

Chairperson Michael Kunzer called the regular meeting of the Zoning Board of Appeals of the Town of Walworth to order at 6:30 PM. The members present were Michael Kunzer, Charles Buss and Tiffany Paine-Cirrincone. Becky Appleman and Christine Kubida, Zoning Board members, were not present. Also present was Brett Malafeew, Code Enforcement Officer.

Chairperson Kunzer asked if there were any corrections to the minutes of April 6, 2026. Charles Buss made a motion, seconded by Tiffany Paine-Cirrincone, to approve the minutes of April 6, 2026. All members were in favor. Motion carried.

Chairperson Kunzer addressed the first item on the agenda:

**1. Application of June & Leroy LaRose of 264 Walworth Penfield Road seeking an area variance at 264 Walworth Penfield Road that does not comply with the required setback. Property is zoned R-Residential. (Public Hearing)**

Chairperson Kunzer said the applicants are seeking setback relief from code 180.29C development along major roads as Walworth Penfield Road is a major road.

Chairman Kunzer opened the public hearing.

Leroy LaRose of 264 Walworth Penfield Road approached the Board. Mr. LaRose said he wanted to extend the garage, but it would have been too close to the neighbor's lot line. Mr. LaRose said he wanted to put a carport up front but didn't realize the easement was 40 feet in from the street. Mr. LaRose said there is currently a one-car garage that his wife uses but he needs it for the Winter, so he doesn't fall in the snow. Mr. LaRose said it should make the house look nicer.

June LaRose asked the Board if they also had received information about the roof over the porch.

Chairperson Kunzer said the information was received and confirmed the applicant is looking at an 18 by 18-foot carport extending towards the street from the garage and a 6 by 14-foot porch roof. Chairperson Kunzer said the setback is 75 feet when on a major road such as route 441 and the house is already 72 feet from the road. Chairperson Kunzer said building a carport another 18 feet closer to the road would make it a 27 percent variance.

Chairperson Kunzer asked the Board if they had any more questions for the applicant. No issues were brought forward.

Tiffany Paine-Cirrincone made a motion, seconded by Charles Buss, to adjourn the public comment. All members were in favor. Chairperson Kunzer closed the public hearing at 6:34PM.

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

With regard to the Application at 264 Route 441 for an area variance requesting setback relief from Section 180.29C Development along major roads 75-foot setback requirement.

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 because it is less than 50% variance.
2. The purpose of the variance **cannot** be achieved by some other feasible alternative because the garage cannot be extended into the back yard
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.

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

AND, BE IT FURTHER, RESOLVED, that consistent with Town Law, this approval is limited to only the specific area and minimum relief necessary to accommodate the particular development proposed in the subject application.

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

Tiffany Paine-Cirrinzione	Aye
Chairperson Kunzer	Aye
Charles Buss	Aye

Motion carried.

Chairperson Kunzer addressed the second item on the agenda:

**1. Application of Ryan & Angela LeMay of 641 Plank Road seeking an area variance at 641 Plank Road that does not comply with the required setback. Property is zoned Hamlet. (Public Hearing)**

Chairperson Kunzer said Mr. LeMay is seeking relief from Walworth Town Code 180-13 K 2.

Tiffany Paine-Cirrinzione made a motion, seconded by Charles Buss to open the public hearing. All members were in favor. Chairperson Kunzer opened the public hearing at 6:42PM.

Ryan LeMay of 641 Plank Road came forward to speak before the Board. Mr. LeMay said they are looking to add an almost 12-foot by 16-foot addition to the side of the home. Mr. LeMay said they moved back to Walworth from out of state into a home next to three other family members. Mr. LeMay said they planned to have two children and the second pregnancy was twins, so they are trying to expand a three-bedroom house into a four-bedroom house. Mr. LeMay said they are looking for a sizable variance to get close to their neighbor's side lot hoping that the positioning and vast distance between them and their neighbor's house makes it more reasonable.

Ms. Paine-Cirrinzione asked if the affected neighbors are family members. Mr. LeMay said they are not.

Mr. Buss asked what would be done with the central air conditioning.

Mr. LeMay said it would spin to the back side of the house as those were original plans to have the addition in the back of the house, before noticing the interesting angle of the property line.

Mr. Buss asked how close the propane tank was. Mr. LeMay said the propane tank was about 20-30 feet away from the house with the opportunity to send it back further.

