



ZONING BOARD OF APPEALS

MINUTES (DRAFT)

MONDAY, FEBRUARY 27, 2023

6:30 P.M.

CITY COUNCIL CHAMBERS

CALL TO ORDER: Gage Simpson, Chair, called the meeting to order at 6:30P.M.

SALUTE THE FLAG

PRESENT: Gage Simpson- Chair, Cheryl Grey
Brendan Dailey, Emily Bergmann, Alice Smith,

ABSENT: Brad Gallagher- Vice Chair

STAFF: Aneisha Samuels, Senior Planner, City of Saratoga Springs
Patrick Cogan, Zoning Inspector, 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.

ZBA APPLICATIONS UNDER CONSIDERATION:

NEW BUSINESS:

1. **#20230014 31 Harrison Carriage House**, 31 West Harrison Street, Area variance to permit the conversion of the existing historic carriage house into a second principal single-family residence within the Urban Residential-3 (UR-3) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	Proposed	Relief Requested
Second Principal	Not permitted	Permitted	1 Second Principal (100%)

Mark Menolo represented the applicants he stated this is a request for an area variance. He stated that the property already has a legal multi family structure and the current proposal is to make improvements to the carriage house. No expansion is proposed for the exterior of the carriage house the applicant intends to convert the carriage house into a living space there is no plumbing and the applicant would also replace the windows and doors. The applicant would like to occupy the proposed residence. Mark noted that the building is currently 2.5ft from the property lines but the building is existing. He also noted that his intend is to improve the property and maintain the historical character. The applicant intends to provide up to 12 parking which would provide adequate parking for the multifamily as well as for the proposed second principal single family. Each floor of the garage house is approximately 1200sqft. The applicant would like the floor to have a dining room, kitchen and kitchen and the second floor would have the three bedrooms and a bathroom.

Emily asked what the use of the currently multifamily was. The applicant noted it has 5 units. She asked for further clarification on the previous variance for commercial carpentry. The applicant noted there is a separate shed on the property that previously received a variance to allow for the carpentry use. The shed is currently used for personal woodwork use by the owner.

Aneisha Samuels noted there is an encroachment of the existing shed unto the alley at the rear and the Board may need to take that into consideration when considering the relief requests. If the proposed project is approved all future modifications to the building will need DRB Review.

Cherie asked if the carriage house is demolished would it be rebuildable in the same location within without variance. Aneisha noted he would lose any preexisting non-conforming privileges and would need relief if the building proposed at that time is non-conforming with zoning at that time. Cherie noted permeability looks questionable since there is so much paved or graveled areas.

Patrick noted that since the gravel lot is existing there might be no changes to the permeability, if the applicant decided to add additional pavements then permeability should be analyzed at that time.

Cherie noted asked if there will be any additional windows and the applicant noted that there will be no additional windows.

Patrick noted that he previously completed a determination on the parcel and the owner at the time discussed a voluntary forfeiture of the existing carpentry variance in consideration for the second principal dwelling. The presenter said he will speak with the owners and see if this is still an option. He would still be permitted to do wood working but not in a commercial capacity.

Public hearing was open at 6:49 by Gage Simpson

Public Comments:

No public comments were heard.

2. #20221115 136 State St Garage Demo & Reconstruction, 136 State Street, Area variance to permit the renovation of the existing single-family residence within the Urban Residential-1 (UR-1) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	RELIEF REQUESTED
Max. Principal Coverage	28%	41.2%	13.2% (47.1%)
Rear Setback (To front porch)	30 ft.	5 ft.	25 ft. (83.3%)
Side Yard Setback	25 ft.	13.8 ft.	162 ft. (54%)
Interior Side Yard Setback	12 ft.	5 ft.	7 ft. (58.3%)

Brett Balzar represented the applicants he noted he is seeking variances to permit the renovation of the existing single family residence. He noted that the existing garage will be removed. There will be a fair amount of demolition including this is because the foundation is failing. The considered retaining the structure but it was not economically feasible. The bulk of the asked is as a result of connecting the garage to the principal home. The front porch will be extended to the south. There will be a gut remodel of the first floor space. The applicant is also proposing an 8x20 pool on the property. The applicant does not plan to go any higher than the existing building.

Brendan asked if there is anyway the rear setback can be improved, the applicant noted the garage is existing and the changes will not make the situation worst.

