

City of Syracuse
Office of Zoning Administration

VARIANCE APPLICATION

City Hall Commons - Room 500 * 201 E. Washington Street * Syracuse, NY 13202-1426
315-448-8640 * zoning@syrgov.net * www.syrgov.net/Zoning.aspx

Office Use Filing Date: _____ Case: _____ Zoning District: _____

VARIANCE REQUESTED (Check applicable and briefly describe.)

- ☒ **Area Variance:** Area variance for driveway width at 230 Garfield Ave.
Cited Zoning Ordinance _____
Part(s), Sec(s), Art(s): _____
- ☐ **Use Variance:** _____
Cite Zoning Ordinance _____
Part(s), Sec(s), Art(s): _____

<u>TAX ASSESSMENT ADDRESS(ES)</u>	<u>TAX MAP ID(S)</u> (000.-00-00.0)	<u>OWNER(S)</u>	<u>DATE ACQUIRED</u>
1) <u>230 Garfield Ave</u>	<u>084.-09-12.0</u>	<u>Latoya Allen</u>	<u>7/23/2020</u>
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____

As listed in the **Syracuse Department of Tax Assessment** property tax records at <http://syrgov.net/Assessment.aspx>, 315-448-8280.

COMPANION ZONING APPLICATION(S) (List any related Zoning applications, if applicable, e.g., Resubdivision, Special Permit, Project Site Review, etc.)

- 1) will resub w/ 234-36 Garfield 2) _____ 3) _____

PROJECT CONSTRUCTION (Check all that apply and briefly describe.)

- ☐ **Demolition (full and partial):** _____
- ☐ **New Construction:** fence in property (after resubdivision of 234-36 Garfield Ave)
- ☐ **Facade (Exterior) Alterations:** _____
- ☐ **Site Changes:** Remove fence that intrudes into the ROW/Repair damaged tarvia

PROJECT INFORMATION (Briefly describe, as applicable.)

Business/Project Name: _____

Current Land Use(s): single-family residential

Proposed Land Use(s): single-family residential

Number of Dwelling Units: 1

Days and Hours of Operation: N/A

Number of Onsite Parking Spaces: 1

PROJECT DESCRIPTION (Provide a brief description of the project, including purpose or need.)

Applicant requests an area variance to allow the existing driveway to be 16' wide at the street and 19' wide at the front of the house where the maximum width is 12'. She also requests that the existing parking space located next to the house be 8' wide where a minimum of 8'6" is required.

AREA VARIANCE TEST (see https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf)

An Area Variance is permission to build in a portion of the property that is otherwise restricted by the Zoning Rules and Regulations, as amended. New York State law requires applicants to prove that the potential benefit of an Area Variance will outweigh any burden to community health, safety and welfare through a five-part balancing test. *Briefly describe how an Area Variance would affect the community using the following five tests and attach all supporting materials.*

1. Describe whether an undesirable change will be produced in the **character of the neighborhood**, or a detriment to nearby properties will be created by the granting of the area variance:

Based on aerial photos, we believe the driveway has existed in this configuration for 20 years and allowing it to continue will not change the character of the block. In fact, we believe it will benefit the neighborhood by reducing demand for on-street parking and enhancing the value of this house which will help comparable sales data in the area. The slightly wider driveway needed to access the second parking space will have minimal impact on neighboring properties, if any. 221 Garfield, across the street, which appears to have been built at the same time, also has a wider-than-typical driveway leading to a second parking spot beside the garage

2. Describe whether the benefit sought by the applicant can be **achieved by some other method** which will be feasible for the applicant to pursue but would not require an area variance:

The applicant wishes to keep the driveway in its current configuration in order to retain two off-street parking spaces. Since one of those spaces is the attached garage, which cannot move, and residential properties are only allowed one driveway, there is no alternative way to provide two parking spaces that would not require an area variance without cutting off vehicular access to the garage.

3. Describe whether the requested area variance is **substantial**:

The variance is not substantial. We are not requesting to add a driveway where one is not allowed, or for front-yard parking, or for a second driveway. This is analogous to situations where the driveway must be wider than 12' in the front yard in order to access two off-street parking spaces contained within an attached garage (the difference in this case being that one spot is outdoors).

