



ZONING BOARD OF APPEALS

MINUTES (DRAFT)

MONDAY, FEBRUARY 06, 2023

6:30 P.M.

CITY COUNCIL CHAMBERS

CALL TO ORDER: Gage Simpson, Chair, called the meeting to order at 6:31P.M.

PRESENT: Gage Simpson- Chair; Brad Gallagher- Vice Chair, Cheryl Grey
Brendan Dailey, Emily Bergmann, Alice Smith

ABSENT:

STAFF: Aneisha Samuels, Senior Planner, City of Saratoga Springs
Jackie White, Counsel to the Land Use Boards

ANNOUNCEMENT OF RECORDING OF PROCEEDING:

The proceedings of this meeting are being recorded for the benefit of the secretary. Because the minutes are not a verbatim record of the proceedings, the minutes are not a word-for-word transcript of the recording.

Salute the flag

ZBA APPLICATIONS UNDER CONSIDERATION:

NEW BUSINESS:

- 1. #20221084 172 Caroline Final Subdivision,** Consideration of Coordinated SEQRA Review and advisory opinion from the Planning Board for a proposed two-lot subdivision in the Urban Residential - 3 (UR-3) district.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	Proposed	Relief Requested
Min Average Lot Width	60 ft.	55.5 ft.	4.5 ft. (7.5%)
Min Total Side Yard Setback	12 ft.	9.7 ft.	2.3 ft. (19.2%)
Accessory to side (Existing Garage)	5 ft.	0 ft.	5 ft.(100%)

Aneisha Samuels noted the applicant has not yet submitted an application before the Zoning Board.

Motion presented by Cherie Grey to defer SEQR lead to the Planning Board, seconded by Brendan Dailey. Motion passed 6-0

Cherie asked if the Board also needed an advisory opinion from the planning Board. Aneisha Samuels noted there is no need to present a motion at this time for advisory. Since the subdivision will be creating a substandard lot based on the UDO it is required that the Planning Board provides a written advisory once there is an active application before the Board for consideration.

- 2. #20221099 116 White St. Addition,** 116 White Street, Area Variance to permit a two-story addition and replacement of the stone foundation within the Urban Residential -3 (UR-3) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	Proposed	Relief Requested
Interior Side yard Setback	5 ft.	1.3 ft.	3.7 ft. (74%)

Bob Flansburg noted he will start with an overview of the property he noted there is an existing first floor roof , some deck and some steps to the rear of the property. He noted there is a 5ft deck and some steps 8.5ft all in. The proposal is to clean up the roofline. He plans to remove the deck and replace the steps with some smaller steps. The plan is to add a second floor and clean up the roofline. There is a detached garage off the alley. The rectangular portion will add a new foundation to make better use of the first floor plan. The plan is to eliminate the trap door. If you note on the plans that 1ft jog out, the plan is to clean that up when we pour the new foundation.

Cherie asked to confirm the relief needs and she later asked for some confirmation regarding the survey provided by the applicant. Bob noted Dan Weiler provided the survey, and Aneisha confirmed the relief needs reflected in the table above. Cherie also wanted further clarification on the proposed plans as it relates to the Bilco basement door. Bob noted the plans as proposed is an improvements on the current situation. The plan is not to take up the back yard with more square footage. There is no staircase to the basement and it's an older home. Dave Newman the property owner noted the plan was to keep the same footprint but improve access to the basement.

Cherie asked about the window on the second floor since they are under 3 ft. Bob notes that due to the proximity of the window to the property lines the proposed window may need to be eliminated. Cherie notes there is an ac unit on the neighbor's property that should be moved someplace else on the property that would comply with zoning. Cherie suggested moving the ac condenser unto the property.

Brad asked why the new addition couldn't be shifted more towards the center of the property. Bob noted those alternatives are cost prohibitive.

Emily noted that since the home is so close to the property lines she wanted conformation on the location of the windows and what are the plans for drainage. Bob noted the house doesn't have any gutters but this is something that will be taken into consideration during construction.

Public hearing was open at 6:56 and closed at 6:56 by Gage Simpson
No public comments where heard

Motion presented by Cherie Grey as follows.

