

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, Becky Appleman, and Charles Buss. Phil Williamson, Code Enforcement Officer was also 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 October 3, 2022. Charles Buss made a motion, seconded by Tiffany Paine-Cirincione, to approve the minutes of October 3, 2022. Christine Kubida abstained since she was not present at the October meeting. All other members were in favor. Motion carried.

Chairperson Kunzer addressed the first item on the agenda.

1. Application of Gerber Homes & Additions and Robert and Mary Jo Tobin of 4640 Boynton Road seeking an area variance for relief from Section 180-10(F)(2) RR-1 Districts: Single-Family Residential Yard Requirements. Property is zoned RR1-Rural Residential 1. (Public Hearing)

Robert and Mary Jo Tobin of 4640 Boynton Road came forward to speak before the Board. Mr. Tobin said he and his wife want to put a 2-car 24-foot x 24-foot garage in the turnaround of their driveway so they have more indoor parking for their vehicles. Mr. Tobin said in order to put the garage perpendicular to the turnaround the corners of the garage will go over the easement.

Ms. Appleman asked if the front of the garage will face the road. Mr. Tobin said it will face the turnaround, north. Ms. Kubida asked how long the turnaround is. Mr. Tobin said it is 19 feet. Mr. Buss asked Mr. Tobin if he could move the garage closer to the house. Mr. Tobin said there is a leach field in the front of the house, the garage won't line up with the turnaround, and a car parked in the turnaround would stick out into the driveway where it could be hit. Chairperson Kunzer asked if there is a garage with the house already. Mr. Tobin said there is a garage.

Chairperson Kunzer said the side setback requirement is 15 feet, and the applicant is requesting a 5-foot variance. Mr. Tobin said it would be 5 feet on the west corner of the garage and the other corner would be about 6 inches.

Chairperson Kunzer asked if there were any more 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 7:05pm.

Chairperson Kunzer said there is an alternative location for the garage. Ms. Appleman said this 5-foot variance seems to be substantial. Chairperson Kunzer said it is 1/3 of the required setback.

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

With regard to Application at 4640 Boynton Road for an area variance requesting relief from 180-10(F)(2) RR1 Districts: Single-Family Residential Yard 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 less than half the required distance.
2. The purpose of the variance **can** be achieved by some other feasible alternative since there are a few alternatives.
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 applicants want a garage.

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 Tiffany Paine-Cirincione, to grant Robert and Mary Jo Tobin the requested area variance. All members were in favor. Motion carried.

Chairperson Kunzer addressed the second item on the agenda.

2. Application of Jerold and Donna Webster of 236 Farmview Drive seeking an area variance for relief from Section 180-12(G)(2)R Districts: Single Family Residential Yard requirements . Property is zoned R-Residential. (Public Hearing)

Jerold and Donna Webster of 236 Farmview Drive came forward to speak before the Board. Mr. Webster said he and his wife desire to have a generator installed and the proposed location will be closer to the boundary line than allowed. Mr. Webster said it will be on the south side of the house a little bit to the front of the center, and the generator will need 52 inches. Chairperson Kunzer said a 7-foot variance should cover the applicants' need. Mr. Webster said he doesn't know exactly where the property line is. Mr. Williamson said the generator can be disconnected and moved to work in the area if necessary and then be put back, so it is not a permanent structure.

Ms. Paine-Cirincione asked if there are alternative choices on the property for the generator. Mr. Buss said the generator needs to be close to the panel box or it will be a lot more money to run it. Chairperson Kunzer asked where the gas service is to the house. Mr. Webster said it is in the front of the house.

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

Mr. Buss asked if the variance could be made to say the generator is placed no closer than 18 inches to the house and 5 feet from any opening. Chairperson Kunzer said the Board could give the applicant a 7-foot variance. Mr. Williamson said the Board can grant the variance to whatever is required for installation per the manufacturer's instructions.

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

With regard to Application at 236 Farmview Drive for an area variance requesting relief from 180-12(G)(2) R Districts: Single-Family Residential Yard 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** substantial since the generator needs to be placed per the manufacturer's installation instructions.
2. The purpose of the variance **cannot** be achieved by some other feasible alternative since it is too expensive to place the generator anywhere else.
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 applicants want a generator, and it is most always self-created.

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 Jerold and Donna Webster the requested area variance with the condition that the generator is placed no closer than 18 inches to the house and 5 feet from any opening per manufacturer's installation instructions. All members were in favor. Motion carried.

Tiffany Paine-Cirincione made a motion, seconded by Christine Kubida, to adjourn the meeting. Chairperson Kunzer adjourned the meeting at 7:30 PM.

Respectfully submitted,
Barbara Goulette, Clerk