

CITY OF ROCHESTER
30 CHURCH STREET

ZONING BOARD OF APPEALS
MEETING WITH STAFF: 8:45 AM - 9:30 AM
CONFERENCE ROOM 223B

Cases 1-6 Public Hearing Begins: 9:30 AM
Cases 7-10 Public Hearing Begins: 11:30 AM
CITY COUNCIL CHAMBERS 302A

January 15, 2015

I. Meeting with Staff

II. Public Hearings:

Case: 1 **Held from 12/11/14 Hearing**
File Number: V-052-14-15
Case Type: Use Variance
Applicant: Herbert Starkes
Address: 519 Thurston Road
Zoning District: C-1 Neighborhood Center District
Quadrant: SW
Purpose: To establish live entertainment accessory to an existing bar/restaurant.
Enforcement: No
Code Section: 120-34
SEQR: Unlisted
Lead Agency: Zoning Board of Appeals

Case: 2 **Held from 12/11/14 Hearing**
File Number: V-059-14-15
Case Type: Area Variance
Applicant: Nestory Ntahombaye, Nile Lutheran Mission
Address: 500 Lyell Avenue
Zoning District: C-1 Neighborhood Center District
Quadrant: NW
Purpose: To waive the off-street parking requirement associated with the establishment of a place of worship.
Enforcement: No
Code Section: 120-173
SEQR: Unlisted
Lead Agency: Zoning Board of Appeals

Case: 3
File Number: V-060-14-15
Case Type: Area Variance
Applicant: Israel Reyes
Address: 293 Bay Street
Zoning District: C-1 Neighborhood Center District
Quadrant: NE
Purpose: To waive the off-street parking requirement associated with the legalization of a place of worship and to legalize the two existing signs that do not meet the sign requirements.
Enforcement: Yes
Code Section: 120-173; 120-177
SEQR: Unlisted
Lead Agency: Zoning Board of Appeals

Case: 4
File Number: V-061-14-15
Case Type: Area Variance
Applicant: Francis Rice
Address: 87 Sanford Street
Zoning District: R-2 Medium-Density Residential District
Quadrant: SE
Purpose: To legalize an existing deck in the side yard of a two-family dwelling that fails to meet the side yard setback requirement.
Enforcement: No
Code Section: 120-20
SEQR: Type 2

Case: 5
File Number: V-062-14-15
Case Type: Area Variance
Applicant: Patrick de Keyserling
Address: 26 Ellison Street
Zoning District: R-1 Low-Density Residential District
Quadrant: SE
Purpose: To convert a portion of an open front porch to living space and to waive the front yard setback associated with this request.
Enforcement: No
Code Section: 120-11; 120-160
SEQR: Type 2

Case: 6
File Number: V-063-14-15
Case Type: Area Variance
Applicant: Jay Tovey
Address: 646 University Avenue
Zoning District: R-2 Medium-Density Residential District (East Avenue Preservation District*)
Quadrant: SE
Purpose: To legalize an existing front yard parking area (17' x 20') for a three-family dwelling and to waive the associated lot coverage requirement. (**Also requires a Certificate of Appropriateness from the Preservation Board.*)
Enforcement: No
Code Section: 120-20; 120-173
SEQR: Type 2

Case: 7
File Number: V-064-14-15
Case Type: Area Variance
Applicant: Daniel and Carmen Zatreanu
Address: 69 Crittenden Boulevard
Zoning District: R-1 Low-Density Residential District
Quadrant: SE
Purpose: To legalize a parking area in the rear yard of a single-family dwelling that exceeds the lot coverage requirements.
Enforcement: Yes
Code Section: 120-11
SEQR: Type 2

Case: 8
File Number: V-065-14-15
Case Type: Area Variance
Applicant: Arthur Staley
Address: 1046 Genesee Street
Zoning District: R-1 Low-Density Residential District
Quadrant: SW
Purpose: To legalize the four space, front yard parking area of a single family dwelling.
Enforcement: Yes
Code Section: 120-173
SEQR: Type 2

Case: 9
File Number: V-066-14-15
Case Type: Area Variance
Applicant: Eshak Diamond
Address: 91 Independence Street
Zoning District: R-1 Low-Density Residential District
Quadrant: SW
Purpose: To demolish a single car garage and replace it with a two-car garage (27'x27'), thereby exceeding the building coverage and setback requirements.
Enforcement: No
Code Section: 120-11
SEQR: Type 2

Case: 10
File Number: V-067-14-15
Case Type: Area Variance
Applicant: Ed Matricia
Address: 265 Hayward Avenue
Zoning District: Public Market Village District
Quadrant: NE
Purpose: To remove and replace two existing signs that do not meet the sign requirements: a 12'x8' attached, internally-illuminated wall sign facing E. Main Street and a 24'x20" attached sign facing Braggs Alley.
Enforcement: No
Code Section: 120-76; 120-177
SEQR: Type 2

Written comments may be submitted by **January 14th, 2015** to: Jill Symonds, City of Rochester, Bureau of Planning & Zoning, 30 Church Street, Room 125B, Rochester, NY 14612, or Jill.Symonds@CityofRochester.gov

Revised

February 19, 2015

I. Meeting with Staff

II. Public Hearings:

Case: 1 **Hearing in Closed Session**
File Number: **V-069-14-15**
Case Type: Area Variance
Applicant: *
Address: *
Zoning District: *
Quadrant: *
Purpose: To install a playground and an 8' tall solid fence in the front yard of a specially permitted use.
Enforcement: *
Code Section: *
SEQR: Type 2

** The application involves a matter that is required to be kept confidential under state law. Therefore, the application is exempt from public notice, hearing, and record disclosure requirements under the NYS Freedom of Information and Open Meetings laws at NYS Public Officers Law §§ 87(2)(a) and 108(3), respectively. The Zoning Board of Appeals' hearing and deliberations on this matter will be closed to the public in order to comply with the confidentiality requirements under state law.*

Case: 2
File Number: **V-072-14-15**
Case Type: Area Variance
Applicant: Robert Coleman, Greater Zion
Address: 678 North Street
Zoning District: C-1 Neighborhood Center District
Quadrant: NE
Purpose: To waive the off-street parking requirement associated with the change of use from a Laundromat to a place of worship.
Enforcement: No
Code Section: 120-173
SEQR: Unlisted
Lead Agency: Zoning Board of Appeals