#20221099
IN THE MATTER OF THE APPEAL
OF
 Dave and Julie
 Newmann 116 White
 Street
 Saratoga Springs NY 12866

from the determination of the Building Inspector involving the premises at 116 White Street in the City of Saratoga Springs, New York being tax parcel number 166.77-1-7 on the Assessment Map of said City.

The applicant having applied for an area variance under the UDO of said City to permit the demolition of a rear deck and construction of a two-story addition on the rear of an existing single-family residence in a UR-3 District and public notice having been duly given of a hearing on application held on February 6, 2023

In consideration of the balance between benefit to the applicants with detriment to the health, safety and welfare of the community, I move that the following area variance for the following amount of relief:

TYPE OF REQUIREMENT	DISTRICT DIMENSIONAL REQUIREMENT	PROPOSED	RELIEF REQUESTED
MINIMUM SIDE YARD SETBACK	5 FT	1.3 FT	3.7 FT (74%)

As per the submitted plans or lesser dimensions, be **approved** for the following reasons:

1. The applicants have demonstrated this benefit cannot be achieved by other means feasible to the applicant. Due to the pre-existing nonconforming placement of the house on the property, any changes to the house would incur a side yard setback. The applicants want to demolish an existing one-story addition, deck and staircase and replace it with a two-story addition in the same location. The width and height of this addition will be flushed with the existing rear of the house. The applicant states other alternatives were explored which did not meet the needs of the applicant.
2. The applicant has demonstrated that granting this variance will not produce an undesirable change in neighborhood character or detriment to the nearby properties. The addition will be in the rear of the house and will not be visible from the street.
3. Although the variance is substantial at 74%, this is due to the fact that the existing home was built on the property in this location prior to zoning requirements. No property is available to purchase.
4. The Board finds this variance will not have an adverse physical or environmental effect on the neighborhood. No other variances are required for this addition and district permeability will be met.
5. The alleged difficulty is self-created insofar as the applicants desire to construct the proposed addition, but this is not necessarily fatal to the application.

Note:

1. Due to the close proximity to the neighbor’s property, drainage impacts shall be mitigated against.
2. No windows shall be installed on that side of the house (left elevation/East side) on the second floor due to the proximity to the property line. The window identified on the plans will be eliminated.

Condition:

1. The applicant is required to rectify the exiting AC unit encroachment.

It is so moved, dated: February 6th, 2023

Seconded by Brendan Dailey
 Adopted by the following votes:

AYES: 6 (G. Simpson, B. Gallagher, C. Grey, B. Dailey, E. Bergmann, A. Smith)

NAYES: 0

3. **#20221094 112 Fifth Garage Addition and Deck Roof**, 112 Fifth Avenue, Area variance to permit the construction of a garage addition and new roof over existing deck within the urban residential -1 (UR-1) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	Proposed	Relief Requested
Max Principal Coverage	28%	30%	2% (7.1%)
Min Total Side	30 ft.	29.7ft.	0.3ft (1%)
Interior Side yard Setback	12 ft.	4.5ft ft.	7.5 ft. (62.5%)

Trevor Flynn from Flynn Design Studios represented the owners he noted the image showed the exterior rendering of the proposed addition. The plan is to update some windows on the front, renovate the exterior, update the siding and add a small porch. The main reason for the relief is for the proposed changes to the garage, this would include 5ft to convert the existing garage into a two garage. The plan is also to add a roof over the existing deck from the overhangs from the new roof over the deck. The applicant stated alternatives were considered including the garage on the other side. The applicant noted this would increase the relief needs. He also noted that the garage functions better from this side and also having the garage on the other side is cost prohibitive. The applicant noted there are no major changes regarding run off.

Gage noted he has no issues with the applicants request since the lot is undersized and he believes the current garage proposal seems appropriate.

