

# 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

<u>V-24-10</u>	Staff Report – June 10, 2024		
Application Type:	Area Variance		
Summary of Proposed Action:	Applicants are seeking relief regarding a multi-unit dwelling structure to exceed a building length of 180 feet. The project will demolish the existing parking lot and redevelop the site into 126 mixed-income dwelling units in 1 new building.		
Project Address:	1105-17 State St S & Burt St To Oakwood Ave (Tax Map no. 09408-04.0)		
Owner/Applicant	William Simmons, Executive Director, Syracuse Housing Authority (Owner) Michael Saunders, Vice President, McCormack Baron Salazar (Applicant/Project Sponsor)		
Zoning Violations	The proposed project is seeking an area variance from the Board of Zoning Appeals to violate the following Zoning Ordinances:  1. ReZone, Art. 4, Sec. 4.6D.(4)a. – Multi-unit dwelling structure to exceed maximum allowable building length.		
	Allowed in Zoning Code	Proposed by Applicant	
	Maximum building length: 180 FT	Proposed building length: 228 FT for north wing; 322.67 Ft for east wing	
Existing Zone District:	Neighborhood Center, MX-2 Zone District		
Summary of Changes	The CPC (Lead Agency) issued a negative declaration on the Type I action for the coordinated review, pursuant to 6 NYCRR §617.7, for the East Adams Redevelopment Project Phases I and II at the 3/25/2024 public hearing.		
Surrounding Zone Districts:	The Zone Districts of the neighboring properties are: to the north are in the Light Industry and Employment, IN Zone District and Mixed-Use Transition, MX-3 Zone District, to the south is Urban Core, MX-4 Zone District and Neighborhood Center, MX-2 Zone District. To the west are Light Industry and Employment, IN Zone District, Mixed-Use Transition, MX-3 Zone District and Urban Core, MX-4 Zone District. To the east is Neighborhood Center, MX-2 Zone District and Light Industry and Employment, IN Zone District.		
Companion Application(s)	<b>MaSPR-23-07 (Major Site Plan Review):</b> Demolish existing transitional parking lot and redevelop the site into 126 mixed-income dwelling units in 1 new building.		
Scope of Work:	The scope of work includes: (1) completely demolishing the existing parking lot in order to redevelop the property; (2) constructing a new multi-unit dwelling structure with 126 dwelling-units, which will be a mix of one and two-bedroom dwelling units. Units will be dedicated to seniors on the east wing of the building and residents served by the YWCA in the north wing of the building.; (3) constructing an internal surface parking lot, trash enclosure area, landscaping, sidewalks and new utility connections.		

Staff Analysis:	<ul> <li>Factors:</li> <li>This project proposal is the first phase of a 12-phase project to redevelop the entire East Adams Street Neighborhood, formerly the historic 15<sup>th</sup> ward, which conforms with the intent of the MX-2 Zone District.</li> <li>Public amenities and improved public infrastructure such as sidewalks and landscaping will be built to service the project site and improve the urban character of the East Adams neighborhood.</li> <li>Mixed-income housing will be available to more people to live close to the Central Business District.</li> <li>The proposed project supports the strategic plans developed by the City of Syracuse, including the City of Syracuse Five-Year Consolidated Plan, the East Adams Street Neighborhood Transformation Plan, The Syracuse Housing Plan, and the City of Syracuse Consolidated Plan 2040.</li> <li>The proposed multi-unit dwelling structure has architectural features such as vertical and horizontal articulation as described in ReZone, Art.4, Sec. 4.6C(6) and ReZone, Art. 4, Sec. 4.6D(4).</li> </ul>			
Zoning Procedural History:	<ul> <li>07/27/1964   Z-1793   Change of occupancy from gas station to laundromat   Denied</li> <li>03/02/1981   V-80-108   Variance to erect an 8-foot-high chain link fence   Approved</li> <li>05/12/2004   PR-04-07   Project Site Review to demolish contiguous buildings, known as Salvation Army   Approved</li> <li>01/29/2007   SP-06-43   Special Use Permit to establish a transitional parking area   Approved</li> <li>10/26/2023   MaSPR-23-06   Major site Plan review to establish a multi-family apartment   Withdrawn</li> </ul>			
Summary of Zoning History:	The earliest recorded land use of the subject property was a gas station, and then became a transitional parking lot. A variance was granted to erect an 8-foot-high chain link fence to enclose the yard area. Before the parking lot land use was established, SHA proposed demolition on the Salvation Army building.			
Code Enforcement History:	See attached code enforcement history. There is no open Code violation on the property.			
Property Characteristics:	The subject property is currently 1.10 acres. It is an irregularly shaped lot with 275.73 feet of frontage along South State Street, 357.69 feet of frontage along Burt Street, 190.25 feet of frontage along Oakwood Avenue.			
SEQR Determination:	Pursuant to 6 NYCRR §617.4(b)(5)(iii), the proposal is a Type I Action.			
Onondaga County Planning Board Referral:	Pursuant to GML §239-1, m and n, the proposal does not meet the criteria to be referred to the Onondaga County Planning Board for review.			

