

LIVONIA JOINT ZONING BOARD OF APPEALS
MAY 1, 2017

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

Excused: R. Bergin, B. Weber, Attorney J. Campbell

- AGENDA:**
- (1) Accept and approve the meeting minutes of April 17th, 2017***
 - (2) Jason & Sonia Navolio – 4582 East Lake Road, Livonia, NY***
 - (3) Nicholas Field – 42 Spring Street, Livonia, NY***
 - (4) Jeffrey & Jaclyn Corcoran – 3546 Camp Run Drive, 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/G. Cole) Carried: 3-0

- (2) Jason & Sonia Navolio – 4582 East Lake 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 May 1, 2017 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Jason & Sonia Navolio for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia. This area variance is requested for a proposed Deck which will violate the 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 4582 East Lake 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:	Excused
G. Cole:	Yes
M. Sharman:	Yes
B. Weber:	Excused

Chair P. Nilsson asked Ed Ferris, Cousin of Jason Navolio to come forward and address the Board to explain what they are proposing to do. E. Ferris approached the Board with photos to explain the location of the requested Deck. He explained the neighboring houses currently have

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existing decks similar to what they are requesting to do. The Deck will be within the same foot print as the existing Patio, except slightly less only going to the existing stairway. It will be in line with the other neighboring Decks, and it will not be any closer to the Lake than what the neighbors Decks are. Chair P. Nilsson asked if the Patio stones will be staying in place. E. Ferris confirmed that they will build the proposed Deck overtop of the existing Patio stones. Drainage will continue to flow as it does now. E. Ferris stated that they are here because they have a non-conforming lot and are asking for variance to build a Deck. Chair P. Nilsson asked for clarification regarding the privacy fence located on the south side of the property. E. Ferris stated that he thought it belonged to the neighbor to the south, as the posts were located on the other side of the fence. P. Nilsson stated that with the current fence, the proposed Deck would not cause any view issues for the neighbor. M. Sharman asked if there were any plans to enclose the Deck or put a roof on in the future. E. Ferris stated there are no plans to enclose the Deck.

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 proposed Deck as presented with the condition that the Deck would not be enclosed or a roof added in the future. M/2/C (M. Sharman/G. Cole) Carried: 3-0

(3) Nicholas Field - 42 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 May 1, 2017 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Nicholas Field for an area variance pursuant to Section 155-17C of the Zoning Code Of Livonia. This area variance is requested for

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a proposed Garage which will violate the front and side setback requirements according to Section 155-31G (1-A) & 2) The variance is also requested for the expansion of a non-conforming building which violates Section 155-70A (2) This property is located at 42 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:	Excused
G. Cole:	Yes
M. Sharman:	Yes
B. Weber:	Excused

Chair P. Nilsson asked Nicholas Field to come forward and address the Board to explain what he is proposing to do. He is requesting a variance to expand his current 1 ½ car Garage to a 3 car Garage to make it as wide as his driveway. The foundation on the south side is falling apart which he would like to replace in the process. He has four children, one who already drives and has to park across the street in the school parking lot, as there is no room in the driveway to park. M. Sharman asked if he has explored going to the north towards the house to expand. N. Field stated that he just replaced the side walk last year. Expanding to the north would require the sidewalk to be removed. There are also underground wires that run between the house & garage. Going to the North would make it very narrow between the house and garage, and the driveway would not line up with the garage. Chair P. Nilsson confirmed that he is requesting to go closer to the property line on the School side. M. Sharman asked where the down spouts were going to be placed. N. Field stated that they will go out towards the back of the property, and will not go onto the School 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:

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

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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 proposed add onto the existing Garage. M/2/C (G. Cole/M. Sharman) Carried: 3-0

(4) Jeffrey & Jaclyn Corcoran – 3546 Camp Run Drive, 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 May 1, 2017 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Jeffrey & Jaclyn Corcoran for an area variance pursuant to Section 155-17C of the Zoning Code Of Livonia. This area variance is requested for a proposed Garage with accessory dwelling (Recreation Room) which will violate the front and side setback requirements according to Section 150-31G (1 & 2). A Conditional Use Permit is also required for the accessory dwelling above garage according to Section 150-31 D (1). This property is located at 3546 Camp Run Drive, Lakeville, 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:	Excused
G. Cole:	Yes
M. Sharman:	Yes
B. Weber:	Excused

Chair P. Nilsson stated for the record that he is familiar with this property. As an Attorney, he represented the previous owner, Doris Simpson's estate many years ago. He will not recuse himself from this meeting.

