



**ZONING BOARD OF APPEALS
STAFF REPORT
June 16, 2016**

Area Variance

Case # 1:

Staff Reviewer: Jill Symonds

***Held by the Applicant from the 05/19/16 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 was scheduled for the 03/24/16, 04/21/16 and 05/19/16 public hearings and has been held at the request of the applicant on each occasion. The application has not changed since it was originally submitted.

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 design standards, thereby requiring an area variance:

- 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.

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 Avenue CITY: Buffalo ZIP CODE: 14032

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

E-MAIL ADDRESS JMB@Benderson.com

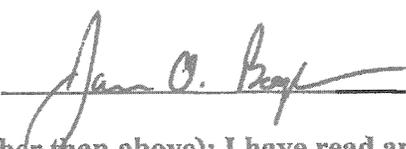
5. ZONING DISTRICT: C-3

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

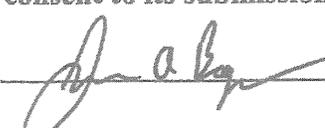
Delta Sonic is proposing to renovate an existing 20' high freestanding sign. While there will be no change to the height of the existing sign, Delta Sonic is proposing to add a brick facade to the sign as well as to replace an existing acrylic sign panel with a new LED display.

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:  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:  DATE: 01-20-16

BUILDING BUREAU
ROOM 121
ZIP CODE: 14032
10:14AM Mar 4/16
01-0002 001 BUD
#20512
Zonings \$250.00
INFO 980 W RIDGE
CHECK \$250.00

990 W RIDGE RD

Everett St



May 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.

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. This 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.

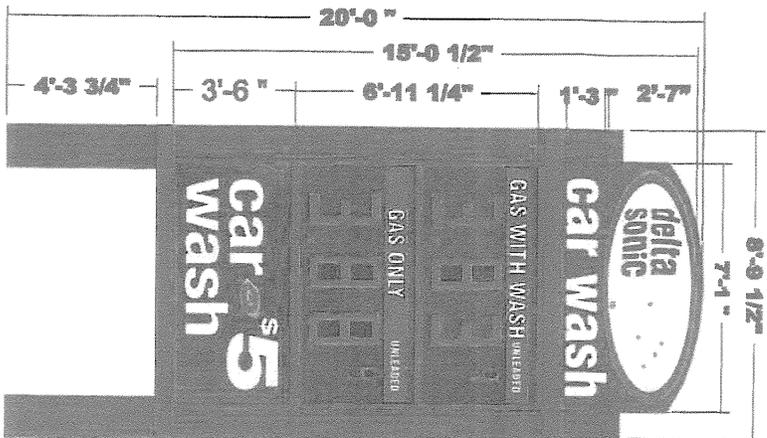
F. Not self created. The alleged difficulty was not self created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance.

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

DELTA SONIC
990 West Ridge Rd.
ROCHESTER, NY

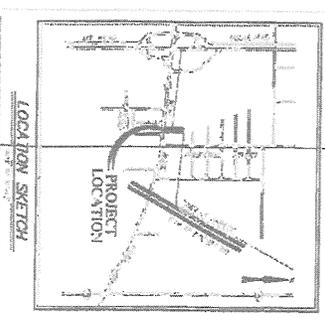
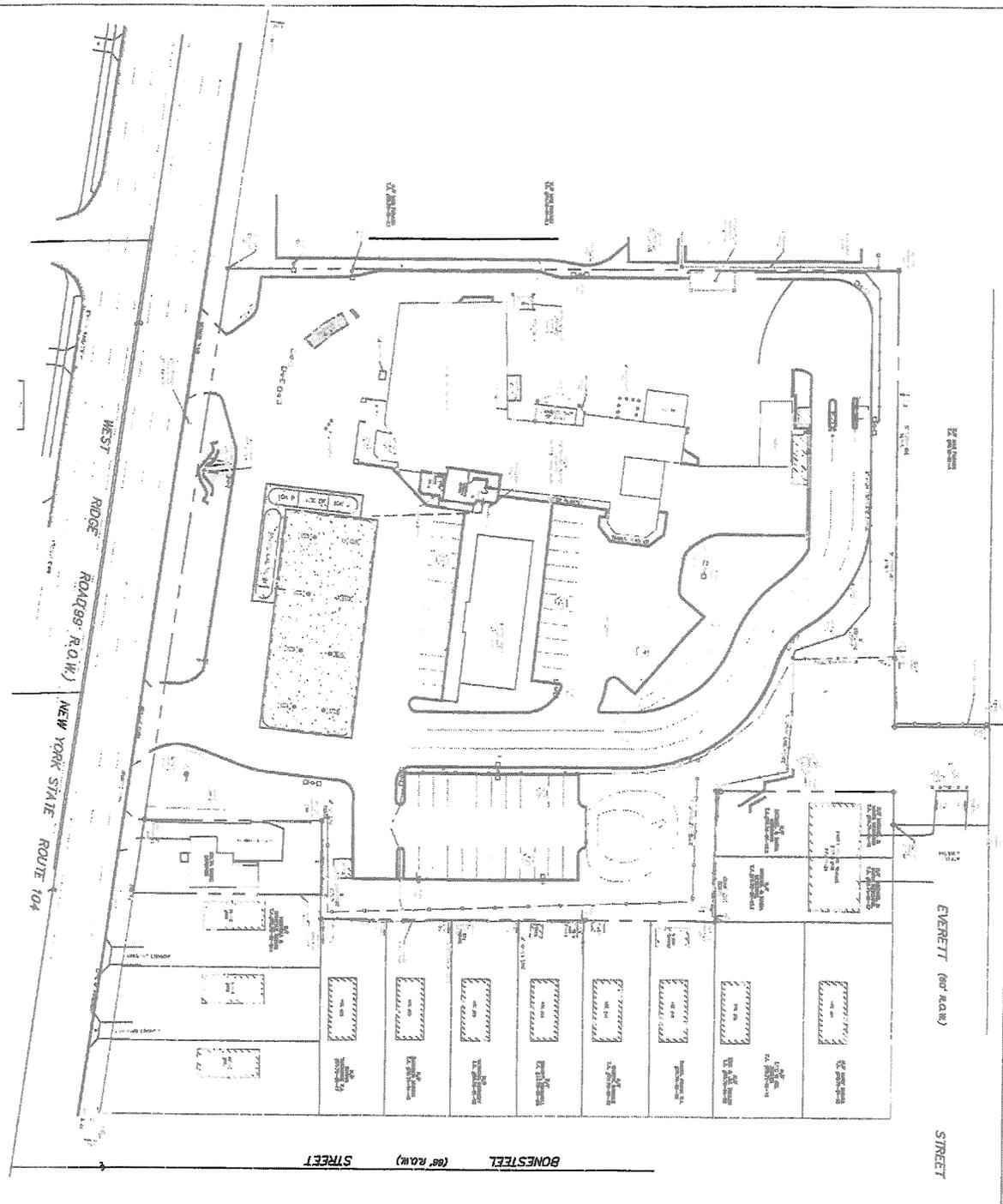
1814

DELTA SONIC CAR WASH

**SIGNAGE
EXISTING ID**

S

1 SITE PLAN



SEAL

ARCHITECT

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

Delta Sonic Car Wash VACUUM UPGRADE

PROJECT NO.
1814

CD

DATE	BY	REVISION

NOTICE

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BERKSON COMPANY, INC.
 ARCHITECTS

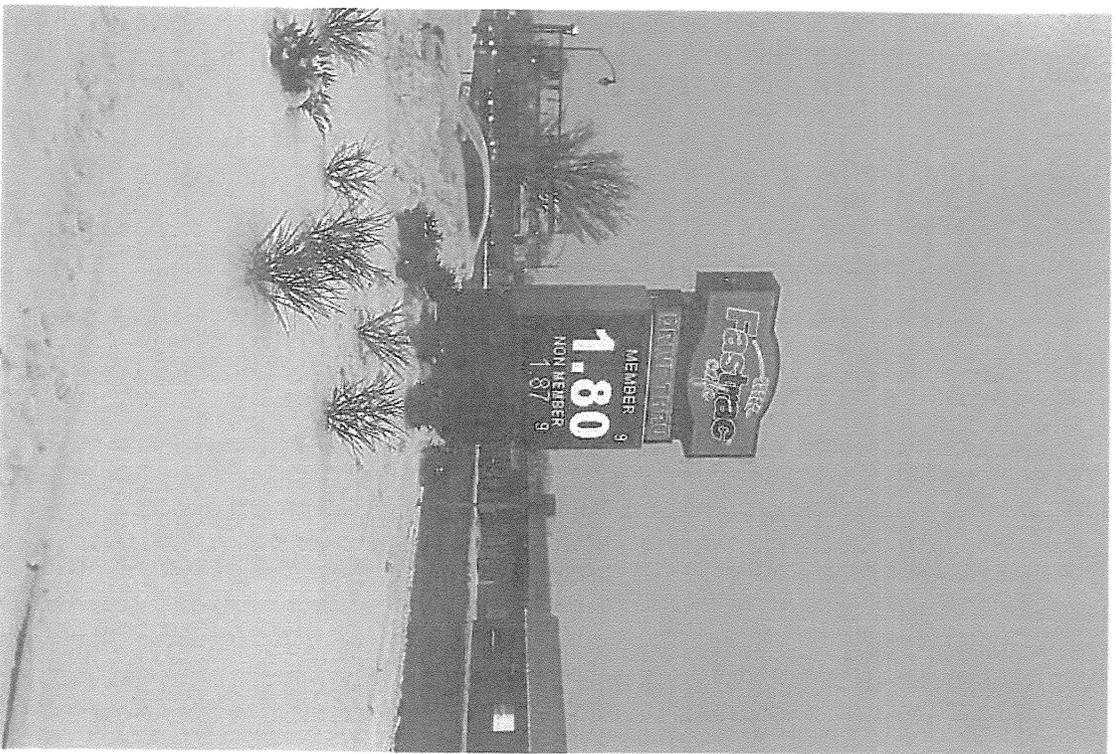
OWNER

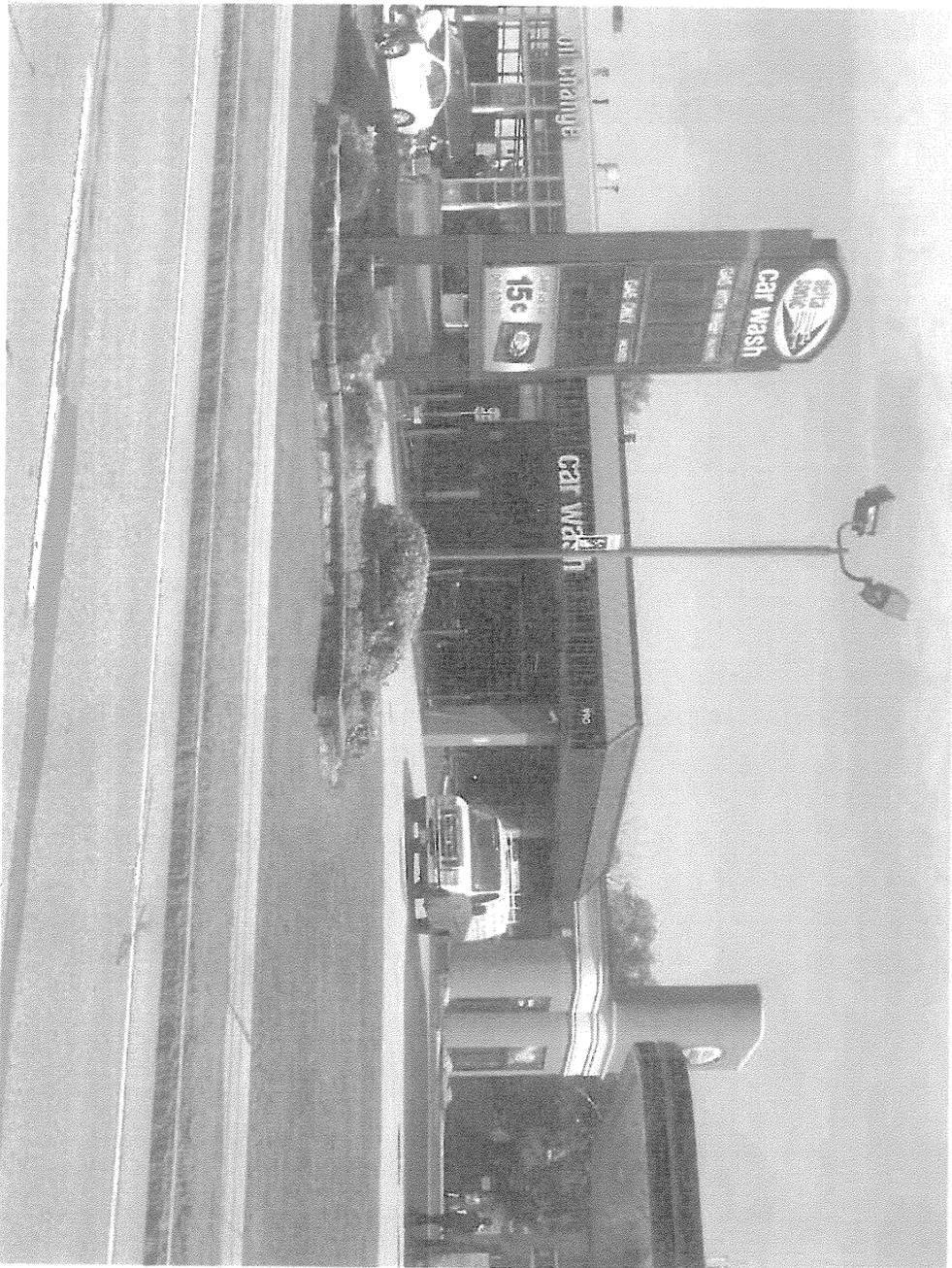
DATE

C-1

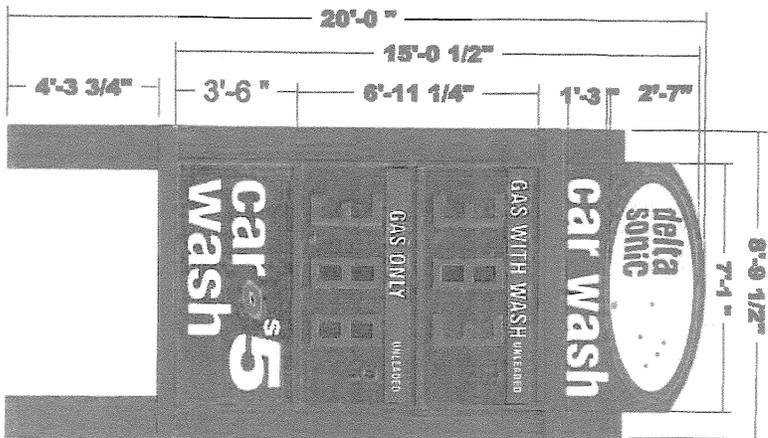
Exhibit B

Exhibit C





**PHOTO OF
EXISTING SIGN**



EXISTING SIGN

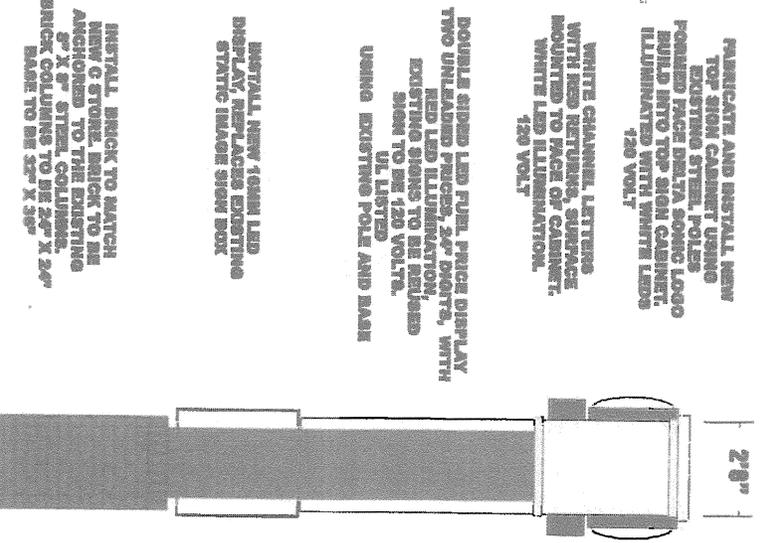
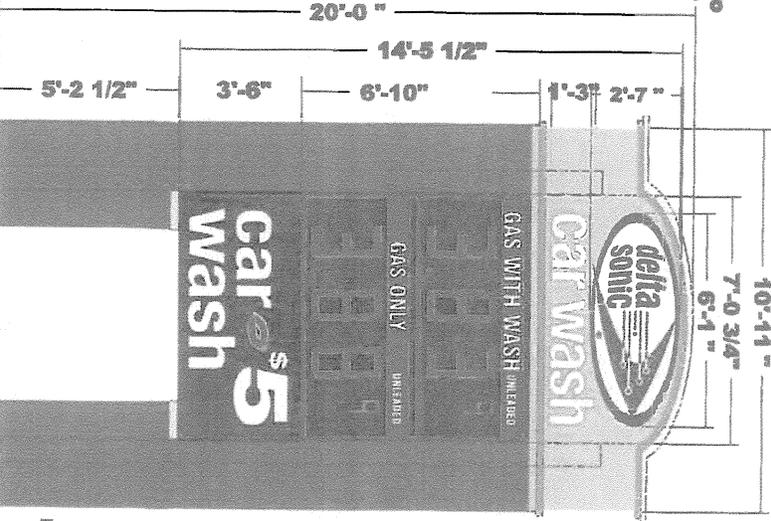
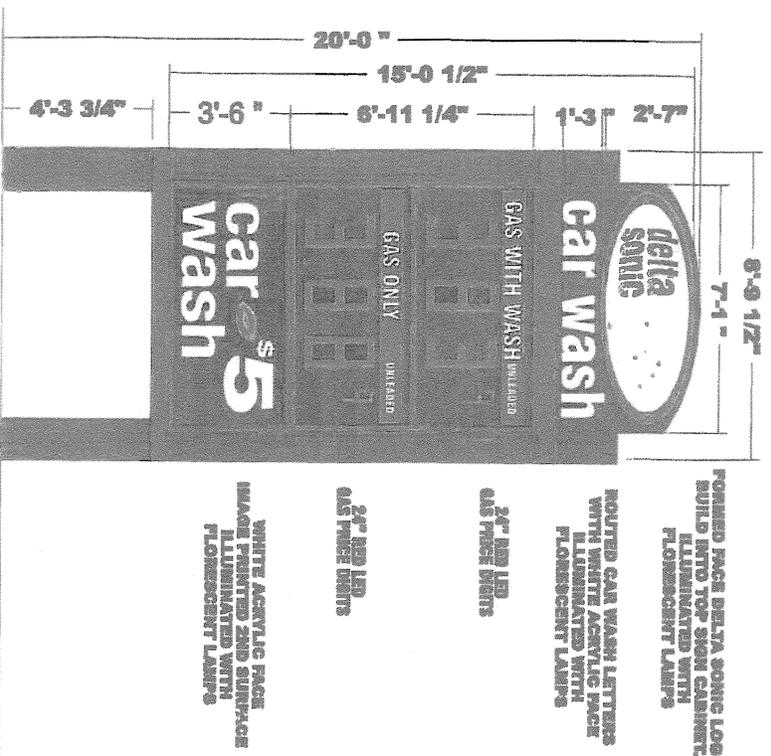
DELTA SONIC
990 West Ridge Rd.
ROCHESTER, NY

1814

DELTA SONIC CAR WASH



**SIGNAGE
EXISTING ID**



EXISTING SIGN

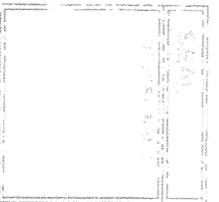
PROPOSED SIGN

SIDE VIEW



PROPOSED LED DISPLAY

- Led display to be 16 mm full color
- 1 red, 1 blue and 1 green led per pixel
- Minimum adjacent communication
- No pixel shading
- Display size 42" X 96", no border.
- Cabinet to be made of aluminum, formed and welded.
- Best price black.
- Two faces
- 208 / 120 VOLT



DELTA SONIC
990 West Ridge Rd.
ROCHESTER, NY

1014

DELTA SONIC CAR WASH

SIGNAGE
PROPOSED II

S

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
June 16, 2016**

Area Variance

Case # 2:

Staff Reviewer: Jill Symonds

File Number: V-075-15-16

Applicant: Michael R. Mumm

Project Address: 312-314 S. Goodman Street

Zoning District: R-2 Medium-Density Residential District

Section of Code: 120-20

Request: To legalize the expanded gravel parking area in the rear yard of a two-family dwelling, which exceeds the lot coverage limitations (in conjunction with 16-18 Harper Street, file V-076-15-16).

Background: The subject property is a two-family dwelling with a detached garage in the rear yard. The applicant has expanded the parking area by installing gravel in the rear yard.

The rear yard of the property abuts 16-18 Harper Street, as depicted, below. 16-18 Harper Street has also expanded their parking area and is the subject of variance file V-075-15-16.



Code Compliance: In accordance with section 120-20, lot coverage in the R-2 zone is limited to 50%. This proposal increases the lot coverage from 64% to 83% (variance required).

Code Enforcement: This property is in code enforcement.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 312-314 S. Goodman St., Rochester, NY 14607

2. APPLICANT: Michael R. Mumm COMPANY NAME: _____

ADDRESS: 45 Brighton St. Apt. 1 CITY: Rochester ZIP CODE: 14607

PHONE: 585. 429-0163 FAX: _____

E-MAIL ADDRESS MUMM@MCSO@GMAIL.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): _____

Gravel yard in rear of location to expand available area to park for tenants.

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: [Signature] DATE: 04-28-16

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: _____

312-314 S GOODMAN ST



June 3, 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

Benefits:

The benefits of the graveled backyard/driveway in question far outweigh any detriment to the health, safety and welfare of the neighborhood, as there are not any negative health, safety, or welfare impacts. If anything it's increasing the safety of my tenants by avoiding the need to park blocks away from their home in the city and having to walk to their place of residence.

- More off street parking for tenants in turn more on street parking to people visiting the city/ businesses in the area/ special events in the area
- Less commute on foot for tenants / safer travels for tenants / less opportunity to be victimize (Robbery, Assault, Rape, Harassment Etc.)
- Less exposure to the inclement weather in Rochester (snow/freezing cold temperatures) – carrying in groceries
- Units are far more easy to rent with off street parking being offered and at a high rate.

Essential character of the area:

There is no undesirable change to the character of the neighborhood or nearby properties. All of the nearby properties have ample parking, drive way spaces in front of, next to, or behind their homes, and those that don't have healthy land where grass grows, unlike the space in question. It's consistent with the houses in this area (see attached photos)

- Single driveways do not allow enough off street parking for each tenant and causes an inconvenience to the tenants parking in the single driveway. Tenants with different work schedules will find themselves having to move their vehicles around to let one another out of the driveway at inconvenient times of the day.
- Each residence containing (2) units with a minimum of (3) bedrooms in each unit – traditionally 1 vehicle per bedroom = 3 vehicle per unit totaling 6 vehicles per house.
- Properties back up to a Doctor's off separated by a fence. Issues with vehicle headlights and noise disturbing other residents will not be an issue.

No other remedy:

From a parking perspective there is no other solution for me to pursue. From a footprint perspective, the area is wasted space. There have been multiple attempts by the prior owner as well as myself, and neighbor (who is going for the same variance) to grow grass and it's not possible. During rain or wet weather it becomes a mudpit and there's zero use for that space.

- Little exposure from the sun

Significance:

The requested variance is extremely insignificant. The area where gravel was laid was extremely hard, dirt-terrain when dry, and a mud pit when wet as stated above. Surrounding homes either through variance, grandfather clauses, etc., all have significant parking on the side and in the rear of their homes. It is very common in this area.

- Water/ Rain can still efficiently drain through the gravel, no different than it would drain through the surface without gravel. The creation of mud would no longer be an issue.

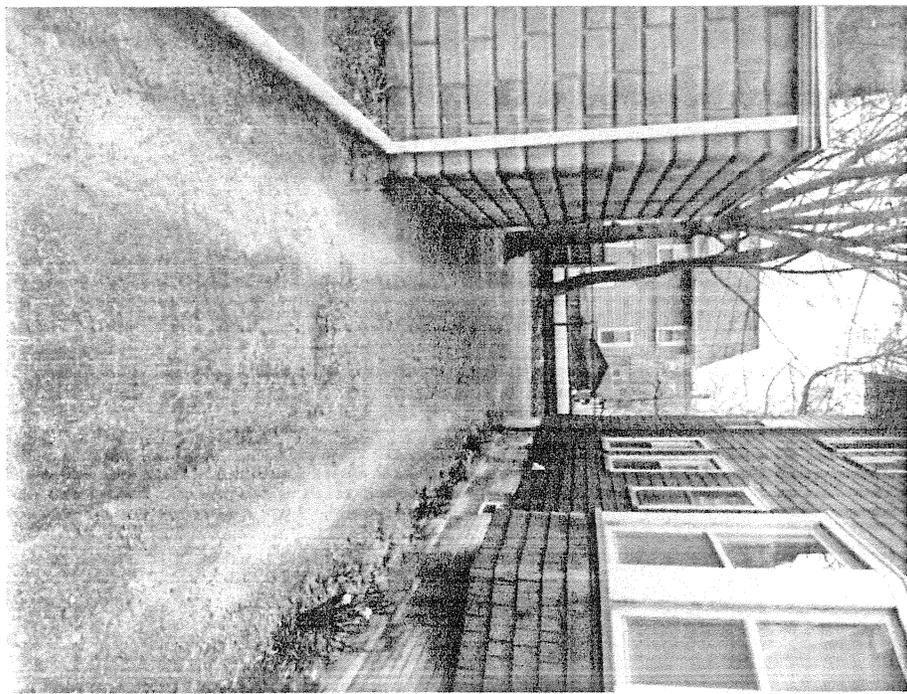
Physical and environmental conditions:

There are not any physical or environmental adverse impacts.

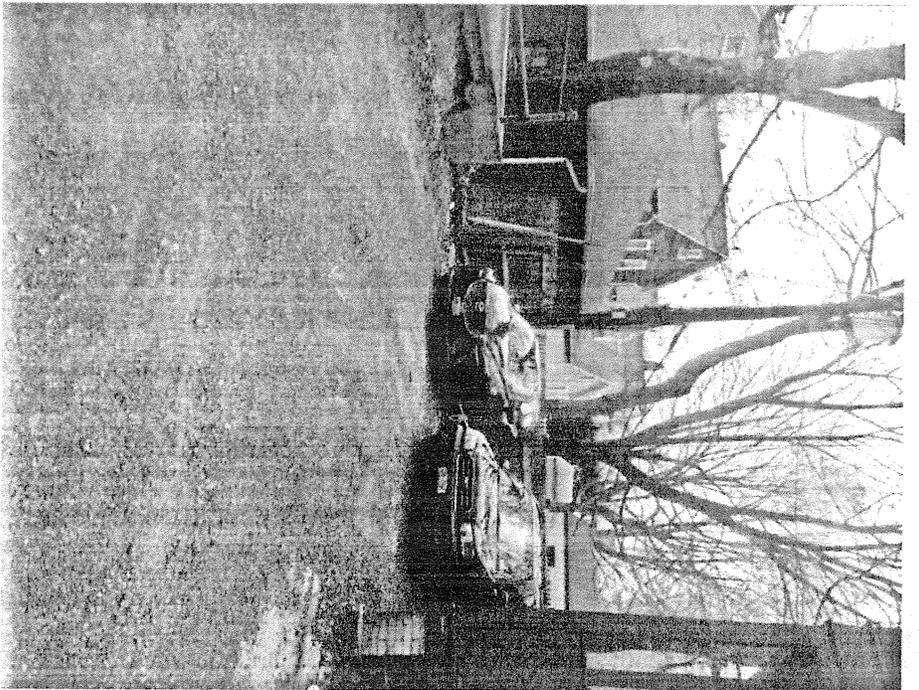
Not self-created:

The circumstances of limited parking, wasted space due to inability to grow grass for a useable yard we're all preconceived issues that were inherited.

