



# 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	Matt Sames		James Easton MJ Engineering
Address	[REDACTED]		21 Corporate Drive, Suite 105 Clifton Park, NY 12065
Phone	[REDACTED]	/	[REDACTED]
Email	[REDACTED]		[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: 20 Bowman Street Tax Parcel No.: 179 29 3 11  
(for example: 165.52 - 4 - 37)

2. Date acquired by current owner: \_\_\_\_\_ under contract 3. Zoning District when purchased: TRB

4. Present use of property: commercial 5. Current Zoning District: TRB

6. Has a previous ZBA application/appeal been filed for this property?  
 Yes (when? \_\_\_\_\_ For what? \_\_\_\_\_)  
 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: \_\_\_\_\_  
Converting an existing one story commercial building into a 2 story building with drinking and eating establishment on the first floor and apartment on the second floor.

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)

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:

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**AREA VARIANCE – PLEASE ANSWER THE FOLLOWING** (add additional information as necessary):

240-2.0

The applicant requests relief from the following Zoning Ordinance article(s) \_\_\_\_\_

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
Second Floor Addition - Front Minimum Setback	40'	25.5'
Second Floor Addition - North Side Minimum Setback	40'	6.8'
Parking - South Side Minimum setback	20'	1.8'
Parking - Rear Minimum setback	25'	7.8'
Parking - Front Minimum setback	40'	27.1'
Deck - North Side Minimum setback	40'	8.1'

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.

The building side and front setbacks are necessary to make the existing building conform to the current zoning code. The apartment will be added to conform to the comprehensive plan, where second floor apartments are encouraged.

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

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 use of drinking and eating establishment is allowed within the Tourist Related Business district. The property to the north is used as track parking and will not be affected. There are currently eating and drinking establishments in the neighborhood, although this will geared towards an upscale clientèle.

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

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

No, as the existing building does not conform to code.

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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:

No, as the existing building footprint is to remain the same, there is no change in the character of the neighborhood. Also as the existing parking in front is located to the side, it will not conform with City code and again be similar to the existing business in the neighborhood.

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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:

The proposed building variances are not self created as the existing building does not comport to the City code. The parking variance setback is also not self created as a result of the City code requirement of 24' travel way and 18' parking stalls, the side parking variance is required, as no parking based upon dimension and code compliance would be allowed on parcel if a variance was not granted.

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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: 8/2/16

\_\_\_\_\_  
(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: \_\_\_\_\_

**ZONING AND BUILDING INSPECTOR DENIAL  
OF APPLICATION FOR LAND USE AND/OR BUILDING**

APPLICANT: \_\_\_\_\_ TAX PARCEL NO.: \_\_\_\_\_ . \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_ ZONING DISTRICT: \_\_\_\_\_

This applicant has applied to use the identified property within the City of Saratoga Springs for the following:

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This application is hereby denied upon the grounds that such use of the property would violate the City Zoning Ordinance article(s)

\_\_\_\_\_. As such, the following relief would be required to proceed:

Extension of existing variance       Interpretation

Use Variance to permit the following: \_\_\_\_\_

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Area Variance seeking the following relief:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: \_\_\_\_\_

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Note: \_\_\_\_\_

Advisory Opinion required from Saratoga County Planning Board

\_\_\_\_\_  
ZONING AND BUILDING INSPECTOR

\_\_\_\_\_  
DATE

**Zoning Board of Appeals  
Project Narrative  
for**

**20 Bowman Street  
City of Saratoga Springs  
Saratoga County, New York**

Prepared for:  
Matt Sames  
Sames Media Group  
Located at  
19 Blue Jay Way  
Rexford, NY 12148

September 13, 2016

*Prepared by:*



Engineering and  
Land Surveying, P.C.

21 Corporate Drive, Suite 105  
Clifton Park, NY 12065

Tel: XXXXXXXXXX  
Fax: XXXXXXXXXX



## **INTRODUCTION**

The proposed project consists of one tax parcel in the City of Saratoga (tax parcel 179.29-3-11) comprising 0.29 acres. The existing commercial lot is situated between a restaurant/bar to the south and residential property to the west/north, with a vacant residential lot used as track parking directly to the north. See attached aerial map and tax map. The proposal application wishes to renovate an existing 1,500 commercial building, by removing the roof and making a second floor 1,500 SF apartment above the existing space, which will be converted into an eating and drinking establishment. The existing dated, concrete building will be renovated using stone, dark woods, black iron hinges and fixtures. An open air connection would be created between the patio and the restaurant. The year-round establishment will feature a menu of flatbreads, meat and cheese boards, and tapas style plates. The drink offerings will include wines, microbrewery beers, and various vodka drinks, with an upscale lounge atmosphere.

