



**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

**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

In the Matter of the Application of

Francine Stein/Peranich & Shelp Construction
4704 Washington Drive
Vestal, NY 13850
B.C.T.M.P. #175.07-3-9

DECISION

For an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-180(b)(3)(a) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance)

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 Francine Stein/Peranich & Shelp Construction, regarding premises situate at 4706/4704 Washington Drive, Vestal, NY 13850, (B.C.T.M.P. #175.07-3-9) for an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-180(b)(3)(a) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to having less than the required 30' of front yard setback in an RA-1, One Family Residential District. Appearing in support of the Area Variance request are the applicants, Francine Stein and Tom Shelp.

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 the application was read. The applicant submitted a package outlining the 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 4' +/- variance to construct a shed roof as outlined in the submittal. The applicant provided materials including a letter explaining the request, parcel information and dimensions, and a picture of the front of the house.

Tom Shelp stated that the homeowner wants to erect a 15' wide x 7' deep shed roof over the front entrance to the home and an existing concrete pad. This would make access easier and safer, particularly during the winter. The shed roof will be built to Code.

Upon questioning from the Board members, Tom Shelp explained that the shed roof would begin at the left side of the left garage door in the photo and end at the left side of the window adjacent to the front door. Board members had no additional questions.

The meeting was opened to the public and then closed as no members of the public were present or wished to be heard.

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 John Taylor to grant a 4' +/- Area Variance as per Chapter 24, Article IV, Division 2, Section 24-180(b)(3)(a) at B.C.T.M.P. #175.07-3-9 aka 4706/4704 Washington Drive, Vestal, NY 13850 to construct a shed roof less than 30' from the front property line, as submitted. The motion was seconded by Tom Jackson. A vote was called and:

The request for an Area Variance is hereby GRANTED by a 5-0 vote. The vote was unanimous, 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.

If construction is not commenced within four months from the date hereof, then the variance granted by this Decision shall be deemed revoked.

The Code Enforcement Officer is herewith authorized to take the necessary action to carry out the provisions of this Decision, and to ensure that the construction is performed to the requirements of the Code.

Dated: December 17, 2021

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Clayton Ellis, Acting Chairman