



Catherine Conroy
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. July 7, 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.

Major Area Variance

ZB2015-019 Major Area Variance to allow for a parking deficiency related to a proposal to construct 2 additional dwelling units at 1 Irving Place, an R-4 Zone, ID 100.76-2-3. Applicant is Alexander Ferrer, 349 3rd Street, Troy, NY 12180.

ZB2015-21 Major Area variance to allow for setback deficiencies related to a proposal to construct a carriage house at 190 3rd Street (alley) a R-4 Zone, ID101.69-10-24. Applicant is Donna Bell, 16 Pinewoods Ave, Troy, NY 12180

ZB2015-024 Major Area Variance to allow for a setback deficiency related to a proposal to subdivide a parcel at 185 Sherman Ave, an R-1 Zone, ID 112.79-6-11. Applicant is Nancy Mamone 153 Sherman Ave, Troy, NY 12180

Use Variance

ZB2015-20 Use Variance to allow for a nonconforming use related to a proposal to construct a batting cage at 70 102nd Street, an IND Zone, ID 90.47-3-2. Applicant is Tri City Bombers, 70 102nd Street Troy, NY 12182

ZB2015-023 Use Variance to allow for a nonconforming use related to a proposal to occupy a vacant parcel with a used car lot at 520 5th Ave, a B-2 Zone, ID 80.64-6-19. Applicant is Jack Cox, 801 River Street, Troy, NY 12180

ZB2015-022 Use Variance to allow for a nonconforming use with a parking deficiency related to a proposal to occupy a former restaurant with a tattoo parlor at 443 5th Ave, a B-2 Zone, ID 80.71-4-15.2, Applicant is Chad Lacombe, 901 5th 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

Catherine Conroy, Chairperson

Andrew Petersen, Executive Secretary

STAFF REPORT ZB2015-019

APPLICANT: Alexander Ferrer

PROJECT DESCRIPTION:

ZB2015-019 Major Area Variance to allow for a parking deficiency related to a proposal to construct 2 additional dwelling units at 1 Irving Place, an R-4 Zone, ID 100.76-2-3. Applicant is Alexander Ferrer, 349 3rd Street, Troy, NY 12180.

Per Section 285-55 of the Zoning Ordinance, each residential unit requires a minimum lot area of 1000 sf. The applicant proposes 6 units therefore is required 6000 sf. The applicant provides 2400 sf therefore is deficient 3600 SF. The applicant will require a Major Area variance to allow for a lot size deficiency of 3600 SF

Per Section 285-91 Each existing unit requires 1 space. Each unit requires 2 spaces. The applicant has 4 legal units requiring 4 spaces and proposes to legalize 2 new units requiring 4 spaces for a total of 8 spaces. The applicant provides 0 spaces therefore is deficient 8 spaces. The applicant will require a Major Area Variance to allow for a parking deficiency of 8 spaces.

REQUEST:

**Major Area Variance to allow for deficient lot size.
Major Area Variance to allow for 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 deficient lot size (3600 SF)
Major Area Variance to allow for parking deficiency of 8 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.

STAFF REPORT ZB2015-021

APPLICANT: Donna Bell

PROJECT DESCRIPTION:

ZB2015-21 Major Area variance to allow for setback deficiencies related to a proposal to construct a carriage house at 190 3rd Street (alley) a R-4 Zone, ID101.69-10-24. Applicant is Donna Bell, 16 Pinewoods Ave, Troy, NY 12180

Per Section 285-55 of the Zoning Ordinance, accessory structures require a side setback of 3 feet and rear setback of 3 feet. The applicant provides 0 and 0 respectfully. The applicant will require a Major Area Variance to allow for setback deficiencies of 3 feet and 3 feet.

