



**CITY OF SARATOGA SPRINGS**  
**ZONING BOARD OF APPEALS**

— □ —  
CITY HALL - 474 BROADWAY  
SARATOGA SPRINGS, NEW YORK 12866  
PH) 518-587-3550 FX) 518-580-9480  
WWW.SARATOGA-SPRINGS.ORG

Bill Moore  
*Chair*  
Keith Kaplan  
*Vice Chair*  
Adam McNeill  
*Secretary*  
George "Skip" Carlson  
Gary Hasbrouck  
James Helicke  
Susan Steer

**ZBA Meeting – Monday, February 22, 2016**  
**City Council Chambers – 7:00 p.m.**

6:30 P.M. **Workshop**

**Salute The Flag**

**Role Call**

**New Business**

**1. #2807.1 MURPHY LANE SINGLE-FAMILY RESIDENCE**

39 Murphy Lane, area variance modification for proposed changes to a previously approved barn conversion to single-family residence; seeking additional relief from the minimum front yard and rear yard requirements in the Urban Residential – 3 District.

Documents: [2807.1 MURPHYLANBARNRENO\\_39MURPHYLN.PDF](#), [2807.1 MURPHYLANBARNRENO\\_NEIGHBORCORRREDACTED\\_REDACTED.PDF](#), [2807.1 MURPHYLANBARNRENO\\_UPDATEDMATERIALSRECVD2-18-16.PDF](#), [2807.1 MURPHYLANBARNRENO\\_NEIGHBORCORRRECVD2-22-16\\_REDACTED.PDF](#)

**2. #2876 BENTON SUBDIVISION**

58 Fifth Avenue, area variance to provide for a two-lot residential subdivision; seeking relief from the minimum average lot width and minimum lot area requirements for each of the proposed lots, and minimum total side yard setback and maximum principal building coverage requirements for the existing house on the proposed new lot in the Urban Residential – 1 District.

Documents: [2876 BENTONSUBDIVISION\\_APPREDACTED.PDF](#), [2876 BENTONSUBDIVISION\\_ADDTNLINFORECVD2-12-16.PDF](#), [2876 BENTONSUBDIVISION\\_NEIGHBORSUPPORTRECVD2-5-16\\_REDACTED.PDF](#), [2876 BENTONSUBDIVISION\\_BUILDINSPECTDENIAL.PDF](#)

**3. #2647.1 NELSON & WILEY PORCH**

317 Nelson Avenue, area variance to construct a screened porch addition to an existing single-family residence; seeking relief from the minimum rear yard setback and maximum principal building coverage requirements in the Urban Residential – 3 District.

Documents: [2647.1 NELSONANDWILEYPORCH\\_APPLICATION\\_REDACTED.PDF](#), [2647.1 NELSONWILEYPORCH\\_BUILDINSPECTDENIAL.PDF](#)

**4. #2877 DUGAS POOL HOUSE**

65 York Avenue, area variance to construct a pool house; seeking relief from the minimum side yard setback requirement for an accessory structure in the Urban Residential – 3 District.

Documents: [2877 DUGASPOOLHOUSE\\_APP\\_REDACTED.PDF](#)

**5. #2759.1 ANW HOLDINGS RESIDENTIAL DEVELOPMENT**

27 Jumel Place, area variance to demolish existing structure and build seven-unit condominium project; seeking relief from the maximum principal building coverage, minimum front yard setback and maximum height for a residential fence requirements in the Urban Residential – 3 District.

Documents: [2759.1 ANWHOLDINGCONDOS\\_APP\\_REDACTED.PDF](#), [2759.1 ANWHOLDINGCONDOS\\_NEIGHBORCORRRECVD2-21-16\\_REDACTED.PDF](#), [2759.1 ANWHOLDINGS\\_BUILDINSPECTDENIAL.PDF](#)

**6. #2875 PERRON RESIDENTIAL ADDITION**

35 Greenfield Avenue, area variance to construct a three car attached garage to an existing single-family residence; seeking relief from the minimum front yard setback (Woodlawn) and maximum principal building coverage requirements in the Urban Residential – 1 District.

Documents: [2875 PERRONRESIDENCEGARAGE\\_APP\\_REDACTED.PDF](#), [2875 PERRONRESIDENCEGARAGE\\_BUILDINSPECTDENIAL.PDF](#), [2875 PERRONRESIDENCEGARAGE\\_REVISIEDSITEPLANRECVD2-22-16.PDF](#), [2875 PERRONRESIDENCEGARAGE\\_SSPFLETTER.PDF](#)

**7. #2878 REED DECK**

12 Clubhouse Drive, area variance to maintain an existing rear deck to an existing single-family residence, seeking relief from the minimum rear yard setback in the Urban Residential – 4 District.

Documents: [2878 REEDRESIDENCEDECK\\_APP\\_REDACTED.PDF](#), [2878 REEDRESIDENCEDECK\\_BUILDINSPECTDENIAL.PDF](#)

**Old Business**

**1. #2865 BOUGHTON GARAGE**

1 Alger Street, area variance to construct an attached garage with second-story master suite addition to an existing single-family residence; seeking relief from the minimum front yard setback (Alger), minimum total side yard setback and maximum principal building coverage requirements in the Urban Residential – 3 District.

Documents: [2865 BOUGHTONGGARAGE\\_REVISIONS.PDF](#), [2865 BOUGHTONGGARAGE\\_APP\\_REDACTED.PDF](#)

**Adjourned Items**

**1. #2856 MOORE HALL**

28 Union Avenue/35 White Street, area variance to convert the existing building to a 53-unit apartment building; seeking relief from the minimum lot size and minimum parking requirement in the Urban Residential – 4 District.

**Other Business**

**1. NEXT ZONING BOARD MEETING: March 7, 2016**

# ENGINEERING AMERICA CO.

76 WASHINGTON ST. SARATOGA SPRINGS, NY 12866

518 / 587-1340 518 / 580-9783 (FAX)

---

---

## TRANSMITTAL SHEET

---

---

TO: Zoning Board of Appeals	FROM: Tonya Yasenchak
COMPANY: City of Saratoga Springs	DATE: February 1, 2016
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER: 3 (10 copies submitted)
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: # 39 Murphy Ln. Zoning Saratoga Springs, NY	YOUR REFERENCE NUMBER:

---

---

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     AS REQUESTED

---

---

City of Saratoga Zoning Board Members,  
Engineering America Co. herein would like to provide revised information regarding the #39  
Murphy Lane barn renovation in Saratoga Springs, NY.

### Modifications During Construction:

- 1) Installation of a full basement instead of replacing the existing slab foundation. This was done due to decision to lift entire barn for ease of foundation construction. Once the barn was lifted / cribbed, it was just as easy to install a full foundation than a slab / frost wall foundation. New foundation wall was installed higher than the original perimeter slab foundation that was replaced. The attached new Plot Plan is based on a new survey prepared by Survey Associates on 1/26/16 which depicts the existing new foundation footprint. Engineering America Co. has modified the plot plan, as attached to depict the proposed building changes as proposed.
  - 2) Resulting main floor height from original 14" above grade (along front) to 34" (+/-). The extended height to the front door requires additional stairs. The stairs will not be covered and will only be constructed to the right of the approved covered stoop. According to the definition of "Building Footprint" in the City of Saratoga Springs zoning code, uncovered front steps that only service the basement and/or 1<sup>st</sup> floor level of the building" are an "exception" to the "building footprint." The area calculations and setback variances outlined in this correspondence do not include the front steps to the front stoop.
- 
-

- 3) Resulting main floor height to grade along rear of building is now approx.. 48" (+/-). The *Residential Code of NYS* requires a landing outside of an exterior door where more than 3 risers are required from grade. Due to the 48" grade to 1<sup>st</sup> floor height, more than 3 risers are required to the rear sliding door and a 3' x 7' min. landing is also required. The attached modified Plot Plan, area calculations and setback variances outlined in this correspondence include the rear stoop and required stairs.
  
- 4) Reframing of walls and roof required due to deteriorating condition of existing studs and roof. The Owner's original intent was to repair and/or sister any wall or ceiling framing members. During construction, it became apparent that there were more decaying studs & rafters to be repaired than existing framing members to be saved. The Owner decided to reframe the exterior walls and to install new trusses (not yet installed). The new roof framing will allow the applicant to make modifications to the overhangs around the perimeter of the building to offset the required rear stoop and to reduce the number of variances required for this project.

**Current Proposed Variance Modifications vs. Approved Variances**

	<b><u>Dim. Req./Orig. / New</u></b>	<b><u>Relief Approved</u></b>	<b><u>2/1/16 Rev.</u></b>	<b><u>Rev. Relief</u></b>
Min. Lot Size	6,600 sq.ft./2,500sq.ft.	4,100 (62.1%)	No Change	No Change
Av. Lot Width	60' / 50' (existing)	10' (16.7%)	No Change	No Change
Front Yard Dim:	10' / 3.1' / 3.2'	6.9' (69%)	6.8' = 68%	Reduced 1%
Rear Yard Dim:	25' / 15.7' / 13.9'	9.3' (37.2%)	11.1' = 44.4%	Increase 7.2%
Total Side Dim:	12' / 11.4' / 12.3'	0.6' (5%)	No Variance	No Variance Req.
Building Coverage:	30% / 46.5% / 43.8%	16.5% (55%)	13.8% (46%)	Reduced 9%
Min. Parking	2 / 1 / 1	1	No Change	No Change

**Area Calculations:**

Total Lot Size: 2,500 sq.ft.  
Existing Barn: 1,083 sq.ft. (43.32% coverage = 13.32% > 30% max allowable)  
Proposed Barn w/ porch roof & rear Stoop:  
1,095 sq.ft. (43.8% coverage = 13.8% > 30% max.)

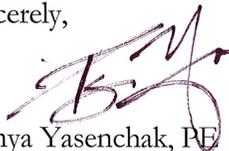
Permeability: Barn with Addition: 1,095 sq.ft.  
Existing Paving at Alley: 232 sq.ft. (+/-)  
Existing East Side Paving: 155 sq.ft. (+/-).  
Total Coverage: 1,482 sq.ft.  
1,482 sq.ft. (59.3 % coverage = 40.7 % permeable > 25% min)

Engineering America Co., on behalf of the Owners of #39 Murphy Lane, would like to respectfully request that the Zoning Board of appeals review and approve the modifications made to the original proposed project. We believe that the modifications requested do not produce any negative impacts on the neighborhood environment or character for the following reasons:

- The addition of the stoop to the rear of the building to account for the additional height is a better alternative than changing the grade.
  - o Changing the grade in the back yard would result in a slope in grade towards neighbors with potential for drainage issues.
  - o Maintaining the existing rear yard grade keeps the yard & it's impact on neighboring properties exactly the same as it has been for over 100 years.
  - o The rear stoop will not be visible to neighbors due to the existing and proposed fencing.
- The reduction of the side roof overhang dimensions reduces the relief required for two different variances granted:
  - o The new total side setback at 12.3' is 0.3' over the min. 12' requirement. This modification removes this variance from the project approval.
  - o The new resulting coverage is reduced from the original project. The actual variance relief being sought is 9% less than the original granted.
- The reduction of the front stoop roof overhang reduces the relief required for the front setback by 1%.

Thank you for your time and cooperation.

Sincerely,

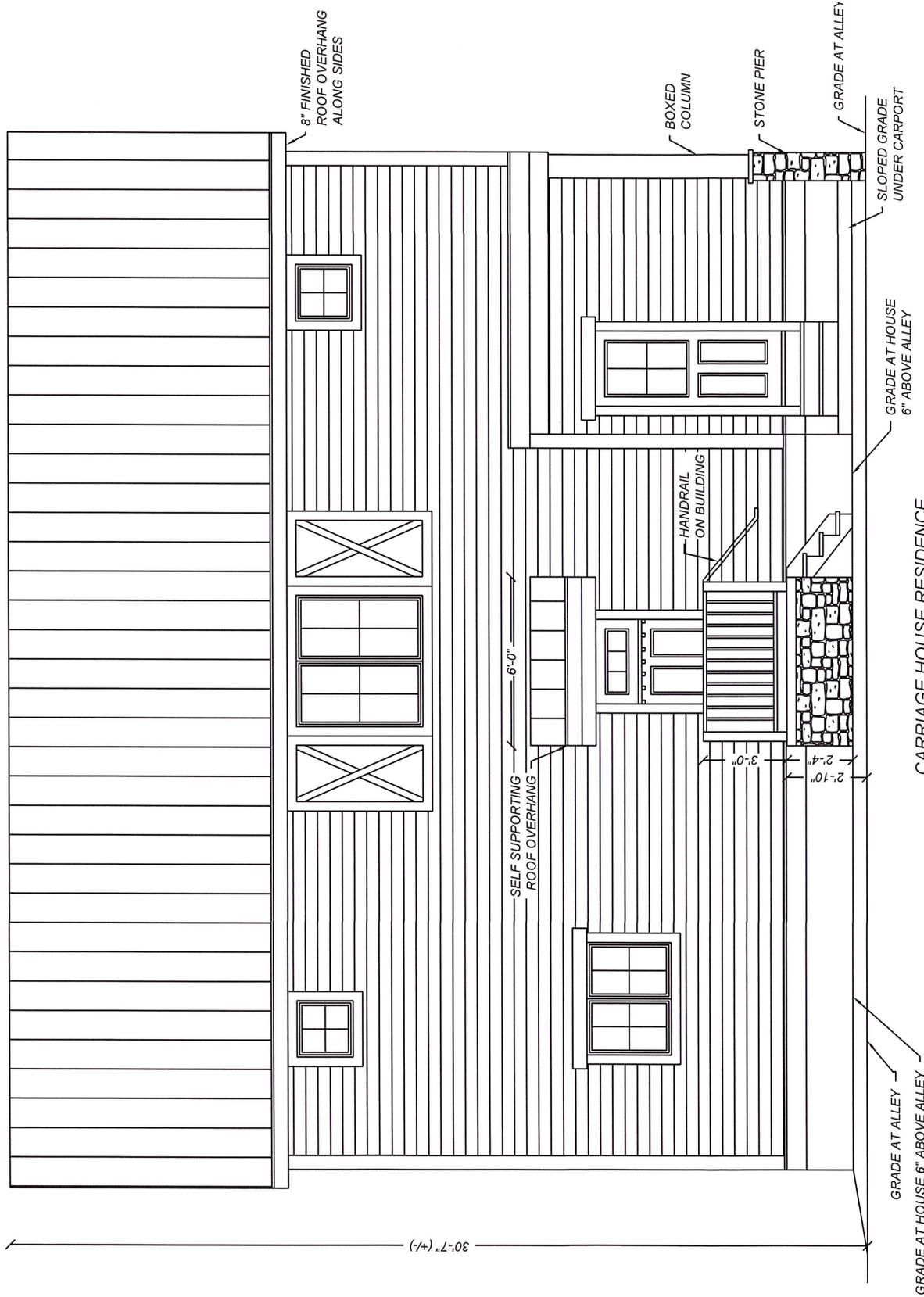


Tonya Yasenchak, PE

Enc.

Cc: D'Agostino

-

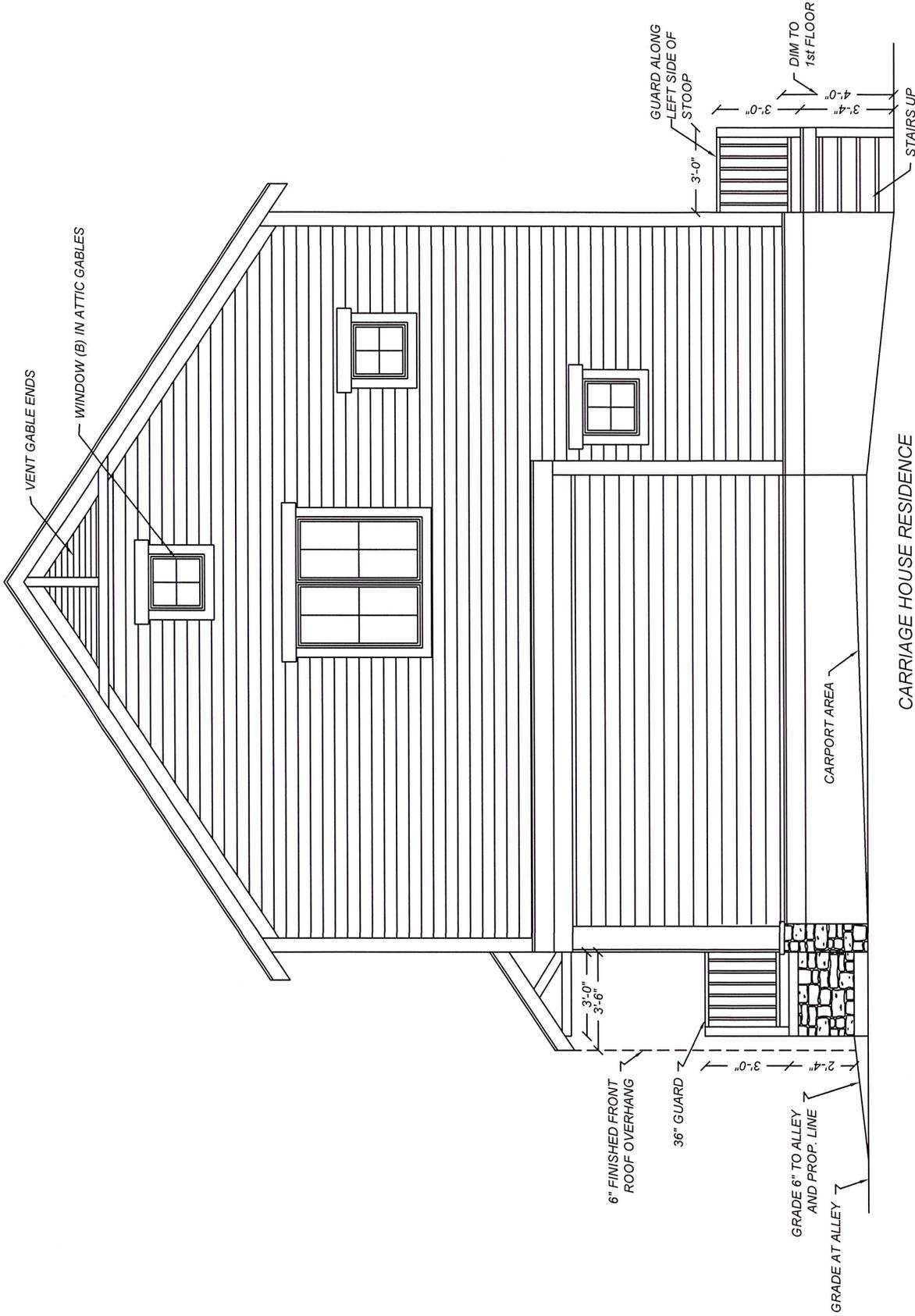


CARRIAGE HOUSE RESIDENCE  
 #39 MURPHY LANE  
 SARATOGA SPRINGS, NY

**PROPOSED  
 FRONT ELEVATION**

REV. 2/11/16 SCALE: 3/16" = 1' 0"

DESIGN BY:  
 ENGINEERING AMERICA CO  
 SARATOGA SPRINGS, NY

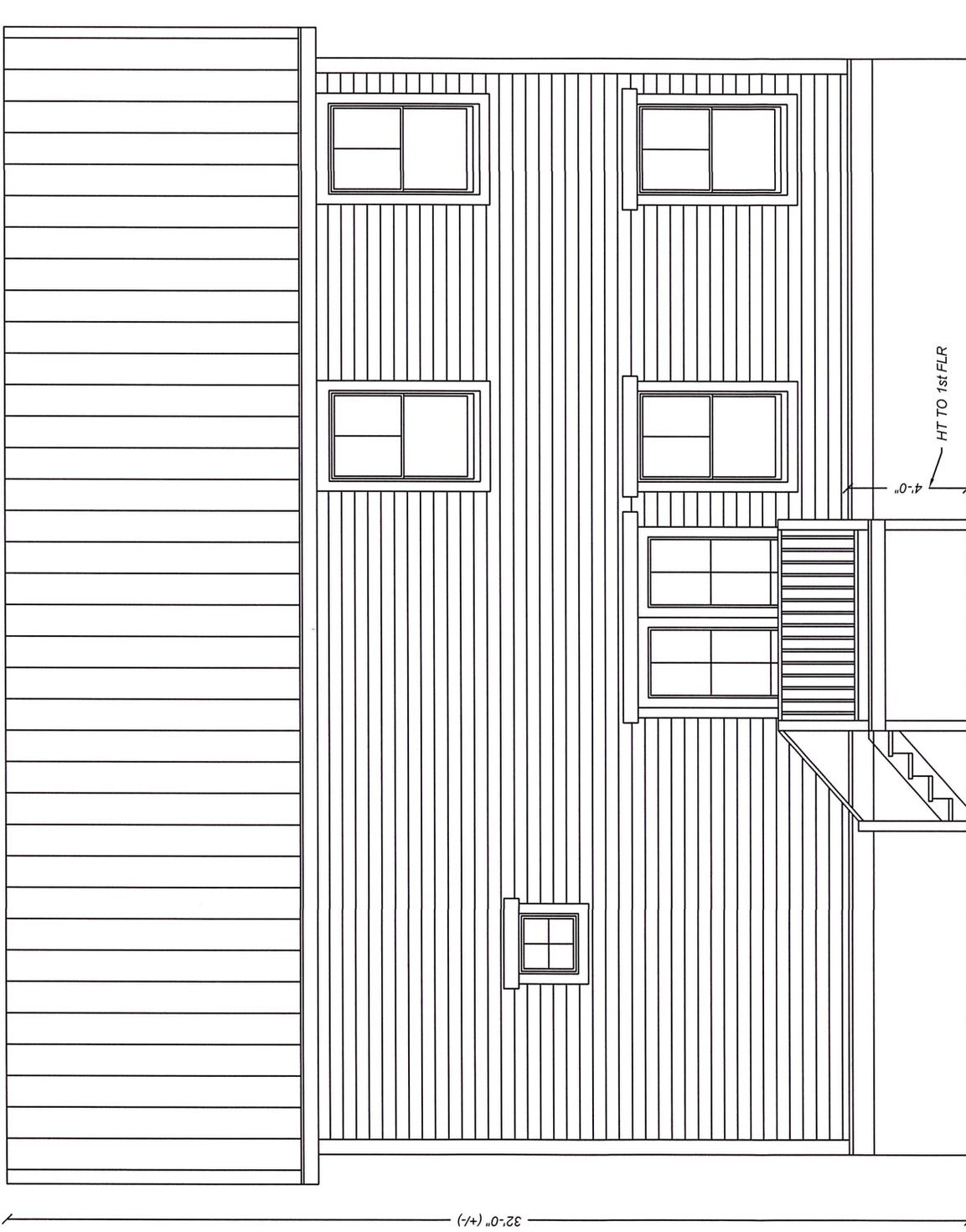


CARRIAGE HOUSE RESIDENCE  
 #39 MURPHY LANE  
 SARATOGA SPRINGS, NY

**PROPOSED  
 RIGHT ELEVATION**

REV. 2/1/16 SCALE: 3/16" = 1' 0"

DESIGN BY:  
 ENGINEERING AMERICA CO  
 SARATOGA SPRINGS, NY

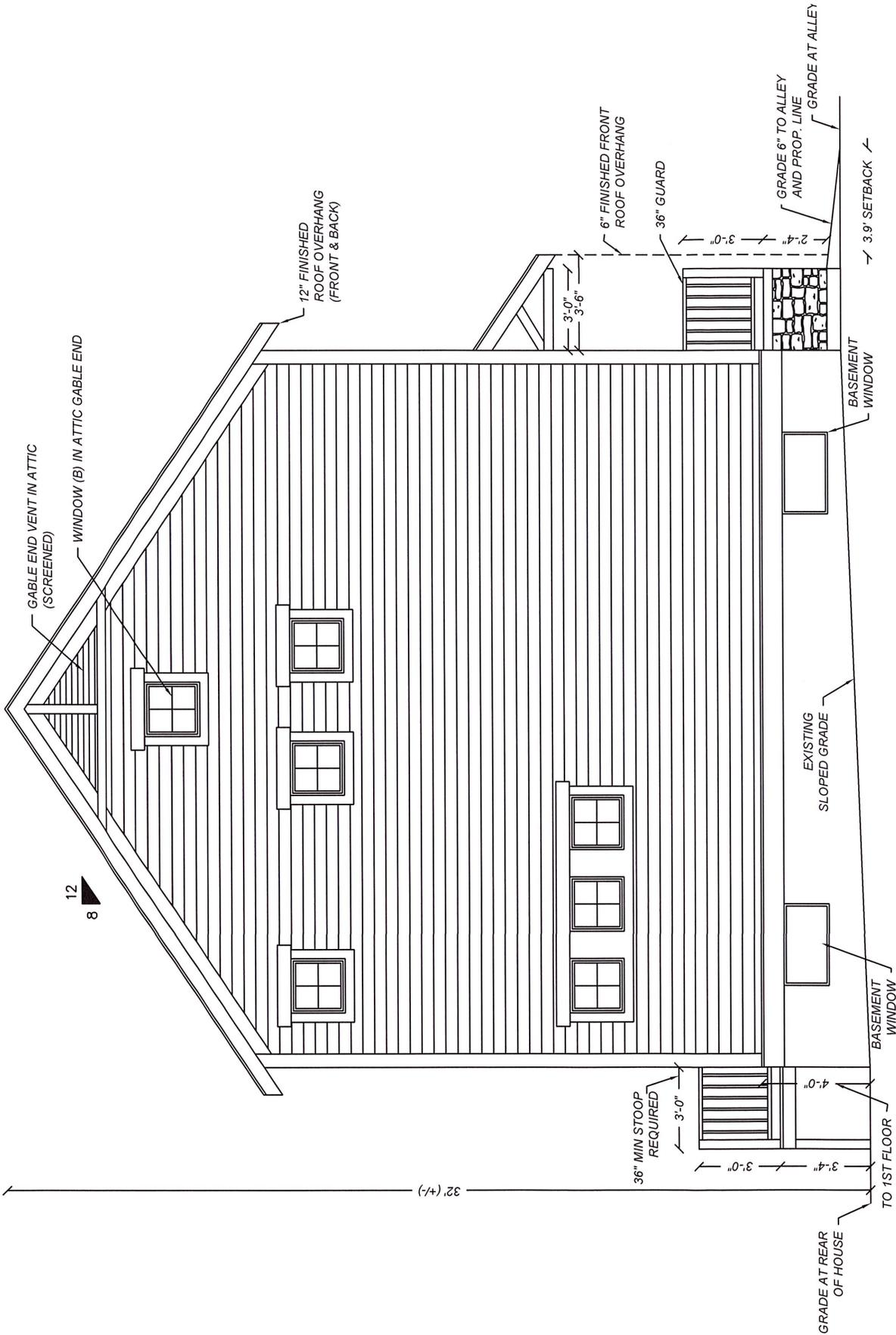


CARRIAGE HOUSE RESIDENCE  
 #39 MURPHY LANE  
 SARATOGA SPRINGS, NY

**PROPOSED  
 REAR ELEVATION**

REV. 2/17/16 SCALE: 3/16" = 1'-0"

DESIGN BY:  
 ENGINEERING AMERICA CO  
 SARATOGA SPRINGS, NY

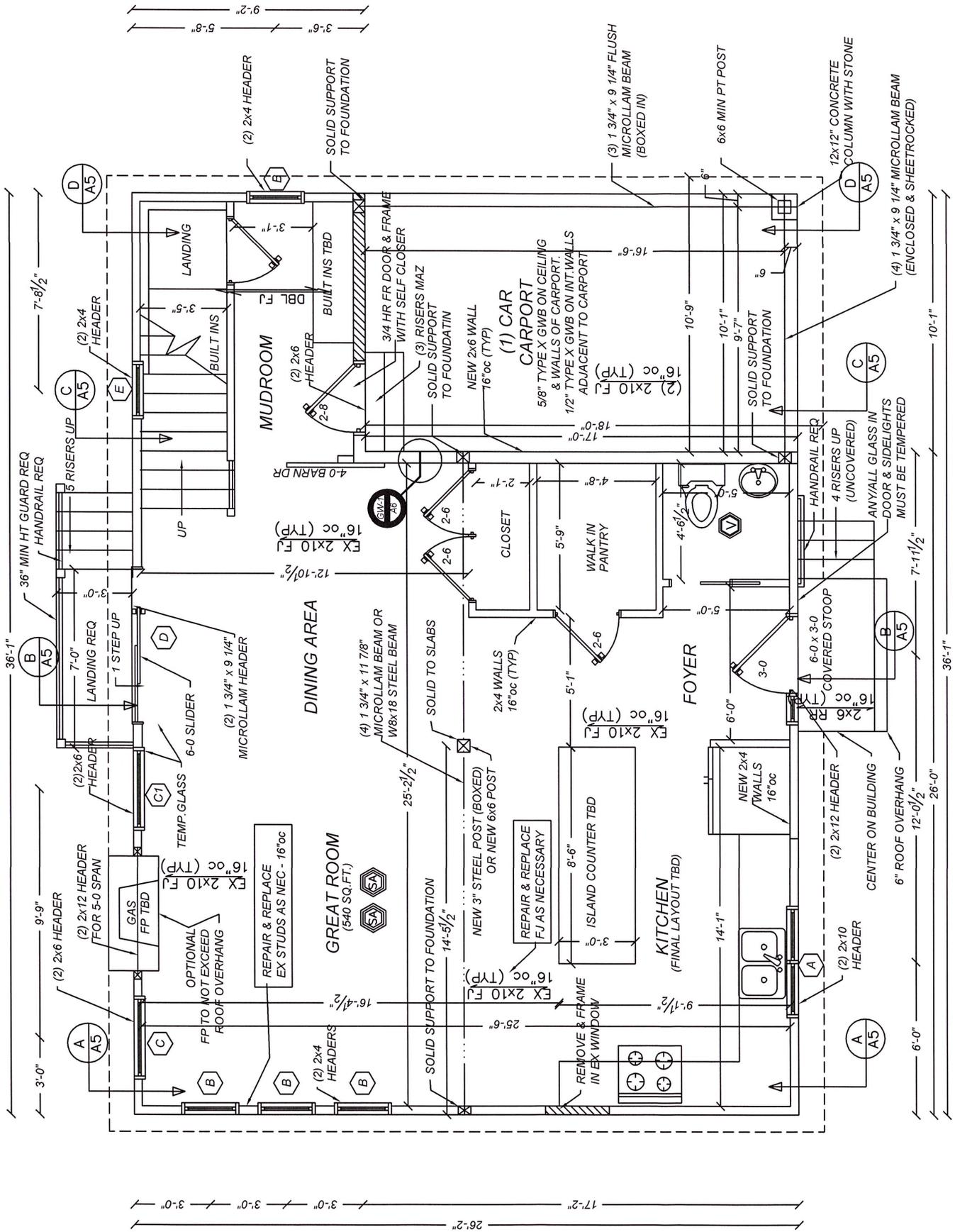


CARRIAGE HOUSE RESIDENCE  
 #39 MURPHY LANE  
 SARATOGA SPRINGS, NY

**PROPOSED  
 LEFT ELEVATION**

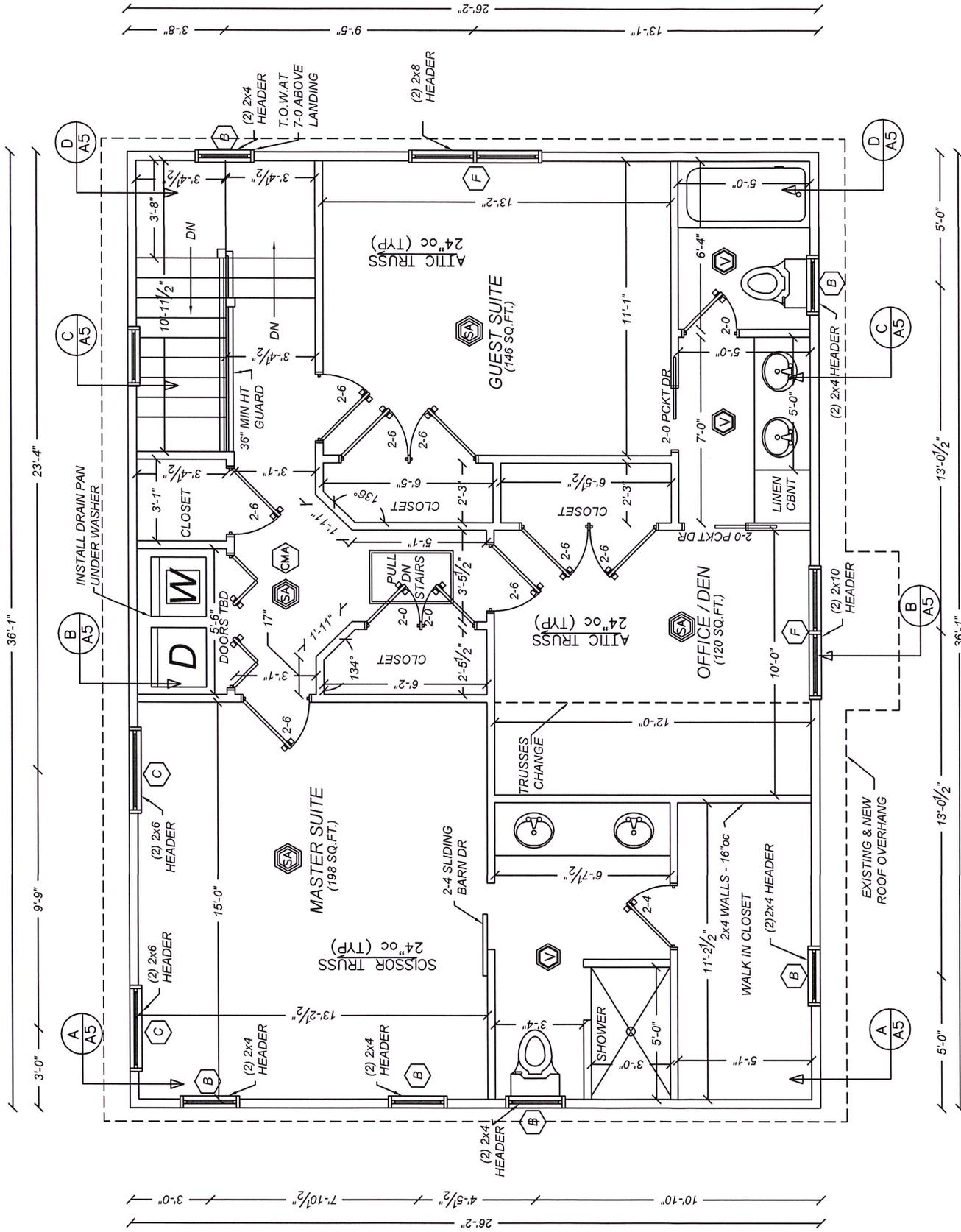
REV. 2/11/16 SCALE: 3/16" = 1'0"

DESIGN BY:  
 ENGINEERING AMERICA CO  
 SARATOGA SPRINGS, NY



NOTE: DIMENSIONS MAY VARY. CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING ALL MEASUREMENTS PRIOR TO AND DURING CONSTRUCTION. NOTIFY DESIGN ENGINEER IMMEDIATELY OF ANY/ALL DISCREPANCIES

# PROPOSED MAIN FLOOR AREA



NOTE: DIMENSIONS MAY VARY. CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING ALL MEASUREMENTS PRIOR TO AND DURING CONSTRUCTION. NOTIFY DESIGN ENGINEER IMMEDIATELY OF ANY / ALL DISCREPANCIES

# PROPOSED UPPER FLOOR

OVERHEAD UTILITY LINES

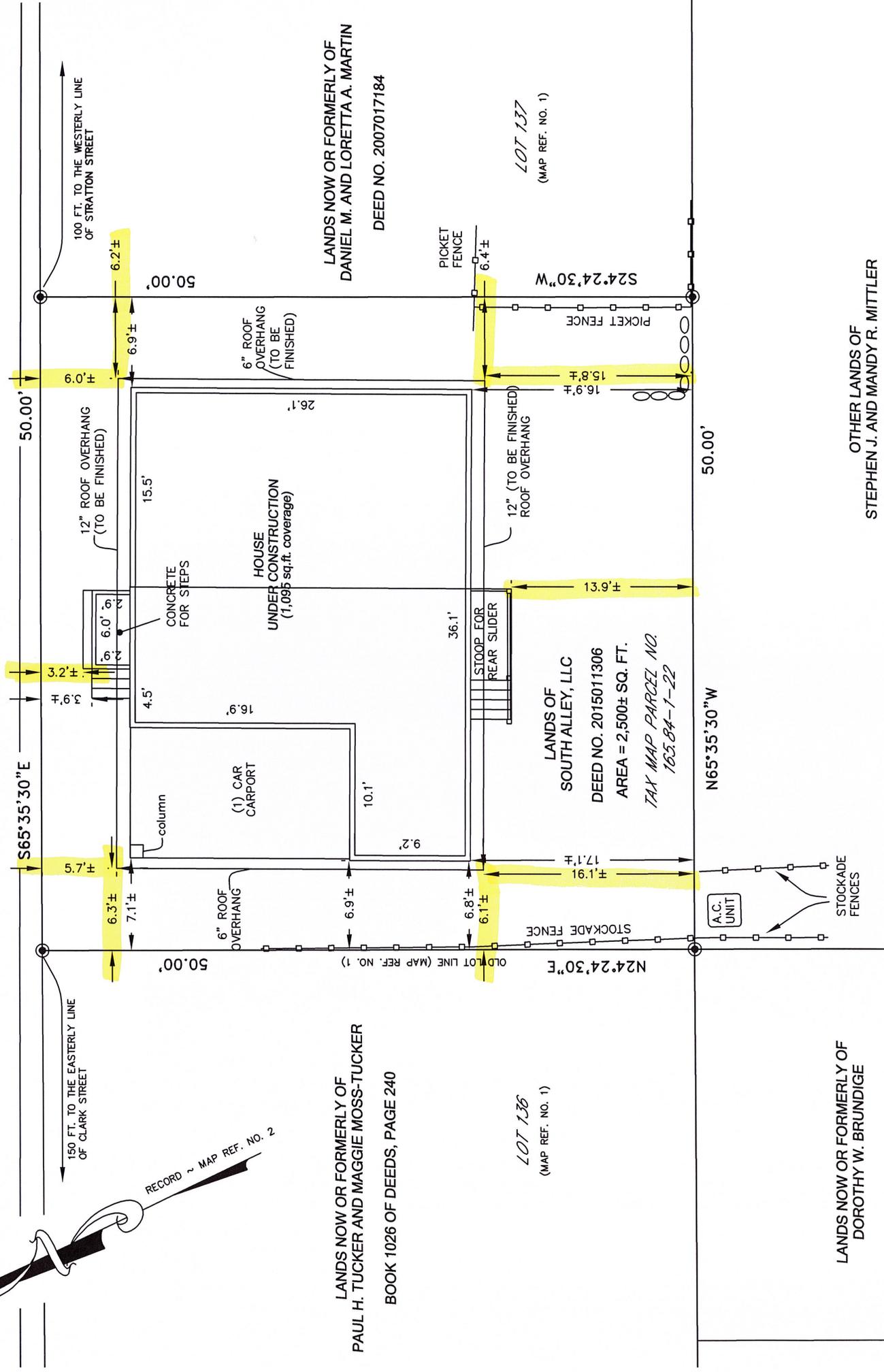


# SOUTH

RIGHT OF WAY = 16 FT.  
WIDTH OF PAVEMENT = 11± FT.

# ALLEY

(ALSO KNOWN AS MURPHY LANE)



150 FT. TO THE EASTERLY LINE OF CLARK STREET

100 FT. TO THE WESTERLY LINE OF STRATTON STREET

RECORD ~ MAP REF. NO. 2

LANDS NOW OR FORMERLY OF  
PAUL H. TUCKER AND MAGGIE MOSS-TUCKER  
BOOK 1026 OF DEEDS, PAGE 240

LOT 136  
(MAP REF. NO. 1)

LANDS NOW OR FORMERLY OF  
DANIEL M. AND LORETTA A. MARTIN  
DEED NO. 2007017184

LOT 137  
(MAP REF. NO. 1)

LANDS OF  
SOUTH ALLEY, LLC  
DEED NO. 2015011306  
AREA = 2,500± SQ. FT.  
TAX MAP PARCEL NO.  
165.84-1-22

LANDS NOW OR FORMERLY OF  
DOROTHY W. BRUNDIGE

OTHER LANDS OF  
STEPHEN J. AND MANDY R. MITTLER

OVERHEAD UTILITY LINES

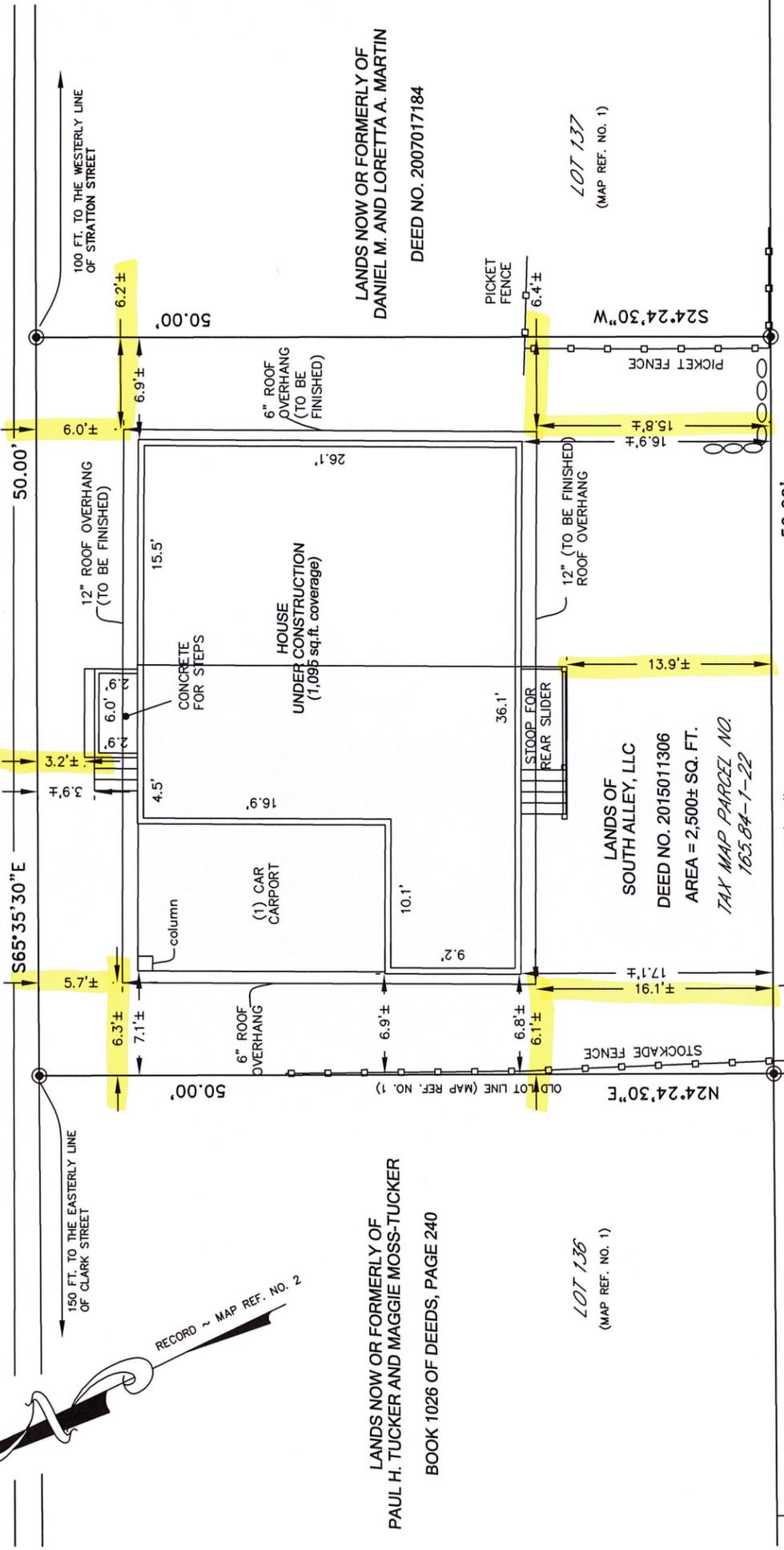
UTILITY POLE

**SOUTH**

**ALLEY**

RIGHT OF WAY = 16 FT.  
WIDTH OF PAVEMENT = 11± FT.