Emily noted she appreciates that the applicant is keeping the home in the same footprint and she believes it is in context with the neighborhood

Cherie noted one car garage seems appropriate for this neighborhood and not many homes except for new builds have single car garages. The applicant noted it is more convenient during the winter especially for this growing family and he believes this is appropriate for this neighborhood. She wanted confirmation that the walls are not being removed. The applicant conformed there are no new walls except for the garage addition. The applicant noted any further changes would result in changes to the foundation since it has a rafter roof. She wanted to know if any changes could be made to remove the variance for building coverage. The applicant noted the overhangs are what is triggering the relief and there is no way to get it down the 2%. This is to facilitate the current roof to tie in to the existing beam.

Mario Martinez the owner said he purchased the house and the previous owners didn't want him to take the house down out of respect for the previous owners. He states the house will look new when it's done but no changes are being made structurally. For the garage to be on the other side he would lose a bedroom.

Brendan states he appreciates the proposal.

Public hearing was open at 7:23 by Gage Simpson

CONTINUED BUSINESS

4. **#20221030 6 Seward Area Variance**, 6 Seward Street, Area variance to permit an addition to the front of an existing home and two car garage in the Urban Residential - 2 (UR-2) District

Gage Simpson recused

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Interior Side setback (North)	8ft	2ft.	6ft (75%)
Min. Total Side	20ft.	12ft	8ft (40%)

Isiah Veil represented himself. Brad asked for a brief summary of the project. Cherie noted she was not present at the last meeting, however she has since watched the video recordings.

The Isiah noted all the homes within this district have garages and he is not sure which ones have variances. He listed numerous garages including 191 and 183 Church Street, 3 and 4 Seward all have garages associated with the single family homes. 7, 11 and 13 Seward also have garages with living space above. Regarding the driveway percentage the applicant noted it is an undersized lot and the current proposal is reducing the current driveway improving the permeability. The applicant noted there are three fully grown fruit trees and an elm tree and his intent is to protect these trees and moving the driveway will potentially impact on these trees. There is also a water shut off valve in the middle of the lot and moving the garage my impact on the property water shut off. The applicant explored some alternate driveway locations but decided that the relief requested is the most feasible and results in the least amount of relief. This proposal also allows him to live in the home during construction. He noted is proposal will not be causing an undesirable change to the neighborhood. He also noted not adverse physical or environmental changes in the neighborhood.

Emily noted she appreciates the alternate plans that were explored including the options considered for the garage. Emily disclosed that that the applicant’s mother works with her but that doesn’t impact her ability to vote on the matter.

Brendan noted he appreciates the applicant keeping the trees and maintaining the green space.

Cherie asked if the home was a converted barn, the applicant noted it was a garage house that belonged to another home. The applicant noted he did a renovation a few years after he bought it and received a previous variance. She noted that she believes the current proposal is appropriate.

Brad noted he appreciated the alternatives presented. He asked for additional public comments. No comments were heard.

Public hearing closed at 7:43 by Brad Gallagher

Emily Bergmann presented the following motion:

#20221030
 IN THE MATTER OF THE APPEAL OF
 Isaiah Vail
 6 Seward Street
 Saratoga Springs NY 12866

from the determination of the Building Inspector involving the premises at 6 Seward Street in the City of Saratoga Springs, New York being tax parcel number 165.50-1-12 on the Assessment Map of said City.

The applicants having applied for an area variance under the UDO of said City to permit an addition to the front of an existing home and two car garage in the UR-2 District and public notice having been duly given of a hearing on said application held on January 23, 2023 through February 06, 2023

In consideration of the balance between benefit to the applicants with detriment to the health, safety and welfare of the community, I move that the following area variances for the following amounts of relief:

Type of Requirement	District dimensional requirement	Proposed	Relief requested
Interior Side (North)	8'	2'	6' (75%)
Minimum Total Side	20'	12'	8' (40%)

As per the submitted plans or lesser dimensions, be **approved** for the following reasons:

1. The applicants have demonstrated this benefit cannot be achieved by other means feasible to the applicants. The applicants desire to add a front addition and an attached two car garage to the front of the house. The lot is long and narrow and the house currently sits almost all the way back to the property line. The only way to add to the footprint of this house is to come toward the street at the front of the property. There is no adjacent land available for purchase to alleviate any variances.
2. The applicants have demonstrated that granting this variance will not produce an undesirable change in neighborhood character or detriment to the nearby properties. Per the applicants, the original house was built prior to current zoning laws making it pre-existing, non-conforming. The applicant is meeting the permeability requirements for the district and will maintain substantial green space. The addition and the attached two car garage are not out of character for the neighborhood.
3. The variances at 75% and 50% are substantial and they are created by the applicant's desire to add an addition and a two car attached garage to the front of the house. The building is pre-existing, non-conforming and any modifications to the structure would necessitate several variances.
4. The Board finds this variance will not have an adverse physical or environmental effect on the neighborhood.
5. The alleged difficulty is self-created insofar as the applicants' desire to subdivide the multi-family building, but this is not necessarily fatal to the application.

It is so moved, dated: February 6th, 2023

Seconded by Cherie Grey

Adopted by the following votes:

AYES: 5 (B. Gallagher, C. Grey, B. Dailey, E. Bergmann, A. Smith)

RECUSED: 1 (G. Simpson)

NAYES:

5. #20220929 10 A Nelson Avenue New Build. 10 A Nelson Avenue, Area variance extension to permit the construction of a single-family home in the Rural Residential (RR) District

The application was represented by Steve representing the owners he stated he is seeking an extension on a previously approved variance. And previously extended during covid. He noted there has been no changes to the relief needs that were previously approved in 2019. The applicant noted there has been changes to the actual building design but no additional reliefs are needed. The footprint and setback there were previously approved will be maintained.

Cherie noted she reviewed the previous relief. The applicant noted he tried to keep the current design within the previously approved variances. She noted the lot is undersized and the relief appears significant since at present more like an urban residential zone more that RR.

Kara Smith noted her son will be attending college and she is expecting to build within 18 months. Cherie noted that this is the third and final extension on the approval.

Public hearing was closed at 7:53 by Gage Simpson

Cherie Grey presented the following motion

#20220929
**IN THE MATTER OF THE
APPEAL OF KARA SMITH AND
JAMES DELFAVERO 10A
NELSON AVENUE
SARATOGA SPRINGS NY
12866**

Based on the submitted evidence that the application for an extension of a granted area variance does not differ from the original application and approval, and that there have been no changes in the condition of the property or neighborhood warranting otherwise, the Board moves that the application of Kara Smith and James DelFavero for the property located at 10A Nelson Avenue, in the City of Saratoga Springs, and identified as tax parcel 179.-2-13, that was granted on September 16, 2019 for the construction of a single-family residence in the RR District, be **approved** and that the variance approval be extended 18 months from the date that such resolution expired on September 28, 2022 per Executive Order 90 day extension.

The variance shall expire on March 28, 2024 unless the necessary building permit has been issued and actual construction begun as per the Zoning Ordinance or otherwise further extended.

It is so moved, dated: February 6th, 2023 Adopted by the following

Seconded by Gage Simpson

Votes:

AYES: 6 (G. Simpson, B. Gallagher, C. Grey, B. Dailey, E. Bergmann, A. Smith)

NAYES: 0

6. #20221085 140 West Circular, Area variance to permit a rear addition to the existing home in the Urban Residential -2 (UR-2) District

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Interior Side setback	8ft	3.5ft.	4.5ft (56.3%)

Chuck Marshall represented himself as the applicant and owner. He noted the plan is to put a rear addition unto his home. Chuck disclosed he is a member of the Saratoga Springs Planning Board. He noted he provided the height information requested and the current roofline is 23.9ft.

Brendan Dailey noted he appreciates the addition.

Cherie wanted some clarification on the addition. The applicant noted this is the most appropriate location for the addition.

Gage Noted Public comments is still open and if there is anyone from the public with comments- no comments received. The applicant noted he provided 7 supporting letters

Public hearing closed at 8.01pm by Gage Simpson

The following motion was presented by Brendan Dailey

#20221085
IN THE MATTER OF THE APPEAL
OF
Charlie and Julie
Marshall 140 West
Circular Street Saratoga
Springs NY 12866

From the determination of the Building Inspector involving the premises at 140 West Circular Street in the City of Saratoga Springs, New York being tax parcel number 165.74-1-50 on the Assessment Map of said City.