Cherie noted the lot is undersized but she asked if there are any ways the applicant can reduce the relief needs. The applicant noted that none of the changes are large in reality. The changes in primarily as a result of joining the two structures.

Aneisha noted that the applicant labelled the setback boundaries incorrectly. As the front should be on Second Street and the segment labeled rear should be interior side as such the setback requirement goes from 30ft. to 12ft. thus reducing the relief percentage. The applicant subsequently asked why the front is on Second Street and Aneisha is noted that based on the measurement methodology in the UDO the front is the shorter side regardless of the position of the building. The State street segment would be the corner side.

Patrick noted it appears the applicant needs relief for interior side, corner side, rear and coverage.

Cherie noted she has a real issue with adding a pool this this lot. She noted the lots seems it already built out and the coverage should be reduced.

Gage noted that had the lot been the required size the variances would by less significant. He also noted since the pool is flush with the ground he doesn't consider request egregious. The applicant noted he would consider reducing the deck if the pool could remain

Public hearing was open at 7:16 by Gage

Greg Kern from 16 Second Street, adjacent to the property, stated that his main concern is the pool. He noted he had as similar project and he is concerned about the proximity of the proposed pool to his foundation. His backyard is lower than his pool and his home will to closer to the pool than his home. The second concern is the location of the living space above the garage. The proposed windows will match the line of sight on his dormers.

Brendan asked if the applicant would consider not having a window on that side of the second floor of the garage. The applicant noted he would be willing to consider window treatments but needs ti meet the light and vent code requirements.

Gage noted the application will be on the agenda for March 13 and hopefully we will resolve the discrepancies with the numbers.

3. #20221111 40 Horseshoe Screened Porch, 40 Horseshoe, Area Variance to permit the construction of a screened porch within the Village of Saratoga PUD.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	RELIEF REQUESTED
Rear Setback	40 ft.	32 ft.	8 ft. (20%)

Tonya Yasenchack represented the applicant she noted the lot has two front. The applicant wants to build a screened porch on the back of their house. The proposal meets all the other district requirements. She noted there is no additional lands to be purchased. She noted there will be no undesirable changes in the

neighborhood. Tonya also noted she has a supporting letter from the HOA. She believes the proposed setback is consistent with the neighborhood. She noted that a 20% variance is not substantial and she also provided pictures of homes in the neighborhood closer to the rear than the current project. Drainage will not be adversely impacted. She noted that although the hardship was self-created she believes it is consistent with other homes in the neighborhood.

Cherie noted that the homes across the street are in a different district and should not be compared. The applicant noted she looked at homes in the general area and not only within the PUD.

Public hearing open at 7:27 and closed at 7:28 by Gage Simpson

Gage Simpson Presented the following motion

#20221111
IN THE MATTER OF THE APPEAL OF
Michelle and Wayne McDougal
40 Horseshoe Drive
Saratoga Springs, NY 12866

from the determination of the Building Inspector involving the premises at 40 Horseshoe Drive in the City of Saratoga Springs, New York being tax parcel number 178.44-4-29 on the Assessment Map of said City.

The applicants having applied for an area variance under the UDO of said City to permit the addition of a screened porch in the Planned Unit Development (PUD) District and public notice having been duly given of a hearing on said application held on February 27, 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
MINIMUM REAR SETBACK	40'	32'	8' (20%)

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 build a screened porch off the back of the house. Per the applicants, the size of the screened porch is ideal to meet their desires for the porch to extend their seasonal enjoyment. The Board notes there is no additional land for purchase.
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 20' rear no-cut buffer will be untouched and the porch will be relatively unseen from either Horseshoe Drive or Crescent Street. The applicants have provided neighborhood context for other homes with similar rear additions.
3. The Board notes the requested variance of 20% may not be considered substantial, however, this variance is further mitigated by the fact that the screened porch will be completely in the rear of the property and will be relatively unseen as mentioned in paragraph 2.

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 applicants desire to build the screened porch, but this is not necessarily fatal to the application.

It is so moved, dated: February 27th, 2023

Seconded by Cherie Grey

Adopted by the following votes:

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

RECUSED: 0

NAYES:

4. #20221034 Marion Avenue Zoning Interpretation, 31-33 Marion Avenue, Appeal to the Zoning Board 9/12/22 Interpretation of section 1.7 regarding 31-33 Marion Ave

ZONING INTERPRETATION CONSIDERATIONS:

1.7 INTERPRETATION OF DISTRICT BOUNDARIES Where there is uncertainty as to the boundary of any district contained within this Chapter or as shown on City maps, the following rules shall apply:

A. Unless shown to the contrary on a City map, the boundary lines of districts are the center lines of streets, or such lines extended, the center lines of railroad rights-of way, the center lines of creeks and waterways.

