

VARIANCE APPLICATION

SYRACUSE BOARD OF ZONING APPEALS

PLEASE TYPE OR PRINT (LEGIBLY)

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

1. Address of subject property: 148 West Matson Ave

2. Year property was purchased by current owner: 1974

3. Applicant/contact information:

a. Owner(s) (current titleholder):

Name(s): James J. Thornton

Mailing Address: 148 West Matson Ave, Syracuse NY

Zip: 13205 Daytime phone number: 469-6605 home phone number:

E-mail (alternate contact for additional information request): jladieven@syr.edu

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] 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.): 2-unit dwelling

Proposed use and occupancy of property: 2-unit dwelling

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

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

Days and hours of operation (for any business uses): no business use proposed

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.

Please see attached standards of proof

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.**

X

James J. Thornton
Signature of CURRENT PROPERTY OWNER (or owner's LEGAL representative)

4/28/2020
Date

James J. Thornton

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

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.

X
Signed:

Jamie J. Thornton

Date:

4/28/2020

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).

NOTE: After receipt of the application, it may be necessary to require additional information from the applicant. *An application must be complete before a public hearing can be scheduled.*

Items that are submitted with the application will not be returned so it is important that the applicant must make any copies of items they need prior to submitting the application. **Copies will not be made by staff to the Board of Zoning Appeals.**

APPLICANT PLEASE NOTE: Approval of your application by the Board of Zoning Appeals does not relieve you or your agent from compliance with any other regulatory or licensing provisions additionally required by other Federal, State, County, or City authorities. You are still required to pursue and obtain permits from the Division of Code Enforcement.

