

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, Tiffany Paine-Cirincione, Christine Kubida, and Charles Buss. Phil Williamson, Code Enforcement Officer, and Norman Druschel, Building Inspector, were also present. Becky Appleman, 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 October 4, 2021. Charles Buss made a motion, seconded by Tiffany Paine-Cirincione, to approve the minutes of October 4, 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 said the applicant provided the Board with a survey of the property as requested at the last Zoning Board meeting. This hearing was postponed at the October Zoning Board meeting and remained open. Kristin and Brian Wehner of 395 Everwild Lane came forward to speak before the Board. Ms. Wehner said they put a swimming pool on their property which it does not meet the 5-foot setback requirement, so they are requesting a 3-foot variance. Chairperson Kunzer said the updated survey shows the placement of the pool.

Chairperson Kunzer asked if there were any comments from the Board. No issues were brought forward. Chairperson Kunzer closed the public hearing at 7:03 PM.

Ms. Kubida said the variance is significant. Chairperson Kunzer said the pool is close to the existing deck, and the fence and shed are over the property line but is not for determination by the Zoning Board at this time.

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

With regard to Application at 395 Everwild Lane for an area variance requesting relief from Section 180-36 (A) Setback Requirements and 180-21(C) 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** substantial since it is roughly a 60% variance.
2. The purpose of the variance **cannot** be achieved by some other feasible alternative since the pool is in place.
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 because the applicant wants a pool.

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 Kristen Wehner the requested area variance.

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| Roll Vote: | Chairperson Kunzer | Aye |
| | Charles Buss | Aye |
| | Christine Kubida | Aye |
| | Tiffany Paine-Cirincione | Aye |

Motion carried.

Chairperson Kunzer addressed the second item on the agenda.

2. Application of Vincent Lombardozi seeking an area variance for the property located at 5062 Walworth-Ontario Road that does not comply with the required setback. The applicant seeks relief from Section 180-10(F)(2) Setback Requirements and 180-21(B) Accessory Buildings. Property is zoned RR1-Rural Residential 1. (Public Hearing)

Vincent and Karen Lombardozi of 5062 Walworth-Ontario Road came forward to speak before the Board. Mr. Lombardozi said they want to put a pole barn at the end of their driveway, so they are seeking a 13-foot variance. Ms. Kubida said the neighbor has a pole barn in a similar location, and there is a great deal of privacy. Ms. Kubida asked the location of the septic and leech field. Mr. Lombardozi said they are in the front of the house. Mr. Lombardozi said he will store cars, a tractor, and a snow blower. Chairperson Kunzer said there will be 23 feet between the proposed barn and the neighbor's barn.

Chairperson Kunzer asked if there were any comments from the Board. No issues were brought forward. Chairperson Kunzer closed the public hearing at 7:14 PM.

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

With regard to Application at 5062 Walworth-Ontario Road for an area variance requesting relief from Section 180-10 (F) (2) Setback Requirements and 180-21(B) 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** substantial since it is roughly an 85% variance.
2. The purpose of the variance **can** be achieved by some other feasible alternative since the barn can be placed in a different location, but it is not feasible.
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 is a pole barn on the neighbor's property and the design is great.
5. The difficulty relating to the variance **was** self-created because the applicant wants a pole barn.

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 Christine Kubida, to grant Vincent Lombardozi the requested area variance.

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

Motion carried.

Chairperson Kunzer addressed the third item on the agenda.

3. Application of Fred Cadwell seeking an area variance for the property located at 4410 West Walworth Road that does not comply with the required setback. The applicant seeks relief from Section 180-10 (F) (2) Setback Requirements and 180-21(B) Accessory Buildings. Property is zoned RR1-Rural Residential 1. (Public Hearing)

Fred Cadwell of 4410 West Walworth Road came forward to speak before the Board. Mr. Cadwell said he is seeking a 7-foot side setback relief to avoid the root system of a large maple tree on the property and to avoid taking down any other tree. Mr. Cadwell said the shed will be 7 feet from the north property line. Ms. Kubida asked if there are any other options on the property where the shed could be placed. Mr. Cadwell said other options would get into the root systems of the trees, and he only has 5 feet to the right side of the driveway on the south side. Chairperson Kunzer asked if Mr. Cadwell has another shed on the property. Mr. Cadwell the shed on the survey he provided is no longer there.

Chairperson Kunzer asked if there were any more comments from the Board. No more issues were brought forward. Chairperson Kunzer closed the public hearing at 7:25 PM.

Chairperson Kunzer said there appears to be other options for the location of the shed and the request is about ½ of the variance. Mr. Buss asked if the shed could be placed where the previous shed was located on the survey. Mr. Lombardozi said that would not meet the rear setback requirements since he is proposing a 12-foot shed and would need to leave 2 feet between the pole barn and the shed. Mr. Buss said he could place the shed on the south side of the property. Mr. Lombardozi said it is all trees and gardens on that side of the property.

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

With regard to Application at 4410 West Walworth Road for an area variance requesting relief from Section 180-10 (F) (2) Setback Requirements and 180-21(B) 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 substantial since it is greater than ½ of the variance.
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 since trees will not have to be removed.
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 a shed.

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 Fred Cadwell the requested area variance.

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

Motion carried.

Christine Kubida made a motion, seconded by Charles Buss, to adjourn the meeting. Chairperson Kunzer adjourned the meeting at 7:34 PM.

Respectfully submitted,

Barbara Goulette, Clerk