

Chairperson Pam Knapp called the regular meeting of the Zoning Board of Appeals of the Town of Walworth to order at 7:01 PM. Members present: Tony Laga, Gerald Champagne, Jim Hinz, Michael Bagne, and Pam Knapp. Town employee present: Phil Williamson, Code Enforcement Officer, Norm Druschel, Building Inspector.

Jim Hinz made a motion, seconded by Michael Bagne to approve the minutes of August 6, 2007 as presented.

Motion carried.

**1. Application of David Affronti for Area Variance located at 4689 Lincoln Road to grant a variance to allow encroachment of the 15 ft. side setback by 1 ft. Applicant seeks relief from Walworth Town Code Section 180-10(F)(2) side setback. Property is zoned: RR-1.**

Chairperson Knapp opened the public hearing.

David Affronti, owner was present to discuss the application and answer questions from the Zoning Board of Appeals. An instrument survey prepared by Shelley Associates, Engineers and Land Surveyors, was presented to the Board for their review. The survey showed that the southwest corner of the house was 14 ft. from the property line. The side setback in the RR-1 district is 15 ft.

Chairperson Knapp questioned Norm Druschel as to whether there was an approved site plan submitted prior to construction of the building? Norm Druschel answered, "Yes". Chairperson Knapp further stated that it was noted in the application that a c of o had been issued on February 2, 2008. Mr. Druschel clarified that a temporary c of o was issued to allow Mr. Affronti to obtain a mortgage. Mr. Druschel stated that a c of o requires that all fire and safety matters be in compliance.

David Affronti was asked if he constructed the house himself? Mr. Affronti responded yes, but that he acted as his own building contractor, but subcontracted parts of the work.

Chairperson Knapp questioned whether Norm Druschel had completed all the required inspections during construction. Norm Druschel stated that all required inspections were completed. It is not a requirement to have a surveyor set pins for footers and he as the Building Inspector does not have the tools, time or expertise to pinpoint the precise location of the footers. It is left up to the builder to construct the building according to the site plan.

Mr. Affronti stated that he made a very slight adjustment to the orientation of the house so that it would be parallel to the road and more aesthetically pleasing. He was unaware that this slight adjustment would result in the southwest corner encroaching 1 ft. into the side setback.

Gerald Champagne stated that he had visited the site and observed that the Mr. Affronti's home was aligned with the neighboring houses.

Chairperson Knapp questioned when Norm Druschel first became aware of the problem? Mr. Druschel said that an instrument survey is required prior to a final c of o being issued. I wasn't until he received the instrument survey he noticed the problem with the side setback.

Phil Williamson stated that issuing a c of o does not imply compliance with zoning regulations.

There were no further concerns from the Zoning Board.

There were no comments from the public.

Chairperson Knapp closed the public hearing.

Michael Bagne made a motion, seconded by Tony Laga to approve the application of David Affronti for an area variance.

I, move, after considering the benefit to the applicant and the detriment to the health, safety, 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(3a) and finding:

1. The granting of the variance will not cause an undesirable change in the character of the neighborhood or a detriment to nearby properties because the building is aligned with the road and with the neighboring properties.
2. The benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue because the house is already built.
3. The area variance is not substantial because it is only 1 ft. of 15 ft.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood because it is in keeping with the character of the neighborhood.
5. The alleged difficulty was self-created; because the orientation of the building was altered slightly to be aligned with the road.

And further finding 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.

This Board finds that the findings it has made as set forth in factors 1, 2, 3, 4 outweigh the findings it has made as set forth in factor 5 and that substantial emphasis be given to factors 1, 2, 3 and 4 and by reason thereof, the Board concludes that the variance be granted since the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community.

Roll Vote:	Michael Bagne	Aye
	Pam Knapp	Aye
	Jim Hinz	Aye
	Gerald Champagne	Aye
	Tony Laga	Aye

Motion carried.

Michael Bagne made a motion, seconded by Jim Hinz to adjourn the meeting.

Chairperson Knapp adjourned the meeting at 7:20 P.M.

Respectfully submitted,

Gail Rutkowski  
Zoning Board Clerk