Case: 3
File Number: V-070-14-15
Case Type: Area Variance
Applicant: R. Jon Schick
Address: 19 Menlo Place
Zoning District: R-1 Low-Density Residential District (Mt Hope/Highland Park Preservation District*)
Quadrant: SE
Purpose: To install a driveway that is 10' x 26' and results in front yard parking. (**Also requires a Certificate of Appropriateness from the Preservation Board.*)
Enforcement: No
Code Section: 120-173
SEQR: Type 2

Case: 4
File Number: V-071-14-15
Case Type: Area Variance
Applicant: Eshak Diamond
Address: 91 Independence Street
Zoning District: R-1 Low-Density Residential District
Quadrant: SW
Purpose: To legalize an existing solid wood fence in the front yard of a single family home that is 3' in height along Independence Street and 4' in height along Handy Street.
Enforcement: No
Code Section: 120-167
SEQR: Type 2

Case: 5 ****Held from January 15, 2015 Hearing***
File Number: V-065-14-15
Case Type: Area Variance
Applicant: Arthur Staley
Address: 1046 Genesee Street
Zoning District: R-1 Low-Density Residential District
Quadrant: SW
Purpose: To legalize the driveway and the four space parking area of a single family dwelling.
Enforcement: Yes
Code Section: 120-173
SEQR: Type 2

Case:	6	<i>*Held from January 15, 2015 Hearing</i>
File Number:	V-067-14-15	
Case Type:	Area Variance	
Applicant:	Ed Matricia	
Address:	265 Hayward Avenue	
Zoning District:	Public Market Village District	
Quadrant:	NE	
Purpose:	To remove the existing signs and replace them with ones that do not meet the sign requirements.	
Enforcement:	No	
Code Section:	120-76; 120-177	
SEQR:	Type 2	

Written comments may be submitted by **February 18, 2015** to: Jill Symonds, City of Rochester, Bureau of Planning & Zoning, 30 Church Street, Room 125B, Rochester, NY 14612, or Jill.Symonds@CityofRochester.gov

**CITY OF ROCHESTER
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MEETING WITH STAFF: 8:45 AM - 9:30 AM
CONFERENCE ROOM 223B**

**Cases 1-7 Public Hearing Begins: 9:30 AM
CITY COUNCIL CHAMBERS 302A**

March 19, 2015

I. Meeting with Staff

II. Public Hearings:

Case: 1
File Number: V-073-14-15
Case Type: Area Variances
Applicant: Robert Morgan, Morgan Management
Address: 1341 Portland Ave
Zoning District: C-2 Community Center District
Quadrant: NE
Purpose: To construct an 8,500 square foot, single-story office building that does not meet the front yard setback, bulk, or height requirements.
Enforcement: No
Code Section: 120-44; 120-45; 120-159
SEQR: Unlisted
Lead Agency: Director of Planning and Zoning

Case: 2
File Number: V-074-14-15
Case Type: Area Variances
Applicant: Gregory Soehner, East House
Address: 267 Monroe Avenue
Zoning District: C-2 Community Center District
Quadrant: SE
Purpose: To construct a 3-story, 60-unit, 63,000 sq. ft. apartment building that does not meet the front yard setback, fence height, and parking requirements.
Enforcement: No
Code Section: 120-44, 120-167, 120-173
SEQR: Unlisted
Lead Agency: Director of Planning and Zoning

Case: 3
File Number: V-075-14-15
Case Type: Area Variance
Applicant: Laura Baranes, Premier Sign Systems
Address: 1400 Mt. Hope Avenue
Zoning District: Collegetown Village District
Quadrant: SE
Purpose: To install internally illuminated signs for Bruegger's and Great Northern Pizza on the front façade and the sides of the building, not meeting certain sign requirements.
Enforcement: No
Code Section: 120-177
SEQR: Type 2

Case: 4
File Number: V-076-14-15
Case Type: Area Variance
Applicant: Michael Michalski, LSI Adapt Inc.
Address: 923 S. Clinton Avenue
Zoning District: C-2 Community Center District
Quadrant: SE
Purpose: To install a second 3'6" x 4' double face internally illuminated monument sign for "7-11" along S. Clinton Avenue, where only one sign is permitted.
Enforcement: No
Code Section: 120-177
SEQR: Type 2

Case: 5
File Number: V-077-14-15
Case Type: Area Variances
Applicant: Reza Hourmanesh, GRH
Address: 694 Hudson Avenue
Zoning District: R-1 Low-Density Residential District
Quadrant: NE
Purpose: To construct a 3,475 square foot one-story addition to an existing church, not meeting the lot and building coverage requirements, front, side, and rear yard setback requirements, and parking requirements.
Enforcement: No
Code Section: 120-11, 120-173
SEQR: Type 2

Case: 6
File Number: V-078-14-15
Case Type: Use Variance
Applicant: Claude Barnhart, CERC-SW Properties, LLC
Address: 29 Spiegel Park
Zoning District: R-1 Low-Density Residential District
Quadrant: NE
Purpose: To re-establish the rights to a 2-family dwelling, a nonconforming use in the R-1 district that has lost its rights due to a period of vacancy greater than 9 months.
Enforcement: Yes
Code Section: 120-199
SEQR: Unlisted
Lead Agency: Zoning Board of Appeals

Case: 7
File Number: V-055-13-14
Case Type: Area Variance (**Rehearing**)
Applicant: Timothy Luddy, on behalf of Brighton Presbyterian Church
Address: 1775 East Avenue
Zoning District: C-2 Community Center District
Quadrant: SE
Purpose: To modify a condition from this previous approval to remove the existing detached sign and replace it with an 8'4" high detached sign with LED message board, not meeting certain sign requirements.
Enforcement: Yes
Code Section: 120-177
SEQR: Type 2

Written comments may be submitted by **March 18th, 2015** to: Jill Symonds, City of Rochester, Bureau of Planning & Zoning, 30 Church Street, Room 125B, Rochester, NY 14614, or Jill.Symonds@CityofRochester.gov

