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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. February 3, 2015** 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.

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.

Use Variance

ZB2015-001 Use Variance and Special Use Permit to allow for a non-conforming use related to a proposal to reestablish an automobile service and sales business at 424 Fifth Ave, a B-2 Zone, ID80.71-9-1. Applicant is Camile Rezek, 1609 Tibbitts Ave, Troy, NY 12180.

ZB2015-002 Use Variance to allow for a nonconforming use related to a proposal to convert a commercial unit into a ground level residential unit at 2645 5th Ave, a B-5 Zone, ID 101.23-2-7. Applicant is Trip, 415 River Street, Troy, NY 12180.

Major Area Variance

ZB2015-003 Major Area Variance to allow for excessive lot coverage related to a proposal to construct a rear overhang at 162 Third Street, an R-5 Zone, ID 101.69-8-1. Applicant is Chwon Tzu Ju, 162 3rd Street, Troy, NY 12180.

Interpretation

Interpretation regarding a request for Major Area Variance to allow for a lot coverage deficiency related to a proposal to construct a rear patio at 104 3rd Street (The Ruck) a B-4 Zone ID101.61-6-20. Applicant is Dave Gardell, 104 3rd Street, 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

Catherine Conroy, Chairperson

Andrew Petersen, Executive Secretary

STAFF REPORT ZB2015-001

APPLICANT: Camile Rezek

PROJECT DESCRIPTION:

ZB2015-001 Use Variance and Special Use Permit to allow for a non-conforming use related to a proposal to reestablish an automobile service and sales business at 424 Fifth Ave, a B-2 Zone, ID80.71-9-1. Applicant is Camile Rezek, 1609 Tibbitts Ave, Troy, NY 12180.

Per Section 285-59 of the Zoning Ordinance, *Auto Sales / Storage* is not an allowed use in the B-2 Zone. The applicant will require a Use Variance to allow for an auto sales lot.

Per Section 285-59 of the Zoning Ordinance, *Auto Repair / Service* is a special use in the B-2 Zone. The applicant will require a Special Use Permit to allow for an auto repair business

REQUEST:

Use Variance to allow for a nonconforming use
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

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.

