

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

PUBLIC HEARING DATE: February 20, 2020

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

BOARD MEMBERS EXCUSED: Phil Muck

TOWN BOARD: Gary Sam

CODE ENFORCEMENT OFFICER: Dave Rice

APPLICANTS: Deanna Schultz
David Livingstone

RESIDENTS PRESENT: Donald Mammoser
David & Molly Galuszka

RE: **Appeal No. 2020-2**
David Livingstone
3371 Wepax Road

Ms. Kent called the hearing to order at 7:00 p.m. and requested comments on the December minutes. **Ms. Kent made a motion to approve the minutes from the December 17, 2019 meeting; seconded by Mr. Neureuter; all members present voted "Aye". The minutes were approved.**

Ms. Kent then read the legal notice published in "The Sun":

Livingstone: Application for variances at 3371 Wepax Road, under Code sections 225-23 and 225-25-A, for construction of an accessory building that: 1) exceeds the height limit, 2) lacks adequate setback from the side property line, and 3) would be placed more than 2 feet nearer the street than the principal building.

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

Mr. Livingstone was then asked to explain the reason he applied for the variances.

Mr. Livingstone explained that he purchased a 24' x 30' Quonset hut on sale to use for more storage, especially for his RV. The proposed location of the Quonset hut is too close to the side lot line and too close to the street.

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

Will this create an undesirable change in the neighborhood? *No.*

Is there an alternative method that could provide a solution? *No. I cannot move it towards the rear of the property because of the steep slope. I cannot move it towards the house because of the leach field.*

The Board agreed that the property drops off precipitously right behind the house (the back deck is on stilts), and that the side yards currently contain other structures, a well and the leach field.

Will this building require a substantial variance? *No, I do not think it's substantial.*

Mr. Neureuter stated that if the Quonset hut were 15' tall rather than 16', no variance would be required. The board agreed that this is not a substantial variance.

Will the variance create an adverse effect on the environment? *No. There will be no change to the environment.*

Is the need for a variance self-created? *No. There is no other location to place the Quonset hut because of the steep slope at the back of the property and the other items in the side yards.*

The Board discussed the size and location of the Quonset hut further, and noted it should result in removal of large vehicles from the front yard.

Mr. Riedel made a motion to approve the requested variances at 3371 Wepax Road to allow: building a 16' tall Quonset hut that is no more than 5' from the side lot line, and no closer than 53' from the road right of way as shown on the applicant's survey map. Seconded by Mr. Neureuter. Motion approved unanimously.

Meeting was adjourned at 8:10 pm.

Respectfully submitted,
Jen Crowe, Secretary Eden Zoning Board of Appeals February 25, 2020

The above minutes were reviewed and approved on _____, 2020 by