(ALSO KNOWN AS MURPHY LANE)



RECORD ~ MAP REF. NO. 2

LANDS NOW OR FORMERLY OF  
PAUL H. TUCKER AND MAGGIE MOSS-TUCKER  
BOOK 1026 OF DEEDS, PAGE 240

LOT 136  
(MAP REF. NO. 1)

LANDS NOW OR FORMERLY OF  
DOROTHY W. BRUNDIGE  
BOOK 1315 OF DEEDS, PAGE 239

LOT 135  
(MAP REF. NO. 1)

OTHER LANDS OF  
STEPHEN J. AND MANDY R. MITTLER  
BOOK 1718 OF DEEDS, PAGE 525

LOT 138  
(MAP REF. NO. 1)

**ZONING INFORMATION:**

ZONING DISTRICT: UR-3  
 MINIMUM LOT SIZE: 8,000 SQ. FT.  
 (6,600 SQ. FT. FOR SINGLE FAMILY RESIDENCE)  
 MINIMUM MEAN LOT WIDTH: 80 FT.  
 (60 FT. FOR SINGLE FAMILY RESIDENCE)  
 MAXIMUM PERCENT OF LOT TO BE OCCUPIED BY:  
 PRINCIPAL BUILDING: 30 %  
 ACCESSORY BUILDING: 10%  
 MINIMUM YARD DIMENSIONS:  
 FRONT: 10 FT.  
 REAR: 25 FT.  
 ONE SIDE: 4 FT.  
 TOTAL SIDE: 12 FT.  
 PRINCIPAL BUILDING:  
 MINIMUM FIRST FLOOR AREA:  
 1 STORY: 1,200 SQ. FT.  
 2 STORY: 800 SQ. FT.  
 MAXIMUM BUILDING HEIGHT: 60 FT.  
 MINIMUM DISTANCE FROM ACCESSORY BUILDING TO:  
 PRINCIPAL BUILDING: 5 FT.  
 FRONT LOT LINE: 10 FT.  
 SIDE LOT LINE: 5 FT.  
 REAR LOT LINE: 5 FT.  
 MINIMUM PERCENT OF LOT TO BE PERMEABLE: 25%

NOTE: THE RECENT 1/26/16 UPDATED SURVEY WAS MODIFIED BY ENGINEERING AMERICA CO., WITH PERMISSION FROM SURVEY ASSOCIATES, TO CREATE THIS PLOT PLAN TO DEPICT PLAN CHANGES REQUIRING AREA VARIANCES. AN AS-BUILT SURVEY PLAN MUST BE PREPARED FOR THE BUILDING PERMIT APPLICATION AFTER CONSTRUCTION HAS BEEN COMPLETED, FOR FILING WITH THE CITY.

UNAUTHORIZED ALTERATION OR ADDITION TO THIS MAP IS A VIOLATION OF ARTICLE 145, SECTION 7209, SUB-PARAGRAPH (2) OF THE NEW YORK STATE EDUCATION LAW.

**SURVEY ASSOCIATES, LLC**  
 DANIEL C. WHEELER, LS  
 PROFESSIONAL LAND SURVEYING

DANIEL C. WHEELER  
 P.L.S. LIC. NO. 50,137

432 BROADWAY, SUITE 5, SARATOGA SPRINGS, NY 12866  
 PH. (518) 583-7302 FAX (518) 583-7303

**NOTES:**

THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR A TITLE REPORT.

**MAP REFERENCES:**

MAP ENTITLED "MAP OF LOTS OWNED BY A.S. MAXWELL", DATED 1854, MADE BY H. SCOFIELD, C.E. AND FILED IN THE SARATOGA COUNTY CLERK'S OFFICE AS CARD 2, POCKET 3, FOLDER 2.

MAP ENTITLED "MAP OF LANDS OF DANIEL M. AND LORETTA A. MARTIN", DATED APRIL 23, 2009 AND MADE BY THOMPSON / FLEMING LAND SURVEYORS, P.C.

**DEED REFERENCE:**

DEED DATED APRIL 13, 2015 FROM STEPHEN J. MITTLER AND MANDY R. MITTLER TO SOUTH ALLEY, LLC AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE AS DEED NO. 2015011306.

**TITLE:**

**SURVEY OF LANDS OF  
SOUTH ALLEY, LLC**  
 (DEED NO. 2015011306)

**LOCATION:**

CITY OF SARATOGA SPRINGS (I.D.)  
 SARATOGA COUNTY, NEW YORK

**DATE:**

JANUARY 26, 2016

**SCALE:**

1 INCH = 10 FEET

MAP NO. 2016-01-02

January 11, 2016

To The Saratoga Springs Zoning Board of Appeals

I am writing you today to update you on the construction of a barn into a house at 39 Murphy Lane. This was supposed to be a barn renovation/restoration project. It is everything but that, drive by sometime and take a look. A full basement has been dug with 4 large windows at ground level, the barn was raised and a foundation poured which is very tall only needing to lower the barn inches. Next the roof will be removed and trusses will be added, this will give a steeper pitch to the roof. This also will make the "barn" the tallest house in the surrounding area. All new siding and windows as well as new framing will round out my point that nothing from the initial structure will remain.

So this person got away with a building way larger than should ever have been approved by the ZBA. It is only a ploy to build what they want in a footprint from an existing building on a piece of land smaller than ¼ of a city lot.

The piece of land itself is too small to have any construction material on it. So at one point a large pile of dirt (about 15 feet high) was on one neighbors yard. The dirt was brought out from the basement and they had nowhere to put it, they couldn't haul it away because they needed it for back fill, thus a huge mess in their back yard. Another neighbor had a porta- potty placed on their yard for weeks, again no room on the property to place one. The alley is usually blocked with trucks and construction material, which is a danger if there is an emergency. Service vehicles cannot get through on a regular basis. I know the construction is temporary but this narrow alley was hardly made for cranes, bulldozers, concrete trucks etc. Not to mention the nightmare when the water and sewer lines were installed. And it will be dug up again when they have power\gas services installed, so much for the paving that was done several years ago, the road is now a mess and will not be repaved.

A review of this project should be done, this was not what was proposed to you by the applicant at the zoning board meetings.

Susan Rodems ■ White Street

**The 39 Murphy Lane construction project**  
**February 1, 2016**

To the Zoning Board, Susan Barden and the Saratoga Springs Building Inspector

We are writing today to make you aware of some problems at the 39 Murphy Lane construction site. Since this is no longer a barn renovation/restoration but new construction there are issues that need to be dealt with. A neighbor of ours requested and was granted a stop work order because of what's going on. This is a nonconforming lot which now has a structure on it that will be way too tall (as per building code) if it is allowed to proceed. They have dug a full basement with 4 very large windows at ground level (when I was in city hall reviewing the plans several weeks ago the drawing still only showed a crawl space). The foundation is very tall as well and they have built a first floor. There is absolutely nothing left of the original barn, so if they put a second floor on, it will make this house very tall. This has and will change the character of the neighborhood.

The applicant and the engineering /design firm have not been truthful in their actions and should be made to come up with a new design to comply with the original structure. This should only be allowed to be a single story house. Otherwise we will have a structure with a nonconforming height on an already nonconforming lot.

They also have a front stoop that protrudes from the front of the house. Once they have the second step built they will be stepping right into the alley. This should be redesigned and recessed into the house instead. The front stoop poses a danger on the alley, between vehicular traffic, snowplows and service vehicles.

Please take a look at this project and pay very close attention, the zoning board and the building department need to take action and hold them accountable. The applicant is trying to pull a fast one and should not be allowed to continue until they comply with the height and design constrictions of new construction on a nonconforming lot. We feel the applicant should be only allowed to build the house as tall as the original barn structure.

Thank you, Susan and Brian Rodems  
■ White Street

---

**From:** "[REDACTED]" <[REDACTED]>  
**To:** "Susan Barden" <susan.barden@saratoga-springs.org>  
**Sent:** Sunday, February 7, 2016 6:49:15 PM  
**Subject:** 39 Murphy Lane project

To the zoning Board, Susan Barden and the Saratoga Springs Building Inspector

We share the concerns of our neighbors regarding the construction project at 39 Murphy Lane in Saratoga Springs. The barn/restoration is now being replaced with an entirely new construction thus not complying with the original zoning board regulations.

Particular problems are the height and the design of the structure on this nonconforming lot. Apparently, the applicant and engineering design firm are not following the regulations.

Please take action on this project.

Thank you,  
Linda and Tom Davis  
[REDACTED] White Street

Confidentiality/Privilege Notice: This e-mail communication and any files transmitted with it contain privileged and confidential information from the City of Saratoga Springs and are intended solely for the use of the individual(s) or entity to which it has been addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking any other action with respect to the contents of this message is strictly prohibited. If you have received this e-mail in error, please delete it and notify the sender by return e-mail. Thank you for your cooperation.

---

---

**From:** "Loretta Martin" [REDACTED] >  
**To:** "Susan Barden" <susan.barden@saratoga-springs.org>  
**Sent:** Monday, February 1, 2016 2:16:13 PM  
**Subject:** 39 Murphy Lane

I live on the corner of Murphy Lane and Stratton Street. My address is [REDACTED] Stratton and my phone number is [REDACTED]. I am writing today because of the construction site next door to us.

I appreciate your attention to this matter.

### **39 Murphy Lane Construction**

**To the Zoning Board, Susan Barden and the Saratoga Springs Building Inspector**

**As next door neighbors, on [REDACTED] Stratton Street, we did not object to the initial building permit that was submitted last year for this proposed renovation. What is happening now on that site is NOT what was submitted.**

**They have dug an 8 foot basement, taken off all of the siding and torn down the roof. That, to me, does not look like the renovation they proposed, but an all out new house. They have a front stoop that protrudes from the front of the house that will make it impossible not to step into the alley when they use it.**

**I am requesting that you take a good long hard look at what they are doing and take action to make sure this "house" does not exceed height regulations on a non conforming lot, and stay within the original barn structure height and size.**

**Thank you for your consideration in this matter**

**Concerned neighbors**

**Loretta Martin  
[REDACTED] Stratton Street**

Confidentiality/Privilege Notice: This e-mail communication and any files transmitted with it contain privileged and confidential information from the City of Saratoga Springs and are intended solely for the use of the individual(s) or entity to which it has been addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking any other action with respect to the contents of this message is strictly prohibited. If you have received this e-mail in error, please delete it and notify the sender by return e-mail. Thank you for your cooperation.

---

---

**From:** "Mike Winn" [REDACTED] >  
**To:** "Susan Barden" <susan.barden@saratoga-springs.org>  
**Sent:** Thursday, January 28, 2016 12:04:47 PM  
**Subject:** Stop Work Order on construction at 39 Murphy Lane

Dear Ms. Barden.

I am writing you as a concerned neighbor regarding the barn restoration/renovation at 39 Murphy lane. It has come to my attention that a stop work order has been placed on this project due to non-conforming work. I am most concerned that the work being done is not conforming to the project as originally presented to your board. My yard is overlooked by 39 Murphy lane. It is my understanding that this new structure now will be significantly taller than proposed under the original plans. I believe this would require additional zoning variances. I also believe this structure was approved to be a restoration to a single family home, not a multi-family dwelling.

I am in favor of this work going forward only if it meets the original specifications and plans submitted to the city.

Thanks in advance for your time and attention regarding this matter. Feel free to contact me at my cell or email below.

Sincerely,

Michael B. Winn

[REDACTED]  
[REDACTED]  
[REDACTED]@yahoo.com  
[REDACTED]!

Confidentiality/Privilege Notice: This e-mail communication and any files transmitted with it contain privileged and confidential information from the City of Saratoga Springs and are intended solely for the use of the individual(s) or entity to which it has been addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking any other action with respect to the contents of this message is strictly prohibited. If you have received this e-mail in error, please delete it and notify the sender by return e-mail. Thank you for your cooperation.

---

# ENGINEERING AMERICA CO.

76 WASHINGTON ST. SARATOGA SPRINGS, NY 12866

518 / 587-1340 518 / 580-9783 (FAX)

---

---

## TRANSMITTAL SHEET

---

---

TO: Zoning Board of Appeals	FROM: Tonya Yasenchak
COMPANY: City of Saratoga Springs	DATE: February 18, 2016
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER: 4
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: # 39 Murphy Ln. Zoning Saratoga Springs, NY	YOUR REFERENCE NUMBER:

---

---

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     AS REQUESTED

---

---

City of Saratoga Zoning Board Members,  
Engineering America Co. herein would like to provide revised information regarding the #39  
Murphy Lane barn renovation in Saratoga Springs, NY.

### **Modifications From Original Approval**

- 1) New foundation installation resulted in 1<sup>st</sup> floor level at 2' above original plan.
  - 2) Modified front stoop & overhang dimension reduced.
  - 3) Stairs added from grade up to front stoop.
  - 4) New structural elements (walls) will result in overall ht. of building at approx. 30' 6" – 31', raised approx.. 3' from original overall ht. (60' max. ht. allowed by Zoning)
  - 5) Side roof overhang dimensions reduced to 6" from 12" original plan.
  - 6) Two risers (1 tread) proposed out rear slider to rear raised, detached patio. The one new tread falls under house roof overhang. The raised patio & associated stairs are compliant with setbacks and permeability.
- 
-

**Current Proposed Variance Modifications vs. Approved Variances**

	<b><u>Dim. Req./Orig. / New</u></b>	<b><u>Relief Approved</u></b>	<b><u>2/18/16 Rev.</u></b>	<b><u>Rev. Relief</u></b>
Min. Lot Size	6,600 sq.ft./2,500sq.ft.	4,100 (62.1%)	No Change	No Change
Av. Lot Width	60' / 50' (existing)	10' (16.7%)	No Change	No Change
Front Yard Dim:	10' / 3.1' / 3.2'	6.9' (69%)	6.8' = 68%	Reduced 1%
Rear Yard Dim:	25' / 15.7' / 15.8'	9.3' (37.2%)	9.2' = 36.8%	Reduced 0.4%
Total Side Dim:	12' / 11.4' / 12.3'	0.6' (5%)	No Variance	No Variance Req.
Building Coverage:	30% / 46.5% / 43.2%	16.5% (55%)	13.2% (44%)	Reduced 11%
Min. Parking	2 / 1 / 1	1	No Change	No Change

**Area Calculations:**

Total Lot Size: 2,500 sq.ft.  
 Pre-Existing Barn: 1,083 sq.ft. (43.32% coverage = 13.32% > 30% max allowable)  
 Proposed Barn: 1,080 sq.ft. (43.2% coverage = 13.2% > 30% max.)  
 (New coverage actually decreases by 3 sq.ft. from original barn)

Permeability: Proposed Barn Residence: 1,080 sq.ft.  
 Assumed Paving at Alley: 300 sq.ft. (+/-) (along front of building)  
 New Rear Patio & Stairs: 60  
 Total Coverage: 1,440 sq.ft.  
1,440 sq.ft. (57.6 % coverage = 42.4 % permeable > 25% min)

Engineering America Co., on behalf of the Owners of #39 Murphy Lane, would like to respectfully request that the Zoning Board of appeals review and approve the modifications made to the original proposed project. We believe that the modifications requested do not produce any negative impacts on the neighborhood environment or character as all of the original approved variances may be reduced and one variance may be removed. All other conditions are in compliance with the UR-3 zoning regulations.

Thank you for your time and cooperation.

Sincerely,

  
 Tonya Lasenchak, PE

Enc.

Cc: D'Agostino



# CITY OF SARATOGA SPRINGS

## ZONING BOARD OF APPEALS

CITY HALL - 474 BROADWAY  
 SARATOGA SPRINGS, NEW YORK 12866  
 PH) 518-587-3550 FX) 518-580-9480  
 WWW.SARATOGA-SPRINGS.ORG

Bill Moore  
*Chair*  
 Keith B. Kaplan  
*Vice Chair*  
 Adam McNeill  
*Secretary*  
 Gary Hasbrouck  
 George "Skip" Carlson  
 James Helicke  
 Susan Steer

### IN THE MATTER OF THE APPEAL OF

Jean D'Agostino  
 38 Warren St  
 Saratoga Springs NY 12866

from the determination of the Building Inspector involving a lot on the south side of Murphy Lane between Clark Street and Stratton Street, in the City of Saratoga Springs, New York being tax parcel number 165.84-1-22, in the Inside District, on the Assessment Map of said City.

The appellant having applied for an area variance under the Zoning Ordinance of said City to permit the renovation and conversion of an existing barn structure to a single family house on the above-referenced lot in a UR-3 District and public notice having been duly given of a hearing on said application held on the 23rd day of February and the 9th and 23rd days of March 2015.

In consideration of the balance between benefit to the applicant with detriment to the health, safety and welfare of the community, I move that the requested area variances for the following amounts of relief:

2/18/16 (REVISED)

TYPE OF REQUIREMENT	DISTRICT DIMENSIONAL REQUIREMENT	PROPOSED	RELIEF REQUESTED (ORIGINAL APPROVAL)	
MINIMUM LOT SIZE	6600 SF	2500 SF (same)	4100 SF, OR 62.1%	(same)
MINIMUM AVERAGE LOT WIDTH	60 FT	50 FT (same)	10 FT, OR 16.7%	(same)
MINIMUM FRONT YARD SETBACK	10 FT	3.1 FT (3.2)	6.9 FT, OR 69%	(68%)
MINIMUM REAR YARD SETBACK	25 FT	15.7 FT (15.8)	9.3 FT, OR 37.2%	(36.8%)
MINIMUM TOTAL SIDE YARD SETBACK	12 FT	11.4 FT (12.3)	0.6 FT, OR 5%	0% / N/A
MAXIMUM PRINCIPAL BUILDING COVERAGE	30%	46.5% (43.2%)	16.5%, OR RELATIVE RELIEF OF 55%	(13.2%) (44%)
MINIMUM PARKING REQUIREMENT	2 PARKING SPACES	1 PARKING SPACE (same)	1 SPACE, OR 50%	(same)

As per the submitted application materials, be approved, after weighing the following considerations:

1. The Board notes the applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. The board notes that there is a permitted use for this structure, that of an accessory building. However, the applicant is a contract vendee who is seeking the benefit of a principal residence; the board has evaluated this application based on that benefit.

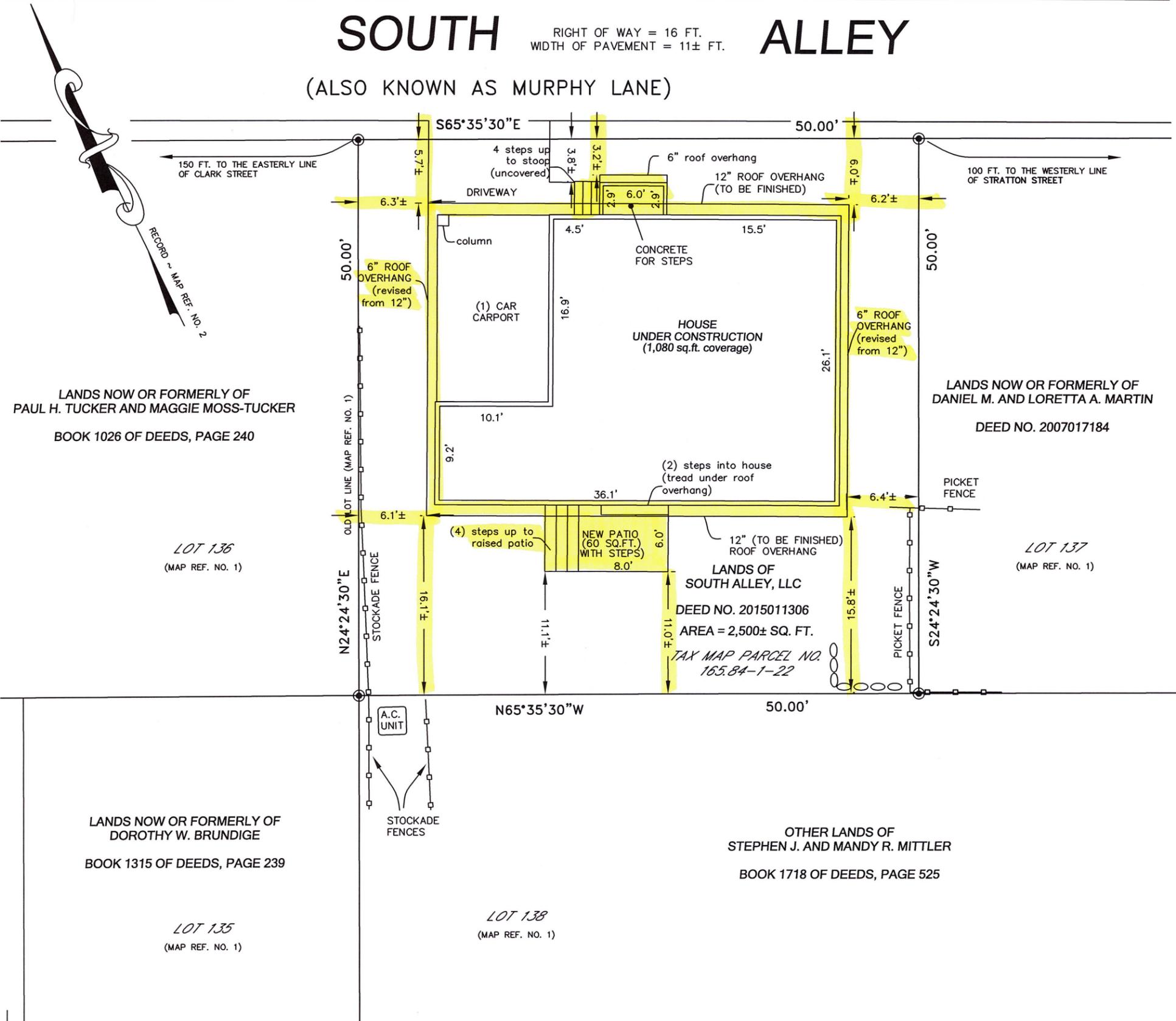
There are seven variances in question here, so the board's conclusion on the consideration of other feasible means is based on the consideration of the individual variances as follows:

- a. Principal building coverage: the lot size, at 2500 square feet, is such that the footprint of a house conforming to the 30% coverage requirement would be small (750 square feet including

# SOUTH ALLEY

(ALSO KNOWN AS MURPHY LANE)

RIGHT OF WAY = 16 FT.  
WIDTH OF PAVEMENT = 11± FT.



**ZONING INFORMATION:**

ZONING DISTRICT: UR-3  
 MINIMUM LOT SIZE: 8,000 SQ. FT.  
 (6,600 SQ. FT. FOR SINGLE FAMILY RESIDENCE)  
 MINIMUM MEAN LOT WIDTH: 80 FT.  
 (60 FT. FOR SINGLE FAMILY RESIDENCE)  
 MAXIMUM PERCENT OF LOT TO BE OCCUPIED BY:  
 PRINCIPAL BUILDING: 30 %  
 ACCESSORY BUILDING: 10%  
 MINIMUM YARD DIMENSIONS:  
 FRONT: 10 FT.  
 REAR: 25 FT.  
 ONE SIDE: 4 FT.  
 TOTAL SIDE: 12 FT.  
 PRINCIPAL BUILDING:  
 MINIMUM FIRST FLOOR AREA:  
 1 STORY: 1,200 SQ. FT.  
 2 STORY: 800 SQ. FT.  
 MAXIMUM BUILDING HEIGHT: 60 FT.  
 MINIMUM DISTANCE FROM ACCESSORY BUILDING TO:  
 PRINCIPAL BUILDING: 5 FT.  
 FRONT LOT LINE: 10 FT.  
 SIDE LOT LINE: 5 FT.  
 REAR LOT LINE: 5 FT.  
 MINIMUM PERCENT OF LOT TO BE PERMEABLE: 25%

*REV. 2/10/16-TJ*

NOTE: THE RECENT 1/26/16 UPDATED SURVEY WAS MODIFIED BY ENGINEERING AMERICA CO., WITH PERMISSION FROM SURVEY ASSOCIATES, TO CREATE THIS PLOT PLAN TO DEPICT PLAN CHANGES REQUIRING AREA VARIANCES. AN AS-BUILT SURVEY PLAN MUST BE PREPARED FOR THE BUILDING PERMIT APPLICATION AFTER CONSTRUCTION HAS BEEN COMPLETED, FOR FILING WITH THE CITY.

UNAUTHORIZED ALTERATION OR ADDITION TO THIS MAP IS A VIOLATION OF ARTICLE 145, SECTION 7209, SUB-PARAGRAPH (2) OF THE NEW YORK STATE EDUCATION LAW.

**SURVEY** DANIEL C. WHEELER, LS  
**ASSOCIATES, LLC**  
 PROFESSIONAL LAND SURVEYING

DANIEL C. WHEELER  
 P.L.S. LIC. NO. 50,137

432 BROADWAY, SUITE 5, SARATOGA SPRINGS, NY 12866  
 PH. (518) 583-7302 FAX (518) 583-7303

**NOTES:**

THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR A TITLE REPORT.

**MAP REFERENCES:**

MAP ENTITLED "MAP OF LOTS OWNED BY A.S. MAXWELL", DATED 1854, MADE BY H. SCOFIELD, C.E. AND FILED IN THE SARATOGA COUNTY CLERK'S OFFICE AS CARD 2, POCKET 3, FOLDER 2.

MAP ENTITLED "MAP OF LANDS OF DANIEL M. AND LORETTA A. MARTIN", DATED APRIL 23, 2009 AND MADE BY THOMPSON / FLEMING LAND SURVEYORS, P.C.

**DEED REFERENCE:**

DEED DATED APRIL 13, 2015 FROM STEPHEN J. MITTLER AND MANDY R. MITTLER TO SOUTH ALLEY, LLC AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE AS DEED NO. 2015011306.

**TITLE:**

**SURVEY OF LANDS OF SOUTH ALLEY, LLC**  
 (DEED NO. 2015011306)

**LOCATION:**

CITY OF SARATOGA SPRINGS (I.D.)  
 SARATOGA COUNTY, NEW YORK

**DATE:**

JANUARY 26, 2016

**SCALE:**

1 INCH = 10 FEET

MAP NO. 2016-01-02

**From:** "Paul Tucker" [REDACTED] >  
**To:** "Susan Barden" <susan.barden@saratoga-springs.org>  
**Sent:** Monday, February 22, 2016 4:09:14 PM  
**Subject:** Fw: Feb 22 ZBA Meeting - 39 MURPHY LANE BARN "RENOVATION"

To whom it may concern:

Maggie Moss-Tucker and I, owners of [REDACTED] Clark Street, Saratoga Springs for 35 years, abutters to 39 Murphy Lane, and former owners of the carriage house that stood on that lot are appalled at what has occurred to that historic structure. Against great opposition, you granted the developer 7 variances to renovate the building on the basis of the developer's appeals but what did your actions yield? The worst possible result. The complete destruction of the structure.

To add insult to injury, the developer has completely subverted your directives and begun to rebuild the structure without informing you, the abutters, or the neighbors. It was a brazen move that must be stopped.

The structure that has arisen, without your approval or any input from the neighbors, has little to do with the original, historic building that stood on the site or with the agreement that you had made with the developer. This is unacceptable and seriously detrimental the neighborhood.

These nefarious actions are typical of the developer. She has never been forthright about her intentions. She directly lied to us as to who was buying the building; she lied about her intentions for the building; and she lied in front of you about her plans to "renovate" the structure. Nothing could be more contrary to your *raison d'être*. You are the appropriate arbitrators of such situations. But the developer failed you just as she failed our neighborhood.

We therefore hope that you will continue to impose a cease-and-desist order on her, and insist that she submit appropriate plans for the building that require her to rebuild it as it had been which includes but is not limited to: lowering the foundation and the second story to their original heights, revising the proposed window treatment which impinges on the privacy rights of the abutters and undermines the integrity of the building, and reducing the "front porch."

The deception that informed every aspect of this so-called renovation is an insult to your committee, the review process for such developments, and the architectural significance of Saratoga Springs which takes rightful pride in its

architectural heritage.

Yours sincerely,

Paul Tucker and Maggie Moss-Tucker  
█ Clark Street

\*\*\*\*\*  
ZBA Agenda – Feb 22:

Link to City of Saratoga Springs, Feb 22 ZBA Agenda (with links to the supporting documentation contained in the Agenda).

<http://www.saratoga-springs.org/AgendaCenter/ViewFile/Agenda/02222016-1273>

\*\*\*\*\*



**CITY OF SARATOGA SPRINGS**  
ZONING BOARD OF APPEALS

CITY HALL - 474 BROADWAY  
SARATOGA SPRINGS, NEW YORK 12866  
PH) 518-587-3550 FX) 518-580-9480  
WWW.SARATOGA-SPRINGS.ORG

Bill Moore  
*Chair*  
Keith Kaplan  
*Vice Chair*  
Adam McNeill  
*Secretary*  
George "Skip" Carlson  
Gary Hasbrouck  
James Helicke  
Susan Steer

**ZBA Meeting – Monday, February 22, 2016**  
**City Council Chambers – 7:00 p.m.**

6:30 P.M. **Workshop**

**Salute The Flag**

**Role Call**

**New Business**

**1. #2807.1 MURPHY LANE SINGLE-FAMILY RESIDENCE**  
39 Murphy Lane, area variance modification for proposed changes to a previously approved barn conversion to single-family residence; seeking additional relief from the minimum front yard and rear yard requirements in the Urban Residential – 3 District.

Documents: [2807.1 MURPHYLNBARRENO\\_39MURPHYLN.PDF](#), [2807.1 MURPHYLNBARRENO\\_NEIGHBORCORREDACTED.PDF](#)

\*\*\*\*\*

**Please find below a version of the original variance application with highlighted comments provided therein:**

"IN THE MATTER OF THE APPEAL OF Jean D'Agostino 38 Warren St Saratoga Springs NY 12866 from the determination of the Building Inspector involving a lot on the south side of Murphy Lane between Clark Street and Stratton Street, in the City of Saratoga Springs, New York being tax parcel number 165.84-1-22, in the Inside District, on the Assessment Map of said City. City of Saratoga Springs - Zoning Board of Appeals – March 23, 2015 - Page 17 of 20

From ZBA decision (emphasis added): "The appellant having applied for an area variance under the Zoning Ordinance of said City to **permit the renovation and conversion of an existing barn** structure to a single family house."

Noncompliance with decision: Applicant did not renovate existing barn rather removed existing barn including slab floor, studs, siding, second floor, studs, siding and roof and **replaced entire historic barn with brand new building that now is four feet taller than the original barn, a slab foundation replaced with a full basement and total building volume is about 133% of the original building volume. No renovation and**

**conversion** was ever conducted.

Proposed relief requested MINIMUM LOT SIZE 6600 SF 2500 SF 4100 SF, OR **62.1%**

Another way to think about the tremendous magnitude of the variance requested: lot area provided 2500 sq. ft. requested lot size is **a lot two and one-half sizes too small for the district or 264%**

From ZBA decision (emphasis added): "As per the submitted application materials, be approved, after weighing the following considerations: 1. The Board notes the applicant has **demonstrated this benefit cannot be achieved by other means feasible** to the applicant. The board notes that there is a permitted use for this structure, that of an accessory building. However, the applicant is a contract vendee who is seeking the benefit of a principal residence; the board has evaluated this application based on that benefit. There are seven variances in question here, so the board's conclusion on the consideration of other feasible means is based on the consideration of the individual variances as follows: 1. Principal building coverage: the lot size, at 2500 square feet, is such that the footprint of a house conforming to the 30% coverage requirement would be small (750 square feet including overhangs). This can be done **if the barn is removed, which may be an undesirable effect as noted by the applicant on page 66 of the application "Tearing down the barn and starting new would cause a detriment to the neighborhood and community character."The applicant does not seek to do this** in the proposal as submitted.

Noncompliance with decision: **When applicant removed every square foot of existing foundation and the old barn is now gone, the applicant removed the basic reason for granting the variance—that it was an existing building that could not and should not be changed. The purpose of the project was not to restore an historic barn—it was to build a new single-family house on an accessory parcel that was never intended to be a separate lot on a real street, never approved as a separate lot as an approved subdivision, on a parcel that was 2 and one-half times too small. The board would have been looking at an entirely different application knowing and the applicant could have provided a totally different project with less nonconformities.**

2. Setback encroachments (front, rear, side). Given the rear-to-front dimensions of the property of 50 feet if fronting Murphy Lane, and the district requirements of 10 feet in front and 25 in back, conformity to both is quite difficult and would result in a very small structure. Total side setback of 12 feet could also be theoretically achieved with a smaller structure. **A smaller structure obviously requires a removal of the existing barn**, discussed above. It also would result in diminished utility as a single-family residence.

3. Lot width and parking: Per the applicant, land is not available to purchase on either side and that a parking easement on the western side of the property has been specifically ruled out after consultation with neighbors.

4. Lot size: The subject parcel is greatly undersized as a principal building lot; allowing it to be considered for a principal building on it cannot be done without a **variance since it is held in common with the adjacent parcel**. Land on the south boundary line is currently owned in common City of Saratoga Springs - Zoning Board of Appeals – March 23, 2015 - Page 18 of 20 on a separate parcel; however, a potential transfer of land appears to the Board to be not feasible due to the placement of a pool on that parcel. Per the applicant, "There is no adjacent land available for purchase."

Subdivision regulations violated. Separation of this parcel from the adjoining parcel as a separate lot is a subdivision. No subdivision approval has been granted to this lot. In fact, the parcel as an accessory use has always provided economic value as a storage barn and providing additional area for yard space and off-street parking in an already-cramped neighborhood.

Fact: The parcel was sold (legally?) to another adjacent owner in 2015 for \$85,000 for use as an accessory use. The current applicant has not tried to minimize impact to the neighborhood, rather, the simply maximize profit and, through the ZBA, impose significant adverse impact to the neighborhood.

2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The applicant notes **that the barn has been in existence since 1900** and that the position of the building relative to the neighbors would result in **it being less noticeable as a residence** than otherwise, and that the barn and surrounding yard are visible now.

Noncompliance with basic foundation of the application and decision: **The barn does not exist anymore!**

Key impact ignored in the decision: **view FROM the barn** and putting an **occupied structure that looms over what should be private rear yard space of the neighborhood**.

The board also notes that the renovation work would improve the outward appearance of the structure, currently in disrepair. 3. The Board considered the substantiality of the proposed variances. The number of variances sought, and the substantiality of four

of these in particular, when taken with the other considerations noted in this motion, are found to be large in this case. There are seven variances that would need to be granted to enable this project to move forward, and the lot size, building coverage, parking, and front setback relief would all need to be at least 50%. The rear yard variance of 37% is found to be substantial as well. The applicant notes and the Board agree in this case, **that these are pre-existing conditions of the lot, and are therefore not avoidable.** (The "lot" was never a "lot" for residential use and **the applicant has now removed all pre-existing conditions**—the applicant **failed to make clear** that there would be **no existing conditions after they demolished every part of the old barn.**): The board lot width relief sought of 16.7% is not substantial in this case, nor is the total side variance of 5%. 4. These variances will not have significant adverse physical and environmental effect on the neighborhood / district. Permeability requirements of 25% would be met. 5. The alleged difficulty is self-created as the applicant wishes to designate this parcel as a principal building; however self creation by itself is not fatal to an application. Adam McNeill, Secretary seconded the motion. Bill Moore, Chairman asked if there was any further discussion. None heard."

Confidentiality/Privilege Notice: This e-mail communication and any files transmitted with it contain privileged and confidential information from the City of Saratoga Springs and are intended solely for the use of the individual(s) or entity to which it has been addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking any other action with respect to the contents of this message is strictly prohibited. If you have received this e-mail in error, please delete it and notify the sender by return e-mail. Thank you for your cooperation.



**image001.png**  
92 KB

Sent from my Verizon Wireless 4G LTE DROID

----- Forwarded message -----

From: Stephen Mittler [REDACTED] >

Date: Feb 22, 2016 12:33 PM

Subject: Murphy Lane barn project

To: susan.barden@saratoga-springs.org

Cc:

Susan,

Thank you for discussing the Murphy Lane renovation project with me today. I believe you are well in tune to the neighbors concerns.

Of ultimate concern to me as the adjoining backyard neighbor is the final grade of the earth once the project is complete, or even in the future should a new owner decide to raise the grade and direct run off to my landscaped back yard. Simply put, I am concerned about flooding for me, the Martin's, and the Tucker's (the later who both have driveways adjoining the property). What would stop a future owner from regrading the property to ultimately run all drainage into my yard or onto Murphy lane?

The original barn sat approximately 6" below the grade of Murphy Lane. If I am correct from the filing, the front elevation now stands 36-48" above Murphy Lane (depending on how one chooses to measure -current or original elevation).

The original grade/elevation allowed for roof run off to remain on the property of 39 Murphy Lane. My back yard has always been very dry after a rain or melting snow event.

Finally, the elevation of the first floor now looks directly into my back yard with little ability for me to shield my yard above the 6' fence pictured in the attached. This view with the approved repair and pour over of original slab would have been at ground level. I respect the decision to put in a basement, but I was under the assumption that the basement dig out would allow for the original structure to be lowered back to the same elevation.

Many thanks for forward on my concern. Can you please simply reply that you have received this email so I am certain it arrived and will be sent to the ZBA? I would like this to be part of tonight's discussion to ensure my property and it's value are being considered.

Thanks!

| | Sent from my Verizon Wireless 4G LTE DROID

Confidentiality/Privilege Notice: This e-mail communication and any files transmitted with it contain privileged and confidential information from the City of Saratoga Springs and are intended solely for the use of the individual(s) or entity to which it has been addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking any other action with respect to the contents of this message is strictly prohibited. If you have received this e-mail in error, please delete it and notify the sender by return e-mail. Thank you for your cooperation.

---



# CITY OF SARATOGA SPRINGS

CITY HALL - 474 BROADWAY  
SARATOGA SPRINGS, NEW YORK 12866  
TEL: 518-587-3550 FAX: 518-580-9480  
WWW.SARATOGA-SPRINGS.ORG

[FOR OFFICE USE]

(Application #)

(Date received)

## APPLICATION FOR: APPEAL TO THE ZONING BOARD FOR AN INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

	<u>APPLICANT(S)*</u>	<u>OWNER(S) (If not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name	The Rosemary H. Benton Trust		Michael J. Toohey, Esq.
Address	[REDACTED]		P. O. Box 4367, 160 West Avenue Saratoga Springs, NY 12866
Tel./Fax		/	518-584-1500 / 518-584-1503
Email			[REDACTED]

\* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.  
Applicant's interest in the premises:  Owner  Lessee  Under option to lease or purchase

### PROPERTY INFORMATION

Property Address (No. & St.) 58 Fifth Avenue Side of St. (north, east, etc.) South

Tax Parcel No.: 166 13 - 2 - 45 (for example: 165.52 - 4 - 37) Tax District:  Inside  Outside  
East Lot - 1949

1. Date acquired by current owner: West Lot - 1950 2. Zoning District when purchased: Zoning did not exist

3. Present use of property: Single Family Residence 4. Current Zoning District: UR-1

5. Has a previous ZBA application/appeal been filed for this property?  Yes (when? \_\_\_\_\_ for what? \_\_\_\_\_)  No

6. Is property located within (check all that apply):  Historic District  Architectural Review District  
 500' of a State Park, city boundary, or county/state highway?

7. Brief description of proposed action: The property has been in the Benton family for 65 years. It was acquired with a house on the western most lot. The Application is to break up the lots again and be allowed to place a single family residence on the eastern most lot.

8. Is there a written violation for this parcel that is not the subject of this application?  Yes  No

9. Has the work, use or occupancy to which this appeal relates already begun?  Yes  No

10. Identify the type of appeal you are requesting (check all that apply):

INTERPRETATION (p. 2)  VARIANCE EXTENSION (p. 2)  USE VARIANCE (pp. 3-6)  AREA VARIANCE (pp. 6-7)

FEES: Make checks payable to the "Commissioner of Finance" and attach to top of original application. Fees are cumulative and required for each request below.

- Interpretation \$ 400
- Use variance \$1,000
- Area variance
- Residential use/property: \$ 150
- Non-residential use/property: \$ 500
- Extensions: \$ 150

**INTERPRETATION – PLEASE ANSWER THE FOLLOWING** (add additional information as necessary):

1. Identify the section(s) of the Zoning Ordinance for which you are seeking an interpretation:

Section(s) \_\_\_\_\_

2. How do you request that this section be interpreted? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. If interpretation is denied, do you wish to request alternative zoning relief?  Yes  No

4. If the answer to #3 is "yes," what alternative relief do you request?  Use Variance  Area Variance

**EXTENSION OF A VARIANCE – PLEASE ANSWER THE FOLLOWING** (add additional information as necessary):

1. Date original variance was granted: \_\_\_\_\_ 2. Type of variance granted?  Use  Area

3. Date original variance expired: \_\_\_\_\_ 4. Length of extension requested: \_\_\_\_\_

5. Explain why the extension is necessary. Why wasn't the original timeframe sufficient?: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When requesting an extension of time for an existing variance, the applicant must prove that the circumstances upon which the original variance was granted have not changed. Specifically demonstrate that there have been no significant changes on the site, in the neighborhood, or within the circumstances upon which the original variance was granted:

\_\_\_\_\_

---



---



---



---



---



---

**USE VARIANCE** – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

A use variance is requested to permit the following: \_\_\_\_\_

---



---

For the Zoning Board to grant a request for a use variance, an applicant must prove that the zoning regulations create an unnecessary hardship in relation to that property. In seeking a use variance, New York State law requires an applicant to prove all four of the following “tests”.

- I. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. “Dollars & cents” proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons:

---



---



---



---



---



---

A. Submit the following financial evidence relating to this property (attach additional evidence as needed):

1) Date of purchase: \_\_\_\_\_ Purchase amount: \$ \_\_\_\_\_

2) Indicate dates and costs of any improvements made to property after purchase:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

3) Annual maintenance expenses: \$ \_\_\_\_\_ 4) Annual taxes: \$ \_\_\_\_\_

5) Annual income generated from property: \$ \_\_\_\_\_

6) City assessed value: \$ \_\_\_\_\_ Equalization rate: \_\_\_\_\_ Estimated Market Value: \$ \_\_\_\_\_

7) Appraised Value: \$ \_\_\_\_\_ Appraiser: \_\_\_\_\_ Date: \_\_\_\_\_

Appraisal Assumptions: \_\_\_\_\_

B. Has property been listed for sale with the Multiple Listing Service (MLS)?  Yes If "yes", for how long? \_\_\_\_\_  No

1) Original listing date(s): \_\_\_\_\_ Original listing price: \$ \_\_\_\_\_

If listing price was reduced, describe when and to what extent: \_\_\_\_\_

2) Has the property been advertised in the newspapers or other publications?  Yes  No

If yes, describe frequency and name of publications: \_\_\_\_\_

3) Has the property had a "For Sale" sign posted on it?  Yes  No

If yes, list dates when sign was posted: \_\_\_\_\_

4) How many times has the property been shown and with what results? \_\_\_\_\_

2. That the financial hardship relating to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous other properties in the same neighborhood or district would not satisfy this requirement. This previously identified financial hardship is unique for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



---



---



---



---



---



---



---



---



---

**AREA VARIANCE – PLEASE ANSWER THE FOLLOWING** (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) Bulk Schedule.

Dimensional Requirements

See Exhibit C showing all area variances needed for the two parcels

From

To

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
See Exhibit C showing all area variances needed for the two parcels		

Other: \_\_\_\_\_

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

- Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.  
As specified in the Narrative, this property was historically two lots. The land to the north is a public street, the land to the south is the "Oklahoma Track" owned by New York State. There are existing homes to the east and west that I believe already are in violation of the existing side yard setbacks. As a result, there is no additional land that can be acquired.

- 
2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

As shown on Exhibit "C", the resulting lots will be consistent in size with the the surrounding properties. This is a neighborhood that was developed prior to the implementation of the Zoning Code's Bulk requirements and, as a result, there are few, if any, parcels that meet the Area Bulk requirements established under the Zoning Code.

---

---

---

---

---

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

The purpose for the Bulk/Area Schedule in the Zoning Code is to create a uniform placement and sizing of structures within a Zone. The placement of the existing house was pre-zoning and on the separate lot there is room for a home to be built with proper setbacks. As a result, the request is not substantial in the context of the existing lots and single family structures within this neighborhood.

---

---

---

---

---

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

The placement of the existing house, while predating zoning, is consistent with the existing lot sizes of homes and placement of residences in this neighborhood. Lot 2 in the re-division of these lots will be the same size as five lots on the south side of Fifth Avenue and will be wider than twelve lots in the vicinity of this parcel (See Exhibit B). As a result, the existence and creation of these two residential parcels will have no adverse physical or environmental effect on the neighborhood.

---

---

---

---

---

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

When you recognize that this property was historically two lots and all we are asking is for the Zoning Board to recognize and accept that historic fact, I do not believe this request is self-created.

In accord with Article 240-14.4A(1)(b)(6) of the Zoning Ordinance, "any request for an area variance, which shall effect a change in density, shall be applied for and considered as a use variance and decided under criteria for the same". A request that involves any of the following relief will require an application for a use variance and will be decided under the use variance criteria:

- (1) Dimensional relief from minimum lot size requirements that would allow additional permitted units and/or uses
- (2) Relief from on site parking requirements
- (3) Reduction in land area requirements for multi-family units

DISCLOSURE

Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application?  No  Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT CERTIFICATION

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

*[Handwritten Signature]*  
\_\_\_\_\_  
(applicant signature)  
*Authorized Agent of the Applicant*

Sworn to before me this date:

Date: 1/8/16

\_\_\_\_\_  
(applicant signature)

*[Handwritten Signature]*  
\_\_\_\_\_  
Notary Public



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
The Rosemany H. Benton Trust			
Name of Action or Project: Division of Property			
Project Location (describe, and attach a location map): 58 Fifth Avenue			
Brief Description of Proposed Action: To re-divide the two parcels owned by the Trust so that they both can be used for single family residences.			
Name of Applicant or Sponsor: The Rosemary H. Benton Trust		Telephone: [REDACTED]	
		E-Mail: [REDACTED]	
Address: 58 Fifth Avenue			
City/PO: Saratoga Springs		State: NY	Zip Code: 12866
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Possible Subdivision Approval, Planning Board, City of Saratoga Springs			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		.382 acres	
b. Total acreage to be physically disturbed?		.172 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.382 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			



<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>San Francisco</u> <i>Michael J. Teobry Authorized agent</i> Date: <u>1/8/16</u></p> <p>Signature: <u>Michael J. Teobry</u></p>		

## NARRATIVE

The Benton Family has owned two contiguous lots on the south side of Fifth Avenue east of East Avenue for approximately 65 years. The western parcel, upon which the house is located, was purchased in 1950 from Fern K. Benton, the then owner's sister. The second lot, which is located adjacent to the first lot was purchased from Williard J. Grande and Madeline C. Grande in 1949. W.J. Grande & Son, Inc. built most of the homes of that era that existed on the south side of Fifth Avenue and the north of the "Oklahoma" track property. In 1994 it appears that the two parcels were placed on one deed, although they continue to be shown as two distinct parcels, with the parcel to the west being 83 ft. in width and the parcel to the east being 83 ½ ft. in width. *(See Exhibit A – Deed Book 1401, Page 224)*

The present property owner is seeking to have the property brought back to its original state as two parcels.

