

LIVONIA JOINT ZONING BOARD OF APPEALS

MEETING MINUTES- JULY 7 2014

PRESENT: Chairman P. Nilsson, M. Sharman, C. Rider, G. Cole, B. Weber, Code Enforcement Officer A. Backus, Recording Secretary J. Brown

EXCUSED: Town Attorney J. Campbell

AGENDA: Accept and approve the meeting minutes of June 16, 2014

1. **Monica Jarzyna**- Area variance requested for a replacement fence- *96 Big Tree Street, Livonia, New York 14487*

2. **Jacqueline Connor**- Area variance requested for a replacement storage shed- *6701 Richmond Mills Road, Livonia, New York, 14487*

3. **Priscilla Minster**-area variance requested to redraw the lot line between two adjacent properties- *5754 Old Orchard Point, Livonia, New York 14487*

4. **Michael Hyde**- area variance requested for an addition to an existing residence- *102 Big Tree Street, Livonia, New York 14487*

Chairman P. Nilsson opened the meeting at 7pm

M/2/C (M. Sharman/ C. Rider) to approve the June 16, 2014 Livonia Joint Zoning Board of Appeals meeting minutes as submitted.

Motion carried 5-0

1. CEO A. Backus read aloud the legal notice for Monica Jarzyna:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday July, 7 2014 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Monica Jarzyna for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia.

The area variance is requested for a replacement fence. The Proposed fence will violate the requirements according to Section 150-56D which states fences in excess of six feet in height are allowed only in commercial and industrial districts.

The property is located at 96 Big Tree Street, Livonia, New York and is zoned Neighborhood Residential (NR).

The application is on file in the Building Zoning Department in the Livonia Town Hall, 35 Commercial Street, Livonia, New York, for public review.

All interested parties will be heard at this time.

CEO A. Backus polled members on site visit:

Chairman P. Nilsson-YES

M. Sharman- YES

C. Rider- YES

G. Cole- YES

B. Weber- YES

Chairman Nilsson asked Monica to explain what she wants to do and why she is seeking relief from the Zoning Board. Ms. Jarzyna relied that she wants to replace the existing dilapidated and incomplete 8 foot tall fence and extend it to the rear property line for privacy. They want to put in a white vinyl fence and have already had a few estimates. G. Cole thinks it will look nice and be an improvement. Chairman Nilsson doesn't see how anyone driving up there would object to the fence height she wants for privacy. Chairman Nilsson asked the public for comment- seeing and hearing no one with an objection he closed public hearing portion.

Chairman Nilsson 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 deterrent to nearby properties be created by granting the variance?
NO
2. Can the benefit be 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

Chairman Nilsson asked for a motion on the application.

Motion: (C. Rider /B. Weber) to approve the application as submitted.

Motion carried 5-0

2. CEO A. Backus read aloud the legal notice for Jacqueline Connor:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday July, 7 2014 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Jacqueline V. Connor for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia.

The area variance is requested for a replacement storage shed. The Proposed shed will violate the requirements according to Section 150-31G(3) which describes minimum required setbacks.

The property is located at 6701 Richmond Mills Road, Livonia, New York and is zoned Neighborhood Residential (NR).

The application is on file in the Building Zoning Department in the Livonia Town Hall, 35 Commercial Street, Livonia, New York, for public review. All interested parties will be heard at this time.

A Backus polled members on site visit:

Chairman P. Nilsson-YES

M. Sharman- YES

C. Rider- YES

G. Cole- YES

B. Weber- YES

Chairman Nilsson asked Jacqueline to explain what she needs and why. Ms. Connor explained that she has a storage shed at back of her property that is about 35 years old and she can see through the sides. The shed is very close to her back property line but there was a problem with their septic tank years ago and it was a raised bed. They had to place the existing shed there years ago due to her septic tank. Although she no longer uses that particular raised bed, it would create a hardship for her to have to dig a substantial amount of her yard to move the shed. Jacqueline explained that right now the shed's dimensions are 14'x8' with a 2 foot overhang. She would like a 14x12 storage shed to replace the dilapidated shed. Chairman Nilsson asks if it will still be right at property line. Jacqueline said it will be extended in the direction of her house not closer to the property line. Chairman Nilsson said that he imagines that the neighbors will benefit from a nicer looking shed. M .Sharman wants to clarify that the shed doesn't go into the neighbors' property currently. Jacqueline said it will not go any closer to property line. Chairman Nilsson asks if anything more from the board, and hearing none he opened discussion to floor. Chairman Nilsson asked the public for comment- seeing and hearing no one with an objection he closed public hearing portion.

Chairman Nilsson 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 deterrent to nearby properties be created by granting the variance?
NO
2. Can the benefit be 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

Chairman Nilsson asked for a motion on the application.

Motion: (M. Sharman /G. Cole) to approve the application as submitted.

Motion carried 5-0

3. CEO A. Backus read aloud the legal notice for Priscilla Minster:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday July, 7 2014 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Priscilla L. Minster for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia.

The area variance is requested to redraw the lot line between two adjacent properties. The Proposed property line change will violate the requirements according to Section 150-70A (1) which states that no nonconforming lot shall be further reduced in size.

The property is located at 5754 Old Orchard Point, Livonia, New York and is zoned Neighborhood Residential (NR).

The application is on file in the Building Zoning Department in the Livonia Town Hall, 35 Commercial Street, Livonia, New York, for public review. All interested parties will be heard at this time.

