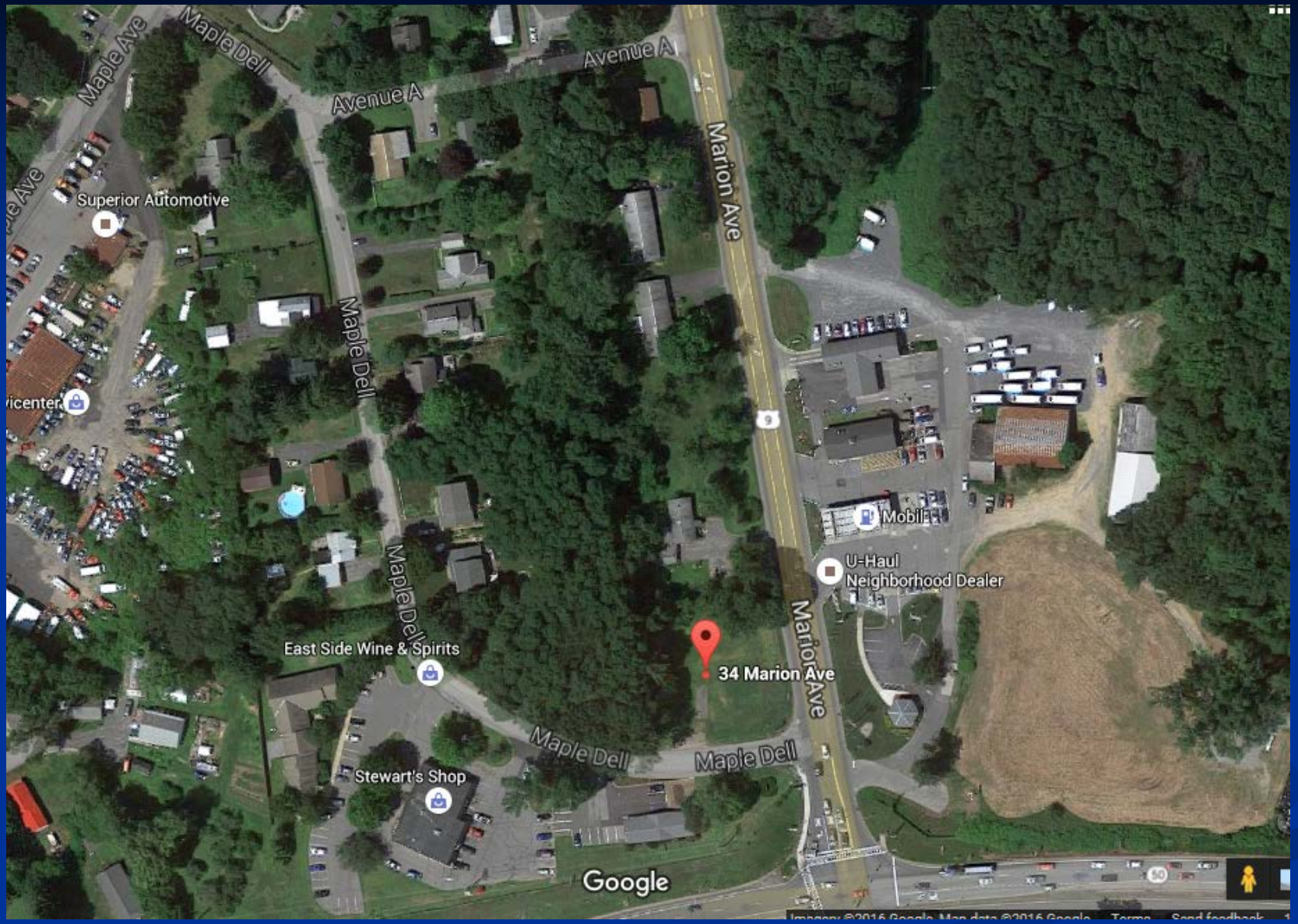
Maple Shade Corners, LLC

Use Variance for 34 Marion Avenue

Zoning Board of Appeals

June 20, 2016



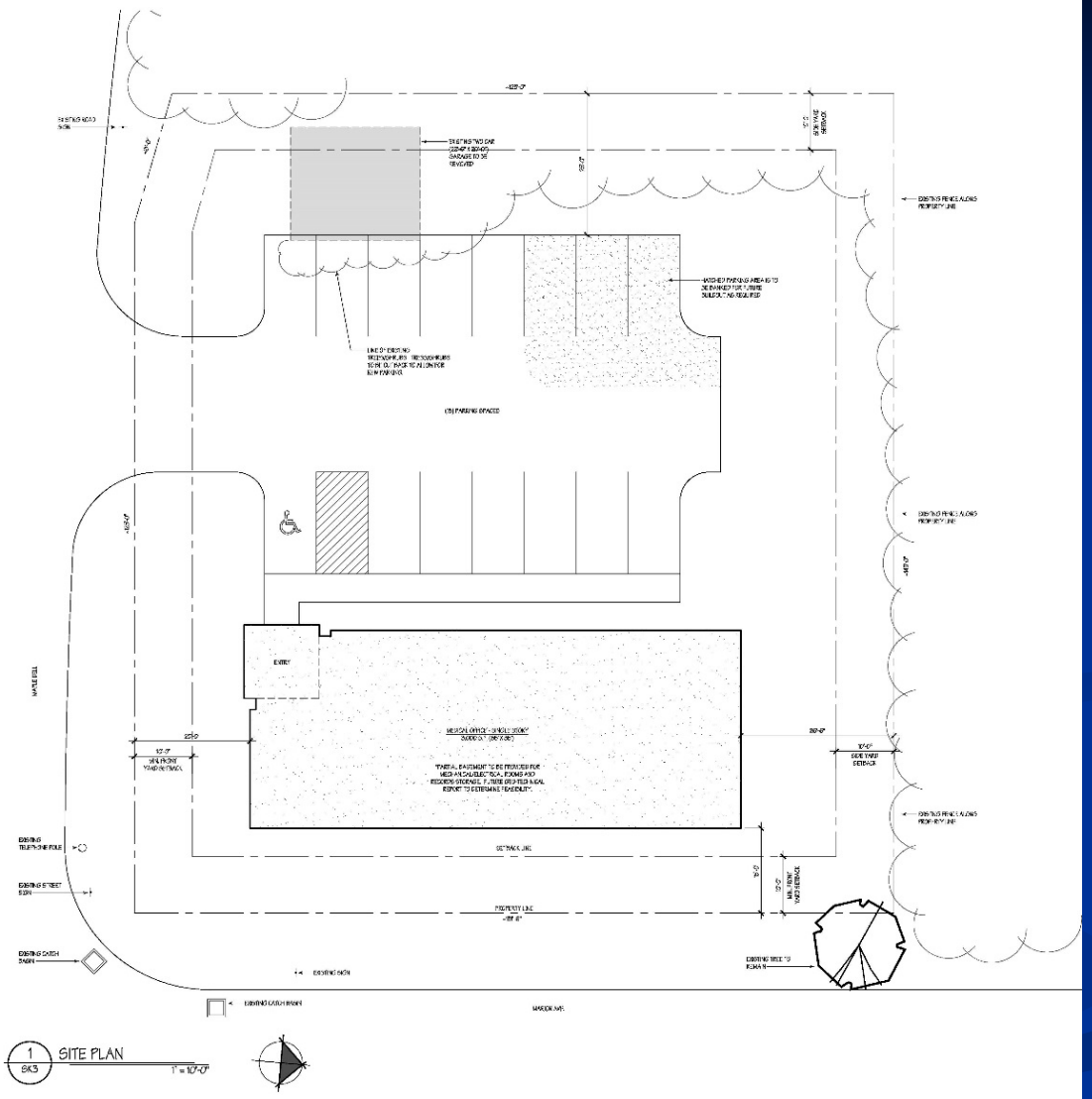
Tuczinski, Cavalier & Gilchrist, P.C.

Existing Site

Use Variance

- UR-2 district:
  - strict application of zoning law has resulted in unnecessary hardship.
  - Under zoning restrictions, no reasonable use may be made of the parcel.
- Prior Variance applications: commercial for sporting goods store; commercial for professional office use.
- Current Variance: use variance for specialized satellite office

Sketch Plan



the ARCHITECTURAL COLLABORATIVE

16 SUFFOLK LANE, GANSEVOORT, NY 12831 - 518.798.6236

CLIENT LOGO:

CONSULTANT LOGO:

General City Law §81-b

STANDARDS - USE VARIANCE

Have the zoning regulations caused unnecessary hardship?

