

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, Michael Bagne and Steve MacNeal. Member absent: Jim Hinz. Town employee present: Phil Williamson, Code Enforcement Officer.

Michael Bagne made a motion, seconded by Jerry Champagne to approve the minutes of the May 3, 2010 with one correction, page 476 about halfway down the page, "Jim Bagne" should read "Mike Bagne".

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

Motion carried.

- 1. Continuation of Public Hearing of application of James J. Porcelli requesting an area variance for property located at 1716 Plank Road to allow an addition to an existing garage on a parcel without a principal dwelling. Applicant seeks relief from Walworth Town Code Section 180-21E. Accessory Buildings & 180-43A(2) & D Non-conforming structures. Property is zoned: RR-1 – Rural Residential 1.**

Chairperson Pam Knapp informed those present that Mr. James Porcelli had withdrawn the application.

Chairman Knapp noted for the record that at the June meeting the Board requested a legal opinion from Denise Munson regarding the Porcelli application (letter dated 6/2/10 in response to that request is filed with the application).

- 2. Application of William Sprague requesting an area variance for property located at 4408 Cream Ridge Road to allow construction of a second bay to an existing garage that will encroach 2 ft. into the side setback requirement of 15 feet. Applicant seeks relief from Walworth Town Code Section 180-10(F)(2). Property is zoned: RR-1.**

Chairperson Knapp opened the public hearing.

William Sprague, owner of the property was present to speak on behalf of the application. Mr. Sprague explained that he proposes to add a second bay that would add 16 ft. to the existing garage. The side setback would then be 13.8 ft. and would encroach 1.4 ft. into the required 15 ft. in the RR-1 district. The owner is requesting a 2 ft. variance. The distance between the side of the garage and the neighbor's house will be 16.45 feet. The property was surveyed prior to the Sprague's purchasing the home and was measured using the survey stakes that are in place. A diagram of the addition and photos of the property were shown to committee members.

Mr. Sprague noted that other homes in the neighborhood also have two-car garages, so the addition will be in keeping with the character of the neighborhood. The addition will have no environmental impact.

The Board had no other questions and there was no public comment for or against the variance.

Chairperson Knapp closed the public hearing.

Jerry Champagne made the following motion, seconded by Michael Bagne to approve the application of William Sprague for an area variance for property located at 4408 Cream Ridge Road.

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 will maintain the same characteristics as neighboring properties.
2. The benefit sought by the applicants cannot be achieved by some other method feasible for the applicant to pursue because it is limited by property layout and the existing structure.
3. The area variance is not substantial because the variance is a nominal percentage of the minimum side setback requirement (2 ft. of the required 15 ft. requirement).
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood as it mirrors neighboring properties.
5. The alleged difficulty was not self-created.

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 and 5 outweigh the findings it has made as set forth in all other factors, and that substantial emphasis be given to factors 1, 2, 3, 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	Absent
	Michael Bagne	Aye

Motion carried.

Jerry Champagne made a motion, seconded by Steve MacNeal to adjourn the meeting.

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

Respectfully submitted,

Gail Rutkowski, Zoning Board Clerk