

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, Tiffany Paine-Cirincione and Becky Appleman. Phil Williamson, Code Enforcement Officer, was also present. Charles Buss, 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 July 6, 2021. Becky Appleman made a motion, seconded by Tiffany Paine-Cirincione, to approve the minutes of July 6, 2021. Christine Kubida abstained since she was not present at the July meeting. All other members were in favor. Motion carried.

Chairperson Kunzer addressed the first item on the agenda.

**1. Application of Daniel and Sandra Sperr seeking an area variance for the property located at 4311 Boynton Road that does not comply with the required setback. The applicant seeks relief from Section 180-10 (F) (1) Setback Requirements and 180-21 (A) Accessory Buildings. Property is zoned RR1-Rural Residential 1. (Public Hearing)**

Daniel and Sandra Sperr of 4311 Boynton Road came forward to speak before the Board. Mr. Sperr said they propose to build a pole barn to store equipment and if they build it out of the required set back the steepness of the terrain would require a lot of land fill or leveling. Ms. Kubida asked how much fill they will require. Mr. Sperr said they are going to grade the property and then have some fill for where they need it. Mr. Sperr said the land is more level closer to the road.

Ms. Appleman asked what the exact location of the barn would be. Mr. Sperr said it would be north and east of the house about 50 feet off the center line of the road. Ms. Kubida asked what percentage of the barn would be in the front yard. Mr. Sperr said it will be 100% in the front yard. Mr. Williamson read Walworth Town Code 180-4 Terms Defined: YARD, FRONT: An open, unoccupied space on the same lot with a building extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot; and STREET LINE: The dividing line between the street right-of-way and a lot, plot, or parcel. Mr. Kunzer said the survey map delineates the street line and that it is 60.6 feet to the house.

Ms. Appleman asked how much property is there and if there is another possible location for the barn. Mr. Sperr said it approximately 35 acres and they want to keep the south of the house open for the grandchildren to play. Ms. Kubida asked what portion of their land is wetland or everwild. Mr. Sperr said the wetlands is estimated to be less than 3 acres. Ms. Kubida said they could build on the south side of the house and shouldn't require a variance. Ms. Appleman asked if they could build the barn farther north and not be in the front yard. Mr. Sperr said they would need to take down a lot of trees.

Chairperson Kunzer said he concern is with the traffic on Boynton Road and the barn being close to the road. Mr. Sperr said the barn will be back far enough not to interfere with the sight line from their driveway. Ms. Sperr said the doors in the barn will be on the north and south side and not facing the road. Chairperson Kunzer asked if there is a sight distance requirement. Mr. Williamson said there would be if the applicants are going to put in another driveway.

Mr. Williamson asked if the neighbor's barn to the north is in the 60-foot setback because the Town Code allows that to be considered if it is less than 300 feet to the Sperr property. Mr. Sperr said the barn is farther than 300 feet. Mr. Williamson read Walworth Town code 180-10 (F) (1): 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.

Ms. Kubida asked if the application can be tabled until the next Zoning Board meeting to give the opportunity to verify the distance to the neighbor's barn or to make changes to their plans and possibly reduce the amount of the variance. Mr. Williamson asked the property owner how far back from the road could they move the barn without adding substantial fill. Mr. Sperr said 10 to 15 feet at most. Mr. Sperr said they would like to keep their application open and return to the Zoning Board meeting next month. Chairman Kunzer said the application is tabled until the Zoning Board meeting in September.

Chairperson Kunzer addressed the second item on the agenda.

**2. Application of Roger A. Briggs II on behalf of Lincoln Baptist Church seeking an area variance for the property located at 4976 Lincoln Road that does not comply with the required setback. The applicant seeks relief from Section 180-13 (K) (1) Setback Requirements. Property is zoned Hamlet. (Public Hearing)**

Roger A. Briggs II came forward to speak before the Board. Mr. Briggs, trustee of the Lincoln Baptist church and the contractor with Niles Home Services, LLC, said the church needed to remove the concrete steps and patio to repair the steeple, and they plan to stay in the footprint with a wood deck, steps, and ramp. Mr. Briggs said they are requesting a variance of 11 inches. Chairperson Kunzer said Walworth Town code states that the structure cannot be closer than 20 feet from the street line. Mr. Williamson said the code states the front yard depth cannot be less than 20 feet, but this Board can grant a variance so they can extend into the 20 feet. Mr. Williamson said any public building needs to have public entrances and this is part of a public entrance. 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. Chairperson Kunzer closed the public hearing at 7:51 PM.

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

With regard to Application at 4976 Lincoln Road for an area variance requesting relief from Section 180-013 (K) (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 11 Inches.
2. The purpose of the variance **cannot** be achieved by some other feasible alternative since this entrance needs to meet ADA requirements.
3. The variance **will not** have a negative effect on physical or environmental conditions in the neighborhood or district because a safety issue was addressed.
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 not** self-created because of the ADA requirements and the structural integrity of the steeple.

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 Becky Appleman, to grant Lincoln Baptist Church the requested area variance.

Roll Vote:	Chairperson Kunzer	Aye
	Tiffany Paine-Cirrincione	Aye
	Christine Kubida	Aye
	Becky Appleman	Aye

Motion carried.

Chairperson Kunzer adjourned the meeting at 7:56 PM.

Respectfully submitted,

Barbara Goulette, Clerk