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

Offic	te Use Filing Date: Z \ \ \ Zoz\	Case:	V-82-015M1 Z	oning District: 03 (197	o) BA		
VA	RIANCE REQUESTED (Cha	eck appli	icable and briefly describ	e.)			
	Area Variance:	11					
	Cited Zoning Ordinance						
	Part(s), Sec(s), Art(s):						
		Ordina	nce Part B Sec. 2	Art.2(2)(d)(1) (Office Distr	rict B with		
				e) Part C Sec. IV Article			
	Part(s), Sec(s), Art(s):						
TA	X ASSESSMENT ADDRESS	S(ES)	TAX MAP ID(S)	OWNER(S)	DATE		
			(00000-00.0)		ACQUIRED		
1)	454 James Street		10303-04.1	Radha Krisna Corp	2004		
2)	TO TOUTHOU OUT OUT		1001 00 0 111				
3)							
$\frac{2)}{3)}$							
	sted in the Syracuse Department of	Tax Ass	sessment property tax rec	ords at http://syrgov.net/Assessm	nent.aspx, 315-448-8280.		
	MPANION ZONING APPL		<u>[ON(S)</u> (List any relate	d Zoning applications, if applical	ble, e.g., Resubdivision,		
	ial Permit, Project Site Review, etc.,			2)			
1)	Resubdivision			3)			
PR	OJECT CONSTRUCTION	Check of	all that apply and briefly	describe)			
_		CHECK U	u inai appiy ana oriejty	ieser roe.)			
Ц	Demolition (full and partial):						
	New Construction:		rior revnovation, ne	ew finishes, casework and	d equipment		
	Façade (Exterior) Alterations	Nev	v Exterior Canopy a	and Signage Installation			
Ш	Site Changes:						
PR	OJECT INFORMATION (B	riefly de	scribe as applicable)				
	iness/Project Name: rent Land Use(s):		Isla Restaurant				
	\ /			L& Residential (6 units) o			
-	posed Land Use(s):		estaurant on Level	I & Residential (6 units) o	n Level 2		
-	mber of Dwelling Units:	6_					
	rs and Hours of Operation:	Mo	onday through Satu	ırday 7:00 a.m. to 9:00 p.	m		
Nui	nber of Onsite Parking Spaces	<u>:</u> _0_					
PR	OJECT DESCRIPTION (Pro	ovide a b	orief description of the pr	oject, including purpose or need.))		
Мо	dification of previously appr	oved i	use variance to allo	w expansion of existing r	estaurant from		
	45 square feet to 3,030 squ						
	nes Street Facade. The nee						
	siness venture. The restaura						
	staurant in 1982. The need						
_	consistent attempts to utilize the space pursuant to allowable uses.						

<u>USE VARIANCE TEST</u> (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):

 The property is unable to earn a reasonable return despite many attempts by owner to obtain tenants falling under one of the allowable uses listed in Part B, Article 2(2). Specifically, over the course of eight (8) years, owner has on his own and via contracts with Pyramid and Sutton tried to obtain tenants with allowable uses without success. In addition, owner attempted to combine the space with the hotel in 2013/14 during a renovation of the hotel, but the costs of implementation were substantial in that the cost outweighed the probability of a reasonable return. Any potential interested tenants were unwilling to pay the rental rate required to transform the current restaurant layout to another use. Despite making all reasonable attempts, and paying property taxes, owner has been unsuccessful in deriving any revenue.
- 2. Describe how the property is being affected by **unique circumstances**, or at least highly uncommon circumstances:

The portion of the property in question is presently built and outfitted, since the early 1980s and is a space of a mere 1,945 sq.ft. limiting the potential for turnovers of available tables in order to break even. The restaurant area of the building has also remained unoccupied for over thirty (30) years creating a stigma as to the desirability of potential tenants due to outdated fixtures and finishes. All other acceptable uses would require a complete overhaul of the current layout making the rental cost to cover an entire renovation and refitting to tenant requirements other than restaurant creates is reasonably and largely undesirable to potential tenants. In addition, the limitations of available parking for the building as a whole only furthers the lack of interest by potential commercial tenants seeking space for desirable uses.

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

 There is no plan to complete any work to the exterior of the building, but for a new awning and signage that would meet ordinance requirements. The neighborhood character is largely surrounded by other Office Class B uses, Commercial Class A uses, and even Industrial Class A uses. Additionally, in the nearby surrounding areas there are other restaurants including a 7-Eleven Convenience store and Original Italian Pizza across the street. The incorporation of this restaurant would be fluid within the character of the neighborhood and would simply offer nearby residents and business employees another dining option.
- 4. Describe how the hardship is not **self-created**:

The use variance was previously approved granting restaurant use at this location. It was designed, constructed as a restaurant, and later utilized by Cristo's Restaurant until 1986. It is this prior approved use and actual subsequent build out that limits alternate marketability of the space for other uses to potential tenants without further limiting a reasonable return by absorbing the cost of a rebuild or charging tenants above the standard rental rate of the area to cover the costs of the same. Upon acquiring the property in 2004, the location had already remained vacant for 18 years without obtaining a willing tenant. Since acquiring the property in 2004, and for the next 16 years, owner has undertaken every reasonable attempt to obtain a reasonable return on the property by aggressively seeking willing tenants to no avail, until now.

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: Not Applicable - only a modification of a use variance is sought through this application.
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: Not Applicable - only a modification of a use variance is sought through this application.
3.	Describe whether the requested area variance is substantial : Not Applicable - only a modification of a use variance is sought through this application.
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:
	Not Applicable - only a modification of a use variance is sought through this application.
5.	Describe whether an alleged difficulty is self-created . Not Applicable - only a modification of a use variance is sought through this application.
	, , , , , , , , , , , , , , , , , , ,

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.

