

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

PUBLIC HEARING DATE: June 20, 2019

BOARD MEMBERS PRESENT: Kristin Kent, Chair  
Curtis Neureuter  
Joseph Winiecki  
Drew Reidel  
Douglas Scheu

BOARD MEMBER EXCUSED: Candice Pineau  
Philip Muck

APPLICANT: Mr. & Mrs. Jeffrey Ongley

CODE ENFORCEMENT OFFICER: Jesse L. Baker

RESIDENTS PRESENT: None

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

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

**Mr. Winiecki made a motion to approve the minutes from the May 16, 2019 meeting; Seconded by Mr. Reidel; all members present voted "Aye." The minutes were approved.**

**Ongley: Continuation – tabled hearing for variances at 4110 Tennessee Circle under Code section 225-23, to allow construction of a garage without adequate setbacks from the side and front property lines.**

Ms. Kent – there were no notices sent due to this appeal being a continuation of last month. The board members received a new drawing dated May 31, 2019 which will show a smaller building and a better placement of that building. Mr. Ongley has many restriction issues with his property for the placement of his garage. The property was built facing north and the utility lines are in the back yard along with a very steep slope. In other words, the properties front yard is now the back yard.

Mr. Ongley – after the May hearing I went to National Fuel to see how far I had to be away from the utility lines to build my garage and they told me 15'. I had looked at putting the building behind my house but after hearing that, it would be almost impossible. It would be too close to my back deck. If I put the building on the left side of my property, I would need to put in 80' of new driveway and it would be over my sewer line. So, that is the reason why I placed it in the front of the property again.

Mr. Winiecki – what about placing it next to your house on the left side?

Mr. Ongley – there is only 32' from my house to the property line and my neighbor's house is only 6' from his property line. The new building would block all my windows on that side and I would also

have to firewall the whole building. I basically eliminated building it on the right or left side of my property.

Ms. Kent – originally the building was 30' x 40' now it will be 28' x 30'.

Mr. Ongley – this is as small as I can go to utilize it.

Ms. Kent – the building was 7' off the side lot line and now it will be 3'.

Mr. Ongley – the reason for the 3' off the side lot line is to off- set the building so it didn't seem right in front of my home.

Ms. Kent – the front yard set- back was 15' it will now be 24' from the street line which is an improvement.

Mr. Neureuter – Asked, what the building will be used for and where will the camper be parked? Mr. Ongley replied the garage will be used for his vehicles; one is a truck with a plow. The camper is there in the summer but I store it during the winter months.

Mr. Winiacki – I feel Mr. Ongley has come back to this board with a substantial (appealing to the eye) plan. It is not as big and not as close to the street as his previous plans were.

Mr. Scheu – what is the reason for going from 7' to 3' on the side lot line? Mr. Ongley replied that the building would be less directly in front of the house and for esthetic purposes.

Mr. Neureuter – I have a concern that there are a lot of buildings up there, even if you take the garage down there are still two sheds and the mobile home parked at your property.

Mr. Scheu – I have no objections but a suggestion that when the garage comes down it would benefit the character of the neighborhood if you removed the concrete pad and extend the lawn.

Ms. Kent – that would be in consideration for putting a large building in the front of your property.

Mr. Winiacki – what we have in back you have in the front. Not out of character for your neighborhood, you have come a long way to reduce it on your property.

Mr. Neureuter – is this the biggest building on the street? Mr. Ongley said it won't be the tallest; my neighbor has a 20' x 20' building 2 story barn style.

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

**Ms. Kent – Can you seek any other site on your property to build your garage?** *No, based on property dimensions and utility line placement.*

**Ms. Kent – Would this garage create an undesirable change in the character of the neighborhood or a detriment to nearby properties?** *No, what I have in the front yard most people have in their back yard.*

**Ms. Kent – Do you feel that your variance is substantial?** *Yes*

**Ms. Kent – Will this area variance have an adverse effect or impact on the physical or environmental condition in the neighborhood?** *No*

**Mr. Kent – Is the difficulty self-created?** *No, difficulty created when the narrow lots faced the other direction.*

**Ms. Kent – I am basing this motion on the dimensions and characteristics of the lot created by others and the reduction in the size of the garage footprint; which would lessen the effects on the neighborhood.**

**Ms. Kent made a motion to approve the variances as requested to allow a 28' x 30' garage with side and front setbacks shown on the May 31 drawings. Seconded by Mr. Winiecki; All members voted and the motion was approved. Ms. Kent- Aye, Mr. Winiecki-Aye, Mr. Scheu. – Aye, Mr. Reidel – Aye and Mr. Neureuter - Nay.**

Respectfully submitted,  
Diane Herzog, Secretary- Eden Zoning Board of Appeals  
July 5, 2019

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

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