A Backus polled members on site visit:

Chairman P. Nilsson-YES

M. Sharman- YES

C. Rider- YES

G. Cole- YES

B. Weber- YES

Chairman Nilsson invited Priscilla to come forward to explain her request. She is joined by her husband Richard Minster. Chairman Nilsson said that he wants to disclose the following information for the record: he knows the Minsters and has known Priscilla for 10 years. She is the director for the Oasis Chapter in Rochester and he (Chairman Nilsson) volunteer teaches for Oasis and he has been elected to advisory board for Oasis. Though the information is not entirely related to tonight's hearing, Chairman wanted to disclose it for the record. Chairman Nilsson said all members on the Zoning Board have visited the site and invited them to explain their request. Priscilla explained she owns the cottage at 5750 and are purchasing 5754 Old Orchard Point. Priscilla and Richard are doing this because when many cottages were brought from Hemlock Lake and placed around Conesus Lake, there were no zoning requirements and their cottage was put one foot from property line. She stated that they are unable to maintain or walk around the house because there is no room due to a fence on the neighbors lot located at 5754 Old Orchard Point. They are buying 5754 Old Orchard Point and closing on the property next week. Priscilla explained that by redrawing the property lines, the lots will be more even. Chairman Nilsson clarified the lots would both be approximately 70' wide. Richard Minster explained the road front property lines will also be well improved. Chairman Nilsson notes that from his view, the newly drawn property line would allow both properties to have almost the appropriate side setback requirements. M. Sharman wants to clarify that they want to redraw lines for practical reasons. Priscilla explained that her family has been there for 70 years- she said it used to be ok until the residents at 5754 Old Orchard Point put up a fence. Mr. Minster says they've needed more space to walk around for decades and this is their one opportunity to make it happen. B. Weber brought up, for the record that he wanted to make sure we won't be causing any side setback issues for the next house in the future. There would not be any apparent issues per A. Backus. G. Cole wanted to know if next week's closing on the sale is contingent on whether or not they get the variance tonight. Richard Minster stated that no, they are obligated to close on 5754 Old Orchard Point next week. B. Weber wanted to know if they will resell once lot lines redrawn. Minsters respond yes. Chairman Nilsson opened discussion to floor for public comment- seeing and hearing no one with an objection he closed public hearing portion.

Chairman Nilsson asked the board members to review the criteria for the area variance criteria form:

6. 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

7. Can the benefit be sought by the applicant be achieved by some feasible method other than a variance?
NO
8. Is the variance substantial?
YES
9. Will the proposed variance have an adverse effect of impact on the physical or environmental conditions in the neighborhood?
NO
10. Is the alleged difficulty self-created?
NO

Chairman Nilsson asked for a motion on the application.

Motion: (B. Weber /C. Rider) to approve the application as submitted.

Motion carried 5-0

4. CEO read aloud the legal notice Michael Hyde:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday July, 7 2014 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Michael Hyde for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia.

The area variance is requested for an addition to an existing residence. The proposed addition will violate the requirements according to Section 150-70A(2) which states no nonconforming building shall be enlarged, extended or increased and Section 150-31G(2) which determines side setbacks and Section 150-31 (F) which determines maximum lot coverage.

The property is located at 102 Big Tree Street, Livonia, New York and is zoned Neighborhood Residential (NR).

The application is on file in the Building Zoning Department in the Livonia Town Hall, 35 Commercial Street, Livonia, New York, for public review.

All interested parties will be heard at this time.

A Backus polled members on site visit:

Chairman P. Nilsson-YES

M. Sharman- YES

C. Rider- YES

G. Cole- YES

B. Weber- YES

Chairman Nilsson invited Michael Hyde to come forward and explain his request. Michael Hyde explains he is unable to hear so his father Donald Hyde, will be speaking for him. Donald explained the house is very small and they want to build a 10'x24' addition while they are already repairing the roof and structure from a recent house fire. Chairman Nilsson clarified that the addition will not make a bigger footprint than what is already there as the walls will be the same. Donald said he will have a 6" overhang for gutters/drainage. G. Cole spoke with the residents at a neighboring house and they are all fine with the addition. M Sharman says the lot line on the east side runs a little bit farther from the neighboring Green's residence so it won't encroach on the neighbor's property any further than it currently does. Donald said there is also a fence running along the eastern property line where the addition would go. C. Rider asked who lives at 102 Big Tree Street and Donald replied that Michael and Michael's son live at the residence. B. Weber asked if there was any property line dispute due to

unclear survey map. Chairman Nilsson said that according to the survey map, there appears to be an encroachment and driveway agreement already. Nilsson closes public hearing portion after seeing and hearing no one in the gallery.

Chairman Nilsson 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 be 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

B. Weber asked CEO A. Backus if 102 Big Tree Street would still be ok on lot coverage with the proposed addition. A. Backus said no because the allowed lot coverage for their property is about 2,200 sq feet, and with the addition they will be about 2660 sq. feet of lot coverage so Michael Hyde is seeking relief from side setbacks as well as lot coverage.

Chairman Nilsson asked for a motion on all the variances sought under the application.

Motion: (M. Sharman /G. Cole) to approve the application as submitted.

Motion carried 5-0

Meeting adjourned at 7:40pm

Respectfully submitted,

Jeanne Brown

Recording Secretary