



# 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>Donald Jeffrey Beyer</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.) 199 West Circular Street Side of St. (north, east, etc.) North

Tax Parcel No.: 165.73.2.46 (for example: 165.52-4-37) Tax District:  Inside  Outside

1. Date acquired by current owner: July 2008 2. Zoning District when purchased: UR-2

3. Present use of property: Rental 4. Current Zoning District: UR-2

5. Has a previous ZBA application/appeal been filed for this property?  Yes (when? 9/27/2010 for what? subdivision)  
 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: relief from minimum area requirements

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:

\_\_\_\_\_

---



---



---



---



---



---



---

**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

Creation of a 5,700 sqft lot with existing single-family residence and creation of a conforming 6,600 sqft lot with a new single-family residence

~~12,300~~ 12,300 sqft

5,700 sqft and 6,600 sqft

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.

Proposed addition to existing residence was not cost effective. Costs would exceed value of residence.

- 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 neighborhood is diverse with regard to lot size. Some lots are a preexisting nonconforming regarding minimum lot size and some exceed minimum lot size. The neighborhood is also diverse regarding existing use. Some lots have preexisting nonconforming two family and a commercial use also exists.

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

900 sqft smaller (5,700 sqft) than the required (6,600 sqft)

- 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 lot is clear of trees or wetland and would not adversely impact surrounding landscape. An ally also borders the West side of the lot.

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:

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

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.

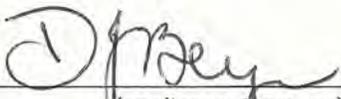
APPLICANT CERTIFICATION

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: 1/23/16

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



02 12 2016



02 12 2016



DEAD  
END

02 12 2016

DEAD  
END

02 12 2016



02 12 2016



02 12 2016



02 12 2016



AHEAD



02 12 2016



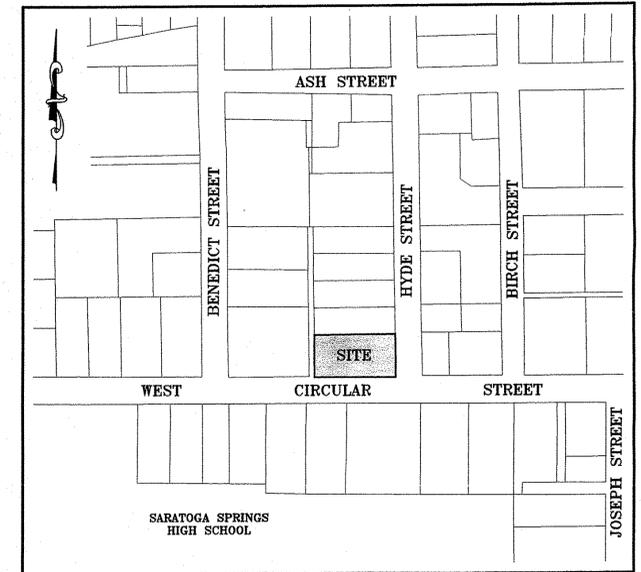
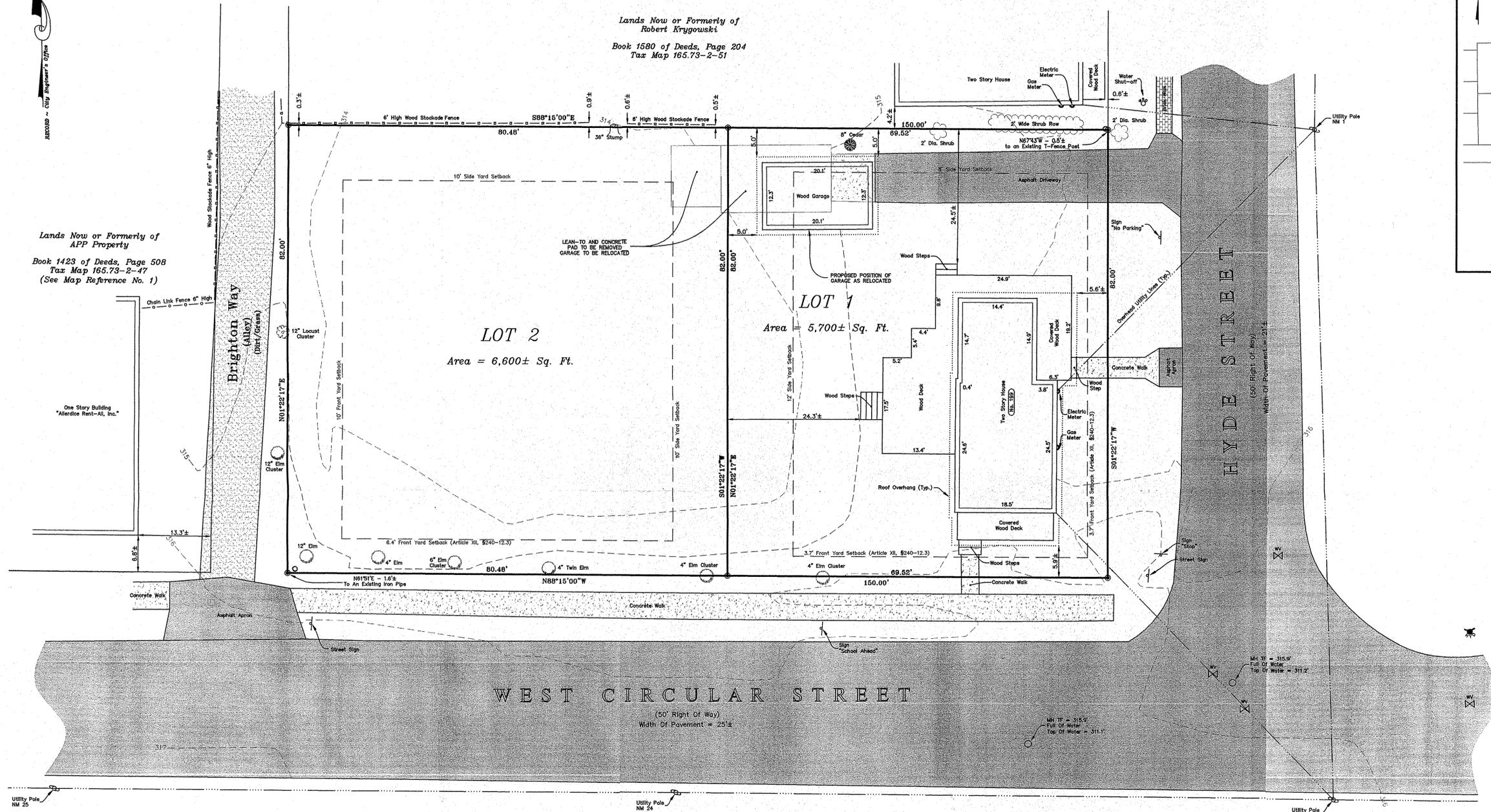
02 12 2016