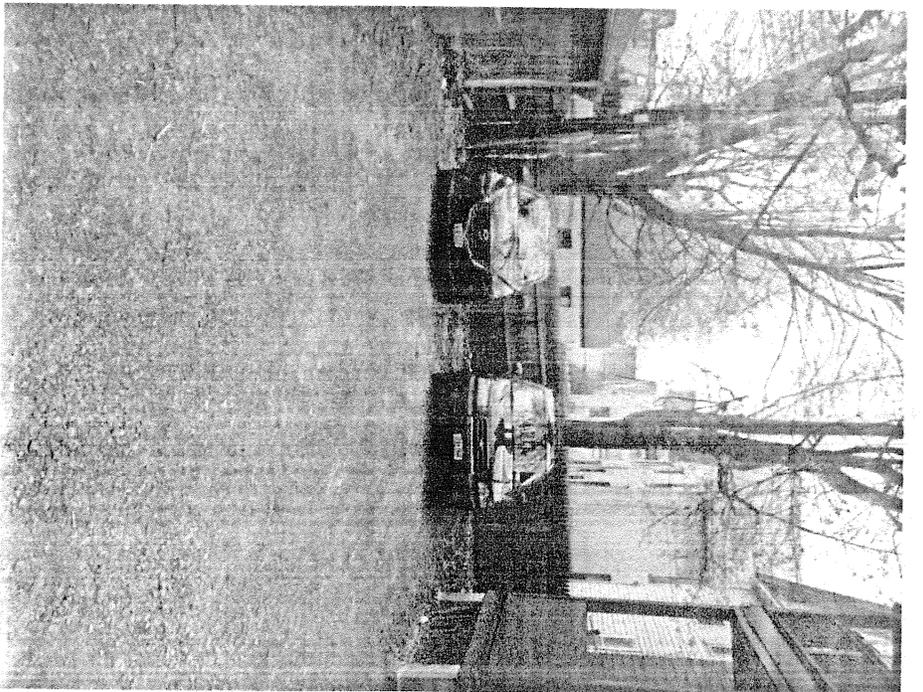
16-18 Harper St
Driveway (entry)



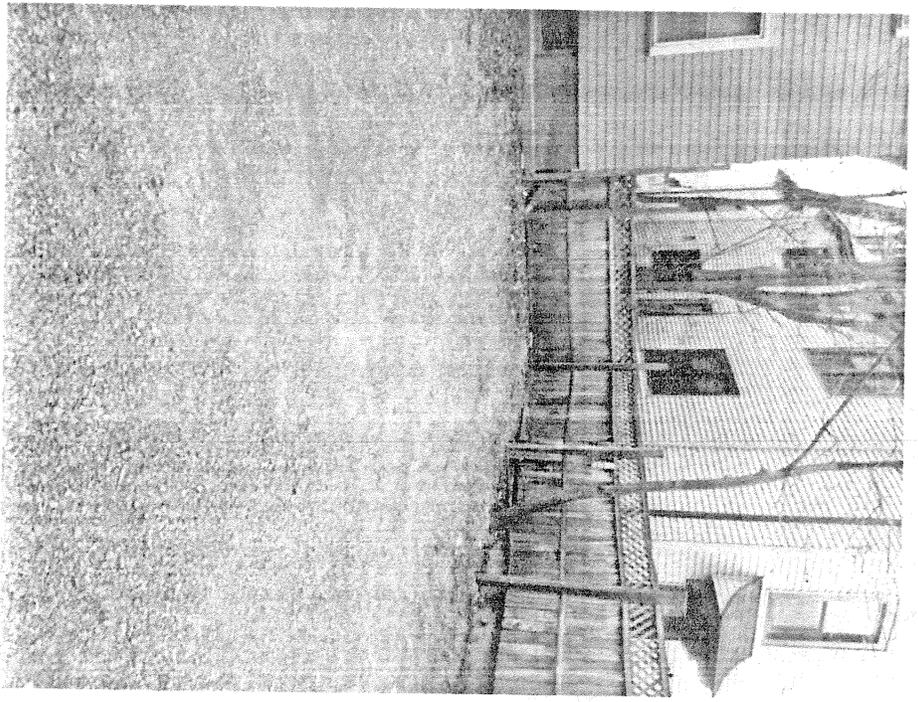
16-18 Harper St
Backyard



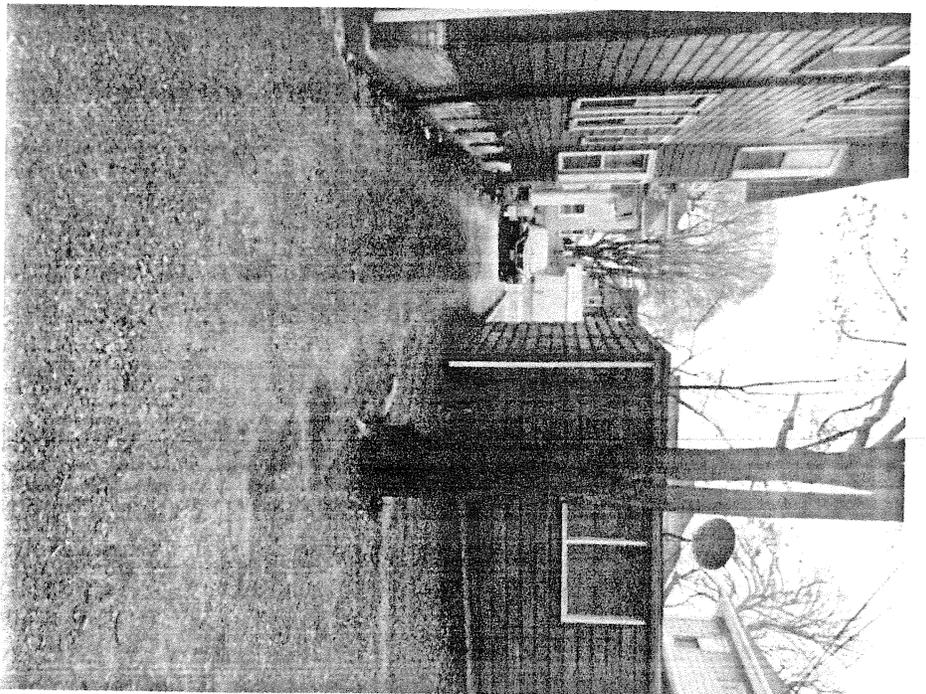
16-18 Harper St
Backyard



312-314 Goodman St.
Backyard



16-18 Harper St
Diversey (entrance)



Examples of nearby properties
with backyard driveways

#1



Examples of nearby properties
with backyard driveways
#2





**ZONING BOARD OF APPEALS
STAFF REPORT
June 16, 2016**

Area Variance

Case # 3:

Staff Reviewer: Jill Symonds

File Number: V-076-15-16

Applicant: Phillip Ranalletti

Project Address: 16-18 Harper Street

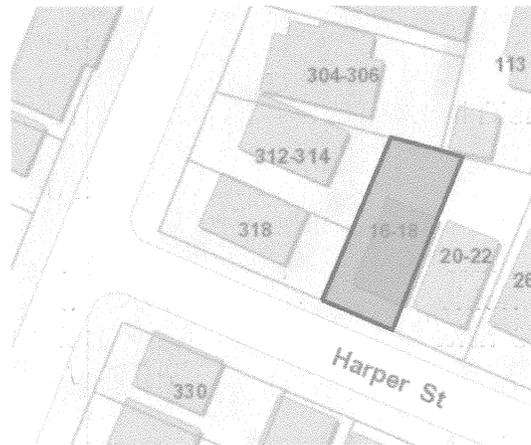
Zoning District: R-2 Medium-Density Residential District

Section of Code: 120-20

Request: To legalize the expanded gravel parking area in the rear yard of a two-family dwelling, which exceeds the lot coverage limitations (in conjunction with 312-314 S. Goodman Street, file V-075-15-16).

Background: The subject property is a two-family dwelling. The applicant has expanded the parking area by installing gravel in the rear yard.

The rear yard of the property abuts 312-314 S. Goodman Street, as depicted, below. 312-314 S. Goodman Street has also expanded their parking area and is the subject of variance file V-076-15-16.



Code Compliance: In accordance with section 120-20, lot coverage in the R-2 zone is limited to 50%. This proposal increases the lot coverage from 49% to 75% (**variance required**).

Code Enforcement: This property is in code enforcement.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 16-18 Harper St

2. APPLICANT: Philip Ranalletti COMPANY NAME: N/A

ADDRESS: 16-18 Harper St. CITY: Rochester ZIP CODE: 14607

PHONE: 585-350-8383 FAX: N/A

E-MAIL ADDRESS PHIL.RANALLETTI@yahoo.com

INTEREST IN PROPERTY: Owner X 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): Gravel in the backyard to provide additional parking for multi-unit home.

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

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: Philip Ranalletti DATE: 4-28-16

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: _____

16-18 HARPER ST



June 3, 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

Benefits:

The benefits of the graveled backyard/driveway in question far outweigh any detriment to the health, safety and welfare of the neighborhood, as there aren't any negative health, safety, or welfare impacts. If anything it's increasing the safety of my tenants by avoiding the need to park blocks away from their home in the city and having to walk to their place of residence.

- More off street parking for tenants in turn more on street parking to people visiting the city/ businesses in the area/ special events in the area
- Less commute on foot for tenants / safer travels for tenants / less opportunity to be victimize (Robbery, Assault, Rape, Harassment Etc.)
- Less exposure to the inclement weather in Rochester (snow/freezing cold temperatures) – carrying in groceries

Essential character of the area:

There is no undesirable change to the character of the neighborhood or nearby properties. All of the nearby properties have ample parking, drive way spaces in front of, next to, or behind their homes, and those that don't have healthy land where grass grows, unlike the space in question. It's consistent with the houses in this area (see attached photos)

- Single driveways do not allow enough off street parking for each tenant and causes an inconvenience to the tenants parking in the single driveway. Tenants with different work schedules will find themselves having to move their vehicles around to let one another out of the driveway at inconvenient times of the day.
- Each residence containing (2) units with a minimum of (3) bedrooms in each unit – traditionally 1 vehicle per bedroom = 3 vehicle per unit totaling 6 vehicles per house.
- Properties back up to a Doctor's off separated by a fence. Issues with vehicle headlights and noise disturbing other residents will not be an issue.

No other remedy:

From a parking perspective there is no other solution for me to pursue. From a footprint perspective, the area is wasted space. There have been multiple attempts by the prior owner as well as myself, and neighbor (who is going for the same variance) to grow grass and it's not possible. During rain or wet weather it becomes a mudpit and there's zero use for that space.

- Little exposure from the sun

Significance:

The requested variance is extremely insignificant. The area where gravel was laid was extremely hard, dirt-terrain when dry, and a mud pit when wet as stated above. Surrounding homes either through variance, grandfather clauses, etc., all have significant parking on the side and in the rear of their homes. It is very common in this area.

- Water/ Rain can still efficiently drain through the gravel, no different than is would drain through the surface without gravel. The creation of mud would no longer be an issue.

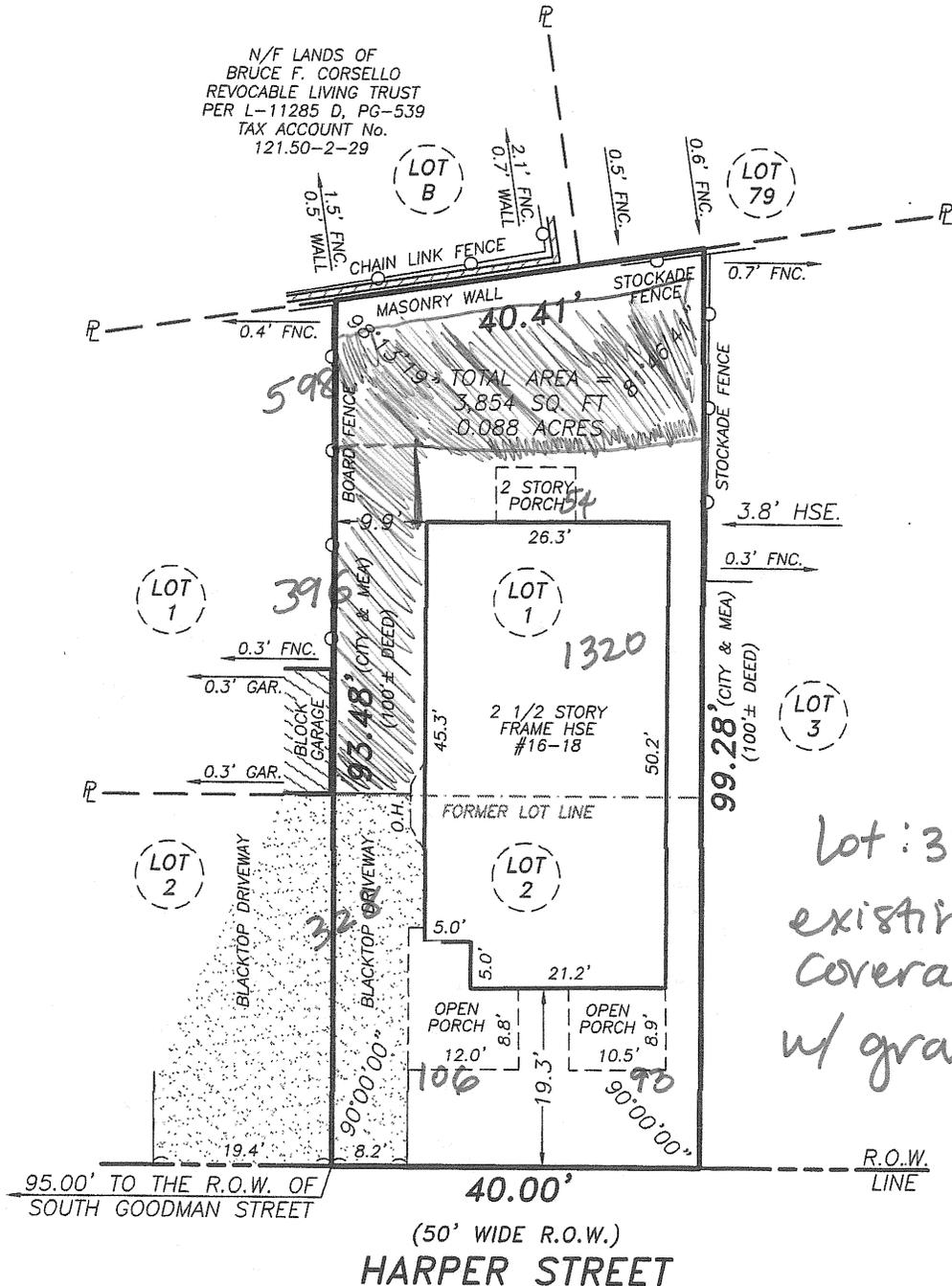
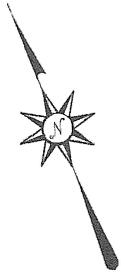
Physical and environmental conditions:

There are not any physical or environmental adverse impacts.

Not self-created:

The circumstances of limited parking, wasted space due to inability to grow grass for a useable yard we're all preconceived issues that were inherited.

N/F LANDS OF
 BRUCE F. CORSELLO
 REVOCABLE LIVING TRUST
 PER L-11285 D, PG-539
 TAX ACCOUNT No.
 121.50-2-29



Lot: 3864 SF
 existing
 Coverage: 1901 SF
 (49%)
 w/ gravel:
 2895 SF
 (75%)

CERTIFICATION:

I, ANDREW M. HODGE, HEREBY CERTIFY TO:
 -PHILLIP A. RANALLETTI
 -MB FINANCIAL BANK, N.A., ITS SUCCESSORS AND/OR ASSIGNS,
 AS THEIR INTERESTS MAY APPEAR
 -MARCHIONI & ASSOCIATES, LLC
 -THE TITLE INSURANCE COMPANY
 INSURING THE MORTGAGE
 THAT THIS MAP WAS MADE MARCH 10, 2015
 FROM NOTES OF AN INSTRUMENT SURVEY
 COMPLETED MARCH 9, 2015
 AND REFERENCES LISTED HEREON.

REFERENCES:

- 1.) LIBER 8 OF MAPS, PAGE 70.
- 2.) LIBER 9470 OF DEEDS, PAGE 59.
- 3.) ABSTRACT OF TITLE No. 66091 (STEWART TITLE).
- 4.) EASEMENT TO AMERICAN CABLEVISION PER LIBER 5889 OF DEEDS, PAGE 150. (5' WIDE ALONG WEST LINE)

NOTE: PREMISES SUBJECT TO ALL EASEMENTS, RESTRICTIONS & COVENANTS OF RECORD NOT REFERENCED IN ABSTRACT OF TITLE.
 NOTE: GROUND FEATURES WHERE LOCATED WITH SIGNIFICANT SNOW ACCUMULATION ON THE SITE

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

DATE

NOTE: GROUND FEATURES WHERE LOCATED WITH SIGNIFICANT SNOW ACCUMULATION ON THE SITE

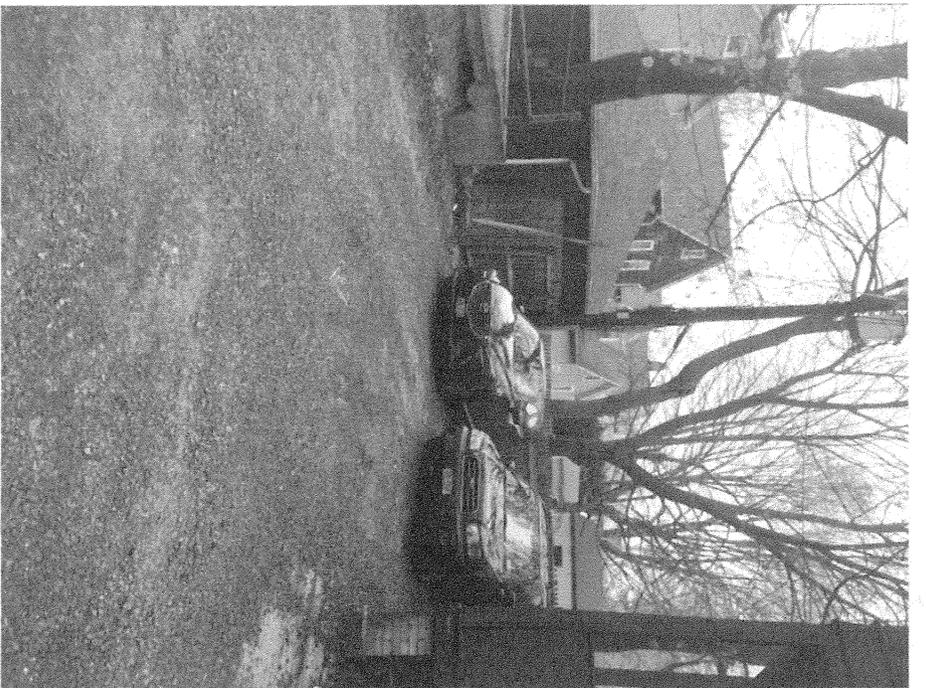
TITLE:

INSTRUMENT SURVEY MAP

16-18 Harper St
Driveway (entry)



16-18 Harper St
Backyard



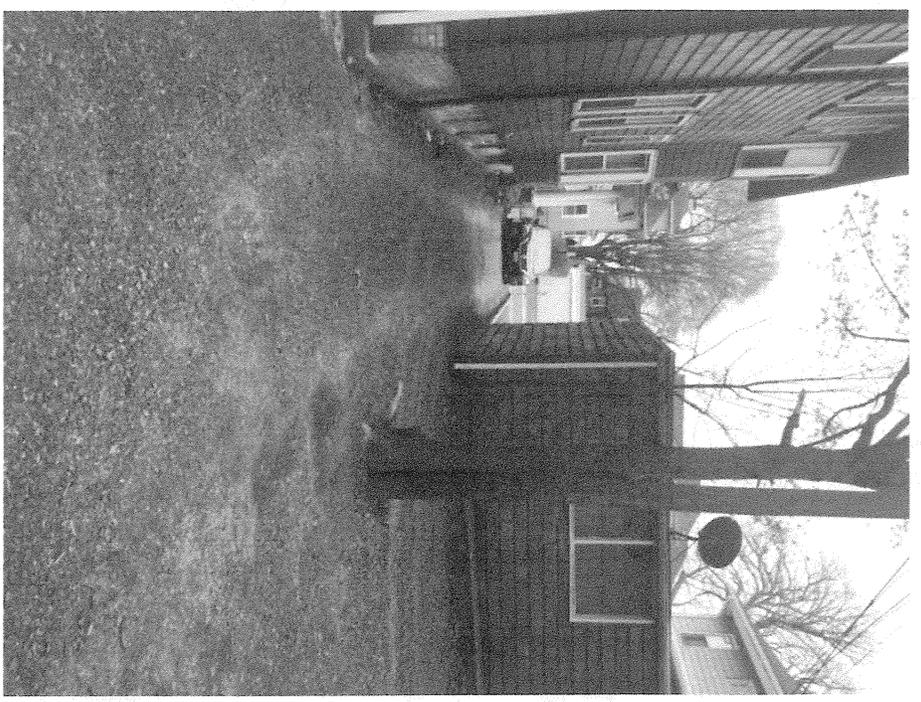
16-18 Harper St
Backyard



312-314 Goodman St.
Backyard



16-18 Harper St
Diversey (Entr)



Examples of nearby properties
with backyard driveways

#1



Examples of nearby properties
with backyard driveways
#2





**ZONING BOARD OF APPEALS
STAFF REPORT
June 16, 2016**

Area Variance

Case # 4:

Staff Reviewer: Jill Symonds

File Number: V-077-15-16

Applicant: Michael Cimino

Project Address: 1881 East Avenue

Zoning District: C-2 Community Center District

Section of Code: 120-177

Request: To install four internally illuminated signs that are 7.5' x 5.5' each for "Perri's Pizzeria at the Brighton Pub" and to legalize an existing pendant sign, thereby exceeding certain sign requirements.

Background: The subject property is legal as bar/restaurant on the first floor and office and accessory storage on the second floor. The applicant is proposing to install four internally illuminated signs that are 7.5' x 5.5' (41 square feet) each for "Perri's Pizzeria at the Brighton Pub". There will be one sign on each of the four sides of the building. The applicant would also like to legalize the existing pendant sign on the East Avenue façade.

Code Compliance: Section 120-177 provides that the property is permitted to have 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 subject property is permitted one sign on the East Avenue and Highway 490 facades that are 31 square feet each. **An area variance is required for the number and size of the proposed signs.**

Code Enforcement: This property is not in code enforcement.

PROJECT INFORMATION

XC: Michael Perri
585-957-6252
1835 N. Union St.
Spencerport, NY
14559

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 1881 East Ave, Rochester, NY 14610

2. APPLICANT: Michael Cimino COMPANY NAME: Perri's Pizza at The Brighton Pub

ADDRESS: 1881 EAST AVE CITY: Rochester ZIP CODE: 14610

PHONE: (585) 370-8704 FAX: _____

E-MAIL ADDRESS CIMINOMARKETING@GMAIL.COM

INTEREST IN PROPERTY: Owner Lessee Other

3. PLAN PREPARER: Kurt Edens

ADDRESS: 55 Ice Rose Lane CITY: Rochester ZIP CODE: 14623

PHONE: 585-857-6594 FAX: crystalcitysigns@gmail.com

4. ATTORNEY: MICHAEL PATTISON

ADDRESS: _____ CITY: _____ ZIP CODE: _____

PHONE: 585 944-5444 FAX: _____

E-MAIL ADDRESS MPATTISON.LAW@GMAIL.COM

5. ZONING DISTRICT: C-2

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

Proposed Variance for allowing business logos to be installed on all 4 sides of the building to allow for equal exposure as adjacent businesses with signage on all sides. Also, due to the size of the building and proximity to the roads, signage will only be visible from all direction if it is installed on all sides.

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

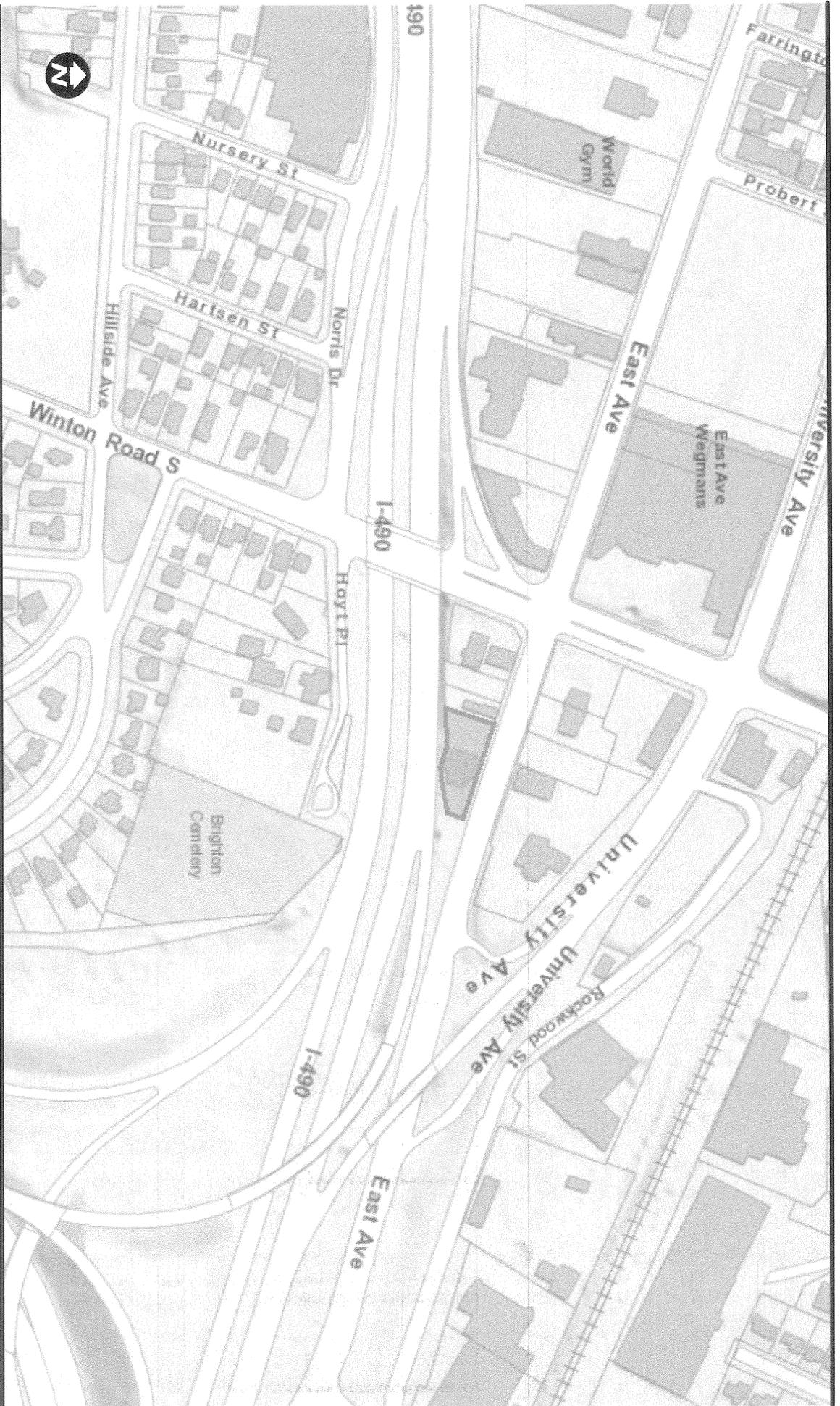
APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE: [Signature] DATE: 5-12-16

X 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: _____

1881-1887 EAST AV



June 3, 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 variance allows for brand exposure in all directions matching that of all adjacent businesses
The proposed signage is being installed at a height in which the size chosen is the minimum needed to
maintain adequate visibility and readability. The benefit of the proposed signage is that it allows for fair
and equivalent exposure of the brand and business name amidst the local businesses, all of which have
signage on all sides of their buildings.

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 proposed signage was designed in such a way to complement that aesthetics of the neighborhood
and the building on which they will be installed. The design is made to be clean, and easily readable to
pedestrian and vehicular traffic while portraying the level of class and quality offered by Perri's Pizzeria
and the local neighborhood.

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

The proposed variance is the only means with which "Perri's Pizzeria at the Brighton Pub" can maintain
the same level of exposure and apparent quality as that of adjacent businesses. Without the proposed
signage, Perri's Pizzeria at the Brighton Pub would be at an unfair disadvantage in regards to brand
exposure to consumer traffic as all nearby business also have signage on all sides of their buildings.

D. Significance. The requested variance is not substantial.

The building signs of any business is the first impression customers have regarding the quality of that business. With other food service competitors immediately adjacent to this building, it is imperative that we are successful in matching the portrayed quality offered by their signage on all sides.

That aside, structure of this building is such that signage will not be visible from all directions unless it is installed on all sides. The requested variance is not one with substancial effects, it will simply allow this business to start on equal footing as the adjacent businesses, and will have no impact on the neighborhood or other businesses.

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.

This variance will have no impact at all on the physical or environmental conditions of 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 variance exists because of the existing conditions of the neighborhood and businesses therein. In order to be competitive and successfully in this neighborhood, the building signage must meet or exceed the quality and level of exposure portrayed by the signage of adjacent buildings.

With other food service competitors immediately adjacent to this building, it is imperative that we are successful in matching the portrayed quality offered by their signage on all sides. That aside, the structure of this building is such that signage will not be visible from all directions unless it is installed on all sides.



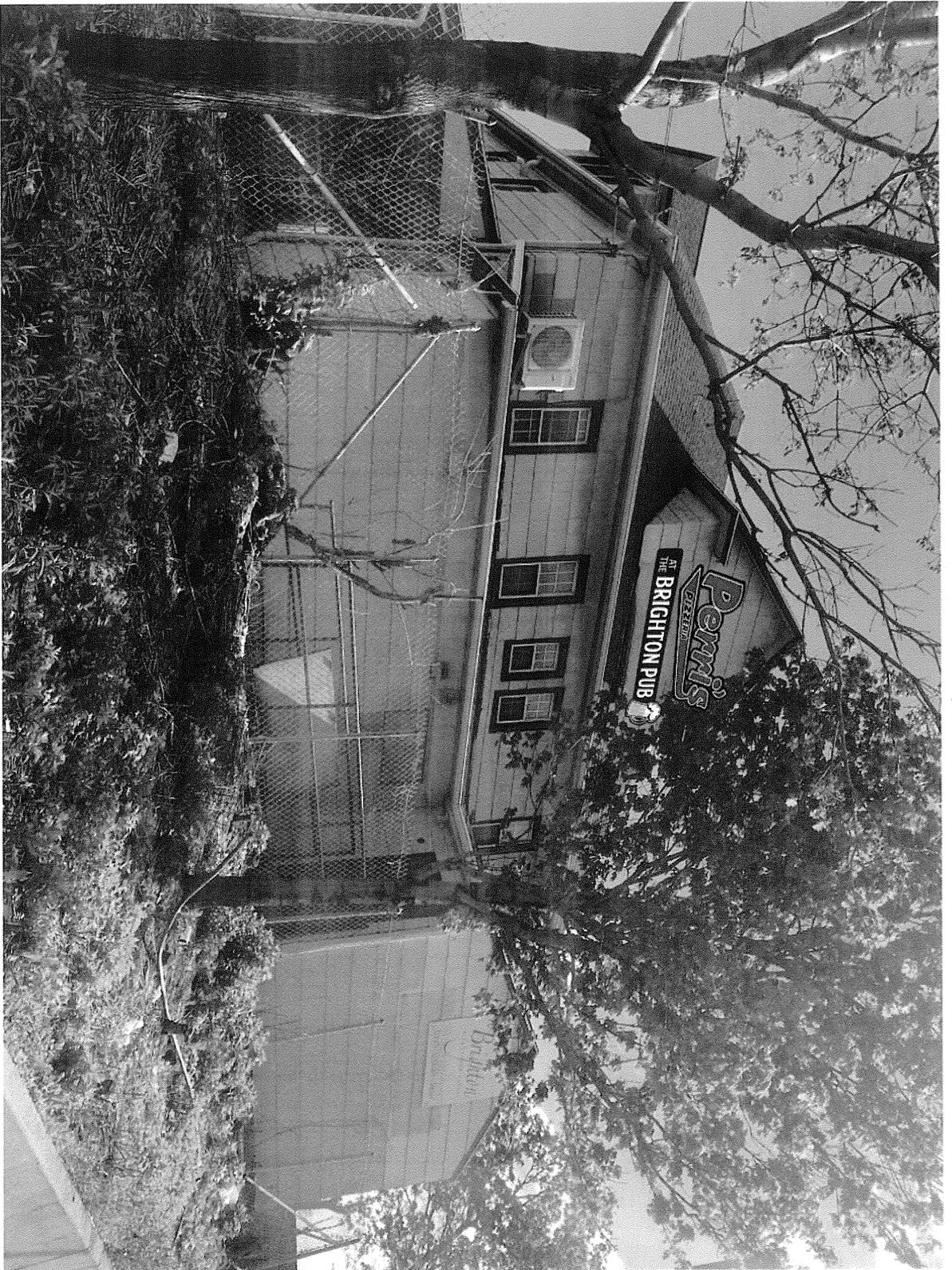
Crystal City Signs
55 Ice Rose Lane
Rochester, NY 14623
585-766-5659



FULL VIEW WEST SIDE (RIGHT) - FACING WINTON RD



FULL VIEW EAST SIDE (LEFT)



FULL VIEW SOUTH SIDE (REAR) - FACING 1-490



FULL VIEW NORTH SIDE (FRONT) - FACING EAST AVE



existing sign doesn't have a permit

INSTRUMENT SURVEY MAP
1881 TO 1887 EAST AVENUE
 BEING PART OF TOWN LOT No.20, TOWNSHIP 13,
 RANGE 7, 2ND DIVISION, CITY OF ROCHESTER,
 COUNTY OF MONROE, STATE OF NEW YORK

N.Y.S.R.L.S. No. 50619 DATE 3/27/08

CERTIFICATION:
 I, ANDREW M. HODGE, HEREBY CERTIFY TO:
 -EAST AVENUE BRIGHTON, LLC, ITS
 SUCCESSORS AND/OR ASSIGNS
 -MONROE TITLE INSURANCE CORPORATION
 -REDMOND & PARRINELLO, LLP
 -EVANS & FOX, LLP

THAT THIS MAP WAS MADE MARCH 24, 2008
 FROM NOTES OF AN INSTRUMENT SURVEY
 COMPLETED DEC. 26, 2007
 AND REFERENCES LISTED HEREOF.

