



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	SBDT Ventures, LLC	Tom & Sandra Lewis	Van Dusen & Steves Land Surveyors
Address	18 Division St. Saratoga Springs, NY 12866	[REDACTED]	169 Haviland Road Queensbury, NY 12804
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: 60 Franklin Street Tax Parcel No.: 165 59 1 94
(for example: 165.52 - 4 - 37)

2. Date acquired by current owner: September 24, 2015 3. Zoning District when purchased: UR-4

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

6. Has a previous ZBA application/appeal been filed for this property?
 Yes (when? 7/29/15 (2844) For what? Area Variances)
 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: Relief to accommodate the as-built condition of the single family residence.

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):

Bulk Schedule UR-4 Zone

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

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
Maximum Building Coverage	31%*	36%
Front Setback	14.5**	14'
Each Side Setback	2.5' & 12**	2' & 12'
Side Total	14.5**	14'
*Relief granted 7/29/15, #2844		

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.

There are no other feasible means to provide relief from the as-built condition. An area variance for lot width was granted as a part

of application #2844. There is a single-family residence to the south and a single-family residence under construction on the north.

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 variance will not result in an undesirable change in the neighborhood and is in keeping with the overall residential character.

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

The variance is not substantial. The requested setback relief is an adjustment from that which was previously granted.

The lot coverage for the single-family residence with an attached garage, 36%, is less than that permitted for a principal and 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 neighborhood is predominantly residential and the majority of these homes are on substandard lots. The constructed

residence has been designed in consideration of these conditions and does not have an adverse physical or environmental impact

on the neighborhood or district .

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 was self-created: the front setback size was a couple of inches larger than planned; the dimension from the

escape well on the south was to the inside of the block and not the outside, which is closer to the property line; and the building

coverage previously reported did not include overhangs, but was given to the walls of the structure.

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)

[Handwritten Signature]

 (applicant signature)

Date: _____

Date: 9-26-16

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

Owner Signature: m. Sandra Lewis

Date: 9-26-16

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.

Part 1 - Project and Sponsor Information			
Name of Action or Project: 60 Franklin Street			
Project Location (describe, and attach a location map): 60 Franklin Street (Tax Parcel 165.59-1-51.2)			
Brief Description of Proposed Action: Obtain area variances to accommodate the as-built condition of the single-family residence			
Name of Applicant or Sponsor: SBDT Ventures, LLC		Telephone: [REDACTED]	
		E-Mail: [REDACTED]	
Address: 18 Division Street			
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: Zoning Board, City of Saratoga Springs			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.17 acres	
b. Total acreage to be physically disturbed?		0.00 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.34 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 checked="" 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): _____ <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>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Jason M. Tommell, As Agent</u> Date: <u>09/26/16</u></p> <p>Signature: <u><i>J. Tommell</i>, as agent</u></p>		



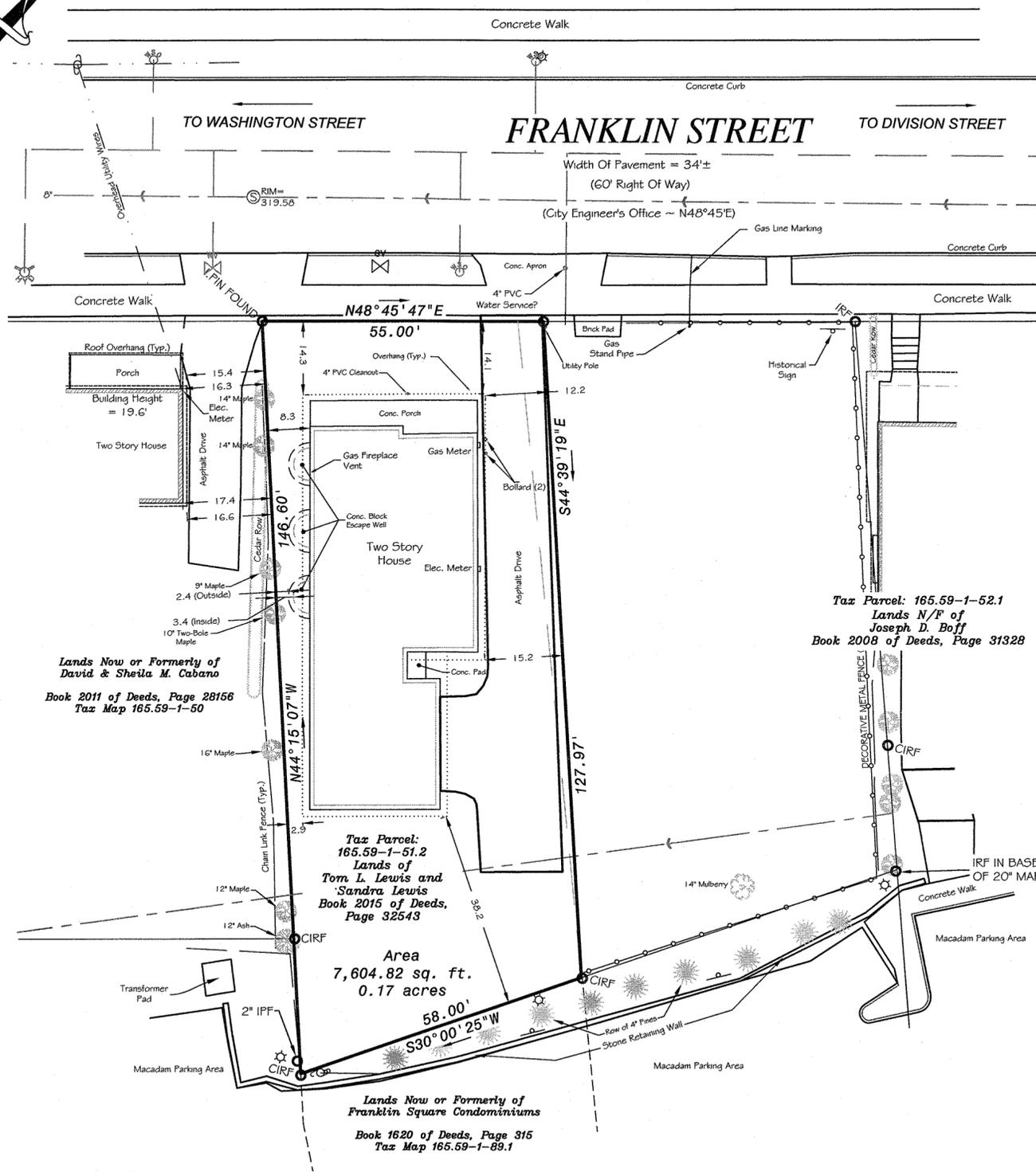
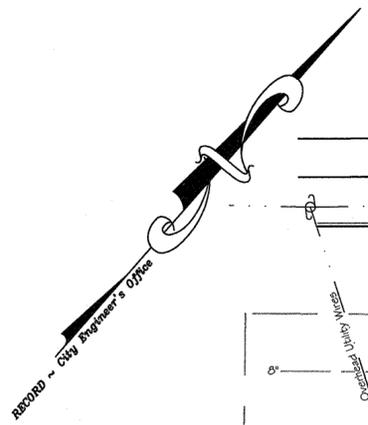
NO
PARKING
2-4 HRS
STARTING 8AM
MON. - WED.
5/2

