



**ZONING BOARD OF APPEALS
STAFF REPORT
August 11, 2016**

Area Variance

Case #1: Staff Reviewer: Jill Symonds

File Number: V-012-16-17

Case Type: Area Variance

Applicant: Kurt Charland

Address: 1490 Hudson Avenue

Zoning District: C-3 Community Center District

Section of Code: 120-159; 120-177

Request: **To legalize the existing digital price signs on two sides of the Walmart gas canopy, not meeting certain city-wide design standards and sign requirements.**

Background: The subject property is a gas station with a mini mart. On April 21, 2016, the Zoning Board approved a variance to install new signs for "Walmart" on the canopy, kiosk, and pumps and denied an LED price sign to be added to the existing 30' tall pole sign.

The applicant is proposing to legalize the existing digital price signs located on two sides of the gas canopy, which is 15.5' tall. The price signs are 48.5" x 34" (11 sq. ft.).

Code Compliance: Section 120-159 does not permit signs on the gas canopy (**area variance required**).

Section 120-177 permits a maximum signage area of 10% of the primary building facade per lot including:

- Attached signs identifying uses or services on the premises not exceeding 1.5 square feet for every foot of building frontage. The kiosk frontage is approximately 40', therefore 60 sq. ft. of signage is permitted. **The signs on the canopy and kiosk that were approval in April amount to approximately 75 sq. ft. of signage. As a result, the digital price signs require an area variance for exceeding the size limitation for this site.**

Enforcement: This property is not in code enforcement.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 1470 Hudson Avenue, Rochester, NY 14624

2. APPLICANT: Kurt Charland COMPANY NAME: Bergmann Associates

ADDRESS: 28 E. Main Street / 200 First Federal Plaza CITY: Rochester ZIP CODE: 14614

PHONE: 585-232-5135 FAX: 585-232-4652

E-MAIL ADDRESS kcharland@bergmannpc.com

INTEREST IN PROPERTY: Owner Lessee Other

3. PLAN PREPARER: Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.

ADDRESS: 28 E. Main Street / 200 First Federal Plaza CITY: Rochester ZIP CODE: 14614

PHONE: 585-232-5135 FAX: 585-232-4652

4. ATTORNEY: -

ADDRESS: - CITY: - ZIP CODE: -

PHONE: - FAX: -

E-MAIL ADDRESS -

5. ZONING DISTRICT: C-3

BUILDING BUREAU
ROOM 121

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

Walmart fueling station conversion

11:44PM Jul 22/16
01-0002 001 BUD
#29694

Zonins \$250.00
INFO 1450 HUDSON

CHECK \$250.00

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.

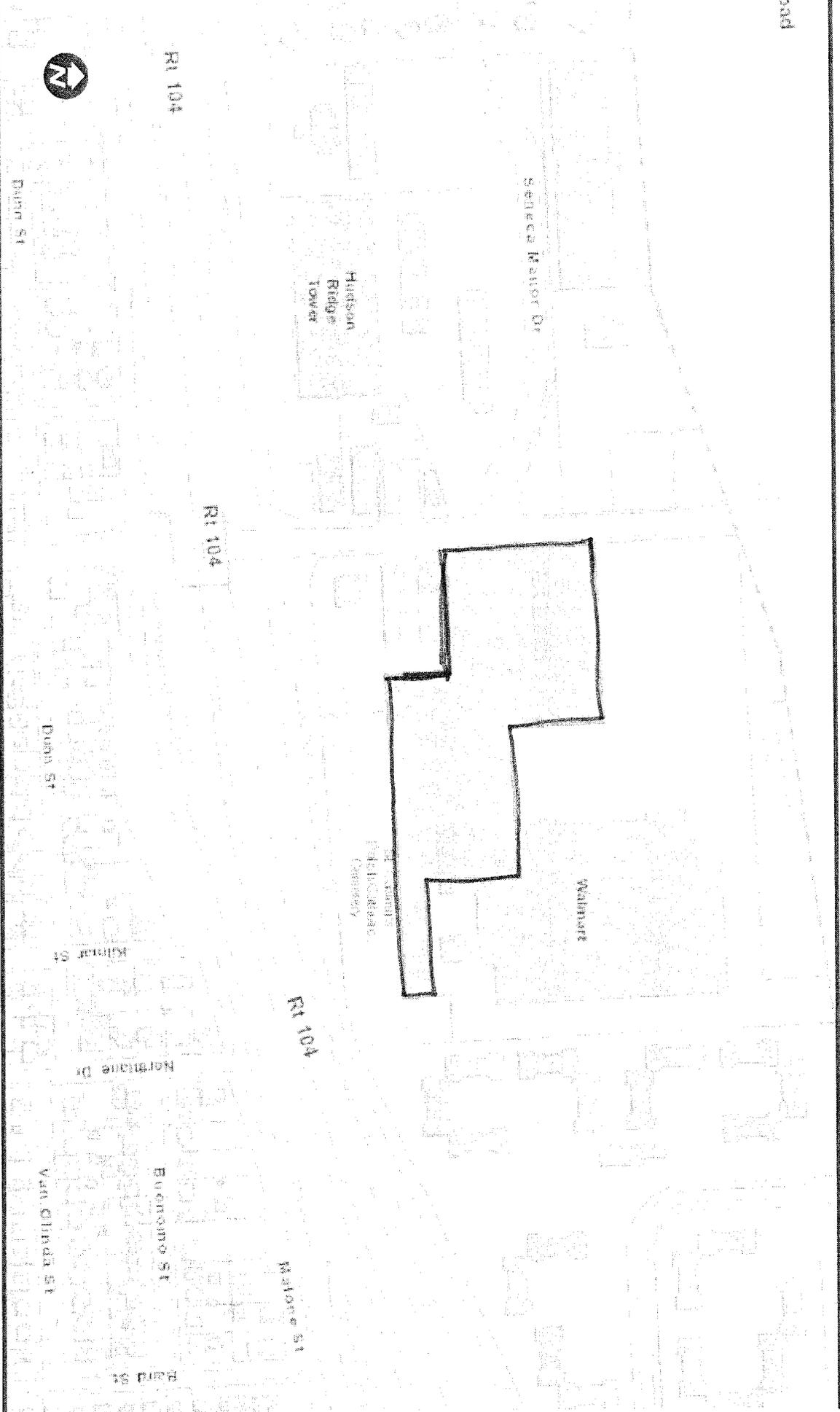
SIGNATURE: [Signature] DATE: 6/3/16

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: [Signature] DATE: 6/3/16

1490 HUDSON AV

and



August 2, 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
Lovey 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 canopy signage is replacement of the signage that currently exists on the existing canopy. Existing digital price signage will be removed from the canopy and re-placed with new Walmart standard signage and will not be a detriment to the neighborhood or community.

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

The proposed signage is only a replacement of signage that exists today with new Walmart standard digital signs. There will be no increase in signage, the placement will help patrons recognized the business and make a decision to enter the fuel station at the proper entrance. The signage is in character with surrounding businesses and the community and will not create an undesirable change.

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

Since the property and fuel station is changing ownership the signage must be the new owners standard signage for maintenance reasons. There is no increase in signage being requested.

D. Significance. The requested variance is not substantial.

The signage proposed is merely a replacement of what currently exists on the canopy no increase in signage is being proposed.

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

The signage is consistent with with the existing conditions and environment.

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

The condition is self created in that it is required with the changing of ownership to reflect the owners standard signs however, the signage is replacement of existing signage.

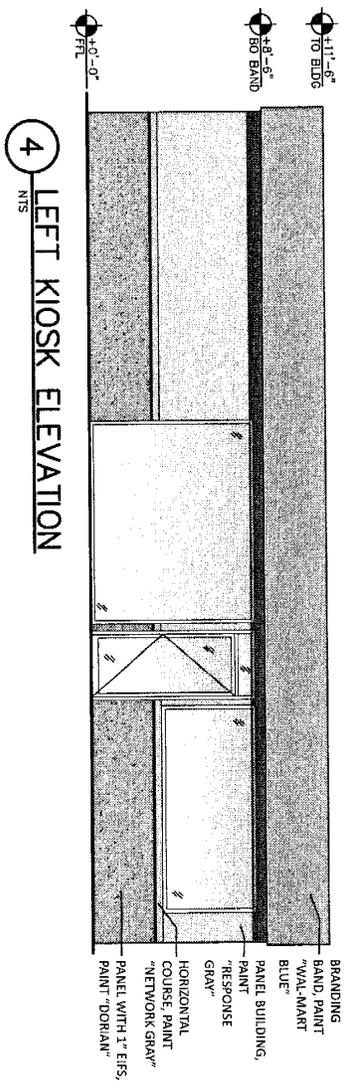
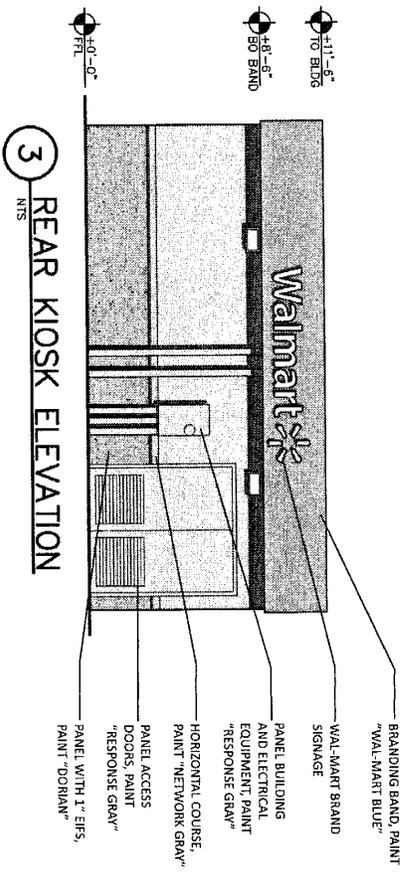
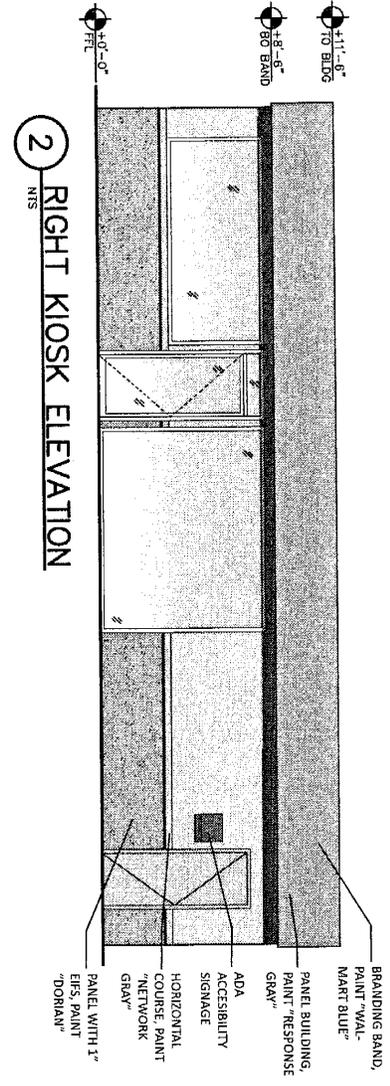
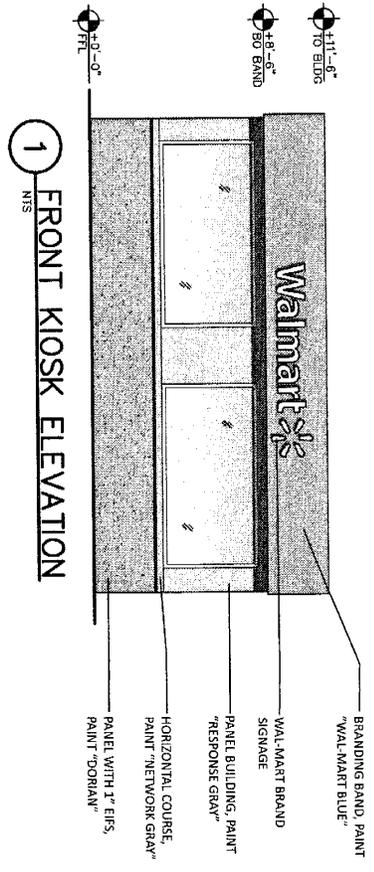
Walmart

Rochester, NY - Store # 3280

 **Bergmann**
A Division of Companies of Furniture

Sign Package

Issued: JUNE 2, 2016



Bergmann
 and Associates
 ARCHITECTS

JUNE 2, 2016

Rochester, NY #3280 - Fueling Station

Building Elevations



**ZONING BOARD OF APPEALS
STAFF REPORT
August 11, 2016**

Area Variance

Case #2: Staff Reviewer: Jill Symonds

File Number: V-013-16-17

Case Type: Area Variance

Applicant: Gary Stubbings, Jr.

Address: 873 Merchants Road

Zoning District: C-2 Community Center District

Section of Code: 120-177

Request: **To legalize an existing, non-illuminated pole sign for “L&M Lanes” that is 5’ x 8’ x 14’-3” tall, not meeting certain sign requirements.**

Background: The subject property is legal as a bowling alley. On July 23, 2009, the property owner applied for a variance to install two awning signs (34.8 sq. ft. and 10.24 sq. ft.) and to maintain a detached pole sign (file V-003-09-10). The pole sign is 14’3” tall with a 5’ x 8’ sign face. The Zoning Board approved the 34.8 sq. ft. awning sign, denied the 10.24 sq. ft. awning sign, except that the address and bowling pins may be included, and denied the detached pole sign.

On September 17, 2009, the property owner apply to the Zoning Board for a modification of the previous approval. The applicant proposed removing the name “L & M Lanes” from the awnings but retaining the detached pole sign. This request was denied.

On October 5, 2009, the City issued a permit for the two awnings. However, the pole sign was never removed.

Code Compliance: 120-177 provides that a detached sign can be no larger than 25 sq. ft. and no more than 4 feet in height. **An area variance is required for the height and size of the detached pole sign.**

Enforcement: This property is in code enforcement.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 873 Merchants Rd

2. APPLICANT: Gary Stubbings Jr COMPANY NAME: Garamy Inc dba L&M Lanes

ADDRESS: 873 Merchants Rd CITY: Rochester ZIP CODE: 14609

PHONE: 585-851-1330 FAX: _____

E-MAIL ADDRESS gary@lmlanes.com

INTEREST IN PROPERTY: Owner Lessee Other

3. PLAN PREPARER: Gary Stubbings Jr

ADDRESS: 873 Merchants Rd CITY: Rochester ZIP CODE: 14609

PHONE: 585-851-1330 FAX: _____

4. ATTORNEY: _____

ADDRESS: _____ CITY: _____ ZIP CODE: _____

PHONE: _____ FAX: _____

E-MAIL ADDRESS gary@lmlanes.com

5. ZONING DISTRICT: _____

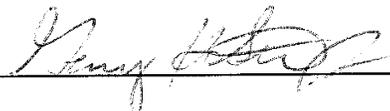
6. DETAILED PROJECT DESCRIPTION (additional information can be attached): _____

Retain existing pole sign for L&M Lanes on property at 873 Merchants Rd. Remove signage from

awning if necessary. Pole sign is 5' x 8' x 14'3" tall.

7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:) None

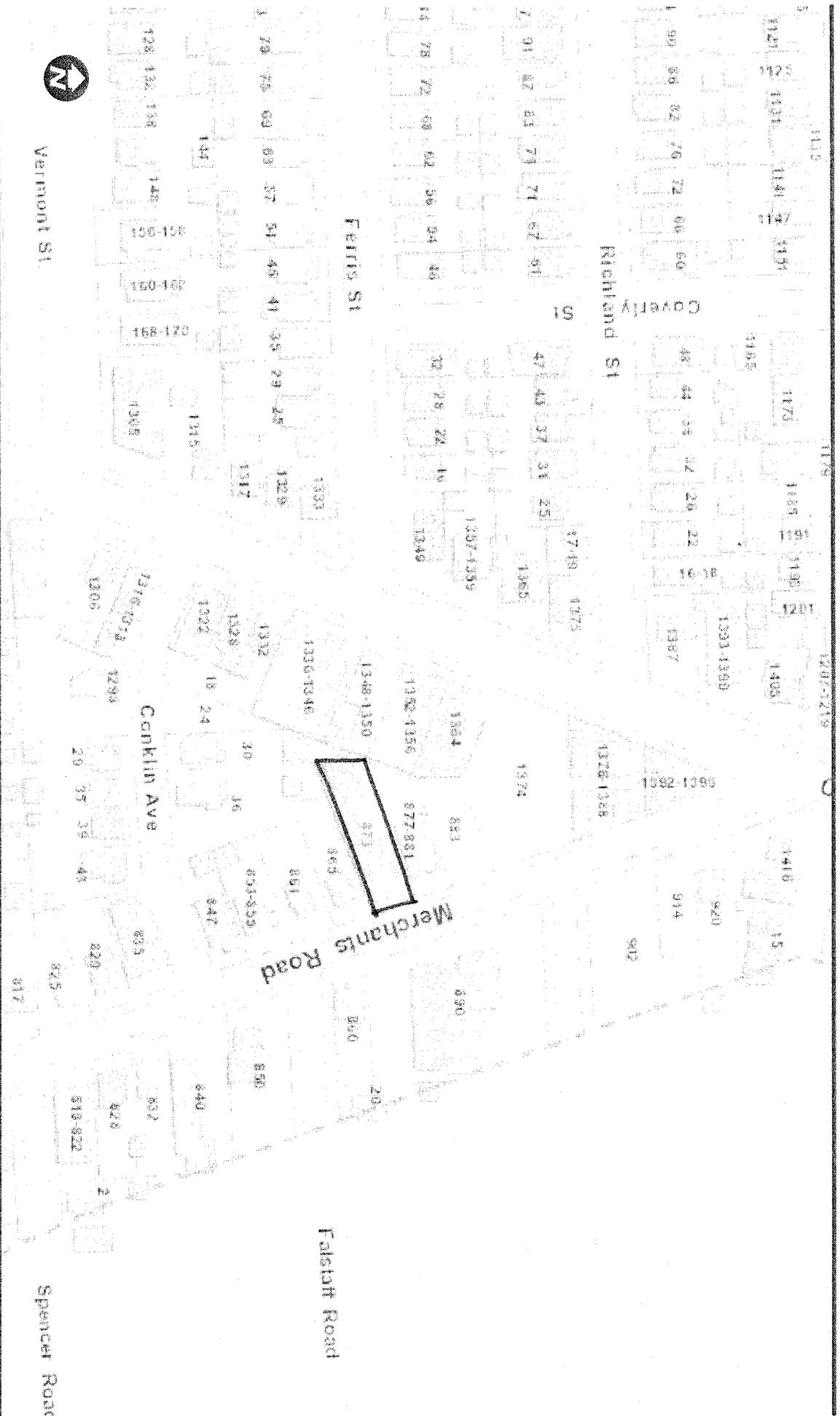
APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE:  DATE: 6-1-16

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: _____

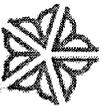
873 MERCHANTS RD



August 2, 2016

City of Rochester, NY

This map is intended for general reference only.
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as to the accuracy or fitness of the data presented.



City of Rochester, NY
Lovely A. Warren, Mayor



City of Rochester, NY

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

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

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

The benefits to retaining this pole sign are that it makes it easier for customers to locate our business as well as other other businesses in the area. All three bars are drawing an increased percentage of business from outside the immediate neighborhood. This past year, we have hosted parties from Pittsford, Victor, Mendon, Greece, Gates, Churchville, Henrietta, Irondequoit, Perinton, Chili, Penfield and many others.

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.

This sign has become a recognized part of the landscape in the neighborhood. Many of our customers enter the business for the first time after seeing the sign which makes them want to check out the inside. As demonstrated by the several hundred signatures that we have accumulated in support of keeping the sign it is not considered to be an issue. The majority of these signatures are from the Culver Merchants neighborhood, including every building within a block in either direction from the business.

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

The cost of removing this sign, over \$2500, coupled with the single most effective way for customers to discover the business would be a crippling blow. In all likelihood, this would cause us to close our doors before the end of the summer.

D. Significance. The requested variance is not substantial.

This sign has been in place for at least 50 years. Leaving it in place would have no impact on the neighborhood in any way. There is no cost or timeframe involved in leaving what is already there.

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 is no impact to the neighborhood or business district by leaving this sign in place. Removing it would remove the one constant in the area that has existed for decades. The three Billboards located less than a football field away are much more of an eyesore than this sign ever was.

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 sign has existed since long before me or most of our customers were ever even thought of. We were unaware of any agreement between any previous owners and the City of Rochester to remove the sign. We would be willing to remove the signage from the awning in order to keep the pole sign. It is much more effective and definitely easier to see especially with the tree directly in front of the awning.

INSTRUMENT SURVEY ROBERT M. DUNN

Professional Land Surveyor

224 Ransford Avenue

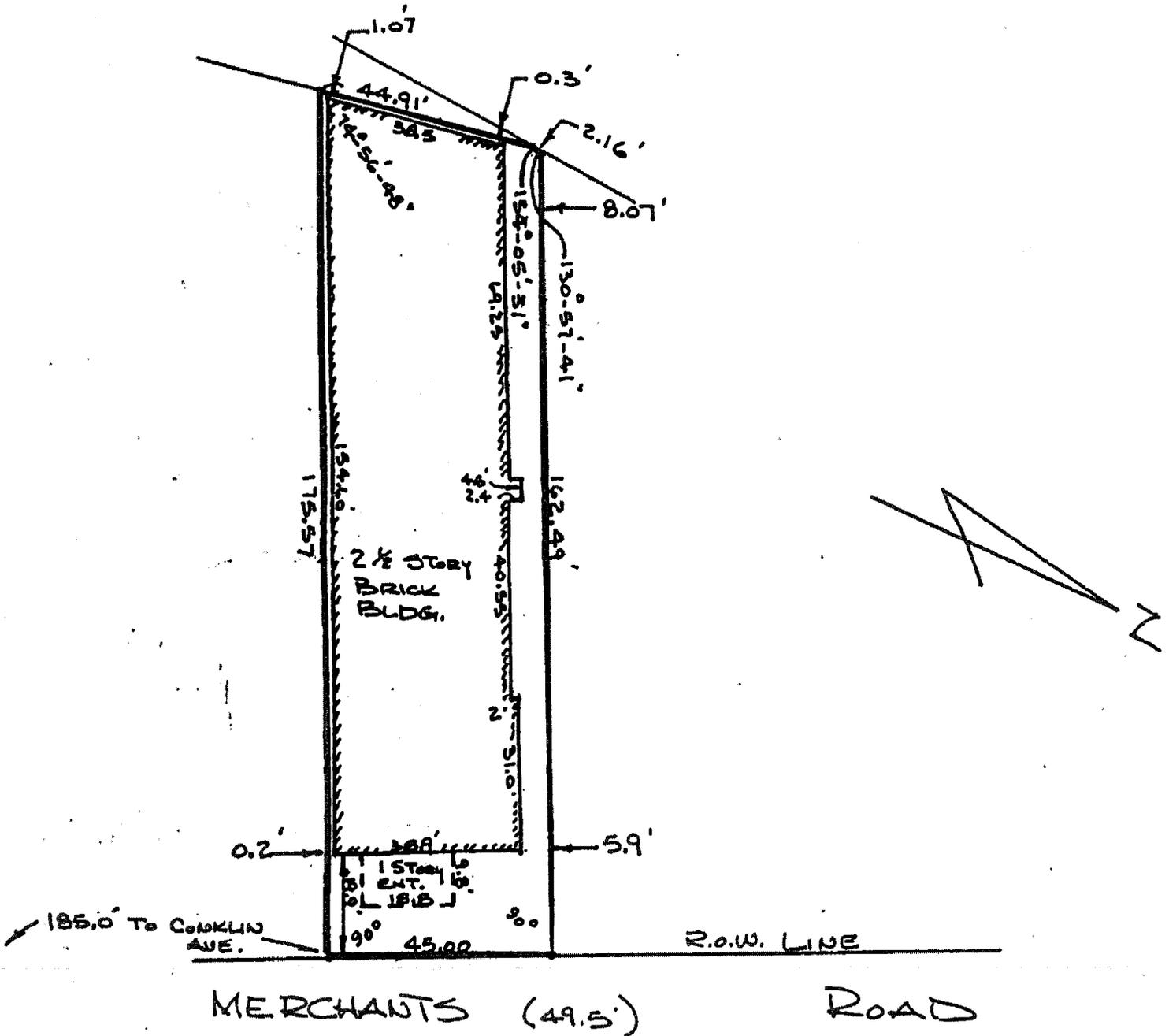
Rochester, New York 14622

Phone: 544-3763

Fax: 467-1121

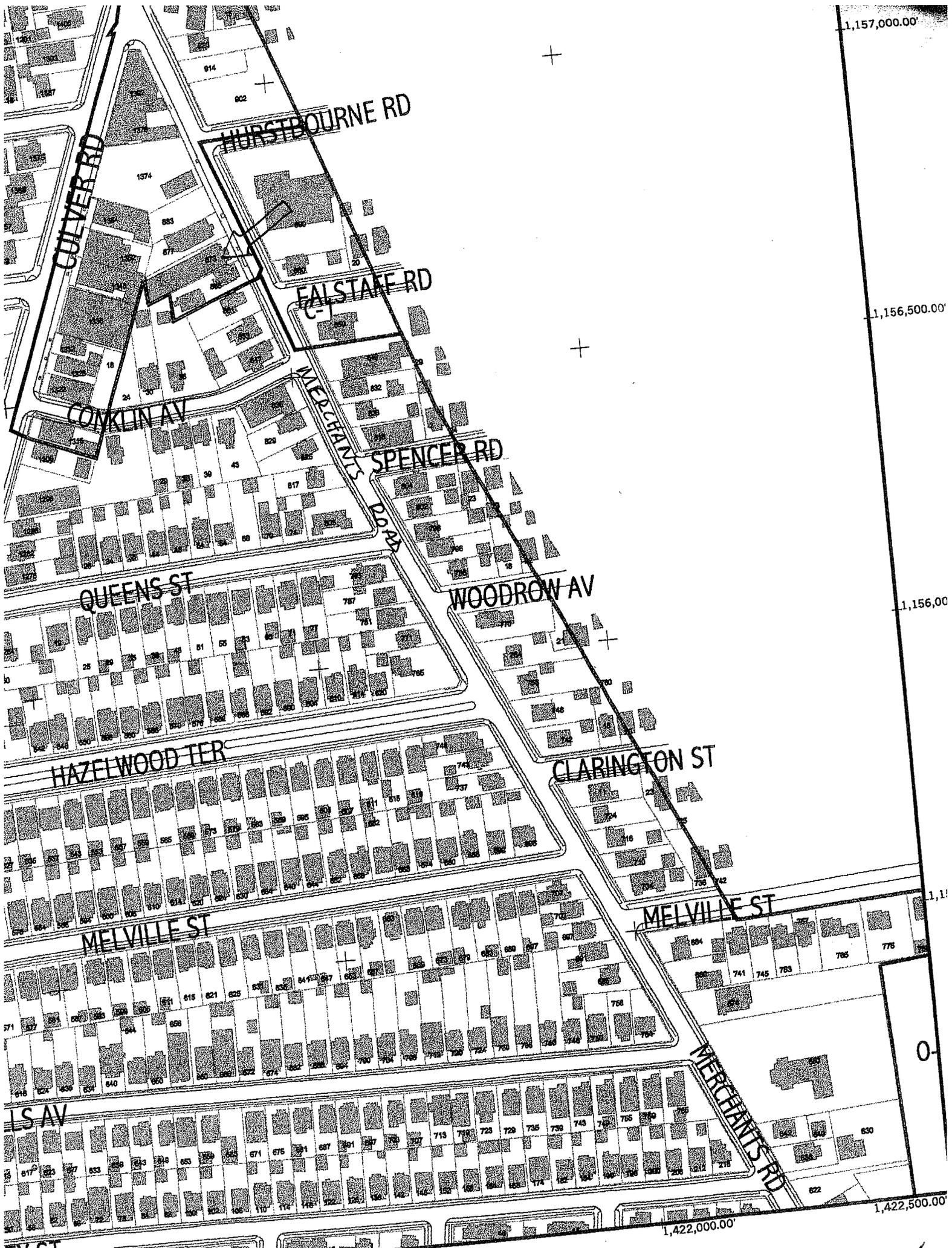
City
Village
Town
County

For JAMES JANNUZO FSR Parcel At CITY OF ROCHESTER - CO. OF MONROE
 Street 873 MERCHANTS ROAD Subdivision PACOSTICH SUB.
 Reference Data: Liber 66 of Maps, Page 24 Lot No. _____ : Liber _____ of Deeds, Page _____
 Lot No. 27 & PART OF LOT 22



SCALE 1" = 30'

Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Board of Surveyors.



1,157,000.00'

1,156,500.00'

1,156,000.00'

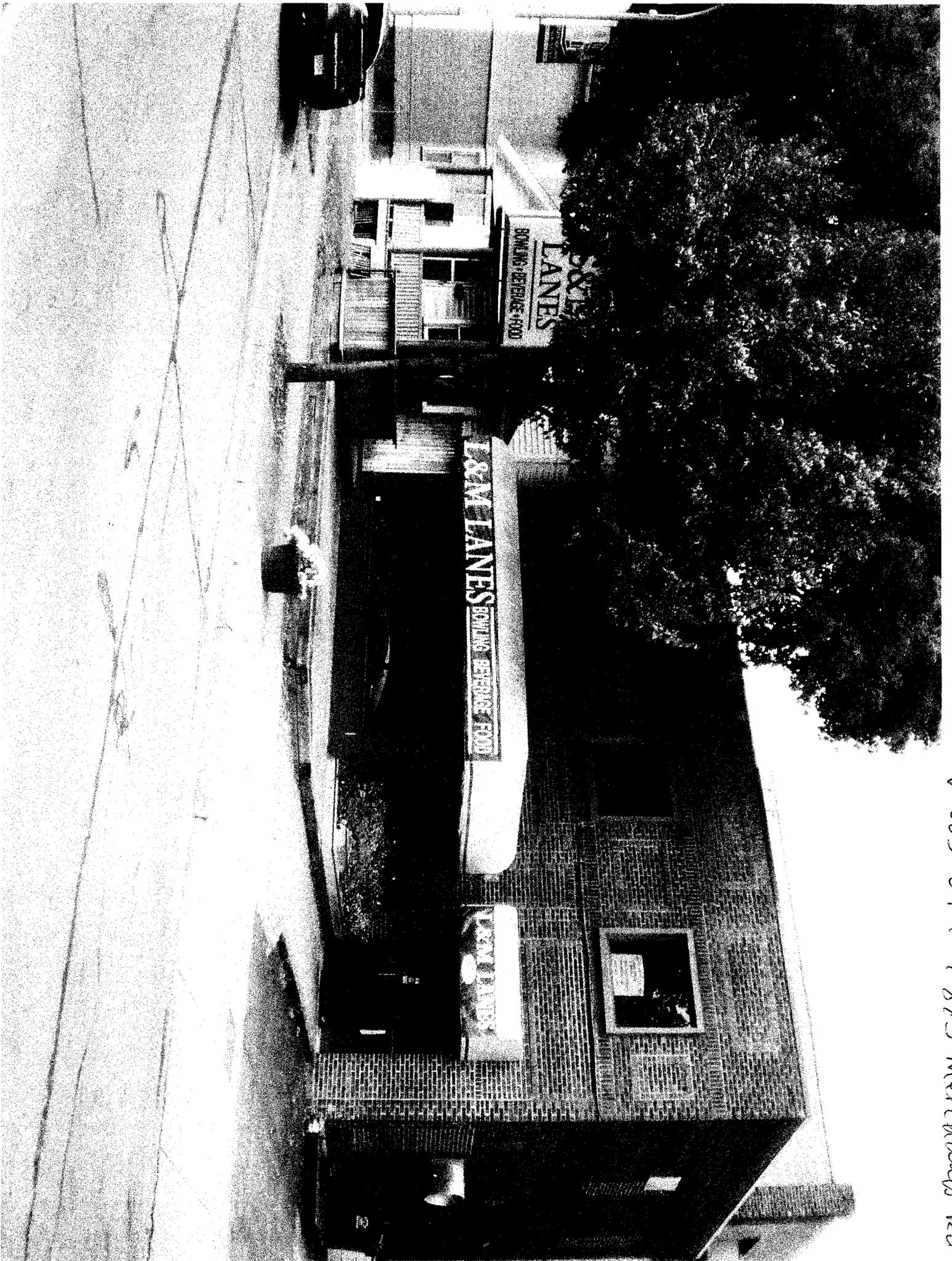
1,110.00'

1,422,000.00'

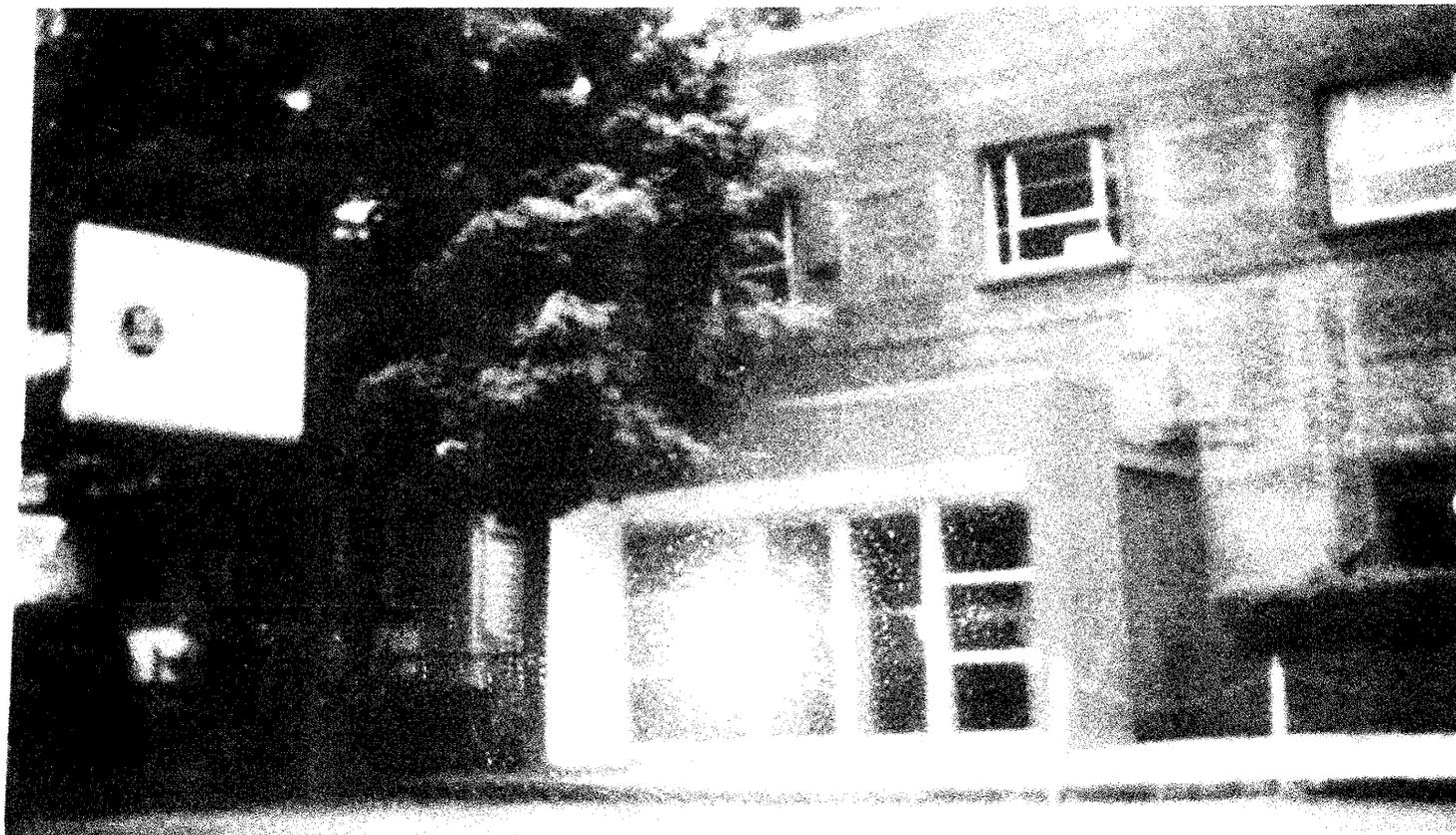
1,422,500.00'







V-000-0121815 MERCURY 128







To Whom It May Concern:

May 15, 2016

The Bensonhurst Neighborhood Association (BNA) is a group of dedicated neighbors working to improve quality of life through improved relationships and positive action. We welcome all residents in a spirit of friendship with respect for all individuals. The Bensonhurst Neighborhood Association serves the residents within the boundaries of Culver, Clifford, Pershing and Bay in Rochester. We meet monthly at Johnny's Irish Pub near the corner of Merchants Road and Culver Road.

In light of the recent news coverage of the issue of the signage at L & M Lanes at 873 Merchants Road, we are writing in support of L & M Lanes and their current sign. We feel that as a neighborhood business they have been very supportive of our community and of our mission. The sign that they have has been there for decades, is well maintained, does not interfere with traffic, and is a symbol of strong business in our community. To remove it would cause unnecessary financial burden, would limit future businesses for them at this site, and would negatively impact the look and feel of the neighborhood.

The Bensonhurst Neighborhood Association supports the small businesses that support the community like L & M Lanes. We would like them to be able to keep the sign that has been a half century long mark of a successful business in the community that we raise our families in. We ask you to please support small neighborhood businesses that stand for what is good in this City and allow L & M Lanes to keep their current sign. Thank you.

Sincerely,

Heather Carvill-Henry
Bensonhurst Neighborhood Association VP

Petition to Save our Sign



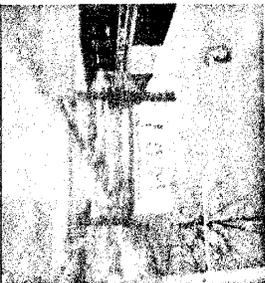
Petition summary and background
 This Pole Sign at L&M Lanes at 873 Merchants Rd Rochester, NY 14609 has been in place for over 50 years and at least three ownership changes and is now cited as a violation of City Code. We have been ordered to remove it.

Action petitioned for
 We would like the City of Rochester to reconsider and allow the sign to stay as is.

Printed Name	Signature	Address	Comment	Date
Joseph Lorus	<i>[Signature]</i>	677 Corning Ave 14610	Second 277	5/12/16
Joseph Lorus	<i>[Signature]</i>	47 FRISBATT RD 14609	How much history are you going to destroy??	5/12/16
BOB O'DELL	<i>[Signature]</i>	1001 MILLERS RD 14615		5/12/16
Robert J. Nigro, Jr.	<i>[Signature]</i>	Town of Irondequoit, NY 14609 Keep the sign →	without it potential customers will not be aware of the business ^{city} of the ^{city} of the ^{city}	5-12-16
John Page	<i>[Signature]</i>	SSI Merchants Ave Rochester		5-12-16
Nancy Yokoyama	<i>[Signature]</i>	14635 14th St. NY	Keep the sign!	5-12-16
Pat McDonagh	<i>[Signature]</i>	417 McKinstry St. 14609	What does that sign mean? What are the letters?	5/12/16
Matthew Casfield	<i>[Signature]</i>	65 Duff St. 14609	Keep the sign, and get your priorities straight!	5/12/16
HARRY NACEY	<i>[Signature]</i>	50 Broadway 14612	Keep IT	5/12/16
R Lorus	<i>[Signature]</i>	201 Wisconsin 14609	bowling? that's ok 50 yrs	5/12/16

Printed Name	Signature	Address	Comment	Date
Brandy Burch	<i>Brandy Burch</i>	117 Falmouth St Apt B Brooklyn NY 11215	Sign has been removed!	5/22/16
Robert Burch	<i>Robert Burch</i>	40 Suncrest Dr Rochester NY 14619	Grace the sign Always been here after	5/22/16
Milk Musical	<i>Milk Musical</i>	543 Apple Orchard Ln. Webster, NY	Let it be!	5/22/16
James Rossette	<i>James Rossette</i>	172 Colver Parkway Petersburg VA 23109	Historic history!	5/22/16
Julie Rossette	<i>Julie Rossette</i>	178 Colver Parkway Petersburg VA 23109	Historic do not touch or remove	5/22/16
MATT COLES	<i>MATT COLES</i>	4944 St Paul Blvd	Please let the sign stay!	5/23/16
David Sumner	<i>David Sumner</i>	51 Colonial Rd 14609	IM ALL FOR IT!	5/23/16
JAMES KELLER	<i>JAMES KELLER</i>	69 Westmaster Rd Roch NY 14607	IT PART OF THE MEMORIAL	5/23/16
ERIC SCURROTT	<i>ERIC SCURROTT</i>	2012 EAST MAIN ST	no sign!!	5/23/16
Steve Soutar	<i>Steve Soutar</i>	265 Spence Rd 14609	Keep the sign!	5/23/16
OTTO VONDRAK	<i>OTTO VONDRAK</i>	94 Monticello Ave 14620	mass is aware	5/23/16
David Schwab	<i>David Schwab</i>	178 Awall Ave 14620	Keep the Sign	6/1/16
MARIL TEGS	<i>MARIL TEGS</i>	1650 Blossing Rd	" "	6-1-16
DAVID PATE	<i>DAVID PATE</i>	80 Allen	Keep the sign	6/1/16
DE JIN	<i>DE JIN</i>	460 Swanton Ave 14609	should be larger	6/9/16

Petition to Save our Sign



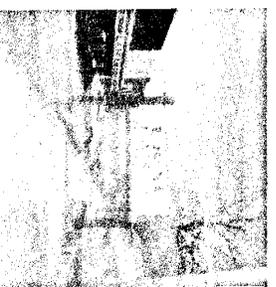
Petition summary and background: This Pole Sign at L&M Lanes at 873 Merchants Rd Rochester, NY 14609 has been in place for over 50 years and at least three ownership changes and is now cited as a violation of City Code. We have been ordered to remove it.

Action petitioned for: We would like the City of Rochester to reconsider and allow the sign to stay as is.

Printed Name	Signature	Address	Comment	Date
FRED CLARK	[Signature]	14580	KEEP IT	5/14/16
BEST PANSOR, JSKI	[Signature]	1102 Culver Rd 14609	Keep some 11 business alone	5/14/16
BRANDI McLEAMUN	[Signature]	495 HIGHLAND AVE	Clear it!	5/14/16
Brandi Ryan	[Signature]	155 Genolph St	IF it's not bothering any one leave it alone	5/14/16
Derrin Orpen	[Signature]	155 Genolph St	There is also more to worry about in this city	5/14/16
Bonnie Townion	[Signature]	112 Main Victor, NY	Keep it!	5/14/16
Brandi Avery	[Signature]	3201 Dewey Ave / Beacon ny 14615		5/14/16
WAYNE TAYLOR	[Signature]	861 MERCHANTS RD	LEAVE IT ALONE PLEASE IT'S HISTORY!	5-14-16
Danielle Oschurke	[Signature]	5713 Suburae Av	Keep it	5.14.16
Laura Adler	[Signature]	65 Mapedale Ct	Let Sign be!	5.15.16

Printed Name	Signature	Address	Comment	Date
Cheryl	<i>[Signature]</i>	99 W. Hill St	6/15/15	
Carolyn	<i>[Signature]</i>	71 Sterling	back by	
Carolyn	<i>[Signature]</i>	71 Sharon	back by	
Phil Rice	<i>[Signature]</i>	75 Armon-Dr	leaves it	
Mary Reynolds	<i>[Signature]</i>	27 Kaywood Dr.	Seriously?	5/15
Amber Johnson	<i>[Signature]</i>	Paradise Rd 14109	back by	5/15
Nicole Berger	<i>[Signature]</i>	65 Maple		5/15
Debbie Johnston	<i>[Signature]</i>	43 Culverton Dr	you fix the issue with the fine you have the city that address others and destroy lives you worth of credit and 1 not getting a problem	5/15
Josie Rivera	<i>[Signature]</i>	248 Oxford St		5/15
Robert Dr. Robinson	<i>[Signature]</i>	37 Frederick Pl		5/15
Janell Marbetta	<i>[Signature]</i>	22 Clifford Ave	At risk of hand!	5/15
Richard Koderzy	<i>[Signature]</i>	37 Westchester	REALLY	5/18
Louis Belas	<i>[Signature]</i>	22 Priscilla St		5/15
Doug Yantze	<i>[Signature]</i>	76 Woodrow Ave	the sign has 110 the sign for on ramp	6/15
Daniel Crowe	<i>[Signature]</i>	55 Farmington Rd 14109	Fix the signs and the sign system	5/15
Mark Polizzi	<i>[Signature]</i>	218 Denmore Rd	Keep there too	5/15

Petition to Save our Sign



Petition summary and background

This Pole Sign at L&M Lanes at 873 Merchants Rd Rochester, NY 14609 has been in place for over 50 years and at least three ownership changes and is now cited as a violation of City Code. We have been ordered to remove it.

Action petitioned for

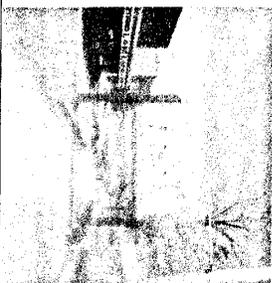
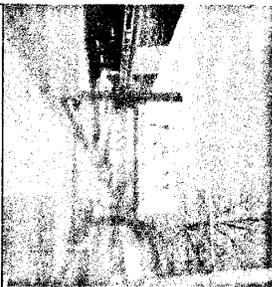
We would like the City of Rochester to reconsider and allow the sign to stay as is.

Printed Name	Signature	Address	Comment	Date
JAMES PARSONS	<i>James Parsons</i>	29 DRYDEN ST 14609	BEHAVE IT WORRY more about the signs than a sign	5/14/16
Charles Knapp	<i>Charles F. Knapp</i>	68 Greenlaw Dr. 14469	lovely!	5/14/16
David Miller	<i>David Miller</i>	921 Ardable Rd	Ben Starbamer	5/14/16
Tesnomer Budon	<i>Tesnomer Budon</i>	65 TRUMP ST.	love it always	5/14/16
Luasmebucin	<i>Luasmebucin</i>	656 PARSONS AVE 14609	NO	5/14/16
Emile Miller	<i>Emile Miller</i>	159 Vermont 14609	to remove business requires the city has been problems many about. Stop putting in new signs	5/14/16
Vinkafel Pa.	<i>Vinkafel Pa.</i>	90 Postsmith Street, 14609	leave it alone	5/14/16
Joan Owen	<i>Joan Owen</i>	5 EADWIND ST		5/14/16
David S. ...	<i>David S. ...</i>	73 CRONIN AVE Buffalo NY	How is getting more signs?	5/14/16

How is getting more signs?

