



**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

**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

In the Matter of the Application of

John & Kristen Tarbox
4000 Fuller Hollow Road
Vestal, NY 13850
B.C.T.M.P. # 175.14-2-9

DECISION

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

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 John & Kristen Tarbox, regarding premises situate at 4000 Fuller Hollow Road, Vestal, NY 13850, (B.C.T.M.P.# 175.14-2-9) for an Area Variance as required by Chapter 24, Article IV, Division 1, Section 24-180(b)(4)(a) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to having less than the required 10 feet to the rear of a principal building in an RA-1, One Family Residential District. Appearing in support of the Area Variance request are the applicants John & Kristen Tarbox.

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.

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

Applicant is requesting an approximately 46' +/- variance to construct an accessory structure to the side of the principal structure as outlined in the submittal. The applicant provided materials including a letter explaining the request and parcel information and dimensions.

The Applicants state that they purchased an 18' x 10' shed from G & C Sheds and are requesting to place it on a concrete pad next to the side of their principal building to store a snow blower and other maintenance equipment. This would make the items more easily accessible in the winter and with the slope of the back yard, much safer to bring them out and use them. In addition, the shed would be aesthetically pleasing and sit on a 24' x 24' concrete pad. Upon questioning from the Board members, the applicants discussed the slope of the property and the drainage issue that makes this the only place they could feasibly locate the shed for the additional storage they need due to having a small garage.

The meeting was opened to the public, and no one appeared in opposition or support of the Area Variance request. The public portion was closed as no 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 Eugene Burns to grant a **46' +/- Area Variance** as per Chapter 24, Article IV, Division 2, Section 24-180(b)(4)(a) at B.C.T.M.P.# 175.14-2-9 aka 4000 Fuller Hollow Road, Vestal, NY 13850 to **place an accessory building less than 10 feet to the rear of a principal building as submitted.** The motion was seconded by Clayton Ellis. 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, Acting Chairman