April 23, 2015

I. Meeting with Staff

II. Public Hearings:

Case: 1
File Number: V-079-14-15
Case Type: Area Variances
Applicant: Dayne Kofod
Address: 525 West Avenue
Zoning District: M-1 Industrial District
Quadrant: SW
Purpose: To add accessory passenger vehicle sales to the existing repair operation, not meeting certain requirements for vehicle sales or parking.
Enforcement: Yes
Code Section: 120-153; 120-173
SEQR: Unlisted
Lead Agency: Director of Planning and Zoning

Case: 2
File Number: V-080-14-15
Case Type: Area Variance
Applicant: Engin Ozkan
Address: 1709 Clifford Avenue
Zoning District: C-1 Neighborhood Center District
Quadrant: SE
Purpose: To install a 4' x 6' hanging sign and a 2' x 6' attached sign for "Goodman Hots and Pizzeria", thereby not meeting certain sign requirements.
Enforcement: No
Code Section: 120-177
SEQR: Type 2

Case: 3
File Number: V-081-14-15
Case Type: Area Variance
Applicant: Amarjit Badesha, St. Paul Convenience Store
Address: 994 St. Paul Street
Zoning District: R-1 Low-Density Residential District
Quadrant: NE
Purpose: To install an 11' tall detached sign that provides LED gas pricing and has a sign face that is 5' x 4', thereby not meeting certain sign requirements.
Enforcement: No
Code Section: 120-177
SEQR: Type 2

Case: 4
File Number: V-082-14-15
Case Type: Area Variance
Applicant: Chris Spinelli, Roc Brewing Co.
Address: 54-56 S. Union Street
Zoning District: R-3 High Density Residential District
Quadrant: SE
Purpose: To establish an outdoor seating area in front of the building for Roc Brewing Co., thereby expanding a nonconforming use.
Enforcement: No
Code Section: 120-199
SEQR: Unlisted
Lead Agency: Zoning Board of Appeals

Case: 5
File Number: V-083-14-15
Case Type: Area Variance
Applicant: Felicia Cole
Address: 59 Pollard Avenue
Zoning District: R-1 Low-Density Residential District
Quadrant: NW
Purpose: To install a driveway that is 10' x 29' and results in front yard parking.
Enforcement: No
Code Section: 120-173
SEQR: Type 2

Case: 6
File Number: V-084-14-15
Case Type: Area Variance
Applicant: John A. Caselli
Address: 112 Southview Terrace
Zoning District: R-1 Low-Density Residential District
Quadrant: SW
Purpose: To raise the roof of an existing two-family dwelling, thereby expanding a non-conforming use.
Enforcement: No
Code Section: 120-199
SEQR: Type 2

Case: 7
File Number: V-085-14-15
Case Type: Area Variance
Applicant: Frank Imburgia
Address: 186 Atlantic Avenue
Zoning District: M-1 Industrial District
Quadrant: SE
Purpose: To construct a 19,500 square foot, one-story brewery building (Three Heads Brewing), that does not meet certain non-residential building standards or parking regulations.
Enforcement: No
Code Section: 120-159; 120-173
SEQR: Unlisted
Lead Agency: Director of Planning and Zoning

Written comments may be submitted by **April 22nd, 2015** to: Jill Symonds, City of Rochester, Bureau of Planning & Zoning, 30 Church Street, Room 125B, Rochester, NY 14614, or Jill.Symonds@CityofRochester.gov

May 21, 2015

I. Meeting with Staff

II. Public Hearings:

Case: 1 **Held from the 04/23/15 Hearing*
File Number: V-081-14-15
Case Type: Area Variance
Applicant: Amarjit Badesha
Address: 994 St. Paul Street
Zoning District: R-1 Low-Density Residential District
Quadrant: NE
Purpose: To install a 6' tall monument sign with a 4' x 8' sign face that provides LED gas pricing for "St. Paul Convenience Store", not meeting certain sign requirements.
Enforcement: No
Code Section: 120-177
SEQR: Type 2

Case: 2
File Number: V-086-14-15
Case Type: Area Variance
Applicant: Xi Mei Lin
Address: 531 Lyell Avenue
Zoning District: R-2 Medium-Density Residential District
Purpose: To install a 4' x 10' attached sign for "Wu's Discount", not meeting certain sign requirements.
Enforcement: No
Code Section: 120-177
SEQR: Type 2

Case: 3
File Number: V-087-14-15
Case Type: Area Variance
Applicant: Waqjir Tula
Address: 363 Lake Avenue
Zoning District: R-3 High-Density Residential District
Purpose: To install a 28' x 45' parking area in the front yard of a multi-family dwelling, not meeting certain parking requirements.
Enforcement: No
Code Section: 120-173
SEQR: Unlisted
Lead Agency: Zoning Board of Appeals

Case: 4
File Number: V-088-14-15
Case Type: Area Variance
Applicant: Cindy Stevens
Address: 518 Hillside Avenue
Zoning District: R-1 Low-Density Residential District
Purpose: To legalize the conversion of an attached, single-car garage to living space, thereby resulting in front yard parking.
Enforcement: Yes
Code Section: 120-173
SEQR: Type 2

Case: 5
File Number: V-089-14-15
Case Type: Area Variances
Applicant: Alfred Pardi, Pardi Partnership Architects
Address: 500 and 480 Genesee Street, 497, 477, and 473 Hawley Street
Zoning District: R-1 Low-Density Residential District
Purpose: To construct an 8,500 square foot addition for the Boys and Girls Club, not meeting setback, building and lot coverage, fence, sign, and accessory use requirements.
Enforcement: No
Code Section: 120-11; 120-163; 120-167; 120-177
SEQR: Unlisted
Lead Agency: Director of Planning & Zoning

Case: 6
File Number: V-090-14-15
Case Type: Area Variances
Applicant: Torben Arend
Address: 1431 Mt. Hope Avenue
Zoning District: C-V Collegetown Village District
Purpose: To waive the distance separation requirement associated with the establishment of a high-impact use (i.e. CVS Pharmacy), and to waive certain building placement, setback, height, and transparency requirements.
Enforcement: No
Code Section: 120-77.1; 120-146.1
SEQR: Unlisted
Lead Agency: Director of Planning & Zoning

Case: 7
File Number: V-091-14-15
Case Type: Area Variance
Applicant: Reza Hourmanesh, GRH
Address: 1195 N. Clinton Avenue
Zoning District: C-2 Community Center District
Purpose: To construct a 600 square foot addition to the front of an existing low-impact bakery, to be used as an accessory seating area, not meeting the minimum required building height, nor off-street parking requirements.
Enforcement: No
Code Section: 120-45; 120-173
SEQR: Unlisted
Lead Agency: Zoning Board of Appeals

Written comments may be submitted by **May 20th, 2015** to: Suzanne McSain, City of Rochester, Bureau of Planning & Zoning, 30 Church Street, Room 125B, Rochester, NY 14614, or mcsains@cityofrochester.gov.

