

PLEASE TYPE OR PRINT (LEGIBLY)

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

1. Address of subject property: 217 Helen Street, Syracuse, NY 13203

2. Year property was purchased by current owner: 1963

3. Applicant/contact information:

a. Owner(s) (current titleholder):

Name(s): Coleman Florist, Inc.  
 Mailing Address: 4000 E. Genesee Street, Syracuse, NY  
 Zip: 13214 Daytime phone number: 446-0862 home phone number: 446-0862  
 E-mail (alternate contact for additional information request): ColemanFlorist@verizon.net

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): Rebecca and James Guarasci  
 Mailing Address: 4768 Casimir Cr., Liverpool, NY  
 Zip: 13088 Home phone number: 263-2476 Day Phone: 263-2476  
 E-mail (alternate contact for additional information request): WindyJim@aol.com

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

Name(s): Joshua S. Werbeck, Bousquet Holstein PLLC  
 Mailing Address: 110 W. Fayette St., Suite 1000, Syracuse, NY  
 Zip: 13202 Telephone number: 315-701-6447

4. Current use of property (i.e., 1 family, 2 family, grocery store, etc.): Coleman's Florist  
 Retail store and shop (florist for prep. of arrangements and sale of arrangements).

Proposed use and occupancy of property: Cities Leather and Luggage  
 Retail store and shop (luggage and leather repair and sale).

Current number of onsite (off-street) parking spaces: 4

Proposed number of onsite (off-street) parking spaces: 4

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

8:30 am to 5:00 pm on business days and 9:30 am to 1:00 pm on Saturday

Explain in detail what (if any) new additions or construction is proposed on the site:

None.

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.

A. Essential Character. No change is proposed to the existing premises. The current small-scale use of the property will continue. There would not be an increase in traffic, noise, light, odor, etc.

B. Unique Circumstances. The property's current use existed before it was not permitted. Upon information and belief, the current use is "grandfathered." The building's construction and current state relied on the legal non-conforming use. The building is obviously a small commercial building that is unique and cannot be used for any other purpose.

C. Not Self Created. The property has existed as the Coleman Florist Shop for generations. The current owner did not create the hardship.

D. No Reasonable Return. The property is a commercial property and it's not possible to rent it as residence.

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) Date

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

**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

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: 12/6/2019  
Peter C. Coleman, President, Coleman Florist, Inc.

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).



February 7, 2020

**VIA HAND DELIVERY**

Office of Zoning Administration  
City Hall Commons, Room 221  
201 East Washington Street  
Syracuse, New York 13202

**Re: Use Variance Application**

Dear Office of Zoning Administration,

Our law firm represents Coleman Florist, Inc. ("**Coleman**"). Coleman owns 217 Helen Street in the City of Syracuse (the "**Property**"). Coleman has contracted to sell the Property to the owners of Cities Leather and Luggage, Rebecca and James Guarasci ("**Cities Leather**"). For decades, Coleman has operated a retail florist business at the Property as a legal non-confirming use. In order to complete the sale of the Property to Cities Leather, Coleman requires a use variance. We respectfully ask that the City of Syracuse grant the use variance described below for the reasons stated below.

This application involves one historic and storied Syracuse business selling to another historic and storied Syracuse business. Coleman and its predecessors have operated a Syracuse florist at the Property for nearly a century.

Cities Leather has operated in Syracuse for more than a century. The company's founders began working with leather and luggage in Syracuse in or about 1918. In the 1940s, Cities Leather began operating from a retail location on North Salina Street. Tragically, the North Salina Street location was one of several buildings completely lost to fire on August 29, 2018.

Cities Leather desires to continue to operate in Syracuse's North Side. It has selected the Property as the next location for its business.

Cities Leather and Coleman are uniquely similar small-scale retail businesses. Coleman's florist business involves working on arrangements of flowers and selling them to customers, who may pick them up or receive them by delivery. Cities Leather's business involves repairs to luggage and leather goods by order and through warranty claims. It also operates a limited, one to two customers per day, retail sales business of quality luggage and leather goods.



Both businesses are small and local businesses that have historically operated in Syracuse's North Side neighborhoods. The businesses do not receive extensive "foot traffic." They do not create much noise or odor. They both maintain limited hours during typical business times (opening around 8:30 am and closing around 5:00 pm).

The Property is uniquely situated for businesses like Coleman's florist and Cities Leather's shop. It is a small commercial-style building in a historic North Side neighborhood. The Property has existed as a commercial property for decades. It is not suitable for residential use. It is not suitable for larger businesses or businesses with many visitors. Cities Leather proposes to continue to use the Property for the same type of business and use that Coleman operated at the Property for decades.

