

Chairman Ken Masker called the regular meeting of the Zoning Board of Appeals of the Town of Walworth to order at 7:05 PM. Members present: Karel Ambroz, Jim Hinz, Pam Knapp and Tony Laga. Other Town employees present were Phil Williamson, Code Enforcement Officer and Susan Mance, Acting Town Board Liaison to the Zoning Board.

Pam Knapp made a motion to approve the minutes of August 15, 2005, seconded by Tony Laga. Motion carried.

**1. Application of Vincent & Karen Lombardozzi for an Area Variance located at 2252 Brookside Drive to allow the construction of a 700 square foot addition to the existing residence less than the required 15' side setback as required in an R District, wherein the property is located.**

Vincent Lombardozzi was present to discuss the application. Mr. Lombardozzi stated that he recently purchased his home with the intention of adding additional living space onto his home to accommodate his growing family. He cannot construct the addition to the back of the house because of the deck and pool that was added by a previous owner. Mr. Lombardozzi is planning on adding the addition to the south side of the house that is adjacent to vacant land owned by the Greater Rochester YMCA.

Chairman Masker stated that he had visited the property and noticed that there is a steep bank and drainage at the side of the house. Chairman Masker questioned whether the addition would force drainage onto the neighboring property. Mr. Lombardozzi stated that he does not foresee drainage problems and intends to make changes to the drainage at the front of his property that will actually improve and control the drainage. Chairman Masker questioned whether there were any covenants in the deed that would restrict what can be done. Mr. Lombardozzi answered that there were no covenants, to his knowledge.

Karel Ambroz questioned whether there would be a full basement under the addition. Mr. Lombardozzi answered "yes". Mr. Ambroz questioned if the new basement will be a walkout basement. Mr. Lombardozzi stated that the only walkout is to the back of the property through the existing basement.

Chairman Masker questioned whether the addition lies square on the lot. Tony Laga pointed out that the survey map indicates that the sides of his house are parallel to the lot boundaries.

Pam Knapp questioned whether they would be using an architect to develop the plan. Mr. Lombardozzi answered that once the variance is granted he will hire an architect.

Karel Ambroz stated that he has a concern about the aesthetics of the addition and making sure it blends with the existing house. Mr. Lombardozzi stated that he shares that concern and presented a rough sketch of the addition showing a dormer design that repeats the roofline of the house. Mr. Lombardozzi will be working closing with an architect to design an addition that is aesthetically pleasing. There were no further comments from the Board.

Chairman Masker opened the public hearing.

There was no public comment.

Chairman Masker closed the public hearing.

The meeting reconvened at 7:25 P.M.

Pam Knapp made a motion seconded by Tony Laga for the Approval of Vincent's Lombardozzi's Application for Area Variance.

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 the change stays within the character of the neighborhood and is designed to fit the style of the house.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue because of the topography of the lot and because of a 20-foot easement on the North side of the lot.
3. The area variance is not substantial because it involves only 2 feet of the required 15-foot setback.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood because no adverse effects are evident to the board.
5. The alleged difficulty was not self-created; however, because it was a preexisting condition of the property.

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 outweighs other considerations and substantial emphasis be placed on factors 1,2,3,4 and 5 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, the variance is granted with no conditions imposed.

Roll Vote:	Tony Laga	Aye
	Ken Masker	Aye
	Karel Ambroz	Aye
	Jim Hinz	Aye
	Pam Knapp	Aye

Motion carried:

Chairman Masker made a motion, seconded by Pam Knapp to adjourn the meeting.  
Motion carried.

Meeting was adjourned at 7:50 P.M.

Respectfully submitted,

Gail Rutkowski  
Zoning Board Clerk

