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	Prime Companies	Prime Beechwood LLC	Adirondack Sign Co.
Address		56 Marion Ave	72 Ballston Ave
		Saratoga Springs, NY 12866	Saratoga Springs, NY 12866
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: 56 Marion Ave Tax Parcel No.: 166 . 30 - 2 - 13
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 02/10/2015 3. Zoning District when purchased: _____

4. Present use of property: Retail/ apartments/ Mixed use 5. Current Zoning District: C2 T-5

6. Has a previous ZBA application/appeal been filed for this property?
☑ Yes (when? 2015 For what? Next parcel Fresh Market parking lot signage)
☑ 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:
Seeking area variance for Freestanding sign to 24 sq ft (combine with next parcel). Area variance for allowing parking lot signage for businesses as approved in the fresh Market parcel. Area variance for signage facing Excelsior Ave for business tenants that are located on the second floor i.e. signs above the first 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".

1. 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:

Date	Improvement	Cost
_____	_____	_____
_____	_____	_____
_____	_____	_____

   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 ☐No If "yes", for how long? _____

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 <u>financial hardship relating to this property is unique</u> 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:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

3. That the variance, if granted, will not alter the essential character of the neighborhood. Changes that will alter the character of a neighborhood or district would be at odds with the purpose of the Zoning Ordinance. The requested variance will not alter the character of the neighborhood for the following reasons:

4. That the alleged hardship has not been self-created. An applicant (whether the property owner or one acting on behalf of the property owner) cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property knowing (or was in a position to know) the conditions for which the applicant is seeking relief. The hardship has not been self-created 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) Wall signs- 6.1.5.1 Freestanding signs- 6.1.5.3

Dimensional Requirements	From	To
Freestanding (Combine 2 parcels) 12 + 12	12 sq ft	24 sq ft
Wall Signage in parking Lot (No street frontage)	None	per linear ft front
No signs above the first floor	None	per linear ft front

Other:

Freestanding allowed for both parcel @ 12 sq ft. combine at one location to 24 sq.- Interior parking signage as approved for Fresh Market lot. Sign above first floor due to building footprint on a hill side (example)

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.

   Freestanding- option is to have 2 smaller as allowed but will clutter entrance and not the perception desired.

   No other options for signs for business on parking lot side

   Place signage at first floor level but could cause confusion for possible clients

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:

   These will not produce any undesirable changes to the character of the neighborhood - Internal parking signs are only seen from within the complex.

   Freestanding sign would add to the aesthetics of the business development and this would face the city owned property.

   Second floor business signage face a open park along with other businesses.

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

Parking lot signs- similar in nature to Fresh Market business signage for tenants.

Freestanding Sign- Instead of allowed the permitted two 12 sq ft signs, combine to one 24 sq ft at entranceway. This would not be substantial for total allowed sign size.

Second floor business signs facing excelsior- not substantial, just above allowed height over first floor- location only.

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 adverse or physical effects to the neighborhood- Interior signs will duplicate what is already approved for the Fresh Market parking lot tenants. One freestanding sign with stone columns will be in line with consumers perception in this type of development.

Second floor signs will face the open park and the design will coincide with the buildings architectural decor.

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:

Yes this could be self created but the architectural design of the building best utilizes the geographical aspects of the land-lot.

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:

Dimensional Requirements	From	To

Other:_____

_____

Note:_____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

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.

_____ Date:_____
(applicant signature)

(same) Date:_____
(applicant signature)

If applicant is not the currently the owner of the property, the current owner must also sign.

Owner Signature: _____ Date: 6-10-16

Owner Signature: _____ Date:_____

LINCOLN BROWN ILLUSTRATION

This proof is not submitted for color approval or print quality. Please proof read carefully upon receipt. Colors viewed on monitors may vary slightly from actual colors in final production. If color critical, please provide accurate color samples (ie: pantone, paint swatches, etc.) Signed proofs indicate review and acceptance of the proof. Once proof is signed and returned with approval, we are not responsible for any discrepancies regarding color, spelling or materials used in production.

