



# ZONING BOARD OF APPEALS

## MINUTES (DRAFT)

MONDAY, MARCH 13, 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; Brad Gallagher- Vice Chair, Cheryl Grey  
Brendan Dailey, Alice Smith

**ABSENT:** Emily Bergmann,

**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.

### **ZBA APPLICATIONS UNDER CONSIDERATION:**

#### **NEW BUSINESS:**

**1. #20230048 35 Newton Subdivision Area Variance,** 35 Newton, Area variance to permit a two-lot subdivision within the Urban Residential -2 District.

Brad Gallagher recused from the project.

Cherie disclosed she knows the applicant but she believes that will not influence her decision

#### **AREA VARIANCE CONSIDERATIONS:**

<b>TYPE OF REQUIREMENT</b>	<b>REQUIRED</b>	Proposed	Relief Requested
Min Average Lot Width lot #1	60 ft.	50 ft.	10 ft. (16.7%)
Min Lot Size lot #1	6600sqft	5750 sqft.	850 sqft. (12.9 %)
Min Average Lot Width lot #2	60 ft.	50ft	10 ft. (16.7%)
Min lot size lot #2	6600sqft	5750 sqft.	850 sqft. (12.9 %)

Collin Kleapatar represented the application. He noted purchased the property so his father in law could ove closer to him due to health concerns. The purchased the home during a bid and purchased the home without seeing he inside. He noted

once he went in her released the home was actually a one bedroom home and fixing it would be financially infeasible. The goal is to subdivide the parcel and sell one lot and subsequently build a home on the other lot. He noted that across the street there are 6, 50 ft. lots similar to his current proposal. The lot next to this lot is also a 50ft lot and there is an existing structure on the lot. The home used to be a garage and that's where the mold got introduced.

Gage asked if the applicant will be able to build a zoning compliant home on the proposed undersized lots. Collin confirmed that there are other homes within the neighborhood on similar lot and he believes he would be able to do that.

Cheryl Grey presented a motion to request Planning Board Written advisory as well as defer SEQRE lead seconded by Brendan Dailey. Passed 4-0

Public hearing was open at 6:30 by Gage Simpson  
No public comments were heard

**2. #20230047 3 Lilac Lane Pool House Construction,** 3 Lilac Lane, Area variance to permit the construction of a pool house within the Rural Residential (RR) District.

**AREA VARIANCE CONSIDERATIONS:**

<b>TYPE OF REQUIREMENT</b>	<b>REQUIRED</b>	Proposed	Relief Requested
Accessory to rear yard Setback	50 ft.	25 ft.	25 ft. (50%)

Nick Falto from Witt Construction represented the application. He noted the relief being requested is for rear setback. He discussed the project scope and neighborhood comps. He also presented renderings of what the proposed structure would look like on the lot.

Cherie noted the structure seems large and she wanted to know if there was any way to reduce the relief request. The applicant noted the combined the storage into the pool house and the current location is the most feasible size and location.

Brad noted providing comps would be helpful and he agrees with the recommendations presented by Cherie.

Brendan noted the trees in the front may block the visual impacts of the proposed pool house but he also believes providing comps would be helpful. The applicant noted there is a retaining wall to the left of the pool

Public hearing was open at 6:50 by Gage Simpson  
No public comments where heard

**3. #20230016 Liberty Housing Area Variance,** Crescent Avenue and Jefferson Street, Area variance to permit the development of workforce housing within the Urban Residential-4 (UR-4) District.

**AREA VARIANCE CONSIDERATIONS:**

<b>TYPE OF REQUIREMENT</b>	<b>REQUIRED</b>	Proposed	Relief Requested
Max Building Height	40ft	48ft	8tf (20%)

The application was represented by Stephanie Ferradino. She stated the previous application was for a zoning map amendment that was subsequently approved. The property is now zoned UR-4. She noted that the earlier proposal that was presented to the Planning Board has changes based on the recommendations from the Board to include steep pitches in the roof. She stated liberty is not for profit as such this current proposal is most economically feasible. The roof peaks hide the mechanicals as opposed to placing them on the ground. She presented numerous elevation drawing and from various vantage points. She noted the variance will not produce an undesirable change in the neighborhood. She stated the tree canopy will be higher than the proposed building. She stated the Casino Hotel is approximately 20ft higher than the proposed building. She stated 920ft from the nearest club house home to the site.

