CITY OF ALBANY

DEPARTMENT OF PLANNING AND DEVELOPMENY SECOND ADDENDUM TO AREA VARIANCE APPLICATION 8 BOGARDUS ROAD

Part 4 Character of the Neighborhood

The neighborhood of Bogardus Road surrounding the applicants request does not have a single lot that has all structures in compliance with existing side yard and rear set back requirements of the existing code. Under the current code every lot in this neighborhood has at least one prior non-conforming structure, many of which are the principal structure..

The proposed plans provide for an addition to the first floor of the structure to accommodate an interior stairway. The proposal would be a 10-foot extension to the eastern side of the existing structure. If the addition to the structure is an issue, the owner would consent to a studio apartment with an open exterior stairway. In this way, Plan #2 would not require an addition of 10 feet to the easterly side of the existing structure. Alternative plans are submitter with this addendum. (Exhibit A)

The letter of denial from the Department of Planning is incorrect. The proposal for the side yard and rear set back is between 12 to 18 inches, not 0 feet. The current structure is approximately 1 ½ feet from the lot line. Access could be gained, if necessary, to make repairs. However, most of the garages and houses in this neighborhood are at or near the lot line and if access is necessary for repair, as it has been for over 70 years, you knock on the neighbor's door and ask permission, and remain responsible for any damage you may make by putting a ladder on their lawn. This has not been a problem over many years for anyone.

The existing structure has not been a problem for drainage. The contour of the property and rainwater drainage will not change. The proposal includes the installation of roof gutters running into a drain. Under proposal # 1 minimal additional rainwater runoff will be created by the increased roof area. Under Proposal # 2, the roof size will remain the same. The addition of roof gutters connected to a drain will lessen rainwater flow on the lot.

The existing power lines at the rear of the property have been present for many years and have not been a hazard. The applicant is a licensed Electrician (licensed in Albany) and is fully aware of the power lines and the issues they present. The roof of the proposed addition is pitched in a manner and direction to keep the roof the required distance from the lines. The presence of the power lines has not been, is not now and will not be a hazard for the proposed addition.

Part 5 Alternatives Considered

The lot in question is 40 ft wide. The existing driveway is 12 ft wide. The neighbor at 6 Bogardus has an easement for his driveway that takes approximately 2.9 feet from the southeasterly side of the yard. The current zoning would require a 10 foot side yard. A set back from the existing driveway on the northwest side is preferred. The positioning of the house in compliance with existing zoning, and considering the existing driveway, would result in a house of 20 ft or less in width. The finished house, with a maximum width of 20 feet would require excessive walk through halls and would result in a 2 bedroom and one-bathroom house. This configuration would have approximately 850 sq ft of usable living space, as the narrow permitted useable footprint for the house would result in the need for hallways. Construction would require footings below the frost line and a block or poured concrete foundation. Foundation walls would be 8 ft if a basement was constructed. In addition, electrical, gas and sewer and water connections would need to be connected at the street. The National Association of Home Builders places new home construction in the Northeast per square foot at an average of \$158.72 and the medium price at \$161.53. The local contractor consulted by the applicant estimated the square foot price at \$130 but does not guarantee that price. The resulting construction would be an expense of at least \$208,000 without a full basement and plus landscaping. (Contractors estimate provided separately) Rental from a 2-bedroom apartment would not be sufficient to provide a reasonable return on investment.

A structure of this size on a narrow lot with one full driveway on one side and a partial driveway (neighbor easement) on the other side would result in rainwater run off issues. See # 7 for impervious material lot coverage consideration

Part 6 Substantially

There is an existing structure that has been present for over 70 years. Many other lots on this street and the surrounding streets in the neighborhood, have similar configuration, namely a garage or house at or near the lot line. (See Exhibit B - 12 photos taken on Bogardus Rd, Marion Avenue and Linden Rd within one block of 8 Bogardus) The lot at 3 Bogardus has a Garage that has been converted to an apartment years ago. (See Photos Exhibit C). As can be seen by the photos of the proposal at 8 Bogardus and the other exhibit photos, the current side yard requirement of 10 feet is not the norm, or even present in this neighborhood. The requested side yard variance does not substantially alter the character of this neighborhood as it is in harmony with the architecture and use of the existing neighborhood. Most, if not all of the lots in this neighborhood contain at least one prior non-conforming structure as a result of zoning requirements adopted by the City long after this neighborhood was constructed. This is not a request for a placement of a house at the lot line of this lot. It is a request for renovation and expansion of an existing garage to convert a storage area above the garage to a studio or one-bedroom apartment.

