



Department of Planning, Housing, & Community Development

Mayor, Richard C. David
Director, Dr. Juliet Berling

STAFF REPORT

Date: February 24, 2016
Subject: 2 Asbury Court; Area Variance
Applicant: Pantaleone and Pia Iuliani
Tax ID #: 160.38-2-1
Case: 2016-01

A. SUMMARY:

The applicants seek the following Area Variances:

- a non-existent side yard setback for an existing garage when 5' is required
- a non-existent side yard setback for an existing shed when 5' is required
- a carport in addition to a garage when only one carport or garage is allowed

The subject site is located on the west side of Asbury Court on a 4,725 sq. ft. lot, which is occupied by a single-family home, a shed, garage and carport. The property is in the R-2, Residential One and Two Unit District and is in close proximity to the C-1, Service Commercial District or Main Street.

B. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

66 Lincoln Avenue – In 2015, an Area Variance was granted to construct a shed with a 2' side and back yard setback, where 5' is the minimum required in the R-1, Residential Single Unit Dwelling District.

27 Riverside Street – In 2011, an Area Variance was granted for maximum number of accessory structures in the R-2, Residential One & Two Unit Dwelling District.

26 The Circuit Street – In 2008, Area Variances were granted for a garage greater than 676 sq ft and for an accessory structure larger than the primary structure in the R-1, Residential Single-Unit Dwelling District.

14 Lincoln Avenue - In 2002, an Area Variance was granted to allow the construction of a garage that would have a 1' setback where 5' is required in the R-1, Residential Single Unit Dwelling District.

C. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR Type II Action.

No further environmental review is required.

F. STAFF COMMENTS

1. Reasonable Alternative

- a. The ZBA must determine if any alternatives are available regarding the location of the garage, shed and carport.
- b. The ZBA should evaluate the necessity of maintaining both the carport and the garage and any possible alternatives.

2. Substantial Request

- a. City code requires a 5' setback and the current placement of the shed and the garage provides no setback.
- b. The ZBA must determine if an additional non-conforming accessory structure on site is substantial.

3. Self-created Hardship

- a. Regarding the setbacks, the board should take into consideration the size of the lots.
- b. The board should also consider any circumstantial evidence that supports the necessity of the carport.

4. Undesirable Change

- a. Many of the dwellings on Asbury Court appear to also have non-conforming accessory uses of carports on their properties.

Regarding the Survey and Conditions of Approval -

An official survey was submitted by the property owner at 3 Asbury Court. The document shows that the carport and the concrete curb encroach upon their property by 1.42' and .38" respectively. If the applicant at 2 Asbury Court wishes to contest this report, they may submit an additional official survey.

If it is decided upon that the neighbor's survey is, in fact, correct then the applicant should remove any encroaching property. If either/both setback variances are approved, this should be made a condition.

H. ENCLOSURES

Enclosed are copies of the site plan, the application and site photos.