**CITY OF ROCHESTER
30 CHURCH STREET**

**ZONING BOARD OF APPEALS
MEETING WITH STAFF: 8:45 AM - 9:30 AM
CONFERENCE ROOM 223B**

**Cases 1-5 Public Hearing Begins: 9:30 AM
Cases 6-11 Public Hearing Begins: 11:30 AM
CITY COUNCIL CHAMBERS 302A**

June 25, 2015

I. Meeting with Staff

II. Public Hearings:

Case: 1
File Number: P-003-14-15
Case Type: Administrative Appeal
Address: 235 Browncroft Blvd (SE)
Zoning District: R-1 Low Density Residential
Applicant: Cassandra Petsos
Purpose: To appeal the issuance of Certificate of Zoning Compliance #1150582 to construct a 15' x 20.5' sunroom addition to the side of an existing single family dwelling.
Code Section: 120-189G
SEQR: Type 2

Case: 2
File Number: P-004-14-15
Case Type: Administrative Appeal
Address: 390 Hayward Ave (SE)
Zoning District: R-1 Low Density Residential
Applicant: Salan Malik
Purpose: To appeal the denial of Certificate of Zoning Compliance # 1150722 to maintain use of the property as a two-family dwelling by proving that the structure has been structurally altered to such an extent that it is impracticable to restore such structure to its built-as condition.
Code Section: 120-189G
SEQR: Type 2

Case: **3**
File Number: V-058-14-15 *(Economic hardship approved at the December 2014 hearing)*
Case Type: Use & Area Variances
Address: 3885 Lake Avenue (NW)
Zoning District: C-1 Neighborhood Center District
Applicant: Kip Finley, Indus Real Estate
Purpose: To establish a sit-down restaurant with a drive-thru operation for Dunkin' Donuts, both having hours of operation from 5:00 am to 11:00 pm, a prohibited use in the C-1 zone, and to waive certain site requirements for the drive through component, parking lot design, and sign limitations.
Code Section: 120-34; 120-136; 120-173; 120-177
SEQR: Unlisted
Lead Agency: Director of Planning and Zoning
Enforcement: No

Case: **4**
File Number: V-088-14-15 *(HELD from May 21, 2015 hearing pending additional information from the applicant)*
Case Type: Area Variance
Address: 518 Hillside Avenue (SE)
Zoning District: R-1 Low-Density Residential District
Applicant: Cindy Stevens
Purpose: To legalize the conversion of an attached, single-car garage to living space, thereby resulting in front yard parking.
Code Section: 120-173
SEQR: Type 2
Enforcement: Yes

Case: **5**
File Number: V-090-14-15 *(HELD from May 21, 2015 hearing at the request of the applicant)*
Case Type: Area Variances
Address: 1431 Mt. Hope Avenue (SW)
Zoning District: C-V Collegetown Village District
Applicant: Torben Arend
Purpose: To waive the distance separation and transparency requirements associated with the establishment of a high-impact use (i.e. CVS Pharmacy).
Code Section: 120-146.1; 120-159
SEQR: Unlisted
Lead Agency: Director of Planning & Zoning
Enforcement: No

Case: 6
File Number: V-092-14-15
Case Type: Area Variance
Address: 1054 S. Clinton Avenue (SE)
Zoning District: R-1 Low Density Residential District
Applicant: Shigeru Tanaka
Purpose: To legalize the expansion of an existing sit-down restaurant into a portion of the second floor, thereby expanding a nonconforming use, and not meeting the off-street parking requirements.
Code Section: 120-199; 120-173
SEQR: Unlisted
Lead Agency: Director of Planning and Zoning
Enforcement: Yes

Case: 7
File Number: V-093-14-15
Case Type: Use Variance
Address: 118 Petten Street (NW)
Zoning District: H-V Harbortown Village District
Applicant: Carla Bonaldi
Purpose: To establish a high impact retail store, a prohibited use in the H-V zone, and not meeting the transparency requirement.
Code Section: 120-77; 120-146.1
SEQR: Unlisted
Lead Agency: Director of Planning & Zoning
Enforcement: No

Case: 8
File Number: V-094-14-15
Case Type: Area Variance
Address: 61 Westminster Road (SE)
Zoning District: R-2 Medium Density Residential District
Applicant: Frank Dicesare
Purpose: To construct a 7' x 16'8" one-story addition to the rear of an existing three family dwelling, thereby exceeding lot coverage limitations.
Code Section: 120-20
SEQR: Unlisted
Lead Agency: Director of Planning & Zoning
Enforcement: No

Case: 9
File Number: V-095-14-15
Case Type: Use Variance
Address: 1303- 1305 Dewey Avenue (NW)
Zoning District: C-1 Neighborhood Center District
Applicant: Donald Rothschild
Purpose: To legalize the change in use of the property from a 4-family dwelling to a 6-family dwelling, a prohibited use in the zone, and not meeting certain dwelling unit conversion standards.
Code Section: 120-34; 120-166
SEQR: Unlisted
Lead Agency: Director of Planning & Zoning
Enforcement: Yes

Case: 10
File Number: V-096-14-15
Case Type: Use Variance
Address: 63 Greenleaf Street (SE)
Zoning District: R-2 Medium Density Residential District
Applicant: Stephen Ersteniuk
Purpose: To convert a vacant machine shop to a single family dwelling, not meeting certain lot, area, and yard requirements.
Code Section: 120-20
SEQR: Unlisted
Lead Agency: Director of Planning & Zoning
Enforcement: Yes

