

**City of Albany
Board of Zoning Appeals
Application**

This application must be filed with the Department of Development and Planning, Land Use Division at 200 Henry Johnson Boulevard, Albany, New York 12206, (518-445-0754). Applications are not considered to be complete until all supplemental documents and fees are received. (See attached instructions.) Planning Office staff shall determine the completeness of applications before scheduling the case before the Board of Zoning Appeals. Notice of public hearing shall be mailed to the applicant, adjacent property owners, and other interested parties. The applicant or his/her representative shall appear at the public hearing to substantiate the application.

REGARDING THE PREMISES AT 94 Grove Ave. Albany, NY 12208
 APPLICANT Melissa D. Hunt
 ADDRESS 94 Grove Ave. CITY Albany STATE NY ZIP 12208
 PHONE 518 461-1877 FAX NUMBER _____
 AUTHORIZED AGENT _____
 AFFILIATION _____
 ADDRESS _____ CITY _____ STATE _____ ZIP _____
 PHONE _____ FAX NUMBER _____
 PROPERTY OWNER Melissa D. Hunt
 ADDRESS _____ CITY _____ STATE _____ ZIP _____
 PHONE _____ FAX NUMBER _____
 OTHER TO BE NOTIFIED _____
 ADDRESS _____ CITY _____ STATE _____ ZIP _____
 PHONE _____ FAX NUMBER _____

REQUEST: SPECIAL USE PERMIT INTERPRETATION
 USE VARIANCE PARKING LOT PERMIT
 AREA VARIANCE OTHER

ZONING CLASSIFICATION Residential TAX LOT ID NUMBER 75.36-2-26
 EXISTING USE / # OF UNITS _____
 PROPOSED USE / # OF UNITS 1
 OCCUPANCY STATUS (FULLY OCCUPIED / PARTIALLY OCCUPIED / VACANT) fully occupied

REQUESTED PUBLIC HEARING DATE: _____
 PROJECT TIME FRAME: _____ TOTAL PROJECT COST: _____

Is the property within 500 feet of a municipal boundary, State or County property, road, park or facility, or other recreation area? Yes No If yes, the submission will require review by the Albany County Planning Board.

Does any state officer or any officer or employee of the City of Albany or County of Albany have any affiliation with or interest in the applicant or this application? Yes No If yes, set forth the name, address, and nature and extent of the affiliation or interest of an officer / employee.

I, the undersigned owner, hereby authorize the applicant to bring the application herein before the Board of Zoning Appeals of the City of Albany.
 SIGNED M. Hunt DATE 2-25-13

I, the undersigned applicant, hereby state that the information and facts set forth in this application are true to the best of my knowledge and belief.
 SIGNED M. Hunt DATE 2-25-13

AREA VARIANCE STANDARDS

Applications for area variances must be based on some extraordinary topographic condition or other physical condition inherent in the parcel (for example: exceptional narrowness, shallowness, shape or area). This condition must prohibit or unreasonably restrict the use of the land and/or building.

~ When considering a request for an area variance, the Board shall take into consideration the benefit to the applicant if the variance is granted, as weighted 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.

[5] Whether the alleged difficulty was **self-created**, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

[1] DESCRIPTION OF CONDITIONS

(Describe topographic condition or other physical condition of the property and the manner by which this condition restricts use):

Our property at 94 Grove Ave is a corner lot with the front of the house facing Grove Ave, and the side of the house facing Helderberg. When we moved in, we were unaware that a permit was required to install a fence. We know that we needed a fence to contain our dog, and to provide privacy + security for my three children. When I saw the fence located at 96 Grove Ave, I bought a similar fence and had a friend install it. A four foot fence would not contain my dog, nor give us any privacy due to the slope of the yard.

[2] **BENEFIT TO APPLICANT**

(Please describe why the proposed project cannot be achieved without an area variance):

The fence is already in place, based on my inexperience with building permits. If I was told to take it down, a four foot fence would not contain my dog, nor provide privacy or security for my 3 children.

[3] **SUBSTANTIAL**

(Please describe why you feel the proposed project is not substantial in nature):

The fence is only on my property, and does not interfere with the sidewalk. Because it is already installed, it is clear that it is not substantial in nature, and does not affect the neighborhood.

[4] **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):

Other corner lots in the neighborhood have similar fences (i.e. 6 foot fences with solid slates), including directly across the street. No traffic patterns are affected, the sidewalks are not affected, and both properties look beautiful.

[5] **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



GERALD D. JENNINGS
MAYOR

CITY OF ALBANY
DIVISION OF BUILDING & REGULATORY COMPLIANCE
CITY HALL ROOM 303
ALBANY, NEW YORK 12207
PHONE (518) 434-5995 FAX (518) 434-6015

JEFF JAMISON
DIRECTOR

February 6, 2013

Melissa D. Hunt
94 Grove Ave
Albany, NY 12208

Re: 94 Grove Ave
Application Number : 65327

Dear Sir:

On **August 27, 2012**, you made an Application for work at the above referenced property involving:
Installation of a 6' foot vinyl fence on a corner lot with street frontage.

