

PLEASE TYPE OR PRINT (LEGIBLY)

For Office Use Only: Tax map Section: _____ Block: _____ Lot: _____	Application Number: V- _____ - _____ Zoning District: _____
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1. Address of subject property: 109 Olive Street, Syracuse NY

2. Year property was purchased by current owner: 2017

3. Applicant/contact information:

a. Owner(s) (current titleholder):

Name(s): David Perdomo

Mailing Address: 109 Olive St, Syracuse NY

Zip: 13204 Daytime phone number: 3159012814 home phone number: _____

E-mail (alternate contact for additional information request): david.d.perdomo@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): _____

Mailing Address: _____

Zip: _____ Home phone number: _____ Day Phone: _____

E-mail (alternate contact for additional information request): _____

c. Representative: Attorney ☐, Architect ☐, Contractor ☐, Other ☒ Syracuse Land Bank
(Only if involved in this application)

Name(s): Terri Lockett

Mailing Address: 431 East Fayette Street, Syracuse NY

Zip: 13202 Telephone number: 315-422-2301 x18

4. Current use of property: (i.e., 1 family, 2 family, grocery store, etc.): 2-unit dwelling

Proposed use and occupancy of property: 2-unit dwelling

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

Proposed number of onsite (off-street) parking spaces: 2

Days and hours of operation (for any business uses): no business use proposed

Explain in detail what (if any) new additions or construction is proposed on the site: none

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.


Please see attached standards of proof

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)

10/9/2020
Date

David Perdomo
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 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 that you have read and understand the above information and return this page with the application.

Signed:  Date: 10/9/00

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).

NOTE: After receipt of the application, it may be necessary to require additional information from the applicant. *An application must be complete before a public hearing can be scheduled.*

Items that are submitted with the application will not be returned so it is important that the applicant must make any copies of items they need prior to submitting the application. **Copies will not be made by staff to the Board of Zoning Appeals.**

APPLICANT PLEASE NOTE: Approval of your application by the Board of Zoning Appeals does not relieve you or your agent from compliance with any other regulatory or licensing provisions additionally required by other Federal, State, County, or City authorities. You are still required to pursue and obtain permits from the Division of Code Enforcement.

05/2014

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:			
Use variance to allow a non-conforming two-family to acquire the adjacent vacant lot			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
This use variance is in response to the Land Bank's sale of the vacant lot at 107 Olive Street to the owner of 109 Olive Street. This property is a legal non-conforming two-family house that is owner occupied by Mr Perdomo and his family.			
Name of Applicant or Sponsor:		Telephone: 315-422-2301 x 18	
Greater Syracuse Property Development Corporation		E-Mail: tluckett@syracuselandbank.org	
Address:			
431 East Fayette Street			
City/PO:		State:	Zip Code:
Syracuse		New York	13202
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			YES
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
3. a. Total acreage of the site of the proposed action?			.25 acres
b. Total acreage to be physically disturbed?			0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			.25 acres
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <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,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services 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 the 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?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: N/A resubdivision only _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district 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 State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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?	<input type="checkbox"/>	<input checked="" 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	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

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? Lake Sturgeon, Bald Eagle	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
<hr/> <hr/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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
<hr/> <hr/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
<hr/> <hr/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Katelyn Wright, Syracuse Property Development Cp</u> Date: <u>10/12/2020</u> Signature: <u></u> Title: <u>Executive Director</u>		

Standards of Proof for Use Variance

109 Olive St

Background

109 Olive Street is a two ½ story two-family home that was constructed in 1900. Assessment records do not go back to 1900 but show the property as a 2-family since 1936.

David Perdomo purchased the building in November 2017. His fiancée, Dawn Ryan and daughter occupy the home while he is on active military duty at Fort Drum. When he purchased the property, Mr. Perdomo did his due diligence and determined the property was a legal two-family dwelling. Mr. Perdomo's family currently occupies the upper floor and the ground floor is a rental.

The Land Bank acquired the vacant lot at 107 Olive Street in December 2016. According to Assessment records this property had been improved with a 2 family which was demolished around 2007. In June of 2020, Mr. Perdomo expressed interest in acquiring the property for additional yard space for a garden and for a driveway for offstreet parking. As per Land Bank policy, we offered the lot to both adjacent neighbors and only Mr. Perdomo submitted a purchase application. A resubdivision application was filed in July.