REQUEST:

**Major Area Variance to allow for side setback
Major Area Variance to allow for rear setback**

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:

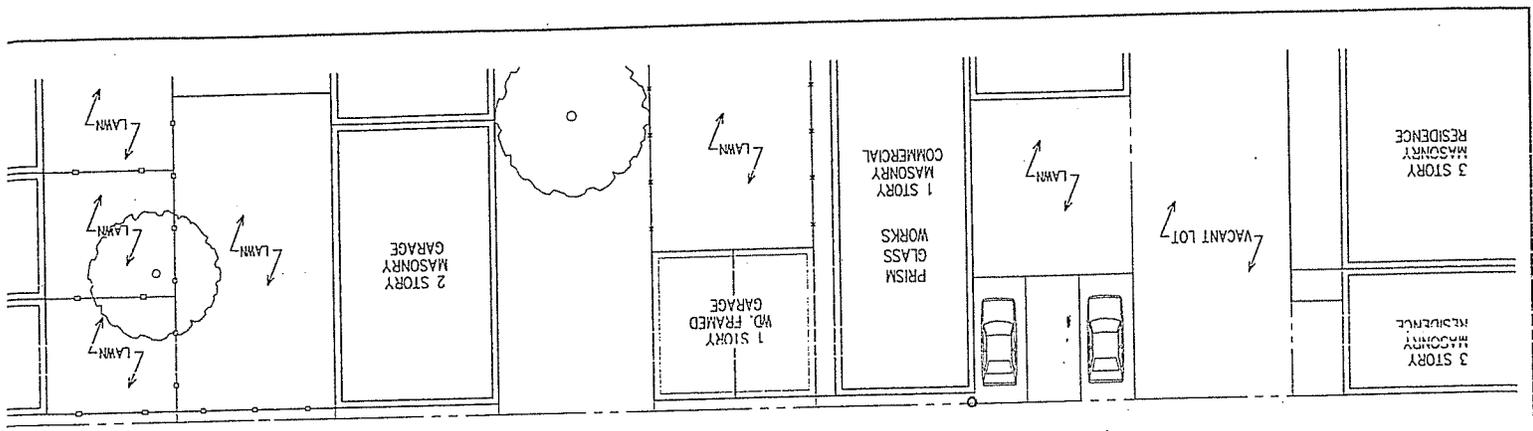
- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other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

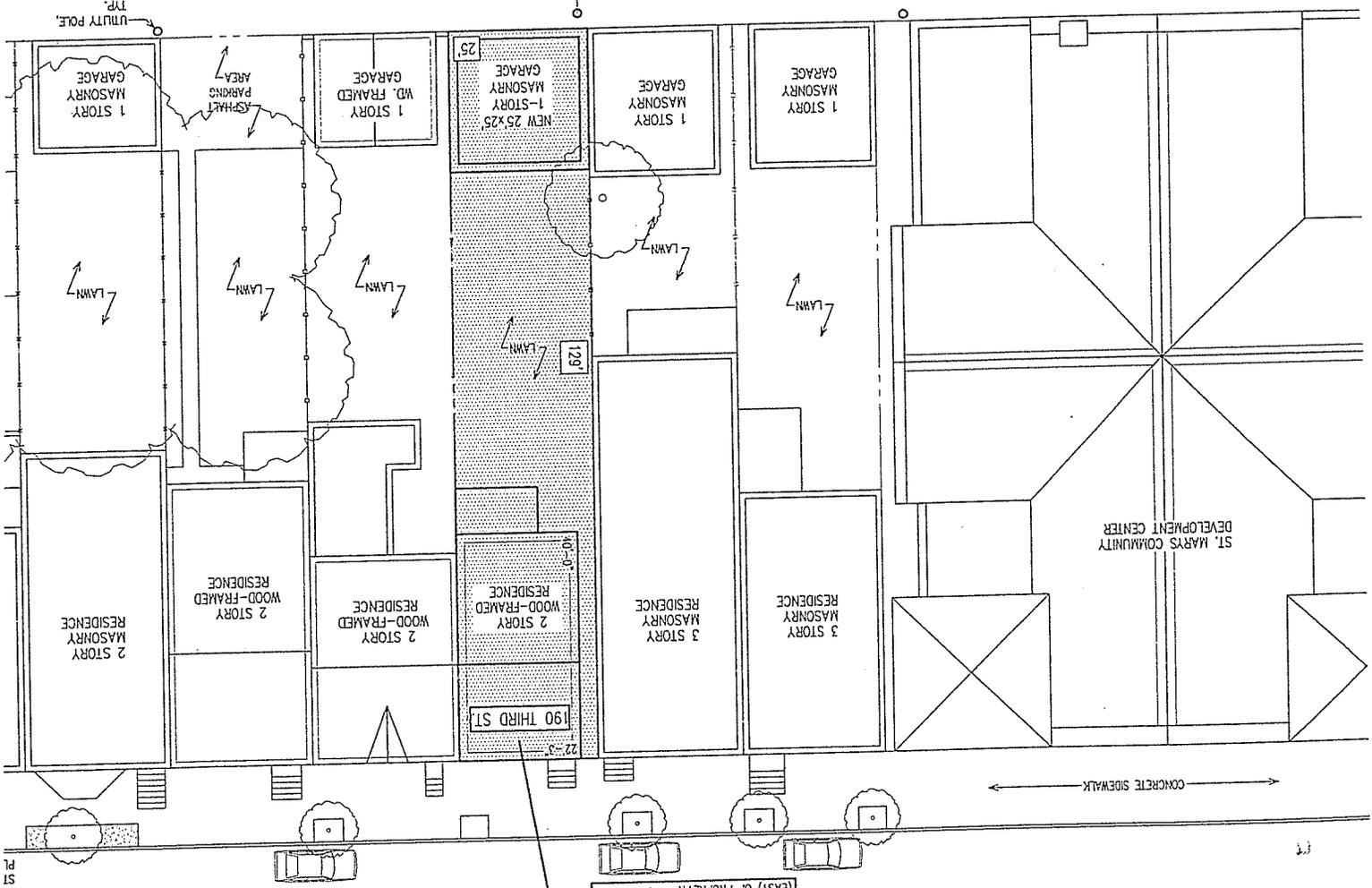
APPROVALS NEEDED:

**Major Area Variance to allow for side setback of 3 feet
Major Area Variance to allow for rear setback of 3 feet**

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.

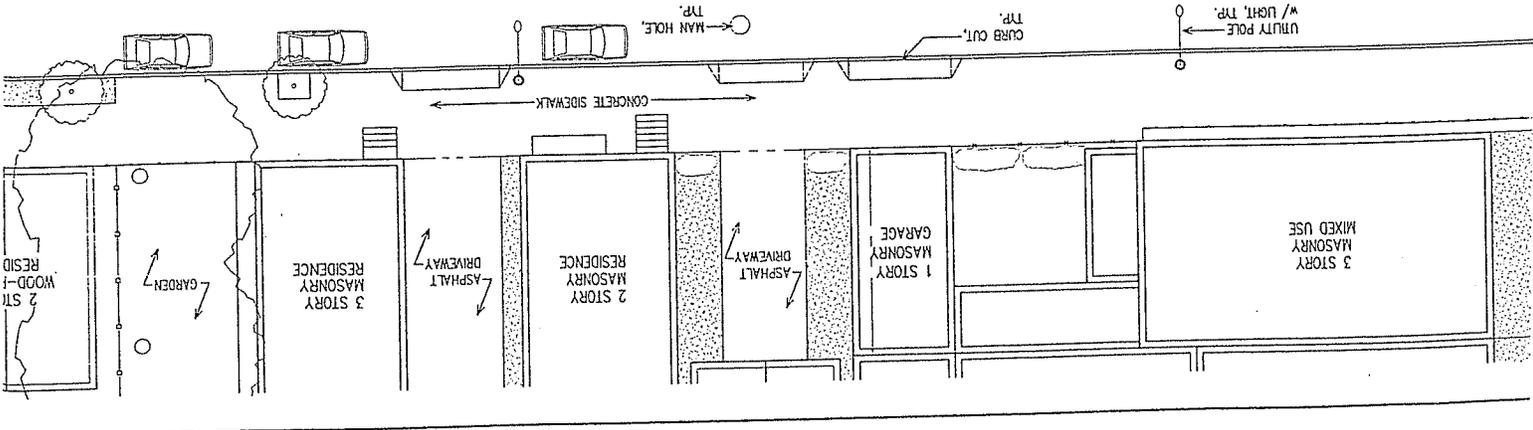


CHURCH STREET
2-WAY TRAFFIC (20' ROW)



PROPOSAL:
CONSTRUCT NEW 25'x25' 1-STORY MASONRY TWO CAR GARAGE AT REAR (EAST) OF PROPERTY.