The applicant having applied for an area variance under the Zoning Ordinance of said City Area variance to permit a rear addition to the existing home in the Urban Residential -2 (UR-2) District and public notice having been duly given of a hearing on said application held on January 23rd and February 6th, 2023.

In consideration of the balance between benefit to the applicant with detriment to the health, safety and welfare of the community, I move that the following area variances for the following amount of relief:

TYPE OF REQUIREMENT	DISTRICT REQUIREMENT	PROPOSED	RELIEF REQUESTED
INTERIOR SIDE	8'	3.5'	4.5' (56.3%)

as per the submitted plans or lesser dimensions, be APPROVED for the following reasons:

1. The applicants have demonstrated this benefit cannot be achieved by other means feasible to the applicants. The applicant wants to construct an addition on the rear of their current home. The applicants note they have considered other alternatives but this option is most economically feasible and will not further intrude into the side yard.
2. The applicants have demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The Board notes the addition is consistent with other homes in the neighborhood and does not alter the current character of the street. The Board also notes that the addition is in the rear and is not visible from the street.
3. The board notes that the requested variance is substantial, but is mitigated by the neighborhood context and the position of the existing home and the addition will not create further undesirable change. The Board notes public comments that are supportive of the project so long as the side remains equal to or further away than the existing home and setback.
4. This variance will not have a significant adverse physical or environmental effect on the

neighborhood or district. Standard district permeability requirements will be met.

- 5. The alleged difficulty is considered self-created insofar as the applicant desires to construct the addition; however, this is not necessarily fatal to the application.

It is so moved, dated: February 6th, 2023 Adopted by the following votes

Seconded by Cherie Grey

AYES: 6 (G. Simpson, B. Gallagher, C. Grey, B. Dailey, E. Bergmann, A. Smith)

NAYES: 0

7 #20221033 122 Madison Area Variance, 122 Madison Avenue, Area variance to modify a previously granted area variance to support the construction of a single-family residential home in the Urban Residential- 2 (UR-2) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Interior side	8 ft.	6 ft.	2 ft. or 25%

Bob Flansberg represented the applicants and noted he had nothing additional to add. Cherie noted she watched the video but was unclear on what the applicant stated regarding the location of the home on the property. Bob Noted the survey is reflected of the as build conditions. The 6.5ft side’s yard was constructed as intended. Cherie noted the previous shed was on the neighbor’s property and she believes this is an improvements on what existed before.

Gage asked if there were any public comments, no comments were heard.
Public hearing closed at 8.09 by Gage Simpson

The following motion was presented by Brendan Dailey

#20221033
IN THE MATTER OF THE APPEAL OF
Andy and Eileen O’Connor
122 Madison Street
Saratoga Springs NY 12866

From the determination of the Building Inspector involving the premises at 122 Madison Street in the City of Saratoga Springs, New York being tax parcel number 179.29-1-33.11 on the Assessment Map of said City.

The applicant having applied for an area variance under the Zoning Ordinance of said City to modify a previously granted area variance to support the construction of a single-family residential home in the Urban Residential- 2 (UR-2) District and public notice having been duly given of a hearing on said application held on January 23rd and February 6th, 2023.

In consideration of the balance between benefit to the applicant with detriment to the health, safety and welfare of the community, I move that the following area variances for the following amount of relief:

TYPE OF REQUIREMENT	DISTRICT REQUIREMENT	PROPOSED	RELIEF REQUESTED
INTERIOR SIDE	8’	6’ (Previously 6.5’)	2’ (25.0%)

as per the submitted plans or lesser dimensions, be APPROVED for the following reasons:

1. The applicants have demonstrated this benefit cannot be achieved by other means feasible to the applicants. The applicant was previously granted a similar variance for a second-floor addition in 2019 and is proposing a small increase of 6 inches. The applicants note they have considered other alternatives. The home is already constructed and the detriment to the applicant outweighs the potential impacts from the additional 5 inches.
2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The Proposed addition is consistent with other homes in the neighborhood and does not alter the current character of the street.
3. The board notes that the requested variance is not substantial.
4. This variance will not have a significant adverse physical or environmental effect on the neighborhood or district. Standard district permeability requirements will be met.
5. The alleged difficulty is considered self-created insofar as the applicant desires to construct a second floor; however, this is not necessarily fatal to the application.