Brendan states he appreciates the proposal and he thinks its addressing a need of the city.

Brad stated he has no issues with the project as presented.

Cherie asked if there are any other buildings at 40ft in that area. Mike Finney (Design Group- representing the applicants) stated that they didn't do a height study but the primary goal is to balance aesthetics taking into consideration the design materials. The major issue in is mind as the architect is that all the mechanical are now being on the roof instead of on the ground which would not be aesthetically appealing. The intent is to make it pedestrian friendly and the 8ft is the minimum height to accomplish this. There is not enough land to spread things out any more than it already is, if one floor is to be removed.

Cheryl Grey presented a motion for City Planning Board Advisory motion passed 5-0

Public hearing was open at 7:30 by Gage Simpson

No public comments were heard

**CONTINUED BUSINESS**

**4. #20220686 28 North Lane/96 Union 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

Gage Simpson recused

**AREA VARIANCE CONSIDERATIONS:**

<b>TYPE OF REQUIREMENT</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>TOTAL RELIEF REQUESTED</b>
Min. Average Lot Width	80ft.	46.6ft	33.4ft (41.8%)

Tonya Yasencheck represented the application. She states since the last meeting additional supporting information was submitted. She noted that she could rebuild an accessory structure any place on the lot without a variance. The only reason she is before the board is to reconstruct the existing dwelling unit. She noted it would be more impactful if they kept the existing structure and constructed a third building (Garage). She believes the current proposal will have the least impact on the neighborhood.

Brendan stated that he appreciates the rendering.

Brad stated he believes a lot of consideration has been given to the neighbors and he believes the current proposal is least impactful.

Cherie noted she thinks the variance request is acceptable.

Public hearing closed from the previous meeting.

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 26<sup>th</sup>, October 17<sup>th</sup>, December 12<sup>th</sup> 2022, and January 23<sup>rd</sup>, February 27, March 13<sup>th</sup> 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: March 13th 2023  
Seconded by Cheryl Grey

Passes by the following votes:

**AYES: 5 (G. Simpson, B. Gallagher, C. Grey, B. Dailey, A. Smith,)**

**RECUSED: 0**

**NAYES:**

**5. #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:**

<b>TYPE OF REQUIREMENT</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>TOTAL RELIEF REQUESTED</b>
Second Principal Structure	Not permitted	Permitted	1 (100%)

The application was represented by Mark Menolo. He stated the owner’s intent is to transform the structure into his residence. The parking area will remain paved and will provide the required number of parking spaces. The lot will provide 12 parking spaces. He believed the proposal will be an improvement to the structure and there are no proposed changes to the exterior.

Gage noted he appreciates the additional information provided. The existing shed with the carpentry variance will be used for his personal wood working and there is no intent to use it commercially.

Gage noted public hearing is still open and if anyone had comments, no comments were heard.

Public hearing was closed at 7:43 by Gage Simpson

Gage Simpson presented the following motion

20230014  
IN THE MATTER OF THE APPEAL OF  
Jason Gerasia  
217 Elm Street  
Saratoga Springs NY 12866

from the determination of the Building Inspector involving the premises at 31 W Harrison in the City of Saratoga Springs, New York being tax parcel number 165.50-2-28 on the Assessment Map of said City.

The applicant having applied for an area variance under the UDO of said City 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 and public notice having been duly given of a hearing on application held on February 27<sup>th</sup> and March 13<sup>th</sup>, 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
SECOND PRINCIPAL STRUCTURE ON A PARCEL WITH A LEGAL MULTIFAMILY- Article- 8.4.GG.2.a	NOT ALLOWED	1	100%

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. Currently the property has a legal multifamily unit, a shed that houses a commercial woodworking shop due to a previously granted variance in 1948, and a historic carriage house that is in need of repair.

