

VARIANCE APPLICATION

SYRACUSE BOARD OF ZONING APPEALS

PLEASE TYPE OR PRINT (LEGIBLY)

For Office Use Only: Application Number: V-18-34
Tax map Section: 030- Block: 01 Lot: 23 Zoning District: BA

1. Address of subject property: 443 Burnet Ave Syracuse, NY 13203

2. Year property was purchased by current owner: 2014

3. Applicant/Contact information:

a. Owner(s) (current titleholder):

Name(s): New Burnet LLC

Mailing Address: 443 Burnet Ave, Unit 1 Syracuse, NY

Zip: 13203

Daytime phone number: 315-730-3315 home phone number:

e-mail (alternate contact for additional information request): mleone37@gmail.com

b. Contract Purchaser(s) ☒, Lessee ☐, or Co-applicant ☐ (if applicable)

*note: Copy of contract to purchase must be included with application if this Contract Purchaser or Lessee applies.

Name(s): Julie Briggs Heene

Mailing Address: 208 Hecle Ave Syracuse

Zip: 13206 Home phone number: 315-390-4382 Day Phone:

e-mail (alternate contact for additional information request): Julie@listeningroom443.com

Representative: Attorney ☐, Architect ☐, Contractor ☐, Other ☐

(Only if involved in this application)

Name(s):

Mailing Address:

Zip: Telephone number:

4. Current Use of Property: (i.e., 2 family dwelling, grocery store, etc.):

Commercial space on ground floor is not in use. 2nd and 3rd floors are apartments.

Proposed use and occupancy: The Listening Room at 443 is a cafe and lounge serving coffee, cocktails and a limited food menu. We will feature live acoustic music and host special events.

Current number of onsite (off-street) parking spaces: 0

Proposed number of onsite (off-street) parking spaces: 0

Days and hours of operation (for any business uses):

Mon-Fri: 7am-10pm, Sat: 9am-10pm, Sun: 9am-7pm

State the nature of any new additions or construction involved:

We would like to add an 18" platform for our acoustic performances

Reason for request:

The courts have distinguished between use variances (for uses which are not permitted) and area variance (for excess lot coverage, additions into required yards, etc.). Be aware that the standards of proof for a use variance are much more demanding than for an area variance and that the burden is on the applicant to provide such proof in arguing their case. (See Standard of Proof requirements on required submittal page.)

Use an additional sheet(s) of paper to present proof if necessary.

The Listening Room at 443 was created to feature live acoustic musical performances. Adding an 18" platform for the artists will drastically improve the sight lines for the guests attending our shows, as well as keep cords and expensive gear out of harms way. Due to the shape of the room, guests who are seated near the front door or near the emergency exit in the back would be unable to see without adding a platform or riser. In addition, it's uncomfortable for the musicians to perform on the floor just inches away from fans, plus there is the worry about spectators tripping on cords or spilling their beverages onto equipment.

Adding a platform will not impact our neighbors in any way. We are limiting our musical offerings to acoustic solo, duo and trio performers due to the small size of the room and the fact that we have tenants living directly above us on the 2nd and 3rd floors.

Not being able to add a platform would impact our ability to run a successful live music venue.

The following affirmation must be signed and dated by the CURRENT PROPERTY OWNER or the owner's LEGAL representative (attorney, power of attorney, partner in the business, etc.).

DECLARATION

I understand that false statements made herein are punishable as a Class A Misdemeanor, pursuant to section 210.45 of the Penal Law of the State of New York. I declare that, subject to the penalties of perjury, any statements made on this application and any attachments are the truth and to the best of my knowledge correct.

I also understand that any false statements and/or attachments presented knowingly in connection with this application will be considered null and void.

