

**ZONING BOARD OF APPEALS DECISION GRID
JANUARY 16, 2014**

| CASE # | ADDRESS | RECORD OF VOTE | DECISION |
|--|-----------------------|-------------------------------|-----------------------------------|
| V-047-13-14 To legalize a parking area in the rear yard. | 80 East Ridge Road | 5-0-0 | APPROVE with lesser relief |
| V-048-13-14 To legalize the enclosure of an open front porch. | 188 Alameda Street | 0-5-0 | DENY |
| V-049-13-14 To legalize the radio antenna in the side yard and to legalize the 4' chain link fence on three frontages. | 258 Adams Street | 5-0-0 | APPROVE on condition |
| | | 5-0-0 | APPROVE on condition |
| V-050-13-14 To add live entertainment and to waive the associated off-street parking requirements. | 1104 Monroe Avenue | WITHDRAWN by applicant | |
| V-051-13-14 To remove and replace the sign faces on an existing detached nonconforming sign. | 1848 Lyell Avenue | 5-0-0 | APPROVE on condition |
| V-033-13-14 To remove and replace the existing triple track windows in an existing enclosed porch and replace with slider windows. | 225 Summit Grove Park | 5-0-0 | APPROVE on condition |
| V-045-13-14 To waive certain requirements for landscaping and parking associated with a change of use from vehicle repair to high-impact retail. | 98 Lyell Avenue | 5-0-0 | APPROVE on condition |

Zoning Board Members Present: R. Khaleel, D. O'Brien, J. O'Donnell, M. Tilton, D. Turner
Absent: P. Tobin, E. Van Dusen

DISTRIBUTION:

L. Warren D. Smith D. Algarin B. Christopher A. Guzzetta Zoning Staff
G. Kirkmire V. Wehbring T. Mann J. Brennan NSC Administrators

CONDITIONS:

80 East Ridge Road (V-047-13-14):

The driveway in the front yard must be reduced so that the asphalt does not extend in front of the house. The pavement in the rear yard must be reduced to accommodate a maximum of three parked cars or two parked cars with a turnaround area. The areas where the asphalt has been removed must be restored to grass. The final design is to be approved by the Director of Planning and Zoning. The drainage issues resulting from repaving the driveway must be addressed.

258 Adams Street (V-049-13-14):

Antenna: The location of the antenna is permitted on condition that it meets all other physical conditions of the City Code (e.g. an antenna must be limited to one meter or less in diameter, including the span across the top of the structure).

Fence: The chain link fence in front of the detached garage facing Adams Street must be replaced with vinyl coated fencing (see attached site plan).

1848 Lyell Avenue (V-051-13-14):

No attached signs are permitted on the building face fronting Lyell Avenue. The landscaping around the base of the sign must be improved and brought into scale with the sign, the plan for which is to be approved by the Director of Planning and Zoning.

225 Summit Grove Park (V-033-13-14):

The porch must include two end posts and a center post. The knee wall and the header must remain. The windows facing Summit Grove Park must span from the knee wall to the header. There must be a total of six windows with three on either side of the center post. The windows must be of equal size and at least two must be operable. The same constraints apply to the window panes on the side of the porch, of which there must be two on either end. A final scaled drawing must be submitted for review and approval by the Director of Planning and Zoning.

98 Lyell Avenue (V-045-13-14):

The grass or landscaped area at the southeast corner of the parcel must be expanded in size (see attached site plan).

**ZONING BOARD OF APPEALS DECISION GRID
FEBRUARY 13, 2014**

| CASE # | ADDRESS | RECORD OF VOTE | DECISION |
|---|---------------------|----------------|--|
| V-052-13-14 To legalize expansion of driveway, resulting in front yard parking. | 61 Lattimore Road | 5-0-0 | APPROVE on condition |
| V-053-13-14 To legalize conversion of garage to living space, thereby creating front yard parking and to legalize driveway of 19' in width. | 186 Shelbourne Road | 4-1-0 | APPROVE with lesser relief |
| V-054-13-14 To legalize parking area in rear yard exceeding lot coverage requirements. | 987 Harvard Street | 5-0-0 | APPROVE with lesser relief and on condition |
| V-055-13-14 To remove existing detached sign and replace it with an 8'4" high detached sign with LED message board. | 1775 East Avenue | 5-0-0 | APPROVE with lesser relief and on condition |

Zoning Board Members Present: R. Khaleel, D. O'Brien, P. Tobin, D. Turner, E. Van Dusen
Absent: J. O'Donnell, M. Tilton

DISTRIBUTION:

L. Warren D. Smith D. Algarin B. Christopher A. Guzzetta Zoning Staff
G. Kirkmire V. Wehbring T. Mann J. Brennan NSC Administrators

CONDITIONS:

61 Lattimore Road (V-052-13-14):

Parking for a maximum of three vehicles must occur to the south of the garage. In total, there can be no more than four parking spaces (i.e. one in the garage and three to the south of the garage). The parking area must be screened from Norfolk Street and must be properly designed and approved by the Director of Planning and Zoning. Additional time is permitted for the implementation of the parking area – it must be completed by September 1, 2015. The applicant must combine the two parcels. If the parcels have already been combined, the applicant must provide documentation to this effect.

186 Shelbourne Road (V-053-13-14):

The asphalt in front of the stoop and to the west of the dwelling must be removed and restored to grass. The asphalt 5' in front of the garage must be removed and replaced with landscaping. The width of the driveway and the existing curb cut can remain unchanged (see attached site plan).

987 Harvard Street (V-054-13-14):

The asphalt 5' from the rearmost building wall must be removed and restored to grass. The asphalt area may extend toward the rear of the property for 45' to allow for a maximum of five parking spaces. Asphalt beyond the 45' must be removed (see attached site plan).