Naresh	Patel	Owner	Radh	na Krisna	Corp.
First Name	Last Name	Title	Comp		
446 Jame Street		Syracuse	NY	13203	Phone: 315-373-9911
Street Address	Apt / Suite / Other	City	St	Zip	Email: nyshotel@yahoo.com
* Signature: No	gh M Patel		Date:		
First Name	Last Name	Title	Сотр	any	
					Phone:
Street Address	Apt / Suite / Other	City	St	Zip	Email:
* Signature:			Date:		
First Name	Last Name	Title	Сотр	any	
					Phone:
Street Address	Apt / Suite / Other	City	St	Zip	Email:
* Signature:			Date:	and the same and the same	
First Name	Last Name	Title	Сотр	any	
			•		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)

Viraj	Patel	Managing Partner	Radha Kris	sna, Corp
First Name	Last Name	Title	Company	
446 James Street		Syracuse	NY 132	03 Phone: 315-373-9911
Street Address	Apt / Suite / Other	City	St Zip	Email: nyshotel@yahoo.com
Juvenal	Vizcaino	Managing Partner	Mi Isla, LL	С
First Name	Last Name	Title	Company	
1013 Lodi Street	2	Syracuse	NY 132	203 Phone: 786-560-3137
Street Address	Apt / Suite / Other	City	St Zip	Email: miisla2020@yahoo.co

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

Anthony	Rojas	Architect	in-ARCHITECTS,PLLC
First Name	Last Name	Title	Company
239 E. Water Street	2nd Floor	Syracuse	NY 13202 Phone: 315-728-9458
Street Address	Apt / Suite / Other	City	St Zip Email: arojas@in-architects.c
Lourdes	Rosario	Attorney	Rosario Law Firm, PLLC
First Name	Last Name	Title	Company
311 Montgomery St.	Suite 1	Syracuse	NY 13202 Phone: 315-362-2639
Street Address	Apt / Suite / Other	City	St Zip Email: LRosarioEsq@gmail.c

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.

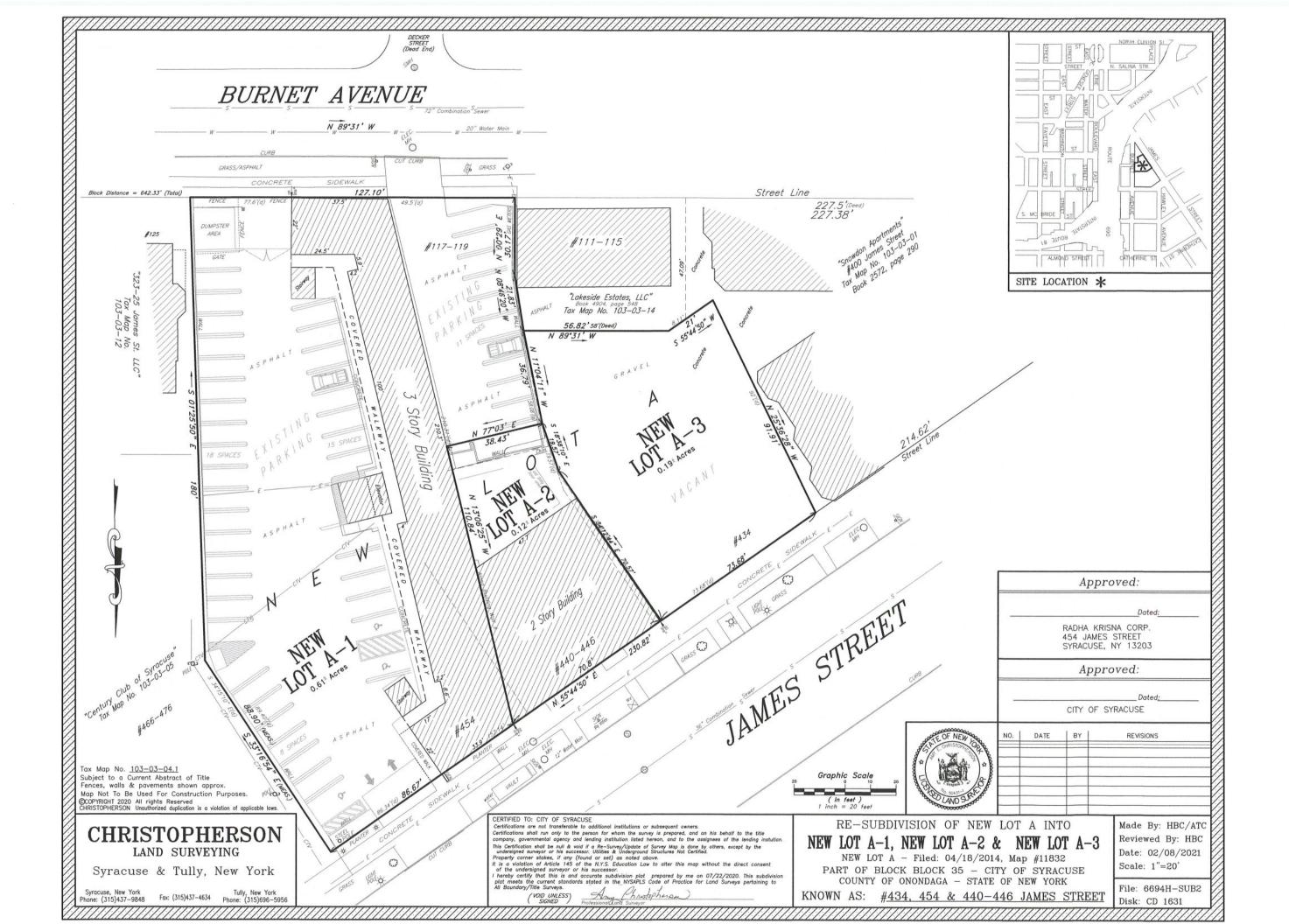
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