Printed Name	Signature	Address	Comment	Date
Russell Anne	<i>[Signature]</i>	253 Hawthorn St.	It's been there for many years. Let it be	5/14/16
D. HULTQUIST	<i>[Signature]</i>	147 WILDOE ST	It's not hutch's anymore. It should be constanters 10.	5/14/16
TOM DONOVAN	<i>[Signature]</i>	65 Beverly Dr		5/14/16
James Robinson	<i>[Signature]</i>	103 Oak Street		5/14/16
Charles Champion	<i>[Signature]</i>	500 Hawthorne	leave old landmarks as long	5-14-16
Debbie Burns	<i>[Signature]</i>	491 Falstaff Rd	grandfather it in	5/14/16
James Robinson	<i>[Signature]</i>	252 Nicholas St	leave it in	
Cyle Steadman	<i>[Signature]</i>	1430 Maple Ave	show the city	5/14/16
The Aernu	<i>[Signature]</i>	327 Ashwood Dr	no reason not putting nobody	5/14/16
James Robinson	<i>[Signature]</i>	327 Ashwood Dr	leave the sign or dot it up your ass	5/14/16
Hals Rubler	<i>[Signature]</i>	43 Culbertson Rd 14609	bury about drive first a sign that of no interest	5/15/16
Bob Schell	<i>[Signature]</i>	250 Skelton	leave it in	5/15/16
MARINA GRAY	<i>[Signature]</i>	586 Melrose	CITY TAX DONT ASK AT WORK NOT MESS	5-15-16
Tom Kira	<i>[Signature]</i>	SP Bluffhead	Brook View 11 Fun	5/15/16
Gander Bishop	<i>[Signature]</i>	411 Edgecreek Trail	This neighbor had build not be the same what	5/15/16
Will Hank	<i>[Signature]</i>	944 Cedar Rd Apt 11	As a property owner I'm sorry but I can't be held	5/15/16

Petition to Save our Sign



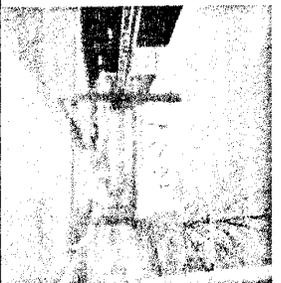
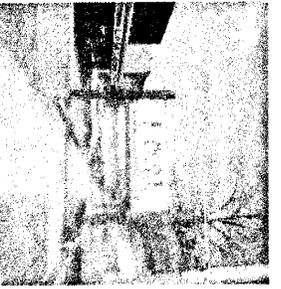
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Action petitioned for: We would like the City of Rochester to reconsider and allow the sign to stay as is.

Printed Name	Signature	Address	Comment	Date
Joe's Richmond Rd	[Signature]	278 Brighton Rd		5/14/16
JUNE RICHMOND	[Signature]	278 BARTON RD.		5/14/16
Deirdre Johnson	[Signature]	14 GARY HILL DR 14624		5/14/16
Natalie Memmel	[Signature]	132 YORKSHIRE RD ROCHESTER NY 14609		5/15/16
Matt Murphy	[Signature]	45 BANCROFT AVE ROCHESTER NY 14617		5/15/16
Geoff Schweigert	[Signature]	58 Rowley St. Roch, NY 14609		5/15/16
Jana Schweigert	[Signature]	58 Rowley St. Roch, NY 14609		5/15/16
Sarah Durkee	[Signature]	1061 KAYLEIGH DR 14588		5/15/16
CLARE MEMMEL	[Signature]	132 YORKSHIRE RD.		5/15/16
DAN MURPHY	[Signature]	45 BANCROFT AVE ROCHESTER NY 14617		5/15/16

Printed Name	Signature	Address	Comment	Date
Shannon Keely	Shannon Keely	2500 East Ave 14610		5/15
Victoria Dalton	Victoria Dalton	8855 E. River Rd 14414		5/15
MARTIN OWEN	Martin Owen	841 Grand 14609		5/15
Sean Fitzpatrick	Sean Fitzpatrick	593 Park Ave	Go sign!!! (yes)	5/15
JAN FRANKENBERG	Jan Frankenberg	3 NOTTINGHAM CIRCLE 14610		5/15
JOSE HAYES	Jose Hayes	3 NOTTINGHAM CIRCLE 14610		5/15
Meghan Burton	Meghan Burton	6801 Merchants Rd 14609		5/15
Tina White	Tina White	6844 Merchants Dr.		5/15
Emily Kehoe	Emily Kehoe	396 Cooper Rd		5/15
DAVID	David	396 COOPER RD		5/15
JOE MOLLARI	Joe Mollari	44 Kings Court Way		5/15/16
MICHAEL VANAS	Michael Vanas	115 DANBURY CIR. So.		5/16/16
Stephanie Nuci	Stephanie Nuci	43 Dennis Dr 14625		5/16/16
John Votick	John Votick	24 Ransford Ave	Really? aren't there more?	5/16/16
Peter Elliott	Peter Elliott	80 Winston Rd. S.	important things to do?	5/16/16
MIKE FAADIGAN	Mike Faadigan	219 E HICKORY ST		

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Action petitioned for

We would like the City of Rochester to reconsider and allow the sign to stay as is.

Printed Name	Signature	Address	Comment	Date
FRANK GROSSI	<i>[Signature]</i>	27 LAUNDALE TRL. 14605	LET THEM KEEP THE SIGN	5/13/16
Chris McMarin	<i>[Signature]</i>	339 MURRISON ST 14610		5/13/16
Loisnie Vogel	<i>[Signature]</i>	309 MAJIMA ST 14610	None if!	5/13/16
JEFF GAINSBROTHER	<i>[Signature]</i>	765 RIDGERS RD. 14514	SIGNAGE BRO	13MAY16
Raymond A. Rocco	<i>[Signature]</i>	18 Furrow 14620	Keep the sign	
Rafael Conroy	<i>[Signature]</i>	176 Westminster	Keep the sign	5/13/16
Ed Husk Smith	<i>[Signature]</i>	185 Goodman St S	Keep it	5/14/16
Peter Colaninno	<i>[Signature]</i>	296 Fellstaff Rd	Keep it!	5/14/16
Francesco Malodis	<i>[Signature]</i>	207 Trefalgar St.	It's grandfathered & should be!	5/14/16
Brian Rosenbaur	<i>[Signature]</i>	143 Webster Rd	It's grandfathered & should be! Is this one of the signs now?	5-14-16

Printed Name	Signature	Address	Comment	Date
Michael Pearl	<i>Michael Pearl</i>	354 Avenue D Locust	The place and sign name history	5/14/16
KATHIE WATONSKI	<i>Kathie Watsonski</i>	215 Sanford St	KEEP IT!	5/16/16
David Sprinkle	<i>David Sprinkle</i>	278 Versailles Rd	Part of History	5/15/16
Karel Oshman	<i>Karel Oshman</i>	363 BAY VILLAGE	REAL FATHERS	5/16/16
Cathy Estes	<i>Cathy Estes</i>	33 Green Lane Dr	1517 and broke part	5/16/16
Peter-Rhine	<i>Peter-Rhine</i>	105 Westfield St	Are you looking me? This is what we need to say about!	5/16/16
William Thomson	<i>William Thomson</i>	105 Westfield St		5/16/16
Tony Rott	<i>Tony Rott</i>	535 Waverlaster St	It's been there 50+ years! Keep it there!	5/16/16
Christopher Silver	<i>Christopher Silver</i>	80 Winton Rd S	Learn about Folkesboro	5/16/16
Nathan D. Gregg	<i>Nathan D. Gregg</i>	387 Westfield St	Been there forever!	5/16/16
Charles Ferguson	<i>Charles Ferguson</i>	92 Almadene Ave	Leave it alone	5-16-16
Debbie Kenyon	<i>Debbie Kenyon</i>	93 Allendale Ave.	Leave it the way it is.	5-16-16
Lynn Richardson	<i>Lynn Richardson</i>	928 Dibble Trail	History, leave it!	5/16/16
Peter Cavallero	<i>Peter Cavallero</i>	905 Parkville Tr	Looks Good	5-16-16
Joe Montemano	<i>Joe Montemano</i>	117 Sawmill Dr	History Leave IT	5-16-16
CHARLES J. KATY	<i>Charles J. Katy</i>	82 FOX BOURNE 14506	Leave it up.	5-16-16

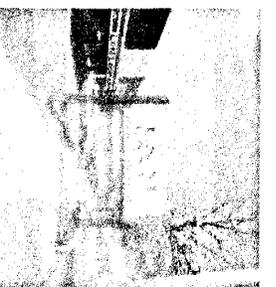
Tony Spruce
Tony Spruce

Terry Spruce

82 Westfield St

Patricia Watson 5/16/16

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Printed Name	Signature	Address	Comment	Date
Nicholas PARRS	<i>Nicholas PARRS</i>	31 Race Circle	YA YOU?	5/21/16
TOM ROSIK	<i>Tom Rosik</i>	1105 TETUS AVE	STOP SIGNATURES - STOPPED BUSINESS	5/21/16
Michael Abbott	<i>Michael Abbott</i>	109 Thyncke		5/21/16
Len Tubiolo	<i>Len Tubiolo</i>	485 Winona Blvd		5/21/16
Jean Masterson	<i>Jean Masterson</i>	297 Dickman Pl.	Small business owner	5/21/16
Lauren Montoya	<i>Lauren Montoya</i>	600 Cooper Rd.	They built this city & depend on M Jones	5/21/16
TOM AMER	<i>Tom Amer</i>	419 W. Ample		5/21/16
Matthew Schweitzer	<i>Matthew Schweitzer</i>	99 Thomson Rd.	It's a landmark	5/21/16
Sean P. Kelly	<i>Sean P. Kelly</i>	66 Bristol Avenue		5/21/16
George Sisk	<i>George Sisk</i>	178 Coleraine Ln	LEAVE BUSINESSES ALONE	6/10/16

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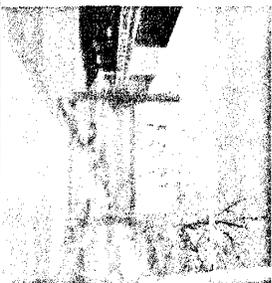
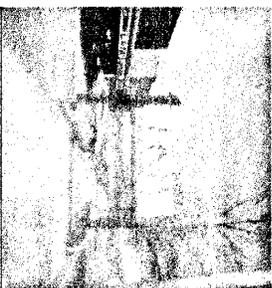


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Printed Name	Signature	Address	Comment	Date
Susan Weisschler	<i>MW</i>	185 Bedford St.	PLEASE ALLOW SIGN TO REMAIN AND W.D.	5/18/16
Donald Weisschler	<i>Donald Weisschler</i>	185 Bedford St	I own, enjoy and that sign was original with a bed <u>the sign above</u>	5/18/16
Negory Wolschleger	<i>Negory Wolschleger</i>	2016 Franklin Rd	keep the sign as is	5/18/16
Melissa Steger	<i>Melissa Steger</i>	185 Bedford St	Leave sign	5/18/16
Wynsey Ferrell	<i>Wynsey Ferrell</i>	1726 Whitlock	PLEASE SIGN	5/19/16
Angela Corbello	<i>Angela Corbello</i>	185 Bedford St	keep sign	5/20/16
Kim D'Brien	<i>Kim D'Brien</i>	181 Bedford St	leave that sign	5/20/16
Jeffrey Cas	<i>Jeffrey Cas</i>	1176 Whitlock Rd		5/20/16
Christy Natrup	<i>Christy Natrup</i>	179 Bedford St	leave the sign	5/20/16
Red Natrup	<i>Red Natrup</i>	179 Bedford St	leave the sign	5/20/16

Petition to Save our Sign



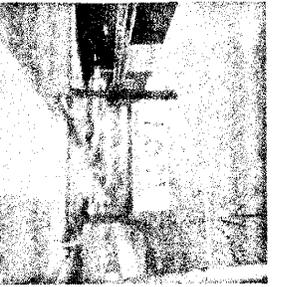
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Printed Name	Signature	Address	Comment	Date
ADAM STACKER	<i>[Signature]</i>	815 MERCHANTS RD.	"GRANDFATHERED"	5-12
Ben Heston	<i>[Signature]</i>	815 Merchants Rd.	Landmark	5-12
Suzanne L. Taroni	<i>[Signature]</i>	217 Westchester Ave.	WTF, GFY	5/12
Lorraine Garg	<i>[Signature]</i>	27 Loundale Ter	Landmark	5/12
Lori Hosmer	<i>[Signature]</i>	88 Belvedere Dr.	Small business owners should be supported	5/12
Christopher Henry	<i>[Signature]</i>	27 Bedford Exeter NY	40 years history	5/12
M. J. J. J.	<i>[Signature]</i>	200 Shelburn Rd	This is stupid	5/12
LINDA TOOLE	<i>[Signature]</i>	200 Shelburn Rd		5/12
Mike Lill	<i>[Signature]</i>	473 South Ave	WTF a "house" sign!"	5/12
Rick Faro	<i>[Signature]</i>	61 Falstaff Rd.	Stop hurting business	5/12

Printed Name	Signature	Address	Comment	Date
Tracy Stewart		61 Ed Stair Rd	Leave the sign!	5/12/16
Jason Dusett		546 N. Linton Rd, Apt. 10	Leave the sign	5/12/16
Tonia Bonin		50 Mildorf St 14609	Leave the sign	5/13/16
JOSEPH WUJCIENBERG		57 BARKLEY RD 14609	Leave THE SIGN!	5/13/16
Jake Polon		92 Hurstbourne Rd	It's a neighborhood staple 5/13/16	5/13/16
Megan Melzer		510 Greenleaf Rd	Keep the sign!!	
Matty Stankman		853 Merchants Rd	LEAVE THE SIGN!	
Jason Cassinara		82 Yorktown Dr		5-13-16
KEVIN O'SMURD		13 Broadway Pl. 14120	I LOVE LAMP	5-13-16
Benise Ash		11 Lockmanway Prky 14534	Keep the sign!	5/13/16
Kristen Spranve		878 Versailles Rd 14121	Keep the sign!	5/13/16
Mike Nasser		330 South goodmumst ^{APT 2}	Good For BUSINESS!!!	5/13/16
Middle mbarst		431 Spencer Rd	been here 50+ years!!	5/13/16
Shakeel Cheema		202 Grand ave	LEAVE SIGN AWAY	5/13/16
Sean Kelley		803 Kining Dr	Not hurting anything!	5/13/16
Carthin Yen		605 Deerfield Dr	Leave the sign!	5/13/16

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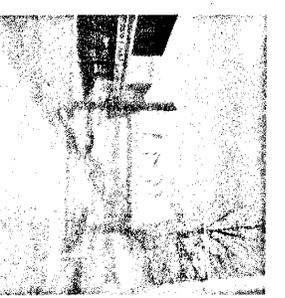
We would like the City of Rochester to reconsider and allow the sign to stay as is.

Printed Name	Signature	Address	Comment	Date
MARIA ROSICH	<i>Maria Rosich</i>	75 Highway Drive Rochester, NY 14609	Keep the sign! A lot of solutions if someone is problem? Give us the great sign and we'll be happy to help!	5/17/16
Brendan McEl	<i>B. McEl</i>	34 Oxford St 14607	Difficult	5/17/16
Donna Stubbings	<i>Donna Stubbings</i>	50 Sunnyside Dr 14609	Keep the sign!!! This part of the neighborhood	5/17/16
Mark Mestriano	<i>Mark Mestriano</i>	14 Waldridge Court, Apt 1, 14622	Keep the sign up! Census fine sign	5/17/16
DAVID MITCHELL	<i>David Mitchell</i>	369 ESCORT AVE 14603	PLEASE	5/18/16
David Piccini	<i>David Piccini</i>	595 Holbrook Rd		5-18-16
Timothy Calk	<i>Timothy Calk</i>	628 Lancelin Rd	landmark!	5/18/16
Kimberly Clark	<i>Kimberly Clark</i>	628 Lancelin Rd	Don't bother	5/18/16
Mr. Stephen M. DiPietro	<i>Stephen M. DiPietro</i>	786 Stone Rd	keep the sign!	5/18/16
Eric Zukauskas	<i>Eric Zukauskas</i>	674 South Avenue	Support local business	5/19/16

Printed Name	Signature	Address	Comment	Date
BOB WYCAL		209 LIMBLEDON RD ROCH. 14617	THRESHOLD AU ISSE FOR OVERSD YEARS. LEAVE IT ALONE!	5/19/16
Jay Keenly		155 Empire Dr 14609	Community.	5/19/16
CHRIS RATHBUN		90 YORKSHIRE RD	MEEEEEEEEDOM!	5/19/16
Michael Peckie		116 Vermont St	MERICA	5/19/16
Queen Carpenter		280 Richard St	Keep the community strong!	5/19/16
Michael Wood		3093 Alderwood Rd	Maadorn NY	5/19/16
Robert P. Collins		116 Vermont St	Row	5/19/16
James P. Collins		13 Bryn Mawr Rd.	"Save the Sign"	5/30/16
Amanda Siezemanst		111 Hurstbourne Rd.	We live right around the corner - this is part of the neighborhood!	5/20/16
Thomas Welter		111 Hurstbourne Rd.	This is our neighborhood we love this stage establishment leave them alone	5/20/16
Mrs Simon		86 Hurstbourne Rd		
Cheryl Simon		86 Hurstbourne Rd	Its part of our neighborhood	
Stephen Bagley		557 Rocket St	Keep the sign!	5/20/16
JUSTINE BAGLEY		557 Rocket St	Save the sign!	5/20/16
Abigail Converse		557 Rocket St	Let it go!	5/20/16
Ellen Conklin		154 Carlingford 14610	Really this is stilly	5/20/16

we're
it!
5/20

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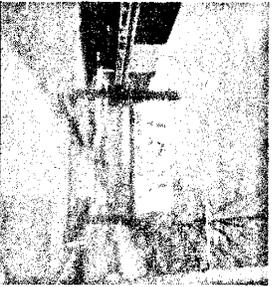
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Printed Name	Signature	Address	Comment	Date
Kristine Smather	<i>Kristine Smather</i>	144 Hurstbourne Rd Rochester 14609		5/14/16
Kristen Collins	<i>Kristen Collins</i>	140 Hurstbourne Rd Rochester 14609		5/14/16
Jonathan Smalter	<i>Jonathan Smalter</i>	144 Hurstbourne Rd		5/14/16
Kathy Farrell	<i>Kathy Farrell</i>	113 Orlando Rd 14622		5/14/16
CARMEN SANTAFERRARA	<i>Carmen Santaferrara</i>	9 FLORIDA AVE. ROCHESTER, NY 14616		5/14/16
Jeff Johnson	<i>Jeff Johnson</i>	14 Gary Hill Dr Roch NY 14624		5/14/16
Brandon Molinari	<i>Brandon Molinari</i>	168 Foxhall Drive Rochester, NY 14609		5/14/16
Paul Richardson	<i>Paul Richardson</i>	29 Yorkskire Rd. Roch 14609	Spend my tax dollars on something that matters	5/14/16
Ryan Campbell-Tubb	<i>Ryan Campbell-Tubb</i>	332 Hurvick Rd Rochester NY 14609	Why is this the pressing issue and clean up the crime	5/14/16
Michael Kelly	<i>Michael Kelly</i>	240 COEDMAN ST S ROCHESTER NY 14606		5/14/16

Printed Name	Signature	Address	Comment	Date
Steve Salai	<i>Stephen Salai</i>	178 Alexander St.		5/14/16
Dustin Wipman	<i>Dustin Wipman</i>	31 Wheatstone Cir		5/14/16
Julie Kirkayne	<i>Julie Kirkayne</i>	996 Pittsford Mendon Rd.		
Heather Henry	<i>Heather Henry</i>	65 Mapleold St		5/14/16
Ann Pomara	<i>Ann Pomara</i>	80 West Winstor Rd	Go Sox	5/14/16
TERESA GRAHAM	<i>Teresa Graham</i>	343 FAIRSTAR-		5/14/16
REBEKA GRAHAM	<i>Rebecca Graham</i>	343 FAIRSTAR RD		5/14/16
DRAMA ECKEL	<i>Debra Eckel</i>	843 FAIRSTAR RD	Go Yankees !!	5/14/16
Michael P'Angnon	<i>Michael P'Angnon</i>	540 N. Winton Rd.		5.14.16
John Mally	<i>John Mally</i>	202 WILSON RD.		5.14.16
Rachael Conra	<i>Rachael Conra</i>	112 HAASDALE RD	17M4 Life !!	5/14/16
Christina	<i>Christina</i>	109 COLLIER DR.	At least its spelled right	5/14/16
JR EIDER	<i>JR EIDER</i>	924 Spencer Ave	Matt's message	5/14/16
TIM BINDER	<i>Tim Binder</i>	306 SENECA PK AVE		5/14/16
Dennis Vlod	<i>Dennis Vlod</i>	309 Morrison St. #1111	<i>Heck!</i>	5/14/16
Felicia Niskanen	<i>Felicia Niskanen</i>	168 Foxhall Drive Colchester NY 14607		5/14/16

5/14/16

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Printed Name	Signature	Address	Comment	Date
K Robert	[Signature]	1352 CILICIA RD	we love this sign!	5/13/16
KEGGINA BOSS	[Signature]	180 JAMESTOWN TERR	PLEASE DON'T TAKE IT DOWN!	5/11/16
Daniel S. Shuck	[Signature]	1500 Jameson Tower	Please Leave the Sign	5/13/16
James Boss	[Signature]	366 Mt. Ridge Cir.	Let the sign stay	5/13/16
Jacquyn Martello	[Signature]	2439 Alver road	Don't take down this sign!	5/13/16
Amy Collins	[Signature]	53 Solus St Pcc.	It's a part of history	5/13/16
Rob Ferrara	[Signature]	110 BANCROFT WAY	leave things alone!	5/13/16
Susan Yanus	[Signature]	242 Stanton Lane		5/13/16
Toni DeVree	[Signature]	16 Berrinard way		5/13/16
ED DOTY	[Signature]	242 STANTON Lane	Who is it inactive??	5/13/16

Printed Name	Signature	Address	Comment	Date
TOM SAVINO		1382 CLIVER RD	Come on!	5/13/16
Sereni Schukerch		1382 Cliver Rd	leave the sign	5-13-16
Bob Clark-Bowman		9100 CENTIN ROAD	Part of the receipt should have to receipt.	5/13/16
Lilly Mully		1382 Cliver Rd	Signature	5/13/16
Richard Battista		700 Mont Vista Ln	Leave it	5/13
Todd Kuchinski		115 Jersey st	Part change neighborhood history	5/13/16
Lance Stone		1352 Oliver Rd	Senousky???	5/13/16
Walter		52 Deer Creek		5/13/16
Mary Heinrich		565 Edgemoor Ter	leave it.	5/13/16
CINDY GRAHAM		185 Wisconsin Dr		5/13/16
Jeanne Nicoray		Walden NY	Really?	5/13/16
Walter Lund		Walden NY	Leave us alone!!!	5/13/16
Lewon Rodgers		Onece	Really!	5/13/16
RUSTY HUNT		4535 Bowley Rd	YOU ARE THE ONLY ONE WHO'S NOT HERE	5/13/16
George Sheffels		2159 ST PAUL BLDG		5-13-16
Late Ambrose		373 Mountcastle Rd.		5-13-16

Symonds, Jill

From: Johnnys Pub <johnnyslivemusic@yahoo.com>
Sent: Thursday, July 28, 2016 9:40 PM
To: Symonds, Jill; Gary Stubbings
Subject: L&M Lanes Sign

Case: 2

File Number: V-013-16-17

Case Type: Area Variance

Address: 873 Merchants Road

Zoning District: C-2 Community Center District

Applicant: Gary Stubbings, Jr.

Purpose: To legalize an existing, non-illuminated pole sign for "L&M Lanes" that is 5' x 8' x 14'-3" tall, not meeting certain sign requirements.

Code Section: 120-177

Enforcement: Yes

SEQR: Type II

Ms. Symonds,

As the owner of a neighboring business, I support Gary Stubbings in his request for the variance referenced above. The sign has been part of our neighborhood for several years and to remove it would be a shame. Thanks

***Take care,
Johnny Savino***

www.johnnyslivemusic.com



**ZONING BOARD OF APPEALS
STAFF REPORT
August 11, 2016**

Area Variance

Case # 3:

Staff Reviewer: Jill Symonds

File Number: V-014-16-17

Applicant: Omar Subirat

Project Address: 45 Sunset Street

Zoning District: R-1 Low-Density Residential District

Section of Code: 120-167

Request: **To legalize a 6' tall stockade fence in the front yard of a single family dwelling, exceeding height and opacity requirements.**

Background: The subject property is a single family dwelling located on a triangular-shaped parcel. The proposal is to legalize a solid, 6' tall fence in the front yard. The new fence replaced an existing fence in kind, which did not have a permit either.

Code Compliance: Section 120-167 provides that a fence in the front yard cannot exceed 3' in height and cannot be more than 60% solid (**variance required**).

Code Enforcement: The subject property is in code enforcement.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 45 SUNSET ST

2. APPLICANT: OMAR SUBRAT COMPANY NAME: _____

ADDRESS: 45 SUNSET ST CITY: ROCHESTER ZIP CODE: 14606

PHONE: 585 201 1607 FAX: _____

E-MAIL ADDRESS _____

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: R-1

6. DETAILED PROJECT DESCRIPTION (additional information can be attached): REPLACEMENT OF DETERIORATED 6' FOOT STOCKADE FENCE

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

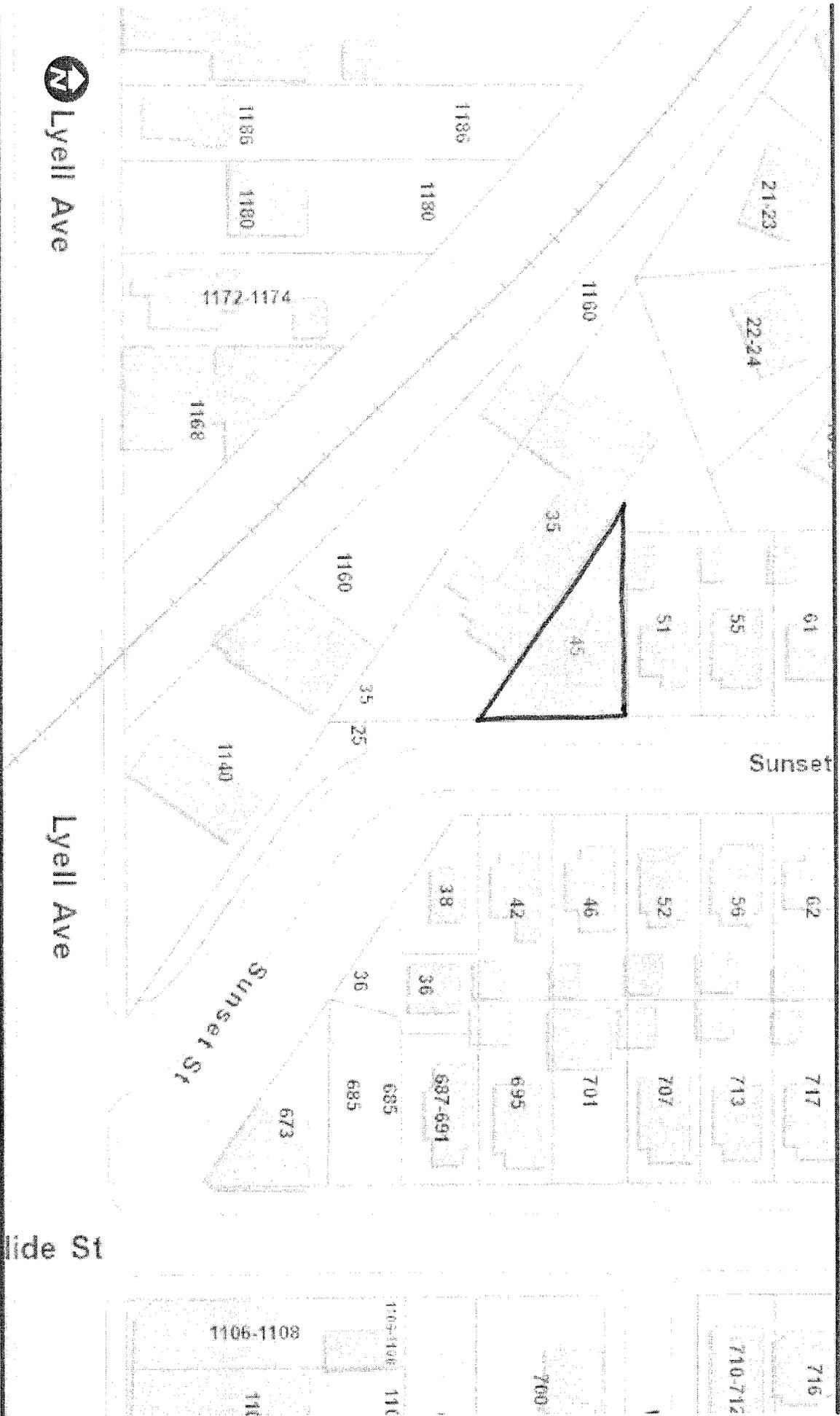
APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE:  DATE: 7/6/16

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: _____

45 SUNSET ST



 Lyell Ave

Lyell Ave

Slide St

August 2, 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
Loveily 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.

Beneficial para fence (a) varieg

- 1. Safety: There is a permanent pool installed behind the fence. By blocking it from view, safety is maintained, no possibility of trespassing to investigate the pool by curious children.
- 2. Privacy: The nature of the lot has the yard only in the front, there is no back yard. The fence protects our privacy and gives us a space where we are unseen from the street.

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.

Razon porque la verja se ve bien

The style of the fence is consistent with others in the neighborhood. In addition the fencing in question is adjacent to a lot with a business, their fencing is 8 ft in height. The styling of the fence installed enhances the residential nature of my lot and contrasts it from the commercial lot adjacent to me. There is no fencing involved between my lot and the adjacent residential lot.

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

si se puede instalar la verja en otro lugar

The nature of the lot has the only yard area in the front. The permanent pool was already legally installed when I purchased this property and cannot be relocated. The fence blocks the pool from public view for both privacy and safety reasons.

Ruzger

D. Significance. The requested variance is not substantial.

This is the only lot on this block with this unique shape and layout. All of the other properties have both front and back yards, this property does not. In addition no other property on this block abuts a commercial property like this one does, creating a very unique situation that does not exist elsewhere on this block.

no way an impact

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.

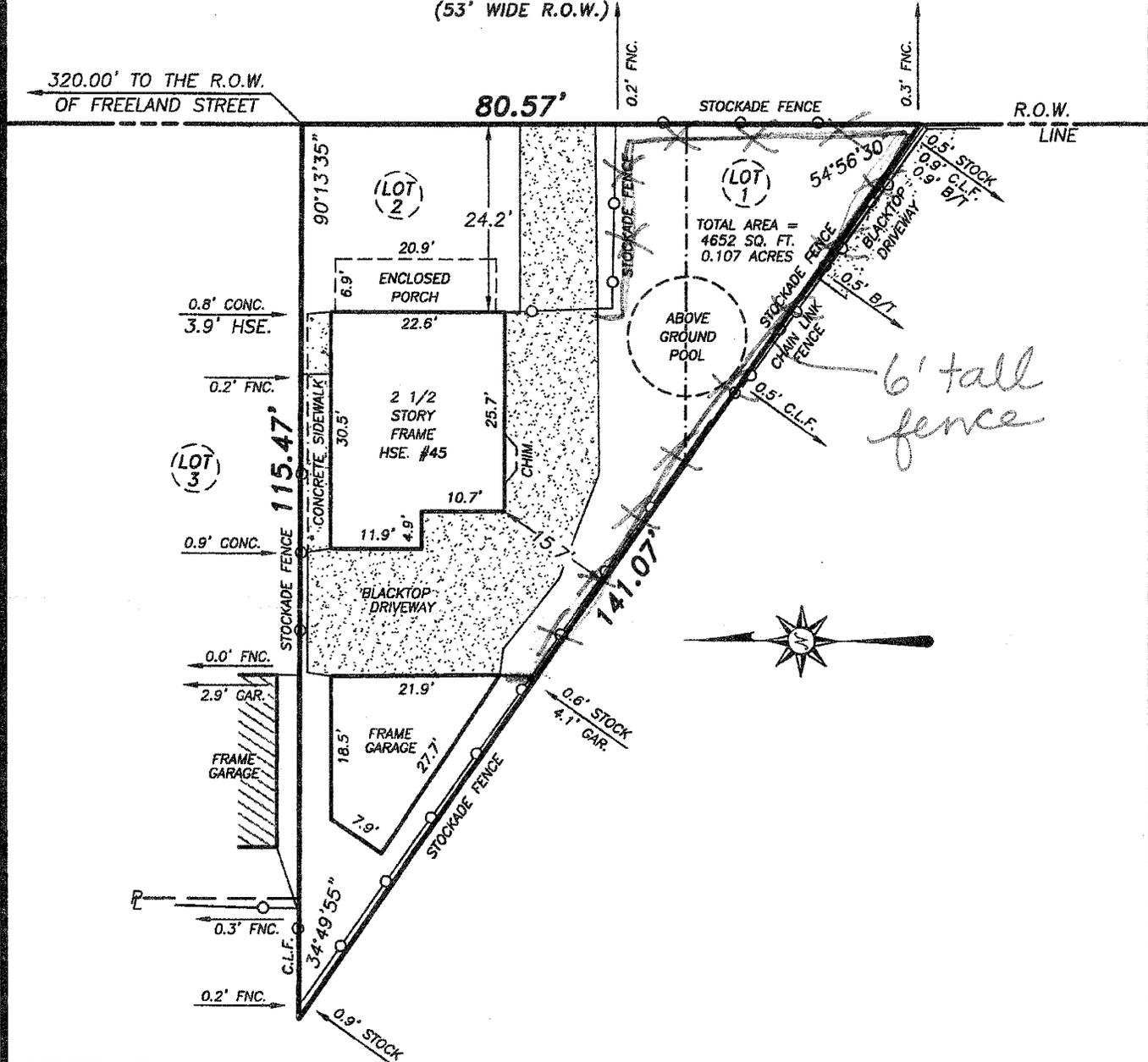
There are no significant changes involved in the character of the neighborhood. According to city records, the fence has been installed since at least 2007, I only removed the existing fence and replaced it as it was in serious disrepair and was very poor in physical condition.

come la comprate

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.

Per city records, (photos) the fence has been in place since at least 2007. I purchased the property in 2011 and the fence had deteriorated significantly since that time. I contracted New York State Fence Co. to install the new fence and was not informed that there were any issues with replacing the fence. ~~Then~~ The newly installed fence is much more attractive than the previous one as it matches the character of the neighborhood much better and it also maintains the security of the lot by blocking the view of the pool and preserves our privacy.

SUNSET STREET
(F.K.A. HARRISON AVENUE)
(53' WIDE R.O.W.)



CERTIFICATION:

I, DAVID A. STAUB, HEREBY CERTIFY TO:

- OMAR SUBIRAT
- JOSE A. BULTER, ESQ.
- THE TITLE INSURANCE COMPANY INSURING THE TITLE.

THAT THIS MAP WAS MADE NOV. 16, 2011
FROM NOTES OF AN INSTRUMENT SURVEY
COMPLETED NOV. 15, 2011
AND REFERENCES LISTED HEREON.

REFERENCES:

- 1.) LIBER 31 OF MAPS, PAGE 34.
- 2.) LIBER 9934 OF DEEDS, PAGE 261.
- 3.) ABSTRACT OF TITLE No. FC11-2295 (FLOWER CITY).

David A. Staub
DATE

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

DATE

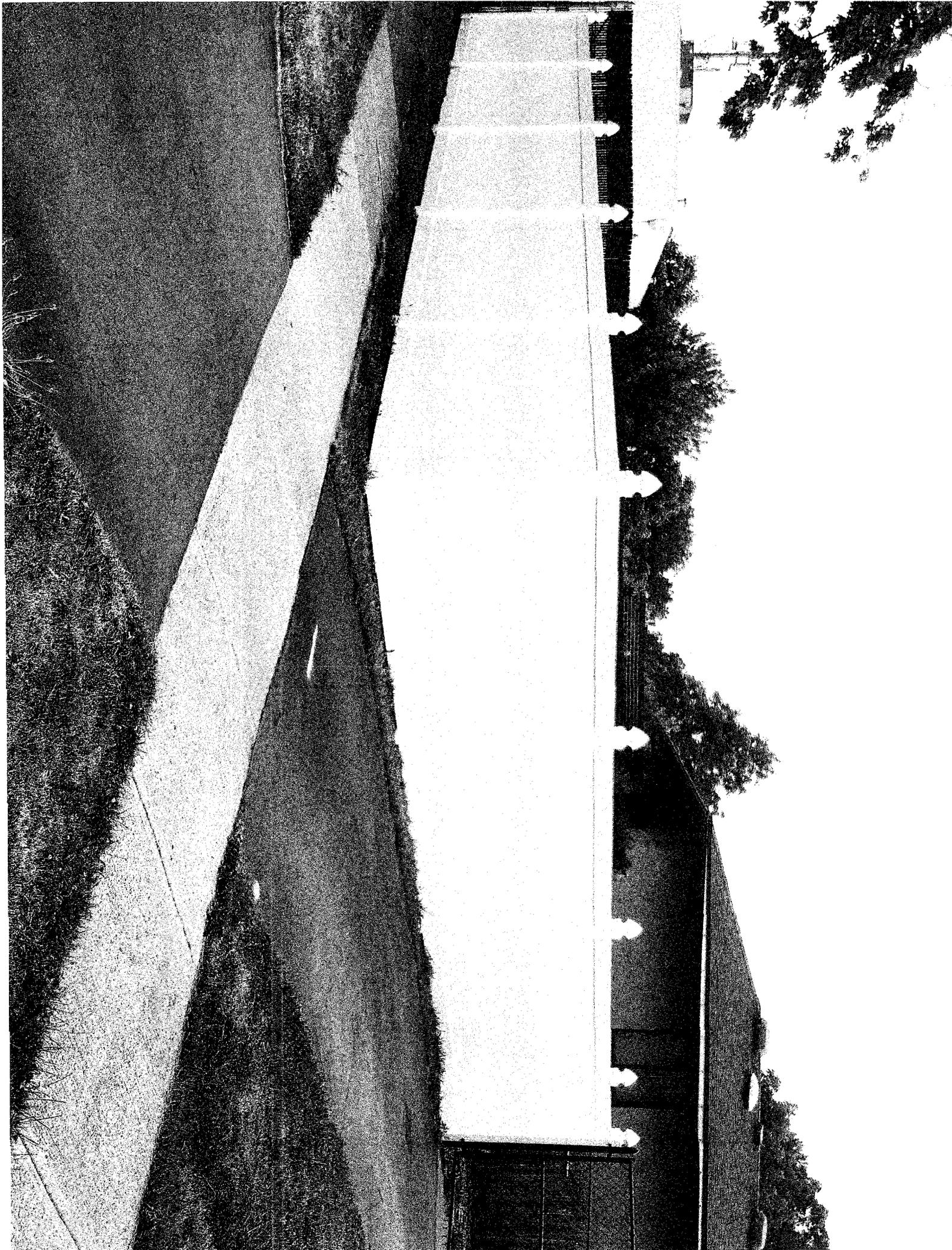
TITLE:

INSTRUMENT SURVEY MAP

45 SUNSET STREET

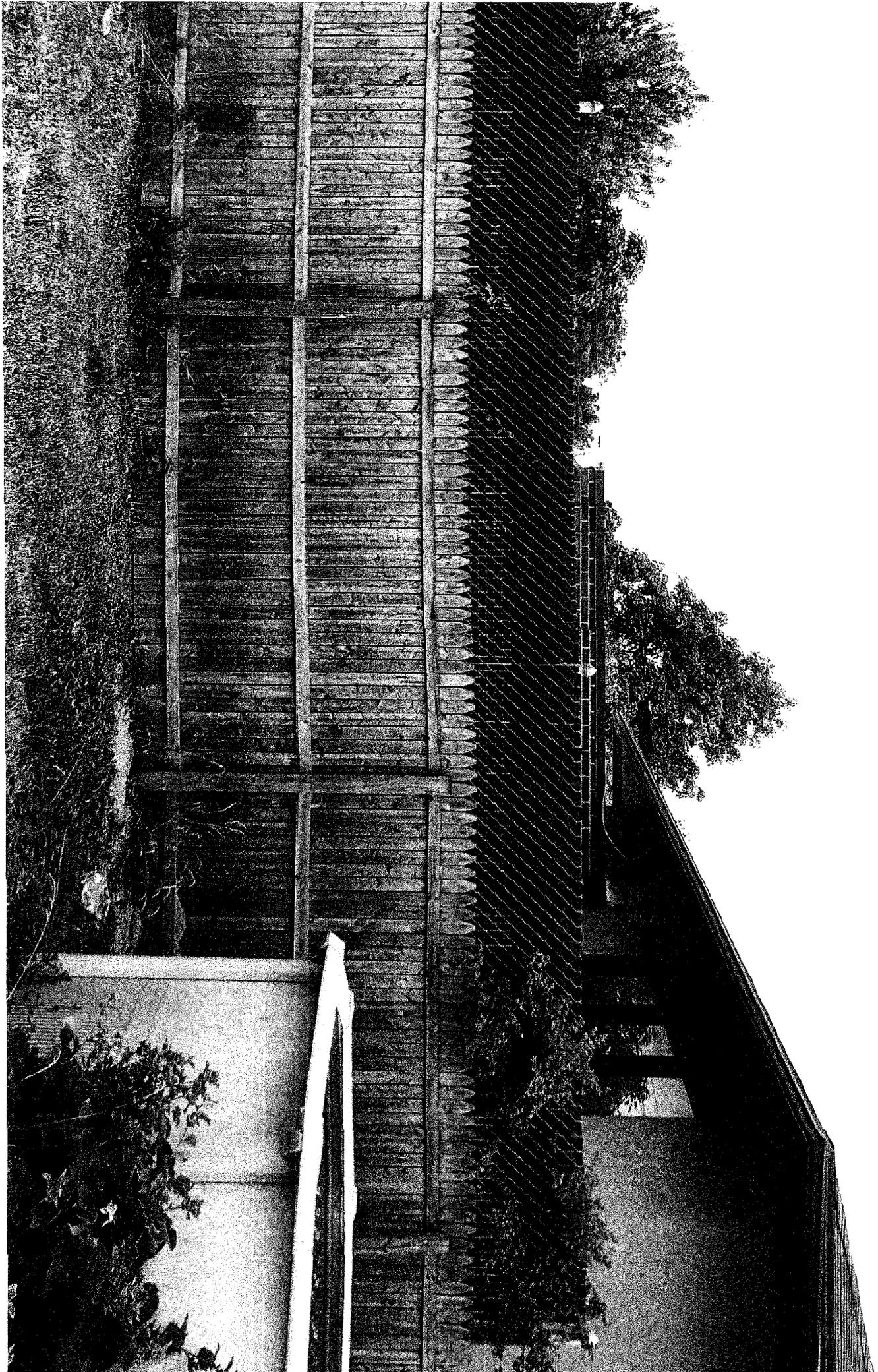


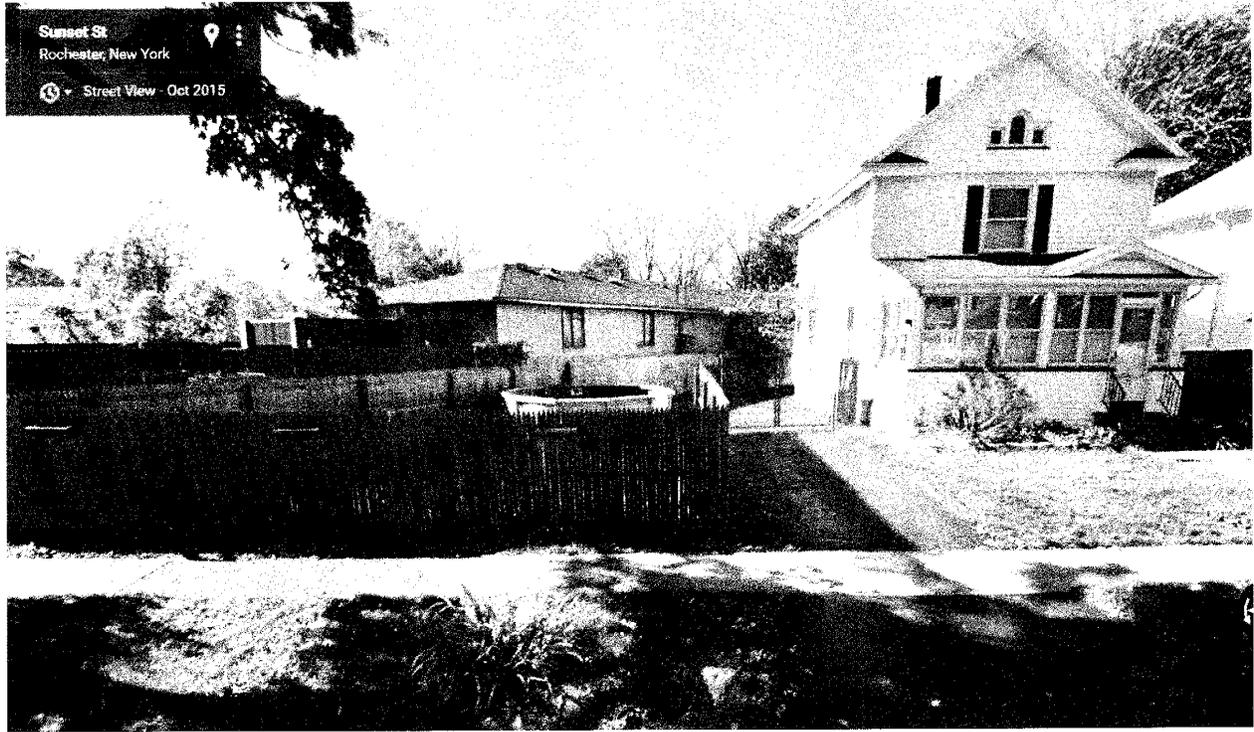












Google Earth image, October, 2015



**ZONING BOARD OF APPEALS
STAFF REPORT
August 11, 2016**

Area Variance

Case #4: Staff Reviewer: Jill Symonds

File Number: V-015-16-17

Case Type: Area Variance

Applicant: Jon & Kelly Davis

Address: 239 Westminster Road

Zoning District: R-1 Low Density Residential District

Section of Code: 120-199, 120-11

Request: **To expand a 2-family dwelling into the 3rd floor, thereby expanding a nonconforming use in the R-1 District and to legalize the paving in the rear yard exceeding the lot coverage requirement.**

Analysis: The subject property has a Certificate of Occupancy as follows: 1st floor, 1 family; 2nd floor, 1 family; no third floor occupancy; 3-car garage. There have been four Certificates of Occupancy with this description. The applicant is proposing to expand the second floor unit into the third floor.

