

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

PUBLIC HEARING DATE: April 18, 2019

BOARD MEMBERS PRESENT: Kristin Kent, Chair
Philip Muck
Curtis Neureuter
Drew Riedel
Candice Pineau

BOARD MEMBER EXCUSED: Douglas Scheu
Joseph Winiecki

APPLICANT: Elizabeth Reinhardt

CODE ENFORCEMENT OFFICER: Jesse L. Baker

RESIDENTS PRESENT: Edward Krycia – Eden Chamber of Commerce

RE: **Appeal No. 2019-3**
Ms. Elizabeth Reinhardt
9969 & 9999 Tice Road

Ms. Kent called the hearing to order at 7:38 p.m. and read the Legal Notice for this matter published in the “The Sun”:

Reinhardt: Application for variances at 9969 & 9999 Tice Road, under code Section 225-23, to allow a Split/Merge of the properties without adequate setbacks for the accessory buildings on each lot.

Ms. Kent stated that our secretary, Ms. Herzog, reviewed the proof of Notice given, and 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 Ms. Reinhardt to explain why she is splitting/merging the lot.

Ms. Reinhardt said she inherited the property from her Dad when he passed away two years ago. He lived at 9999 Tice Road and had divided the property earlier, when she married, for her to build a home. She lives at 9969 Tice Road. She’s lived on Tice Road all her life, raised her son in Eden, and wants to hold on to some of the property. Both proposed lots are part of a Christmas tree farm. She uses one barn for equipment storage and for the sale of the trees. She has put a lot of money into that barn in the past few years and would like to keep it. The buyer of Dad’s property (the larger parcel) is an Eden resident and he intends to carry on the tree business; they are going to mentor him.

Ms. Kent noted that the lot split causes a barn on each parcel to be too close to the new dividing line. Each barn would be short of the 25’ side setback requirement, by about 3’ each. (Each of the barns is about 22’ from the new side property line.)

Ms. Reinhardt was asked questions by the board members related to the requirements for an area variance: *(her answers are in italics)*

- **Do you believe there will be an undesirable change to the character of the neighborhood?** *No, for 60 years it has been like this.*
- **Do you feel that there will be a detriment to nearby neighbors?** *No, the only change is that there is a new legal line drawn between the properties.*
- **Can you achieve the property split and barn ownership by another feasible method, other than an area variance?** *No, I actually had to put in a well on Dad's property to sell it; if I kept that other barn, the new well for Dad's property would end up on my property. This is the most practical way to allow me to keep one barn.*
- **Is the area variance substantial, at 22' instead of 25'?** *No.*
- **Would there be a change to environmental or physical conditions?** *No, just the placement of the survey irons and stakes to mark the property.*
- **Was this difficulty self-created?** *No, I didn't build these barns.*

The board reviewed the Applicant's survey map showing the proposed new parcels, noting the small deviation of the two barns from the side lot line rule.

Mr. Neureuter made a motion to approve the two area variances requested, allowing a side lot line deficiency after the Split/Merger, for one accessory building on each lot, for the properties located at 9969 & 9999 Tice Road. Seconded by Mr. Riedel; All members voted "Aye" and the motion was approved. Ms. Kent- Aye, Mr. Muck- Aye, Mr. Neureuter-Aye, Ms. Pineau – Aye and Mr. Riedel – Aye.

The hearing was adjourned at 7:50 p.m.

Respectfully submitted,
Diane Herzog, Secretary Eden Zoning Board of Appeals
April 23, 2019

The above minutes were reviewed and approved on _____, 2019 by
