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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. January 5, 2016** 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

ZB2015-037 Major Area Variance to allow for a setback deficiency related to a proposal to construct a garage at 229 4th Street, an R-4 Zone, ID101.69-10-17. Applicant is George Regan, 35 Gurley Ave, Troy, NY 12182.

ZB2015-041 Use Variance to allow for a nonconforming use related to a proposal to construct 2 apartment buildings on a vacant lot at Delaware Ave at Project Road, a CON Zone, ID 112-4-15. Applicant is Charles Casale, 551 Main Ave, Wynantskill, NY 12198.

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 ZB2015-037

APPLICANT: George Regan

PROJECT DESCRIPTION:

ZB2015-037 Major Area Variance to allow for a setback deficiency related to a proposal to construct a garage at 229 4th Street, an R-4 Zone, ID101.69-10-17. Applicant is George Regan, 35 Gurley Ave, Troy, NY 12182.

Per Section 285-91 of the Zoning Ordinance, *side setback* required is 10 feet total both sides. The applicant provides 3 feet total therefore is deficient 7 feet. The applicant will require a Major Area Variance to allow for a 7 foot setback deficiency

REQUEST:

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.

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APPROVALS NEEDED:

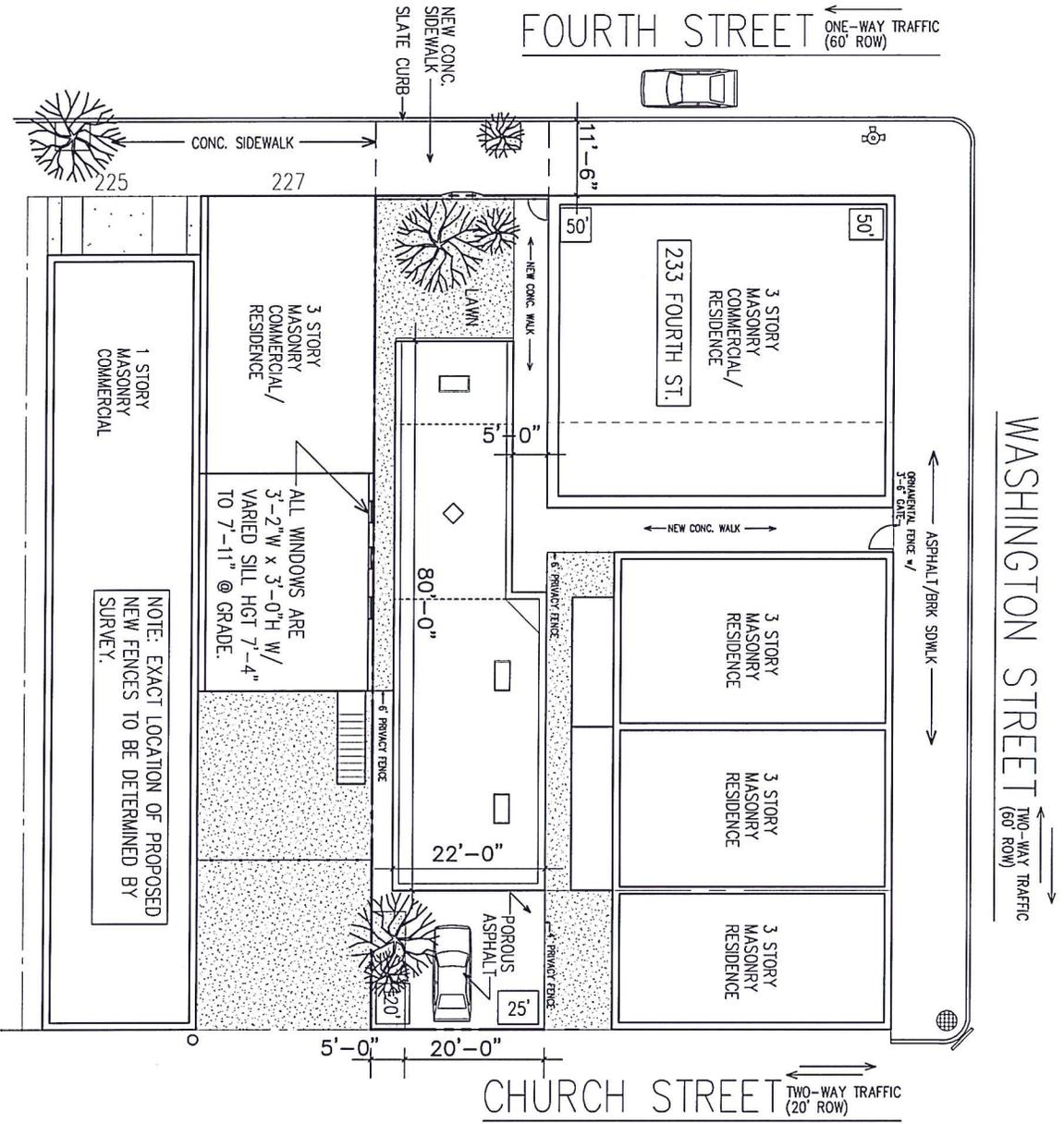
MAJOR AREA VARIANCE to allow for a setback deficiency of 7 feet.

