



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

APPLICANT(S)* OWNER(S) (If not applicant) ATTORNEY/AGENT
Name Ben McGuire Ben McGuire
Address [Redacted]
Phone /
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: [X] Owner [] Lessee [] Under option to lease or purchase

PROPERTY INFORMATION

1. Property Address/Location: 97 Lawrence St. Tax Parcel No.: 165.51.1.9
(for example: 165.52-4-37)

2. Date acquired by current owner: 12/27/13 3. Zoning District when purchased: UR2

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

6. Has a previous ZBA application/appeal been filed for this property?
[] Yes (when? For what?)
[X] 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: Require Area Variance along side property line in rear of property to repair/expand existing back porch into slightly larger screened porch. Side lot line is previously existing non-conforming use.

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

10. Has the work, use or occupancy to which this appeal relates already begun? [] Yes [X] 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) [X] 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".

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)

5, 3, 4 - Extension of Expansion of use
5, 4, 4 - Expansion of structure
From To

Dimensional Requirements

Current side set back is approximately 5 feet 6 inches.

5ft 15ft

Current legal non-conforming use or back porch is approximately 5ft. Need an additional ± 10 foot expansion of use to allow for bigger screened in porch.

Other: Current Porch is Approximately 5ft x 10ft. New porch would be approximately 15ft x 15ft.

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 Alternatives are limited unless we simply rebuild the current porch/mud room which needs to be repaired. We'd like to improve the porch so that it can be used on a regular basis by our family. If we were to expand the porch, this is the only place it could be done as the current exit from our kitchen is located on the back/side of the property. This limits where the porch must begin. We could look to make the porch big + thin along the back of the property but our laundry room exhaust + window would be inside the porch which would cause an issue.

- 2. Whether 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 variance would not cause a detriment or an undesirable change in the neighborhood and will only improve the neighborhood as we are attempting to improve our home. Also, other properties in our neighborhood, including the immediate neighbors who would be affected by this variance, the most have already received approvals in the past to add an addition (family room) to their residence.

Revised 12/2015 Granting the variance would allow us to make an improvement to our property similar to other improvements made to neighboring properties previously.

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

The variance is not substantial as it will only increase the legal non-conforming use by approximately 10 ft. The variance will only extend the non-conforming use along the side lot line. All other setbacks will not be effected!

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:

I do not believe the variance would have any adverse physical or environmental effects on the neighborhood. The back porch will be slightly larger than the existing porch but the property will look much better when finished. No major trees will be harmed in this construction. The construction will be similar to previous construction on other homes in neighborhood which was previously allowed.

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:

Technically the alleged difficulty is self created as we wish to expand upon the current dilapidated porch. However we are also limited where we could expand otherwise due to the design of the home and current exit points. Also considering our side set-back is legally non-conforming and was not self-created makes it difficult for us to make any changes along said boundary without ripping off the entire back portion of the home and rebuilding same so that it complies with the zoning code. This would be extremely cost prohibitive as we would have to relocate our dining room closet and our entire laundry room while also remodeling half our kitchen. We could not afford that type of major project. Increasing the area variance is the only feasible way for us to create a slightly larger rear porch which we can actually use on a ~~regular~~ regular basis and improve our home + the surrounding neighborhood.

DISCLOSURE

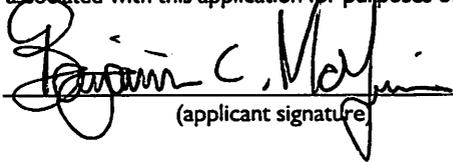
Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? No Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

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)

