#### NARRATIVE DESCRIPTION

## IN CONNECTION WITH AN APPLICATION FOR AREA VARIANCES IN REFERENCE TO

Application No: BLDG20-22435 No. 41 SOUTH PINE AVENUE ALBANY, NY

Prepared by:

#### Hershberg & Hershberg Consulting Engineers and Land Surveyors

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Albany, NY 12203-2908
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<a href="mailto:hhershberg@aol.com">hhershberg@aol.com</a>

January 18, 2021

#### **INTRODUCTION**

Hershberg & Hershberg, Consulting Engineers and Land Surveyors, were retained by William Stanley (hereinafter the "Applicant") to assist with his building permit application to reconstruct a dilapidated porch at No. 41 South Pine Avenue. On November 27, 2020, the Applicant, made an application for a building permit and this application was denied based upon an interpretation of the Unified Sustained Development Ordinance (hereinafter "USDO") in a letter from Erin M. Glennon, Senior Planner (for the Director).

#### **REASONS CITED IN LETTER FOR DENIAL**

The denial letter was based upon three sections of USDO listed below:

**FIRST** 375-4(G)(3): Infill construction, including principal structures, accessory structures, and building additions, shall be designed to be no greater than the average setbacks, heights, and building bulk of buildings with similar principal uses on the same block face and the facing block face to the maximum degree practicable. Furthermore, building characteristics such as roof pitches, gables, and the inclusion (or not) of porches, shutters, and other exterior elements shall conform to the residential buildings on the same block face and the facing block face to the maximum degree practicable, in order to preserve the character of the block face.

**SECOND** 375-4(G)(4)(a): Original materials shall be retained, maintained, repaired or uncovered wherever possible and to the maximum extent feasible. New buildings and alterations shall be composed of materials that complement adjacent facades and are compatible with the quality and appearance of traditional materials.

**THIRD** 375-4(G)(4)(d)(i): All porches shall be retained in their original style with appropriate supports, balusters, railings, and framed latticework to the maximum extent practicable.

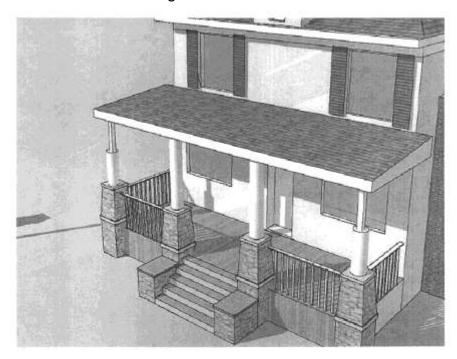
#### **DESCRIPTION OF WORK UNDER PROPOSED BUILDING PERMIT**

The Applicant observed that the bases of the wood columns supporting the roof of the front porch at 41 South Pine Avenue had become deteriorated and the wood was rotten. The Applicant in order to provide appropriate support as called for in 375-4(G)(4)(d)(i): cited above determined that masonry base sections could be provided to support the original wood columns above thereby retaining their original style as called for in 375-4(G)(4)(d)(i): cited above.

The Applicant believes that the proposed changes to the porch are for the purpose of providing appropriate support and do in fact, retain its original style. By way of example, the existing porch and the proposed repair and restoration are shown below. The building plans for 41 South Pine Avenue are from a set of plans nationally marketed as "American Foursquare Homes" which had a large number of variants which could be chosen by builder or home buyer.



Existing 41 South Pine Avenue



Proposed revision applied for by building permit

Materials and elements of construction which remain unchanged or which will be replaced with materials matching the existing porch:

Width of porch

Depth of porch

Height of porch above ground

Height to roof

Number of risers from ground

Slope of roof

Top portion of columns

Balusters and railings around porch

Materials and elements of construction which will be changed from the existing porch:

Column Bases will be replaced with bluestone

Location of steps

Side walls of steps will be replaced with bluestone

Latticework will be replaced with solid wood paneling.

