



Jay Vandenburg
Chairperson
Phone (518) 279-7168
Fax (518) 270-4642

William Dunne
Commissioner
Phone (518) 279-7166
Fax (518) 270-4609

Zoning Board of Appeals
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Zoning Board of Appeals of the City of Troy, New York will conduct a REGULAR PUBLIC HEARING starting at **6:00 P.M.** on **Tuesday April 2, 2013** in the 5th Floor Planning Department Hearing Room of The Hedley Building, to act upon the following requests for approvals and appeals from decisions made by the Bureau of Code Enforcement of said City of Troy.

Minor Area Variance

ZB2013-004 Minor Area Variance to allow for a side and rear setback deficiency related to a proposal to construct an in ground pool at 8 Patricia Drive, a R-1 Zone, ID 112.80-2-4. Applicant is Ryan Winston & Kristi Stock, 8 Patricia Drive, Troy NY 12180.

ZB2013-006 Minor Area Variance to allow for a side setback deficiency related to a proposal to construct an a modular home at 171 Sterling Ave, a R-1 Zone, ID 112.79-3-5. Applicant is Michael Belanger, 36 Skyview Drive, Cohoes NY 12047.

Major Area Variance

ZB2013-005 Major Area Variance to allow for a parking deficiency related to a proposal to occupy a vacant first floor commercial space into a Fine Art Studio. at 227 Fourth Street, an R-4 Zone, ID 101.69-10-16 Applicant is Denise St. Onge 554 Watervliet Shaker Road. Latham, NY 12110.

Additional information regarding the above listed actions is available in the Department of Planning and Community Development located on the Fifth floor Troy City Hall, 433 River Street, Troy, New York 12180. Telephone: 279-7168. Office Hours are from 8:30 A.M. to 4:30 P.M. weekdays. Any persons having any interest in the above listed matters will be heard at said time and place.

As required by Americans with Disabilities Act, auxiliary aids and services are available upon request. Please give one-week advance notice for services needed.

City of Troy Zoning Board of Appeals

Jay Vandenburg, Chairperson

Andrew Petersen, Executive Secretary

STAFF REPORT ZB2013-005

APPLICANT: Denise St. Onge

PROJECT DESCRIPTION:

ZB2013-005 Major Area Variance to allow for a parking deficiency related to a proposal to occupy a vacant commercial space on the first floor into a Fine Art Studio. at 227 Fourth Street, an R-4 Zone, ID 101.69-10-16 Applicant is Denise St. Onge 554 Watervliet Shaker Road. Latham, NY 12110.

Per Section 285-91 of the Zoning Ordinance, The use, *Studio* requires 1 parking space per 300 square feet of floor area.. The applicant currently has 2 off street parking spaces. The applicant will require a Major Area Variance to allow for a parking deficiency of 3 spaces.

REQUEST:

Major Area Variance to allow for a parking deficiency.

Major Area Variance

In order to have a project approved that requires that an Area Variance be granted by the Z.B.A. all applicants must prove "Practical Difficulty" as it applies to the project.

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the area variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
- (3) Whether the requested area variance is substantial;
- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