Part 7 Impact on the Environment

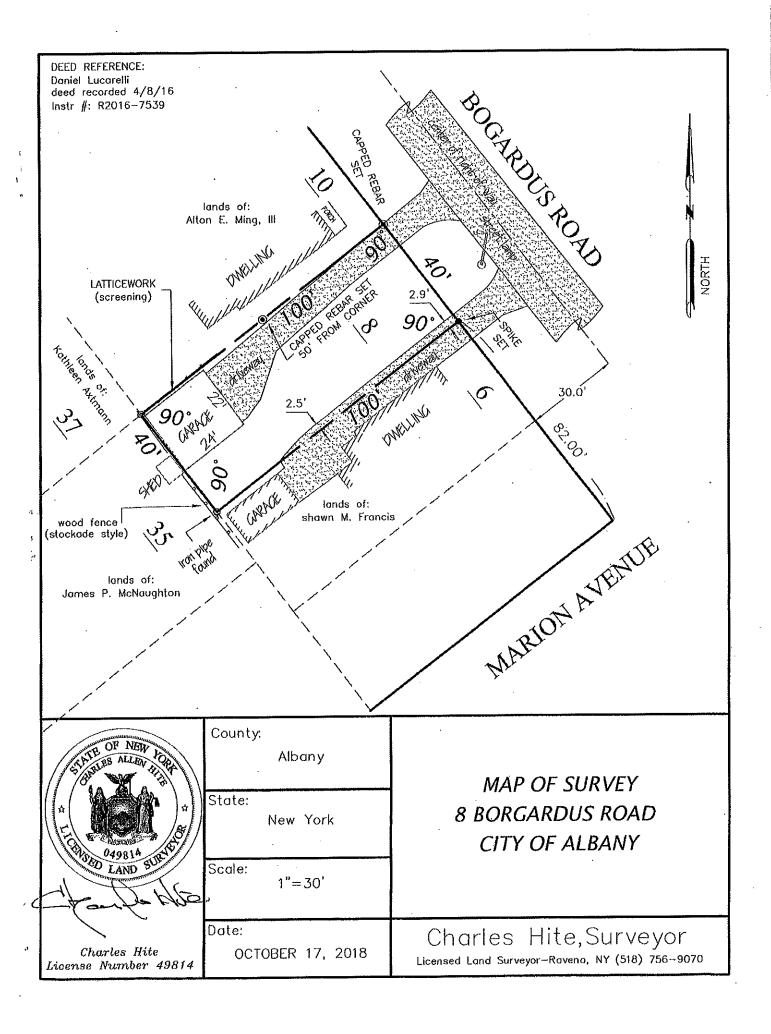
As set forth in Part Four above, the applicant is submitting an alternative plan that will not require the enlargement of the structure and would merely add an exterior stair for access to the second floor, (present access to the loft storage is via an interior ladder) This alternative would result in a studio apartment and not a one bedroom. The proposed side and rear yard variances are necessary for either proposal. The footprint of the resulting structure would be the same or slightly larger depending on which plan is accepted and constructed. The lot of 40 X 100 (4000 sq ft) with a structure of 24 X 32 (768 sq ft) for proposal #1 results in a 19% lot coverage. Proposal #2 results in the existing structure of 24 x 22 (528 sq ft) for a lot coverage of 13%. The submission of Proposal #2 thus gives the board an option that results in very little (addition of an exterior stair) increase in lot coverage. Either proposal leaves significant green space far exceeding any requirement. A proposal for the construction of a 20 X 40 (800 sq ft per floor) house in the front of the lot, while leaving the existing garage, would meet the existing code and result in a total lot coverage 33% or more as sidewalk and patio construction would also be of impervious materials, but within the zoning code. These calculations do not take the existing driveways into consideration. A best estimate from the survey map would add 825 to 875 sq ft of impervious coverage adding an additional 21% or 22% to the above estimates resulting in a 55% impervious coverage for the construction of a new house estimates.

