

ZONING BOARD OF APPEALS DECISION GRID
January 23, 2020

CASE #	ADDRESS	RECORD OF VOTE	DECISION
<u>V-029-19-20:</u> To establish the use of the property as a two-family dwelling, a permitted use in the district, but not meeting certain lot, area, and yard requirements.	25 Wilmer Street	7-0-0	Approved
<u>V-030-19-20:</u> To legalize the use of the third floor in conjunction with the second floor dwelling unit, an expansion of a nonconforming use.	161 Norris Drive	Withdrawn by applicant	
<u>V-031-19-20:</u> To construct a new monopole with two conventional advertising signs (billboards), one east facing (westbound traffic) and one west facing (eastbound traffic), not meeting certain sign requirements.	1881 East Avenue	4-3-0	Approved on Condition
<u>V-032-19-20</u> To replace the existing east facing (westbound traffic) conventional advertising sign (billboard) with a larger, digital sign; to increase the size of the west facing (eastbound traffic) conventional sign; and to raise the height of the structure by 13.5 feet, not meeting certain sign requirements.	55 Rockwood Street	Held by the Zoning Board for additional information	
<u>V-033-19-20:</u> To remove the existing west facing (eastbound traffic) conventional advertising sign (billboard) and replace it with a digital sign, while retaining the existing east facing (westbound traffic) conventional sign, not meeting certain sign requirements.	620 South Clinton Avenue	7-0-0	Approved on Condition
<u>V-040-19-20:</u> To demolish a Designated Building of Historic Value to facilitate the construction of a three-story building to expand an existing residential care facility, not meeting the rear yard setback requirement.	789 South Avenue	7-0-0	Approved

ATTENDANCE:

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

CONDITIONS:

V-031-19-20 (1881 East Avenue): The 7 existing billboard structures, totaling 11 sign faces as outlined in the application, shall be removed.

V-033-19-20 (620 South Clinton Avenue):

- The maximum brightness during evening hours shall be 200 cd/m².
- The 7 existing billboard structures, totaling 11 sign faces as outlined in the application, shall be removed.

ZONING BOARD OF APPEALS DECISION GRID
February 20, 2020

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-028-19-20: To construct a single family dwelling, not meeting the residential building standards for new infill single family dwellings.	448 Alexander Street	Approved	5-0-0
V-042-19-20: To expand an existing restaurant (The Red Fern) into an adjacent dwelling unit, an expansion of a nonconforming use.	285-293 Oxford Street	Approved	5-0-0
V-043-19-20: To legalize a stone driveway expansion in the rear yard of a two-family dwelling, exceeding the maximum lot coverage requirement.	274 Rutgers Street	Approved on Condition	4-1-0
V-044-19-20: To legalize a parking space in the front yard of a two-family dwelling, resulting in front yard parking.	951-953 Dewey Avenue	Denied	0-5-0
V-045-19-20: To install three attached signs and one detached sign for a proposed car wash (Royal Car Wash), not meeting certain sign requirements.	725 West Ridge Road	Held by the Board pending additional information	
V-046-19-20: To construct an approximate 4,800 square foot addition to be used as a warehouse for an existing manufacturing operation (Fee Brothers), a permitted use in the district, but not meeting the rear yard setback requirement.	439 Portland Avenue	Approved	5-0-0

ATTENDANCE:

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

Zoning Board Members Absent: D. Carr, J. O'Donnell

Conditions:

274 Rutgers Street (V-043-19-20): The applicant shall submit a plan to be approved by the Manager of Zoning that includes the removal of a portion of the crushed stone along the eastern and southern property lines and the installation of landscaping in its place.

