



# CITY OF SARATOGA SPRINGS

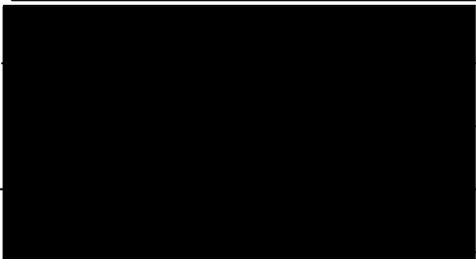
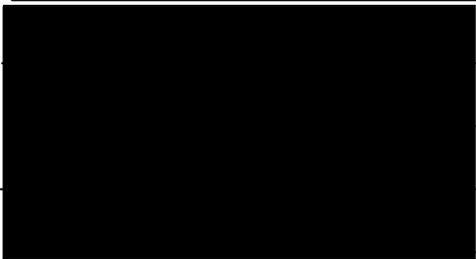
City Hall - 474 Broadway  
Saratoga Springs, New York 12866  
Tel: 518-587-3550 fax: 518-580-9480

[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	Jason DiIulio	_____	_____
Address		_____	_____
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:  Owner  Lessee  Under option to lease or purchase

### PROPERTY INFORMATION

1. Property Address/Location: 122 North St. Tax Parcel No.: 166 .46 - 1 - 13  
(for example: 165.52 - 4 - 37)

2. Date acquired by current owner: 8/22/2016 3. Zoning District when purchased: UR-3

4. Present use of property: Primary Residence 5. Current Zoning District: UR-3

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: \_\_\_\_\_

The current detached garage is not structurally sound and I plan to demolish and reconstruct the garage with livable space above the garage.

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:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**AREA VARIANCE** – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):  
2.2 and 6.0

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

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

Other: \_\_\_\_\_  
Accessory structure unfinished and uninhabitable space - I would like to construct habitable space above the garage.

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.

I have considered an addition to the primary residence, but this would

1. reduce the green space/lawn.
2. reduce the distance to adjacent neighbors
3. high cost.
4. decrease the amount of area for water to be absorbed into the ground and creating greater impact to the storm water system.

- 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:

Granting the variance will not produce an undesirable change in the character of the neighborhood because the garage currently exists in the location therefore the aesthetics will not change. In addition the structure is located on the back of the lot and is accessed by Pilkington Lane which is the alley for accessing the garages for James St., North St. and York Ave. Most of the current neighboring garages have livable space above their garages along Pilkington.

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

The request is not substantial because the garage currently exists. It is not structurally sound and needs to be reconstructed.

Therefore, the addition of the habitable space above would be a minor cost impact while substantially increasing the benefits of the property.

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:

The environmental and physical effect will be minimal as the variance will be in the use of space above the garage. There is

minimal impact since a garage currently exists and the change is utilizing the space above the garage and matching neighboring garages.

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 difficulty was not self-created, but to maximize the efficiency of the size of the lots and homes in the downtown Saratoga area it seems most efficient use of space by utilizing area already present. It would seem to be more beneficial by utilizing vertical space rather than an addition to the house which would have a greater negative impact to the property and adjacent properties.

DISCLOSURE

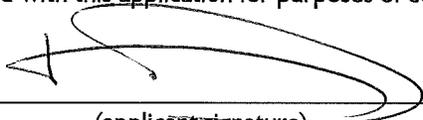
Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application?  No  Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

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: 8/23/2016

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

\_\_\_\_\_  
(applicant signature)

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:

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

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: \_\_\_\_\_

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

Area Variance seeking the following relief:

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

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

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

Advisory Opinion required from Saratoga County Planning Board

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

\_\_\_\_\_  
DATE

# Short Environmental Assessment Form

## Part 1 - Project Information

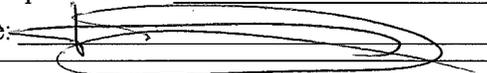
### Instructions for Completing

**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.

<b>Part 1 - Project and Sponsor Information</b>			
Jason DiIulio			
Name of Action or Project: Loft above Garage			
Project Location (describe, and attach a location map): 122 North St., Saratoga Springs, NY 12866			
Brief Description of Proposed Action: The property currently has a detached garage that is in poor condition. Current garage does not utilize the space above and is in poor condition. I plan on rebuilding the garage and including a loft above for livable space above garage.			
Name of Applicant or Sponsor: Jason DiIulio		Telephone: [REDACTED]	
		E-Mail: [REDACTED]	
Address: [REDACTED]			
City/PO: [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 checked="" type="checkbox"/>	YES <input 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: Yes, Saratoga Springs Building Permit will be required for the re-construction of the garage. A variance is required to allow the livable space above the garage.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.22	acres
b. Total acreage to be physically disturbed?		.01	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.22	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 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): <u>Zoned as UR - Urban Residential</u>			
<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)?          If Yes, explain purpose and size: _____          _____          _____</p>	<p><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></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?          If Yes, describe: _____          _____          _____</p>	<p><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></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?          If Yes, describe: _____          _____          _____</p>	<p><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: Jason DiIulio <span style="float: right;">Date: 8/23/2016</span></p> <p>Signature: </p>		