The Zoning Office has since informed us that 109 Olive Street is non-conforming because in 1974 the property was rezoned from RB to RA-1, which only allows single-family dwellings. Please note that the property, while it is non-conforming, is legal non-conforming with no breaks in occupancy since inception, meaning that it is a "grandfathered" non-conformity. Nonetheless, since the property is a legal, non-conforming use, a use-variance is required to merge it with the adjacent vacant lot.

If the variance is not granted, we would withdraw the related resubdivision application.

Reasonable Return

107 Olive St is a 2 1/2-story frame house located City's Far Westside neighborhood. It is located in an RA-1 zone, which only allows single-family dwellings. Mr. Perdomo's family lives in the upstairs apartment and rents the ground floor apartment.

The financial hardship on this family would be exorbitant if the variance were not granted. Mr. Perdomo is military salaried and depends on the rental income from the second apartment in order to pay the mortgage and support his family. Without that income he would be unable to maintain the property and pay his bills.

If he still wanted to pursue the resubdivision, Mr. Perdomo would have to reconfigure his house to absorb the second apartment. In this scenario, one large dwelling unit containing approximately 2,234 square feet would be redeveloped. Renovation costs are estimated conservatively at \$50,000 due to architectural design fees, reconfiguration of walls, electric, heating, plumbing and gas lines.

If he were to then sell the property, Mr. Perdomo would not be able to realize a reasonable return. He purchased the property at market price for \$59,500 in 2017. If he were forced to convert the property

to a single family he would need to sink an additional \$50,000 into the property. Single family comps in the area are not generally valued over \$110,000 and he would never be able to recoup his sunk costs.

Active comps:

224 Essex St,	\$89,000 (Pending) 4 beds, 2 baths, 1207SF
808 Avery Ave,	\$87,900 (Accepted Offer) 3beds, 1 bath, 1248SF
206 Morton St,	\$114,900 (Pending) 3 beds, 1 bath, 1122SF
128 Hayden Ave,	\$75,000, (Active/Available) 4 beds, 1 bath, 1488SF
714 Avery Ave,	\$119,000 (Active) 4 beds, 2 baths, 1567SF
702 Avery Ave,	\$89,000 (Accepted Offer) 3 beds, 1 bath, 1408SF
328 Essex St,	\$84,900 (Active) 3 beds, 1 bath, 1092SF

Sold comps:

120 Essex St,	\$69,300 (07-08-2020) 3 beds, 2 baths, 1370SF
907 Willis,	\$80,000 (09-21-2020) 3 beds, 2 baths, 1298SF
816 Willis,	\$38,000 (09-03-2020) 3 beds, 1 bath, 1448SF
403 Herkimer St,	\$62,500 (09-14-2020)3 beds, 2 baths, 1435SF

If the use variance is not granted the Land Bank would also not realize a reasonable return. Since the lot is only 33' wide it is unlikely that a developer would purchase it for new construction. Also, since the neighbor at 105 Olive did not express any interest in purchasing the lot, the property would likely remain vacant for the foreseeable future and the Land Bank would continue to accrue expenses for maintenance and upkeep.

Unique Circumstances

This property is unique amongst other neighboring houses because it is located next to a vacant lot. This resubdivision will give this family the opportunity to beautify the property and provide offstreet parking and play space for their child.

It is also unique because, of the 7 other two-family homes on the street it is the only one that is owner occupied.

ADDRESS	LandUse	Occupancy	SFLA
1029 Milton Ave & Chemung St	Commercial	Undefined	-
120 Olive St	Multiple Residence	Rental Occupied	1,554
1007 Milton Ave To Olive St	Single Family	Owner Occupied	2,262
101 Olive St & Essex St	Single Family	Rental Occupied	1,379
1011 Milton Ave To Olive St	Single Family	Rental Occupied	1,477
102 Olive St	Single Family	Rental Occupied	1,020
111 Olive St	Single Family	Owner Occupied	1,092
117 1/2 Olive St	Single Family	Rental Occupied	1,272
117 Olive St	Single Family	Owner Occupied	1,303
118 Olive St	Single Family	Owner Occupied	1,232
119 1/2 Olive St	Single Family	Owner Occupied	935
121 Olive St	Single Family	Owner Occupied	1,521
124 Olive St	Single Family	Rental Occupied	1,036
		AVERAGE	1,321
1013 Milton Ave To Olive St	Two Family	Rental Occupied	1,577
104 Olive St To Milton Ave	Two Family	Rental Occupied	1,884
105 Olive St	Two Family	Rental Occupied	2,234
109 Olive St	Two Family	Owner Occupied	2,234
113 Olive St	Two Family	Rental Occupied	2,116
115 Olive St	Two Family	Rental Occupied	1,894
119 Olive St	Two Family	Rental Occupied	1,852
201 Chemung St & Olive St	Two Family	Rental Occupied	2,760
		AVERAGE	2,069
100 Olive St & Essex St	Vacant Land	Vacant Land	-
107 Olive St	Vacant Land	Vacant Land	-