The R-1 District limits lot coverage to no more than 50%. As the majority of the rear yard is paved, the subject property exceeds the lot coverage limitation. However, the configuration of the rear yard has been in place for decades. There is a permit from 1921 to erect a frame garage. There is also a denied variance request (V-37-71-72) from 1971 to maintain the property as a 3-family, which also depicts the garage and the paved yard. Given these circumstances, the paved yard is a pre-existing condition and is not subject to this variance request.

Code Compliance: 120-199 provides that a nonconforming use shall not be expanded, enlarged or increased in intensity. **Expanding the existing nonconforming two-family dwelling requires an area variance.**

Enforcement: This property is not in code enforcement.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 239 Westminster Rd Rochester 14607

2. APPLICANT: Jon Davis + Kelly Kennedy Davis COMPANY NAME: _____

ADDRESS: 5395 State Rt 5220 CITY: Canandaigua ZIP CODE: 1474

PHONE: 585-269-0182 (Kelly) FAX: _____

E-MAIL ADDRESS jldavis72@yahoo.com

INTEREST IN PROPERTY: Owner Lessee _____ Other _____

3. PLAN PREPARER: Jon + Kelly Davis

ADDRESS: see above CITY: _____ ZIP CODE: _____

PHONE: _____ FAX: _____

4. ATTORNEY: _____

BUILDING BUREAU
ROOM 121

ADDRESS: _____ CITY: _____ ZIP CODE: _____

PHONE: _____ FAX: _____

114774
01-0002 001 BUD
#29696

E-MAIL ADDRESS _____

Zonine \$250.00
INFO 239 WESTMINSTER

5. ZONING DISTRICT: R-1

CHECK \$250.00

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

Remove door to third floor to allow
2nd and 3rd floor to be one living space

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

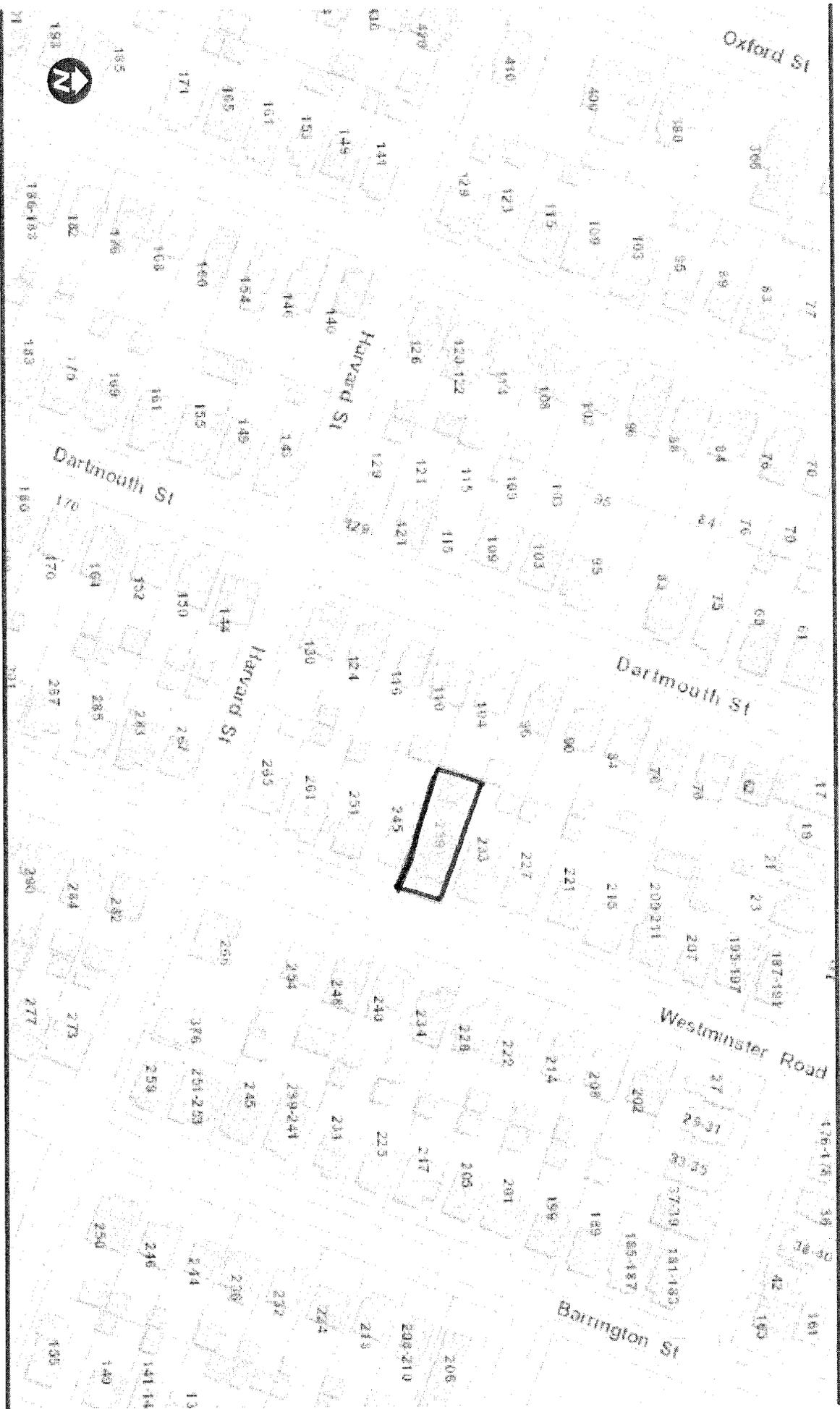
APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE: [Signature] DATE: 6/13/16

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: [Signature] DATE: 6/13/16

239 WESTMINSTER RD



August 2, 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.

- Additional living space
- 2 extra bedrooms would be added into the living space by removing the door to the 3rd floor.
- rent would increase from \$1100 to \$1800-\$1900/month

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.

- removing the door would only be seen from the inside
- no outdoor changes.
- many other homes in the neighborhood appear to have the 3rd floor in use, so if our 3rd floor were occupied, it would not be out of character for the area
- there may be one or two more windows in the living space, but parking is ample, in lot & garage spaces.

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 gain additional living space would be build an addition, which would greatly increase our costs and adversely affect the character of the neighborhood.

D. Significance. The requested variance is not substantial.

The request is a removal of a door. No structural changes are necessary. The 3rd floor appears to be original, intended for living space.

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 visual changes from the outside. The only change would be the potential increase in number of tenants. There is ample parking, off street, to accommodate tenant parking.

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.

Self created because we want to expand the unit.

Part of

Bath 21x12

13x15

Kitchen

Bed

11x12

Study 21x9

Felly Davis

2011 10/10/11 10/10/11

21x7 Bed

16x12 16x12
Vivian's Room

12x10 Bed

Handwritten notes on the right margin, possibly including a title or date.

3600

Chamber

Handwritten notes in the upper left quadrant.

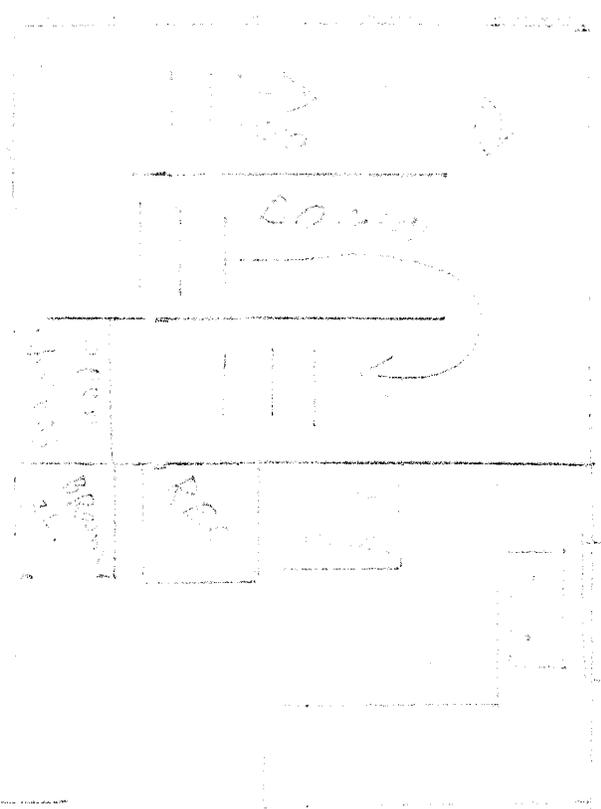
Handwritten notes in the upper left quadrant.

Handwritten notes in the middle section.

Handwritten notes in the middle section.

Room

Handwritten notes in the middle section.



← 17-3

Handwritten notes in the lower left quadrant.

Handwritten notes in the lower middle section.

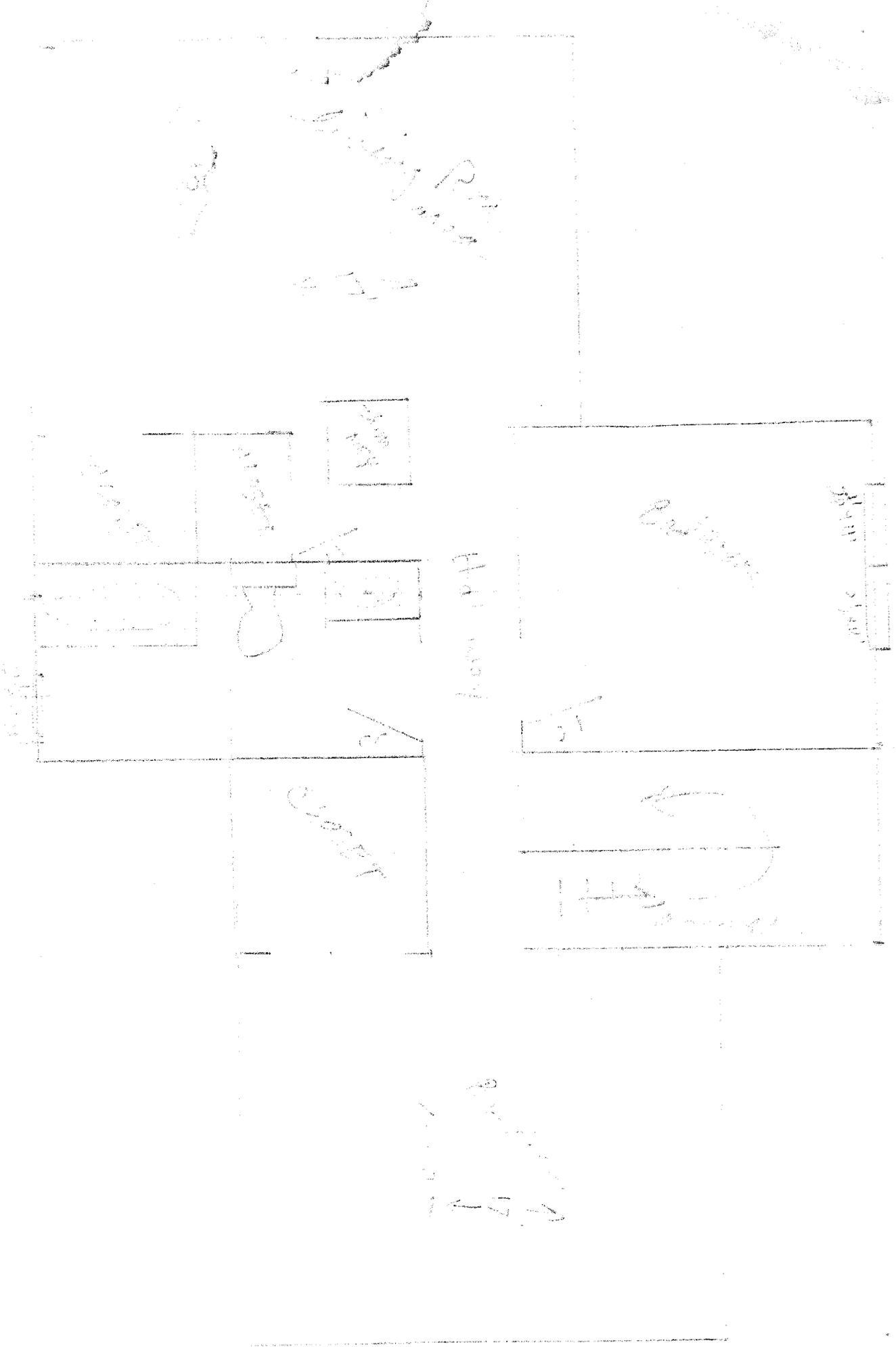
Handwritten notes in the lower middle section.

Handwritten notes in the lower right quadrant.

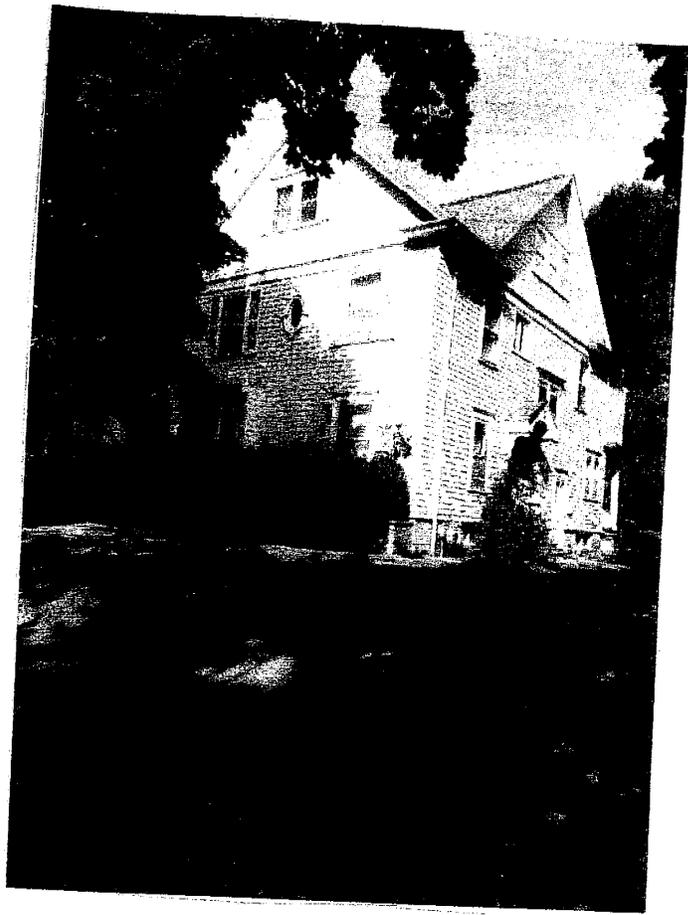
Handwritten notes in the lower right quadrant.



Will Westminister 3rd Floor

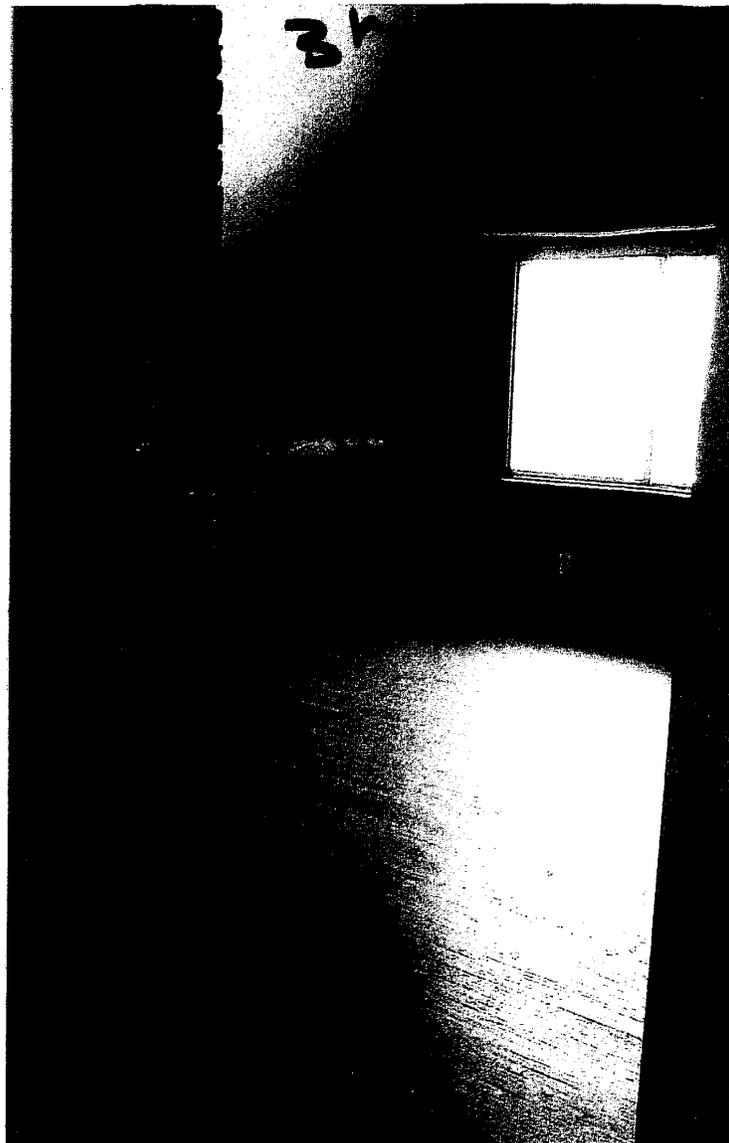


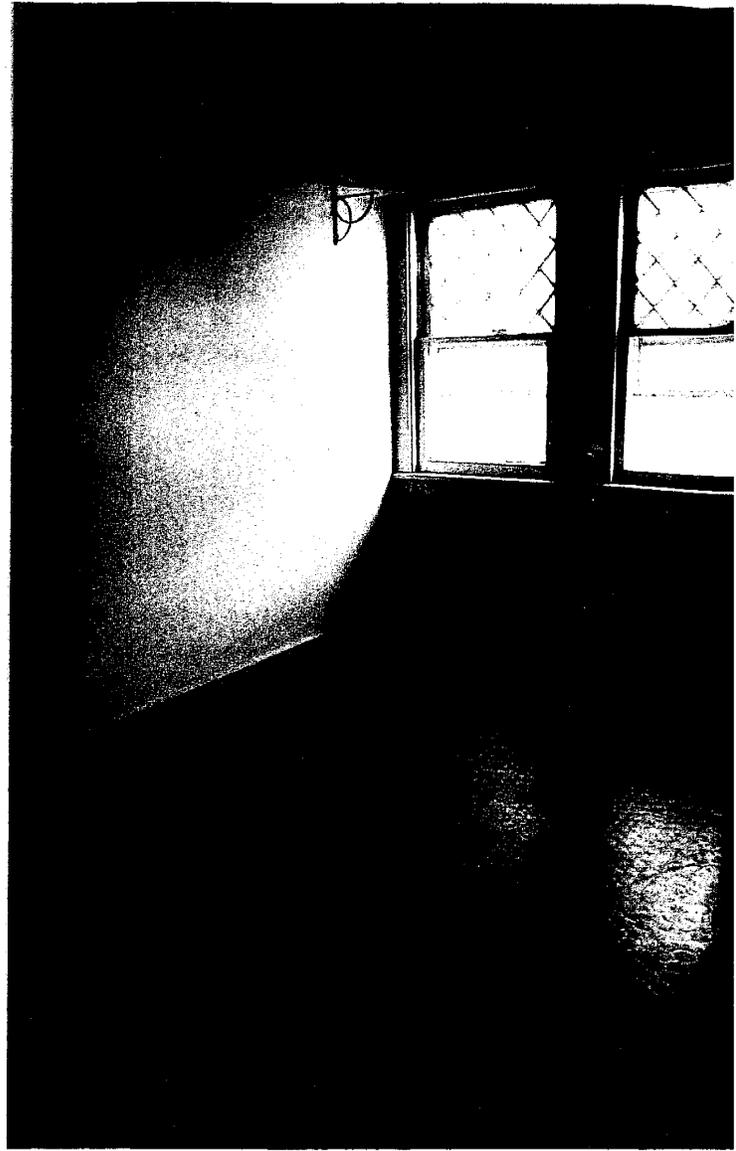
WESTMINSTER 3RD

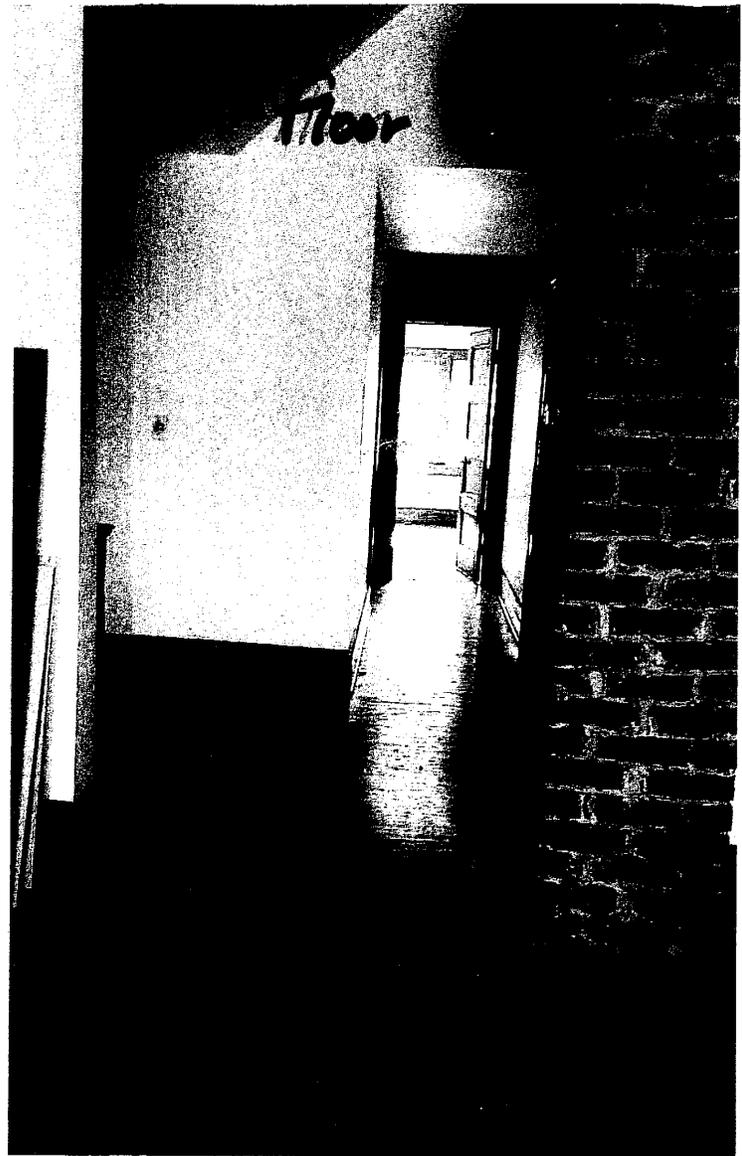












#4

Symonds, Jill

From: Gordon Porth <gporth@gmail.com>
Sent: Friday, July 29, 2016 12:25 AM
To: Symonds, Jill
Subject: 239 Westminster Rd

To Jill Symonds and whom it may concern,

I am writing to express my concern about 239 Westminster Road expanding from a 2 to a 3 family residence. This is a home that should rather be converted back to a single family given the density of our neighborhood.

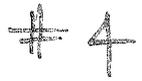
My understanding is that Rochester City is absolutely opposed to increasing density. I have learned that there has not been an increase from a 2 to a 3 family unit in at least 25 years. In fact, the city was so intent on thinning density that, twenty years ago, they were actually giving grants to homeowners to deconvert from a multi family to a single family.

Please do not allow an increase in density in our already crowded neighborhood.

Thank you for your good service and support.

Gordon Porth
228 Westminster Rd
Rochester, NY 14607

Sent from Gordon's iPhone



Symonds, Jill

From: carol zimmerman <carol.zimmerman06@gmail.com>
Sent: Wednesday, July 27, 2016 2:24 PM
To: Symonds, Jill
Subject: property at 239 Westminster

I offer strong opposition to any increase in the occupancy of 239 Westminster. My address is 240 Westminster and if these are the same landlords of the past few years, they do not keep up the property. In the past grass and weeds have not been cut for weeks, trash is left outside and the outside has been left in disrepair. The tenants that moved out this past spring complained to us that they could not get the landlord to fix anything. Some effort as been made recently and I suspect that it is just to have the city look favorably on this application. How can they be expected to keep up 3 units if they do not keep up 2. This property has illegally rented the 3rd floor in the past as have several other houses on our street. When we have complained to city hall we are told that no one can enter the buildings without landlord permission so nothing can be done. The trend on this block has been to try and increase single family ownership and decrease the parking and people congestion. Most houses with apartments are occupied by the landlord and contribute to our neighborhood identity and cohesion. Please do not allow this variance.

--

from the email of Boo Zimmerman, 240 Westminster rd 14607.

11

Symonds, Jill

From: Ronald Fithen <rfithen121@gmail.com>
Sent: Friday, July 29, 2016 4:37 PM
To: Symonds, Jill
Subject: Rowe Camera Canopy Repair

Dear Jill,

I am the owner/operator of the recently remodeled McDonald's on Mt. Hope. I was informed of Rowe Camera's need to re-fabric their canopy. I completely support their position and hope a variance will be granted. Rich Rowe not only is a business owner but a resident of the neighborhood and has been a force in developing the community. His business has incurred significant changes in recent years with digital cameras and internet ordering. He has been able to respond to the changes and maintain a presence in Rochester. Please find a way to support his position and future in our neighborhood.

Ron Fithen



**ZONING BOARD OF APPEALS
STAFF REPORT
August 11, 2016**

Area Variance

Case #5:

Staff Reviewer: Jill Symonds

File Number: V-016-16-17

Applicant: Gary Inzana

Address: 99 Denise Road

Zoning District: R-1 Low-Density Residential District

Section of Code: 120-11, 120-173

Request: **To widen the existing driveway of a single family dwelling from 9' to 19', not meeting the off-street parking requirements.**

Background: The subject property is a single family dwelling that is set back along the rear lot line. There is an existing, 9' x 80' driveway. The proposal is to widen the existing driveway to 19', thereby creating front yard parking.

Code Compliance: 120-173 provides that parking for a single family cannot be located in the side or front yard except in a legal driveway that provides access to the rear yard, a detached or attached garage. **An area variance is required as the driveway is located entirely in the front yard.**

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

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 99 Denise Road

2. APPLICANT: Gary Inzana COMPANY NAME: Village Square Mgmt

ADDRESS: 24 West Avenue CITY: Spencerport ZIP CODE: 14559

PHONE: 352-1468 office FAX: 352-1469
733-9198 cell

E-MAIL ADDRESS gi.villagesquare@yahoo.com

INTEREST IN PROPERTY: Owner Lessee _____ Other _____

3. PLAN PREPARER: Gary INZANA

ADDRESS: Same As Above CITY: _____ ZIP CODE: _____

PHONE: _____ FAX: _____

4. ATTORNEY: William Higgins

ADDRESS: 16 E. Main St. Suite 200 CITY: Rochester ZIP CODE: 14614

PHONE: 454-3310 FAX: 325-4559

E-MAIL ADDRESS _____

5. ZONING DISTRICT: Residential

BUILDING BUREAU
ROOM 121

6. DETAILED PROJECT DESCRIPTION (additional information can be attached): Repairing and enlarging existing driveway

14-4885
01-0032 001 800
JUL 22 11

Zoning INFO 0250.00 99 DENIS

CHECK \$250.00

7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased): 2 days

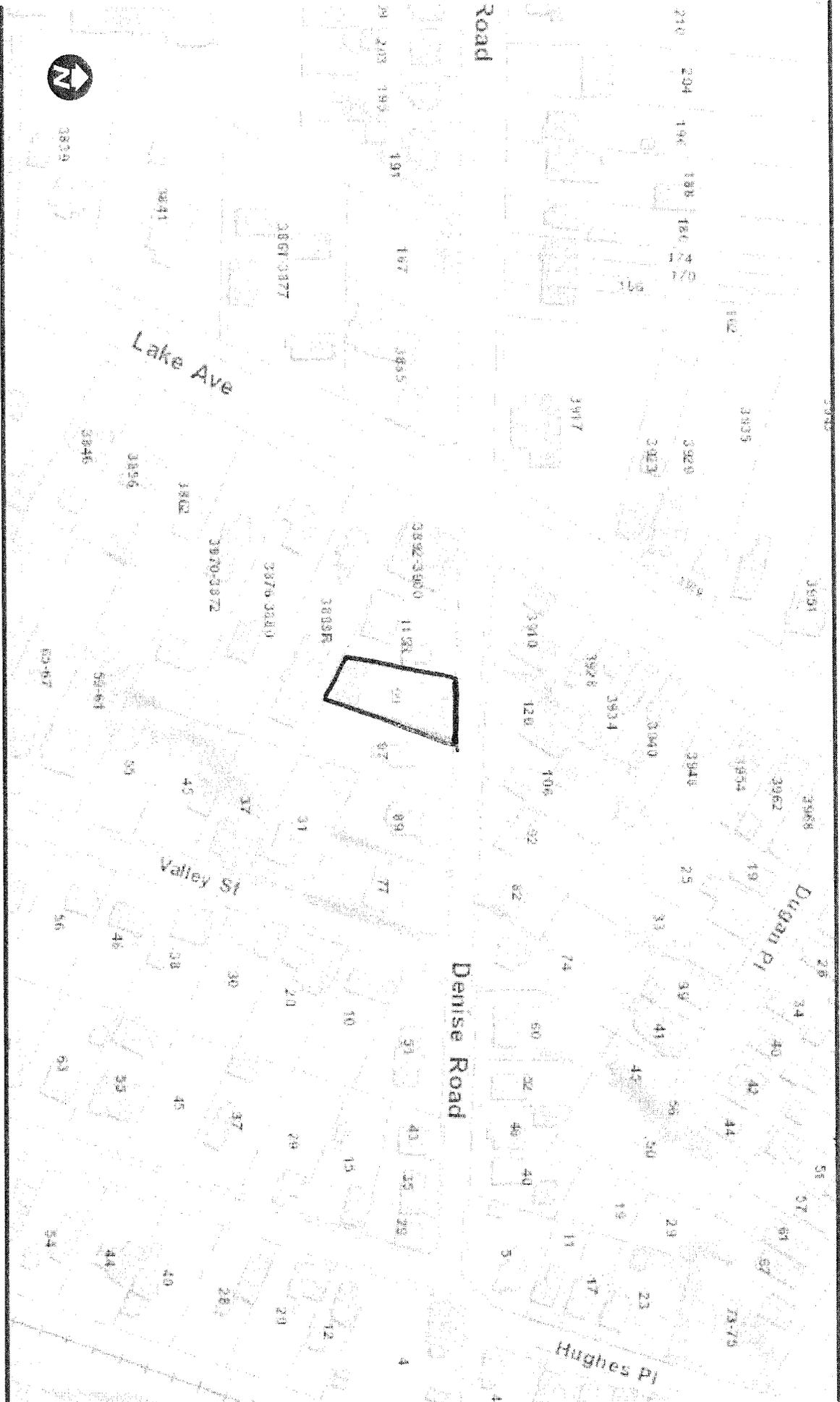
APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE: Gary Inzana DATE: 6/15/16

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: Gary Inzana DATE: 6/15/16

99 DENISE RD



August 2, 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 existing driveway is in disrepair. Parking cars in the driveway is used by all properties in this area of Denise Rd. The existing house is being remodeled and a driveway in good repair will improve the neighborhood.

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

Neighboring properties have either driveways or parking areas in front. This driveway in alignment with the west property line and to the side of the house (not in front of the house) will be a benefit to the neighborhood and is in keeping with the character of the neighborhood.

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

This property has no backyard, only a front yard. This is the only possible place for a driveway as evidenced by the existing driveway.

D. Significance. The requested variance is not substantial.

There is an existing driveway in disrepair.
This request is to repair the existing driveway and
enlarge it to accommodate 2 cars side by side.

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 enclosed pictures show this driveway is
about the same size or smaller than the
surrounding properties, and will have little
or not impact on the neighborhood.

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

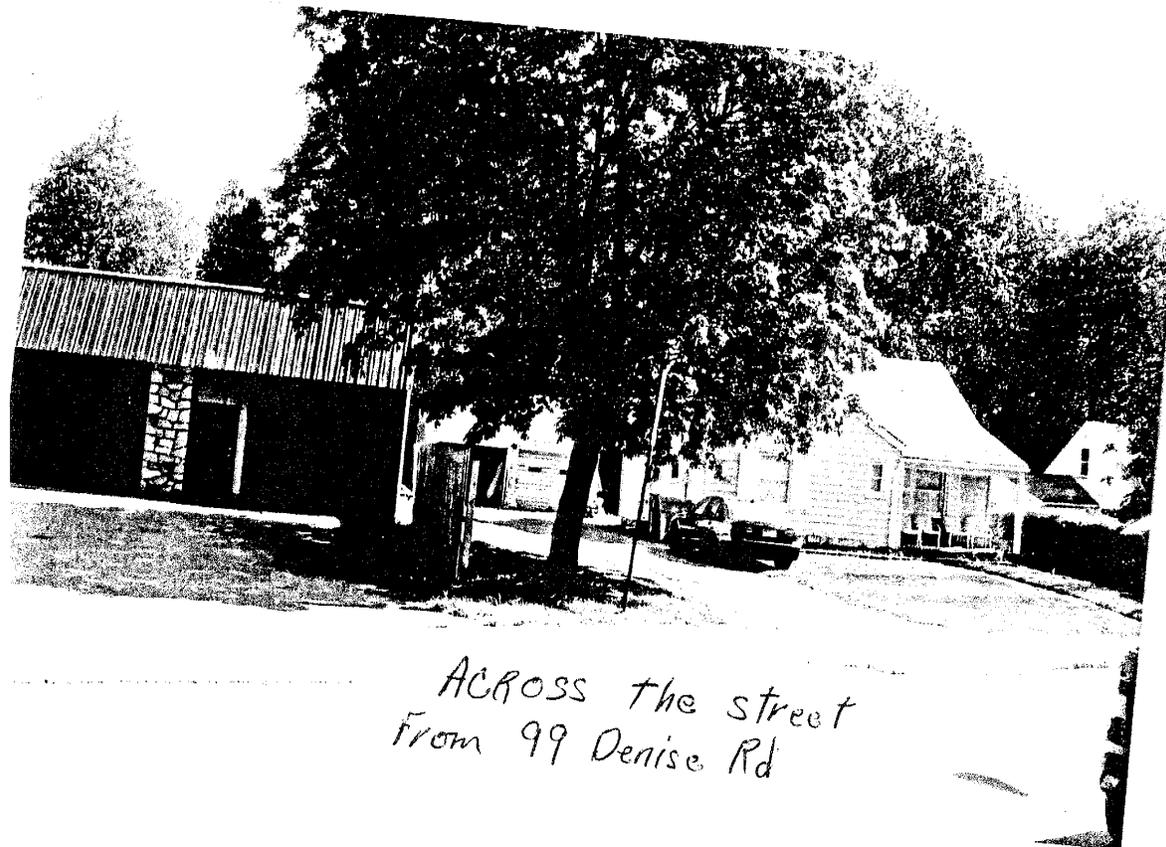
This house was built on this lot in 1910.
Current code requires this variance.



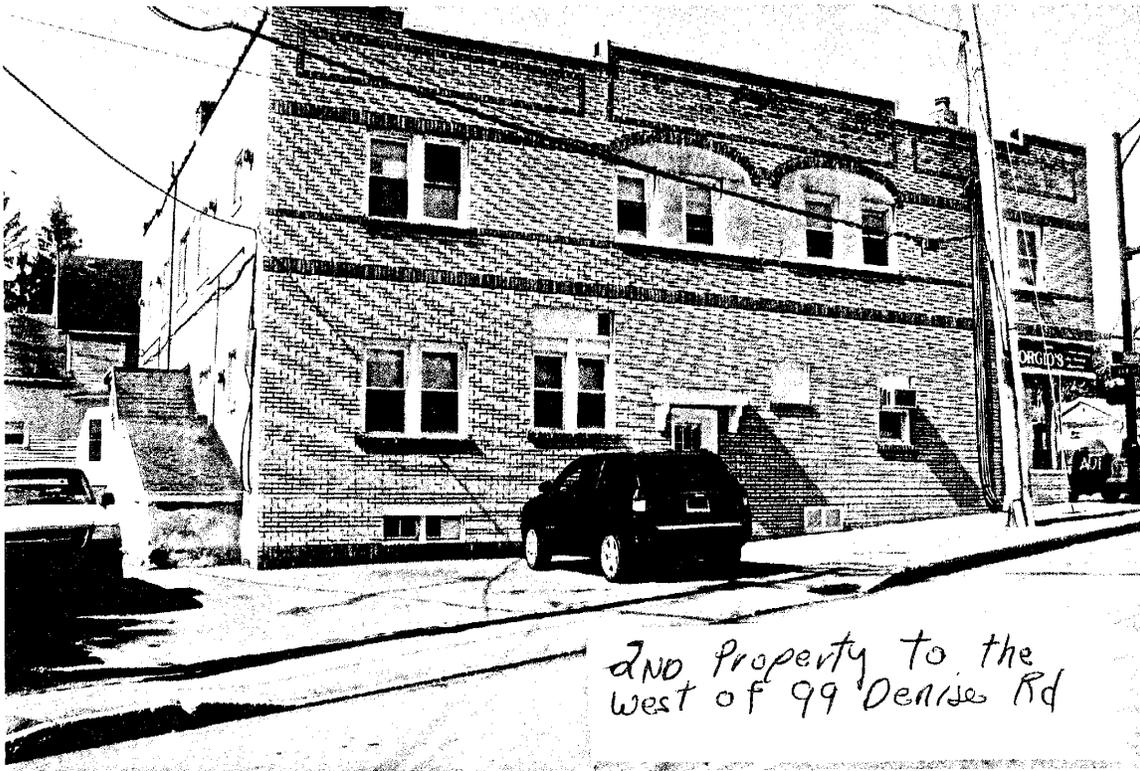
Directly Across The
Street From 99 Denise Rd



NEXT DOOR TO The
West of 99 Denise Rd



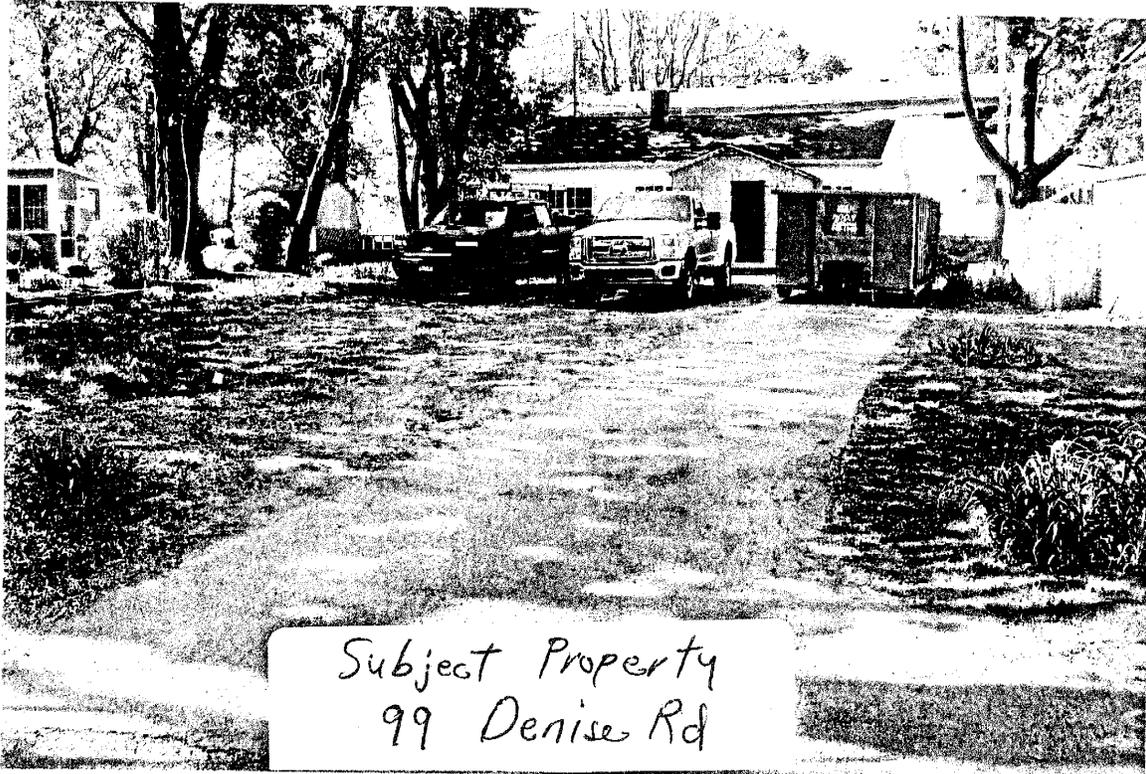
ACROSS the street
From 99 Denise Rd



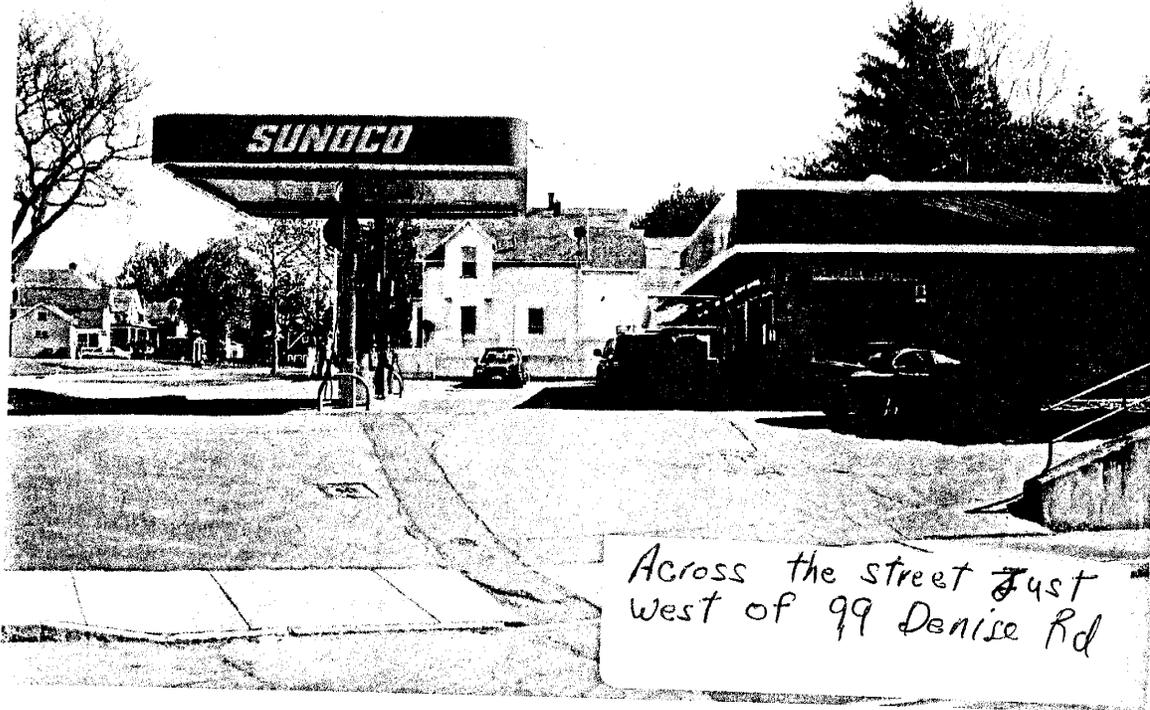
2ND Property to the
West of 99 Denise Rd



NEXT DOOR TO The
EAST of 99 Denise Rd



Subject Property
99 Denise Rd



Across the street just
west of 99 Denise Rd



**ZONING BOARD OF APPEALS
STAFF REPORT
August 11, 2016**

Area Variance

Case #6:

Staff Reviewer: Jill Symonds

File Number: V-017-16-17

Applicant: John Schultz

Address: 298 Westfield Street

Zoning District: R-1 Low-Density Residential District

Section of Code: 120-173

Request: **To legalize the driveway expansion in the front yard of a two-family dwelling, not meeting the off-street parking requirements.**

Background: The subject property is a two-family dwelling located on the corner of Westfield Street and Raeburn Avenue, and thus has two front yards. According to the survey map, the existing driveway is 17.5' x 50'. The applicant expanded the parking area by covering the yard to the east of the dwelling with gravel. The parking area, including the driveway, is now 40' x 50'. The applicant is proposing to restore a 12' x 16' area adjacent to the porch the grass.

Staff review revealed that the proposed parking area exceeds the lot coverage limitations in the R-1 District.

Code Compliance: 120-173 provides that parking for a two-family cannot be located in the side or front yard except in a legal driveway that provides access to the rear yard, a detached or attached garage. **An area variance is required for front yard parking.**

Section 120-11 provides that lot coverage in the R-1 zone is limited to 50%. This proposal increases the lot coverage from 37% to 56% (**variance required**).

Code Enforcement: The subject property is in code enforcement for expanding the driveway without a permit.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 298 WESTFIELD ST & 260 RAE BURN AVE

2. APPLICANT: JOHN SCHULTZ COMPANY NAME: _____

ADDRESS: 298 WESTFIELD ST CITY: RUCHESTER ZIP CODE: 14619

PHONE: 585 527 9842 FAX: _____

E-MAIL ADDRESS unc.jp@frontiernet.net

INTEREST IN PROPERTY: Owner Lessee _____ Other _____

3. PLAN PREPARER: Same as above

ADDRESS: _____ CITY: _____ ZIP CODE: _____

PHONE: _____ FAX: _____

4. ATTORNEY: _____

BUILDING BUREAU
ROOM 121

ADDRESS: _____ CITY: _____ ZIP CODE: 22/16

PHONE: _____ FAX: _____

115174
01-0002 001 BUD
#29698

E-MAIL ADDRESS _____

Zoning #250.00
INFO 298 WESTFIELD

5. ZONING DISTRICT: Boulevard Heights Subdivision CHECK \$250.00

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

See attached pages

7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:) 2 weeks ?

