

Chairperson Michael Kunzer called the regular meeting of the Zoning Board of Appeals of the Town of Walworth to order at 7:05 PM. The members present were Michael Kunzer, Christine Kubida and Charles Buss. Phil Williamson, Code Enforcement Officer; and Norm Druschel, Building Inspector were also present. Becky Appleman, Zoning Board member was absent from the meeting. Due to the COVID-19 pandemic and to comply with CDC social distancing, the meeting was held via video conferencing, accessible live to the public.

Chairperson Kunzer asked if there were any corrections to the minutes of August 3, 2020. No issues or concerns were brought forward. Christine Kubida made a motion, seconded by Charles Buss, to approve the minutes of August 3, 2020 as written. All members were in favor. Motion carried.

Tiffany Paine-Cirrincone, Zoning Board member, joined the meeting.

Chairperson Kunzer addressed the first item on the Agenda.

1. Application of Felicia and Christopher Glatz seeking an area variance for the property located at 1453 Sunrise Drive that does not comply with the required side setback. The applicant seeks relief from Section 180-17, Setback Requirements. Property is zoned PD-Planned Development. (Public Hearing)

Chairperson Kunzer opened the public hearing at 7:11 PM.

Felicia Glatz came forward to speak before the Board. Ms. Glatz said that when she and Christopher Glatz bought their home at 1453 Sunrise Drive almost 6 years ago, the shed was on the property and they did not think to check for a permit. Ms. Glatz said the shed is 6 inches too close to the property line, but they are hoping it can remain where it is. Ms. Glatz said the shed is 7 feet from the property line. Chairperson Kunzer said the required side setback is 7.5 feet for this property. Ms. Glatz said they had the property surveyed so they could put up a fence and realized that the neighbors' shed was on the property line. Mr. Druschel was asked to check the location of the neighbors' shed and noticed that the shed on the Glatz' property does not have a permit and is too close to the property line.

Chairperson Kunzer asked if there were any comments from the public. No issues were brought forward. Chairperson Kunzer closed the public hearing at 7:14 PM. Chairperson Kunzer asked if there were any more comments from the Board. No more issues were brought forward.

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

With regard to Application at 1453 Sunrise Drive for an area variance requesting relief from Town Code Section 180-17, Setback 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 has been in that location for quite a while and the Glatz's purchased the parcel like that.
- 2) The variance being sought by the applicant **cannot** be achieved by some other feasible alternative because it would be a significant project to move the shed 6 inches and could ruin the shed.
- 3) The area variance **is not** substantial since relief sought is only a 6% variance of the 7.5 feet required.
- 4) The variance **will not** have a negative effect or impact on the physical or environmental conditions in the neighborhood since the shed has been there and has had no negative effect.
- 5) The difficulty resulting in the request for the variance **was not** self-created by the Glatz's, 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 with the above-mentioned condition.

Tiffany Paine-Cirrincone made a motion, seconded by Christine Kubida, to grant Christopher and Felicia Glatz the requested area variance.

Roll Vote:	Chairperson Kunzer	Aye
	Christine Kubida	Aye
	Tiffany Paine-Cirrincone	Aye
	Charles Buss	Aye

Motion carried.

Chairperson Kunzer addressed the second item on the Agenda.

2. Application of Salvatore Laurro seeking an area variance for the property located at 5380 Swadling Road that does not comply with the required setback. The applicant seeks relief from Section 180-21 (A), Setback Requirements. Property is zoned RR1-Rural Residential 1. (Public Hearing)

Chairperson Kunzer opened the public hearing at 7:19 PM.