All of these changes result in building which are similar to other "American Foursquare Homes", a traditional style, as shown below:



Note stone bases for wood columns



Note stone bases for wood columns



Note center stair location with identical window and door locations

#### APPLICABILITY OF AN AREA VARIANCE

An area variance is the appropriate relief as noted in USDO §375-6(B) AREA VARIANCE which states that:

The authorization by the BZA for the use of land in a manner which is not allowed by the dimensional or **physical requirements** of the applicable regulations of this USDO. (*Emphasis added*)

#### **CONSIDERATIONS FOR AN AREA VARIANCE**

The USDO at §375-5€(21)(c)(i) states:

In making its determination regarding a request for an Area Variance, the BZA 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. In making such determination, the BZA shall also consider:

- 1. 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
- 2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.
- 3. Whether the requested area variance is substantial.
- 4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the BZA but shall not necessarily preclude the granting of the area variance.

The sections below address these matters.

### CHANGE IN CHARACTER OF THE NEIGHBORHOOD OR DETRIMENT TO NEARBY PROPERTIES

The proposed changes in porch construction identified above will create no undesirable change in the neighborhood or a detriment to adjoining properties. By replacing the deteriorated wood construction with architecturally pleasing blue stone column bases and walls bordering the steps the building appearance will be enhanced. Letters of support of this change are included in Appendix A and a signed petition is included in Appendix B demonstrating that nearby properties do not believe that the changes create any detriment to their properties.

#### WHETHER CHANGE CAN BE ACHIEVED BY ANOTHER MEANS

In order to reconstruct the porch, deteriorated portions of the wooden columns had to be replaced. Replacing them with blue stone was the preferred method adopted by the Applicant as the stone is not subjected to the rotting that occurred in the wood bases due to the presence of moisture accumulating at the base of the columns. Other materials such as concrete or plastic could also be used but the blue stone was a more attractive substitution.

#### WHETHER VARIANCE IS SUBSTANTIAL

The Applicant does not believe that this variance requested is substantial. The width, depth and height of the porch remain unchanged. The slope and height of roof of the porch remain unchanged. The wood column tops are retained as are the balusters and railing around the porch.

#### WHETHER VARIANCE WILL HAVE AN ADVERSE EFFECT

The Applicant does not believe that granting these variances will result in the creation of any adverse impacts.

#### LACK OF SELF CREATED SITUATION

The Applicant believes that this situation may be considered "self-created". The need to replace the deteriorated columns and steps was not self-created as it was related to age and moisture. However, such a determination does not bar the granting of an area variance. The publication by the New York State Department of State for Boards of Zoning Appeals states "perhaps the most important point we can make here is that self-created difficulty, as it relates to an area variance application, is not the same as self-created *hardship*, as set forth with respect to the use variance. Even if present, it constitutes only one factor to be considered by the board of appeals; it does not, in and of itself, act as a bar to the grant of an area variance."

#### **QUALITY OF LIFE IMPACTS**

This reconstruction will have no potential quality of life impacts.:

#### **APPROVALS**

This reconstruction requires review and approval by Division of Building & Codes for a, Building Permit already covered by an application.

#### APPLICABILITY OF SEQR

This action is a Type II action requiring no SEQR review. The following is quoted from the SEQR Handbook:

Activities that do not meet the definition of "action" or that are classified as Type II actions do not require SEQR review. As for the Type II actions, included among them are some typical local government activities such as:

- Construction or expansion of a single-family, a two-family or a threefamily residence on an approved lot;
- Granting of individual setback and lot line variances, granting of area variance(s) for a single-family, two-family or three-family residence;
- Official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits whose issuance is predicated solely on the applicant's compliance or noncompliance with the relevant building or preservation code(s);

#### **CONCLUSION:**

The proposed reconstruction has been designed to minimize the impact of items addressed herein. It is the engineer's conclusion that this project can be completed with minimum impact on the environment or on surrounding properties. It is also the Engineer's opinion that this project is a Type II action in accordance with SEQR and will have no significant impact on the environment and no SEQR review is required. It is, furthermore, the Engineer's opinion that the area variances and building permit can be granted in accordance with the USDO.

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Prepared by:

HERSHBERG & HERSHBERG Daniel R. Hershberg, P.E. & L.S. file/dan/0NarrRep20210001AREAVARIANC.doc

# Appendix 1 Letters of Support

December 21, 2020.

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

#### To whom it may concern

My family and I are most concerned about the Zoning interest in the Front Porch rehabilitation at 41 South Pine Ave.