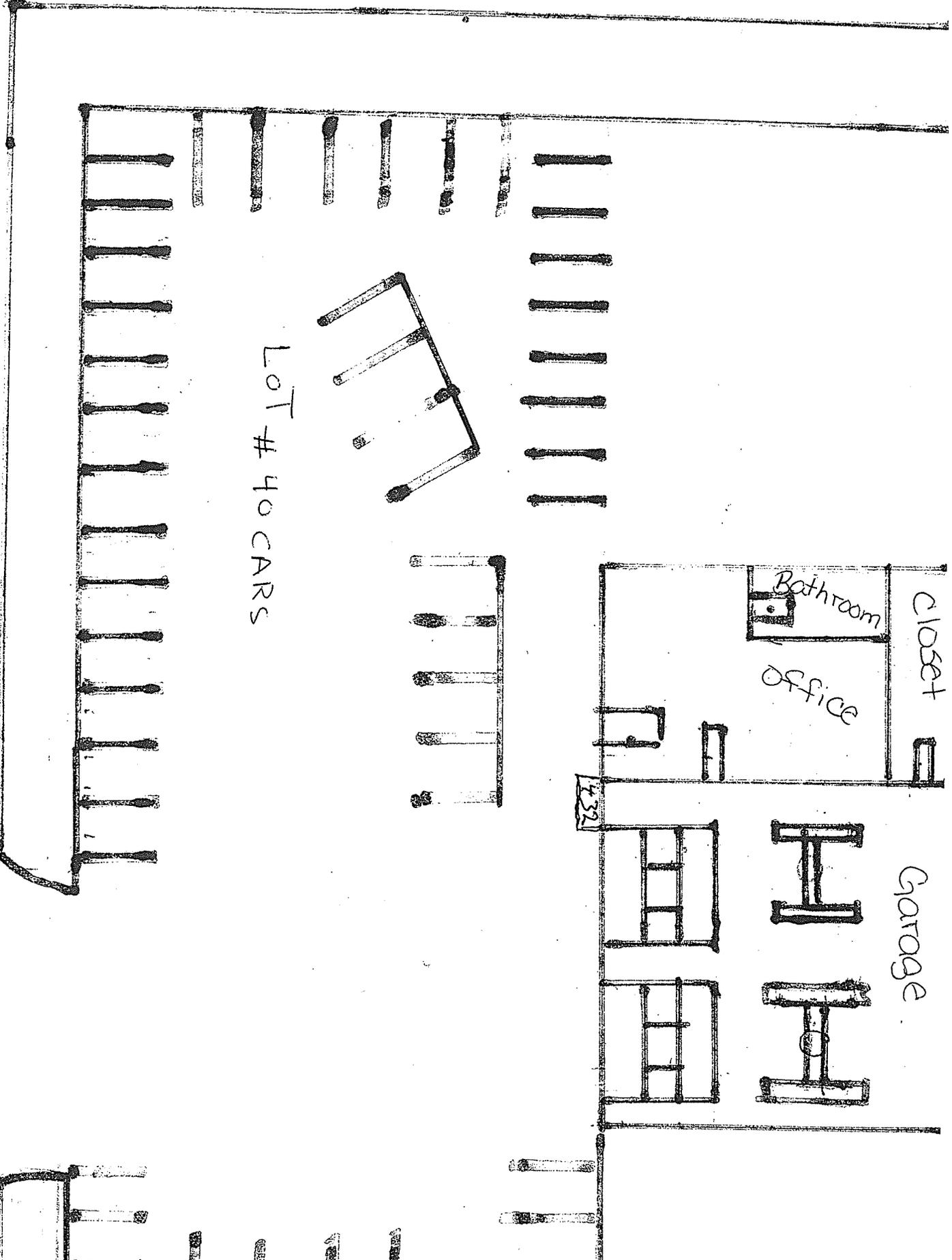
Based on the information provided by the applicant there are no other zoning deficiencies or violations.

APPROVALS NEEDED:

Use Variance to allow for a nonconforming use to operate sales lot

Special Use Permit to allow for a nonconforming use to operate repair facility

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.



LOT # 40 CARS

Bathroom

Office

Closet

Garage

432

STAFF REPORT ZB2015-002

APPLICANT: TRIP

PROJECT DESCRIPTION:

ZB2015-002 Use Variance to allow for a nonconforming use related to a proposal to convert a commercial unit into a ground level residential unit at 2645 5th Ave, a B-5 Zone, ID 101.23-2-7. Applicant is Trip, 415 River Street, Troy, NY 12180.

Per Section 285-62 of the Zoning Ordinance, *residential first floor* is not an allowed use in the B-5 Zone. 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 a nonconforming use first floor residential

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.



Image capture: Jul 2011 © 2015 Google

STAFF REPORT ZB2015-003

APPLICANT: Chwon Tzu Ju

PROJECT DESCRIPTION:

ZB2015-003 Major Area Variance to allow for excessive lot coverage related to a proposal to construct a rear overhang at 162 Third Street, an R-5 Zone, ID 101.69-8-1. Applicant is Chwon Tzu Ju, 162 3rd Street, Troy, NY 12180.

Per Section 285-56 of the Zoning Ordinance, *lot coverage* must not exceed 50%. The applicant proposes to construct a roofed structure creating 95% coverage. The applicant is excessive by 45%. The applicant will require a Major Area Variance to allow for excessive lot coverage.

REQUEST:

Major Area Variance

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.

