

**LIVONIA JOINT ZONING BOARD OF APPEALS  
DECEMBER 19<sup>TH</sup>, 2016**

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

**AGENDA:       (1) *Accept and approve the meeting minutes of December 5<sup>th</sup> 2016***

**(2) *Jack & Sharon Sparling – 3604 Shoreline Drive, Livonia, NY***

**(3) *Judy Salter – 3600 Pebble Beach Road, Lakeville, NY***

Chair P. Nilsson brought the meeting to order at 7:00 p.m...

Chair P. Nilsson asked if everyone reviewed the meeting minutes. The Board agreed they had  
and Chair P. Nilsson asked for a motion to approve. M/2/C (M. Sharman/R. Bergin) Carried: 5-0

**(2) *Jack & Sharon Sparling – 3604 Shoreline Drive, Livonia, New York***

CEO A. Backus read the Public Notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public  
hearing on Monday December 19<sup>th</sup>, 2016 at 7 p.m. at the Livonia Town Hall, 35 Commercial  
Street, Livonia, New York to consider the application of Jack & Sharon Sparling for an area  
variance pursuant to Section 150-17C of the Zoning Code Of Livonia.

This area variance is requested for a proposed Three Season's Room which will violate the  
north side setback requirements according to Section 150-31G (2) which states the minimum  
required side setbacks. The variance is also requested for the expansion of a non-conforming  
buildings which violates Section 150-70A (2) no nonconforming building shall be enlarged,  
extended or increased. This property is located at 3604 Shoreline Drive, Livonia, New York and  
is zoned Neighborhood Residential District (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 polled the Board for site visits:

Chair P. Nilsson:	Yes
R. Bergin:	No
G. Cole:	Yes
M. Sharman:	Yes
B. Weber:	Yes

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Chair P. Nilsson asked Jack & Sharon Sparling to come forward and address the Board to explain what they are proposing to do. J. Sparling explained they are requesting a variance to add a Three Season's Room onto their existing 16' X 15' deck, which was added back in 1995. The existing deck is located on the west side of the house facing the lake. When they remodeled in 2010-2011, they wanted to add the Three Season's Room but due to cost they decided to install an Awning. The Awning does not provide protection from the wind and rain. It also adds darkness to the kitchen area inside the house. By adding the Three Season's Room they will extend use of this area and also reduce the heat & sun during the summer time.

R. Bergin asked for clarification if the proposed addition will be the exact footprint of the existing deck. J. Sparling confirmed the dimensions will be the same as the existing deck. CEO A. Backus stated there will be a slight change for the angle of the steps. G. Cole asked if the Sparling's have spoken to the neighbors. J. Sparling stated that they have spoken to their neighbors, two to the north and one to the south. The neighbor to the north, Mr. McRae who is a seasonal occupant, was concerned about his view to the south. There is already an existing bush blocking his view. The proposed addition will be in this area, and will not further obstruct Mr. McRae's view.

Chair P. Nilsson opened the meeting up for questions from the public. Chair P. Nilsson asked that they state their name & address for the record and state their questions or concerns. Not hearing any responses, the Public Hearing was closed.

Chair P. Nilsson asked the Board if there was any further questions. Being none 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 the Board for a motion to approve the proposal for the addition of a Three Season's Room added to the existing deck as presented. M/2/C (G. Cole/R. Bergin)  
Carried: 5-0

***(3) Judy Salter – 3600 Pebble Beach Road, Lakeville, NY***

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This is a continuation from the Zoning Board Meeting held on December 5<sup>th</sup>, 2016. The applicant was not in attendance. The Board postponed the decision to act on the variance request. Application was a request to add a proposed Deck that continued by a contractor without a Building Permit issued. The Board was not comfortable making a decision without the applicant present and without CEO A. Backus doing an inspection. Applicant was placed on next meeting agenda, pending CEO A. Backus to inspect existing deck and contractor to disassemble as needed to provide access for evaluations. Chair P. Nilsson closed the Public Hearing for this proposal at the December 5<sup>th</sup>, 2016 meeting.

Chair P. Nilsson asked Christine Milette and Mike Salter on behalf of Judy Salter to come forward and address the Board. This area variance is requested for a proposed Deck which will violate the south side setback and expansion of a non-conforming buildings.

CEO A. Backus stated that the applicant was out of the country and this was a scheduling misunderstanding. Applicant has a history of going "above and beyond" to be in compliance with other projects. CEO A. Backus wanted the record to show that C. Milette did not intentionally allow the deck to be built out of compliance. The issue is with the deficiencies of the deck and the contractor. CEO A. Backus stated that if the Board would be inclined to grant the requested variance, the issues could be resolved pending Contractor corrections.

M. Sharman asked if the dimensions remained the same as what they presented. CEO A. Backus confirmed that dimensions are the same. B. Weber asked who the Contractor was. C. Milette stated that Andrew Lavage was their Contractor.

Chair P. Nilsson asked the Board if there was any further questions. Being none Chair P. Nilsson asked the Board to go through the area variance criteria:

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2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? No
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Chair P. Nilsson asked the Board for a motion to approve the proposal for the requested deck as presented pending corrections noted on CEO A. Backus's memo dated December 19<sup>th</sup>, 2016 and any further corrections. M/2/C (M. Sharman/R. Bergin) Carried: 5-0

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

Chair P. Nilsson asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:25 pm. M/2/C (G. Cole/B. Weber) Motion carried: 5-0

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Respectfully submitted,  
Alison Houk, Recording Secretary