8/23/2016

Jason Diulio

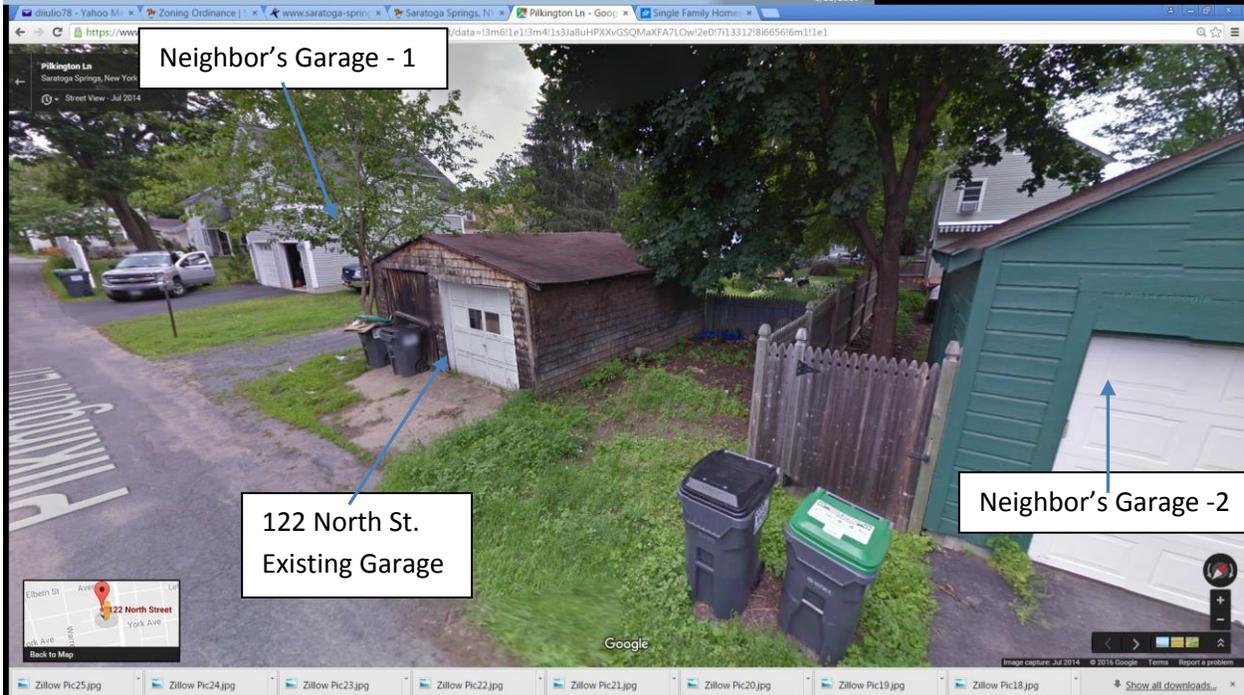
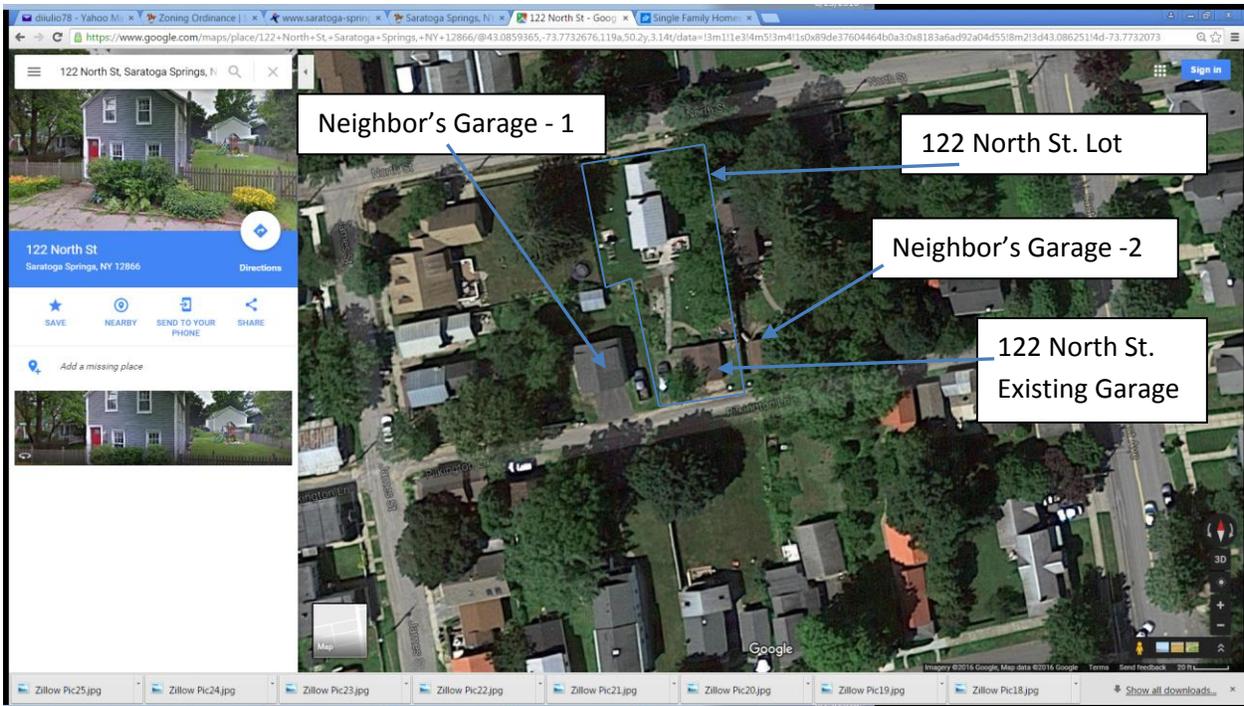