PROOFS MUST BE SIGNED AND RETURNED VIA EMAIL OR FAX BEFORE PROCEEDING

ADIRONDACK SIGN COMPANY
72 Ballston Ave., Saratoga Springs, NY 12866
p: 518.409.SIGN(7446) f: 518.478.8489
www.AdkSignCo.com

Customer: Prime Companies
Project Name: Freestanding Sign
Designer: RD
Date: 3/16/16
Rev Date:

Approved As Is: _____
Signature/Date

Approved with Corrections; no further proof needed: _____

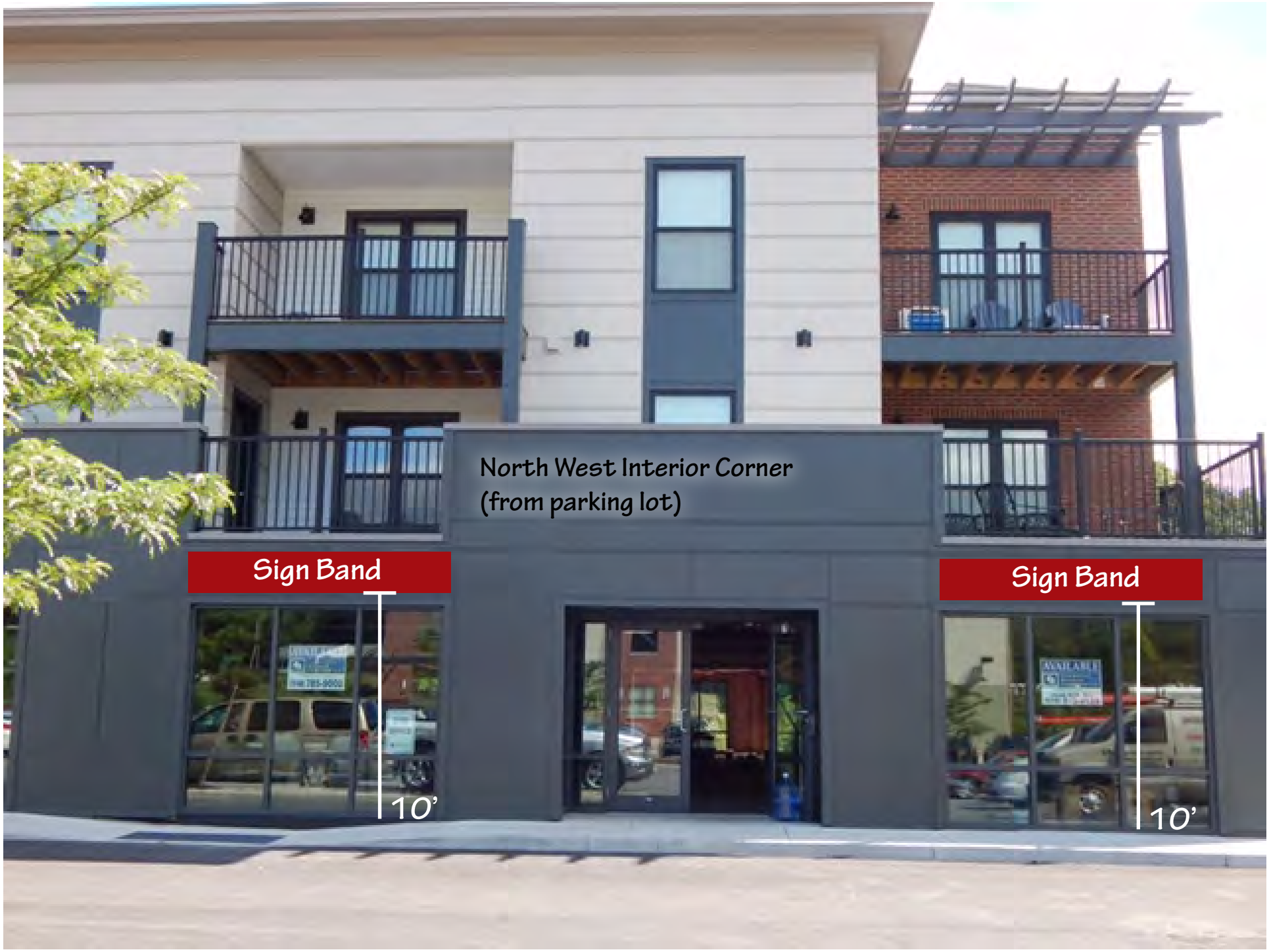
Revisions Required; New proof needed: _____

