



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

November 4, 2016

Michael R. Mumm
45 Brighton Street, Apt. # 1
Rochester, NY 14607

Phillip Ranaletti
16-18 Harper Street
Rochester, NY 14607

Location: 312-314 S. Goodman Street and 16-18 Harper Street
Zoning District: R-2 Medium-Density Residential District
File Number: V-075-15-16 and V-076-15-16
Vote: 5-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to legalize the expanded gravel parking area in the rear yard of a two-family dwelling, which exceeds the lot coverage limitations, please take notice that at the Zoning Board of Appeals meeting held on October 20, 2016, said application was **APPROVED with lesser relief and on condition:**

- 1) Four parking spaces are approved in the rear yards; two at 312-314 S. Goodman Street and two at 16-18 Harper Street.
- 2) The garage at 312-314 S. Goodman Street cannot be removed.
- 3) The expanded parking area must be paved with asphalt and striped.
- 4) The aisle between the parking spaces on the two parcels must be 20'.
- 5) Additional landscaping is required, per the attached site plan.
- 6) The applicants must submit drawings prepared by a certified engineer, which address drainage.

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 for each property is obtained and maintained. Since the gravel has already been installed, you must both obtain a Building Permit immediately or enforcement will continue. Please contact Jill Symonds at 585-428-7364 or Jill.Symonds@cityofrochester.gov to complete that process.

Zina Lagonegro, AICP, EIT
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

Finding: The subject properties have rear yards that are abutting. In testimony, the applicants explained that they removed a fence that separated the two yards and installed a gravel parking area that is accessed from the driveway at 16-18 Harper Street. The site plan depicts three parking spaces in the rear yard of 312-314 S. Goodman and two parking spaces and some landscaping in the rear yard of 16-18 Harper Street.

The variance approval with lesser relief reduces the amount of yard that is occupied by parking and increases the amount of green space on both properties (note that green space can also be used for snow storage during the winter). Moreover, an awkward parking space that would be challenging to maneuver into at 312-314 S. Goodman Street is eliminated. The variance condition to pave and stripe the parking area will help to clarify where parking cars occur. The condition to have the site plan prepared by a licensed engineer who can ensure drainage is addressed, protects all properties in the immediate area from related flooding.

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

Finding: The subject properties are located between the commercial corridors of Monroe Avenue and Park Avenue. This neighborhood is highly walkable given the proximity of employment, recreation, shopping and amenities. On-street parking is also extremely common in this neighborhood. Completely eliminating the use of the rear yards for anything other than parking is inconsistent with the neighborhood and would be a detriment to nearby properties.

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

Finding: The property at 312-314 S. Goodman Street is a two-family with three bedrooms in each unit. Up to three vehicles can park in the driveway, in addition to the single car garage. The variance approval with lesser relief and on condition will provide two more parking spaces, while maintaining some green space on the property. The retention of the garage on the property serves to limit the circulation between 312-314 S. Goodman Street and 16-18 Harper Street and screens the view of the rear yard from the right-of-way along Harper Street.

The property at 16-18 Harper Street is also a two-family with three bedrooms in each unit. Up to two vehicles could park in the driveway, prior to the expansion of the parking area. As the driveway provides the only access for the rear yard parking at both 312-314 S. Goodman and 16-18 Harper Street, the driveway will likely be used for access to the yards rather than parking. Nevertheless, the variance approval with lesser relief and on condition ensures that at least two parking spaces are retained at 16-18 Harper Street.

Overall, the variance approval with lesser relief and on condition mitigates these variance requests while meeting the needs of the applicants for additional parking. As a result, there is no feasible alternative.

4. Is the requested variance substantial? Yes ___ No X

Finding: The variance approval with lesser relief and on condition will reduce the lot coverage and improve the appearance of the properties. As a result, the 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 will have a positive impact on the physical conditions of the neighborhood by improving the visual impact of the property and installing more green space in both rear yards.

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

Finding: The applicants installed the gravel to expand the parking area without obtaining a permit from the City. Consequently, the variance request is a self-created difficulty, but is not of sufficient concern to merit overriding this request.

