### PLEASE TYPE OR PRINT (LEGIBLY)

For Office Use Only:  Tax map Section: OTO Block: OT Lot: Application Number: V- ZO - Zoning District: RA-
Address of subject property: 207 Milburn Drive, Syracuse NY
2. Year property was purchased by current owner: 2017
3. Applicant/contact information:
a. Owner(s) (current titleholder):  Name(s): Alma J White  Mailing Address: 205 Milburn Drive  Zip: 13207 Daytime phone number: home phone number:
E-mail (alternate contact for additional information request):  b. Contract purchaser(s) \( \sum_{\chi} \), Lessee \( \sum_{\chi} \), or Co-applicant \( \sum_{\chi} \) (if applicable)
*note: Copy of contract to purchase must be included with application if this contract purchaser or lessee applies.  Name(s): Care Fare, LLC  Mailing Address: 7543 Plum Hollow Circle, Liverpool NY
Zip: 13090 Home phone number: Day Phone: Day Phone:
c. Representative: Attorney, Architect, Contractor, Other Engineer  (Only if involved in this application)  Name(s): CHA Consulting (c/o James Trasher)  Mailing Address: 300 S. State Street Suite 600, Syracuse, NY  Zip: 13202 Telephone number: 315-471-3920
4. Current use of property: (i.e., 1 family, 2 family, grocery store, etc.): Animal Feed Retail Store and storage building. Currently vacant property
Proposed use and occupancy of property: private medical transport business w/ office and training room including on site parking  Current number of onsite (off-street) parking spaces: 25
Proposed number of onsite (off-street) parking spaces: 25

Days and hours of operation (for any business uses): Regular Hours 7 days = 5:30 am to 5pm
Days and hours of operation ( <b>for any business uses</b> ): Regular Hours 7 days = 5:30 am to 5pm  On call Hours 7 days = 5pm to 5:30 am
Explain in detail what (if any) new additions or construction is proposed on the site: Construction of
a privacy / security fence and improvement to existing parking area for pavement & striping.
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 additional sheets of paper to present proof if necessary.
See attached letter
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 make consideration of this application null and void.
Signature of CURRENT PROPERTY OWNER (or owner's LEGAL representative)  Date
Printed or typed name of person whose signature is above (if legal representative, also state relationship to owner).

7/28/09

### SYRACUSE BOARD OF ZONING APPEALS CITY HALL COMMONS, ROOM 101 201 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 have 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 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.). A "Public Notice" regarding the hearing date will then be mailed to the applicant (and representative, if any), approximately ten (10) days prior to the hearing date.

The public notice is also published in the Syracuse Post Standard newspaper ten (10) 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.

The application, and its contents, will then be open for inspection at the Syracuse Office of Zoning Administration 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 may possibly 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, additional 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 application.		have read	and understand	the above	information	and	return [	this	page wi	th the
Signed:	Ju	ia t	Ohe &	>	Da	te:	7/	7	2020	

This application may be mailed or delivered in person to the Syracuse Office of Zoning Administration, located in Room 101 at City Hall Commons, 201 East Washington Street, Syracuse, NY 13202-1426. If you wish to discuss the application with a member of our staff, please call ahead for an appointment (448-8640).

