

# Expedite The Diehl

March 3, 2020

City of Albany  
Board of Zoning Appeals  
200 Henry Johnson Blvd  
Albany, NY 12210

Dear Members of the Zoning Board.

We respectfully request relief from the restrictions of §375-1D & 375-5(G) of the USDO. We hereby request an area variance to allow for one wall sign totaling 84.84 sq. ft. on the front elevation and one wall sign totaling 84.84 sq. ft. on the side elevation.

Each wall sign letter area is 30" x 28' 5 3/8" which is 84.84 sq. ft each. The signs are internally illuminated flush mounted channel letters. The area variance requested is to allow the sign that exceeds the sign area as indicated in the Table 375-4-5[3]: Type, Size, and Locations of Signs: *The maximum size of a wall sign in an MU-CH district is 32 square feet per frontage.*

## Findings and Facts

The signs proposed are consistent with the architectural nature and the character of the surrounding neighborhood. This is a business route and near the interstate highway, most of the properties that front on this roadway are businesses. Other businesses along Washington Avenue Extension have signs that exceed the ordinance in height and area. The shopping center is hidden by trees along Washington Avenue Extension, larger signs are necessary to be seen thru the treescape.

The significance of the sign for the public good vs. the good of the neighboring landowners is that this sign will allow motorists to safely identify the location of this business and prepare for turns and stopping along the main road. If patrons cannot safely locate the property it becomes a vehicular hazard. Vehicular hazards create a financial burden for law enforcement and public safety. The financial burden of law enforcement and public safety becomes a burden for the citizens of the community. Safely locating a business is essential to the success of the business and the safety of the citizens of the City of Albany as well as transient motorist. Ultimately, when considering all these factors this variance would be for the public's good and the good of the neighboring landowners.

The following criteria is also herein addressed:

### Part 4. Character of Neighborhood

- This is a commercial shopping center. The signs within the shopping center all need to be legible from the Washington Avenue Extension. The signs proposed are consistent with the character of a retail shopping center. TJ Maxx, At Home, PetSmart, The Home Depot all have signs that exceed the allowances for the letters to be legible at the posted speed limits.

### Part 5. Alternatives Considered

- The alternative is to have a sign that is not legible. This is the minimum necessary to achieve visibility and letters that are legible. For example, the "A" in the "at home" letterset is approximately 4 ft tall and the "S" in Skechers is proposed to be less than 3 ft. It is the minimum necessary for the sign to be legible.

Part 6. Substantiality

- In today's retail climate shopping centers are struggling to keep their tenants. A business' success depends on brand recognition and substantial visibility. The property is 480' from Washington Avenue Extension with existing mature treescapes, this creates a need for a sign that can be seen from this distance and a sign that is going to help the business to thrive. This sign proposal is not a contextually signification deviation because signs that are existing here exceed the ordinance and this sign proposal would be most consistent with the sign types that are currently in place at this shopping center.

Part 8. Self-Created Difficulty

- This is not self-created – mature trees exist, the setbacks exist, this is a vacant retail tenant location that exists, it's not new construction. The hardship of visibility is created by the existing conditions.

In evaluating the proposed variance, we hereby address the following concerns:

- There will be no adverse effect on existing and projected traffic volumes in the neighborhood, signs enhance motorist safety. This area already has signs and businesses.
- The current and future need for the proposed use in the City of Albany will not be affected because this area is an existing business zone, the property is new construction. Allowing this sign will enhance the business district.
- The character of the existing neighborhood and the effect of the proposed use or special exception on existing property values will not be negatively affected. Signs already exist in this area.
- This proposal is consistent and compatible with surrounding uses.
- The proposal is consistent with the intent of the City of Albany sign ordinance and the public interest, and all other provisions of law and ordinances of the city.
- The proposed sign will have a positive effect of the proposed use as well as the peace and enjoyment of people in their homes by reducing the incidents of traffic related accidents because in absence of the signs motorists would not be able to safely locate this service.
- There will be no probable effect of noise and glare upon the uses of surrounding properties.
- The proposed use would not cause deterioration of the area and neighborhoods but rather enhance the business district.
- The proposed wall sign is consistent with the Skechers brand image across the United States.

Conclusion:

The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:

The signs requested are regarding a shoe store that will occupy the corner frontage of a multi-tenant structure. The approval will not be injurious to the public health, safety, morals or general welfare of the community because this is a sign type that is consistent with other sign types in the shopping center that currently exist.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The sign requested will be consistent with the other signs in the business district and in harmony with what the current zoning ordinance aesthetically allows.

