



# 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	Aspen Witt	Brian & Kristin Foust	N/A
Address	563 N. Broadway Saratoga Springs, NY 12866	[REDACTED]	
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: 8 Avery St, Saratoga Springs, NY 12866 Tax Parcel No.: 166 37 2 59.2  
(for example: 165.52 - 4 - 37)

2. Date acquired by current owner: December 11th, 2015 3. Zoning District when purchased: UR3

4. Present use of property: Single Family Home 5. Current Zoning District: UR3

6. Has a previous ZBA application/appeal been filed for this property?  
 Yes (when? July 14, 2015 For what? Subdivision)  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 relief from maximum lot coverage for detached 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".

- 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:

<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):

2.0: Base Zoning Districts

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

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
Lot Coverage for detached garage	10%	11.27%
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: \_\_\_\_\_  
N/A

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:

- 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 cannot be sought by other feasible means because the garage has already been constructed. The relief that we are ~~requesting cannot be received because the garage ahas already been constructed due to an oversight~~ Due to an oversight a building permit was issued on December 11, 2015 and it was not brought to our attention until September 22, 2016 that the garage is not in compliance with current lot coverage requirements. Our staff thought the house and detached garage lot coverage was 30% - 10% = 40%. The house covers 25.29% and the garage covers 11.27% totaling to 36.56%. Note the garage as built is 638 sq ft, 2' under the 10% maximum requirements, if overhangs are not included.

- 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 existing single family home and detached garage are in keeping with the existing homes in the neighborhood.



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: \_\_\_\_\_

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

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

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

Owner Signature: 

Date: 9/26/16

Owner Signature: 

Date: 9/26/16



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>			
Name of Action or Project: Area Variance for Detached Garage			
Project Location (describe, and attach a location map): 8 Avery St., Saratoga Springs, NY 12866			
Brief Description of Proposed Action: Seeking relief from maximum lot coverage for detached garage.			
Name of Applicant or Sponsor: Aspen Witt		Telephone: [REDACTED]	
		E-Mail: [REDACTED]	
Address: 563 North Broadway			
City/PO: Saratoga Springs		State: NY	Zip Code: 12866
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"/>
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 <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ 0.147 acres			
b. Total acreage to be physically disturbed? _____ 0 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0 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 type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<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>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</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>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</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>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</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: <u>Aspen Witt</u> Date: <u>9/26/16</u></p> <p>Signature: <u><i>Aspen H. Witt</i></u></p>		

ZBA Application for 8 Avery St., Saratoga Springs, NY 12866

**Materials Submitted on 9/26/16 for 10/24/16 Meeting**

1. Completed Application
2. Completed SEQR Environmental Assessment Form (Short Form – Part 1)
3. Drawings
4. Building Permits
  - a. Garage
  - b. House
5. Photographs showing the site and subject of appeal, and its relationship to adjacent properties (8 photos)





NO  
PARKING  
24 HRS  
STARTING 8AM  
TUES, THURS,  
SAT, SUN

2006







Window on the right side of the house.

Large window in the gable of the house.

2006

County Waste  
5.7-7007

CAUTION CAUTION





**BUILDING PERMIT**  
TO CONSTRUCT  
**DETACHED GARAGE**  
Permit Number: 20151392

Date: December 11, 2015

Permission is hereby granted to the below owner or contractor for construction in accordance to application **20151008** together with plans and specifications hereto filed and approved and in compliance with the provisions of the Codes of City of Saratoga Springs, New York.

Permit Issue Date: 12/11/2015

Permit Expiration Date: 12/10/2017

**LOCATION**

Sect/Block/Lot: 166.37-2-59.2  
Street: 8 AVERY STREET  
Zoning District: UR-3 URBAN RESIDENTIAL-3

**PERMIT CLASSIFICATION**

Permit Type: B BUILDING  
Work Type: 3502 DETACHED GARAGE  
Prop Usage: U UTILITY - MISC. STRUCTURES  
Occupy Class: R  
Const. Class: VB

**OWNER**

ANW HOLDINGS INC.  
563 NORTH BROADWAY  
SARATOGA SPRINGS, NY 12866

**CONTRACTOR**

WITT CONSTRUCTION, INC.  
563 NORTH BROADWAY  
SARATOGA SPRINGS, NY 12866

**APPLICANT**

WITT CONSTRUCTION, INC.  
563 NORTH BROADWAY  
SARATOGA SPRINGS, NY 12866

Total Value of Work: \$28,000  
Total Square Feet: 1,276

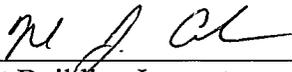
Application Date: 11/10/2015

Permit Issued By: MC

Permit Fee: \$271.40

Scope of Work: U OCCUPANCY, 22' X 29' DETACHED GARAGE

Comments/Conditions:

  
Assistant Building Inspector

# City of Saratoga Springs

## BUILDING DEPARTMENT

# BUILDING PERMIT

PERMIT NO. 20151392 DATED 12/11/2015

Was Issued To ANW HOLDINGS, INC.

