



**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
Paul Houle
George Gerner
Attorney - Karen McMullen, ESQ.
Alternates: Eugene Burns
John Taylor
Jennifer Kakusian

TOWN OF VESTAL
ZONING BOARD OF APPEALS

In the Matter of the Application of

GLEN WILLIAMS

DECISION



For a variance as required by Chapter 24,
Article IV, Division 1, Section 24-151
of the Code of The Town of Vestal, Broome
County, New York (Zoning Ordinance)

At a meeting duly scheduled for August 10, 2017, the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of Glen Williams, regarding 137 Mason Road (Tax Map No. 204.00-1-17) for a variance for nonconformity with Chapter 24, Article IV, Division 1, Section 24-151 of the Code of the Town of Vestal pertaining to construction of an accessory building prior to construction of the main residence in a "R-R" Rural Residence District, so as to be permitted to construct a workshop approximately 36 feet by 24 feet, which would be used to store materials to construct the main residence on the premises. The construction had not yet commenced as of the date of the hearing.

Accessory "structures or uses, including . . . tool-house and similar uses, for residents only," are permitted in R-R districts only as such, and are not permitted to be constructed before a primary residence.

The applicant Glen Williams appeared in support of the variance request with a friend, Joe Clark. Proof of publication of the notice of the hearing in the Town Crier was submitted, and the Board's letter to the applicant in response to his application was read. The applicant previously submitted a brief letter from John Aswad, owner of J.R.A. Enterprise Building and Remodeling, and a survey map that including additional writing with the location of the proposed workshop and residence. At the hearing, the applicant clarified that he was requesting a variance for construction of a building of 45 feet by 24 feet, and that the construction for the main house would be started at or shortly after the construction of the accessory building. The accessory building will have a ½ bathroom, and two additional rooms, with plumbing and electricity, and will be used only as a hobby shop, and not as a business.

TOWN OF VESTAL ZONING BOARD OF APPEALS

Zoning Board of Appeals members present, Mark Tomko, Tom Smallcomb, and George Gerner, indicated that they drove by the site and were familiar with the character and nature of the area.

The hearing was opened to the public. No one appeared in opposition, and after hearing no comments, the hearing was closed.

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

The Board reviewed the requirements for the area variance and use variance and analyzed the various factors in deciding to grant or deny such a request. The “reasonable rate of return” factor is not applicable. There are unique circumstances relating to the purpose of the storage of materials for a larger building. There would be no significant change in the character of the locality and the only feasible alternative to avoid the variance is to build the house first. The degree of the variance sought is not applicable, and there would be no serious effects on physical and environmental conditions existing in the locality. The difficulty was partially self-created, but for a practical reason.

A motion was made by Board member George Gerner to grant a variance to allow construction of an accessory building prior to construction of a principal residence per Chapter 24, Article IV, Division 1, Section 24-151 of the Code of the Town of Vestal pertaining to construction of an accessory building prior to construction of the main residence in a “R-R” Rural Residence District for 137 Mason Road (Tax Map No. 204.00-1-17) to Glen Williams as presented to the Board, with a condition that construction of the primary residence structure commence within 6 months of the date of the hearing, and the construction of the accessory structure commence within 4 months of the date of the hearing. The motion was seconded by Tom Smallcomb.

A vote was called, and all Board members present voted as follows: George Gerner-AYE, Mark Tomko-AYE, Tom Smallcomb-AYE.

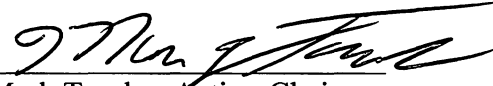
With all in favor, the variance was unanimously granted.

In the event that construction of the accessory structure is not commenced within four months from the date of the hearing, or in the event that construction of the primary residence is not commence within six months of the date of the hearing, 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: August 14, 2014

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Mark Tomko, Acting Chairman