1775 East Avenue (V-055-13-14):

1. The sign panel can be a maximum of 6' in height.
2. The sign panel surround must be masonry and the design must be approved by the Director of Planning and Zoning.
3. The sign must contain letters only (e.g. no graphics).
4. The text on the sign can only be changed once per day.
5. All text must be one color.
6. The sign must be powered off between the hours of 11:00 pm and 5:00 am.
7. The brightness (i.e. intensity) of the sign must comply with the recommendation of the Department of Environmental Services.
8. No off-site events may be advertised on the sign.
9. Notifications for events may contain information only (e.g. dates, times) and not additional information such as event sponsorship.
10. Community-wide emergency notifications are permitted.
11. The sign must comply with the following sections of the City Code:
 - 120-177(F)(6) No sign shall consist of strings of lights or contain blinking, flashing, intermittent, rotating, glaring, or moving lights or other attention-attracting devices.
 - 120-177(F)(7) Any illuminated sign shall employ only lights emitting a light of constant intensity.

**ZONING BOARD OF APPEALS DECISION GRID
MARCH 13, 2014**

| CASE # | ADDRESS | RECORD OF VOTE | DECISION |
|--|-------------------------|--|-----------------------------------|
| V-056-13-14 To waive the off-street parking requirements. | 23 Somerton Street | 4-0-0 | APPROVE on condition |
| V-057-13-14 To waive the off-street parking requirements. | 746 Monroe Avenue | POSTPONED by applicant to July 17, 2014 hearing | |
| V-058-13-14 To legalize use of third floor living space. | 673 Grand Avenue | HELD to April 10, 2014 hearing | |
| V-059-13-14 To waive the size requirements associated with the installation of an 18' wide driveway. | 95 Barrington Street | 4-0-0 | APPROVE |
| V-060-13-14 To install a second attached sign. | 97 Railroad Street | 4-0-0 | APPROVE |
| V-037-13-14 To construct a 1,900 sq. ft. addition. | 2245-2255 Culver Road | 4-0-0 | APPROVE on condition |
| V-061-13-14 To legalize the conversion of an attached garage to living space, thereby creating front yard parking. | 113 Edgemont Road | 4-0-0 | APPROVE with lesser relief |
| V-062-13-14 To install a 36 sq. ft. internally-illuminated sign. | 1378 Mount Hope Avenue | 4-0-0 | APPROVE |
| V-063-13-14 To expand the existing driveway by adding a 10' x 40' strip of asphalt, thereby resulting in front and side yard parking. | 83 Lakeland Avenue | 4-0-0 | APPROVE |
| V-064-13-14 To waive the minimum lot size requirement. | 4 Straub Street | 4-0-0 | APPROVE |
| V-065-13-14 To establish use of a property as a two-family dwelling. | 1092-1096 Joseph Avenue | 0-4-0 | DENY |
| V-066-13-14 To establish use of a property as a two-family dwelling. | 383 Champlain Street | HELD to April 10, 2014 hearing | |
| V-067-13-14 To establish use of a property as a two-family dwelling. | 5 Lincoln Street | HELD to April 10, 2014 hearing | |

Zoning Board Members Present: D. O'Brien, J. O'Donnell, M. Tilton, E. Van Dusen
Absent: R. Khaleel, D. Turner

CONDITIONS:

23 Somerton Street (V-056-13-14):

The dumpster located in the parking area must be removed or screened in compliance with the requirements of the Zoning Code (Section 120-165).

2245-2255 Culver Road (V-037-13-14):

The property owner must work with the adjoining property owners to secure the alleyways being created on the north and west lot lines.

113 Edgemont Road (V-061-13-14):

The driveway must be reduced from 18' to 10' in width, centered on the 12.5' area to the west of the stoop. The areas where the asphalt has been removed must be returned to grass.

ZONING BOARD OF APPEALS DECISION GRID
APRIL 10, 2014

| CASE # | ADDRESS | RECORD OF VOTE | DECISION |
|---|---|-------------------------------|--|
| V-068-13-14: Legalize front yard parking | 1234 Genesee Street (a.k.a. 16 Elmwood Avenue) | 5-0-0 | APPROVE with lesser relief |
| V-069-13-14: Legalize garage conversion and resulting front yard parking | 58 Stanford Road | 5-0-0 | APPROVE |
| V-070-13-14: Legalize parking area in rear yard (lot coverage) | 130 Raleigh Street | 5-0-0 | APPROVE with lesser relief |
| V-071-13-14: Legalize wide driveway (front yard parking) | 205 Raleigh Street | 5-0-0 | APPROVE with lesser relief and on condition |
| V-072-13-14: Legalize wide driveway (front yard parking) | 203 Rossiter Road | 5-0-0 | APPROVE with lesser relief and on condition |
| V-073-13-14: Install 5' decorative fence in front yard | 257 Reynolds Street & 115-119 Bartlett Street | 5-0-0 | APPROVE with lesser relief |
| V-074-13-14: Extend life of 25' high pole with with electronic reader board | 778 W. Ridge Road | 5-0-0 | APPROVE with lesser relief and on condition |
| V-075-13-14: Construct garage in side yard | 474 East Avenue | POSTPONED BY APPLICANT | |
| V-058-13-14: Legalize third floor living space (expansion of non-conforming use) | 673 Grand Avenue | 5-0-0 | APPROVE on condition |
| V-066-13-14: Re-establish use of property as a two-family dwelling | 383 Champlain Street | 0-5-0 | DENY |
| V-067-13-14: Re-establish use of property as a two-family dwelling | 5 Lincoln Street | 0-5-0 | DENY |

Zoning Board Members Present: R. Khaleel, D. O'Brien, M. Tilton, D. Turner, E. Van Dusen

Absent: J. O'Donnell

DISTRIBUTION:

| | | | | | |
|-------------|-------------|------------|----------------|--------------------|--------------|
| L. Warren | D. Smith | D. Algarin | B. Christopher | A. Guzzetta | Zoning Staff |
| G. Kirkmire | V. Wehbring | T. Mann | J. Brennan | NSC Administrators | |

CONDITIONS:

1234 Genesee Street (a.k.a. 16 Elmwood Avenue) (V-068-13-14):

The turnaround area must be reduced to 6' wide by 10' deep (site plan is attached to decision letter). Excess asphalt must be removed and the area restored to grass.

