

THE CITY OF



Jay Vandenburg
Chairperson
Phone (518) 279-7168
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William Dunne
Commissioner
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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 May 8, 2012** in the Second Floor conference room A of TROY CITY HALL to act upon the following requests for approvals and appeals from decisions made by the Bureau of Code Enforcement of said City of Troy.

Major Area Variance

ZB2012-016 Major Area Variance to allow for a parking deficiency related to a proposal to occupy a vacant commercial building with a retail use at 3001 6th Ave, an R-4 Zone, ID 90.70-3-7. Applicant is Michael Osborne, 3001 6th Ave, Troy, NY 12180 **Removed**

ZB2012-017 Major Area Variance and special use permit to allow for setback deficiencies, lot characteristics deficiencies and nonconforming uses related to a proposal to construct 7 homes at Cross Street and Burden Ave, an IND ZONE. Applicant is Habitat for Humanity, 454 North Pearl Street, Albany, NY 12204.

Use Variance

ZB2012-013 Use Variance and Major Area Variance to allow for a nonconforming use with lot characteristic deficiencies related to a proposal to construct an outdoor dining patio at 102 – 104 3rd Street, a B-4 Zone, ID 101.61-6-21. Applicant is David Gardell, 104 3rd Street, Troy, NY 12180.

Additional information regarding the above listed actions is available in the Department of Planning and Community Development located on the Second floor Troy City Hall, 1776 Sixth Avenue, 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 ZB2012-017

APPLICANT: Habitat for Humanity

PROJECT DESCRIPTION:

ZB2012-017 Major Area Variance and special use permit to allow for setback deficiencies, lot characteristics deficiencies and nonconforming uses related to a proposal to construct 7 homes at Cross Street and Burden Ave, an IND ZONE. Applicant is Habitat for Humanity, 454 North Pearl Street, Albany, NY 12204.

The applicant proposes to construct single family homes and a commercial component on 10 vacant lots. Each lot will have special uses, setback and lot characteristic deficiencies. The board will be asked to grant minimum variances to be used on each individual property on site.

Per Section 285-64 of the Zoning Ordinance, the minimum lot area for the IND Zone is 3500 SF. The applicant provides 1800 SF therefore is deficient 1700 SF. The applicant will require a Major Area Variance to allow lot area deficiencies of 1700 SF or less on each of 10 lots.

Per Section 285-64 of the Zoning Ordinance, the minimum front setback for the IND Zone is 20feet. The applicant provides 18 SF therefore is deficient 2 feet. The applicant will require a Major Area Variance to allow for a setback deficiency of 2 feet or less on each of 10 lots.

Per Section 285-64 of the Zoning Ordinance, residential below the second floor line is a special use permit in the IND Zone. The applicant will require a special use permit to allow for single family homes on each lot.

Per Section 285-64 of the Zoning Ordinance the required front lot width is 50 feet. The applicant provides 31 feet therefore is deficient 19 feet. The applicant will require a Major Area Variance to allow for a front lot with deficiency of 19 feet.

REQUEST:

Special Use Permit to allow for residence below the second floor line in the IND Zone
Major Area Variance to allow for a front setback deficiency
Major Area Variance to allow for a minimum lot deficiency
Major Area Variance to allow for a minimum lot width deficiency

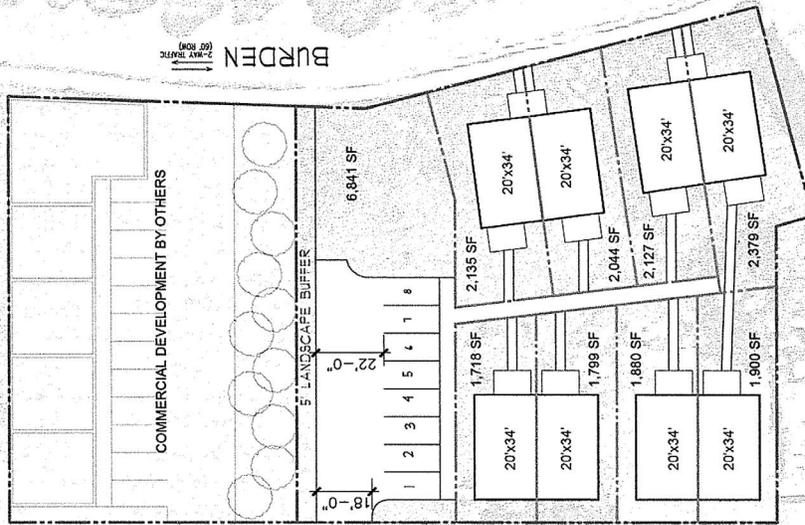
APPROVALS NEEDED:

Special Use Permit to allow for residence below the second floor line in the IND Zone
Major Area Variance to allow for a front setback deficiency
Major Area Variance to allow for a minimum lot deficiency
Major Area Variance to allow for a minimum lot width 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.

