



Department of Planning, Housing, & Community Development

Mayor, Richard C. David
Director, Jennie Skeades-Sherry AICP

STAFF REPORT

TO: Zoning Board of Appeals Members
FROM: Planning, Housing and Community Development
DATE: August 18, 2014
SUBJECT: 51 Crary Avenue; Area Variance
TAX ID #: 159.42-2-11
CASE: 2014-22

A. REVIEW REQUESTED

This application would provide for the construction a 180 square foot addition and front porch to a single-family dwelling with a 20-foot front setback where a minimum front setback of 30 feet is required in the R-1 One-Family Dwelling District. An Area variance is required for the proposed front 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 7,575 square foot site, located on the west side of Crary Street, is improved with a 2-story, 1,730 square foot single family dwelling. The site is surrounded by single-family dwellings.

C. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

None.

D. ENVIRONMENTAL IMPACT

The granting of an area variance for a single family dwelling is a SEQR **Type 2** Action. No further environmental review or actions under SEQR are required.

E. STAFF FINDINGS

Planning Staff has 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.**

The proposed small residential addition would be consistent with the single-family residential characteristics of the neighborhood. Many of the dwellings located within the vicinity of the subject site do not meet the 30-foot front setback requirement.

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

The proposal would expand the dining room which is situated at the front of the existing structure. The most logical, least disruptive way to expand this room would be to extend the front wall of the structure.

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

The existing structure does not meet the setback requirement. The small addition would constitute a minor encroachment into the setback area.

- 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.