**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)(i)(o).

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**

<table>
<thead>
<tr>
<th>Project Address:</th>
<th>288 Orange St, Albany, NY</th>
<th>Tax ID Number(s):</th>
<th>65.73-2-38</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning District:</td>
<td>R-T</td>
<td>Current Principal Use:</td>
<td>Vacant Lot</td>
</tr>
</tbody>
</table>

**Part 3. Project Description**

(Describe the variance and identify the standard(s) or requirement(s) of the USDO proposed to be 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): Maximum Side Setback (375-4-1)*

Section number of USDO from which the variance is being requested: 375-4-1

Current USDO requirement or standard: Max Side Setback of 3'6"

Proposed requirement or standard: Side Setback of 6' (+ 2'6")

**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):

Habitat for Humanity Capital District (HFHCD) proposes to construct three infill single family homes on a vacant lot adjacent to 286 Orange St which is an existing structure with visible foundation deficiencies. The adjacent home at 286 Orange St has a “zero setback” therefore with given the 3'6" maximum setback allowed in R-T zoning, maintaining a safe distance during construction is not possible. Upon completion of construction, Habitat will erect a fence on the 6ft side lot which will provide a hidden area to store trash bins. As per page 2 of Exhibit A of this application, only 43% of the available lots on the street are occupied by residential structures most of which are between vacant lots.

**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 benefit of granting the variance will allow safe construction of the existing adjacent property. See Exhibit B which is an Engineers letter that outlines the benefits to having a few extra feet during construction.

On two prior occasions, 136 Lark & 280 Orange St, the building department performed emergency demolitions on these adjacent vacant homes prior to Habitat starting construction. Both demolitions occurred within days of starting construction once we advised the building department of our concerns. Luckily the homes were vacant which meant that no one was displaced, but this is a hazard of infill new construction within the city of Albany.
Part 6. Substantiability
Indicate why the requested variances is not a substantial or contextually significant deviation from the prevailing regulation:
The additional 2/6" requested will not create an non-conforming lot, and Habitat will erect a fence along the 6' of frontage between 288 & 286 Orange in order to reduce the visible impact of the space between homes.

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 will allow us to not have a negative impact on surrounding properties during construction.

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):
This variance allows us to safely continue with infill development on streets that have seen significant emergency demolitions over the past 10 years. The result of these demolition created many zero side setback lots which are now very difficult to construct on.

Part 9. Submittal Requirement Checklist
*(NOTE: Submit the greater number of required documents for concurrent applications if duplicates 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>
</tr>
<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>
<td></td>
<td></td>
</tr>
</tbody>
</table>

B. Voluntary or Upon Request
☐ Environmental Assessment Form as required by SEQR | 1 | Short or Full EAF |
☐ Floor Plan(s) (if new construction or an addition) | 1 | Floor Plan [YYYY]-[MM]-[DD] |
☐ 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] |
☐ Project Narrative | 1 | Project Narrative |
☐ Any additional information determined to be necessary by the Chief Planning Official | 1 | [Document Narrative] |

* 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.