

# 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: 133 Kenosha St. Albany, NY (TULLY)	Tax ID Number(s): 75.84-1-43
Zoning District: R-1B	Current Principal Use:

### 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 number of USDO from which the variance(s) is being requested:

Current USDO requirement(s) or standard(s): n/a

Proposed requirement(s) or standard(s): n/a

### 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):

Most of the fence that requires a variance cannot even be seen by the public because it is between our shed and our neighbors' garage. The other section of fence will be behind a large tree perpendicular to our shed and will not interfere with any optics from the street.

### 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 is privacy. Personal items would no longer be viewable by passers by. The 6' fence does not pose as a burden to surrounding neighbors.

### Part 6. Substantiality

Indicate why the requested variances is not a substantial or contextually significant deviation from the prevailing regulation:  
 This is really our backyard but since our property is on a corner lot the city considers it another front yard. The fence will not be blocking any traffic or causing any safety concerns since it will not be protruding even as far as our property line.

### 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 6' fence has no impact on the environment nor will it impact traffic. The fence is to be installed in the back yard and far off from the street.

### 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 fence does not block any part of the road and is only being used for privacy in our backyard and is all within our property lines.

### 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)
<b>A. Required for All Area Variance Applications</b>		
<input type="checkbox"/> Master Application	1	Master Application
<input checked="" type="checkbox"/> Area Variance Application	1	AV
<input type="checkbox"/> Rejection Letter from Chief Planning or Building Official	1	Rejection Letter
<input checked="" type="checkbox"/> Color photographs of the property in context with surrounding properties	1	Photos
<input checked="" type="checkbox"/> Site Plan showing lot lines, dimensions, buildings, driveways, parking, landscaping, etc., drawn to scale	1	Site Plan [YYYY]- [MM]-[DD]
<input checked="" type="checkbox"/> Application fee as established in the Albany Fee Schedule – Payable to <i>The City of Albany Treasurer</i> <ul style="list-style-type: none"> <li>• One- to two-family residence : \$50.00</li> <li>• All Others: \$150.00</li> </ul>		
<b>B. Voluntary of Upon Request</b>		
<input type="checkbox"/> Environmental Assessment Form as required by SEQR	1	Short or Full EAF
<input type="checkbox"/> Floor Plans (if new construction or an addition), drawn to scale	1	Floor Plan [YYYY]- [MM]-[DD]
<input type="checkbox"/> 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]
<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 submissions shall be sent via email to [bza@albanyny.gov](mailto: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.