We have been home owners in this neighborhood for nearly two decades. In fact, my property sits exactly across the street from 41 South Pine Avenue. Naturally, we have a front seat view of the property and in no way are we convinced that the rehab project does the neighborhood any harm or disservice. In fact, we think the total opposite. We do believe that the rehab and upgrade adds value to the property while keeping with the character of the street, and at the same time, in our view is consistent with other home designs or development in the neighborhood.

In addition, we were very fortunate to see the current rehab plans which copies and utilizes similar stone like materials that are already a fixture on the property in its Fenced Stone Wall entrance way.

We all do hope that your interest will be positive and a favorable one as we all are looking forward to see this project complete.

Singerely,

The HYDE FAMILY 40 South Pine Avenue Albany, NY 12208. Zoning Board of Appeals 200 Henry Johnson Boulevard Albany, NY 12210

RE: 41 South Pine Avenue

Dear Sir/Madam,

I am writing about the porch project at 41 South Pine Avenue. I live at 28 South Pine Avenue and can see the porch from my property. I have seen the plans for the project and believe that the addition of stone piers matching the existing stone walls on each side of the property will be an attractive upgrade and is consistent with the character of the architecture in the neighborhood. There are several other houses in the neighborhood and one on the same block with this design. The completion of the project will beautify our neighborhood and add to the property value of the neighborhood. I am looking forward to the project being completed!

Sincerely,

Thomas O'Neill

28 South Pine Avenue

Alison Walsh 37 South Pine Avenue Albany, NY 12208

January 15, 2021

Zoning Board of Appeals 200 Henry Johnson Boulevard Albany, NY 12210

Re: 41 South Pine Avenue

To Whom it May Concern:

I am writing about the porch project at 41 South Pine Avenue. I live at 37 South Pine Avenue, which is directly adjacent to the discussed property. I have seen the plans for the project and believe the addition of stone piers matching the existing stone walls on both sides of the property will be an attractive upgrade and is consistent with the character of architecture on this block of South Pine Avenue.

The existing stonework mentioned above is part of my property, and I am enthusiastic about the plan to match the pillars to our stonework. There are several other houses in the neighborhood and one on the same block with this design. This porch will be a wonderful addition on a street full of beautiful, historic buildings.

The reason I choose to live and pay taxes in the city of Albany (despite there being numerous other more affordable places to own property in the Capital Region) is because of the character and charm of the architecture in our neighborhoods. In order to ensure that the Pine Hills neighborhood continues to be a desirable place to live, upgrades like these should be encouraged, and frankly, incentivized. Allowing the construction to continue as planned is in the best interest of the neighborhood and city.

Sincerely,

Alison Walsh

Meion C. War

Leonora H. Haefeli (owner and occupant) 71 South Pine Avenue Albany, NY 12208

December 30, 2020

Zoning Board of Appeals 200 Henry Johnson Boulevard Albany, NY 12210

Re: 41 South Pine Avenue

Dear Sir/Madam:

I am writing about the porch project at 41 South Pine Avenue.

I have been shown the plans for the project. The addition of the stone piers, matching existing stone walls adjacent to 41 South Pine Avenue, will be an attractive upgrade.

The properties in our neighborhood are aging and I would hope that the Zoning Board, on behalf of the City of Albany, would encourage, not discourage, homeowners to improve and maintain their properties, thus increasing their home value. This project would definitely improve the property, therefore improving our neighborhood.

Thank you for this consideration.

Sincerely,

Leonora H. Haefeli

Leonour H. Hayleli

#### Joann Sternheimer

From:

Joann Sternheimer < joann.sternheimer@gmail.com>

Sent:

Monday, January 18, 2021 2:36 PM

To:

Joann Sternheimer

Subject:

Fwd: Zoning Board Letter

----- Forwarded message -----

From: Darman, Lauren (LABOR) < Lauren. Darman@labor.ny.gov>

Date: Tue, Jan 5, 2021 at 10:14 AM

Subject: Zoning Board Letter

To: <u>joann.sternheimer@gmail.com</u> < <u>joann.sternheimer@gmail.com</u> >

January 4, 2021

Lauren A. Darman

79 South Pine Ave, First Floor

Albany, NY 12208

Zoning Board of Appeals

200 Henry Johnson Boulevard

Albany, NY 12210

Re: 41 South Pine Avenue Porch

#### Dear Sirs/Madams:

I am writing to support the porch project ongoing at 41 South Pine. I have lived on the street for two years, and have walked the neighborhood extensively. I have seen the plans for the porch and spoken with the owners, and I believe the completed project will improve not only the look of their property but our neighborhood as well. South Pine Avenue has many different styles of architecture and housing – from single family to duplex to multiplex housing. This is what makes it distinctive and interesting. 41 South Pine used to be painted pink, now it is a much more pleasing yellow. The new stone porch towers will match other older stone and brickwork on the street. I hope the zoning board can see what I see – improvements being made to South Pine! Thank you.

