



# 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 #)

(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	Rejuvenation Homes, Inc	Constance & Martin Holtby	
Address	203 Lake Avenue Saratoga Springs, NY 12866	33 Bensonhurst Avenue Saratoga Springs, NY 12866	
Phone	518-886-8622 /	/	/
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

1. Property Address/Location: 35 Bensonhurst Avenue Tax Parcel No.: 165 57 1 29  
(for example: 165.52 - 4 - 37)

2. Date acquired by current owner: 3/1/84 3. Zoning District when purchased: UR 2

4. Present use of property: Vacant Land 5. Current Zoning District: UR 2

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

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

8. Brief description of proposed action:  
Construction of a new single family home

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

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

11. 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) 2.3

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
Minimum Lot Square Feet	6600	5400
Minimum Average Width	60 ft	45ft

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 current lot size can not be expanded due to fact that there is an existing building located to the south that is currently located at the minimum setback for it's lot. The lot located to the north is already below the minimum width for the zoning district and narrowing this lot to enhance the width of the subject lot would only further exaggerate it's non-compliance. The lot located to the west is below the minimum area for the zoning district and shortening this lot to enhance the subject lot would only further exaggerate it's non-compliance.

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 new single family home that is being proposed will fit within the setback and lot coverage zoning requirements and would be in character with other new homes that have been built on the street. There are other lots located on the same street that have less square footage than the subject lot and have recently had, or current have, new construction of single family homes. Both 12 Bensonhurst, (ID 165.57-1-6) and the property directly adjacent to it, (165.57-1-67), have only 5000 sq/ft compared to the 5400 sq/ft of the subject lot. The subject lot is also in character with the lots immediately surrounding it, all of which are similar in width and square footage.

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

The variance is not substantial because the subject lot is currently similar in both width and square footage to all of the immediate surrounding lots. Although the subject lot's width is 15' short of the zoning requirement, it is only 5' less than the neighboring lots to the north and west, and 10' less than the neighboring lot to the south. Also, although the subject lot is 1200 square feet smaller than the zoning requirement, it is only 600 square feet smaller than the lots located to the north and west.

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 variance will not have any adverse environmental effects due to the fact that any proposed new home would need to meet other requirements of the zoning regulation. This would ensure adequate area on the subject lot for water drainage and roof runoff. There are easily accessible water, sewer and gas lines already in the immediate area.

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 alleged difficulty was self-created in so far that a new home is desired for the lot. The lot is currently vacant land and the construction of a new single family home will require the necessary variance(s).

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)