ZONING BOARD OF APPEALS DECISION GRID

May 7, 2020

CASE #	ADDRESS	RECORD OF VOTE	DECISION
<p><u>V-032-19-20:</u> To replace the existing east facing (westbound traffic) conventional advertising sign (billboard) with a larger, digital sign; to increase the size of the west facing (eastbound traffic) conventional sign; and to raise the height of the structure by 13.5 feet, not meeting certain sign requirements.</p>	<p align="center">55 Rockwood Street</p>	<p align="center">7-0-0</p>	<p align="center">Approved with lesser relief and on condition</p>
<p><u>V-045-19-20:</u> To install three attached signs and one detached sign for a proposed car wash (Royal Car Wash), not meeting certain sign requirements.</p>	<p align="center">725 Wet Ridge Road</p>	<p align="center">7-0-0</p>	<p align="center">Approved</p>
<p><u>V-047-19-20:</u> To legalize the construction of a garage along Maplewood Avenue accessory to an existing school, not the meeting location requirements for detached accessory structures.</p>	<p align="center">1290 Lake Avenue</p>	<p align="center">Held by the Board pending additional information</p>	
<p><u>V-048-19-20:</u> To legalize the removal of a front porch and the installation of a deck in front of an existing two-family dwelling, not meeting the location requirements for attached accessory structures.</p>	<p align="center">72 Hickory Street</p>	<p align="center">Held by Staff pending additional information</p>	
<p><u>V-050-19-20:</u> To reconfigure and increase the size of two existing dormers to facilitate the increase in floor area of the third floor dwelling unit, an expansion of a nonconforming use.</p>	<p align="center">155 Westminster Road</p>	<p align="center">7-0-0</p>	<p align="center">Approved</p>
<p><u>V-051-19-20:</u> To construct an approximate 35,000 square foot addition to an existing school, not meeting certain lot, area, yard, and bulk requirements.</p>	<p align="center">8-14 Mark Street</p>	<p align="center">3-3-1</p>	<p align="center">Default Denial*</p>
<p><u>V-052-19-20:</u> To construct a five-story, 132,953 square foot mixed-use building not meeting certain lot, area and yard requirements.</p>	<p align="center">CDS Parcel 1</p>	<p align="center">5-1-1</p>	<p align="center">Approved</p>
<p><u>V-053-19-20:</u> To construct one, four-story 26,633 square foot multi-family dwelling and one, three-story 10,743 square foot multi-family dwelling, not meeting certain bulk requirements.</p>	<p align="center">CDS Parcel 2</p>	<p align="center">4-2-1</p>	<p align="center">Approved</p>

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-054-19-20: To construct four, three-story 10,743 square foot, multi-family dwellings, not meeting certain bulk requirements.	CDS Parcel 3	6-0-1	Approved

ATTENDANCE:

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

***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:

55 Rockwood Street (V-032-19-20):

- The applicant may raise the height of the sign by 5 feet for a total height of 53.5 feet. The 7 existing billboard structures, totaling 11 sign faces as outlined in the application, shall be removed.
- In addition, the digital sign shall meet all the mitigation standards as set forth on pages 9 and 10 of the Addendum to the Variance Application, except that the maximum brightness during evening hours shall be 200cd/m2.

ZONING BOARD OF APPEALS DECISION GRID
May 21, 2020

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-056-19-20: To construct an addition to a single family dwelling, not meeting the rear yard setback requirement.	336 Nunda Boulevard	5-0-1*	Approved
V-057-19-20: To legalize the reduction in transparency on the first floor of a mixed-use building, not meeting the nonresidential and mixed-use building standards.	103 Prospect Street	5-1-0	Approved with Lesser Relief
V-058-19-20: To legalize the change of the exterior building material on a single family dwelling, not meeting the city-wide design standards for a Designated Building of Historic Value.	153 Windemere Road	Held by the Board for additional information	
V-059-19-20: To establish the first floor of a mixed-use building as a dwelling unit, resulting in the conversion of nonresidential floor area to a residential use.	202 Otis Street	Held by the Board for additional information	
V-060-19-20: To construct a 2,600 square foot restaurant with drive-thru (Burger King), not meeting certain lot, area, and yard requirements; certain refuse locational requirements; or certain off-street parking requirements.	327-347 Monroe Avenue	1-4-0	Denied
V-061-19-20: To construct a single family dwelling, not meeting the residential building standards.	170 Atkinson Street	5-0-0	Approved
V-062-19-20: To install a driveway to serve a two-family dwelling that terminates at the rear wall of the structure, not leading to a legal parking space.	12 Greig Street	5-0-0	Approved
V-063-19-20: To legalize the third floor in conjunction with the second floor dwelling unit, an expansion of a nonconforming use.	1541 South Avenue	5-0-0	Approved
V-064-19-20: To legalize the existing plywood and cinder blocks in a series of window openings on the second and third floor of a mixed-use building, not meeting the nonresidential and mixed-use building standards.	191 Genesee Street	0-5-0	Denied

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-065-19-20: To demolish the rear structure on the property which is a Designated Building of Historic Value.	153-155 Averill Avenue	5-0-0	Approved

ATTENDANCE:

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

Zoning Board Members Absent: J. O'Donnell

*C. Murphy recused herself from this case.

