

**LIVONIA JOINT ZONING BOARD OF APPEALS
Meeting Minutes - November 5, 2012**

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

EXCUSED: K. Masterson

AGENDA: - **Janice Miles**
- **6777 Cleary Road**
- **CUP**
- **Temporary placement of a box trailer body**

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

Chair. P. Nilsson asked the board to review the October 15, 2012 meeting minutes. M/2/C (M. Sharman/R. Ehmann) to adopt the October 15, 2012 Livonia Joint Zoning Board of Appeals meeting minutes as presented.
Motion carried 5-0.

Recording Secretary read aloud the first Legal Notice:

RE: Application of **Janice Miles** for a public hearing for a Conditional Use Permit for the temporary placement of a box trailer body on the premises for storage according to Section 150-17B and subject to the requirements of Article VII, Section 150-54 D of the Town of Livonia Zoning Codes. The property in question is located at 6777 Cleary Road, Livonia, New York. and is zoned Agricultural Residential Conservation - 3 (ARC-3) District.

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

Chair. P. Nilsson	-	yes
C. Rider	-	yes
J. Case	-	no
R. Ehmann	-	yes
M. Sharman	-	yes

Chair. P. Nilsson asked Janice to come forward and explain her request to the board.

Janice explained that she had been renting a storage unit at Hemlock Hide-A-Way but the unit had been broken in to and she lost a lot of items.

In addition, her sister lost her house and is storing personal items in the box trailer, and Janice's mother passed away. Janice is trying to sort through her mother's items to decrease the amount of things she has inherited. She feels it's more convenient to have the stored items on the premises so that when she has a few minutes here or there she can go through some boxes as opposed to spending time driving to a storage unit. Her sister is coming back sometime between January and April to gather her things. They are spending \$1,100/month to rent the box trailer. Janice feels having the unit on her property is safer and has a lesser chance of being broken into.

Chair. P. Nilsson asked the board members for comments or questions. There were none.

Chair. P. Nilsson noted for the record that there was no one present in the gallery so he opened and closed the public hearing.

R. Ehmann asked Janice when she thought she'd have the trailer box removed.
Janice replied May to July.

Chair. Nilsson asked Janice if she could work with a time limit of July 31, 2013.
Answer was yes.

Code Enforcement Officer Bill Weber questioned, "If you offer a temporary CUP can I assume we can exempt plantings and painting the unit?"

P. Nilsson said, "Yes."

The Board discussed the legal criteria for a Conditional Use Permit Application:

(1) Will the establishment, maintenance or operation of the conditional use be detrimental to or endanger the public health, safety, comfort, morals or general welfare?
- no

(2) Will the conditional use be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the zoning district of concern? Will the conditional use diminish or impair property values in the immediate vicinity?
- no

(3) Will the establishment of the conditional use impede normal and orderly development and improvement of other property in the immediate vicinity for uses permitted by right in the district of concern?
- no

(4) Will adequate measures be taken to provide ingress and egress in manner which minimized pedestrian and vehicular traffic congestion in the public ways?

- not applicable

(5) Do adequate utilities, access roads, drainage and other facilities necessary to the operation of the conditional use exist, or are they to be provided?

-yes

(6) Does the conditional use permit in all other respects conform to the applicable regulations of this chapter and other town/village laws, ordinances and regulations.

- yes

M/2/C (R. Ehmann/M. Sharman) to approve the Conditional Use Permit for the temporary placement of a box trailer body on the premises at 6777 Cleary Road to be used for storage with the condition that the box trailer be removed by July 31, 2013. If applicant feels she needs more time, she must return to this board to request an extension.

Motion carried 5-0.

M/2/C (R. Ehmann/J. Case) to adjourn the meeting at 7:15 p.m.

Respectfully submitted,

Tammie Schwerzler
Acting Recording Secretary