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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 **November 5, 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.

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

ZB2014-027 Major Area Variance to allow for deficient lot size related to a proposal to construct a veterans rooming house at 171 Hill Street and R-4 Zone, ID 112.21-6-12. Applicant is Dominica Cioffi, 85 Sherman Ave, Troy, NY 12180.

Use Variance

ZB2014-026 Use Variance to allow for a nonconforming use related to a proposal to occupy the first floor of a building with a residential use in the downtown commerce district. Project location is 12 State Street a B-4 Zone ID 100.60-5-2. Applicant is George Hodgson, PO Box 711 Cohoes NY 12047.

ZB2014-028 Use Variance to allow for a nonconforming use related to a proposal to operate a bed and breakfast at 59 Brunswick Road, an R-1 Zone, ID 101.81-1-5.1. Applicant is John Hughes, 493 Stratton Place, Delmar, NY 12054.

Special Use Permit

ZB2014-029 Special Use Permit to allow for the expansion of a nonconforming use related to a proposal to demolish and reconstruct a convenience store and gasoline filling station. Project location is 100 Northern Drive, a B-1 Zone, ID 80-3-4. Applicant is Stewarts Shops, PO Box 435 Saratoga Springs NY 12866.

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 ZB2014-027

APPLICANT: Dominica Cioffi

PROJECT DESCRIPTION:

ZB2014-027 Major Area Variance to allow for deficient lot size related to a proposal to construct a veterans rooming house at 171 Hill Street and R-4 Zone, ID 112.21-6-12. Applicant is Dominica Cioffi, 85 Sherman Ave, Troy, NY 12180.

Per Section 285-55 of the Zoning Ordinance, each sleeping unit requires 1,000 SF lot area. The applicant proposes 14 rooms therefore is required 14000 SF. The applicant provides 11,840 therefore is deficient 2160 SF. The applicant will required a Major Area Variance to allow for lot characteristic deficiency,

REQUEST:

Major Area Variance to allow for lot characteristic (minimum area) 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 lot area deficiency of 2160 SF.

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 ZB2014-026

APPLICANT: George Hodgson

PROJECT DESCRIPTION:

ZB2014-026 Use Variance to allow for a nonconforming use related to a proposal to occupy the first floor of a building with a residential use in the downtown commerce district. Project location is 12 State Street a B-4 Zone ID 100.60-5-2. Applicant is George Hodgson, PO Box 711 Cohoes NY 12047.

Per Section 285-61 of the Zoning Ordinance, residential below the second floor line is not an allowed use in the B-4 Zone. The applicant will require a USE VARIANCE to allow for a nonconforming use in the B-4 Zone.

REQUEST:

Use Variance to allow 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 residential unit below the second floor line in the B-4 Zone.

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 ZB2014-029

APPLICANT: Stewarts Shop

PROJECT DESCRIPTION:

ZB2014-029 Special Use Permit to allow for the expansion of a nonconforming use related to a proposal to demolish and reconstruct a convenience store and gasoline filling station. Project location is 100 Northern Drive, a B-1 Zone, ID 80-3-4. Applicant is Stewarts Shops, PO Box 435 Saratoga Springs NY 12866.

Per Section 285-58 of the Zoning Ordinance, the expansion of a nonconforming use requires a Special Use Permit. The applicant proposes to expand an existing non conforming use requiring a Special Use Permit

Per Section 285-58 of the Zoning Ordinance, the maximum lot size in the B-1 Zone is 12000 SF. The applicant proposes 65800 therefore is excessive 53800 sf. The applicant will require a Major Area variance to allow for excessive lot size

REQUEST:

**Special Use Permit to allow for the expansion of a nonconforming use
Major Area Variance to allow for excessive lot size**

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

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

APPROVALS NEEDED:

**Special Use Permit to allow for the expansion of an automobile filling station in a B-1 Zone
Major Area variance to allow for excessive lot size (53800)**

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 ZB2014-028

APPLICANT: John Hughes

PROJECT DESCRIPTION:

ZB2014-028 Use Variance to allow for a nonconforming use related to a proposal to operate a bed and breakfast at 59 Brunswick Road, an R-1 Zone, ID 101.81-1-5.1. Applicant is John Hughes, 493 Stratton Place, Delmar, NY 12054.

Per Section 285-52 of the Zoning Ordinance, bed and breakfast is not an allowed use in the R-1 Zone. The applicant will require a USE VARIANCE to allow for a nonconforming use in the R-1 Zone.

REQUEST:

Use Variance to allow 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 bed and breakfast in the R-1 Zone.

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.