3/14/2016

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

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

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

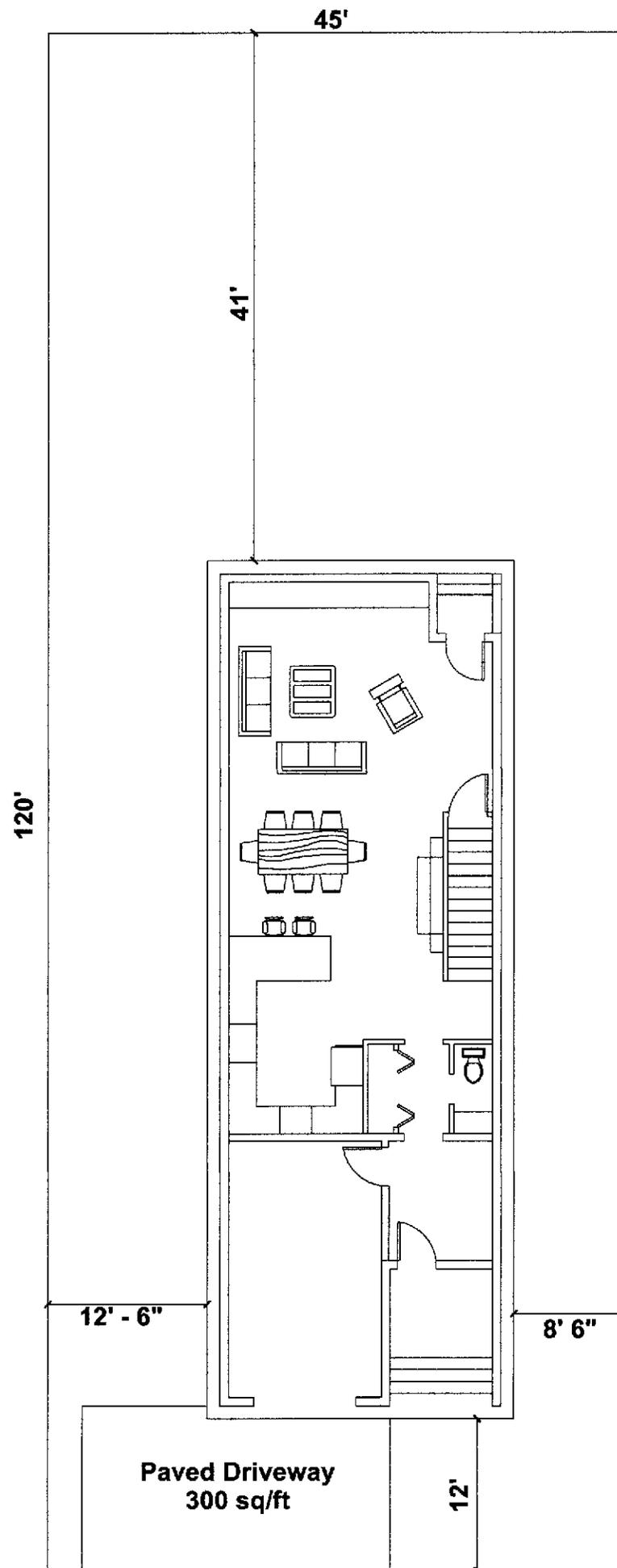
If applicant is not the currently the owner of the property, the current owner must also sign.

Owner Signature: Martin Harty

Date: 3/15/16

Owner Signature: Christine Harty

Date: 3/15/16



# Site Plan

## Lot Dimensions:

$$45' \times 120' = 5400 \text{ sq/ft}$$