THE
FRESH
MARKET
MAC EQUIPM
SB6023
PCI
BF-34899

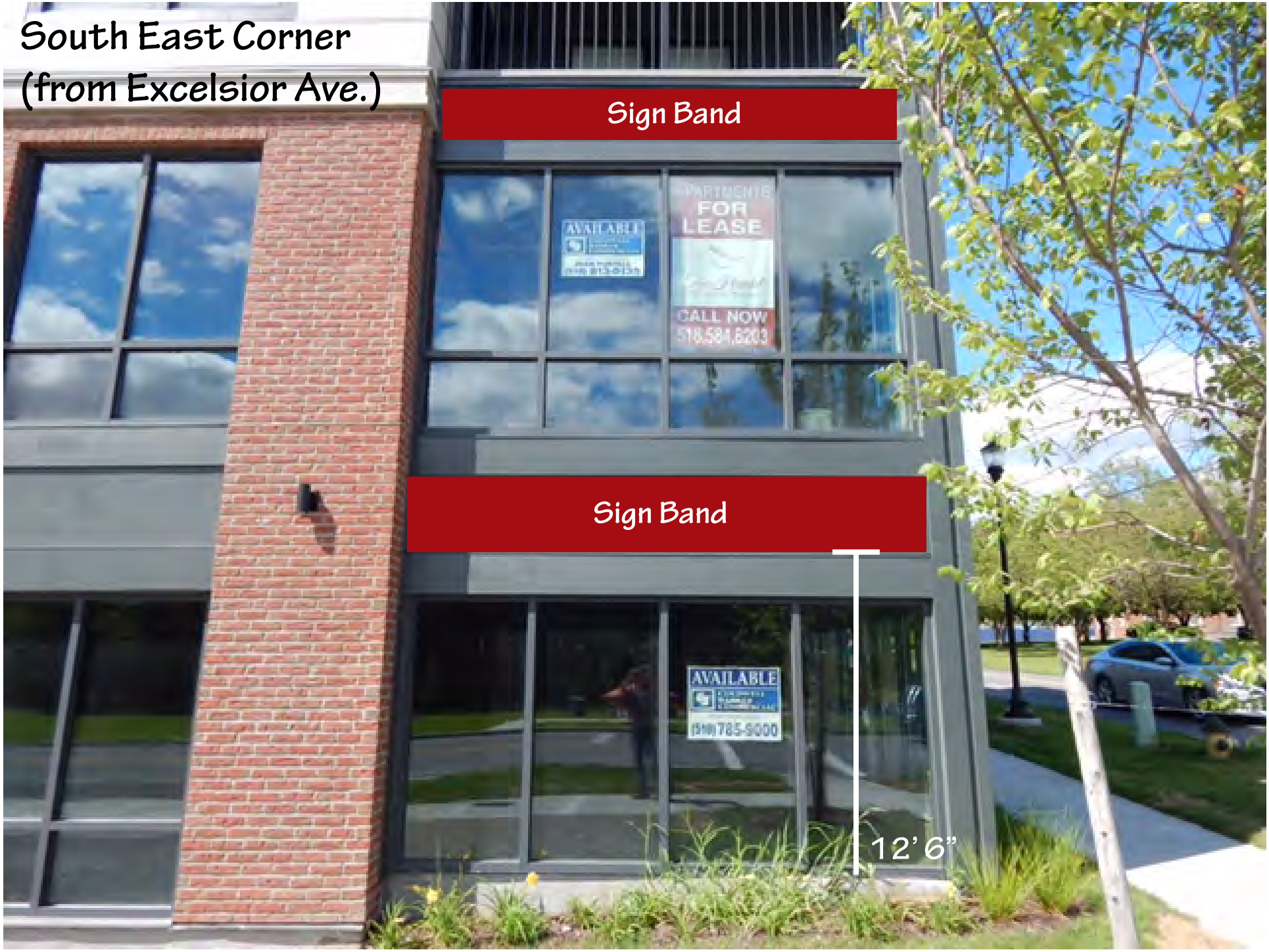
North East Interior Corner
(from parking lot)

