

LIVONIA JOINT ZONING BOARD OF APPEALS
Meeting Minutes - October 15, 2012

Page 1 of 2

PRESENT: Chair. P. Nilsson, J. Case, C. Rider, B. Weber - Code Enforcement Officer,
J. Campbell - Town Attorney, K. Masterson

EXCUSED: M. Sharman, R. Ehmann

AGENDA: - David Baginski & Nora Lynch
- 3653 Pebble Beach Road
- Area Variance
- Second story addition

Chair. P. Nilsson opened the meeting at 7:03 p.m.

Chair. P. Nilsson asked the board to review the October 1, 2012 meeting minutes.
M/2/C (J. Case/C. Rider) to adopt the October 1, 2012 Livonia Joint Zoning Board of Appeals
meeting minutes as presented.

Motion carried 3-0, R. Ehmann & M. Sharman refraining

Recording Secretary read aloud the first Legal Notice:

RE: Application of **David Baginski & Nora Lynch** for a public hearing for an Area Variance for
the construction of a second story addition which will violate the side & front setback
requirements according to Section 155-31 G (1) & (2) and 150-71 set backs for Nonconforming
lots of the Town of Livonia Zoning Code. The property in question is located at 3653 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
C. Rider	-	yes
J. Case	-	yes
R. Ehmann	-	yes
M. Sharman	-	yes

Chair. asked David & Nora to approach the board and to explain their request.

David stated they wish to build upon an existing one story portion of the house that faces the
street side.

David submitted an elevation drawing to the board. The second story addition would follow the
same first floor building lines. No further encroachment to the property lines. The second story
portion would have a bath, laundry and family room.

They did investigate building the second story addition on the existing lake side portion but the
architect felt it would not be structurally acceptable.

This proposal also allows the bathroom to be stacked over the other. The original house was built in 1914.

David had submitted letters from the neighbors, all in support of this application.

Chair. asked for any public comment.

Sue Crombach of 3648 Pebble Beach Road spoke in favor of the application.

M. Sharman asked if the existing roof line would be changed for the entire house.

David stated no, not at this time, but maybe in the future. This is considered a phase I portion.

Hearing no further comments the Chair. closed the public hearing 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?
- yes
- (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

Chair. asked for a motion on the application.

M/2/C (C. Rider/R. Ehmann) to grant the request as submitted.

Motion carried 5-0.

M/2/C (C. Rider/R. Ehmann) to adjourn the meeting at 7:30 p.m.

Motion carried 5-0.

Respectfully submitted,

Kevin P. Masterson
Recording Secretary
KPM/ts