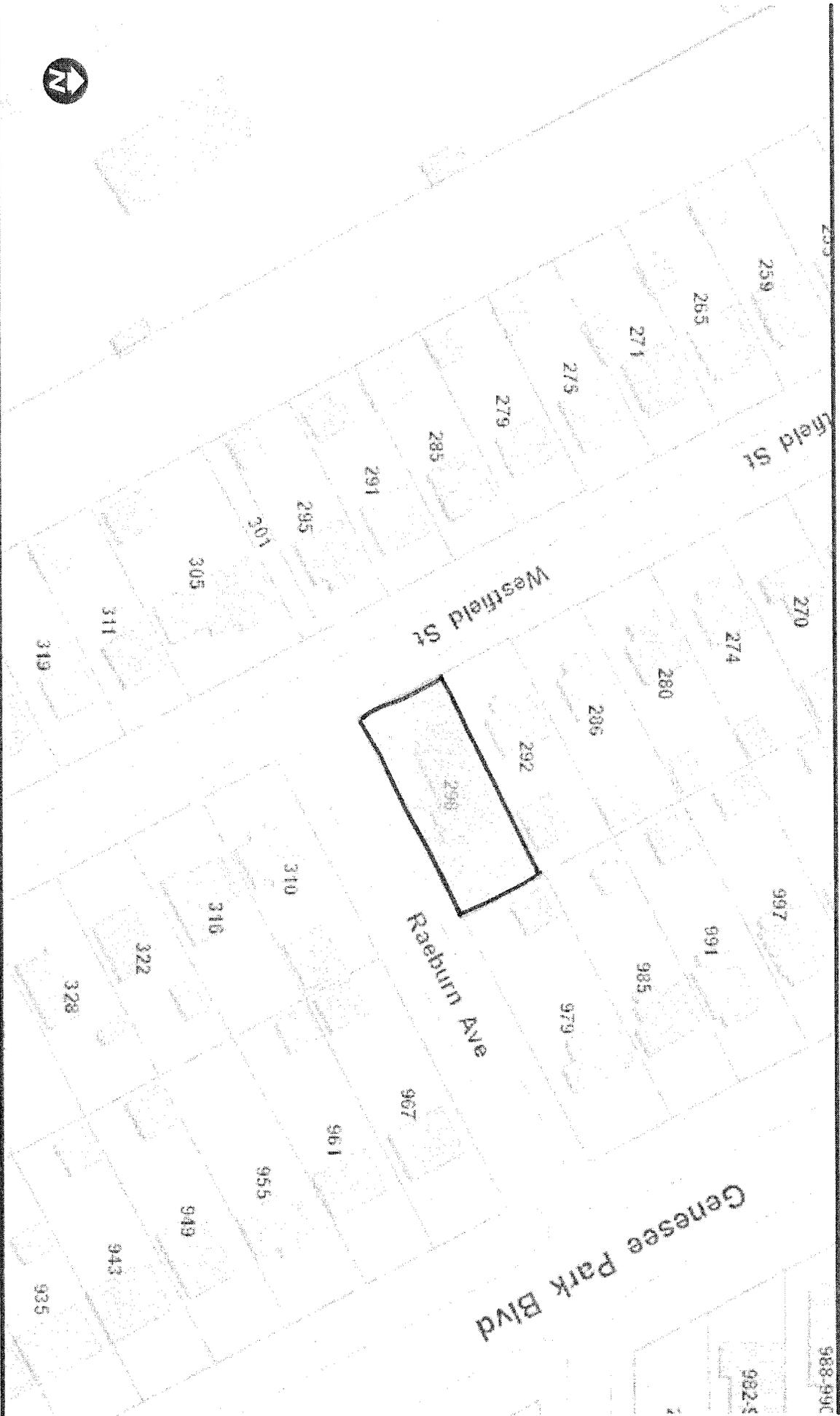
APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE: John P. Schultz DATE: 6-16-16

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: _____

298 WESTFIELD ST



August 2, 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.

In my opinion yes. If plan A was accepted, all that would be lost is lawn area. If plan B was accepted I have a paved driveway and flat sidewalks. I see no detriment anywhere

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.

Undesirable would be from others views which I can't speak for. It is not to me.

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

Two plans were submitted, one is a lot less involved than the other but hopefully one of them will be accepted and I am good with that

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

Plan A could be deemed extreme but Plan B is not

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.

I don't see any

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.

Unfortunately the reason for stoppage of the project was self created but only because of lack of knowledge of city codes.

If you look at an aerial view it is obvious that this property is not hidden so there was no intent to slip something through.

The original plan was to pave the driveway and extend the parking area across the yard to butt up against the house foundation. This would help the occasional parking problems and lawn damage from vehicles jockeying around. The tenants in 260 Raeburn, who are my step daughter and grandchildren, are getting older with my granddaughter turning sixteen this year and grandson turning thirteen with the older grandson already being in college with a vehicle. There was a thought to the future of having even more cars and not ample off street parking. I realize that there is alternate parking available but it is limited because of the shortness of this section of Raeburn.

When the project was halted, the lawn had already been dug up and covered with stone and the sidewalk around the house had been removed. The sidewalk had numerous cracked slabs and heaving that, in my opinion, was a trip hazard. This too was to be paved as part of the project.

When I went to the zoning dept. to find out what I did wrong they explained that there was a percentage of green area that had to be kept. I guess that makes me stupid for not knowing that but the contractor who has been doing driveways for forty years never heard of it either. Nevertheless, I had spoken to my wife about forgetting the larger work and just doing the driveway and the sidewalks with removing the stone where the lawn was and reseeding. The question then came up about the width of my driveway. I was told that only ten feet is permissible but I have about twenty. We have lived in this house for twenty four years and I never changed the width and when the curbs were done a couple of years ago they made the street entrance to a like dimension without question. I was told that this, the width of my driveway, had to be altered before paving.

Bottom line is I want to pave my driveway with changing the width and do my sidewalks while they are there. The green area that was removed will be returned unless the original plan mentioned above is acceptable.

Plan A:

Obtain a variance to pave across the side yard to the house and finish the walks also.

If this is not acceptable

Plan B:

Obtain a variance to make my driveway 20 ft (width) and extend back to within 1 foot of the fence line, then pave it and the sidewalks and returning the approximately 16 ft of grass area back to it's original state

I apologize for making this so lengthy but a lot has happened and been thought about in the last few days. Thanks

Google Maps



Map data ©2016 Google 20 ft

Google Maps Raeburn Ave

W 107th



Image capture: Nov 2015 © 2016 Google

Rochester, New York
Street View - Nov 2015



16 ft.
approx.

14 ft.

16 ft.

07/06/2016

07/20/2016

7
56 in.

32 in





Kitchen overhang marked with an x on enlarged drawing

All this rock and dirt is wider than kitchen overhang



56 in.

32 in.



**ZONING BOARD OF APPEALS
STAFF REPORT
August 11, 2016**

Area Variance

Case # 7:

Staff Reviewer: Jill Symonds

File Number: V-018-16-17

Applicant: Rev. Charles G. Simmons Sr.

Project Address: 118-124, 132, 134, 136, and 144 Reynolds Street

Zoning District: R-1 Low-Density Residential District

Section of Code: 120-11, 120-158, 120-167

Request: **To waive the lot coverage, fence requirements, and certain city-wide design standards associated with the construction of an addition to the church located at 144 Reynolds Street and the expansion of the existing parking lot at 118-124 Reynolds Street.**

Code Compliance: Preliminary Site Plan Findings are attached, which identify all required variances.

Code Enforcement: This property is not in code enforcement.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 144 REYNOLDS STREET

2. APPLICANT: REV. CHARLES G. SIMMONS^{SR} COMPANY NAME: LIBERTY TEMPLE MINISTRIES
CHURCH OF GOD IN CHRIST

ADDRESS: 144 REYNOLDS STREET CITY: ROCHESTER ZIP CODE: _____

PHONE: 585-755-7650 FAX: _____

E-MAIL ADDRESS libertytemplemin-inc@aol.com

INTEREST IN PROPERTY: Owner Lessee Other

3. PLAN PREPARER: JAMES K. GOGOWSKI, P.L.S.

ADDRESS: 9580 RIDGE ROAD CITY: BROCKPORT ZIP CODE: 14426

PHONE: 585-424-1640 FAX: 585-424-4244

4. ATTORNEY: DEE HARRIS, ESQ. RINERE & RINERE

ADDRESS: 36 WEST MAIN STREET CITY: ROCHESTER ZIP CODE: 14614

PHONE: 585-454-5930 FAX: 585-454-5945

E-MAIL ADDRESS dharris@rinere law.com

5. ZONING DISTRICT: R-1

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

CONSTRUCT A 2532 FT² ADDITION AND IMPROVE PARKING LOT

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

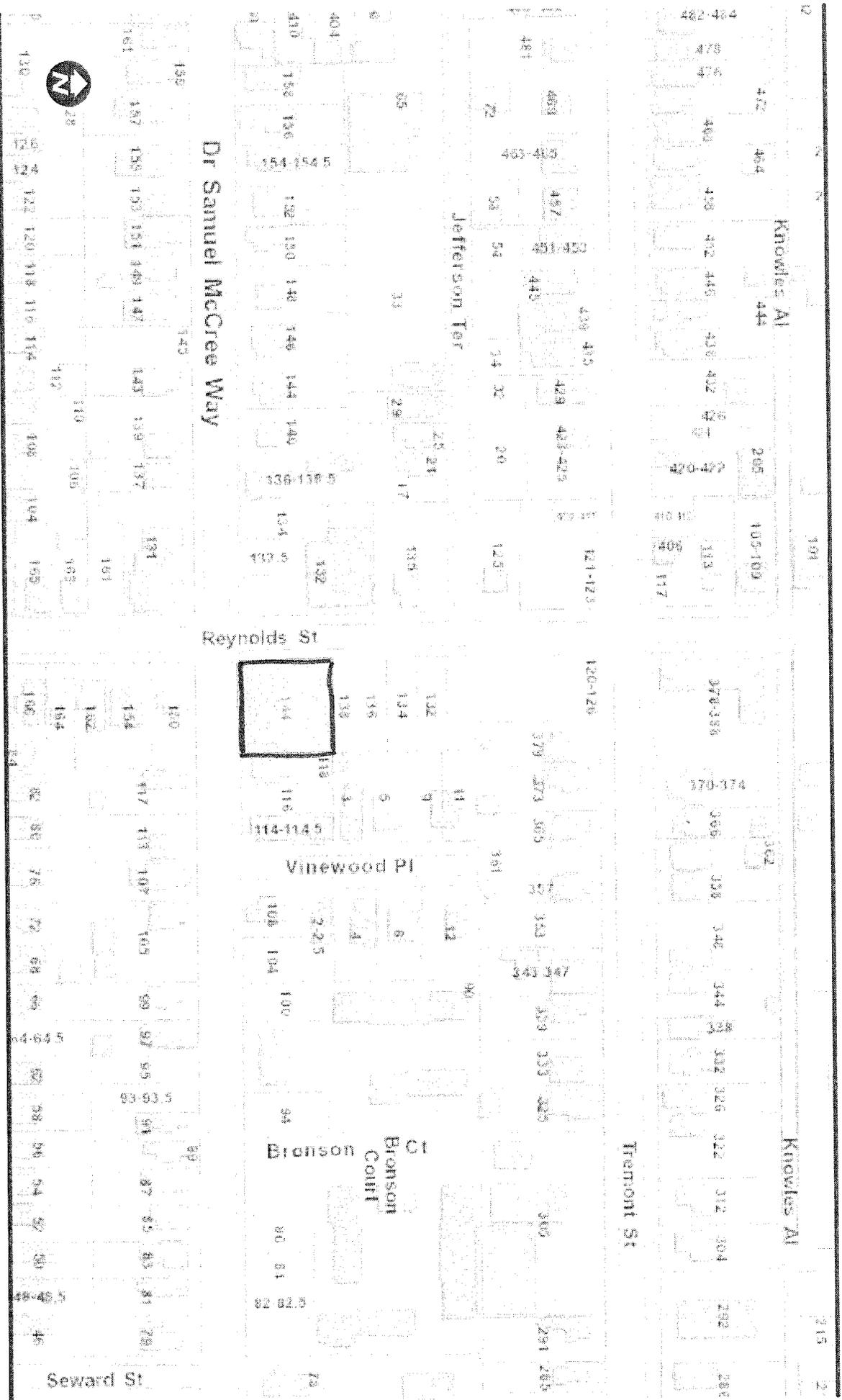
APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE: Charles G. Simmons, Sr. DATE: 6.30.16

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: _____

144 REYNOLDS ST



August 2, 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





June 23, 2016

Mr. James K. Glogowski, P.L.S.
9580 Ridge Road
Brockport, New York 14420

Re: Preliminary Site Plan Findings
SP-033-15-16
118-124, 132, 134, 136, 138, and 144 Reynolds Street
Liberty Temple Ministries
Zoning District: R-1 Low Density Residential District

Dear Mr. Glogowski:

The preliminary review of your application for site plan approval to construct a 2,532 square foot addition to the church located at 144 Reynolds Street and a 23 space parking lot to connect the church and existing parking lot has been completed. The following findings/recommendations have resulted from the site plan review. Please call or email Jill Wiedrick, at 585-428-6914 or wiedricj@cityofrochester.gov if you have any questions.

Existing Conditions:

The subject properties are located on Reynolds Street, between Dr. Samuel McCree Way and Tremont Street. The property at 144 Reynolds Street is the location of Liberty Temple Ministries Church of God in Christ, Inc. The properties at 132, 134, 136 and 138 Reynolds Street are vacant land pursuant to demolition permits on file. Permit records for 118-124 Reynolds Street, at the corner of Tremont Street, indicate that the property is legal to be used as a 16 space ancillary parking lot to serve the church. The subject properties are all located in an R-1 Low Density Residential District. An application for resubdivision to combine all of the subject parcels into a single parcel has been received and processed.

Project Scope:

The proposal is to construct a 2,532 square foot sanctuary addition to the north side of the existing 3,238 square foot church, a total of 5,770 square feet, and to construct a 23 space parking lot on the vacant parcels connecting the existing parking lot and the new church addition. The current sanctuary will be repurposed as the fellowship hall. A total of 34 parking spaces will be provided to serve the church, including two required handicapped spaces.

The proposal addition will be constructed over an existing parking area, and will continue the zero lot line building frontage along Reynolds Street.

The site is accessed by four driveway curb cuts; one on Tremont Street and three on Reynolds Street. The two southerly curb cuts on Reynolds Street will be removed, and the northerly curb cut on Reynolds Street and one on Tremont Street will be retained and used for one-way in, one-way circulation, respectively.

The dumpster location and the church van enclosure will be displaced by the proposed addition and will be relocated to the rear of the property behind the properties at 3 and 5 Vinewood Place. There is an existing wood fence which follows the east (rear) property line that is in good condition. An irregular wire and chain link fence exists along the Reynolds Street and Tremont Street frontages and is in a state of disrepair.

Preliminary Site Plan Findings

SP-033-15-16

118-124, 132, 134, 138, 138, and 144 Reynolds Street

Page 2

State Environmental Quality Review (SEQRY) 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 May 25, 2016, indicating that the proposed action is one which will not have a significant effect on the environment.

Code Compliance:

1. Minor Site Plan Review approval by the Director of Planning and Zoning is required for new construction that does not meet the City-wide design standards set forth in §120-158.
2. Area variance approval by the Zoning Board of Appeals is required for not meeting the maximum lot coverage requirement of 50% for the building addition and parking lot expansion; 72.4% is proposed [§120-11B.(2)(c)].
3. Area Variance approval from the Zoning Board of Appeals is required for the front façade and main entrance not facing a public street and not having a direct pedestrian connection to the street (§120-158C).
4. Area variance approval from the Zoning Board of Appeals is required to install a 4' chain link fence along the northern and western lot lines [§120-167B.(5) and §120-167C.(3)].

Findings:

1. The Site Plan Review Committee recommends that the site plan be modified to call out existing and proposed conditions as separate items. Otherwise, two separate drawing will be required.
2. **Front Façade and Main Entrance.** The Code requires that the front façade and main entrance face a public street and have a direct pedestrian connection to the street. The front façade and main entrance are oriented towards the parking lot.
3. **Site Fencing.** There is an existing 4' chain link fence that runs from the existing curb cut north along the western lot line for approximately 180'. No permit records exist for this fence. Irregular wire fencing approximately 4' high exists along the northern lot line and a portion of the western lot line. A combination of vinyl or composite and wood privacy fencing, 6' high, exists along the eastern property line

Although the drawings provided show a 3' proposed chain link fence, additional communication indicates that a 4' high chain link fencing is proposed along the entire northern and western lot lines (street frontages). The applicant is strongly encouraged to install a decorative metal fence instead of chain link. A three foot high decorative picket fence would be code compliant; a four foot high fence will require a variance to waive the height and material (chain link) requirement.

4. **Parking.** The sanctuary has a total of 160 seats. Therefore, a total of 40 parking spaces (1 parking space per four seats) are required. A total of 36 parking spaces are shown on the site plan. A previous Site Plan Approval (SP-097-99-00) was granted showing four parallel parking spaces along the eastern property line of the existing parking lot, adjacent to 379 Tremont Street. Aerial photographs reveal that these spaces exist and are striped, but are not shown on the site plan. Please show these spaces on a revised site plan.

Preliminary Site Plan Findings

SP-033-15-16

118-124, 132, 134, 136, 138, and 144 Reynolds Street

Page 3

5. **Site Landscaping.** The proposed landscaping matches the existing landscaping on the site. In particular, the continuation of the row of flowering pear trees along the street is very positive. The upright trees are a vertical element that provides a sense of enclosure that helps frame the street. This is particularly important on a street where the urban pattern of regular and closely spaced buildings has been fragmented by the placement of the building and related parking along the street frontage.
6. **Sign.** No signage was proposed. The R-1 Low Density Residential District permits one attached or detached sign, not exceeding 15 square feet in area. Detached signs shall be posted no more than 4' in height from the finished grade of the lot. Any proposed signs that do not meet these requirements will require area variance approval by the Zoning Board of Appeals.
7. **Work In the Public Right-of-Way.** A referral was sent to the City's Department of Environmental Services-Permit Office (DES) to comment on impact to the public right-of-way. The closure of the curb opening on Reynolds Street and any other work performed in the public right-of-way requires a separate permit from the Department of Environmental Services (DES). Please see the attached comments dated April 19, 2016. If you have any questions, please contact John P. Hart at 428-6917

A copy of these findings will be provided to the Zoning Board of Appeals so that they may be taken into consideration while making a determination on your request for Area Variance approval. Final Site Plan Review approval will not be issued until the Notice of Decision has been issued, and all conditions imposed by the Zoning Board of Appeals have been addressed, as well as any additional requirements as noted in these findings.

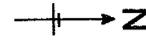
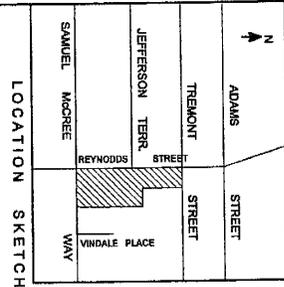
If you have any questions related to these findings, please call or email Jill Wiedrick, at 585-428-6914 or jill.wiedrick@cityofrochester.gov.

Sincerely,



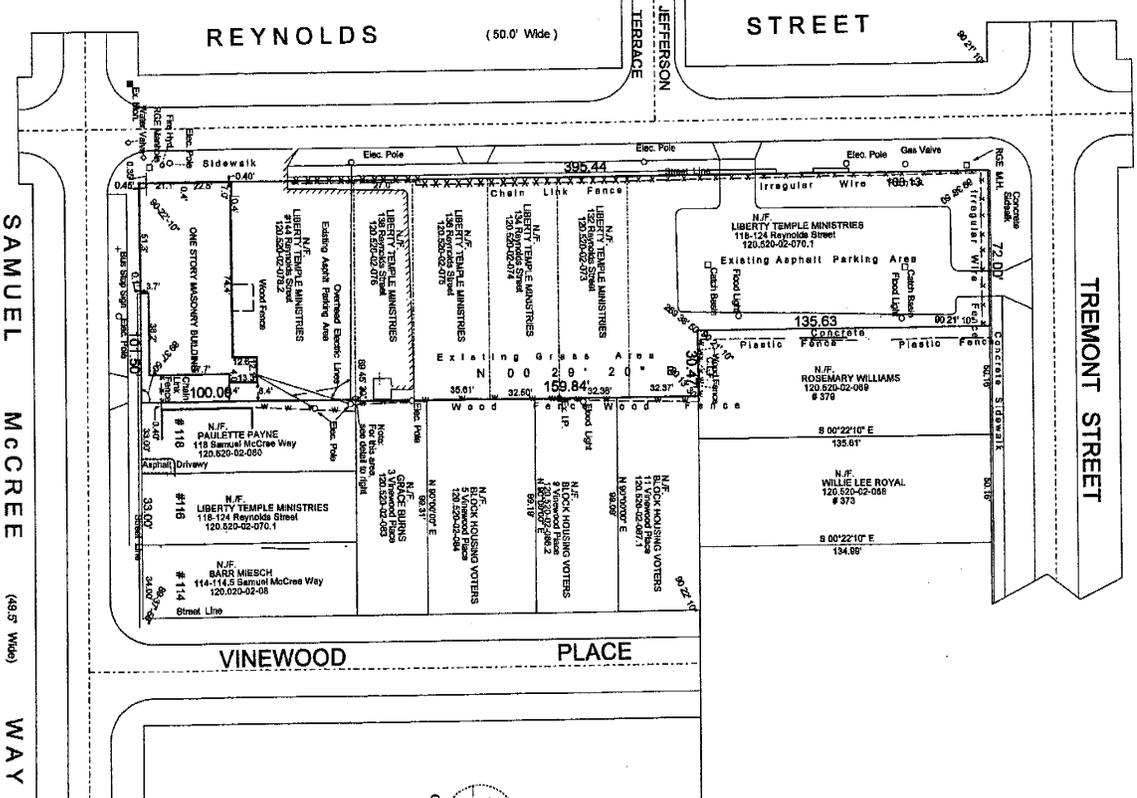
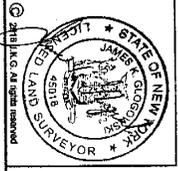
Zina Lagonagro, AICP, EIT
Director of Planning and Zoning

xc: Marguerite Parrino, Principal Staff Assistant
Jill Symonds, Zoning Board of Appeals
Jason Haremza, Site Plan Review Coordinator
John P. Hart, DES



Certified to:
 The Carandialgia National Bank and Trust Company
 its successors and/or assigns
 Mogenstern DeVosick, PLLC
 Chicago Title Insurance Company
 Rhinre & Rhinre, LLP
 Liberty Temple Ministries Church of God in
 Christ, Inc.

I certify that this map was made of
 January 21, 2016, from a review of a field
 survey completed on January 15, 2016.
 James K. Glogowski, P.L.S.
 New York State License No. 45018



- REFERENCE:
- Liber 9256 of Deeds, Page 675
 Liberty Temple Ministries
 Church of God in Christ, Inc.
 - Liber 5909 of Deeds, Page 391
 Liberty Temple Ministries
 Church of God in Christ, Inc.
 - Liber 9808 of Deeds, Page 389
 Liberty Temple Ministries
 Church of God in Christ, Inc.
 - Liber 10284 of Deeds, Page 344
 Liberty Temple Ministries
 Church of God in Christ, Inc.
 - Liber 1 of Maps, Page 63
 TRUMBER TRACT
 - Liber 4 of Maps, Page 87
 CORNHILL TRACT

OWNER:
 LIBERTY TEMPLE MINISTRIES
 118-124 REYNOLDS STREET
 ROCHESTER, NEW YORK 14608

**LIBERTY TEMPLE CHURCH
 OF GOD IN CHRIST**
 INSTRUMENT LOCATION MAP
 144 REYNOLDS STREET
 NEW YORK STATE
 MONROE COUNTY
 DATE: Jan. 27, 2016
 SCALE: 1" = 40'

REVISIONS

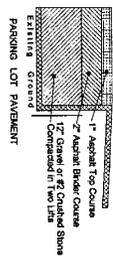
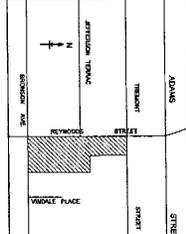
NO.	DATE	DESCRIPTION
1	06/20/16	ORIN ADAMS
2		
3		
4		
5		
6		
7		
8		
9		
10		

Unauthorized alteration or addition to a survey map bearing a
 Licensed Land Surveyor's seal is a violation of Section 7208,
 Subsection 2, of the New York State Education Law.

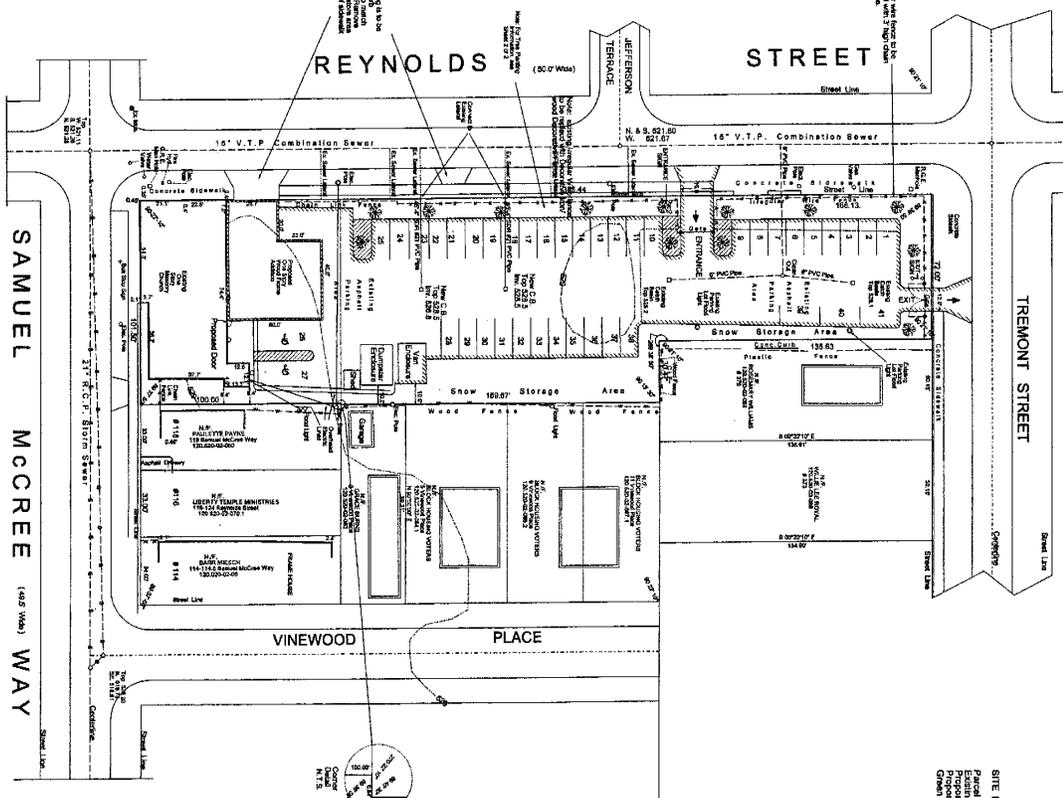
Certifications shall be valid only to the parties for whom
 this survey was prepared and listed herein. Certifications are
 not transferable to other residents of subsequent owners.

No search made for easements or
 encumbrances other than those indicated. No change in status of all responsibility.

JAMES K. GLOGOWSKI, P.L.S.
 5580 RIDGE ROAD
 BROOKTON, NEW YORK 14420
 Lic. No. 45018
 Tel. 386-456-4244
 Fax. 386-456-4244
 email: jkgsh@frontiernet.net
 JOB NO. 12244-SHEET 1 OF

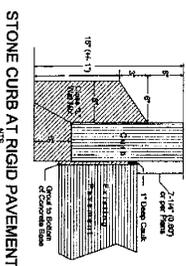


Note: Existing driveway opening to be closed and replaced with concrete curb and sidewalk. Existing driveway opening to be closed and replaced with concrete curb and sidewalk. Existing driveway opening to be closed and replaced with concrete curb and sidewalk.



SITE DATA:

Parcel Total Area =	36,527 Sq. Ft. 0.83%
Proposed Building Addition =	2,268 Sq. Ft. 0.006%
Proposed Parking Addition =	20,023 Sq. Ft. 0.54%



- NOTES:**
- Width of curb to match existing curb.
 - Sidewalk access ramp header curb shall be 18\"/>

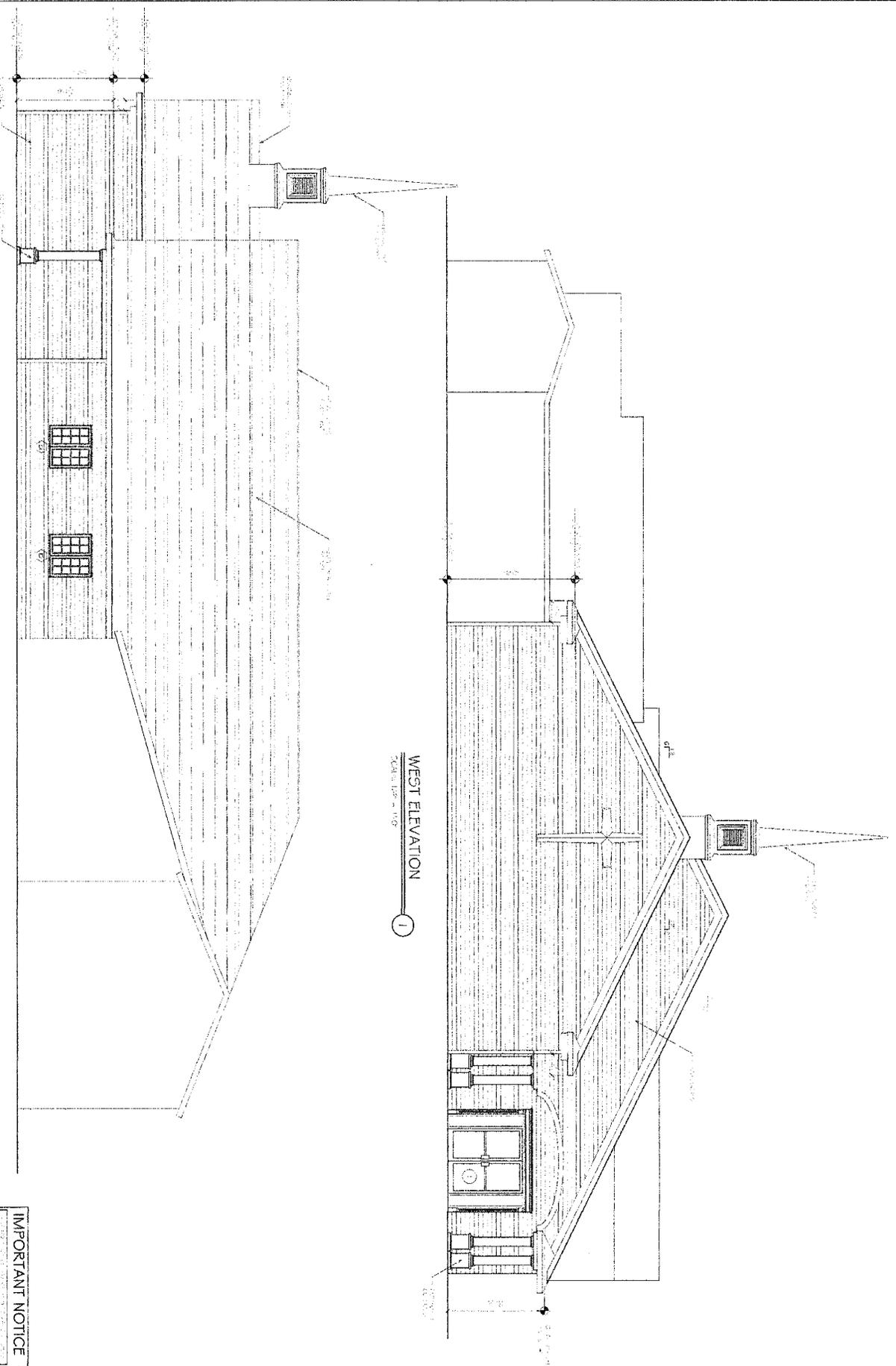
- GENERAL NOTES:**
- Areas of public sidewalk or curb that are damaged or otherwise frequently impacted by any project of work, it to be to the nearest corner post and 18\"/>



OWNER: TEMPLE MINISTRIES
144 REYNOLDS STREET
ROCHESTER, NEW YORK 14608

MONROE COUNTY, CITY OF ROCHESTER
LIBERTY TEMPLE MINISTRIES
CHURCH OF GOD IN CHRIST, INC.
144 REYNOLDS STREET
ROCHESTER, NEW YORK 14608

DATE: DEC 31, 2016
REVISIONS:
SCALE: 1" = 32'
SHEET 1 OF 2



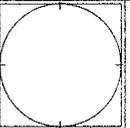
WEST ELEVATION
SCALE: 1/8" = 1'-0"

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

IMPORTANT NOTICE

LIBERTY TEMPLE MINISTRIES
 CHURCH OF GOD IN CHRIST, INC.
 144 Reynolds Street
 Rochester, NY 14608
 EXTERIOR ELEVATIONS

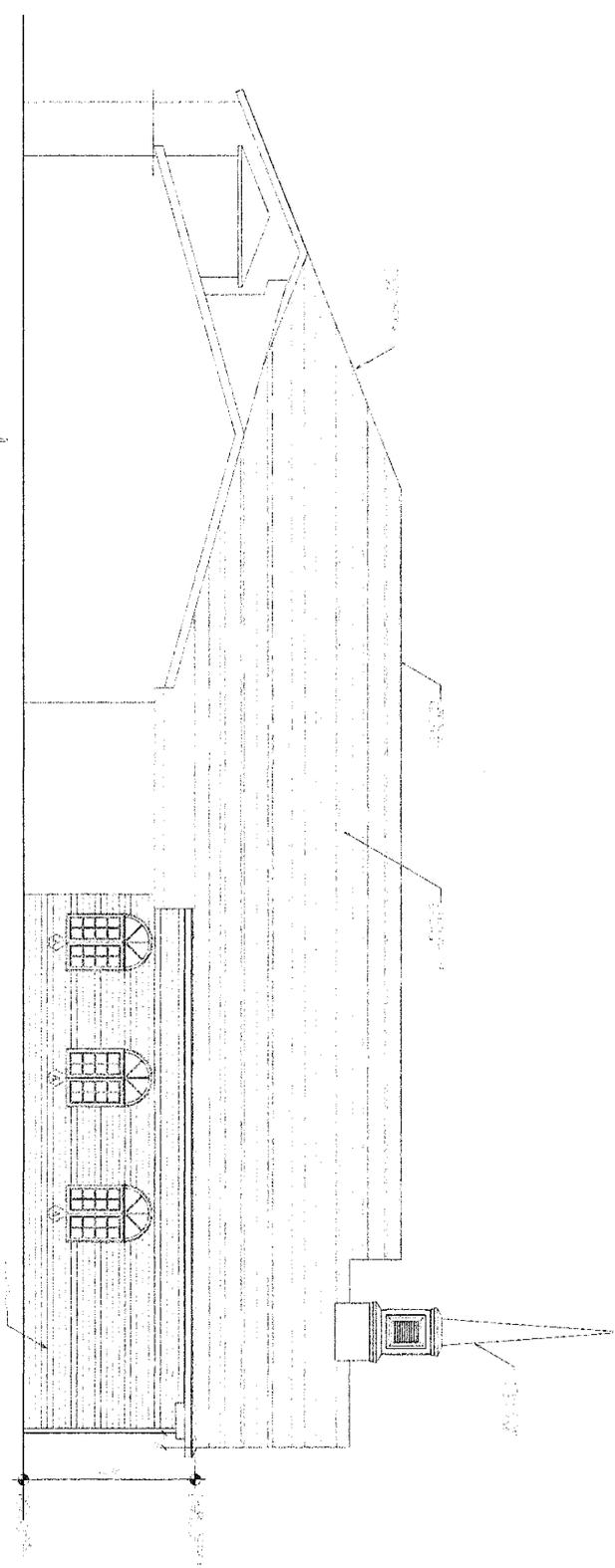
MPD Architecture



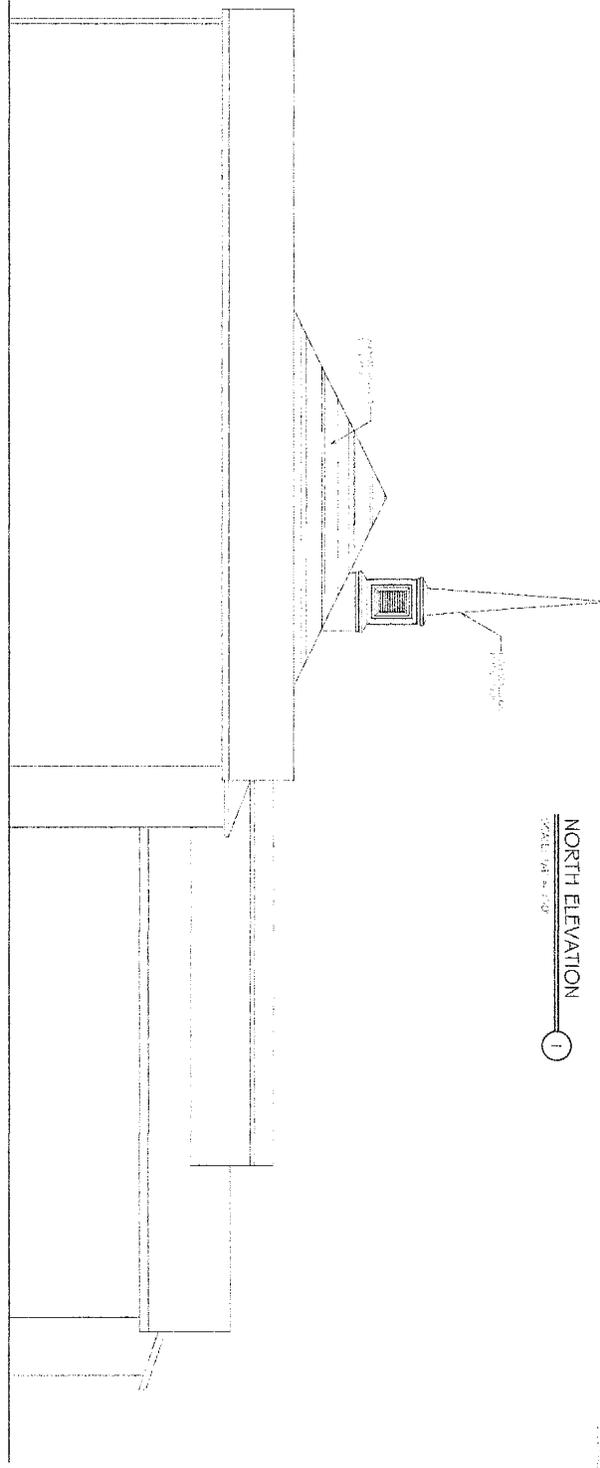
Drawn by: JRM
 Checked by: JRM
 Approved by: JRM
 Date: 01-28-2016

22317

A-2



NORTH ELEVATION
SCALE: 1/4" = 1'-0"



EAST ELEVATION
SCALE: 1/4" = 1'-0"

IMPORTANT NOTICE

LIBERTY TEMPLE MINISTRIES
 CHURCH OF GOD IN CHRIST, INC.
 144 Reynolds Street
 Rochester, NY 14608
 EXTERIOR ELEVATIONS

MPD Architecture



22317

2020 IBC

Approved by: **MPD**

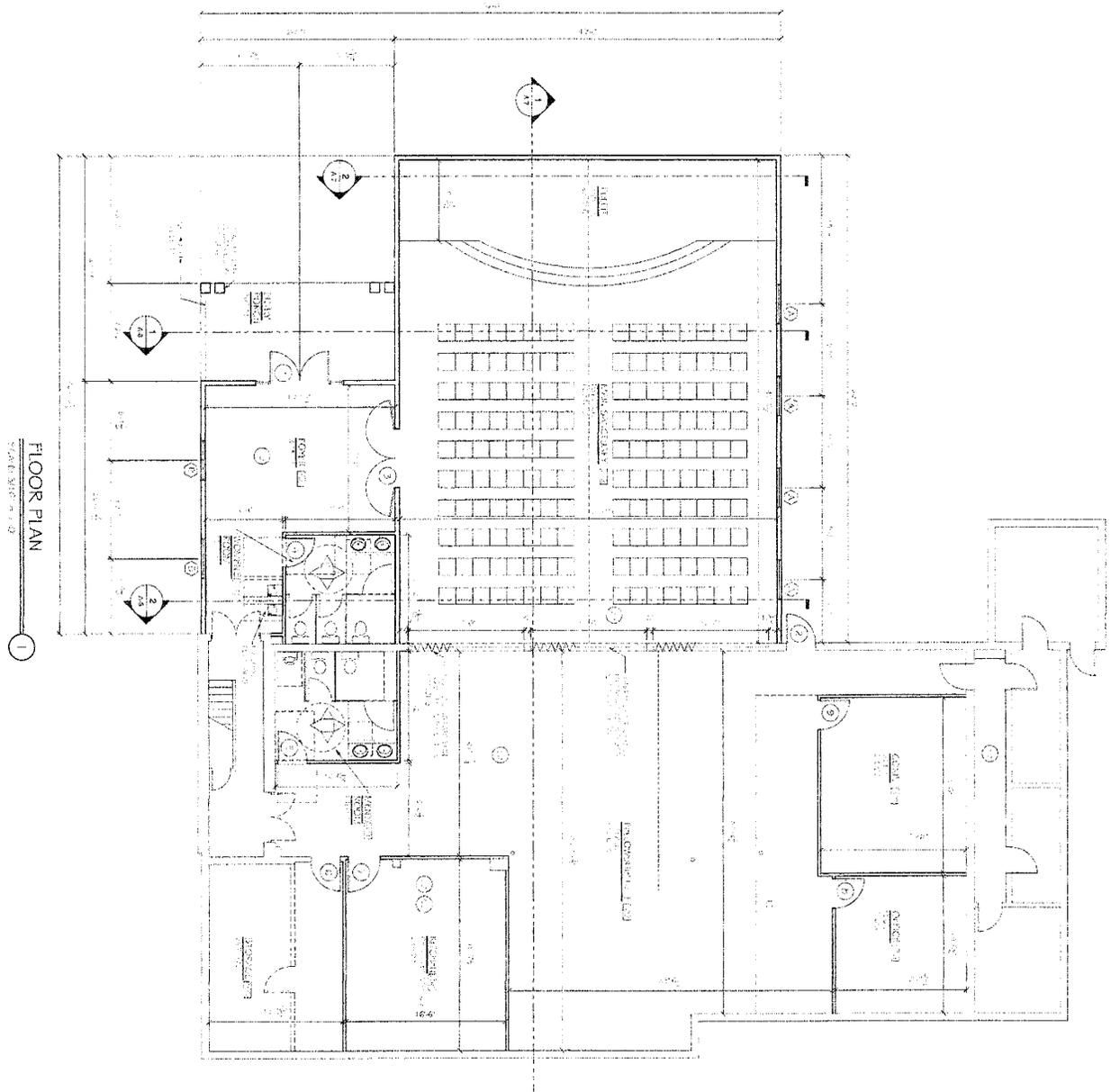
Checked by: **MPD**

Designed by: **MPD**

Drawn by: **MPD**

Date: 01-28-2018

A-3



FLOOR PLAN
 1

AREA CALCULATIONS:
 FLOORING SHEETS: 57.85 S.F.
 FINISH FLOOR: 2,536 S.F.
 TOTAL FINISH: 2,593.85 S.F.



IMPORTANT NOTICE

Date: 01-26-2016
 Drawn by: JPU
 Checked by: JPU
 Approved by: JPU
 Project No: 22317

22317
 144 Reynolds Street
 Rochester, NY 14608

**LIBERTY TEMPLE MINISTRIES
 CHURCH OF GOD IN CHRIST, INC.**
 144 Reynolds Street
 Rochester, NY 14608
FLOOR PLAN

MPD Architecture
 144 Reynolds Street
 Rochester, NY 14608
 585-424-4444

A-4



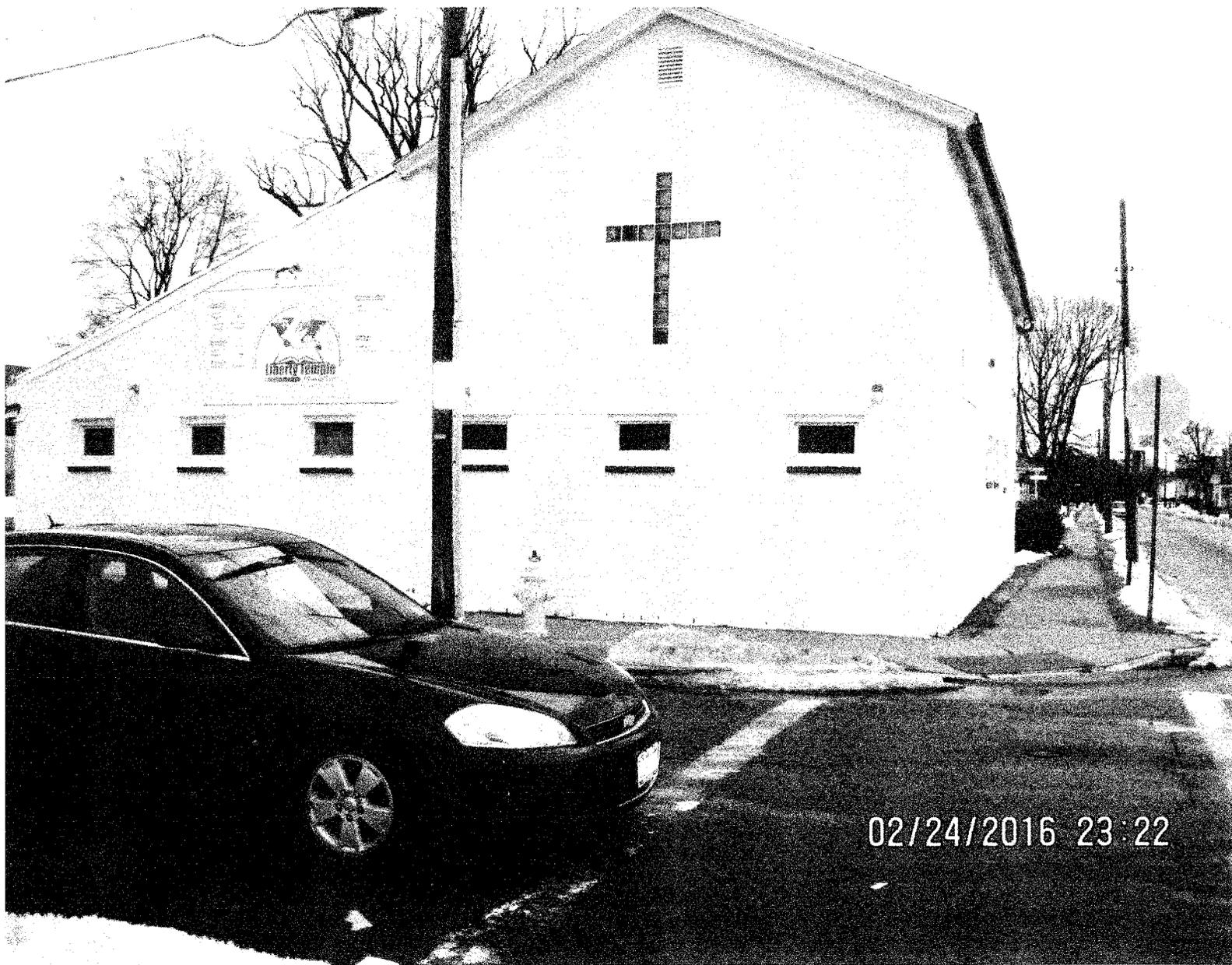
03/11/2016 02:47



03/11/2016 02:44



03/11/2016 02:44



02/24/2016 23:22



03/11/2016 02:48



**ZONING BOARD OF APPEALS
STAFF REPORT
August 11, 2016**

Area Variance

Case # 8:

Staff Reviewer: Jill Symonds

File Number: V-019-16-17

Applicant: John Klein

Project Address: 28 Edmonds Street

Zoning District: R-2 Medium-Density Residential District

Section of Code: 120-20

Request: **To install a deck and a gravel parking area in the rear yard of a two-family dwelling, thereby exceeding the lot coverage requirements.**

Background: The subject property is a two-family dwelling. The proposal is to install a 15' x15' deck and a gravel parking area in the rear yard.