A studio or one-bedroom apartment will result in one, or at most 2, inhabitants requiring much less water, sewer, power, garbage or demands upon the school district, than a 2-bedroom house with 3 or more inhabitants.

Part 8 Self-Created Difficulty

Prior to purchasing this property, the applicant walked and drove around the neighborhood and observed that there were many garages and other structures built at or near property lines and that at least one other garage had been converted to a residential unit. The applicant was advised at the time he purchased this property that the lot and its structures were in compliance with existing building and zoning codes. After purchasing the lot the applicant obtained proposals from contractors and engineers and determined that the cost of constructing a house upon the lot in question would not result in a fair return on investment due to the cost of the construction of footings, foundations, utilities (including water and sewer from the street) and the size of the lot with the various zoning requirements. The applicant purchased this property, in part, because the garage at the rear of the lot was constructed of concrete blocks and was in excellent condition. The lot contained a structure that was in harmony with the neighborhood architecturally and was in excellent condition for possible renovation. That structure is considered, by this board, to be a prior non-conforming use due to side yards and rear yard zoning requirements for new structures adopted by the City long after all the homes and garages in this neighborhood were constructed. The applicant does not wish to construct a new structure, but he does wish to enlarge a prior nonconforming use which has placed him before this board.

Exhibit A ALTERNATIVE PROPOSAL 2





Project 2ND FLOOR ADDITION

Energy Code:
Location:
Construction Type:
Project Type:
Climate Zone:
Permit Date:

Pennit Number: 2015 IECC Albany, New York Single-family Addition 5 (6894 HDD)

Construction Site: 8 BOGARTIS DR ALBANY, NY

Owner/Agent: HOUGHTALING SAME

Designer/Contractor: De RAVEN DESIGN 333 KINGSLEY RD BURNT HILLS, NY

Compliance: 7.2% Better Than Code Noximum UA: 194 Your UA: 180

The % Better or Worse Than Code Indox reflects how close to compliance the house is based on code trade-off reles. It DOBS NOT provide an estimate of energy use or cost relative to a minimum-code home.

Envelope Assemblies

Floor 2: Slab-On-Grade:Unheated Insulation death: 4.0'	Floor 1: All-Wood joist/Truss:Over Unconditioned Space 768	Window 2: Vinyl/Fiberglass Frame:Double Pane with Low-E	Wall 2: Wood Frame, 16" o.c. 1,008 :	Door 1: \$alid	Window 1: Vinyl/Fiberglass Frame:Double Pane with Low-E	Wall 1; Wood Frame, 16" o.c. 440	Ceiling 1: Raised or Energy Truss 768	Assembly Gross Area Cavity Perimeter R-Valu	
Į,	30.0		21.0			21.0	38.0	Cavity Cont. U-Factor UA R-Value R-Value	
10.0 0.684	0.0 0.033	0.290	0.0 0.057	0.180	0.290	0.0 0.057	0.0 0.025	ue U-Facto	
84 28	33 25	90 22	57 53	90	90	57 23	25	or UA	

