



**TOWN OF VESTAL
ZONING BOARD OF APPEALS**
605 Vestal Parkway West
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ZBA BOARD MEMBERS:

Chairman: Jennifer Kakusian
Members: Mark Tomko
Tom Smallcomb
Paul Houle
Alternates: Eugene Burns
Thomas Jackson, Jr.
John Taylor
Attorney: Philip Grommet

**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

In the Matter of the Application of:

Michael Danek
1312 Glenwood Rd. Rd.
Vestal, NY 13850
BCTM#: 189.07-1-24

RECEIVED

JAN 22 2020

VESTAL CODE

For a variance as required as required by:

- Chapter 24, Article IV, Division 1, Section 24-15, Permitted Uses, pertaining to a property that is not permitted in this RA-1 District.

At a meeting duly scheduled for January 9, 2020, the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of Michael Danek with Donna Roosa representing the premises located at 1312 Glenwood Road (BCTM#: 189.07-1-24) for a variance for non-conformity with: Chapter 24, Article IV, Division 1, Section 24-15, Permitted Uses, pertaining to a requested use that is not permitted in this RA-1 District. Appearing on behalf of the applicant was his realtor, Donna Roosa. This meeting was held over to January 16, 2020 so that Ms. Roosa could obtain a notarized letter from Mr. Danek indicating that she was, in fact, Mr. Danek's authorized representative serving in his absence.

At 6:00 PM on January 16, 2020, the meeting was reopened regarding the above case. Jennifer Kakusian, ZBA Chairman, asked if members of the ZBA had been to the property. All indicated in the affirmative. Donna Roosa, again, appeared in support of the variance request, having thus provided a notarized letter from Mr. Michael Danek affirming she was his authorized representative.

Board members stated that they had visited the site or were familiar with the character and nature of the area. Discussion ensued regarding the sale history of the property and the procedural and factual history of this case to date.

The hearing was opened to the public for comment, and hearing none, the public portion of the hearing was closed.

After due deliberation the Zoning Board of Appeals makes the following finding of facts and conclusions of law:

- | | |
|---|------------|
| ➤ Has the applicant proven a hardship: | YES 2 NO 2 |
| ➤ Is the property unique compared to other properties: | YES 4 NO 0 |
| ➤ If granted will the variance alter the essential character of the neighborhood: | YES 0 NO 4 |
| ➤ Whether the alleged difficulty was self-created: | YES 0 NO 4 |

A motion was made by Jennifer Kakusian, and seconded by Eugene Burns, to grant a use variance per Chapter 24, Article IV, Division 1, Section 24-151 for property located at 1312 Glenwood Road BCTM#: 189.07-1-24 allowing this property to be utilized as a 2-Family in this RA-1 Residence District as presented to the board and under the circumstances set forth in the record. If it ever is converted back from a 2-Family to a 1-Family, this variance shall be vacated and deemed null and void. In addition, if said residence is ever torn down or otherwise removed, the variance shall also terminate and the only permitted use of this property shall revert to RA-1.

Conditions to Motion: none

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>			
JK	<u> x </u>	<u> — </u>			
MT	<u> x </u>	<u> — </u>			
TS	<u> — </u>	<u> x </u>			
EB	<u> x </u>	<u> — </u>			
TJ jr	<u> — </u>	<u> — </u>	Absent		
JT	<u> — </u>	<u> — </u>	Absent	Granted: <u> x </u>	Denied: <u> </u>

In the event that the use variance is not utilized within 6 months from the date hereof, then the relief 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 ensure that the construction is performed to the requirements of the Code.

Dated: 1/16/2020

Affirmed: 
 (Jennifer Kakusian, Chairman ZBA)