

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

RE: ZBA Appeal Case 2024-05 - 1078 Milestrip Rd, Dated November 15, 2024

To **James Stearns, Appellant**  
**1078 Milestrip Rd (Brant, NY)**  
**SBL 283.00-2-11**

At a meeting of the Zoning Board of Appeals on December 30, 2024, the referenced appeal was considered and the action below was taken on your request for an area variances to the Town of Brant Zoning Ordinance for the following: Minimum Lot Area reduced from 32,375 sq. ft. to 25,276 sq. ft.; Minimum Lot Width reduced from 175' to 117'; Minimum Side Yard Setoff (right) reduced from 50' to 34'; Minimum Side Yard Setoff (left) reduced from 50' to 34'; Minimum Side Yard Setoff Both reduced from 100' to 68'.

A motion to approve the variance request was made by ZBA Member Frank Broughton who moved its adoption, and seconded by Richard Vespa and was approved 4-1 by the board to wit:

WHEREAS, the Zoning Board of Appeals of the Town of Brant has received an application from James Stearns for area variances for a 48' x 20' one story home.

; 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 ranch style home fits well and will add to the character to the neighborhood.
- B. The benefit sought by the applicant cannot be achieved by some other feasible method, as this lines up with their existing well and septic system, to relocate those would be a hardship on the applicant.
- C. The requested variance is not substantial in each individual matric, but overall could be considered substantial. A condition is being placed on the approval to address any further development.
- D. The proposed variance will not have an adverse effect or impact on the physical and environmental conditions of the neighborhood. 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 captured with gutters and drainage to the road drainage ditch. The neighbors were notified with no objections.
- E. The difficulty was not self-created as this home is directly replacing a mobile home that was in place when the applicant bought the property. The same natural flows of the property exist.
- F. The board also considered the opinion of the Town Planning Board, who suggested the variance be approved.  
And;
- G. The Town of Brant Master plan was considered which in Goal 3 Housing states to continue to bring all housing units in the Town of Brant up to current building code. This accomplished that goal.

NOW, THEREFORE, BE IT RESOLVED that the application of James Stearns for the above stated requests to build a 48' x 20' one story home **is hereby granted** for the reasons stated above, subject to the conditions that no future addition extending the footprint of the new home build be allowed, nor having a larger than 12' x 12' accessory building on the property.

Frank Broughton  
Chairman Town of Brant Zoning Board of Appeals  
December 31, 2024