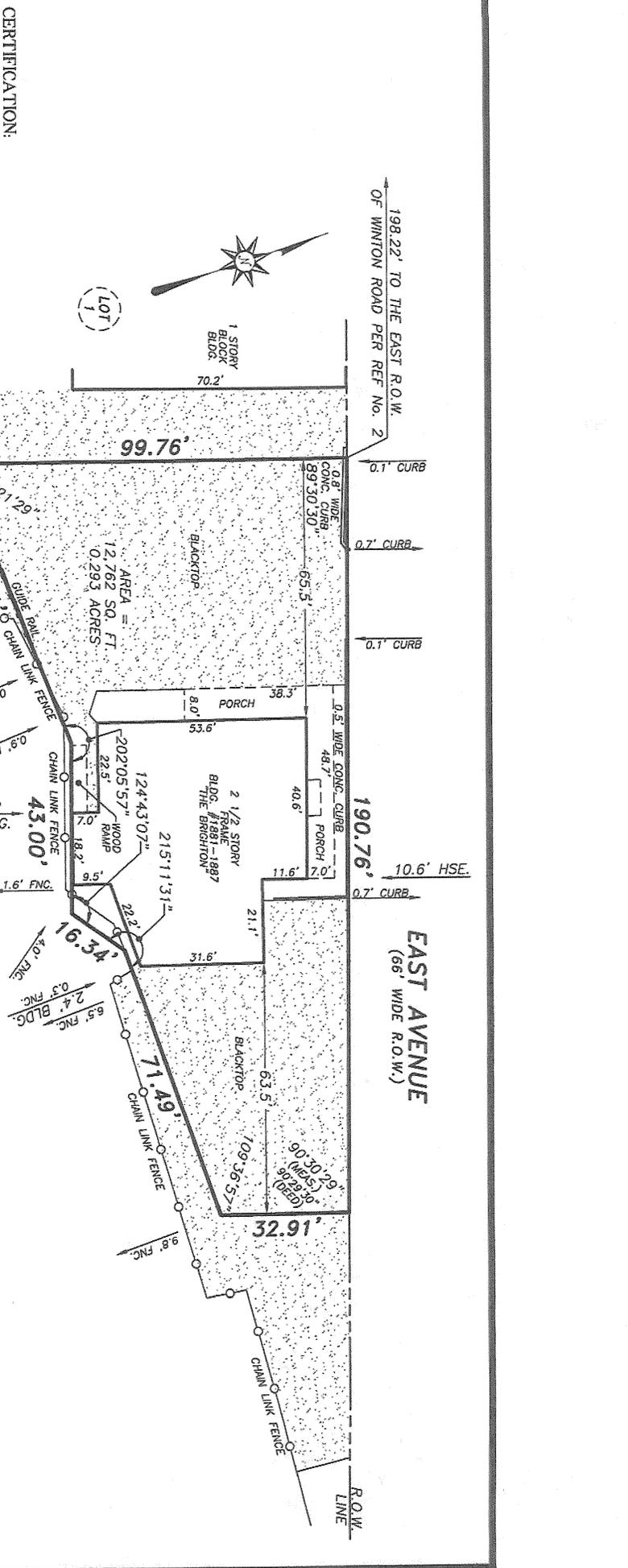
DATE 3/27/08

THAT THIS MAP WAS MADE MARCH 24, 2008
 FROM NOTES OF AN INSTRUMENT SURVEY
 COMPLETED DEC. 26, 2007
 AND REFERENCES LISTED HEREOF.

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.

BEFORE THIS UNNOTED AGENCY SURVEY 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 GOVERNING THE GOOD FIDELITY OF THE SURVEYOR TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
 CERTIFICATIONS ARE NOT BINDING ON ANY OTHER PARTY.

SCALE: 1" = 30'
 TAX ACCOUNT: 122.57-1-033
 JOB NO. 1686-07
 DATE: MARCH 24, 2008



REFERENCES:
 1.) LIBER 9556 OF DEEDS, PAGE 1.
 2.) ROCHESTER CITY SURVEY DISTRICT 32, MAP 7.
 3.) ABSTRACT OF TITLE No. 9602-07-A01360 (THE TALON GROUP)
 4.) LIBER 25 OF MAPS, PAGE 29.
 5.) NYSDOT APPROPRIATION PER LIBER 7160 OF DEEDS, PAGE 43.
 6.) EASEMENT TO R.T.C. & R.G.&E. PER LIBER 3281 OF DEEDS, PAGE 196.
 7.) NYSDOT APPROPRIATION PER LIBER 3217 OF DEEDS, PAGE 307.
 8.) NYSDOT APPROPRIATION PER LIBER 3214 OF DEEDS, PAGE 500.

TRICOUNTY LAND SURVEYORS, LLC
 16 EAST MAIN STREET, SUITE 320
 ROCHESTER, NEW YORK 14614
 Phone (585) 253-8990
 Fax (585) 253-3591

REVIEWED ABSTRACT OF TITLE
 DATE: 3/27/08
 REVISION:



**ZONING BOARD OF APPEALS
STAFF REPORT
June 16, 2016**

Area Variance

Case # 5:

Staff Reviewer: Jill Symonds

File Number: V-078-15-16

Applicant: Amanda Pontarella

Project Address: 529 Child Street

Zoning District: M-1 Industrial District

Section of Code: 120-177

Request: To install a 6' tall chainlink fence along the entire length of the Brayer Street lot line of an auto body and collision shop, not meeting certain landscaping requirements.

Background: The subject property is 1.37 acres in size and contains an auto body and collision repair shop. The majority of the parcel is vacant land. The parcel is located on the corner of Child Street and Brayer Street, and thus has two front yards.

The proposal is to install a 6' tall chainlink fence along the Brayer Street lot line (approximately 620 linear feet).

Code Compliance: Section 120-167 permits a 6' tall chainlink fence in the front yard in conjunction with a ten-foot perimeter landscaped setback. **As there is no landscaped setback proposed, an area variance is required.**

Code Enforcement: This property is in code enforcement.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 529 CHILD ST ROCHESTER NY 14606

2. APPLICANT: AMANDA PONTARELLA COMPANY NAME: CHILD ST. PROPERTIES LLC

ADDRESS: 526 CHILD ST CITY: ROCHESTER ZIP CODE: 14606

PHONE: 585-235-4456 FAX: 585-235-4593

E-MAIL ADDRESS APONTARELLA@TURNERBELLOWS.COM

INTEREST IN PROPERTY: Owner Lessee _____ Other _____

3. PLAN PREPARER: TONY ALBERT - LOWE'S HOME IMPROVEMENT

ADDRESS: 900 FIVE MILE LINE RD CITY: WEBSTER ZIP CODE: 14580

PHONE: 585-645-8765 FAX: 585-787-7909

4. ATTORNEY: _____

ADDRESS: _____ CITY: _____ ZIP CODE: _____

PHONE: _____ FAX: _____

E-MAIL ADDRESS _____

5. ZONING DISTRICT: M-1

BUILDING BUREAU
ROOM 121
11:16AM Jun 1/16
01-0002 001 BUD
#26617

Zoning \$250.00
INFO 529 CHILD

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

REPLACE EXISTING 6 FT DILAPITATED MIXED STOCKADE + CHAIN LINK FENCE WITH
NEW 6 FT CHAIN LINK ALONG ONE SIDE OF THE PROPERTY AT 529 CHILD ST.
(THE SIDE FACING BRAYER ST)

CHECK \$250.00

PHOTOS + DETAILS ATTACHED

7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:) 5-7 Days of Work

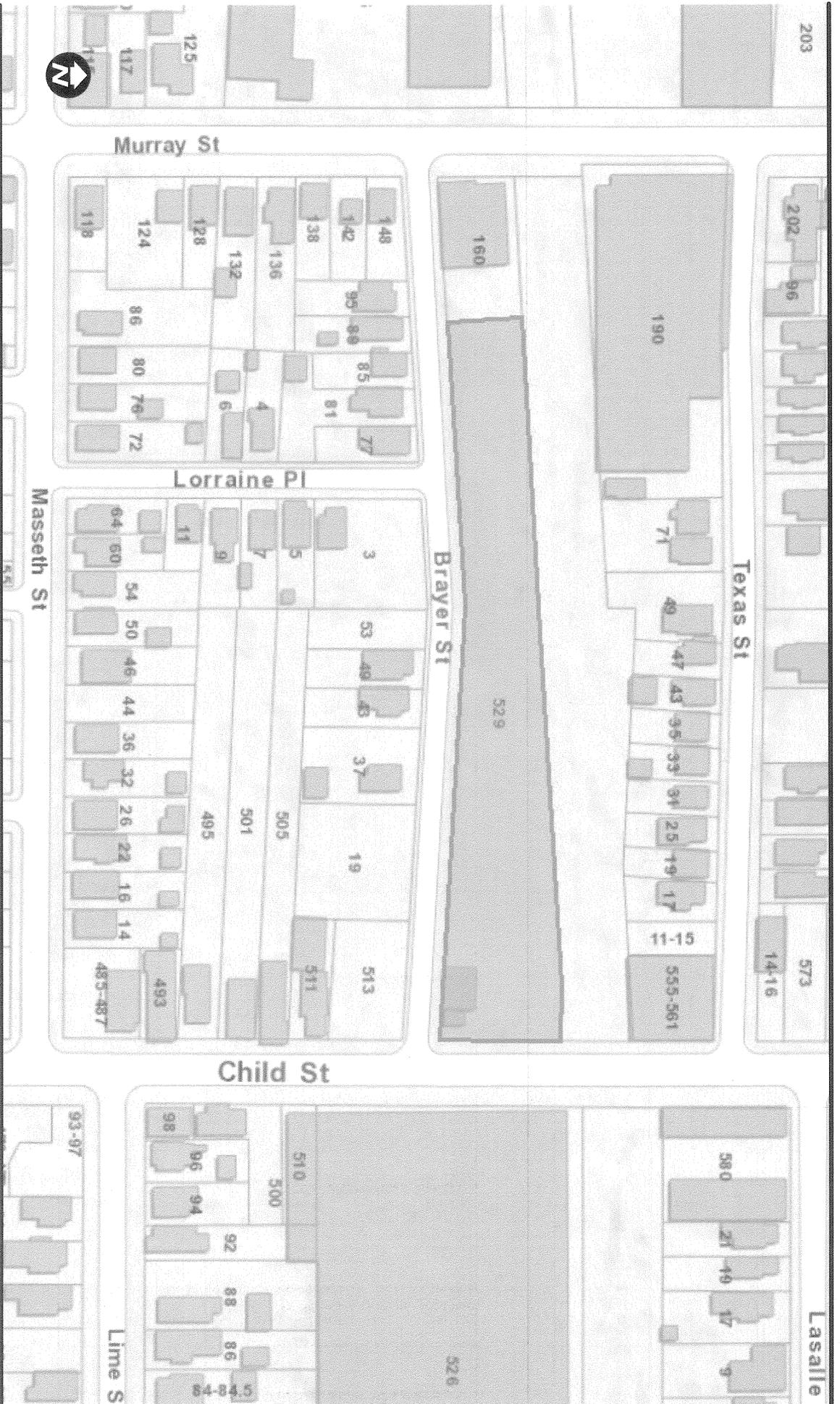
APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE: Stacy A. Williams DATE: 5/11/16

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: Amanda Pontarella DATE: 5/11/16

529 CHILD ST



June 3, 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

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

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 replacement of the current fencing will improve the appearance of the area, as well as provide better security and safety for the cars and auto repair business that is on the premises.

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.

No undesirable change will occur to the neighborhood by replacement of the current fencing, but instead it will improve the appearance due to the dilapidated state of the current fence.

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

This is the only option available to update the look and effectiveness of the area due to the current building's location on the property line. The higher fence is needed for security reasons as the auto repair shop has been vandalized often and also to protect anyone from entering and possibly getting hurt on the property which is zoned as M-1 Manufacturing. The cost to dig up the parking lot (which was just re-paved in June 2015 at a cost of close to \$70,000) in order to move the fence 10' in from the street and then landscape the 6,800 sq. ft. area would create a financial burden.

D. Significance. The requested variance is not substantial.

This is not a substantial change. We hope to improve the look and safety of the neighborhood with this improvement, which is important for keeping a well-maintained property.

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.

There will be no adverse effect on the neighborhood. On the contrary, this request will provide a positive effect on the look and feel of the area. This fence will only replace one side of the property which is currently a broken wooden barricade fence. The other three sides are currently six foot chain link fencing and this will only complete the fencing around the property.

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.

This was not self-created, this was caused partially by people breaking the current wood barricade fence in order to dump garbage and old tires and also due to normal wear and tear from time and weather conditions.

6' CHAINLINK FENCE WITH SLIDING GATE



NO PARKING
IN FRONT OF
FACTORY
RE-ENTRY
PARKING



529



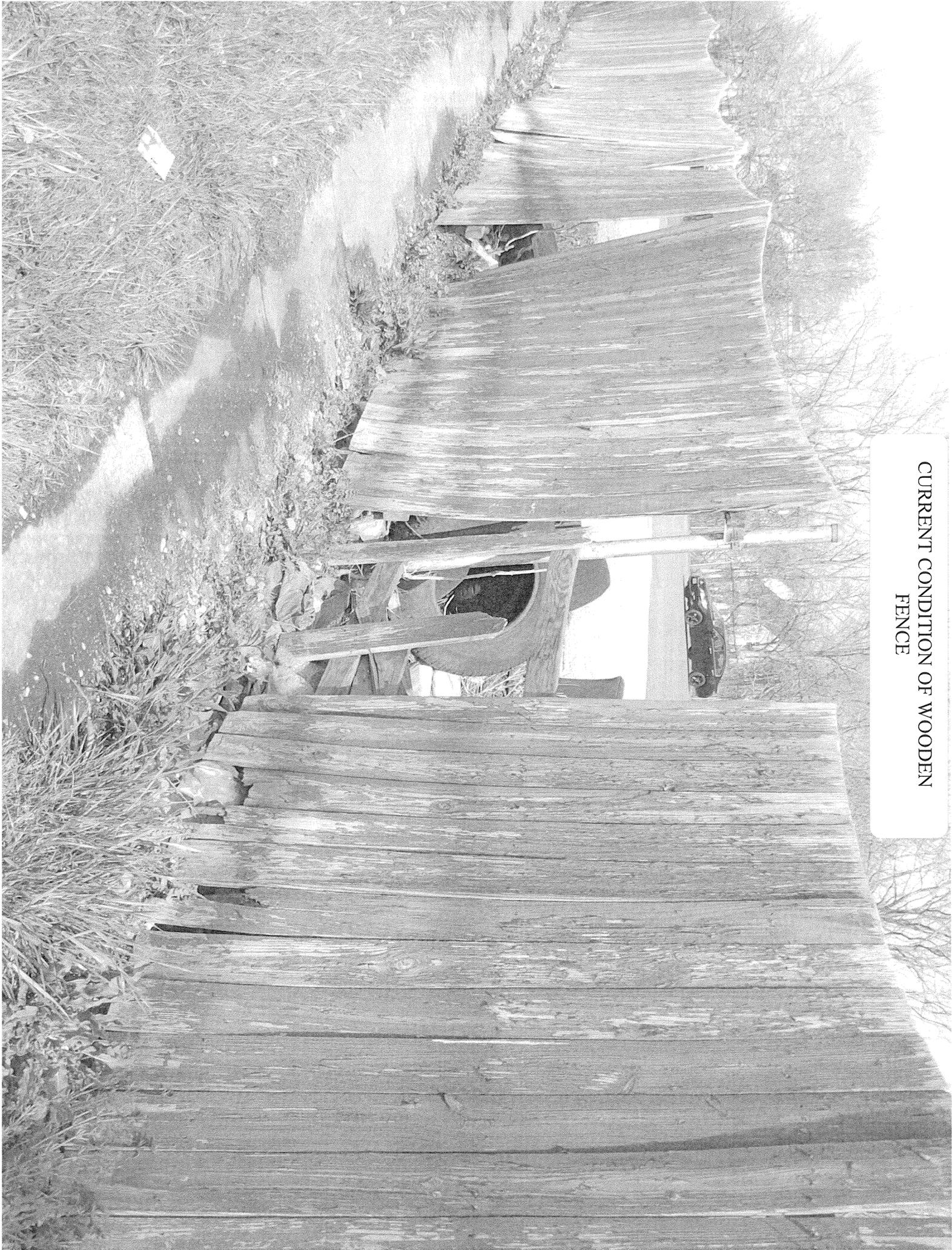
NORTH AND WEST SIDES ARE
SURROUNDED BY 6' CHAINLINK FENCE





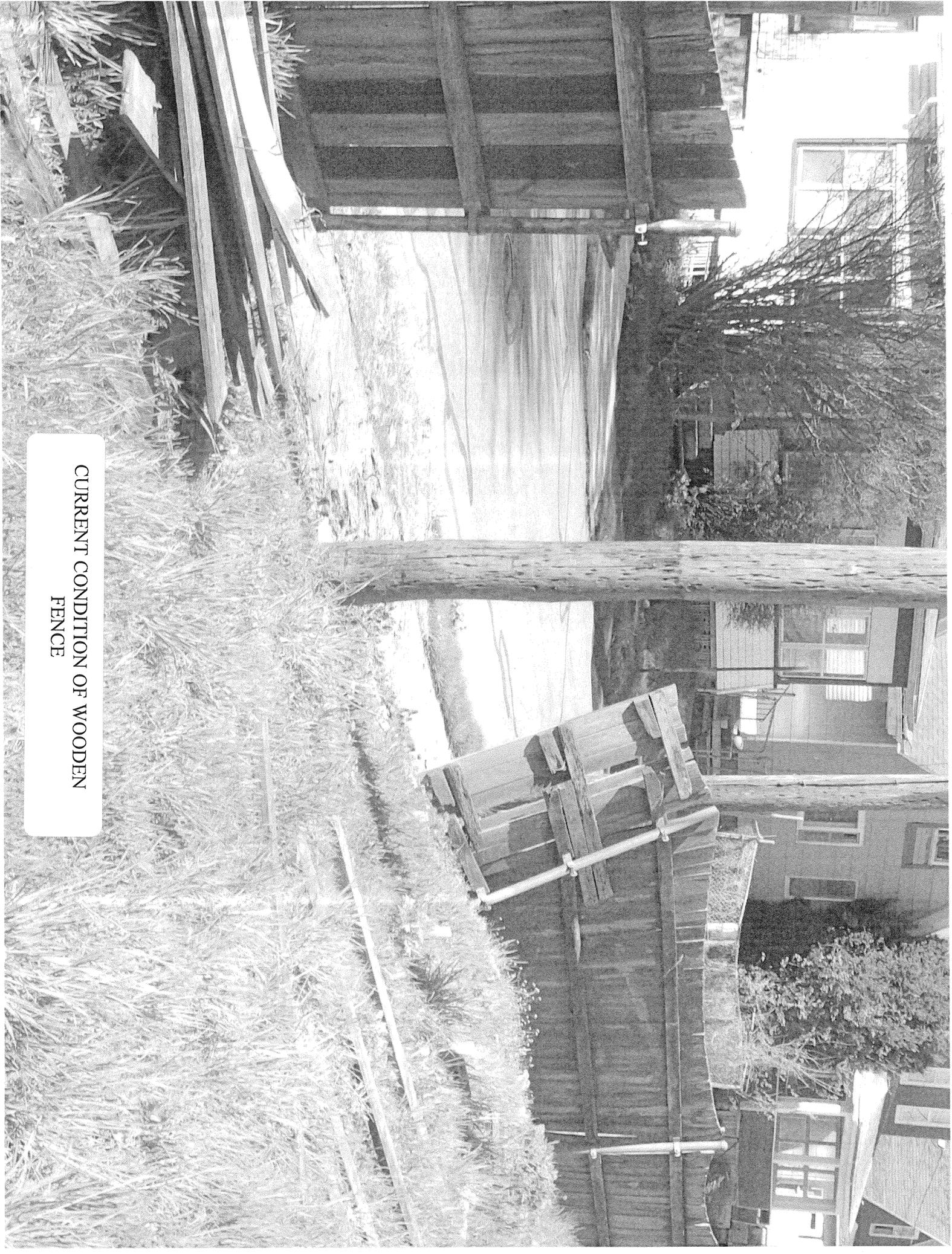
CURRENT CONDITION OF WOODEN
FENCE

CURRENT CONDITION OF WOODEN
FENCE



CURRENT CONDITION OF WOODEN
FENCE TOGETHER WITH TRASH
THROWN THRU AND OVER FENCE

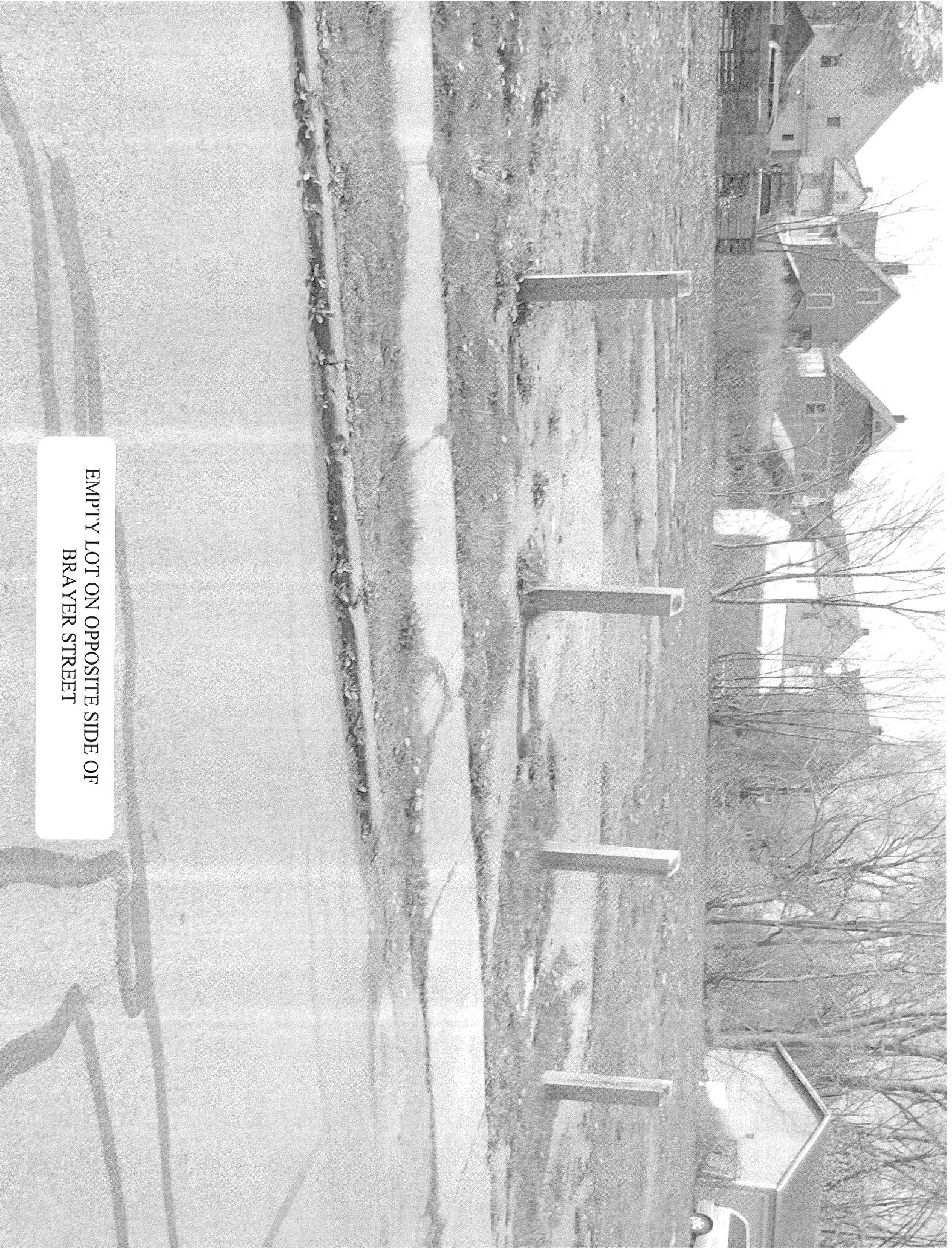




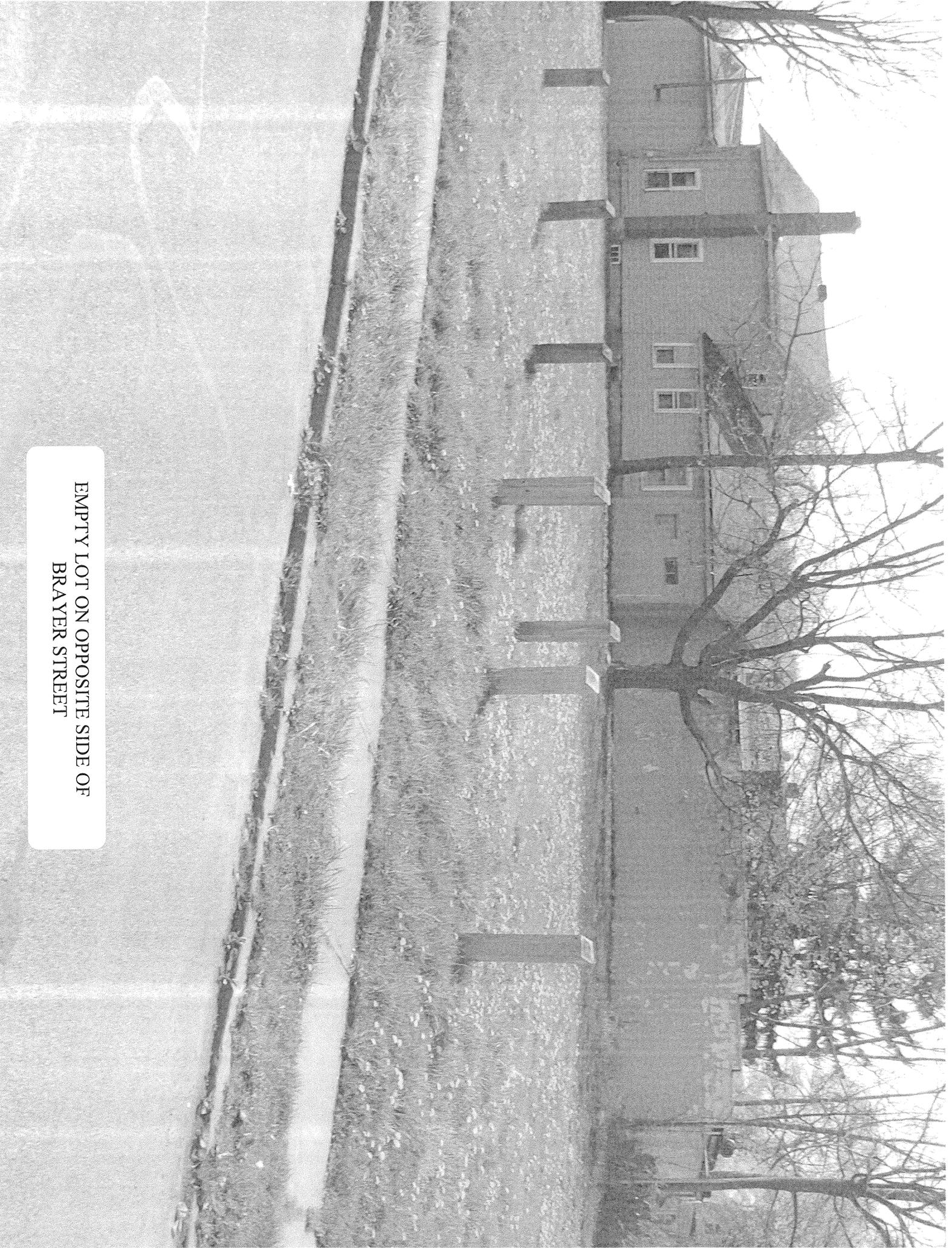
CURRENT CONDITION OF WOODEN
FENCE



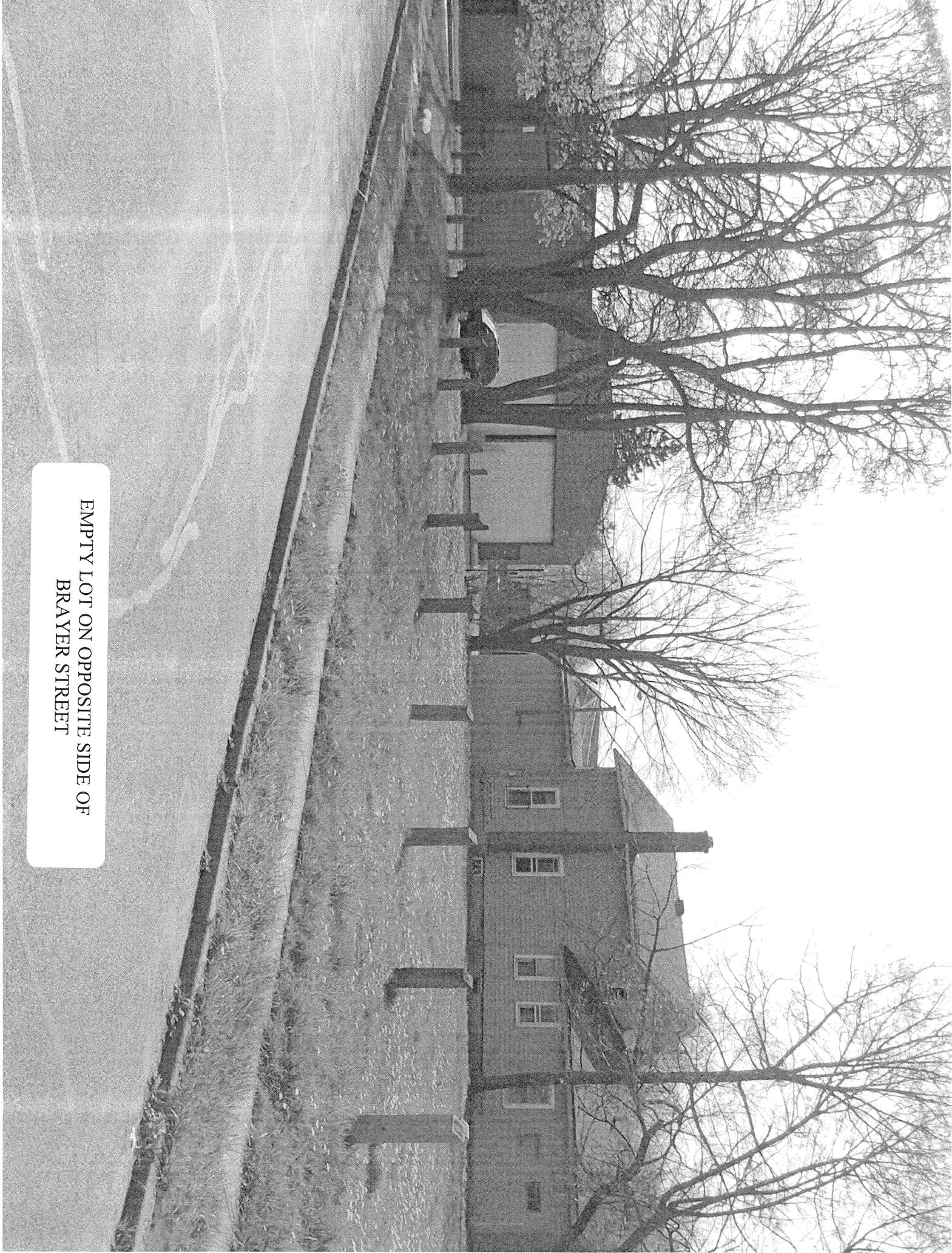




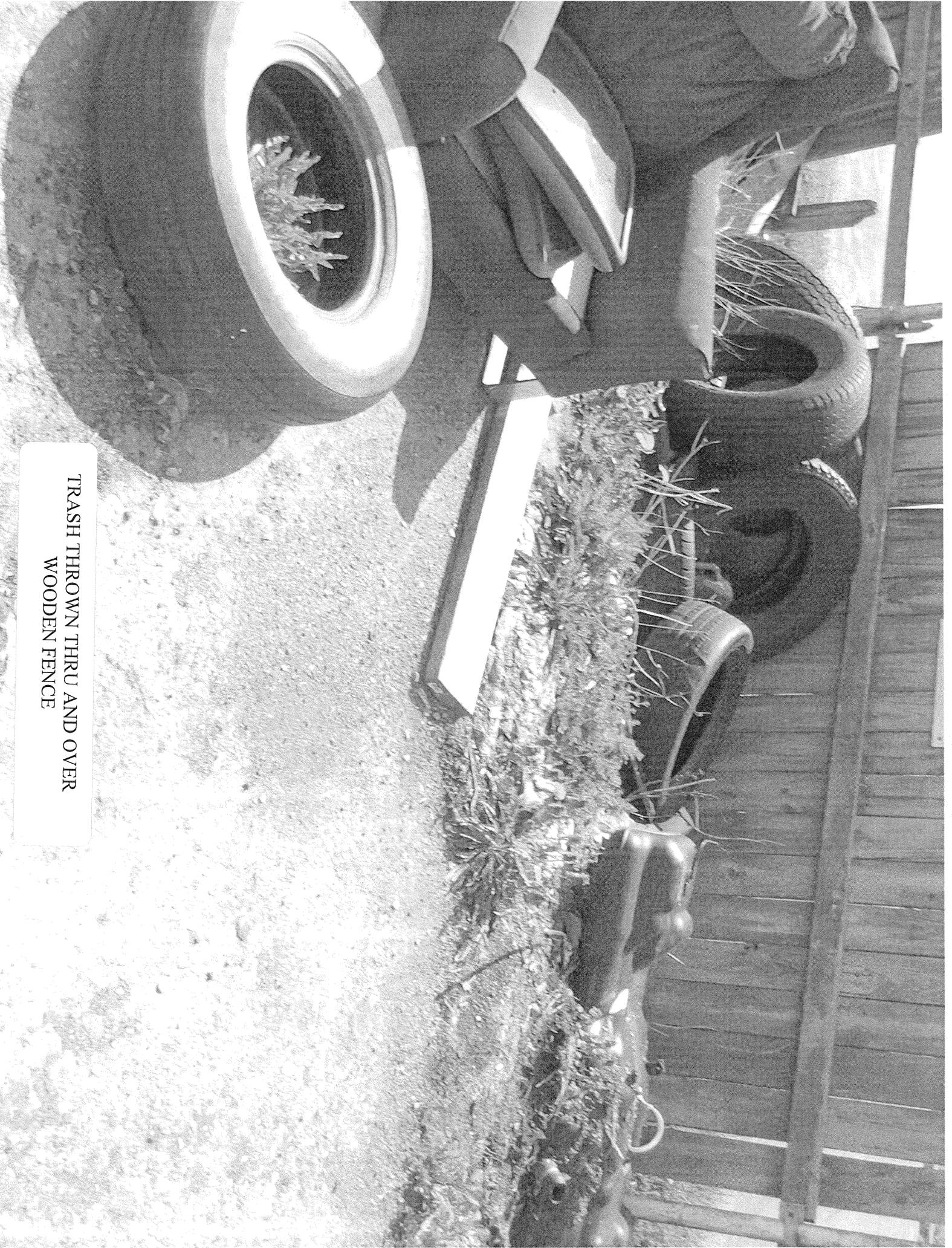
EMPTY LOT ON OPPOSITE SIDE OF
BRAYER STREET