In the time period that the Bentons have owned these two parcels, the City of Saratoga Springs adopted its first modern Zoning Code (July 1961) and imposed on this area of Fifth Avenue a designation of "R-1 Single Family Residence" which then had a requirement of 100 ft. wide lots, consisting of 12,500 sq. ft. It appears that the actual configuration of the parcels in the area of Fifth Avenue did not comply with the then newly instituted Zoning Code. The actual configuration of the Lots in 1961 was not a controlling factor when the Zoning Area requirements were imposed on the existing parcels.

As a result, eight (8) tax parcels (10 including the two Benton parcels), on the south side of Fifth Avenue did not comply with the Zoning Lot Width and Lot Area requirements. This lack of conformance pertaining to lot width can also be seen in the 13 tax parcels on the north side of Fifth Avenue going in an easterly direction from East Avenue. *(See Attached Exhibit B)*

As a result, the area variances that are requested in this Application are consistent with the Zoning Code history of this section of the City and with what actually exists with regard to the neighboring parcels to the property that is the subject of this Application.

EXHIBIT A

SARATOGA COUNTY CLERK  
COUNTY CLERK'S RECORDING PAGE

RECEIPT NO.: 033909

INDEXED BY: *dm*  
SCANNED BY:

BOOK OF DEEDS  
BOOK 01401 PAGE 00224  
NO. PAGES 2  
INSTRUMENT CODE: DED  
INSTRUMENT NO.: 9502577

RECORDING:  
RECORDING DEED FEES 14.00  
EDUCATION FEE 5.00  
DEEDS - EA-5217 25.00  
FILING FEE 6.00  
TOTAL: 50.00

STATE OF NEW YORK  
SARATOGA COUNTY CLERK  
RECORDED ON 12/05/94 AT 10:28 AM  
IN BOOK DEEDS PAGE 00224 OF 01401

TRANSFER TAX  
Transfer Tax 0.00  
Transfer Tax# 9502577

Rosemarie A. Corbett,  
SARATOGA COUNTY CLERK

THIS PAGE IS PART OF THE INSTRUMENT

**WARRANTY DEED WITH LIEN COVENANT**

THIS INDENTURE, made the 23<sup>RD</sup> day of November, 1994, between ROSEMARY H. BENTON, hereinafter the "GRANTOR", residing at 58 Fifth Avenue, Saratoga Springs, New York 12866 and THE ROSEMARY H. BENTON TRUST, hereinafter the "GRANTEE", c/o 58 Fifth Avenue, Saratoga Springs, New York 12866.

WITNESSETH, the GRANTOR, in consideration of ONE and 00/100 DOLLAR (\$1.00) lawful money of the United States and other good and valuable consideration paid by the GRANTEE, does hereby grant and release unto the GRANTEE, its successors heirs and assigns forever:

**PARCEL I:**

17-14

ALL THAT TRACT OR PARCEL OF LAND beginning at a point one hundred (100) feet east of the intersection of the south lot line of Fifth Avenue and the east lot line of East Avenue and going east along Fifth Avenue eighty-three (83) feet, thence at right angles to Fifth Avenue south one hundred (100) feet to the southern boundary line of party of first part; thence west along said boundary line eighty-three (83) feet; thence north at right angles to the last mentioned line one hundred (100) feet to the place of beginning. It is intended to convey the west eighty-three (83) feet of lot G-1 as designated on a map of the property of William H. Moran, Inc., Fifth Avenue, Saratoga Springs, N. Y., made by Samuel J. Mott, licensed land surveyor, No. 7888, July, 1939, and filed in the office of the Saratoga County Clerk July, 1939.

BEING the same premises conveyed to JAMES E. BENTON and ROSEMARY H. BENTON, his wife, by deed dated October 9th, 1950, and recorded in the Saratoga County Clerk's Office on October 23rd, 1950, in Book 526 of Deeds at Page 440. SAID JAMES E. BENTON died a resident of Saratoga County on April 21, 1981, leaving said ROSEMARY H. BENTON as the surviving tenant by the entirety.

**PARCEL II:**

ALL THAT TRACT OF LAND situate in the City of Saratoga Springs, Saratoga County, New York, described as follows: BEGINNING at a point on the south line of Fifth Avenue, as extended, 183 feet easterly of the intersection of the east line of East Avenue and the south line of Fifth Avenue, and running thence easterly along the south line of Fifth Avenue 83 1/2 feet; thence southerly on a line at right angles with the south line of Fifth Avenue 100 feet to the north line of premises of the Saratoga Association for the Improvement of the Breed of Horses; thence westerly along the north line of said Saratoga Association lands 83 1/2 feet to the east line of lands formerly owned by William E. Benton, and thence northerly along the east line of said lands 100 feet to the point of beginning.

BEING the same premises conveyed to ROSEMARY H. BENTON by deed dated March 10th, 1992 and recorded in the Saratoga County Clerk's Office on March 20th, 1992, in Book 1330 of Deeds at Page 406.

SUBJECT TO all enforceable covenants, conditions, restrictions and easements of record, if any, affecting the premises described hereinabove.

TOGETHER with the appurtenances and all the estate and rights of the GRANTOR in and to said premises.

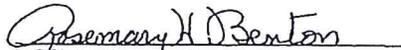
TO HAVE AND TO HOLD the premises herein granted unto the GRANTEE, her heirs and assigns forever. AND the said GRANTOR covenants as follows:

FIRST: That the GRANTEE shall quietly enjoy the said premises;

SECOND: That the GRANTOR will forever warrant the title to said premises;

THIRD: That, in compliance with Section 13 of the Lien Law, the GRANTOR will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

WITNESS WHEREOF, the GRANTOR has hereunto set his hand and seal the day and year first above written.

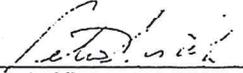
  
ROSEMARY H. BENTON

Saratoga County Clerk

VOL 01401  
PAGE 00224  
FILED 12/05/94 10:22 AM

STATE OF NEW YORK )  
COUNTY OF SARATOGA ) ss.:

On this 23<sup>rd</sup> day of November, 1994, before me personally came ROSEMARY H. BENTON, to me known to be the individual described in, and who executed the foregoing instrument, and he acknowledged to me that he executed the same.

  
\_\_\_\_\_  
Notary Public

RECORD AND RETURN TO:

TATE, BISHKO & ASSOCIATES  
1716 CENTRAL AVENUE  
ALBANY, NEW YORK 12205

ATTN: PETER BISHKO

PETER BISHKO  
Notary Public, State of New York  
Qualified in Albany County  
No. 9822971 8/31/96  
My Expires

**EXHIBIT B**

**58 Fifth Avenue  
Tax Parcel 166.13-2-45**

**As Subdivided:**

<b>Lot 1</b>	86.37 ft. wide	<b>Lot 2</b>	80.13 ft wide
<b>Lot 1</b>	9.149 sq ft	<b>Lot 2</b>	7500 sq ft

Southside Fifth Avenue, going east from East Avenue

<u>SBL</u>	<u>Width</u>	<u>Area/Sq Ft</u>
166.13-2-35	100 ft	10,000 sq ft
166.13-2-45	Subject property to be subdivided	
166.13-2-32	83.5 ft	8,350 sq ft
166.13-2-31	75 ft	7,500 sq ft
166.13-2-30	75 ft	7,500 sq ft
166.13-2-29	75 ft	7,500 sq ft
166.13-2-28	75 ft	7,500 sq ft
166.13-2-27	80 ft	8,000 sq ft
166.13-2-26	75 ft	7,500 sq ft
<b>Average</b>	$638.5/8 = 79.81$ ft	$63,850/8 = 7,981.25$ sq ft

The two parcels that are to be created are both wider than the average lot width in this sampling. Lot 1 has a larger area than the average and Lot 2 is the same size as five (5) lots in this area.

North side of Fifth Avenue going east from East Avenue to Schuyler Drive

<u>SBL</u>	<u>Width</u>
166.13-2-41	88.16 ft
166.13-2-40	85 ft
166.13-2-39	15 ft
166.13-2-38	60 ft
166.13-2-37	54.62 ft
166.13-2-36	50 ft
166.13-2-19	72.92 ft
166.13-2-20	60 ft
166.13-2-21	50 ft
166.13-2-22	60 ft
166.13-2-23	90 ft
166.13-2-24	60 ft
166.13-2-25	60 ft
<b>Average</b>	$805.7/13 = 61.97$ ft
Estimate Tax Parcel 39	$790.7/12 = 65.89$ ft

## EXHIBIT C

### AREA VARIANCES UR-1 Residential Zone

#### Subdivided Parcel 1 (Western Most Lot)

<u>Average</u>	<u>Requirement</u>	<u>Existing</u>	<u>Variance</u>
Lot Width	100 ft	86.37 ft	13.63 ft
Lot Area	12,500 sq ft	9,149 sq ft	3,315 sq ft
Lot Front	30 ft	24.5 ft existing	5.5 ft
Lot Rear	30 ft	10.9 ft existing	19.1 ft
Side	12 ft	1.6 ft existing	10.4 ft
Total Side	30 ft	13.6 ft	16.4 ft
Principal Building Coverage	20%	28.6%	8.6%

#### Subdivided Parcel 2

	<u>Requirement</u>	<u>Existing</u>	<u>Variance</u>
Lot Average Width	100 ft	75.7 ft.	24.3 ft
Lot Area	12,500 sq ft	7,500 sq ft	5,000 sq ft



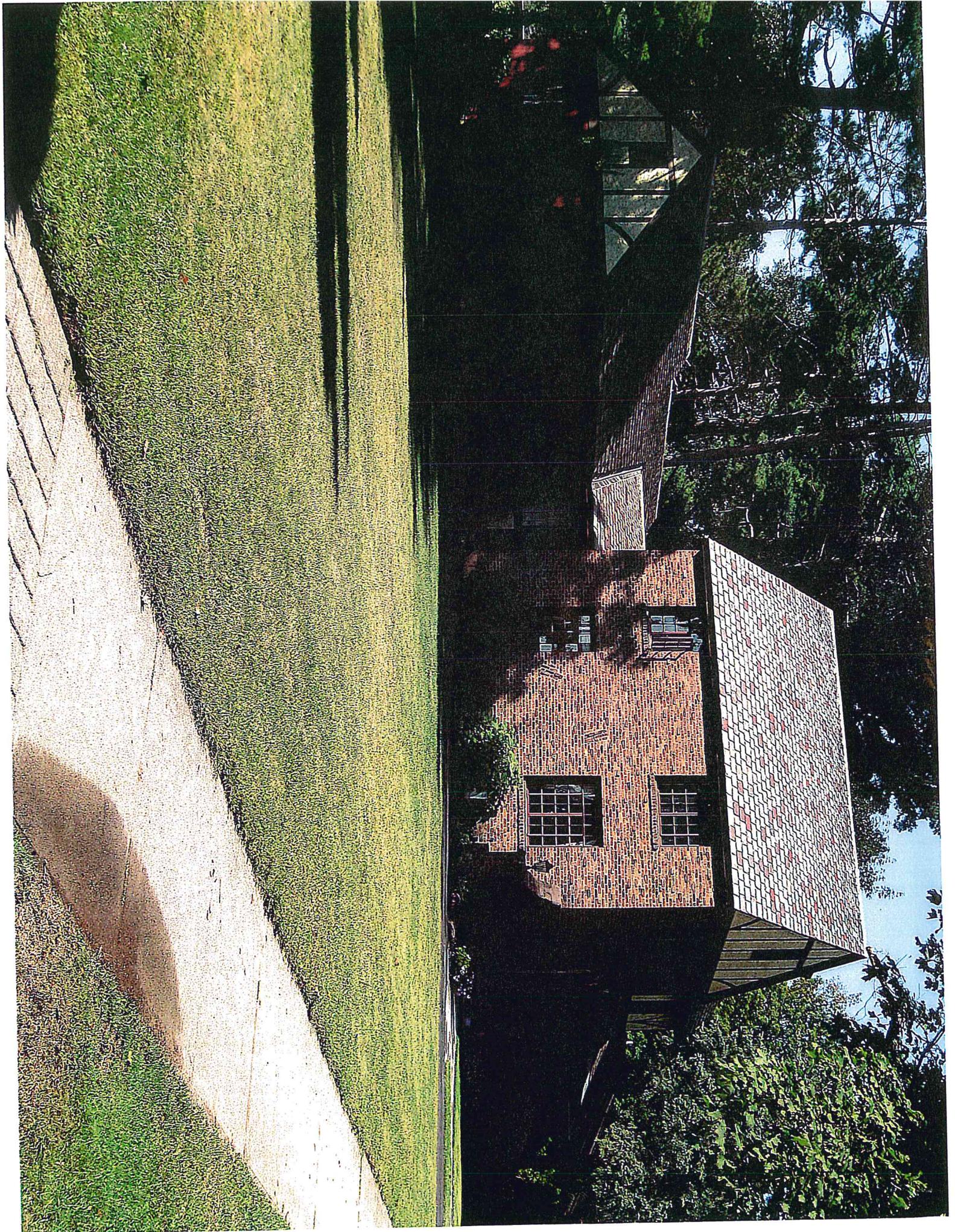
Tax Map 166.13-2

Subject Property



175	190	26	81
51 (97)	28 (104)	175	100
(99)	100 (101)	(102)	(103)
150	29	28	27
65.00 (91)	30	52.15	150.00
31	2	100	
85.00	55.14	60	50

100	50	50.0	120	40	35	35.0	50
69	1	100.0	50.0	35	35.0	50	50
100	3	150.0	100.0	100	100.0	100	100
100	4	150.0	100.0	100	100.0	100	100
100	5	150.0	100.0	100	100.0	100	100
100	6	150.0	100.0	100	100.0	100	100
100	7	150.0	100.0	100	100.0	100	100
100	8	150.0	100.0	100	100.0	100	100
100	9	150.0	100.0	100	100.0	100	100
100	10	150.0	100.0	100	100.0	100	100
100	11	150.0	100.0	100	100.0	100	100
100	12	150.0	100.0	100	100.0	100	100
100	13	150.0	100.0	100	100.0	100	100
100	14	150.0	100.0	100	100.0	100	100
100	15	150.0	100.0	100	100.0	100	100
100	16	150.0	100.0	100	100.0	100	100
100	17	150.0	100.0	100	100.0	100	100
100	18	150.0	100.0	100	100.0	100	100
100	19	150.0	100.0	100	100.0	100	100
100	20	150.0	100.0	100	100.0	100	100
100	21	150.0	100.0	100	100.0	100	100
100	22	150.0	100.0	100	100.0	100	100
100	23	150.0	100.0	100	100.0	100	100
100	24	150.0	100.0	100	100.0	100	100
100	25	150.0	100.0	100	100.0	100	100







SNYDER, KILEY, TOOHEY, CORBETT & COX, LLP  
ATTORNEYS AT LAW

PLEASE REPLY TO:

P.O. BOX 4367

SARATOGA SPRINGS, N.Y. 12866  
STREET ADDRESS: 160 WEST AVENUE

TELEPHONE (518) 584-1500  
FACSIMILE (518) 584-1503

OF COUNSEL  
LOREN N. BROWN\*

\*RETIRED JUSTICE  
NEW YORK STATE  
SUPREME COURT

Sharie T. Walerstein  
Paralegal

HARRY D. SNYDER  
MICHAEL J. TOOHEY  
KATHLEEN A. CORBETT  
JAMES G. SNYDER  
JAMES S. COX

ANNE MARIE ZSAMBA

February 12, 2016

Ms. Susan Barden, Planner  
City of Saratoga Springs  
City Hall, 473 Broadway  
Saratoga Springs, New York 12866

**RE: Area Variance – Benton Trust Application  
58 Fifth Avenue, Tax Parcel 166.13-2-45**

Dear Susan,

Please accept this letter as additional information to be distributed to the Board as it pertains to the Area Variance Application for 58 Fifth Avenue.

As part of our Application it is our contention that the property has historically been two separate lots.

In that regard, I enclose to you a deed from the Estate of William Benton dated March 10, 1992 to Rosemary Benton. This is the first time that the eastern lot was placed in the Rosemary Benton name.

I also enclose a deed dated October 9, 1950 from Fern K. Benton to James E. and Rosemary H. Benton which places the westernmost of the two lots in the name of Rosemary H. Benton.

Finally, I enclose a deed dated November 25, 1994 from Rosemary H. Benton to the Rosemary H. Benton Trust. You will note within this deed that two parcels are represented which are the parcels from the above specified deeds. This deed is the first time these two parcels have appeared on the same deed and owned by the same party.

As a result, I believe we have two parcels of land that were in separate ownership, both on July 6, 1961 and January 19, 1970, and as a result, pursuant to Section 5.5 "Non-conforming Lots", the two parcels should, in fact, be considered independent and non-conforming lots with all of the rights that result from that Zoning designation.

Benton - 58 Fifth Avenue  
February 12, 2016  
Page 2 of 2

This would be a portion of the argument we plan to make before the Zoning Board.

Very truly yours,



Michael J. Toohey

MJT/cb

Enclosures

Dated in 1932

DEED

THIS INDENTURE is made the 10<sup>th</sup> day of March, 1992

BETWEEN William E. Benton, II, of Saratoga Springs, New York, as the Administrator c.t.a. of the Estate of William E. Benton, Deceased, by virtue of the Last Will and Testament of William E. Benton, late of the City of Saratoga Springs (hereinafter called the "Grantor"), and Rosemary Benton, of Saratoga Springs, New York (hereinafter called the "Grantee").

WITNESSETH: That the Grantor by virtue of the power and authority to him given in and by such Last Will and Testament, and in consideration of One Dollar (\$1.00) lawful money of the United States, and other good and valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged by the Grantor, does hereby grant and release unto the Grantee, her heirs and assigns forever,

ALL THAT TRACT OF LAND situate in the City of Saratoga Springs, Saratoga County, New York, described as follows:

BEGINNING at a point on the south line of Fifth Avenue, as extended, 183 feet easterly of the intersection of the east line of East Avenue and the South line of Fifth Avenue, and running thence easterly along the south line of Fifth Avenue 83½ feet; thence southerly on a line at right angles with the south line of Fifth Avenue 100 feet to the north line of premises of the Saratoga Association for the Improvement of the Breed of Horses; thence westerly along the north line of said Saratoga Association lands 83½ feet to the east line of lands formerly owned by William E. Benton, and thence northerly along the east line of said lands 100 feet to the point of beginning (hereinafter called the "Premises"),

East Lot

BEING THE SAME PREMISES as were conveyed to William E. Benton, Deceased, by deed dated the 14th day of January, 1949, and recorded in the Saratoga County Clerk's Office on the 15th day of November, 1951 in Liber 545 of Deeds at Page 64.

SUBJECT to all easements, restrictions, covenants and conditions of record affecting the Premises.

TOGETHER with the appurtenances, and also all the estate which the said testator had at the time of his decease, in the Premises, and also the estate therein which the Grantor has power to convey or dispose of, whether individually, or by virtue of such Last Will and Testament or otherwise.

TO HAVE AND TO HOLD the Premises unto the Grantee, her heirs and assigns forever.

SUBJECT to the Trust Fund provisions of Section Thirteen of the New York State Lien Law.

And the GRANTOR COVENANTS that he has not done or suffered anything whereby the Premises have been incumbered in any way whatever.

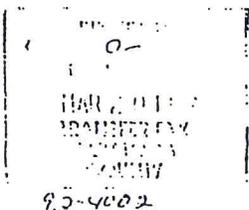
IN WITNESS WHEREOF, the Grantor has duly executed this instrument all on the day and year first above written.

ESTATE OF WILLIAM E. BENTON

By: William E. Benton, II  
William E. Benton, II,  
Administrator c.t.a.

STATE OF NEW YORK )  
COUNTY OF Albany ) SS:

On the 10<sup>th</sup> day of March, 1992, before me, the subscriber, personally appeared WILLIAM E. BENTON, II, the Administrator c.t.a. of the Last Will and Testament of William E. Benton, to me personally known and known to me to be the same person described in, and who, executed the within instrument, and he duly acknowledged to me that he executed the same, as such Administrator c.t.a. as aforesaid, for the purposes therein mentioned.



Thomas G. Mazzotta  
Notary Public - State of New York  
My Commission Expires: 3/19/93  
THOMAS G. MAZZOTTA  
Notary Public, State of New York  
Qualified in Saratoga County  
No. 4888420  
Commission Expires

Record and Return:

Miller, Seeley & Segel, P.C.  
5 Washington Square  
Washington Avenue Extension STATE OF NEW YORK  
Albany, New York 12205 SARATOGA COUNTY CLERK'S OFFICE

TATE, BISHKO & Assoc  
1716 CENTRAL AVE  
ALBANY, N.Y. 12205  
RECORDED ON THE 20th DAY  
OF March 92 AT 10:30  
O'CLOCK Am IN BOOK 1330  
OF Woods  
AT PAGE 2 406

Kenneth H. Brennan, Jr.  
COUNTY CLERK

BOOK

25 PAGE 400

# This Indenture.

Made the Ninth day of October Nineteen Hundred and Fifty

5/25/50

~~Between~~ FERN K. BENTON, 105 Circular Street, Saratoga Springs, N. Y.

part y. of the first part, and.

JAMES E. and ROSEMARY H. BENTON, his wife, 58 Fifth Avenue, Saratoga Springs, N. Y.

parties of the second part,

~~Witnesseth~~, that the part y of the first part, in consideration of

One and 00/100\*\*\*\*\* Dollar  
(\$ 1.00 ) lawful money of the United States,

paid by the parties of the second part,

do es hereby grant and release unto the parties of the second part, and their heirs and assigns forever, all THAT TRACT OR PARCEL OF LAND beginning at a point one hundred feet (100) east of the intersection of the south lot line of Fifth Avenue and the east lot line of East Avenue and going east along Fifth Avenue eighty-three (83) feet, thence at right angles to Fifth Avenue south one hundred (100) feet to the southern boundary line of party of first part; thence west along said boundary line eighty-three (83) feet; thence north at right angles to the last mentioned line one hundred (100) feet to the place of beginning.

It is intended to convey the west eighty-three (83) feet of lot G-1 as designated on a map of the property of William H. Moran, Inc., Fifth Avenue, Saratoga Springs, N. Y., made by Samuel J. Mott, licensed land surveyor, No. 7888, July 5, 1939, and filed in the office of the Saratoga County Clerk July 1939.

This conveyance is made upon the following conditions and restrictions:

First, the facade of any building erected on said

West Lot

premises shall be at least 46 feet distant from the south curb line in front of said premises.

Second, the driveway shall be located on the east side of the premises hereby conveyed and the driveway to each lot on the south side of Fifth Avenue shall be located on the east side of the premises so conveyed.

Third, no building or porch shall be erected on any of the lots on the south side of Fifth Avenue within eight feet of the east and west boundary lines of each of said lots. The intent of this provision is that there shall be a space of 16 feet between the buildings erected on adjoining lots.

Fourth, only a one family house and a private garage not exceeding three cars capacity, shall be erected on the premises hereby conveyed to party of the second part by this deed.

Fifth, no part of said premises shall ever be used for trade, manufacture or business of any kind whatsoever.

Sixth, any dwelling house erected upon said premises shall be a two story building which shall cost at least \$6,000.00 and shall front on Fifth Avenue.

Seventh, these covenants shall run with the land.

Eighth, the said grantee does by the acceptance of this conveyance for himself, his heirs and assigns agree to the covenants, conditions and restrictions hereinbefore in this deed specified.

Ninth, the grantor hereby agrees to place the same restrictions in every deed which it shall give to premises located on the south side of Fifth Avenue.

Tenth, there is included in this deed all rights which party of the first part has in and to the highway and street in front of said premises.

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

To have and to hold the premises herein granted unto the parties of the second part, their heirs and assigns forever.

And said FERN K. BENTON

covenants as follows:

First. That the parties of the second part shall quietly enjoy the said premises;

Second. That said FERN K. BENTON

will forever WARRANT the title to said premises.

In Witness Whereof, the party of the first part has hereunto set her hand and seal the day and year first above written.

In Presence of



Fern K. Benton  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



State of New York

BOOK 526 PAGE 443

County of Saratoga } ss.  
of

On this ninth day of October Nineteen Hundred and Fifty before me, the subscriber, personally appeared

FERN K. BENTON

to me personally known and known to me to be the same person described in and who executed the within Instrument, and she acknowledged to me that she executed the same

*Reba E. Ryan*  
Notary Public

REBA E. RYAN  
Notary Public in the State of New York  
Saratoga County No. 482  
My Commission expires March 30, 1957

RECORDED

OCT 27 9 26 AM '50

SARATOGA COUNTY CLERK'S OFFICE  
SARATOGA, N. Y.

1927  
WARRANTY

FERN K. BENTON 160

TO

JAMES E. & ROSEMARY H. BENTON

159

Dated Oct. 9 1950.

STATE OF NEW YORK

County of Saratoga ss.

RECORDED ON THE

22 day of Oct. 22, 1950

at 2:26 P.M. 4 M.

in LIBER 526 of DEEDS

at PAGE 440 and examined

*Elizabeth C. Ryan*

CLERK

HEARY-FULLERON-8-NEDDO

TO-CLERK HALL

SARATOGA SPRINGS, N. Y.

EXHIBIT A

SARATOGA COUNTY CLERK  
COUNTY CLERK'S RECORDING PAGE

RECEIPT NO.: 033909

INDEXED BY: *dm*

SCANNED BY:

BOOK OF DEEDS

BOOK 01401 PAGE 00224

NO. PAGES 2

INSTRUMENT CODE: DED

INSTRUMENT NO.: 9502577

RECORDING:  
RECORDING DEED FEES 14.00  
EDUCATION FEE 5.00  
DEEDS - EA-5217 25.00  
FILING FEE 6.00  
  
TOTAL: 50.00

STATE OF NEW YORK  
SARATOGA COUNTY CLERK

RECORDED ON 12/05/94 AT 10:28 AM

IN BOOK DEEDS PAGE 00224 OF 01401

TRANSFER TAX

Transfer Tax 0.00

Transfer Tax# 9502577

Rosemarie A. Corbett,  
SARATOGA COUNTY CLERK

THIS PAGE IS PART OF THE INSTRUMENT

**WARRANTY DEED WITH LIEN COVENANT**

THIS INDENTURE, made the 25<sup>th</sup> day of November, 1994, between ROSEMARY H. BENTON, hereinafter the "GRANTOR", residing at 58 Fifth Avenue, Saratoga Springs, New York 12866 and THE ROSEMARY H. BENTON TRUST, hereinafter the "GRANTEE", c/o 58 Fifth Avenue, Saratoga Springs, New York 12866.

WITNESSETH, the GRANTOR, in consideration of ONE and 00/100 DOLLAR (\$1.00) lawful money of the United States and other good and valuable consideration paid by the GRANTEE, does hereby grant and release unto the GRANTEE, its successors heirs and assigns forever:

**PARCEL I:**

17-14

ALL THAT TRACT OR PARCEL OF LAND beginning at a point one hundred (100) feet east of the intersection of the south lot line of Fifth Avenue and the east lot line of East Avenue and going east along Fifth Avenue eighty-three (83) feet, thence at right angles to Fifth Avenue south one hundred (100) feet to the southern boundary line of party of first part; thence west along said boundary line eighty-three (83) feet; thence north at right angles to the last mentioned line one hundred (100) feet to the place of beginning. It is intended to convey the west eighty-three (83) feet of lot G-1 as designated on a map of the property of William H. Moran, Inc., Fifth Avenue, Saratoga Springs, N. Y., made by Samuel J. Mott, licensed land surveyor, No. 7888, July, 1939, and filed in the office of the Saratoga County Clerk July, 1939.

BEING the same premises conveyed to JAMES E. BENTON and ROSEMARY H. BENTON, his wife, by deed dated October 9th, 1950, and recorded in the Saratoga County Clerk's Office on October 23rd, 1950, in Book 526 of Deeds at Page 440. SAID JAMES E. BENTON died a resident of Saratoga County on April 21, 1981, leaving said ROSEMARY H. BENTON as the surviving tenant by the entirety.

**PARCEL II:**

ALL THAT TRACT OF LAND situate in the City of Saratoga Springs, Saratoga County, New York, described as follows: BEGINNING at a point on the south line of Fifth Avenue, as extended, 183 feet easterly of the intersection of the east line of East Avenue and the south line of Fifth Avenue, and running thence easterly along the south line of Fifth Avenue 83 1/2 feet; thence southerly on a line at right angles with the south line of Fifth Avenue 100 feet to the north line of premises of the Saratoga Association for the Improvement of the Breed of Horses; thence westerly along the north line of said Saratoga Association lands 83 1/2 feet to the east line of lands formerly owned by William E. Benton, and thence northerly along the east line of said lands 100 feet to the point of beginning.

BEING the same premises conveyed to ROSEMARY H. BENTON by deed dated March 10th, 1992 and recorded in the Saratoga County Clerk's Office on March 20th, 1992, in Book 1330 of Deeds at Page 406.

SUBJECT TO all enforceable covenants, conditions, restrictions and easements of record, if any, affecting the premises described hereinabove.

TOGETHER with the appurtenances and all the estate and rights of the GRANTOR in and to said premises.

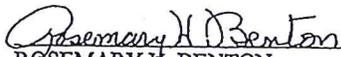
TO HAVE AND TO HOLD the premises herein granted unto the GRANTEE, her heirs and assigns forever. AND the said GRANTOR covenants as follows:

FIRST: That the GRANTEE shall quietly enjoy the said premises;

SECOND: That the GRANTOR will forever warrant the title to said premises;

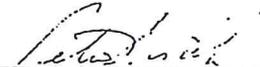
THIRD: That, in compliance with Section 13 of the Lien Law, the GRANTOR will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

WITNESS WHEREOF, the GRANTOR has hereunto set his hand and seal the day and year first above written.

  
ROSEMARY H. BENTON

STATE OF NEW YORK )  
COUNTY OF SARATOGA ) ss.:

On this 23<sup>rd</sup> day of November, 1994, before me personally came ROSEMARY H. BENTON, to me known to be the individual described in, and who executed the foregoing instrument, and he acknowledged to me that he executed the same.

  
\_\_\_\_\_  
Notary Public

RECORD AND RETURN TO:

TATE, BISHKO & ASSOCIATES  
1716 CENTRAL AVENUE  
ALBANY, NEW YORK 12205

ATTN: PETER BISHKO

PETER BISHKO  
Notary Public, State of New York  
Qualified in Albany County  
No. 9822971 8/31/96  
Term Expires

Date (to be determined once application is on agenda)

Dear Neighbors

As we are sure you know the Benton Family Trust has listed 58 Fifth Avenue for sale. The home and adjacent lot have been in our family since 1959 when our grandfather bought the two vacant lots and built the house on the westernmost lot for his family.

We have applied to the Zoning Board of Appeals for area variance(s) for the vacant parcel which is shown on the enclosed survey map. Although the parcel is comparable in width and size to a dozen home lots along our street, changes in zoning over the years require us to obtain several variances.

You will be receiving an official notice of our application but we wanted to let our neighbors know in advance of our intentions. We obviously have a self-interest here, but having grown up in the neighborhood we all recognize how special it is and how fortunate we all were to be raised here. Three of the twelve children are homeowners and neighbors as you know.

We believe approval and the future construction of a home on the lot (if that occurs) would only enhance the neighborhood and we hope for your support. If you have any questions for us please let us know. If you are willing to express your support we'd be very appreciative.

Sincerely,

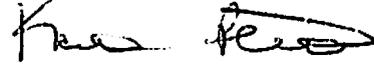
Trustees: Rosemary H. Benton Trust

Maureen Benton Coloncil

Victoria Benton

Agatha Benton

Encl

I give my support - Kete Petronis 

Date (to be determined once application is on agenda)

Dear Neighbors:

As we are sure you know the Benton Family Trust has listed 58 Fifth Avenue for sale. The home and adjacent lot have been in our family since 1939 when our grandfather bought the two vacant lots and built the house on the westernmost lot for his family.

We have applied to the Zoning Board of Appeals for area variance(s) for the vacant parcel which is shown on the enclosed survey map. Although the parcel is comparable in width and size to a dozen home lots along our street, changes in zoning over the years require us to obtain several variances.

You will be receiving an official notice of our application but we wanted to let our neighbors know in advance of our intentions. We obviously have a self-interest here but having grown up in the neighborhood we all recognize how special it is and how fortunate we all were to be raised here. Three of the twelve children are homeowners and neighbors as you know.

We believe approval and the future construction of a home on the lot (if that occurs) would only enhance the neighborhood and we hope for your support. If you have any questions for us please let us know. If you are willing to express your support we'd be very appreciative.

Sincerely,

Trustees: Rosemary H. Benton Trust

Maureen Benton Colonell

Victoria Benton

Agatha Benton

Encl.

*We are in full support of this.*

*Bernice Gear, [redacted] Fifth Ave.*  
*[redacted] FIFTH AVE*

Date to be determined once application is on agenda

Dear Neighbors

As we are sure you know the Benton Family Trust has listed 881 Hill Avenue for sale. The home and adjacent lot have been in our family since 1959 when our grandfather bought the two vacant lots and built the house on the westernmost lot for his family.

We have applied to the Zoning Board of Appeals for area variance(s) for the vacant parcel which is shown on the enclosed survey map. Although the parcel is comparable in width and size to a dozen home lots along our street changes in zoning over the years require us to obtain several variances.

You will be receiving an official notice of our application but we wanted to let our neighbors know in advance of our intentions. We obviously have a self-interest here, but having grown up in the neighborhood we all recognize how special it is and how fortunate we all were to be raised here. Three of the twelve children are homeowners and neighbors as you know.

We believe approval and the future construction of a home on the lot if that occurs, would only enhance the neighborhood and we hope for your support. If you have any questions for us please let us know. If you are willing to express your support we'd be very appreciative.

Sincerely,

Trustees: Rosemary H. Benton Trust

Maureen Benton Colonell

Victoria Benton

Agatha Benton

Encl

*We support the Benton family in this matter.  
Gerald Redford, Diane Redford*

Date to be determined once application is on agenda.

Dear Neighbors,

As we are sure you know the Benton Family Trust has listed 98 Fifth Avenue for sale. The home and adjacent lot have been in our family since 1939 when our grandfather bought the two vacant lots and built the house on the westernmost lot for his family.

We have applied to the Zoning Board of Appeals for area variances for the vacant parcel which is shown on the enclosed survey map. Although the parcel is comparable in width and size to a dozen home lots along our street, changes in zoning over the years require us to obtain several variances.

You will be receiving an official notice of our application but we wanted to let our neighbors know in advance of our intentions. We obviously have a difficult decision to make regarding the future of the lot. We all recognize how special it is and how fortunate we all were to be raised here. Three of the twelve children are home owners and neighbors as you know.

We believe approval and the future construction of a home on the lot will significantly improve the neighborhood and we hope for your support. If you have any questions for us please let us know. If you are willing to express your support we'd be very appreciative.

Sincerely,

Trustees: Rosemary H. Benton Trust

Maureen Benton Colonell

Victoria Benton

Agatha Benton

Encl

We trust that the Benton Family has the Fifth Avenue neighborhood enhancement at the fore front of their requested intention - as stated above. We support their decision. Having grown up in the house we own on Fifth Avenue & currently, we encourage anything that will improve the quality and the value of this treasured city street.

In Concurrence -   
The Tarantino-Jeffreys Family  
Dore Jeffreys Billy Jeffreys

Date to be determined once application is on agenda.

Dear Neighbors,

As we are sure you know the Benton Family Trust has listed 981 1/2th Avenue for sale. The home and adjacent lot have been in our family since 1939 when our grandfather bought the two vacant lots and built the house on the westernmost lot for his family.

We have applied to the Zoning Board of Appeals for area variances for the vacant parcel which is shown on the enclosed survey map. Although the parcel is comparable in width and size to a dozen home lots along our street changes in zoning over the years require us to obtain several variances.

You will be receiving an official notice of our application but we wanted to let our neighbors know in advance of our intentions. We obviously have a self-interest here, but being grown up in the neighborhood we all recognize how special it is and how fortunate we all were to be raised here. Three of the oldest children are homeowners and neighbors as you know.

We believe approval and the future construction of a home on the lot will be a benefit to the neighborhood and we hope for your support. If you have any questions for us please let us know. If you are willing to express your support we'd be very appreciative.

Sincerely,

Trustees: Rosemary H. Benton Trust

Maureen Benton Colonell

Victoria Benton

Agatha Benton

Encl

Jim Burdoy & Angela Rella

5th Ave.

2/1/16

**ZONING AND BUILDING INSPECTOR DENIAL  
OF APPLICATION FOR LAND USE AND/OR BUILDING**

APPLICANT: THE ROSEMARY H. BENTON TRUST

TAX PARCEL NO.: 166.13-2-45

PROPERTY ADDRESS: 58 FIFTH AVENUE

ZONING DISTRICT: URBAN RESIDENTIAL – I

This applicant has applied to use the identified property within the City of Saratoga Springs for the following:

Proposed two-lot subdivision with maintenance of existing home on one of the new lots.

This application is hereby denied upon the grounds that such use of the property would violate the City Zoning Ordinance article(s):

240-2.3 Table 3. As such, the following relief would be required to proceed:

Extension of existing variance     Interpretation

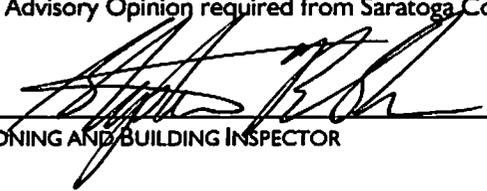
Use Variance to permit the following: \_\_\_\_\_

Area Variance seeking the following relief:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
<u>Minimum average lot width: lot 1</u>	<u>100 feet</u>	<u>90.8 feet</u>
<u>Minimum lot size: lot 1</u>	<u>12,500 sq. ft.</u>	<u>9,149 sq. ft.</u>
<u>Minimum average lot width: lot 2</u>	<u>100 feet</u>	<u>75.7 feet</u>
<u>Minimum lot size: lot 2</u>	<u>12,500 sq. ft.</u>	<u>7,500 sq. ft.</u>
<u>Minimum total side yard setback: existing house on lot 1</u>	<u>30 feet</u>	<u>13.6 feet</u>
<u>Maximum principal building coverage: existing house on lot 1</u>	<u>20%</u>	<u>28.6%</u>

Note: \_\_\_\_\_

Advisory Opinion required from Saratoga County Planning Board

  
\_\_\_\_\_  
ZONING AND BUILDING INSPECTOR

2/22/16  
\_\_\_\_\_  
DATE



# CITY OF SARATOGA SPRINGS

CITY HALL - 474 BROADWAY  
SARATOGA SPRINGS, NEW YORK 12866  
TEL: 518-587-3550 FAX: 518-580-9480  
WWW.SARATOGA-SPRINGS.ORG

[FOR OFFICE USE]

(Application #)

(Date received)

## APPLICATION FOR: APPEAL TO THE ZONING BOARD FOR AN INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

APPLICANT(S)*	OWNER(S) (If not applicant)	ATTORNEY/AGENT
Name <u>Howard Nelson, Jeanne Wiley</u>		
Address [REDACTED]		
Tel./Fax	/	/
Email		

\* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.  
Applicant's interest in the premises:  Owner  Lessee  Under option to lease or purchase

### PROPERTY INFORMATION

Property Address (No. & St.) 317 Nelson Avenue Side of St. (north, east, etc.) West

Tax Parcel No.: 166 . 37 - 1 - 22 (for example: 165.52 - 4 - 37) Tax District:  Inside  Outside

1. Date acquired by current owner: 2/18/2003 2. Zoning District when purchased: UR-3

3. Present use of property: home 4. Current Zoning District: UR-3

5. Has a previous ZBA application/appeal been filed for this property?  Yes (when? January 2012 for what? porch - same as this  
 No Never built)

6. Is property located within (check all that apply)?  Historic District  Architectural Review District  
 500' of a State Park, city boundary, or county/state highway?

7. Brief description of proposed action: To build a screened porch addition to our home

- 8. Is there a w
- 9. Has the wo
- 10. Identify the

INTERF

JEANNE L WILEY

50-288/213

337

DATE 1/12/2016

PAY TO THE ORDER OF Commissioner of Finance \$ 150.00

One Hundred + Fifty dollars + no



THE ADIRONDACK TRUST COMPANY

SARATOGA SPRINGS, NY 12866-0326

MEMO

Tony Varney

Jeanne L Wiley



# CITY OF SARATOGA SPRINGS

CITY HALL - 474 BROADWAY  
SARATOGA SPRINGS, NEW YORK 12866  
TEL: 518-587-3550 FAX: 518-580-9480  
WWW.SARATOGA-SPRINGS.ORG

[FOR OFFICE USE]

(Application #)

(Date received)

## APPLICATION FOR: APPEAL TO THE ZONING BOARD FOR AN INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

<u>APPLICANT(S)*</u>	<u>OWNER(S) (if not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name <u>Howard Nelson, Jeanne Wiley</u>	_____	_____
Address [REDACTED]	_____	_____
Tel./Fax [REDACTED]	_____ / _____	_____ / _____
Email [REDACTED]	_____	_____

\* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.  
Applicant's interest in the premises:  Owner  Lessee  Under option to lease or purchase

### PROPERTY INFORMATION

Property Address (No. & St.) 317 Nelson Avenue Side of St. (north, east, etc.) West

Tax Parcel No.: 166 . 37 - 1 - 22 (for example: 165.52 - 4 - 37) Tax District:  Inside  Outside

1. Date acquired by current owner: 2/18/2003 2. Zoning District when purchased: UR-3

3. Present use of property: home 4. Current Zoning District: UR-3

5. Has a previous ZBA application/appeal been filed for this property?  Yes (when? January 2012 for what? porch - same as this never built)  No

6. Is property located within (check all that apply):  Historic District  Architectural Review District  500' of a State Park, city boundary, or county/state highway?

7. Brief description of proposed action: To build a screened porch addition to our home

8. Is there a written violation for this parcel that is not the subject of this application?  Yes  No

9. Has the work, use or occupancy to which this appeal relates already begun?  Yes  No

10. Identify the type of appeal you are requesting (check all that apply):

INTERPRETATION (p. 2)  VARIANCE EXTENSION (p. 2)  USE VARIANCE (pp. 3-6)  AREA VARIANCE (pp. 6-7)

FEES: Make checks payable to the "Commissioner of Finance" and attach to top of original application. Fees are cumulative and required for each request below.

- Interpretation \$ 400
- Use variance \$1,000
- Area variance
- Residential use/property: \$ 150
- Non-residential use/property: \$ 500
- Extensions: \$ 150

**INTERPRETATION** – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Identify the section(s) of the Zoning Ordinance for which you are seeking an interpretation:

Section(s) \_\_\_\_\_

2. How do you request that this section be interpreted? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. If interpretation is denied, do you wish to request alternative zoning relief?  Yes  No

4. If the answer to #3 is "yes," what alternative relief do you request?  Use Variance  Area Variance

**EXTENSION OF A VARIANCE** – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Date original variance was granted: \_\_\_\_\_ 2. Type of variance granted?  Use  Area

3. Date original variance expired: \_\_\_\_\_ 4. Length of extension requested: \_\_\_\_\_

5. Explain why the extension is necessary. Why wasn't the original timeframe sufficient?: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When requesting an extension of time for an existing variance, the applicant must prove that the circumstances upon which the original variance was granted have not changed. Specifically demonstrate that there have been no significant changes on the site, in the neighborhood, or within the circumstances upon which the original variance was granted:

\_\_\_\_\_

---



---



---



---



---



---



---

**USE VARIANCE** – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

A use variance is requested to permit the following: \_\_\_\_\_

---



---

For the Zoning Board to grant a request for a use variance, an applicant must prove that the zoning regulations create an unnecessary hardship in relation to that property. In seeking a use variance, New York State law requires an applicant to prove all four of the following "tests".

1. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. "Dollars & cents" proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons:

---



---



---



---



---



---



---

A. Submit the following financial evidence relating to this property (attach additional evidence as needed):

1) Date of purchase: \_\_\_\_\_ Purchase amount: \$ \_\_\_\_\_

2) Indicate dates and costs of any improvements made to property after purchase:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

3) Annual maintenance expenses: \$ \_\_\_\_\_ 4) Annual taxes: \$ \_\_\_\_\_

5) Annual income generated from property: \$ \_\_\_\_\_

6) City assessed value: \$ \_\_\_\_\_ Equalization rate: \_\_\_\_\_ Estimated Market Value: \$ \_\_\_\_\_

7) Appraised Value: \$ \_\_\_\_\_ Appraiser: \_\_\_\_\_ Date: \_\_\_\_\_

Appraisal Assumptions: \_\_\_\_\_

B. Has property been listed for sale with the Multiple Listing Service (MLS)?  Yes If "yes", for how long? \_\_\_\_\_  No

1) Original listing date(s): \_\_\_\_\_ Original listing price: \$ \_\_\_\_\_

If listing price was reduced, describe when and to what extent: \_\_\_\_\_

2) Has the property been advertised in the newspapers or other publications?  Yes  No

If yes, describe frequency and name of publications: \_\_\_\_\_

3) Has the property had a "For Sale" sign posted on it?  Yes  No

If yes, list dates when sign was posted: \_\_\_\_\_

4) How many times has the property been shown and with what results? \_\_\_\_\_

2. That the financial hardship relating to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous other properties in the same neighborhood or district would not satisfy this requirement. This previously identified financial hardship is unique for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

---

---

---

---

---

---

---

---

---

3. That the variance, if granted, will not alter the essential character of the neighborhood. Changes that will alter the character of a neighborhood or district would be at odds with the purpose of the Zoning Ordinance. The requested variance will not alter the character of the neighborhood for the following reasons:

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

4. That the alleged hardship has not been self-created. An applicant (whether the property owner or one acting on behalf of the property owner) cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property knowing (or was in a position to know) the conditions for which the applicant is seeking relief. The hardship has not been self-created for the following reasons:

---

---

---

---



---



---



---



---



---



---



---

**AREA VARIANCE – PLEASE ANSWER THE FOLLOWING** (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) 2.6B Table 2.

Dimensional Requirements

<u>Building on lot</u>	<u>978 sq. ft. (29%)</u>	<u>1,138 sq. ft. (33.5%)</u>
<u>minimum rear</u>	<u>25 ft.</u>	<u>20.2 ft</u>

<u>From</u>	<u>To</u>
<u>978 sq. ft. (29%)</u>	<u>1,138 sq. ft. (33.5%)</u>
<u>25 ft.</u>	<u>20.2 ft</u>

<u>To</u>
<u>1,138 sq. ft. (33.5%)</u>
<u>20.2 ft</u>

<hr/>	<hr/>	<hr/>

Other: \_\_\_\_\_

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

- 1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.  
See attached typed response to questions 1-5. They follow this page.

---



---



---



---

## Five Considerations for Area Zoning Variance

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

The planned covered porch dimensions are 10' by 16' (see survey map for placement of porch). The porch would extend 10 feet out from west side of the house (including roof overhang) and it would cover 16 feet directly across the back face of the house (also including roof overhang). The porch is designed to offer sufficient size for sitting as well as dining during the summer months. Currently our home has no areas that enable us to enjoy the outdoors along with the shelter of roof and screen.

Orienting the porch so that it comes out 16' from the house doesn't work because it would create a roofline with an undesirable pitch for snow loading. A higher roof is blocked by the location of the second story window.

Purchasing additional land from a neighbor is not an option. Three of the contiguous lots sit well below a retaining wall, and a fourth, abutting the northern side of the property, has a deck and small goldfish pond just beyond a fence that acts as a property line. The property owner to the south is not interested in selling any of property that sits between the hedge and their garage.

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood for the following reasons:

The neighborhood is characterized by small residential lots. The contiguous property to the north (319 Nelson Avenue – see photo 7) has a backyard deck that required a zoning variance. Residential additions are common throughout this neighborhood, including one across the street at 314 Nelson Avenue (see photo 5) built since we occupied this home in 2003.

3. Whether the variance is substantial. The variance is not substantial for the following reasons:

The zoning statute permits the construction of a non-detached building (such as a garage) equal to 10% of the property area, for a total of 40% area coverage of the lot. When the proposed porch is added, the total lot coverage for this property will be 33.5%, a smaller percentage of area coverage. This is also a more desirable use than a garage. Given the size and neighborhood character, this is not a substantial variance.

The requested rear setback is 20.2 feet, to the west of the house. Because the land falls away substantially beyond where the porch will end, the neighbors will not experience visual encroachment (see photo 4).

Note: four years ago we sought and received a zoning variance for a screened porch on this site that was 33% larger (16' x20'). At that time, the larger porch was sought to accommodate a ping

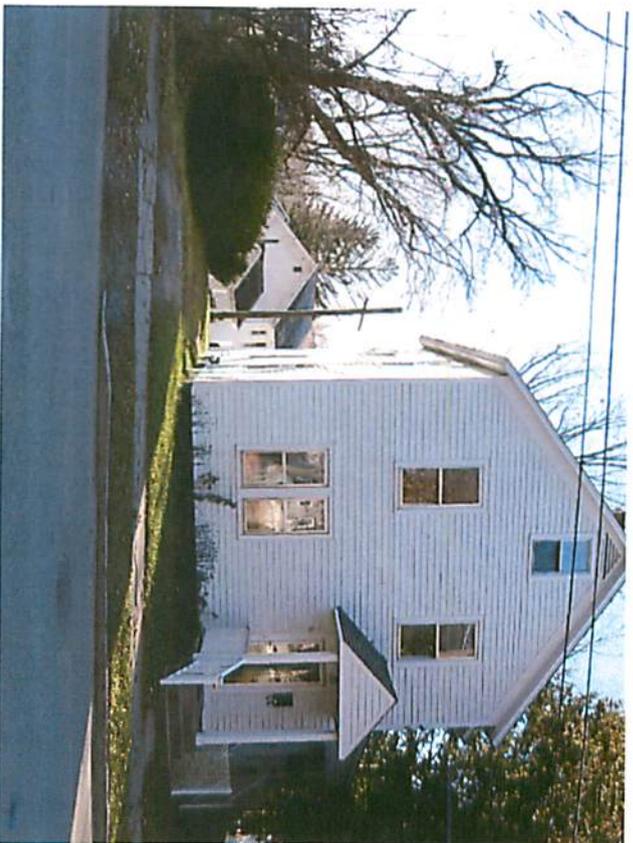
pong table and room for robust play. That porch was never constructed because an injury has curtailed my ability to play this sport.

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have adverse physical or environmental effect on the neighborhood or district for the following reasons:

The proposed covered porch will be built in the backyard; it will be barely visible from the street and will not be easily perceived, if at all, by passing automobiles. The porch will not obstruct any views, nor does it change access to the property. The property to the south has a home with an attached garage on its north side, so there are no views of our backyard from inside the home. The property owner to the north currently has a view of our shed (see survey map); this will not change. The three contiguous lots to the west (houses that face onto Circular Street) sit well below the level of the porch's proposed location.

Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

The situation is self-created in the sense that we purchased a home on a small inner city lot and now wish to add on to it. Our backyard is small and much of the land slopes down to a retaining wall. The space does not lend itself to backyard recreation and there has been little use of the yard for the twelve plus years we have lived at 317 Nelson Avenue.



1. Front of 317 Nelson



2. Back of 317 Nelson, where the screened porch would go.



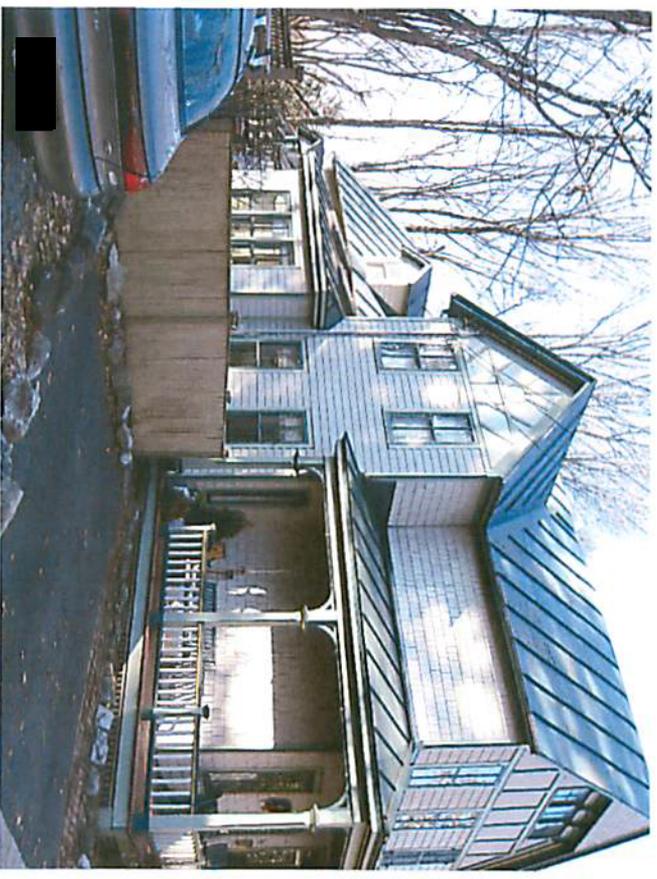
3. View looking north from property line with 315 Nelson



4. View looking south from property line with 319 Nelson Ave.  
Note the portion of backyard descending to the west.



5. 314 Nelson Ave., recent addition to the right.



6. 309 Nelson Avenue. Note addition behind which extends to back property line.



7. Deck on 319 Nelson Avenue that required a zoning variance. Note that the fence is the property line between 317 Nelson and 319 Nelson.

---

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

---

---

---

---

---

---

---

---

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

---

---

---

---

---

---

---

---

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

---

---

---

---

---

---

---

---

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

Five horizontal lines for writing the explanation.

In accord with Article 240-14.4A(1)(b)(6) of the Zoning Ordinance, "any request for an area variance, which shall effect a change in density, shall be applied for and considered as a use variance and decided under criteria for the same". A request that involves any of the following relief will require an application for a use variance and will be decided under the use variance criteria:

- (1) Dimensional relief from minimum lot size requirements that would allow additional permitted units and/or uses
- (2) Relief from on site parking requirements
- (3) Reduction in land area requirements for multi-family units

DISCLOSURE

Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application?  No  Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT CERTIFICATION

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

Jeanne L. Wiley  
(applicant signature)

Paul Nelson  
(applicant signature)

Sworn to before me this date:

Date: 01/11/16

Paula Aguirre  
Notary Public

617.20  
Appendix C  
State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
For UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project sponsor)**

1. APPLICANT/SPONSOR

*Howard Nelson*

2. PROJECT NAME

*Back porch*

3. PROJECT LOCATION:

Municipality *Saratoga Springs*

County *Saratoga*

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)

*317 Nelson Avenue, Saratoga Springs, NY 12866*

5. PROPOSED ACTION IS:

New

Expansion

Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:

*Adding a back porch to my home*

7. AMOUNT OF LAND AFFECTED:

Initially: \_\_\_\_\_ (acres)

Ultimately: \_\_\_\_\_ (acres)

*10 feet x 16 feet*

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?

Yes

No

If No, describe briefly

*An area zoning variance must be received*

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?

Residential

Industrial

Commercial

Agriculture

Park/Forest/Open Space

Other

Describe:

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)

Yes

No

If Yes, list agency(s) name and permit/approvals:

*Saratoga Springs building permit, zoning board approval*

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?

Yes

No

If Yes, list agency(s) name and permit/approvals:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?

Yes

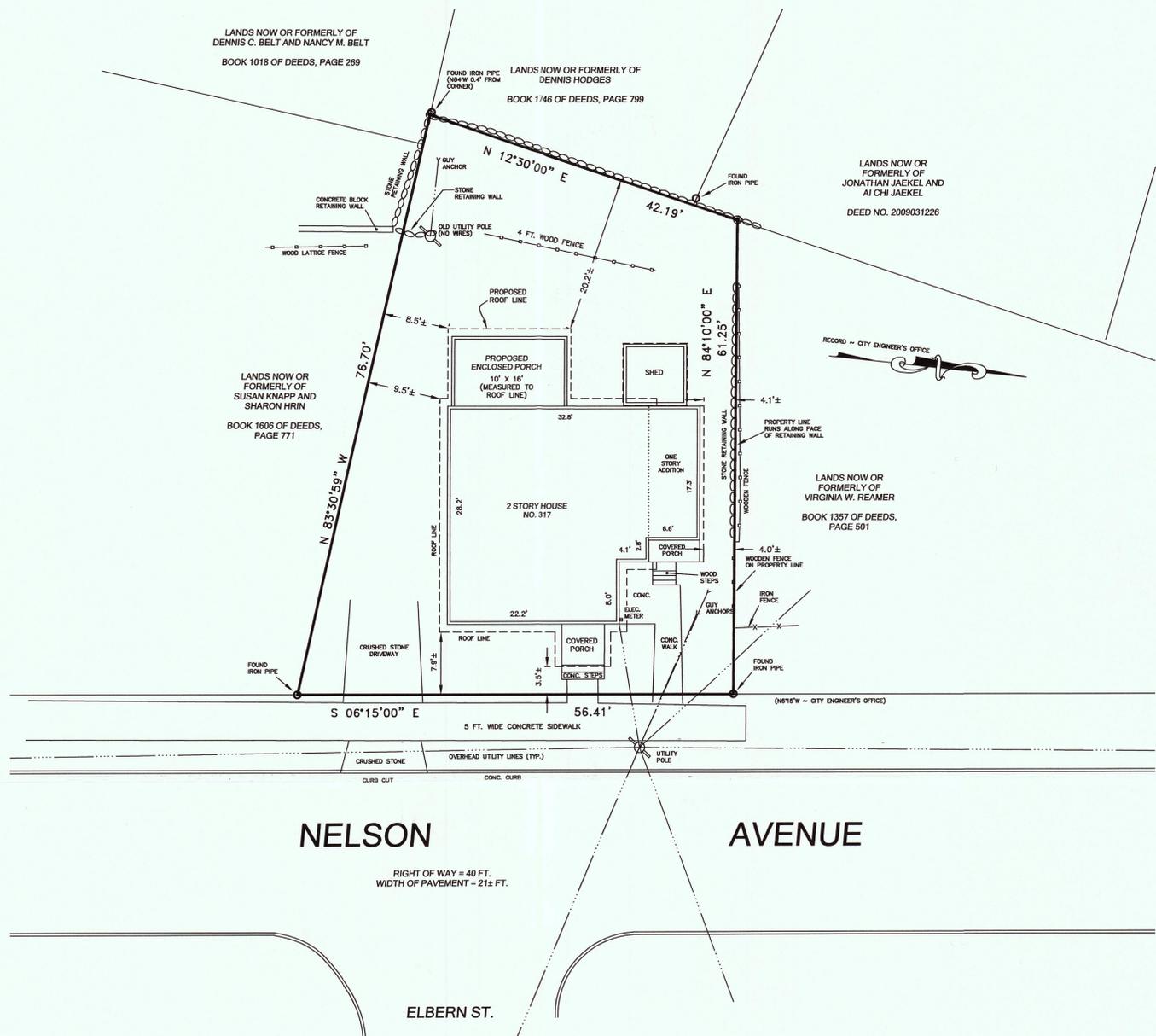
No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: *Howard Nelson*

Date: *1/11/2016*

Signature: *Hal Nelson*



LANDS NOW OR FORMERLY OF DENNIS C. BELT AND NANCY M. BELT  
BOOK 1018 OF DEEDS, PAGE 269

LANDS NOW OR FORMERLY OF DENNIS HODGES  
BOOK 1746 OF DEEDS, PAGE 799

LANDS NOW OR FORMERLY OF JONATHAN JAEKEL AND AI CHI JAEKEL  
DEED NO. 2009031226

LANDS NOW OR FORMERLY OF SUSAN KNAPP AND SHARON HRIN  
BOOK 1806 OF DEEDS, PAGE 771

LANDS NOW OR FORMERLY OF VIRGINIA W. REAMER  
BOOK 1357 OF DEEDS, PAGE 501

NELSON AVENUE

AVENUE

RIGHT OF WAY = 40 FT.  
WIDTH OF PAVEMENT = 21± FT.

ELBERN ST.

**ZONING INFORMATION:**

(BASED ON SINGLE FAMILY RESIDENCE)  
ZONING DISTRICT: UR-3  
MINIMUM LOT SIZE: 6,600 SQ. FT.  
MINIMUM MEAN LOT WIDTH: 60 FT.  
MINIMUM PERCENT OF LOT TO BE OCCUPIED BY:  
PRINCIPAL BUILDING: 30%  
ACCESSORY BUILDING: 10%  
MINIMUM YARD DIMENSIONS:  
FRONT: 10 FT.  
REAR: 25 FT.  
ONE SIDE: 4 FT.  
TOTAL SIDE: 12 FT.  
PRINCIPAL BUILDINGS:  
MINIMUM 1st FLOOR AREA:  
1 STORY: 1,200 SQ. FT.  
2 STORY: 800 SQ. FT.  
MAX. BUILDING HEIGHT: 60 FT.  
MINIMUM DISTANCE FROM ACCESSORY BUILDING TO:  
PRINCIPAL BUILDING: 5 FT.  
FRONT LOT LINE: 10 FT.  
SIDE LOT LINE: 5 FT.  
REAR LOT LINE: 5 FT.  
MINIMUM PERCENT OF LOT TO BE PERMEABLE: 25%

**LOT COVERAGE INFORMATION:**

PRINCIPAL BLDG. (INCLUDING PROPOSED ADDITION)  
= 1,117± SQ. FT. OR 33.5% OF LOT  
(MEASURED TO ROOF LINE)  
SHED = 67± SQ. FT. OR 2% OF LOT  
(MEASURED TO ROOF LINE)  
PERMEABLE AREA = 2,029± SQ. FT. OR 61%

**ZONING VARIANCES REQUESTED**

DIMENSIONAL REQUIREMENTS	FROM	TO	RELIEF REQUESTED
MIN. REAR SETBACK	25 FT.	20.2 FT.	4.8 FT. (19%)
MAX. LOT COVERAGE	30%	33.5%	3.5% (12%)



SITE LOCATION MAP

NOT TO SCALE

**SITE STATISTICS:**

PROPERTY OWNER: HOWARD S. NELSON AND JEANNE L. WILEY  
TAX MAP PARCEL NO. 166.37-1-22  
LOT SIZE: ..... 3,336± SQ. FT.

**NOTES:**

1.) OFFSET DIMENSIONS ARE MEASURED TO ROOF LINES.

**I HEREBY CERTIFY TO:**

1.) HOWARD S. NELSON AND JEANNE L. WILEY

THAT THIS MAP WAS PREPARED FROM AN ACTUAL FIELD SURVEY MADE IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.

*Daniel C. Wheeler*  
DANIEL C. WHEELER, L.S.

LIC. NO. 50,137

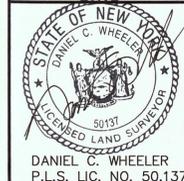
**DEED REFERENCE:**

1.) DEED DATED FEBRUARY 18, 2003 FROM MARY LISA BAKER n/k/a MARY LISA COPE TO HOWARD S. NELSON AND JEANNE L. WILEY AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE ON MARCH 4, 2003 IN BOOK 1639 OF DEEDS AT PAGE 165.

**REVISIONS:**

1.) SURVEY UPDATE AND PROPOSED ADDITION REVISED ON DECEMBER 20, 2015.

UNAUTHORIZED ALTERATION OR ADDITION TO THIS MAP IS A VIOLATION OF ARTICLE 145, SECTION 7209, SUB-PARAGRAPH (2) OF THE NEW YORK STATE EDUCATION LAW.



**SURVEY** DANIEL C. WHEELER, LS  
**ASSOCIATES, LLC**  
PROFESSIONAL LAND SURVEYING  
432 BROADWAY, SUITE 5, SARATOGA SPRINGS, NY 12866  
PH. (518) 583-7302 FAX (518) 583-7303

TITLE:  
**SURVEY OF LANDS OF HOWARD S. NELSON AND JEANNE L. WILEY**  
LOCATION: CITY OF SARATOGA SPRINGS (INSIDE DISTRICT) SARATOGA COUNTY, NEW YORK  
DATE: NOVEMBER 2, 2011  
SCALE: 1 INCH = 10 FEET  
MAP NO. 2011-13-03

**ZONING AND BUILDING INSPECTOR DENIAL  
OF APPLICATION FOR LAND USE AND/OR BUILDING**

APPLICANT: HOWARD NELSON & JEANNE WILEY

TAX PARCEL No.: 166.37-1-22

PROPERTY ADDRESS: 317 NELSON AVENUE  
ZONING DISTRICT: URBAN RESIDENTIAL – 3

This applicant has applied to use the identified property within the City of Saratoga Springs for the following:

Proposed construction of a screened porch addition to an existing single-family residence.

This application is hereby denied upon the grounds that such use of the property would violate the City Zoning Ordinance article(s):

240-2.3 Table 3. As such, the following relief would be required to proceed:

Extension of existing variance     Interpretation

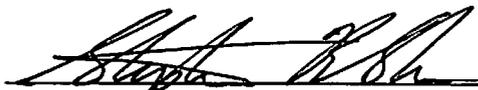
Use Variance to permit the following: \_\_\_\_\_

Area Variance seeking the following relief:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
<u>Minimum rear yard setback:</u>	<u>25 feet</u>	<u>20.2 feet</u>
<u>Maximum principal building coverage:</u>	<u>30%</u>	<u>33.5%</u>

Note: \_\_\_\_\_

Advisory Opinion required from Saratoga County Planning Board

  
\_\_\_\_\_  
ZONING AND BUILDING INSPECTOR

2/22/16  
\_\_\_\_\_  
DATE



# CITY OF SARATOGA SPRINGS

City Hall - 474 Broadway  
Saratoga Springs, New York 12866  
Teli: 518-587-3550 fax: 518-580-9480

[FOR OFFICE USE]

(Application #)

(Date received)

## APPEAL TO THE ZONING BOARD FOR AN INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

### APPLICANT(S)\*

### OWNER(S) (If not applicant)

### ATTORNEY/AGENT

Name	<u>Mark Dugas</u>	_____	_____
Address	[REDACTED]	_____	_____
Tel./Fax	[REDACTED]	<u>/</u>	<u>/</u>
Email	[REDACTED]	_____	_____

\* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.  
Applicant's interest in the premises:  Owner     Lessee     Under option to lease or purchase

### PROPERTY INFORMATION

Property Address (No. & St.) 65 York Avenue Side of St. (north, east, etc.) north

Tax Parcel No.: 166.45 - 2 - 71 (for example: 165.52 - 4 - 37) Tax District:  Inside     Outside

1. Date acquired by current owner: 4/19/2003 2. Zoning District when purchased: UR-3

3. Present use of property: Main residence 4. Current Zoning District: UR-3

5. Has a previous ZBA application/appeal been filed for this property?     Yes (when? \_\_\_\_\_ for what? \_\_\_\_\_)  
 No

6. Is property located within (check all that apply):     Historic District     Architectural Review District  
 500' of a State Park, city boundary, or county/state highway?

7. Brief description of proposed action: construct pool house within the 5' side yard setback of adjoining property at 63 York Ave.

8. Is there a written violation for this parcel that is not the subject of this application?     Yes     No

9. Has the work, use or occupancy to which this appeal relates already begun?     Yes     No

10. Identify the type of appeal you are requesting (check all that apply):

INTERPRETATION (p. 2)     VARIANCE EXTENSION (p. 2)     USE VARIANCE (pp. 3-6)     AREA VARIANCE (pp. 6-7)

**INTERPRETATION** – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Identify the section(s) of the Zoning Ordinance for which you are seeking an interpretation:

Section(s) \_\_\_\_\_

2. How do you request that this section be interpreted? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. If interpretation is denied, do you wish to request alternative zoning relief?  Yes  No

4. If the answer to #3 is "yes," what alternative relief do you request?  Use Variance  Area Variance

**EXTENSION OF A VARIANCE** – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Date original variance was granted: \_\_\_\_\_ 2. Type of variance granted?  Use  Area

3. Date original variance expired: \_\_\_\_\_ 4. Length of extension requested: \_\_\_\_\_

5. Explain why the extension is necessary. Why wasn't the original timeframe sufficient?: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

When requesting an extension of time for an existing variance, the applicant must prove that the circumstances upon which the original variance was granted have not changed. Specifically demonstrate that there have been no significant changes on the site, in the neighborhood, or within the circumstances upon which the original variance was granted:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**USE VARIANCE** – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

A use variance is requested to permit the following: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

For the Zoning Board to grant a request for a use variance, an applicant must prove that the zoning regulations create an unnecessary hardship in relation to that property. In seeking a use variance, New York State law requires an applicant to prove all four of the following “tests”.

I. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. “Dollars & cents” proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A. Submit the following financial evidence relating to this property (attach additional evidence as needed):

1) Date of purchase: \_\_\_\_\_ Purchase amount: \$ \_\_\_\_\_

2) Indicate dates and costs of any improvements made to property after purchase:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

3) Annual maintenance expenses: \$ \_\_\_\_\_ 4) Annual taxes: \$ \_\_\_\_\_

5) Annual income generated from property: \$ \_\_\_\_\_

6) City assessed value: \$ \_\_\_\_\_ Equalization rate: \_\_\_\_\_ Estimated Market Value: \$ \_\_\_\_\_

7) Appraised Value: \$ \_\_\_\_\_ Appraiser: \_\_\_\_\_ Date: \_\_\_\_\_

Appraisal Assumptions: \_\_\_\_\_

\_\_\_\_\_

B. Has property been listed for sale with the Multiple Listing Service (MLS)?  Yes If "yes", for how long? \_\_\_\_\_  No

1) Original listing date(s): \_\_\_\_\_ Original listing price: \$ \_\_\_\_\_

If listing price was reduced, describe when and to what extent: \_\_\_\_\_

\_\_\_\_\_

2) Has the property been advertised in the newspapers or other publications?  Yes  No

If yes, describe frequency and name of publications: \_\_\_\_\_

\_\_\_\_\_

3) Has the property had a "For Sale" sign posted on it?  Yes  No

If yes, list dates when sign was posted: \_\_\_\_\_

\_\_\_\_\_

4) How many times has the property been shown and with what results? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. That the financial hardship relating to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous other properties in the same neighborhood or district would not satisfy this requirement. This previously identified financial hardship is unique for the following reasons:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**AREA VARIANCE** – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) Side yard setback.

Dimensional Requirements

From

To

Offset to adjacent property (63 York Ave)

5'

2'

Other: \_\_\_\_\_

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

No feasible means available because the pool house has already been built.

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

No undesirable changes to the character of neighborhood because of the location of the structure and design. Not very visible from the street and it is a small structure.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

Not substantial because it is a small structure and complies with percentage of lot coverage.

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

The pool house is not large in size and has an appealing look. Concrete slab foundation makes it impossible for undesirable wild life / rodents to demand populate.

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

This difficulty was self created due to the lack of <sup>knowledge of</sup> off-set requirements by the city when it was built.

In accord with Article 240-14.4A(1)(b)(6) of the Zoning Ordinance, "any request for an area variance, which shall effect a change in density, shall be applied for and considered as a use variance and decided under criteria for the same". A request that involves any of the following relief will require an application for a use variance and will be decided under the use variance criteria:

- (1) Dimensional relief from minimum lot size requirements that would allow additional permitted units and/or uses
- (2) Relief from on site parking requirements
- (3) Reduction in land area requirements for multi-family units

DISCLOSURE

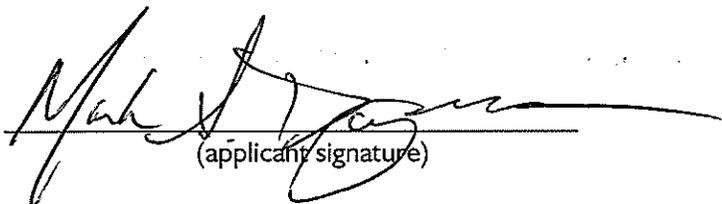
Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application?  No  Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT CERTIFICATION

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

  
(applicant signature)

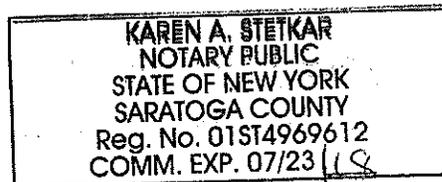
\_\_\_\_\_  
(applicant signature)

Sworn to before me this date:

Date: January 19 2016

  
Notary Public

Revised: September 2005



**Appendix C**  
**State Environmental Quality Review**  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
**For UNLISTED ACTIONS Only**

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project sponsor)**

1. APPLICANT/SPONSOR

2. PROJECT NAME

3. PROJECT LOCATION:

Municipality

County

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)

5. PROPOSED ACTION IS:  New  Expansion  Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:

7. AMOUNT OF LAND AFFECTED: Initially: \_\_\_\_\_ (acres) Ultimately: \_\_\_\_\_ (acres)

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?

Yes  No If No, describe briefly

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?

Residential  Industrial  Commercial  Agriculture  Park/Forest/Open Space  Other

Describe:

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?

Yes  No If Yes, list agency(s) name and permit/approvals:

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?

Yes  No If Yes, list agency(s) name and permit/approvals:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?

Yes  No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.

Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

Yes  No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

Yes  No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts that **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

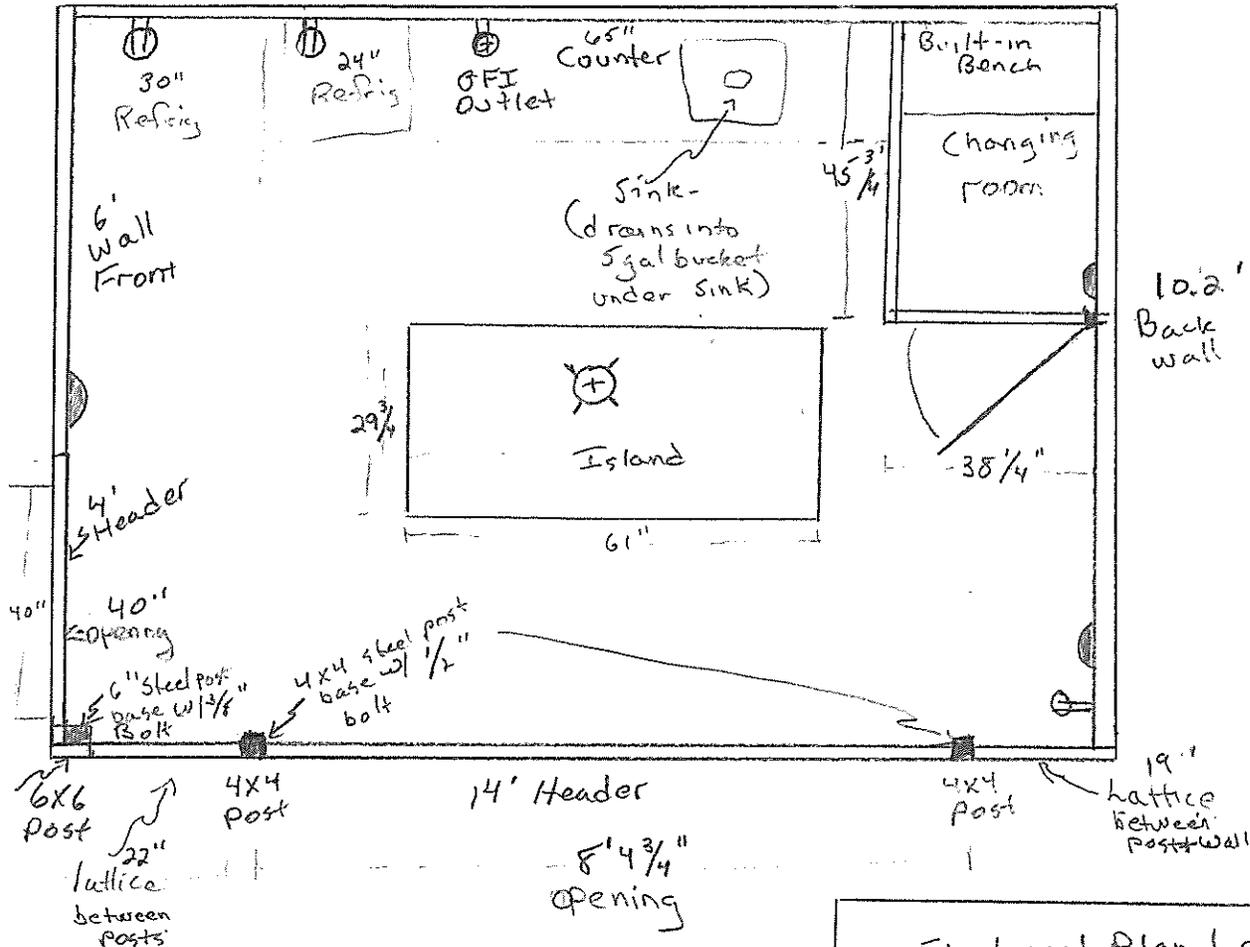
\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)

# Floor Plan - 65 York Ave, Saratoga Springs, NY

14.2' left side wall



QTY Electrical Plan Legend

(1)		ceiling mounted light fixture
(4)		electrical outlet 110
(3)		Wall-mounted light fixture

Main Building and  
Swimming Pool  
←

Patio



**View from top of driveway**



**View from middle of driveway**



**View from right side of back yard 1**



**View from right side of back yard 2**



**View from behind building**



**View from left side of yard**

65 York Ave, Saratoga Springs NY Pool House



**View from yard of 63 York Ave**



**View from behind building on North Street**



CITY OF SARATOGA SPRINGS  
 BUILDING DEPARTMENT  
 PH. 587-3550 FAX 580-9480  
**INSPECTOR REPORT**

PAGE 1 OF 1

JOB SITE 65 York St.

PERMIT # 21984

FILE # 21984

FOOTINGS BEFORE CONCRETE	FOUND. REBAR BEFORE CONCRETE	FOUND. BEFORE BACKFILL	FLOOR SLAB BEFORE CONCRETE	ROUGH FRAME BEFORE INSUL.	ROUGH PLUMB BEFORE INSUL.	HVAC BEFORE INSUL.	INSUL. BEFORE COVER	SEPTIC BEFORE BACKFILL	OTHER <u>Stop Work</u>	FINAL
--------------------------------	---------------------------------------	------------------------------	-------------------------------------	------------------------------------	------------------------------------	--------------------------	---------------------------	------------------------------	-------------------------------	-------

*Notice of Violation*

- Pool permit has expired, no certificate of occupancy to use.
- Fence incomplete, poses safety hazard to neighborhood.
- No permit on file for pool house, do not use, stop work.

PASSED

CONDITIONS AS NOTED

REINSPECTION REQUIRED

FAILED

STOP WORK

INSPECTION DATE

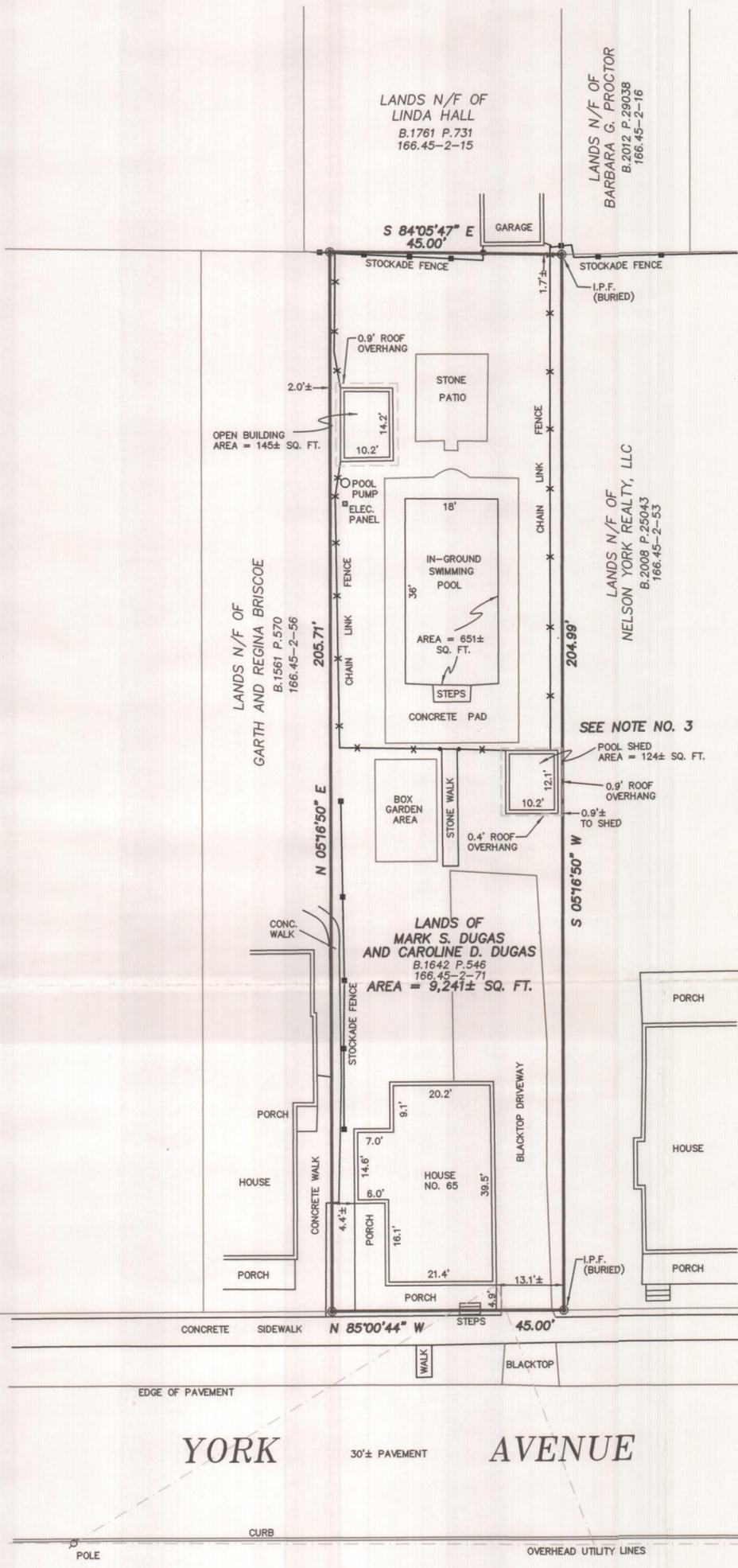
8/3/15

INSPECTOR

*[Signature]*



SEE MAP REFERENCE NO. 1



**MAP REFERENCE:**

- 1.) MAP ENTITLED "MAP OF LANDS TO BE CONVEYED TO PAUL AND PHYLLIS TORPEY SITUATE AT 53 YORK AVENUE", DATED MAY 11, 2012 AND MADE BY THOMPSON FLEMING LAND SURVEYORS, P.C.

**MAP NOTES:**

- 1.) NORTH ORIENTATION IS MAGNETIC AS OBSERVED DURING AUGUST OF 2015.
- 2.) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR AN UP TO DATE TITLE REPORT AND IS THEREFORE SUBJECT TO ANY STATEMENT OF FACT SUCH DOCUMENTS MAY DISCLOSE.
- 3.) THE POOL SHED (124 SQ. FT.) AND OPEN BUILDING (145 SQ. FT.) HAVE A TOTAL AREA OF 269 SQ. FT. AND THE AREA OF THE POOL IS 651 SQ. FT. THUS, THE TWO BUILDINGS AND POOL EQUAL 9.95% ± OF THE TOTAL AREA OF LANDS OF DUGAS AS SHOWN HEREON.

SEE NOTE NO. 3

**LEGEND**

- N/F ..... NOW OR FORMERLY
- ..... OVERHEAD UTILITY LINES
- C.I.R.S. .... CAPPED IRON ROD SET
- I.P.F. .... IRON PIPE FOUND
- C.I.R.F. .... CAPPED IRON ROD FOUND
- I.R.F. .... IRON ROD FOUND
- 116.00-2-39 ..... TAX MAP SECTION-BLOCK-LOT
- B.769 P.986 ..... DEED BOOK & PAGE
- ..... POINT
- ..... UTILITY POLE

"UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2 OF THE NEW YORK STATE EDUCATION LAW."  
 "ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES."

**Survey of Lands of  
MARK S. DUGAS  
AND CAROLINE D. DUGAS**

*Donald E. Albrecht*  
 DONALD E. ALBRECHT  
 P.L.S. NO. 50,302

DATE	RECORD OF WORK	DRN	CHK	APPR

CITY OF: SARATOGA SPRINGS (I.D.)
COUNTY OF: SARATOGA
SCALE: 1" = 20'
DRAWN BY: DEA
CHECKED BY: DEA
APPROVED BY: DEA

**Albrecht & Willson Land Surveyors, PLLC**

63 GRAY AVENUE  
 GREENWICH, N.Y. 12834  
 (518) 281-0046 or (518) 925-1719  
 awlandsurveyors.com

DATE: 08-03-2015	PROJ. NO. 15-021	DWG. NO. 15-021	SHEET 1 OF 1
------------------	------------------	-----------------	--------------



# CITY OF SARATOGA SPRINGS

CITY HALL - 474 BROADWAY  
SARATOGA SPRINGS, NEW YORK 12866  
TEL: 518-587-3550 FAX: 518-580-9480  
WWW.SARATOGA-SPRINGS.ORG

[FOR OFFICE USE]  
  
\_\_\_\_\_  
(Application #)  
  
\_\_\_\_\_  
(Date received)

## APPLICATION FOR: APPEAL TO THE ZONING BOARD FOR AN INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

<u>APPLICANT(S)*</u>	<u>OWNER(S) (If not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name <u>AMW Holdings Inc</u>	_____	_____
Address <u>563 North Broadway</u>	_____	_____
<u>Saratoga Springs, NY 12866</u>	_____	_____
Tel./Fax <u>587-4113 1 587-0260</u>	<u>1</u>	<u>1</u>
Email _____	_____	_____

\* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.  
Applicant's interest in the premises:  Owner  Lessee  Under option to lease or purchase

### PROPERTY INFORMATION

Property Address (No. & St.) 27 Jewel Place Side of St. (north, east, etc.) North

Tax Parcel No.: 166.13 - 50 - 2 (for example: 165.52 - 4 - 37) Tax District:  Inside  Outside

1. Date acquired by current owner: Under Contract 2. Zoning District when purchased: UR3

3. Present use of property: Multi Family - Ballet Studio 4. Current Zoning District: UR3

5. Has a previous ZBA application/appeal been filed for this property?  Yes (when? 10/31/13 for what? \_\_\_\_\_)  No

6. Is property located within (check all that apply)?:  Historic District  Architectural Review District  500' of a State Park, city boundary, or county/state highway?

7. Brief description of proposed action: Tear down existing building and build seven unit single family condominium project.

8. Is there a written violation for this parcel that is not the subject of this application?  Yes  No

9. Has the work, use or occupancy to which this appeal relates already begun?  Yes  No

10. Identify the type of appeal you are requesting (check all that apply):

- INTERPRETATION (p. 2)  VARIANCE EXTENSION (p. 2)  USE VARIANCE (pp. 3-6)  AREA VARIANCE (pp. 6-7)

FEES: Make checks payable to the "Commissioner of Finance" and attach to top of original application. Fees are cumulative and required for each request below.

- Interpretation \$ 400
- Use variance \$1,000
- Area variance
- Residential use/property: \$ 150
- Non-residential use/property: \$ 500
- Extensions: \$ 150

**INTERPRETATION** – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Identify the section(s) of the Zoning Ordinance for which you are seeking an interpretation:

Section(s) \_\_\_\_\_

2. How do you request that this section be interpreted? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. If interpretation is denied, do you wish to request alternative zoning relief?  Yes  No

4. If the answer to #3 is "yes," what alternative relief do you request?  Use Variance  Area Variance

**EXTENSION OF A VARIANCE** – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Date original variance was granted: 5/1/14 2. Type of variance granted?  Use  Area

3. Date original variance expired: 11/1/15 4. Length of extension requested: \_\_\_\_\_

5. Explain why the extension is necessary. Why wasn't the original timeframe sufficient?: We were unable to close on the property due to it being held up in probate for the last several months. We are anticipating to close within the next few weeks.

When requesting an extension of time for an existing variance, the applicant must prove that the circumstances upon which the original variance was granted have not changed. Specifically demonstrate that there have been no significant changes on the site, in the neighborhood, or within the circumstances upon which the original variance was granted:

Nothing has changed to this area & no new development

on or near this site.

**USE VARIANCE – PLEASE ANSWER THE FOLLOWING** (add additional information as necessary):

A use variance is requested to permit the following: \_\_\_\_\_

For the Zoning Board to grant a request for a use variance, an applicant must prove that the zoning regulations create an unnecessary hardship in relation to that property. In seeking a use variance, New York State law requires an applicant to prove all four of the following “tests”.

- I. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. “Dollars & cents” proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons:

A. Submit the following financial evidence relating to this property (attach additional evidence as needed):

1) Date of purchase: \_\_\_\_\_ Purchase amount: \$ \_\_\_\_\_

2) Indicate dates and costs of any improvements made to property after purchase:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

3) Annual maintenance expenses: \$ \_\_\_\_\_ 4) Annual taxes: \$ \_\_\_\_\_

5) Annual income generated from property: \$ \_\_\_\_\_

6) City assessed value: \$ \_\_\_\_\_ Equalization rate: \_\_\_\_\_ Estimated Market Value: \$ \_\_\_\_\_

7) Appraised Value: \$ \_\_\_\_\_ Appraiser: \_\_\_\_\_ Date: \_\_\_\_\_

Appraisal Assumptions: \_\_\_\_\_

B. Has property been listed for sale with the Multiple Listing Service (MLS)?  Yes If "yes", for how long? \_\_\_\_\_  No

1) Original listing date(s): \_\_\_\_\_ Original listing price: \$ \_\_\_\_\_

If listing price was reduced, describe when and to what extent: \_\_\_\_\_

2) Has the property been advertised in the newspapers or other publications?  Yes  No

If yes, describe frequency and name of publications: \_\_\_\_\_

3) Has the property had a "For Sale" sign posted on it?  Yes  No

If yes, list dates when sign was posted: \_\_\_\_\_

4) How many times has the property been shown and with what results? \_\_\_\_\_

2. That the financial hardship relating to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous other properties in the same neighborhood or district would not satisfy this requirement. This previously identified financial hardship is unique for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



---



---



---



---



---



---



---



---

**AREA VARIANCE – PLEASE ANSWER THE FOLLOWING** (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) \_\_\_\_\_.

Dimensional Requirements

	From	To	→ To
Fencing (exterior fence only)	6'	8'	
Lot Coverage	30%	(Prev. Appr.) 43.5%	46.0%
Front Yard Setback	10'	(Pre. Appr.) 5'	1'

Other: \_\_\_\_\_

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

- I. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

Our fencing request is new, asking for the height limit to go from 6 – 8' (exterior fence only). This creates privacy along the perimeter, a benefit to both sides of the fence. What is currently there is dilapidated and run down, hence aesthically a great improvement. Our modified request for front setback of 1' is what currently exists and consistent with surrounding homes. The 5' granted does not allow for our (2) front porches to be placed on the unit. This style entry fits with the street scape. Finally, the area coverage request of 46% is what was originally asked for, and necessary for the option of adding additional back porches on the homes; an opportunity for our clients to enjoy their backyards, since their fronts are quite limited-in size. These variance alternatives are reasonable and contiguous with the urban feel of downtown.

