

**PENFIELD ZONING BOARD OF APPEALS  
NOTICE OF DECISIONS**

PLEASE TAKE NOTICE that a Public Hearing was held on Thursday, April 21, 2022, immediately following a work session meeting commencing at 6:30 PM local time by the Penfield Zoning Board of Appeals to consider each of the following applications. The Board's decisions are as follows:

Public Hearing Applications:

1. Amira Smajlovic, 21 Black Duck Trail, Rochester, NY, 14626, requests approval for a Conditional Use under Section 250-13.3 and Section 250-5.7-C (1) (a) of the Code to allow the operation of a restaurant (Billy's Homestead) at 1766 Empire Boulevard. The property is currently or formerly owned by Ranchick Corp and is zoned GB. SBL #093.15-1-54. Application #22Z-0014.

APPROVED WITH CONDITIONS

2. Lisa Wehrle, 153 Highledge Drive, Penfield, NY, 14526 requests approval for an Area Variance under Section 250-14.3 of the Code to allow a front porch roof/portico with less front setback than required under Section 250-5.1-F (1) of the Code at 153 Highledge Drive. The property is currently or formerly owned by Lisa A. Wehrle and is zoned R-1-15. SBL #139.10-3-23. Application #22Z-0018.

TABLED

3. Nixon Peabody LLP, 1300 Clinton Square, Rochester, NY, 14604, on behalf of Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless requests approval for a Use Variance under Section 250-14.3 of the Code to allow the construction and operation of a tower-based wireless communications facility (TBWCF) whereas Section 250-13.11-B (4) (i) of the Code prohibits TBWCFs within the Four Corners zoning district and an Area Variance under Section 250-14.3 of the Code to allow a TBWCF with less setback than required under Section 250-13.11-B (7) (e) (1) of the Code at 1838 Penfield Road. The property is currently or formerly owned by Penfield Fire District and is zoned FC. SBL #139.06-2-49.1. Application #22Z-0019.

TABLED

4. Kevin Flanagan, 38 Sunleaf Drive, Penfield, NY, 14526 requests approval for an Area Variance under Section 250-14.3 of the Code to allow a garage addition with less side setback than required under Section 250-5.1-F (1) of the Code at 38 Sunleaf Drive. The property is currently or formerly owned by owned by Kevin & Sara Flanagan and is zoned R-1-20. SBL #109.01-2-121. Application #22Z-0020.

APPROVED WITH CONDITIONS

5. Aaron Raymer/Upstate Bottle Return, Inc, 1694 Penfield Road, Rochester, NY, 14625 requests approval for a Special Use Permit under Section 250-14.3 and Section 250-7.20-B (1) of the Code to allow exterior storage containers at 1694 Penfield Road. The property is currently or formerly owned by D & L Realty, Inc. and is zoned LB. SBL #139.05-1-53. Application #22Z-0021.

APPROVED WITH CONDITIONS

6. Todd & Lauren Harrison, 71 Brougham Drive, Penfield, NY, 14526 request approval for an Area Variance under Section 250-14.3 of the Code to allow an addition with less front setback than required under Section 250-5.1-F (1) of the Code at 71 Brougham Drive. The property is currently or formerly owned by Todd & Lauren Harrison and is zoned R-1-20. SBL #124.08-1-25. Application #22Z-0022.

APPROVED WITH CONDITIONS

7. Betsy Brugg/Woods Oviatt Gilman, LLP, 1900 Bausch & Lomb Place, Rochester, NY, 14604 on behalf of Fairlane Dr., LLC requests approval for Area Variances under Section 250-14.3 of the Code to allow greater lot coverage than allowed under Section 250-5.7-D (2) of the Code and less parking than required under Section 250-7.7-D of the Code. The applicant is also requesting approval for a Special Use Permit for Signage under Section 250-10.3-A of the Code to allow an existing freestanding sign with less setback than required under Section 250-10.12 (D) of the Code at 1800 Empire Boulevard. The property is currently or formerly owned by E.C. Barton & Company and is zoned GB. SBL #093.15-1-57. Application #22Z-0024.

AREA VARIANCES – APPROVED WITH CONDITIONS

SPECIAL USE PERMIT FOR SIGNAGE – APPROVED WITH CONDITIONS

8. Betsy Brugg/Woods Oviatt Gilman, LLP, 1900 Bausch & Lomb Place, Rochester, NY, 14604 on behalf of Fairlane Dr., LLC requests approval for Area Variances under Section 250-14.3 of the Code to allow a building with less front setback than required under Section 250-5.7-D (3) of the Code, greater lot coverage than allowed under Section 250-5.7-D (2) of the Code and less parking than required under Section 250-7.7-D of the Code. The applicant is also requesting approval for a Special Permit for Signage under Section 250-10.3-A of the Code to allow signage with greater graphics, trademarks or logos than allowed under Section 250-10.11-E of the Code, larger traffic control signs than allowed under Section 250-10.17 of the Code, more building signs than allowed under Section 250-10.13-C of the Code, a larger freestanding sign than allowed under Section 250-10.12-B (1) of the Code with less front and side setback than required under Section 250-10.12-D of the Code at 1800 Empire Boulevard. The property is currently or formerly owned by E.C. Barton & Company and is zoned GB. SBL #093.15-1-57. Application #22Z-0025.

AREA VARIANCES – APPROVED WITH CONDITIONS

SPECIAL USE PERMIT FOR SIGNAGE – TABLED

Amy Steklof  
Town Clerk, RMC/CMC