Chairperson Kunzer asked if Mr. Malafeew had read the code.

Mr. Malafeew said his interpretation is that there needs to be 16 feet on each side and no setbacks are needed. Mr. Buss said as long as the applicant is within their boundaries, it is ok. Chairperson Kunzer said he interpreted it as a minimum of 8 feet in the hamlet. Mr. Buss said the sum of two yards shall not be less than 16 feet. Chairperson Kunzer said that acknowledges the fact that it could be less than 8 feet, but .8 feet is a lot. Chairperson Kunzer asked what happens if the neighbor wants to build a fence. Ms. Paine-Cirrinzione said the sum of the distance being not less than 16 doesn't take away from each side yard needing to be 8 feet. Mr. Buss said if you read further in the code it says, however, no side yard shall be required if the structure is not used for dwelling purposes other than by one person and they are the only ones living there.

Ms. Paine-Cirrinzione asked why the addition is not being made to the back of the house.

Mr. LeMay said the house is on a hill and a full basement would be required underneath to build on ground level with the house. Mr. Buss said it would be a sizeable expense to build the addition on the back compared to the side. Mr. LeMay said there was also discussion about building off the front, but the cost difference was substantial.

Chairperson Kunzer the neighbor has a large lot and the house is far away, but what if they subdivide in the future and have a close lot and 8 tenths of a foot is a very substantial variance. Mr. LeMay said the builder did reduce the dimensions to 11.6 feet wide from 12 foot wide.

Chairperson Kunzer asked the Board if they had any more questions for the applicant. No issues were brought forward.

Tiffany Paine-Cirincione made a motion, seconded by Mr. Buss, to close the public hearing. All members were in favor. Chairperson Kunzer closed the public hearing at 6:50PM.

Chairperson Kunzer asked Mr. Buss if eight tenths of a foot will have any bearing on fire safety if a ladder needed to be put up to pull someone out of a window or firemen needed access. Mr. Buss said there is room and right now there isn't a house there.

Mr. Malafeew said the code can be read different ways, but it says each side yard is to equal 8 feet and the sum shall not be less than 16 feet. Mr. Malafeew said he doesn't think we are talking about just one house, we are talking about two houses, each with 8 feet each equaling 16 feet. Mr. Malafeew said this code has been relevant at Lehrwood where there is 15 feet on the living side of the house and 8 feet on the garage side. Mr. Malafeew said the question is how far away the neighbor's house is.

Chairperson Kunzer asked if the applicant spoke with the neighbors. Mr. LeMay said they have not spoken specifically to this. Ms. LeMay said there was talk about an addition on this side of the house and how it might get close to the property line, but the neighbor didn't have the details of exactly how close it was, but he didn't seem concerned.

Mr. Buss said there are houses in Walworth adjacent where one side is a larger side yard than the other and the sign outside informs the neighbors.

Chairperson Kunzer said he wants to consult the Town's attorney to see if the vote needs to be unanimous as there are only three Zoning Board members present.

Ms. Paine-Cirincione said we have publicized the meeting in accordance with procedures.

Chairperson Kunzer we have all the information, but I'm uncomfortable with the interpretation of the code.

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

With regard to the Application 641 Plank Road for an area variance requesting relief from 180-13 K 2

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 very** substantial
2. The purpose of the variance **cannot** be achieved by some other feasible alternative due to cost.
3. The variance **will not** have a negative effect on physical or environmental conditions in the neighborhood or district because the neighbor's house is far from the property line.
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.

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

Tiffany Paine-Cirincione made a motion, seconded by Charles Buss, to grant Mr. LeMay the requested area variance.

Tiffany Paine-Cirincione	Aye
Chairperson Kunzer	Nay
Charles Buss	Aye

Chairperson Kunzer said he will look into whether a unanimous vote is needed. Mr. Buss said that would be tabling. Mr. Malafeew said a quick search shows that there could be a stipulation on the variance that it is passed pending legal counsel.

Chairperson Kunzer said he will consult the Town's attorney and table the application until next month.

Charles Buss made a motion, seconded by Chairperson Kunzer, to table the application and adjourn the meeting. Chairperson Kunzer adjourned the meeting at 7:07 PM.

Respectfully submitted,  
Heather Behrendt, Clerk