#### V-24-10

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

- Area Variance Application
- ALTA/NSPS Land Title Survey Syracuse Housing Authority New 15<sup>th</sup> Ward Phase II. Prepared by Bryant Associates, Dated 10/12/2023.
- Site Plan, prepared by Hord Coplan Macht, Inc.; Scale as noted.
- Exterior Elevations, prepared by Hord Coplan Macht, Inc.; Scale as noted

#### **Attachments:**

Area Variance Application Applicant Submittals

Code Enforcement History IPS Comments from City Departments

## **Context Maps:**



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 the subject property. Image Source: ConnectExplorer<sup>TM</sup>, Eagle View Technology Corporation



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## **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 use of land 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 requires the applicant to demonstrate that, for each and every allowed use under the zone district in which the property is located: (if the use variance is granted)

- The applicant must prove that the property is unable to achieve a reasonable return for any use allowed in that zone district;
- The applicant must prove that unique circumstances apply to the property for which the variance is requested;
- The applicant must prove that the hardship is not selfcreated; and
- The applicant must prove that the essential character of the neighborhood will not be altered.

Generally, the necessity for a Use Variance is more difficult to prove than the necessity for an Area Variance because all 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 applicable zoning regulations. One seeks an area variance to seek relief from hardship created by the strict application of the zoning code.

#### 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 Zoning Appeals and 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.



For Office Use Only	
Zoning District:	_
Application Number: V	
Date:	

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# **Variance Application**

This application may be emailed, or mailed, or delivered in person to the Syracuse Office of Zoning Administration. Do not bind application materials. Faxed submissions will not be processed. Email submissions must be packaged together in a single PDF with all applicable materials, please call if you want to discuss another electronic delivery method. 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: East Adams II				
roperty tax records):				
Lot size (sq. ft.) 109,225 sf				
Proposed: Multi-unit resident				
Proposed: 126				
Proposed: n/a				
Proposed: 84				
ications):				
Site changes				
Variance requested (check one and cite the section of the Zoning Ordinance that a variance is requested):  ☐ Use variance ☐ Area variance				
Nature and extent of variance requested (attach additional pages if necessary):				
The project is requesting the following variance to the development standards to align with the East Adams Street Neighborhood Transformation Plan:				
Art. 4.6(D)(4)a. Massing and Horizontal Articulation - A variance is requested to permit the overall building length on either facade to exceed 180'. The current design reflects the goals of the East Adams Street Neighborhood Transformation Plan to maximize the number of affordable dwelling units while maintaining usable open space. The overall length of the north and east wings of the building are 228'-0" and 322'-8", respectively, however, the building design provides horizontal and vertical articulation similar to those outlined in Art. 4.6(C)(6) and (D)(4) to provide variation in the perceived building scale, length, and definition.				



