

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@syr.gov * www.syr.gov/Zoning.aspx

Office Use	Filing Date:	Case:	Zoning District:
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VARIANCE REQUESTED (Check applicable and briefly describe.)

- ☐ Area Variance: _____
Cited Zoning Ordinance _____
Part(s), Sec(s), Art(s): _____
- ☒ Use Variance: To expand the lot size for a non-conforming 3-family
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>249 Baker Ave</u>	<u>084.-09-20.0</u>	<u>Bennie D. McDonald</u>	<u>3/1/2016</u>
2) <u>255 Baker Ave</u>	<u>084.-09-19.0</u>	<u>Greater Syr Land Bank</u>	<u>6/22/2015</u>
3) <u>261 Baker Ave</u>	<u>084.-09-18.0</u>	<u>Bennie D. McDonald</u>	<u>9/30/2005</u>
4) _____	_____	_____	_____

As listed in the **Syracuse Department of Tax Assessment** property tax records at <http://syr.gov/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) Resubdivision of above 2) _____ 3) _____

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

- ☐ Demolition (full and partial): _____
- ☒ New Construction: 3-car garage (after resubdivision)
- ☐ Façade (Exterior) Alterations: _____
- ☐ Site Changes: _____

PROJECT INFORMATION (Briefly describe, as applicable.)

Business/Project Name:	<u>249 Baker Ave - expand lot size for non-conforming 3-family</u>
Current Land Use(s):	<u>Residential 3-family</u>
Proposed Land Use(s):	<u>Residential 3-family</u>
Number of Dwelling Units:	<u>3</u>
Days and Hours of Operation:	<u>N/A</u>
Number of Onsite Parking Spaces:	<u>1 current - 3 proposed</u>

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

This Use variance application seeks approval to expand the lot area for a non-conforming three-family property at 249 Baker Ave. It is submitted in response to our resubdivision application dated 10/21/2020. That application seeks to merge 249 Baker Ave with the two adjacent vacant lots at 255 Baker Ave and 261 Baker Ave.

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

A Use Variance is permission to establish a land use which is not allowed by the Zoning Rules and Regulations, as amended. New York State law requires applicants to prove that this has caused an unnecessary hardship using all of the four tests below. *Briefly describe below how each of the required Use Variance tests is met and attach all supporting materials.*

1. Describe how the property is incapable of earning a **reasonable return** on initial investment if used for any of the allowed uses in the district (actual "dollars and cents" proof must be submitted):

Please see attached Standards of Proof

2. Describe how the property is being affected by **unique circumstances**, or at least highly uncommon circumstances:

~~This property is unique amongst other neighboring houses because it is located next to a vacant lot. The approval to expand the non-conforming three-family use will allow the property owner to merge the adjacent lot with his property giving him the opportunity to beautify the property and provide off-street parking for three vehicles.~~

3. Describe how the variance, if granted, will not alter the essential **neighborhood character**:

~~The approval of this variance to expand a non-conforming three-unit dwelling will not change the essential character of the neighborhood. The house has always been a three-family residence and that will not change. As evidenced by Attachment A, the 1930 U.S. Census listed this property as a three-family dwelling. This application does not involve any changes or alterations to the building other than normal maintenance. It will improve the neighborhood by beautifying the property and providing off-street parking for the occupants.~~

~~Merging all three parcels together will create a .33 acre parcel which is comparable in size to other lots on the block including 252 Baker Ave (.2 acres), 238 Baker Ave (.2 acres), 216 Baker Ave (.27 acres) and 120 Woodland & Baker Ave (.3 acres). Although this will be creating a larger tax parcel, we do not believe it will make a (cont.)~~

4. Describe how the hardship is not **self-created**:

~~This was not a self-created hardship. Mr. McDonald's family has owned this property since the 1970s and it has been a three-family since at least 1930. It is also not self-created by the Land Bank, which is obligated to accept tax-foreclosed properties and found 255 Baker to be in unsalvageable condition at the time of the City's foreclosure.~~

~~This use variance will enable Mr. McDonald to expand his lot and build a garage, bringing his existing nonconforming use better into compliance with the zoning ordinance by creating three off-street parking spaces. It will ensure that the property is maintained and returned to the tax rolls. Mr. McDonald's plan will increase the value of his home by constructing a garage and help to increase values in the surrounding (cont.)~~

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.

First Name	Last Name	Title	Company		Greater Syracuse Property Development Cp.
431 East Fayette St		Syracuse	NY	13202	Phone: 315-422-2301 (x18)
Street Address	Apt / Suite / Other	City	St	Zip	Email: tluckett@syracuselank

* Signature: *Katelyn Wright* Date: 12-7-2020

First Name	Last Name	Title	Company		rep by his sister Darlene Hackworth McDonald
Bennie	McDonald		NY	13205	Phone: 607-591-4040
249 Baker Ave		Syracuse	St	Zip	Email: dmh57@cornell.edu
Street Address	Apt / Suite / Other	City			

* Signature: *Bennie D McDonald* Date: 12/7/2020

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

* Signature: Date:

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

* Signature: Date:

*** 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)

First Name	Last Name	Title	Company		Greater Syracuse Property Development Cp.
Katelyn	Wright	Executive Director	NY	13202	Phone: 315-422-2301 x18
431 E Fayette St	375	Syracuse	St	Zip	Email: kwright@syracuselank
Street Address	Apt / Suite / Other	City			

First Name	Last Name	Title	Company		
Bennie	McDonald		NY	13205	Phone: 315-383-8825
249 Baker Ave-apt 3		Syracuse	St	Zip	Email:
Street Address	Apt / Suite / Other	City			

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

First Name	Last Name	Title	Company		
Darlene	Hackworth-McDonald		NY		Phone: 607-591-4040
11 Penny Lane		Dryden	St	Zip	Email: dmh57@cornell.edu
Street Address	Apt / Suite / Other	City			

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

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 for 249 Baker Ave - expand lot size for non-conforming 3-family			
Project Location (describe, and attach a location map): Baker Ave Syracuse between Borden and Woodland Aves			
Brief Description of Proposed Action: This Use variance application seeks approval to expand the lot area for a non-conforming three-family property at 249 Baker Ave. It is submitted in response to our resubdivision application dated 10/21/2020. That application seeks to merge 249 Baker Ave with the two adjacent vacant lots at 255 Baker Ave and 261 Baker Ave.			
Name of Applicant or Sponsor: Greater Syracuse Property Development Cp		Telephone: 315-422-2301 x 18 E-Mail: tluckett@syracuselandsbank.org	
Address: 431 East Fayette Street			
City/PO: Syracuse		State: NY	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.		NO <input checked="" type="checkbox"/>	YES <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:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		.337 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?		.337 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			

Variance Application

INSTRUCTIONS AND REQUIRED SUBMITTALS

Incomplete applications will not be processed.

