

Action of the Zoning Board of Appeals Town of Brant, NY

ZBA Appeal Case 2023-02 Dated October 31, 2023

To Derrick Emke, Appellant
10455 Versailles Plank Rd - Brant, NY
SBL 269.00-4.19

At a meeting of the Zoning Board of Appeals on December 4, 2023, the referenced appeal was considered and the action below was taken on your request for an area variance to the Town of Brant Zoning Ordinance for the following: Side yard setback of which 50ft is required, approved to 15ft.

A motion to approve was made by ZBA Member Frank Broughton who moved its adoption, and seconded by Paul Cesana and was approved 5-0 by the board to wit:

WHEREAS, the Zoning Board of Appeals of the Town of Brant has received an application from Derrick Emke for an area variance side setoff for a pole barn building.

; and

WHEREAS, in connection with such application, the Zoning Board has received and reviewed the application, held a public hearing and received comments thereat; and

WHEREAS, after review, the Zoning Board has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

- A. The requested variance will not create an undesirable change in the character of the neighborhood or detriment to nearby properties. The area fits well with the other properties, which also contain such buildings. The neighbors were notified with no objections.
- B. The benefits sought by the applicant cannot be achieved by some other feasible method because of an existing septic system which covers the back section of the property would be a hardship to move its location.
- C. The requested variance is substantial in that the side set back only 15' from the required 50' in an agricultural zone, but in this property location the 15 feet creates no issues with the neighbor.
- D. The proposed variance will not have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district. The area effected is not wet lands, it does not create any fire hazards, and it does not create any sight line problems.
- E. The difficulty was not self-created.
And;
- F. The board also considered the opinion of the Town Planning Board, who suggested the variance be approved,

NOW, THEREFORE, BE IT RESOLVED that the application of Derrick Emke for 15' side setoff for a pole barn building **is hereby granted** for the reasons stated above, subject to no addition conditions.

Frank Broughton
Chairman Town of Brant Zoning Board of Appeals
December 5, 2023