City of Rochester

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

Bureau of Planning
and Zoning

August 1, 2016

Ihor Korda
22 ½ Fleming Street
Rochester, NY 14626

Location:	22 Fleming Street
Zoning District:	H-V Harbortown Village District
File Number:	V-001-16-17
Votes:	5-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to legalize the parking in front of a single family dwelling on a parcel that also contains a two family dwelling, please take notice that at the Zoning Board of Appeals meeting held on July 14, 2016, said application was **APPROVED with lesser relief:**

> **The front yard parking in front of the single family dwelling can remain. The paved area to the north of the single family dwelling (i.e. the area in front of the breezeway, between the two structures) must be removed and restored to grass (area approximately 15' x 7'). See attached drawing.**

****IMPORTANT**:** Given that this property is currently in Code Enforcement for the front yard parking area, you must obtain a building permit immediately. Please contact Jill Symonds at 585-428-7364 or Jill.Symonds@cityofrochester.gov to schedule an appointment.

Margaret Barron for

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

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Resolution and Findings of Fact:

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

   Finding: The subject property is located on the corner of Fleming and Estes Street and therefore, has two front yards. There is a two-story, two-family dwelling and a one-story, single family dwelling on the property. The single family is located in the former garage. The driveway is located off Fleming Street and leads to the single family dwelling.

   The variance approval with lesser relief will enable the applicant to continue to park two to three vehicles in the driveway, while also requiring that some of the asphalt is restored to grass. This approval will limit the number of vehicles parked in the front yard. As this portion of Fleming Street does not have on-street parking, this approval balances the need for off-street parking with the desire to maintain a residential aesthetic in the neighborhood.

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

   Finding: The neighboring properties have a variety of parking configurations that include driveways leading to attached and detached garages, or no garage whatsoever. Given this context, the proposal to retain the existing driveway is not out of character with the neighborhood and will not be a detriment to nearby properties.

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

   Finding: The applicant considered installing a new driveway off of Estes Street. However, this alternative would significantly impact the use of the yard, which is a less desirable alternative.

4. **Is the requested variance substantial?** **Yes ___ No __X**

   Finding: The variance approval with lesser relief mitigates the impact of front yard parking by limiting the amount of asphalt and the number of cars that can park in the driveway.

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

   Finding: The variance approval with lesser relief requires the applicant to reduce the width of the driveway and restore some of the area to grass. The variance request will improve the visual and environmental impact of the proposal.

6. Is the alleged difficulty self-created? **Yes _X_ No __**

Finding: The alleged difficulty is self-created, however, this does not override the merits of granting this request.

Record of Vote:

J. Best	Absent
L. Boose-Stanford	Approve with lesser relief
D. Carr	Absent
L. Jennings (alternate)	Approve with lesser relief
M. Morales	Approve with lesser relief
J. O'Donnell	Approve with lesser relief
M. Tilton	Absent
E. Van Dusen	Approve with lesser relief

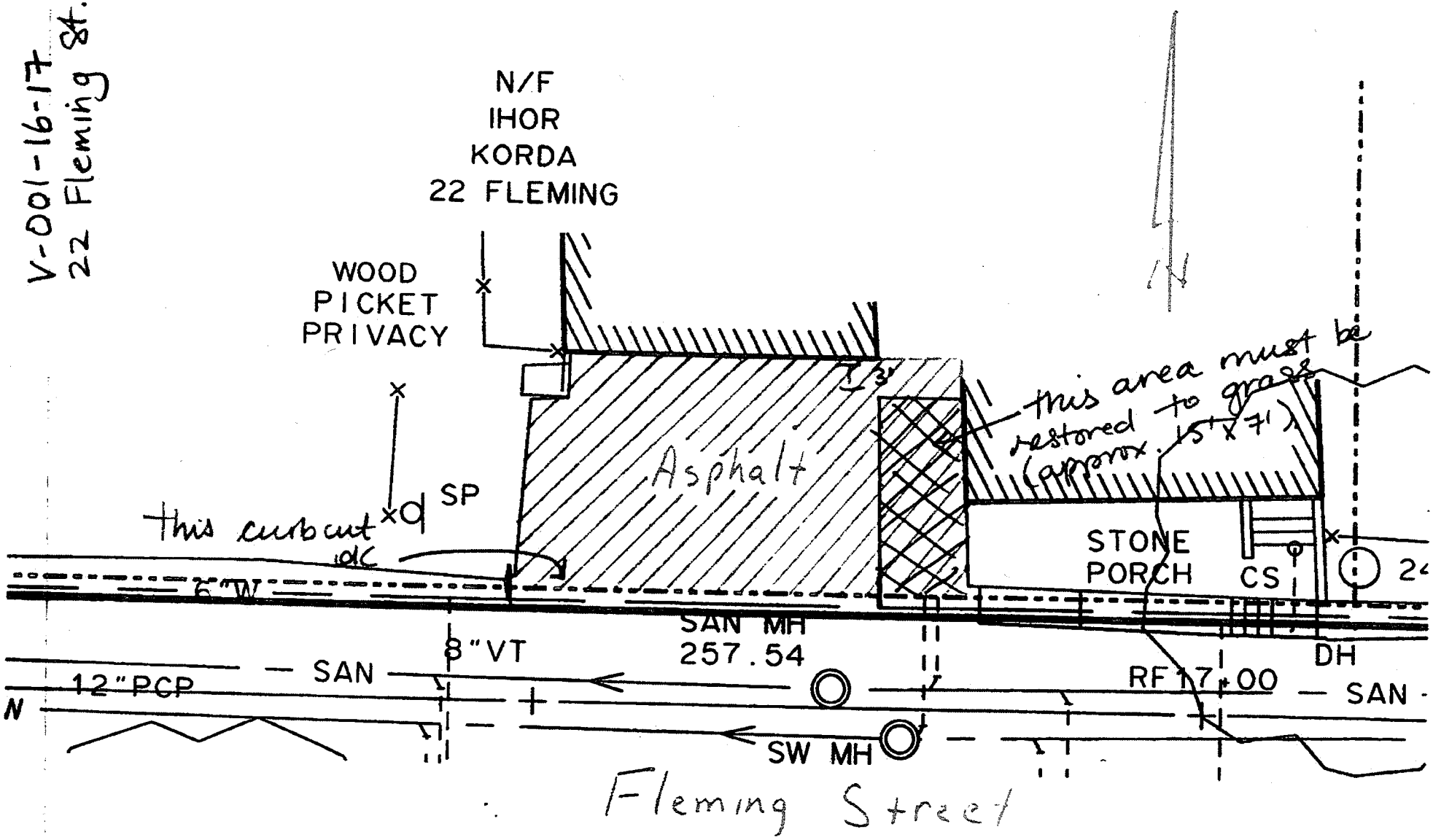
This decision was based on the following testimony and evidence:

Supporting Testimony:
Ihor Korda

Opposing Testimony:
None

Evidence:
Staff Report
Area Variance Application
City Property Information Map
Statement of Difficulty
Survey Map
Letter, site plan, and photo from the Department of Environmental Services, dated 11/04/13
Site plan off proposed street changes
Personal Appearance Notice, Affidavit of Notification, Speakers' List

V-001-16-17
22 Fleming St.