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

Granting the area variance will enhance the neighborhood by creating privacy, align the two front porches with the neighboring homes, and allow only 2.5% more in area coverage which was originally requested.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

This request is minimal and less than what currently exists on the property. The fence height increase is not substantial and benefits both the current and new homeowners.

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

This is one lot, seven homes, a singular curb cut and permissible use of the land in lieu of its current nonconforming commercial use. Permeability exceeds the minimum, peaking at 35-10%, parking accommodations are onsite and traffic is reduced due to the applicable Urban Residential 3 zone. The lot will be properly cleaned and abated, a favorable influence both physically and environmentally on the neighborhood.

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

The difficulty was created by the need to change a non-conforming structure to a residential economically feasible solution. A win for all involved; neighbors, city, and a proper sustainable usage by City Standards.

In accord with Article 240-14.4A(1)(b)(6) of the Zoning Ordinance, "any request for an area variance, which shall effect a change in density, shall be applied for and considered as a use variance and decided under criteria for the same". A request that involves any of the following relief will require an application for a use variance and will be decided under the use variance criteria:

- (1) Dimensional relief from minimum lot size requirements that would allow additional permitted units and/or uses
- (2) Relief from on site parking requirements
- (3) Reduction in land area requirements for multi-family units

DISCLOSURE

Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application?  No  Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT CERTIFICATION

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

\_\_\_\_\_  
(applicant signature)

Sworn to before me this date:

\_\_\_\_\_  
(applicant signature)

Date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

617.20  
Appendix C  
State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
For UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project sponsor)**

1. APPLICANT/SPONSOR

2. PROJECT NAME

*ANW Holdings*

3. PROJECT LOCATION:

*27 Juvenet Place*

Municipality

*Saratoga Springs, NY*

County

*Saratoga*

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) ✓

5. PROPOSED ACTION IS:

New

Expansion

Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:

*7 Individual Condominiums*

7. AMOUNT OF LAND AFFECTED:

Initially: \_\_\_\_\_ (acres)

Ultimately: \_\_\_\_\_ (acres)

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?

Yes

No

If No, describe briefly

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?

Residential

Industrial

Commercial

Agriculture

Park/Forest/Open Space

Other

Describe:

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?

Yes

No

If Yes, list agency(s) name and permit/approvals:

*Bldg Dept - Saratoga Springs*

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?

Yes

No

If Yes, list agency(s) name and permit/approvals:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?

Yes

No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.  
 Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)  
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?  
 Yes  No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  
 Yes  No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts that **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)

Res + App



CITY OF SARATOGA SPRINGS  
ZONING BOARD OF APPEALS

CITY HALL - 474 BROADWAY  
SARATOGA SPRINGS, NEW YORK 12866  
PH) 518-587-3550 FX) 518-580-9480  
WWW.SARATOGA-SPRINGS.ORG

BILL MOORE  
CHAIR  
KEITH B. KAPLAN  
VICE CHAIR  
ADAM MCNEILL  
SECRETARY  
GARY HASBROUCK  
GEORGE "SKIP" CARLSON  
SHIRLEY POPPEL  
OKSANA LUDD

RECEIVED

OCT 31 2013

ACCOUNTS DEPARTMENT

IN THE MATTER OF THE APPEAL OF  
ANW Holdings, Inc. of 564 Broadway  
Saratoga Springs, NY 12866

from the Building Inspector's Denial of Application for Land Use and/or Building for the premises at 27 Jumel Place, Saratoga Springs, New York, identified as Tax Parcel No.: 166.13-1-50.2 in the inside district of the City.

The Applicant has applied for an area variance for relief from the current City Zoning Ordinance applicable to the Urban Residential - 3 zoning district to construct a seven unit condominium development seeking relief from the maximum principal buildings permitted on one lot, maximum principal building coverage, the minimum front yard setback requirements for the two units fronting on Jumel Place, and from the minimum rear yard setback requirements for the two units located at the rear of the property, and public notice having been duly given of a hearing on said application on July 9, 2013 and October 28, 2013.

In consideration of the balance between the benefit to the Applicant with the detriment to the health, safety and welfare of the community, the Board makes the following resolution that the requested area variance for the following relief or such lesser amount, as described in the submitted application, BE APPROVED:

Type of Requirement	Required	Existing	Proposed	Total Relief Requested
Maximum Principal Buildings on one lot	One (1)	One (1)	Seven (7)	6 (600%)
Maximum Building Coverage	30%	49.4%	43.5%	13.5% (45%)
Minimum Front Yard Setback for the 2 units fronting on Jumel Place	10 feet	1 foot	5 feet	5 feet (50%)
Minimum Rear Yard Setback for the 2 units located at the rear	25 feet	.7 foot	6 feet	19 feet (76%)

1. The Applicant has demonstrated that this benefit cannot be achieved by other means feasible. This Board has been asked to consider several prior applications to redevelop this property. It is currently used for mixed commercial and residential purposes with a large cement structure, formerly a manufacturing facility, located on the property. The current use is not conducive to a residential neighborhood and the noise and traffic generated by the current use has been an issue of concern for many of the neighbors. The unique nature

of this property and the prior failed attempts to arrive at a use for this property that is acceptable to neighbors, conforming with the neighborhood and economically feasible has demonstrated that the redevelopment of this property raises unusual and distinct issues. Not only has the Applicant explored alternate means to achieve the requested benefit including a smaller number of units which were evaluated and found to be economically unfeasible, but prior applicants have also attempted to use the structure for varied uses, all of which demonstrates that other alternatives have not been shown to be practical or economically feasible. The applicant has demonstrated that redeveloping this property from an unsightly cement structure used for commercial purposes into a seven unit residential condominium development is the best economically feasible use as shown on the proposed site plan for this property.

2. The Applicant has demonstrated that granting these variances will not create an undesirable change in neighborhood character or a detriment to nearby properties. Applicant had shown that removal of the current cement structure and construction of a seven unit condominium will result in a development that substantially conforms with the residential homes in the neighborhood. The Applicant has demonstrated, and several neighbors have testified in support, that this redevelopment will have a very beneficial impact on the neighborhood. The granting of these variances will result in the removal of a varied use (ballet school), unauthorized use (karate school) and prior nonconforming use (manufacturing facility) and result in a conforming use which is in keeping with the character of the neighborhood. We note that the City Planning Board issued a favorable advisory opinion identifying that "This site can adequately accommodate development of this scale, and that the overall density proposed is compatible with the surrounding neighborhood." Based on the foregoing, the granting the variances will improve the appearance of the property and will not create an undesirable change in neighborhood character or impact on nearby properties, but rather a desirable and valuable change.

3. The relief requested may be considered substantial, but is mitigated by the fact that the current existing structure is non-conforming and by the fact that the lot, at 34,765.50 square feet, would accommodate either five single-family lots or four two-family buildings for total of eight residences. The requested variance, for seven units, is one less than the permitted 8 residences. In order to develop this property in a manner that is most conducive to current needs of our citizens, creating smaller free standing condominiums is beneficial. The construction of one continuous unit would have eliminated the need for a variance for seven units, but would not have resulted in a project that meets the current needs of some members of the community. The minimum front and rear setback variances are necessary to maximize the available parking and the need for service vehicles to access the property. Due to the non-conformance of the current structure and some of the existing structures in the neighborhood, these variances will not have a substantial impact on the neighborhood and therefore mitigates the substantial nature of the variances.

4. The Applicant has demonstrated that the variance will not have a significant adverse physical or environmental effect on the neighborhood. The Applicant has demonstrated, and several neighbors have testified in support, that this redevelopment will have a significant beneficial physical impact on the neighborhood. Not only will the current commercial use with resulting traffic and noise generated by such use no longer interfere with the quiet residential neighborhood, but the physical change to the property will be a significant improvement to the appearance of the neighborhood. Additionally, the proposed construction will improve the permeability of the lot to 35.1%, in excess of the required 25%.

5. The alleged difficulty may be considered self-created in that the Applicant desires to re-develop this property in a manner that will meet the needs of residents of Saratoga Springs who are looking to down size and still create a development that conforms to the neighborhood as a residential development in an economic

manner, however, this is not necessarily fatal to the application.

Notifications/Approvals/Conditions of Approval:

Prior variances are discontinued.

Saratoga Springs City Planning Board site plan review is required – the Planning Board will address local concerns as identified by the Saratoga County Planning Board.

Saratoga County Planning Board issued a finding of no significant county side or inter community impact.

Adopted by the following vote:

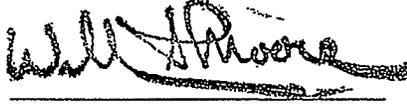
AYES: 6 (B. Moore, K. Kaplan, A. McNeill, G. Hasbrouck, S. Carlson, O. Ludd)

NAYES: 0

Dated: October 28, 2013

This variance shall expire 18 months following the filing date of such decision unless the necessary building permit has been issued and actual construction begun as per 240-8.5.1.

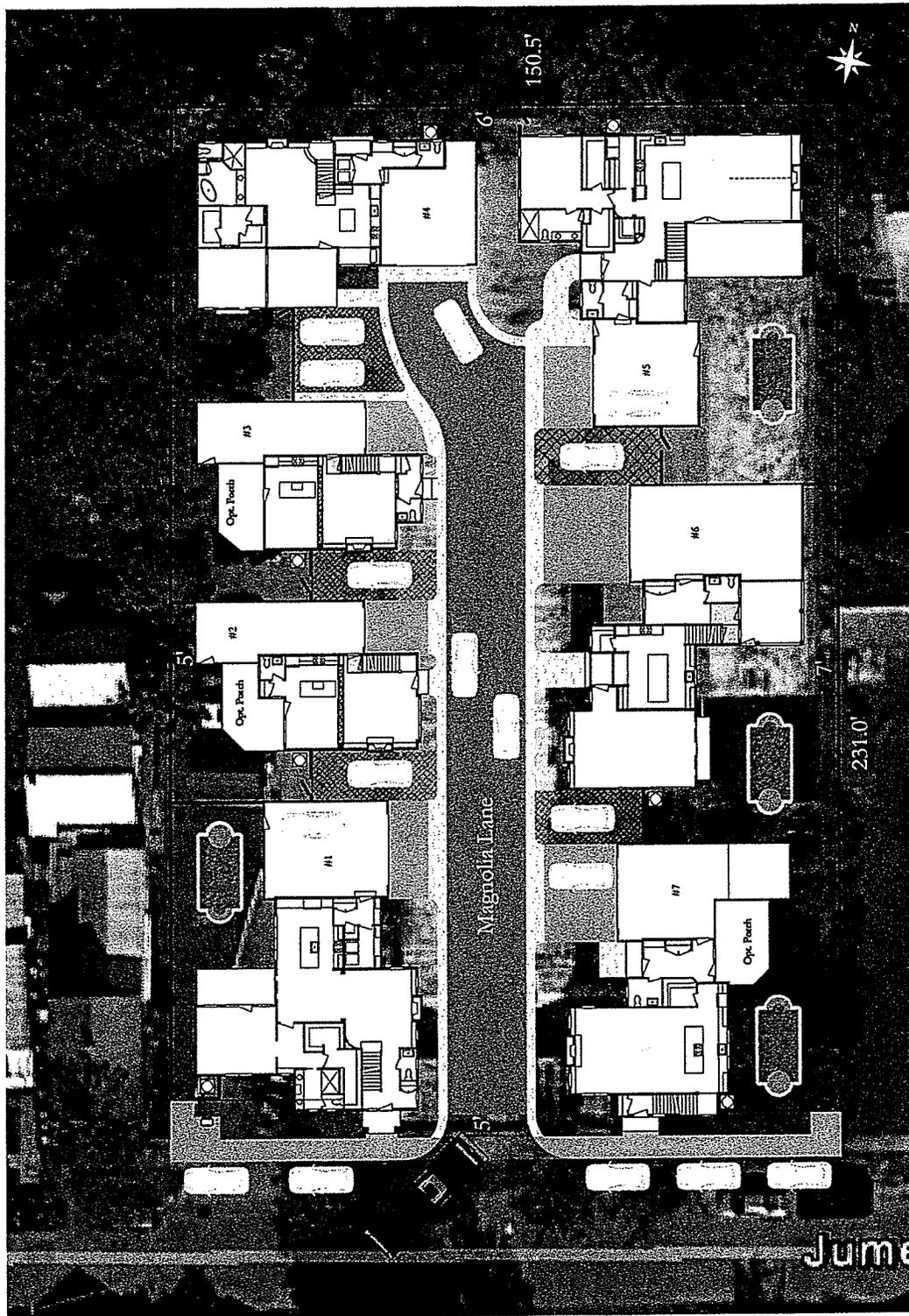
10/30/13  
Date

  
Chair

I hereby certify the above to be a full, true and correct copy of a resolution duly adopted by the Zoning Board of Appeals of the City of Saratoga Springs on the date above mentioned, six members of the Board being present.

MAP OF  
the Neighborhood of  
**MAGNOLIA LANE**  
in SARATOGA SPRINGS  
W/it Construction

2013



Residence	Front	Left	Right	Center
#1	54.8	54.8	54.8	121.3
#2	13.7	13.7	13.7	151.6
#3	14.2	14.2	14.2	162.2
#4	20.9	13.7	13.7	243.3
#5	27.9	23.3	23.3	291.1
#6	24.0	23.3	23.3	255.3
#7	20.9	20.9	20.9	278.0
	141.8	140		1519
				54.96
				40%

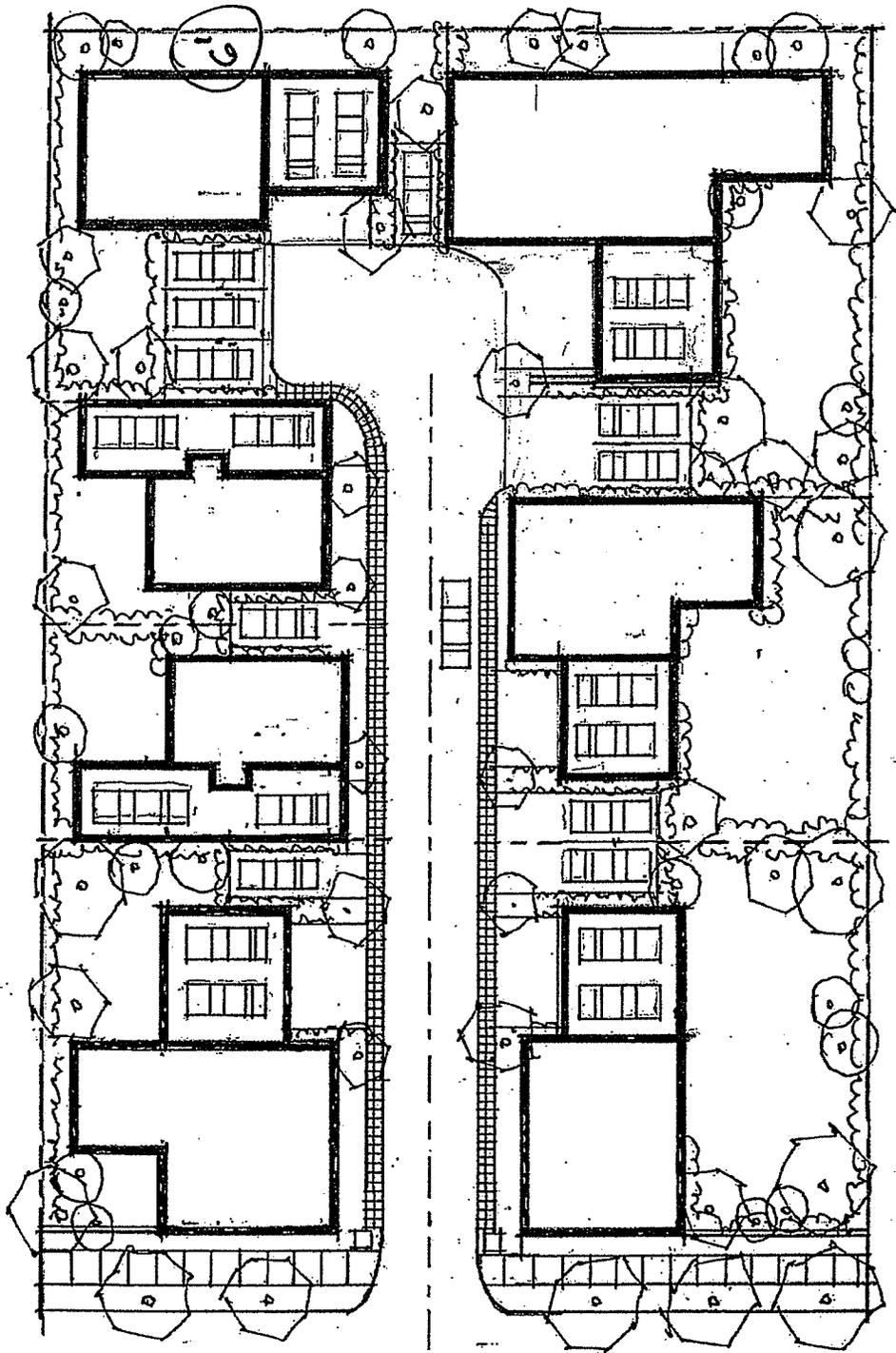
Permissible Statistics	
Site of Development (Sq. Ft.)	31,426
Permissible Area (Sq. Ft.)	
Permissible Area (Sq. Ft.)	3,155
Permissible Area (Sq. Ft.)	1,333
Permissible Area (Sq. Ft.)	4,726
Permissible Area (Sq. Ft.)	1,144
Permissible Area (Sq. Ft.)	4,133
Total Permissible Area (Sq. Ft.)	21,291
Total Permissible Area (Sq. Ft.)	1,133
Total Permissible Area (Sq. Ft.)	11,870
Total Permissible Area (Sq. Ft.)	13,419
Total Permissible Area (Sq. Ft.)	31,224

Scale of Feet



June

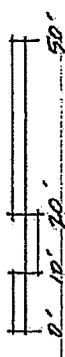
REAR

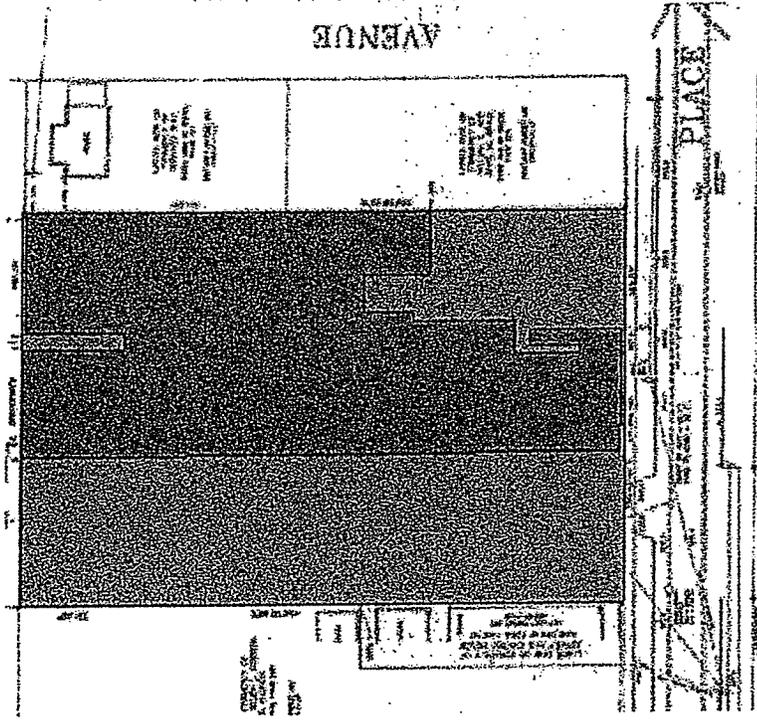


SIDE

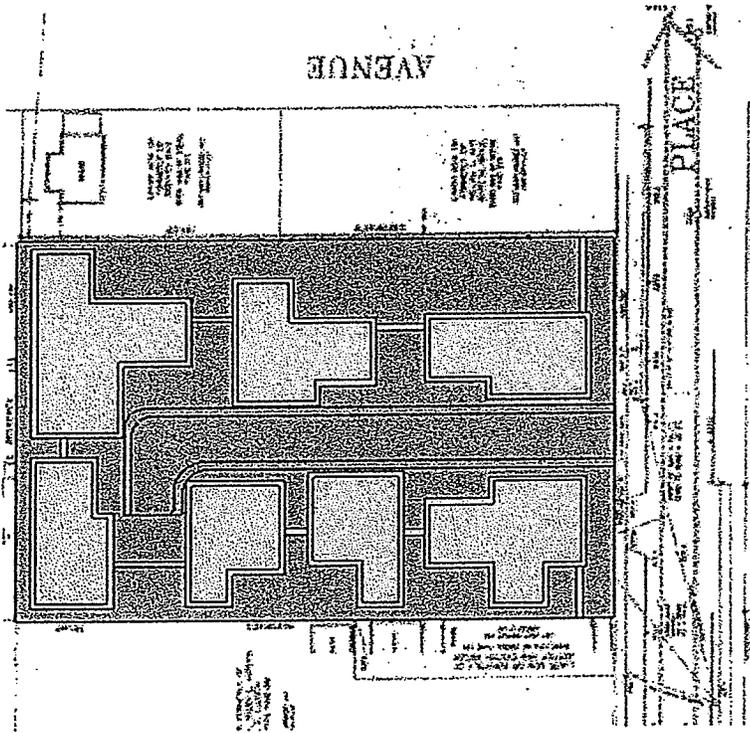
SIDE

FRONT





Site Plan with Existing Building



Concept Site Plan







NO PARKING  
EXCEPT FOR  
LOADS UNLOADS  
AND DELIVERIES

COCA COLA  
LUBRY



Prudential  
Lake Atlantic, Inc.  
518-464-1111  
Member of Sun  
www.prudential.com





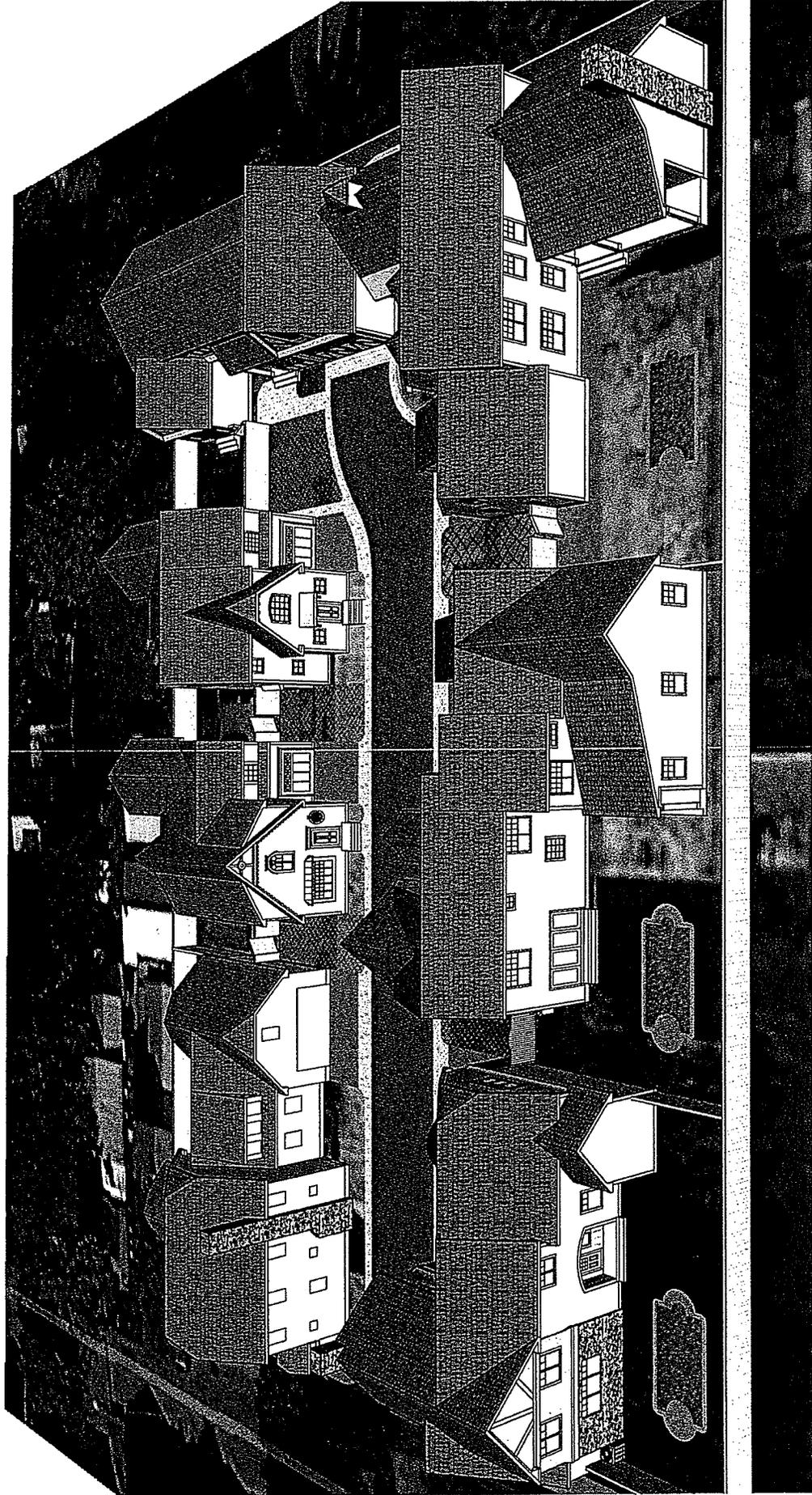
Witt Construction

563 N Broadway, Saratoga Springs, NY 12866

February 27, 2014, 2013

Magnolia Lane

Street Views



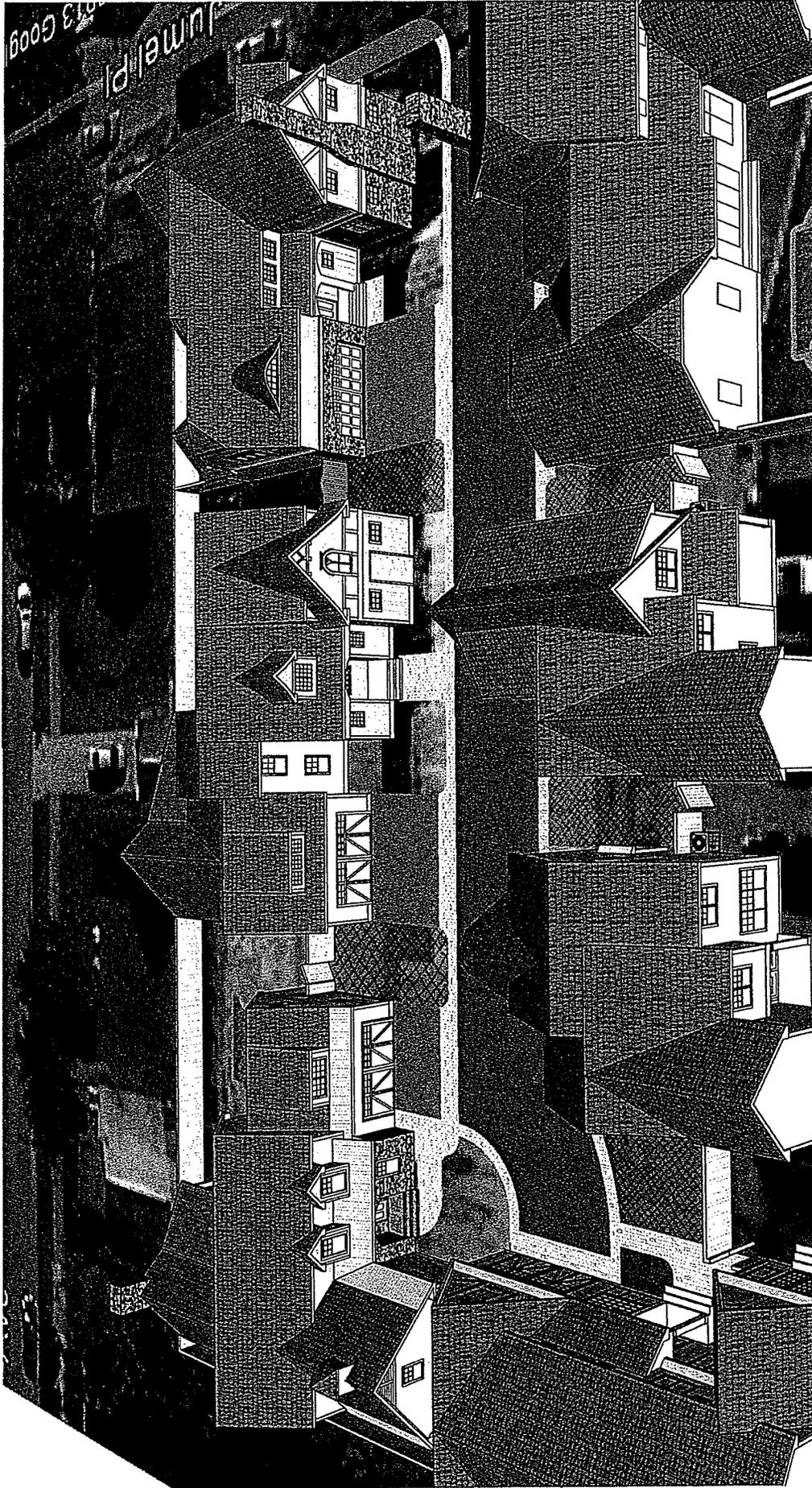
Witt Construction

563 N Broadway Saratoga Springs, NY 12866

February 27, 2014, 2013

Magnolia Lane

Street Views



Witt Construction

563 N Broadway, Saratoga Springs, NY 12866

February 27, 2014, 2013

Magnolia Lane

Street Views

# *Short Environmental Assessment Form*

## *Part 1 - Project Information*

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail: <span style="background-color: black; color: black;">████████████████████</span>		
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<b>NO</b>	<b>YES</b>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<b>NO</b>	<b>YES</b>
3.a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input type="checkbox"/> Parkland				



<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?          If Yes, explain purpose and size: _____          _____          _____</p>	<p><b>NO</b></p>	<p><b>YES</b></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?          If Yes, describe: _____          _____          _____</p>	<p><b>NO</b></p>	<p><b>YES</b></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?          If Yes, describe: _____          _____          _____</p>	<p><b>NO</b></p>	<p><b>YES</b></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>		



**CITY OF SARATOGA SPRINGS**  
**ZONING BOARD OF APPEALS**

CITY HALL - 474 BROADWAY  
 SARATOGA SPRINGS, NEW YORK 12866  
 PH) 518-587-3550 FX) 518-580-9480  
 WWW.SARATOGA-SPRINGS.ORG

*Bill Moore*  
 Chair  
*Keith B. Kaplan*  
 Vice Chair  
*Adam McNeill*  
 Secretary  
*Gary Hasbrouck*  
*George "Skip" Carlson*  
*Oksana Ludd*  
*James Helicke*

Appeal #2759  
 IN THE MATTER OF THE APPEAL OF  
 ANW Holdings, Inc.  
 564 Broadway  
 Saratoga Springs, NY 12866

from the Building Inspector's Denial of Application for Land Use and/or Building for the premises at 27 Jumel Place, Saratoga Springs, New York, identified as Tax Parcel No.: 166.13-1-50.2 in the inside district of the City.

The Applicant has applied for modification to Appeal # 2714, a variance granted October 23, 2013, seeking modification of the relief from the maximum principal building coverage and the minimum front yard setback requirements for the two units fronting on Jumel Place, and for additional relief from maximum height of a residential fence, all as provided in the current City Zoning Ordinance applicable to the Urban Residential - 3 zoning district, and public notice having been duly given of a hearing on said application on April 21, 2014 and April 28, 2014.

In consideration of the balance between the benefit to the Applicant with the detriment to the health, safety and welfare of the community, the Board makes the following resolution that the requested area variance for the following relief or such lesser amount, as described in the submitted application, BE APPROVED:

Type of Requirement	Required/ Permitted	Previously Approved	Proposed	Total Relief Requested
Maximum Building Coverage	30%	43.5%	46%	16% (53%)
Minimum Front Yard Setback for the 2 units fronting on Jumel Place	10 feet	5 foot	1 feet	9 feet (90%)
Maximum Height residential fence	6 feet	N/A	8 feet	2 feet (33%)

1. The Applicant has demonstrated that this benefit cannot be achieved by other means feasible. This Board has previously determined in Appeal #2714 that the Applicant has demonstrated that redeveloping this property from an unsightly cement structure used for commercial purposes into a seven unit residential condominium development is the best economically feasible use as shown on the proposed site plan for this property. The modifications to the maximum principal building coverage and the minimum front yard setback requested by Applicant, subject to the conditions provided below, do not change the Board's prior determinations. The request to increase the maximum height of the residential fence is requested to ensure added privacy for the units and for adjacent neighbors. Providing this privacy cannot be achieved by other means due to the limited size of the property.

2. The Applicant has demonstrated that granting the modification to these variances will not create an undesirable change in neighborhood character or a detriment to nearby properties. In granting variance #2714, the Board concluded the granting the variances will improve the appearance of the property and will not create an undesirable change in

neighborhood character or impact on nearby properties, but rather a desirable and valuable change. The modifications do not change this conclusion. Additionally, granting the variance for an increased height in the fence will enhance the character of the neighborhood.

3. The modifications to the relief requested may be considered substantial. However, due to the proximity of the proposed developed structures to the neighbors and to one another, the Board finds the benefit of privacy fencing to offset the adverse impact.

4. The Applicant has demonstrated that the modification of the variances will not have a significant adverse physical or environmental effect on the neighborhood. In the prior Appeal, the Applicant demonstrated and several neighbors testified in support, that this redevelopment will have a significant beneficial physical impact on the neighborhood. The modifications requested in this application do not alter the conclusions reached by this Board in Appeal #2714. Additionally, the request for an increase in the height of the fence does not have an adverse physical or environmental effect on the neighborhood.

5. The alleged difficulty may be considered self-created, however, this is not necessarily fatal to the application.

Notifications/Approvals/Conditions of Approval:

The minimum front yard setback of 5 feet previously approved in Appeal #2714 is modified only to permit front stoops or stairways within the 5 foot setback to the 1 foot setback.

No eight (8) foot fence shall be permitted to be constructed along Jumel Place or extending beyond the front foundation line along Jumel Place.

County Planning Board issued a decision of "No Significant County Impact" on April 17, 2014.

Adopted by the following vote:

AYES: 7 (B. Moore, K. Kaplan, A. McNeill, G. Hasbrouck, S. Carlson O. Ludd and J. Helicke)

NAYES: 0

Dated: April 28, 2014

This variance shall expire 18 months following the filing date of such decision unless the necessary building permit has been issued and actual construction begun as per 240-8.5.1.

5-1-14  
Date

  
Chair

I hereby certify the above to be a full, true and correct copy of a resolution duly adopted by the Zoning Board of Appeals of the City of Saratoga Springs on the date above mentioned, seven members of the Board being present.

RECEIVED

MAY 06 2014

ACCOUNTS DEPARTMENT

---

**From:** "Tracy Miller" [REDACTED] >  
**To:** "Susan Barden" <susan.barden@saratoga-springs.org>  
**Cc:** [REDACTED]  
**Sent:** Sunday, February 21, 2016 10:28:43 PM  
**Subject:** ANW Holdings "Downton Walk"

Dear Ms. Barden -

My husband and I live at [REDACTED] Jumel Place, [REDACTED] across the street from 27 Jumel Place. We received the notice of public hearing for the above mentioned project. It is unlikely that we will be able to attend the meeting on Monday February 22 in person, but wanted to make a statement for the record.

We are in support of the project. The project is an enormous improvement over the existing structure, and its previous uses.

We understand the request for variance from the front yard setback, and agree it will maintain a similar look to what exists on the street.

Thank you.

Sincerely,  
Tracy and Johnny Miller

Confidentiality/Privilege Notice: This e-mail communication and any files transmitted with it contain privileged and confidential information from the City of Saratoga Springs and are intended solely for the use of the individual(s) or entity to which it has been addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking any other action with respect to the contents of this message is strictly prohibited. If you have received this e-mail in error, please delete it and notify the sender by return e-mail. Thank you for your cooperation.

---

**ZONING AND BUILDING INSPECTOR DENIAL  
OF APPLICATION FOR LAND USE AND/OR BUILDING**

APPLICANT: ANW HOLDINGS, INC.

TAX PARCEL NO.: 166.13-1-50.2

PROPERTY ADDRESS: 27 JUMEL PLACE  
ZONING DISTRICT: URBAN RESIDENTIAL-3

This applicant has applied to use the identified property within the City of Saratoga Springs for the following:

Proposed construction of a seven-unit condominium project (detached single-family residences).

This application is hereby denied upon the grounds that such use of the property would violate the City Zoning Ordinance article(s)

240-2.3 A., Table 3 and 6.4.5 A. As such, the following relief would be required to proceed:

Extension of existing variance     Interpretation

Use Variance to permit the following: \_\_\_\_\_

Area Variance seeking the following relief:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
<u>Max principal building coverage: 7 units combined</u>	<u>30%</u>	<u>46%</u>
<u>Max principal buildings on one lot:</u>	<u>1</u>	<u>7</u>
<u>Minimum front yard setback:</u>	<u>10 ft.</u>	<u>1 ft.</u>
<u>Minimum rear yard setback:</u>	<u>25 ft.</u>	<u>6 ft.</u>
<u>Maximum height residential fence:</u>	<u>6 ft.</u>	<u>8 ft.</u>

Advisory Opinion required from Saratoga County Planning Board

  
ZONING AND BUILDING INSPECTOR

2/22/16

DATE



511 BROADWAY, 2ND FLOOR SARATOGA SPRINGS, N.Y. 12866  
PH. 518 587 3385 / FAX 518 306 6048  
SDATELIER.COM

January 21, 2015

City of Saratoga Springs  
474 Broadway  
Saratoga Springs, NY  
12866

Re: 35 Greenfield Ave

Attn: Zoning Board Members

The zoning district is UR-1 which requires a 30 front yard setback and 20 percent lot coverage for the principal structure and 8 percent for an accessory structure. The house is located on the corner and therefore is subject to 2 front yards. The intent of the applicant is to restore the residence back to its original character (Historically as a Second French Empire Style known for mansard roofs and dormers) and thus remove the existing rear portion of the house which is not original or historically significant to the main residence. The front main house will remain and be restored.

There is presently a carriage house on the lot that is considered a contributing historic structure. It also has structural concerns and does not display the same extent of detailing and character as the original house. The client has considered the idea of re-locating the structure however it would affect the lot coverage percentage. The client is willing to re-locate and retain the structure provided that approval for a new 3 car garage is not compromised. However, it cannot stay where it presently is located with the location of the new proposed 3 car garage.

This application is a request to remove the rear addition that is not original and replace it with a new kitchen/mudroom addition and an attached garage. This will integrate architecturally with the house and provide the owner's desire to have an attached garage/mudroom and master bedroom suite.

The increase in lot coverage in order to do this will exceed the 20% allowable maximum, and be at 27.2% lot coverage. There is a precedent with large homes in this neighborhood that have 3 car garages. The 30' front yard setback is technically infeasible to comply with as the setback presently cuts through the original house- thus the existing house is already non-conforming. Any expansion at the rear cannot possibly comply along Woodlawn avenue (as the side of the house that is subject to front yard setback requirements).

There has been extensive time and effort put in to considering design options to meet the program needs and desires of the applicant/client. The proposed submission reflects the preferred option after considering many alternatives.

I trust that this will help clarify.

Susan L Davis – Principal Architect



# CITY OF SARATOGA SPRINGS

CITY HALL - 474 BROADWAY  
SARATOGA SPRINGS, NEW YORK 12866  
TEL: 518-587-3550 FAX: 518-580-9480  
WWW.SARATOGA-SPRINGS.ORG

[FOR OFFICE USE]  
  
\_\_\_\_\_  
(Application #)  
  
\_\_\_\_\_  
(Date received)

## APPLICATION FOR: APPEAL TO THE ZONING BOARD FOR AN INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

APPLICANT(S)\*

OWNER(S) (If not applicant)

ATTORNEY/AGENT

Name JEAN PIERRE PERRON

Address [REDACTED]  
Tel./Fax [REDACTED]  
Email [REDACTED]

SP Atelier Architecture

511 Broadway

Saratoga Springs, NY

587-3385 1306-6048

\* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.  
Applicant's interest in the premises:  Owner  Lessee  Under option to lease or purchase

### PROPERTY INFORMATION

Property Address (No. & St.) 35 Greenfield Avenue Side of St. (north, east, etc.) North

Tax Parcel No.: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ (for example: 165.52 - 4 - 37) Tax District:  Inside  Outside

1. Date acquired by current owner: \_\_\_\_\_ 2. Zoning District when purchased: UR-1

3. Present use of property: single family 4. Current Zoning District: UR-1

5. Has a previous ZBA application/appeal been filed for this property?  Yes (when? 12/2014 for what? LOT LINE ADJUSTMENT  
 No LOT WIDTH - ADJACENT LOT.

6. Is property located within (check all that apply)?  Historic District  Architectural Review District  
 500' of a State Park, city boundary, or county/state highway?

7. Brief description of proposed action: NEW 3 CAR GARAGE ADDITION - 2 STORIES  
TO REPLACE AN EXIST. DETACHED GARAGE

8. Is there a written violation for this parcel that is not the subject of this application?  Yes  No

9. Has the work, use or occupancy to which this appeal relates already begun?  Yes  No

10. Identify the type of appeal you are requesting (check all that apply):  
 INTERPRETATION (p. 2)  VARIANCE EXTENSION (p. 2)  USE VARIANCE (pp. 3-6)  AREA VARIANCE (pp. 6-7)

---



---



---



---



---



---



---

**AREA VARIANCE – PLEASE ANSWER THE FOLLOWING** (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) \_\_\_\_\_

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
<u>FRONT YARD SETBACK</u>	<u>30'-0"</u>	<u>4'</u>
<u>% LOT COVERAGE</u>	<u>20%</u>	<u>27.2%</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: \_\_\_\_\_  
\_\_\_\_\_

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

- 1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

THE APPLICANT HAS EXPLORED NUMEROUS DESIGNS OVER THE  
LAST YEAR. ALL OF THE DESIGNS WILL EXTEND OVER THE 30'-0  
SETBACK SINCE IT IS ALREADY NON-CONFORMING. THE APPLICANT  
CANNOT PURCHASE ADDITIONAL LAND AS THE ADJACENT LOT HAS  
BEEN SUBDIVIDED AND SOLD.

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

- THE ADDITION IS DESIGNED TO BE ARCHITECTURALLY COMPATIBLE W/ THE EXIST. HISTORIC HOUSE.
- THE NEW GARAGE WILL BE LOCATED WHERE IT IS LEAST VISIBLE AND AROUND SOME OF THE EXIST. TREES TO REMAIN.
- THERE ARE OTHER LARGE HOMES IN THE VICINITY AND THIS HOUSE WILL BE SIGNIFICANTLY LARGER THAN OTHER HOMES IN THE NEIGHBORHOOD.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

- THE TOTAL LOT COVERAGE WILL BE 27.2% WHEN IT COULD BE 28% (W/ A PRINCIPAL STRUCTURE AND ACCESSORY STRUCTURE)
- THE PRESENT HOUSE CURRENTLY HAS A 30' SETBACK THAT GOES THRU IT, - THE CORNER LOT MAKES IT DIFFICULT (OR TECHNICALLY INFEASIBLE) TO COMPLY.

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

- THE ADDITION IS LOCATED ON THE LOT WHERE IT WILL BE LEAST VISIBLE.
- THE ADDITION WILL BE ARCHITECTURALLY COMPATIBLE TO THE MAIN HOUSE
- THE INTENT IS TO LEAVE AS MANY TREES AS POSSIBLE

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

YES, DUE THE OWNERS REQUEST TO HAVE AN ATTACHED 3 CAR GARAGE, - and IMPROVED KITCHEN, MUD ROOM and MASTER BEDROOM SUITE.