THIRD STREET
ONE-WAY TRAFFIC (60' ROW) W/ 6" WATER



STAFF REPORT ZB2015-024

APPLICANT: Nancy Mamone

PROJECT DESCRIPTION:

ZB2015-024 Major Area Variance to allow for a setback deficiency related to a proposal to subdivide a parcel at 185 Sherman Ave, an R-1 Zone, ID 112.79-6-11. Applicant is Nancy Mamone 153 Sherman Ave, Troy, NY 12180

Per Section 285-52 of the Zoning Ordinance, the side setback required is 10 feet. The applicant proposes to subdivide a parcel leaving a 6 foot setback from the existing house to the proposed line creating a 4 foot deficiency. The applicant will require a Major Area Variance to allow for a side setback deficiency of 4 feet.

REQUEST:

Major Area Variance to allow for side setback

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:

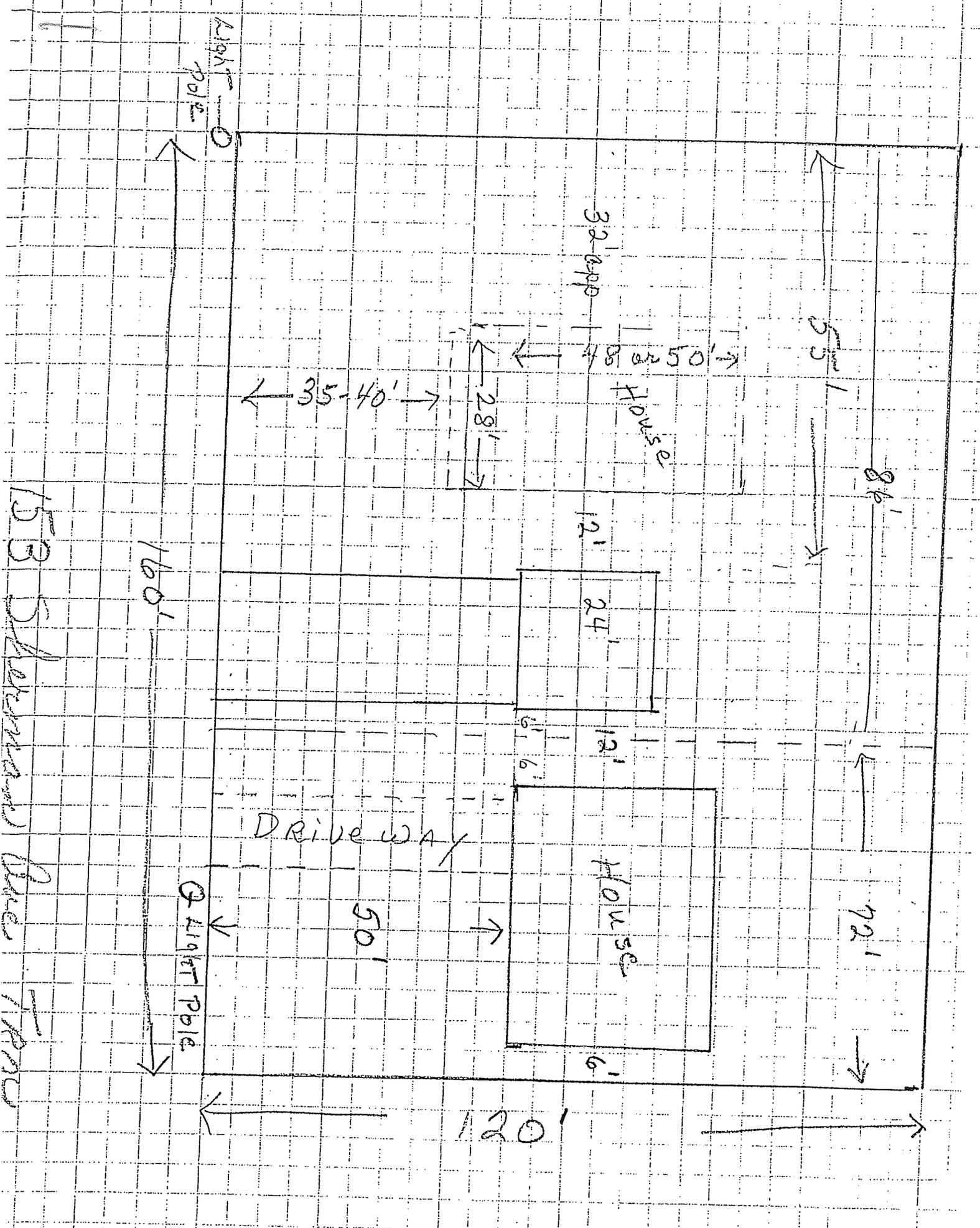
- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other 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 side setback of 4 feet