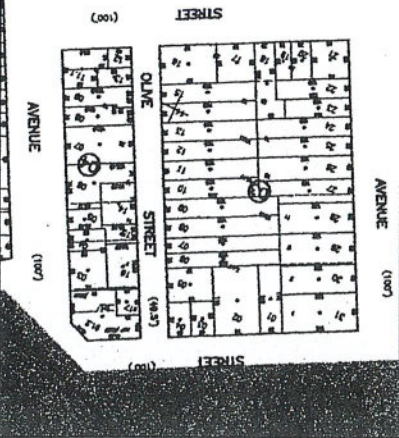
Essential Character of the Locality

The approval of this variance to expand a non-conforming two-unit dwelling will not change the essential character of the neighborhood. While the street is zoned Residential Class A-1, it is made up of a mix of 11 single families and 8 two-family dwellings. This application does not involve any changes to the structure or tenancy of the property. It improves the neighborhood by beautifying the property and providing offstreet parking for the occupants.

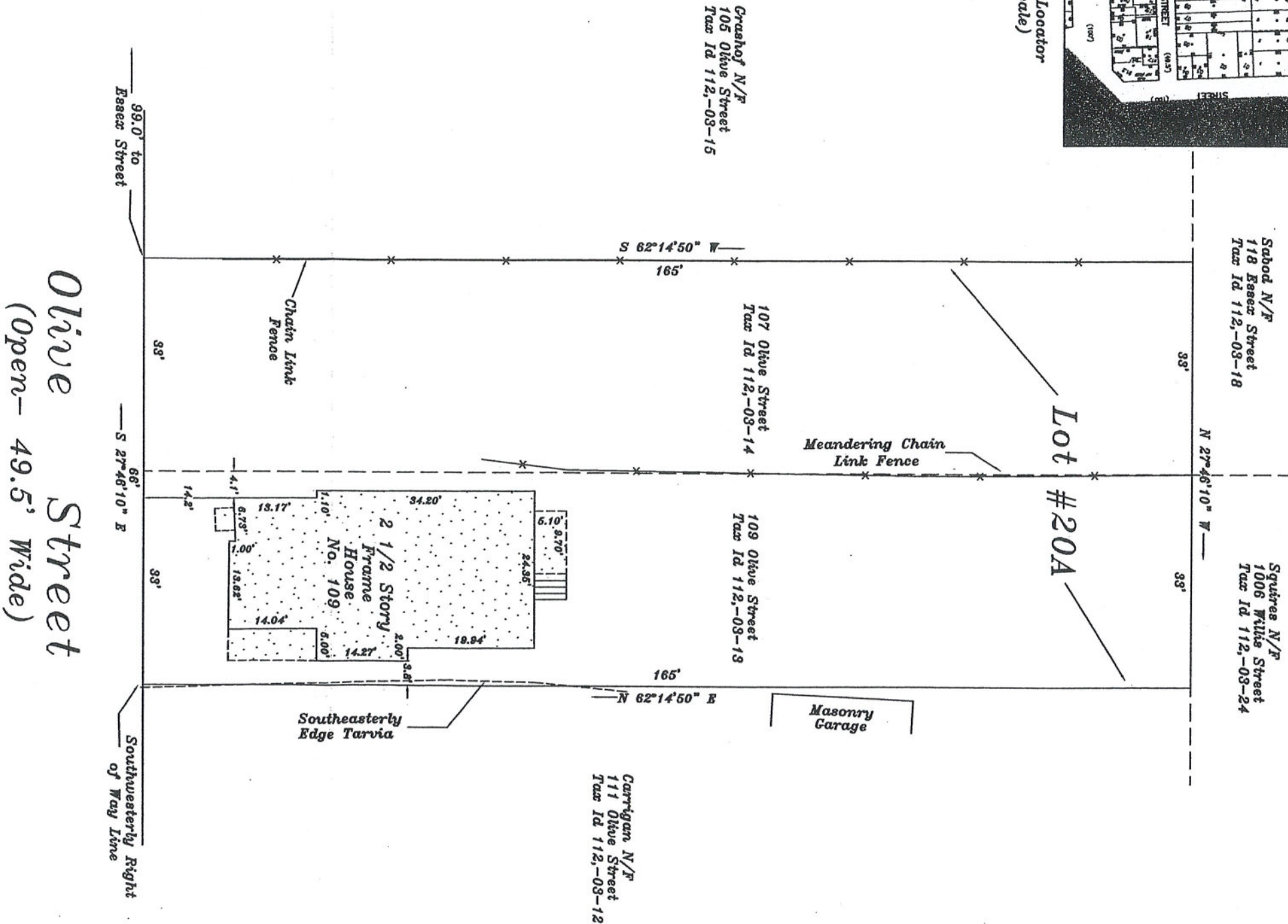


Not Self-Created

This was not a self-created hardship. Mr. Perdomo performed his due diligence in verifying that the property was a legal two-family when he purchased it in 2017. It is not his fault that an adjacent property was demolished thereby leaving the adjacent lot vacant. This use variance will ensure that the property is maintained. Mr. Perdomo will pay taxes on the property and increase the value of his home, thereby increasing the values in the surrounding neighborhood.



Site Vicinity Locator
(Not to Scale)



Olive Street
(Open- 49.5' Wide)

Approvals

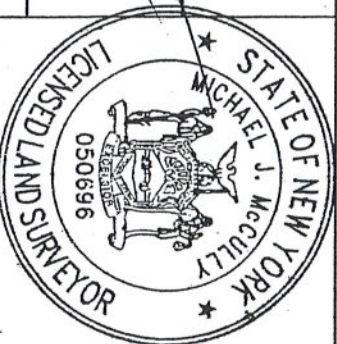
Abstract: Not Provided

Michael J. McCully
Land Surveying PLLC
6876 Palatone Drive
Casenovia, New York 13036
Phone : (315) 815-6084

I hereby certify that this map was made from
an actual survey and is not a photocopy.

M.J. McCully

NYSILS 50696



Proposed Only

Proposed Resubdivision on Part of
Part of Lots #20, 21 and 25, Block
#10- Former Village of Geddes.
To be New Lot #20A.

Known as No. 109 Olive Street, City
of Syracuse, County of Onondaga,
State of New York.

Drawn by: AJH

Scale: 1" = 20'

