

MAYOR JEFF LANIGAN
Mayor



26-009
MARK DOMENICO
Director

DEPARTMENT OF CODE ENFORCEMENT

ROME CITY HALL, 198 N. WASHINGTON STREET

ROME, NEW YORK 13440-5815

Telephone: (315) 339-7642 Fax: (315) 339-7638

www.romenewyork.com

Notice of Denial of a Building Permit

Date:5/21/2026

1. Applicant

- a. Name: Wayne and Jaime Morse
- b. Address: 6760 South James Street
- c. Telephone: 315-480-6626
- d. Interest in Premises: Owner
- e. Email: wmmorse@outlook.com

2. Property description

- a. Address: same
- b. Zone District: RR-Rural Residential
- c. Current use of property: single family
- d. Zoning standing : conforming
- e. Tax id 258.001-2-1

3. Type of Action Requested- Area Variance

The applicant is seeking to remove an existing 6' high fence and replace it with an 8' (96") high fence. See sketch.

Applicable Zoning Code Section

Rome Zoning Code Sec. 80-13.2. - Accessory structures and uses.

(k) ii. Fence height.

- a. **Residential districts.** Fences are permitted in all yards and are subject to the following maximum heights, unless any state or local code, or a specific regulation of this zoning code, requires a taller height.

(1) Interior lot—Front yard: 42 inches.

(2) Interior lot—Interior side yard: 72 inches.

(3) Corner lot—Front and corner side yard: 42 inches in height within the required front setback then 72 inches in height for the remainder of the front and corner side yards.

(4) All lots—Rear yard: 72 inches.

(5) Through lots: A 72-inch fence may be allowed in one of the front yards by the codes enforcement officer, provided the following conditions are met:(A)The fence will be located in the yard on the rear facade of the structure.(B)There is no street access from the end of the lot where the fence will be located.(C)The addition of the fence will not be detrimental to the

neighborhood in terms of view, light, and air, nor impair traffic safety.(D)The fence will not appear obtrusive when compared to the rest of the blockface where it will be placed.

CITY OF ROME ZONING BOARD OF APPEALS

Area Variance Application

IN THE MATTER OF THE APPEAL, OF Rome Zoning Code Sec. 80-13.2, Appellant (s):
for an Area Variance pursuant to Article VIII, Section 56 (b) of the Code of Ordinances of the City of
Rome, Chapter 80 and Article 5-A, Section 81-b of the New York State General City Law

TO THE CITY OF ROME ZONING BOARD OF APPEALS:

SECTION I (SECTION I TO BE COMPLETED BY ZONING OFFICER AND REVIEWED BY APPLICANT):

A. The appellant (s) hereby appeals to the Zoning Board of Appeals of the City of Rome, New York from a determination of the Zoning Officer who, on the 21 day of May, 2026, did deny the application of the Appellant, said application affecting property at 6760 S James St in a resident zoning district, in the City of Rome, and having been submitted to the Zoning Officer for the purpose of extending the backyard fence to 96" total height

that such application was denied by the Zoning Officer insofar as it contained a proposed use not permitted or authorized and constituting a violation of Section 80, Schedule 13.2 of the Rome Code of Ordinances, Chapter 80.

B. Area Variance Standard: Appellant recognizes that, pursuant to Article 5-A of the General City Law, §81-b(4), the Zoning Board of Appeals shall take into consideration the benefit to the appellant if the Area 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 determination the Zoning Board of Appeals shall also consider:

(i) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

(ii) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

(iii) whether the requested area variance is substantial;

(iv) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

(v) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The Appellant recognizes that the Zoning Board of Appeals, in the granting of Area Variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community by such conditions as it may deem reasonable under the circumstances.

SECTION II (SECTION II TO BE COMPLETED BY APPELLANT (S)---attach additional sheets and/or addendums as necessary)

* It may be in your best interest to seek the assistance of an attorney in filling out this Section.

**Explanatory Note(s) are for the sole purpose of helping you, as Appellant, understand the requirements necessary to obtain the Variance and shall not have any significance to your application or any denial thereof. These Notes are not intended as legal advice, nor are they to be relied on as the current state of the law.

A. Having fully reviewed the above requirements for the granting of an Area Variance, I hereby request such Area Variance in order to supersede the determination of the Zoning Officer denying my application for the following reasons (complete each paragraph below):

Note: In making application to the Zoning Board of Appeals for an Area Variance, the Zoning Board of Appeals must take into consideration the benefit of the Area Variance to the Appellant and weigh it against the detriment to the community. In weighing said factors, the Zoning Board of Appeals must consider the five factors enumerated above. The Appellant requests the variance and presents information to substantiate the variance; however, it is the job of the Zoning Board to implement the test.

(i) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance;

This change will be contained and mostly concieled with natural greenery already in place. We currently do not have neighbors, and own the adjacent land.

(ii) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

The fence height cannot be achieved properly by other means. We kindly request this variance partially due to the vehicle, heavy tractor trailer noise of 365.

(iii) whether the requested area variance is substantial;

This is adding 24" to the regulated fence height, and will not sunstantially change the appearance of the property. 90% or more of the fence cannot be seen from the roadways.

(iv) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

This will not have any adverse effects, as the fence is contained within our backyard, and virtually undetected by passer by.

(v) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

This is not self-created. 365 has steadily increased in road noise and traffic.