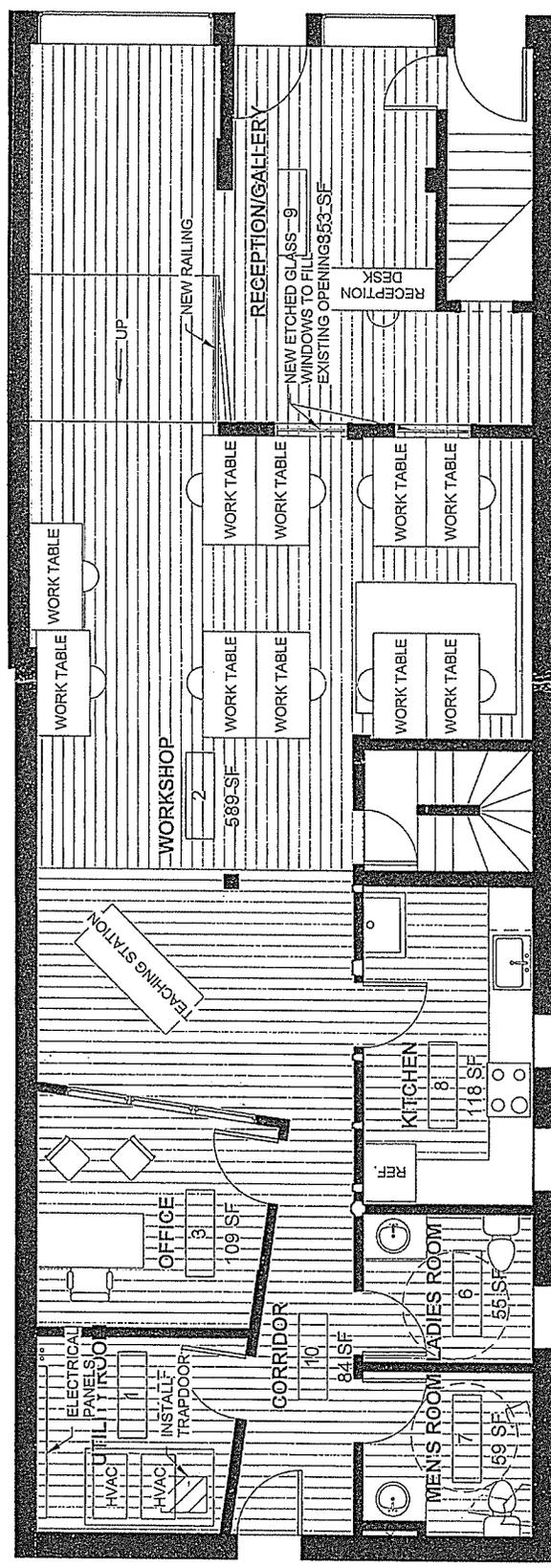
Based on the information provided by the applicant there are no other zoning deficiencies or violations

APPROVALS NEEDED:

Major Area Variance to allow for a parking deficiency.

SEORA: Staff recommends that the Board find this proposal to be an UNLISTED action with sufficient information available upon which to make a determination that the project is not expected to cause significant environmental impact. No local agencies are involved and no State or Federal agencies are involved.

PROJECT: Fine Arts Studio Enter address here		WWW.COTLERARCHITECTURE.COM 950 LONDON RD LATHAM, NY 12110 518-783-1663	FURNITURE PLAN DRAWING:	DRAWING NO. A4
SCALE: 3/16" = 1'-0" DATE: 05/31/11 DRAWN BY: Author CPO Checker	REVISIONS:	COPYRIGHT 2011 COTLER ARCHITECTURE 400 West 20th Street, Suite 201 New York, NY 10011 Version of Section 2009 Subject to this document is a Education law	PROJECT NO.: 1112	PLOTTED ON: 5/31/2011 11:20:09 AM



① Level 1 - Proposed Plan w/ Furnishings
 3/16" = 1'-0"

STAFF REPORT ZB2013-006

APPLICANT: Michael Belanger

PROJECT DESCRIPTION:

ZB2013-006 Minor Area Variance to allow for a side setback deficiency related to a proposal to construct an a modular home at 171 Sterling Ave, a R-1 Zone, ID 112.79-3-5. Applicant is Michael Belanger, 36 Skyview Drive, Cohoes NY 12047.

Per Section 285-52 of the Zoning Ordinance, side setbacks must be 10 feet each side from all property lines. The applicant is proposing a side setback of 5.9 feet on one side and 10 feet on the other. The applicant is deficient 4.1 feet.

REQUEST:

Minor Area Variance to allow for a side setback deficiencies of 4.1 feet.