Case: 11
File Number: V-097-14-15
Case Type: Area Variance
Address: 564 Merchants Road (SE)
Zoning District: R-1 Low Density Residential District
Applicant: Stephen Costanza
Purpose: To construct a 14' x 15' addition to the rear of the existing sit-down restaurant, thereby expanding a nonconforming use, and to legalize the use of a previously approved 14' x 18' stairwell/storage addition as restaurant space (kitchen), also an expansion of a nonconforming use.
Code Section: 120-20; 120-166
SEQR: Unlisted
Lead Agency: Director of Planning & Zoning
Enforcement: No

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**ZONING BOARD OF APPEALS
MEETING WITH STAFF: 8:45 AM - 9:30 AM
CONFERENCE ROOM 223B**

Cases 1-8 Public Hearing Begins: 9:30 AM

CITY COUNCIL CHAMBERS 302A

July 23, 2015

I. Meeting with Staff

II. Public Hearings:

Case: 1
File Number: V-001-15-16
Case Type: Area Variance
Address: 676 Hudson Avenue
Zoning District: R-1 Low Density Residential
Applicant: Robert Rios
Purpose: To install a 4' high fence in the front yard of a place of worship, a portion of which will be chainlink.
Code Section: 120-167
SEQR: Type II
Enforcement: No

Case: 2
File Number: V-002-15-16
Case Type: Area Variance
Address: 170 Lehigh Avenue
Zoning District: R-1 Low Density Residential
Applicant: Johan Jaspers
Purpose: To legalize an enclosed porch not meeting the front yard setback requirements and City-Wide Design Guidelines.
Code Section: 120-11C; 120-160B
SEQR: Type II
Enforcement: Yes

Case: 3
File Number: V-003-15-16
Case Type: Area Variance
Address: 20 Alliance Avenue
Zoning District: R-1 Low Density Residential District
Applicant: Bryan Coon
Purpose: To legalize the expansion of the 2nd floor apartment into the 3rd floor, thereby expanding a nonconforming use.
Code Section: 120-195
SEQR: Type II
Enforcement: Yes

Case: 4
File Number: V-004-15-16
Case Type: Area Variance
Address: 598 Cedarwood Terrace
Zoning District: R-1 Low-Density Residential District
Applicant: Scott Brant, JJ Construction
Purpose: To construct a new 24' x 31' detached garage that is not subordinate to the principal structure and exceeds lot coverage limitations.
Code Section: 120-208; 120-11B(1)(e)
SEQR: Type II
Enforcement: Yes

Case: 5
File Number: V-005-15-16
Case Type: Area Variances
Address: 165 Croydon Road
Zoning District: R-1 Low Density Residential District
Applicant: Michael Brown, SWBR Architects
Purpose: To construct an addition connecting a detached garage to the principal structure, thereby making it part of the principal structure which does not meet rear yard setback requirements.
Code Section: 120-11C
SEQR: Unlisted
Lead Agency: Director of Planning & Zoning
Enforcement: No

Case: 6
File Number: V-006-15-16
Case Type: Area Variance
Address: 205-217 Lyell Avenue
Zoning District: C-2 Community Center District
Applicant: Bill Burdwood, Rochester-Lyell FDS 713588, LLC
Purpose: To construct a high-impact retail store (Family Dollar) that exceeds the maximum 6,000 square foot permitted for a principal structure.

Code Section: 120-45B
SEQR: Unlisted
Lead Agency: Director of Planning and Zoning
Enforcement: No

Case: 7
File Number: V-007-15-16
Case Type: Area Variance
Address: 715, 731 and 737 West Main Street
Zoning District: C-2 Community Center District
Applicant: Bill Burdwood, Rochester-Lyell FDS 712852, LLC
Purpose: To construct a high-impact retail store (Family Dollar) that exceeds the maximum 6,000 square foot permitted for a principal structure and does not meet the rear yard setback requirement.

Code Section: 120-45B; 120-44C
SEQR: Unlisted
Lead Agency: Director of Planning and Zoning
Enforcement: No

Case: 8
File Number: V-008-15-16
Case Type: Area Variance
Address: 235, 237, 239, 245 North Winton Road and 650, 658 Blossom Road
Zoning District: C-1 Neighborhood Commercial District
Applicant: Steve Cleason, Aldi Food
Purpose: To construct a Full Line food store (Aldi Food) not meeting certain setback, bulk and sign requirements and not meeting certain City-Wide Design Guidelines.

Code Section: 120-36C; 120-37B; 120-177
SEQR: Unlisted
Lead Agency: Director of Planning and Zoning
Enforcement: No

**CITY OF ROCHESTER
30 CHURCH STREET**

**ZONING BOARD OF APPEALS
MEETING WITH STAFF: 8:45 AM - 9:30 AM
CONFERENCE ROOM 223B**

Public Hearing Begins: 9:30 AM

CITY COUNCIL CHAMBERS 302A

August 20, 2015

I. Meeting with Staff

II. Public Hearings:

Case: 1
File Number: V-009-15-16
Case Type: Area Variance
Address: 81 Beckwith Terrace
Zoning District: R-1 Low Density Residential
Applicant: John Paterson
Purpose: To construct an 18' x 22' patio in the side yard of a single family dwelling, not meeting setback requirements.
Code Section: 120-163
SEQR: Type II
Enforcement: No

Case: 2
File Number: V-010-15-16
Case Type: Area Variance
Address: 33 Morven Road
Zoning District: R-1 Low Density Residential
Applicant: Felipe Hernandez, Jr.
Purpose: To expand an existing driveway by 6', thereby creating a front yard parking area.
Code Section: 120-173
SEQR: Type II
Enforcement: No

Case: 3
File Number: V-011-15-16
Case Type: Area Variance
Address: 17-19 Pullman Avenue
Zoning District: R-1 Low Density Residential District
Applicant: David Matalon
Purpose: To legalize the change in use of non-residential floor area and 7 apartments to a total of 10 apartments, not meeting certain dwelling unit conversion standards and off-street parking requirements.
Code Section: 120-166, 120-173
SEQR: Type II
Enforcement: Yes

Case: 4
File Number: V-012-15-16
Case Type: Area Variance
Address: 905 Culver Road
Zoning District: R-1 Low-Density Residential District
Applicant: Phil Dotson
Purpose: To replace an existing detached sign with a new, approximately 7.3' x 5' internally lit detached sign, exceeding the size limitations and certain design standards.
Code Section: 120-177
SEQR: Type II
Enforcement: No

