



**TOWN OF VESTAL  
ZONING BOARD OF APPEALS**  
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**ZBA BOARD MEMBERS:**

Chairman: Mark Tomko (acting)  
Members: Clayton Ellis  
Jerry Schultz  
Thomas Jackson, Jr.  
Eugene Burns  
Alternate: John Taylor  
Attorney: Matthew Butler

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**TOWN OF VESTAL  
ZONING BOARD OF APPEALS**

In the Matter of the Application of

Madhukar Bhoomireddi  
451 Denal Way  
Vestal, NY 13850  
B.C.T.M.P. #158.19-3-66

**DECISION**

For an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-180(b)(4)(a) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance)

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At a meeting duly scheduled for December 9, 2021, the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of Madhukar Bhoomireddi, regarding premises situate at 451 Denal Way, Vestal, NY 13850, (B.C.T.M.P. #158.19-3-66) for an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-180(b)(4)(a) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to having a proposed accessory structure less than the required 10' to the rear of a principal building and less than the required 10' from the principal structure in an RA-1, One Family Residential District. Appearing in support of the Area Variance request is the applicant, Madhukar Bhoomireddi.

Proof of publication of the notice of the hearing in *The Town Crier* was submitted, and the Board's letter to the applicant in response to his application was read. The applicant submitted a package outlining his request along with a copy of the application.

Board members present: Clayton Ellis, Acting Chairman; John Taylor; Eugene Burns; Tom Jackson; and Jerry Schultz. All Board members stated that they had visited the site and were familiar with the character and nature of the area and this property.

After due deliberation, the Zoning Board of Appeals makes the following findings of fact and conclusions of law:

The Applicant is requesting a variance to construct an accessory structure (detached, two-car garage) as outlined in the submittal. The applicant provided materials including a letter explaining the request, parcel information, and dimensions of the proposed garage.

The Applicant stated that he wants to erect a detached, two-car garage immediately adjacent to his home. (The home has no garage.) He also stated that the topography to the rear of the home would make it difficult to locate the garage there.

Upon questioning from the Board members, the applicant acknowledged that an attached garage would be an option, but that it would be more expensive. The applicant stated that he was thinking of building a detached garage from the outset, perhaps further back on the lot than what is proposed, but there the topography becomes an issue. He stated he was unaware of the applicable zoning regulations, and apparently the builder did not advise the applicant of zoning regulations.

The meeting was opened to the public, and two neighbors spoke in opposition to the proposed garage. Hilmi Balkaya (437 Denal Way) said this request for a variance is the result of poor planning. He stated that excavation would have allowed for a detached garage at the rear of the property or that proper planning would have allowed for an attached garage. He also stated that, if this variance is granted, he is concerned with the overall appearance of the neighborhood, particularly because development is continuing there. Pegor Aynajian (440 Denal Way) stated that the need for this variance is self-created. Should the variance be granted, he stated, the character of the neighborhood will be affected, particularly in the upper portion of Denal Way where lots are tight and development is continuing. The public portion was closed as no other members of the public were present or wished to be heard.

The Board also received a letter from Charles N. and Nancy M. Harrison, 1332 Cameron Lane, Vestal, NY 13850. The Harrisons state that they own three building lots on Denal Way in the immediate vicinity of 451 Denal Way, and that the applicant purchased his lot from them. The Harrisons object to the project, citing that the applicant could have included an attached garage in the footprint of the available building area and, therefore, this is a self-created issue.

This is an Area Variance request and the provisions of SEQR do not apply.

Therefore, in consideration of the above, and in balancing the factors of 1.) Whether an undesirable change would be produced in the character of the neighborhood or would be a detriment to the nearby properties; 2.) Whether the benefit sought by the applicant can be achieved by a feasible alternative; 3.) Whether the requested variance is substantial; 4.) Whether the requested variance would have an adverse impact on the physical or environmental conditions in the neighborhood; and 5.) Whether the alleged difficulty was self-created.

A motion was made by Jerry Schultz to deny the requested Area Variance as per Chapter 24, Article IV, Division 2, Section 24-180(b)(4)(a) at B.C.T.M.P. #158.19-3-66 aka 451 Denal Way, Vestal, NY 13850 to construct a detached, two-car garage/accessory building less than the required 10' to the rear of a principal building and less than the required 10' from the principal structure in an RA-1, One Family Residential District. The motion was seconded by John Taylor. A vote was called and:

The request for an Area Variance is hereby DENIED by a 5-0 vote. The vote was unanimous in favor of the denial, and the votes were cast as follows: Acting Chairman Clayton Ellis-AYE; John Taylor-AYE; Eugene Burns-AYE; Tom Jackson-AYE; and Jerry Schultz-AYE. Board members concluded that this situation was self-created and that there are feasible alternatives.

The Code Enforcement Officer is herewith authorized to take the necessary action to carry out the provisions of this Decision.

Dated: December 17, 2021

ZONING BOARD OF APPEALS  
OF THE TOWN OF VESTAL

BY:



Clayton Ellis, Acting Chairman