

# FROST HURFF ARCHITECTS

## MEMO

Date: 8/25/16  
To: Susan Barden  
From: Tom Frost  
Re: 5 Swanner Lane ZBA Application

The accompanying Area Variance Application is relatively simple. However, previous applications to the ZBA for this property may be a bit confusing.

One of these dated 6/23/00 was for a Use Variance to expand the pre-existing nonconforming use as a warehouse/office building. That variance was granted. In the current application the use has become residential, not requiring approval for such a change in this District.

On the same date as above, an Area Variance was granted to allow for a front yard setback of 2 feet, a sideyard setback to zero feet, a rear yard setback to zero feet and a principal building lot coverage to 31%.

These side yard setbacks were accomplished. However, the existing lot coverage figure now exists as 34.76%, not 31%. After reviewing the site survey, I believe this discrepancy is due to the roof overhangs not having been included in the coverage square foot figure.

The point is, we are requesting a principal building increase from the existing 34.76% to the proposed 40.37%.

The percentage of permeable area remains well above 25%.



# CITY OF SARATOGA SPRINGS

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Saratoga Springs, New York 12866  
Tel: 518-587-3550 fax: 518-580-9480  
www.saratoga-springs.org

[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	LISA BATES		THOMAS FROST FROST HURFF ARCHITECTS
Address	[REDACTED]		41 LONG ALLEY SARATOGA SPRINGS, NY 12866
Tel/Fax	[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: 5 SWANNER LANE Tax Parcel No.: 166.45 - 4 - 30  
(for example: 165.52 - 4 - 37)

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

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

6. Has a previous ZBA application/appeal been filed for this property?  
 Yes (when? 6/23/2000 For what? WAREHOUSE/OFFICE USE  
 No AREA VAR. - LOT COVERAGE, SETBACKS

7. Is property located within (check all that apply)?:  Historic District     Architectural Review District  
 NA     500' of a State Park, city boundary, or county/state highway?

8. Brief description of proposed action: ADD TWO ADDITIONS TO A BUILDING THAT EXISTS AS A PRE-EXISTING NON-CONFORMING STRUCTURE IN TERMS OF LOT COVERAGE AND SET-BACKS.

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" and attach to top of original application. 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): **NA**

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): **NA**

1. Date original variance was granted: \_\_\_\_\_ 2. Type of variance granted?  Use  Area

3. Date original variance expired: \_\_\_\_\_ 4. Length of extension requested: \_\_\_\_\_

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) ARTICLE II, TABLE 2

Dimensional Requirements

From

To

% OF PRINCIPAL BUILDING LOT COVERAGE

REQ'D - 30%

EXISTING - 34.76% PROPOSED - 40.37%

REAR YARD SETBACK

REQ'D 25'

EXISTING 0' PROPOSED - 2.7' TO 5.6'

SIDE YARD SETBACK

REQ'D EACH 4', TOT. 12'

EXISTING 0', 33' PROPOSED - 0', 29.5'

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 PROPOSED ENCLOSED MECHANICAL AREA COULD BE VISUALLY PROTECTED BY A FENCE THAT WOULD NOT INCREASE LOT COVERAGE. HOWEVER, BY INSTALLING A ROOF OVER IT, NOT ONLY IS THE ELECTRICAL/MECHANICAL/GAS EQUIPMENT PROTECTED, THE SPACE CAN BE USED AS EXTERIOR STORAGE FOR YARD EQUIPMENT, ETC. THERE IS NO EXISTING COVERED STORAGE (NO GARAGE E.G.) ON THE PROPERTY. THE COVERED ENTRY IS A NECESSITY NOT ACHIEVABLE BY ANY OTHER MEANS.

