

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

PUBLIC HEARING DATE: August 16, 2018

BOARD MEMBERS PRESENT: Kristin Kent, Chair
Drew Riedel
Doug Scheu
Joseph Winicki
Candice Pineau

BOARD MEMBERS EXCUSED: Phil Muck
Curtis Neureuter

APPLICANT PRESENT: Merl Wilkins

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

Ms. Kent called the hearing to order at 7:00 p.m.

Mr. Winiecki made a motion to approve the minutes from the July 19, 2018 meeting for Wilkins; seconded by Ms. Kent; all members present voted "Aye." The minutes were approved.

Mr. Winiecki made a motion to approve the minutes from the July 19, 2018 meeting for Zittel; seconded by Mr. Reidel; 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 variance 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).

Ms. Kent stated that Mr. Wilkins was here last month and received a variance for the total lot coverage for his project at 2438 Bauer Road. Tonight's review is for the tabled part of the appeal: the side yard variance. As we discussed last time the side lot variance requested is for a 10' distance from the lot line rather than the 25' requirement in your district.

Mr. Wilkins submitted revised drawings to the board showing that the garage would be 10' from the line (instead of 5', as proposed initially) and a lower garage height with the side lean-to/porch removed.

Ms. Kent suggested that placing the garage to the left, to fit the 25' side set back from the lot line, likely would interfere with views from the back of house.

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

- **Does the back of your house have a patio or seating area?** *Yes, there is a deck.*
- **What is the issue with the rear lot line? Can the garage be moved back?** *I went through every scenario and as much as I wanted the lean to, I just decided to take it off the plans. My side property line is on an angle. So putting the garage farther back in the corner, rather than left, would create a back lot line violation.*

The board discussed whether the look of the neighborhood will be impacted by the garage placement where the applicant wants it, and the benefit of not interfering with the views from the home. Mr. Wilkins was asked about his statement that the garage would be 8-10' from the property line. *It will definitely be 10' from the property line.*

Ms. Kent made a motion to approve the variance for a 10' side lot line, based on the visual impact from the parcel's home, and the appearance from the street. Seconded by Mr. Riedel; all members voted "Ayes"; motion approved. Ms. Kent-Aye, Mr. Winicki - Aye, Mr. Riedel- Aye, Mr. Scheu-Aye, Ms. Pineau-Aye.

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

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