

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

PUBLIC HEARING DATE: May 16, 2019

BOARD MEMBERS PRESENT: Kristin Kent, Chair  
Philip Muck  
Joseph Winiecki  
Drew Riedel  
Candice Pineau

BOARD MEMBER EXCUSED: Douglas Scheu  
Curtis Neureuter

APPLICANT: Mr. Jeffrey Ongley

CODE ENFORCEMENT OFFICER: Jesse L. Baker

RESIDENTS PRESENT: None

RE: **Appeal No. 2019-4**  
**Mr. & Mrs. Jeffrey Ongley**  
**4110 Tennessee Circle**

Ms. Kent called the hearing to order at 7:19 p.m.

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

**Ongley: Application for variances at 4110 Tennessee Court, under Code section 225-23, to allow construction of a garage without adequate setbacks from the side and front property lines, and under Code section 225-25A for placement more than 2 feet nearer the street than the principal building.**

Ms. Kent noted that the correct address is Tennessee Circle, not "Court" as incorrectly written in the Notice, and said 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 invited the applicant to explain the reasons he applied for the variances.

Mr. Ongley said he has lived on Tennessee Circle for 19 years and when they purchased the house the existing garage was in front of the home. He was told at one time the garages were in back of the houses. The 20' x 20 foot garage that is presently on the front of his property is in need of repair. He decided instead of repairing it, he would rather build a new and larger garage that will house his truck and other equipment. His truck is 26' long with the plow attached, that is why he chose such a large garage at 30'x 40' x 15' high. The cost of repairing the existing garage is \$4,000 to \$5,000 and it's useless to him. The new garage would cost \$17,000 to \$20,000 and he would get more use out of it.

**Mr. Ongley was then asked questions by the board related to the requirements for variances** *(his answers are in italics):*

**Ms. Kent – Can you build the garage behind your house?** *The elevation drops from 2' to 6' and I would have to build it behind the water line. I had previously discussed this with the Code Enforcement Officer last year and this is the best option for me.*

**Ms. Kent – Would this garage create an undesirable change in the character of the neighborhood, or a detriment to nearby properties?** *No, I don't believe so since all the garages on my street are in the front of the houses.*

**Mr. Riedel - Your house is 1190 sq. ft and the new garage would be 1200 sq. ft which is larger than the primary structure. Is there any other house like that on your street?** *No.*

**Ms. Kent – Can the benefit of the variances be achieved by any other method?** *No, it would defeat the purpose of being able to get my truck out of the elements.*

**Ms. Kent noted that:**

- **The front setback should be 40' and would be 15', or 25' closer to the road ( a 62% difference from Code).**
- **The garage is not supposed to be 2' nearer the road than the front of the house. The house is approximately 60' from the road and the new garage would be about 15' to the street or about 45' in front of the house (a 75% difference from Code).**
- **The garage side setback should be 15' and would be 7-8' (a 53% difference from Code).**

**Do you feel that these requested variances are substantial?** *Yes, but this garage is what I would like or I could just sell my house.*

Mr. Riedel noted that in one respect the new garage is gaining some compliance with the Code. The old garage is 5'3" from the road, the applicant will be moving the new garage back about 10' more.

Ms. Pineau said she believes properties on this street are very congested, and suggested the board consider a condition that the existing garage be demolished if the variance is approved.

**Ms. Kent – Will this area variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?** *No, it will not affect streams and all the utilities come from the North Boston Road side of the properties.*

**Ms. Kent – Will the new garage be aesthetically pleasing?** *Yes, we plan on matching the exterior to our house.*

**Mr. Kent – Is the difficulty self created?** *No, whoever changed the road is at fault. (Previously all the homes faced North Boston Road.) I have a natural desire to keep my goods dry and out of the elements.*

**Mr. Riedel - What is the house height compared to the new garage?** *Both would be 15' high.*

**Mr. Winiecki - Can you place the new garage on the other (west) side of your property? The sewer line is on that side of property and it goes straight up my driveway to the road.**

The board discussed the precedent they would be setting in this zoning district for a building larger than the home, placed many feet in front of the home.

Board members and Mr. Ongley then discussed in some detail possible alternative placements for the new garage (behind or on the east side of the home), and also whether the new garage could be made smaller than the home, the primary structure.

**Mr. Riedel made a motion to table the application for the variances, allowing Mr. Ongley to consider a new placement of the garage and re-submit the variances application. Seconded by Mr. Winiecki; All members voted “Aye” and the motion was approved. Ms. Kent- Aye, Mr. Muck- Aye, Mr. Winiecki-Aye, Ms. Pineau- Aye and Mr. Riedel- Aye.**

Respectfully submitted,

Diane Herzog, Secretary Eden Zoning Board of Appeals May 24, 2019

The above minutes were reviewed and approved on \_\_\_\_\_, 2019 by

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