Motion: To Approve with Lesser Relief and on Condition

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:

Phil Ranaletti
Michael Mumm

Opposing Testimony:

George Novak
John Lembach

V-075-15-16

V-076-15-16

Page 4

Evidence:

312-314 S. Goodman Street

Staff Report

Area Variance Application and Statement of Difficulty

City Property Information

Survey Map

Site Plans

Photographs

Parking Agreement dated 10/19/16

Letter from Park-Meigs Neighborhood Association, dated 06/16/16 and 10/20/16

Email from John Lembach, dated 10/18/16

City Parking Lot Brochure

Photographs submitted by a speaker at the public hearing

Personal Appearance Notice, Affidavit of Notification and Speakers' List

16-18 Harper Street

Staff Report

Area Variance Application and Statement of Difficulty

City Property Information

Survey Map

Site Plans

Photographs

Parking Agreement dated 10/19/16

Letter from Park-Meigs Neighborhood Association, dated 06/16/16 and 10/20/16

Email from John Lembach, dated 10/18/16

City Parking Lot Brochure

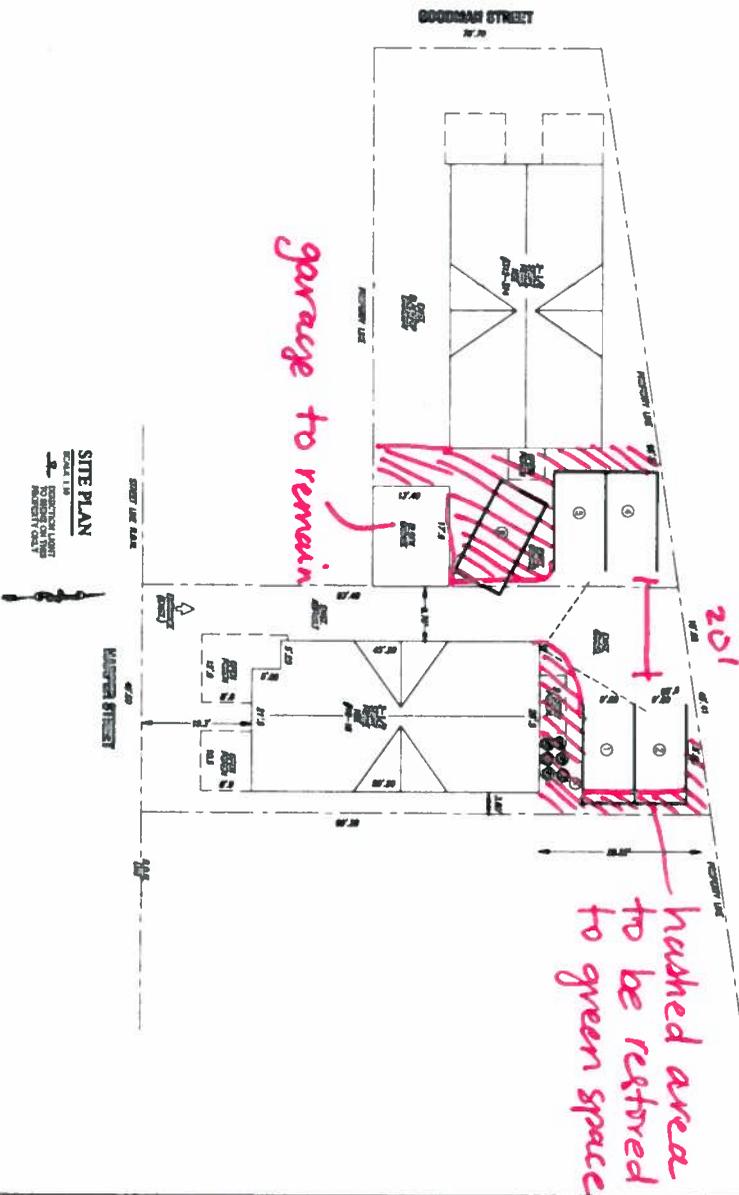
Photographs submitted by a speaker at the public hearing

Personal Appearance Notice, Affidavit of Notification and Speakers' List

DRIVEWAY PARKING PLAN

16-18 HARPER ST. & 312-314 S. GOODMAN ST.
ROCHESTER, NEW YORK

FOUNDATION PLTB. (IF RECD) MINIATURE RHODODENDRON



SITE PLAN
SCALE: 1" = 10'-0"
DATE: 10/15/08
DRAWN BY: [Signature]

