

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. & Mrs. Joseph Fisher

CODE ENFORCEMENT OFFICER: Jesse L. Baker

RESIDENTS PRESENT: John Brockman

RE: **Appeal No. 2019-3**
Mr. & Mrs. Joseph Fisher
4016 Schintzius Road

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

Ms. Kent made a motion to approve the minutes from the April 18, 2019 meeting for Eden Athletic Association and Ms. Elizabeth Reinhardt; seconded by Mr. Riedel; all members present voted “Aye.” The minutes were approved.

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

Fisher: Application for a variance at 4016 Schintzius Road, under Code section 225-23, to allow construction of a garage without adequate setback from the side property line, and in excess of the total allowed lot coverage.

Ms. Kent explained the board will only be hearing the side property line setback variance; after review it was determined that the total lot coverage requirement in this district isn’t a factor in this application. The Code Enforcement Officer will prepare a note to file explaining this.

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 the applicants to explain why they have applied for a variance. Mr. Brockman introduced himself and told the board that he is helping the Fishers with their application. The purpose of the garage is to store old cars; their son has cars stored all over the area. The reason why they have it in the location shown on the map is that the lot drops off to a creek; they didn’t want the garage to be put on a low part of the land.

The board's questions follow, with the applicants' answers in italics:

Mr. Winiecki – Is the location of the garage to run parallel with the way the house is oriented?

Mr. Brockman –Yes.

Ms. Kent – To place the garage as shown on the map, you will have travel across the whole other side of the property. Aren't you increasing the distance to be able to access the cars?

Mr. Brockman - These cars are going to be basically put in the garage and stay there; one car is from 1986 and only has 28 miles on it so it is only a show car.

Ms. Kent – Is there a reason you can't move it to comply with the 25' side lot setback rule rather than have to get a variance? There is a lot of space in the backyard for this building. Can you shift the garage to the left (as seen from the street)? This would eliminate the need for the variance, and the risk of its location being turned down by this board.

Mr. Brockman -We were just trying to keep it parallel to the house that is why it is there. Mr. Fisher - Yes, we could move it.

Mr. Winiecki – You would have to move it 10' 4" over. I understand why it was placed in that location since the sight line of the house was factored in.

Mr. Brockman - the reason it was placed there is the sight line of the house, and being the highest part of the property. Mr. Fisher added that he wanted to get the garage behind the house and to have a little more room. The garage will have 3 racks inside and will hold a total of 6 cars. A tractor will be stored there, too.

Ms. Kent – I don't believe anyone objects to the size of your building, just why it has to be so close to the side lot line.

Mr. Brockman – if it has to be moved over we will move it.

Mr. Fisher then said that they would withdraw the variance application, and would move the garage location to comply with the side lot line requirement.

The board accepted the withdrawal of the variance application, and the hearing was adjourned.

Respectfully submitted,

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

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