

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

PUBLIC HEARING DATE: May 20, 2021

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

EXCUSED: Gary Sam, Town Board Liaison

CODE ENFORCEMENT OFFICER: Dave Rice

APPLICANT: Chris & Jody Enser

RE: **Appeal No. 2021-4
4120 Hardt Road**

Ms. Kent called the hearing to order at 7:00 p.m. and asked for comments on the April minutes. **Mr. Winiecki made a motion to approve the minutes from the April 15, 2021 meeting; seconded by Mr. Neureuter. Minutes approved unanimously.**

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

Enser: application for a variance at 4120 Hardt Road, to allow construction of an attached garage that lacks adequate setback from the side property line, under Code section 225-37 B.

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

Mr. Enser was asked to explain the reasons he applied for a variance. Mr. Enser stated that they wish for more space to accommodate their belongings. The east side of the property is where the septic is located, that is why we want to build on the west side.

Mr. Enser 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. There will be no change in the neighborhood. Most of the homes in this section of Hardt Road (he estimates 80%) have buildings that are as close or closer to side lot lines.

The board reviewed a map of Hardt Road, marked to show other buildings close to lot lines.

Is there an alternative method that could provide a solution?

No. There's no alternative place to put the addition, due to the slope of the land, drainage, and location of the swimming pool and septic system. These are shown on my survey map.

Will this addition require a substantial variance?

The proposed garage would be 26' from the side lot line. The setback should be 35', this is a shortage of 9' or 25%.

Board members discussed whether 25% is a substantial shortfall. (Ms. Kent also noted that the combined side yards would be 77' while the requirement is 100', a 23% shortage.) Mr. Winiecki stated that it would not be out of character for the neighborhood. Mr. Neureuter agreed that it would not be out of character for the neighborhood and therefore feels that 25% is not substantial in this case. Mr. Riedel also agreed, given the existing neighborhood.

Will the variance have an adverse effect on the environment?

No, there is adequate drainage. There will be no effect on the environment.

Is the need for a variance self-created?

No. The need was not self-created. We can't change that the lot is narrow, or the layout of the land and the existing structures.

After further discussion Ms. Kent noted that the request appears to meet the standards for an area variance, and made a motion to approve the 9 foot side lot variance as presented in the application; seconded by Mr. Scheu. Motion approved unanimously.

Meeting was adjourned at 7:25 pm.

Respectfully submitted,
Jen Crowe

Administrative Assistant
Town of Eden, Zoning Board of Appeals

May 27, 2021