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Bureau of Planning
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August 1, 2016

Tiffany Angelo
53 Van Stallen Street
Rochester, NY 14621

Location:	53 Van Stallen Street
Zoning District:	R-1 Low-Density Residential District
File Number:	V-002-16-17
Votes:	0-5-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to re-establish use of the property as a two-family dwelling that has lost its rights due to a period of vacancy greater than nine months, please take notice that at the Zoning Board of Appeals meeting held on July 14, 2016, said application was **DENIED.**

As a result of this decision, you must apply for a building permit to de-convert the property to a single family dwelling. If you have any questions or concerns, please contact Jill Symonds at (585) 428-7364 or Jill.Symonds@cityofrochester.gov.

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

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Resolution and Findings of Fact:

1. **Can the applicant realize a reasonable return as shown by competent financial evidence?** **Yes _X_ No ____**

   Finding: According to the statement of income and expense, the property could realize a 5% rate of return as a single family dwelling. In testimony, the applicant explained that this rate of return is not high enough for an investor. However, the Zoning Board determined that it is a reasonable return.

2. **Is the alleged hardship relating to the property unique?** **Yes ___ No __X**

   Finding: A vacant nonconforming structure is not unique. The subject property is approximately 1,600 square feet and restoring it to a single family dwelling is consistent with the original design of the property.

3. **Is the alleged difficulty self-created?** **Yes _X_ No ____**

   Finding: The property has been vacant since April 2015. City records document this period of vacancy and include a specific violation for loss of rights as a two-family dwelling. The applicant could have known about the vacancy and loss of nonconforming rights when the home was purchased in April 2016.

4. **Will the requested use variance, if granted, alter the essential character of the neighborhood?** **Yes _X_ No____**

   Finding: The intent of the Zoning Code is to eliminate nonconforming uses over time. The R-1 District is intended for low density residential uses such as single-family, detached and attached houses. Residential conversions are prohibited in the R-1 District, and residential de-conversions are encouraged. The de-conversion of this dwelling to a single family home is consistent with the density of the predominately single family neighborhood.

5. **Can the benefit sought by the applicant be achieved by a feasible alternative to the variance?** **Yes _X_ No____**

   Finding: The applicant could de-convert the property to a single-family home. Documentation about comparable sales in the area suggests that single-families can be sold for between $10,000 and $29,000. As this property was purchased for $20,000, it has the potential to be fixed up and sold for a modest profit.

Record of Vote:

J. Best	Absent
L. Boose-Stanford	Deny
D. Carr	Absent
L. Jennings (alternate)	Deny
M. Morales	Deny
J. O'Donnell	Deny
M. Tilton	Absent
E. Van Dusen	Deny

This decision was based on the following testimony and evidence:

Supporting Testimony:
Tiffany Angelo

Opposing Testimony:
None

Evidence:
Staff Report
Use Variance Application
City Property Information Map
Statement of Unnecessary Hardship
Statement of Income and Expense
Floor plans
Real estate closing statement
Work order from Race Properties for repairs
Photographs
Certificate of Occupancy, dated November 1, 2013
Letter from Race Properties, including list of comparable properties, dated June 3, 2016
MLS listings for 574 Empire Blvd, 733 Norton Street, 134 Van Stallen Street, 182 Wely St, 15 Northeast Ave, 33 Peckham St, 41 Hoff St, 42 Farbridge St, 38 Peckham St
Race Properties property management agreement
Monroe County tax bill
City of Rochester property information
Personal Appearance Notice, Affidavit of Notification, Speakers' List

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Bureau of Planning
and Zoning

August 1, 2016

Gregory Guy
32 Scarborough Park
Rochester, NY 14620

Location:	96 Rossiter Road
Zoning District:	R-1 Low Density Residential District
File Number:	V-003-16-17
Votes:	0-5-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to expand the existing driveway of a single family dwelling located on a corner parcel, thereby creating front yard parking and exceeding the lot coverage requirement, please take notice that at the Zoning Board of Appeals meeting held on July 14, 2016, said application was **DENIED.**

If you have any questions or concerns about this decision, please contact Jill Symonds at 585-428-7364 or Jill.Symonds@cityofrochester.gov.

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

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Resolution and Findings of Fact:

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

   Finding: The subject property is a single family dwelling located on the corner or Rossiter Road and Norfolk Street and thus has two front yards. According to the applicant, two small vehicles could fit in the existing garage. Although the driveway leading to the garage is only 13' deep, photographs provided by the public indicate that two vehicles can park in the driveway without obstructing the sidewalk. The existing parking available on this property is sufficient to meet the needs of the residents of a single family dwelling. Adding additional parking by paving the yard would be out of character with the purpose of the R-1 Low Density Residential District and would be a detriment to the community.

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

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

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

   Finding: The applicant is able to fit two small cars in the garage and two cars in the driveway. The existing configuration provides sufficient parking for a single family dwelling.

4. **Is the requested variance substantial?** **Yes _X_ No __**

   Finding: The proposed parking area will occupy the majority of the yard to the north of the garage. The visual impact of having up to four cars parked on the property is substantial and would negatively impact the aesthetics of the street.

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

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

6. Is the alleged difficulty self-created? **Yes _X_ No __**

Finding: The desire for additional parking is a self-created difficulty.

Record of Vote:

J. Best	Absent
L. Boose-Stanford	Deny
D. Carr	Absent
L. Jennings (alternate)	Deny
M. Morales	Deny
J. O'Donnell	Deny
M. Tilton	Absent
E. Van Dusen	Deny

This decision was based on the following testimony and evidence:

Supporting Testimony:
Gregory Guy

Opposing Testimony:
Jason Zoghlin
Tom Hack

Evidence:
Staff Report
Area Variance Application
City Property Information Map
Statement of Difficulty
Survey Map
Photographs
Letter from Mario Fahy, dated 07/10/16
Email from Holden Miller, dated 07/18/16
Email from Bob Good, dated 07/08/16
Email and photos from Bruce Mellen, dated 07/08/16
Email from Paul Kingsley, dated 07/08/16
Email from Nina Sikand, dated 17/10/16
Email and photos from Jerry Reynolds, dated 07/10/16
Email from Dave Weller, dated 07/10/16
Email from Rev. Dr. Kathleen Madigan, dated 07/10/16
Email from Mary Stid, dated 07/10/16
Email from Karl Kabelac, dated 07/12/16
Email and photos from Barbara Sanko, dated 07/12/16
Personal Appearance Notice, Affidavit of Notification, Speakers' List

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Bureau of Planning
and Zoning

August 1, 2016

Aneshia Gray
296 Genesee Park Blvd.
Rochester, NY 14619

Location:	296 Genesee Park Blvd
Zoning District:	R-1 Low Density Residential District
File Number:	V-004-16-17
Vote:	4-1-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to install a 6' high white vinyl fence in the front yard of a single family dwelling located on a corner parcel, not meeting certain fence requirements, please take notice that at the Zoning Board of Appeals meeting held on July 14, 2016, said application was **APPROVED on condition:**

> **The fence must be one of the styles that were proposed at the hearing (see attached).**

Pursuant to Section 120-195B(9) of the City Code, a variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit is obtained and maintained.

