CITY OF ALBANY
NEW YORK
DEPARTMENT OF PLANNING AND DEVELOPMENT
200 HENRY JOHNSON BOULEVARD | ALBANY, NEW YORK 12210

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 workshop and public hearing and makes its decision based on the standards in Section 375-5(E)(21)(c)(i).
2. An Area Variance application asks the BZA to change the standard code requirements because of a unique situation. The burden of proof lies with the Applicant and requested variances will only be granted if an application and supporting materials meet the necessary criteria.
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: 25 Home Ave	Tax ID Number(s): 64.70-1-31
Zoning District: R-1M	Current Principal Use: Residence

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(s) or requirement(s) 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 375-1D & 375-5(G)

Section number of USDO from which the variance(s) is being requested: 375-4(G)(4)(d)(i) & 375-4(G)(4)(d)(ii).

Current USDO requirement(s) or standard(s): All porches shall be retained in their original style ...to max. extent possib

Proposed requirement(s) or standard(s): Original porch may be removed and rebuilt in consistent style & attached to

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 proposed entryway and re-built porch will have an overall size, footprint and placement that are similar to other homes on the street and in the neighborhood. There are 28 homes on this street: 16 have enclosed entrances, 7 have open porches, 5 have neither. The addition will fall entirely within the lot setbacks.

There are 2 homes on Crescent Drive (cross street) within 200 feet, that have both an enclosed

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 original proposal was to replace the existing non-conforming, non-compliant "porch" with an enclosed 6'd x 8'w brick entryway. But this plan was in conflict with the USDO because "porches" may not be removed - and was rejected.

After consultations with the Planning department and review of the USDO, the proposal has been updated to specify:

Part 6. Substantiality

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

The new plan is to build a 8'w x 6'd enclosed entryway (not a porch) that is fully compliant with the USDO.

The variance is to allow an upgrade to the existing unenclosed "porch".
Step 1 - allow removal of existing "porch"

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):

Compliance with the USDO requirement to be varied would also not be consistent with the goals of the City's Five Cities Energy Plan to reduce energy use and green-house gas emissions. A NYSERDA energy audit has already been completed in 2017 including implementation of the recommended thermal sealing, leak plugging and upgraded insulation. But it did not address the quite noticable air leakage from the front door - even when closed - and obviously when open. The enclosed entryway will

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 home was built in 1943 and doesn't include some basic features that are now common to residences - such as energy-efficient design, safe accessibility,modern wiring, modern zoning and building codes. The "porch" is not original and has likely evolved with time. When an outward-swinging storm door was added - the small existing platform forces the visitor off the platform (18" of space) which is dangerous

Part 4. Submittal Requirement Checklist

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

	Required Documents (All Documents Must Be Submitted Electronically)	Electronic Copies	Electronic Submission Name (.PDF)
	A. Required for All Area Variance Applications		
■	Master Application	1	Master Application
■	Area Variance Application	1	AV
■	Rejection Letter from Chief Planning or Building Official	1	Rejection Letter
■	Color photographs of the property in context with surrounding properties	1	Photos
■	Site Plan showing lot lines, dimensions, buildings, driveways, parking, landscaping, etc., drawn to scale	1	Site Plan [YYYY]-[MM]-[DD]
☐	Application fee as established in the Albany Fee Schedule – Payable to *The City of Albany Treasurer* • One- to two-family residence : $50.00 • All Others: $150.00		
	B. Voluntary of Upon Request		
☐	Environmental Assessment Form as required by SEQR	1	Short or Full EAF
■	Floor Plans (if new construction or an addition), drawn to scale	1	Floor Plan [YYYY]-[MM]-[DD]
■	Building Elevations showing building height in relation to buildings on adjacent properties (if variance is for a structure, building, fence, etc.), drawn to scale	1	Elevations [YYYY]-[MM]-[DD]
■	Project Narrative	1	Project Narrative
☐	Any additional information determined to be necessary by the Chief Planning Official	1	[Document Name]

Electronic document submissions shall be sent via email to bza@albanyny.gov, USB Flash Drive, or by another medium approved by the City of Albany Planning Staff. CD and DVD submissions are not accepted.