

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, Tiffany Paine-Cirrincione, Charles Buss, and Marlene Hall. Norm Druschel, Building Inspector; and Phil Williamson, Code Enforcement Officer were also present.

Chairperson Kunzer welcomed new Zoning Board member Tiffany Paine-Cirrincione.

Chairperson Kunzer asked if there were any corrections to the minutes of October 7, 2019. No issues or concerns were brought forward. Becky Appleman made a motion, seconded by Charles Buss, to approve the minutes of October 7, 2019 as presented. Tiffany Paine-Cirrincione and Charles Buss abstained since they were not present at the October meeting. All other members were in favor. Motion carried.

Chairperson Kunzer addressed the first item on the Agenda.

**1. Application of David Kier seeking an area variance for the property located at 748 Wood Hill Drive that does not comply with the required side setback. The applicant seeks relief from Section 180-17 (A) (2), Setback Requirements. Property is zoned PD- Planned Development. (Public Hearing)**

David Kier of 748 Wood Hill Drive came forward to speak before the Board. Mr. Kier said he is seeking a variance for his shed. Ms. Appleman asked if the variance is for the shed that is already in place. Mr. Kier said it is, and the pool that has been removed will be replaced in the same exact location. Chairperson Kunzer said according to the subdivision plan any outbuilding should be in the buildable area of the lot and the shed is outside the buildable area. Chairperson Kunzer stated that the property is a corner lot with a setback requirement of 40' from either road and a side setback requirement of 7.5', so the shed should have been placed in the back east corner of the lot. Mr. Kier said that the shed was put in the best place at the time since the pool blocked access to the back east corner. Mr. Kier said the tree conceals the shed and none of the neighbors have complained about the shed. Ms. Appleman said there is more room on the lot where the shed has been placed and the shed looks really nice. Chairperson Kunzer stated that there are not any sheds in the neighborhood in a similar location and it will block the neighbors' view. Mr. Buss asked if the shed can be moved to the east side of the lot since the pool is down. Mr. Kier said there is not enough room on the east side so it would be in the setback on that side. Mr. Druschel said the grade on the east side of the lot drops off quite a bit.

Chairperson Kunzer asked if there were any comments from the public. No issues were brought forward. Chairperson Kunzer closed the public hearing at 7:07 PM.

Mr. Williamson said that the buildable area requirement mentioned on the subdivision plan is within the deed covenant and restrictions which are a private matter between the developer and the homeowner and have nothing to do with what is before the Board because the Town does not enforce deed covenants and restrictions. Mr. Williamson said the homeowner has come before the Board because he needs to meet the Town requirements. Mr. Williamson stated that since the property is a corner lot it has 2 front yards which have a required setback of 40' and the shed is encroaching in the setback.

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

With regard to Application at 748 Wood Hill Drive for an area variance requesting relief from Town Code Section 180-17 (A) (2), Yard Requirements.

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 visually it will not change the character of the neighborhood.
- 2) The variance being sought by the applicant **can not** be achieved by some other feasible alternative due to the parcel being a corner lot and the elevation of the parcel in the southeast corner is low.
- 3) The area variance **is** substantial since the entire shed is outside the 40' setback.
- 4) The variance **will not** have a negative effect or impact on the physical or environmental conditions in the neighborhood since it's a nice looking well-maintained shed and the neighbors have never complained.
- 5) The difficulty resulting in the request for the variance **was** self-created since the parcel is a corner lot, but this factor 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.

Charles Buss made a motion, seconded by Tiffany Paine-Cirrincione, to grant David Kier the requested area variance.

Roll Vote:	Chairperson Kunzer	Aye
	Becky Appleman	Aye
	Marlene Hall	Aye
	Tiffany Paine-Cirrincione	Aye
	Charles Buss	Aye

Motion carried.

Chairperson Kunzer addressed the second item on the Agenda.

**2. Application of Robert Gray seeking an area variance for the property located at 3426 Dewberry Lane that does not comply with the required setback. The applicant seeks relief from Section 180-17 (A) (2), Setback Requirements. Property is zoned PD- Planned Development. (Public Hearing)**

Robert Gray came forward to speak before the Board. Mr. Gray said he has a shed in place and is in need of a variance. Chairperson Kunzer said the property is a corner lot and the shed is in the back side yard. Chairperson Kunzer asked Mr. Gray if his neighbors have expressed any concerns about the shed. Mr. Gary said they have not.

Chairperson Kunzer asked if there were any comments from the public. No more issues were brought forward. Chairperson Kunzer closed the public hearing at 7:28 PM.

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

With regard to Application at 3426 Dewberry Lane for an area variance requesting relief from Town Code Section 180-17 (A) (2), Yard Requirements.

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 it will not change the character of the neighborhood.
- 2) The variance being sought by the applicant **can** be achieved by some other feasible alternative since the shed could have been placed against the rear of the house.
- 3) The area variance **is not** substantial since he is only asking for a maximum variance of 1 ½' +/-.
- 4) The variance **will not** have a negative effect or impact on the physical or environmental conditions in the neighborhood since conditions will remain the same.
- 5) The difficulty resulting in the request for the variance **was** self-created as it generally is, but this factor 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 Robert Gray the requested area variance.

Roll Vote:	Chairperson Kunzer	Aye
	Becky Appleman	Aye
	Marlene Hall	Aye
	Tiffany Paine-Cirrincione	Aye
	Charles Buss	Aye

Motion carried.

Chairperson Kunzer addressed the third item on the Agenda.

**3. Application of Kenneth Battoglia seeking an area variance for the property located at 683 Jacobs Road that does not comply with the required side setback. The applicant seeks relief from Section 180-12 (G) (2), Setback Requirements. Property is zoned RR1-Rural Residential 1. (Public Hearing)**

Kenneth Battoglia came forward to speak before the Board. Mr. Battoglia said he is seeking a variance so he can put an addition of a master bedroom, bathroom and laundry room onto the west side of his house. Chairperson Kunzer asked if the addition will include a basement. Mr. Battoglia said there will be a basement. Mr. Druschel said he ran a string from the pins at the property corners and ran a tape to determine that the applicant will need a variance of 2' +/- . Mr. Battoglia said the neighboring property on his west side is a crop field.

Chairperson Kunzer asked if there were any comments from the public. No issues were brought forward. Chairperson Kunzer closed the public hearing at 7:38 PM.

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

With regard to Application at 683 Jacobs Road for an area variance requesting relief from Town Code Section 180-17 (A) (2), Yard Requirements.

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 adjoining property to the west is a crop field.
- 2) The variance being sought by the applicant **can** be achieved by some other feasible alternative with a smaller addition.
- 3) The area variance **is not** substantial since he is only asking for a 2' +/- variance.
- 4) The variance **will not** have a negative effect or impact on the physical or environmental conditions in the neighborhood since the addition will blend in with the neighborhood.
- 5) The difficulty resulting in the request for the variance **was** self-created as it generally is, but this factor 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 issues brought forward.

Charles Buss made a motion, seconded by Tiffany Paine-Cirrincione, to grant Kenneth Battoglia the requested area variance.

Roll Vote:	Chairperson Kunzer	Aye
	Becky Appleman	Aye
	Marlene Hall	Aye
	Tiffany Paine-Cirrincione	Aye
	Charles Buss	Aye

Motion carried.

Chairperson Kunzer adjourned the meeting at 7:43p.m.

Respectfully Submitted,

Barbara Goulette, Zoning Board Clerk