The strict application of the terms of the zoning ordinance will result in practical difficulties and undue hardship in the use of the property because:

The sign notifies the citizens of Skechers location. The sign is necessary for Skechers to take its place in the shopping center and in the community to gain brand recognition that is consistent with their national image. It is the minimum size necessary for motorists to be able to read the sign from Washington Avenue Extension.

The granting of this variance is in harmony with the intended spirit and purpose of the zoning ordinance.

Safety is the primary concern; the signs must be legible for motorists to safely identify their destination. Illuminated signs are current allowed in this area. This sign type and size already exists at nearby locations within the shopping center.

We respectfully request a special exception from the USDO Table 375-4-5[3]: Type, Size, and Locations of Signs: *The maximum size of a wall sign in an MU-CH district is 32 square feet per frontage.* to allow the signs to exceed the maximum allowance by 52.84 sq. ft. each.

If you have any questions about this submittal I can be reached at [tracey@expeditethediehl.com](mailto:tracey@expeditethediehl.com) .

Sincerely,



Tracey Diehl

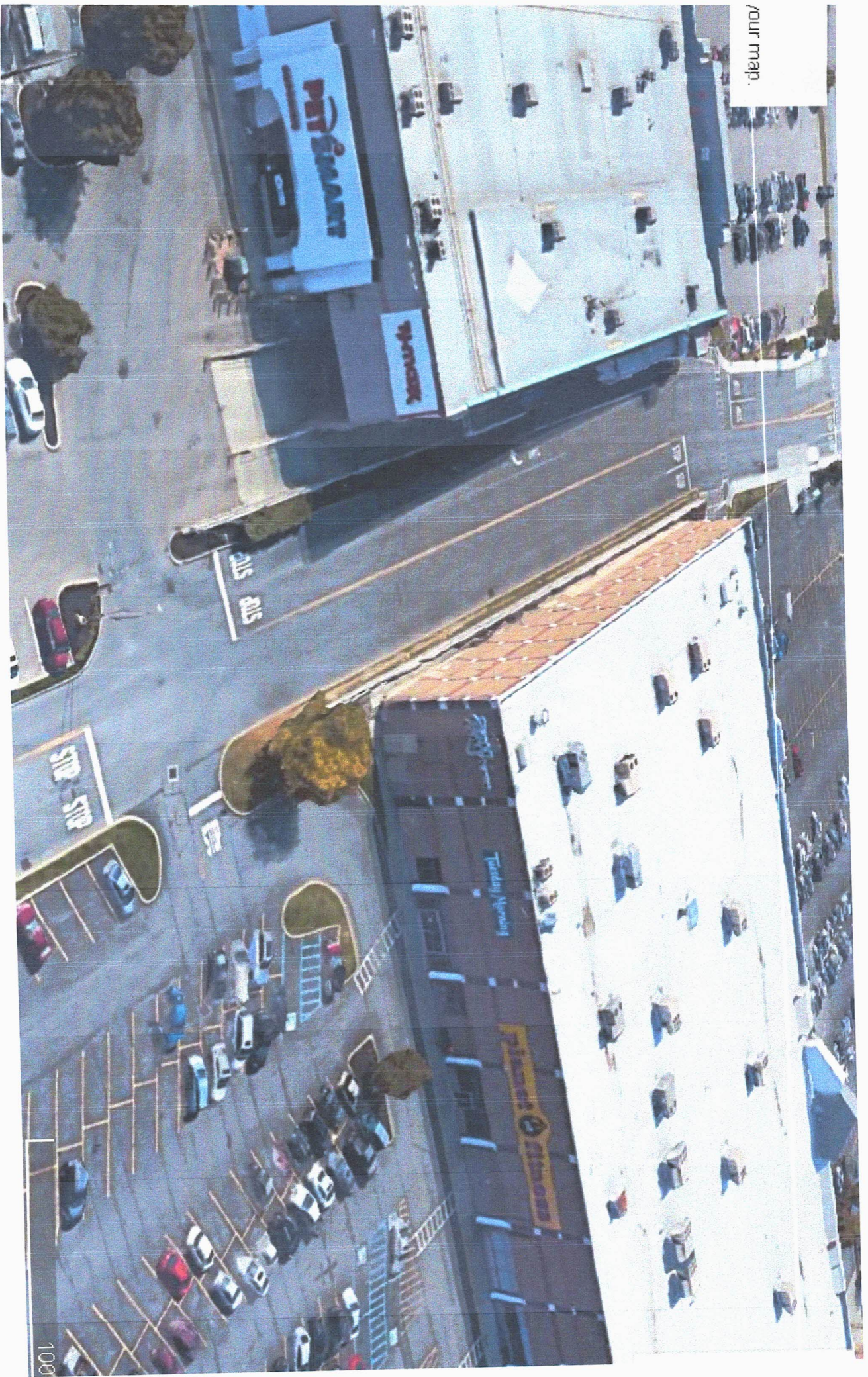


**MASTER APPLICATION:** *USE THIS FORM FOR ALL DEVELOPMENT APPLICATIONS*

Part 1. APPLICATION FOR (Please check all applications being submitted with this Master Application Form)		
<input type="checkbox"/> <b>Administrative Adjustment</b>	<input type="checkbox"/> <b>Demolition Review</b>	<input type="checkbox"/> <b>Historic Property Hardship Modification</b>
<input type="checkbox"/> <b>Amendment to Zoning Map or USDO Text</b>	<input type="checkbox"/> <b>Design Review of Tall Buildings</b>	<input type="checkbox"/> <b>Lot Modification</b>
<input checked="" type="checkbox"/> <b>Area Variance</b>	<input type="checkbox"/> <b>Development Plan Review</b>	<input type="checkbox"/> <b>Wall Display Application</b>
<input type="checkbox"/> <b>Certificate of Appropriateness</b>	<input type="checkbox"/> <b>District Plan</b>	<input type="checkbox"/> <b>Special On-Premises Sign Program</b>
<input type="checkbox"/> <b>Conditional Use Permit</b>	<input type="checkbox"/> <b>Floodplain Variance</b>	<input checked="" type="checkbox"/> <b>Other:</b> _____
Part 2. Brief Description of Proposed Project / Activity		