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# Owner/Owner's Agent Certification

By signing this application below, I, as the owner of the property under review give my endorsement of this application.				
Print owner's name: Syracuse Housing Authority				
Signature: May 16, 2024				
Mailing address: 516 Burt Street Syracuse NY 13202				
Print authorized agent's name:	Date:			
Signature:				
Mailing address:				
The names, addresses, and signatures of all owners of the property are required. Please attach additional sheets as needed. If a property owner designates an authorized agent as a legal representative to apply on their behalf or to present the project at the City Planning Commission, please attach an				
executed power of attorney. Faxed or photocopied signatures will not be accepted.				



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#### **Area Variance Test**

An Area Variance is permission to build in a portion of the property that is otherwise restricted by the Zoning Rules and Regulations, as amended. New York State law requires applicants to prove that the potential benefit of an Area Variance will outweigh any burden to community health, safety, and welfare through a five-part balancing test (see <a href="https://www.dos.ny.gov/lg/publications/Zoning\_Board\_of\_Appeals.pdf">https://www.dos.ny.gov/lg/publications/Zoning\_Board\_of\_Appeals.pdf</a> for more information).

Briefly describe below how an Area Variance would affect the community using the following five tests and attach all supporting materials.

## 1. Neighborhood Character

Describe 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.

The requested variance does not result in an undesirable change in character in the neighborhood. The building is similar in scale to nearby residential developments, including Freedom Commons.

## 2. Feasibility of Alternatives

Describe whether the benefit sought by the applicant can be achieved by some other method that will be feasible for the applicant to pursue, other than an area variance.

The proposed building length accommodates the required number of replacement dwelling units for McKinney Manor homes and the Almus Olver Towers renovation.

#### 3. Substantiality

Describe whether the requested area variance is substantial.

The requested variance is not considered substantial. The variance from Art. 4.6(D)(4) intends to provide a building that fits into the existing context and maximizes the use of the site.

#### 4. Adverse Effect

Describe whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

No, the requested variance will not have an adverse effect on the physical or environmental condition of the neighborhood.

#### 5. Self-Created Difficulty

Describe whether an 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 requested variance is intended to support the desired outcomes of the East Adams Transformation Plan.



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#### **Required Submittal Sheet**

