



**TOWN OF VESTAL
ZONING BOARD OF APPEALS
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ZBA BOARD MEMBERS:
Chairman: Mark Tomko (acting)
Members: Clayton Ellis
Jerry Schultz
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

Joseph Evanco
1710 Glenwood Road
Vestal, NY 13850
B.C.T.M.P. # 189.15-1-2

RECEIVED

JUN 27 2022

VESTAL CODE

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 June 9, 2022 the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of Joseph Evanco, regarding premises situate at 1710 Glenwood Road, Vestal, NY 13850, (B.C.T.M.P.# 189.15-1-2) 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 locating an accessory building in a location other than the rear yard in an RA-1, One Family Residence District. Appearing in support of the Area Variance request is the applicant Joseph Evanco.

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 map of the proposed shed location and a Parcel Mapper aerial image of the property with the proposed shed location.

Board members present, Mark Tomko, Acting Chairman, Jerry Schultz, 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 Area Variance to place a 10' x 16' pre-engineered shed in front of his residence, next to his driveway. The shed location is required to be set back at least 10' to the

rear of the primary residence in an RA-1, Single Family Residence District. This applicant and address was previously granted an area variance in December 2013 to construct a garage in front of the primary residence.

The Applicant states that he purchased the shed and had it placed without knowing a variance was needed. The current location is the only place on his property where it can be placed as the primary residence is set on a hill and there is no flat portion of land to the rear of the house to place the shed. Placing the shed on the hill would be extremely expensive, cause water runoff issues and would make it inaccessible in rainy and snowy conditions due to the grade of the hill to the rear and sides of the house. He is also unable to add onto his existing garage due to the same issues.

The meeting was opened to the public, and two neighbors were present to speak. Todd Vargason of 1790 Glenwood Road had no issues with this as Mr. Evanco always maintains his property and the land does not allow placement in any other location on his property. Herb Swan of 330 Grippen Hill Road spoke in favor of this shed location and had no issues with it. The public portion was closed as no other 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 Jerry Schultz to **grant an Area Variance as required** per Chapter 24, Article IV, Division 2, Section 24-180 (b) (4) (a) at B.C.T.M.P. # 189.15-1-2 aka 1710 Glenwood Road, Vestal, NY 13850 to **allow an accessory building be placed in front of the primary residence as presented. No conditions are attached.** 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, Jerry Schultz-AYE, Eugene Burns-AYE and Clayton Ellis-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: June 19, 2022

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Mark Tomko, Acting Chairman