



Department of Planning, Housing, & Community Development

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

STAFF REPORT

TO: Zoning Board of Appeals Members
FROM: Planning, Housing and Community Development
DATE: 20 May 2014
SUBJECT: 96 Front Street; Area Variance
TAX ID: 160.40-1-34
CASE: 2014-11
COPIES: A. Sosa, T. Costello, T. Rennia (District 3), File

A. VARIANCE REQUESTED

The applicant has submitted an application for an area variance of minimum off-street parking from the Zoning Board of Appeals. The variance has been requested in conjunction with the proposed expansion the existing full-service restaurant at 96 Front Street. The property is located in the C-1, Service Commercial District.

The proposed use requires 1 (one) off-street parking space per each 3 seating accommodations, plus 1 (one) parking space per each two employees on the shift of greatest employment. The applicant has not shown seating on the submitted floor plan, but has stated that there will be eleven (11) tables, with enough seating for approximately forty-five (45) customers. There will be an additional five (5) staff members servicing the addition. This proposal would require a minimum of seventeen (17) off-street parking spaces be provided. The submitted application indicates that there will be no expansion of existing parking, and, therefore, an area variance for minimum off-street parking is required from the Zoning Board of Appeals.

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

96 Front Street is located near the southeast corner of the Main Street and Front Street intersection. The existing restaurant has two levels and rises one story above street grade. The proposed addition will be constructed on the rear of the existing street-grade section of the building, above the lower level. This will result in no change to the existing footprint. The property has a frontage of 24 feet and a depth of 178 feet. The property is located in the C-1 Service Commercial District.

Land use in the vicinity of 96 Front Street is predominately commercial. There are several fraternity houses and multi-unit dwellings on the upper stories of nearby properties. Commercial uses in the area include the Binghamton Club, The Valet Shop, McDevitt & McManus Funeral Home. Binghamton High School is located a half block west of the subject property.

C. ADDITIONAL REVIEWS

Per Section 410-36 (A), all new construction requires Series A Site Plan Review. The applicant will appear before the Planning Commission on June 2, 2014.

D. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

96 Front Street: On December 7, 2010, an area variance was granted to the applicant for minimum off-street parking.

E. 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
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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	

F. 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.**
2. **The Zoning Board of Appeals must determine if there are any reasonable alternatives to the proposed variances.**
3. **The Zoning Board of Appeals must determine if the proposed area variances are substantial.**
4. **The Zoning Board of Appeals must determine whether the variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district.**
5. **The Zoning Board of Appeals must determine whether the alleged difficulty was self created.**

G. ENCLOSURES

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