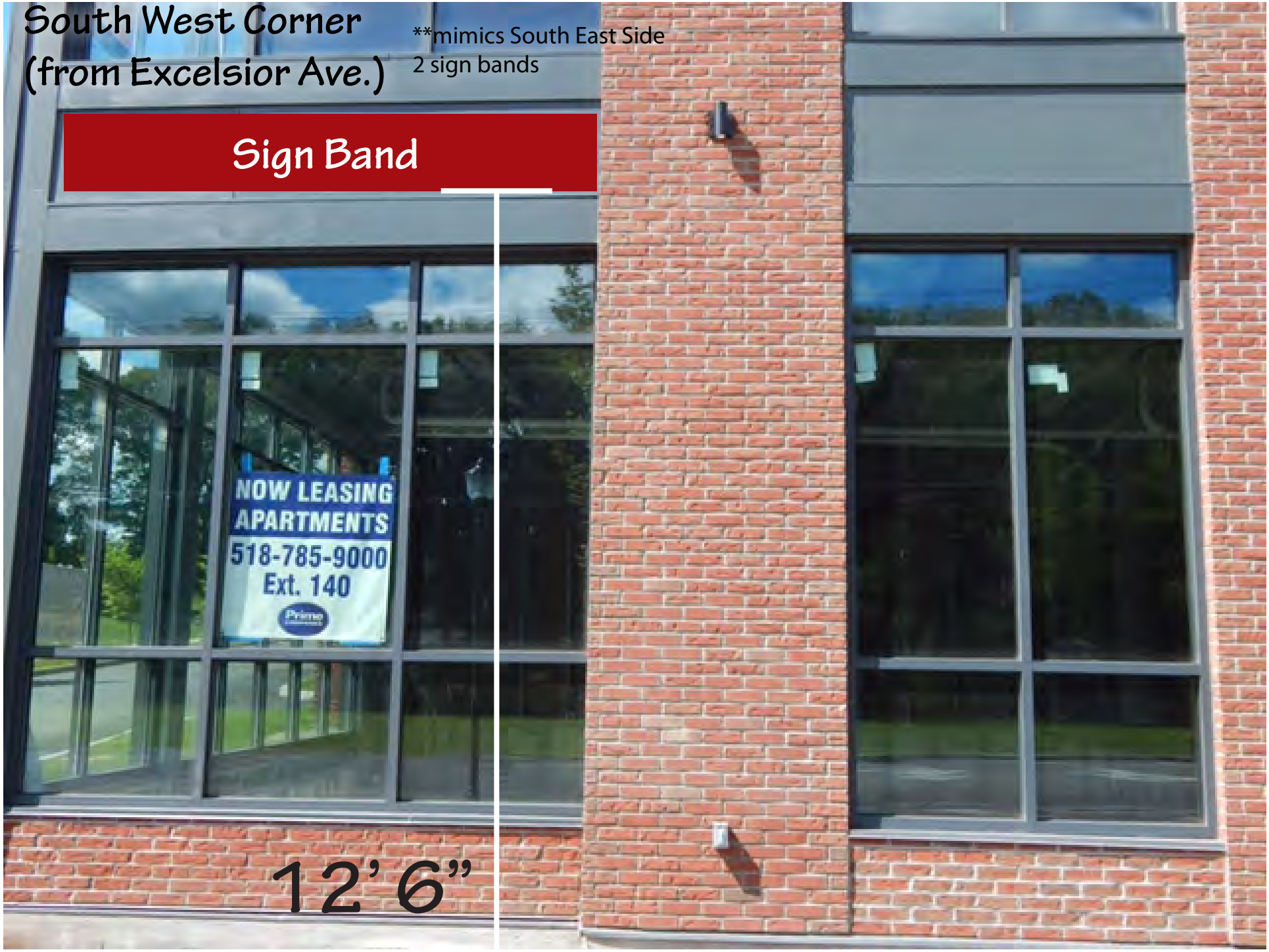
North East Interior
(from parking lot)
Sign Band
SPA GARMENT CARE
Leather & Suede
Shoe Repair
10'

