



ZONING BOARD OF APPEALS

MINUTES (DRAFT)

MONDAY, MAY 22, 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, Cheryl Grey, Emily Bergmann
Alice Smith, Shafer Gaston

ABSENT: Brendan Dailey, Brad Gallagher- Vice Chair

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. **#20230281 13 Wiswall Area Variance**, 13 Wiswall Lane, Area variance to permit the construction of a two unit residential apartment within the Urban Residential -3 (ur-3) District.

Emily recused from the application.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	RELIEF REQUESTED
Min Lot Size	8000 sqft.	3996 sqft.	4004 sqft. or (50.1%)
Min Average Lot width 2F	80 ft.	60 ft.	20 ft. or (25%)
Max. Principal Coverage	40%	69%	29% or (72.5%)
Front Yard Setback	10 ft.	2.2 ft.	7.8 ft. or (78%)
Rear Yard Setback	25 ft.	9.9 ft.	15.1 ft. or (60.4%)
Interior Side Setback	5 ft.	0 ft.	5 ft. or (100%)
Min. Total Side Setback	12 ft.	9 ft.	3 ft. or (25%)

John Witt represented the application. He noted that the property falls within a very dense neighborhood. He noted he originally applied in 2003 and received approval in 2004. He noted none of the variance requests have changed since the previous approval. He confirmed the relief needs and then mentioned permeability

requirements will be met. He further noted once he installs the driveway sand patio permeability will be down to approximately 17%. He further discussed the neighborhood context. He noted the footprint of the building will remain the same as was previously approved but there may be some changes to the floor plan. He noted he plans on residing in the building and rent the second unit.

He noted the project lapse because he went through some tough times re a divorce and now he would like to renovate the structure. He doesn't plan on demolishing the building.

Cherie asked for some clarification regarding the project location and had some concerns regarding the 0ft setback. Gage noted the building currently exists and the variances are needed. She noted that she is concerned about the coverage and permeability. John confirmed at the end of the project the property would be more permeable.

Aneisha Samuels stated the application expired 20 years ago and this new application should be considered on its own merits.

Cherie asked for comps on the area that are two family.

Shafer noted the setback swill be the same but the permeability will decrease. He noted he is concerned about the overall reduction in neighborhood permeability. John noted that permeability in this area it is all bedrock and hard limestone. He noted that will the landscaping he is proposing he believes permeability will be improved.

Alice confirmed that there is one side with a 0ft setback and she was concerned about the neighboring property considering the 0 setback. Cherie asked if any windows are being added to the side with the 0ft. setback. John confirmed the windows will be removed from that side to meet code.

Cherie asked if consideration was made to make the building in a single family home. John outlined that the he intends to gain income from the rental unit and it was a sizable investment

Gage Simpson opened public hearing at 7:00pm

Allen Turcheimer of 158 Woodlawn Avenue noted when he previously applied for his relief the board gave him a difficult time. He noted that he believes there should be 4 parking spaces. He noted he believes John's proposal will improve the alley. He further noted the lanes itself needs a repaving and the traffic on the lane is unbearable. He noted his barn took 2 years and the barn across the street is not a carriage house.

Gary Hasbrouck of 136 Woodlawn. Noted he is supportive of the project and this would be an improvement in the neighborhood. He noted the neighborhood is a mix of single and multi-family. He further noted that when it rains there is a drainage problem in the entire neighborhood. Rivers and stream roll right down Clinton.

Cherie asked for the source of the utility. John confirmed utility comes from off the alley.

Public hearing remains open.

2. #20230279 43 Granite Porch Area Variance, 43 Granite Avenue, Area variance to permit the construction of a front porch with roof within the Urban Residential -3 (UR-3) District.

The applicants did not show for this application. Public hearing remains closed

3. #20230227 69 Phila Garage Area Variance, 69 Phila Street, Area variance to permit the placement of a detached garage within the Urban Residential -4 (UR-4) District.

Emily recused from the application.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	RELIEF REQUESTED
Accessory to rear	5 ft.	1.3 ft.	3.7 ft. or (74%)
Accessory to side	5 ft.	1.3 ft.	3.7 ft. or (74%)
Accessory to side	5 ft.	1.3 ft.	3.7 ft. or (74%)

Sue Vie represented the application. She noted the owners are doing a gut rehab at the 69 Phila. She stated they have approval regarding the historic application. The proposal is to construct a two car garage. She noted the lot is oddly shaped with the bump out. She noted the dimension provided to the building is an additional 1ft. she noted the intent of constructing the garage is to alleviate the on street parking issues for visiting relatives. She further noted she provided some photos within her application.

Emily asked if the applicant could provide comps with other homes that have two car garages. The applicant noted there are other garages but she didn't have a list of prepared two car garages. Emily noted it would be helpful if the applicant could provide comps regarding other two car garages and others garages that needed variances. Emily asked if the lot is undersized.

Aneisha Samuels noted the lot requirement is 6600sqft for the UR-4 District.

