

CHECKLIST FOR BZA APPLICATION

For proper processing of your application please confirm application with the following checklist.....

- **Eleven (11) COLLATED Copies of ALL Application Documents**
- Completed Application (pages 6-9)
- Letter of Denial (received from Dept. of Buildings and Codes after application for Building Permit)
- Narrative
- Survey or Site Plan (if applicable)
- Floor Plans (if applicable)
- Building elevations (if applicable)
- Parking lot plan (if applicable)
- Photos of existing conditions
- Application Fee
- Environmental Assessment (short or long if necessary)
- Any other supporting documents

City of Albany
Board of Zoning Appeals
Supplemental Documents

Instructions for Applicants

I. Requirements for Board of Zoning Appeals Application Submission

The following supplemental documents must be submitted with each Board of Zoning Appeals application for it to be deemed complete. Providing this information will also help expedite the review process by the Board.

1. Letter of Denial issued by City of Albany Division of Building & Codes
2. Narrative describing existing site and proposed project including information such as:
 - why you are seeking a variance or permit
 - how your proposal meets the criteria for a variance or special use permit, as applicable (attached)
 - property's most recent use (and relevant history)
 - proposed parking (number of on-site parking spaces – existing and proposed)
 - proposed bicycle parking (number of spaces and location)
 - proposed hours of operation
 - proposed number of employees: full time, part time
 - proposed storage of waste and/or recyclable
 - proposed site improvements – ex. – landscaping, lighting, signage, etc.
 - possible environmental impacts
 - additional impacts - ex - noise, traffic, glare, dust
 - mitigation of any impacts, ex. – screening
 - other information that may be pertinent or unique to the proposed project
3. Survey or site plan of the property (can be hand sketched)
4. Floor plans of existing and proposed building at site (if applicable)
5. Building elevations (new construction only)
6. Parking lot plan (if project requires new parking)
7. Photos of existing conditions
8. Any other supporting documentation requested by the Planning Office
9. Application fee (see attached fee schedule)

Note: Items 3-6 must be drawn to scale and include dimensions.

In general, eleven (11) copies of the completed application must be submitted to the Planning Office for distribution to staff and Board of Zoning Appeals Members.

II. Legal Notification

The Planning Office sends out legal notification to the applicant, the Neighborhood Association, the Alderperson, and area residents and/or businesses, as well as other involved parties a minimum of 10 days before the hearing. This notice describes the proposal and provides the date, time, and location of the hearing. Anyone wishing to testify in support of or in opposition to the proposal has the opportunity to do so at the scheduled public hearing.

III. Meet with the Neighborhood Association/Nearby Property Owners (Optional)

It is suggested that you meet with the Neighborhood Association and or nearby property owners to discuss the proposal prior to the public hearing. This gives you the opportunity to address any neighborhood concerns prior to the hearing and may help expedite the Board's decision.

IV Attend the Public Hearing

The applicant or his/her representative must attend the public hearing to describe the proposal to the Board. The Board will not hold a hearing on an application if the applicant or his/her representative is absent. The applicant has the opportunity to respond to any questions or comments about the proposal by the Board and/or public. Should you be unable to attend the hearing, please notify the Planning Office immediately by calling 434-2532.

Direct questions to the
City of Albany
Department of Development & Planning
21 Lodge Street
Albany New York 12207
518-434-2532

FEES* REQUIRED UPON SUBMISSION OF AN APPLICATION FORM:

(1) BOARD OF ZONING APPEALS

	<u>Residential</u>	<u>Commercial</u>
(a) Use Variance	\$150.00	\$225.00
(b) Area Variance	\$125.00.....	\$150.00
(c) Special Use Permit.....	\$150.00.....	\$225.00
(d) Interpretation.....	\$150.00.....	\$225.00
(e) Parking Lot Permit.....	\$150.00.....	\$225.00
(f) Other (Administrative Appeal).....	\$150.00.....	\$225.00

(2) SITE PLAN REVIEW

	<u>Residential</u>	<u>Commercial</u>
(a) 0 to .25 acre lot size	\$125.00	\$200.00
(b) .25 to 1 acre of lot size	\$200.00	\$250.00
(c) 1 to 5 acres of lot size	\$250.00	\$375.00
(d) 5 plus acres of lot size	\$375.00	\$500.00
Residential Subdivisions	\$125.00 base fee plus: \$35.00 per lot – 1 family \$50.00 per lot – 2 family \$65.00 per lot – Multi-Family	

(3) ZONING CHANGE/AMENDMENT

	<u>Residential</u>	<u>Commercial</u>
(a) Base Fee	\$350.00	\$500.00
(b) For each acre of the lot size		\$35.00 each acre

(4) STATE ENVIROMENTAL QUALITY REVIEW (SEQR)

(a) Draft EIS Statement Review and Notice	\$350.00
(b) Final EIS Statement Review and Notice	\$350.00

Please make check payable to: Treasurer, City of Albany

2009 BZA Meeting Dates

5:30 PM – Common Council Chambers

Meeting Date

- January 14
- January 28
- February 11
- February 25
- March 11
- March 25
- April 15
- April 29
- May 13
- May 27
- June 10
- June 24
- July 8
- July 22
- August 12
- August 26
- September 9
- September 23
- October 14
- October 28
- November 10
- November 24
- December 9

Application Deadline

- December 17
- December 31
- January 14
- January 28
- February 11
- February 25
- March 11
- March 25
- April 8
- April 22
- May 13
- May 27
- June 10
- June 24
- July 8
- July 22
- August 12
- August 26
- September 9
- September 23
- October 14
- October 28
- November 10

USE VARIANCE STANDARDS

Applications for use variances **must** be based on alleviating a clearly demonstrable hardship, as opposed to a special privilege of convenience sought by the owner. Furthermore, the hardship must be specific to the land or building and must not generally apply to land/buildings throughout the neighborhood.

