

LIVONIA JOINT ZONING BOARD OF APPEALS

Approved 5-19-14

MEETING MINUTES – May 5, 2014

PRESENT: Chair Nilsson, G. Cole, M. Sharman, B. Weber, C. Rider, Code Enforcement Officer Adam Backus, Recording Secretary – Adam Backus.

Excused - Town Attorney Jim Campbell.

AGENDA:

Call meeting to order 7:00PM.

Accept and approve meeting minutes of April 21, 2014. M/2/C (M. Sharman/G. Cole) to approve the minutes with a spelling correction.

Motion carried 5-0

Recording secretary read aloud the first legal notice:

Re: An area variance for the replacement and addition of privacy fencing. The proposed fencing will violate the requirements according to Section 150-56 (J) which states that a fence erected on a lakeshore parcel shall be approved by the Zoning Board of Appeals. The property is located at 5692 McPhersons Point, Livonia, New York and is zoned Neighborhood Residential (NR).

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

Chair Nilsson - yes

B. Weber - no

G. Cole - yes

M. Sharman - yes

C. Rider - yes

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

Richard stated that the 6' wood fence on the East side and the chain link fence on the West side of the property are in a state of disrepair. Their intension is to replace both fences with 6' high privacy fencing and add gates between the garage and fences. The fences would run from the lake wall to the road property line. The fences between the garage and road line, however, would be 3' high in order to promote traffic safety. Letters were provided from adjacent neighbors in support of this proposal.

B. Weber asked for clarification regarding the fact that the West side fence is currently 3' chain link fence and that the proposed fence would be increased to 6' privacy fencing.

Chair asked if there was any public comments. Hearing and seeing none, Chair closed that portion 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 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 (C. Rider/M. Sharman) to approve the application as submitted.

Motion carried 5-0

Recording secretary read aloud the second legal notice:

Re: An area variance is requested for the replacement and addition of decks. The proposed decks will violate the requirements according to Section 150-70 A (2) which states that no nonconforming building shall be enlarged, extended or increased.

The property is located at 4142 East Lake Rd., Livonia, New York and is zoned Neighborhood Residential (NR).

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

Chair Nilsson - yes

B. Weber -yes

G. Cole - yes

M. Sharman - yes

C. Rider - yes

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

Polly Hanna and Brett Porter explained that there are existing decks present and they want to extend/connect the current decks and add a new deck in order to improve the property. Polly and Brett have discussed their plans with the neighbors and no issues were raised.

G. Cole asked Brett to clarify the front porch deck regarding what appears to be a roof covering. Brett confirmed and presented drawings for such. The added Southwest deck will also be screened.

M. Sharman remarked on the added benefit of restoring and improving the existing structure rather than breaking up the property or demolishing the cottage. The Board agrees that the proposed plan will enhance the current cottage and area.

Chair asked if there were any public comments. Hearing and seeing none, Chair closed that portion 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 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 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 (M. Sharman/G. Cole) to approve the application as submitted.

Motion carried 5-0

Respectfully Submitted:

Adam Backus

Recording secretary