Signature of CURRENT PROPERTY OWNER (or owner's LEGAL representative)

Date

Michael Heene

Printed or typed name of person whose signature is above (if legal representative, also state relationship to owner)

SYRACUSE BOARD OF ZONING APPEALS
CITY HALL COMMONS, ROOM 211
201 EAST WASHINGTON STREET
SYRACUSE, NY 13202
(315) 448-8640

Board of Zoning Appeals application Procedures

Variance applications involve public hearings with the Board of Zoning Appeals. A variance application will not be considered complete on the applicant's part until all required submittals have been received and has also been through a preliminary review by Zoning office staff (and possibly other departments), including an evaluation of the application under the New York State Environmental Quality Review Act (SEQR).

Once an application has been determined to be ready to schedule for a public hearing with the Board of Zoning Appeals, it will be scheduled for the **next available** hearing date (allowing the necessary time from for the Board's authorization, newspaper publication, mailing schedules, etc.). The applicant will be contacted by phone to confirm that the applicant is able to attend on that hearing date (or if not, then schedule a later hearing date). A "Public Notice" for the hearing date will also be mailed to the applicant (and representative, if any) approximately ten days prior to the hearing date.

The Public Notice is also published in the newspaper ten days prior to the hearing date. Public Notices are also sent to property owners contiguous to any property subject to a public hearing, and to other city departments and neighborhood organizations. Postcards regarding the hearing are also sent as a courtesy to neighbors in the immediate area of any property subject to a public hearing.

The application file will be open for inspection at the office of the Board of Zoning Appeals at the Syracuse Zoning Administration Office during regular office hours.

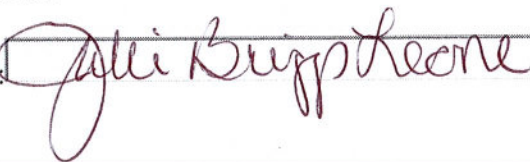
Unless otherwise notified, all meetings at which public hearings are to be held will begin at 1:00 p.m. in the Common Council Chambers on the third floor of City Hall.

The applicant or his or her representative **must attend** the public hearing to explain the case request to the Board of Zoning Appeals. (The rules of the Board of Zoning Appeals do not permit postponements due to the absences of applicants or their representatives.) A variance decision is not final until a written resolution is adopted by the Board of Zoning Appeals and filed with the secretary to the Board. Depending upon the situation, the resolution possibly may not be adopted until a later meeting. A copy of the resolution will be mailed to the applicant.

Depending upon the type and complexity of the application, any necessary reviews, and the hearing schedule, the entire variance application process from the submission of the application to the release of the resolution may take approximately two months.

Please sign that you have read and understand the above information and return this page with the application

SIGN:



Date:



DENIAL OF PERMIT

REFERENCE ADDRESS 443 BURNET AVE

WARD NO. _____

OWNER NEW BURNET, LLC

OWNER'S ADDRESS 443 BURNET AVE

SYRACUSE, NY 13203

CONTACT: JUNE BRIGGS - 1.315.396.4382 TELEPHONE _____

APPLICATION FOR PERMIT TO:

erect (x) convert () maintain () operate ()

PLATFORM/
ERECT STAGE FOR ENTERTAINMENT — NOT PERMITTED WITHIN PROXIMITY TO RESIDENTIAL AREA.
LEI BUILDING PERMIT IS REQUIRED.

DENIED UNDER ARTICLE (s) _____

_____ of the zoning ordinance for the following reasons: _____

- | | |
|------------------------------------------------------------|--------------------------------|
| <input type="checkbox"/> PLANS ATTACHED, APPROVED BY _____ | LOCATION OF REFERENCE ADDRESS: |
| ON _____ | ASSESSOR'S ATLAS |
| <input type="checkbox"/> SURVEY ATTACHED | BOOK (S) NO. _____ |
| <input type="checkbox"/> ZONING REVIEWED BY _____ | PLATE (S) NO. _____ |
| | PARCEL (S) NO. _____ |

DATE SEPTEMBER 27, 2018 SIGNATURE 

September 28, 2018

Syracuse Board of Zoning Appeals

City Hall Commons, Room 212

201 East Washington Street

Syracuse, NY 13202-1426

RE: Area Variance for The Listening Room at 443

443 Burnet Avenue

Syracuse, NY 13203

To Whom it May Concern:

We are requesting permission from the Board of Zoning Appeals to install an 18" performance platform in our new business, The Listening Room at 443.

