



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: 143 South Lake Avenue, Albany, NY 12208	Tax ID Number(s):
Zoning District: R-M	Current Use: owner occupied, single family

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: 375-4(F)(8)(I)(A)

Current USDO requirement or standard: Walls and Fences... no more than four feet in height...

Proposed requirement or standard: walls and fences... no more than 6 feet in height

Part 4. Character of the Neighborhood

143 South Lake Ave is on the corner of Mercer St. the yard area that will be fenced is along Mercer Street, the other side of Mercer Street is the Property owned/operated as/by Ronald McDonald House. This property has a side yard fence that comes of the building toward the street and continues along the sidewalk border rearward to the back of the property, it exceeds 4 feet in height. My desired fence line is located 12 feet from the inside edge of the sidewalk and above street level by approximately 8 feet (sloped property). 362 Quail Street is a corner property on the other end of Mercer that has a 6' privacy fence currently in the same orientation that I am requesting.

Part 5. Alternatives Considered

The primary benefit is to provide a physical and visual barrier between my dogs and pedestrian traffic on Mercer Street (which is significant). The fence will join the house to a preexisting non-conforming accessory structure (garage). Furthermore, my dog(s) will not bark at pedestrians that they do not see, the requested height ensures they cannot place front feet on the top of the fence and see over. I considered extending the fence straight back off the corner of the house but the line to the existing garage will not be square.

Part 6. Substantiality

The property was purchased 20 years ago. At the time of purchase and still today, a six foot stockade privacy fence existed on the property. I am seeking to replace, along the same line, with a new PVC fence which will be visually more appealing to the street.

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 be no impact on environment.

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 variance is being requested as a practical matter that seeks to maintain resident quality of life via the property and security.

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)
A. Required for All Area Variance Applications			
<input type="checkbox"/>	Master Application Form	2	01_Master_Application_Form
<input checked="" type="checkbox"/>	Area Variance Application Form	2	02_Area_Variance_Form
<input type="checkbox"/>	Rejection Letter from Chief Planning or Building Official	1	03_Rejection_Letter
<input type="checkbox"/>	Color photographs of the property in context with surrounding properties, on printed paper	2	04_Photos
<input type="checkbox"/>	Site Plan showing lot lines, dimensions, buildings, driveways, parking, landscaping, etc.	2	05_Site_Plan
<input type="checkbox"/>	Application fee as established in the Albany Fee Schedule identified in Appendix of the Albany Administrative Manual.	1	N/A
B. Voluntary or Upon Request			
<input type="checkbox"/>	Environmental Assessment Form as required by SEQOR	1	06_EAF
<input type="checkbox"/>	Floor Plans (if new construction or an addition)	1	07_Floor_Plan
<input 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 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]