B. Where district boundaries are indicated as approximately following the City boundary line, lot lines, or projections thereof, said boundaries shall be construed to be coincident with such lines.

C. If a center line or right-of-way line of a street, highway, railroad, public utility, or watercourse, which is approximately coincident with a district boundary, is moved up to a distance of 50 feet, the district line shall be automatically adjusted to be coincident with such line.

D. Where a zoning district boundary line divides a lot or land in single ownership as existing at the time of this enactment, the district requirements on either side of the boundary may be construed, at the property owner's option, as extending into the remaining portion of the property for a distance not exceeding 100 feet.

The application was represented by John Iacaponi of 4 Avenue A. he noted the wording of section 1.7 as it was enacted. We are not talking about the merits of the project but an interpretation of the ordinance. Marion Ave is often referred to as a commercial corridor, there are 21 parcels on Marion Ave only 3 are commercial the rest are residential. The desire to expand the commercial is an undesirable change in the neighborhood and is of a detriment to our residential neighborhood. 1969 gas station was built, 1975 the car wash was built. The residential lots are directly across the street.

John noted the boundaries are clear. The comp plan is very clear and any projects approved should be consistent with the comp plan, that clearly illustrates that the entire Marion avenue is RN-2, which is residential the only contradictory uses are the car wash and gas station. A few years ago the Planning Board made it clear there should be no further expansion of the commercial uses in the RN-2. That's the background. One of the fundamental provisions of the zoning ordinance is the maximum protection of the residential areas.

Based on the exact wording of section 1.7 as it was reviewed and enacted and he believes that the two relevant clauses are the uncertainty of the district boundaries and lot or land in common ownership. He noted that in previous correspondence Stewarts agrees that there is no uncertainty and stated that every single word of the zoning ordinance matters.

John stated that the wording in ordinance was enacted and there were plenty of opportunity to amend the section and it was never amended. Is ask is to have this 100ft move not apply.

Jackie noted this is an interpretation appeal and although less popular than your other applications. There is no rubric or balancing test to follow. Your job is review the determination, listen to the applicant's presentation and consider any public comments, you can affirm, reverse or modify the Zoning Officer's Determination. Keep in mind his determination or opinion on the matter bears no greater weight than anyone else's. The Board role is to review determinations when they are challenged. Procedurally it is very similar to the applications that are being reviewed.

Gage Simpson asked for Patrick to do an overview of his determination.

Patrick stated there are two questions here one being the uncertainty clause and the intent of the section. The uncertainty is in the wrong section from 1961 to 2012 clause D was always in a separate section. He stated that the uncertainty clause shouldn't apply because if there was uncertainty with the district line or property boundary where do u move the 100 ft. from? We have significant precedence where people have been allowed to extend the district line 100 ft. and no uncertainty was established in those cases. He stated that he understands that logically D would only apply if there was uncertainty. The second part is the intent of the ordinance. If a property boundaries exist and the City subsequently moved the district boundary the land owner would have the ability to shift the district provisions 100ft in either directions. He stemmed from the fact we had very little parcel level detail on zoning maps until 1997. If you own the lands before the zoning district change then you should be permitted to move the district lines. The current owners acquired the parcel after the district lines were established. In my May determination I was trying to reflect the intent of that clause. In my second determination I am going off what the ordinance says at the time of enactment which would be 2012 and Stewarts owned the parcel was owned in common at that time. He noted that it is his determination that uncertainty doesn't need to be established and the lots were owned in common when the zoning ordinance was enacted.

Discussion continued among the Board members and Patrick. It was highlighted that the interpretation should not be impacted by the comp plan, previous decisions regarding the project or any other environmental protection areas but what the ordinance says objectively.

Public hearing at 8:11 by Gage

Libby Coreno commented she stated the property rights should be governed by the laws that existed at the time of purchase. She stated that intent is subjective and all words matter. Some of the points outlined by the applicant is not relevant to the interpretation. She stated it is important that her clients receive fairness under the zoning code which what they knew is when they bought it 20 years ago. The plain language speaks for itself.

