

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

ZBA Case 2017-01 Marien Dated April 24, 2017 amended June 29, 2017

To Timothy J Marien, Appellant
980 Brant Farnham Rd
Irving, NY 14081

At a meeting of the Zoning Board of Appeals on July 20, 2017, the referenced appeal was considered and the action taken below was taken on your request for an area variance to the Town of Brant Zoning Ordinance to reduce the required side setback from 50 feet to 26 feet for an addition to an existing garage and an area variance to reduce the required side setback from 50 feet to 44 feet for an existing barn that was found to be lacking proper distance after a recent survey.

The following resolution was offered by Board Member Paul Cesana, who moved its adoption, and seconded by Board Member Joe Gardyjan, to wit:

WHEREAS, the Zoning Board of Appeals of the Town of Brant has received applications from Timothy J. Marien for two area variances for side setoffs for an addition to an existing garage and for an existing 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 variances 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 the addition fits in within the current driveway configuration. And the 2nd building is an existing building. It would be an unnecessary burden to have to move it.
- C. The requested variances are not substantial in that the set back 1 is 24 feet and set back 1 is only 6 feet of the required 50 feet.
- 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 is an open grassy area. It does not create any fire hazards, and it does not create any sight line problems
- E. While the alleged difficulty was self-created, the granting of the requested variance is nevertheless not precluded.
And;
- F. The board also considered the opinion of the Town Planning Board, who suggested the variance be approved, along with a letter from the Town CEO who suggested the same,

NOW, THEREFORE, BE IT RESOLVED that the applications of Timothy J. Marien for two area variances for side setoffs for an addition to an existing garage and for an existing building **is hereby granted** for the reasons stated above, subject to no addition conditions.

Frank Broughton
Chairman
Town of Brant Zoning Board of Appeals