The applicant stated he believes the carriage house was built between 1878 and 1884. The applicant also has stated his desire to live in the restored carriage house and noted that this is an interior project only and will keep the historic footprint of the carriage house. Per the applicant, the carriage house is approximately 40 feet by 30 feet and is two stories or approximately 2400 square feet total. The Preservation Society sent a letter of support for this project.

In exchange for being granted a second principal structure variance for 31 W Harrison, the applicant is willing to surrender the previously granted commercial use variance for the woodworking shop. The Board believes this is necessary to reduce the potential intensity going from the previously permitted commercial use to a less intense single family residential use.

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 carriage house is in need of repair and updates and this will visually improve the appearance of the carriage house at street level. Additionally, city sewer and water lines will be tapped in to and the applicant has provided an eleven (11) space parking plan for the property.
3. Although the variance is substantial at 100% this is due to the fact that the applicant wishes to turn the historic carriage house into a second principal structure.
4. The Board finds this variance will not have an adverse physical or environmental effect on the neighborhood. Additionally, with the gravel driveway, district permeability requirements will be met.
5. The alleged difficulty is self-created insofar as the applicant desires to convert the carriage house into a second principal structure, but this is not necessarily fatal to the application.

Note: All building changes and modifications shall be in accordance with the standards outlined Article - 8.4.GG.2, except for Article- 8.4.GG.2.a

**Condition:**

This variance is conditioned on the voluntary surrender of the previously granted commercial use variance granted October 06, 1948. This variance shall revoke the previous variance when the applicant applies for a building permit.

It is so moved, dated: March 13th 2023  
Seconded by Cheryl Grey

Passes by the following votes:

**AYES: 5 (G. Simpson, B. Gallagher, C. Grey, B. Dailey, A. Smith,)**

**RECUSED: 0**

**NAYES:**

**6. #20221115 136 State St Garage Demo and 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:**

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

Bret Balzar represented the application. He mentioned that new information has been submitted. He noted this is a single family residence in UR-1. The intent is to connect the existing garage to the main home. The garage is failing structurally hence the need for it to be replaced. He noted the proposed pool is a mod pool and all the mechanical will be in the structure. He stated the intent is to frost the windows to decrease visibility from inside and outside. He noted storm water will be contained on site. The applicant is proposing a vegetative wall to further decrease visibility to the neighbors.

Brandan noted he appreciates the changes made regarding storm water and the windows.

Brad also stated he appreciates the changes he asked if there was an accessory condenser unit. The applicant noted that is existing and the new consider will not require relief.

Cherie asked if the applicant could provide comps of similar lots but she also noted she is aware this is a smaller lot but she is curious about other lots in the neighborhood.

The applicant asked if it was the feeling of the other 4 board members that comps are required. Gage stated that comps would not change his opinions on the project. Brendan stated the comps would be helpful but not required for him to make a decision.

Brad stated it is not atypical to have comps however he doesn't believe it is necessary in this case.

Public hearing remains open no comment were heard.

**7 #20221094 112 Fifth Avenue garage addition re 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.

**AREA VARIANCE CONSIDERATIONS:**

<b>TYPE OF REQUIREMENT</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>TOTAL RELIEF REQUESTED</b>
Max Principal Coverage	28%	30.9%	2.9% or 10.4%
Interior Side Setback	12ft.	4.5ft.	7.5ft or 62.5%
Min total Side Setback	30ft	29.7	0.3ft or 1%

Trevor Flynn Represented the application. He noted he has requested and was approved for the modified setback so that is no longer an area of relief. He stated of the homes in this area the proposed home is not encroaching any further than the existing homes within close proximity. He stated his clients would like to build a 2 car garage and if the lot was conforming the lot coverage relief would not be necessary. The deeper garage is the bare minimum that would work for his clients seeing as they have a truck that needs the additional space to fit in the garage.

Cherie stated she is not supportive of the garage coming 6ft forward or the garage being the prominent feature of the home. She stated this type and position of the structure is inconsistent with the neighborhood. The applicant noted whether it's a garage or front porch it should be considered similar. He outlined that homes in this district are often a lot closer to the front setback.

Martinez the owner of the home stated all the other homes along this street dwarf this home. He stated that adding the front whether it's a garage or porch it is consistent with the neighborhood. The applicant noted it no sense adding a garage that fits a car.