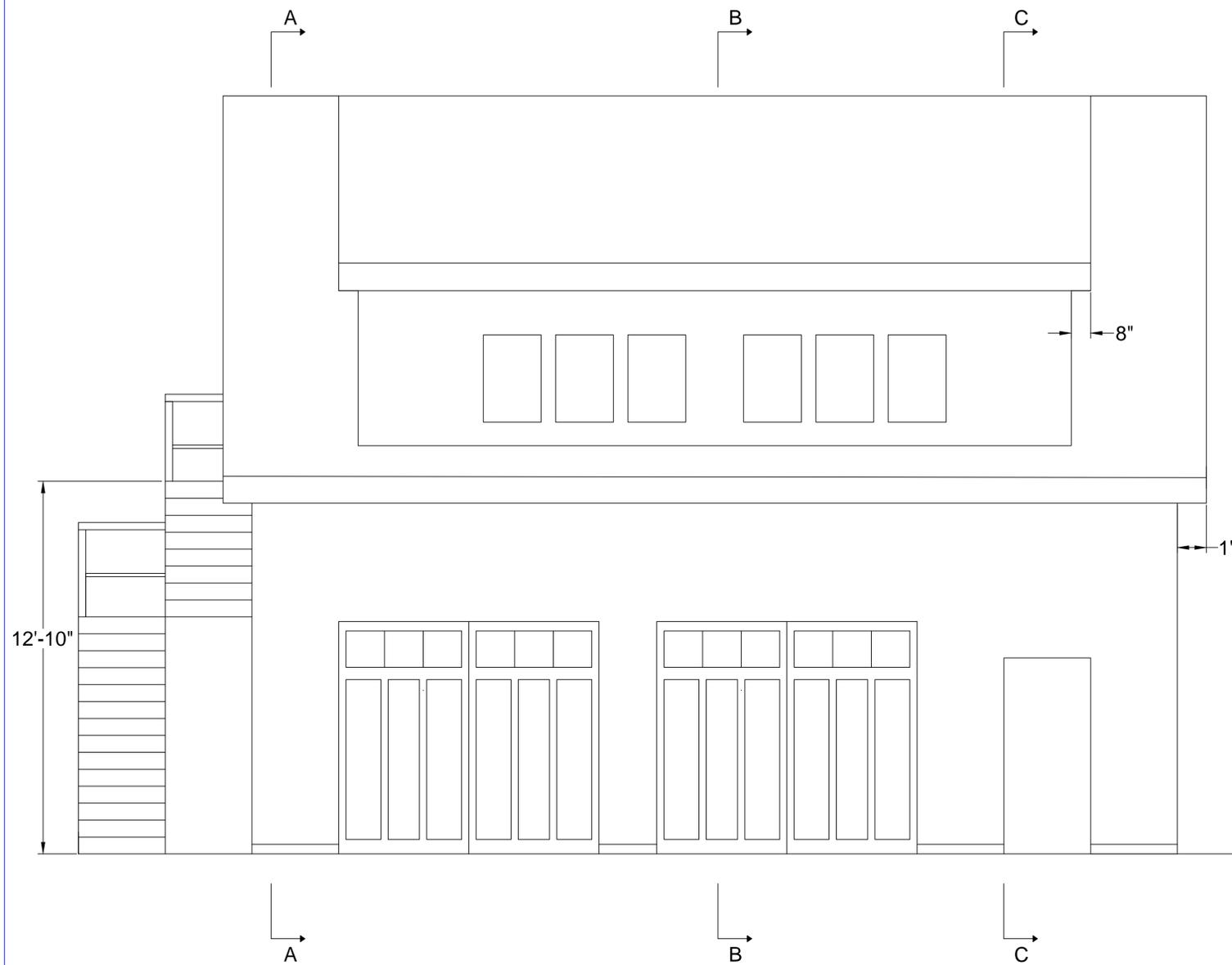
Re: Supporting Documentation for Variance

Home was purchased 8/22/2016. To date no improvements have been made. The garage is in poor structural condition and needs to be rebuilt. The cost to rebuild is approximately \$22,000. I am proposing to add livable space above, this proposal would increase the construction cost approximately \$7,000, for a total of \$29,000. All work would be designed and constructed by me, I am a civil engineer with over 14 years of experience designing and constructing large scale civil projects. I have extensive experience in concrete work and traditional wood framing. I have constructed similar projects in New York State and Virginia.

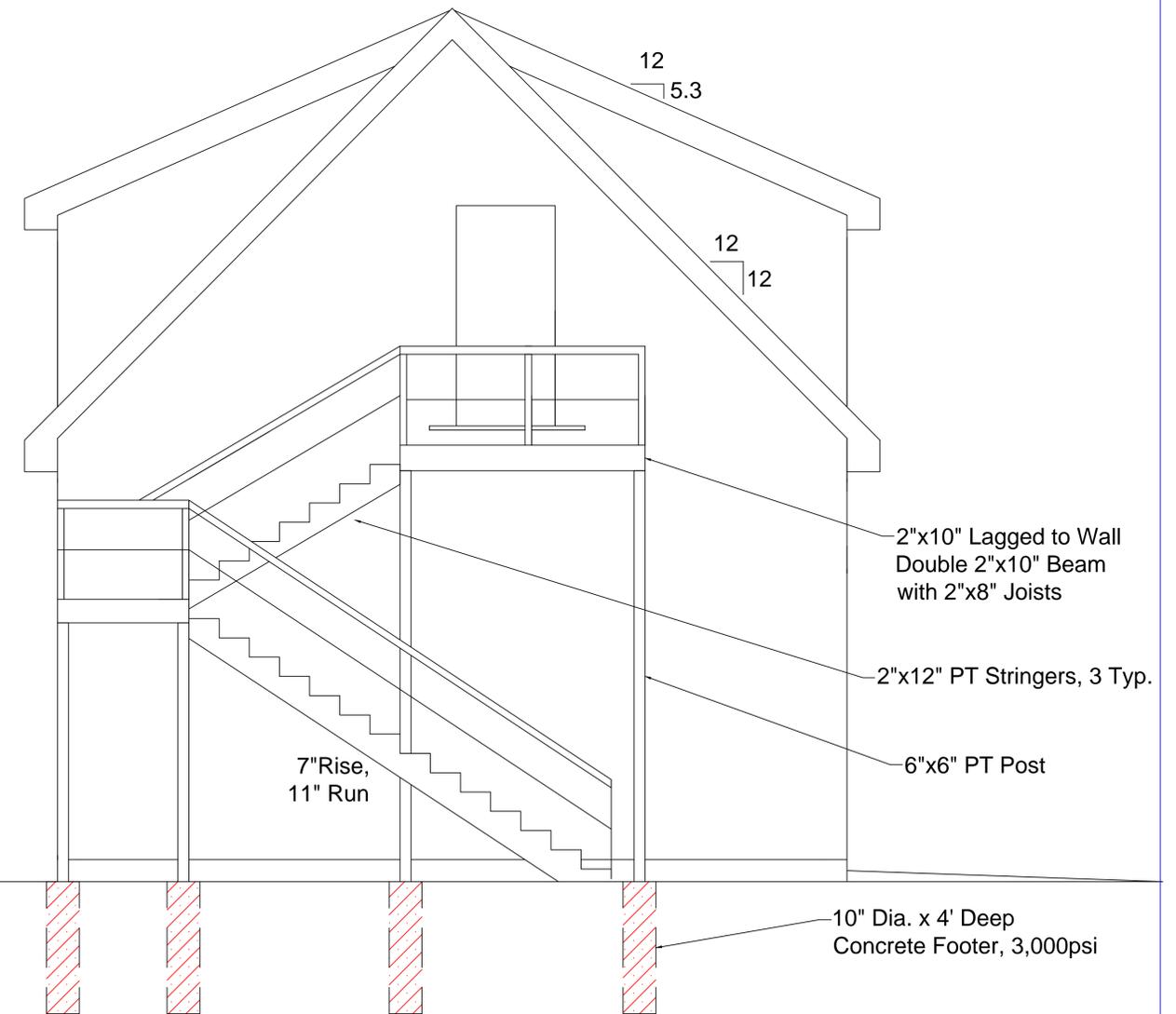
Construction would commence immediately from issuance of variance and building permit. I would have the shell constructed and established before snow fall. Interior work would continue through the winter with completion in 2017.

