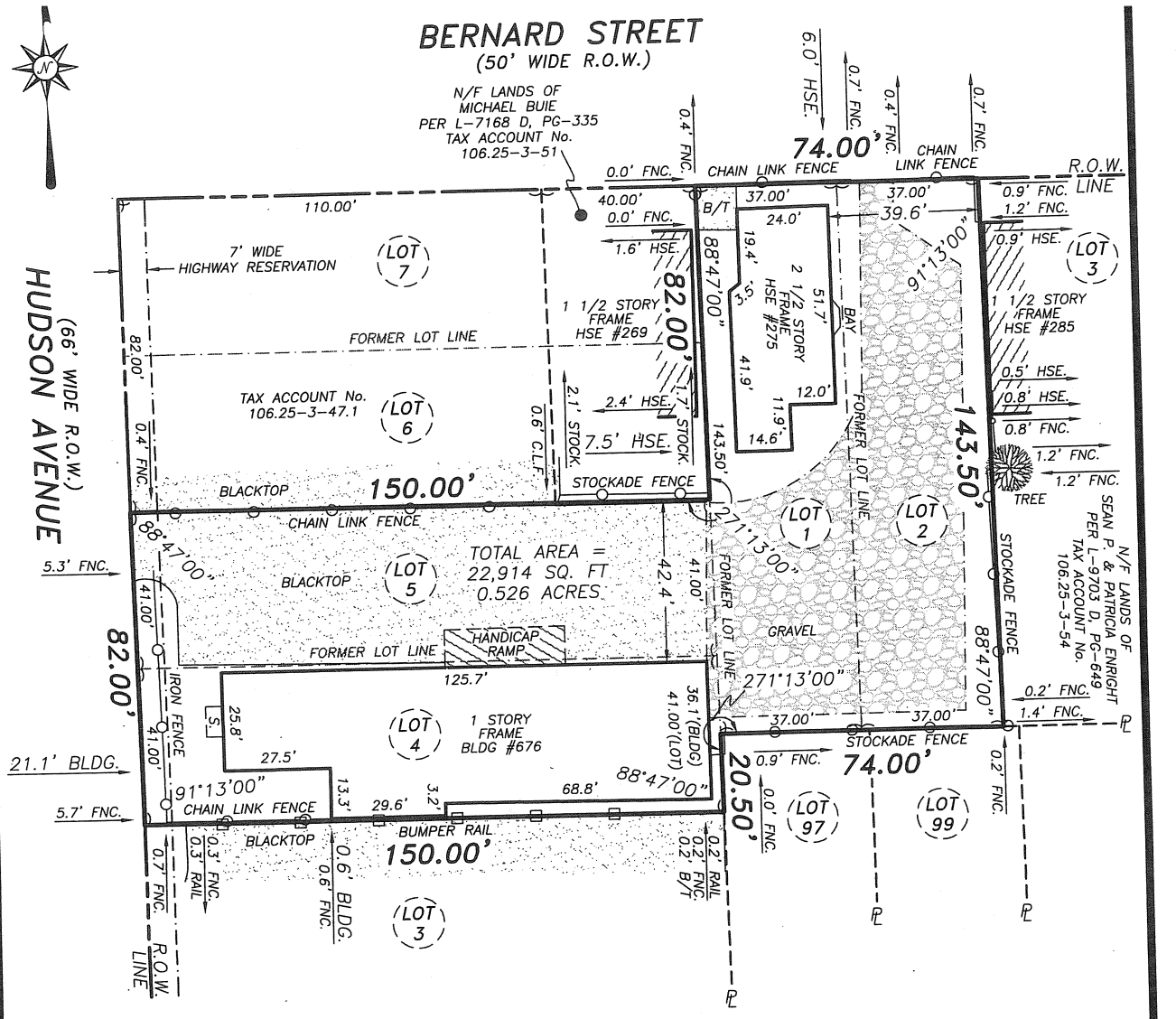
Drawing Title
SITE PLAN

| Drawn | Checked By |
|---|---|
| LC | |

Date
12-15-2015

Job No.
1578

Sheet
1 OF 1




## CERTIFICATION:

I, ANDREW M. HODGE, HEREBY CERTIFY TO:

-CONCILIO DE IGLESIA DE CRISTO MISIONERA, INC.

THAT THIS MAP WAS MADE FEBRUARY 9, 2016
FROM NOTES OF AN INSTRUMENT SURVEYE
COMPLETED FEBRUARY 9, 2016
AND REFERENCES LISTED HEREON.

STATE OF NEW YORK
ANDREW M. HODGE
50619
LICENSED LAND SURVEYOR

N.Y.S.P.L.S. No. 50619 DATE

## REFERENCES:

1.) LIBER 8 OF MAPS, PAGE 39.
2.) LIBER 7 OF MAPS, PAGE 30.
3.) LIBER 8804 OF DEEDS, PAGE 261 (LOT No. 4).
4.) LIBER 10765 OF DEEDS, PAGE 552 (LOT No. 2).
5.) LIBER 10651 OF DEEDS, PAGE 362 (LOT No. 1).
6.) LIBER 8804 OF DEEDS, PAGE 258 (LOT No. 5.)
7.) ABSTRACT OF TITLE NOT PROVIDED.

NOTES: 1.) PREMISES SUBJECT TO ALL EASEMENTS, RESTRICTIONS & COVENANTS OF RECORD NOT REFERENCED IN ABSTRACT OF TITLE.
2.) THE USE OF THIS MAP IN CONJUNCTION WITH AN AFFIDAVIT OF NO CHANGES RELEASES THE SURVEYOR OF ALL RESPONSIBILITY

TITLE:

# INSTRUMENT SURVEY MAP

## 676-682 HUDSON AVENUE & 275-279 BERNARD STREET

BEING LOTS No. 4 & 5 OF THE ST. JACOB'S TRACT & LOTS No. 1 & 2, SECTION "C", OF THE THE ST. JACOB'S AMENDED TRACT, CITY OF ROCHESTER, COUNTY OF MONROE, STATE OF NEW YORK

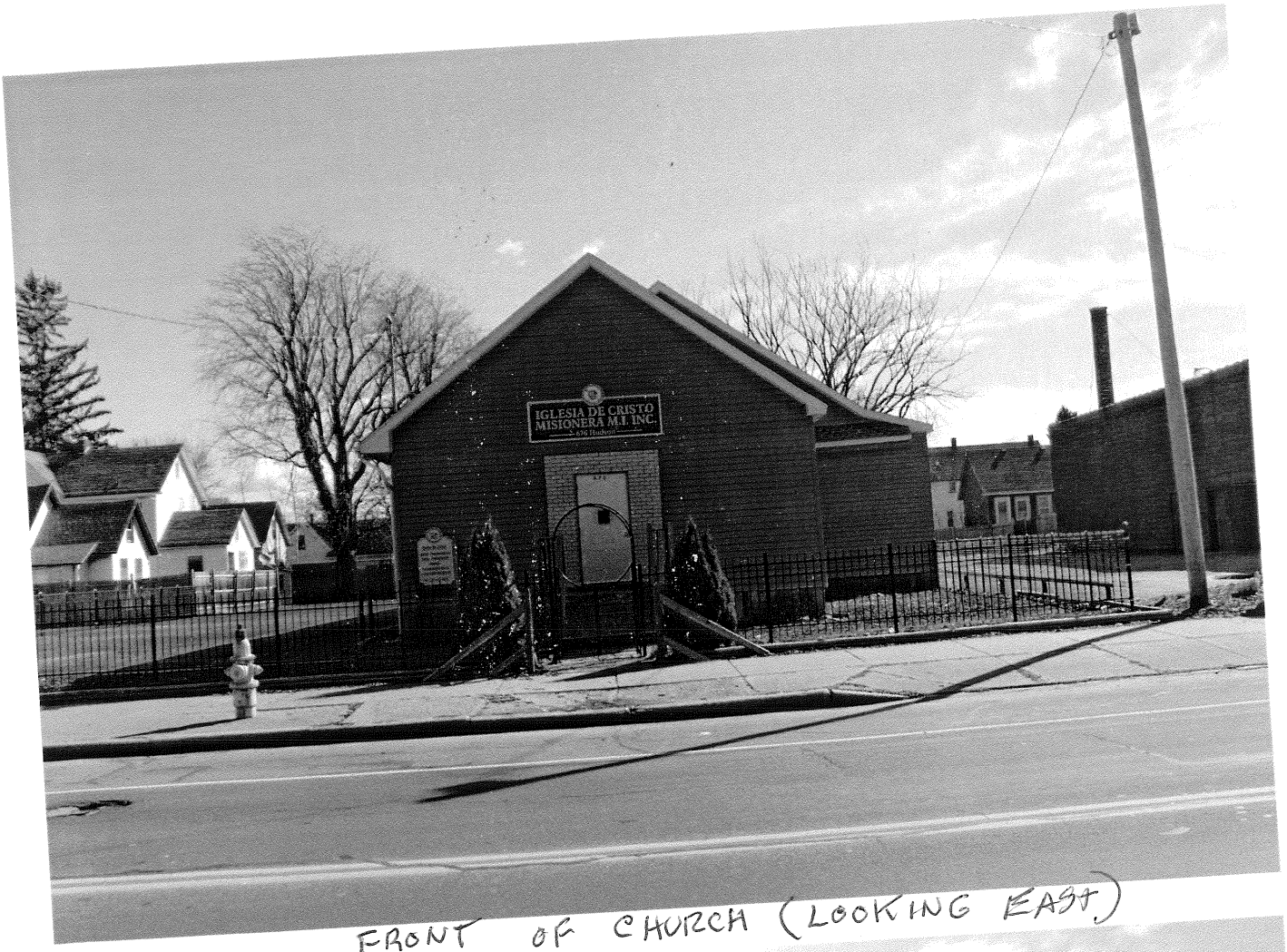
"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, sub-division 2, of the New York State Education Law."

"Only copies from the original of this survey marked with an original of the land surveyor's red ink seal shall be considered to be valid true copies."

"Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners."

TRIPLE POINT LAND SURVEYING, LLC.
16 EAST MAIN STREET SUITE 320
ROCHESTER, NEW YORK 14614
PHONE (585) 263-9950
FAX (585) 263-3591
TRIPLEPOINTSURVEYING@YAHOO.COM
WAYNE ONTARIO MONROE

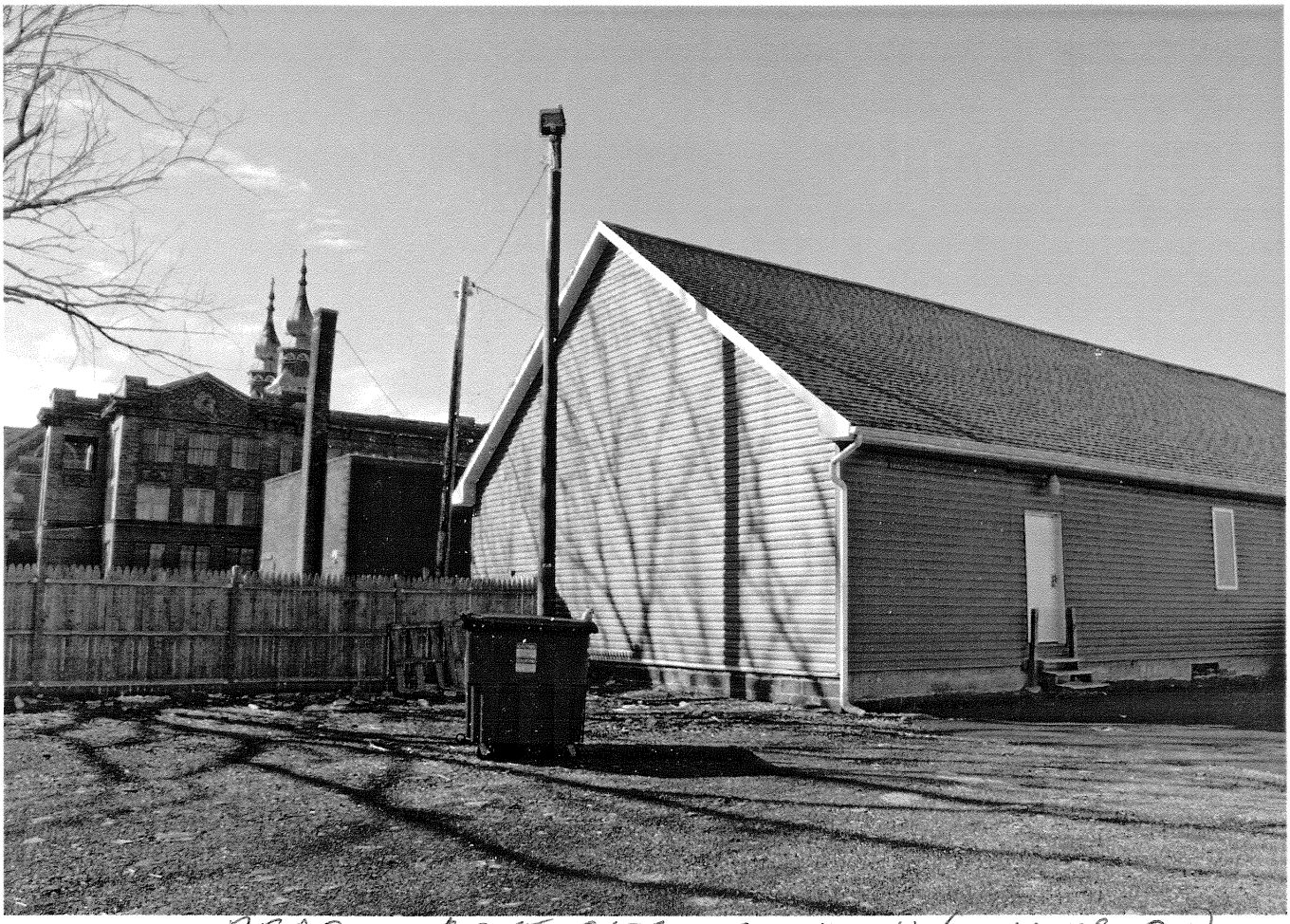
| SCALE: | TAX ACCOUNT: | JOB NO.: | DATE: |
|---|---|---|---|
| 1" = 40' | 106.25-3-50.2 | 0104-16 | FEB. 11, 2016 |




FRONT OF CHURCH (LOOKING EAST)

LEFT SIDE OF CHURCH (LOOKING SE

RIGHT FRONT OF CHURCH (LOOKING EAST)



REAR & LEFT SIDE OF CHURCH (LOOKING SW)

HOUSE TO BE DEMOLISHED (LOOKING W)

US Parcels: 676 HUDSON AVE
City: ROCHESTER
State: NY
Zip: 14621
Pictometry
Map
Auto
1 / 51
N
W
E
S
P
NORTHEAST QUADRANT
Clifford Ave
bing
© 2010 NAVTEQ © AND © 201

# ZONING BOARD OF APPEALS
# STAFF REPORT
# April 21, 2016

## Area Variance

**Case # 7:**

Staff Reviewer: Jill Symonds

| | |
|---|---|
| **File Number:** | V-068-15-16 |
| **Applicant:** | Scott L. Fiske |
| **Project Address:** | 800 Atlantic Avenue |
| **Zoning District:** | R-1 Low-Density Residential District |
| **Section of Code:** | 120-11, 120-199, 120-200 |
| **Request:** | **To construct a 266 sq. ft. addition to an existing one-bay vehicle repair operation, thereby expanding a nonconforming use, and not meeting the lot coverage, front and rear yard setback requirements.** |
| **Code Compliance:** | Preliminary Site Plan Findings are attached, which identify all required variances. |
| **Code Enforcement:** | This property is not in code enforcement. |

## PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 800 Atlantic Avenue

2. APPLICANT: Scott L. Fiske COMPANY NAME: Pardi Partnership Architects

ADDRESS: 25 Circle Street, Suite 101 CITY: Rochester ZIP CODE: 14607

PHONE: 585.454.4670 FAX: 585.454.4686

E-MAIL ADDRESS scott@pardiarchs.com

INTEREST IN PROPERTY: Owner ☐ Lessee ☐ Other ☑

3. PLAN PREPARER: Pardi Partnership Architects

ADDRESS: 25 Circle Street, Suite 101 CITY: Rochester ZIP CODE: 14607

PHONE: 585.454.4670 FAX: 585.454.4686

4. ATTORNEY: N/A

ADDRESS: _____ CITY: _____ ZIP CODE: _____

PHONE: _____ FAX: _____

E-MAIL ADDRESS _____

5. ZONING DISTRICT: R-1

BUILDING BUREAU
ROOM 121
12:51PM Mar 30/16
01-0002 001 BUD
#21952
Zoning $250.00
INFO 800 ATLANTA
CHECK $250.00

6. DETAILED PROJECT DESCRIPTION (additional information can be attached):

Re-use existing auto repair facility as an auto related repair shop (transmission repairs) Add new addition to existing building for new accessory office space and accessible toilet room.

7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:) 6-9 months

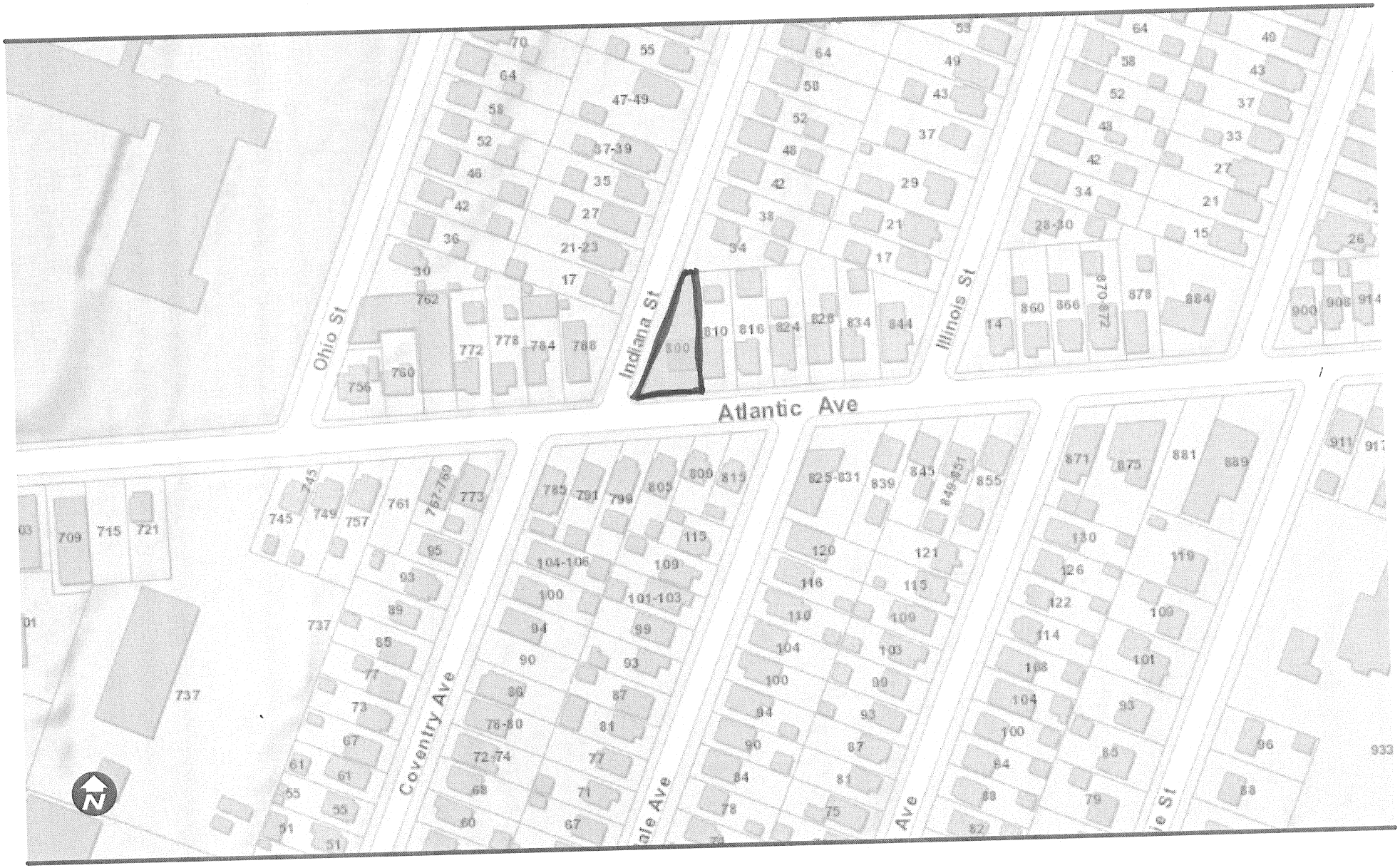
**APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.**

SIGNATURE: _____ DATE: 03/17/2016

**OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.**

SIGNATURE: _____ DATE: _____

# 800 ATLANTIC AV




March 17, 2016

This map is intended for general reference only.

The City of Rochester makes no representation as to the accuracy or fitness of the data presented.

City of Rochester, NY

City of Rochester, NY
*Lovely A. Warren, Mayor*

**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 29, 2016

Mr. Scott Fiske
Pardi Partnership Architects
25 Circle Street, Ste. 100
Rochester, New York 14607

**Re: Preliminary Site Plan Findings, SP-034-15-16**
**800 Atlantic Avenue**
**R-1 Low Density Residential District**

Dear Mr. Fiske:

A preliminary review of your application for site plan approval to reestablish a one-bay vehicle repair shop and construct a 266SF addition has been completed, resulting in the following findings and recommendations. To implement the project, area variances are required from the Zoning Board of Appeals, and a hearing before the Board is set for April 21.

Please contact Peter Siegrist at (585)428-7238 or peter.siegrist@cityofrochester.gov with any questions.

**Existing Conditions:**

The site is located in an R-1 Low-Density Residential District at the northeast corner of Atlantic Avenue and Indiana Street, in a neighborhood of mostly one- and two-family dwellings. The wedge-shaped parcel is approximately 0.14 acres and holds a one-story, 1037SF building. One-half of the building contains a vehicle repair bay, which is served by an office, restroom and mechanical room in the other half.

**Project Scope:**

The proposal is to use the site for the repair of automobile transmissions, relocating an existing business, Eagle Transmission, from a few blocks west on Atlantic Avenue. To create adequate indoor working space, the owner plans to remove the office, restroom and mechanical room and enlarge the single repair bay to fill the entire building. This would involve removing the center wall that supports the roof, so the joists supporting the flat roof would be replaced with gable trusses, resulting in a pitched roof. A new office, restroom and mechanical room would be built on the south side, measuring 14' x 19' and totaling 266SF. Access to the repair bay would be moved from the west wall to the north, where a new 16' wide overhead door would be installed.

Site changes would be minimal, involving only the addition of plantings at the north side and about 150SF of new lawn on the south side. The pavement would remain as is. The only other site change would be to replace a timber curb in the parking lot with a new curb of precast concrete pinned to the existing asphalt.

**State Environmental Quality Review (SEQR)/Chapter 48 Compliance:**

In accordance with Article 8 of the New York State Conservation Law and Chapter 48 of the Rochester City Code, this project has been classified as an Unlisted Action. A negative declaration was issued on March 29, 2016, indicating that the proposed action is one which will not have a significant effect on the environment.

**Code Compliance:**

1. 'Minor' Site Plan Review approval by the Director of Planning and Zoning is required for the redevelopment of a site devoted to vehicle repair.

**Findings:**

1. City records show that the property was developed as a gas station in 1929. In 1953, a new building was built and two 3,000 gallon fuel tanks installed. The station was closed in 1976 and the tanks filled with concrete and abandoned in place.

2. In 1980, the Zoning Board of Appeals approved a variance to convert the property for use as a one-bay 'minor' auto repair. At the time, the Zoning Code (hereafter "Code") classified 'minor' repairs as oil changes and the like, but the Code was revised in 1991 to eliminate the distinction between 'minor' and 'major' repairs. The revision allowed repairs to passenger vehicles only, and the current Code does not permit repair work on heavier vehicles such as trucks and buses.

   Minutes of the Zoning Board hearing show that the repair operation is to be small, involving no collision, painting or engine work, thus limiting noxious effects such as noise, fumes, dust and smoke. There are to be few employees, and operating hours are limited to 8:00AM-6:00PM Monday through Saturday and closed on Sunday.

3. A commercial use in a residential zone is deemed nonconforming per the Code. Code section 120-200B states that "any nonconforming structure may be enlarged, maintained, repaired or altered, provided no additional nonconformity is created nor is the degree of the existing nonconformity increased". Section 120-195B(a) states that "the expansion, structural alteration or enlargement of a legally existing nonconforming use requires an area variance from the Zoning Board of Appeals".

4. The building is constructed of concrete blocks partly clad in porcelain enamel-coated metal panels, many of which are irreparably damaged by rust, penetrations and dents. To improve the building's appearance, the applicant would replace the panels with vertical vinyl siding and brick veneer, and install new windows and

doors. The new gable roof would be covered with asphalt shingles. The eastern wall, which is less than 18" off the adjoining property line, would remain unfinished.

5. Most of the lot surface is covered with asphalt pavement, with lawn covering the narrow, top one-quarter of the site. At the southern and southwestern sides of the site, for a length of about 80 feet, a well-maintained 30" high hedge and a timber curb separates the pavement from the adjacent public sidewalk. Along the eastern wall of the building, in a narrow gap between properties, a 4-course-high concrete block wall retains the slightly higher ground of the adjacent house. This wall is in poor condition for much of its length and collapsed in parts, and must be repaired prior to the City's issuance of a certificate of occupancy. A chain link fence along the wall is in serviceable condition, but should be cleared of trash and debris.

6. Lot coverage in an R-1 zone is limited to 50% of the site. The current coverage is about 72%, but would decrease slightly with the replacement of pavement with lawn on the south side. This brings the site closer to compliance with the Code, and thus no variance is needed.

7. Building coverage in an R-1 zone is limited to 35% of the site. The existing building covers only 17% of the site, and the enlarged building would cover only 22%.

8. Setbacks for nonresidential uses in an R-1 zone are required as follows:
   - On this corner lot, with the site accessed from Indiana Street, each street-facing yard is considered a front yard, the tapered northern yard is the lone side yard, and the sliver of land on the east is the rear yard.
   - Front yard minimum: The greater of the average front yard depth of buildings on the block or 20 feet. Therefore, the proposed addition, with a setback of 13 feet from the southern property line, requires an area variance.
   - Side yard minimum: 10 feet, with a combined width of both side yards of 25 feet. The proposal is in compliance.
   - Rear yard minimum: 20 feet. The proposed addition extends into the required rear yard, thus requiring an area variance.

9. Parking for vehicle-related uses is required at two spaces per repair bay, for a total of two in this case, and those two are provided. One of those two must provide handicap access, and the site plan correctly shows this. The maximum number of spaces permitted is 110% of the minimum, or three in this case.

10. A perimeter landscape strip at least 10 feet wide is required along both street fronts. Along the south and southeastern fronts, the hedgerow, though narrow, was planted pursuant to a Site Plan Approval in 1980, issued in conjunction with the variance establishing vehicle repair. Along Indiana Street, however, views to the repair bay from nearby residences must be blocked by some form of screening. To this end, a row of 6 new arbor vitae are shown to be planted in the north yard.

11. The following regulations apply to all vehicle repair stations:

- All repairs shall be performed within the building;
- No outdoor storage of materials, merchandise, and equipment is permitted during nonbusiness hours;
- Trash must be stored in closed containers in an area screened from public view;
- Accessory sales of vehicles are not allowed in a residential zone;
- No partially dismantled, wrecked or unlicensed vehicles shall be stored outside the building for more than 72 hours.

12. The City's Department of Environmental Services-Permit Office reviewed the proposal and requested no changes. The Department's comments are attached.

We have received your application for area variances, and will forward a copy of these findings to the Zoning Board of Appeals for its consideration. Final Site Plan Approval would follow issuance of the variances.

If you have any questions on these findings or the variance application, please contact Peter Siegrist at (585)428-7238 or peter.siegrist@cityofrochester.gov.

Sincerely,

Zina Lagonegro, AICP, EIT
Director of Planning and Zoning

Cc: Terry Mott, Department of Environmental Services

# City of Rochester

## Inter-Departmental Correspondence

To: James J. Quackenbush, DES/Permits

From: Albert J. Giglio, P.E., DES/Managing Engineer/Street Design

Date: March 22, 2016

Subject: Site Plan #034-15-16: 800 Atlantic Avenue

Our office has completed its review of a site plan dated March 7, 2016 for the re-establishment of an existing vacant building located at 800 Atlantic Avenue, at Indiana Street, to a 1-bay vehicle repair shop, and we have the following comments to offer.

The site is accessed through an existing driveway opening off of Indiana Street that is approximately 62 feet in width. At this time, our office will not require any modification to the existing driveway opening, but will re-visit the overall width and access needs to the site when the City makes street improvements to Indiana Street, and will make any adjustments to the driveway opening that are deemed appropriate.

The existing surface of the site consists of asphalt pavement and grass, with no improvements to the existing asphalt pavement being planned at this time. A limited grading plan of the existing site was included with the site plan submission showing that the site is well drained, with storm water runoff being directed away from the adjoining properties. The site plan does not show any means of collecting and discharging storm water runoff through drainage structures on-site, leaving our office with the opinion that at least a portion of the storm water runoff is being directed onto the public right-of-way.

When an existing site is improved, the City requires that the site be graded such that storm water runoff is managed on-site either through green infrastructure methods or conveyed to the public sewer system, but in no case is the runoff to be conveyed onto the public right-of-way or an adjoining property. If the current asphalt pavement is to be improved in the future, or if the storm water runoff onto the public right-of-way is deemed by the City to be a hazardous condition, the owner will be required to re-grade the site and make provisions to manage the storm water runoff on-site.

Areas of the existing public sidewalk or curb that are damaged or otherwise negatively impacted by any portion of the work are to be replaced. Replacement of sidewalk areas is to be to the nearest control joint and in full flag segments only, replacement of curb is to be to the nearest joint. There is to be no saw cutting or partial replacement of the existing sidewalk or curb to accommodate any of the work within the public right-of-way.

These comments reflect concerns from the Street Design section only, and do not reflect any issues or comments that may arise from other City or County departments.

