

PLEASE TYPE OR PRINT (LEGIBLY)

For Office Use Only:	Application Number: V- <u>19-29</u>
Tax map Section: <u>084</u> Block: <u>03</u> Lot: <u>01.0</u>	Zoning District: <u>CAA</u>

1. Address of subject property: 102 East Kennedy Street

2. Year property was purchased by current owner: 2018

3. Applicant/contact information:

a. Owner(s) (current titleholder):

Name(s): Jermain Armfield

Mailing Address: P.O Box 11452, Syracuse NY

Zip: 13218 Daytime phone number: 247-8418 home phone number:

E-mail (alternate contact for additional information request): jermainearmfield@yahoo.com

b. Contract purchaser(s) , Lessee , or Co-applicant (if applicable)

***note: Copy of contract to purchase must be included with application if this contract purchaser or lessee applies.**

Name(s):

Mailing Address:

Zip: Home phone number: Day Phone:

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

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

Name(s): Terri Lockett

Mailing Address: 431 East Fayette Street, Syracuse NY

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

4. Current use of property: (i.e., 1 family, 2 family, grocery store, etc.): 3-unit dwelling

Proposed use and occupancy of property: 3-unit dwelling

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

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

DENIAL OF PERMIT

REFERENCE ADDRESS 102 E Kennedy St
WARD NO. _____
OWNER Jermine Armfield
OWNER'S ADDRESS 102 E Kennedy St, Apt #3
Syracuse NY 13205
TELEPHONE 315-247-8418

APPLICATION FOR PERMIT TO:

erect (). convert () maintain operate ()

DENIED UNDER ARTICLE (s) _____
_____ of the zoning ordinance for the following reasons: _____

- | | |
|--|--|
| <input type="checkbox"/> PLANS ATTACHED, APPROVED BY _____
ON _____ | LOCATION OF REFERENCE ADDRESS:
ASSESSOR'S ATLAS |
| <input type="checkbox"/> SURVEY ATTACHED | BOOK (S) NO. _____ |
| <input type="checkbox"/> ZONING REVIEWED BY _____ | PLATE (S) NO. _____ |
| | PARCEL (S) NO. _____ |

DATE 10-31-19 SIGNATURE Paul 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: Use Variance for 102 East Kennedy Street			
Project Location (describe, and attach a location map): 102 East Kennedy between South Salina and State Streets			
Brief Description of Proposed Action: 102 East Kennedy Street is a three-story, three-family, brick building near the intersection of South Salina and East Kennedy Streets. The property is a legal, non-conforming use in an RAA zone. The Land Bank and Jermain Armfield have entered into an agreement to sell 12' of 104 East Kennedy to 102 East Kennedy for driveway access to off street parking at the rear of 102 East Kennedy Street. Because it is non-conforming, a use-variance is required to expand the use.			
Name of Applicant or Sponsor: Jermaine Armfield		Telephone: 315-247-8418 E-Mail: jermaine.armfield@yahoo.com	
Address: 102 E Kennedy Street, Apt #3			
City/PO: Syracuse		State: New York	Zip Code: 13205
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? _____ .095 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? _____ .095 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: Use variance and resubdivision only - N/A	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input 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: _____			



October 31, 2019

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

Re: Letter of Explanation for a Use Variance – 102 East Kennedy Street

Dear Sir/Madam,

102 East Kennedy Street is a three-story, three-family, brick building near the intersection of South Salina and East Kennedy Streets. The property is a legal, non-conforming use in an RAA zone. The Land Bank and Jermain Armfield have entered into an agreement to sell 12' of 104 East Kennedy to 102 East Kennedy for driveway access to off street parking at the rear of 102 East Kennedy Street. Because it is non-conforming, a use-variance is required to expand the use.

As you will see in the attached application, we have examined the scenarios that would not require a variance. Because of the considerable costs to rehabilitate the building as well as the size and configuration of the structure we have determined that unless granted a variance Mr. Armfield will be unable to realize a reasonable return on the property.

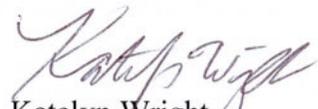
The granting of this variance will ensure the viability of this structure and will improve the Southside neighborhood by providing off street parking for the tenants of 102 East Kennedy Street. It will also continue to provide three units of decent rental housing which is very much needed in the City of Syracuse.