Jason Diulio



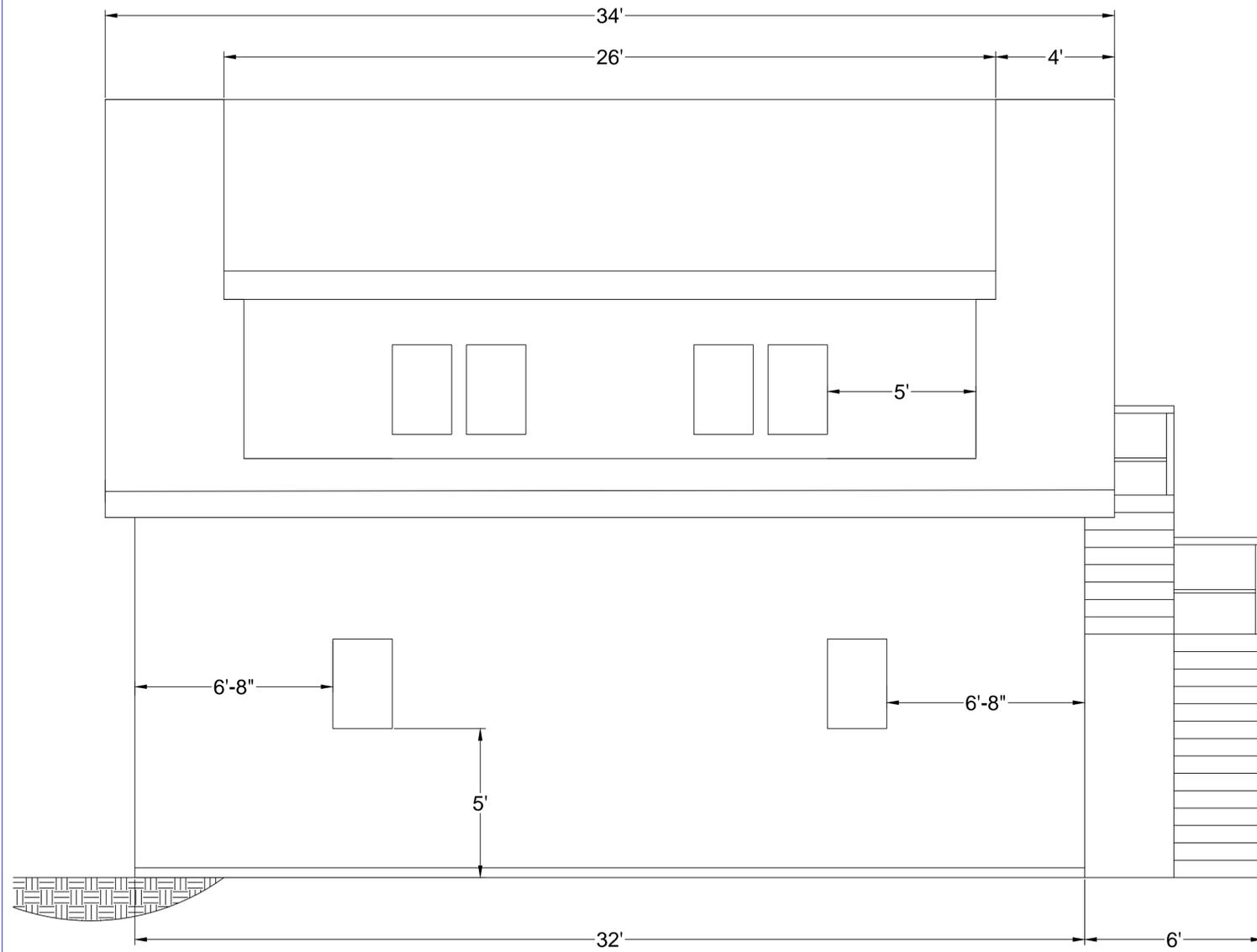


ELEVATION - South Side

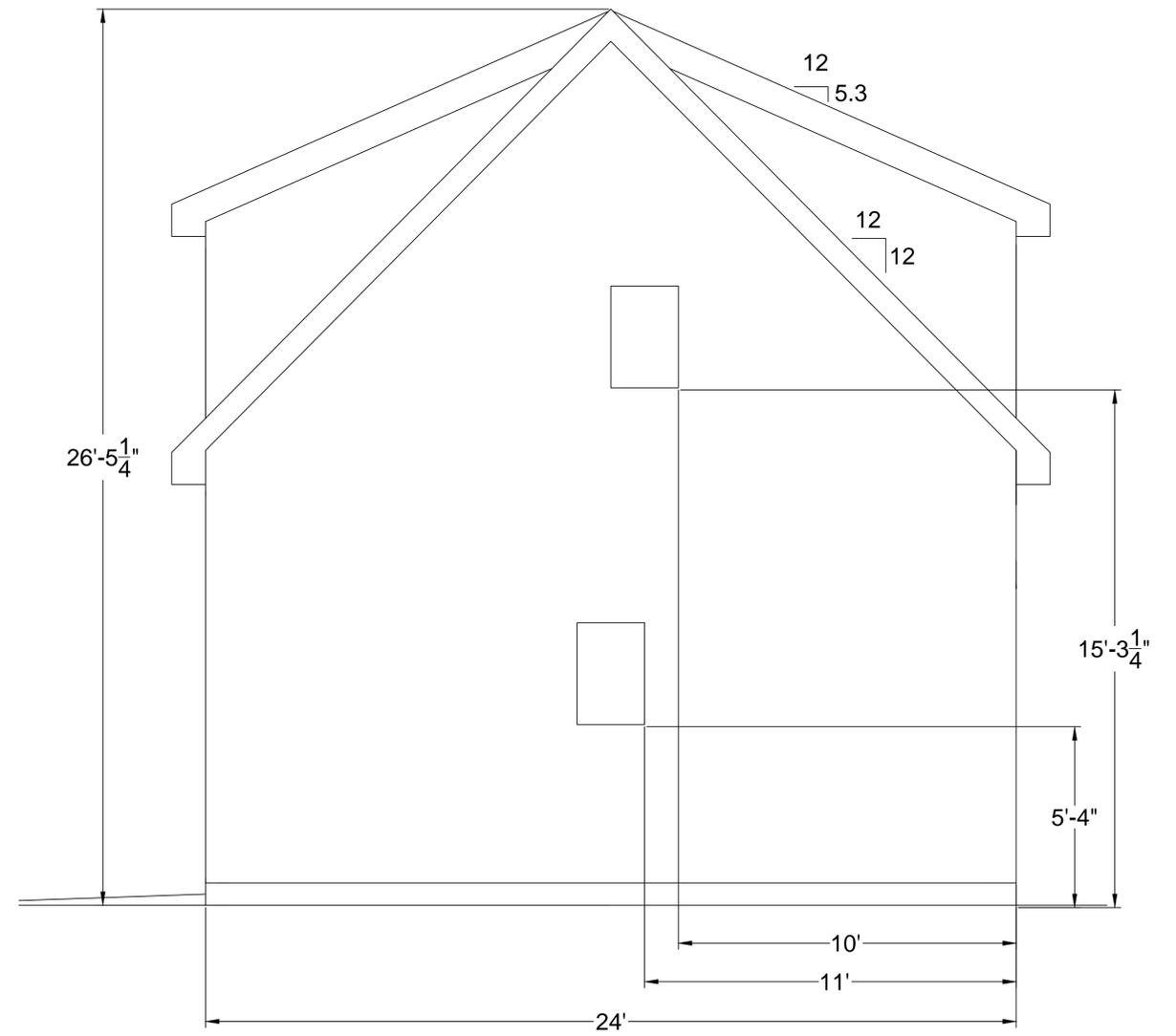


ELEVATION - West Side

0	PERMITTING SET	JCD	8/1/16
NO.	DESCRIPTION	BY	DATE
CITY OF SARATOGA SPRINGS NEW YORK			
DETACHED GARAGE 122 NORTH ST. SARATOGA SPRINGS, NY 12866			
<b>CONSTRUCTION DETAILS</b>			
SCALE	AS SHOWN	DRAWN	JCD
		CHECKED	
		SUBMITTED	
		RECOMMENDED	



ELEVATION - North Side



ELEVATION - East Side

LAST SAVED BY: JASON DIULLO DATE: 8/18/2016 4:19:17 PM  
DRAWING ID: C:\USERS\JASON\DIULLO\DOCUMENTS\PERSONAL\122 NORTH ST\GARAGE\NORTH ST GARAGE REV1.DWG