****IMPORTANT**:** You must make an appointment to complete the permit process. No work relating to this variance request can be started without the issuance of a Building Permit. Please contact Jill Symonds at 585-428-7364 or Jill.Symonds@cityofrochester.gov to schedule an appointment.

for

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

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Resolution and Findings of Fact:

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

   Finding: The applicant purchased the property in 2014 and removed the existing chain link fence that enclosed the yard. The proposal is to install a 6' high fence along the Post Avenue frontage. In testimony, the applicant explained that she would like a 6' high fence in order to secure the property and provide privacy when using the yard. She explained that trespassers cut through the property and peer in the windows of the home and the garage.

   The applicant provided photos of different fence styles, all of which include a decorative, semi-transparent portion along the top. The Zoning Board determined that this style of fence would enhance the appearance of the property and would be appropriate at this location to provide greater security and privacy for the homeowner.

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

   Finding: The variance request will not impact the Genesee Park Boulevard side of the property, where there are no front yard fences in the immediate area. The 19th Ward Community Association submitted a letter in support of this request.

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

   Finding: A 3' high fence is not sufficient to provide a visual or physical screen around the entire yard. There is no alternative to the variance request that would meet the applicant's need for security and privacy at this location.

4. **Is the requested variance substantial?** **Yes ___ No __X**

   Finding: The variance approval on condition mitigates the height of the fence by ensuring that pedestrians are not walking along an entirely solid 6' high wall. Moreover, the Genesee Park Boulevard frontage will not be impacted by this request, maintaining the character of the area.

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

   Finding: The variance request, as submitted, would have an adverse impact on the physical and environmental conditions of the neighborhood by installing a tall, solid fence along the street front. The approval on condition will ensure that the visual impact of the fence is minimized and that it is appropriately scaled for pedestrians while also preventing trespassers.

6. Is the alleged difficulty self-created? **Yes _X_ No __**

Finding: The alleged difficulty is self-created, but is not of sufficient concern to override the benefits of granting this request on condition.

Record of Vote:

J. Best	Absent
L. Boose-Stanford	Approve on condition
D. Carr	Absent
L. Jennings (alternate)	Approve on condition
M. Morales	Approve on condition
J. O'Donnell	Deny
M. Tilton	Absent
E. Van Dusen	Approve on condition

This decision was based on the following testimony and evidence:

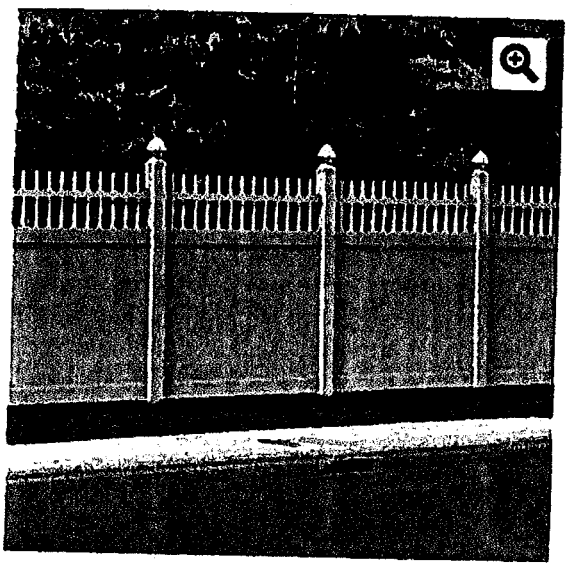
Supporting Testimony:
Anesheia McFarland
Tesence McFarland

Opposing Testimony:
None

Evidence:
Staff Report
Area Variance Application
City Property Information Map
Statement of Difficulty
Survey Map
Photographs
Email from Straudie Bryant, dated 07/16/16
Email from Margaret (Gall) Reigelsperger, dated 07/11/16
Letter from 19th Ward Community Association, dated 07/14/16
Personal Appearance Notice, Affidavit of Notification, Speakers' List

Your Store Henrietta
Open Until 10:00 pm

What can we help you find?



Your Store Henrietta
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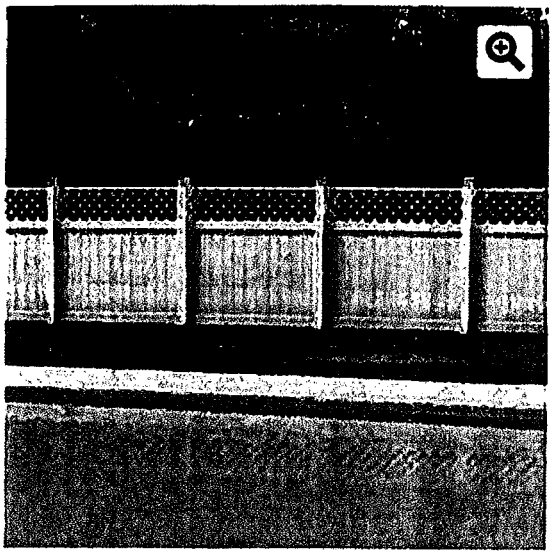