To support our application, please find the attached information:

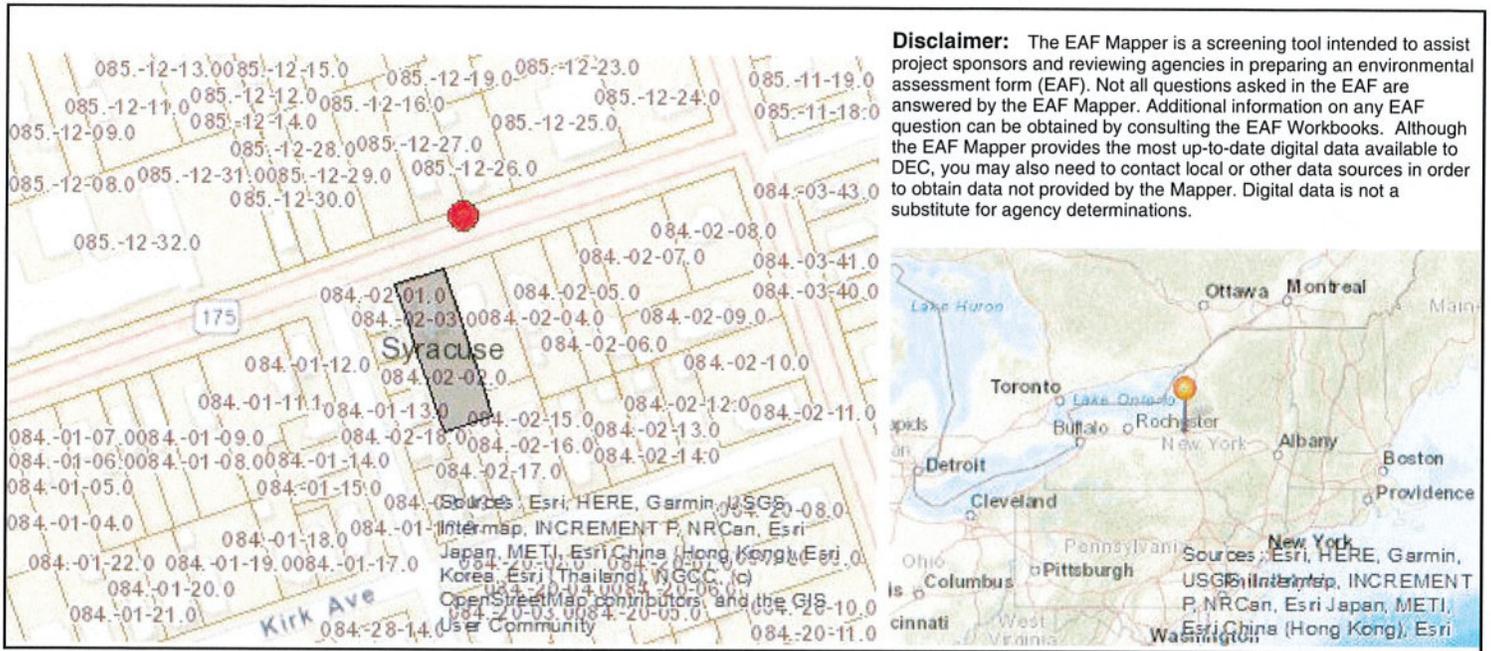
- Application for Use Variance
- Short EAF
- Survey
- Site Plan
- Floor Plans (Existing)
- Standards of Proof for Area Variance
- Photographs
- Check in the amount of \$25.00
- Denial of Permit

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

Sincerely,



Katelyn Wright
Executive Director



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
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

Standards of Proof for Use Variance 102 East Kennedy Street

Background

102 East Kennedy Street is a charming, three-story, three-family, brick building near the intersection of South Salina and East Kennedy Streets. According to Assessment records, the building was constructed in 1925 and “the occupancy was reduced from more than three units to just three units sometime after 1985.”

Jermaine Armfield purchased the building in November of 2018. At the time of the purchase, he came to the Land Bank and alerted us to the fact that the driveway for 102 East Kennedy Street was located on the adjacent vacant lot at 104 E. Kennedy St. We intended to keep 104 E. Kennedy to serve as a driveway to access a large parcel of land we were assembling on S. Salina Street, but determined that we could sell him the portion that contained the driveway and still retain a wide enough portion for 104 E. Kennedy to remain a legal parcel and to later contain “in” and “out” lanes to access parking located at the rear of our S. Salina Street parcels.

