

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

PUBLIC HEARING DATE: April 16, 2026

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

OTHERS: Glenn Christner, Code Enforcement Officer
Timothy Walker, Town Board Liaison

APPLICANT: Nancy and Don Sutfin

RE: **Appeal No. 2026-002**
Sutfin – 3346 Wepax Road

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

Sutfin: Application for a variance at 3346 Wepax Road, to allow placement of a storage building more than 2 feet forward of the primary structure, in violation of Code section 225-25A (4)(b).

Ms. Kent confirmed with Ms. Griebble that the property notice list was completed. Ms. Kent asked Mrs. Sutfin to provide the background on this variance request. Mrs. Sutfin stated they need the space for storage, including vehicles and a boat. The house is as far back on the property as it can go so it cannot go behind the house. If it were closer, the views from our house would be blocked and many mature trees would have to come down.

The applicant 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 house cannot easily be seen from the road.*** Ms. Kent noted that there is no neighbor across the street and the side neighbors' views would be obstructed by trees.
- 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.** Mr. Stocksclaeder asked if the garage could be moved further back. *No. We do not want to cut down so many trees. The proposed location also gives us best access to the turnaround and existing electric service.*

3. **Whether the requested area variance is substantial.** *No, not in practical terms. We have a large private lot.* Ms. Kent noted that this request is mathematically very substantial, but many properties on Wepax Road have storage buildings more than two feet forward of their primary residence. *There are at least five.* Mr. Stocksclaeder noted that moving the location further back to the side would put the structure into better compliance. *We would have to remove a lot of trees. It would also bring us out of compliance with the side yard setback requirement.* The Board reviewed various placement options in some detail. The Board noted it's approach to a "substantial variance": While the placement is mathematically significant under the 2-foot forward rule, it will not, in fact, have a substantial aesthetic or environmental impact on the neighbors or the character of the neighborhood.
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. Our house is set very far back. We cannot see our neighbors.* Mr. Neureuter suggested that the proposed location would be less impactful to the environment than the alternate location discussed previously, as many more trees would need to be removed. Ms. Kent asked about run-off. *It will go to the southeast corner, in the swale, no change in stormwater run-off.*
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. The house is located as far back as it can go. There is no room to put a storage building behind it. We need additional storage space.*

Mr. Stocksclaeder suggested tabling this application to allow it to be amended with a request for a variance of less mathematical significance. Ms. Kent pointed out that, in doing so, we're asking them to put the storage building in a location that doesn't necessarily work for them. From a Code compliance standpoint, there appears to be limited benefit in doing that – the building likely would still be in violation.

The Board discussed the considerations it must review for area variances and noted that while the requested variance is mathematically significant (a) the variance won't change the character, physical or environmental condition of the neighborhood, and (b) features of the property will restrict placement of the building elsewhere. There will be no adverse impact on the neighborhood.

Based on these factors, Mr. Keppler made a motion to approve the variance request at 3346 Wepax Road to allow placement of a storage building more than 2 feet forward of the primary structure in violation of Code section 225-25A (4)(b). Seconded by Mr. Neureuter. Ayes: Ms. Kent, Mr. Neureuter, Mr. Scheu, Ms. Buchanan, Mr. Keppler; Opposed: Mr. Stocksclaeder; Abstain: None. Motion approved.

Meeting adjourned.

Respectfully submitted,

Shelly Griebel, Secretary
Eden Zoning Board of Appeals