

**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: 31 Karner Road, Corporate Cir, 31 State Farm Rd	Tax ID Number(s): 41.00-2-49,50, 40.20-1-1
Zoning District: Light Industrial	Current Principal Use: Vacant commercial land

**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:

Current USDO requirement or standard:

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):  
 Similar signage exists across the street in the Charles Park Development. Therefore, the request will not be out of place in the neighborhood.

**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):  
 Signage is needed to notify individuals traveling on New Karner Road what is offered at this site. We considered signage only on the buildings, however, in order for individuals to have the safest opportunity to enter the site, signage near New Karner Road is needed.

### Part 6. Substantiality

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

At this site we are offering multiple services such as the products that are served at a typical Stewart's Shop, fueling station, and a car wash, therefore the need to notify customers what is on site is essential. Proposed signage shows that the site offers a Stewart's Shop and a Touch Free Car Wash. The signage aligns with existing signage in the area.

### 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):

No potential impact.

### 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 development offers multiple services that are needed in the area as there are limited food, fuel, and car wash options. Signage must be installed showing all services on site so individuals traveling on New Karner Road are aware of what services are offered.

### 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)
<b>A. Required for All Area Variance Applications</b>			
<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>B. Voluntary or Upon Request</b>			
<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](mailto: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.

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 Other *(Specify; must reference a specific standard in the USDO):*

Section number of USDO from which the variance is being requested:

Current USDO requirement or standard:

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):  
 Industrial zone. Industrial warehouse and offices surround the property.

**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 will allow for proper circulation throughout the proposed development. The variance is needed due to the property being in the Pine Bush overlay. A 30 foot drainage easement exists along New Karner Road which you can not build on.

### Part 6. Substantiality

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

The property is located in the Industrial zone. The variance is needed due to the property being in the Pine Bush overlay. If the property was not in the Pine Bush overlay the variance would not be needed. The Albany Pine Bush Commission responded that the development had no impact on the Pine Bush because this site was previously developed.

### 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):

SWPP will be designed to address drainage. Traffic- Pursuant to the Institute of Transportation Engineer Manual, Table 5.13 Pass-By Trips and Diverted Linked Trips Weekday, p.m. Peak Period (4p.m.-6p.m.) shows that on average the pass by trip percentage is 66 for convenience markets with gasoline pumps. The results from the table demonstrates that Stewart's Shop is not a destination business. It is a convenience business meaning that people are less likely to make an original trip to patronize a Stewart's Shop.

### 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):

Due to the current constraints of the property the variance is needed. The property is zoned industrial, however, it is located in the Pine Bush overlay. If the property was not in the Pine Bush overlay the variance would not be needed. Additionally, a 30 foot drainage easement exists along New Karner Road. Therefore, the variance requested is not self-created.

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