AJG:rks

xc: Terry L. Mott, DES/Permits
Willard VanDame, DES/Permits

g:\div\std\siteplans\800atlanticav-vehiclerepairshop(3-7-2016).docx

*617.20*
*Appendix B*
*Short Environmental Assessment Form*

## Instructions for Completing

**Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

**Part 1 - Project and Sponsor Information**

Name of Action or Project:
Atlantic Ave Addition / Renovations

Project Location (describe, and attach a location map):
800 Atlantic Ave, Rochester, NY 14609

Brief Description of Proposed Action:
Renovations to the existing 1,037sf building, and the addition of a new 266sf addition to the south (attached to existing building). New gable truss roof over the existing building (consistent with the surrounding residential neighborhood). New, large windows on both the existing building and new addition. Minor site work to provide an accessible entrance, as well as the appropriate number of parking spaces required by the City.

| Name of Applicant or Sponsor: | Telephone: 585-454-4670 |
|---|---|
| Pardi Partnership Architects | E-Mail: scott@pardiarchs.com |

Address:
25 Circle Street, Suite 101

| City/PO: | State: | Zip Code: |
|---|---|---|
| Rochester | New York | 14607 |

| | NO | YES |
|---|---|---|
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | ☑ | ☐ |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Local zoning approvals / local building, plumbing, electrical permits | ☐ | ☑ |

3.a. Total acreage of the site of the proposed action? 0.14 acres
b. Total acreage to be physically disturbed? 0.04 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.14 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland



RESET

| | NO | YES | N/A |
|---|---|---|---|
| 5. Is the proposed action,<br>a. A permitted use under the zoning regulations? | ☐ | ☑ | ☐ |
| b. Consistent with the adopted comprehensive plan? | ☐ | ☑ | ☐ |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | NO ☐ | YES ☑ | |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?<br>If Yes, identify: _____ | NO ☑ | YES ☐ | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? | NO ☑ | YES ☐ | |
| b. Are public transportation service(s) available at or near the site of the proposed action? | ☑ | ☑ | |
| c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action? | ☐ | ☑ | |
| 9. Does the proposed action meet or exceed the state energy code requirements?<br>If the proposed action will exceed requirements, describe design features and technologies: _____ | NO ☐ | YES ☑ | |
| 10. Will the proposed action connect to an existing public/private water supply?<br>If No, describe method for providing potable water: _____ | NO ☐ | YES ☑ | |
| 11. Will the proposed action connect to existing wastewater utilities?<br>If No, describe method for providing wastewater treatment: _____ | NO ☐ | YES ☑ | |
| 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? | NO ☑ | YES ☐ | |
| b. Is the proposed action located in an archeological sensitive area? | ☑ | ☐ | |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? | NO ☑ | YES ☐ | |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?<br>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ | ☑ | ☐ | |

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☑ Urban ☐ Suburban

| | | |
|---|---|---|
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? | NO ☑ | YES ☐ |
| 16. Is the project site located in the 100 year flood plain? | NO ☑ | YES ☐ |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?<br>If Yes,<br>a. Will storm water discharges flow to adjacent properties? ☑ NO ☐ YES | NO ☐ | YES ☑ |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?<br>If Yes, briefly describe: ☐ NO ☑ YES<br>New exterior gutters will be tied into existing combined storm water connection through sub-surface distribution system | | |



RESET

| | NO | YES |
|---|---|---|
| 18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?<br>If Yes, explain purpose and size: _____ | ☑ | ☐ |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br>If Yes, describe: _____ | ☑ | ☐ |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br>If Yes, describe: _____ | ☑ | ☐ |

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: Pardi Partnership Architects Date: 03/08/2016

Signature: _____

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

| | No, or small impact may occur | Moderate to large impact may occur |
|---|---|---|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? | ☐ | ☐ |
| 2. Will the proposed action result in a change in the use or intensity of use of land? | ☐ | ☐ |
| 3. Will the proposed action impair the character or quality of the existing community? | ☐ | ☐ |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | ☐ | ☐ |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? | ☐ | ☐ |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | ☐ | ☐ |
| 7. Will the proposed action impact existing:<br>a. public / private water supplies? | ☐ | ☐ |
| b. public / private wastewater treatment utilities? | ☐ | ☐ |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | ☐ | ☐ |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | ☐ | ☐ |



RESET

Agency Use Only [If applicable]

| | |
|---|---|
| **Project:** | 800 Atlantic Avenue |
| **Date:** | March 29, 2016 |

# *Short Environmental Assessment Form*
# *Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

| | No, or small impact may occur | Moderate to large impact may occur |
|---|---|---|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? | ☑ | ☐ |
| 2. Will the proposed action result in a change in the use or intensity of use of land? | ☑ | ☐ |
| 3. Will the proposed action impair the character or quality of the existing community? | ☑ | ☐ |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | ☑ | ☐ |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? | ☑ | ☐ |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | ☑ | ☐ |
| 7. Will the proposed action impact existing:<br>a. public / private water supplies? | ☑ | ☐ |
| b. public / private wastewater treatment utilities? | ☑ | ☐ |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | ☑ | ☐ |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | ☑ | ☐ |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | ☑ | ☐ |
| 11. Will the proposed action create a hazard to environmental resources or human health? | ☑ | ☐ |

PRINT FORM

Agency Use Only [If applicable]

Project:

Date:

# *Short Environmental Assessment Form*
# *Part 3 Determination of Significance*

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

| | |
|---|---|
| Director of Planning & Zoning | March 29, 2016 |
| Name of Lead Agency | Date |
| Zina Lagonegro, AICP | Director of Planning & Zoning |
| Print or Type Name of Responsible Officer in Lead Agency | Title of Responsible Officer |
| Signature of Responsible Officer in Lead Agency | Signature of Preparer (if different from Responsible Officer) |

PRINT FORM

Pardi Partnership Architects

# City of Rochester
# Area Variance / Statement of Difficulty
# Section 120-195B (4) (b)

**800 Atlantic Avenue: Area Variances Needed:**

- Expansion, structural alteration, or enlargement of a legally existing nonconforming use
- Increase in lot coverage from 72% to 78%
- Front yard setback less than 20 feet, or the average of buildings on the block
- Rear yard setback less than 20 feet

A. ***Benefits.*** ***The benefits to the applicant outweigh any detriment to the health, safety, and welfare of the neighborhood or the community by the granting of the variance.***

By granting these variances, a previously vacant structure will once again become an active part of the neighborhood. The required variances are minor (refer to question "D) yet are essential in allowing this building to become a functioning business for the area. The combination of proposed clean-up of the existing site, new plantings and significant building improvements - including the reconfiguration of roof lines that are more consistent with the surrounding neighborhood - will make this project, previously an eye sore, a positive improvement to the neighborhood.

B. ***Essential character of the area.*** ***No undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the variance.***

The exterior design of the building, both renovations & new addition, takes into account the fact that this is a commercial business, situated in the middle of a residential neighborhood. A traditional gable roof and customary vinyl siding has been employed to present a more residential feel to the building; a new brick base and storefront windows help to define the building as a business - reminiscent of the larger commercial factory buildings found in abundance along Atlantic Avenue – while retaining a residential scale and appearance.

C. ***No other remedy.*** ***There is no other means feasible for the applicant to pursue, other than the granting of this area variance.***

The existing building - as is - is in dire need of improvement both from an aesthetic and a functional point of view. (There is a reason it has sat vacant for so long). By adding a minimal addition to the south, the building is able to provide adequate space for both the proposed vehicle component repair related activities planned here as well as required supporting office / lavatory and mechanical spaces. The new addition will also provide updated ADA compliant office and toilet facilities where none existed before.

***D. <u>Significance.</u> The requested variance is not substantial.***

The existing nonconforming use has previously been approved for this lot – the actual expansion we are proposing, would only increase building coverage from 17% to 22% (5%): Not a substantial change.

The proposed lot coverage would only increase the existing from about 72% to 78% (6%): Also not a substantial change.

The existing building is at the 20 foot setback line. The proposed front yard setback (assumed to be the south side of the property) will now be 13 feet; 65% of the required 20 foot setback and only 35% shy of complying. This is the best / only location for the addition – no other location makes sense on the property and allows for any smaller footprint (refer to question "C").

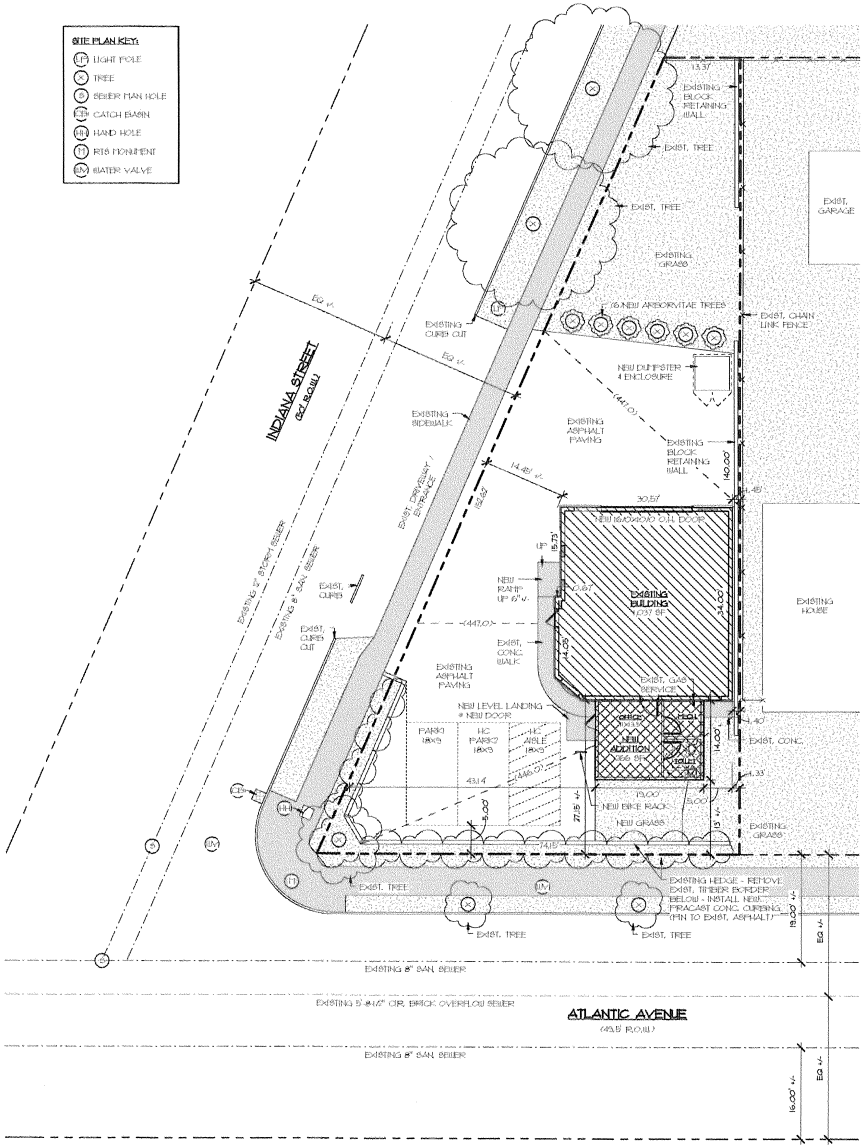
The proposed rear yard setback (at the east) will be 6.3 feet. While a substantial variance when compared to the 20 feet required, it is actually significantly more than the existing building east side setback of only 1.4 feet. By holding the addition back further from the property line than the existing building, we provide more buffer between the properties and maintain an existing opening that will act as a means of egress from the structure.

***E.*** *<u>Physical and environmental conditions.</u> The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*

Refer to question "A" for benefits to the community. In addition to these benefits, having a functioning business will once again keep the clean lot, as well as keep building and site repairs up to date.

***F.*** *<u>Not self-created.</u> The alleged difficulty was not self-created, the consideration of which shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the variance.*

The proposed variances are the minimum that is necessary to reinstate the former commercial use of the property. Historically, former gas stations / vehicle related uses do not make economic sense to be converted to residential uses except in rare and extremely personal cases – usually at costs significantly higher that what could be considered "fair market" value. The requested variances allow the property owner to provide services to the surrounding community at a scale that is consistent with the area, while creating more value to the property – and the municipal tax base - than any residential use would.




SITE PLAN
SCALE: 1" = 10'-0"

**BUILDING / LOT COVERAGE:**

MU DISTRICT, NON RESIDENTIAL USE, MINIMUM LOT AREA = N/A
MU DISTRICT, NON RESIDENTIAL USE, MAX BUILDING COVERAGE = 35%
MU DISTRICT, NON RESIDENTIAL USE, MAX LOT COVERAGE = 80%

EXISTING LOT = 6,126 SF
EXISTING BUILDINGS = 1,737 SF (28%)
EXISTING HARDSCAPE = 3,344 SF (55%)
EXISTING GREENSPACE = 1,745 SF (28%)

EXISTING BUILDING COVERAGE = 17% < 35%
EXISTING LOT COVERAGE = 17%+55% = 72% > 80% (EXIST. NON COMPLIANT)

PROPOSED LOT = 6,126 SF
PROPOSED BUILDINGS = 2656 SF
PROP. + EXIST. BLDG. = 1,303 SF (22%)
PROP. HARDSCAPE = 3,460 SF (56%)
PROP. GREENSPACE = 1,745 SF (22%)

PROPOSED BUILDING COVERAGE = 22% < 35% (COMPLIANT)
PROPOSED LOT COVERAGE = 22%+56% = 78% > 80% (VARIANCE REQ.)

**SETBACK REQUIREMENTS:**

MU DISTRICT, NON RESIDENTIAL USE, MIN FRONT YARD SETBACK = AVERAGE FRONT YARD DEPTH OF BUILDINGS ON THE BLOCK, OR 20 FT, WHICHEVER IS GREATER
- PROP. FRONT YARD SETBACK @ SOUTH = 13 FT (VARIANCE REQ.)
- PROP. FRONT YARD SETBACK @ WEST = 43 FT (COMPLIANT)

MU DISTRICT, NON RESIDENTIAL USE, MIN SIDE YARD SETBACK = FOR A PRINCIPAL USE OR STRUCTURE, 10 FT MIN
- PROPOSED SIDE YARD SETBACK = 6.5 FT (VARIANCE REQ.)

MU DISTRICT, NON RESIDENTIAL USE, MIN REAR YARD SETBACK = FOR A PRINCIPLE USE OR STRUCTURE, 30 FT MIN
- PROPOSED REAR YARD SETBACK = N/A (EXISTING CONDITION)

**BULK REQUIREMENTS:**

MU DISTRICT, NON RESIDENTIAL USE, MAX BUILDING HEIGHT OF PRINCIPLE USE OR STRUCTURE = 2.5 STORIES, NOT TO EXCEED 35 FT (COMPLIANT)

**PARKING LOT REQUIREMENTS:**

CITY OF ROCHESTER OFF STREET PARKING - VEHICLE REPAIR / VEHICLE SERVICE STATION, REQUIRES 2 PARKING SPACES PER BAY
1 BAY STATION PROPOSED = 1 x 2 = 2 PARKING SPACES REQ.

BUILDING CODE OF NYS REQUIRES ONE ACCESSIBLE SPACE WHEN 1-25 PARKING SPACES PROVIDED

**SIGNAGE ALLOWANCES:**

MU DISTRICT - ONE ATTACHED OR DETACHED SIGN PERMITTED, NOT TO EXCEED 15 SF IN AREA

**SITE PLANTINGS / LANDSCAPING:**

SHRUBS REQ = 1 SHRUB FOR EVERY 15 FT OF LOT PERIMETER
TREE REQ = 1 TREE FOR EVERY 40 FT OF LOT PERIMETER
IN COMBINATION = 1 TREE = 3 SHRUBS

PROPERTY LOT PERIMETER = 380.14 FT
SHRUBS REQ = 380.14 / 15 = 25
TREE REQ = 380.14 / 40 = 9.5

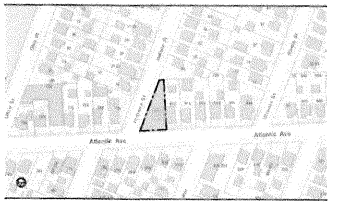
EXISTING TREE = 1
EXISTING HEDGE ROW = 100 LF
AVERAGE SIZE OF SHRUBS = 2 LF = 100 / 2 = 50 EXISTING "SHRUBS"

50 (EXIST. SHRUBS) - 25 (REQ. SHRUBS) = 25 LEFT OVER SHRUBS
9.5 (REQ. TREE) - 1 (EXIST. TREE) = 8.5 TREES REQ.

6 NEW ARBORVITAE TREES = 8.5 - 6 = 2.5 TREES REQ.
CONVERT REQ. TREES TO SHRUBS = 2.5 x 3 = 7.5 = 8 SHRUBS REQ.
THE 25 LEFT OVER EXISTING SHRUBS COVER THE 8 SHRUBS REQ.

**LIGHTING:**

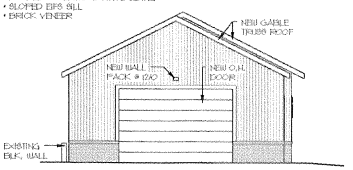
- TYPICAL NEW EXTERIOR WALL PACK =
HUBBELL LNC-5L COMPACT LED WALLPACK
- TYPICAL NEW SIGN LIGHT =
BARELITE 2KOHEAD 7 E34CARTD



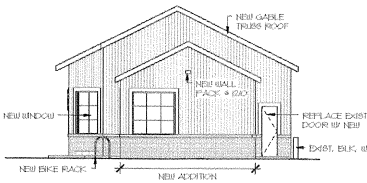

LOCATION SKETCH
SCALE: 1" = 150'-0"

**PARCEL ADDRESS: 800 ATLANTIC AVE**
OWNER NAME: 800 ATLANTIC AVE LLC
OWNER ADDRESS: 800 ATLANTIC AVE
SBL: 121.04-1-87
ACREAGE: 0.14
ZONING: MU

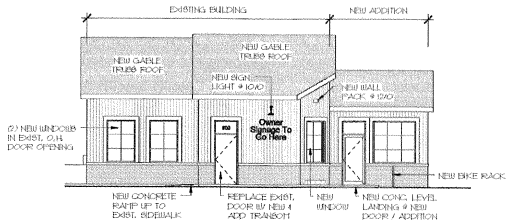
**TYPICAL EXTERIOR FINISHES:**
- 190 LB ARCHITECTURAL ASPHALT SHINGLES
- DOUBLE 5" VERTICAL VINYL SIDING
- SLOPED EIFS SILL
- BRICK VENEER




3 NORTH ELEVATION
SCALE: 1/8" = 1'-0"




4 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"




5 WEST ELEVATION
SCALE: 1/8" = 1'-0"

PARDI PARTNERSHIP ARCHITECTS P.C.
25 CIRCLE STREET, SUITE 101
ROCHESTER, NEW YORK 14607
TEL: (585) 454-4670
FAX: (585) 454-4686
office@pardiarchs.com

WARNING: IT IS VIOLATION OF THE LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION A LICENSED ARCHITECT TO ALTER IN ANY WAY, PLANS, SPECIFICATIONS, OR REPORTS. IF ANY SUCH PERSON ALTERS THIS DOCUMENT IN ANY WAY, HE SHALL AFFIX TO THE ITEM THE SEAL OF AN ARCHITECT IS ALTERED, THE ALTERING ARCHITECT SHALL AFFIX TO THE ITEM THE SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

REFERENCE: STATE OF NEW YORK
EDUCATION LAW PART 69 - ARCHITECTURE
AMEND. 1954

WHEN THESE PLANS BEAR THE SEAL AND SIGNATURE OF A LICENSED PROFESSIONAL OF THIS OFFICE, TO THE BEST OF THEIR PROFESSIONAL KNOWLEDGE, ABILITY AND BELIEF, THESE PLANS WERE PREPARED IN COMPLIANCE WITH THE LAWS OF NEW YORK STATE AND THE BUILDING CONSERVATION AND CONSTRUCTION CODE OF NEW YORK STATE IN EFFECT AT THE DATE OF SIGNATURE.

PRELIMINARY
NOT FOR CONSTRUCTION

# ATLANTIC AVE GARAGE

800 ATLANTIC AVENUE
ROCHESTER, NY 14609

| | |
|---|---|
| PROJECT NO.: | 2585 |
| DATE: | 03/05/2016 |
| DRAWN BY: | JNL |
| SCALE: | As Indicated |
| CHECKED BY: | SLF |

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
| | | |

DRAWING TITLE:
SITE PLAN NEW

DRAWING NUMBER:
A2.1

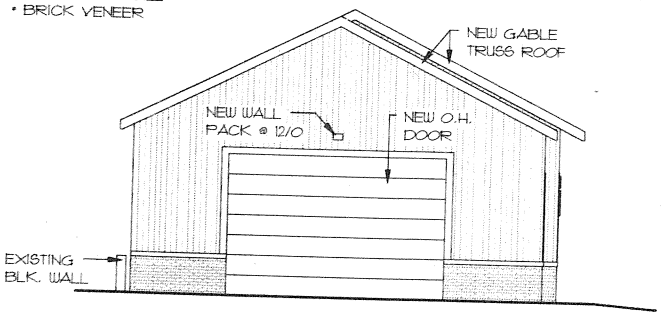
OWNER ADDRESS: 800 ATLANTIC AVE
SBL: 122.24-1-87
ACREAGE: 0.14
ZONING: R-1

WARNING: IT IS VIOLATION OF THE LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION A LICENSED ARCHITECT TO ALTER IN ANY WAY, PLANS, SPECIFICATIONS, OR REPORTS TO WHICH THE SEAL OF AN ARCHITECT HAS BEEN AFFIXED. AN ITEM BEARING THE SEAL OF AN ARCHITECT IS ALTERED, THE ALTERING ARCHITECT SHALL AFFIX TO THE ITEM THE SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY THEIRS SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

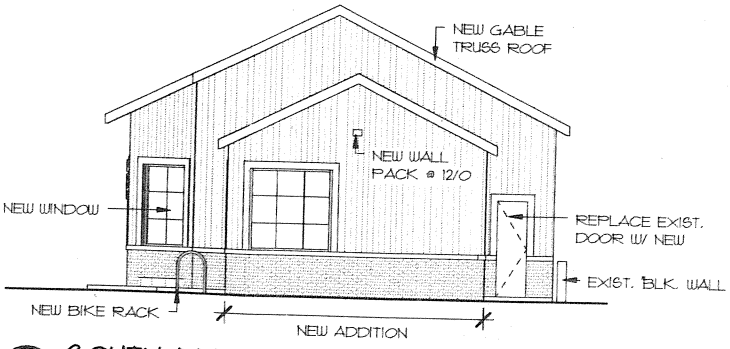
REFERENCE: STATE OF NEW YORK
EDUCATION LAW, PART 69 - ARCHITECTURE
69-1(E)(3) 7/84

WHEN THESE PLANS BEAR THE SEAL AND SIGNATURE OF A LICENSED PROFESSIONAL OF THIS OFFICE, TO THE BEST OF THEIR PROFESSIONAL KNOWLEDGE, JUDGEMENT AND BELIEF THESE PLANS WILL HAVE BEEN PREPARED IN COMPLIANCE WITH THE APPLICABLE PROVISIONS OF THE ENERGY CONSERVATION AND CONSTRUCTION CODE OF NEW YORK STATE IN EFFECT AT THE DATE OF SIGNATURE.

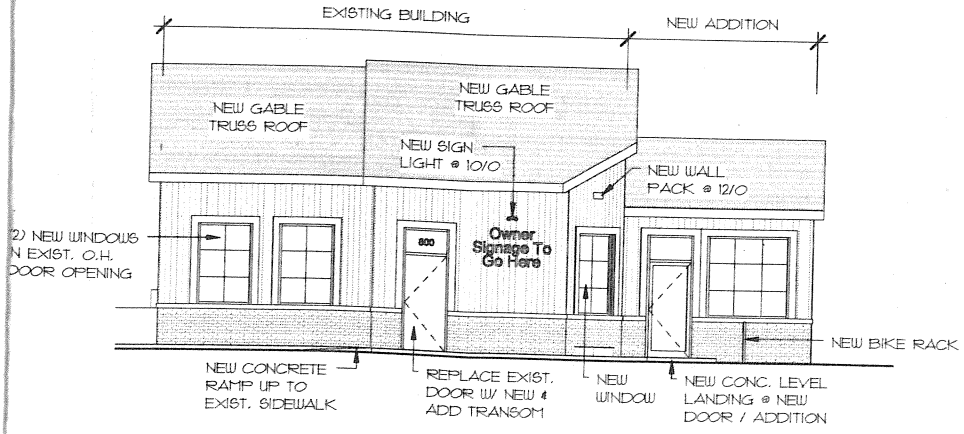
**TYPICAL EXTERIOR FINISHES:**
- 260LB ARCHITECTRUAL ASPHALT SHINGLES
- DOUBLE 5" VERTICAL VINYL SIDING
- SLOPED EIFS SILL
- BRICK VENEER




## 3 NORTH ELEVATION
SCALE: 1/8" = 1'-0"




## 4 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"




## 5 WEST ELEVATION
SCALE: 1/8" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

# ATLANTIC AVE GARAGE

800 ATLANTIC AVENUE
ROCHESTER, NY 14609

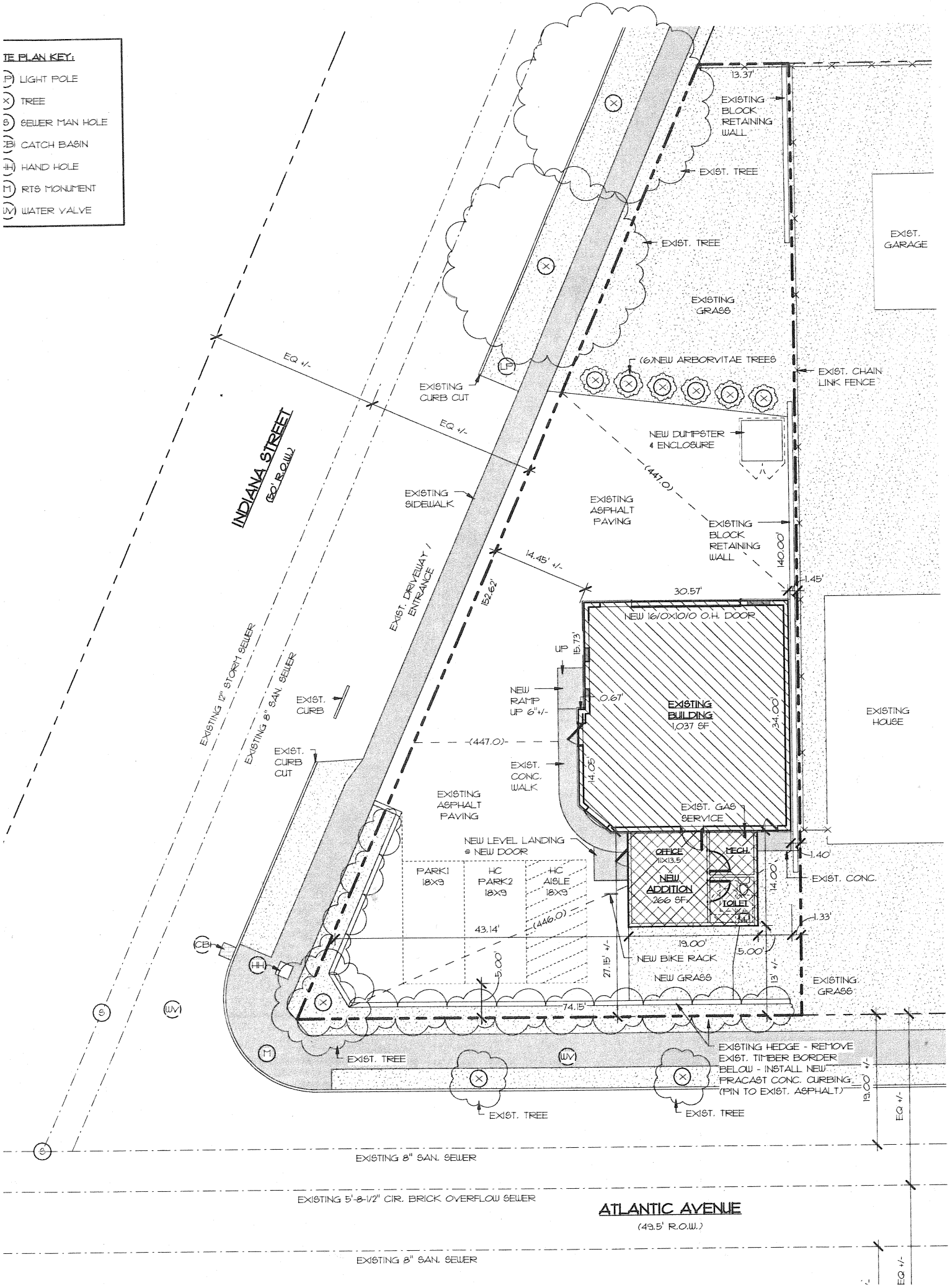
| | |
|---|---|
| PROJECT NO.: | 25215 |
| DATE: | 03/16/2016 |
| DRAWN BY: | JNL |
| SCALE: | As indicated |
| CHECKED BY: | SLF |

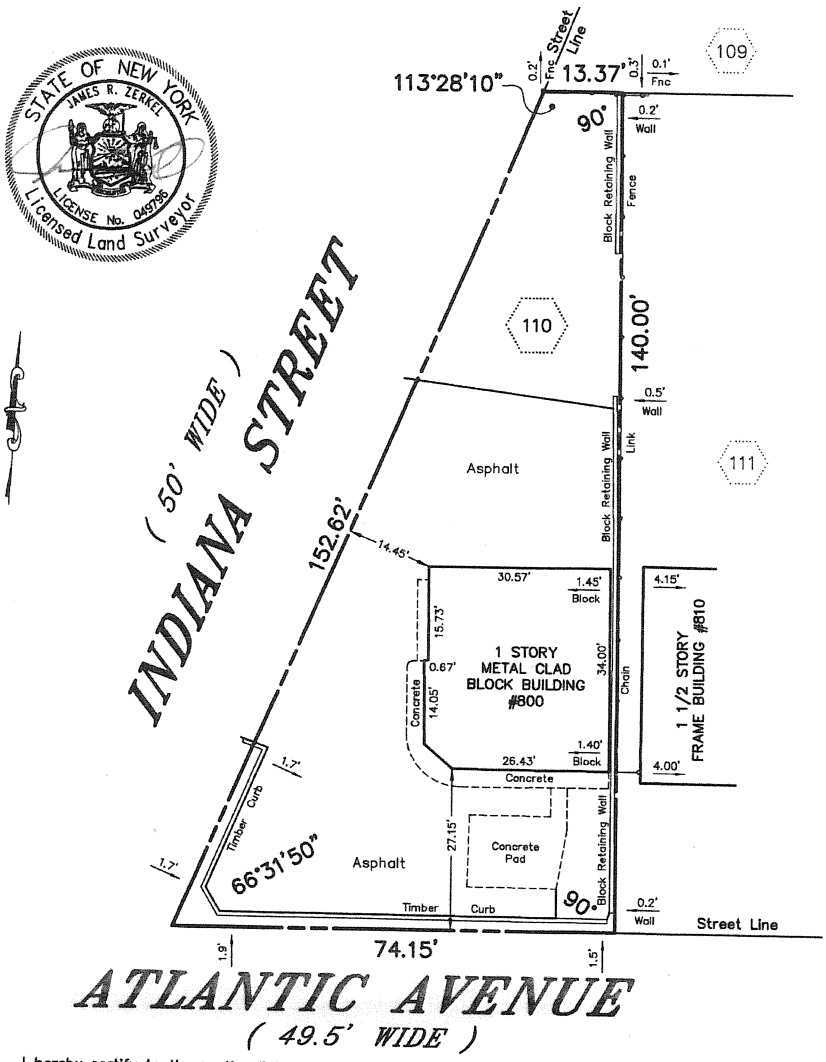
REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
| | | |

DRAWING TITLE:
SITE PLAN NEW

DRAWING NUMBER:
A2.1


TE PLAN KEY:
LIGHT POLE
TREE
SEWER MAN HOLE
CATCH BASIN
HAND HOLE
RTS MONUMENT
WATER VALVE
INDIANA STREET
(60' R.O.W.)
EQ +/-
EQ +/-
EXISTING CURB CUT
EXISTING SIDEWALK
EXIST. DRIVEWAY / ENTRANCE
EXISTING 12" STORM SEWER
EXISTING 8" SAN. SEWER
EXIST. CURB
EXIST. CURB CUT
EXISTING ASPHALT PAVING
EXISTING ASPHALT PAVING
EXISTING BLOCK RETAINING WALL
EXIST. TREE
EXIST. TREE
EXISTING GRASS
(6)NEW ARBORVITAE TREES
EXIST. CHAIN LINK FENCE
EXIST. GARAGE
NEW DUMPSTER & ENCLOSURE
(447.0')
EXISTING BLOCK RETAINING WALL
140.00'
14.45' +/-
152.62'
30.57'
1.45'
NEW 16'0'X10'0" O.H. DOOR
UP 15.73'
NEW RAMP UP 6"+/-
0.67'
EXISTING BUILDING 1,037 SF
34.00'
EXISTING HOUSE
-(447.0)-
EXIST. CONC. WALK
14.05'
EXIST. GAS SERVICE
NEW LEVEL LANDING @ NEW DOOR
OFFICE 11'X13.5'
MECH.
NEW ADDITION 266 SF.
TOILET
1.40'
14.00'
EXIST. CONC.
PARK1 18'X9'
HC PARK2 18'X9'
HC AISLE 18'X9'
(446.0')
43.14'
1.33'
19.00'
5.00'
NEW BIKE RACK
27.15' +/-
5.00'
NEW GRASS
13' +/-
EXISTING GRASS
74.15'
EXISTING HEDGE - REMOVE
EXIST. TIMBER BORDER BELOW - INSTALL NEW PRACAST CONC. CURBING (PIN TO EXIST. ASPHALT)
19.00' +/-
EXIST. TREE
EXIST. TREE
EXIST. TREE
EQ +/-
EXISTING 8" SAN. SEWER
EXISTING 5'-8-1/2" CIR. BRICK OVERFLOW SEWER
ATLANTIC AVENUE
(49.5' R.O.W.)
EXISTING 8" SAN. SEWER
EQ +/-




I hereby certify to the parties listed hereunder that this map was made using the reference material listed hereon and the notes of an instrument survey, performed in accordance with the current standards of the New York State Association of Professional Land Surveyors, completed on December 23, 2015.