05/2014

Short Environmental Assessment Form

Part 1 - Project Information

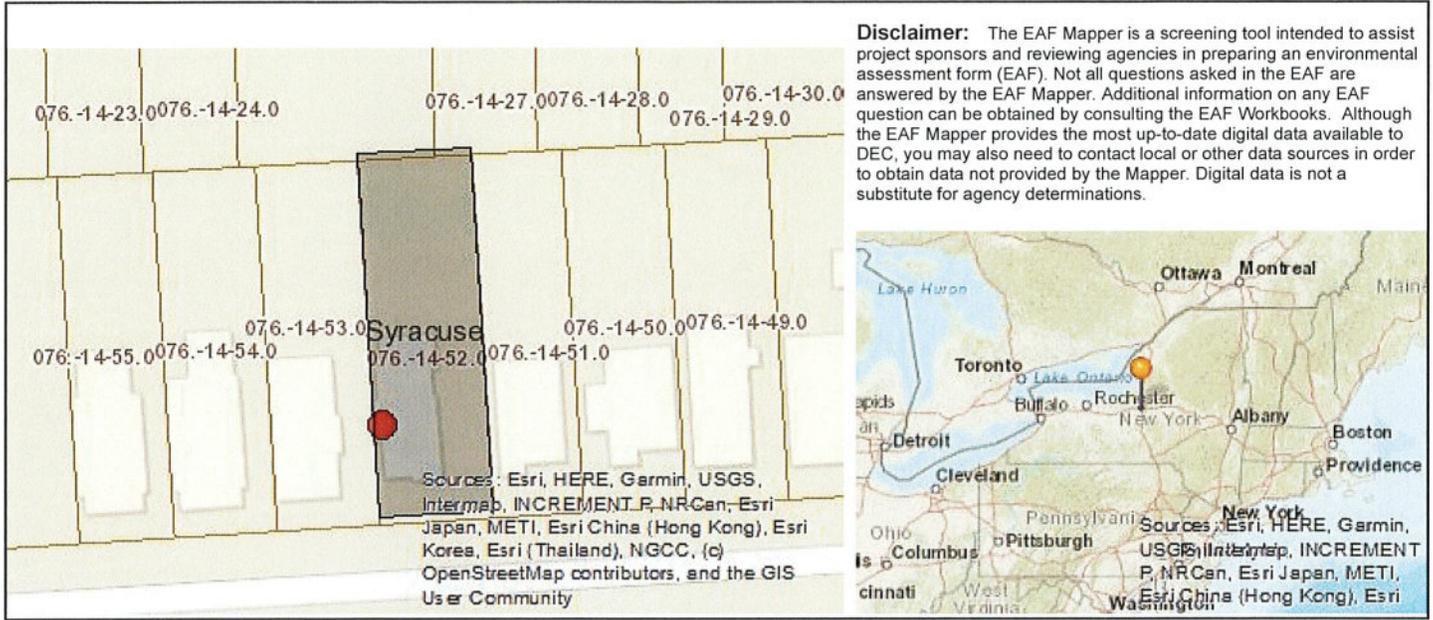
Instructions for Completing

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.

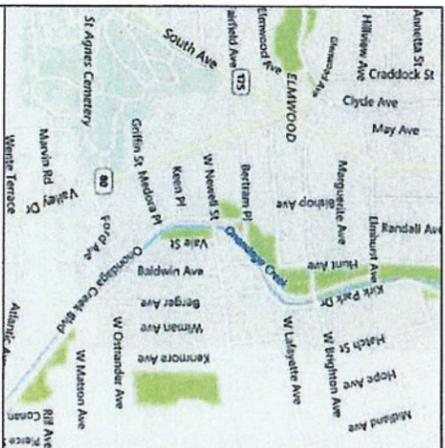
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Use variance to add 20' of vacant land to a legal non-conforming two family property			
Project Location (describe, and attach a location map): 148 West Matson Ave in Syracuse NY between Midland Ave and South Salina Street			
Brief Description of Proposed Action: This use variance is in response to the Land Bank's sale of half of the vacant lot at 150-52 W Matson Ave to the owner of 148 W Matson Ave. This property is a legal non-conforming two-family house that is owner occupied by Mr Thornton and his granddaughter.			
Name of Applicant or Sponsor: Greater Syracuse Property Development Corporation		Telephone: 315-422-2301 x 18 E-Mail: tluckett@syracuselandbank.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 type="checkbox"/> YES <input checked="" 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 type="checkbox"/> YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ .21 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? _____ .21 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			