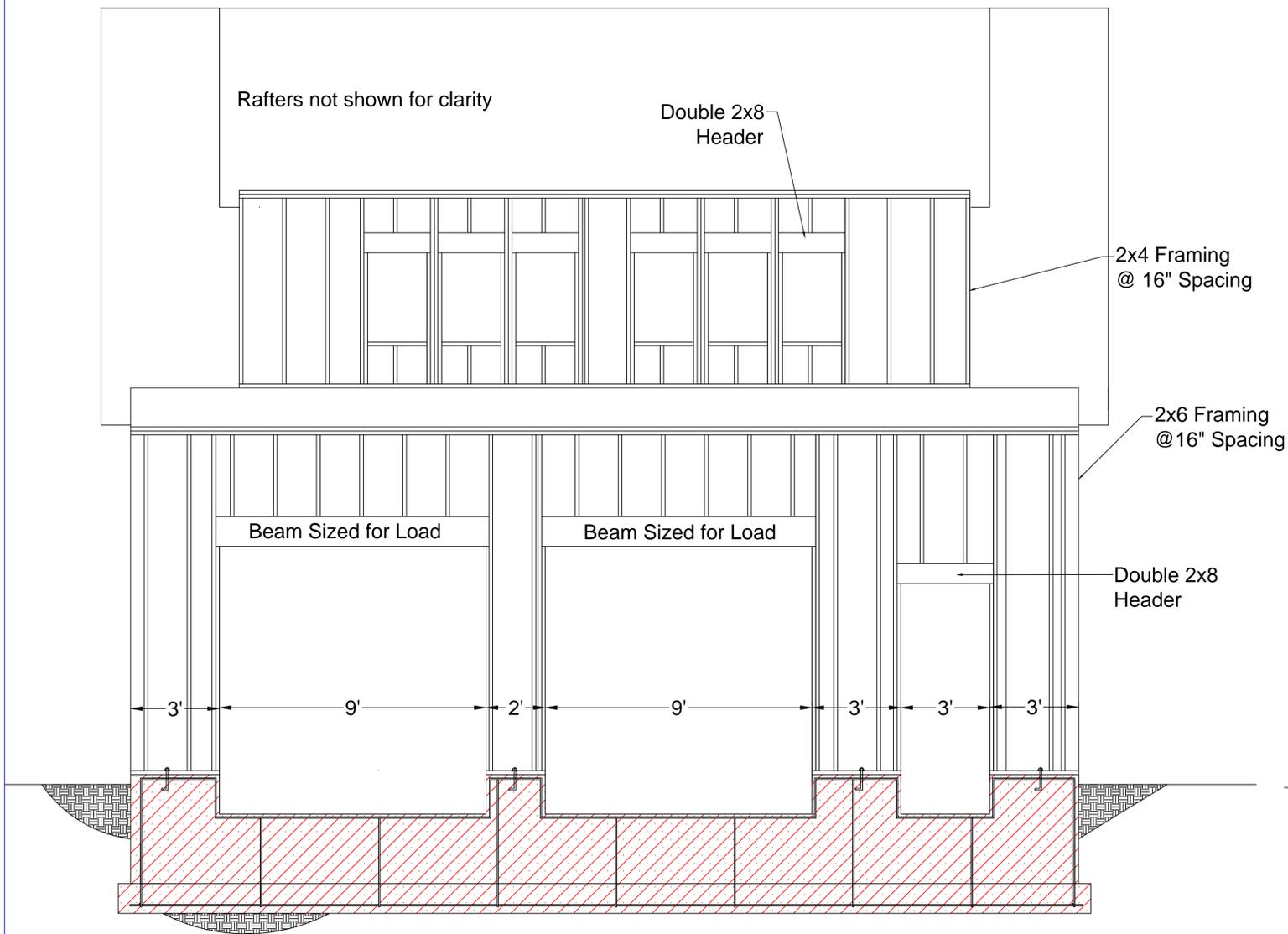
REDUCTION  
VERIFICATION  
SCALE

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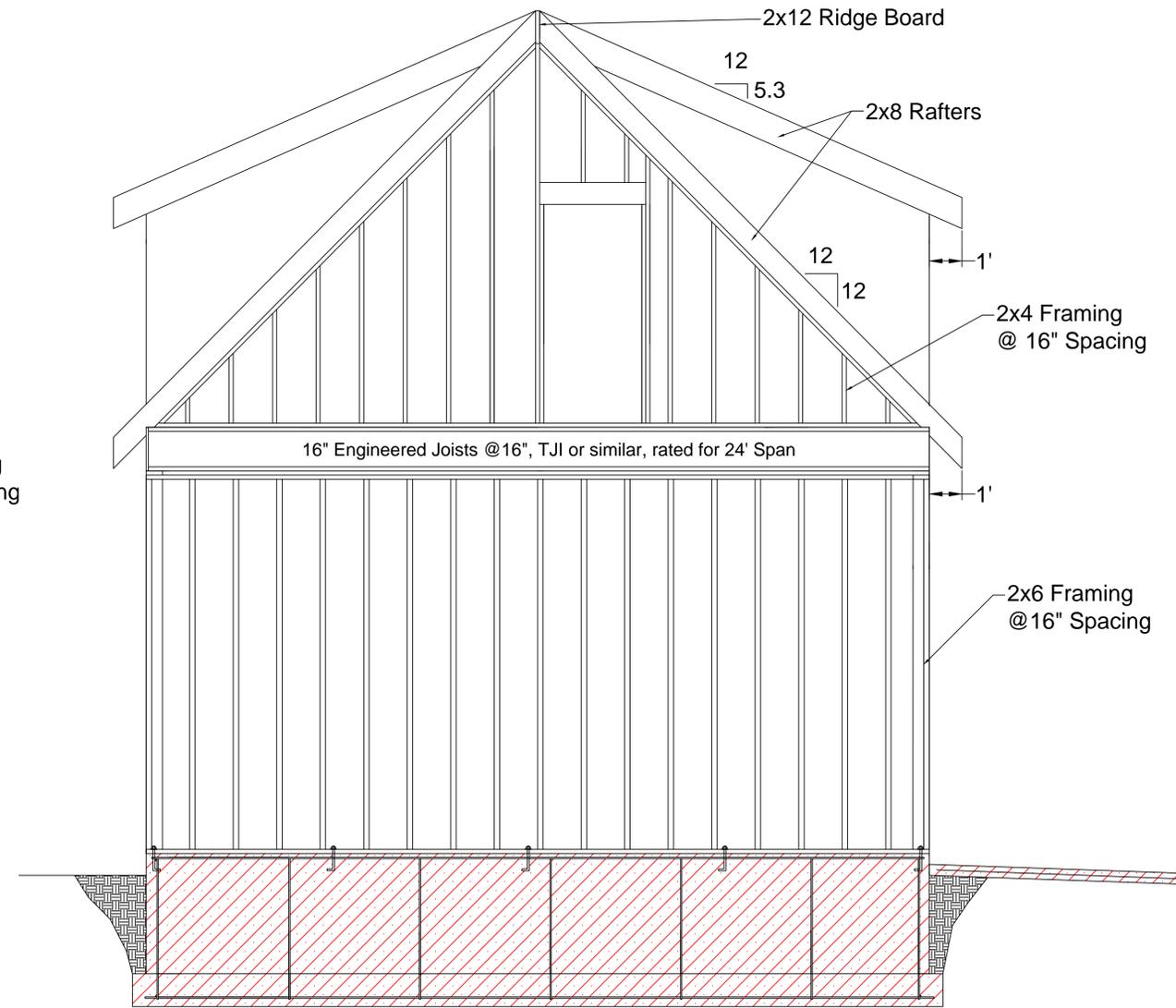
10 INCHES

0	PERMITTING SET	JCD	8/1/16
NO.	DESCRIPTION	BY	DATE
CITY OF SARATOGA SPRINGS NEW YORK			
DETACHED GARAGE 122 NORTH ST. SARATOGA SPRINGS, NY 12866			
<b>CONSTRUCTION DETAILS</b>			
SCALE	AS SHOWN	DRAWN	JCD
		CHECKED	
		SUBMITTED	
		RECOMMENDED	



