



Building and Zoning Department  
41 City Hall Place  
Plattsburgh, NY 12901  
Ph.: 518 563 7707  
Fax: 518-563 6426

## Plattsburgh, New York

### PROCEDURE IN APPEALING THE ZONING ORDINANCE CLASS B VARIANCE

DEADLINE FOR FILING APPLICATION 8/24/2020

ZONING BOARD MEETING DATE 9-21-2020

The Zoning Board of Appeals has been empowered to hear and decide all appeals to the Zoning Ordinance and to do so the Board holds public meetings once a month.

The attached appeal application must be completely filled out and returned to the office for action by the Zoning Board of Appeals at their monthly meeting. The filing fee for said application is as follows:

One and Two-family dwellings -	\$ 50.00
Multiple Dwellings	\$150.00
Commercial Properties	\$150.00

**All checks should be made payable to the "City Chamberlain"**. In order for your appeal to be heard in the same month you apply, the appeal form and fee must be received by this office three weeks prior to the scheduled meeting of the Zoning Board of Appeals. All applicants or their representatives should attend the Zoning Board of Appeals Public Meeting of their appeal to answer any questions the Board may have regarding their request.

In filling out the form, please be specific and supply the Zoning Board of Appeals with all the necessary information requested on the form. If you are requesting a variance from the ordinance, you must detail why the literal enforcement of the ordinance will produce an undue hardship, while the variance requested will adhere to the spirit of the ordinance and do substantial justice. Financial disadvantage to the property is no proof of hardship within the purpose of zoning. In addition to the above, an applicant must submit adequate drawings and a site plan of all requests, which will involve any construction, alterations, or physical change of their property. **THIRTEEN (13) copies of the entire packet including drawings, site plans and the original application are required** (we recommend the plans be approved before the THIRTEEN (13) copies are made).

Before the Zoning Board of Appeals may hear and decide your appeal, this office must first:

1. Publish the request in three successive issues of the Press-Republican newspaper not less than five (5) nor more than ten (10) days before the hearings.
2. Notify, by letter, all adjoining property owners of your request

*This office is responsible for implementing the above requirements.*

If there are any questions, please contact this office. Thank you for your cooperation.

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Plattsburgh

\_\_\_\_\_  
USE  
CLASS A VARIANCE

\_\_\_\_\_  
AREA  
CLASS B VARIANCE

\_\_\_\_\_  
SUP  
SPECIAL USE PERMIT

Date: August 24, 2020

Appeal No.: \_\_\_\_\_

An application is hereby made to the Zoning Board of Appeals pursuant to the City of Plattsburgh Zoning Ordinance for a variance to allow the property use as herein described.

Applicant: Keith R. Baugh

Applicant's Address: 85 Brinkerhoff Street  
Plattsburgh, N.Y. 12901

Telephone No.: (518) 569-0346

Parcel Identification: Shed

Location of Request: Backyard 85 Brinkerhoff Street

Property Owner: Keith Baugh / Lisa Allen

Request Description: Outside storage building (replace garage)

Zoning District: RH

Section Appealed: 366-11

Previous Appeal: No.: \_\_\_\_\_ Date: \_\_\_\_\_

Identify Applicant's Right to Apply for Variance:

Ownership: \_\_\_\_\_ Long Term Lease: \_\_\_\_\_ Contract To Purchase: \_\_\_\_\_

Other (Please Explain): \_\_\_\_\_

Applications for Zoning Variances must be accompanied by:  
13 copies of existing and proposed site plan plus original application.  
13 copies of existing and proposed floor plan.

The Zoning Board of Appeals may impose reasonable conditions and restrictions on the grant of area and use variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Keith R. Baugh  
Signature (Owner/Applicant)  
Keith R. Baugh  
Print First and Last Name

Lisa M. Beebie  
Notary Public

**LISA M. BEEBIE**  
Notary Public, State of New York  
No. 015E6395748  
Qualified in Clinton County  
Commission expires August 6, 2023

\*Signatures other than Property Owner require a Letter of Authorization to apply.

