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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 **June 3, 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.

**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.**

**ZB2014-012** Major Area Variance to allow for a parking deficiency related to a proposal to add an additional unit to an existing medium density residential building located at 204 Washington Street, an R-4 Zone, ID 101.69-9-13. Applicant is Francis Kramer, 2328 15<sup>th</sup> Street, Troy, NY 12180.

**ZB2014-013** Minor Area Variance to allow for a side setback deficiency related to a proposal to construct a swimming pool at 29 Sheridan Ave, an R-2 Zone, ID 112.70-4-16. Applicant is Randall Solomon, 29 Sheridan Ave, Troy, NY 12180.

**ZB2014-014** Minor Area Variance to allow for a side setback deficiency related to a proposal to construct a carport at 266 4<sup>th</sup> Ave, an R-2 Zone ID 90.23-10-14. Applicant is Donna Pettit, 266 4<sup>th</sup> Ave, Troy, NY 12180

**ZB2014-015** Major Area Variance to allow for a parking deficiency and lot size related to a proposal to construct an additional 3 units on an existing single family home. Project location is 2152 12<sup>th</sup> Street, an R-4 Zone, ID 101.47-4-11. Applicant is Tony Trimarchi, 317 Tarquay Blvd, Albany, NY 12203. **Removed**

**ZB2014-016** Use Variance to allow for the expansion of a nonconforming use related to a proposal to convert a 3 unit building into a 6 unit medium density building located at 541 3<sup>rd</sup> Ave, an R-1 Zone, ID80.55-6-10. Applicant is Simon Balint, 493 6<sup>th</sup> Ave, Troy NY 12182.

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 ZB2014-012**

**APPLICANT:** Francis Kramer

**PROJECT DESCRIPTION:**

**ZB2014-012** Major Area Variance to allow for a parking deficiency related to a proposal to add an additional unit to an existing medium density residential building located at 204 Washington Street, an R-4 Zone, ID 101.69-9-13. Applicant is Francis Kramer, 2328 15<sup>th</sup> Street, Troy, NY 12180.

Per Section 285-91 of the Zoning Ordinance, each new residential unit requires 2 spaces off-street parking. The applicant proposes to add an additional unit requiring 2 spaces. The applicant proposes to provide 0 spaces therefore is deficient 2 spaces. The applicant will need a Major Area Variance to allow for a parking deficiency of 2 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:*

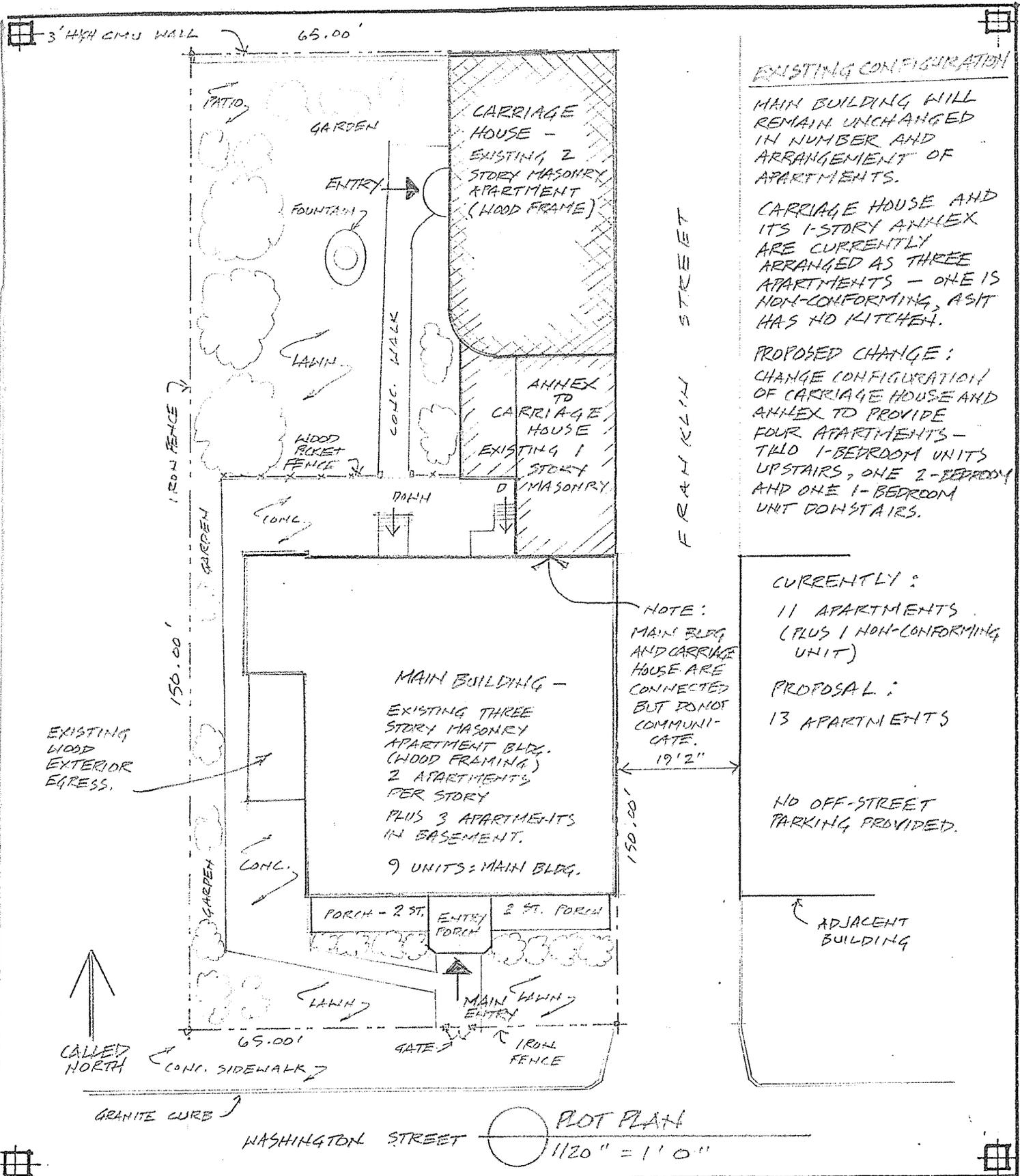
- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other 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 of 2 spaces.**