- ❑ **Applicant cannot realize a reasonable return.**
- ❑ **The alleged hardship is unique and does not apply to a substantial portion of the neighborhood.**
- ❑ **The variance will not alter the essential character of the neighborhood**
- ❑ **The variance is not self created.**

1. Reasonable Return on Investment

- Competent financial evidence
  - Marketed since 2005
    - Commercial and residential use
  - Three offers – prior were withdrawn because of zoning.
  - No economic return for residential use – value is $0 because no interest.
  - Character of the neighborhood developed. No interest in residential uses in 2016.

Proof re: Marketing/Sale

- Marketed since 2005 (11 years)
  - Commercial and Residential
- Price decrease -$500,000 to $140,000
- Demolition
- Three offers
  - All contingent on commercial use
- Published in MLS, For Sale signage, website presence

McNeary Realty

Hello,

I have been the realtor for the property located at 34 Marion Avenue in the city of Saratoga Springs for the last three years. The property has been listed with my office since 2005, when it was originally listed as a commercial listing. This listing was corrected to residential listing in 2008. In the three years since I have had the listing, I have fielded approximately 100 calls from potential purchasers inquiring about the property. These calls have been predominantly inquiries as to whether the property could be used for commercial use, due to its location on a busy street, in what has become an increasingly commercial area over the last decade.

Despite all of the calls that I have received for interest in the property, the property has only been shown 5 times. Two offers have been generated recently, in 2014 and 2015, but they both were rescinded after they reviewed the process for obtaining commercial use. In the time the property has been listed for residential use, 2008 until the present, no offers have been made to purchase the property for the allowed use. Prior to my listing of the property, it was listed by Dinda Dahlstrom, Tammy Kalker, and Fred McNeary in my office. They advise that the history has been approximately 180 calls and two offers that were withdrawn.

The property has been listed on the MLS, McNeary Realty's website and on Realtor.com. The property has had a for sale sign posted continuously. I am happy to provide any additional information I can about the history of our attempts to market and sell this parcel.

Please feel free to contact me at **518-928-9891**.

Best regards,

Peter Riposa 5/20/16

Peter Riposa
Real Estate Agent

Listing History

Year	Listing Price	Notes on Listing
2005	$499,500	Commercial
2007	$499,500	Commercial
2008	$529,000, then $375,000	Residential
2012	$359,000	Structure demolished
2013	$250,000	Vacant residential listing
2014	$190,000 offer	Contract cancelled because of use
2015	$135,000 offer	Contract cancelled because of use

Pre- demolition property Condition

Lack of reasonable return established where dilapidated improvements severely impair value for conforming use.

Property Condition

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Cost for use as zoned

- Vacant lot - $140,000
- Modest residential ranch
  - 1300 sf
  - $206,000 to construct house
- Total - $346,000.

M.B. Custom Millwork & Construction

M.B. Custom Millwork & Const. LLC.
227 Jones Rd. Saratoga Springs, N.Y. 12866
518-669-9886 ph. 518-587-2473 fax
mtbmikeb@gmail.com

Proposal

To: Bill Healy

Project location: #54 Marion Ave. Wilton, New York

Proposal for standard build, single family home located at address above.

Included in Proposal: Specification Sheet for single family dwelling.

M.B. Millwork Proposes to construct new single-family dwelling at #54 Marion Ave.

Proposed cost of project: (pending blue print review) $ 206,000.00

Documents included as instrument of this proposal: Build Specs

Respectfully submitted:

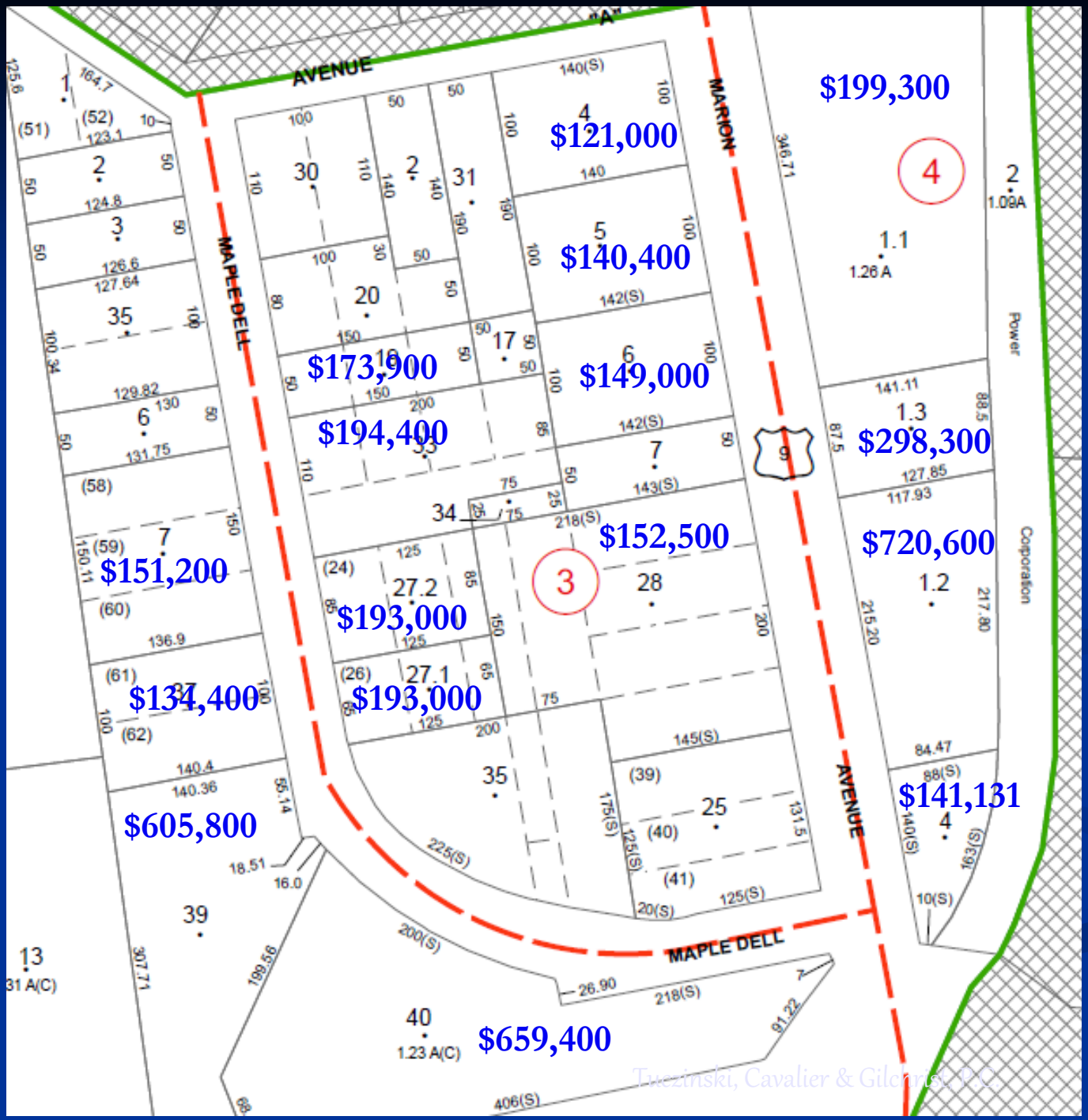
Michael R. Bollinger, Owner M.M Millwork and Const. LLC.

Minimum Cost for Allowable Uses

- Residential
  - MB Custom Millwork & Construction – 1350 sf home
  - Total cost
  - « 2 x assessed value of adjacent residential
- Commercial uses
  - Cost to construct higher than $350,000
  - Insufficient size lot for uses

Jay Verro

Assessed values



Non residential uses requiring SUP/Site Plan

- Private school
- Religious institution
- Private club
- Cemetery
- Neighborhood B&B or rooming house
- Senior Housing or Senior Assisted Care Facility