Gage asked if there were any public comments, no comments were heard.  
Public hearing closed at 8:19 by Gage Simpson

The following motion was presented by Gage Simpson

**#20221094**  
**IN THE MATTER OF THE APPEAL OF**  
Mario and Dawn Martinez  
114 5th Ave  
Saratoga Springs, NY 12866

from the determination of the Building Inspector involving the premises at 112 5th Ave in the City of Saratoga Springs, New York being tax parcel number 166.14-4-38 on the Assessment Map of said City.

The applicants having applied for an area variance under the UDO of said City to permit the expansion of a garage and new roof over a deck in the Urban Residential 1 (UR-1) District and public notice having been duly given of a hearing on said application held on February 6 through March 13, 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:

<b>TYPE OF REQUIREMENT</b>	<b>DISTRICT DIMENSIONAL REQUIREMENT</b>	<b>PROPOSED</b>	<b>RELIEF REQUESTED</b>
MAXIMUM BUILDING COVERAGE	28%	30.9%	2.9% (10.4%)



TYPE OF REQUIREMENT	DISTRICT DIMENSIONAL REQUIREMENT	PROPOSED	RELIEF REQUESTED
INTERIOR SIDE SETBACK	12'	4.5'	7.5' (62.5%)
TOTAL SIDE SETBACK	30'	29.7'	0.3' (1%)
MINIMUM FRONT SETBACK	30'	23.5'	NONE (SEE BELOW)

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 an expansion to their garage to fit two vehicles and add a roof to their back porch. Per the applicants, the current garage plan requests the fewest number and magnitude of variances. Other options were considered that would have required larger variances and changes to the house floor plan. The Board notes that the house and property are pre-existing, non-conforming. The house was built within the side yard setback so any work would trigger a variance, additionally, the property is undersized for the UR-1 district. The garage is to be extended further into the setback while the porch roof will be built in-line with the rest of the side of the house and will not encroach further into the setback.
2. The applicants have demonstrated that granting these variances will not produce an undesirable change in neighborhood character or detriment to the nearby properties. Per the applicants, this project will not change the exterior mass of the house that would negatively impact views from adjacent properties. The applicants provided neighborhood context for the expansion of the garage.
3. The Board notes most of the requested variances may not be considered substantial and they are further mitigated by the pre-existing, non-conforming undersized property as mentioned above. The Board notes the requested variance of 62.5% is considered substantial, however, this is mitigated by the minimal impact of the variance as mentioned above. The front setback is not being requested because the property qualifies for a modified front setback per Section 3.3B of the UDO. The revised minimum front setback applicable is 23.2'.
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 porch, but this is not necessarily fatal to the application.

It is so moved, dated: March 13th 2023

Seconded by Cherie Grey

Passes by the following votes:

**AYES: 4 (G. Simpson, B. Gallagher, B. Dailey, A. Smith,)**

**RECUSED:**

**NAYES: 1 (C. Grey)**

**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:**

<b>TYPE OF REQUIREMENT</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>TOTAL RELIEF REQUESTED</b>
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%)

Brittney Engelmann represented the application. She noted current relief requested includes front setback, accessory to rear and combined coverage. She noted that two earlier variance requested have been eliminated. She noted that the current proposal is the minimum that will be feasible for the applicants. She noted there are several other homes within the district with similar setbacks.

Cherie noted that she has reviewed the planning meeting during the subdivision approval phase and at that time the applicants stated the proposed homes on the lots will be zoning compliant. She noted she is displeased with the changes. She stated that the front setback request seems consistent with the neighborhood but the other areas of relief seem out of character for the neighborhood. She noted since the lot to the rear is owned by the same owners a simple lot line adjustment would remedy the relief requested. With that she noted she is not supportive of the application.

Brad outlined there is a discrepancy with the coverage numbers presented by the applicant and that provided by city staff. It was later confirmed that that lot coverage request is 44%.

Brandon noted he has less of an issue with the current proposal but he is somewhat disappointed that some of the numbers increased instead of improving.

Brittney stated lot coverage went up because of the garage bump out to accommodate the setback. She noted that the neighborhood is supportive of the project. While she understands there is open lands to the rear this is a separate approved lot and should be developable.

