



Department of Planning, Housing, & Community Development

Mayor, Richard C. David
Jennie Skeadas-Sherry, Director

STAFF REPORT

TO: Zoning Board of Appeals Members
FROM: Planning, Housing and Community Development
DATE: May 20, 2014
SUBJECT: 16 Lewis Street; Use Variance
CASE: 2014-10

A. VARIANCE REQUESTED

The applicant has submitted an application for a use variance to establish a used car lot in the parking area of 16 Lewis Street. The property is zoned C-2 Downtown Commercial District. Used Car Sales is not a permitted use in this district, and therefore necessitates a use variance from the Zoning Board of Appeals.

The applicant proposes sale vehicles only during the months that his existing ski shop, which is located on the site, is closed. Advertisements would primarily be made via the internet and costumers would come to the site via appointment only. No more than four vehicles would be stored on the site at any one time and there would be not outdoor signage associated with the car sales business. No exterior modifications are being made to the site.

In granting a use variance, the Zoning Board of Appeals must find the applicant has adequately demonstrated the following:

- (a). **Economic deprivation**: That under applicable zoning regulations, the applicant is deprived of all economic use or benefit from the property in question. Deprivation must be established by competent financial evidence;
- (b). **Unique circumstances**: That the alleged hardship for the property is unique and does not apply to a substantial portion of the district or neighborhood;
- (c). **Neighborhood character**: That granting the variance will be in harmony with the spirit and intent of this ordinance and will not alter the essential character or quality of the neighborhood, endanger public health or safety, or substantially diminish or impair property values in the neighborhood.
- (d). **Self-created hardship**: That the alleged hardship has not been self-created.

The Zoning Board of Appeals, in granting a use 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 property known as 16 Lewis Street is located at the southwestern corner of Lewis Street and Prospect Avenue. The parcel has a total area of 16,002 square feet and measure 63’ along Lewis Street and 254’ along Prospect Avenue. The portion of the parcel that would be used for automobile sales is the existing southern parking lot.

Land use in the vicinity of the subject parcel is almost entirely commercial, with a mix of retail and office space, as well as some service establishments.

C. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

1 Lewis Street: In October of 2011, a Special Use Permit was granted to allow the conversion of an existing building into residential units with more than four bedrooms.

D. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **UNLISTED** Action. The Planning Commission may be the lead agency to determine any environmental significance. Motion to determine what type of action:

- a. Type I
 - b. Type II
 - c. Unlisted**
2. Determine Lead Agency and other involved agencies.
 3. Motion to schedule a public hearing.
 4. After the Public Hearing, Determination of Significance. (See EAS Part 2 & Part 3)

	NO, OR SMALL IMPACT MAY OCCUR	MODERATE TO LARGE IMPACT MAY OCCUR
Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	X	
Will the proposed action result in a change in the use or intensity of use of land?	X	
Will the proposed action impair the character or quality of the existing community?	X	
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
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?	X	
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?	X	
Will the proposed action impact existing: A. public / private water supplies? B. public / private wastewater treatment utilities?	X	

Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	X	
Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	X	
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?	X	
Will the proposed action create a hazard to environmental resources or human health?	X	

E. STAFF FINDINGS

Planning Staff has the following findings:

- 1. The Zoning Board of Appeals must determine that under applicable zoning regulations, the applicant is deprived of all economic use or benefit from the property in question.**
- 2. The Zoning Board of Appeals must determine if the requested variance will produce an undesirable change in the character of the neighborhood.**
- 3. The Zoning Board of Appeals must determine that the alleged hardship for the property is unique and does not apply to a substantial portion of the district or neighborhood.**
- 4. The Zoning Board of Appeals must determine whether or not the requested variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.**
- 5. The Zoning Board of Appeals must determine if the alleged difficulty was self-created.**

F. RECOMMENDED CONDITIONS OF APPROVAL

Should the Zoning Board approve the proposed variance, Staff recommends the following conditions of approval:

- 1. There shall be no more than four (4) vehicles displayed for sales on the site at any one time.**
- 2. That the automobile sales occur only during the portion of the year that the existing ski shop on the site is closed for the season, pursuant to the application dated May 6, 2014.**
- 3. That marketing of vehicles occur off-site, and that showings of vehicles and transactions be conducted on the premises by appointment only.**
- 4. There shall be not Exterior signage advertising the car sales business.**

F. ENCLOSURES

Enclosed are copies of the floor plan, site photographs, and the application.