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296 Genesee Park Blvd
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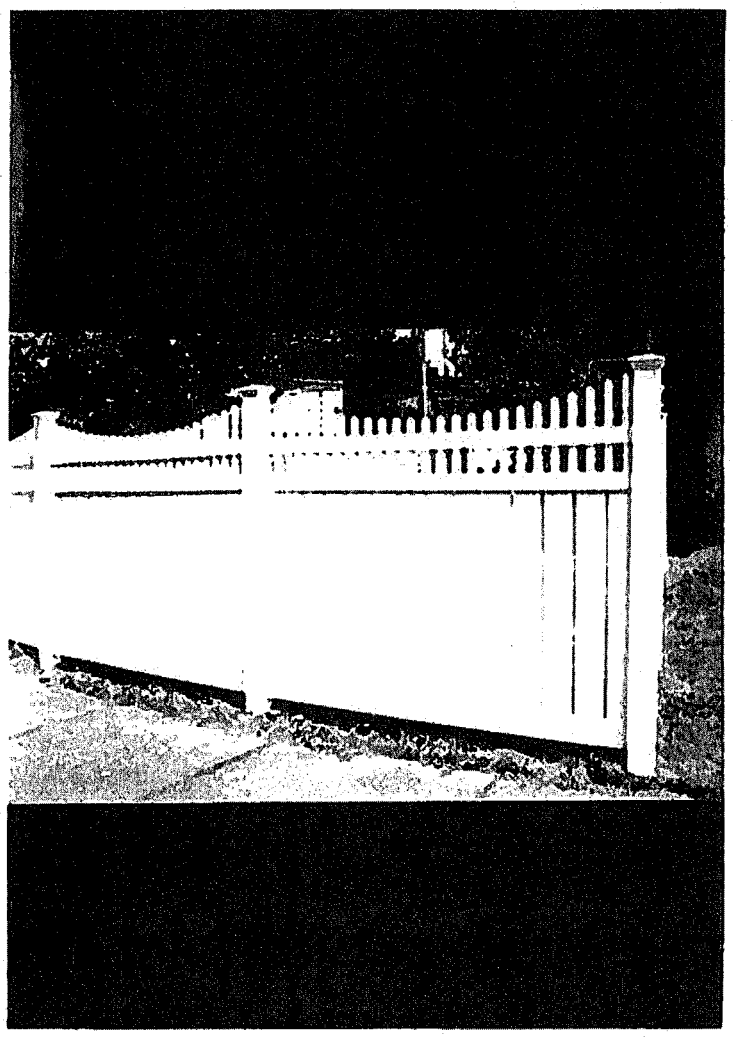

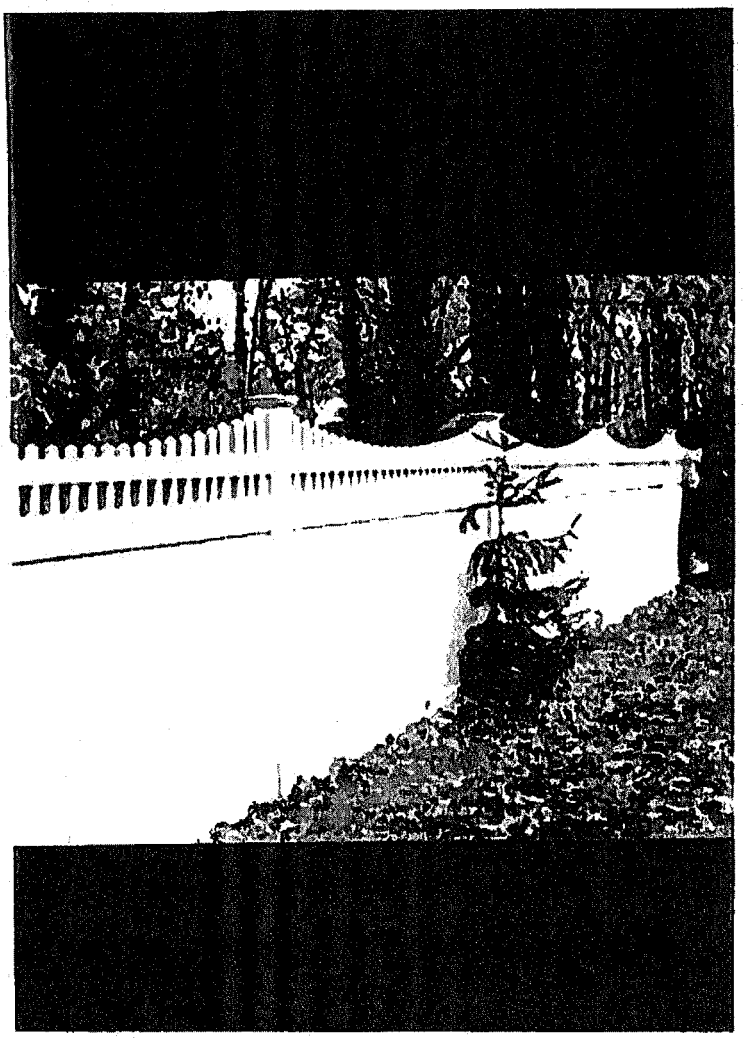

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Bureau of Planning
and Zoning

August 1, 2016

Paul R. Boehm
529 Thomas Avenue
Rochester, NY 14617

Location:	1118 Garson Avenue
Zoning District:	R-1 Low Density Residential District
File Number:	V-005-16-17
Vote:	0-5-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to legalize the installation of solar panels in the storefront windows of a proposed office use, not meeting the transparency requirement, please take notice that at the Zoning Board of Appeals meeting held on July 14, 2016, said application was **DENIED.**

Please be advised that as a result of this decision, you must remove the solar panels and restore the storefront windows. You must obtain a building permit for this work in the immediate future, or enforcement will continue, which may result in fines.

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

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

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Resolution and Findings of Fact:

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

   Finding: The subject property is a two-story, mixed use building located on the corner of Garson Avenue and Wisconsin Street. In testimony, the applicant explained that he replaced the storefront windows on a portion of the Garson Avenue façade with a passive solar system in 1999. The heat generated from the solar system can increase the room temperature in this space by approximately 6 degrees. The majority of the heat in the building continues to be derived from a more traditional heating system.

   The space is currently occupied by a mobile vet office. The office does not treat animals on site, however, it does store narcotics. The veterinarian testified that the security of the building, which is partially provided by the solar panels, is one of the reasons for operating from this location.

   The appearance of the façade is significantly altered by the solar panels, which have a similar appearance to roll-down shutters. The Zoning Code prohibits the reduction of transparency on the first floor of commercial buildings. Transparency is an important characteristic of walkable places as it allows pedestrians to see activity that is occurring inside the building. Storefront windows are also an important architectural feature that is characteristic of older City buildings and merit being preserved and celebrated.

   The Zoning Board determined that the benefits to the applicant of retaining the existing solar panels do not outweigh the negative impact on the community of the blocked building façade.

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

   Finding: The subject property is located in the R-1 Low Density Residential District. The area contains a mix of housing types, with two-family and multi-family dwellings located nearby. The commercial storefront is a unique characteristic of this building. The existing solar panels cover the entire first floor façade of the veterinary office, rendering it inconsistent with the rest of the building, including the adjacent hair salon. Completely eliminating the transparency along this portion of Garson Avenue is a detriment to nearby properties.

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

   Finding: The applicant did not provide sufficient information to determine whether or not the solar panels could be installed on the roof of the building.

The need for security on the part of the veterinary clinic cannot be met by eliminating the first floor windows for one of the storefronts. Other businesses like drug stores, sell narcotics and are able to secure them without the need for eliminating windows.

Since storefront windows are viable for the hair salon next door, the Zoning Board determined that they are equally viable for the veterinary clinic. Restoring the storefront windows is a feasible alternative to this variance request.

4. Is the requested variance substantial? **Yes _X_ No __**

Finding: Completely eliminating all transparency for one of the tenant spaces by installing dark, opaque solar panels is a substantial deviation from the citywide design standards set forth in the Zoning Code.