4. Describe whether the proposed area variance will have an **adverse effect or impact** on the physical or environmental conditions in the neighborhood or district:

Based on aerial photos, we believe the driveway has existed in this configuration for 20 years and allowing it to continue will not affect the physical conditions of the neighborhood. The Site does not contain any sensitive environmental resources or any suitable habitat for any protected plants, animals or fish. The site is not located in the 100 year floodplain. There will be no adverse impact on the physical or environmental conditions in the neighborhood.

5. Describe whether an alleged difficulty is **self-created**.

The owner did not install this driveway and had no reason to believe there were any non-conformities when she purchased the recently renovated house. We inquired with the permit desk and they stated that no driveway permits had been applied for since the house was constructed in 1997. It is not clear if the driveway was installed this way without an area variance when the house was constructed or sometime afterward without a permit.

City of Syracuse Office of Zoning Administration

PROPERTY OWNER(S) (required)

As listed in the Syracuse Department of Tax Assessment property tax records available at <http://syrgov.net/Assessment.aspx>, or at 315-448-8280. If not listed as the current owner, please provide proof of ownership, e.g., a copy of the deed. Attorney's signing on behalf of the owner must include a one page letter describing the legal representative arrangement. If the property owner is a Corporation or Organization, the person signing must provide verification they are a member. Contract purchasers, tenants, architects, engineers, contractors, etc. CANNOT sign on behalf of the owner.

Latoya	Allen	4th District Councilor	City of Syracuse
First Name	Last Name	Title	Company
230 Garfield Ave		Syracuse	NY 13205
Street Address	Apt / Suite / Other	City	St Zip
			Phone: 315-880-6296
			Email: lallenpride@yahoo.co

* Signature:

Date:

First Name	Last Name	Title	Company	Phone:
Street Address	Apt / Suite / Other	City	St Zip	Email:

Date:

* Signature:

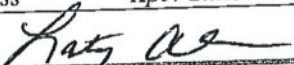
First Name	Last Name	Title	Company	Phone:
Street Address	Apt / Suite / Other	City	St Zip	Email:

Date:

* Signature:

First Name	Last Name	Title	Company	Phone:
Street Address	Apt / Suite / Other	City	St Zip	Email:

Date: 10/26/2020

* Signature: 

*** OWNER SIGNATURE 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.

APPLICANT(S) (if applicable)

Latoya	Allen	4th District Councilor	City of Syracuse
First Name	Last Name	Title	Company
Street Address	Apt / Suite / Other	City	St Zip
			Phone: 315-880-6296
			Email: lallenpride@yahoo.co

First Name	Last Name	Title	Company	Phone:
Street Address	Apt / Suite / Other	City	St Zip	Email:

REPRESENTATIVE(S)/CONTACT(S) (if applicable)

Kaelyn	Wright	Executive Director	Greater Syracuse Land Bank
First Name	Last Name	Title	Company
Street Address	Apt / Suite / Other	City	St Zip
			Phone:
			Email: kwright@syracuselandbank.org

First Name	Last Name	Title	Company	Phone:
Street Address	Apt / Suite / Other	City	St Zip	Email:

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

DENIAL OF PERMIT

REFERENCE ADDRESS 230 Garfield Ave

WARD NO. _____

OWNER Latoya Allen

OWNER'S ADDRESS 230 Garfield Ave, Syracuse NY 13205

TELEPHONE 315-880-6296

APPLICATION FOR PERMIT TO:

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

DENIED UNDER ARTICLE (2) Part C, Section III, Article 2 - Parking and Loading Requirements

of the zoning ordinance for the following reasons: _____

Driveway exceeds 12' minimum, parking space at right of house is only 8' wide where
8'6" is required.

