

LIVONIA JOINT ZONING BOARD OF APPEALS

MEETING MINUTES- May 19, 2014

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

AGENDA:

Call Meeting to order 7:00PM

Accept and approve meeting minutes of May 5, 2014. M/2/C (M. Sharman/ C. Rider) to approve the minutes.

Motion carried 5-0

It is decided the order of the agenda shall be switched to have Richard Barber's appeal heard first, as it involves greater discussion. Steve Marschke's appeal will be second on the agenda. All in agreement.

Code Enforcement Officer Adam Backus read aloud the first legal notice:

Re: Richard Barber- An area variances pursuant to Section 150-17C of the Zoning Code of Livonia. The area variance is requested to subdivide an existing lake side parcel into two nonconforming lots which will violate the minimum lot size requirement according to Section 150-31E of the Livonia Zoning Code. The property is located at 4172 East Lake Rd., Livonia NY and is zoned Neighborhood Residential District. The application is on file in the building & Zoning Department in the Livonia Town Hall, 35 Commercial St. Livonia NY for public review. All interested parties will be heard at that time.

Code Enforcement Officer explains Adam Backus 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

Chairman Nilsson invites Mr. Richard Barber to come forward and explain his request.

Mr. Barber that after over 100 years of the Barber Family ownership he is unfortunately forced to sell his home located on the property in question. He has tried for over a year to sell his property with no buyer offers. He feels that it is not selling because it's a seasonal property and with such large lake frontage the assessed value and taxes for the property are very high. He wants to divide the one large lot into two- keeping one lot for the existing cottage and get the second lot approved to be a building lot. He wants to then sell them separately. Mr. Barber had heard about a similar property split at another lake-area residence and wanted to try the same for his property.

Chair Nilsson explained that that situation was not similar and the other property owner did not get their appeal approved as they did not get a majority vote.

Mr. Barber continues that he agrees to take down the existing garage structure on the proposed vacant building lot if the subdivision of the land is approved.

B. Weber wonders what Mr. Barber thinks the value of the subdivided lots could be. Mr. Barber says the value could be \$360,000 if they're split into two lots.

B. Weber makes a point that the potential building lot may or may not need variances in the future depending on what type of structure may be built on the vacant lot in the future.

Chair asked if there was any public comments.

Mr. Barber's neighbors and residents at 4178 East Lake Rd., John and Linda Nelson, voice their concern about overcrowding and Linda is worried about decreased driveway visibility and devaluation of property. She asks the board if they think there's a potential negative impact. Chair Nilsson states there's no way to say what the potential impact is as we have no way of knowing what would happen with the vacant lot.

Mr. Barber's other neighbor Jeff Shaw at 4166 East Lake Rd. is also concerned about crowding and he doesn't want things 'jammed up' with too many homes.

M. Sharman asks if Mr. Barber has considered having his property in question re-assessed. Mr. Barber confirms that he already has.

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?  
YES
- (4) Will the proposed variance have an adverse effect of 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.

B. Weber recuses himself from voting due a conflict of interest. He has a friend who would be interested in the property should it be subdivided.

Motion: (M. Sharman) to approve the application as submitted. No second to the motion.

M/2/C (G. Cole/C. Rider) to deny the application as submitted.

Motion denied 2-1

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Chair Nilsson excused himself from the ZBA meeting due to a prior engagement and was not present for the remainder of the meeting. M. Sharman was appointed to preside over the remainder of the meeting.

Code Enforcement Officer Adam Backus read aloud the second legal notice:

Re: Steven Marschke- The area variance is requested for the addition of a 10'x19' deck. The proposed deck will violate the requirements according to Section 150-70 A (2) which states that no nonconforming building shall be enlarged, extended or increased, 150-31 F which states that lot coverage shall not exceed 25% and 150-70 which states that nonconforming lots shall maintain at least 60% of the required setbacks. The property is located at 3901 Grayshores Rd., Geneseo, NY and is zoned Neighborhood Residential District. The application is on file in the building & Zoning Department in the Livonia Town Hall, 35 Commercial St. Livonia NY for public review. All interested parties will be heard at that time.

Code Enforcement Officer Adam Backus asked to have the board members polled on a site visit:

Chair Nilsson- not present for polling

B. Weber- yes

G. Cole- yes

M. Sharman- yes

C. Rider- yes

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

Steve Marschke explain that the lot he lives on has two levels of land-he saw a picture of another lake home's deck and liked how it looks and wanted to replicate something similar for his home. He states that he hasn't talked to his neighbors about his proposed plan as his neighbor on the north side of his home is out of town and his neighbor on the south side would not really be impacted by his proposed deck. Mr. Marschke has an existing deck on cottage level and would like to make the new proposed deck look similar and fitting with the environment.

M. Sharman asked if there was any public comments. Hearing and seeing none, M. Sharman closed that portion of the hearing.

M. Sharman asked the 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 of impact on the physical or environmental conditions in the neighborhood?

NO

(5) Is the alleged difficulty self-created?

YES

M. Sharman asked for a motion on the application

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

Motion carried 4-0

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Respectfully Submitted:

Jeanne Brown

Recording Secretary