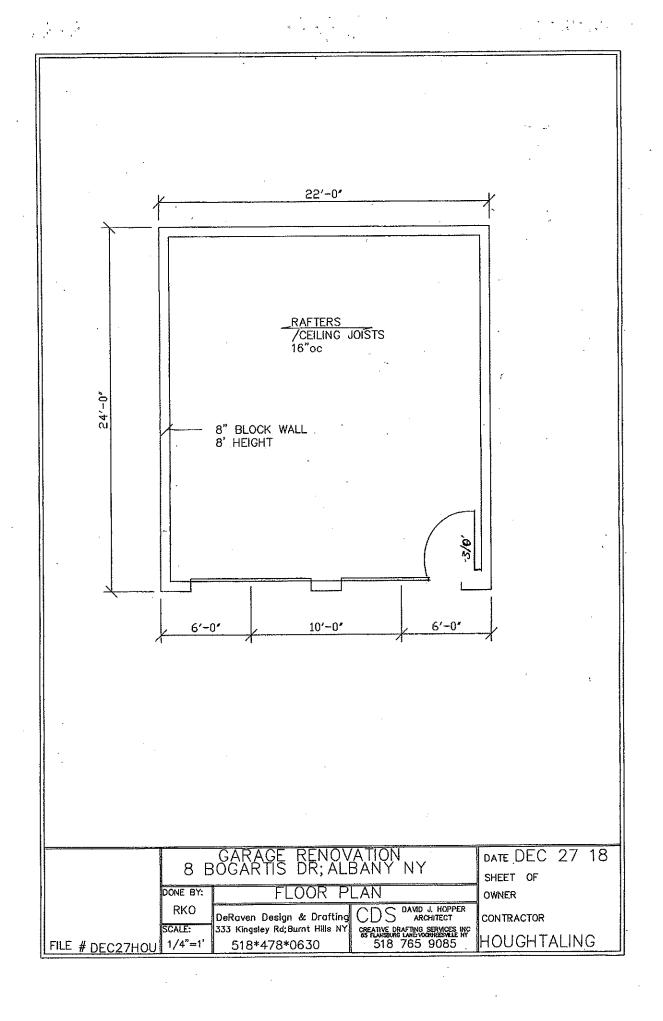
Project Title: 2ND FLOOR ADDITION

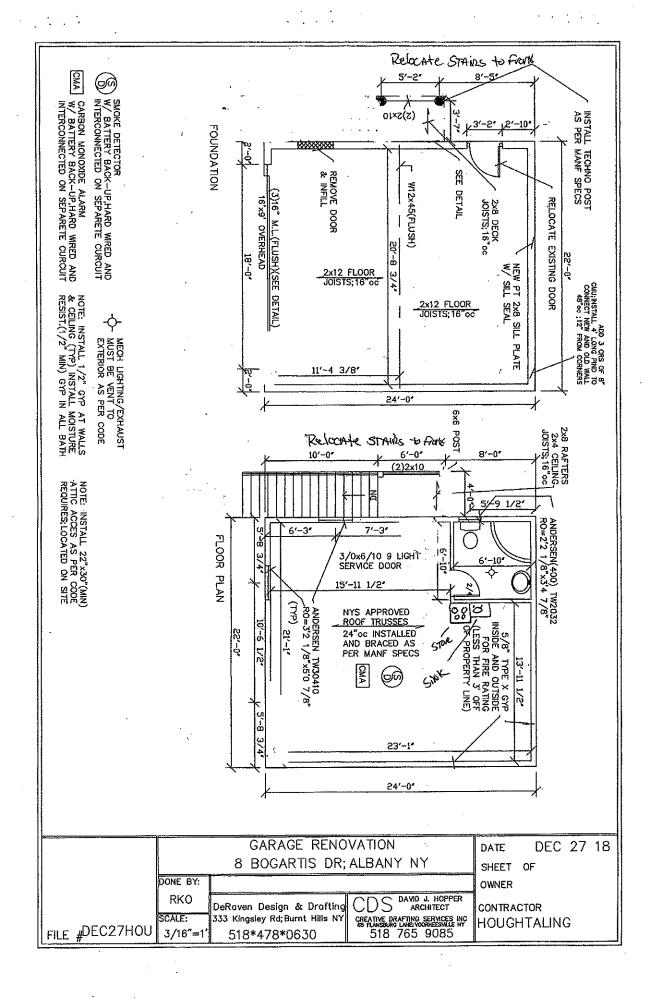
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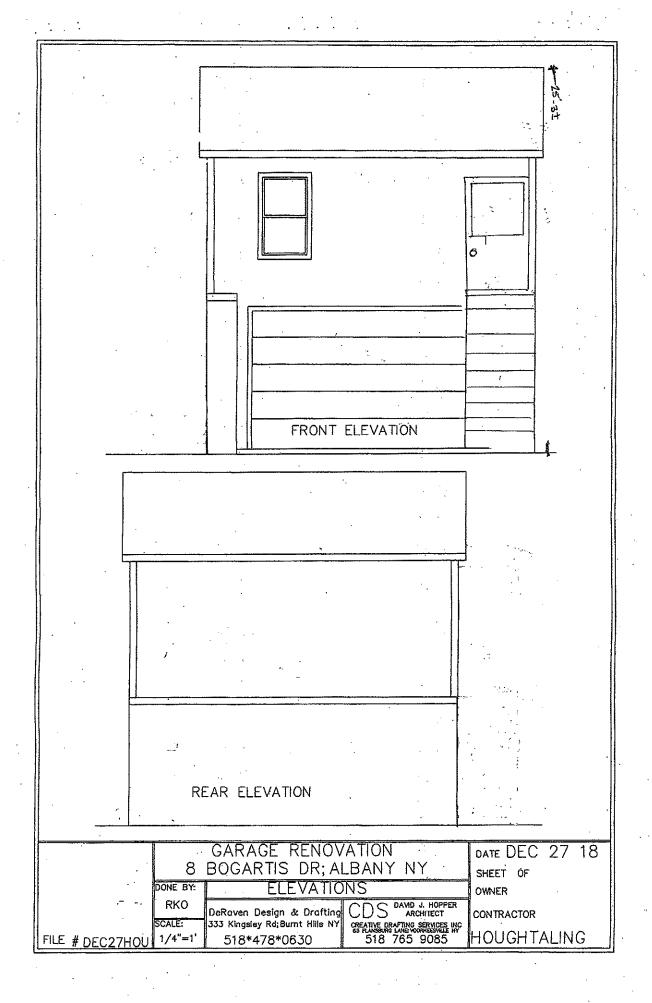
Report date: 07/02/19 Page 1 of 1

