



**Jay Vandenburg**  
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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 **December 2, 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.**

**Major Area Variance**

**ZB2014-032 Major Area Variance** to allow for a parking deficiency related to a proposal to convert a vacant restaurant into apartments (25) at 285 Second Street, an R-4 Zone, ID111.28-2-2. Applicant is Nolan Engineering, 105 Lake Hill Road, #19 Burnt Hills, NY 12027.

**Use Variance**

**ZB2014-030 Use Variance** to allow for a non-conforming use related to a proposal to operate a tattoo parlor at 5-6-7 Hill Street, a B-5 Zone, ID101.69-2-10. Applicant is Jessica Gehring 7 Hill Street, Troy, NY 12180

**ZB2014-031 Use Variance** to allow for a non-conforming use related to a proposal to convert ground level commercial space into a residential units at 39 Hill Street, a B-5 Zone, ID 101.69-11-5. Applicant is Peter Kehoe, 18 Hawthorne Ave, Troy, NY 12180

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 ZB2014-032**

**APPLICANT:** Nolan Engineering

**PROJECT DESCRIPTION:**

**ZB2014-032 Major Area Variance** to allow for a parking deficiency related to a proposal to convert a vacant restaurant into apartments (25) at 285 Second Street, an R-4 Zone, ID111.28-2-2. Applicant is Nolan Engineering, 105 Lake Hill Road, #19 Burnt Hills, NY 12027.

**Per Section 285-55** of the Zoning Ordinance, each new unit requires 2 parking spaces. The applicant proposes 25 units therefore is required 50 spaces. The applicant provides 12 spaces therefore are deficient 38 spaces. The applicant will require a Major Area Variance for a deficiency of 38 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:*

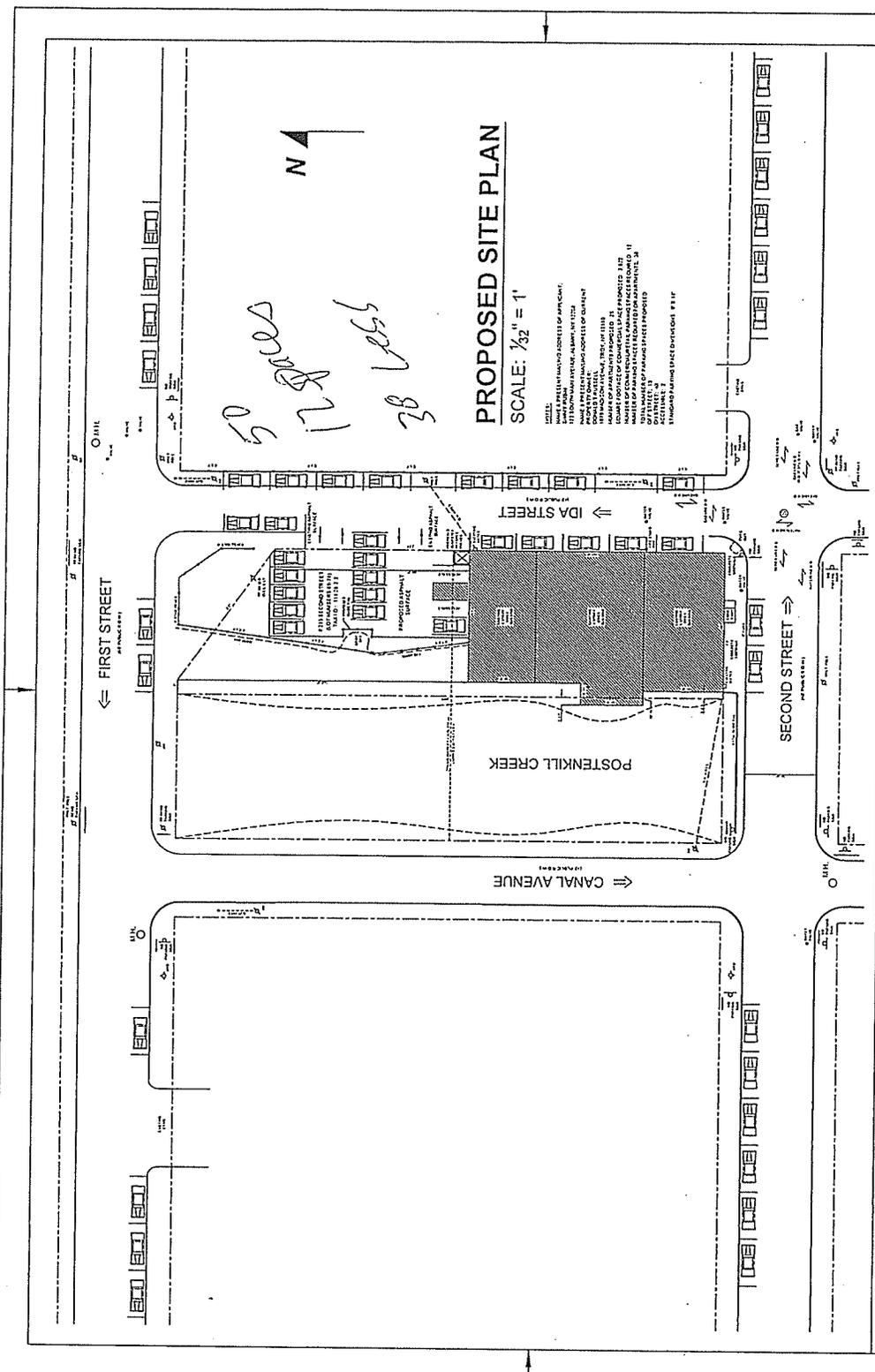
- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other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