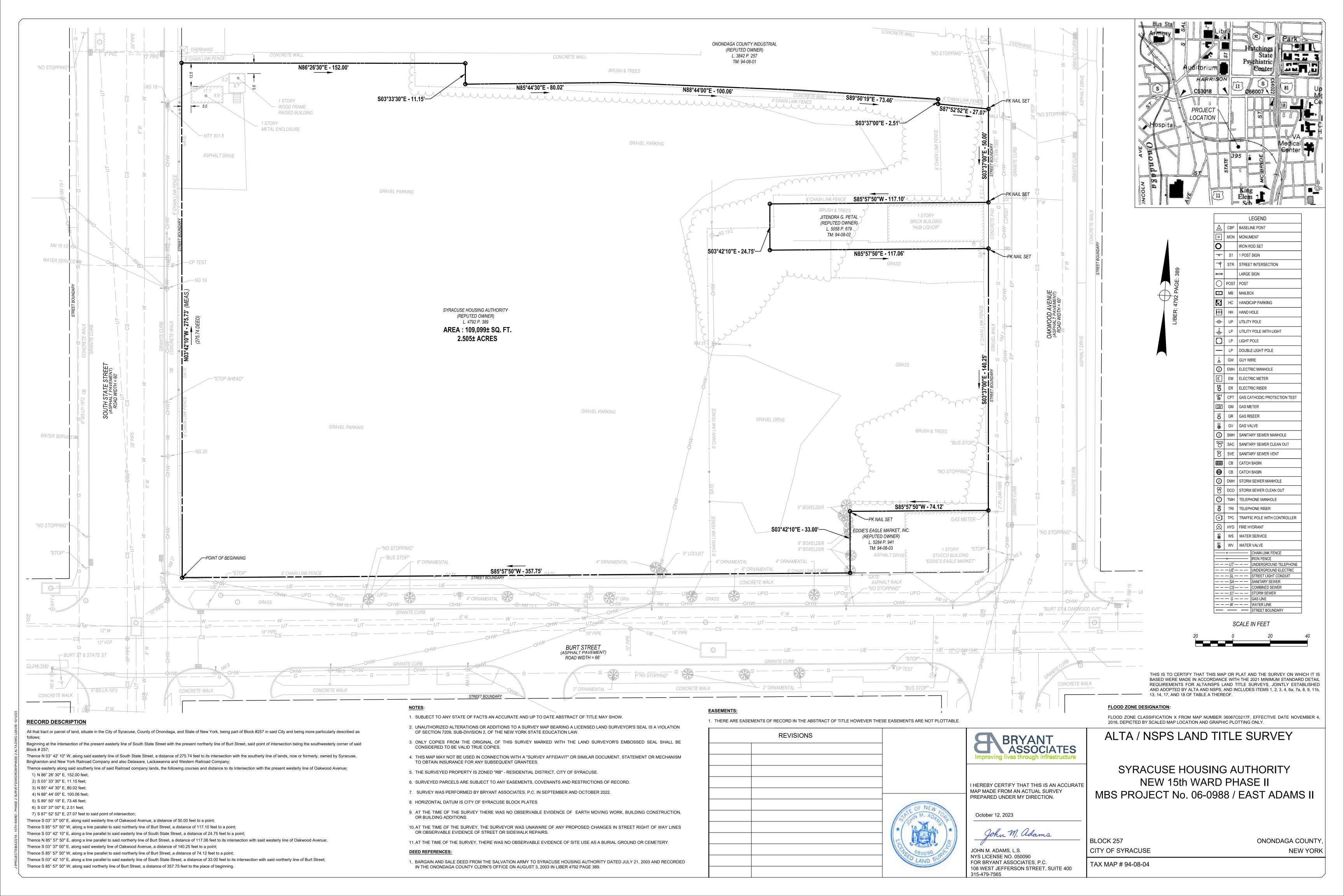
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

