



**Jay Vandenburg**  
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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 6, 2014** in the 5<sup>th</sup> 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.

**USE VARIANCE**

**ZB2014-009** Use Variance to allow for a nonconforming use related to a proposal to occupy a vacant parcel with various accessory structures as a primary use at 40 Willis Street, an R-2 Zone, ID 112.70-3-32. Applicant is Dan Harrigan, 40 Willis Street, Troy, NY 12180.

**ZB2014-010** Use Variance and Major Area Variance to allow for a nonconforming use with a parking deficiency at 18 112<sup>th</sup> Street, a B-2 Zone, ID 80.63-13-2. Applicant is Jack Cox Sr, 801 River Street, Troy, NY 12180.

**ZB2014-011** Use Variance to allow for a nonconforming use related to a proposal to convert the first floor commercial space into a residence at 606 Second Ave, a B-2 Zone, ID 80.47-6-8. Applicant is Javier Reyes, 606 Second Ave, Troy, NY 12182.

**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 ZB2014-009**

**APPLICANT:** Dan Harrigan

**PROJECT DESCRIPTION:**

**ZB2014-009** Use Variance to allow for a nonconforming use related to a proposal to occupy a vacant parcel with various accessory structures as a primary use at 40 Willis Street, an R-2 Zone, ID 112.70-3-32. Applicant is Dan Harrigan, 40 Willis Street, Troy, NY 12180.

Per Section 285-53 of the Zoning Ordinance, accessory uses are not permitted on a lot without an allowed principle structure on site. The applicant proposes to utilize a vacant lot for various accessory structures. The applicant will require a USE VARIANCE to allow for a nonconforming use.

**REQUEST:**

**Use Variance to allow for a nonconforming use**

**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.

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

**APPROVALS NEEDED:**

**Use variance to allow for accessory structures as primary use in the R-2 Zone.**

**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.



VANDENBURGH AV

WILLIS ST

DEFREEST AV

LARK ST

BURGER LN

VANDENBURGH PL

**STAFF REPORT ZB2014-010**

**APPLICANT:** Jack Cox

**PROJECT DESCRIPTION:**

**ZB2014-010** Use Variance and Major Area Variance to allow for a nonconforming use with a parking deficiency at 18 112<sup>th</sup> Street, a B-2 Zone, ID 80.63-13-2. Applicant is Jack Cox Sr, 801 River Street, Troy, NY 12180.

**Per Section 285-59** of the Zoning Ordinance, the “USE” as proposed is not allowed in the B-2 Zone. The applicant will require a USE VARIANCE to occupy a building with a nonconforming use in the B-2 Zone. **Per Section 285-91** of the Zoning Ordinance, the space, approximately 1500 SF requires 1 space per 150 SF of floor area. The applicant will require 10 spaces. The applicant proposes a driveway leading to an overhead door (1 space). The applicant is deficient 9 spaces. The applicant will require a Major Area Variance for a parking deficiency of 9 spaces.

