



# Village of East Syracuse

204 North Center Street, East Syracuse, NY 13057

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VILLAGE OF EAST SYRACUSE

ZONING BOARD OF APPEALS

AGENDA

Thursday, December 28, 2023

6:30 P.M.

**Present: Zoning Board Members,** Vito Morgese, Shawn Plourde, Daniel Wagner Jr, James Voodre

**Also Present: Village Clerk** Jennifer Scafidi, **Deputy Clerk for East Syracuse Fire Department** Emily Gould, **Code Enforcement Officer** Chris Shields, **Village Lawyer** John J. Marzocchi

**Start Time: 6:30pm**

**Project: 306 ½ Highland Ave**

**Property Owner: John P. Charima**

**Tax Parcel # 001.-09-14.0** This parcel has a 2-unit house, and a 2-unit garage operating on site. The second unit in the garage was never legally brought in front of Planning/Zoning by the previous owner, and the new owner would like to make it legal.

**Requesting a Use Variance** to make the second garage apartment a legal, nonconforming dwelling. Currently, local law does not allow for single-family residences to be converted to two-family §340-39 Residential Zones

**D.(2) Two-family residences.** Existing two-family residences are permitted uses and may be replaced provided all area requirements are met; however, no new two-family residences can be constructed and no single-family residence converted to two-family.

John P. Charima- Owns 306 ½ Highland Ave. He purchased this property around 6 months ago from his father John Charima. It is a illegal non-conforming 4 unit. He wants to legalize it and make it conforming so he can sell it as it is, a 4 unit home. John currently resides in Chittenango and the property has now become a burden to him. Code enforcement did an inspection 2 months ago and Chris came upon this 4<sup>th</sup> unit. He explained to John that this is an illegal non-conforming unit to our local law. In order for him to make it legal, he would need to go in front of the Zoning Board for a Use Variance. Once the inspection was completed, Chris Shields deemed it up to code.

**Request: Requesting a Use Variance to make the second garage apartment a legal, non-conforming dwelling. Currently, local law does not allow for single-family residences to be converted to two-family §340-39 Residential Zones D.(2) Two-family residences**

The property was purchased in July. Mr. Charima wants to sell the property as a 2-family legal non-conforming home. In 1985, Mr. Charima's father purchased the property. He went in front to a Zoning Board meeting to get a variance to put an apartment on the 2<sup>nd</sup> floor of the garage. Mr. Charima turned the downstairs back room into a cabana room. At some point, the cabana room turned into a 4th unit. Chris Shields found documentation dating back to 2007 when the code enforcer Frank Stirpe issued a notice that he found the 4<sup>th</sup> unit on the property and that he couldn't have this unless he went in front of the ZBA to get a variance. It was never done. The County website only has this listed as a 3 unit. The owner wants to sell this property as a 4 unit. He needs a variance to make it legal or he will have to evict a tenant. Chris recently did an inspection. He states the garage is great. There was a lot of money put into the garage. The downstairs apartment is small. It has a full bath, full kitchen, livingroom and

1 bedroom. One gentleman lives there by himself now. It is a very safe structure. The owner was advised by Chris Shields to go present this situation to the ZBA to apply for a variance to make this legal in order for it to be sold as a 4 unit property.

**Q and A.**

Shawn (Q): **What happened in front of the planning board years ago?**

Chris (A): It was recommended that he gets a variance

Shawn (Q): **Did the inspections start back in 2006?**

Chris (A): Yes

Shawn (Q): **When was the last inspection?**

Chris (A): 2 months ago

Shawn (Q): **Has it not been inspected since 2006?**

Chris (A): It has, but not the downstairs room.

Shawn (Q): **How often do the inspections happen?**

Chris (A): Inspections go by an **ABC** score.

- **A-** The property is in great shape. There is no smoke detection problem. The landlord is doing a good job. The inspection is done every **3 years**.
- **B-** The property has minor issues and they get done quickly. The inspection is every **2 years**,
- **C-** The inspection is done **every year**.