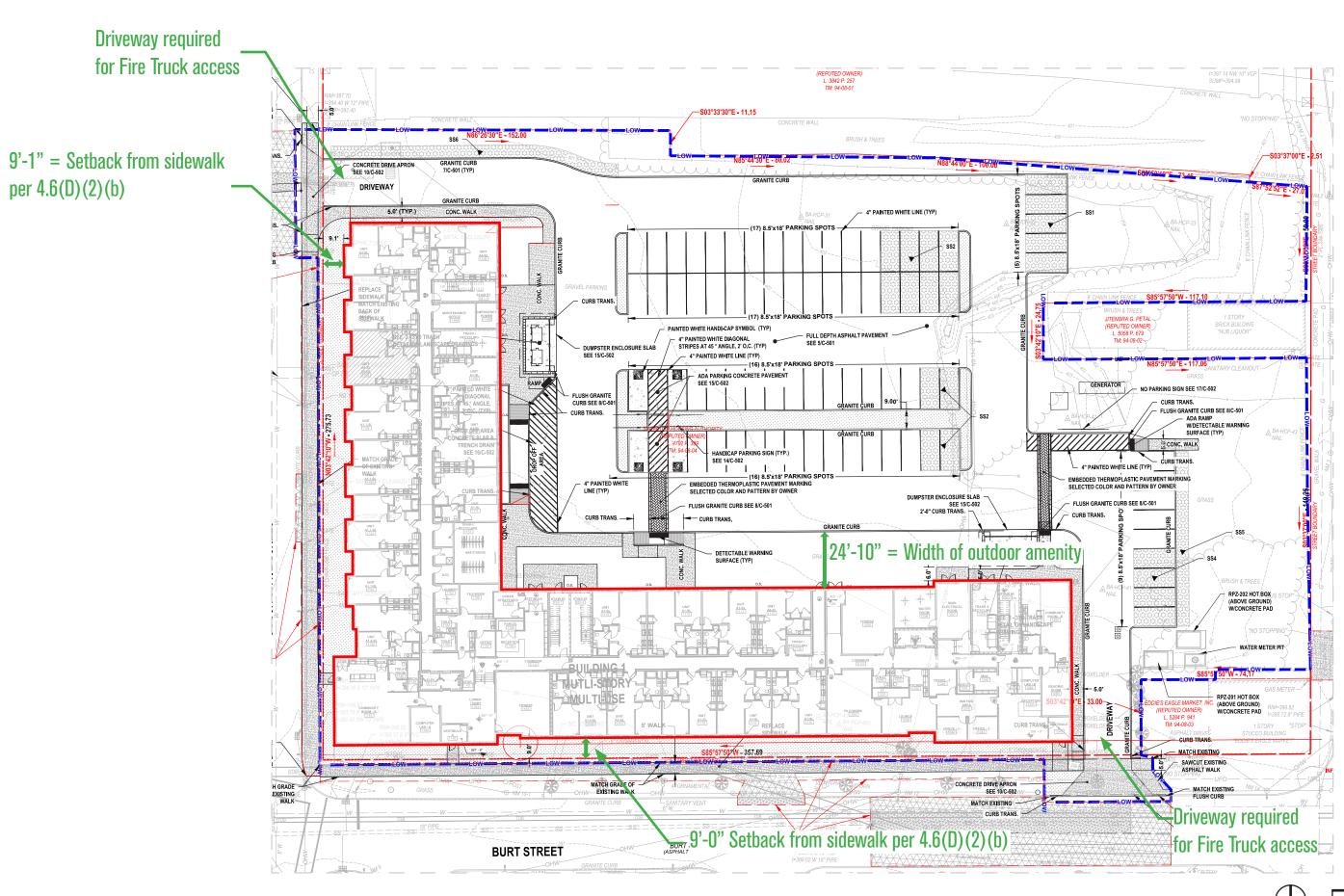
Please submit one copy of each of the following:

- **APPLICATION** filled out completely, dated, and signed by property owner as instructed. 
  □ **DENIAL OF PERMIT** provided by the City of Syracuse Central Permit Office at 315-448-8600.
- STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR) Short Environmental Assessment Form (SEAF) Part One filled out to the best of your ability, dated, and signed.
- PHOTOGRAPHS (COLOR) of the PROJECT SITE keyed to a property survey or site plan.
- PHOTOGRAPHS (COLOR) of the STREETSCAPE including properties adjacent to and across the street from the project site, labeled with addresses and keyed to a property survey or site plan.
- **APPLICATION FEE** \$25 for Area Variance and Use Variance issued to the Commissioner of Finance.

Please submit three full sized and one no larger than 11x17" of all of the plans listed below (all plans must include a title block with author, date, scale, and the Property Tax Assessment address, and must be an accurate graphic representation of all pertinent information that can be correctly interpreted by any person without additional explanation. Plans do not need to be stamped by a licensed professional unless noted below):