Coleman and Cities Leather respectfully request the City grant a use variance to operate Cities Leather's small business in the residential zone that the Property is located in. As set forth in the Variance Application, the Property meets the standards of proof for such use variance.

In addition to the enclosed Variance Application, please find the following enclosed submittals in support of Coleman and Cities Leather's request:

- **Exhibit A** – Denial of Permit;
- **Exhibit B** – SEQR Environmental Assessment Form;
- **Exhibit C** – The use variance standards of proof are included in the Variance Application and this exhibit includes more information concerning the reasonable return standard;
- **Exhibit D** – Detailed letter of explanation sheet – Please consider this correspondence and the Variance Application;
- **Exhibit E** – Photos of the Property;
- **Exhibit F** – Copy of check for \$25.00 for variance fee;
- **Exhibit G** – Property survey dated October 2, 2019;
- **Exhibit H** – Site plan for the Property;
- **Exhibit I** – Floor plans for the Property – Coleman and Cities Leather does not propose any change to the Property's floor plans; and



- **Exhibit J** – Coleman and Cities Leather do not propose any new construction or any changes to the Property. According to the Variance Application's submittals sheet, elevations are not required in this case.

Please note that Stuart Frank represents Cities Leather. Mr. Frank and Cities Leather have reviewed this correspondence and the enclosed application and join in the request to the City for a use variance.

I look forward to working with you concerning this matter. Thank you for your time and kind consideration.

Very truly yours,

BOUSQUET HOLSTEIN PLLC

Joshua S. Werbeck  
Email: JWerbeck@BHLawPLLC.com  
Direct phone: (315) 701-6447

JSW/  
Enclosures  
4031248

cc: Coleman Florist, Inc.  
Cities Leather & Luggage  
Stuart Frank, Esq.

DIVISION OF CODE ENFORCEMENT  
201 E. WASHINGTON STREET — ROOM 101  
SYRACUSE, NEW YORK 13202-1430

DENIAL OF PERMIT

REFERENCE ADDRESS 217 HELEN STREET

WARD NO. \_\_\_\_\_

OWNER COLEMAN FLORIST INC

OWNER'S ADDRESS 4000 E GENESEE ST

SYR NY 13203

PETER E. COLEMAN TELEPHONE 315-446-0862

APPLICATION FOR PERMIT TO:

erect ( ) convert ( ) maintain  operate ( )

MAINTAIN COMMERCIAL USE OF BUILDING

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 12-6-19 SIGNATURE Gail L Swistak

