

TOWN OF EDEN
ZONING BOARD OF APPEALS
2795 EAST CHURCH ST, EDEN, NY 14057

PUBLIC HEARING DATE: June 21, 2018

BOARD MEMBERS PRESENT: Kristin Kent, Chair
Phil Muck
Curtis Neureuter
Douglas Scheu
Candice Pineau

BOARD MEMBERS EXCUSED: Joseph Winiecki
Drew Reidel

APPLICANT PRESENT: Todd Winder

OTHERS PRESENT: Jesse Baker – Code Enforcement
Officer; John Brockman

RE: **Appeal No. 2018-7 (Winder)**
3191 East Church Road

Ms. Kent called the hearing to order at 7:04 p.m.

Ms. Kent moved to approve the minutes from the April 19, 2018 meeting for the Preischel, Osinski, Demler hearings; it was seconded by Mr. Neureuter. All members voted “Aye.” The minutes were approved.

Ms. Kent moved to approve the minutes from the May 17, 2018 meeting for the Osinski, Bancroft and Wooley hearings; it was seconded by Mr. Neureuter. All members voted “Aye.” The minutes were approved.

Ms. Kent then read the following Legal Notice published in the “The Sun”:

Winder: Application for variances at 3191 East Church Street, under the Bulk Regulations in Code section 225-23, to allow (1) construction of a new garage with a side lot line violation, (2) a rear property line violation and (3) waiver of the total lot coverage rule for the project above.

Ms. Kent stated that our secretary, Ms. Diane Herzog reviewed the Certified Mailings and they are in substantial compliance with our Code requirements. Ms. Kent then explained the order of hearing and appeal process. If the applicant does not like the decision of this board they can appeal to New York State Supreme Court; the decision of this board will be filed with the Town Clerk.

Ms. Kent then asked the applicant to give the board background about his proposed detached garage. Mr. Winder explained that he would like to build a 30' x 40' garage to store his oversized truck (which is 28' long with the plow attached), lawnmower and other items. It would also provide an overhang for the pool area.

Ms. Kent noted the variances needed for this application would be for the rear lot line, side lot line and waiver of the total lot coverage. The rear lot line should be 40'; Mr. Winder has his new detached garage plotted at 10'. The side lot line minimum is 15'; the garage is plotted at 10'. The total lot coverage is 15% in the Suburban Residential District. For this size lot, 6600 sq. ft. is allowed, and Mr. Winder currently has 6648 sq. ft. The variance would be 1200 sq. ft. over the allowed lot coverage.

Mr. Winder was then asked about the requirements for these area variances, as follows: *(his answers are in italics)*

- **Would there be any undesirable change to your neighborhood?** *No, if anything it would improve the look, I intend to make it look very nice and it would match the way the house looks.*
- **Could the garage be placed anywhere else on your property?** *No – on the other side of my yard is the septic system, plus it would not be by the pool and I wouldn't have access to my driveway.*
- **Will the new garage adversely affect the environment?** *No, there will not be any additional run off.*
- **Is this a self-created difficulty?** *No, I purchased this lot in 1991 and built my house. My lot is short and rectangular, it was created that way. I have tried to purchase more land for many years from my neighbor in the rear but he will not sell.*
- **Why do you want the garage so close to your rear lot line?** *This is the best place to build my garage, it works with the driveway and the pool. If I don't build it that far back I won't be able to turn into my house garage.*
- **What will you do with the small shed on your property?** *I would like to use it until I get my new garage built and possibly put it somewhere else on my property.*

The board discussed the dimensions of the lot further, including the practical difficulties presented by this shallow lot. Mr. Winder noted that he plans to meet the side lot line rule – the garage will be 15 feet from the line, as he marked on the revised drawing. Mr. Neureuter noted the board could consider a stipulation, as part of a variance for lot coverage, that the applicant remove the small “Amish” shed currently on the property. The board strongly encouraged the applicant to do that given the excessive lot coverage.

Ms. Kent made a motion to grant two variances for 3191 East Church Street, (1) for the rear lot line distance from the garage to be 10 feet rather than 40 feet, and (2) to waive the lot coverage rule by the size of the detached garage; it was seconded by Mr. Neureuter; all “Ayes,” the motion was approved. Ms. Kent –Aye, Mr. Neureuter –Aye, Mr. Muck — Aye, Mr. Scheu – Aye and Ms. Pineau – Aye.

Respectfully submitted,
Diane Herzog
Secretary
July 1, 2018

The above minutes were reviewed and approved on _____, 2018 by