**REQUEST:**

**Use Variance to allow for a nonconforming use**  
**Major Area variance to allow for a parking deficiency**

**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.

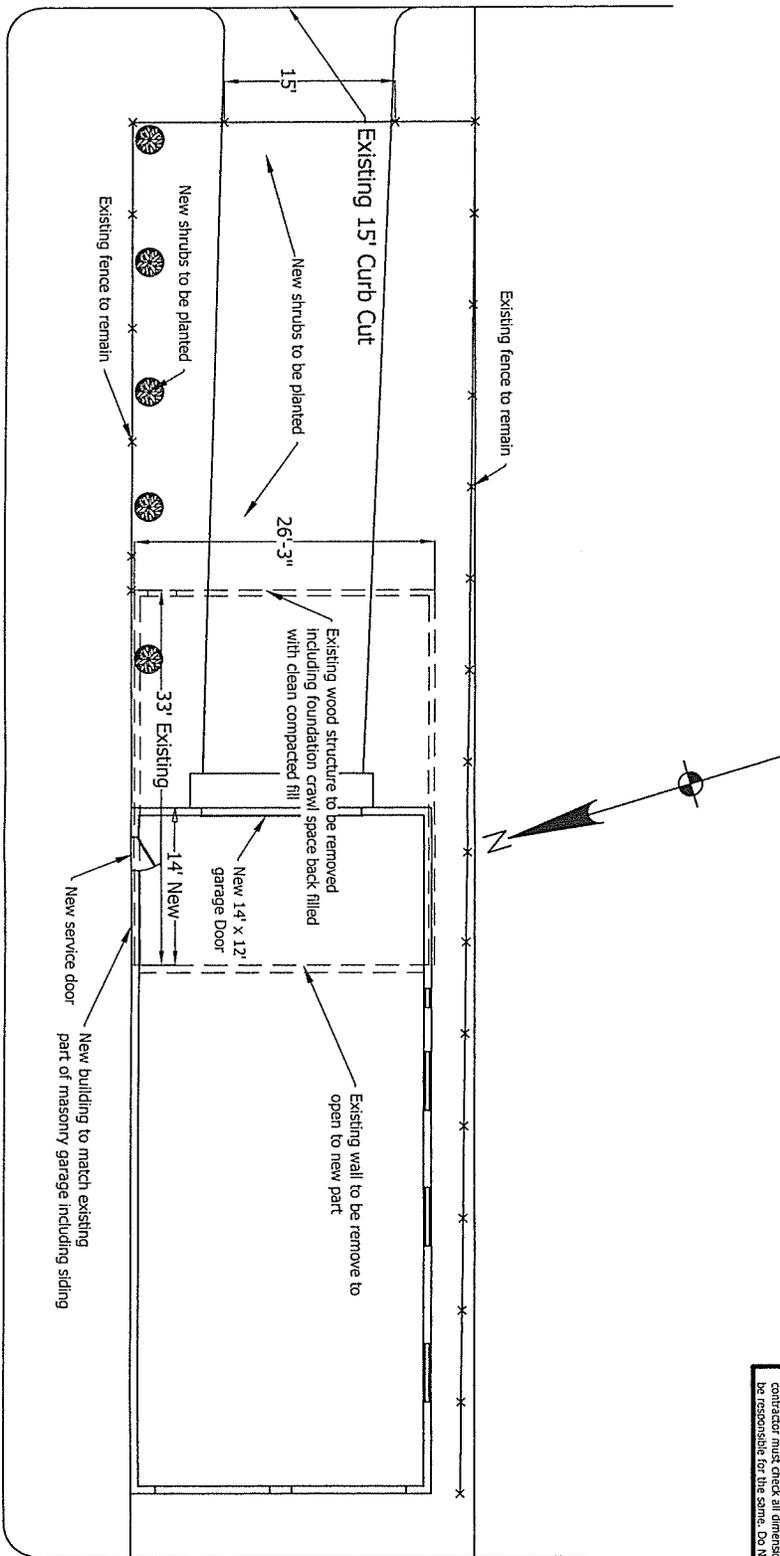
Based on the information provided by the applicant there are no other zoning deficiencies or violations.

**APPROVALS NEEDED:**

**Use Variance to allow for a nonconforming use in the B-2 Zone.**  
**Major Area variance to allow for a parking deficiency of 9 spaces**

**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.

4th Ave.



NEW PLOT PLAN  
 SCALE: 3/32" = 1'-0"

112th Street

Alley

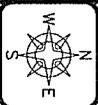
Errors and Omissions:  
 Father & Sons Consultants is unable to accept liability for any errors of omission in excess of the original purchase cost of the plans. While every attempt has been made in the preparation of this plan to avoid errors, Father & Sons Consultants does not guarantee the accuracy of the information shown hereon. Therefore, the contractor must check all dimensions and details and be responsible for the same. Do Not Scale Drawings.



FATHER & SONS CONSULTING ENGINEERS  
 FRANCIS A. LASHWAY JR. P.E. (NY# 64319)  
 122 MOHAWK STREET  
 COHOES, NY 12047  
 TEL (518) 265-5465 FAX (518) 263-3464

Replacement of Fire Damaged portion  
 of Jack of all Trades with Smaller Section  
 Jack Cox  
 18 112th Street  
 Troy, NY, 12182

