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	Chris Obstarczyk	(same)	Tonya Yasenchak, Engineering America Co.
Address	[redacted]		76 Washington St. Saratoga Springs, NY 12866
Phone		/	[redacted]
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: # 147 Spring St. Tax Parcel No.: 166 . 61 - 3 - 33
(*for example: 165.52 – 4 – 37*)

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

4. Present use of property: Single Family 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:
Demolition of existing 2 story accessory structure and construction of new 2 story accessory structure for use as 2 car garage with storage

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:

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

The applicant requests relief from the following Zoning Ordinance article(s) Sec.3:Table 2 Area & Bulk

Dimensional Requirements	From	To
Accessory Building: Min. Side Yard Setback	5	4', 4.25', 3.3' & 3'
Accessory Building: Min. Distance to Principal Building	5	2.7'
(overhang of garage to deck step)		

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 benefit of a 2 car garage cannot be achieved by other feasible means: 1) Attaching garage to the house: This option is not feasible as the lot is only 52' in width & the home is at 12.8' from the west property line. Any addition to the West side of the house would require variances for side setback and for overall coverage of the principal structure. Also, attaching a garage to the side of the house would limit light into the home and would locate the garage closer to the neighboring house than current conditions. 2) Reducing the Size of the Garage: The current structure that will be removed, sits inside a property line "jog". This "jog" allows the garage to be sited further from the house. However, the current garage sits only 0.2' from one of the side property lines. The proposed garage is 20' width which is the smallest recommended for 2 cars. A size reduction is not preferred will only allow for a one car garage is not in the applicant's best financial benefit. 3) Relocation of the Garage: This alternative is not a preferred option as locating the garage further back in the yard reduces the usable rear yard for the applicants' children & increases the driveway length & impermeable surface 4) Renovation of Existing Structure: The existing structure could possibly be repaired but would require the structure to be lifted for a new foundation; The site is limited in size to allow for this. Also, the existing ceiling is too short to accommodate a vehicle, garage door, etc. & would require extensive construction & costs. It should be less expensive for the applicant to build the new structure.

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 variances should not produce an undesirable change in the character of the neighborhood:
   1) The proposed garage location relocates the structure further from the West property lines and therefore further away from the neighbor to the West.
   2) The variance for min. distance to the principal structure will not be visible from Spring St. and therefore have little / no effect on the neighborhood. Also, this requested variance is based on the garage roof overhang distance to the deck step. The garage roof overhang will be approx. 4.5' from the rear wood deck and approx. 12' to the actual house. Visually, the garage will not appear closer than the required 5' from the house when viewed from the street.
   3) The site is located within a DRC district. Therefore the aesthetics of the new structure will be reviewed for architectural consistency with the house & neighborhood prior to permitting & construction.

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

The variances may appear substantial. However, we do not believe they are substantial in relation to the existing conditions:
1) The side setbacks for the existing accessory structure to be removed are 0.2', 1.7' & 2.0' (+/-). The requested variances reflect a structure location which actually improves / increases the setbacks to 4.3', 3.3' and 3.0'.
2) The site width is pre-existing / non-conforming at 52' and limits siting an accessory structure.
~~3) The house location is pre-existing / non-conforming & limits the siting of an accessory structure.~~

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 variances should not have any adverse physical or environmental effects on the neighborhood or district:
1) The overall footprint of the proposed accessory structure is 632 sq.ft. (+/-). At this 9.0% coverage, it is below the max. coverage for an accessory structure.
2) The location for the proposed structure minimizes the length of driveway for access. The proposed project falls does not ~~exceed the min. percentage of permeable lot (see attached lot permeability calculations).~~
3) The proposed structure will not be located further from the West side property lines. This results in roof drainage onto the applicant's site and no longer onto the neighbors site.
4) No large trees will be removed for this project.
5) The proposed structure will be located further away from the West neighbor's house than what currently exists, resulting in ~~slightly better sunlight to the neighbors' yard.~~

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 alleged difficulty is self created only in fact that it is the applicant's desire to construct a a new accessory structure to accomodate weather protected parking and storage. The site limitations of the width are pre-existing / non-conforming and not self-created.