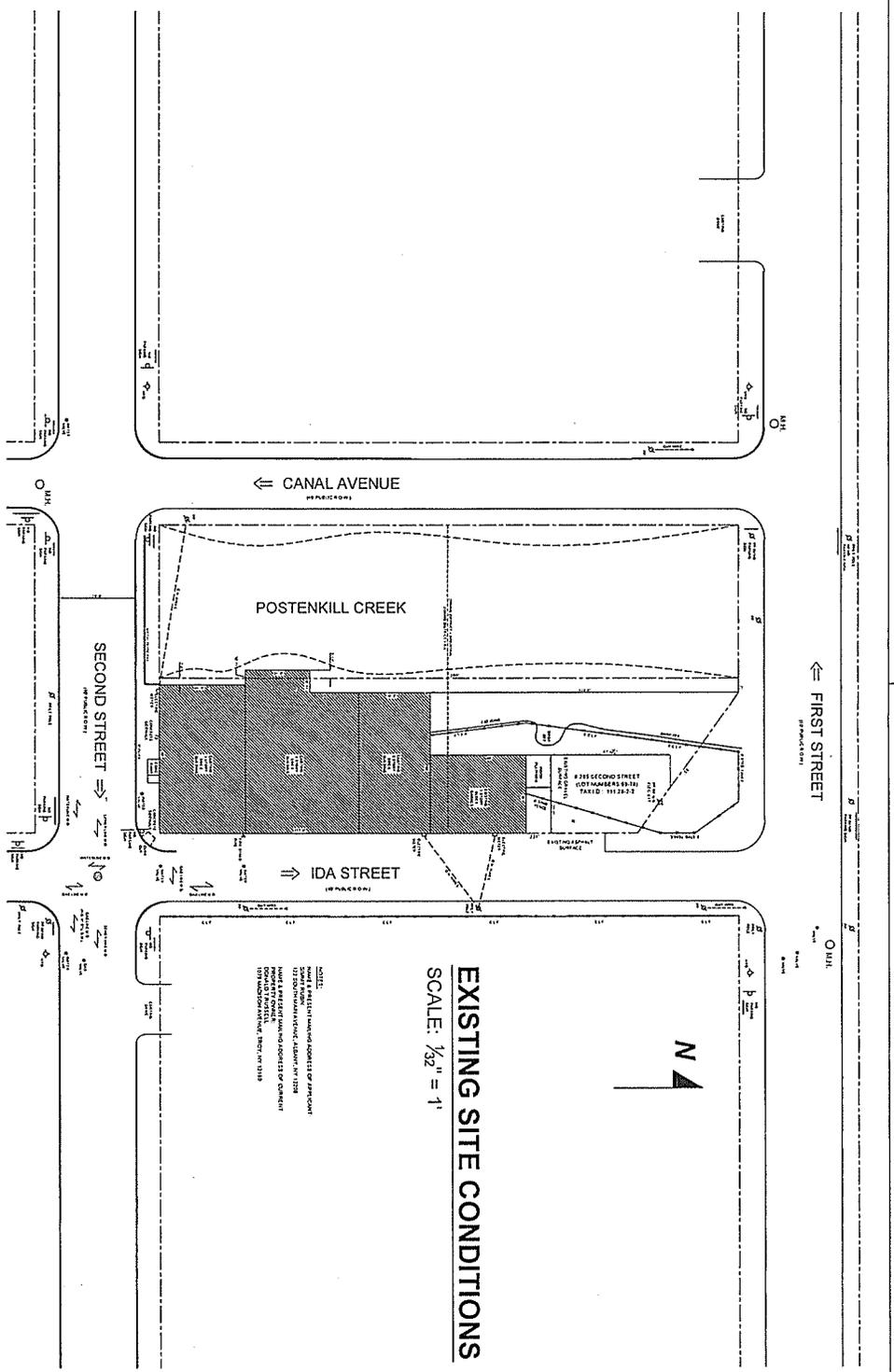
Based on the information provided by the applicant there are no other zoning deficiencies or violations.

