



## City of Saratoga Springs

BUILDING DEPARTMENT

CITY HALL

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## NOTICE OF VIOLATION/STOP WORK ORDER

July 8, 2016

Jeanne D'Agostino  
South Alley LLC  
38 Warren Street  
Saratoga Springs, NY 12866

RE: 39 Murphy Lane, Parcel# 165.84-1-22

Dear Ms. D'Agostino,

This order is in furtherance of and clarifies the reasons for the stop work order of Jan. 22, 2016 which ordered you to cease and desist all work associated with Building Permit #20151102 on your property located at 39 Murphy Lane, parcel #165.84-1-22, in the City of Saratoga Springs. The reason for this STOP WORK ORDER was the fact that you had progressed both beyond your approved variance from the Zoning Board of Appeals (ZBA) as well as outside the scope of your approved Building Permit plans.

The building plans as submitted on 8/3/15 with the building permit application show a crawlspace under the first floor. Although this differs from simply replacing the slab, as was indicated to the ZBA, this type of change is deemed minor. Similarly, when you deviated from those approved plans and increased your foundation size to create a basement, that change was also considered minor in nature as it was not anticipated to effect the variances as approved. As is our typical protocol, you were allowed to proceed with the concrete foundation pour on 12/22/15 under the condition that revised plans be submitted to show that the change was acceptable to your engineer. We were not in receipt of those revised plans until 5/3/16, approximately 4 1/2 months after you received the request and 3 1/2 months after the issuance of the initial STOP WORK ORDER on 1/22/16.

In the intervening month between the foundation pour inspection and the issuance of the STOP WORK ORDER it was clear that the project had become significantly different than the approvals that it had received both by the ZBA and the Building Department. Fill has been brought in and a once level site is now much higher than the alley and adjoining properties. This fill was a result of the foundation change and a requirement of the NYS Residential Code Section 401.3 to have adequate drainage away from the foundation walls. An assessment should be done to ensure that this requirement is not being exceeded and thus creating a run off problem in the alley and adjoining properties. You may even qualify for that section's exception.

Another result of the foundation change is that the first floor is now significantly higher than it was originally as well as being higher than depicted in the plans submitted for the building permit. This has led to the need for additional steps at the front landing and thus further principal building coverage than the existing variance allows. This change in elevation also means that there is new construction in areas of the required setback not previously considered by the ZBA. Both of these items will require you to seek an amendment to your variance from the ZBA.

Furthermore, although your plans indicate "repair, replace & sister as required" in multiple areas, the ZBA's 3/23/15 decision clearly does not authorize either "tearing down the barn and starting new" or "a removal of the existing barn" (decision paragraphs 1a and 1b). There have been massive changes in the exterior coverings from siding to roofing as well as all the roof framing and most of the wall framing. Given the fact that the renovation aspect of this project was so critical in the application, neighbor support and granting of the variance, I believe that it is incumbent upon me to refer this back to the ZBA for their interpretation as to whether the work done is consistent with the work that they anticipated and authorized.

Sincerely,



Stephen R. Shaw  
Zoning and Building Inspector

SRS/kgf