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 43% to 75% (**variance required**).

Code Enforcement: This property is not in code enforcement.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 28 Edmonds Street Rochester NY

2. APPLICANT: John Klein COMPANY NAME: JKMB LLC

ADDRESS: 5051 Butler Road CITY: Canandaigua ZIP CODE: ~~14424~~ 14424

PHONE: (585) 704-2309 FAX: _____

E-MAIL ADDRESS jkmbproperties@gmail.com

INTEREST IN PROPERTY: Owner Lessee Other

3. PLAN PREPARER: Mitchell Bailey

ADDRESS: 4892 N. Anita Ave CITY: Whitefish Bay ZIP CODE: 53217

PHONE: (585) 683-8338 FAX: _____

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): _____

Remove 6" of soil from backyard, install 6" of #1 crusher run and compact.

Corner near tree at rear of house left with 10' by 10' opening to press roots.

Remove old asphalt off driveway and install 4" of #1 crusher run compact.

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

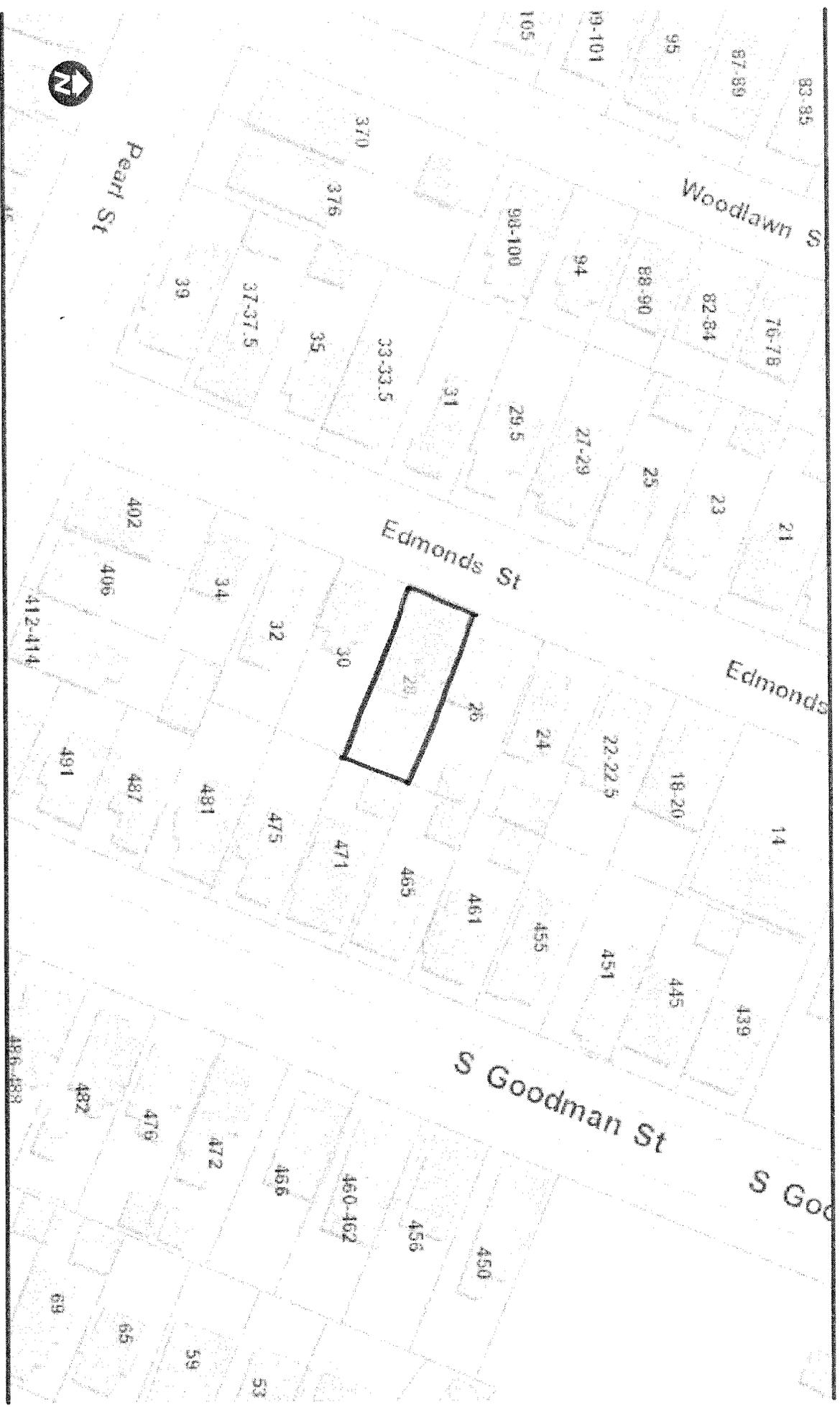
APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE: _____ DATE: _____

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

SIGNATURE: John Klein DATE: 6/30/2016

28 EDMONDS ST



August 2, 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
Loveley A. Warren, Mayor

A. Benefits

The benefits outweigh any detriment to the health, safety and welfare of the neighborhood or the community by granting this variance. Like other backyards in Rochester neighborhoods, this space is neglected and unable to support grass or plants (see current summer pictures). This has resulted in a large and potentially useful area that instead is unpleasant, unproductive and actually detrimental to the street as it perpetuates an unkept and trashy looking property. With our plans and vision we have set, we will turn this dirt pit into strategic gravel parking locations that avoid our one big tree and its roots, our plan also includes building a small (15 x 15) platform deck (example attached) for our tenants to have a little spot out back in the shade to grill and relax. The final product includes enclosing the parking and deck area in hedges for a natural barrier.

Other benefits outside of transforming an unused neglected area to a useful one include:

- Opening up street parking on a busy street from providing 4 spaces for our tenants
- Providing a safe space for our tenants to relax
- Illuminating and adding activity to an area that has been dark and experienced criminal break-ins (may also add security cameras/proximity lights)
- Provides business to small local businesses
- Improves the properties appeal and value
- Hopefully sets an example and inspires others to make updates

Since the backyard is shaded and cannot grow grass, it instead apparently turned into a trash collector under previous ownership. Showing signs of years and potentially decades of neglect needed and still does need a lot of work. Upon purchase this space was covered with waste from dogs, cigarettes, wrappers and other litter. We have cleaned much of this in our short time as owners to make it respectable again but it needs and deserves a makeover. Upon your approval we will put the time and resources into this project to bring this area back to life and turn one that portrays neglect to an efficient and beneficial space.

B. Essential Character of the Area

The boards decision to grant this variance will not change the essential character of this area. As stated previously, the final product includes gravel parking enclosed by hedges and a deck on the rear of the house. Neighbors have initiated improvements to their homes by installing privacy fences, vegetation and other updates. My plan aligns with these efforts to improve the neighborhood and our own properties at the same time. The backyard space should be used as a gathering space for friends and family. In the current condition tenants and neighbors avoid the space. My multi-phase plan promotes a more active space and contributes to revitalization efforts in the neighborhood.

Furthermore, safety and security are of serious concern for me and my neighbors, I know the previous owner experienced two break-ins within a year before saying enough was enough and selling. Neglected spaces in these neighborhoods lead to trespass and suspicious if not criminal activity. My plan, which includes enhanced lighting and more activity in this space, reduce, if not eliminate trespassing and criminal activity. As such, the entire neighborhood is benefited from this project.

C. No other Remedy

No other remedy exists. If the variance is not granted, this neglected space will continue to exist as is and since it cannot support grass the space would likely continue to be avoided. I've consulted with multiple contractors regarding this multi-phase project and labored over these plans extensively to identify the most permanent, functional plan. Permanency is a large consideration which this plan accommodates. We have developed an aesthetically desirable plan to revitalize this space--a final product that will survive many years, if not decades, creating a more desirable destination for tenants and neighbors alike.

The installation of a gravel parking space is essential to this plan.

D. Significance

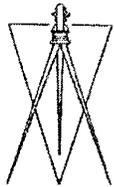
The requested variance is not substantial in any sense. The labor will be completed within 24 hours. The integrity of the land will be kept. Neighbors will be pleased with the improvement. Neighborhood safety will gradually improve. Overall it is not significant in terms of labor, financially or environmentally and actually could have positive significance that only time will tell.

E. Physical and Environmental Conditions

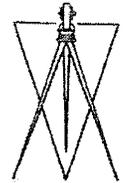
This variance will not impact the physical and environmental conditions of this property or the neighborhood. The biggest consideration is water drainage which we have had a professional contractor-specialist in this field- who will ensure drainage is properly considered when completing the project. Water will channel to existing drainage destinations. We can provide the contractor's credentials, experience or any other relevant information if necessary.

F. Not Self-Created

The alleged difficulty was not self-created. I purchased this home in January of this year in its present condition. For us this property is a long-term investment, that said our goal is to make long term property improvements throughout our ownership and our given plans align with this objective. Many homes in this city are 50-100 years old and even older, some of these have been neglected more than others. Prior to our ownership this space was neglected for potentially decades. The current condition reflects its past owners, these plans provide a permanent and reasonable solution for a difficulty that was not self-created.



INSTRUMENT SURVEY MAP
GREGORY D. BLY
PROFESSIONAL LAND SURVEYOR



293 Whispering Pines Circle Rochester, New York 14612
 Phone: (585) 720-0640 Email: giblylandsurveyor@gmail.com

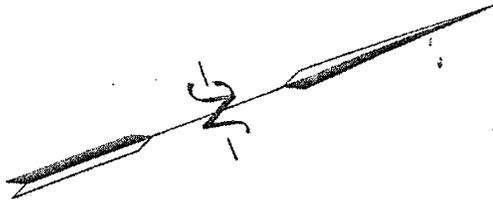
For BREZINSKI LAW Parcel at CITY OF ROCHESTER, COUNTY OF MONROE, STATE OF NEW YORK

Street 28 EDMONDS STREET Subdivision BOARDMAN TRACT

Reference Data: Liber 3 of Maps, Page 59; Liber 11009 of Deeds, Page 172

Abstract ABAR ABSTRACT NO. 10531, DATED NOVEMBER 2, 2015 Lot No. 24

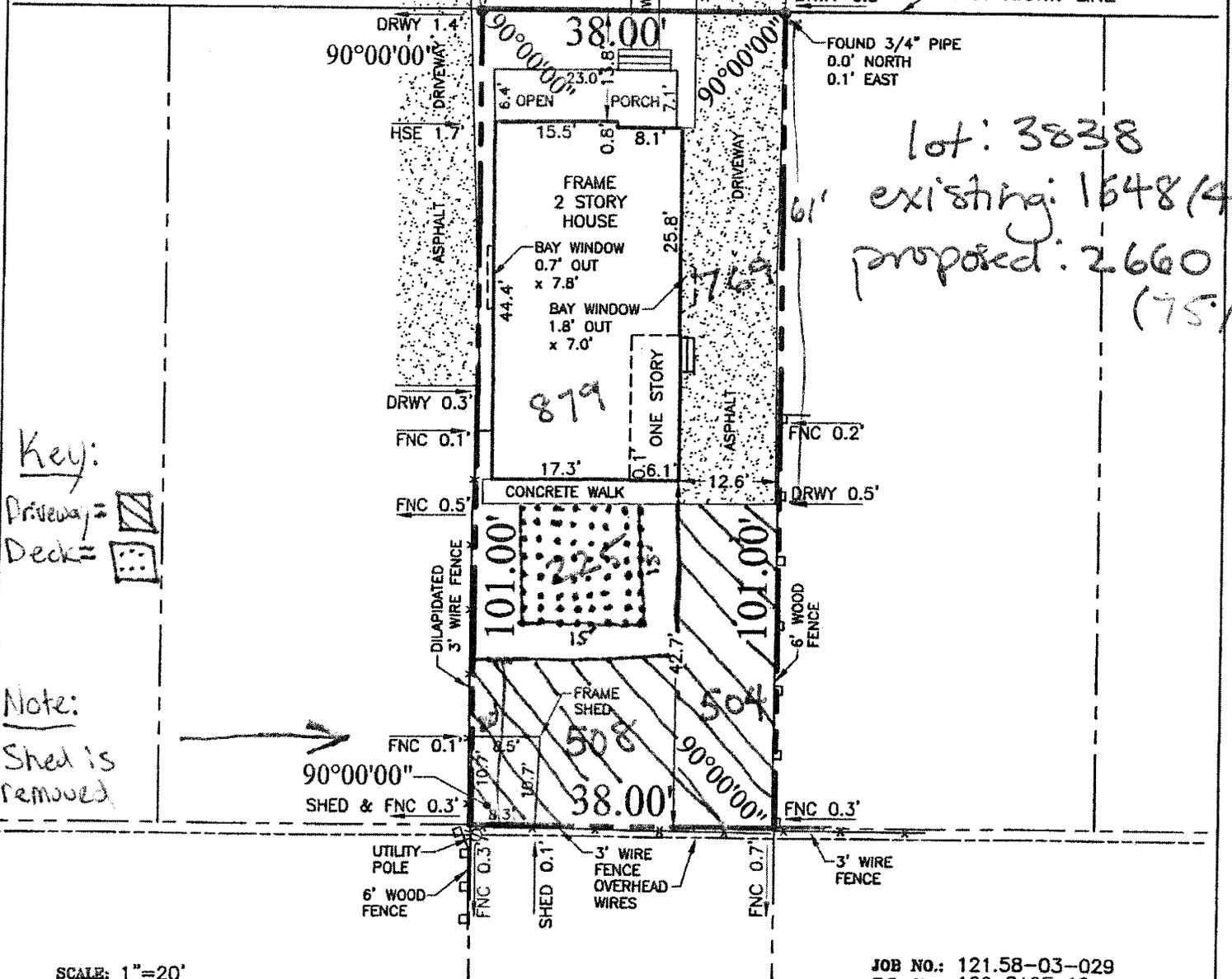
Note: If a current abstract of the title was not provided, this parcel is subject to any easements that a current abstract of title may disclose.

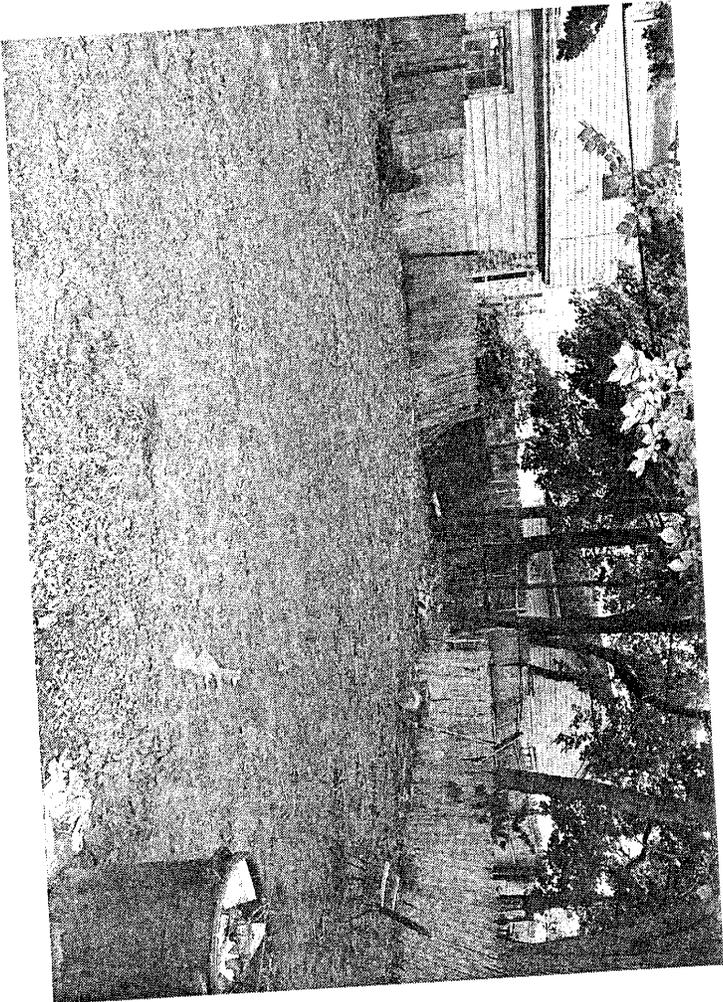
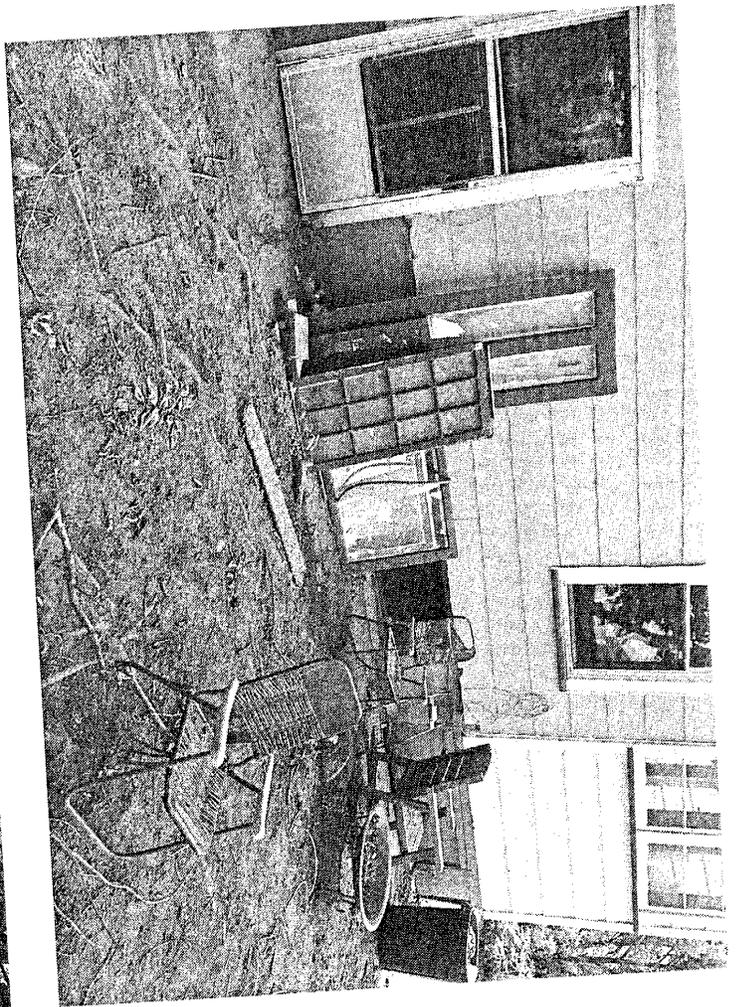
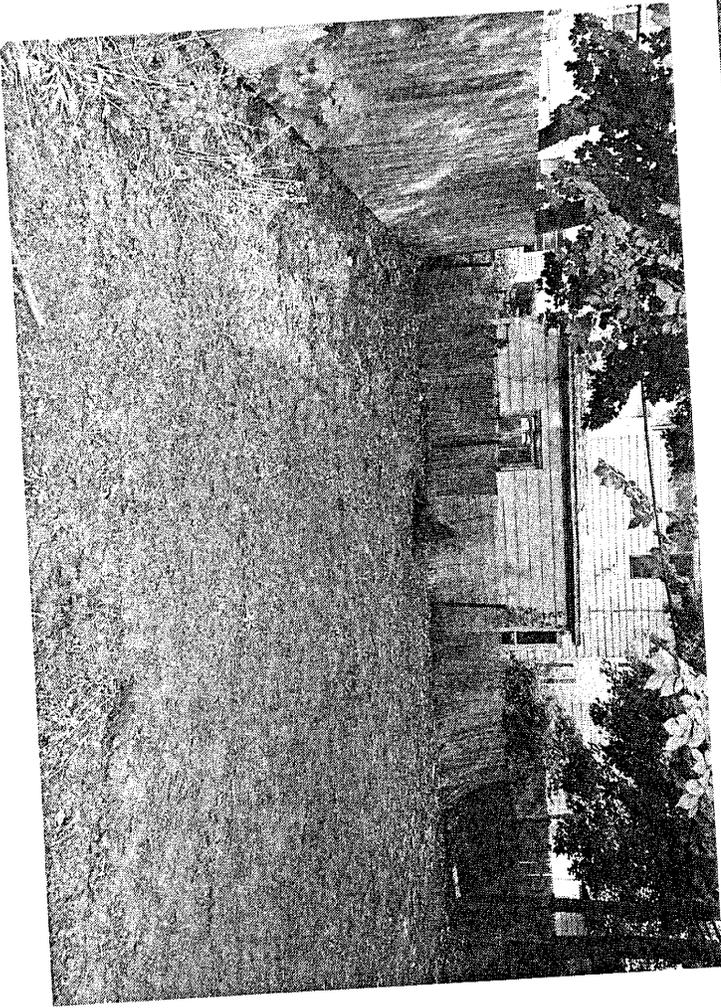


EDMONDS (VARIABLE WIDTH R.O.W.) STREET

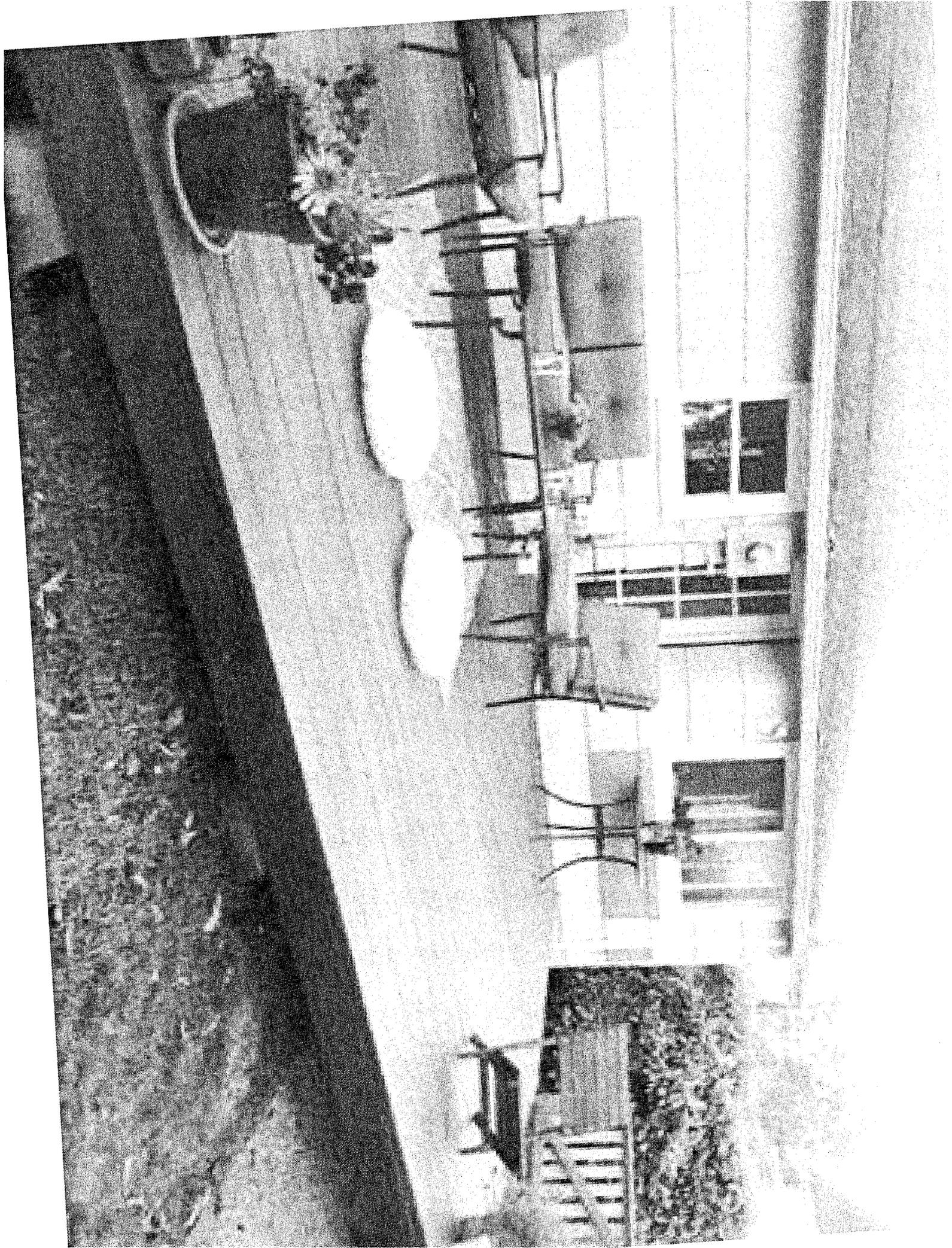
200.00' TO NORTH R.O.W.
LINE OF PEARL STREET

DRWY 0.0' EAST R.O.W. LINE









Members of the Zoning Board:

I speak on behalf of Johnson Excavating, LLC, regarding the project proposed at 28 Edmonds Street, Rochester, NY 14607. The purpose of my statement is to endorse this project and advocate for its approval by the City of Rochester.

As a contractor, I have been in business for more than a decade in the greater Rochester area. As a business, we've successfully completed hundreds of projects, each in compliance with neighborhood and city requests. Our success is mainly due to the quality of our work and attention to detail. I respectfully request that the Zoning Board approves this project. The owners are committed to minimizing any impact to neighbors, eliminating any water drainage concerns, and beginning the revitalization of this house. Our team will ensure each objective is met.

Attention to detail. Every project we complete, including the proposal at 28 Edmonds Street, is carefully planned by our team. Our team is comprised of industry professionals, who have more than a decade of experience in excavation and general construction.

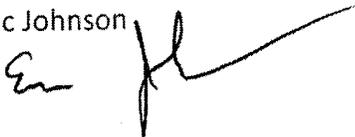
Water drainage. Crushed gravel is the material of choice for maximizing drainage. The objective is to maximize the amount of airspace in the drainage layer, so that water has somewhere to go. A driveway requires a few layers of gravel to provide enough stability for vehicles. Stones in the first layer are the size of baseballs or softballs, typically 3 to 4 inches in diameter. The next layer is 2 to 3-inch-diameter stones. The driveway's top dressing consists of 3/8-inch diameter gravel. Each layer is set with a mechanical tamper and serves a different purpose, such as providing strength, drainage or degree of compaction.

Excavation. 6 inches of soil will be excavated from the backyard and hauled off-site. Excavation will also include removing the existing asphalt driveway, which will also be hauled off site. Following excavation of the soil and existing asphalt, gravel will be installed.

If you would like to discuss this project in greater detail, please do not hesitate to contact me directly.

Respectfully,

Eric Johnson





**ZONING BOARD OF APPEALS
STAFF REPORT
August 11, 2016**

Area Variance

Case # 9:

Staff Reviewer: Jill Symonds

File Number: V-020-16-17

Applicant: Louis DiVincenti Jr.

Project Address: 137 Linden Street

Zoning District: R-1 Low-Density Residential District

Section of Code: 120-167

Request: **To install a 5' tall solid wood fence along the Poplar Street frontage of a single family dwelling, not meeting the height and opacity requirements.**

Background: The subject property is a single family dwelling located on the corner of Linden Street and Poplar Street, and thus has two front yards. The proposal is to install a solid, 5' tall fence in the front yard along the Poplar Street frontage.

Code Compliance: Section 120-167 provides that a fence in the front yard cannot exceed 3' in height and cannot be more than 60% solid (**variance required**).

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

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 137 Linden Street

2. APPLICANT: Louis DiVincenti Jr COMPANY NAME: _____

ADDRESS: 137 Linden Street CITY: Rochester ZIP CODE: 14620

PHONE: 504-957-5574 FAX: _____

E-MAIL ADDRESS drlouisdvm@gmail.com

INTEREST IN PROPERTY: Owner Lessee Other

3. PLAN PREPARER: Louis DiVincenti Jr

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): _____

5ft board-over-board privacy fence in side yard of corner lot installed by Empire Fence

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

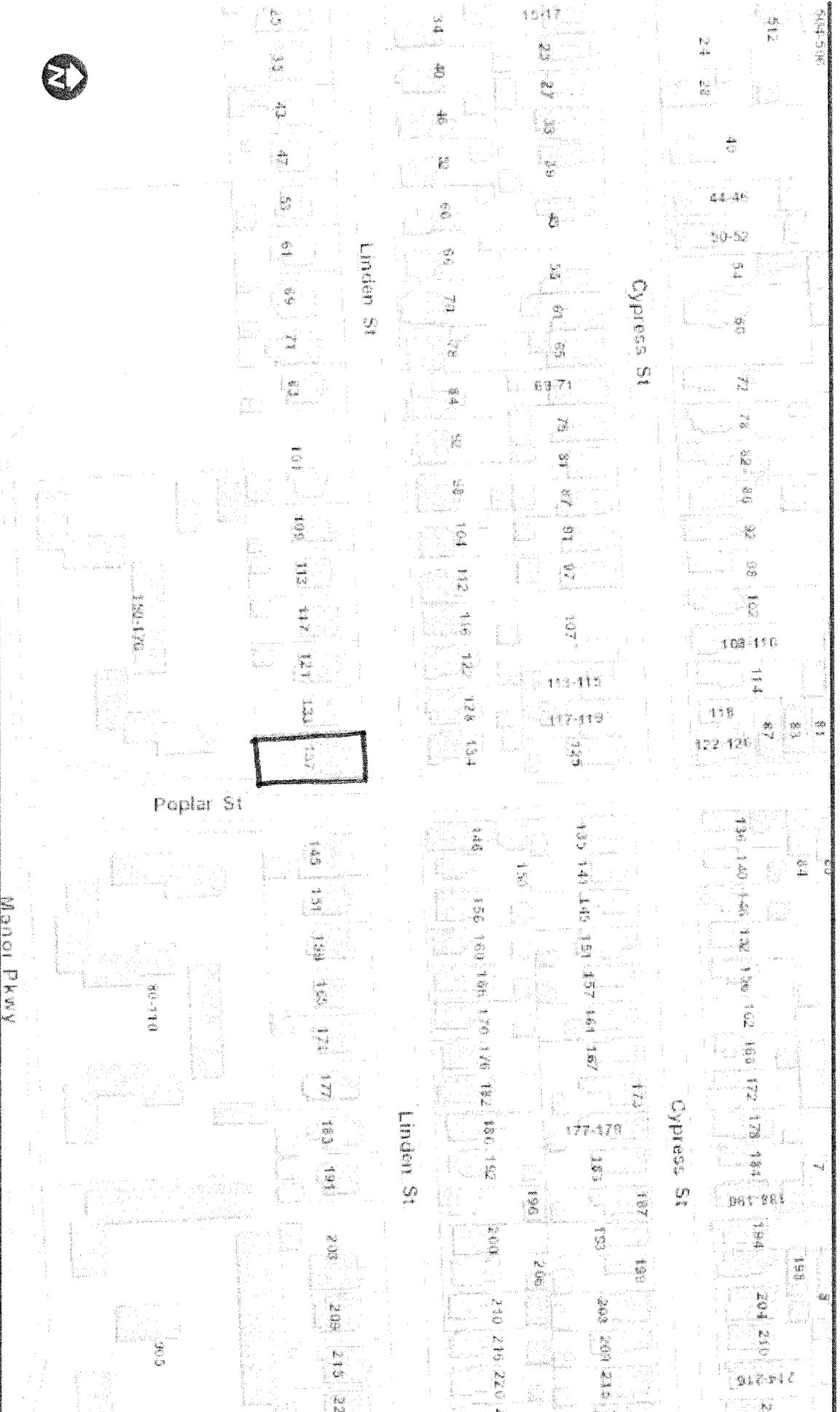
APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE:  DATE: 6/29/16

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

SIGNATURE: _____ DATE: _____

137 LINDEN ST

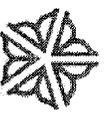


August 2, 2016

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.

I have lived at the property for 2 years. Immediately prior to my purchase, the house was completely renovated, and that renovation included removal of an existing chain link fence around the side yard where I am proposing to install a more pleasing wooden fence. This fence is necessary to allow us to have a yard that could contain a dog as well as secure our property. The property is located directly in front of an apartment complex, and we often have people walking through our yard as a shortcut. Additionally, there is no side walk on our side of Poplar Street, so people use our concrete walk as a walkway, even though it is adjacent to the house. We mainly enter the house through a side door that would be enclosed by this fence to provide additional security.

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 fence will be board-over-board, aesthetically pleasing. The 5' height will still allow a line of sight. Neighbors across Popular Street already have a 5' wooden fence enclosing a side yard on Poplar Street. Additionally, that house is on the right of way line encroaching on Poplar Street in the same place that our proposed fence would be on our side of Poplar Street. As a result, the character of Poplar Street on our side would made more similar to the character of Poplar Street on the other side.

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

Reducing the area enclosed by the fence to the area behind the house would not secure the concrete walkway adjacent to the house (where the side door and our typical entry to the house is located). This is a principal goal since we frequently encounter people walking on that concrete walkway, and have run into people when we open our door. A shorter fence may not adequately secure our dog or protect the property we wish to store in the yard including bicycles and other recreational equipment.

D. Significance. The requested variance is not substantial.

The variance is not substantial. In fact, the entire proposed fence is only 100'. We are asking for a 5' tall fence, which would be sufficient to protect our property, provide some privacy, and secure our dog, yet would still allow a line of sight. Since the fence line is set back from the intersection, it will not interfere with the flow of traffic.

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 impact on the 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.

We purchased the house with no fence enclosing this yard, and have discovered over the 2 years of living in the home that the accessibility of the yard coupled with the lack of a sidewalk makes it commonly used as a shortcut.

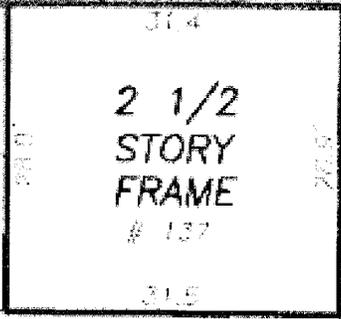
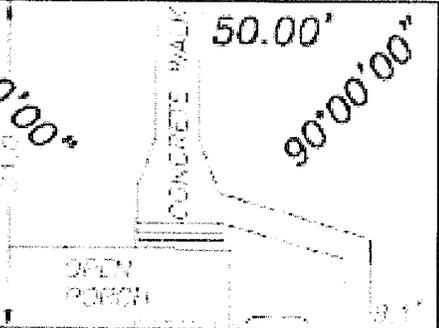
LINDEN (65.0' WIDE R.O.W.) STREET

CONCRETE SIDEWALK

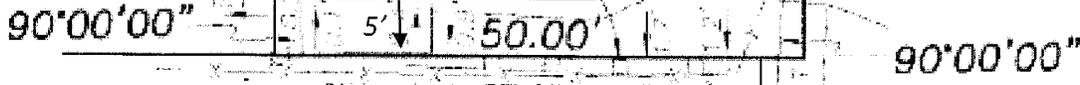
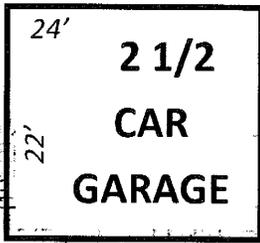
RIGHT OF WAY LINE

..... Dotted line is proposed fence line

LOT 24
SBL # 121.78-1-11



LOT 23
SBL # 121.78-1-12



SBL # 121.78-1-13

POPLAR (50.0' WIDE R.O.W.) STREET

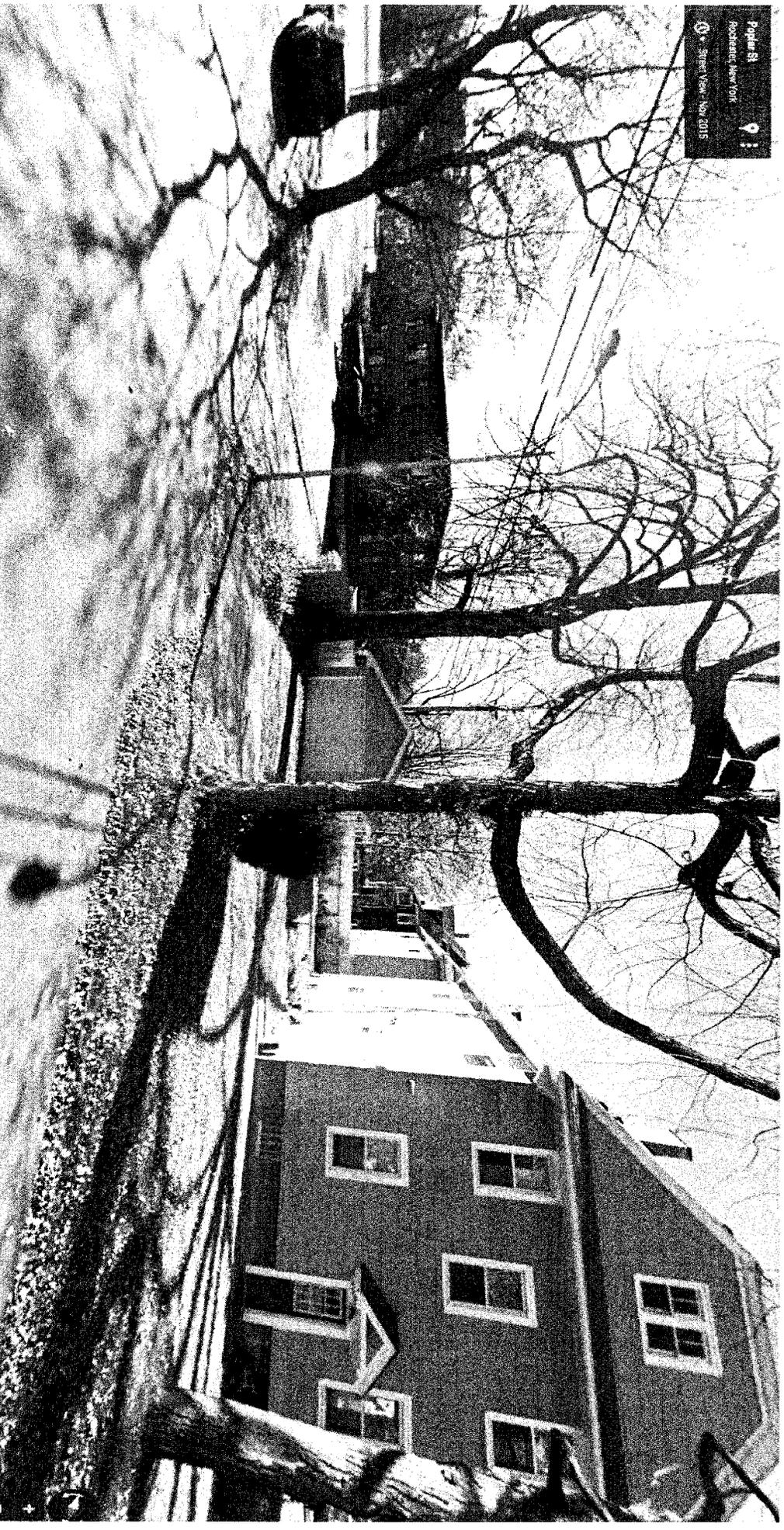
137 Linden Street Aerial View (Google Earth)

Proposed fence would enclose a side yard on Poplar Street. Poplar Street beyond 137 Linden Street dead-ends into Manor Parkway Apartments, so, in effect, Poplar Street at this point is only an entrance to the apartment complex. Additionally, there is no sidewalk on the 137 Linden Street side of Poplar Street. For both of these reasons, people commonly use our side yard and paved walkway as a shortcut to enter the apartment complex.



**137 Linden Street—View from Poplar Street with Apartment Complex Immediately Behind Property
(Google Earth)**

The proposed fence would enclose this side yard. The side door is the main entrance to home, as the mudroom is here. Because there is no sidewalk, people use the paved pathway that is directly in front of that door as a walkway. We commonly open our door and almost run into people using the pathway as a sidewalk.



137 Linden Street—View Down Poplar Street into Manor Parkway

The main house at 137 Linden Street is set back from Poplar Street beyond of the right of way line. In contrast, the 145 Linden St. house is closer to Poplar Street. Building a fence at 137 Linden Street along Poplar Street would not encroach on the right of way any more than the house at 145 Linden Street does. Additionally, the 5' fence we are proposing would still allow a line of sight over the fence.





**ZONING BOARD OF APPEALS
STAFF REPORT
August 11, 2016**

Use Variance

Case # 10:

Staff Reviewer: Jill Symonds

File Number: V-021-16-17

Applicant: Madeline Perry

Project Address: 301 Remington Street

Zoning District: R-1 Low-Density Residential District

Section of Code: 120-199

Request: **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.**

Analysis: The subject property is a vacant built-as single family dwelling. At a time when the zoning district permitted it, the dwelling was converted to a 2-family dwelling. Under the 2003 Zoning Code, the use as a 2-family dwelling in an R-1 district is nonconforming. In accordance with Section 120-199 of the Zoning Code, nonconforming uses are subject to abandonment if there is a period of vacancy greater than 9 months. City records show that the dwelling has been vacant for at least nine months, and therefore, has lost its rights to the two-family dwelling. The applicant is proposing to re-establish the nonconforming two-family dwelling.

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

Code Enforcement: The subject property has been cited for loss of rights.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 301 Remington St

2. APPLICANT: MADISINE PERRY COMPANY NAME: _____

ADDRESS: 301 Remington St CITY: Rochester ZIP CODE: 14621

PHONE: (585) 354-3634 FAX: _____

E-MAIL ADDRESS _____

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: R-1

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

maintain property as a 2-family

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

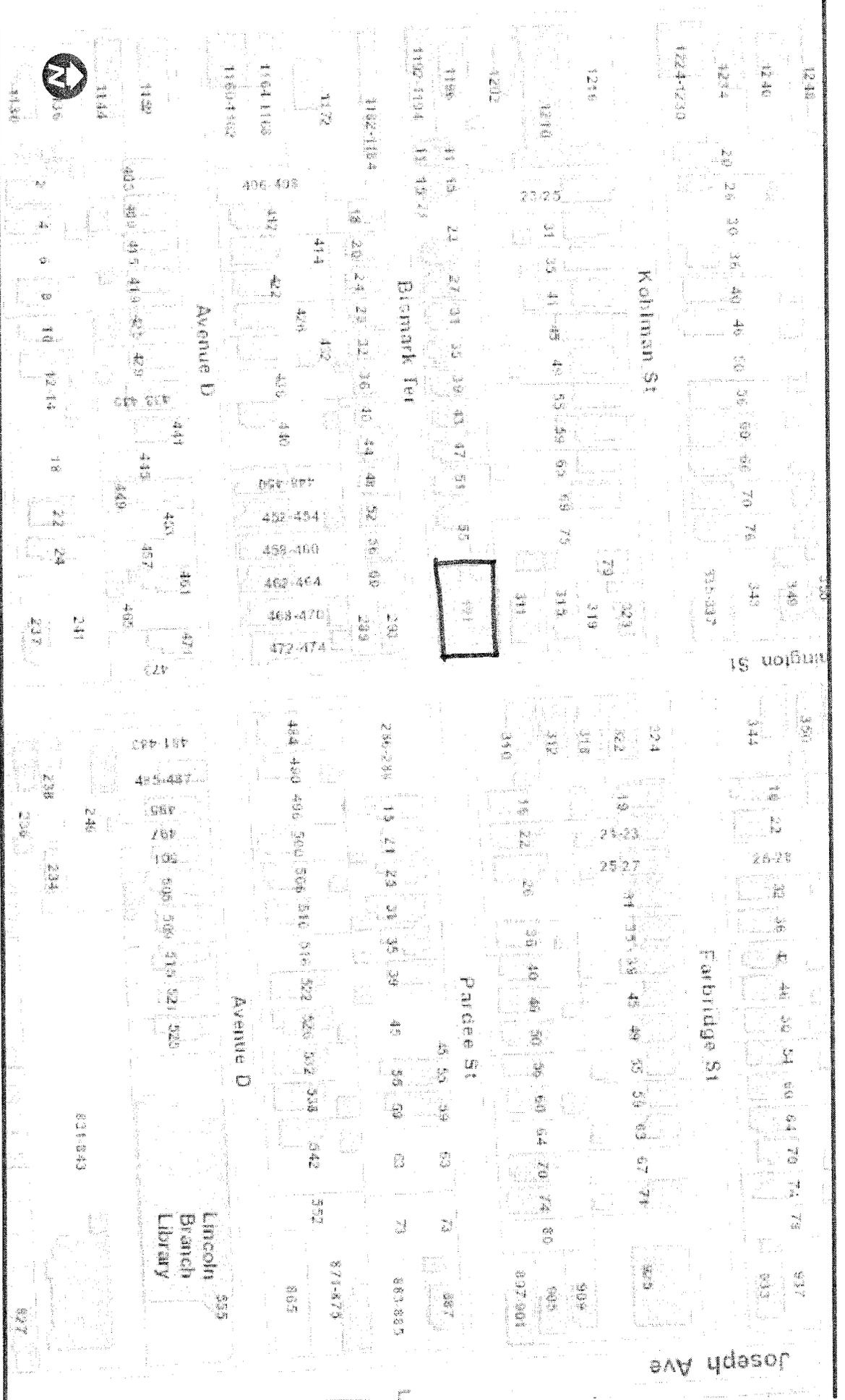
APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE: Madisine Perry DATE: 7-7-16

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: _____

301 REMINGTON ST



August 2, 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: 301 Remington St.