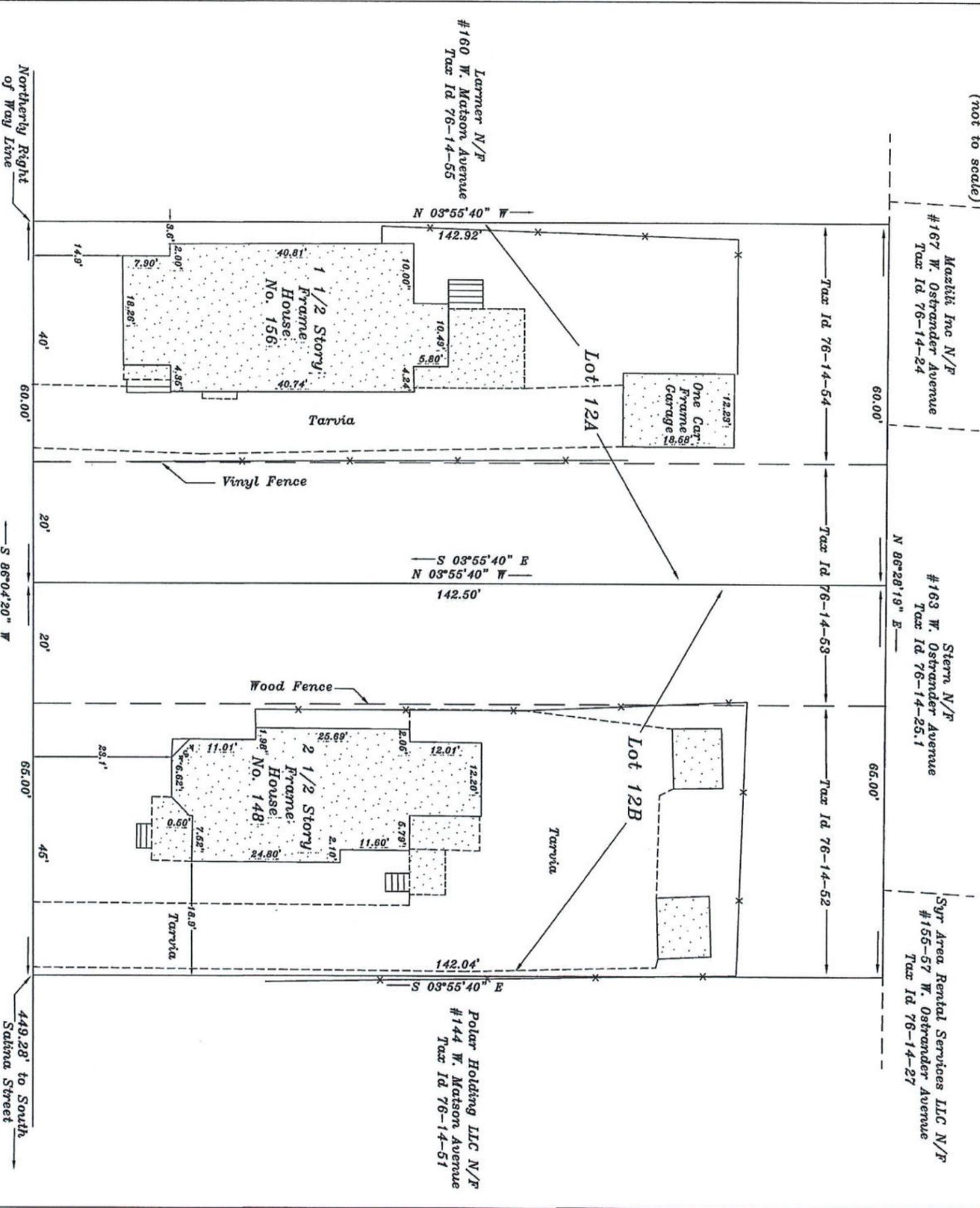
	NO	YES	N/A
5. Is the proposed action, <ul style="list-style-type: none"> a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan? 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" 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? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. <ul style="list-style-type: none"> a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action? 	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: N/A resubdivision only _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. <ul style="list-style-type: none"> a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? 	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. <ul style="list-style-type: none"> a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



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]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Northern Long-eared Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



Site Vicinity Locator
(not to scale)



West Watson Avenue

(Open - 50' Wide)

Approvals

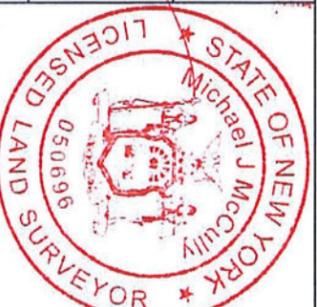
Abstract: Not Provided

Michael J. McCully
Land Surveying PLLC
 5875 Fieldstone Drive
 Casenovia 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



Date(s): 01-04-20

Drawn by: MJM Scale: 1" = 20'

Proposed Resubdivision on Lots 12, 13 and 14 and Part of Lot 11, Block A of the Van Heusen & Watson Tract. To be New Lots 12A and 12B.

Known as No's 148 and 156 West Watson Avenue, City of Syracuse, County of Onondaga, State of New York.

