

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, Christine Kubida, Charles Buss, Tiffany Paine-Cirincione and Becky Appleman. Phil Williamson, Code Enforcement Officer, was also present. Due to the COVID-19 pandemic and to comply with CDC social distancing, the meeting was held at the Walworth Town Hall, accessible live to the public.

Chairperson Kunzer asked if there were any corrections to the minutes of February 8, 2021. Christine Kubida made a motion, seconded by Becky Appleman, to approve the minutes of February 8, 2021. All members were in favor. Motion carried.

Chairperson Kunzer addressed the first item on the Agenda.

**1. Application of Krystal and Jason Eddington seeking an area variance for the property located at 1753 Greenview Drive that does not comply with the required setback. The applicant seeks relief from Section 180-10 (F) (1) (2) Setback Requirements. Property is zoned RR1-Rural Residential 1. (Public Hearing)**

Krystal Eddington of 1753 Greenview Drive came forward to speak before the Board. Ms. Eddington said she received a letter from Norman Druschel, Town of Walworth Building Inspector.

TOWN OF WALWORTH  
BUILDING DEPARTMENT  
3600 Lorraine Drive  
Walworth, New York 14568  
Phone: (315) 986-1400

Norman Druschel  
Building Inspector

Phil Williamson  
Code Enforcement Officer

March 24, 2021

Jason & Krystal Eddington  
1753 Greenview Drive  
Walworth, NY 14568

RE: Permit # 06-261 (Shed)

Dear Mr. & Ms. Eddington:

Our records indicate the building permit noted above was issued on August 23, 2006 to the previous owner and is still open. Since Chapter 85, Section 85-11, Term of Permits states: "...Building Permits shall expire 12 months from the date of issuance", the current permit is no longer valid.

New York State Uniform Building Code requires that each permit issued be finalized with a Certificate of Compliance. The shed is not in the required 15-foot side setback so I will not be able to issue a Certificate of Compliance at this time. When the shed was built, it did not comply with the required setback, but the homeowner was deceased before the permit expired and the final inspection was done. At the time of sale, no Certificates of Compliance were requested so this issue was not resolved before you purchased the property.

I suggest you call Phil Williamson, Zoning Officer, at 315-926-9544 and discuss the process of applying to the Zoning Board of Appeals for a variance. Should that board issue a variance, I could then issue a Certificate of Compliance and the matter would be closed.

Please respond to this letter within 15 days advising how you plan to proceed in resolving this matter. Do not hesitate to call us with any questions or concerns you might have. Thank you for your prompt attention to this matter.

Sincerely,  
Norman Druschel  
Building Inspector  
Town of Walworth

Ms. Eddington said that she and Mr. Eddington purchased the house in 2014. Mr. Kunzer said it is usually the process that the Building Inspector would inspect the shed once he is informed that it is in place. Mr. Buss asked how far the shed is from the property line. Ms. Eddington said the shed is about 3 to 4 feet from the side property line. Mr. Kunzer asked if any of the neighbors have complained about the shed. Ms. Eddington said nobody has complained.

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 1753 Greenview Drive for an area variance requesting relief from Section 180-10 (F) (1) (2) Setback Requirements:

WHEREAS, the Zoning Board has 1) duly advertised and held a public hearing, 2) has considered all relevant information, and 3) has considered the potential benefit to the applicant versus the potential detriment to the neighborhood or community in relation to such Variance(s).

NOW, THEREFORE, BE IT, RESOLVED, that the Zoning Board of Appeals makes the following findings of fact:

1. The variance requested **is** substantial since the shed is 4 feet from the property line.
2. The purpose of the variance **cannot** be achieved by some other, feasible alternative since the existing shed has been there a long time.
3. The variance **will not** have a negative effect on physical or environmental conditions in the neighborhood or district since if it were going to, it would have had an effect already.
4. The variance **will not** result in an undesirable change to the character of the neighborhood or a detriment to nearby properties because it looks nice.
5. The difficulty relating to the variance **was not** self-created since the shed was existing when the property was purchased.

AND, BE IT FURTHER, RESOLVED, that based upon the above findings, the Zoning Board of Appeals hereby **approve** the variance.

Christine Kubida made a motion, seconded by Charles Buss, to grant Krystal and Jason Eddington the requested area variance.

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

Motion carried.

Chairperson Kunzer adjourned the meeting at 7:12 PM.

Respectfully submitted,

Barbara Goulette, Clerk