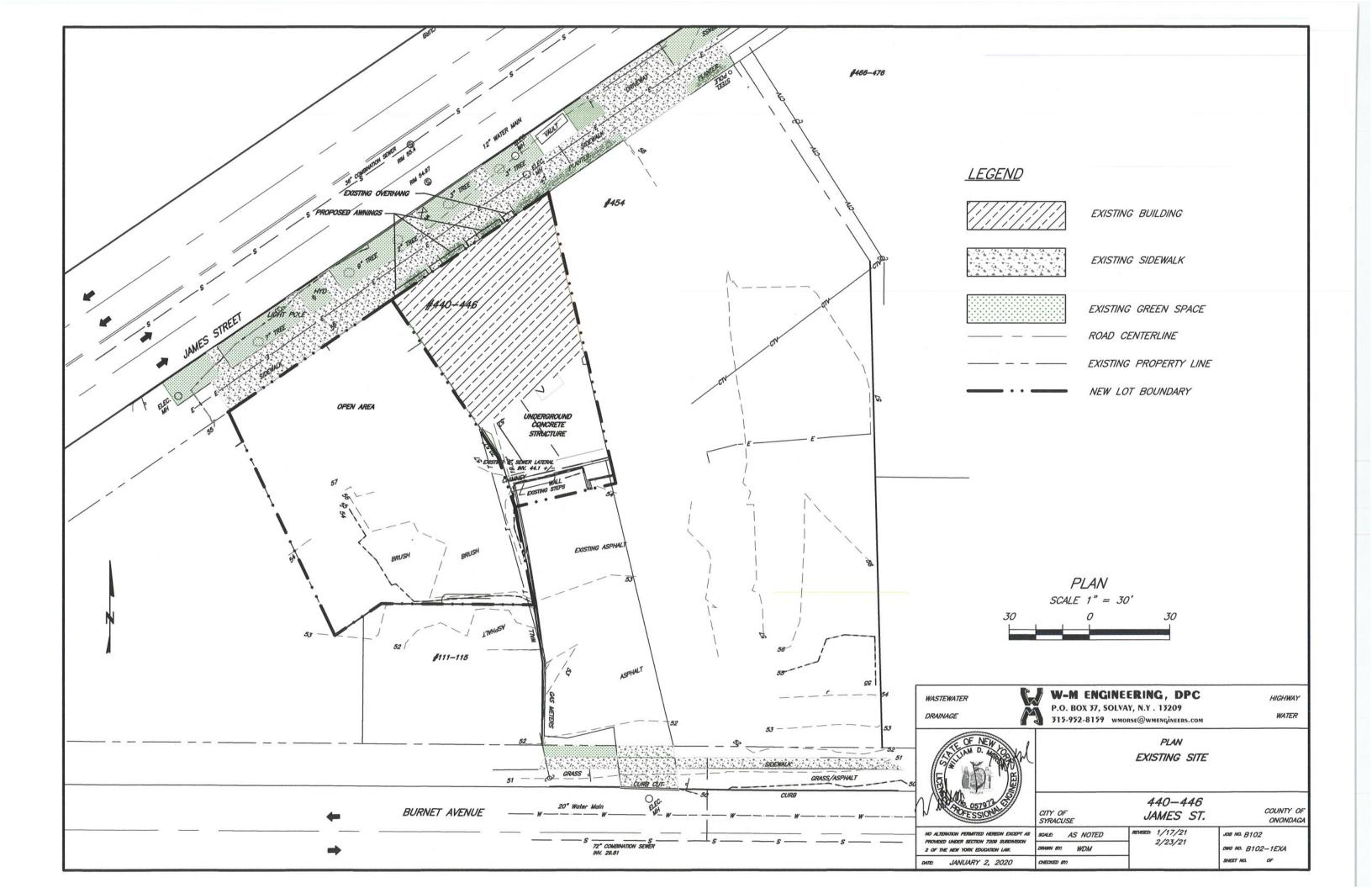
Part 1 – Project and Sponsor Information							
Viraj Patel, Radha Krishna Corp.							
Name of Action or Project:							
454 James Street							
Project Location (describe, and attach a location map):							
454 James Street, Syracuse, New York							
Brief Description of Proposed Action:							
No changes to physical structures are being proposed. Instead, a re-subdivision and modific	cation of a Use Variance is ap	oplied for.					
Name of Applicant or Sponsor:	Telephone: 315-373-991	1					
Viraj Patel	E-Mail: nyshotel@yahoo.	com					
Address:							
454 James Street							
City/PO:	State:	Zip Code:					
Syracuse	New York	13203					
 Does the proposed action only involve the legislative adoption of a plan, local administrative rule, or regulation? 	ıl law, ordinance,	NO YES					
If Yes, attach a narrative description of the intent of the proposed action and the e may be affected in the municipality and proceed to Part 2. If no, continue to ques		at 🗸					
2. Does the proposed action require a permit, approval or funding from any other		NO VES					
If Yes, list agency(s) name and permit or approval:	er government Agency?	NO YES					
3. a. Total acreage of the site of the proposed action?	norae						
b. Total acreage to be physically disturbed?	acres acres						
c. Total acreage (project site and any contiguous properties) owned							
or controlled by the applicant or project sponsor?	acres						
 Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☑ Residential (suburban) 							
Forest Agriculture Aquatic Other(Spec	cify):						
Parkland	59903						