Pardi Partnership

James R. Zerkel, N.Y.S. P.L.S. 49796

**Note:** 1) All building ties to property lines were taken to exterior siding, unless noted. 2) Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law. 3) Only copies from the original of this survey marked with an original of the land surveyor's embossed seal shall be considered to be valid true copies. 4) Certifications indicated hereon shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners.

ZERKEL LAND SURVEYORS

JAMES R. ZERKEL, P.L.S.
140 RUTGERS STREET
ROCHESTER, N.Y. 14607
(585) 442-4033

# INSTRUMENT SURVEY MAP

Address 800 ATLANTIC AVENUE — ~~Town~~ City ~~Village~~ ROCHESTER

County MONROE — Township ~ — Range ~ — Lot ~

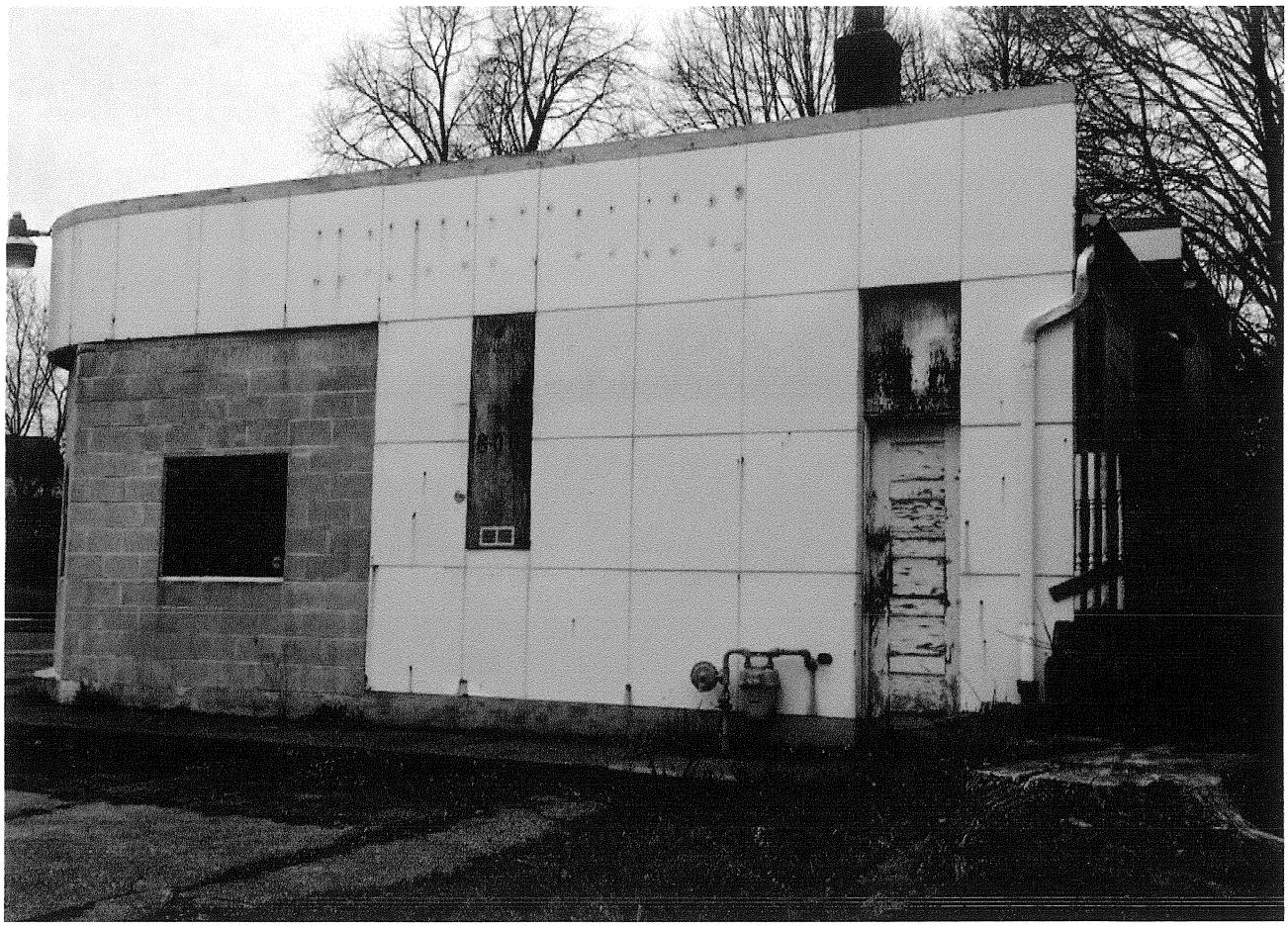
Lot No. 110 — Subdivision ALLEN L. WOOD

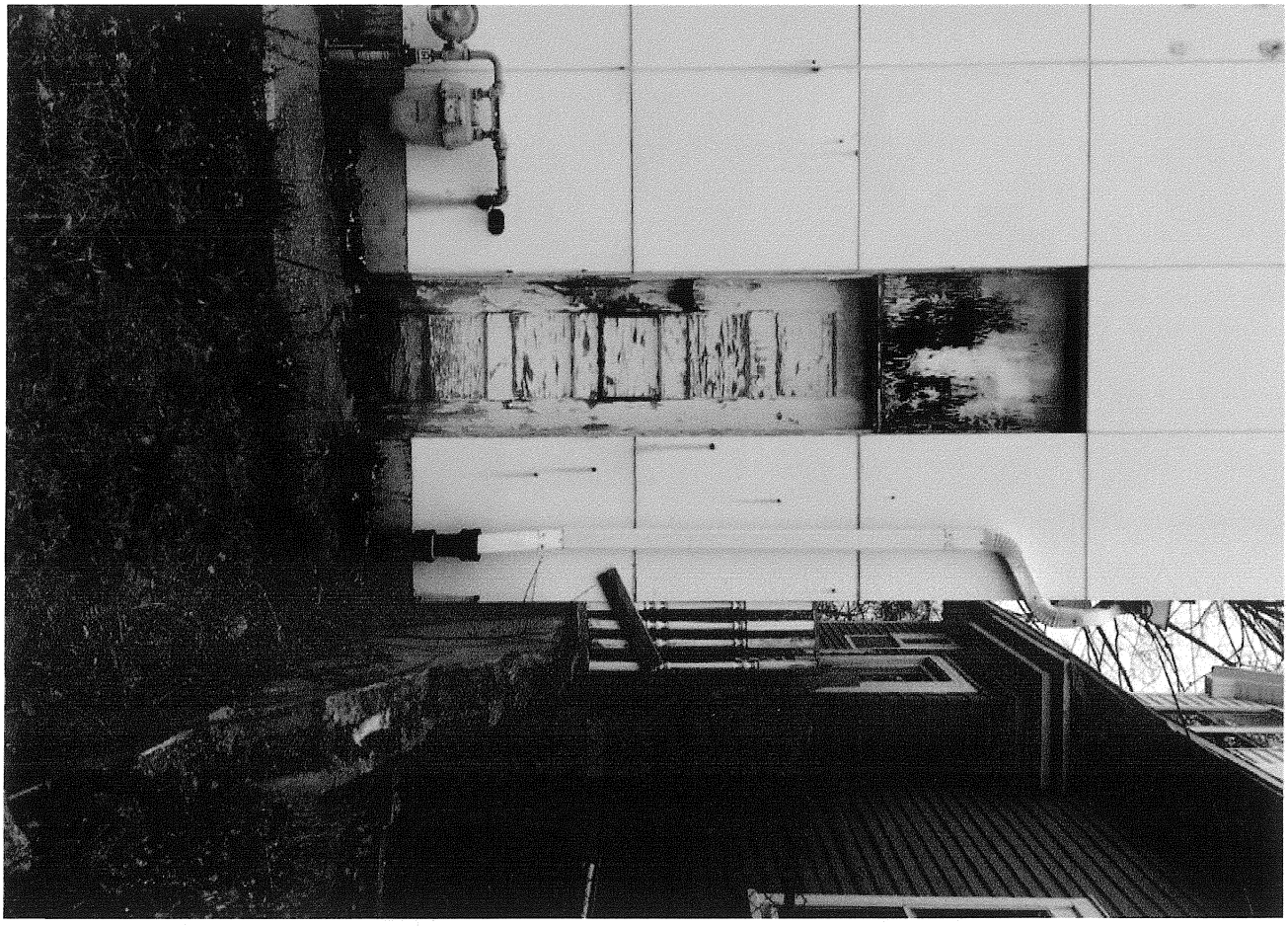
Reference Data

Liber 22 of Maps, Page 25 — Liber 11378 of Deeds, Page 644

Job No. 122.24-01-087 — By JRZ — Abstract by NONE PROVIDED

Dwg. No. 1507111 — Scale 1" = 20' — Client PARDI PARTNERSHIP — Date JANUARY 7, 2016

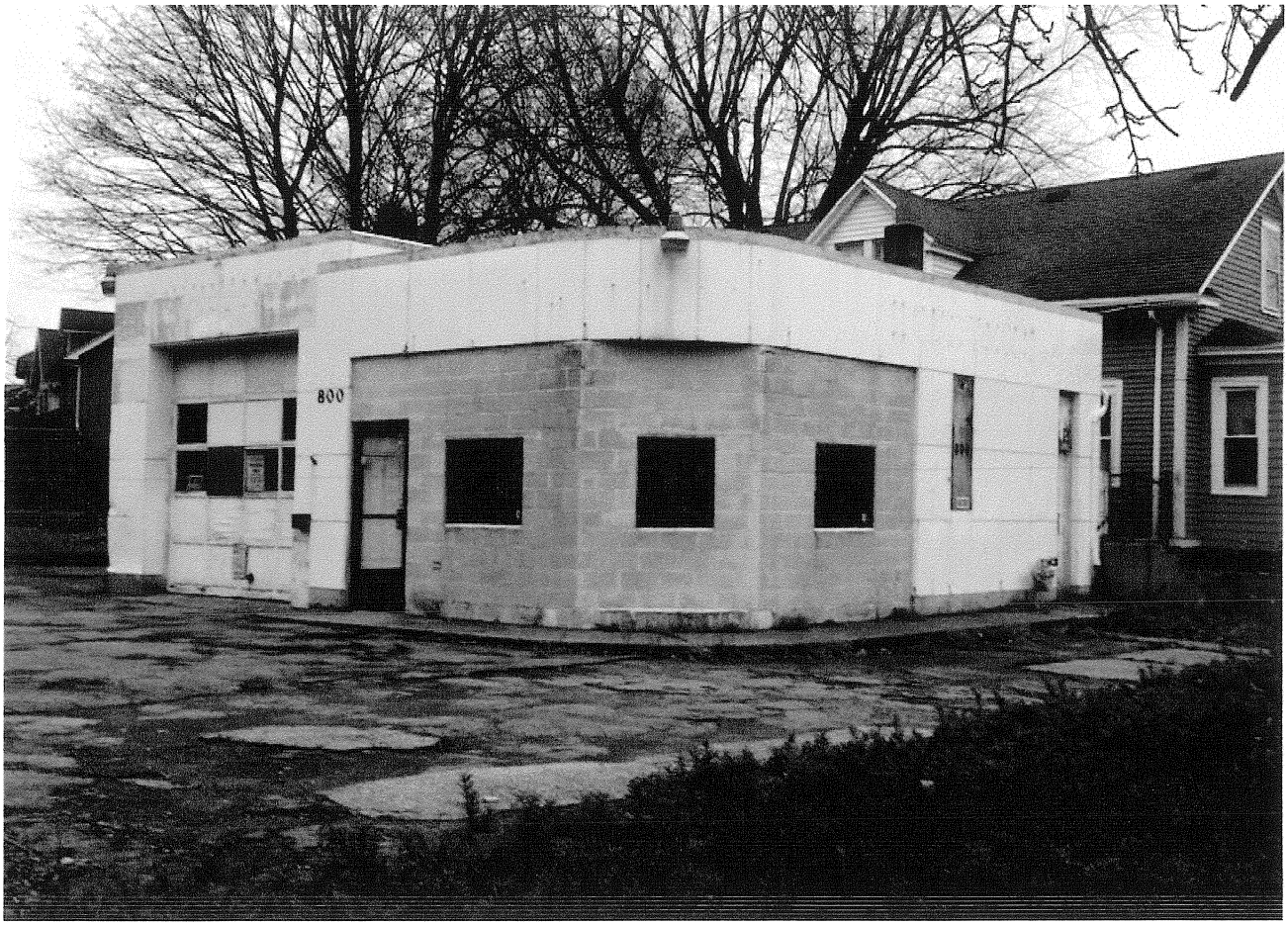




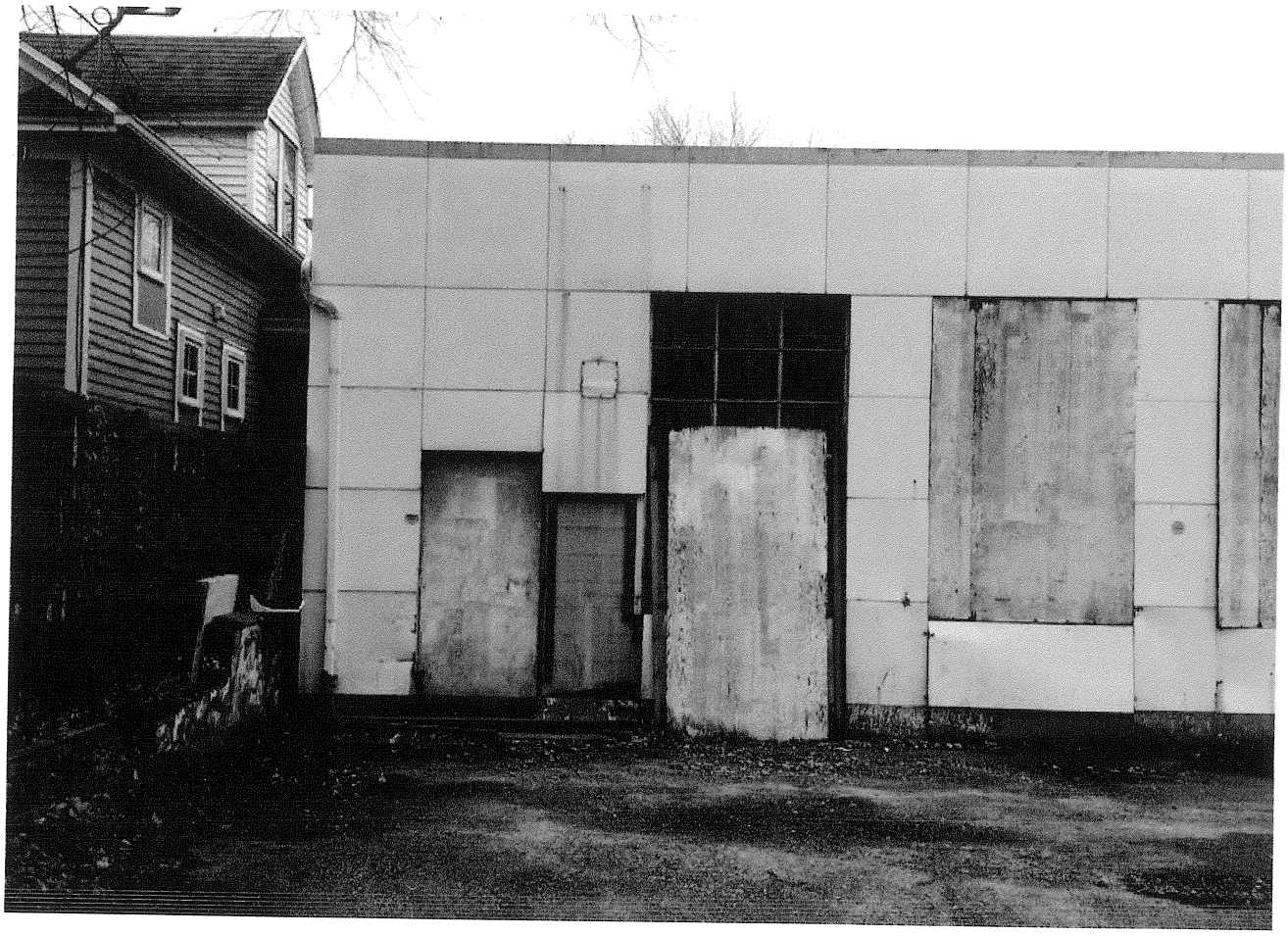
800

800

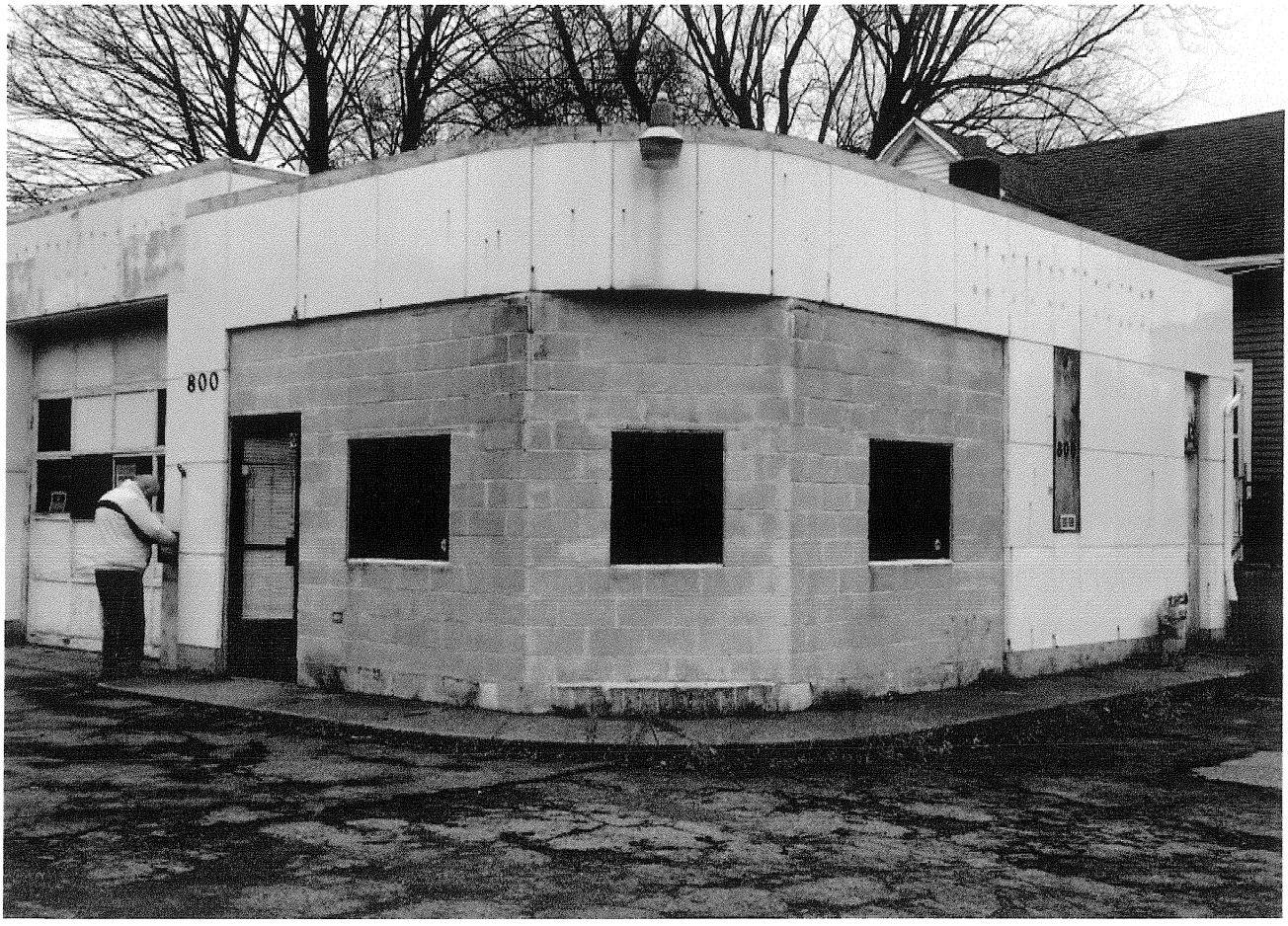
800


800

800



800
PARKING
ONLY


800

# ZONING BOARD OF APPEALS
# STAFF REPORT
# April 21, 2016

## Area Variance

**Case # 8:** Staff Reviewer: Jill Symonds

**File Number:** V-069-15-16

**Applicant:** Frank Santonastaso

**Project Address:** 1628 Lyell Avenue

**Zoning District:** C-2 Community Center District

**Section of Code:** 120-42

**Request:** **To consider the economic hardship associated with the legalization of an existing three-bay vehicle repair operation, a use not permitted in the district.**

**Analysis:** The subject property consists of three separate buildings. The one-story building along Lyell Avenue is legal as a restaurant/tavern. The building next to it has 2-families on the first floor and 1-family on the second floor. The rear building is a 3-car detached garage. The garage has never been legal for a commercial use. According to the applicant, the garage has been used as a vehicle repair operation for the past few years.

The Board is asked to consider the economic hardship of the use variance only. If the Board approves this request, then the applicant will proceed with Site Plan Review (including environmental determination), the remainder of the use variance as well as any other area variances (if needed).

**Code Compliance:** 120-42 does not permit a 3-bay vehicle repair operation.

**Code Enforcement:** This property is in code enforcement.

## PROJECT INFORMATION

**PLEASE TYPE OR PRINT**

1. **PROJECT ADDRESS(ES):** 1628 Lyell Ave

2. **APPLICANT:** Frank Santoro ASO **COMPANY NAME:** _____

   **ADDRESS:** 5070 RIDGE Rd **CITY:** Spencerport **ZIP CODE:** 14559

   **PHONE:** 585-721-1221 **FAX:** 585-349-9997

   **E-MAIL ADDRESS** FRANKC@NORTHWEST AUTOMAIL.NET

   **INTEREST IN PROPERTY:** Owner X Lessee _____ Other _____

3. **PLAN PREPARER:** Mike E Cavallaro

   **ADDRESS:** 1628 Lyell Ave **CITY:** Roch. **ZIP CODE:** NY, 14606

   XC **PHONE:** 585-503-3222 **FAX:** _____

4. **ATTORNEY:** _____

   **ADDRESS:** _____ **CITY:** _____ **ZIP CODE:** _____

   **PHONE:** _____ **FAX:** _____

   **E-MAIL ADDRESS** _____

5. **ZONING DISTRICT:** C-2

6. **DETAILED PROJECT DESCRIPTION (additional information can be attached):**

BUILDING BUREAU
ROOM 121
12:50PM Mar 30/16
01-0002 001 BVD
#21951
ZONING $250.00
INFO 1628 LYELL
CHECK $250.00

7. **LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:)** NO TIME

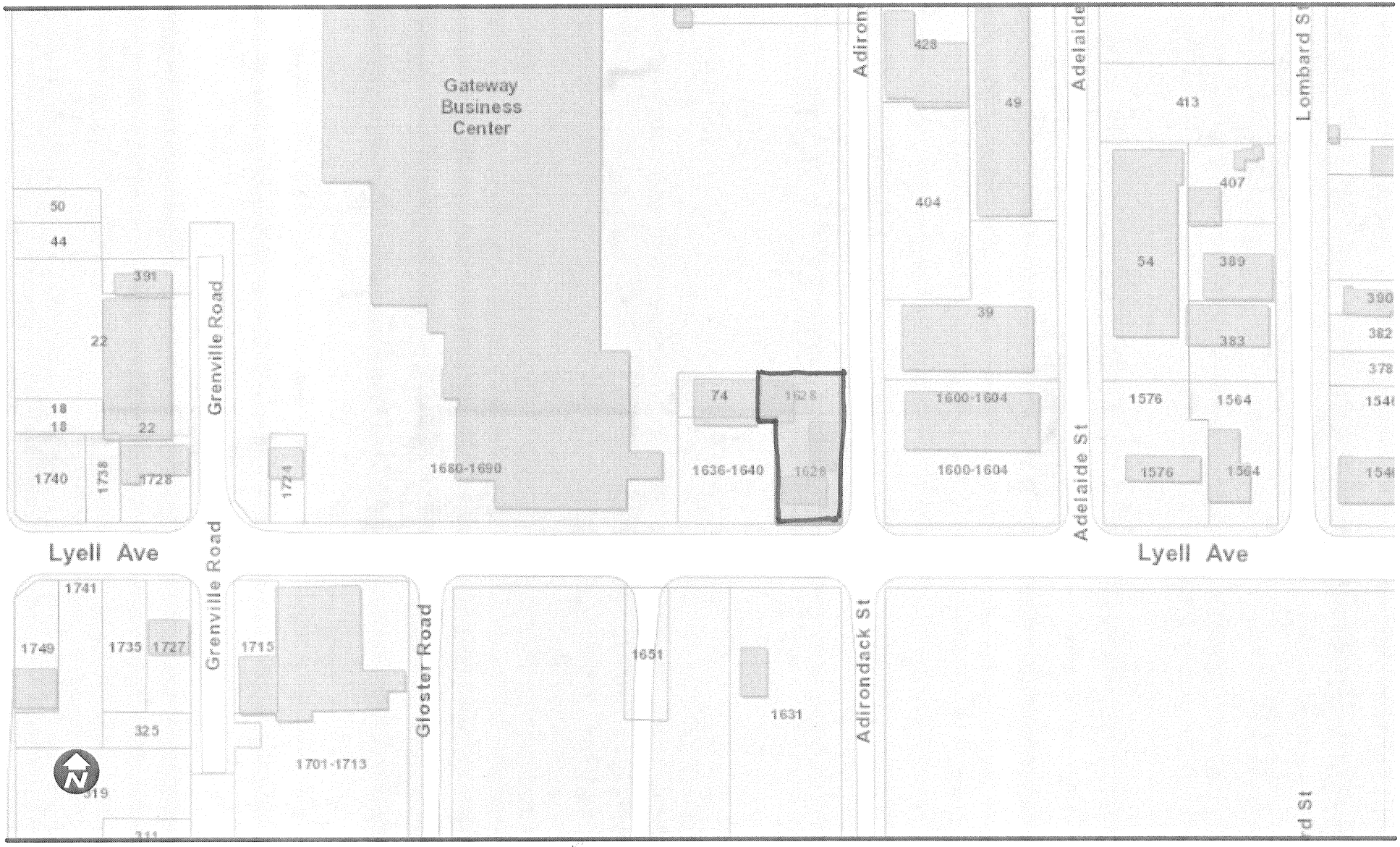
**APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.**

**SIGNATURE:** _____ **DATE:** 2/29/16

**OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.**

**SIGNATURE:** _____ **DATE:** _____

# 1628 LYELL AV




March 17, 2016

This map is intended for general reference only.

The City of Rochester makes no representation as to the accuracy or fitness of the data presented.

City of Rochester, NY

City of Rochester, NY
*Lovely A. Warren, Mayor*

City of Rochester, NY

# USE VARIANCE
# STATEMENT OF INCOME AND EXPENSE

PLEASE NOTE: AT HEARING TIME, APPLICANTS MAY BE ASKED TO PROVIDE AT LEAST TWO (2) CALENDAR YEARS OF FINANCIAL INFORMATION, OR FROM THE DATE OF PURCHASE, WHICHEVER IS LESS.