- | | |
|--|--------------------------------|
| <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 -2020 SIGNATURE Gail L Swistak

Short Environmental Assessment Form

Part 1 - Project Information

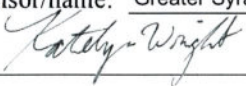
Instructions for Completing

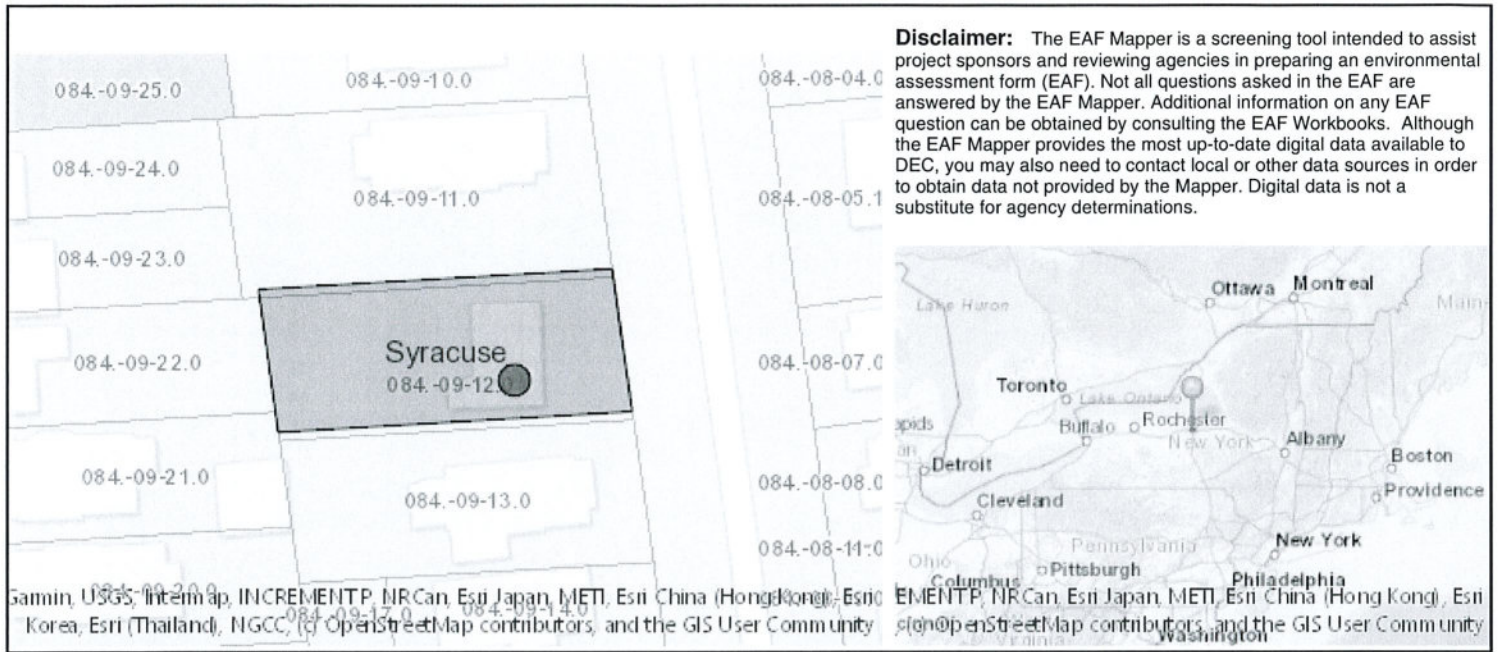
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Area variance for driveway width at 230 Garfield Ave.							
Project Location (describe, and attach a location map): 230 Garfield Ave, Syracuse NY between Woodland Ave and Borden Ave							
Brief Description of Proposed Action: We seek an area variance to allow 230 Garfield Ave to have a driveway that is wider than the 12' minimum. The existing driveway is 16 feet wide at the street and 19' feet wide at the front setback.							
Name of Applicant or Sponsor: Greater Syracuse Property Development Corporation (Syracuse Land Bank)		Telephone: 315-422-2301 x 11 E-Mail: kwright@syracuselandbank.org					
Address: 431 East Fayette Street, Suite 375							
City/PO: Syracuse		State: New York	Zip Code: 13202				
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3. a. Total acreage of the site of the proposed action? .32 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? .32 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, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	N/A <input type="checkbox"/> <input 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? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" 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: N/A area variance only _____	NO <input type="checkbox"/>	YES <input 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 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? 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?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input 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? 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: _____	NO <input checked="" type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	

