



**TOWN OF VESTAL  
ZONING BOARD OF APPEALS**  
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**ZBA BOARD MEMBERS:**  
Chairman: Mark Tomko (acting)  
Members: Clayton Ellis  
Tom Smallcomb  
Thomas Jackson, Jr.  
Eugene Burns  
Alternate: John Taylor  
Attorney: Matthew Butler

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**TOWN OF VESTAL  
ZONING BOARD OF APPEALS**

In the Matter of the Application of

Robert Hull  
3600 Vestal Road  
Vestal, NY 13850  
B.C.T.M.P. # 158.08-3-25

**DECISION**

For an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-180(b)(4)(b) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance)

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At a meeting duly scheduled for October 28, 2021 the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of Robert Hull/Dan Brown Construction, regarding premises situate at 3600 Vestal Road, Vestal, NY 13850, (B.C.T.M.P.# 158.08-3-25) for an Area Variance as required by Chapter 24, Article IV, Division 1, Section 24-180(b)(4)(b) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to having less than the required 20 feet to the side yard property line on a corner lot in an RA-1, One Family Residential District. Appearing in support of the Area Variance request are the applicants Robert & Charlene Hull.

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 package outlining his request along with a copy of the application.

Board members present, Mark Tomko, Acting Chairman, John Taylor, Eugene Burns, and Clayton Ellis. All Board members stated that they had visited the site and were familiar with the character and nature of the area and this property. A 239 l & m review was conducted by the Broome County Department and planning and was returned with no identified countywide or inter-community impacts associated with the proposed project.

After due deliberation, the Zoning Board of Appeals makes the following findings of fact and conclusions of law:

Applicant is requesting an 8' +/- variance to construct an accessory structure/carport as outlined in the submittal. The applicant provided materials including a letter explaining the request, parcel information and dimensions and a picture of the proposed carport.

The Applicants state that they want to erect a 2-car carport over the existing driveway to the rear of their house on a corner lot. This would make life easier in the winter to not to have to remove as much snow from their vehicles. The property slopes in their back yard and if they have to move the carport to meet code requirements, then a portion of the hill would need to be removed and a retaining wall built with a large expense thus making the carport addition too expensive. In addition, the carport would be built to Code and match the color and style of the house. Upon questioning from the Board members, the applicants discussed the slope of the property and the existing driveway that makes this is the most cost effective and feasible place to locate the carport. John Taylor questioned whether or not they had discussed this with the neighbor and they stated yes, that the neighbors did not have an issue with this project. In addition, the question arose if this would interfere with visibility of the adjoining intersection, and since the carport is not enclosed, and open, it would not create any visibility issues.

The meeting was opened to the public, and the neighbors to the South of the proposed project were present. Joseph Scott & Carol Majercik of 304 N. Meadowbrook Lane stated they had no issues and were in support of the Area Variance request. The public portion was closed as no other members of the public were present or wished to be heard.

This is an Area Variance request 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 John Taylor to grant an **8' +/- Area Variance** as per Chapter 24, Article IV, Division 2, Section 24-180(b)(4)(b) at B.C.T.M.P.# 158.08-3-25 aka 3600 Vestal Road, Vestal, NY 13850 to **construct a carport/accessory building less than 20 feet to the side yard property line of a corner lot as submitted.** The motion was seconded by Eugene Burns. 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, Mark Tomko-AYE, John Taylor-AYE, Eugene Burns-AYE, and Clayton Ellis-AYE.

In the event that 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: October 31, 2021

ZONING BOARD OF APPEALS  
OF THE TOWN OF VESTAL

BY: Mark Tomko  
Mark Tomko, Acting Chairman

Sworn to before me this 17th day of November 2021  
Carolyn L. Almy  
Notary Public - State of New York  
No. 01AL6422753  
Qualified in Broome County  
My Commission Expires 9/27/2025