**L. Jennings was present for the Hearing, but only present during deliberations for Cases 1 and 2.

Conditions:

103 Prospect Street (V-057-19-20): The Prospect Street elevation shall be revised to include glass where the "tin" material is located; or, revise it to match the Adams Street elevation.

ZONING BOARD OF APPEALS DECISION GRID

June 18, 2020

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-068-19-20: To construct an approximate 35,000 square foot addition to an existing school, not meeting certain lot, area, yard, and bulk requirements.	8-14 Mark Street	5-1-1	Approved
V-058-19-20: To legalize the change of the exterior building material on a single family dwelling, not meeting the city-wide design standards for a Designated Building of Historic Value.	153 Windemere Road	6-1-0	Approved*
V-059-19-20: To establish the first floor of a mixed-use building as a dwelling unit, resulting in the conversion of nonresidential floor area to a residential use.	202 Otis Street	7-0-0	Approved
V-034-19-20: To construct one of five, single family attached dwellings, not meeting certain lot, area, and yard requirements.	93 Marsh Street	6-1-0	Approved
V-035-19-20: To construct one of five, single family attached dwellings, not meeting certain lot, area, and yard requirements.	93 Marsh Street	6-1-0	Approved
V-036-19-20: To construct one of five, single family attached dwellings, not meeting certain lot, area, and yard requirements.	93 Marsh Street	6-1-0	Approved
V-037-19-20: To construct one of five, single family attached dwellings, not meeting certain lot, area, and yard requirements.	93 Marsh Street	6-1-0	Approved
V-038-19-20: To construct one of five, single family attached dwellings, not meeting certain lot, area, and yard requirements.	93 Marsh Street	6-1-0	Approved
V-041-19-20: To convert a portion of the first floor nonresidential floor area to a residential use, not meeting the dwelling unit conversion standards; and to construct a deck on the roof, not meeting the location requirements for attached accessory structures.	303 Congress Avenue	6-1-0	Approved

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-055-19-20: To construct a public/semi-public use and associated parking lot (City of Rochester Neighborhood Service Center and Police Station), not meeting certain lot, area and yard requirements; certain off-street parking and fence requirements, and certain nonresidential building standards.	1200 East Main Street, et. al	4-3-0	Approved
V-066-19-20: To construct an 8' tall fence along the northern property lines of 271 South Plymouth Avenue, and 2 and 4 Cornhill Terrace, not meeting certain fencing requirements.	4 Cornhill Terrace	5-2-0	Approved with lesser relief**
V-067-19-20: To construct a single family dwelling, not meeting certain lot, area and yard requirements or the off-street parking requirement.	3 Diamond Place	6-0-1	Approved

ATTENDANCE:

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

Conditions:

***153 Windemere Road (V-058-19-20):** Option #1 (cedar shake single pattern vinyl) in the revised application is approved.

****4 Cornhill Terrace (V-066-19-20):** The applicant can install a 6'T solid fence with up to 2' of lattice on top for a total height of 8'.

ZONING BOARD OF APPEALS DECISION GRID
July 23, 2020

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-001-20-21: To establish an approximately 1,400 square foot bottle and can recycling center, not meeting certain additional requirements for specified uses.	1230-1244 Lyell Avenue	6-0-0	Approved
V-002-20-21: To construct a 25 space parking lot to serve a place of worship, not meeting certain parking requirements.	606 Bay Street	6-0-0	Approved on Condition
V-003-20-21: To repave an existing driveway and to install a detached carport in the side yard, not meeting certain off-street parking requirements and certain locational requirements for detached accessory structures.	10 Nottingham Circle	5-1-0	Approved
V-004-20-21: To construct an 8'T fence along the rear property line, not meeting certain fencing requirements.	109 Linden Street	5-1-0	Approved

ATTENDANCE:

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

CONDITIONS:

606 Bay Street (V-002-20-21): The existing chain-link fencing along the Bay Street frontage shall be removed and a landscaped setback area shall be installed in its place.

