



ZONING BOARD OF APPEALS

MINUTES (DRAFT)

MONDAY, JUNE 12, 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- late, Cheryl Grey, Brenda Dailey, Shafer Gaston

ABSENT: Emily Bergmann

STAFF: Aneisha Samuels, Senior Planner, City of Saratoga Springs
Mark Schachner, 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:

PROCEDURAL BUSINESS:

1. #20230358 182 Excelsior Area Variance, 182 Excelsior Avenue, Request coordinated SEQR review to permit a 2-lot subdivision within the Urban Residential -4 (UR-4) District.

Cherie Grey made a motion to coordinate and defer SEQR lead to the City Planning Board.

It is so moved, June 12th, 2023

Seconded by Brendan Dailey

Passes by the following votes:

AYES: 4 (G. Simpson, C. Grey, B. Dailey, S. Gaston,)

NAYES:

NEW BUSINESS:

#2. 20230282 247 Nelson Carriage House Area Variance, 247 Nelson Avenue, Area variance to permit the construction of a detached garage with dwelling above (Second Principal Structure) in the Urban Residential -3 (UR-3) District

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIREMENT	PROPOSED	RELIEF REQUESTED
Min Average Lot Width	80 ft.	78.55 ft.	1.45 ft. or (1.8%)

Tonya Yasenck represented the application. She noted her clients would like to construct a carriage house on the rear of the property and the requirement for a second principal in this district is 80ft. She noted that the front lot width is 75ft, while the rear lot width is 86ft. and the middle lot width is 71ft. Since the lot is not rectangular the relief is being triggered by the middle lot width requiring the 1.45ft relief. She noted the proposed second dwelling will not change the character of the neighborhood. She noted there are several new homes within the neighborhood on small and narrow lots. She evaluated 21 lots of which 8 lots where two family dwellings or above of width 5 were under 50ft lot width. She further noted that here request of 78ft is better than most of the lots in this district. She noted 13 lots were non-confirming. She further noted no relief is being sought for the size or location of the structure.

Brendan asked for confirmation on the permeability requirements. The applicant noted the area is currently used for parking and will be under the district requirements.

Cherie asked for confirmation regarding the lot widths. Tonya confirmed the relief is only being sought because of the average of the three measurements.

Discussion ensued between Cherie and Tonya regarding the existing structure and new construction on the parcel. Tonya Noted the applicant was not proposing to move the shed.

Public hearing was open at 6:43 By Gage Simpson.

John from 20 Marion Place commented. He noted he needed more information regarding where the garage is being built and what size. He noted the shed on the north end is not stable otherwise the property is fine.

Public hearing was closed at 6:45 by Gage Simpson
Brad Gallagher presented the following motion

20230282
IN THE MATTER OF THE APPEAL OF
Rehab-a-Home, LLC
247 Nelson Ave
Saratoga Springs, New York 12866

from the determination of the Building Inspector involving the premises at 247 Nelson Avenue in the City of Saratoga Springs, New York being tax parcel number 166-53-1-69 on the Assessment Map of said City.

The applicant having applied for an area variance under the Unified Development Ordinance of said City to seek relief to permit the construction of a carriage house in the Urban Residential – 3 (UR-3) District and public notice having been duly given of a hearing on said application held on June 12, 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 DIMENSIONAL REQUIREMENT	PROPOSED	RELIEF REQUESTED
MINIMUM LOT WIDTH FOR A 2-FAMILY DWELLING	80'	78.6'	1.4' OR 1.9%

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

1. The Board finds that the applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. The applicant seeks to construct a carriage house consisting of a 2-car garage on the lower level with a studio or 1 bedroom apartment on the second level of the structure. The applicant considered alternative design options; however, those alternatives were not feasible and/or were cost prohibitive. The applicant also noted that no additional lands were available for purchase to increase the lot width to avoid the need for the requested variance.
2. The Board finds that the applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The applicant submitted evidence that several other carriage houses exist in the neighborhood that are pre-existing/non-conforming. The applicant further noted that the minimal variance requested would not be readily visually apparent. The applicant further submitted that the architectural design would be similar to other structures in the neighborhood.
3. The Board finds the variance requested is not substantial.
4. This Board finds this variance will not have significant adverse physical or environmental effect on the neighborhood or district. The applicant noted that no trees would be removed, run-off was accounted for, and the proposed structure would meet the setback requirements.
5. The alleged difficulty is self-created insofar as the applicant desires to construct a carriage house with dwelling space, but this is not necessarily fatal to the application.