Applications together with the required submittals listed below must be submitted in **HARD COPY** and **NOT BOUND** to the City of Syracuse Office of Zoning Administration, City Hall Commons – Room 500, 201 East Washington St., Syracuse, NY 13202-1426. Faxed or emailed submissions will not be processed.

Please submit **ONE (1) COPY** of the following:

- ☒ **APPLICATION** – filled out completely, dated, and **signed by property owner as instructed**.
- ☐ **DENIAL OF PERMIT** – provided by the City of Syracuse Central Permit Office at 315-448-8600.
- ☒ **STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR) Short Environmental Assessment Form (SEAF) - Part One** - filled out to the best of your ability, dated, and signed.
- ☒ **PHOTOGRAPHS (COLOR)** of the **PROJECT SITE** keyed to a property survey or site plan.
- ☒ **PHOTOGRAPHS (COLOR)** of the **STREETSCAPE**, including properties adjacent to and across the street from the project site, labeled with addresses and keyed to a property survey or site plan.
- ☒ **APPLICATION FEE** – \$25 check or money order made payable to the Commissioner of Finance.


Please submit **THREE (3) FULL-SIZE AND TO-SCALE SETS** for review purposes, and **ONE (1) REDUCED SET** (11X17, or smaller) for copying, of the items listed below. All plans must include a title block with author, date, scale, and Property Tax Assessment address, and must be an accurate graphic representation of all pertinent information that can be correctly interpreted by any person without additional explanation. Plans do not need to be stamped by a licensed professional unless noted below.

- ☒ **AS BUILT PROPERTY SURVEY(S)** of all involved properties illustrating boundaries and current conditions including structures, fencing, parking surface, retaining walls (**signed and stamped by a licensed surveyor**).
- ☒ **SITE PLAN(S)** illustrating site alterations and post project conditions that are/will be different from the As Built Property Survey:
 - 1. **Zoning** (density, setbacks, bldg. and parking surface coverage, screening) and **onsite parking requirements**
 - 2. **demolitions** and **post demolition** conditions
 - 3. **structures**
 - 4. **parking areas** including surface type, dimensioned spaces, number of spaces, traffic patterns, and coverage
 - 5. **loading** dock and delivery areas
 - 6. **dumpsters** and/or trash receptacles
 - 7. **landscaping** including type, height, and number of plantings
 - 8. **screening** including parking, dumpsters, and site
 - 9. **fencing** including type and height
 - 10. **lighting** including structure heights and luminaries wattage
 - 11. **ground signs**
 - 12. **STREET rights-of-way** conditions, existing and proposed, including curb cuts, driveways, sidewalks, and plantings
 - 13. **ENROACHMENTS**, existing or proposed, into the City rights-of-way including stairs, signs, and awning
- ☒ **FLOOR PLANS** for new construction, additions, and change of zoning use/building occupancies with square footages clearly label for land uses.
- ☒ **EXTERIOR BUILDING ELEVATIONS** with all dimensions, materials, and colors clearly illustrated and noted. (Schematics or color renderings can be submitted in addition to elevation drawings (plans), if available.)