We agreed to sell him the portion of 104 E. Kennedy, which contained the driveway accessing a parking area in the rear of his property at 102 E. Kennedy Street. A resubdivision application was filed for a lot alteration. The Zoning Office informed us that 102 East Kennedy is non-conforming because in 1990 the property was rezoned from RB to RAA (case # Z-2435), which only allows single- and two-family dwellings. However, the AS 400 database was not updated so when the City transferred over from the AS400 to IPS the erroneous zoning information (stating it was in an RB district) was transferred to IPS. The zoning map posted online also showed that it was in an RB district. Had Mr. Armfield’s attorney checked on this prior to him taking title, it would have appeared to be a legal land use. We argue that this is therefore not a self-created hardship.

Nonetheless, the property is zoned RAA and a variance is required to expand any non-conforming use. It should be noted that the property, while it is non-conforming, it is legal non-conforming with no breaks in occupancy since inception, meaning that it is a “grandfathered” non-conformity. Since the property is a legal, non-conforming use, a use-variance is required to expand the use by adding an additional 12’ for driveway access to the rear parking area. If the variance is not granted, we would withdraw the related resubdivision application.

Reasonable Return

102 East Kennedy Street is a three-story, three-unit apartment building located in the City’s Southside neighborhood. It is located in an RAA zone, which only allows single- and two-family buildings. Mr. Armfield lives in one apartment and rents the other two apartments at \$900 per month. For the purposes of this analysis, we assume that he is renting all three units.

He financed the acquisition of the property, \$65,000 at 5% over 5 years. The investment yields a reasonable return with a capitalization rate (or "cap rate") of 22% (see attached Pro Forma - Three-Family).

If the variance is not granted, Mr. Armfield would have two options for converting the property to a use permitted in a Residential, Class AA zone:

1 - Reconfiguration as a Two-Family Dwelling

In this scenario, the building would be reconfigured with one apartment on the first floor and one apartment that occupies the second and third floors. Renovation costs are estimated at \$50,000 because the building would need to be completely gutted and reconfigured. There would be architectural design fees, and significant cost related to reconfiguration of walls, electric, heating, plumbing and gas lines. The capitalization rate would drop to 4.56%. (See attached pro forma Two-Family.)

With a capitalization rate of only 4.56%, Mr. Armfield would not be able to realize a reasonable return on the property. The building is also not suitable for this use because of its design, size, and configuration.

1 - Reconfiguration as a Single-Family Dwelling

In this scenario, one large dwelling unit containing approximately 2,541 square feet would be redeveloped. Renovation costs are estimated conservatively to be at least \$50,000 due to architectural design fees, reconfiguration of walls, electric, heating, plumbing and gas lines. The capitalization rate would drop to 2.82%. (See attached pro forma Single-Family.)

With a capitalization rate of only 2.82% Mr. Jermain would not be able to realize a reasonable return on the property. The building is also not suitable for this use because of its design, size, and configuration.

Unique Circumstances

This building and the property it sits on present an unusual circumstance that differs from the single- and two-family homes on this street. The existing building is a 2,541 square foot, three-story, brick and masonry building. Other single- and two-families on the street are Victorian style, stick-built homes.

The building also occupies nearly 100% of the existing frontage and there is no way to provide access to off-street parking behind the building, without expanding parcel to include a driveway, thereby expanding the non-conforming use. Therefore expanding the non-conforming use is bringing the property into compliance with the off-street parking requirements for multi-family properties.

Essential Character of the Locality

The approval of this variance to expand a non-conforming three-unit dwelling will not change the essential character of the neighborhood. This block of East Kennedy Street contains two other brick commercial and apartment buildings. This building blends perfectly with the surrounding architecture and provides a smooth transition from the residential character further down the street to the more commercial feel of South Salina Street.

Allowing the expansion of the non-conforming use will allow the property owner to provide legal access to the parking spaces located behind his building, which brings the property into conformance with the zoning code's off-street parking requirements.



Not Self-Created

The driveway for 102 E Kennedy Street is located at 104 East Kennedy. Historically it may have shared this driveway with a building formerly located on 104 E Kennedy, which has since been demolished. This was not a self-created hardship.

