



# 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	Darren and Colleen Grassi		Todd Levinson
Address	[REDACTED]		203 Lake Avenue
			Saratoga Springs, NY 12866
Phone	/	/	/
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: 30 Lafayette St, Saratoga Springs Tax Parcel No.: 165 68 1 73  
(for example: 165.52 - 4 - 37)

2. Date acquired by current owner: 4/10/2015 3. Zoning District when purchased: UR2

4. Present use of property: Residential 5. Current Zoning District: UR2

6. Has a previous ZBA application/appeal been filed for this property?  
 Yes (when? For what? Area Variance)  
 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:  
New rear setback and distance from accessory building variances to correspond to as-built survey. Please see attached letter for full description.

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)

**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.

C. Grassi

(applicant signature)

Date: 3-1-16

[Signature]

(applicant signature)

Date: 3-1-16

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

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

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

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

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

February 29, 2016

RE: 30 Lafayette St. Area Variance

Hello,

My name is Todd Levinson, owner of Rejuvenation Homes, Inc., the company that built the home located at 30 LaFayette Street in Saratoga Springs, NY. The following letter is an accompanying document related to a Zoning Board of Appeals application. The application is to address discrepancies between variances that were previously granted and the as-built final survey. The purpose of this letter is to explain the reason behind these discrepancies.

When the initial variances were applied for, the building lot was assumed to be a rectangle and the existing structure located upon it was assumed to be perpendicular to the fronting street, LaFayette Street. Area use variances were applied for based on these assumptions, as well as the dimensions of the new addition and accessory building that had been approved by the Design Review Commission. A third point of reference was taken from the portion of the existing structure that was to remain and become part of the new home. This reference was also an assumption based on the architects best estimation of where the old and new foundations could be joined.

The final survey has revealed that although the new addition was built to the exact dimensions that were originally approved, the lot is actually in the shape of a rhombus, rather than a rectangle, and both it and the home are not perfectly perpendicular to the fronting street. The fact that the house is actually on an angle has made the Southeast rear corner protrude further towards the rear of the lot than was assumed for the initial variance application. Also, the estimate of where the new addition was to join together with the existing structure was off slightly as well. This too has caused the home to grow in length towards the rear of the lot.

This growth has caused the original estimate for the separation between the accessory and principal buildings to decrease by one foot, as the porch and its corresponding overhang has been forced to a different spot than originally planned.

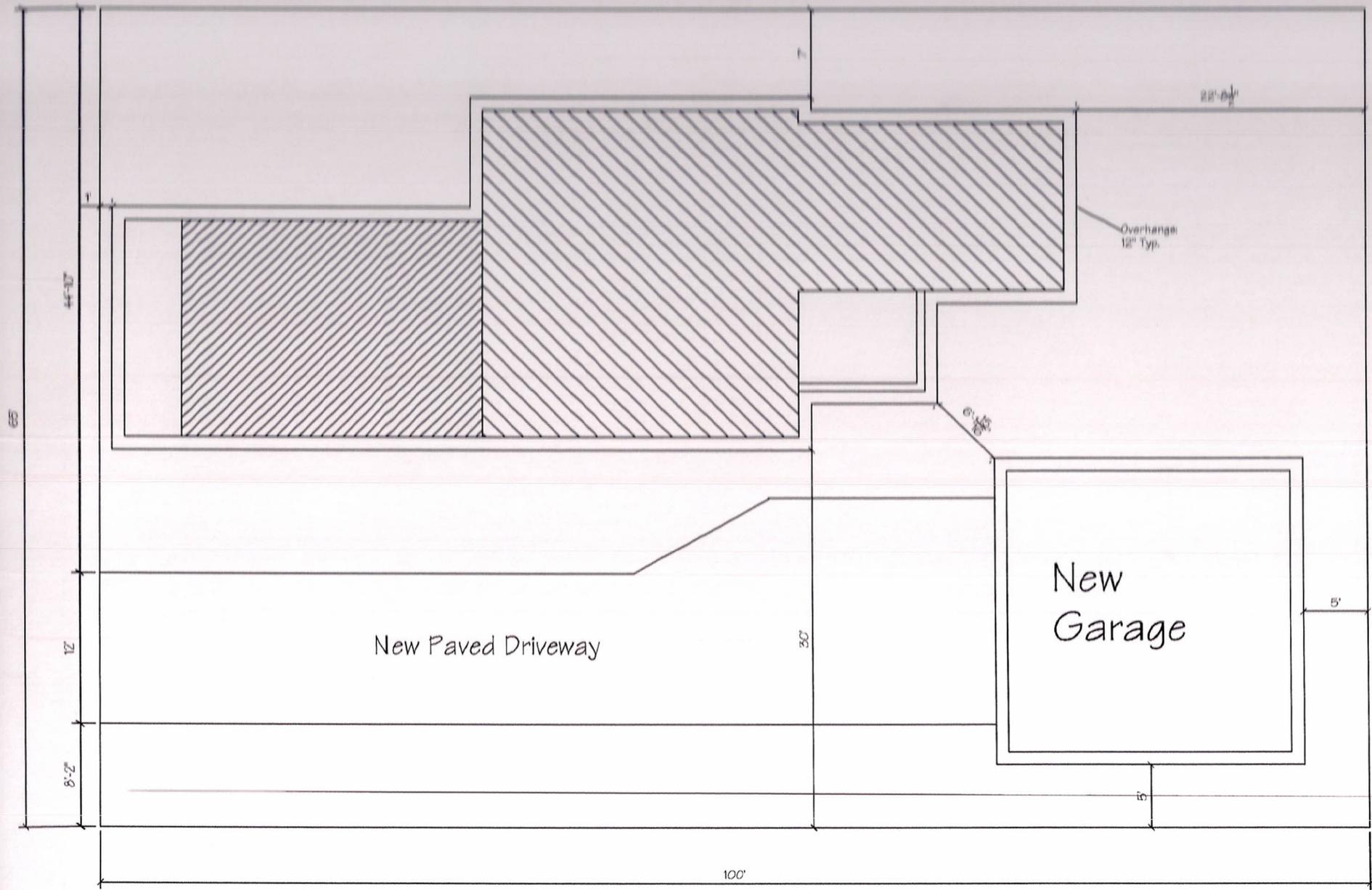
The new homeowners, and I as their agent, are requesting new relief from both the rear setback and distance between principal and accessory buildings requirements, to better represent the as-built final survey.