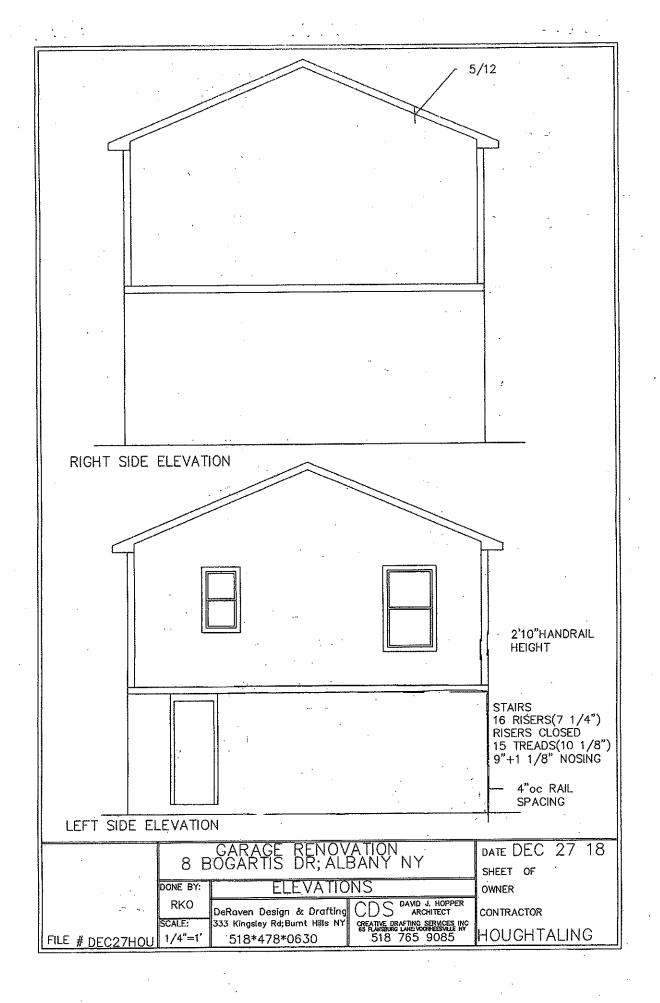
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Efficiency Certificate	2015 IECC Energy

