



**CITY OF SYRACUSE, MAYOR BEN WALSH**  
**300 South State Street, Suite 700 Syracuse, NY 13202**

Department of Neighborhood and Business Development  
 Jake Dishaw, Zoning Administrator  
 Office of Zoning Administration – P: (315)448-8640 E: Zoning@syr.gov

<b>V-24-19</b>	<b>Staff Report – October 10, 2024</b>				
<b>Application Type:</b>	Use Variance				
<b>Project Address:</b>	709 Carbon St, (Tax Map ID: 007.-21-04.0)				
<b>Summary of Proposed Action:</b>	The applicant proposes to install a driveway to accommodate parking in the front setback.				
<b>Owner/Applicant</b>	Mary Duong, Owner Samantha Randall, Representative				
<b>Zoning Violations</b>	The proposed project is seeking a Use variance from the Board of Zoning Appeals to violate the following Zoning Ordinances:				
	1. ReZone, Art. 4, Sec. 4.4F(4)b – For single and two-unit dwellings in all districts, off-street parking areas shall be located only in a garage or on a paved driveway and shall not be located elsewhere within a required front setback including a garage.				
	<table border="1"> <thead> <tr> <th>Prohibited in Zoning Code</th> <th>Proposed by Applicant</th> </tr> </thead> <tbody> <tr> <td>Front setback parking all Residential Zone District</td> <td>Parking in front setback</td> </tr> </tbody> </table>	Prohibited in Zoning Code	Proposed by Applicant	Front setback parking all Residential Zone District	Parking in front setback
Prohibited in Zoning Code	Proposed by Applicant				
Front setback parking all Residential Zone District	Parking in front setback				
<b>Existing Zone District:</b>	Low-Density Residential, R2 Zone District				
<b>Surrounding Zone Districts:</b>	The neighboring properties to the east are situated in R2 Zone District. The north, west neighboring property is Urban Neighborhood, MX-1 Zone District. The south neighboring property is High Density Residential, R1 Zone District.				
<b>Companion Application(s)</b>	None				
<b>Scope of Work:</b>	Maintaining the existing driveway that leads to a front setback parking space.				
<b>Staff Analysis:</b>	<p><b>Factors:</b></p> <ul style="list-style-type: none"> <li>- Although two-unit dwellings are permissible in the R2 Zone District, the lot size is legally nonconforming at 3,960 square feet, as the required lot size for two dwelling units is 6,000 square feet.</li> <li>- The existing house, built in 1910, is a nonconforming structure that encroaches 1.5 feet into the eastern side setback, and the western side setback is only 5 feet. Due to the narrowness of the side setbacks, it is impossible to install a driveway leading to a legal parking area.</li> <li>- The existing illegal front yard parking area covers at least 60% of the front setback.</li> <li>- According to Google Maps Street View, a portion of green space in the Right of Way in front of the property was replaced illegally with asphalt pavement to enlarge the driveway.</li> <li>- Based on Google Maps Street View records, the existing illegal parking area has been used for parking two vehicles, blocking the western building entrance from the public sidewalk.</li> <li>- A location in front of the dwelling unit steps and door would be a violation of the NYS Uniform Fire Prevention and Building Code.</li> <li>- The length of the existing illegal parking area is not sufficient for fitting regular vehicles (e.g., 2017 Volkswagen Tiguan), which makes the vehicle encroaching on the public sidewalk. ( see attached figure 3)</li> <li>- According to the property survey, the existing setback only provides a 13.8-foot</li> </ul>				

distance between the sidewalk/Right of Way and the building façade. The existing bush in front of the façade further occupied 2 feet from the front setback. The length (11.8 feet) of the proposed parking violates the minimum length requirement of 18 feet pursuant to Article 4. Section 4.4F Parking Space Dimension. Therefore, the front setback cannot support the installation of a legal parking area.

- Adequate permissible on-street parking is available for this residence and adjacent neighbors.
- The property is under a curbing program executed by the City of Syracuse Department of Public Work(DPW)
- DPW installed a dedicated Handicapped parking space in front of the applicant’s house to accommodate the applicant’s special needs.

**Use Variance Criteria Analysis:**

1. Reasonable Return Justification: no significant data is provided to indicate the decrease in the property value due to the lack of a front setback parking area while on-street parking is available.

