



# CITY OF SARATOGA SPRINGS

City Hall - 474 Broadway  
Saratoga Springs, New York 12866  
Tel: 518-587-3550 fax: 518-580-9480  
www.saratoga-springs.org

[FOR OFFICE USE]
_____
(Application #)
_____
(Date received)

## APPLICATION FOR: APPEAL TO THE ZONING BOARD FOR AN INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

### Applicant(s)\* Contact Information

\*Applicant must be property owner, lessee, or one with an option to lease or purchase the property in question.

Name\*  
Todd F. Kirkland

Address\*  
[Redacted]

City\*  
[Redacted]

State\*  
[Redacted]

Zip Code\*  
[Redacted]

Phone Number\*  
[Redacted]

Email Address\*  
[Redacted]

#### Applicant's interest in premises:\*

Choose one.

- Owner
  Lessee
  Under option to lease or purchase

### Owner(s)\* Contact Information

\*If not applicant.

Name

Address

City

State

Zip Code

Phone Number

Email Address

### Attorney/Agent\* Contact Information

\*If identified here, the attorney/agent will be used as the main contact for application process.

Name

Address

City

State

Zip Code

Phone Number

Email Address

**Property Information**

Address/Location\*

2 Coesa Drive

City\*

Saratoga Springs

State\*

NY

Zip Code\*

12866

Tax Parcel ID Number (SBL)\*

Tax Map 190.07-

Date acquired by owner\*

07/29/1987

Present use of property\*

owners residence

Zoning District when purchased

Urban Residential-1 (UR-1)

Current Zoning District\*

Urban Residential-1 (UR-1)

Has a previous ZBA application/appeal been filed for this property?

Yes

No

If yes, when?

For what?

Previous ZBA App No.?

Is property located within?\*

Check all that apply.

Historic District

Architectural Review District

500' of a State Park, city boundary, or county/state highway

N/A

Brief description of proposed action:\*

I would like to install an above ground pool. I live on a corner lot and the only open space would be next to a detached 2 car garage. Pool would be set back 30 feet from existing proper, approximately 55 feet from paved road. This is behind a stockade fence and is not visible from the road at ground level. There are no open spaces large enough to accommodate the pool in back of the house and with this being a large sweeping corner lot, there is no side yard. Basically, I just have a front and back yard.

Identify the type of appeal you are requesting:\*

Choose ONLY one. Separate submissions are required for multiple appeals.

Interpretation - \$400

Use Variance - \$1,000

Area Variance (Residential) - \$150

Area Variance (Non-Residential) - \$500

Variance Extension - \$150

Fees\*

150

Fill in TOTAL amount owed. \*\*\*Applications are NOT considered complete until hard copy original and payment is delivered to City Planning Dept. MAKE CHECKS PAYABLE TO "Commissioner of Finance".

**\*\*Note: If original variance expiration date has already passed, you are NOT ELIGIBLE for an extension, and MUST apply for a NEW variance.**

**Interpretation Appeal**

*"If no questions appear below, this page is not applicable to your application - please click "continue".*

Identify section(s) of the Zoning Ordinance for which you are seeking an interpretation:

See Zoning Ordinance to determine applicable section (s): <http://saratoga-springs.org/544/Zoning-Ordinance>

How do you request that this section be interpreted?

If interpretation is denied, do you wish to request alternative zoning relief?

Yes

No

If yes, what alternative relief do you request?

Use Variance

Area Variance

**Extension of a Variance**

*"If no questions appear below, this page is not applicable to your application - please click "continue".*

Date original variance was granted:

ZBA No. of Original Variance

Date Original Variance Expired

Type of variance granted?

Use

Area

**If original variance expiration date has already passed, you are NOT ELIGIBLE for an extension, and MUST apply for a NEW variance.**

Explain why the extension is necessary. Why wasn't the original timeframe sufficient?