## Area or Dimensional Variances

Area variances may be granted where setback, frontage, lot size or yard requirements of this Code cannot be reasonably met. In making it's determination the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determinations the board shall also consider the following criteria:

Please give a written response to each section.

(1) Will an undesirable change be produced to the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

(2) Can the benefit sought by the applicant be achieved by some method, feasible to the applicant to pursue, other than an area variance?

(3) Is the requested area variance substantial?

(4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

(5) Has the alleged difficulty been self-created?

This information shall be relevant to the decision of the board but shall not necessarily preclude granting of the variance.

(1) Will an undesirable change be produced to the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

The structure will enhance the neighborhood and property by providing a designated space for tools, bikes, mowers, snow blowers etc versus having multiple large machinery rusting outside in plain sight. The structure when finished will have clapboard siding and trim similar to the main structure.

(2) Can the benefit sought by the applicant be achieved by some method, feasible to the applicant to pursue other than an area variance?

No, some smaller outdoor tools could be stored in cellar, however larger tools such as snowblowers, lawn mowers and recreational vehicles are presently left to the elements as there is no place to store them since the unsafe garage structure was taken down. In addition, the structure was previously used and will still be used as a recreational workout area, which can not be duplicated elsewhere on the property.

(3) Is the requested area variance substantial?

No, this is a replacement structure of similar size that was placed in the same area as the previous structure properly observing the appropriate distances from property lines.

(4) Will the proposed variance have an adverse effect or impact on the physical environmental conditions in the neighborhood?

No, the style and size are consistent with the previous structure and with other structures in the neighborhood.

(5) Has the alleged difficulty been self created? This information shall be relevant to the decision of the board but still not necessarily preclude granting of the variance.

Not sure as to what specifically this question is asking.

The structure in question was built initially as an outdoor recreational workout area for my son (Picture#1). As per building code it was an allowable structure as it was part of the definition for open space use. The structure was unable to be utilized for approximately 1/3 of the year. I decided to enclose the structure and by doing so have brought me to applying for a variance.

617.20  
Appendix B  
Short Environmental Assessment Form

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>		
Name of Action or Project: <b>Enclosed workout space</b>		
Project Location (describe, and attach a location map): <b>Backyard 85 Brinkerhoff Street</b>		
Brief Description of Proposed Action: <b>To replace garage structure with a building 12' x 15' x 12' (Average Roof height), to use as an outdoor workout space protected by the elements.</b>		
Name of Applicant or Sponsor: <b>Keith R. Baugh</b>	Telephone: <b>(518) 569-0346</b>	E-Mail: <b>kbaughspredman@gmail.com</b>
Address: <b>85 Brinkerhoff Street</b>		
City/Town: <b>Plattsburgh</b>	State: <b>N.Y.</b>	Zip Code: <b>12901</b>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3 a. Total acreage of the site of the proposed action? _____ acres		
b. Total acreage to be physically disturbed? _____ acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres		
4. Check all land uses that occur on, adjoining and near the proposed action.		
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): <b>Rentals (College)</b> <input type="checkbox"/> Parkland		

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
b. Consistent with the adopted comprehensive plan?			
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation service(s) available at or near the site of the proposed action?			
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
b. Is the proposed action located in an archeological sensitive area?			
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	

18 Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20 Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>Keith R. Raugh</u> Date: <u>7/31/2020</u>		
Signature: _____		

**Zoning Board to Fill out. Applicant does not fill out Part 2.**

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<hr/>	
Name of Lead Agency	Date
<hr/>	
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<hr/>	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT**



PERMITS/INSP PAYMENT RECPT#: 1835511  
CITY OF PLATTSBURGH LIVE  
41 CITY HALL PLACE  
PLATTSBURGH NY 12901

DATE: 07/27/20 TIME: 09:51  
CLERK: 1427smar DEPT:  
CUSTOMER#: 0

COMMENT:

CHG: PRMTS BUILDING PERMIT 29.00

AMOUNT PAID: 29.00

PAID BY: KEITH R BAUGH  
PAYMENT METH: CASH

REFERENCE:

AMT TENDERED: 29.00  
AMT APPLIED: 29.00  
CHANGE: .00

INSTRUCTIONS

THIS APPLICATION IS DESIGNED TO ENCOMPASS ALL ASPECTS AND SCOPE OF PROJECT. IN SOME CASES THE INFORMATION REQUESTED MAY NOT APPLY TO YOUR PROJECT. PLEASE FILL OUT ALL INFORMATION REQUESTED THAT APPLIES TO YOUR REQUEST IN INK.

AT THE DISCRETION OF THE BUILDING INSPECTOR A PLOT PLAN OR SITE PLAN SIGNED AND SEALED BY A NEW YORK STATE LICENSED SURVEYOR OR ENGINEER MAY BE REQUESTED. IF NOT REQUESTED THAN PLEASE FILL OUT THE SAMPLE PLAN PROVIDED BELOW.

THIS APPLICATION MUST BE ACCOMPANIED BY A COMPLETE SET OF BUILDING PLANS AND JOB SPECIFICATIONS. IF THE PROJECT INCLUDES ELECTRICAL WORK THAN A SECOND SET OF PLANS MUST BE INCLUDED. THIS ELECTRICAL WORK WILL BE REQUIRED TO BE INSPECTED BY AN APPROVED ELECTRICAL INSPECTION SERVICE.

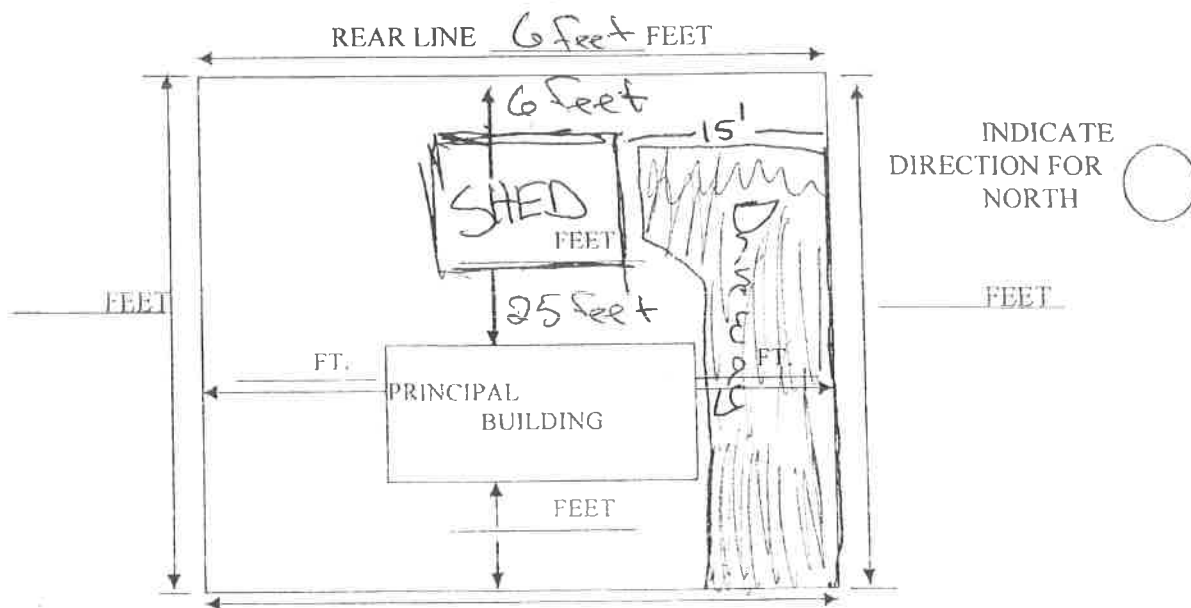
WORK ON THIS APPLIED FOR PROJECT MAY NOT START UNTIL A BUILDING PERMIT HAS BEEN ISSUED UNLESS PERMISSION HAS BEEN GRANTED BY THE BUILDING INSPECTOR.