2-STORY
WOOD-FRAMED
RESIDENCE

SULLIVAN
← 2'-0" (for wall)
← 2'-0" (for wall)



2-STORY
WOOD-FRAMED
RESIDENCE

KEY

---	COMMON PROPERTY LINE
---	PROPOSED PROPERTY LINE



SITE PLAN
SCALE: 1 = 40

GENERAL NOTES:

Property : 713, 715, 717 & 719 Burden Avenue
2A, 2B, 3A & 3B Cross Street
Troy, NY 12180

Applicant : Capital District Habitat for Humanity
454 North Pearl Street
Albany, NY 12204

Owner : Same as applicant

Tax Map #: 111.68-3-3,4,5,6,28,29,30,31

Zoned: IND-Industrial

Lot Characteristics:

Lot Dimensions: N-134', S-166', E-153', W-155'
Lot Area: 23,305 SF +/- (.54 Acres)

Setbacks:	Required	Proposed
Front	20'-0"	18'-0"
Rear	30'-0"	35'-8"
Sides	5'-0"	5'-0"

Min. Lot Area: 3,500 SF
Min. Lot Width: 50'-0"
Min. Lot Depth: 70'
Max. Lot Coverage %: 50%

Building Type: N/A

Current Property Use: Vacant Land

Proposal : Construct 8 semi attached houses, 4 on Burden Ave. & 4 on Cross St.

Parking : 2 spaces per unit

Garbage Removal: Via City

Surface Drains: TBD

Lighting: Building mounted

All new taps into City water and sewer lines are to be done by City personnel using approved materials supplied by the applicant. The applicant will reimburse the City for labor and equipment costs associated with the utility taps.

This plan is based on information provided by the applicant, available Sanborn maps, Rensselaer County Tax Maps, and limited field measurements. A survey was not performed. These plans are not intended to provide information necessary to obtain a Building Permit.

PROPOSED SITE PLAN

SOUTH TROY
BURDEN AVE & CROSS ST.

PROJECT: NEW HOUSES AT:

CLIENT: CAPITAL DISTRICT HABITAT FOR HUMANITY

DATE: 04/20/12
DRAWN BY: J.F. EC
REVISIONS:



TROY ARCHITECTURAL
PROGRAM PC
210 RIVER ST.
TROY, NY 12180
(518) 274-3050

SHEET: **SP2**
JOB: 123,000

TITLE:
EXISTING SITE PLAN

CLIENT: CAPITAL DISTRICT HABITAT FOR HUMANITY

SOUTH TROY
BURDEN AVE & CROSS ST.

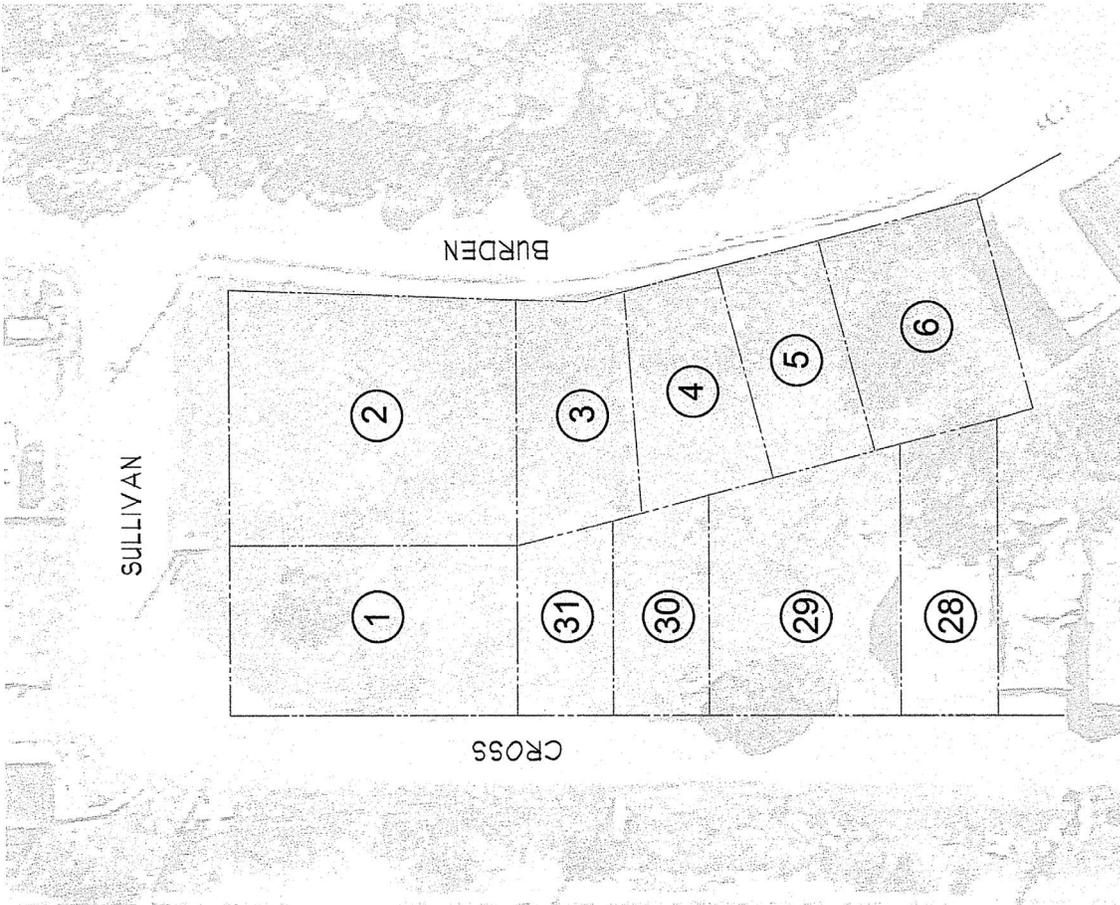
PROJECT: NEW HOUSES AT:

DATE: 04/20/12
DRAWN BY: JF, EC
REVISIONS:



TROY ARCHITECTURAL
PROGRAM, PC
210 RIVER ST.
TROY, NY 12180
(518) 274-3050

SHEET: **SPI**
JOB: 123,009



KEY
----- EXISTING PROPERTY LINE



SITE PLAN
SCALE: 1 = 40



155 W. 15th St

CROSS ST

SULLIVAN ST

BURDEN AV

STAFF REPORT ZB2012-013

APPLICANT: David Gardell

PROJECT DESCRIPTION:

ZB2012-013 Use Variance and Major Area Variance to allow for a nonconforming use with lot characteristic deficiencies related to a proposal to construct an outdoor dining patio at 102 – 104 3rd Street, a B-4 Zone, ID 101.61-6-21. Applicant is David Gardell, 104 3rd Street, Troy, NY 12180.

The applicant proposes to construct an outdoor patio behind both 102 and 104 3rd Street.

Per Section 285-61 of the Zoning Ordinance, *Outdoor Patio / Dining*, is not listed allowed use. The applicant will require a USE Variance to allow for a nonconforming use.

Per Section 285-61 of the Zoning Ordinance, the maximum lot coverage allowed in the B-4 Zone is 80%. The applicant proposes coverage of approximately 90% therefore is excessive 10% The applicant will require a Major Area Variance to allow for excessive lot coverage.

REQUEST:

Use Variance to allow for a nonconforming use.

Major Area Variance to allow for excessive lot coverage

Use 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:

Use Variance to allow for a nonconforming use.

Major Area Variance to allow for excessive lot coverage

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.

GENERAL NOTES:

Property : 102-104 3rd Street
Troy, NY 12180

Applicant : Dave Gardell
324 Congress Street
Troy, NY 12180

Owner : Same as applicant

Tax Map #: 101.8-6-21 (102 3rd St.)
101.8-6-20 (104 3rd St.)

Zoned: B4-Central Commercial

Lot Characteristics:
Lot Dimensions (102): N-130', S-130', E-25.33', W-25.33'
Lot Dimensions (104): N-130', S-130', E-24.92', W-24.92'

Lot Area (102): 3,293 SF +/- (.07 Acres)
Lot Area (104): 3,240 SF +/- (.07 Acres)

Setbacks:	Required for new	Existing #102	Existing #104
Front	0'	0'	0'
Rear	20'-0"	53'-0" +/-	18'-0" +/-
Sides	0'	0'	0'
Min. Lot Area:	None	3,293 SF	3,240 SF
Min. Lot Width:	None	25.33'	24.92'
Min. Lot Depth:	130'	130'-0"	130'-0"
Max. Lot Coverage %	80%	84%	51%

Building Type: 102 - 3-story brick w/ 3-story masonry addition
104 - 3-story frame w/ 1-story masonry addition.

Current Property Use: 102 - Office and two family residence.
104 - Tavern

Proposal : Create outdoor patio for dining to serve the tavern at the rear of 104 and extending onto 102. Install 6' stockade fence to enclose patio. Provide second means of egress from upper stories of 104 to Public Right of Way via 102.

Parking : On-street parking

Garbage Removal: Dumpster at rear with private pick-up.