Salvatore Laurro came forward to speak before the Board. Mr. Laurro said he plans to build a 40' x 40' metal garage for his cars that are now being stored in his shop in the city that he is selling next year. Mr. Laurro said his 30-foot hedgerow will block the garage, and the neighbors approve of the building. Mr. Laurro said this proposed location is the only place on the property for the structure since the west side would put the garage too close to the house and there is a well on the west side, and the east side would require a roadway. Ms. Kubida asked if there will be a concrete floor in the garage. Mr. Laurro said there will be a concrete floor and no chemicals or gasoline will be stored in the building. Ms. Kubida asked if the garage will be for personal use. Mr. Laurro said it will be for personal use. Mr. Laurro said his current garage is used to store his Kubota tractor and wood splitter and is used as a workshop. Mr. Druschel said the setback is 85 feet from the centerline of the road since the right-of-way is 50 feet and the required front setback is 60 feet. Chairperson Kunzer said the setback is 60 feet from the right-of-way. Mr. Druschel said the proposed building will be 60 feet from the center line therefore Mr. Laurro is requesting a 15-foot variance. Mr. Druschel said it will be 45 feet from the edge of the right-of-way to the proposed building.

Mr. Williamson said Walworth Town code 180-10 (F) states: "Front yard depths: 60 feet, except that, if there are buildings fronting on the same street within 300 feet of either or both side lines of the lot or a preexisting structure within the lot, the minimum front yard depth shall be equal to the average of the setbacks of the nearest such buildings on each side or the average of such setback and 60 feet if there is a building only on one side or a preexisting structure only on one side within the lot, but not less than 40 feet in any case." Mr. Williamson said that the proposed building should not need a variance for the setback since he has a pre-existing structure on the lot.

Chairperson Kunzer asked if there were any comments from the public. No issues were brought forward. Chairperson Kunzer closed the public hearing at 7:35 PM. Chairperson Kunzer asked if there were any more comments from the Board. No more issues were brought forward.

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

With regard to Application at 5380 Swadling Road for an area variance requesting relief from Town Code Section 180-21 (A) and 180-10 (F) (1) Setback 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 property can not be seen from the road.
- 2) The variance being sought by the applicant **cannot** be achieved by some other feasible alternative because it actually will be the best location for various reasons.
- 3) The area variance **is not** substantial since the proposed structure may not be encroaching into the setback but will be located in the front yard.
- 4) The variance **will not** have a negative effect or impact on the physical or environmental conditions in the neighborhood since the applicant stressed that there will be no pollutants getting out of the garage.
- 5) The difficulty resulting in the request for the variance **was** self-created by the applicant's desire to build an accessory building in the front yard, 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.

Christine Kubida made a motion, seconded by Tiffany Paine-Cirrincone, to grant Salvatore Laurro the requested area variance.

Roll Vote:	Chairperson Kunzer	Aye
	Christine Kubida	Aye
	Tiffany Paine-Cirrincone	Aye
	Charles Buss	Aye

Motion carried.

Chairperson Kunzer addressed the third item on the Agenda.

3. Jeff Wagner of 3806 West Walworth Road seeking an area variance for the property located at 3806 West Walworth Road that does not comply with the required setback. The applicant seeks relief from Section 180-13 (K) (1) and 180-21 (A), Setback Requirements. Property is zoned Hamlet. (Public Hearing)

Chairperson Kunzer opened the public hearing at 7:44 PM.

Jeff Wagner of 3806 West Walworth Road came forward to speak before the Board. Mr. Wagner said on the north side of his house is his septic system and on the south side his garage is 15 feet from the lot line so the only place to place a shed was to the west of the driveway turnaround. Mr. Wagner said he did not realize he needed a permit to place a pre-built shed on his lot until Mr. Druschel brought it to his attention. Mr. Wagner said he had to bring in fill to bring the shed level with the driveway. Mr. Druschel said he did not need a fill permit since he brought in less than 5 loads of material. Chairperson Kunzer said there is a significant hill on the east side of the property. Mr. Wagner said there is a French drain on the north side of the property where the dog pen is located. Ms. Kubida asked how long Mr. Wagner has had the structure and if the neighbors have said how they feel about the shed being there. Mr. Wagner said he has had it since June and the neighbor closest to the shed is okay with it now but it took her a while to get used to it because it blocks her view of the traffic on the road from her home. Mr. Wagner said it does not impact the neighbors when they are pulling out of the driveway into traffic. Mr. Druschel said a structure in the Hamlet can not be any closer than 20 feet to the right-of-way and the shed is 24 feet. Chairperson Kunzer said a structure cannot be closer than 30 feet to a principle dwelling. Mr. Wagner said the shed is a little more than 30 feet from the house. Mr. Druschel said he cannot issue a permit for the shed until he receives a variance.

