

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

PUBLIC HEARING DATE: September 17, 2020

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

BOARD MEMBERS EXCUSED: Phil Muck
Candice Pineau

TOWN BOARD: Gary Sam

CODE ENFORCEMENT OFFICER: Dave Rice

APPLICANTS: Daniel & Julie Pfeffer

RE: **Appeal No. 2020-4**
Zittel/Pfeffer
3065 Bley Road

Ms. Kent called the hearing to order at 7:50 p.m. and read the Legal Notice for this hearing published in the "The Sun":

Zittel/Pfeffer: Zittel/Pfeffer: Application for a variance at 3065 Bley Road, under Code section 225-11 A (2), to allow construction of a garage addition in violation of the side property line setback rule.

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

Mr. & Mrs. Pfeffer were then asked to explain the reason they applied for the variance. Mr. Pfeffer stated that there is very limited available space at the property. He stated that they are shoe-horned into a very small lot. They need more garage space for their cars.

Mr. & Mrs. Pfeffer were then asked questions by the board related to the requirements for variances (*their answers are in italics*):

Will this create an undesirable change in the neighborhood? *No. There will be no change to the neighborhood.*

Is there an alternative method that could provide a solution? *No. If we were to build a detached garage, there is no alternative location. Building on the rear of the property would interfere with the greenhouse, the side area would interfere with the loading dock. Other locations are not possible because of septic, gas lines and a utility pole.*

Will this create a substantial variance? *No, we do not feel this is substantial. In 2018, the farm property was split, with ZBA approval of this very small lot to help preserve valuable farm land.*

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

Is the need for a variance self-created? *We don't feel this problem was self-created; we didn't create the parcel. We are buying it, as it is.*

Ms. Kent noted that in 2018 the board approved several variances that allowed the creation of this undersized lot holding the former farm residence. This was based on the Town's goal of preserving "heritage" agriculture - - keeping intact as much farmland as possible. She also noted that the 2018 decision was described as not being precedent for properties without the agricultural history then demonstrated to the board.

Ms. Kent made a motion to approve the variance at 3065 Bley Road to allow an addition to the garage without an adequate side property line setback, with the dimensions and placement to be as shown on the applicant's drawing. Seconded by Mr. Riedel. Ms. Kent, Mr. Riedel, Mr. Neureuter and Mr. Scheu voted in favor of the approval. Mr. Winiecki abstained. Motion approved.

Meeting was adjourned at 8:10 pm.

Respectfully submitted,
Jen Crowe, Secretary Eden Zoning Board of Appeals September 28, 2020

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