Chair P. Nilsson asked Jeffrey & Jaclyn Corcoran to come forward and address the Board to explain what they are proposing to do. Jaclyn stated that their existing Garage is lower than the road and the neighbor's driveway. When there are rainstorms, the water runs down the road and floods the garage. The storm sewers have overflowed and flooded the garage three times. They are close to Junior Crescent, which the Town does not recognize as a road nor do they maintain it. This has caused drainage issues for this area that have contributed to the garage being flooded. They have two children and have outgrown their current living space. They don't have

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a basement that they could finish, so they are asking to add onto the space they have. They are requesting to take down the existing garage and rebuild in the same footprint. Rebuild so it would support a second story and finish it as if it were a basement. Chair P. Nilsson asked if they will be raising the garage elevation. They will raise the new garage to be level with the road and the neighbor's driveway. CEO A. Backus stated that you're not responsible to fix existing problems, but when you develop something your responsible to make sure your actions don't have an adverse effect on someone else. If water is coming into the garage now and you build it up and displace the water around, will you have the means to get the water in a controlled manner to the Lake or out where it's not going to flood someone else? A condition of the permit would be that we can verify the constructing won't have an adverse effect on the neighborhood. Jeff stated that currently the gutters are set to the front of the garage where there is a drain tile that goes out to the Lake. On the other side, there are PVC laterals that they would tie into. CEO A. Backus stated that now the water that used to go into the garage, will go out and around it. We need to make sure that it now would go out and around it into a swale and move away without causing drainage problems. The neighbor to the south was supposed to create a swale so this would not happen to them, hopefully that can all flow together. Chair P. Nilsson asked if there would be any utilities beside electricity. Jaclyn stated that they would be putting in a three quarter bathroom, a small kitchenette and plumbing for a wet bar. G. Cole stated that it sounds like this would be creating an apartment. The Corcoran's stated that they would like to have a shower there if they have overnight guests or when coming back from swimming in the lake. There won't be any bedrooms, closets or cooking appliances. Chair P. Nilsson asked if this would take away from additional living space, enough to not need the Conditional Use Permit. CEO A. Backus stated that no. We would have to look at the definition of dwelling unit. It is not connected to the house, it is a dwelling space accessory to the main house. It could easily be converted into an apartment type setting and it's important to have on the record that the Conditional Use Permit was for this particular use and not to become a residential unit. Jaclyn stated that they have no plans to rent out any of their property. M. Sharman stated that this needs to be listed as a condition because if you ever sold the property, it would state that it could never be used as an accessory dwelling. G. Cole stated that in your Zoning Board application, you were requesting a Rec Room. If you have a bathroom and kitchenette, it's not really a Rec Room and we need to define what you requesting. CEO stated that it wouldn't have the full package to create independent single family living. This would be an accessory habitable space.

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

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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 to go through the Conditional Use Permit criteria:

1. Will the establishment, maintenance or operation of the conditional use be detrimental to or endanger the public health, safety, comfort, morals or general welfare? No
2. Will the conditional use be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the zoning district of concern? Will the conditional use diminish or impair property values in the immediate vicinity? No
3. Will the establishment of the conditional use impede normal and orderly development and improvement of other property in the immediate vicinity for uses permitted by right in the district of concern? No
4. Will adequate measures be taken to provide ingress and egress in manner which minimizes pedestrian and vehicular traffic congestion in the public ways? Yes
5. Do adequate utilities, access roads, drainage and other facilities necessary to the operation of the conditional use exist, or are they to be provided? Yes
6. Does the conditional use permit in all other respects conform to the applicable regulations of this chapter and other town/village laws, ordinances and regulations? Yes

Chair P. Nilsson asked the Board for a motion to approve the proposal for the requested Garage with accessory dwelling in the same foot print as presented. Elevations be confirmed with CEO A. Backus. M/2/C (M. Sharman/G. Cole) Carried: 3-0

Chair P. Nilsson asked the Board for a motion to approve the Conditional Use Permit subject to not being used as an accessory dwelling or used as a rental. M/2/C (M. Sharman/G. Cole) Carried 3-0.

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 7:37 pm. M/2/C (G. Cole /M. Sharman) Motion carried: 3-0

Respectfully submitted,
Alison Houk, Recording Secretary

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