It is so moved.

Dated: June 12, 2023

Seconded by Cherie Grey

Adopted by the following votes:

AYES: 5 (G. Simpson, B. Gallagher, C, Grey, S. Gaston, B. Dailey)

NAYES: 0

3. #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

4. #20230307 56 Marvin Area Variance, 56 Marvin, Area variance to permit the construction of a second Principal Structure in the Urban Residential -2 (UR-2) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	RELIEF REQUESTED
Max Dwellings	1 unit	2 units.	1 unit. or (100%)
Min Average Lot width 2F	120 ft.	95 ft.	25 ft. or (20.8%)

Stephanie Ferradino represented the application. She noted the applicant is having a difficult time accessing a two story home is becoming increasingly difficult and she is seeking the opportunity to age in place. She further noted the lot size is significant and no relief is being sought for lot size or setback. She noted it would be a single family residence around 750 sqft. on one level. She noted the benefit cannot be achieved by other feasibly means. An option would be a subdivision, assisted living or purchasing additional lands- she noted none of these options are feasible for the owner as she wants the land to remain in common ownership and no additional lands are available for purchase. She also noted there would be no undesirable change in the neighborhood character as this area as several different uses within close proximity to this parcel. She noted the variance is not substantial as the owner has sufficient lot size. She also noted there will be no adverse effect on the neighborhood. She noted the difficulty is not self-created as the applicants purchased the home several years ago.

Brandon noted he lived on Myrtle Street he noted he has no questions about the second structure as the neighborhood is pretty mixed. He asked if the applicants considered another position on the parcel. The applicant noted other positions were not considered but she felt this position was appropriate for access from the lane.

Cherie asked if the applicant considered attaching the additional living space to the principal home as an in-law suite. She further noted 3 parking space would be require for two single family homes. The applicant noted they could meet the parking requirement by additional parking in the rear.

Margaret Sweet owner of the parcel noted the primary residence would no longer be functional if the second dwelling is added to the primary home. She noted it would be functional from a design standpoint. She further noted she tried to purchase another home on the street but the owner was not interested in selling. She noted the deck was built 6 yrs. ago and she wouldn't want to demo that from a financial perspective.

Public hearing was at 7:39 By Gage Simpson. No additional comments were heard.

CONTINUED BUSINESS

#5. 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
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 noted he had nothing new to add. He further noted he provided a new survey. He confirmed the modified relief needs. He noted the coverage today is 32.6% with a negative front setback. The front setback has been eliminated by trimming back the overhangs and now stands at a 0ft setback. He noted initially the proposal was requested 3% additional coverage, the current relief is requesting an additional 1.4% so this is an improvement on the relief request.

Gage noted the current proposal is improving the current conditions except for the max principal coverage which is being increased by 1%.

Brad noted he appreciates the changes presented by the applicant on trying to improve the conditions and reduce the relief needs.

Cherie asked about the necessity of the driveway and having two curb cuts. Bob noted the applicant wants the driveway and it has been that way historically. And they have mad compromises in other ways

Gage noted public hearing remains open. No additional comments were heard.

6. #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.

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 the homework was regarding density and comparable properties. He noted they received approval 2004 and 2005 the project received approval from Zoning and DRB. The project has not changed. He noted the only difference is a back patio. He noted the rear neighbors have an encroaching ac unit on his retaining wall but it is not an issue. John further noted he conducted a neighborhood study and there are several single, two unit and multifamily units including a 6 family unit.

Power was lost briefly.

John further noted the current proposal will keep the permeability at 20% where it is today. He noted the patio will be 50% permeable. Cherie asked for further clarification regarding the proposed permeable patio. John noted they are like pavers that allow for infiltration. He provided more information regarding the neighborhood context.

Cherie asked for further clarification on the need for a two family home. She further noted in is not out of context to be a single family and this area is very dense and this is not improving the neighborhood. John noted from a financial perspective it only makes sense for the lot to be used as a two family as one unit will generate income. She further noted he concern of the units both being rented and may not be owner occupied by a future owner.