Kathy
MARCHIONE





60



ZONING INFORMATION:

UR-4/URBAN RESIDENTIAL-4	REQUIRED	VARIANCE	EXISTING	DIFFERENCE
MINIMUM LOT SIZE	3,000 SQ. FT.	---	7604.8 SQ. FT.	+4604.8 SF
MINIMUM AVERAGE WIDTH	100 FT.	55.4'	55.4'	0
MAXIMUM BUILDING COVERAGE:				
PRINCIPAL	25%	31.0%	36.2% (2753.7 SF)	+5.2%* or 0**
*Building Overhangs Used to Calculate Building Coverage Area (2753.2 / 7604.8 = 0.362).				
**Building Coverage is 31.0% if Wall Lines are Used (2353.7 / 7604.8 = 0.310).				
ACCESSORY	15%	9.0%	N/A	
*Total Principal and Accessory Building Coverage is Limited to 40%				
MINIMUM FLOOR AREA:				
1 STORY	1,800 SQ. FT.	---	---	---
2 STORY	1,200 SQ. FT.	---	2354 (HOUSE & PORCH)	+554 SF
MAXIMUM BUILDING HEIGHT	70 FT.	---	---	---
MINIMUM PERMEABLE	15%	---	42.5%	-27.5%
(DRIVEWAY: 1616.0 SF.; BUILDING COVERAGE: 2753.7 - TOTAL IMPERMEABLE = 3970 SF. = 57.5%)				
SETBACKS:				
FRONT	25 FT.	14.5 FT.	14.1 FT.	-0.4 FT.
REAR	25 FT.	37.5 FT.	38.2 FT.	+0.7 FT.
SIDE (SOUTH)	20 FT.	2.9 FT. (OH)	2.9 FT. (OH)	0 FT.**
SIDE (NORTH)	20 FT.	12.4 FT.	12.2 FT.	-0.2 FT.
SIDE (TOTAL)	45 FT.	15.3 FT.	15.1 FT.	-0.2 FT.
*All Dimensions to Property Lines Shown are between Roof Overhang and Property Line.				
**2.4' to South Edge of Escape Wall				
MINIMUM DIST. TO ACCESS. BLDG.				
PRINCIPAL BUILDING	10 FT.	N/A	---	---
FRONT	25 FT.	N/A	---	---
SIDE	5 FT.	N/A	---	---
REAR	5 FT.	N/A	---	---

- LEGEND:**
- IPF = IRON PIPE FOUND
 - IRF = IRON ROD FOUND
 - CIRF = CAPPED IRON ROD FOUND
 - = WOOD STOCKADE FENCE
 - = CHAIN LINK FENCE
 - = DECORATIVE METAL FENCE
 - ⊙ = SANITARY MANHOLE
 - ⊕ = FIRE HYDRANT
 - ⊗ = WATER VALVE
 - ⊘ = WATER SHUTOFF
 - ⊙ = GAS VALVE
 - ⊕ = UTILITY POLE
 - ⊙ = LAMP POST
 - ⊕ = SIGN



Van Dusen & Steves
Land Surveyors
 169 Haviland Road
 Queensbury, New York 12804
 New York Lic. No. 50135

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
 *ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
 **CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COURTY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION.

Map of a Survey made for
SBDT Ventures, LLC
#60 Franklin Street
 City of Saratoga Springs (ID), Saratoga County, New York

NO.	DATE	DESCRIPTION
2	7/25/16	AMENDMENTS TO ZONING INFO.
1	4/20/16	FINAL HOUSE LOCATION ADDED

Date: May 5, 2015
 Scale 1"=20'
S-1
 SHEET 1 OF 1
 SBDT VENTURES
 DWG. NO. 15051

