

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

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|---|---|
| Project Address: 1 HOMESTEAD STREET | Tax ID Number(s): BLOCK 2, LOT 38 |
| Zoning District: MU-NC, CS-O OVERLAY | Current Principal Use: VACANT 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(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):* Maximum Setback Requirement

Section number of USDO from which the variance(s) is being requested: **TABLE 375-2-17-C**

Current USDO requirement(s) or standard(s): **MAXMIMUM FRONT YARD SETBACK = 10 FT**

Proposed requirement(s) or standard(s): **PROPOSED FRONT YARD SETBACK = 146.7 FT (TAFT AVENUE)**

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):

DUE TO THE NATURE OF THE LOT AND THE FACT THAT THERE ARE THREE FRONTAGES, IT WOULD BE CHALLENGING TO COMPLY WITH ALL SETBACK REQUIREMENTS. THE BUILDING IS PROPOSED CLOSEST TO THE BUSIEST STREETS IN ORDER TO KEEP THE CHARACTER OF THE NEIGHBORING AREA.

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 MAJORITY OF COMMERCIAL BUILDINGS ARE LOCATED ALONG HOMESTEAD STREET. TAFT AVENUE IS MORE RESIDENTIAL IN CHARARCTER AND THEREFORE, WE BELIEVE THE SETBACK VARIANCE IS WARRANTED.

Part 6. Substantiality

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

THE VARIANCE IS NOT A CONTEXTUALLY SIGNIFICANT DEVIATION FROM THE PREVAILING REGULATION AS THE SITE DOES NOT HAVE A SIDE YARD, BUT RATHER THREE FRONT YARDS, WHICH MAKES IT CHALLENGING TO COMPLY WITH EVERY REQUIREMENT.

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 ADVERSE IMPACTS ARE ANTICIPATED AS A RESULT OF THE VARIANCE.

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 NATURE OF THE LOT'S DEPTH, AND THE FACT THAT THERE ARE THREE FRONTAGES, MEANS THAT THE POSITIONING OF ANY TYPICAL CHASE BANK WITHIN THIS LOT WOULD LIKELY TRIGGER THIS VARIANCE ALONG ONE OF THE FRONTAGES.

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 | | | |
| <input type="checkbox"/> | Master Application | 1 | Master Application |
| <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 | 1 | Photos |
| <input type="checkbox"/> | Site Plan showing lot lines, dimensions, buildings, driveways, parking, landscaping, etc., drawn to scale | 1 | Site Plan [YYYY]- [MM]-[DD] |
| <input 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"> • One- to two-family residence : \$50.00 • All Others: \$150.00 | | |
| B. Voluntary of Upon Request | | | |
| <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, USB Flash Drive, or by another medium approved by the City of Albany Planning Staff. CD and DVD submissions are **not** accepted.