

In the absence of Chairperson Pam Knapp, Jim Hinz called the regular meeting of the Zoning Board of Appeals of the Town of Walworth to order at 7:00 PM. Members present: Jim Hinz, Mike Kunzer, Mike Bagne, Suzi Mance and Marlene Hall. Members absent: Chairperson Pam Knapp. Phil Williamson, Code Enforcement Officer was present.

Jim Hinz asked for a motion to waive the reading of the legal notice.

Suzi Mance made a motion, seconded by Mike Bagne to waive the reading of the legal notice. Motion carried.

Mike Bagne made a motion, seconded by Suzi Mance to approve the minutes of September 3, 2013, with the following correction: Page 526....4th paragraph should read: Mike Kunzer asked if there were two parcels, not Mike Bagne.

Roll Vote:	Pam Knapp	Absent
	Jim Hinz	Abstained
	Michael Bagne	Aye
	Michael Kunzer	Aye
	Suzi Mance	Aye
	Marlene Hall	Aye

Motion carried.

- 1. Application of Chris Passalacqua, Owner of property located at 3308 County Line Road for an Area Variance to construct an addition to an existing garage that encroaches 2 ft. into the 15 ft. side setback required in the zoning district wherein the property is located. Applicant seeks relief from Town Code Section §180-12G(2) – Yard Requirements (side setback). Property is zoned: R-Residential.**

Jim Hinz opened the public hearing.

Chris Passalacqua was present to answer questions from the Board. Mr. Passalacqua said that he intends to add a 31' x 28' garage addition (868 sq. ft.) that will encroach 2 ft. into the side setback of 15 ft. The Board was in receipt of a drawing of the proposed addition and also a survey map that showed where the addition would be attached to the existing garage.

Jim Hinz said that he had visited the site. Jim Hinz questioned the front setback of garage. Mr. Passalacqua said that it would not extend past the existing front porch. He also said that the addition would cover up the existing foundation on the south side.

A brief discussion ensued and the Board was in agreement that this was the only feasible location for the applicant to increase the size of the garage. Because of the topography of the land, considerable fill would be needed to place the garage, elsewhere. The Board also felt that the garage addition would be not change the character of the neighborhood as there are other similar garages in the neighborhood.

There was no public comment.

Suzi Mance made a motion, seconded by Mike Kunzer to close the public hearing. Motion carried.

Jim Hinz made the following motion, seconded by Mike Bagne to approve the application of Chris Passalacqua for an area variance for property located at 3308 County Line Road.

I move, after considering the benefit to the applicant and the detriment to the health, safety, and general welfare of the neighborhood or the community that would occur as a result of the variance being granted and taking into consideration the five factors set forth in Section 267-b(3b) and finding:

- 1. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?**

No. There is no other feasible or logical location to attach to the existing garage. Considerable fill would be necessary to build in any other location.

- 2. Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by the granting of the variance?**

No. Because there are other homes in the neighborhood similar in nature.

3. Is the amount of variation from the zoning requirement substantial?

No. The variance requested is only 2 ft. of the 15 ft. required.

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

No.

5. Was the alleged difficulty self-created? Consideration of this factor shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

Yes. Because the house already has an existing garage.

And further finds the variance is the minimum variance that it deems necessary and adequate at the same time preserve and protects the character of the neighborhood and the health, safety and welfare of the community.
There are no conditins placed on the variance.

Roll Vote:	Jim Hinz	Aye
	Michael Bagne	Aye
	Mike Kunzer	Aye
	Suzi Mance	Aye
	Marlene Hall	Aye

Motion carried.

Susi Mance made a motion, seconded by Mike Bagne to adjourn the meeting.

Jim Hinz adjourned the meeting at 7:25 P.M.

Respectfully submitted,

Gail Rutkowski, Zoning Board Clerk