

Original

LIVONIA JOINT ZONING BOARD OF APPEALS

MEETING MINUTES - NOVEMBER 18, 2013

PRESENT: Chair Nilsson, G. Cole, M. Sharman, B. Weber, Code Enforcement Officer - A. Backus, recording secretary - K. Masterson, Town Atty. - J. Campbell.

EXCUSED: C. Rider.

AGENDA:

Call meeting to order.

Accept and approve meeting minutes of November 4, 2013.

Chair Nilsson opened the meeting at 7 p.m. He asked board members to review the November 4, 2013 meeting minutes.

M/2/C (M. Sharman/G. Cole) to approve and accept the November 4, 2013 meeting minutes as submitted with one typo change.

Motion carried 4-0.

Recording secretary read aloud the first legal notice:

Re: Application of Craig Reed for an area variance to construct an addition on to a non conforming structure. The property is located at 3871 Grayshores Rd. and is zoned Neighborhood residential (NR).

Chair Nilsson asked to have the board polled on a site visit:

Chair - No.

M. Sharman - Yes.

B. Weber - No.

G. Cole - Yes.

Chair stated such board members have visited the property and for the record could the applicant explain his request.

Craig Reed, owner of the property and his contractor Jeff Lambert, explained that a portion of the existing cottage would be torn down and replaced with a new addition 16' x 22' along with a new deck. The addition will be located on the lake side. There will be a full foundation under the new addition and they will also put a crawl space foundation under the remaining portion. Both side set backs will be in compliance. Lot coverage is not an issue. The house and deck will be 50'+ from the lake shore.

Chair asked if there was any public comment for this application, hearing none, closed that

portion of the hearing. B. Weber asked if the house would be seasonal or year around. Craig stated their intent is to use it seasonally.

Chair asked board members to review the criteria of the area variance criteria form.

(1) Will an undesirable change be produced in the character of the neighborhood or will a deterrent to nearby properties be created by granting the variance?

NO.

(2) Can the benefit sought by the applicant be achieved by some feasible method other than a variance?

NO.

(3) Is the variance substantial?

NO.

(4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

NO.

(5) Is the alleged difficulty self created?

YES.

Chair asked for a motion on the application:
M/2/C (B. Weber/G. Cole) to approve the application as submitted.
Motion carried 4-0.

Recording secretary read aloud the second legal notice:

RE: The application of Doug Acomb for an area variance to construct a 3000 sq. ft office building that will violate the front set back requirement. The property is located at 5893/5897 Big Tree Rd. Lakeville and is zoned Gateway Commercial (GC).

Chair polled the board members on the site visit:

- Chair -yes.
- G. Cole - yes
- M. Sharman - yes

B. weber - yes.

Chair asked the applicant to explain his request.

Doug Acomb stated he has been before the planning board with his site plan and it has been identified that the buildings location requires a front set back variance. If successful with the variance he will return to the planning board. By orientating the building on the lot that best suits its site development, a corner of the building encroaches into the 50' set back. The south west corner of the building will be 36.5' from the front line and the other building corner will be the required 50'.

Chair asked were are the adjacent two buildings located relative to the front set back. Doug stated his building would be farther back from the road than those two.

M. Sharman asked if the house to the rear of the property was staying. Doug stated yes but the two front houses would be removed.

G. Cole asked if this building orientation was approved by the planning board. Doug said yes, it was the option they chose from three (3).

Chair asked for public comment:

Tim Howland of 5896 Big Tree Rd. asked to see the plans. Doug explained the buildings position and showed him a colored elevation drawing. Tim felt is was an attractive building.

Chair asked if there is any further public comment, hearing none, closed that potion of the hearing.

Chair asked board members to review the criteria for the area variance criteria form:

(1) Will an undesirable change be produced in the character of the neighborhood or will a deterrent to nearby properties be created by granting the variance?

NO.

(2) Can the benefit sought by the applicant be achieved by some method other than a variance?

NO.

(3) Is the variance request substantial?

NO, only a small corner of the building is involved.

(4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

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NO.

Is the alleged difficulty self created?

YES.

Chair asked for a motion on this application:

M/2/C (M. Sharman/G. Cole) to approve the application as submitted.
Motion carried 4-0.

Chair announced the board would now continue discussing the previous Cicero Use Variance application dated November 4, 2013.

~~Chair asked Dolores and Chris Cicero to come forward and update the board on their discussions with their neighbor, the Laverys.~~

Doloris presented the board with a written resolution signed by the parties stating that signage would be installed notifying traffic visitors far in advance were to enter the property correctly. If this did not resolve the problem of unwanted drivers entering into the Lavery driveway, they would then install a gate. They also agreed to noise limits being imposed. Cicero's had said that by 11p.m. all events must stop. (A copy of said resolution is attached).

G.Cole asked if any privacy fencing was discussed. Mrs. Lavery said she did not want to see fencing.

B. Weber stated he did not agree that all the conditions for granting a use variance have been met and that New York State has established the criteria. The granting of a use variance is not justified in his opinion. He further felt the town code should be changed to allow this type of event in order to avoid applicants asking for use variance.

Chair Nilsson disagreed and felt the economic justification had been met which does create the hardship for the cicero's.

Chair asked for a motion on this application:

M/2/C (G. Cole/ M. Sharman) to grant the use variance for the use of the barn as a party event barn with the conditions as agreed upon in the attached resolution.
Motion carried 3-1 in favor.

Chair asked for a motion to close the meeting at 8p.m.
M/2/C (B. Weber/M. Sharman) to adjourn the meeting at 8p.m.

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Motion carried 4-0.

Respectfully submitted:

Kevin Masterson
Recording Secretary