

**ZONING BOARD OF APPEALS DECISION GRID *Revised
January 24, 2019**

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-034-18-19: To establish the use of the property as a three family dwelling, not meeting the dwelling unit conversion standards for lot size and off-street parking.	91 Prince Street	5-0-0	Approved on Condition
V-035-18-19: To construct an attached carport in the side yard of a single family dwelling, not meeting the minimum side yard setback requirement.	37 Chemung Street	1-4-0	Denied
V-036-18-19: To legalize the existing plywood in the second and third floor window openings of a multi-family dwelling, not meeting the residential building standards for a multi-family dwelling.	579-587 North Street	0-6-0	Denied
V-037-18-19: To install a circular driveway with an approximate 3' tall decorative solid wall in the front yard of a single family dwelling, thereby creating front yard parking and not meeting the opacity requirements for fences and walls in the front yard.	262 Culver Road	5-1-0	Approved on Condition
V-038-18-19: To construct a two-family dwelling, not meeting the minimum lot size and exceeding the maximum lot coverage requirement.	54 Sullivan Street (Site A)	4-1-1	Approved on Condition
V-039-18-19: To construct a two-family dwelling, not meeting the minimum lot size and exceeding the maximum lot coverage requirement.	58 Sullivan Street (Site A)	4-1-1	Approved on Condition
V-040-18-19: To construct a two-family dwelling, not meeting the minimum lot size and exceeding the maximum lot coverage requirement.	62 Sullivan Street (Site A)	4-1-1	Approved on Condition
V-041-18-19: To construct a two-family dwelling, not meeting the minimum lot size and exceeding the maximum lot coverage requirement.	30 Sullivan Street (Site B)	4-1-1	Approved on Condition

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-042-18-19: To construct a two-family dwelling, not meeting the minimum lot size and exceeding the maximum lot coverage requirement.	32 Sullivan Street (Site B)	4-1-1	Approved on Condition
V-043-18-19: To construct a two-family dwelling, not meeting the minimum lot size and exceeding the maximum lot coverage requirement.	38 Sullivan Street (Site B)	4-1-1	Approved on Condition
V-044-18-19: To construct a two-family dwelling, not meeting the minimum lot size and exceeding the maximum lot coverage requirement.	42 Sullivan Street (Site B)	4-1-1	Approved on Condition
V-045-18-19: To construct a two-family dwelling, not meeting the minimum lot size and exceeding the maximum lot coverage requirement.	27-29 Hoeltzer Street (Site M)	4-1-1	Approved on Condition
V-046-18-19: To construct a two-family dwelling, not meeting the minimum lot size and exceeding the maximum lot coverage requirement.	6 Kappel Place (Site P)	4-1-1	Approved on Condition
V-047-18-19: To construct a two-family dwelling, not meeting the minimum lot size and exceeding the maximum lot coverage requirement.	18 Kappel Place (Site Q)	4-1-1	Approved on Condition
V-048-18-19: To construct a two-family dwelling, not meeting the minimum lot size and exceeding the maximum lot coverage requirement.	24 Kappel Place (Site Q)	4-1-1	Approved on Condition
V-049-18-19: To construct a two-family dwelling, not meeting the minimum lot size, side yard setback and exceeding the maximum lot coverage requirement.	20 Hoeltzer Street (Site O)	4-1-1	Approved on Condition

ATTENDANCE:

Zoning Board Members Present:

L. Boose, T. Bryant, D. Carr*, L. Jennings, J. O'Donnell, M. Tilton
 (*recused himself for Cases 5-16, and was only able to deliberate on Cases 3 and 4.)

CONDITIONS:

91 Prince Street (V-034-18-19): The applicant must submit a parking plan to the Manger of Zoning for approval to accommodate the parking of four vehicles behind the subject property. In addition, the applicant must file a legal easement with the Monroe County Clerk's Office which allows access to the parking area from the driveway at 93 Prince Street.