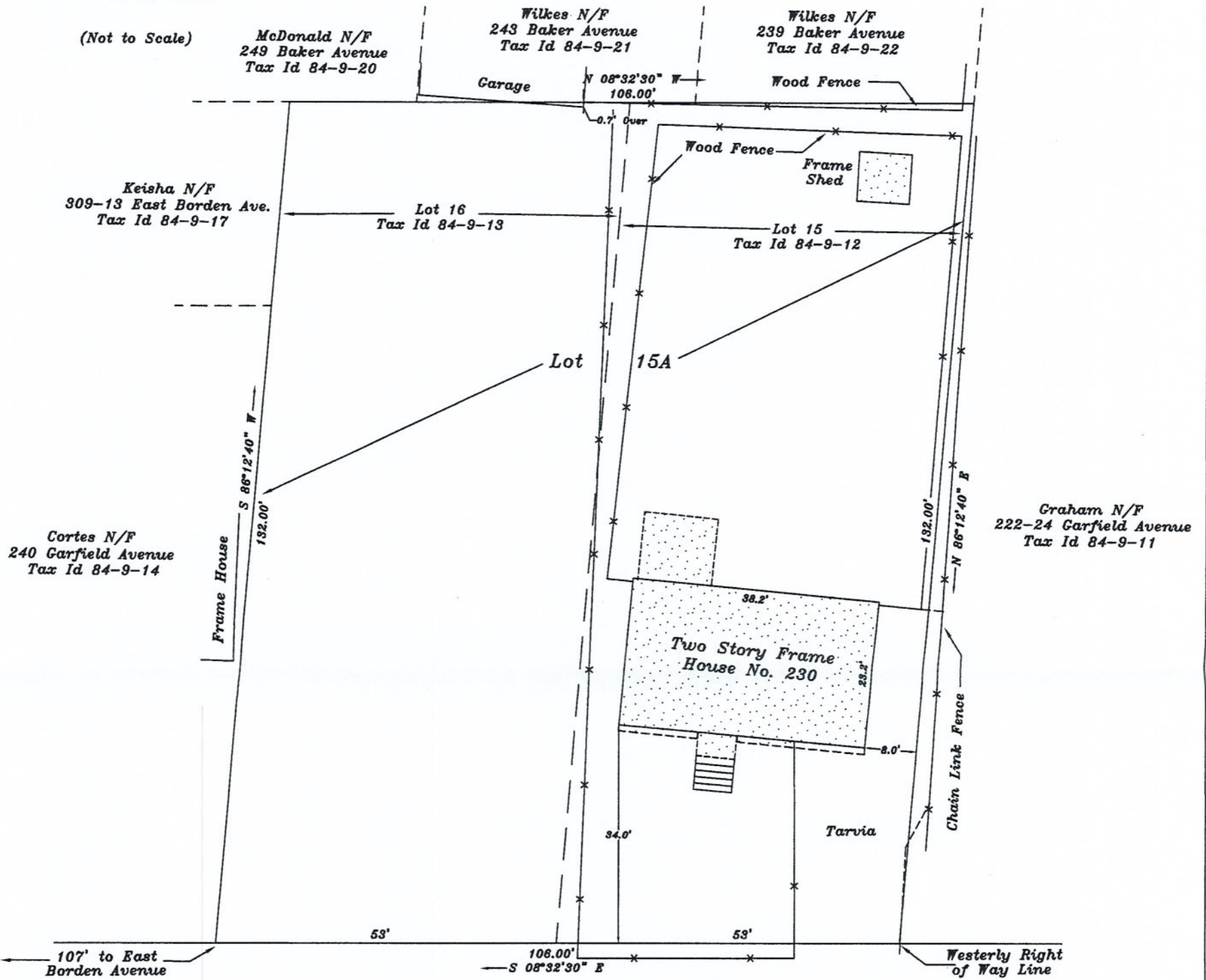
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> 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	YES
	<input checked="" type="checkbox"/>	<input 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, <div style="margin-left: 40px;"> 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: <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div> </div>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
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: <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div>	NO	YES
	<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: <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div>	NO	YES
	<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: <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Greater Syracuse Property Development Cp</u> Date: <u>10/21/2020</u> Signature: <u></u> Title: <u>Executive Director</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



Site Vicinity Locator



Garfield Avenue

(Open - 66' Wide)

Approvals

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 15A Area = 13943.89 Sq. Ft.
- *Parcel(s) Owner : Greater Syracuse Property Development Corporation and Latoya Allen.