TOP

G. J. & S. J. [Signature]
 200 [Address]
 Rochester, New York
 14620 (PH) 256-1333

DRIVEWAY PARKING PLAN	
PROJECT NO.	DATE

PERMANENT SITE PLAN

DATE: 10/15/08
 DRAWN BY: [Signature]
 CHECKED: [Signature]

SCALE: 1" = 10'-0"

P-2



City of Rochester

Neighborhood and Business Development
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Bureau of Planning
and Zoning

November 4, 2016

Eusebio Plutz
997 Wapping Road
Middletown, RI 02842

Location: 33 Mead Street
Zoning District: R-1 Low Density Residential District
File Number: V-030-16-17
Vote: 2-3-0

NOTICE OF DECISION

In the matter of the request for a Use 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 October 20, 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 property may be deconverted to a single family dwelling.
- 2) A new variance application to re-establish the use of the property as a two-family may be submitted.
- 3) 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.

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

This decision was based on the following testimony and evidence:

Supporting Testimony:

Margarita Santos
Eusibio Pleitez

Opposing Testimony:

None

Evidence:

Staff Report
Use Variance Application
City Property Information
Statement of Income and Expense
Statement of Unnecessary Hardship
Floor Plans
Photographs
Personal Appearance Notice, Affidavit of Notification, Speakers' List



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Bureau of Planning
and Zoning

November 4, 2016

Patrick Leader
5029 W. Lake Road
Geneseo, NY 14454

Location: 16 Lawndale Terrace
Zoning District: R-1 Low Density Residential District
File Number: V-031-16-17
Vote: 5-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to install a 4' tall picket fence along the Lawndale Terrace and Rocket Street frontage of a single family dwelling, not meeting the height requirement, please take notice that at the Zoning Board of Appeals meeting held on October 20, 2016, said application was **APPROVED with lesser relief and on condition:**

The fence must be a white, picket fence, which is to be approved by the Director of Planning and Zoning. The location of the fence is approved in accordance with the attached site plan.

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

cc: Amanda Kessler, 16 Lawndale Terrace, Rochester, NY 14609

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Resolution and Findings of Fact:

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

Finding: The subject property is located on the corner of Lawndale Terrace and Rocket Street and thus has two front yards. The Lawndale frontage is 103 feet and the Rocket frontage is 109 feet. The parcel is large at approximately 7,942 sq. ft. The proposal is to enclose the yard with a 4' tall picket fence.

According to the applicant, unwanted trespassers regularly cut across the yard and use it as a park. The grass that was planted in the front yard has not grown as a result of the heavy foot traffic across the yard. The proposed 4' tall fence will increase the security and allow the homeowner to beautify the yard by growing grass and installing landscaping.

As a result, the Zoning Board determined that the height of the proposed fence was reasonable to enclose the yard to the side of the dwelling along Lawndale Terrace and Rocket Street. The approval with lesser relief provides that the area immediately in front of the dwelling will not be enclosed by a 4' tall fence (see attached site plan). The approval on condition will ensure that the style of fence is consistent with the property (i.e. white picket).

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: There are several corner properties along Rocket Street that also have 4' tall fences in their front yards. The proposed 4' tall picket fence is a residential style fence and will not have a negative impact on the character of the area.

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. According to the applicant, there is a significant amount of trespassing that occurs on this property. There is no alternative to the variance request that would meet the applicant's need for security at this location.

4. Is the requested variance substantial? Yes No X

Finding: The variance request approved with lesser relief and on condition is not substantial at this location. The fence will not be located immediately in front of the dwelling and the fence style is residential, which 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 request does not result in any fumes, noise, or other noxious impact.

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.

Motion: To approve with lesser relief and on condition

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:

Patrick Leader

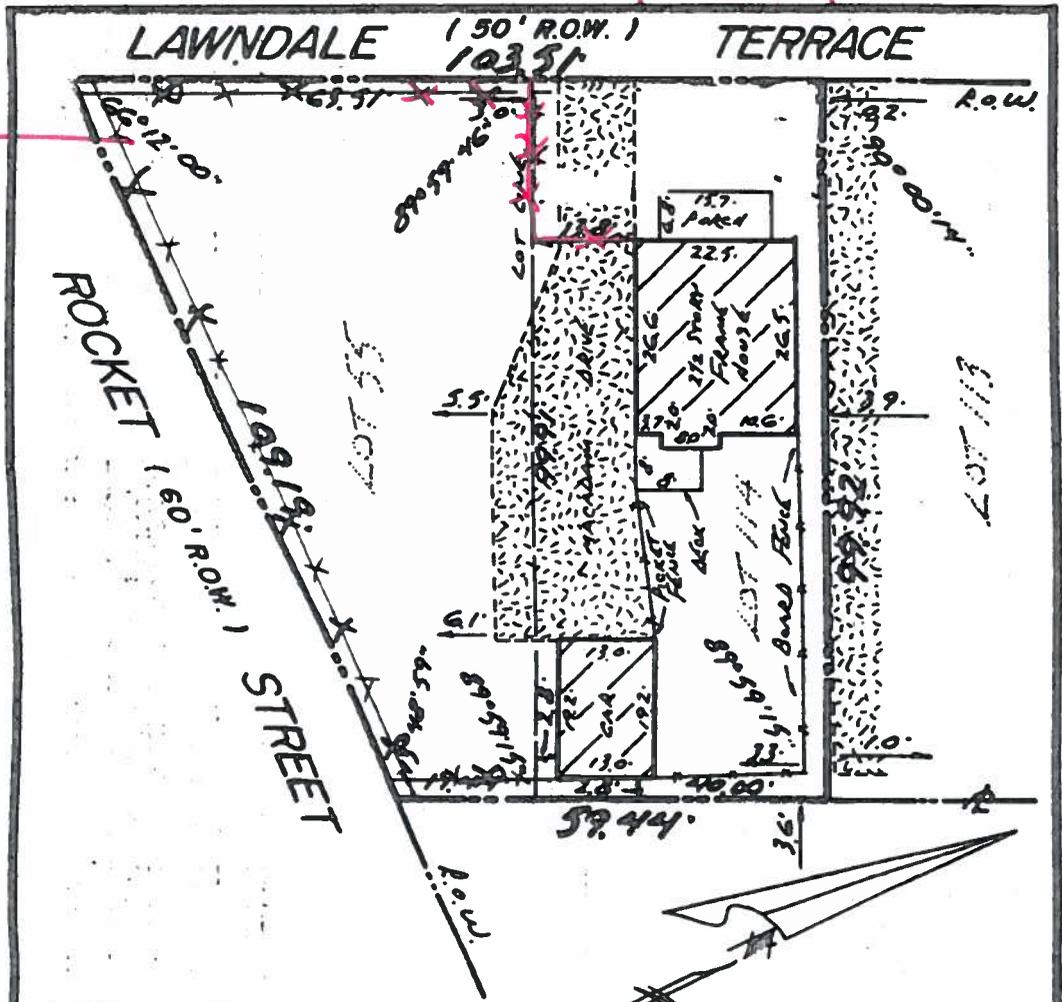
Opposing Testimony:

None

Evidence:

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

4' tall white picket fence



REFERENCES:

- 1) ABSTRACT OF TITLE N° 1416-02257, CHICAGO, 10-21-2014
- 2) CASE A-26 OF MAPS - MUNICIPAL SUBDIVISION N° 11
- 3) LIBER 21 OF MAPS PAGE 32 - BENTONHURST SUBDIVISION
- 4) LIBER 9899 OF DEEDS PAGE 26
- 5) CITY OF ROCHESTER, DISTRICT 18 MAP 52



CERTIFICATION:

I hereby certify to:
 JOSEPH G. DENARIA, ESQ.
 THE TITLE INSURANCE COMPANY INSURING THE MORTGAGE

M&T BANK, ITS SUCCESSORS AND/OR ASSIGNS, AS THEIR INTERESTS MAY APPEAR
 SHAPIRO, DICARO, BARAK, LLC
 AMANDA E. KESSLER
 THE SECRETARY OF HOUSING & URBAN DEVELOPMENT, ITS SUCCESSORS AND/OR ASSIGNS, AS THEIR INTERESTS MAY APPEAR

that this map was made OCT. 31, 2014 from notes of an Instrument Survey completed OCT. 27, 2014 and from references listed hereon.

James M. Leoni
 JAMES M. LEONI, L.S. N.Y. #50342

NOTE: Property corners should only be set by a licensed registered land surveyor.