Page 1 of 3

5. Is the proposed action,)	YES	N/A
a. A permitted use under the zoning regulations?	J	~	
b. Consistent with the adopted comprehensive plan?		v	
		NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			V
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	1	NO	YES
If Yes, identify:	_	V	П
	4		ш
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	-	NO	YES
b. Are public transportation services available at or near the site of the proposed action?	-	~	ᆜ
	-	Ш	~
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			V
9. Does the proposed action meet or exceed the state energy code requirements?	T	NO	YES
If the proposed action will exceed requirements, describe design features and technologies:			
	-		V
	_		
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:			
arroy, assessed memoral providing postuois mater.	-		~
	-		
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:			
		Ш	~
12 a Door the project site contain on is it substantially continued to a building such as I side in the side in	_	110	
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	-	NO	YES
Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	_	~	Ш
State Register of Mistorie Flaces.			
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?			
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
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	-	~	Щ
		~	
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:		
Shoreline Forest Agricultural/grasslands Early mid-successional		
□Wetland ☑ Urban □ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
redetal government as threatened of chalangered:	~	
16. Is the project site located in the 100-year flood plan?	NO	YES
	~	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	~	Ш
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:	~	
——————————————————————————————————————		
18. Does the proposed action include construction or other activities that would result in the impoundment of water	NO	YES
or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:		
	~	Ш
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste	NO	YES
management facility? If Yes, describe:		120
	~	
20.Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	V	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BE MY KNOWLEDGE	ST OF	
Applicant/sponsor/name: Naresh Patel Date: 12/4/2020		
Signature: Non sh M Patel Title: Owner		





ARCHITECT

IN-ARCHITECTS, PLLC 239 EAST WATER STREET SYRACUSE, NY 13202 (315) 728-9458 (phone) PRIMARY CONTACT: ANTHONY ROJAS E-MAIL: AROJAS@IN-ARCHITECTS.COM

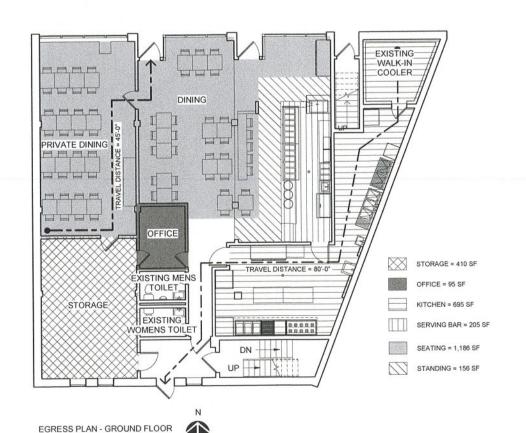
OWNER

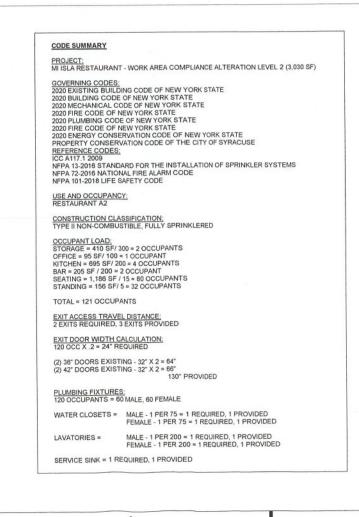
MI ISLA RESTUARANT, LLC 446 JAMES STREET SYRACUSE, NY 13203 (315) 350-6478 (phone) CONTACT: MANUEL G. RODRIGUEZ E-MAIL: MIISLA2020@YAHOO.COM

MI ISLA RESTAURANT

446 JAMES STREET SYRACUSE, NEW YORK

PROJECT #20029





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	DRA	WING LIS	т		
SHEET NUMBER	SHEET NAME	>	ISSUED DATE	REVISION#	REVISION DATE
GENERAL INFORMATION		(
A001	COVER SHEET	7	05/11/2020	1	7/16/2020
A002	GENERAL INFORMATION	>	05/11/2020		
ARCHITECTURAL					
A200	SITE PLAN	-		1	7/16/2020
A201	FLOOR PLAN		05/11/2020	1	7/16/2020
A202	REFLECTED CEILING PLAN	7	05/11/2020		
A203	SECOND FLOOR PLAN			1	7/16/2020
A301	EXTERIOR ELEVATIONS	1		1	7/16/2020





