City of Rochester

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

Bureau of Planning
and Zoning

August 25, 2016

Kurt Charland
Bergmann Associates
28 E. Main Street, Suite 200
Rochester, NY 14614

Location:	1490 Hudson Avenue
Zoning District:	C-3 Community Center District
File Number:	V-012-16-17
Vote:	6-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance 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, please take notice that at the Zoning Board of Appeals meeting held on August 11, 2016, said application was **APPROVED.**

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

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

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

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Resolution and Findings of Fact:

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

   Finding: The existing digital price sign on the canopy was installed without a permit. Walmart is proposing to remove the existing digital price sign and replace it with new Walmart standard signs. The size of the price signs is relatively small in relation to the size of the gas station. The Zoning Board determined that the signs will not have an impact on the health, safety and welfare of the neighborhood.

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

   Finding: The subject property is surrounded by other commercial properties, high-density residential, and a cemetery. This portion of Hudson Avenue is relatively busy and the proposed digital gas price signs on the canopy will not have an undesirable impact on the character of the neighborhood.

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

   Finding: There is no location on this parcel that would be suitable for a detached, 15' tall pole sign. The gas station is located at a signalized intersection and adding a pole sign to this corner would have a negative visual impact. Moreover, a pole sign or detached monument sign would require the removal of existing landscaping along the street frontage. The proposal to install the digital gas pricing on the canopy is the only feasible option at this location.

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

   Finding: The parcel frontage is just over 300' in length. Given the size of this parcel, the variance request is not substantial.

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

   Finding: The variance request does not result in any noise, fumes, or other noxious element.

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

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

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:
Andrew Hart

Opposing Testimony:
None

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

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August 25, 2016

Location:	873 Merchants Road
Zoning District:	C-2 Community Center District
File Number:	V-013-16-17
Vote:	3-3-0

NOTICE OF DECISION

In the matter of the request for an Area Variance 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, please take notice that at the Zoning Board of Appeals meeting held on August 11, 2016, said application failed to reach four concurring votes, and is therefore deemed a **DENIAL** pursuant to Zoning Code Section 120-186(D)(1) requiring no further findings of fact.

As a result of this decision, you have several options available to you, as follows:

1) The pole sign may be removed and the property brought into compliance.

2) Further to Section 120-195B(1), an appeal from any final decision of the Zoning Board of Appeals as to any matter regarding the variance may be taken within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board or commission of the City, in accordance with Article 78 of the New York Civil Practice Law and Rules.

3) A new variance application to legalize the existing pole sign may be submitted.

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

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

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Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:
Gary Stubbings, Jr.
Ann Stubbings

Opposing Testimony:
None

Evidence:
Staff Report
Area Variance Application
City Property Information Map
Statement of Difficulty
Survey Map
Map of neighborhood
Photographs
Letter from Bensonhurst Neighborhood Association, dated 05/15/16
Petition including 256 signatures
Email from Jonny Savino, dated 07/28/16
Email from Stephen Bagley, dated 08/10/16
Personal Appearance Notice, Affidavit of Notification, Speakers' List

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Bureau of Planning
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August 25, 2016

Omar Subirat
45 Sunset Street
Rochester, NY 14606

Location:	45 Sunset Street
Zoning District:	R-1 Low Density Residential District
File Number:	V-014-16-17
Vote:	6-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to legalize a 6' tall stockade fence in the front yard of a single family dwelling, exceeding height and opacity requirements, please take notice that at the Zoning Board of Appeals meeting held on August 11, 2016, said application was **APPROVED.**

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

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

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

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Resolution and Findings of Fact:

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

   Finding: When the applicant purchased the property in 2011, it had an illegal 6' tall stockade fence in the front yard. The applicant removed the fence and replaced it with a 6' tall, white, vinyl fence.

   The parcel is shaped like a triangle, with the bulk of the yard located in the front. The parcel abuts a C-2 commercial district. The commercial property next door has an 8' tall fence around the property, including in the front yard. The juxtaposition of the 8' tall industrial fence with the 6' tall residential fence serves as a visual separation between the C-2 and R-1 districts.

   As the only yard for this property is in the front, the applicant would like to maintain the 6' tall fence for security and privacy purposes. There is an above ground pool located in the side yard and the fence will provide security and privacy for the residents when in the pool. The Zoning Board determined that the style of fence enhances the residential appearance of the property and is appropriate at this location.

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

   Finding: The subject property is the last residential dwelling on the west side of Sunset Street before the commercial district begins. The fence provides a good transition between the commercial district and the residential district. The fence has a residential character and will not be detriment to nearby properties.

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

   Finding: A 3' high fence that has 60% transparency is not sufficient to provide a visual or physical screen around the front yard. There is no alternative to the variance request that would meet the applicant's need for security and privacy at this location.

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

   Finding: In light of the location and shape of the parcel, the variance request is not substantial.

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

Finding: The variance request does not result in any noise, fumes, or other noxious element. The replacement of the dilapidated wood fence with the new, white fence is a visual improvement to the property and surrounding area.

