

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: 161 Washington Ave Extension Suite #204A	Tax ID Number(s):
Zoning District: MU-CH	Current Principal Use: Retail

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):* On Premise Sign

Section number of USDO from which the variance(s) is being requested: 375-4-5(3)

Current USDO requirement(s) or standard(s): No sign larger than 32 sq. ft.

Proposed requirement(s) or standard(s): Installation of two (2) 39 sq. ft. channel letter wall signs

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):
 Approval of this variance will not produce an undesirable change in the character of the neighborhood. This is a shopping center, large signs of this type and size already exist in this shopping enter. There will be no detriment to nearby property owners if the variance is granted.

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):
 Other signs are already in place, signs which Skechers will need to be visible amongst. The building setback is already defined by the existing structure. The speed limits are already established. The flow of traffic is out of our control. The benefit sought is the minimum necessary to achieve the objective which is for citizens and transient motorists to be able to identify the store's location safely and efficiently while traveling along Washington Avenue Extension and within the shopping center.

Part 6. Substantiality

Indicate why the requested variances is not a substantial or contextually significant deviation from the prevailing regulation:
 The variance request is sign related and will have no negative impact there for this is minimal and non substantial for this area of the city. This is not substantial but what is necessary for this location.

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 would be no impact on the environment. The sign will in fact enhance the overall aesthetics of the property and the sign will provide for safe travel when motorists are trying to locate Skechers as their destination. Denying the larger sign will create a traffic hazard for persons that are not able to see the storefront from the roadway because the two lines of copy are not legible when the size is reduced. There will in turn be sudden stops and that will create a burden for the city's infrastructure and emergency services. Vehicular hazards and lack of branding create a financial burden for the community because there will patrons that are coming from outside of the city to locate this Skechers, lack of visibility creates a safety hazard. Citizens will need this sign to readily identify their destination safely. A smaller sign will not be visible from the roadway.

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 is an existing retail facility that is over 450' from the roadway. The sign visibility is not self created, but the signs must be visible for all tenants both present and future and for all citizens to safely identify and locate this business.

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	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: \$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 checked="" type="checkbox"/> Project Narrative	1	Project Narrative
<input checked="" 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.