Minor Area Variance Requirements:

Authorization by the Z.B.A. that allows a specified use in a zone district including restricted locations on the lot or within the structure in which the specified use is not allowed by this ordinance. In order to qualify for a use variance, an appellant must provide evidence for the record that a legal hardship would occur in the absence of such use variance. The Z.B.A. shall not grant a use Variance unless the applicant provides conclusive evidence to prove:

1. That the land, property, structure or building in question cannot yield a reasonable economic return if used only for a purpose allowed in the zone; and
2. That the need for the variance was not caused by the applicant; and
3. That the use to be authorized by the variance shall not alter the essential character of the neighborhood, nor depreciate aesthetic or property values of the locality; and
4. That the plight of the owner is due to unique circumstances & not to the general conditions in the neighborhood, which may reflect the unreasonable uses of the zoning ordinance itself.

APPROVALS NEEDED:

Minor Area Variance to allow for a side setback.

SEORA: Staff recommends that the Board find this proposal to be an UNLISTED action with sufficient information available upon which to make a determination that the project is not expected to cause significant environmental impact. No local agencies are involved and no State or Federal agencies are involved.

STAFF REPORT ZB2013-004

APPLICANT: Ryan Winston & Kristi Stock

PROJECT DESCRIPTION:

ZB2013-004 Minor Area Variance to allow for a side and rear setback deficiency related to a proposal to construct an in ground pool at 8 Patricia Drive, a R-1 Zone, ID 112.80-2-4. Applicant is Ryan Winston & Kristi Stock, 8 Patricia Drive, Troy NY 12180.

Per Section 285-77 of the Zoning Ordinance, private swimming pools require an 8 foot setback from all property lines. The applicant is proposing a side and rear setback of 5 foot. The applicant is deficient 5 feet.

REQUEST:

Minor Area Variance to allow for side and rear setback deficiencies of 5 feet.

Minor Area Variance Requirements:

Authorization by the Z.B.A. that allows a specified use in a zone district including restricted locations on the lot or within the structure in which the specified use is not allowed by this ordinance. In order to qualify for a use variance, an appellant must provide evidence for the record that a legal hardship would occur in the absence of such use variance. The Z.B.A. shall not grant a use Variance unless the applicant provides conclusive evidence to prove:

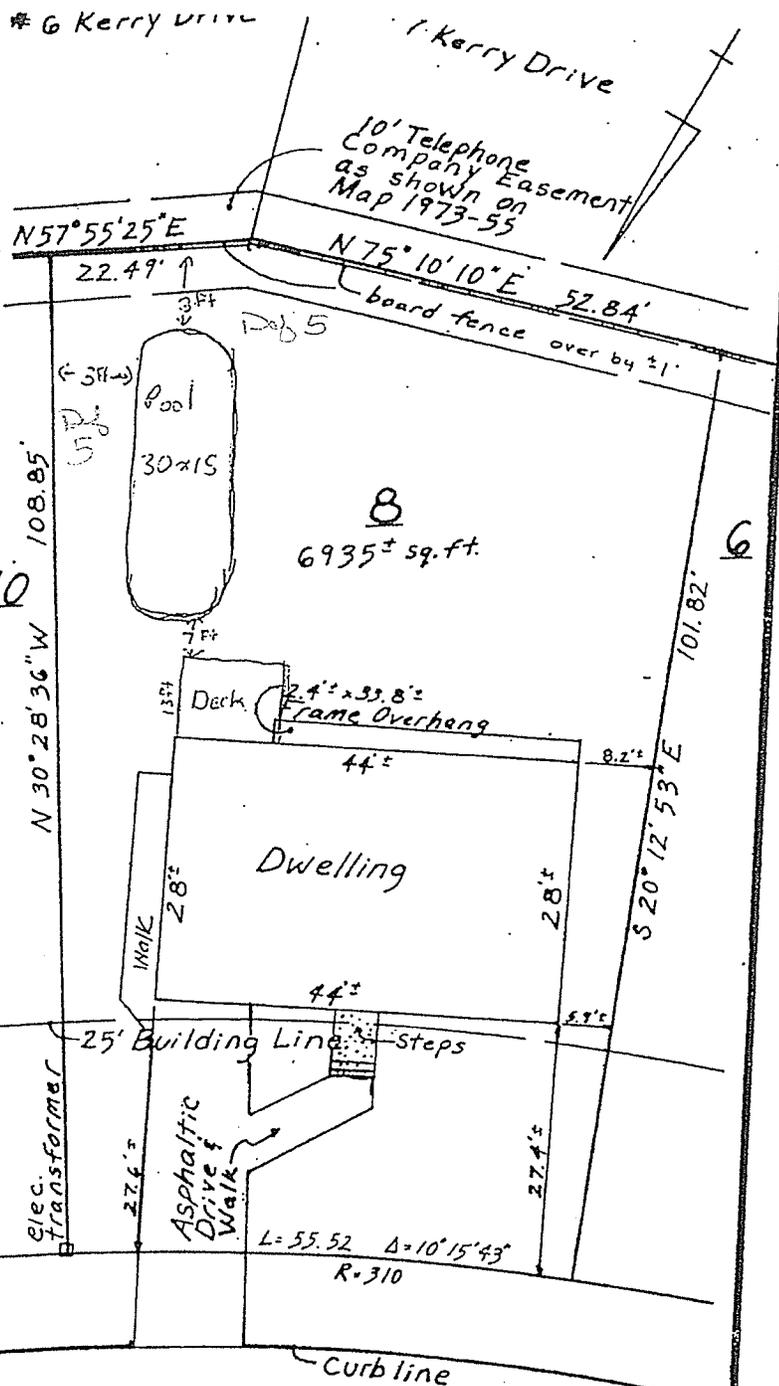
1. That the land, property, structure or building in question cannot yield a reasonable economic return if used only for a purpose allowed in the zone; and
2. That the need for the variance was not caused by the applicant; and
3. That the use to be authorized by the variance shall not alter the essential character of the neighborhood, nor depreciate aesthetic or property values of the locality; and
4. That the plight of the owner is due to unique circumstances & not to the general conditions in the neighborhood, which may reflect the unreasonable uses of the zoning ordinance itself.