262 Culver Road (V037-18-19): The application is approved on condition that the proposed circular driveway may remain only as long as the property remains a single family dwelling. Any change in use of the property will require the removal of the circular driveway, and the area restored to grass. *(PLEASE NOTE: Prior to any work being done, the applicant must also obtain a Certificate of Appropriateness from the Rochester Preservation Board.)*

54, 58, & 62 Sullivan Street (Site A) (V-038-18-19, V-039-18-19, V-040-18-19);

30, 32, 38, & 42 Sullivan Street (Site B) (V-041-18-19, V-042-18-19, V-043-18-19, V-044-18-19);

27-29 Hoeltzer Street (Site M) (V-045-18-19);

6 Kappel Place (Site P) (V-046-18-19);

18 Kappel Place (Site Q) (V-047-18-19);

24 Kappel Place (Site Q) (V-048-18-19); and

20 Hoeltzer Street (Site O) (V-049-18-19):

The front open porches on each two-family dwelling must contain a code compliant railing around the perimeter of the porch.

ZONING BOARD OF APPEALS DECISION GRID
February 21, 2019

CASE #	ADDRESS	RECORD OF VOTE	DECISION
<u>P-003-18-19:</u> To appeal the Denial by the Manager of Zoning (AA-20-18-19) regarding the internally illuminated channel sign for “Hanna Commercial Real Estate.”	217 West Main Street	0-4-0	Denied (Manager’s Decision Upheld)
<u>P-004-18-19:</u> To appeal the Denial by the Manager of Zoning (AA-21-18-19) regarding the channel letter sign for “Turner Engineering.”	1 Woodbury Boulevard	0-4-0	Denied (Manager’s Decision Upheld)
<u>V-050-18-19:</u> To legalize the expansion of a driveway in the front yard of a single family dwelling, thereby creating front yard parking.	45 Spruce Avenue	2-2-0	Default Denial *
<u>V-051-18-19:</u> To legalize the expansion of a driveway in the front yard of a single family dwelling, thereby creating front yard parking.	1150 Elmwood Avenue	0-4-0	Denied
<u>V-052-18-19:</u> To expand an existing second hand dealer and pawn operation within a single tenant space, an expansion of a nonconforming use.	1440 Dewey Avenue	0-4-0	Denied
<u>V-053-18-19:</u> To install an attached sign on the northern elevation of the building, thereby exceeding the maximum number of attached signs permitted.	217 Lake Avenue	0-4-0	Denied
<u>V-054-18-19:</u> To install an approximately 68 square foot internally illuminated channel letter sign for “Metro by T-Mobile,” thereby exceeding the maximum size requirement for attached signs.	1008 Culver Road	4-0-0	Approved with Lesser Relief

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-055-18-19: To legalize the expansion of pavement in the rear yard of a two-family dwelling, thereby exceeding the maximum lot coverage requirement.	161 Dartmouth Street	0-4-0	Denied
V-056-18-19: To install attached and detached signage for "Aldi," not meeting certain sign requirements.	175 North Winton Road	Attached Sign: 4-0-0	Approved
		Internal Illumination of Attached Sign: 4-0-0	Approved
		Detached Directional Signs: 4-0-0	Approved
		Clock Tower Cabinet Sign: ** 0-4-0	Denied
V-059-17-18: To subdivide one parcel into three thereby creating three new properties that do not meet certain lot, area, and yard requirements.	103-105 Anderson Avenue ***	There was no quorum due to the recusal of one of the Board members; therefore the application could not be heard. Application will be scheduled for the 3/21/19 Hearing.	
V-057-18-19: To construct one attached single family dwelling, not meeting certain lot, area, and yard requirements.	60 Delaware Street ***	There was no quorum due to the recusal of one of the Board members; therefore the application could not be heard. Application will be scheduled for the 3/21/19 Hearing.	
V-058-18-19: To construct one attached single family dwelling, not meeting certain lot, area, and yard requirements.	68 Delaware Street ***	There was no quorum due to the recusal of one of the Board members; therefore the application could not be heard. Application will be scheduled for the 3/21/19 Hearing.	

ATTENDANCE:

Zoning Board Members Present: L. Boose, T. Bryant, L. Jennings, J. O'Donnell
 Zoning Board Members Absent: D. Carr, M. Tilton

CONDITIONS:

* **45 Spruce Avenue (V-050-18-19):** Per Section 120-186D(1) of the Zoning Code, "The concurring vote of four members shall be necessary to approve an application or appeal. Failure to obtain the concurring vote of four members shall be deemed a denial." As a result, the applicant may submit a new application to the Zoning Board of Appeals seeking this driveway expansion because a new application would not be construed as a "successive application" since the current application was NOT denied on its merits; it was deemed a denial due to the failure to receive four concurring votes.