130 Raleigh Street (V-070-13-14):

The asphalt in the rear yard must be reduced by removing the asphalt to the east of the garage (site plan is attached to decision letter). Excess asphalt must be removed and the area restored to grass.

205 Raleigh Street (V-071-13-14):

The driveway will provide sufficient space to park two cars to the east of the garage. Excess asphalt must be removed and the area restored to grass. The parking area to the east of the garage must be surrounded by a 3' high partially or fully solid screen (e.g. fence, wall, substantial, evergreen landscaping) (site plan is attached to decision letter). The final design of the screening is to be approved by the Director of Planning and Zoning.

203 Rossiter Road (V-072-13-14):

The driveway will provide sufficient space to park two cars to the east of the garage. Excess asphalt must be removed and the area restored to grass. The area between the driveway and the front walkway must be landscaped. The parking area to the east of the garage must be surrounded by a 3' high partially or fully solid screen (e.g. fence, wall, substantial, evergreen landscaping) (site plan is attached to decision letter). The final design of the screening is to be approved by the Director of Planning and Zoning.

257 Reynolds Street & 115-119 Bartlett Street (V-073-13-14):

The decorative fence in the front yard will be 4'6" in height rather than the proposed 5'.

778 W. Ridge Road (V-074-13-14):

The pole sign must be reduced from 25' in height to 15' in height and the reader board must be removed. The size of the sign face (14' x 5') is fine.

673 Grand Avenue (V-058-13-14):

The bathtub must be removed from the bathroom and the plumbing must be capped. The remaining powder room (e.g. sink and toilet) can remain.

ZONING BOARD OF APPEALS DECISION GRID
MAY 15, 2014

| CASE # | ADDRESS | RECORD OF VOTE | DECISION |
|--|----------------------------|----------------|---|
| V-076-13-14: Legalize third floor living space (expansion of non-conforming use) | 51 East Ridge Road | 4-0-0 | APPROVE |
| V-077-13-14: Construct a 22' x 26' detached two car garage and an addition to the rear of the property (lot coverage) | 251 Electric Avenue | 4-0-0 | APPROVE |
| V-078-13-14: Install a 9' x 22' parking area in the front yard | 10 Trafalgar Street | 0-4-0 | DENY |
| V-079-13-14: Extend hours of operation for a proposed restaurant and waive off-street parking requirements | 1155 South Plymouth Avenue | 4-0-0 | PARKING – APPROVE on condition |
| | | 2-2-0 | HOURS - DENY |
| V-080-13-14: Install a projecting sign for “St. Mary’s Parking” | 89 Genesee Street | 4-0-0 | APPROVE |
| V-067-11-12: Request time extension for previously approved sign variance in connection to the construction of McDonald’s | 1432 Mt. Hope Avenue | 4-0-0 | Variance approval extended for an additional 6 months, until Nov. 30, 2014 |

Zoning Board Members Present: D. O’Brien, J. O’Donnell, M. Tilton, D. Turner
Absent: R. Khaleel, E. Van Dusen

DISTRIBUTION:

| | | | | | |
|-------------|-------------|------------|----------------|--------------------|--------------|
| L. Warren | D. Smith | D. Algarin | B. Christopher | A. Guzzetta | Zoning Staff |
| G. Kirkmire | V. Wehbring | T. Mann | J. Brennan | NSC Administrators | |

CONDITIONS:

1155 South Plymouth Avenue (V-079-13-14):

The applicant can explore the possibility of moving the property line to the east so that it is flush with the building at 1147 S. Plymouth Avenue. If the property line can be moved, the applicant will be permitted to have up to four parking spaces at 1155 S. Plymouth Avenue (two on either side of the outdoor seating area). If it cannot be moved, the applicant will be permitted to have only two parking spaces (one on either side of the outdoor seating area).

ZONING BOARD OF APPEALS DECISION GRID

June 13, 2014

| CASE # | ADDRESS | RECORD OF VOTE | DECISION |
|---|------------------------|---------------------------------|-----------------------------|
| <u>V-081-13-14</u> Legalize third floor living space (expansion of non-conforming use). | 101-103 Vassar Street | 4-0-0 | APPROVE |
| <u>V-082-13-14</u> Legalize enclosure of open front porch. | 194 Aldine Street | 4-0-0 | APPROVE on Condition |
| <u>V-083-13-14</u> Legalize parking area in rear yard (lot coverage). | 403 Benton Street | 0-4-0 | DENY |
| <u>V-084-13-14</u> Re-establish use of property as three-family dwelling (lost rights). | 294 Clay Avenue | 0-4-0 | DENY |
| <u>V-085-13-14</u> Install a 4' chain link fence in the front yard. | 128 Hempel Street | 4-0-0 | APPROVE on Condition |
| <u>V-086-11-12</u> Install a sign in the R-1 district and install a 4' high picket fence in the front yard. | 4203 Lake Avenue | 4-0-0 | APPROVE on Condition |
| <u>V-087-13-14</u> Establish outdoor seating (expansion of non-conforming use) and install a 6' and 8' fence. | 140 Alexander Street | HELD until July 17, 2014 | |
| <u>V-088-13-14</u> Install a shed in the front yard and legalize 2 front yard parking areas. | 360 Alexander Street | 4-0-0 | APPROVE on Condition |
| <u>V-089-13-14</u> Establish a rooming house. | 1139 Hudson Avenue | 0-4-0 | DENY |
| <u>V-090-13-14</u> Waive transparency requirements. | 264-270 Hayward Avenue | 0-4-0 | DENY |
| <u>V-092-13-14</u> Waive design requirements (Zweigle's). | 651 N. Plymouth Avenue | HELD until July 17, 2014 | |
| <u>V-091-13-14</u> Waive distance separation and waive sign requirements (Fastrac Markets). | 375 W. Ridge Road | HELD until July 17, 2014 | |

