

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 <u>Morgan and Julie Gazetos</u>	_____	_____
Address <u>57 Chapman St</u>	_____	_____
<u>Ballston Spa</u>	_____	_____
Phone <u>520-668-5351 1518-260-9878</u>	_____	_____
Email <u>julie@gazetoslaw.com; morganbuilds@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 or purchase

PROPERTY INFORMATION

- Property Address/Location: 57 Chapman St., BSpa Tax Parcel No: 216.25-1-45.1
- Date acquired by current owner: 12/11/2014
- Zoning District when purchased: R-1
- Present use of property: SFR
- Current Zoning District: R-1
- Has a previous ZBA application/appeal been filed for this property?
  - Yes (when? 2018, for what? setback and height variance for detached garage)
  - 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?

8. Brief description of proposed action:

At 11/28/2018 ZBA meeting, the Board heard and addressed the matter to build a detached garage 24' x 27' x 13'. The Board discussed and made a motion regarding the sideline setback variance request, but failed to include the height variance in the motion. It is applicant's position that the height variance was approved and mistakenly left from motion.

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

\*Request that fee be waived for prior fee submitted on initial application date.

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:

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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:

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

The applicant requests relief from the following Zoning Ordinance article(s) § 205-25(A)(1)

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
<hr/>	<u>15' Height</u>	<u>18' Height</u>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
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<hr/>	<hr/>	<hr/>

Other:

Please see statement above<sup>(8)</sup> -- applicant is respectfully requesting the motion made at ZBA meeting on 11/28/2018 be amended to reflect Board's prior approval of height variance for accessory structure. The motion neglected to reflect the Board's decision to approve the variance and was mistakenly silent on the matter, while addressing the setback variances requested.

Revised 11/2020

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.

Please refer to minutes dated 11/28/2018, attached hereto. There are no other alternatives for applicant to obtain the requested benefit for storage space above the garage that can fit the vehicles driven by applicant.

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:

Variance is ~~is~~ consistent with character of the neighborhood and had approval of all neighbors.

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

The variance is not substantial and is looking only to increase height by 3'.

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 adverse physical or environmental effects on the neighborhood will occur with this variance.

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 existing garage was on property when applicant purchased the property. The difficulty was not self-created.

**DISCLOSURE**

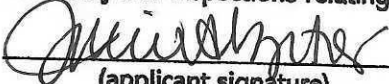
Does any Village of Ballston Spa officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application?  No  Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

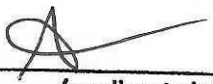
**APPLICANT CERTIFICATION**

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.

 Date: 11/13/2023  
(applicant signature)

 Date: 11/13/2023  
(applicant signature)

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

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

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