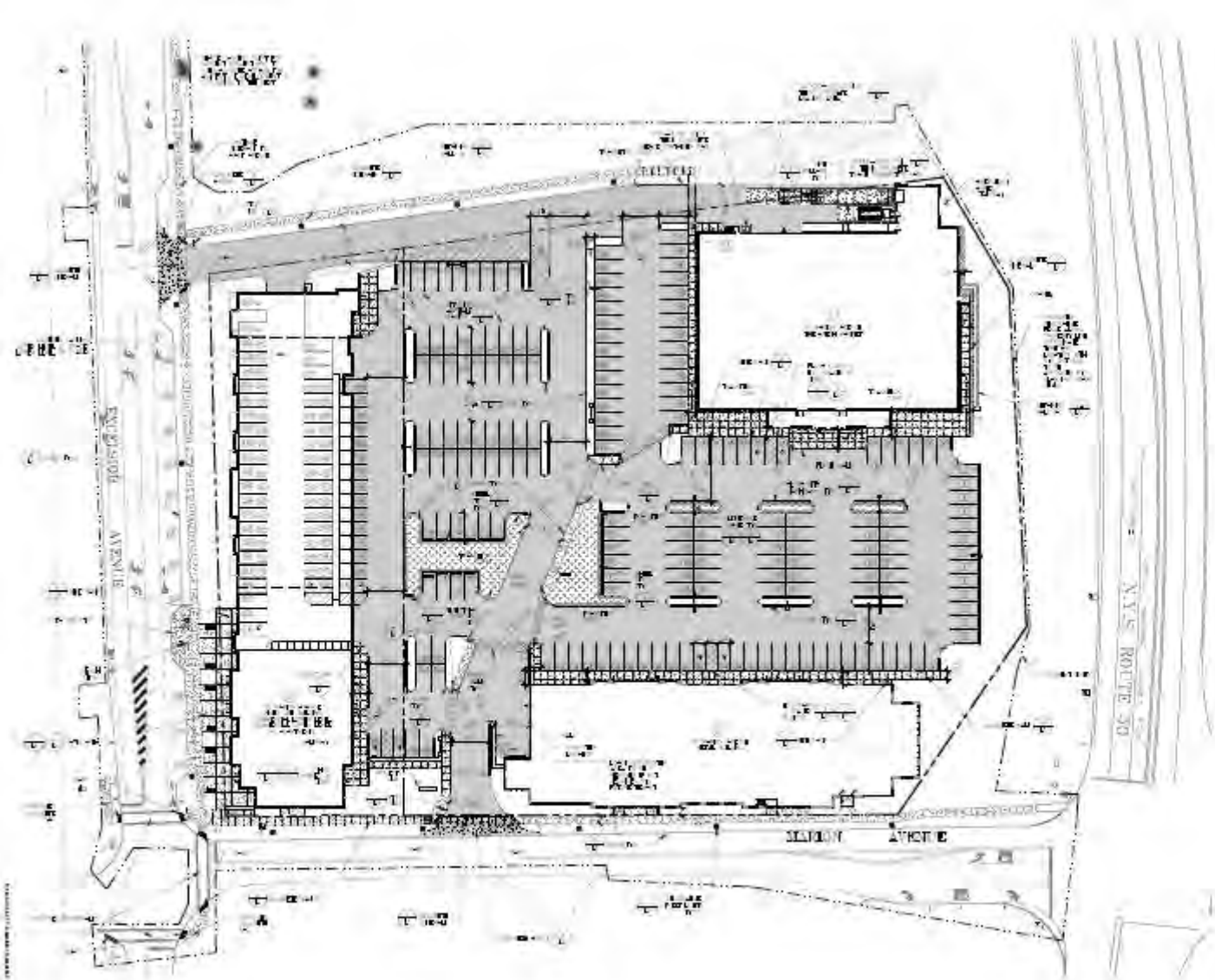
North West Interior
(from parking lot)
Sign Band
10'


North West Interior Corner
(from parking lot)
Sign Band
10'
Sign Band
10'

CLOTHING STORE


South East Corner
(from Excelsior Ave.)
Sign Band
AVAILABLE
FOR
LEASE
CALL NOW
Sign Band
AVAILABLE
12' 6"


South West Corner
(from Excelsior Ave.)
**mimics South East Side
2 sign bands
Sign Band
NOW LEASING
APARTMENTS
518-785-9000
Ext. 140
12' 6"



