



Department of Planning, Housing, & Community Development

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

STAFF REPORT

Date: January 25, 2016
Subject: 34 Leroy Street; Area and Use Variance
Applicant: Joshua Bishop
Tax ID #: 160.47-3-45
Case: 2016-04

A. SUMMARY:

The applicant seeks a Use Variance to establish a Business Office in the R-2, Residential One and Two Unit Dwelling District. Additionally, he seeks an Area Variance where no on-site parking is provided and three (3) spaces are required. It should be noted; however, that the applicant has leased three (3) parking spaces at 30 Leroy Street from Stump Dump, LLC. For more information, please, refer to the formal parking agreement that has been included.

B. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

29 Oak St: In 1998, the Planning Commission approved a Series A Site Plan to operate a real estate office in the basement in the C-5, Neighborhood Office District.

38 Oak St: In 2000, the Planning Commission approved a Series A Site Plan and Special Use Permit to operate a major home occupation – nail salon – in the C-5, Neighborhood Office District.

60 Oak St: In 1993, the Zoning Board of Appeals denied a request for a Use and Area Variance to convert a retail establishment into a restaurant in the C-5, Neighborhood Office District.

14 Leroy St: In 1988, the Zoning Board of Appeals granted a Use Variance to convert a two-family residence into a psychotherapist office in the C-1, Service Commercial District.

C. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **UNLISTED** Action. The Zoning Board of Appeals may be the lead agency to determine any environmental significance.

1. 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? ** All variances present a conflict with the adopted land use plan.		
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	

F. STAFF COMMENTS

Criteria for Area Variance:

- *Reasonable Alternative:* The lot size and grade do not provide the necessary conditions to develop a parking lot on site.
- *Substantial Request:* The board must determine if this is a substantial request.
- *Undesirable Change:* No physical changes are proposed.
- *Physical and Environmental Conditions:* The board must consider how this may affect off-street parking.

Criteria for Use Variance:

- *Economic Deprivation:* The board must determine, to the best of their ability, if the property could make a reasonable return based upon allowable uses in the R-2 District in the current City Code and evidence provided by the applicant by assessing market and property conditions.
- The board should also deliberate upon the effect that this Use Variance may have upon *Neighborhood Character* and whether or not it is a *Self-Created Hardship*.

H. ENCLOSURES

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