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

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

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:
Omar Subirat

Opposing Testimony:
None

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

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August 25, 2016

Jon Davis & Kelly Kennedy-Davis
5395 State Route 5 & 20
Canandaigua, NY 14424

Location:	239 Westminster Road
Zoning District:	R-1 Low Density Residential District
File Number:	V-015-16-17
Vote:	0-6-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to expand a 2-family dwelling into the 3rd floor, thereby expanding a nonconforming use in the R-1 District, please take notice that at the Zoning Board of Appeals meeting held on August 11, 2016, said application was **DENIED.**

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

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

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Resolution and Findings of Fact:

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

   Finding: The R-1 low density residential district, in which the subject property is located, is intended for low density residential uses such as single family detached and attached houses. Residential conversions are currently prohibited in the R-1 district. Residential de-conversions are encouraged. The expansion of this nonconforming two family use is not compatible with the overall intent of the current Zoning Code to decrease densities in the R-1 District by de-converting existing nonconforming residential properties to lower densities. The Zoning Board determined that this request is inconsistent with the R-1 Low Density Residential District and may be a detriment to the health, safety and welfare of the neighborhood and community.

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

   Finding: Certificates of Occupancy (C of O) issued in 2013, 2001, 1993, and 1985, indicate that the property consists of one apartment on the first floor, and one apartment on the second floor. All four documents state that there is "no third floor occupancy". Although the applicant testified that the third floor has been occupied in the past, there are no City records of this.

   The third floor space would add an additional two bedrooms and a living room to the existing second floor apartment. This increased floor area could accommodate a larger number of tenants thereby increasing the overall density of this property. Therefore, the Zoning Board determined that expanding this existing, two-family dwelling would produce an undesirable change in the character of the neighborhood.

3. **Can the benefit sought by the applicant be achieved by a feasible alternative to the Variance?** **Yes _X_ No___**

   Finding: The subject property can still be maintained in its legal configuration as a two-family dwelling without incorporating the third floor.

4. **Is the requested variance substantial?** **Yes _X_ No___**

   Finding: The overall intent of the Zoning Code's nonconforming use provisions is for eventual discontinuation of nonconforming uses. The expansion of the second floor unit to include the entire third floor results in at least two more bedrooms and a higher overall density for the property. The third floor space can be accessed without going through the first or second floor apartment, which provides the possibility of using the third floor illegally as a separate, third unit. For these reasons, the proposed expansion to include the third floor is considered substantial.

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

Finding: The requested variance would increase the density of the unit, which is counter to the intent of the R-1 Low Density Residential District. Increased density can lead to more noise and additional vehicles that require parking, which can be a physical and environmental detriment to nearby properties.

6. Is the alleged difficulty self-created? **Yes _X_ No___**

Finding: The C of Os issued for this property since 1985 reflect the condition of "no third floor occupancy." The conversion of the third floor to habitable space is subject to Zoning Code and Building Code approvals. Although the third floor appears to be already built-out, there are no permits for this work. The current owner purchased the property with a C of O that prohibited third floor use; therefore, the alleged difficulty is self-created.

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:
Kelly Davis

Opposing Testimony:
G. Michael Miller

Evidence:
Staff Report
Area Variance Application and Statement of Difficulty
City Property Information Map
Survey Map
Floor Plans
Photographs
Email from Gordon Porth, dated 07/29/16
Email from Carol Zimmerman, dated 07/27/16
Letter & photos from Michael Miller on behalf of Gerald and Jeanne Dibble, dated 08/10/16
Email from Thomas Zamiara, dated 07/31/16
Personal Appearance Notice, Affidavit of Notification, Speakers' List

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Bureau of Planning
and Zoning

August 25, 2016

Gary Inzana
Village Square Management
24 West Avenue
Spencerport, NY 14559

Location:	99 Denise Road
Zoning District:	R-1 Low Density Residential District
File Number:	V-016-16-17
Vote:	6-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to widen the existing driveway of a single family dwelling from 9' to 19', not meeting the off-street parking requirements, please take notice that at the Zoning Board of Appeals meeting held on August 11, 2016, said application was **APPROVED.**

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

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

for

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

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Resolution and Findings of Fact:

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

   Finding: The subject property consists of a single family dwelling located along the rear lot line, more than 100' back from the right-of-way. The existing driveway is located in the front yard and thus constitutes front yard parking. The proposal is to widen the driveway from 9' to 19' along the west lot line. The driveway will not materially obscure the view of the dwelling. The variance request will not produce an undesirable change in the character of the neighborhood.

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

   Finding: The subject property is adjacent to a C-1 Neighborhood Center Commercial District and an R-3 High-Density Residential District. There are a variety of parking configurations in the immediate area. The proposal is not inconsistent with the character of the neighborhood and will not produce an undesirable change.

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

   Finding: Given the location of the dwelling at the rear of the parcel, there is no means of adding any additional parking without a variance.

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

   Finding: Despite the additional asphalt, there will still be a large front yard for use by the tenants. As such, in this instance, the variance request is not substantial.

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

   Finding: The variance request does not result in any noise, fumes, or other noxious element. Moreover, the lot coverage for the parcel will increase to 35%, where 50% is permitted. The property will still have substantial green space for landscaping and recreational purposes.

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

   Finding: The constraints of the parcel limit the ability to install a driveway that would lead to the rear yard. This request is not a self-created hardship.