EMPTY LOT ON OPPOSITE SIDE OF
BRAYER STREET



EMPTY LOT ON OPPOSITE SIDE OF
BRAYER STREET



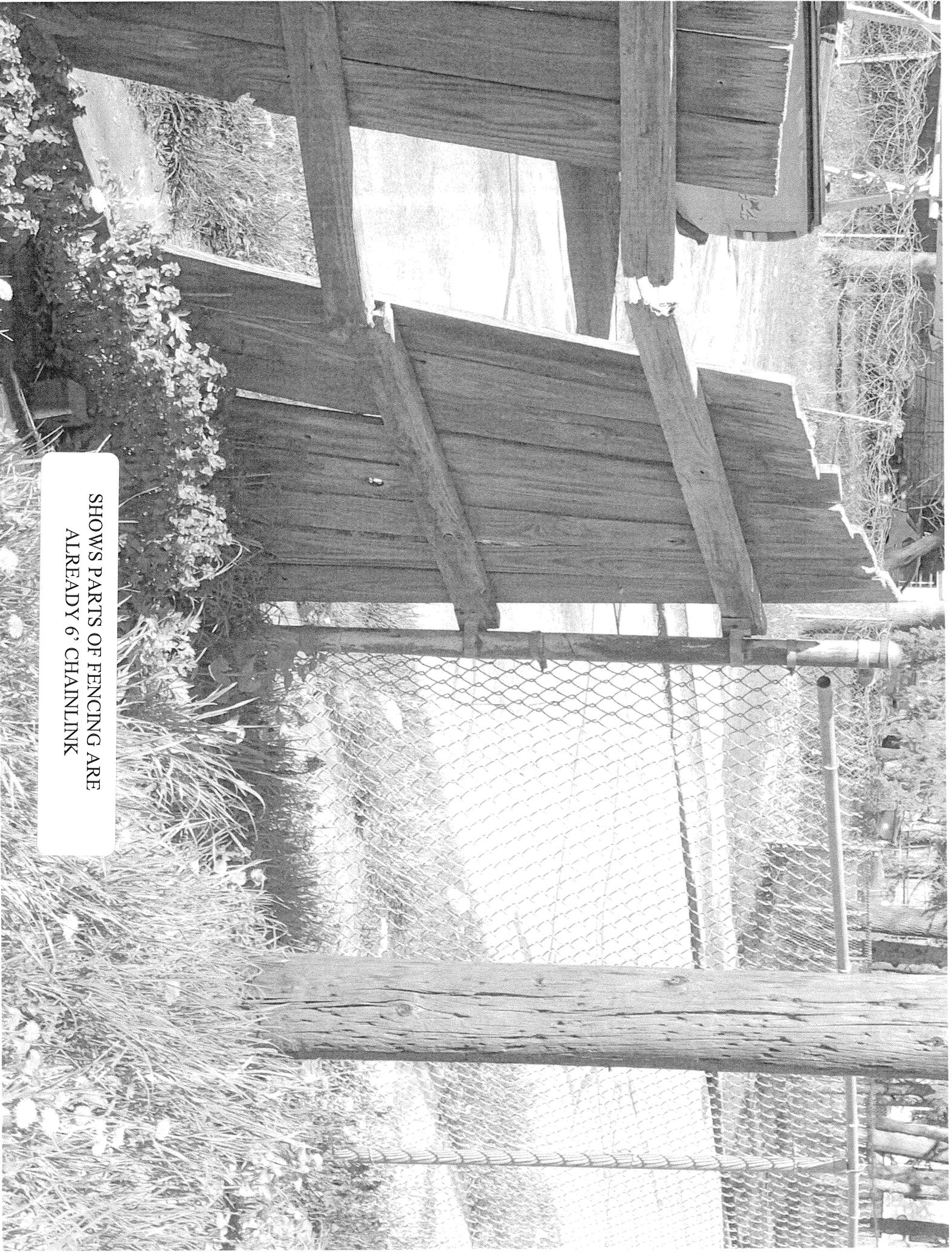
TRASH THROWN THRU AND OVER
WOODEN FENCE



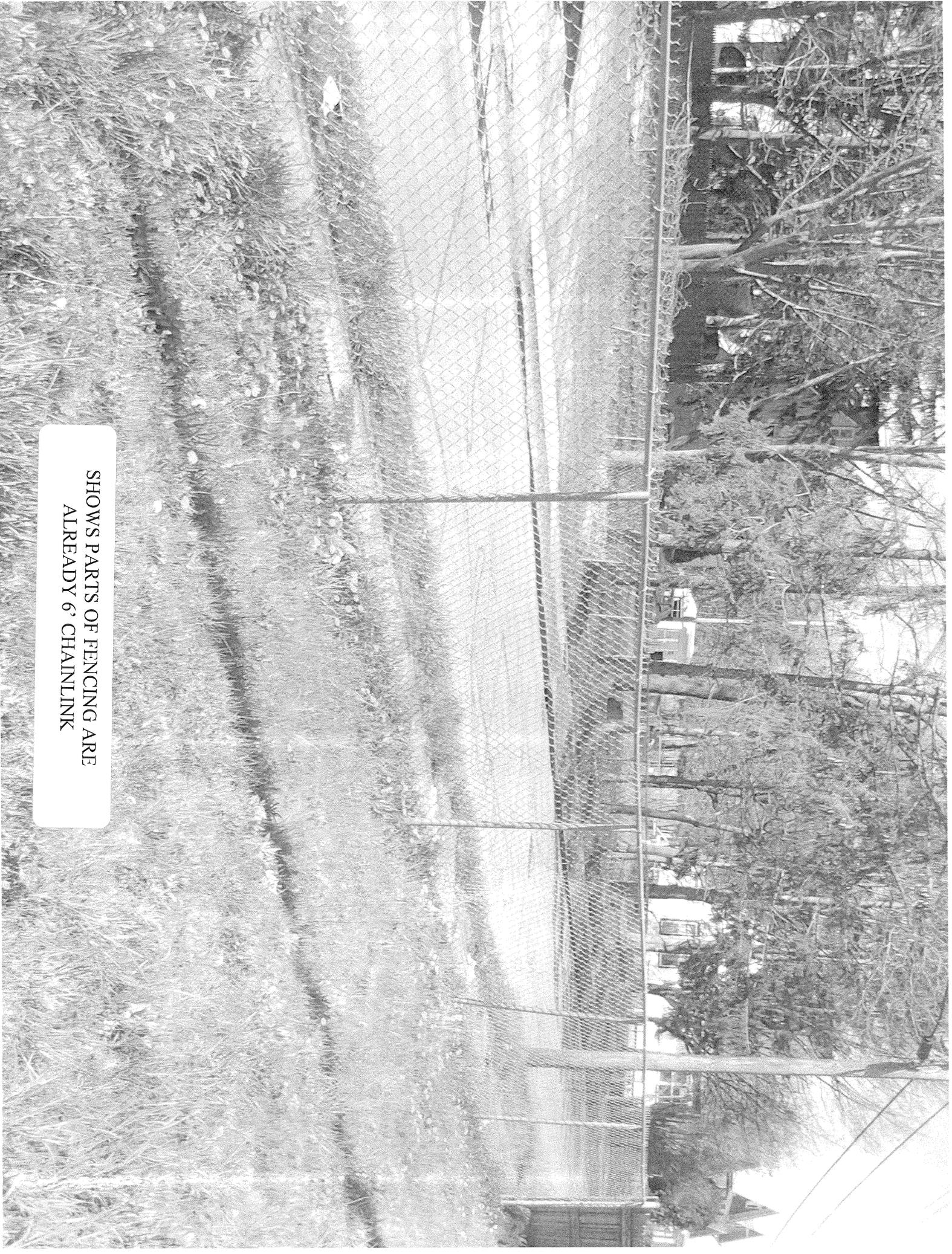
SUPPORT POSTS SUPPORTING FENCE



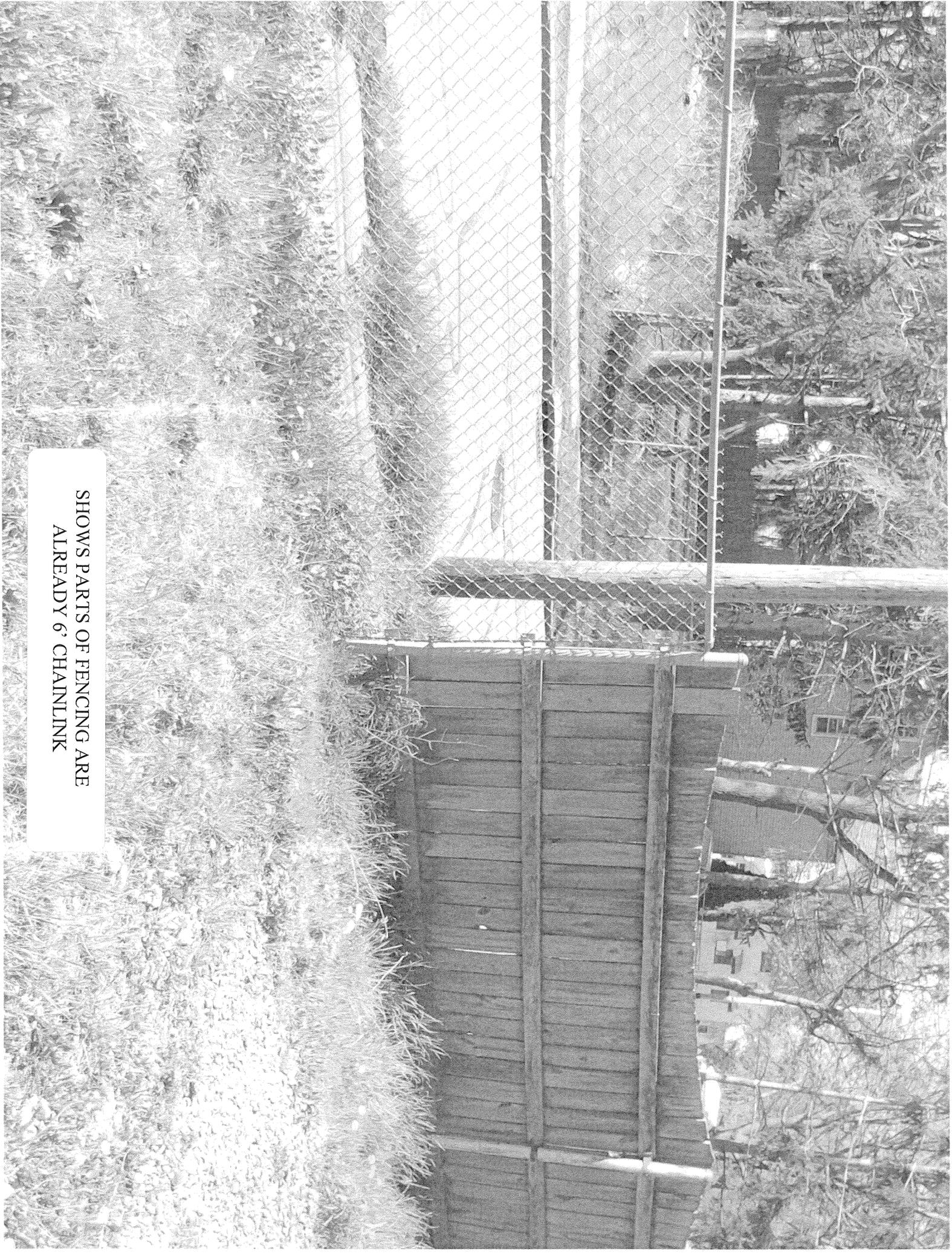




SHOWS PARTS OF FENCING ARE
ALREADY 6' CHAINLINK



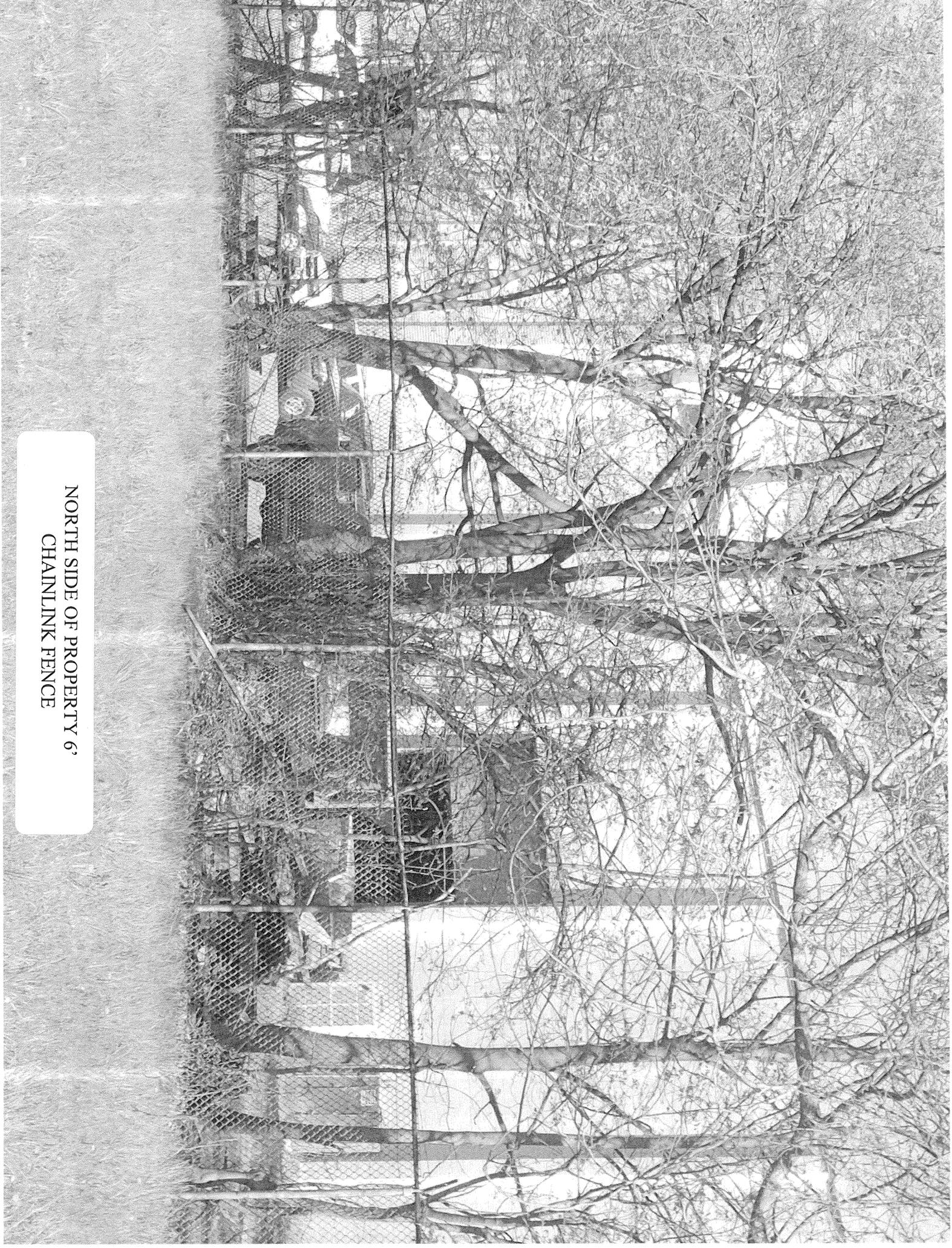
SHOWS PARTS OF FENCING ARE
ALREADY 6' CHAINLINK



SHOWS PARTS OF FENCING ARE
ALREADY 6' CHAINLINK

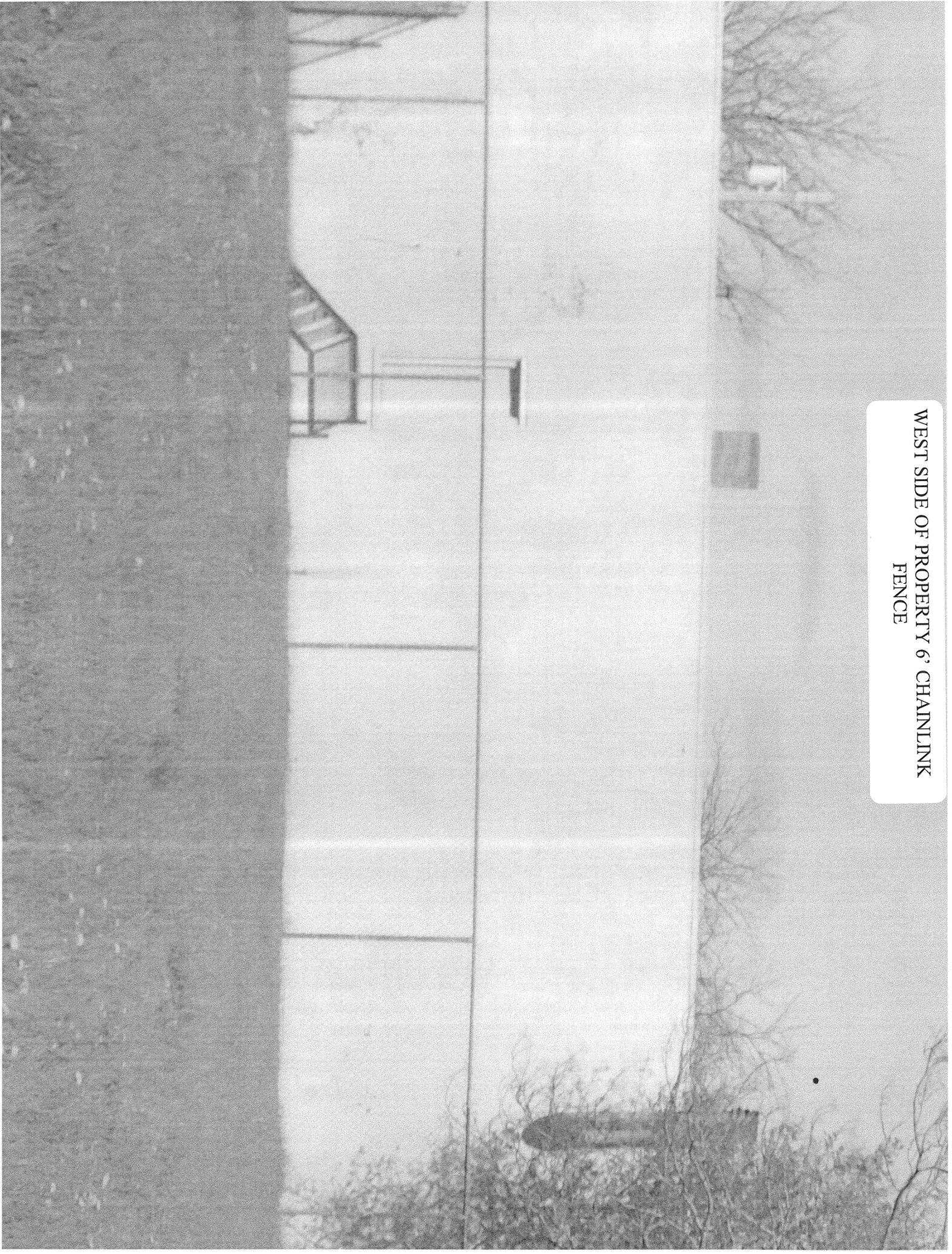


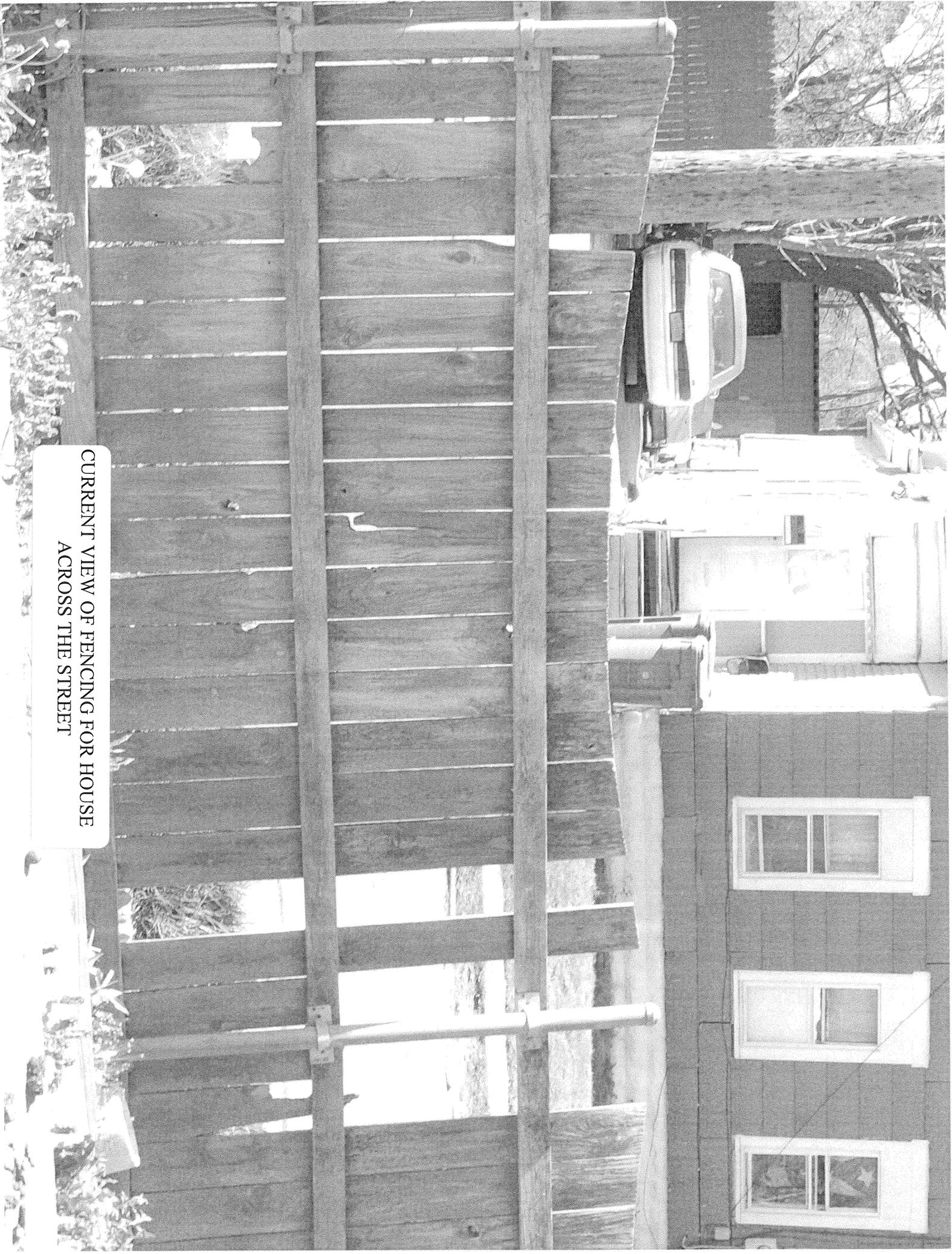
SHOWS PARTS OF FENCING ARE
ALREADY 6' CHAINLINK



NORTH SIDE OF PROPERTY 6,
CHAINLINK FENCE

WEST SIDE OF PROPERTY 6' CHAINLINK
FENCE





CURRENT VIEW OF FENCING FOR HOUSE
ACROSS THE STREET



Ruston Paving Company, Inc.

6228 Collett Road • Farmington, NY 14425 Tel: (585) 742-3080 Fax: (585) 742-3634

INVOICE
www.rustonpaving.com

To: Turner Bellows Inc
526 Child St
Rochester, NY 14606

Contract: 21-15063
Project: Turner Bellows
JB App #1

Invoice #: 24445
Invoice Date: 06/02/15
Invoice Amt: 67,929.00

Schedule of Work

Item	Description of Work	Quantity	Unit	Unit \$	Item \$	Work Completed			Balance to Finish	
						Previous Invoices	Amount This Invoice	Total Completed		% Complete
1	Parking lot reclamation		LS		67,929.00	0.00	67,929.00	67,929.00	100.00%	0.00
Totals:					\$67,929.00	\$0.00	\$67,929.00	\$67,929.00	100.00%	\$0.00

*Pol 6/11/15
Order #*

All purchases of services are payable in full upon receipt of this invoice. Any account which remains in default, in whole or in part, for a period of 30 days from the first day of billing is subject to a Finance Charge to be computed from the first day of billing at a periodic rate of 1.5% per month.

Contract Summary
Original Contract Amount: \$67,929.00
Approved Change Orders: \$0.00
Revised Contract Amount: \$67,929.00

Invoice Summary:
Work Completed To Date: \$67,929.00
Less Previous Invoices: \$0.00
Completed This Invoice: \$67,929.00

Total Due This Invoice: \$67,929.00

Thank You!



Ruston Paving Company, Inc.

6228 Collett Road • Farmington, NY 14425

Tel: (585) 742-3080
Fax: (585) 742-3634
www.rustonpaving.com

PROPOSAL AND CONTRACT

To: Turner Bellows, Inc.	Contact: Sarah Barrows
Address: 526 Child Street Rochester, NY 14606	Phone: (585) 235-4456 Fax: (585) 235-4593
Project Name: Turner Bellows	Bid Number:
Project Location: Rochester, NY	Bid Date: 5/1/2015

Item Description	Estimated Quantity	Unit	Unit Price	Total Price
OPTION #1 - HEAVY DUTY BINDER & TOP COURSE OVERLAY Mill keyed-in transitions as required, apply tack coat, shim with 2" structural binder course, overlay with 1" - 1.5" Type 7 top, install new line striping.	19,300.00	SF	\$2.06	\$39,758.00
OPTION #2 - FULL DEPTH RECLAMATION WITH PORTLAND CEMENT Pulverize & thoroughly mix existing pavement & stone base in place. Apply 50 - 60 lbs/SY portland cement, blend to a depth of 12", add water, fine grade & compact. Install 2.5" Type 3 binder, 1.5" Type 7 top. Install new line striping.	19,300.00	SF	\$3.53	\$68,129.00

NO STRIPING

Notes:

- Based on the May 2015 NYSDOT asphalt index of \$569.00 per liquid ton and subject to adjustment at time of placement.
- Layout, traffic control, permits, testing and inspection not included unless specifically noted above.
- Grades of 1.5% slope or less are not guaranteed to drain efficiently.
- The Company shall not be held liable for consequences resulting from damage to underground utilities or objects that are not adequately located by the property owner and/or the governing local underground locating service.

Payment Terms:

Net 30 days from date of invoice subject to credit approval. Interim payments are due monthly. Unpaid balances are subject to finance charges of 1.5% per month.

