

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, was also present. Becky Appleman, Zoning Board member, was not present. 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 April 4, 2022. Charles Buss made a motion, seconded by Chairperson Kunzer, to approve the minutes of April 4, 2022. Tiffany Paine-Cirincione, and Christine Kubida abstained since they were not present at the April meeting. All other members were in favor. Motion carried.

Chairperson Kunzer addressed the first item on the agenda.

1. Application of Michael Furlong seeking an area variance for the property located at 3770 Deer Meadow Run that does not comply with the required side setback. The applicant seeks relief from Section 180-25 Parking, storage or use of major recreational equipment. Property is zoned R-Residential. (Public Hearing)

Michael Furlong of 3770 Deer Meadow Run came forward to speak before the Board. Mr. Furlong said he is requesting a 6-foot variance to the front of his property. Mr. Furlong said his camper is on the side of his house along the property line and it sticks out 6 feet. Mr. Furlong said he had his camper in storage last year, but it was a huge inconvenience and expensive. Mr. Furlong said his camper is on a stone pad within his property line. Mr. Furlong said he cannot move the camper back the required 6 feet because of the location of the garage man-door on the side of the garage and the gas insert exhaust for his fireplace is right there and gets hot. Ms. Kubida said the yard slopes downhill. Mr. Furlong said he would need to build up the stone pad and put in a retaining wall. Ms. Kubida asked if the camper will be on the stone pad all year. Mr. Furlong said it would.

Chairperson Kunzer read the following letter:

June 2, 2022

To Whom It May Concern,

We are writing in regarding the variance filed with the Town of Walworth for 3770 Deer Meadow Run. We live directly next door to the home above. Their camper is parked inches from our property line and is clearly parked beyond the front of the owner's home. This detracts from the "curb appeal" of our home and is an eyesore. If the town allows a variance for this home, it is setting a precedent in our neighborhood. Others may look for such variances, detracting from the aesthetics of our development and deflating home values. At this time, all other neighbors are abiding by the town ordinance and we don't see why an exception should be made in this case. We would like the camper parked further back on their property as the town rule clearly states. There was an issue last summer with his camper being parked on his driveway and we are hoping that this problem is resolved before we go through another summer.

We ask that you seriously consider the implications for ourselves and the neighborhood when deciding on approval of this variance.

Sincerely,

Craig and Maureen Smith
(585) 703-1999

Mr. Williamson provided the Board with pictures showing other recreational vehicles parked beside and in front of their properties in the neighborhood of this applicant because the Board needs to consider the character of the neighborhood. Chairperson Kunzer and Ms. Kubida said they observed other major recreational vehicles in the neighborhood, and there are trees blocking the view between the applicant and the neighbor. Mr. Williamson said the applicant would not be able to access the man-door on the side of the garage if he moves the camper back. Ms. Kubida said this could be a safety concern if this door is blocked. Mr. Williamson said there isn't any visibility obstruction for vehicles pulling out of driveways. Mr. Furlong said the camper is at least 12 inches from the property line. Ms. Paine-Cirincione read Town Code § 180-25 **Parking, storage or use of major recreational equipment**. No major recreational equipment shall be parked or stored on any lot in a residential district, except in a carport or enclosed building or behind the nearest portion of a building nearest to a street; provided, however, that such equipment may be parked anywhere on residential premises for not more than 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use, except that the owner of such lot may apply to the Planning Board for a

short-term permit to allow the equipment to be parked in the driveway on the lot not to exceed two continuous weeks for sleep purposes between April 1 and November 1.

Ms. Paine-Cirincione said several people in this neighborhood are not compliant with this Town Code as shown in the pictures submitted by Mr. Williamson, so how can we be consistent in application of the Town Code. Mr. Williamson said the neighbor complained about this camper, but each has to stand on its own merits so by granting one variance does not mean you have to grant another. Mr. Williamson said other neighbors have not complained about the other recreational vehicles.

Chairperson Kunzer asked if there were any more comments from the Board. No more issues were brought forward. Nobody from the public came forward. Ms. Kubida made a motion, seconded by Ms. Paine-Cirincione, to close the public hearing. 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 3770 Deer Meadow Run for an area variance requesting relief from 180-25 Parking and storage of unregistered vehicles.

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 6 feet into the 31-foot setback and there is no vision impedance.
2. The purpose of the variance **cannot** be achieved by some other feasible alternative since alternatives create safety issues.
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 the character will not be changed significantly as the owner has done much to make this possible.
5. The difficulty relating to the variance **was** self-created because the applicant wants to go camping.

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 Michael Furlong the requested area variance.

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

Motion carried.

Christine Kubida made a motion, seconded by Charles Buss, to adjourn the meeting. Chairperson Kunzer adjourned the meeting at 7:25 PM.

Respectfully submitted,

Barbara Goulette, Clerk