2. Unique Circumstances Justification: (1) the applicant has not presented any unique circumstance relating to the structure or to the land. (2) While there are other parking spaces similarly located in this neighborhood, those spaces do not block means of egress nor encroach into the ROW.

3. Neighborhood Character Justification: The approval of the proposed Use Variance may natively encourage the surrounding neighbor to enhance illegal parking in the front setback.

4. Self-Created Hardship Justification: the hardship of the proposal is self-created; particularly the illegal removal of green space in the Right of Way in front of the property with asphalt pavement to enlarge the illegal driveway.

**Recommended conditions if approved:**

1. The parking area shall not encroach into the City Right-of-way an Encroachment from DPW/Common Council for the approval of parking in the City Owned Right of Way.
2. The parking area shall only allow for one-vehicle parking.
3. The width of the driveway shall be limited between 8-10 feet to only accommodate one vehicle access.
4. A concrete sidewalk shall be established to delineate the public sidewalk better.
5. the applicant shall comply with the general conditions for approval of variance application. (See the attached sheet “General Conditions for Variance Approval

***Zoning Procedural History:***

- No Zoning history is available at this property.

***Summary of Zoning History:***

The existing structure was built in 1910 for two-unit dwellings. Prior to Rezone, the Zone District of the property is RA, allowing two-unit dwellings.

***Code Enforcement***

See attached code enforcement history.

<b>History:</b>	
<b>Summary of Changes:</b>	This is not a continued application.
<b>Property Characteristics:</b>	<b>Existing property characteristics:</b> The lot is a rectangle corner lot with 33 feet of frontage on Carbon Street, with a lot depth of 120 feet t; the total lot size: 0.09 Acres (3960 SF)  There will be no changes to the property line.
<b>SEQR Determination:</b>	Pursuant to 6 NYCRR §617.2(al), the proposal is an Unlisted Action.
<b>Onondaga County Planning Board Referral:</b>	Pursuant to GML §239-l, m and n, the proposal does not meet the referral criteria to the Onondaga County Planning Board.

**Application Submittals:** The application submitted the following in support of the proposed project:

- Use Variance application
- Short Environmental Assessment Form Part 1
- Location Surve on Part of Block #83, City of Syracuse. Known as No.709 Carbon Street City of Syracuse, County of Onondaga. New York State Of New York; Licensed Land Surveyor: Douglas R.LEHR; LEHR Land Surveyors ; Scale: 1''= 20'; Dated: 11/21/1984; Revision: 4/22/1986