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

Finding: In testimony, the applicant explained his efforts to ensure that the solar panels blend in with the building. However, eliminating the storefront windows is visually blighting on the area. The heat generated by the passive solar panels does not merit the loss of character of the building.

6. Is the alleged difficulty self-created? **Yes _X_ No __**

Finding: The desire to eliminate the first floor transparency in one of the tenant spaces along Garson Avenue is a personal preference and a self-created difficulty.

Record of Vote:

J. Best	Absent
L. Boose-Stanford	Deny
D. Carr	Absent
L. Jennings (alternate)	Deny
M. Morales	Deny
J. O'Donnell	Deny
M. Tilton	Absent
E. Van Dusen	Deny

This decision was based on the following testimony and evidence:

Supporting Testimony:
Paul R. Boehm
Dori Mario

Opposing Testimony:
Mary Coffey
Holly Petsos
Marilyn Schutte

Evidence:
Staff Report
Area Variance Application
City Property Information Map
Statement of Difficulty
Survey Map
Floor Plans
Photographs
Email from Eric Eiseline, dated 06/06/16
Email from Christine Jones, dated 07/08/16
Email from Stephen Bryant Jr., dated 07/08/16
Email form Paul Leonberger, dated 07/09/16
Letter from Lynn Cara, dated 07/10/16
Email from Sara Gaylard, dated 07/11/16
Email from Andrea Mason, dated 07/12/16
Email from Dennis McCarthy, dated 07/12/16
Letter and photographs from the North Winton Village Association
Personal Appearance Notice, Affidavit of Notification, Speakers' List

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Bureau of Planning
and Zoning

August 1, 2016

Phil Dotson
410 Atlantic Avenue
Rochester, NY 14609

Location: 81 Lake Avenue
Zoning District: C-2 Community Center District
File Number: V-006-16-17
Vote: 4-1-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to remove and replace an existing detached monument sign for "Rochester Regional Health" that is 5.6' high and has a 29 sq. ft. sign face, thereby exceeding the height and size requirements, please take notice that at the Zoning Board of Appeals meeting held on July 14, 2016, said application was **APPROVED.**

Pursuant to Section 120-195B(9) of the City Code, a variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit is obtained and maintained.

****IMPORTANT**:** You must make an appointment to complete the permit process. No work relating to this variance request can be started without the issuance of a Building Permit. Please contact Jill Symonds at 585-428-7364 or Jill.Symonds@cityofrochester.gov to schedule an appointment.

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

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Resolution and Findings of Fact:

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

   Finding: The subject property is a three-story building located on the corner of Lake Avenue and White Street. The proposal is to replace the sign face on the existing monument sign, located at the entrance to the parking area along Lake Avenue. The existing monument sign is landscaped and is only one-sided (the sign is parallel to Lake Avenue). The size and height of the sign are reasonable at this location because it is proportional to the size and location of the building and the site.

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

   Finding: This stretch of Lake Avenue is a busy corridor that contains primarily commercial uses. The variance request will not adversely impact the character of the neighborhood or the surrounding area.

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

   Finding: The applicant explained that a smaller sign would reduce the font size, making it difficult to read when traveling along Lake Avenue. As a result, there is no alternative to the requested variance that would fit appropriately at this location.

4. **Is the requested variance substantial?** **Yes ___ No __X**

   Finding: The Lake Avenue frontage is approximately 264 feet long. Given the size of the parcel, the variance request for a larger sign is not substantial. Moreover, the existing landscaping serves to soften the appearance of the sign.

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

   Finding: The variance request will not have an adverse impact such as noise, odor, or flashing lights.

6. **Is the alleged difficulty self-created?** **Yes _X_ No __**

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

Record of Vote:

J. Best	Absent
L. Boose-Stanford	Deny
D. Carr	Absent
L. Jennings (alternate)	Approve
M. Morales	Approve
J. O'Donnell	Approve
M. Tilton	Absent
E. Van Dusen	Approve

This decision was based on the following testimony and evidence:

Supporting Testimony:
Phil Dotson

Opposing Testimony:
None

Evidence:
Staff Report
Area Variance Application
City Property Information Map
Statement of Difficulty
Photographs
Sign Renderings
Personal Appearance Notice
Affidavit of Notification
Speakers' List

City of Rochester

Neighborhood and Business Development
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Bureau of Planning
and Zoning

August 1, 2016

Jack Dinaburg
324 Pelham Road
Rochester, NY 14610

Location:	460 Lake Avenue
Zoning District:	C-3 Regional Destination Center District
File Number:	V-007-16-17
Vote:	0-5-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to maintain an existing 24' tall attached pole sign for "LA Mini Mart", thereby exceeding certain sign requirements, please take notice that at the Zoning Board of Appeals meeting held on July 14, 2016, said application was **DENIED.**

Please be advised that as a result of this decision, you must remove the pole sign. If the pole sign is not removed in the immediate future, enforcement will continue, which may result in fines. If you have any questions or concerns, please contact Jill Symonds at (585) 428-7364 or Jill.Symonds@cityofrochester.gov.

Margaret Camus for

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

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Resolution and Findings of Fact:

1. **Do the benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community? Yes __ No_X**

   Finding: The proposal is to retain and re-use a nonconforming pole sign that is 24' tall and has a sign face of 78.5 sq. ft. The subject property has an existing roof-mounted sign that is visible to traffic heading north along Lake Avenue. The property is located in the C-3 District, which is the only District in the City that permits a pole sign of up to 15' in height. The Zoning Board determined that the height and size of the proposed sign far exceeds the Zoning Code requirements and would be a detriment to the health, safety and welfare of the community. Removing this abandoned, nonconforming pole sign would improve the visual impact of the building and help to improve the character of the area.

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

   Finding: The proposed sign appears to be nearly as tall as the adjacent, two-story building and is out of character with the area. Re-using this existing, nonconforming sign is inconsistent with the objectives of the Zoning Code. Section 120-198E provides the following:

   > *In the cases of nonconforming signs, where the degree of incompatibility is frequently great, the investment comparatively small, and the economic life short, elimination of the nonconformity is required after a period of discontinuance, change of business or substantial damage.*

   Section 120-202 further provides that a nonconforming sign cannot be altered to prolong its useful life. In addition, a nonconforming sign that has been abandoned for more than 90 days, shall not be re-established. In testimony, the applicant explained that the pole sign has been abandoned for years and that it once depicted a donut. Ultimately, the Zoning Board determined that re-establishing this abandoned, nonconforming sign would be a detriment to nearby properties.

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

   Finding: In testimony, the applicant explained that he was not interested in exploring alternatives and wanted to retain and re-use the existing sign. The Zoning Board did not have evidence to determine whether or not a more code-compliant alternative was feasible.

4. Is the requested variance substantial? **Yes _X_ No __**

Finding: Given the size and location of the sign, the variance request is substantial. There are no signs of a similar size located along this stretch of Lake Avenue.