- ~ When considering a request for a use variance, the Board shall require a showing by the applicant that applicable zoning the regulations have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board that for each and every permitted use under the zoning regulations for the particular district where the property is located:

[1] The applicant cannot realize a reasonable return, provided that lack of return is substantial as **demonstrated by competent financial evidence**.

[2] The alleged hardship relating to the property in question is **unique**, and does not apply to a substantial portion of the district or the neighborhood.

[3] The requested use variance, if granted, **will not alter the essential character of the neighborhood**.

[4] The alleged hardship **has not been self-created**.

[1] DESCRIPTION OF HARDSHIP

(Describe the features or conditions of the property that restrict reasonable use/return of the property under current zoning regulations)

Please answer the following questions to show that the current property owner is being deprived of all economic use or benefit from the property in question under the applicable zoning regulations. The deprivation must be established by **competent** financial evidence.

- a) Estimated cost of the proposed improvements/alterations to the property that necessitates the variance(s)? \$ _____
- b) How was this estimate determined? _____
- c) When was the property purchased? _____
- d) What was the purchase price for the property? _____

e) What is the present value of the property? If a professional appraisal has been done of the property, what is the appraised value? _____

f) What are the monthly/annual expenses for the property?

1. Monthly mortgage: \$ _____
2. Monthly heat/electric: \$ _____
3. Monthly sewer/water: \$ _____
4. Yearly taxes: \$ _____
5. Yearly insurance: \$ _____
6. Other: \$ _____

g) Amount of outstanding debts against the property per month? \$ _____

h) How much income is generated from the property per month: \$ _____

i) What is the nature of this income (rent, sales, etc.)? _____

j) Is your property currently for sale?

Yes No (If No, please continue with question k)

1. How long has the property been for sale? _____

2. How has it been advertised? _____

3. How many offers have been made for the property and for how much?

4. Is the property listed with a realtor? Yes No

If Yes, please name the realtor: _____

k) Have you previously tried to sell your property?

Yes No (If No, please continue with question l)

1. How much were you asking for the property? _____

2. How long was the property for sale? _____

3. How was it advertised? _____

4. How many offers were made for the property and for how much?

5. Was the property listed with a realtor? Yes No

If Yes, please name the realtor: _____

l) Explain how you would be negatively affected in an economic or financial way if you did not obtain the variances requested. Please do not comment on your personal financial situation. Your answer must address *economic circumstances in relation to the property* and its present inability to provide you with a **reasonable** financial return under the present zoning regulations.

[2] UNIQUENESS

(Please describe how the alleged hardship is unique to the property in question and does not apply to a substantial portion of the district or neighborhood)

[3] CHARACTER OF NEIGHBORHOOD

(Please describe how the proposed use would be compatible with the existing neighborhood and would not negatively impact traffic patterns, general safety, architectural character, property values, and the atmosphere of the area)

[4] SELF-CREATED

Were you aware of the requirements of the City of Albany Zoning Ordinance at the time of purchase of the property? Yes No

If you answered no to this question, did you use the services of an attorney? Yes No

SHORT ENVIRONMENTAL ASSESSMENT FORM

INSTRUCTIONS:

In order to answer the questions in this short EAF it is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies research or other investigations will be undertaken.

ENVIRONMENTAL ASSESSMENT

- | | | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------|
| 1. | Will the project result in a large physical change to the project site or physically alter more than 10 acres of land?..... | __Yes | __No |
| 2. | Will there be a major change to any unique or unusual landform found on this site?..... | __Yes | __No |
| 3. | Will project alter or have a large effect on an existing body of water?..... | __Yes | __No |
| 4. | Will project have a potentially large impact on groundwater quality? | __Yes | __No |
| 5. | Will project significantly affect drainage flow or air quality?..... | __Yes | __No |
| 6. | Will project affect any threatened or endangered plant or animal species... | __Yes | __No |
| 7. | Will project result in a major adverse impact on air quality?..... | __Yes | __No |
| 8. | Will project have a major effect on visual character of the community or scenic views or vistas known to be or important to the community?... | __Yes | __No |
| 9. | Will project adversely impact any site or structure of historic, prehistoric or paleontological importance or any site designated as a critical environmental area by a local agency?..... | __Yes | __No |
| 10. | Will project have a major effect on existing or future recreational opportunities? | __Yes | __No |
| 11. | Will project result in major traffic problems or cause a major impact on existing transportation systems?..... | __Yes | __No |
| 12. | Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbances as a result of the project's operation?..... | __Yes | __No |
| 13. | Will project have any impact on public health or safety?..... | __Yes | __No |
| 14. | Will project affect the existing community by directly causing a growth in permanent population of more than 5% over a one-year period <u>or</u> have a major negative effect on the character of the community or neighborhood?..... | __Yes | __No |
| 15. | Is there any public controversy concerning the project?..... | __Yes | __No |

PREPARER'S SIGNATURE: _____ TITLE: _____

REPRESENTING: _____ DATE: _____