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:
Gary Inzana

Opposing Testimony:
None

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

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Bureau of Planning
and Zoning

August 25, 2016

John Schultz
298 Westfield Street
Rochester, NY 14619

Location:	298 Westfield Street
Zoning District:	R-1 Low Density Residential District
File Number:	V-017-16-17
Vote:	6-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to legalize the driveway expansion in the front yard of a two-family dwelling, not meeting the off-street parking requirements, please take notice that at the Zoning Board of Appeals meeting held on August 11, 2016, said application was **APPROVED with lesser relief:**

> **Plan B, which was articulated in the variance application as follows, is approved: obtain a variance to make my driveway 20' (width) and extend back to within 1' of the fence line and returning approximately 16' of grass area back to its original state (see survey map, attached).**

Since you have already been cited for this violation, you must abate the violation or code enforcement actions will continue. It is suggested that you contact Jill Symonds at 585-428-7364 or Jill.Symonds@CityofRochester.gov to complete the permit process. No work relating to this variance request can be started without the issuance of a Building Permit.

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

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Resolution and Findings of Fact:

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

   Finding: The subject property is a two-family dwelling, located on the corner of Westfield Street and Raeburn Avenue. The survey map, dated April 6, 1992, indicates that there is an existing driveway on the Raeburn Avenue side of the property. City records indicate that there was once a three-car garage on this property (permit #0094257). The applicant expanded the existing parking area by adding gravel to the yard, a portion of which is in the front.

   The variance approval with lesser relief reduces the parking area from 40' x 50' to 20' x 50'. The property will have a double-wide driveway, which could provide parking for four vehicles. This approval reduces the amount of front yard parking and provides a grassy yard for residents. The 19th Ward Community Association supported this alternative in a letter to the Zoning Board dated August, 11, 2016.

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

   Finding: One of the intents of the zoning regulations for the R-1 district is to "preserve and promote neighborhoods characterized by unobstructed front yards and pedestrian-scale streetscapes." Front-yard parking obstructs the front yard and does not support a pedestrian environment. Excessive parking in the front yard detracts from this environment. The variance approval with lesser relief (i.e. Plan B) mitigates these impacts by restoring some of the parking area to grass. "Plan B", as articulated by the applicant, is more consistent with the character of the neighborhood.

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

   Finding: The applicant could fit four cars in the 20' x 50' driveway. This configuration is sufficient for a two-family dwelling. Should the applicant need additional parking spaces, there is alternate side parking on Westfield and Raeburn.

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

   Finding: The proposed parking area will occupy the majority of the yard to the east of the dwelling. The visual impact of having multiple vehicles parked adjacent to each other on the property is substantial and would negatively impact the aesthetics of the street. However, the variance approval with lesser relief mitigates these impacts, and is therefore, not substantial.

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

Finding: The variance request would have an adverse impact on the physical and environmental conditions of the neighborhood by permitting an overly wide driveway, a portion of which is in the front yard. This variance request would have a negative visual impact on the neighborhood. This request is mitigated by the variance approval with lesser relief, which balances the needs of the property owner for parking with the desire of the neighborhood to maintain the residential character.

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

Finding: The desire for additional parking is a self-created difficulty, however it does not override the merit of granting this request with lesser relief.

Record of Vote:

J. Best	Approve with Lesser Relief
L. Boose	Approve with Lesser Relief
D. Carr	Approve with Lesser Relief
J. DeMott (alternate)	Approve with Lesser Relief
L. Jennings (alternate)	Approve with Lesser Relief
M. Morales	Absent
J. O'Donnell	Absent
M. Tilton	Approve with Lesser Relief
E. Van Dusen	Absent

This decision was based on the following testimony and evidence:

Supporting Testimony:
John Schultz

Opposing Testimony:
None

Evidence:
Staff Report
Area Variance Application
City Property Information Map
Statement of Difficulty
Survey Map
Photographs
Letter from 19th Ward Community Association, dated 08/11/16
Letter from Randi Battaglini
Personal Appearance Notice, Affidavit of Notification, Speakers' List

(298 Westfield St.)