1008 Culver Road (V-054-18-19): The applicant may install a 38 square foot sign.

**** 175 North Winton Road (V-056-18-19)**: Please note that although the cabinet sign was denied, the applicant may still install an internally illuminated channel letter sign per variance **V-058-09-10**.

***** 103-105 Anderson Avenue; 60 Delaware Street; 68 Delaware Street**: Zoning Board Member, Joe O'Donnell, needed to recuse himself from hearing these three cases.

ZONING BOARD OF APPEALS DECISION GRID
March 21, 2019

CASE #	ADDRESS	RECORD OF VOTE	DECISION
<u>V-059-17-18:</u> To subdivide one parcel into three thereby creating three new properties that do not meet certain lot, area, and yard requirements.	103-105 Anderson Avenue	4-0-0*	Approved
<u>V-057-18-19:</u> To construct one attached single family dwelling, not meeting certain lot, area, and yard requirements.	60 Delaware Street (103-105 Anderson Avenue)	4-0-0*	Approved
<u>V-058-18-19:</u> To construct one attached single family dwelling, not meeting certain lot, area, and yard requirements.	68 Delaware Street (103-105 Anderson Avenue)	4-0-0*	Approved
<u>V-082-17-18:</u> To construct one of six, single family attached dwellings, exceeding the lot coverage requirement.	431 Broadway	5-0-0	Approved
<u>V-083-17-18:</u> To construct one of six, single family attached dwellings, exceeding the lot coverage requirement.	435 Broadway	5-0-0	Approved
<u>V-084-17-18:</u> To construct one of six, single family attached dwellings, exceeding the lot coverage requirement.	439 Broadway	5-0-0	Approved
<u>V-085-17-18:</u> To construct one of six, single family attached dwellings, exceeding the lot coverage requirement.	441 Broadway	5-0-0	Approved
<u>V-086-17-18:</u> To construct one of six, single family attached dwellings, exceeding the lot coverage requirement.	445 Broadway	5-0-0	Approved

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-059-18-19: To combine two parcels into one to facilitate the construction of a single family dwelling, not meeting the residential building standards for new infill single family dwellings.	448 & 450 Alexander Street	5-0-0	Approved
V-060-18-19: To legalize the installation of an air-conditioning unit in the side yard, to install a generator in the side yard, and to install a new concrete driveway; not meeting the location requirements for detached accessory structures and not leading to a legal parking space.	56 Madison Street	5-0-0	Approved on Condition
V-061-18-19: To install two handicapped parking spaces in the front yard of an existing church in conjunction with a proposed building addition, not meeting the location requirements for off-street parking.	1235 South Clinton Avenue	5-0-0	Approved

ATTENDANCE:

Zoning Board Members Present: L. Boose, T. Bryant, L. Jennings, J. O'Donnell, M. Tilton
 Zoning Board Members Absent: D. Carr

*Zoning Board Member Joe O'Donnell recused himself from hearing these three cases.

Conditions:

V-060-18-19 (56 Madison Street): The application is approved on condition that a landscaping plan be submitted to the Rochester Preservation Board for review as part of their C of A approval.

ZONING BOARD OF APPEALS DECISION GRID
April 18, 2019

CASE #	ADDRESS	RECORD OF VOTE	DECISION
<u>V-063-18-19:</u> To expand an existing bar/restaurant (Roc Brewing) within a single tenant space and to expand the existing outdoor seating area in front of the building, both expansions of a nonconforming use, and not meeting the off-street parking requirement.	54-56 South Union Street	6-0-0	Approved on Condition
<u>V-064-18-19:</u> To legalize four units in the basement of a multi-family dwelling, an expansion of a nonconforming use, and not meeting the off-street parking requirement.	34 South Goodman Street	6-0-0	Approved

ATTENDANCE:

Zoning Board Members Present: J. Best, L. Boose, T. Bryant, D. Carr, C. Murphy, M. Tilton
 Zoning Board Members Absent: J. O'Donnell

Conditions:

54-56 South Union Street (V-063-18-19):

- The hours of operation for the outdoor seating area are from 8:00am to 10:00pm, daily.
- There can be a maximum of 40 people in the outdoor seating area at any one time.
- There can be no music or live entertainment in the outdoor seating area.
- There can be no table service in the outdoor seating area.
- No sidewalk café is permitted by DES.