Area variance requested pursuant to Sections 375-1D & 375-5(G) of the USDO for proposed 84.84 sq. ft. wall sign which exceeds the 32 sq. ft. maximum allowance		
Part 3. Property Information		
Project Name (if applicable): Skechers		
Project Address: 161 Washington Avenue Extension Suite #204A		
Tax Identification No.: 52.2-1-26.1	Lot Size (sq. ft.): 26.76 acres	
Zoning District: MU-CH	Abutting Zone District(s): MU-CI, MU-CH	
Part 4. Property Owner Information		
Property Owner(s) Name(s): H L GAGE SALES INC		
Mailing Address: PO BOX 5170, ALBANY NY 12205		
Phone No.:	Email:	
Part 5. Applicant Information (if different than property owner)		
Applicant Name: TRACEY DIEHL		
Mailing Address: 6487 HILLIARD DRIVE, CANAL WINCHESTER OH 43110		
Phone No: 614-828-8215	Email: TRACEY@ETD.WEBSITE	
Part 6. Project Engineer/Surveyor Information (if applicable)		
Company Name: N/ A	Engineer or Surveyor Name:	License No.:
Mailing Address:		
Phone No.:	Email:	
Part 7. Project Architect Information (if applicable)		
Company Name: N/ A	Architect Name:	License No.:
Mailing Address:		
Phone No.:	Email:	
Part 8. Authorized Agent for this Application		
Authorized Agent Name: TRACEY DIEHL		
Mailing Address: 6487 HILLIARD DRIVE CANAL WINCHESTER OH 43110		
Phone No.: 614-828-8215	Email: TRACEY@ETD.WEBSITE	
Part 5. Property Owner Consent (Check the box below that applies to this application and sign in the space indicated below)		
<input type="checkbox"/> I am the Owner and have no other agent or representative authorized to represent me in this and other corresponding applications subject to review under the USDO. I understand the application must be complete and accurate prior to a hearing being scheduled, if required, or a decision being made. I grant the City of Albany Department of Planning and Development permission to access the property for inspection.		
<input checked="" type="checkbox"/> I hereby authorize the above listed Applicant and/or Agent to represent me in this and other corresponding applications subject to review under the USDO. I understand the application must be complete and accurate prior to a hearing being scheduled, if require, or a decision being made. I grant the City of Albany Department of Planning and Development permission to access the property for inspection.		
Print Owner Name(s): <b>H L GAGE SALES INC</b>	Owner(s) Signature(s): 	Date:

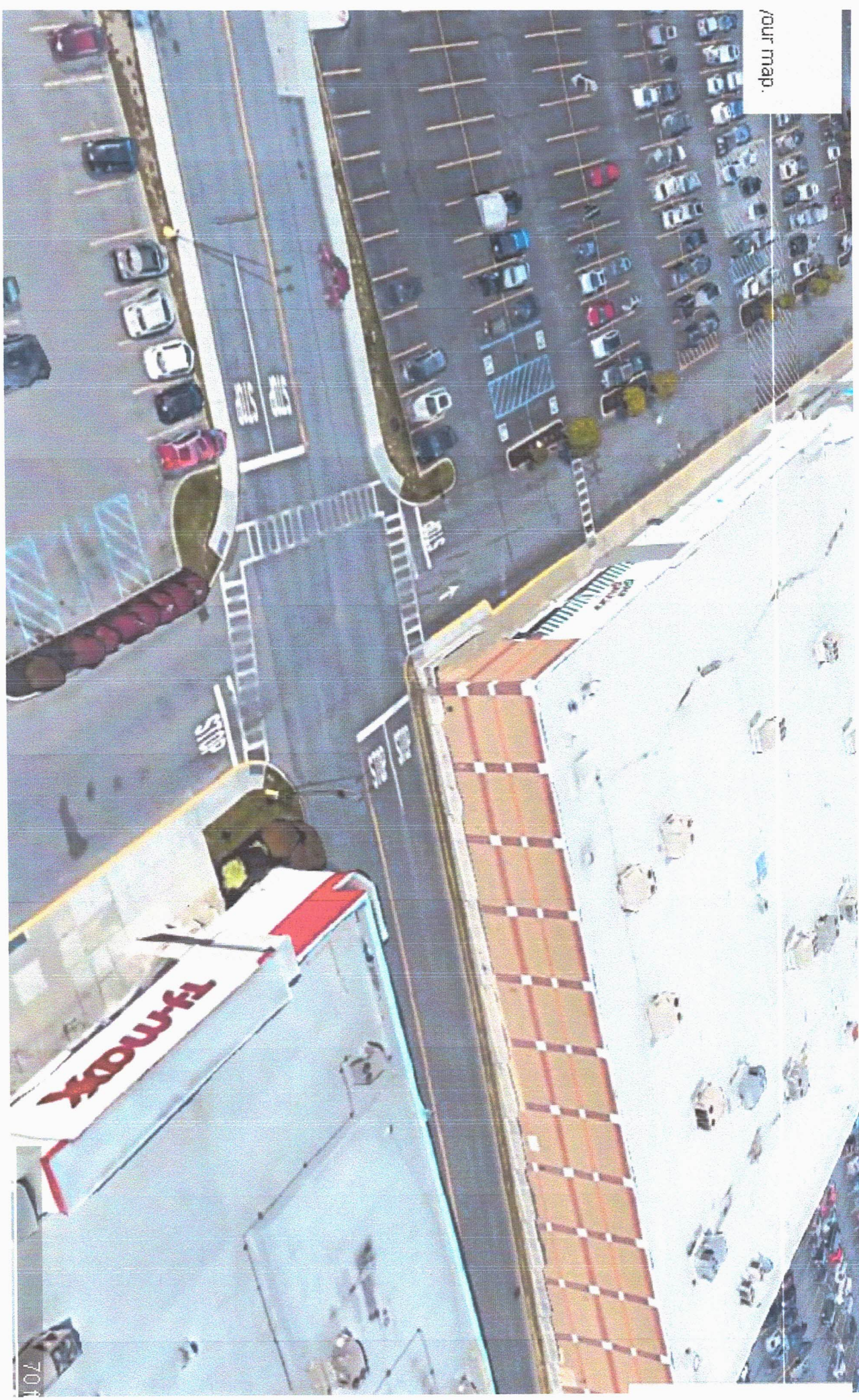


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