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

Finding: Lake Avenue is a primary gateway into downtown and the retention of this abandoned, nonconforming sign adversely impacts the appearance of the area.

6. Is the alleged difficulty self-created? **Yes _X_ No __**

Finding: The desire to retain and re-use this nonconforming sign is a personal preference on the part of the applicant.

Record of Vote:

J. Best	Absent
L. Boose-Stanford	Deny
D. Carr	Absent
L. Jennings (alternate)	Deny
M. Morales	Deny
J. O'Donnell	Deny
M. Tilton	Absent
E. Van Dusen	Deny

This decision was based on the following testimony and evidence:

Supporting Testimony:
Jack Dinaburg

Opposing Testimony:
None

Evidence:
Staff Report
Area Variance Application
City Property Information Map
Statement of Difficulty
Sign Rendering
Photographs
Letter from the Edgerton Area Neighborhood Association, dated 07/05/16
Email from Mark Fico, dated 07/11/16
Personal Appearance Notice, Affidavit of Notification, Speakers' List

City of Rochester

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

Bureau of Planning
and Zoning

August 1, 2016

Harold Solomon
174 S. Winton Road
Rochester, NY 14610

Location:	174 South Winton Road
Zoning District:	R-1 Low Density Residential District
File Number:	V-008-16-17
Votes:	4-1-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to widen the existing driveway of a single family home, thereby creating front yard parking, please take notice that at the Zoning Board of Appeals meeting held on July 14, 2016, said application was **APPROVED on condition:**

> **The south edge of the driveway must be tapered from 16' wide down to 11' wide at the sidewalk (see attached drawing).**

Pursuant to Section 120-195B(9) of the City Code, a variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit is obtained and maintained.

****IMPORTANT**:** You must make an appointment to complete the permit process. No work relating to this variance request can be started without the issuance of a Building Permit. Please contact Jill Symonds at 585-428-7364 or Jill.Symonds@cityofrochester.gov to schedule an appointment.

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

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Resolution and Findings of Fact:

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

   Finding: The subject property is a single-family dwelling with an attached, single-car garage. The proposal is to widen the driveway from 10' to 16' to enable the applicant to turn around and drive out of the driveway rather than backing out. The driveway will be expanded 5' to the south and 1' to the north. As a result, the majority of the additional paving will be to the side of the home rather than immediately in front of it. The Zoning Board determined that the small increase in paving in order to provide greater safety to the home owner would not result in a detriment to the health, safety and welfare of the community.

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

   Finding: The subject property is located in a residential area where many homes have an attached, single-car garage. As the overall configuration of the parking is not significantly changing, the variance request will not alter the character of the neighborhood.

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

   Finding: The house is set 5' to the side lot line, leaving insufficient room to extend the driveway into the rear yard. There is no alternative to the requested variance.

4. **Is the requested variance substantial?** **Yes ___ No __X**

   Finding: The variance request to widen the driveway will not have a substantial visual impact on the property as the parking will not occur in front of the main entrance to the house. Moreover, the house is set 40 feet back from the front lot line and as a result, parking will not likely occur immediately adjacent to the sidewalk.

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

   Finding: The variance request would not have an adverse impact on the physical and environmental conditions of the neighborhood as it does not result in any fumes or noise. In addition, the lot coverage is not impacted by this request as the parcel is large, at approximately 7,800 sq. ft. As a result, the visual impact of the parcel is minimal as the residential character of the property is not dramatically altered.

6. Is the alleged difficulty self-created? **Yes _X_ No __**

Finding: The alleged difficulty is self-created; however, this consideration does not override the benefits to the applicant in the approval of this variance request.

Record of Vote:

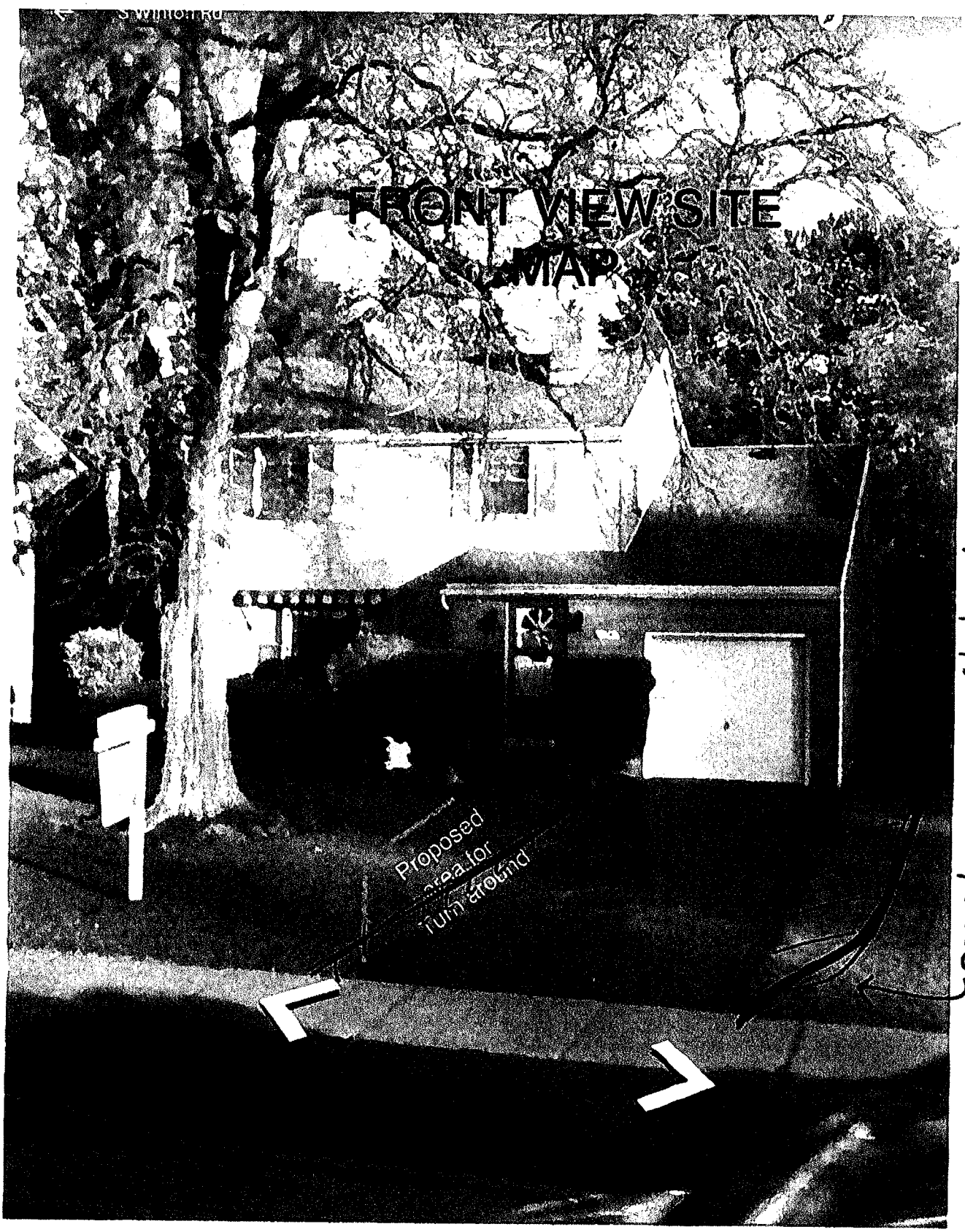
J. Best	Absent
L. Boose-Stanford	Approve on condition
D. Carr	Absent
L. Jennings (alternate)	Deny
M. Morales	Approve on condition
J. O'Donnell	Approve on condition
M. Tilton	Absent
E. Van Dusen	Approve on condition