**Attachments:**

Use Variance Application

Power of Attorney

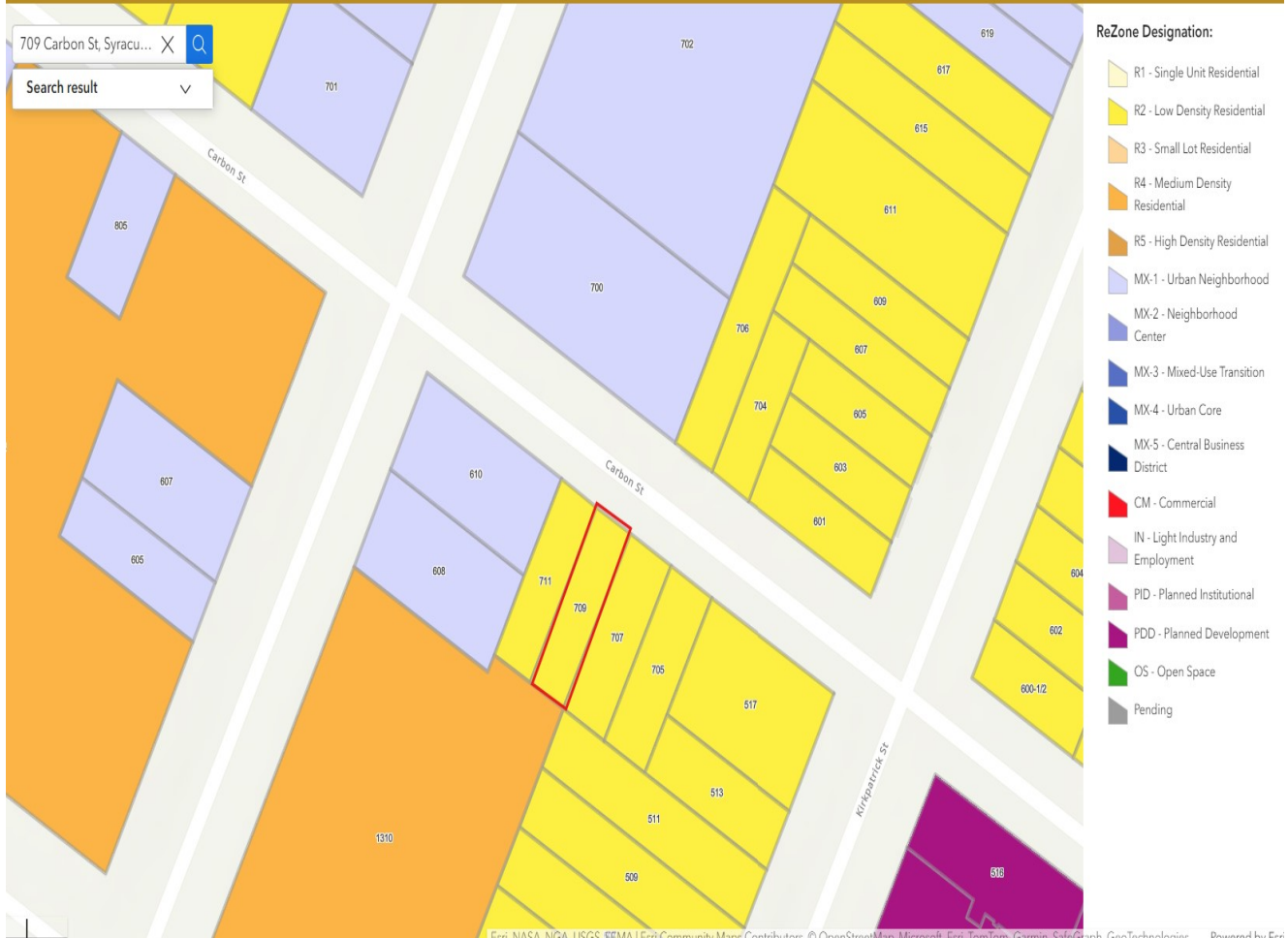
Short Environmental Assessment Form Part 2 & Part 3

Code Enforcement History

IPS Comments from City Departments

**Context Maps:**

**Figure 1: Zone District of Subject Property**



Description: Figure 1 shows the current Zone District of the subject property.

Image Source: City of Syracuse Neighborhood and Business Development, ReZone Syracuse Zoning Map.

Figure 2: Aerial Imagery of Subject Property



Description: Figure 2 shows satellite imagery of 2-unit dwellings on the subject property.  
Image Source: ConnectExplorer™, Eagle View Technology Corporation

**Figure 3:** Street View on the property front yard in 2007



Image Source: Google Maps, Street View.



**Summary of Variance Procedure** (cont.)

**What is a variance and when is a variance needed for my project?**

If your project is not expressly allowed under the current zoning ordinance you may seek a variance from the City of Syracuse Board of Zoning Appeals. A zoning variance is an exception to a zoning ordinance that may be granted by the Board of Zoning Appeals on a case-by-case basis. Depending on the nature of the proposed project an applicant will be required to apply for either a use or an Area Variance. The evidence burden for the approval of a variance is on the applicant. Therefore the applicant should provide any evidence that may support their claim. Evidence may include financial records and estimates and detailed explanations, supported by evidence, of the nature of the project and its potential effect on the community.

**A Use Variance** is required to permit a land use that is otherwise prohibited by the local zoning ordinance. Here, the applicant must seek permission from the Board of Zoning appeals to use the property in a manner that is not permitted in their zoning district.

*Use Variance Approval Criteria*

In making its determination the Board of Zoning Appeals must find that the applicant meets all of the criteria to demonstrate an unnecessary hardship on the property. A Use Variance cannot be granted without a showing by the applicant that applicable requirements of this Ordinance have caused unnecessary hardship. In order to prove unnecessary hardship, the applicant meet the requirements of New York General City Law, which require the applicant to demonstrate that, for each and every allowed use under the zoning district in which the property is located:

- The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- The requested Use Variance, if granted, will not alter the essential character of the neighborhood; and
- The alleged hardship has not been self-created.