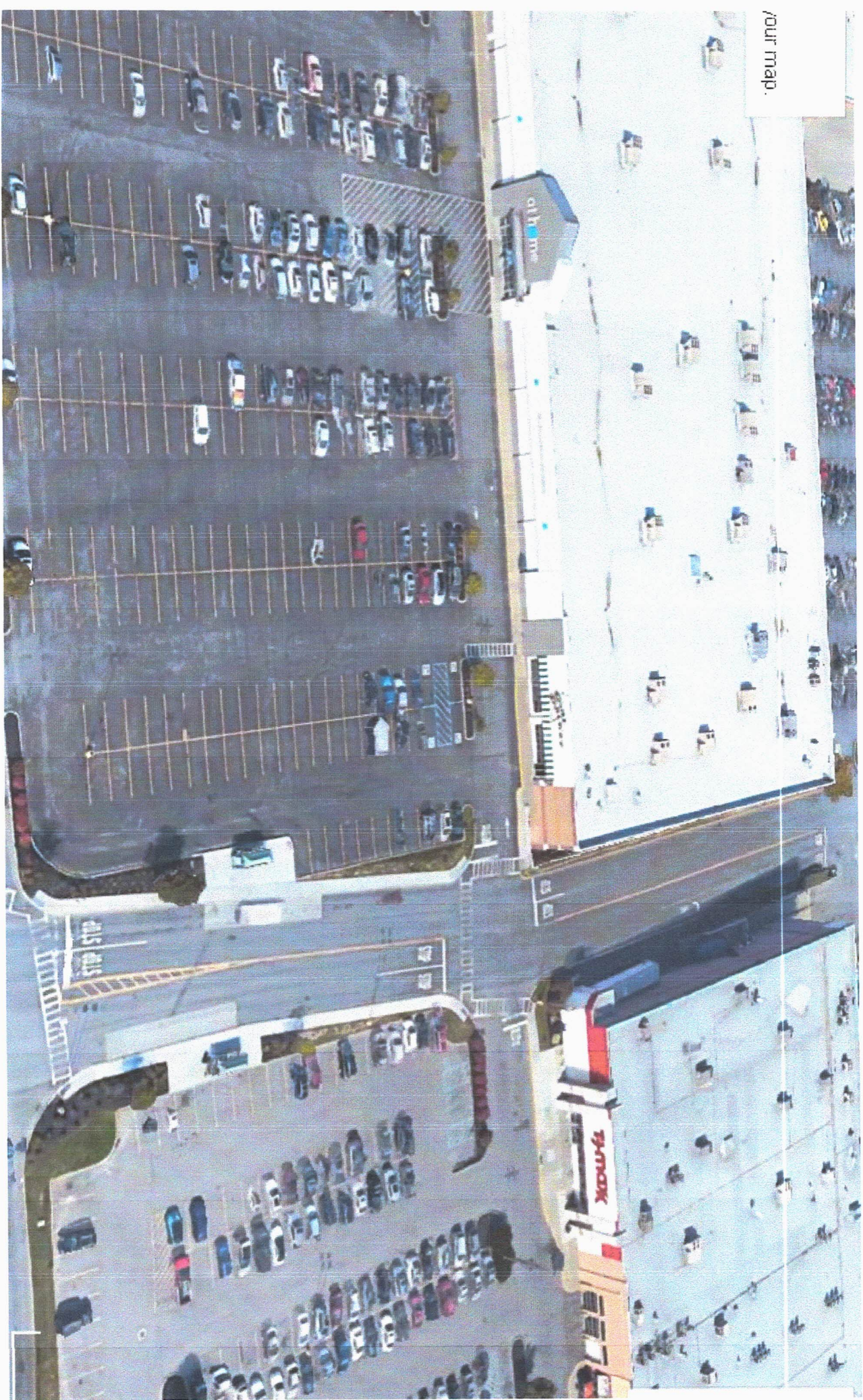


