

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

PUBLIC HEARING DATE: March 16th, 2023

BOARD MEMBERS PRESENT: Kristin Kent, Chair
Curtis Neureuter
Drew Riedel
Doug Scheu
Patrick Riester

EXCUSED: Joseph Winiecki
Candice Pineau
Gary Sam

CODE ENFORCEMENT: Dave Rice

APPLICANT: James Flowers
RE: **Appeal No. 2023-1**
4493 Zenner Road

Ms. Kent called the hearing to order at 7:00 p.m. and asked for comments on the December minutes. **Mr. Riedel made a motion to approve the minutes from the December 15, 2022 meeting; seconded by Mr. Scheu. Minutes approved unanimously.**

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

Flowers: Application for a variance at 4493 Zenner Road, to allow construction of an addition to a residence that would violate the front yard setback rule under Code section 225-13.

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

Mr. Flowers was then asked to explain the reasons he applied for a variance. Mr. Flowers explained that he wishes to remove the existing 12’ x 24’ garage and build an addition on the north side of his house which would be too close to the property line. He is proposing a 20’ x 40’ addition which would provide more bedrooms for his children.

Mr. Flowers 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 change to the neighborhood. The addition will not be visible from the street because of the trees.*

Is there an alternative method that could provide a solution? *This location works best because of the existing utilities, well, septic and leach system.* Mr. Flowers reviewed these features with Mr. Neureuter on his map, showing that their locations prevent placing the addition elsewhere. Mr. Rice explained the setback requirements for AG Priority Zoning and the additional limitations due to the unusual hook-like shape of this parcel.

Will this be a substantial variance? *No, this is a 30% variance request.*

Ms. Kent noted that typically, anything less than 50% would not be considered substantial.

Will the variance create an adverse environmental effect on the neighborhood? *There will be no effect on the environment. The addition will be code-compliant and will have gutters for runoff.*

Is the need for the variance self-created? *Yes, we have too many children and now need a larger house.*

The board discussed the requirements it must review for variances. The board concluded that there will be no apparent impact to the neighborhood, no expected effect on the environment and the variance request is not substantial.

Based on these factors, Mr. Riedel made a motion to approve the setback variance at 4493 Zenner Road as shown on the map supplied. Seconded by Mr. Neureuter. All voted in favor, motion approved.

Meeting was adjourned at 7:20pm.

Respectfully submitted,

Jen Crowe, Secretary
Eden Zoning Board of Appeals