## Short Environmental Assessment Form

### Part 1 - Project Information

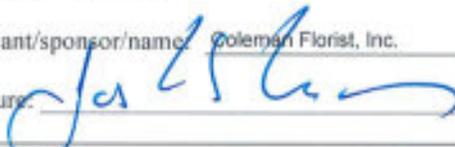
#### Instructions for Completing

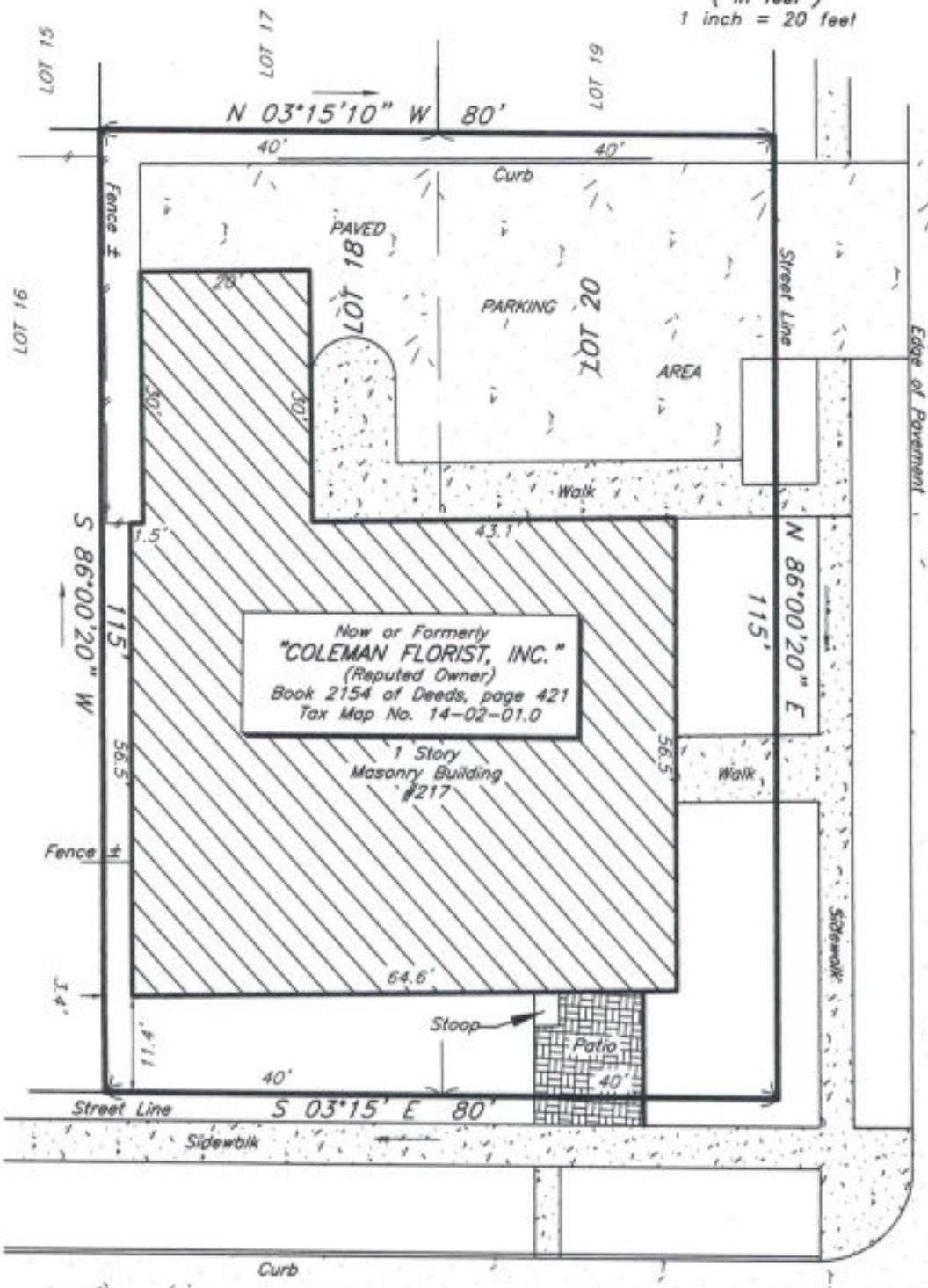
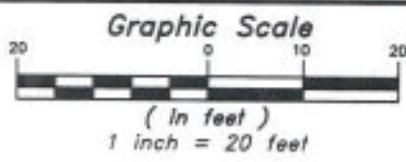
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

<b>Part 1 – Project and Sponsor Information</b>			
Coleman Florist, Inc.			
Name of Action or Project: Use Variance for 217 Helen Street in Syracuse			
Project Location (describe, and attach a location map): 217 Helen Street, Syracuse, New York 13203			
Brief Description of Proposed Action: Applicant seeks a use variance from the City of Syracuse to maintain commercial use at 217 Helen Street in the City of Syracuse.			
Name of Applicant or Sponsor: Coleman Florist, Inc.		Telephone: 315-446-0862	
Address: 4000 East Genesee Street		E-Mail: ColemanFlorist@Verizon.net	
City/PO: Syracuse		State: New York	Zip Code: 13214
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"/>
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: City of Syracuse Planning Commission			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.21 acres			
b. Total acreage to be physically disturbed? _____ 0.00 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.21 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" 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,			
a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input 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 <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <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? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
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"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>Coleman Florist, Inc.</u> Date: <u>12/6/2019</u> Signature: <u></u> Title: <u>Joshua S. Werbeck, Attorney for Applicant</u>		



**SIDNEY STREET**

**HELEN STREET**

Subject to a Current Abstract of Title  
Not To Be Used For Construction Purposes.

Building Location Survey for Mortgage/Conveyance Purposes

CERTIFIED TO:

Upon the Lands of:  
**"COLEMAN FLORIST, INC."**  
Lots 18 & 20, Block 618  
N.F. Graves Farm Tract  
Filed: 6/13/1885, As Map #409  
City of Syracuse, County of Onondaga  
State of New York  
Known As: #217 Helen St. & Sidney St.

Certifications are not transferable to additional institutions or subsequent owners.  
Certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution.  
This Certification shall be null & void if a Re-Survey/Update of Survey Map is done by others, except by the undersigned surveyor or his successor. Utilities & Underground Structures Not Certified.  
Property corner stakes, if any (found or set) as noted above.  
It is a violation of Article 145 of the N.Y.S. Education Law to alter this map without the direct consent of the undersigned surveyor or his successor.  
The undersigned surveyor hereby certifies that this map is made from an actual survey of the property shown hereon.

