

City of Albany  
Board of Zoning Appeals  
Application

RECEIVED  
3/13/13

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 96 Grove Ave 12208  
APPLICANT Mary Lombardo  
ADDRESS 96 Grove Ave CITY Albany STATE NY ZIP 12208  
PHONE 518-482-3002 FAX NUMBER \_\_\_\_\_  
AUTHORIZED AGENT \_\_\_\_\_  
AFFILIATION \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_ FAX NUMBER \_\_\_\_\_  
PROPERTY OWNER \_\_\_\_\_  
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 R-1B TAX LOT ID NUMBER 198TH 75.44-2-1  
EXISTING USE / # OF UNITS \_\_\_\_\_  
PROPOSED USE / # OF UNITS \_\_\_\_\_  
OCCUPANCY STATUS (FULLY OCCUPIED / PARTIALLY OCCUPIED / VACANT) \_\_\_\_\_

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 Mary Lombardo DATE 2/27/13

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 Mary Lombardo DATE 2/27/13

## 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):

The fence is located on a corner lot adjacent to the neighbor directly behind the house. The fence replaced a pre-existing fence which was the same size & dimensions.

**[2] BENEFIT TO APPLICANT**

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

The project is located on a corner residential lot and therefore needs approval through the city.

**[3] SUBSTANTIAL**

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

The project enhances the overall appearance of the house and 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):

The fence was replaced with pre existing fence which has been there for over 50 years. It does not directly impact any changes to the neighborhood.

**[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

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?.....  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2.  | Will there be a major change to any unique or unusual landform found on this site?.....  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3.  | Will project alter or have a large effect on an existing body of water?.....   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4.  | Will project have a potentially large impact on groundwater quality?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5.  | Will project significantly affect drainage flow or air quality?.....   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 6.  | Will project affect any threatened or endangered plant or animal species...  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 7.  | Will project result in a major adverse impact on air quality?.....   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> 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?...  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> 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?.....   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 10. | Will project have a major effect on existing or future recreational opportunities?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 11. | Will project result in major traffic problems or cause a major impact on existing transportation systems?.....   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 12. | Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbances as a result of the project's operation?.....   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 13. | Will project have any impact on public health or safety?.....  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> 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?..... | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 15. | Is there any public controversy concerning the project?.....   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

PREPARER'S SIGNATURE: Mary Lombardo TITLE: owner

REPRESENTING: \_\_\_\_\_ DATE: 3/4/13



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

January 29, 2013

Maria Lombardo  
96 Grove Ave  
Albany, NY 12208

**Re: 96 Grove Ave  
Application Number : 65496**

Dear Sir:

On **September 17, 2012**, you made an Application for work at the above referenced property involving:  
**Installation of a 6' foot privacy 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 with street frontage.**

Therefore, your Application of 9/17/12 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





96 Grove Avenue

25 12.5 0 25 Feet





GERALD D. JENNINGS  
MAYOR

CITY OF ALBANY  
DIVISION OF BUILDINGS & REGULATORY COMPLIANCE  
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ALBANY, NEW YORK 12207  
PHONE (518) 434-5165 FAX (518) 434-6015  
WWW.ALBANYNY.GOV

JEFFERY V. JAMISON, ESQ.  
DIRECTOR

January 17, 2013

Anthony J. Lombardo  
96 Grove Avenue  
Albany, N.Y. 12208

Re: **96 Grove Avenue**  
Parcel I.D. #19811

**STOP WORK ORDER**

**TAKE NOTICE** that an investigation of the premises at **96 Grove Avenue** in the City of Albany, NY was conducted by the Division of Building & Codes on **1/17/13**.

**BE ADVISED** that the inspection revealed that:

X Work requiring a permit was in progress and/or observed, and the records of the Bureau of Buildings reveal that no Building and Zoning Permit had been issued, in violation of Section 375-9 of the Code of Ordinances.

The work in progress involves: **installed vinyl six foot in height fencing on a corner lot**

Work in progress was taking place in a manner inconsistent with the approved plans and permit, in violation of Section 375-9(E) of the Code of Ordinances.

A change of use has occurred inconsistent with Section 375-9(A) of the Code of the City of Albany.

**YOU ARE HEREBY ORDERED** to cease and desist from all work or use at **96 Grove Avenue** until further notice, pursuant to Section 133-3 of the Code of Ordinances.

**YOU ARE FURTHER ORDERED** to pay a civil forfeiture in the amount of \$300.00 and file for the required permit or permit amendment within seven (7) DAYS of the date of this Notice and Order at the office of the Division of Building & Codes.

**IN THE EVENT OF YOUR FAILURE TO COMPLY** with this NOTICE AND ORDER, this case will be brought to law in the manner prescribed in Chapter 133-26E(1&2) and/or 375.10B of the Code of Ordinances, and you may be subject to civil or criminal penalties, or both.

For the Director,

Ron Preville  
Building Inspector

cc: file