

**LIVONIA JOINT ZONING BOARD OF APPEALS**  
**Meeting Minutes - September 17, 2012**

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**PRESENT:** Chair. P. Nilsson, M. Sharman, R. Ehmann, C. Rider, B. Weber - Code Enforcement Officer, J. Campbell - Town Attorney, Tammie Schwerzler - Recording Secretary

**EXCUSED:** Kevin P. Masterson

**ABSENT:** J. Case

**AGENDA:** - Charles D'Angelo, Jr.  
- 3163 West Lake Road  
- Area Variance  
- Re-subdivision  
  
- Laurie Fuller  
- 3521 Pebble Beach Road  
- Area Variance  
- 24' x 30' garage

Chair. P. Nilsson opened the meeting at 7:00 p.m.

Chair. P. Nilsson asked the board to review the August 20, 2012 meeting minutes. M/2/C (/M. Sharman/R. Ehmann) to approve the August 20, 2012 Livonia Joint Zoning Board of Appeals meeting minutes as presented.  
Motion carried 4-0.

Recording Secretary read aloud the first Legal Notice:

RE: Application of **Charles A. D'Angelo, Jr.** for a public hearing for an Area Variance for the creation of a new lot line for a re-subdivision which will violate a side and the rear setback requirements according to Section 155-31 G (2) & (3) of the Town of Livonia Zoning Code. The property in question is located at 3163 West lake Road, Livonia, New York..

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

Chair. P. Nilsson	-	yes
Mike Sharman	-	yes
R. Ehmann	-	yes
C. Rider	-	yes

Chair. asked Chuck D'Angelo, Jr. to come forward and explain his request to the board.

Chuck stated he was here to request a subdivision for the property owned by his mother, Florence D'Angelo of 3163 West Lake Road. The property will be divided for his siblings and himself. There are two accessory structures in which he has use for one. The other building will stay with the residence.

Chair. P. Nilsson stated that this looks pretty straight forward. He opened the public hearing portion of the meeting for comment or questions from the gallery. Hearing none, he 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?  
- no
- (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

This action has been determined to be a Type II action under SEQR and is exempt from Review under Part 617.5 (12) and (13) of the State Environmental Quality Review.

Chair. asked for a motion on the Area Variance request.

M/2/C (M. Sharman/C. Rider) to approve the application as presented.  
Motion carried 4-0.

Recording Secretary read aloud the second Legal Notice:

RE: Application of **Laurie H. Fuller** for a public hearing for an Area Variance for the construction of a 24' x 30' garage which will violate a side setback requirement according to Section 155-31 G (2) of the Town of Livonia Zoning Code. The property in question is located at 3521 Pebble Beach Road, Livonia, New York. and is zoned neighborhood Residential (NR) District.

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

Chair. P. Nilsson	-	yes
Mike Sharman	-	yes
R. Ehmann	-	no
C. Rider	-	yes

Fran Kosakowski approached the board to represent Laurie Fuller to request an area variance for the construction of a 24' x 30' garage at 3521 Pebble Beach Road.

Fran explained that the existing garage does not have a foundation. In order for Laurie to meet setback requirements, she'd have to cut down a large tree and would rather save the tree. She would like to keep the same 4' distance to the side property line.

Chair. P. Nilsson asked for questions from the board. There were none.

He then asked for questions or comments from the public. Hearing none, he closed that portion of the meeting.

M. Sharman asked if the 4' distance ran the entire length of the property and if they were sure it was 4' the entire way.  
Answer way yes.

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?  
- no
- (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

This action has been determined to be a Type II action under SEQOR and is exempt from Review under Part 617.5 (12) and (13) of the State Environmental Quality Review.

Chair. asked for a motion on the Area Variance request.

M/2/C (C. Rider/Chair. P. Nilsson) to approve the application as presented.  
Motion carried 4-0.

M/2/C (C. Rider/Chair. P. Nilsson) to adjourn the meeting at 7:30 p.m.  
Motion carried 4-0.

Respectfully submitted,

Tammie Schwerzler  
Acting Recording Secretary

/ts