



**TOWN OF VESTAL  
ZONING BOARD OF APPEALS**  
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**ZBA BOARD MEMBERS:**  
Chairman - Mark S. Johnson  
Mark Tomko  
Tom Smallcomb  
Paul Houle  
Ross Geoghegan  
Attorney - Matt Butler, ESQ.  
Alternate: George Gerner

TOWN OF VESTAL  
ZONING BOARD OF APPEALS

**RECEIVED**  
JUN 14 2013  
TOWN CLERK'S OFFICE

In the Matter of the Application of

STEVEN & CYNTHIA ROBINSON

**DECISION**

For a 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 May 13, 2013, the Zoning Board of Appeals of the Town of Vestal held public hearing to consider the application of Steven and Cynthia Robinson, regarding premises situate at 733 Mirador Road, (tax map no.: 173.41-1-48) for a 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), pertaining to having less than the required front yard setback in an "RA-1", One Family Residence District, so as to be permitted to construct a replacement 10' X 12' porch with a roof approximately 20 feet from the front property line. Appearing in support of the application was Steven Robinson, one of the property owners. 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 to build a covered porch on the front of their home. Applicant submitted a plot plan and survey that indicated the proposed placement of the

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porch, as well as many photographs depicting the property. Applicant stated that their current porch has deteriorated due to water damage and is unsafe. He added that the proposed porch would look much better and would also have a far less steep approach. A concern was the previous steps were far too steep and could be dangerous. The new steps would be much more accommodating. The Board notes that many other homes in the same neighborhood have decks and porches of similar size. This Board does not feel that the proposed deck would negatively impact the neighborhood; to the contrary, we believe that the deck would beautify this home and greatly enhance the home's utility to the owners.

This is not a self-created hardship; rather an issue that frequently arises where homes do not create any room for adding on, or altering the structure in any way.

Board member Mark Johnson, Chairman, Paul Houle, Thomas Smallcomb, Jr. and Mark Tomko stated that they had visited the site and were familiar with the character and nature of the area.

The hearing was opened to the public, and after hearing no comments, the hearing was closed. The Board did receive some letters from neighboring property owners (names and addresses in the ZBA file) in support of the variance request.

This Board is in receipt of Broome County's 239 l and m review, which revealed no concerns or inter-community impact by the proposed variance request.

A motion was made by Mark Tomko to grant a 10-foot +/- front yard setback variance to allow for the construction of the new covered porch on the front of the property. Thomas Smallcomb seconded that motion.

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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 **10 foot** +/- front yard setback variance 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, Paul Houle-AYE, and Mark Tomko-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: ~~May~~ 14 2013  
*June*

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OF THE TOWN OF VESTAL

BY:   
Mark Johnson, Chairman