

LIVONIA JOINT ZONING BOARD OF APPEALS

MEETING MINUTES- August 18, 2014

Present: Chair P. Nilsson, B. Weber, C. Rider, Code Enforcement Officer A. Backus, Recording Secretary J. Brown

Absent- G. Cole, M. Sharman

Excused- J. Campbell-Town Attorney

AGENDA: (1) Accept and approve the meeting minutes of July 7, 2014

(2) ***George Hollister***

Area variance requested for a replacement shed at ***6119 Wilkins Tract, Livonia, NY 14487***

Chair P. Nilsson opened the meeting at 7:00p.m.

M/2/C (B. Weber/ C. Rider) to approve the July 7, 2014 Livonia Joint Zoning Board of Appeals meeting minutes as submitted.

Motion carried 3-0

Code Enforcement Officer A. Backus read aloud the legal notice:

-PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday August 18, 2014 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of George Hollister for an area variance pursuant to Section 50-17C of the Zoning Code of Livonia.
The area variance is requested for a replacement storage shed. The Proposed addition will violate the requirements according to Section 150-31G(3) which determines side setbacks.
The property is located at 6119 Wilkins Tract, Livonia, New York and is zoned Neighborhood Residential District (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.

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

Chair Nilsson- NO

B. Weber- NO

C. Rider- YES

Chairman Nilsson invites George Hollister to come forward and explain his request.

George explained that his neighbor was taking down trees on said neighbor's property and a limb fell down and went through the roof of his (George Hollister's) shed. Because of the damage from this tree limb, his shed was totaled. George said that he then called the Town of Livonia Building and Zoning department to obtain a building permit and discovered that his shed violates the minimum side setback

requirements and he would need to obtain a variance from the Livonia Joint Zoning Board of Appeals. George said that he wants to replace the shed and locate it on the same spot where the existing shed is. Chair Nilsson asked for clarification regarding George's Zoning Board Application where George asks for a variance for a 10'x16' shed, rather than the current 10'x14' shed. B. Weber asked A. Backus if the setbacks would be the same. A. Backus said that the extra two feet of the new shed would extend into the property as to not make the shed any more in violation of the setbacks. George said he has talked to his neighbors on both sides of his property and both neighbors are satisfied with the proposed location of the replacement shed.

Chair Nilsson made an announcement to close the public comment portion of this meeting as there is no gallery observed in attendance.

Chair 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-Chair Nilsson explains there are certain limitations on lots in that area which dictate where certain accessory structures can reasonably be situated.
3. Is the variance substantial?
NO- it is just replacing an already non-conforming shed
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?
NO-the neighbor's tree limb destroyed their shed they need to replace now.

Chair Nilsson asked if there were any further concerns and hearing and seeing none, called for a motion on the application.

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

Motion carried 3-0

Chair Nilsson asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:10pm.

M/2/C (B.Weber, C. Rider)

Motion carried 3-0

Meeting adjourned at 7:10 p.m.

Respectfully submitted,

Jeanne Brown

Recording Secretary