



**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

605 Vestal Parkway West
Vestal • New York • 13850-1486

ZBA BOARD MEMBERS:

Chairman - Mark S. Johnson

Mark Tomko

Tom Smallcomb

Paul Houle

George Gerner

Attorney - Karen McMullen, ESQ.

Alternate: Eugene Burns

TOWN OF VESTAL ZONING BOARD OF APPEALS

In the Matter of the Application

of

RONALD AND CARYL HIRST

RECEIVED

JAN 31 2017

**TOWN CLERK
VESTAL, NY**

DECISION

For an Area Variance as required by chapter 24,
Article IV, Division 2, Section 24-180 (b)(3)(c)
of the Code of the Town of Vestal, Broome County,
New York (Zoning Ordinance)

At a meeting duly scheduled for January 12, 2017, the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of Ronald and Caryl Hirst / Peranich & Shelp Construction, Inc., regarding premises situate at 596 Sequoia Ln. (Tax Map No. 157.19-2-32) for a variance for nonconformity with Chapter 24, Article IV, Division 2, Section 24-180(b)(3)(c) of the Code of the Town of Vestal pertaining to having less than the required rear yard setback in an RA-1 district, so as to be permitted to construct a roof to cover an area 11 feet wide by 16 feet in depth at the rear and side of the existing residence. The premises is a triangular lot. The construction has not yet commenced as of the date of the hearing. The proposed roof will align with the existing roof pitch but will be an extension of about 4 feet, and is designed to assist with drainage and create a dry space for ingress and egress to and from the house.

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The requirement it is for a 35 foot setback for a rear yard, and a 15 foot variance, measured from the end of the new roof, was initially requested.

Ronald Hirst, one of the homeowners, and Thomas Shelp of Peranich & Shelp Construction, Inc., the applicants, appeared in support of the variance request. They provided two drawings, a letter explaining the request, and verbal information at the hearing. No one appeared in opposition. After due deliberation, the Zoning Board of Appeals makes the following findings of facts and conclusions of law:

Applicant purchased the house in 2011 and is requesting an area variance to allow them to obtain a building permit to build a roof that will assist with drainage of rain away from the house, and a dry entry area. The homeowner has no plans to enclose the area, and Ronald Hirst said that he did speak to his neighbors, he indicated that none had any issue with his request. The placement and pitch of the roof and overhang and the posts to be placed at the end of the roof were discussed. Zoning Board of Appeals members indicated that they had driven by 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.

As this is a Type II area variance, there is no SEQR review required.

The Board reviewed the requirements for the area variance and analyzed the various factors in deciding to grant or deny such a request. There is no significant change in the character of the locality, no alternate method to achieve what the applicant desires, the degree of the variance sought was modest, there are no serious effects on physical conditions existing in the locality, and although the difficulty is arguably self-created, it is being done to improve the property, and the fact that the lot shape is triangular creates unique conditions.

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A motion was made by Board member George Gerner to grant an area variance under Chapter 24, Article IV, Division 2, Section 24-180(b)(3)(c) of the Code of the Town of Vestal for 596 Sequoia Ln. (Tax Map No. 157.19-2-32) to Ronald and Caryl Hirst for a variance of 15 feet from the required rear yard set-back of 35 feet in an RA-1 district. The motion was seconded by Board member Paul E. Houle, Sr.

The motion was discussed. It was determined that the column/post would be about 20 feet from the rear yard (requiring a variance of 15 feet) but the new roofline would overhang an additional 2 feet rear yard (requiring a variance of 17 feet).

The motion was amended by George Gerner to grant an area variance under Chapter 24, Article IV, Division 2, Section 24-180(b)(3)(c) of the Code of the Town of Vestal for 596 Sequoia Ln. (Tax Map No. 157.19-2-32) to Ronald and Caryl Hirst for a variance of 17 feet from the required rear yard set-back of 35 feet in an RA-1 district. The amended motioned was seconded by Tom Smallcomb.

A vote was called, and all Board members present voted as follows:

Mark S. Johnson- AYE; Mark Tomko- AYE, Tom Smallcomb- AYE, Paul E. Houle, Sr.- AYE, and George Gerner- AYE.

With all in favor, a 5-0 vote, the area variance was unanimously granted.

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 of the provisions of this Decision, and to ensure that the construction is performed to the requirements of the Code.

Dated: January 30, 2017

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: Mark S. Johnson

Mark Johnson, Chairman