



# CITY OF SARATOGA SPRINGS

## ZONING BOARD OF APPEALS

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

### INSTRUCTIONS

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

##### APPLICATION REQUIREMENTS

1. **ELIGIBILITY:** To apply for relief from the City's Zoning Ordinance, an applicant must be the property owner(s) or lessee, or have an option to lease or purchase the property in question. The Zoning Board of Appeals (ZBA) shall not accept any application for appeal that includes a parcel which has a written violation from the Zoning and Building Inspector that is not the subject of the application.
2. **COMPLETE SUBMISSIONS:** Applicants are encouraged to work with City staff to ensure a complete application. The ZBA will only consider properly completed applications that contain **1 original and 1 digital version** of the following:
  - Completed application pages 1 and 8, the pages relating to the requested relief (p. 2 for interpretation or extension, pp. 3-5 for use variance, pp. 6-7 for area variance), and any additional supporting materials/documentation. **\*\*HANDWRITTEN APPLICATIONS WILL NOT BE ACCEPTED\*\***
  - Completed SEQR Environmental Assessment Form – short or long form as required by action. [http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/seafpartone.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/seafpartone.pdf)
  - Detailed “to scale” drawings of the proposed project – folded and no larger than 24”x 36”. Identify all existing and proposed structures, lot boundaries and dimensions, and the relationship of structures to the lot dimensions. Also, include any natural or manmade features that might affect your property (e.g., drains, ponds, easements, etc.).
  - Photographs showing the site and subject of your appeal, and its relationship to adjacent properties.
3. **APPLICATION FEE (NON-REFUNDABLE):** 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

**SUBMISSION DEADLINE:** Check City's website ([www.saratoga-springs.org](http://www.saratoga-springs.org)) for application deadlines and meeting dates.

PUBLIC HEARING ADVERTISEMENT

The Zoning Board of Appeals is required to hold a public hearing on each submitted application within ninety (90) days from when it is determined to be properly complete by City staff.

City staff will prepare a legal notice for the public hearing and arrange to have the public hearing announcement printed in The Saratogian legal notices at least 5 days before the hearing.

Applicants must pay The Saratogian for the legal ad and present proof of payment to the ZBA prior to the public hearing. If proof of payment is not presented prior to the hearing, the hearing will be cancelled.

PROPERTY OWNER NOTIFICATION

Applicants are required to mail a copy of the public hearing legal notice to all property owners within the following distances from the boundaries of the land in question:

<u>Type of variance</u>	<u>Distance for property owner notification</u>
Use variance	250 feet
Area variance & Interpretation	100 feet

This notice must be sent at least 7 days but not more than 20 days before the date of the public hearing.

City staff will email a copy of the “property owner notification letter” to the applicant. The applicant must then send the notification letter to the nearby property owners. Applicants may not include any other materials in this mailing. The mailing must be certified by the U.S. Post Office. Prior to the public hearing, applicants must present the Post Office “certificates of mailing” to the ZBA. If “certificates of mailing” are not presented prior to the hearing, the hearing will be cancelled.



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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

<u>APPLICANT(S)*</u>	<u>OWNER(S) (If not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name _____	_____	_____
Address _____	_____	_____
_____	_____	_____
Phone _____ / _____	_____ / _____	_____ / _____
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:  Owner  Lessee  Under option to lease or purchase

### PROPERTY INFORMATION

1. Property Address/Location: \_\_\_\_\_ Tax Parcel No.: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
(for example: 165.52 - 4 - 37)

2. Date acquired by current owner: \_\_\_\_\_ 3. Zoning District when purchased: \_\_\_\_\_

4. Present use of property: \_\_\_\_\_ 5. Current Zoning District: \_\_\_\_\_

6. Has a previous ZBA application/appeal been filed for this property?  
 Yes (when? \_\_\_\_\_ For what? \_\_\_\_\_)  
 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 "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:

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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) \_\_\_\_\_

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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:

- 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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 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:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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

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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:

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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:

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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: \_\_\_\_\_

\_\_\_\_\_  
(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: \_\_\_\_\_ TAX PARCEL NO.: \_\_\_\_\_ . \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_ ZONING DISTRICT: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This application is hereby denied upon the grounds that such use of the property would violate the City Zoning Ordinance article(s)

\_\_\_\_\_. 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>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: \_\_\_\_\_

\_\_\_\_\_

Note: \_\_\_\_\_

Advisory Opinion required from Saratoga County Planning Board

\_\_\_\_\_  
ZONING AND BUILDING INSPECTOR

\_\_\_\_\_  
DATE