In accord with Article 240-14.4A(1)(b)(6) of the Zoning Ordinance, "any request for an area variance, which shall effect a change in density, shall be applied for and considered as a use variance and decided under criteria for the same". A request that involves any of the following relief will require an application for a use variance and will be decided under the use variance criteria:

- (1) Dimensional relief from minimum lot size requirements that would allow additional permitted units and/or uses
- (2) Relief from on site parking requirements
- (3) Reduction in land area requirements for multi-family units

DISCLOSURE

Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application?  No  Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT CERTIFICATION

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

Sworn to before me this date:

\_\_\_\_\_  
(applicant signature)

Date: \_\_\_\_\_

\_\_\_\_\_  
(applicant signature)

\_\_\_\_\_  
Notary Public

# Perron's Residence Zoning Board of Review

35 Greenfield Avenue

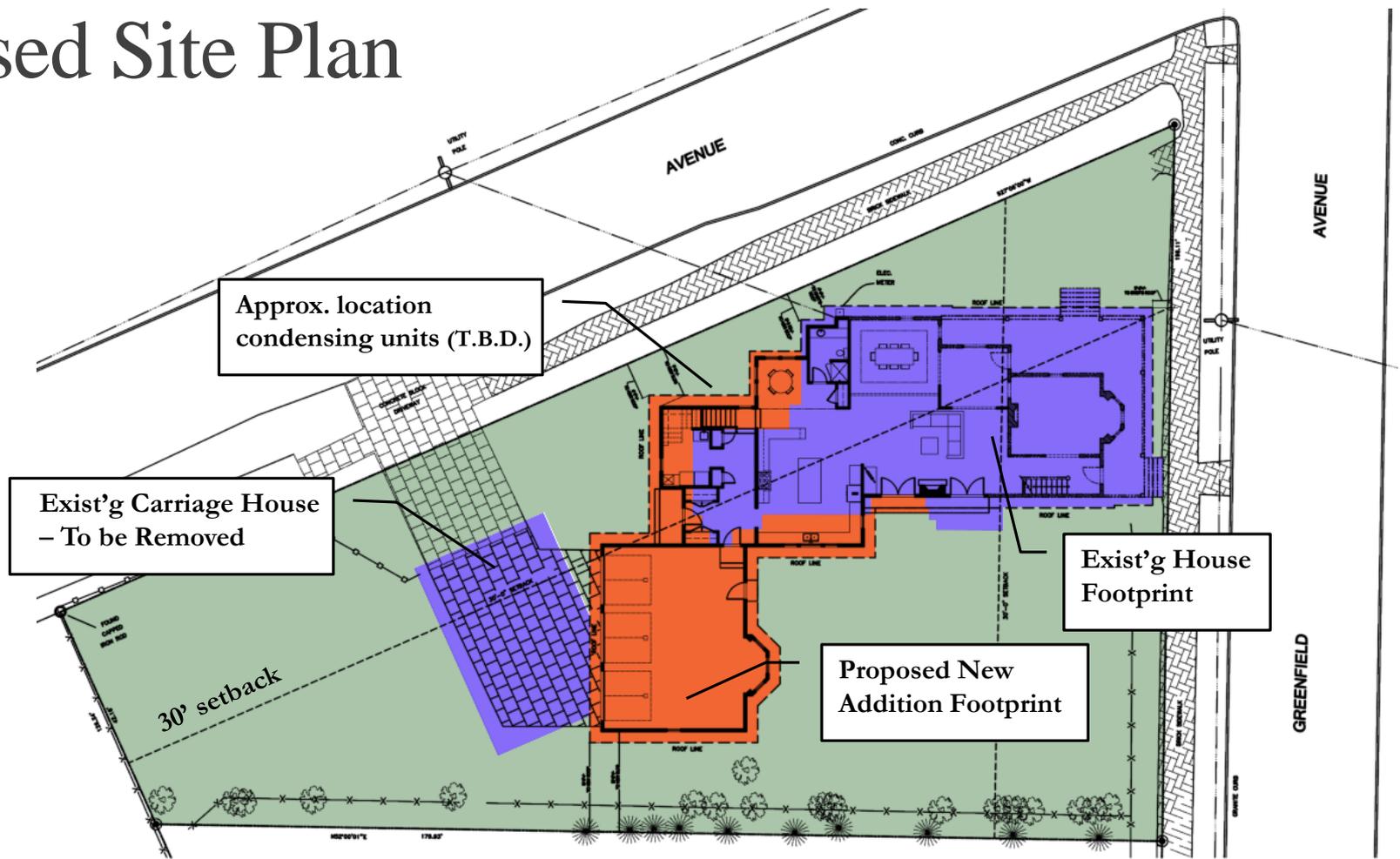
---

CITY OF SARATOGA SPRINGS

---

January 22, 2016

# Proposed Site Plan



	<u>Existing</u>	<u>Allowed UR-1:</u>	<u>Proposed:</u>	<u>Requested Relief:</u>
<u>Lot Size:</u>	16,289 +/- sq.ft.	12,500 sq. ft.		
<u>Principle Struct. (overhang)</u>	2,740 +/- sq.ft.	3,257.8 sq. ft. (20% Coverage)	4,427 +/- sq.ft. (27.2%)	7.2% total
<u>Principle Struct. (footprint):</u>	2,424 +/- sq.ft.	-	3,869.5 +/- sq.ft. (23.8%)	-
<u>Accessory Structure:</u>	943 +/- sq.ft.	1,303.2 sq. ft. (8% Coverage)	-	-
<u>Setbacks: Front (Woodlawn)</u>	4.4 ft.	30'-0" min	4.4 ft. (closet point)	25.8'
<u>Front (Greenfield)</u>	3.6 ft.	30'-0" min.	-	To allow exist'g to remain
<b>Total Coverage:</b>	<b>22.6% +/-</b>	<b>28%</b>	<b>27.2% +/-</b>	<b>7.2% (principle structure after removal access. Struct.)</b>

# Aerial View – Comparing Surrounding Building

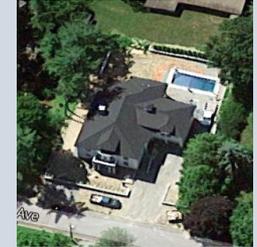
2 Clement Ave.  
3 car garage

53 Greenfield Ave:  
3 car attached garage

Proposed Residence: 4,427 sq.ft.  
Including overhangs (27.2%)



203 Woodlawn Ave.  
Principle struct: 3,763 sq.ft. ( 27%)  
Access. (pool) 360 sq.ft. (3%)



649 N Broadway:  
3 car garage

655 N Broadway:  
3 car garage

# Perron's exist'g Residence



Front Facing Greenfield Ave.



Side yard – garage( to be removed)



Front Corner



Side – Indicating later addition

# Surrounding Views



Woodlawn Ave Facing Greenfield Ave.



Greenfield Ave Facing West



Greenfield Ave. Facing East



Greenfield Ave Facing South

# Neighboring Homes



203 Woodlawn Ave



2 Clement Ave.



637 N Broadway



53 Greenfield Ave

# Proposed Elevations



West (Front – towards Greenfield Ave.)



North (Side)

# Proposed Elevations



East (Back – towards Woodlawn Ave.)



South (Front – towards Woodlawn Ave.)

# Proposed Renderings

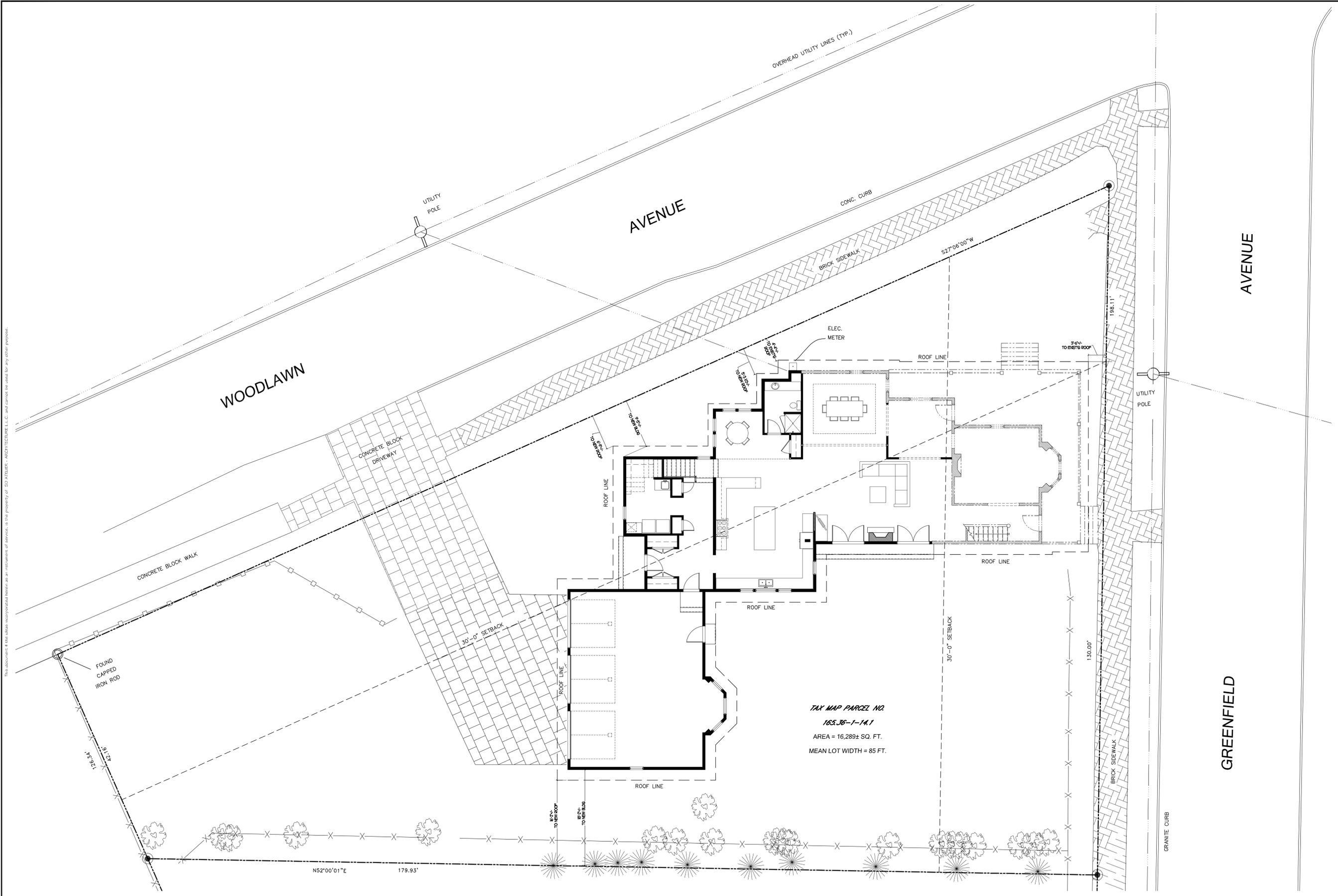


Front – from Greenfield Ave (existing bldg. shown white)



Back (towards Woodlawn Ave. – tress not shown for clarity)  
(existing bldg. shown white)

ADDITION AND RENOVATION FOR :  
**JEAN PIERRE PERRON**  
35 GREENFIELD AVENUE  
SARATOGA SPRINGS, NEW YORK 12866



TAX MAP PARCEL NO.  
165.36-1-14.1  
AREA = 16,289± SQ. FT.  
MEAN LOT WIDTH = 85 FT.

**1** ARCHITECTURAL SITE PLAN  
SCALE 1/8" = 1'-0"

**GROSS AREAS:**

	ALLOWED:	EXISTING:	PROPOSED:
SITE	6,289 +/- SQ. FT.		
20% (PRINCIPLE STRUCTURE)	3,257 +/- SQ. FT.	16,81 +/- (PRINCIPLE STRUCTURE)	2,740 +/- SQ. FT. 27,21 +/- (PRINCIPLE STRUCTURE W/ OVER-HANG)
8% (ACCESS. STRUCTURE)	1,303 +/- SQ.FT.	5,81 +/- (ACCESS. STRUCTURE)	943 +/- SQ.FT. 23,81 +/- (PRINCIPLE STRUCTURE W/O OVER-HANG)



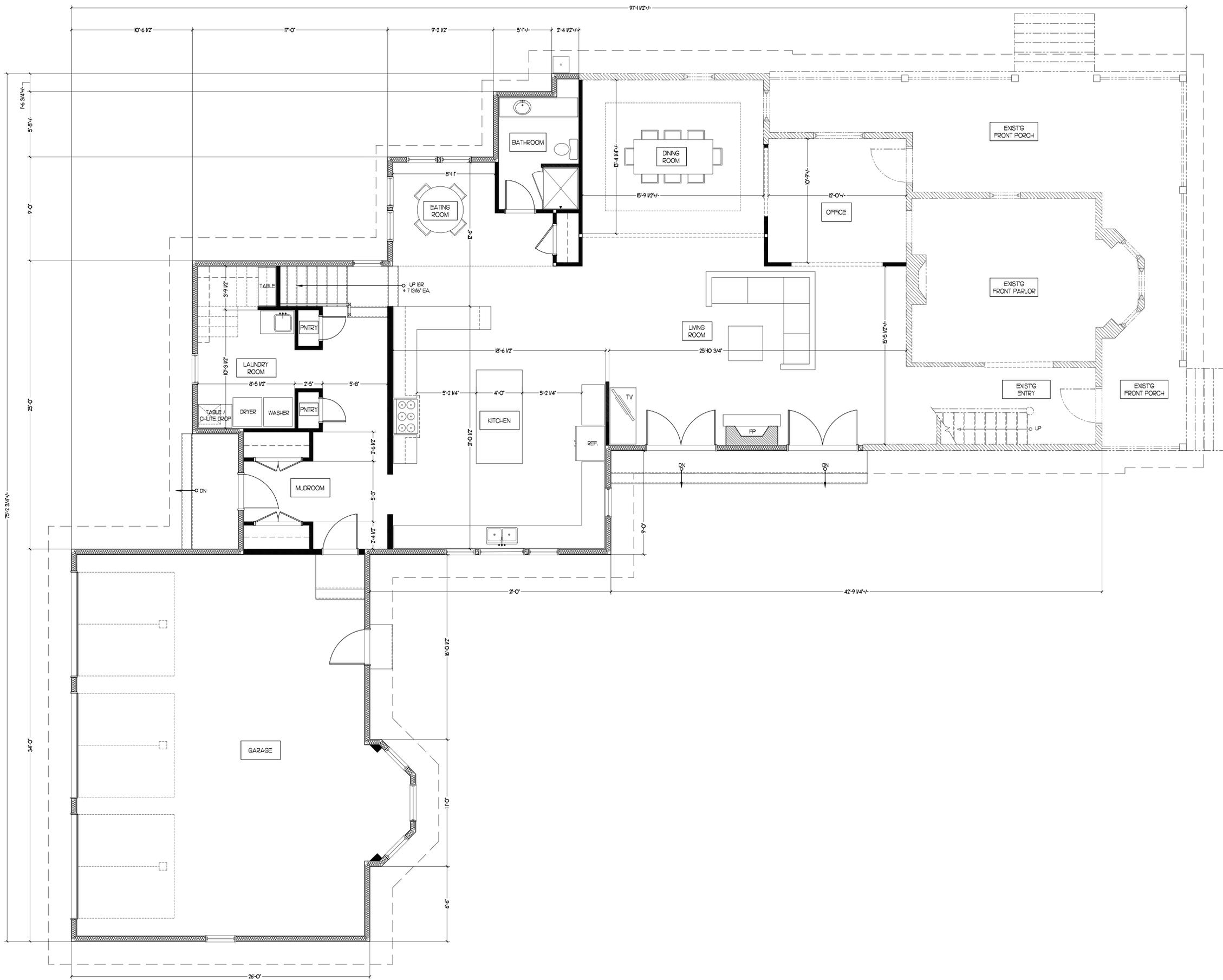
DATE: 1/20/2016  
SCALE: AS NOTED  
REVISIONS:

ARCHITECTURAL SITE PLAN

DD-S

PROJECT  
2015-25

ADDITION AND RENOVATION FOR :  
**JEAN PIERRE PERRON**  
35 GREENFIELD AVENUE  
SARATOGA SPRINGS, NEW YORK 12866



This document & the ideas incorporated herein are an instrument of service, the property of SD ATELIER ARCHITECTURE L.L.C. and cannot be used for any other purpose.

**1** PROPOSED FIRST FLOOR PLAN  
SCALE 1/4" = 1'-0"



DATE: 12/22/2016  
AS NOTED  
REVISIONS:  
WARNING: ANY USE OF THIS MATERIAL IN ANY MANNER, UNLESS DONE UNDER THE CLOSE SUPERVISION AND CONTROL OF THE ARCHITECT, IS A VIOLATION OF THE NEW YORK STATE PROFESSIONAL REGULATIONS AND IS A CLASS A MISDEMEANOR.

PROPOSED  
FIRST FLOOR PLAN

DD-1

PROJECT  
2015-25

ADDITION AND RENOVATION FOR :  
**JEAN PIERRE PERRON**  
35 GREENFIELD AVENUE  
SARATOGA SPRINGS, NEW YORK 12866



1 PROPOSED WEST EXTERIOR ELEVATION  
SCALE 1/4" = 1'-0"



1 PROPOSED NORTH EXTERIOR ELEVATION  
SCALE 1/4" = 1'-0"

This document & the ideas incorporated herein are an instrument of service, the property of SD ATELIER ARCHITECTURE L.L.C. and cannot be used for any other purpose.



DATE: 12/20/2016  
AS NOTED  
REVISIONS:  
WARNING: ANY USE OF THIS MATERIAL IN ANY MANNER, UNLESS DONE UNDER THE CLOSE SUPERVISION OF A REGISTERED PROFESSIONAL ENGINEER, IS A VIOLATION OF THE NEW YORK STATE PROFESSIONAL ENGINEERING REGULATIONS AND IS A CLASS A INFRAVIOLATION.

EXTERIOR ELEVATIONS

DD-3

PROJECT  
2015-25

ADDITION AND RENOVATION FOR :  
**JEAN PIERRE PERRON**  
35 GREENFIELD AVENUE  
SARATOGA SPRINGS, NEW YORK 12866

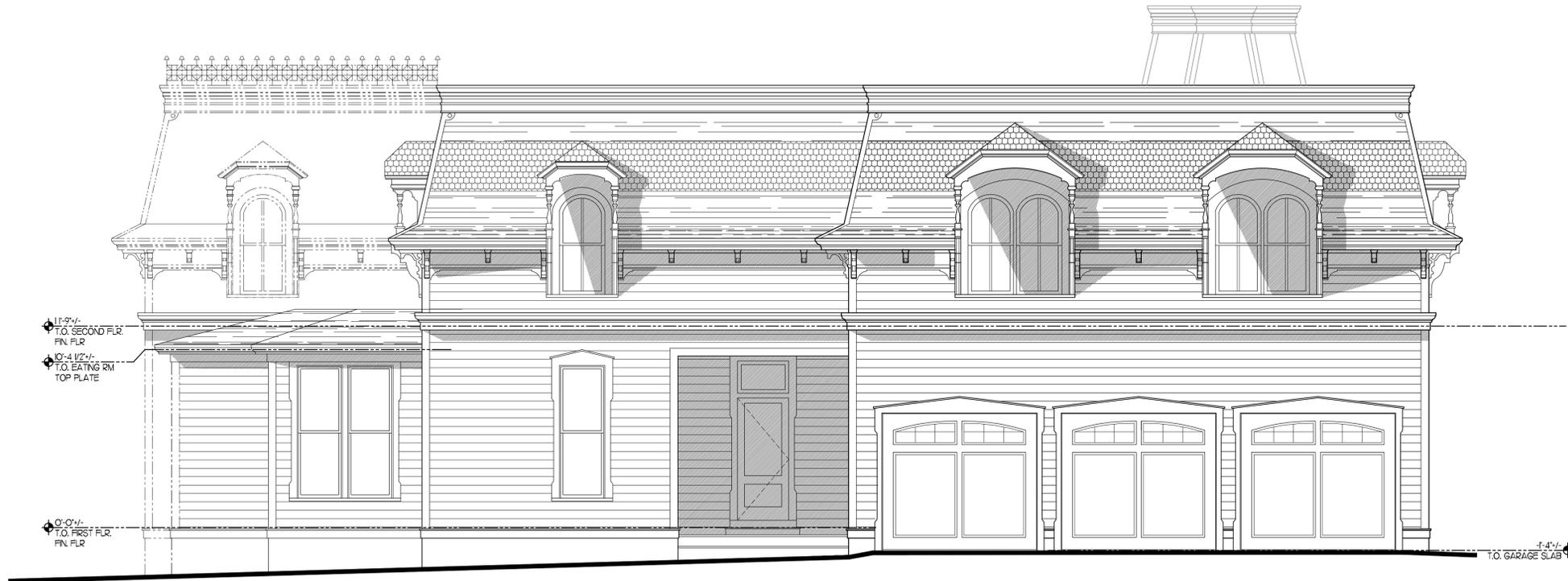


DATE: 12/20/2016  
REVISIONS: AS NOTED  
WARNING: THIS DOCUMENT IS THE PROPERTY OF SD ATELIER ARCHITECTURE L.L.C. AND CANNOT BE REPRODUCED OR USED FOR ANY OTHER PURPOSES.  
WARNING: ANY USE OF THIS MATERIAL IN ANY MANNER, WITHOUT THE WRITTEN PERMISSION OF SD ATELIER ARCHITECTURE L.L.C., IS A VIOLATION OF THE NEW YORK STATE PROFESSIONAL REGULATIONS AND IS A CLASS A INFRAVIOLATION.

EXTERIOR ELEVATIONS

DD-4

PROJECT  
2015-25



1  
DD-4 PROPOSED EAST EXTERIOR ELEVATION  
SCALE 1/4" = 1'-0"



1  
DD-4 PROPOSED SOUTH EXTERIOR ELEVATION  
SCALE 1/4" = 1'-0"

This document & the ideas incorporated herein are an instrument of service, & the property of SD ATELIER ARCHITECTURE L.L.C. and cannot be used for any other purpose.

**ZONING AND BUILDING INSPECTOR DENIAL  
OF APPLICATION FOR LAND USE AND/OR BUILDING**

APPLICANT: JEAN PIERRE PERRON

TAX PARCEL NO.: 165.36-1-14

PROPERTY ADDRESS: 35 GREENFIELD AVENUE  
ZONING DISTRICT: URBAN RESIDENTIAL – I

This applicant has applied to use the identified property within the City of Saratoga Springs for the following:

Proposed construction of an attached garage with second-story master suite addition to an existing single-family residence.

This application is hereby denied upon the grounds that such use of the property would violate the City Zoning Ordinance article(s):

240-2.3 Table 3. As such, the following relief would be required to proceed:

Extension of existing variance     Interpretation

Use Variance to permit the following: \_\_\_\_\_

Area Variance seeking the following relief:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
<u>Minimum front yard setback:</u>	<u>30 feet</u>	<u>5 feet</u>
<u>Maximum principal building coverage:</u>	<u>20%</u>	<u>27.2%</u>

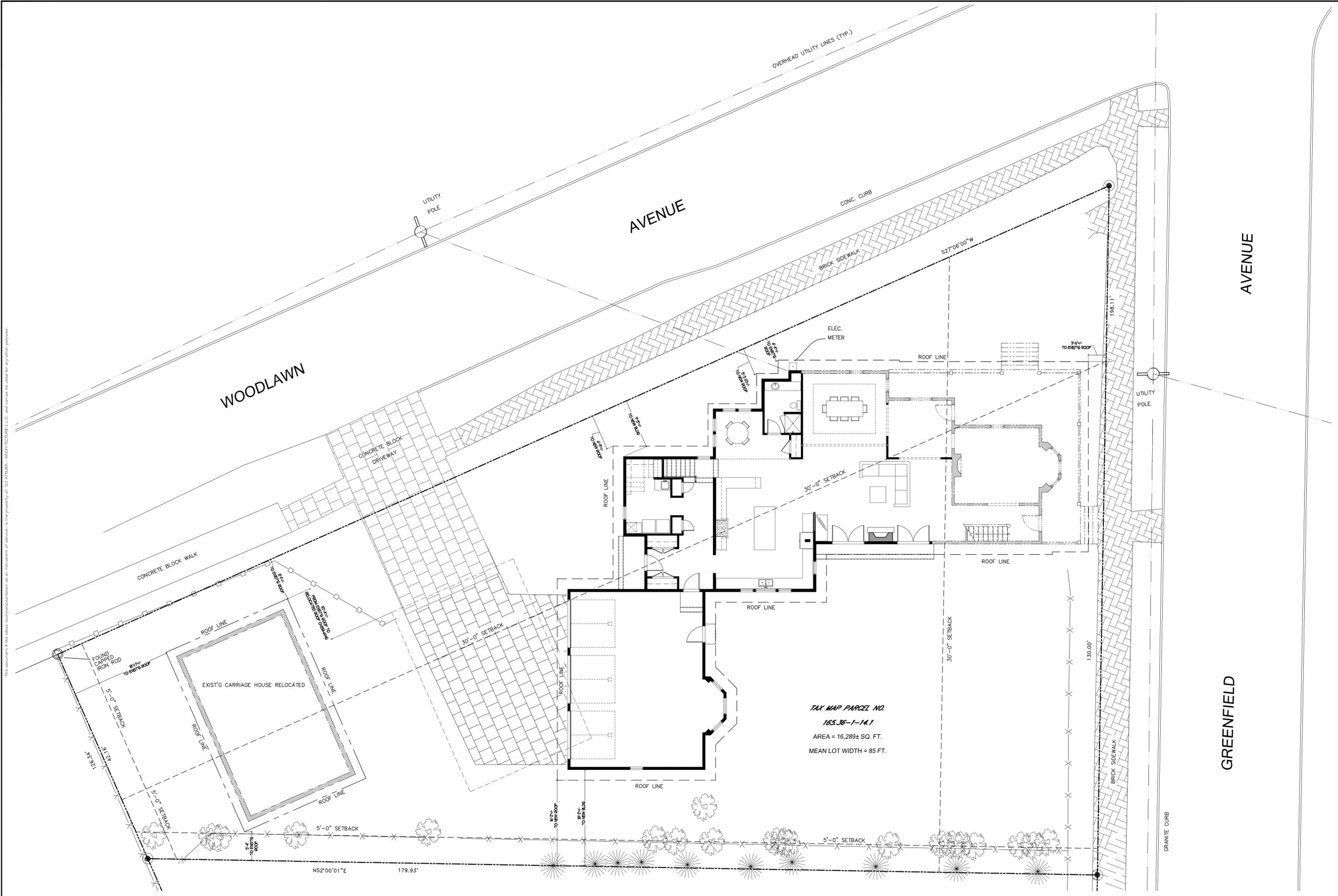
Note: \_\_\_\_\_

Advisory Opinion required from Saratoga County Planning Board

  
\_\_\_\_\_  
ZONING AND BUILDING INSPECTOR

2/22/16  
DATE

ADDITION AND RENOVATION FOR:  
**JEAN PIERRE PERRON**  
35 GREENFIELD AVENUE  
SARATOGA SPRINGS, NEW YORK 12866



TAX MAP PARCEL NO.  
165.36-1-14.1  
AREA = 16,289± SQ. FT.  
MEAN LOT WIDTH = 85 FT.

**1** ARCHITECTURAL SITE PLAN  
SCALE 1/8" = 1'-0"

**GROSS AREAS:**

ALLOWED:	EXISTING:		PROPOSED:	
SITE	6,289 +/- SQ. FT.			
20% (PRINCIPLE STRUCTURE)	3,257 +/- SQ. FT.	6.6% +/- (PRINCIPLE STRUCTURE) 2,740 +/- SQ. FT.	27.2% +/- (PRINCIPLE STRUCTURE W/ OVER-HANG) 4,427 +/- SQ. FT.	23.6% +/- (PRINCIPLE STRUCTURE W/O OVER-HANG) 3,695 +/- SQ. FT.
8% (ACCESS. STRUCTURE)	1,303 +/- SQ. FT.	5.6% +/- (ACCESS. STRUCTURE) 943 +/- SQ. FT.	EXISTING STRUCTURE TO BE RELOCATED ON PROPERTY	



DATE: 1/20/2016  
SCALE: AS NOTED  
REVISIONS:

ARCHITECTURAL SITE PLAN

**DD-S**

PROJECT  
2015-25

This document & the ideas incorporated herein are an instrument of service, in the property of SD ATELIER, ARCHITECTURE, L.L.C. and cannot be used for any other purposes.

February 22, 2016

*A Voice*  
FOR  
PRESERVATION



Mr. Bill Moore, Chair  
Zoning Board of Appeals  
City Hall  
474 Broadway  
Saratoga Springs, NY 12866

**RE: 35 Greenfield Avenue – Area Variance**

Dear Mr. Moore,

The Saratoga Springs Preservation Foundation has reviewed the application for an area variance for 35 Greenfield Avenue to allow for the construction of an addition.

The house located at 35 Greenfield Street was built circa 1870. It is an excellent example of the Second Empire style. Research indicates that the house historically had two accessory stable structures. The house and a stable structure located at the far north of the property first appear on the 1876 Beers & Cramer Atlas Map. The second accessory structure first appears on the 1888 Burleigh Bird's Eye View Map. Please see enclosed documentation. The first accessory structure no longer exists, but the second one still remains on the property. The house and carriage house are "contributing buildings" to the Broadway Historic District listed on the National Register of Historic Places.

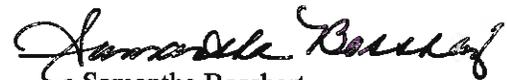
The Foundation has no objection to the proposed removal and addition to the house. The Foundation is supportive of an area variance that would allow for the retention and relocation of the historic carriage house. Carriage houses throughout Saratoga Springs are threatened with demolition-by-neglect and removal. They are important cultural resources of the history and development of our community.

The Foundation appreciates the investment that the homeowner is making into his historic house and commends him for being willing to retain and relocate the historic carriage house rather than demolish the structure. The Foundation respectfully requests that the Zoning Board of Appeals approve an area variance that will allow for the retention of this historic structure.

Thank you in advance for your thoughtful consideration.

Sincerely,

  
Linda Harvey-Opiteck  
Vice-President

  
Samantha Bosshart  
Executive Director

Cc: Jean Pierre Perron  
Susan Davis, Agent  
Susan Barden, Senior Planner

**Board of Directors**

Jere Tatich  
President

Linda Harvey-Opiteck  
Vice President

Cynthia Corbett  
Treasurer

Jessica Niles  
Secretary

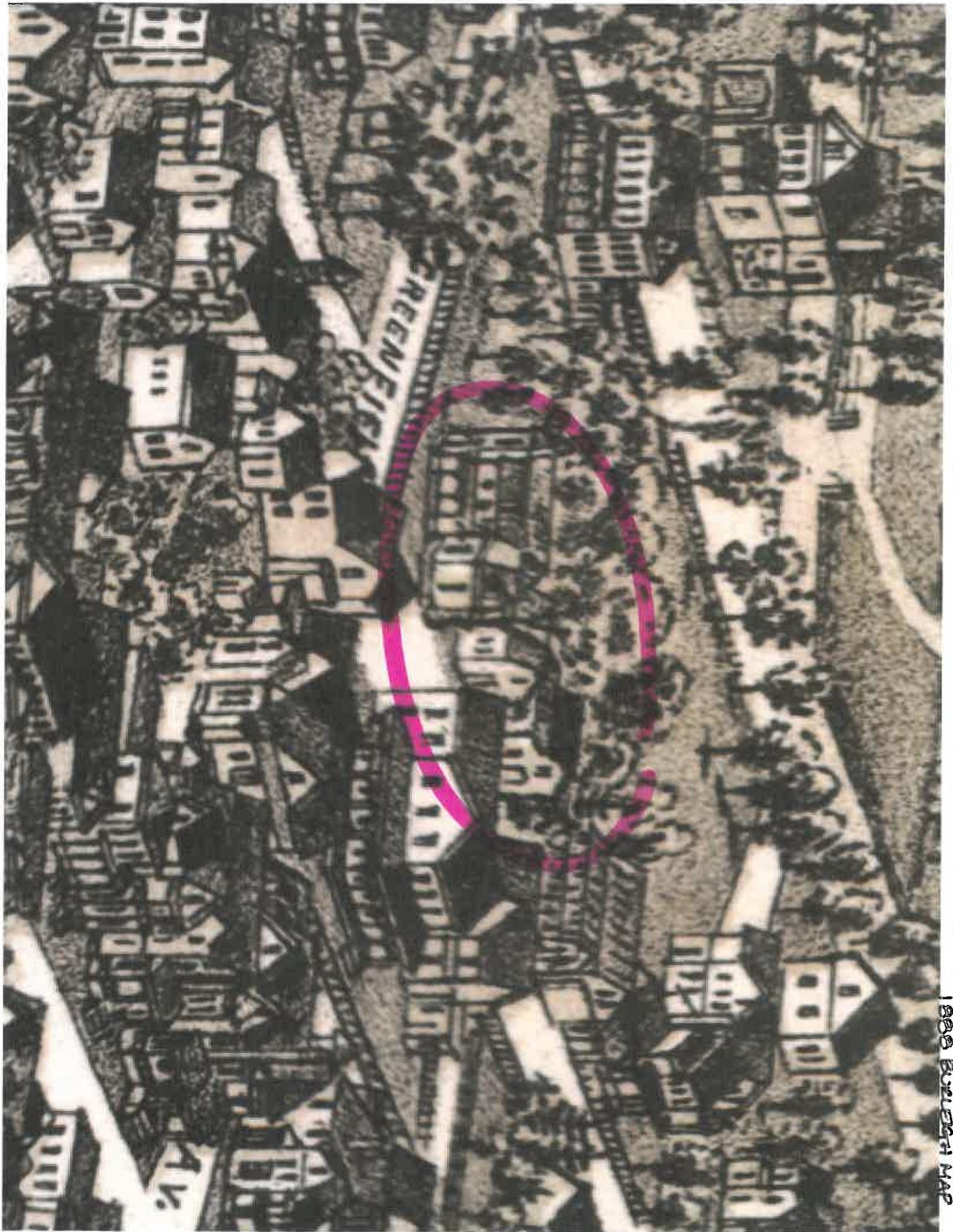
Katie M. Carroll  
James Gold  
Liz Israel  
Douglas Kerr  
Maryanne Moerschell  
Michelle Paquette  
Nicole R. Rodgers  
Cindy Spence  
Matthew Veitch  
William Willard

Cheryl M. Gold  
emeritus

James Kettlewell  
emeritus

Samantha Bosshart  
Executive Director





GREEN STREET

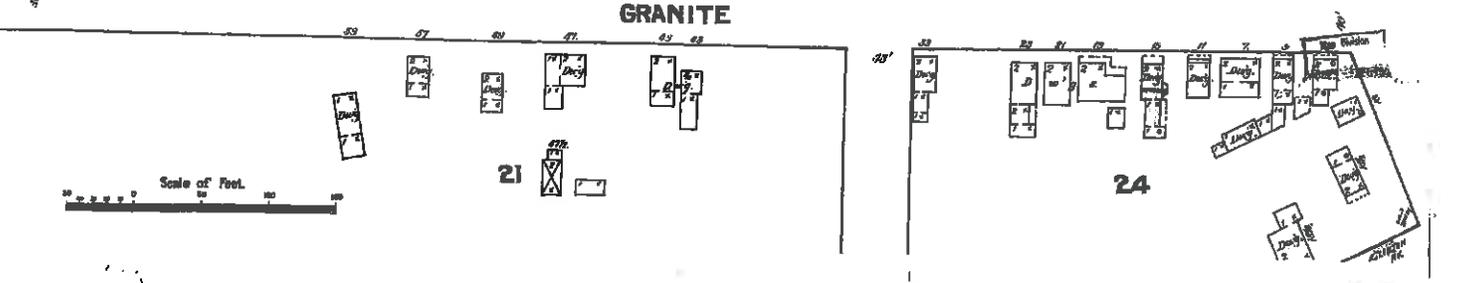
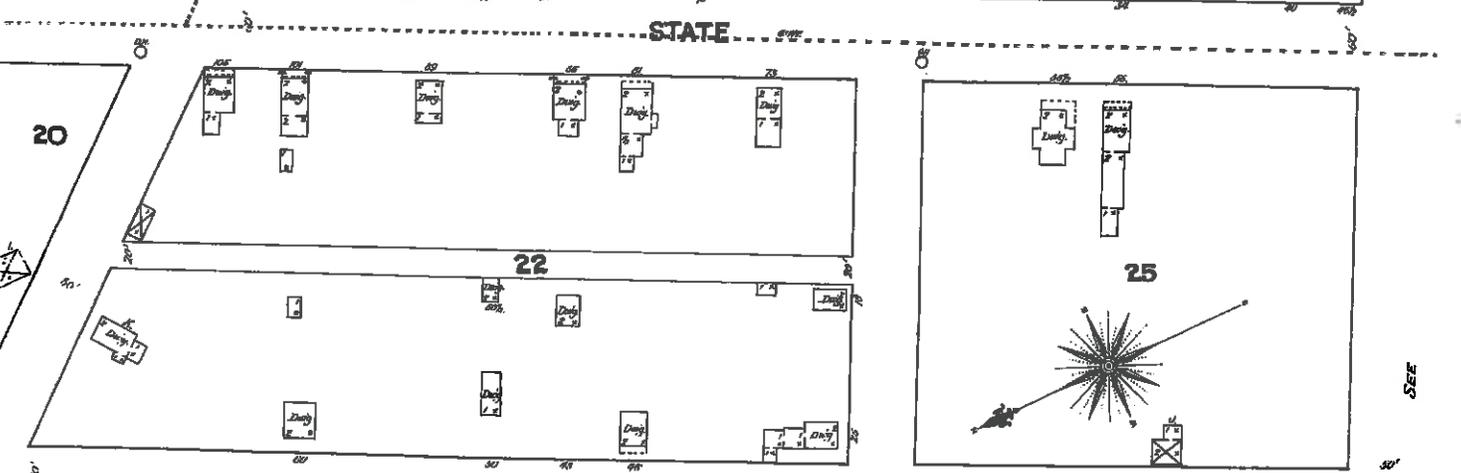
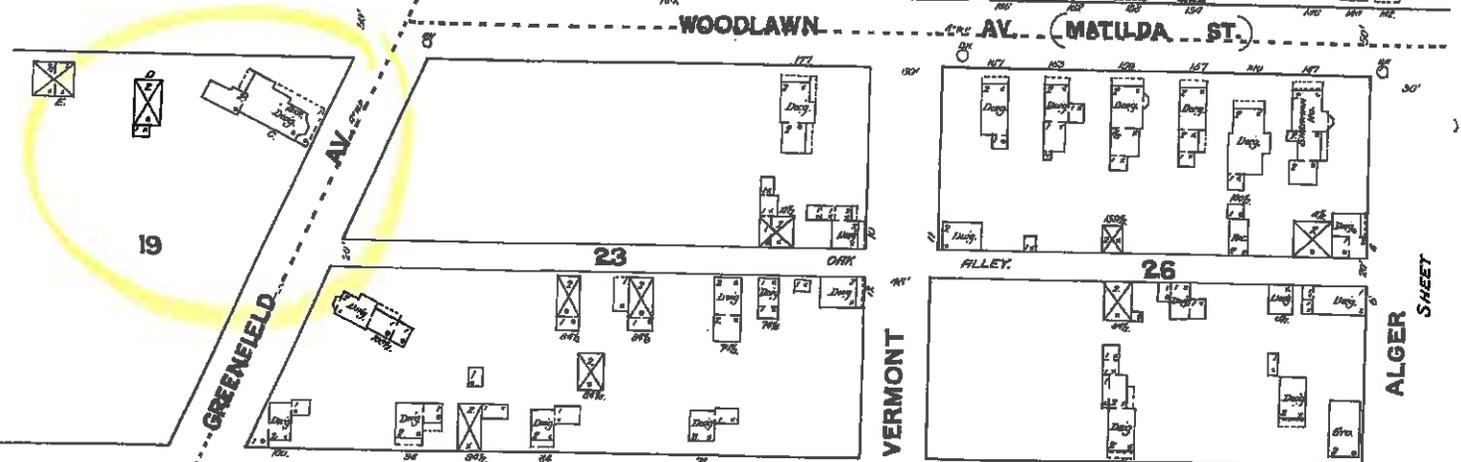
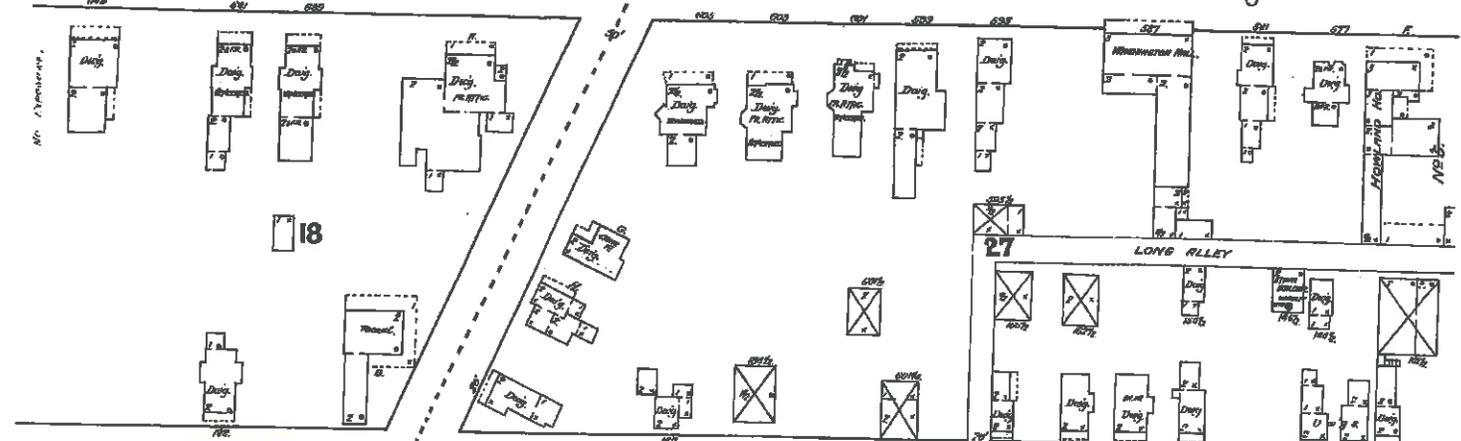
SEE SHEET NO. 3.

SEE SHEET NO. 6.

OCT. 1889  
SARATOGA  
N.Y.

NO. 6.