ZONING BOARD OF APPEALS DECISION GRID
May 15, 2019

CASE #	ADDRESS	RECORD OF VOTE	DECISION
<u>V-065-18-19:</u> To legalize the conversion of an attached garage to living space in a single family dwelling, thereby creating front yard parking.	43 Stanford Road	6-0-0	Approved
<u>V-066-18-19:</u> To subdivide one parcel into two, thereby creating two parcels not meeting certain lot, area, and yard requirements.	39 Warren Street	6-0-0	Approved
<u>V-067-18-19:</u> To remove an existing deck at the rear of a single family dwelling and replace it with a new 14' x 16' deck, not meeting the side yard setback requirement.	132 Meadowbrook Road	6-0-0	Approved
<u>V-068-18-19:</u> To remove an existing parking area for a single family dwelling and to install an approximate 45' long driveway, not leading to a legal parking space.	5 Linwood Place	6-0-0	Approved
<u>V-069-18-19:</u> To construct an attached garage at the rear of a single family dwelling, not meeting the side yard setback requirement.	50 Audubon Street	6-0-0	Approved
<u>V-070-18-19:</u> To install a dumpster storage area with screening at the rear of a single story commercial building, an amendment to the previous variance approval (V-013-94-95) which required all trash to be stored inside of the building.	452-454 Parsells Avenue	6-0-0	Approved
<u>V-071-18-19:</u> To legalize a dwelling unit at the rear of the first floor in a mixed use building, resulting from the conversion of nonresidential floor area to a residential use.	1286 St. Paul Street	6-0-0	Approved

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-072-18-19: To rebuild an existing two-story front porch on the front of a two-family dwelling, the first floor to be built open and the second floor to be closed, not meeting the residential building standards for front porches.	54-56 Argo Park	6-0-0	Approved

ATTENDANCE:

Zoning Board Members Present:

J. Best, L. Boose, T. Bryant, D. Carr, C. Murphy, M. Tilton

Zoning Board Members Absent:

J. O'Donnell

ZONING BOARD OF APPEALS DECISION GRID

June 20, 2019

CASE #	ADDRESS	RECORD OF VOTE	DECISION
<u>V-015-18-19:</u> To legalize the enclosure of an open front porch on a single family dwelling.	87 Locust Street	3-3-0	Default Denial*
<u>V-073-18-19:</u> To establish three dwelling units on the first floor of an existing mixed-use building, resulting from the conversion of nonresidential floor area to a residential use.	31-35 Pullman Avenue	6-0-0	Approved
<u>V-074-18-19:</u> To expand the parking area in the rear yard of a single family dwelling, exceeding the lot coverage requirement.	150 Magee Avenue	5-1-0	Approved on Condition
<u>V-075-18-19:</u> To install a pool in the front yard of a single family dwelling located on a corner lot, not meeting the location requirements for detached accessory structures.	66 Harding Road	6-0-0	Approved on Condition
<u>V-076-18-19:</u> To install a detached sign with a digital message board component, not meeting certain sign requirements.	530 Lyell Avenue	6-0-0	Approved on Condition
<u>V-077-18-19:</u> To convert existing office space to a dwelling unit, resulting from the conversion of nonresidential floor area to a residential use.	165 Atkinson Street	6-0-0	Approved
<u>V-078-18-19:</u> To legalize the use of the third floor in conjunction with the dwelling unit on the second floor, thereby expanding a nonconforming use.	352 Canterbury Road	3-3-0	Default Denial*
<u>V-079-18-19:</u> To repave the existing driveway of a single family dwelling that terminates in the side yard, not leading to a legal parking space.	44 Alliance Avenue	6-0-0	Approved
<u>V-080-18-19:</u> To legalize four porch enclosures on the front of a multi-family dwelling, not meeting the residential building standards.	820 East Main Street	Held at the request of the Zoning Board for additional information.	

