

PLEASE TYPE OR PRINT (LEGIBLY)

For Office Use Only:	Application Number: V- _____ - _____
Tax map Section: _____ Block: _____ Lot: _____	Zoning District: _____

1. Address of subject property: 101 COMSTOCK AVE

2. Year property was purchased by current owner: 2007

3. Applicant/contact information:

a. Owner(s) (current titleholder):

Name(s): CRE 44 LLC

Mailing Address: 1221 E. GENESEE STREET, SYRACUSE NY

Zip: 13210 Daytime phone number: 516-463-6689 home phone number:

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

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 [x] Engineer (Only if involved in this application)

Name(s): CHA Consulting, Inc (c/o Brian Bouchard, P.E.)

Mailing Address: 300 S. State Street, Suite 600, Syracuse NY 13202

Zip: Telephone number: 315-228-0036

4. Current use of property: (i.e., 1 family, 2 family, grocery store, etc.): 10 unit apartment

Proposed use and occupancy of property: same

Current number of onsite (off-street) parking spaces: 6

Proposed number of onsite (off-street) parking spaces: 6

Days and hours of operation (for any business uses):

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.

SEE ATTACHED COVER LETTER

The following affirmation must be signed and dated by the CURRENT PROPERTY OWNER or the owner's LEGAL representative (attorney, power of attorney, partner in the business, etc.).

DECLARATION

I understand that false statements made herein are punishable as a Class A Misdemeanor, pursuant to section 210.45 of the Penal Law of the State of New York. I declare that, subject to the penalties of perjury, any statements made on this application and any attachments are the truth and to the best of my knowledge correct.

I also understand that any false statements and/or attachments presented knowingly in connection with this application will make consideration of this application null and void.

Signature of CURRENT PROPERTY OWNER (or owner's LEGAL representative)

12/18/18
Date

CHRIS GEIGER

Printed or typed name of person whose signature is above (if legal representative, also state relationship to owner).

AREA VARIANCE
REQUIRED SUBMITTAL SHEET FOR
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

- DENIAL OF PERMIT** form from DOCE, Permit Office - Room 101. (Required even if a Notice of Violation has been issued)
- STANDARDS OF PROOF (for Area Variance):** If requesting an area variance, that is, permission to build in an otherwise restricted portion of the property (such as in the required front, side, or rear yards, or above the required building height, or in excess of the lot coverage regulations), then State law requires the applicant to show that the benefit the applicant stands to receive from the variance will outweigh any burden to health, safety, and welfare that may be suffered by the community. State law requires the BZA to take the following factors into consideration in making its determination:
- a. whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;
 - b. whether the requested area variance is substantial;
 - c. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - d. whether an alleged difficulty is self-created.
- DETAILED LETTER EXPLAINING** the details of the proposal, for example: the hours of operation, number of employees on premise at one time, items to be sold, how many dwelling units, etc.
- PHOTOS** Labeled photos of property(ies).
- All parts of the application form must be completed. Any blank sections will result in the application being returned and a delay in scheduling a public hearing.
- FEE of \$25.00** MADE PAYABLE BY CHECK OR MONEY ORDER ONLY, to the COMMISSIONER OF FINANCE. **THIS FEE IS NON-REFUNDABLE.**
- Four (4) full sized and one (1) no larger than 11"x17" of **all** of the plans listed below:
- PROPERTY SURVEY** – Drawn by a licensed land surveyor.
 - SITE PLAN** – (Must be drawn to scale and labeled with dimensions). Must show all walkways, driveways, screening devices, signage and any new construction
 - FLOOR PLANS FOR AREA VARIANCE** - No formal floor plans are necessary, but because the Board of Zoning Appeals looks at the property as a whole, it will be necessary to **provide a list of all rooms, by floor, in the structure.**
 - If the area variance is related to a new addition on the property, such as an extra room, porch, etc., **floor plans will be necessary (all rooms within the structure must be labeled with their use and dimensions).**
 - ELEVATIONS** for all new construction or any changes to the existing structure (Must be drawn to scale and labeled with dimensions).