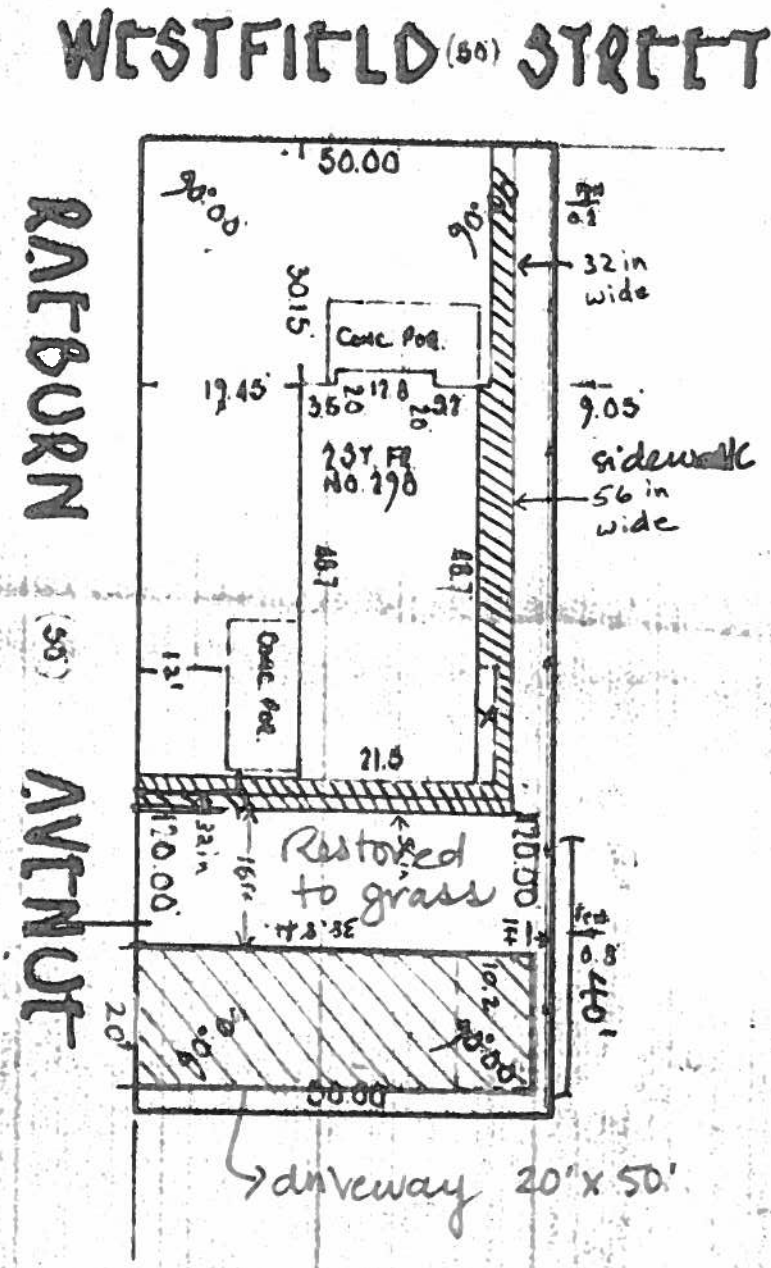
Enlargement

1/16 in = 1.46 ft.

lot. 6000 SF

previous coverage : 2221 (37%)

current coverage : 3371 (56%)



I HEREBY CERTIFY THAT THIS MAP WAS COMPLETED ON APRIL 6, 1992 FROM THE NOTES OF AN INSTRUMENT SURVEY

JAMES M. PARKER L.S. 49302

CERTIFIED TO WAYNE F. DE HOND, JOHN P. SCHULTZ, JANE R. SCHULTZ

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW

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Bureau of Planning
and Zoning

August 25, 2016

Rev. Charles G. Simmons Sr.
Liberty Temple Ministries, Church of God
144 Reynolds Street
Rochester, NY 14619

Location:	118-124, 132, 134, 136, and 144 Reynolds Street
Zoning District:	R-1 Low Density Residential District
File Number:	V-018-16-17
Vote:	6-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance 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, please take notice that at the Zoning Board of Appeals meeting held on August 11, 2016, said application was **APPROVED on condition:**

> **The 4' fence cannot be chain link; an alternate fence type must be approved by the Director of Planning and Zoning. A door must be installed on the façade of the existing building along Dr. Samuel McCree Way (if this is not feasible, the door may be installed along the Reynolds Street façade); the final design is to be approved by the Director of Planning and Zoning.**

Pursuant to Section 120-195B(9) of the City Code, a variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit is obtained and maintained. ****IMPORTANT**:** Please contact Jill Wiedrick to complete the Site Plan Review Process and to obtain any permits. Ms. Wiedrick may be reached at Jill.Wiedrick@cityoforochester.gov or (585) 428-6914.

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

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cc: James K. Glogowski, P.L.S., 9580 Ridge Road, Brockport, NY 14426
Dee Harris, Esq., Rinere & Rinere, 36 W. Main Street, Rochester, NY 14614

Resolution and Findings of Fact:

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

Finding: Lot coverage: There is an existing parking lot behind the church and a second lot down the block at the corner of Reynolds Street and Tremont Street. The proposal is to expand the building and connect the two parking lots by adding an additional 23 parking spaces. The vacant parcels between the two parking areas are unlikely to be developed as single-family homes given that they would be surrounded by parking. The proposed parking expansion will serve to connect the parcels and will improve the appearance of the block.

Fence: The Zoning Board condition that a non-chain link fence be installed was supported by the applicant in testimony. The fence will encircle the property and provide a uniform appearance along Reynolds and Tremont Street.

Design standards (door): In testimony, the Zoning Board and the applicant discussed the possibility of installing a door along the Dr. Samuel McCree frontage. The Zoning Board did not require that the door to be operable, only that it give the appearance of a welcoming entryway.

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

Finding: Lot coverage: The proposed parking lot expansion, which will exceed the lot coverage requirement in the R-1 District, does not change the character of the neighborhood. There are existing, 6' tall solid fences along the east lot line, which serve to separate the adjacent residential properties from the proposed parking area.

Fence: A 4' tall, non-chain link fence will secure the parking area. The proposal will not alter the character of the area.

Design standards (door): The Zoning Board condition to install a door on the Dr. Samuel McCree Way will improve the appearance of the façade, which is a benefit to the neighborhood.

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

Finding: Lot coverage: There is no way to expand the parking lot without exceeding lot coverage.

Fence: A 3' tall fence will not sufficiently secure the parking lot. Moreover, a 3' tall picket fence is more appropriate in front of a residential dwelling than surrounding a parking lot.

Design standards (door): The existing building layout and the proposed addition dictate where the main entrance to the building should be located (i.e. facing the parking lot). The variance approval on condition that an additional door is located on the Dr. Samuel McCree Way mitigates this request by ensuring that the street side of the building is not neglected.

