

## LIVONIA JOINT ZONING BOARD OF APPEALS

### MEETING MINUTES- May 18, 2015

Present: Chair P. Nilsson, M. Sharman, G. Cole, B. Weber,  
Code Enforcement Officer A. Backus, Recording Secretary J. Brown

Excused- J. Campbell-Town Attorney, R. Bergin

AGENDA: (1) Accept and approve the meeting minutes of May 4, 2015

(2) *Lynn and Thomas Moore*

Area variance requested to enclose the existing 6'x20' deck at **6049 Ely Ave., Livonia, New York**

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

M/2/C (M. Sharman/ G. Cole) to approve the May 4, 2015 Livonia Joint Zoning Board of Appeals meeting minutes as submitted.

Motion carried 4-0

Recording Secretary J. Brown read aloud the legal notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday May 18, 2015 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Lynn Moore for an area variances pursuant to Section 150-17C of the Zoning Code Of Livonia. The area variance is requested to enclose the existing 6'x20' deck. The proposal violates the requirements according to Section 150-70A (2) which states that no nonconforming building shall be enlarged, extended or increased under any circumstances. The property is located at 6049 Ely Ave., 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.

Board members were polled for a site visit:

Chair Nilsson- no

B. Weber- yes

G. Cole- yes

M. Sharman- yes

Chair Nilsson invited **Lynn and Thomas Moore** to come forward to explain their request. Lynn said that they want to enclose the existing deck to make a mudroom, especially for the winter months. She indicated that they will also utilize it in the summer as currently their deck is too hot without some sort of enclosure.

M. Sharman asked if they plan to winterize the enclosure. Lynn replied no, they do not plan to do that.

G. Cole asked them if their neighbors are ok with the proposal. Lynn replied that yes, their neighbors are ok with it.

Thomas explained that they plan to move the front door to face the road front.

Chair Nilsson opened the meeting to the gallery for public comment.

Observing no comment from the public, he closed the public hearing portion of the meeting.

Chair Nilsson asked the board members to review the area variance criteria:

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

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

Motion: (M. Sharman/ G. Cole) to accept the application for the variance as submitted

Motion carried: 4 -0

**Chair Nilsson asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 8:30pm.**

M/2/C (B. Weber/ G. Cole)

Motion carried: 4-0

Respectfully submitted,

Jeanne Brown

Recording Secretary