ARCHITEC 239 E. Water Street -Syracuse, New York





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RESTAURANT
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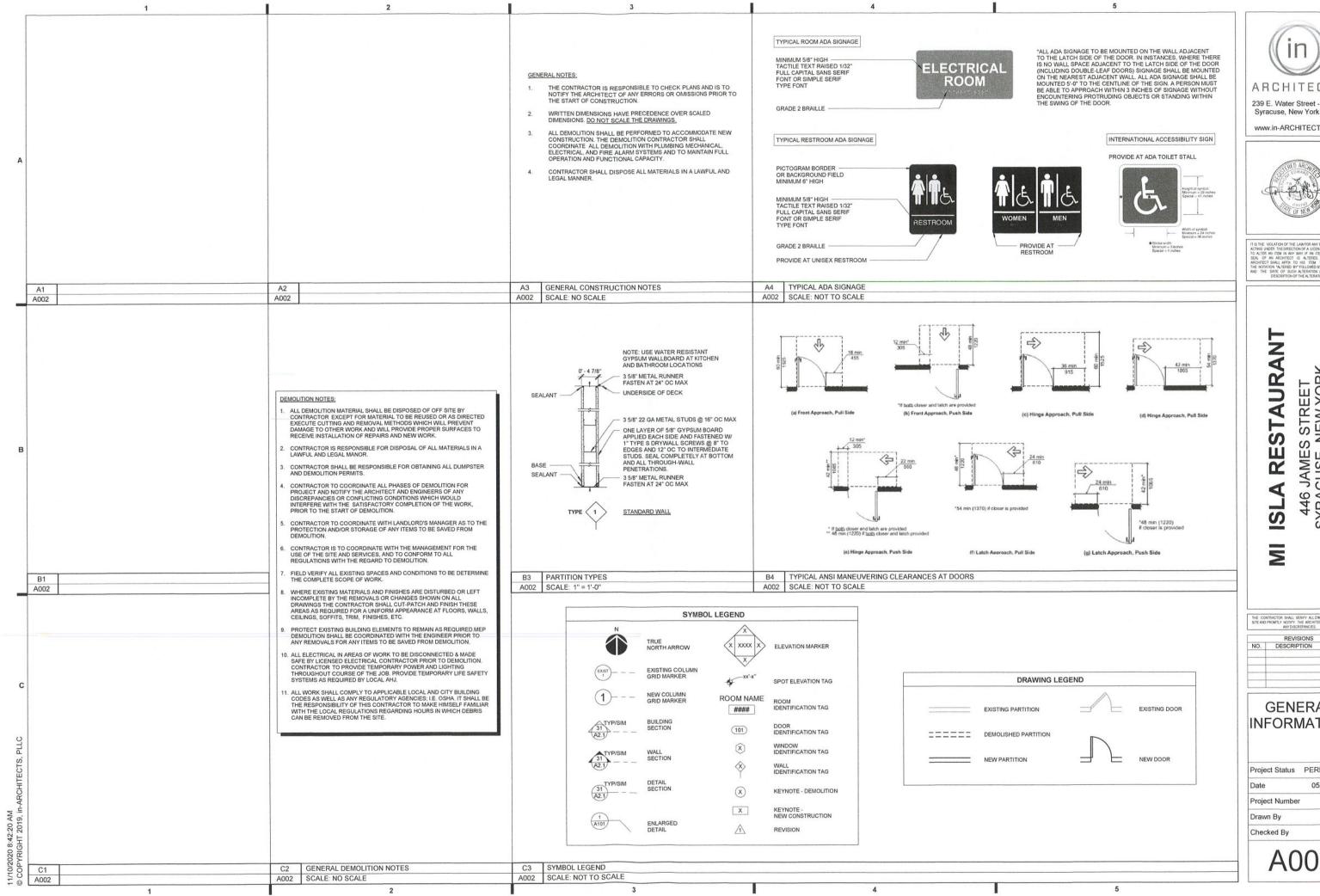