DENIAL OF PERMIT

REFERENCE ADDRESS 101 COMSTOCK AVE

WARD NO. _____

OWNER CRE 44, LLC

OWNER'S ADDRESS 1221 E. GENESSEE ST. (SUITE #1)

SYRACUSE, NY 13210

Contact: CHRIS GEIGER 1-516-413-6689 TELEPHONE _____

APPLICATION FOR PERMIT TO:

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

Convert (8) UNIT BUILDING TO (10) UNIT BUILDING w/o ADEQUATE PARKING

DENIED UNDER ARTICLE (s) _____

_____ of the zoning ordinance for the following reasons: _____

- PLANS ATTACHED, APPROVED BY _____ LOCATION OF REFERENCE ADDRESS:
ON _____ ASSESSOR'S ATLAS
- SURVEY ATTACHED BOOK (S) NO. _____
- ZONING REVIEWED BY _____ PLATE (S) NO. _____
PARCEL (S) NO. _____

DATE DECEMBER 18, 2018 SIGNATURE [Signature]

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.

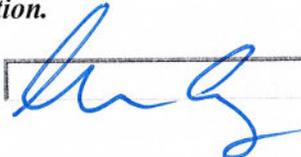
Unless otherwise notified, all meetings at which public hearings are to be held will begin at 1:00 p.m. in the Common Council Chambers on the third floor of City Hall.

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:



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).

City of Syracuse — Division of Code Enforcement

201 East Washington Street • Syracuse, New York 13202 • 315-448-8695



**CERTIFICATE OF COMPLIANCE SECTION 27-15
PROPERTY CONSERVATION CODE**

To: **GREATER CAMPUS REALTY LLC**
1301 E GENESEE ST SUITE 102
SYRACUSE NY 13210

Issuance Date: JULY 24, 2007

Pursuant to an inspection made on JULY 19, 2007 of the premises located at
101 COMSTOCK AVENUE
Syracuse, New York

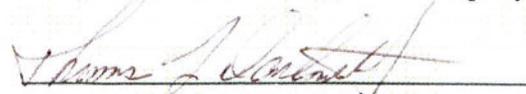
This office certifies that the above referenced property is on this date in substantial compliance with the Property Conservation Code and the Zoning Ordinance of the City of Syracuse.

PROPERTY DESCRIPTION

Number of structures on lot <u>ONE</u>	Type of Construction: Masonry _____ Wood Frame <u>XX</u>
Number of : Apartments: <u>TEN</u>	Sleeping Rooms: <u>NONE</u> Commercial Units: <u>NONE</u>
	(Rooming House <u>ONLY</u>)
Total units by stories:	Auxiliary Buildings? (INDICATED WITH AN X)
Cellar <u>NONE</u>	0. <input checked="" type="checkbox"/> NONE
Basement <u>NONE</u>	1. ___ 1-CAR MASONRY GARAGE
First Floor <u>FOUR</u>	2. ___ 2-CAR MASONRY GARAGE
Second Floor <u>FOUR</u>	3. ___ 3 OR MORE CAR MASONRY GARAGE
Third Floor <u>TWO</u>	4. ___ 1-CAR WOOD FRAME GARAGE
Fourth Floor _____	5. ___ 2-CAR WOOD FRAME GARAGE
	6. ___ 3 OR MORE CAR WOOD FRAME GARAGE
	7. ___ CARRIAGE HOUSE
	8. ___ SHED
	Attic: _____ (Y) <u>XX</u> (N)
	Car Spaces <u>FIFTEEN</u>

If the inspection referred to above was made during the period of May 31 to September 15 no representation is made hereby as to the adequacy of the heating system. This certificate shall be considered current for a period of five (5) years after the date of issuance provided that such Certificate of Compliance has not been revoked during that period as provided in accordance with Article 2 Section 27-15 of the Property Conservation Code.