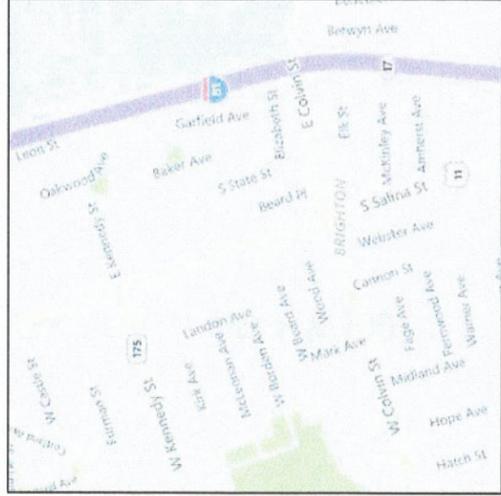
104 East Kennedy Street – Photographs



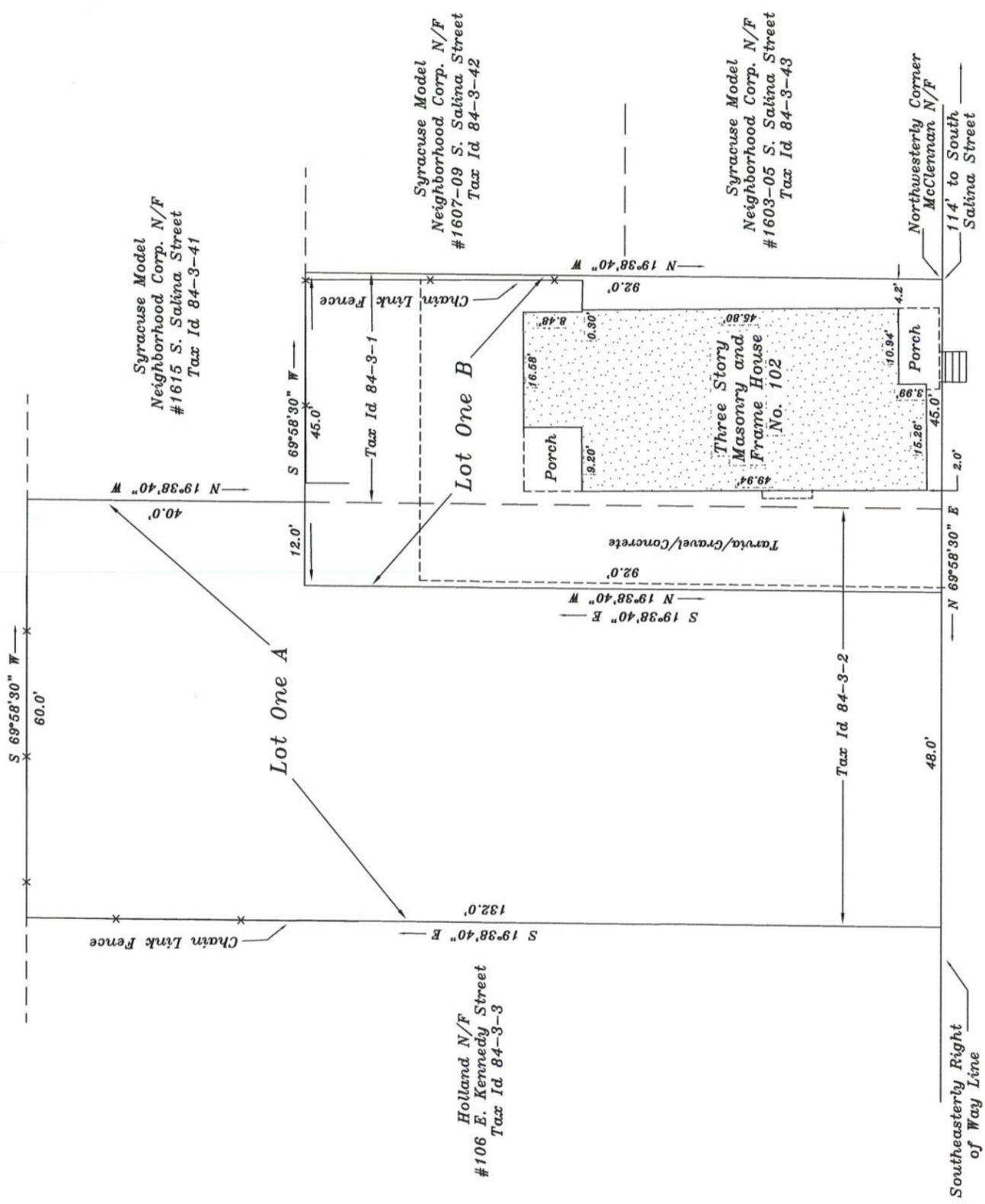
104 E Kennedy Street



103 East Kennedy Street (directly across the street)



Site Vicinity Locator
(Not to Scale)



East Kennedy Street

(Open - 66' Wide)

Approvals

Notes/References:

- *Survey prepared without the benefit of an up-to-date abstract of title.
- *Adjoiner information obtained using OnGov.net.
- *Buildings/Structures shown for informational purposes only.
- *Subject parcel(s) has access to public utilities.
- *New Lot One A Area = 6815.8 Sq. Ft.
- *New Lot One B Area = 4139.9 Sq. Ft.
- *Parcel(s) Owner : Greater Syracuse Property Development Corporation and Jermaine Armyfield.