Lauren A. Darman				
LaurenAnnDarman@gmail.con	<u>n</u>			
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Sincerely,

January 3, 2021

Suzanna Randall 922 Myrtle Ave Albany NY 12208

Zoning Board of Appeals 200 Henry Johnson Boulevard Albany, NY 12210

Re: 41 South Pine Avenue

Dear Sir/Madam

I am writing about the porch project at 4 South Pine Avenue. I live at 922 Myrtle Ave and can see the porch as I frequently walk by the property. I have seen the plans for the project and believe that the addition of stone piers matching the existing stone walls on each side of the property will be an attractive upgrade and is consistent with the character of architecture in our neighborhood. There are several other houses in the neighborhood and one on the same block with this design. In fact, this design is commonly seen on American Foursquare style houses

I feel strongly that we want to entice people to move to and invest in the City. I choose to live in the City despite the higher tax rate than the surrounding areas. I highly value the walkable close-knit neighborhood we have. We need to find ways to encourage people to improve their property in an appropriate way with more durable, natural materials.

I look forward to seeing the project completed!

Sincerely,

Suzanna Randall

#### **JAY WM BOUCHARD**

January 6, 2021

Zoning Board of Appeals 200 Henry Johnson Boulevard Albany, NY 12210

Re: 41 South Pine Avenue

Dear Members of the Zoning Board,

I am writing about the porch project at 41 South Pine Avenue. I live at 80 South Allen Street about a block away from my friends Joann Sternheimer and Billy Stanley who own 41 South Pine. I have known Joann and Billy for nearly two decades, meeting them soon after they relocated to Albany and purchased a two-family house farther south along South Pine Avenue from number 41. Both Joann and Billy have been good neighbors and good friends and have demonstrated their commitment to Albany by choosing to live and work in the city for almost 20 years.

For my part, I have lived in Albany except for a few short absences since coming here to attend SUNY Albany in 1964. My partner, Herb Clark, and I bought 80 South Allen Street in 1987. Herb was born in Albany and has lived on South Allen Street for nearly seven decades. It only takes a minute or two to walk from our house to visit Joann and Billy, and we see them often.

Both Herb and I have been impressed and delighted to witness the transformation of 41 South Pine Avenue since Joann and Billy bought it three years ago. They have done wonders on the interior, making it a lovely and attractive home that I would be happy to live in. Now they've turned their attention to the outside, beginning with a lively, eye-catching yellow and white color scheme for this large, classic, woodframe American Foursquare house. As part of the refurbishment of the exterior, Joann and Billy have shared with me their plan for the front porch project. It is my opinion that the addition of Helderberg bluestone piers matching the existing bluestone walls on each side of the property will be an attractive upgrade to the house. It is significant for the porch design that the material employed in the piers is native Albany County building stone, a material featured throughout the city in sidewalks, the South Mall, and in the construction of countless 19th and early 20th century buildings. In my opinion, the bluestone porch piers are consistent with the character of the architecture of the house itself, as well as the adjacent properties on the street and in the Pine Hills neighborhood as a whole. I look forward to seeing the project completed.

Sincerely,

Mouch ard

Eric and Mary Beth Schadow 126 S Allen St Albany NY 12208 ericdschadow@gmail.com 518-396-7309

December 30, 2020

To: Luis Roldan **Board of Zoning Appeals** First Floor, Suite 3 Albany NY 12210 bza@albanyny.gov

Dear BZA Board Members

We are writing to the BZA regarding the 41 S Pine Ave front porch project. We live at 126 S Allen St and walk past 41 S Pine on a regular basis. We have reviewed the plans to replace the front porch wooden columns with stone columns. The proposed columns will match existing stone work on the property. Other houses on the immediate block and surrounding blocks have stone hardscapes. Several houses have front steps and walkways built from stone and concrete. The property at 23 S Pine has a brick driveway and brick front porch columns.