ZONING BOARD OF APPEALS DECISION GRID
August 20, 2020

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-006-20-21: To construct an outdoor seating area accessory to an existing café within an assisted living facility (St. John’s Home), an expansion of a nonconforming use.	150 Highland Avenue	5-0-0	Approved
V-007-20-21: To install one parking space in the front yard, resulting in front yard parking.	70 Rockingham Street	5-0-0	Approved on Condition
V-008-20-21: To change the exterior building material and to install a series of replacement windows in a single family dwelling, not meeting the city-wide design standards for a Designated Building of Historic Value.	316 South Winton Road	5-0-0	Approved
V-009-20-21: To install an approximate 24 square foot internally illuminated detached sign for an existing bar/restaurant (ROC Brewing), not meeting certain design standards.	54-56 South Union Street	5-0-0	Approved on Condition
V-010-20-21: To alter the original storefront style windows on the first floor of a multi-story building associated with a change of use, not meeting the city-wide design standards for a Designated Building of Historic Value.	350-362 State Street	5-0-0	Approved
V-011-20-21: To construct an approximate 3,600 square foot addition to an existing contractor operation facility, an expansion of a nonconforming use.	112 Hudson Avenue	5-0-0	Approved

ATTENDANCE:

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

CONDITIONS:

70 Rockingham Street (V-007-20-21): The existing concrete private sidewalk that leads from the City sidewalk to the front porch shall remain. The parking space shall be located to the west of the exiting concrete private sidewalk. The parking space shall be either stamped asphalt, stamped concrete, or pavers, to be approved by the Manager of Zoning.

54-56 South Union Street (V-009-20-21): The sign shall only be illuminated internally during regular business hours.

ZONING BOARD OF APPEALS DECISION GRID
September 17, 2020

CASE #	ADDRESS	RECORD OF VOTE	DECISION
<u>V-012-20-21</u> : To install one detached, 6' T, 32 square foot monument sign with digital message board, not meeting certain sign requirements.	1260 Lyell Avenue	0-4-0	Denied
<u>V-013-20-21</u> : To re-establish the use of the property as a two-family dwelling which has lost its rights as a result of an extended period of vacancy.	318 Emerson Street	4-0-0	Approved
<u>V-014-20-21</u> : To install approximately 95' of 6' T stockade fencing along the Sheldon Terrace frontage of a corner property, not meeting certain fencing requirements.	646-648 Thurston Road	4-0-0	Approved
<u>V-015-20-21</u> : To install approximately 70' of 5' T picket-style aluminum fencing in a portion of the front yard of a single family dwelling, exceeding the height requirement.	147 Hillcrest Street	4-0-0	Approved
<u>V-016-20-21</u> : To install approximately 94' of 6' T stockade fencing in a portion of the front yard of a corner property, exceeding the height and opacity requirements.	10 Reliance Street	4-0-0	Approved
<u>V017-20-21</u> : To legalize an expansion of asphalt in the rear yard of a two-family dwelling, exceeding the maximum lot coverage requirement.	33-35 Flower City Park	Held by the Board pending the submission of additional information	

ATTENDANCE:

Zoning Board Members Present: J. Best, L. Boose, T. Bryant, J. O'Donnell

Zoning Board Members Absent: D. Carr, L. Jennings, C. Murphy

ZONING BOARD OF APPEALS DECISION GRID
October 22, 2020

CASE #	ADDRESS	RECORD OF VOTE	DECISION
<u>V-017-20-21</u> : To legalize an expansion of asphalt in the rear yard of a two-family dwelling, exceeding the maximum lot coverage requirement.	33-35 Flower City Park	4-0-0*	Approved
<u>V-018-20-21</u> : To construct an approximate 20' x 32' square foot detached garage accessory to a single family dwelling, exceeding the maximum lot coverage requirement.	97 Wilder Terrace	6-0-0**	Approved
<u>V-019-20-21</u> : To establish the use of an approximate 3,100 square foot daycare center, not meeting certain additional requirements for specified uses.	1850 Dewey Avenue	6-0-0***	Approved
<u>V-020-20-21</u> : To re-establish the use of the property as a four-family dwelling, which has lost its rights as a result of an extended period of vacancy.	197 Driving Park Avenue	0-7-0	Denied

ATTENDANCE:

Zoning Board Members Present: M. Bain, J. Best, T. Bryant, D. Carr, L. Jennings, C. Murphy, H. Wheeler

***33-35 Flower City Park**: D. Carr, L. Jennings, C. Murphy were not present at the 9/17/2020 ZBA hearing where this case was originally heard and therefore, did not vote.