Application for Use Variance

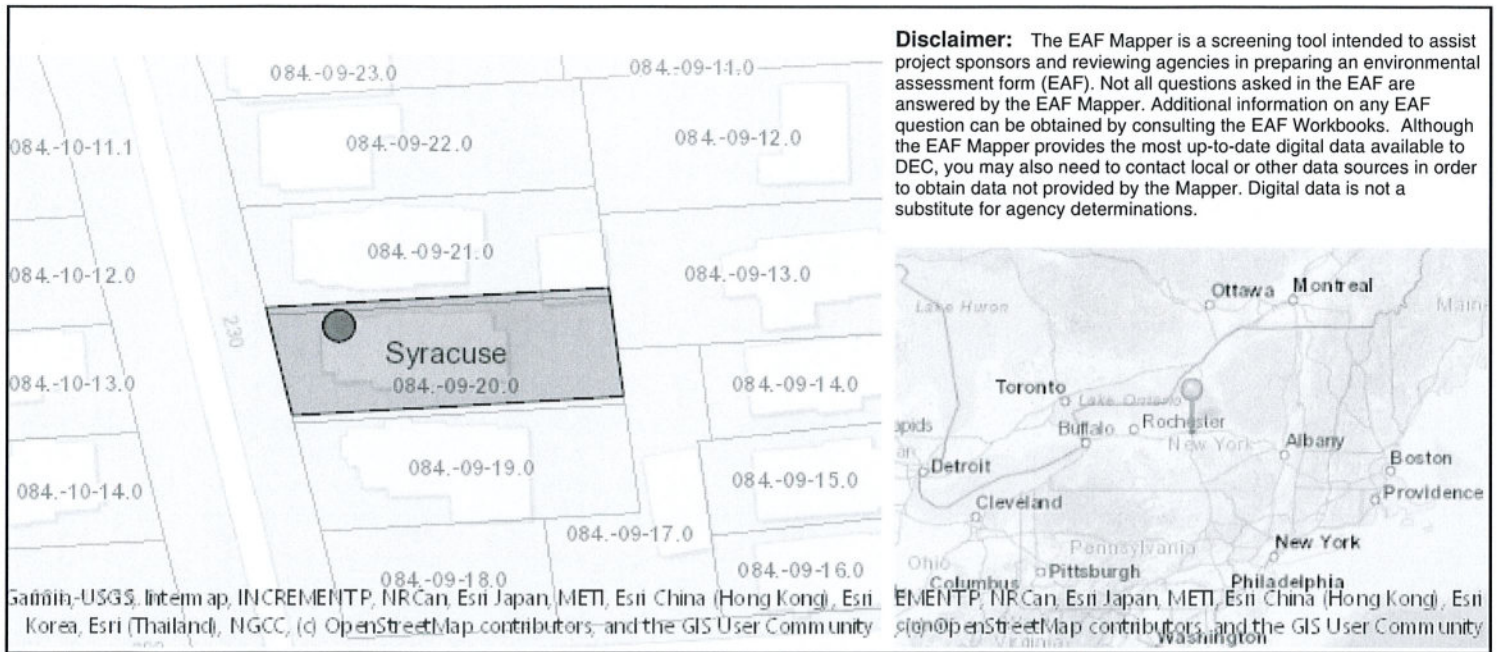
Short EAF

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:			
New garage will adhere to Syracuse Building Codes	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 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	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?	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, 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: _____ _____ _____	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: _____ _____	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: _____ _____	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: _____ _____	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>Katelyn Wright</u> Date: <u>12/7/2020</u> Signature: <u></u> Title: <u>Executive Director</u>		

