

AREA VARIANCE APPLICATION

Part 1. Application Notes

An application for an Area Variance is a request for relief from the dimensional or development standards of the USDO for a specific property. An application may be submitted after denial of a proposed project or development by the Chief Planning Official or the Chief Building Official.

1. The Board of Zoning Appeals (BZA) reviews the application at a public workshop and public hearing and makes its decision based on the standards in Section 375-5(E)(21)(c)(i).
2. An Area Variance application asks the BZA to change the standard code requirements because of a unique situation. The burden of proof lies with the Applicant and requested variances will only be granted if an application and supporting materials meet the necessary criteria.
3. The BZA is required to grant only the minimum variance that it deems necessary and adequate to address the hardship while preserving and protecting the character of the neighborhood and health, safety and welfare of the community.
4. The decision of the BZA is final and another application for the same or essentially the same approval cannot be submitted within one year from the date of the decision.

Note: A pre-application meeting is available upon request prior to submitting this application.

Part 2. General Information

Project Address: 161 Washington Ave Ext, Suite 104	Tax ID Number(s): 52.2-1-26.1
Zoning District: MU-CH	Current Principal Use: Hot Tub Retail

Part 3. Project Description

(Describe the variance and identify the standard(s) or requirement(s) of the USDO proposed to be varied):

Select the type of standard(s) or requirement(s) being varied:

- Lot area
 Lot width
 Impervious lot coverage
 Height
 Minimum setback
 Fence/wall standard
 Off-street parking/loading/circulation standard
 Landscaping/buffer standard
 Exterior lighting standard
 Signage
 Other *(Specify; must reference a specific standard in the USDO):* _____

Section number of USDO from which the variance(s) is being requested: **375-4 (I)(5)**

Current USDO requirement(s) or standard(s): **Maximum wall sign for MU-CH -(32) sqft**

Proposed requirement(s) or standard(s): **Request for allowance of 100 sqft business sign**

Part 4. Character of the Neighborhood

Explain why the dimensional alteration being proposed will not result in a structure or a configuration that will be out of place in the neighborhood or zone district (e.g., the structure's overall size and footprint size and placement are similar to the structures on adjacent properties):
 The dimensional alteration being proposed would not result in a structure or a configuration that would be out of place in the neighborhood or zoning district as it would be the smallest sign in the immediate plaza area per sqft. The average mean of existing signage in the plaza section is 528.745 sqft. This is calculated from (4) signs. The proposal of 100 sqft of signage would be significantly smaller in scale compared to existing signage and gives just enough area to look proportionate to the storefronts sign facade.

Part 5. Alternatives Considered

Describe the benefit to be achieved by the granting of the variance and why such benefit cannot otherwise be reasonably achieved (detail any alternatives that were considered and rejected, and include evidence where necessary to support your conclusions):

The benefit achieved by the granting of the variance would be greater business recognition and location awareness for potential customers. The storefront is approximately 300' straight line to the access road and 335' diagonally. According to letter visibility charts the letter height at 300' should be 30" in height for maximum impact visibility. Height of letters in proposed signage is 28". We feel according to many charts that if the letters and signage were smaller, that the visibility would be very hard for customers to locate the business among large scaled existing business signs in plaza.

Part 6. Substantiality

Indicate why the requested variances is not a substantial or contextually significant deviation from the prevailing regulation:
 The request is not a substantial or contextually significant deviation from the prevailing regulation as the proposed is much smaller in size to existing signage and keeps a proportionate look to existing sign facade and plaza. Even though the request is for more than (3x) the amount allowed by code (32sqft), it is only 18.9% of the average mean of square footage for signage in plaza.

Part 7. Impact on Environment

Describe any potential impact on such factors as drainage, traffic circulation, dust, noise, odor, public services, among others (e.g., compliance with the USDO requirement to be varied would result in the removal of three mature trees and a natural berm):
 There is no potential impact on such factors as drainage, traffic circulation, dust, noise, odor, public services, among others for the request. Proposed sign is alike or similar to all signage in the plaza and area.

Part 8. Self-Created Difficulty

Explain why the need for the variance requested is not self-created (e.g., the lot was created in 1954 and does not comply with the minimum lot area requirements of the USDO):
 The need for variance is self-created. The code only allows 32 sqft in a MU-CH district. We feel this would be too small of a sign to promote business and let potential customers know the location of store when pulling into the parking lot with traffic and large scale signage for other businesses.

Part 4. Submittal Requirement Checklist

(NOTE: Submit the greater number of required documents for concurrent applications if duplicate submittal documents are listed)

Required Documents (All Documents Must Be Submitted Electronically)	Electronic Copies	Electronic Submission Name (.PDF)
A. Required for All Area Variance Applications		
<input checked="" type="checkbox"/> Master Application	1	Master Application
<input checked="" type="checkbox"/> Area Variance Application	1	AV
<input checked="" type="checkbox"/> Rejection Letter from Chief Planning or Building Official	1	Rejection Letter
<input checked="" type="checkbox"/> Color photographs of the property in context with surrounding properties	1	Photos
<input checked="" type="checkbox"/> Site Plan showing lot lines, dimensions, buildings, driveways, parking, landscaping, etc., drawn to scale	1	Site Plan [YYYY]-[MM]-[DD]
<input checked="" type="checkbox"/> Application fee as established in the Albany Fee Schedule – Payable to <i>The City of Albany Treasurer</i> <ul style="list-style-type: none"> • One- to two-family residence : \$50.00 • All Others: \$150.00 		
B. Voluntary of Upon Request		
<input type="checkbox"/> Environmental Assessment Form as required by SEQR	1	Short or Full EAF
<input type="checkbox"/> Floor Plans (if new construction or an addition), drawn to scale	1	Floor Plan [YYYY]-[MM]-[DD]
<input type="checkbox"/> Building Elevations showing building height in relation to buildings on adjacent properties (if variance is for a structure, building, fence, etc.), drawn to scale	1	Elevations [YYYY]-[MM]-[DD]
<input type="checkbox"/> Project Narrative	1	Project Narrative
<input type="checkbox"/> Any additional information determined to be necessary by the Chief Planning Official	1	[Document Name]

Electronic document submissions shall be sent via email to bza@albanyny.gov, USB Flash Drive, or by another medium approved by the City of Albany Planning Staff. CD and DVD submissions are **not** accepted.