



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

Chairman: Mark Tomko
Members: Clayton Ellis
Jerry Schultz
Thomas Jackson, Jr.
Eugene Burns
Alternate: John Taylor
Patrick S. McPherson
Attorney: Matthew Butler

**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

In the Matter of the Application of

John and Donna West
410 Foster Road
Vestal, NY 13850
BCTMP #174.04-2-3

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 April 28, 2022, the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of John and Donna West regarding premises situate at 410 Foster Road, Vestal, NY 13850, (BCTMP #174.04-2-3) 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), pertaining to having less than the required 30' of front yard setback for an accessory structure in an RR, Rural Residence zoning district. Appearing in support of the Area Variance request is John West.

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.

Board members present: Clayton Ellis, Acting Chairman; Eugene Burns; Jerry Schultz; and Patrick McPherson. 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 22.3' +/- variance to install a 10' x 14' prefabricated shed less than the required 30' from the front property line. The applicant provided materials including a letter to the ZBA requesting consideration of the variance, property diagrams, and a photo of the front of the property.

In his letter, John West explained that the proposed shed would be installed on a wood-framed stone pad and would be used to store and service yard care and snow removal equipment. Further, he stated that the area to the west of the house where a shed could be placed further from the front property line is sloped and has trees, so it is not an appropriate location for a shed.

Upon questioning from the Board members, John West said he needs access to snow removal equipment near his driveway. He also said that although the proposed shed would be less than 8' from the front property line, it is about 18.5' from the road. He said he spoke with two of his neighbors and they have no issues with the proposed placement of the shed.

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 a request for an Area Variance 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 Eugene Burns to grant a 22.3' +/- Area Variance as per Chapter 24, Article IV, Division 2, Section 24-183(c)(2)(b) at BCTMP #174.04-2-3 aka 410 Foster Road, Vestal, NY 13850 to install a 10' x 14' prefabricated shed less than 30' from the front property line, as submitted. The motion was seconded by Patrick McPherson. A vote was called and:

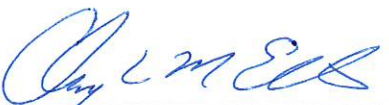
The request for an Area Variance is hereby GRANTED by a 4-0 vote. The vote was unanimous, and the votes were cast as follows: Acting Chairman Clayton Ellis-AYE; Eugene Burns-AYE; Jerry Schultz-AYE; and Patrick McPherson-AYE.

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: May 5, 2022

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Clayton Ellis, Acting Chairman