Shafer noted that he believe the hardship was self-created so as the applicants desire to construct a two garage. He further noted he is familiar with the neighborhood and does not believe the two car garage is consistent with the neighborhood.

Emily further asked if the applicant looked at alternate plans such as a single car garage. Sue noted a single car garage would be infeasible because of the access to the structure.

Gage noted he is more interested in other garages that are within the setback. He further noted the DRB would also be evaluating the project.

Aneisha Samuels noted the DRB is primarily concerned with the façade and building material. Whereas this boards role is to consider the dimensional requirements and the use.

Cherie noted that the variance at 74% is very significant relief and may be setting a bad precedence for the neighborhood. She further noted she is not comfortable with a two car garage at this proposed setback. She asked for the applicants to consider alternatives such as a single car garage and keep in mind rooflines and water runoff.

Gage asked if the applicant would consider reducing overhangs and the applicant noted the eaves seems more consistent with what DRB would prefer.

The Board requested DRB Advisory opinion.

Gage Simpson opened public hearing at approximately 7:25. No comments were heard.

CONTINUED BUSINESS

4. #20230087 85 Nelson Use Variance. 85 Nelson Avenue, Use variance to permit the conversion of an unlawful multi-family home to a two-family home within the Urban Residential-2 District.

The applicant requested an adjournment of the matter until a future meeting.
Public hearing was remains open.

#5. 20230162 77 Hathorn Deck, 77 Hathorn Blvd, Area variance to permit the construction of a front deck within the Urban Residential-1 (UR-1) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	RELIEF REQUESTED
Front Yard Setback	30 ft.	7.5 ft.	22.5 ft. or (75%)

Jessica Madison represented the application from 77 Hathorn Blvd. She noted that additional information has been submitted.

The meeting was recessed for 5 minutes to allow for the uploading of additional material provided by the applicant.

Meeting was called back to order by Gage Simpson at 7:47

Jessica Madison further noted she provided comparable porches/decks in the neighborhood. She noted she does not know the exact property lines but based on her estimation these are the homes that appear similar. She presented several homes in the neighborhood with similar construction.

Jessica noted she calculated the coverage which is 11% for her property. She further noted that for permeability is at 18% with the proposed front porch.

Shafer asked if there were any alternate plans considered that would require less relief. Jessica noted she has not contacted Curtis lumber however she spoke with a construction professional and based on that conversation to meet ADA compliance the proposed is ideal. If the porch size was decreased it would be incompatible with the current pillars on the front porch. She further noted she considered placing the step in the front but felt it would be more visually intrusive and a difficult layout.

Cherie noted she appreciates the comps provided but still believes the variance is too substantial.

Alice also added that the relief seems significant and she would be more comfortable if the relief was reduced.

Jessica noted it would be difficult to shrink the stairs size as that would impede access and probably would not be ADA compatible. She further explained that the pillar and the landing would only work in the proposed images to allow for the support of the railings.

Cherie noted if u reduce to porch to 7ft and place the stairs to the front the variance percentage would be reduced.

Public hearing remains open. No comments were heard

6. #20230161 8 Taylor Shed, 8 Taylor Street, Area variance to permit the rear encroachment of an existing rear patio within the Urban Residential - 2 District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	RELIEF REQUESTED
Corner Side Setback (Rear Patio)	10 ft.	7 ft.	3 ft. or (30%)
Accessory To rear setback	5 ft.	3.3 ft.	1.7 ft. or (34%)
Patio to rear setback	25 ft.	13 ft.	12 ft. or 48%

Laurie and Gary Cretelli represented the application. Laurie noted she provided several documents to the board including comps and the survey. She noted the setback on the survey and in photos. She further outlined the location of the Patio. She noted the setback for the shed is 3’4” the rear and 5’ to the side. She further noted the patio has 2 rear setback 14’7” inches and 13’ 9”. She later presented several pictures of the setback locations.

Laurie also presented several comparable sheds within the neighborhood.

Gage noted permeability seems questionable. Gary noted he provided the permeability percentages and the lot is within the district requirement for permeability. Gage further asked for the applicant to confirm the coverage and permeability percentages. He also noted he has no issue with the patio since its flush with the ground. Gage also asked for a determination regarding the pergola. He further noted the shed should come forward that 1.7ft.

Gary noted it would be very difficult to move the fence and that there is a sprinkler box and he is not sure where the lines area. He also noted that he provided comparable and he believes moving it 1.7ft would be unfair.

Emily questioned the area covered by the comps. Laurie confirmed all the comps are within walking distance of their home.

Cherie noted the home is 26 ft. from the rear as such any changes or additions to the rear would trigger relief and the board looks and although she appreciates the comps provided she believes the shed relief should be adhered to. She noted if the applicants came before the shed was placed the board would have asked for the district requirements to be met.

Jackie White noted that before the discussion continue the board needs confirmation on the actual relief needs.