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 ZB2015-020

APPLICANT: Tri City Bobmers

PROJECT DESCRIPTION:

ZB2015-20 Use Variance to allow for a nonconforming use related to a proposal to construct a batting cage at 70 102nd Street, an IND Zone, ID 90.47-3-2. Applicant is Tri City Bombers, 70 102nd Street Troy, NY 12182

Per Section 285-64 of the Zoning Ordinance, *outdoor recreational facility* is not a listed allowed use in the IND Zone. The applicant will require a USE VARIANCE to allow for the operation of a nonconforming use.

REQUEST:

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.

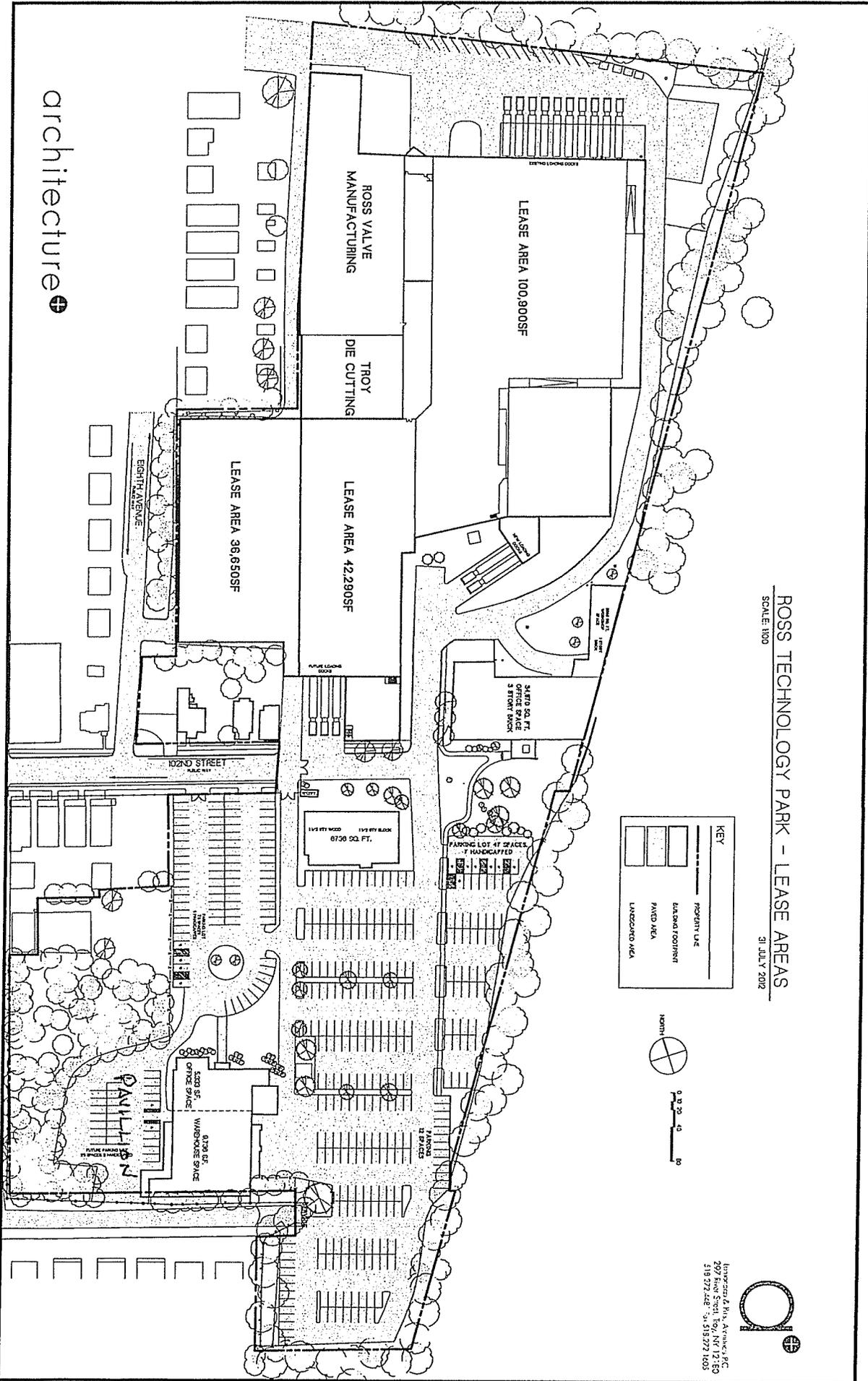
Based on the information provided by the applicant there are no other zoning deficiencies or violations.

