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: 563 & 583 New Scotland Avenue  
Tax ID Number(s): 64.81-1-56 & 64.81-1-67

Zoning District: MU-NC  
Current Principal Use: Post Office, Retail, vacant office

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  - 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: 375-2(D)(1)(c)  
Table 372-2-15, Line F

Current USDO requirement or standard: 3 1/2 story ht of building within MU-NC zone; 4 1/2 story w/ a Low Impact Development

Proposed requirement or standard: Five story height of principal building within MU-NC zone

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 5 story building is a transition between 7 and 8 story buildings at Saint Peter’s Hospital immediately across the street and 3 story buildings on South Allen Street. The building footprint and size is significantly smaller than buildings on Saint Peter’s Hospital lands (632 New Scotland Avenue). Having the building on the street line of New Scotland Avenue is consistent with the MU-NE zone and with commercial buildings located on the next block of New Scotland Avenue.

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 alternative, in order to get a density of residential units which would allow the project to go forward, the applicant considered increasing the two story building at the rear of the property to three stories and increase building footprint by 50% which would allow a 42 unit building in place of the 18 unit building now proposed.
Part 6. Substantiality

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

By utilizing a flat roof design the total building height is 65.2 feet from the first floor to the roof. If it was a 4 1/2 story building the height would be 59 +/- feet or a 6.2 +/- feet variance. Therefore this variance should not be considered substantial.

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):

The variance from a 4 1/2 story permitted to a 5 story building would not impact drainage as the footprint area would not change. The increase in the number of units would be 10 units or an estimated 5-7% increase in traffic and an increase in both water use and sanitary sewer generation. There would be no increase in noise, dust or illumination between the 4 1/2 and 5 story building. There is a visual impact but the change from the existing buildings to a more modern treatment should be positive.

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 need for the variance is self-created but there is no viable alternative for the Applicant to achieve density other than increasing the height and footprint of the 2 story building at the rear of the site.

Part 9. Submittal Requirement Checklist

(NOTE: Submit the greater number of required documents for concurrent applications if duplicate submittal documents are listed)

<table>
<thead>
<tr>
<th>Required Documents</th>
<th>Hard Copies</th>
<th>Electronic Submission* (.pdf) (Required Document Name)</th>
</tr>
</thead>
<tbody>
<tr>
<td>✅ Master Application Form</td>
<td>1</td>
<td>Master Application</td>
</tr>
<tr>
<td>✅ Owner's Consent Form</td>
<td>1</td>
<td>Owner Consent</td>
</tr>
<tr>
<td>✅ Area Variance Application</td>
<td>1</td>
<td>AV</td>
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<tr>
<td>✅ Rejection Letter from Chief Planning or Building Official</td>
<td>1</td>
<td>Rejection Letter</td>
</tr>
<tr>
<td>✅ Color photographs of the property in context with surrounding properties, on printed paper</td>
<td>1</td>
<td>Photos</td>
</tr>
<tr>
<td>✅ Site Plan, drawn to scale showing lot lines, dimensions, buildings, driveways, parking, landscaping, etc.</td>
<td>1</td>
<td>Site Plan [YYYY]-[MM]-[DD]</td>
</tr>
<tr>
<td>✅ Application fee [1-2 family dwelling: $50; all other $150] – payable to Treasurer, City of Albany</td>
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B. Voluntary or Upon Request

✅ Environmental Assessment Form as required by SEQ

☑ Floor Plan(s) (if new construction or an addition)

✅ Building Elevation(s) showing building height in relation to buildings on adjacent properties (if variance is for a structure, building, fence, etc.)

☑ Project Narrative

☑ Any additional information determined to be necessary by the Chief Planning Official

* Electronic document submission shall be sent via email to planning@albany.ny.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.