The property is located in an area which is zoned **R-1B**.

This Application has been examined for compliance with the applicable provisions of the Zoning Ordinance of the City of Albany.

That review revealed that the proposed work will not comply with the following provisions of the Zoning Ordinance: **REQUIRES AREA VARIANCE. 375-98A Location of Fences & Walls. In residential zoning districts fences not exceeding four (4') feet in height and not more than sixty (60%) solid may be located in any front yard or any yard with street frontage. Proposed fence is (6') in height, solid with street frontage.**

Therefore, your Application of 8/27/12 is hereby **DENIED** pursuant to Sections 375-59 and 375-9(d) of the Zoning Ordinance.

These objections may be addressed by filing revised plans reflecting conditions which comply with the requirements of the Zoning Ordinance. In the alternative, this Denial may be appealed to the Board of Zoning Appeals on forms available from the Office of Planning and Neighborhood Development, 200 Henry Johnson Blvd. *This appeal must be filed completely with the Office of Planning and Neighborhood development within thirty (30) days of the date of this letter. Should this cause of Denial be resolved by successful Appeal, a full set of construction documents prepared by a NYS licensed architect or engineer may be required to be submitted to this office prior to a Building Permit being issued.*

For the Director,


Vincent DiBiase
Deputy Chief Inspector

cc: Planning Office

My name is Melissa Hunt, ~~that~~ I
am a certified teacher and teacher
kindergarten at ~~school~~. I also am
a single parent of three children. I
purchased the home at 94 ~~Greenwood~~
ave, Albany, N.Y. on May 16 2012. My
attorney saw my ~~father~~ 80 year old
father at the closing he said
receiving some '93's documents they
indicated a fence was once on the
property therefore I had put up a
replacement fence. I have since
constructed the fence in ~~question~~
question. While I received the stop
order, the fence had been up over
6 weeks. I called my father
and after his ~~review~~ he realized
that he was in error. He apologized
to the Board for his mistake.

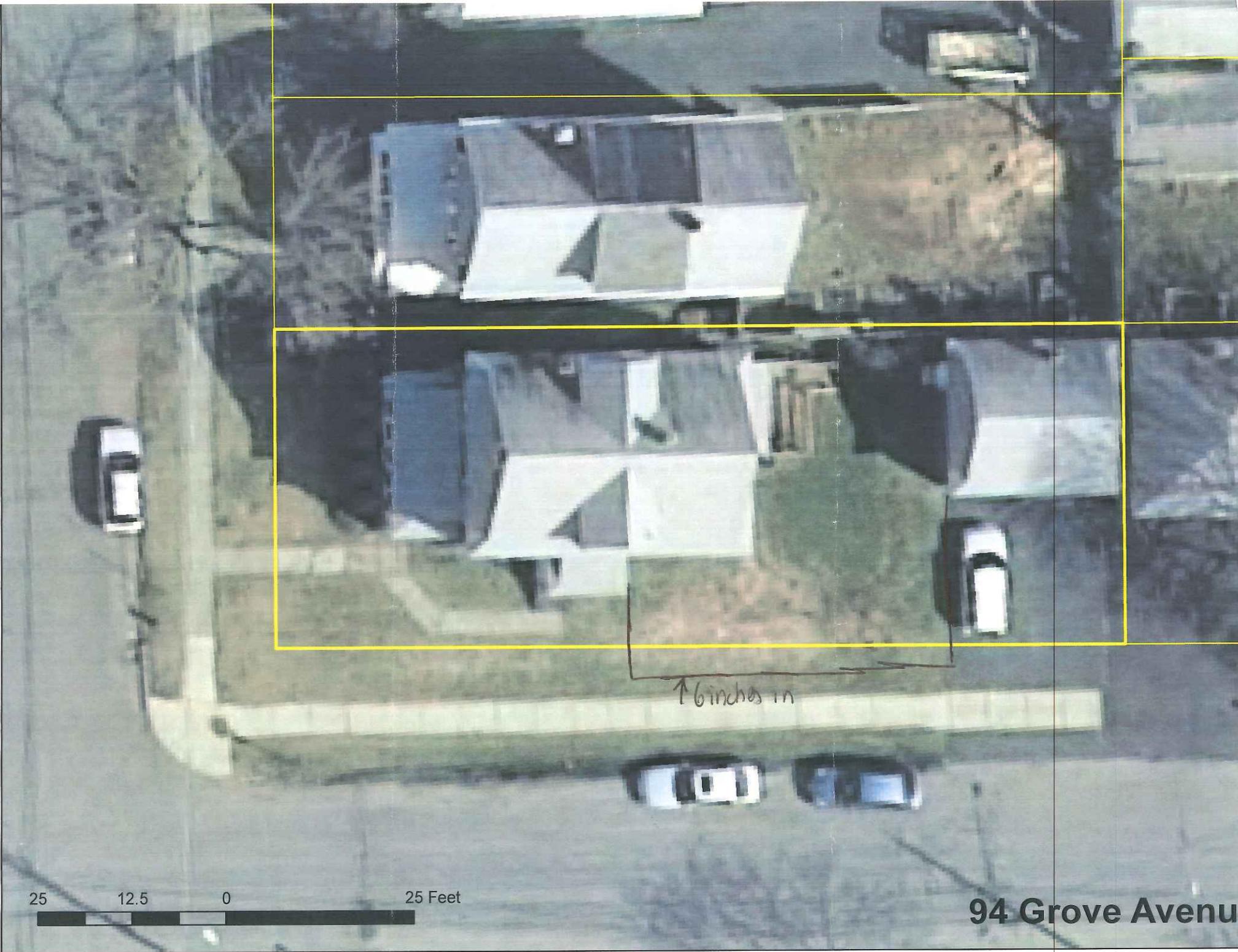
When the Board I constructed a
6 foot fence was ~~required~~ for my
children. A 4 foot fence ~~does~~
allows people to see in the yard.
It does not provide safety for my
children. I have no way parent ~~should~~
does that with the permit in
the county that ~~protecting~~ protecting
our children could be in ~~the~~ danger. A
6 foot fence give them children some
protection.