EAF Mapper Summary Report

Friday, October 16, 2020 10:39 AM



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

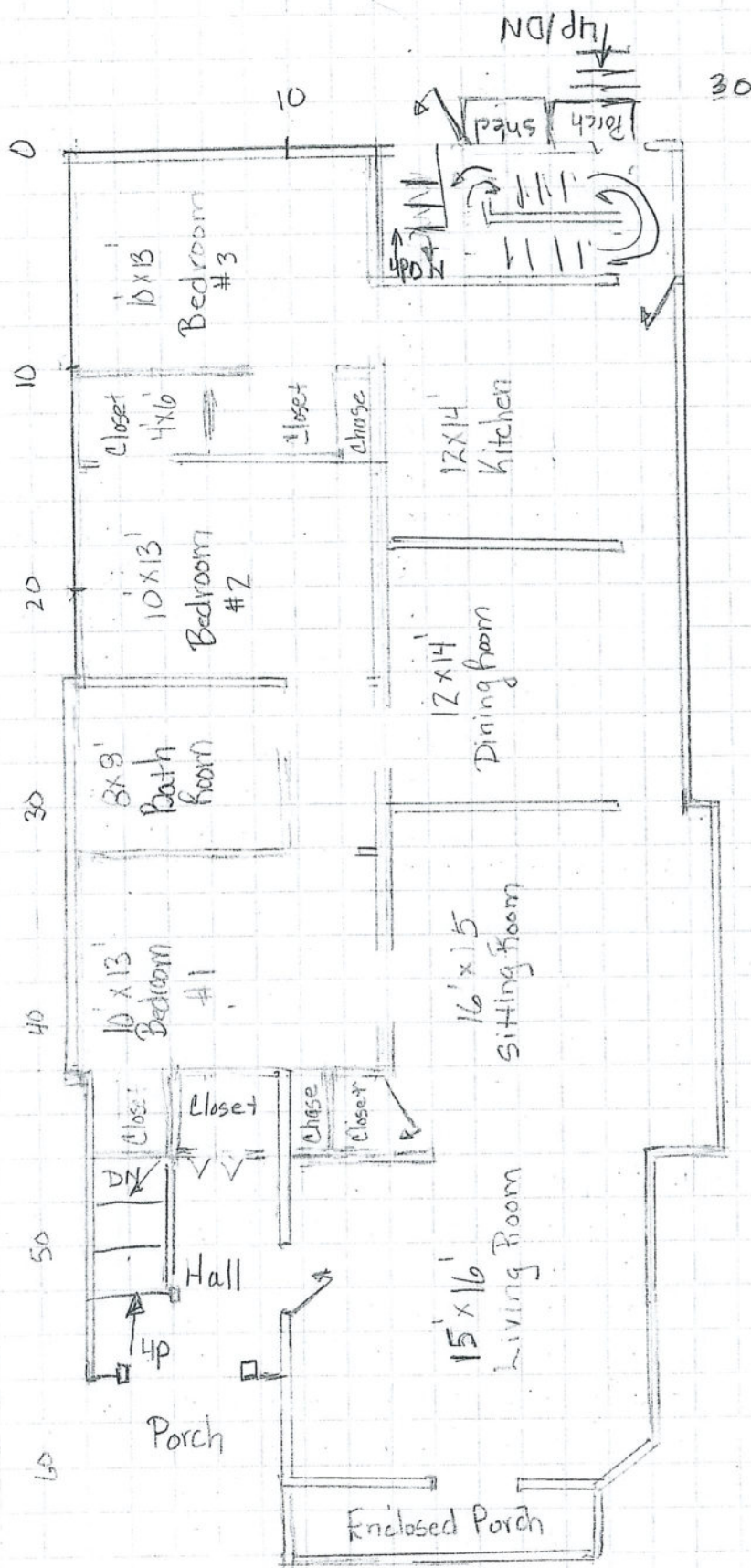
Site Plan
249 Baker Ave

East Borden Avenue

Prepared by
Syracuse Land Bank
10/14/2020

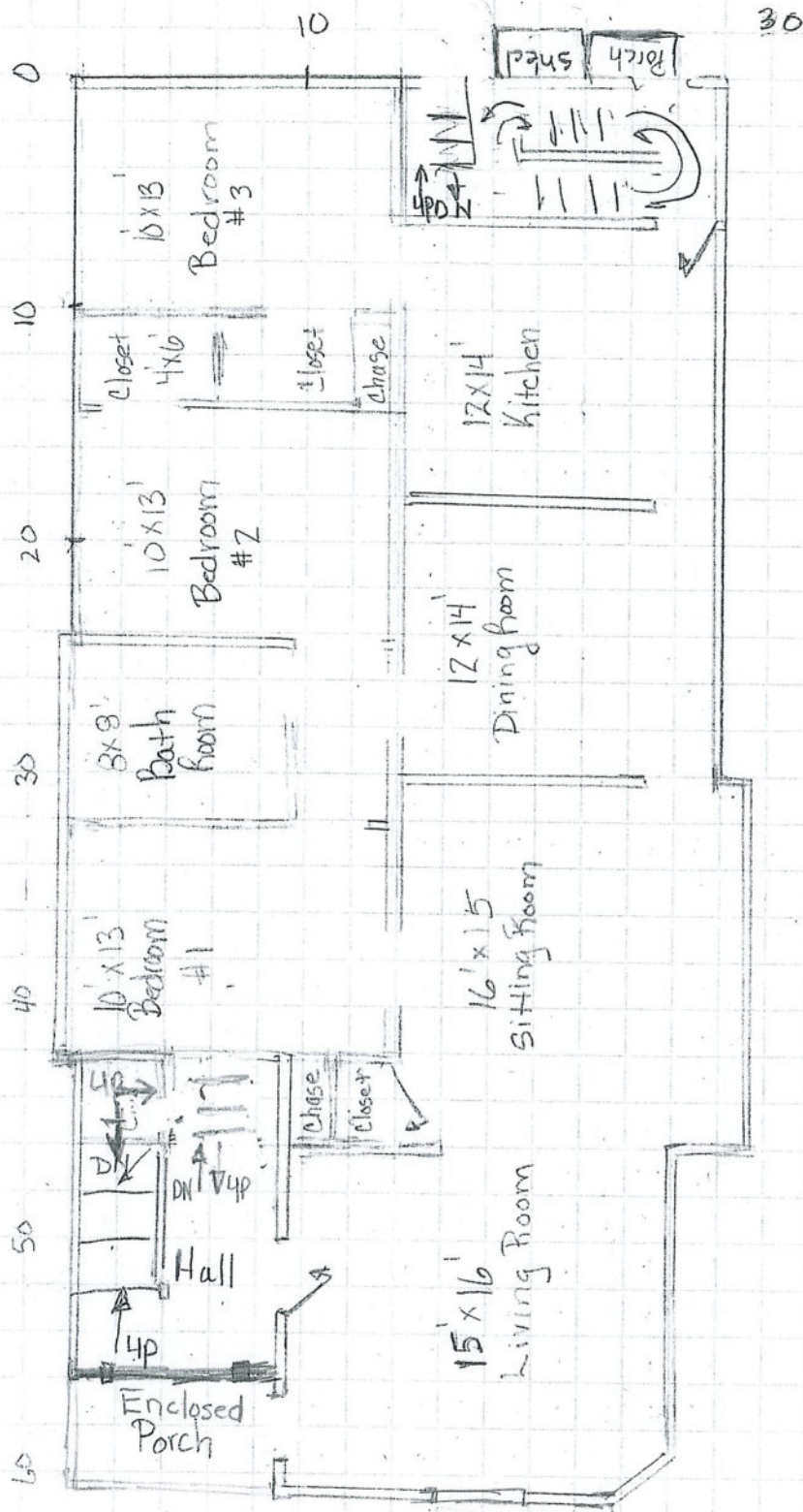
Baker Avenue





Existing Floor Plan - 249 Baker Avenue, Syracuse, NY 13205

First Floor



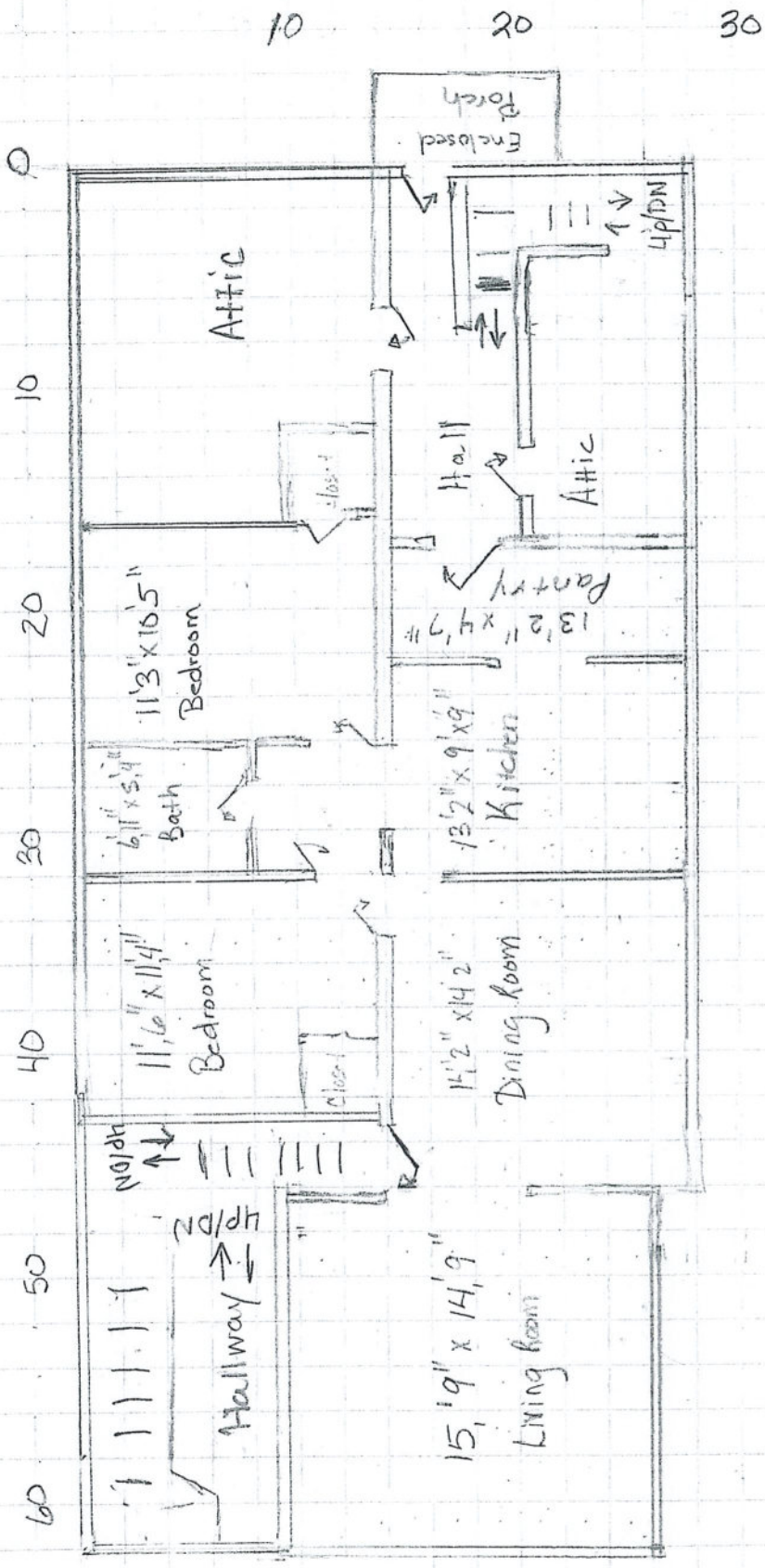
Existing Floor Plan - 249 Baker Avenue, Syracuse, NY 13205