Gage closed public hearing at 8:06pm

Brendan Dailey presented the following motion

20230281
IN THE MATTER OF THE APPEAL OF
John Witt
563 N. Broadway
Saratoga Springs, New York 12866

from the determination of the Building Inspector involving the premises at 13 Wiswall Lane/Long Alley in the City of Saratoga Springs, New York being tax parcel number 165.44-1-47 on the Assessment Map of said City.

The applicant having applied for an area variance under the Zoning Ordinance of said City to permit the construction of a two-unit residential apartment within the Urban Residential -3 (UR-3) District and public notice having been duly given of a hearing on application held on May 22nd, and June 12th, 2022.

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 LOT SIZE	8000SQFT	3996SQFT	4004 FT (50.1%)
MINIMUM AVERAGE WIDE 2 FAMILY	80'	60'	20' (25%)
MAXIMUM PRINCIPAL COVERAGE	40%	69%	29% (72.5%)
FRONT SETBACK	10'	2.2'	7.8' (78%)
REAR	25'	9.9'	15.1' (60.4%)
INTERIOR SIDE	5'	0'	5 (100%)
MINIMUM TOTAL SIDE	12'	9'	3' (25%)
MIN PERMEABILITY	30%	20%	10% (33%)

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 is proposing to permit the renovation and construction of an existing structure in order to convert it to a two-unit residential apartment. The applicant was before a prior zoning board in 2003 and received an approval seeking the same requested variances.
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 applicant provided numerous nearby properties in the area that are comparable with the proposed renovation and furthermore, there will be no significant changes in neighborhood context. The variances being requested are mainly as a result of the position of the existing structure, the board finds that the proposed project will result in significant site improvement and contribute positively to the neighborhood.
3. Although the variances are substantial, they are not necessarily detrimental to the project, and are partially mitigated by neighborhood context.
4. The Board finds this variance will not have an adverse physical or environmental effect on the neighborhood. Impermeability will not be intensified as a result of the proposed project and site improvements.
5. The alleged difficulty is self-created insofar as the applicant's desire to construct the proposed addition, but this is not necessarily fatal to the application.

Condition: The variance is in effect for this existing structure only and if the structure is demolished whether intentionally or accidentally this approval shall no longer apply.

It so moved, dated: June 12th 2023

Seconded by Cherie Grey

Adopted by the following votes:

AYES: 4 (G. Simpson, B. Gallagher, S. Gaston, B. Dailey)

NAYES: 1 (C. Grey,)

7. #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.

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 she has provided an amended application with a few amendments. She noted her application has received a favorable DRB Advisory. She noted based on the DRB advisory reducing the overhang is not preferred since it would not be architecturally advisable and water run off would be increased coming into the building. If the eaves were removed then a gutter would be required that would result in a similar roof width. She presented several homes within the neighborhood with similar setback for accessory structures. She further noted that the two car garage is preferred by the owners so that extended family and visitors can park in the driveway and resulting in a reduction in the need for on street parking.

Cherie noted that without the garage the space could still accommodate the two additional parking spaces so it's not the garage that will be alleviating the parking issues. She further noted a single car garage may be appropriate and that wouldn't require relief. She noted that the applicant may consider presenting alternatives that require less relief. Cherie further suggested a single car garage with extra storage space might work better.

Brad noted the relief being requested is significant. Sue further noted the DRB recommended that the man door be removed from the front façade. The DRB also recommended two separate doors instead of a single door. Brad noted inches make a difference and the applicant may consider alternative designs and why those designs did or didn't work.

Shafer noted he appreciates the applicant providing the visuals. He further noted the constructing the garage is not alleviating the parking problem as the garage is not creating additional space. He further noted that inches matter and the applicant should consider alternatives.

Brandan noted he would be very interested in seeing alternatives and he appreciates the work done by the applicant so far.

Sue noted based on the feedback from DRB this current proposal was most in line with accomplishing the needs of the applicant and keeping it in line with what is preferred for by the DRB.

Gage noted he believes the garage length can be reduced to remove the relief needs from the rear setback.

Public hearing remains open. No additional comments were heard.