A second commenter who resides at 11 Marion Ave stated that the owners of Stewarts knew that the lot was residential when they bought it. They should have applied for a use variance to give this Board and the public the opportunity to comment on the matter. It is not fair the home owners or to the neighborhood

Renee was the thirds commenter she lives on Avenue A. when Stewarts bought the lots, lands was not in zoning. And would not have been included. Only in 2012 lots and lands where included and was immediately taken out.

Patrick stated the lots or lands became part of the ordinance in 1991 not 2012. The Entire ordinance was reenacted in 2012.

Gage noted that public hearing will remain open.

5. #20230022 191 Church Street Porch. 191 Church Street, Area variance to permit the demolition and reconstruction of the side porch to connect to the main porch within the Office Medical Business (OMB) District.

Gage Simpson recused himself from this application.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Corner Side to Patio	40ft	10.5ft.	29.5ft (73.8%)

Matt Hurff represented the applicants. He stated this a residential neighborhood with a residential character. There is a concoction of zoning districts. The intent is to link the two porches to improve circulation. There are no feasible alternatives and there will be no negative impacts to the community. The mass will read the same when the project is complete. The variance is substantial however for OMB the setback requirements should be different the required setback should be 12 ft. There are no environmental impacts and the difficulty is self-created.

Emily asked if the applicant intends to continue the roofline. The applicant confirmed. The Board later disclosed that they all know the homeowner.

Patrick conformed the required setback should be 12 ft. and the relief will change. So the relief needs will be 1.5ft.

Cherie noted the Board will be requesting an advisory opinion from DRB.

Public hearing was open at 8:30 by Cherie Grey

CONTINUED BUSINESS

6. #20221094 112 Fifth Garage Addition Area Variance, 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.

Trevor Flynn represented the application. He stated that the main questions come from the front setback. He is requested an adjusted front setback requirement based on the average of the two neighboring homes. With the

modified front setback the owner will be able to fit his truck in the proposed. The House to the east is 23.2ft the house to the west is 22.5ft.

Patrick noted the applicant need to request a formal determination regarding the modified front setback.

Project adjourned for a future meeting awaiting confirmation of relief needs and modified project proposal.

Public hearing remains open.

7. #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	10ft	7.5ft.	2.5ft (25%)
Interior Side Setback	8ft.	1ft	7ft (87.5%)
Min. Total Side Setback	20ft	16ft.	4ft (20%)

Sue Davis represented the application and confirmed they are going with the total, rebuild proposal. Notjng has changed from what was presented before.

Gage noted public hearing is still open and if there were any comments. No additional comments were heard.

Gage Simpson closed public hearing at 8:42 and 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%)
INTERIOR SIDE	8'	1'	7' (87.5%)
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. Dated: February 27th 2023

Seconded by Cherie Grey

Adopted by the following votes:

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

RECUSED: 0

NAYES:

8. #20221035 110-114 Nelson Lot #1 Area Variance, 110-114 Nelson 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 %	44%	4% (10%)
Accessory to Rear	5 ft.	3 ft.	2 ft. (40%)

John Witt Represented the application. He noted he spoke with the owners and the current proposal is the most feasible for the applicants. The accessory ac unit will be compliant with district requirements. The applicant noted the garage will be 22x22 ft plus the bump out.

Emily noted she appreciates the revision made to the proposal. Cherie noted she still has an issue with the rear setback to the garage and this is nota precedent she thinks the board should set. 3ft seems too close to the rear property line. Cherie further noted she has no issue with the front setback request.

Gage noted public hearing is still open and will remain open until the next meeting.

Renery the potential owner for the new home noted she really wants to live in down town Saratoga and the project is time sensitive and she wants to keep the project alive.

9. #20221036 110-114 Nelson Lot #2 Area Variance, 110-114 Nelson 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 %	45	5% (12%)
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 there has been some changes to the project and most of the relief needs have been improved. He stated that the current proposal is the minimum requirement that would be feasible to the applicants. Without the port cochere the lots coverage would be consistent with neighborhood requirements.

Cherie noted she appreciates that the coverage has been reduced. Further discussion ensued with the applicant.

Gage noted he appreciates the reduction in coverage and he feels strongly against setting a bad precedent for future coverages. The applicant stated due to medical reasons the owners needs a zero threshold to be able to walk into the house.

