



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

Acting Chairman: Mark Tomko
Members: Clayton Ellis
Tom Smallcomb
Thomas Jackson, Jr.
Alternates: Eugene Burns
John Taylor
Attorney: Matthew Butler

**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

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JUN 28 2021

VESTAL CODE

In the Matter of the Application of

Kiefer-Randall Construction/ Larry &
Roberta Relyea
405 Norris Avenue
Vestal, NY 13850
B.C.T.M.P. # 172.79-1-18

DECISION

For an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-181(e)(3)(b)(1) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance)

At a meeting duly scheduled for June 24, 2021 the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of Kiefer-Randall Construction/ Larry & Roberta Relyea, regarding premises situate at 405 Norris Avenue, Vestal, NY 13850, (B.C.T.M.P.# 172.79-1-18) for an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-181(e)(3)(b)(1) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to a proposed accessory building being located less than 10 feet to the rear of a principal building in an RA-2, One & Two Family Residence Zoning District. Appearing on behalf of the applicants, Larry & Roberta Relyea, for the Area Variance request is Timothy Kiefer, President/Owner of Kiefer-Randall Construction.

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 letter outlining his request along with a copy of the application.

Board members present, Mark Tomko, Acting Chairman, Thomas Jackson, Tom Smallcomb and Clayton Ellis. 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:

Applicant is requesting an Area Variance to construct a 20' x 30' carport addition to the existing garage, creating a covered area to the existing rear porch of the principal structure on his property, an RA-2, One & Two Family Residence Zoning District. Mr. Kiefer states that the applicant is an older Korean War veteran who is looking to cover the space between his detached garage and house to make it easier and safer to get to his vehicle and protect him from the elements in inclement weather. The final construction plans have not been completed and submitted pending

approval from the ZBA. Preliminary plans are to possibly tie into the existing garage roof or overlap roofs and have a small side addition to cover to the rear porch door. This addition would bring the accessory building to the rear edge of the primary house, approximately 12 feet in front of the rear porch addition.

The neighborhood has several other garages/accessory buildings that appear to be less than 10 feet to the rear of the principal building and would not appear to be something new or out of place with existing properties. This is a Type-2 Area Variance request and SEQR consideration is not needed.

The meeting was opened to the public, and no one appeared in opposition or support of the Area Variance request. The public portion was closed as no members of the public were present or wished to be heard.

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 Thomas Smallcomb to grant a **22' +/- variance** as per Chapter 24, Article IV, Division 2, Section 24-181(e)(3)(b)(1) at B.C.T.M.P.# 172.79-1-18 aka 405 Norris Ave., Vestal, NY 13850 as presented to the Board. The motion was seconded by Thomas Jackson. A vote was called and:

The request for an **Area Variance** is hereby **GRANTED** by a 4-0 vote. The vote was unanimous and the votes were cast as follows: Acting Chairman, Mark Tomko-AYE, Thomas Jackson-AYE, Tom Smallcomb-AYE, and Clayton Ellis AYE.

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

Dated: June 27, 2021

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Mark Tomko, Acting Chairman