Address 8 AVERY STREET Phone [REDACTED]

Scope Of Work U OCCUPANCY, 22' X 29' DETACHED GARAGE

*For Construction on these Premises in Strict accordance with Plans and Specifications on File and in Compliance with the Building Code and Laws of the City of Saratoga Springs.*

Inspections by Building Department are required at the following schedules:

1. Foundation footings before concrete.
  2. Foundation rebar before concrete.
  3. Foundation before backfill.
  4. Floor slab before concrete.
  5. Roof Deck ice/water before cover.
  6. Rough framing before insulation.
  7. Rough plumbing before insulation.
  8. HVAC before insulation.
  9. Insulation before covered.
  10. Septic before Backfill.
  11. Final for certificate of occupancy.
- No occupancy of building without approval of the building department.

*M. A. Clark*

ASSISTANT BUILDING INSPECTOR

**TO BE KEPT POSTED DURING CONSTRUCTION**



# BUILDING PERMIT TO CONSTRUCT

## NEW 1 OR 2 FAMILY CONSTR Permit Number: 20151393

Date: December 11, 2015

Permission is hereby granted to the below owner or contractor for construction in accordance to application **20151002** together with plans and specifications hereto filed and approved and in compliance with the provisions of the Codes of City of Saratoga Springs, New York.

Permit Issue Date: 12/11/2015

Permit Expiration Date: 12/10/2017

### LOCATION

Sect/Block/Lot: 166.37-2-59.2  
Street: 8 AVERY STREET  
Zoning District: UR-3 URBAN RESIDENTIAL-3

### PERMIT CLASSIFICATION

Permit Type: B BUILDING  
Work Type: 01 NEW 1 OR 2 FAMILY CONSTR  
Prop Usage: R-3 RESIDENTIAL - 1 & 2 FAMILY  
Occupy Class: R  
Const. Class: VB

### OWNER

ANW HOLDINGS, INC.  
563 NORTH BROADWAY  
SARATOGA SPRINGS, NY 12866  
[REDACTED]

### CONTRACTOR

WITT CONSTRUCTION, INC.  
563 NORTH BROADWAY  
SARATOGA SPRINGS, NY 12866  
[REDACTED]

### APPLICANT

WITT CONSTRUCTION, INC.  
563 NORTH BROADWAY  
SARATOGA SPRINGS, NY 12866  
[REDACTED]

Total Value of Work: \$335,000  
Number of Dwelling Units: 1  
Total Square Feet: 4,080  
Basement Total SF: 1,296  
Finished Basement SF: 0  
Garage SF: 0

Number of Bedrooms: 4  
Number of Bathrooms: 2  
Number of Half Baths: 1  
Total Number of Rooms: 10  
Deck/Porches: 0/2  
Fireplaces: 1

Application Date: 11/06/2015

Permit Issued By: MC

Permit Fee: \$966.00

Scope of Work: R-3 OCCUPANCY, NEW SINGLE FAMILY DWELLING

Comments/Conditions:

  
Assistant Building Inspector

# City of Saratoga Springs

## BUILDING DEPARTMENT

# BUILDING PERMIT

PERMIT NO. 20151393 DATED 12/11/2015

Was Issued To ANW HOLDINGS, INC.

Address 8 AVERY STREET Phone [REDACTED]

Scope Of Work R-3 OCCUPANCY, NEW SINGLE FAMILY DWELLING

*For Construction on these Premises in Strict accordance with Plans and Specifications on File and in Compliance with the Building Code and Laws of the City of Saratoga Springs.*

Inspections by Building Department are required at the following schedules:

1. Foundation footings before concrete.
2. Foundation rebar before concrete.
3. Foundation before backfill.
4. Floor slab before concrete.
5. Roof Deck ice/water before cover.
6. Rough framing before insulation.
7. Rough plumbing before insulation.
8. HVAC before insulation.
9. Insulation before covered.
10. Septic before Backfill.
11. Final for certificate of occupancy.

No occupancy of building without approval of the building department.