It is so moved, dated: February 6th, 2023

Seconded by Cherie Grey
 Adopted by the following votes:

AYES: 6 (G. Simpson, B. Gallagher, C. Grey, B. Dailey, E. Bergmann, A. Smith)
NAYES: 0

8 #20221080 83 Nelson Area Variance, 83 Nelson Avenue, Area variance to permit the renovation and expansion of the front porch in the Urban residential -2 (UR-2) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Front Setback	10 ft.	7.5 ft.	2.5 ft. or 25%
Min. Total Side yard Setback	20 ft.	16 ft.	4 ft. (20%)

Sue Davis represented the application she noted that at the previous meeting there were some concerns regarding the use of the home being single or two family. The applicant noted she had confirmation from the Zoning Inspector that the home is a single family home with an in-law residence. She noted the reason she is here is for the expansion of the front porch. She anticipates working with the exiting framing, replace the decking and roof. She noted it will not extend further than what already exists. The applicant noted alternatives were considered but the current proposal is most feasible for the owners.

Gage asked if there were any public comments, no comments were heard.
 Public hearing closed at 8.20 by Gage Simpson

Gage Simpson Presented the following motion

#20221080
IN THE MATTER OF THE APPEAL OF
 John Connolly

3060 Peachtree Road
Suite 1545
Atlanta, GA 30305

from the determination of the Building Inspector involving the premises at 83 Nelson Ave in the City of Saratoga Springs, New York being tax parcel number 179.21-2-20 on the Assessment Map of said City. The applicant having applied for an area variance under the UDO of said City to permit the expansion of a front porch in the Urban Residential 2 (UR-2) District and public notice having been duly given of a hearing on said application held on January 23 through February 27, 2023.

In consideration of the balance between benefit to the applicant with detriment to the health, safety and welfare of the community, I move that the following area variances for the following amounts of relief:

TYPE OF REQUIREMENT	DISTRICT DIMENSIONAL REQUIREMENT	PROPOSED	RELIEF REQUESTED
SETBACK- FRONT	10'	7.5'	2.5' (25%)
TOTAL SIDE	20'	16'	4' (20%)

As per the submitted plans or lesser dimensions, be **approved** for the following reasons:

1. The applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. The applicant desires to rebuild and expand the front porch to wrap around the side of the house. Per the applicant, the front porch needs to be rebuilt and the extension of the porch will create more usable outdoor space. The Board notes that the house is pre-existing, non-conforming and the porch extension is along the side of the house that is not within the setback. The rebuilt front porch will be within the current non-conforming setback, however, it will increase the frontage within the setback. Per the applicant, there is no additional land for purchase.

2. The applicant has demonstrated that granting this variance will not produce an undesirable change in neighborhood character or detriment to the nearby properties. Per the applicant, this project will not have an impact on the current non-conforming side yard setback since all work will be done on the other side of the house where there is plenty of space to fit the porch extension. Also, the front porch will be rebuilt to the same setback as the currently existing non-conforming front porch. The applicant has provided neighborhood context for front porches, specifically ones within the front setback. The Board does not find the expansion of the front porch within the front setback to be a detriment to the neighborhood.

3. The Board notes the requested variance of 87.5% is substantial, however, this is mitigated by the fact that the house is pre-existing, non-conforming and the need for the large variance is triggered by the request to rebuild the front porch within the side setback. The front and total side setbacks are less substantial and are further mitigated by the points discussed above.

4. The Board finds this variance will not have an adverse physical or environmental effect on the neighborhood. The property will meet minimum permeability.

5. The alleged difficulty is self-created insofar as the applicant desires to build the porch, but this is not necessarily fatal to the application.

It is so moved.

