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Approved
9/16/13

LIVONIA JOINT ZONING BOARD OF APPEALS

MEETING MINUTES AUGUST 19, 2013

PRESENT: Chair Nilsson, Chris Rider, Mike Sharman, Kevin Masterson - Acting Secretary,
Adam Backus - Code Enforcement Officer

EXCUSED: Gwen Cole

ABSENT: Bill Weber, Jim Campbell - town atty.

AGENDA: Call meeting to order
Accept and approve the August 5, 2013 meeting minutes.

Richard Hatheway
3685 Pebble Beach Rd.
Area Variance for construction of 12' x 19' deck.

Grace Baginski
3653 Pebble Beach Rd
Area Variance to keep miniature horse.

Chair Nilsson opened the meeting at 7:00 p.m.

Chair Nilsson asked board members to review the August 5, 2013 meeting minutes.

M/2/C (C. Rider/M.Sharman) to accept the August 5, 2013 meeting minutes as submitted.
Motion carried 3-0.

Recording secretary read aloud the first legal notice:

RE: Application of Richard & Linda Hatheway for an area variance for the construction of a 12' x 19' deck which will violate the side set back requirement according to section 150-31 G. (2). In addition Section 150-70A.(2) of the Livonia Zoning Code states no non conforming building shall be enlarged, extended, or increased.

The property is located at 3685 Pebble Beach Rd. and is zoned Neighborhood Residential (NR) District.

Chair Nilsson polled board members on the site visit:

Chair Nilsson - yes
Chris Rider - yes
Mike Sharman - yes

Chair stated these three board members had visited the site and for the record could the applicant explain their application request.

Mr. Hatheway explained their desire to have a lower level deck at ground level below the current porch/deck which is attached to the house. The specific area is currently enclosed with dog fencing and has a stone base. The deck would be over this same area and be approx. 18" above the eastern lake side grade. It would be pretty much at grade going back toward house. They wanted to have an area for a picnic table and some seating.

Chair asked if there would be access from the current upper level deck onto the proposed deck?
Answer yes.

Chair asked if there was any plan to put a roof over it? Answer no.

Chair asked if the deck floor would be spaced floor decking boards to allow water to pass through? Answer Yes.

C. Rider asked if the adjacent neighbors, Kosakowski's were aware of this proposal? Mr. Hatheway stated Todd and Wendy have no objections nor does the adjacent neighbor to the south.

M. Sharman stated the deck would be no higher than 18" above grade on the east side. Hatheway agreed.

Chair asked for public comment, hearing none, closed the public hearing portion of the meeting.

Chair asked board members to review the area variance legal criteria:

- (1) - NO
- (2) - NO
- (3) - NO
- (4) - YES
- (5) - YES
- (6) - YES

Chair asked for a motion on this application:

M/2/C (M. Sharman/C. Rider) to approve the application as submitted with the condition the eastern lakeside of the deck be no higher than 18" above grade.

Motion carried 3-0.

Recording Secretary read aloud the second legal notice:

RE: Grace Baginski and Nora Lynch for an area variance to allow the use of the property for horse (miniature size) ownership which normally requires the minimum of 5 acres according to section 150-50 of the Livonia Zoning Code. In addition the housing stable will be located less than 100'

from an adjacent residences which is required by Section 150-5 (agricultural definitions) of the Livonia Zoning Code. The property is located at 3653 Pebble Beach Rd. and is zoned Neighborhood Residential(NR) District.

Chair polled the board members on the site visit:

Chair Nilsson - yes
M. Sharman - yes
C. Rider - yes.

Chair stated the three board members had visited the site and for the record could the applicant explain his request.

Grace accompanied by her parents, owners of the property, stated she wanted to purchase the mini horse as a pet and keep it sheltered across the street on property they owned. She would buy an Amish wood shed to house the horse. She understands the code requires a 100' distance separation from the neighbor's houses and she does not have enough land to comply with the minimum 5 acres.

Chair Nilsson thanked Grace for the pictures which show the actual size of the horse smaller than a Great Dane dog. He also asked if there was an area to pasture the horse and do they need exercise? Grace stated she will be exercising the horse in a fashion called Hand Exercise using small jumps. She will have a small pasture area but the horse will be eating hay and grains.

Chair asked what would become of the animal waste product? Grace stated she would dispose of any manure just as she now does with her two dogs. It would be placed in garbage bags and picked up with the weekly garbage.

Chris rider asked if she would be walking the horse off her property, maybe on the road?

Mike Sharman asked if she would be cleaning up any manure on the road? And if she has access to the necessary feed supplies?

Grace stated she would make sure any manure on the street was cleaned up immediately if she does take the horse for a walk. She currently has a horse boarded off the property and now purchases food and supplies for it.

Chris Rider asked if the neighbors are aware of this request? Grace presented a signed petition from neighbors on Pebble Beach Rd in favor of the request.

Chris and Mike asked her parents if there was an apartment currently over the barn/garage on the property. Dave Baginski, Grace's father, stated there is no apartment in the barn, it is for there personal storage. The Amish shed to house the horse would be directly behind this building. There are no water nor sewer utilities to this barn.

Chris asked if she anticipated having another horse in the future? Grace said this particular breed of mini horse does not need another for companionship.

Chair asked for public comment, hearing none, closed that portion of the meeting.

Chair asked board members to review the Area Variance legal criteria:

(1) Will an undesirable change be produced in the character of the neighborhood or will a detriment 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 request substantial?

- YES

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

- NO

(5) Is the alleged difficulty self created?

- YES

Mike Sharman expressed to Grace that she alone is the responsible individual to assure no negative impacts to the neighborhood. Grace confirmed as a yes.

Chair asked for a motion on this application:

M/2/C (M. Sharman/C. Rider) to approve the application for one (1) mini horse with the condition Grace comes back to this board for a one (1) year review.

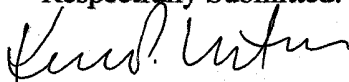
Motion carried 3-0.

Chair asked for a motion to adjourn the meeting at 7:30 p.m.

M/2/C (C. Rider/M. Sharman)

Motion carried 3-0.

Respectfully Submitted:



Kevin Masterson
Recording Secretary