

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 August 2, 2021. Becky Appleman made a motion, seconded by Tiffany Paine-Cirincione, to approve the minutes of August 2, 2021. All 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)

The purpose of this meeting is for applicants Daniel and Sandra Sperr to present additional information supporting their request for "Area Variance" to erect an "Accessory Structure" (pole barn) within the required front setback at 4311 Boynton Road, (§ 180-10. RR-1 Districts: Single-Family Residential).

The information presented by the Daniel and Sandra Sperr was a sketch plan with revisions changing the location of the "Accessory Structure" with distances as measured by Daniel and Sandra Sperr from the center line and edge of the road to the nearest part of the proposed "Accessory Structure."

After accepting the additional information, the members of the board discussed the changes and commented on the location of the structure in relation to its distance from the principal use (house), and possible other areas it could be located which would not require a variance. Christine Kubida had again visited the site and reiterated her conversation with Daniel and Sandra Sperr regarding various topographical and other subsurface conditions which would make the location of the structure extremely costly and prohibitive.

Chairperson Kunzer closed the public hearing at 7:10 PM.

After discussion by the ZBA members, a final determination was made to grant the variance (approximately 15 feet into the zoning required front yard setback).

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

With regard to Application at 4311 Boynton Road for an area variance requesting relief from Section 180-010 (F) (1) Setback Requirements and 180-21 (A) Accessory Buildings.

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 25%.
2. The purpose of the variance **can** be achieved by some other feasible alternative.
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 since there are other pole barns in that area.
5. The difficulty relating to the variance **was** self-created.

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 Daniel and Sandra Sperr the requested area variance.

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

Motion carried.

Chairperson Kunzer adjourned the meeting at 7:27 PM.

Respectfully submitted,

Barbara Goulette, Clerk