

Chairman Ken Masker called the adjourned meeting of the Zoning Board of Appeals of the Town of Walworth to order at 7:00 P.m. Members present: Karel Ambroz, Pam Knapp, Tony Laga, Susan Mance, and Ken Masker. Other Town employees present were: Patti Marini, Acting Clerk and Town Board Liaison to the Zoning Board  
Phil Williamson, Code Enforcement Officer

1. **Application of Ronald Soucy residing at 5272 County Line Rd., Webster, NY 14580 for an Area Variance located at the abovementioned property to allow the homeowner to construct a garage that will encroach upon the 15' side setback required. The property is located in a RR-1 district. The applicant seeks relief from 180-21(B) of the Walworth Town Code, Accessory buildings.**

A motion was made by Susan Mance, seconded by Tony Laga that:

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 this will be an upgrade to the property and the new structure will add value.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue because:
  - a. septic and leach lines are on the other side of the property;
  - b. would not be cost effective to build at rear of the property because the amount of fill would need to be substantial due to flooding that occurs there;
  - c. cannot come closer to existing garage as slope at rear of the house/garage would have to be cut out and a retaining wall would have to be building and is cost prohibitive.
3. The area variance is substantial because it is 2/3 of the required setback.
4. The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood because it will substantially reduce the side setback.
5. The alleged difficulty was self-created; however, because building a 2<sup>nd</sup> garage is an option, not a requirement.

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 and 2 outweigh the findings it has made as set forth in factors 3, 4 and 5 and that substantial emphasis be given to factors 1 and 2 and by reason there of, 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.

Ad further, the following conditions be imposed:

1. Approval subject to confirmation by a licensed surveyor or engineer that the setback is not less than 5 foot from the property line.

2. That nothing is to be placed between the garage and property line that will encroach on the 5 foot setback.

Roll Vote:	Tony Laga	Aye
	Karel Ambroz	Nay
	Ken Masker	Aye
	Susan Mance	Aye
	Pam Knapp	Nay

Motion carried.

Ken Masker made a motion to adjourn, seconded by Susan Mance at 7:07 P.M.

Respectfully submitted,

Patti Marini  
Acting Clerk