The Listening Room at 443 was created to feature acoustic live music. Due to the rectangular shape of the room, a platform is necessary to allow guests seated on either end to easily view performances. We currently have approximately 60 seats. If we are unable to elevate our performers we would lose nearly half of those seats, which would make it impossible to put on financially viable shows.

In addition, it's uncomfortable for artists to perform while standing on the same level as their fans. With spectators just inches away, we run the risk of people tripping over cords or spilling drinks into musical gear. Elevating the artist keeps expensive equipment out of harm's way and eliminates a tripping hazard.

Our musical offerings at 443 will be limited to acoustic solo, duo and trio acts due to the small size of the room and the fact that there are two apartments directly above us. We have to be conscious of the tenants upstairs. We have an agreement with our landlord not to book full bands due to the potential impact on the tenants living on the 2nd floor and the landlord himself who lives on the 3rd floor.

Generally speaking, "Listening room" type shows are quiet, low-key affairs with the focus on a singer songwriter and/or musician. Audiences are expected to turn their phones off, sit quietly, and limit conversation in order fully appreciate what's happening on the stage. We gave our business the name we did because that's exactly the type of show we plan to offer. In addition, our shows will take place early, from 6-9pm, with the business closing at 10pm.

I've enclosed a floor plan drawn to scale that includes our proposed stage, as well as photos of the room with the stage we had begun to build. Because the previous bar/restaurants in this location had live music with a stage we didn't anticipate running into a problem doing the same thing. We stopped work on the stage when we discovered it was a sticking point. If we are granted the waiver to have the stage,

we plan to complete the project by adding a step to one side, a ramp to the other, and closing up the front.

I've also enclosed photos of the area behind the building showing the adjacent residential area causing the issue. While it is within 300 feet, the nearest apartment houses that are zoned residential are separated from our building by a patio, our parking lot, a fence and tree line, plus their parking lot on the other side of the fence. With such a significant buffer zone, they would not be able to hear an acoustic performance (or any other activity) inside of our building, elevated or not.

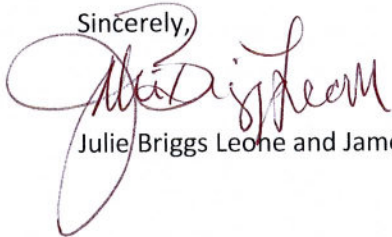
The variance we are requesting is not substantial and will not be detrimental to our neighborhood or nearby properties in any way. Allowing a stage for acoustic performances will have no negative effects on our neighborhood, however, not being able to have one will greatly impact our ability to run a successful live music venue.

In an urban area rife with neglected properties - including the massive, block long eyesore directly across the street from us - a thriving, well-maintained, owner operated business would be a huge asset to the Hawley-Green neighborhood. Our intention with this business is NOT to open a rowdy bar with late hours and loud bands. Quite the opposite. We will serve excellent coffee, wine, locally crafted beer and classic cocktails. Live acoustic music will be a big focus. We named our venture the "The Listening Room", not just because of the style of shows we will produce...but because we also want it to be a place of community gathering, of creativity and "listening" in every sense of the word - book signings and readings, roundtable discussions and a hub for grassroots community efforts.

