

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, Becky Appleman, and Charles Buss. Phil Williamson, Code Enforcement Officer was also present. Christine Kubida, 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 September 6, 2022. Chairperson Kunzer said "25-acre" on the third page should be "22.7-acre", and on the fifth page the time should not be 3:44pm. Charles Buss made a motion, seconded by Tiffany Paine-Cirincione, to approve the minutes of September 6, 2022 as corrected. All members were in favor. Motion carried.

Chairperson Kunzer addressed the first item on the agenda.

1. Application of Lori and John Coleman of 157 Walworth-Penfield Road seeking an area variance for relief from Section 180-12(G)(1) R Districts: Single-Family Residential Yard Requirements and Section 180-21(A) Accessory Buildings. Property is zoned R-Residential. (Public Hearing)

Chairperson Kunzer said Walworth Town Code 180-29(B) applies to this application since this is a major road and this would change the setback from 60 feet to 75 feet. Lori Coleman came forward to speak before the Board. Ms. Coleman said they would like to build a garage on their property but there is not a lot of space because of the right-of-way in the front of the property which they are trying to purchase from the State. Chairperson Kunzer said the right-of-way is very wide in front of this house.

Ms. Appleman asked if the garage would be behind the trees. Ms. Coleman said it would. Chairperson Kunzer said the house is 43 feet away from the right-of-way and the proposed garage will be about 18 feet 8 inches from the right-of-way of the road.

Ms. Coleman said the leach field is on the east side of the property. Chairperson Kunzer asked if they plan to have a breezeway to the house. Ms. Coleman said they plan to add a breezeway in the future, and the original garage was already converted to living space when they bought the house.

Chairperson Kunzer asked if there were any comments from the Board. No more issues were brought forward. Chairperson Kunzer asked if there were any comments from the Public. No issues were brought forward. Chairperson Kunzer closed the public hearing at 7:09pm.

Ms. Paine-Cirincione asked if this application could be postponed until the sale of the right-of-way goes through. Mr. Williamson said it could be 10 years before the sale goes through. Mr. Buss said the variance is a substantial amount, but the proposed garage is far enough away.

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

With regard to Application at 157 Walworth-Penfield Road for an area variance requesting relief from 180-12(G)(1) R Districts: Single-Family Residential Yard Requirements, 180-21(A) Accessory Buildings, and 180-29(B) Development along major streets.

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 75% of the required distance to the right-of-way.
2. The purpose of the variance **cannot** be achieved by some other feasible alternative since the leach field prohibits moving the garage farther north.
3. The variance **will not** have a negative effect on physical or environmental conditions in the neighborhood or district since it will not change the environment.
4. The variance **will not** result in an undesirable change to the character of the neighborhood or a detriment to nearby properties since it is not visible through the trees.
5. The difficulty relating to the variance **was not** self-created because the right-of-way width is substantial.

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 Becky Appleman, to grant Lori and John Coleman the requested area variance.

Roll Vote:	Chairperson Kunzer	Aye
	Charles Buss	Aye
	Becky Appleman	Aye
	Tiffany Paine-Cirrincone	Aye

Motion carried.

Chairperson Kunzer addressed the second item on the agenda.

2. Application of Andrew Schreiber of 4421 Cream Ridge Road seeking an area variance for relief from Section 180-10(F)(1) RR-1 Districts: Single-Family Residential Yard Requirements and 180-29(B) Development along Major Streets. Property is zoned RR1-Rural Residential 1. (Public Hearing)

Andrew Schreiber of 4421 Cream Ridge Road came forward to speak before the Board. Mr. Schreiber said he and his wife are looking to expand the footprint of their home by putting on an addition with a master bedroom suite and a nursery on the north end of their home toward Atlantic Avenue which has a 75-foot setback from the right-of-way. Mr. Schreiber said they propose to build 46 feet from the right-of-way and their current home is 66 feet from the right-of-way. Mr. Schreiber said there are other homes on Atlantic Avenue that are 15 feet off of the right-of-way and another that is 40 feet off of the right-of-way. Mr. Buss said the existing house is already in the required setback on Atlantic Avenue. Chairperson Kunzer said it will be about a 60% variance request, just over half of the requirement.

Chairperson Kunzer said there are bad car accidents in the area, but he has never seen cars over as far as the existing house. Ms. Paine-Cirrincone said the trees will be there. Ms. Appleman asked if they will remove the trees. Mr. Schreiber said the addition will fit between the trees and house and it will be about 12 feet from a tree.

Chairperson Kunzer asked if there were any more comments from the Board. No issues were brought forward. Chairperson Kunzer asked if there were any more comments from the public. No issues were brought forward. Chairperson Kunzer closed the public hearing at 7:22 PM.