<p>ACCEPTED: <i>OPTION #2</i></p> <p>The above prices, specifications and conditions are satisfactory and are hereby accepted.</p> <p>Buyer: <i>AMANDA PASTARELLA</i></p> <p>Signature: <i>[Signature]</i></p> <p>Date of Acceptance: <i>5/20/15</i></p>	<p>CONFIRMED:</p> <p>Ruston Paving Co., Inc. - Rochester Division</p> <p>Authorized Signature: _____</p> <p>Estimator: Jeff Pawlicki 585-869-6912 jeff.pawlicki@rustonpaving.com</p>
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INSTALLATION PROPOSAL - FENCING

Store # 1581

Date: 8/13/15

Salesperson: Tony Albert

Salesperson License # 1658604

Customer Name: Amanda Pontarella

Customer email:

Job Site Address: 526 Child St.

City: Rochester State/Zip: NY 14606

Home Phone: (585) 235-4456

Work / Cell Phone:

Check All That Apply

1

Preparation

- Pre-Installation Inspection
- Protect house, shrubs and yard with appropriate protection where needed
- Measure fence post locations
- Layout fencing & location of gate(s)

2

Installation

- Install new fence to grade of land
- Set post in concrete Terminals
- Install gate(s)

3

Fencing Installation

Install 575 LF of fencing

TYPE: 6' Chain Link

STYLE: Commercial w/ Barb Wire

Slope of Ground

A. FENCE TO FOLLOW SLOPE OF GROUND, TOP RAIL TO BE STRAIGHT (CUSTOMER MAY FILL IN LOW SPOTS LATER)



Contour of Ground

B. FENCE TO FOLLOW CONTOUR OF GROUND (BOTTOM OF FENCE TO BE IN CONTACT WITH GROUND)



Level with highest Grade

C. FENCE TO BE LEVEL WITH HIGHEST GRADE (CUSTOMER MAY FILL IN LOW SPOTS LATER)



Finished Fence will face in (rails on outside)

Finished Fence will face out (rails on inside) - See sell sheet for example

4

Additional Services

- Removal & haul away of existing fence
- Fence line clearing (brush/debris)
- Punch through on concrete or asphalt base
- Wire mesh
- Tension wire
- Additional work
- Obtain and post permits (in accordance with local laws)

5

Clean-up / Final Inspection

- Clean-up once the job is completed
- Haul away all job related debris
- Test gates to ensure proper operation
- Ensure your complete satisfaction with all aspects of the job

The Lowe's Difference:

Professional & Screened Installers / Dedicated Lowe's Sales Team / Satisfaction Guaranteed / 1-Year Labor Warranty



TOTAL INVESTMENT

\$ 14,256.00

\$ 15,984.00 w/ Barb

NOTES: Remove existing wood and chain link fencing and dispose. Install 575 LF of 6' high galvanized chain link fencing with or without barb wire. Terminal posts set in concrete. All line posts driven 3' into ground. All labor, materials, delivery and dump fees are included.

Licenses issued to or on behalf of Lowe's Home Centers, Inc.: AL-#10185(HB), Mobile #080129, Tuscaloosa #103298, AR-#0037290510, CT-#HIC0558162, DE-#1993102010, FL-#CCC1326824, #GC1508417, #CRC1327732, #QB0017683, IL-#058-092578, #104014837, KY-Lexington#11562, IN-Griffith #C000725, LA-#LMP 4649(MSTR), CBC#16533, MD-MHIC #91680, MA-#148688, MI-Lowe's Home Centers, Inc., 6122 B Drive North, Battle Creek, MI 49014, #2102144445, MN-#20629859, MS-#R03152, NE-#23319, NM-#84381, NY-Staten Island #1291730, Brooklyn #1291733, Nassau #H1777890000, Suffolk #43906-H, Buffalo #538744, Putnam # PC2742-A, Tonawanda #CNO391, ND-#30316, OH-Columbus #G5672, Lancaster #500596, Warren #4266, Whitehall #2599, PA-Sunbury #751, Johnstown #0467, RI-#20575, SC-#21547, TN-#00003070, TX-#48110, VA-#2701036596A, WV-#WV014656, Bridgeport #30067, Charleston #1043, Morgantown #2010 470, Ranson #556, WI-#996016. Licenses issued to or on behalf of Lowe's HIW, Inc.: AK-#28341, AZ-#ROC195516, CA-#803295, HI-#23784(C53), #23786(C53), NV-#C14-0059292, #C16-0059290, #C4-0059296, #C8-0059295, #C25-0059294, #C3-0059293, #C15-0059291, OR-#144017 WA-#LOWESH1982BN.

IMPORTANT: You will be required to locate property lines, underground irrigation, gas, cable, utility and other underground lines before installation can commence. If additional charges apply, you will be given a quote before proceeding with installation. This is an estimate only. This estimate is subject to change and does not bind you or Lowe's. This estimate is not a contract nor will it modify any future contract you may sign with Lowe's for the installation services. You may accept this proposal only by signing the appropriate Exterior Solutions Installed Sales Contract with Lowe's and making payment according to the terms and conditions therein. (Estimate good for 30 days)

City of Rochester
Department of Neighborhood
and Business Development



CASE NO. 598925

PREMISES: 0529 CHILD ST

TYPE OF INSPECTION: SURVEY

DATE PRINTED: APR 29, 2016

CITY HALL
CHURCH AND FITZHUGH STREETS
ROCHESTER, NEW YORK 14614

TO CHILD STREET PROPERTIES LLC
526 CHILD ST
ROCHESTER, NY

14606

NOTICE AND ORDER

PLEASE TAKE NOTICE that an inspection of the above property which you own, operate or occupy has revealed that the property is in violation of the codes, laws and ordinances of the City of Rochester and the State of New York.

The following pages list the outstanding violations that were either found to be in violation during the inspection conducted on the date referenced below or were violations previously identified that have not been abated, the date the specific violation was first identified, the section of law violated and the time frame for each violation to be corrected.

For new violations cited for the first time in this Notice and Order, after the expiration of the time given to comply, if compliance is not achieved or an acceptable work plan has not been submitted and approved, the Director may take whatever legal action is necessary to compel compliance with this order. Previously cited violations that remain unabated where the original grace period to abate the violation has expired, are subject to ticketing. If you have any questions please contact the Inspector listed below between 8:00 a.m. and 5:00 p.m., Monday thru Friday. Any repairs must conform with standard building construction practices and must be performed using like materials and colors.

Note: Please check the following pages to determine whether you are required to secure any permits prior to start of any work.

DATE OF INSPECTION: APR 28, 2016

INSPECTOR: Christopher Frank
(585) 428-7072

In accordance with section 52-5A(2) of the Municipal Code of the City of Rochester, whenever a notice and order has been issued you may request a meeting with the Director or his/her designee prior to the expiration period for compliance. As per section 52-5A(3), whenever a vacate order has been issued, the owner and/or tenant may request a hearing before the Commissioner or his/her designee. The hearing shall be held within three business days of receiving written demand for it. The rules of evidence prevailing in courts of record shall not be controlling in the hearings held pursuant to this chapter.

BY ORDER OF THE COMMISSIONER



DATE PRINTED: APR 29, 2016

PREMISES: 0529 CHILD ST

The following violation(s) must be corrected or a letter of explanation and itemized schedule of anticipated completion date(s) submitted to the inspector within sixty (60) days following the date of issue of this Notice and Order. A formal extension may be granted if the schedule is acceptable.

APT#	LOCATION	UNITS	VIOLATION	CODE
*****	DATE VIOL(S)	ISSUED:	APR 29, 2016	
1.			Fence is deteriorated. SECTION COLLAPSED ALONG BRAYER ST BLOCKING SIDEWALK.	*304.2

THE SYMBOLS LISTED IN THIS LETTER IN THE COLUMN ENTITLED "CODE" REFER TO THE FOLLOWING CODE(S) OF NEW YORK STATE:

*=THE PROPERTY MAINTENANCE CODE 19NYCRR(1226)



**ZONING BOARD OF APPEALS
STAFF REPORT
June 16, 2016**

Area Variance

Case # 6:

Staff Reviewer: Jill Symonds

File Number: V-079-15-16

Applicant: Raymond Czwerwinski

Project Address: 84 Boardman Street

Zoning District: R-2 Medium-Density Residential District

Section of Code: 120-20

Request: To install a 20' x 12' attached deck in the rear yard of a single family dwelling, thereby exceeding the lot coverage limitations.

Background: The applicant would like to install a 20' x 12' (240 square foot) attached deck in the rear yard of this single family dwelling.

Code Compliance: In accordance with section 120-20, lot coverage in the R-2 zone is limited to 50%. This proposal increases the lot coverage from 60% to 65% (**variance required**).

Code Enforcement: This property is not in code enforcement.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 84 Boardman St

2. APPLICANT: Raymond Czerwinski COMPANY NAME: N/A

ADDRESS: 84 Boardman St CITY: Rochester ZIP CODE: 14607

PHONE: (315) 391-8996 FAX: N/A

E-MAIL ADDRESS Raymond.Czerwinski@gmail.com

INTEREST IN PROPERTY: Owner Lessee _____ Other _____

3. PLAN PREPARER: Raymond Czerwinski

ADDRESS: 84 Boardman St CITY: Rochester ZIP CODE: ~~14607~~

PHONE: (315) 391-8996 FAX: N/A BUILDING BUREAU ROOM 121

4. ATTORNEY: N/A

ADDRESS: _____ CITY: _____ ZIP CODE: _____

PHONE: _____ FAX: _____

E-MAIL ADDRESS _____

11:17AM Jun 1/16
01-0002 001 BUD
#26618
Zonings \$250.00
INFO 04 BOARDMAN
CHECK \$250.00

5. ZONING DISTRICT: _____

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

20' x 12' Detached Deck in the back yard
21" off the ground.

7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased): 2 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: [Signature] DATE: 1 May 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: _____

84 BOARDMAN ST



June 3, 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 deck will allow me to enjoy the use of my back yard. The proposed deck will only be 21" off the ground so its use will be screened by an existing fence in the back and a new fence on the north side. There will be no detriment to health, safety or welfare of 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.

No change to the character of the area. The deck will only be visible from the neighboring house directly south.

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

The deck cannot be built without a permit which requires this variance.

D. Significance. The requested variance is not substantial.

The proposed deck is only 12' x 20' at 21" off the ground, entirely in the back of the property. It would be detached from the house and only visible ~~to~~ to the immediate neighbors.

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.

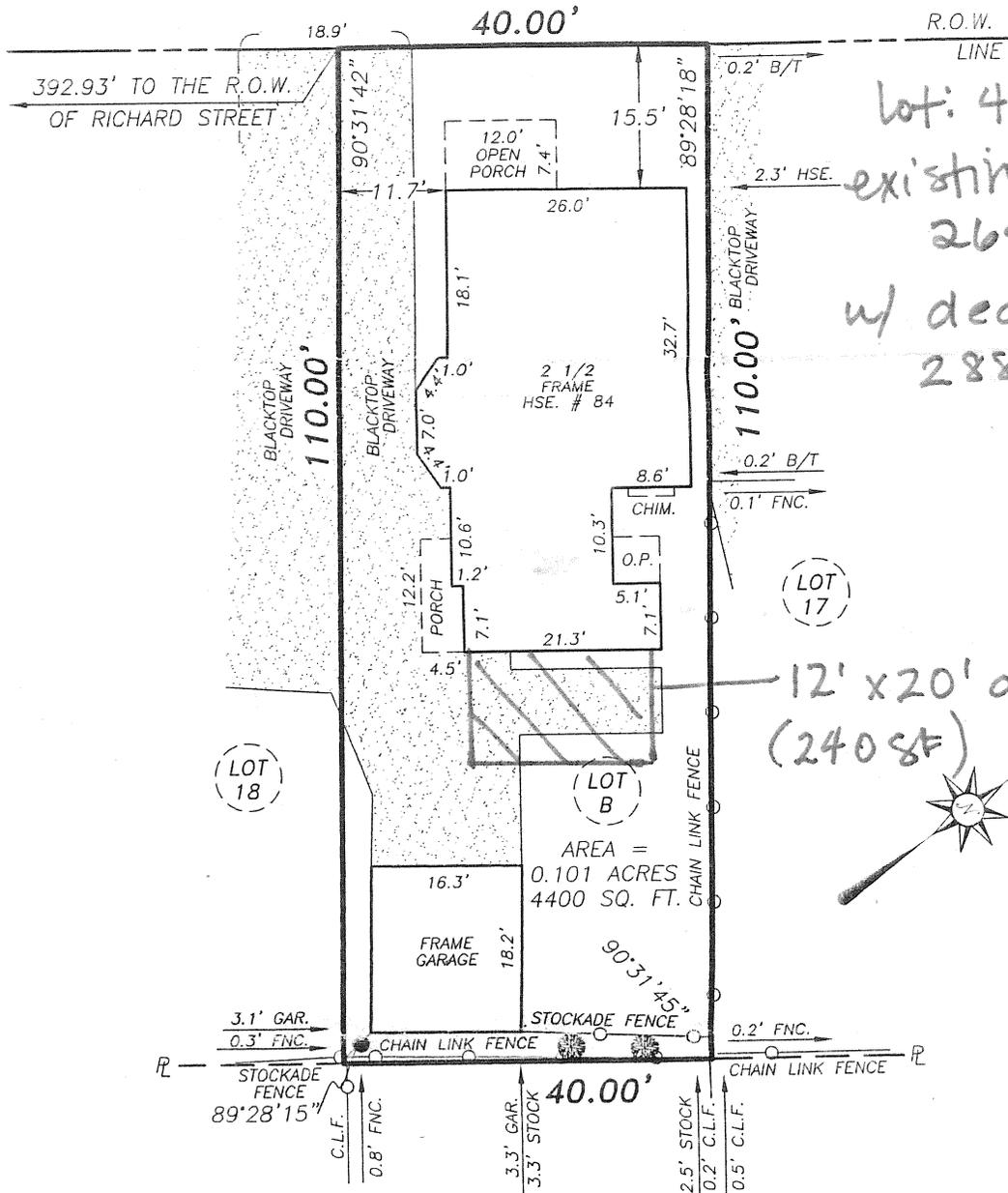
In the area where the deck would go there is an existing driveway. To construct the deck this pavement will be removed exposing the soil underneath creating an additional $\sim 150 \text{ ft}^2$ ($\sim 21' \times 7'$) of area for drainage.

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.

Permit application was denied based on the fact that lot coverage exceeds maximum by 16%. This was the case when I purchased the house in 2013.

BOARDMAN STREET

(60' WIDE R.O.W.)



lot: 4400 SF
 existing coverage:
 2641 SF (60%)
 w/ deck:
 2881 SF (65%)

CERTIFICATION:

I, DAVID A. STAUB, HEREBY CERTIFY TO:

- BANK OF AMERICA,
- ITS SUCCESSORS AND/OR ASSIGNS
- UNDERBERG & KESSLER, LLP.
- FIRST AMERICAN TITLE INSURANCE COMPANY.
- RAYMOND CZERWINSKI

THAT THIS MAP WAS MADE JUNE 20, 2013
 FROM NOTES OF AN INSTRUMENT SURVEY
 COMPLETED OCTOBER 16, 2012
 AND REFERENCES LISTED HEREON.

REFERENCES:

- 1.) LIBER 3 OF MAPS, PAGE 34 1/2.
- 2.) LIBER 10552 OF DEEDS, PAGE 227.
- 3.) ABSTRACT OF TITLE No. 158487. (MONROE).
- 4.) SURVEY BY TRI-COUNTY, DATED 11/16/07.
- 5.) EASEMENT TO R.G.&E. & R.T.C. PER LIBER 1160 OF DEEDS, PAGE 422.
- 6.) EASEMENT TO AMERICAN CABLEVISION OR ROCHESTER INC. PER LIBER 5,930 OF DEEDS, PAGE 334. (5' STRIP ALONG SOUTHWEST LINE).



NOTE: PREMISES SUBJECT TO ALL EASEMENTS, RESTRICTIONS & COVENANTS OF RECORD.

N.Y.S.R.L.S. No. 50791 DATE

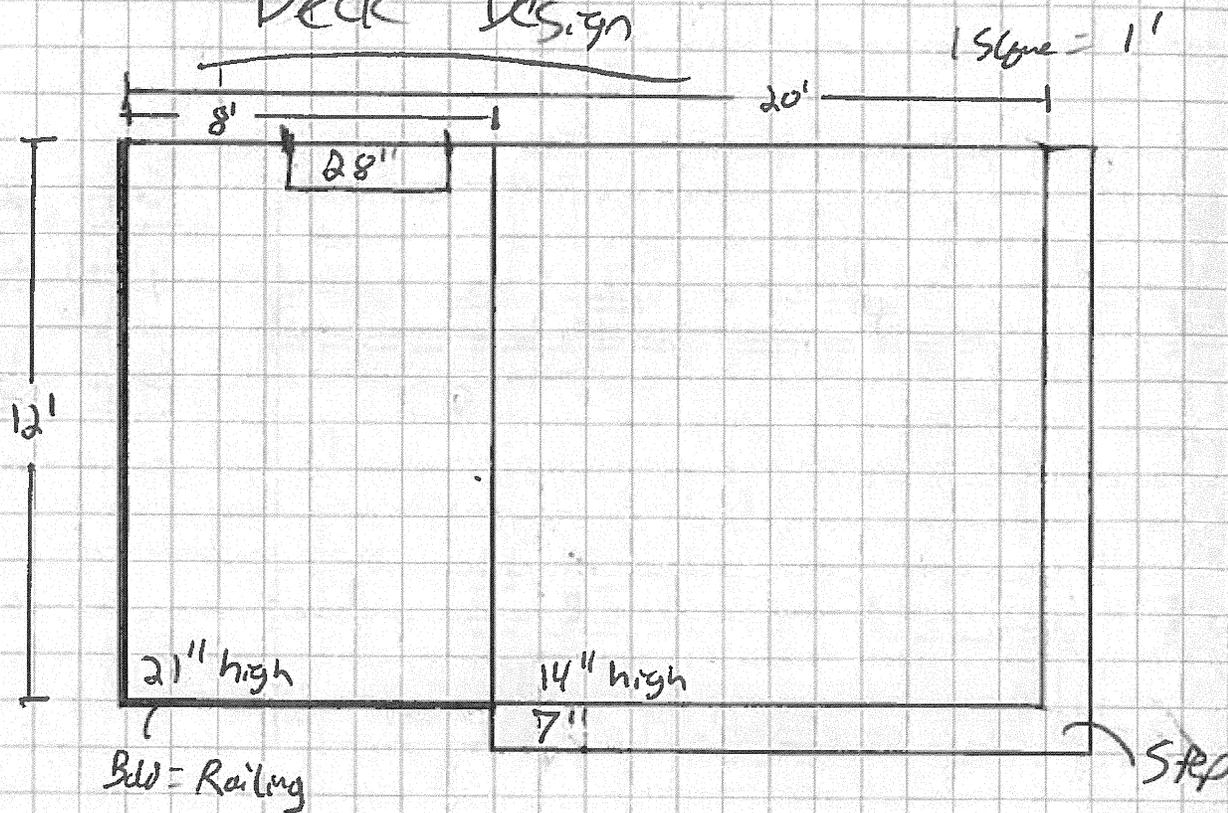
TITLE:

INSTRUMENT SURVEY MAP

DATE: 14 Apr 16

RLL

Deck Design



Front View



BOM

84: 4" x 4" x 8'

4: 6: 2" x 6" x 16'

14: 2" x 6" x 12'

2: 2" x 6" x 10'

24: 5/4" x 6" x 20'

Pressure treated pine

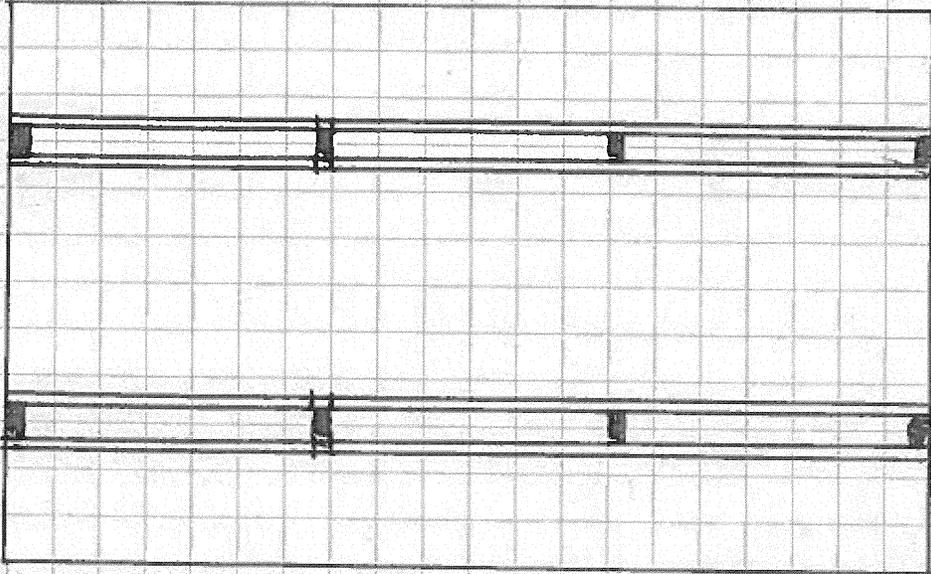
DATE: 19 Apr 16

RLC

Deck Design

Posts + Beams

1 square = 21'



Posts Qty = 8
4" x 4" x 8'

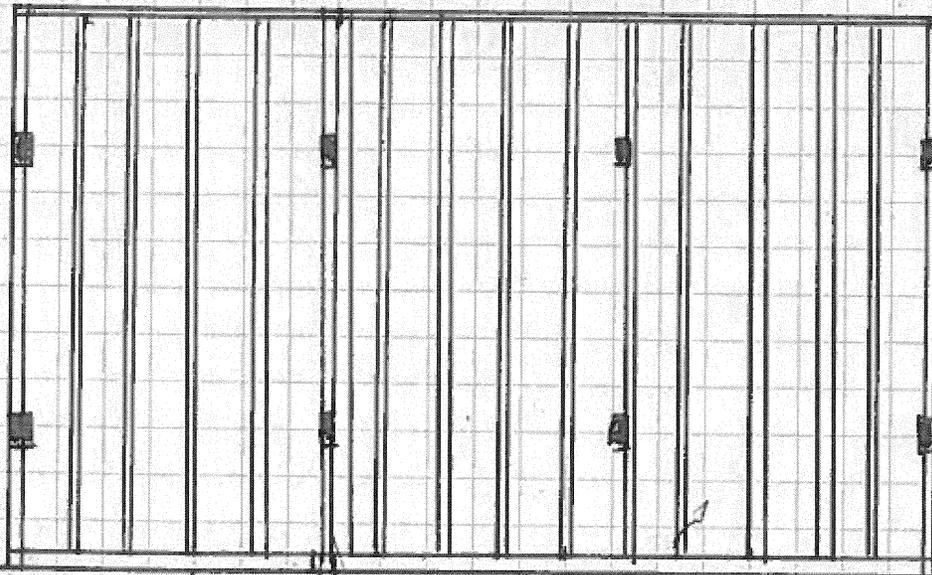
14' Beams Qty = 4

2 x 6 x 14
2" x 6" x 16'

7' Beams Qty = 4

2" x 6" x 8'
(2 2" x 6" x 16')

Joists 16" on center



Joists Qty = ~~16~~
17
2" x 6" x 12'

End Caps Qty = 4

2: 2" x 6" x 8' (~~2~~)
(8)

2: 2" x 6" x 16' (14)
12' (12')

6'8" 2

Decking Qty = 24

5/4" x 6" x 20'



84 Boardman ST

Front of House



Side



Back

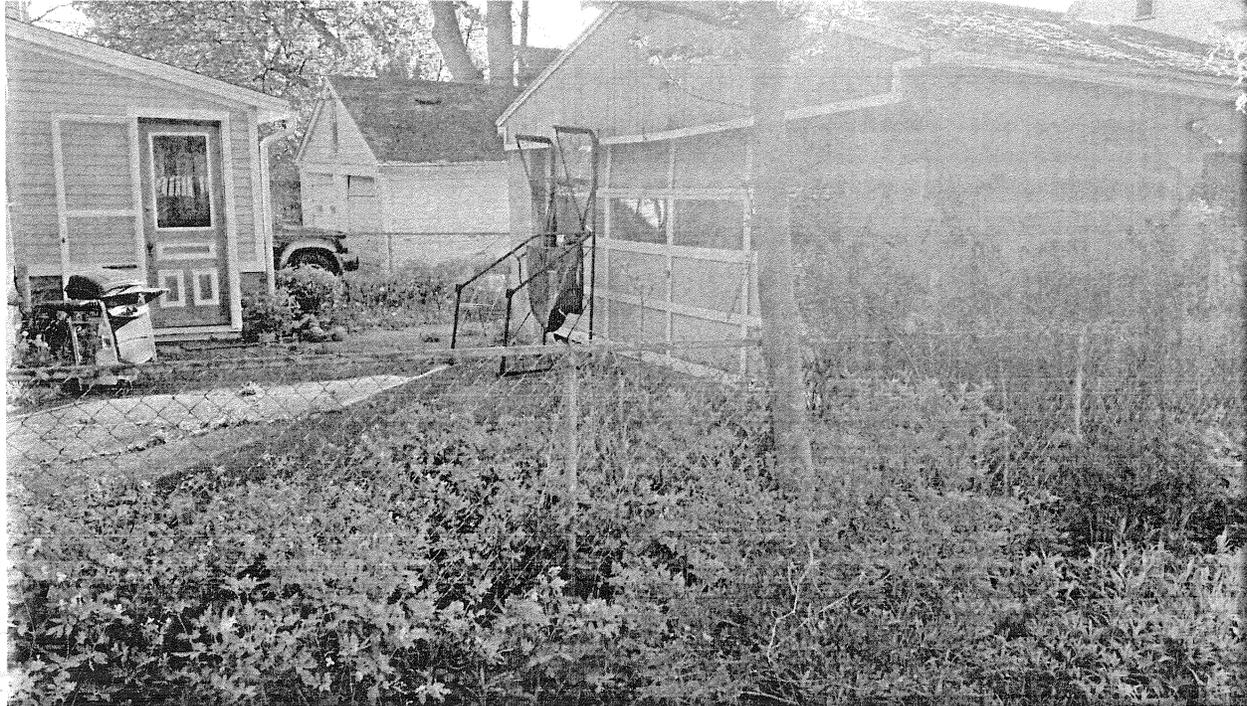
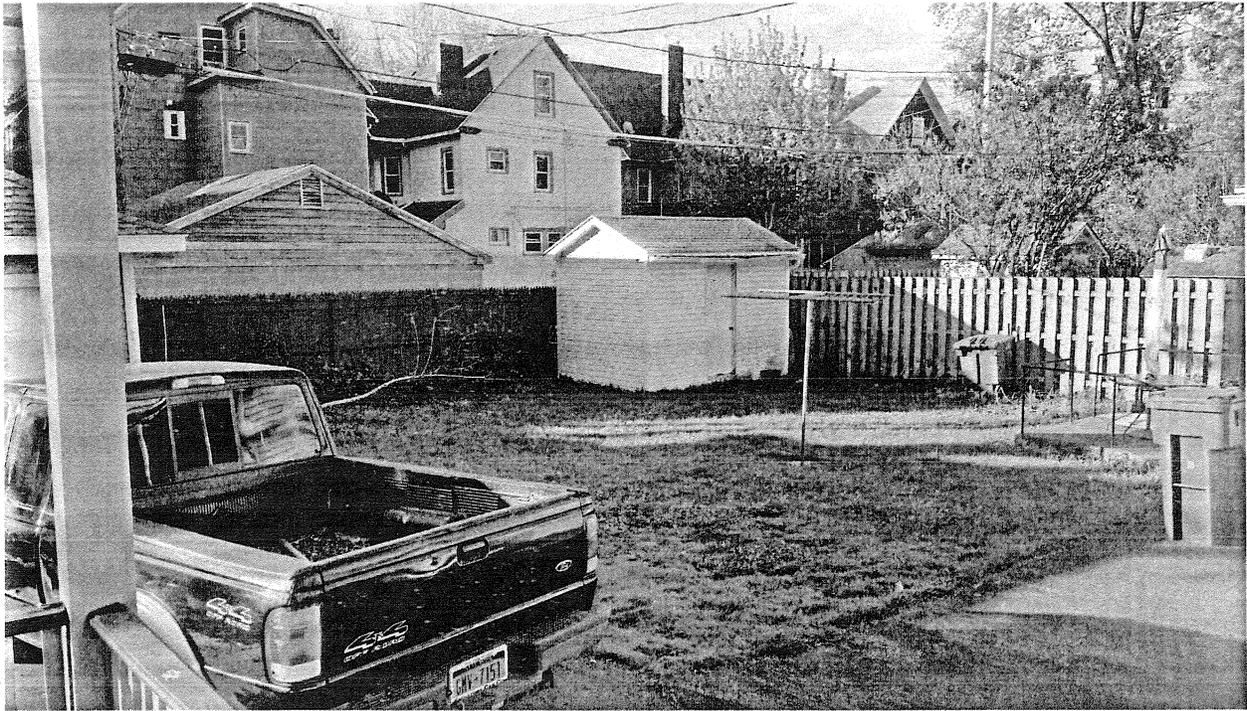


84 Boardman ST

Front of House



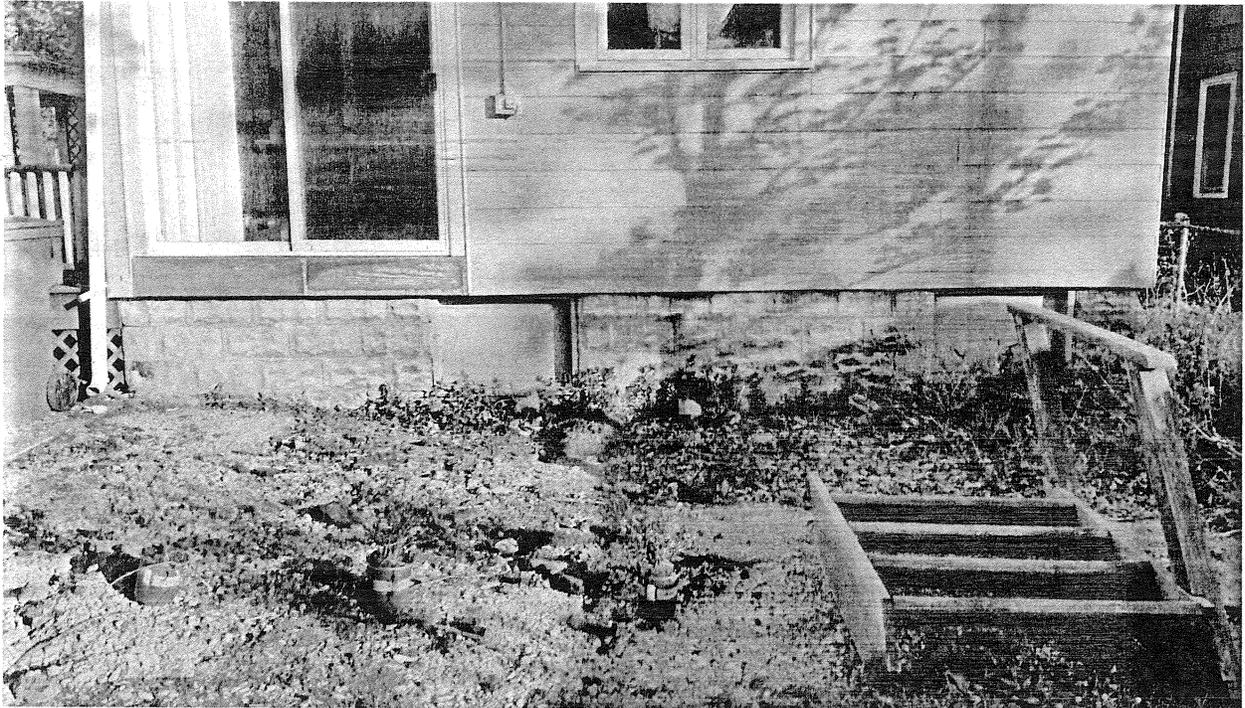
Surrounding properties



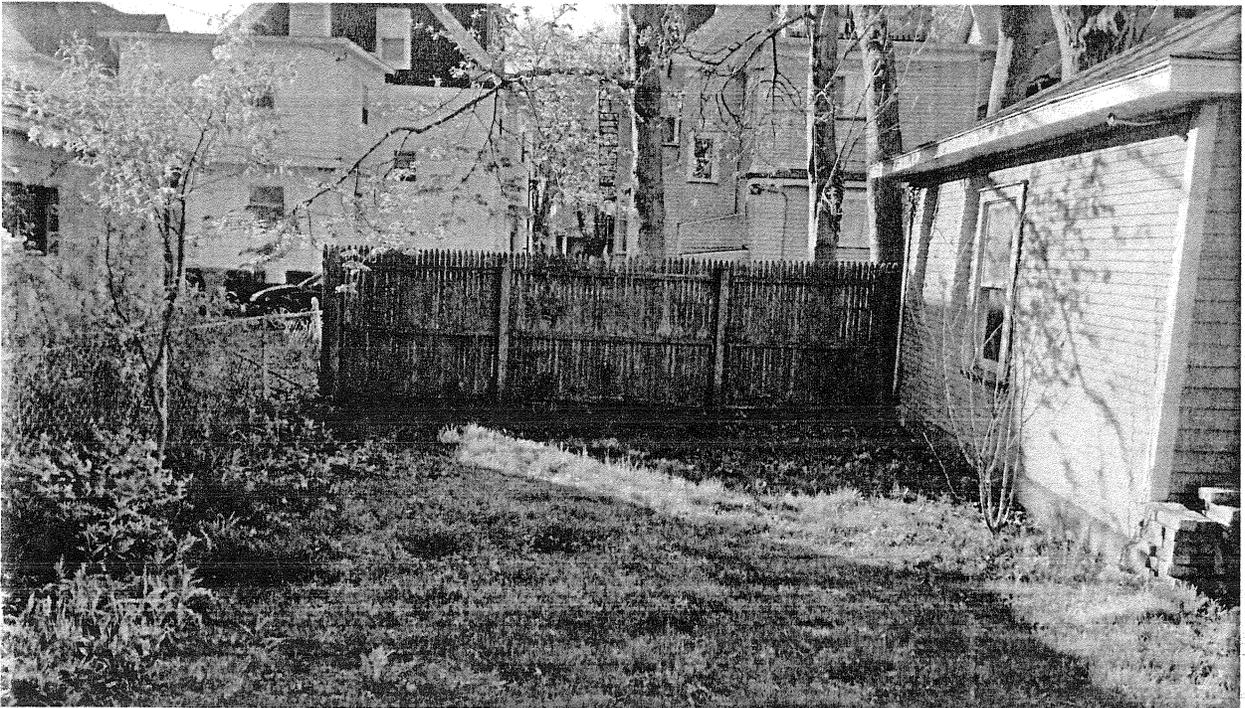


Surrounding properties





Backyard view from location of proposed deck. Additional stockade fence will be in the place of the chain link fence on the left.