Gage noted public hearing is still open and had the following comment

Mr. James Bidos noted he is still opposing the request. He believes the permeability is around 30%. He further stated if the shed was moved or if it remained it is still visible to him. He further noted none of the comps provided are within the Witt development. He further noted the applicants didn't provide setbacks for the comparable sheds provided. He noted the shed as created a privacy issue. He noted the patio started a few ft. from his backyard and it is a nuisance. He noted he would propose a lot line adjustment.

Public hearing remains open.

#7. 20230159 672 Roof and Canopy Extension, 672 Crescent Avenue, Area variance to permit the expansion of the existing single-family home in the Rural Residential- (RR) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	RELIEF REQUESTED
Front Yard Setback	60 ft.	18 ft.	42 ft. or (70%)

Public hearing was closed at 9:08 by Gage Simpson.
Cherie presented the following motion.

#20230159
IN THE MATTER OF THE APPEAL OF
Sid and Lina Hellman
672 Crescent Avenue
Saratoga Springs NY 12866

from the determination of the Building Inspector involving the premises at 672 Crescent Avenue in the City of Saratoga Springs, New York being tax parcel number 180.17-2-2 on the Assessment Map of said City.

The applicant having applied for an area variances under the UDO of said City to permit the construction of front door roof canopy and eaves to the existing house in a Rural Residential (RR) District and public notice having been duly given of a hearing on said application held on the April 24, May 8 and 22, 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 variance for the following amount of relief:

TYPE OF REQUIREMENT	DISTRICT REQUIREMENT	PROPOSED	RELIEF REQUESTED
MIN FRONT SETBACK	60'	18'	42' (70%)

as per the submitted plans or lesser relief, 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 wants to create a front entrance including a canopy and eaves to the existing front door. The existing home is built at a front setback of 20' and therefore any changes to the front of the house would trigger a variance. The front porch and canopy was designed to require the smallest variance possible.
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 notes that the addition will be an improvement and create a front entryway.
3. The Board notes the requested variance is substantial at 70% however the current home is built at a setback of 20' or 66%.
4. This variance will not have a significant adverse physical or environmental effect on the neighborhood or district.
5. The alleged difficulty is considered self-created insofar as the applicant desires to build the addition. However, this is not necessarily fatal to the application

It is so moved. Dated: May 22, 2023

Seconded by Emily Bergmann

Adopted by the following votes:

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

NAYES: 0

8. **#20220202 31-33 Marion Avenue Area Variance**, 31-33 Marion Avenue, Area variance to permit the demolition of the existing garage, mobile station and car wash and to construct convenience store, gasoline canopy, car wash and rental space within the Tourist Related Business (TRB) District.

Application adjourned to future meeting pending a revised denial from the zoning officer or revised plans from the applicant. Since the relief requested is dependent on the outcomes of the interpretation. As presented the application would be a use variance however if the district lines were allowed to move 100ft as proposed by the applicant it would be an area variance.

#9. 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	REQUIREMENT	PROPOSED	RELIEF REQUESTED
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Max Principal Coverage %	28%	34.5%	6.5% (23.2%)
Setback – Front	30’	0	30ft (100%)
Setback - Interior Side	12’	5’	7ft (58.3%)
Setback - Min. Total Side	30’	6.4’	23.6ft (78.7%)
Max Driveway Percentage	25%	34.2%	9.2% (36.8%)

Bob Flansberg represented the application. He stated that initially there was a front overhang that was on the city property that has now been remedied. The owners have also purchased additional lands from Skidmore college he further noted there is no longer a need for fire separation.

Bob further noted that one of the boards concern was the mass and scale of the proposed structure. He noted there is a tiered effect and the second story is pushed back to improve the mass appearance of the building. He also mentioned as it pertains to the curb cuts there is no improvement but it hasn't been made worst. Although the garage is wider there is two tire tracks going to each door so the situation hasn't worsened.

Cherie noted she is uncomfortable with a 0ft setback to the front leading to a garage.

Bob noted the additional lands purchased from Skidmore improved the side setback. He noted the other side of the home is under 2ft setback but there are no changes being proposed to that side. The existing home coverage is 32.8%, the proposed coverage is initially was 35.8%. The current proposal in light of the additional lands purchased and the overhangs is 34.5%. Bob confirmed the proposal is a 2 car garage.

Cherie noted the garage addition was not architecturally pleasing and although this proposal is an improvement she still believes the 0ft front setback is not appropriate. She further asked if the applicant provided comps.

Bob noted he provided comps with several homes over coverages that mostly required relief in the UR-1 District.

Cherie further noted that most of the comps had smaller lots and this lot at this size seems

Greg Travis the owner of the property noted he reduced the front setback by 3ft. He asked what would be practical compromise. Cherie noted this is a discussion to be had among themselves. Mrs. Travis noted that they inherited the issues with the home and she intends to improve the property and she needs the larger size garage to be able to access the garage with groceries and kids sports equipment.

Gage stated he appreciates the redesign.

Public hearing 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 approximately 9:12 P.M.

Respectfully submitted,

Aneisha Samuels
Senior Planner