## **Zoning**

The parcel is within the Tourist Related Business (TRB-zone). To the north of the site the zoning is Urban Residential-2 (UR-2).

## **Parcel**

The parcel has an area of 0.29 acres and has a lot frontage of 100 feet and a depth of 124.9 feet.

## **Water**

There is service currently within the property. A water district extension would not be needed.

## **Sewer**

Currently no sewer service is available within the property. A grinder pump station will be needed.

## **Stormwater**

Stormwater will be managed by an underground infiltration array system.

## **Usage**

The proposed use of eating and drinking establishment is an approved use. The second floor apartment is an approved use within the TRB zone with a special use permit issued by the City.

## **VariANCES**

### Second Floor Addition

The existing building does not conform to the setbacks for the TRB zone. Therefore the following variances are required for adding a second floor to the building:

1. Front minimum setback from 40 feet to 25.5 feet (to building overhang).
2. North side minimum setback of 40 feet to 6.8 feet (to building overhang).

The schematic design proposes 17 parking spaces. 2 parking spaces for the apartment, 13.5 spaces for the eating and drinking establishment (1 space for 4 seats = 54 seats/4 seats per stall), 1.5 spaces for the employees (1 space for every 2 employees = 3 employees/2). Therefore the following variances are required to allow the required parking within the parcel:

1. South side minimum setback of 20 feet to 1.8' feet.
2. Rear minimum setback of 25 feet to 7.8 feet.
3. Front minimum setback of 40 feet to 27.1 feet.

The deck providing access to the second floor apartment requires the following variances:

1. North side minimum setback of 40 feet to 8.1 feet.

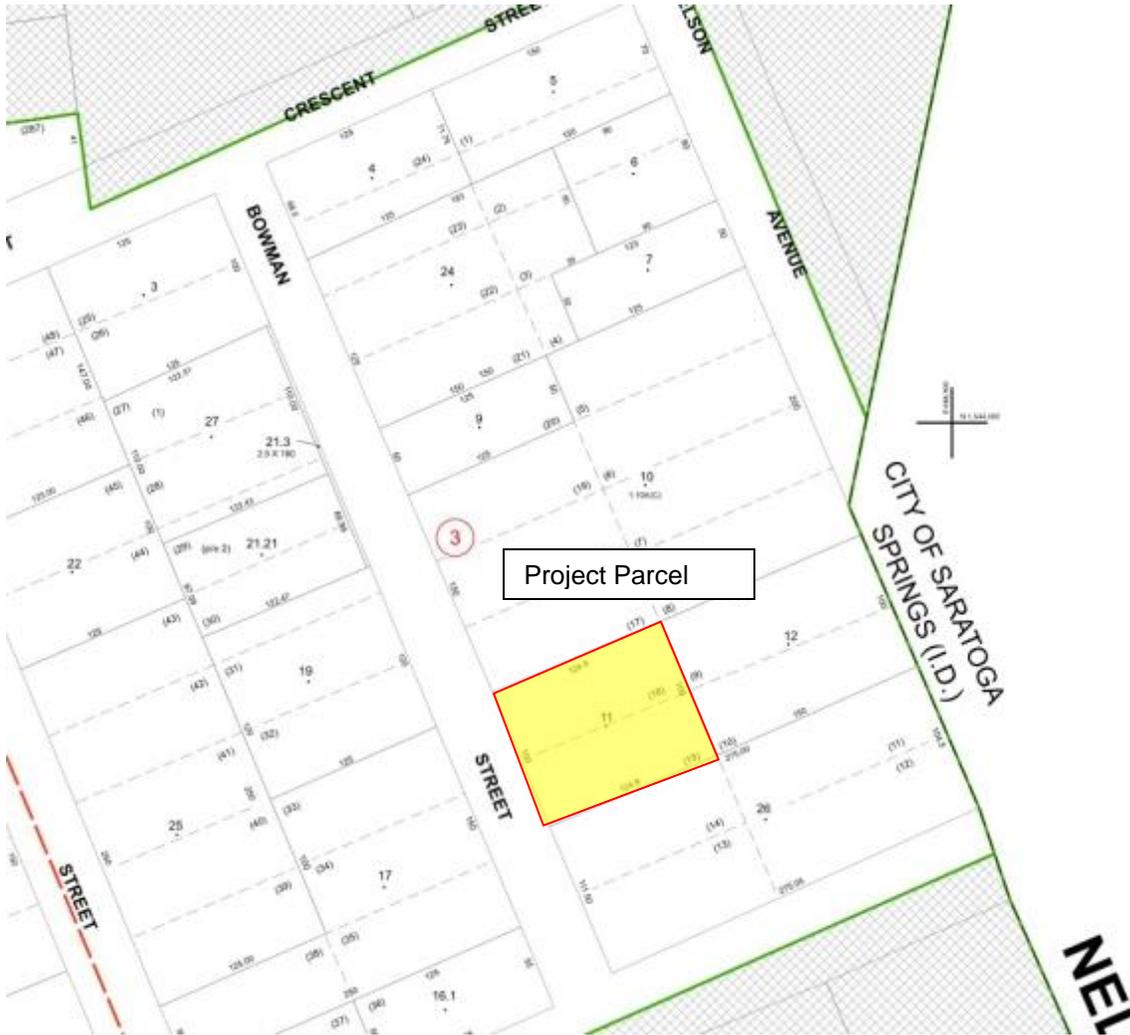


**EXHIBITS:**

- |                  |                   |
|------------------|-------------------|
| <b>Exhibit 1</b> | <b>Aerial Map</b> |
| <b>Exhibit 2</b> | <b>Tax Map</b>    |
| <b>Exhibit 3</b> | <b>Site Photo</b> |