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-081-18-19: To replace two existing conventional advertising signs (billboards) with digital signs, and to raise the height of the sign structure by 20 feet; not meeting certain sign requirements.	10 Griffith Street	1-5-0	Denied

ATTENDANCE:

Zoning Board Members Present: J. Best, T. Bryant, D. Carr, C. Murphy, J. O’Donnell, M. Tilton
 Zoning Board Members Absent: L. Boose

***DEFAULT DENIAL:**

Per Section 120-186D(1) of the Zoning Code, *“The concurring vote of four members shall be necessary to approve an application or appeal. Failure to obtain the concurring vote of four members shall be deemed a denial.”* As a result, the applicant(s) may submit a new application to the Zoning Board of Appeals seeking relief because a new application would not be construed as a “successive application” since the current application was NOT denied on its merits; it was deemed a denial due to the failure to receive four concurring votes.

CONDITIONS:

V-074-18-19 (150 Magee Avenue): The parking expansion is approved on condition that that the expanded area remain pavers and not be converted to asphalt or concrete. In addition, the existing hedge along the southern property line must remain.

V-075-18-19 (66 Harding Road): The pool is approved on condition that it be located on the west side of the house as indicated on the submitted site plan.

V-076-18-19 (530 Lyell Avenue):

The sign must comply with the following section of City Code:

- 120-177F(6): No sign shall consist of strings of lights or contain blinking, flashing, intermittent, rotating, glaring, or moving lights or other attention-attracting devices.
- 120-177F(7): Any illuminated sign shall employ only lights emitting a light of constant intensity.

In addition, the maximum brightness allowed during daylight hours shall be 5,000 nits and for evening hours the maximum brightness shall be 200 nits.

ZONING BOARD OF APPEALS DECISION GRID

July 25, 2019

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-01-19-20: To remove an existing storage shed and construct a new, 22' x 24' garage in the front yard of a corner property, not meeting the location requirements for detached accessory structures.	10 Milan Street	6-0-0	Approved on Condition
V-02-19-20: To legalize the expansion of pavement in the front yard, thereby creating front yard parking.	24 Rosemount Street	6-0-0	Approved on Condition and with Lesser Relief
V-03-19-20: To re-establish the use of the property as a two-family dwelling that has lost its rights due to a period of vacancy greater than nine months.	50 Oneida Street	5-1-0	Approved
V-04-19-20: To legalize the use of the third floor in conjunction with the dwelling unit on the second floor, thereby expanding a nonconforming use.	352 Canterbury Road	5-1-0	Approved

ATTENDANCE:

Zoning Board Members Present: J. Best, T. Bryant, C. Murphy, J. O'Donnell, M. Tilton, L. Jennings (alternate)

Zoning Board Members Absent: L. Boose, D. Carr

CONDITIONS:

V-01-19-20 (10 Milan Street): The variance request is approved on condition that the exterior building material of the garage match that of the single family dwelling.

V-02-18-19 (24 Rosemount Street): The applicant was granted lesser relief in that approximately three feet of the expanded asphalt may remain; however, the portion of asphalt that extends from the west (left) side of the house south to the public right-of-way (as depicted on the illustration to be included in the Notice of Decision) must be removed, and that area shall be restored to grass and a concrete walkway (as depicted in the 2012 photo that was attached to the Staff Report).

ZONING BOARD OF APPEALS DECISION GRID

August 22, 2019

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-05-19-20: To convert the existing nonresidential floor area to a residential use on the first floor of a vacant building; second floor dwelling unit to remain.	310 Child Street	7-0-0	Approved
V-06-19-20: To construct a multi-family dwelling containing three dwelling units, not meeting the front yard setback or certain locational off-street parking requirements.	291 South Plymouth Avenue	7-0-0	Approved on Condition
V-07-19-20: To legalize the conversion of a detached accessory building to a single family dwelling, a permitted use in the district, but not meeting certain lot, area, and yard requirements.	44 Bly Street	7-0-0	Approved
V-08-19-20: To remove an existing detached pole sign and replace it with a detached 6'T monument sign, not meeting certain sign requirements.	1219 University Avenue	5-2-0	Approved

ATTENDANCE:

Zoning Board Members Present: J. Best, L. Boose, T. Bryant, D. Carr, C. Murphy, M. Tilton, L. Jennings

Zoning Board Members Absent: J. O'Donnell

CONDITIONS:

V-06-19-20 (291 South Plymouth Avenue): The variance request is approved on condition that a landscaping plan for the South Fitzhugh Street elevation be submitted to the Manager of Zoning for approval.