Generally, the nicety for a Use Variance is more difficult to prove than the necessary for an Area Variance because all of the above criteria must be proven in order to permit the Board to approve an application

**An Area Variance** is required for a use of land in a manner that is allowable under the local zoning ordinance, but which is not allowed by the dimensional or physical requirements of the local zoning regulations.

*Area Variance Approval Criteria*

In making its determination, the Board of Zoning Appeals will take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

- whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance;
- whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an Area Variance;
- whether the requested Area Variance is substantial;
- whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the Area Variance.
- The board of appeals, in the granting of Area Variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

## Variance Application



Office of Zoning Administration  
201 East Washington St.  
Syracuse, NY 13202  
Phone: (315) 448-8640  
Email: zoning@syrgov.net

### For Office Use Only

Zoning District: \_\_\_\_\_  
Application Number: V- \_\_\_\_\_ - \_\_\_\_\_  
Date: \_\_\_\_\_

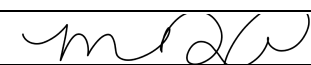
## Variance Application

*This application may be mailed or delivered in person to the Syracuse Office of Zoning Administration. Do not bind application materials. Faxed or emailed submissions will not be processed. If you wish to discuss the application with a member of our staff, please call ahead for an appointment.*

### General Project Information

Business/project name: Driveway Access Need Curb Cutting Restored		
Street address (as listed in the Syracuse Department of Tax Assessment property tax records): 709 Carbon Street		
Lot numbers:	Block number: 700	Lot size (sq. ft.)
Current use of property: Single Family Home	Proposed:	
Current number of dwelling units (if applicable):	Proposed:	
Current hours of operation (if applicable):	Proposed:	
Current onsite parking (if applicable):	Proposed:	
Zoning (base and any overlay) of property:		
Companion zoning applications (if applicable, list any related zoning applications):		
Project construction (check all that apply): <input type="checkbox"/> Demolition (full or partial) <input type="checkbox"/> New construction <input type="checkbox"/> Exterior alterations <input type="checkbox"/> Site changes		
Variance requested (check one and cite the section of the Zoning Ordinance that a variance is requested): <input checked="" type="checkbox"/> Use variance <input type="checkbox"/> Area variance		
Nature and extent of variance requested (attach additional pages if necessary): The variance requested is for a curb cut to restore access to a driveway that was established over 32 years ago, prior to my purchase of the home. This driveway has been in continuous use and is essential for my daily access, which was lost due to a recent city curbing project.		

### Owner/Owner's Agent Certification

<i>By signing this application below, I, as the owner of, or the agent of the owner, of the property under review give my endorsement of this application.</i>	
Print owner name: Mary Duong	
Signature: 	Date: 9/8/2024
Mailing address: 709 Carbon Street Syracuse, NY 13208	
The names, addresses, and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. Faxed or photocopied signatures will not be accepted.	



## Variance Application



Office of Zoning Administration  
201 East Washington St.  
Syracuse, NY 13202  
Phone: (315) 448-8640  
Email: zoning@syrgov.net

### Use Variance Test

*A Use Variance is permission to establish a land use that is not allowed by the Zoning Rules and Regulations, as amended. New York State law requires applicants to prove that this has caused an unnecessary hardship using all of the four tests below (see [https://www.dos.ny.gov/lg/publications/Zoning\\_Board\\_of\\_Appeals.pdf](https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf) for more information).*

*Briefly describe below how each of the required Use Variance tests is met and attach all supporting materials.*

#### 1. Reasonable Return

Describe how the property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district (actual "dollars and cents" proof must be submitted).

Without driveway access, my property's market value has significantly decreased, making it difficult to sell or rent at a competitive price. Comparable homes with driveways sell for much more. Additionally, I face ongoing expenses such as parking fines, vehicle damage from street parking, and neighborhood crime and increased maintenance costs. These additional financial burdens, combined with the costs associated with my health condition and transportation difficulties, make it impossible to earn a reasonable return on my initial investment in the property.