Receipt #: 2007-TD-276 Case #: 19


Assistant Director

TD:MB



December 18, 2018

Zoning Administration
City of Syracuse
201 East Washington Street
Syracuse, New York 13202

RE: **ZBA Application – Area Variance**
101 Comstock Ave

Dear Zoning Administration:

CHA, on behalf of the owner, is pleased to submit the attached Board of Zoning Appeals application for the above referenced project. Specifically, the owner is seeking relief to allow six (6) parking spaces on a residential property, where ten (10) parking spaces are required per Part B-I-7-9(a). The property contains ten (10) residential units within the Residential Class B zoning district.

The existing property will not be altered as part of the application. The current use of the parking at the property is proposed to remain in its existing configuration. The requested approval is necessary to rectify the issuance of a 10-unit Certificate of Compliance dated July 24, 2007 by the Division of Code Enforcement, which the City has recently stated was issued erroneously. The property and parking configuration shown on the enclosed "Parking Plan" figure dated 12/18/18 is identical to the existing condition of the property that has functioned properly for more than 10 years.

The existing driveway provides six (6) parking spaces. The adjacent streets allow odd/even parking, including the 100 block of Comstock Ave, 1300 block of E. Genesee Street, and Comstock Place. The property is located a few blocks from the University area, which does not require a vehicle to commute to and from campus. Also, additional private parking can be rented for a monthly fee within the immediate area.

The following factors have been considered:

1. There will not be an undesirable change in the character of the neighborhood, or detriment to nearby properties based on the request to provide six (6) parking spaces. In fact, there are no proposed changes to the number of apartments or the number of parking spaces that would be noticeable from the surrounding properties or to the character of the area.
2. The reduction in parking cannot be achieved by any other method. The property supports six (6) unencumbered parking spaces.
3. The parking variance is not substantial. It is evident that six (6) spaces are sufficient parking for this property, based on the fact that it has operated with this same parking configuration for 10 years. Therefore, the requested variance is not substantial.
4. The proposed variance will not have an adverse impact on the environmental conditions of the neighborhood. Again, the property has operated sufficiently with 10 units and six (6) parking spaces for many years. Additional on street parking is available and there are no physical changes or construction proposed as part of this application for relief.
5. The alleged difficulty is self-created, since it is the desire of the owner to continue the successful operation of this residential property in a similar manner to the historical use over the last 10 years. It is a matter of

miscommunication that is not self-created, since the owner has assumed the 10 unit Certificate of Compliance has been valid since it was issued in 2007.

The following materials are enclosed for review:

- Variance Application Form
- Denial of Permit
- Board of Zoning Appeals Procedures
- Certificate of Compliance dated July 24, 2007
- Survey
- Figure - Parking Plan
- Photos
- Fee - \$25.00 (check # 1918)

If you should require any additional information or have any questions, please do not hesitate to contact our office at 315-471-3920 or bbouchard@chacompanies.com.