Chairperson Kunzer said it is the last house on the road with a church behind it so it should not affect the neighbors. Ms. Appleman asked how big the addition will be. Mr. Schreiber said it will be 24 feet x 24 feet.

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

With regard to Application at 4421 Cream Ridge Road for an area variance requesting relief from 180-10(F)(1) RR-1 Districts: Single-Family Residential Yard Requirements and 180-29(B) Development along Major Streets.

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 60% of the required distance to the right-of-way.
2. The purpose of the variance **cannot** be achieved by some other feasible alternative since it makes sense to put the addition in the proposed location.
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 it will not be that noticeable.
5. The difficulty relating to the variance **was** self-created because the applicant wants to have an addition.

AND, BE IT FURTHER, RESOLVED, that based upon the above findings, the Zoning Board of Appeals hereby **approve** the variance.

Tiffany Paine-Cirrinzione made a motion, seconded by Charles Buss, to grant Andrew Schreiber the requested area variance.

Roll Vote:	Chairperson Kunzer	Aye
	Charles Buss	Aye
	Becky Appleman	Aye
	Tiffany Paine-Cirrinzione	Aye

Motion carried.

Chairperson Kunzer addressed the third item on the agenda.

3. Application of Deborah Mull of 519 Jacobs Road seeking an area variance for relief from Section 180-10(F)(1) RR-1 Districts: Single-Family Residential Yard Requirements and Section 180-21(A) Accessory Buildings. Property is zoned RR1-Rural Residential 1. (Public Hearing)

Deborah Mull of 519 Jacobs Road came forward to speak before the Board. Ms. Mull said she proposes to replace an existing woodshed tent with a 3-sided wood structure to store firewood. Ms. Mull said the existing structure can blow away so she would like a more permanent better-looking structure.

Chairperson Kunzer asked if the proposed structure will be closer to the house than the existing structure. Ms. Mull said it would be closer, but it will not block the gate to the back yard, and this location would allow her to take the wood into the garage and then into the house. Ms. Appleman asked if the shed is on the driveway. Ms. Mull said it is. Chairperson Kunzer said the proposed shed will be 11 feet from the property line and the required setback is 15 feet so it will be a 4-foot variance. Chairperson Kunzer asked if an accessory building in the front yard needs to be 30 feet from the principle use as written in the code 180-21(A). Mr. Williamson said this structure is not in the front yard. Mr. Williamson said the front yard depth has to be 60 feet from the edge of the right-of-way and the structure is further back than 60 feet and therefore not in the front yard, so it does not need to be 30 feet from the structure.

Mr. Buss read the definition of an Accessory Building or Structure from the Town Code: A building or structure, permanent or nonpermanent, made of any approved material, including canvas, the use of which is incidental to that of the main building and which is located on the same lot thereof; specifically excluded as an accessory building is a mobile home not in compliance with HUD standards. Ms. Paine-Cirrinzione said this code does not mention "3-sided" structure.

Mr. Williamson asked if the existing structure ever had a building permit. Ms. Mull said it was there when she moved into the house. Mr. Williamson said the applicant proposes to replace an existing accessory structure with another accessory structure.

Chairperson Kunzer asked if there were any more comments from the Board. No issues were brought forward. Chairperson Kunzer asked if there were any more comments from the public. No issues were brought forward. Chairperson Kunzer closed the public hearing at 7:40 PM.

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

With regard to Application at 519 Jacobs Road for an area variance requesting relief from 180-10(F)(1) RR-1 Districts: Single-Family Residential Yard Requirements and Section 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 26% of the required distance to the right-of-way.
2. The purpose of the variance **can** be achieved by some other feasible alternative since there are other places to put the shed.
3. The variance **will not** have a negative effect on physical or environmental conditions in the neighborhood or district since it will have a positive impact.
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 she wants the shed.

AND, BE IT FURTHER, RESOLVED, that based upon the above findings, the Zoning Board of Appeals hereby **approve** the variance.

Becky Appleman made a motion, seconded by Tiffany Paine-Cirrincone, to grant Deborah Mull the requested area variance.

Roll Vote:	Chairperson Kunzer	Aye
	Charles Buss	Aye
	Becky Appleman	Aye
	Tiffany Paine-Cirrincone	Aye

Motion carried.

Becky Appleman made a motion, seconded by Charles Buss, to adjourn the meeting. All members were in favor. Chairperson Kunzer adjourned the meeting at 7:44 PM.

Respectfully Submitted,

Barbara Goulette, Clerk