

**LIVONIA JOINT ZONING BOARD OF APPEALS
OCTOBER 2, 2017**

Present: Chair P. Nilsson, R. Bergin, 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 September 18th, 2017***
(2) Kathy Zeliff – 3619 Pebble Beach Road, Livonia, NY

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

Chair P. Nilsson asked if everyone reviewed the meeting minutes from September 18th, 2017. The Board agreed they had and Chair P. Nilsson asked for a motion to approve. M/2/C (M. Sharman/B. Weber) Carried: 4-0

(2) Kathy Zeliff – 3619 Pebble Beach 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 October 2, 2017 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Kathy Zeliff 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 side setback requirements according to Section 150-31G (2) and for the expansion of a non-conforming building which violates Section 150-70A (2). This property is located at 3619 Pebble Beach 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
M. Sharman:	Yes
B. Weber:	Yes

Chair P. Nilsson asked Derrick Ells, of 62 Vernon Street, Batavia, New York, Contractor for Kathy Zeliff to come forward and address the Board to explain what they are proposing to do. D. Ells explained that they are requesting an Area Variance for the 14' X 20' Deck that replaced the existing Deck. The new Deck has two tier stairs that come off the side, which after a site inspection with CEO A. Backus, may actually be within the setback requirements. However, the map provided did not specify definite dimensions. They are also requesting the Variance for an expansion of a non-conforming building. D. Ells explained that the putting the stairs on the side

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would be the best option as it would look more appealing and wouldn't affect the Lakeside view. Originally they did not apply for a Building Permit because the intentions were to just replace the deck boards. They realized that other boards were rotted, and needed to be replaced. They have replaced the support posts with 6 X 6's, new framing lumber and dropped the deck approximately 6" to get it away from the Patio door. They have worked with Building & Zoning to resolve the issues and become compliant. B. Weber asked if this was a year round home. D. Ells stated that it was not a year round residence, the owners come a few times a year on the weekends. They may let family members use it on occasion, and there are no intentions of ever renting it out. M. Sharman asked CEO A. Backus if everything was up to Code. CEO A. Backus stated that he met with the contractor this past week to go over a few issues and everything is now in compliance. R. Bergin asked for clarification regarding the two tiers. D. Ells explained that there is the main deck, a 4' X 4' landing with four steps down to another 4' X 4' landing, and five steps down to the front of the lake.

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? 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 proposed Deck as presented. M/2/C (R. Bergin/M. Sharman) Carried: 4-0

Chair P. Nilsson asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:20pm. M/2/C (B. Weber/M. Sharman) Motion carried: 4-0

Respectfully submitted,
Alison Houk, Recording Secretary