

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, and Becky Appleman. Phil Williamson, Code Enforcement Officer, was also present. Tiffany Paine-Cirincione, Zoning Board member, was not 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 September 7, 2021. Charles Buss made a motion, seconded by Becky Appleman, to approve the minutes of September 7, 2021. All members were in favor. Motion carried.

Chairperson Kunzer addressed the first item on the agenda.

1. Application of Kristin Wehner seeking an area variance for the property located at 395 Everwild Lane that does not comply with the required setback. The applicant seeks relief from Section 180-36 (A) Setback Requirements and 180-21 (C) Accessory Buildings. Property is zoned R-Residential. (Public Hearing)

Chairperson Kunzer opened the public hearing at 7:01 PM.

Kristin Wehner came forward to speak before the Board. Ms. Wehner asked for relief from the side setback requirement. Ms. Wehner said their property borders town property that is forever wild, and their fence and shed are on town property. Ms. Wehner said she obtained a permit to put in a swimming pool and was told that the pool must be 10 feet from the side property line and 5 feet from the rear, and she and her husband did their due diligence by measuring their yard to the best of their ability. Ms. Wehner said the pool was installed as close to the deck as possible. Ms. Wehner said the Building Inspector, Norman Druschel, inspected the pool and said it is 3 feet too short of the 5-foot rear setback. Ms. Wehner said the pool is not infringing on the neighbors' property since they are within the 10-foot side setback requirement and Mr. Druschel agreed. Ms. Wehner said they would have had to tear down the deck to move the pool closer to the house and there is no where else they can move the pool.

Ms. Appleman asked if the pool is 3 feet into the forever wild property or 3 feet too close to the property line. Ms. Wehner said pool is 3 feet too close to the property line and it is on her property. Ms. Kubida asked if Ms. Wehner had the rear property line marked by a surveyor. Ms. Wehner said there are no stakes marking the property line. Ms. Wehner said that she and her husband were informed that the shed and fence were not on their property and signed an addendum at the closing stating they will move the shed and fence if required by the Town.

Ms. Kubida asked how far the pool is from the deck corner post. Ms. Wehner estimated the deck is 2 to 3 feet from the pool. Ms. Kubida asked if the deck is considered part of the primary structure which would require the pool to be 5 feet from the deck as per Walworth Town Code 180-36(A) and (C). Mr. Williamson said the Building Inspector normally makes this determination. Ms. Kubida said the Board does not have the dimensions as to the location of the pool to the house, side and rear property line. Mr. Kunzer said the Board needs actual dimensions to determine the minimum variance required, and he requested Ms. Wehner return to the Zoning Board with an updated survey showing the location of the pool.

Chairperson Kunzer asked if there were any more comments from the Board. No more issues were brought forward.

Mr. Williamson said this application can remain open to give the applicant the opportunity to get an updated survey to be reviewed at another Zoning Board meeting.

Charles Buss made a motion, seconded by Becky Appleman, to postpone the application of Kristin Wehner for the requested area variance until additional information is received. All members were in favor. Motion carried.

Chairperson Kunzer addressed the second item on the agenda.

2. Application of Faith Wilbert seeking an area variance for the property located at 4867 County Line Road that does not comply with the required setback. The applicant seeks relief from Section 180-10 (F) (2) Setback Requirements. Property is zoned RR1-Rural Residential 1. (Public Hearing)

Mike Sponable of Greene Land Surveying, PLLC came forward to speak before the Board on behalf of Faith Wilbert. Mr. Sponable said that the applicant is requesting a variance for a property line to go between an existing garage and an existing house. Mr. Sponable said the rear corner of the existing house is 14.9 feet from the proposed property line and the existing barn is 14.8 feet from the proposed line.

Chairperson Kunzer asked if there were any comments from the Board. No issues were brought forward.
Chairperson Kunzer read the Town of Walworth Zoning Board of Appeals Variance Determination Resolution:

With regard to Application at 4867 County Line Road for an area variance requesting relief from Section 180-010 (F) (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 not** substantial since it is tenths of a foot on either side of the proposed property line.
2. The purpose of the variance **cannot** be achieved by some other feasible alternative since the property was split evenly.
3. The variance **will not** have a negative effect on physical or environmental conditions in the neighborhood or district because the property is fairly rural.
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 because the applicant wants to split the property.

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 Faith Wilbert the requested area variance.

Roll Vote:	Chairperson Kunzer	Aye
	Charles Buss	Aye
	Christine Kubida	Aye
	Becky Appleman	Aye

Motion carried.

Charles Buss made a motion, seconded by Becky Appleman, to adjourn the meeting. Chairperson Kunzer adjourned the meeting at 7:40 PM.

Respectfully submitted,

Barbara Goulette, Clerk