02 12 2016

Lands Now or Formerly of  
Robert Krygowski  
Book 1580 of Deeds, Page 204  
Tax Map 165.73-2-51

Lands Now or Formerly of  
APP Property  
Book 1423 of Deeds, Page 508  
Tax Map 165.73-2-47  
(See Map Reference No. 1)



Site Map  
(Not to Scale)

ZONING INFORMATION AND VARIANCES REQUIRED:

PARENT PARCEL TAX MAP NO. = 165.73-2-46  
 LOT 1  
 ZONE = UR-2 (URBAN RESIDENTIAL 2)  
 MINIMUM LOT SIZE = 6,600 SQ. FT.  
 PROPOSED LOT SIZE = 5,700± SQ. FT.  
 LOT SIZE VARIANCE REQUIRED = 900 SQ. FT. RELIEF  
 REQUIRED MEAN LOT WIDTH = 60'  
 PROPOSED MEAN LOT WIDTH = 69.52'  
 MAXIMUM PERCENT OF LOT TO BE OCCUPIED BY PRINCIPAL BUILDING = 30%  
 PROPOSED PERCENT OF LOT TO BE OCCUPIED = 1,360± SQ. FT. = 24.2%  
 MAXIMUM PERCENT OF LOT TO BE OCCUPIED BY ACCESSORY BUILDING = 10%  
 PROPOSED PERCENT OF LOT TO BE OCCUPIED = 316± SQ. FT. = 5.5%  
 MINIMUM FRONT YARD SETBACK (PRINCIPAL BUILDING) = AVERAGE OF EXISTING STRUCTURES ON NEIGHBORING LOTS PER ARTICLE XII, §240-12.3  
 6.8' (TAX PARCEL 47) + 0.6' (TAX PARCEL 51) / 2 = 3.7' FRONT YARD SETBACK  
 EXISTING FRONT YARD SETBACK (SMALLEST) = 5.6'  
 MINIMUM SIDE YARD SETBACK (PRINCIPAL BUILDING) = 8' ONE SIDE, 20' TOTAL  
 PROPOSED SIDE YARD SETBACK (SMALLEST) = 24.3'  
 MINIMUM DISTANCE BETWEEN PRINCIPAL AND ACCESSORY BUILDING = 5'  
 PROPOSED DISTANCE BETWEEN PRINCIPAL AND ACCESSORY BUILDING = 11.8'  
 MINIMUM FRONT YARD SETBACK (ACCESSORY) = 10'  
 PROPOSED FRONT YARD SETBACK (ACCESSORY) = 42±'  
 MINIMUM SIDE YARD SETBACK (ACCESSORY) = 5'  
 PROPOSED SIDE YARD SETBACK (ACCESSORY) = 5.0'  
 MINIMUM PERCENT OF LOT TO BE PERMEABLE = 25%  
 PROPOSED PERCENT OF LOT TO BE PERMEABLE = 62.6%