Most of the houses in the immediate area were built between 1900 and 1920. 41 S Pine Ave is a wonderful example of a Four Square house built in the Craftsman style. Front porch stone columns are a common feature of this style and period home.

Replacing the front porch wood columns with stone on 41 S Pine will not reduce, take away from or negatively impact the existing house value or any neighboring house values.

We are looking forward to seeing the project completed.

Eric Schadow Cru Sch beer
Mary Beth Schadow
Ming Beth Sch

Laura Peters 71 South Pine Avenue Albany, NY 12208

December 30, 2020

Zoning Board of Appeals 200 Henry Johnson Boulevard Albany, NY 12210

Re: 41 South Pine Avenue

Dear Sir/Madam

I am writing about the porch project at 41 South Pine Avenue. I live at 71 South Pine Avenue and habitually walk or drive by the property daily. I have seen the plans for the project and believe that the addition of stone piers matching the existing stone walls on each side of the property will be an attractive upgrade. This design is commonly seen on American Foursquare style houses and is consistent with the character of architecture in the neighborhood. There are several other houses in the neighborhood and one on the same block with this design. I strongly believe we should not discourage people from improving their property in an appropriate way. When a neighbor improves their property, it increases the value of all our properties. I look forward to seeing the project completed!

Sincerely,

Sawa Etas

Laura Peters

Roger K. Reid 163 S Allen Street Albany, NY 12208

December 30, 2020

Zoning Board of Appeals 200 Henry Johnson Boulevard Albany, NY 12210

Re: 41 South Pine Avenue

Dear Sir/Madam

I am writing about the porch project at 41 South Pine Avenue.

I live at 163 S Allen St. and I frequently walk by the property. I have seen the plans for the project and believe that the addition of stone piers matching the existing stone walls on each side of the property will be an attractive upgrade and is consistent with the character of architecture in the area. There are several other houses in the neighborhood and one on the same block with this design. When a neighbor improves their property and contributes significantly the streetscape, it increases the value of all of our properties. I look forward to seeing the project completed!

Sincerely,

Roger K. Reid

Alison Walsh 37 South Pine Avenue Albany, NY 12208

January 15, 2021

Zoning Board of Appeals 200 Henry Johnson Boulevard Albany, NY 12210

Re: 41 South Pine Avenue

To Whom it May Concern:

I am writing about the porch project at 41 South Pine Avenue. I live at 37 South Pine Avenue, which is directly adjacent to the discussed property. I have seen the plans for the project and believe the addition of stone piers matching the existing stone walls on both sides of the property will be an attractive upgrade and is consistent with the character of architecture on this block of South Pine Avenue.

The existing stonework mentioned above is part of my property, and I am enthusiastic about the plan to match the pillars to our stonework. There are several other houses in the neighborhood and one on the same block with this design. This porch will be a wonderful addition on a street full of beautiful, historic buildings.

Maintaining the historic integrity of the Pine Hills neighborhood is particularly important to me as a property owner, and the work to be performed at 41 South Pine Avenue is very much welcomed by neighbors.

Sincerely,

Alison Walsh

Ilia Cinan

Karen Schupack 23 S. Pine Ave January 3, 2021

Board of Zoning Appeals 200 Henry Johnson Boulevard Albany, NY 12210

Re: 41 South Pine Ave.

To Whom it May Concern,

I am writing to support the work that the owners of 41 S. Pine are planning on their front porch. When we moved in to 23 S. Pine Ave just a month ago, I met the owners of 41 S. Pine and they showed me their plans for the porch restoration. The first thing I admired in their plan was the beautiful stone work. I felt proud to now live on a block with residents who invest time and money in beautiful materials and quality craftsmanship. I was very surprised to find out that their permit to complete the work had been rejected because of the design.

I completed a master's degree in historic preservation from Columbia University. While I do not work in the field at this time, I have the passion and education to offer an opinion relevant to this proposal.