### DIVISION OF CODE ENFORCEMENT 201 E. WASHINGTON STREET — ROOM 101 SYRACUSE, NEW YORK 13202-1430

### **DENIAL OF PERMIT**

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### 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:					
Care Fare LLC Use Variance					
Project Location (describe, and attach a location map):					
207 Milburn Drive Syracuse NY 13207					
Brief Description of Proposed Action:					
Proposed application for change in use from an existing retail building with interior storage are use will include on site parking for private medical transport vehicles along with occupancy of space and training areas. The existing property is located within a Residential Class A-1 and until the Lee's Feed Store was closed in 2018 and has remained vacant.	the existing building on site for	or use as supportive office			
Name of Applicant or Sponsor:	Telephone: 315-228-0036	3			
CHA Consulting Inc (c/ o Brian Bouchard)	E-Mail: bbouchard@chacompanies.com				
Address:					
300 S. State Street, Suite 600					
City/PO: State: Zip C					
Syracuse NY 13202					
<ol> <li>Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?</li> <li>If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that</li> </ol>					
may be affected in the municipality and proceed to Part 2. If no, continue to question 2.  2. Does the proposed action require a permit, approval or funding from any other government Agency?  NO YES					
<ol> <li>Does the proposed action require a permit, approval or funding from any other government Agency?</li> <li>If Yes, list agency(s) name and permit or approval:</li> </ol>					
3. a. Total acreage of the site of the proposed action?  b. Total acreage to be physically disturbed?  c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?  1.16 acres  1.16 acres					
4. Check all land uses that occur on, are adjoining or near the proposed action:  ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercia ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Special Commercial Commerc		ban)			

5. Is the proposed action,	NO	YES	NI/A
a. A permitted use under the zoning regulations? Existing non-conforming retail / s	2000,000,000	TES	N/A
b. Consistent with the adopted comprehensive plan? Proposed change in use in residential	al district		
6. Is the proposed action consistent with the predominant character of the existing built or natural la	andscape?	NO	YES
		~	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmenta	l Area?	NO	YES
If Yes, identify:		V	
9 - Will d		NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		V	
b. Are public transportation services available at or near the site of the proposed action?		븜	V
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the pro- action?	posed	H	V
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the proposed action will exceed requirements, describe design features and technologies:		110	TES
		Ш	~
10 Will d			
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:			
			V
11. Will the proposed action connect to existing wastewater utilities?		210	
		NO	YES
If No, describe method for providing wastewater treatment:		$\neg$	
		ш	~
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site,	or district	NO	YES
which is listed on the National or State Register of Historic Places, or that has been determined by the  Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the			$\Box$
State Register of Historic Places?	g on the	V	
E-Tradesport Control C			
<ul> <li>b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory</li> </ul>	or ?	$\sqcup$	~
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, or	ntain	NO	YES
wetlands or other waterbodies regulated by a federal, state or local agency?		П	V
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbod	y?	V	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:			
Onondaga Creek. No impact			

14 11 20 4		
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
Shoreline Forest Agricultural/grasslands Early mid-successional		
☐ Wetland ☐ Urban ☑ 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	YES
reactar government as threatened or endangered?	V	
16. Is the project site located in the 100-year flood plan?	NO	YES
	~	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,		V
a. Will storm water discharges flow to adjacent properties?	~	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:		V
On site collection of stormwater runoff conveyed to existing drainage system.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water	NO	YES
or other liquids (e.g., retention pond, waste lagoon, dam)?  If Yes, explain the purpose and size of the impoundment:	110	125
	V	
10. Hos the site of the same o		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
If Yes, describe:	V	П
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:		
	~	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BES	ST OF	
MY KNOWLEDGE	or Or	
Applicant/sponsor/name. CHA Consulting Inc (c/o Brian Bouchard)  Date: 6/29/2020		
Signature:		
		The state of the s



September 1, 2020

Heather Lamendola, Zoning Administrator City of Syracuse Zoning Office 201 E. Washington Street Syracuse, New York 13202

RE:

Care Fare LLC - Use Variance Application

207 Milburn Drive

CHA Project No. 059294.001

Dear Heather:

CHA, on behalf of the owner and applicant, is pleased to submit enclosed Use Variance Application related to the above referenced property.

#### PROPERTY HISTORY

Established in 1813, the existing property has been used for over 200 years as a grain mill and later offering Animal Feed & Grain retail sales (formerly known as Lee's Feed Store). In 2019, the retail store closed permanently as result of a declining customer base that has shifted to larger retail or online stores for their supply.

#### PROPERTY ZONING

This commercial property has operated since 1813 as a grain mill / retail store under the non-conforming use pre-dating the adoption of the local zoning ordinance, as well as various use variances that have been approved by the Board of Zoning Appeals related to expansions of the retail and storage areas on site.