COST OF THE WORK DESCRIBED IN THE APPLICATION FOR BUILDING PERMIT INCLUDE THE COST OF ALL OF THE CONSTRUCTION AND OTHER WORK DONE IN CONNECTION THEREIN, EXCLUSIVE OF THE COST OF THE LAND. IF FINAL COST EXCEED ESTIMATED COST. THAN AN ADDITIONAL FEE MAY BE REQUIRED BEFORE A CERTIFICATE OF OCCUPANCY CAN BE ISSUED

ANY DEVIATION FROM THE SUBMITTED PLANS MUST BE SUBMITTED IN WRITING AND APPROVED BY THE BUILDING INSPECTOR OR HIS DESIGNEE.

PLOT DIAGRAM

LOCATE CLEARLY AND DISTINCTLY, ALL BUILDINGS WHETHER EXISTING OR PROPOSED AND INDICATE ALL SET BACK DIMENSIONS FROM THE PROPERTY LINES, SHOW ALL EASEMENTS AND STREET NAMES AND INDICATE WHETHER INTERIOR OR CORNER LOT, OR SUPPLY AN APPROVED PLOT PLAN SHOWING ALL THE ABOVE REQUIREMENTS.



STREET NAME: Brinkerhoff Street

BUILDING PERMIT EXPIRES 6 MONTHS FROM DATE OF ISSUE UNLESS SUBSTANTIAL ACTUAL CONSTRUCTION HAS COMMENCED. BUILDING PERMIT EXPIRES 2 YEARS FROM DATE OF ISSUANCE

Keith Raugh  
Appl. 5143

# Plattsburgh, New York

Building & Zoning Dept  
41 City Hall Place  
Plattsburgh, NY 12901  
Ph: 518-563-7707  
Fax: 518-563-6426

ADDRESS 85 Brinkerhoff St  
ZONING DISTRICT RH EXISTING LAND USE R-210  
PROPOSED LAND USE R-210

MINIMUM LOT SIZE REQUIREMENTS:

	AREA SQ FT	AREA/DU SQ FT	WIDTH FT	DEPTH FT
EXISTING	<u>6,000</u>		<u>50</u>	<u>120</u>
PROPOSED				
REQUIRED				

MINIMUM YARD REQUIREMENTS:

	<u>FRONT</u>	Deed Of Deficiency <u>SIDE</u>	% <u>REAR</u>
EXISTING			
PROPOSED			
REQUIRED			

