



**TOWN OF VESTAL
ZONING BOARD OF APPEALS
605 Vestal Parkway West
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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

Shawn & Patricia Robinson
4824 Marshall Drive East
Vestal, NY 13850
B.C.T.M.P. # 175.07-5-27

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 October 28, 2021 the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of Shawn & Patricia Robinson, regarding premises situate at 4824 Marshall Drive East, Vestal, NY 13850, (B.C.T.M.P.# 175.07-5-27) for an Area Variance as required by Chapter 24, Article IV, Division 1, 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 front yard setback in an RA-1, One Family Residential District. Appearing in support of the Area Variance request is the applicant Shawn Robinson.

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 11' 4" +/- variance to construct a new front deck and stairway that will come straight out from the front of the house rather than include a 90 degree turn, so it will extend further into the front yard. The applicant provided a packet of materials including a letter explaining the request, pictures of the current deck/stairway, pictures with the proposed

deck/stairways superimposed over the current, parcel information and dimensions, and a copy of the ZBA decision dated November 30, 2017 for a neighboring property owner who was granted a variance for the same deck/stairwell proposal at 4816 Marshall Drive East.

The Applicant states that he is requesting to replicate the deck/stairways from the neighboring property at his residence to connect to the current walkway and make it easier and safer to enter his residence. Upon questioning from the Board members, the applicant stated that he will not be covering the deck or stairways and the change will make the entrance safer and more appealing. The new deck/stairway will be built over the existing deck/stairway.

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 Clayton Ellis to grant an **11'4" +/- front yard setback Area Variance** as per Chapter 24, Article IV, Division 2, Section 24-180(b)(3)(a) at B.C.T.M.P.# 175.07-5-27 aka 4824 Marshall Drive East, Vestal, NY 13850 to **construct a front deck and stairs 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

*Subscribed & sworn to before me this
18th day of November, 2021
Carolyn L. Almy Notary Public*

BY: *Mark Tomko*
Mark Tomko, Acting Chairman

*State of New York
No. 01AL6422753
Qualified in Otsego County
Commission Expires 09/27/2025*