

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

PUBLIC HEARING DATE: July 19, 2018

BOARD MEMBERS PRESENT: Kristin Kent, Chair  
Phil Muck  
Curtis Neureuter  
Drew Riedel  
Doug Scheu

BOARD MEMBERS EXCUSED: Joseph Winiecki  
Candice Pineau

APPLICANT PRESENT: Merl Wilkins

OTHERS PRESENT: Jesse Baker – Code Enforcement  
Officer

RE: **Appeal No. 2018-10 (Wilkins)**  
**2438 Bauer Road**

Ms. Kent called the hearing to order at 7:02 p.m.

**Ms. Kent made a motion to approve the minutes from the June 21, 2018 meeting for Winder; seconded by Mr. Neureuter; all members present voted “Aye.” The minutes were approved.**

**Ms. Kent made a motion to approve the minutes from the June 21, 2018 meeting for Brockman; seconded by Mr. Neureuter; all members present voted “Aye.” The minutes were approved.**

Ms. Kent then read the Legal Notice for this matter published in the “The Sun”:

**Wilkins: Application for variances at 2438 Bauer Road, under the Bulk Regulations in Code section 225-23, to allow (1) construction of a pole barn (side lot line violation), (2) waiver of the total lot coverage rule.**

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. The decision of this board will be filed with the Town Clerk.

Ms. Kent asked the applicant for background on the proposed garage. Mr. Wilkins explained that he would like to keep his equipment and trailers in the building; it would

also provide a space to do maintenance. There have been a lot of break-ins on his street and it would be nice to have that extra security of locking up tools and equipment.

Mr. Wilkins was then asked questions by the board members: *(his answers are in italics)*

- **Why do you want this building so large?** *I planned on a 48' x 30' x 19' tall building to accommodate my truck and trailer and to have an area to do woodworking.*
- **Why do you need this building so tall at 19'?** *It gives me the ability to park my large trailer inside.*
- **The location of this building doesn't conform to our Bulk Requirements for side lot lines, you are only 10' away from the side lot line -- the Code requires 25.' Is there any other place you could put this?** *Yes, but this is the best place for backing up my trailer for a straight shot into the building. If it is anywhere else on this side of my lot I would have to take down a huge tree. (Board members and the applicant discussed the tree, and how the driveway would curve if the location of the garage would change, and the blind spots that happen in backing up the trailer.)*
- **Does your neighbor have any issues with the garage's visibility because of its 19' height?** *No, he has a 6' fence on his lot line and told me he has no issues with my building plans.*
- **Do you plan on having electricity and heat in the building?** *Yes, electricity.*
- **If you moved the building back would it interfere with the tree?** *No, but it would cost me another \$3000-4000 in stone.*
- **Describe how your property slopes.** *My property dips down in the back and has low spots of about 2 feet.*

Ms. Kent then reviewed the requirements for an area variance:

- **Would there be an undesirable change to your neighborhood?** *No, there are farms around my property and my neighbor on the right side of me has a barn about twice as large as my proposal.*
- **Is this variance substantial?** *I could probably eliminate the car port on the side of the garage; that would reduce the total size.*
- **Is this a self-created hardship?** *No, I put the gravel driveway in as to not ruin my yard from pulling in and out with the trailer. I*

*would like to build this building to house my truck and trailer and this is how I envisioned it would look.*

- **Will there be any environmental changes from this building?**  
*No, I don't believe so since I plan on using the dirt from the building to level off my property.*

Code Enforcement Officer Jesse Baker was asked about the lot coverage rule for this lot. He confirmed the parcel is in the Conservation district, but the lot already is non-conforming (because minimum lot size there is 5 acres), so the Code requires use of the Bulk Rules for the Rural Residential district, user group F. Conservation would permit 20% lot coverage, but Rural Residential allows only 15%. The garage would be about 100 sq. ft. over the total lot coverage allowed. Also, the side lot line permitted in Conservation is 15' but Rural Residential requires a 25' side lot line.

The Board next discussed issues related to location of the garage further to the rear of the lot, and the issue of setting a precedent by a substantial side lot line variance. Mr. Wilkins indicated he would review his plans and could return, possibly with a changed footprint, rather than risk having the side lot line variance denied.

**Ms. Kent tabled the side lot line variance so the applicant can evaluate his options.**

**Ms. Kent then made a motion to grant the minimum total lot coverage variance requested by the applicant; seconded by Mr. Neureuter; all members voted "Aye" and the motion was approved. Ms. Kent –Aye, Mr. Neureuter –Aye, Mr. Muck – Aye, Mr. Riedel – Aye, Mr. Scheu – Aye .**

Respectfully submitted,  
Diane Herzog, Secretary Eden Zoning Board of Appeals  
July 29, 2018

The above minutes were reviewed and approved on \_\_\_\_\_, 2018 by

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