The property currently lies within the Residential Class A-1 zoning district. This zoning classification creates an exceptional and extraordinary hardship for the reasonable use of such a unique property, which does not equivalently apply to similar properties or uses within the same district, based in part on the historical use of the property as a commercial establishment.

#### PROPOSED PROJECT

We are requesting a use variance to allow for the establishment of Care Fare LLC, a private medical transportation service (non-emergency). Care Fare, LLC provides medical transportation services to individuals that require transportation to / from doctor's office visits, routine medical services, appointments, etc. The location of the property will allow for fast, reliable, and essential transportation for local area residents. In particular, the property lies within a close proximity to the more frequented facilities such as Van Duyne Center for Rehabilitation and Loretto Health & Rehabilitation. This close proximity will provide a more cost effective service to the local residents for their transportation needs.

#### **USE VARIANCE REQUEST**

A Use Variance request is necessary to allow for the proposed business to occupy the property. The property is certainly unique when compared to the typical property within the Residential Class A-1 Zoning District. The current zoning district only allows: Single Family Homes, Churches, Parishes, Schools, Swimming Pools, Golf Course, day care, parking lots, Religious and Educational institutions.

#### Reasonable Return

The only allowable use for this property based on the parcel location and size would be the redevelopment for single family homes. The average lot frontage within the street area is approximately 75'. The existing parcel frontage includes approximately 144' which would provide approximately two (2) single family parcels. However, the applicant cannot realize a reasonable rate of return based on the cost to demolish the existing structures estimated at \$75,000 (excluding any hazardous material or asbestos abatement) and the construction cost of two (2) single family homes at \$175,000 each.

The assessed value of comparable single family homes within the area is between \$38,000-\$70,000. Even as an income property, comparable rents within the area would result in an unreasonable rate of return. Based upon a rental return of \$1,000 per month per house, the payback period would exceed 17 years.

Also, the expense of renovating the property's current structures into occupiable residential space is not a financially viable alternative. The majority of the buildings do not have heated space (formally cold storage) and would need significant investment to make them code compliant for residential living.

Additionally, the current owner's financial hardship is evident when comparing the commercial value of the property to the surrounding residential district. The current owner purchased the operating retail business entity in 2012 for \$130,000. They also purchased the land through the estate transaction when the prior owner passed away in 2017, for an additional \$40,850.00. The retail business continued to suffer yearly declines in sales and profits, marking yearly losses in 2018 of \$76,000.00 and losses in 2019 of \$54,000.00 at which point the store was closed. Current monthly utility costs, insurances, and property taxes have caused a continuation of financial hardship for the owner.

In order to actively pursue a new use and ownership of the property, the current owner has had only three (3) attempted purchasers for the property in the last 18 months.

- November 2018 Purchase offer for the existing retail business and property. Buyer was unable
  to obtain financing due to the projected business sales and continuation of the existing retail
  store was not viable.
- January 2019 Purchase off for property contingent on proposed "storage" use. This use was much more intense for the area and was ultimately not approved, terminating the purchase offer.



The owner then enlisted a Real Estate Broker for actively listing the property on the market in 2019,

- January 2020 Current purchase offer for Care Fare LLC, contingent on the subject application for a Use Variance to allow for the establishment of the medical transport business described in this application.
- No other alternative offers have been received to date.

#### **Unique Hardship**

The hardship for this property is certainly unique, based solely on the historical use of the property as a pre-existing commercial retail store operating until as recently as May 2019 when the store closed due to economic conditions, financial hardship, and lack of prospective buyers.

Furthermore, the parcel size and shape are unique totaling approximately 1.16 acres within a "flag lot" configuration as shown on the attached property survey, having ancillary vacant land along the Onondaga Creek.

The uniqueness of the property also relates to the existing, large commercial buildings that need to be demolished for any of the allowable uses within the district. This unique circumstance also relates to the unreasonable rate of return for costs associated with compliant residential uses.

#### Use Variance will NOT alter the Character of the Neighborhood

Most importantly, the proposed private medical transportation business will NOT alter the character of the neighborhood. In fact, a successful reuse of this property will enhance the character of the neighborhood in numerous ways.