TITLE: **INSTRUMENT SURVEY MAP**
 "16 LAWDALE TERRACE
 LOT 114 - BENTONHURST SUBDIVISION
 LOT 55 - MUNICIPAL SUBDIVISION N° 11
 CITY OF ROCHESTER, MONROE COUNTY, NEW YORK

Tax Account No.
 107.310-03-037.001

"Unauthorized alteration or addition to a survey map bearing a national land surveyor seal is a violation of section 7209 Subsection 3, of the New York State Education Law."
 "Only copies from the original of this survey map shall be considered to be valid true copies."
 Contributions shall run only for the purpose for which the survey is prepared, and in favor of the title company bearing the fee, the governmental agency and lending institutions listed hereon, and to the occupants of the existing institutions. Contributions do not inure to the benefit of subsequent institutions or subsequent owners. This map is subject to any amendments and/or encumbrances that are shown on this map sheet. The word "certify" or "certification" as shown and used herein means an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee expressed or implied. Location of subsequent encumbrances and those which are covered may be ascertained or not shown hereon. Landmarking features are not shown hereon, unless otherwise shown."

BILESCHI LAND SURVEYING
 435 REYNOLDS ARCADE
 ROCHESTER, NEW YORK 14614
 (585) 454-6010 (phone)
 (585) 454-6015 (fax)
 JAMES M. LEONI, L.S. OF CONSULT

DATE: OCT. 31, 2014
 FILE No.
 OWNER: BRADSHAW
 SCALE: 1 inch = 20 FEET

M.D.C. CONTRACT SURVEY, INC.



City of Rochester

Neighborhood and Business Development
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Bureau of Planning
and Zoning

November 4, 2016

Joe Thon
216 S. Goodman Street
Rochester, NY 14609

Location: 216 S. Goodman Street
Zoning District: R-2 Medium-Density Residential District
File Number: V-033-16-17
Vote: 0-5-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to expand two of the three existing apartments into the third floor of this three-family dwelling, thereby expanding a nonconforming use, 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-2 Medium Density Residential District, in which this property is located, is intended to provide a mix of housing choices. According to the Zoning Code:

“The inclusion of single-family residential, two-family residential and multifamily residential provides a diversity of housing choices while the bulk and density regulations maintain the lower-density scale of the neighborhoods. These residential areas are located proximate to neighborhood-scale shopping and service opportunities. The district requirements are intended to preserve, promote and protect a quality of urban residential living characterized by unobstructed front yards, pedestrian-scale streetscapes and buildings scaled and designed to be compatible with the neighborhood.”

The expansion of two apartment units into the third floor would increase the density of the property from five bedrooms to seven bedrooms, which is a significant increase. The subject property does not have on-site parking and thus any additional vehicles would need to rely on-street parking. The Zoning Board determined that this variance request would overly increase the intensity of the property, which is inconsistent with the intent of the R-2 zoning district.

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

Finding: There have been eight Certificates of Occupancy (C of O) issued for this property dating back to 1977, which indicate that the property consists of two families on the first floor, two families on the second floor, and no third floor occupancy. Although the applicant testified that a portion of the third floor is already finished, there are no City records of this space having been occupied.

In September, 2016, the applicant applied for a permit to deconvert the property from a 4-family (with a total of four bedrooms) to a 3-family (with a total of five bedrooms). Although the number of units has decreased, the number of bedrooms has increased.

The variance request to expand two units into the third floor will further increase the total number of bedrooms on the property to seven which further increases the density of the property. The Zoning Board determined that expanding this existing, three-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 three-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 two units into the third floor results in at least two more bedrooms and a higher overall density for the property. The increase in density, coupled with the absence of parking, makes this a substantial request.

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-2 Medium 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 1977 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 a portion of 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.

Motion: To Approve

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:

Joe Thon

Opposing Testimony:

John Lembach

Evidence:

Staff Report

Area Variance Application and Statement of Difficulty

City Property Information

Survey Map

Floor Plans

Photographs

Email from Ronald Buckman, dated 10/05/16

Letter from Park-Meigs Neighborhood Association, dated 10/20/16

Personal Appearance Notice, Affidavit of Notification, Speakers' List



City of Rochester

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

November 9, 2016

Jose Ramos
93 Weston Street
Rochester, NY 14612

Location: 93 Weston Road
Zoning District: R-1 Low Density Residential District
File Number: V-034-16-17
Vote: 5-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to legalize the deck and pool in the rear yard of a single family dwelling, thereby exceeding the lot coverage requirements, please take notice that at the Zoning Board of Appeals meeting held on October 20, 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. Since the deck and pool have already been installed, you must obtain a Building Permit immediately. 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 No

Finding: When the applicant purchased the property in 2006, the deck, hot tub and pool had already been installed. These are typical amenities that you might find in the rear yard of a residential area. The Zoning Board determined that the variance request will not result in any detriment to 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

Finding: The rear yard has a 6' tall fence around it, which screens the view of the deck, hot tub and pool from the right-of-way. There is no requirement that these accessory uses are screened from adjacent properties. The Zoning Board determined that 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

Finding: There is no alternative that would enable the applicant to retain the deck, hot tub and pool. The deck has been constructed to support the hot tub and surround the pool, making it difficult to remove any individual component.