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

Finding: Lot coverage: Exceeding the lot coverage requirement for a church and parking lot is not unreasonable. The Zoning Board determined that lot coverage of 72% is not substantial.

Fence: A 4' tall fence along Reynolds Street and Tremont Street is not substantial.

Design standards (door): The variance request on condition that an additional door is installed along the Dr. Samuel McCree Way frontage mitigates this request, and as a result, the variance is not substantial.

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

Finding: Lot coverage: This project includes additional landscaping, which mitigates the variance request. According to the Preliminary Site Plan Review Findings:

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.

Fence and Design standards (door): These variance requests do not result in any noise, fumes, or other noxious element.

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

Finding: Lot coverage: The challenge of meeting the lot coverage requirements for a building expansion and parking area in the R-1 district is not a self-created difficulty.

Fence: The desire for a taller fence that will secure the parking area in not a self-created difficulty.

Design standards (door): The need to place the door on the north side of the building facing the parking lot is driven primarily by the existing and proposed floor plan. This is not a self-created difficulty.

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:
Rev. Charles G. Simmons Sr.
Gene Rotunda
Jim Glogowski

Opposing Testimony:
None

Evidence:
Staff Report
Area Variance Application
City Property Information Map
Preliminary Site Plan Review Findings, dated 06/23/16
Survey Map
Site Plan
Elevations
Floor Plans
Photographs
Personal Appearance Notice, Affidavit of Notification, Speakers' List

City of Rochester

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

August 25, 2016

John Klein
JKMB LLC
5051 Butler Road
Canandaigua, NY 14424

Location:	28 Edmonds Street
Zoning District:	R-1 Low Density Residential District
File Number:	V-019-16-17
Vote:	5-1-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to install a deck and a gravel parking area in the rear yard of a two-family dwelling, thereby exceeding the lot coverage requirements, please take notice that at the Zoning Board of Appeals meeting held on August 11, 2016, said application was **APPROVED with lesser relief:**

> **The revised proposal which includes a 12' x 12' deck and an angled parking area in the rear yard is approved (see attached survey map). Both the deck and the expanded parking area must be installed at the same time.**

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

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

Margaret Bellino for

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

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Resolution and Findings of Fact:

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

   Finding: The subject property contains two, 2-bedroom units. According to the applicant, he expects to have three to four vehicles parked on the property. The original proposal for the parking and the deck would have increased the lot coverage to 75%. However, the applicant submitted a revised site plan, with a smaller deck and an angled parking area that increase lot coverage to 70%. The parking area will allow approximately three vehicles to park in the rear yard, while still retaining some grass. The new deck will provide a recreation space for tenants to enjoy when outside. The deck mitigates the request for the parking, which is why the Zoning Board is requiring that both the parking area and the deck be installed at the same time.

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

   Finding: The proposed parking and deck are not visible from the public right-of-way. The parking area provides off-street parking for tenants, which is beneficial for the neighborhood. The deck design includes walls and a roof, which will partially muffle any noise that may impact neighbors. The proposal will not be a detriment to the neighborhood or nearby properties.

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

   Finding: The parcel is 38' x 101' (3,838 sq. ft.), which is relatively small. The existing lot coverage is 43%, making it impossible to extend the driveway and install the deck without requiring a variance.

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

   Finding: The parking area and the deck will result in an additional 1,073 sq. ft. of lot coverage. The rear yard is the ideal place to expand the parking area. Installing a deck in the rear yard is completely in character in a residential area. As a result, the Zoning Board determined this request is not substantial.

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

   Finding: The gravel driveway and parking area as well as the deck are both permeable, which will ensure there are no drainage issues for the neighbors.

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

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

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:
John Klein

Opposing Testimony:
None

Evidence:
Staff Report
Area Variance Application
City Property Information Map
Statement of Difficulty
Survey Map
Site Plan
Photographs
Deck renderings
Letter to the Zoning Board from Eric Johnson, dated 08/11/16
Estimate from Johnson Excavating and Landscaping, dated 03/13/16
Revised Site Plan and Parking Layout
Letter from Linda Rosenthal, dated 08/05/16
Personal Appearance Notice, Affidavit of Notification, Speakers' List