TRAFFIC – The proposed project will substantially reduce the traffic impact on the adjacent street and neighborhood. Milburn Drive is connected with W. Seneca Turnpike and Valley Drive, which allows for a very short distance from the site to access a main roadway. The existing traffic on Milburn Drive associated with the retail store generated public customers totaling approximately 100 cars per day during the successful operation of the store. Additionally, a publicly accessible retail store had very little control over the volume of traffic accessing the site. The proposed Care Fare medical transport business is a private company with no public access that would substantially reduce the traffic impact by limiting the number of vehicle trips on Milburn Ave. The Care Fare business currently employees 16 drivers with 2 owners, totaling 18 employees. Drivers will arrive at the site each morning to receive their business vehicle from the secured parking lot in the rear of the property and return at the end of each shift. The business vehicles are typical passenger cars and vans as shown in the example photos provided within the application materials.

Existing Retail Traffic = 100 trips per day (public access)
Proposed Business Traffic = 36 trips per day (private employees)



The existing retail store traffic volumes also included numerous tractor trailers that would regularly access this residential street. The new use will not include any tractor trailers or regularly scheduled heavy truck traffic for deliveries, further improving the character of the neighborhood.

SITE IMPROVEMENTS — The proposed project will offer the site a new future. The property is currently vacant. New ownership will allow for a continued investment into maintenance and repairs. Additional improvements are scheduled for the property to provide adequate screening through a privacy fence, and security fencing to ensure a safe parking area in the rear of the property for the transport vehicles. The improvements will not significantly alter the character of the area, and will provide an improvement to the visual aspects of the site through routine maintenance.

BUILDING IMPROVEMENTS – While the proposed project is not proposing an exterior modifications to the existing structures, the interior of the buildings will be refreshed to provide office space for the ownership, as well as training areas for the driving staff. Continued occupancy and maintenance of the buildings on site will provide a business that can occupy the space as a neighbor, not a nuisance.

BUSINESS OPERATIONS — The non-emergency medical transport business offers a unique circumstance to occupy the existing commercial property, without any added nuisance to the neighborhood. The normal operation of the business such as this does not result in any adverse impacts associated with noise, odors, dust, etc. The business is very compatible within the context of a residential neighborhood. In fact, the ability for the business to be centrally located within close proximity to the frequently used facilities at Van Duyne and Loretto will provide the local area residents with a more cost effective transportation option considering the shorter commutes to these facilities.

#### Hardship is not Self-Created

The hardship for this property is not self created. The property has pre-existed the City Zoning Ordinance as a commercial property operating as a grain mill since 1813 and more recently a commercial retail store for animal feed and grain supplies until May 2019. The residential area has developed around the subject property, although the property has always been maintained as a commercially oriented business. The zoning classification has created a burden on the owners in trying to find a new owner for the property that is no longer viable as a retail store due to its location. The requested Use Variance offers a balance that will provide explicit control over the new occupancy and use of the building, while ensuring that inevitable re-use of the property will be compatible with the surrounding residential neighboring that it intends to service by offering cost effective, essential transportation.

The following items are included in this submission:

- Use Variance Application
- SEQR Form
- Photos Transport Vehicles
- Photos Existing Site



- Zoning Map Reference
- Site Plan
- Floors Plans
- Property Survey
- Fee \$25.00

Should you have any questions related to the submission, please do not hesitate to contact me at 315-228-0036 or bbouchard@chacompanies.com

