

*Livonia Joint Zoning Board of Appeals  
April 4, 2016*

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

Excused: James Campbell, Attorney

AGENDA:     ***(1) Accept and approve the meeting minutes of March 7th, 2016***

***(2) Melissa Develder – 4485 East Lake Road, Livonia, NY.***

                  Requesting an area variance for the side & front setbacks requirements and for construction of a proposed Deck & variance for nonconforming. Further the applicant is requesting approval for a fence on lakeshore property which requires Zoning Board approval.

***(3) Katrina Smith - 4368 East Lake Road, Livonia, NY.***

                  Requesting area variance for the minimum side setback requirements for construction of an addition to existing dwelling.

Chair P. Nilsson brought the meeting to order at 7:02 p.m...

***(2) Melissa Develder – 4485 East Lake Road, Livonia, NY.***

Code Enforcement Officer A. Backus read the Public Notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday April 4, 2016 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Melissa Develder for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia.

An area variance is requested for a proposed Deck which will violate the side setback requirements according to Section 150-31G (2) and violates the front setback requirements according to 150-31 G (1). Also an area variance is requested for the expansion of a non-conforming use and building which violates Section 150-70A (2) which states that no nonconforming building shall be enlarged, extended or increased. Further, the applicant has proposed the placement of a fence on lakeshore property which requires approval by the Zoning Board of Appeals per Section 150-56 J.

This property is located at 4485 East Lake Road., 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.

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A. Backus asked for a poll of the Board for site visit:

R. Bergin: Yes

M. Sharman: Yes

P. Nilsson: Yes

G. Cole: Yes

B. Weber ... Yes

Chair P. Nilsson asked the person representing *Melissa Develder – 4485 East Lake Road* to come forward and address the Board on what she is purposing to do. Melissa Develder came forward to explain to the Board she is requesting approval to add a lakeshore fence and a deck and fence onto the front of the house/property. The front of the house has built in sliding glass doors that exit onto the grass. She is asking to add a 5' deck to the front of the property which will attach to the pre-existing deck. She feels this will enhance the property and add safety for the sliding glass doors which lead to uneven ground. She is also requesting approval to add a fence on the front portion of the property as well as the lake side for safety. The fence is a see through that is 3-1/8" spacing with 1" slats by 4' tall (The Hampton style) for protection of her child & dog when they are on the lakeside of the property. The Board members commented that the fence was very nice and a good choice. B. Weber asked CEO A. Backus for clarification if the deck was installed as requested what the setback would be? The setback is 5.2' from the north property. M. Develder advised that she has changed her plan. She now plans to start the deck 4' in front of the house because the sliding glass doors don't start until 4.75'. It made sense to do that way so the dog or her child could not jump off the deck over the fence. She wanted to put 4' between the deck and edge of the house so that was not possible. Deck with step is 6-1/2'. The Deck itself is 5-1/2' with a 1-1/2' stair across the whole front of the deck. M. Sharman stated he thought it was a good idea and will look very nice and enhance the neighborhood. He also commended M. Develder on her choice for a see through fence for the lake shore property. M. Develder also noted that there will be 12' from the fence to the roadside. R. Bergin asked M. Develder to advise the Board her conversation with her neighbor to the south. M. Develder stated that her neighbors Mike & Linda Miallano contacted A. Backus and stated that they are aware of her request and they have no objections. The neighbors on the other side of her property are renters. They were aware of the Public Hearing sign but did not approach her with any questions or concerns.

Chair P. Nilsson asked for public comments.

Chair P. Nilsson closed the public hearing.

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

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B. Weber stated that with the Boards approval for the fence he wanted it noted that upon approval of the request that it be stated in the meeting minutes that the fence was approved for an open style– see thru (Hampton style) fence only.

Chair P. Nilsson asked the Board for a motion. M/2/C (M. Sharman/R. Bergin) to approve application as presented. Motion carried: 5-0.

**(3) *Katrina Smith - 4368 East Lake Road, Livonia, NY***

Code Enforcement Officer A. Backus read the Public Notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday April 4, 2016 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Katrina Smith for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia.

An area variance is requested for the construction of a addition to an existing dwelling. This proposed construction will violate the requirements according to 150-31G (2) which state the minimum side setback requirements. This property is located at 4368 East Lake Road, 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 A. Backus asked for a poll of the Board for site visit:

R. Bergin: Yes  
M. Sharman: Yes  
P. Nilsson: Yes  
G. Cole: Yes  
B. Weber ... Yes

Chair P. Nilsson asked the person representing ***Katrina Smith - 4368 East Lake Road*** to come forward and address the Board and explain what they are purposing to do. Katrina Smith came forward and stated that on the road side of the house there is an existing deck that nobody uses which is in rough shape. She would like to replace this area and an additional amount so that the house becomes a complete square and turn this area into a bathroom and walk-in closet for her bedroom. This is her only option to do this because the other rooms are not set up to allow her to accomplish this. Sam Rode is the Builder and Mark Muller is the Architect and they have looked over her plans. The only other exterior change besides the addition is that the roof line would need to be brought out to match the existing structure. K. Smith's neighbor, Kevin Dougherty is aware of her proposal and has written a letter stating his approval. There is a lot of space between their properties. G. Cole asked CEO A. Backus to confirm setbacks. B. Weber asked if the setback requirement was 9' or 15'? A. Backus confirmed it

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would be 15'. Which would be a 5' variance request. K. Smith confirmed that the addition request is one story only.

Chair P. Nilsson wanted it noted that there was no gallery present so he would continue the meeting without opening up for the public comment.

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 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 the Board for a motion. M/2/C (R. Bergin/B. Weber) to approve application as presented. Motion carried: 5-0.

Chair P. Nilsson asked if there is any further discussion by the Board.

Chair Nilsson asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:32 pm.  
M/2/C (M. Sharman/G. Cole)  
Motion carried: 5 to 0

Respectfully submitted,

Alison Houk  
Recording Secretary