

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

PUBLIC HEARING DATE: April 15, 2021

BOARD MEMBERS PRESENT: Kristin Kent, Chair  
Curtis Neureuter  
Joe Winiecki  
Candice Pineau

EXCUSED: Doug Scheu  
Drew Riedel

TOWN BOARD: Gary Sam

CODE ENFORCEMENT OFFICER: Dave Rice

APPLICANT: Timothy Denea

RE: **Appeal No. 2021-3**  
**Timothy Denea**  
**2400 March Road**

Ms. Kent called the hearing to order at 7:00 p.m. and noted the February hearing minutes were previously approved.

Ms. Kent then read the Legal Notice for the hearing published in the "The Sun":  
**Denea:** application for a variance at 2400 March Road to allow construction of a garage that lacks adequate setback from the side property line, under Code section 225-23.

Ms. Kent informed Mr. Denea of the risk that the board vote could be tied (4 members are present), and he could choose to defer to the next meeting for that reason; he declined.

Ms. Crowe confirmed the Legal Notice distribution was in substantial compliance.

Mr. Denea was then asked to explain the reasons he applied for a variance from the 25' side setback rule, and he said his proposed location makes the most sense with his property layout. His goal is to get his vehicles inside in winter and add storage. The other outbuilding on the property stores firewood. More storage would let him use his basement to remodel the house.

**Mr. Denea 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?**

*There will be no change in the neighborhood. The neighbors are widely spaced from each other.*

**Is there an alternative method that could provide a solution?**

*A driveway to the other storage building, electrical lines and a ditch are on the west side of the property. The leach field is behind the house. I would prefer the garage to be as close to the house as possible for use during the winter.*

Some alternative locations were discussed with the board, including possibly rotating the garage to be parallel with the east property line. That would increase the distance from the side lot line from 10' to 20' and would therefore decrease the deficiency. Decreasing the width of the garage from 40' to 36' was also discussed. (Mr. Denea plans to build a three-car garage.) Mr. Rice stated that three garage doors would be difficult if the building were only 36' wide. Mr. Winiecki noted that 15' spacing from the side lot line would create the need for a 10' variance, which would be a 40% deficiency from the rule.

**Will this building require a substantial variance?**

*Why is the math/percentage of compliance important? Doesn't this board represent the people of Eden?*

The board noted that the proposed 15' deficiency is 60% non-compliant; 60% is a substantial deviation from the side lot line rule. The board also noted that a variance of 60% noncompliance could set a precedent for other property owners, and that the board must make its decision using NYS guidelines for variances. Mr. Rice stated that the proposed building is 19' tall, which requires 25' from the side lot line. If the garage is 15' tall (just 4' shorter) Mr. Denea could build 5' from the side lot line. Mr. Denea indicated he proposed the 19' height to accommodate his storage needs.

**Will the variance create an adverse effect on the environment?**

*No. There will be no effect on the environment.*

**Is the need for a variance self-created?**

*No. The need was not self-created. I purchased the property as it is – location of the existing driveways and front door of the house, leach field, electric lines and ditch.*

**After further discussion of the placement possibilities and limitations, Mr. Winiecki made a motion to approve a variance to construct a building no closer than 15' from the side lot line. Motion seconded by Mr. Neureuter. Motion approved unanimously.**

Meeting was adjourned at 7:50 pm.

Respectfully submitted,  
Jen Crowe

Secretary Eden Zoning Board of Appeals  
April 22, 2021