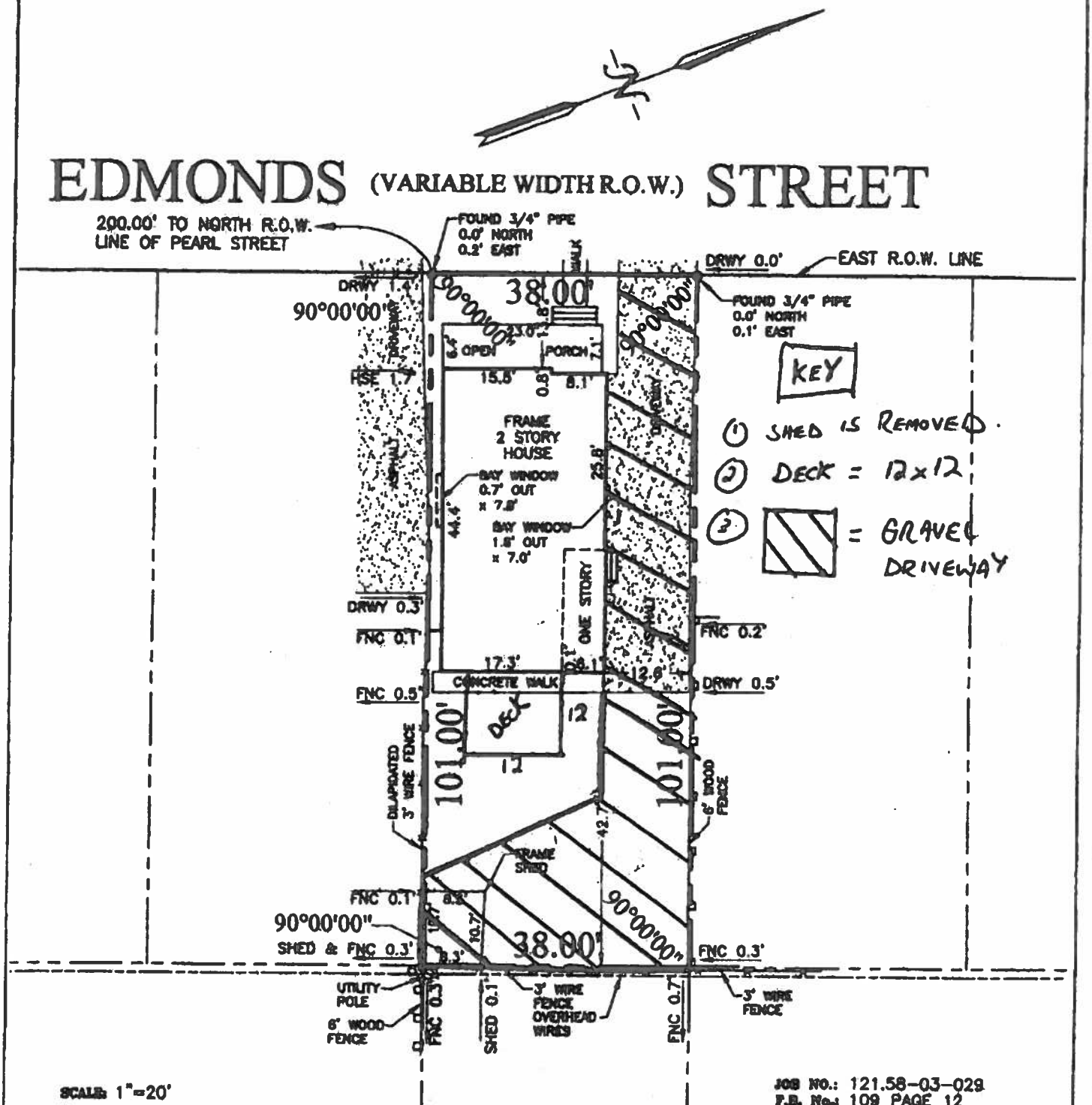
Site plan approved for V-017-10-47 (20 Edmonds St.)

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.



SCALE: 1"=20'

JOB NO.: 121.58-03-029
F.B. No.: 109 PAGE 12

"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."

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

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

STATE OF NEW

I hereby certify to the following that this map was made from notes of an Instrument Survey:

City of Rochester

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

Bureau of Planning
and Zoning

August 25, 2016

Louis Di Vincenti
137 Linden Street
Rochester, NY 14620

Location:	137 Linden Street
Zoning District:	R-1 Low Density Residential District
File Number:	V-020-16-17
Vote:	5-1-0

NOTICE OF DECISION

In the matter of the request for an Area Variance 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, please take notice that at the Zoning Board of Appeals meeting held on August 11, 2016, said application was **APPROVED on condition that the fence style is concave, board-on-board.**

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

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

for

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

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Resolution and Findings of Fact:

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

   Finding: The applicant purchased the property in 2014. The property was renovated prior to his purchase, which included removing an existing chain link fence that enclosed the yard. The proposal is to install a 5' tall fence along the Poplar Street frontage. In testimony, the applicant explained that he would like a 5' tall fence in order to secure the property and provide privacy when using the yard. He explained that the sidewalk along Poplar ends at his property, and as a result, people trespass and walk along the cement walkway that is adjacent to the home.

   The Zoning Board determined that the height and location of the proposed fence was reasonable at this location. However, the variance was approved on condition that the fence style is concave, board-on-board, which has a softer appearance than a fence that is straight across.

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

   Finding: The main entrance to the house faces Linden Street, while the driveway and garage face Poplar Street. Linden Street, which functions as the primary front yard, will not be impacted by the variance request. The fence will enclose the yard along Poplar Street, which has the appearance of being a side or rear yard, for which having a 5' tall fence is not inconsistent.

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

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

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

   Finding: The proposed fence is not substantial at this location. The property abuts an apartment complex, which has a different look and feel than the rest of Poplar Street. The fence is still residential in style, which partially mitigates the request.

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

   Finding: The variance approval on condition will ensure that the visual impact of the fence is minimized.

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

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

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:
Louis DiVincenti Jr.