BROADWAY



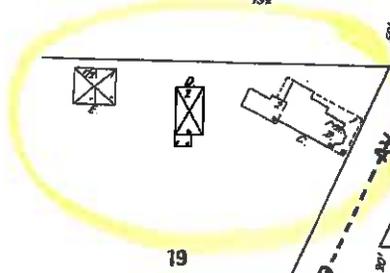
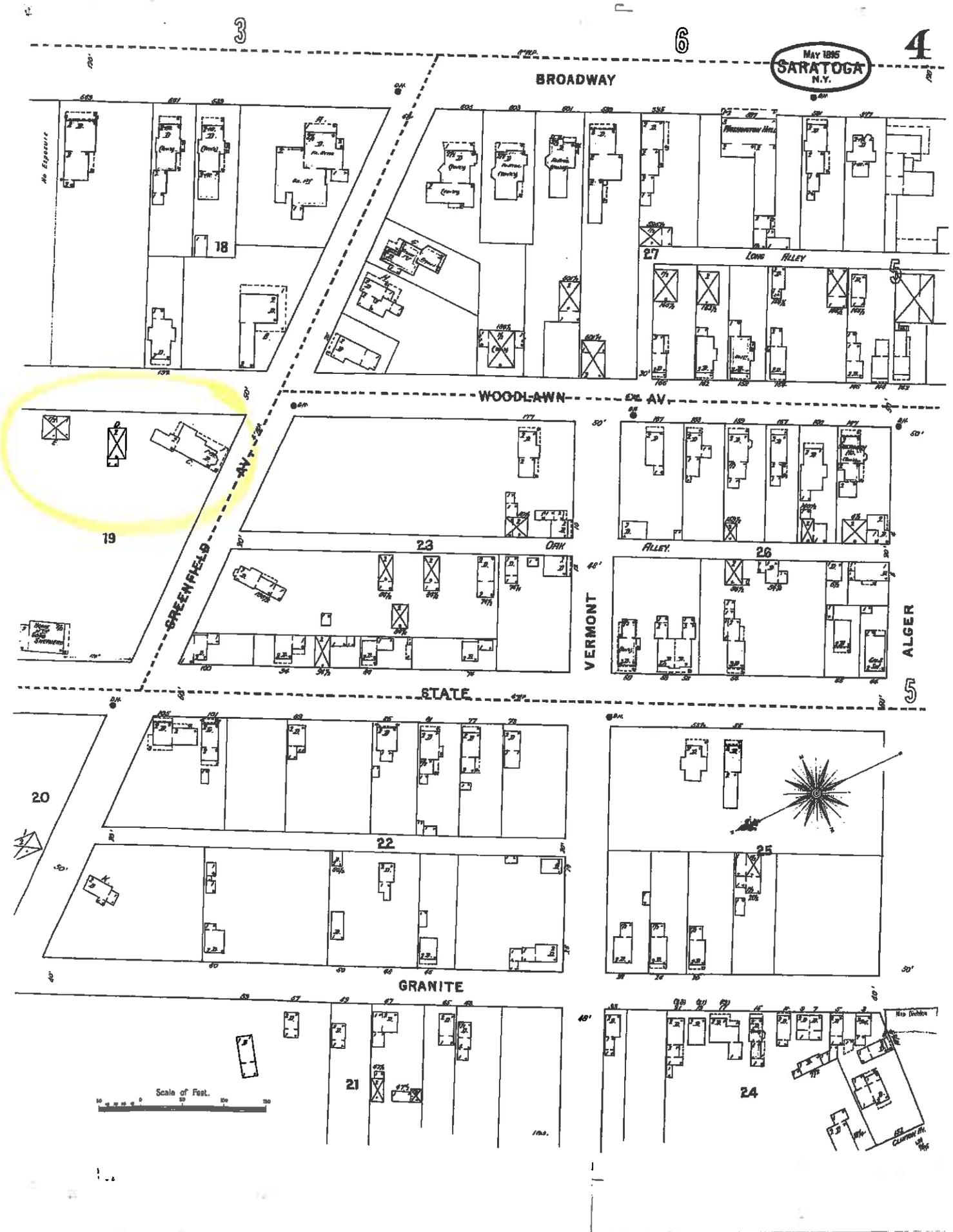
4

20

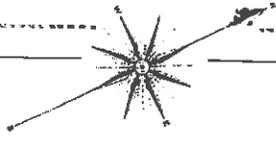
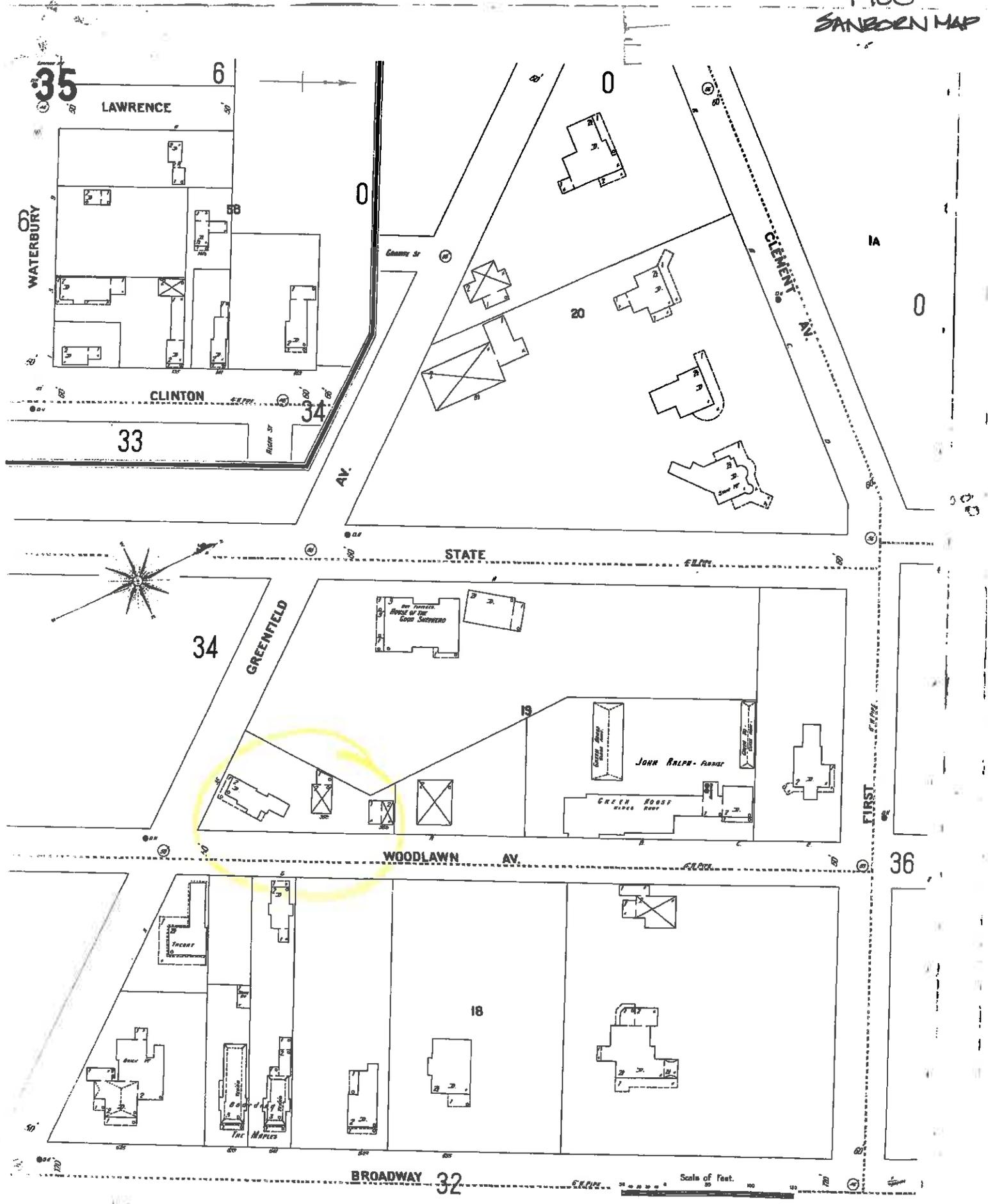
ALGER SHEET

SEE

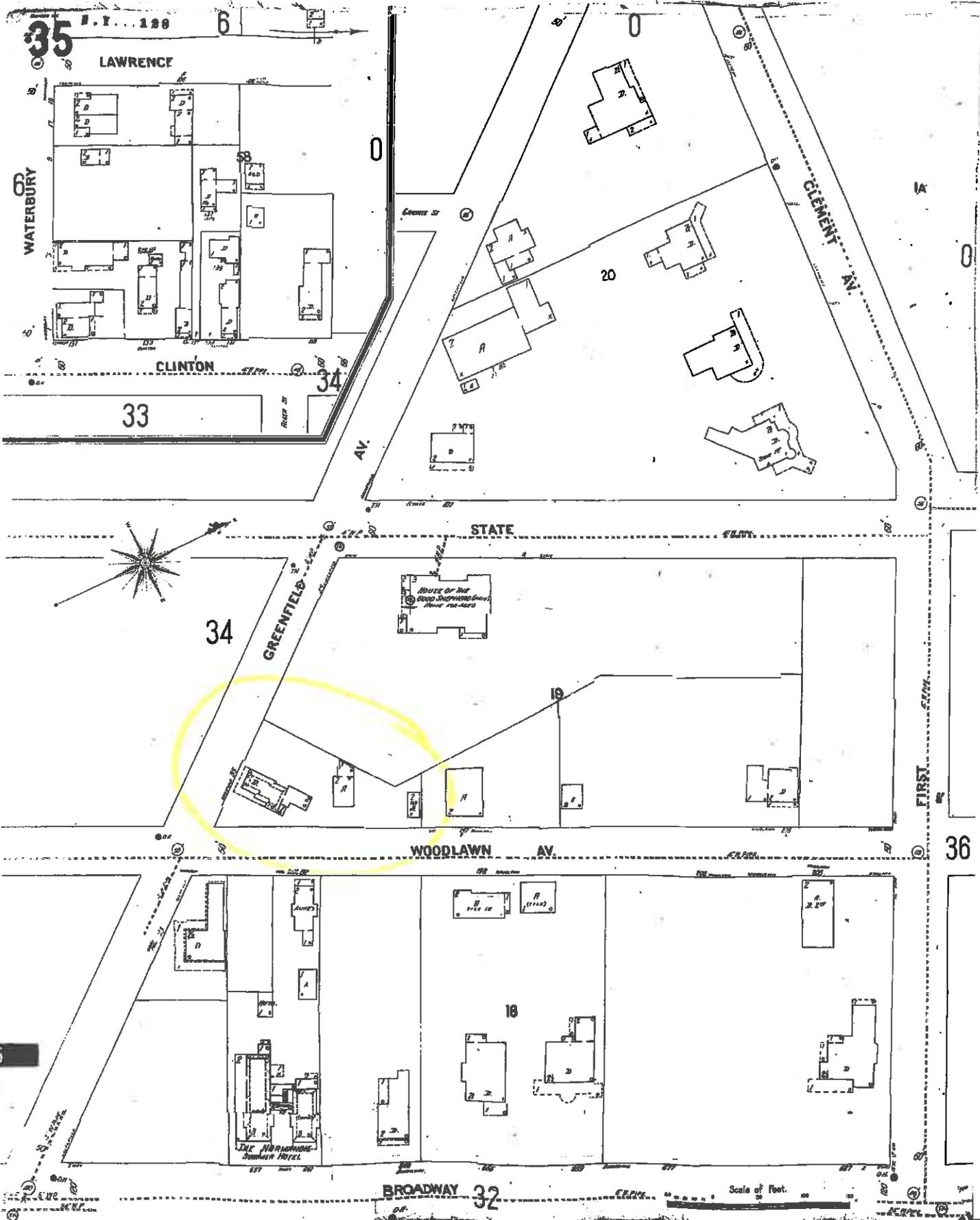
MAY 1895  
SARATOGA  
N.Y.



Scale of Feet.  
0 50 100 150



Scale of Feet.  
0 25 50 75 100



35

LAWRENCE

WATERBURY

CLINTON

33

34

AV.

STATE

34

GREENFIELD

HOUSE OF THE GOOD SHEPHERD

19

WOODLAWN AV.

FIRST

36

18

THE NORRISONS SUMMER HOTEL

BROADWAY

32

Scale of Feet.

February 2, 2016

City of Saratoga Springs

474 Broadway

Saratoga Springs, NY 12866

RE: 12 Clubhouse Drive

Attn: Zoning Board Members

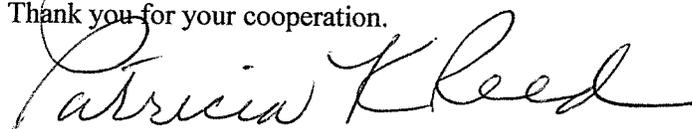
REC'D FEB 02 2016

The zoning district for the application is UR-4 which requires a total rear yard setback of 25 feet.

This situation was brought to my attention during the zoning appeal process for a bedroom/bathroom addition to my single family townhome in January 2016..

The deck existing at the time of townhome purchase in 1985 is not in compliance with rear building line. Area variance is sought. Area variance is submitted as directed by ZBA decision #2874 residential addition, on 1/26/16.

Thank you for your cooperation.



Patricia K. Reed

Property owner

---



# CITY OF SARATOGA SPRINGS

City Hall - 474 Broadway  
Saratoga Springs, New York 12866  
Tel: 518-587-3550 fax: 518-580-9480

[FOR OFFICE USE]
(Application #) REC'D FEB 02 2016
(Date received)

## APPLICATION FOR: APPEAL TO THE ZONING BOARD FOR AN INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

	APPLICANT(S)*	OWNER(S) (If not applicant)	ATTORNEY/AGENT
Name	<u>PAT REEDS</u>		
Address	[REDACTED]		
Phone	[REDACTED]		
Email	[REDACTED]		

\* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.

Applicant's interest in the premises:  Owner  Lessee  Under option to lease or purchase

### PROPERTY INFORMATION

- Property Address/Location: 12 CLUBHOUSE DR Tax Parcel No.: 179.53-1-16  
(for example: 165.52-4-37)
- Date acquired by current owner: 5/85 3. Zoning District when purchased: UR 4
- Present use of property: SINGLE FAMILY TOWNHOUSE 5. Current Zoning District: UR 4
- Has a previous ZBA application/appeal been filed for this property?  
 Yes (when? 1/6/2016 For what? MASTER BEDROOM/BATH ADDITION)  
 No
- Is property located within (check all that apply):  Historic District  Architectural Review District  
 500' of a State Park, city boundary, or county/state highway?
- Brief description of proposed action: REQUESTING AN AREA VARIANCE FOR EXISTING BACKYARD DECK.
- Is there a written violation for this parcel that is not the subject of this application?  Yes  No
- Has the work, use or occupancy to which this appeal relates already begun?  Yes  No
- Identify the type of appeal you are requesting (check all that apply):  
 INTERPRETATION (p. 2)  VARIANCE EXTENSION (p. 2)  USE VARIANCE (pp. 3-6)  AREA VARIANCE (pp. 6-7)

FEES: Make checks payable to the "Commissioner of Finance". Fees are cumulative and required for each request below.

- Interpretation \$ 400
- Use variance \$1,000
- Area variance
- Residential use/property: \$ 150
- Non-residential use/property: \$ 500
- Extensions: \$ 150

**INTERPRETATION – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):**

1. Identify the section(s) of the Zoning Ordinance for which you are seeking an interpretation:

Section(s) \_\_\_\_\_

2. How do you request that this section be interpreted? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. If interpretation is denied, do you wish to request alternative zoning relief?  Yes  No

4. If the answer to #3 is "yes," what alternative relief do you request?  Use Variance  Area Variance

**EXTENSION OF A VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):**

1. Date original variance was granted: \_\_\_\_\_ 2. Type of variance granted?  Use  Area

3. Date original variance expired: \_\_\_\_\_

5. Explain why the extension is necessary. Why wasn't the original timeframe sufficient?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When requesting an extension of time for an existing variance, the applicant must prove that the circumstances upon which the original variance was granted have not changed. Specifically demonstrate that there have been no significant changes on the site, in the neighborhood, or within the circumstances upon which the original variance was granted:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**USE VARIANCE** – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

A use variance is requested to permit the following: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

For the Zoning Board to grant a request for a use variance, an applicant must prove that the zoning regulations create an unnecessary hardship in relation to that property. In seeking a use variance, New York State law requires an applicant to prove all four of the following "tests".

- 1. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. "Dollars & cents" proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**A. Submit the following financial evidence relating to this property (attach additional evidence as needed):**

1) Date of purchase: \_\_\_\_\_ Purchase amount: \$ \_\_\_\_\_

2) Indicate dates and costs of any improvements made to property after purchase:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

3) Annual maintenance expenses: \$ \_\_\_\_\_ 4) Annual taxes: \$ \_\_\_\_\_

5) Annual income generated from property: \$ \_\_\_\_\_

6) City assessed value: \$ \_\_\_\_\_ Equalization rate: \_\_\_\_\_ Estimated Market Value: \$ \_\_\_\_\_

7) Appraised Value: \$ \_\_\_\_\_ Appraiser: \_\_\_\_\_ Date: \_\_\_\_\_

Appraisal Assumptions: \_\_\_\_\_

B. Has property been listed for sale with the Multiple Listing Service (MLS)?  Yes If "yes", for how long? \_\_\_\_\_  No

1) Original listing date(s): \_\_\_\_\_ Original listing price: \$ \_\_\_\_\_

If listing price was reduced, describe when and to what extent: \_\_\_\_\_

2) Has the property been advertised in the newspapers or other publications?  Yes  No

If yes, describe frequency and name of publications: \_\_\_\_\_

3) Has the property had a "For Sale" sign posted on it?  Yes  No

If yes, list dates when sign was posted: \_\_\_\_\_

4) How many times has the property been shown and with what results? \_\_\_\_\_

2. That the financial hardship relating to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous other properties in the same neighborhood or district would not satisfy this requirement. This previously identified financial hardship is unique for the following reasons:

Multiple horizontal lines for providing reasons for financial hardship.

3. That the variance, if granted, will not alter the essential character of the neighborhood. Changes that will alter the character of a neighborhood or district would be at odds with the purpose of the Zoning Ordinance. The requested variance will not alter the character of the neighborhood for the following reasons:

DECK IS PART OF TOWNHOUSE AT PURCHASE IN 1985.

YARD IS FENCED. VISIBILITY TO NEIGHBORHOOD IS MINIMAL.

4. That the alleged hardship has not been self-created. An applicant (whether the property owner or one acting on behalf of the property owner) cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property knowing (or was in a position to know) the conditions for which the applicant is seeking relief. The hardship has not been self-created for the following reasons:

AREA VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) ARTICLE II - AREA REQUIREMENTS

Dimensional Requirements

	From	To
<u>MINIMUM REAR YARD</u>	<u>25'</u>	<u>19'</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: \_\_\_\_\_  
\_\_\_\_\_

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

THE DECK IS EXISTING SINCE 1985 WHEN TOWNHOUSE WAS PURCHASED. EXISTING DECK WAS EXTENDED BY OWNER OVER 25 YRS. AGO. DECK PROVIDES ACCESS TO REAR YARD VIA PATIO DOOR.

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. ~~Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:~~

THE ENTIRE YARD IS FENCED AND DECK IS MINIMALLY VISIBLE.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

THE GRANTING OF A VARIANCE WILL NOT ALTER THE CHARACTER OF THE NEIGHBORHOOD. ALL TOWNHOUSES ON CLUBHOUSE DR HAVE A DECK.

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

NO. ALL TOWN HOMES ON CLUBHOUSE DR HAVE A DECK IN REAR YARD.

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

NO. THE DECK EXISTED WHEN THE TOWNHOUSE WAS PURCHASED. DECK WAS EXTENDED OVER 25 YRS AGO BY OWNER. OWNER WAS NOT AWARE OF SETBACK REQUIREMENTS.

**DISCLOSURE**

Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application?  No  Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

**APPLICANT CERTIFICATION**

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

Patricia Keed  
(applicant signature)

Date: 2/2/16

\_\_\_\_\_  
(applicant signature)

Date: \_\_\_\_\_

If applicant is not the currently the owner of the property, the current owner must also sign.

Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF NEW YORK }  
COUNTY OF SARATOGA } SS:

On the 2 day of February, 2016, before me personally came Patricia Keed, to me known to be the individual described in, and who executed, the foregoing instrument, and acknowledged that he/she executed the same.

Barbara A. Kenyon  
Notary Public

BARBARA A. KENYON  
Notary Public State of New York  
No. 01KE4984927  
Qualified in Saratoga County 2017  
My Commission Expires August 5 2017

CLUBHOUSE DRIVE  
(55' ROW)

$\Delta = 55^\circ - 58' - 28''$   
 $R = 12250 \cdot L = 19160'$

25' BLDG LNE

20' BLDG LNE

5' ACCESS EASEMENT

$N 15^\circ - 55' - 00'' W$   
968.4'

20'  $\pm 0 \frac{1}{4} \pm$

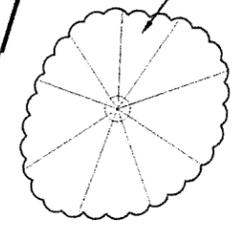
27'-6"  $\pm$

LOT AREA =  
7,287 +/- SQ. FT

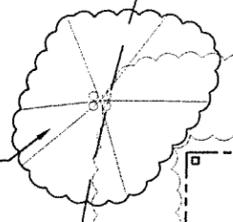
13'-7  $\frac{1}{4}$ "  $\pm$

24'-8"  $\pm$

EXIST'G OAK TREE  
APPROX. LOCATION



EXIST'G CEDAR  
TREE APPROX.  
LOCATION



EXIST'G  
GAS METER

HW

EXIST'G LIGHT  
POLL APPROX.  
LOCATION



EXIST'G DRIVEWAY

EXIST'G  
ELECT.  
METERS

25' BLDG LNE

EXIST'G FENCE

2408'  
 $N 24^\circ N - 49' - 20'' E$

$N 70^\circ - 25' - 00'' W$   
105.36'

3'-2"  $\pm$

**SD ATELIER**  
ARCHITECTURE  
LLC

511 Broadway, Second Floor,  
Saratoga Springs, NY, 12866  
ph: 518.587.3385  
www.sdateller.com  
Info@sdateller.com

1 ARCHITECTURAL SITE PLAN  
A-S SCALE 1/8" = 1'-0"

MASTER BEDROOM ADDITION FOR:  
**Pat Reed**  
12 Clubhouse Dr.  
Saratoga Springs, NEW YORK 12866

**ARCHITECTURAL SITE PLAN**

BLDG DEPT. SET

**WARNING**  
THE ALTERATION OF THIS MATERIAL IN ANYWAY, UNLESS  
DONE UNDER THE DIRECTION OF A COMPARABLE NEW  
YORK STATE CERTIFIED PROFESSIONAL IS A VIOLATION OF  
THE NEW YORK STATE EDUCATION LAW AND/OR  
REGULATIONS AND IS A CLASS A MISDEMEANOR

SCALE: AS NOTED  
REVISIONS:



DATE:  
**OCTOBER 20, 2015**

**A-S**

PROJECT NUMBER - 2015-22

This document & the ideas incorporated herein as an instrument of service, is the property of SD ATELIER ARCHITECTURE LLC, and cannot be used for any other purpose.

**ZONING AND BUILDING INSPECTOR DENIAL  
OF APPLICATION FOR LAND USE AND/OR BUILDING**

APPLICANT: PAT REED

TAX PARCEL No.: 179.53-1-16

PROPERTY ADDRESS: 12 CLUBHOUSE DRIVE  
ZONING DISTRICT: URBAN RESIDENTIAL – 4

This applicant has applied to use the identified property within the City of Saratoga Springs for the following:

Proposed maintenance of an existing rear deck.

This application is hereby denied upon the grounds that such use of the property would violate the City Zoning Ordinance article(s):

240-2.3 Table 3. As such, the following relief would be required to proceed:

Extension of existing variance     Interpretation

Use Variance to permit the following: \_\_\_\_\_

Area Variance seeking the following relief:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
<u>Minimum rear yard setback:</u>	<u>25 feet</u>	<u>19 feet</u>

Note: \_\_\_\_\_

Advisory Opinion required from Saratoga County Planning Board

  
ZONING AND BUILDING INSPECTOR

2/22/14

DATE

# ALGER STREET

RIGHT OF WAY = 50 FT.  
WIDTH OF PAVEMENT = 25± FT.

BOUGHTON RESIDENCE  
#1 ALGER ST.  
CITY OF SARATOGA SPRINGS, NY

## PROPOSED PLOT PLAN

(SCALED TO VIEW: 1" = 10')

BASE SURVEY BY:  
DAN WHEELER, LLS.  
SURVEY ASSOCIATES, LLC

PLOT PLAN BY:  
ENGINEERING AMERICA CO.  
SARATOGA SPRINGS, NY

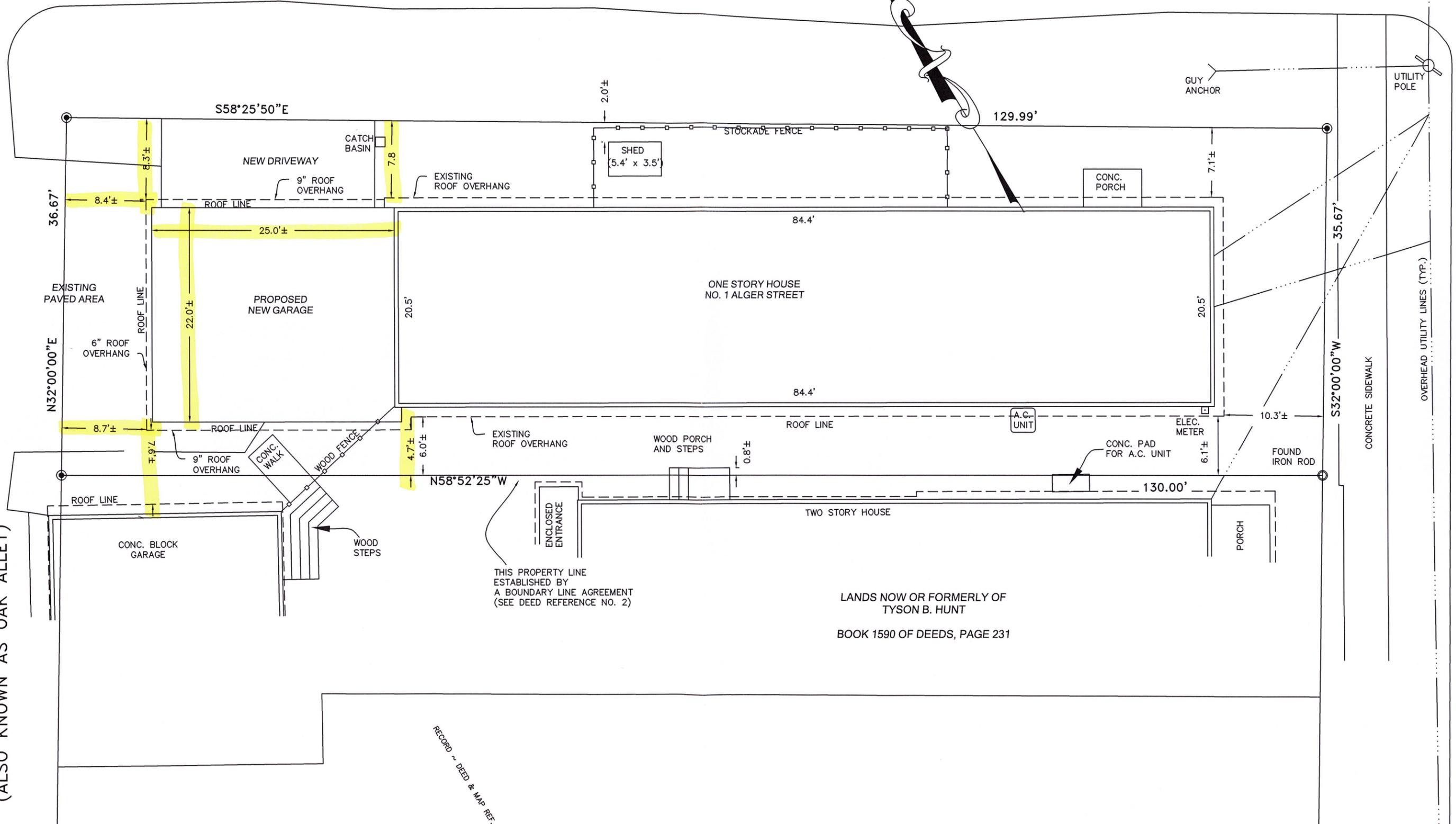
01/15/16

LANE

RIGHT OF WAY = 20 FT.  
WIDTH OF PAVEMENT VARIES

BOLSTER

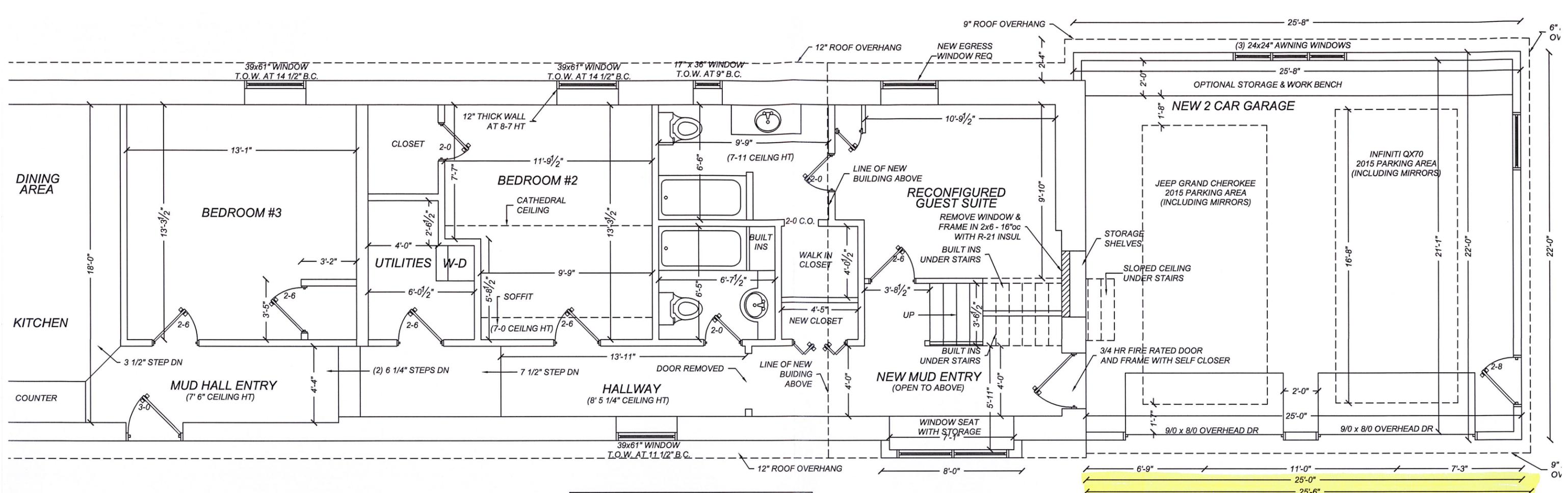
(ALSO KNOWN AS OAK ALLEY)



RIGHT OF WAY = 50 FT.  
WIDTH OF PAVEMENT = 24± FT.

WOODLAWN

AVENUE



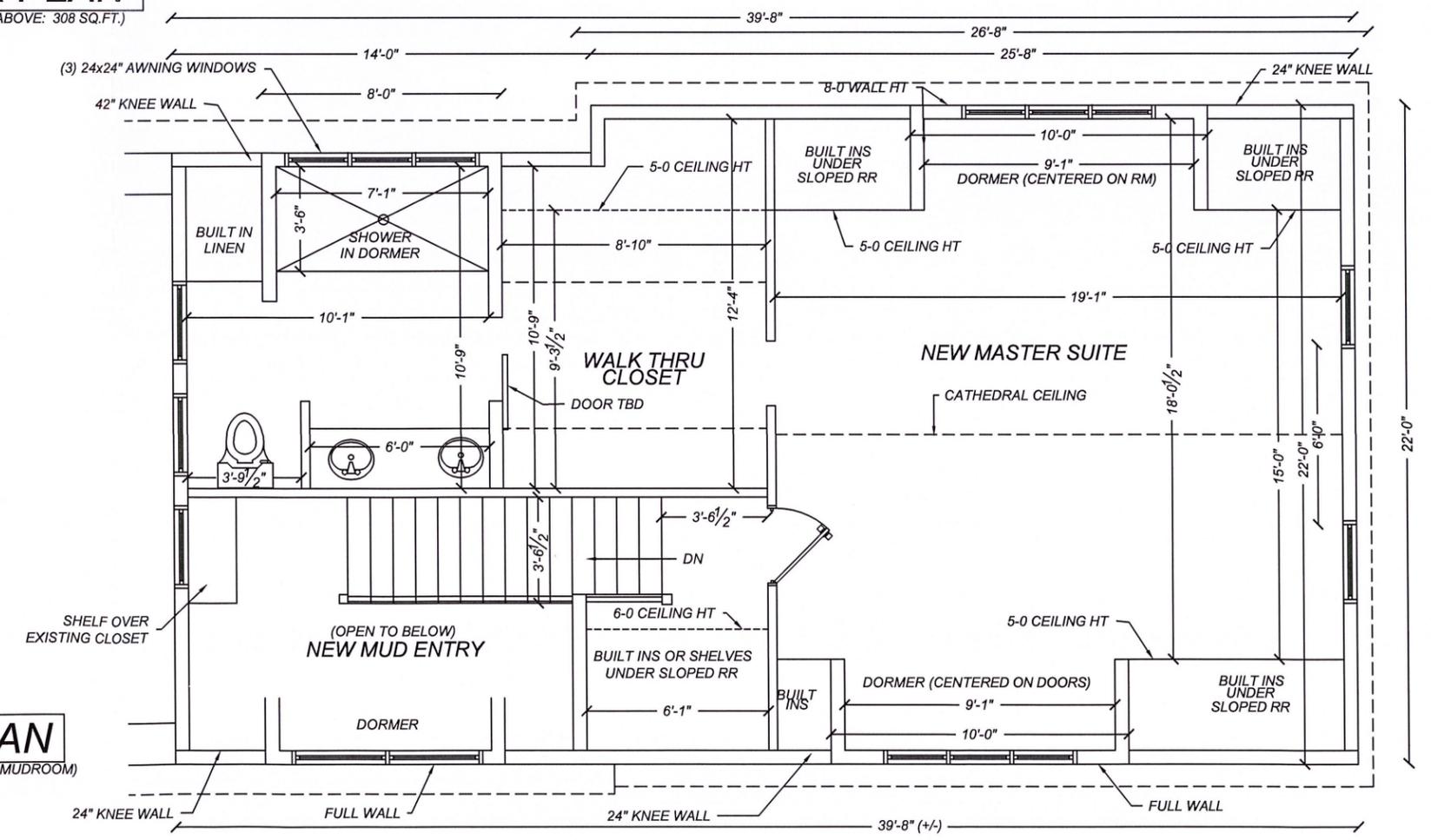
BOUGHTON RESIDENCE  
 #1 ALGER ST.  
 CITY OF SARATOGA SPRINGS, NY

**PROPOSED FLOOR PLANS**

01/15/16 SCALE: 3/16" = 1'-0"

DRAWN BY:  
 ENGINEERING AMERICA CO.  
 76 WASHINGTON ST., SARATOGA SPRINGS, NY  
 518 / 587 - 1340

**UPPER FLOOR PLAN**  
 (734 SQ.FT. NOT INCLUDING STAIRS & OPEN SPACE OVER MUDROOM)





# CITY OF SARATOGA SPRINGS

CITY HALL - 474 BROADWAY  
SARATOGA SPRINGS, NEW YORK 12866  
TEL: 518-587-3550 FAX: 518-580-9480  
WWW.SARATOGA-SPRINGS.ORG

[FOR OFFICE USE]

(Application #)

REC'D OCT 26 2015

(Date received)

## APPLICATION FOR: APPEAL TO THE ZONING BOARD FOR AN INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

APPLICANT(S)*	OWNER(S) (If not applicant)	ATTORNEY(AGENT)
Name <u>LUKE A. BOUGHTON</u>	(same)	<u>TONYA VASENCHAK, PE</u>
Address [REDACTED]		<u>ENGINEERING AMERICA CO.</u>
Tel./Fax [REDACTED]	<u>/</u>	<u>76 WASHINGTON ST., SARATOGA, NY</u>
Email [REDACTED]		<u>518/587-1340</u>

\* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.  
Applicant's interest in the premises:  Owner  Lessee  Under option to lease or purchase

### PROPERTY INFORMATION

Property Address (No. & St.) #1 ALGER ST. Side of St. (north, east, etc.) SOUTH

Tax Parcel No.: 165.43 - 3 - 18 (for example: 165.52 - 4 - 37) Tax District:  Inside  Outside

1. Date acquired by current owner: 12/17/2008 2. Zoning District when purchased: UR-3

3. Present use of property: SINGLE FAMILY RESIDENCE 4. Current Zoning District: UR-3

5. Has a previous ZBA application/appeal been filed for this property?  Yes (when? \_\_\_\_\_ for what? \_\_\_\_\_)  No (UNKNOWN)

6. Is property located within (check all that apply)?  Historic District  Architectural Review District  500' of a State Park, city boundary, or (county/state highway?) NYS RTE. 9 & 50

7. Brief description of proposed action: \_\_\_\_\_

ADDITION OF ATTACHED 2 CAR GARAGE WITH NEW MASTER SUITE ABOVE.

8. Is there  No

9. Has the  No

10. Identify  INT

Pay To The Order Of: Commissioner of Finance Date: 10/19/15

One-hundred; fifty Dollars \$ 150.00

**Bank of America**

ACH R/T 011400495

For: 1 Alger St. App. Fee

884  
54-49/114 NH  
32905

Security Features Details on Back.

MP

NCE (pp. 6-7)



# CITY OF SARATOGA SPRINGS

CITY HALL - 474 BROADWAY  
SARATOGA SPRINGS, NEW YORK 12866  
TEL: 518-587-3550 FAX: 518-580-9480  
WWW.SARATOGA-SPRINGS.ORG

[FOR OFFICE USE]

(Application #)

REC'D OCT 26 2015

(Date received)

## APPLICATION FOR: APPEAL TO THE ZONING BOARD FOR AN INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

APPLICANT(S)\*

OWNER(S) (If not applicant)

ATTORNEY(AGENT)

Name	<u>LUKE A. BOUGHTON</u>	<u>(same)</u>	<u>TONYA VASENCHAK, PE</u>
Address	[REDACTED]		<u>ENGINEERING AMERICA CO.</u>
Tel./Fax	[REDACTED]	<u>/</u>	<u>76 WASHINGTON ST., SARATOGA, NY</u>
Email	[REDACTED]		<u>518/587-1340</u>

\* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.  
Applicant's interest in the premises:  Owner  Lessee  Under option to lease or purchase

### PROPERTY INFORMATION

Property Address (No. & St.) #1 ALGER ST. Side of St. (north, east, etc.) SOUTH

Tax Parcel No.: 165 . 43 - 3 - 18 (for example: 165.52 - 4 - 37) Tax District:  Inside  Outside

1. Date acquired by current owner: 12/17/2008 2. Zoning District when purchased: UR-3

3. Present use of property: SINGLE FAMILY RESIDENCE 4. Current Zoning District: UR-3

5. Has a previous ZBA application/appeal been filed for this property?  Yes (when? \_\_\_\_\_ for what? \_\_\_\_\_)  No (UNKNOWN)

6. Is property located within (check all that apply):  Historic District  Architectural Review District  500' of a State Park, city boundary, or (county/state highway?) NYS Rte. 9 #50

7. Brief description of proposed action: \_\_\_\_\_

ADDITION OF ATTACHED 2 CAR GARAGE WITH NEW MASTER SUITE ABOVE.

8. Is there a written violation for this parcel that is not the subject of this application?  Yes  No

9. Has the work, use or occupancy to which this appeal relates already begun?  Yes  No

10. Identify the type of appeal you are requesting (check all that apply):

INTERPRETATION (p. 2)  VARIANCE EXTENSION (p. 2)  USE VARIANCE (pp. 3-6)  AREA VARIANCE (pp. 6-7)

FEES: Make checks payable to the "Commissioner of Finance" and attach to top of original application. Fees are cumulative and required for each request below.

- Interpretation \$ 400
- Use variance \$1,000
- Area variance
- Residential use/property: \$ 150
- Non-residential use/property: \$ 500
- Extensions: \$ 150

**INTERPRETATION** – PLEASE ANSWER THE FOLLOWING (add additional information as necessary).

1. Identify the section(s) of the Zoning Ordinance for which you are seeking an interpretation:

Section(s) \_\_\_\_\_

2. How do you request that this section be interpreted? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. If interpretation is denied, do you wish to request alternative zoning relief?  Yes  No

4. If the answer to #3 is "yes," what alternative relief do you request?  Use Variance  Area Variance

*NOT APPLICABLE*

**EXTENSION OF A VARIANCE** – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Date original variance was granted: \_\_\_\_\_ 2. Type of variance granted?  Use  Area

3. Date original variance expired: \_\_\_\_\_ 4. Length of extension requested: \_\_\_\_\_

5. Explain why the extension is necessary. Why wasn't the original timeframe sufficient?: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When requesting an extension of time for an existing variance, the applicant must prove that the circumstances upon which the original variance was granted have not changed. Specifically demonstrate that there have been no significant changes on the site, in the neighborhood, or within the circumstances upon which the original variance was granted:

\_\_\_\_\_

---



---



---



---



---



---



---

**AREA VARIANCE** – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) SECTION 2: TABLE 3: AREA & BULK.

Dimensional Requirements

	From	To
1) <u>MIN. YARD SETBACK: FRONT (ALGER ST)</u>	<u>10'</u>	<u>7.8' (22%)</u>
2) <u>MIN. YARD SETBACK: FRONT (BOLSTER LN)</u>	<u>10'</u>	<u>7' (30%)</u>
3) <u>MIN. YARD SETBACK: TOTAL SIDES</u>	<u>12'</u>	<u>4.4' (63.3%)</u>
4) <u>MAXIMUM BUILDING COVERAGE: PRINCIPAL BLDG.</u>	<u>30%</u>	<u>55.5%</u>

Other: \_\_\_\_\_

5) <u>MINIMUM DISTANCE TO ACCESSORY BLDG:</u> <u>(FRONT LINE)</u>	<u>10'</u>	<u>2' (80%)</u>
--	------------	-----------------

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

- 1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

THE EXISTING LOT SIZE, RESIDENCE AND TRIPLE FRONTAGE MAKES THIS PROPERTY DIFFICULT TO DEVELOP. ALTERNATIVES EXPLORED: a) MINIMIZING THE SIZE OF THE GARAGE WIDTH TO REDUCE THE BOLSTER LN. VARIANCE DOES NOT ALLOW FOR GARAGE DOOR WIDTHS NECESSARY TO FIT THE OWNERS' CARS b) RECONFIGURING THE GARAGE TO EXIT INTO BOLSTER LN & NARROWING GARAGE THAT WAY DOES NOT WORK BECAUSE A BUILDING TO THE NORTHWEST, ACROSS THE LANE LIMITS THE REQUIRED TURNING RADIUS TO BACK OUT. c) NO ADDITIONAL LAND AVAILABLE. d) NO BASEMENT EXISTS FOR STORAGE OPTIONS.

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

- a) THE EXISTING NEIGHBORHOOD, DEVELOPED IN THE LATE 1890'S/EARLY 1900'S, IS VERY DENSE WITH MOST HOMES LOCATED VERY CLOSE TO THE ROAD (OFTEN AT THE SIDEWALK) AS WELL AS CLOSE TO EACH OTHER. THE PROPOSED PROJECT IS VISUALLY CONSISTENT WITH THIS CHARACTER.
- b) THE TWO STORY ADDITION IS LOCATED ALONG THE ALLEY AND IS DESIGNED TO BE ARCHITECTURALLY CONSISTENT WITH CARRIAGE HOUSES, BARNS & GARAGES ALONG THE ALLEY.
- c) THIS HOUSE WILL REMAIN (1) FAMILY (7) NEIGHBORS 7 1 FAMILY
- d) THERE ARE THREE (3) OTHER RESIDENCES IN THE AREA OVER 50% COVERAGE TOTAL

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

- a) THE PRE-EXISTING, NON-CONFORMING LOCATION OF THE HOUSE ALONG ALGER ST. & WOODLAWN DO NOT CHANGE. THE GARAGE ACTUALLY "MOVES" AWAY FROM ALGER AS ONE FOLLOWS THE GARAGE TO THE WEST.
- b) THE PRE-EXISTING, NON-CONFORMING HOUSE COVERAGE IS ALREADY AT 41.3%. A HOUSE WITH A DETACHED GARAGE, MAY COVER 40% IN THIS ZONE. THIS APPLICATION FOR 55.5% ONLY DEVIATES BY 15.5% WHICH IS NOT SUBSTANTIAL.
- c) THE SITE, HAVING THREE FRONTS, MAKES THE TOTAL SIDE SETBACK DIFFICULT TO MEET.
4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

- a) THE EXISTING DRIVEWAY ALONG ALGER ST. WILL BE REMOVED AND SEEDED FOR MORE GREEN SPACE/PERMEABLE AREA.
- b) THE CATCH BASIN TO THE NORTH OF THE PROPERTY WILL REMAIN TO FACILITATE SITE DRAINAGE.
- c) NO LARGE OR SIGNIFICANT TREES WILL BE REMOVED.
- d) THE ADDITION, ALTHOUGH 2 STORIES, WILL REMAIN WELL UNDER THE MAX. ALLOWABLE HEIGHT. (PROPOSED HT OF 25-26'/MAX 60')
- e) THE PROJECT SITE IS COMPLIANT WITH THE PERMEABILITY REQUIREMENTS (SEE ATTACHED CALCULATIONS).

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

a) THE HOUSE IS PRE-EXISTING & NON-CONFORMING ON A SMALL LOT, IN A NEIGHBORHOOD WITH OTHER NON-CONFORMING LOTS.

b) THE HOUSE HAS THREE FRONTS WHICH MAKES IT DIFFICULT TO MEET REQUIRED SETBACKS. THE TRUE, ZONING COMPLIANT HOUSE FOOTPRINT WOULD BE 110' x 13' (WITH ROOF OVERHANG THE HOUSE ITSELF WOULD ONLY BE 11')

c) THE HOUSE IS NOT SQUARE ON THE PROPERTY MAKING SETBACKS DIFFICULT

d) CONSTRUCTION ACROSS THE ALLEY LIMITS ACCESS TO A GARAGE ON THIS SITE.