**CHRISTOPHERSON**  
LAND SURVEYING

Syracuse, New York  
Phone: (315)437-9848

Tully, New York  
Phone: (315)696-5956

Made By: PJT  
Date: 10/02/2019  
Scale: 1"=20'  
File: 662H  
Disk: CD 1631

© COPYRIGHT 2019 All rights Reserved  
CHRISTOPHERSON Unauthorized duplication is a violation of applicable laws.

VOID UNLESS  
SIGNED WITH  
RED INK.

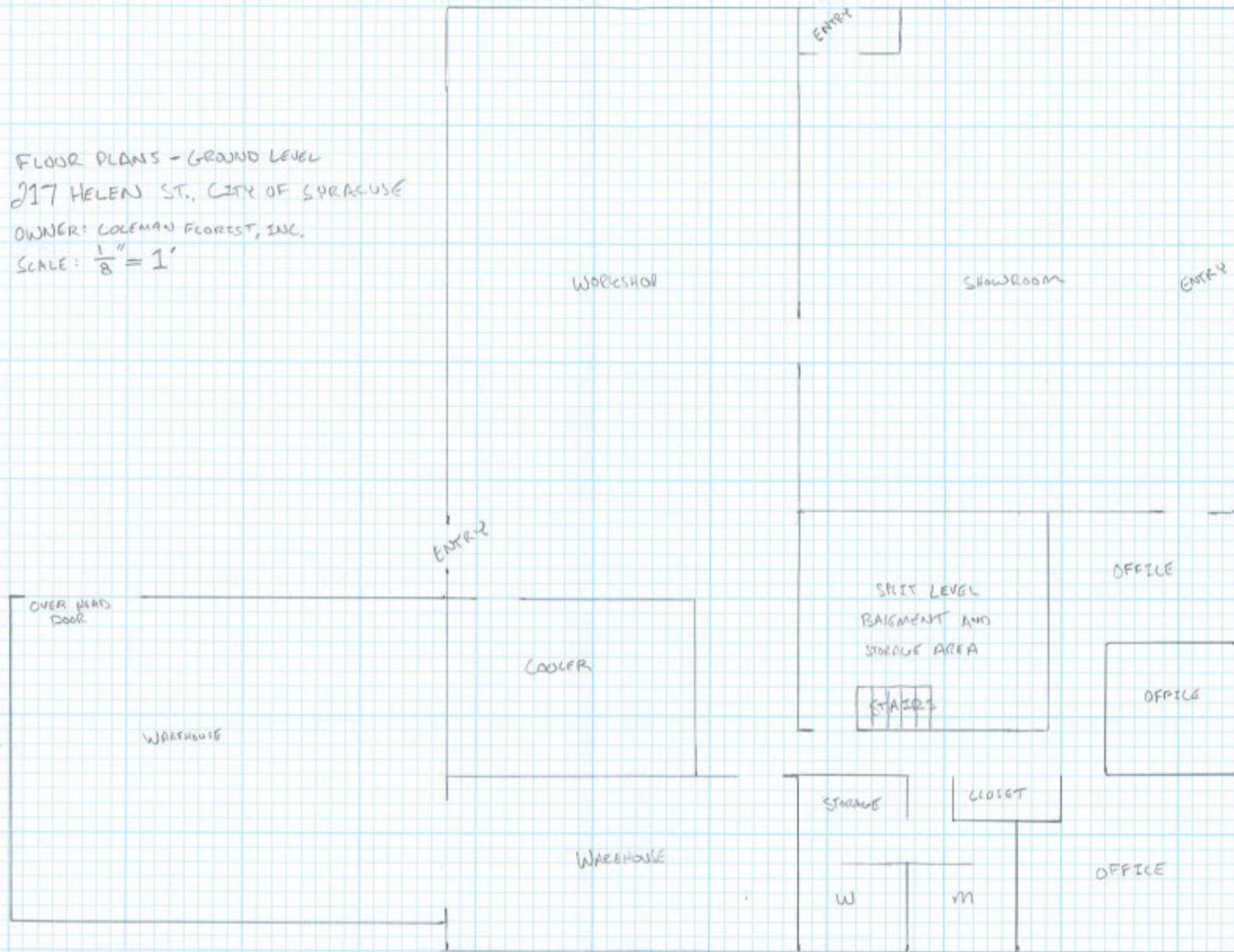
*Hans B. Christopherson*  
Professional Land Surveyor