Opposing Testimony:
None

Evidence:
Staff Report
Area Variance Application
City Property Information Map
Statement of Difficulty
Survey Map
Photographs
NYS Fence Brochure
Email from Gisella Gordon, dated 07/30/16
Personal Appearance Notice, Affidavit of Notification, Speakers' List

City of Rochester

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

August 25, 2016

Madeline Perry.
301 Remington Street
Rochester, NY 14621

Location:	301 Remington Street
Zoning District:	R-1 Low Density Residential District
File Number:	V-021-16-17
Vote:	6-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to re-establish use of the property as a two-family dwelling that has lost its rights due to a period of vacancy greater than nine months, please take notice that at the Zoning Board of Appeals meeting held on August 11, 2016, said application was **APPROVED on condition that the second floor must comply with the requirements of the NYS Building Code.**

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

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

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

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Resolution and Findings of Fact:

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

   Finding: The applicant submitted financial information that indicates the property would not realize a reasonable return if used as a single family dwelling.

2. **Is the alleged hardship relating to the property unique?** **Yes __X__ No __**

   Finding: According to the applicant, the subject property has had several recent break-ins and windows and doors were broken. The applicant has had issues with tenants and the cost of eviction has made the property even more difficult to maintain.

3. **Is the alleged difficulty self-created?** **Yes ___ No __X**

   Finding: The inability to realize a reasonable return on the subject property is not a self-created difficulty.

4. **Will the requested use variance, if granted, alter the essential character of the neighborhood?** **Yes ___ No __X**

   Finding: While this property is located in the R-1 Low-Density Residential District, there are other two-family dwellings nearby. The re-establishment of this property as a two-family dwelling is in keeping with the existing character of the neighborhood.

   In addition, the Zoning Board condition requires that the second floor unit is in compliance with the requirements of the NYS building code. This condition mitigates the request by ensuring that the second unit meets the current NYS requirements for health and safety.

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

   Finding: Restoring the property to a single-family dwelling would not yield a reasonable return, and is therefore, not a feasible alternative.

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:
Herman Perry
Madeline Perry

Opposing Testimony:
None

Evidence:
Staff Report
Use Variance Application
City Property Information Map
Statement of Income and Expense
Statement of Unnecessary Hardship
List of renovation expenses
Insurance bill
RG& E bill
General Security bill
Floor plans
Photographs
Personal Appearance Notice, Affidavit of Notification, Speakers' List

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

August 25, 2016

Richard Rowe
1737 Mt. Hope Avenue
Rochester, NY 14620

Location:	1737 Mount Hope Avenue
Zoning District:	C-2 Community Center District
File Number:	V-022-16-17
Vote:	6-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to repair the sign for "Rowe Photography" located on the store's awning, thereby extending the life of this nonconforming sign, please take notice that at the Zoning Board of Appeals meeting held on August 11, 2016, said application was **APPROVED.**

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

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

Margaret Parrino for

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

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Resolution and Findings of Fact:

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

   Finding: The variance request will enable the applicant to update and replace the torn fabric awning, upon which the sign for Rowe Photo is located. The applicant is removing the graphics from the Elmerston Road façade, which reduces the amount of signage on the site. The proposed sign will not be a detriment to the health, safety and welfare of the neighborhood and the community.

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

   Finding: The existing awning sign was installed with a permit in 1991. No substantial changes have been made to the awning sign since then. The awning sign is being updated and replaced, which will not result in any change to the neighborhood. A significant number of emails were received in support of this application, including from the Upper Mount Hope Business Association. Many residents noted that Rowe Photo is a local institution and that the signage is part of the brand.

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

   Finding: The applicant considered repairing the awning; however, this would simply be a temporary solution. The building is setback 30' from the public right-of-way, making a smaller sign less impactful on this busy, commercial corridor. There is no alternative to the proposed variance request.

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

   Finding: The request variance is not substantial in amount, nature, or impact.

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

   Finding: The variance request does not result in any noise, fumes, or other noxious element. The new fabric awning will replace the tears in the existing awning and update the overall look of the building. In addition, deleting the graphics on the Elmerston Street façade will improve the aesthetics of the building.

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

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

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:
Richard M. Rowe
Jerry A. Goldman

Opposing Testimony:
None

Evidence:
Staff Report
Area Variance Application
City Property Information Map
Letter of Intent
Statement of Difficulty
Sign Renderings
Survey Map
Photographs
Emails of support from: K. Bickford, Rev. Dr. Madigan, J. Powell, J. Shaw, D. Meyers, B. Craig, C. Baumeister, M. Landesberg, C. Hennelly, L. Hosmer, M. Warren for Upper Mount Hope Business Association, D. Weller, J. Carter, P. Guisto, N. Rice, C. and J. Koczot, A. Barone, M. Tyndall, B. Sanko, J. Bleeg, R. Murphy, J. Yamonaco, F. Harry, M. Strong, E. Roztocil, S. Mandl, S. Halpert, J. Lindberg for Lilac Neighbors, D. Benwitz, J. Gilbert, K. Gallagher, M. McGrath, C. Quinn, Rev. Isaman-Bushart, G. Machado, P. Kingsley, R. Levy, H. Martyn, B. and P. Downen, M. Caceres, M. Miller and N. Rice, D. and K. Owens, D. Mikel, C. Quinn, D. Hurley for Upper Mount Hope Neighborhood Association, H. Miller, D. LaDue, R. Wersinger, M. Mihalitsas, B. Good, P. Illingworth, R. Furino, C. Roe, D. Meyers, R. Fithen
Personal Appearance Notice, Affidavit of Notification, Speakers' List

City of Rochester
Neighborhood and Business Development
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Bureau of Planning
and Zoning