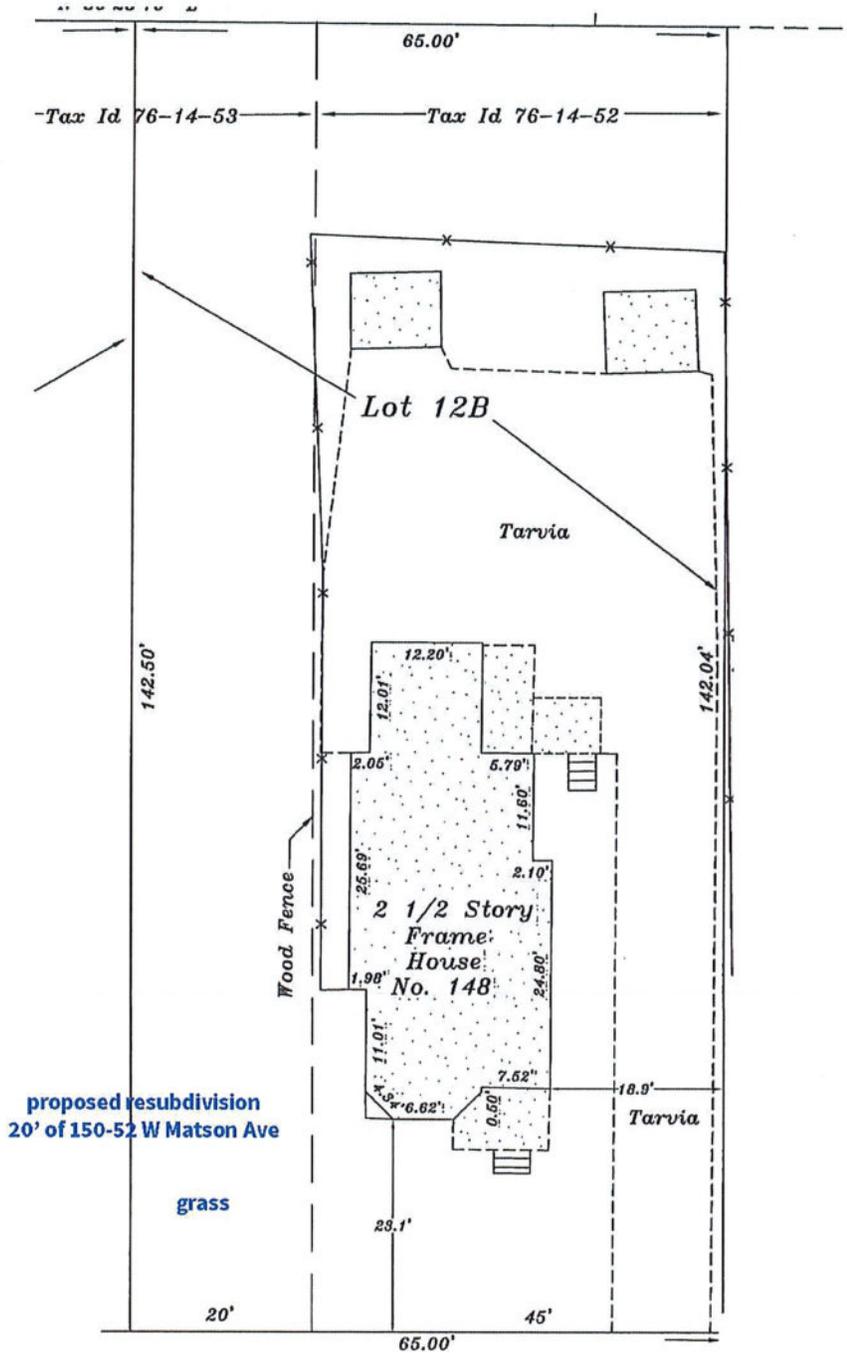
Notes/References:

- *Survey prepared without the benefit of an up-to-date abstract of title.
- *Adjoiner information obtained using ImageMatch Online.
- *Buildings/Structures shown for informational purposes only.
- *Subject parcel(s) has access to public utilities.
- *New Lot 12 A Area = 8562.3 Sq. Ft.
- *New Lot 12 B Area = 9247.5 Sq. Ft.
- *Parcel(s) Owner : Greater Syracuse Property Development Corporation; James Thornton and Yvonne Green.
- *Proposed Only*