8. #20230160 138 Jefferson Garage Area Variance, 138 Jefferson Street, Area variance to permit the reconstruction of exiting garage within the Urban Residential-2 (UR-2) District

Brad Gallagher recused

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%)

Stephanie Ferradino represented the application. She presented a video illustration the difficulty to exit the garage. She noted the home is in the residential district and the intent of the application is to remedy previous conditions on the parcel. She noted the porch to the garage is 15 ft. The property was purchased during foreclosure and no variances were approved. The previous application was for a front porch and was never approved. She the garage was anchored and would be difficult to move, the garage would need to be completely deconstructed and the estimated cost would be around \$20k and may not be feasible. The original was a carport that was converted before the purchase by her clients.

Gage closed public hearing at 8:29

Cherie Grey presented the following motion

#20230160
IN THE MATTER OF THE APPEAL OF
 Joanne Merman
 138 Jefferson Street
 Saratoga Springs NY 12866

In the matter of the appeal from the Building Inspector’s determination involving an existing garage at a single family residence at 138 Jefferson Street, in the City of Saratoga Springs, New York, being Tax Parcel 178.36-3-28 on the assessment map of said City.

The applicant having applied for an area variance under the UDO of said City to permit an existing garage in a UR-2 District and public notice having been duly given of a hearing on said application held on April 24 and June 12, 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:

Area of Relief	Required	Proposed	Total relief requested
Accessory to side	5’	2’	3’ (60%)
Accessory to rear	5’	2.5’	2.5’ (50%)

As per the submitted plans, be **approved** as per this Board's consideration of the following factors:

1. The applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. The applicant purchased the property in 2022. The previous owner had moved the carport which was partially located on the property to the rear to the present location and finished it as a garage. The previous owner placed the garage on an existing driveway and secured the garage with anchors making it difficult to move again.
2. The applicant has demonstrated that granting this variance will not create an undesirable change in the neighborhood character or detriment to nearby properties. The carport was in existence for many years encroaching on the property to the rear by 2'. It was moved onto the property as much as possible so that the entrance to the garage is accessible by the applicant. The single family residence has been in existence since approximately 1930 with limited space between the rear of the home and the entrance to the garage.
3. The relief requested may be considered substantial, however is mitigated by the fact that the current residence is preexisting with the driveway close to the south property line.
4. The applicant has demonstrated this variance will not have an adverse physical or environmental effect on the neighborhood. Permeability will continue to exceed the required 25% permeability.
5. The difficulty may be considered self-created. However, this is not necessarily fatal to the applicant.

Condition: The variance is in effect for this existing structure only and if the structure is demolished whether intentionally or accidentally this approval shall no longer apply.

It is so moved, June 12, 2023.

Seconded by Brendan Dailey

Adopted by the following votes:

AYES: 4 (G. Simpson, C, Grey, S. Gaston, B. Dailey)

NAYES: 0

RECUSED: 1 (B. Gallagher)

#9. 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%)

Public hearing was closed by Gage Simpson at 8:18pm

Shafer Gaston presented the following motion

#20230162
IN THE MATTER OF THE APPEAL OF
Jessica Matteson
77 Hathorn Blvd
Saratoga Springs NY 12866

from the determination of the Building Inspector involving the premises at 77 Hathorn Blvd in the City of Saratoga Springs, New York being tax parcel number 190.12-2-32 on the Assessment Map of said City.

The applicant having applied for an area variance under the UDO of said City to permit an addition of a front deck in the UR-1 District and public notice having been duly given of a hearing on said application held on April 24, 2023 through to June 12, 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
Setback – Front	30’	7.5’	22.5’ (75%)

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

1. The applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. Per the applicant, this modification would improve the safety of the main access to the house. Other designs were considered but would require structural modification to the existing house.
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 applicant has demonstrated that a front deck of the character in the design is in keeping with the character of the neighborhood and consistent with other properties.
3. The variance at 75% is substantial and is created by the applicant’s desire to add a front deck structure in place of the current concrete porch. The house was originally constructed with a 25’ front setback, putting the already existing concrete porch within the 30’ minimum setback. Substantiality is also mitigated by the points noted in 1 and 2 above.
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 create an addition to the property, but this is not necessarily fatal to the application.
- 6.

It so moved, dated July 12, 2023

Seconded by Cherie Grey

Adopted by the following votes:

AYES: 4 (G. Simpson, B. Gallagher, S. Gaston, B. Dailey)

NAYES: 1 (C. Grey,)

10. #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 the permeability of the property remains 49% permeable and the lot coverage is 31%. She noted these numbers are based on survey calculations. She further noted the arbor on the parcel is not bound by the accessory setback requirements. She noted that Mr. Bidos' intention is to purchase her land or change her boundaries, which she is not interested in. She noted Mr. Bidos intends to acquire her land by adverse possession as stated in a text conversation between them. She noted her request will not cause an adverse impact on the neighborhood.

