

Chairman Pam Knapp called the regular meeting of the Zoning Board of Appeals of the Town of Walworth to order at 7:03 PM. Members present: Karel Ambroz, Jim Hinz, Michael Bagne and Pam Knapp. Tony Laga was absent. Phil Williamson, Code Enforcement Officer, and Arthur Williams, Town Attorney, were present.

Jim Hinz made a motion, seconded by Karel Ambroz to approve the minutes of April 2, 2007 as presented. Motion carried.

- 1. Application of Richard DeVrieze requesting an Area Variance for property located at 715 Jacobs Road and 4789 Lincoln Road. Applicant seeks to reconfigure the parcel located at 715 Jacobs Road that will result in an additional building lot at the north end of the parcel on 4789 Lincoln Road. The applicant requests relief from Walworth Town Code 180-10 (D) Required Lot Area and Walworth Town Code 180-34 Minimum Width of Access Right of Way for Residential Lots. Property is zoned RR-1.**

Mr. Richard DeVrieze of 715 Jacobs Road was present to discuss the application. A map prepared by Shelley Associates, P.E. Engineers and Land Surveyors of Ontario, dated April 2007 was presented to the Board for their review. The map shows the proposed reconfiguration.

The first parcel (shown on map as Lot R-2) is where Mr. DeVrieze's current residence is situated. The intent is to shorten the property to make it in alignment with the other parcels to the right and left. Mr. DeVrieze explained that the reconfiguration would then put the existing metal & frame garage as part of the central parcel where the welding shop is located (shown on map as Lot #6). An additional building Lot will be produced at the north end of the parcel (shown on map as Lot #7).

The reconfiguration will result in the proposed Jacobs Road lot area that would be 0.94 that is less than the minimum of 1.0 acre required by current zoning. This is a difference of 2,460 square feet.

The reconfiguration will also result in the Lincoln Road lot area that would not meet the current zoning width requirement that is 250' ft. in the RR-1 district. Phil Williamson explained that our Zoning Law as currently written has two districts RR-1 and RR-2 and they both require a 1-acre lot minimum, but there is an inconsistency in the minimum lot-width requirement between the RR-1 and RR-2 districts because of an error in the code. The Town Board is in the process of adopting a new zoning map and all parcels in the RR-2 district will be changed to RR-1. The RR-2 district will no longer exist. The minimum width requirement in an RR-1 district will change to 100 ft. Mr. Williamson stated that since the map has yet to be adopted, a variance is needed at this time.

Pam Knapp asked, "What is the length of the driveway where you intend to build your house?" Mr. DeVrieze answered, "It is 289 ft. where it is only 20 ft. wide. I'm not sure exactly where the house will be built until perk tests are done".

Phil Williamson stated that the driveway is only 20 ft. wide, since the parcels on both sides of the driveway are owned by others. Mr. Williamson stated that the minimum access width for a driveway length of 251 to 500 feet is 35 feet, but the Planning Board has the authority to waive the minimum width requirement in certain situations. An emergency vehicle pull-off area is part of the proposed design.

Karel Ambroz questioned the reasoning behind subdividing the land. Mr. Azzano stated that he would like to keep the welding shop separate from Lot #7 where he intends to build a new home in the future. He would then be able to sell off the welding shop on Lot #6 when he no longer wants to work in the business.

Karel asked if he owned all the property in his name? Mr. Azzano replied, "Yes".

Chairman Knapp questioned if there was an issue with subdividing Lot #6 for Lot #7 if there was not a primary residence on Lot #6. Phil Williamson stated that this does not pose a problem as there has never been a primary residence on the property and the existing buildings have been there for years.

Chairman Knapp opened the public hearing.

There were no comments from the public.

Chairman Knapp closed the public hearing.

A motion was made by Karel Ambroz, seconded by Michael Bagne to approve the following area variance:

Variance Required Lot Area - (Jacobs Road)

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 not cause an undesirable change in the character of the neighborhood or a detriment to nearby properties because the lot lines match the neighboring properties and makes proposed Lot #6 more desirable for future development.
2. The benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue because it is not necessary to make a change to the property; it could be left as is.
3. The area variance is not substantial because the area variance is a minimum deviation from the required area.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood because it matches the characteristics of neighboring properties.
5. The alleged difficulty was self-created; however because the property lines are being reverted to the original property line and are consistent with the characteristics of the neighborhood.

This Board finds the finding it has made as set forth in factors 1, 3 and 4 outweigh the finding it has made as set for in factors 2 and 5 and that substantial emphasis be given to 1, 3 and 4 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, there are no conditions imposed.

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

Motion carried.

A motion was made by Karel Ambroz, seconded by Michael Bagne to approve the following area variance:

Variance - Lot width (Lincoln Rd.)

I move, after considering the benefit to the applicant 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 is comparable to the nearby properties.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue because of the irregularity of the lot and the location of structures on Lot #6.
3. The area variance is substantial because it is greater than 1/2 of the required 250' lot width minimum.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions because it is similar to the lots in the neighborhood.
5. The alleged difficulty was self-created; however the lots configuration cannot be achieved any other way.

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 and 4 outweigh the findings it has made as set forth in factors 3 and 5 and that substantial emphasis be given to factors 1, 2 and 4 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 condition be imposed:

- 1. Pending Planning Board approval for subdivision.

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

Motion carried.

Discussion ensued about the access right-of-way. Phil Williamson explained that there was a misunderstanding by the Planning Board that the Zoning Board would need to grant a variance for minimum width of access right of way for residential lots. Mr. Williamson explained that the access is a driveway owned by Mr. DeVrieze and part of the parcel and the Zoning Board does not have to grant a variance. Mr. DeVrieze will need to comply with requirements in Section 151-34(E) Driveway Designs that were read by Phil Williamson.

Jim Hinz made a motion, seconded by Michael Bagne to adjourn the meeting.

The meeting was adjourned at 7:57 P.M.

Respectfully submitted,

Gail Rutkowski
Zoning Board Clerk