#### 2. Unique Circumstances

Describe how the property is being affected by unique circumstances, or at least highly uncommon circumstances.

The property is being affected by unique circumstances due to the city's recent curbing project, which has completely blocked access to my established driveway. This is a highly uncommon situation, as most homes in the area retain full access to their driveways. The curbing not only impacts my daily life, but also creates an unusual hardship given my current health condition and handicap approval. This rare combination of losing essential driveway access and facing significant mobility challenges due to chemotherapy makes the situation far more difficult than what other homeowners typically experience in this district.

#### 3. Neighborhood Character

Describe how the variance, if granted, will not alter the essential neighborhood character.

Granting the variance will not alter the essential character of the neighborhood, as the driveway has existed for over 32 years, long before I purchased the home. Restoring access to the driveway would simply maintain the status quo, as it has been an integral part of the property and the neighborhood for decades. The driveway's presence has not caused any disruptions or changes to the area's character, and granting the variance would merely preserve the functionality and appearance that has always been part of the community.

#### 4. Self-Created Hardship

Describe how the hardship is not self-created.

The hardship was not self-created, as the city initiated the curbing project without my knowledge or consent, and I was never informed that the project would block access to my driveway. I had no involvement in the planning or execution of this project, and the loss of driveway access was entirely unexpected. For over 32 years, I relied on this driveway, and its removal has placed an unfair burden on me, especially given my current health situation. Therefore, this hardship was imposed by external actions beyond my control, not by any decisions or actions I made as the property owner.