LOT 2  
 LOT 2, AS PROPOSED, WILL BE FULLY COMPLIANT WITH CURRENT ZONING.  
 MINIMUM LOT SIZE = 6,600 SQ. FT.  
 REQUIRED MEAN LOT WIDTH = 60'  
 MAXIMUM PERCENT OF LOT TO BE OCCUPIED BY PRINCIPAL BUILDING = 30%  
 MINIMUM FRONT YARD SETBACK (PRINCIPAL BUILDING) = AVERAGE OF EXISTING STRUCTURES ON NEIGHBORING LOTS PER ARTICLE XII, §240-12.3  
 6.8' (TAX PARCEL 47) + 5.9' (PROPOSED LOT 1) / 2 = 6.4' FRONT YARD SETBACK  
 FRONT YARD SETBACK FROM BRIGHTON WAY TO BE 10'  
 MINIMUM SIDE YARD SETBACK (PRINCIPAL BUILDING) = 8' ONE SIDE, 20' TOTAL  
 MINIMUM PERCENT OF LOT TO BE PERMEABLE = 25%

DEED REFERENCE:

- 1.) CONVEYANCE FROM JAMES M. ROGALSKI AND SUSANA L. DANCY TO DONALD JEFFREY BEYER BY DEED DATED JULY 17, 2008, AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE ON AUGUST 1, 2008 AS INSTRUMENT NO. 2008026795.

MAP REFERENCE:

- 1.) MAP ENTITLED "SURVEY OF LANDS OF WALLACE ALLERDICE, KEITH POTTER AND ANTHONY R. PENNELL," DATED SEPTEMBER 21, 1994, AS LAST REVISED ON SEPTEMBER 29, 1995, AND PREPARED BY PAUL F. TOMMELL, L.S., P.C.

NOTES:

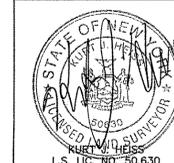
- 1.) THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR AN UP TO DATE TITLE REPORT AND IS THEREFORE SUBJECT TO ANY STATEMENT OF FACTS SHOWN THEREON.
- 2.) THIS MAP WAS PREPARED FROM AN ACTUAL FIELD SURVEY MADE IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.
- 3.) ALL OFFSETS SHOWN BETWEEN STRUCTURES AND PROPERTY LINES ARE TO ROOF OVERHANGS UNLESS OTHERWISE NOTED.
- 4.) ALL CONTOURS SHOWN HEREON ARE REFERENCED TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD29).

RECORD OF WORK:

- 1.) GENERAL REVISIONS ON APRIL 7, 2010.

APPLICANT:

DONALD JEFFREY BEYER  
 199 West Circular Street  
 Saratoga Springs, NY 12866



TOMMELL & ASSOCIATES  
 2 GILBERT ROAD  
 SARATOGA SPRINGS, NY 12866  
 PH: (518) 587-3149 FAX: (518) 587-7251

SCALE:  
 1" = 10'

CITY OF SARATOGA SPRINGS (ID)  
 SARATOGA COUNTY, NEW YORK  
 MARCH 26, 2010

MAP NO.: 20100072

# *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:  |  | Telepho |            |
|  |  | E-Mail: |            |
| Address:   |  |         |            |
| <div style="background-color: black; width: 100%; height: 15px;"></div>  |  |         |            |
| 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?<br>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?<br>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)?<br/>         If Yes, explain purpose and size: _____<br/>         _____<br/>         _____</p> | <b>NO</b> | <b>YES</b> |
| <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?<br/>         If Yes, describe: _____<br/>         _____<br/>         _____</p>   | <b>NO</b> | <b>YES</b> |
| <p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br/>         If Yes, describe: _____<br/>         _____<br/>         _____</p>   | <b>NO</b> | <b>YES</b> |
| <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>   |           |            |



| Parcel   | dimensions | sqft   |                                   |
|----------|------------|--------|-----------------------------------|
| 37       | 100x82     | 8200   | single family                     |
| 38       | 75x50      | 3750   | single family                     |
| 44       | 50x75      | 3750   | two family                        |
| 45       | 50x82      | 4100   | potential two family              |
| 46       | 150x82     | 12,300 | proposed variance lot             |
| proposed | 80x82      | 6,600  | (proposed single lot)             |
| proposed | 70x82      | 5,740  | (proposed existing single family) |

| Parcel | dimensions | sqft   |                  |
|--------|------------|--------|------------------|
| 47     | 150x130    | 19,500 | Allergice Rental |
| 48     | 150x50     | 7500   | single family    |
| 49     | 150x50     | 7500   | single family    |

165.81



| Parcel | dimensions | sqft   |               |
|--------|------------|--------|---------------|
| 3      | 50x150     | 7500   | two family?   |
| 4      | 68x150     | 10,200 | two family?   |
| 5.22   | 170x75     | 12,750 | single family |
| 5.21   | 170x75     | 12,750 | single family |
| 5.11   | 170x141.5  | 24,055 | single family |
| 5.13   | 170x90     | 15,300 | multi family? |
| 26     | 170x85     | 14,450 | multi family? |
| 24     | 150x80     | 12,000 | multi family? |