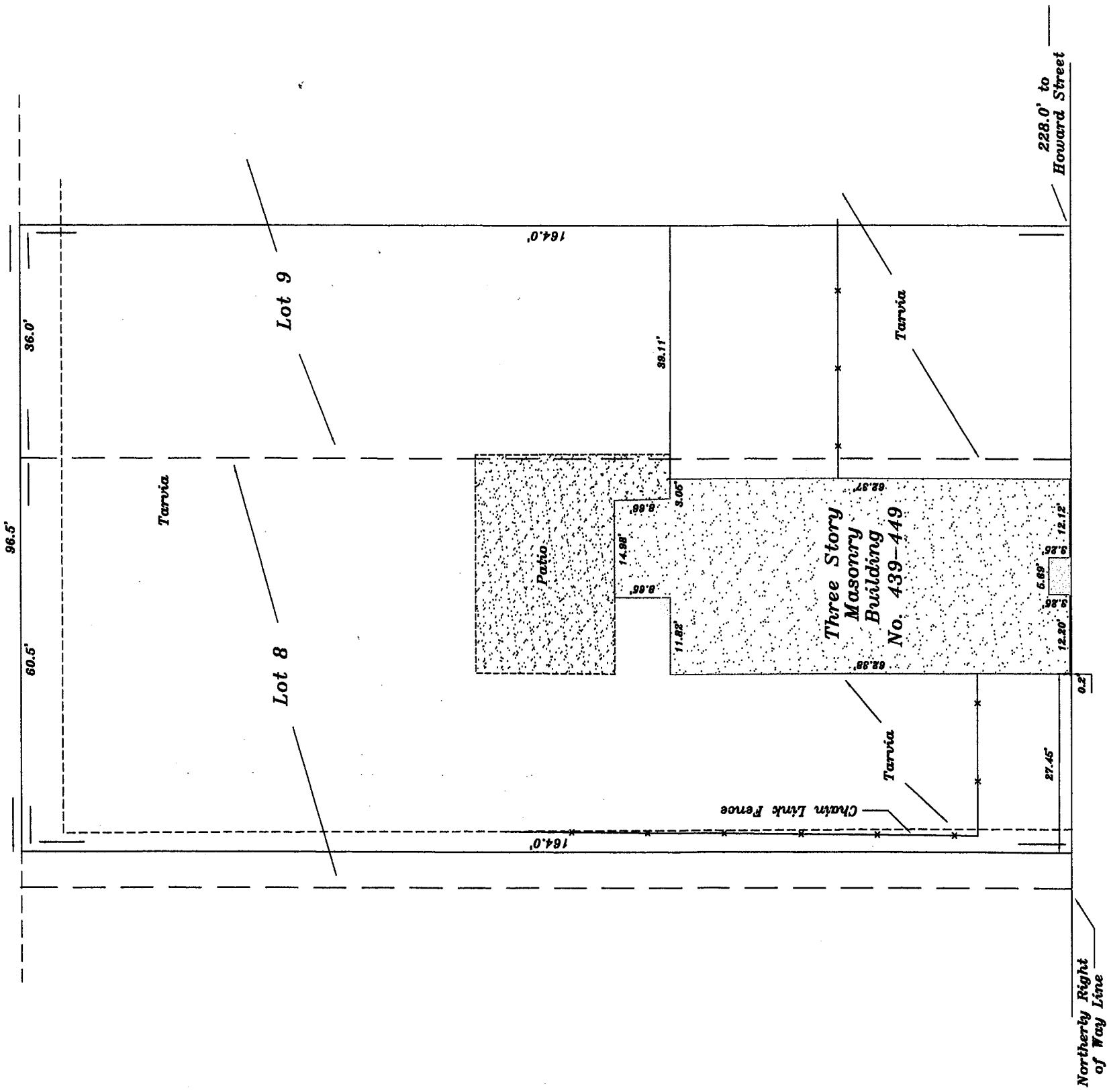
Our goal is to be an asset to a neighborhood that needs some attention and the feedback from our neighbors and nearby business owners has been overwhelmingly positive. We are a year into the project and have invested thousands of dollars along with hundreds of hours of sweat equity. The stage is critical for the success of this venture and without it we will be forced to investigate other locations, which would be an unfortunate outcome for the neighborhood, our landlord as well as for this project.

We respectfully request that you grant our application for a waiver and allow us to install a stage at The Listening Room at 443.