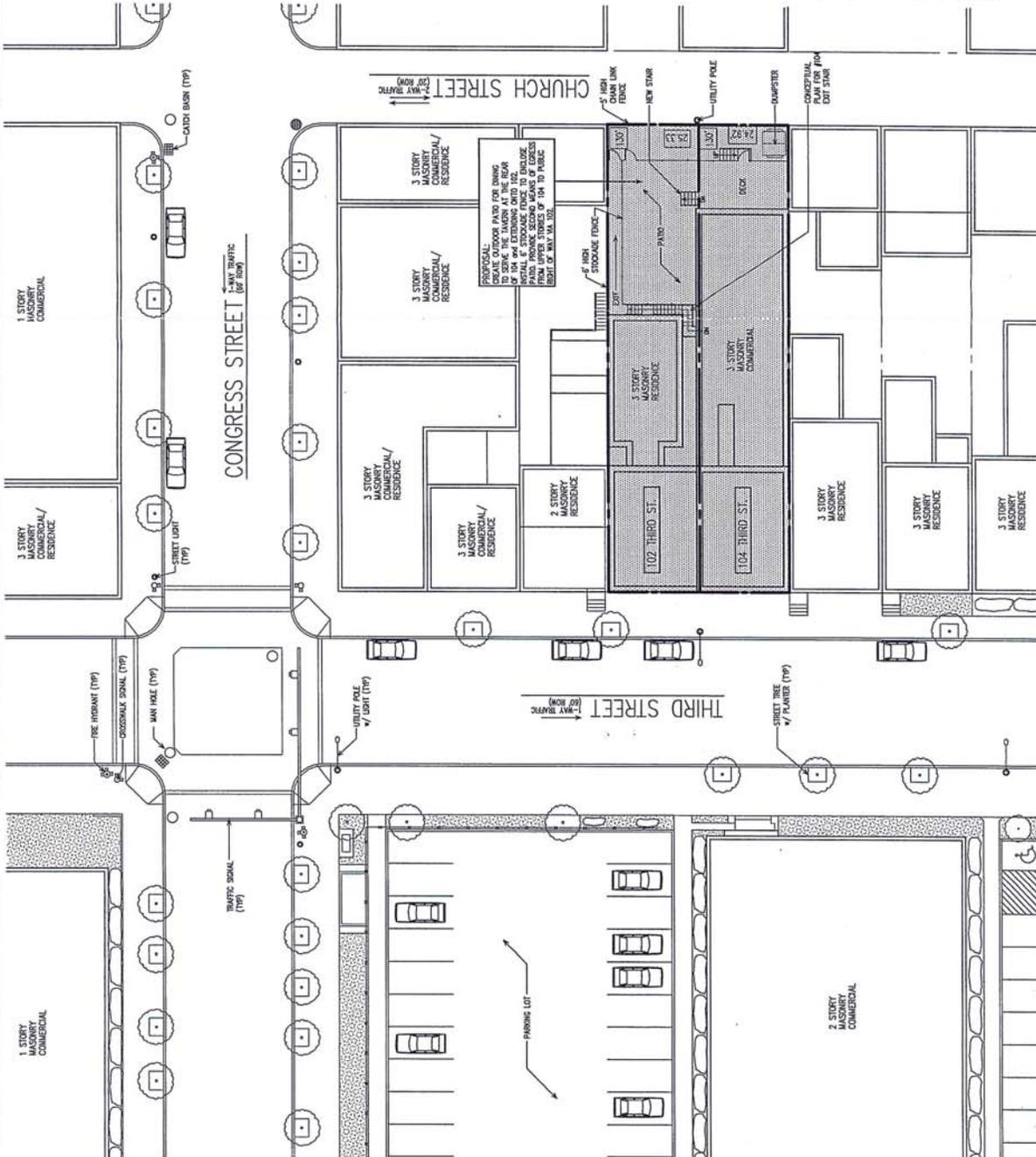
Surface Drains: Employ pervious pavement and use catch basin to retain water on site.

Signage: Existing signage to remain.

Lighting: Add "dark sky" building mounted light fixtures to light patio and motion sensor lighting to light upper story egress.

Hours of Operation: Sun - Thurs till 11 PM
(Patio) Fri - Sat till midnight

This plan is based on information provided by the applicant, available Sanborn maps, Rensselaer County, Tax Maps, and limited field measurements. A survey was not performed. These plans are not intended to provide information necessary to obtain a Building Permit.



TITLE: PROPOSED SITE PLAN
SCALE: 1"=30'-0"

PROJECT: PLANNING APPLICATION FOR 102-104 THIRD STREET TROY, NY 12180
CLIENT: DAVE GARDELL

DATE: 03/07/12
DRAWN BY: EC
REVISIONS:



SHEET: SPI
JOB: 083.004.02

PROPOSED SITE PLAN
SCALE: 1" = 30'