

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: 1053 Broadway Albany, NY 12204	Tax ID Number(s): 65.16-4-1
Zoning District: Mixed-Use Form-Based Warehouse	Current Principal Use: Microbrewery/restaurant

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):* Frontage standards

Section number of USDO from which the variance(s) is being requested: 375-402(2)(c)/Table 375-402.1

Current USDO requirement(s) or standard(s): Front porches are not permitted under the Mixed-Use Core frontage standards and the front build-to zone for buildings subject to these frontage standards is a minimum 0 feet to a maximum 6 feet.

Proposed requirement(s) or standard(s): Allowing a porch and permitting it to extend past the front build-to zone.

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 addition of a deck ("porch") along Bridge Street simply allows us to serve customers outside. We have been operating the microbrewery/restaurant for several years, and as such, allowing an outdoor dining option will not be out of place in the neighborhood or zoning district. The MU-FW zoning district encourages a variety of uses, including residential, retail, commercial, and entertainment and restaurants and bars are permitted as of right pursuant to USDO Sections 375-204(7)(b) and Table 375-302.1, respectively. Moreover, there are other breweries operating in the neighborhood as well.

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):

We are seeking to provide our customers with an attractive outdoor dining option given the demand for such stemming from the ongoing COVID-19 pandemic. We considered several other measures for providing outdoor dining, but none were feasible. We first attempted to purchase the neighboring property, but it has been involved in ongoing litigation for years, and our offer expired. We also considered constructing a rooftop deck to add outdoor dining space, but this option was not possible for us given the excessive cost to fortify the building and install an elevator. There also is not enough space to make the necessary building modifications. Lastly, we considered continuing our use of picnic tables on Bridge Street as we had done earlier in 2020, but that was only a temporary solution that cannot be sustained long term.

Part 6. Substantiality

Indicate why the requested variances is not a substantial or contextually significant deviation from the prevailing regulation:

The requested variances are not substantial deviations from the zoning regulations since the protrusion past the build-to zone is only a matter of feet and porches are allowed on other properties in MU-FW District. Moreover, the proposed deck is merely an extension of the staircase, ramp, and landing currently in front of the main entrance door. This structure, roughly the width of the proposed deck, already extends past the front build-to zone. As such, we are simply looking to lengthen this structure further along the side of the building on Bridge Street to accommodate tables and chairs.

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 will not be any impacts such as drainage, dust, odor, noise, public services, etc. Although a neighboring property owner has expressed concern over traffic and parking on Bridge Street, we have proposed to (1) eliminate parking on Bridge Street and (2) install a 5-foot wide sidewalk to increase pedestrian safety in order to address such concerns.

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 the variance was not self-created. The recent increased demand for outdoor dining stems from the ongoing COVID-19 pandemic which was unanticipated and entirely out of our control. Also, the building is unique in its proximity to the property line. The side of the building along Bridge Street hugs the property line, which already required us to construct a staircase in the public right-of-way in order to meet the building code requirements. As such, any extension of that side of the building for any reason would protrude forward of the build-to zone.

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.