Sincerely,


A handwritten signature in dark ink, appearing to read "Julie Briggs Leone and James Leone, Jr.", written in a cursive, flowing style.

Julie Briggs Leone and James Leone, Jr.



Frontage 96.5'

Burnet Avenue



R.J. LIGHTFOOT NEW YORK LAND SURVEYING
886 E. Highland Ave. Syracuse, New York 13205
Phone: (315) 439-2493

I hereby certify that this map was made from
* an actual survey and plan is correct.

4/30/14

R.J. Lightfoot, S.S.L.S.
M.A. No. 45378
NYSLS 45378

Location Survey on Part of Lots 8 & 9,
Block# 166 -- Syracuse.

Known as No. 439-449 Burnet Avenue, City
of Syracuse, County of Onondaga, State
of New York.

Drawn by: MJM Scale: 1" = 20' Date: 03-17-04

Revisions: 04-30-14

Unauthorized alteration or addition to this survey map bearing a licensed land surveyor's seal is a violation of Section 7209, Subdivision 2 of the New York State Real Property Law. Any copies from the original of this survey marked with an original of the land surveyor's inked seal or his embossed seal shall be considered to be valid true copies. Certifications shall run only to the person or entities for whom the survey is prepared and are not transferable to subsequent persons or entities. Copyright 2014, R.J. Lightfoot Sr. Land Surveying, LLC. Rights reserved.

← 97' →

Scale -
1" = 20'

By
C. L. B. C. S.
8/7/18

Backyard lot

Chain link fence

116'4"

Chain link fence

Trash cans

Patio

The living Room at 445

Patio fence is wood
and corrugated metal
6.75' high

Chain link fence
w/ gate

Chain link
fence w/ gate

27.5'

30'

39'

