

Egg co-op owner to seek variance

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GENEVA — Jeff Henderson submitted an application Thursday for a variance from the Zoning Board of Appeals for his chicken cooperative and solar panel project at 48-50 State St.



Henderson

His request will be considered by the ZBA at its April 28 meeting.

Henderson was asked to submit the variance request by Friday. That was said to be the deadline for it to be placed on the agenda for the April 28 meeting.

The ZBA met Feb. 24 to hear Henderson appeal the city's determination that he needed a variance from a 100-foot buffer requirement from neighboring residences.

They voted 3-2 in favor of Henderson, but needed four votes. He was directed to file a variance request within 30 to 60 days.

He said he has cleaned up blight from the property and that the 21 hens have not caused any problems. Several neighbors, however, have opposed chickens on the site.

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Henderson's property is zoned F-1 or manufacturing, dating back to when it was an industrial use. That allows chickens as a permitted use.

It is the only parcel in that type of zone on the street.

He received approval of a site plan and architectural review from the city Planning Board last year. But that was challenged and the city acknowledged the Planning Board should have considered the zoning code buffer requirements.

The matter went to court and Henderson was ordered to bring the matter to the ZBA.

"I received a letter from Neal Braman of the city, asking me to submit an application for a variance for the April ZBA meeting," Henderson said Thursday.

"All along, I tried to do what the city said. I didn't go above, below or around the law. I didn't agree with some of their decisions and I didn't like the process, so I contested them," he added. "But I don't violate the law, so a variance request is the next step."

He said he will ask that the 100-foot buffer not apply to his egg cooperative and solar panels. He said if that is imposed, it would make his property unusable for any allowed purpose.

"I think I and my lawyer can make a good case. I think I meet the five conditions needed for a variance. They all seem to apply to me in this case," Henderson said.

He said he will be joined by local attorney Mark Venuti at the ZBA meeting.

Braman confirmed that Henderson submitted the variance request Thursday afternoon, and it will be on the April 28 ZBA agenda.

The solar panels are not hooked to the electrical grid. The egg cooperative is functioning.