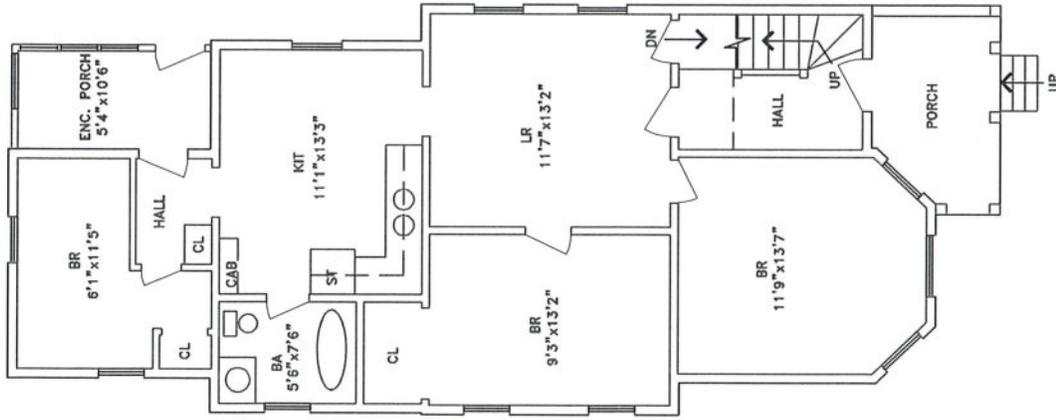
Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, Subsection 2 of the New York State Education Law. Only copies from the original of this survey marked with an original of the land surveyor's embossed seal or his embossed seal shall be considered to be valid true copies. Certifications shall run only to the person or entity for whom the survey is prepared and are not transferable to subsequent persons or entities. Copyright 2020, Michael J. McCully Land Surveying, all rights reserved.



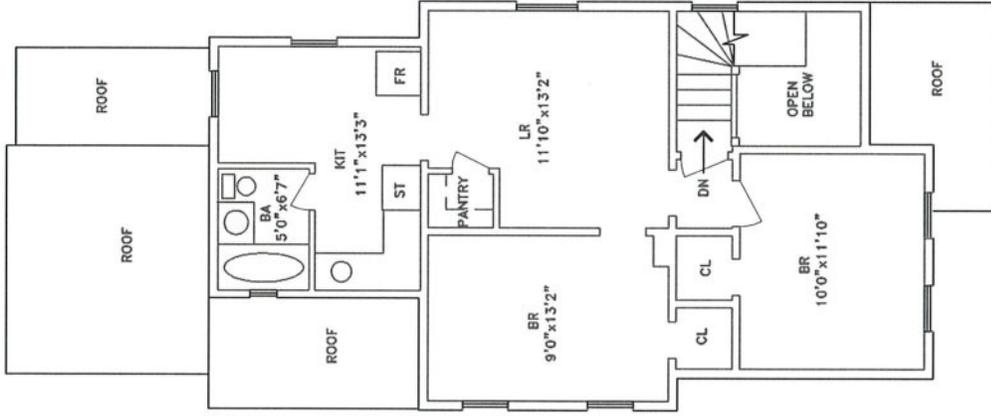
148 West Matson Ave
Site Plan
Drawn by Syracuse Land Bank
7/23/2020



West Matson Avenue



FIRST FLOOR
EXISTING FLOOR PLANS



SECOND FLOOR



MEASURED AND DRAWN BY: JEFFREY ROMANO
DATED: JULY 21, 2020

148 W MATSON AVE - SYRACUSE, NY 13205



July 24, 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 – 148 West Matson Ave

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

148 West Matson Ave is a two ½ story two-family home that was constructed in 1900. Assessment records only go back to 1960 but show that the property has been a two family for that recorded history.

James Thornton purchased the house in November 1974 and has been occupying the home ever-since. When he purchased it, he did his due diligence and determined the property was a legal two-family. He currently occupies the first floor and his granddaughter lives above him in the second unit.

In the summer of 2019 the Land Bank demolished a dilapidated house at 150-52 West Matson St. We reached out to the property owners on both sides of the vacant lot and both expressed an interest in purchasing half. A resubdivision application was filed.

The Zoning Office has since informed us that 148 W Matson is non-conforming because in 1962 the property was rezoned from RB to RA-1, which only allows single-family dwellings. 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, since the property is a legal, non-conforming use, a use-variance is required to add an additional 20’ of yard space.

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. Thornton’s financial hardship if he is required to convert his home to a single-family dwelling.

To support our application, please find the attached information:

- Application for Use Variance
- Short EAF
- Standards of Proof for Use Variance

- 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 split an otherwise non-buildable vacant lot between the two adjoining neighbors. The property owners will maintain the land, pay property taxes, and increase the values of their homes and the surrounding homes. This helps to revitalize the Brighton 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

Standards of Proof for Use Variance 148 W Matson Ave

Background

148 West Matson Ave is a two ½ story two-family home that was constructed in 1900. Assessment records only go back to 1960 but show that the property has been a two family for that recorded history.