Thank you for any and all help in this matter,

Todd Levinson

  
Owner, Rejuvenation Homes, Inc.

Initial Site Map Submitted For Original Application



Site Map

Scale:  $\frac{3}{32}'' = 1'$

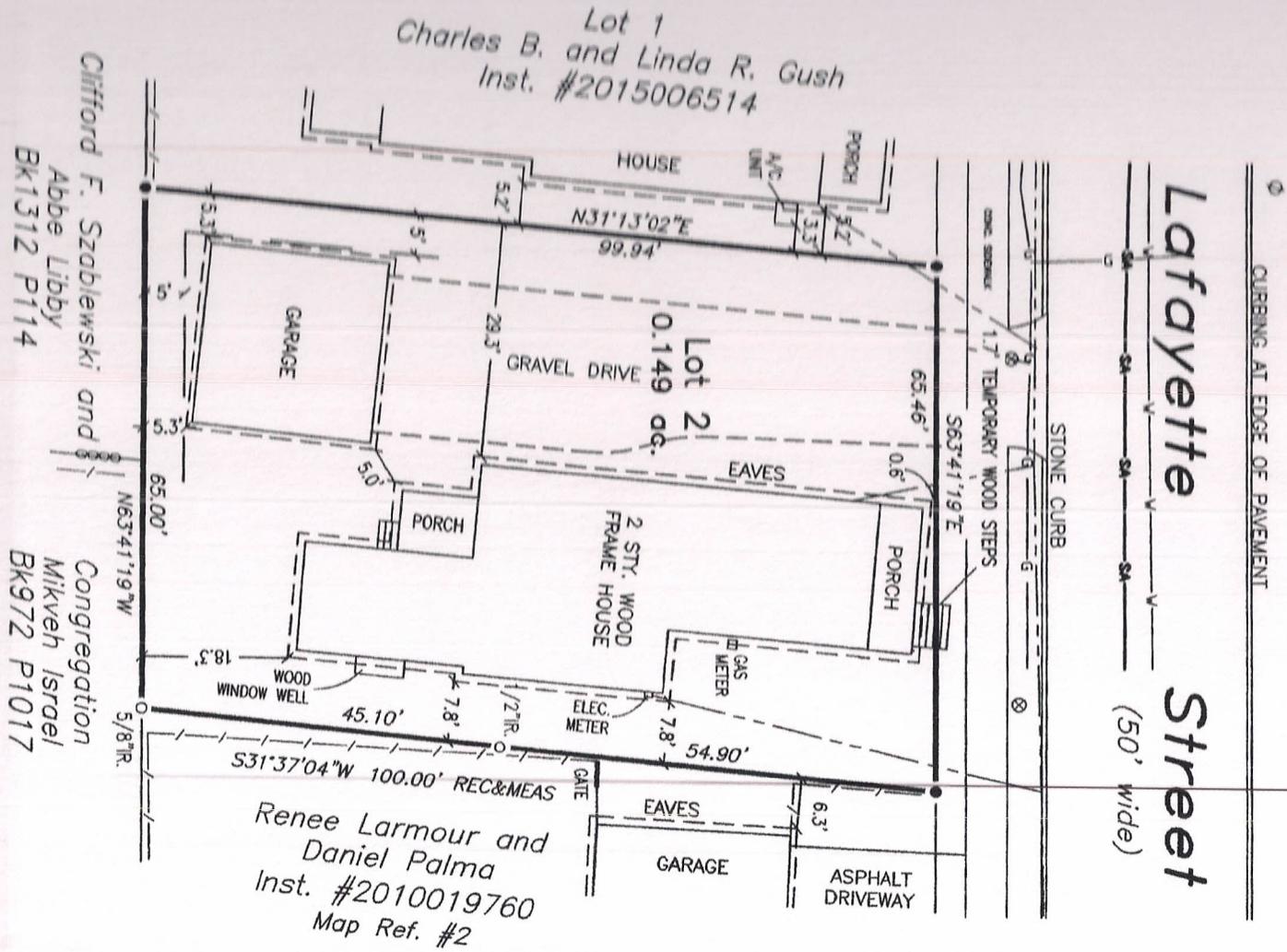
Original House To Remain



New Addition To Be Added After Removal of Existing Structure



Final "As-Built" Survey





# CITY OF SARATOGA SPRINGS

## ZONING BOARD OF APPEALS

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CITY HALL - 474 BROADWAY  
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*IN THE MATTER OF THE APPEAL OF*  
 Rejuvenation Homes Inc.  
 203 Lake Ave  
 Saratoga Springs NY 12866  
 Application #2689

from the determination of the Building Inspector involving the premises at 26 and 30 Lafayette St, in the City of Saratoga Springs, New York being tax parcel numbers 165.68-1-29 and 165.68-1-30 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, as amended to permit the demolition of one existing building and a portion of a second existing building and the renovation and construction of an addition to a single-family residence, and construction of a detached garage in a UR-4 District and public notice having been duly given of a hearing on said application held on the 11th day of March and the 20<sup>th</sup> day of May 2013. The Board notes that there is a second, related application regarding tax parcel 165.68-1-30, noted above, also referring to the demolition of the structure on that property as well as the structure on an adjacent property.

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 following area variance for the following amount of relief:

TYPE OF REQUIREMENT	DISTRICT DIMENSIONAL REQUIREMENT	PROPOSED	RELIEF REQUESTED
MINIMUM MEAN LOT WIDTH	100'	65'	35' OR 35%
MINIMUM SIDE YARD SETBACK	20'	7'	13' OR 65%
TOTAL SIDE YARD SETBACK	45'	37'	8' OR 17.8%
MINIMUM REAR YARD SETBACK	25'	22' 8"	2' 4" OR 9.3%
MINIMUM SEPARATION PRINCIPAL AND ACCESSORY BUILDINGS	10'	6'	4' OR 40%
MAXIMUM PRINCIPAL BUILDING COVERAGE	25%	26.2%	1.2%, OR 4.8% RELIEF

As per the submitted plans or lesser dimensions, be approved for the following reasons:

1. The applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. Per the materials submitted by the applicant to the Design Review Commission on April 11, 2013, a variety of alternatives in addition to the current proposal, encompassing the variances requested here and on the related application, were considered including rehabilitation of all three existing structures, demolition of all three and replacement with three new ones, and rehabilitation of two structures and removing one. While the first of these options-a rehabilitation of the three structures-would result in maintaining pre-existing nonconformities and therefore may have resulted in the fewest variances to be submitted to this Board, the Board finds that that option