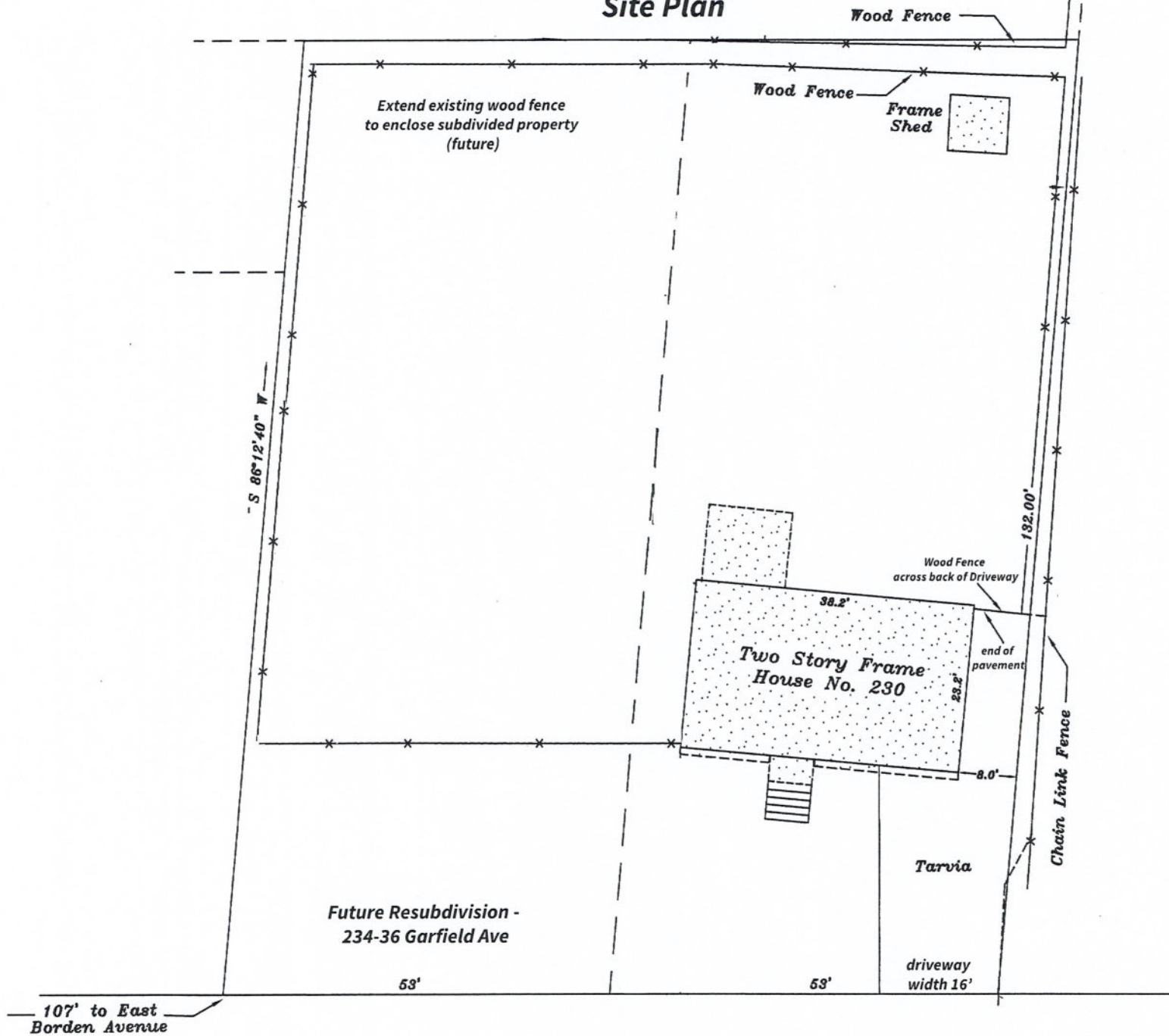
Abstract: Not Provided

Proposed Only

Michael J. McCully Land Surveying PLLC 5875 Fieldstone Drive Cazenovia New York 13035 Phone : (315) 815-5034		Proposed Resubdivision on Lots 15 and 16 of the Lyman White Tract. To be New Lot 15A.	
I hereby certify that this map was made from an actual survey and same is correct.		Known as No. 230 Garfield Avenue, City of Syracuse, County of Onondaga, State of New York.	
M.J. McCully NYSLLS 50696		Drawn by: MJM	Scale: 1" = 20'
		Date(s): 10-08-20	

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 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 2020, Michael J. McCully Land Surveying, all rights reserved.

230 Garfield Ave Site Plan



Garfield Avenue

Drawn by Syracuse Land Bank
11/03/2020

Scale: 1" = 20'



October 26, 2020

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

Re: Letter of Explanation for an Area Variance – 230 Garfield Ave

Dear Jeff,

The Land Bank is selling 234-36 Garfield to Latoya Allen as a side-yard and we require that side-yard purchases be merged with the buyer's adjacent property via a resubdivision. In preparing the resubdivision map, we discovered a nonconformity that requires a use variance to remain in place, which prompted the preparation of this application.

230 Garfield Ave is a single-family raised ranch built in 1997. Latoya Allen purchased the house in July 2020 after it was fully renovated by Home HeadQuarters. It is located in the Southside neighborhood in a Residential, Class A zoning district. Section CIII Article 1(a) of the Zoning Code requires that there be at least one parking space for each dwelling unit. Section C III Article 2 (b1) requires that such parking area shall not be located within the front yard required for such building. Section C III Article 2. 1.f.2. states that 'Any residential driveway located between a street right-of-way and the required setback shall not exceed twelve (12) feet in width and shall lead as directly as possible to the off street parking facility....'

The existing driveway is 16' wide at the street and 19' wide at the front of the house and therefore requires an area variance. However, we believe it should be allowed because it leads to two parking spaces – one in the attached one-car garage located on the first floor of this house and the second located beside the garage, behind the building setback line. Because both parking spaces are immediately behind the setback line, the driveway has to widen in the front yard to give access to both spaces – there is no physical way it can be limited to 12' wide in front of the setback line and grant access to both spaces.

