

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

PUBLIC HEARING DATE: December 16, 2021

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

BOARD MEMBERS EXCUSED: Doug Scheu
Candice Pineau

CODE ENFORCEMENT OFFICER: Dave Rice

TOWN BOARD: Gary Sam

APPLICANT: Bob & Richard Skora

RE: **Appeal No. 2021-8**
Skora
8122 N. Main Street

Meeting minutes from the three previous hearings in August were approved via email on August 30, 2021 and October 28, 2021.

Ms. Kent called the meeting to order at 7:00pm, introduced the participants, and read the Legal Notice for this hearing published in "The Sun":

Skora: application for a variance at 8122 N. Main Street to allow construction of a single-family residence that would be too distant from the street, in violation of the front setback rule in Code section 225-12 B(2)(C).

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

Richard Skora was then asked to explain the reason he applied for the variance. He explained that he wishes to build his house approximately 100' from the road, not 20' per Code. He has a young daughter (safety), and doesn't want headlights from the driveway at Kelly's Place apartments shining into his living room or pedestrians looking in his windows (privacy). He is also concerned about the rocks and salt that the plows push back from the road, and the traffic noise from route 62. Bob Skora stated that he purchased this property in 2008 and demolished the house and barn at that time. It borders his business at 8132 N. Main Street and his home at 8156 N. Main Street. The new house built 100' from the road would mirror his other parcels. In addition, there is a functioning well that would prevent putting the house closer to the road.

Mr. Rice noted that the property could be split into 2 parcels, resulting in 2 legal parcels with adequate side yard setbacks. Bob Skora provided a map of the proposed split.

Mr. Rice stated that the Mixed Use districts were created to promote a walkable community along North and South Main Street. This property is at the far north end of the Mixed-Use areas, where the 100' set back seems suitable.

Ms. Kent called the board's attention to the Purpose language of the Mixed Use Code: to provide a mix of spaces "...meant to evolve over time...building-by-building..." and that this less dense MU (1) district is appropriate for residential building because of its "...close proximity to established, residential neighborhoods." (Code section 225-12A) She noted that this language seems to give flexibility for residences not near the more dense "center" of the Hamlet area.

The Skoras were then asked questions by the board related to the requirements the board must consider in variance requests *(their answers are in italics):*

Will this variance create an undesirable change in the neighborhood? *No, we believe it would enhance the property by mirroring the other 2 parcels owned by us that border this property. If we built the house according to new zoning, it would look out of place.*

The board reviewed the map marked to show setbacks exceeding 20', and several of more than 100', in this parcel's immediate neighborhood.

Is there an alternative method that could provide a solution? *No, we do not wish to build a house so close to the road.*

Will this be a substantial variance? *No, we don't feel that it is substantial. The house would match the other setbacks in the area as shown on the map.*

Will the variance create an adverse environmental effect on the neighborhood? *No. This wouldn't affect runoff or anything else in the neighborhood.*

Is the need for the variance self-created? *No, the new Mixed-Use code created the need.*

The Board discussed the location of the parcel within this district, the apparent flexibility offered to parcels not in the central Four Corners area, the lack of impact on the neighborhood and the reasonableness of a deeper setback for a residence on Main Street.

Based on those factors, Mr. Winiecki made a motion to approve the variance request for a setback of approximately 100' for a new single-family home at 8122 N. Main Street. Seconded by Ms. Kent; Motion approved unanimously.

Ms. Kent reminded the Skoras that this variance is for the front setback only. The additional requirements for a new residence in the Mixed Use zone should be discussed with Mr. Rice.

Meeting was adjourned at 7:25pm.

Respectfully submitted,

Jen Crowe, Secretary
Eden Zoning Board of Appeals