



**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

Daniel Walter
1144 Tracy Creek Road
Vestal, NY 13850
B.C.T.M.P. # 204.04-1-9

DECISION

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

At a meeting duly scheduled for September 10, 2020 the Zoning Board of Appeals of the Town of Vestal held public hearing to consider the application of Brandon Cady, regarding premises situate at 1144 Tracy Creek Road, (B.C.T.M.P.# 204.04-1-9:) for a use variance as required by Chapter 24, Article IV, Division 2, Section 24-183(c)(2)(b) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to having less than the required front yard setback for an accessory structure in a R-R, Rural Residential zoning district. An area variance is requested to allow the construction of a carport structure over his existing driveway. Appearing in support of the variance request is the applicant Daniel Walter.

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 brief letter and survey map with plot lines for the property and adjoining properties.

Board members present, Mark Tomko, Acting Chairman, Tom Smallcomb, 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 to keep in place a carport structure that was erected a short time ago over his existing driveway. The applicant stated that the house and driveway were built back in 1974 and he is tired of shoveling off the snow from the car and ordered the carport and had it

installed by a company out of Ohio. He was not aware of the need for a variance for location or need for a building permit to have the carport installed. property line. The location was chosen as it was over the existing driveway and his yard condition would not allow for easy access or would require work to have the carport placed elsewhere. The structure is secured to the ground with 6 anchor spikes approximately 4' in length. Questions were asked of Code Enforcement Officer Lincoln Ellis as to if this structure was secured per code or if a pad was needed. He stated this would depend on the engineering documents provided with the structure and that Mr. Walter was working with the office to obtain a building permit and review if the anchoring system installed met code.

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

A 239 l & m submission to and response from the Broome County Department of Planning and Economic Development was reviewed. The comments were no impact to Broome County Infrastructure.

This is a Type II area variance and the provisions of SEQR do not apply.

A motion was made by Tom Smallcomb to grant a **30' +/- variance to allow for a front yard setback** per Chapter 24, Article IV, Division 2, Section 24-183(c)(2)(b) at 1144 Tracy Creek Road, (B.C.T.M.P.# 204.04-1-9 as presented to the Board. A condition was made to allow code enforcement to work with the applicant to move the structure on the site if the anchoring system needed to be modified or a pad placement was required. 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 **30' +/-** is hereby **GRANTED** by a 3-0 vote. The vote was unanimous and the votes were cast as follows: Acting Chairman, Mark Tomko-AYE, Thomas Smallcomb-AYE, John Taylor-AYE.

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

Dated: September 14, 2020



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

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Mark Tomko, Acting Chairman