This second space, located next to the house is only 8' wide and approx. 24' deep. Section C III Article 2. 1.a.3. states: "Each required parking space shall have an area of not less than eight (8) feet six (6) inches in width nor less than eighteen (18) feet in length." This will also require a variance to consider this area a second parking space since it is not quite 8.5' wide. However, her car fits here and she often parks here, next to the garage, so that her kids can play basketball in the driveway while her car is kept off the street (parking here because her garage is currently used for storage). She wishes to retain two off-street parking spaces. While their family currently only has one vehicle, as her kids get older they may have more than one vehicle and having two legal

parking spaces will enhance the value of the house for resale at some point in the future. Moreover, when she purchased the house she believed it had two parking spaces.

While the attached survey shows her front-yard fence encroaching into the right-of-way, the owner's plan is to remove that fence. After we receive the BZA's determination regarding this area variance application, our next step will be to apply for a resubdivision to merge the two parcels together. Our proposed site-plan that will accompany that resubdivision application is attached here as well for your reference.

To support our application, please find the attached information:

- Application for an Area Variance
- Denial of Permit
- Short EAF
- Photographs
- Site Plan
- Resubdivision Map (future resub application)
- Check in the amount of \$25.00
-

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

Sincerely,

A handwritten signature in blue ink that reads "Katelyn Wright". The signature is fluid and cursive, with the first name "Katelyn" and the last name "Wright" clearly distinguishable.

Katelyn Wright
Executive Director

230 Garfield Ave - Photographs



230 Garfield Ave – Front elevation showing existing driveway



221 Garfield (across the street) – similar driveway configuration



Vacant Lot next door – future resubdivision



Looking North toward Woodland Ave



Looking South toward Borden Ave