

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

PUBLIC HEARING DATE: December 19, 2019

BOARD MEMBERS PRESENT: Kristin Kent, Chair
Joseph Winiacki
Drew Riedel
Candice Pineau
Curtis Neureuter
Doug Scheu

BOARD MEMBERS EXCUSED: Phil Muck

TOWN COUNCIL: Gary Sam

CODE ENFORCEMENT OFFICER: Dave Rice

APPLICANT: Carol Herr
Larry Hauck

RESIDENTS PRESENT: None

RE: **Appeal No. 2019-10**
Carol Herr
2771 Belknap Road

Ms. Kent called the hearing to order at 7:00 p.m. and requested comments on the November minutes. Mr. Winiacki made a motion to approve the minutes from the November 21, 2019 meeting; this was seconded by Ms. Kent; all members present voted "Aye". The minutes were approved.

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

Herr: Application for a variance at 2771 Belknap Road, under code section 225-25A, for placement of an accessory building more than 2 feet nearer the street than the principal building.

Ms. Kent confirmed with Ms. Crowe that the property list was completed.

Ms. Kent then invited the applicant to explain the reasons she applied for the variance.

Ms. Herr has ordered a pre-built shed to be delivered in the spring. Her options for placement of the shed are limited because the back yard is always wet and it is where the septic system is located.

Ms. Herr was then asked questions by the board related to the requirements for variances (*her answers are in italics*):

Will this create an undesirable change in the neighborhood? *No, the shed will be under 15' tall and approximately 75' from the road.*

Is there an alternative method that could provide storage on your property? *No, there are no other buildable locations on the property other than this side yard because of standing water problems and very poor drainage of the clay soil.*

Is there anything that could be done to minimize the impact? *Could remove the bushes next to the blacktop turnaround to create additional space and could move the shed further from the road and closer to the turnaround.*

Will the shed create a substantial variance? *No, only a portion of the shed (40% or so) will be more than 2 feet closer to the road than the house, and the shed will be 75' from the road.*

Is the need for this variance self-created? *The need for storage, yes. Location of the shed/difficult topography of the property (slopes and low spots) and much runoff from surrounding farm operations, no.*

The Board discussed the location of the shed in more detail. After considering the known measurements shown on the applicant's survey map, and aided by GIS maps supplied by Mr. Rice, the board determined that less than half of the shed (between 40 and 48%) will be more than 2 feet in front of the residence. (This assumes removal of the bushes, to allow placement of the shed very close to the existing blacktop turnaround.)

Ms. Kent made a motion to grant the variance at 2771 Belknap Road, on the condition that the shed must be placed parallel to and no more than 6 inches north of the existing blacktop turnaround, as shown on the applicant's hand drawn map attached to the Application.

Mr. Winiacki seconded the motion. Motion was approved unanimously.

Meeting was adjourned at 8:10 pm.

Respectfully submitted,
Jen Crowe, Secretary Eden Zoning Board of Appeals December 26, 2019

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