



**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

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ZBA BOARD MEMBERS:

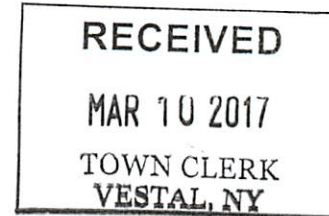
Chairman - Mark S. Johnson
Mark Tomko
Tom Smallcomb
Paul Houle
George Gerner
Attorney - Karen McMullen, ESQ.
Alternate: Eugene Burns

TOWN OF VESTAL ZONING BOARD OF APPEALS

In the Matter of the Application

of

GEORGE AND LUCILLE COLEMAN



DECISION

For an Area Variance as required by chapter 24,
Article IV, Division 2, Section 24-183(c)(1)(a)
of the Code of the Town of Vestal, Broome County,
New York (Zoning Ordinance)

At a meeting duly scheduled for February 23, 2017, the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of George and Lucille Coleman, regarding premises situate at 403 Pierce Hill Road, (Tax Map No. 158.17-1-62.2) for a variance for nonconformity with Chapter 24, Article IV, Division 2, Section 24-183(c)(1)(a) of the Code of the Town of Vestal pertaining to having less than the required front yard setback in a Rural Residence District ("RR" district), so as to be permitted to construct a garage attached to the eastern portion of the home of approximately sixteen (16) feet by twenty-four (24) feet, with overhang from the new garage to be approximately sixteen (16) feet from the front boundary of the property. The construction has not yet commenced as of the date of the hearing. The proposed overhang will align with the existing front portion of the east side of the residence.

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The requirement it is for a 30 feet setback for a front yard, and a fourteen (14) foot variance, measured from the end of the new overhang, was requested.

George Coleman, one of the homeowners, appeared in support of the variance request. He provided a brief handwritten letter, a GIS map showing the elevation on the premises, and a map that outlines the existing residence and the proposed garage. The map shows a plan for a fully enclosed garage, with the front wall to end three (3) feet and ten (10) inches behind the front of the residence, but with overhang or eaves ending in line with the front line of the residence. The GIS map, and Mr. Coleman's presentation, showed evidence that the property is located on a steep pitch, and there is limited options for a location available for a garage on the premises. 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 before the current RR district set-back requirement, so the existing set-back from the front boundary for the residence of only sixteen (16) feet is pre-existing and non-conforming. The applicant is requesting an area variance so that they can obtain a building permit to build a garage that will be attached to the residence. The homeowner said that he did speak to one of his neighbors, and he indicated that the neighbor did not voice any concern.

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, as was no Broome County 239 l,m submittal necessary.

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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 the difficulty was not self-created.

A motion was made by Board member George Gerner to grant an area variance under Chapter 24, Article IV, Division 2, Section 24-183(c)(1)(a) of the Code of the Town of Vestal for 403 Pierce Hill Road, (Tax Map No. 158.17-1-62.2) to George and Lucille Coleman for a variance of fourteen (14) feet from the required front yard set-back of 30 feet in an RR district. The motion was seconded by Paul Houle.

A vote was called, and all Board members present voted as follows:
Mark S. Johnson- AYE; Jennifer Kakusian- AYE, Eugene Burns- 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: March 10, 2017

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: Mark S. Johnson

Mark Johnson, Chairman