



Plattsburgh, New York

Building & Zoning Dept.
41 City Hall Place
Plattsburgh, NY 12901
Ph: 518-563-7707
Fax: 518-563-6426

PROCEDURE IN APPEALING THE ZONING ORDINANCE CLASS B VARIANCE

DEADLINE FOR FILING APPLICATION 06/19/20

ZONING BOARD MEETING DATE 07/20/20

The Zoning Board of Appeals has been empowered to hear and decide all appeals to the Zoning Ordinance and to do so the Board holds public meetings once a month.

The attached appeal application must be completely filled out and returned to the office for action by the Zoning Board of Appeals at their monthly meeting. The filing fee for said application is as follows:

One and Two-family dwellings -	\$50.00
Multiple Dwellings	\$150.00
Commercial Properties	\$150.00

All checks should be made payable to the "City Clerk". In order for your appeal to be heard in the same month you apply, the appeal form and fee must be received by this office three weeks prior to the scheduled meeting of the Zoning Board of Appeals. All applicants or their representatives should attend the Zoning Board of Appeals Public Meeting of their appeal to answer any questions the Board may have regarding their request.

In filling out the form, please be specific and supply the Zoning Board of Appeals with all the necessary information requested on the form. If you are requesting a variance from the ordinance, you must detail why the literal enforcement of the ordinance will produce an undue hardship, while the variance requested will adhere to the spirit of the ordinance and do substantial justice. Financial disadvantage to the property is no proof of hardship within the purpose of zoning. In addition to the above, an applicant must submit adequate drawings and a site plan of all requests, which will involve any construction, alterations, or physical change of their property. **Twelve (12) copies of the entire packet including drawings and site plans are required** (we recommend the plans be approved before the twelve (12) copies are made).

Before the Zoning Board of Appeals may hear and decide your appeal, this office must first:

1. Publish the request in three successive issues of the Press-Republican newspaper not less than five (5) nor more than ten (10) days before the hearings.
2. Notify, by letter, all adjoining property owners of your request

This office is responsible for implementing the above requirements.

If there are any questions, please contact this office.
Thank you for your cooperation.

Area or Dimensional Variances

Area variances may be granted where setback, frontage, lot size or yard requirements of this Code cannot be reasonably met. In making it's determination the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determinations the board shall also consider the following criteria:

Please give a written response to each section.

(1) Will an undesirable change be produced to the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

[See attached separate letter with written response to each item.](#)

(2) Can the benefit sought by the applicant be achieved by some method, feasible to the applicant to pursue, other than an area variance?

(3) Is the requested area variance substantial?

(4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

(5) Has the alleged difficulty been self-created?
This information shall be relevant to the decision of the board but shall not necessarily preclude granting of the variance.

**James A. Abdallah
Residence
Area Variance
Narrative 06-19-20**

Project Description – The applicant, James A. Abdallah, proposes to erect a new front porch (8'x40') and extend the asphalt driveway (±240 SF) on an existing residential lot located in the City of Plattsburgh at 55 Prospect Avenue. The lot currently has an existing 28'x40' residence and 16.3'x24.3' garage located on it. The prior residential structure located on the site was destroyed by fire in late 2006.

The original application to this board in 2008 proposed to build a 28'x40' residence (currently existing) with the possibility of a future covered porch 10'x40'. I have reduced the proposed front porch width 2' less than what is allowed. The paving extension is proposed as part of the removal of the existing garage.

Required Area Variances – Insufficient side yard (South Property Line; Article V, Section 217-13-A-2). Insufficient pavement setback (North Property Line; Article V, Section 270-25.G)

To demonstrate the reasoning for this variance request the applicant has prepared the following information in response to the “Five” standard variance request review points:

1. Undesirable change or detriment to nearby properties

The placement of a new front porch on the property will not change the currently utilized side yard setbacks. The existing residence on the site is 40' in width as is the currently proposed front porch. We believe that there is no undesirable change to the property and that the front porch will create a nice finished look for the home.