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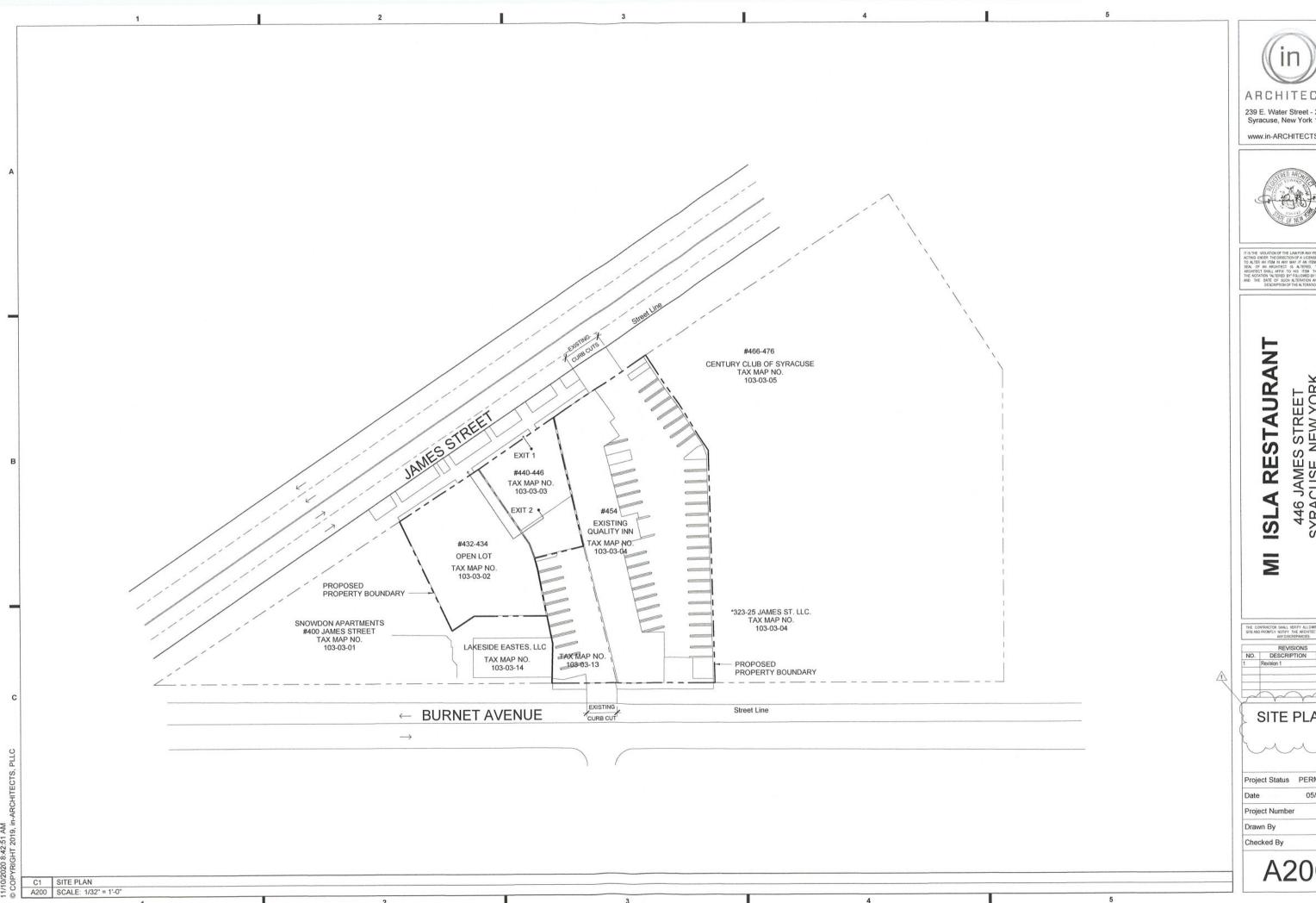
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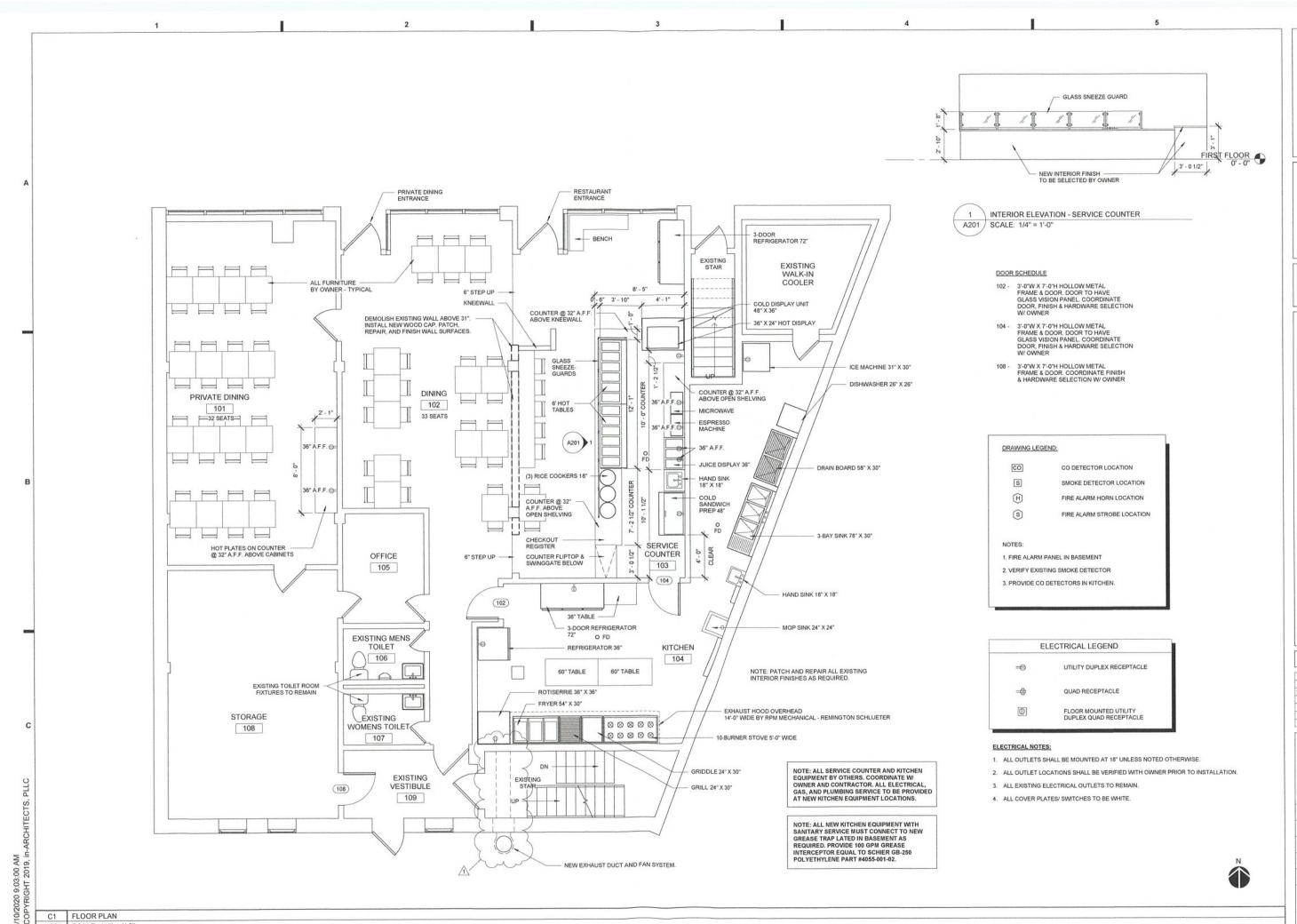
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FLOOR PL