* - 2" x 4" projecting
sign

* - deliveries go
through front door

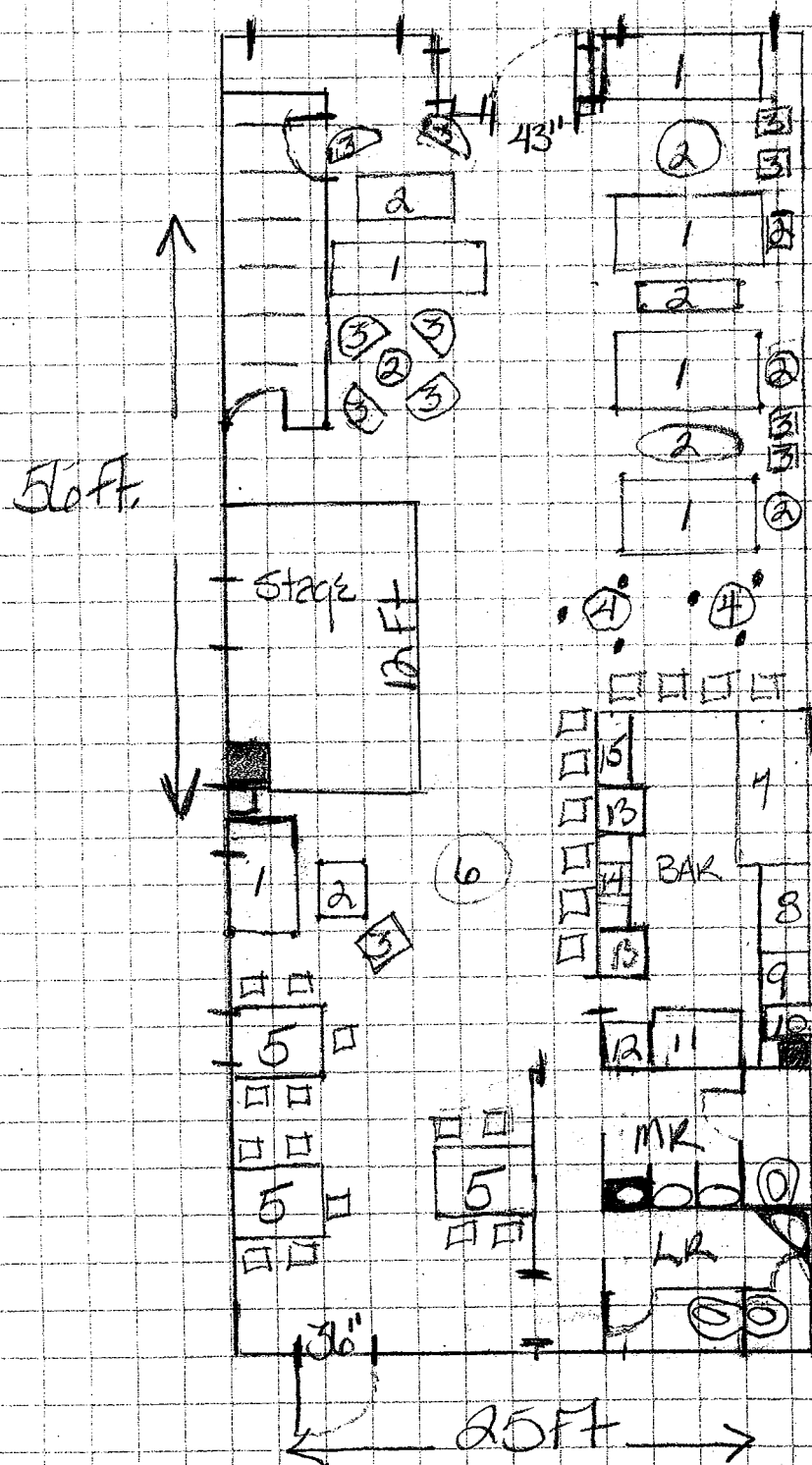
Burnet Ave

FLOOR PLANS

Ground Floor – See attached floor plan. 1 large room with a men's bathroom (2 urinals, 1 stall) and a women's room (2 stalls).

2nd Floor – 2 bedrooms with closets, 2 bathrooms, kitchen, living room, utility room

3rd Floor - 2 bedrooms with closets, 2 bathrooms, kitchen, living room, utility room



- 1- sofa / loveseat
- 2- coffee / end table
- 3- chair
- 4- 24" table w/ 3 chairs
- 5- cocktail tables
- 6- Round table
- 7- Kegerator
- 8- cooler
- 9- ice machine
- 10- hand sink
- 11- cold prep table
- 12- table
- 13- glass rack
- 14- 3 bay sink
- 15- ice bin

* shelving behind the bar on both walls

The Listening Room at 443 Cafe Lounge
 443 Burnett Ave
 Syracuse, NY 13203 Scale: 1" = 8'
 By: Julie Burgess
 1/7/25/18

Short Environmental Assessment Form

Part 1 - Project Information

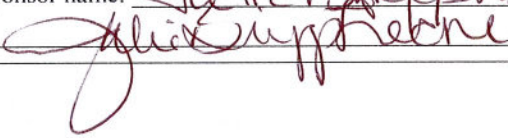
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <u>The listening Room at 443</u>			
Project Location (describe, and attach a location map): <u>443 Burrell Ave Syracuse NY 13203</u>			
Brief Description of Proposed Action: <u>We are planning to open a cafe and lounge. We will serve coffee, cocktails and a limited food menu. We will feature live music and host special events.</u>			
Name of Applicant or Sponsor: <u>Julie Briggs Heene</u>		Telephone: <u>315-351-4382</u>	
Address: <u>208 Peck Ave</u>		E-Mail: <u>Julie@listeningroom443.com</u>	
City/PO: <u>Syracuse</u>		State: <u>NY</u>	Zip Code: <u>13206</u>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: <u>NY State Higher Authority</u>		NO <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u>23</u> acres	
b. Total acreage to be physically disturbed?		<u>0</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>37</u> acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Julie Buck Shene</u> Date: <u>9/28/18</u></p> <p>Signature: <u></u></p>		



Map data ©2018 Google 100 ft