Second Floor

Scale:

1 square = 2 Feet

Drawn By: Darlene M. Hackworth
Dated: November 23, 2020



Existing Floor Plan - 249 Baker Avenue, Syracuse, NY 13205

Third Floor

Scale: 1 square = 2 feet

Drawn By: Darlene M. Hachworth
Dated: November 23, 2020

Standards of Proof for Use Variance

Declaration

Darlene McArthy-Hackworth

Photographs

249 Baker Ave Standards of Proof for Use Variance

Background

249 Baker Ave. is a three-family home that was constructed in 1912. Assessment records list the property as a two-family but the owner's sister, Darlene McDonald Hackworth, has provided an affidavit and documentation to the Zoning Office showing that the property has existed as a three-family as far back as she can recall (into the early 1960s) and since at least the time of the 1930 Census (Attachment A). We write these Standards of Proof under the assumption that the property is currently a legal, grandfathered, non-conforming use.

249 Baker Ave. was purchased by the owner's parents, Adolphus and Emma McDonald, in the late 1970s. Before that time, they rented the second-floor apartment from Paul Hueber, grandson and son, of Francis Sr. and Paul Sr. Hueber, the family who constructed the property. Today, Bennie McDonald, the owner, lives in the third-floor apartment. His sister Charlene McDonald lives on the second floor, and Darlene Hackworth McDonald will be moving into the first-floor apartment in June 2021.

The adjacent property to the south, 255 Baker Ave was acquired by the Land Bank in June of 2015. The dilapidated two-family house that occupied this parcel was demolished in June 2019. The resultant vacant lot measures 43' x 126'. Adjacent to this Land Bank owned property is a second non-buildable vacant lot, 261 Baker Ave., which is owned by Mr. McDonald. He wishes to merge all three parcels and improve the property with a fence and the construction of a three-car garage as accessory to his house.



A resubdivision application to merge all three properties was submitted by the Land Bank and Mr. McDonald in November 2020.

After the application was submitted, the Zoning Office informed us that 249 Baker Ave is a non-conforming three-family. 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, a resubdivision constitutes an expansion of the non-conforming use and requires a use-variance.

If the variance is not granted, we would withdraw the related resubdivision application leaving 249 Baker a grandfathered nonconforming use.

Describe how the property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district (actual “dollars and cents” proof must be submitted)

This application does not ask to add a third apartment to the structure. The third apartment has existed as early as 1930 as evidenced by the US Census conducted that year showing three households at this address. This application asks to expand the size of the lot from 5,633 sq. ft. (.13 acres) to 14,684.5 sq. ft. (.33 acres).

If the variance is not approved Mr. McDonald would withdraw the resubdivision application. He would not be able to proceed with his plan to build a three-car garage, because private garages are not allowed as a primary use in a Residential, Class AA zoning district.

If he still wanted to purchase 255 Baker Ave from the Land Bank, Mr. McDonald could develop the land with the construction of either a single family or a two-family house, both of which are permitted in a Residential, Class AA zoning district. Neither of these options provides Mr. McDonald the opportunity to earn a reasonable return on his investment.

As evidence, please see the following table of new constructions completed in the last 20 years within a quarter mile radius of 249 Baker Ave:

ADDRESS	LAND_USE	YEARBLT	Builder	SFLA	Sale Price	Mkt Value
137-39 McLennan Ave	Two-Family	2015	Housing Visions	3602	held by developer	66,667
135 McLennan Ave	Two-Family	2015	Housing Visions	2914	held by developer	66,667
129 McLennan Ave	Two-Family	2015	Housing Visions	3276	held by developer	66,667
152 Baker Ave	Single-Family	2012	Home HQ	1628	86,000	73,333
120 Woodland Ave	Single-Family	2012	Home HQ	1556	75,000	76,000
113 Woodland Ave	Single-Family	2009	Home HQ	1505	105,000	73,333
109 Woodland Ave	Single-Family	2009	Home HQ	1505	105,000	73,333
1537 State St S	Single-Family	2009	SMNC	1610	212,850	86,667
1533-35 State St S	Single-Family	2007	SMNC	1534	189,318	88,667
1476 State St S	Single-Family	2004	SMNC	1568	110,900	73,333

All of these new constructions were heavily subsidized and built by affordable housing developers. Because of the soft housing market in the City of Syracuse, the cost of construction far exceeds the market value of the property in most cases. It would not make financial sense for Mr. McDonald to develop this vacant land with new housing because as a private individual because he does not have access to these subsidy sources. He would be unable to realize a reasonable return on investment because he could never recover his construction costs on the sale of the home.

However, by adding a garage and adequate off-street parking he will be able to bring his existing property into compliance with the zoning ordinance's off-street parking requirements and enhance the value of his existing property.

If Mr. McDonald did not want to purchase the land from the Land Bank, this land would likely sit vacant for the foreseeable future.

Residential, Class AA also allows churches, church offices, studios, and day care centers but no one has come forth with offers to develop the land for those uses and it is not likely large enough for any of those purposes.

Describe how the property is being affected by unique circumstances, or at least highly uncommon circumstances

This property is unique amongst other neighboring houses because it is located next to a vacant lot. The approval to expand the non-conforming three-family use will allow the property owner to merge the adjacent lot with his property giving him the opportunity to beautify the property and provide off-street parking for three vehicles.