Very truly yours,



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

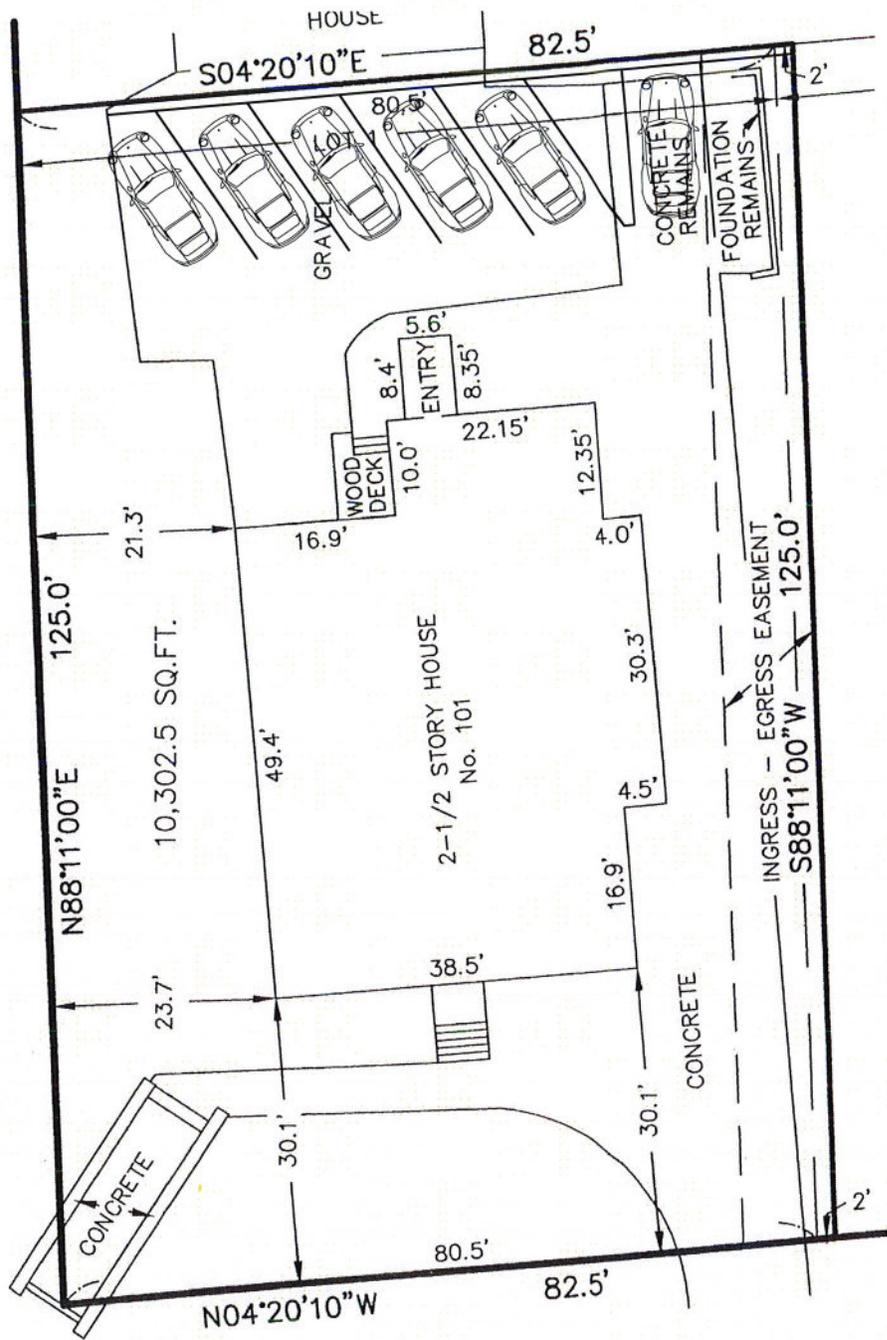
Enclosures

Cc:

V:\OH_Data\Offices\SNY\GovCommInfr\Civil-Site\Bouchard\Geiger Parking Variance\0 - Site Plan Cover Letter-12-18-18.doc

