



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 1, 2014** 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

ZB2013-026 Major Area Variance and Special Use Permit to allow for a lot size deficiency and expansion related to a proposal to construct a convenience store at 9 112th Street, a B-2 Zone, ID 80.63-6-10. Applicant is Stewarts Shops, POBOX 435 Saratoga Springs NY 12866.

ZB2014-006 Major Area Variance to allow for a side setback and front lot width deficiency related to a proposal to subdivide a lot into 3 parcels at 468 9th Ave an R-2 Zone, ID 80.72-9-1. Applicant is Kevin Vandenburg, 430 9th Ave, Troy, NY 12182.

ZB2014-008 Major Area Variance to allow for lot characteristic and height deficiencies related to a proposal to expand a medical facility and construct a parking garage at 2215 Burdett Ave, an INST Zone, ID 101.48-3-2-1. Applicant is Greenman Pederson INC for St. Peters Health Partners, 80 Wolf Road, Albany, NY 12205.

Special Use Permit

ZB2014-007 Special Use Permit to allow for a nonconforming use related to a proposal to convert the first floor of a building into a residential unit at 108 3rd Street, a B-4 Zone, ID 101.61-6-18. Applicant is Mathew Callahan, 108 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 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 ZB2013-026

APPLICANT: Stewarts Shops

PROJECT DESCRIPTION:

ZB2013-026 Major Area Variance and Special Use Permit to allow for a lot size deficiency and expansion related to a proposal to construct a convenience store at 9 112th Street, a B-2 Zone, ID 80.63-6-10. Applicant is Stewarts Shops, POBOX 435 Saratoga Springs NY 12866.

Per Section 285-59 of the Zoning Ordinance, the **maximum** lot size in the B-2 Zone is 20,000SF. The applicant proposes a combined lot size of 22,744SF. The applicant exceeds the maximum allowed by 2,744SF. The applicant will require a Major Area Variance to allow for a excessive lot size of 2,744SF. Further, expansion of a nonconforming use in the B-2 Zone requires a Special Use Permit.

REQUEST:

**Major Area Variance to allow for lot size deficiency (maximum lot size).
Special Use Permit to allow for the expansion of a nonconforming use**

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.

Special Use Permit

Because of their unique characteristics some uses must be considered on an individual basis. Such "Special Uses" may be permitted only upon authorization by the Z.B.A. subject to certain conditions & safeguards. Such Special Uses shall comply with the provisions of this section (3.305-B).

The Z.B.A. can approve the Special Use Permit if the applicant can demonstrate compliance with the standards of 3.305, B, 1, 2 & 3.

B1. No substantial injury to the value of the surrounding property values.

B2. Applicant does meet the landscaping & screening criteria established for Special Use Permits.

B3. The Special Use Permit is not expected to impair the public health, safety, convenience, aesthetic or environmental quality of the surrounding neighborhood

APPROVALS NEEDED:

**Major Area Variance to allow for lot size deficiency of 2,744SF.
Special Use Permit to allow for the expansion of 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.

STAFF REPORT ZB2014-006

APPLICANT: Kevin Vandenburg

PROJECT DESCRIPTION:

ZB2014-006 Major Area Variance to allow for a side setback and front lot width deficiency related to a proposal to subdivide a lot into 3 parcels at 468 9th Ave an R-2 Zone, ID 80.72-9-1. Applicant is Kevin Vandenburg, 430 9th Ave, Troy, NY 12182.

Per Section 285-91 of the Zoning Ordinance, the front lot line in the R-2 Zone shall be 50 feet. The applicant proposes to subdivide and construct 3 single family homes on 3 separate lots with 45 foot front lot line width. The applicant is deficient 5 feet. The applicant will require a Major Area Variance to allow for a 5 foot front line width deficiency.

REQUEST:

Major Area Variance to allow for a front lot width 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 5 foot front lot line 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.

STAFF REPORT ZB2014-008

APPLICANT: Greenman Pederson Inc. for St. Peters Health Partners

PROJECT DESCRIPTION:

ZB2014-008 Major Area Variance to allow for lot characteristic and height deficiencies related to a proposal to expand a medical facility and construct a parking garage at 2215 Burdett Ave, an INST Zone, ID 101.48-3-2.1. Applicant is Greenman Pederson INC for St. Peters Health Partners, 80 Wolf Road, Albany, NY 12205.

Per Section 285-66, lots adjacent to residential zone districts along the City ROW the maximum building height is 50 feet. The applicant proposes 90 feet. In addition lots adjacent to residential zone districts along the City ROW require a maximum lot coverage of 50%. The applicant exceeds this requirement. The applicant will require a Major Area variance to allow for excessive height and lot coverage.

REQUEST:

Major Area Variance to allow for lot characteristics
Major Area Variance to allow for height deficiency (exceeds)

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 lot characteristics (in excess of 50% coverage)
Major Area Variance to allow for excessive height of 40 feet.

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.

STAFF REPORT ZB2014-007

APPLICANT: Matthew Callahan

PROJECT DESCRIPTION:

ZB2014-007 Special Use Permit to allow for a nonconforming use related to a proposal to convert the first floor of a building into a residential unit at 108 3rd Street, a B-4 Zone, ID 101.61-6-18. Applicant is Mathew Callahan, 108 3rd Street, Troy, NY 12180.

Per **Section 285-61** of the Zoning Ordinance, residential uses below the second floor in the principle structure are allowed by issuance of a Special use Permit. The applicant proposes to convert the first floor "office" into a residential unit requiring a Special Use Permit.

REQUEST:

Special Use Permit to allow for a nonconforming use

Special Use Permit

Because of their unique characteristics some uses must be considered on an individual basis. Such "Special Uses" may be permitted only upon authorization by the Z.B.A. subject to certain conditions & safeguards. Such Special Uses shall comply with the provisions of this section (3.305-B).

The Z.B.A. can approve the Special Use Permit if the applicant can demonstrate compliance with the standards of 3.305, B, 1, 2 & 3.

- B1. No substantial injury to the value of the surrounding property values.
- B2. Applicant does meet the landscaping & screening criteria established for Special Use Permits.
- B3. The Special Use Permit is not expected to impair the public health, safety, convenience, aesthetic or environmental quality of the surrounding neighborhood

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

APPROVALS NEEDED:

Special Use Permit to allow for a residential unit on the first floor in the B-4 Zone

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.