The asphalt extension will utilize the current minimum setback of the existing asphalt.

2. Achieve goal by some other method

The insufficient side yard is a pre-existing condition to the site. The previous structure as well as the existing structure on the site do not meet current City side yard setbacks.

The new asphalt will blend with the existing driveway.

3. How substantial is the Variance

The variance is not substantial. All structures that have been on this lot have utilized the same side yard setback. The new asphalt will be installed at the same side yard setback.

4. Adverse effects on physical and environmental neighborhood conditions

Variance from the side yard requirement will have no adverse effects on the neighborhood's physical and environmental conditions. Residences around the neighborhood are accustomed to residential structure with limited side yards and adjacent driveways.

5. Is the difficulty self-created?

The existing non-conformance is not created or worsened by the proposed residence; it is a previously existing condition that was in existence with all structures and asphalt on the property.

Short Environmental Assessment Form

Part 1 - Project Information

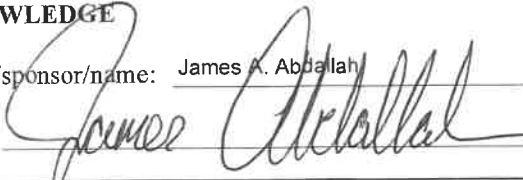
Instructions for Completing

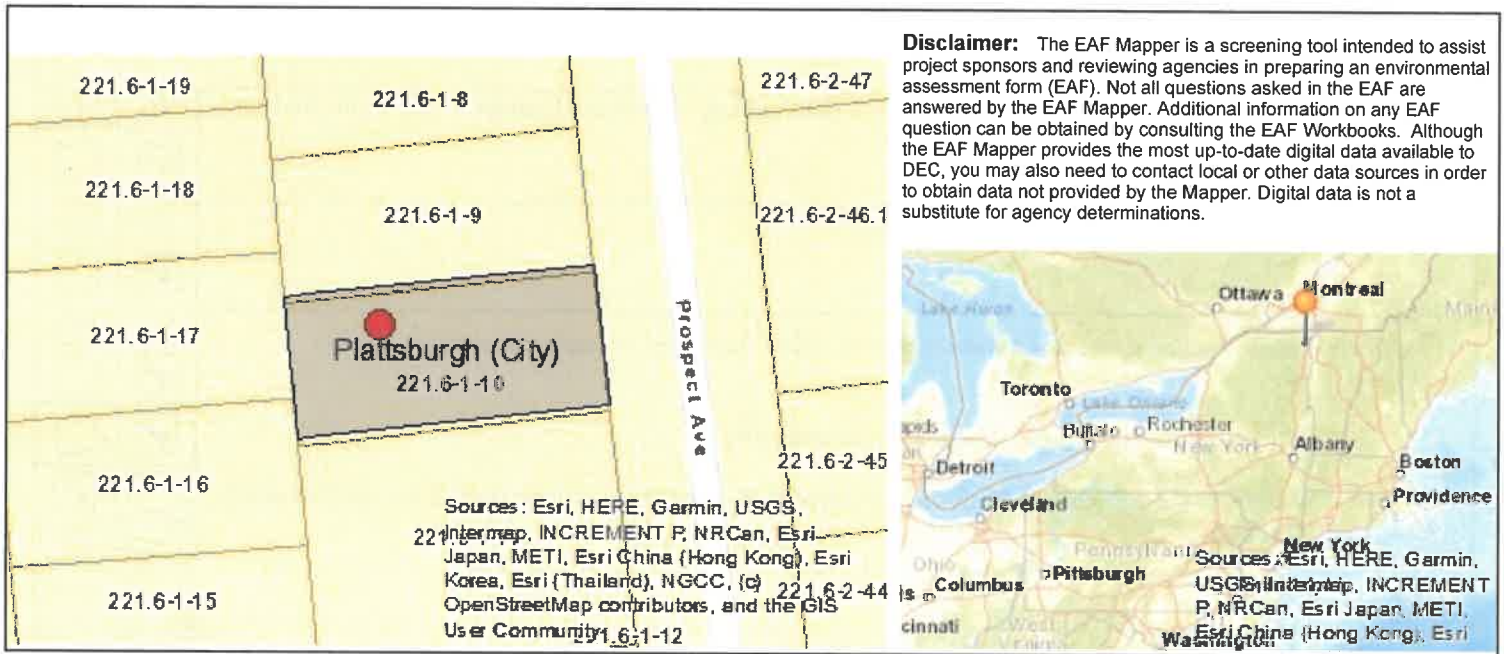
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
James A. Abdallah, Owner				
Name of Action or Project: James A. Abdallah Property				
Project Location (describe, and attach a location map): 55 Prospect Avenue, Plattsburgh				
Brief Description of Proposed Action: Request to construct an 8'x40' front porch that fits the dimension of the existing home and encroaches 1' into the side yard; Request to extend the existing non-conforming driveway parallel to the property line at a 1'-4" setback.				
Name of Applicant or Sponsor: James A. Abdallah, Owner		Telephone: 518-570-8800		
		E-Mail: jaabdallah@gmail.com		
Address: P.O. Box 2668				
City/PO: Plattsburgh		State: NY	Zip Code: 12901	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: City Building Permit			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.18 acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):				
<input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: Residential Pool _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>James A. Abdallah</u> Date: <u>06/19/20</u>		
Signature: <u></u> Title: <u>Owner</u>		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