Case: 5 ***Adjourned from the July 23, 2015 Hearing***
File Number: V-008-15-16
Case Type: Area Variance
Address: 235, 237, 239, 245 North Winton Road and 650, 658 Blossom Road
Zoning District: C-1 Neighborhood Commercial District
Applicant: Steve Cleason, Aldi Food
Purpose: To construct a grocery store (Aldi Food) not meeting certain setback, bulk and sign requirements and not meeting certain City-Wide Design Guidelines.
Code Section: 120-36C; 120-37B; 120-177
SEQR: Unlisted
Lead Agency: Director of Planning and Zoning
Enforcement: No

**CITY OF ROCHESTER
30 CHURCH STREET**

**ZONING BOARD OF APPEALS
MEETING WITH STAFF: 8:45 AM - 9:30 AM
CONFERENCE ROOM 223B**

**Public Hearing Begins: 9:30 AM
CITY COUNCIL CHAMBERS 302A**

September 24, 2015

I. Meeting with Staff

II. Public Hearing:

Case: 1
File Number: V-013-15-16
Case Type: Area Variance
Address: 1650 Dewey Avenue
Zoning District: M-1 Industrial
Applicant: Rhonda Leaty
Purpose: To waive certain additional requirements for specified uses associated with the request to establish a recycling center (bottle and can redemption).
Code Section: 120-145
SEQR: Type II
Enforcement: No

Case: 2
File Number: V-014-15-16
Case Type: Area Variance
Address: 143 State Street
Zoning District: CCD-R Center City District
Applicant: Larry King
Purpose: To establish use of the property as a hookah lounge, a High-Impact Use, not meeting the distance separation requirements.
Code Section: 120-146.1
SEQR: Type II
Enforcement: No

Case: 3
File Number: V-015-15-16
Case Type: Area Variance
Address: 3371 Lake Avenue
Zoning District: R-1 Low-Density Residential District
Applicant: Ryan McGrath
Purpose: To expand an existing 2nd floor apartment into the 3rd floor, thereby expanding a nonconforming 3-family use.
Code Section: 120-199
SEQR: Type II
Enforcement: No

Case: 4
File Number: V-016-15-16
Case Type: Use Variance
Address: 192 Jerold Street
Zoning District: R-1 Low Density Residential District
Applicant: MidFirst Bank as agent for HUD
Purpose: To re-establish use of the property as a 2-family dwelling that lost rights due to an extended period of vacancy.
Code Section: 120-195
SEQR: Type II
Enforcement: Yes

Case: 5
File Number: V-017-15-16
Case Type: Area Variance
Address: 530 Wellington Avenue
Zoning District: R-1 Low Density Residential
Applicant: Robin L. Lavergne
Purpose: To enclose an open front porch, a prohibited activity under the City Wide Design Guidelines.
Code Section: 120-160
SEQR: Type II
Enforcement: No

Case: 6
File Number: V-018-15-16
Case Type: Area Variance
Address: 531 Post Avenue
Zoning District: R-1 Low Density Residential
Applicant: Open Door Mission
Purpose: To waive certain lot, area, yard and parking requirements associated with the construction of a 5-space parking area in the front yard to serve a proposed residential care facility.
Code Section: 120-11, 120-163, 120-173
SEQR: Unlisted (Lead Agency: Director of Planning and Zoning)
Enforcement: No

Case: 7 **Adjourned from July 23, 2015**
File Number: V-007-15-16
Case Type: Area Variance
Address: 715, 731 and 737 West Main Street
Zoning District: C-2 Community Center District
Applicant: Bill Burdwood, Rochester-Lyell FDS 712852, LLC
Purpose: To construct a retail store (Family Dollar) that exceeds the maximum 6,000 square foot permitted for a principal structure and does not meet the rear yard setback requirement.
Code Section: 120-45B; 120-44C
SEQR: Unlisted (Lead Agency: Director of Planning and Zoning)
Enforcement: No

Case: 8 **Adjourned from August 20, 2015**
File Number: V-008-15-16
Case Type: Area Variance
Address: 235, 237, 239, 245 North Winton Road and 650, 658 Blossom Road
Zoning District: C-1 Neighborhood Commercial District
Applicant: Steve Cleason, Aldi Food
Purpose: To construct a grocery store (Aldi Food) not meeting certain bulk, parking, and sign requirements and not meeting certain City-Wide Design Guidelines.
Code Section: 120-37B; 120-173; 120-159; 120-177
SEQR: Unlisted (Lead Agency: Director of Planning and Zoning)
Enforcement: No

Case:	9
File Number:	V-019-15-16
Case Type:	Area Variance
Address:	202 and 208 Burrows Street
Zoning District:	M-1 Industrial
Applicant:	Tanysha White
Purpose:	To waive the distance separation and landscape requirements associated with the establishment of accessory vehicle sales at an existing repair facility.
Code Section:	120-152; 120-173
SEQR:	Type II
Enforcement:	Yes

CITY OF ROCHESTER
30 CHURCH STREET

ZONING BOARD OF APPEALS
MEETING WITH STAFF: 8:45 AM - 9:30 AM
CONFERENCE ROOM 223B

Cases 1-7 Public Hearing Begins: 9:30 AM
Cases 8-12 Public Hearing Begins: 11:30 AM
CITY COUNCIL CHAMBERS 302A

October 22, 2015

I. Meeting with Staff

II. Public Hearing:

Case: 1
File Number: V-020-15-16
Case Type: Area Variance
Address: 1349 Culver Road
Zoning District: R-1 / O-O Low-Density Residential / Office Overlay Districts
Applicant: James Trussell
Purpose: To expand the existing driveway of a two-family dwelling by adding 600 square feet of pavement, thereby creating front yard parking.
Code Section: 120-173
SEQR: Type II
Enforcement: No

Case: 2
File Number: V-021-15-16
Case Type: Area Variance
Address: 403 Thurston Road
Zoning District: R-2 Medium-Density Residential District
Applicant: Thomas O'Hara
Purpose: To expand the existing driveway of a three-family dwelling by 180 square feet of pavement, thereby creating front yard parking.
Code Section: 120-173
SEQR: Type II
Enforcement: No

