

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

RE: ZBA Appeal Case 2024-04 - 1207 Milestrip Rd, Dated October 8, 2024

To Joseph & Allison Braxton, Appellant  
1207 Milestrip Rd (Brant, NY)  
SBL 283.00-4-8

At a meeting of the Zoning Board of Appeals on November 18, 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 side yard setback area variance in which a minimum 50' setback is required, request was for a 35' setback.

A motion to approve the variance request was made by ZBA Member Paul Cesana 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 Joseph & Allison Braxton for an area variance side yard setback for a 24' x 10' accessory 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 variance will not create an undesirable change in the character of the neighborhood or detriment to nearby properties. The shed accessory building fits well in this neighborhood in the agricultural zone the property is located in.
- B. The benefit sought by the applicant cannot be achieved by some other feasible method, as this lines up with their existing driveway and moving it over would bring it too close to their house. On the other side of the lot there is a ditch that would have to be crossed which would be a hardship on the applicant.
- C. The requested variance is not substantial in that the side yard setback is 35' from the required 50'.
- 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 in a landscaped edging. The neighbors were notified with no objections.
- E. The difficulty was not self-created as the driveway and house location is the same as when 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 Joseph & Allison Braxton for a 35' side yard setback for a 24' x 10' accessory building **is hereby granted** for the reasons stated above, subject to no additional conditions.

Frank Broughton

Chairman Town of Brant Zoning Board of Appeals

November 19, 2024