## Proposed Structure:

$$24' \times 67' = 1608 \text{ sq/ft}$$

Lot Coverage:  $1608 \text{ sq/ft} = 29\%$

Allowed Coverage: 30%

$$45' \times 120' = 5400 \text{ sq/ft}$$

$$30\% \times 5400 = 1620 \text{ sq/ft}$$

South / Side Setback: 12'6"

Minimum: 12'

North / Side Setback: 8'6"

Minimum: 8'

East / Front Setback: 12'

Minimum: 10'

South / Rear Setback: 41'

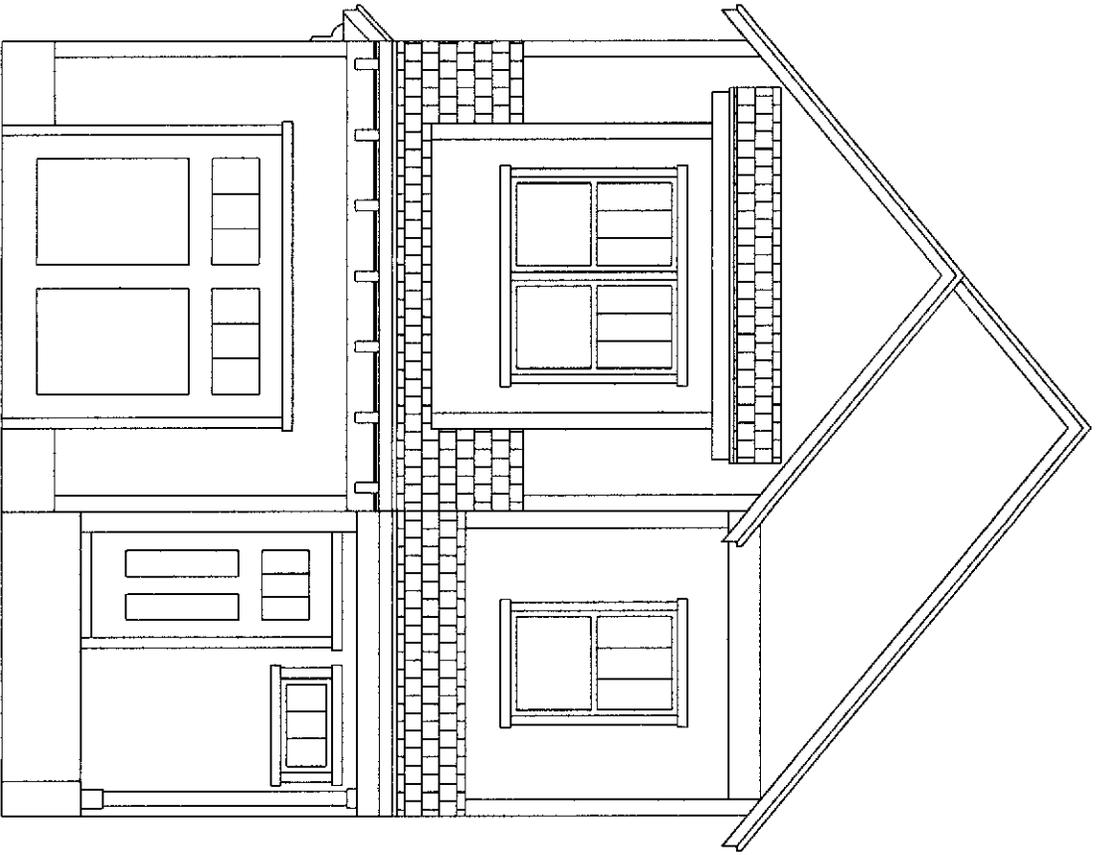
Minimum: 25'

