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: 301 Second St
Tax ID Number(s):
Zoning District:
Current Principal Use: Residential/mixed (Pending)

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

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

Current USDO requirement or standard: Advertising signage not permitted
Proposed requirement or standard: Fencing, signage with sign.

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):

In our neighborhood, there are corner stores, other housing structures with awnings (Aluminum). On streets and other areas nearby, there are stores in, small residential areas with signs.

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):

Having the awning in the building protects the front of the building which creates a pathway over the front steps. It beautifies the sidewalk and provides a place for residents to congregate. This is a positive space where religious and educational services are held.

Area Variance Application

Updated November 2017
Page 1 of 2
Part 6. Substantiability

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

Delight Inn Zinn is a non-profit entity that offers educational opportunities to the community. I have hosted events that have created a better environment. The awning doesn't impact the community or neighborhood safety or environment at all. It actually beautifies the area. It's within the square allowed.

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):

Adding an awning doesn't impact the community or neighborhood safety or environment at all. It actually beautifies the area. It's within the square allowed.

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):

I called building code prior to authorizing the creation of the awning. Unfortunately, the representative said that because all steps involved in this process, therefore, no authorization got the work.

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>
</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

| | Hard Copies | | |
| 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 Name] |

* 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.