



City of Albany  
 Department of Planning and Development  
 200 Henry Johnson Boulevard  
 Albany, New York 12210

FOR STAFF USE ONLY	
Date Submitted:	Fee Paid:
Date Complete:	Staff:
Project #:	AV #:

# Area Variance Application Form

## 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 hearing and makes its decision based on the standards in Section 375-5(E)(21)(c)(i).
2. Applicants have the burden to provide evidence of the hardship, to clearly communicate the benefits to be realized by the applicant and that any detriments to community or adjacent property owners are sufficiently mitigated in order for a variance to be approved.
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: 51 Lincoln Ave.	Tax ID Number(s): 64.36-1-43
Zoning District: R-1M (R-1B)	Current Use: single family residence

## 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 or requirement being varied *(check all that apply)*

- 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 is being requested: 375-63

Current USDO requirement or standard: front & rear setback 25 ft, sideyards 8/20 ft, 6000 sf lot, 30% coverage

Proposed requirement or standard: side 8'-6" for new garage to street side,,2 ft to opposite side (house is now 1 ft), coverage72.2%

## 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):

Most houses in our neighborhood have garages, and we believe there was one on this property before because we have an existing curb cut. Our yard faces the garages of 3 neighbors, to the rear, to the right side, and to the left side across McKinley St. The setback in question will still allow our new garage to be further back for the property lines than the existing house is now.

## 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 of granting our proposed size and placement of the new garage is that this allows us to have a garage that conforms to the current standards of a usable, practical and efficient garage, that fits 2 cars and still allows for minimal storage of lawn & garden equipment.

## Part 6. Substantiality

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

This is a pre-existing lot and house in a neighborhood with many garages and small lawn areas abutting the sidewalks, as we are proposing.

### 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):

We believe there will be no impacts. Our yard is either level with or lower than the sidewalk and neighbors driveways, so any change to the drainage pattern on our property will not affect neighbors or sidewalk.

### 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):

This lot was created in the 1920's or 30's., which is why it does not meet the new setback & area requirements. We also believe additional hardship is caused by it being a corner lot.

### Part 9. Submittal Requirement Checklist

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

	Required Documents	Hard Copies	Electronic Submission (.pdf) (Required Document Name)
<b>A. Required for All Area Variance Applications</b>			
<input checked="" type="checkbox"/>	Master Application Form	2	01_Master_Application_Form
<input checked="" type="checkbox"/>	Area Variance Application Form	2	02_Area_Variance_Form
<input checked="" type="checkbox"/>	Rejection Letter from Chief Planning or Building Official	1	03_Rejection_Letter
<input checked="" type="checkbox"/>	Color photographs of the property in context with surrounding properties, on printed paper	2	04_Photos
<input checked="" type="checkbox"/>	Site Plan showing lot lines, dimensions, buildings, driveways, parking, landscaping, etc.	2	05_Site_Plan
<input checked="" type="checkbox"/>	Application fee as established in the Albany Fee Schedule identified in Appendix ___ of the Albany Administrative Manual.	1	N/A
<b>B. Voluntary or Upon Request</b>			
<input type="checkbox"/>	Environmental Assessment Form as required by SEQR	1	06_EAF
<input checked="" type="checkbox"/>	Floor Plans (if new construction or an addition)	1	07_Floor_Plan
<input checked="" type="checkbox"/>	Building Elevations showing building height in relation to buildings on adjacent properties (if variance is for a structure, building, fence, etc.)	1	08_Elevations
<input checked="" type="checkbox"/>	Project Narrative	1	09_Project Narrative
<input type="checkbox"/>	Any additional information determined to be necessary by the Chief Planning Official	1	###_[Document_Name]