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: 8-15-16
(applicant signature)

_____ Date: _____
(applicant signature)

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

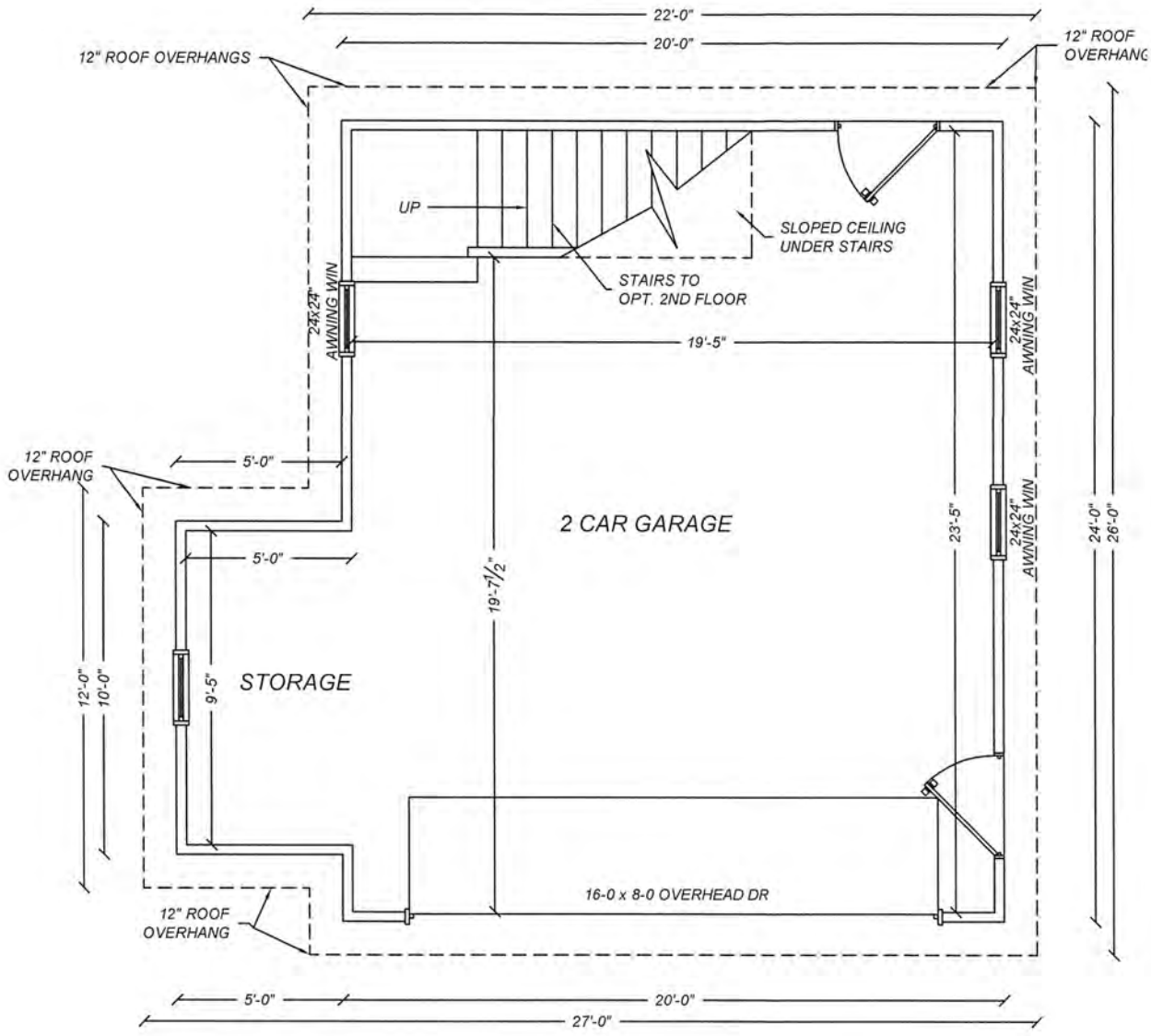
Owner Signature: (SAME AS ABOVE) Date: _____

Owner Signature: _____ Date: _____

#147 Spring St.