would actually result in a greater number of dimensional nonconformities and therefore be less compliant with district requirements than the current proposal. By reducing the number of structures and enlarging the lot sizes as it is proposed here, the properties become closer to meeting the district requirements. Additionally, there were fire safety and building code issues, as well as cost considerations that made rehabilitation infeasible. Furthermore, on lot width and side setback, as noted by the applicant, there is no adjacent property that could be purchased that could provide greater lot width and room for more side setback.

2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. While the buildings proposed for partial and complete demolition are obviously of an advanced age and are listed as contributing structures, they are in an advanced state of disrepair. Furthermore, as noted by the applicant, the replacement of those buildings in a style consistent with the neighborhood, subject to review by the Design Review Commission, would be a positive contribution to the neighborhood. Additionally, neighborhood character would be advanced by the off-street parking made possible by the proposed driveway and garage set forth in the proposal, subject to approval by the city Department of Public Works.

3. Several of these variances, particularly the setbacks, are substantial; however, it should be kept in mind that the side setbacks are consistent with the density of the neighborhood, which is immediately proximate to the downtown district. The substantiality of lot width and side setbacks noted in this case exists to an even greater degree in the current configuration. Therefore the board notes that the proposal will result in a decrease in scale of non-conformity with district zoning requirements, compared to what would be required if a substantial overhaul was proposed of the individual properties on lots 26 and 30.

4. These variances will not have significant adverse physical or environmental effect on the neighborhood or district. The proposed amount of permeable surface of 49.5% will more than meet the district requirement of 15%. The board also notes this project includes the removal of a potential fire hazard of a wooden structure in disrepair in very close proximity to another on at lot 24, the subject of the related application referred to above.

5. The alleged difficulty is self-created insofar as the applicant desires to replace and renovate the subject buildings, but this is not necessarily fatal to the application.

Conditions/Notes:

Design Review Commission historic review is required.

The DRC issued a favorable advisory opinion on this proposal on May 15, 2013.

City DPW approval required for curb cut.

Adopted by the following vote:

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

NAYES: 0

Dated: May 20, 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.

5-23-13

Date

Will Moore  
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.