James Thornton purchased the building in November 1974 and has been occupying the home ever since. When he purchased it, he did his due diligence and determined the property was a legal two-family. He currently occupies the first floor and his granddaughter lives above him in the second unit.

In the summer of 2019 the Land Bank demolished a dilapidated house at 150-52 West Matson St. We reached out to the property owners on both sides of the vacant lot and both expressed an interest in purchasing half. A resubdivision application was filed.

The Zoning Office has since informed us that 148 W Matson is non-conforming because in 1962 the property was rezoned from RB to RA-1, which only allows single-family dwellings. 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, since the property is a legal, non-conforming use, a use-variance is required to add an additional 20’ of yard space.

If the variance is not granted, we would withdraw the related resubdivision application.

Reasonable Return

148 W Matson Ave is a 2 1/2-story frame house located City’s Brighton neighborhood. It is located in an RA-1 zone, which only allows single-family dwellings. Mr. Thornton lives in one apartment and rents the other apartments to his granddaughter.

The financial hardship on this family would be exorbitant if the variance were not granted. If he still wanted to pursue the resubdivision, Mr. Thornton’s granddaughter would be forced to relocate and pay rent elsewhere and Mr. Thornton would have to reconfigure his house to absorb the second apartment.

In this scenario, one large dwelling unit containing approximately 1,591 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.

Mr. Thornton would not be able to realize a reasonable return on the property. He is 80 years old and at this time in his life he neither wants, nor needs additional living space, nor can he afford these renovation costs. Further, his granddaughter would be displaced and would need to pay rent elsewhere.

Unique Circumstances

This property is unique amongst other houses on the street because, of the 11 other two-family homes on the street it is one of only three that are owner occupied.

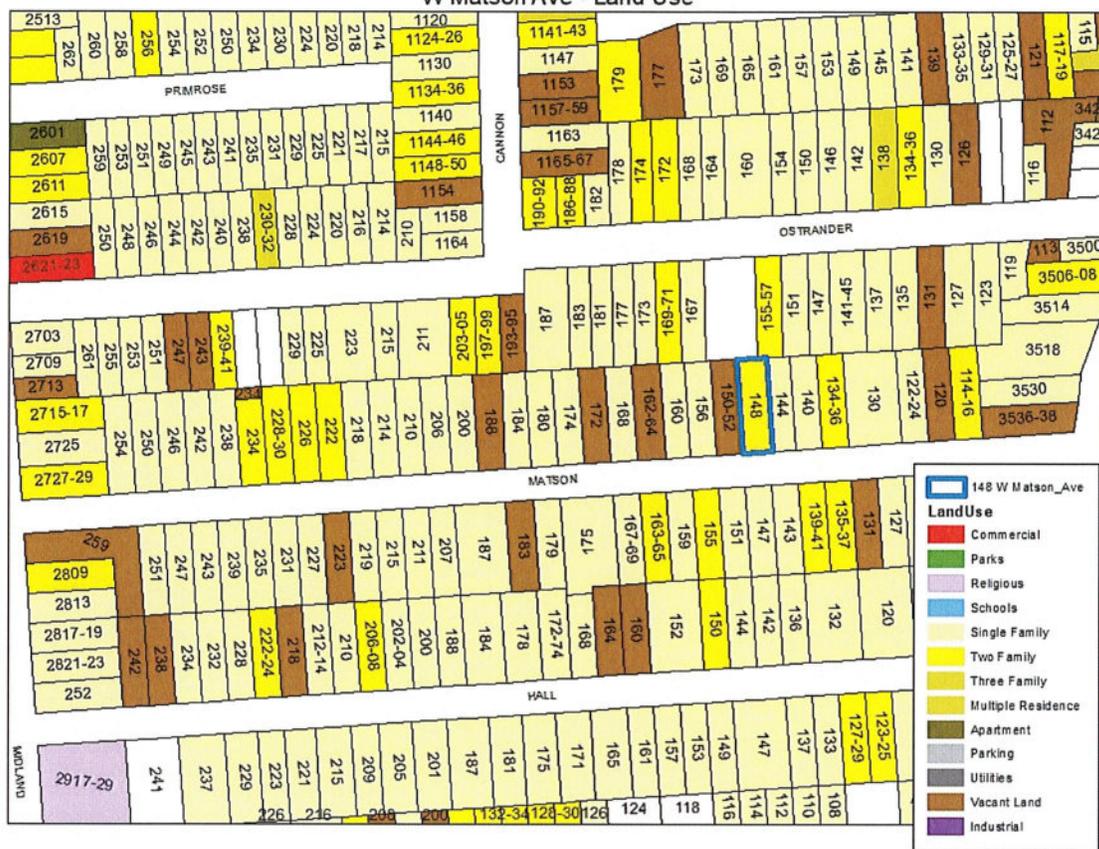
ADDRESS	LandUse	Occupancy	SFLA
114-16 Matson Ave W	Two Family	Rental Occupied	1,836
134-36 Matson Ave W	Two Family	Owner Occupied	2,005
135-37 Matson Ave W	Two Family	Vacant Residential	2,800
139-41 Matson Ave W	Two Family	Rental Occupied	2,128
148 Matson Ave W	Two Family	Owner Occupied	1,591
155 Matson Ave W	Two Family	Rental Occupied	2,452
163-65 Matson Ave W	Two Family	Rental Occupied	2,874
222 Matson Ave W	Two Family	Rental Occupied	2,016
226 Matson Ave W	Two Family	Rental Occupied	2,178
228-30 Matson Ave W	Two Family	Owner Occupied	2,744
234 Matson Ave W	Two Family	Rental Occupied	2,288
		AVERAGE SFLA	2,265