Aerial Map

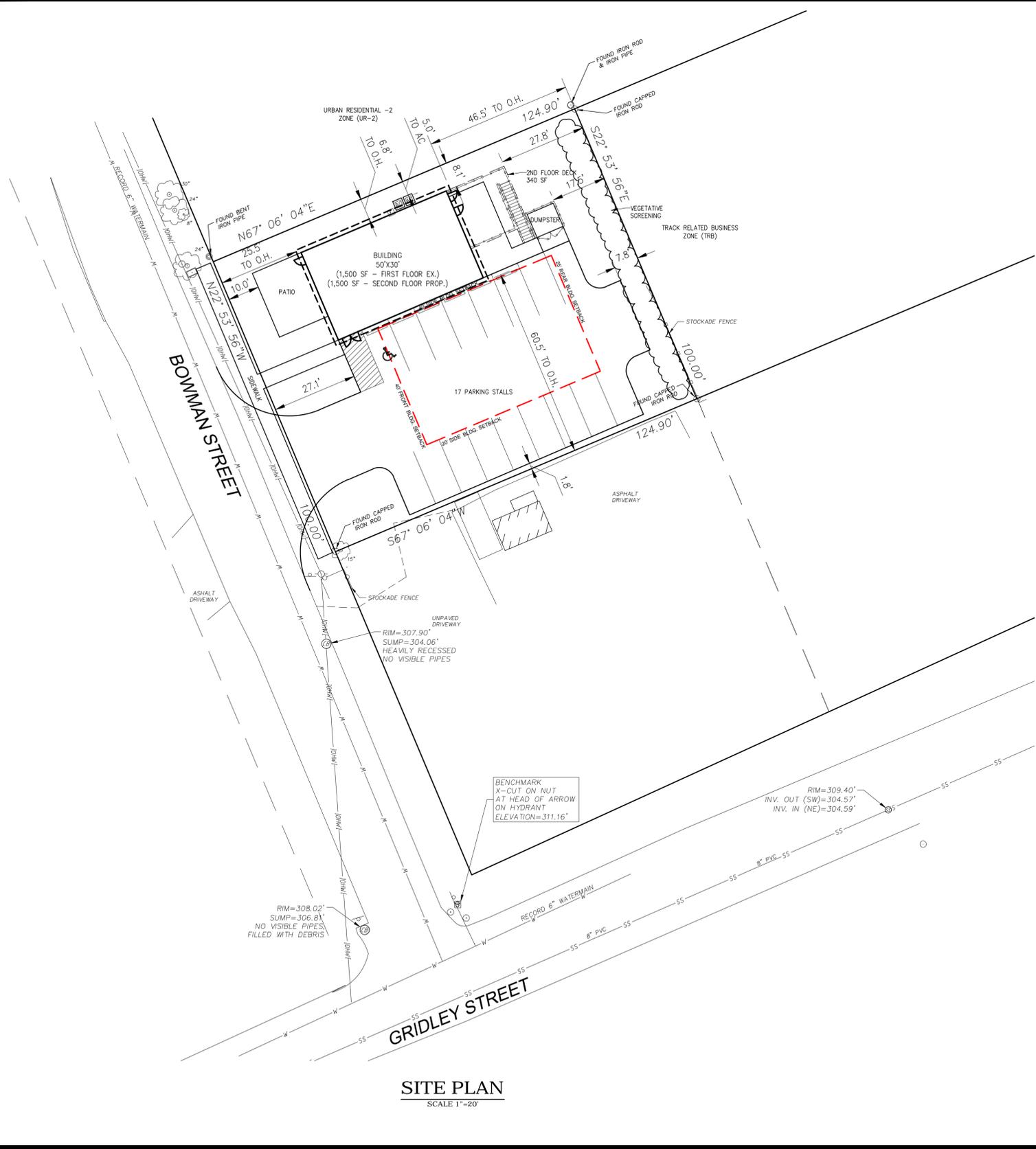


Tax Map



Image capture: Jul 2014 © 2016 Google

Street View Photo – Existing Conditions



**SITE STATISTICS**

SITE AREA:	12,490 SF (MIN LOT SIZE IS 10,000 SF)
EXISTING ZONE:	TRB (TOURIST RELATED BUSINESS)
USE:	DRINKING AND EATING ESTABLISHMENT 1ST FLOOR, APARTMENT 2ND FLOOR (SPECIAL USE PERMIT FOR APARTMENT IN TRB ZONE)
PARKING:	REQUIRED= 17 SPACES PROPOSED= 17 SPACES BASED UPON 2 SPACES PER APARTMENT= 2 REQUIRED. BASED UPON 1 SPACE PER 4 SEATS= 54 SEATS/4 SEAT PER STALL=13.5 SPACES BASED UPON 1 SPACE PER EVERY 2 EMPLOYEES= 3 EMPLOYEES= 1.5 SPACES
MINIMUM LOT WIDTH:	100' IN TRB (HAVE 100')
SETBACKS BLDG:	FRONT=40' (TRB) NORTH SIDE=40' (TRB) SOUTH SIDE=20' (TRB) REAR= 40' (TRB)
MAX HT:	40'
GREEN SPACE:	30% REQUIRED (PROPOSED 33.3%= 4,129 SF/12,400 SF)
PRINCIPAL BLDG:	20% REQUIRED (PROPOSED 12%=1,500 SF/12,400 SF)

PRELIMINARY DRAWINGS: NOT FOR CONSTRUCTION

THE ALTERATION OF THIS MATERIAL IN ANY WAY, UNLESS DONE UNDER THE DIRECTION OF A COMPARABLE PROFESSIONAL, (I.E.) ARCHITECT FOR AN ARCHITECT, ENGINEER FOR AN ENGINEER OR LANDSCAPE ARCHITECT FOR A LANDSCAPE ARCHITECT, IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW AND/OR REGULATIONS AND IS A CLASS 'A' MISDEMEANOR.

SUBMITTAL / REVISIONS					
No.	DATE	DESCRIPTION	BY	REVIEWED BY:	DATE

PROJ. MANAGER:	JWE
CHIEF DESIGNER:	JWE
DESIGNED BY:	JWE
DRAWN BY:	JWE
CHECKED BY:	-

SEAL

DRAFT

**Engineering and Land Surveying, P.C.**  
1533 Crescent Road - Clifton Park, NY 12065

MATT SAMES  
**CONCEPT SITE PLAN #1**  
20 BOWMAN STREET  
CITY OF SARATOGA SPRINGS NEW YORK

SCALE: AS SHOWN  
CONTRACT No.: -  
MJ PROJ. No.: 972.17  
DATE: AUGUST 2016

**C-2**  
SHEET 2 OF 2