Permeable:  $300 \text{ sq/ft} + 1608 \text{ sq/ft}$

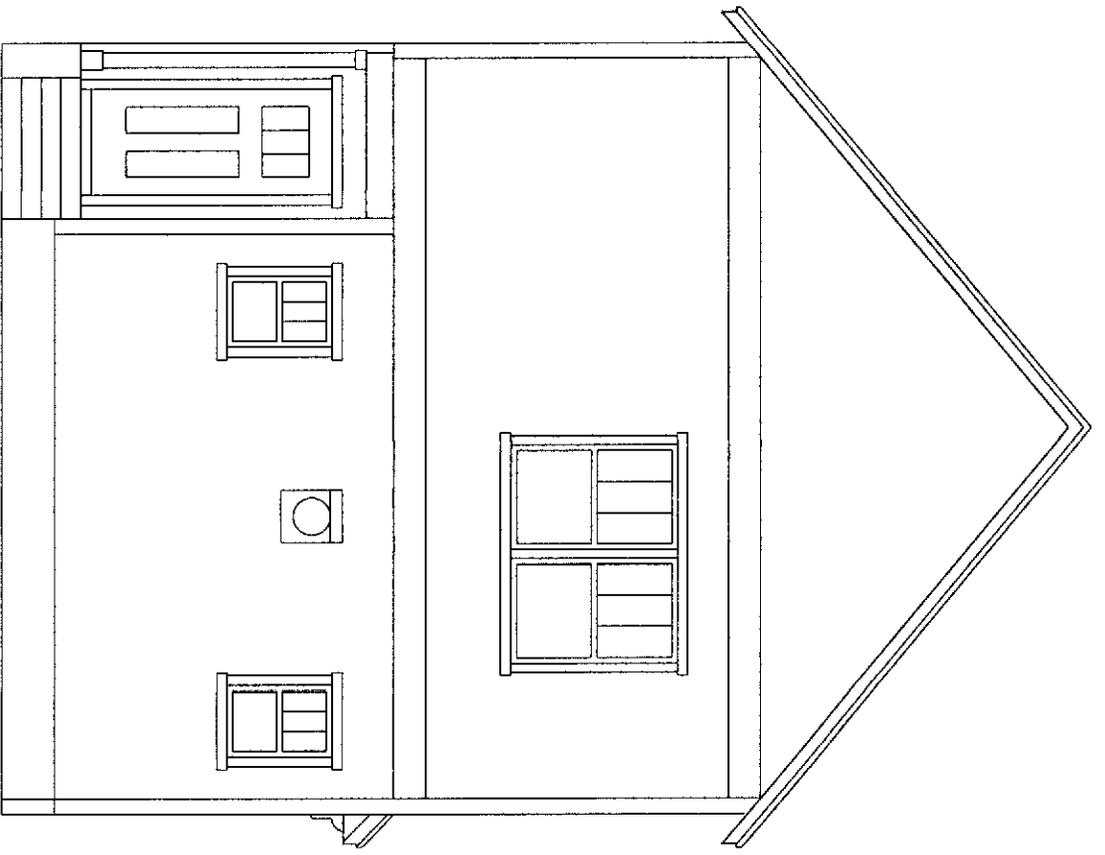
$$= 1908 \text{ sq/ft} = 36\%$$

$$= 74\% \text{ Permeable}$$

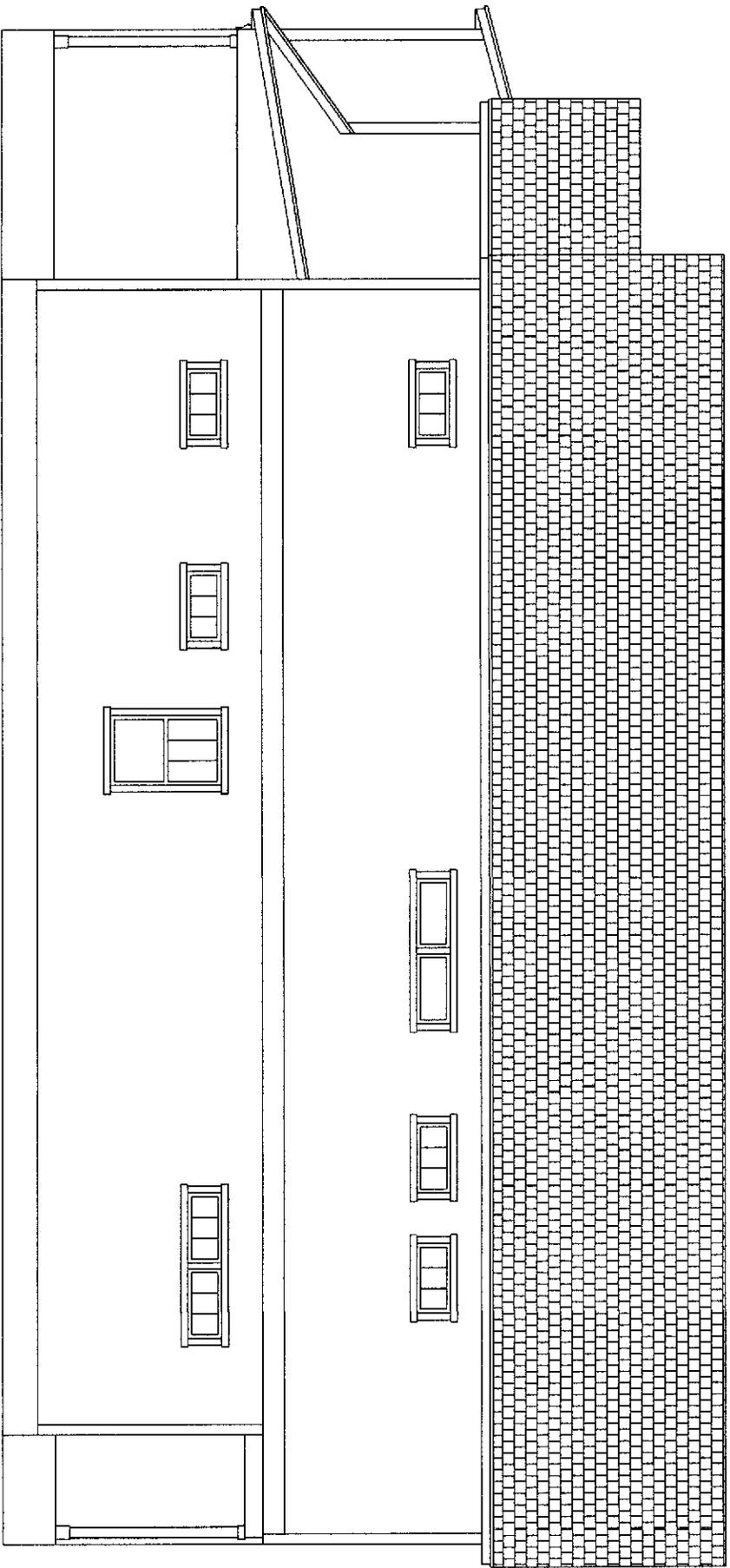
Minimum: 25%



**East Elevation**

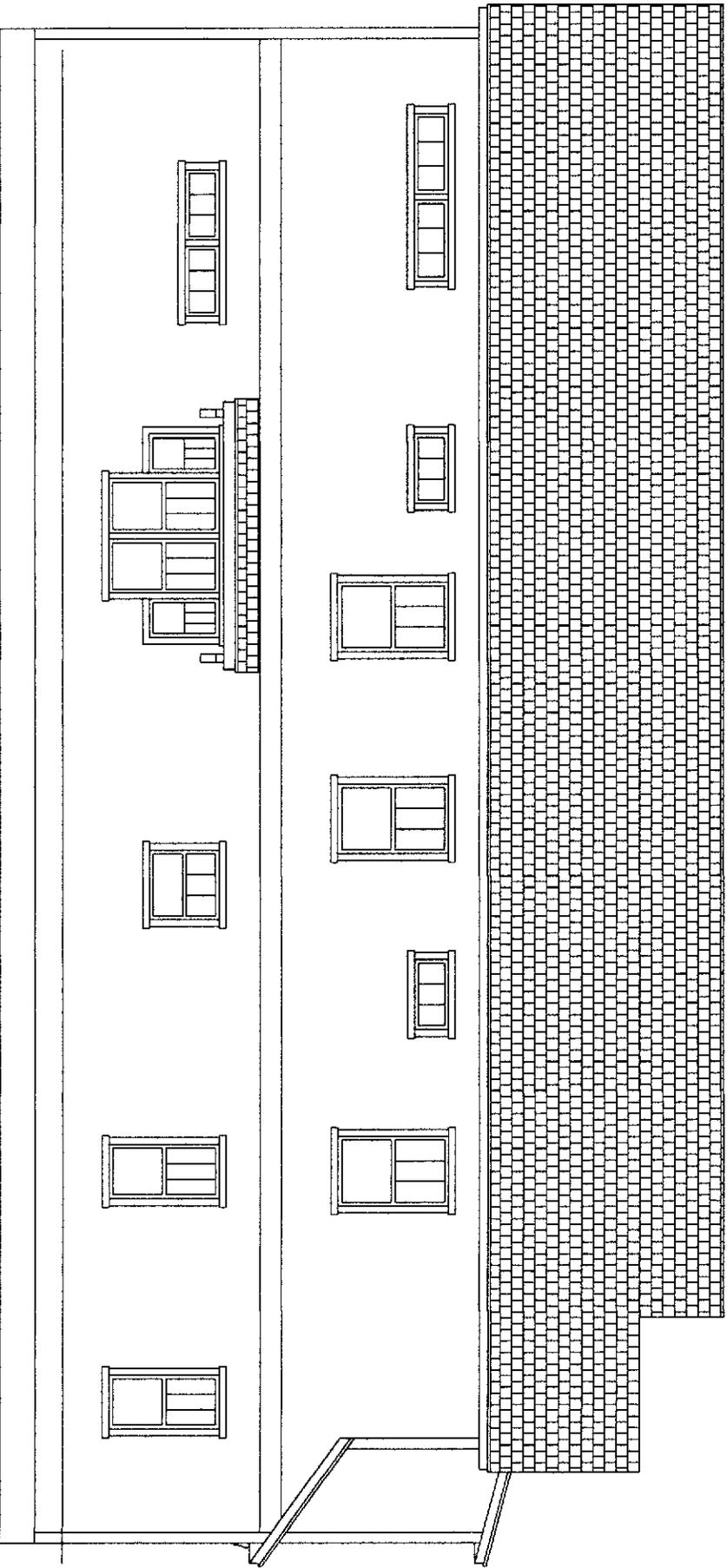


**West Elevation**



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**North Elevation**



**South Elevation**



**Subject Lot: "35" Bensonhurst Avenue**



**Immediate Lot to North: 33 Bensonhurst Avenue**



**Immediate Lot to South: Division Street**



**View of Bensonhurst Avenue Proceeding North**