PROPERTY ADDRESS: 1628 Lyell Ave Rochester, N.Y. 14606

A. PROPERTY DATA

1. Date property was purchased by current owner 1999

2. Was a Certificate of Occupancy issued? NO
   Date of issuance? _____
   If so, for what use(s)? _____
   If not, why? _____

3. Cost of Purchase 77,000 (1999)

4. Original Amount of Mortgage(s) 119,000
   Mortgage Holder(s) NORTHWEST SAVINGS BANK
   Address _____
   Interest Rate(s) 6% Term of mortgage(s) 20yrs

5. Is the property for sale? NO
   If so, for how long? _____
   asking price? _____
   for what use(s) _____
   Have any offers been received? _____
   If so, for what amount(s)? _____
   Summarize any attempts to sell the property _____

6. Present value of property 155,000
   Source of valuation _____

B. **GROSS ANNUAL INCOME** (Information provided must be for permitted uses, not the proposed use)

| | USE (# of Apts., Retail Store, Office, etc.) | UNIT SIZE (sq. ft.; # of bedrooms) | MONTHLY RENT AMOUNT | ANNUAL RENT AMOUNT collected 2015 |
|---|---|---|---|---|
| 1. | Store | 1200 sq ft. | 1200.00 | 14,400 |
| 2. | APT | ~~500~~ 550 sq. ft. | 500.00 | 6,000 |
| 3. | APT | 350 sq. ft. | 400.00 | 4800 1350/heat |
| 4. | ~~Shop~~ | ~~1400 sq ft.~~ | ~~1000.00~~ | ~~12,000 - 3600/rent~~ |
| 5. | Shop (STORAGE) | 1400 sq ft. | 300.00 | 3600.00 |
| 6. | | | | |
| | | | TOTAL ANNUAL INCOME: | ~~37,200.00~~ 28,8 |
| | | | *LESS (8%) VACANCY FACTOR: (Explain, if greater than 8%) | 4850.00 |
| | | | TOTAL ADJUSTED GROSS INCOME: | 23,958.00 ~~32,350.00~~ |

* ALSO INCLUDES UNPAID RENT

C. **ANNUAL EXPENSES**

1. **Annual Fixed Charges**

| | |
|---|---|
| Real Estate Taxes (City & County) | 6700.20 |
| Insurance | 2045.52 |
| Average Annual Interest (over next 5 years) | 28,474.20 |

2. **Operating Expenses**

| | |
|---|---|
| Electric + GAS | 2568.14 |
| Fuel | |
| Water | 628 |
| ~~Pure Waters~~ REFUSE | 1068.12 |
| Advertising | 136.00 |
| Miscellaneous (attach explanation) | |

3. **Maintenance Expenses** (attach list)

| | |
|---|---|
| Repairs | 3260.00 |
| General Building Maintenance | |
| Yard and Ground Care | |
| Miscellaneous | 55438 |
| TOTAL ANNUAL EXPENSES: | -31,480.00 |
| PROFIT or (LOSS) | |

D. **TOTAL INVESTMENT**

| | |
|---|---|
| 1. Down payment | 77,000 |
| 2. Capital Improvements (attach list) | 112500 |
| 3. Principal paid to date (original mortgage less current principal balance) | 90,869 |
| TOTAL INVESTMENT: | 280,369 |
| E. **RATE OF RETURN/YR.** [Profit or Loss divided by Total Investment] | -.112 % |

SIGNATURE OF PREPARER _____ DATE 3/17/14

## FRONT BLDG

| | | |
|---|---|---|
| Roof | 2500 | 1999 |
| Brick FACADE | 2000 | 2000 |
| NEW STORE GLASS & DOOR | 2800 | 2200 |
| Reframe ENTRANCE | 800 | |
| NEW FURNACE | | |
| Hot WATER TANK | | |
| PLUMBING | 4500 | |
| PAVING | 3800 | |
| FLOOR | 1800 | |
| Drywall | 5700 | |
| | 23,900 | |

## HOUSE

| | |
|---|---|
| NEW WINDOWS - | 5500 |
| SIDING | 6800 |
| Roof (complete TEAR off) | 5900 |
| Gutters | 2300 |
| Reframing EVES | 1500 |
| WATER TANKS / FURNACE/NEW Duct work | 3600 |
| PLUMBING | 3200 |
| NEW DOORS | 3600 |
| FLOORS Lmd. | |
| RUGS | 2800 |
| SIDEWALLS | 2800.00 |
| STEPS | 1500 |
| | 39,500 |

REAR BLDG

| | |
|---|---|
| ~~RE~~ EXPAND EXISTING | |
| BLOCK BLDG | 15,000.00 |
| NEW ROOF & TRUSSES | 12,000.00 |
| SIDING | 1300.00 |
| OVERHEAD DOORS | 3500.00 |
| DOOR & WINDOW | 1200.00 |
| GRAVEL & GRADE YARD & DRIVEWAY | 2600.00 |
| DRYWALL | 6500.00 |
| ELECTRIC SERVICE NEW INCLUDING | 5600 |
| PLUMBING | 1400 |
| | $49,100 |

112,500

City of Rochester, NY

# USE VARIANCE
# STATEMENT OF UNNECESSARY HARDSHIP

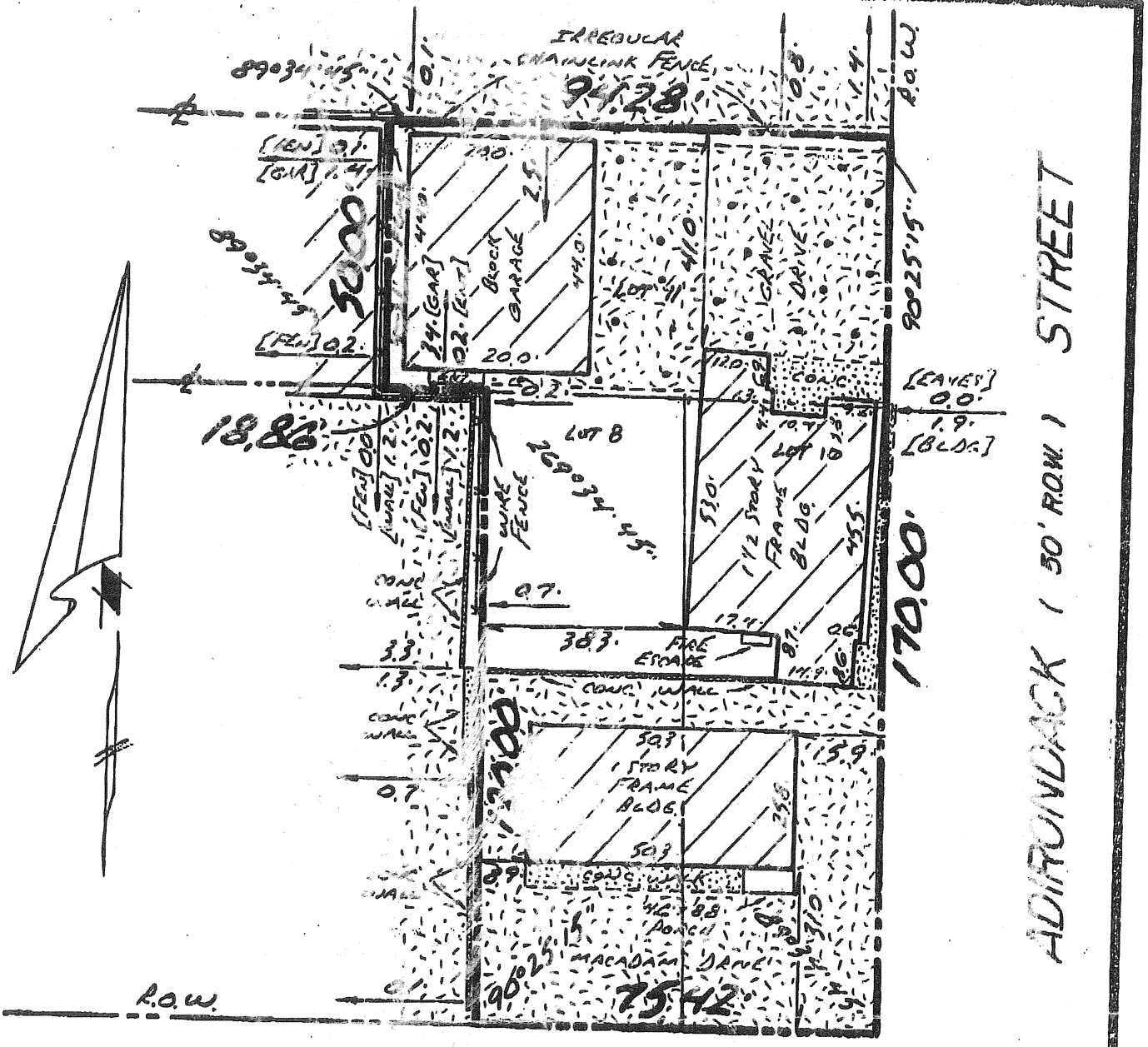
**A use variance shall be granted only if the applicant can establish the existence of EACH of the following, in accordance with Section 120-195B(3) of the Zoning Ordinance:**

A. **No reasonable return.** The subject property is not capable of yielding a reasonable rate of return if used for its present use or developed, redeveloped or used for **any other use** permitted in the district in which the property is located. There is no means other than the granting of the variance by which the property can yield a reasonable return. Such inability to yield a reasonable return must be shown by specific fact, and not the unsupported opinion of the owner or those appearing for the owner.

This Property CANNOT SURVIVE WITHOUT THE INCOME OF THE GARAGE. THE INCOME IS NEEDED TO support THE PROPERTY AND ALSO ~~to~~ for upkeep AND FURTHER IMPROVEMENTS THAT THE PROPERTY NEEDS

B. **Unique circumstances.** The inability to yield a reasonable return results from a unique circumstances peculiar to the subject property which do not apply to or affect other properties in the immediate vicinity that are subject to the same regulations. The personal situation of the owner shall not be considered a unique circumstance.

C. **Not self created.** The inability to yield a reasonable return is not the result of any action or inaction by the owner or their predecessors in title. Acquisition or improvement of the subject property at any time after the enactment of the provision sought to be varied shall raise a rebuttable presumption that the owner's inability to realize a reasonable return is the result of the owner's action.

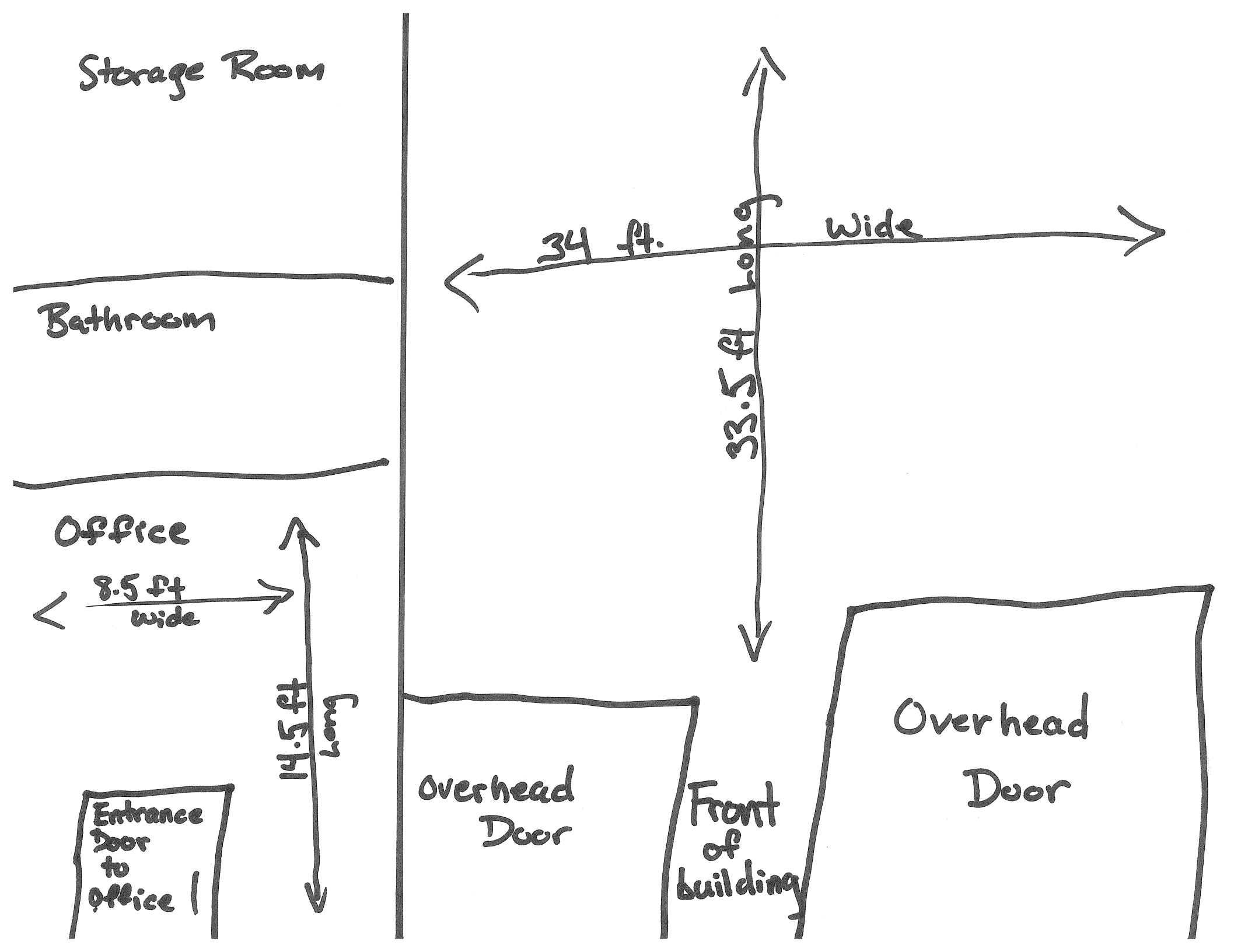



LYELL ( 73' R.O.W. ) AVENUE

REFERENCES: 1) ABSTRACT OF TITLE No. 58136 (CROSSROADS) (NOV. 1, 2011)
2) CASE A.C. OF MAPS - BICKFORD SUBDIVISION
3) LIBER 9220 OF DEEDS PAGE 552
4) CITY OF ROCHESTER DISTRICT 13 MAP 4
5) COVENANTS & RESTRICTIONS : LIBER 1985 OF DEEDS, PAGE 92.

**CERTIFICATION:**
I hereby certify to:

that this map was made DEC. 9 2011 from notes of an instrument Survey completed DEC. 8 2011 and from references listed hereon.


Storage Room
Bathroom
Office
8.5 ft
wide
14.5 ft
Long
Entrance
Door
to
Office
Overhead
Door
Front
of
building
34 ft.
Wide
33.5 ft Long
Overhead
Door

## Symonds, Jill

**From:** Penders, Ronald
**Sent:** Tuesday, April 05, 2016 7:59 AM
**To:** Symonds, Jill; Parrino, Marguerite V.; Lagonegro, Zina B.
**Subject:** Community response
**Attachments:** April 21 2016 ZBA Agenda Revised.pdf

Good morning,

I just wanted to comment on the cases being heard by the Zoning Board of Appeals;

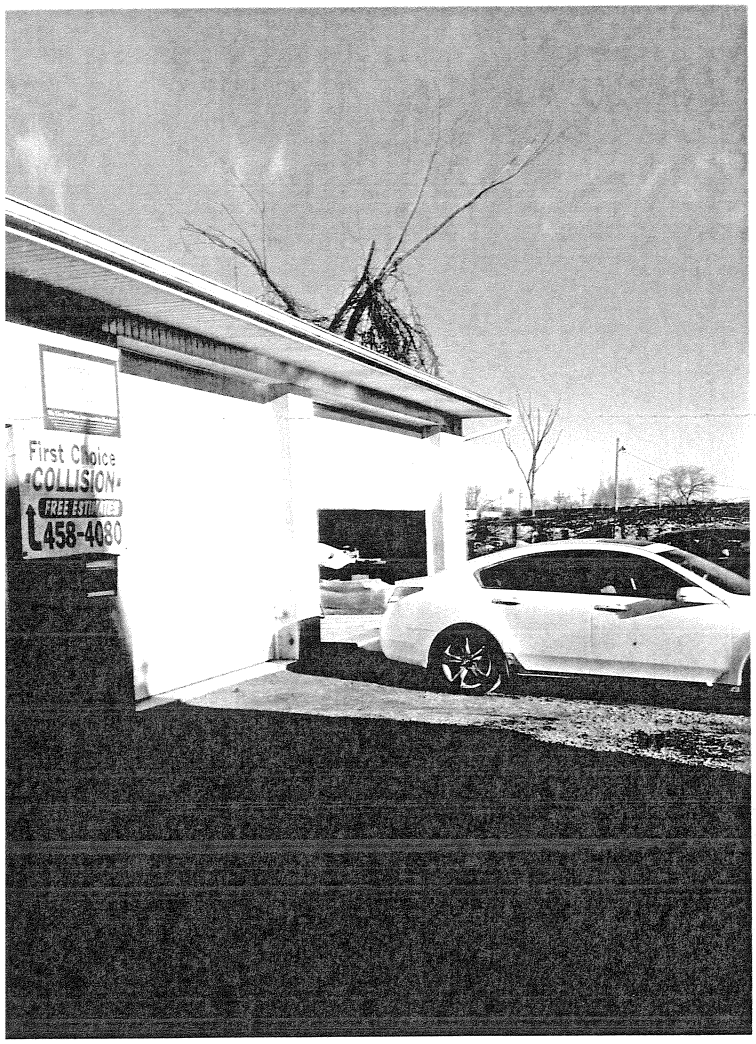
**980 W. Ridge Rd.** I have only heard positive things about this location and only had a couple of people commented on this case, both were in favor of the sign.

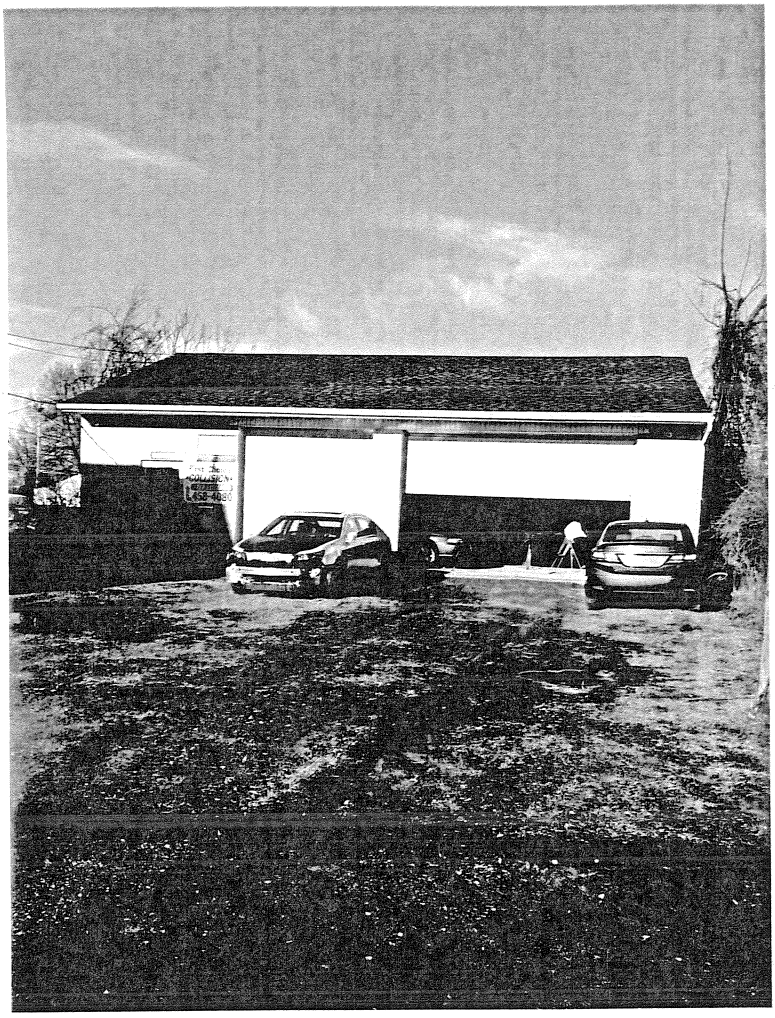
**1628 Lyell Ave.** I have quite a few people in the neighborhood who are very much against any more auto related businesses being legalized. Especially ones like this one that continued to operate even after they were told not to.

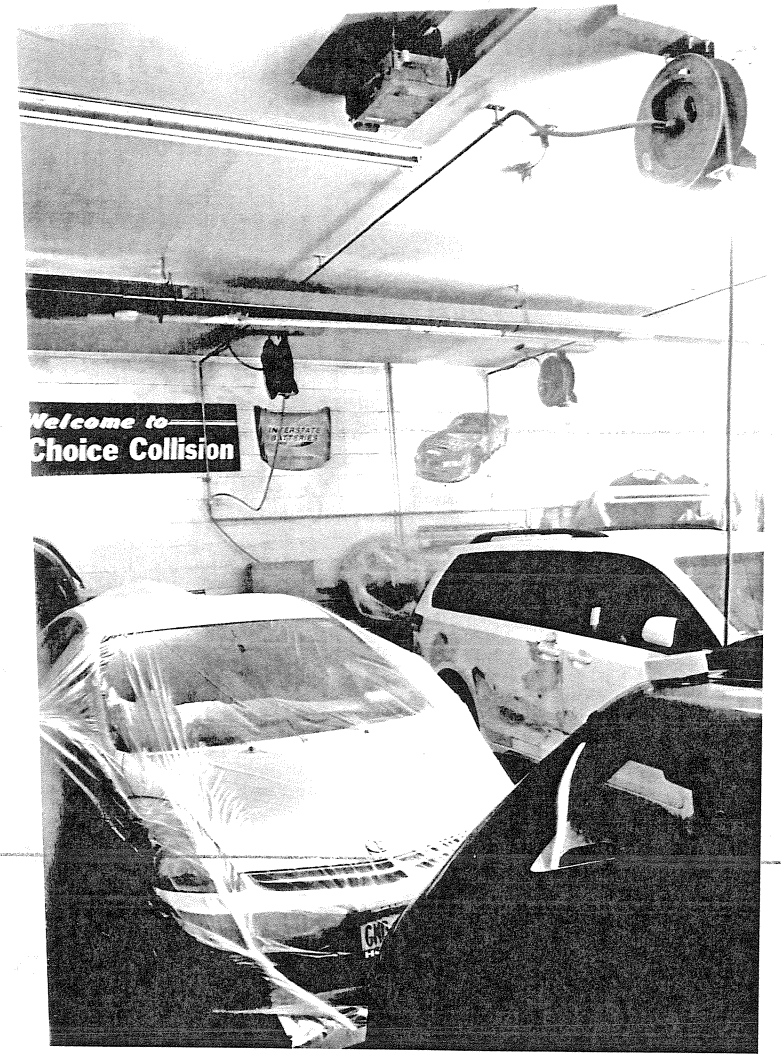
**28 Locust St.** I have heard nothing from the community on this one.

Thank you,

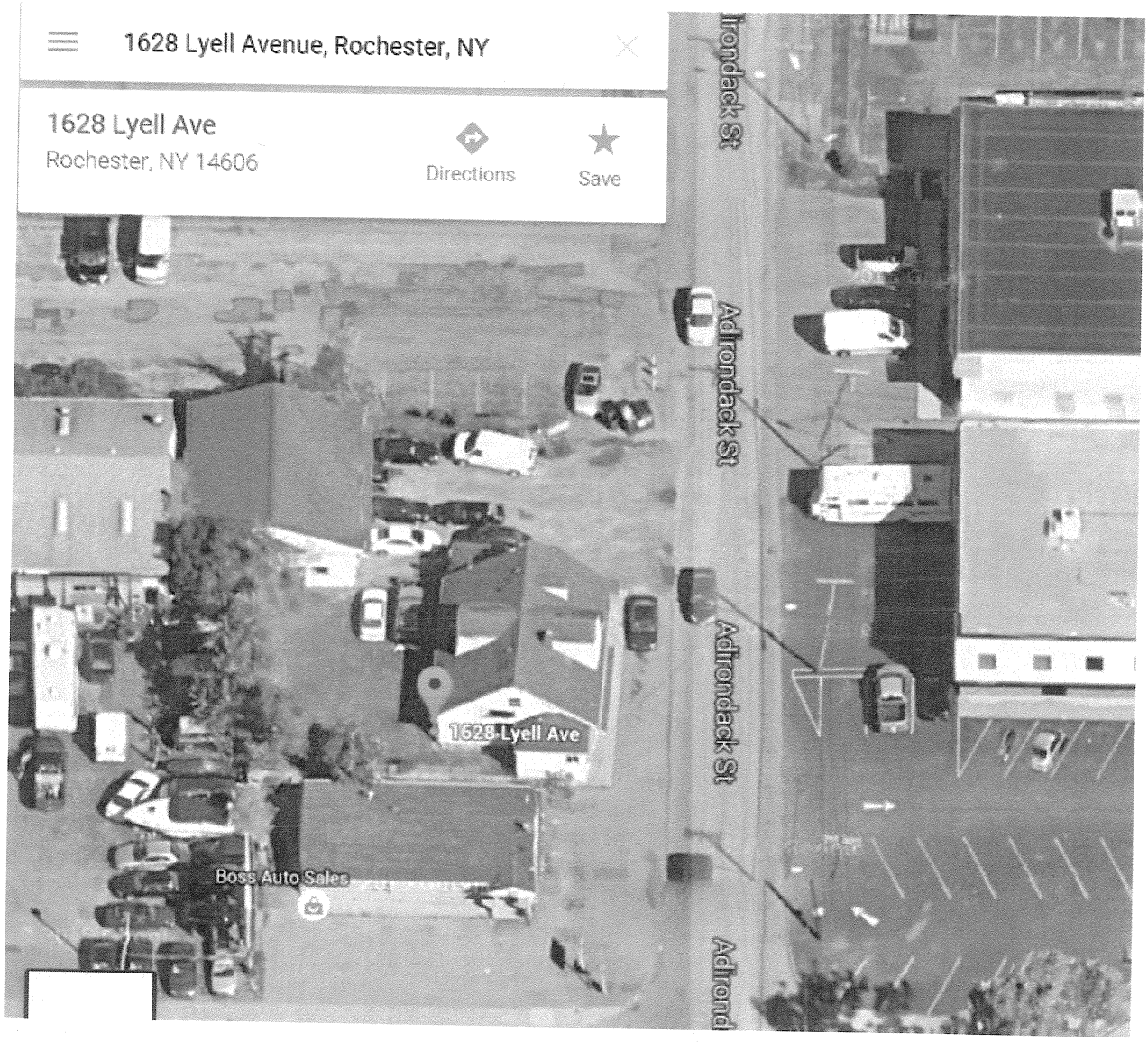
Ron Penders
Administrator
City of Rochester
Department of Neighborhood and
Business Development
Northwest Neighborhood Service Center
Pendersr@cityofrochester.gov
(585) 428-7620 Office
(585) 428-7621 Fax


First Choice
COLLISION
458-4080






more photos available in file.




Google Earth photo

# ZONING BOARD OF APPEALS
# STAFF REPORT
# April 21, 2016

## Use & Area Variances

**Case # 9:**

Staff Reviewer: Jill Symonds

**File Number:** V-070-15-16

**Applicant:** Destinee Howell

**Project Address:** 989 S. Clinton Avenue

**Zoning District:** C-1 Neighborhood Center District

**Section of Code:** 120-34, 120-137, 120-173

**Request:** **To add live entertainment to a bar/restaurant, which is not permitted in the district, and to waive the associated parking requirement.**

**Analysis:**

The subject property is legal for use as a bar/restaurant with accessory amusement machines (i.e. two dart boards and a juke box). The total floor area of the bar/restaurant is approximately 3,000 square feet, and is posted for a maximum occupancy of 99 persons.

The proposal is to add live entertainment to the establishment, the primary purpose of which will be to allow dancing, with the occasional band, D.J, or karaoke night. Live entertainment will be available seven days a week until 2:00 am.

**Code Compliance:**

Section 120-34 prohibits live entertainment in the C-1 District (use variance required).

It should be noted that live entertainment is specially permitted in the C-2 Community Center District, C-3 Regional Destination District, and the M-1 Industrial District, subject to additional requirements for specified uses in Section 120-137 [entertainment]. This section shall be considered as part of the request as follows:

A. The portion of the building used for entertainment shall have no openings facing any adjacent residentially zoned or developed property other than stationary insulated glass windows that shall be screened or draped in a manner to

prevent the direct glare of beams onto such adjacent property.

B. The applicant shall provide a number of off-street parking spaces equal to 2 the maximum allowable occupancy of the use, as determined by the Fire Marshal of the City or a designated agent (this same requirement is listed in section 120-173 for off-street parking).

There is no parking on this property. The existing bar/restaurant required 10 parking spaces for every 1,000 sq. ft. As a result, there is a pre-existing deficiency of 30 parking spaces (e.g. 3,000 sq. ft. x 10 = 30 spaces).

By adding live entertainment, the property will now require a total of 50 parking spaces (e.g. 1/2 occupancy of 99 = 50 spaces). The pre-existing deficiency of 30 spaces is subtracted from this total, bringing the number of spaces that will need to be waived down to 20. The Zoning Board will need to determine if the waiver of 20 off-street parking spaces in appropriate in conjunction with the establishment of the live entertainment (area variance required).

**Code Enforcement:** This property is not in code enforcement.

**Note:** During staff review, it was noted that the mural on the front of the building requires a sign permit. The applicant will try to legalize this sign by establishing an Alternate Sign Program, which is reviewed and approved by the City Planning Commission.

## PROJECT INFORMATION

**PLEASE TYPE OR PRINT**

1. **PROJECT ADDRESS(ES):** 989 S. Clinton

2. **APPLICANT:** Destinee Howell **COMPANY NAME:** Royal Tavern

   **ADDRESS:** 61 Barnard St **CITY:** Roch. **ZIP CODE:** 14616

   **PHONE:** 585-353-5318 **FAX:** _____

   **E-MAIL ADDRESS** howelldestinee@ymail.com

   **INTEREST IN PROPERTY: Owner** _____ **Lessee** X **Other** _____

3. **PLAN PREPARER:** _____

   **ADDRESS:** _____ **CITY:** _____ **ZIP CODE:** _____

   **PHONE:** _____ **FAX:** _____

4. **ATTORNEY:** _____

   **ADDRESS:** _____ **CITY:** _____ **ZIP CODE:** _____

   **PHONE:** _____ **FAX:** _____

   **E-MAIL ADDRESS** _____

5. **ZONING DISTRICT:** _____

6. **DETAILED PROJECT DESCRIPTION (additional information can be attached):** _____

7. **LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:)** _____

**APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.**

**SIGNATURE:** Destinee Howell **DATE:** 3-17-16

Jonathan Wright 3-17-16

**OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.**

**SIGNATURE:** _____ **DATE:** 3/17/16

BUILDING BUREAU
ROOM 121

11:53AM Mar 17/16
01-000 [illegible] Linda
#21251

Zoning $250.00
INFO 989 S CLINTON AV

Charge $250.00

# 989 S CLINTON AV

March 17, 2016

This map is intended for general reference only.

The City of Rochester makes no representation as to the accuracy or fitness of the data presented.

City of Rochester, NY

City of Rochester, NY
*Lovely A. Warren, Mayor*

City of Rochester, NY

# USE VARIANCE
# STATEMENT OF INCOME AND EXPENSE

PLEASE NOTE: AT HEARING TIME, APPLICANTS MAY BE ASKED TO PROVIDE AT LEAST TWO (2) CALENDAR YEARS OF FINANCIAL INFORMATION, OR FROM THE DATE OF PURCHASE, WHICHEVER IS LESS.

PROPERTY ADDRESS: #989 S. Clinton Ave., Rochester, NY 14620

A. PROPERTY DATA

1. Date property was purchased by current owner 1984

2. Was a Certificate of Occupancy issued? Yes
   Date of issuance? 12/31/84
   If so, for what use(s)? Restaurant
   If not, why? _____

3. Cost of Purchase _____
   ~~purchased 30 years ago~~

4. Original Amount of Mortgage(s) ?
   Mortgage Holder(s) N/A
   Address _____
   Interest Rate(s) _____ Term of mortgage(s) _____

5. Is the property for sale? No
   If so, for how long? _____
   asking price? _____
   for what use(s) _____
   Have any offers been received? _____
   If so, for what amount(s)? _____
   Summarize any attempts to sell the property _____

6. Present value of property $119,000
   Source of valuation city assessment records

B. **GROSS ANNUAL INCOME** (Information provided must be for permitted uses, not the proposed use)

| | USE (# of Apts., Retail Store, Office, etc.) | UNIT SIZE (sq. ft.; # of bedrooms) | MONTHLY RENT AMOUNT | ANNUAL RENT AMOUNT |
|---|---|---|---|---|
| 1. | Restaurant | 3400 SF | $2,000 | $24,000 |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

TOTAL ANNUAL INCOME: $24,000

LESS (8%) VACANCY FACTOR: $24,000
(Explain, if greater than 8%)

TOTAL ADJUSTED GROSS INCOME: Ø

* property has been vacant for 3 years.