Case: 3
File Number: V-022-15-16
Case Type: Area Variance
Address: 449 Meigs Street
Zoning District: R-2 Medium-Density Residential District
Applicant: Justin Gallagher
Purpose: To legalize four, 6' tall solid fences used to screen garbage totes along Elmhurst Street in the front yard of a multi-family dwelling.
Code Section: 120-167
SEQR: Type II
Enforcement: Yes

Case: 4
File Number: V-023-15-16
Case Type: Area Variance
Address: 490 River Street
Zoning District: H-V Harbortown Village District
Applicant: Jamie Raleigh
Purpose: To install an internally illuminated sign that is 11'-8" x 4'-10" for "Roc Harbor Clam Co".
Code Section: 120-177
SEQR: Type II
Enforcement: No

Case: 5
File Number: V-024-15-16
Case Type: Area Variance
Address: 493-495 Monroe Avenue
Zoning District: C-2 Community Center District
Applicant: Jamie Raleigh
Purpose: To install three signs for Acme Bar & Pizza not meeting the sign requirements: one pendant sign that is 4' x 2'-8" and two attached signs that are 7' x 3'.
Code Section: 120-177
SEQR: Type II
Enforcement: No

Case: 6
File Number: V-025-15-16
Case Type: Area Variance
Address: 510 Monroe Avenue
Zoning District: C-2 Community Center District
Applicant: Nick Testa
Purpose: To install two signs for Yager's bar/restaurant not meeting the sign requirements: one attached sign that is 4' x 8' and one pendant sign that is 4' x 4'.
Code Section: 120-177
SEQR: Type II
Enforcement: No

Case: 7
File Number: V-026-15-16
Case Type: Area Variances
Address: 771-777 Monroe Avenue, 1849 East Avenue, 440 Lake Avenue
Zoning District: C-2 and C-3 Community Center and Regional Center Districts
Applicant: Speedway, LLC
Purpose: To replace the sign faces on the 23'-8" tall pole signs for Speedway at each of the above locations.
Code Section: 120-177
SEQR: Type II
Enforcement: No

Case: 8
File Number: V-027-15-16
Case Type: Area Variance
Address: 37 Eagle Street
Zoning District: R-3 High-Density Residential District
Applicant: Matthew Denker & Laura Beth Lincoln
Purpose: To waive certain lot, area, and yard requirements associated with the construction of a two-family dwelling and a two-car garage with a studio apartment above.
Code Section: 120-28
SEQR: Type II
Enforcement: No

Case: 9
File Number: V- 028-15-16
Case Type: Area Variance
Address: 148 Marlborough Road
Zoning District: R-1 Low-Density Residential District
Applicant: Wesley P. Henderson
Purpose: To legalize the enclosure of an open front porch on a single family dwelling.
Code Section: 120-160
SEQR: Type II
Enforcement: Yes

Case: **10**
File Number: V-029-14-15
Case Type: Area Variance
Address: 1000 Lexington Avenue
Zoning District: M-1 Industrial District
Applicant: Scott Abbett, Sustainable Energy Developments
Purpose: To install approximately 1.3 acres of solar panels in the front yard of the General Motors facility (along the Driving Park frontage).
Code Section: 120-163
SEQR: Unlisted (Lead Agency: Zoning Board of Appeals)
Enforcement: Yes

Case: **11** **Postponed from the September Hearing**
File Number: V-018-15-16
Case Type: Area Variance
Address: 531 Post Avenue
Zoning District: R-1 Low Density Residential
Applicant: Open Door Mission
Purpose: To waive certain lot, area, yard and parking requirements associated with the construction of a 5-space parking area in the front yard to serve a proposed residential care facility.
Code Section: 120-11, 120-173
SEQR: Unlisted (Lead Agency: Director of Planning and Zoning)
Enforcement: No

Case: **12** **Postponed from the September Hearing**
File Number: V-007-15-16
Case Type: Area Variance
Address: 715, 731 and 737 West Main Street
Zoning District: C-2 Community Center District
Applicant: Bill Burdwood, Rochester-Lyell FDS 712852, LLC
Purpose: To construct a retail store (Family Dollar) that exceeds the maximum 6,000 square foot permitted for a principal structure and does not meet the rear yard setback or transparency requirements.
Code Section: 120-45B, 120-44C, 120-159
SEQR: Unlisted (Lead Agency: Director of Planning and Zoning)
Enforcement: No

**CITY OF ROCHESTER
30 CHURCH STREET**

**ZONING BOARD OF APPEALS
MEETING WITH STAFF: 8:45 AM - 9:30 AM
CONFERENCE ROOM 223B**

**Public Hearing Begins: 9:30 AM
CITY COUNCIL CHAMBERS 302A**

November 19, 2015

I. Meeting with Staff

II. Public Hearing:

Case: 1
File Number: V-030-14-15
Case Type: Area Variance
Address: 71 Rutgers Street
Zoning District: R-2 Medium-Density Residential District
Applicant: Louie Maier
Purpose: To construct an attached 4-car garage in the rear yard of a three-family dwelling, not meeting certain requirements for setbacks, building and lot coverage, and parking.
Code Section: 120-20; 120-173
SEQR: Type II
Enforcement: Yes

Case: 2
File Number: V-031-14-15
Case Type: Use Variance
Address: 73 Luzerne Street
Zoning District: R-2 Medium-Density Residential District
Applicant: Jason DiPietro
Purpose: To establish use of the third floor as a separate dwelling unit in an existing two-family dwelling, not meeting certain dwelling unit conversion standards.
Code Section: 120-166; 120-173
SEQR: Unlisted (Lead Agency: Director of Planning & Zoning)
Enforcement: No

Case: **3**
File Number: V-032-15-16
Case Type: Area Variance
Address: 852 & 846 Exchange Street
Zoning District: R-1 Low-Density Residential District
Applicant: Steven Kraft
Purpose: To install a 6' tall solid wood fence in the front yard of a single family home, not meeting certain fence requirements.
Code Section: 120-167
SEQR: Type II
Enforcement: No

Case: **4**
File Number: V-023-15-16 ***Held from the 10/22/15 Hearing***
Case Type: Area Variance
Address: 490 River Street
Zoning District: H-V Harbortown Village District
Applicant: Jamie Raleigh
Purpose: To install an internally illuminated sign for "Roc Harbor Clam Co", not meeting certain sign requirements.
Code Section: 120-177
SEQR: Type II
Enforcement: No

