

REVISED



CITY OF SARATOGA SPRINGS

City Hall - 474 Broadway
Saratoga Springs, New York 12866
Tel: 518-587-3550 fax: 518-580-9480

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

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

Table with columns: APPLICANT(S)*, OWNER(S) (If not applicant), ATTORNEY/AGENT. Includes fields for Name, Address, Phone, and Email.

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

Applicant's interest in the premises: [X] Owner [] Lessee [] Under option to lease or purchase

PROPERTY INFORMATION

1. Property Address/Location: 21 Elizabeth Lane Tax Parcel No.: 166.10.2.37
2. Date acquired by current owner: Zoning District when purchased: UR-1
4. Present use of property: Single Family Residence 5. Current Zoning District: UR-1
6. Has a previous ZBA application/appeal been filed for this property? [X] No
7. Is property located within (check all that apply)? [] Historic District [] Architectural Review District [] 500' of a State Park, city boundary, or county/state highway?
8. Brief description of proposed action: The Owner wishes to build an entrance and porch on the front of their home and a deck on the back.

9. Is there a written violation for this parcel that is not the subject of this application? [] Yes [X] No

10. Has the work, use or occupancy to which this appeal relates already begun? [] Yes [X] No

11. Identify the type of appeal you are requesting (check all that apply):
[] INTERPRETATION (p. 2) [] VARIANCE EXTENSION (p. 2) [] USE VARIANCE (pp. 3-6) [X] AREA VARIANCE (pp. 6-7)

FEES: Make checks payable to the "Commissioner of Finance". Fees are cumulative and required for each request below.

- Interpretation \$ 400
- Use variance \$1,000
- Area variance
- Residential use/property: \$ 150
- Non-residential use/property: \$ 500
- Extensions: \$ 150

INTERPRETATION – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

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

Section(s) _____

2. How do you request that this section be interpreted? _____

3. If interpretation is denied, do you wish to request alternative zoning relief? Yes No

4. If the answer to #3 is "yes," what alternative relief do you request? Use Variance Area Variance

EXTENSION OF A VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Date original variance was granted: _____ 2. Type of variance granted? Use Area

3. Date original variance expired: _____

5. 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 – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

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”.

I. 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 as needed):

1) Date of purchase: _____ Purchase amount: \$ _____

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

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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: _____

B. Has property been listed for sale with the Multiple Listing Service (MLS)? Yes If "yes", for how long? _____ No

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 newspapers or other publications? 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 – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

240 - 2.3 Districts Area and

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

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
Minimum Front Yard Setback (30')	20.7'	13.2'
% Lot Coverage Principal Building (20%)	20%	24%

Other: _____

Lot Size is 8432 sf. Existing Coverage is 1690 sf, 20%. Front Porch adds 172 sf, 2% and Deck adds 200 sf, 2%. Total is 2062 sf, 24%

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.

We investigated incorporating the entrance within the existing walls of the house, but it resulted in taking up too much of the living space to add this function. The possibility of converting the garage into the entrance left the owner with no covered parking. The best solution was to enhance the existing front entrance to the house. A smaller deck would be difficult to provide enough space for comfortable use.

- 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:

We feel that the proposed entrance porch adds to the current aesthetic of the existing residence and neighborhood by using architectural elements and materials familiar to the neighborhood. The existing neighborhood fabric consists of similar properties along Elizabeth Lane and the surrounding neighborhood. The deck size is modest.

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

The proposed addition wishes to minimize impact on the existing site and character of the surrounding area by only requesting enough depth and square footage for a reasonable entrance and covered porch similar to other homes along Elizabeth Lane. The size of the deck provides only the minimum amount of space required to serve the owner's needs.

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:

The addition will not result in an increase in occupancy or building height. Due to this minimal intrusion, we believe there will not be any adverse physical or environmental impact on the site or adjacent sites.

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:

The alleged difficulty was self-created. The owner wanted to improve the appearance of the house and control the ice and snow situation over the current entry stoop. The porch and entrance addition will allow protection from the elements, enhance the street appearance, and improve the functionality of the house. The deck will allow the owner an elevated surface to enjoy their yard.

DISCLOSURE

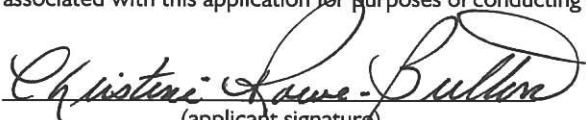
Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? No Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

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.


(applicant signature)

Date: 5/11/2017

(applicant signature)

Date: _____

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

Owner Signature: _____

Date: _____

Owner Signature: _____

Date: _____

**ZONING AND BUILDING INSPECTOR DENIAL
OF APPLICATION FOR LAND USE AND/OR BUILDING**

APPLICANT: Christine A. Rowe Button Kershner/
Robert W. Button TAX PARCEL NO.: 166 10 2 37
PROPERTY ADDRESS: 21 Elizabeth Lane
Saratoga Springs, NY 12866 ZONING DISTRICT: UR-1

This applicant has applied to use the identified property within the City of Saratoga Springs for the following:
Single Family Residence

This application is hereby denied upon the grounds that such use of the property would violate the City Zoning Ordinance article(s)
240 - 2.3 Districts Area and Bulk Schedule. As such, the following relief would be required to proceed:

- Extension of existing variance Interpretation
- Use Variance to permit the following: _____

Area Variance seeking the following relief:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
Minimum Front Yard Setback (30')	20.7'	13.2'
% Lot Coverage Principal Building (20%)	20%	24%

Other: _____
Lot Size is 8432 sf. Existing Coverage is 1690 sf, 20%. Front Porch adds 172 sf, 2% and Deck adds 200 sf, 2%. Total is 2062 sf, 24%

Note: _____

Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

DATE

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Balzer & Tuck Architecture				
Name of Action or Project: Button Residence Addition and Renovations				
Project Location (describe, and attach a location map): 21 Elizabeth Lane, Saratoga Springs NY 12866 (West side of street, 2nd house past Audrey Lane)				
Brief Description of Proposed Action: The Owner wishes to build an entrance and porch on the front of their home and deck on the back.				
Name of Applicant or Sponsor: Balzer & Tuck Architecture		Telephone: [REDACTED]		
		E-Mail: [REDACTED]		
Address: 468 Broadway, 3rd Floor				
City/PO: Saratoga Springs		State: NY	Zip Code: 12866	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO	YES
			<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO	YES
			<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 0.19 acres		
b. Total acreage to be physically disturbed?		_____ <0.009 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 0.19 acres		
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input type="checkbox"/> Parkland				

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Balzer & Tuck Architecture</u> Date: _____</p> <p>Signature: _____</p>		