

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

PUBLIC HEARING DATE: October 20, 2022

BOARD MEMBERS PRESENT: Kristin Kent, Chair  
Curtis Neureuter  
Doug Scheu  
Candice Pineau  
Larry Dibble

BOARD MEMBERS EXCUSED: Joseph Winiecki  
Drew Riedel

APPLICANT: Nick Zupkov

RE: **Appeal No. 2022-7  
Zupkov  
8199 Schreiner Road**

Ms. Kent called the hearing to order at 7:00 p.m. and asked for comments on the June minutes. **Mr. Scheu made a motion to approve the minutes from the June 16, 2022 meeting; seconded by Ms. Kent. Minutes approved unanimously.**

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

**Zupkov:** application for a variance at 8199 Schreiner 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.

Mr. Zupkov was then asked to explain the reasons he applied for a variance. Mr. Zupkov explained that he wishes to construct a pole with 12’ walls to provide adequate height for storing his camper and boat.

**Mr. Zupkov was then asked questions by the board related to the requirements the board must consider in variance requests** (*his answers are in italics*):

**Will this variance create an undesirable change in the neighborhood?** *There will be no undesirable change to the neighborhood. I am requesting a 2’ height variance and the building will not be taller than the house. There are no concerns with the neighbors; the property to the north is a group home and there is no immediate neighbor to the south.* Mr. Neureuter asked how this variance might affect future development of the north side of Beverly Ave. (2600 Beverly). Presently this is an open field, but there are tentative plans for a major subdivision in this area. Mr. Rice noted that the current major subdivision proposal is for the parcel to the south of Beverly Ave. (8310 Evelyn Dr.). The property owner would like to eventually develop 2600 Beverly Ave., but has no plans submitted at this time. The 2’ height variance would not have any major impact on a future development.

**Is there an alternative method that could provide a solution?** *No, the need for 12' walls with a 4/12 pitch for the roof makes the building 17' tall. I can't move the building further to the east property line because there is a drainage easement at the rear of the property. The proposed building is 5' from the north property line and 10' from the house and cannot be moved in either direction without seeking a variance.*

**Will this be a substantial variance?** *No, I am requesting to build at a height of 17' which is 2' taller or 13% over the maximum allowed.*

**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 an open ditch at the rear of the property.*

**Is the need for the variance self-created?** *Yes, the garage does not provide adequate storage for my camper and boat.*

The Board discussed the size of the pole barn; the lack of impact in the neighborhood (the proposed structure would not look out of place); that there won't be environmental issues; and that the variance wouldn't be substantial.

**Based on these factors, Ms. Kent made a motion to approve the variance to allow construction of a pole barn 2' taller than the maximum height allowed. Seconded by Mr. Neureuter. Motion approved unanimously.**

Meeting was adjourned at 7:25pm.

Respectfully submitted,

Jen Crowe, Secretary  
Eden Zoning Board of Appeals