Brad stated he has no issue with the front setback but he believes there is room for improvement regarding the garage setback.

Gage stated public hearing remains open and if there were any other comments. No additional comments were heard.

Alice stated she is uncomfortable with the relief requested as presented and would want the applicant to reduce the relief needs.

The applicant noted she is willing to eliminate the accessory relief needs and only ask for front setback relief and coverage relief.

Gage Simpson confirmed the relief needs will eliminate the accessory needs.

Gage Simpson closed public hearing at 8:40

Brad Gallagher presented the following motion.

#20221035  
 IN THE MATTER OF THE APPEAL OF  
 Witt Construction Inc.  
 110-114 Nelson Avenue Lot 1  
 Saratoga Springs NY 12866

from the determination of the Building Inspector involving the premises at 110-114 Nelson Avenue Lot 1 in the City of Saratoga Springs, New York being tax parcel number 166.77.47-17 on the Assessment Map of said City.

The applicants having applied for an area variance under the Zoning Ordinance of said City to permit the construction of a new residence and detached garage in a UR-2 District and public notice having been duly given of a hearing on said application held January 23 through March 13, 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 PRINCIPAL COVERAGE	40%	43.8%	3.8% (9.5%)
SETBACK – FRONT	10 FT.	3 FT.	7 FT. (70%)

As per the submitted revised plans at the meeting, dated March 13, 2023 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 submitted that the vernacular architecture of the surrounding residences in the neighborhood along with the setbacks of those residences are consistent with the requested variances for the proposed new construction. The proposed residence was designed to accommodate the needs of the applicant, as well as to blend with the architectural details of historic homes in the surrounding neighborhood, according to the applicant. Based on these characteristics and unique location of the property, the Board finds that the applicant has demonstrated that other alternative designs that were considered would not serve the applicant or the neighborhood as well as the proposed design.
2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The applicant has provided evidence, including video and written materials, which the Board finds establish that the variances are similar in context to neighboring properties.
3. The Board finds these variances substantial, but notes the character of the neighborhood mitigate this concern as the proposed design and setbacks are similar to other residences.
4. These variances will not have significant adverse physical or environmental effect on the neighborhood or district. The lot will exceed permeability requirements of 25%.
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.

Condition: the Applicant is required to submit revised plans reflective of the relief granted.

It is so moved. Dated: March 13, 2023

Seconded by Brendan Dailey

Passes by the following votes:

**AYES: 4 (G. Simpson, B. Gallagher, B. Dailey, A. Smith,)**

**RECUSED:**

**NAYES: 1 (C. Grey)**

**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:**

<b>TYPE OF REQUIREMENT</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>TOTAL RELIEF REQUESTED</b>
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%)

Brittney Engelmann represented the application. She noted they have made a few changes. She noted the relief requested have changed over the last 5 meetings based on this boards recommendations. She noted several areas of relief have been eliminated or reduced. She noted the house would fit on the lot without relief without the Porte cochere at 39.2% and 45% with. She noted the lot has been manipulated to the design max and client needs.

Alice stated she has no comments other than the fact that the ask here is excessive.

Brendan stated he appreciates the changes but it's bothersome that during the subdivision approval phase the applicants presented options that would be zoning compliant.

Gage noted that he appreciates the development changes and he thinks the Porte Cochere is a favorable addition to this home. But he still strongly believe there is room for additional changes.

Brittney stated that the garage can be zoning compliant but there is not much more to do with the Porte Cochere.

Cherie stated she is uncomfortable with the negotiation style of this presentation and she believes it would be more appropriate for the applicant to present new plans with an actual proposal for consideration.

Brad stated there is room for improvement regarding the accessory request. He suggested pulling the Porte cochere in so it's flush with the house as that may significantly lesson some of the relief requested.

Public hearing remains open no additional comments were heard.

**10 #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:**

<b>TYPE OF REQUIREMENT</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>TOTAL RELIEF REQUESTED</b>
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%)

No presenter was present.

Public comment remains open. No additional comments were heard

**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 9:03 P.M.

Respectfully submitted,

Aneisha Samuels  
Senior Planner