

LIVONIA JOINT ZONING BOARD OF APPEALS
MEETING MINUTES- September 15, 2014

Present: Chair P. Nilsson, B. Weber, C. Rider, G. Cole Code Enforcement Officer A. Backus

Absent- M. Sharman

Excused- J. Campbell-Town Attorney, Recording Secretary J. Brown

AGENDA: (1) Accept and approve the meeting minutes of August 18, 2014
(2) **David, Nora, & Grace Baginski**
1-year follow up to variance granted for a mini horse- 3653 Pebble Beach Rd,
Livonia, NY
-**Mark & Tracie Cole**
Area variance requested for a 6'x15' addition and to remove the existing garage
and rebuild it, attached to the house-3522 Camp Run Dr., Livonia, NY 14487
-**William & Helen Murtha/ Jay Bagley**
Area variance requested for a 7'8"x5' addition for bathroom expansion-5770 Old
Orchard Pt., Livonia, NY 14487

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

M/2/C (C. Rider / B. Weber) to approve the August 18, 2014 Livonia Joint Zoning Board of Appeals
meeting minutes as submitted.

Motion carried 4-0

Chair Nilsson invited the **Baginski's** to come forward.

David Baginski said that the mini horse has worked out better than they even expected- no neighbors have
told them about any issues either. David said that Grace sends her regrets for being unable to attend but
she is very busy with school.

Chair Nilsson said that since this is just a follow up to the prior approval a formal vote is not needed.

David asked if they have to come back every year, to with CEO A Backus replied no, it was just a one
follow up.

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

Motion: (G. Cole /C. Rider) to end the review.

Motion carried 4-0

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

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on
Monday September 15, 2014 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New
York to consider the application of **Mark and Tracie Cole** for two area variances pursuant to Section 150-
17C of the Zoning Code Of Livonia.

The first area variance is requested to demolish an existing garage and construct a new one attached to
the house. The second area variance is requested to build an addition to the house.

Both proposals will violate the requirements according to Section 150-32G (2) which state the minimum side set back requirement and the requirements according to Section 150-70A (2) which state no nonconforming building shall be enlarged, extended or increased. The property is located at 3522 Camp Run Drive, 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.

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

Chair Nilsson- yes

B. Weber- yes

C. Rider- yes

G. Cole-yes

Chairman Nilsson invites Mark and Tracie Cole to come forward and explain their request. Tracie said she first wants to explain the addition. She said that they want to square the building off and enclose the bottom corner of the house as the decks are rotting. She explained that they have removed the upper deck and they plan to replace the sliding glass door on the second story that exists to where the old rotting deck was, and install a window in its' place. The lower deck will be replaced with a new deck of the same dimensions. The enclosure of the addition will not expand the foot print of the house beyond what it is above it. Tracie explained that in order to attach the garage to the house, they will need to move a window.

Mark explained that the reason they would like to move the garage is because right now, the garage sits below the drainage grade and you can see in the picture there is a 4" drop where there used to be a sump pump. He said if they are able to move the garage to be attached to the house, there would just be one step needed from the garage to the house and that would put them above the existing grade of the current garage. Mark also said that the current garage will not fit either one of their vehicles due to the door opening being so low. Also there was a tree right in front of the garage door that they have since removed. Mark said that they will try and reuse materials and disassemble the garage piece by piece.

CEO A. Backus interjected that they will need to take a look at the feasibility of reusing material but the bottom line is that something will be removed and rebuilt at another location on the lot.

G. Cole said that Building and Zoning Clerk J. Brown had notified the board that the Cole's were thinking of an alternate plan of placing a new garage in the same location of the existing garage due to the possibility of expenses. Mark said that their preference is to attach the garage.

Tracie said that they plan to replace all the windows and re-side the building. Chair Nilsson said that that would be fine and the board has no objection to improvements of that nature.

Mark presented to the board, a letter from one neighbor agreeing to the area variance request, and Tracie said that they obtained a verbal OK from the Richard Bennett, their neighbor to the South.

B. Weber asked if the new garage would be larger than the existing detached garage. A. Backus clarified that the old garage is 24'x24.4' and the new garage would be 27'x32'. B. Weber asked if the 27' would be centered on the house. Mark answered yes, and the roof pitch would be the same. B. Weber asked if lot coverage is an issue, to which CEO A. Backus answered that it wouldn't be an issue.

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
3. Is the variance substantial? NO- Chair Nilsson said that he feels the relocation of the garage would actually be a benefit to the property.
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 the Cole's if they would be using this property for a rental or as their residence. Tracie said that their son will be living there for half of the year and they will reside in it the other half of the year. Mark said that eventually they would like it to be their primary residence.

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

Motion: (B. Weber/ G. Cole) to approve/disapprove the application as submitted.

Motion carried: 4-0

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

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday September 15, 2014 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of **William and Helen Murtha** for two area variances pursuant to Section 150-17C of the Zoning Code Of Livonia.

The area variance is requested to build an addition to the house. Both proposals will violate the requirements according to Section 150-32G (1,2) which state the minimum side and front set back requirement and the requirements according to Section 150-70A (2) which state no nonconforming building shall be enlarged, extended or increased. The property is located at 5770 Old Orchard Pt, 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.

Livonia Joint Zoning Board of Appeals.

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

Chair Nilsson- yes

B. Weber- no

C. Rider- yes

G. Cole-yes

Chair Nilsson invited Murthas/ Bagley forward to explain the request. Helen Murtha said they need the variance to expand the house into the back corner for a bathroom addition for her mother, who uses a walker. She said that her mother cannot use the tub and there is not enough room between the sink and tub. She said also that her mother will ultimately need a wheelchair and they need a whole new walk in shower unit. Helen said when they started looking at new shower units they quickly realized they will need more space. With this variance, they would be able to create a handicap accessible

bathroom. Jay Bagley (contractor) interjected that they will need to open the door way from the house to the proposed addition.

Helen Murtha said that they have provided a letter from their neighbor to the south indicating they are OK with the expansion proposal. She said that she had spoken with the other neighbor and they were also supporting the proposal.

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
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

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

Motion: (C. Rider /G. Cole) to approve/disapprove the application as submitted.

Motion carried: 4-0

Chair Nilsson asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:30 pm.

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

Motion carried: 4-0

Meeting adjourned at 7:30 p.m.

Respectfully submitted,

Jeanne Brown
Recording Secretary