

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 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: 151 Henry Johnson Blvd.	Tax ID Number(s): 65.64-6-31
Zoning District: MU-CU	Current Principal Use: Mixed Use

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):* Roof mounted antenna

Section number of USDO from which the variance is being requested: 375-3(c)(6)(o)

Current USDO requirement or standard: Flush mount or stealth

Proposed requirement or standard:

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 Applicant maintain that the applicable standard is the Rosenberg Standard. That being said, the proposed installation will not be out of place. A number of buildings in the area have rooftop equipment, including HVAC equipment. The increase in height is not substantial and will allow VZW to provide the required service without constructing a new tower.

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 Applicant retained the services of a real estate expert. There are no existing towers and nearby buildings do not provide sufficient height. Please see the Statement of Intent, pages 2-3.

Part 6. Substantiality

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

The provision in the Code is meant to provide a building permit process for flush mounts and stealthing. Where flush mounts and stealthing are not possible, a roof mounted facility is not a substantial deviation. Roof mounted facilities are located throughout Albany County and New York State.

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):

Utilities will be obtained from existing service connections. The proposed facility is unmanned, and visited 2-3 times a year for maintenance purposes. There is no environmental impact and no impact on water, sewer or traffic.

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 letter from the engineer clearly outlines why flush mounting and stealthing is not possible. Given the urban restraints and dense population, a traditional tower is not possible. The Applicant must roof-mount its facility and it is not a self-created difficulty.

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	1	Master Application
<input checked="" type="checkbox"/>	Owner's Consent Form	1	Owner Consent
<input checked="" type="checkbox"/>	Area Variance Application	1	AV
<input 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	Photos
<input checked="" type="checkbox"/>	Site Plan, drawn to scale showing lot lines, dimensions, buildings, driveways, parking, landscaping, etc.	1	Site Plan [YYYY]-[MM]-[DD]
<input checked="" type="checkbox"/>	Application fee [1-2 family dwelling: \$50; all other \$150] – payable to <i>Treasurer, City of Albany</i>		
B. Voluntary or Upon Request			
<input checked="" type="checkbox"/>	Environmental Assessment Form as required by SEQR	1	Short or Full EAF
<input type="checkbox"/>	Floor Plan(s) (if new construction or an addition)	1	Floor Plan [YYYY]-[MM]-[DD]
<input checked="" type="checkbox"/>	Building Elevation(s) showing building height in relation to buildings on adjacent properties (if variance is for a structure, building, fence, etc.)	1	Elevations [YYYY]-[MM]-[DD]
<input checked="" 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 submission shall be sent via email to planning@albanyny.gov, USB Flash Drive or by another medium approved by the City of Albany Planning Staff, CD and DVD submissions will no longer be accepted.