



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: 252 North Pearl Street, Albany, NY 12202	Tax ID Number(s): 65.19-1-2.1
Zoning District: MU-CU	Current Use: Community Residential Facility

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: Section 375-2(D)(3)(c)

Current USDO requirement or standard: Height: 5 stories

Proposed requirement or standard: Height: 7 stories

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 proposal is compatible with the adjacent Ida Yarbrough hi-rise buildings. Refer to project narrative and property context photo log for additional information and neighborhood context.

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):
 As an affordable housing project, there is a significant financial benefit to the economy of construction of a multi-story building versus increasing the building footprint. The HCR application and awarded funding were based upon the current design plans and unit count. Modifications at this time could be detrimental to the project. Refer to project narrative for additional information.

Part 6. Substantiality

Indicate why the requested variances is not a substantial or contextually significant deviation from the prevailing regulation:
 The proposed building is in similar context with the adjacent hi-rise buildings on N Pearl Street. The topography of the slope, combined with placement of the building in the lowest portion of the site, mitigates the potential visual impacts of a 7-story structure in contract to the 5-story maximum height required by the recently amended USDO. Prior to the rezoning, the design of Building 1 was in compliance with the zoning regulations at that time for the R4 zoning district.

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):
Any potential impacts will be mitigated as part of the design. The land use is consistent with the existing use of the property and adjacent properties.

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 master design development of this project began in 2013 and preliminary Phase 2 design plans were prepared for the HCR funding application in 12/2016, with funding approved in 5/2016. At that time and up until issuance of the City of Albany USDO on June 1, 2017, the property fell within the Multifamily High-Rise Residential District (R-4). As such, the site was designed in accordance with the dimensional standards of the previous R-4 district. Both requested area variances are a result of changes in zoning in the USDO, and rezoning of the property from R-4 to MU-CU zoning district.

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 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 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 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 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]