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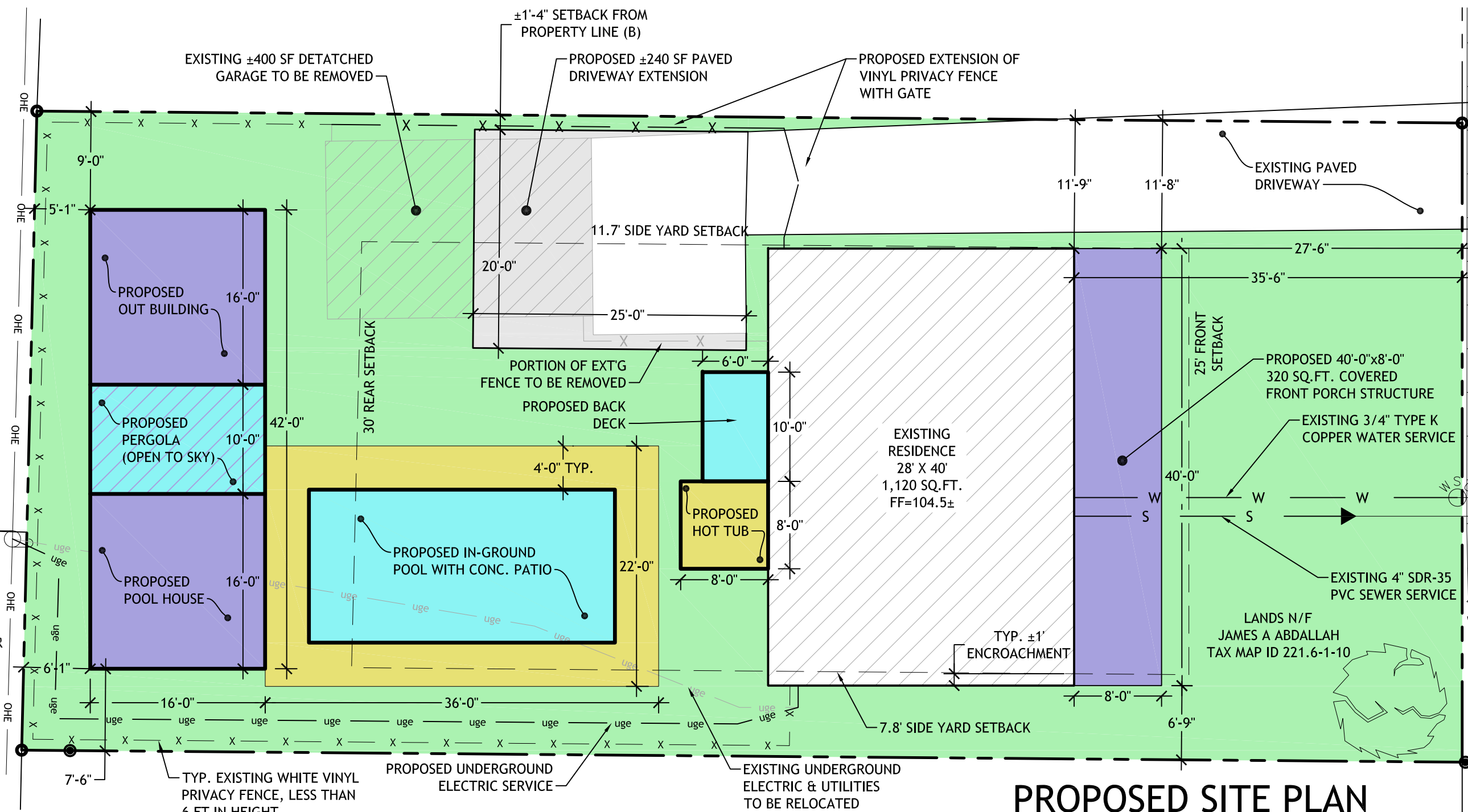
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PROJECT TITLE
ABDALLAH RESIDENCE
55 PROSPECT AVE, CITY OF PLATTSBURGH, CLINTON COUNTY