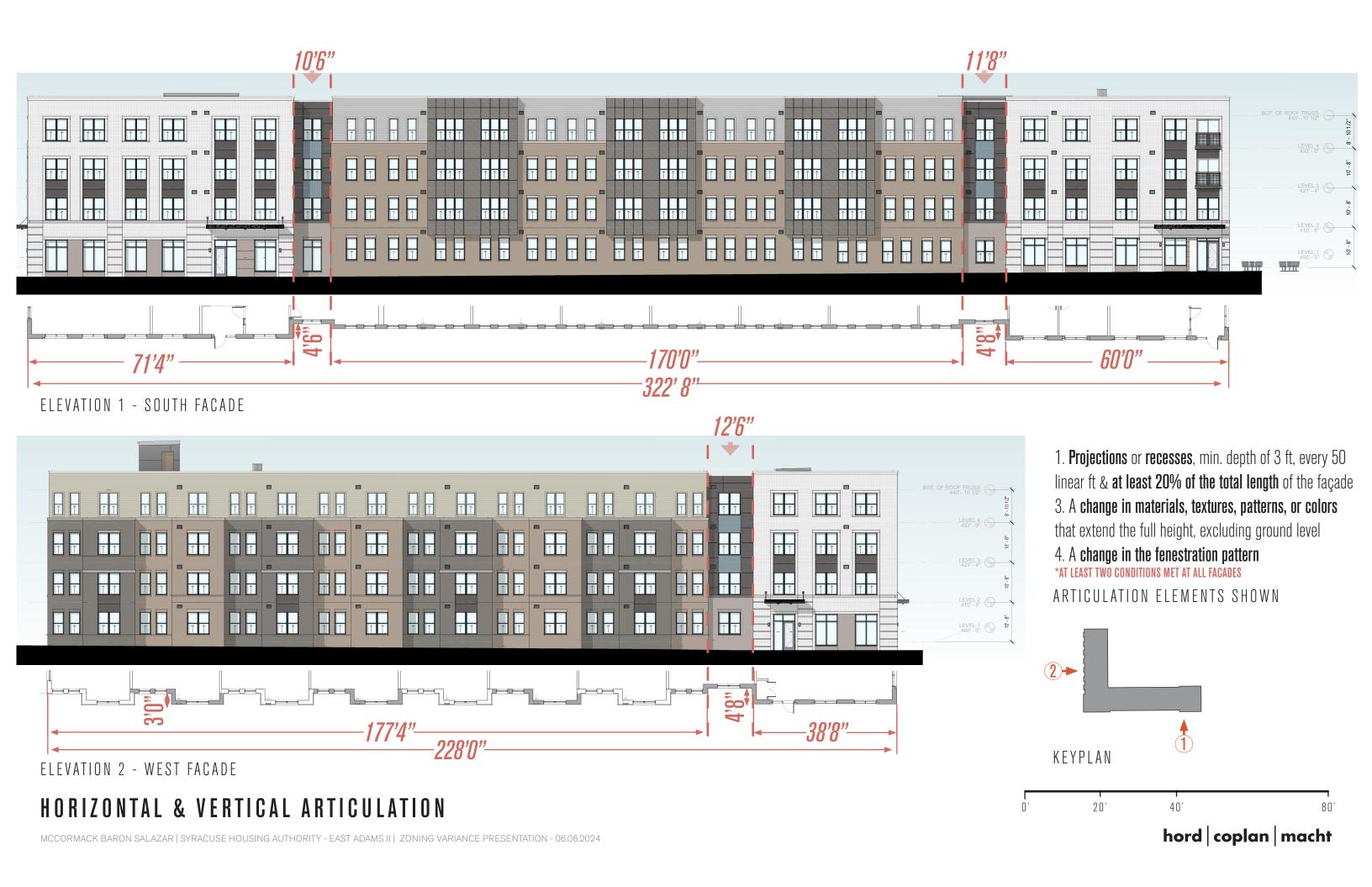
- AS BUILT PROPERTY SURVEY(S) of all involved properties illustrating boundaries and current conditions including structures, fencing, parking surface, and retaining walls (signed and stamped by a licensed surveyor)
- SITE PLAN(S) illustrating site alterations and post project conditions that are/will be different from the as built property survey including:
  - Zoning (density, setbacks, bldg. and parking surface coverage, screening) and onsite parking requirements
  - Demolitions and post demolition conditions
  - Structures
  - Parking areas including surface type, dimensioned spaces, number of spaces, traffic patterns, and coverage
  - Loading dock and delivery areas
  - Dumpsters and/or trash receptacles
  - Landscaping including type, height, and number of plantings
  - · Screening including parking, dumpsters, and site
  - · Fencing including type and height
  - · Lighting including structure heights and luminaries wattage
  - Ground signs
  - Street rights-of-way conditions, existing and proposed, including curb cuts, driveways, sidewalks, and plantings
  - · Encroachments, existing or proposed, into the City rights-of-way including stairs, signs, and awning
- **FLOOR PLANS** for new construction, additions, and change of zoning use/building occupancies with square footages and all applicable layouts (e.g., customer areas, kitchens, bathrooms, bedrooms, etc.) clearly labeled for land uses.
- **EXTERIOR BUILDING ELEVATIONS** with all dimensions, materials, and colors clearly illustrated and noted. (Schematics or color renderings can be submitted in addition to elevation drawings, if available.)





