

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

PUBLIC HEARING DATE: April 19, 2018

BOARD MEMBERS PRESENT: Kristin Kent, Chair
Phil Muck
Curtis Neureuter
Joseph Winiecki
Drew Reidel
Doug Schaeu
Candice Pineau

APPLICANT PRESENT: Mr & Mrs. Michael Demler

OTHERS PRESENT: Gary Sam – Town Board Member
Jesse Baker – Code Enforcement Officer

RESIDENTS: Lillian Wierzba, Bonny Mombrea, Ronald Wierzba, Penny Grinell, Susan Pratt, Paul Osinski, Robert & Dorothy Sluttenlacher, Don Preischel, Mr. & Mrs. Michael Demler

RE: **Appeal No. 2018-5 (Demler)**
8096 East Eden Road
Eden, NY

Ms. Kent called the third hearing to order at 8:10 p.m., and read the following Legal Notice published in the “The Sun”:

Demler: Application for a permit at 8096 East Eden Road in the local business district, under Code section 225-36 B (3), to enlarge or intensify a nonconforming residence’s property use by the construction of a second story to the residence.

Ms. Kent stated that our secretary, Ms. Diane Herzog reviewed the Certified Mailings and they are in substantial compliance with our Code requirements. Ms. Kent then explained the order of hearing and appeal process. If the applicant does not like the decision of this board they can appeal to New York State Supreme Court; the decision of this board will be filed with the Town Clerk.

Ms. Kent then asked the applicant to give this board the background about this addition. Ms. Demler explained to the board that when they first bought their house they wanted a ranch but now with four children and two adults they need the extra living space.

The board then reviewed the requirements to enlarge a non-conforming use, asking Ms. Demler the following questions : (her answers are in italics)

- **Describe the changes you would like to make.** *We would like to build a second story addition to our home for additional living space. The backyard has a large tree and a drainage ditch and we feel this would be a better option for us.*
- **Do you believe the changes are a reasonable adjustment to your property?** *Yes, our next door neighbor also has a two story house. The addition is being set back from the front of the house because of a chimney for our wood burning stove.*
- **Would there be any undesirable change to your neighborhood?** *No, everything is within our lot lines that we are adding.*
- **Will there be any change to parking on your driveway or spaces you need for visitors?** *No – maybe when the kids get older.*
- **Will you still be able to allow access for police and fire?** *Yes.*
- **All the changes will be on your lot?** *Yes.*
- **When will you build this?** *As soon as possible.*
- **What is the width of your lot?** *66' wide*
- **The neighbor at 8100 East Eden Road asked a question of the applicant - Where will you live while this is being under construction?** *We will live with our parents.*

Mr. Neureuter made a motion to grant a variance for 8096 East Eden Road to enlarge or intensify a non-conforming property use by the construction of a second story residence; Seconded by Mr. Muck, all “Ayes” motion approved. Ms. Kent –Aye, Mr. Neureuter –Aye, Mr. Muck –Aye, Mr. Winiecki – Aye, Mr. Reidel – Aye.

Respectfully submitted,
Diane Herzog, Secretary
April 19, 2018

The above minutes were reviewed and approved on _____, 2018 by