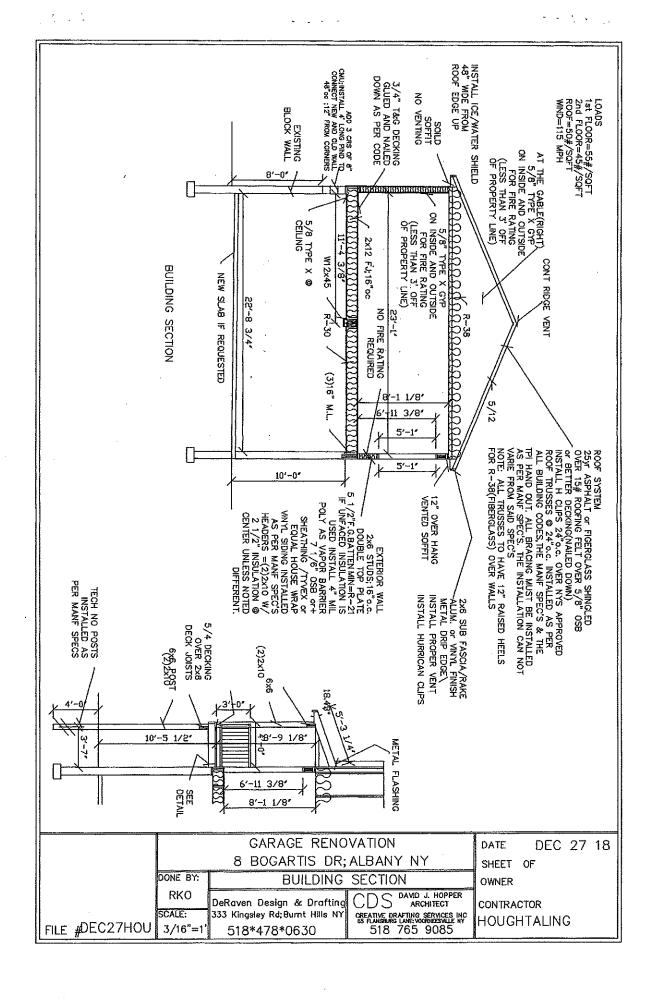
Insulation Rating Above-Grade Wall Below-Grade Wall Floor	R-Value 21.00 0.00 30.00	4
Celling / Roof Ductwork (unconditioned spaces):	38,00	
Ductwork (unconditioned spaces):		9450
Window	0.29	
Door	0.18	
Heating & Cooling Equipment	Efficiency	
Heating System:		
Cooling System:]	
Water Heater:		
Name:	Date:	











GENERAL NOTES 8) (MAJTHORIZED ALTERATIONS TO THESE DRAWRINGS IS A VIZLATION OF NYS ETUCATION LAW ARTICLE 145, SECTION 1500. CHARACTOR BRAIL TETER VILLER WHICH VEE KUT

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TO COMPLETE THE GREET, SOFTE OF THE PROPERTY. (8) MICHOLLAN LUMBER SHALL BE STRUCTURALLY RATED AS FOLLOWS; PS.= 2500 PSI, E = 2000,000 PSI, 16) METAL CONNECTORS SHALL NOT BE LESS THAN GOD! THICK, CONTED THICKNESS, GALVANIZED BHEET STEEL: ACTU A 140, GRADE A CONTING GAD. ta) present Const. 14) present Const. Peter 2 and Accel Long of Peter ACCELLIVE LONG 70 Peter Will LONG (Envires) 90 mph. WALLE LIVE LONG 16 Peter ODIE AND ALL APPLIDABLE LOCAL PLINESPIGES BEGULATIONS. ALL ELECTRICAL WORK SHALL CONFORM TO THE NAL CONSTRUCTION GRANT CONTRACTO APPLICABLE PRESENTACIONES CONSTRUCTOR AND SENSES ACCORDANCE WITH THE RESIDENTIAL CODE OF NEW YORK TATE. 18) NETALL DOUBLE FLOOR LOSTS UNDER PARALLEL PARTITIONS & OR MORE IN LENGTH AT, MYSTALL SX4 SOURD WOOD BLOCKING AT NOD HEIGHT OF CONTRACTOR IS PROPERLY FOR ALL MEANS, METHODS, CHARLES, GEOLOGICES, OR PROCEDURES, AND SAFETY EQUITIONS BY CONNECTION WITH THE WORK. CANTIPACTOR SHALL REPRESENT THE CHARET AND HIS BATE THE TALL MADE SERVICE CAN THE CONTITIONS AND THE TALL MADE SERVICE CAN THE THE TALL ANY STRUCTURAL MEMBERS REMEAT TO CONTING.
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ARCHITECT
CREATIVE DRAFTING SERVICES INC
518 765 9085 RKO DeRaven Design & Drafting CONTRACTOR 321 Delaware Ave; Delmar NY SCALE: 518*478*0630 NONE FILE #