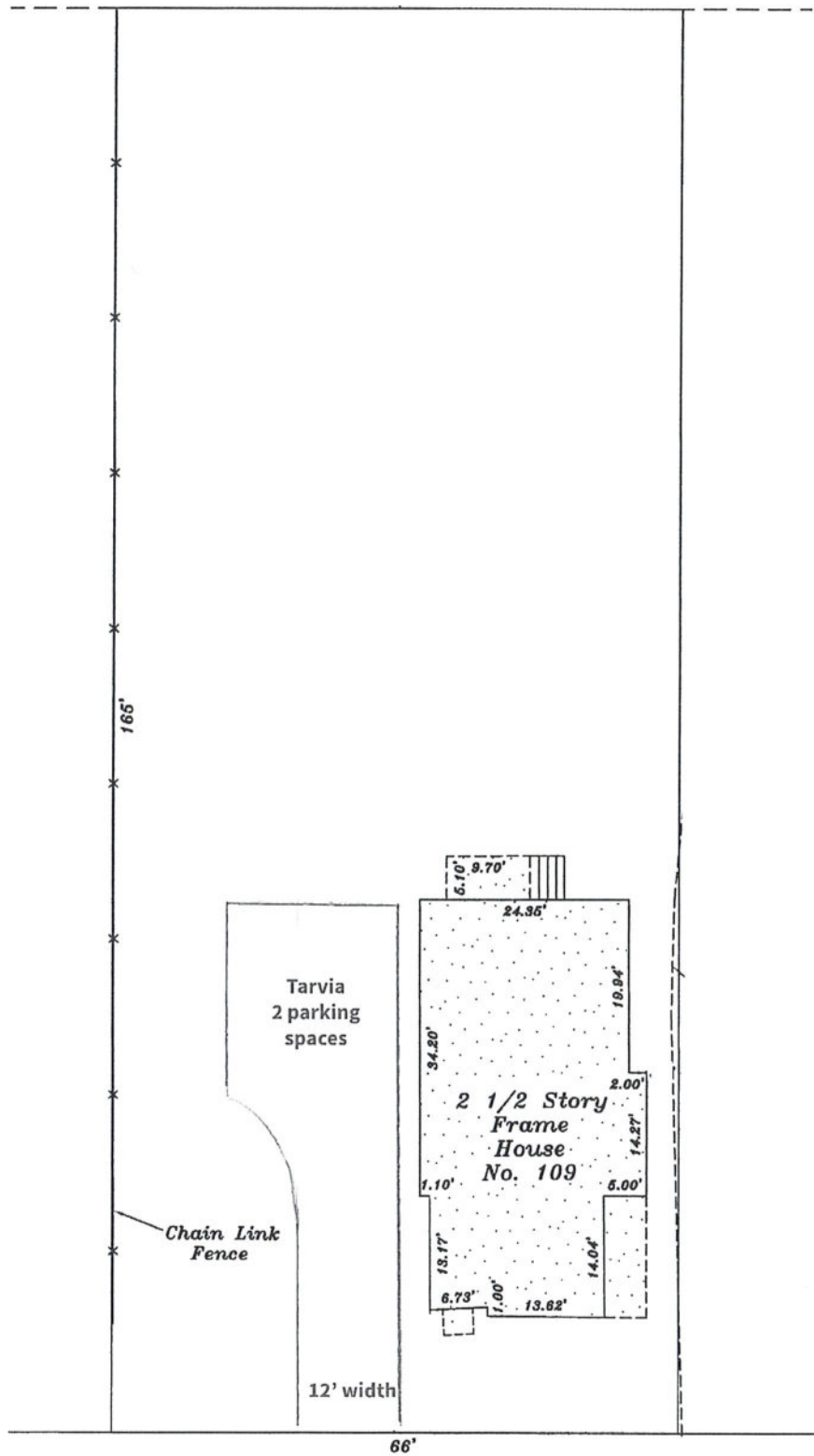
Date(s): 08/08/20

Notes/References:

- *Survey prepared without the benefit of
an up-to-date abstract of title.
- *Adjoiner information obtained using
ImageMate Online.
- *Buildings/Structures Shown for
Informational Purposes Only.
- *Subject parcel(s) has access to public
utilities.
- *New Lot 20A Area = 10890 Sq.Ft.
- *Parcel(s) Owner : David Perdomo and
Greater Syracuse Property Development
Corporation.

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, Subdivision 2
of the New York State Education Law. Only copies from the original of this survey marked with an original of the land surveyor's
embossed 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 2020, Michael J. McCully Land
Surveying, all rights reserved.

