

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

APPLICANT(S)	OWNER(S) (if not applicant)	ATTORNEY/AGENT
Name <u>CLAUDE & PATRICIA FOX</u>	_____	<u>SUSAN DAVIS</u>
Address <u>28 MCLEAN STREET</u> <u>BALLSTON SPA, NY 12020</u>	_____	<u>SD ATELIER ARCHITECTURE</u> <u>511 BROADWAY</u> <u>SARATOGA SPRINGS</u> <u>(518) 587-3385</u> <u>SUE@SDATELIER.COM</u>
Phone _____	_____	
Email <u>runningfoxc@hotmail.com</u>	_____	

*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

- Property Address/Location: 28 MCLEAN ST. Tax Parcel No: 216.40-2-15
- Date acquired by current owner: SPRING 2022
- Zoning District when purchased: R-1 RESIDENTIAL
- Present use of property: SINGLE FAMILY RESIDENCE
- Current Zoning District: R-1 RESIDENTIAL
- Has a previous ZBA application/appeal been filed for this property?
 - Yes (when? _____, for what? _____)
 - No
- 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:

THE APPLICANT IS DOING A RENOVATION/ADDITION TO THE EXIST. HOUSE. THE PROPOSED DESIGN WILL INCLUDE A NEW ADDITION ON THE FRONT OF THE HOUSE WITH A SIDE ENTRY TO REPLACE AN EXIST. SIDE ENTRY. THE CURRENT SIDE PORCH IS NON-COMPLIANT AND THE PROPOSED IS NON-COMPLIANT DUE TO THE NARROW LOT.

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

10. Has the work, use or occupancy to which this appeal relates already begun? ___ Yes 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:

- Interpretation \$500
- Use variance \$200
- Area variance
 - Residential use/property: \$100
 - Non-residential use/property: \$300
- Extensions: \$150

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

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: _____ *N.A.*
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:

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): *N.A.*

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 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:

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:

- 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):

The applicant requests relief from the following Zoning Ordinance article(s) SCHEDULE B / AREA 2 BULK REQUIREMENTS

Dimensional Requirements	From	To
<u>SIDEYARD SETBACK</u>	<u>12'</u>	<u>8'</u>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

Other:

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.

THE OWNER DESIRES TO MAINTAIN A SIDEYARD ENTRY. CURRENTLY THERE IS A DOOR ON THE SIDE WITH A PORCH ROOF. THERE IS NO LAND ADJACENT TO PURCHASE. THE PROPOSED DESIGN WOULD NOT EXTEND OUT FURTHER THAN THE EXISTING SIDE PORCH.

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:

NO THE IMPROVEMENTS WILL IMPROVE THE PROPERTY. THE SIDE ENTRY WILL NOT BE A SIGNIFICANT CHANGE. AS IT WILL NOT EXTEND OUT ANY FURTHER THAN WHAT CURRENTLY EXISTS.

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

NO, THE VARIANCE IS NOT SUBSTANTIAL BECAUSE IT WILL MAINTAIN THE EXIST. SIDE DISTANCE. THE PROPOSED ROOF COVER AND STEPS ARE A MINOR MODIFICATION TO THE EXISTING HOUSE. THE WIDTH OF THE EXISTING LOT IS ONLY 52' AND IS SUBSTANDARD BASED ON AN 80'-0" WIDTH.

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:

NO, THE VARIANCE WILL NOT HAVE AN ADVERSE PHYSICAL EFFECT AS THIS IS A MINOR REQUEST.

- 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:

NO, THE DIFFICULTY IS BECAUSE THE LOT IS SUBSTANDARD
AND THE HOUSE WAS BUILT IN 1935 AND PRE-DATES THE
ZONING ORDINANCE.
THE NARROW LOT IMPACTS THE SIDE-YARD SETBACK, AND
IT IS A PRE-EXISTING NON-CONFORMING CONDITION.

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? 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.

Suzanne L. Davis Date: 2/27/2023
(applicant signature)

(applicant signature) Date: _____

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

Owner Signature: Clara S Date: 2/23/23

Owner Signature: Patrick J Date: 2/23/23



View of Side Entry- Steps and Roof Overhang that require a Side-Yard Variance



Proposed Design of Front Addition and Porch

28 McLean Street



Existing House at 28 McLean Street



Existing Side Entry that is over the required side setback