LAND SURVEYORS

LEHIGH

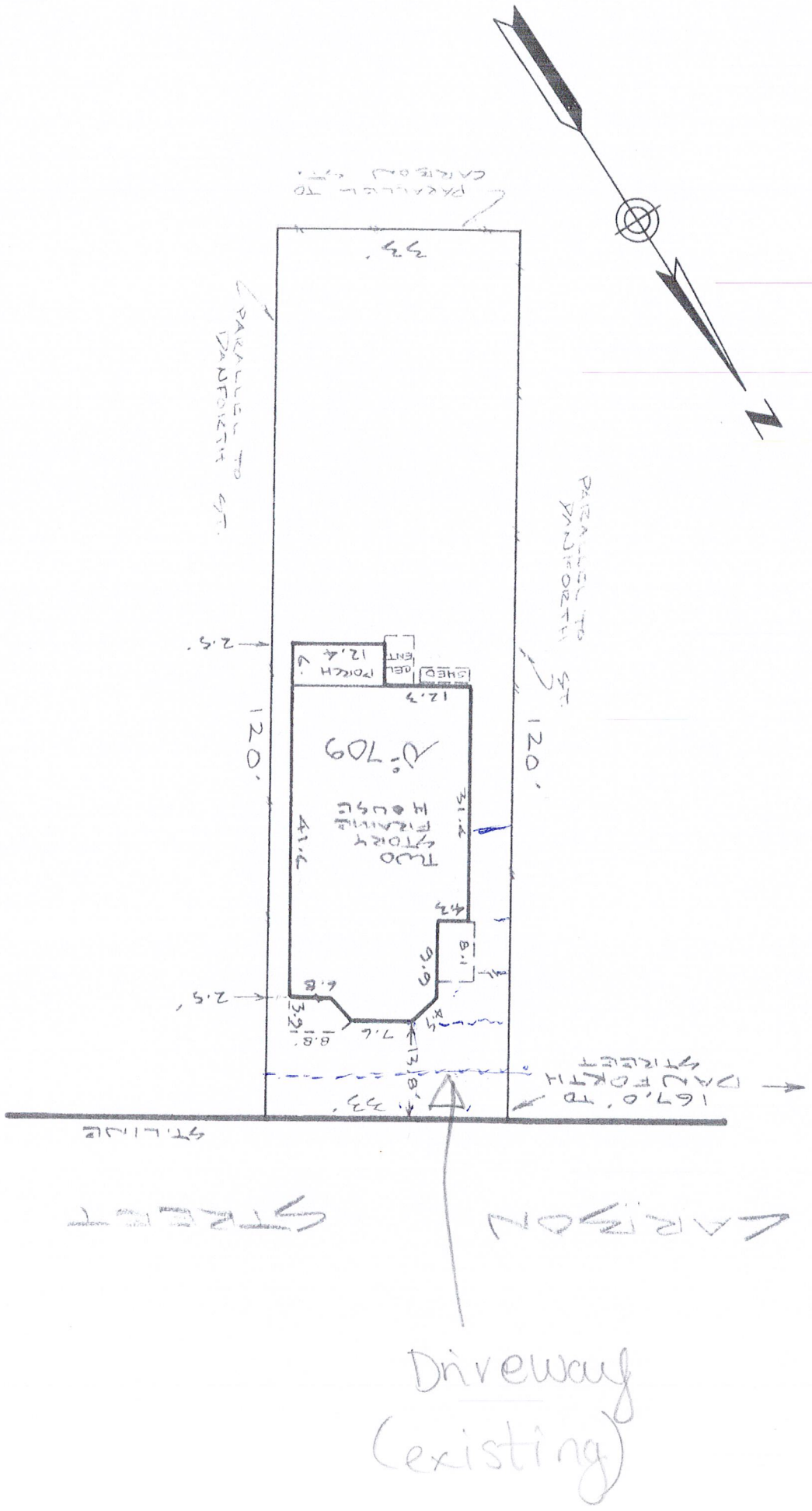
LIVERPOOL, NEW YORK

I HEREBY CERTIFY THAT THIS IS AN ACCURATE MAP MADE FROM AN ACTUAL SURVEY.

LICENSED LAND SURVEYOR

DOUGLAS R. LEHR

NYSLS 49223



REDATED JUNE 6, 1990

Location survey on part of Block# 83, City of Syracuse.

Known as No. 709 Carbon Street City of Syracuse, County of Onondaga, N.Y.

DRAWN BY:	DRI	SCALE:	1"=20'	DATE:	21 NOV. 1984
REVISIONS:	REDATED 22 APRIL 1986			DRAWING NO.	84-1162*

THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY.

THIS INDENTURE, made the 13th day of August 19 90 .  
BETWEEN DANIEL M. LAWLESS and MARY JEAN LAWLESS, his wife,  
709 Carbon Street, Syracuse, New York 13208

3639 PAGE 308

DU DUONG and MARY DUONG, his wife,  
711 Carbon Street, Syracuse, New York 13208

grantor

grantee



DEED

WITNESSETH, that the grantor, in consideration of

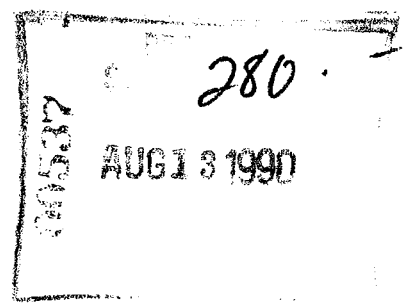
-----ONE----- Dollars,  
paid by the grantee, hereby grants and releases unto the grantee, the heirs or successors and assigns of the grantee forever,

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Syracuse, County of Onondaga and State of New York, and being part of Block No. Eighty-three (83) of the late Village of Salina, bounded as follows: Beginning in the South line of Carbon Street, at a point one hundred sixty-seven (167) feet easterly from the southeast corner of Danforth and Carbon Streets, running southerly on a line parallel with Danforth Street one hundred and twenty (120) feet; thence easterly parallel with Carbon Street thirty-three (33) feet; thence northerly parallel with Danforth Street one hundred and twenty (120) feet to the south line of Carbon Street; and thence westerly on the last mentioned line thirty-three (33) feet to the place of beginning.

SUBJECT to easements and restrictions of record.

Being the same premises conveyed to the grantors herein by deed recorded in the Onondaga County Clerk's Office on December 14, 1984 in Book of Deeds 3140, Page 289.

DATE OF Purchase →



ONONDAGA COUNTY CLERKS OFFICE  
Deed, Recorded on the  
13 day of Aug 1990 at  
11:45 A.M. in Book 3639 Page 308  
and examined.