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.









NOTE: EXACT LOCATION OF PROPOSED NEW FENCES TO BE DETERMINED BY SURVEY.

WASHINGTON STREET (60' ROW) TWO-WAY TRAFFIC

CHURCH STREET TWO-WAY TRAFFIC (20' ROW)

GENERAL NOTES:

Property : 229-233 Fourth Street
 Troy NY 12180
 Applicant : George Regan
 Owner : George Regan
 35 Gurley Ave
 Troy, NY 12182
 Tax Map #: 101.69-10-17
 Zoned: R4-Urban Neighborhood Residential, Med-High Density
 Lot Characteristics: N-120', S-90', E-25', W-75'
 Lot Area: 5,500 SF +/-

Max/Lot Coverage %	Required	Existing	Proposed
1,000 SF per unit (residences)	40%	5,500 SF	5,500 SF
4,000 SF (commercial)	15' per unit (residences)	75'-0"	75'-0"
40' (commercial)	60%		60%

Required	Proposed
10'-0"	40'-0"
20'-0"	35'-6"
10'-0"	3'-0"

Current Property Use: 233 4th St. - Mixed Use Res/Comm.
 229 4th St. - Vacant land
 Proposed : Build a new garage structure in the vacant lot adjoining the rear entry of 233 4th street to the lot. Landscape the front to the street and provide gated access from street. Use porous parking surface from church st. to allow vehicle access to garage and off-street parking. (2) 3'x6' spaces min.
 Garbage Removal: Via existing by city
 Surface Drains: Porous parking surface. Exst. surface drainage
 Snow Removal: Snow to be stored in planting bed area
 Lighting: To be mounted east wall of garage (alley side)



SHEET: SPI JOB: 153.0235	 TROY DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT 210 RIVER ST. TROY, NY 12180 (518) 274-3050	DATE: 11/14/2015 DRAWN BY: SRL REVISIONS: 12/03/2015 12/18/2015	PROJECT: ZONING AND PLANNING APPLICATION FOR: 229-233 Fourth Street Troy, New York 12180 CLIENT: George Regan	TITLE: SITE PLAN SCALE: 1/4" = 1'-0"
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STAFF REPORT ZB2015-041

APPLICANT: Charles Casale

PROJECT DESCRIPTION:

ZB2015-041 Use Variance to allow for a nonconforming use related to a proposal to construct 2 apartment buildings on a vacant lot at Delaware Ave at Project Road, a CON Zone, ID 112-4-15. Applicant is Charles Casale, 551 Main Ave, Wynantskill, NY 12198.

Per Section 285-65 of the Zoning Ordinance, *medium density residential* is not an allowed use in the CON Zone. The applicant will require a Use Variance to allow for a nonconforming use (medium density residential).

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 a nonconforming use (medium density residential).

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.