Very truly yours,

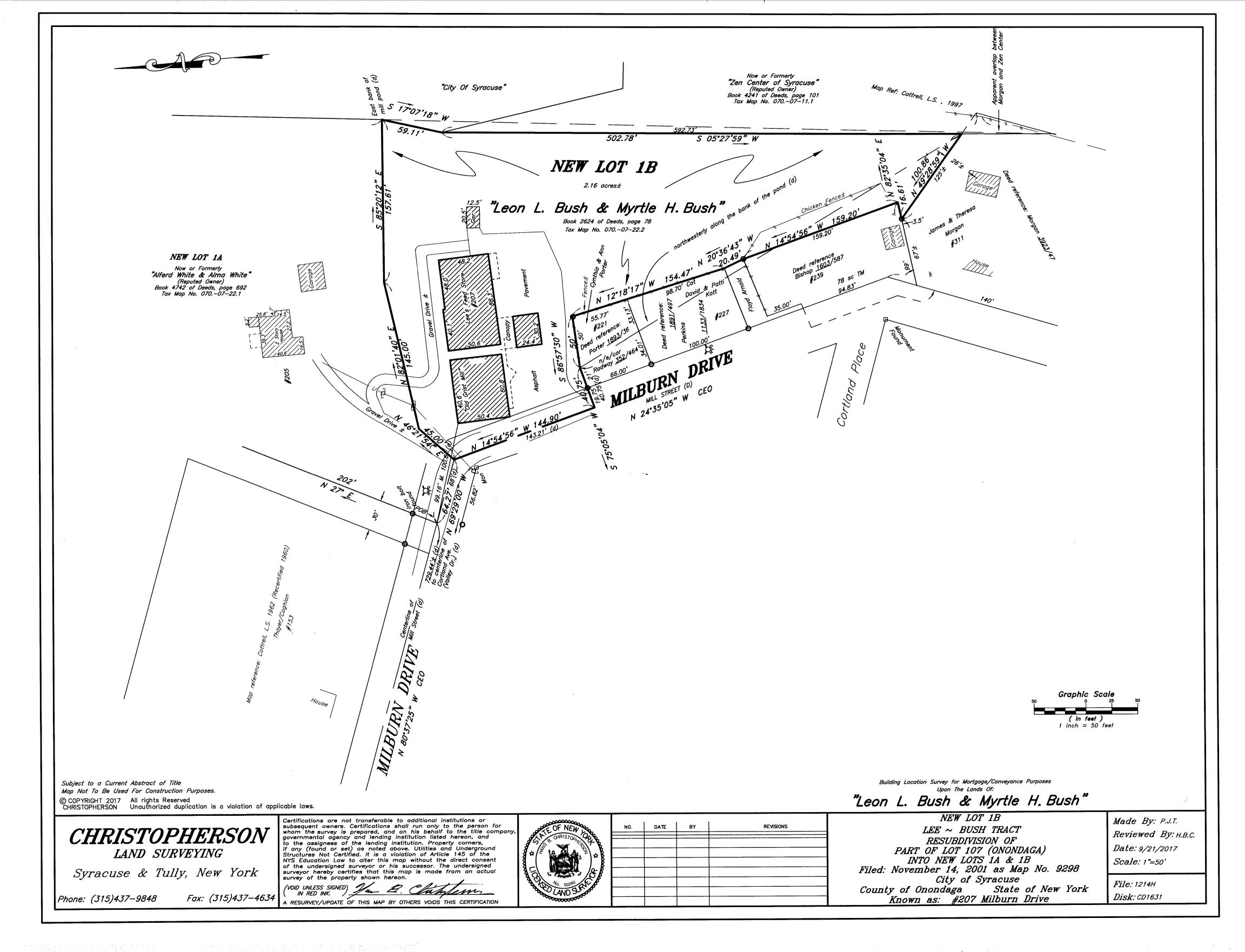
Brian F. Bouchard, P.E. Project Engineer V