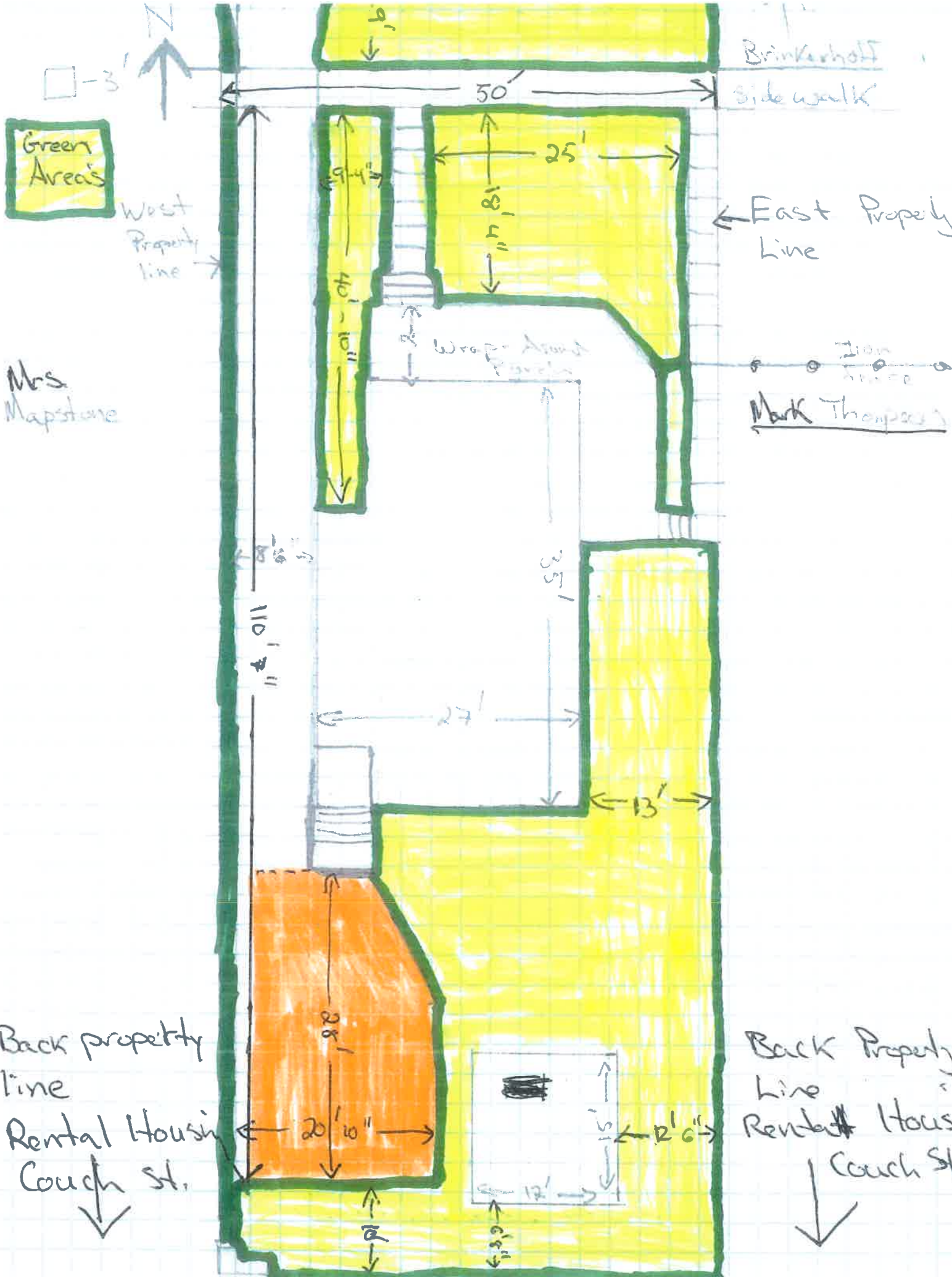
BUILDING HEIGHT / COVERAGE / OPEN SPACE:

	MAX BLDG HT FT. / STORIES	COVERAGE MAX %	OPEN SPACE MIN %
EXISTING	$\frac{1785}{1242} \frac{cov}{1785}$	$\frac{1785}{6000} = 30\%$	$\frac{3000}{6000} = 50\%$
PROPOSED	<del>1785</del> + 1600	32.4%	47.2%
REQUIRED		25%	50%

PARKING SPACES:

	<u>SPACES</u>	<u>HANDICAPPED SPACES</u>	<u>COMPACT</u>
EXISTING			
PROPOSED			
REQUIRED			

Coverage + Open Space Variances Needed



Green Area's

Mrs. Mapstone

Brinkerhoff Side walk

East Property Line

Mark Thompson

Back property line  
Rental House  
Couch St.

Back Property Line  
Rental House  
Couch St.



Coverage Allowable - 25%

Current Coverage 30%

Proposed Coverage 34%

Area Variance required



86 Brinkerhoff

BRINKERHOFF STREET

90 Brinkerhoff

PLEASANT AVENUE

82 Brinkerhoff

99 Brinkerhoff

95 Brinkerhoff

81 Brinkerhoff

40 Couch

46 Couch

48 Couch

83 Brinkerhoff