

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

RE: ZBA Appeal Case 2025-02 - 231 Lotus Point Rd, Dated August 22, 2025

To Eugene O'Connor, Appellant
231 Lotus Point Rd (Brant, NY)
SBL 265.00-2-14.1

At a meeting of the Zoning Board of Appeals on September 25, 2025, 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 12.8' setback.

A motion to approve the variance request 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 Eugene O'Connor for an area variance side yard setback for a new 24' x 48' garage/pole barn in a RR - Rural Residential Zone.

; 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 garage/pole barn fits well in the neighborhood the property is located in. There are many different styles of buildings in this neighborhood.
- B. The benefit sought by the applicant cannot be achieved by some other feasible method. This garage is replacing an existing garage with a driveway leading right up to it. Any other location would need a new driveway and would be a hardship on the applicant. Also, the back section of the property contains a septic tank and leech field.
- C. The requested variance is substantial in that the side yard setback is 12.8' from the required 50', but the existing garage this is replacing has a side yard setoff of 14.31'.
- 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 caught by gutters and piped to the back section of the property. The neighbors were notified with no objections.
- E. The difficulty was not self-created as the 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 Eugene O'Connor for a 12.8' side yard setback for a new garage/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
September 26, 2025