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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 7, 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.

Major Area Variance

ZB2013-007 Use Variance to allow for a nonconforming use related to a proposal to occupy a vacant storefront with a *tattoo parlor* at 69 3rd Street, a B-4 Zone, ID 101.53-13-3. Applicant is James Derenzo, 1704 5th Street Rensselaer, NY 12144.

ZB2013-008 Use Variance to allow for a nonconforming use related to a proposal to occupy a vacant building as an adult establishment. Project location is 520 5th Ave, a B-2 Zone, ID 80.64-6-19. Applicant is Jack Cox, 9 Douw Street, Troy, NY 12180. **-REMOVED-**

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 ZB2013-007

APPLICANT: James Derenzo

PROJECT DESCRIPTION:

ZB2013-007 Use Variance to allow for a nonconforming use related to a proposal to occupy a vacant storefront with a *tattoo parlor* at 69 3rd Street, a B-4 Zone, ID 101.53-13-3. Applicant is James Derenzo, 1704 5th Street Rensselaer, NY 12144.

Per Section 285-61 of the Zoning Ordinance, the use Tattoo Parlor is not listed as a n allowed use. The applicant will require a USE Variance to allow for a nonconforming use in the B-4 Zone

REQUEST:

Use Variance to allow for a tattoo parlor

Use Variance

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.

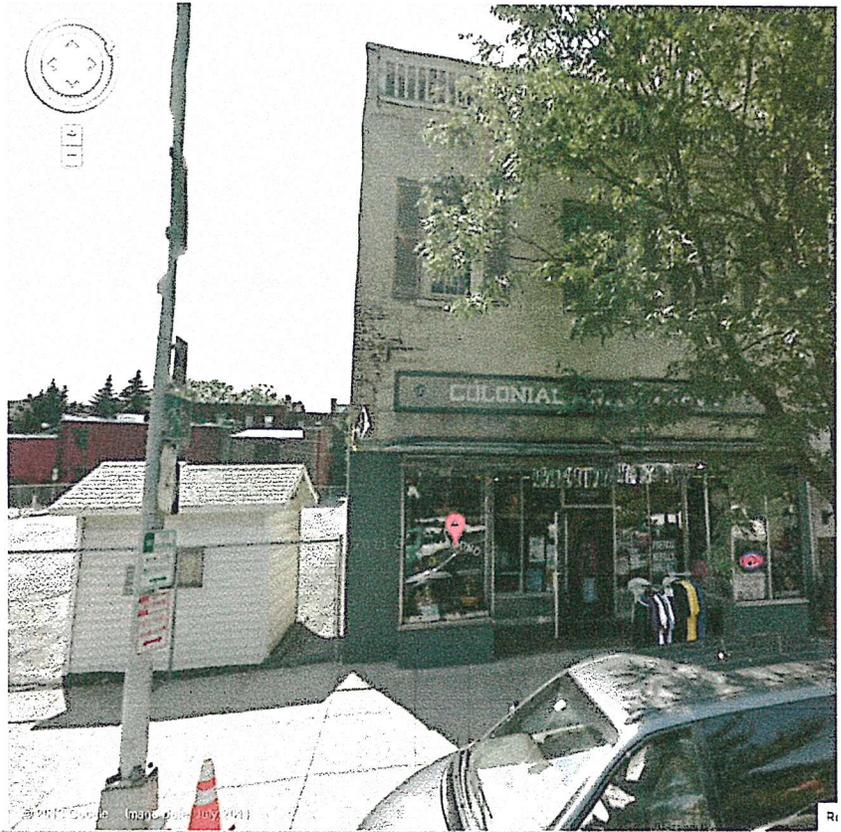
APPROVALS NEEDED:

Use Variance to allow for a nonconforming use

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.



To see all the details that are visible on the screen, use the "Print" link next to the map.





STATE ST

FRANKLIN ST

3RD ST

CHURCH ST