

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

PUBLIC HEARING DATE: September 20, 2018

BOARD MEMBERS PRESENT: Kristin Kent, Chair
Phil Muck
Drew Riedel
Joseph Winicki
Candice Pineau

BOARD MEMBERS EXCUSED: Curtis Neureuter
Douglas Scheu

APPLICANT PRESENT: Douglas Scheu

RE: **Appeal No. 2018-12 (Scheu)**
8862 Woodside Drive

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

Mr. Winiecki made a motion to approve the minutes from the August 20, 2018 meeting for Wilkins; seconded by Mr. Riedel; all members present voted “Aye.” The minutes were approved.

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

Scheu: Application for variances at 8862 Woodside Drive, under the Bulk Regulations in Code section 225-23, to allow construction of a pole barn with (1) side lot line violation, (2) rear lot line violation and (3) waiver of the total lot coverage rule.

Ms. Kent reviewed the proof of Notice given, and noted it is 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 then asked Mr. Scheu why he asks to place his pole barn/garage in the particular location on his property.

Mr. Scheu explained why he applied for the variances. He presented drawings showing the best placement for the pole barn for its size and shape, and to maximize the usable space in the backyard. He also shared photos showing how his and his neighbors’ lots are currently used. The pole barn will be used for additional storage and a small workshop. The rear lot line variance is being requested because the rear line is bounded by mature pine trees, and beyond that there is a narrow stretch of land that can’t be

developed further. (The narrow stretch of land already has a house built on it.) His rear and side neighbors have no objections to the placement of the pole barn, he said. The 40' setback would use up too much of his yard. The side yard has a unique circumstance - a fence owned by the neighbor was constructed 5' inside his property line.

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

- **Don't you want the new building closer to the house from the rear or the side lot lines?** *It's a relatively narrow lot and I would like to maximize my yard.*
- **How big is your lot?** *1/2 acre.*
- **Would this building impact the character of the neighborhood?** *No, I have the fence to the right and trees to the back; the building will be hardly visible from the street. There isn't much change to the character of the neighborhood; the design would contribute to the character of the neighborhood.*
- **Do you anticipate a driveway to the building?** *No driveway is intended, it will be a work shop and to store a classic car.*
- **What is the size of the pole barn?** *It's a 2-bay garage with a 19' height and the entire depth is 20' (the same as a garage).*
- **Would the color scheme match your house?** *I'm debating what I want to do. I like the rustic look, so it may be a batten board or shake shingle exterior.*
- **Could you place the building 40' from lot line?** *Yes, but I wouldn't do the project because it would impair the backyard.*
- **How do you address whether these are substantial variances?** *The side yard variance: considering the property line and my neighbor's "inboard" fence, I believe I'm meeting the intent of the side yard setback. The rear yard setback: I understand the intent of the 40' setback, but in this instance I don't think that the 20' setback would have a negative impact on my neighbor, and that rear setback already is strengthened by the established tree line.*
- **Will there be any environmental impact?** *No. Also, I'm going to install a rainwater retention system for runoff; the water will be contained in a 250 gallon polycarbonate container and I will use that water for my garden.*

- **Is this a self-created difficulty?** *Yes, and I have other options, but I feel I have presented a reasonable alternative.*
- **Do you consider your neighborhood mature?** *Yes, my house was built between two houses that were built in 1950.*

Mr. Winiecki opined the new building is only going to increase the value of Mr. Scheu's property and his neighbors' property. If the setbacks had to be 40' and 20' respectfully per the Bulk rules, the garage would be in the middle of the yard and someone may look at the building and say that it doesn't look "in place" – there's no back yard. That would decrease the property value. The way Mr. Scheu is proposing this project it will enhance the value for his lifestyle, and also for future resale. It is only 1.65% over total lot coverage, not appearing to cause any issues.

Ms. Kent noted the board would likely agree that the proposed building is handsome, and doesn't appear to present any visual issues for the neighborhood. She invited further board discussion of the issues presented by the variances.

Mr. Winiecki made a motion to approve the application at 8862 Woodside Drive to allow construction of a pole barn with a side yard variance of 10' and a rear yard variance of 20' and a variance of 1.65% over allowed total lot coverage. Seconded by Mr. Riedel; all members voted "Aye" and the motion was approved. Mr. Winicki - Aye, Ms. Kent - Aye, Mr. Muck - Aye, Mr. Riedel - Aye, Ms. Pineau - Aye.

Respectfully submitted,
Diane Herzog, Secretary Eden Zoning Board of Appeals
October 10, 2018

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