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C1 REFLECTED CEILING PLAN
A202 SCALE: 1/4" = 1'-0"



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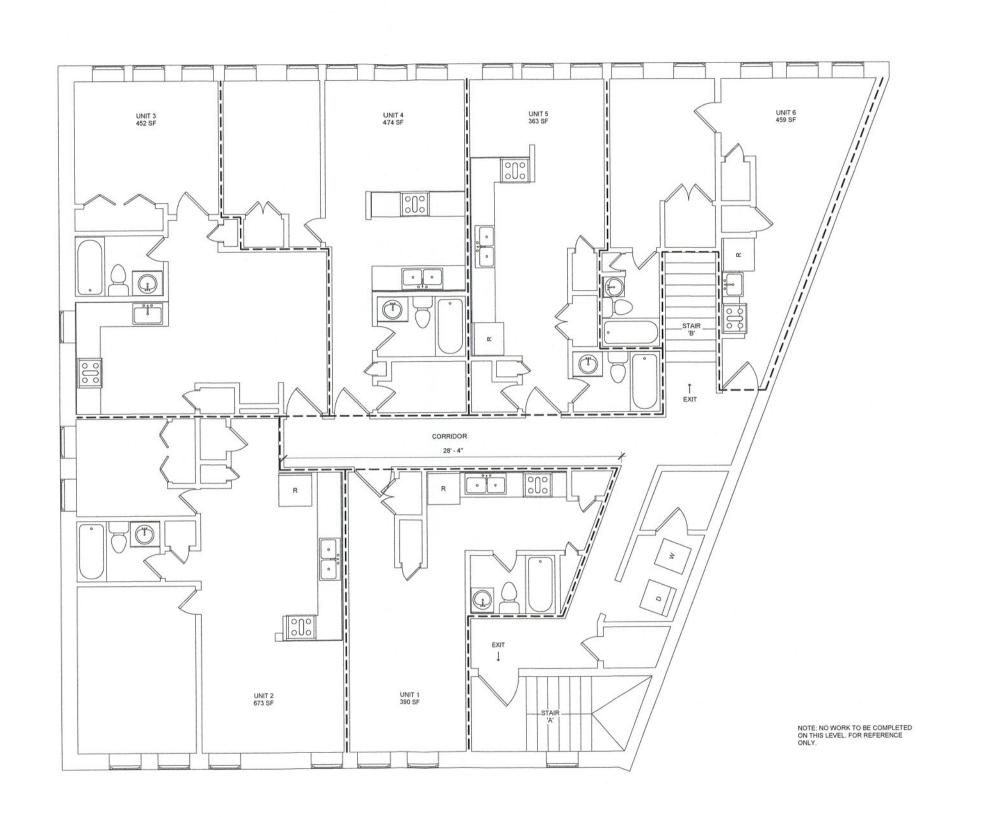
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REFLECT CEILING PLAN

Project Status PERM

Date Project Number

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SECONI FLOOR PL

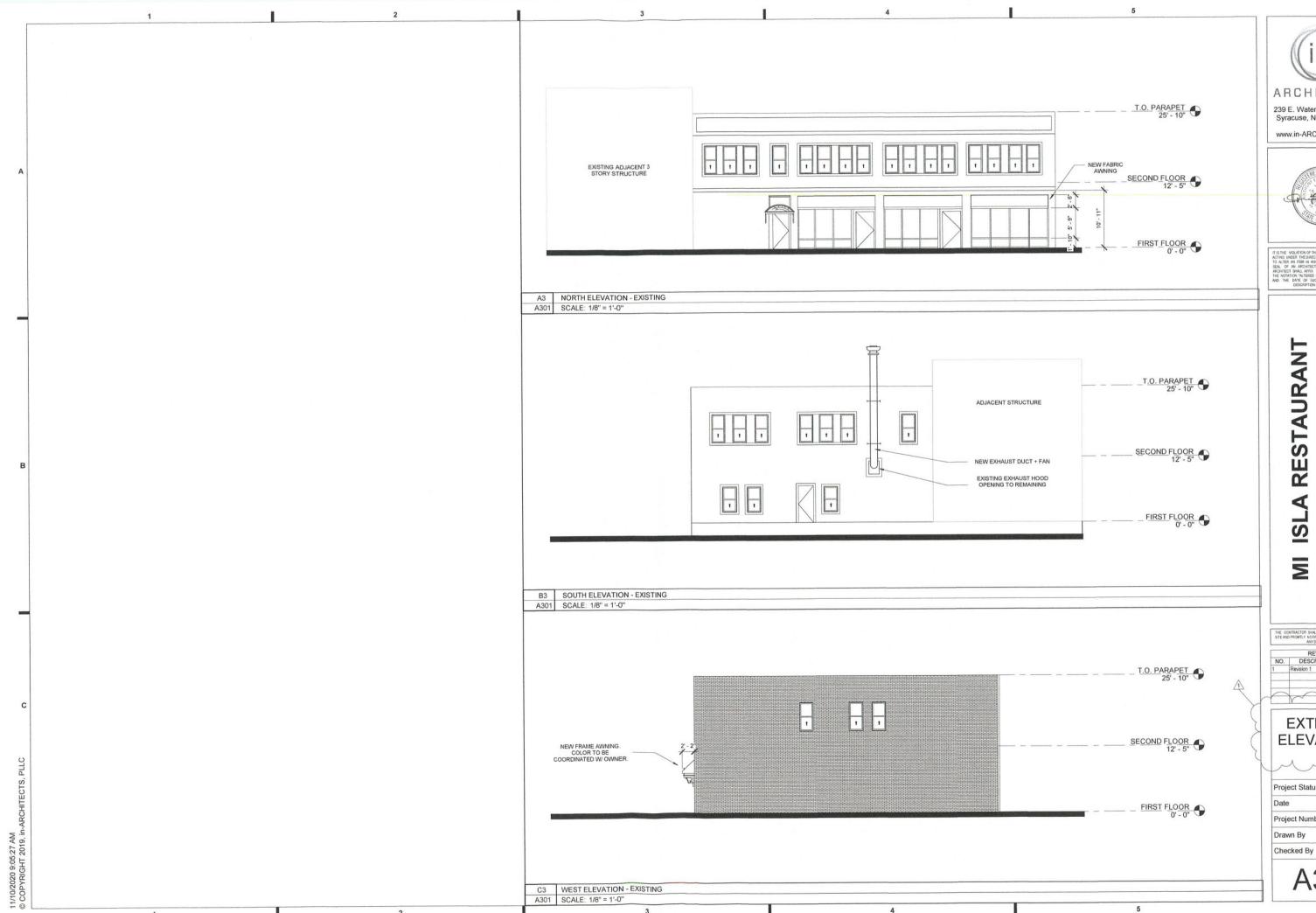
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A20