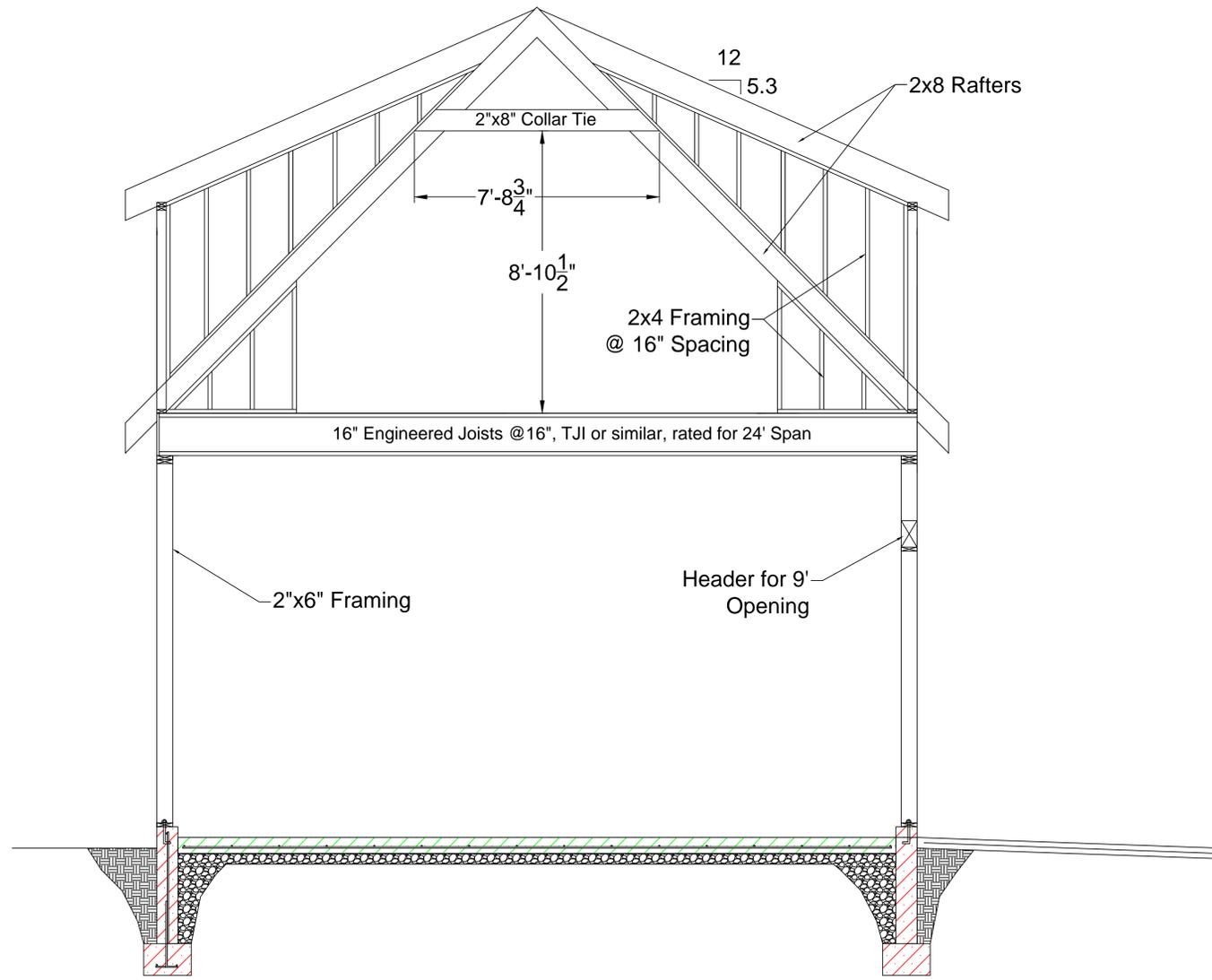


ELEVATION - Framing South Side

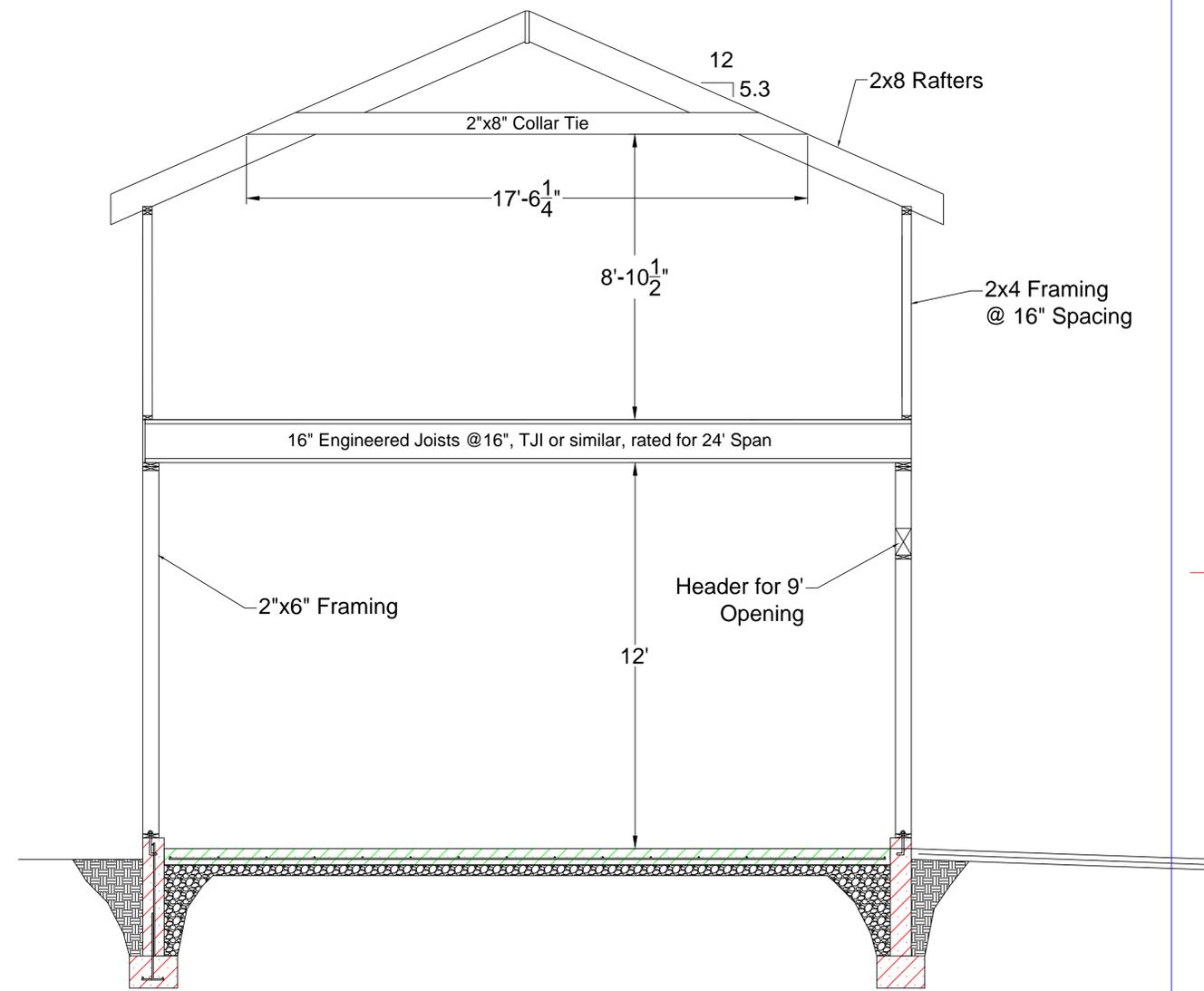


SECTION A-A

0	PERMITTING SET	JCD	8/1/16
NO.	DESCRIPTION	BY	DATE
CITY OF SARATOGA SPRINGS NEW YORK			
DETACHED GARAGE 122 NORTH ST. SARATOGA SPRINGS, NY 12866			
<b>CONSTRUCTION DETAILS</b>			
SCALE	AS SHOWN	DRAWN	JCD
		CHECKED	
		SUBMITTED	
		RECOMMENDED	



SECTION B-B

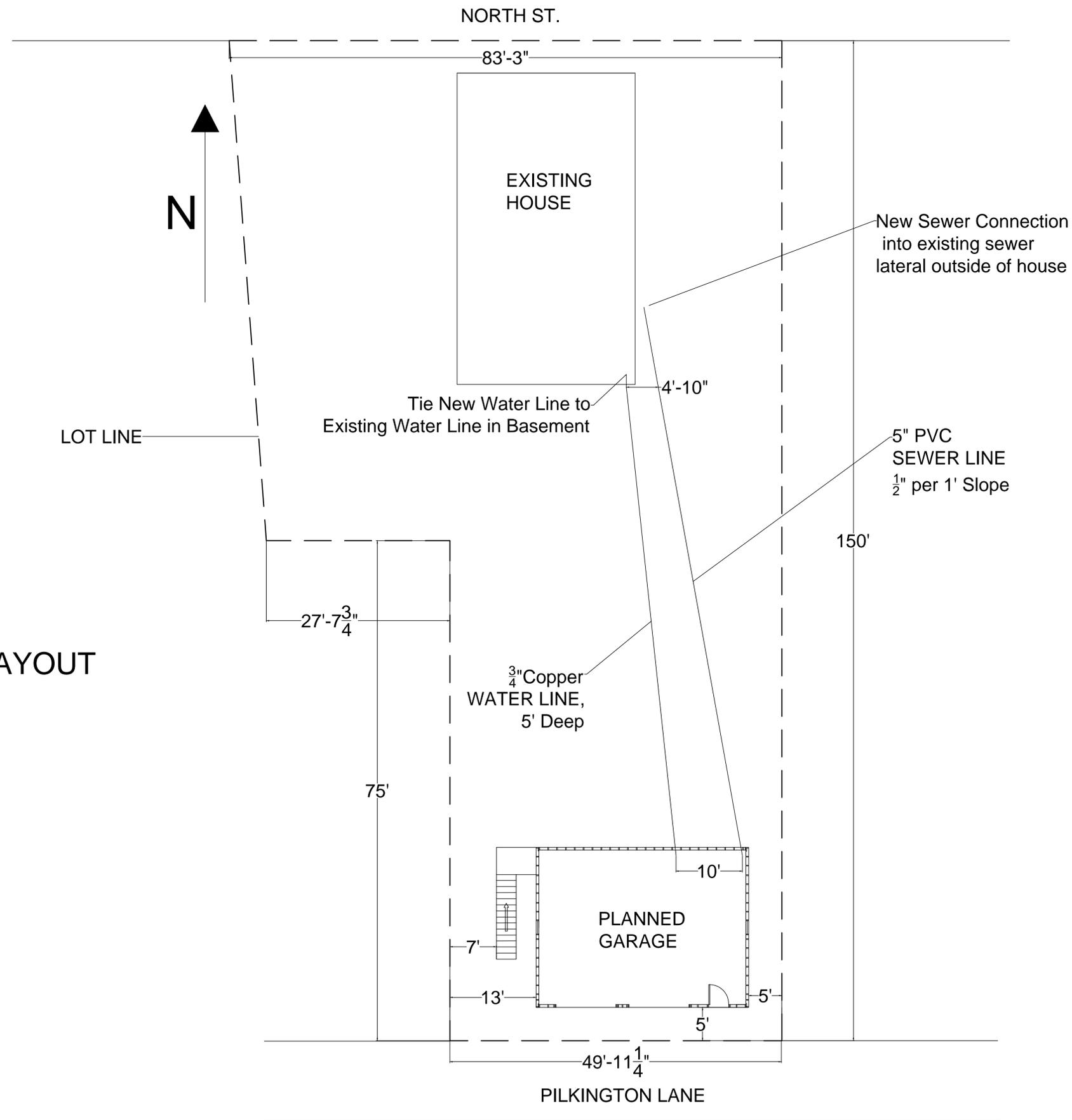


SECTION C-C

0	PERMITTING SET	JCD	8/1/16
NO.	DESCRIPTION	BY	DATE
CITY OF SARATOGA SPRINGS NEW YORK			
DETACHED GARAGE 122 NORTH ST. SARATOGA SPRINGS, NY 12866			
<b>CONSTRUCTION DETAILS</b>			
SCALE	AS SHOWN	DRAWN	JCD
		CHECKED	
		SUBMITTED	
		RECOMMENDED	

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# LOT LAYOUT



0	PERMITTING SET	JCD	8/1/16
NO.	DESCRIPTION	BY	DATE
CITY OF SARATOGA SPRINGS NEW YORK			
DETACHED GARAGE 122 NORTH ST. SARATOGA SPRINGS, NY 12866			
<b>CONSTRUCTION DETAILS</b>			
SCALE	AS SHOWN	DRAWN	JCD
		CHECKED	
		SUBMITTED	
		RECOMMENDED	