

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

PUBLIC HEARING DATE: January 20, 2022

BOARD MEMBERS PRESENT: Kristin Kent, Chair
Joseph Winiecki
Curtis Neureuter
Doug Scheu
Larry Dibble

BOARD MEMBERS EXCUSED: Drew Riedel
Candice Pineau

APPLICANT: John & Candice Pineau

RE: **Appeal No. 2022-1
Pineau
2115 Derby Road**

Ms. Kent called the hearing to order at 7:00 p.m. and asked for comments on the December minutes. **Ms. Kent made a motion to approve the minutes from the December 16, 2021 meeting; seconded by Mr. Winiecki. Minutes approved unanimously.**

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

Pineau: application for a variance at 2115 Derby Road to allow construction of a pole barn that would violate the height restriction in Code section 225-25 A (1).

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

The Pineaus were then asked to explain the reasons they applied for a variance. Mr. Pineau explained that he wishes to construct a pole barn that can accommodate a 14' door with 16' eaves and a 4/10 pitch to provide adequate height for storing their camper and some additional household items.

The Pineaus 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? *There will be no undesirable change to the neighborhood. Our yard will be cleaner, having a place to store everything. The pole barn will be at the back southeast corner of our property which is not visible from the road. The only view obstructed will be ours.*

Is there an alternative method that could provide a solution? *Not without clearing hundreds of trees on the northwest side of the property. The south side of the property (behind the house) is where the septic is located. Our camper and tractor will not fit in the garage that we have now.*

Will this be a substantial variance? *No, we don't feel that it is substantial considering the area. There are no houses anywhere around us. There is a barn across the street with a silo that is much taller than what we are proposing to build.*

The board discussed what is considered substantial; this is 6 ½' taller (43 % taller) than permitted by Code. The Board considered the impact that would have on the neighborhood, and concluded in this case the pole barn would not impair the appearance of the neighborhood or harm other properties.

Will the variance create an adverse environmental effect on the neighborhood? *No, there are many houses in the neighborhood that have barns and additional out buildings.*

Ms. Kent asked about run-off.

There will be gutters on the pole barn and the run-off will be directed to a stream at the lowest point in the back corner of the lot.

Is the need for the variance self-created? *Yes, the shed no longer provides adequate storage now that we have a 14' camper and a 10' tractor.*

The Board discussed the size of the pole barn, the character of the neighborhood, and that the proposed structure would not look out of place.

Based on these factors, Ms. Kent made a motion to approve the variance request to allow construction of a pole barn as requested, in violation of the height restriction. Seconded by Mr. Scheu; Motion approved unanimously.

Meeting was adjourned at 7:20pm.

Respectfully submitted,

Jen Crowe, Secretary
Eden Zoning Board of Appeals