

VILLAGE OF BALLSTON SPA

66 Front St
Ballston Spa, NY 12020
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APPLICATION FOR:
APPEAL TO THE ZONING BOARD FOR AN
INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

Form with columns for APPLICANT(S), OWNER(S) (if not applicant), and ATTORNEY/AGENT. Includes handwritten entries for Name (Keith A. Harris), Address (103 Allen Road), Phone (518-260-4898), and Email (Keith@harrisbuilds.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: 16-18 Fairground Ave Tax Parcel No: 216.31-1-15
2. Date acquired by current owner: 7/26/2017
3. Zoning District when purchased: 220-2 Family Res. R-2
4. Present use of property: Vacant - 2 Family
5. Current Zoning District: 220-2 Family Res R-1
6. Has a previous ZBA application/appeal been filed for this property?
a. ___ Yes (when? _____, for what? _____)
b. [X] 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:

Renovate & occupy 2 units

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:

<input type="checkbox"/> Interpretation	\$500
<input checked="" 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:

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: CONTINUED USE AS
2 Family

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:

Building is too large 3,750 SQ FT w/ MULTIPLE KITCHENS
Bedrooms & Bathrooms to use as a 2 UNIT

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

- 1. Date of purchase: 7/26/2017 Purchase amount: \$ 142,500
- 2. Indicate dates and costs of any improvements made to property after purchase:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
<u>2017</u>	<u>mold Remediation w/ Demo</u>	<u>\$ 35,000.00</u>
<u>2018</u>	<u>1-New Furnace</u>	<u>\$ 15,000.00</u>

Building is currently vacant

- 3. Annual maintenance expense: \$ 15,000
 - 4. Annual taxes: \$ 7,256.70
 - 5. Annual income generated from property: \$ - 0 -
 - 6. City assessed value: \$ 2022 \$ 245,000
 - 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): 7/16/2021 Original listing price: \$ 320,000

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

→ 299,000

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?

3-4 Pulled off market

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:

This House was built as a 2 Family
IN 1797, CONVERTING it to a single Family
Would require removing Bedrooms, Bathrooms
and Kitchen.

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:

The House has a "proper" 2 Family Front
Entrance with Landscaping to match

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:

This house has always been a 2 Family
 it was built as a 2 Family
 Sold as a 2 Family, turning it into a single
 Family would difficult expensive Renovations

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

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

Dimensional Requirements	From	To
Front & side yard setback Requirements		
currently Required Front	25'	Actual APPROX 10'
currently Required Side	15'	Actual APPROX 10'

Other: I would like to add a wrap around back deck/porch
 this would NOT protrude beyond existing foot print

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.

Not changing foot print

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:

Aesthetically appealing design in accordance with existing structure

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

Not beyond existing setback

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:

Same as above

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:

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.

MMH Hems Date: 12/13/2022
(applicant signature)

(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: _____