40'

20'



# City of Syracuse

# **Parcel History**

01/01/1900 - 05/28/2024 Tax Map #: 094.-08-04.0
Owners: Syr Housing Authority
Zoning: MX-2

Address	Date	Transaction	Transaction Type	Status	Description
1105-17 State St S & Burt St To O	07/27/64	Project	Zoning (Converted)	Denied	Z-1793   Change of occupancy - gas station to laundromat/dry cleaner aka 1105-07 State St S & Burt St to Oakwood
1105-17 State St S & Burt St To O	03/02/81	Project	Variance (Converted)	Approved	V-80-108   1105 STATE ST S: ERECT AN 8'-HIGH CHAIN LINK FENCE.
1105-17 State St S & Burt St To O	05/12/04	Project	Project Site Review	Approved	PR-04-07   DEMOLITION
1105-17 State St S & Burt St To O	01/29/07	Project	SP - Transitional Parking	Approved	SP-06-43   TRANSITIONAL PARKING AREA
1105-17 State St S & Burt St To O	01/21/15	Completed Complaint	Fire Alarm	Completed	2014-10370   alarm activation. no audible alarm only strobes.
1105-17 State St S & Burt St To O	10/26/23	Project	Major Site Plan Review	Withdrawn	MaSPR-23-06   [East Adam Phase II] Redevelop parking lot into a 127 unit, 4-story residential apartment building
1105-17 State St S & Burt St To O	05/17/24	Project	Variance (Area)	In Review	V-24-10   [East Adam Phase II] Area variance to allow the length of multi-unit dwelling struture to exceed 180 FT.  No need for OCPB referral.
1105-17 State St S & Burt St To O	05/20/24	Project	Major Site Plan Review	In Review	MaSPR-24-27   East Adams Phase II - redevelop a parking lot into a 126 unit, 4-story multi-unit residential affordable housing apartment.



# OFFICE OF ZONING ADMINISTRATION Ben Walsh, Mayor

To: Syr Housing Authority

From: Zhitong Wu, Zoning Planner

Date: 5/30/2024 3:54:38 PM

Re: Variance (Area) V-24-10

1105-17 State St S & Burt St To O, Syracuse, 13202

The Departments and/or Boards below have reviewed your application and provided the following comments for your information and action as appropriate.

Please modify the proposal as necessary to address the comments/recommendations. Upon receipt of any revisions and/or written justification to the Office of Zoning Administration, a Public Hearing will be scheduled.

Please contact the Zoning Office at (315) 448-8640 or Zoning@syrgov.net if you have any questions.

Approval	Status	Status Date	Reviewer	Comments
Board of Zoning Appeals	Pending	05/17/2024		
Zoning Planner	On Hold	05/17/2024	Zhitong Wu	Pending on decision of BZA.
Zoning Administrator	Pending	05/17/2024		
DPW Sewers - Zoning	Internal Review Complete	05/21/2024		No issue with variance provided additional impervious surface is taken into account with the storm water plan.