B. I hereby attest that no previous appeal has been made for the Area Variance requested herein.

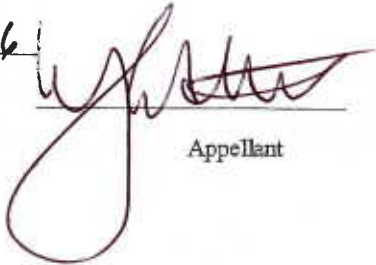
Sworn to before me this 29th Day of May, 20 26



Notary Public

ERIC R. SEELIG
Notary Public, State of New York
Qualified in Oneida County
Reg. No. 01SE6366255
Commission Expires 10/30/2029

A-5



Appellant

617.20
Appendix B
Short Environmental Assessment Form

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			
Name of Action or Project: 6760 S James St Fence			
Project Location (describe, and attach a location map): 6760 S James St Rome NY 13440			
Brief Description of Proposed Action: Tear down existing fence and replace with 8' fence in back yard only.			
Name of Applicant or Sponsor: Wayne and Jaime Morse		Telephone: 315 480-6626 E-Mail: wmmorse@outlook.com	
Address: 6760 S James St			
City/PO: Rome		State: NY	Zip Code: 13440
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 governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.0	acres
b. Total acreage to be physically disturbed?		0	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		11	acres
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input 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			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input 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? If Yes, describe: _____	NO	YES
	<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? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Wayne M Morse</u>		Date: <u>5/29/26</u>
Signature: <u><i>Wayne M Morse</i></u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

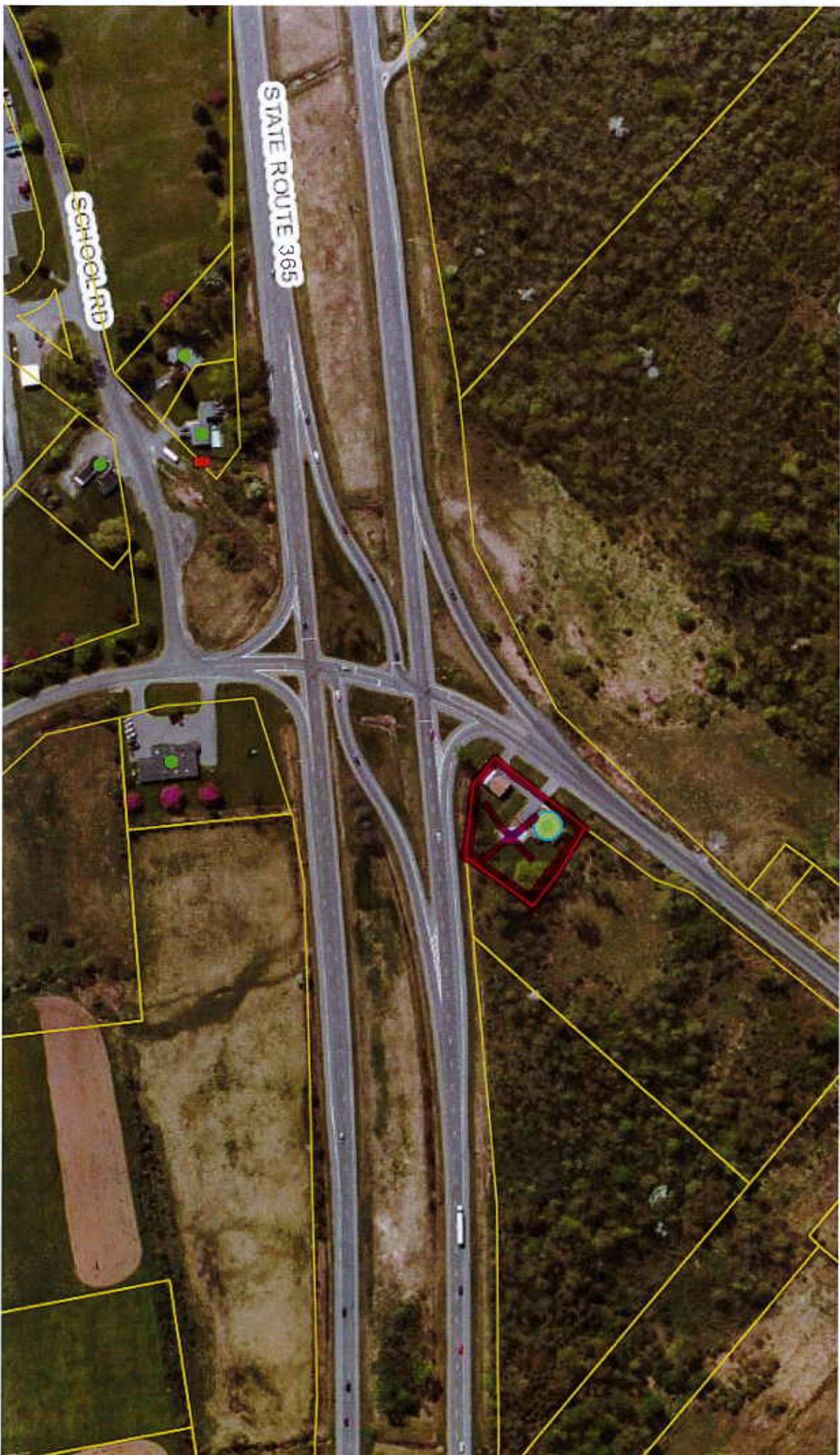
	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT





67100 S. James St.