Zoning Board Members Present: D. O'Brien, J. O'Donnell, R. Khaleel, E. Van Dusen

Absent: D. Carr, M. Tilton, D. Turner

DISTRIBUTION:

L. Warren D. Smith D. Algarin B. Christopher A. Guzzetta Zoning Staff
G. Kirkmire V. Wehbring T. Mann J. Brennan NSC Administrators

CONDITIONS:

194 Aldine Street (V-082-13-14):

On both sides, the window must be centered under the arch of the overhead beam. All posts must be removed except for the corner posts and the posts next to the house. The remaining area must be shingled to match the house. No glass block windows. On the front, the windows can remain. The corner posts can remain. The remaining area must be shingled to match the house.

128 Hempel Street (V-085-13-14):

The chain link fence must be vinyl coated.

4203 Lake Avenue (V-086-13-14):

Sign: The sign can be a maximum of 18" x 30". It must be made from non-rusting materials. The sign must be framed (the frame cannot exceed the size requirement). There can be a maximum of two colors, aside from the logo. The sign can include the company logo, name, "licensed real estate broker" and phone number.

Fence: The fence must be designed to resemble the porch baluster. The design must be approved by the Director of Planning and Zoning.

360 Alexander Street (V-088-13-14):

Front yard parking areas: The parking area in the southeasterly corner of the parcel must be reduced in size to conform with the survey dated November 2, 1982 and revised February 22, 1983 that depicts both 360 and 362 Alexander Street (i.e. size to be reduced 70' x 48' to 36' x 48').

**ZONING BOARD OF APPEALS DECISION GRID
JULY 17, 2014**

| CASE # | ADDRESS | RECORD OF VOTE | DECISION |
|--|---------------------------|--|--|
| V-075-13-14: Construct 6-car garage in side yard. | 474 East Avenue | 5-0-0 | APPROVE |
| V-087-13-14: Establish outdoor seating (expansion of a non-conforming use) and install a 6' fence in front yard and 8' fence in side and rear yard. | 140 Alexander Street | 5-0-0 | APPROVE on condition |
| V-090-13-14: Legalize front yard parking and legalize chain link fence that is more than 6' in height. | 264-270 Hayward Avenue | 0-5-0 | DENY |
| V-091-13-14: Waive design requirements for expansion (Zweigle's). | 651 N. Plymouth Avenue | 4-1-0 | APPROVE on condition |
| V-092-13-14: Waive distance separation requirement for high-impact use. To waive sign requirements (Fastrac Markets) for the following: <ul style="list-style-type: none"> • Fuel canopy sign (3 C-8) • 2 Sided canopy column merchandiser (5 C-8) • Building sign (2 C-8) • Diesel price sign (6 C-8) • Pump signage (7 C-8) • Drive thru sign (Dunkin' Donuts menuboard) • Monument sign/LED digital display (4 C-8) | 375 W. Ridge Road | 6-0-0 6-0-0 0-6-0 6-0-0 6-0-0 4-2-0 6-0-0 5-1-0 | APPROVE APPROVE DENY APPROVE APPROVE APPROVE APPROVE APPROVE on condition |
| V-001-13-14: Install permanent wheelchair ramp in front yard of church. | 116 Campbell Street | 4-1-0 | APPROVE |
| V-002-14-15: Widen the existing driveway, thereby resulting in front yard parking. | 28 Browncroft Boulevard | 0-6-0 | DENY |
| V-003-14-15: Expansion of non-conforming use (Tops Express) and legalization of ice machine. | 211 North Winton Avenue | 4-0-0 | APPROVE |
| V-004-14-15: Establish a high-impact retail use. | 1252 North Clinton Avenue | 0-6-0 | DENY |
| V-005-14-15: Re-establish use of property as a two-family. | 110 Mayflower Street | 0-6-0 | DENY |
| V-006-14-15: Re-establish use of property as a four-family. | 71 Pullman Avenue | 0-6-0 | DENY |
| V-007-14-15: Demolish vacant two-family and church to construct a full-line food store not meeting certain lot, area, yard, and bulk requirements. | 660-668 West Main Street | HELD | |
| V-083-13-14: REHEARING REQUEST Legalize parking area in rear yard (lot coverage). | 403 Benton Street | 6-0-0 | APPROVE |

Zoning Board Members Present: R. Khaleel, D. O'Brien, J. O'Donnell, M. Tilton, E. Van Dusen
Absent: D. Turner

DISTRIBUTION:

| | | | | | |
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| L. Warren | D. Smith | D. Algarin | B. Christopher | A. Guzzetta | Zoning Staff |
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CONDITIONS:

140 Alexander Street (V-087-13-14):

Outdoor seating: The rear door leading to the outdoor seating cannot be propped open. Live or recorded music is not permitted. Food and beverage service is not permitted.

Fence: The fence must be a wood, board on board fence.

651 N. Plymouth Avenue (V-091-13-14):

The request is approved based on drawing of Exterior Elevations Option for Zweigle's Addition, drawing number OP1 dated 3-18-14 and revised 6-6-14.