Elaine Lytel

TOGETHER with the appurtenances and all the estate and rights of the grantor in and to said premises.  
TO HAVE AND TO HOLD the premises herein granted unto the grantee, the heirs or successors and assigns of the grantee forever. AND the grantor covenants as follows:

- FIRST.—The grantee shall quietly enjoy the said premises;
- SECOND.—The grantor will forever warrant the title to said premises;

This deed is subject to the trust provisions of Section 13 of the Lien Law. The words "grantor" and "grantee" shall be construed to read in the plural whenever the sense of this deed so requires.

IN WITNESS WHEREOF, the grantor has executed this deed the day and year first above written.

09302  
Lat 1 NE

**Deed**

WARRANTY — SHORT FORM

TO

19

Dated,

STATE OF NEW YORK

County of

ss.

RECORDED ON THE

day of, 19

at o'clock M.

in Liber of Deeds

at Page and examined

CLERK

PLEASE RECORD AND RETURN TO:

presence of:

*Daniel M. Lawless* L. S.  
*Mary Jean Lawless* L. S.

STATE OF NEW YORK, COUNTY OF

ss.:

On the day of 19, before me personally came to me known, who, being by me duly sworn, did depose and say that deponent resides at No. deponent is

of the corporation described in and which executed, the foregoing instrument; deponent knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; deponent signed deponent's name thereto by like order.

STATE OF NEW YORK, COUNTY OF Onondaga ss.:

On the 10<sup>th</sup> day of August 1990, before me personally came Daniel M. Lawless and Mary Jean Lawless

to me known to be the individuals described in, and who executed the foregoing instrument, and acknowledged that they executed the same.

JOAN A. WHIDDEN  
Notary Public, State of New York  
Qualified in Onon. Co. No. 01WH4944027  
Commission Expires Nov. 14, 19

*Joan A. Whidden*  
Notary Public



Department of Motor Vehicles

MV-664 (5/22)

5880475

NOT TRANSFERABLE



- JAN
- FEB
- MAR
- APR
- MAY
- JUN
- JUL
- AUG
- SEP
- OCT
- NOV
- DEC

Permit expires last day of month & year punched.

7-28 / 102

Issuing Locality and Phone No.:

Syracuse, NY  
315-448-2489

- 2023
- 2024
- 2025
- 2026
- 2027
- 2028

REMOVE FROM REARVIEW MIRROR WHEN DRIVING



709 Carbon St.  
Front view



1006 Carbon St.  
(Similar Spec's)  
- Same Street.



225 Carbon St.  
(Similar Spec's)  
- Same Street



Front View  
Porch -  
Shows driveway  
does not block access.



709 Carbon St.  
street view

# *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>				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
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 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 type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
<input 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 type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input 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 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 type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input 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	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 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 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?  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 type="checkbox"/>	<input type="checkbox"/>	
	<input 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?  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 type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	



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    Agricultural/grasslands    Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban    Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
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 type="checkbox"/>	<input type="checkbox"/>
49. 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 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 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: _____ Date: _____ Signature:  Title: _____		

# DURABLE POWER OF ATTORNEY

## IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself.

This power of attorney does not authorize the agent to make medical and health care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

Your agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.

This form provides for the designation of one agent.

If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

## DESIGNATION OF AGENT

I, Mary Duong of 709 Carbon St. [Address], authorize Samantha Randall of Buffalo, N.Y. [Address], as my agent (attorney-in-fact) to act for me and in my name and for my use and benefit of (daughter).

## GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects:

\_\_\_\_\_ (A) Real property : Zoning Approvals for Drive way variance

at Address: 709 Carbon Street  
Syr. N.Y. 13208  
Syracuse, New York

## LIMITATION ON AGENT'S AUTHORITY

An agent that is not my ancestor, spouse, or descendant may ~~not~~ use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

**EFFECTIVE DATE**

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

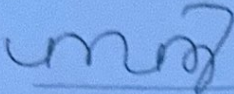
**TERMINATION**

Until Zoning Approval for the above-referenced address/project is final

**RELIANCE ON THIS POWER OF ATTORNEY**

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid.

**SIGNATURE AND ACKNOWLEDGMENT**



Signature of Principal

10/1/2024

Date

Mary Duong

Name Printed

709 CARBON ST. SYRACUSE,  
N.Y. 13208

Address

(315) 558-1316

Telephone Number

State/Commonwealth of New York

County of Onondaga

On this 1 day of October, 2024, before me, Celeste McDonald personally appeared Mary Duong, personally known to me or who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged to me that he/she executed the same and that by his/her signature on this instrument the person executed this instrument.

