

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 Unified Sustainable Development Ordinance (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

Property Address: 104 Rose Court, Albany, NY	Tax Identification #: 75.66-1-46
Zoning District: MUNE	Current Use: Residential home

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:

- 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)(b)(i)(B)
Current USDO requirement or standard: walls and fences or side wall plane of building on any side facing a street
Proposed requirement or standard: requesting only (3) 8' panels

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 zoning district (e.g., the structure's overall size and footprint size and placement are similar to the structures on adjacent properties):

The fence being proposed will only be on my back yard property and not facing the street. The reason for the request of (3)8' panels is to provide privacy to both neighbors. My deck at 104 Rose court is high and close to my neighbors yard who have a large swimming pool. When sitting on my deck you can see into their pool and and all their private activities. See attached explanation).

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 initially requested a 6ft privacy fence however a fence with 3 center 8 ft panels would actually work best due to the hight of my deck which is very close to my neighbors pool. The building permit has been rejected and I am now appealing to Dept planning and Dev.

Part 6. Substantiality

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

There are other privacy fences in my neighborhood and I believe they add an aesthetic and neighborly feel for privacy especial for people with pools. The fence will be on the back of our properties on one side of our yards no where else. A chain link will not work for our life styles.

Part 7. Impact on the 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):

The construction of a privacy fence will not create a offence to the environment, no nature will be will be disturbed or altered in anyway.

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):

My neighbor and I have had several conversations about the noise and disruption caused and both parties want a satisfactory outcome for a harmonious life.

Part 9. Submittal Requirement Checklist

	Required Documents	Hard Copies	Electronic Submission (.pdf) (Required Document Name)
A. Required for all Area Variance Applications			
<input checked="" type="checkbox"/>	Master Application Form	1	Master Application Form
<input checked="" type="checkbox"/>	This Area Variance Application Form	1	Area Variance Form
<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, on printed paper	1	Photographs
<input checked="" type="checkbox"/>	Site Plan showing lot lines, dimensions, buildings, driveways, parking, landscaping, etc.	2	Site Plan
<input type="checkbox"/> <input checked="" type="checkbox"/>	Application fee (\$50.00) as established in the Albany Fee Schedule identified in the Albany Administrative Manual	1	N/A
B. Voluntary or Upon Request			
<input type="checkbox"/>	Environmental Assessment Form as required by SEQR	1	EAF
<input type="checkbox"/>	Floor Plan (if new construction or an addition)	2	Floor Plan
<input type="checkbox"/>	Building Elevations showing building height in relation to buildings on adjacent properties (if variance for a structure, building, fence, etc.)	2	Elevation
<input type="checkbox"/>	Project Narrative	1	Project Narrative
<input type="checkbox"/>	Any additional information determined to be necessary to the Chief Planning Official	1	[Document Name]

We believe our proposal is the minimum degree of non-conformity needed to accommodate our project for privacy and would beautify the 2 properties. The fence will be on the back of our properties and will not extend to the front of the lot. My neighbors who have a pool are endorsing the installation of the fence as well. The vinyl fence will not adversely affect any neighbor's property and can't be seen from the front of my house or street. The variance request is necessary because of the following circumstances.

Respectfully request for a 1-time permission to install a white vinyl privacy fence between my property and my neighbors. The fence will function as privacy and contain #4 - 6ft panel's and 3 center 8ft panels. My deck (at 104 Rose Court) is somewhat high and butts up within 3 feet of my neighbor's yard and their swimming pool. The properties are so close when outside that each can hear the conversations of others.

The neighbors with the pool have 3 young adults who party (with many of others in attendance) upon return from their jobs at 3AM- lasting until 7-8A. There is loud and sometimes rude behaviors with drinking alcohol, drunkenness, smoking, lying around on the lawn with intimate like behaviors, arguments, yelling, bottles of alcohol left out, cigarette butts on my property, ect. I am a Nurse Practitioner and work full time (days) and my job demands attention and sharpness. The police have been called by other neighbors and they have been spoken to regarding the nuisance this all creates. My garden is right beside the neighbor's yard and there have been times when I have been in my garden when some of these young adult's friends have made rude comments to me and my partner. I can't open my bedroom or bathroom windows because the noise interferes with sleep and comfort (my bedroom is just over their yard). These parties are frequent. When the weekends come the yard with the swimming pool during the day is full of small children as well.

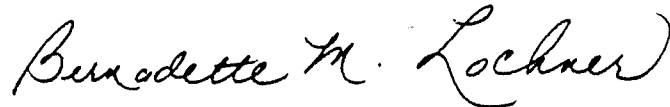
The request for the (3 center panel's) 8ft panel's is made so both neighbors have sufficient privacy to allow for peaceful co-existence. The environmental view will not be blocked. The fence will only be place on my side of the property and my neighbor's, there will be no enclosure or blocking view of any other areas within our neighborhood. The fence will only be constructed on the far ends of our properties. No safety issue exists. I will pay for the construction of the fence and will maintain it. No detrimental effects are identified.

It has been 2 years since my neighbors moved in with no quality improvement noted. Additionally, they have 2 Carren dogs and I have a terrier. When the dogs are in the yards together it is a fiasco with charging at each other and running along the existing fence destroying vegetation and my garden plants. I have put up a make shift fence to try to stop the dogs from engaging (see photo's) which cuts off my gardens preventing me from gardening freely. When I am in the garden and my neighbor's dogs are out they come to the fence and bark incisively at me. We as neighbor have adjusted to not letting dogs out at the same time which doesn't really work for either of us.

In a good faith attempt to meet the requirements of the regulation, our request was initially for a 6 ft fence. However, the height of my property and deck presents an issue. When sitting on my deck I look directly into their yard while they constantly entertain /party/ swimming most of the summer. The fencing company's recommendation of just the 3 8Ft panel's centered that would create the appropriate privacy. The fence is an attempt to create a harmonious architectural look that will be aesthetic to both neighbors and will promote a peaceful life. I have included photos of the proposed site and a copy of the job to be done by Adirondack Fencing Company.

Calling the police is not the answer and would only create more trouble. My Neighbors are very nice people and we have an open communication style, one we don't want to jeopardize.

Sincerely,

A handwritten signature in cursive script that reads "Bernadette M. Lochner". The signature is written in black ink and is positioned centrally on the page.

Bernadette Lochner