375 W. Ridge Road (V-092-13-14):

The monument sign/LED digital display (4 C-8):

1. The intensity of the light will be adjusted for daytime and nighttime use.
2. The dwell time of the signs should be no less than 60 seconds per message.
3. No off-site events may be advertised on the sign.
4. Community-wide emergency notifications are permitted.
5. The sign must comply with the following sections of the City Code:
 - 120-177(F)(6): No sign shall consist of strings of lights or contain blinking, flashing, intermittent, rotating, glaring, or moving lights or other attention-attracting devices.
 - 120-177(F)(7): Any illuminated sign shall employ only lights emitting a light of constant intensity.

**ZONING BOARD OF APPEALS DECISION GRID
AUGUST 13, 2014 (REVISED)**

| CASE # | ADDRESS | RECORD OF VOTE | DECISION |
|---|------------------------|----------------|-----------------------------|
| V-007-14-15: Demolish church (DBHV) to construct a full-line food store not meeting the front yard setback and bulk requirements. | 660-668 W. Main Street | 5-1-0 | APPROVE on condition |
| | | 5-1-0 | Approve on condition |
| | | 6-0-0 | Approve on condition |

Zoning Board Members Present: D. Carr, R. Khaleel, D. O'Brien, J. O'Donnell, M. Tilton, E. Van Dusen
Absent: D. Turner

DISTRIBUTION:

| | | | | | |
|-------------|-------------|------------|----------------|--------------------|--------------|
| L. Warren | D. Smith | D. Algarin | B. Christopher | A. Guzzetta | Zoning Staff |
| G. Kirkmire | V. Wehbring | T. Mann | J. Brennan | NSC Administrators | |

CONDITIONS:

660-668 West Main Street (V-007-14-15):

Demolition:

- Photo documentation of the church, both inside and out, shall be submitted to the City prior to demolition.
- The applicant must provide proof of financial commitment for the real estate development and for the business prior to the issuance of a demolition or other permit. **Proof of financial commitment means that there must be a legal document signed by the lender(s) and accepted by the applicant for the building and a legal document signed by the lender(s) and accepted by the business owner for the full-line food store.**
- The building must contain a single tenant full-line grocery store.

Bulk:

- The alley on the East side of the building must be mitigated through the Site Plan Review process to address concerns around safety and the impact on the adjacent residential building.
- The will only be one public entrance for the building.
- The building must contain a single tenant full-line grocery store.

Setback:

The recommendations of the Project Review Committee (PRC) must be met **to the extent practicable**. These recommendations include:

- Reduce building setback from front property line and eliminate landscaping, fence, and piers in front of building. Pave front setback area to match grade of public sidewalk, create room for café tables. Create effective sidewalk width (curb to building wall) of 16-20 feet.
- Align clerestory windows in a meaningful way with first floor pattern of bays.
- Ensure that clerestory windows look into a tall-ceiled interior space and are not fake windows.
- Add a corner marquee, awning, or other way to accentuate the main entrance and shelter people as they enter and leave the building.
- Concentrate high quality materials at front of building. For example, consider using all brick for front façade and a portion of side facades (at least 40 feet), while using painted concrete block, metal, or cement board siding on rear portion of building. Vary building height and material change.

**ZONING BOARD OF APPEALS DECISION GRID
AUGUST 14, 2014 (REVISED)**

| CASE # | ADDRESS | RECORD OF VOTE | DECISION |
|---|-----------------------|--|--|
| V-008-14-15: Legalize porch enclosure. | 686 Norton Avenue | 6-0-0 | APPROVE on condition |
| V-009-14-15: Legalize attached carport. | 400 Dunn Street | 6-0-0 | APPROVE on condition |
| V-010-14-15: Legalize 6' chain link fence in front yard and porch enclosure. | 303 Orange Street | 6-0-0 | APPROVE with lesser relief |
| V-011-14-15: Construct a 2 car garage (exceeds lot coverage) and legalize further enclosure of a porch. | 42 Wetmore Park | Garage: 6-0-0 Porch: 5-1-0 | APPROVE APPROVE on condition |
| V-012-14-15: Legalize parking area in rear yard that exceeds lot coverage requirements. | 136 Rossiter Road | 6-0-0 | APPROVE with lesser relief |
| V-013-14-15: Detached sign with LED digital display and attached sign for "Unity Church of Greater Rochester." | 55 Prince Street | 6-0-0 | APPROVE with lesser relief and on condition |
| V-014-14-15: Install 4 acres of solar panels in front yard of Bausch & Lomb facility. | 1400 N Goodman Street | 6-0-0 | APPROVE on condition |
| V-015-14-15: Replace an existing deck located in the side yard setback. | 212 S Fitzhugh Street | 6-0-0 | APPROVE |
| V-016-14-15: Change use of first floor commercial storefront to an apartment, not meeting dwelling unit conversion standards. | 179 Atlantic Avenue | 6-0-0 | APPROVE on condition |
| V-017-14-15: Add second hand dealer's operation (high-impact retail) to existing pawnshop. | 1085 Hudson Avenue | 6-0-0 | APPROVE on condition |
| V-018-14-15: Legalize ATM machine on exterior façade of the building. | 810 N Goodman Street | POSTPONED TO THE SEPTEMBER 11, 2014 HEARING | |
| V-019-14-15: Legalize signage on the gas canopy and a detached sign with LED pricing. | 98 Lyell Avenue | 6-0-0 | APPROVE on condition |

**Zoning Board Members Present: D. Carr, R. Khaleel, D. O'Brien, M. Tilton, D. Turner, E. Van Dusen
Absent: J. O'Donnell**

DISTRIBUTION:

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|-------------|-------------|------------|----------------|--------------------|--------------|
| L. Warren | D. Smith | D. Algarin | B. Christopher | A. Guzzetta | Zoning Staff |
| G. Kirkmire | V. Wehbring | T. Mann | J. Brennan | NSC Administrators | |

CONDITIONS:

686 Norton Street (V-008-14-15): A total of 4 windows must be installed along the front porch wall (see attached diagram).

