



**TOWN OF VESTAL
ZONING BOARD OF APPEALS**
605 Vestal Parkway West
Vestal • New York • 13850-1486
Telephone (607) 786-0980 Ext. 201
Fax (607) 786-0984

ZBA BOARD MEMBERS:
Chairman - Mark S. Johnson
Mark Tomko
Tom Smallcomb
Steve A. Milkovich, Jr.
Paul Houle
Attorney - Matt Butler, ESQ.
Alternate: Ross Geoghegan
George Gerner

TOWN OF VESTAL
ZONING BOARD OF APPEALS

RECEIVED
DEC 29 2011

In the Matter of the Application of

TOWN CLERK'S OFFICE

Ralph & Tina Vona

DECISION

For a variance as required by Chapter 24,
Article IV, Division 2, Section 24-183 (c) (2) (a) of the
Code of The Town of Vestal, Broome County, New York
(Zoning Ordinance)

At a meeting duly scheduled for December 15, 2011, the Zoning Board of Appeals of the Town of Vestal held public hearing to consider the application Ralph & Tina Vona, regarding premises situate at 818 Powderhouse Road, (tax map no.: 191.01-1-38) for a variance as required by Chapter 24, Article IV, Division 2, Section 24-183 (c) (2) (a) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to having an accessory building set back less than 10 feet from the principal building in an "R-R", Rural Residence District, so as to be permitted to construct an accessory building, (carport) less than one foot from the principal building. Appearing in support of the application was Ralph Vona. No one appeared in opposition.

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

Applicant is requesting this Board's permission (retroactively) to build a carport that would be situate less than twelve inches from the principal residence. Applicant stated that he has had a

TOWN OF VESTAL ZONING BOARD OF APPEALS

concrete pad next to his home, and the placement of the carport on top of that pad only makes sense.. He also stated that given the topography of his property, which is extremely sloped, the placement of the carport anywhere else would be cost prohibitive, and seriously reduce the utility of the carport. Those statements were confirmed by the photos, GIS map and survey provided to the Board. The applicant advised the Board that when he purchased the carport, the dealer never advised him of the need for a building permit or variance. This is not an uncommon occurrence. However, since the carport was mistakenly constructed without a permit or variance, this Board has the ability to actually see the final product. The carport blends in with the existing home, and appears to be well constructed and in keeping with the neighborhood. Chairman Johnson noted that the proposed location is the only viable place for the carport. The property has very few neighbors, and is set back far enough where it would be virtually invisible to any neighbors. The new carport would certainly be of great value to the family for parking their cars and protecting them from snow.

The benefit to the applicant is apparent and given the character of the neighborhood, as well as the fact that this carport would add great utility to the applicant, this application warrants a variance. This is not a self-created hardship, rather one that has arisen due to the topography of applicant's land.

Board members Steve Milkovich, Mark Tomko, Chairman Mark Johnson and Thomas Smallcomb stated that they had visited the site and were familiar with the character and nature of the area.

This Board is in possession of Broome County's 239 l and m review, which revealed no issues or concerns with the proposed variance.

**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

A motion was made by Thomas Smallcomb to grant the applicant a 9-foot +/- variance to allow the carport to remain less than 10 feet from the principal building. Mark Tomko seconded that motion. A vote was call and:

Therefore in consideration of the above, and in balancing the factors of 1.) Change in character of locality; 2.) Alternate methods to achieve what the applicant desires; 3.) The degree of variance sought; 4.) Effect on the physical conditions existing in the locality; and 5.) Any self-created difficulties, the request for a **9-foot +/- variance** to allow the accessory building (carport) to remain less than 10 feet from the principal building is hereby **GRANTED** by a **4-0** vote.


The variance was unanimously granted with the votes cast as follows: Chairman Mark Johnson-Aye, Thomas Smallcomb-Aye, Mark Tomko-Aye, and Steve Milkovich-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 ensure that the construction is performed to the requirements of the Code

Dated: December 15, 2011

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Mark Johnson, Chairman