

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

RE: ZBA Appeal Case 2024-01 - 10068 Brant Angola Rd, Dated February 13, 2024

To Corey Matuszak, Appellant  
10068 Brant Angola Rd - Brant, NY  
SBL 267.00-3-24.2

At a meeting of the Zoning Board of Appeals on March 25, 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: Side yard setback of which 50ft is required, approved to 17ft and rear yard setback of which 50ft is required, approved to 21ft with no conditions.

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 Corey Matuszak for an area variance side and rear yard setoffs for a pole barn.

; 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 change fits well with the other properties, as the property is zoned rural residential and contains many properties with barns and like accessory buildings.
- B. The benefits sought by the applicant cannot be achieved by some other feasible method because of the open area on the opposite side of the existing house has a 12 foot drop down to a creek. Adding fill would be an undue hardship. The existing driveway leads right to the location of the pole barn and fits well in that area.
- C. The requested variance is substantial in that the side setback is 17ft from the required 50ft and the side rear setback is 21ft from the required 50ft in an Rural Residential zone, but in this property location the 17ft & 21ft creates no substantial issues with the neighbors, as the area is wide open.
- 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.  
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 Corey Matuszak for a 17ft side yard setback and a 21ft rear yard setback for a new pole barn **is hereby granted** for the reasons stated above, subject to no additional conditions.

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