



FOR STAFF USE ONLY	
Date Submitted:	Project #:

MASTER APPLICATION: USE THIS FORM FOR ALL DEVELOPMENT APPLICATIONS

Part 1. APPLICATION FOR (Please check all application forms being submitted with this Master Application Form)

<input type="checkbox"/> <i>Development Plan Review</i>	<input type="checkbox"/> <i>Design Review of Tall Buildings</i>	<input type="checkbox"/> <i>Amendment to Zoning Map or USDO Text</i>
<input type="checkbox"/> <i>Administrative Adjustment</i>	<input type="checkbox"/> <i>District Plan</i>	<input checked="" type="checkbox"/> <i>Area Variance</i>
<input type="checkbox"/> <i>Lot Line Adjustment</i>	<input type="checkbox"/> <i>Conditional Use Permit</i>	<input type="checkbox"/> <i>Use Variance</i>
<input type="checkbox"/> <i>Lot Consolidation</i>	<input type="checkbox"/> <i>Demolition Review</i>	<input type="checkbox"/> <i>Floodplain Variance</i>
<input type="checkbox"/> <i>Subdivision of Land</i>	<input type="checkbox"/> <i>Certificate of Appropriateness</i>	<input type="checkbox"/> <i>Historic Property Hardship Modification</i>

Part 2. Brief Description of Proposed Project / Activity

We would like construct a 6 foot solid wooden fence to enclose the backyard and side yard on our corner lot property.

Part 3. Property Information

Project Name (if applicable):	
Project Address: 12 Aspen Circle	
Tax Identification No.:64.54-3-44	Lot Size (sq. ft.):12197
Zoning District:R-1L	Abutting Zone Districts(s):

Part 4. Property Owner Information

Property Owner(s) Name(s): Matthew and Holly Wendt	
Mailing Address: 12 Aspen Circle	
Phone No.:518-332-4794, 518-728-2081	E-mail: wendtm60@gmail.com

Part 5. Applicant Information (if different than property owner)

Applicant Name:	
Mailing Address:	
Phone No:	E-mail:

Part 6. Project Engineer Information (if applicable)

Company Name:	Engineer Name:	License No.:
Mailing Address:		
Phone No.:	E-mail:	

Part 7. Project Architect Information (if applicable)

Company Name:	Architect Name:	License No.:
Mailing Address:		
Phone No.:	E-mail:	

Part 8. Authorized Agent for this Application

Authorized Agent Name:	
Mailing Address:	
Phone No.:	E-mail:

Part 5. Property Owner Consent (Check the box below that applies to this application and sign in the space indicated below)

I am the Owner and have no other agent or representative authorized to represent me in this and other corresponding applications subject to review under the USDO. I understand the application must be complete and accurate prior to a hearing being scheduled, if required, or a decision being made. I grant the City of Albany Department of Planning and Development permission to access the property for inspection.

I hereby authorize the above listed Applicant and/or Agent to represent me in this and other corresponding applications subject to review under the USDO. I understand the application must be complete and accurate prior to a hearing being scheduled, if require, or a decision being made. I grant the City of Albany Department of Planning and Development permission to access the property for inspection.

Print Owner Name(s): Matt Wendt, Holly Wendt	Owner(s) Signature:	Date: 8-14-18
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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: 12 Aspen Circle	Tax ID Number(s): 64.54-3-44
Zoning District: R-1L	Current Principal Use: security and privacy

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 F8

Current USDO requirement or standard: fence not to exceed 4 feet or more than 60% opaque for front or exterior side yard

Proposed requirement or standard: 6 foot fence

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 sight line will not be affected because in this neighborhood, our house is already located in front of the other houses on the street. If standing on the corner of the street, the house behind us is already out of sight due to the way the street curves. Our house crosses the front plane of the adjacent house behind as well. The house also sets above our property due to the embankment and hill. The size fence is similar to the rest of structures on the adjacent properties. The character of the neighborhood would still be preserved. Our street is unique in that the properties are not in an exact square, so it is difficult to stay within the guidelines of a typical standard city block.

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 have considered a 4 foot fence with planting arborvitae trees, however we can't control how tall they grow and eventually they will far surpass 6 feet in height (they could reach 20-30 feet) which will negatively affect sightlines of the neighborhood. A 4 foot fence would not safely contain our 2 dogs. One that is small enough and could get through a picket style (60%opaque) and our other dog could jump a 4 foot fence. We have looked into an invisible fence, but this is not feasible or safe as one dog has seizures and the other has a collapsed trachea. We would be allowed to construct a 6 foot fence of the back of house because its not the exterior side, however this would cut our lot size in half. We bought our house due to the large size of a corner lot, it would not make sense for our family to fence half of it and still have to maintain the other half.

Part 6. Substantiality

Indicate why the requested variances is not a substantial or contextually significant deviation from the prevailing regulation:
 Receiving this variance would not be a significant deviation to regulation due to the fact that our house is set on a different elevation than our neighbors as well as being located in front of the other properties. Our house sits 5.5 feet above the surface of the road. We are already located in front of the front plane of the house behind us.

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):
 This variance would not impact the environment. The distance of the corner of the road to where we would start of the fence is 81 feet (according to albanyny.mapgeo.io), so this would not impact the flow of traffic in any way. The zoning regulation from the corner setback is 20 feet. We are allowing more than 3x that distance to ensure the height of the fence has no negative impact. We are also asking to construct the fence 18 feet from the side of the road, this allows significant space around the fire hydrant that is located in the back corner of the property. Our property goes up to the driveway of the house behind us, we are looking to put the fence 8 feet in from their driveway so this will not impact the parking or driving.

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):
 We purchased our property with the understanding that a 6 foot fence was acceptable for our neighborhood on a corner lot. The new zoning regulations were put in effect a year after the purchase of our home. We had no way of knowing that regulations would change shortly after the purchase of the property.

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	1	Master Application
<input type="checkbox"/>	Owner's Consent Form	1	Owner Consent
<input type="checkbox"/>	Area Variance Application	1	AV
<input type="checkbox"/>	Rejection Letter from Chief Planning or Building Official	1	Rejection Letter
<input type="checkbox"/>	Color photographs of the property in context with surrounding properties, on printed paper	1	Photos
<input type="checkbox"/>	Site Plan, drawn to scale showing lot lines, dimensions, buildings, driveways, parking, landscaping, etc.	1	Site Plan [YYYY]-[MM]-[DD]
<input 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 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 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 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.