C1 SECOND FLOOR
A203 SCALE: 1/4" = 1'-0"





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EXTERIO ELEVATIO

Project Status PERM 05/1

Project Number

A30'





STREETSCAPE IMAGE 'A'
JAMES STREET

DATE: 01/20/2021

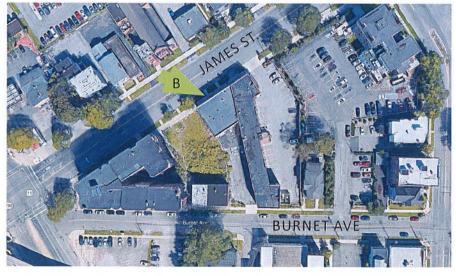
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STREETSCAPE IMAGE 'B'
JAMES STREET

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239 E. Water Street - 2nd Fl.





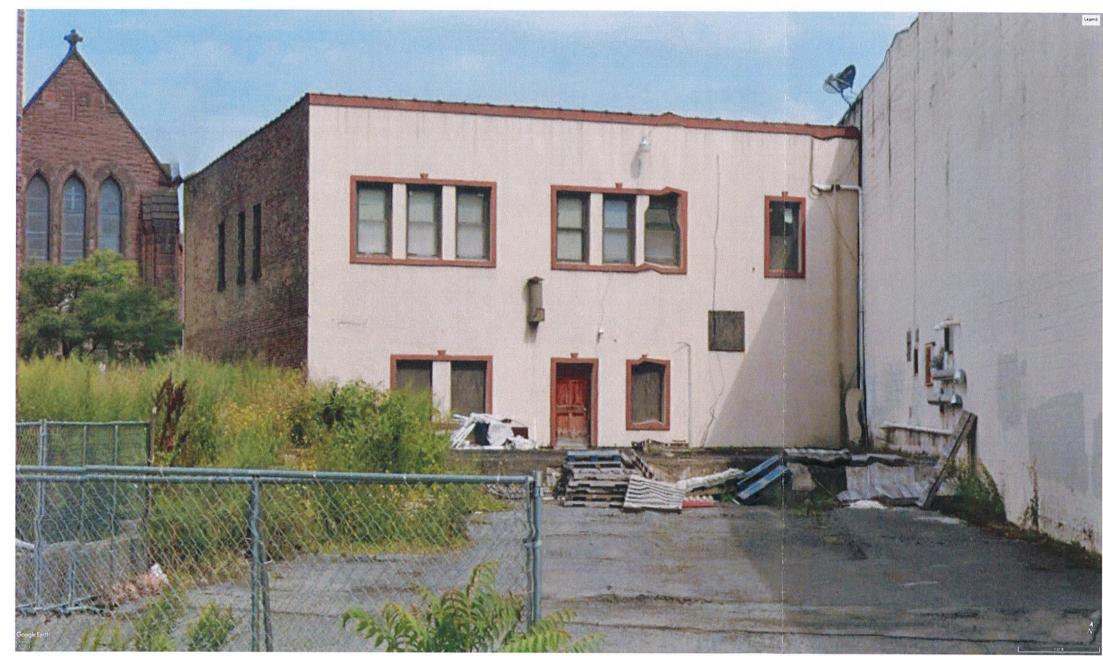
STREETSCAPE IMAGE 'C'
JAMES STREET

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SHEET NUMBER:







STREETSCAPE IMAGE 'D'
BURNET AVE

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SHEET NAME: EXISTING PHOTO
SHEET NUMBER: A4

ARCHITECTS



DIVISION OF CODE ENFORCEMENT

A DIVISION OF THE DEPARTMENT OF NEIGHBORHOOD AND BUSINESS DEVELOPMENT CITY OF SYRACUSE, MAYOR BEN WALSH

Denial of Permit

PROJECT INFORMATION	不规则 独身生态	胡椒椒 (1000) 1000 1000	
Address: 454 JAMES ST	TO BURNET	AVE	Ward No:
Intention: EXPAND RESTAURAN	UT AREA		
☐ Erect	☐ Maintain	□ Operate	
The project referenced above is denied u	nder the following article	e(s) of the Zoning Ordi	nance for the
following reasons:			
Article(s):			
Reason(s):			
OWNER CONTACT INFORMATION		LESSON	
Owner: RADHA KRISNA	CORP		
Owner: RADHA KATSNA Address: 454 JAMES ST	SYR NY	13203	
Phone Number:			
Email Address:			
ATTACHMENTS			
Plans Attached			
o Approved By:			
o Date of Approval:			
☐ Zoning Reviewed By:			
 Survey Attached 			
LOCATION OF REFERENCE ADDRESS	P. San M. Commercial Section		
Book(s) No. 103 Plate(s) No. 63	Parcel(s) No. 🖒	4.1
ACKNOWLEDGMENT	There's Problem to the		
Signature: Sail Swistake	Date:	2-28-202	20