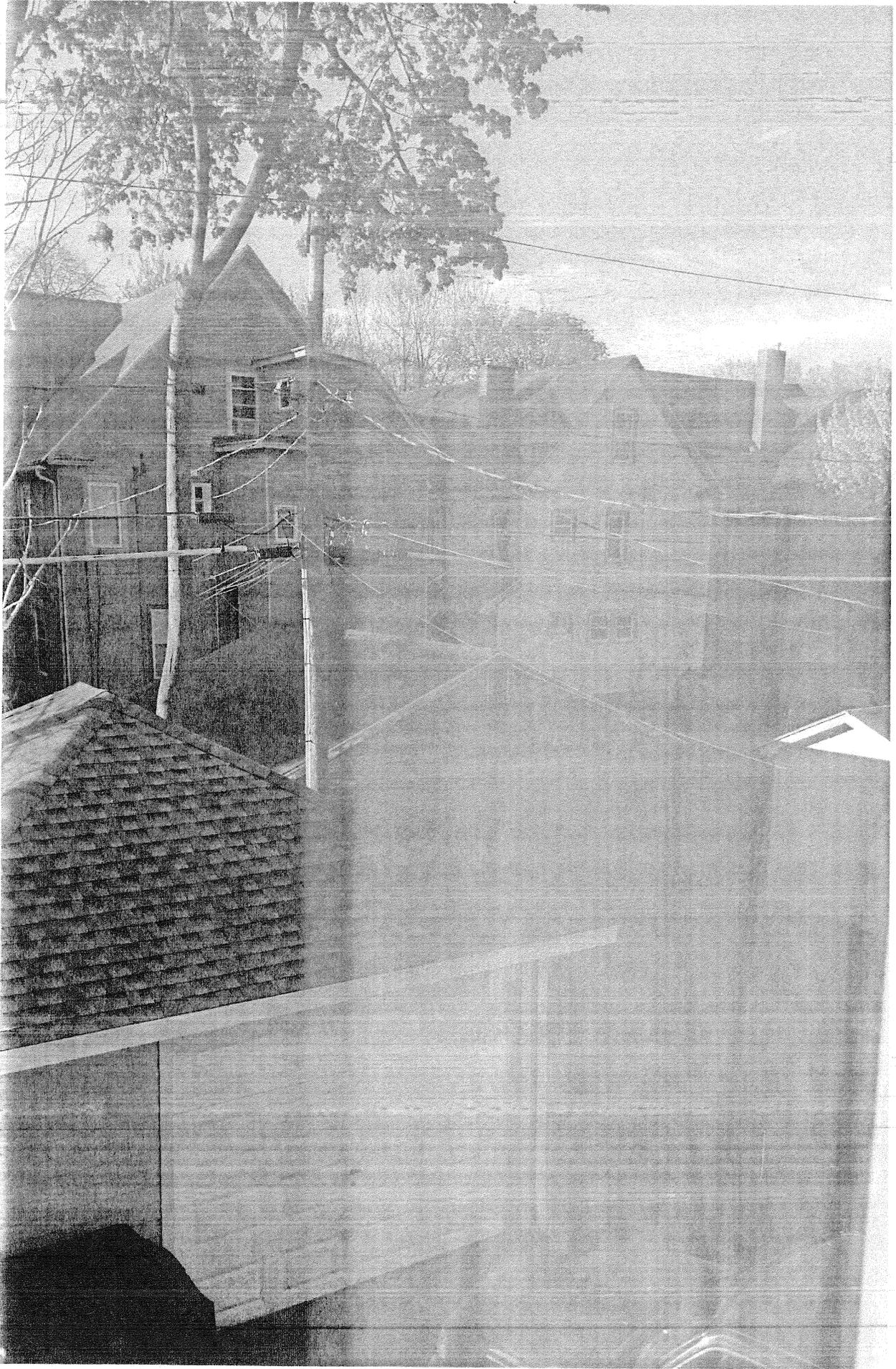
Location of proposed deck





Backyard view from location of proposed deck. Additional stockade fence will be in the place of the chain link fence on the left.







**ZONING BOARD OF APPEALS
STAFF REPORT
June 16, 2016**

Area Variance

Case # 7:

Staff Reviewer: Jill Symonds

File Number: V-080-15-16

Applicant: Donald Curelier

Project Address: 237 S. Fitzhugh Street

Zoning District: R-3 High-Density Residential District

Section of Code: 120-28

Request: **To install an attached patio in the side yard of a single family dwelling, not meeting the side yard setback requirement.**

Background: The applicant would like to install a 625 square foot patio in the side yard of a single family dwelling.

Code Compliance: In accordance with section 120-28, the side yard setback for an attached accessory structure is 5' minimum with a combined width of both side yards of 15'. This property has an existing side yard of 3.4' to the north and 2' to the south. The proposed deck will extend right to the south lot line, reducing the side yard setback from 2' to zero (**area variance required**).

Please note that the R-3 High-Density Residential District does not have a lot coverage requirement.

Code Enforcement: This property is not in code enforcement.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 237 South Fitzhugh ST

2. APPLICANT: Donald Cuvelier COMPANY NAME: Dons Custom Decks + Remod

ADDRESS: 38 Paula Red lane CITY: Rochester ZIP CODE: 14626

PHONE: 585-737-8256 FAX: _____

E-MAIL ADDRESS deckdude 61 @Yahoo.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): 1 week

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: Donald H Cuvelier DATE: 5-11-2016

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: Stephan L... DATE: 5/11/16

237 S FITZHUGH ST



June 3, 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.

Patio + steps are uneven and not safe. The owners would like to replace patio & step with one level deck area to make it more useable.

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.

Parcel is small which is common on S Fitzhugh location of deck is for this area.

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 alternative location.

D. Significance. The requested variance is not substantial.

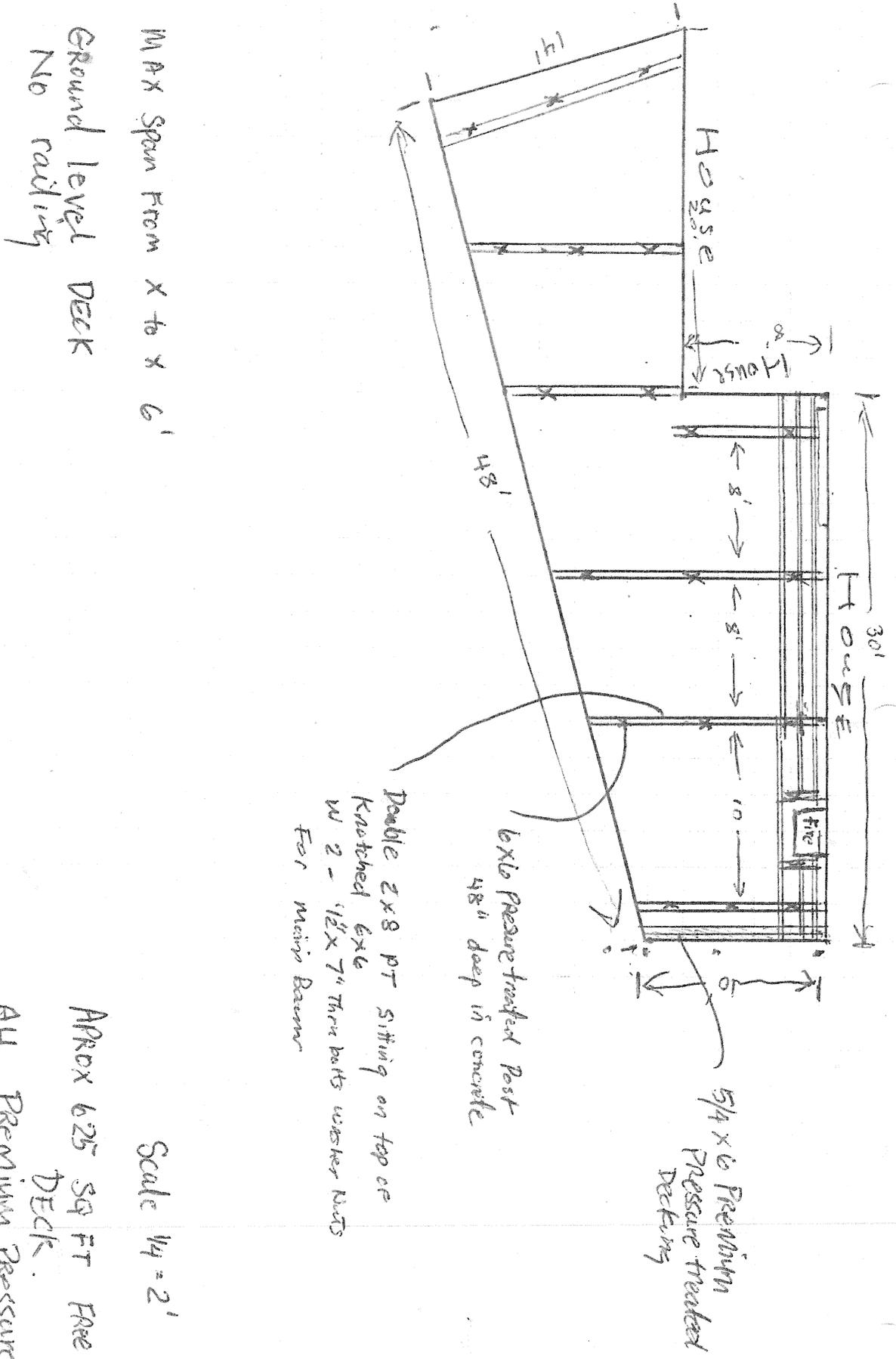
The deck will be located behind a new and improved privacy fence.

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.

My opinion is that if anything the drainage will improve with the new deck verses existing patio.

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.

Shape of parcel limits the location of the deck.



MAX span from X to X 6'

Ground level DECK

No railing

APPROX 625 SQ FT Free standing DECK

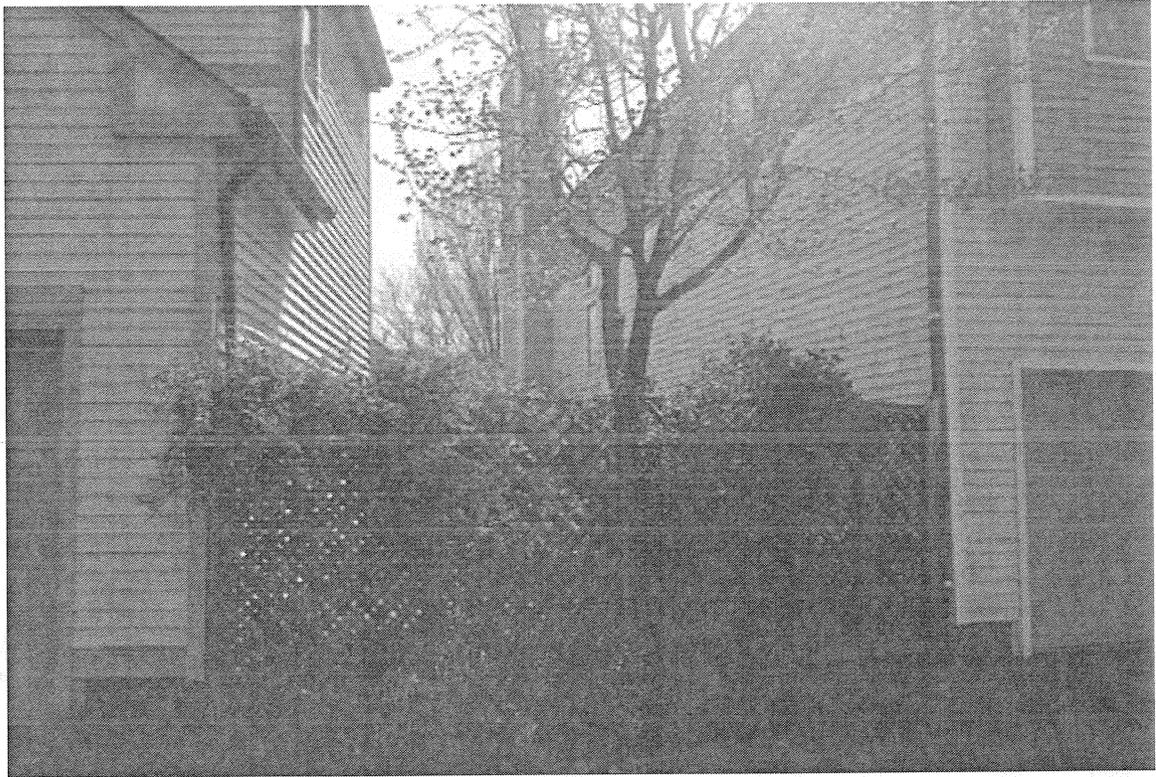
ALL Premium Pressure treated

Scale 1/4" = 2'

Double 2x8 PT sitting on top of knothole 6x6 w 2 - 1/2" x 7" thru bolts washer nuts for main beam

6x6 Pressure treated Post 48" deep in concrete

5/4 x 6 Premium Pressure treated Decking





May 11, 2016

To Whom it may concern:

I am the owner of the property at 237 So. Fitzhugh St along with my husband William.

The reason for the requested permit is to have a safe and aesthetically pleasing area to walk. The current patio is very uneven, has several different levels, and is becoming difficult to maintain.

There is no problem with water run off, and having a deck would only improve the drainage.

Sincerely,

Kathleen Scott.

Symonds, Jill

From: Peter Mohr <peter@bachelor4m.com>
Sent: Friday, June 03, 2016 9:52 AM
To: Symonds, Jill
Subject: 237 S Fitzhugh Str

My name is Peter Mohr I am the President of the Cornhill Homeowners Association and neighbor of 237 S. Fitzhugh. The owners have an approved variance for them to build their deck and all their neighbors have no issues with this as they currently have a bricked patio.

I hope that you approve his deck and that there are no issues. If you would like to talk to me please contact me the email above or 585-230-4365.

Best regards,

Peter S. Mohr
President
4-M Bar, Inc
dba Bachelor Forum



From: Peter Mohr <peter@bachelor4m.com>
Sent: Friday, June 03, 2016 9:52 AM
To: Symonds, Jill
Subject: 237 S Fitzhugh Str

My name is Peter Mohr I am the President of the Cornhill Homeowners Association and neighbor of 237 S. Fitzhugh. The owners have an approved variance for them to build their deck and all their neighbors have no issues with this as they currently have a bricked patio.

I hope that you approve his deck and that there are no issues. If you would like to talk to me please contact me the email above or 585-230-4365.

Best regards,

Peter S. Mohr
President
4-M Bar, Inc
dba Bachelor Forum



Symonds, Jill

From: david runzo <drunzo@rochester.rr.com>
Sent: Friday, June 03, 2016 7:02 PM
To: Symonds, Jill
Subject: File no. v-080-15-16

Hi. I am writing in support of the deck for 237. S. Fitzhugh St. I live next door at 239 and it would be my side yard. I fully give my approval for this project. David Runzo

Symonds, Jill

From: david runzo <drunzo@rochester.rr.com>
Sent: Friday, June 03, 2016 7:02 PM
To: Symonds, Jill
Subject: File no. v-080-15-16

Hi. I am writing in support of the deck for 237. S. Fitzhugh St. I live next door at 239 and it would be my side yard. I fully give my approval for this project. David Runzo



**ZONING BOARD OF APPEALS
STAFF REPORT
June 16, 2016**

Area Variances

Case # 8:

Staff Reviewer: Jill Symonds

File Number: V-081-15-16

Applicant: Kimberly Russell

Project Address: 1307-1337 E. Main St. and 48 Breck St.

Zoning District: R-2 Medium-Density Residential District

Section of Code: 120-20, 120-21, 120-158, 120-166

Request: To convert an existing office building into 26 apartments with support offices and a small café, not meeting certain dwelling unit conversion standards; and to construct a three-story, 50-unit apartment building and a parking lot, not meeting certain lot, area, yard, bulk or citywide design standards.

Code Compliance: Preliminary Site Plan Review Findings (SP-017-15-16) for the project are attached, which identify all variances.

Code Enforcement: These properties are not in code enforcement.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 1337 EAST MAIN STREET

2. APPLICANT: KIMBERLY RUSSELL COMPANY NAME: HOME LEASING

ADDRESS: 180 CLINTON SQUARE CITY: ROCHESTER ZIP CODE: 14604

PHONE: 585.262.6210 FAX: _____

E-MAIL ADDRESS KIMBERLYRU@HOMELEASING.NET

INTEREST IN PROPERTY: Owner Lessee Other

3. PLAN PREPARER: PASSERO ASSOCIATES - JESS D. SUDOL PE

ADDRESS: 242 W. MAIN ST. S100 CITY: ROCHESTER ZIP CODE: 14614

PHONE: 585.325.1000 FAX: 585.760.8580

4. ATTORNEY: N/A

ADDRESS: _____ CITY: _____ ZIP CODE: _____

PHONE: _____ FAX: _____

E-MAIL ADDRESS _____

5. ZONING DISTRICT: R-2

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

CONSTRUCTION OF A 3-STORY, 50 UNIT RESIDENTIAL BUILDING AND THE REHAB OF AN

EXISTING +/- 8,800 SF BUILDING TO CONTAIN 26 UNITS, A CAFE AND OFFICE SPACE ON THE FIRST FLOOR.

SEE ATTACHED DRAWINGS FOR ADDITIONAL DETAIL.

7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:) 12 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: Jess Sudol DATE: 5/10/16

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: _____

1307 E MAIN ST



June 3, 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



April 27, 2016

Ms. Kimberly Russell
180 Clinton Square
Rochester, NY 14604

Revised June 2, 2016 as to which decisions are to be made by the City Planning Commission and the Zoning Board of Appeals, as noted by two asterisks on pg. 3.

**Re: Preliminary Site Plan Findings
SP-017-15-16, 1307, 1311, 1313, 1317 and 1337 E. Main St. and 48 Breck St.
R-2 Medium-Density Residential District**

Dear Ms. Russell:

We have completed a preliminary review of your application to demolish two residential structures, convert an office building into 26 apartments and support offices, and construct a three-story, 50-unit multifamily building and an adjacent parking lot. The following findings and recommendations have resulted from this review. It is your responsibility to familiarize yourself with the content of this document.

Existing Conditions:

The project site is located in the southeast quadrant of the city on the main street leading into the downtown area about three-quarters of a mile to the west. The street contains a mix of uses, including residences, small businesses, large industrial buildings, and the offices, shops and bus parking of the Rochester-Genesee Regional Transit Authority (RTS). Behind the site two short blocks to the south lies the region's main rail yard, which is lined with industrial buildings. Between these buildings and the project site is a narrow, residential neighborhood known as EMMA. Across Main Street and to the north is a large, fully residential neighborhood named Beechwood.

Several zoning districts converge in this area. The site is at the edge of an R-2 Medium-Density Residential District, which includes the EMMA neighborhood. The rail yard and industrial buildings are in an M-1 Industrial zone, the Beechwood neighborhood is an R-1 Low-Density Residential zone, and the 15-acre RTS campus on the next block is a C-2 Community Center Commercial zone.

Six contiguous parcels comprise the site, and would be combined into one parcel of 2.0 acres. The parcels are used as follows:

- 1307 E. Main Street is a 0.13 acre parcel that contains a two-story, two-family, wood-framed residence that has been vacant since August, 2012 and is owned by the City of Rochester. The applicant has a contract to purchase the property.

Preliminary Site Plan Findings

SP-017-15-16, 1307, 1311, 1313, 1317 and 1337 E. Main St. and 48 Breck St.

Page 2

- 1311 E. Main Street is a 0.13 acre parcel under private ownership that contains a 2½-story, 6-family, wood-framed residence. The applicant has a contract to purchase the property.
- 1313 E. Main Street is a 10 foot x 136 foot strip of vacant land planted as lawn and owned by the applicant.
- 1317 E. Main Street is a 0.16 acre parcel that is vacant land planted as lawn and owned by the applicant.
- 1337 E. Main Street is a 1.25 acre parcel that contains a three-story building holding offices of the applicant and a surface parking lot for about 90 vehicles.
- 48 Breck Street is a 0.31 acre parcel that is vacant land planted as lawn and owned by the applicant.

Scope of the Project:

The proposal is to demolish the two buildings at 1311 and 1313 E. Main Street and the parking lot at 1337 E. Main Street, construct a 20,358SF, three-story, 50-unit multifamily building on the western half of the site, and convert the office building on the eastern side of the site to 20 apartments on the upper floors, 6 apartments on the first floor rear, and offices and an 850SF specialty retail café on the first floor front. Hours of operation of the offices and café are limited to 6:00AM-9:00PM. Behind the buildings, and screened from E. Main Street, would be a new parking lot for 60 vehicles. The development would be marketed to tenants of mixed incomes and ages, similar to the Voters Block Community constructed by the applicant on the west side of Center City in the Susan B. Anthony and Mayors Heights neighborhood.

Public Notification:

The applicant formed a project steering committee that includes leaders of the EMMA and Beechwood neighborhoods, local business persons and representatives of RTS. The committee first met on September 17, 2014. Public presentations of the proposal were held in the neighborhood on January 26 and March 8, 2016. City newspaper reported on the proposal on January 27, 2016.

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 April 27, 2016, indicating that the proposed action is one which will not have a significant impact on the environment.

Code Compliance:

1. 'Minor' Site Plan Review approval by the Director of Planning and Zoning is required for new construction of multifamily housing and for the conversion of floor area designed for nonresidential use to residential use (the office building was built as the State Theater, and the two floors were added in 1966).

Preliminary Site Plan Findings

SP-017-15-16, 1307, 1311, 1313, 1317 and 1337 E. Main St. and 48 Breck St.

Page 3

2. * **Special Permit** approval from the City Planning Commission is required for the construction of the 50-unit multifamily dwelling, subject to zoning code section 120-20 relating to lot, area and yard requirements;
3. * **Area Variances** from the Zoning Board of Appeals are required for:
 - a. The partial conversion of the first floor rear and the upper two floors of the existing building from offices to residential, subject to zoning code section 120-20, and section 120-166 relating to dwelling unit conversions,
 - b. Minimum lot area required is 3,000SF per residential unit. Collectively, the 76 residential units require 228,000SF of site area, while the site is only 87,120SF.
 - c. Maximum lot coverage is not to exceed 50%, where 78% is proposed.
 - d. Maximum building height allowed is 2½ stories not to exceed 35 feet. The proposed building is three stories and 39 feet tall.
 - e. The Dwelling Unit Conversion Standards of code section 120-166 set minimum sizes of habitable space for each apartment. Habitable spaces, as defined in the code, are those used for sleeping, living, cooking and dining, and not utility rooms, closets, bathrooms and hallways. The minimum sizes are as follows:
 - Studio: 500SF
 - One-bedroom: 650SF
 - Two-bedroom: 800SF

In the existing building, none of the 26 apartments meets these minimum sizes. Of the 23 one-bedroom units, four have an overall size (including kitchens, closets, etc.) of about 550SF, three are about 600SF, 13 are about 620SF, and three are about 700SF. The three two-bedroom units are about 870SF overall.

- f. The proposal meets the City-wide Design Standards in zoning code section 120-158, except that new construction shall respect existing building widths by providing a division of the building facade into visible building increments no larger than the average width of existing buildings on the block. On this block, most buildings are 2½ story, frame houses about 20 feet wide. The street-facing façade of the new building is about 120 feet wide and is largely planar, not divided into visible increments.

Findings:

1. The project is located along a portion of East Main Street that was the focus of a City-sponsored planning effort in 2012-13. The City's Department of Neighborhood and Business Development collaborated with the Beechwood Neighborhood Coalition in devising a plan to spark commercial activity between Goodman Street and Culver Road. Several recommendations were made, most meant to improve the appearance

of the streetscape and of private properties. One strong recommendation was made to create a steering committee to implement the plan.

2. The R-2 Medium-Density Residential District is intended to provide a mix of housing choices. The inclusion of single-family residential, two-family residential and multifamily residential provides a diversity of housing choices while the bulk and density regulations maintain the lower-density scale of the neighborhoods. These residential areas are located proximate to neighborhood-scale shopping and service opportunities. The district requirements are intended to preserve, promote and protect a quality of urban residential living characterized by unobstructed front yards, pedestrian-scale streetscapes and buildings scaled and designed to be compatible with the neighborhood.
3. Overall building coverage and the setbacks of the new building comply with the R-2 regulations as follows:
 - a. Maximum building coverage allowed is 35%. Together, the two buildings would cover 33.5%.
 - b. Minimum front yard setback required is the average of buildings on either side of the site, the average of buildings on the block, or 20 feet. The front porches of the new building are set back 13.5 feet, and the front wall is set back 16.8 feet, approximately the average of buildings on the block.
 - c. Minimum side yard setback is five feet, and the new building is set back 10 feet from the west property line.
 - d. Minimum rear yard setback is 20 feet, and the new building is set back 58.9 feet from the south property line.
4. The Director of Planning & Zoning may approve a parking demand analysis for a development such as this that includes three or more uses, per zoning code section 120-173. The applicant states that the demand for parking would be lower than assumed by the zoning code, and provided an analysis showing that only 59 spaces would be needed (60 would be provided). Code section 120-173C requires parking as follows:

1.0 for each of the 57 one-bedroom units	=	57
1.2 for each of the 16 two-bedroom units	=	19
1.5 for each of the 3 three-bedroom units	=	5
<u>2.0 for every 1000SF of commercial space</u>	=	<u>5</u>
Total	=	86

All other aspects of the parking lot comply with the code requirements, including access location, dimensions, lighting, striping, landscaping and bicycle parking.

Preliminary Site Plan Findings

SP-017-15-16, 1307, 1311, 1313, 1317 and 1337 E. Main St. and 48 Breck St.

Page 5

5. Off-street loading spaces are not shown on the plan, but must be provided in sufficient number and of sufficient size so that no loading and unloading operations infringe upon any street or sidewalk, per zoning code section 120-172.
6. Site drainage is adequately provided with catch basins in the parking lot and yard drains along the north and west property lines.
7. Site lighting is adequately provided by eight pole-mounted light fixtures in and around the parking lot and driveway. The fixtures are not specified, but code section 120-170 requires that they not produce a strong, dazzling light or glare that is visible from any point along a lot line.
8. Sign details have not been submitted, but any proposed signs must comply with zoning code section 120-177 as follows:
 - a. One attached or detached sign is permitted, and may not exceed 15SF in area.
 - b. Detached signs shall be no taller than 4 feet above the finished grade and no closer than 10 feet to a residential lot line.
 - c. Internally lit signs are prohibited in all residential districts.
 - d. No more than 50% of a sign face may be covered with text or graphics.
9. An existing chain link fence along Breck Street would be removed. No new fences are proposed on the site.
10. Landscaping is sufficient to meet the requirements of code section 120-169. Trees include four American hornbeams in a 14 foot deep lawn along E. Main Street, six maples in a 55-foot deep lawn all along Breck Street, and seven honey locusts in islands in the parking lot. Small planting beds are placed at the east end of the new building and outside its main entrance.
11. No outdoor refuse collection areas are shown. Both buildings have indoor trash rooms, and we expect that toters will be used to transport trash to the street. If in the future a refuse collection area is proposed on the site, screening is required in accordance with code section 120-165.
12. Mechanical equipment, consisting of individual condensers for each apartment unit, would be placed on the building roofs and screened from view.
13. The City's Managing Engineer of Street Design provided comments, which are attached.
14. The project was referred to the Monroe County Department of Transportation for review. The MCDOT found that any additional vehicle trips would have no adverse impact on the capacity of East Main Street.

Preliminary Site Plan Findings

SP-017-15-16, 1307, 1311, 1313, 1317 and 1337 E. Main St. and 48 Breck St.

Page 6

15. The project was referred to the Rochester Fire Department. Any comments received will be forwarded under separate cover.

