In the absence of Chairperson Pam Knapp, Mike Kunzer made a motion, seconded by Mike Bagne for Suzi Mance to chair the meeting. Motion carried.

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

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

The minutes of the October 7, 2013 will be approved at the next meeting to allow members a chance to review them.

1. **Application of Steven and Robin Savitcheff, owners of property located at 3334 Eagles Roost Lane for an area variance to construct a shed that encroaches 3.5 ft. into the 7.5 ft. side setback required in the zoning district wherein the property is located. Applicant seeks relief from Town Code Section §180-17A(2) – Yard Requirements (side setback). Property is zoned: PD: Planned Development.**

Suzi Mance opened the public hearing.

Steven and Robin Savitcheff were present to answer questions from the Board. Robin Savitcheff said that they have an in-ground pool in their backyard and they would like to purchase a custom built 8' x 10' shed to store their pool equipment, outside furniture and the lawn mower that was previously housed in the house and garage. The shed would match the color scheme of their house and would be aesthetically pleasing. They would like to place the shed 4.5 feet from the property line, instead of the 7.5 feet required in the PD district. The primary reason for the request is for safety reasons. Ms. Savitcheff explained that even though her two children are preteens and she does not find it necessary to be at the poolside at all times, she does like to keep a watchful eye on her children and their friends from the bay window of their home. If the shed were to be placed 7.5 feet from the property line, the line of sight from the house to the deep end of the pool and diving board would be obstructed. By requesting a variance her family, and the families that allow their children to swim in their pool, they would have "peace of mind".

Suzi Mance said that she had visited the site but could only look through the wooden fence as the homeowners were not home. She questioned the applicant as to why the shed could not be placed on the north side of the yard as their appeared to be plenty of room. Robin Savitcheff said that the shed would block the sun on the concrete patio area and the view of the gate entering the pool would also be obstructed. She also would not be able to see the doors of the shed and know if anyone was going in and out of the shed.

Ms. Savitcheff said that the location she wants to place the shed was previously leveled off for a playset that has since been taken down. Ms. Savicheff said, "It just makes the most sense to put the shed where it is perfectly level….it would be very easy to do." Also, the only opening in the fence is one the south side of the yard and it would be more convenient bring the lawn mower and other items, in and out of the shed.

Mike Kunzer commented that it appears that many of the neighbors have similar sheds. Mike Kunzer questioned if it was a standard size shed. Ms. Savicheff said that it was about 6 feet in height (not a "barn-style shed") and would be about the same height as the existing wooden fence.

Mike Bagne questioned if there would be on a permanent foundation and Mr. Savicheff said that it would be on cinder blocks and moveable.

Phil Williamson commented that some of the lots in the PD district are very small and the restrictions placed on them prohibit homeowners from using their lots as intended and for their enjoyment. The PD district is quite unique and latitudes have been taken in the past and can be taken.

Mr. Williamson read from Section 180-17A(2):

> "…..Where PD techniques are deemed appropriate through the rezoning of land to a Planned Development District by the Town Board, the set of use and dimensional specification elsewhere in this chapter are herein replaced by an approval process in which an approved plan becomes the basis for continuing land controls."

A discussion ensued as to whether or not the variance request was substantial. Mike Bagne said that it was less than 50% so he would not consider it substantial. The fence also blocks the view of the shed from the neighbors.

The Board has no further questions for the applicant.

There was no public comment.

Mike Bagne 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 grant the area variance of Steven & Robin Savitcheff for property located at 3334 Eagles Roost Lane:

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. Another location of the shed would impede or restrict the sight line affecting the safety of those using the pool.

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 the majority of the properties nearby have similar sheds.

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

   No. The variance request is less that 50%.

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. There are other locations to place the shed, however for safety reasons it makes sense to place the shed within the setback.

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 conditions placed on the variance.

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

Motion carried.

Mike Kunzer made a motion, seconded by Mike Bagne to adjourn the meeting. Motion carried.

Suzi Mance adjourned the meeting at 7:28 P.M.

Respectfully submitted,

Gail Rutkowski, Zoning Board Clerk

DRAFT

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