



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

Chairman: Mark Tomko
Members: Clayton Ellis
Jerry Schultz
Eugene Burns
Patrick MacPherson
Alternate: John Taylor
Attorney: Matthew Butler

**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

In the Matter of the Application of

Elayna Volock
121 Tharp Street
Vestal, NY 13850
B.C.T.M.P. # 223.14-1-34

DECISION

For an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-183(c)(1)(a), of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance).

At a meeting duly scheduled for July 27, 2023 the Zoning Board of Appeals of the Town of Vestal held a public hearing at 6:00 PM to consider the application of Elayna Volock, regarding premises situate at 121 Tharp Street, Vestal, NY 13850, (B.C.T.M.P.# 223.14-1-34) for an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-183(c)(1)(a), of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to having less than the required front setback in a R-R, Rural Residence District. Appearing in support of the Area Variance request is Elayna Volock.

Proof of publication of the notice of the hearing in the Town Crier was submitted, and the Board's letter to the applicants in response to their application was read. The applicants submitted a package outlining the request along with a map of the property and a picture of the property. The applicant took the Board members through her request.

Board members present, Mark Tomko, Chairman, Clayton Ellis, Eugene Burns, John Taylor and Pat MacPherson. 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 front deck to within twenty-five feet of the front property line. Applicant states she would like to construct a 10' long by 8' wide front deck to replace a stoop that is currently in disrepair. Applicant states that she wants to provide a

safer entry to her home and a deck that is large enough to allow her to age in place and be large enough to accommodate any future entry needs for her and visitors.

The meeting was opened to the public. The public portion of the meeting 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 Pat MacPherson to **approve an Area Variance of 5 feet +/- for a front yard setback to construct a deck** as per Chapter 24, Article IV, Division 2, Section 24-183(c)(1)(a) at B.C.T.M.P. # 223.14-1-34 aka 121 Tharp Street, Vestal, NY 13850 as presented to the Board.

The motion was seconded by John Taylor. 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: Chairman, Mark Tomko-AYE, Clayton Ellis -AYE, Eugene Burns-AYE, John Taylor-AYE and Pat MacPherson-AYE.

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: August 6, 2023

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Mark Tomko, Chairman