DRAWING TITLE
HOME IMPROVEMENT SKETCH PLAN

DRAWN BY: J.J.L.
CHECKED BY: MSC
DATE: 06/19/20
PROJECT NO.: 06166

C1



PROPOSED SITE PLAN

SCALE: 1" = 10'

PARCEL OWNER/APPLICANT:
JAMES ABDALLAH
55 PROSPECT AVE
PLATTSBURGH, NY 12901

PROJECT PARCEL:
TAX MAP ID 221.6-1-10

PROPOSED PROJECT:
ACCESSORY STRUCTURE IMPROVEMENTS IN REAR YARD AND A FRONT COVERED PORCH ADDITION.

PROPOSED DEFICIENCIES REQUESTED OF ZONING BOARD OF APPEALS:
(A) COVERED FRONT PORCH ADDITION WILL ENCROACH INTO SIDE YARD SETBACK THE SAME DISTANCE AS EXISTING HOUSE ENCROACHMENT (AS APPROVED BY APPEAL #1703)
• TYP. 1' ENCROACHMENT INTO SIDE YARD SETBACK
(B) EXTENSION OF DRIVEWAY APPROXIMATELY 1'-4" SETBACK FROM PROPERTY LINE, EXPANSION OF NON-CONFORMING DRIVEWAY DEFICIENT OF THE 3 FT SETBACK PER CITY CODE PART 270-25.G

HATCH LEGEND

- PROPOSED PAVEMENT
- PROPOSED CONCRETE PATIO
- PROPOSED BUILDING COVERAGE
- PROPOSED OPEN SPACE
- PROPOSED ACCESSORY STRUCTURE
- PROPOSED RECREATIONAL SURFACES

ZONED: R-1 LOW DENSITY RESIDENTIAL		
STANDARD	REQUIRED	ACTUAL
MIN LOT SIZE	7,500 SF	7,669 SF
MIN FRONTAGE	75'	±58'
MIN DEPTH	75'	130'
MIN FRONT YD SETBACK	25'	±35'
MIN SIDE YD SETBACK	7.8' / 11.7'	±7'(A) / ±18'
MIN REAR YD. SETBACK	30'	±67'
MIN ACCESSORY STRUCTURE SIDE & REAR YD.	5'	±5'
MAX BLDG. HEIGHT	35'	< 35'
MAX BLDG. COVERAGE	25%	±25%
MIN OPEN SPACE	50%	±59%
MAX ALLOWABLE RECREATIONAL IMPERVIOUS	33%	±28%
EXISTING USE SINGLE FAMILY RESIDENCE		