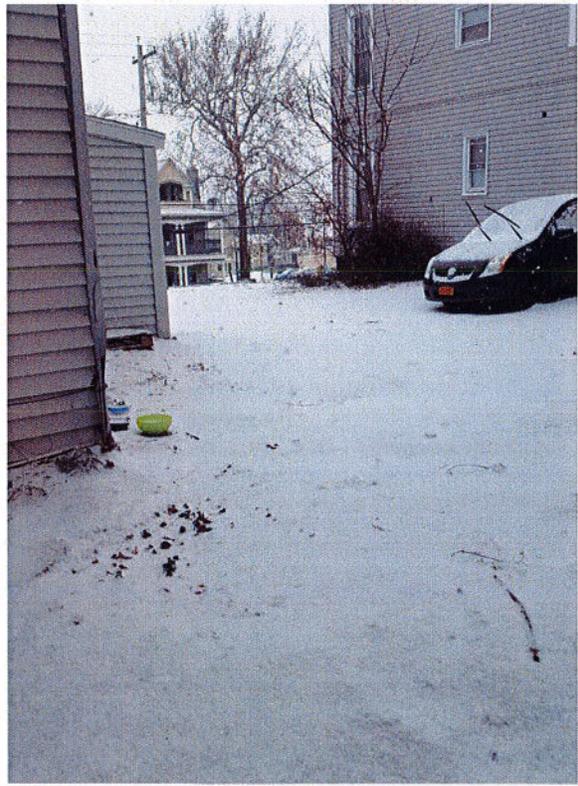
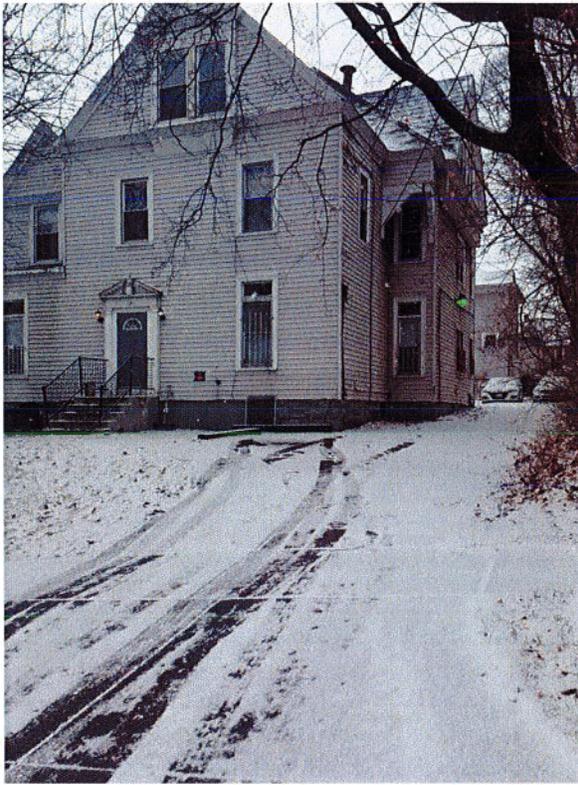


