



City of Rochester

Neighborhood and Business Development
City Hall Room 125B, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

Bureau of Buildings
and Zoning

Rochester City Clerk/Council
Rec'd 02/07/19 PM 12:56

February 7, 2019

Eugenio Marlin
c/o Ibero-American Development
954 Clifford Avenue
Rochester, NY 14621

Locations: 54, 58, and 62 Sullivan Street (Site A)
30, 32, 38, and 42 Sullivan Street (Site B)
27-29 Hoeltzer Street (Site M)
6 Kappel Place (Site P)
18 Kappel Place (Site Q)
24 Kappel Place (Site Q)
20 Hoeltzer Street (Site O)

Zoning District: R-2 Medium-Density Residential District

File Numbers: V-038-18-19, V-039-18-19, V-040-18-19, V-041-18-19,
V-042-18-19, V-043-18-19, V-044-18-19, V-045-18-19,
V-046-18-19, V-047-18-19, V-048-18-19, V-049-18-19

Vote: 4-1-1

NOTICE OF DECISION

In the matter of the request for an area variance:

To construct a two-family dwelling, not meeting the minimum lot size and exceeding the maximum lot coverage requirement (Sites A, B, M, P, and Q); and

To construct a two-family dwelling, not meeting the minimum lot size, side yard setback and exceeding the maximum lot coverage requirement (Site O);

Please take notice that at the Zoning Board of Appeals meeting held on January 24, 2019, said application was **APPROVED on Condition:**

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



Please Note: Pursuant to Section 120-195B(9) of the City Code, a Variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit and/or Certificate of Occupancy is obtained and maintained. Please contact Matthew Simonis at 585-428-6637 or Matthew.Simonis@CityofRochester.Gov to proceed.



Zina Lagonegro, AICP, EIT
Secretary to the Zoning Board of Appeals

xc: Linc Swedrock, c/o BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450

Resolution and Findings of Fact:

- 1. Will the benefit to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community?**

Yes ___ **X** No ___

Finding: Lot Size: The project includes the construction of new two-family dwellings in an area zoned R-2 Medium-Density, which is a permitted use in the district. The investment in the neighborhood is a benefit to nearby properties and therefore, does not pose any detriment to the neighborhood.

Lot Coverage: While the coverage exceeds the 50 percent maximum, there is not a detriment to the neighborhood as the new construction will allow any storm water to be collected by the gutter system on the newly constructed dwellings.

Side Yard Setback: The construction of a two-family dwelling on an existing foundation does not change the foot print of the previous dwelling which existed prior to the current Zoning Code. As a result, there will be no detriment to the health and safety of the neighborhood.

- 2. Will the proposal produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties?**

Yes ___ No ___ **X**

Finding: Lot Size: The requested variances will allow the construction of new dwellings to match the existing pattern of development throughout the neighborhood. Further, the approval on condition that railings be installed on the open porches will ensure a similar style of construction to match the existing character of the neighborhood. As such, no undesirable change will be created.

Lot Coverage: The requested variances for lot coverage to construct new infill housing will be similar to other existing properties in the neighborhood. The approval on condition ensures no undesirable change will be created.

Side Yard Setback: The dwellings in the neighborhood that currently exist do not meet the current side yard setback as a result of being constructed prior to the current regulations. Constructing a new two-family dwelling on an existing foundation will match the existing pattern of development in the neighborhood.

- 3. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance?**

Yes ___ No ___ **X**

Finding: Lot Size: The infill housing project was designed to maximize the amount of existing vacant land through the adjustment of existing property lines. As such, there is no feasible alternative to the requested variance.

Lot Coverage: As stated in the Area Variance Statement of Difficulty, the lot coverage configurations were created in conjunction with the lot sizes, based on the available amount of land. Based on this information, there is no feasible alternative to the request.

Side Yard Setback: The two-family dwelling will be constructed on an existing foundation which already has an established side yard setback which is unable to be changed. As such, there is no feasible alternative.

4. Is the requested variance substantial?

Yes ___ No X

Finding: Lot Size: The variances for lot size are mostly minimal deviations from the Code requirements as outlined in the Staff Report contained herein.

Lot Coverage: The variances for lot coverage are mostly minimal deviations from the Code requirements as outlined in the Staff Report contained herein.

Side Yard Setback: Since the dwelling will be constructed on a foundation that has existed for more than 100 years with the same side yard setback, the variance request was determined not to be substantial.

5. Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood?

Yes ___ No X

Finding: Lot Size: The requested variance will not alter the existing pattern of development in the neighborhood, thereby not creating any physical adverse impact to the immediate area.

Lot Coverage: The requested variance will not alter the existing pattern of development in the neighborhood, thereby not creating any adverse impact to the immediate area.

Side Yard Setback: The requested variance will not alter the existing pattern of development in the neighborhood, thereby not creating any adverse impact to the immediate area.

6. Is the alleged difficulty self-created?

Yes X No ___

Finding: Lot Size: Seeking a Zoning approval that does not meet the regulations outlined in the Zoning Code is a self-created difficulty; however, the Zoning Board determined that the benefits of the granting of the variance outweigh any detriment to the neighborhood.

Lot Coverage: Seeking a Zoning approval that does not meet the regulations outlined in the Zoning Code is a self-created difficulty; however, the Zoning Board determined that the benefits of the granting of the variance outweigh any detriment to the neighborhood.

Side yard setback: Seeking a Zoning approval that does not meet the regulations outlined in the Zoning Code is a self-created difficulty; however, the Zoning Board determined that the benefits of the granting of the variance outweigh any detriment to the neighborhood.

Record of Vote:

L. Boose	Approve on Condition
T. Bryant	Deny
D. Carr	Abstain
J. O'Donnell	Approve on Condition
M. Tilton	Approve on Condition
L. Jennings	Approve on Condition

This decision was based on the following testimony and evidence:

Supporting Testimony:

Linc Swedrock
Mark Pandolf
Eugenio Marlin
Stephanie Benson
Charlie Oster

Opposing Testimony:

Andrew Cehelsky

Evidence:

Staff Report
Area Variance Application
Denied Certificates of Zoning Compliance
Pueblo Nuevo Code Compliance List
City Property Information (All Sites)
Map of 2017 Rezoning
Area Variance Statement of Difficulty for Lot Coverage
Lot Coverage Chart
Area Variance Statement of Difficulty for Lot Area
Lot Area Chart
Site Layout (Sites A, B, M, P, Q)
20 Hoeltzer Street Chart
Area Variance Statement of Difficulty for 20 Hoeltzer Street
Site Layout (Site O)
Building Elevations (2 Pages)

Evidence, continued:

Memo from Haremza to Zoning Board of Appeals, Re: Design Standards, dated 1/23/19
Full Environmental Assessment Form
Letter from Margarita Lugo, received 1/14/19
Letter from Beverly Brumfield, dated 1/7/19
Letter from Andrew Cehelsky with 7 attachments, dated 1/15/19
Hoeltzer Street Petition (3 pages), received 1/17/19
Letter from Christine Moot, dated 1/9/18
Email from Jeannie Nelson, dated 1/23/19
Letter from Vanilla Sanders, dated 1/4/19
Letter from James Sanders, dated 1/4/19
Personal Appearance Notice, Affidavit of Notification and Speakers' List