LAYOUT NOTES

LEGEND

Planning Board # 13.006

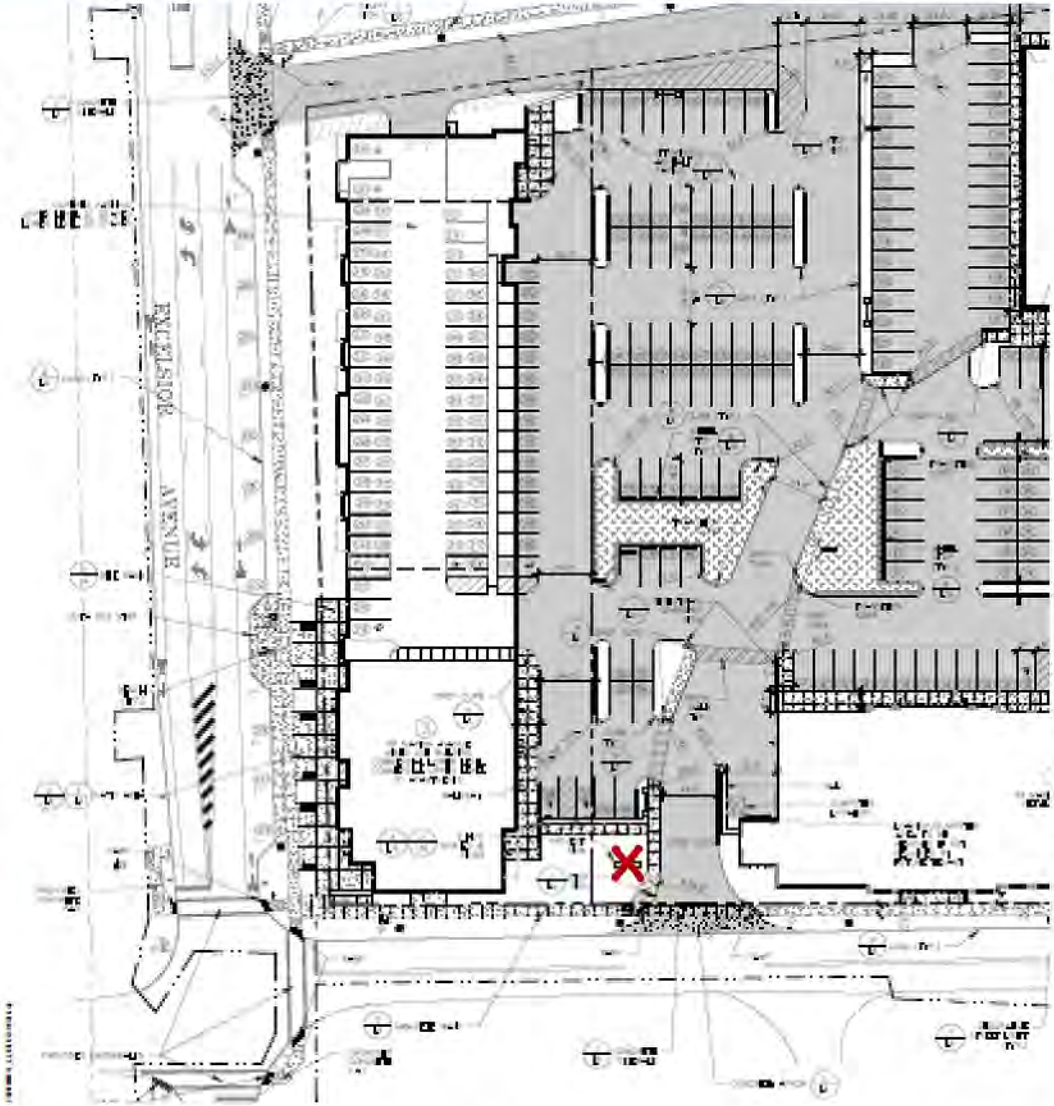
The LA group

PROTMEDIOR
Beechwood Associates, LLC
1115 Central Avenue
Albany, NY 12205

EXCELSIOR AVENUE MIXED USE DEVELOPMENT
MARION AND EXCELSIOR AVENUE
SARATOGA SPRINGS, NY 12866
SITE LAYOUT PLAN

L-2

Prime Companies
Fresh Market



X = location of freestanding sign

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Customer: Prime Companies
Project Name: Freestanding Sign
Designer: RD
Date: 8/17/16
Revision Date:

Approved As Is: _____
Signature/Date

Approved with Corrections; no further proof needed: _____

Revisions Required; New proof needed: _____