

Chairperson Michael Kunzer called the regular meeting of the Zoning Board of Appeals of the Town of Walworth to order at 7:00 PM. The members present were Michael Kunzer, Becky Appleman, Emily Kunz, and Marlene Hall. Norm Druschel, Building Inspector, was also present. Charles Buss and Phil Williamson, Code Enforcement Officer were not present.

Chairperson Kunzer addressed the first and only item on the Agenda.

**1. Application of Anthony and Laurie Waltermyer seeking an area variance for the property located at 5201 Walworth-Ontario Road that does not comply with the required side setback. The applicant seeks relief from Section 180-12 (F) (2), Setback Requirements. Property is zoned RR1- Rural Residential 1. (Public Hearing)**

Anthony and Laurie Waltermyer came forward to speak before the Board. Ms. Waltermyer said the location where they would like to place the shed is the only flat spot in the yard but would require the shed to be placed 5 feet from the property line. Laurie said that the neighbor is fine with the location of the shed. Ms. Hall asked Ms. Waltermyer if there is a buffer between the neighbor’s property and her property. Ms. Waltermyer said the neighbor’s shed and her shed will be in close proximity and there is a buffer of pine trees. Mr. Waltermyer said if they move the shed further from the property line, it will be over the leech field.

Chairperson Kunzer asked if there were any more comments from the board. There were no more issues brought forward. Chairperson Kunzer asked if there were any comments from the public. There was no one from the public present.

Chairperson Kunzer read the Town of Walworth Zoning Board of Appeals Variance Determination Resolution:

With regard to Application at 5201 Walworth-Ontario Road for an area variance requesting relief from Town Code Section 180-12 (F) (2).

WHEREAS, a public hearing with regard to said Application was duly advertised and held, and

WHEREAS, the Zoning Board of Appeals has taken into consideration the benefit to the applicant as weighted against the potential detriment of the health, safety and welfare of the neighborhood or community in relation to such Variance; and

WHEREAS, the Zoning Board of Appeals has considered all relevant information, now therefore, be it

RESOLVED, that the Zoning Board of Appeals make the following finding of fact regarding the variance:

- 1) The granting of the variance **will not** result in an undesirable change to the character of the neighborhood or a detriment to nearby properties since the neighbor has a shed closer than 15 feet to the property line.
- 2) The variance being sought by the applicant **cannot** be achieved by some other feasible alternative due to the topography of the land and location of the septic.
- 3) The area variance **is** substantial since it is 2/3 of the total required setback.
- 4) The variance **will not** have a negative effect or impact on the physical or environmental conditions in the neighborhood because the shed is not going to be easily seen.
- 5) The difficulty resulting in the request for the variance **was** self-created, but it almost has to placed there, and this is merely a consideration and is not necessarily determinative.

AND, BE IT FURTHER, RESOLVED, that based upon said finds, the Zoning Board of Appeals hereby determined that said variance is approved.

Chairperson Kunzer asked if there were any more comments from the Board. There were no more issues brought forward.

Marlene Hall made a motion, seconded by Becky Appleman, to grant Anthony and Laurie Waltermyer the requested area variance.

Roll Vote:	Chairperson Kunzer	Aye
	Becky Appleman	Aye
	Marlene Hall	Aye
	Emily Kunz	Aye

Motion carried.

Chairperson Kunzer asked if there were any corrections to the minutes of July 1, 2019. No issues or concerns were brought forward. Emily Kunz made a motion, seconded by Marlene Hall, to approve the minutes of July 1, 2019 as presented. All members were in favor. Motion carried.

Chairperson Kunzer adjourned the meeting at 7:10p.m.

Respectfully Submitted,

Barbara Goulette, Zoning Board Clerk