ZONING BOARD OF APPEALS DECISION GRID
September 19, 2019

CASE #	ADDRESS	RECORD OF VOTE	DECISION
<u>V-09-19-20:</u> To install one front yard parking space on the left side of a two-family dwelling, resulting in front yard parking.	202 Cottage Street	0-5-0	Denied
<u>V-010-19-20:</u> To demolish an existing detached two-car garage and construct a new detached two-car garage with a dwelling unit on the second floor, not meeting certain lot, area, and yard requirements or the residential building standards.	147 Milburn Street	0-5-0	Denied
<u>V-011-19-20:</u> To enlarge an existing attached deck at the rear of a single family attached dwelling which does not meet the rear yard setback requirement, amending the previous variance approval from 1978 which established the existing rear yard setback. The project was conceptually approved at the September 4, 2019 Preservation Board Hearing.	1434 East Avenue	5-0-0	Approved
<u>V-012-19-20:</u> To install one front yard parking space on the right side of a single family dwelling, resulting in front yard parking.	213 Longview Terrace	5-0-0	Approved
<u>V-013-19-20:</u> To construct an approximate 5,300 square foot single story commercial building to be used as a day care center and community center (Bundle of Joy Day Care), not meeting certain lot, area, and yard requirements, certain non-residential building standards, or the off-street parking requirement.	464-476 Hudson Avenue	4-0-1*	Approved
<u>V-014-19-20:</u> To construct an approximate 7,520 square foot addition to be used as indoor storage for an existing contractor operation, an expansion of a nonconforming use.	112 Hudson Avenue	4-0-1*	Approved

ATTENDANCE:

Zoning Board Members Present: J. Best, T. Bryant, D. Carr, L. Jennings (alternate), J. O'Donnell

Zoning Board Members Absent: L. Boose, C. Murphy, M. Tilton

*Zoning Board Member David Carr recused himself from hearing these two cases.

ZONING BOARD OF APPEALS DECISION GRID
October 17, 2019

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-015-19-20: To install one parking space on the left (west) side of a single family dwelling, resulting in front yard parking.	58 May Street	Held Pending Additional Information	
V-016-19-20: To install one air conditioning unit in the front yard of St. Monica's Church along the Monica Street frontage, not meeting the location requirements for detached accessory structures.	831 Genesee Street	6-0-0	Approved
V-017-19-20: To remove two existing detached signs for "Cedarwood Towers," one on East Main Street and one on Cedarwood Terrace, and install two new detached signs for "Winton Gardens Towers" in the same locations, not meeting certain sign requirements.	2052 East Main Street	6-0-0	Approved

ATTENDANCE:

Zoning Board Members Present: J. Best, T. Bryant, D. Carr, C. Murphy, J. O'Donnell, M. Tilton

Zoning Board Members Absent: L. Boose

ZONING BOARD OF APPEALS DECISION GRID
November 21, 2019

CASE #	ADDRESS	RECORD OF VOTE	DECISION
<u>V-015-19-20:</u> To install one parking space on the left (west) side of a single family dwelling, resulting in front yard parking.	58 May Street	2-2-0	Default Denial*
<u>V-018-19-20:</u> To install an asphalt surface to be used as a multi-purpose area (basketball court, patio, etc.) along the Dorchester Road frontage of a single family dwelling, not meeting the location requirements for this area.	480 North Winton Road	4-0-0	Approved on Condition
<u>V-019-19-20:</u> To legalize the use of the third floor in conjunction with the second floor unit, an expansion of a non-conforming use.	1072 South Avenue	4-0-0	Approved on Condition
<u>V-020-19-20:</u> To establish the use of the property as an auto repair shop with limited body work, a use not permitted in the district.	834-840 East Main Street	4-0-0	Approved on Condition
<u>V-021-19-20:</u> To re-establish the use of the property as a two-family dwelling that has lost its rights due to a period of vacancy greater than nine months.	15 Arnett Boulevard	4-0-0	Approved on Condition
<u>V-022-19-20:</u> To re-establish the use of the property as a two-family dwelling that has lost its rights due to a period of vacancy greater than nine months.	15 Sander Street	4-0-0	Approved
<u>V-023-19-20:</u> To legalize the roll-down shutters on the exterior of a mixed-use building, not meeting certain non-residential and mixed-use building standards.	252-258 Bay Street	4-0-0	Approved on Condition