****97 Wilder Terrace**: D. Carr did not hear the presentation and therefore, did not vote

*****1850 Dewey Avenue**: M. Bain recused himself from voting on this case.

ZONING BOARD OF APPEALS DECISION GRID
November 19, 2020

CASE #	ADDRESS	RECORD OF VOTE	DECISION
<u>V-047-19-20</u> : To legalize the construction of a garage along Maplewood Avenue accessory to an existing school, not the meeting location requirements for detached accessory structures.	1290 Lake Avenue	5-2-0	Approved on Condition
<u>V-021-20-21</u> : To install a driveway which terminates in the side yard accessory to a single family dwelling, not leading to a legal parking space.	37 Wall Street	7-0-0	Approved on Condition
<u>V-022-20-21</u> : To install a wind turbine on the roof of an existing manufacturing building, not meeting the location requirements for detached accessory structures.	460 Buffalo Road	7-0-0	Approved
<u>V-023-20-21</u> : To construct three, single family attached dwellings (townhomes), a permitted use in the district, but not meeting certain lot, area, and yard requirements.	291 South Plymouth Avenue	7-0-0	Approved
<u>V-024-20-21</u> : To demolish a detached carriage house/garage structure at the rear of the property, which is a contributing structure to the property being listed as Designated Building of Historic Value.	456 Oxford Street	7-0-0	Approved
<u>V-025-20-21</u> : To demolish an existing detached garage which is a contributing resource to the property being listed as a Designated Building of Historic Value, and to construct a new, two-car detached garage, not meeting the height requirement for detached accessory structures.	224 Croydon Road	4-3-0	Approved on Condition

ATTENDANCE:

Zoning Board Members Present: M. Bain, J. Best, T. Bryant, L. Jennings, C. Murphy, J. O'Donnell (alternate), H. Wheeler
Zoning Board Members Absent: D. Carr

Conditions:

1290 Lake Avenue (V-047-19-20): The application is approved on condition that the accessory structure be removed when the current user vacates the property.

November 19, 2020

ZBA Hearing Grid

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Conditions, continued:

37 Wall Street (V-021-20-21): The application is approved on condition that the existing private sidewalk connecting the public sidewalk with the house remain; or, it may be replaced with the new driveway material to match. This will be depicted on the diagram to be included in the Notice of Decision.

224 Croydon Road (V-025-20-21): The application is approved on condition that the garage be used in accordance with the definition of an accessory structure and not be converted to any other use.

ZONING BOARD OF APPEALS DECISION GRID
December 17, 2020

CASE #	ADDRESS	RECORD OF VOTE	DECISION
<u>V-026-20-21</u> : To convert the existing nonresidential floor area on the first floor of a mixed-use building to three residential units, not meeting certain dwelling unit conversion standards.	72 Thurston Road	7-0-0	Approved on Condition
<u>V-028-20-21</u> : To install a pool in the side yard of a single family dwelling, not meeting the location requirements for detached accessory uses.	476 Beach Avenue	6-1-0	Approved
<u>V-029-20-21</u> : To install an approximate 68 square foot, internally illuminated channel letter sign in between the first and second floor windows on the building for "Rohrbach Brewing Co.," not meeting certain sign requirements.	97 Railroad Street	7-0-0	Approved
<u>V-030-20-21</u> : To construct two multi-family dwellings and one single family dwelling, not meeting certain lot, area, and yard, or bulk requirements; or the residential building standards for transparency.	55-99 Federal Street	7-0-0	Approved
<u>V-031-20-21</u> : To add a total of six additional dwelling units within the two existing buildings onsite, three in each building, and to add six additional parking spaces, an expansion of a nonconforming use.	117-125 Highland Parkway	Held at the request of the applicant until the January 21, 2021 Hearing	
<u>V-032-20-21</u> : To legalize the construction of a patio in the front yard of a single family dwelling, not meeting the location requirements for detached accessory structures.	50 Edgerton Street	1-6-0	Denied

ATTENDANCE:

Zoning Board Members Present: M. Bain, J. Best, T. Bryant, L. Jennings, C. Murphy, J. O'Donnell (alternate), H. Wheeler
Zoning Board Members Absent: D. Carr

December 17, 2020

ZBA Hearing Grid

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Conditions:

72 Thurston Road (V-026-20-21): The application is approved on the follow conditions:

1. The sliding windows on the first floor of the front elevation shall be replaced with double hung windows to match the size of the double hung windows on the front elevation of the second floor.
2. Pedestrian sidewalks shall be installed connecting the public sidewalk to the front door of each of the new dwelling units. All remaining concrete and asphalt shall be removed.
3. A covering over each of the new doors shall be installed in the form of an awning or shed roof, to be approved by the Manager of Zoning.