

LIVONIA JOINT ZONING BOARD OF APPEALS
JUNE 19TH, 2017

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

- AGENDA:** ***(1) Accept and approve the meeting minutes of June 5th, 2017***
- (2) Jeff Adair – 4447 East Lake Road, Livonia, NY***
- (3) Jeff & Kathleen Padlick – 4836 East Lake Road, Livonia, NY***
- (4) Jeff & Dawn Gerstner – 5984 Decker Road, Livonia, NY***

Chair P. Nilsson brought the meeting to order at 7:04 p.m...

Chair P. Nilsson asked if everyone reviewed the meeting minutes from June 5th. The Board agreed they had and Chair P. Nilsson asked for a motion to approve. M/2/C (R. Bergin/G. Cole)
Carried: 4-0

(2) Jeff Adair – 4447 East Lake Road, 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 June 19th, 2017 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Jeff Adair 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 front setback requirements according to Section 150-31G (1); 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 4447 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:	Yes
G. Cole:	Yes
M. Sharman:	Yes
B. Weber:	Excused

Chair P. Nilsson asked Jeff Adair to come forward and address the Board to explain what he is proposing to do. J. Adair stated that he is proposing to add a 10' X 22' section of deck that would attach to the front southwest corner of the existing deck. Chair P. Nilsson asked how far from the center highway line would the deck be. CEO A. Backus confirmed that it would be 21'

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7” from the property line. R. Bergin asked why there wasn’t a drawing provided for this application. Without a drawing it is unclear if there is to be steps, railings and if the deck was going to be covered. J. Adair stated that he felt his contractor was going to supply these details. There are no plans to cover the deck. There will be railings, no steps will be required. R. Bergin asked if he plans to have a privacy fence or remove the tree near the turn around. J. Adair said he will not be removing the tree and there will not be a privacy fence. M. Sharman stated that usually the Board is provided with a drawing. He asked for confirmation that there would be spaces between the pressure treated wood for drainage. J. Adair stated that there would be spacing between the boards.

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. M/2/C (M. Sharman/G. Cole) Carried: 4-0

(3) Jeff & Kathleen Padlick – 4836 East Lake Road, Livonia, NY

Chair P. Nilsson re-opened the meeting from June 5th, 2017 Jeff & Kathleen Padlick. He stated the Board has received their revision request moving the deck back 2’ from the break wall. R. Bergin asked if they were able to move the deck in on the side to accommodate for future sliding glass doors. J. Palick stated they have moved the proposed deck off the property line 2’ 9”, staying parallel with the house. G. Cole asked if they would have the 4’ on the side near the tree to accommodate their plans without removing the tree. J. Palick stated that they would have enough room, there is a little over 5’ which will provide a sufficient walkway. G. Cole asked if they still plan to have a privacy fence. J. Palick stated they were unsure how to proceed with the privacy fence or if they wanted one. Their concern with the privacy fence was how it may affect future residents, they did not want to make an 8’ wall down the side of their property. They are willing to try to work things out so everyone is happy. R. Bergin stated that she felt that wasn’t

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Board requirement, but rather the neighbor request. G. Cole asked for confirmation that they will be eliminating the Shed. J. Padlick confirmed that the Shed will be removed. M. Sharman stated that he is an independent Realtor with Remax. Julie Smith, their neighbor who was there at this meeting with concerns is also a Realtor with Remax. M. Sharman asked if the Padlick's wanted him to recuse himself from the vote. After further explanation, the Padlick's did not request M. Sharman to recuse himself. M. Sharman asked for confirmation that the deck was moved in 2' away from the lot line and that there were no plans to have any steps coming off the north side of the deck. J. Padlick confirmed there were not steps on the north side of the deck and it was moved 2' off the north side property line. The Padlick's provided a letter from their neighbor on the south side who could not attend the meeting. Chair P. Nilsson read the letter aloud for the record. The neighbor, Richard Cott was in support of the Padlick's proposal. M. Sharman asked what the lot coverage was. CEO A. Backus stated they were approximately 300-400 Square feet over the lot coverage including the deck.

Chair P. Nilsson re-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. Julie Smith of 4829 & 4833 East Lake Road asked for clarification on property setbacks and how far from the property line the new proposed deck was going to be. She stated that they are concerned about privacy, especially when it is being rented. They don't want this proposal to decrease their property value. Brain Ludwig, the Padlick's Contractor confirmed that they will be 2' away from the break wall and 2'9" away from the side property line. J. Smith stated that they would appreciate a privacy fence on the south side as they stated at the prior meeting. J. Smith stated that she didn't see a benefit of the deck Padlick's to her property. CEO A. Backus stated that the Padlick's application was not required to benefit your property, but rather not to adversely affect your property.

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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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

R. Bergin asked CEO A. Backus, that if the Padlick's decided not to do a privacy fence at this time, would they be required to come back to this Board if they decided to install one in the future. CEO A. Backus stated that the fence is in their revised application. It would be the Boards decision if they wanted to ask them to come back for a future fence. M. Sharman asked

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if for safety, the deck would require a fence on the side? J. Padlick stated that the deck would still have a 36" railing. J. Padlick stated that they are still open to the privacy fence and working with their neighbor. The future intent is going to be to retire in a couple of years and live their full time, so renting the cottage is only short term. CEO A. Backus stated that the fence regulations call for no more than 6' from natural grade. Since they will have a 36" guard rail, the fence is not a factor in safety. M. Sharman asked how high off the ground the Deck was going to be, and if they were planning to put lattice on the bottom. Contractor, B. Ludwig stated it would be 30-32" off the ground to match where the house was off the ground. The Padlick's haven't decided if they will put lattice or another type of decorative enclosure on the bottom. CEO A. Backus stated it may be a matter of keeping peace with the neighbor and putting up a fence. Removing the Shed, and installing the fence is not going to decrease Lake views. The Board had further discussion regarding the fence possibilities.

Chair P. Nilsson closed the Public Hearing.

Chair P. Nilsson asked the Board for a motion regarding the Deck plan as presented with a 6' privacy fence. The Fence will run on top of deck for a total of 9', dropping down to 6'. It will extend 10' out towards the Lake at full height of 6', then drop to 3' for the remainder. M/2/C (R. Bergin/G. Cole) Carried: 4-0

(4) Jeff & Dawn Gerstner – 5984 Decker Road, Livonia, NY

The Gerstner's are here for their one year review to discuss their progress, noise, neighbor complaints and compliance. They have provided a written progress update and pictures for the Board Members. They have also provided available dates & times for site visits. J. Gerstner stated what that their progress so far. 10 of the outside kennels have been done since last summer. There were 6 more completed before this meeting on June 19th. The 8 inside kennels are done. They still need to put water proofing on the walls and floors before they can be used. They were projecting to have that done the week of June 19th. They have not received any complaints from their neighbors. They plan to put up the sign for the kennel in July or August, as it was their understanding they could not put it up until all 16 of the outside kennels were completed. CEO A. Backus stated that we have not received complaints or received any negative comments. G. Cole asked if the neighbors had been contacted. CEO A. Backus stated that the neighbors who expressed concerns at the last meeting a year ago, were notified of this meeting. M. Sharman visited and was impressed with the facility. R. Bergin stated that the Kennels look very nice. Since they are in compliance with the requirements, they can proceed with their Kennel sign.

Chair P. Nilsson asked for a motion to close the review. M/2/C (M. Sharman/P. Nilsson) Motion carried: 4-0

Chair P. Nilsson asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 8:04 pm. M/2/C (G. Cole/R. Bergin) Motion carried: 4-0

Respectfully submitted, Alison Houk, Recording Secretary

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