Table 3: Area and Bulk Schedule

Zoning District	Minimum Lot Size Square Feet (SF)	Minimum Average Width (Ft.)	Maximum Building Coverage Percentage		Min. yard Setback (Feet)				Principal Buildings		Minimum Distance to Accessory Building (Feet)				Minimum % to remain Permeable
			Principal Bldg.	Access. Bldg.	Front	Rear	Each Side	Total Side	Minimum 1st Floor Area (SF)	Max. Height (Feet)	Principal Building	Front Lot Line	Side Lot Line	Rear Lot Line	
RR (F)	2 acres	200	15	5	60	100	30	100	-----	35	5	60	30	50	80
SR-1 (F)	40,000	125	20	8	40	40	15	35	-----	35	5	40	10	10	40
SR-2	20,000 (A)	100	25	8	30	30	12	30	-----	35	5	30	5	5	30
UR-1	12,500 (A)	100	20	8	30	30	12	30	1 Story = 1,100 2 Story = 800	60	5	30	5	5	30
UR-2	6,600 (A)	60	30	10	10	25	8	20	1 Story = 900 2 Story = 700	60	5	10	5	5	25
UR-3	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 Story = 1,200 2 Story = 800	60	5	10	5	5	25
UR-4	3,000/DU	100	25	15	25	25	20	45	1 Story = 1,800 2 Story = 1,200	70	10	25	5	5	15
UR-4A	2,000/DU	60 1-unit / 80 2-units	30	10	10	25	4	12	1 Story = 1,200 2 Story = 800	70	5	10	5	5	15
UR-5	3,000/DU	100	25	15	25	25	20	45	1 Story = 1,800 2 Story = 1,200	185	20	20	10	10	15
UR-6	4,800	60	30	10	25	25	8	20	900	35	5	25	5	5	25
UR-7	4,000	50	45	10	10	10	4	8	1,000	35	5	10	5	5	20
NCU-1	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 story = 1,200 2 story = 800	60	5	10	5	5	25
NCU-2	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 story = 1,200 2 story = 800	60	5	10	5	5	25
NCU-3	3,000/DU	60 (H)	30	10	10 (I)	25	4 (J)	12	1 story = 1,800 2 story = 1,200	50	5	10	5	5	20



OBSTARCZYK GARAGE
#147 SPRING ST.
SARATOGA SPRINGS, NY

PROPOSED MAIN FLOOR PLAN

8/15/2016 SCALE: 3/16" = 1' 0"

DESIGN BY:
ENGINEERING AMERICA CO.
76 WASHINGTON ST., SARATOGA SPRINGS, NY
518 / 587 - 1340

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

APPLICANT: Chris Obstarczyk

TAX PARCEL NO.: 166 . 61 - 3 - 33

PROPERTY ADDRESS: 147 Spring St.

ZONING DISTRICT: UR-3

This applicant has applied to use the identified property within the City of Saratoga Springs for the following:
Demolition of existing accessory structure and construction of new (2) story, 2 car garage.

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

Obstarczyk Garage:

#147 Spring St., Saratoga Springs, NY

Property to the West / Left of project site as viewed facing West from yard (existing structure is at the right)

Front / South of existing structure as viewed facing North from project site driveway

East / Right of existing structure as viewed facing West from project site back yard

North / Rear of existing structure as viewed facing South from project rear yard

Obstarczyk Garage:

#147 Spring St., Saratoga Springs, NY

View of project site rear yard along West property line (existing structure at left & neighboring property beyond fence)

View of project site rear yard along North property line with neighboring property beyond fence

View of East / Right rear yard as viewed facing East with neighboring property beyond fence

View of project site rear yard facing South East towards residence with neighboring property beyond fence

Obstarczyk Garage:

#147 Spring St., Saratoga Springs, NY

Left / West elevation of existing home as viewed facing North from Spring St.

Front /South elevation of existing home as viewed facing North from Spring St.I

Neighboring property to the West as viewed facing North West from Spring St.

View of project site down existing driveway facing North from Spring St. (applicants' house to the right)

Obstarczyk Garage:

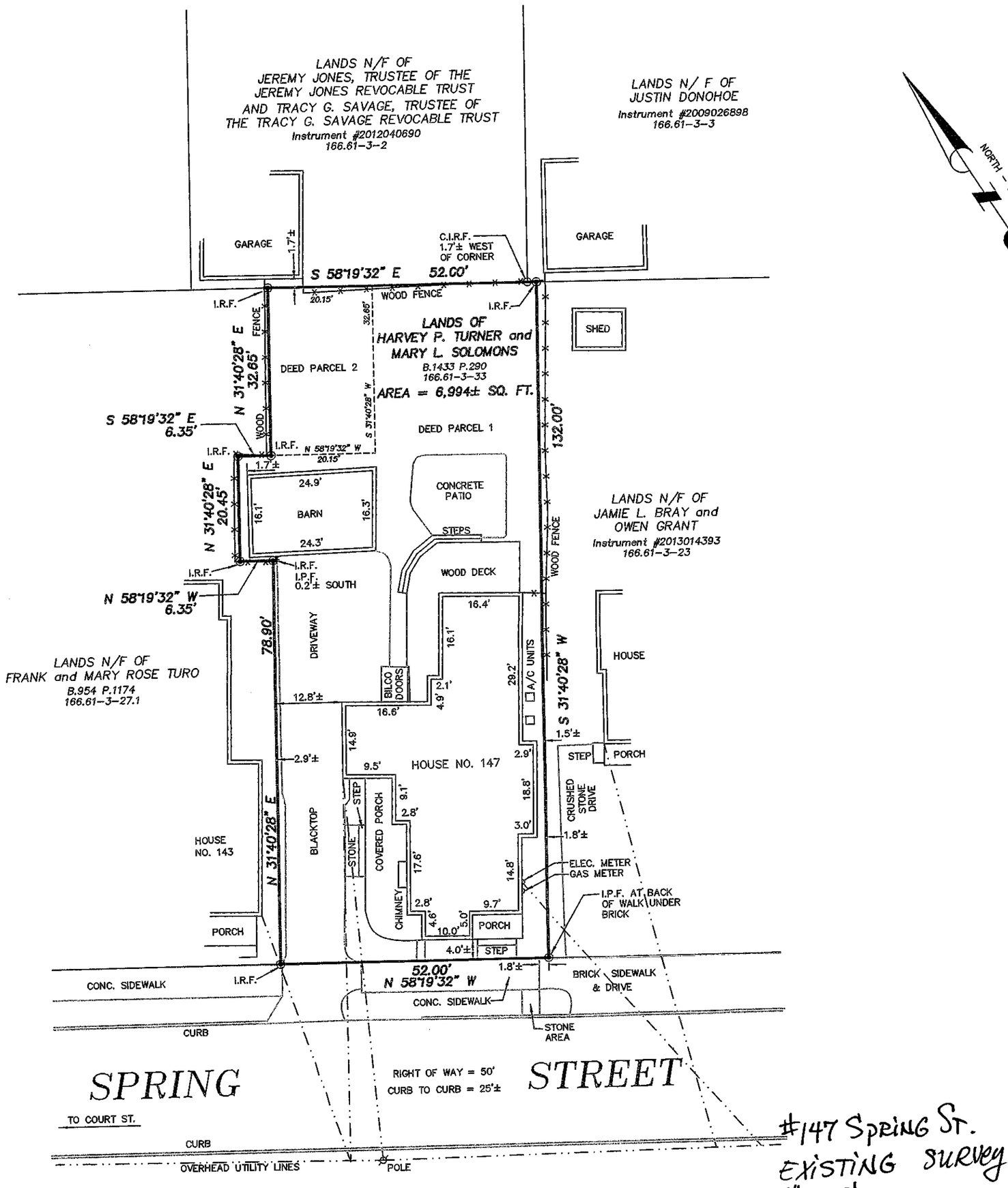
#147 Spring St., Saratoga Springs, NY

Properties across Spring St. to the South East of project site

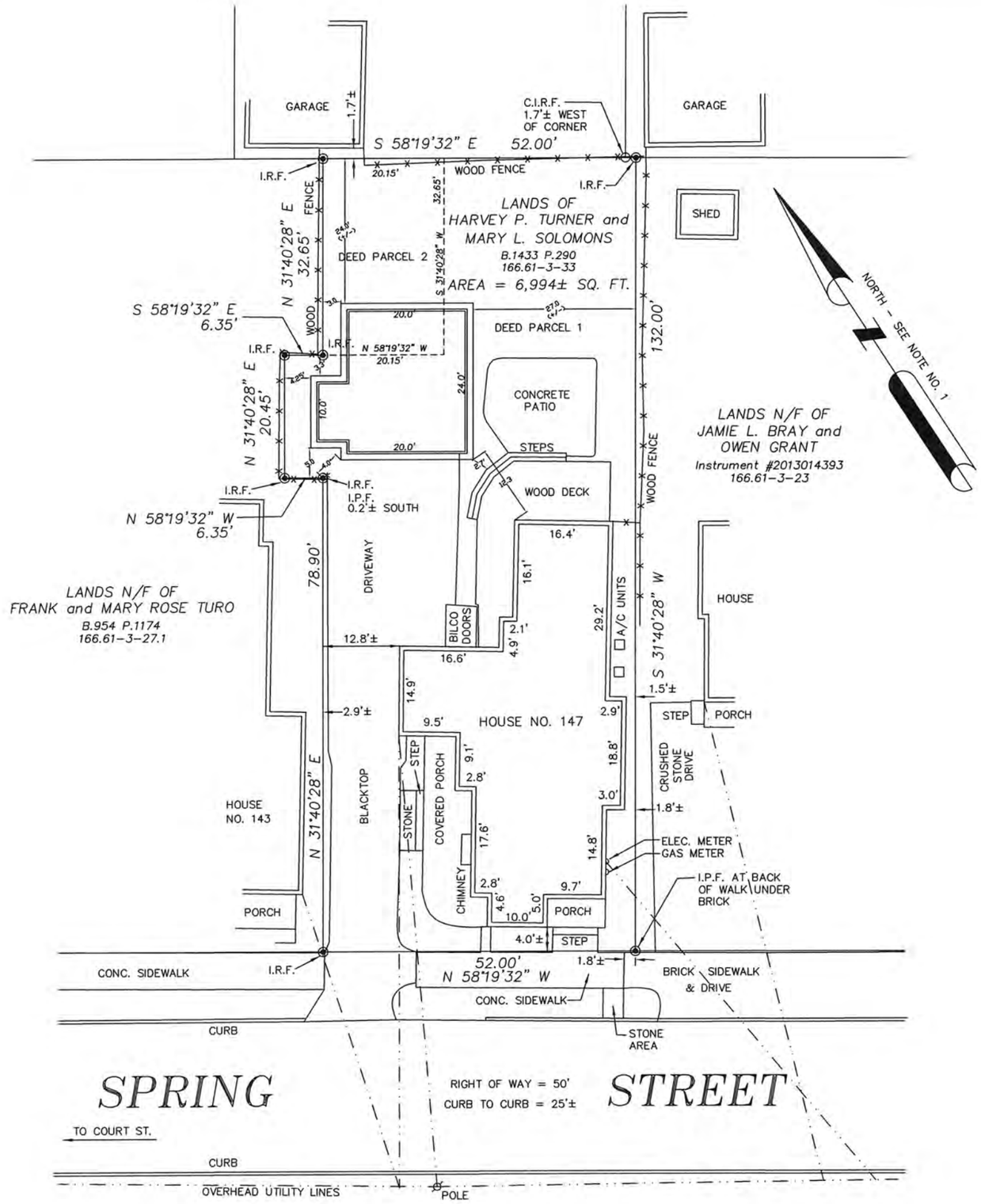
Properties across Spring St. to the South West of project site

Adjacent property to the East as viewed from Spring St

(EXISTING)



#147 Spring St.
EXISTING Survey
1" = 20'



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NOTES:

1.) NORTH ORIENTATION IS PER BOOK 1433 OF DEEDS AT PAGE 290.

2.) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATEMENT OF FACT SUCH DOCUMENT MAY DISCLOSE.

3.) THE SURVEYED PARCEL IS SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD.

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LEGEND

N/F	NOW OR FORMERLY
