

LIVONIA JOINT ZONING BOARD OF APPEALS

APRIL 3, 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 March 6th, 2017***
(2) Gary Puckhaber – 3885 Grayshores Road, Livonia, NY

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

(1) Meeting minutes for March 6th, 2017. Chair P. Nilsson asked for a motion to approve.
M/2/C (M. Sharman/G. Cole) Carried: 5-0

(2) Gary Puckhaber – 3885 Grayshores Road, 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 April 3, 2017 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Gary Puckhaber for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia.

This area variance is requested for a proposed Addition which will violate the front and side setback requirements according to Section 150-31G (1 & 2); lot coverage requirement according to Section 150-31F; and the expansion of a non-conforming building according to Section 150-70A (2). This property is located at 3885 Grayshores Road, 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

**Bill Weber stated that he is a neighbor to Bill Bruyer, Mr. Puckhabers Builder. He asked the Board if they wanted him to recuse himself from the discussion & voting, as Mr. Bruyer will be

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building a house for him in the near future. The Board Members did not feel B. Weber needed to recuse himself.

Chair P. Nilsson asked Gary Puckhaber and his builder, Bill Bruyer to come forward and address the Board to explain what he is proposing to do. Mr. Puckhaber explained that he is proposing an addition to the back of the existing dwelling to include expansion for the kitchen, and a much needed additional bedroom. They are Foster Parents with a growing family that currently has nine children. It is currently a four bedroom house and they are asking to add an additional bedroom. He is also requesting adding a laundry room and garage. Along the south side of the house where the garage would meet the property line at the road, there is a 9' setback requirement. Where it meets the house, it is only a 7-1/2' setback. They are asking for the 7-1/2' setback so it will stay in line with the existing house. The west setback from the road is a good distance back off the road, which currently has a parking area. They are requesting to put the garage at the bottom of the stone wall, which will be in approximately 12' from where the current parking is located. Chair P. Nilsson asked if the garage will be built level with the road. Mr. Puckhaber stated yes it would. They own property across the street and considered building the garage over there. With the ditch that runs in the middle of the road and becoming a single lane road, it would be very impractical and dangerous trying to back out. Chair P. Nilsson felt the Mr. Puckhabers proposal for placement of the garage would be an improvement to parking and safety.

Chair P. Nilsson stated that since there was no one present, the Public Hearing was closed

R. Bergin stated that surveyor's report and elevation drawings were excellent. In terms of lot coverage, how does Mr. Puckhabers property compare with similar properties having the garages close to the road. Mr. Puckhaber approached the Board with aerial photos of the nearby properties which shows that many properties have done the similar thing over the years when adding garages. There are several other garages in the neighborhood that are out much further than they are proposing. They will be back an additional 4' compared to the next door neighbor's garage location. G. Cole asked if the Puckhaber's have spoken to their neighbors regarding their request. Mr. Puckhaber stated they he did speak to the neighbors and they were in agreement with this proposal. M. Sharman asked if he had any letters stating they are in agreement for the record. Mr. Puckhaber stated he has had conversations, but did not obtain any letters. B. Weber asked CEO A. Backus for clarification on the variance request. CEO stated it was a front & side setback, expansion of non-conforming and lot coverage. B. Weber asked what the percent of lot coverage was. A. Backus stated that including the new addition, they would be at 2133' and maxed out at 1361'. .125 acres, 5445 square feet, 25% of that would be 1361'. If you add what they currently have and what is being proposed, it would be 2133'. B. Weber stated that it would be approximately 50%. M. Sharman asked if the property across the street was on the same tax map number. Mr. Puckhaber stated it has a different tax map number.

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 deterrent to nearby properties be created by granting the variance? No

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2. Can the benefit 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

Chair P. Nilsson stated that possibly drainage might be an impact as they will be covering up the rocks with the proposed garage. Mr. Puckhaber stated that currently the drainage does not run off the road onto their property, the road is lower than the driveway. Currently the water travels to the north two properties, where there is a storm drain. With the ditch located in the middle of the road, it catches any water coming down off the hill and goes into the same storm drain. They do not have any water runoff on their property.

5. Is the alleged difficulty self-created? Yes

Chair P. Nilsson asked the Board for a motion to approve the proposal for the requested mud room addition as presented. M/2/C (R. Bergin/P. Nilsson) 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 7:30 pm. M/2/C (M. Sharman/B. Weber) Motion carried: 5-0

Respectfully submitted,
Alison Houk, Recording Secretary