



**TOWN OF VESTAL
ZONING BOARD OF APPEALS**
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ZBA BOARD MEMBERS:

Chairman: Mark Tomko
Members: Clayton Ellis
Jerry Schultz
Eugene Burns
Patrick McPherson
Alternate: John Taylor
Carolyn Almy
Attorney: Matthew Butler

**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

In the Matter of the Application of

James N. Holler and Devon Elizabeth Kline
721 Old Lane Road
Vestal, NY 13850
B.C.T.M.P. # 159.05-1-24

DECISION

For an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-181(e)(3)(a)(2), of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance).

At a meeting duly scheduled for March 14, 2024 the Zoning Board of Appeals of the Town of Vestal held a public hearing at 6:00 PM to consider the application of James N. Holler and Devon Elizabeth Kline, regarding premises situate at 721 Old Lane Road, Vestal, NY 13850, B.C.T.M.P.# 159.05-1-24 for an Area Variance as required by Chapter 24, Article IV, Division 2, Section 24-181(e)(3)(a)(2), of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to having less than the required side yard setback in an RA-2, One-and Two-family Residence zoning district. Appearing in support of the Area Variance request is James Holler.

Proof of publication of the notice of the hearing in the Town Crier was submitted, and the Board's letter to the applicants in response to their application was read. The applicant submitted a package outlining the request along with a letter, survey map and a 239 l and m review from the Broome County Department of Planning and Economic Development. The applicant took the Board members through their request.

Board members present, Mark Tomko, Chairman, Clayton Ellis, Pat McPherson, John Taylor and Carolyn Almy. 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 of 3.2 +/- feet to construct an addition to the of the residence to within 2.7 feet of the side property line where 6 feet is required by code. Applicants are currently living in Pennsylvania and will be moving into the residence later this year and need additional space for their family. Applicant states the addition will be for a 1-car garage with a

Master Bedroom Suite above it. The request is would allow for reasonably proportioned building addition. The house would also be re-sided along with the addition. The property to the side where the encroachment would be (the north side) is currently owned by the Greek Orthodox Church and is undeveloped, very sloped and wooded. There are no roadways or structures on this land and this residence is the last house on a dead-end street.

There was no comment received from the Broome County Department of Planning and Economic Development.

The meeting was opened to the public. Carl Bauman of 4213 Woods Road spoke and was questioning the occupancy restrictions for the property. He was wondering if this construction was for adding "student housing" for this property. Upon hearing the plans for this addition he had no objections to this. The public portion of the meeting 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 John Taylor to **approve an Area Variance of 3.2 +/- feet to allow a 2.7 +/- side-yard setback where 6 feet is required** as per **Chapter 24, Article IV, Division 2, Section 24-181(e)(3)(a)(2)** at B.C.T.M.P. # 159.05-1-24 aka 721 Old Lane Road, Vestal, NY 13850 as presented to the Board.

The motion was seconded by Pat McPherson. A vote was called and:


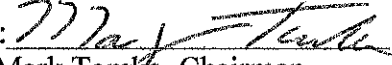
The request for an **Area Variance** is hereby **GRANTED** by a 5-0 vote. The vote was unanimous and the votes were cast as follows: Chairman, Mark Tomko -AYE, Clayton Ellis -AYE, Pat McPherson-AYE, John Tylor-AYE and Carolyn Almy-AYE.

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: March 19, 2024

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

TAMMY KUNES
NOTARY PUBLIC-STATE OF NEW YORK
No. 01KU0017991
Qualified in Tioga County
My Commission Expires 12-06-2027


BY: 
Mark Tomko, Chairman