— · — · — · —	OVERHEAD UTILITY LINES
C.I.R.S	CAPPED IRON ROD SET
I.P.F.	IRON PIPE FOUND
C.I.R.F.	CAPPED IRON ROD FOUND
I.R.F.	IRON ROD FOUND
116.00-2-39	TAX MAP SECTION-BLOCK-LOT
B.769 P.986	DEED BOOK & PAGE
◉	POINT

THIS PLOT PLAN WAS PREPARED BY ENGINEERING AMERICA CO. FOR PURPOSES OF ZONING VARIANCE APPLICATION & SUBMITTAL USING AN ORIGINAL SURVEY MAP PREPARED BY & USED WITH AUTHORIZATION BY ALBRECHT & WILLSON LAND SURVEYORS. THIS PLOT PLAN IS NOT INTENDED TO BE USED AS A SURVEY. BUILDING CORNERS MUST BE VERIFIED BY LICENSED SURVEYOR PRIOR TO AND FOLLOWING CONSTRUCTION AS REQUIRED BY THE CITY BUILDING DEPT.

ZBA PLOT PLAN FOR CHRIS OBSTARCZYK # 147 SPRING ST.

DATE: 8-15-16

SCALE: 1" = 20'

Albrecht & Willson Land Surveyors, PLLC
63 GRAY AVENUE
GREENWICH, N.Y. 12834