

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

PUBLIC HEARING DATE: July 17, 2025

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

OTHERS: Dave Rice, Code Enforcement Officer
Timothy Walker, Town Board

APPLICANT: Sarah Miller

RE: **Appeal No. 2025-007**
Sarah Miller
3399 Wepax Road

Ms. Kent called the hearing to order at 7:00 p.m. Ms. Kent asked for comments on the Minutes for the Cazenovia Recovery Systems Inc. hearing held on June 19, 2025. **Minutes approved.**

Ms. Kent read the Legal Notice for this hearing as published in The Buffalo News:

Miller: Application for a variance at 3399 Wepax Road to allow placement of an accessory building and fence to keep animals within 75 feet of a property line, in violation of the hobby farming rule under Code Section 225-16 B (2).

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

Ms. Miller stated that she would like to have the barn for the horse she currently has and for goats she hopes to get in the near future. There is a ridge and a significant slope on the property. After looking at all areas the barn could go, this proposed location is the one that is closest to meeting the required setbacks. There are also wetlands on the property that further restrict the location.

Ms. Miller 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. The property next door is heavily wooded and the house on that property is several hundred feet away. The barn will be 100 feet*

from the road. I've spoken with as many neighbors as I could and no one objected. Ms. Kent noted that the neighboring house is 375 feet from the property line.

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. Based on the ridge/slope and wetlands, there isn't another location where we can achieve a 75-foot setback on both the front and the side.* Board members confirmed the mapped extent of the wetlands, and reviewed other placement choices in some detail; this four-acre property has limited space for the barn and fence.
3. **Whether the requested area variance is substantial.** *It is mathematically substantial.* Mr. Scheu noted that substantial isn't always mathematical only; it also should be about whether the variances will harm the neighborhood, and about setting precedent. Mr. Rice advised that other properties recently have received more substantial variances for similar hobby farm structures.
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. The structure will have gutters. The gutters will direct run off right out to the ridge. The barn will be built off-site and delivered. It will not go into the ground at all.*
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. We would prefer if the ridge and slope were not on the property but they were there when we bought.*

The Board discussed the considerations it must review for area variances and noted that while the requested side setback variances are mathematically significant (a) the variances won't change the character or physical condition of the neighborhood, and (b) there will be no adverse impact on the neighborhood.

Based on these factors, Mr. Winiecki made a motion to approve the variance requests at 3399 Wepax Road. Seconded by Mr. Scheu. All voted in favor - Motion approved.

Respectfully submitted,

Shelly Griebble, Secretary
Eden Zoning Board of Appeals