NOTARY



Signature of Notary

(Seal, if any)

My commission expires: 3-17-2027

CELESTE McDONALD  
NOTARY PUBLIC STATE OF NEW YORK  
ONONDAGA COUNTY  
LIC. #01MC0002888  
COMM. EXP. 03/17/2027

## Parcel History

01/01/1900 - 10/04/2024

Tax Map #: 007.-21-04.0

Owners: Dustin V Duong

Zoning: R2

Address	Date	Transaction	Transaction Type	Status	Description
709 Carbon St	04/28/15	Completed Complaint	Blue Bin: request new BB	Completed	2015-08685   2 bb
709 Carbon St	04/29/19	Completed Complaint	Blue Bin: request new BB	Completed	2019-09087   2 bb
709 Carbon St	06/13/20	Completed Complaint	Quad 4 ConstrDebrisPickUp	Completed	2020-09377   q 4 cd
709 Carbon St	01/06/21	Completed Complaint	Sewer Back Up	Completed	2021-00503   SEWER B/U
709 Carbon St	09/19/24	Project	Variance (Use)	Active	V-24-19   Applicant proposes to install a parking space in the area between the residential building facade and public Right of Way.

Project: V-24-19

Date: 10/4/2024

## *Short Environmental Assessment Form Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:	V-24-19
Date:	10/10/2024

### *Short Environmental Assessment Form Part 3 Determination of Significance*

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
City of Syracuse Board of Zoning Appeals	10/10/2024
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**



OFFICE OF ZONING ADMINISTRATION  
Ben Walsh, Mayor

**REFERRAL COMMENTS**

To: Board of Zoning Appeals

Date: 10/04/2024

From: Haohui Pan

Re: Variance (Use): V-24-19  
709 Carbon St, Syracuse, 13208

Applicant proposes to install a parking space in the area between the residential building facade and public Right of Way.

The departments and/or Boards below have reviewed the above application and provided the following comments for your consideration.

Approval	Status	Status Date	Reviewer	Comments
Board of Zoning Appeals	Pending	09/19/2024		
Zoning Planner	Pending	09/19/2024		
Eng. Mapping - Zoning	Approved	09/26/2024	Ray Wills	The proposed front setback parking would have no impact on Mapping Division assets. Deferring to DPW, Planning, sidewalk & Design and Construction.
City Planning - Zoning	Internal Review Complete	09/26/2024	Owen Kerney	I encourage the BZA to consider the variance application, the justification provided for the use variance (parking is a permitted use in the district, so it is not clear why this is a use variance instead of an area variance) and any public comments regarding the application.  If a variance is granted, it is unclear how the applicant will access the front yard parking space considering the City raised the curb in front of the house. Further if a variance is granted, it should be limited to a single, 8-10 foot wide parking area in front of the house, and not a 20 foot wide parking pad that was previously situated on the parcel. A concrete sidewalk should also be established to better delineate the public sidewalk.
City Engineer - Zoning	Pending	09/25/2024		
Eng. Design & Cons. - Zoning	Pending	09/25/2024		
DPW Sidewalks - Zoning	Pending	09/25/2024		

DPW - Transportation Planner	Pending	09/25/2024		
DPW Street Repair - Zoning	Pending	09/25/2024		
Eng Sewers- Zoning	Pending	09/25/2024		
Eng Stormwater (SWPPP)- Zoning	Pending	09/25/2024		
Fire Prevention - Zoning	Pending	09/30/2024		
Zoning Administrator	Denied Without Prejudice	10/01/2024	Jake Dishaw	This request should be denied as there is not enough space to fit a vehicle without sticking into the sidewalk. This would require both a Variance from the Board of Zoning Appeals for parking in the front setback and an Encroachment from DPW/Common Council for the approval of parking in the City Owned Right of Way. The "paved" area cannot safely fit a standard size vehicle beyond the sidewalk no matter if using city owned right of way with private land or not. In addition, a location in front of the dwelling unit steps and door would be a violation of the NYS Uniform Fire Prevention and Building Code.