

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 and Pam Knapp. Members absent: Michael Bagne. Town employee present: Phil Williamson, Code Enforcement Officer.

Tony Laga made a motion, seconded by Jim Hinz to approve the minutes of March 3, 2008 as presented.

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

Motion carried.

- 1. Application of Mark Byers for property located at 3755 Deer Meadow Run to construct a third bay to an existing garage that encroaches 2.3 ft. into the minimum 10 ft. side setback required in the R-residential (cluster development) district wherein the property is located. Applicant seeks relief from Walworth Town Code, Section 180-12G(2) side yard width.**

Chairman Knapp opened the public hearing.

Mark Byers, owner of the property was present to answer questions from the Board. Mr. Byers explained that he would like to request a variance to allow construction of a third bay to an existing garage that would encroach 2.3 ft. into the minimum 10 ft. side setback. Mr. Byers provided a copy of the instrument survey map, scale sketch of the addition, picture of the house and a mockup pictures of what the addition will look like upon completion. Mr. Byers requested a variance of 3 feet.

Pam Knapp questioned whether the garage would be used primarily for storage or for parking a vehicle? Mark Byers responded that it would be used for a car. Chairperson Knapp then questioned if he had considered adding depth to the garage to accommodate another car, instead of adding width, so that a variance would not be needed? Mr. Byers responded that he had contemplated it, but to do so would result in the garage protruding further into that yard than the existing deck on the back of the house. Mr. Byers stated, "I think this would be an ugly eyesore, personally and I would have to look at it every day."

Jim Hinz questioned if a 10-foot garage would be adequate so that a variance may not be needed? Mark Byers responded that making the garage narrower would result in not being able to open the car doors without them knocking against the wall. Further, if the garage was built only 10 ft. wide the applicant felt that it would look out of proportion with the rest of the house.

Tony Laga questioned if he only needed a 2.3 ft. variance, why he was requesting 3.0 ft. variance? Mark Byers responded that the proposed garage would only encroach into the side setback 2.3 ft. but he didn't want to have an issue later on if the contractor were to go over the 2.3 ft. by only an inch or two because of the way the block was laid, for example.

Tony Laga questioned if the neighbor decided that he also wanted to build an addition to his house resulting in even less space between the two homes what would the impact be? Phil Williamson responded that the only factor that the Board can legally consider is the applicant's request for an area variance; other factors such as the distance between the houses, the orientation of the houses, what the property is used for, or whether the neighbor builds or does not build is not relevant to this request.

Mark Byers stated that the neighbor is aware of the applications and his plans for the addition of the third bay of the garage.

There was no public comment.

Chairman Knapp closed the public hearing.

Jim Hinz made a motion, seconded by Jerry Champagne to approve the application of Mark Byers for an area variance.

I move, after considering the benefit to the applicants 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. The granting of the variance will not cause an undesirable change in the character of the neighborhood or a detriment to nearby properties because there are neighboring properties with similar characteristics.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue because other methods would also require the applicant to obtain a variance.
3. The area variance is substantial because the variance requested is 30% of the 10' setback.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood because neighboring properties have similar characteristics.
5. The alleged difficulty was not self-created; however, because the cluster development reduces the options available to build because of the reduced setbacks.

And further finding the variance is the minimum variance that it deems necessary and adequate at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community.

The Board finds that the findings it has made as set forth in factors 1, 2, 4 and 5 outweigh the findings it has made as set forth in factor 3 and that substantial emphasis be given to factors 1, 2, 4, 5 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.

And further, the following conditions be imposed:

1. no storage of materials on the outside of the structure being constructed.
2. the building inspector verifies that the structure does not extend into the side setback further than allowed by the variance granted.

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

Motion carried.

Tony Laga made a motion, seconded by Jim Hinz to adjourn the meeting.

Chairperson Knapp adjourned at 7:50 P.M.

Respectfully submitted,

Gail Rutkowski  
Zoning Board Clerk

