

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

RE: ZBA Appeal Case 2023-03 - 83 Lotus bay Rd, Dated December 1, 2023

To **Lenard Petit, Appellant**  
**83 Lotus Bay Rd - Brant, NY**  
**SBL 265.04-1.62**

At a meeting of the Zoning Board of Appeals on January 19, 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: Front yard setback of which 60ft is required, approved to 17ft with the following condition; the car port is to never be enclosed with siding, screening or an other material.

A motion to approve was made by ZBA Member Frank Broughton who moved its adoption, and seconded by Christopher Czech 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 Lenard Petit for an area variance front setoff for a car port with an electric charging station.

; 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 buildings closer than 60' from the road. The neighborhood is a private community on an unpaved street. The community consists of very different styles of homes, some with garages some not, some residents park cars in driveways, garages, or even on front lawns in front of the house.
- B. The benefits sought by the applicant cannot be achieved by some other feasible method because of the issue of low laying ground with drainage issues. Adding fill would create issues with drainage run off into neighboring properties if place further back on the site.
- C. The requested variance is substantial in that the front setback is 17' from the required 60' in an Seasonal Residential zone, but in this property location the 17' creates no substantial issues with the neighbors with the conditions added to the approval.
- 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 with the conditions added to the approval. The neighbors were notified, there was two objections. The board addressed their concerns with a condition on the variance that the car port is never to be allowed to be enclosed in any manner. Also some lower branches on the pine trees near the road will be trimmed. This is a private street with a speed limit of 5 MPH. In the summer time when use is the heaviest there are numerous speed bumps placed on the street (one such speed bump is paced right at the location of the car port.
- 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 Lenard Petit for 17' front setoff for a car port with an electric charging station **is hereby granted** for the reasons stated above, subject to the condition that the car port is to never be enclosed with siding, screening or any other material.

Frank Broughton  
Chairman Town of Brant Zoning Board of Appeals  
January 22, 2024