Seconded by Emily Bergmann

Discussion ensued as the applicant noted they are not seeking relief for the north side and the applicant will not be rebuilding the entire porch and intended to keep the existing foundation. Cherie noted she assumed relief would also be required from the north side in case the entire porch is removed. Since there needs to be some clarification on the relief

needs Aneisha Samuels asked for the item to be adjourned until the matter can be reviewed by the zoning inspector. Since the applicant stated she has no intent to rebuild the entire porch. Cherie asked if it would be possible to hold the resolution until there is some clarification regarding the relief needs.

Sue noted the intent is to repair in-kind but she would rather be conservative with her ask and would rather include the additional north side relief.

Brad asked for the item to be held until it is reviewed by the zoning officer.

The item has been adjourned to the next meeting scheduled for February 27th, 2023

9 #20221035 110-1114 Nelson Avenue Lot 1, 110-114 Nelson Avenue Lot 1, Area variance to permit the construction of a single-family home in the Urban Residential-2 District

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Front Setback	10 ft.	3 ft.	7 ft. or (70%)
Max Principal Coverage	40 %	42.5%	2.5% (6.2%)
Accessory to Rear	5 ft.	3 ft.	2 ft. (40%)

John Witt represented the application. Cherie noted she watched the previous presentations. John noted this lot is part of a 4 lot subdivision. He noted he has spoken with some neighbors and has received some positive feedback. He noted he has made improvements to the proposal based on the recommendations of the board including moving the garage forward, reducing the overhangs and repositioning the ac unit. The front relief is the same as originally presented.

Brad noted he appreciate the reduction in relief needs.

Emily asked if there was a way to reduce the relief requested from the garage. The applicant noted it would be difficult to back into or turn to get into the garage.

Cherie asked if the lots could be considered as a whole including the other larger lot to the rear. Why couldn't be considered under a PUD. The applicant noted the larger parcel is being considered for PUD.

John noted the homes were designed with the garage appearing incidental to the primary home which is in keeping with the neighborhood character.

Gage noted he liked the proposal as currently presented as he thinks it matches the neighborhood without too many variances

Gage noted public hearing is still open and asked if anyone had comments.

Katie the wife of the owner of the proposed home she noted her growing family would love to live in this neighborhood, she thanked the board for considering the matter.

Public hearing remains open

10 #20221036 110-1114 Nelson Avenue Lot 2, 110-114 Nelson Avenue Lot 2, Area variance to permit the construction of a single-family home in the Urban Residential-2 District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Front Setback	10 ft.	3 ft.	7 ft. or (70%)
Max Principal Coverage	40 %	43.6	3.6% (9%)
Interior Side Setback (Porte Cochere)	8 ft.	5 ft.	3 ft. (37.5%)
Min. Total Side Setback	20ft	13ft.	7ft (35%)

John Witt represented the application. He noted he has reduced some of the relief request from the previous presentation. He noted the house footprint of this home is smaller than lot one but may appear more significant because of the porte cochere. He noted the front and south setback is the same. The applicant noted the overhang on the porte cochere has been removed. The potential owners are an older couple and they need to be able to age in place. The proposed home includes an elevator which would accommodate their needs. The entire proposed home has been shifted to the right compared to the previous proposal in an attempt to reduce the relief being requested. The applicant also discussed that he considered removing the Porte cochers but he believes it is consistent with the neighborhood.

Emily asked that since he owns the surrounding lots has he considered adjusting the lot lines to accommodate the homes at this size or reducing the size of the home. The applicant noted he does own surrounding parcels but he felt the size home and lot size is consistent with the neighborhood. The applicant noted he studied the street scape and believes the proposal is consistent. He also noted he spoke with approximately 12 neighbors that are all supportive of the proposal. The applicant noted the current proposal will fit in the vernacular of the streetscape and since the property is next to the track.

Gage asked if it possible for the applicant to combine lots 2 and 3 which would result in no relief needs. The applicant noted that the current proposal will add value to the city.

Cherie notes the since this is a new build the applicant should consider reducing the coverage as she thinks this is inconsistent with the neighborhood. She suggested merging the lots. The applicant noted the plan for the 3rd lot is to have a walk path.