ATTENDANCE:

Zoning Board Members Present: J. Best, T. Bryant, C. Murphy, J. O'Donnell

Zoning Board Members Absent: L. Boose, D. Carr, M. Tilton

***DEFAULT DENIAL:**

Per Section 120-186D(1) of the Zoning Code, *“The concurring vote of four members shall be necessary to approve an application or appeal. Failure to obtain the concurring vote of four members shall be deemed a denial.”* As a result, the applicant(s) may submit a new application to the Zoning Board of Appeals seeking relief because a new application would not be construed as a “successive application” since the current application was NOT denied on its merits; it was deemed a denial due to the failure to receive four concurring votes.

CONDITIONS:

V-018-19-20 (480 North Winton Road):

The expanded asphalt area is approved on the following conditions:

- The existing hedge row and decorative wall along the Dorchester Road frontage shall remain.
- The expanded asphalt area shall not be used for parking.

V-019-19-20 (1072 South Avenue): The use of the third floor in conjunction with the second floor unit is approved on condition that the total number of bedrooms within the unit shall not exceed three.

V-020-19-20 (840 East Main Street):

The use of the property to include limited body work is approved on the following conditions:

- The hours of operation shall be Monday-Friday between 7am and 7pm.
- No wrecked or dismantled vehicles shall be stored outside overnight.
- A landscaping plan along the Prince Street frontage and a new solid fence along the western property line shall be submitted to the Manager of Zoning for approval.

V-021-19-20 (15 Arnett Boulevard): The use of the property as a two-family dwelling is approved on condition that the applicant open the existing enclosed front porch as presented in the application.

V-023-19-20 (252-258 Bay Street):

The existing roll down shutters may remain on the following conditions:

- The first floor shall remain one tenant space.
- The existing windows behind the roll down shutters shall remain.
- All of the roll down shutters shall be open during the regular operating hours of the business.
- Any graffiti on the shutters shall be removed within 72 hours.

ZONING BOARD OF APPEALS DECISION GRID
December 19, 2019

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-024-19-20: To construct a 14' 6" x 15' single story addition on the east side of a single family dwelling, not meeting the side yard setback requirement.	324 Culver Road	6-0-0	Approved
V-025-19-20: To legalize the use of the third floor in conjunction with the second floor dwelling unit, an expansion of a nonconforming use.	45 Roseview Avenue	6-0-0	Approved on Condition
V-026-19-20: To establish live entertainment in an existing bar/restaurant (El Chuchifrito), a use not permitted in the district.	1733 Norton Street	5-1-0	Approved on Condition
V-027-19-20: To replace two existing conventional advertising signs (billboards) with one east facing digital sign (westbound traffic), and to raise the height of the structure by 12.5 feet; not meeting certain sign requirements.	10 Griffith Street	4-2-0	Approved with Lesser Relief and on Condition

ATTENDANCE:

Zoning Board Members Present: J. Best, L. Boose, T. Bryant, C. Murphy, J. O'Donnell, M. Tilton
Zoning Board Members Absent: D. Carr

CONDITIONS:

V-025-19-20 (45 Roseview Avenue): The use of the third floor in conjunction with the second floor unit is approved on condition that the total number of bedrooms within the unit not exceed two.

V-026-19-20 (1733 Norton Street): Entertainment is permitted on Saturdays only and shall end by 11pm.

V-027-19-20 (10 Griffith Street): The applicant may change the east facing conventional sign to a digital sign with the removal of the west facing sign; however, the sign structure shall remain at its current height. In addition, the maximum brightness shall be 200 cd/m² at night, and all operating functions as outlined in pages 2 and 3 of the application shall apply.