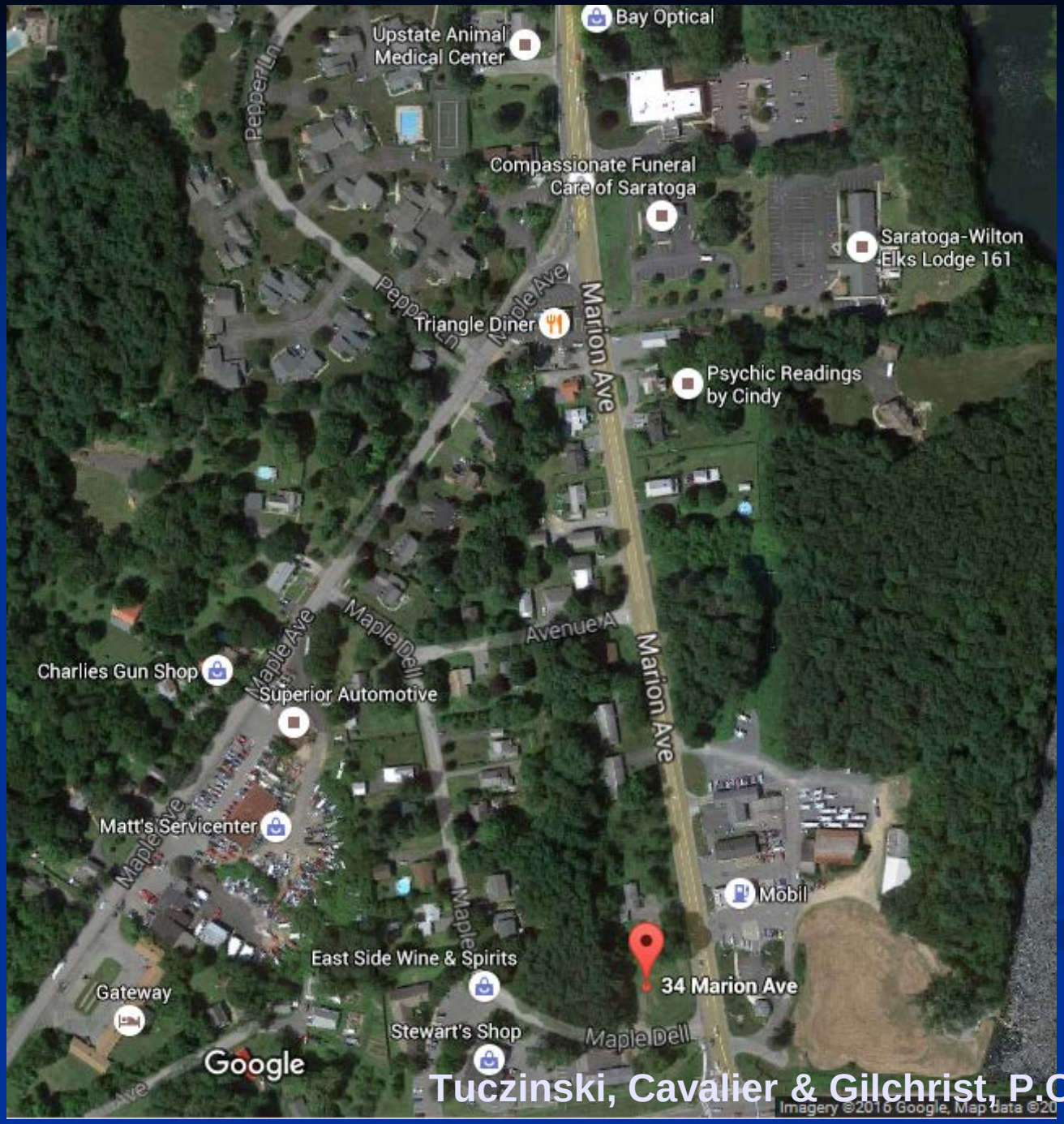
Specially Permitted Uses

- Site size
- Lack of available parking area
- Cost to construct
- If concentrated times for traffic (school, church) site would not work

2. Financial Hardship is Unique

- Unique location
  - Corner of busy intersection
  - Purchased in 1982 - residential roadways – low traffic volume
  - Currently - Urban Minor Arterial
- Maple Dell residences – not same impact from traffic (200- 2756 trips)

