



**TOWN OF VESTAL
ZONING BOARD OF APPEALS**
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ZBA BOARD MEMBERS:
Chairman: Jennifer Kakusian
Members: Mark Tomko
Tom Smallcomb
Thomas Jackson, Jr.
Alternates: Eugene Burns
John Taylor
Attorney: Matthew Butler

**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

In the Matter of the Application of

Jeremy & Jessica Lyons

DECISION

For variances as required by Chapter 24,
Article IV, Division 2, Section 24-183(c)(2)(b) and Section 24-183(c)(2)(c)
of the Code of The Town of Vestal, Broome County, New York
(Zoning Ordinance)

At a meeting duly scheduled for July 23, 2020 the Zoning Board of Appeals of the Town of Vestal held public hearing to consider the application of Jeremy & Jessica Lyons, regarding premises situate at 1320 Main Street, (B.C.T.M.P.#: 189.07-2-3) for variances as required by Chapter 24, Article IV, Division 2, Section 24-183(c)(2)(b) and Section 24-183(c)(2)(c) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to having less than the required front yard and side yard set-back for an accessory building in an "RR", Rural Residence zoning district. A pre-engineered metal carport was constructed and placed on this lot and the final distance from the front property line will be approximately 3'. A 27" +/- variance is requested. From the side yard lot line, the distance will be approximately 0' and a 7" variance is requested. Appearing in support of the variance requests is the applicant Jeremy Lyons and Gary

Campo, a neighbor and former Town of Vestal Town Engineer. No one appeared in opposition to the application.

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 previously submitted a brief letter and Broome County GIS maps and structural design plans from TOL Buildings, Inc.

Board members present, Mark Tomko, Acting Chairman, Tom Smallcomb, Eugene Burns and John Taylor. 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 two variances in order for them to keep a 12' x 26' pre-engineered metal carport to the front and side of the residence. The applicant stated that when he contracted with the builder, he was told that no building permit was required to erect the pre-engineered metal carport and submitted structural design plans for the structure. The structure was erected in October 2019 and set in concrete footers at its current position current location. Applicant presented his case and reviewed the reasoning for the present location as NYSEG would not allow an easement on the north side of the property to construct an addition to his garage, or any other structure in the past and this is the only relatively flat place on the property. The grade of the property would not allow for this to be placed to the rear of the residence or any further back from its current location on the

property. A review of the Broome County GIS maps with grades was presented as well. The GIS Map with property lines was also submitted to show the building and proximity to the front and side yard lines. Mr. Campo noted that the Main Street right of way takes an unusual wider swath on Mr. Lyons property, most likely due to when the State connected Main Street to Route 26 years ago. If the normal ROW was carried out the building would only need an approximately 3' variance request. In addition, the property sits below the street level next to a steep embankment and the Town would most likely never perform any work or expansion of Main Street on this side of the street.

The meeting was opened to the public, and after hearing no comments, the public portion was closed.

These are Type II area variances and the provisions of SEQR do not apply.

A motion was made by Tom Smallcomb to grant a **27 foot +/- variance for the front yard setback** at 1320 Main Street (B.C.T.M.P.# 158.08.-2-1) to Jeremy Lyons as for a carport as presented to the Board. John Taylor seconded the motion. A vote was called and:

Therefore in consideration of the above, and in balancing the factors of 1.) Change in character of locality; 2.) Alternate methods to achieve what the applicant desires; 3.) The degree of variance sought; 4.) Effect on the physical conditions existing in the locality; and 5.) Any self-created difficulties, the request for a **front yard setback variance** in the amount of **27'** +/- are hereby **GRANTED** by a **4-0** vote. The vote was unanimous and the votes were cast as follows: Acting Chairman, Mark Tomko-AYE; Thomas Smallcomb-AYE, Eugene Burns-AYE, and John Taylor-AYE.

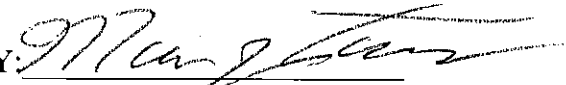
A second motion was made by Tom Smallcomb to grant a 7 foot +/- variance for the side yard setback at 1320 Main Street (B.C.T.M.P.# 158.08.-2-1) to Jeremy Lyons as for a carport as presented to the Board. John Taylor seconded the motion. A vote was called and:

Therefore in consideration of the above, and in balancing the factors of 1.) Change in character of locality; 2.) Alternate methods to achieve what the applicant desires; 3.) The degree of variance sought; 4.) Effect on the physical conditions existing in the locality; and 5.) Any self-created difficulties, the request for a side yard setback variance in the amount of 7' +/- are hereby **GRANTED** by a 4-0 vote. The vote was unanimous and the votes were cast as follows: Acting Chairman, Mark Tomko-AYE, Thomas Smallcomb-AYE, Eugene Burns-AYE, and John Taylor-AYE.

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

Dated: July 26, 2020

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Mark Tomko, Acting Chairman

*Subscribed and sworn to before me
this 27th day of July, 2020
Susan M Bailey
Notary Public*

SUSAN M BAILEY
Notary Public - State of New York
No. 01BA6405217
Qualified in Broome County
Commission Expires 03/02/2024