When requesting an extension of time for an existing variance, the applicant must prove that the circumstances upon which the original variance was granted have not changed. Specifically demonstrate that there have been no significant changes on the site, in the neighborhood, or within the circumstances upon which the original variance was granted:

**Use Variance Appeal**

*"If no questions appear below, this page is not applicable to your application - please click "continue".*

A use variance is requested to permit the following:

For the Zoning Board to grant a request for a use variance, an applicant must prove that the zoning regulations create an unnecessary hardship in relation to that property. In seeking a use variance, New York State law requires an applicant to prove all four of the following "tests".

1. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. "Dollars & cents" proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons:

A. Submit the following financial evidence relating to this property (attach additional evidence in the space provided below as needed):

1)	Date of Purchase	Purchase Amount

2) Indicate dates and costs of any improvements made to property after purchase:

Date	Improvement	Cost

3) Annual Maintenance Expenses	4) Annual Taxes	5) Annual Income generated from property

6) City Assessed value	Equalization rate	Estimated Market Value

7) Appraised Value	Appraiser	Date

Appraisal Assumptions

Upload evidenciary financial documents here:

Browse... No file selected.

B. Has property been listed for sale with the Multiple Listing Service? (MLS)?

Yes

No

If yes, for how long?

1) Original listing date(s):	Original listing price

If listing price was reduced, describe when and to what extent:

2) Has the property been advertised in the newspaper or other publication?

Yes  No

If yes, describe frequency and name of publications:

3) Has the property had a "For Sale" sign posted on it?

Yes  No

If yes, list dates when sign was posted:

4) How many times has the property been shown and with what results?

2. That the financial hardship relating to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous other properties in the same neighborhood or district would not satisfy this requirement. This previously identified financial hardship is unique for the following reasons:

3. That the variance, if granted, will not alter the essential character of the neighborhood. Changes that will alter the character of a neighborhood or district would be at odds with the purpose of the Zoning Ordinance. The requested variance will not alter the character of the neighborhood for the following reasons:

4. That the alleged hardship has not been self-created. An applicant (whether the property owner or one acting on behalf of the property owner) cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property knowing (or was in a position to know) the conditions for which the applicant is seeking relief. The hardship has not been self-created for the following reasons:

**Area Variance Appeal**

*"If no questions appear below, this page is not applicable to your application - please click "continue".*

The applicant requests relief from the following Zoning Ordinance article(s):

6.4.6 Item A2 swimming pools

See Zoning Ordinance to determine applicable section (s): <http://saratoga-springs.org/544/Zoning-Ordinance>

Dimensional Requirements:  
30 ft

From:  
30 ft

To:  
25 ft

Dimensional Requirements:

From:

To:

Dimensional Requirements:

From:

To:

Dimensional Requirements:

From:

To:

Dimensional Requirements:

From:

To:

Other:

placement of above ground pool in irregular corner lot in front yard.

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

Due to the unusual shape of our corner lot and the placement of the house on the lot we have very limited open area to place an above ground pool. There are no open additional location that give the required setback and separation from adjacent properties.

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

This is a residential neighborhood with many families and swimming pools. This will blend with the existing properties and will not change the character of the neighborhood.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

This is a minor change to the neighborhood and is in the character of the community.

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

It will have no adverse effects. It will be placed on a sand base with no drainage problems.

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

This difficulty is created from the initial plot plan and placement of the house on the plot.

**Supporting Materials**

Applicant must provide the following:

Completed SEQR Environmental Assessment Form – short or long form as required by action. \*

Environmental assessment.pdf

Access here: [http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/seafpartone.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/seafpartone.pdf)

Detailed “to scale” drawings of the proposed project\*

kirkland lot with pool.pdf

Hard copy should be folded and no larger than 24"x 36". Drawings identify all existing and proposed structures, lot boundaries and dimensions, and the relationship of structures to the lot dimensions. Also, include any natural or manmade features that might affect your property (e.g., drains, ponds, easements, etc.).

Photographs showing the site and subject of your appeal, and its relationship to adjacent properties.\*

2 Coesa Dr - Google Maps.pdf

Other supporting documentation as needed.

