

Minutes
City of Syracuse
Board of Zoning Appeals
Thursday, October 31st, 2024
1:00 p.m.
Common Council Chamber

I. Meeting called to order at 1:00 p.m.

Members Present

Mr. Michael Cheslik	Yes
Ms. Honora Spillane	Yes
Ms. Karen Gillette	Yes
Mr. Otis. Jennings	Yes
Mr. Timothy Rudd	Yes
Mr. Liam Kirst	Yes

Staff Present

Mr. Jake Dishaw	No
Ms. Meira Hertzberg	Yes
Mr. Cristian Toellner	Yes
Mr. Zhitong Wu	Yes
Mr. Nate Pan	No
Ms. Amber Dillon	Yes

II. Approval of Minutes

A motion to approve October 10th, 2024, meeting minutes was made by Mr. Jennings and seconded by Mr. Kirst. The motion carried unanimously.

III. Public Hearings

A. New Business

1) **V-24-20**

An Area Variance to violate maximum structural coverage of the R2 Zone District, in order to allow the property owner to build a shed.

212 Herbert Street & Gilbert Avenue
David Janket, Owner/Applicant
R2 Zone District

Mr. Cheslik recused himself from commenting and voting on this application.

David Janket, the applicant for the area variance, presented the application. He explained why he is requesting a shed on his property, and that his disability and the way his property slopes upwards warrant the need for the storage of a John Deere vehicle. He does not want to put a driveway, and the shed will not be used to put a car and there will be no change to the current driveway layout of the property. The shed is movable, pre-built and on skids.

There were no members of the public to speak in favor or in opposition to the proposal. Ms. Spillane closed public comment.

Further comments were provided to the Board regarding the new DPW feedback for this application.

Mr. Rudd asked if the variance included driveway permission, or just the structural coverage of the lot. Zoning Director Cristian Toellner replied the only thing being considered is the structural coverage of the lot.

Mr. Rudd asked about the lot size and the relative percentage structural coverage smaller lots have on their property and if the percentage approach cause a larger constraint on smaller lots.

Asst. Corporation Counsel Hertzberg replied it's a percentage in the code that was adopted by the Common Council. The types of coverage on a lot according to ReZone are impervious and structural, which pertains to any size lot in the City.

Mr. Rudd asked staff if there is available neighborhood data that shows similar characteristics of structural coverage in the neighborhood. Zoning Director Toellner replied the staff does not consider other lots when considering a variance for one property. Asst. Corporation Counsel Hertzberg added that the applicant has the burden to present on criteria or code, staff does not engage in neighborhood analysis.

Asst. Corporation Counsel Hertzberg assisted the BZA in its SEQR review and determination of the proposed Unlisted action for V-24-20. Mr. Rudd moved to make a negative SEQR declaration. Mr. Jennings seconded the motion. The motion passed unanimously.

Mr. Rudd moved to approve Area Variance V-24-20 with the stated and general conditions. the house already exceeds the threshold of structural coverage. The shed will not alter the character of the neighborhood. There was a shed that was taken down several years ago on the property, and this extra storage would be beneficial to the applicant. The property is on a slope, and this location is one of the few in which the shed could be placed. Nearby properties have similar structures on their lots, and it would not create a detrimental effect on the neighborhood. circumstances regarding this use variance,. Mr. Kirst seconded the motion and added there will be no adverse impact to the neighborhood with the addition of this shed. The motion to approve Area Variance V-24-20 was unanimously passed.

2) **V-24-21**

An Area Variance to permit the Community Garden land use type to exceed 15,000 SF.
112-14 Bellevue Avenue
Jubilee Homes of Syracuse Inc. Owner/Applicant
R5 Zone District

Twiggy Billue of Jubilee Homes of Syracuse presented the application. She explained the history of the Community Garden, and the recent resubdivision approved by the CPC to allow for the square footage of the newly created parcel to be 40,051 SF. Before ReZone the land use did not have a maximum square footage, and this garden was created several years before the new ordinance. They went through the resubdivision process to make it easier to apply for future site changes to the garden and make it easier to operate in general.

There were no members of the public to speak in favor or in opposition to the proposal. Ms. Spillane closed public comment.

Ms. Spillane asked if 40,051 FT was the total new square footage of the parcel, and if the parcel was in the flood plain. Staff replied that it is the correct square footage, and that the parcel is in the flood plain.

Mr. Kirst moved to approve Area Variance V-24-21 with the general conditions. This variance would not negatively impact the neighborhood, and the only alternative would be to keep the garden as 12 separate parcels. This is not a substantial request and would allow for the non-profit to navigate future site changes. Mr. Cheslik seconded the motion. He added the variance will save the applicant from doing additional paperwork and allow them to have one tax bill instead of 12 separate ones.

Ms. Spillane added that for the feasibility of alternatives and substantiality, the parcel is located in the flood plain, which limits the potential uses. The motion to approve Area Variance V-24-21 was unanimously passed.

IV. Adjourn

A motion to adjourn was made by Mr. Jennings and seconded by Mr. Kirst. The motion carried unanimously. Meeting called to adjourn at 1:40 p.m.