

Meeting Minutes - April 1, 2013

PRESENT: Chair. Peter Nilsson, Mike Sharman, Gwen Cole, Kevin P. Masterson - Code Enforcement Officer, Tammie Schwerzler - Recording Secretary & Jim Campbell - Town Attorney

EXCUSED: Bill Weber

- AGENDA:**
- Diana Sherwood
 - 3675 Pebble Beach Road
 - Area Variance
 - A second story addition to the existing garage
 - Chris Wegener
 - 5898 Shoreline Drive
 - Area Variance
 - Fence

Chair. P. Nilsson opened the meeting at 7:00 p.m. He asked the board members to review the March 18, 2013 meeting minutes before them. Hearing no comments, he asked for a motion to adopt.

M/2/C (M. Sharman/G. Cole) to accept the March 18, 2013 Livonia Joint Zoning Board of Appeals meeting minutes as submitted.
Motion carried 3-1.

Recording Secretary read aloud the first Legal Notice:

RE: Application of **Diana Sherwood** for a public hearing for an Area Variance to construct a second-story addition to the existing garage which will violate the side & front setback requirements according to Section 155-31 G (1) & (2), and Section 150-70 A (2), no non-conforming building may be expanded or enlarged. The property in question is located at 3675 Pebble Beach Road, Livonia, New York and is zoned Neighborhood Residential (NR) District.

Chair P. Nilsson polled the board members for site visit:

- | | | |
|-------------------|---|-----|
| Chair. P. Nilsson | - | no |
| M. Sharman | - | yes |
| G. Cole | - | yes |

Chair. P. Nilsson stated that some of the board members have reviewed the application and visited the property.

Nilsson asked Diana & Mark to come forward to explain their request.

Mark explained that they would like to raise the roof on the garage 6', to match the roof of the house, to use for storage. They do not have ample storage space in the house.

G. Cole asked how they perceive this addition and that it may block the view from the neighbor across the street.

Mark said that the neighbor is his mom. It will not be any higher than his house already is and will not be a problem.

M. Sharman agreed that it should not be a hindrance.

Chair. P. Nilsson asked for comments or questions from the public. Hearing none, he closed the public portion of the meeting.

Chair. P. Nilsson then asked the Board to review the **Area Variance** legal criteria:

- (6) 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?
- semi, there will be no change in the footprint & 6' is not much to ask for
- (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

This action has been determined to be a Type II action under SEQR and is exempt from Review under Part 617.5 (12) and (13) of the State Environmental Quality Review.

M/2/C (M. Sharman/G. Cole) to approve the Area Variance as requested.
Motion carried 3-0.

Recording Secretary read aloud the second Legal Notice:

RE: Application of **Chris Wegener** for a public hearing for an Area Variance for the construction of a fence located on a lakeshore parcel which requires approval from the ZBA according to Section 150-56 J of the Town of Livonia Zoning Code. The property in question is located at 3598 Shoreline Drive, Livonia, New York and is zoned Neighborhood Residential (NR) District.

Atty. J. Campbell stated for the record that he has done legal work for Chris in the past.

Chair P. Nilsson polled the board members for site visit:

| | | |
|-------------------|---|-----|
| Chair. P. Nilsson | - | no |
| M. Sharman | - | yes |
| G. Cole | - | yes |

Chair. P. Nilsson stated that some of the board members have reviewed the application and visited the property and asked Chris to come forward and explain his request to the board.

Chris would like to install a 42' tall black fence 380' around his property from the framed cottage out toward the lake and back to the cottage again. His son is autistic and needs to be kept within the property and away from the lake at all times. They want to capture as much property as possible to allow a large area for him to play. He has spoken to his neighbors, they have no problem with his request.

G. Cole was happy to hear the neighbors are understanding.

Seeing no one in the gallery, Chair. P. Nilsson closed the public hearing portion of the meeting.

Chair. P. Nilsson then asked the Board to review the **Area Variance** legal criteria:

- (6) 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

This action has been determined to be a Type II action under SEQR and is exempt from Review under Part 617.5 (12) and (13) of the State Environmental Quality Review.

M/2/C (G. Cole/M. Sharman) to approve the Area Variance as requested.
Motion carried 3-0.

M/2/C (M. Sharman/P. Nilsson) to adjourn the meeting at 7:30 p.m.

Respectfully submitted,

Tammie Schwerzler
Recording Secretary

/ts