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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. December 6, 2016** 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.

**ZB2016-034** Use Variance to allow for a nonconforming use related to a proposal to construct a garage for commercial use at 404 8<sup>th</sup> Street, an R-2 Zone, ID 101.23-5-53. Applicant is Sandra Hartshorn, 404 8<sup>th</sup> Street, Troy, NY 12180.

**ZB2016-035** Major Area Variance to allow for a parking deficiency related to a proposal to add additional units to an existing multi use building at 275 4<sup>th</sup> Street, an R-4 Zone, ID 101.77-8-5. Applicant is Neil Palone, 16 2<sup>nd</sup> Street, Troy, NY 12180

**ZB2016-036** Major Area Variance to allow for 2 primary structures on a single lot related to a proposal to convert a carriage house into a residential unit at 35 1<sup>st</sup> Street, a B-4 Zone, ID 100.60-4-3. Applicant is Castelloco LLC, 196 1<sup>st</sup> Street, Troy, NY 12180.

**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.**

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 ZB2016-034**

**APPLICANT:** Sandra Hartshorn

**PROJECT DESCRIPTION:**

**ZB2016-034** Use Variance to allow for a nonconforming use related to a proposal to construct a garage for commercial use at 404 8<sup>th</sup> Street, an R-2 Zone, ID 101.23-5-53. Applicant is Sandra Hartshorn, 404 8<sup>th</sup> Street, Troy, NY 12180.

Per Section 285-53 of the Zoning Ordinance, *commercial vehicle storage* is not an allowed use in the R-2 Zone. The applicant will require a USE Variance to allow for a nonconforming use (commercial vehicle storage)

**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.**

**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 ZB2016-035**

**APPLICANT:** Neil Palone

**PROJECT DESCRIPTION:**

**ZB2016-035** Major Area Variance to allow for a parking deficiency related to a proposal to add additional units to an existing multi use building at 275 4<sup>th</sup> Street, an R-4 Zone, ID 101.77-8-5. Applicant is Neil Palone, 16 2<sup>nd</sup> Street, Troy, NY 12180

**Per Section 285-91** of the Zoning Ordinance, the addition of 2 units to an existing building creates the demand for 2 additional off street parking spaces per unit totaling 4 spaces. The applicant requires a parking variance for 4 off-street parking spaces.

**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.

**APPROVALS NEEDED:**

**Major Area Variance to allow for a parking 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.

**STAFF REPORT ZB2016-036**

**APPLICANT:** Castello LLC

**PROJECT DESCRIPTION:**

**ZB2016-036** Major Area Variance to allow for 2 primary structures on a single lot related to a proposal to convert a carriage house into a residential unit at 35 1<sup>st</sup> Street, a B-4 Zone, ID 100.60-4-3. Applicant is Castelloco LLC, 196 1<sup>st</sup> Street, Troy, NY 12180.

**Per Section 285-67** of the Zoning Ordinance, a residential lot may only have one principle structure housing residential units. The applicant proposes to convert a carriage house into a residential unit thus creating 2 principle structures therefore requires a major Area Variance.

**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.

**APPROVALS NEEDED:**

**Major Area Variance to allow for 2 principle structures on a lot.**

**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.