C. **ANNUAL EXPENSES**

1. **Annual Fixed Charges**
   - Real Estate Taxes (City & County) ..... $6,418
   - Insurance ..... $2,000
   - Average Annual Interest (over next 5 years) ..... n/a

2. **Operating Expenses**
   - Electric ..... tenant
   - Fuel ..... tenant
   - Water ..... tenant
   - Pure Waters ..... tenant
   - Advertising ..... n/a
   - Miscellaneous (attach explanation) .....

3. **Maintenance Expenses** (attach list)
   - Repairs ..... $5000
   - General Building Maintenance .....
   - Yard and Ground Care ..... n/a
   - Miscellaneous .....

TOTAL ANNUAL EXPENSES: $13,418

PROFIT or (LOSS) ($13,418)

D. **TOTAL INVESTMENT**
1. Down payment .....
2. Capital Improvements (attach list) ..... $8000
3. Principal paid to date (original mortgage less current principal balance) .....

TOTAL INVESTMENT:

E. **RATE OF RETURN/YR.** [Profit or Loss divided by Total Investment]

SIGNATURE OF PREPARER [signature] DATE 3/17/16

## 2015 - repairs

- space full of garbage
- leaking roof
- water pipes leaking.
  = ~ $ 5,000

* these repairs required when space vacant. Costs go down when space occupied

## capital improvements

- heat / cooling $8000

| 12/31/2015 | 261400 121.73-3-11 | 049756 |
|---|---|---|
| Estimated State Aid | Address | |
| CNTY 201,444,639 | 989 S Clinton Ave | |
| | Rochester | |
| | Class | School |
| | >1use sm bld | Rochest |
| | Roll Sect | Parcel Size |
| | 1 RS-1 | 34.00 FRONT 100.00 DEPT |
| | Bank Code | Full Market Value |
| | | AS OF 2-1-15 119,00 |
| | Mortgage No. | Total Assessed Value |
| | | 119,00 |
| | | Uniform % of Value |
| | | 100.0 |

# 2016 Combined Town and County Tax Bill Monroe County, New York

261400 121.73-3-11
Shek Tak Chun & Wai Ying
22484 155 Asbury St
Rochester, NY 14620

If your taxes are paid with your mortgage, please forward this bill to your mortgage company.

*061423*

| Exemptions | Value | Purpose | Exemptions | Value | Purpose | Exemptions | Value | Purpose |
|---|---|---|---|---|---|---|---|---|

| Levy Description | % of your County Budget Tax Payment | Total Tax Levy | % Chg Prior Year | Value/Usage | Rate | Amount |
|---|---|---|---|---|---|---|
| COUNTY BUDGET: | | | | | | |
| STATE & FEDERAL MANDATES | | | | | | 362. |
| MEDICAID PROGRAM TAX | 33.0 | | | 119,000.00 | 3.043145 | 170. |
| OTHER HS MANDATES | 15.5 | | | 119,000.00 | 1.429356 | 342. |
| PUBLIC SAFETY MANDATES | 31.2 | | | 119,000.00 | 2.877155 | 88. |
| OTHER MANDATES (E.G., PUBLIC HEALTH) | 8.1 | | | 119,000.00 | .746954 | 963. |
| TOTAL MANDATES | 87.8 | | | | | 133. |
| GENERAL COUNTY SERVICES (NON-MANDATED:LOCAL CONTROL OF DOLLARS) | 12.2 | | | 119,000.00 | 1.125041 | 1,097. |
| NET AMOUNT DUE FOR BUDGET | 100.0 | 55,177,444 | 1.0 | 119,000.00 | 9.221651 | |
| COUNTY SERVICES- LOCALITIES | | 8,873,441 | -4.4 | 119,000.00 | 1.482993 | 176. |
| SPECIAL DISTRICTS: | | | | | | |
| PW Capital Charge | | 11,258,471 | 1.4 | 119,000.00 | 1.340000 | 159. |

PAID
FEB 26 2016
Monroe County Treasurer

PAID
FEB 09 2016
Monroe County Treasurer

**Make Checks Payable To:**

MONROE COUNTY TREASURY
PO BOX 14420
ROCHESTER, NY 14614

**To Pay In Person:**

MONROE COUNTY TREASURY
39 WEST MAIN STREET ROOM B-2
ROCHESTER, NY 14614
MONDAY-FRIDAY 9AM-5PM
(585)753-1200

☐ **For receipt, return entire bill with payment**

**Summary**

| | |
|---|---|
| **STATE & FEDERAL MANDATES** | 963.4 |
| **GENERAL COUNTY SERVICES** | 133.8 |
| **SALES TAX CREDIT** | 0.0 |
| **COUNTY SERVICES TO LOCALITIES** | 176.4 |
| **TOWN TAXES** | 0.0 |
| **OTHER** | 159.4 |
| Total | 1,433.3 |

**DUE FEB 10, 2016**

2016 Rochester
**Bill No.:** 049756 RS-1
**Tax Account No.:** 261400 121.73-3-11
Shek Tak Chun & Wai Ying
989 S Clinton Ave

3

*06142303*

| | |
|---|---|
| **Install Tax** | 358.33 |
| **3% Interest** | 10.75 |
| **3rd INSTALLMENT DUE MAR 1 - 31** | 369.08 |

2016 Rochester
**Bill No.:** 049756 RS-1
**Tax Account No.:** 261400 121.73-3-11
Shek Tak Chun & Wai Ying
989 S Clinton Ave

4

*06142304

| | |
|---|---|
| **Install Tax** | 358.33 |
| **4.5% Interest** | 16.12 |
| **4th INSTALLMENT DUE APR 1 - 30** | 374.45 |

# 2016 Combined Town and County Tax Bill Monroe County, New York

261400 121.73-3-12
Shek Tak Chun & Wai Ying
22485 155 Asbury St
Rochester, NY 14620

If your taxes are paid with your mortgage, please forward this bill to your mortgage company.

*061424*

| 12/31/2015 | 261400 121.73-3-12 | 049757 |
|---|---|---|
| Estimated State Aid | Address | |
| CNTY 201,444,639 | 442-444 Caroline St<br>Rochester | |
| Class | School | |
| Parking lot | Rocheste | |
| Roll Sect | Parcel Size | |
| 1 RS-1 | 33.00 FRONT 100.00 DEPT | |
| Bank Code | Full Market Value | |
| | AS OF 2-1-15 11,00 | |
| Mortgage No | Total Assessed Value | |
| | 11,00 | |
| | Uniform % of Value | |
| | 100.0 | |

| Exemptions | Value | Purpose | Exemptions | Value | Purpose | Exemptions | Value | Purpose |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |

| Levy Description | % of year County Budget Tax Payment | Total Tax Levy | % Chg Prior Year | Value/Usage | Rate | Amount |
|---|---|---|---|---|---|---|
| COUNTY BUDGET: | | | | | | |
| STATE & FEDERAL MANDATES | | | | | | 33.4 |
| MEDICAID PROGRAM TAX | 33.0 | | | 11,000.00 | 3.043145 | 15.7 |
| OTHER HS MANDATES | 15.5 | | | 11,000.00 | 1.429356 | 31.6 |
| PUBLIC SAFETY MANDATES | 31.2 | | | 11,000.00 | 2.877155 | 8.2 |
| OTHER MANDATES (E.G., PUBLIC HEALTH) | 8.1 | | | 11,000.00 | .746954 | 89.0 |
| TOTAL MANDATES | 87.8 | | | | | 12.3 |
| GENERAL COUNTY SERVICES (NON-MANDATED:LOCAL CONTROL OF DOLLARS) | 12.2 | | | 11,000.00 | 1.125041 | 101.4 |
| NET AMOUNT DUE FOR BUDGET | 100.0 | 55,177,444 | 1.0 | 11,000.00 | 9.221651 | |
| COUNTY SERVICES- LOCALITIES | | 8,873,441 | -4.4 | 11,000.00 | 1.482993 | 16.3 |
| SPECIAL DISTRICTS: | | | | | | |
| PW Capital Charge | | 11,258,471 | 1.4 | 11,000.00 | 1.340000 | 14.7 |

PAID (2)
FEB 26 2016
Monroe County Treasure

PAID (1)
FEB 09 2016
Monroe County Treasurer

**Make Checks Payable To:**

MONROE COUNTY TREASURY
PO BOX 14420
ROCHESTER, NY 14614

**To Pay In Person:**

MONROE COUNTY TREASURY
39 WEST MAIN STREET ROOM B-2
ROCHESTER, NY 14614
MONDAY-FRIDAY 9AM-5PM
(585)753-1200

☐ **For receipt, return entire bill with payment**

**Summary**

| | |
|---|---|
| **STATE & FEDERAL MANDATES** | 89.0 |
| **GENERAL COUNTY SERVICES** | 12.3 |
| **SALES TAX CREDIT** | 0.0 |
| **COUNTY SERVICES TO LOCALITIES** | 16.3 |
| **TOWN TAXES** | 0.0 |
| **OTHER** | 14.7 |
| **Total** | 132.4 |

**DUE FEB 10, 2016**

*06142403*

2016 Rochester
**Bill No.:** 049757 RS-1
**Tax Account No.:** 261400 121.73-3-12
Shek Tak Chun & Wai Ying
442-444 Caroline St

3

| | |
|---|---|
| **Install Tax** | 33.12 |
| **3% Interest** | .99 |
| **3rd INSTALLMENT DUE MAR 1 - 31** | 34.11 |

*06142404

2016 Rochester
**Bill No.:** 049757 RS-1
**Tax Account No.:** 261400 121.73-3-12
Shek Tak Chun & Wai Ying
442-444 Caroline St

4

| | |
|---|---|
| **Install Tax** | 33.12 |
| **4.5% Interest** | 1.49 |
| **4th INSTALLMENT DUE APR 1 - 30** | 34.61 |

# CITY OF ROCHESTER, NEW YORK
# 2015-2016 TAX BILL

| | | | |
|---|---|---|---|
| SBL 121.730-0003-011.000/0000 KW | NON-HOMESTEAD | Bill No. | 660086.5 |
| Property address 0989 S CLINTON AV 14620 | | Mortgage | |
| Size FT- 34.00 DP- 100.00 | Class >1USE SM BLDC | Req. No. | 0001090 |

**MAIL PAYMENTS TO:**
CITY TREASURER
CITY HALL, ROOM 100A
30 CHURCH STREET
ROCHESTER, NEW YORK 14614

**MAKE CHECKS PAYABLE TO:**
CITY TREASURER

SCHOOL DISTRICT CODE: 538

See Reverse Side For Important Information.

SHEK TAK CHUN & WAI YING
155 ASBURY ST
ROCHESTER, NY 14620

2015-2016 Estimated New York State Local Assistance:
$647,219,282

| | 2015-2016 Tax Levy | Change From Prior Year |
|---|---|---|
| City | $ 52,849,400 | +0.00% |
| School | $119,100,000 | +0.00% |
| Total | $171,949,400 | +0.00% |

If You Want A Receipt, Check This Box: ☐

PLEASE BRING THIS ENTIRE BILL WHEN PAYING IN PERSON.

**INSTALLMENT AMOUNTS DUE**

| | | | |
|---|---|---|---|
| 1st | Due July 2015 | 8/26 M&T ck# #3910 | 1,626.80 |
| 2nd | Due Sept. 2015 | M&T ck#3930 | 1,246.00 |
| 3rd | Due Jan. 2016 | M&T ck#4016 | 1,246.00 |
| 4th | Due March 2016 | | 1,246.00 |

INT $16.27

This space for cashier use only
PAID AUG 26 2015 $ 1643.07
1000 6600865 04-0648267

PAID SEP 24 2015 $ 1246.00
1000 6600865 01-0478112

Paid City Treas. JAN 29 2016

| JURISDICTION | ASSESSMENT TOTAL VALUE | EXEMPTIONS (see detail *) | TAXABLE VALUE W/O STAR | RATE PER $1,000 | TAX AMOUNT W/O STAR | STAR SAVINGS | TAX AMOUNT |
|---|---|---|---|---|---|---|---|
| CITY | 119,000 | | 119,000 | 12.884 | 1,533.20 | .00 | 1,533.20 |
| SCHOOL | 119,000 | | 119,000 | 29.033 | 3,454.93 | .00 | 3,454.93 |

| LAND VALUE | |
|---|---|
| CITY | 15,300 |
| SCHOOL | 15,300 |

**EXEMPTION DETAIL***

| TYPE | CITY | SCHOOL |
|---|---|---|
| | | |

**OTHER CITY CHARGES**

| DESCRIPTION | UNITS | RATE | |
|---|---|---|---|
| STREET MAINT. FULL | 67.00 | 1.514 | 101.44 |
| ROADWAY SNOW PLOW | 67.00 | 2.927 | 196.11 |
| SIDEWALK SNOW PLOW | 67.00 | .889 | 59.56 |
| HAZARD SDWLK REPLACE | 67.00 | .292 | 19.56 |

STAR savings generally may not exceed last year's amount by more than 2%.

| | |
|---|---|
| DELINQUENT CITY & SCHOOL TAXES AS OF 06/12/15 | .00 |
| **TOTAL AMOUNT DUE** | 5,364.80 |

---

**PLEASE REMIT THIS STUB WITH PAYMENT**
4TH INSTALLMENT

6600865 00000124600

Due by March 31, 2016

1,246.00

INTEREST: TOTAL:

121.730-0003-011.000/0000 KW

# CITY OF ROCHESTER, NEW YORK
## 2015-2016 TAX BILL

| | | | |
|---|---|---|---|
| SBL 121.730-0003-012.000/0000 LP | NON-HOMESTEAD | Bill No. | 658483.5 |
| Property address 0442-444 CAROLINE ST | 14620 | Mortgage | |
| Size FT- 33.00 DP- 100.00 | Class PARKING LOT C | Req. No. | 0001090 |

MAIL PAYMENTS TO:
CITY TREASURER
CITY HALL, ROOM 100A
30 CHURCH STREET
ROCHESTER, NEW YORK 14614

MAKE CHECKS PAYABLE TO:
CITY TREASURER

SCHOOL DISTRICT CODE: 538

See Reverse Side For Important Information.

SHEK TAK CHUN & WAI YING
155 ASBURY ST
ROCHESTER, NY 14620

2015-2016 Estimated New York State Local Assistance:
$647,219,282

| | 2015-2016 Tax Levy | Change From Prior Year |
|---|---|---|
| City | $ 52,849,400 | +0.00% |
| School | $119,100,000 | +0.00% |
| Total | $171,949,400 | +0.00% |

If You Want A Receipt, Check This Box: ☐

PLEASE BRING THIS ENTIRE BILL WHEN PAYING IN PERSON.

| INSTALLMENT AMOUNTS DUE | | | |
|---|---|---|---|
| 1st | Due July | 2015 | |
| ✓ | M&T Bank #4389 | 304.61 | |
| 2nd | Due Sept. | 2015 | |
| ✓ | M&T #4389 | 114.00 | |
| 3rd | Due Jan. | 2016 | |
| ✓ | M&T #4016 | 114.00 | |
| 4th | Due March | 2016 | |
| | | 114.00 | |

This space for postal cancellation

PAID JUL 30 2015 $ 304.61
1100 6584835 04-0646835

PAID SEP 24 2015 $ 114.00
1000 6584835 01-0478112

Paid City Treas. JAN 29 2016

| JURISDICTION | ASSESSMENT: TOTAL VALUE | EXEMPTIONS (see detail *) | TAXABLE VALUE W/O STAR | RATE PER $1,000 | TAX AMOUNT W/O STAR | STAR SAVINGS | TAX AMOUNT |
|---|---|---|---|---|---|---|---|
| CITY | 11,000 | | 11,000 | 12.884 | 141.72 | .00 | 141.72 |
| SCHOOL | 11,000 | | 11,000 | 29.033 | 319.36 | .00 | 319.36 |

| LAND VALUE | |
|---|---|
| CITY | 8,000 |
| SCHOOL | 8,000 |

| EXEMPTION DETAIL * | | |
|---|---|---|
| TYPE | CITY | SCHOOL |
| | | |

| OTHER CITY CHARGES | | | |
|---|---|---|---|
| DESCRIPTION | UNITS | RATE | |
| STREET MAINT. FULL | 33.00 | 1.514 | 49.96 |
| ROADWAY SNOW PLOW | 33.00 | 2.927 | 96.59 |
| SIDEWALK SNOW PLOW | 33.00 | .889 | 29.34 |
| HAZARD SDWLK REPLACE | 33.00 | .292 | 9.64 |

STAR savings generally may not exceed last year's amount by more than 2%.

DELINQUENT CITY & SCHOOL TAXES AS OF 06/12/15 .00

TOTAL AMOUNT DUE 646.61

PLEASE REMIT THIS STUB WITH PAYMENT
4TH INSTALLMENT

6584835 00000011400

Due by March 31, 2016
114.00

INTEREST: TOTAL:

121.730-0003-012.000/0000 LP

Entertainment

City of Rochester, NY

# USE VARIANCE
# STATEMENT OF UNNECESSARY HARDSHIP

**A use variance shall be granted only if the applicant can establish the existence of EACH of the following, in accordance with Section 120-195B(3) of the Zoning Ordinance:**

**A. No reasonable return.** The subject property is not capable of yielding a reasonable rate of return if used for its present use or developed, redeveloped or used for **any other use** permitted in the district in which the property is located. There is no means other than the granting of the variance by which the property can yield a reasonable return. Such inability to yield a reasonable return must be shown by specific fact, and not the unsupported opinion of the owner or those appearing for the owner.

Without entertainment we will not last because our competition in the neighborhood they all have their entertainment license and who will want to leave somewhere ,where you can dance for somewhere ,where you can't.

**B. Unique circumstances.** The inability to yield a reasonable return results from a unique circumstances peculiar to the subject property which do not apply to or affect other properties in the immediate vicinity that are subject to the same regulations. The personal situation of the owner shall not be considered a unique circumstance.

It isn't going to change the neighborhood that we have entertainment license . Just feel that liquor license and entertainment goes hand & hand at a bar with a juke box.

**C. Not self created.** The inability to yield a reasonable return is not the result of any action or inaction by the owner or their predecessors in title. Acquisition or improvement of the subject property at any time after the enactment of the provision sought to be varied shall raise a rebuttable presumption that the owner's inability to realize a reasonable return is the result of the owner's action.

The property been vacant for three years. Bldg. is located in the area of Angry Goat & Firehouse station which both have entertainment license and that is why it is been so hard to rent the building.

other bars

**D. Essential character of the area - surrounding uses and facilities.** The granting of the variance will not be materially detrimental to the public health, safety, and welfare or injurious to the enjoyment, use, or development of neighboring properties and the community or the general plan (i.e. Zoning Ordinance and Comprehensive Plan intent).

By granting the variance it will allow us to let our customers to enjoy their selves and dance from the music from the juke box without having to migrate three or blocks down further from their homes to dance to a song they like and paid their money for.

**E. No other remedy.** There is no means other than the granting of the variance by which the hardship can be avoided or remedied to permit the economic use of the subject property.

Theres is pretty much nothing we will be able to do to compete with the competition in the neighborhood with no entertainment license.

PARKING

City of Rochester, NY

# AREA VARIANCE
# STATEMENT OF DIFFICULTY
## Section 120-195B(4)(b)

**An area variance shall be granted only if the applicant can establish the existence of EACH of the following conditions:**

**A. Benefits.** The benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community by the granting of the variance.

Will be able to have entertainment which would be good for the neighborhood that is up and coming The traffic will not be that bad that it will cause problems or safety issues to the area.

**B. Essential character of the area.** No undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the variance.

We are near the corner of S. Goodman St. where there are alot of businesses and we all share parking around that area. Most of the businesses in the area close around 9 or 10 so that provides more parking for Royal Tavern customers.

**C. No other remedy.** There is no other means feasible for the applicant to pursue, other than the granting of this area variance.

There is no other way customers will come with or without parking in the area.

**D. Significance.** The requested variance is not substantial.

No because customers will be walking, bus line, or catching rides. It's going to be a bar for the neighborhood.

**E. Physical and environmental conditions.** The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Our business will not be competing for parking with other business their hours will be more busy durin the day and we will be more busy during the night hours.

**F. Not self created.** The alleged difficulty was not self created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance.

Will not be putting in a parking lot there is no room to.

Destinee V. Howell
Ath. Gen Harris
Grill
Grill
Grd
Fryer
Prep
Prep
Table
Freezer
Frig
Frig
Counter top
64x80
Door opening
Sink
Cabsink
Burners
Hotwater tank
Kitchen
Bathroo
Opening to kitchen
Entrance to kitchen waiting Room area
Mopac
64x70
Ladies 10x12 Room
10x10 mens Room
Basement
Ladies Room
Hallway to Kitchen
Office 12x16
Pool Table
Exit
Exit
Window 48"x48"
Dart Board
Bar
Sink
Frig
Storage Frig Frig Frig
Entrance
42 ft
25 ft
30 ft
9 ft
18 ft
9'x4'6"

Caroline St
E Clinton Ave
Royal
TAVERN
989
NO PARKING
HERE
TO
CORNER
9AM
4PM

# ZONING BOARD OF APPEALS
# STAFF REPORT
# April 21, 2016

## Area Variance

**Case # 10:** Staff Reviewer: Jill Symonds

**File Number:** V-071-15-16

**Applicant:** Talius James

**Project Address:** 28 Locust Street

**Zoning District:** R-1 Low Density Residential District

**Section of Code:** 120-199

**Request:** **To establish use of the property as a two-family dwelling that has lost its rights due to a period of vacancy greater than nine months.**

**Background:** The subject property is a vacant built-as single family dwelling. At a time when the zoning district permitted it, the dwelling was converted to a three-family dwelling. With the adoption of the 2003 Zoning Code, when the property was rezoned to R-1, the use as a three-family dwelling became a nonconforming use. In accordance with Section 120-199 of the Zoning Code, nonconforming uses are subject to abandonment if there is a period of vacancy greater than nine months. City records show that the dwelling has been vacant since at least November, 2013, and therefore, has lost its rights to the three-family dwelling. The applicant is applying to re-establish the nonconforming use, this time as a two-family dwelling.

**Code Compliance:** In accordance with section 120-199, a use variance is required to re-establish the use of the structure as a two-family dwelling since it has been vacant for a period of greater than nine months.

**Code Enforcement:** The subject property is in code enforcement.

# 28 LOCUST ST

March 17, 2016

This map is intended for general reference only.

The City of Rochester makes no representation as to the accuracy or fitness of the data presented.

City of Rochester, NY

City of Rochester, NY
*Lovely A. Warren, Mayor*

## PROJECT INFORMATION

**PLEASE TYPE OR PRINT**

1. **PROJECT ADDRESS(ES):** 28 Locust Street

2. **APPLICANT:** Talius James **COMPANY NAME:** _____

   **ADDRESS:** ~~28~~ 86 Locust Street **CITY:** Rochester **ZIP CODE:** 14613

   **PHONE:** 585 752 2071 **FAX:** _____

   **E-MAIL ADDRESS** t.j.23@hotmail.com

   **INTEREST IN PROPERTY: Owner** ✓ **Lessee** _____ **Other** _____

3. **PLAN PREPARER:** _____

   **ADDRESS:** _____ **CITY:** _____ **ZIP CODE:** _____

   **PHONE:** _____ **FAX:** _____

4. **ATTORNEY:** _____

   **ADDRESS:** _____ **CITY:** _____ **ZIP CODE:** _____

   **PHONE:** _____ **FAX:** _____

   **E-MAIL ADDRESS** _____

5. **ZONING DISTRICT:** _____

6. **DETAILED PROJECT DESCRIPTION (additional information can be attached):** _____

_____

_____

_____

_____

7. **LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:)** _____

**APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.**

**SIGNATURE:** Talius James **DATE:** 03/17/16

**OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.**

**SIGNATURE:** _____ **DATE:** _____

BUILDING BUREAU
ROOM
10:31AM Mar 17/16
01-0002 001 Linda
#21239
Zoning $250.00
INFO 28 LOCUS ST
CASH $250.00

City of Rochester, NY

# USE VARIANCE
# STATEMENT OF INCOME AND EXPENSE

**PLEASE NOTE: AT HEARING TIME, APPLICANTS MAY BE ASKED TO PROVIDE AT LEAST TWO (2) CALENDAR YEARS OF FINANCIAL INFORMATION, OR FROM THE DATE OF PURCHASE, WHICHEVER IS LESS.**

PROPERTY ADDRESS: 28 Locust Street

A. PROPERTY DATA

1. Date property was purchased by current owner November 06, 2015

2. Was a Certificate of Occupancy issued? no
   Date of issuance? n/a
   If so, for what use(s)? n/a
   If not, why? currently applying

3. Cost of Purchase $ 9,500.00

4. Original Amount of Mortgage(s) n/a
   Mortgage Holder(s) n/a
   Address n/a
   Interest Rate(s) n/a Term of mortgage(s) n/a

5. Is the property for sale? no
   If so, for how long? n/a
   asking price? n/a
   for what use(s) n/a
   Have any offers been received? n/a
   If so, for what amount(s)? n/a
   Summarize any attempts to sell the property

6. Present value of property $ 20,000.00
   Source of valuation City of Rochester Information

B. GROSS ANNUAL INCOME (Information provided must be for permitted uses, not the proposed use)

| | USE (# of Apts., Retail Store, Office, etc.) | UNIT SIZE (sq. ft.; # of bedrooms) | MONTHLY RENT AMOUNT | ANNUAL RENT AMOUNT |
|---|---|---|---|---|
| 1. | Single family | 5 bedrooms 2400sq | $900.00 | $10,800.00 |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

TOTAL ANNUAL INCOME: $10,800.00

LESS (8%) VACANCY FACTOR: $2700.00
(Explain, if greater than 8%)

TOTAL ADJUSTED GROSS INCOME: $8100.00

C. ANNUAL EXPENSES

1. Annual Fixed Charges

| | |
|---|---|
| Real Estate Taxes (City & County) | $1474.78 |
| Insurance | $600.00 |
| Average Annual Interest (over next 5 years) | n/a |

2. Operating Expenses

| | |
|---|---|
| Electric | |
| Fuel | |
| Water | |
| Pure Waters | |
| Advertising | $250.00 |
| Miscellaneous (attach explanation) | |

3. Maintenance Expenses (attach list)

| | |
|---|---|
| Repairs | $500.00 |
| General Building Maintenance | $1200.00 |
| Yard and Ground Care | $360.00 |
| Miscellaneous | $200.00 |
| TOTAL ANNUAL EXPENSES: | $3984.78 |
| PROFIT or (LOSS) | $4715.22 |

D. TOTAL INVESTMENT

| | |
|---|---|
| 1. Down payment | |
| 2. Capital Improvements (attach list) | $61,390.46 |
| 3. Principal paid to date (original mortgage less current principal balance) | $9500.00 |
| TOTAL INVESTMENT: | $70,890.46 |

E. RATE OF RETURN/YR. [Profit or Loss divided by Total Investment] 0.0665

SIGNATURE OF PREPARER Flavia James DATE 03/17/16

We believe that the vacancy factor would be greater than 8%. because the location of the property is not a highly attractive area. ~~In addition~~ The neighborhood is inner city and have had unattractive situations of crime. Outer city properties can easily out compete it.

In addition the demand is greater for smaller units as proven by the ~~the~~ family charact of tenants on the street.

## USE VARIANCE

## STATEMENT OF UNNECESSARY HARDSHIP

**City of Rochester, NY 27,860.46**

**A use variance shall be granted only if the applicant can establish the existence of EACH of the following, in accordance with Section 120-195B(3) of the zoning Ordinance.**

A. **NO reasonable return. The subject property is not capable of yielding a reasonable rate of return if used for its present use of developed, redeveloped or used for any other use permitted in the district in which the property is located. There is no means other than the granting of the variance by which the property can yield a reasonable return must be shown by specific fact, and not the unsupported opinion of the owner or those appearing as the owner.**

The amount spent to purchase the property at $9500 as well as the total cost of renovation proves that the property is not financially viable to the owner as a one family home. The owner anticipates expenses to easily exceed $60,000. The factual analysis is presented below. Additionally the structure now stands as a two family home, if one is to convert into a one family there are additional costs such as breaking of interior walls etc. that will further burden the owner.

Given the location of the property, the owner expects rent as a one family to be in the range of $9000-$1000 monthly, no more than $12,000 annually. On the contrary, as a two family, the owner projects monthly rent to be between $1400-$1600, not exceeding $19, 200.00 annually.

Given the above quantitative analysis it would take the owner approximately 3.7 years to break even if variance for a two family is granted. Whereas, it would take approximately 5.9 years to break-even, if the property converts to a one family.

Notwithstanding there will inevitably be other maintenance expenses during that time. It is for the above reason that we firmly believe that if the variance is not granted, there is no other means by which the property will yield a reasonable return.

### Estimated Cost of Renovation

| | |
|---|---|
| Roof work | $6000.00 |
| Replacement of Sliding | $5500.00 |
| Tiling for kitchen and bathrooms labour included | $7923.02 |
| Cost of doors and windows | $2656.72 |

| | |
|---|---|
| Labour to install doors and windows | $4000.00 |
| Cost of Hardwood floors labour included | $11280.72 |
| Maintenance work (yard work) | $30.00 |
| Repairing of Fence | $3000.00 |
| Bathroom (3×3000) | $9000.00 |
| Other finishing touches (cupboards, painting etc) | $12000.00 |
| | Total: $61,390.46 |

B. **Unique Circumstances:** The inability to yield a reasonable return results from a unique circumstances peculiar to the subject property which do not apply to or affect other properties in the immediate vicinity that are subject to the same regulations. The personal situation of the owner shall not be considered a unique circumstance.

There are notably many other two family properties in the area hence it would not be peculiar if the property in question remains as a two family.

Secondly the dimension of the property provides perfect imagery of how vastly spacious it is. If it were to be converted to a single family it would uniquely be the largest single family property on the street.

In addition the configuration of the parcel allows for two entrances thereby making allocations for two families to take up residence. In fact the property is the only one with two different streets providing access to this one building.

In conclusion, it must be noted that to convert into a one family can be regarded as a capital project and would need more work and resources.

C. **Not self-created.** The inability to yield a reasonable return is not the result of any action or inaction by the owner or their predecessors in tittle. Acquisition or improvement of the subject property at any time after the enactment of the provision sought to be varied shall raise a rebuttable presumption that the owner's inability to realize a reasonable return is the result of the owner's inaction.

The inability to yield a reasonable return is by no means the error of the homeowner's actions or lack thereof. Prior to purchase from the city's auction, the homeowner was in

frequent dialogue with former homeowner/realtor Mathew Harris. During this time the building was presented as a three family unit to be "possibly" de converted. Judging from the size of the property, the position of the entrances and exits, and the location of the fire escape, it was then safe to assume that the de conversion would be to a two family and not a one family as is being proposed.
In addition to that, the homeowner is aware of the market demand for small family units as opposed to large family units. Additionally the cost to potential tenants as a one family is higher compared to a two family; costs such as heat cannot be ignored given our present geographical location.
Hence the inability to yield a reasonable return is not as a result of the action or inaction of the homeowner because even natural factors come into play.

