

*Livonia Joint Zoning Board of Appeals
November 2, 2015*

Present: Chair P. Nilsson, R. Bergin, G. Cole, B. Weber, Code Enforcement Officer-A. Backus, Recording Secretary-B. Miles

Excused: M. Sharman

AGENDA: ***(1) Accept and approve the meeting minutes of October 19, 2015***

(2) Chris Wegener – 3598 Shoreline Dr.

Request for an area variance for a proposed second story addition which violates setback code requirements and the code that states: no nonconforming building shall be enlarged, extended or increased.

(3) John and Patricia Feola – 3656 Shoreline Dr.

Request for an area variance for a proposed second story addition which violates setback code requirements and the code that states: no nonconforming building shall be enlarged, extended or increased.

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

- 1) Chair P. Nilsson asked the Board if they had reviewed the Meeting Minutes for October 19, 2015. All agreed they had.

M/2/C (B. Weber/R. Bergin) to approve the Livonia Joint Zoning Board of Appeals Meeting Minutes for October 19, 2015 as submitted.

Motion carried: 4-0

2) Chris Wegener – 3598 Shoreline Dr.

Secretary B. Miles read the Public Notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday November 2, 2015 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Chris Wegener for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia. The area variance is requested for a proposed second story addition above existing garage which will violate the setback requirements according to Section 150-31G (2) which state the minimum side setback requirements and 150-70A (2) which states that no nonconforming building shall be enlarged, extended or increased. The property is located at 3598 Shoreline 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.

CEO Adam Backus poled the Board for site visits:

R. Bergin: Yes

B. Weber: Yes

P. Nilsson: Yes

G. Cole: Yes

Chair P. Nilsson asked Chris Wegener is come forward and address the Board and explain what he is purposing to do. Mr. Wegener explained that he is looking to build a second story on an existing garage. He explained that the second story will be a recreation room only for his son, Jason, who is autistic. He stated that at school there are other children and his wife is a teacher and this recreation room will be a

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great place for therapy. The existing roof on the garage was going to require work at some time soon so this is a convenient time to start this project. Mr. Wegener stated that the two neighbors on each side of 3598 Shoreline Drive have given him emails stating they do not have a problem with him building an addition on top of the existing garage. He asked if the Board had a chance to view the emails and everyone on the Board indicated they have.

Chair P. Nilsson asked if there is going to be other facilities other than the recreation room? Chris Wegener stated there will be a bathroom and they will also have to heat the upstairs, but that is all. Chris stated that he has already talked it over with CEO Adam Backus and there is a lot to do. R. Bergin asked Mr. Wegener again if this second story addition will be used as living space. Chris Wegener stated there is not going to be a bedroom, or a kitchen. R. Bergin also asked him if this space will be rented out. Mr. Wegener stated no way. B. Weber asked Chris if there is another accessory dwelling with an apartment on the property and Chris stated that is correct. B. Weber stated to CEO A. Backus that with this apartment being on the property if anyone else wanted to put an apartment in this addition at some future, they would have to have a Use Variance. CEO A. Backus agreed and if the Board was to grant this variance we will note in the certificate of compliance that this addition is for this specific use only.

B. Weber asked if there will be a restroom or a bathroom and Chris stated that it will be just a toilet and sink. G. Cole stated that she thought it is very commendable that Chris will be using this room for a recreation room for their son. CEO A. Backus asked if there will be a balcony and Chris noted that yes there would be a balcony facing the lake. Adam stated he thought the balcony will be 12' x 5' and B. Weber stated that on his information it shows 10' x 5'. Bill asked if that was correct and Adam stated yes.

B. Weber stated that this addition is supposedly not habitable space, there will be a bathroom and he wanted to emphasize that this space will not be used as living space. R. Bergin asked if there will be heat and Chris indicated yes.