400 Dunn Street (V-009-14-15): Gutters must be installed on the carport.

303 Orange Street (V-010-14-15): The chain link fence in the front yard must be reduced from 6' to 4' in height.

42 Wetmore Park (V-011-14-15): The windows on the front porch must be replaced with two double or single hung, full height windows on either side of the front door, and with one matching window on each side. Alternatively, the windows may be restored to match the 1995 City GIS photo.

136 Rossiter Road (V-012-14-15): The area of asphalt behind the house, approximately 20' x 20,' must be removed and restored to yard area (see attached site plan).

55 Prince Street (V-013-14-15):

1. The detached sign must be no more than 8' in height.
2. The LED message board must be no more than 36" in height.
3. The sign must contain letters only (e.g. no graphics).
4. The text on the sign can only be changed once per day.
5. All text must be one color.
6. The sign must be powered off between the hours of 11:00 pm and 5:00 am.
7. No off-site events may be advertised on the sign.
8. Notifications for events may contain information only (e.g. dates, times) and not additional information such as event sponsorship.
9. Community-wide emergency notifications are permitted.
10. The sign must comply with the following sections of the City Code:
 - 120-177(F)(6): No sign shall consist of strings of lights or contain blinking, flashing, intermittent, rotating, glaring, or moving lights or other attention-attracting devices.
 - 120-177(F)(7): Any illuminated sign shall employ only lights emitting a light of constant intensity.

1400 N Goodman Street (V-014-14-15): The landscaping replacement plan, as provided for in the variance application, must be completed. Bausch & Lomb shall provide the Zoning Board with a review of the installation and impact of the solar panels approximately one year after they have been installed.

179 Atlantic Avenue (V-016-14-15): The exterior façade cannot be changed (e.g. windows facing Atlantic cannot be enclosed).

1085 Hudson Avenue (V-017-14-15): The hours of operation of the second hand dealer's operation are not to exceed 8:00 am to 8:00 pm Monday to Friday and 8:00 am to 11:00 pm on Saturday.

98 Lyell Avenue (V-019-14-15): The signs on the gas canopy facing Lyell Avenue and N. Plymouth Avenue are permitted (the third sign on the gas canopy must be removed). **All text and graphics on the canopy must be within the white band of the canopy.** A decorative, masonry base must be added to the base of the detached sign and landscaping must be added to the island. The final design of the detached sign is to be approved by the Director of Planning and Zoning.

**ZONING BOARD OF APPEALS DECISION GRID
SEPTEMBER 11, 2014**

| CASE # | ADDRESS | RECORD OF VOTE | DECISION |
|--|------------------------|---|--|
| V-018-14-15: Legalize the ATM machine on the exterior façade of the building with hours of operation from 6:00 am to 2:00 am daily, associated with Chester’s Check Cashing | 810 N Goodman Street | 5-0-0 | APPROVE |
| V-020-14-15: To legalize a basement apartment unit. | 769 Lake Avenue | 5-0-0 | APPROVE |
| V-021-14-15: To legalize the conversion of a three to four family dwelling and to legalize the paving in the rear yard. | 242 Dartmouth Street | 0-5-0 5-0-0 | 4-family: DENY Parking: APPROVE |
| V-022-14-15: To change the use of the 1 st floor rear from an office to an apartment. | 266 Alexander Street | Postponed by City Staff to October 16, 2014 Hearing | |
| V-023-14-15: To legalize the parking in the rear yard of two, four-family dwellings. | 316 & 320 Meigs Street | Postponed by Zoning Board to November 13, 2014 Hearing | |
| V-024-14-15: To legalize an existing sign on the awning for “Henner’s Liquor” and a second LED sign. | 556 Chili Avenue | 0-5-0 | DENY |
| V-025-14-15: To install a 6’ fence in the front yard. | 160 Westmoreland Drive | 2-3-0 | DENY |
| V-026-14-15: To legalize an existing 3’ chain link fence in the front yard. | 105 Glendale Park | 5-0-0 | APPROVE |
| V-027-14-15: To legalize the front yard parking that resulted from the conversion of a one-car garage to living space. | 1670 Mount Hope Avenue | 0-5-0 | DENY |
| V-028-14-15: To re-establish use of a property as a two-family dwelling that has lost its rights due to a period of vacancy greater than nine months. | 74 Bay Street | 1-4-0 | DENY |

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| P-001-14-15: To appeal the decision of the Director of Planning and Zoning relating to the extension of the 90 day vacancy period for this high impact retail use. | 969 Bay Street | 5-0-0 | APPEAL GRANTED (Director's Decision Overturned) |
| V-029-14-15: To install a sign for "PUC Achieve Charter School" that is 37 square feet. | 8 Mark Street | 5-0-0 | APPROVE |
| V-019-14-15: To widen the existing driveway to allow four vehicles to park. | 28 Browncroft Blvd | 5-0 | Re-hearing Request Granted |

Zoning Board Members Present: D. O'Brien, J. O'Donnell, M. Tilton, D. Turner, E. Van Dusen
Absent: D. Carr, R. Khaleel

DISTRIBUTION:

L. Warren D. Smith D. Algarin B. Christopher A. Guzzetta Zoning Staff
 G. Kirkmire V. Wehbring T. Mann J. Brennan NSC Administrators

CONDITIONS:

P-001-14-15: The period of abandonment or discontinuance that began on February 14, 2014, is extended by an additional 90 days to December 4, 2014.

