

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

PUBLIC HEARING DATE: May 15, 2025

BOARD MEMBERS PRESENT: Kristin Kent, Chair
Doug Scheu
Joseph Winiecki
Curtis Neureuter
Herb Stocksclaeder
Sara Buchanan
Todd Keppler

OTHERS: Dave Rice, Code Enforcement Officer

APPLICANT: Kurt Allen for Donald Mammoser

RE: **Appeal No. 2025-005**
Donald Mammoser
3700 Schintzius Road

Ms. Kent called the hearing to order at 7:22 p.m.

Ms. Kent read the Legal Notice for this hearing as published in The Hamburg Sun:

Donald Mammoser: Application for a variance at 3700 Schintzius Road, to allow a Minor Subdivision of an existing parcel in violation of the minimum lot frontage rule under Code section 225-14A.

Ms. Kent confirmed with Ms. Griebel that the property notice list was completed. Ms. Kent asked Mr. Allen to provide the background on the variance request.

Kurt Allen is representing Mr. Mammoser at this hearing. Mr. Allen stated that a 4-acre parcel was subdivided a year. He purchased this parcel from Mr. Mammoser intending to build a single-family home. During a site visit for the driveway, Erie County and Mr. Allen determined that there was no safe location to put the driveway due to the steepness of that section of road. Therefore, additional frontage is needed.

Mr. Allen was then asked questions by the board related to the requirements the board must consider in area variance requests. *Answers by the applicant are in italics.*

- 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.** *No.*
- 2. Whether the benefit sought by the applicant can be achieved by a method feasible for the applicant to pursue, other than an area variance.** *No. We did explore other locations on the parcel but none is considered safe by the County.*

3. **Whether the requested area variance is substantial.** Mathematically this request is 54% deficient. *I did discuss a shared egress agreement with Mr. Mammoser but he did not want to entertain that idea.*
4. **Whether the requested area variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.** *No. There is no additional drainage needed. I also have an agreement in place with a local farmer to cultivate the land for agriculture.*
5. **Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.** *No. This may be considered an oversight on my part. However, the issue of safe egress didn't become apparent until after the purchase when we had more access and became more familiar with the site.*

The Board discussed the considerations it must review for variances and noted that while the requested lot size variance can be considered a mathematically significant departure from the 200' rule, (a) the variance won't change the character or physical condition of the neighborhood, and (b) safe egress is not possible per the County with the current frontage of Mr. Allen's property.

Based on these factors, Ms. Kent made a motion to approve the variance request at 3700 Schintzius Road. Seconded by Mr. Neureuter. Motion approved.

Meeting adjourned.

Respectfully submitted,

Shelly Griebble, Secretary
Eden Zoning Board of Appeals