



Department of Planning, Housing, & Community Development

Mayor, Richard C. David
Acting Director, Jennifer M. Taylor

STAFF REPORT

TO: Zoning Board of Appeals Members
FROM: Planning, Housing and Community Development
DATE: April 21, 2014
SUBJECT: 2 Dennison Avenue; Area Variances
TAX ID #: 144.51-2-2
CASE: 2014-09
COPIES: A. Sosa, T. Costello, L. Webb (District 4), File

A. REVIEW REQUESTED

This application would provide for the construction of a garage on the southeastern corner of the lot. The Zoning Code requires a 5' setback from property lines for accessory structure, and the applicant has proposed building the garage on the property lines. Area variances are required to allow a garage with a 0' side and rear setback.

In granting an area variance, the Zoning Board of Appeals must weigh the benefit to the applicant if the variance is granted against the detriment to the health, safety, and welfare of the neighborhood or community by such a grant. The following must also be considered:

- (a). **Undesirable change**: Whether an undesirable change will be produced in the character of the neighborhood, or whether a detriment to nearby properties will be created;
- (b). **Reasonable alternative**: Whether the Applicant can achieve his goals via a reasonable alternative that does not involve the necessity of an area variance;
- (c). **Substantial request**: Whether the variance requested is substantial;
- (d). **Physical and Environmental Conditions**: Whether the requested variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district;
- (e). **Self-created hardship**: Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Zoning Board of Appeals, in granting an area variance, 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.

B. SITE REVIEW

The subject property is located on the south side of Dennison Avenue, between Chenango Street and State Street. The lot measures 4,320 square feet and contains a 1,260 square foot single-family house situated at the front of the lot.

Land use on Dennison Avenue consists entirely of single-family and two-family dwellings. On Chenango street, in the vicinity of the subject site, land use consists primarily of multi-family residential, with the exception of one institutional facility (Immanuel Presbyterian Church). Many of the neighboring residential lots have accessory building near or on the intersections of their respective rear and side property lines.

C. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

None.

D. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Type II** Action. No further review is required.

E. STAFF FINDINGS

Planning Staff recommend that the application for area variances be approved, based on the following findings:

1. The Zoning Board of Appeals must determine if the requested variance will produce an undesirable change in the character of the neighborhood.

A small garage at the rear property line would not produce an undesirable change given that many of the residential lots in the vicinity of the site have similarly situated accessory structures.

2. The Zoning Board of Appeals must determine if there are any reasonable alternatives to the proposed variances.

Because of the small size of the lot and the location of the primary structure, there is no reasonable alternative.

3. The Zoning Board of Appeals must determine if the proposed area variances are substantial.

The required setback for an accessory structure is 5 feet from the rear and side property lines. The applicant is asking for 0 feet, which amounts to a variance of only 5 feet. In addition, there is already an existing accessory structure—to be demolished—at the location of the proposed garage.

4. The Zoning Board of Appeals must determine whether the alleged difficulty was self created.

F. ENCLOSURES

Enclosed is a copy of the plans and site photographs.