

# VILLAGE OF BALLSTON SPA

66 Front St  
Ballston Spa, NY 12020  
Ph: (518)885-5711 Fax: (518)885-0512

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

<u>APPLICANT(S)</u>	<u>OWNER(S) (if not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name Gabrielle Ahl and Greg McGrath	_____	_____
Address 80 McLean St	_____	_____
Ballston Spa, NY 12020	_____	_____
Phone 518-796-2679	_____/_____/_____	_____/_____/_____
Email gabrielleahl@gmail.com	_____	_____

\*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:  Owner  Lessee  Under option to lease of purchase

### PROPERTY INFORMATION

1. Property Address/Location: 80 McLean St., Ballston Spa, NY 12020 Tax Parcel No: 216.41-2-6
2. Date acquired by current owner: June 9, 2021
3. Zoning District when purchased: Family Residential
4. Present use of property: Primary Residence
5. Current Zoning District: Family Residential
6. Has a previous ZBA application/appeal been filed for this property?
  - a.  Yes (when? \_\_\_\_\_, for what? \_\_\_\_\_)
  - b.  No
7. Is property located within (check all that apply):
  - Historic District
  - Architectural Review District
  - within 500' of a State Park, city boundary, or county/state highway?

8. Brief description of proposed action:

We would like to add a rear, 2-story addition. The first floor would be a family room. The second floor would be a bedroom with a full bathroom. There is currently a deck that would be removed and replaced with this addition.

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)
- AREA VARIANCE (pp. 6-7)

FEES: Make checks payable to the "VILLAGE OF BALLSTON SPA". Fees are cumulative and required for each request below:

<input type="checkbox"/> Interpretation	\$500
<input type="checkbox"/> Use variance	\$200
<input checked="" type="checkbox"/> Area variance	
- Residential use/property:	\$100
- Non-residential use/property:	\$300
<input type="checkbox"/> 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 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: \_\_\_\_\_
4. Explain why the extension is necessary. Why wasn't the original timeframe sufficient:

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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:

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**USE VARIANCE-PLEASE ANSWER THE FOLLOWING (add additional information as necessary):**

A use variance is requested to permit the following: \_\_\_\_\_

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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:

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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 expense: \$ \_\_\_\_\_

4. Annual taxes: \$ \_\_\_\_\_

5. Annual income generated from property: \$ \_\_\_\_\_

6. City assessed 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:

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

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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:

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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:

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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:



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 are unable to identify another way to build an addition without a variance due to the constraints of our plot of land and the location of the house. The lot dimensions (50 ft x 315 ft) prevent us from building on either side of the house; our only option is to build in the rear of the house. The property line on the right side of the house is 6.8 ft from our house. If we build at the current code (12 feet) it would create an addition that did not stay in line with the current exterior wall and we would have to demolish our current entryway, something that would be very costly.

We cannot purchase land to widen the lot, as there is no land for purchase that is not connected to a current home.

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:

A variance for this addition will not produce an undesirable change in the neighborhood. We are requesting the variance because we want to keep our home in the same style it was built. If we can build straight back from the current exterior wall on the right side, we can make it look like it belongs to the house and it fits in with the neighborhood style.

The property line has a tall white fence that separates our home from the neighbor's home. The addition will not change the backyard esthetics, as both neighbors already have similar additions on the rear of their homes.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:  
The variance is not substantial because we are maintaining the current boundary of the house. It is 6.8 ft off the property line on the right side and will be replacing a deck and a small portion of patio. The rear property line will be over 100 ft from the rear wall of the addition.
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:

We cannot see any adverse physical or environmental effects that the variance will have on the neighborhood or environment; it will not cause more traffic, noise, dust or odor in the neighborhood. We currently have drainage in our backyard to prevent water/drainage issues. We are replacing a man-made

structure with another structure. We also do not need to remove any trees or landscaping, maintaining the character of the backyard.

- 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 need for the variance to complete construction was not self-created. When our home was constructed over 100 years ago, the zoning laws were different and it was built to code. When we purchased the home, we did not realize that we would need more space for our growing family. We see this variance as a way to improve our home and keep it in the style it was built.

**DISCLOSURE**

Does any Village of Ballston Spa officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application?  X  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 Village of Ballston Spa staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

Salvillo Ahl  
(applicant signature)

Date: 1-30-2023

J. M. J.  
(applicant signature)

Date: 1-30-2023

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

Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_