Vito **(Q)**: Is the ground floor except for the apartment all garage?

Chris **(A)**: Yes, there is a big 2 car garage.

Shawn **(Q)**: Is there still a garage down there?

Chris **(A)**: yes

Shawn **(Q)**: Has it been operating as a 4 unit, even though on paper it is listed as a 3 unit and therefore has been a tax difference?

Vito **(A)**: it can't be retroactive so the next guy will pay for it.

Chris **(A)**: yes

Vito **(A)**: Is there adequate parking?

Chris **(A)** Yes, more than enough. Our code requires 1 parking space per unit. There has to be 4 off-street parking spaces there. The guy who lives upstairs has 2 cars in the garage. There is still enough for 6 cars.

James **(Q)**: Is it a double wide driveway?

Chris **(A)**: Yes, it is a long driveway. It is deep and wide. It can fit 3 cars side by side.

Shawn **(Q)**: Are you flipping the house?

Mr. Charima (A) I bought the house in July and it is too much for me. I don't need it.

Shawn (Q): **How long have the tenants been living there?**

Mr. Charima (A): Frank has been living upstairs for 20 years and the family downstairs have been there for 7 years.

Vito (Q): **Mr. Charima, do you have any comments?**

Mr. Charima (A): No, not really. The house has been in the family since it was brand new. I live in Chittenango. I am not happy with the whole situation. I don't need the property and I don't want it.

James (Q): **Are the utilities in the back room separate from the front?**

Chris (A): Yes, that is correct. They are all in one. The upstairs and downstairs are all connected. There is no code that says you can't do that.

Vito (Q): **Are there any other comments?**

John (Lawyer) (A) The applicant needs to address the standards for the use variance.

- **That the applicant cannot realize a reasonable return, provided that lack of a return is substantial as demonstrated by competent financial evidence.**

Mr. Charima (A): This has to be sold as a 4 family to get my money back. States he had no intentions of selling it before but now he wants to. States the bank will not give a loan because of the 4<sup>th</sup> unit unless it is legal.

Shawn (Q): How were you able to buy it?

Mr. Charima (A): I bought it from my father with my own money and no banks were involved.

- That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.

Mr. Charima (A): It is in great shape. It shouldn't change anything at all. There is plenty of parking.

- That the requested use variance, if granted, will not alter the essential character of the neighborhood.

Mr. Charima (A): Everyone that lives there have been there for years. Frank has been there for 20 years and the lower tenant has been there for 6-7 years. The upstairs tenant walked out and left it vacant.

- That the alleged hardship has not been self created.

Mr Charima (A): I bought it like that. My father told me that Frank rents the whole garage and the back unit. Frank pays him once a month.

Shawn (A): You can't say it was not self-created because you bought the place like that with someone occupying an illegal unit.

Mr Charima (A): The gentlemen downstairs isn't paying rent. That is Frank's friend.

Shawn (A): You still bought it with the intentions of using it as a 4<sup>th</sup> unit

Mr. Charima (A): I'm collecting 2 rents, 1 from Frank and one from the tenants downstairs.

Shawn (A) You knew someone was renting an illegal unit.

Chris (A): He didn't know it was illegal. He bought the house from his father. It was a shock to him when I told him this was a 3 unit. The owner wanted to know how to make it legal.

**Motion to close the meeting.**

Motion By: Vito Morgese

2<sup>nd</sup> By: Dan Wagner Jr.

Polling the Board: Yes

**Motion to grant a variance at 306 ½ Highland Ave East Syracuse. Use Variance section 340-39.C2 to turn a 3 unit into a 4 unit.**

Motion By: Vito Morgese

2<sup>nd</sup> By: Dan Wagner Jr.

Polling the Board: Yes

Vito :The Use Variance is approved. The village will forward this information to the County.

Chris- Thanked everyone for coming

**Motion to adjourn at 6:51pm**

Motion By: Dan Wagner Jr.

2<sup>nd</sup> By: Shawn Plourde

Polling the Board: Yes