APPROVALS NEEDED:

USE VARIANCE to allow for nonconforming use (outdoor recreational facility, batting cage)

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.

architecture+



ROSS TECHNOLOGY PARK - LEASE AREAS
 SCALE: 1/8"=1'-0"
 31 JULY 2002

KEY

	PROPERTY LINE
	EXISTING FOOTPRINT
	PAVED AREA
	LANDSCAPE AREA

Q

LONGSTAFF & HAY, ARCHITECTS
 200 WEST 10TH STREET, SUITE 100
 DENVER, CO 80202
 303.733.4422 FAX 303.733.1800

STAFF REPORT ZB2015-022

APPLICANT: Chad Lacombe

PROJECT DESCRIPTION:

ZB2015-022 Use Variance to allow for a nonconforming use with a parking deficiency related to a proposal to occupy a former restaurant with a tattoo parlor at 443 5th Ave, a B-2 Zone, ID 80.71-4-15.2, Applicant is Chad Lacombe, 901 5th Ave, Troy, NY 12182.

Per Section 285-59 of the Zoning Ordinance, *tattoo parlor* is not a listed allowed use in the B-2 Zone. The applicant will require a USE VARIANCE to allow for the operation of a nonconforming use.

REQUEST:

USE VARAIANCE

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 nonconforming use (tattoo parlor)

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.