APPROVALS NEEDED:

Minor Area Variance to allow for side and rear setback.

SEQRA: Staff recommends that the Board find this proposal to be an UNLISTED action with sufficient information available upon which to make a determination that the project is not expected to cause significant environmental impact. No local agencies are involved and no State or Federal agencies are involved.

1. Abstract of Title not furnished.
2. Easements, Public Utilities, Deed Restrictions, Zoning and Zoning Restrictions, Underground Facilities, if any, not shown; but none found except those observed and witnessed by visual physical evidence and shown hereon.
3. Lot information shown hereon from map "Emerald Green, Phase One" dated Feb. 28, 1973 last revised June 27, 1973 and filed July 23, 1973 as map 1973-55 by Donald W. Selee.
4. See Covenants and Restrictions L:1251 cp.572.
5. Underground Telephone and Cable: Television probably buried in Rear Yard - Underground Electric in Front Yard.
6. Title Report affecting premises not furnished.



Unauthorized Alteration or Addition to this Survey Map is a Violation of Section 7209 Subdivision 2 of the N.Y. State Education Law
 Copies from the Original of this Survey Map Not Marked with the Land Surveyor's Embossed Seal shall Not be considered a Valid True Copy.

I Charles E. Hartnett, Land Surveyor hereby certify to Catherine A. Cioffi, Theresa M. Cioffi, American Title Insurance Company RE: Title No. AT-2233 and to Troy Savings Bank its successors and assigns that this plat drawn August 7, 1987 was prepared from a field survey completed July 29, 1987.

Patricia Drive
 60' Wide
 Dedication Unknown

Map of Lot No. 8 Patricia Drive Emerald Greens - phase one for mortgage purposes to be conveyed to Catherine A. Cioffi and Theresa M. Cioffi.	
City of Troy	Reasselaer Co., N.Y.
August 7, 1987	Scale 1" = 20ft
HARTNETT AND BEHRENS Land Surveying And Planning Route 40 - P.O. Box 91 Melrose, New York 12121	
Charles E. Hartnett	L.S. 36,177 15-M-29

Charles E. Hartnett
 Aug 87 prepared for C & T Cioffi c.e.h.