EAST GENESEE STREET



COMSTOCK AVENUE

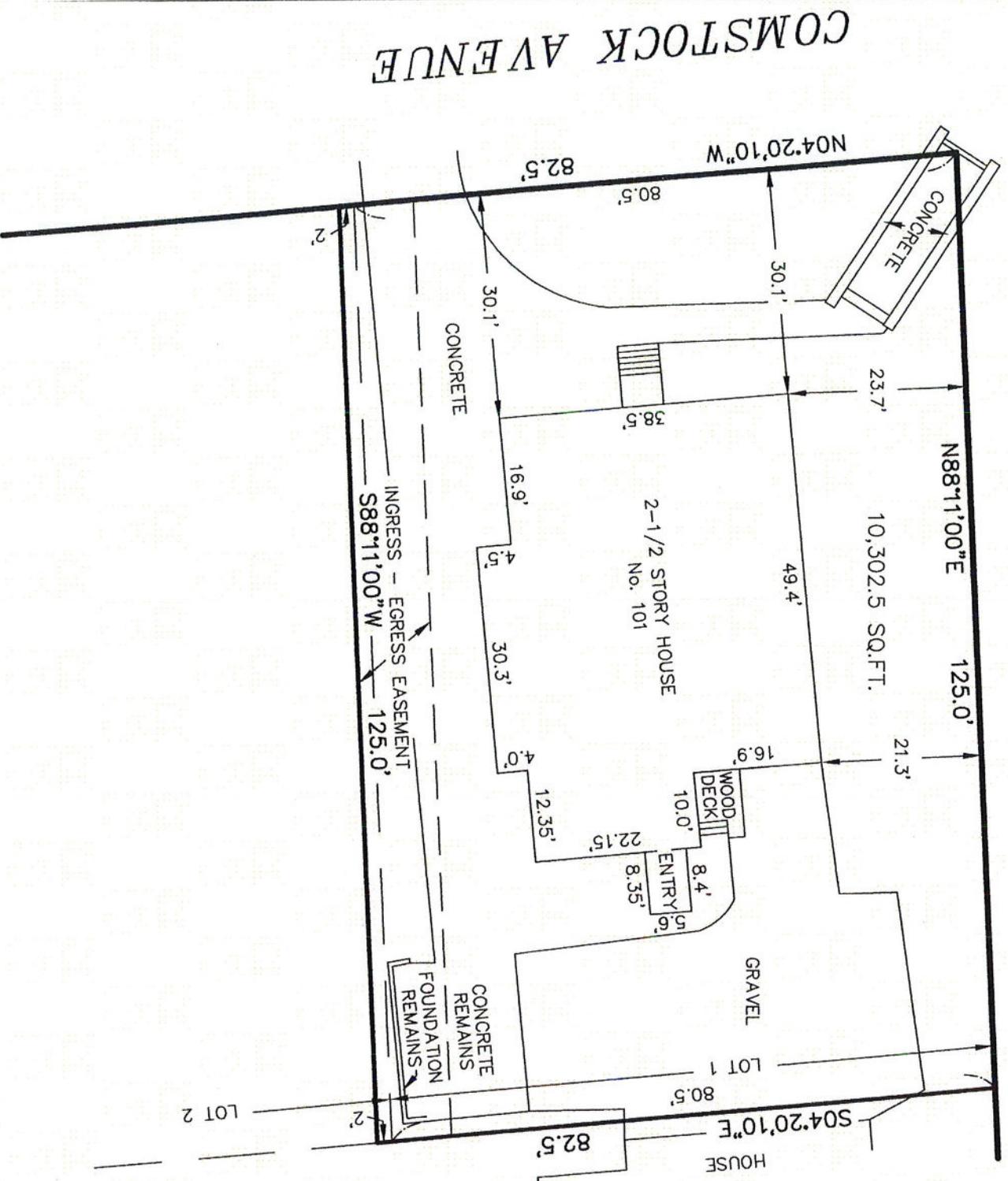
<p>PROJECT NO.</p>	<p>DATE: 12/18/18</p>
<p>PARKING PLAN</p> <p>101 COMSTOCK AVE SYRACUSE NY 13210</p>	
<p>Drawing Copyright © 2018</p> <p>CH&A</p> <p>300 South State Street - Suite 600 Syracuse, NY 13202 315.471.3920 • www.chacompanies.com</p>	







EAST GENESEE STREET



- CERTIFIED TO:
- 1) CRE 44, LLC
 - 2) EMPOWER FEDERAL CREDIT UNION, ISAOA
 - 3) FITCH TITLE AGENCY, INC.
 - 4) OLD REPUBLIC TITLE INSURANCE COMPANY

LANDS

SURVEYING, P.C.

6181 JAMESVILLE TOLL ROAD
 JAMESVILLE, NEW YORK 13078
 315-492-4604

I HEREBY CERTIFY THAT THIS
 IS A CORRECT MAP MADE
 FROM AN ACTUAL SURVEY



COLIN M. KRAFFT
 LICENSE No. 50450

PART OF LOTS 1 AND 2

BLOCK No. 416
 HIGHLANDS OF SYRACUSE
 FILED 10/23/1889 MAP No. 589
 CITY OF SYRACUSE
 COUNTY OF ONONDAGA
 STATE OF NEW YORK
 KNOWN AS: 101 COMSTOCK AVENUE

DRAWN BY: CMK | DATE: 11/3/2016
 SCALE: 1"=20' | DWG.No.: 161103