A. PROPERTY DATA

1. Date property was purchased by current owner inherited 2008

2. Was a Certificate of Occupancy issued? _____

Date of issuance? _____

If so, for what use(s)? _____

If not, why? _____

3. Cost of Purchase _____

4. Original Amount of Mortgage(s) \$35,000

Mortgage Holder(s) paid off in 2008 \$122,000

Address _____

Interest Rate(s) Ø Term of mortgage(s) n/a

5. Is the property for sale? Yes

If so, for how long? 1 month

asking price? \$30,000

for what use(s) 2-Family

Have any offers been received? yes, 1 offer

If so, for what amount(s)? \$20,000

Summarize any attempts to sell the property trying to sell by word of mouth

6. Present value of property \$28,900

Source of valuation city assessor realtor assessment in 2013

no cc single

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>4 bedroom</u>	<u>\$750.00</u>	<u>\$9,000</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

TOTAL ANNUAL INCOME: \$9,000

vacancy -> In past 8 years, property vacant 4-5 months per year.

* LESS (8%) VACANCY FACTOR: \$3,600
(Explain, if greater than 8%)

TOTAL ADJUSTED GROSS INCOME: \$5,400

C. ANNUAL EXPENSES

- Annual Fixed Charges**
 - Real Estate Taxes (City & County) \$1800
 - Insurance \$665
 - Average Annual Interest (over next 5 years)..... n/a

- Operating Expenses**
 - Electric Real \$1200
 - Fuel -
 - Water \$600.00
 - Pure Waters -
 - Advertising sign \$1700.25⁰⁰
 - Miscellaneous (attach explanation) cleaning \$100

- Maintenance Expenses (attach list)**
 - Repairs \$1000
 - General Building Maintenance tree trimming \$350
 - Yard and Ground Care \$20/month lawn (1000) \$400
 - Miscellaneous \$25 snow (\$300) \$300

flowers, plants evictions \$500 TOTAL ANNUAL EXPENSES: \$6940
PROFIT or (LOSS) \$ - (1540)

D. TOTAL INVESTMENT

- Down payment -
- Capital Improvements (attach list) renovations \$6,000
- Principal paid to date (original mortgage less current principal balance) see attached \$22,000

TOTAL INVESTMENT: \$28,000

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

= 0.05%

SIGNATURE OF PREPARER Mallie Kelly DATE 7-7-16

Renovations

2016

- paint 1st & 2nd floor (inside)
- redrywall upstairs
- new ceiling upstairs
- new carpet 1st & 2nd floor
- paint & drywall porch
- 2 new doors
- gutter replaced
- roof leak repaired
- doorbell replaced

total \$6,000
(loan)

Renovations required as a result of
2 recent break-ins.



STATE FARM INSURANCE COMPANIES

RECEIPT OF PAYMENT

PAYMENT DATE: 06-15-2016

POLICYHOLDER(S)
MADELINE E PERRY
293 RAVINE AVE
ROCHESTER, NY 14613-2333

POLICY DESCRIPTION/POLICY NUMBER	CHECK / REF #	AMOUNT
RENTAL DWELL 3	CHECK # 314	\$500.00
98-BM-R569-5 F	CHECK # 325	\$165.00

TOTAL AMOUNT PAID: \$665.00



AUTHORIZED SIGNATURE:
KRISTINA PERRY

AGENT
CALLAN, MICHAEL P
1555 E HENRIETTA RD
ROCHESTER, NY 14623-3115
(585) 427-7920

THANK YOU FOR YOUR PAYMENT ON THE ABOVE POLICY(IES). PAYMENTS ARE RECEIVED SUBJECT TO COLLECTION AND POLICY PROVISIONS. WE APPRECIATE YOUR BUSINESS.



GENERAL SECURITY
 90 AIRPARK DRIVE, SUITE 402
 ROCHESTER, NY 14624
 (585) 473-5020
 LICENSED BY THE NY DEPT. OF STATE
 #12000001468

*** STATEMENT ***

ROCHESTER NY. DIV

Customer Name MADELINE & SELMA PERRY (C)
 Account Number 63075J
 DIV: 37 TYP: 1
 Invoice Date 3/22/16
 Amount Due \$ 104.43

CURRENT CHARGES

DATE	REF #	DESCRIPTION	AMOUNT
		PREVIOUS BALANCE	103.51
3/22/16	5163538	<<< FINANCE CHARGE >>>	0.92
		< BALANCE DUE >	104.43

IF PAYMENT HAS BEEN SENT, PLEASE IGNORE THIS REMINDER.

IMPORTANT MESSAGES

REFER A FRIEND WHO BECOMES A CUSTOMER, AND RECEIVE \$100 COUPON TOWARDS YOUR MONITORING
 PLEASE ADD YOUR EMAIL ADDRESS TO RETURN PORTION OF INVOICE.
 THANK YOU.

To pay with your credit card or bank account please complete the back of this form.

Please detach and return this portion with your payment to ensure proper credit.



GENERAL SECURITY
 ROCHESTER NY. DIV
 90 AIRPARK DRIVE, SUITE 402
 ROCHESTER, NY 14624

TEMP-RETURN SERVICE REQUESTED

*** STATEMENT ***

ROCHESTER NY. DIV

Customer Name MADELINE & SELMA PERRY (C)
 Account Number 63075J
 DIV: 37 TYP: 1
 Invoice Date 3/22/16
 TOTAL DUE \$ 104.43
 Amount Enclosed: \$ _____
 Email Address: _____

*****MIXED AADC 440 1302 1 MB 0.439
 001297
 MADELINE & SELMA PERRY (C)
 301 REMINGTON ST
 ROCHESTER NY 14621-3419

GENERAL SECURITY
 ROCHESTER NY. DIV
 90 AIRPARK DR STE 402
 ROCHESTER NY 14624-5732



Account Number: 2002-6726-412
 Statement Date: June 17, 2016
 Amount Due: \$219.74

SELMA A PERRY

Service Address: 301 REMINGTON ST, ROCHESTER NY 14621
 Next Scheduled Read Date: On or about August 16, 2016

Page 1 of 5

Account Summary

Previous invoice	\$187.23
Payments received as of 06/16/16	-31.00
Balance forward	\$156.23
Energy charges	60.16
Miscellaneous charges	3.35
Payment due upon receipt	\$219.74

Residential

Residential consumer discount \$ 0.39

See details beginning on page 3

See messages on page 2

011560 1/3

To avoid a 1.5% late payment charge, please ensure payment is received by the date displayed below.

Think of the minutes, money and natural resources you'll save by doing business online or by phone 24/7.

Visit rge.com to:

- View and pay your bill online
- Submit and view meter readings
- Enroll and manage budget billing
- Enroll in Autopay

126

Call our self-service line at **1.800.295.7323** for billing information, provide a meter reading and to pay by phone.

Add \$1, \$2, or \$5 to your payment to make a tax-deductible donation to RG&E and NYSEG Project SHARE Heating Fund. Learn more at rge.com.

Please return bottom portion with your payment. Make checks payable to RG&E.



RG&E
 P.O. BOX 847813
 BOSTON, MA 02284-7813

Account Number	20026726412
Late Fee After	07/10/16
Due Upon Receipt	\$219.74
Amount Paid	\$

AV 01 011560 75035B 65 A**5DGT

SELMA A PERRY
 301 REMINGTON ST
 ROCHESTER NY 14621-3419

Please do not write below this line.

302002672641200000063510000021974



USE VARIANCE
STATEMENT OF UNNECESSARY HARDSHIP

City of Rochester, NY

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

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

Property not able to yeild reasonable return.
Have had to evict tenants, which means
property has been vacant off and on.

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

Property has had several break-ins recently.
windows and doors were broken.

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

Property was vacant for about a year
because I ~~was~~ had cancer and was
dealing with this health issue.

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

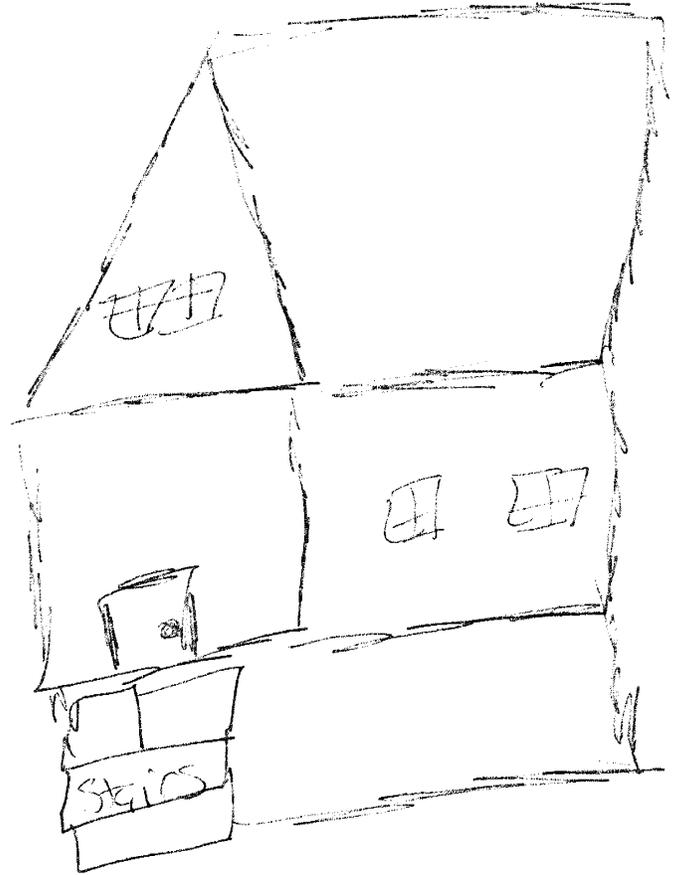
There are other 2-families in the area.
This property is consistent with my neighborhood.

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

Restoring dwelling to a single would mean that I lose money on the property.

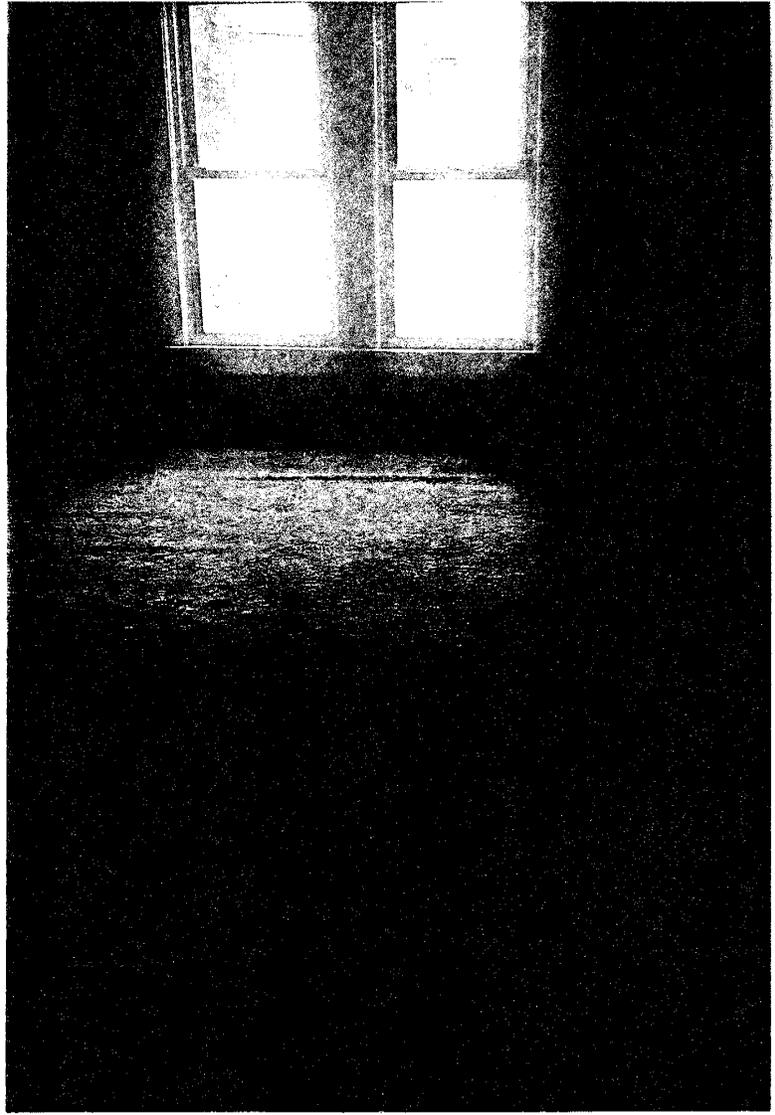
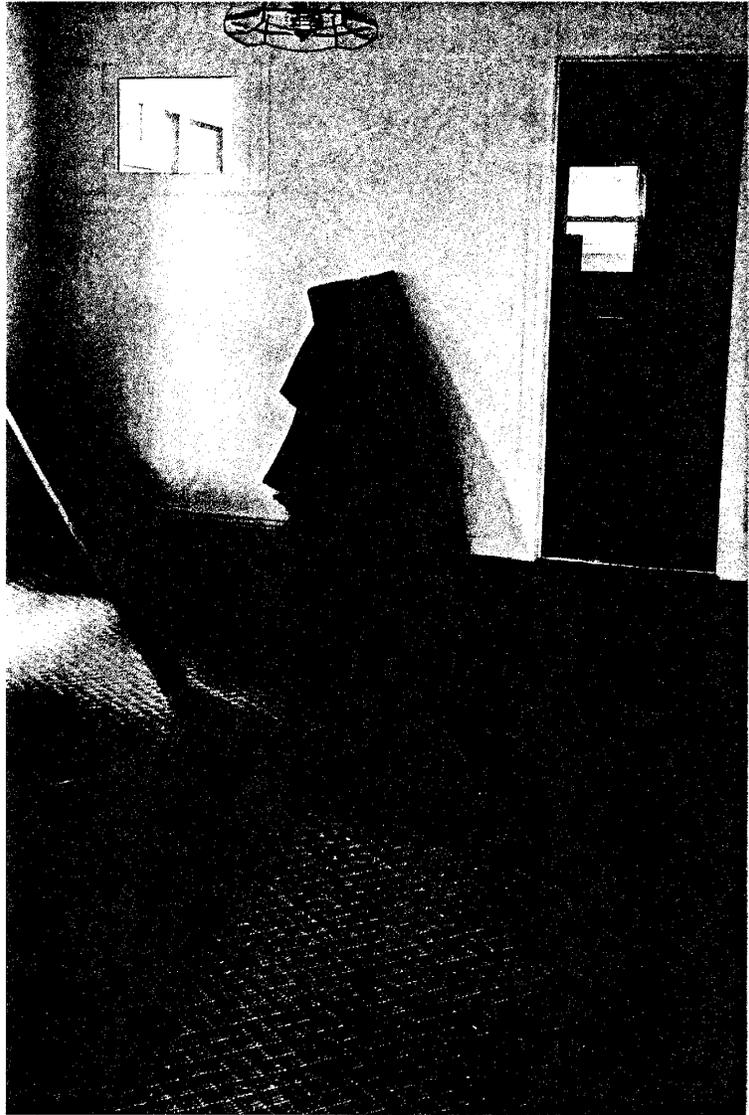
301 Remington St Floor Plan

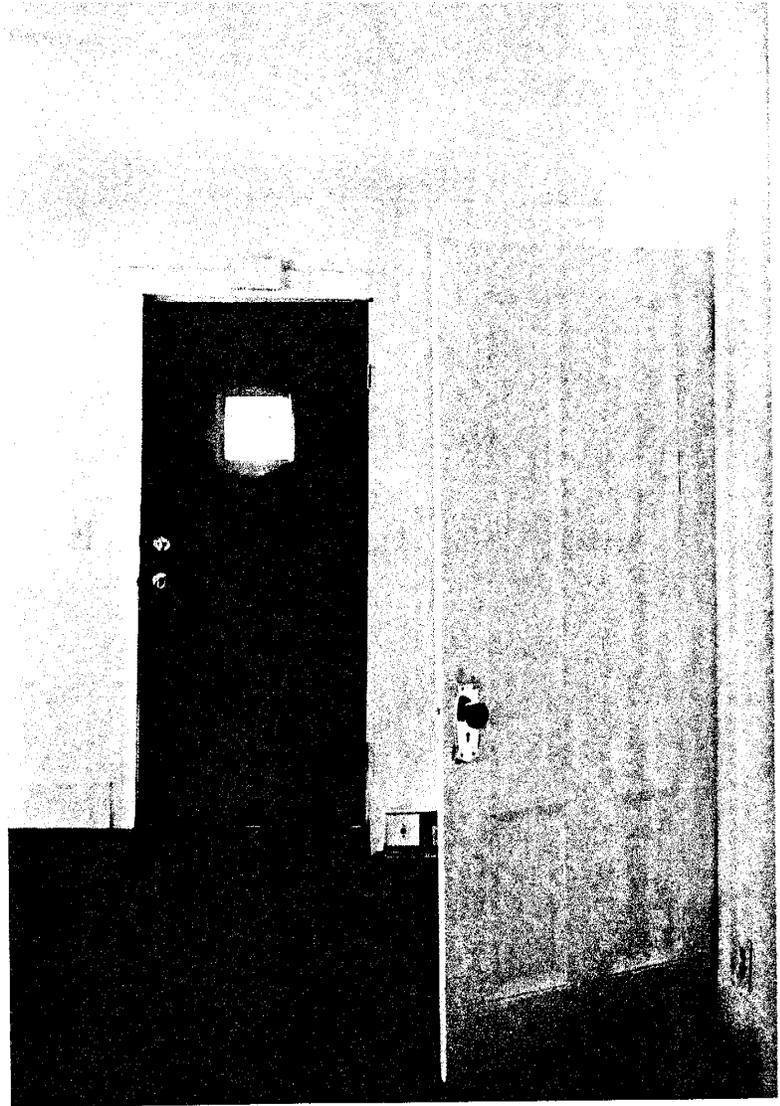
Down stairs

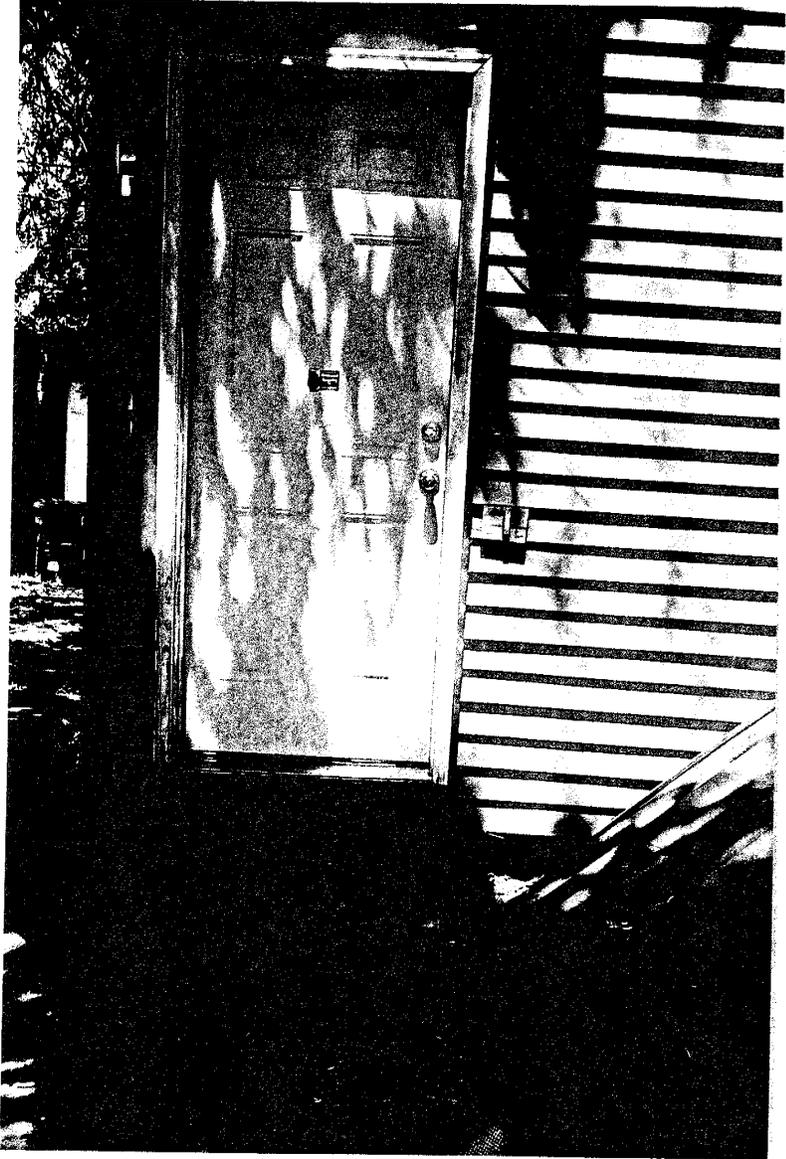


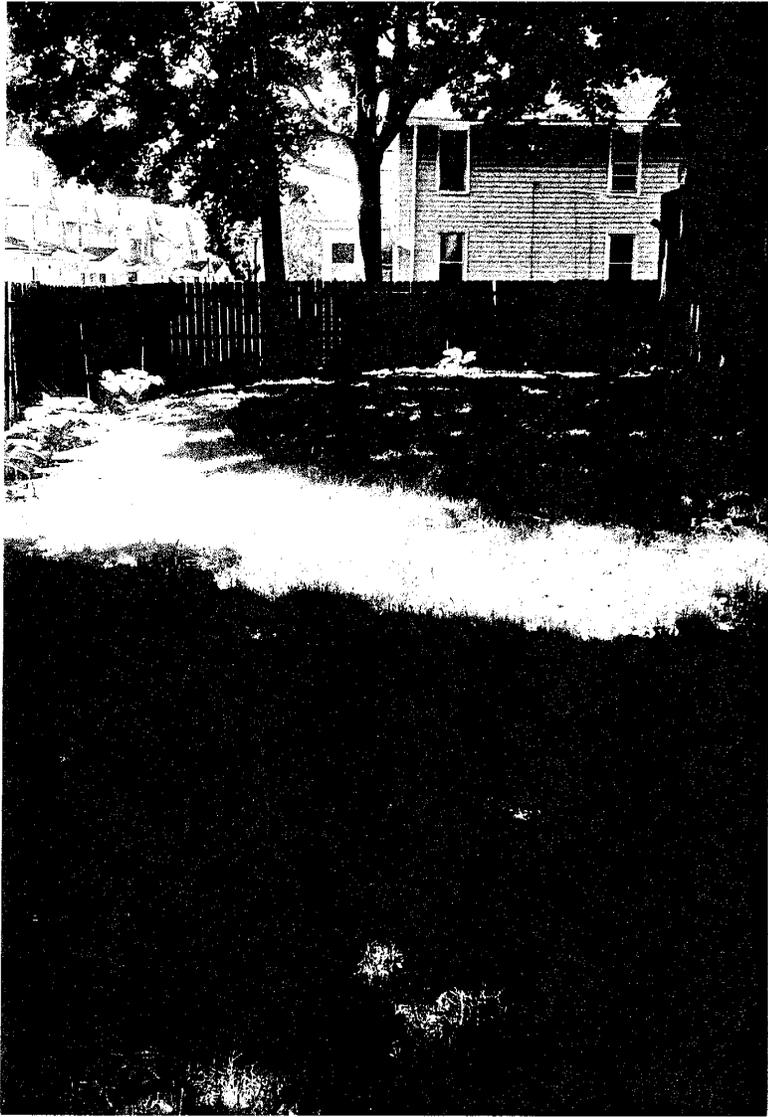
Up stairs













**ZONING BOARD OF APPEALS
STAFF REPORT
August 11, 2016**

Area Variance

Case # 11:

Staff Reviewer: Jill Symonds

File Number: V-022-16-17

Applicant: Richard Rowe

Project Address: 1737 Mount Hope Avenue

Zoning District: C-2 Community Center District

Section of Code: 120-177, 120-202

Request: **To repair the sign for “Rowe Photography” located on the store’s awning, thereby extending the life of this nonconforming sign.**

Analysis: The subject property is legal as a photo studio and is located on the corner of Mt. Hope Avenue and Elmerston Road. The applicant is proposing to remove and reinstall an existing awning that wraps around both the Mt. Hope and Elmerston sides of the building. The business signs are proposed for the Mt. Hope awning and include “Rowe”, which is 10’5” x 5’ (52.5 sq. ft.) and “Photographic, Video, TV, Audio”, which is 2’ x 44’8” (89.3 sq. ft.).

Code Compliance: Section 120-177 permits the following:

- 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;
- No more than 1 detached sign per parcel located in the front yard not exceeding 25 square feet in size per side of sign and posted no more than 4 feet in height from the finished grade of the lot.

The Mt. Hope façade is 72 feet in length, permitting a sign that is 36 sq. ft. An area variance is required for the size of the proposed sign.

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

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 1737 Mt. Hope Avenue

2. APPLICANT: Rowe Professional Photographers Inc. COMPANY NAME: Rowe Photo

ADDRESS: 1737 Mt. Hope Avenue CITY: Rochester ZIP CODE: 14620

PHONE: 585-442-8230 FAX: 585-442-7454

E-MAIL ADDRESS rowefoto@rochester.rr.com

INTEREST IN PROPERTY: Owner Lessee Other

3. PLAN PREPARER: Premier Sign Systems LLC

ADDRESS: 10 Excel Drive CITY: Rochester ZIP CODE: 14621

PHONE: 585-235-0390 FAX: 585-245-0392

4. ATTORNEY: Daniel F. Brennan, Esq.

ADDRESS: 2 State Street CITY: Rochester ZIP CODE: 14614

PHONE: 585-445-2745 FAX: 585-445-2645

E-MAIL ADDRESS dbrennan@woodsoviatt.com

5. ZONING DISTRICT: C-2

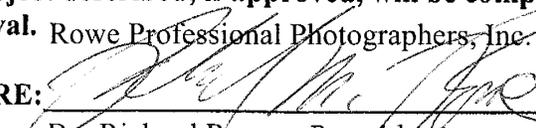
6. DETAILED PROJECT DESCRIPTION (additional information can be attached): _____

The applicant is replacing the existing awning sign on the property. The proposed replacement

awning sign will not have the existing photography graphics and will therefore be more in compliance with the Zoning Code. Please see Letter of Intent for complete description.

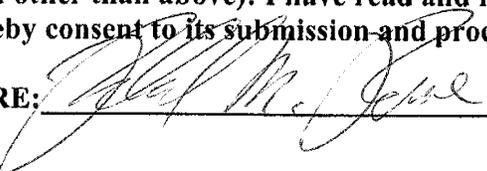
7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:) 3 months

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. Rowe Professional Photographers, Inc.

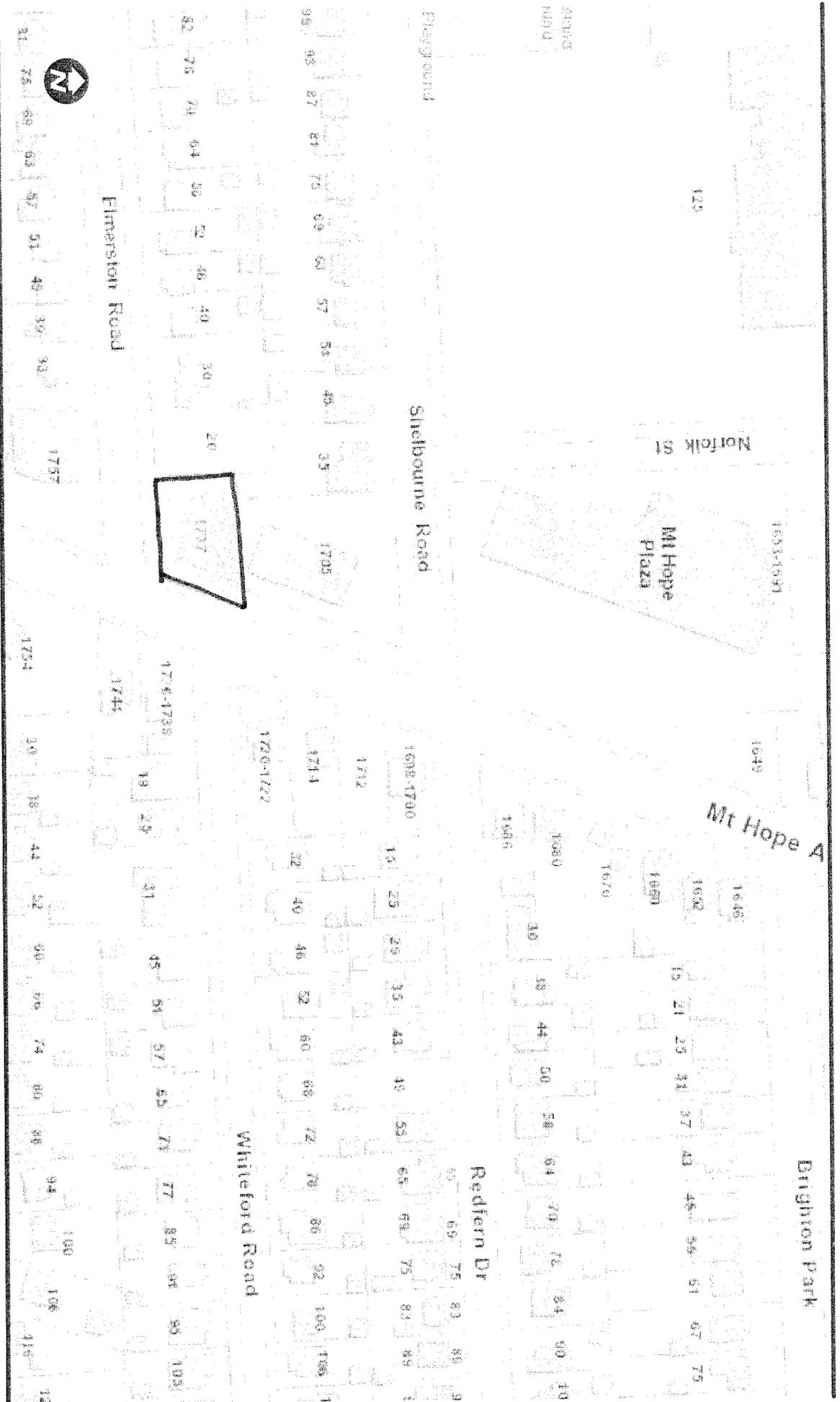
SIGNATURE:  DATE: 7/21/2016

By: Richard Rowe, President

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: _____

1737 MT HOPE AV



August 2, 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

700 Crossroads Building
2 State Street, Rochester, New York 14614
P 585.987.2800 F 585.454.3968



1900 Main Place Tower
Buffalo, New York 14202
P 716.248.3200 F 716.854.5100

Writer's Direct Dial Number: 585.445.2726
Writer's Direct Fax Number: 585.445.2626
Email: jgoldman@woodsoviatt.com
Admitted to practice in New York and Florida

woodsoviatt.com

July 22, 2016

Zoning Board of Appeals
City of Rochester
30 Church Street, Room 125B
Rochester, New York 14614

Re: Rowe Professional Photographers Inc.
1737 Mt. Hope Avenue – Sign Area Variance Application
LETTER OF INTENT

Dear Board Members:

This office has been retained by Rowe Professional Photographers, Inc., and its principal Richard Rowe (the “applicant”) to assist in obtaining municipal approvals for the signage repair and update to the Rowe Photo building at 1737 Mt. Hope Avenue (the “property”). The applicant plans to replace the deteriorating fabric that covers the existing awning sign on the building with a new fabric covering consistent with its iconic theme.

The existing Rowe Photo building currently has a legally pre-existing non-confirming awning sign, which has been a fixture on the Mt. Hope Avenue corridor since 1991, as shown in the enclosed photographs. There is approximately 61 feet of frontage on Mt. Hope Avenue and approximately 75 feet on Elmerston Road for a total of approximately 136 feet of frontage. The building is highlighted in yellow on the enclosed property survey.

The property is located in the C-2 District. One attached sign totaling "0.5 square foot in area for every foot of the building frontage per street frontage" is permitted under City Code § 120-177(D).

The existing awning sign is approximately 4 feet 6 inches tall and runs across the top of two sides of the building facing Mt. Hope Avenue and Elmerston Road. The existing sign features graphics depicting photography equipment on the south side of the building facing Elmerston Road, and a border on the entire sign that resembles a film strip. The sign is not internally lit.

The existing fabric on the awning sign is torn and needs to be replaced. The sign structure underneath the fabric covering is intact and will not be replaced. There is also some cracked stucco on the exterior of the building, which the applicant plans to repair. It is necessary to remove the sign

structure while the stucco is being repaired, so this is an ideal time to also replace the fabric sign covering as well.

The proposed replacement awning sign fabric covering will be very similar to the existing covering and will continue to have the same colors and recognizable film strip border. The new design does not feature the photography graphics on the south side of the building facing Elmerston Road and has an updated font for the "Rowe" brand. The small portion of the existing sign that hangs down under the "R", as shown in the enclosed photographs, will also be removed. The proposed new sign covering will therefore be more in compliance with the City Code than the existing sign covering.

The lettering on the sign will only face east onto Mt. Hope Avenue. There will be no lettering facing south onto Elmerston Road. The "Rowe" logo on the proposed sign covering has been updated and reduced in size. The lettering reading "PHOTOGRAPHIC · VIDEO · TV · AUDIO" will be approximately two feet tall – less than half of the total 4 foot 6 inch height. Furthermore, less than 50% of the sign will be covered in text or graphics.

The dimensions of the existing awning sign exceed the City Code sign limitations. Although the proposed replacement fabric covering will not alter the sign structure underneath, an area variance from the City Code is required. No additional signs are being added to the property.

Area variances for signs are considered Type II actions pursuant to City Code § 48-5(B)(14). This action therefore does not require environmental review under SEQRA.

The applicant satisfies the applicable criteria to be considered by the Board under City Code § 120-195(B)(4)[b] in determining whether to grant the requested area variance, as follows:

1. Benefits. The benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant. The benefit to the applicant will be substantial. Allowing the applicant to replace the torn fabric covering without replacing the underlying sign structure will save the applicant significant unnecessary costs, while maintaining the recognizable "Rowe" sign along the highly trafficked Mt. Hope Avenue corridor. If this area variance application is denied, the applicant will be forced to try to repair the torn fabric sign covering without updating the letterings or removing the graphics facing south onto Elmerston Road.

The awning sign is necessary to allow visitors identify Rowe Photo from the street as the property does not have a freestanding sign. There are no detriments to the health, safety or welfare of the neighborhood by replacing granting the requested relief.

2. 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 area variance. The existing awning sign on the property was constructed with a permit on September 30, 1991. No substantial changes have been made to the awning sign since. The existing fabric covering of the awning sign is simply being updated and replaced, and therefore will not produce any change in the neighborhood or detriment to the nearby properties.

There are already many large commercial signs on Mt. Hope Avenue. The neighboring Mavis Tire building, which is adjacent to the property to the north, has a large on-building street facing sign. The Mavis Tire sign appears taller than the applicant's sign and runs along that building's entire frontage on Mt. Hope Avenue and Shelbourne Road. The Papa John's building across Mt. Hope Avenue has a similar awning sign, but also has a large freestanding sign. The nearby Burger King also features a large freestanding sign. In contrast, the applicant is not proposing to build a freestanding sign on the property.

3. No other remedy. The benefit sought by the applicant can not be achieved by some method feasible for the applicant to pursue, other than the area variance. The existing fabric covering on the sign is tearing and therefore needs to be replaced. The underlying sign structure, however, is sound and does not need to be replaced. The applicant is simply proposing to replace the torn sign with an updated new fabric covering that is more in compliance with City Code. The alternative would be to attempt to repair the existing fabric covering, which would be temporary at best and less attractive than the proposed replacement. The property does not have a freestanding sign and therefore the awning sign is necessary to identify the Rowe Photo business.

4. Significance. The requested area variance is not substantial. The requested variance for the amount of proposed signage is also not substantial in amount, nature or impact. The replacement fabric covering will not increase the dimensions or total sign area. The lettering on the sign only faces Mt. Hope Avenue and covers less than 50% of the sign.

5. Physical and environmental conditions. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposed variance will not have any adverse impact on the physical or environmental conditions in the neighborhood. The new fabric sign cover will replace the tears in the existing fabric cover, and update the overall look of the building. Deleting the graphics will also improve the aesthetics of the existing sign.

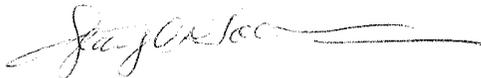
6. Not self-created. The alleged difficulty was not self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance. The difficulties necessitating the requested variance were not self-created. The existing awning sign is legally pre-existing non-conforming and is part of an existing facility. The existing fabric cover was created nearly 25 years ago and is torn. It therefore must be replaced.

July 22, 2016
Rowe Sign Area Variance
Letter of Intent
Page 4

Thank you for your consideration. We look forward to presenting this application and answering any questions you may have at your upcoming meeting. In the interim, should you have any questions or require any additional information, please do not hesitate to let me know at any time.

Very Truly Yours,

WOODS OVIATT GILMAN LLP

A handwritten signature in cursive script, appearing to read "Jerry A. Goldman", followed by a horizontal line.

Jerry A. Goldman

Please direct responses to Rochester Office

JAG/jag

Rowe
Photo · Video · Audio · TV

1737 Mt. HOPE AVE. ROCHESTER N.Y.

RECOVER EXISTING AWNING PROPOSAL



BY  **PREMIER SIGN SYSTEMS, LLC**
A FULL SERVICE SIGN & AWNING COMPANY

**FRONT
ELEVATION**



PHOTO ELEVATION NOT TO SCALE

DESCRIPTION:

REMOVE, RECOVER & REINSTALL EXISTING AWNING AROUND BUILDING BANDING WITH ERADICABLE VINYL MATERIAL WITH APPLIED VINYL GRAPHICS.

INCLUDES:

- ** SANDING AND RE-PAINTING FRAME WHITE.
- ** NEW EGCCRATE
- ** MODIFYING THE LOWER PART OF FRONT AWNING UNDER ARCH REMOVING THE BOTTOM PART OF THE "R" AND MAKING IT FLAT ACROSS.
- ARLON SIGANTECH BLUE #2930 MATERIAL OR COOLEY BRITE LIGHT BLUE #2648- TBD
- RED VINYL-AVERY UC900-440-T RED
- BLACK VINYL FOR DROP SHADOW AND FILM TAPE BORDER.

Rowe

PHOTOGRAPHIC - VIDEO - TV - AUDIO

10'-5"

72'-0"

44'-7 3/4"

I have carefully reviewed and hereby accept the drawing(s) as shown. I realize that any changes to these designs made before or after production may alter the contract price. All changes must be in writing and approved by both parties prior to production.

Signature _____

Date _____
 THE CUSTOM ARTWORK DEPICTED HEREIN IS FOR REPRESENTATIONAL PURPOSES ONLY AND MAY VARY FROM THE ACTUAL COLORS OF THE MATERIALS PROPOSED. ALL ELECTRICAL SIGNS REQUIRE 120V ELECTRIC SUPPLIED BY CUSTOMER UNLESS OTHERWISE STATED.
 ALL ELECTRICAL SIGNS MUST BE GROUNDING AND BONDED IN ACCORDANCE WITH ARTICLE 600 NEC

PRODUCTION READY ART WORK YES NO

REVISIONS

DATE	DESCRIPTION	INT

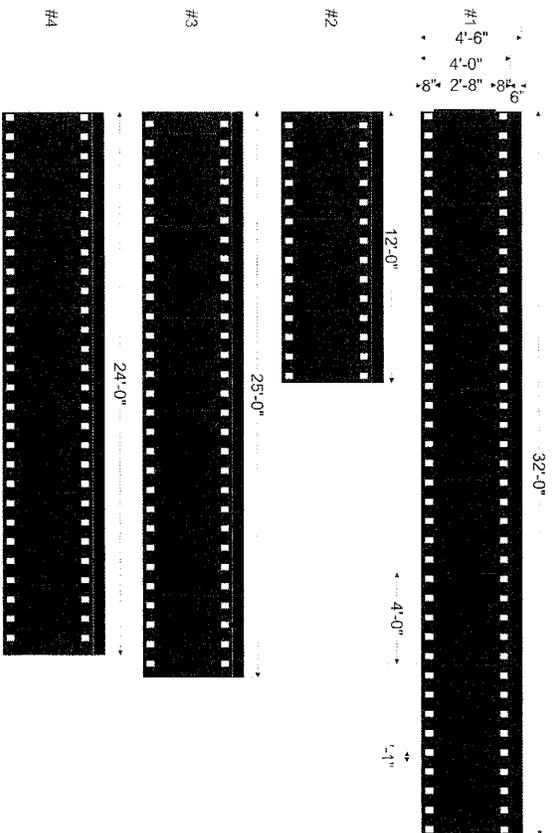
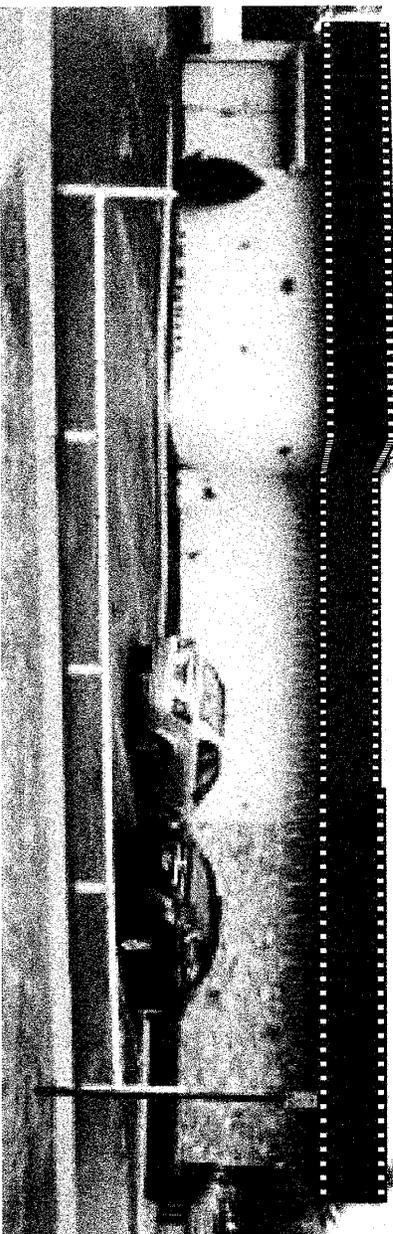


PREMIER SIGN SYSTEMS, LLC
 A FULL SERVICE SIGN & AWNING COMPANY
 10 Excel Drive Rochester, NY 14621
 P: 585-235-0390 F: 585-235-0392
www.premiersignsystems.com

This is an original unpublished drawing created by Premier Sign & Awning Systems Corp. It is submitted for your personal use in connection with a project being prepared for you by Premier Sign & Awning Systems Corp. It is not to be shown to anyone outside your organization, nor is it to be used, reproduced, or exhibited in any fashion.

SIGN TYPE	AWNING RECOVERY
CUSTOMER	ROWIE PHOTO
LOCATION	1737 Mt. Hope Ave.
SALES PERSON	JP
DATE PREPARED	06/28/2016
SCALE	3/16" = 1'
SQUARE FOOTAGE	7058
DRAWING #	7058
REVISION #	01

SIDE ELEVATION



DESCRIPTION:
 REMOVE, RECOVER & REINSTALL EXISTING AWNING AROUND BUILDING BANDING WITH ERADICABLE VINYL MATERIAL WITH APPLIED VINYL GRAPHICS.

INCLUDES:
 ** SANDING AND RE-PAINTING FRAME WHITE.
 ** NEW EGGRATE
 ** MODIFYING THE LOWER PART OF FRONT AWNING UNDER ARCH REMOVING THE BOTTOM PART OF THE "R" AND MAKING IT FLAT ACROSS.

ARLON SIGANTECH BLUE #2930 MATERIAL OR COOLEY BRITE LIGHT BLUE #2648- TBD
RED VINYL- AVERY UC900-440-T RED
BLACK VINYL FOR DROP SHADOW AND FILM TAPE BORDER.

NOTE: ADDITIONAL SURVEY IS REQUIRED

SIDE VIEW

I have carefully reviewed and hereby accept the drawings(s) as shown. I realize that any changes to these designs made before or after production may alter the contract price. All changes must be in writing and approved by both parties prior to production.