Brad asked for some clarification regarding the compressor unit. He asked if the ac g=could be moved to reduces or eliminate the relief for the ac unit. The applicant has agreed to move the ac unit and eliminate that area of relief.

Brendan noted with a few changes he wouldn't have a problem with the proposal. He noted that it's nice for the home to fit into the neighborhood but current zoning is here for a reason.

Gage asked for the numbers to be reduced so that the home itself would be in conformance and that the relief would only be triggered by the porte cochere. The applicant noted the home would still need relief.

Gage stated public comments is still open and asked for public comments.

Katie commented that she strongly supports the proposal and if they can't build what they want people are going to be moving out of downtown Saratoga.

Public hearing remains open

Please find below the record of decision from the meeting



City of Saratoga Springs
ZONING BOARD OF APPEALS
 City Hall - 474 Broadway
 Saratoga Springs, New York 12866
 518.587.3550
www.saratoga-springs.org

ZBA Members
Gage Simpson (Chair)
Brad Gallagher (Vice Chair)
Cheryl Grey
Emily Bergmann
Brendan Dailey
Alice Smith (Alternate)
John Dailey (Alternate)

ZONING BOARD OF APPEALS - Monday, February 06, 2023
Record of Decision

Present: G. Simpson, C. Grey, Brendan Dailey, B. Gallagher, E. Bergmann, A. Smith

Absent:

A. Applications Under Consideration

New Business:					
Agenda Order	Project #	Project Title	Project Location	Project Description	ACTION
1	20221084	172 Caroline Final Subdivision	172 Caroline	Consideration of Coordinated SEQRA Review and advisory opinion from the Planning Board for a proposed two-lot subdivision in the Urban Residential - 3 (UR-3) district.	Motion to Defer SEQRA Lead to the PB Passed 5-0, PB advisory required
2	20221092	116 White St Addition	116 White St	Area Variance to permit a two-story addition and replacement of the stone foundation within the Urban Residential -3 (UR-3) District	Public hearing open and closed- motion passed 5-0
3	20221094	112 Fifth Garage Addition and Deck roof	112 Fifth	Area variance to permit the construction of a garage addition and new roof over existing deck within the urban residential -1 (UR-1) District.	Public hearing open, application adjourned until later meeting date

Continued Business:					
Agenda Order	Project #	Project Title	Project Location	Project Description	ACTION
4	20221030	6 Seward Area Variance-Addition	6 Seward	Area variance to permit an addition to the front of an existing home and two car garage. In the Urban Residential - 2 (UR-2) District	Public hearing closed , motion passed 5-0. Gage Recused.
5	20220929	10 A Nelson Ave New Build	10A Nelson Ave	Area variance extension to permit the construction of a single-family home in the Rural residential (RR) District	Public hearing open and closed , motion approved 5-0.
6	20221085	140 West Circular	140 West Circular	Area variance to permit a rear addition to the existing home in the Urban Residential -2 (UR-2) District.	Public hearing closed , motion approved 5-0.
7	20221033	122 Madison Area Variance	122 Madison	Area variance to modify a previously granted area variance to support the construction of a single-family residential home in the Urban Residential- 2 (UR-2) District.	Public hearing closed , motion approved 5-0.
8	20221080	83 Nelson Area Variance	83 Nelson	Area variance to permit the renovation and expansion of the front porch in the Urban residential -2 (UR-2) District.	Application adjourned. Public hearing remains open
9	20221035	110-114 Nelson Lot #1	110-114 Nelson Lot 1	Area variance to permit the construction of a single-family home in the Urban Residential-2 District	Application adjourned. Public hearing remains open
10	20221036	110-114 Nelson Lot #2	110-114 Nelson	Area variance to permit the construction of a single-family home in the Urban Residential-2 District	Application adjourned. Public hearing remains open

C. Approval of Meeting Minutes: No meeting minutes approved

02/08/2023
 Received by Accounts Dept.

APPROVAL OF MEETING MINUTES:

No meeting minutes were approved.

MOTION TO ADJOURN:

There being no further business to discuss Gage Simpson, Chair, adjourned the meeting at 8:34 P.M.

Respectfully submitted,

Aneisha Samuels
 Senior Planner