Site Plan
109 Olive Street

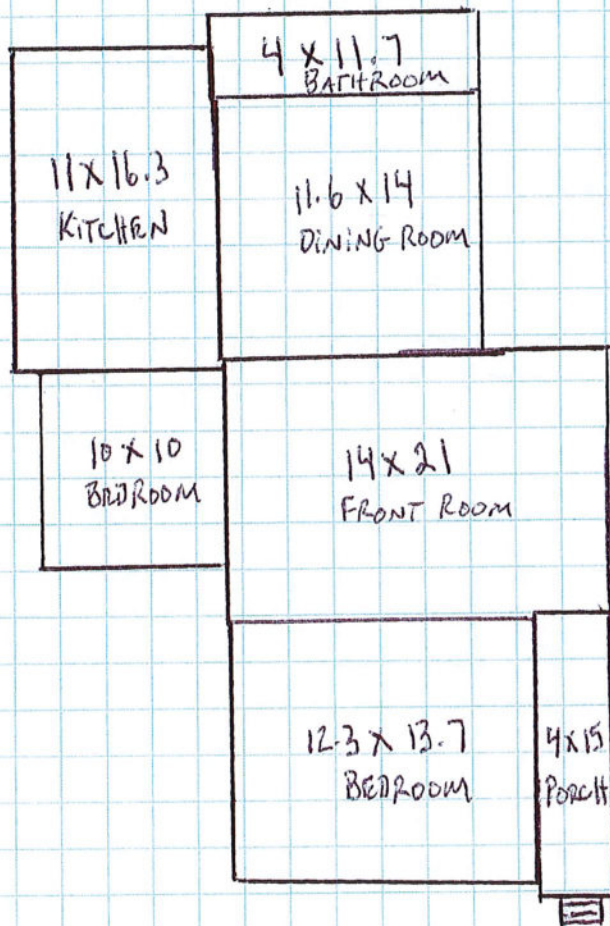


Olive Street

Drawn by
Syracuse Land Bank
10/12/2020

109 OLIVE STREET, SYRACUSE, NY. 13204

FIRST FLOOR EXISTING FLOOR PLANS

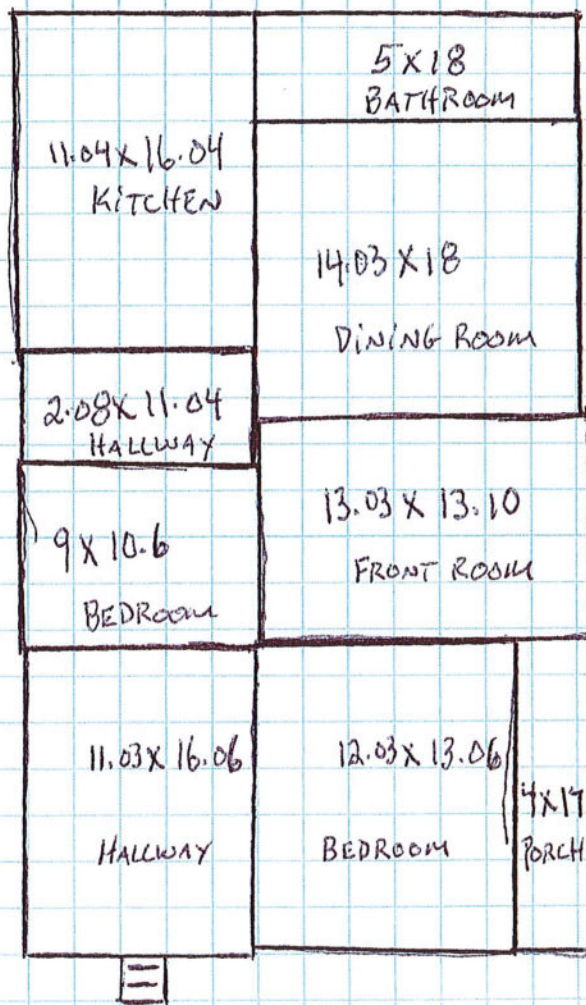


DRAWN BY: LEE RYAN 9/22/20

SCALE - 1" = 10'

109 OLIVE STREET, SYRACUSE, N.Y. 13204

SECOND FLOOR EXISTING FLOOR PLANS



DRAWN BY: LEE RYAN 9/22/20

SCALE - 1" = 10'



October 12, 2020

Ms. Lisa Welch
Office of Zoning Administration
City Hall Commons, Room 211
201 E. Washington Street
Syracuse, NY 13202

Re: Letter of Explanation for a Use Variance – 109 Olive Street

Dear Ms. Welch and Members of the Syracuse Board of Zoning Appeals,

David Perdomo purchased the two-family dwelling at 109 Olive Street in November 2017. His fiancée, Dawn Ryan and daughter occupy the home while he is on active military duty at Fort Drum. When he purchased the property, Mr. Perdomo did his due diligence and determined the property was a legal two-family dwelling. Mr. Perdomo's family currently occupies the upper floor and the ground floor is a rental.

The Land Bank acquired the vacant lot at 107 Olive Street in December 2016. According to Assessment records this property had been improved with a 2 family which was demolished around 2007. In June of 2020, Mr. Perdomo expressed interest in acquiring the property for additional yard space for a garden and for a driveway for offstreet parking. As per Land Bank policy, we offered the lot to both adjacent neighbors and only Mr. Perdomo submitted a purchase application. A resubdivision application was filed.

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As you will see in the attached Standards of Proof, we have examined the scenarios that would not require a variance and have described Mr. Perdomo's financial hardship if he is required to convert his home to a single-family dwelling.

To support our application, please find the attached information:

- Application for Use Variance
- Short EAF
- Standards of Proof for Use Variance
- Survey (proposed resubdivision map)
- Site Plan
- Existing Floorplans
- Pictures
- Check in the amount of \$25.00 (via US Mail)

The Landbank fully supports the granting of this variance because it will allow us to sell an otherwise non-buildable vacant lot. The property owner will maintain the land, pay property taxes, and increase the values of his home and consequently, the surrounding homes. This helps to revitalize the Far Westside neighborhood by returning a vacant lot to productive use.

Please let me know if you require any additional information or documentation to facilitate your review of this request.

Sincerely,



Katelyn Wright
Executive Director

109 Olive St – Photographs



109 Olive Street and vacant lot at 107



From 109 Olive St – Looking right (SE) toward Essex St.



From 109 Olive St – Looking Right (NW) toward Chemung St.