Gage noted he is not comfortable with the location of the shed and the patio is not a big issue.

Cherie noted if the applicant had come before placing the shed the board would have required the applicants to place the shed at district requirements. She further noted the role of the board is to grant the least amount of relief.

Mark Schachner noted that since public hearing is still open, the discussion seems premature. As the discussion seems to be shaping their decision before public comment is closed.

Gage noted public comment is still open

Michelle Storm attorney representing Mr. Bidos noted her clients comments are based on the visual impacts and not due to civil ligation issues. She provided a visual showing the potential visual impacts from Mr. Bidos rear addition.

Gage Simpson Closed public hearing at 8:45pm

Cherie Grey presented the following

#20230161
IN THE MATTER OF THE APPEAL OF
 Gary and Laurie Critelli
 8 Taylor Street
 Saratoga Springs, NY 12866

from the determination of the Building Inspector involving the premises at 8 Taylor Street in the City of Saratoga Springs, New York being tax parcel number 178.52-2-27 on the Assessment Map of said City.

The applicants having applied for an area variance under the UDO of said City to permit the placement of a patio in the Urban Residential-2 (UR-2) District and public notice having been duly given of a hearing on said application held on April 24 through June 12, 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
SIDE SETBACK TO PATIO	10'	7'	3' (30%)
REAR SETBACK TO PATIO	25'	13'	12' (48%)
Accessory To rear setback	5 ft.	3.3 ft.	1.7 ft. or (34%)

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 maintain an existing patio on the property. The Board notes the patio was installed prior to seeking variances for the rear and side setbacks. Per the applicants, 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. The existing patio is flush with the ground level and is concealed by a fence.
3. The Board notes the requested variance is considered substantial, however, the impact of this variance is mitigated by the discussion in paragraph number 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 keep the patio, but this is not necessarily fatal to the application.

It is so moved.
 Dated: June 12, 2023
 Seconded by Shafer Gaston

failed by the following votes:

AYES: 1 (, B. Dailey)

NAYES: 3 (G. Simpson, C, Grey, S. Gaston)

RECUSED: 1 (B. Gallagher)

Gage presented the following motion

#20230161
IN THE MATTER OF THE APPEAL OF
Gary and Laurie Critelli
8 Taylor Street
Saratoga Springs, NY 12866

from the determination of the Building Inspector involving the premises at 8 Taylor Street in the City of Saratoga Springs, New York being tax parcel number 178.52-2-27 on the Assessment Map of said City.

The applicants having applied for an area variance under the UDO of said City to permit the placement of a patio in the Urban Residential-2 (UR-2) District and public notice having been duly given of a hearing on said application held on April 24 through June 12, 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
SIDE SETBACK TO PATIO	10'	7'	3' (30%)
REAR SETBACK TO PATIO	25'	13'	12' (48%)

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

6. The applicants have demonstrated this benefit cannot be achieved by other means feasible to the applicants. The applicants desire to maintain an existing patio on the property. The Board notes the patio was installed prior to seeking variances for the rear and side setbacks. Per the applicants, there is no additional land for purchase.
7. The applicants have demonstrated that granting this variance will not produce an undesirable change in neighborhood character or detriment to the nearby properties. The existing patio is flush with the ground level and is concealed by a fence.
8. The Board notes the requested variance is considered substantial, however, the impact of this variance is mitigated by the discussion in paragraph number 2.
9. The Board finds this variance will not have an adverse physical or environmental effect on the neighborhood. The property will meet minimum permeability.
10. The alleged difficulty is self-created insofar as the applicants desire to keep the patio, but this is not necessarily fatal to the application.

Conditions: The shed on the property is to be moved to meet zoning setbacks.

It is so moved.

Dated: June 12, 2023

Motion approved by the following votes:

AYES: 4 (G. Simpson, C, Grey, S. Gaston B. Dailey)

NAYES: 0

RECUSED: 1 (B. Gallagher)

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 9:02 P.M.

Respectfully submitted,

Aneisha Samuels
Senior Planner