It is also now located next to a vacant lot which gives him the opportunity to beautify the property and provide play space for his grandchildren.

Essential Character of the Locality

The approval of this variance to expand a non-conforming two-unit dwelling will not change the essential character of the neighborhood. While the street is zoned Residential Class A-1 it is made up of a mix of 41 single families and 11 two-family dwellings. This application does not involve any changes to the structure or tenancy of the property. It merely adds 20 feet of additional yard space to the properties on both sides of 150-52 W Matson Ave and the opportunity for each neighbor to beautify their property.

W Matson Ave - Land Use



Not Self-Created

This was not a self-created hardship. Mr. Thornton performed his due diligence in verifying that the property was a legal two-family when he purchased it in 1974. He simply wants to add additional yard space to his property which will increase its value. Mr. Thornton will pay taxes on the property and increase the value of the surrounding neighborhood.

148 W Matson Ave - Photographs



148 W Matson Ave – Front Elevation



150-52 W Matson (Vacant lot) with 156 W Matson on left and 148 W Matson on right

148 W Matson Ave - Photographs



148 W Matson – westerly facing side elevation



Looking east toward South Salina Street

148 W Matson Ave - Photographs



Looking west toward Midland Ave

Deacons, Cathy

From: Terri Lockett <tluckett@syracuselandsbank.org>
Sent: Friday, July 24, 2020 2:03 PM
To: Zoning
Cc: Lisa Anne Dievendorf; Wright, Katelyn - LandBank
Subject: Use Variance - 148 W Matson Ave
Attachments: 148 W Matson Use Variance Package.pdf; 148matson.PDF

Good Afternoon,

Attached please find a use variance application for 148 W Matson Ave. I am using the proposed resubdivision map in place of the survey and it prints to 11" x 17". I have attached a separate copy of that document.

The Land Bank will be representing James Thornton for this application. There was no permit filed so I do not have a Denial of Permit.

Please let me know if you require any additional information to process the use variance.

Thanks

- Terri Lockett

Terri Lockett
Program and Data Manager/Neighborhood Planner
Greater Syracuse Land Bank
[431 E. Fayette Street, Suite 375](#)
[Syracuse, NY 13202](#)
[\(315\) 422-2301](#) x 18

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