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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 **Tuesday March 4, 2014** 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.

Major Area Variance

ZB2014-001 Major Area Variance to allow for a parking deficiency related to a proposal to rehabilitate a vacant structure into a 3 unit building at 200 9th Street, an R-3 Zone, ID 101.31-9-18. Applicant is Galina German, 17 Myrtle Ave, Troy, NY 12180.

ZB2014-004 Major Area Variance to allow for a parking deficiency related to a proposal to occupy a vacant storefront with a thrift store at 601-603 Second Ave, a B-2 Zone, ID 80.47—5-8. Applicant is Pete Marks, 601 Second Ave, Troy, NY 12182.

ZB2014-005 Major Area variance to allow for a front lot line deficiency related to a proposal to construct a single family home at 13 Sheridan Ave, an R-2 Zone, ID 112.70-4-20. Applicant is William Perry, 395 County Route 54, Schaghticoke, NY 12154.

ZB2013-026 Major Area Variance to allow for a lot size deficiency related to a proposal to construct a convenient store at 9 112th Street, a B-2 Zone, ID 80.63-6-10. Applicant is Stewarts Shops, POBOX 435 Saratoga Springs NY 12866.

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

Jay Vandenburg, Chairperson

Andrew Petersen, Executive Secretary

STAFF REPORT ZB2013-001

APPLICANT: Galina German

PROJECT DESCRIPTION:

ZB2014-001 Major Area Variance to allow for a parking deficiency related to a proposal to rehabilitate a vacant structure into a 3 unit building at 200 9th Street, an R-3 Zone, ID101.31-9-18. Applicant is Galina German, 17 Myrtle Ave, Troy, NY 12180.

Per Section 285-91 of the Zoning Ordinance, a residential unit requires 2 spaces of off street parking. The applicant proposes to convert a single family home to a 3 family home, increasing the units by 2. The applicant requires an additional 4 spaces. The applicant proposes 0 spaces. The applicant requires a Major Area Variance for a 4 space off street parking deficiency.

REQUEST:

Major Area Variance to allow for deficient parking

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 4 space 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 ZB2013-004

APPLICANT: Pete Marks

PROJECT DESCRIPTION:

ZB2014-004 Major Area Variance to allow for a parking deficiency related to a proposal to occupy a vacant storefront with a thrift store at 601-603 Second Ave, a B-2 Zone, ID 80.47—5-8. Applicant is Pete Marks, 601 Second Ave, Troy, NY 12182.

Per Section 285-91 of the Zoning Ordinance, a retail use requires 1.25 spaces per 300SF floor space. The applicant proposes a 2000 SF store requiring 8 spaces. The applicant proposes 0 spaces. The applicant requires a Major Area Variance for a 8 space off street parking deficiency.

REQUEST:

Major Area Variance to allow for deficient parking

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 8 space 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 ZB2013-005

APPLICANT: William Perry

PROJECT DESCRIPTION:

ZB2014-005 Major Area variance to allow for a front lot line deficiency related to a proposal to construct a single family home at 13 Sheridan Ave, an R-2 Zone, ID 112.70-4-20. Applicant is William Perry, 395 County Route 54, Schaghticoke, NY 12154.

Per Section 285-91 of the Zoning Ordinance, the front lot line in the R-2 Zone shall be 50 feet. The applicant proposes to construct a single family home on a lot with a 45 foot lot line. The applicant is deficient 5 feet. The applicant will require a Major Area Variance to allow for a 5 foot front line width deficiency.

REQUEST:

Major Area Variance to allow for a front lot line width 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 5 foot front lot line deficiency.

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 ZB2013-026

APPLICANT: Stewarts

PROJECT DESCRIPTION:

ZB2013-026 Major Area Variance to allow for a lot size deficiency related to a proposal to construct a convenient store at 9 112th Street, a B-2 Zone, ID 80.63-6-10. Applicant is Stewarts Shops, POBOX 435 Saratoga Springs NY 12866.

Per Section 285-91 of the Zoning Ordinance, the maximum lot size in the B-2 Zone is 20,000SF. The applicant proposes a lot approximately 22,000SF therefore will require a Major Area Variance to allow for a non conforming lot.

REQUEST:

Major Area Variance to allow for a nonconforming lot

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 2000 SF excessive lot size.

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.