**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.



EXISTING CONFIGURATION

MAIN BUILDING WILL REMAIN UNCHANGED IN NUMBER AND ARRANGEMENT OF APARTMENTS.

CARRIAGE HOUSE AND ITS 1-STORY ANNEX ARE CURRENTLY ARRANGED AS THREE APARTMENTS - ONE IS NON-COMFORMING, AS IT HAS NO KITCHEN.

PROPOSED CHANGE: CHANGE CONFIGURATION OF CARRIAGE HOUSE AND ANNEX TO PROVIDE FOUR APARTMENTS - TWO 1-BEDROOM UNITS UPSTAIRS, ONE 2-BEDROOM AND ONE 1-BEDROOM UNIT DOWNSTAIRS.

CURRENTLY:  
11 APARTMENTS  
(PLUS 1 NON-COMFORMING UNIT)

PROPOSAL:  
13 APARTMENTS

NO OFF-STREET PARKING PROVIDED.

NOTE:  
MAIN BLDG AND CARRIAGE HOUSE ARE CONNECTED BUT DO NOT COMMUNICATE.  
19'2"

**KRAMER ARCHITECT**

FRANCIS KRAMER  
ARCHITECT  
2328 15TH ST  
TROY NY 12180  
(518) 274-4679

CLIENT: 209 WASHINGTON TROY NY LLC	
ADDRESS: 209 WASHINGTON STREET TROY, NY 12180	
PROJECT: MAJOR AREA VARIANCE; PARKING INCREASE FROM 11 TO 13 APARTMENTS	
DATE: 22 MAY 14	SHEET NO. 1 of 1
OWN. BY: <i>[Signature]</i>	

**STAFF REPORT ZB2013-013**

**APPLICANT:** Randall Solomon

**PROJECT DESCRIPTION:**

**ZB2014-013** Minor Area Variance to allow for a side setback deficiency related to a proposal to construct a swimming pool at 29 Sheridan Ave, an R-2 Zone, ID 112.70-4-16. Applicant is Randall Solomon, 29 Sheridan Ave, Troy, NY 12180.

Per Section 285.77 of the Zoning Ordinance, swimming pools require a setback of 8 feet from all property lines. The applicant proposes to construct a swimming pool with a side setback of 4 feet. The applicant will require a Minor Area Variance to allow for a setback deficiency of 4 feet.

