

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, Charles Buss, Tiffany Paine-Cirrincone and Becky Appleman. Phil Williamson, Code Enforcement Officer, was also present. Christine Kubida, 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 at the Walworth Town Hall, accessible live to the public.

Chairperson Kunzer asked if there were any corrections to the minutes of May 3, 2021. Charles Buss made a motion, seconded by Becky Appleman, to approve the minutes of May 3, 2021. All members were in favor. Motion carried.

Chairperson Kunzer addressed the first item on the agenda.

1. Application of Shawn Wright seeking an area variance for the property located at 5034 Ontario Center Road that does not comply with the required setback. The applicant seeks relief from Section 180-10 (F) (1) (2), 180-21 (A) (B), & 180-029 (A) Setback and Yard Requirements. Property is zoned RR1-Rural Residential 1. (Public Hearing)

Chairperson Kunzer stated Walworth Town Code 180-29 is the only code that is applicable to this application.

Shawn Wright of 5034 Ontario Center Road came forward to speak before the Board. Mr. Wright said he is proposing to push his garage out 36.5 feet on the front since he can not add to the side or back of the garage. Mr. Wright said this will keep him in line with the rest of his house and be the same distance from the road as the southwest corner of his house. Chairperson Kunzer said the southwest corner of his house is the closest to the right of way and the applicant is seeking a variance of about 57 feet.

Chairperson Kunzer asked if there were any comments from the board. No issues were brought forward. Chairperson Kunzer asked if there were any comments from the public.

Tammy Lozipone came forward to speak before the Board. Ms. Lozipone said she lives to the east and rear of 5034 Ontario Center Road. Ms. Lozipone asked if the variance will be specifically written for the garage. Chairperson Kunzer said the applicant is seeking relief for the garage to be closer than the required 75-foot setback and this variance is only for the garage.

Chairperson Kunzer closed the public hearing at 7: 06 PM.

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

With regard to Application at 5034 Ontario Center Road for an area variance requesting relief from Section 180-029 (A) 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 not** substantial since there are other houses in the neighborhood that are also close to the street.
2. The purpose of the variance **cannot** be achieved by some other feasible alternative since the house sits closer to the required setback than is allowed.
3. The variance **will not** have a negative effect on physical or environmental conditions in the neighborhood or district.
4. The variance **will not** result in an undesirable change to the character of the neighborhood or a detriment to nearby properties.
5. The difficulty relating to the variance **was** self-created since the applicant wants the addition.

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

Charles Buss made a motion, seconded by Becky Appleman, to grant Shawn Wright the requested area variance.

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

Motion carried.

Chairperson Kunzer addressed the first second on the agenda.

2. Application of Keith O’Leary and Ronald Barber of 703 Jacobs Road seeking an area variance for the property located at 703 Jacobs Road that does not comply with the required setback. The applicant seeks relief from Section 180-10 (F) (1) Setback Requirements. Property is zoned RR1-Rural Residential 1. (Public Hearing)

Ronald Barber and Keith O’Leary came forward to speak before the Board. Mr. Barber said they are looking for relief from the setback code since the existing concrete steps are broken and need to be replaced. Mr. Barber stated that an ambulance crew was unable to get his mother out of the house on a gurney when she had an injury because of the steps. Mr. Barber said the new steps and deck would go into the required setback. Ms. Appleman asked if the steps of the deck will go to the front of the property or to the driveway. Mr. Barber said the steps will go to the driveway. Chairperson Kunzer said the applicant is seeking relief of 7 feet. Mr. Buss asked if this deck would allow for a ramp to be added in the future if needed. Mr. Barber said it would.

Chairperson Kunzer asked if there were any comments from the public. Chairperson Kunzer asked if there were any comments from the board. No issues were brought forward. Chairperson Kunzer closed the public hearing at 7: 19 PM.

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

With regard to Application at 703 Jacobs Road for an area variance requesting relief from Section 180-10 (F) (1) 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 not** substantial since it is only 7 feet into the required 60-foot setback.
2. The purpose of the variance **cannot** be achieved by some other, feasible alternative since replacement of the steps needs to be done.
3. The variance **will not** have a negative effect on physical or environmental conditions in the neighborhood or district and will actually improve the residence.
4. The variance **will not** result in an undesirable change to the character of the neighborhood or a detriment to nearby properties and will also improve the neighborhood.
5. The difficulty relating to the variance **was not** self-created since the steps deteriorated over time.

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

Tiffany Paine-Cirrincone made a motion, seconded by Charles Buss, to grant Keith O’Leary and Ronald Barber the requested area variance.

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

Motion carried.

Chairperson Kunzer adjourned the meeting at 7:23 PM.

Respectfully submitted,

Barbara Goulette, Clerk