Describe how the variance, if granted, will not alter the essential neighborhood character

The approval of this variance to expand a non-conforming three-unit dwelling will not change the essential character of the neighborhood. The house has always been a three-family residence and that will not change. As evidenced by Attachment A, the 1930 U.S. Census listed this property as a three-family dwelling. This application does not involve any changes or alterations to the building other than normal maintenance. It will improve the neighborhood by beautifying the property and providing off-street parking for the occupants.

Merging all three parcels together will create a .33 acre parcel which is comparable in size to other lots on the block including 252 Baker Ave (.2 acres), 238 Baker Ave (.2 acres), 216 Baker Ave (.27 acres) and 120 Woodland & Baker Ave (.3 acres). Although this will be creating a larger tax parcel, we do not believe it will make a perceptible difference to neighbors since these lots are already vacant and appear to be a gap in the streetscape. If anything, the construction of the garage will minimize this appearance of a gap. Merging the three parcels into one will change the size of the lot on paper, but will not change the existing essential character of this block.

Describe how the hardship is not self-created

This was not a self-created hardship. Mr. McDonald's family has owned this property since the 1970s and it has been a three-family since at least 1930. It is also not self-created by the Land Bank, which is obligated to accept tax-foreclosed properties and found 255 Baker to be in unsalvageable condition at the time of the City's foreclosure.

This use variance will enable Mr. McDonald to expand his lot and build a garage, bringing his existing nonconforming use better into compliance with the zoning ordinance by creating three off-street parking spaces. It will ensure that the property is maintained and returned to the tax rolls. Mr. McDonald's plan will increase the value of his home by constructing a garage and help to increase values in the surrounding neighborhood, benefitting his neighbors.

DECLARATION OF: DARLENE MCDONALD HACKWORTH
REGARDING THE NUMBER OF INDIVIDUAL AND SEPARATE FAMILY UNITS AT 249 BAKER AVENUE,
SYRACUSE, NY 13205

My name is Darlene McDonald Hackworth, I am 56 years old. I am currently employed at Cornell University as a Manager of Projects. I currently reside at 11 Penny Lane, Dryden, NY. My late parents, are Adolphus and Emma McDonald. The facts stated herein are within my personal knowledge and I further affirmatively state that, if sworn as a witness, I could and would competently testify thereto.

1. I know that Paul Hueber was the landlord. In the late 1970s, Mr. Hueber sold home to Adolphus and Emma via land lease as Mr. Hueber and his family moved to Florida because of his wife's health. **(Please reference Exhibit A – Digital Sanborn Maps, 1867-1970, Syracuse 1910-1928, Sheet 46, Hueber Bros. Construction.)**
2. I know the house to have always been a three-apartment unit with separate attic storage that exists to this day. The house was fitted with 3 doorbells, with separate front and rear entrances from common hallways. One driveway, served all three units. **(Please reference Exhibit B – 1930 Onondaga, NY Census, Syracuse City, Ward 18, Block 1798 showing three families, separately enumerated, at 249 Baker Ave, and Exhibit C- November 18, 1966 Flat Rental Advertisement for 249 Baker Avenue. Description is that of the 3rd floor unit.)**
3. I identified a common shaft for supply/return air serving separate second and third floor furnaces. The common shaft that branches on each floor terminates at similarly designed, and constructed cherry wood slated registers. The branch connections were placed under the hardwood floors. The first-floor supply/return is separate from the second and third floors.
4. I know that plumbing of water, and gas is whole and separate for all floors from the basement distribution point to the individual apartments. Electrical services are whole and separate at each apartment. Sewer connections are whole and separate at each floor with the “stacking” of bathrooms on all floors to readily accommodate supply, return, vent and waste lines.
5. I know that walls on the third-floor apartment, as well as on the first and second floors are lathed and plastered in the living spaces only. The attic spaces are used for storage only and are not dry-walled, plastered, or other. The spaces are non-conditioned spaces, not suitable as living space.
6. I know that since the house was purchased from Mr. Hueber, Adolphus and Emma only rented the third-floor unit to one non-family member, and since that time, early 1980's, the third-floor apartment has only been rented by family members. I recall Mr. Hueber renting the third-floor unit to the Murphy Family (1968), Holliman Family (1970s), and one other renter prior to the land lease. The first-floor unit occupants, Louis and Lula Davis and Family, originally rented from Mr. Hueber, from about 1968 thru late 1970's, and subsequently rented from the McDonald Family through August 2020.
7. The May 10, 1990, survey notes the property as a 3-story framed house, whereas current say 2.5, in line with information on early Sanborn Maps. **(Please reference Exhibit D – May 10, 1990, 249 Baker Survey, and Exhibit E, 10-14-20, 249 Baker Survey.)**
8. Finally, I know that from the standpoint of Adolphus and Emma's ownership, 249 Baker Avenue has been a three-family unit house serving only two families, the Davis's and McDonald's.

Executed November 20, 2020, Village of Dryden, New York

I declare under penalty of perjury that the foregoing is true and correct.

Darlene Hackworth

November 20, 2020

Darlene McDonald Hackworth

Date



December 7, 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 – 249 Baker Ave

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

This Use variance application seeks approval to expand the lot area for a non-conforming three-family property at 249 Baker Ave. It is submitted in response to our resubdivision application dated 10/21/2020. That application seeks to merge 249 Baker Ave with the two adjacent vacant lots at 255 Baker Ave and 261 Baker Ave.

Please note that 249 Baker Ave, is legal non-conforming with no breaks in occupancy since inception, meaning that it is a “grandfathered” non-conformity. Nonetheless, a resubdivision constitutes an expansion of the non-conforming use and requires a use-variance.

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. McDonald’s financial hardship if the variance is not approved.

