

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: Cristina and David Baltes

RE: **Appeal No. 2026-001**
Baltes – 2040 Derby Road

Ms. Kent called the hearing to order at 7:00 p.m. Ms. Kent asked for comments on the Minutes for the RIC hearing held on September 18, 2025.

Mr. Neureuter made a motion to approve the Minutes as written; seconded by Mr. Stocksclaeder. All in favor, Minutes approved.

Mr. Stocksclaeder read the Legal Notice for this hearing as published in The Hamburg Sun:

Baltes: Application for a variance at 2040 Derby Road, to allow placement of a two-story residential addition, in violation of the 25-foot side yard setback rule in Code section 225-14A.

Ms. Kent confirmed with Ms. Griebel that the property notice list was completed. Mr. Stocksclaeder asked Mr. and Mrs. Baltes to provide the background on this variance request.

Mrs. Baltes stated that their home, purchased in 2016, is currently 1,500 square feet. They would like to add an additional 1,500 square feet because the house is too crowded to house their growing family. The placement of the addition does not meet the side yard setback requirement.

Mr. and Mrs. Baltes were 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. The septic system and leach bed are on the other side of the house. The neighboring property owner would prefer that none of the wooded area is removed - she has a pond and has safety concerns. There is a deck off the back of the house. Mr. Stocksclaeder asked if the Baltes' have asked about purchasing additional property from the neighbor? We have not yet, pending the outcome of our request. Board members reviewed other placement choices in some detail, and asked whether the applicant has looked for a larger home elsewhere? Yes – we couldn't find anything we can afford.*
3. **Whether the requested area variance is substantial.** *Mathematically, it is substantial. The Board noted it's approach to a "substantial variance": While the addition is mathematically significant under the 25-foot 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.*
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. It is self-created in the sense that they have a larger family now. They have explored purchasing a bigger home but it is not financially feasible.*

The Board discussed the considerations it must review for area variances and noted that while the requested side yard setback variance is mathematically significant (a) the variance won't change the character, physical or environmental condition of the neighborhood, and (b) existing property features prevent placement of the addition elsewhere.

Based on these factors, Mr. Neureuter made a motion to approve the variance request at 2040 Derby Road, to allow placement of a two-story residential addition in violation of the 25-foot side yard setback rule in Code section 225-14A. Seconded by Ms. Kent. Ayes: All; Opposed: None; Abstain: None. Motion approved.

Respectfully submitted,

Shelly Griebel, Secretary
Eden Zoning Board of Appeals