

MAYOR JEFF LANIGAN
Mayor



26-021
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: 7/29/2026

1. Applicant

- a. Name: Carl DeWire
- b. Address: 8110 Passer Road
- c. Telephone: 315-335-1527
- d. Interest in Premises: Owner
- e. Email: cedewire@yahoo.com

2. Property description

- a. Address: same
- b. Zone District: AA
- c. Current use of property: single family
- d. Zoning standing : conforming
- e. Tax id: 202.000-2-16

3. Type of Action Requested- Area Variance

Sec. 80-12.3. - Principal use standards

The applicant is seeking to construct a detached accessory dwelling unit that exceeds the allowable size. The maximum allowable building size is 702 sqft

(k) Dwelling, accessory dwelling unit.

- i. No more than one accessory dwelling unit is allowed per lot. Where allowed, the accessory dwelling unit does not count toward the maximum number of dwelling units on a lot, including when the accessory dwelling unit is located in a detached structure.
- ii. A detached accessory dwelling unit may not exceed the height of the principal dwelling.
- iii. An accessory dwelling unit may not exceed a gross floor area of 60 percent of the gross floor area of the principal dwelling or 1,800 square feet, whichever is less.
- iv. Detached accessory dwelling units may only be located in the rear yard. Detached accessory dwelling units must be located ten feet from any lot line and from any principal building.

CITY OF ROME ZONING BOARD OF APPEALS

Area Variance Application

IN THE MATTER OF THE APPEAL, OF Carl DeWire, 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 29 day of July, 2026 did deny the application of the Appellant, said application affecting property at 8110 Passer Rd. in a AA zoning district, in the City of Rome, and having been submitted to the Zoning Officer for the purpose of construct a detached accessory dwelling

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 _____, Schedule _____ 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;

The variance is for increasing the size of the proposed ADU from the permitted 702 sq ft to 950 sq ft

(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 application is to construct a dwelling adequate for an aging couple to age in place with sufficient area for living, bathroom, storage, etc.. The existing dwelling is 1170 sq ft.

(iii) whether the requested area variance is substantial;

The variance is for a 250 sq ft increase
in area of dwelling on a 3.5 acre parcel

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

The variance is a small change for the permitted
use. My wife and I will occupy the ADU and my
son will occupy the existing dwelling

(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.

we had consulted the Rome building code department
prior to purchasing the property to insure we could
build an ADU. The size of the ADU is in question.
The existing dwelling is 1170 sq ft. 60% is 702 sq ft. It is a
challenge to design a dwelling ^{to} 702 sq ft for aging in place.

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

Sworn to before me this 30th Day of July, 2024.

Dawn Crever

Notary Public

Carl E. DeLeon

Appellant

DAWN M. CREVER
Notary Public, State of New York
Qualified in Oneida County
Reg. No. 01CR6439853
Commission Expires 8/29/2026

A-5

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: Addition of an ADU							
Project Location (describe, and attach a location map): 8110 Passer Rd Blossvale Ny 13308							
Brief Description of Proposed Action: Construct a dwelling of 940 sq ft. on a 3.5 acre Parcel with an existing dwelling of 1079 sq ft.							
Name of Applicant or Sponsor: Carl E DeWire		Telephone: 315 335 1527 E-Mail: carldew@ gmail.com					
Address: 8110 Passer Rd							
City/PO: Blossvale		State: NY	Zip Code: 13308				
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.			<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 2px;">NO</td><td style="width: 50%; padding: 2px;">YES</td></tr><tr><td style="text-align: center; padding: 5px;">☒</td><td style="text-align: center; padding: 5px;">☐</td></tr></table>	NO	YES	☒	☐
NO	YES						
☒	☐						
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:			<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 2px;">NO</td><td style="width: 50%; padding: 2px;">YES</td></tr><tr><td style="text-align: center; padding: 5px;">☒</td><td style="text-align: center; padding: 5px;">☐</td></tr></table>	NO	YES	☒	☐
NO	YES						
☒	☐						
3. a. Total acreage of the site of the proposed action? 3.5 acres							
b. Total acreage to be physically disturbed? .1 acres							
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 3.5 acres							
4. Check all land uses that occur on, adjoining and near the proposed action. ☐ Urban ☒ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☒ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____ ☐ Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO ☐	YES ☒	N/A ☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☒	
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 ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☒	YES ☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☒	☐	
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 ☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>Private Septic System</u>	NO ☐	YES ☒	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>Private Septic System</u>	NO ☒	YES ☐	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO ☒	YES ☐	
b. Is the proposed action located in an archeological sensitive area?	☒	☐	
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?	NO ☒	YES ☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? 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: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ 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 ☐	
16. Is the project site located in the 100 year flood plain?	NO ☒	YES ☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☒ NO ☐ YES	NO ☐	YES ☒	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <u>Storm water collection for garden</u>	☐ NO ☒ YES		

