

Chairman Pam Knapp 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, Jim Hinz, Michael Bagne and Pam Knapp. Town employee present: Phil Williamson, Code Enforcement Officer and Patti Marini, Town Board Member.

Chairman Knapp made following corrections to the minutes of May 7, 2007. Toward the bottom of page 438 there are two instances where the name "Mr. Azzano" should be replaced by the applicant's name "Mr. DeVrieze".

Jim Hinz made a motion, seconded by Michael Bagne to approve the minutes of May 7, 2007 with the above corrections.

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

Motion carried.

Chairman Knapp opened the public hearing.

Eric Matzan of 3778 Deer Meadow Run was present to explain the application. Mr. Matzan stated the request is for a side set back variance along the western boundary of the property. The town code requires a 10 ft. side setback and he explained that he would like to construct a detached garage in the backyard that would have a 5 ft. setback at the southwest corner.

Mr. Matzan stated that his lot is pie shaped, widening as you go back. The current driveway extends to the west of the main house and runs along the western boundary between the attached garage and the property line. The requested variance will allow better alignment from the existing driveway to the proposed detached garage.

Mr. Matzan further stated that there is essentially no impact to any other property owners since the western boundary borders an open space common area.

Chairman Knapp asked several questions about the purpose and design of the proposed garage. Mr. Matzan responded that the purpose of the garage was strictly to provide enclosed storage for lawn equipment, bicycles, motorcycle, additional auto and snowmobiles.

Chairman Knapp questioned, "Will the building be one floor or will there be a second story?" Mr. Matzan stated, "I haven't come up with a final design. It may be a simple garage, but I may add a loft for additional storage. This will not be a finished living space, it would be storage only."

Chairman Knapp questioned, "What is the size of the proposed building?" Mr. Matzan answered, "The proposed building will be 28 ft. x 28 ft. maybe smaller depending on design and cost, but I prefer a 28 ft. x 28 ft. building if the cost is right. "I'm considering a concrete driveway unless it is cost prohibitive and I would then use asphalt."

Chairman Knapp asked, "How far away from your primary residence will the proposed building be located?" Mr. Matzan stated, "I don't have an exact distance, but it will be more than 20 feet."

Chairman Knapp questioned, "Are you proposing a retaining wall going from one corner to the property line?" Mr. Matzan replied, "That is correct."

Mr. Bagne questioned whether the shed at the back of the property would remain? Mr. Matzan responded, "Yes".

Tony Laga asked, "Is there a minimum distance between the main structure and another outbuilding?" Phil Williamson responded, "The minimum distance is 5 feet."

Tony Laga stated, "There is certainly the possibility of moving the structure further back. The variance you are requesting is certainly substantial." Mr. Matzan replied, "Yes, moving the structure back is a possibility, but because of the hill there is a lot more dirt to excavate".

Mr. Laga further stated, "There are many variables; if you made the building smaller 24 ft. x 24 ft., a variance may not be necessary."

Jim Hinz questioned, "Is the angle of the driveway the reason you aren't moving the garage further east an additional 5 ft. to meet the setback?" Mr. Matzan responded, "Yes, for better alignment of the garage, but I also want to preserve the rest of the backyard."

Karel Ambroz asked whether Mr. Matzan had considered building onto the existing garage? Mr. Matzan stated that he did not have enough space, as his garage is only 11 ft. 7 in. from the western property line. Mr. Ambroz asked, "Have you considered building straight off the back of the garage?" Mr. Matzan responded, "I did consider the option of going double-deep, but I like this plan better for freer access in and out of the garage. I would like to actually use my existing garage as a garage and store the items I don't use as much in the detached garage. This option is my first choice."

There was no public comment.

Chairman Knapp closed the public hearing.

Karel Ambroz made a motion, seconded by Michael Bagne to deny the application of Eric Matzan for an area variance.

I move, 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 cause an undesirable change in the character of the neighborhood or a detriment to nearby properties because it is out of character with the neighboring properties.
2. The benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue because there are multiple options, methods and means to remain in compliance.
3. The area variance is substantial because it is 1/2 of the required side setback.
4. The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood because the structure is not conducive to the neighborhood.
5. The alleged difficulty was self-created; however, because there are other options and locations available on the property.

This Board finds that the findings it has made as set forth in factors 1, 2, 3, 4 and 5 outweigh 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 denied since the detriment to the health, safety and welfare of the neighborhood or community outweighs the benefit to the applicant.

Roll Vote:	Tony Laga	Aye
	Pam Knapp	Aye
	Karel Ambroz	Aye
	Jim Hinz	Aye
	Michael Bagne	Aye

Motion carried.

The meeting was adjourned at 7:31 P.M.

Respectfully submitted,

Gail Rutkowski
Zoning Board Clerk