Chris stated to the Board that he has been cleaning the garage out and he has noticed that with the construction he will be doing he may find it necessary to take out a wall, he will be staying within the same foot print, but he does not want this to be a problem and he wants to be upfront with the Board. B. Weber asked CEO A. Backus how many walls will be taken out. CEO A. Backus explained that this garage has the three garage doors and Chris will be reconstructing to one garage door. This is a reconstruction of an existing building and Chris will be staying within the original footprint, some walls will be taken down. Chris asked that with the work he wants to do is it going to be ok with the Board if he confers with Adam on how the interior construction is done. G. Cole stated that she would rely on Adam to review the construction. CEO A. Backus talked about the construction of an existing structure and the point where it becomes a new structure. B. Weber stated that there has been in the past incidents where someone has knocked down an existing structure, intending to rebuild on the same footings and staying within the same footprint, but they have had to come to the Board for a variance for setbacks because they were building a new structure. Chris stated he wanted to have the Board's approval because he understands how renovating existing structures can be. Chair P. Nilsson stated he does not have a problem with doing things like this. Sometimes it can be probably be easier, less costly, and better quality. It was agreed that there would not be a problem with Chris working closely with Adam. Adam stated he wanted to have the conversation with the Board so there will be no surprises. B. Weber asked if the application should be amended tonight at this meeting and make it part of the public hearing so that if there are any questions in the future the Board has it covered in the amendment tonight. B. Weber stated that maybe the application should be removing the garage and building up from there, but staying within the original footprint.

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Chair P. Nilsson opened the meeting up to the public, if anyone has any comments and/or question, please state your name and address. No response. Chair P. Nilsson closed the public hearing portion of the meeting.

Chair P. Nilsson asked if there was any further discussion or comments. He asked the Board to go through 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 P. Nilsson asked if there is any further discussion from the Board.

M/2/C (R. Bergin/B. Weber) to approve the variance with the amendment that reconstruction will be done as needed to stay within the original foot print.

Motion carried: 4 to 0

3) *John and Patricia Feola – 3656 Shoreline Dr*

Secretary B. Miles read Public Notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday November 2, 2015 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of John and Patricia Feola for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia. The area variance is requested for a proposed second story addition above existing house which will violate the requirements according to Section 150-31G (2) which state the minimum side setback requirements and 150-70A (2) which states that no nonconforming building shall be enlarged, extended or increased. The property is located at 3656 Shoreline 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.

CEO Adam Backus poled the Board for site visits:

G. Cole: Yes

R. Bergin: Yes

B. Weber: Yes

P. Nilsson: Yes

Chair P. Nilsson asked John Feola to come forward to explain to the Board what he plans on doing, what he needs from the Board and why.

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John Feola and his contractor, Chris Wegener, came forward to present their proposal. Chris Wegener stated that Mr. Feola has grandchildren and the existing house is a little small. Mr. Feola explained that their existing home is a two bedroom and their daughter, son –in-law, and grandchildren come to stay. Presently when they come to visit someone has to sleep on the floor. They would like to construct a two story 30' x 16' addition to and above the existing house structure with a covered porch. Chris stated that the architect came up with a plan to keep the setbacks better than first planned. They have figured out how they can have the most room possible along with staying within the Feola's budget. This addition will give them what they want with the possibility of flexibility to do interior updates at some later date. This addition will be on the east side of the house and will consist of 2 bedroom and 1 bath on the second floor and on the first floor there will be a mudroom and family room. Chair P. Nilsson commented on the roof designs of the Feola's and even their neighbors on both sides. He commended them on taking their neighbors into consideration. The bedrooms will be on the road side.

B. Weber asked about lot coverage and CEO A. Backus stated that lot coverage is good and side setbacks are at 6 feet on the north side and less than 9 on the south side. Chair P. Nilsson asked if there are any more questions from the Board. No response.

Chair P. Nilsson opened the meeting up to the public, if anyone has any comments and/or question, please state your name and address.

Mr. Richard VanDerMeid, lives at 3660 Shoreline Drive, introduced himself and stated he has no problem with the Feola's project.

Donna Whitmyre lives at 3652 Shoreline Drive, introduced herself and stated that she does not have a problem with the Feola's project.

Chair P. Nilsson thanked everyone for their input and closed the public hearing portion of the meeting.

Chair P. Nilsson asked the Board if there were any more questions. Gwen asked Adam if the side setbacks are 6 feet on one side and 7 on the other. CEO A. Backus stated that it is 6 feet on one side and just under 9 feet on the other.

Chair P. Nilsson asked the Board to go through 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? 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 P. Nilsson asked if there were any more questions and if not he asked for a motion.

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M/2/C (B. Weber)/G. Cole) to approve the variance as submitted.
Motion carried: 4 to 0

Chair Nilsson asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:45 pm.
M/2/C (B. Webber/ G. Cole)
Motion carried: 4 to 0

Respectfully submitted,

Betty Miles
Recording Secretary