**APPROVALS NEEDED:**

**Major Area Variance to allow for a parking deficiency of 38 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.



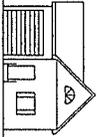


**EXISTING SITE CONDITIONS**

SCALE: 1/32" = 1'

**NOLAN ENGINEERING, PLLC**

RICHARDE NOLAN, STRUCTURAL ENGINEER  
 NYS REGISTERED PROFESSIONAL ENGINEER LC0603929  
 105 LAKE HILL RD. #19 BURNT HILLS, NY 12027 PH 518-380-3190



RICH@THOROUGHHOMEINSPECTIONS.COM  
 WWW.THOROUGHHOMEINSPECTIONS.COM

IT IS A VIOLATION OF  
 EDUCATION LAW FOR ANY  
 PERSON, UNLESS ACTING  
 AS A LICENSED PROFESSIONAL  
 ENGINEER, TO ALTER IN  
 ANY MANNER ANY PLANS,  
 SPECIFICATIONS, REPORTS OR  
 SEALS OF A PROFESSIONAL  
 ENGINEER.

APPROVALS	DATE	EXISTING SITE CONDITIONS
DRAWN BY T.W.S.	11/19/14	JOB NO. SHEET
ENGINEER RICH NOLAN		
CUSTOMER RUBIN		
PROJECT		SCALE: AS INDICATED

**STAFF REPORT ZB2014-031**

**APPLICANT:** Peter Kehoe

**PROJECT DESCRIPTION:**

**ZB2014-031 Use Variance** to allow for a non-conforming use related to a proposal to convert ground level commercial space into a residential units at 39 Hill Street, a B-5 Zone, ID 101.69-11-5. Applicant is Peter Kehoe, 18 Hawthorne Ave, Troy, NY 12180

**Per Section 285-62 of the Zoning Ordinance**, residential on the ground level is not an allowed use in the B-5 Zone. The applicant will require a USE VARIANCE to allow for a nonconforming use in the B-5 Zone.

**REQUEST:**

**Use Variance to allow 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 ground level residential in the B-5 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.



WILLIAMS STREET ALY

WASHINGTON ST

7TH ST

4TH ST

242

240

238

236

201-405

408

404

230

39

37

228-230

216

227

217

3  
4  
5

**STAFF REPORT ZB2014-030**

**APPLICANT:** Jessica Gehring

**PROJECT DESCRIPTION:**

**ZB2014-030 Use Variance** to allow for a non-conforming use related to a proposal to operate a tattoo parlor at 5-6-7 Hill Street, a B-5 Zone, ID101.69-2-10. Applicant is Jessica Gehring 7 Hill Street, Troy, NY 12180

**Per Section 285-62** of the Zoning Ordinance, tattoo parlor is not an allowed use in the B-5 Zone. The applicant will require a USE VARIANCE to allow for a nonconforming use in the B-5 Zone.

**REQUEST:**

**Use Variance to allow 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 a tattoo parlor in the B-5 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.



DIVISION ST

WILLIAMS STREET ALY

LIBERTY ST

HILL ST

4TH ST

FRANKLIN PL

1437

1435

1433

1431

1425-1431

1423

196

203

201

203

207

3

282

213-215

5-6-7

300

217

216

217

227

228-230

37

34

229