- 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 PROPOSED ENCLOSED MECHANICAL AREA IS PARTIALLY HIDDEN BEHIND THE BUILDING AND BY A FENCE ALONG THE REAR PROPERTY LINE. EXISTING PORTIONS OF THE BUILDING HAVE LESS REAR SETBACK THAN THIS PROPOSED ADDITION. IT WILL VISUALLY ADD MINIMAL MASS TO THE EXISTING STRUCTURE. THE COVERED ENTRY WILL ADD NO VISUAL MASS TO THE BUILDING, AND WILL IMPROVE THE APPEARANCE OF ITS EAST ELEVATION, AND HELP IDENTIFY IT AS A RESIDENTIAL USE.

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

THE TWO STRUCTURES THAT CAUSE THE NEED FOR THE VARIANCE ARE FAIRLY MINIMAL GIVEN THE EXISTING BUILDING MASS, AND THEIR ALMOST INCONSEQUENTIAL CHANGE TO THE SITE.

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 APPEARANCE OF THE EXISTING PROPERTY WILL HARDLY BE CHANGED, AND THE PREFERRED RESIDENTIAL USE IN THE DISTRICT WILL BE MORE OBVIOUS.

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 AND THE NEED FOR A VARIANCE IS SELF-CREATED. THE BUILDING COULD CONTINUE IN ITS PRESENT USE WITHOUT THE PROPOSED ADDITIONS. BUT THEY MAKE IT MORE LIVEABLE.

**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)

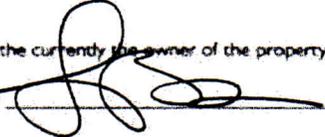
Sworn to before me this date:

Date: August 25, 16

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

\_\_\_\_\_  
Notary Public

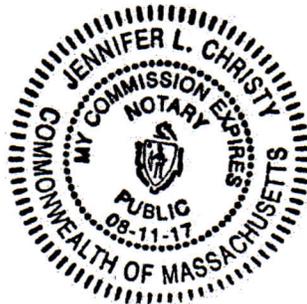
If applicant is not the currently the owner of the property, the current owner must also sign.

Owner Signature: 

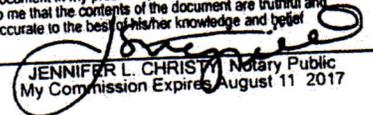
Date: August 25, 16

Owner Signature: \_\_\_\_\_

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



On this 25<sup>th</sup> day of August, 2016, before me, the undersigned notary public, personally appeared LISA S. BATES and proved to me through satisfactory evidence of identification, which were NY DL Lic# 354 881 473 to be the person who signed the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.