1.2

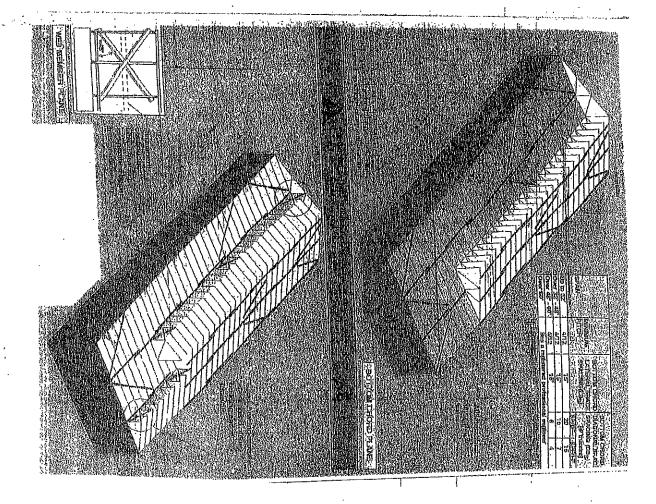


TABLE.R301.2(1)

VANIATIO AND GEOGRAPHIC DESIGN CRITERIA										
'GROUND!	Wind.	SEISMIC.		ECT TO DAY				lco shleid		
LOAD	SPEED* (mph)	DESIGN CATEGORYS	Weátherlaga	Frost line depth ^b	Termite ^o		Winter Design	underlay- ment	Flood	. (
20	1/5	C)	Seven	4-9A	Mi-L	Dacay	Tempf	required	hazardsh	
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For St: 1 pound per square foot = 0.0479 kN/m², 1 hille per hour = 1.609 km/h.

A. Weathering may require a higher strength concrete is grade of masonry than hecessary to satisfy the structural requirements of this code. The weathering shall be filled in with the weathering index (i.e., "negligible," "moderate" or "sovere") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 216 or C 652.

b. The first line depth may require deeper footings than indicated in Figure R403.1(1), The jurisdiction shall fill in the frost line depth column with the mialmum depth of footing below filish grade.

c. The jurisdiction shall fill in this part of the table with "very heavy," "moderate to heavy," "slight to moderate," or "none to slight" in accordance with Figure R301.2(6) depending on whether there has been a history of local damage.

d. The jurisdiction shall fill in this part of the table with "moderate to severe," "slight to moderate," or "none to slight" in accordance with Figure R301.2(7) depending on whether there has been a history of local damage.

e. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

f. Refer to Table N1101.2. "Winter Design Dry-bulb Temperature" column.

g. The jurisdiction shall fill in this part of the table with the Scismic Design Category determined from Section R301.2.2.1.

h. The jurisdiction shall fill in this part of the table with the Scismic Design Category determined from Section R301.2.2.1.

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Exhibit B 12 NEIGHBORHOOD PHOTOS Bogardus Rd - Marion Ave - Linden Rd Within one block of 8 Bogardus

Exhibit C 3 NEIGHBORHOOD PHOTOS 3 Bogardus Rd