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
	☒	☐
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
	☒	☐
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
	☒	☐
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Carl E Dewine</u>		Date: <u>7/29/26</u>
Signature: <u>Carl E Dewine</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?"

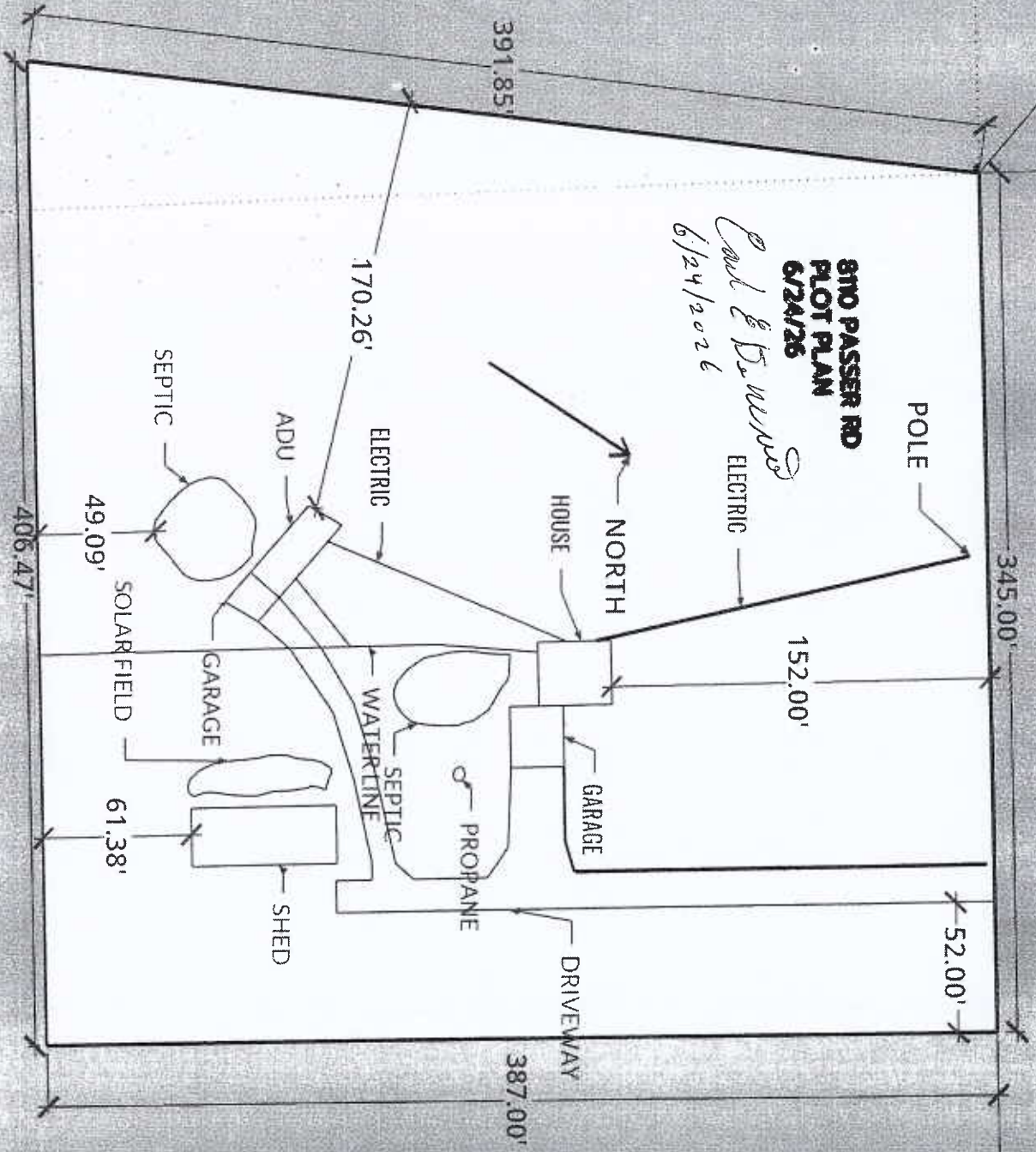
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☐	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☐
3. Will the proposed action impair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