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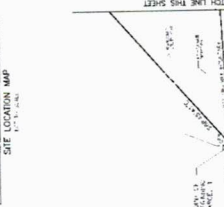
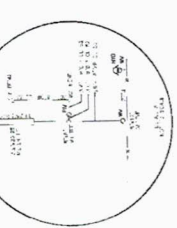
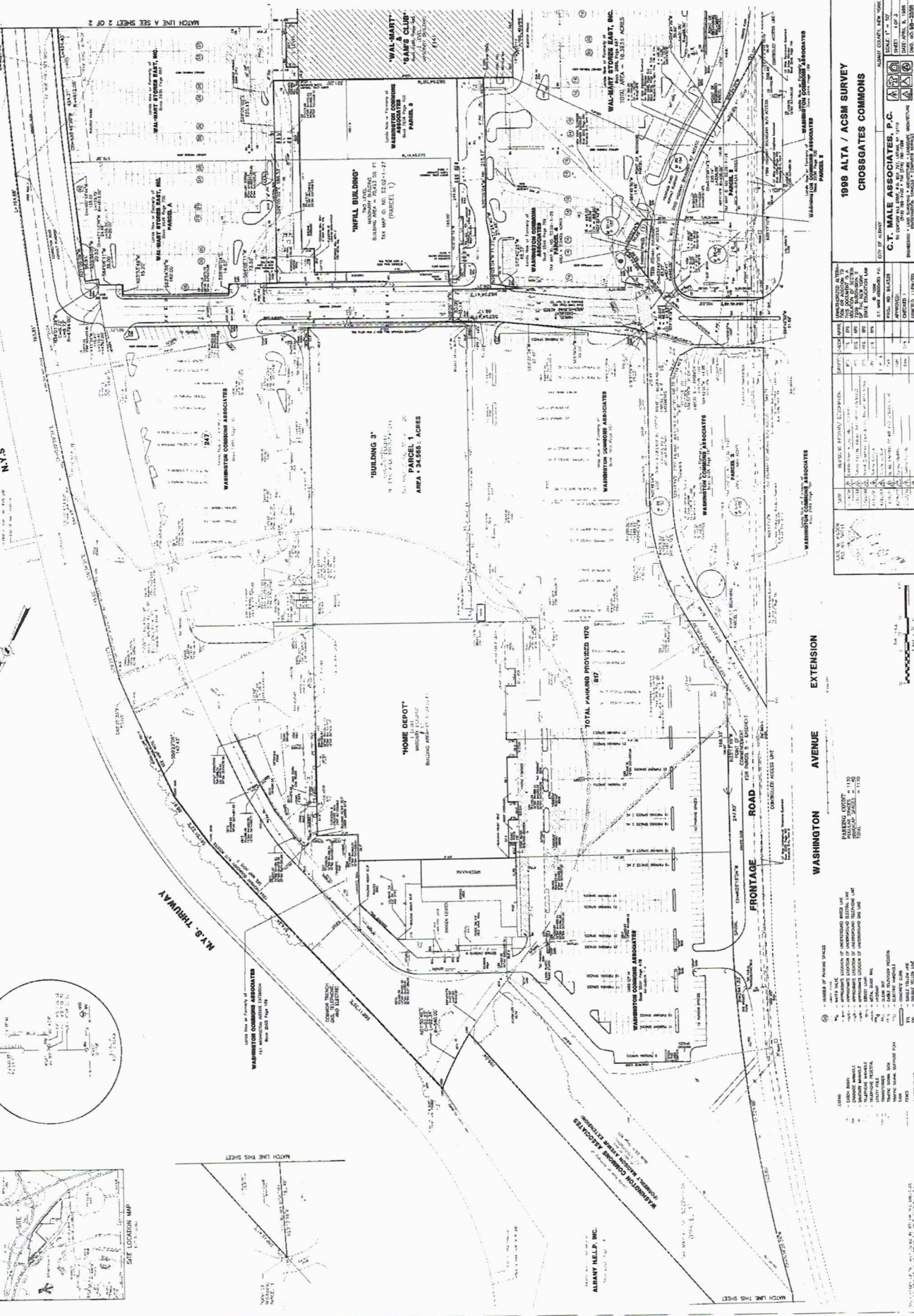
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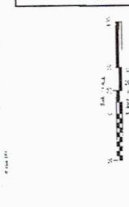


**1988 ALTA / ACSM SURVEY  
CROSSGATES COMMONS**

C.T. MALE ASSOCIATES, P.C.  
 100 WEST 110TH STREET, NEW YORK, N.Y. 10026  
 PHONE: (212) 246-1111  
 FAX: (212) 246-1112

ALBANY COUNTY, NEW YORK  
 SCALE: 1" = 50'  
 SHEET: 02 OF 02  
 DRAWN: J.M. MALE  
 CHECKED: J.M. MALE  
 DATE: 08/11/88

NO.	DATE	BY	REVISION
1	08/11/88	J.M. MALE	ISSUE FOR PERMITTING
2	08/11/88	J.M. MALE	ISSUE FOR CONSTRUCTION
3	08/11/88	J.M. MALE	ISSUE FOR RECORDING
4	08/11/88	J.M. MALE	ISSUE FOR RECORDING
5	08/11/88	J.M. MALE	ISSUE FOR RECORDING
6	08/11/88	J.M. MALE	ISSUE FOR RECORDING
7	08/11/88	J.M. MALE	ISSUE FOR RECORDING
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9	08/11/88	J.M. MALE	ISSUE FOR RECORDING
10	08/11/88	J.M. MALE	ISSUE FOR RECORDING