**REQUEST:**

**Minor Area Variance to allow for a swimming pool with setback deficiencies**

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

**Minor Area Variance Requirements:**

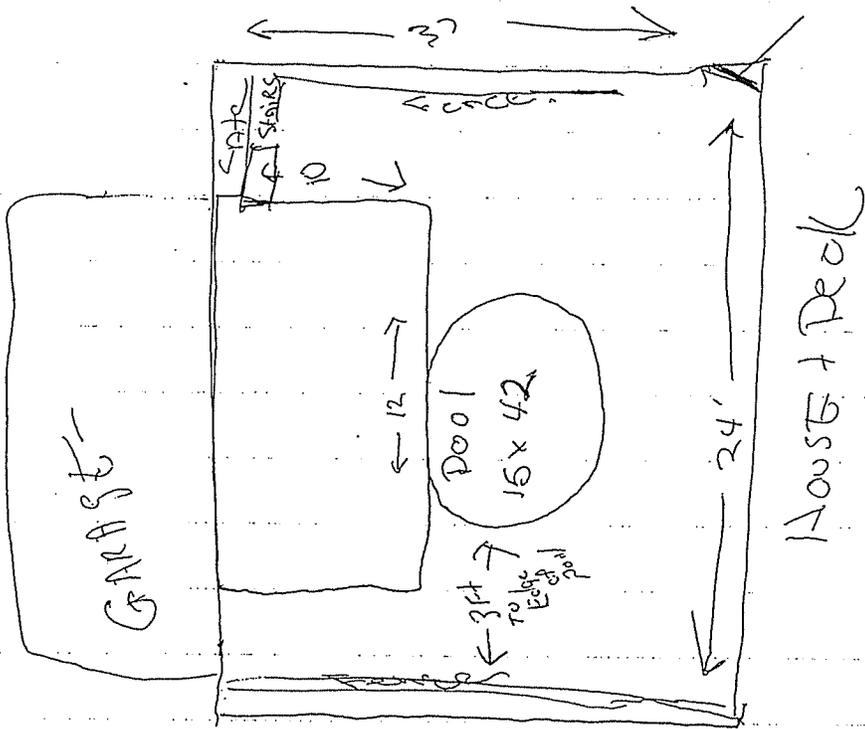
Authorization by the Z.B.A. that allows a specified use in a zone district including restricted locations on the lot or within the structure in which the specified use is not allowed by this ordinance. In order to qualify for a use variance, an appellant must provide evidence for the record that a legal 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 swimming pool with a 4 foot setback deficiency.**

**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 ZB2013-014**

**APPLICANT:** Donna Pettit

**PROJECT DESCRIPTION:**

**ZB2014-014** Minor Area Variance to allow for a side setback deficiency related to a proposal to construct a carport at 266 4<sup>th</sup> Ave, an R-2 Zone ID 90.23-10-14. Applicant is Donna Pettit, 266 4<sup>th</sup> Ave, Troy, NY 12180

Per Section 285.77 of the Zoning Ordinance, accessory structures require a side setback of 3 feet. The applicant proposes to construct the carport with a 6 inch setback. The applicant will require a Minor Area Variance to allow for a setback deficiency of 2.5 feet.

