

**LIVONIA JOINT ZONING BOARD OF APPEALS
FEBRUARY 6TH 2017**

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 19TH, 2016***
 - (2) Five Star Bank/West's Shur Fine – 1 Main Street, Livonia, NY***
 - (3) Lee Robinson – 7270 Adams Road, Hemlock, NY***
 - (4) Kevin McManus – 43 Spring Street, Livonia, NY***

Chair P. Nilsson brought the meeting to order at 6:56 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) Five Star Bank/West's Shur Fine – 1 Main Street, Livonia, New York

Chair P. Nilsson asked Matthew Howell, Regional Maintenance Associate of Five Star Bank to come forward and address the Board to explain what they are proposing to do. This is a modification to a previously approved sign. M. Howell explained that they would like to add a lighted sign to the bottom of the existing sign by the road at West's Shur Fine. B. Weber asked what the original variance was. CEO A. Backus stated that back in 2000, a variance was requested for the placement of a free standing gas sales sign. Proposed free standing sign would be a second free standing sign, which violated the number of signs allowed. It also exceeded the maximum square footage of 20 Sq. Ft. It would exceed the maximum height of 10' above grade and would violate the 10' setback from the property line. This variance request was granted back in 2000.

Chair P. Nilsson asked for further discussion. With no further discussion, a request for a motion was made.

Chair P. Nilsson asked the Board for a motion to approve the proposal for the ATM Sign to the existing approved Sign as presented. M/2/C (B. Weber/G. Cole) Carried: 5-0

(3) Lee Robinson – 7270 Adams Road, Hemlock, NY

CEO A. Backus read the Public Notice:

LEGAL NOTICE
PUBLIC NOTICE

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PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday February 6th, 2017 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Lee Robinson for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia.

This area variance is requested for a proposed Shed which will violate the west side setback requirements according to Section 150-33G (2) which states the minimum side setback requirements of 15'. The variance is also requested for lot coverage which violates Section 150-33F which states the maximum lot coverage, including buildings and structures, shall not exceed 10% of the area of the parcel. This property is located at 7270 Adams Road, Hemlock, New York and is zoned Agricultural Residential Conservation – 5 (ARC-5). 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:	Yes
G. Cole:	Yes
M. Sharman:	Yes
B. Weber:	No

Chair P. Nilsson asked Lee Robinson to come forward and address the Board to explain what he is proposing to do. L. Robinson came forward and stated his request for the proposed Shed is to house his Boat. He has had burglaries in the past and would like to get the Boat inside. He also stated he is requesting a modification from the original application, asking for a 2' setback off the property line instead of 4'. This would allow adequate room to get equipment to the back of the property. The neighbor is in agreement with this change. The Shed would have a steel roof, so there would be no maintenance issues in the future. CEO A. Backus asked how much space was currently between the house and shed. There is currently 6' 3". R. Bergin asked if there was any consideration to moving the Shed to the back of the property. Lee stated that he has a very large 12' X 30' garden in that area that he has been working with for many years. He has removed a lot of rocks, brought in 14" of top soil and has a lot of time invested. He would rather not use that area. The proposed placement also provides a privacy barrier. M. Sharman stated that with placement that close to the property line, any snow on the steel roof would slide off onto the neighbor's property. After discussion, the Board was not in favor of the modification. B. Weber suggested future plans could include an additional overhead door to allow access to the back of the property.

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:

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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? Yes
2. Can the benefit be sought by the applicant be achieved by some feasible method other than a variance? Yes
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 the Board for a motion to approve the proposal for a 4' west side setback for the proposed Shed. The variance is contingent on that no future storage structures would be permitted without Zoning Board review and approval. Further, provisions will be made at each end of the Shed to allow future access to the rear of the property. M/2/C (B. Weber/R. Bergin)
Carried: 5-0

(4) Kevin McManus – 43 Spring Street, Livonia, NY

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 February 6th, 2017 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Kevin McManus for an area variance pursuant to Section 155-17C of the Zoning Code Of Livonia.

This area variance is requested for a proposed Addition which will violate the front and front/side setback requirements according to Section 155-31G (1), (1 & 2) which states the minimum required setbacks. The variance is also requested for the expansion of a non-conforming building which violates Section 155-70A (2) no nonconforming building shall be enlarged, extended or increased. This property is located at 43 Spring Street, 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:	Yes
G. Cole:	Yes
M. Sharman:	Yes
B. Weber:	Yes

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Chair P. Nilsson asked Kevin McManus to come forward and address the Board to explain what he is proposing to do. Kevin stated that he is requesting to add a 16' X 56' addition on the south side of the house. He has a baby on the way and would like to add additional bedrooms and another bathroom. M. Sharman commended Mr. McManus on the fencing. The Board agreed the property looks very nice. CEO A. Backus clarified the wording for the front and front/side setbacks. Due to the shape of the parcel, and because there is a road it is considered to have two fronts. It is considered as a front due to the actual use of the road and area. B. Weber asked what the required side setback was. CEO A. Backus confirmed the side setback to be 15'. M. Sharman stated that the roof may pose some challenges. K. McManus stated that he is working with his father who is contractor and has spoken to CEO A. Backus as well regarding the roof. He is aware that he will not be able to use a metal roof as it will be too shallow. CEO A. Backus asked if K. McManus thought about increasing the addition into the garage. K. McManus stated that the main reason for being at the property, which was an old Bus Garage is the size of the garage. The garage is very useful for his business, so he doesn't want to use that area for the addition. Chair P. Nilsson commended K. McManus on the use of the property and stated it looks very nice.

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? 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 the Board for a motion to approve the proposal for the requested addition as presented. M/2/C (M. Sharman/B. Weber) Carried: 5-0

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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 7:54 pm. M/2/C (R. Bergin/B. Weber) Motion carried: 5-0

Respectfully submitted,
Alison Houk, Recording Secretary