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LIVONIA JOINT ZONING BOARD OF APPEALS
Meeting Minutes - August 5, 2013

PRESENT: Chair Peter Nilsson, Mike Sharman, Bill Weber, Gwen Cole, Chris Rider, Kevin Masterson - Acting Secretary - Kevin Masterson, Code Enforcement Officer- Adam Backus

EXCUSED: Jim Campbell

AGENDA: Call meeting to order
Accept and approve meeting minutes of July 1, 2013

- Kaitlin & Steve Gerould
6758 Big Tree Rd.
Conditional Use Permit
Hair salon

- Guy Matthews
4248 east Lake Rd.
Area variance - Deck

- Karen Bryant
6103 Wilkins Tract
Area Variance - Garage

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

Chair. asked the board members to review the July 1, 2013 meeting minutes.

M/2/C (C. Rider/ M. Sharman) to accept the July 1, 2013 meeting minutes as submitted.
Motion carried 5-0.

Recording Secretary read aloud the first legal notice:

Re: Application of Steve & Kaitlin Gerould for a public hearing for a Conditional Use Permit for a permitted use home occupation (hair salon) to be located in an accessory structure according to Section 150-31 D. (9) and in accordance with Section 150-66 of the Town of Livonia Zoning Code. The property is located at 6758 Big Tree Rd. Livonia, New York and is zoned Neighborhood Residential (NR) District.

Chair Nilsson polled the board for the site visit:

Chair Nilsson - yes
M. Sharman - yes
W. Weber - no
C. Rider - yes

G. Cole - yes

Chair stated all board members have been to the site and for the record could the applicant explain their application request.

Steve explained that there are two barn structures on the property and that a small portion of the white barn, the barn closest to the road, would be used for the hair salon. Previously the Cicero family had a meat market in the white building and the most recent owner of the property had an office in the same space. His daughter Kaitlin just graduated from hair salon business school and would be the operator of this business. The room size is about 12' x 16' with a small waiting area. She will have only scheduled appointments and no walk in trade.

Mike Sharman asked if there was parking available? Steve explained that there is more than ample parking and since she will be doing scheduled appointments only, there should be little need for numerous parking spaces. The driveway configuration allows for a very safe flow.

Chair Nilsson explained that if this hair salon was in the house, it would not be necessary for applicant to be here but because salon will be in an accessory building, the code requires issuance of a Conditional Use Permit.

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

Chair then asked board members to review the legal criteria for the Conditional Use Permit form:

(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/G. Cole) to approve the Conditional Use Permit application as presented.

Motion carried 5-0.

Recording Secretary read aloud the second Legal Notice:

RE: Application of Guy & Betsy Matthews for an area variance for the construction of a deck which will violate the side set back requirement according to Section 150-31 G. (2) of the Livonia Zoning Code and also Section 150-70 A. (2) of the Livonia Zoning Code which states no non conforming building shall be enlarged, extended or increased. The property is located at 4248 East Lake Rd. and is zoned Neighborhood Residential (NR) District.

Chair polled the board members on the site visit:

- Chair Nilsson - yes
- M. Sharman - yes
- B. Weber - yes
- C. Rider - yes
- G. Cole - yes

Chair stated that all the board members have been to the site and for the record could the applicant explain his request.

Guy stated the deck would be added directly to the west side of the house facing the lake. They want to take advantage of having a deck on the same level as the main floor of the house. He understands because of the current house location to its property line on the north side it causes his request for a variance. The proposed deck will be 7.5' from the closest corner to the north property line.

Chair asked for public comment on this application:

Ron Williams of 4244 East Lake Rd. stated for the record that he and his wife are in support of this request.

Chair hearing no further comments, closed the public portion of the meeting.

Board member G. Cole stated she believes there is enough natural shrubery along the south side of the property to shield any impacts to the south adjacent property.

Chair then asked the board 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?
- NO

(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?

- NO

Chair asked for any further comments from the board members. There were none.

Chair asked for a motion on the application:

M/2/C (B. Weber/M. Sharman) to approve the application as presented.

Motion carried 5-0.

Recording Secretary read aloud the third legal notice:

Re: Application of Karen Bryant for an AREA VARIANCE to construct a 28' x 28' attached garage which will violate the front setback according to Section 150-31 G. (1) of the Livonia Zoning Code and Section 150-70A.(2) which states no non conforming building shall be enlarged, extended or increased. The property in question is located at 6103 Wilkins Tract Rd. Livonia, N.Y. and is zoned Neighborhood Residential(NR) District.

Chair Nilsson polled the board members for the site visit:

Chair Nilsson - yes

M. Sharman - yes

G. Cole - yes

C. Rider - yes

B. Weber - yes

Chair stated that all the board members have visited the site and for the record could the applicant explain her request.

Karen explained that the garage would be attached to the house. The house had been a rental unit but she no longer wishes to rent it out. She plans on using the house for her craft work. She does need storage for her cars and misc. stuff. She lives in the lake home across the street.

M. Sharman and G. Cole asked why she wants the size to be 28' x 28'. Had she considered building a 24' x 24' garage?

M. Sharman had no problem with considering a 28'wide x 24' depth. That would keep the front line of the house and garage the same.

Karen stated she thought she'd ask for the larger size but she would consider a smaller size if

that's what the board wishes.

M. Sharman asked if the existing storage shed was staying? Answer yes.

Chair asked for any 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?
- NO

(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

Chair Nilsson asked for a motion:

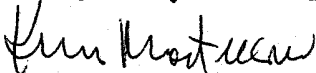
M/2/C (W. Weber/C. Rider) to approve the application for a 24' depth x 28' wide attached garage.

Motion carried 5-0.

M/2/C (G. Cole/ C. Rider) to adjourn the meeting at 7:40 p.m.

Motion carried 5-0.

Respectfully Submitted



Kevin Masterson
Recording Secretary