Signature _____

Date _____

THE CUSTOM ARTWORK DEPICTED HEREIN IS FOR REPRESENTATIONAL PURPOSES ONLY AND MAY NOT EXACTLY MATCH THE COLORS OF THE MATERIALS PROPOSED. ALL ELECTRICAL SIGNS REQUIRE 120V ELECTRIC SUPPLIED BY CUSTOMER UNLESS OTHERWISE STATED. ALL ELECTRICAL SIGNS MUST BE GROUNDING AND BORDER IN ACCORDANCE WITH ARTICLE 500 NEC

PRODUCTION READY ART WORK

YES NO

REVISIONS

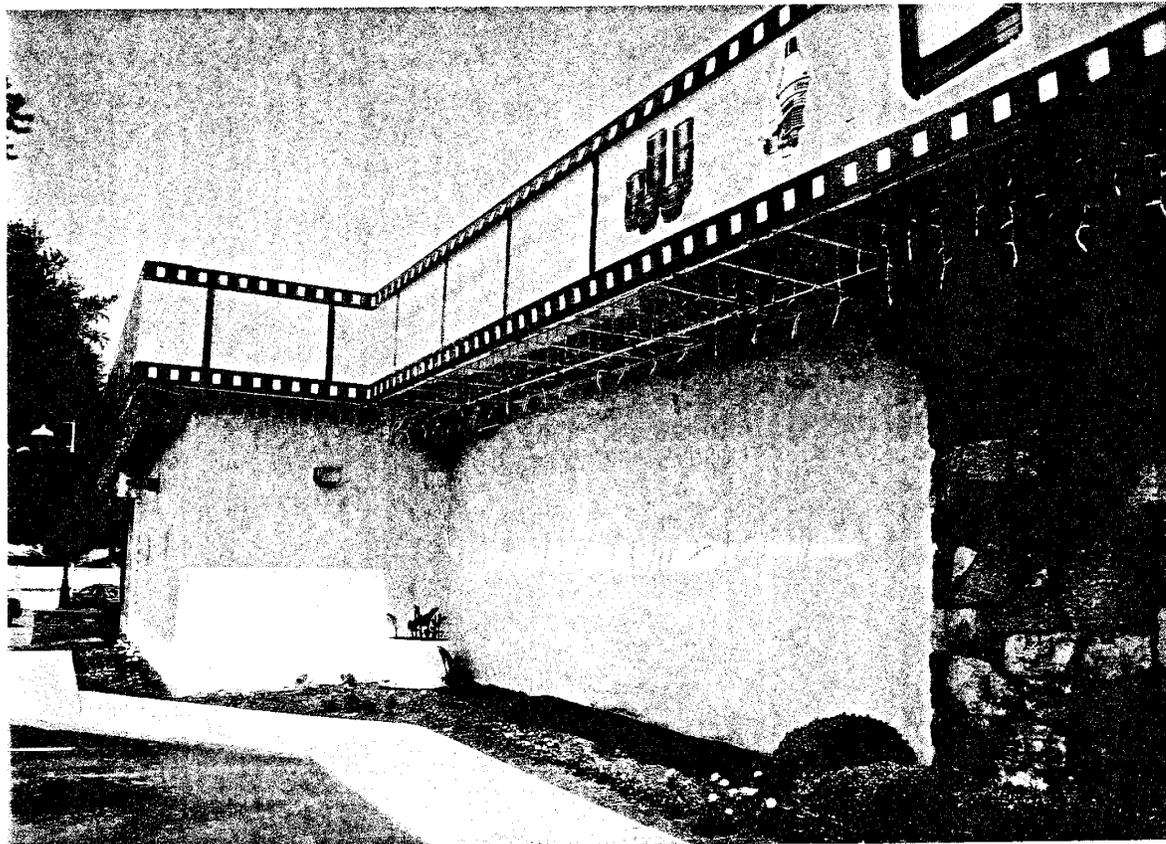
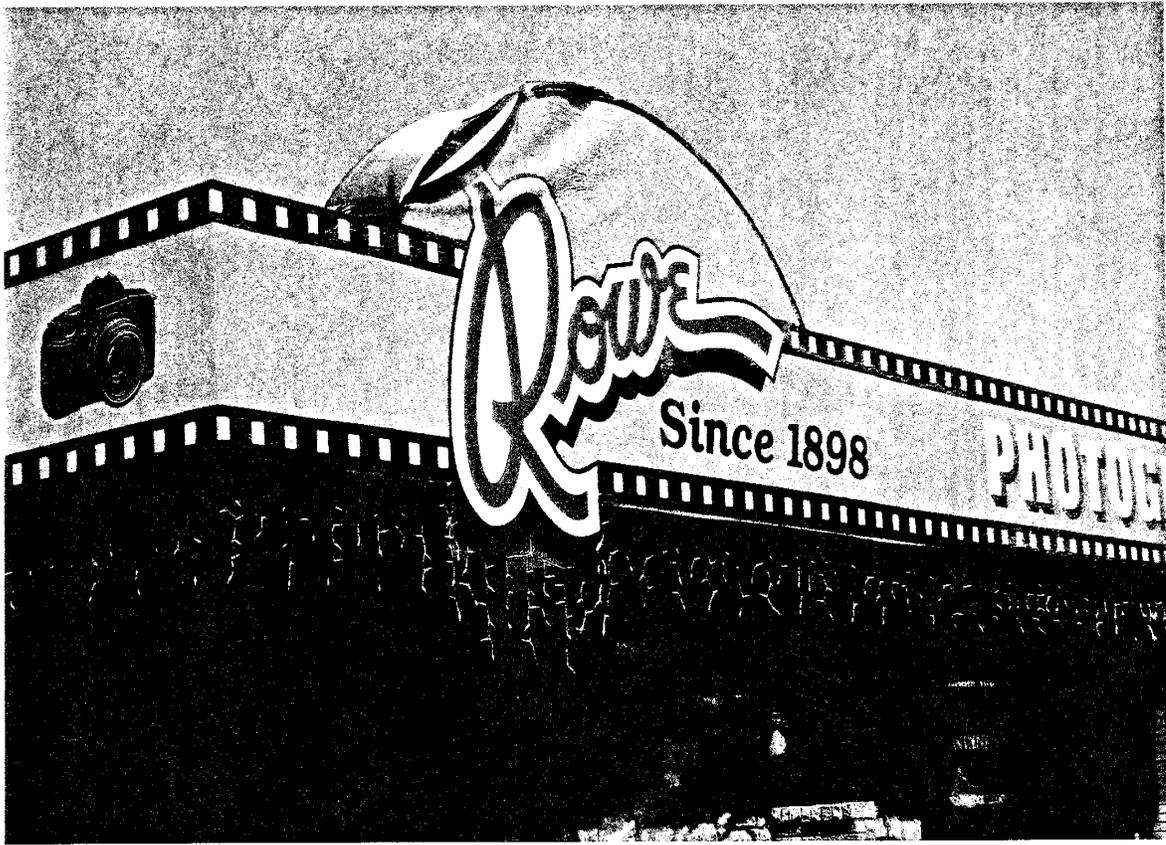
DATE	DESCRIPTION	INIT

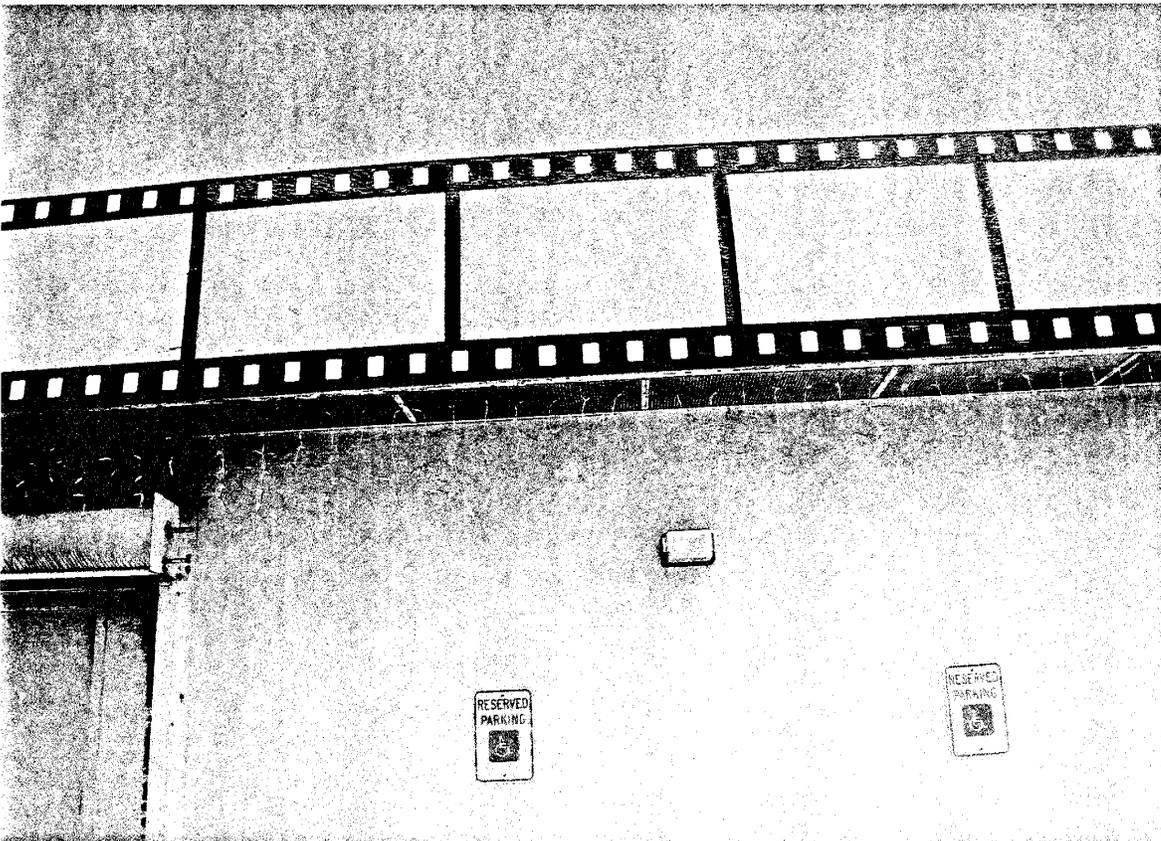
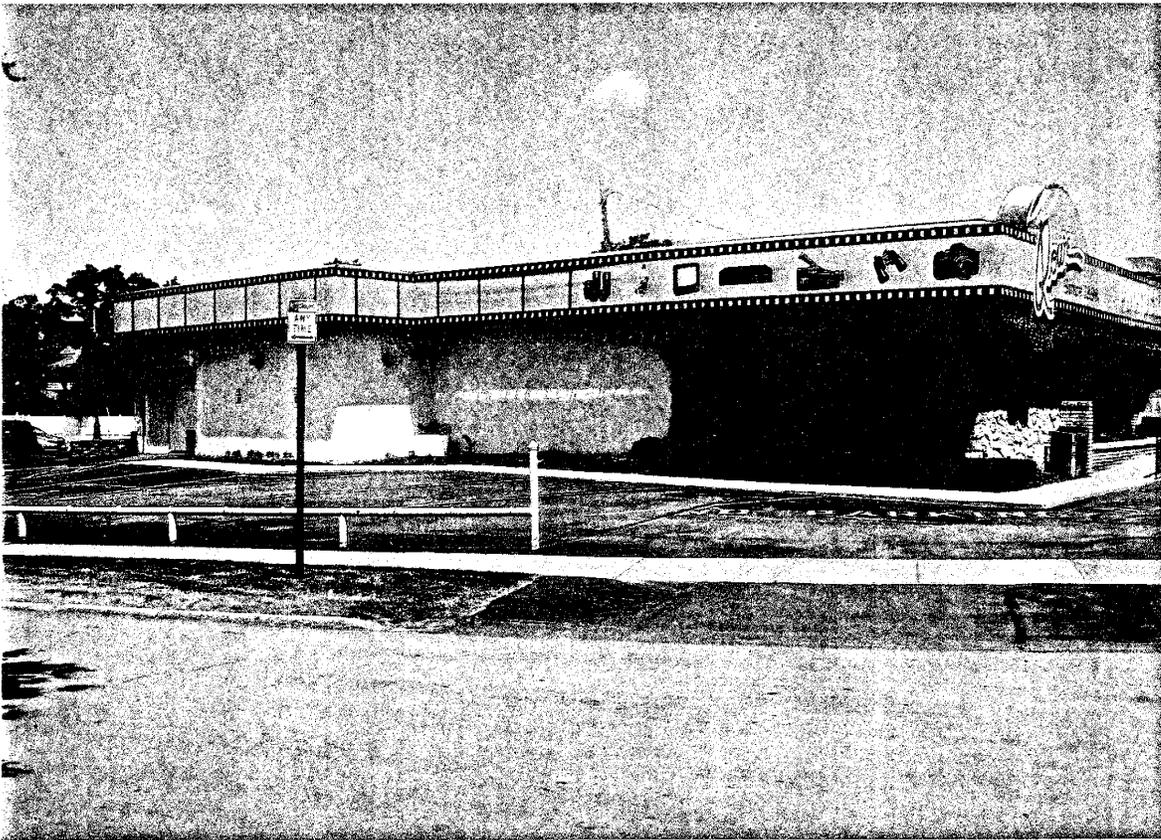


A FULL SERVICE SIGN & AWNING COMPANY
 10 Excel Drive Rochester, NY 14621
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www.premiersignsystems.com

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Sign Type	AWNING RECOVERY
Customer	ROWE PHOTO
Location	1737 MR. HOPE AVE. ROCHESTER, NY
Sales Person	JP
Designer	MR
DATE PREPARED	06/28/2016
SCALE	3/16" = 1'
SHEET NUMBER	7058
PAGE	02
REVISION	





additional photos
available in file



Symonds, Jill

From: Rowe Photo, Video & Audio <rowefoto@rochester.rr.com>
Sent: Monday, August 01, 2016 4:52 PM
To: Lagonegro, Zina B.
Cc: Symonds, Jill; 'Brennan, Daniel F.'; 'Daniel Hurley'
Subject: More photos
Attachments: IMG_5823.jpg; IMG_5825.jpg; IMG_5826.jpg; IMG_5828.jpg; IMG_5829.jpg

Just wanted to send along a few more photos to add to the file and for your review. I just want to show you what I am up against with my neighbor's frontage sign. We also have the Mt. Hope Plaza and Papa John's Pizza to compete with. Please also consider the speed of the traffic coming off the expressway passing my building. Today I received a sample of the replacement fabric. If you would like to add that to the file I will drop it off or mail it out to you.

Thank you for your time and consideration.
Richard

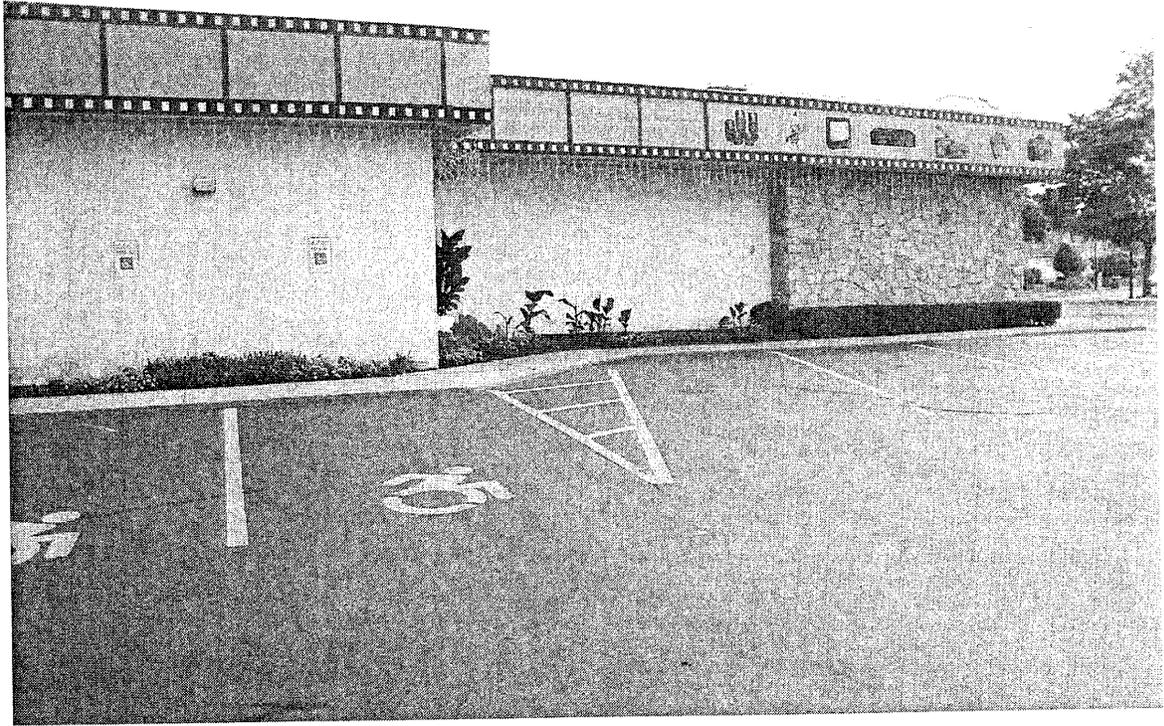
Rowe

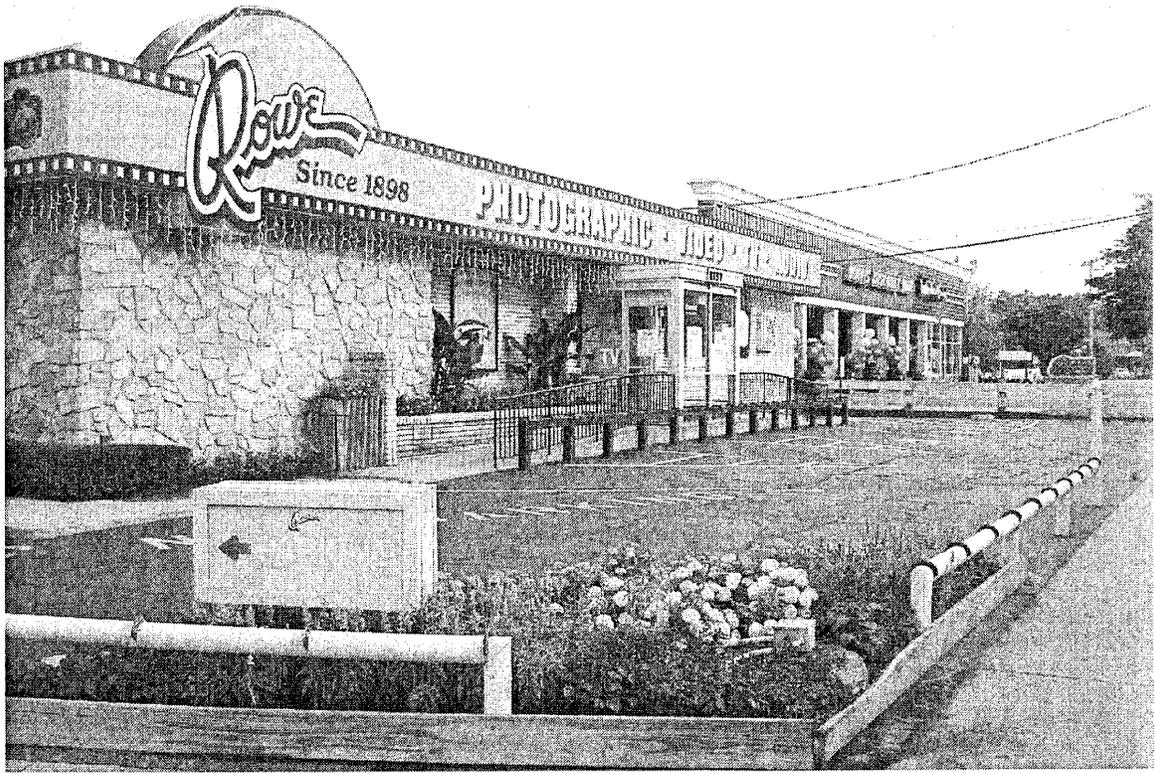
Home Theater | Audio | Camera | Video

1737 Mt Hope Ave.
Rochester, NY 14620
585-442-8230

Please see our web page for monthly specials at
<http://www.rowephoto.com/>

 "GO GREEN" Please print this email only if necessary.













Symonds, Jill

From: Kenneth Bickford <lens64@aol.com>
Sent: Friday, July 29, 2016 8:05 PM
To: Symonds, Jill
Subject: Rowe Photo Sign

Ref:
Case 11
File V-022-16-17
Area Variance

I am in the neighborhood.
Ken Bickford
200 Sunnyside Drive
585-424-5652

I am a photographer who lives by Rowe Photo.
The "blue awning" is even a landmark for out of town photographers.
Rowe Photo only requests an update of the current canvas awning.

Whoever made the decision if a variance should be issued...
GO INTO THE STORE!
Rowe Photo always keeps the store fresh and inviting.
I am of the opinion, Rowe Photo will have a very tastefully designed sign.

You are welcome to discuss this with me at any time.

PS I personally feel zoning etc. should be concerned with "phantom" derelict closed restaurants. Lower W. Henrietta Rd is both an eyesore and invitation to crime. The buildings tagged "Frank" are more of an issue than a merchant attempting to upgrade his facade!

Ken Bickford

Sent from my iPad

#11

Symonds, Jill

From: cardigank@aol.com
Sent: Saturday, July 30, 2016 11:21 AM
To: Symonds, Jill
Cc: Rowe Photo Video & Audio
Subject: Case #11

Dear Ms. Symonds,

I am writing in support of the request of Richard Rowe of Rowe Photo to replace the present worn sign on his shop on Mt. Hope Avenue (Case #11, File# V-022-16-17).

Rowe Photo has been a staple in our neighborhood for decades. The property is always immaculate and even attractive. However, the present signage is in need of refreshing and up-dating, changes that will only enhance the appearance of this important community business. As convener of The Quality of Life Committee for our neighborhood association, I can attest that Rowe Photo is and has always been a model of neighborhood stewardship. I wholeheartedly support the request to replace the present sign on Rowe Photo with a new one.

Sincerely,

Rev. Dr. Kathleen E. Madigan,
30 Redfern Dr.
Rochester, NY. 14620

Sent from my Verizon 4G LTE Smartphone

Symonds, Jill

From: rosita strada <rositastrada@gmail.com>
Sent: Saturday, July 30, 2016 5:02 PM
To: Symonds, Jill
Subject: case 9 file V-020-16-17

Hello,

Can the owner consider a "green" fence for privacy?

Like large hedges?

Would the fence just be (free standing) on the Poplar side and not Linden St?

Has there been a crime issue?

I live nearby and prefer not to see a fence that doesn't meet City regulations, but also sympathize with the need for privacy and safety.

Please note this street is New York State designated Historic Neighborhood and, while there are no homeowner restrictions - the neighbors take pride in our historic street.

gisella gordon

112 Linden Street



Symonds, Jill

From: Joan Powell <jppowell1031@gmail.com>
Sent: Sunday, July 31, 2016 11:55 AM
To: Symonds, Jill
Subject: Rowe Photo Sign

Dear Ms Symonds,

I have lived on Elmerston Rd for 35 years and have been in the neighborhood since 1960. I also have had my business located on Mt Hope Avenue for the past 9 years.

I have known Richard Rowe for years and have a very high regard for him. He has worked tirelessly to make our neighborhood clean, vibrant and welcoming.

For years I have told friends and family that they could find my street by looking for the Rowe Photo blue film strip sign. It has become "part of the neighborhood landscape!"

I understand that there are new rules to abide by in having a sign repaired. I just want to support him in replacing the old sign with a new one which I understand will be exactly the same...but with the new logo and the equipment pictures removed from the side facing my street.

This will not negatively affect the neighborhood at all, in fact, it will enhance it by being fresh and new and shows a business's commitment to our neighborhood.

As a resident, I am happy and relieved to have good, healthy businesses here on Mt Hope!

I also am grateful that Richard has beautified the Avenue with the gardens he maintains around his residences and on Westfall and Mt Hope...that welcome people to our wonderful city.

Thanks you for your time reading my comments and if you have any questions, feel free to contact me.

All the Best
Joan Powell

Joan P. Powell, Owner, LMT,
Reiki Master Teacher
A Healing Sanctuary
1722 Mt. Hope Avenue
Rochester, NY 14620
www.ahealingsanctuary.com
585-442-3998 office
485-350-6819 cell



Symonds, Jill

From: Studio 222 / Sally Zamiara <smzamiara@gmail.com>
Sent: Sunday, July 31, 2016 10:17 PM
To: Symonds, Jill
Subject: Public Hearing - Case: 4 File Number: V-015-16-17

Ms. Symonds,

We would respectfully like to comment on the application for variance with respect to 239 Westminster Road. We oppose approval of the variance and the expansion of use of this property to allow additional renters to our neighborhood. Westminster Road has an abundance of rental property and with it parking scarcity for residents and guests. We currently have issues with noise due to renters entertaining both inside and outside during various times and events during the year. Adding to this already crowded and transient street does a disservice to the property owners who live there, raise children, and contribute to the overall welfare of the neighborhood.

We ask that the Board that oversees this decision, reject the application for a change in zoning and occupancy.

Thank you.

Thomas F. Zamiara
Sally M. Zamiara
222 Westminster Road
Rochester, New York 14607
585.747.3881
585.242.2084 (f)
smzamiara@gmail.com

11

Symonds, Jill

From: Judy Shaw <shaw639@aol.com>
Sent: Monday, August 01, 2016 4:20 PM
To: Symonds, Jill
Subject: Rowe sign, Mt. Hope Ave.

I, as a 35 year neighbor of Rowe Photo, support its need to upgrade its iconic film strip sign. Rowe adds strength to our neighborhood every day by its good business and outreach to needs of the Upper Mt. Hope Neighborhood Assn. For 100 years, it has been making great decisions and this sign update is one more. The City of Rochester should have no hesitation about its positive result.

Judith W. Shaw
132 Elmerston Rd. 14620 473 3585

Sent from my iPhone

Symonds, Jill

From: Judy Shaw <shaw639@aol.com>
Sent: Monday, August 01, 2016 5:46 PM
To: Symonds, Jill
Subject: Rowe sign, Mt. Hope Ave.

Jill, my phone number is 473-3584. I just noticed the typo . Judy

I, as a 35 year neighbor of Rowe Photo, support its need to upgrade its iconic film strip sign. Rowe adds strength to our neighborhood every day by its good business and outreach to needs of the Upper Mt. Hope Neighborhood Assn. For 100 years, it has been making great decisions and this sign update is one more. The City of Rochester should have no hesitation about its positive result.

Judith W. Shaw
132 Elmerston Rd. 14620 473 3585

Sent from my iPhone



Symonds, Jill

From: Meyers, Daniel <DMeyers@alsigl.org>
Sent: Tuesday, August 02, 2016 2:00 PM
To: Symonds, Jill
Cc: Rowe Photo, Video & Audio; O'Connor, Tom
Subject: Support for Rowe Photo Case #11 File #V-022-16-17 Area Variance

Ms. Jill Symonds:

I am writing to you in support of the proposed Area Variance for Rowe Photo at 1737 Mt. Hope Avenue in Rochester, New York.

I write as a neighbor long active in the Mt. Hope Business and Neighborhood Associations. I have known and worked with Dick Rowe for almost two decades. He has been a successful business leader and consistent voice for balanced progress in our neighborhood.

Dick is the owner of fine, longstanding, family business, the kind of business every neighborhood would love to have and every city hopes will stay in its precincts to prosper as the city does along with it. In addition, Dick has been a generous supporter of the Al Sigl Community of Agencies. He recently gave us professional, state of the art audio/visual equipment for our new Conference and Training Center. His gift made it possible for us to have the best, and we are forever grateful to him.

When we worked together with the late and statesmanlike Larry Stid on the revitalization plan for Mt Hope Avenue and the preparations for what has become the amazing College Town, Dick was a vocal leader for the Mt. Hope corridor to embrace the highest standards for development. He could champion this credibly because his business was an fine exemplar of quality and care.

The Rowe Photo business is an icon on the Avenue, in part because of its longevity and in part because of its distinctive, appropriate look. The film strip awning is a classic. Surprisingly, he needs your help to replace and upgrade the awning and signage. He has a new logo and also wants to freshen his look to keep up with the recent improvements in the Mt. Hope neighborhood. He will continue to light his building to provide a welcoming and secure environment in the neighborhood. This kind of investment is so characteristic of Dick and the conscientious way he runs his business. It is especially important he be permitted to do this as a neighboring business, Mavis Tire and Muffler, has been allowed to create an overwhelming visual presence. Rowe Photo needs to compete for attention or risk losing business. Any loss of business will hurt our neighborhood, city, and local economy. It makes no sense to risk threatening or diminishing a successful local business.

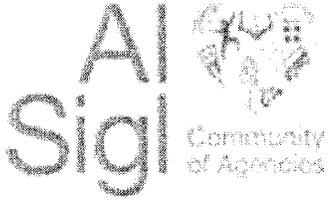
I ask you to carefully review the appeal for a zoning variance for Rowe Photo and grant a favorable opinion for the good of all.

Thank you.

Peace,
Dan Meyers (signed)

Daniel M. Meyers
President Emeritus

AI Sigi Community of Agencies
1000 Elmwood Ave. Ste. 300
Rochester, NY 14620-3098
Phone: 585-442-4102 ext. 8929
Fax: 585-442-7573
Website: www.aisig.org
Email: dmeayers@aisig.org



AI Sigi Community of Agencies



**ZONING BOARD OF APPEALS
STAFF REPORT
August 11, 2016**

Area Variances

Case # 12:

Staff Reviewer: Jill Symonds

*** Held by the City from the 05/19/16 Hearing**

File Number: V-068-15-16

Applicant: Scott L. Fiske

Project Address: 800 Atlantic Avenue

Zoning District: R-1 Low-Density Residential District

Section of Code: 120-11, 120-199, 120-200

Request: **To construct a 266 sq. ft. addition to an existing one-bay vehicle repair operation, thereby expanding a nonconforming use, and not meeting the lot coverage, front and rear yard setback requirements.**

Background: The subject property originally appeared before the Zoning Board on April 21, 2016. Based on the feedback received at the hearing, the applicant revised the application and returned to the Board on May 19, 2016. The City then held the application as the project had changed sufficiently that additional review was required. The project was revised for a third time and revised preliminary site plan findings were issued.

Code Compliance: Revised Preliminary Site Plan Findings, dated July 22, 2016, are attached, which identify all required variances.

Code Enforcement: This property is not in code enforcement.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 800 Atlantic Avenue

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

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

PHONE: 585.454.4670 FAX: 585.454.4686

E-MAIL ADDRESS scott@pardiarchs.com

INTEREST IN PROPERTY: Owner Lessee Other

3. PLAN PREPARER: Pardi Partnership Architects

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

PHONE: 585.454.4670 FAX: 585.454.4686

4. ATTORNEY: N/A

ADDRESS: _____ CITY: _____ ZIP CODE: _____

PHONE: _____ FAX: _____

E-MAIL ADDRESS _____

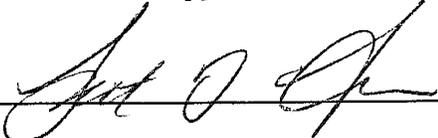
5. ZONING DISTRICT: R-1

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

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

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

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

SIGNATURE:  DATE: 03/17/2016

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

SIGNATURE: _____ DATE: _____



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

July 22, 2016

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

**Re: Revised Preliminary Site Plan Findings, SP-034-15-16
800 Atlantic Avenue, July 18, 2016 Design
R-1 Low Density Residential District**

Dear Mr. Fiske:

A preliminary review of your application for site plan approval to reestablish and expand a one-bay vehicle repair shop has been completed, resulting in the following findings and recommendations. This review was conducted on design drawings dated July 18, 2016 by Pardi Partnership Architects. This design replaces an earlier one that received negative comments from a neighborhood association before the Zoning Board of Appeals on April 21, 2016. The new design retains the art deco character of the existing building as requested by representatives of the neighborhood association.

As noted below, several area variances are required from the Zoning Board of Appeals, and a hearing before the Board is set for August 11, 2016. Please contact Peter Siegrist at (585)428-7238 or peter.siegrist@cityofrochester.gov with any questions.

Existing Conditions:

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

Project Scope:

The proposal is to modernize the facility by enlarging the single repair bay to fit specialized machinery and tools needed to repair vehicle transmissions, and to provide for parts storage. An existing business, Eagle Transmission, would move to this site from its location a few blocks west on Atlantic Avenue. The existing building would be improved, and an addition of 520SF built onto its north side. Site changes would involve the replacement of pavement with lawn totaling about 400SF on the south side and about 420SF on the north, and the reduction of a driveway opening.

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

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

Code Compliance:

1. 'Minor' Site Plan Review approval by the Director of Planning and Zoning is required for the redevelopment of a site devoted to vehicle repair.
2. Area Variance approval is required by the Zoning Board of Appeals for the following. Reasons for these variances are noted below.
 - a. Expansion of a nonconforming use;
 - b. Not meeting the City-Wide Design requirement that prohibits the use of EIFS on a first floor building facade in a residential district;
 - c. Not meeting a required front yard setback of 20 feet, where only 9.5 feet is proposed;
 - d. Not meeting a required rear yard setback of 20 feet, where only 1.45 feet is proposed;
 - e. Not meeting a requirement that vehicles must maneuver on site without crossing a property line or into a public right of way;

Findings:

1. City records show that the property was developed as a gas station in 1929. In 1953, a new building was built and two 3,000 gallon fuel tanks installed. The station was closed in 1976 and the tanks filled with concrete and abandoned in place.
2. In 1980, the Zoning Board of Appeals approved a variance to convert the property for use as a one-bay 'minor' auto repair. At the time, the Zoning Code (hereafter "Code") classified 'minor' repairs as oil changes and the like, but the Code was revised in 1991 to eliminate the distinction between 'minor' and 'major' repairs. The revision allowed repairs to passenger vehicles only, and the current Code does not permit repair work on heavier vehicles such as trucks and buses.

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

3. A commercial use in a residential zone is deemed nonconforming per the Code. Code section 120-200B states that "any nonconforming structure may be enlarged, maintained, repaired or altered, provided no additional nonconformity is created nor is the degree of the existing nonconformity increased". Section 120-195B(a) states that "the expansion, structural alteration or enlargement of a legally existing nonconforming use requires an area variance from the Zoning Board of Appeals".
4. The building is constructed of concrete blocks partly clad in porcelain enamel-coated metal panels, many of which are irreparably damaged by rust, penetrations and dents. To improve the building's appearance, the applicant would remove the metal panels and coat the concrete blocks with an exterior insulation finish system (EIFS). Per code section 120-159A(2)(d), EIFS is prohibited on a first floor façade in any residential district, thus requiring an area variance. The eastern wall, which is less than 18" off the adjoining property line, would remain unfinished concrete block. Four windows would be installed in the office area that are substantially larger than the existing windows, and a new entry door installed in an existing opening.
5. Most of the lot surface is paved with asphalt, much of which is cracked and rough. At this time, the applicant does not intend to install new pavement. The narrow, northern portion of the lot is covered in lawn.
6. At the southern and southwestern sides of the site, for a length of about 80 feet, a well-maintained 30" high hedge separates the parking area from the public sidewalk. The inboard side of the hedge is bordered by a timber curb, which has deteriorated and would be replaced with a precast concrete curb pinned to the pavement.
7. Along the eastern wall of the building, in an 18 inch gap between properties, a four-course-high concrete block wall retains the slightly higher ground of the property to the east. The wall is in poor condition for much of its length and partly collapsed. The applicant proposes to remove the sections of wall north and south of the building, but the rest would remain. This must be repaired prior to the City's issuance of a certificate of occupancy. A chain link fence along the wall is in serviceable condition, but should be cleared of trash and debris. From the site survey map, it appears that the fence is directly on the property line, and is thus jointly owned by adjoining property owners.
8. The applicant proposes to install a new wood fence along the east property line from the north wall of the building to the north property line, just 12 inches from the chain link fence. The Site Plan Review Committee recommends against installing this fence, unless the chain link fence is removed, since there is no easy way to maintain the gap between fences. Also, if the area variance proposed in item #10 below is granted, there would be no need to screen this yard. In any case, the applicant plans to install 6 arbor vitae shrubs along the east property line north of the building.

9. Lot coverage in an R-1 zone is limited to 50% of the site, and the current coverage is about 72%. The applicant proposes to remove asphalt and concrete pavement on both the north and south sides of the building and install new lawn. With the new lawns, despite the larger building, lot coverage would drop to 67%.
10. Building coverage in an R-1 zone is limited to 35% of the site. The existing building covers just 17% of the site, and the enlarged building would cover 26%.
11. Setbacks for nonresidential uses in an R-1 zone are required as follows:
 - On this corner lot, with the site accessed from Indiana Street, each street-facing yard is considered a front yard, the tapered northern yard is the lone side yard, and the sliver of land on the east is the rear yard.
 - Front yard minimum: The greater of the average front yard depth of buildings on the block or 20 feet. The proposed addition, with a setback of about 9.5 feet from the western property line, requires an area variance.
 - Side yard minimum: 10 feet, with a combined width of both side yards of 25 feet. The proposal is in compliance.
 - Rear yard minimum: 20 feet. The proposed addition would be only 1.45 feet from the property line, thus requiring an area variance.
12. Parking for vehicle-related uses is required at two spaces per repair bay, for a total of two in this case, and those two are provided. One of those two must provide handicap access, and the site plan correctly shows this. The maximum number of spaces permitted is 110% of the minimum, or three in this case.
13. Parking is not permitted within 10 feet of any street frontage in a residential district, except where a decorative fence or wall is used in conjunction with landscaping. Along the south and southeastern fronts, this requirement is satisfied by a hedgerow planted pursuant to a Site Plan Approval that was issued in 1980 in conjunction with the variance establishing vehicle repair. No additional parking is proposed, so no further setbacks or screening are required.

Parking is not permitted between a building and the street in this residential zone, so 'no parking' signs must be posted and maintained on either side of the repair bay.

14. Vehicles are required to maneuver on the site without needing to cross on to the public sidewalk, and vehicles cannot reverse over the sidewalk and into the street, per code section 120-173F(5). Already, however, the northwestern corner of the existing building is less than 15 feet from the property line along Indiana Street, and vehicles leaving the repair bay have always had to reverse over the sidewalk. This condition was permitted to remain with the variance in 1980.

Expanding the building northward and retaining a street-facing repair bay, as proposed, would move the repair bay as close as 10 feet from the property line, with no way to prevent vehicles from reversing over the sidewalk.

City zoning staff worked with the applicant's architect to explore site and building configurations that would eliminate or reduce the intrusion into the public right-of-way. This analysis found that, given the configuration of the parcel and the location of the existing building, the only option was to orient the repair bay to face north. However, this plan had potentially greater impacts on the street and neighboring residential uses:

- The maneuvering space to access the repair bay would require paving much of the northern portion of the site, which is currently lawn. This paved area would abut neighbors to the east and north, and could likely become a parking area as much as a maneuvering area.
- The curb opening would need to be enlarged another 6 to 8 feet, increasing it to over 70 feet.
- Due to the angle of the street, several more neighbors would have a view of the repair bay than if the bay faced west. Because so much of the site would be paved, there would be limited opportunity to screen the views with plantings.

On balance, Site Plan Review Committee prefers that the repair bay face west. This limits the number of neighbors who could see into the repair bay from their homes, maximizes green space, and minimizes awkward vehicular turning movements. In exchange, the applicant would be required to reduce the curb opening by about 20 feet by installing new curbing and tree lawn. Additionally, the applicant would need to install signs on both sides of the driveway alerting pedestrians to vehicles backing over the sidewalk. Approval for this plan would require an area variance for noncompliant onsite vehicular maneuvering space.

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

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

16. The City's Department of Environmental Services-Permit Office reviewed the proposal and provide the attached comments.

17. The City Forester has committed to installing two new trees in the tree lawns along Indiana Street to help screen the repair bay from view, but only if space allows. A streetlight limits the available space for the northern tree, and vehicular sight lines may limit the location for the southern tree. The forester will inspect the site once construction is complete, and schedule new trees if the space is suitable.

Revised Preliminary Site Plan Findings
SP-034-15-16
800 Atlantic Avenue
Page 6

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Zina Lagonegro". The signature is fluid and cursive, with a long horizontal stroke at the end.

Zina Lagonegro, AICP, EIT
Director of Planning and Zoning

Cc: Terry Mott, Department of Environmental Services



Inter-Departmental Correspondence

To: James J. Quackenbush, DES/Permits
From: Albert J. Giglio, P.E., DES/Managing Engineer/Street Design
Date: July 14, 2016
Subject: Site Plan #034-15-16: 800 Atlantic Avenue

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

The site is accessed through an existing driveway opening off of Indiana Street that is approximately 62 feet in width. At this time, our office will not require any modification to the existing driveway opening, but will re-visit the overall width and access needs to the site when the City makes street improvements to Indiana Street. It is anticipated the width of the driveway to be installed as part of a future street project will be 24 feet, beginning at the existing planter and proceed northerly.

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

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

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

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

AJG:rks

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

617.20
Appendix B
Short Environmental Assessment Form

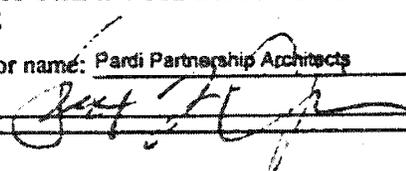
Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: Atlantic Ave Addition / Renovations			
Project Location (describe, and attach a location map): 800 Atlantic Ave, Rochester, NY 14609			
Brief Description of Proposed Action: Renovations to the existing 1,037sf building, and the addition of a new 266sf addition to the south (attached to existing building). New gable truss roof over the existing building (consistent with the surrounding residential neighborhood). New, large windows on both the existing building and new addition. Minor site work to provide an accessible entrance, as well as the appropriate number of parking spaces required by the City.			
Name of Applicant or Sponsor: Pardi Partnership Architects		Telephone: 585-454-4670 E-Mail: scott@pardiarchs.com	
Address: 25 Circle Street, Suite 101			
City/PO: Rochester		State: New York	Zip Code: 14607
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Local zoning approvals / local building, plumbing, electrical permits		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.14 acres	
b. Total acreage to be physically disturbed?		0.04 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.14 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Properties? b. Is the site located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES New exterior gutters will be tied into existing combined storm water connection through sub-surface distribution system	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Pardi Partnership Architects</u>		Date: <u>03/08/2016</u>
Signature: 		

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

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

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

Part 2 is to be completed by the Lead Agency.