ZONING BOARD OF APPEALS DECISION GRID
OCTOBER 16, 2014

| CASE # | ADDRESS | RECORD OF VOTE | DECISION |
|--|--|--|---|
| V-022-14-15: To change the use of the 1 st floor rear from an office to an apartment. | 266 Alexander Street | 5-0-0 | APPROVE |
| V-030-14-15: To change use from a single to a two-family dwelling | 718 Brown Street | 5-0-0 | APPROVE |
| V-031-14-15: To convert a former hospital building to apartments and to waive the maximum square footage requirement | 218-224 and 230-250 Alexander Street and 330-350 Monroe Avenue | Apartments: 5-0-0 Max SF: 5-0-0 | APPROVE APPROVE on condition |
| V-032-14-15: To legalize the parking area in the rear yard that exceeds lot coverage limitations | 403 Benton Street | 2-3-0 | DENY |
| V-033-14-15: To legalize a deck in the rear yard. | 901 Glide Street | 5-0-0 | APPROVE on condition |
| V-034-14-15: To legalize a shed in the side yard. | 86 Raines Park | 5-0-0 | APPROVE on condition |
| V-035-14-15: To legalize a kitchen on the second floor of a single family home and to install a driveway that results in front yard parking | 1062 Genesee Street | Second kitchen: 0-5-0 Driveway: 0-5-0 | DENY DENY |
| V-036-14-15: To install an internally illuminated sign on the roof and legalize an attached sign for "Paul Louis Arena" | 15 Boys Club Place - 5 Livingston Park | 5-0-0 | APPROVED on condition |
| V-037-14-15: Remove and replace the signs for "Rite Aid" | 670 Thurston Road | 5-0-0 | APPROVED with lesser relief |
| V-038-14-15: To waive the off-street parking requirement associated with a change in use from a store to a sit-down café/restaurant | 17 Fairfax Road | 5-0-0 | APPROVED |
| V-039-14-15: To legalize the front yard parking that resulted from the conversion of a one-car garage to living space | 110 Lattimore Road | 5-0-0 | APPROVED on condition |

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| V-040-14-15: To legalize the front yard parking area. | 35 Wellesley Street | 5-0-0 | APPROVED with lesser relief and on condition |
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Zoning Board Members Present: D. Carr, R. Khaleel, D. O'Brien, J. O'Donnell, D. Turner
Absent: M. Tilton, E. Van Dusen

DISTRIBUTION:

L. Warren D. Smith D. Algarin B. Christopher A. Guzzetta Zoning Staff
G. Kirkmire V. Wehbring T. Mann J. Brennan NSC Administrators

CONDITIONS:

V-031-14-15 (218-224 and 230-250 Alexander Street and 330-350 Monroe Avenue): To waive the 6,000 square foot maximum square footage requirement: Phase II and Phase III development will be consistent with Environmental Assessment Form submission and SEQRA Significance Determination (dated October 14, 2014) as well as meet city-wide design guidelines.

V-033-14-15 (901 Glide Street): The deck must be painted and skirting must be added.

V-034-14-1586 Raines Park: The shed must be sided to match the house. Gutters must be installed on the shed. The area in front of the shed must be landscaped.

V-036-14-15 15 Boys Club Place - 5 Livingston Park: The sign that is approximately 172 sq. ft. and lists "Paul Louis Arena" in a single line of text is approved (e.g. the second sign option).

V-037-14-15 670 Thurston Road: The pole sign must be removed and replaced with a 5' monument sign. The final design of the monument sign is to be approved by the Director of Planning and Zoning. The "food mart" signs on the building are not approved.

V-039-14-15 110 Lattimore Road: A decorative low wall or railing that is at least 3' wide must be installed to protect the front steps of the house from the driveway.

V-040-14-15 35 Wellesley Street: The driveway cannot exceed 9' x 20'. The lot coverage requirement must be verified and resolved.

**ZONING BOARD OF APPEALS DECISION GRID
NOVEMBER 13, 2014**

| CASE # | ADDRESS | RECORD OF VOTE | DECISION |
|--|-------------------------|--|--|
| V-041-14-15: To change the use from a 2-family to a 3-family. | 27 Vick Park A | 0-5-0 | DENY |
| V-042-14-15: To install an elevated deck that does not meet side yard setbacks. | 172 Cornhill Place | 5-0-0 | APPROVE |
| V-043-14-15: To construct a parking area in the rear yard that exceeds lot coverage. | 138 Raleigh Street | 4-1-0 | APPROVE with lesser relief |
| V-044-14-15: To remove and replace a garage in the rear yard that exceeds lot coverage. | 85 Dalkeith Road | 5-0-0 | APPROVE |
| V-045-14-15: To install a 5' fence in the front yards. | 853 & 871 Culver Road | 5-0-0 | APPROVE with lesser relief and on condition |
| V-046-14-15: To legalize the front yard parking that resulted from the conversion of the garage to living space. | 178 Castleman Road | 5-0-0 | APPROVE with lesser relief |
| V-047-14-15: To consider the economic hardship associated with the establishment of the use of the property for vehicle sales with accessory repair. | 264 Spencer Street | HELD to December 11, 2014 to enable the applicant to provide additional information | |
| V-048-14-15: To remove and replace the sign faces on the existing 20' tall pole sign for "AMF Bowling Co." | 1151 Ridgeway Avenue | 5-0-0 | APPROVE |
| V-049-14-15: To waive the off-street parking requirement associated with a change in use from a retail store to a place of worship and to legalize the existing parking area. | 1650-1664 Dewey Avenue | 5-0-0 | APPROVE with lesser relief and on condition |
| V-050-14-15: To widen the existing driveway, thereby creating front yard parking. | 28 Browncroft Boulevard | 5-0-0 | APPROVE with lesser relief |
| V-051-14-15: To remove and replace the sign faces on the existing 19' tall pole sign for "Maple Auto Service". | 950 Maple Street | 5-0-0 | APPROVE |
| P-001-14-15: To appeal the decision of the Director of Planning and Zoning relating to the extension of the 90 day vacancy period for this high impact retail use. | 969 Bay Street | 5-0-0 | Re-hearing Approved |