A copy of these findings will be provided to the City Planning Commission and the Zoning Board of Appeals for consideration in deciding upon a special permit and area variances, respectively. Final Site Plan Review approval will be issued only after any conditions imposed by the Planning Commission, Zoning Board and these site plan findings have been addressed.

Please contact Peter Siegrist at 428-7238 or Peter.Siegrist@cityofrochester.gov if you have any questions regarding these preliminary findings.

Sincerely,

A handwritten signature in black ink, appearing to read "Margaret Lagonegro" with a stylized flourish at the end.

Zina Lagonegro, AICP, EIT
Director of Planning and Zoning

CC: Tom Mann, Permit Office Manager
Al Giglio, Terry Mott, Department of Environmental Services
Jill Wiedrick, City Planning Commission
Jill Symonds, Zoning Board of Appeals



PASSERO ASSOCIATES
engineering architecture

May 11, 2016

Jill Symonds
Senior City Planner
City of Rochester
30 Church Street, Room 125B
Rochester, NY 14614

**RE: Community on East Main - 1337 East Main Street
Area Variance Application**

Dear Ms. Symonds:

On behalf of our client, Home Leasing LLC, we respectfully submit the attached materials for consideration of two area Variances for the proposed Community on East Main, a mixed use, primarily residential project at 1307-1337 East Main Street. Hillside's current Cotter Building will be repurposed to offer 26 apartments, +/- 2500 square feet of commercial space for their case management services and a small street-side cafe.

Home Leasing is an industry leading housing developer providing affordable housing options across the Northeast with completed projects in the City of Rochester including the Voters Block and Frederick Douglass communities on West Main Street, and Eastman Gardens - a historic rehabilitation that will provide 52 units of senior housing- is currently under construction. This project includes the redevelopment of several existing parcels, including Hillside's Cotter Building and demolition of two dilapidated properties- one city owned and vacant property and the second investor owned. The final project will include the rehabilitation and conversion of the Cotter building and a newly constructed three story multi-family dwelling for a total of 76 units.

This housing proposal is in response to the mayor's call for improvement of the East Main corridor between Goodman and Culver, a key artery to downtown. In 2014, a steering committee was formed that included key neighborhood stakeholders including sister Dorothy Parham, President of the EMMA Neighborhood and Business Association, Kyle Crandall, president of the Beechwood Neighborhood Coalition, George Moses of NEAD, RGRTA representative Mark Ballerstein, local property investor, Jim Candella, local business owner, Kathy Bernatovich, Pastor Marlowe Washington and others. The goals of the committee included economic growth, improvement of the existing housing stock and improving the life of city residents. In addition, two mixed income housing forums were held in September of 2015 with feedback captured on a Local Voice summary available on the city's web site. In March, 2016 the EMMA and Beechwood neighbors were invited to a presentation at RGRTA given by Home Leasing, the City of Rochester and EMMA leaders. Feedback was captured in small groups and reported back to the group. Members of Home Leasing have also gone door to door in EMMA on 4 separate occasions. Many modifications to the project were made as a result of this feedback and are detailed below.

The project site is located on the south side of East Main Street between Mustard Street and Palmer Street. It is currently comprised of the Hillside's Cotter building, a vacant parcel, and two dilapidated houses on East Main. The site is zoned R-2 and is approximately two acres in area. The site lies within a confluence of land uses and zoning districts with single family homes to the north and west, manufacturing/industrial uses to the south and the existing commercial building and RTS to the East. The proposed multi-family use provides an attractive and appropriate transition between the current land uses while offering residents of the area new quality mixed income housing opportunities. Many of the single family homes along East Main Street have fallen into disrepair over the years and there are minimal rental opportunities outside typical single family residences currently available. This proposal expands housing options and provides high quality and affordable general occupancy apartments to city residents.

The current site layout is a result of the developer's programmatic needs along with input from City Staff and residents over the last two years. Neighborhood meetings were held over the last several months and the City Zoning office recently issued Preliminary Site Plan Findings. That input resulted in a number of modifications to the original proposal including;

- a. Reduction in the unit count (density);
- b. Addition of porches;
- c. Elimination of Breck Street ingress/egress
- d. Increased green space along Breck Street;
- e. Reduced building height;
- f. Widening of entrance to improve safety and visibility;
- g. Elimination of entrances on Breck Street.

The current site plan is the culmination of input from many stakeholders and best balances the residential character of the neighborhood, fiscal responsibility and City Zoning requirements. The City Zoning ordinance recognizes the need and importance of multi-family housing in residential districts which is why the use is allowed with a Special Use Permit in the R-2 district. In addition to requiring a Special Use Permit, the project will also require two area variances from the Zoning Board of Appeals:

Variance 1 – Building Width

The building façade parallel to East Main Street is approximately 125' in length. The existing properties, mainly west of the development, are single family homes with average building widths of approximately 20'. In order best blend in with the character of the neighborhood, the building has been designed to be broken up into vertical elements to complement the existing structures. This has been accomplished using porches, varying building materials and a variety of colors.

Variance 2 – Building Height

The proposed building is three stories and 39 feet high whereas two and a half stories and 35 feet is the maximum allowed by code. The proposal represents a minor deviation from the code and almost falls within the 10% allowance for an administrative adjustment. It has been designed as a transitional element of the project recognizing varying land uses and building types in the area. An integral part of this approach is accomplished by minimizing the building footprint to three stories and by providing a partially pitched, residential style roof line.

Pending receipt of City and Municipal approvals, it is anticipated that construction will begin in the fall of 2016. In support of our request, attached please find:

- (1) Check for \$250
- (1) Denied Certificate of Zoning Compliance
- (1) Area Variance Statement of Difficulty
- (1) Short EAF
- (1) Project Information Form
- (1) Drawings/Photos Reduced to 8 1/2 x 11
- (1) CD
- (1) Instrument Survey
- (3) Site Plans
- (1) Building Elevations
- (1) Site Photographs

Sincerely,



Jess D. Sudol, PE, CPESC, CPSWQ
Associate & Department Manager

JDS:paf

Encs:

- CC: File
- Home Leasing
- Jason Simmons
- Kris Rodgers

- (1) [faded]





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 building size is necessary to support the units needed for the development. The facade along East Main has been broken up into vertical elements by varying the siding type and setbacks. Porches are also provide to help establish a vertical division. When complete the building will be very residential and blend in with the neighboring properties even though it is longer.

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.

As mentioned above, the architectural design of the building utilizing different vertical elements, materials and porches will be in character with the community. The building provides a transition for the existing building to the east to more residential buildings to the west.

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

The only way to provide the number of units required to support the project is within a three story building with a centrally located corridor. The building is positioned so that the parking area is set back off the street and largely hidden. That requires a longer front facade along East Main. The applicant did explore using multiple "chunks"

of buildings; however that would not function adequately in terms of accessibility and centrally located services.

It would also yield less units, cost more and not be fiscally responsible. Without the variance the project would not be feasible.

D. Significance. The requested variance is not substantial.

The requested variance is not substantial because the architectural design breaks up the front facade into smaller elements similar to surrounding properties.

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 variance will not have an adverse impact on the environment. The project includes provisions to offset the building construction such as extensive landscaping and stormwater management. The variance would also allow a smaller building footprint resulting in more programmed green space.

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 variance is not self-created due to the location of the lot with respect to neighboring properties. The existing residential buildings along Main Street are all single family homes on smaller lots. The project makes a significant effort to blend with the existing surroundings and to provide a transition between a mixture of land uses and Zoning Districts.



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 building height is required to provide three stories of living area and a pitched roof. The pitched roof allows the building to have a residential appearance while satisfying the programmatic needs of the project.

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 not be an undesirable change in the character of the community as there are other tall buildings adjacent to the proposed structure. For example, the existing Hillside building east of the new building is higher than the current proposal. The RTS administration building across the street is also three stories, and so is the building at the corner of Palmer and East Main.

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

The only other way to accomplish the goals of the project without the variance would be to provide a flat roof; however, this approach would diminish the residential nature of the building and project. The applicant has made a modification to the building elevation to minimize the height to the minimum amount feasible.

D. Significance. The requested variance is not substantial.

The variance is not substantial in that it is only ½ story and 4' higher than what is permitted by code.

It is very close to the 10% allowance for an Administrative adjustment.

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.

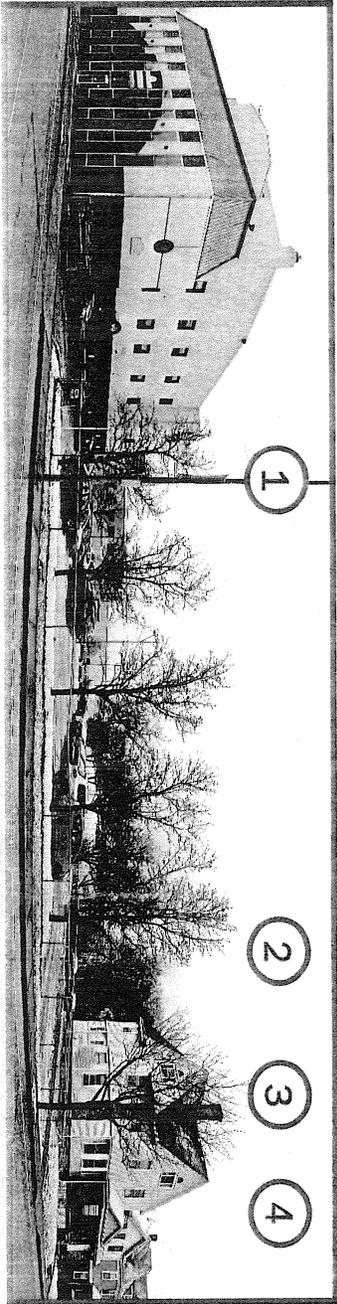
The variance will not have a detrimental impact on the environment. The three story building allows the applicant to accomplish the number of units needed to serve the community demand and to provide significant green-space. If the building was shorter it would have to be larger resulting in less green space.

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.

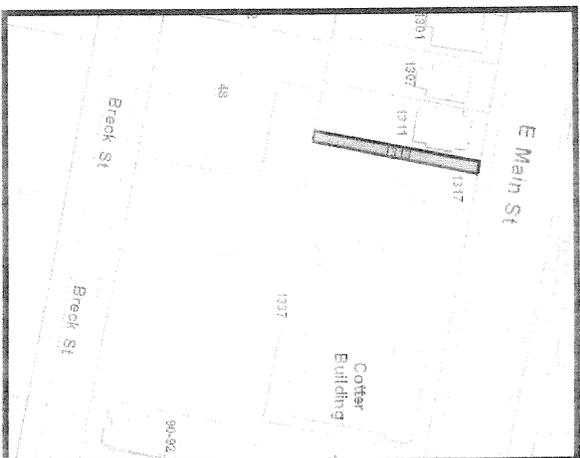
The variance is self created, however, the desire to have a pitched roof to compliment the residential adjacent properties outweighs any detriment to the property.

Existing Site

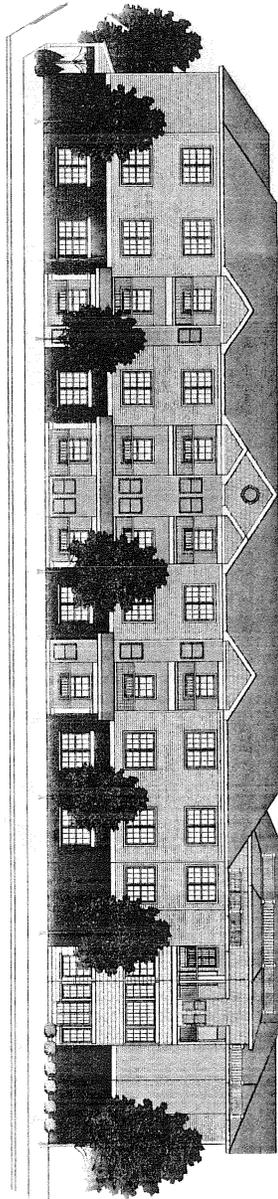
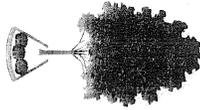
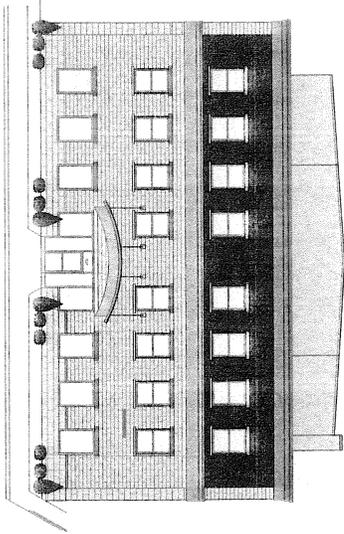
1307-1337 E. Main/48 Breck
Site is currently zoned R2



- ① Cotter Building, owned by Hillside Family of Agencies (#1317 & #1337 Main Street & #48 Breck Street)
- ② Small vacant strip purchased from Land Bank in November (#1313)
- ③ Privately owned multi-family, under contract (#1311)
- ④ City-owned abandoned and foreclosed property, under contract (#1307)



City Tax Map



**The Community
on East Main**
Rochester, New York

OWNER
HUNT
L.L.P.

ARCHITECT
ALEX CONSULTING, LLC

INTERIOR ARCHITECT
GARDNER SHAWSON
ARCHITECTURE, L.P.

MECHANICAL/ELECTRICAL/PLUMBING ENGINEER
EC2B

GENERAL CONTRACTOR
PASSARO ASSOCIATES

LANDSCAPE ARCHITECT
HUNT
L.L.P. SERVICES



View from Breck



**ZONING BOARD OF APPEALS
STAFF REPORT
June 16, 2016**

Use Variance

Case # 9:

Staff Reviewer: Jill Symonds

File Number: V-082-15-16

Applicant: Juan Baute

Project Address: 200 Parkway

Zoning District: R-1 Low-Density Residential District

Section of Code: 120-199

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

Background: In 1991, the property was legalized as a three-family dwelling through a Certificate of Nonconformity. As the use is nonconforming in the R-1 Low-Density Residential District, it is 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 2011, and therefore, has lost its rights to the three-family dwelling. The applicant is applying to re-establish the nonconforming three-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 three-family dwelling since it has been vacant for a period of greater than nine months.

Code Enforcement: The subject property is in code enforcement.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 200 PARKWAY

2. APPLICANT: Juan Baute COMPANY NAME: _____

ADDRESS: 403 North Park Dr. CITY: Rochester ZIP CODE: 14609

PHONE: _____ FAX: _____

E-MAIL ADDRESS _____

INTEREST IN PROPERTY: Owner Lessee _____ Other _____

3. PLAN PREPARER: Juan Baute

ADDRESS: _____ CITY: _____ ZIP CODE: _____

PHONE: _____ FAX: _____

4. ATTORNEY: Miguel A. Reyes, Esq.

ADDRESS: 1664 N. Clinton Ave. CITY: Rochester ZIP CODE: 14621

PHONE: 342-4600 FAX: 342-9773

E-MAIL ADDRESS mreyes29@hotmail.com

5. ZONING DISTRICT: R-1

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

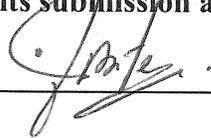
To restore previous use as a 3-family residence,
which was lost due to vacancy.

7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:) 0

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: 5/11/16

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: 5/11/16

200 PARKWAY



June 3, 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



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: 200 Parkway, Rochester, NY 14608

A. PROPERTY DATA

1. Date property was purchased by current owner 5/9/2012

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

3. Cost of Purchase \$ 14,248

4. Original Amount of Mortgage(s) 0
Mortgage Holder(s) _____
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 \$ 36,800
Source of valuation Tentative Tax Assessment

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. <u>1 - Family</u>	<u>3 - 4 Bedrooms</u>	<u>850</u>	<u>10,200</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
TOTAL ANNUAL INCOME:			<u>10,200</u>
LESS (8%) VACANCY FACTOR: (Explain, if greater than 8%)			<u>816</u>
TOTAL ADJUSTED GROSS INCOME:			<u>9,384</u>

C. ANNUAL EXPENSES

1. <u>Annual Fixed Charges</u>	
Real Estate Taxes (City & County).....	<u>2,919</u>
Insurance	<u>1,344</u>
Average Annual Interest (over next 5 years).....	_____
2. <u>Operating Expenses</u>	
Electric	_____
Fuel.....	_____
Water	<u>600</u>
Pure Waters	_____
Advertising	_____
Miscellaneous (attach explanation).....	_____
3. <u>Maintenance Expenses</u> (attach list)	
Repairs	<u>1,200</u>
General Building Maintenance	<u>600</u>
Yard and Ground Care	<u>1,000</u>
Miscellaneous	_____
TOTAL ANNUAL EXPENSES:	
PROFIT or (LOSS)	
	<u>7,663</u>
	<u>1,721</u>

D. TOTAL INVESTMENT

1. Down payment	<u>14,248</u>
2. Capital Improvements (attach list)	<u>24,120</u>
3. Principal paid to date (original mortgage less current principal balance)	<u>0</u>
TOTAL INVESTMENT:	
	<u>38,368</u>

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

SIGNATURE OF PREPARER _____ DATE 5/11/16

JUAN BAUTE
200 Parkway

USE VARIANCE
STATEMENT OF UNNECESSARY HARDSHIP

NO REASONABLE RETURN

The single family residence (R-1) zoning designation of this property results in a 3-4 bedroom, 2 bathroom city residence that, according to best estimates drawn from publicly available rental listings such as Craigslist and from owner's inquiries or prevailing rents in the neighborhood, commands a maximum monthly rental of about \$850.00 per month. Given that the tenants would pay their own utilities, the rate of return on investment for this property is 5 per cent.

UNIQUE CIRCUMSTANCES

This structure was constructed in 1910. It was originally a brick building containing a commercial retail space on the first floor and one apartment on the second floor. The commercial space had an abundance of plate glass windows that covered substantially all of the front of the space. Previous owners converted the commercial space into living quarters, replacing the plate glass windows with frame wood construction covered with wood shingle siding. The structure can't be legally converted to its original use because of zoning regulations. In 1947, according to city records, a frame construction shed or garage was added to the then existing building; although it is contiguous to the brick building, this single story addition stands alone. The result is that the structure is neither physically nor aesthetically suited to be marketed and used as a single family residence.

NOT SELF CREATED

The nature of the property was determined a century ago. The present owner was not a party to the design or construction of any of the features that make this property a uniquely difficult task to convert to single family use. What is more, insofar as the present owner is a consumer of information published by the City of Rochester in its real property website, the present owner relied on the city's designation of the property as a three family structure. He pays property taxes in accordance with such designation and he invested in reliance on the same.

ESSENTIAL CHARACTER OF THE AREA

This structure has been part of the urban landscape of the 14608 neighborhood for more than 100 years. There would be no physical changes to the neighborhood. The essential character of the neighborhood is residential. The proposed use is also residential.

NO OTHER REMEDY

Reconversion to commercial or mixed use is neither allowed nor economically feasible. Use as a single family residence is counter to the original intent of the structure when it was built and is simply not workable; the first and the second floor were designed to be used separately and for different purposes. The attached structure stands alone.

CAPITAL IMPROVEMENTS

MATERIALS

Floors:		\$1,700.00
Cabinets:		\$1,950.00
Toilet and Sink:		\$520.00
Door Locks:		\$350.00
Ceiling:		\$700.00
Lighting:		\$240.00
Replacement of cabinets		\$1,200.00
Stove		\$600.00
Refrigerator		\$750.00
Windows	Qty.	
Apt 2	9x \$140.00	\$1,260.00
Apt 3	3x \$70.00	\$210.00
Apt 3	2x \$100.00	\$200.00
Apt 1	2x \$90.00	\$180.00
Exterior Doors	5x \$210.00	\$1,050.00
Interior Doors	16x \$30.00	\$480.00
Paint		\$2,350.00
Electric Cables		\$820.00
Electric Heaters		\$1,750.00
Electric Accessories		\$520.00
Alarms		\$180.00
Plumbing		\$250.00
Electric work		\$350.00
Total Material		\$17,610
Total Labor		\$6,510.00
TOTAL IMPROVEMENTS		\$24,120.00

MONROE COUNTY CLERK'S OFFICE

ROCHESTER, NY

THIS IS NOT A BILL. THIS IS YOUR RECEIPT

Receipt # 980283

Index DEEDS

Book 11315 Page 249

No. Pages : 3

Instrument DEED

Date : 10/11/2013

Time : 04:07:47PM

Control # 201310110687

TT # TT0000004083

Ref 1 #

Employee : SueG

Return To:
BOX 178

BAUTE-DELGADO, JUAN

COUNTY FEE TP584	\$	5.00
COUNTY FEE NUMBER PAGES	\$	10.00
RECORDING FEE	\$	45.00
RP5217 COUNTY FEE	\$	9.00
RP5217 STATE EQUALIZATION FE	\$	116.00
STATE FEE TRANSFER TAX	\$	0.00

Total \$ 185.00

State of New York

TRANSFER AMT

MONROE COUNTY CLERK'S OFFICE

TRANSFER AMT

\$1.00

WARNING - THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

CHERYL DINOLFO
MONROE COUNTY CLERK



(I)

2P
R0

QUITCLAIM DEED

THIS INDENTURE made this 9th day of September, 2013

BETWEEN Juan Baute-Delgado & Adaidee Baker-Castellanos, residing at
78 Webster Manor Dr. Apt. 8. Webster. NY. 14580

Grantor, and

Juan Baute-Delgado, residing at
403 NORTH PARK DR. ROCHESTER NY 14609.

Grantees.

WITNESSETH, that the Grantor, in consideration of ONE DOLLAR and 00/100ths (\$1.00), lawful money of the United States and other good and valuable consideration, paid by the Grantees, hereby grant, release and quitclaim unto the Grantees, their heirs or successors and assigns of the Grantees forever,

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, situate in the City of Rochester, County of Monroe, and State of New York, known and distinguished as the north part of Lot #12 Section "N" Jones Tract, as shown on a map filed in the Monroe County Clerk's Office in Liber 3 of Maps at page 137, being 33 feet in front on the east side of Thompson Street and running back the same width as the front 100 feet. Thompson Street is now called Parkway.

This conveyance is made subject to all covenants, restrictions and easements of record affecting said premises, if any.

Being and hereby intending to convey the same premises as conveyed to Grantor by Quit Claim Deed dated September 6, 2007 and recorded in the Monroe County Clerk's Office September 10, 2007 in Liber 10515 of Deeds at page 0548.

Tax Account Number: 105.59~~0~~-2-1

Property Address: 200 Parkway, Rochester, New York 14608

Tax Mailing Address: 403 North Park Drive, Rochester, New York 14609

TOGETHER, with the appurtenances and all the estate and rights of the Grantor in and to said premises

TO HAVE AND TO HOLD the premises herein granted unto the Grantees, the heirs or successors and assigns of the Grantees forever

Box 178

2013 OCT 11 PM 4:16
MONROE COUNTY CLERK

IN WITNESS WHEREOF, the Grantor has executed this deed the day and year first above written.

This deed is subject to the trust provisions of section 13 of the Lien Law. The words "Grantor" and "Grantee" shall be construed to read in the plural whenever the sense of the deed so requires.



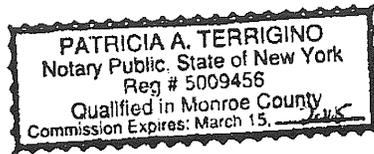
Juan Baute-Delgado



Adaidee Baker-Castellanos

STATE OF NEW YORK }
COUNTY OF MONROE } ss:

On this 9th day of October, in the year 2013, before me, the undersigned, a notary public in and for said state personally appeared **Juan Baute-Delgado**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

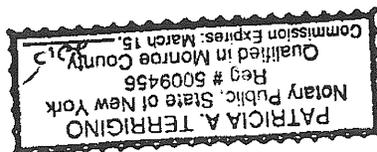




Notary Public

STATE OF NEW YORK }
COUNTY OF MONROE } ss:

On this 9th day of October, in the year 2013, before me, the undersigned, a notary public in and for said state personally appeared **Adaidee Baker-Castellanos**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.





Notary Public

MONROE COUNTY CLERK'S OFFICE

ROCHESTER, NY

THIS IS NOT A BILL. THIS IS YOUR RECEIPT

Receipt # 708707

Index DEEDS

Book 11118 Page 590

No. Pages : 3

Instrument DEED

Date : 05/09/2012

Time : 12:07:41PM

Control # 201205090569

TT # TT0000012273

Ref 1 #

Employee : RebeccaZ

Return To:
BOX 33

OHUCHE, ELIZABETH

BAUTE-DELGADO, JUAN
BAKER-CASTELLANOS, ADAIDEE

COUNTY FEE TP584	\$	5.00
COUNTY FEE NUMBER PAGES	\$	10.00
RECORDING FEE	\$	45.00
RP5217 COUNTY FEE	\$	9.00
RP5217 STATE EQUALIZATION FE	\$	116.00
STATE FEE TRANSFER TAX	\$	0.00

Total \$ 185.00

State of New York

MONROE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

TRANSFER AMT

TRANSFER AMT

\$1.00

CHERYL DINOLFO
MONROE COUNTY CLERK



105.590-2-1
33

Quitclaim Deed

THIS INDENTURE, made the 9th day of May, 2012.

BETWEEN ELIZABETH OHUCHE, currently maintaining an office for the transaction of business at 23 East 127th Street, New York, New York 10035;
Grantor,

AND

JUAN BAUTE-DELGADO and ADAIDEE BAKER-CASTELLANOS, as tenants in common, residing at 403 North Park Drive, Rochester, New York 14609;
Grantee,

2012 MAY -9 PM 12:07
MONROE COUNTY CLERK
RECORDED

WITNESSETH that the Grantor, in consideration of one dollar (\$1.00) paid by the Grantee, does hereby remise, release and quitclaim unto the Grantee, the heirs and successors and assigns of the Grantee forever,

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Rochester, County of Monroe and State of New York, know and distinguished as the north part of Lot #12 Section "N" Jones Tract, as shown on a map filed in the Monroe County Clerk's Office in Liber 3 of Maps at page 137, being 33 feet in front on the east side of Thompson Street and running back of the same width as the front 100 feet. Thompson Street is now called Parkway.

SUBJECT TO, all easements, restrictions and covenants affecting said premises.

BEING and hereby intending to convey the same premises conveyed to the Grantor herein by Warranty Deed dated September 6, 2007 and recorded on September 10, 2007 in the Monroe County Clerk's Office in Liber 10515 at page 0548.

Tax Account No.: 105.590-2-1
Property Address: 200 Parkway, Rochester, New York 14608
Tax Mailing Address: 403 North Park Drive, Rochester, New York 14609

TOGETHER with the appurtenances and all the estate and rights of the grantor in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the grantee, the heirs or successors and assigns forever.

TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to said premises;

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, the heirs or successors and assigns of the Grantor forever.

The word "Grantor" or "Grantee" shall be construed as if it read "Grantors" or "Grantees" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the Grantor has duly executed this deed the day and year first above written.

In Presence of:

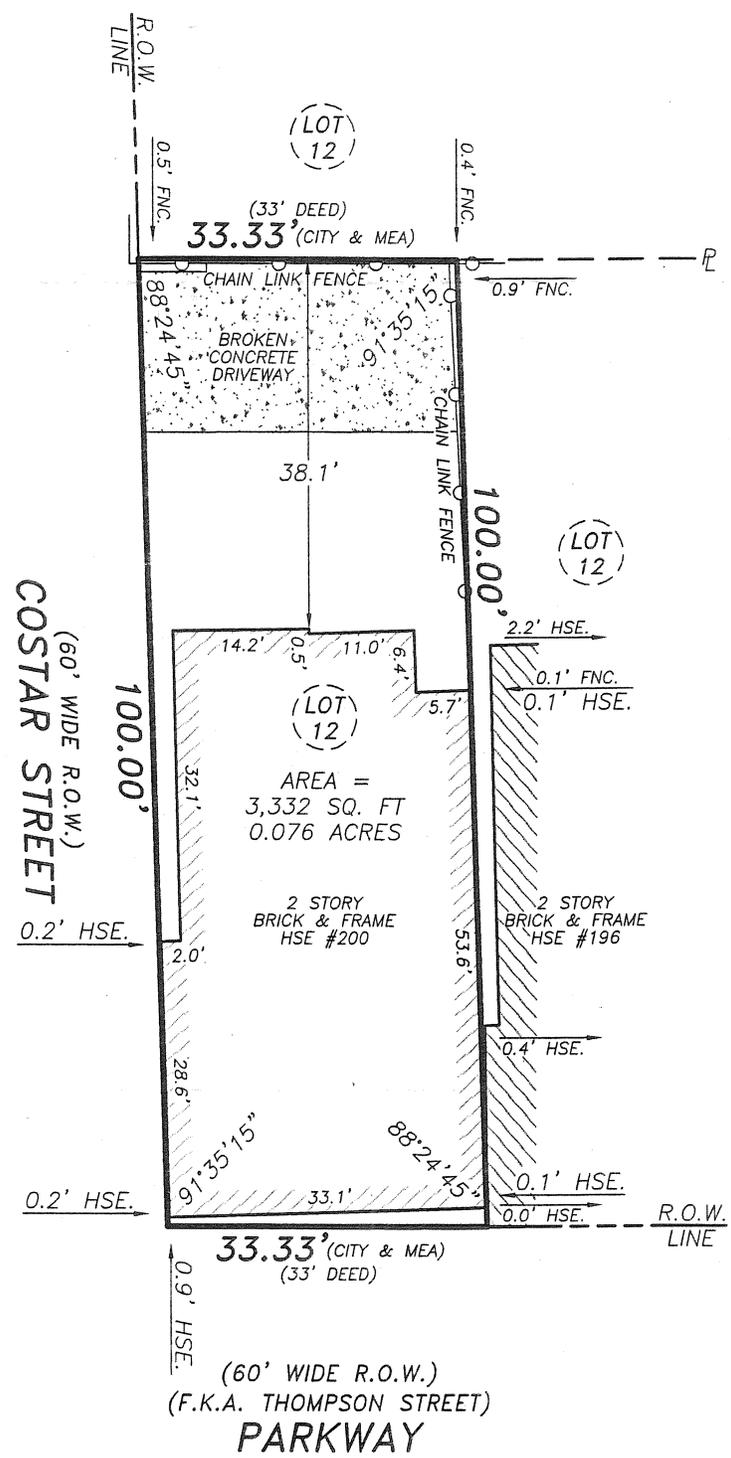
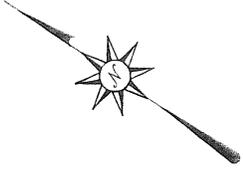

ELIZABETH OHUCHE

STATE OF NEW YORK)
COUNTY OF NEW YORK) SS:

On the 7th day of May, in the year 2012, before me, the undersigned, personally appeared **ELIZABETH OHUCHE**, ~~personally known to me~~, or proved to me on the basis of satisfactory evidence, to be the individual whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her capacity and that her signature on the instrument the individual, or the person upon behalf of which the individual acted, executed instrument.