COPYRIGHT PROTECTED : THIS WORK IS PROTECTED UNDER THE ARCHITECTURAL WORKS COPYRIGHT ACT AND ANY REVISIONS THEREOF

ST1

SHEET #

DRAWN: JAD

DATE: 19 JUNE 15

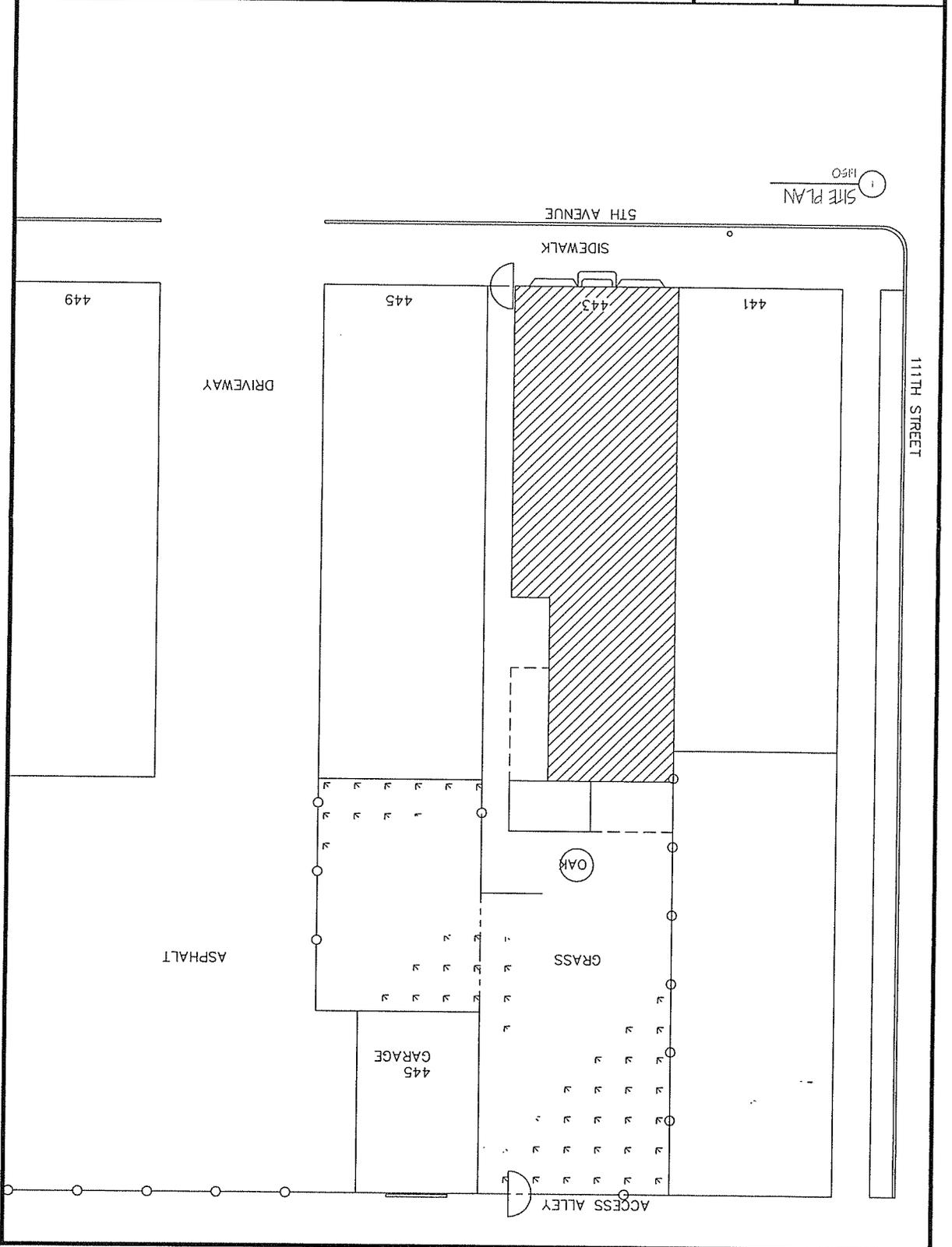
SCALE: AS NOTED

REVISIONS:

443 5TH AVE TROY, NY
M.K. TATTOO & GALLERY
SITE PLAN



CAPITAL ARCHITECTURE
86 REMSEN STREET
COHOES, NEW YORK 12047
253 1442 CELL
capitalarchitecture@yahoo.com



STAFF REPORT ZB2015-023

APPLICANT: Jack Cox

PROJECT DESCRIPTION:

ZB2015-023 Use Variance to allow for a nonconforming use related to a proposal to occupy a vacant parcel with a used car lot at 520 5th Ave, a B-2 Zone, ID 80.64-6-19. Applicant is Jack Cox, 801 River Street, Troy, NY 12180

Per Section 285-59 of the Zoning Ordinance, *auto sales* is not a listed allowed use in the B-2 Zone. The applicant will require a USE VARIANCE to allow for the operation of a nonconforming use.

REQUEST:

USE VARAIANCE

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 nonconforming use (automotive sales)

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.