D. **Essential character of the area-surrounding uses and facilities.** The granting of the variance will not be materially detrimental to the public health, safety and welfare or injurious to the enjoyment, use or development of neighboring properties and the community or the general plan (i.e zoning Ordinance and Comprehensive Plan intent)

   If the zoning board so decide to grant this variance we are confident that no one will be affected in a detrimental manner or fashion. Neither public safety nor health will be affected; neither will any injury be inflicted on neighboring properties or the community at large.

E. **No other remedy.** There is no means other than the granting of the variance by which the hardship can be avoided or remedied to permit the economic use of the subject property.

   I vehemently believe that the granting of the variance is the most economical way to remedy the current situation as even the expected income as a one family will not be enough to cover fixed expenses unless rented out as a two family.
   We kindly request the permission of the zoning board in granting conversion as a two family so as to bring to fruition our first small business initiative and hopefully propel the development of other initiatives in the beautiful city of Rochester.

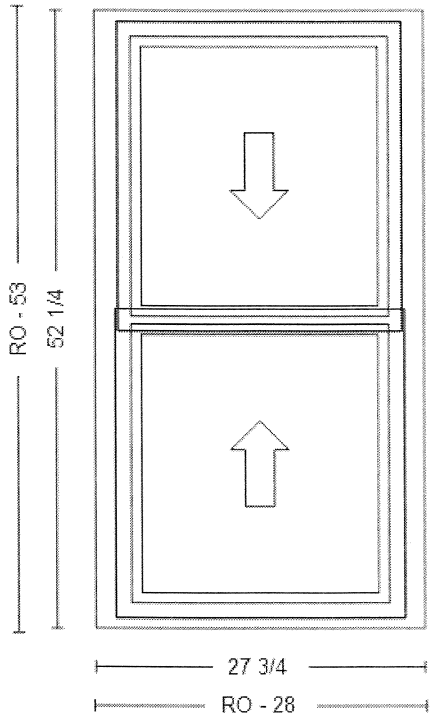
# The Home Depot Special Order Quote

**Customer Agreement #: 322229**

**Printed Date: 3/16/2016**

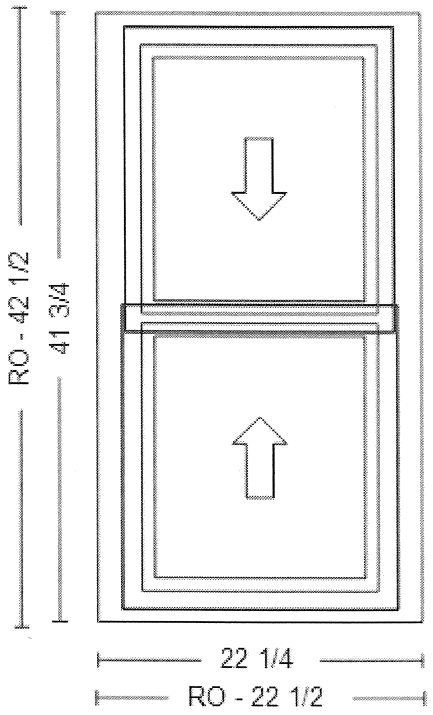
| Customer Information | | Store Information | |
|---|---|---|---|
| **Name** | TALIUS JAMES | **Store Number** | 1273 |
| **Address** | 28 LOCUS ST<br>ROCHESTER, NY 14613 | **Address** | 1111 E RIDGE RD<br>ROCHESTER, NY 14621 |
| **Primary Phone** | 585-752-2071 | **Associate** | JOHN-PAUL |
| **Secondary Phone** | 585-752-2071 | | |

| Item # | Item Description | Room Location | Unit Price | Qty | Total Price |
|---|---|---|---|---|---|
| 100-1 | 70 Series Buck Pro Double-Hung-8601<br>27.75 x 52.25<br>Installation Zip Code = 14621<br>U.S. ENERGY STAR® Climate Zone = Northern<br>ENERGY STAR Required = Yes<br>Frame Width = 27 3/4<br>Frame Height = 52 1/4<br>Exterior Color = White<br>Interior Finish Color = White<br>Performance Grade (PG) Rating = PG40<br>Glass Construction Type = Dual Pane<br>Glass Option = Low-E PassiveSun Argon<br>High Altitude Breather Tubes = No<br>Glass Strength = Standard<br>Glass Tint = No Tint<br>Specialty Glass = None<br>Gas Fill = Argon<br>None<br>Number of Sash Locks = Double<br>Lock Type = Indicator Lock<br>Insect Screen Type = Full Screen<br>Insect Screen Material = Fiberglass<br>Foam = Foam Around Frame<br>Vinyl Sill Angle = Sill Angle<br>Head Expander = Yes<br>Re-Order Item = No<br>Room Location = None<br>Unit U-Factor = 0.3<br>Unit Solar Heat Gain Coefficient (SHGC) = 0.44<br>U.S. ENERGY STAR Certified = Yes<br>SKU = 1000026797<br>Vendor Name = S/O SILVER LINE BLDG PRD<br>Vendor Number = 60660514<br>Customer Service = (888) 888-7020<br>Catalog Version Date = 02/01/2016 | - | $241.52 | 11 | $2,656.72 |

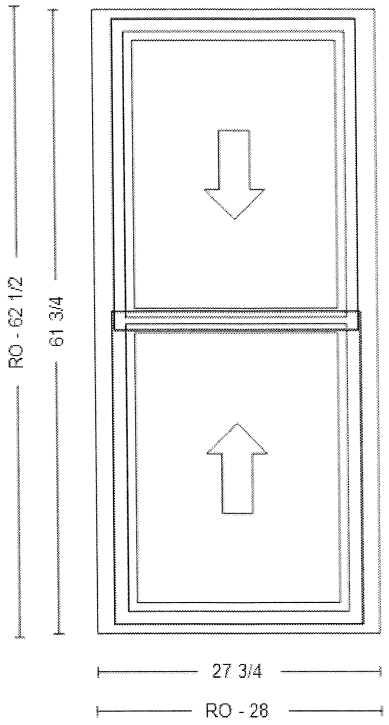


| Item # | Item Description | Room Location | Unit Price | Qty | Total Price |
|---|---|---|---|---|---|
| 200-1 | 70 Series Buck Pro Double-Hung-8601<br>22.25 x 41.75 | - | $216.09 | 2 | $432.18 |

Installation Zip Code = 14621
U.S. ENERGY STAR® Climate Zone = Northern
ENERGY STAR Required = Yes
Frame Width = 22 1/4
Frame Height = 41 3/4
Exterior Color = White
Interior Finish Color = White
Performance Grade (PG) Rating = PG40
Glass Construction Type = Dual Pane
Glass Option = Low-E PassiveSun Argon
High Altitude Breather Tubes = No
Glass Strength = Standard
Glass Tint = No Tint
Specialty Glass = None
Gas Fill = Argon
None
Number of Sash Locks = Single
Lock Type = Indicator Lock
Insect Screen Type = Full Screen
Insect Screen Material = Fiberglass
Foam = Foam Around Frame
Vinyl Sill Angle = Sill Angle
Head Expander = Yes
Re-Order Item = No
Room Location = None
Unit U-Factor = 0.3
Unit Solar Heat Gain Coefficient (SHGC) = 0.44
U.S. ENERGY STAR Certified = Yes
SKU = 1000026797
Vendor Name = S/O SILVER LINE BLDG PRD
Vendor Number = 60660514
Customer Service = (888) 888-7020
Catalog Version Date = 02/01/2016

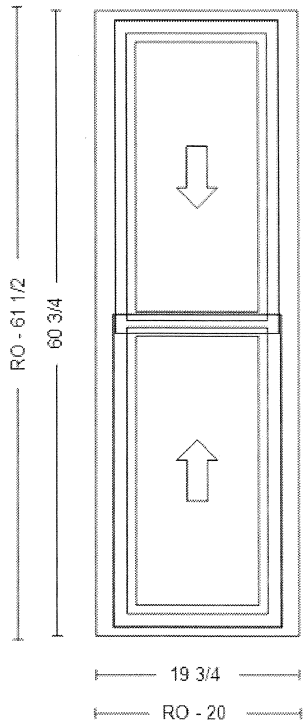


| Item # | Item Description | Room Location | Unit Price | Qty | Total Price |
|---|---|---|---|---|---|
| 300-1 | 70 Series Buck Pro Double-Hung-8601<br>27.75 x 61.75<br>Installation Zip Code = 14621<br>U.S. ENERGY STAR® Climate Zone = Northern<br>ENERGY STAR Required = Yes<br>Frame Width = 27 3/4<br>Frame Height = 61 3/4<br>Exterior Color = White<br>Interior Finish Color = White<br>Performance Grade (PG) Rating = PG40<br>Glass Construction Type = Dual Pane<br>Glass Option = Low-E PassiveSun Argon<br>High Altitude Breather Tubes = No<br>Glass Strength = Standard<br>Glass Tint = No Tint<br>Specialty Glass = None<br>Gas Fill = Argon<br>None<br>Number of Sash Locks = Double<br>Lock Type = Indicator Lock<br>Insect Screen Type = Full Screen<br>Insect Screen Material = Fiberglass<br>Foam = Foam Around Frame<br>Vinyl Sill Angle = Sill Angle<br>Head Expander = Yes<br>Re-Order Item = No<br>Room Location = None<br>Unit U-Factor = 0.3<br>Unit Solar Heat Gain Coefficient (SHGC) = 0.44<br>U.S. ENERGY STAR Certified = Yes<br>SKU = 1000026797<br>Vendor Name = S/O SILVER LINE BLDG PRD<br>Vendor Number = 60660514<br>Customer Service = (888) 888-7020<br>Catalog Version Date = 02/01/2016 | - | $241.52 | 1 | $241.52 |

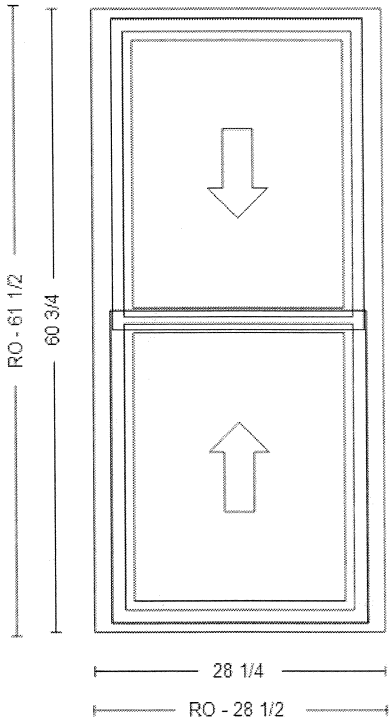


| Item # | Item Description | Room Location | Unit Price | Qty | Total Price |
|---|---|---|---|---|---|
| 400-1 | 70 Series Buck Pro Double-Hung-8601<br>19.75 x 60.75 | - | $241.52 | 1 | $241.52 |

Installation Zip Code = 14621
U.S. ENERGY STAR® Climate Zone = Northern
ENERGY STAR Required = Yes
Frame Width = 19 3/4
Frame Height = 60 3/4
Exterior Color = White
Interior Finish Color = White
Performance Grade (PG) Rating = PG40
Glass Construction Type = Dual Pane
Glass Option = Low-E PassiveSun Argon
High Altitude Breather Tubes = No
Glass Strength = Standard
Glass Tint = No Tint
Specialty Glass = None
Gas Fill = Argon
None
Number of Sash Locks = Single
Lock Type = Indicator Lock
Insect Screen Type = Full Screen
Insect Screen Material = Fiberglass
Foam = Foam Around Frame
Vinyl Sill Angle = Sill Angle
Head Expander = Yes
Re-Order Item = No
Room Location = None
Unit U-Factor = 0.3
Unit Solar Heat Gain Coefficient (SHGC) = 0.44
U.S. ENERGY STAR Certified = Yes
SKU = 1000026797
Vendor Name = S/O SILVER LINE BLDG PRD
Vendor Number = 60660514
Customer Service = (888) 888-7020
Catalog Version Date = 02/01/2016

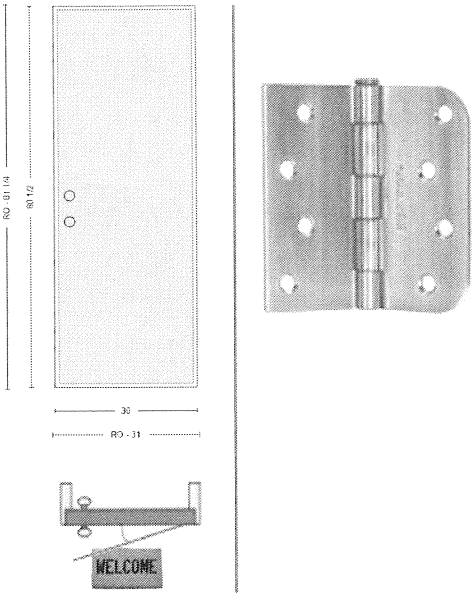


| Item # | Item Description | Room Location | Unit Price | Qty | Total Price |
|---|---|---|---|---|---|
| 500-1 | 70 Series Buck Pro Double-Hung-8601<br>28.25 x 60.75<br>Installation Zip Code = 14621<br>U.S. ENERGY STAR® Climate Zone = Northern<br>ENERGY STAR Required = Yes<br>Frame Width = 28 1/4<br>Frame Height = 60 3/4<br>Exterior Color = White<br>Interior Finish Color = White<br>Performance Grade (PG) Rating = PG40<br>Glass Construction Type = Dual Pane<br>Glass Option = Low-E PassiveSun Argon<br>High Altitude Breather Tubes = No<br>Glass Strength = Standard<br>Glass Tint = No Tint<br>Specialty Glass = None<br>Gas Fill = Argon<br>None<br>Number of Sash Locks = Double<br>Lock Type = Indicator Lock<br>Insect Screen Type = Full Screen<br>Insect Screen Material = Fiberglass<br>Foam = Foam Around Frame<br>Vinyl Sill Angle = Sill Angle<br>Head Expander = Yes<br>Re-Order Item = No<br>Room Location = None<br>Unit U-Factor = 0.3<br>Unit Solar Heat Gain Coefficient (SHGC) = 0.44<br>U.S. ENERGY STAR Certified = Yes<br>SKU = 1000026797<br>Vendor Name = S/O SILVER LINE BLDG PRD<br>Vendor Number = 60660514<br>Customer Service = (888) 888-7020<br>Catalog Version Date = 02/01/2016 | - | $241.52 | 3 | $724.56 |



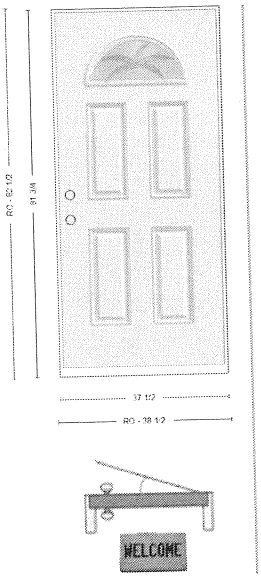
| Item # | Item Description | Room Location | Unit Price | Qty | Total Price |
|---|---|---|---|---|---|
| 600-1 | 30x80.5 Steel Single Door Unit Left Outswing | none | $499.24 | 1 | $499.24 |

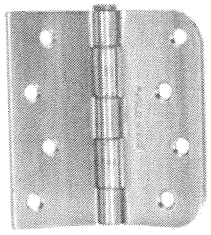
Call Width = Custom
Call Height = 80
Frame Width = 30
Frame Height = 80.5
Include Lockset = No
Door Viewer/Knocker - Installed = Door Viewer
Door Viewer/Knocker Location = Standard
Door Viewer/Knocker Finish = Bright Chrome
Jamb Cladding = No
Jamb Width = 4 9/16"
Jamb Finish Type = None
Jamb Specie = Finger-Jointed Primed
Weather-Strip Type = Compression Beige
Sill / Threshold Type = Fixed Bumper
Sill Width = 5 1/2"
Sill Finish = Aluminum
Sill Pan = No
Door Bore = Double Bore
Bore Backset = 2 3/8"
Bore Diameter = 2 1/8"
Lockset Bore Position = 44
Dead Bolt Bore Position = 5 1/2"
Hinge Prep = 3-Hinge Prep
Hinge Size = 4" x 4"
Hinge Type = Standard
Hinge Radius = 5/8" Radius / Square
Hinge Finish = Satin Nickel
First Hinge Position = 6 3/4"
Second Hinge Position = 36"
Third Hinge Position = 65 1/4"
Room Location = none
Is This a Remake = No
Specific Information =
SKU = 743587
Vendor Name = S/O JELD-WEN DOOR SYSTMS
Vendor Number = 60075920
Manufacturer = JELD-WEN, North Springfield (UP)
Customer Service = 1.800.246.9131
Catalog Version Date = 02/23/2016
Unit Type = Pre-Hung
Handing & Swing = Left Outswing
Door Type = Panel Doors
Door Thickness = 1 3/4"
Building Code = Non-Certified
Energy Star Needed = Yes
Zip Code = 14621
Energy Star Zone = EStar Northern
Protection for Exterior Door Flyer = No
Unit Spec = All Products
Door Style = Flush
Door Screen Type = No Screen
Door Finish Type = Painted
Door Finish - Exterior Side = Revival Blue
Door Finish - Interior Side = Revival Blue
Brickmould Specie = None
Door Order Method = Store Delivery



| | | | | | |
|---|---|---|---|---|---|
| 700-1 | 37.5x81.75 Steel Single Door Unit Right Inswing | none | $541.22 | 1 | $541.22 |

Call Width = 36
Call Height = 80
Frame Width = 37.5
Frame Height = 81.75
Include Lockset = No
Door Viewer/Knocker - Installed = Door Viewer
Door Viewer/Knocker Location = Standard
Door Viewer/Knocker Finish = Bright Chrome
Kickplate Installed = None (Standard)
Jamb Cladding = No
Jamb Width = 4 9/16"
Jamb Finish Type = None
Jamb Specie = Finger-Jointed Primed
Weather-Strip Type = Compression Beige
Sill / Threshold Type = High Dam Adjustable
Sill Width = 5 5/8"
Sill Finish = Aluminum with Vinyl Cap
Sill Pan = No
Protective Sill Cover = No
Door Bore = Double Bore
Bore Backset = 2 3/8"
Bore Diameter = 2 1/8"
Lockset Bore Position = 44
Dead Bolt Bore Position = 5 1/2"
Hinge Prep = 3-Hinge Prep
Hinge Size = 4" x 4"
Hinge Type = Standard
Hinge Radius = 5/8" Radius / Square
Hinge Finish = Satin Nickel
First Hinge Position = 6 3/4"
Second Hinge Position = 36"
Third Hinge Position = 65 1/4"
Room Location = none
Is This a Remake = No
Specific Information =
SKU = 743587
Vendor Name = S/O JELD-WEN DOOR SYSTMS
Vendor Number = 60075920
Manufacturer = JELD-WEN, North Springfield (UP)
Customer Service = 1.800.246.9131
Catalog Version Date = 02/23/2016
Unit Type = Pre-Hung
Handing & Swing = Right Inswing
Door Type = Doors with Inserts
Door Thickness = 1 3/4"
Building Code = Non-Certified
Energy Star Needed = Yes
Zip Code = 14621
Energy Star Zone = EStar Northern
Protection for Exterior Door Flyer = No
Unit Spec = All Products
Door Style = 4-Panel Sunburst
Door Cut Out = None
Door Screen Type = No Screen
Door Finish Type = Painted
Door Finish - Exterior Side = Revival Blue
Door Finish - Interior Side = Revival Blue
Door Glass Insert Size & Shape = 22 x 10 Sunburst

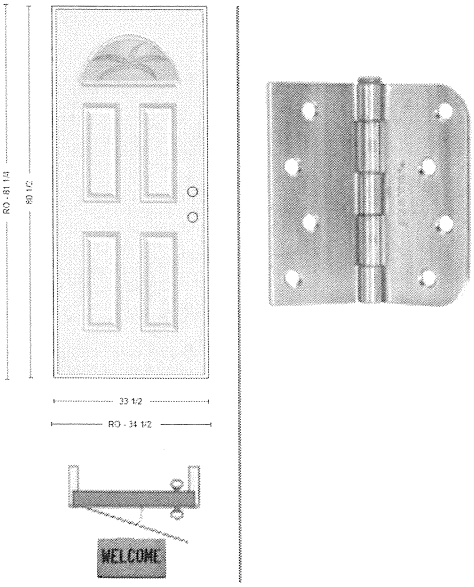


Door Glass Insert Option = Decorative
Door Glass Type = Standard Glass
Door Glass Design Options = Royal Palm
Door Glass Caming = Nickel
Door Glazing / Clear or Privacy Type = Triple Insulated
Door Glass Privacy Rating = 8
Brickmould Specie = None
Door Order Method = Store Delivery

| | | | | | |
|---|---|---|---|---|---|
| 800-1 | 33.5x80.5 Steel Single Door Unit Right Outswing | none | $557.92 | 1 | $557.92 |

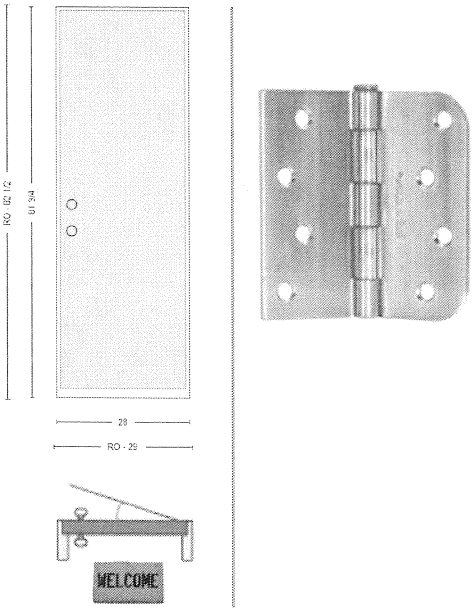
Call Width = 32
Call Height = 80
Frame Width = 33.5
Frame Height = 80.5
Include Lockset = No
Door Viewer/Knocker - Installed = Door Viewer
Door Viewer/Knocker Location = Standard
Door Viewer/Knocker Finish = Bright Chrome
Kickplate Installed = None (Standard)
Jamb Cladding = No
Jamb Width = 4 9/16"
Jamb Finish Type = None
Jamb Specie = Finger-Jointed Primed
Weather-Strip Type = Compression Beige
Sill / Threshold Type = Fixed Bumper
Sill Width = 5 1/2"
Sill Finish = Aluminum
Sill Pan = No
Door Bore = Double Bore
Bore Backset = 2 3/8"
Bore Diameter = 2 1/8"
Lockset Bore Position = 44
Dead Bolt Bore Position = 5 1/2"
Hinge Prep = 3-Hinge Prep
Hinge Size = 4" x 4"
Hinge Type = Standard
Hinge Radius = 5/8" Radius / Square
Hinge Finish = Satin Nickel
First Hinge Position = 6 3/4"
Second Hinge Position = 36"
Third Hinge Position = 65 1/4"
Room Location = none
Is This a Remake = No
Specific Information =
SKU = 743587
Vendor Name = S/O JELD-WEN DOOR SYSTMS
Vendor Number = 60075920
Manufacturer = JELD-WEN, North Springfield (UP)
Customer Service = 1.800.246.9131
Catalog Version Date = 02/23/2016
Unit Type = Pre-Hung
Handing & Swing = Right Outswing
Door Type = Doors with Inserts
Door Thickness = 1 3/4"
Building Code = Non-Certified
Energy Star Needed = Yes
Zip Code = 14621
Energy Star Zone = EStar Northern
Protection for Exterior Door Flyer = No
Unit Spec = All Products
Door Style = 4-Panel Sunburst
Door Cut Out = None
Door Screen Type = No Screen
Door Finish Type = Painted
Door Finish - Exterior Side = Revival Blue
Door Finish - Interior Side = Revival Blue
Door Glass Insert Size & Shape = 22 x 10 Sunburst
Door Glass Insert Option = Decorative
Door Glass Type = Standard Glass
Door Glass Design Options = Royal Palm



Door Glass Design Options = Royal Palm
Door Glass Caming = Nickel
Door Glazing / Clear or Privacy Type = Triple Insulated
Door Glass Privacy Rating = 8
Brickmould Specie = None
Door Order Method = Store Delivery

| | | | | | |
|---|---|---|---|---|---|
| 900-1 | 28x81.75 Steel Single Door Unit Right Inswing | npo | $395.04 | 1 | $395.04 |

Call Width = Custom
Call Height = 80
Frame Width = 28
Frame Height = 81.75
Include Lockset = No
Door Viewer/Knocker - Installed = Door Viewer
Door Viewer/Knocker Location = Standard
Door Viewer/Knocker Finish = Bright Chrome
Mail Slot w / Sleeve = None
Jamb Cladding = No
Jamb Width = 4 9/16"
Jamb Finish Type = None
Jamb Specie = Finger-Jointed Primed
Weather-Strip Type = Compression Bronze
Sill / Threshold Type = High Dam Adjustable
Sill Width = 5 5/8"
Sill Finish = Aluminum with Vinyl Cap
Sill Pan = No
Protective Sill Cover = No
Door Bore = Double Bore
Bore Backset = 2 3/8"
Bore Diameter = 2 1/8"
Lockset Bore Position = 44
Dead Bolt Bore Position = 5 1/2"
Hinge Prep = 3-Hinge Prep
Hinge Size = 4" x 4"
Hinge Type = Standard
Hinge Radius = 5/8" Radius / Square
Hinge Finish = Satin Nickel
First Hinge Position = 6 3/4"
Second Hinge Position = 36"
Third Hinge Position = 65 1/4"
Room Location = npo
Is This a Remake = No
Specific Information = none
SKU = 665683
Vendor Name = S/O JELD-WEN DOOR SYSTMS
Vendor Number = 60075920
Manufacturer = JELD-WEN, North Springfield (UP)
Customer Service = 1.800.246.9131
Catalog Version Date = 02/23/2016
Unit Type = Pre-Hung
Handing & Swing = Right Inswing
Door Type = Panel Doors
Door Thickness = 1 3/4"
Building Code = Non-Certified
Energy Star Needed = No
Protection for Exterior Door Flyer = No
Unit Spec = All Products
Door Style = Flush
Door Screen Type = No Screen
Door Finish Type = None
Brickmould Specie = None
Door Order Method = Store Delivery



**Pre-Tax Price: $6,289.92**

**All prices are subject to change
**Customer is responsible for verifying product selections. The Home Depot will not accept returns for the above products
**All graphics viewed from the exterior

American Craftsman byAndersen WINDOWS • DOORS

# Limited Lifetime Warranty

## Residential Vinyl Windows and Patio Doors

1. Subject to the terms and conditions stated herein, the manufacturer warrants to the Original Purchaser that under the conditions of normal use and service, all window and/or patio door products, including mechanical parts and insulated glass, will be free from the following defects in material and workmanship for the lifetime of the product:

   a) Vinyl products will be free from blistering, peeling, flaking, rotting or corrosion.
   b) There will be no material obstruction of vision on the internal surfaces of the insulated glass unit caused by sealant failure of the insulated glass unit.
   c) Component parts will be free from any and all manufacturing defects.

   In the event that the Original Purchaser experiences a problem with respect to any of the defects set forth in Section 1a, b or c above, a new replacement part will be provided upon receipt of the original part or validation of the complaint. The manufacturer reserves the right to require return of the defective part(s).

2. The warranties described above cover only manufacturing defects and do not include defects or damages caused by, or as the result of, any of the following circumstances:

   a) The improper installation or use of the product or products by the Original Purchaser, his agents, assigns or invitees.
   b) The improper application or use of the product.
   c) The occurrence of accidents, vandalism, fire, floods, acts of God including, but not limited to, earthquakes and hurricanes.
   d) Any modification or alteration to the product.
   e) The failure to perform reasonable and necessary maintenance on the product or products.
   f) The neglect, abuse, improper handling and/or improper storage of the product.
   g) Exposure of the product to excessive heat and/or cold beyond naturally occurring conditions.
   h) Stresses caused by building defects or settlement or movement of the structure in which it was installed.
   i) The application of harmful cleaning solutions or products including, but not limited to, acetone, petroleum products or abrasive compounds.
   j) Misalignment of grilles/muntins of 1/8" or less from appropriate position.
   k) Slight fading and/or color variations caused by normal aging or weathering.
   l) Torn or ripped screens for any cause whatsoever.
   m) The improper removal of any permanent warning or identification labels from the product or products.
   n) The rusting or corrosion of non-vinyl products or components due to the close proximity to coastal areas unless the product is composed of appropriate stainless steel or other non-corrosive hardware.
   o) Installation of the product or products outside of the 48 contiguous United States.
   p) Any inappropriate or unintended use or uses of the product including, but not limited to, any commercial use.

3. With respect to insulated glass product, the above warranties cover only manufacturing defects related to the insulated glass unit and does not include defects or damages caused by, or as the result of, the following circumstances:

   a) Minor blemishes in the glass that do not significantly impair the structure or vision through the glass including glass curvature.
   b) Color variation or variations of the glass.
   c) Glass breakage for any cause or any reason.
   d) Subjection to stresses arising from glass surface temperature differentials or caused by building settlement or movement.
   e) Condensation on the external surfaces of the window and/or glass, which may occur as the natural result of humidity and interior/external temperature differentials.

f) The transportation or installation of the glass product or products at altitudes in excess of 3,500 feet above or below point of manufacture unless equipped with capillary or breather tubes.
g) The very gradual, natural migration of inert gas infills used in insulated glass units.
h) Improper application, alteration, modification, or use of the insulated glass units, including the application of aftermarket films.

4. For quality assurance purposes, all window and patio door products should be inspected by the Original Purchaser prior to, or at the time of installation or upon transfer of title to the Original Occupant.

5. Commercial Applications - If the products are installed in a building operated as a multi-family dwelling or used for commercial purposes or rental properties such as schools, houses of worship, apartment complexes, government owned structures, office buildings, etc., then this Warranty will be limited to ten (10) years on all materials and will not be transferable.

6. The warranties set forth above are expressly in lieu of all other expressed warranties and of all other obligations or liabilities on the manufacturer's part. The manufacturer neither assumes, nor authorizes any other person to assume for the manufacturer, another liability in connection with the sale of the product. The warranties as described herein are the exclusive remedies for breach. There are no warranties that extend beyond the description on the face of this document. The manufacturer makes no warranty whatsoever with respect to accessories or parts not supplied by the manufacturer.

7. The warranties cover materials only and the manufacturer does not assume any expense or responsibility involved with the removal and/or reinstallation of any replacement parts. The manufacturer's obligation under the warranties is expressly limited to, at the manufacturer's option, replacement or repair of any defective part or component. The manufacturer reserves the right to discontinue the model or models manufactured under these warranties. Any discontinued parts or components may be replaced with an equivalent part at the sole discretion of the manufacturer. The manufacturer is not responsible for any color variation in the replacement part or component. The manufacturer is not responsible for any window which has been modified in any manner to accommodate an alarm system which may be attached to the product nor is it responsible for the reconnecting of the window to the alarm system. The manufacturer reserves the right to inspect any and all defects in the field. Field visitation(s) may result in service charges for non-warranty site surveys.

8. Under no circumstances is the manufacturer liable for consequential, exemplary or special damages including, but not limited to, damage or loss of other property or equipment.