In accord with Article 240-14.4A(1)(b)(6) of the Zoning Ordinance, "any request for an area variance, which shall effect a change in density, shall be applied for and considered as a use variance and decided under criteria for the same". A request that involves any of the following relief will require an application for a use variance and will be decided under the use variance criteria:

- (1) Dimensional relief from minimum lot size requirements that would allow additional permitted units and/or uses
- (2) Relief from on site parking requirements
- (3) Reduction in land area requirements for multi-family units

e) THE EXISTING HOUSE HAS NO BASEMENT FOR ANY STORAGE

DISCLOSURE

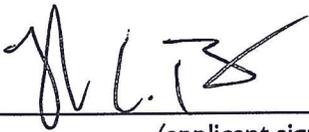
Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application?  No  Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT CERTIFICATION

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

  
\_\_\_\_\_  
(applicant signature)

\_\_\_\_\_  
(applicant signature)

Tonya L. Yasenchek  
Notary Public, State of New York  
Reg. No. 01YA6149254  
Certificate filed: Saratoga County  
Commission Expires: 7/17/2018

Sworn to before me this date:

Date: OCT. 20<sup>TH</sup> 2015

  
\_\_\_\_\_  
Notary Public

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

TABLE 3: AREA AND BULK SCHEDULE

ZONING DISTRICT	MINIMUM LOT SIZE SQUARE FEET (SF)	MINIMUM AVERAGE WIDTH (FT.)	MAXIMUM BUILDING COVERAGE PERCENTAGE		MIN. YARD SETBACK (FEET)			PRINCIPAL BUILDINGS			MINIMUM DISTANCE TO ACCESSORY BUILDING (FEET)				MINIMUM % TO REMAIN PERMEABLE
			PRINCIPAL BLDG.	ACCESS. BLDG.	FRONT	REAR	EACH SIDE	TOTAL SIDE	MINIMUM 1 <sup>ST</sup> FLOOR AREA (SF)	MAX. HEIGHT (FEET)	PRINCIPAL BUILDING	FRONT LOT LINE	SIDE LOT LINE	REAR LOT LINE	
RR (F)	2 acres	200	15	5	60	100	30	100	-----	35	5	60	30	50	80
SR-1 (F)	40,000	125	20	8	40	40	15	35	-----	35	5	40	10	10	40
SR-2	20,000 (A)	100	25	8	30	30	12	30	-----	35	5	30	5	5	30
UR-1	12,500 (A)	100	20	8	30	30	12	30	1 Story = 1,100 2 Story = 800	60	5	30	5	5	30
UR-2	6,600 (A)	60	30	10	10	25	8	20	1 Story = 900 2 Story = 700	60	5	10	5	5	25
UR-3	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 Story = 1,200 2 Story = 800	60	5	10	5	5	25
UR-4	3,000/DU	100	25	15	25	25	20	45	1 Story = 1,800 2 Story = 1,200	70	10	25	5	5	15
UR-4A	2,000/DU	60 1-unit / 80 2-units	30	10	10	25	4	12	1 Story = 1,200 2 Story = 800	70	5	10	5	5	15
UR-5	3,000/DU	100	25	15	25	25	20	45	1 Story = 1,800 2 Story = 1,200	185	20	20	10	10	15
UR-6	4,800	60	30	10	25	25	8	20	900	35	5	25	5	5	25
UR-7	4,000	50	45	10	10	10	4	8	1,000	35	5	10	5	5	20
NCU-1	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 story = 1,200 2 story = 800	60	5	10	5	5	25
NCU-2	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 story = 1,200 2 story = 800	60	5	10	5	5	25
NCU-3	3,000/DU	60 (H)	30	10	10 (I)	25	4 (J)	12	1 story = 1,800 2 story = 1,200	50	5	10	5	5	20

**ENGINEERING AMERICA CO.**

76 WASHINGTON ST. SARATOGA SPRINGS, NY 12866  
518 / 587-1340 518 / 580-9783 (FAX)

---

---

**TRANSMITTAL SHEET**

---

---

TO: Zoning Board of Appeals	FROM: Tonya Yasenchak
COMPANY: City of Saratoga Springs	DATE: October 26, 2015
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER: 1
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Boughton Addition #1 Alger St., Saratoga Springs, NY	YOUR REFERENCE NUMBER:

---

---

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     AS REQUESTED

---

---

City of Saratoga Zoning Board Members,  
Engineering America Co. herein would like to provide information regarding the proposed Boughton area variances proposed at #1 Alger St in Saratoga Springs, NY. This correspondence includes the information as follows:

**Area Calculations:**

Total Lot Size: 4,701 sq.ft.  
Existing House Coverage 1,944 sq.ft. (41.3% coverage = 11.3% > 30% max allowable)  
Proposed House with Addition: 2,609 sq.ft. (55.5% coverage = 25.5% > 30% max. allowable)

Permeability: House with Addition: 2,609 sq.ft.  
Existing & New Driveways: 430 sq.ft. (+/-)  
Patio & Shed: 350 sq.ft. (+/-).  
Total Coverage: 3,389 sq.ft.  
3,389 sq.ft. (72 % coverage = 28 % permeable > 25% min)

Thank you for your time and cooperation.  
Sincerely,

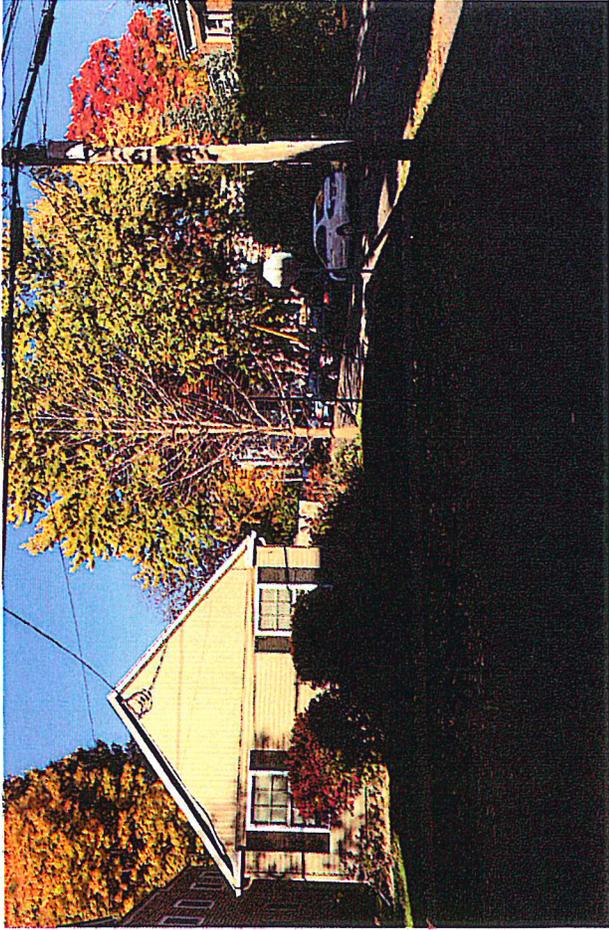
Tonya Yasenchak, PE

---

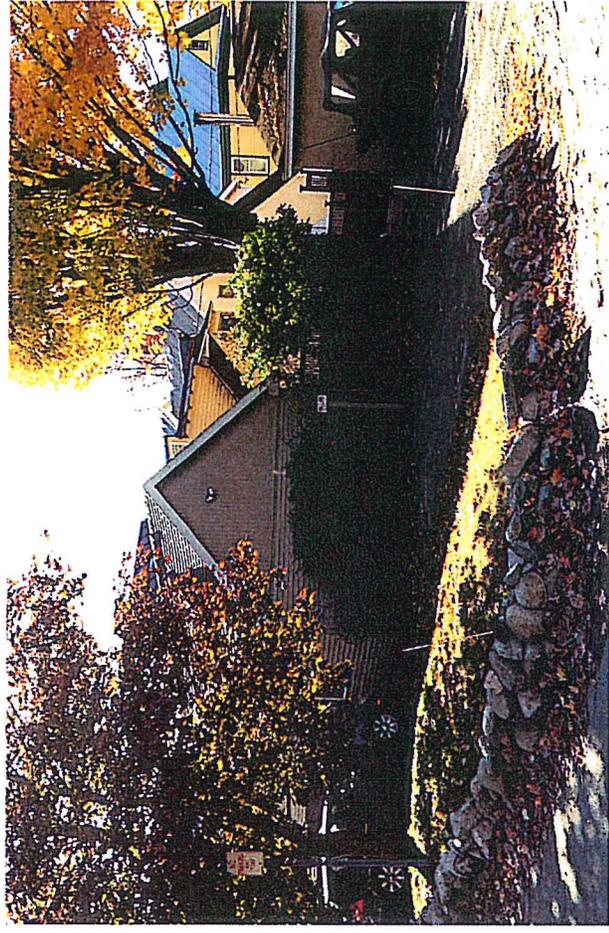
---

Boughton Addition:

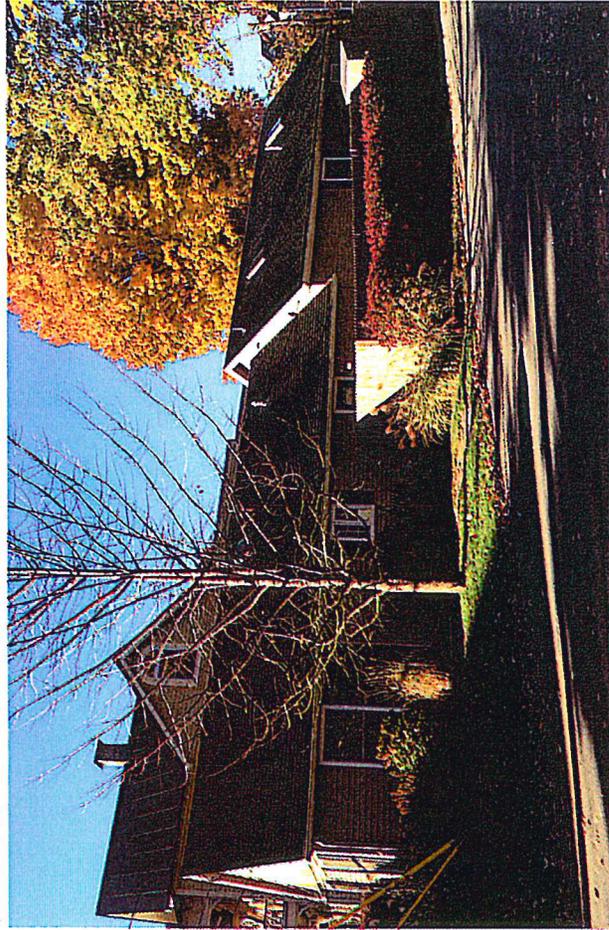
#1 Alger St., Saratoga Springs, NY



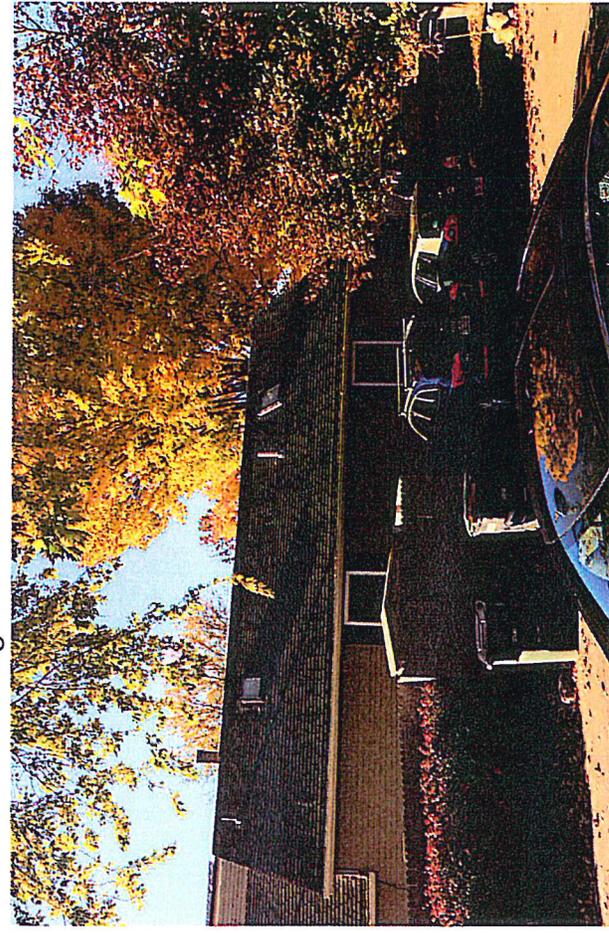
Front / East elevation of existing residence as viewed facing West from Woodlawn.



Rear / West elevation of existing residence as viewed facing South East from Alger St.



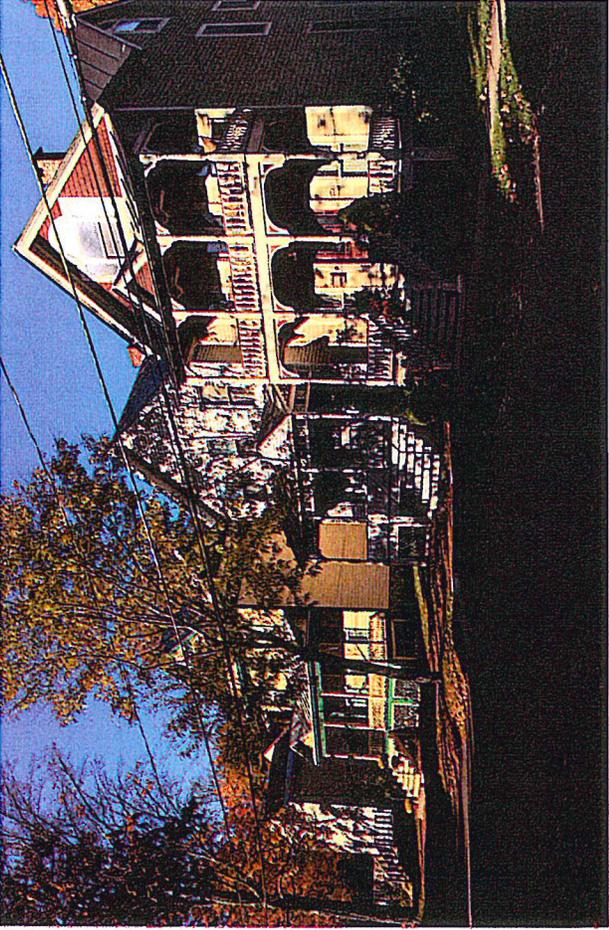
Right / North elevation of existing residence as viewed facing South from Alger St.



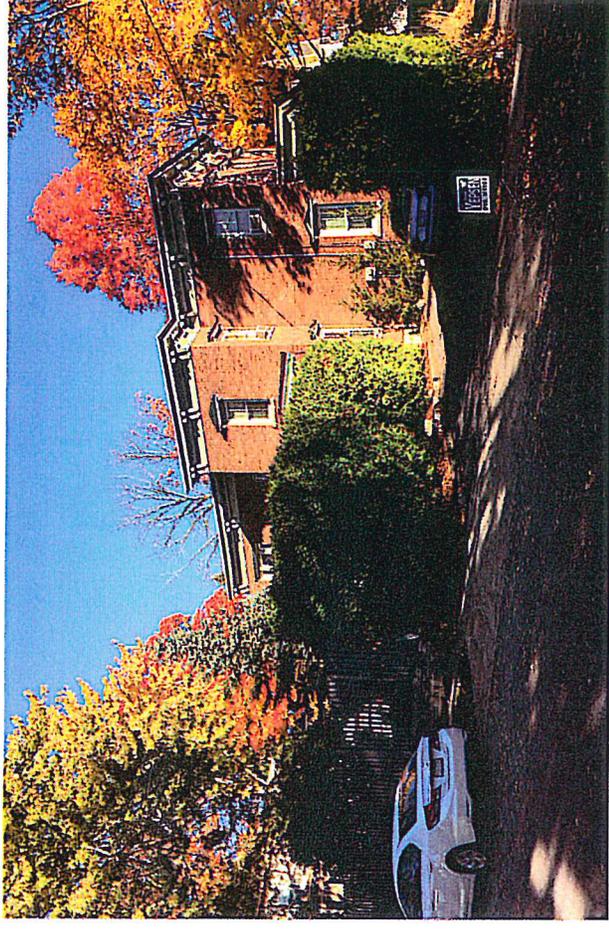
Close up of North Elevation to be added on to (addition will be to right in pic.) as viewed facing South from Alger St.

Boughton Addition:

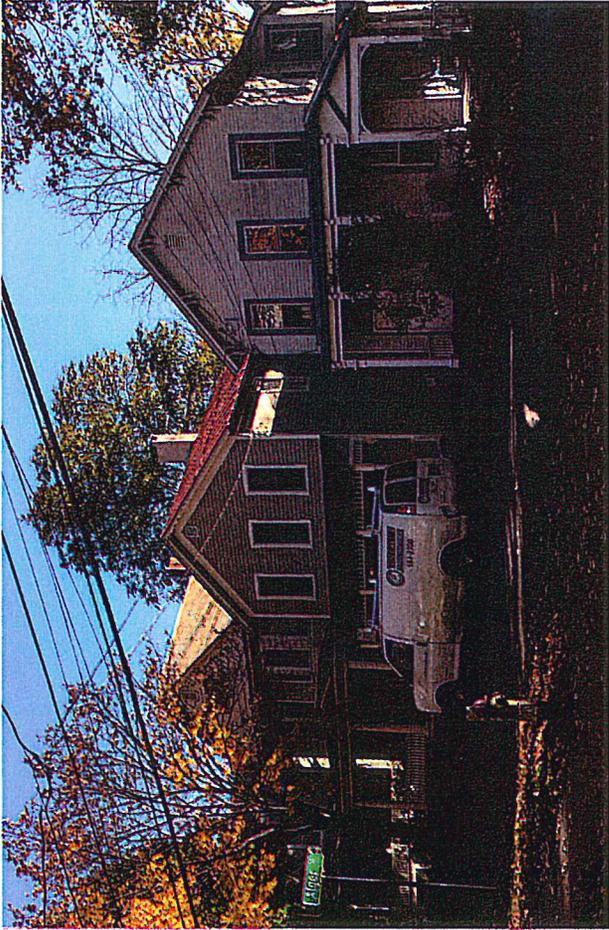
#1 Alger St., Saratoga Springs, NY



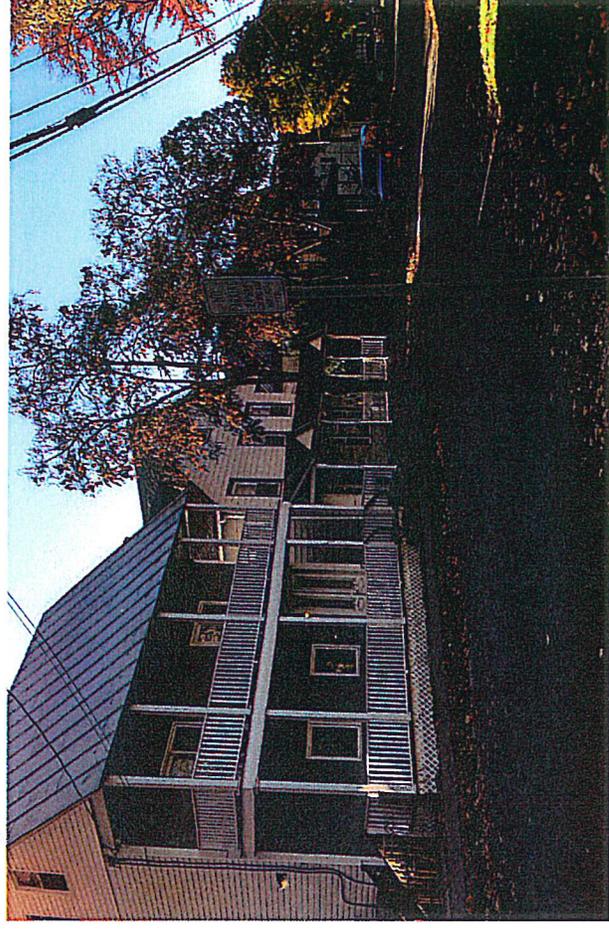
Adjacent Neighbors to the South of project site as viewed facing South West along Woodlawn.



Property at corner, across Alger St. from project site. As viewed facing North from Woodlawn intersection.



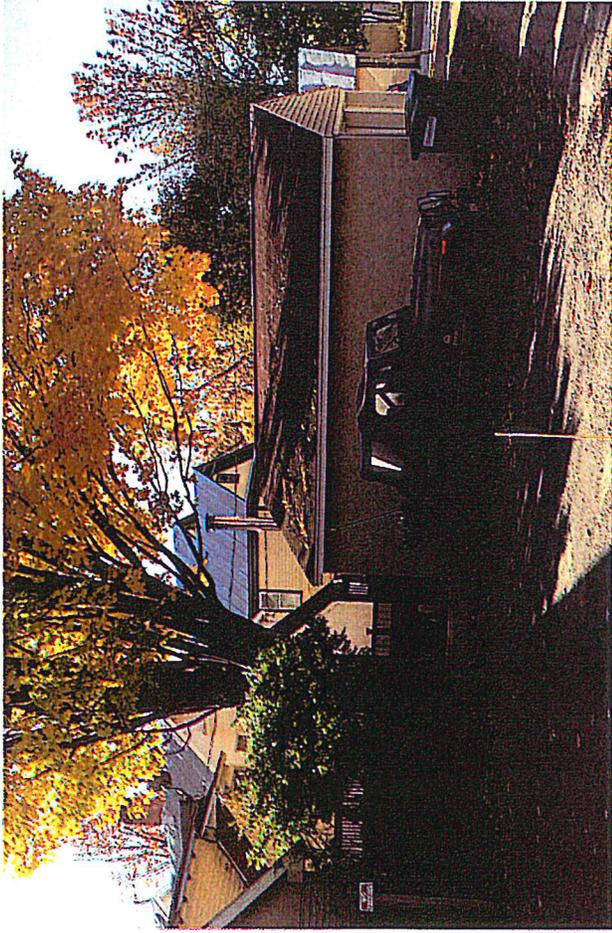
Properties across Woodlawn to the North East of project site as viewed facing East from Alger St. intersection.



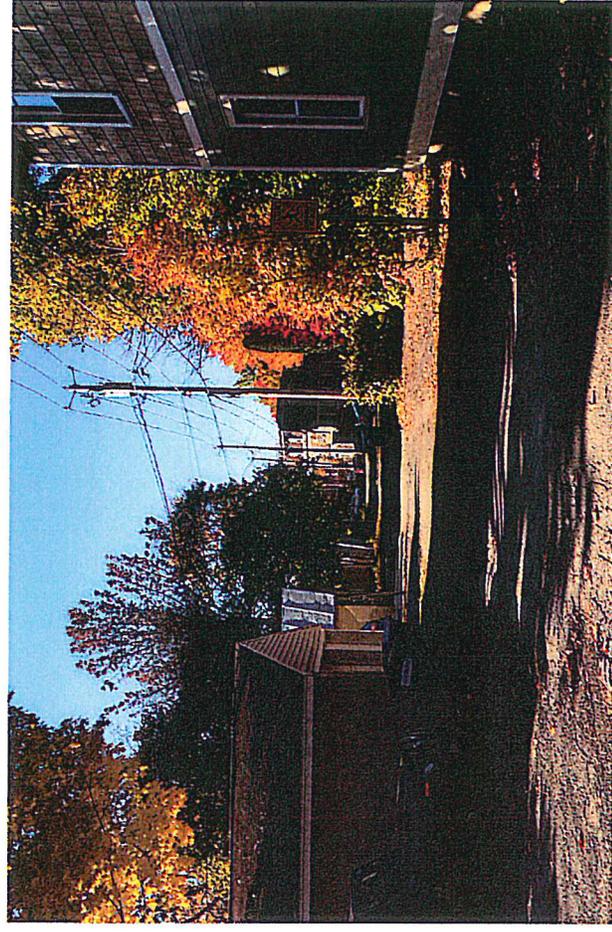
Properties across Woodlawn to the South East of project site as viewed facing South East from Alger St. intersection.

Boughton Addition:

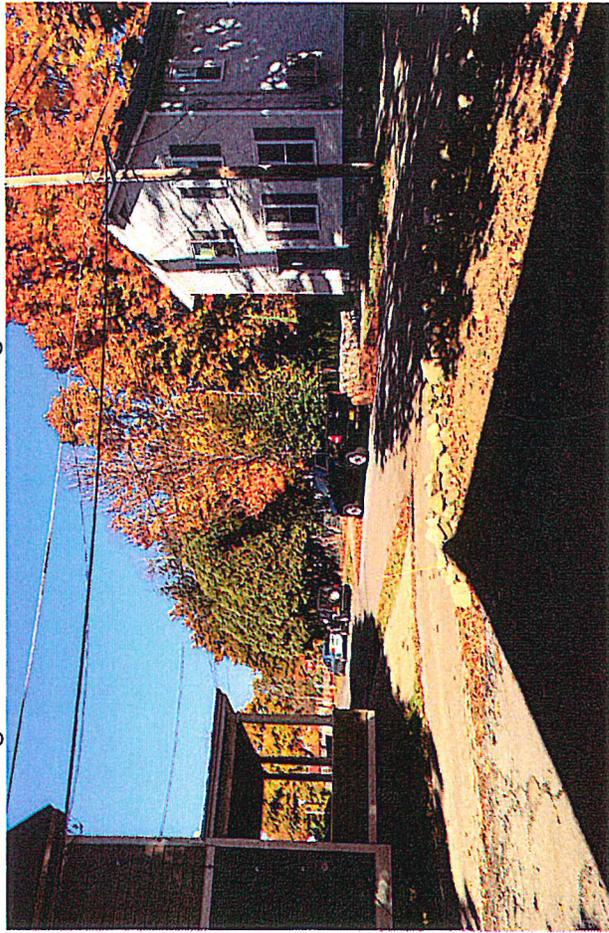
#1 Alger St., Saratoga Springs, NY



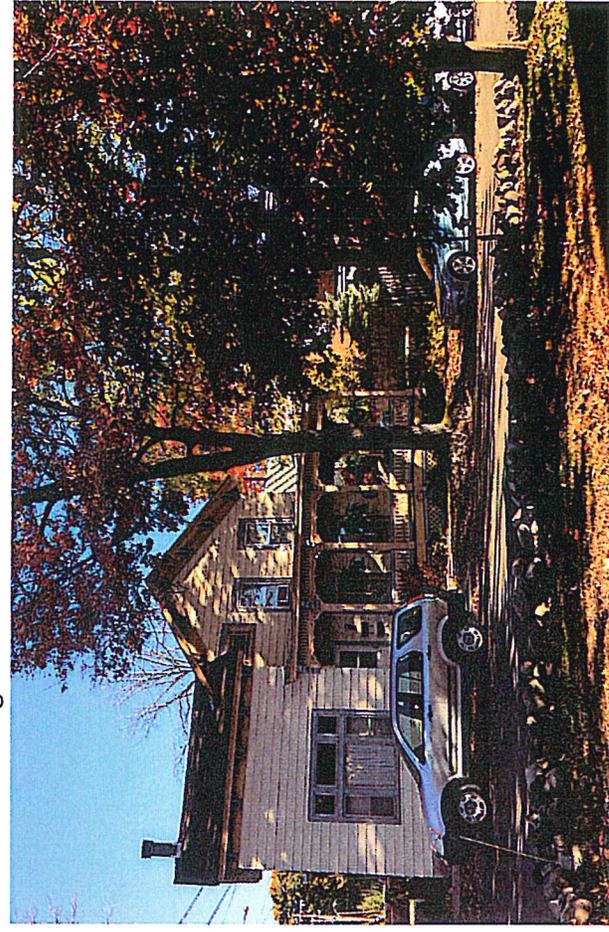
Adjacent Neighbors' alley garage to the South of project site as viewed facing South from Bolster Ln./ Alger St. intersection



Bolster Lane behind project site as viewed facing South from Bolster Ln. / Alger St. intersection.



Properties to the West of project site along Alger St. as viewed facing West from project site.



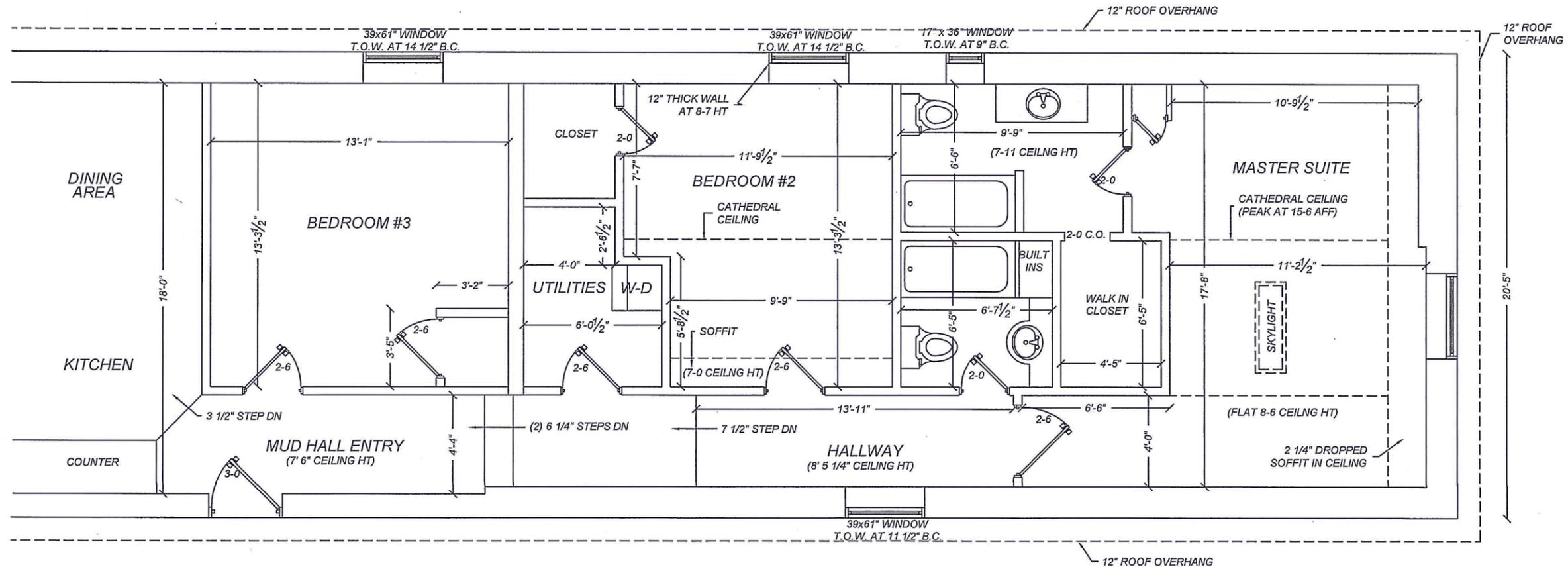
Property to the direct North of project site as viewed facing North across Alger St. from location of proposed addition

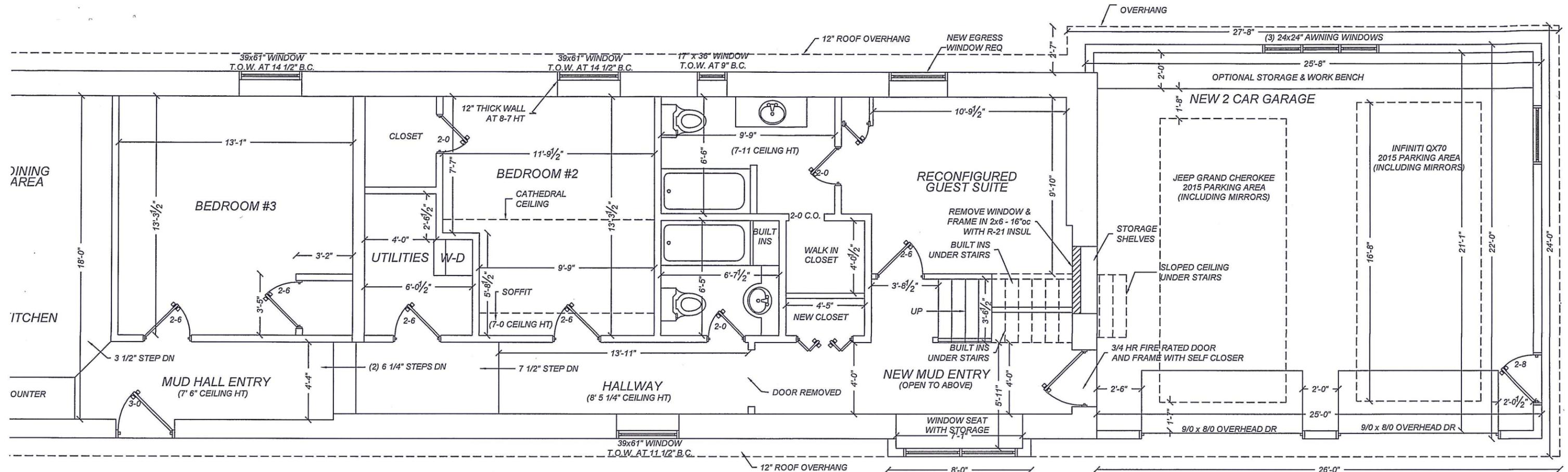
BOUGHTON RESIDENCE  
#1 ALGER ST.  
CITY OF SARATOGA SPRINGS, NY

# EXISTING MAIN FLOOR PLAN

10/26/15 SCALE: 3/16" = 1' 0"

DRAWN BY:  
ENGINEERING AMERICA CO.  
76 WASHINGTON ST., SARATOGA SPRINGS, NY  
518 / 587 - 1340





**MAIN FLOOR PLAN**

(RENOVATED SPACE WITH NEW AREA ABOVE: 308 SQ.FT.)  
 (GARAGE: 550 SQ.FT.)

BOUGHTON RESIDENCE  
 #1 ALGER ST.  
 CITY OF SARATOGA SPRINGS, NY

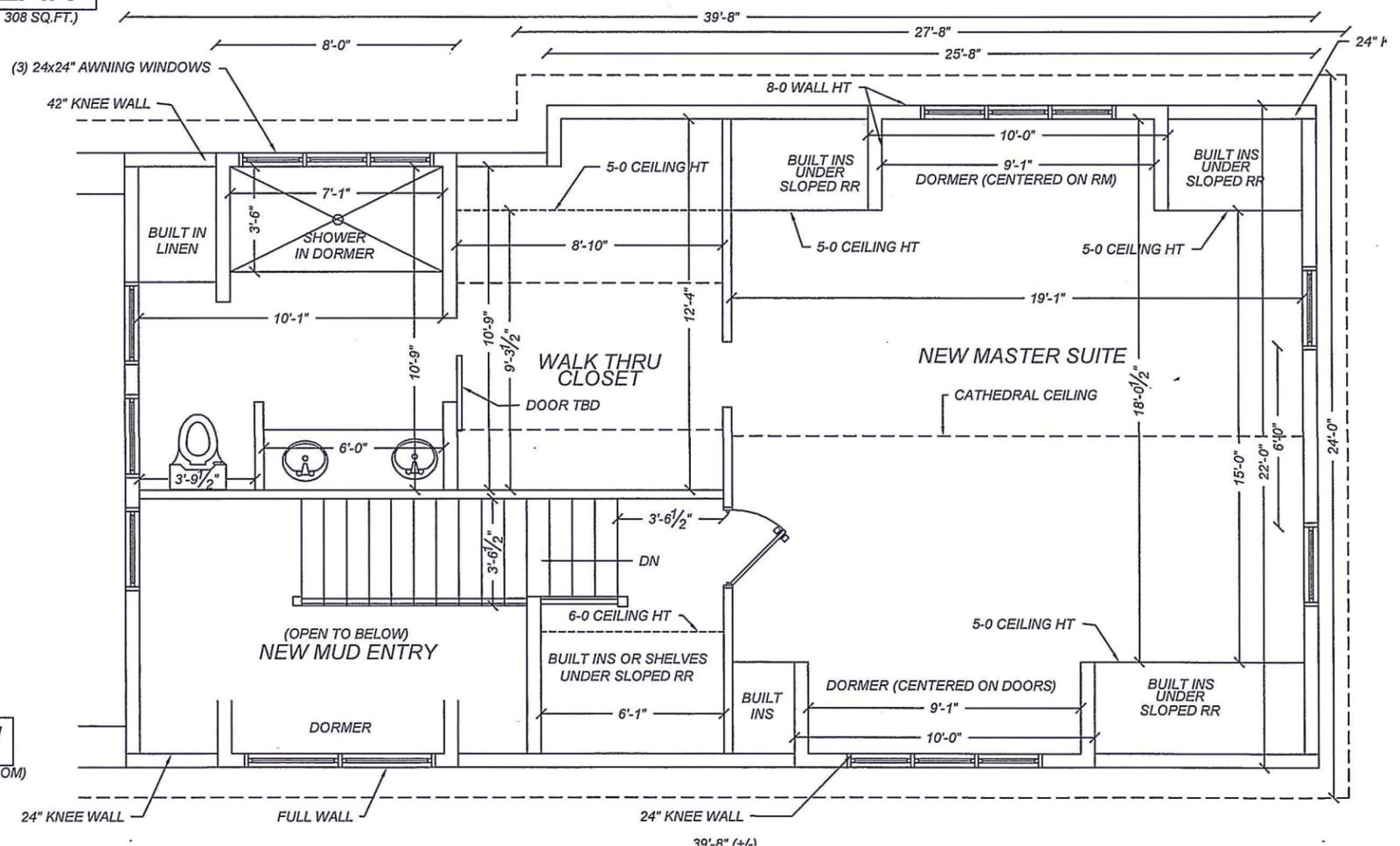
**PROPOSED FLOOR PLANS**

10/26/15 SCALE: 3/16" = 1' 0"

DRAWN BY:  
 ENGINEERING AMERICA CO.  
 76 WASHINGTON ST., SARATOGA SPRINGS, NY  
 518 / 587 - 1340

**UPPER FLOOR PLAN**

(734 SQ.FT. NOT INCLUDING STAIRS & OPEN SPACE OVER MUDROOM)



BOUGHTON RESIDENCE  
#1 ALGER ST.  
CITY OF SARATOGA SPRINGS, NY

**PROPOSED  
NORTH ELEVATION**

10/26/15 SCALE: 3/16" = 1' 0"

DRAWN BY:  
ENGINEERING AMERICA CO.  
76 WASHINGTON ST., SARATOGA SPRINGS, NY  
518 / 587 - 1340





ALGER

STREET

BOUGHTON RESIDENCE  
 #1 ALGER ST.  
 CITY OF SARATOGA SPRINGS, NY

**EXISTING SURVEY**  
 (SCALED TO VIEW: 1" = 10')

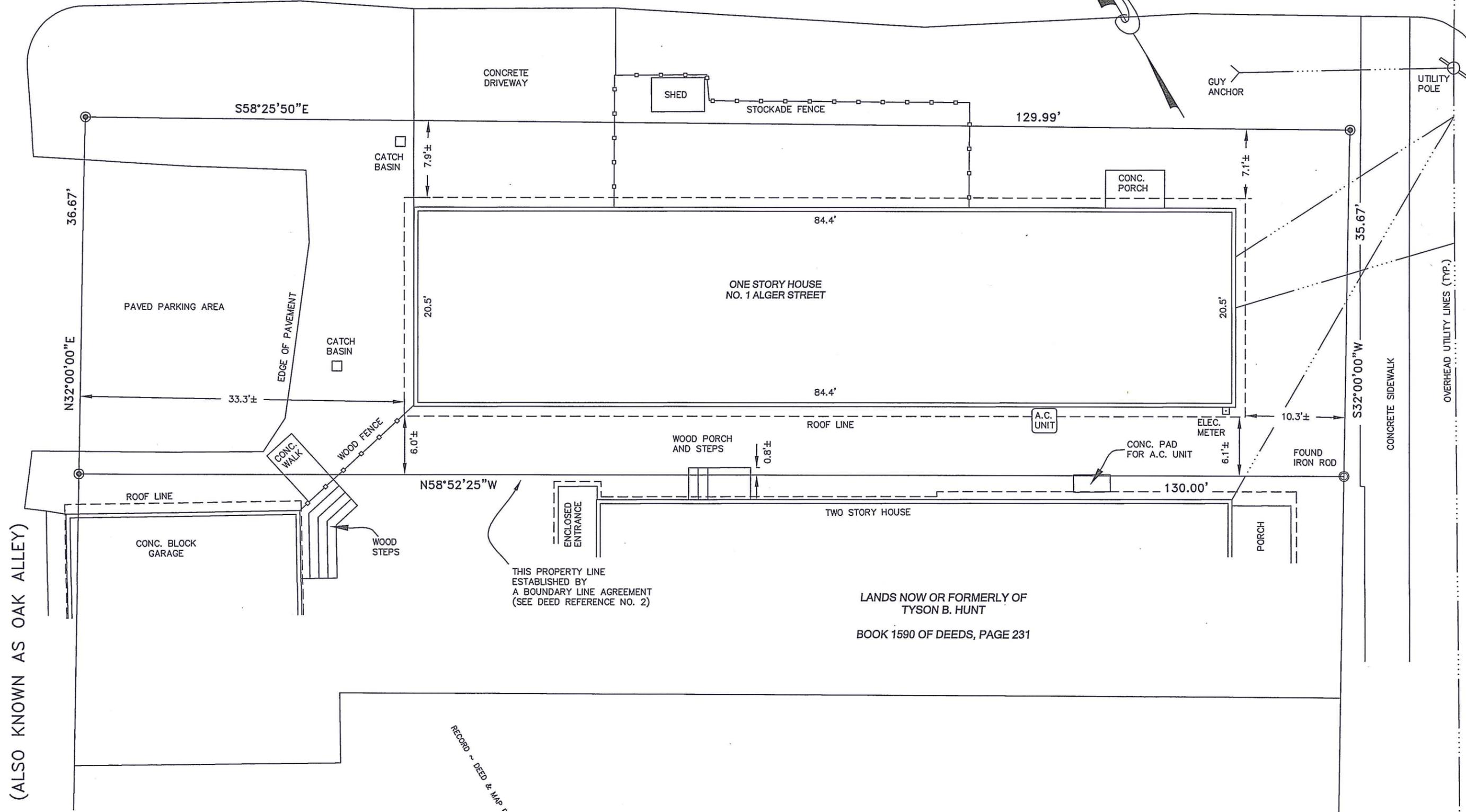
ORIGINAL SURVEY BY:  
 DAN WHEELER, LLS  
 SURVEY ASSOCIATES, LLC.

RIGHT OF WAY = 50 FT.  
 WIDTH OF PAVEMENT = 25± FT.

LANE

RIGHT OF WAY = 20 FT.  
 WIDTH OF PAVEMENT VARIES

BOLSTER



AVENUE

WOODLAWN

RIGHT OF WAY = 50 FT.  
 WIDTH OF PAVEMENT = 24± FT.

THIS PROPERTY LINE  
 ESTABLISHED BY  
 A BOUNDARY LINE AGREEMENT  
 (SEE DEED REFERENCE NO. 2)

LANDS NOW OR FORMERLY OF  
 TYSON B. HUNT  
 BOOK 1590 OF DEEDS, PAGE 231

RECORD ~ DEED & MAP F

# ALGER STREET

RIGHT OF WAY = 50 FT.  
WIDTH OF PAVEMENT = 25± FT.

BOUGHTON RESIDENCE  
#1 ALGER ST.  
CITY OF SARATOGA SPRINGS, NY

## PROPOSED PLOT PLAN

(SCALED TO VIEW: 1" = 10')  
10/26/15

BASE SURVEY BY:  
DAN WHEELER, LL.S.  
SURVEY ASSOCIATES, LLC

PLOT PLAN BY:  
ENGINEERING AMERICA CO.  
SARATOGA SPRINGS, NY

LANE

RIGHT OF WAY = 20 FT.  
WIDTH OF PAVEMENT VARIES

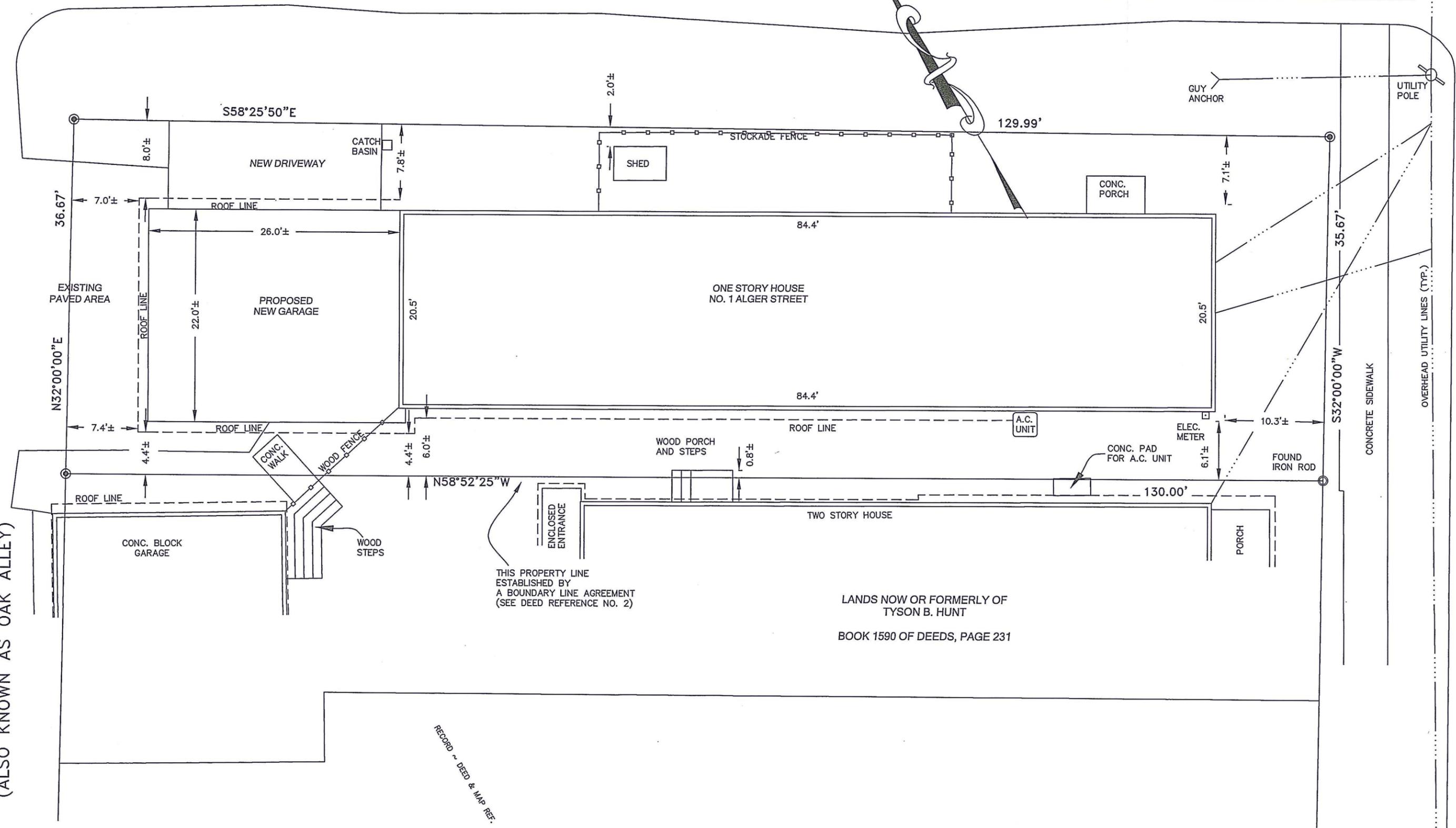
BOLSTER

(ALSO KNOWN AS OAK ALLEY)

AVENUE

WOODLAWN

RIGHT OF WAY = 50 FT.  
WIDTH OF PAVEMENT = 24± FT.



RECORD ~ DEED & MAP REF.

LANDS NOW OR FORMERLY OF  
TYSON B. HUNT  
BOOK 1590 OF DEEDS, PAGE 231