The applicant noted the room above the port cochere is a guest room. Emily noted the house at this size might not be appropriate for the lot size. He noted that the third lot is larger than lots 1 and 2 however this 3rd lot is to accommodate a walk path to the back lot. John noted he paid a lot for the property and he will not develop anything he is not proud of. He believes this proposal will be a great addition to this neighborhood.

Emily noted the lot is empty and she believes starting off with a recently subdivided lot seeking significant relief. The applicant noted what exists now is a parking lot and the proposal will be an improvement on what currently exists.

Brendan noted he appreciates the changes the applicants have made and this lot is in an urban environment as such things will be more urban in character.

Gage noted that public hearing remains open and asked if there are any additional comments.

Patrick noted that the homes are newly proposed and the applicant has made no attempts to fit into zoning.

Public hearing remains open.

10. **#20220686 28 North Lane/96 Union Demo and Construction Area Variance**, 28 North Lane/96 Union Avenue, Area variance to permit the construction of a new three car garage and dwelling unit above in the Urban residential-4 (UR-4) District

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Min Ave. Lot Width	80 ft.	46.6ft.	33.4 ft. or (41.8%)

The application was presented by Tonya Yasenchack. She noted there has been some changes with the proposal. The proposed building will be closer to the alley based on the recommendations of the Board. She noted there is a previous approval that would permit the second dwelling. The current variance is for the lot width. She noted she performed an analysis of all the properties in this neighborhood that had more than 1 unit with undersized lot width, of 27 properties 13 were under 50ft. lot width. She noted it is infeasible to use the building as is without significant cost. The building will be further away from the cedar trees. She noted that an arborist did evaluate the trees. She noted the variance being requested should not be conditioned on the protection of the trees. She noted the project will need DRB Review.

Tonya stated there was a civil litigation regarding the previous issues with tree removal. She stated that should not be part of the consideration for the current proposal

Gage noted public hearing is still open and asked if there were other comments.

Stephanie Ferradino commented. She noted that this board is tasked with looking at the project as a whole. The impacts need to be considered. There should be protection of the trees. She noted there should be measurers in place

Public hearing closed at 9:38pm by Gage Simpson
Brendan Dailey presented the following motion

#20220686
IN THE MATTER OF THE APPEAL OF
Sharon Byrne
28 North Lane/96 Union Avenue
Saratoga Springs NY 12866

From the determination of the Building Inspector involving the premises at 28 North Lane/96 Union Avenue in the City of Saratoga Springs, New York being tax parcel number 166.69-4-4 on the Assessment Map of said City.

The applicant having applied for an area variance under the UDO of said City to permit demolition of the existing structure and replace it with a garage with a second residence within the Urban Residential 4 (UR-4) District and public notice having been duly given of a hearing on said application held on September 26th, October 17th, December 12th 2022, and January 23rd, February 27, March 13th 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
MINIMUM AVE LOT. WIDTH 2FAMILY	80ft	46.6sft	33.4ft (41.8%)

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. The applicant wants to demolish the current structure and replace it with a three-car garage with a second residence on the second floor. The applicants note they have considered other alternatives.
2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The garage is consistent with other homes in the neighborhood with all building being done on the alley and does not alter the current character of the street. The new building will meet all setback distances to side yard and rear.
3. The board notes that the requested variance is substantial, but mitigated by neighborhood context, among other factors. The applicant presented data of similar lots in the neighborhood with similar lot width and existing two residences.
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 garage; however, this is not necessarily fatal to the application.

Notes:

Sensitivity to neighboring and existing trees should be taken by the applicant to cause no harm during demolition and construction.

It is so moved, dated: February 27th 2023

Seconded by Cherie Grey

Failed to pass by the following votes:

AYES: 3 (G. Simpson, E. Bergmann, C. Grey,)

RECUSED: 0

NAYES: 2 (B. Dailey, A. Smith)

Jackie noted since the resolution failed to pass there are a few options we should re-present a motion at the next meeting.

The board will review the materials provided and a new motion will be presented at a future meeting for a vote. The workshop is next Monday and this project will be further discussed then

11. **#20220855 139 State Street Garage Reno Area Variance**, 139 State Street, Area variance to permit the renovation of an existing home in the Urban Residential-1 (UR-1) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Max Lot Coverage	28%	35.8%	7.8% (27.9%)
Front Setback	30 ft.	0 ft.	30ft. (100%)
Interior Side Setback	12 ft.	0 ft.	12ft. (100%)
Min. Total Side Setback	30ft	1.4ft	28.6ft (95.3%)

Bob Flansberg represented the application. He stated there has been some changes to the project proposal. He noted one of the major changes is the purchase of additional lands from Skidmore College, Which would significantly improve the requested relief. The new lot is now 15704 sqft. With that coverage has improved as well as side yard and total side setback. The existing home is encroaching on city property with the proposed home the negative setback will ow be at 0ft. Bob Noted in general nothing else has changed but he believes they have significantly improved the setbacks.