To support our application, please find the attached information:

- Application for Use Variance
- Short EAF
- Standards of Proof for Use Variance
- Attachments – Declaration of Darlene McDonald Hackworth
- 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 Southside 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

EXHIBIT A

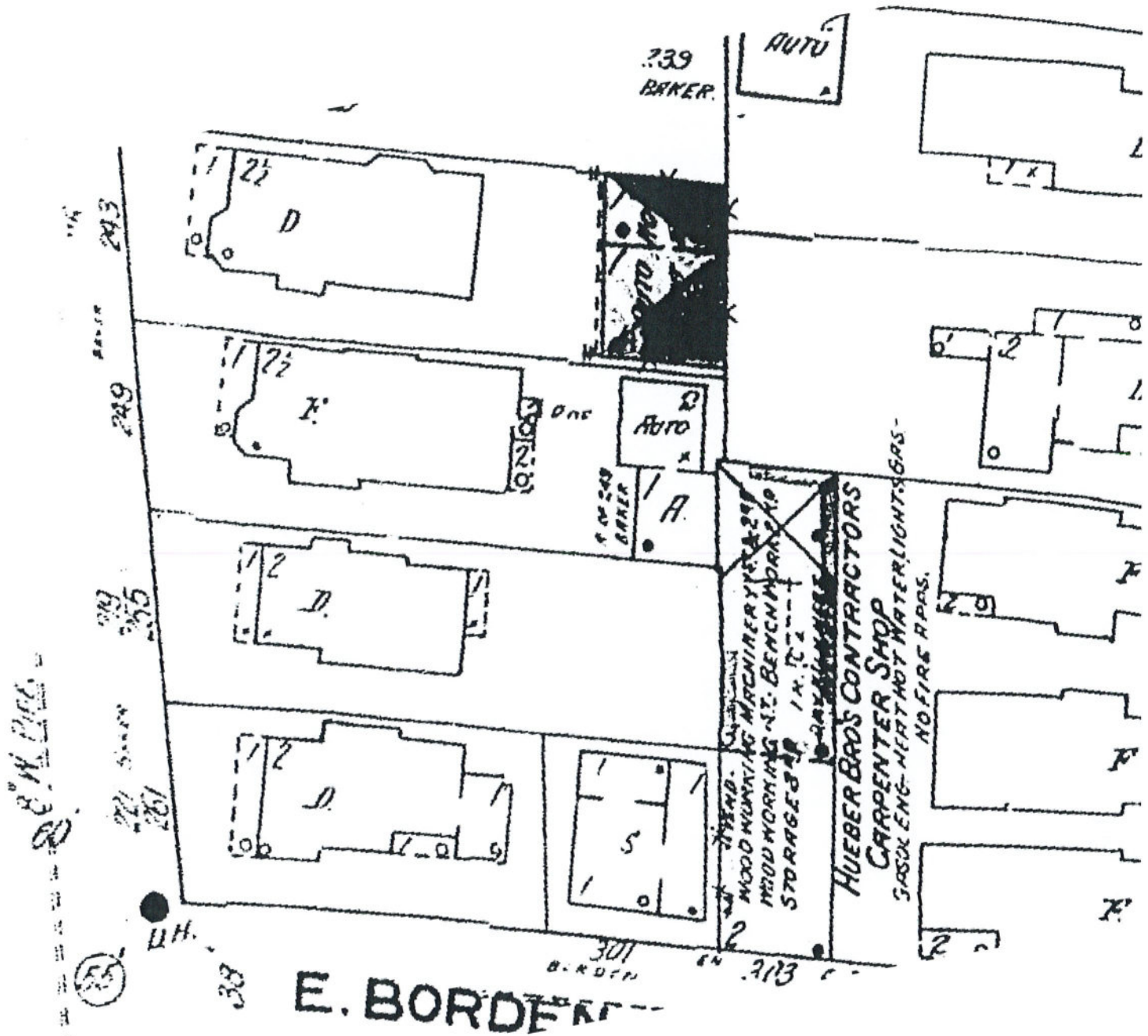


EXHIBIT B

State New York
County Oneida
Township or other
division of county X

Incorporated place Laramie City
(Insert proper name and also name of state, as city, village, town, or borough. See instructions.)
Ward of city 18 Block No. 1798

Form 16-4
DEPARTMENT OF COMMERCE—BUREAU OF THE CENSUS
FIFTEENTH CENSUS OF THE UNITED STATES: 1930
POPULATION SCHEDULE

Institution _____ Enumerated by me on April 22
(Insert name of institution, if any, and indicate the lines on which the entries are made. See instructions.)

[illegible]