NOTARY PUBLIC

CHARMAINE RAPHAEL
NOTARY PUBLIC STATE OF NEW YORK
NO 01RA6217652
QUALIFIED IN THE COUNTY OF NEW YORK
COMMISSION EXPIRES FEBRUARY 16, 2014



CERTIFICATION:

I, ANDREW M. HODGE, HEREBY CERTIFY TO:

- JUAN BAUTE
- MIGUEL A. REYES, ESQ.
- THE TITLE INSURANCE COMPANY
INSURING THE TITLE

THAT THIS MAP WAS MADE OCTOBER 28, 2015
FROM NOTES OF AN INSTRUMENT SURVEY
COMPLETED OCTOBER 27, 2015
AND REFERENCES LISTED HEREON.

REFERENCES:

- 1.) LIBER 3 OF MAPS, PAGE 137.
- 2.) LIBER 11315 OF DEEDS, PAGE 249.
- 3.) ABSTRACT OF TITLE NOT PROVIDED.

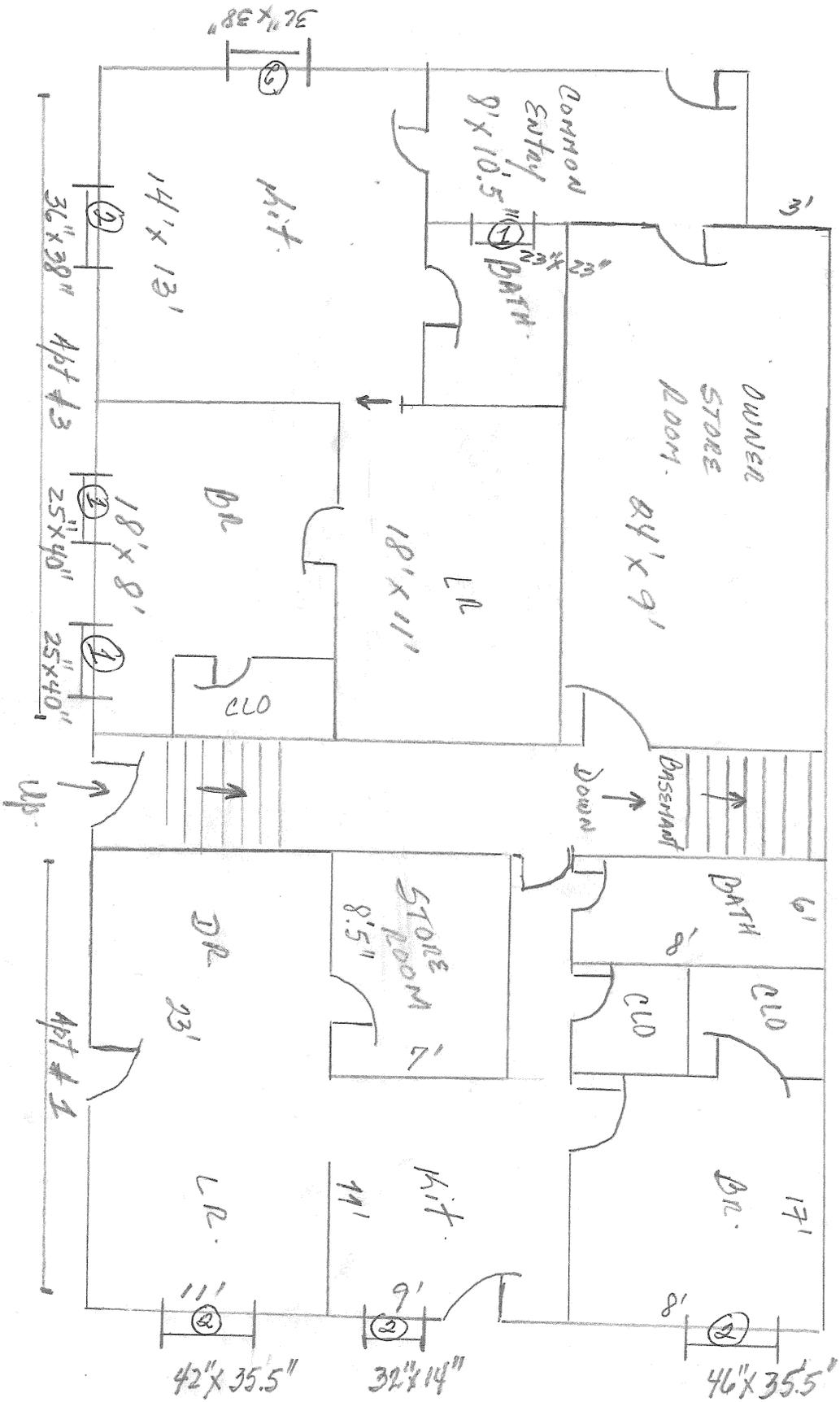
Andrew M. Hodge
10/28/15

N.Y.S.P.L.S. No. 50619 1619 DATE

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

200 Parkway Rochester NY 14608 / Apartments #1, #3

First Floor



PARKWAY.

COSTAR DR.

200 PARKWAY ROCHESTER NY 14608 / Apartment 42

Second Floor.

Legend:

LR = Living Room
DR = Dining Room

BATH = Bathroom

BR = Bedroom

CL = CLOSET

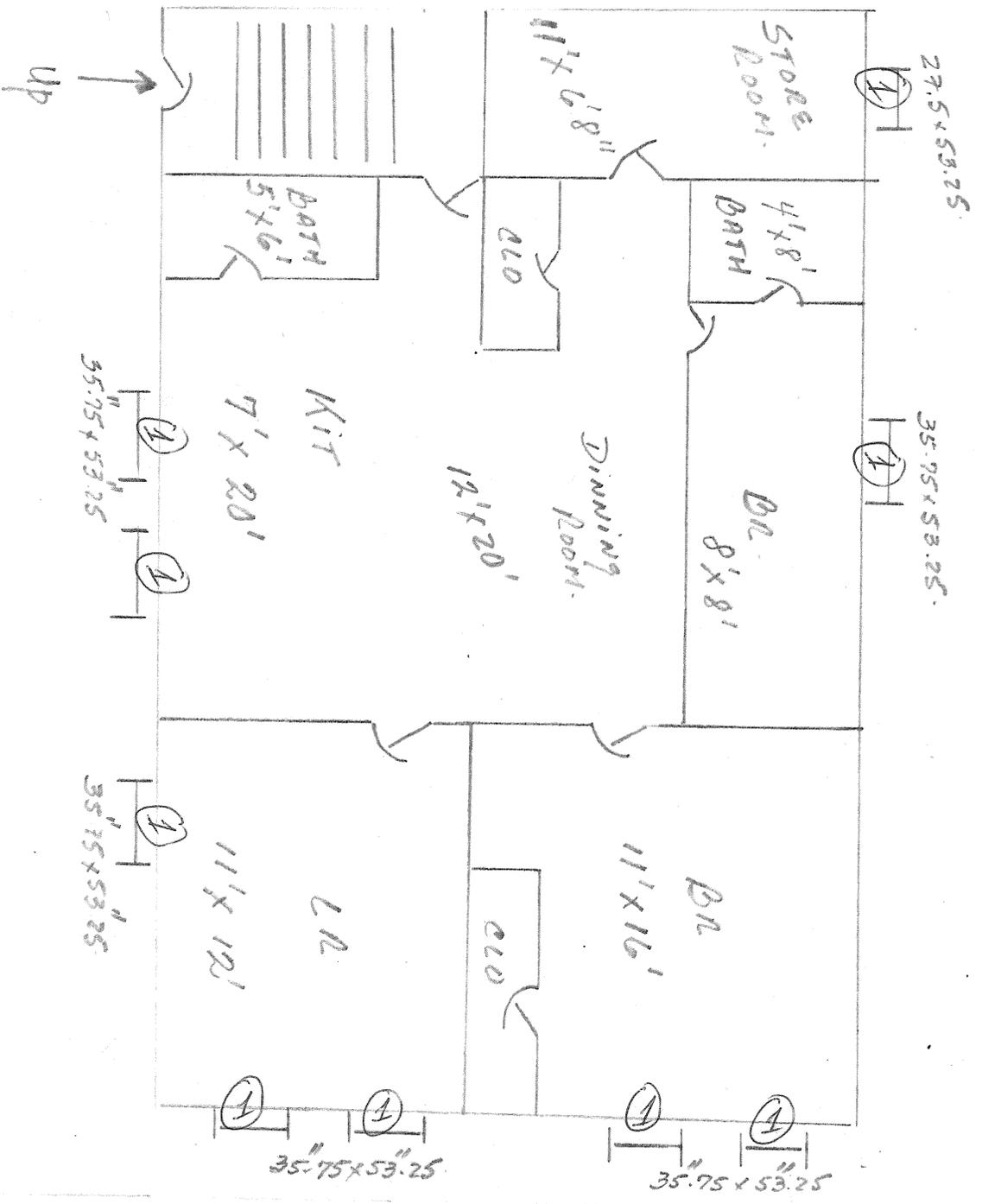
KIT = Kitchen

A = Indicates door and direction it swings.

— — — — —
ORR

Indicates exterior windows and its dimensions overall between stops

Window types



00STAR ST

View from
Costar St.

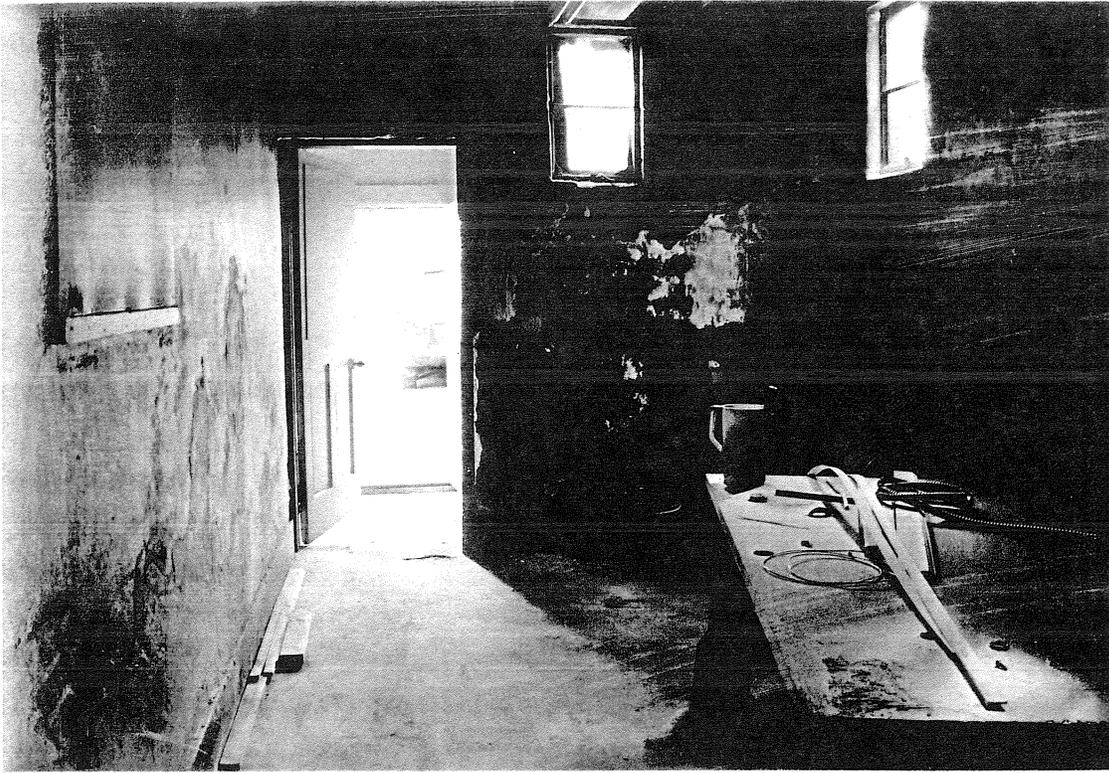


Apt # 1

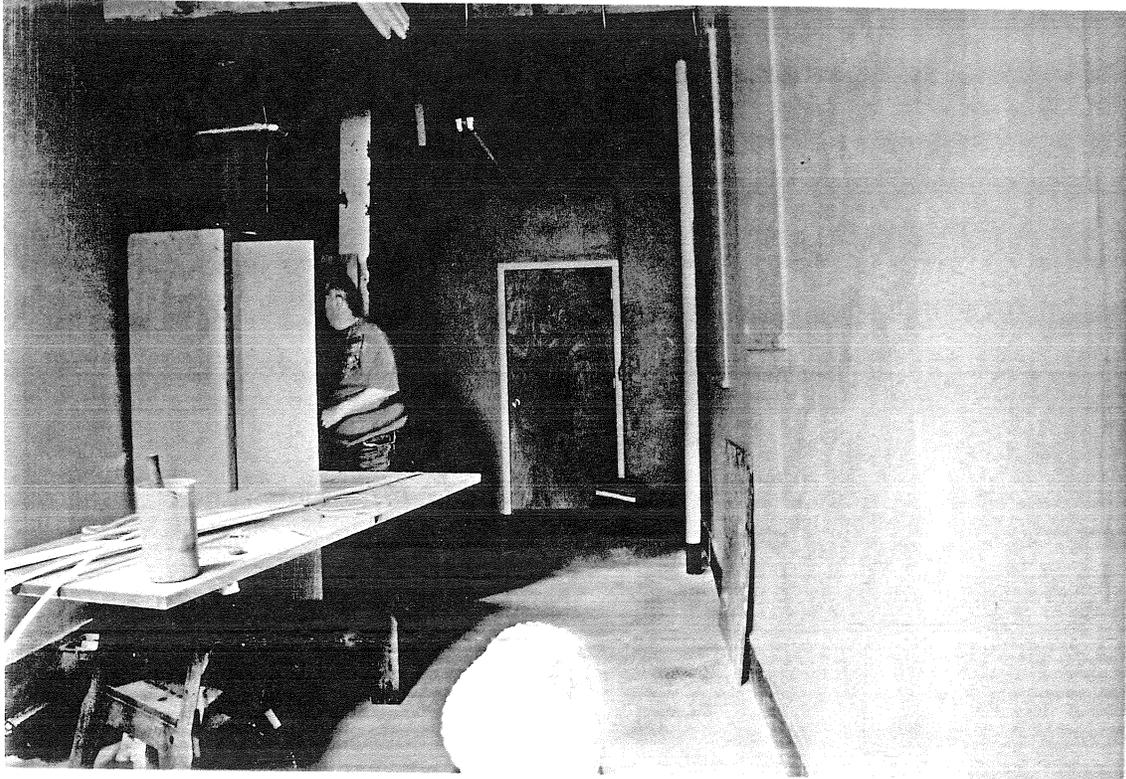
down,
front.



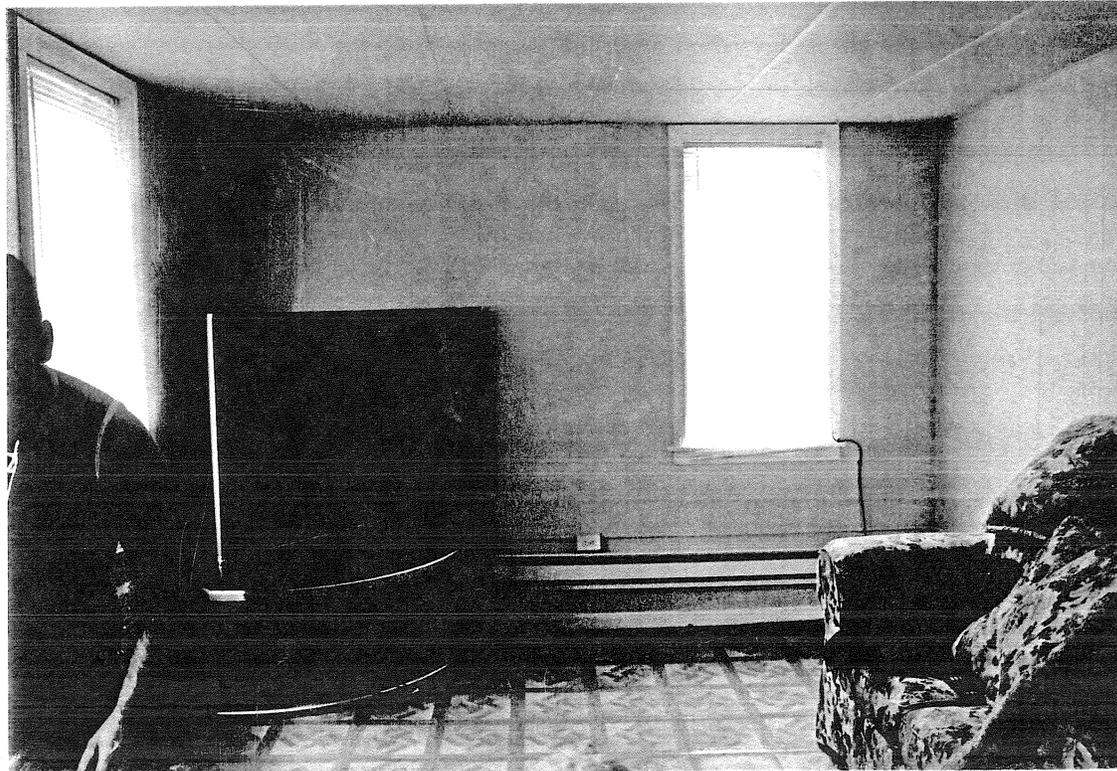
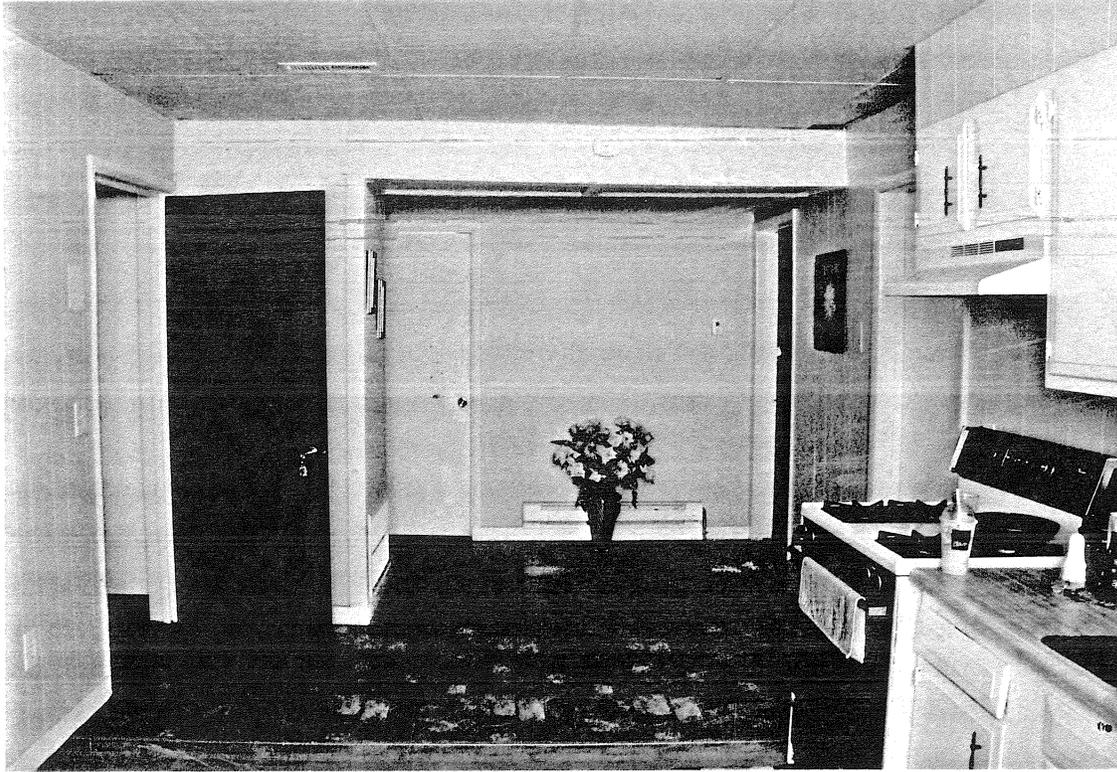
Store



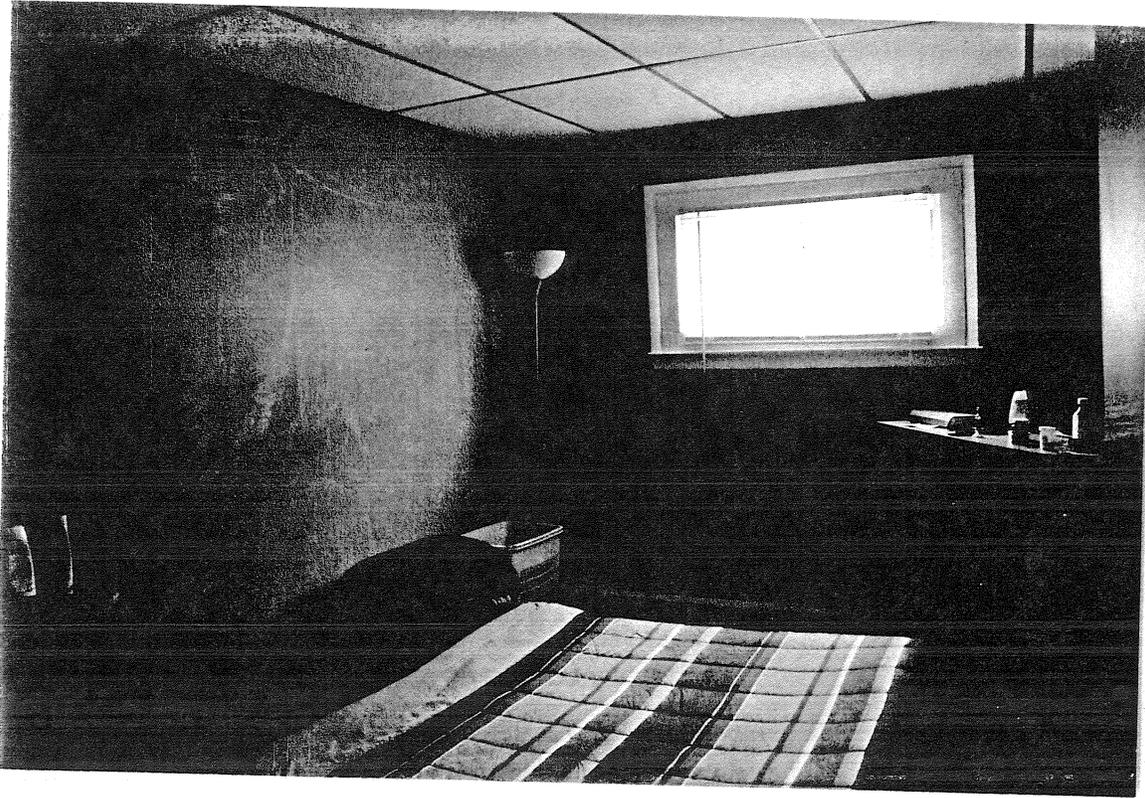
Store



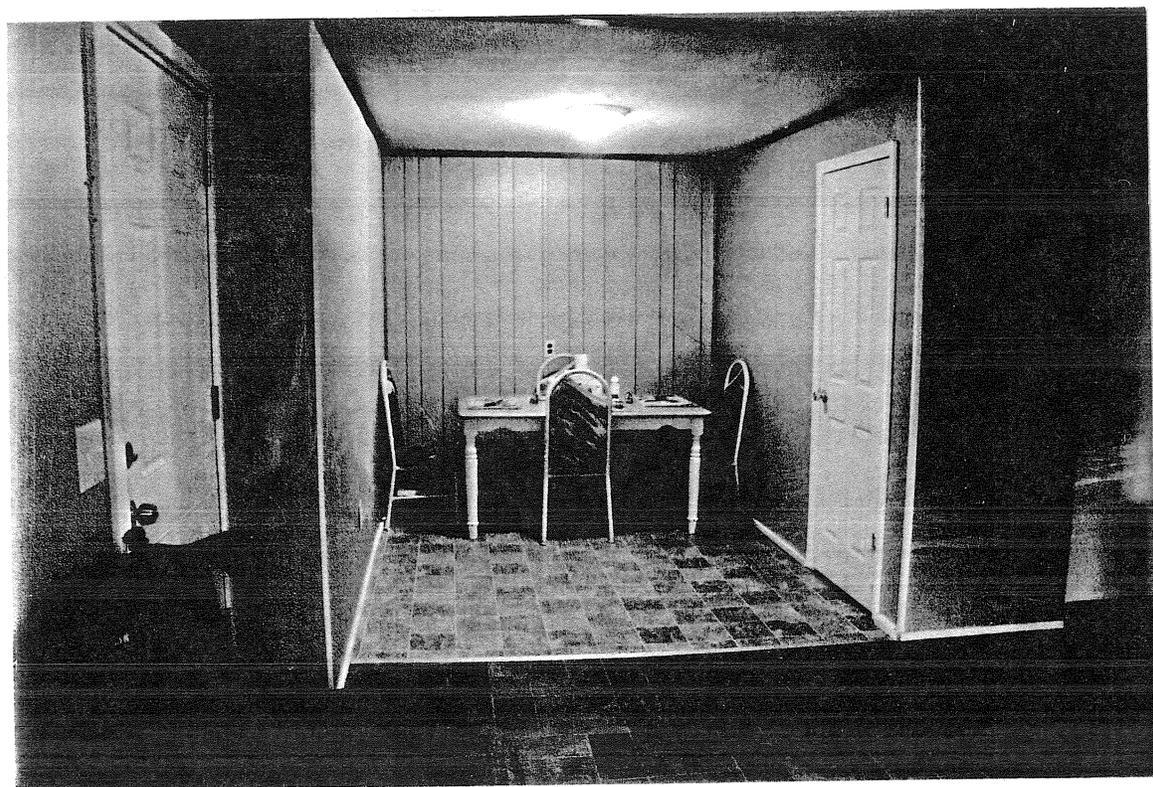
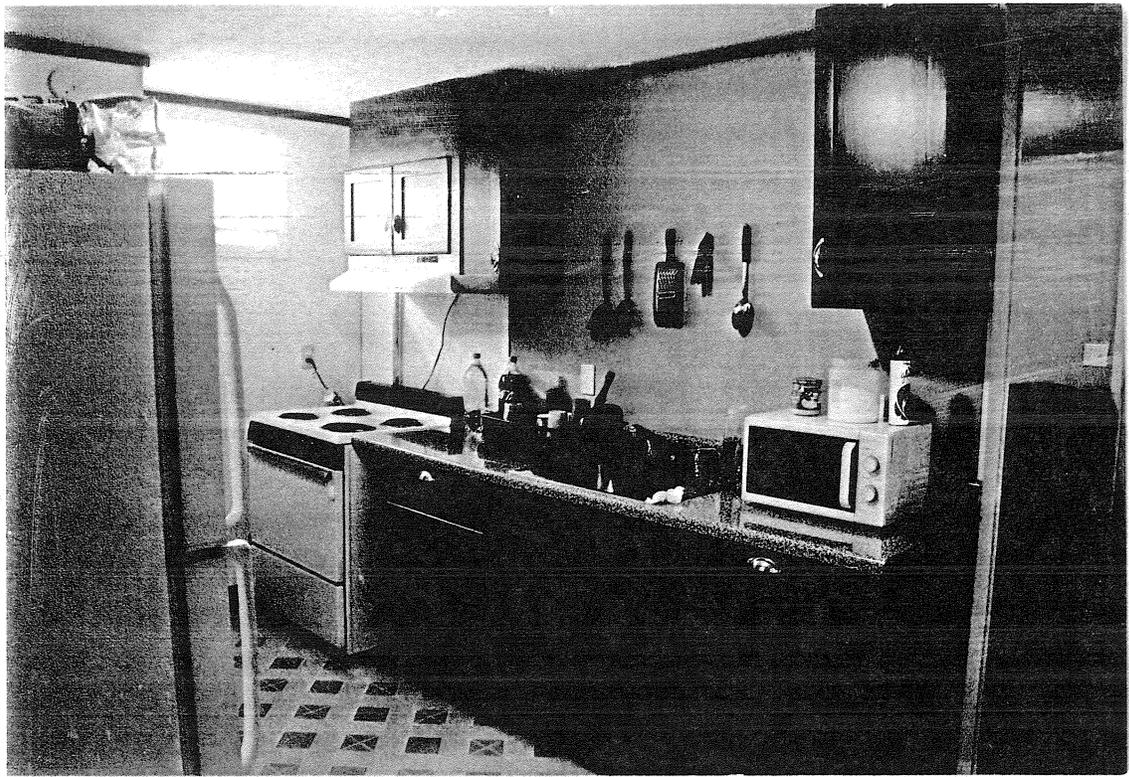
Aptm # 2 - Second floor



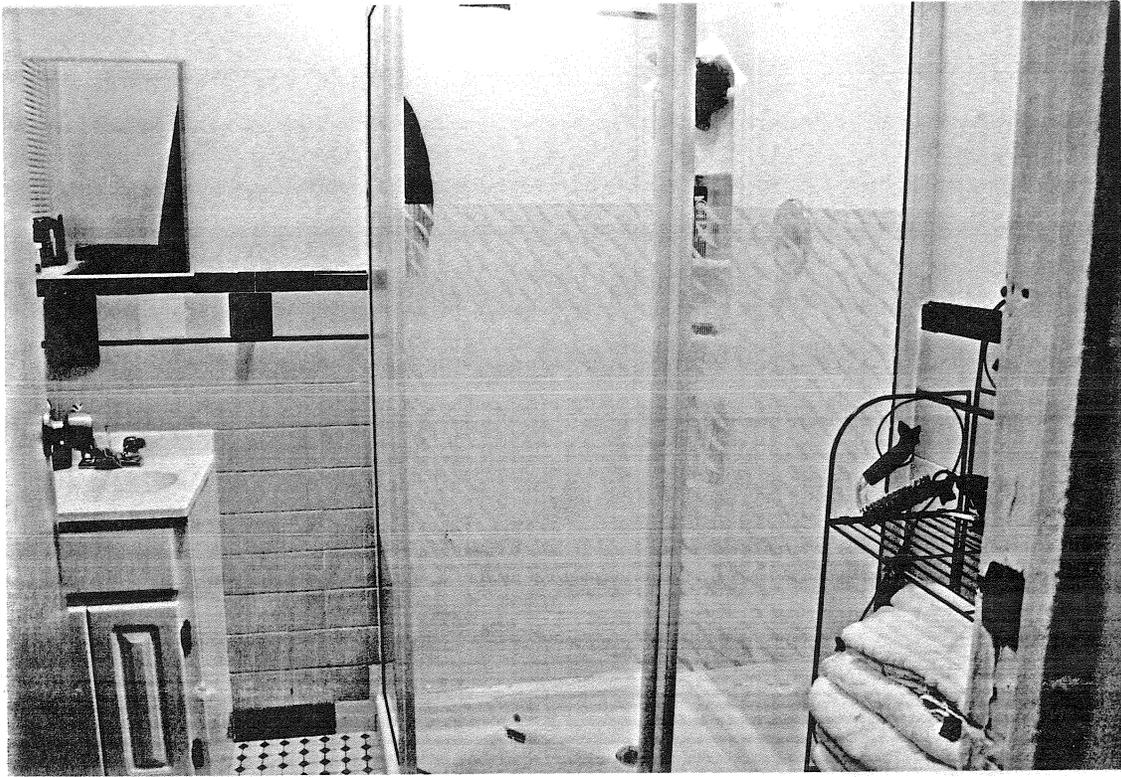
Apt # 1
down front



Apt # 1
down, front



Apt. # 3
Down, rear



Apt. # 3
Down, rear