Browse... No file selected.

**Disclosure**

Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application?\*

Yes  No

If “yes”, a include a statement disclosing the name, residence and nature and extent of this interest here:

**Applicant Certification**

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals. By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application. Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

Electronic Signature Agreement\*

By checking the "I agree" box below, you agree and acknowledge that 1) your application will not be signed in the sense of a traditional paper document, 2) by signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and 3) you may still be required to provide a traditional signature at a later date.

I agree.

Applicant Electronic Signature\*

Todd F. Kirkland

Date\*

5/25/2017

**Applicant Electronic Signature**

**Date**

First M. Last

**\*If applicant is not the currently the owner of the property, the current owner must also sign.**

**Electronic Signature Agreement**

By checking the "I agree" box below, you agree and acknowledge that 1) your application will not be signed in the sense of a traditional paper document, 2) by signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and 3) you may still be required to provide a traditional signature at a later date.

I agree.

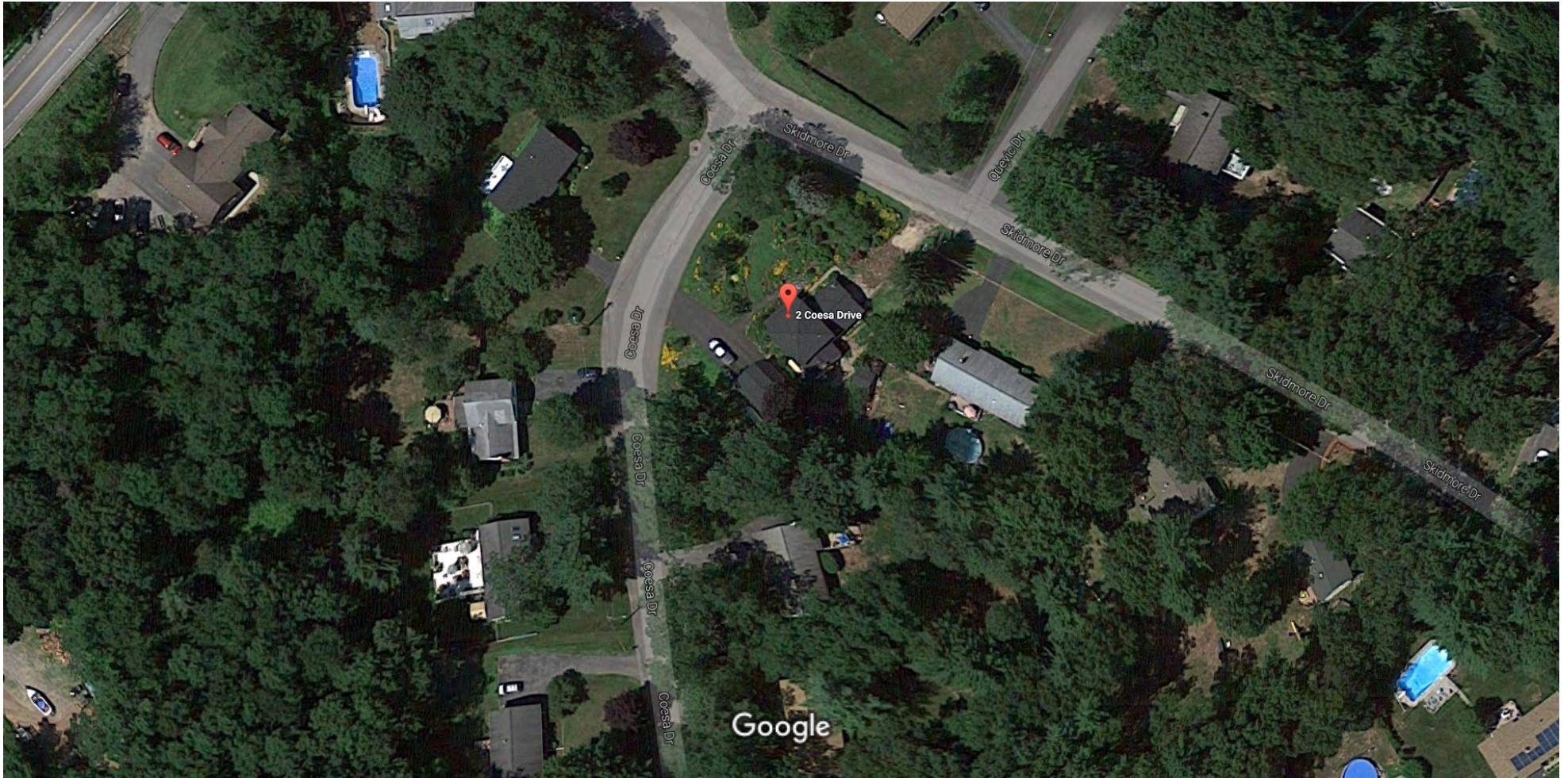
**Owner Electronic Signature**

**Date**

Todd F. Kirkland

5/25/2017

Google Maps 2 Coesa Dr



Imagery ©2017 Google, Map data ©2017 Google 50 ft





## 2 Coesa Dr

Saratoga Springs, NY 12866



# COESA

RIGHT OF WAY = 60 FT.  
WIDTH OF PAVEMENT = 34± FT.

EDGE OF PAVEMENT

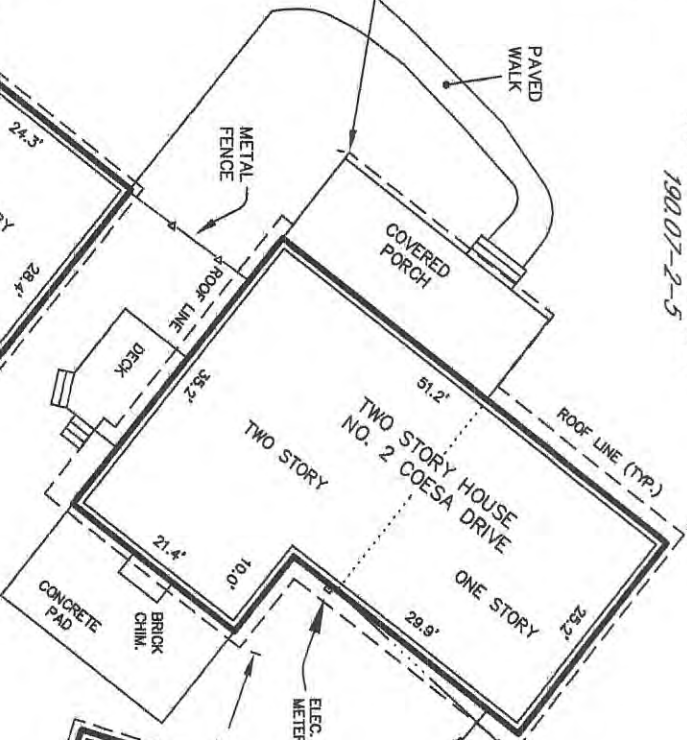
RAIL FENCE  
RAIL FENCE  
N02°36'40"E  
C=152.36'  
L=154.97'  
R=243.11'

LANDS OF  
TODD F. AND JULIA A. KIRKLAND  
BOOK 1209 OF DEEDS, PAGE 430  
AREA = 18,978± SQ. FT.

TAYLOR MAP PARCEL NO.  
190.07-2-5

R=50.00'

15X30  
OVAL



LOT 56  
(MAP REF. NO. 1)

LOT 57  
(MAP REF. NO. 1)

LANDS NOW OR  
FORMERLY OF  
JOANNE BOSLEY, TRU  
BOOK 1717 OF DEEDS, P

LOT 66  
(MAP REF. NO. 2)

STOCKADE FENCE  
93.0.3'

STOCKADE FENCE  
41.0'±

M 00°10'00" W  
138.20'

