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**BOARD OF ZONING APPEALS
AGENDA
Wednesday, March 24, 2010
5:30 PM
Common Council Chambers
Second Floor, City Hall**

1. Case # 3-10, 1833

The case of Richard Conti, Common Council Member for the 6th Ward, regarding the premises located at 61 Morris Street requesting a Public Hearing pursuant to Section 375-91 of the City of Albany Zoning Ordinance to request that the Board make a finding with respect to the property constituting a general nuisance and determine the necessity of terminating the use as a fifteen (15)-unit apartment building. The fifteen (15)-unit apartment building is a nonconforming use in the R-2A One- and Two-Family Residential zoning district.

2. Case # 3-10, 1834

The case of Richard Conti, Common Council Member for the 6th Ward, regarding the premises located at 105 Morris Street requesting a Public Hearing pursuant to Section 375-91 of the City of Albany Zoning Ordinance to request that the Board make a finding with respect to the property constituting a general nuisance and determine the necessity of terminating the use as a eighteen (18)-unit apartment building. The eighteen (18)-unit apartment building is a nonconforming use in the R-2A One- and Two-Family Residential zoning district.

3. Case # 3-10, 1835

The case of Marjorie Knechtel regarding the premises located at 187 Fairlawn Avenue requesting an Interpretation and Use Variance pursuant to Sections 275-25, 375-26 and 375-106 of the City of Albany Zoning Ordinance to determine if a proposed home occupation as a massage therapist is consistent with the scope and intent of Section 375-106D or if determined otherwise, to permit the use accordingly. The proposed massage therapist is not a permitted home occupation in the R-2A One- and Two-Family Residential zoning district.

4. Case # 3-10, 1836

The case of Ann Armento & Carmela St. Lucia regarding the premises located at 468 Second Street, 43 Quail Street AKA 466 Second Street and 45 Quail Street requesting Area Variances pursuant to Sections 375-26, 375-64D and 375-84 of the City of Albany Zoning Ordinance to allow for the creation of a nonconforming tax lot measuring 20'x 51' in size to accommodate an existing dwelling via the reduction of the depth of two existing nonconforming lots from 96 feet to 75 feet. The reduction of nonconforming lots to create new a nonconforming lot is prohibited in the C-1 Neighborhood Commercial zoning district.

5. Case # 3-10, 1837

The case of The Brighter Choice Foundation, Inc. regarding the premises located at 395 Elk Street and 116 North Lake Avenue requesting a Special Use Permit, Area Variances and a Parking Lot Permit pursuant to Sections 375-26, 375-64C, 375-64D, 375-174 and 375-176 of the City of Albany Zoning Ordinance to allow for the construction of a 50,000 +/- square foot charter school with a height of forty (40) feet and a front yard setback of zero (0) feet, and two (2) accessory parking lots, 33 and 45 spaces in size. The proposed private school is a special permit use, a maximum height of 35 feet is permitted and a front yard setback of twenty (20) feet required, and the proposed parking lots require Board authorization in the R-2A One- and Two-Family Residential zoning district.

6. Case # 3-10, 1838

The case of Thomas Lacy regarding the premises located at 43 First Street requesting an a Use Variance pursuant to Sections 375-26 and 375-65A of the City of Albany Zoning Ordinance to allow for the change of use to a three (3)-family dwelling. The proposed three (3)-family dwelling is not a permitted use in the R-2B One- and Two-Family Medium-Density Residential zoning district.