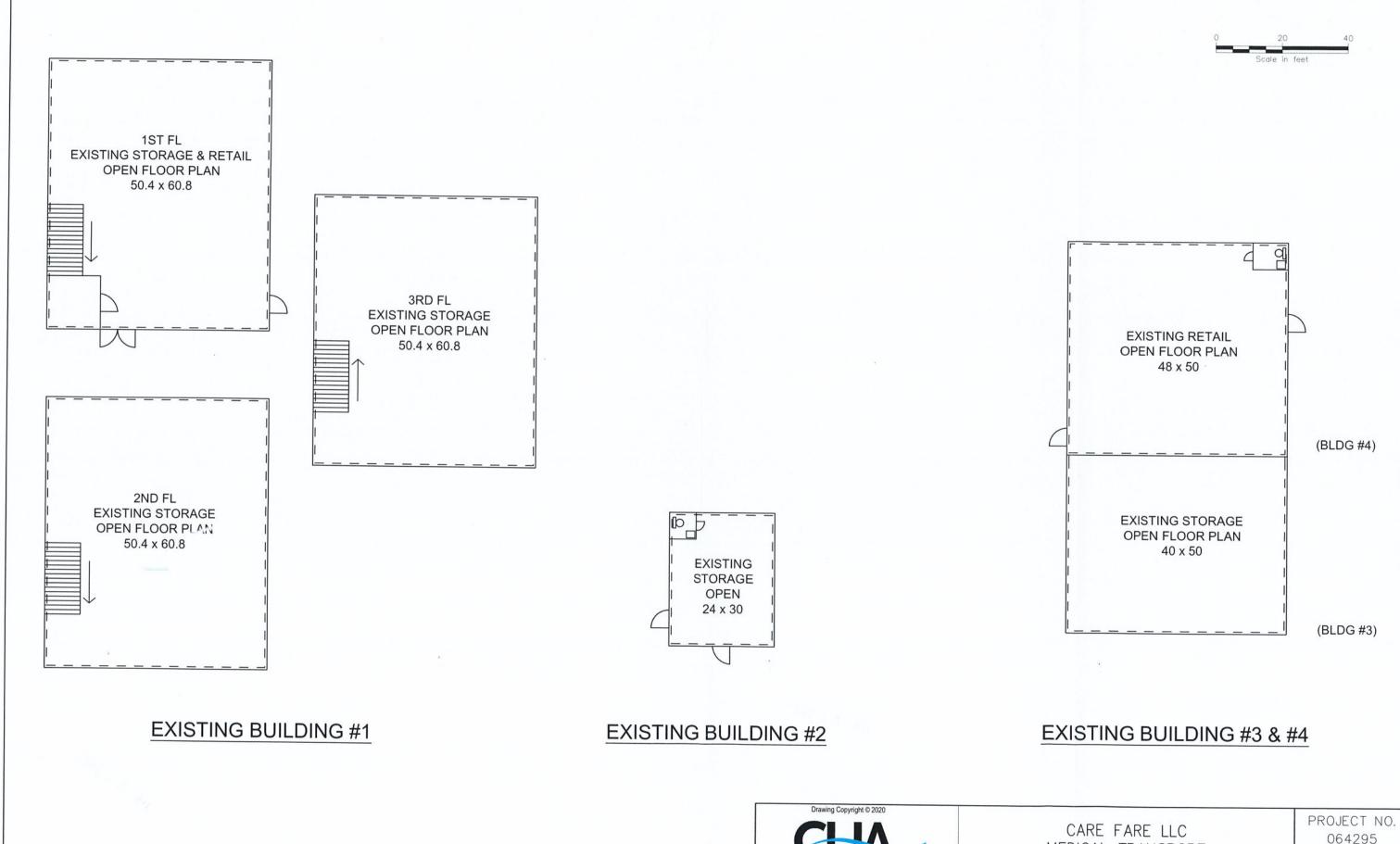
BiFBall

**Enclosures** 

Cc:



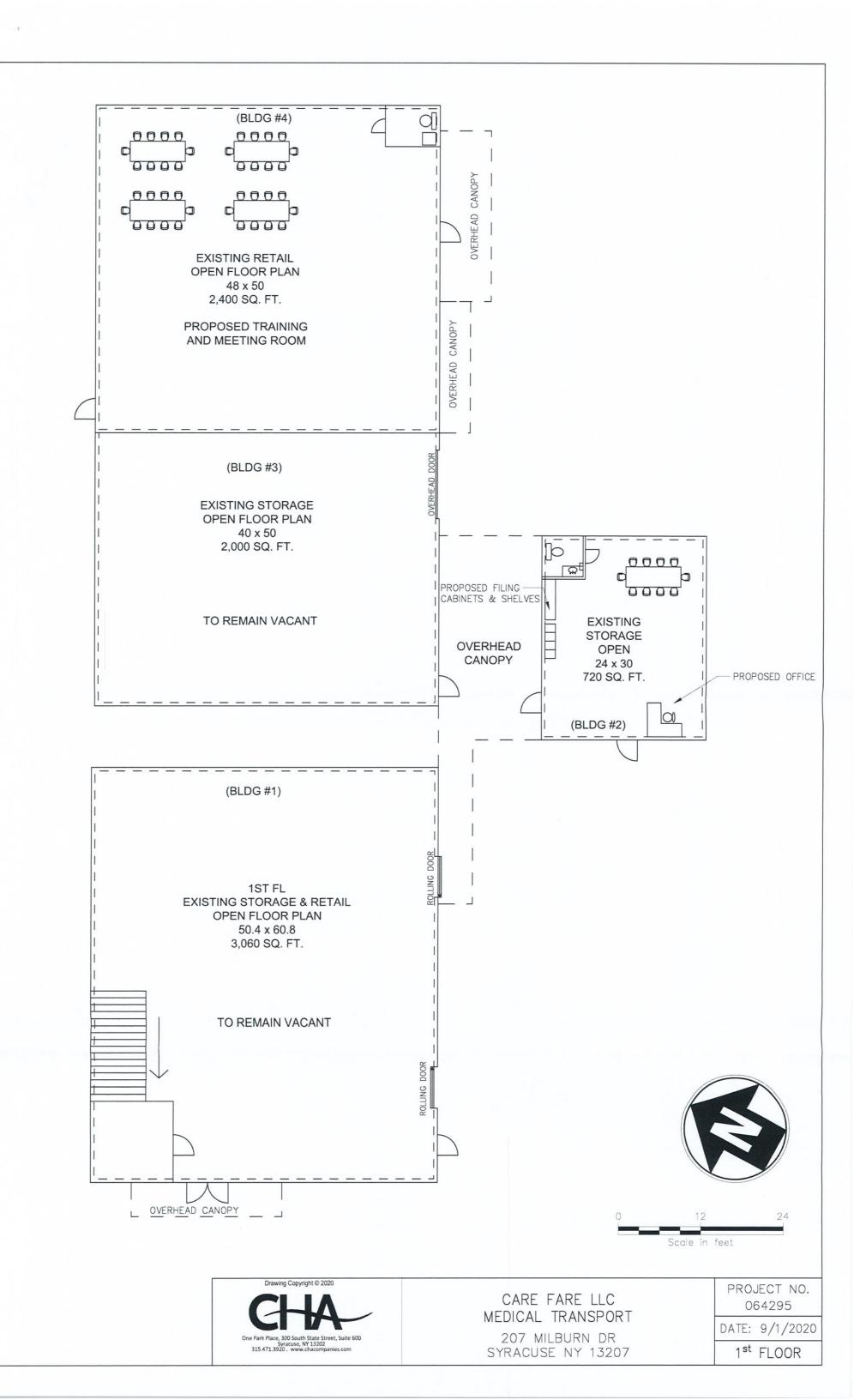




MEDICAL TRANSPORT 207 MILBURN DR SYRACUSE NY 13207

064295

DATE: 7/1/2020 FLOOR PLANS





MEDICAL TRANSPORT

207 MILBURN DR SYRACUSE NY 13207 064295

DATE: 9/1/2020

2<sup>nd</sup> FLOOR

One Park Place, 300 South State Street, Suite 600 Syracuse, NY 13202 315.471.3920 . www.chacompanies.com MEDICAL TRANSPORT

207 MILBURN DR

SYRACUSE NY 13207

DATE: 9/1/2020

3<sup>rd</sup> FLOOR

## FRONT LOOKING NORTH FROM MILBURN



## FRONT LOOKING NORTHEAST FROM MILBURN



## REAR LOOKING NORTHWEST FROM BACK OF SITE



## REAR LOOKING WEST FROM BACK OF SITE



## REAR BUILDING ENTRANCE



FRONT OF BUILDING (MILBURN)



# NORTH SIDE OF BUILDING LOOK EAST