**ABBREVIATIONS TO BE USED
IN COLUMNS INDICATED:**
(Use as abbreviations for State or country of birth
for authors born in 1700-1800; 1800-1850; 1850-1900; 1900-1950; 1950-1999; 2000-2009; 2010-2019; 2020-2029; 2030-2039; 2040-2049; 2050-2059; 2060-2069; 2070-2079; 2080-2089; 2090-2099; 2100-2109; 2110-2119; 2120-2129; 2130-2139; 2140-2149; 2150-2159; 2160-2169; 2170-2179; 2180-2189; 2190-2199; 2200-2209; 2210-2219; 2220-2229; 2230-2239; 2240-2249; 2250-2259; 2260-2269; 2270-2279; 2280-2289; 2290-2299; 2300-2309; 2310-2319; 2320-2329; 2330-2339; 2340-2349; 2350-2359; 2360-2369; 2370-2379; 2380-2389; 2390-2399; 2400-2409; 2410-2419; 2420-2429; 2430-2439; 2440-2449; 2450-2459; 2460-2469; 2470-2479; 2480-2489; 2490-2499; 2500-2509; 2510-2519; 2520-2529; 2530-2539; 2540-2549; 2550-2559; 2560-2569; 2570-2579; 2580-2589; 2590-2599; 2600-2609; 2610-2619; 2620-2629; 2630-2639; 2640-2649; 2650-2659; 2660-2669; 2670-2679; 2680-2689; 2690-2699; 2700-2709; 2710-2719; 2720-2729; 2730-2739; 2740-2749; 2750-2759; 2760-2769; 2770-2779; 2780-2789; 2790-2799; 2800-2809; 2810-2819; 2820-2829; 2830-2839; 2840-2849; 2850-2859; 2860-2869; 2870-2879; 2880-2889; 2890-2899; 2900-2909; 2910-2919; 2920-2929; 2930-2939; 2940-2949; 2950-2959; 2960-2969; 2970-2979; 2980-2989; 2990-2999; 3000-3009; 3010-3019; 3020-3029; 3030-3039; 3040-3049; 3050-3059; 3060-3069; 3070-3079; 3080-3089; 3090-3099; 3100-3109; 3110-3119; 3120-3129; 3130-3139; 3140-3149; 3150-3159; 3160-3169; 3170-3179; 3180-3189; 3190-3199; 3200-3209; 3210-3219; 3220-3229; 3230-3239; 3240-3249; 3250-3259; 3260-3269; 3270-3279; 3280-3289; 3290-3299; 3300-3309; 3310-3319; 3320-3329; 3330-3339; 3340-3349; 3350-3359; 3360-3369; 3370-3379; 3380-3389; 3390-3399; 3400-3409; 3410-3419; 3420-3429; 3430-3439; 3440-3449; 3450-3459; 3460-3469; 3470-3479; 3480-3489; 3490-3499; 3500-3509; 3510-3519; 3520-3529; 3530-3539; 3540-3549; 3550-3559; 3560-3569; 3570-3579; 3580-3589; 3590-3599; 3600-3609; 3610-3619; 3620-3629; 3630-3639; 3640-3649; 3650-3659; 3660-3669; 3670-3679; 3680-3689; 3690-3699; 3700-3709; 3710-3719; 3720-3729; 3730-3739; 3740-3749; 3750-3759; 3760-3769; 3770-3779; 3780-3789; 3790-3799; 3800-3809; 3810-3819; 3820-3829; 3830-3839; 3840-3849; 3850-3859; 3860-3869; 3870-3879; 3880-3889; 3890-3899; 3900-3909; 3910-3919; 3920-3929; 3930-3939; 3940-3949; 3950-3959; 3960-3969; 3970-3979; 3980-3989; 3990-3999; 4000-4009; 4010-4019; 4020-4029; 4030-4039; 4040-4049; 4050-4059; 4060-4069; 4070-4079; 4080-4089; 4090-4099; 4100-4109; 4110-4119; 4120-4129; 4130-4139; 4140-4149; 4150-4159; 4160-4169; 4170-4179; 4180-4189; 4190-4199; 4200-4209; 4210-4219; 4220-4229; 4230-4239; 4240-4249; 4250-4259; 4260-4269; 4270-4279; 4280-4289; 4290-4299; 4300-4309; 4310-4319; 4320-4329; 4330-4339; 4340-4349; 4350-4359; 4360-4369; 4370-4379; 4380-4389; 4390-4399; 4400-4409; 4410-4419; 4420-4429; 4430-4439; 4440-4449; 4450-4459; 4460-4469; 4470-4479; 4480-4489; 4490-4499; 4500-4509; 4510-4519; 4520-4529; 4530-4539; 4540-4549; 4550-4559; 4560-4569; 4570-4579; 4580-4589; 4590-4599; 4600-4609; 4610-4619; 4620-4629; 4630-4639; 4640-4649; 4650-4659; 4660-4669; 4670-4679; 4680-4689; 4690-4699; 4700-4709; 4710-4719; 4720-4729; 4730-4739; 4740-4749; 4750-4759; 4760-4769; 4770-4779; 4780-4789; 4790-4799; 4800-4809; 4810-4819; 4820-4829; 4830-4839; 4840-4849; 4850-4859; 4860-4869; 4870-4879; 4880-4889; 4890-4899; 4900-4909; 4910-4919; 4920-4929; 4930-4939; 4940-4949; 4950-4959; 4960-4969; 4970-4979; 4980-4989; 4990-4999; 5000-5009; 5010-5019; 5020-5029; 5030-5039; 5040-5049; 5050-5059; 5060-5069; 5070-5079; 5080-5089; 5090-5099; 5100-5109; 5110-5119; 5120-5129; 5130-5139; 5140-5149; 5150-5159; 5160-5169; 5170-5179; 5180-5189; 5190-5199; 5200-5209; 5210-5219; 5220-5229; 5230-5239; 5240-5249; 5250-5259; 5260-5269; 5270-5279; 5280-5289; 5290-5299; 5300-5309; 5310-5319; 5320-5329; 5330-5339; 5340-5349; 5350-5359; 5360-5369; 5370-5379; 5380-5389; 5390-5399; 5400-5409; 5410-5419; 5420-5429; 5430-5439; 5440-5449; 5450-5459; 5460-5469; 5470-5479; 5480-5489; 5490-5499; 5500-5509; 5510-5519; 5520-5529; 5530-5539; 5540-5549; 5550-5559; 5560-5569; 5570-5579; 5580-5589; 5590-5599; 5600-5609; 5610-5619; 5620-5629; 5630-5

Col. 6—Indicate the home-maker in each family by the letter "H," following the word which shows the relationship, as "Wife-H"

Col. 9—Radicle not ...
Make no entry for
families having a
radicle not.
Col. 11—Male

White	W	Filipino	FU
Negro	Neg	Hispanic	His
Mexican	Mex	Korean	Ko
Indian	Ind	Other races	Other
Chinese	Ch		

Single.....	S
Married.....	M
Widowed.....	W
Divorced.....	D

1--Employer	
Wage or salary worker	
Working on own account ..	
Unpaid worker, member	
of the family	

World War	WW
Spanish-American War	By
Civil War	Civ
Philippine Insurrection	Phil
Russo-Japanese	Russ

ENTRIES ARE REQUIRED IN THE
SEVERAL COLUMNS AS FOLLOWS:

[illegible]

WILKES (DEATED OWNER)

N 86° 12' 40" E → calc. 135.33' calc.
N 135.33' (135.33' 0000)

3 STORY
FRAME
HOUSE
No. 249

← N 14° 39' 10" W
BAKER AVENUE

130.74' calc. \rightarrow S 86° 12' 40" W calc
(131.0000)

SHELDON - (RELATED OWNER).

249 Baker Ave - Photographs



249 Baker Ave – Front Elevation



249 Baker Ave – South-facing elevation

249 Baker Ave - Photographs



Looking Right (North) from 249 Baker Ave – toward Woodland Ave



Looking Left (South) from 249 Baker Ave – Toward Baker Ave

249 Baker Ave - Photographs



New sidewalks along Baker Ave