Traffic Volumes



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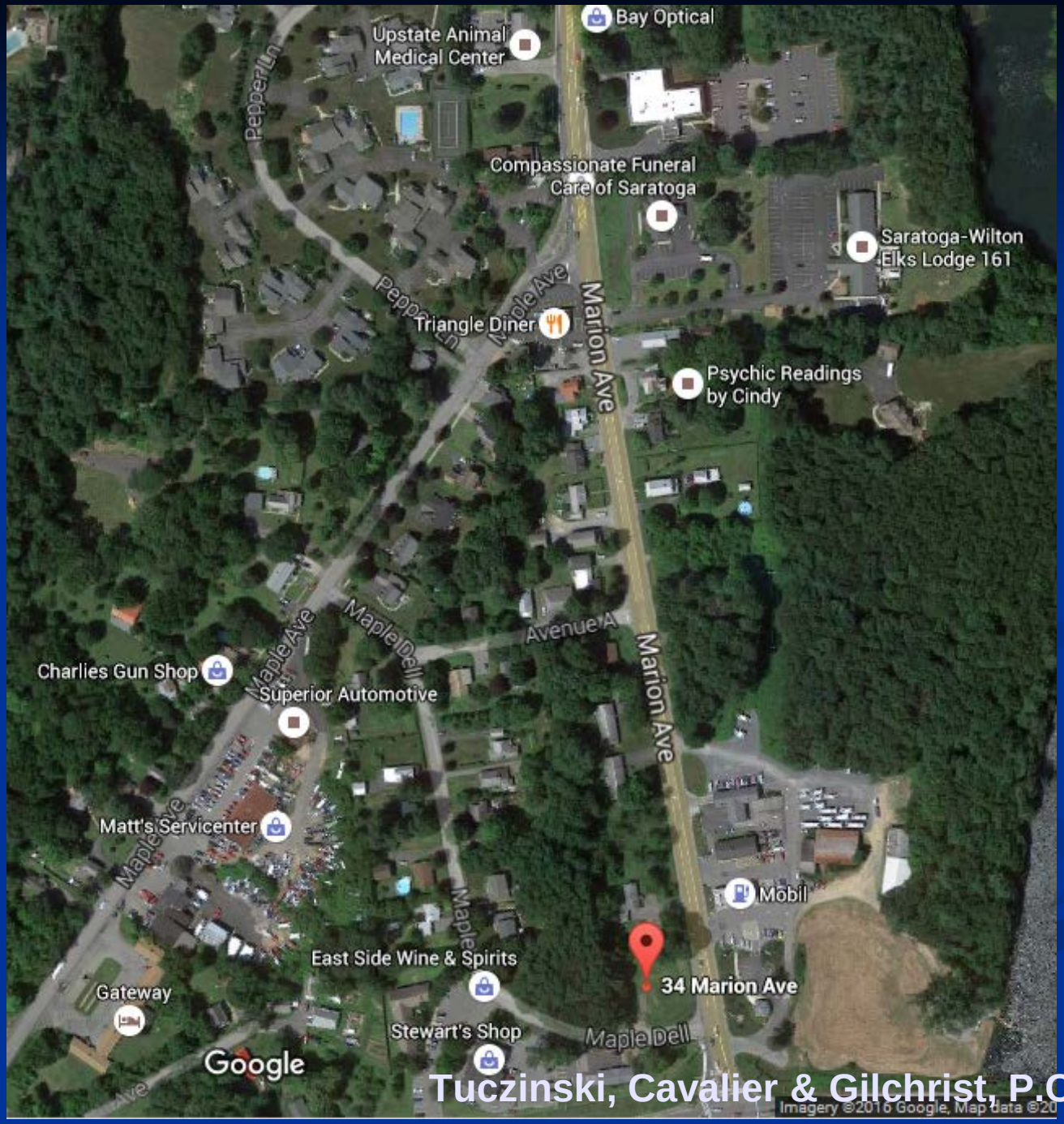
Expectation of Growth

- Additional impact on traffic
  - Fresh Market Center
  - The Hamlet
  - Unconstructed apartments on Excelsior
  - Development Maple Ave west in Greenfield and Wilton

3. Altering Essential Character of the Neighborhood

- Mix of commercial and residential
- Less intense use than surrounding businesses
- Building will provide buffer to sound and visual impacts of Marion Avenue

Commercial Properties on Maple Ave and surrounding areas



4. Self Created Hardship

- Applicant is under contract to purchase
- Prior attempts to change use
- Efforts to sell as residential
  - No valid offers.
  - Continued reduction in price.
  - No currently valid uses.

Hardship

- Hardship created by increased commercial nature of surrounding area – beyond owner's control
  - Greenfield, Wilton and Saratoga Springs
- Saratoga's designation as Gateway

Proof: (1) economically unfeasible to make property compliant with permitted uses and (2) no economic return as zoned

- Financial evidence
  - Realtor's testimony & documentary evidence
  - Builder's cost estimate
  - Marketing history and efforts
  - Change in uses within short radius
  - Assessed value of surrounding properties
- Other Uses
  - Size of lot - prohibitive

Property Use

- Satellite office
- Light intense commercial use during business hours
- Low traffic generator
- Maintaining vegetative buffer

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