Case: **5** ***Postponed from the 10/22/15 Hearing***
File Number: V-026-15-16
Case Type: Area Variances
Address: 771-777 Monroe Avenue, 1849 East Avenue, 440 Lake Avenue
Zoning District: C-2 and C-3 Community Center and Regional Center Districts
Applicant: Speedway, LLC
Purpose: To replace the sign faces on the 23'-8" tall pole signs for Speedway at each of the above locations, not meeting certain sign requirements.
Code Section: 120-177
SEQR: Type II
Enforcement: No

Case **6** ***Held from the 10/22/15 Hearing***
File Number: V-022-15-16
Case Type: Area Variance
Address: 449 Meigs Street
Zoning District: R-2 Medium-Density Residential District
Applicant: Justin Gallagher
Purpose: To legalize four, 6' tall solid fences used to screen garbage totes along Elmhurst Street in the front yard of a multi-family dwelling.
Code Section: 120-165; 120-167
SEQR: Type II
Enforcement: Yes

**CITY OF ROCHESTER
30 CHURCH STREET**

**ZONING BOARD OF APPEALS
MEETING WITH STAFF: 8:45 AM - 9:30 AM
CONFERENCE ROOM 223B**

**Cases 1-7 Public Hearing Begins: 9:30 AM
Cases 8-10 Public Hearing Begins: 11:30 AM
CITY COUNCIL CHAMBERS 302A**

December 17, 2015

I. Meeting with Staff

II. Public Hearing, FOR CERTIFICATION ONLY:

Case: 1
File Number: V-008-15-16
Case Type: Area Variances
Address: 235, 237, 239, 245 North Winton Road and 650, 658 Blossom Road
Zoning District: C-1 Neighborhood Commercial District
Applicant: Steve Cleason, Aldi Food
Purpose of Hearing: To re-open the hearing solely to allow Zoning Board members to certify on the record that they have reviewed testimony from the hearings from which they were absent, as required by Zoning Code section 120-186, and to conduct a new vote. (No information or testimony will be taken.)

III. Public Hearing:

Case: 2
File Number: P-001-15-16
Case Type: Appeal
Address: 81 Orange Street
Zoning District: R-1 Low-Density Residential District
Applicant: Alexander Phoenix
Purpose: To appeal the denied Certificate of Zoning Compliance issued on September 10, 2015, to re-establish use of the property as a two-family dwelling.
Code Section: 120-189
SEQR: Unlisted (Lead Agency: Director of Planning & Zoning)
Enforcement: No

Case: 3
File Number: V-033-15-16
Case Type: Use Variances
Address: 965 Monroe Avenue
Zoning District: C-1 Neighborhood Center District
Applicant: Reza Hourmanesh
Purpose: To establish use of the property as a multi-family dwelling, a use not permitted in the district and not meeting the dwelling unit conversion standards.
Code Section: 120-34; 120-166
SEQR: Unlisted (Lead Agency: Director of Planning & Zoning)
Enforcement: No

Case: 4
File Number: V-034-15-16
Case Type: Use Variance
Address: 1218 Jay Street
Zoning District: C-1 Neighborhood Center District
Applicant: Shanida Hussain
Purpose: To change the use from a full-line food store to high-impact retail by adding lotto, a use not permitted in the district.
Code Section: 120-34
SEQR: Unlisted (Lead Agency: Director of Planning & Zoning)
Enforcement: No

Case: 5
File Number: V-035-15-16
Case Type: Use and Area Variance
Address: 18 Sumner Park
Zoning District: R-2 Medium-Density Residential District
Applicant: William Boneberg
Purpose: To legalize the change in use from a two-family dwelling to a three-family dwelling, not meeting the dwelling unit conversion standards, and to legalize the expansion of the rear yard parking area, thereby exceeding lot coverage limitations.
Code Section: 120-166, 120-20
SEQR: Unlisted (Lead Agency: Director of Planning & Zoning)
Enforcement: Yes

Case: 6
File Number: V-036-15-16
Case Type: Area Variance
Address: 158 Vassar Street (aka 488 Harvard Street)
Zoning District: R-1 Low-Density Residential District
Applicant: Lori Anschuetz
Purpose: To install a fence not meeting the height and opacity requirements in the front yard of a single family dwelling.
Code Section: 120-167
SEQR: Type II
Enforcement: No

Case: 7
File Number: V-037-15-16
Case Type: Area Variance
Address: 100 Ellicott Street
Zoning District: R-1 Low-Density Residential District
Applicant: Donna and Arnold Bush
Purpose: To construct a 165 square foot addition to the rear of the single family dwelling, thereby exceeding the lot coverage requirement and not meeting the side yard setback requirement.
Code Section: 120-11
SEQR: Type II
Enforcement: No

Case: 8
File Number: V-038-15-16
Case Type: Area Variance
Address: 205 and 215 Lyell Avenue
Zoning District: C-2 Community Center District
Applicant: Bill Burwood
Purpose: To install two, internally illuminated, 27.5 sq. ft. signs for “Family Dollar” and one, internally illuminated, 23.75 sq. ft. medallion logo sign, not meeting certain sign requirements.
Code Section: 120-177
SEQR: Type II
Enforcement: No

Case: 9 ***Postponed from the 11/19/15 Hearing***
File Number: V-026-15-16
Case Type: Area Variances
Address: 771-777 Monroe Avenue, 1849 East Avenue, 440 Lake Avenue
Zoning District: C-2 and C-3 Community Center and Regional Center Districts
Applicant: Speedway, LLC
Purpose: To replace the sign faces on the 23’-8” tall pole signs for Speedway at each of the above locations, not meeting certain sign requirements.
Code Section: 120-177
SEQR: Type II
Enforcement: No

Case:	10	<i>Held from 11/19/15 Hearing</i>
File Number:	V-030-14-15	
Case Type:	Area Variance	
Address:	71 Rutgers Street	
Zoning District:	R-2 Medium-Density Residential District	
Applicant:	Louie Maier	
Purpose:	To construct an attached 4-car garage in the rear yard of a three-family dwelling, not meeting certain requirements for setbacks, building and lot coverage, and parking.	
Code Section:	120-20; 120-173	
SEQR:	Type II	
Enforcement:	Yes	