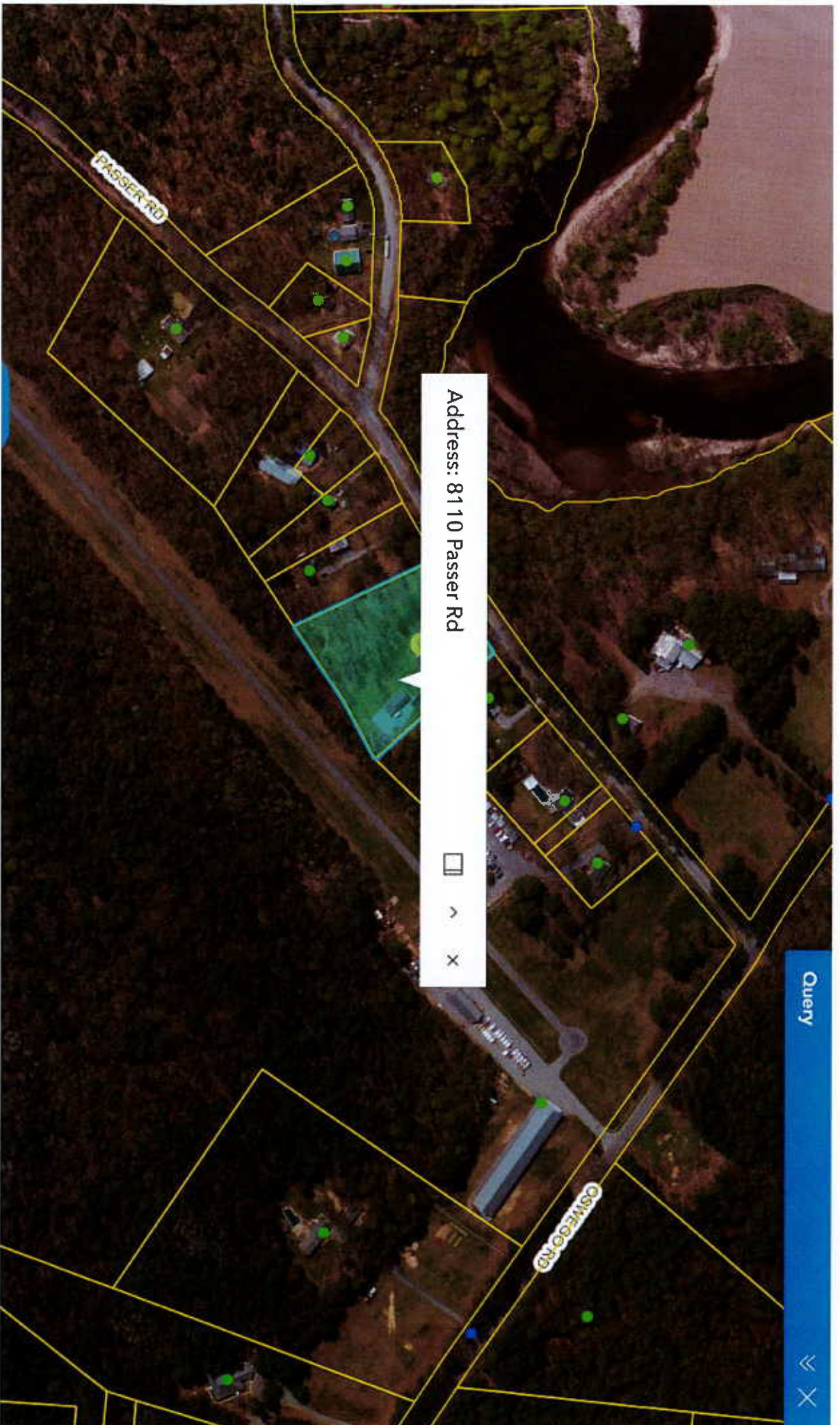
	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☐	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☐	☐

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.

☐	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.
☐	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





Address: 8110 Passer Rd