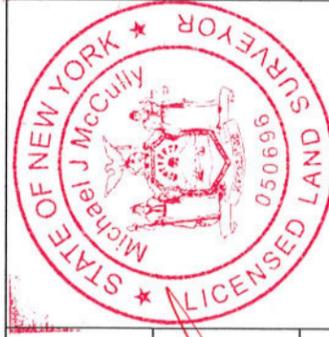
Proposed Only

Michael J. McCully
Land Surveying PLLC
5875 Fieldstone Drive
Cazenovia, New York 13035
Phone : (315) 440-5096

I hereby certify that this map was made from an actual survey and same is correct.

M.J. McCully

NYSLS 50696



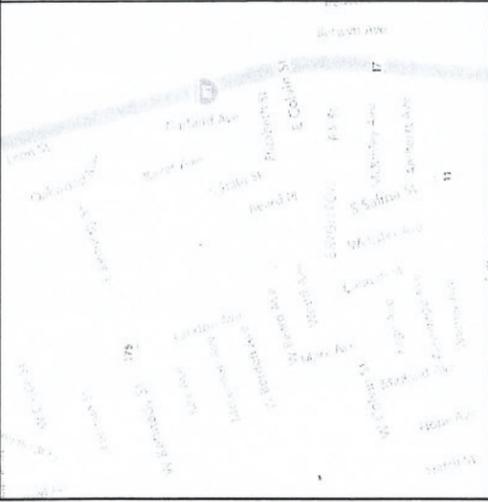
Proposed Subdivision on Part of Farm Lot 77 - Former Town of Onondaga. To be New Lot One A.

Known as No. 102 East Kennedy Street, City of Syracuse, County of Onondaga, State of New York.

Drawn by: MJM Scale: 1" = 20'