I have a dog that on numerous
occasions has jumped over a 4 foot
fence. He likes to chase cars. I have

one day with no fault of the
diver. With Mike & my ~~son~~
dog and nearly injure ~~him~~ in
full time.







↑ 6 inches in

25 12.5 0 25 Feet

94 Grove Avenue

City of Albany
Department of Buildings and Regulatory Compliance

City Hall - Room 303
Albany, NY 12207

Phone (518) 434-5165 Fax (518) 434-6015

Invoice for Stop Work Order/Fines

Date Wednesday, February 06, 2013

Received From Melissa Hunt

Pertaining to address: 94 Grove Avenue

Amount Invoiced: \$150.00 Account A0000 2611 A204

Invoiced By: Lisa F.

This section is to be stamped upon payment to the Treasurer's Office and returned to the Division of Building and Codes

Wednesday, February 06, 2013

SWO/Court Fine

94 Grove Avenue

Melissa Hunt

Received By: _____

\$150.00

**2013 PROPERTY TAX BILL
CITY OF ALBANY, NEW YORK**

*For Fiscal Year 01/01/2013 to 12/31/2013 * Warrant Date 12/31/2012

Bill No.
Sequence No. 016143
Page No. 01 OF 01

MAKE CHECKS PAYABLE TO
City of Albany

PAY IN PERSON AT
Treasurer's Office
Room 110
City Hall, 24 Eagle Street
Albany, NY 12207
518-434-5035

SWIS S/B/L ADDRESS & LEGAL DESCRIPTION
010100 75.36-2-26

Address: 94Grove Ave
School: Albany
NYS Tax & Finance School District Code: 1010

Roll Sect. 1

HUNT MELISSA D
94 Grove Ave
Albany, NY 12208

1 Family Res
Account No.:19812
Bank Code:

Estimated State Aid: CNTY 71,755,104

Property Tax Payers Bill of Rights

The assessor estimates the Full Market Value of this property as of March 1, 2012: 165,888
The Total Assessed Value of this property is: 177,500
The Uniform Percentage of Value used to establish assessments in your municipality was: 107.00

If you feel your assessment is too high, you have the right to seek a reduction in the future. For further information, please ask your assessor for the booklet "How to File a Complaint on Your Assessment." Please note that the period for filing a complaint on the above assessment has passed.

Exemption	Value	Tax Purpose	Exemption	Value	Tax Purpose	Exemption	Value	Tax Purpose
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Property Taxes

Taxing Purpose	Total Tax Levy	% Change from Prior Year	Taxable Assess Value or Units	Rates per \$1,000 or per Unit	Tax Amount
HOMESTEAD PARCEL					
County Tax	17,618,599	3.7	177,500.00	3.668490	651.16
City Tax	55,148,000	0.0	177,500.00	10.281500	1,824.97

Payment Schedule	Penalty /Interest	Amount	Total Due	BASE TAX	
Pay By:					
01/31/2013	0.00	2,476.13	2,476.13		2,476.13
02/28/2013	99.05	2,476.13	2,575.18		
03/31/2013	123.81	2,476.13	2,599.94		

Taxes Paid By _____ CH CA

RECEIVER'S STUB MUST BE RETURNED. FOR A RECEIPT OF PAYMENT, PLACE A CHECKMARK IN THIS BOX AND RETURN THE ENTIRE BILL WITH PAYMENT.

**CITY OF ALBANY, NEW YORK
RECEIVER'S STUB**

Town of: Albany
School: Albany
Property Address:

94Grove Ave

HUNT MELISSA D
Albany, NY 12208

01/31/2013	0.00	2,476.13	2,476.13
02/28/2013	99.05	2,476.13	2,575.18
03/31/2013	123.81	2,476.13	2,599.94

e-pay 1/29/13
CONF # JBBBAGSM

19812
010100 75.36-2-26

Bill No.: 138214
Bank Code:

AMOUNT DUE
2,476.13

00000019812000000024761300000002575180000000259994