Chairperson Kunzer asked if there were any comments from the public. No issues were brought forward. Chairperson Kunzer closed the public hearing at 7:52 PM. Chairperson Kunzer asked if there were any more comments from the Board. No more issues were brought forward.

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

With regard to Application at 3806 West Walworth Road for an area variance requesting relief from Town Code Section 180-13 (K) (1) and 180-21 (A), Setback 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** result in an undesirable change to the character of the neighborhood or a detriment to nearby properties since it is undesirable to the neighbor on the south.
- 2) The variance being sought by the applicant **cannot** be achieved by some other feasible alternative because it is a small lot with a hill in the rear and leech field in the front side therefore it is the only place to put it.
- 3) The area variance **is not** substantial since the shed is allegedly not closer than 30 feet to the principle structure bit it is in the required setback.
- 4) The variance **will not** have a negative effect or impact on the physical or environmental conditions in the neighborhood since it will not hinder the environmental conditions.
- 5) The difficulty resulting in the request for the variance **was** self-created but there really is not anywhere else to put the shed, 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.

Charles Buss made a motion, seconded by Christine Kubida, to grant Jeff Wagner the requested area variance.

Roll Vote:	Chairperson Kunzer	Aye
	Christine Kubida	Aye
	Tiffany Paine-Cirrincone	Aye
	Charles Buss	Aye

Motion carried.

Chairperson Kunzer addressed the fourth item on the Agenda.

4. Application of James Brunswick seeking an area variance for the property located at 363 Haley Road that does not comply with the required side setback. The applicant seeks relief from Section 180-10 (F) (2), Setback Requirements. Property is zoned RR1-Rural Residential 1. (Public Hearing)

Chairperson Kunzer opened the public hearing at 8:00 PM.

James Brunswick of 363 Haley Road came forward to speak before the Board. Mr. Brunswick said he plans to put up a 24-foot by 15-foot lean-to shed off the north of the existing garage for additional storage. Mr. Brunswick said on the east side of his property the neighbors barn and pen form the east boundary of his property, between the house and barn is the septic system, and he has a pool in the yard. Mr. Kunzer asked Mr. Brunswick if there is a reason he cannot place the structure on the east side behind the barn. Mr. Brunswick said the pool pump is in that location. Mr. Brunswick said he plans to build a 3-sided structure, butt it up to the existing garage, and have wood frame with a metal roof and a concrete floor. Chairperson Kunzer said the required side setback is 15 feet from the property line. Mr. Brunswick said the proposed structure will be 2.8 feet from the property line.

Chairperson Kunzer asked if there were any comments from the public. No issues were brought forward. Chairperson Kunzer closed the public hearing at 8:05 PM. Chairperson Kunzer asked if there were any more comments from the Board. No more issues were brought forward.

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

With regard to Application at 363 Haley Road for an area variance requesting relief from Town Code Section 180-10 (F) (2), Setback 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 parcel is fairly recluse and it will not be a detriment.
- 2) The variance being sought by the applicant **cannot** be achieved by some other feasible alternative because the lean-to will be in line with the existing garage.
- 3) The area variance **is** substantial since it is 81% of the required side setback requirement.
- 4) The variance **will not** have a negative effect or impact on the physical or environmental conditions in the neighborhood since the lean-to cannot be seen form the road.
- 5) The difficulty resulting in the request for the variance **was** self-created because of the applicant’s desire to have a lean-to, 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.

Christine Kubida made a motion, Charles Buss seconded by, to grant James Brunswick the requested area variance.

Roll Vote:	Chairperson Kunzer	Aye
	Christine Kubida	Aye
	Tiffany Paine-Cirincione	Aye
	Charles Buss	Aye

Motion carried.

Chairperson Kunzer adjourned the meeting at 8:10 PM.

Respectfully submitted,

Barbara Goulette, Clerk