9. Some states do not allow limitations on how long an implied warranty lasts and/or the exclusion or limitation of incidental or consequential damages, so the above limitations may not apply to you. These warranties give you specific legal rights and you may also have other rights which vary from state to state.

10. ELIGIBILITY REQUIREMENTS: Enforceability of the warranties set forth above are limited to the Original Purchaser. The term "Original Purchaser" as used in the warranties means:

That individual, individuals or entity which took original title to the premises or are the original occupants of the structure in which the product was installed.

Any inquiry with respect to the product must be made in writing and include the Original Purchaser's name, address, date of purchase, product information from the product label and daytime as well as evening telephone numbers.

All claims and/or inquiries should be forwarded to the following address:

American Craftsman Window & Door Company
Attn: Warranty/Registration Department
P.O. Box 6029
North Brunswick, New Jersey 08902-6029

11. NON-TRANSFERABILITY: The warranties described above are non-transferable and limited to the Original Purchaser as described in Section 10 above.

12. If any part of the warranties described above are void or unenforceable in any State of the United States, the remaining portions will nonetheless continue in full force and effect.

JELD-WEN®
WINDOWS & DOORS

# Interior and Exterior Door Slab and System Limited Warranty

## OUR WARRANTY TO YOU...

JELD-WEN® Products[1] are designed to create lasting value for your home. This warranty is effective for JELD-WEN products manufactured on or after **May 1, 2012** for use in the United States and Canada. Any previous warranties will continue to apply to door products manufactured by JELD-WEN prior to this date. For additional information, including care and maintenance, information, refer to **www.jeld-wen.com** or **www.jeld-wen.ca**.

## WHAT THIS WARRANTY COVERS

We warrant to the original owner[2] if your JELD-WEN Product exhibits a defect in material or workmanship within the time periods from the date of purchase as specified below, we will, at our option, repair, replace or refund the purchase price of the Product or component part. Skilled labor[3] (where deemed necessary by us) to repair or replace any component is provided for **one (1)** year from the date of purchase.

### Owner-Occupied Single-Family Residence Limited Warranty

Door Slabs: Except as set forth below, we warrant our door slabs, including any glass inserts, miscellaneous hardware, and accessories provided and installed by us, as follows:

| Door Slab | Coverage |
|---|---|
| Fiberglass Exterior Doors | As long as you own and occupy your residence |
| FiberLast®Engineered Composite Exterior Doors | As long as you own and occupy your residence |
| Steel Exterior Doors | Ten (10) years |
| Wood Exterior Doors | Five (5) years |
| Interior Doors | Five (5) years |

**Factory Prefinish:** We warrant the factory-applied prefinish on our doors against peeling, checking, or cracking for periods listed below. Should the factory prefinish be proven defective, we will at our option, replace or refinish the door or pay up to the credit indicated per opening to the current owner. (Note: this coverage applies to factory-applied finish coat options only; standard factory-applied primer is not a finish coat.)

| Product | Coverage | Refinish Credit |
|---|---|---|
| Aurora® Fiberglass Doors | 5 years | $350 per opening |
| Custom Exterior Wood Doors | 1 year | $250 per opening |
| Custom Interior Wood Doors | 1 year | $150 per opening |
| All other Doors | 1 year | $100 per opening |

**Door Frames:** We warrant our door frames for **one (1)** year from the date of purchase.

**AuraLast® Protection for Door Slabs and Frames:** Our AuraLast pine wood door slabs will be free from wood decay and/or termite damage for **twenty (20) years** from the date of initial purchase. Our AuraLast pine door frame components will be free from wood decay and/or termite damage **for as long as the original consumer owns the home** in which the AuraLast wood frames are originally installed. Warranty coverage outside Canada, the contiguous 48 states and Alaska is contingent upon approval from the JELD-WEN Customer Care Department. Please contact us.

**Severe Weather® Glass:** We warrant each Severe Weather glass unit for **ten (10)** years.

**Retractable Screens:** We warrant retractable roll screens for **five (5)** years.

**Spontaneous Glass Breakage:** We warrant sealed glass units installed in exterior doors (excluding laminated glass, and special glazings) for spontaneous breakage for **one (1)** year (including free replacement glass and skilled labor[3] necessary to replace the glass for one (1) year. Spontaneous breakage occurs when the glass develops a crack without sign of impact.

### Commercial Limited Warranty (Other than Owner-Occupied Single-Family Residence)

**Fiberglass, FiberLast, Steel, Wood and Interior Door Slabs:** We warrant our door slabs for **five (5)** years from the date of initial purchase.

**All Other Products, Components, Prefinishes, and Options as Listed Above:** Coverage is the same as for Owner-Occupied Single-Family Residences as listed above.

### Transferability

This warranty is not transferable.

*Continued on next page*

## HOW TO GET ASSISTANCE

If you have a problem with your JELD-WEN Door, immediately upon discovery, contact the distributor or dealer from whom you purchased our product or contact us directly:

**In the United States:**

| | |
|---|---|
| Mail: | JELD-WEN Customer Care<br>Attn: Door Warranty Claims<br>P.O. Box 1329, Klamath Falls, OR 97601 |
| Phone: | 800-JELD-WEN (800-535-3936) |
| Fax: | 800-436-5954 |
| Email: | CustomerServiceAgents@jeld-wen.com |
| Web: | www.jeld-wen.com/contact-us |

**In Eastern Canada:**

| | |
|---|---|
| Mail: | JELD-WEN Service Department<br>90, rue Industrielle<br>Saint-Appollinaire, Quebec, Canada G0S 2E0 |
| Phone: | 800-463-1930 |
| Fax: | 888-998-1599 |

**In Western Canada:**

| | |
|---|---|
| Mail: | JELD-WEN Service Department<br>550 Munroe Avenue<br>Winnipeg, Manitoba, Canada R2K 4H3 |
| Phone: | 888-945-5627<br>204-668-8230 |
| Fax: | 204-663-1072 |
| Email: | wpgservice@jeld-wen.com |

We can respond quickly and efficiently if you provide the following: a) date and location of purchase, or product identification from the tag on the top edge of the slab, b) how to contact you, c) the address where the product can be inspected, and d) a description of the apparent problem and the product (photographs are helpful).

### What We Will Do

Upon receiving your notification, we will send out an acknowledgement within three business days to the contact, which you have provided. We will investigate your claim and will begin to take appropriate action within 30 days after receipt of notification. If your warranty claim is denied, we may charge an inspection fee for an onsite inspection that is required or requested by you.

If your claim is accepted, and we choose to repair or replace the product or a component of the product, the replacement product/component will be provided in the same specification as the original product. Replacement products, components and services are warranted for the balance of the original product or service warranty, or 90 days, whichever is longer.

If the claimed nonconformity is warp of a door slab, we may defer repairing or replacing the door slab for a period up to 12 months from the date of claim. It is not uncommon for a temporary warp condition to occur as the door slab adjusts to local humidity and temperature conditions. This deferral will not be counted against the warranty period.

**Product Purchase Date:** _____

**Order Number:** _____

## WHAT THIS WARRANTY DOES NOT COVER

JELD-WEN manufactures and sells both individual door slabs and complete door systems. This warranty does not cover parts or components (e.g., locksets, handles, etc.) not sold by JELD-WEN to the original owner. See your distributor or dealer regarding the warranty on the entire door system and/or these other components.

We are not liable for:

- Normal wear and tear, including normal wear and tear of weatherstrip; and natural weathering of surfaces or variations in the color or texture of wood or finish; surface cracks that are less than 1/32" in width and/or 2" in length; for knotty alder and juniper: surface checks that are less than 1/8" in width and/or 5" in length, and knot placement, quantity, or size.
- Problems due to misuse or abuse; failure to follow the care and maintenance instructions; or as a result of any cause beyond our reasonable control (e.g. fire, flood, earthquake, other acts of nature, and acts of third parties outside of our control).
- Problems related to: improper field finishing of all surfaces (front and back) and edges (top, bottom, and sides) of the door slab and frame (See our Finishing Instructions at www.jeld-wen.com/resources); variation or unsatisfactory results in sheen or texture resulting from the field application of paint or any other finishing material.
- Failure to provide an adequate overhang for exterior doors; damage caused by extreme temperature buildup where storm doors are present. For general guidelines, see our "Appropriate Protection for Exterior Doors" in our product literature or at www.jeld-wen.com/resources; for specific information pertaining to your structure, consult your contractor or other building professional.
- Warp for any 3'6" wide by 8' 0" high by 1 3/4", or smaller door slab, which does not exceed 1/4" in the plane of the door slab itself; door slabs wider and/or higher are not guaranteed for warp.
- Bow or misalignment in the frame or jamb in which the door slab is hung (if such is purchased from JELD-WEN unmachined and not prehung).
- Slight expansion or contraction due to varying environmental conditions; slab movement (shrinkage or swelling) of 1/4" or less due to temperature and humidity, consult our Care & Maintenance documents on how to work with this natural movement.
- Wood decay for wood components other than of AuraLast pine; and wood decay for any wood components (including pine) that come in direct contact with soil. Note: superficial mold/mildew does not indicate wood decay.

*Continued on next page*

- Problems related to water and/or air infiltration due to improper assembly; installation errors or flaws in building design and construction; installation must be in strict conformance with the installation instructions provided by the manufacturer of the door entry system.
- Structural integrity issues or other problems caused by improper field fitting of the hardware, improper sizing of the door slab, or other assembly problems.
- Slight imperfections or wavy distortions in the glass that don't impair structural integrity. Note: wavy distortions in the glass (e.g. related to laminate interlayer or heat strengthening of glass) are not considered a defect. Slight color variations in glass are not considered a defect.
- Screen damage due to normal wear and tear, misuse, abuse, or insect or animal activity.
- Condensation or damage as a result of condensation (Note: unless due to insulating glass failure, most condensation problems are related to excessive humidity levels in a structure; contact a heating/air conditioning specialist for help).
- Damage or poor product performance resulting from installation into a condition that exceeds product design standards and/or certified performance specifications and/or does not comply with applicable building codes.
- Hardware, accessories or inserts that are not provided by us.
- Discoloration or rusting of decorative metal accent options, such as grilles, clavos, straps, etc.; discoloration of wood sills provided by us.
- Cost for labor, removal or disposal of defective product(s), installation or finishing of the replacement door or component.
- Incidental or consequential damage. Some states/provinces do not allow the exclusion or limitation of incidental or consequential damages, so this may not apply to you.

**Important Legal Information -- Please read this carefully. It affects your rights.**

**This Limited Warranty document sets forth our maximum liability for our products. We shall not be liable for special, indirect, consequential, or incidental damages. Your sole and exclusive remedy with respect to any and all losses or damages resulting from any cause whatsoever shall be as specified above. We make no other warranty or guarantee, either express or implied, including implied warranties of merchantability and fitness for a particular purpose to the original purchaser or to any subsequent user of the Product, except as expressly contained herein. In the event state or provincial law precludes exclusion or limitation of implied warranties, the duration of any such warranties shall be no longer than, and the time and manner of presenting any claim thereon shall be the same as, that provided in the express warranty stated herein. This Limited Warranty document gives you specific legal rights, and you may have other rights that vary from state/province to state/province.**

**Any dispute, controversy or claim arising out of or relating to this warranty, any alleged breach thereof, or the use or sale of the products to which this warranty applies shall be resolved by mandatory and binding arbitration administered by the American Arbitration Association in accordance with its commercial arbitration rules. Original purchaser agrees that they may assert claims against JELD-WEN in their individual capacity only, and not as a plaintiff or class member in any purported class action proceeding. Rejection of these dispute resolution provisions must be sent to JELD-WEN at the address provided herein within thirty (30) days of original purchaser's receipt of the Products to which this warranty applies.**

No distributor, dealer or representative of JELD-WEN has the authority to change, modify or expand this warranty. The original purchaser of this Product acknowledges that they have read this warranty, understand it and are bound by its terms and agrees to provide this warranty to the original owner of the structure into which the Product is installed.

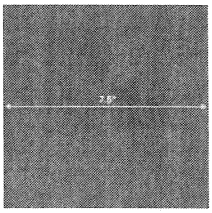
[1]"JELD-WEN Products" shall refer to interior and exterior door slabs and systems manufactured in the United States and marketed under the JELD-WEN brand name for use in the United States and Canada. See our separate Export Warranty for applicable coverage on products used outside the United States and Canada.

[2]This warranty extends to the original owner (original owner means the contractor/dealer/distributor/purchaser and the initial owner of the structure where the product is initially installed) and is not transferable. The original purchaser of this product acknowledges that they have read this warranty, understand it and are bound by its terms and agrees to provide this warranty to the original owner of the structure into which the product is installed. Should state or provincial law preclude no transferability, then the warranty period is effective as applicable up to **five (5)** years from the date of initial purchase for door slabs and systems and **one (1)** year from the date of manufacture for the factory pre-finish.

[3]"Skilled labor" refers to tasks where specialized technical knowledge, experience, methods or tools are required to properly identify, diagnose and/or correct product-related problems.

© 2012, JELD-WEN, inc. | JELD-WEN, the JW icon, AuraLast, Aurora, FiberLast and Reliability for real life are trademarks or registered trademarks of JELD-WEN, inc., Oregon, USA. All other marks are the property of their respective owners.

## Hardwood 1,295 Sq Ft $11,280.72

| Line # | Materials | Assigned Rooms | | Pricing | |
|---|---|---|---|---|---|
| 1 |  | Family/Great Room | 198 Sq Ft | Materials*: | $6,643.12 |
| | **SKU: 1001-509-980 / HL319H** | Other 1(family room2) | 171 Sq Ft | Labor**: | $4,637.60 |
| | Cimarron Mahogany | Other 2(family room3) | 185 Sq Ft | | |
| | 3/8 x 7-1/2 Click | Bedroom 1 | 165 Sq Ft | | |
| | **$3.49 / Sq Ft** | Closet 1 | 6 Sq Ft | | |
| | **Support Materials:** | Bedroom 2 | 114 Sq Ft | | |
| | | Closet 2 | 6 Sq Ft | | |
| | | Bedroom 3 | 123 Sq Ft | | |
| | | Closet 3 | 6 Sq Ft | | |
| | | Bedroom 4 | 105 Sq Ft | | |
| | | Closet 4 | 6 Sq Ft | | |
| | | Master Bedroom | 198 Sq Ft | | |
| | | Master Closet | 6 Sq Ft | | |

Subtotal:**$11,280.72**

***Materials Included: Wood, Underlayment, Quarter round, Cleaner, Touch up kit, Putty, Transitions**
****Labor Included: Delivery, Quarter round installation**

## Total Estimate (1,295 Sq Ft): $11,280.72


**F PAID IN**
**MONTHS***

6 MONTHS

**ll be charged to your account from the purchase**
**emiums for optional credit insurance) is not paid**

**ENTS**
**PER MONTH***

**would pay the purchase amount listed above**

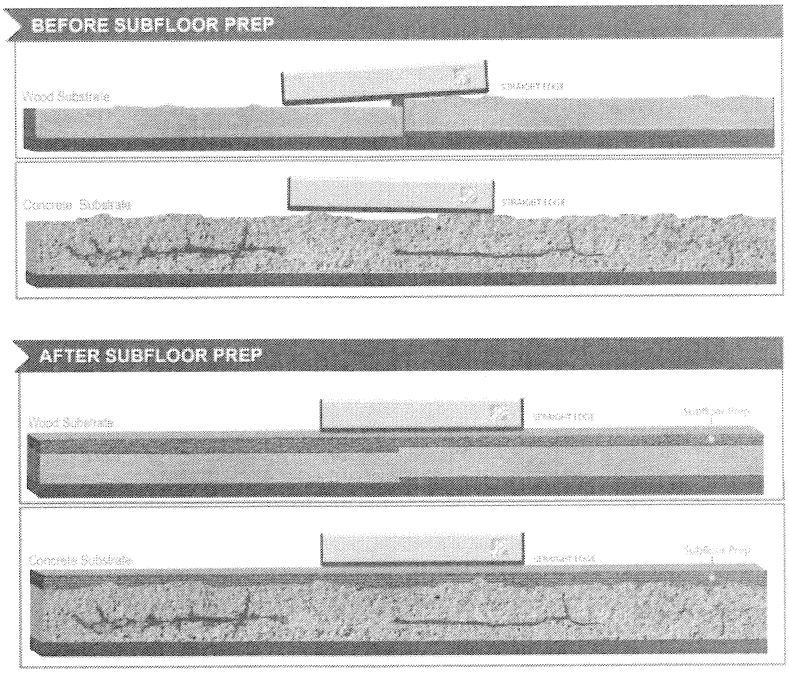
*With credit approval for qualifying purchases made on The Home Depot or EXPO Design Center Consumer Credit Card, 17.99% - 26.99% APR. Minimum interest charge: $2. See card agreement for details including APR applicable to you. Offer is only valid for consumer accounts. 6 months everyday credit offer is subject to change without notice. Minimum payments required. Offer only valid at homedepot.com and in The Home Depot retail stores. The suggested monthly payment stated is only an estimate based on listed purchase amount excluding sales tax, is rounded to the next highest dollar amount and does not include additional payments that may be required for an existing balance or future purchases. In order to pay your promotional balance by the end of the period, you may have to make a payment each month that is higher than your required minimum payment.


**What is subfloor prep and why might I need it?**

# LET'S PREPARE YOUR SUBFLOOR.

## YOUR SUBFLOOR IS A FUNDAMENTAL COMPONENT OF YOUR NEW FLOOR.

- Insufficient or poorly installed subfloor can lead to many future problems including, but not limited to, gaping and buckling as well as potential warranty issues.
- The amount of subfloor preparation (or "prep") needed is determined by existing imperfections on your floor.
- Concerns can be classified as:
  - Light (typically included in basic installation)
  - Moderate
  - Heavy
  - Custom (price subject to installer recommendations)
- Subfloor prep requirements can be determined both after your measure is completed and before your installation takes place. Charges are applicable after floors are removed or your substrate is visible.




Proceed with the flooring installation once your subfloor is clean, dry, flat and structurally stable.

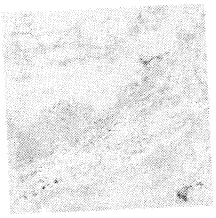
*Note: Excludes commercial jobs and your subfloor/prep options will be discussed with you when you are presented with your quote.

***Pricing is an estimate only, final price is determined by the results of the measure and the final material selection. Additional charges may apply when the existing flooring is removed due to unforeseeable conditions (e.g. damage or deterioration). Please use this estimate as a guide to determine if the installation scope and materials are within your price range***

## Tile

639 Sq Ft

$7,923.02

| Line # | Materials | Assigned Rooms | | Pricing |
|---|---|---|---|---|
| 1 |  **SKU: 829-568 / ULN9**<br>12 x 12 Travisano Trevi<br>**$1.99 / Sq Ft**<br>**Support Materials:**<br>Grout Color: #10 Antique White Fusion Grout (1 Gal.)<br>Transition Color: Satin Anodized Aluminum | Kitchen<br>Other 1(kitchen 2)<br>Other 2(kitchen)<br>Bathroom 1<br>Bathroom 2<br>Bathroom 3 | 198 Sq Ft<br>198 Sq Ft<br>96 Sq Ft<br>52 Sq Ft<br>33 Sq Ft<br>60 Sq Ft | Materials*: $2,842.74<br>Labor**: $5,080.28 |

Subtotal:$7,923.02

*Materials Included: Ceramic tiles, Backerboard, Thinset, Grout, Cleaner, Transitions
**Labor Included: 2 basic appliance moves (no disconnect/reconnect), Remove & Replace toilet, Remove & Replace toilet, Remove & Replace toilet, Installation of backerboard, Delivery

## Total Estimate (639 Sq Ft): $7,923.02

F PAID IN
MONTHS*

6 MONTHS

ll be charged to your account from the purchase
emiums for optional credit insurance) is not paid

*With credit approval for qualifying purchases made on The Home Depot or EXPO Design Center Consumer Credit Card, 17.99% - 26.99% APR. Minimum interest charge: $2. See card agreement for details including APR applicable to you. Offer is only valid for consumer accounts. 6 months everyday credit offer is subject to change without notice. Minimum payments required. Offer only valid at homedepot.com and in The Home Depot retail stores. The suggested monthly payment stated is only an estimate based on listed purchase amount excluding sales tax, is rounded to the next highest dollar amount and does not include additional payments that may be required for an existing balance or future purchases. In order to pay your promotional balance by the end of the period, you may have to make a payment each month that is higher than your required minimum payment.

ENTS
PER MONTH*

would pay the purchase amount listed above

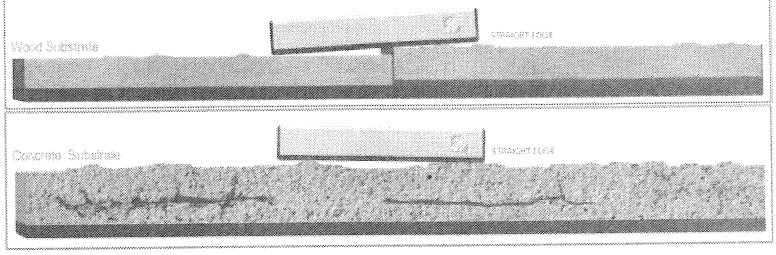
**What is subfloor prep and why might I need it?**

# LET'S PREPARE YOUR SUBFLOOR.

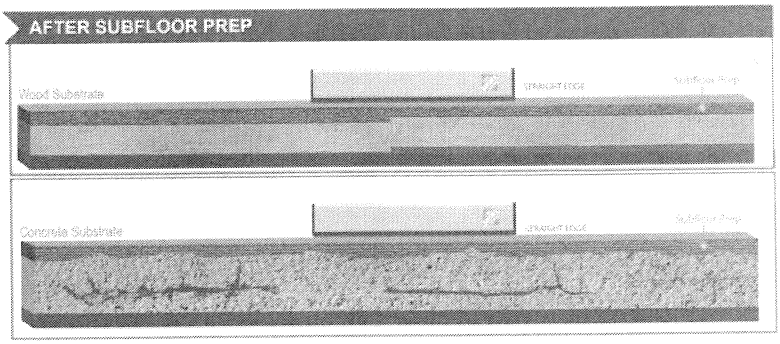
## YOUR SUBFLOOR IS A FUNDAMENTAL COMPONENT OF YOUR NEW FLOOR.

- Insufficient or poorly installed subfloor can lead to many future problems including, but not limited to, gaping and buckling as well as potential warranty issues.
- The amount of subfloor preparation (or "prep") needed is determined by existing imperfections on your floor.
- Concerns can be classified as:
  - Light (typically included in basic installation)
  - Moderate
  - Heavy
  - Custom (price subject to installer recommendations)
- Subfloor prep requirements can be determined both after your measure is completed and before your installation takes place. Charges are applicable after floors are removed or your substrate is visible.

**BEFORE SUBFLOOR PREP**



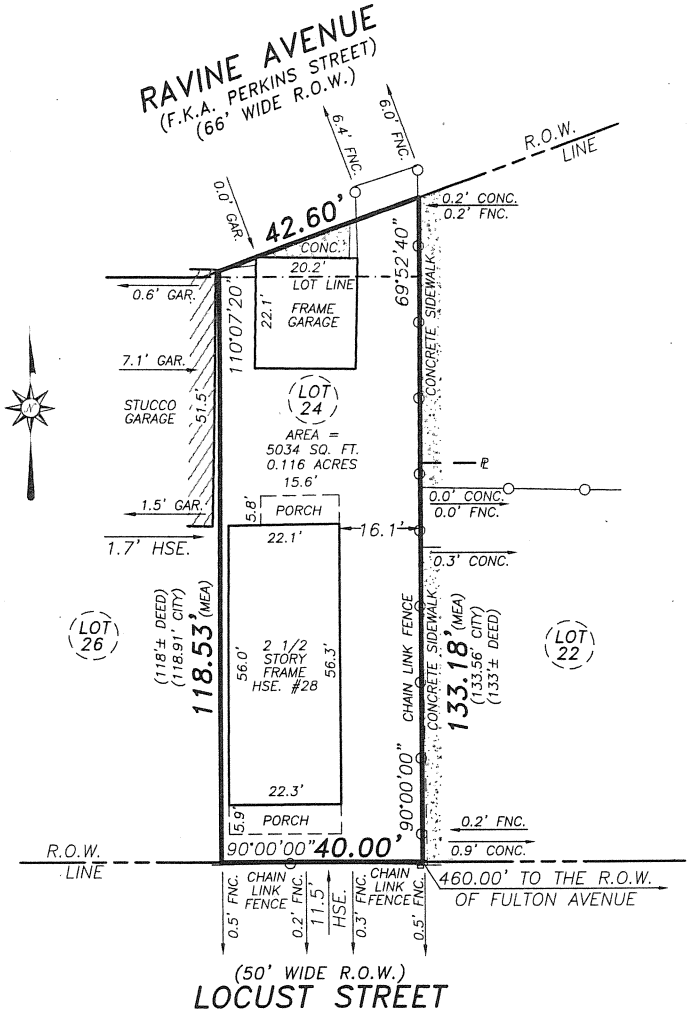

**AFTER SUBFLOOR PREP**




Proceed with the flooring installation once your subfloor is clean, dry, flat and structurally stable.

*Note: Excludes commercial jobs and your subfloor/prep options will be discussed with you when you are presented with your quote.

***Pricing is an estimate only, final price is determined by the results of the measure and the final material selection. Additional charges may apply when the existing flooring is removed due to unforeseeable conditions (e.g. damage or deterioration). Please use this estimate as a guide to determine if the installation scope and materials are within your price range***




## CERTIFICATION:

I, ANDREW M. HODGE, HEREBY CERTIFY TO:

–MATTHEW HARRIS

THAT THIS MAP WAS MADE FEBRUARY 15, 2016
FROM NOTES OF AN INSTRUMENT SURVEY
COMPLETED FEBRUARY 15, 2016
AND REFERENCES LISTED HEREON.

2/19/16

N.Y.S.P.L.S. No. 50619 DATE

## REFERENCES:

1.) LIBER 7 OF MAPS, PAGE 20.
2.) LIBER 11492 OF DEEDS, PAGE 545.
3.) ABSTRACT OF TITLE No. FC11–2321 (FLOWER CITY).
4.) EASEMENT TO R.G.&E. & R.T.C. PER LIBER 1199 OF DEEDS, PAGE 187 (POLE ON EAST LINE)

NOTES: 1.) ORIGINAL TRIPLE POINT SURVEY DATED DECEMBER 22, 2011.
2.) PREMISES SUBJECT TO ALL EASEMENTS, RESTRICTIONS & COVENANTS OF RECORD NOT REFERENCED IN ABSTRACT OF TITLE.
3.) THE USE OF THIS MAP IN CONJUNCTION WITH AN AFFIDAVIT OF NO CHANGES RELEASES THE SURVEYOR OF ALL RESPONSIBILITY

TITLE:

# INSTRUMENT SURVEY MAP

## 28 LOCUST STREET

## BEING LOT 24 OF THE FAIRCHILD & ROCKFELLOW SUBDIVISION & PART OF LOT No. 42 OF THE MCCRACKENVILLE TRACT, CITY OF ROCHESTER, COUNTY OF MONROE, STATE OF NEW YORK

"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, sub-division 2, of the New York State Education Law."

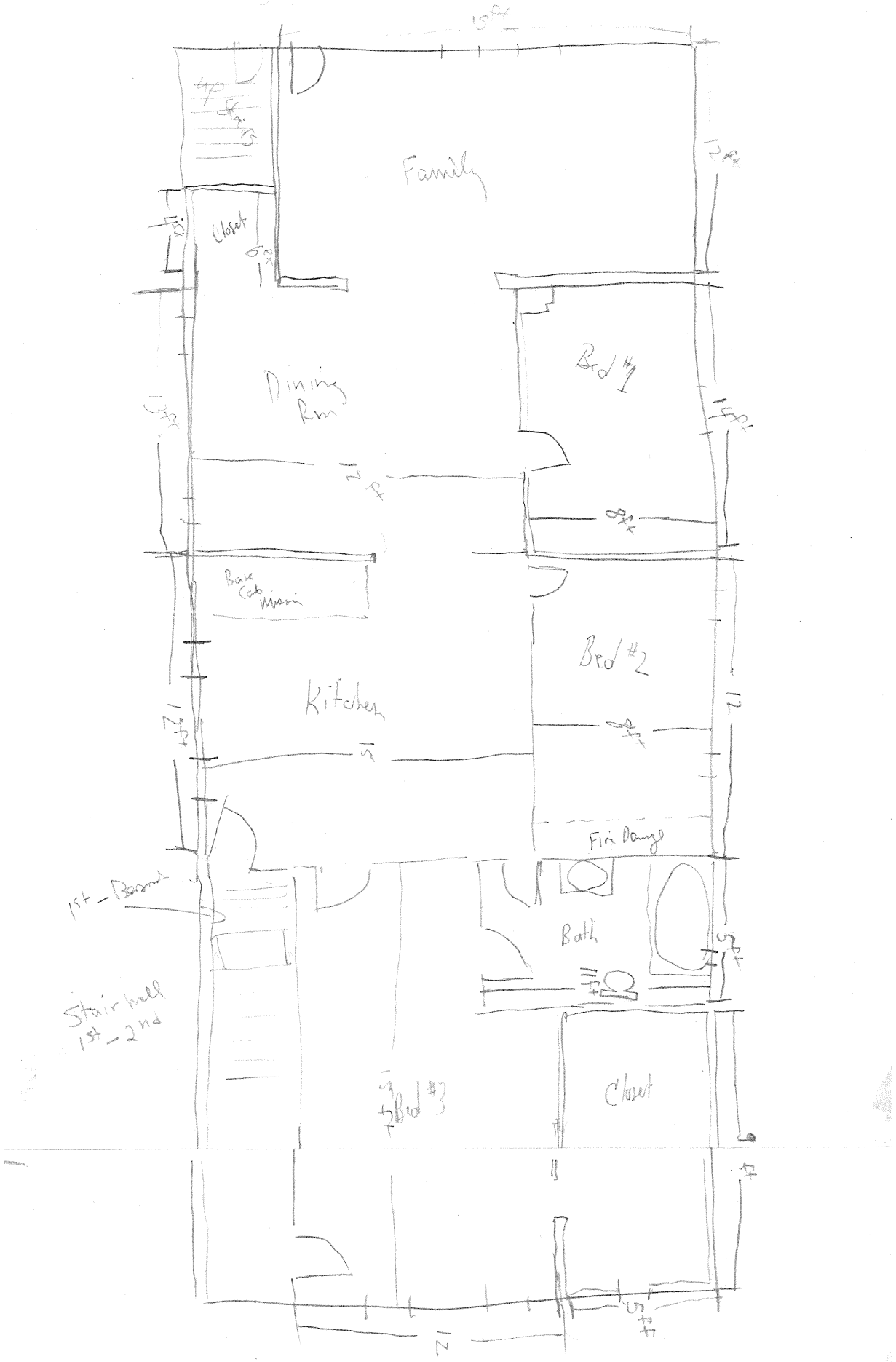
"Only copies from the original of this survey marked with an original of the land surveyor's red ink seal shall be considered to be valid true copies."

