

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

RE: ZBA Appeal Case 2024-03 - 1928 Halley Rd, Dated July 15, 2024

To David Gier, Appellant
1928 Halley Rd (Brant, NY)
SBL 285.00-1-1.24

At a meeting of the Zoning Board of Appeals on August 26, 2024, 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: a front yard setback area variance where 80 ft setback is minimum. Request is for 56 ft setback.

A motion to approve was made by ZBA Member Paul Cesana who moved its adoption, and seconded by Richard Vespa 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 David Gier for an area variance front yard setback for a pole barn garage.

; 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 pole barn garage fits well in this neighborhood in the rural residential zone the property is located in.
- B. The benefit sought by the applicant cannot be achieved by some other feasible method because of the property drop off in the rear of the home. It would be a hardship on the applicant to bring in the amount of fill required to move it back to 80 feet.
- C. The requested variance is not substantial in that the front yard setback is 56 ft from the required 80ft.
- 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. There are no drainage issues as the run off will be the same as the existing home. The neighbors were notified with no objections.
- E. The difficulty was not self-created as the code was changed years after the applicant bought the property. The same natural flows of the property exist.

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 David Gier for a 56 ft front setback for a pole barn garage is **hereby granted** for the reasons stated above, subject to no additional conditions.

Frank Broughton
Chairman Town of Brant Zoning Board of Appeals
July 27, 2024