This decision was based on the following testimony and evidence:

Supporting Testimony:
Harold Solomon

Opposing Testimony:
None

Evidence:
Staff Report
Area Variance Application
City Property Information Map
Statement of Difficulty
Survey Map
Photographs
Personal Appearance Notice, Affidavit of Notification, Speakers' List



paved area must taper from 16' wide to 11' wide at sidewalk.

V-008-16-17
174 S. Winton Rd

City of Rochester

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

August 1, 2016

Laura Baranas
c/o Premier Sign
10 Excel Drive
Rochester, NY 14621

Location:	85 Stonewood Avenue
Zoning District:	C-1 Neighborhood Center District
File Number:	V-009-16-17
Votes:	Gas price signs: 0-5-0 "Kwik Fill" sign: 5-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to install LED gas pricing on the gas canopy, not meeting certain city-wide design standards and sign requirements, please take notice that at the Zoning Board of Appeals meeting held on July 14, 2016, said application was **DENIED.**

In the matter of the request for an Area Variance to install a new "Kwik Fill" sign on the gas canopy, not meeting certain city-wide design standards and sign requirements, please take notice that at the Zoning Board of Appeals meeting held on July 14, 2016, said application was **APPROVED.**

Pursuant to Section 120-195B(9) of the City Code, a variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit is obtained and maintained.

****IMPORTANT**:** You must make an appointment to complete the permit process. No work relating to this variance request can be started without the issuance of a Building Permit. Please contact Jill Symonds at 585-428-7364 or Jill.Symonds@cityofrochester.gov to schedule an appointment.

Margaret Barnes for

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

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Resolution and Findings of Fact:

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

   Finding: LED gas price: Although the subject property is located in a C-1 District, it is surrounded by R-1 Low Density Residential to the south. The gas station is relatively small, with only four gas pumps. Stonewood Avenue is not a major thoroughfare and does not require extensive signage.

   The C-1 District prohibits detached signs that are taller than 4' in height, that are internally illuminated and that consist of more than 25 sq. ft. per sign face. Moreover, signs on the gas canopy are prohibited in the entire City. At 28.5 sq. ft. each, the two LED gas price signs are too large and are out of character with the surrounding area.

   "Kwik Fill" sign: The gas station itself has a butterfly roof, which slopes downward toward the middle of the building. The design of the building makes it difficult to install a sign. As a result, the Zoning Board determined that the "Kwik Fill" sign on the side of the gas canopy facing Stonewood Avenue is a reasonable option in this instance. The proposed sign is not illuminated and will not be a detriment to nearby properties or the community.

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

   Finding: LED gas price: There are currently no gas price signs on the subject property. The proposed LED gas price signs are internally illuminated and would be visible to the residential dwellings nearby. As the gas station is relatively small and located on a quiet street, large signage of this nature is unnecessary and would change the character of the neighborhood.

   "Kwik Fill" sign: The "Kwik Fill" sign on the gas canopy will be facing Stonewood Avenue, which is the ideal frontage for a sign. Some type of signage to identify the brand is typical for a gas station and is a reasonable alternative in this instance.

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

   Finding: LED gas price: It was unclear at the hearing whether or not there was space on the property for a detached, monument sign. It was not clear whether or not alternatives were thoroughly explored.

   "Kwik Fill" sign: It is not feasible for the applicant to easily install a sign on the building given the butterfly roof shape. There is no alternative to the proposed request.

4. Is the requested variance substantial?

Finding: LED gas price: There are no other businesses with LED signs along this portion of Stonewood Avenue. The number, size, and location of the LED signs makes this a substantial request.

"Kwik Fill" sign: The sign will be facing Stonewood Avenue, which is the main access point for the gas station. As this will be the only sign on the canopy, it is not a substantial request.

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

Finding: LED gas price: The gas price signs will create light pollution for neighboring properties. The proposal would create visual clutter as it exceeds the size and number of signs permitted at this location.

"Kwik Fill" sign: This variance request will not create an adverse impact on the physical or environmental conditions in the neighborhood. The proposal includes making the canopy green and installing the "Kwik Fill" sign facing Stonewood Avenue. As a result, the overall appearance of the canopy will be improved.

6. Is the alleged difficulty self-created?

Finding: LED gas price: The alleged difficulty is self-created.

"Kwik Fill" sign: The architecture of the building limits the placement of signs, which is not a self-created difficulty.

Record of Vote:

	LED gas price	**"Kwik Fill" sign**
J. Best	Absent	Absent
L. Boose-Stanford	Deny	Approve
D. Carr	Absent	Absent
L. Jennings (alternate)	Deny	Approve
M. Morales	Deny	Approve
J. O'Donnell	Deny	Approve
M. Tilton	Absent	Absent
E. Van Dusen	Deny	Approve

This decision was based on the following testimony and evidence:

Supporting Testimony:
Laura Baranes

Opposing Testimony:
John Rider
Carl Giardino

Evidence:
Staff Report
Area Variance Application
City Property Information Map
Statement of Difficulty
Photographs
Sign Renderings
Personal Appearance Notice, Affidavit of Notification, Speakers' List

City of Rochester

Neighborhood and Business Development
City Hall Room 125B, 30 Church Street
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Bureau of Planning
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August 1, 2016

Laura Baranas
c/o Premier Sign
10 Excel Drive
Rochester, NY 14621

Location:	1153 Hudson Avenue
Zoning District:	C-1 Neighborhood Center District
File Number:	V-010-16-17
Votes:	Gas price signs: 0-5-0
	"Kwik Fill" signs: 5-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to install LED gas pricing on the gas canopy, not meeting certain city-wide design standards and sign requirements, please take notice that at the Zoning Board of Appeals meeting held on July 14, 2016, said application was **DENIED.**

In the matter of the request for an Area Variance to install a new "Kwik Fill" sign on the gas canopy and the building, not meeting certain city-wide design standards and sign requirements, please take notice that at the Zoning Board of Appeals meeting held on July 14, 2016, said application was **APPROVED.**

Pursuant to Section 120-195B(9) of the City Code, a variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit is obtained and maintained.