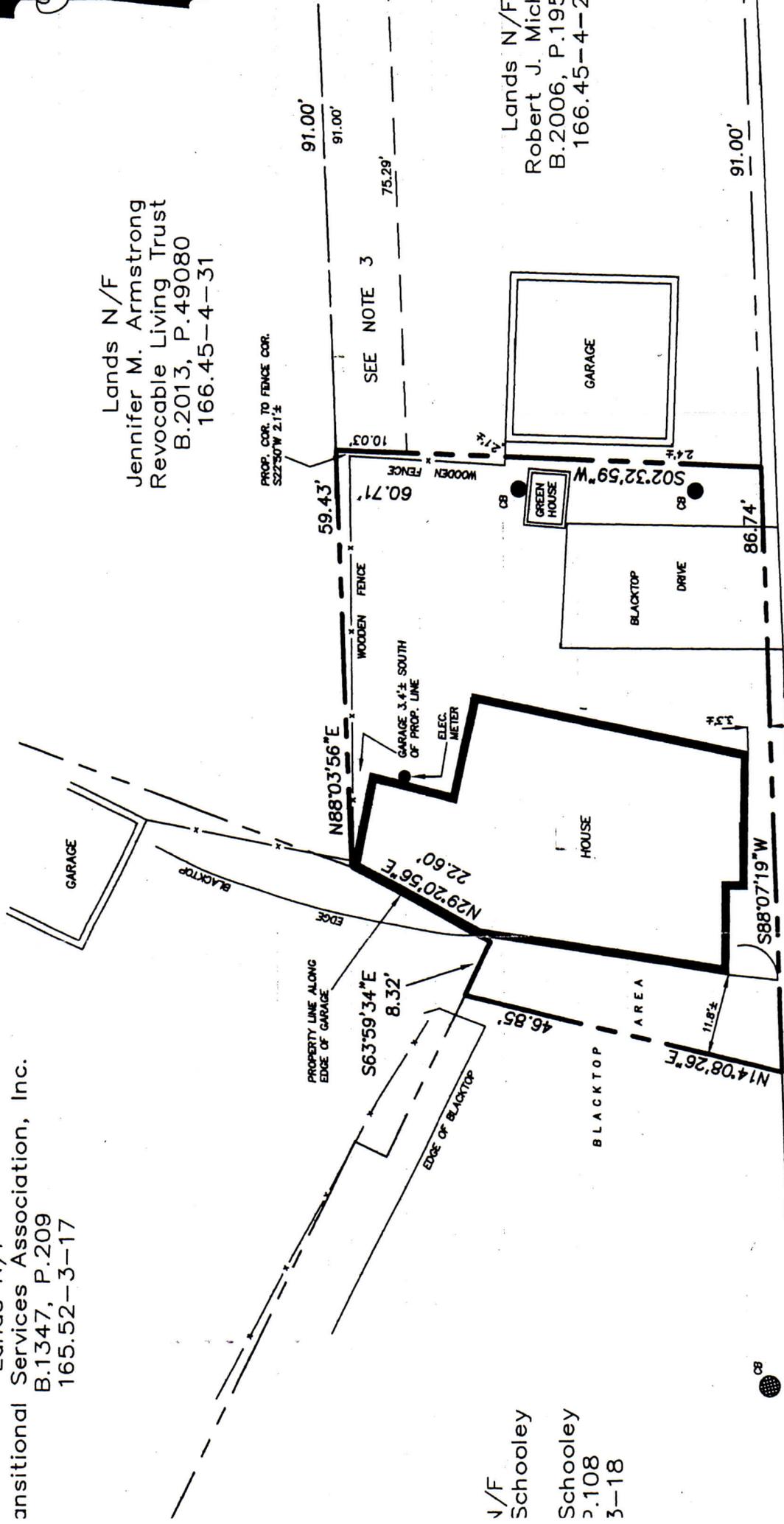
  
\_\_\_\_\_  
JENNIFER L. CHRISTY, Notary Public  
My Commission Expires August 11 2017

FROM SURVEY DATED 7/19/16  
 1" = 20'.0"

Lands N/F  
 ansitional Services Association, Inc.  
 B.1347, P.209  
 165.52-3-17

Lands N/F  
 Jennifer M. Armstrong  
 Revocable Living Trust  
 B.2013, P.49080  
 166.45-4-31

Lands N/F  
 Robert J. Mict  
 B.2006, P.195  
 166.45-4-2



S W A N N E R L A N E

N/F  
 Schooley  
 Schooley  
 2.108  
 3-18

EDGE OF PAVEMENT



166.45

YORK AVENUE

HARRISON STREET

MIDDLE STREET

LAKE AVENUE

NELSON AVENUE

St. Pauls Evangelical Lutheran Church

REAL PROPERTY TAX MAP

PREPARED FOR: SARATOGA COUNTY BOARD OF SUPERVISORS  
UNDER SUPERVISION OF: REAL PROPERTY TAX SERVICE AGENCY

THIS MAP HAS BEEN PREPARED FROM MAPS AND DEEDS AND OTHER INFORMATION OF PUBLIC RECORD, IN ACCORDANCE WITH THE PROVISIONS OF THE REAL PROPERTY TAX LAW, FOR ASSESSMENT PURPOSES ONLY. (L DOES NOT REPRESENT A 1:1 MAP OF REALTY.)

COORDINATES BASED ON NEW YORK STATE PLANE COORDINATE SYSTEM (LATTICE CORNERING IS)

SPECIAL DISTRICTS

DATE: 05/01/09

PROPERTY LINE

5 SWANNER LANE

East side of building



enclosed

enclosed mechanical addition

# 5 SWANNER LANE

Location of proposed



5 SWANNER LANE  
SE corner of building



