

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: Pam Knapp, Jerry Champagne, Jim Hinz, Michael Bagne and Steve MacNeal. Town employee present: Phil Williamson, Code Enforcement Officer.

Mike Bagne made a motion, seconded Jim Hinz by to approve the minutes of the November 2, 2009 as presented.

Roll Vote:	Jerry Champagne	Aye
	Steve MacNeal	Abstained
	Pam Knapp	Aye
	Jim Hinz	Aye
	Michael Bagne	Aye

Motion carried.

- 1. Application of Robert Farmen requesting an area variance for property located at 4613 County Line Road to allow the applicant to build a pole barn that is less than the required 15' side setback as required in a RR-1 Zoning District, wherein the property is located. Applicant seeks relief from Walworth Town Code Section 180-10(F)(2) side setback.**

Chairperson Pam Knapp opened the public hearing.

Mr. Robert Farmen, homeowner was present to answer questions from the Board. He explained that he would like to place the pole barn 5 ft. from the property line, instead of the 15 ft. required in the RR-1 Zoning District.

Chairman Knapp asked if the access to the pole barn would be from the existing driveway. Mr. Farmen responded, "yes". Chairman Knapp also questioned whether there was any location to put the pole barn on the north side of the property? Mr. Farmen stated, "There is a residence on the north side and there is a swale between my house and the neighbor to the north. The entire back area is wetlands." Mr. Farmen indicated that it was the only feasible placement for the pole barn.

Chairman Knapp questioned Phil Williamson if having the RG & E right-of-way would allow placement of a structure right up to the property line or if any other restrictions would apply. Phil Williamson stated that the same side setback requirement would apply no matter who owns the neighboring property.

There was no one present from the public to speak for or against the application.

Chairman Knapp closed the public hearing.

Jerry Champagne made a motion, seconded by Michael Bagne to approve the application of Robert Farmen for an area variance:

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 other properties have similar structures.
2. The benefit sought by the applicants cannot be achieved by some other method feasible for the applicant to pursue because of the layout of the property and the fact that it is the only dry location because of the wetlands.
3. The area variance is substantial because the variance is 2/3 into the side setback.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood because it has similar characteristics to other properties.
5. The alleged difficulty was not self-created; however, because of the overall layout and characteristics of the property and the existing wetlands.

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.

This 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 taking into consideration the fact that the variance given borders RG & E's right-of-way and will not be subject to any future development), and substantial emphasis be given to factors 1, 2, 4 and 5 and by reason thereof, the Board concludes that the variance be granted since the benefit to the applicants outweigh the detriment to the health, safety and welfare of the neighborhood or community.

There are no conditions placed on the variance.

Roll Vote:	Jerry Champagne	Aye
	Steve MacNeal	Aye
	Pam Knapp	Aye
	Jim Hinz	Aye
	Michael Bagne	Aye

Motion carried.

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

Chairperson Knapp adjourned the meeting at 7:24 P.M.

Respectfully submitted,

Gail Rutkowski, Zoning Board Clerk