

**A NOTICE OF PUBLIC HEARING, PENFIELD ZONING BOARD OF APPEALS
LEGAL NOTICE WITH TABLED MATTERS**

PLEASE TAKE NOTICE that a Public Hearing will be held on Thursday, August 17, 2023, immediately following a work session meeting commencing at 6:00 PM local time. The board will discuss tabled matters and other business that may come before it during the work session, followed by a Public Hearing to consider each of the following applications.

Public Hearing Applications:

1. Kenneth Martinez, 70 Whitespire Lane, webster, NY, 14580 requests approval for Area Variances under Section 250-14.3 of the Code to allow a shed with less side setback than required under Section 250-5.1-F (1) of the Code and less rear setback than required under Section 250-5.1-F (12) (b) of the Code at 70 Whitespire Lane. The property is currently or formerly owned by Kenneth & Aurora Martinez and is zoned RA-2. SBL #095.01-4-20. Application #23Z-0047.
2. Juan Mercado, 23 Country Lane, Penfield, NY, 14526 requests approval for an Area Variance under Section 250-14.3 of the Code to allow a detached garage with less front setback than required under Section 250-5.1-F (1) of the Code at 23 Country Lane. The property is currently or formerly owned by the Juan Mercado Living Trust and is zoned R-1-15. SBL #124.18-1-43. Application #23Z-0048.
3. MRB Group, 145 Culver Road, Suite 160, Rochester, NY, 14620 on behalf of Jeffrey Jennings/Jennings, Nulton, and Mattle Funeral Home requests approval for an Area Variances under Section 250-14.3 of the Code to allow a garage with less side setback and less rear setback than required under Section 250-5.5-D (3) of the Code at 1704 Penfield Road. The property is currently or formerly owned by JARM Properties, LLC and is zoned BN-R. SBL #139.05-1-47. Application #23Z-0049.
4. Woods, Oviatt, Gillman, LLP, 1900 Bausch and Lomb Place, Rochester, NY, 14604 on behalf of Michael Maida/K-9 Resorts Luxury Pet Hotels requests approval for an Area Variance under Section 250-14.3 of the Code to allow a taller fence than permitted under Section 250-7.1-D (4) of the Code at 2222 Penfield Road. The property is currently or formerly owned by 2226 Penfield Road, LLC and is zoned LB. SBL #140.01-1-7.2. Application #23Z-0050.
5. Whiteman, Osterman & Hanna, LLP, 1 Commercial Plaza, Albany, NY, 12260 on behalf of Chick-Fil-A request approval for an Area Variance under Section 250-14.3 of the Code to allow less parking than required under Section 250-7.7-D of the Code at 2130 Fairport Nine Mile Point Road. The property is currently or formerly owned by Kerry Ventures Fairport Nine Mile Point Road LLC and is zoned GB. SBL #140.01-2-4.1/PERK. Application #23Z-0051.
6. Bernadette & Timothy Doherty, 53 Avonmore Way, Penfield, NY, 14526 request approval for an Area Variance under Section 250-14.3 of the Code to allow a porch with less front setback than required under Section 250-5.1-F (1) of the Code at 53 Avonmore Way. The property is currently or formerly owned by Bernadette & Timothy Doherty and is zoned R-1-20. SBL #139.08-1-13. Application #23Z-0052.

Tabled Matters:

1. Greg Grillo/Flower City Arcade, 1676 Penfield Road, Rochester, NY, 14625 requests approval for a Conditional Use under Section 250-13.3 and Section 250-5.6-C (1) (c) of the Code to allow an expansion of an existing arcade and Area Variances under Section 250-14.3 of the Code to allow an existing building and proposed addition with less setbacks than required under Section 250-5.6-D (3) of the Code with less parking then required under Section 250-7.7-D of the Code at 1676 Penfield Road. The property is currently or formerly owned by Nicholas Agnello and is zoned LB. SBL #139.05-1-56. Application # 23Z-0019.
2. Christopher & Tracy Smith, 28 Hickory Pond Drive, Penfield, NY, 14526 request approval for an Area Variance under Section 250-14.3 of the Code to allow an accessory storage building with less setback than required under Section 250-5.1-F (12) (b) of the Code at 1745 Sweets Corners Road. The property is currently or formerly owned by Chris & Tracy Smith and is zoned RA-2. SBL #126.01-1-32.2. Application #23Z-0046.

Please contact the Building and Zoning Department with any questions or concerns.

Amy Steklof
Town Clerk, RMC/CMC