**REQUEST:**

**Minor Area Variance to allow for an accessory structure**

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

**Minor Area Variance Requirements:**

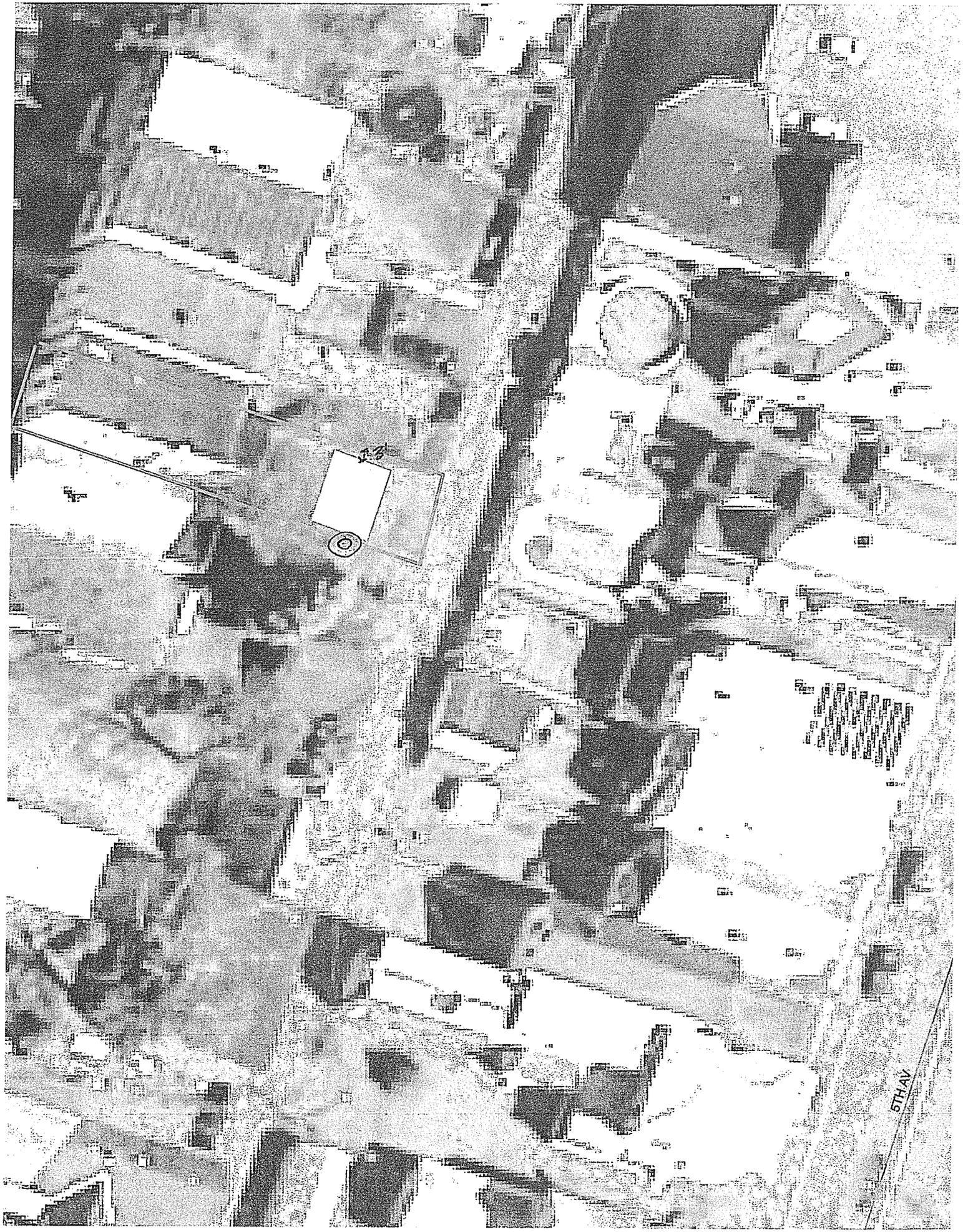
Authorization by the Z.B.A. that allows a specified use in a zone district including restricted locations on the lot or within the structure in which the specified use is not allowed by this ordinance. In order to qualify for a use variance, an appellant must provide evidence for the record that a legal 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 an accessory structure with a 2.5 foot setback 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.



5TH AV

**STAFF REPORT ZB2014-016**

**APPLICANT:** Simon Balint

**PROJECT DESCRIPTION:**

**Zb2014-016** Use Variance to allow for the expansion of a nonconforming use related to a proposal to convert a 3 unit building into a 6 unit medium density building located at 541 3<sup>rd</sup> Ave, an R-1 Zone, ID80.55-6-10. Applicant is Simon Balint, 493 6<sup>th</sup> Ave, Troy NY 12182.

**Per Section 285-59** of the Zoning Ordinance, the “USE’ multi family is not allowed in the R-1 Zone. The applicant will require a USE VARIANCE to expand a nonconforming use in the R-1

**REQUEST:**

**Use Variance to allow for the expansion of 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 the expansion of a nonconforming use in the R-1 Zone.**