**FATHER & SONS**  
 CONSULTING ENGINEERS  
 122 MOHAWK STREET  
 COHOES, NY 12047

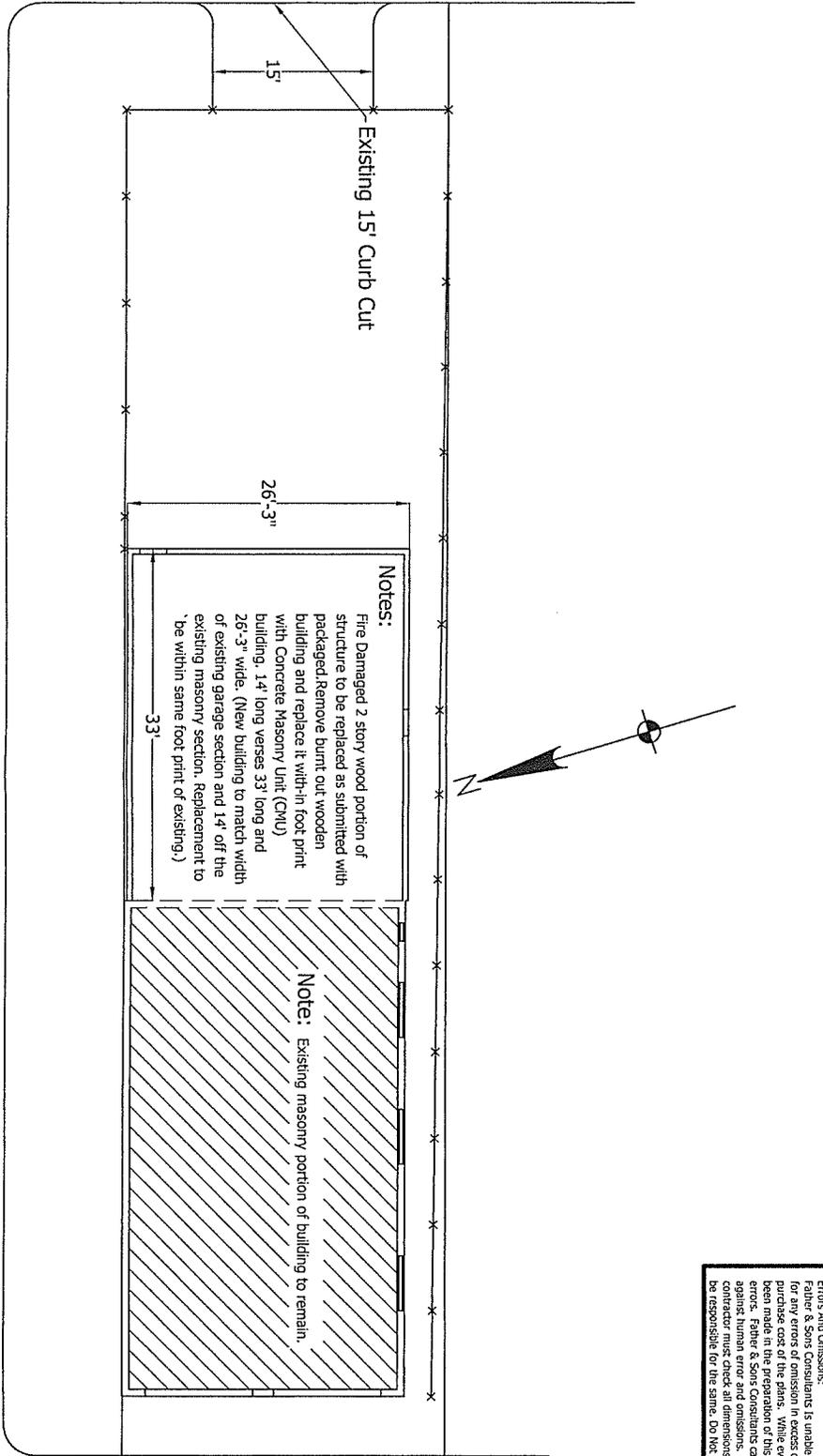


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Sheet No. 2  
 of 5

DATE	BY	CHKD

4th Ave.



Existing 15' Curb Cut

26'-3"

Notes:

Fire Damaged 2 story wood portion of structure to be replaced as submitted with packaged. Remove burnt out wooden building and replace it within foot print with Concrete Masonry Unit (CMU) building. 14' long versus 33' long and 26'-3" wide. (New building to match width of existing garage section and 14' off the existing masonry section. Replacement to be within same foot print of existing.)

33'

Note: Existing masonry portion of building to remain.

112th Street

Alley

EXISTING PLOT PLAN  
SCALE: 3/32" = 1'-0"



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COHOES, NY 12047



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Sheet No.	1
Total Sheets	5
Scale	
Date	
Drawn By	
Checked By	
Approved By	

Replacement of Fire Damaged portion of Jack of all Trades with Smaller Section  
Jack Cox  
18 112th Street  
Troy, NY, 12182

**STAFF REPORT ZB2014-011**

**APPLICANT:** Javier Reyes

**PROJECT DESCRIPTION:**

**ZB2014-011** Use Variance to allow for a nonconforming use related to a proposal to convert the first floor commercial space into a residence at 606 Second Ave, a B-2 Zone, ID 80.47-6-8. Applicant is Javier Reyes, 606 Second Ave, Troy, NY 12182.

**Per Section 285-59** of the Zoning Ordinance, the use *Single Family Home* and *Residential Uses on the first floor* are not allowed in the B-2 Zone. The applicant proposes to utilize the entire building as a single family home. The applicant will require a USE VARIANCE to convert a building to a nonconforming use in the B-2 Zone.

**REQUEST:**

**Use Variance to allow for a nonconforming use**

**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:

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

**APPROVALS NEEDED:**

**Use Variance to allow for a nonconforming use in the B-2 Zone.**

**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.