

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: 1053 Broadway, Albany, NY 12204	Tax ID Number(s): 65.16-4-1
Zoning District: Warehouse/Industrial	Current Principal Use: Microbrewery/Restaurant

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): Front Porch Extending into ROW/Easement

Section number of USDO from which the variance(s) is being requested: 375-402 (G)(4)

Current USDO requirement(s) or standard(s): A front porch is prohibited from extending into ROW or Easement

Proposed requirement(s) or standard(s): Allowing a front porch to extend into ROW or Easement

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):

Druthers is located on Bridge Street. We have a large parking lot across the street from the proposed front porch(National Grid) and a chemical plant (with large truck yard) to our east. Adding a front porch to our existing structure will not cause us to adversely impact surrounding structures. In fact, it would be difficult to argue that our improvement will not be an improvement for the entire 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):

To make dining at Druthers more appealing, Druthers has been trying to add outdoor seating options since opening in 2015. We have tried purchasing the property behind us (1043 Broadway), but litigation between the property owners has prevented us from doing so. We have looked at building a rooftop deck, but the cost of fortifying the the existing structure to be able to withstand the weight of a rooftop deck, and the cost of adding elevator service for two floors put this option well beyond our reach. Since Covid, outdoor dining is not only appealing, but it is safer for our customers and our staff. It is difficult to think of how a restaurant could survive without outdoor dining.

Part 6. Substantiality

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

My reading of Section 375-402(G)(4) is that the section is included to ensure that property owners aren't building on city property without city permission. Simultaneous with my application, I am seeking a permanent easement from the Common Council for the purpose of building a front porch on Druthers. If the Common Council approves, I will have the city's permission and the deck will be built under circumstances that preserve the purpose of Section 375-402(G)(4).

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):

There are no expected impacts on any of the elements set forth above.

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 property lines of 1053 Broadway were drawn in a manner that does not allow building code-required access on Bridge Street or Broadway. The property line "hugs" the building and due to the building's elevation and need for access by stair, making the building code-compliant (for any commercial purpose) requires Druthers to locate a staircase in a Public ROW. In fact, the staircase that currently serves the front door at Druthers is located directly in the ROW. We are simply asking to extend the length of our existing encroachment into the ROW by constructing a deck.

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 checked="" type="checkbox"/>	Master Application	1	Master Application
<input checked="" type="checkbox"/>	Area Variance Application	1	AV
<input checked="" type="checkbox"/>	Rejection Letter from Chief Planning or Building Official <i>EMAIL</i>	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 : \$50.00 • All Others: <u>\$150.00</u> 		
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.