Cherie noted she appreciates the client’s purchase of additional lands. She asked of alternate designs were considered for the garage. Bob noted this present proposal is the most feasible for the applicant.

Alice noted the garage seems a bit intrusive and wanted the applicant to make it shorter to the setback is greater than 0ft.

Patrick noted that the current plans seems to indicate separate dwelling. The applicant noted there is no separate kitchen and is intended solely for a guest suit.

Public comment remains open. No additional comments were heard

12. **#20221001 223 Maple Area Variance**, 223 Maple , Area variance to permit the subdivision of an existing lot into two residential parcels in the Urban Residential -2 (UR-2) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Min Lot Size	6600sqft	6413sqft	187sqft (2.8%)
Min Average Lot Width	60 ft.	50 ft.	10ft. (16.7%)

The applicant noted they already had a previous approval that expired. The application has a favorable Advisory from the planning Board and Negative SEQR.

Cherie Grey presented the following motion.

#20221001
IN THE MATTER OF THE APPEAL OF
Todd Bishop and Linda Martelli-Bishop
223 Maple Avenue
Saratoga Springs, NY 12866

From the determination of the Building Inspector involving the premises at 223 Maple Avenue in the City of Saratoga Springs, NY, being tax parcel number 166.29-1-363 on the Assessment Map of said City. The Applicant having applied for an area variance to permit a subdivision to create two parcels, in which the currently existing improvements on the property are sited on Lot 1 consisting of 12,400 square feet and fronted by both Green Street and Maple Avenue, and with a new Lot 2 fronted by Maple Avenue consisting of 6,413 square feet in the UR-2 District and public notice having been duly given of a hearing on said application on December 12, 2022 and January 23, 2023.

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

Type of Requirement	District Dimensional Requirement	Proposed	Relief Requested
Minimum Lot Size: Lot 2	6,600 square feet	6,413 square feet	187 square feet (2.8%)
Minimum Average Lot Width Lot 2	60'	50'	10' (16.7%)

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 notes that there are no available lands to purchase on the eastern side of Lot 2 and even a one-foot addition to the western lot line bordering Lot 1 would come 0.1' to the allowed setback from the house on Lot 1. The applicant further notes that a squared-off line on Lot 2, as in the proposed plan, is ideal from planning practices and precludes future maintenance and neighbor issues. A previous resolution #20190225 was approved by the Board and due to the applicant's neglect to request an extension, this resolution will replace it.
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 applicants note that the proposed new boundary and lot configuration will provide sufficient space for a zoning-compliant new home construction on Lot 2. The Board notes no variances are required for Lot 1. The applicants provided the Board with information on comparable lots in the neighborhood so that Lot 2 would be consistent with neighborhood context. While the Board is generally not in favor of creating non-compliant sized new lots, the shortfall in total lot size in this case is not significant; see note 3 below.
3. The requested variance is not substantial for neither lot size nor width.
4. The Applicant has demonstrated that granting this variance will not have an adverse physical or environmental effect on the neighborhood. Permeability of Lot 1 will be 58.5% per the applicant, well in excess of district requirement.

5. The request for relief is a self-created hardship. However, self-creation is not necessarily fatal to the application.

Notes:

Planning Board granted a favorable opinion on May 13, 2021 and February 23, 2023

This subdivision will nullify a Special Use Permit granted in 1992 for a home occupation on this site.

Condition:

Removal of existing driveway and curb cut on Maple Avenue and repair to city standards of sidewalk and curbing.

It is so moved, dated: February 27th 2023

Seconded by Emily Bergmann

Adopted by the following votes:

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

RECUSED: 0

NAYES:

APPROVAL OF MEETING MINUTES:

Meeting minutes for Dec 12, 2022 approved

MOTION TO ADJOURN:

There being no further business to discuss Gage Simpson, Chair, adjourned the meeting at 10:39 P.M.

Respectfully submitted,

Aneisha Samuels
Senior Planner