****IMPORTANT**:** You must make an appointment to complete the permit process. No work relating to this variance request can be started without the issuance of a Building Permit. Please contact Jill Symonds at 585-428-7364 or Jill.Symonds@cityofrochester.gov to schedule an appointment.

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

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Resolution and Findings of Fact:

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

Finding: LED gas price: The subject property is located on the corner of Hudson Avenue and Norton Avenue in the C-1 district. The purpose of the C-1 district is described in the Zoning Code as follows:

The C-1 Neighborhood Center District provides for small-scale commercial uses offering primarily convenience shopping and services for adjacent residential areas. Proximity to residences requires that commercial operations in the C-1 District are low intensity, unobtrusive and conducted at a scale and density compatible with the surrounding neighborhood.

The sign regulations are intended to reflect this scale of commercial development. In testimony, the applicant explained that there was a pole sign on the property that included a Kwik Fill sign and gas pricing, but it was knocked down about a year ago. The elimination of the nonconforming pole sign reduces the visual impact of the site and brings it more in conformance with the requirements of the C-1 District. The proposal to install LED gas pricing on the canopy is inconsistent with the scale of development that is intended to characterize commercial development in the C-1 District.

"Kwik Fill" signs: The proposed Kwik Fill sign on the building is appropriately scaled to the size and design of the building. The proposed Kwik Fill sign on the gas canopy will face Hudson Avenue and will contribute to the modernization of the signs on the site.

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

Finding: LED gas price: The subject property is located across from Franklin High School, the Pulaski Library Building, and a church. The C-1 district runs along Hudson Avenue and is otherwise surrounded by R-1 Low Density Residential District. The LED gas price signs on either side of the canopy are the equivalent of having two pole signs, which is not allowed anywhere in the City. Moreover, internal illumination is not permitted at this location. Given that it is likely local traffic traveling along Hudson Avenue, there is no need for large, price advertising signs on the canopy.

"Kwik Fill" signs: The proposal to remove an existing box sign and replace it with channel letters for Kwik Fill will be a significant visual improvement to the building. The Kwik Fill sign on the gas canopy facing Hudson Avenue is appropriate at this location and will not detract from the area.

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

Finding: LED gas price: It was unclear at the hearing whether or not a 4' tall monument sign could work at this location nor whether other alternatives were explored.

"Kwik Fill" signs: The attached sign is appropriately scaled to the building. Given that the building is setback from the street and partially obscured by the gas canopy and gas pumps, installing an internally illuminated sign is the only option at this location.

There is no way to update the Kwik Fill sign on the canopy without the variance.

4. Is the requested variance substantial?

Finding: LED gas price: There are no other businesses with LED signs in the immediate area. The number, size, and location of the LED gas price signs makes this a substantial request.

"Kwik Fill" signs: The sign will be facing Hudson Avenue, which is the main access point for the gas station. As this will be the only sign on the canopy, it is not a substantial request.

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

Finding: LED gas price: The gas price signs will create light pollution for neighboring properties. The proposal would create visual clutter as it exceeds a number of the Zoning Code sign regulations applicable to this location.

"Kwik Fill" signs: This variance request will not create an adverse impact on the physical or environmental conditions in the neighborhood. The proposed signs will modernize the appearance of the company logo and improve the look of the site.

6. Is the alleged difficulty self-created?

Finding: LED gas price: The desire to display the gas price in two locations on the canopy is a self-created difficulty.

"Kwik Fill" sings: The request for particular signs that do not meet the Zoning Code is a personal preference and is a self-created difficulty. However, this does not override the merits of granting the request for the attached sign and the "Kwik Fill" sign on the canopy.

Record of Vote:

	LED gas price	"Kwik Fill" signs
J. Best	Absent	Absent
L. Boose-Stanford	Deny	Approve
D. Carr	Absent	Absent
L. Jennings (alternate)	Deny	Approve
M. Morales	Deny	Approve
J. O'Donnell	Deny	Approve
M. Tilton	Absent	Absent
E. Van Dusen	Deny	Approve

This decision was based on the following testimony and evidence:

Supporting Testimony:
Laura Baranes

Opposing Testimony:
None

Evidence:
Staff Report
Area Variance Application
City Property Information Map
Statement of Difficulty
Photographs
Sign Renderings
Personal Appearance Notice, Affidavit of Notification, Speakers' List

City of Rochester

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

August 1, 2016

Craig Iannazzi
111 Adams Street
Rochester, NY 14608

Location:	111 Adams Street
Zoning District:	R-3 High Density Residential District
File Number:	V-011-16-17
Vote:	0-5-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to construct a detached, 3-car garage and install a 7' high brick fence in the rear yard of a single family home, not meeting certain bulk, fence, and parking requirements, please take notice that at the Zoning Board of Appeals meeting held on July 14, 2016, said application was **DENIED.**

If you have any questions or concerns about this decision, please contact Jill Symonds at 585-428-7364 or Jill.Symonds@cityofrochester.gov.

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

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Resolution and Findings of Fact:

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

   Finding: The applicant proposed a 3-car garage, a covered patio/parking area, and a 7' high brick fence. In testimony, the applicant explained that the purpose of the garage was to store personal items, to park vehicles, and to use as a personal woodworking shop. The patio area may also serve as storage or parking.

   The proposed garage has nearly the same footprint as the existing house and is nearly as tall. The design and size of this accessory structure is not consistent with nearby properties on Adam Street. Moreover, the fence is overly industrial in nature and not conducive to a residential setting.

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

   Finding: The subject property backs onto a narrow alleyway, called Tremont Circle. This large accessory structure will be the only garage of its size in the immediate area. A garage of this size is not appropriate in this location and will be a detriment to nearby properties.

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

   Finding: The applicant could install a smaller garage with a 6' high fence.

4. **Is the requested variance substantial?** **Yes _X_ No __**

   Finding: The size of the garage is substantial. The number of parking spaces is unnecessary for a single family home. The fence height and material are overly industrial. As a result, the requested variances are substantial.

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

   Finding: The proposed garage will create an imposing presence along Tremont Circle. Moreover, the visual impact of the tall garage coupled with a 7' high brick or concrete block fence is out of character with this historic neighborhood.

6. **Is the alleged difficulty self-created?** **Yes _X_ No __**

   Finding: The alleged difficulty is self-created.

Record of Vote:

J. Best	Absent
L. Boose-Stanford	Deny
D. Carr	Absent
L. Jennings (alternate)	Deny
M. Morales	Deny
J. O'Donnell	Deny
M. Tilton	Absent
E. Van Dusen	Deny

This decision was based on the following testimony and evidence:

Supporting Testimony:
Craig Ianazzi

Opposing Testimony:
None

Evidence:
Staff Report
Area Variance Application
City Property Information Map
Statement of Difficulty
Survey Map
Site Plan
Elevations
Photographs
Letter from Matthew Denker, dated 07/16/16
Personal Appearance Notice, Affidavit of Notification, Speakers' List