Date: 6/8/16

(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: _____

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

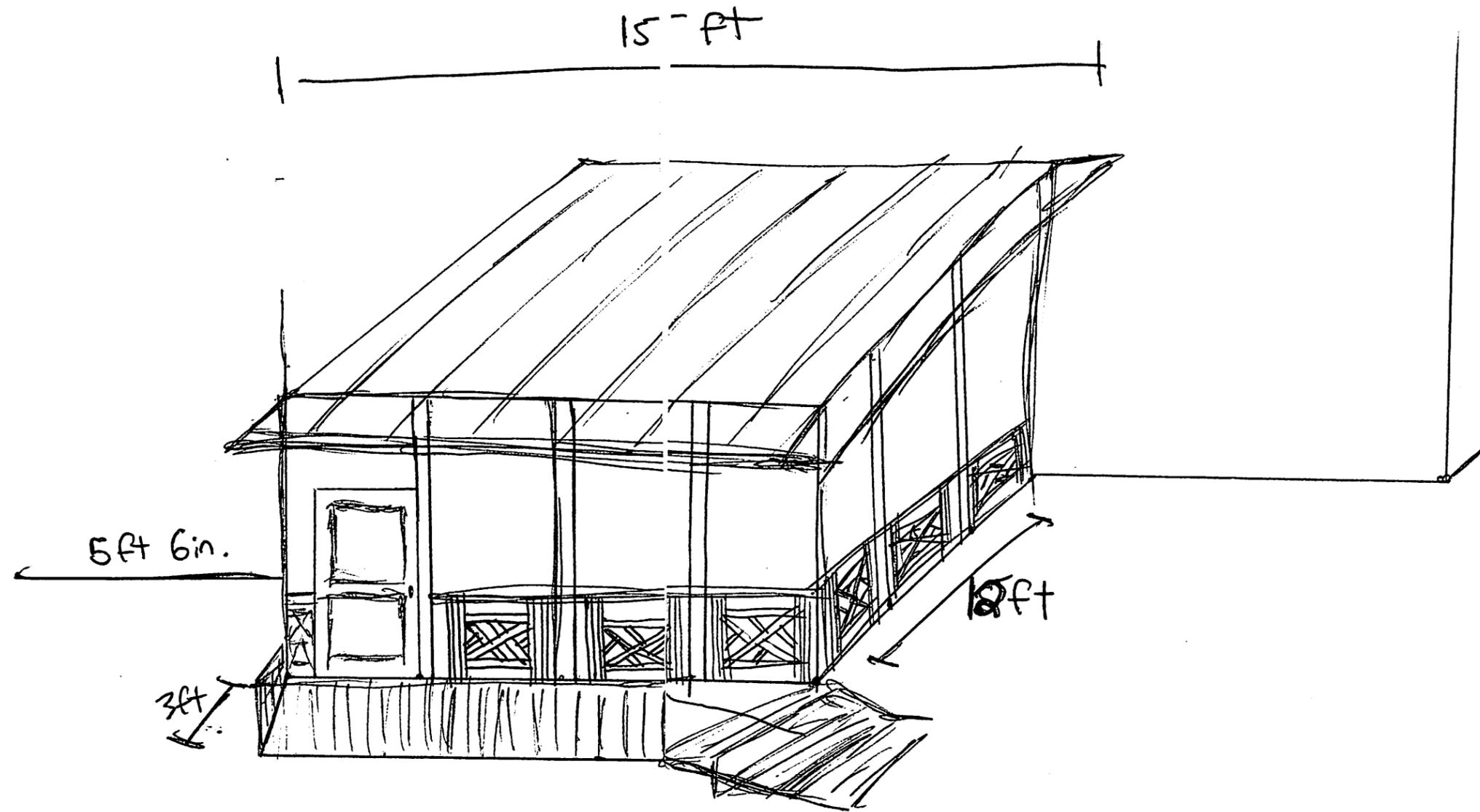
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

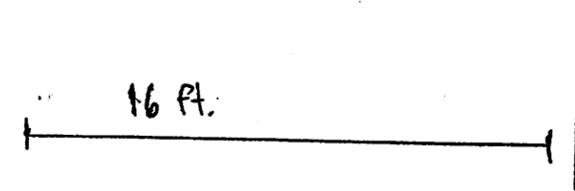
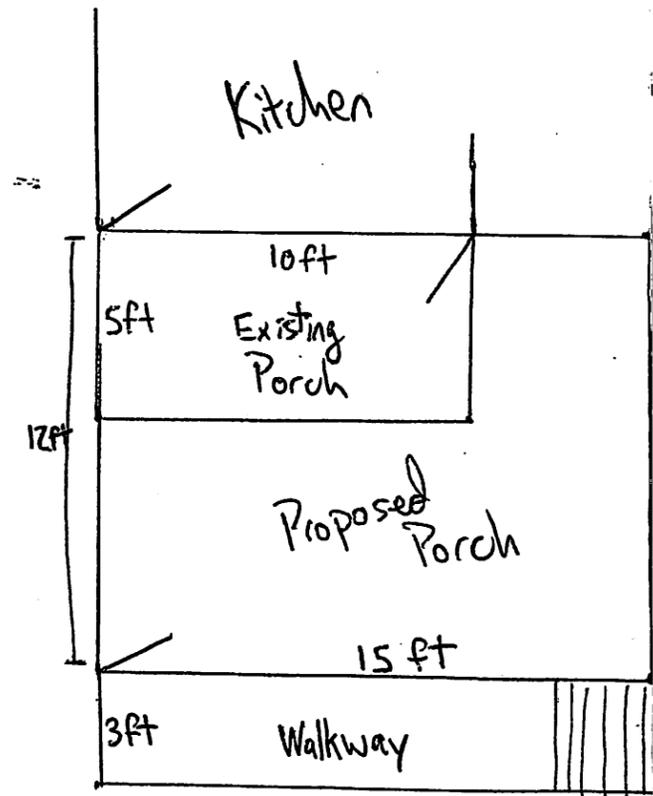
| Part 1 - Project and Sponsor Information | | | |
|--|--|---|--|
| Name of Action or Project: <u>Construction/Expansion of Existing Back Porch.</u> | | | |
| Project Location (describe, and attach a location map): <u>97 Lawrence St., Saratoga Springs, NY 12866</u> | | | |
| Brief Description of Proposed Action: <u>• Current Rear porch is falling apart. Dimensions are approximately 8 feet x 10 feet. Project would replace old porch w/ new screened porch with Dimensions of approximately 15 feet x 15 feet.</u> | | | |
| Name of Applicant or Sponsor: <u>Benjamin + Heather McGuire</u> | | Telephone: [REDACTED] | |
| Address: [REDACTED] | | E-Mail: [REDACTED] | |
| City: [REDACTED] | | State: [REDACTED] | Zip Code: [REDACTED] |
| 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: | | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action? | | <u>.13</u> acres | |
| b. Total acreage to be physically disturbed? | | <u>25ft x 25ft</u> acres | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | <u>.13</u> acres | |
| 4. Check all land uses that occur on, adjoining and near the proposed action. | | | |
| <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" 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>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Benjamin C. McGuire</u> Date: <u>6/8/16</u></p> <p>Signature: <u><i>Benjamin C. McGuire</i></u></p> | | |





Left
Property
Line



Right
Property
Line