

LIVONIA JOINT ZONING BOARD OF APPEALS

MEETING MINUTES- June 15, 2015

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

Excused- J. Campbell-Town Attorney

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

(2) **Jesse Brock**

Area variance requested for an above ground pool at
6054 Boller Ave., Livonia, New York

(3) **Dan & Jenni McEnerney**

Area variance requested for an above ground pool at
6649 Richmond Mills Rd., Livonia, New York

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

M/2/C (B. Weber/ M. Sharman) to approve the June 1, 2015 Livonia Joint Zoning Board of Appeals meeting minutes as submitted.

Motion carried 5-0

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 June 15, 2015 at 7 p.m. at the Livonia Village Hall, 36 Commercial Street, Livonia, New York to consider the application of Jesse Brock for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia. The area variance is requested to install an above ground pool. The proposal violates the requirements according to Section 150-31F, which states that maximum lot coverage shall not exceed 25% of the area of the parcel and Section 150-31G (3) which states the rear setback requirements. The property is located at 6054 Boller 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- yes

B. Weber- yes

G. Cole- yes

M. Sharman- yes

R. Bergin- yes

Chair Nilsson invited **Jesse Brock** to come forward to explain his request. Jesse said he is looking to place the pool 4 ft. from the property line.

Chair Nilsson said his concern is usually about lot coverage and run-off, but the pool will not create excess run-off as it will just fill with water.

B. Weber asked if they are proposing a deck too. Jesse said yes, they want to extend the existing deck.

B. Weber asked if they would then be 9 ft. from the east property line. Jesse answered yes.

A. Backus said it will be an 8' 8" setback on the east side.

G. Cole said her issue is that if a 9 ft. setback can be maintained, then it should. Jesse said it would be possible and OK with him to adhere to that.

B. Weber mentioned the rear setback of 14ft.

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 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: (B. Weber/ R. Bergin) to accept the application for the variance conditioned upon a 14.6' rear setback and an east side setback maintained per code.

Motion carried: 5 -0

Recording Secretary J. Brown read aloud the second legal notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday June 15, 2015 at 7 p.m. at the Livonia Village Hall, 36 Commercial Street, Livonia, New York to consider the application of Jenni and Dan McEnerney for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia. The area variance is requested to install an above ground pool. The proposal violates the requirements according to Section 150-31G (2) which states the side setback requirements and Section 150-31G (3) which states the rear setback requirements. The property is located at 6649 Richmond Mills Rd., 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- yes

B. Weber- no

G. Cole- yes

M. Sharman- yes

R. Bergin- yes

Chair Nilsson invited **Dan and Jenni McEnerney** to come forward and explain the request. Dan and Jenni stated that they are proposing to construct an above ground pool near the east property line next to their garage. Last year, they proposed the pool in the back yard but realized they just did not have the land they thought they did. They have to place it now on the east side because there is not enough room in their back yard. They explained they also cannot place it in their west side yard because their propane tank is located there.

Chair Nilsson stated for the record that he is familiar with the McEnerney's from extracurricular activities.

Chair Nilsson asked if they will leave the fence that is currently there, to which the McEnerney's answered yes.

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 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

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

Motion: (R. Bergin/ G. Cole) to accept the application for the variance with B. Weber amended conditions of maintaining 3 ft. from east side setback and rear setback no less than 18 ft. on the north boundary.

Motion carried: 5 -0

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

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

Motion carried: 5-0

Respectfully submitted,

Jeanne Brown

Recording Secretary