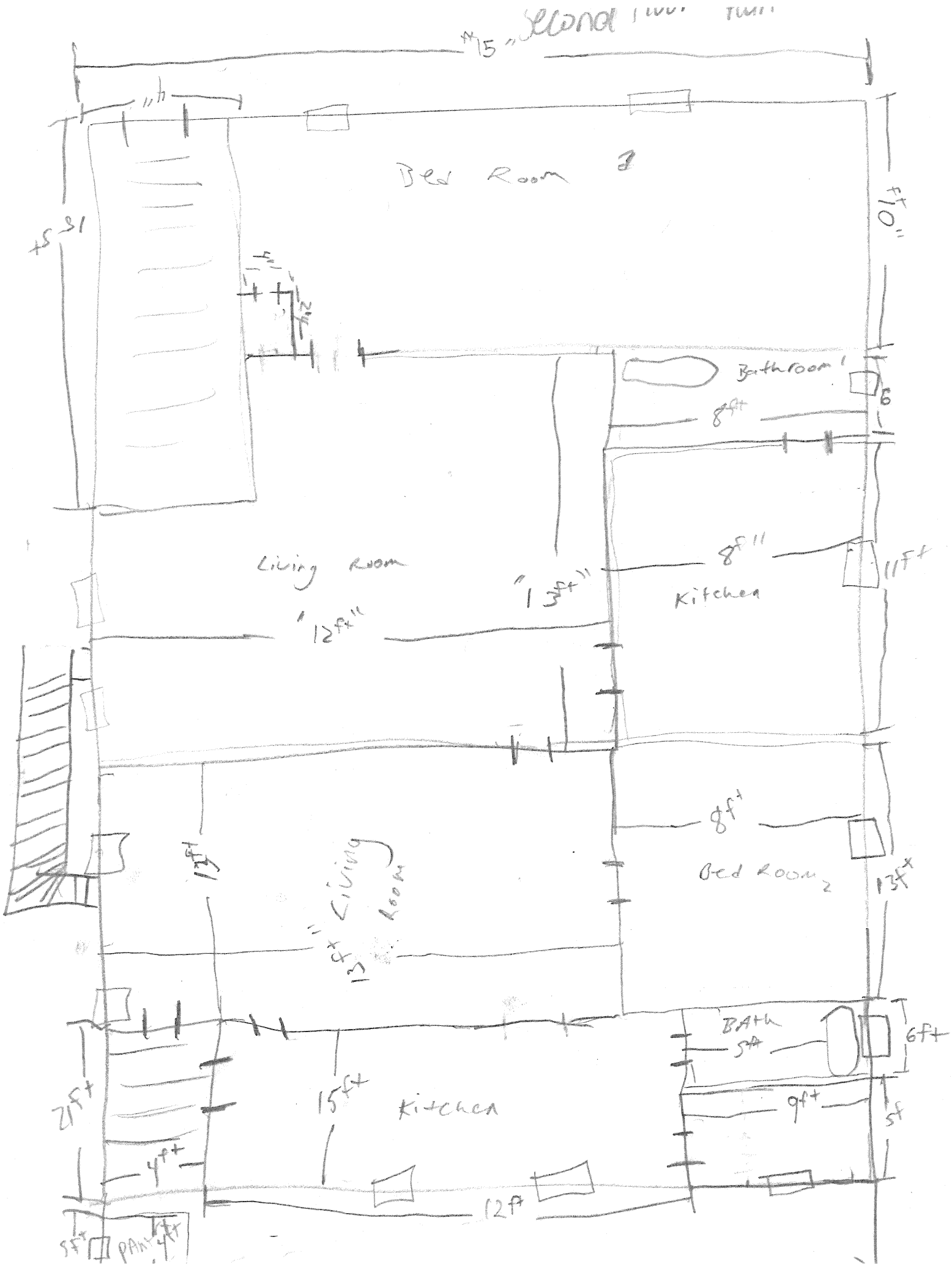
"Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners."

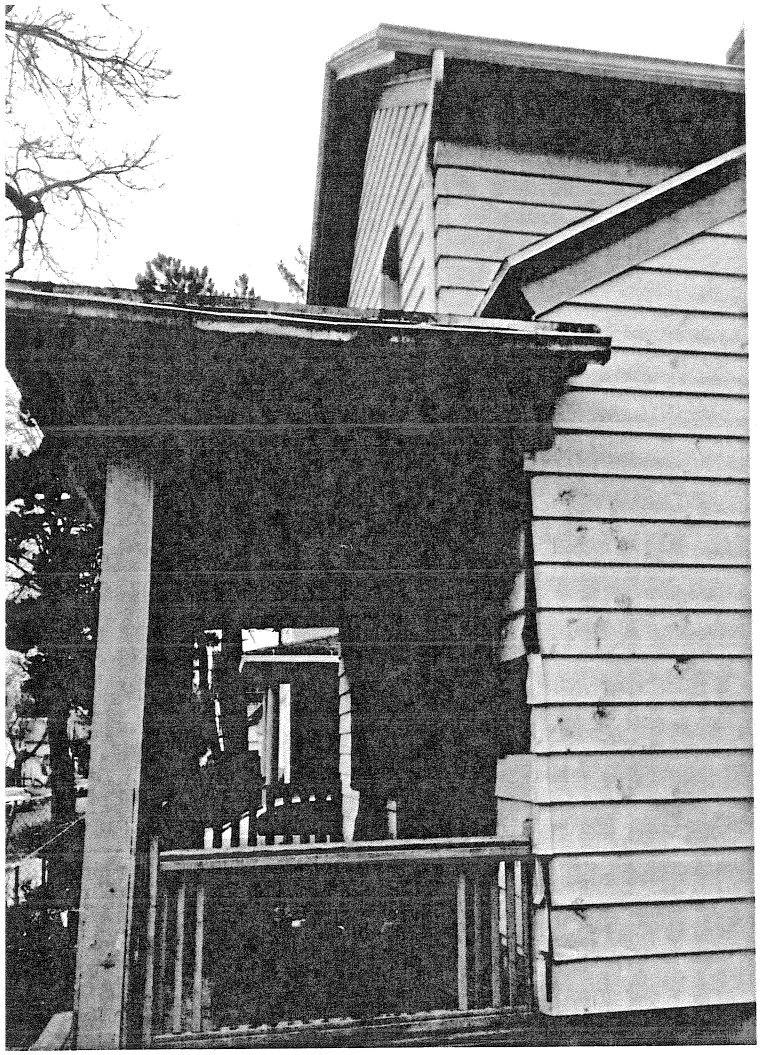
TRIPLE POINT LAND SURVEYING, LLC.
16 EAST MAIN STREET SUITE 320
ROCHESTER, NEW YORK 14614
PHONE (585) 263-9950
FAX (585) 263-3591
TRIPLEPOINTSURVEYING@YAHOO.COM

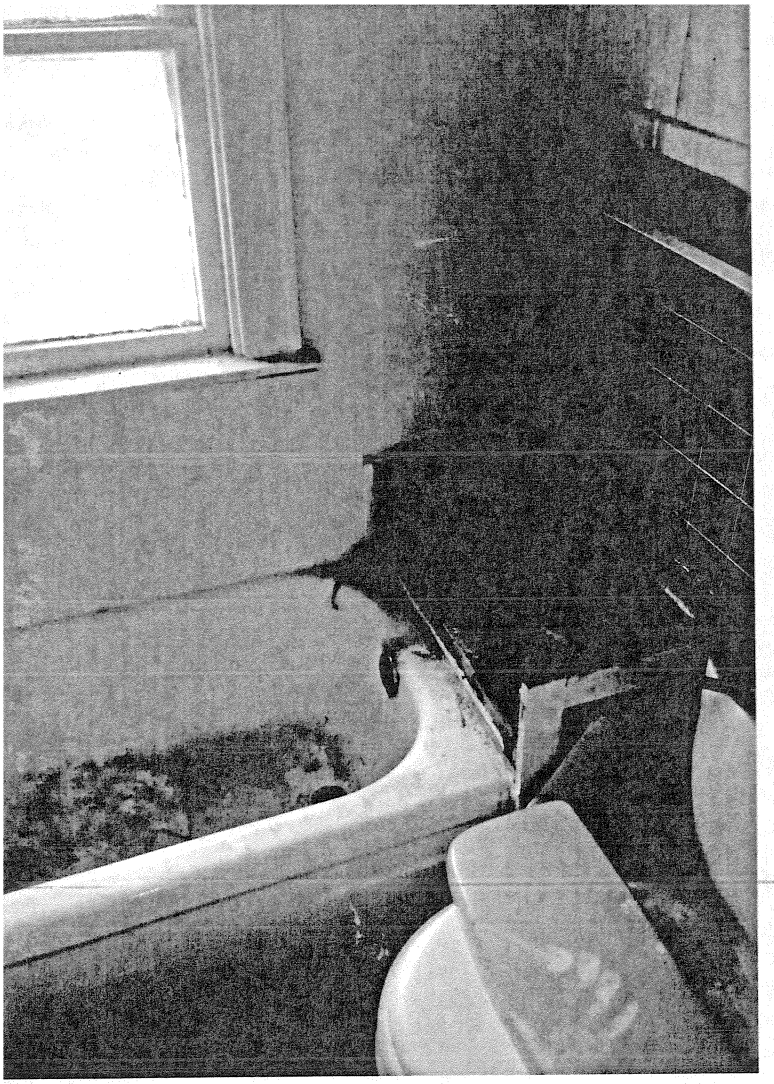
| SCALE: | TAX ACCOUNT: | JOB NO.: | DATE: |
|---|---|---|---|
| 1" = 30' | 105.35-4-65 | 1383-11 | FEB. 15, 2016 |

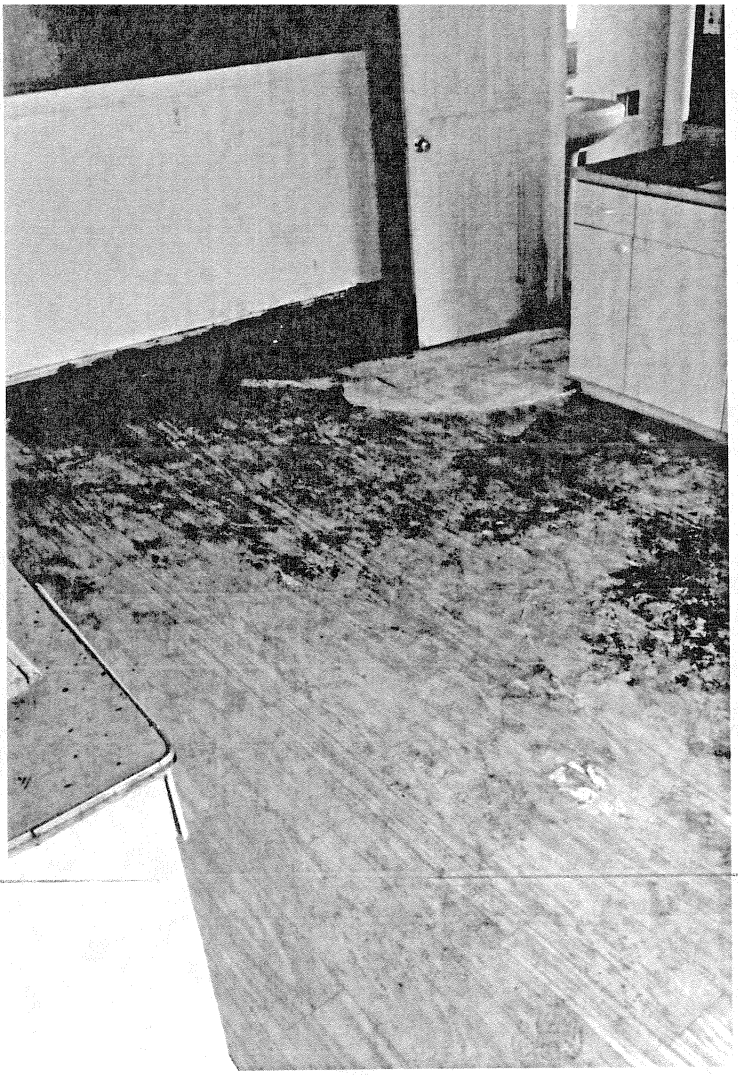
28 Locust First Floor Plan

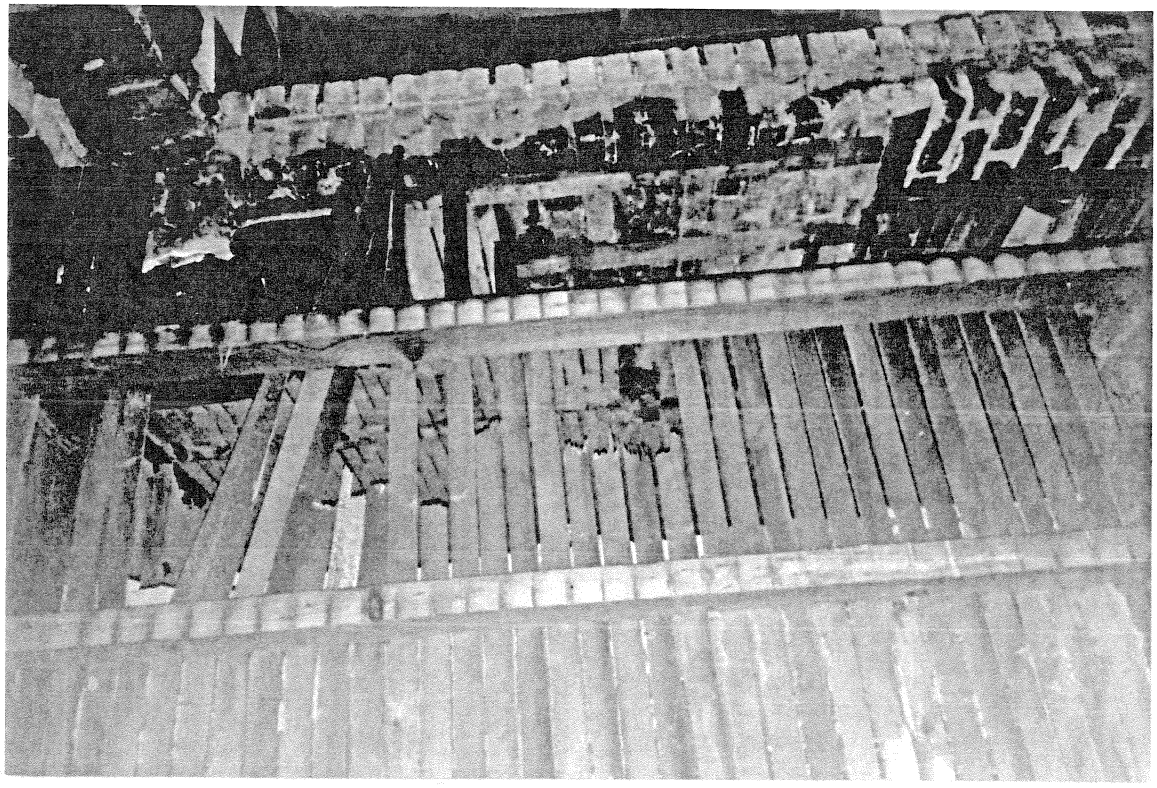


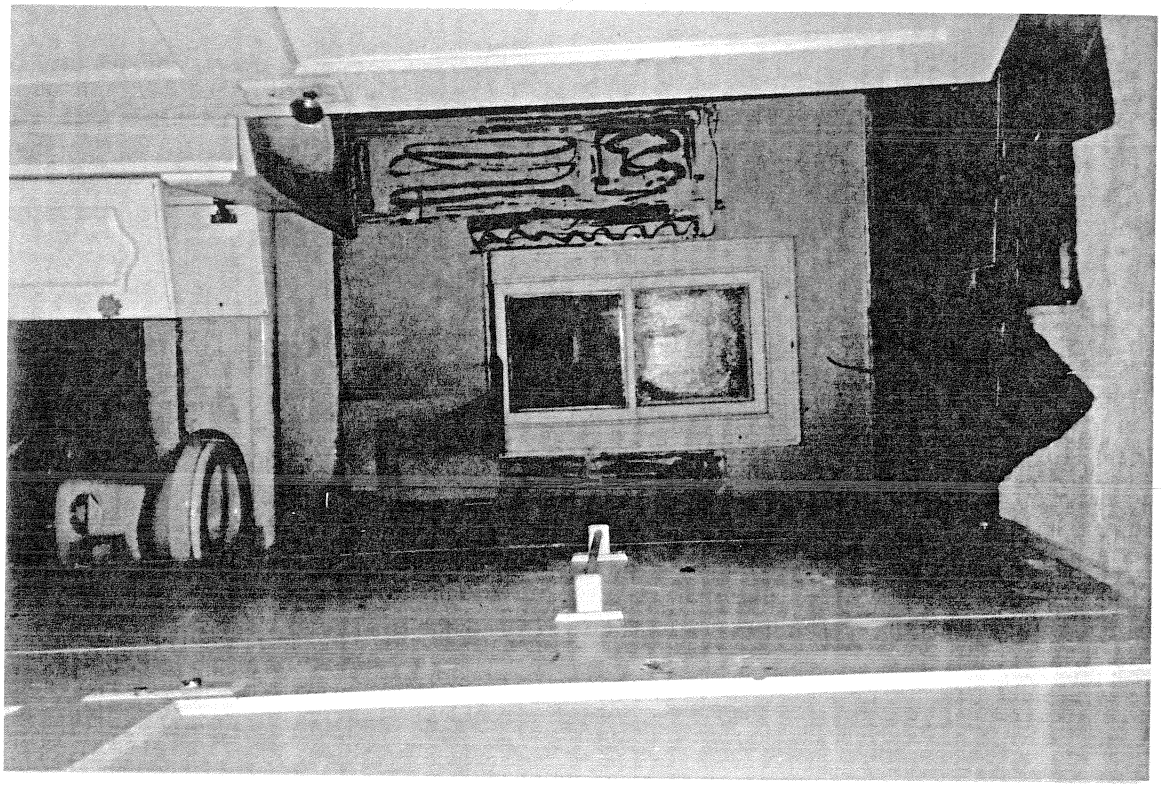

Bed Room 3
Bathroom 1
8ft
Living Room
12ft
13ft
8ft
Kitchen
11ft
8ft
Bed Room 2
13ft
Living Room
BATH
5ft
6ft
9ft
5ft
21ft
15ft
Kitchen
4ft
12ft
5ft
PAN
4ft











more photos in file.

## Symonds, Jill

**From:** Penders, Ronald
**Sent:** Tuesday, April 05, 2016 7:59 AM
**To:** Symonds, Jill; Parrino, Marguerite V.; Lagonegro, Zina B.
**Subject:** Community response
**Attachments:** April 21 2016 ZBA Agenda Revised.pdf

Good morning,

I just wanted to comment on the cases being heard by the Zoning Board of Appeals;

**980 W. Ridge Rd.** I have only heard positive things about this location and only had a couple of people commented on this case, both were in favor of the sign.

**1628 Lyell Ave.** I have quite a few people in the neighborhood who are very much against any more auto related businesses being legalized. Especially ones like this one that continued to operate even after they were told not to.

**28 Locust St.** I have heard nothing from the community on this one.

Thank you,

Ron Penders
Administrator
City of Rochester
Department of Neighborhood and
Business Development
Northwest Neighborhood Service Center
Pendersr@cityofrochester.gov
(585) 428-7620 Office
(585) 428-7621 Fax

# ZONING BOARD OF APPEALS
# STAFF REPORT
# April 21, 2016

## Area Variance

**Case # 11:**

Staff Reviewer: Jill Symonds

**File Number:** V-072-15-16

**Applicant:** Kurt Charland

**Project Address:** 1490 Hudson Avenue

**Zoning District:** C-3 Regional Destination Center District

**Section of Code:** 120-159, 120-177

**Request:** **To install new signs for the "Walmart" gas station on the existing 30' pole, canopy, kiosk, and pumps, not meeting certain sign requirements.**

**Background:**

The subject property is a gas station with a mini mart. The business ownership is changing and Walmart, the new owner, is proposing to update the signs. The sign package includes the following:

- LED gas pricing that is 32" x 20' on the existing, 30' tall pole sign.
- "Walmart" signs on the north and south sides of the gas canopy and the mini mart kisok that are 9'-3" x 2' and are internally illuminated.
- Signage on the fuel dispensers.

**Code Compliance:**

Section 120-159 does not permit signs on the gas canopy **(area variance required).**

Section 120-177 permits a maximum signage area of 10% of the primary building facade per lot including:

- Attached signs identifying uses or services on the premises not exceeding 1.5 square feet for every foot of building frontage. The kiosk frontage is approximately 40', therefore 60 sq. ft. of signage is permitted. **The proposal includes approximately 147 sq. ft. of signage, thereby requiring an area variance.**

**Code Enforcement:** The subject property is not in code enforcement.

## PROJECT INFORMATION

**PLEASE TYPE OR PRINT**

1. **PROJECT ADDRESS(ES):** 1470 Hudson Avenue, Rochester, NY 14621

2. **APPLICANT:** Kurt Charland **COMPANY NAME:** Bergmann Associates
   **ADDRESS:** 28 East Main Street Suite 200 **CITY:** Rochester **ZIP CODE:** 14614
   **PHONE:** 585-232-5135 **FAX:** 585-325-8493
   **E-MAIL ADDRESS** kcharland@bergmannpc.com
   **INTEREST IN PROPERTY:** **Owner** _____ **Lessee** _____ **Other** x

3. **PLAN PREPARER:** Bergmann Associates Architects, Engineers, Landscape Architects, & Surveyors, D.P.C.
   **ADDRESS:** 28 East Main St., Ste. 200 **CITY:** Rochester **ZIP CODE:** 14614
   **PHONE:** 585-232-5135 **FAX:** 585-325-8493

4. **ATTORNEY:** _____
   **ADDRESS:** _____ **CITY:** _____ **ZIP CODE:** _____
   **PHONE:** _____ **FAX:** _____
   **E-MAIL ADDRESS** _____

5. **ZONING DISTRICT:** C-3

6. **DETAILED PROJECT DESCRIPTION (additional information can be attached):** Walmart fueling station conversion

7. **LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:)** _____

**APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.**

**SIGNATURE:** _____ **DATE:** _____

**OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.**

**SIGNATURE:** Mia McCutchen **DATE:** 2/15/16

Mia McCutchen, Walmart Realty

BUILDING BUREAU
ROOM 121
12:49PM Mar 30/16
01-0002 001 BOO
#21950
Zoning $250.00
INFO 1470 HUDSON
CHECK $250.00

City of Rochester, NY

# AREA VARIANCE
# STATEMENT OF DIFFICULTY
## Section 120-195B(4)(b)

**An area variance shall be granted only if the applicant can establish the existence of EACH of the following conditions:**

**A. Benefits.** The benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community by the granting of the variance.

The proposed Kiosk and canopy signage is replacement of the signage that currently exists on the existing canopy. Digital price signage will be removed from the canopy and placed on the pylon signage to increase visibility for patrons. The net increase in signage is minimal and will not be a detriment to the neighborhood or community.

**B. Essential character of the area.** No undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the variance.

The majority of the proposed signage is only re-branding of the fuel station due to new ownership The digital fuel pricing signage will be removed from the canopy and new fuel pricing will be placed on the pylon sign.The increase in signage is minimal and the placement will help partons recognized the business and make a decision to enter the fule station at the proper entrance. The signage is in character with surrounding businesses and the community and will not create an undesirable change.

**C. No other remedy.** There is no other means feasible for the applicant to pursue, other than the granting of this area variance.

Since the property and fuel station is changing ownership the signage must be changed to reflect the new owners branding. The minimal increase in digital price signage improves the customer experience.

D. **Significance.** The requested variance is not substantial.

The majority of the signage proposed is merely a replacement of what currently exists on the canopy and kiosk. The digital fuel price sign is being removed from the canopy and added to the pylon sign resulting in minimal increase in signage for the project from what exist's today.

E. **Physical and environmental conditions.** The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The signage is consistent with with the existing conditions and environment.

F. **Not self created.** The alleged difficulty was not self created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance.

The condition is self created in that it is required with the changing of ownership to reflect the owners branding however, the majority of the signage is replacement of existing signage with only minimal increase for the fuel pricing on the pylong sign versus the canopy.

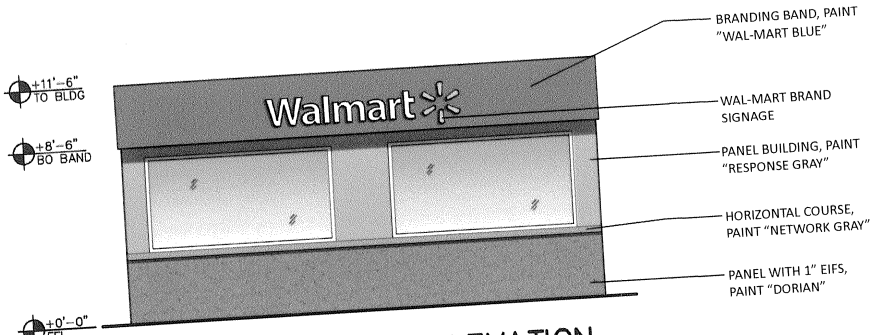
Walmart

Rochester, NY - Store # 3280

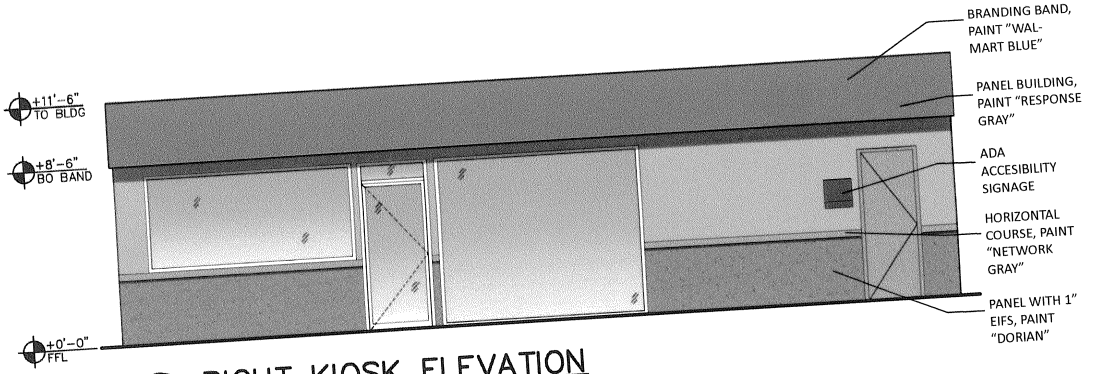
Bergmann associates
architects // engineers // planners

# Sign Package

Issued: December 18, 2015

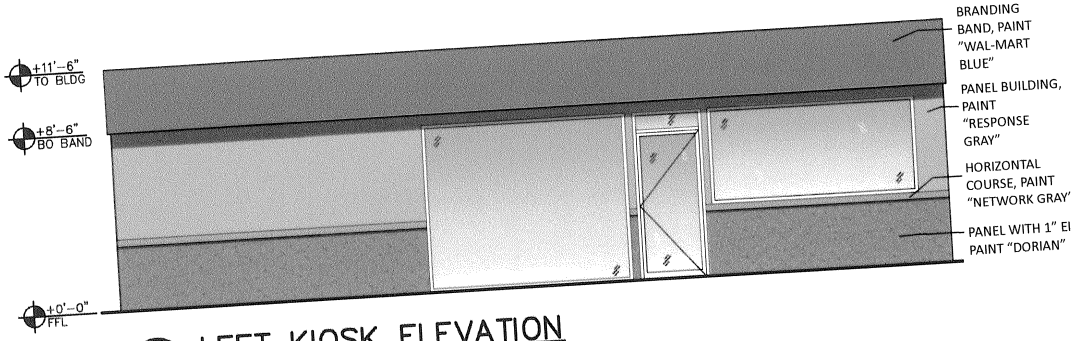



1 FRONT KIOSK ELEVATION
NTS

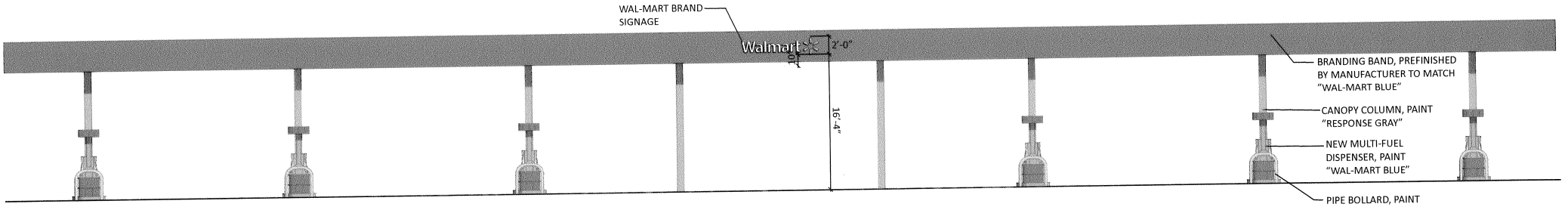



2 RIGHT KIOSK ELEVATION
NTS

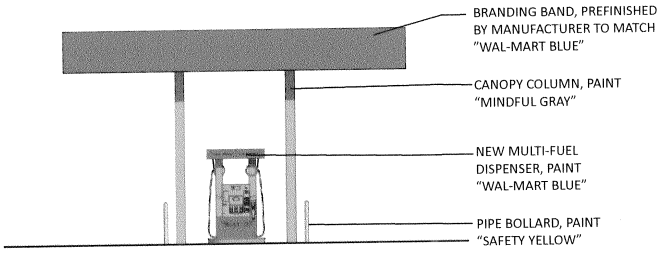
3 REAR KIOSK ELEVATION
NTS




4 LEFT KIOSK ELEVATION
NTS

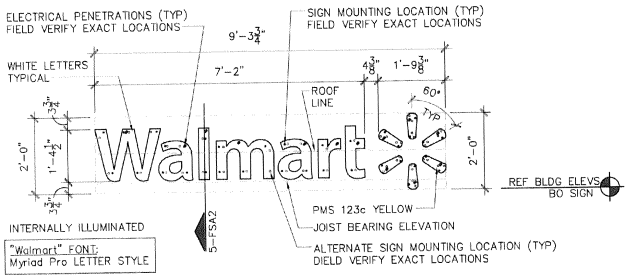



1 CANOPY ELEVATION LONG SIDE
NTS




2 CANOPY ELEVATION SHORT SIDE
NTS

NOTE TO SIGN INSTALLER:
ALL PRIMARY MOUNTING HOLES MUST BE UTILIZED. IF MOUNTING THROUGH PRIMARY HOLE IS OBSTRUCTED BY REBAR, METAL STUDS, CHANNELS, OR OTHER MISC METAL, SEAL PRIMARY HOLE IN SIGN CAN AND MOUNT THROUGH THE NEAREST ALTERNATE MOUNTING HOLE. PRIMARY HOLES ARE INDICATED WITH PREDRILLED HOLES THROUGH WASHERS. ALTERNATE HOLES ARE INDICATED WITH WASHERS ONLY OR ARE OTHERWISE MARKED.




3 WALMART SIGN
AREA: 18.63 SF

| Sign | Qty. | Area (S.F.) | Total S.F. |
|---|---|---|---|
| Walmart | 4 | 18.63 | 74.52 |
| | | Total Building Signage | 74.52 |

Walmart

20 ft
4 ft9 in
Walmart
7 ft11 in
6 in
32 in
UNLEADED
2.98 9
DIESEL
2.98 9
20 in
30 ft

Walmart
Walmart