

LIVONIA JOINT ZONING BOARD OF APPEALS
Meeting Minutes - April 23, 2012

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PRESENT: Chair. P. Nilsson, C. Rider, R. Ehmann, J. Case, B. Weber - Code Enforcement Officer, J. Campbell - Town Attorney, Kevin P. Masterson - Recording Secretary

EXCUSED: M. Sharman

AGENDA:

- Matt Cole - Meat & Seafood Co. LLC (Mike Sharman)
 - 5857 Big Tree Road
 - Area Variance (maximum height)
 - Freestanding sign

- Michael Pudetti
 - 3581 Shoreline Drive
 - Area Variance
 - 243 s.f. additions

Chair. P. Nilsson opened the meeting at 7:00 p.m. and asked the board members to review the March 19, 2012 meeting minutes before them. Hearing no comments, he asked for a motion to adopt.

M/2/C (R. Ehmann/C. Rider) to approve the March 19, 2012 Livonia Joint Zoning Board of Appeals meeting minutes as submitted.

Motion carried 4-0.

Recording Secretary read aloud the first Legal Notice:

RE: Application of **Matt Cole (Meat & Seafood Co. LLC)** for a public hearing for an Area Variance to install a freestanding sign which will exceed the maximum height allowed according to Section 150-97 C of the Zoning Ordinance of the Town of Livonia. The property in question is located at 5857 Big Tree Road, Livonia, New York and is zoned Gateway Commercial Zoning District (GC).

Chair P. Nilsson polled the board members for site visit:

Chair. P. Nilsson	-	yes
J. Case	-	yes
R. Ehmann	-	yes
C. Rider	-	yes

Chair. P. Nilsson asked Matt Cole to come forward and to explain his application for the sign area variance request.

The sign has been in its current position for over 19 years and formerly used by Pat's Petals flower store. He said the board members should probably have seen the sign in their travels thru Lakeville.

The sign bracket pole is at a 12' elevation which is 2' higher than Livonia's current sign code requirement of a maximum 10' height. Matt's plan is to use the same pole location and attachment bracket height. The sign will be 4' x 4', which is less than the 20 sq. ft. allowed in the code.

The land owner, Mike Sharman, has made considerable improvements to the inside and outside of the store. Parking was not a problem for the previous retail business and Matt leases more parking on the same property for his business across the street, the North Shore Grill.

Chair. Nilsson asked B. Weber if this was referred to the Planning Board. Bill stated it was not required because this use is the same retail use as the previous Pat's Petals store.

R. Ehmann asked if the sign would be lighted. Matt said yes, with low 40 watts, the electrical wiring is currently there within the steel post.

C. Rider asked if the sign attachment bracket was adjustable. Matt said no, it would take major welding work to rehab/reconstruct it.

Chair. asked for public comment on this application, hearing none, closed that portion of the meeting.

Chair. P. Nilsson then asked the Board to review the Area Variance legal 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 sought by the applicant be achieved by some feasible method other than a variance?
- yes
- (3) Is the request substantial?
- no

- (4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood district?
- no
- (5) Is the alleged difficulty self created?
- no

M/2/C (R. Ehmann/J. Case) to approve the 12' maximum height for the sign at its current pole location. Motion carried 4-0.

Recording Secretary read aloud the second Legal Notice:

RE: Application of **Michael & Robin Pudetti** for a public hearing for an Area Variance to construct 243 square foot additions which will exceed the maximum allowed lot coverage of 25% according to Section 150-31 F of the Zoning Ordinance of the Town of Livonia. The property in question is located at 3581 Shoreline Drive, Livonia, New York and is zoned Neighborhood Residential (NR).

Chair P. Nilsson polled the board members for site visit:

Chair. P. Nilsson	-	yes
J. Case	-	yes
R. Ehmann	-	yes
C. Rider	-	yes

Property owner, Mike Pudetti, and his architect, Charles Smith, explained their application to the board.

Mr. smith stated the existing cottage has had numerous additions built in the past & consequently leaving an irregular footprint & different roof lines. He wants to design a single rectangle that will infill the two areas shown on the drawing. The house design will encompass guest bedrooms upstairs and a master bedroom downstairs, with new space for a utility room and bathrooms. There is no basement so any storage will be within the house.

B. Weber stated this application predated the zoning board's decision to not allow extensions to non-conforming buildings relative to setbacks. In future all such situations will require an area variance application.

Chair. P. Nilsson asked, "therefore, this application now before us does not require any setback variances?"

B. Weber stated, "yes, that's correct."

Mr. Smith stated he will address any building/fire code issues relative to proximity to property lines. Mr. Weber had pointed out those fire code issues at the previous public hearing.

Mr. Smith did want to make the board aware of the plans for a 2nd floor balcony which does not encroach any closer than the existing building line to the property line.

R. Ehmann asked Bill Weber if the building/fire code issues would be resolved.

B. Weber stated we would have to see a final architectural set of plans for this project but reassured the board that it's his responsibility to make sure of the compliance.

Chair. asked for public comment, hearing none, closed that portion of the meeting.

Chair. P. Nilsson then asked the Board to review the Area Variance legal criteria:

- (6) 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, it will enhance the neighborhood.
- (7) Can the benefit sought by the applicant be achieved by some feasible method other than a variance?
- no
- (8) Is the request substantial?
- no
- (9) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood district?
- no
- (10) Is the alleged difficulty self created?
- yes

M/2/C (C. Rider/P. Nilsson) to approve the area variance as requested.

Motion carried 3-1.

R. Ehmann voted Nay.

M/2/C (R. Ehmann/C. Rider) to adjourn the meeting at 8:00 p.m.

Motion carried 4-0.

Respectfully submitted,

Kevin P. Masterson
Recording Secretary