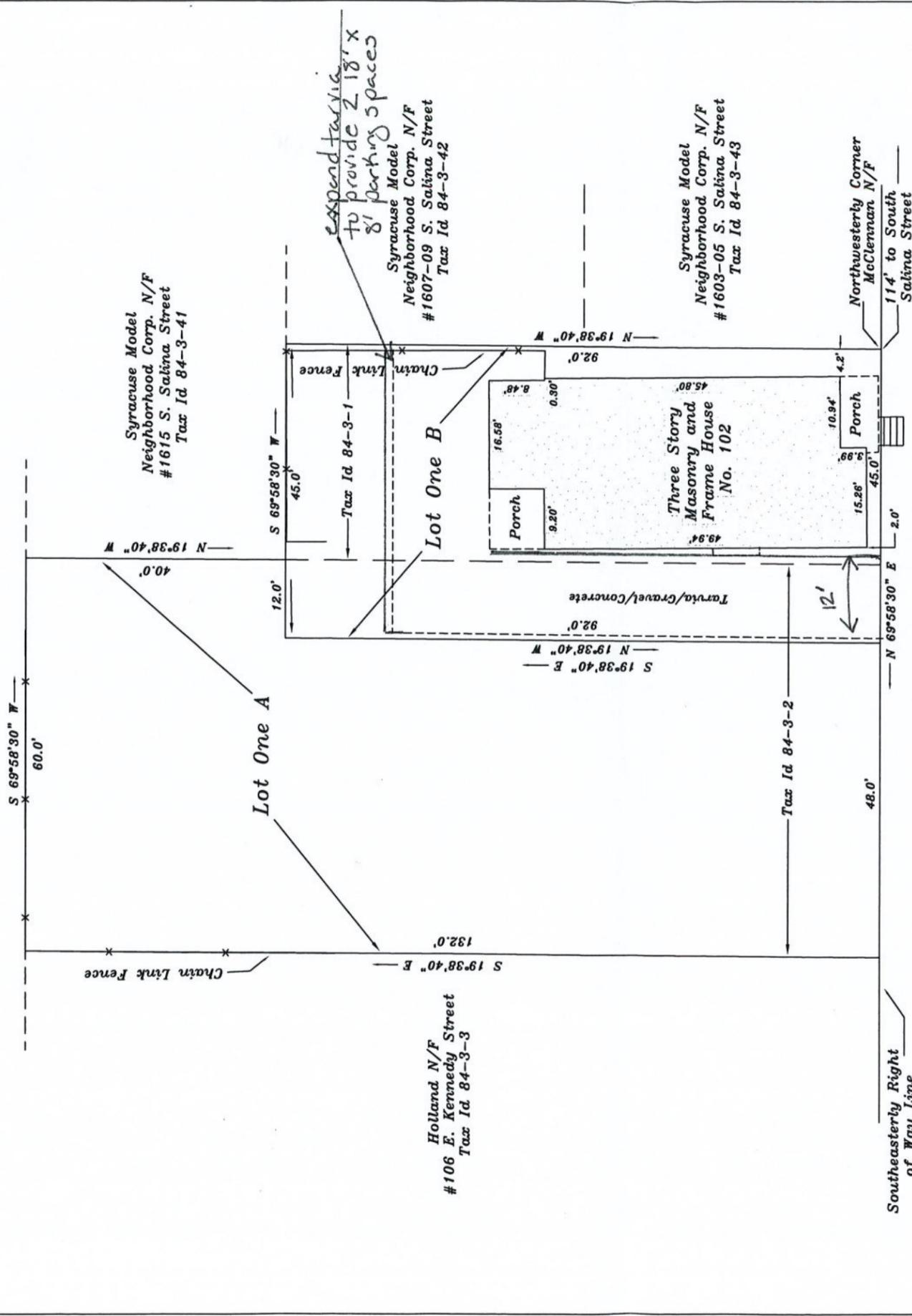
Date(s): 06-15-19

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 2019, Michael J. McCully Land Surveying, all rights reserved.