41 South Pine is a 4-square house, built in the early 20<sup>th</sup> century. These homes were appreciated for their simple design, simple layout and efficient use of common materials to create generous spaces. There was a wide variety of materials used, depending on availability and cost. The 4-square houses typically had full front porches with columns. The plan that the owners of 41 S. Pine have for their front porch is sensitive to the historic integrity of the house in both design and materials. The center stairs complement the symmetry and simple design of the home, an improvement from the previous porch. The stone work they plan complements the stone wall and stone foundation already integral to this property. Rock face block was a common material used for the foundation and porches of historic 4-square homes. At the time they were originally built, this material was selected because it was less expensive than real stone. If the current residents of this home prefer a longer lasting and more naturally beautiful material, real stone, I think this is a great choice to extend the life and historic look of the home.

I hope the board will approve the plans for the porch project at 41 S. Pine so that these diligent and responsible homeowners can complete their beautiful and historically sensitive renovation.

Sincerely

Karen Schupack

men Shuz

#### Robert Culkin 77 South Pine Ave, Apt 1 Albany, NY 12208

Zoning Board of Appeals 200 Henry Johnson Boulevard Albany, NY 12210

Re: 41 South Pine Avenue

Dear Sir/Madam,

I am writing about the porch project at 41 South Pine Ave. I live down the street at 77 South Pine and frequently pass by the porch in question. I already love the aesthetic and design of 41 South Pine and feel the addition of stone piers that match the existing stone walls on the property would be a beautiful upgrade. Stone piers at 41 S. Pine would be consistent with numerous houses in the neighborhood with very similar designs. I plan to buy a house in Albany soon, but I want to feel comfortable that homeowners in the city are allowed to make upgrades and improvements to their properties. Can't wait to see the completed stone piers at 44!

Sincerely, Robert Culkin

# Appendix 2 Petitions of Support

I have seen the plans for the porch rehabilitation project at 41 South Pine Avenue and believe that it should be allowed to proceed. The addition of stone piers matching the existing stone walls on the property will enhance the property and is in keeping with the character of other houses on the block and in the neighborhood. When neighbors invest in and improve their properties, it increases the value of all our properties. The City should not discourage quality improvements like this.

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Pavid Salamade		923 Myrthe Ave Albany Wei	5
Kelly Darglus		38 S Pine Ave Albany	
Julie Florek		205 Pine AUC Albany, NY	12208
Michelle Arthu		14 S. Pine Ave	
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Dominic Panzo	Day Ken	5 N. Pine Ave	
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Jessica Morel	1 menore	115 Pina Ave.	O.
KEN SHEEDY	Then Sheedy	67 So. PINE AVE., 2B	
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#### 41 South Pine Avenue

I have seen the plans for the porch rehabilitation project at 41 South Pine Avenue and believe that it should be allowed to proceed. The addition of stone piers matching the existing stone walls on the property will enhance the property and is in keeping with the character of other houses on the block and in the neighborhood. When neighbors invest in and improve their properties, it increases the value of all our properties. The City should not discourage quality improvements like this.

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	Name	Signature	1//	Address
	JASON SCHUITZ	Mason >		44 BROOKLINE DUE ALBANY NY
	Cynthia Schultz	Orgallia Sal	rults	44 Brookline Ave Albany NY
	Collian Str	um - Willn	Spri	~ 10 North Pine he, NY 122
	Patricia Stur	· Patercia	Str	10 Noth Pive Au Alba
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	and Gonzag	e on do	progre	120 South Pire Que Qob 1208
	Chris Warts )	anlast.	ne le	1595 Pine Ave Albang Ny 12305
	Laura Gracessa	Laure Groce	(for	155 S. Pive We Alb.
	Levi Birier	hVA		136 5 Pine ave
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912 Park Ave Albay, Ny wis Silvin Smich My a Ass Michael Strich Elli Sol Strich all Bel Atom 9/2 Park Avenu Albay Ny 12200 44 So Pin An A13 12/208 Tom Corazzin Hullow 22 5. Pine Ave Albany N. 412208 anna Shafer ANNASHAFER 15 S, PINE AVE. ALBANYNY 12208 STEPHEN SHAFER 15 S. PINE AVE AUGANTMY 1226 George Grasino Gra Guin 19 S. Pine AUP, Albany 114 12208 KATE MARLAY TEMON 515 PINE AVE ALBAMY MY 12208