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

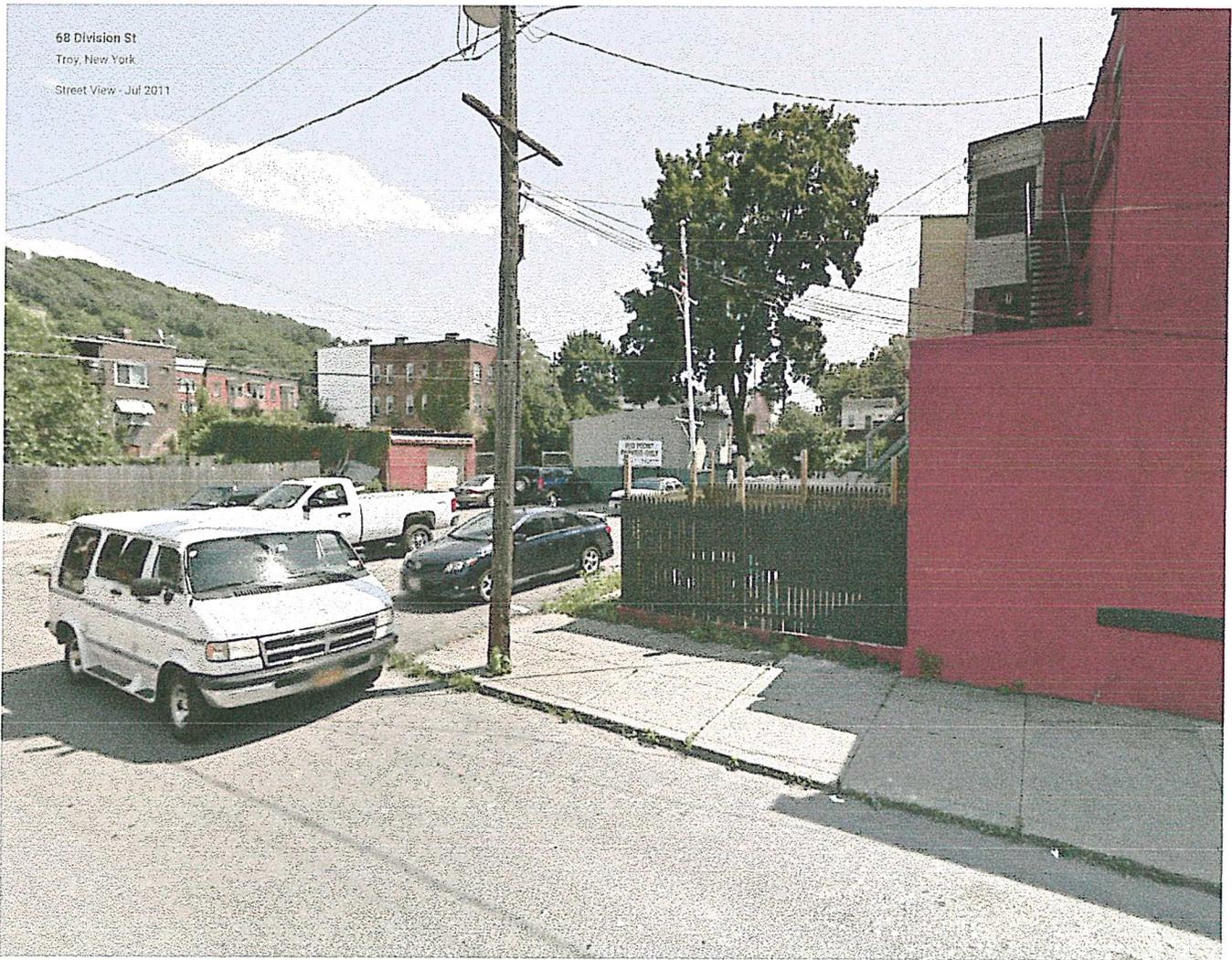
APPROVALS NEEDED:

Major Area Variance to allow for excessive lot coverage 45%

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.



Image capture: Jul 2011 © 2015 Google



68 Division St
Troy, New York
Street View - Jul 2011

Image capture: Jul 2011 © 2015 Google