

Chairperson Pam Knapp called the regular meeting of the Zoning Board of Appeals of the Town of Walworth to order at 7:02 PM. Members present: Pam Knapp, Jerry Champagne, Jim Hinz and Michael Bagne. Members absent: Tony Laga. Town employee absent: Phil Williamson, Code Enforcement Officer.

Michael Bagne made a motion, seconded by Jim Hinz to approve the minutes of the September 8, 2009 with the following correction, page 471: The Rolls Vote should be changed to read: Tony Laga & Jerry Champagne – Absent and Pam Knapp, Mike Bagne and Jim Hinz – Aye. Motion carried.

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

Motion carried.

- 1. Application of John R. and Holly Williamson for area variance for property located at 3526 View Pointe Drive to add onto the existing garage that encroaches 3 ft. into the 15 ft. side setback requirement for the R-Residential District wherein the property is located. Applicant seeks relief from Walworth Town Code, Section 180-12(G)(2) Side Yard Requirements (Public Hearing).**

Chairperson Pam Knapp opened the public hearing.

Mr. John Williamson, homeowner was present to answer questions from the Board. He explained that he is planning to add onto the existing garage for additional storage and possibly a boat in the future. The new 12 ft. x 28 ft. single-story addition will encroach between 2 and 3 ft. into the side yard setback of 15 ft. and he is seeking an area variance to allow him to proceed with the addition.

Chairperson Knapp questioned whether the addition would have a garage door and whether there would be any change to the existing driveway. Mr. Williamson explained that there would be a garage door on the addition and that there will be a slight kick-out from the existing driveway to allow him to drive into the new section of the garage. Michael Bagne commented that zoning code allows a driveway to go right up to the property line. The existing fence between the Williamson's and the neighbor's property will remain.

Board members concurred that the proposed addition will enhance the curb appeal of the home and increase the market value. It was noted that there were other homes in the neighborhood with garages larger than a two-vehicle garage and Mr. Williamson addition would be keeping with the character of other homes in the neighborhood.

Chairperson Knapp read the following letter from neighbors, Dennis and Tracie Froio, dated October 6, 2009:

"We live at 3530 View Pointe Drive and are the neighbors of Rob and Holly Williamson. By mean of this letter, we are letting all concerned parties know we are aware the Williamson's are planning to add onto their existing garage. It is our understanding that this garage will cross the 15 ft. variance toward our property line by 2-3 feet."

We would like to inform the Board that we do not have any concerns about this addition and request that the Board approve the Williamson's application for the variance."

There were no other comments from the public.

Chairperson Knapp closed the public hearing.

Jim Hinz made the following motion, seconded by Jerry Champagne to approve the application of John and Holly Williamson for an area variance for property located at 3526 View Pointe Drive.

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 it has similar characteristic to nearby properties.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue because of the layout of the existing house.
3. The area variance is not substantial because it is 3 ft. out of the 15 ft. side setback or 1/5 of the total.

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood because it will improve the curb appeal of the home and increase the market value.
5. The alleged difficulty was self-created; however, because the addition is not a necessary requirement.

And further finding the variance is the minimum variance that it deems necessary and adequate and at the same time preserves 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 and 4 outweighs 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.

And further, there are no conditions imposed on the variance.

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

Motion carried.

Mike Bagne made a motion, seconded by Jerry Champagne to adjourn the meeting.

Chairperson Knapp adjourned the meeting at 7:23 P.M.

Respectfully submitted,

Gail Rutkowski, Zoning Board Clerk