Re-Certified:





FLOOR PLANS - GROUND LEVEL  
217 HELEN ST., CITY OF SYRACUSE  
OWNER: COLEMAN FLOREST, INC.  
SCALE:  $\frac{1}{8}'' = 1'$



FLOOR PLAN - BASEMENT  
217 HELEN ST., CITY OF SYRACUSE  
OWNER: COLEMAN FRONTIER, INC  
SCALE:  $\frac{1}{8}'' = 1'$



## **Use Variance Standards of Proof**

**217 Helen Street, Syracuse, New York 13203 (the "Property")**

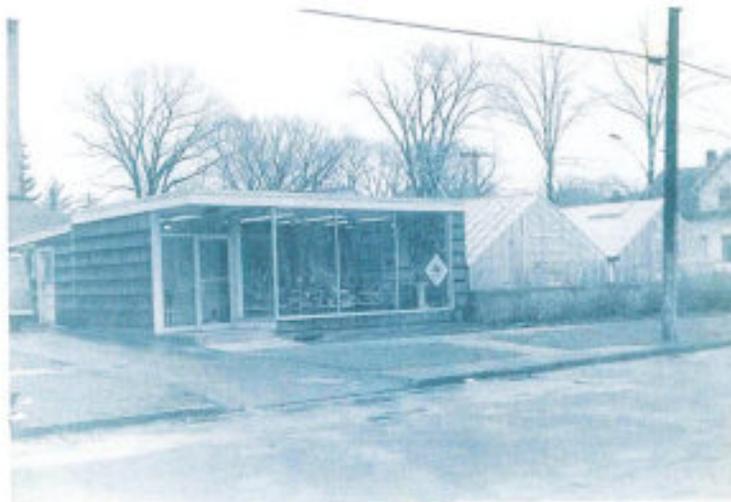
**Coleman Florist, Inc.**

Please see Use Variance Application for standards and the following concerning the reasonable return standard of proof.

The retail flower industry has dramatically changed over the last several decades. The small-scale physical retail florist is a dying business type. Coleman Florist, Inc. ("Coleman") has not been immune to the changes in the industry. The changes have led Coleman to close its retail stores, including the one on Helen Street in Syracuse, and consolidate its operations at Coleman's sole shareholder's personal residence on Genesee Street.

Maintaining and paying the carrying costs for 217 Helen Street is a complete lose for Coleman. For years, Coleman paid about \$8,000.00 per year in taxes and now pays about \$6,000.00 per year because of a recent reduction. The insurance cost is about \$1,000.00 per year. The gas and electric was about \$10,000.00 per year while Coleman operated and today it costs about \$3,000.00 per year to simply maintain the service.

The Property does not produce any income. The Property has always been a purely commercial structure. Before the current structure, there were green houses in its place. The Property is not suitable for residential use. Without the requested variance, Coleman cannot lease or sell the Property to an entity that will use it for its only reasonable use.







217 Helen Street

View from corner of Sidney Street and Helen Street



217 Helen Street

View looking down Helen Street towards Park Street



217 Helen Street

View looking down Helen Street towards Rugby Road



217 Helen Street

View from Sidney Street



217 Helen Street

Parking lot and employee entrance



217 Helen Street

Parking lot and employee entrance

## **Exhibit J**

### **Elevations for the Property**

Coleman and Cities Leather do not propose any new construction or any changes to the Property. According to the Variance Application's submittals sheet, elevations are not required in this case.



# BOUSQUET HOLSTEIN PLLC

110 WEST FAYETTE STREET • ONE LINCOLN CENTER • SUITE 1000 • SYRACUSE, NEW YORK 13202 • PH: 315.422.1500 • FX: 315.422.3549

August 11, 2020

## VIA FEDEX

Office of Zoning Administration  
City Hall Commons, Room 221  
201 East Washington Street  
Syracuse, New York 13202

### **Re: Use Variance Application**

Dear Office of Zoning Administration,

*I am resubmitting this application with the corrections that Melissa Sanfilippo requested to our February 2020 application.*

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I look forward to working with you concerning this matter. Thank you for your time and kind consideration.

Very truly yours,

BOUSQUET HOLSTEIN PLLC

Joshua S. Werbeck  
Email: JWerbeck@BHLawPLLC.com  
Direct phone: (315) 701-6447

JSW/  
Enclosures  
4031248

cc: Coleman Florist, Inc.  
Cities Leather & Luggage  
Stuart Frank, Esq.