

LIVONIA JOINT ZONING BOARD OF APPEALS
Meeting Minutes - September 16, 2013

PRESENT: Chair Peter Nilsson, Mike Sharman, Bill Weber, Gwen Cole, Chris Rider, Adam Backus - Acting Secretary & Code Enforcement Officer, and Town Attorney Jim Campbell.

EXCUSED: Kevin Masterson

AGENDA: Call meeting to order
Accept and approve meeting minutes of August 19, 2013

- Dan O'Shea
3967 Graywood Center
Area variance- detached garage.

- Sheri West
4142 East Lake Rd.
Area variance-2 non-conforming lots.

-David Mance
3971 Graywood Center
Area variance- deck.

-David Pietrowski
3513 Pebble Beach Rd.
Area variance- detached garage.

Chair Nilsson opened the meeting at 7:01 p.m.

Chair. asked the board members to review the August 19, 2013 meeting minutes.

M/2/C (C. Rider/ M. Sharman) to accept the August 19, 2013 meeting minutes as submitted.
Motion carried 5-0.

Recording Secretary read aloud the first legal notice:

Re: Application of Dan O'Shea for a public hearing for an area variance for the construction of a replacement detached garage which will violate the front and side setbacks according to Section 150-31 G. (1) & (2). In addition, Section 150-70A.(2) states no non conforming building shall be enlarged, extended or increased. of the Town of Livonia Zoning Code. The property is located at 3967 Graywood Center, 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 such board members have been to the site and for the record could the applicant explain their application request.

Dan explained his desire to construct a garage.

Mike Sharman asked if the garage would be the same size, or two story. Dan said one story.

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 AREA VARIANCE legal criteria form:

(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 (rear property line)

(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 asked for a motion on this application.

M/2/C (Chris Rider/ M. Sharman) to approve the Area Variance application as presented.

Motion carried 5-0.

Recording Secretary read aloud the second Legal Notice:

RE: Application of Sheri West (Pat Knapp Estate) for an area variance pursuant to Section

150-17C of the Livonia Zoning Code. The variance requested is to subdivide an existing lake side parcel into two non conforming lots which will violate the minimum lot size requirement according to Section 150-31E and Section 150-31G. The property is located at 4142 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.

Mike West (representing the estate) stated that the property has been for sale for some time, with no success. Mike shared his disappointment with the county planning board's recommendation to deny subdivision and believes that this request is reasonable. Further, that this subdivision would fit in with the surrounding lots.

Bill Weber added that the counties decision reflects the desire to avoid tight lots around the lake. Mike said he would consider placing deed restrictions on the lots to satisfy concerns with crowding etc. Bill is also concerned that the survey dimensions on hand are confusing and would feel better if we had an updated or more decisive map.

Mike Sharman asked if the price has been reduced in an effort to sell. Mike stated that they have reduced the price but that the cottage (on proposed south lot) is too small/old to garner an acceptable price (with such a large single lot). On the other hand, the cottage is not in such a condition to warrant demolition. Mike sees no problem with this proposal because it fits with several other lots in the area.

Chairman Nilsson indicated favor with the proposal and mentioned that, theoretically, one could build a garage with the current cottage that would have the same impact on lot coverage.

Gwen Cole asked for neighbors input.

Al Taylor (south neighbor) shared concern with regard to proximity from lot line to his home, which is only 11'. Ron OConner also spoke to the board, emphasizing clearances, but would support the proposal providing that deed restrictions would be upheld.

Gwen made motion, seconded by Peter Nilsson to grant a variance of two non conforming lots, however discussion continued as Mike Sharman asked attorney Jim Campbell to put solid setback deed restrictions in place, which would restrict development on the north lot, and thus ensure satisfactory development parameters. Bill Weber interjected the point that a future cottage on the north lot would then have very limited ability make future changes.

These limitations led Mike West to ask for the hearing to be tabled so he could research possible design restrictions and consult a surveyor in order to have a more accurate plan to bring back to the board at the next meeting.

The Sheri West hearing was tabled.

Recording Secretary read aloud the third legal notice:

Re: Application of David Mance for an area variance pursuant to Section 150-17-C. The area variance is requested to construct a deck which will violate the rear setback requirement according to Section 150-31 G. (3). In addition Section 150-70A. (S) of the Livonia Zoning Code states that no non conforming building shall be enlarged, extended or increased. The property in question is located at 3971 Graywood Center, 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 - no

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

David explained that the current deck is unsafe and needs upgrades so this would be an opportunity to make addition/improvements.

Chair asked about material type, Gwen Cole said that the request is very reasonable, and Chris Rider added that it will be a great improvement.

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?

- 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

Chair Nilsson asked for a motion:

M/2/C (C. Rider/G. Cole) to approve the application.

Motion carried 5-0.

Jim Campbell read aloud the fourth legal notice:

Re: Application of David Pietrowski for an area variance pursuant to Section 150-17-C of the Livonia Zoning Code. The area variance is requested to construct a 32'x30' garage which will violate the front setback requirement according to Section 150-31 G. (1) and 150-71 non conforming lots. The property in question is located at 3513 Pebble Beach 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 been to the site and for the record could the applicant explain his request.

David explained that the current garage is dilapidated and in need of demolition. His desire is to construct a new garage 15' from the front property line and 9' from side lines. While the front setback will not meet current code, it would be an improvement and similar with other structures in the area.

Gwen Cole asked how many stories the garage would be? David thinks 2 stories is most likely.

Chair asked for any public comment.

Frida Smith (a neighbor of 33 years) explained her concern with the trend of over building, or oversized structures which seem to be changing the nature of the area. Another concern is that a 2 story/large structure would likely obstruct the lake view for neighbors. Gwen pointed out the fact that David is not accountable to neighbors with regard to their view of the lake, but rather, the code. Another neighbor to the south shared concerns with regard to size etc.

Fran K. from 3608 Pebble Beach spoke in favor of granting the variance and added that David has done a good job in the past with his property.

Mike Sharman asked about the orientation of the roof line. Mike suggested that roof direction may alleviate the obstruction issue.

Chair 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?

- Yes

(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

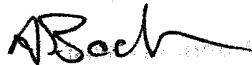
(5) Is the alleged difficulty self created?

- NO

Chair Nilsson asked for a motion: M/2/C (B. Webber/G. Cole) to approve the application.

Motion carried 5-0.

Respectfully Submitted,



Adam Backus
Recording Secretary