4. Is the requested variance substantial? Yes No

Finding: The variance requires will increase the lot coverage to 57%, which is not substantial.

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

Finding: Rainwater can permeate the deck, ensuring that drainage in the rear yard is not overly impacted by the deck, hot tub and pool. There are no other physical or environmental conditions that are impacted by this request.

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

Finding: The applicant should have known that the deck, hot tub and pool were installed without a permit when he purchased the property and as a result, the alleged difficulty is self-created. However, this is not of sufficient concern to override the benefits of granting this request with lesser relief.

Motion: To approve

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:

Jose Ramos

Opposing Testimony:

None

Evidence:

Staff Report

Area Variance Application

City Property Information Map

Statement of Difficulty

Survey Map

Photographs

Email and photographs from Bill Kuebel, dated 10/19/16

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

November 4, 2016

Gregory Holmes
983 Glide Street
Rochester, NY 14606

Location: 983 Glide Street
Zoning District: R-1 Low Density Residential District
File Number: V-035-16-17
Vote: 5-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to widen the existing driveway of a single family dwelling from 10' to 16', thereby creating front yard parking, please take notice that at the Zoning Board of Appeals meeting held on October 20, 2016, said application was **APPROVED on condition:**

The driveway expansion must be asphalt, and the sidewalk leading from the dwelling to the public sidewalk must be concrete.

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 No

Finding: The subject property consists of a single family dwelling with an attached, single-car garage. The existing driveway is 10' wide and 28.9' long and can fit one vehicle. In testimony, the applicant explained that the garage is narrow, making it very difficult to park a vehicle inside. The proposal is to widen the driveway from 10' to 16' and to install a sidewalk adjacent to the driveway leading from the porch to the city sidewalk. The Zoning Board determined that the small increase in paving in order to provide parking for two vehicles at this property would not result in a detriment to the health, safety and welfare of the community.

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

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

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

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

4. Is the requested variance substantial? Yes No

Finding: The variance request to widen the driveway will not have a substantial visual impact on the property as the parking will not occur in front of the main entrance to the house. In addition, the lot coverage is not impacted by this request as the parcel is fairly large, at approximately 5,100 sq. ft. 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

Finding: The variance request would not have an adverse impact on the physical and environmental conditions of the neighborhood as it does not result in any fumes or noise. Additionally, the visual impact of the variance is minimal as the residential character of the property is not dramatically altered.

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 requested variance is not a self-created hardship.

Motion: To approve on condition

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:

Gregory Holmes

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



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

November 4, 2016

Brandon Waas
1279 Park Avenue
Rochester, NY 14610

Location: 1279 Park Avenue
Zoning District: R-2 Medium-Density Residential District
File Number: V-036-16-17
Vote: 4-1-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to legalize the expansion of the second floor apartment into the third floor of this three-family dwelling, thereby expanding a nonconforming use, please take notice that at the Zoning Board of Appeals meeting held on October 20, 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. Since the third floor is already in use, you must obtain a Building Permit immediately or enforcement will continue. 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

cc: Randal Peacock, 70 Linden Oaks, Suite 110, Rochester, NY 14625

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Resolution and Findings of Fact:

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

Finding: The subject property consists of a studio and a one-bedroom unit on the first floor and a two-bedroom unit on the second floor. The variance request will expand the second floor apartment into the third floor by adding another bedroom and a bathroom in 342 sq. ft. of space. The parcel is 144 feet deep and there is a four-car garage located towards the rear lot line. The bulk of the rear yard leading up to the garage is paved, leaving sufficient room for tenants to park. There was no opposition to this request. The Zoning Board determined that the addition of one or nearby properties? location would not be a detriment to the 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: There is a mix of single, two-family and multi-family dwellings in this neighborhood. As the property is an existing three-family dwelling with ample parking in the rear yard, the addition of the third floor space is not a significant change to the property.