Site Vicinity Locator
(Not to Scale)

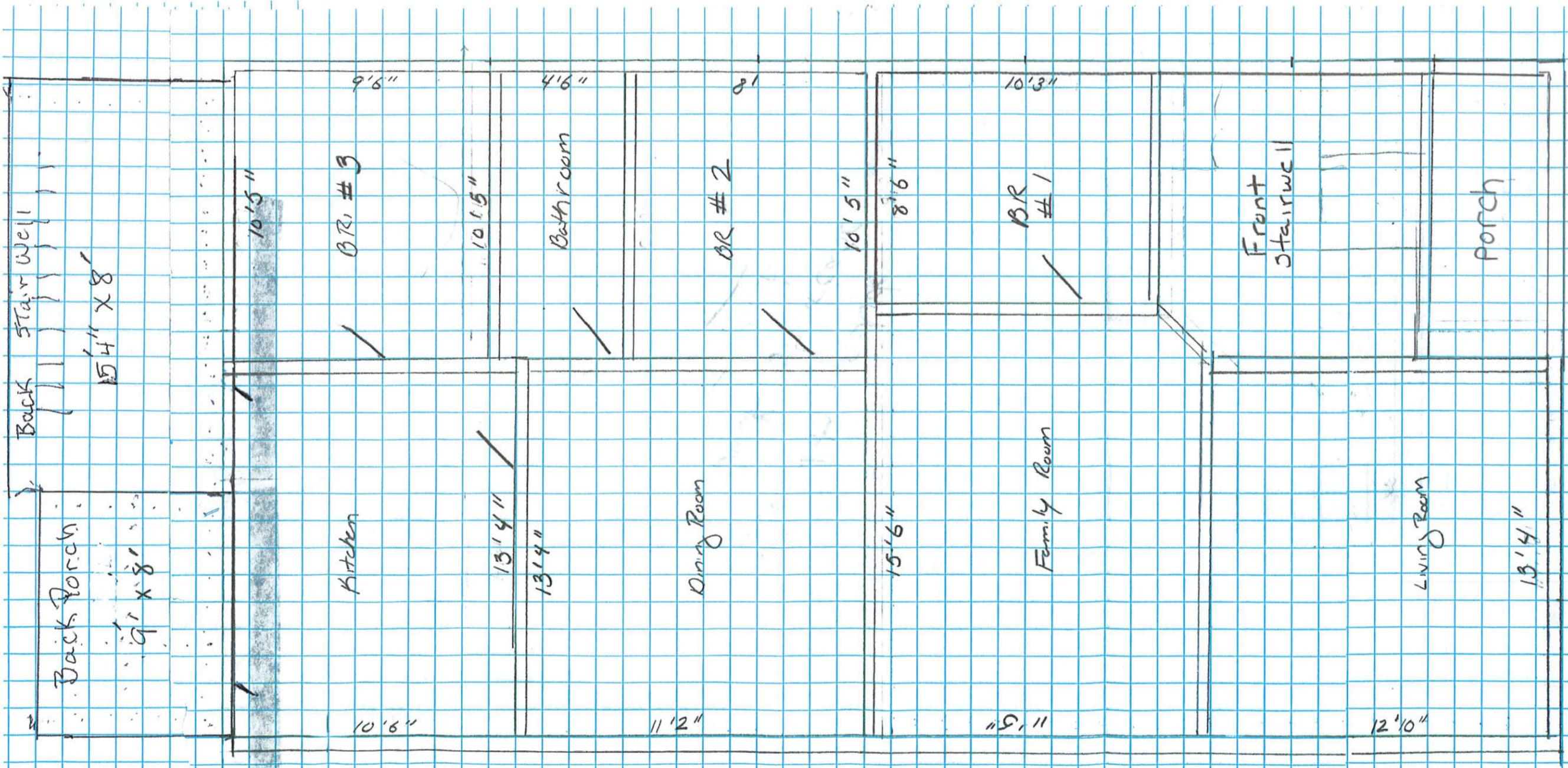
Syracuse Model
Neighborhood Corp. N/F
#1617-19 S. Salina Street
Tax Id 84-3-40



