



**TOWN OF VESTAL
ZONING BOARD OF APPEALS**
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**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

In the Matter of the Application of

John and Michelle Hroncich
328 Kane Drive
Vestal, NY 13850
BCTMP #189.20-1-39

DECISION

For an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-180(b)(3)(a) of the Code of the Town of Vestal, Broome County, New York (Zoning Ordinance)

At a meeting duly scheduled for July 13, 2023, the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of John and Michelle Hroncich regarding premises situate at 328 Kane Drive, Vestal, NY 13850, (BCTMP #189.20-1-39) for an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-180(b)(3)(a) 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 in an RA-1 One-Family Residence zoning district.

Appearing in support of the Area Variance request were John and Michelle Hroncich.

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.

Board members present: Clayton Ellis, Acting Chairman; Jerry Schultz; Patrick McPherson; 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:

The Applicant is requesting a 4.7' +/- variance to build a front porch less than the required 30' from the front property line. The applicant provided materials including an application requesting the variance, a letter, a property diagram, and a survey map of the property.

The property diagram shows the location of the proposed porch consisting of a roof only, not an enclosed structure. The proposed porch measures 22' long, 6' wide at the west end, and 8' wide at the east end (to accommodate a jog in the front of the house). John Hroncich explained that the porch will be constructed largely for safety reasons – to keep a clear path of access to the north side of the home during the winter months – and to protect the front door.

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 Patrick McPherson to grant a 4.7' +/- Area Variance as per Chapter 24, Article IV, Division 2, Section 24-180(b)(3)(a) at BCTMP #189.20-1-39 aka 328 Kane Drive, Vestal, NY 13850 to build a front porch less than 30' from the front property line, as submitted. The motion was seconded by Jerry Schultz. 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; Jerry Schultz-AYE; Patrick McPherson-AYE; and John Taylor-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: July 18, 2023

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Clayton Ellis, Acting Chairman