The Zoning Board recognizes that it is the desire of the applicant to exercise his right to expand the second floor dwelling unit, and that the benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community.

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

Finding: The third floor is currently finished space. The granting of the variance is the only means available by which to incorporate the third floor into the second floor unit.

4. Is the requested variance substantial? Yes ___ No X

Finding: There is no net increase in the number of units within the dwelling. In addition, it is not possible to access the third floor, apart from going through the second floor apartment. Therefore, the granting of 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: The use of the third floor is not visible from the public street, and it is unlikely that the expansion of the second floor apartment will have an adverse impact on the physical or environmental condition so the neighborhood.

6. Is the alleged difficulty self-created?

Yes X No _____

Finding: The applicant purchased the property under the impression that the third floor is legal. He could have contacted the City prior to purchasing the home to determine if the third floor was legal. However, this self-created difficulty is not of sufficient concern to merit overriding this request.

Motion: Approve

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:

Randall Peacock

Opposing Testimony:

None

Evidence:

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



City of Rochester

Neighborhood and Business Development
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Bureau of Planning
and Zoning

November 4, 2016

Jim Colombo, Skylight Signs
c/o Perri's Pizza
60 Industrial Park Circle
Rochester, NY 14624

Location: 1881 East Avenue
Zoning District: C-2 Community Center District
File Number: V-037-16-17
Vote: 5-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to install four internally illuminated signs on the third floor dormers and one non-illuminated pendant sign for "Perri's Pizzeria" that are 3' x 5' each, thereby exceeding certain sign requirements, please take notice that at the Zoning Board of Appeals meeting held on October 20, 2016, said application was **APPROVED with lesser relief:**

The pendant sign facing East Avenue is approved. A sign on the shed facing 490 is approved. Two signs on the second floor of the building (one on the East façade and one on the West façade) are approved. Final design and location of all signs 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**:** 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

cc: Michael Perri, 1835 N. Union St., Spencerport, NY 14559

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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: In light of the neighborhood opposition to the location of the proposed signs on the third floor domers, the Zoning Board approved the variance request with lesser relief which specifies where on the building signs are permitted and grants final design approval to the Director of Planning and Zoning. The signs are permitted in the following locations: a pendant sign facing East Avenue, a sign on the shed facing 490 and two signs on the second floor of the building, one on the East façade and one on the West facade. In addition, the signs will have gooseneck lighting rather than being internally lit. The revised location and sign design will be easier for drivers and pedestrians to see and will not significantly alter the character of the building.

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

Finding: The subject property is located near a Wendy's drive-thru restaurant, DiBella's subs, Wegman's grocery store, and Speedway gas station, all of whom, have numerous signs. The signs approved by variance with lesser relief are appropriately scaled to the building and will fit in with the character of nearby properties.

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

Finding: There is no alternative to the variance request that would permit the applicant to install more than one sign on the building. Moreover, the applicant worked through a number of design iterations in order to best accommodate his business need for visibility and the neighborhood concern to retain the historic character of the property.

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

Finding: The location of the proposed signage on the building is reasonable, and the use of gooseneck lighting is more in keeping with the character of the building. 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: The applicant has been renovating the building in preparation of opening the restaurant. The exterior of the façade has been painted and the third floor dormer windows have been replaced. The variance approval with lesser relief is in keeping with the color scheme of the newly painted building and will improve the visual impact of the site. There will be no physical or environmental impact resulting from this variance request.

6. Is the alleged difficulty self-created?

Yes __ No X

Finding: The difficulty is self-created, but is not of sufficient concern to merit overriding this request.

Motion: Approve with lesser relief

Record of Vote:

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

This decision was based on the following testimony and evidence:

Supporting Testimony:

Mike Perry

Opposing Testimony:

John Lembach
Michael Faucholis
Mary Coffey
Cassandra Petsos
Holly Petsos
Marilyn Shutte

Evidence:

Staff Report
Area Variance Application
City Property Information
Statement of Difficulty
Sign Renderings
Photographs
Survey Map
Email from Mary Jo Lanphear, dated 10/19/16
Letter from Nancy & Joe Pagano
Letter from Park-Meigs Neighborhood Association, dated 10/20/16
Personal Appearance Notice
Affidavit of Notification
Speakers' List