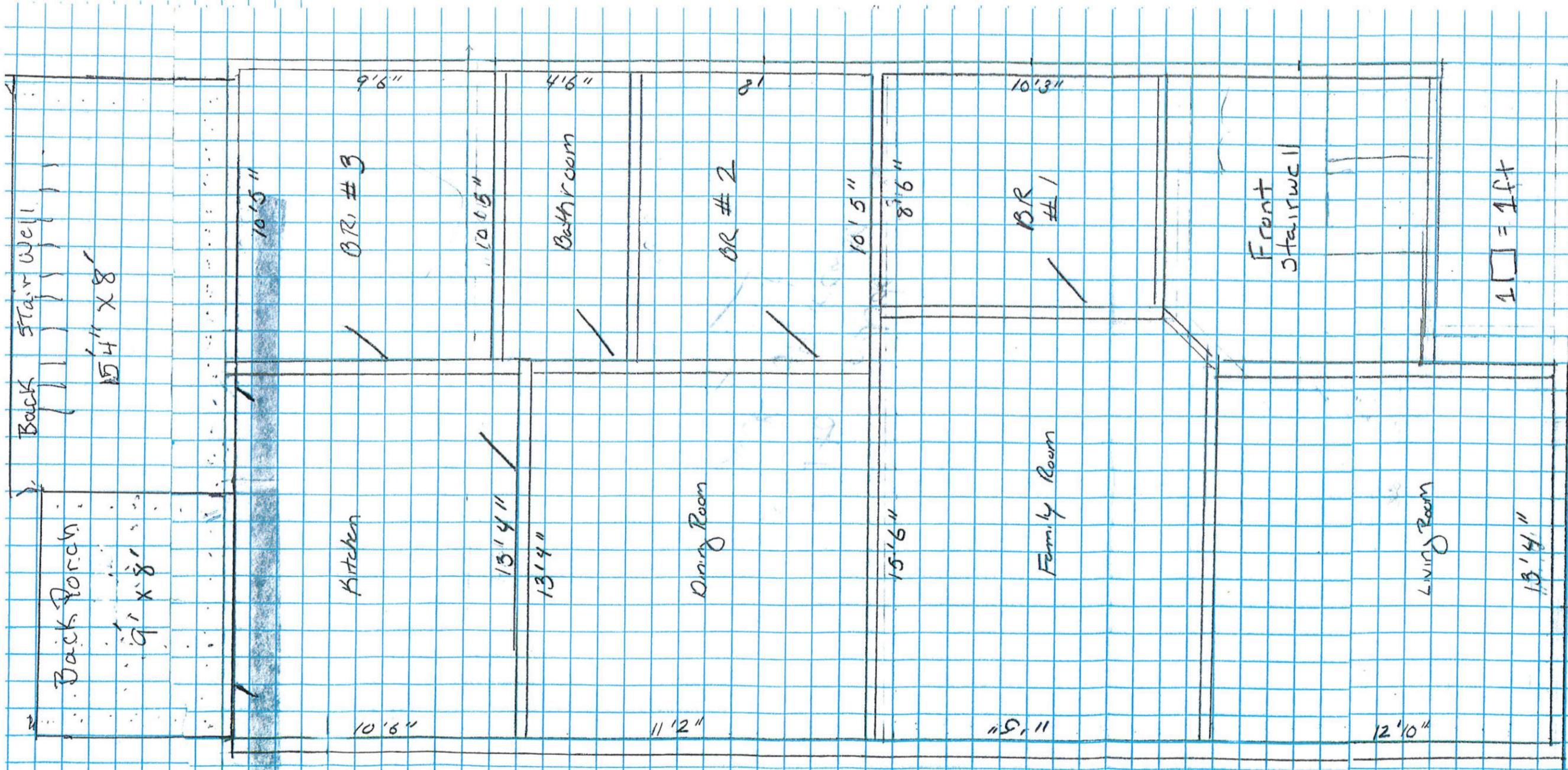
Site Plan

East Kennedy Street

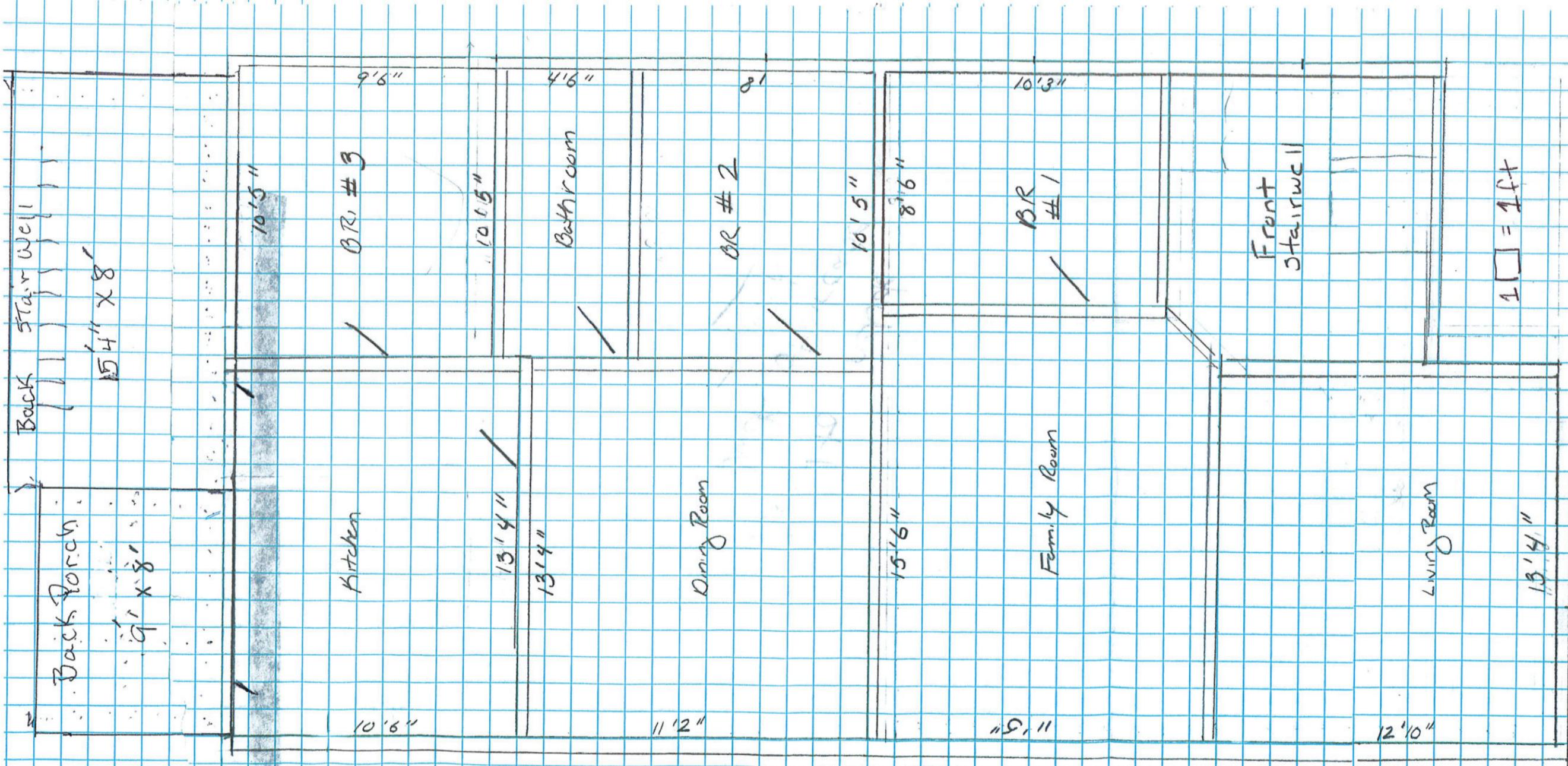




102 E Kennedy St
 Ground Floor



2nd Floor
 102 E Kennedy St



3rd Floor