

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: Tony Laga, Gerald Champagne, Pam Knapp, Jim Hinz and Michael Bagne. Town employee present: Phil Williamson, Code Enforcement Officer.

Mike Bagne made a motion, seconded by Jerry Champagne to approve the minutes of the April 6, 2009 meeting with the following correction: The last sentence should read, "Tony Laga adjourned the meeting...., not "Chairperson Knapp adjourned the meeting...".

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

Motion carried.

**1. Application of Joel Paige for area variance of property located at 574 Haley Road to build new front porch that encroaches 16 ft. into the 60 ft. front setback requirement for the RR-1 Rural Residential district wherein the property is located. Applicant seeks relief from Walworth Town Code, Section 180-10F(1) Front Yard Requirements. (Public Hearing).**

Chairperson Knapp opened the public hearing.

Joel Paige the homeowner was present to discuss the application, along with the contractor, Tyke Morrill owner of TMC Construction, Ontario. The Board was in receipt of a proposal from TMC Construction, a survey map showing where the deck will be attached to the house and sketch showing how the deck will be constructed. Photos showing the deteriorating condition of the existing concrete porch, steps and walkway were also shown to the Board.

Mr. Morrill explained that the new front porch will be 6 ft. by 8 ft. and built over the existing concrete. Composite decking materials will be used and the design will incorporate a handrail system. The set of stairs will be 4 ft. wide. Mr. Morrill commented that the existing porch does not have railing and the poor condition of the concrete creates a hazardous situation. The new structure will greatly improve the appearance of the home and safety of the front entrance in general. The porch will be constructed according to current building codes.

Chairman Knapp asked, "Will you be removing the concrete sidewalk?" Mr. Paige responded, "The sidewalk will be replaced with pavers and will extend to the driveway."

Jim Hinz questioned whether the new porch will extend any closer to the road than the existing porch. Mr. Morrill responded that it would actually encroach slightly less into the front setback.

Phil Williamson stated that when the home was originally built the front setback was not 60 ft. as it is today. The residence itself is 50.2 feet from the street line. Phil Williamson comment that this is pre-existing porch and the homeowner simply wants to replace the present deteriorating entrance with a more attractive and safer design.

The Board had no further comments.

There were no comments from the public.

Chairperson Knapp closed the public hearing.

Jim Hinz made the following motion, seconded by Tony Laga to approve the application of Joel Paige 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(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 is a hazardous situation and repairing the front porch will improve the safety and appearance of the porch and will be less of an encroachment than the current porch.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue because the existing porch is beyond repair and requires replacement and the encroachment on the front setback already exists.
3. The area variance is not substantial because it actually lessens the current encroachment of the pre-existing porch (stoop).

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood because it will be an improvement to the property and will correct a hazardous situation.
5. The alleged difficulty was not self-created; however, because the stoop was pre-existing, and the encroachment on the front setback already exists.

And further finding the variance is the minimum variance that it deems necessary and adequate at the same time preserved 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, 3, 4 and 5 outweigh all other findings 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.

There were no conditions placed on the variance.

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

Motion carried.

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

Chairperson Knapp adjourned the meeting at 7:19 P.M.

Respectfully submitted,

Gail Rutkowski, Zoning Board Clerk