



Department of Planning, Housing, & Community Development

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

STAFF REPORT

Date: November 20, 2015
Subject: 23 Yager St; Area Variance
Applicant: Corey Prusik
Tax ID #: 144.51-3-36
Case: 2015-25

A. SUMMARY:

The applicant seeks an Area Variance for the minimum side and backyard setback required for an accessory structure in an R-3, Multi-Unit Residential District. On the side, he requests a variance of 2'4" at the top left corner and 2'8" in the bottom left corner. In the rear, he requests 3'6" at the bottom left edge and 2" at the bottom right edge. All sides are required to be at least 5' from the property line.

See chart below for calculations and the included site plan for a visual representation.

Corner	Proposed Setback	Required Setback	Variance Requested
Top Left (Side)	2'8"	5	2'4"
Bottom Left (Side)	2'4"	5	2'8"
Bottom Left (Rear)	1'6"	5	3'6"
Bottom Right (Rear)	3'	5	2'

The subject site is located on the north side of the City of Binghamton where Yager Street meets Ogden Street. A single-family home and pool are currently located on the 4,120 sq. ft. lot. Land uses in the vicinity consist primarily of residential multi-unit dwellings with limited commercial activity.

B. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

66 Lincoln Avenue – In November of 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.

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.

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, an Area Variance were granted for a garage greater than 676 square feet and for an accessory structure larger than the primary structure 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. Currently, the lot contains a single-family home with an attached deck and a pool along with a few trees. Given the existing conditions there are limited alternatives.

2. Substantial Request

- a. The largest rear setback variance is for 3’6” and the largest side setback variance requested is 2’8.”

3. Self-created Hardship

- a. The ZBA must determine if there is a self-created hardship.

4. Undesirable Change

- a. There is a shed on the neighboring property that has legal, non-conforming setbacks. See the attached site plan.

H. ENCLOSURES

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