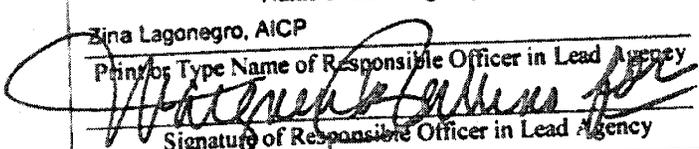
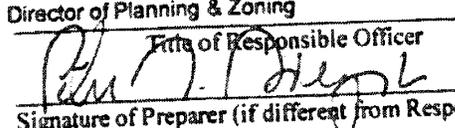
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering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

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

Project:	
Date:	

Short Environmental Assessment Form Part 3 Determination of Significance

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

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Director of Planning & Zoning Name of Lead Agency	March 29, 2018 Date
Zina Lagonegro, AICP Print or Type Name of Responsible Officer in Lead Agency	Director of Planning & Zoning Title of Responsible Officer
 Signature of Responsible Officer in Lead Agency	 Signature of Preparer (if different from Responsible Officer)

PRINT FORM



Pardi Partnership Architects

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

800 Atlantic Avenue: Area Variances Needed:

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

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

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

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

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

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

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

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

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

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

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

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

E. 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.*

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

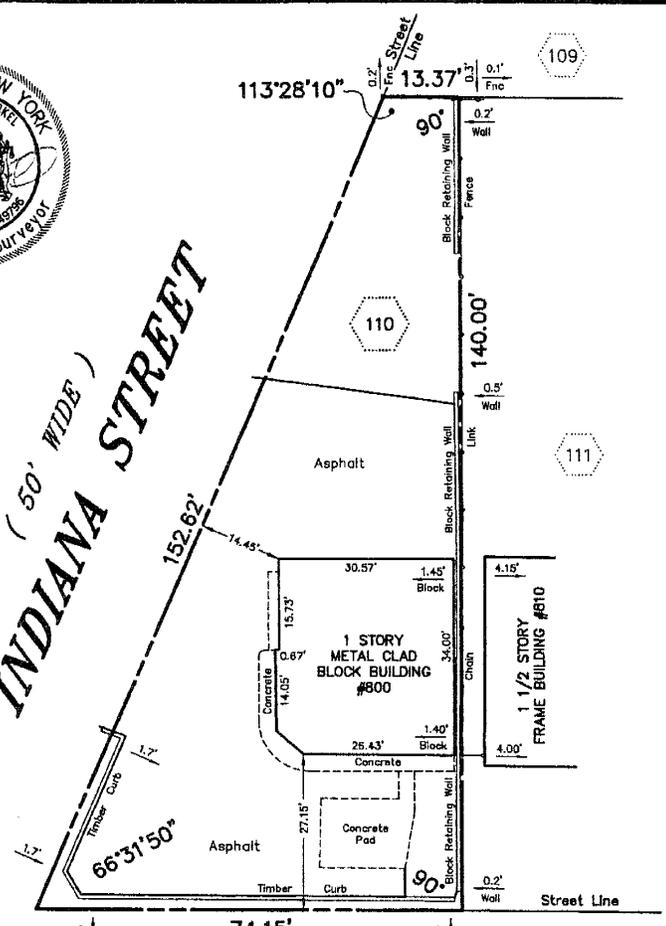
F. Not self-created. *The alleged difficulty was not self-created, the consideration of which shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the variance.*

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



INDIANA STREET
(50' WIDE)

ATLANTIC AVENUE
(49.5' WIDE)



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

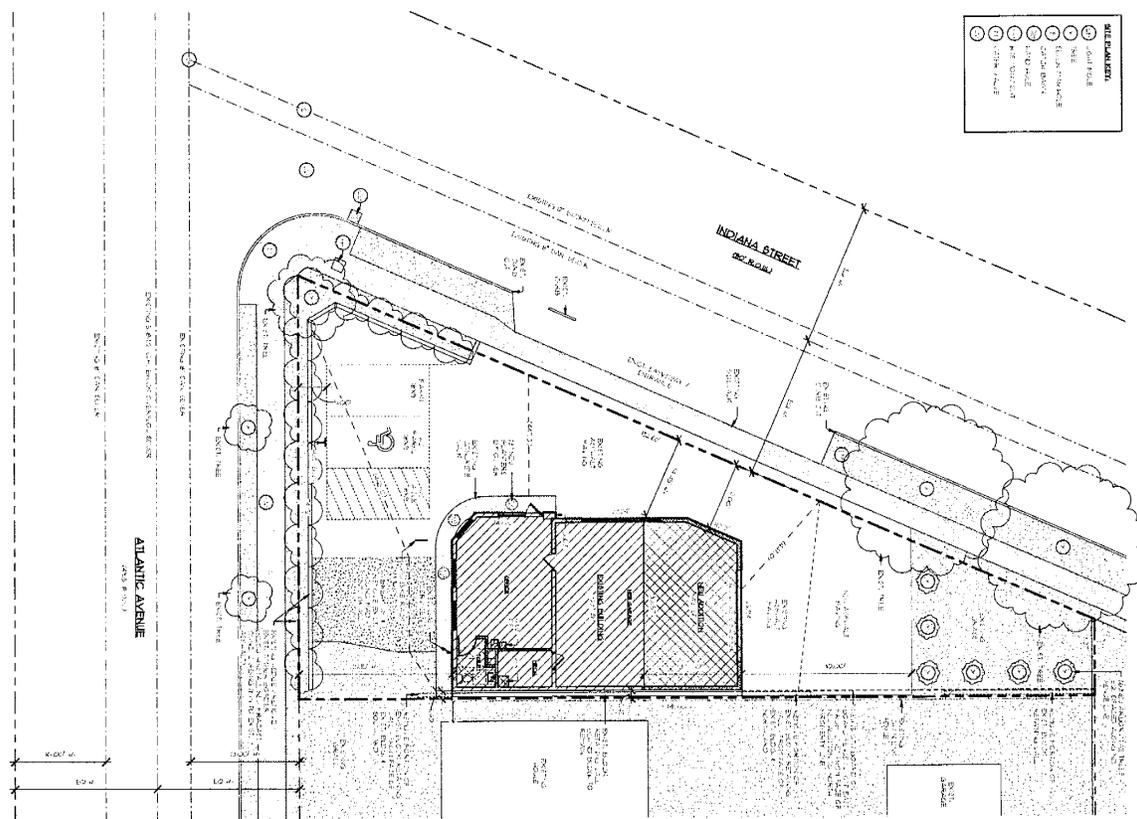
Pardi Partnership

[Signature]
James R. Zerkel, N.Y.S. P.L.S. 49796

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

ZERKEL LAND SURVEYORS JAMES R. ZERKEL, P.L.S. 140 RUTGERS STREET ROCHESTER, N.Y. 14607 (585) 442-4033	INSTRUMENT SURVEY MAP		
	Address	800 ATLANTIC AVENUE	
	City	ROCHESTER	
	County	MONROE	
Lot No.	110	Subdivision	ALLEN L. WOOD
Reference Data	Liber 22 of Maps, Page 25	Liber 11378 of Deeds, Page 644	
Job No. 122.24-01-087	By JRZ	Abstract by NONE PROVIDED	
Dep. No. 15071H	Scale 1" = 20'	Client PARDI PARTNERSHIP	
		Date JANUARY 7, 2016	

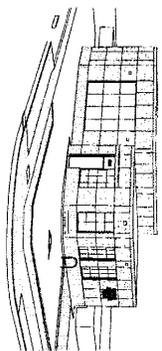
- SITE ELEMENTS**
- 1. Landscaping
 - 2. Tree
 - 3. Utility Structure
 - 4. Utility Structure
 - 5. Utility Structure
 - 6. Utility Structure
 - 7. Utility Structure
 - 8. Utility Structure



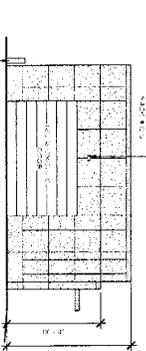
SITE PLAN
SCALE: 1"=10'-0"

GENERAL NOTES

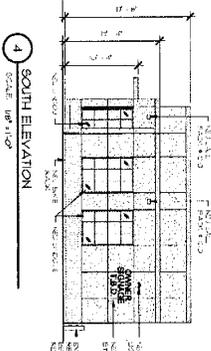
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
3. ALL UTILITIES SHALL BE LOCATED AND DEPTH MARKED PRIOR TO CONSTRUCTION.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITIES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
7. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
8. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.
9. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
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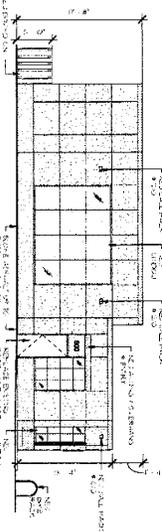
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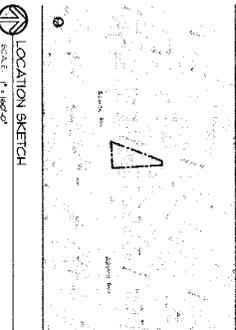
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2 SOUTH ELEVATION
SCALE: 1/8"=1'-0"



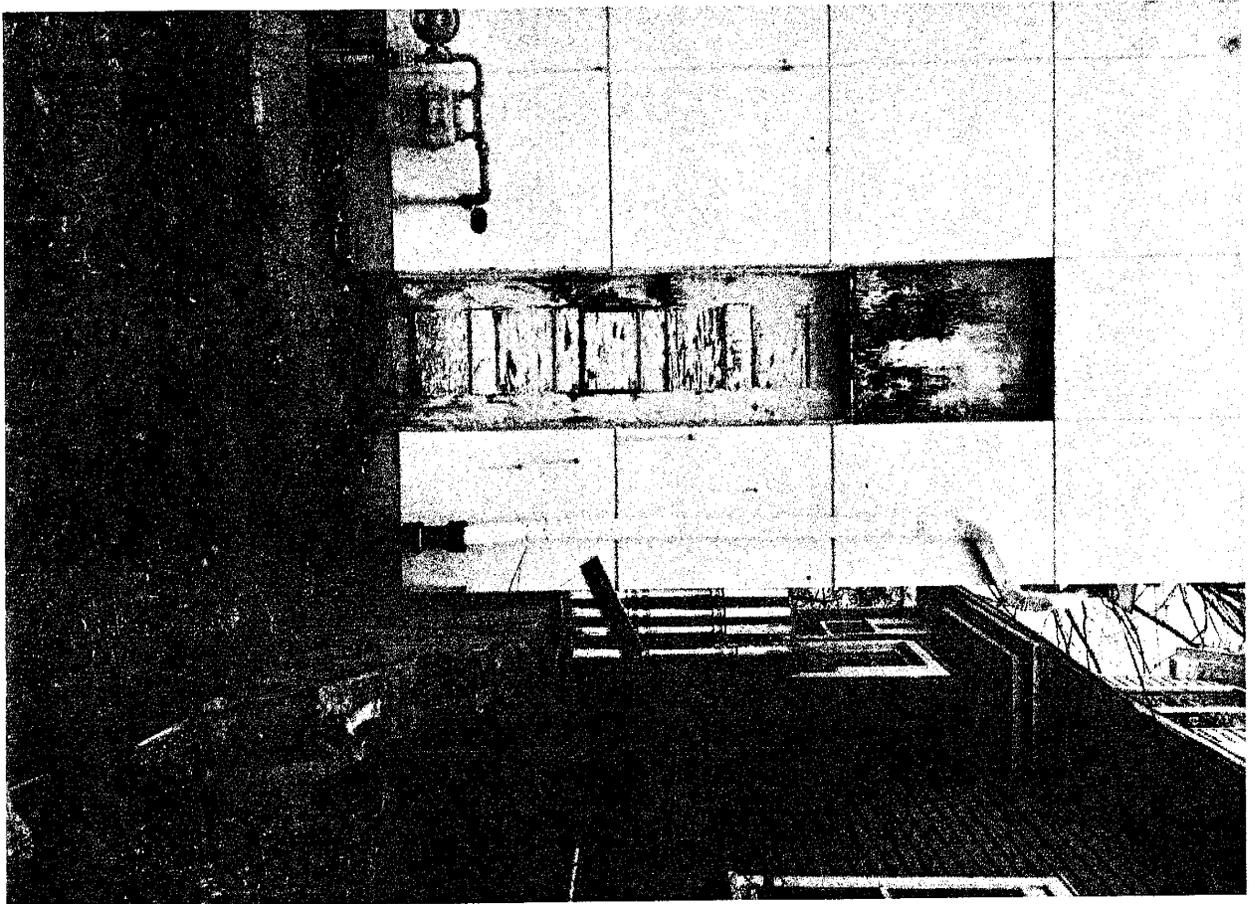
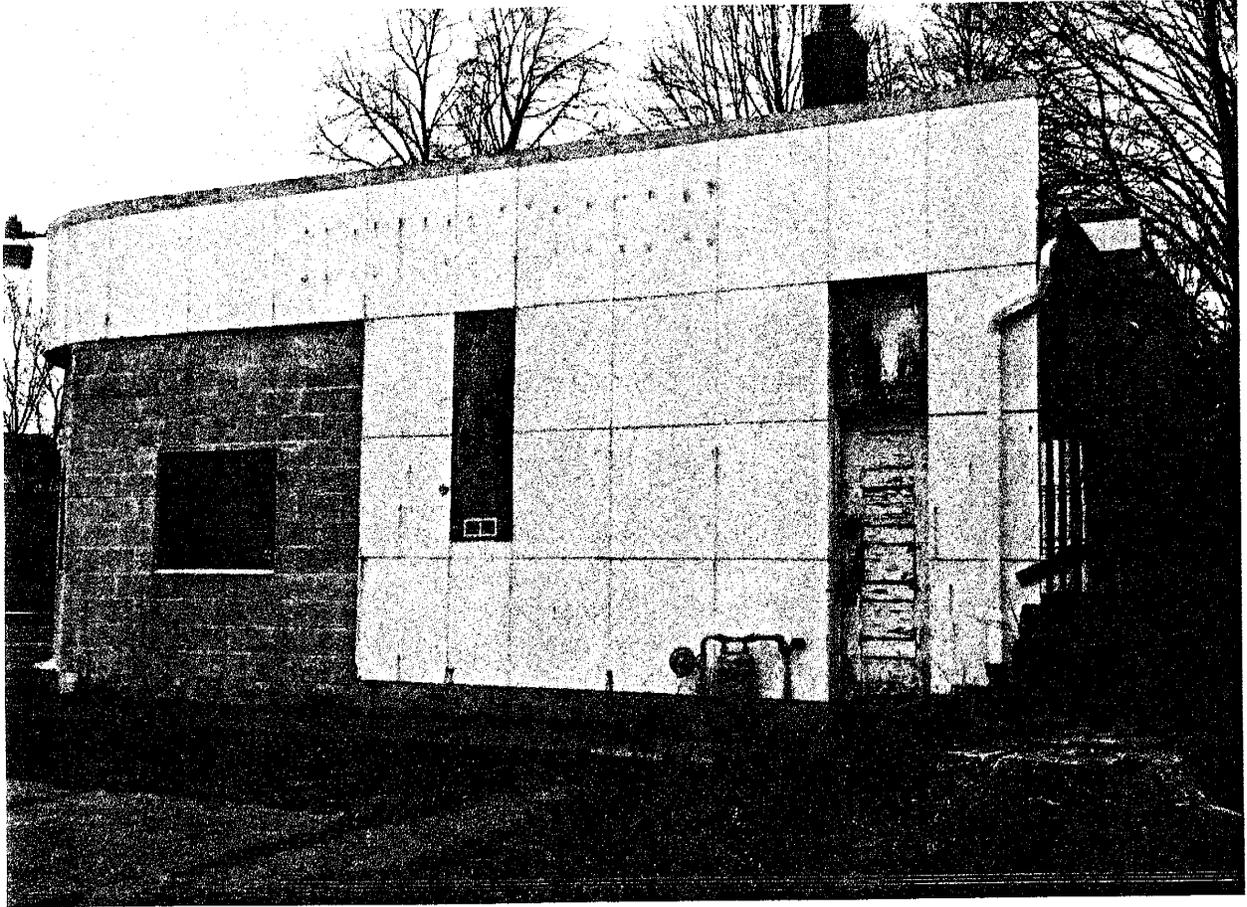
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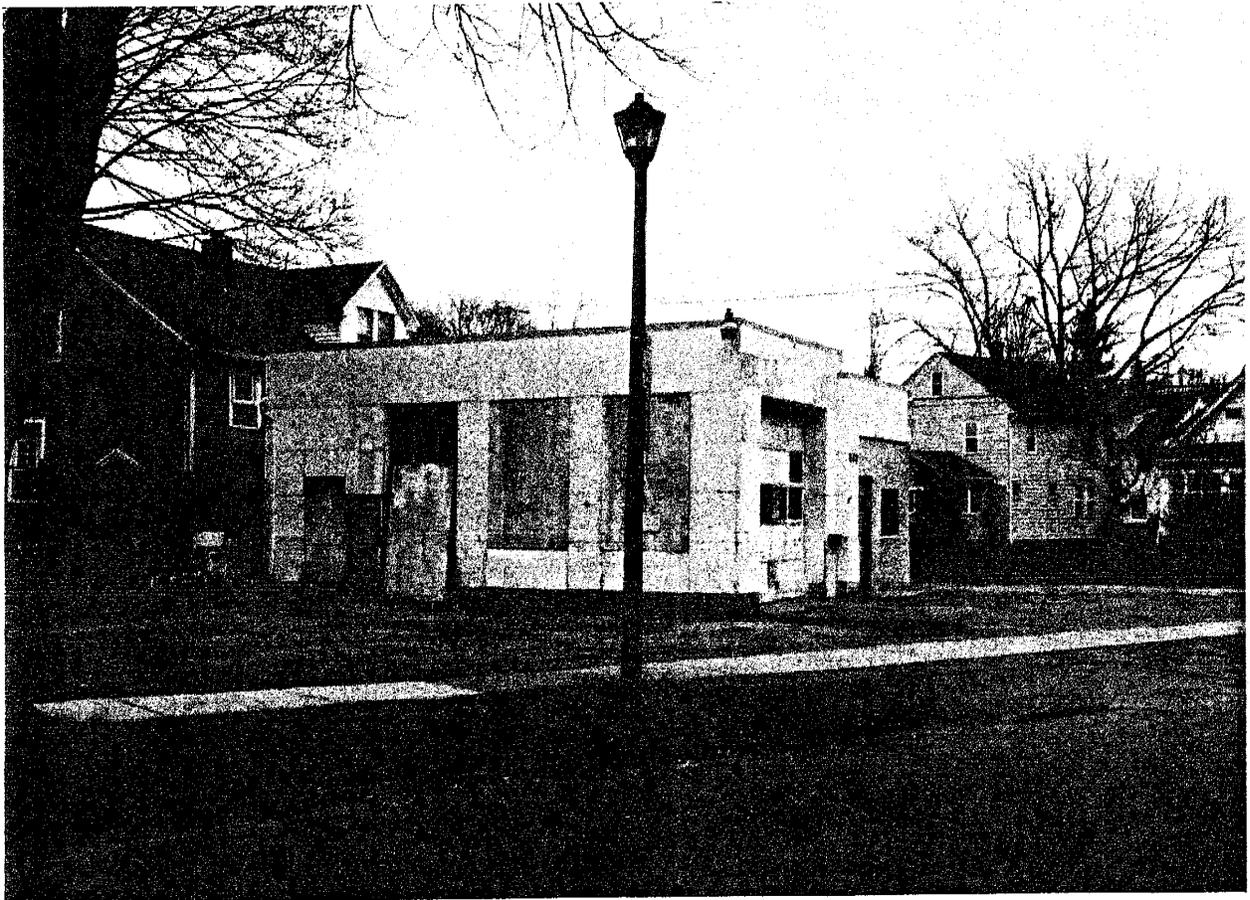
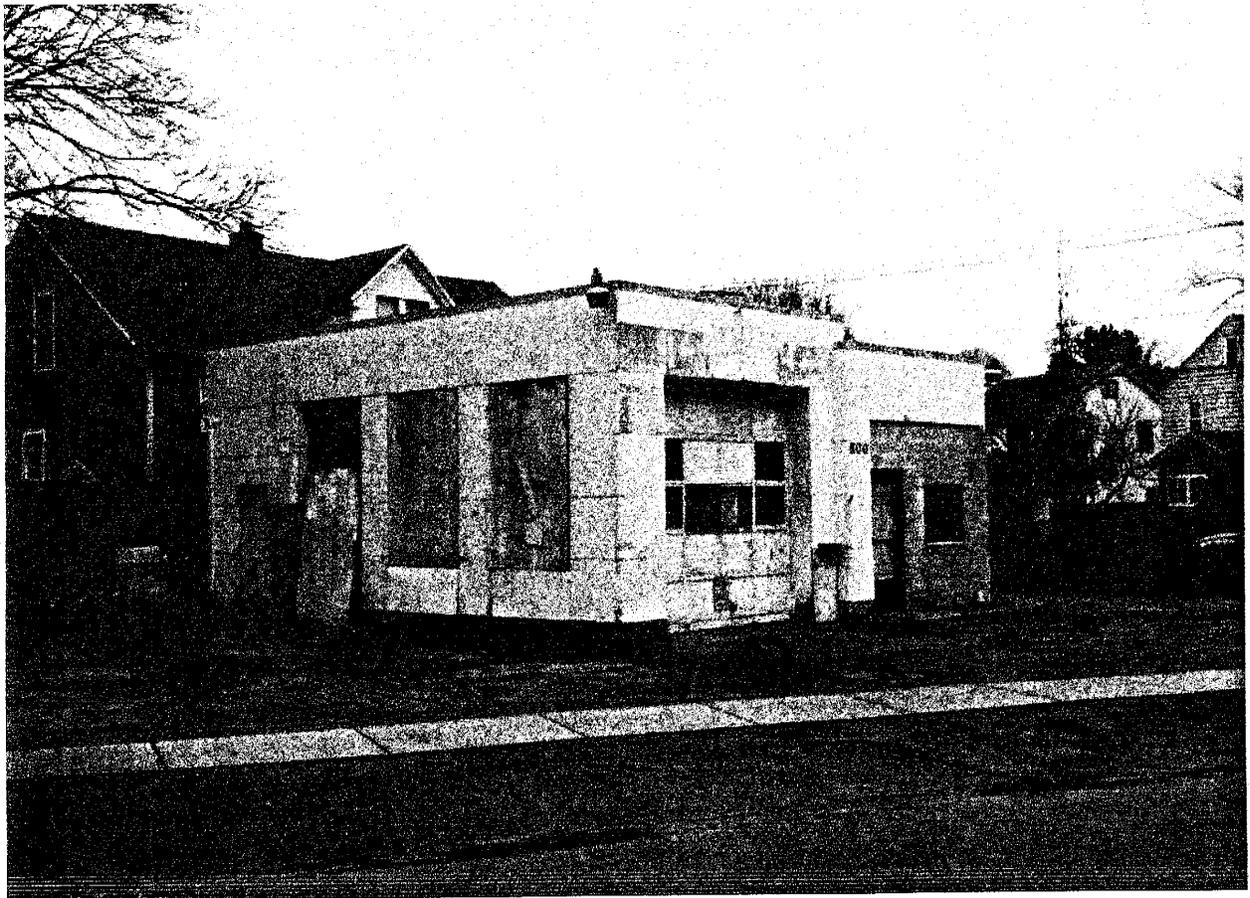


4 LOCATION SKETCH
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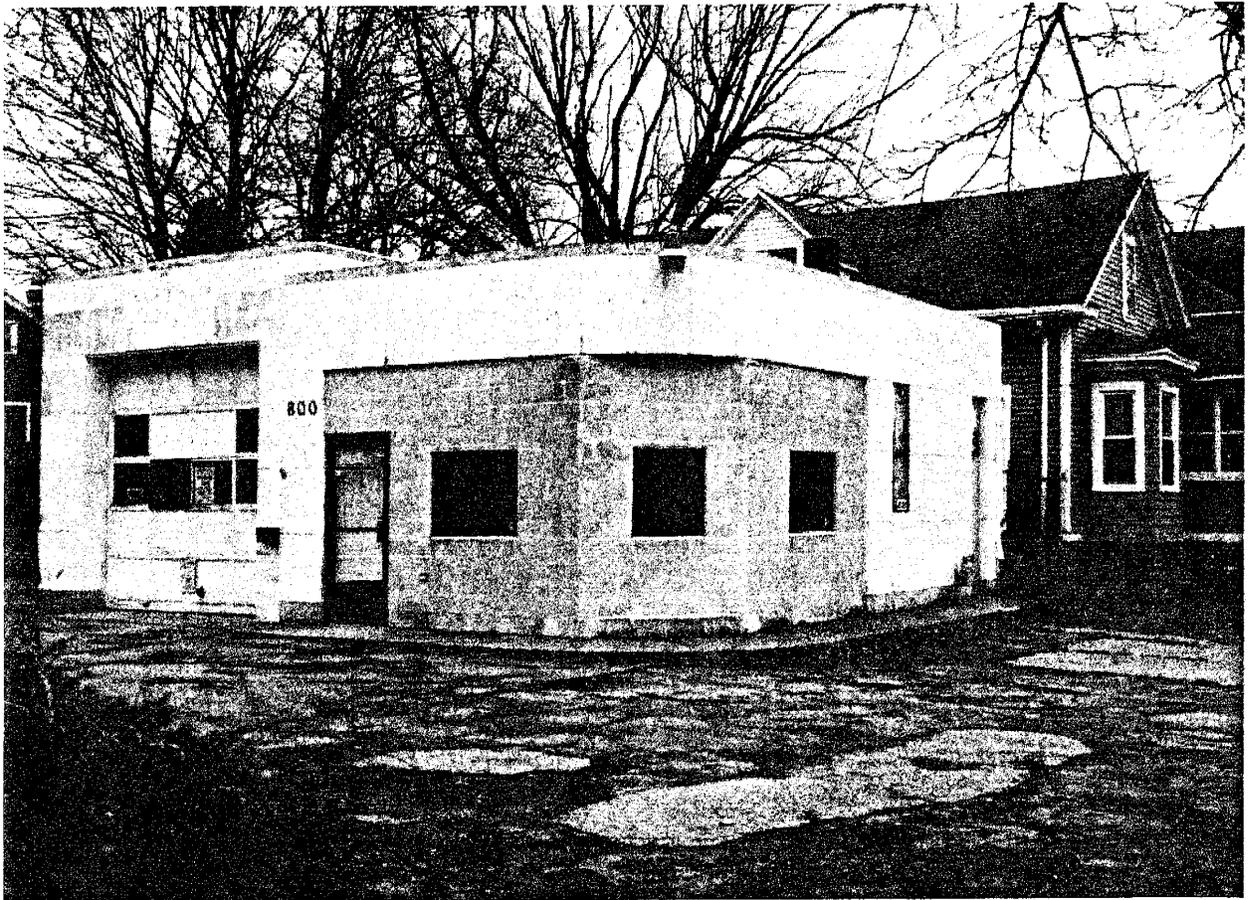
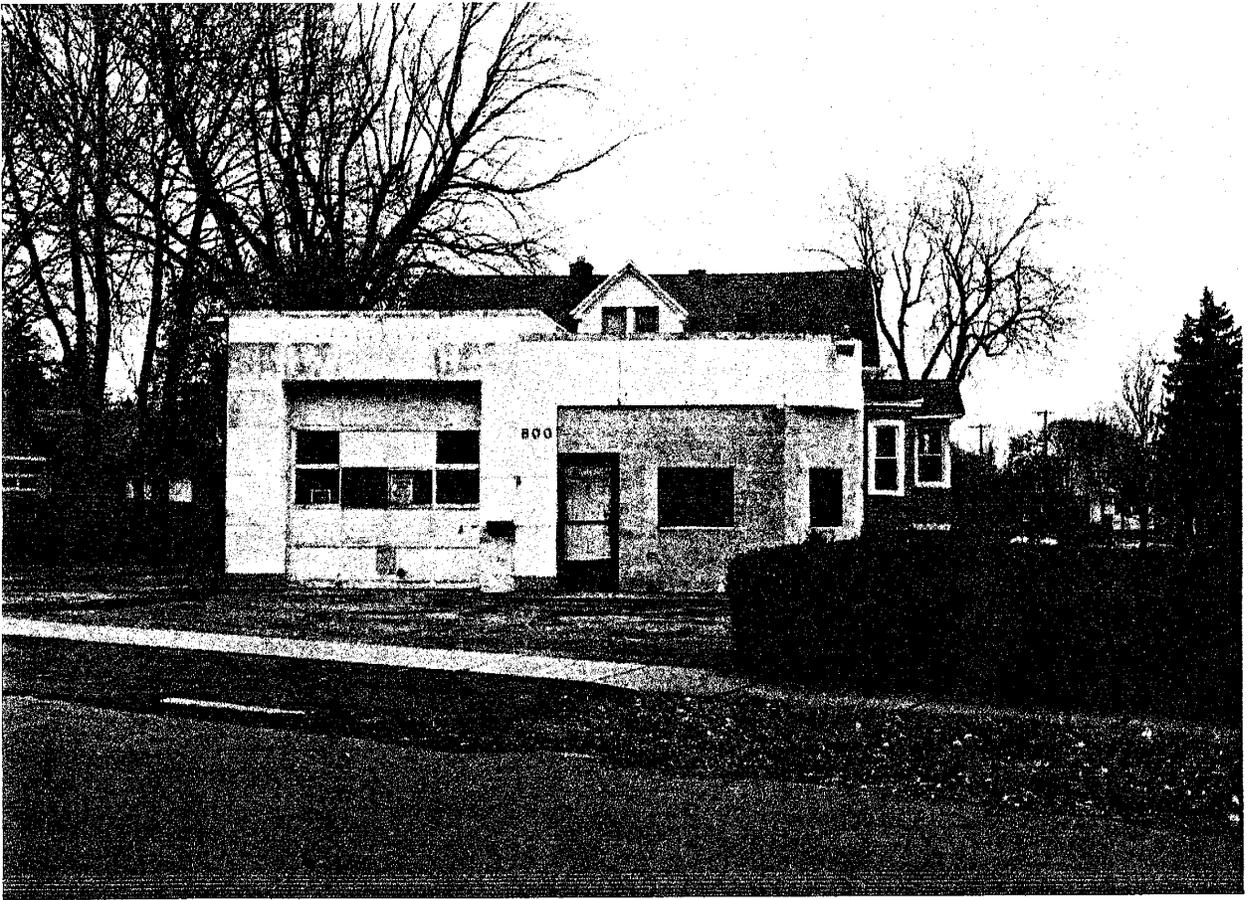
<p>PARDI PARTNERSHIP ARCHITECTURE SUITE 101 ROCHESTER, NEW YORK TEL: (585) 454-4670 FAX: (585) 454-4686 office@pardipartnership.com</p>	<p>ATLANTIC AVE GARAGE</p> <p>800 ATLANTIC AVENUE ROCHESTER, NY 14609</p>	
	<p>PRELIMINARY NO LONGER VALID FOR PERMITS</p>	<p>DATE: 05/20/16 SCALE: 1/8"=1'-0" PROJECT NO.: A2.1</p>
<p>PROJECT NO.: A2.1 DATE: 05/20/16 SCALE: 1/8"=1'-0" PROJECT NO.: A2.1</p>	<p>PROJECT NO.: A2.1 DATE: 05/20/16 SCALE: 1/8"=1'-0" PROJECT NO.: A2.1</p>	<p>PROJECT NO.: A2.1 DATE: 05/20/16 SCALE: 1/8"=1'-0" PROJECT NO.: A2.1</p>

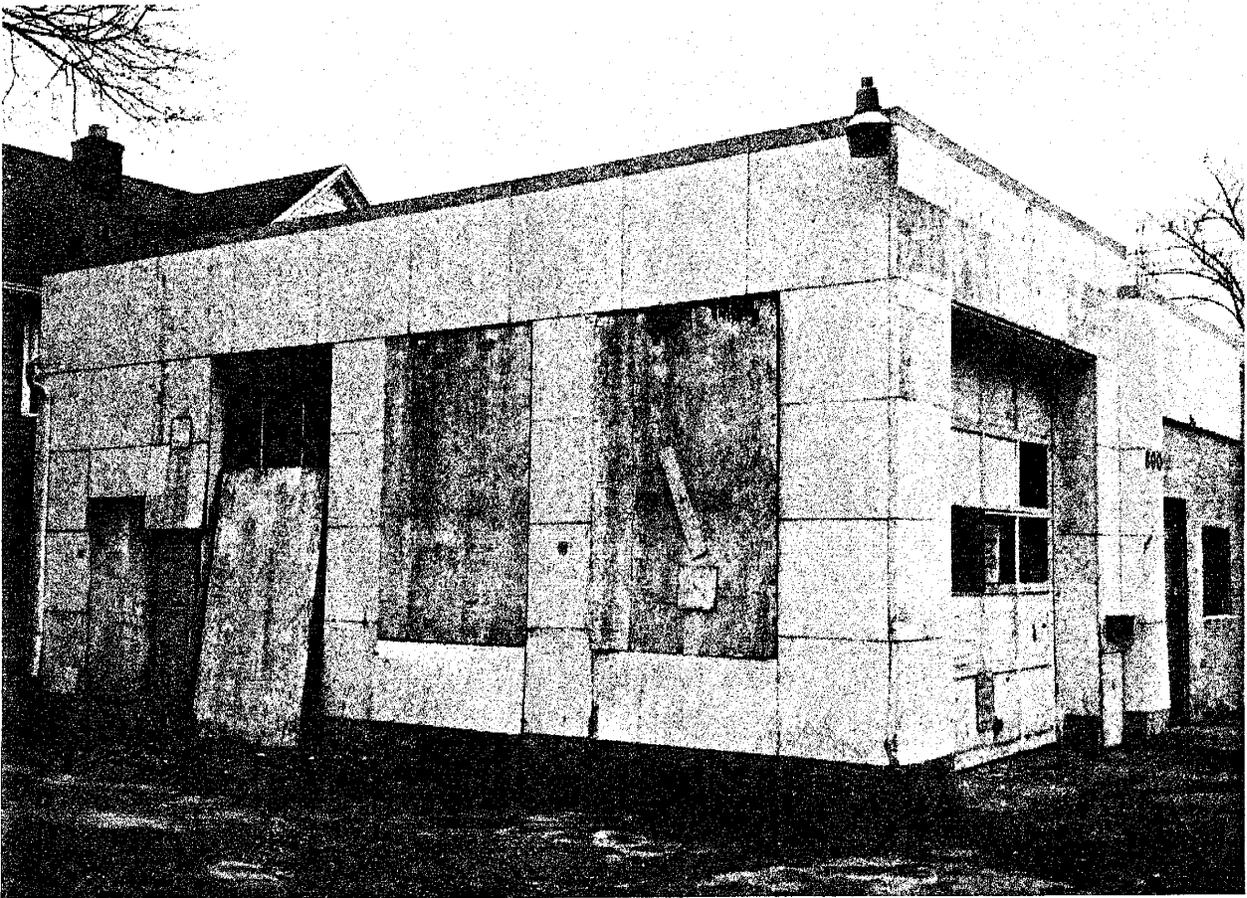
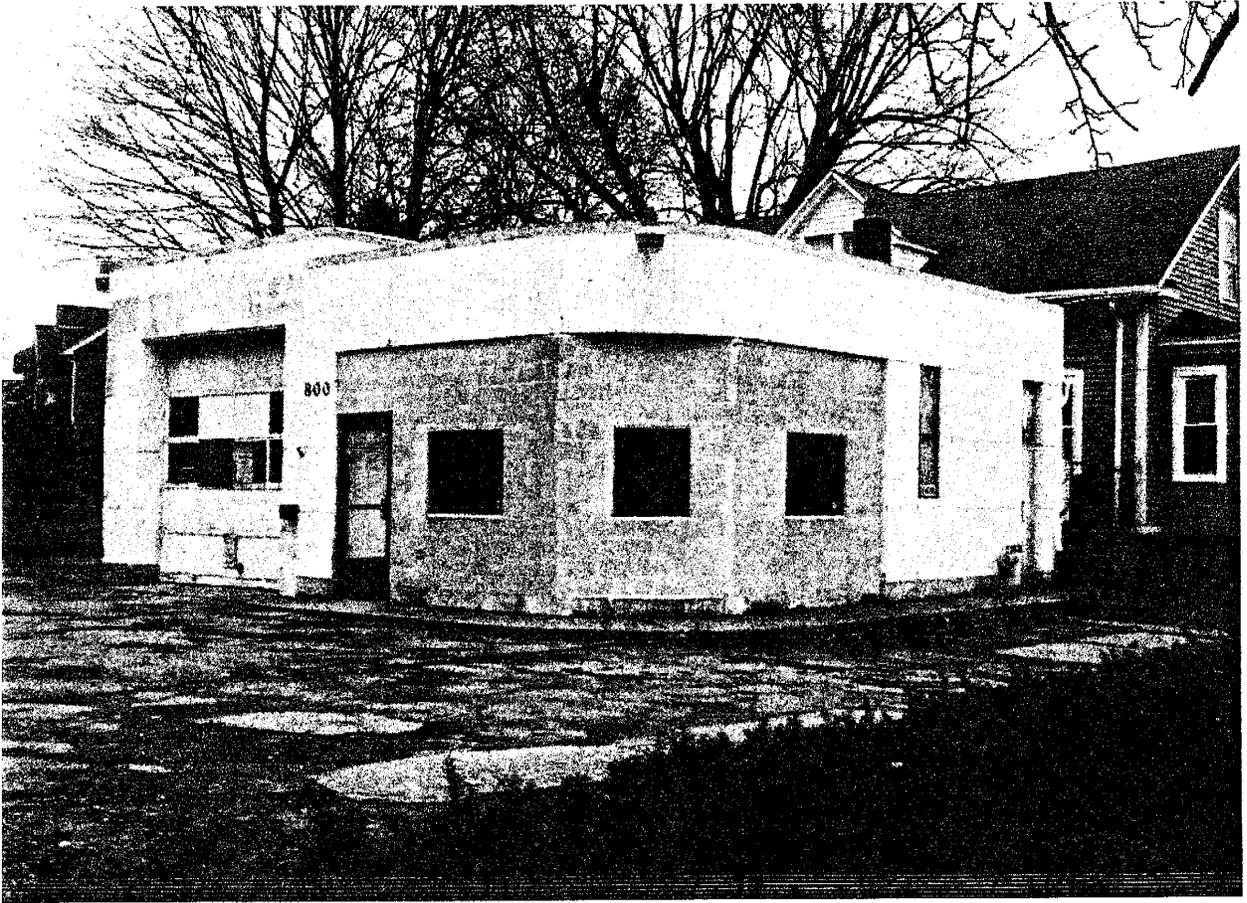
previous proposal - May 2016

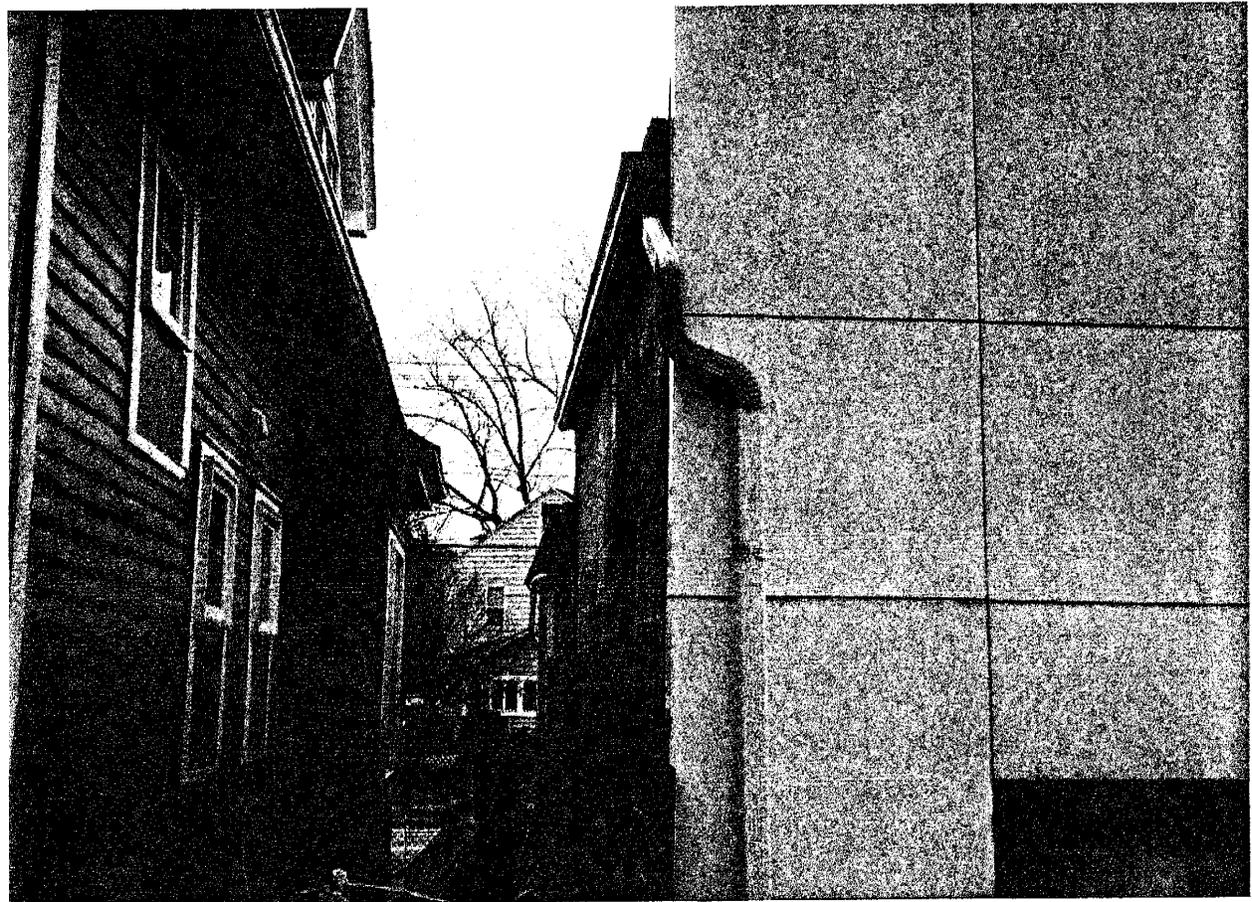
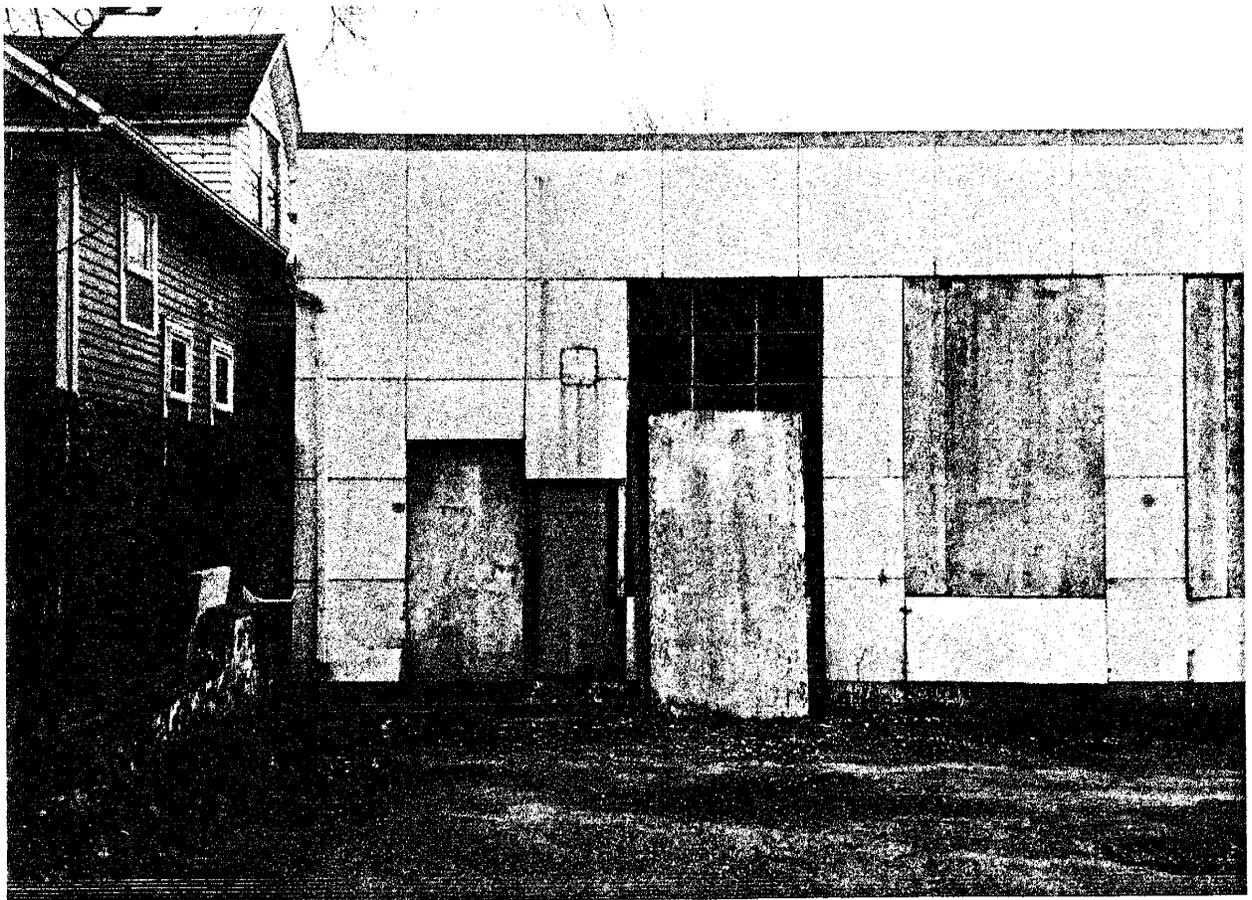


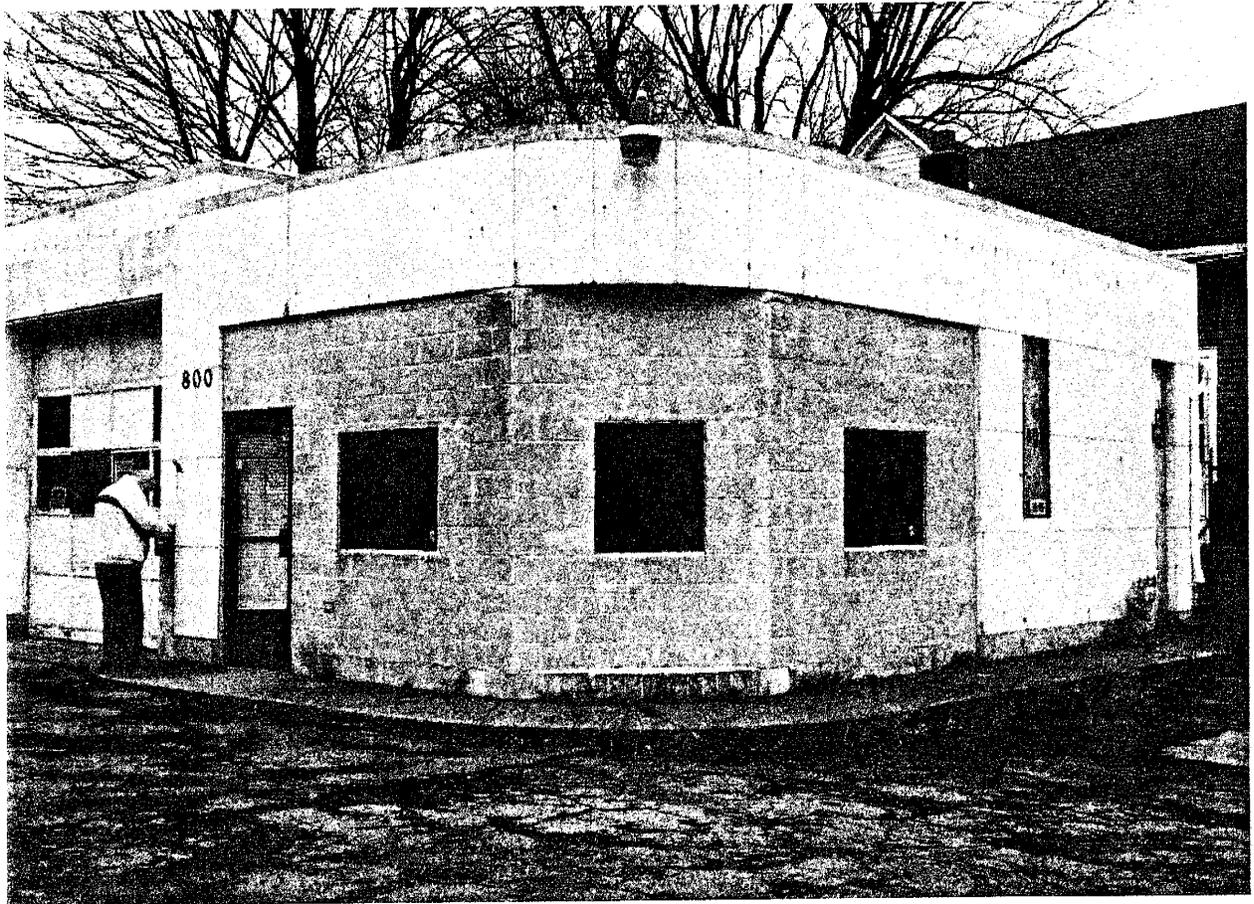
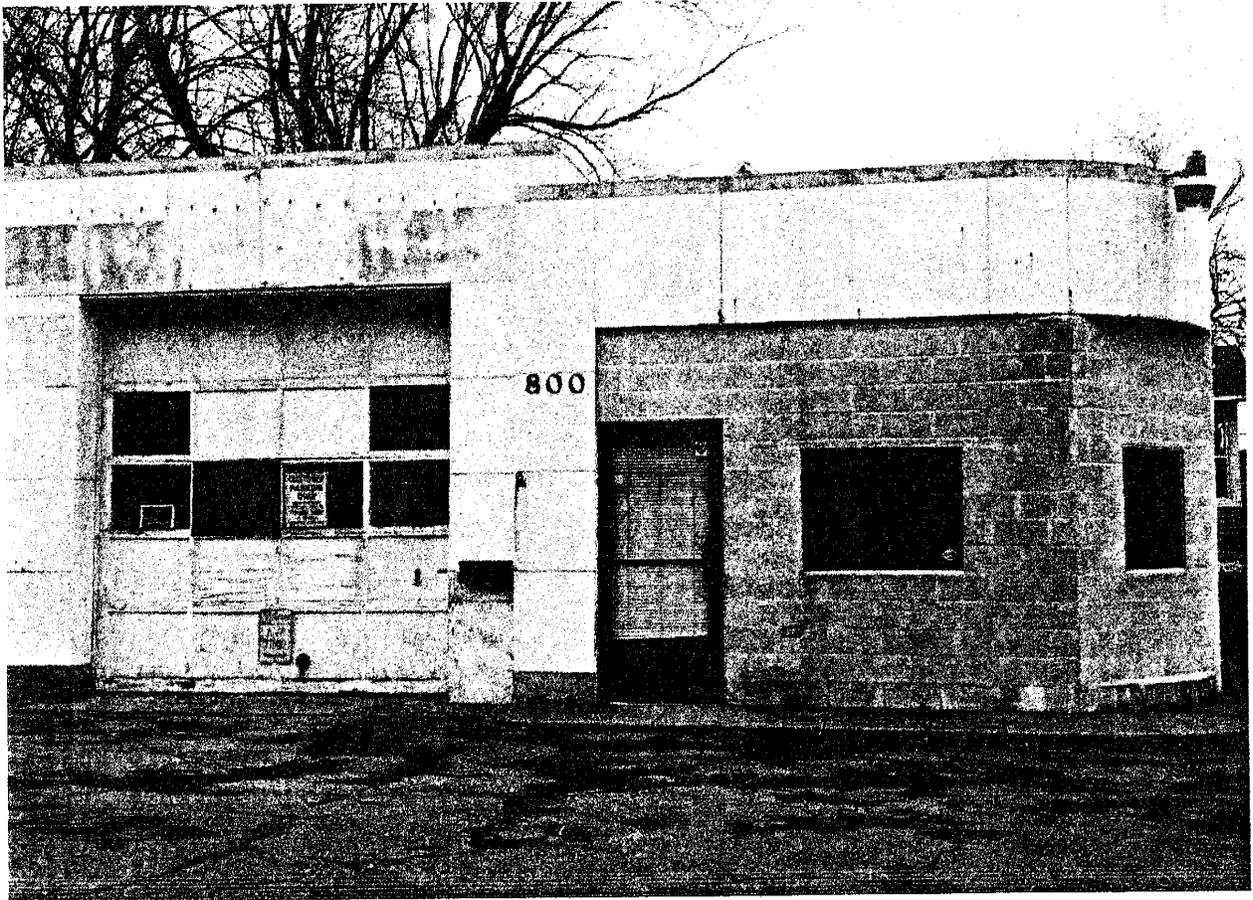












7/27/16

To whom it may concern,
My name is Virginia
Migliore. I Live at 42 In-
diana st 14609. I am writing
to tell you how I feel about
the property at 500 Atlantic
ave. I don't want the shop
that they are planning to
to put or expand at this
address. I am 87 years
old and I dont want to
hear the noise or the
smell or any thing else
about this prop. I vote
no to this appeal.

Thank you very much.

Virginia Migliore