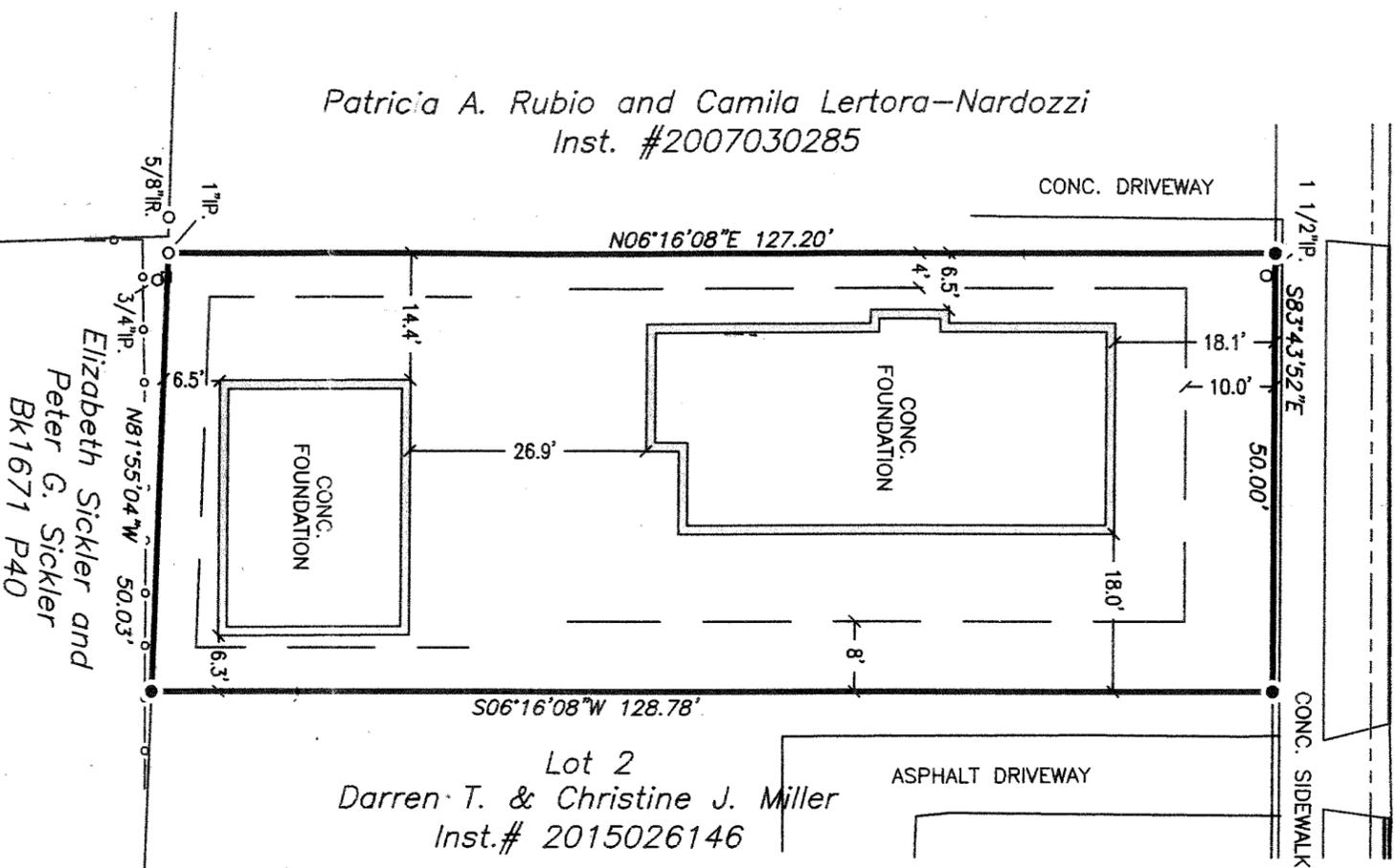
*MAAC*

ASSISTANT BUILDING INSPECTOR

**TO BE KEPT POSTED DURING CONSTRUCTION**

6" SANITARY  
4" WATER MAIN  
CURB  
Avery Street

1996



Lot 1  
8 Avery Street  
0.147 ac. or  
6,400 s.f.

**Map Legend**

- 5/8" steel rod set with a tag
- o marker found, labeled
- o utility pole
- overhead wires
- chain-link fence

**Map Reference:**

"Hickey Subdivision" dated April 30, 2015 last revised 8/10/15 by Thompson—Fleming Land Surveyors, P.C. and filed in the Saratoga County Clerk's Office as Map M 2015147.

**Deed Reference:**

Brian J. Foust and Kristin T. Foust  
Inst. #2016000078

**Certification :**

IT IS HEREBY CERTIFIED TO BRIAN J. FOUST & KRISTIN T. FOUST; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY; SARATOGA NATIONAL BANK & TRUST COMPANY, ISAQA that the map was prepared in accordance with the current existing Code of Practice for Land Surveyors adopted by the New York State Association of Professional Land Surveyors, Inc. The certification is limited to persons for whom the boundary survey map is prepared, to the title company, the governmental agency, and to the lending institution listed on this boundary survey map.

Unauthorized alteration or addition to a survey map bearing a licensed Land Surveyor's Seal is a violation of Section 7209 subdivision 2 of the New York State Education Law.

Only apparent easements (if any) are shown on this survey. No abstract of title was available.

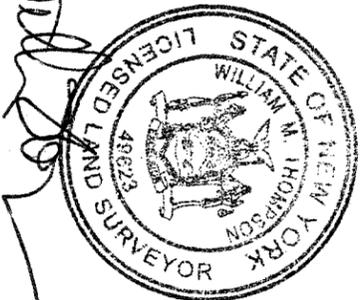
P:\Witt Construction 10 Avery St S15-108.dwg\S15-108 Witt Avery St Lot 1 Foundation Survey.dwg

Foundation Survey

for  
**Brian and Kristin Foust**

Situate at  
**8 Avery Street**

City of Saratoga Springs, Saratoga County NY



DATE

REVISION



12 Lake Avenue  
Saratoga Springs,  
NY 12866

**THOMPSON / FLEMING**  
LAND SURVEYORS, P.C.

DATE:  
Feb. 15, 2016

SURVEYED BY:  
WMT

JOB NUMBER:  
S15-108.11