**WASHINGTON AVENUE EXTENSION**

FRONTAGE ROAD FOR CONSTRUCTION

CONTROLLED ACCESS DECK

**ALBANY H.E.P. INC.**

100 WEST 110TH STREET, NEW YORK, N.Y. 10026

**WASHINGTON COMMONS ASSOCIATES**

100 WEST 110TH STREET, NEW YORK, N.Y. 10026

**PARCEL 1**  
 AREA: 3.5885 ACRES

**PARCEL 2**  
 AREA: 1.1211 ACRES

**PARCEL 3**  
 AREA: 1.1211 ACRES

**PARCEL 4**  
 AREA: 1.1211 ACRES

**PARCEL 5**  
 AREA: 1.1211 ACRES

**PARCEL 6**  
 AREA: 1.1211 ACRES

**PARCEL 7**  
 AREA: 1.1211 ACRES

**PARCEL 8**  
 AREA: 1.1211 ACRES

**PARCEL 9**  
 AREA: 1.1211 ACRES

**PARCEL 10**  
 AREA: 1.1211 ACRES



March 3, 2020

Expedite the Diehl LLC  
6487 Hillard Dr  
Canal Winchester, OH 43110

Re: Area Variance – 161 Washington Avenue Extension Suite #204A

Expedite the Diehl LLC,

On 2/20/2020 your application was received and reviewed by the Department of Planning and Development. The following documents are required for the application to be considered complete:

- Master Application (Hard Copy and Electronic Copy) ✓
- Area Variance Application (Electronic Copy) ✓
- Color Photographs of the property (Hard Copy and Electronic Copy) ✓ *emailed*
- Site Plan showing lot lines, dimensions, buildings, driveways, parking, landscaping, etc., drawn to scale (Electronic Copy) ✓ *emailed*

All applications should be submitted according to the Submittal Requirement Checklist. This includes submitting a hard copy and an electronic submission that labels electronic files according to the required document name. Answer all parts of the application completely and substantiate any answers with appropriate data or evidence. The Board reviews the applications thoroughly. It is highly recommend that you type your application.

In addition, the following information will be needed to form a complete application: ✓

#### Part 4. Character of Neighborhood

- Provide examples comparable signs and substantiate why the sign is not out of place beyond making the statement.  
Ex: What characteristics of existing signs does the proposed sign confirm with?

#### Part 5. Alternatives Considered

- You must demonstrate all other alternatives possible and substantiate why those alternatives were not considered.  
EX. You could have a sign on each frontage that equates to 32 square feet instead of 39 square feet; You could apply for an on-premises special sign program to have a 39 square foot sign on the frontage with larger setbacks and a smaller sign on the frontage that has a lesser setback. You have to walk the board through why it is necessary for the sign to be larger than required. Each statement here must be substantiated. It is not enough to state that its necessary – this statement must be substantiated with evidence that clearly demonstrates why there is no other alternative that would suffice.

#### Part 6. Substantiality

- You must demonstrate here whether what you are requesting is a substantial deviation from the ordinance. Only quantitative statements are allowed here. Contextual statements on whether the variance is substantial is not allowed. This is not dispositive.

#### Part 8. Self-Created Difficulty

- You must state whether the need for the sign is self-created. In almost all variance cases, the need is self-created. In your case, the need is self created because you are proposing a new sign that is not conforming to the USDO. This is not dispositive.



Your application has been deemed incomplete. The City's development review staff has begun review of this project, but cannot complete it until all of the above are submitted. Please deliver the required document in both hard copy and electronically to our office at 200 Henry Johnson Boulevard, Albany, New York 12210 and to [planning@albanyny.gov](mailto:planning@albanyny.gov) at your earliest convenience.

If application materials are not received within 45 days of the date of this letter, your application will be considered withdrawn.

Thank you,

**Luis Roldan**  
Planner

City of Albany  
[Department of Planning and Development](#)  
[200 Henry Johnson Boulevard | Albany, New York 12210](#)  
518.465.6066  
[LRoldan@AlbanyNY.gov](mailto:LRoldan@AlbanyNY.gov)

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