

Chairman Ken Masker 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, Karel Ambroz, Pam Knapp and Jim Hinz.

Pam Knapp made a motion, seconded by Jim Hinz to approve the minutes of August 7, 2006 as presented.

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

Motion carried.

**1. Application of Linda & Timothy DeLorey for Area Variance located at 4018 Canandaigua Road to allow a shed to be placed in the front yard. The property is located in an RR-2 district. Applicant seeks relief from Walworth Town Code 180-21.A.**

Chairman Masker opened the public hearing.

Timothy DeLorey of 4018 Canandaigua Road was present to discuss the application. Mr. DeLorey explained that on August 16, 2006 he came into the Building Department for a permit to put a shed on his property. At that time, he was asked to provide a drawing of the intended location of the shed. Mr. DeLorey explained that he provided a rough sketch of the location of the shed that Mr. Druschel reviewed prior to issuing the permit. A copy of both the sketch and the signed application for the building permit (#06-246) are on file at the Building Department.

Timothy DeLorey stated that he decided to put the shed slightly in front of the house because of the topography of the land at the back of the house that slopes down. He explained that the shed is about 18 feet from the house and over 30 feet from the side property line. The shed is an 8½'x 12' kit and made of vinyl.

Jim Hinz questioned whether it would be difficult to move the shed. Mr. DeLorey responded yes, because the shed was anchored to the ground with two by fours.

Tony Laga stated that he had observed that there was ample space to place the shed at the north side rear of the house. Mr. DeLorey responded that the septic system is located there and he wanted to avoid that location. He further stated, "I came into the Building Department and if I had been made aware of all the restrictions, I probably would not have bought the shed to begin with. I provided the drawing and it was approved before I even bought the shed."

Karel Ambroz questioned whether Mr. DeLorey was provided a copy of the regulations when he applied for the building permit? He responded, "No, I was only told that the shed needed to be 15 feet from the lot line."

Chairman Masker read a letter from Norm Druschel, Building Inspector, dated October 27, 2006.

"Dear Mr. DeLorey, I noticed over the weekend that you had put up a shed for permit #06-246 in front of your home. After reviewing the drawings that you submitted it appears I misinterpreted where the shed was going to be placed. I believed it was going to be behind your home. Our zoning regulations require that the shed cannot be in a front yard only under specific circumstances or by a variance granted by the Zoning Board. If you are unable to re-locate the shed

behind the front corner of the home due to lot conditions, "steep slope and + no flat area", I believe a variance would be appropriate. Please contact our office for the required applications."

Karel Ambroz stated that he after looking at the drawing he could see where Norm Druschel could perceive that the shed was located behind the house. There was no determination of geographic north. Mr. DeLorey stated that it was a very rough sketch, but he certainly wasn't trying to hide anything. The Board concurred that this was an honest mistake, but a more detailed sketch should have been required.

Pam Knapp stated that the applicant took all the correct steps by coming to the Town, applying for a permit and completing a drawing. If the drawing needed clarification he should have been asked for it. The permit was issued in error because of misinterpretation of the drawing, but it was not the fault of the applicant and he should not be penalized.

Karel Ambroz stated that although he concurred that it was not the homeowner's fault, he felt the code should be adhered to nonetheless.

There was no further public comment.

Chairman Masker closed the public hearing.

Pam Knapp made a motion, seconded by Jim Hinz, to approve the application of Linda and Timothy DeLorey for an 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 is of a minor nature.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue because of the topography and the location of the septic system.
3. The area variance is substantial because it is more than ½ of the required separation from the principle structure.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood because the change is of a minor nature and blends in well with the existing environment.
5. The alleged difficulty was not self-created; however, because the owner followed the directions of the building inspector which was incorrect.

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, 4 and 5 outweighs the findings it has made as set forth in factor 3 and that 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 applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community.

And further, the following conditions be imposed:

1. If the structure is replaced it must be sited in accordance with the zoning regulations in effect at the time.

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

Motion carried.

Karel Ambroz made a motion seconded by Pam Knapp to adjourn the meeting.

Motion carried.

Meeting adjourned at 7:40 P.M.

Respectfully submitted,

Gail Rutkowski  
Zoning Board Clerk