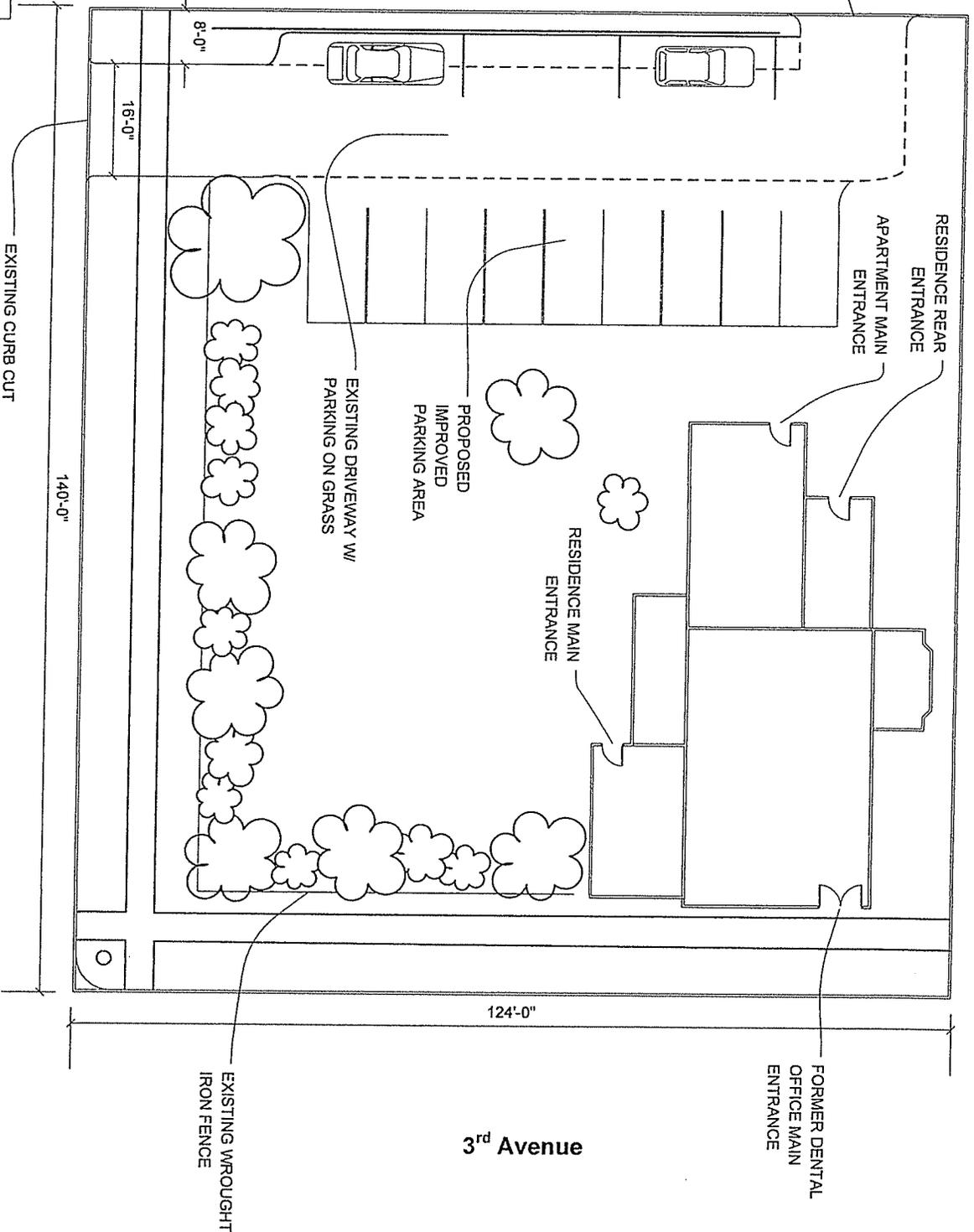
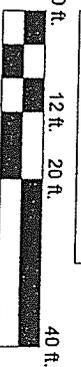
**SEQRA:** Staff recommends that the Board find this proposal to be an UNLISTED action with sufficient information available upon which to make a determination that the project is not expected to cause significant environmental impact. No local agencies are involved and no State or Federal agencies are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



ALLEYWAY

EXISTING CURB CUT

Scale: 1/240 : 1



114<sup>th</sup> Street

3<sup>rd</sup> Avenue

551 3<sup>rd</sup> Avenue  
Troy, NY 12182

FORMER DENTAL  
OFFICE MAIN  
ENTRANCE

EXISTING WROUGHT  
IRON FENCE

124'-0"

140'-0"

16'-0"

8'-0"

EXISTING CURB CUT

EXISTING DRIVEWAY W/  
PARKING ON GRASS

PROPOSED  
IMPROVED  
PARKING AREA

RESIDENCE MAIN  
ENTRANCE

RESIDENCE REAR  
ENTRANCE  
APARTMENT MAIN  
ENTRANCE