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|--|------------------------|-------|----------------------------------|
| V-027-14-15: To legalize the front yard parking area that resulted from the conversion of the garage to living space. | 1670 Mt. Hope Avenue | 0-5-0 | Re-hearing Request Denied |
| V-004-14-15: To change the use from a store to a high-impact retail use, a use not permitted in the C-1 district. | 1252 N. Clinton Avenue | 0-5-0 | Re-hearing Request Denied |

Zoning Board Members Present: D. O'Brien, J. O'Donnell, M. Tilton, E. Van Dusen, D. Turner
Absent: D. Carr, R. Khaleel

DISTRIBUTION:

L. Warren D. Smith D. Algarin B. Christopher A. Guzzetta Zoning Staff
 G. Kirkmire V. Wehbring T. Mann J. Brennan NSC Administrators

CONDITIONS:

V-043-14-15 (138 Raleigh Street): The request is approved to allow an 8' x 18' parking area immediately parallel to the garage. The paved area must be constructed of an environmentally friendly, permeable material, to be approved by the Director of Planning and Zoning.

V-045-14-15 (853 & 871 Culver Road): The fence can be 4' in height from the sidewalk elevation. The fence must be setback a minimum of 3' from the front property line (if necessary, this condition may be modified by the Director of Planning and Zoning to accommodate the existing trees on the site). The fence will have a wrought iron appearance and be made of aluminum.

V-046-14-15 (178 Castleman Road): The driveway width must be reduced to a maximum of 10' wide.

V-049-14-15 (1650-1664 Dewey Avenue): The ten parking spaces along Dewey Avenue are approved. The parking along Palm and behind the building is not approved and the striping must be removed. A parking agreement for Sundays must be executed and provided to the Director of Planning and Zoning.

V-050-14-15 (28 Browncroft Boulevard): A 10' wide driveway may be extended to the west of the sunroom to within 4' of the house. A hedge row must be installed to the east of the driveway, to be approved by the Director of Planning and Zoning.

**ZONING BOARD OF APPEALS DECISION GRID
DECEMBER 11, 2014**

| CASE # | ADDRESS | RECORD OF VOTE | DECISION |
|---|------------------------|----------------------------------|--|
| P-001-14-15: To appeal the decision of the Director of Planning and Zoning relating to the extension of the 90 day vacancy period for this high impact retail use. | 969 Bay Street | 4-2-0 | APPEAL GRANTED (Director's Decision Overturned) |
| V-047-14-15: To consider the economic hardship associated with the establishment of the use of the property for vehicle sales with accessory repair. | 264 Spencer Street | 0-6-0 | Economic Hardship DENIED |
| V-052-14-15: To establish live entertainment in an existing bar/restaurant. | 519 Thurston Road | HELD for more information | |
| V-053-14-15: To construct a 2-story, 30,000 sq. ft. addition to Highland Hospital. | 1000 South Avenue | 5-1-0 | APPROVED on condition |
| V-054-14-15: To legalize an existing rooftop sign. | 595 Jefferson Avenue | 6-0-0 | APPROVED |
| V-055-14-15: To establish use of the property as a three-family dwelling. | 215 Hebard Street | 6-0-0 | APPROVED with lesser relief |
| V-056-14-15: To waive the distance separation requirement for the establishment of a high-impact use by adding a second hand dealer to an existing pawn shop. | 430 W. Ridge Road | 0-6-0 | DENIED |
| V-057-14-15: To waive the off-street parking requirement associated with the establishment of a place of worship. | 1054 N. Clinton Avenue | 6-0-0 | APPROVED on condition |
| V-058-14-15: To consider the economic hardship associated with the establishment of a drive-thru operation that is connected to a proposed sit-down restaurant for Dunkin' Donuts. | 3885 Lake Avenue | 6-0-0 | Economic Hardship APPROVED |
| V-059-14-15: To waive the off-street parking requirement associated with the establishment of a place of worship. | 500 Lyell Avenue | HELD for more information | |
| P-002-14-15: To appeal the certificate of zoning compliance issued on 09/15/14 to construct a trellis in the side yard of a single family home. | 120 Castlebar Road | 0-6-0 | APPEAL DENIED (Director's Decision Upheld) |

Zoning Board Members Present: D. O'Brien (chair), D. Carr, R. Khaleel, M. Tilton, D. Turner, E. Van Dusen
Absent: J. O'Donnell

DISTRIBUTION:

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|-------------|-------------|------------|----------------|--------------------|--------------|
| L. Warren | D. Smith | D. Algarin | B. Christopher | A. Guzzetta | Zoning Staff |
| G. Kirkmire | V. Wehbring | T. Mann | J. Brennan | NSC Administrators | |

CONDITIONS:

V-053-14-15 (1000 South Avenue):

The variance request from Section 503 of the New York State Uniform Fire Prevention and Building Code must be approved and documentation provided to the Director of Planning and Zoning. A parking plan showing the absorption of the 55 parking spaces being eliminated as a result of the expansion must be provided to the Director of Planning and Zoning.

V-055-14-15 (215 Hebard Street): The property may be established as a two-family dwelling.

V-057-14-15 (1054 N. Clinton Avenue): The property owner must submit a site plan showing legal parking. He must also indicate how the parking spaces are allocated between the uses. The parking plan and allocation of spaces must be approved by the Director of Planning and Zoning.