August 25, 2016

Scott L. Fiske
Pardi Partnership Architects
25 Circle Street, Suite 101
Rochester, NY 14607

Location:	800 Atlantic Avenue
Zoning District:	R-1 Low-Density Residential District
File Number:	V-068-15-16
Vote:	6-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to construct an addition to an existing one-bay vehicle repair operation, thereby expanding a nonconforming use; and not meeting certain city-wide design standards, lot coverage, setback, and parking requirements, please take notice that at the Zoning Board of Appeals meeting held on August 11, 2016, said application was **APPROVED on condition:**

> **The façade renovation must use the heaviest, reinforcing mesh EIFS available. The first 2' at the base of the building must be constructed of concrete or other durable material, not including EIFS.**

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

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

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

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Resolution and Findings of Fact:

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

Finding: Expand nonconforming use: An existing business, Eagle Transmission, would like to move to this site from its current location on Atlantic Avenue. The existing building is being expanded by the addition of 500 sq. ft. on the north side. The additional square footage will provide for a larger repair bay as well as an office. The existing garage does not meet the needs of Eagle Transmission, and the addition is required in order to reactivate the site.

EIFS: In response to input from neighbors, the applicant redesigned the building to better reflect the historic look of the property. The variance approval on condition that the bottom 2' of the building use the heaviest, reinforcing mesh EIFS available, will minimize damage to the façade where it is most likely to occur.

Setbacks: The setback deficiencies (front and rear) are dictated by the existing constraints of the site. The addition follows the existing line of the building, which is appropriate.

Vehicle maneuvering: The Revised Preliminary Site Plan Findings explain: "City zoning staff worked with the applicant's architect to explore the site and building configurations that would eliminate or reduce the intrusion into the public right-of-way..." On balance, the 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' 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.

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

Finding: Expand nonconforming use: City records show that the property was developed as a gas station in 1929 and converted to minor auto repair in 1980. The reactivation of this site for auto repair is consistent with the historic use of the property. The expansion of the garage will improve the appearance of the site while also making the garage more usable for Eagle Transmission.

EIFS: The façade renovation will improve the character of the neighborhood.

Setbacks: The setback variances are mitigated by the addition of about 400 sq. ft. of grass on the south side and about 420 sq. ft. of grass on the north side.

Vehicle maneuvering: The northwest corner of the existing building is less than 15' from the property line along Indiana Street, and vehicles leaving the repair bay have always had to reverse over the sidewalk. Narrowing the curb cut and expanding the tree lawn will force vehicles to use caution when navigating the site. This variance request does not change the character of the neighborhood.

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

Finding: Expand nonconforming use: The applicant cannot occupy the space without increasing the size of the bay. There is no alternative to the requested variance.

EIFS: The cost of replacing the porcelain enamel-coated metal panels on the building is cost prohibitive. There is no alternative to the proposed material.

Setbacks: The constraints of the site make it impossible to meet the setback requirements without obtaining a variance.

Vehicle maneuvering: There is no alternative that would allow vehicles to maneuver entirely onsite. Had the garage door been reoriented towards the residential area, the impact on the neighborhood would have been significant, and as a result, this was not deemed a feasible alternative.

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

Finding: Expand nonconforming use: The subject property will be improved as a result of the proposed expansion of the vehicle repair bay. The project includes the addition of more than 800 sq. ft. of grass, landscaping along the east lot line, and a reduced curb cut (resulting in a larger tree lawn area). In light of the improvements to the site, the variance request is not substantial.

EIFS: The building design will be greatly improved as a result of the renovation. The improved aesthetics offset the use of EIFS.

Setbacks: Given the configuration of this triangular shaped parcel, the setbacks are not substantial. There is no way to reactivate the site without impacting the setbacks.

Vehicle maneuvering: Pursuant to the Revised Preliminary Site Plan Findings, the applicant is required to install signs on the property to alert pedestrians to vehicles backing over the sidewalk. This requirement mitigates the variance request, which is not substantial.

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

Finding: All variances: The subject property has been operating as a vehicle-related use for more than 80 years. The addition to the garage will increase the building size from 1,037 sq. ft. to 1,537 sq. ft. Coupled with the improvements to the building façade and the site, this proposal will not have an adverse impact on the environment.

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

Finding: Expand nonconforming use: The existing building is not usable in its current state. The building will continue to have only one garage bay. However, there will be more space inside the garage bay, and the office will have more space for the business to operate. The variance request is not self-created.

EIFS: The choice of building material is dictated by the desire to significantly renovate the façade of the building for a reasonable cost. This is not a self-created difficulty.

Setbacks and vehicle maneuvering: The front and rear yard setbacks are dictated by the constraints of the site – the shape of the parcel and the location of the existing building. Likewise, vehicle maneuvering on this property has always required some degree of backing over the sidewalk, a pre-existing condition that will continue with the proposed expansion to the garage.

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:
Scott Fiske

Opposing Testimony:
None

Evidence:
Staff Report
Area Variance Application
City Property Information Map
Statement of Difficulty
Revised Preliminary Site Plan Findings, issued 07/22/16
Preliminary Site Plan Findings, issued 03/29/16
Survey Map
Site Plan and elevations, dated 03/07/16, 05/11/16, 07/06/16, 07/18/16
Photographs
Letter from Virginia Migliore, dated 07/27/16
Personal Appearance Notice, Affidavit of Notification, Speakers' List