

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: 255-271 Clinton Avenue	Tax ID Number(s): 65.73-3-16 to 18 & 65.73-3-21 to 32
Zoning District: MU-NE (Mixed-Use, Neighborhood Edge)	Current Principal Use: Vacant, Residential & Commercial

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: Section 375-4(E)(2)(b); Table 375-4(E)(2)(a)

Current USDO requirement(s) or standard(s): Maximum off street parking for 255 Clinton Street is 3 parking spaces

Proposed requirement(s) or standard(s): Proposed off street parking on No. 255 Clinton Avenue is 21 spaces

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 255 Clinton Avenue contains one 3 unit building and includes 4 lots which had formerly been occupied by 4 multi-unit dwellings. The adjoining units at No. 259 - 271 Clinton Avenue have temporary parking in the rear but the Applicant desires to provide adequate permanent parking for No. 255 - 271 Clinton Avenue to relieve on street parking demand.

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 alternative of combining all of the parcels involved herein was considered, but rejected due to the fact that buildings rehabilitated all received historic tax credits which would not allow this change to be made. The alternative of just providing three parking spaces permitted was considered, however this would not allow the relief of the shortage of on-street parking in this area.

Part 6. Substantiality

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

The requested variance is substantial. Given the fact that this number of parking spots could be built if the parcels between the existing 243 Clinton Avenue and 271 Clinton Avenue could be combined, this may not be a contextually significant deviation. Also other parking areas have been constructed along Clinton Avenue between No. 100 and No. 400 Clinton Avenue.

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):

The impact on the environment is positive in that needed off-street parking is provided. The impervious area on 255 Clinton Avenue is 53.9% where an impervious area of 70% is permitted in the MU-NE (Mixed-Use, Neighborhood Edge) Zoning District.

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):

Since Home Leasing developed all the involved parcels, this may be considered a self-created difficulty.

Part 4. Submittal Requirement Checklist

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

NOTE: Submit the greater number of required documents for concurrent applications in duplicate submitted documents only.

	Required Documents (All Documents Must Be Submitted Electronically)	Electronic Copies	Electronic Submission Name (.PDF)
A. Required for All Area Variance Applications			
<input checked="" 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">One- to two-family residence : \$50.00All Others: \$150.00		
B. Voluntary of Upon Request			
<input checked="" 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 checked="" 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.