

LIVONIA JOINT ZONING BOARD OF APPEALS
May 16, 2022

Present: Chairman M. Sharman, R. Bergin, D. Major, B. Weber, Zoning Compliance Assistant Julie Holtje, Recording Secretary A. Houk

Excused: J. Prato, CEO A. Backus, Attorney J. Campbell.

AGENDA: ***(1) Accept and approve the meeting minutes of May 2, 2022***

(2) Charles Hetrick – 6710 Richmond Mills Road, Livonia, NY

Chairman Mike Sharman brought the meeting to order at 7:00 p.m. and opened with the Pledge of Allegiance.

Chairman Mike Sharman asked if everyone reviewed the meeting minutes from May 2, 2022. The Board agreed they had, and a motion was made to approve. M/2/C (B. Weber/R. Bergin) Carried: 3-0. / M. Sharman abstained.

(2) Charles Hetrick – 6710 Richmond Mills Road, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a Public Hearing on Monday, **May 16, 2022**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of **Charles Hetrick** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 26' X 30' detached Garage which will violate the side setback requirements (8' instead of 15') according to Sections 150-31G (2). This property is located at **6710 Richmond Mills Road, Livonia**, New York, and is zoned Neighborhood Residential (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.

ZCA Julie Holtje polled the Board for site visits:

Chair M. Sharman:	Yes
R. Bergin:	Yes
D. Major:	Yes
J. Prato	Excused
B. Weber:	Yes

Chairman Mike Sharman asked Charles Hetrick to come forward to discuss the proposed 26' X 30' detached Garage. Charles stated that currently, he has a one-car garage and would like to build a bigger Garage. He is requesting to construct a 26' X 30' Garage which would allow him to put his dual wheel truck inside. If he builds the Garage meeting the 15' requirement off the

LIVONIA JOINT ZONING BOARD OF APPEALS
May 16, 2022

Lot Line, he will need 14' on the backside of the house. To enter the Garage would require him to do a big "Z" turn to enter the Garage. The other option would be to place it further back into the yard, and he felt it would look worse, and he would prefer it to be closer to the house. Rosemary asked how many Garage doors it would have. Charles said there would be two 10' wide doors. It would have 2' between the corners and the doors and 2' between the doors. There will be a man door on the west side. If he must stay 15' off the Lot Line, he will need to put the building back 30' behind the house to pull a vehicle out of the Garage. ZCA Julie Holtje noted that pushing the Garage further back puts it closer to the septic system. Chairman Mike Sharman stated it would be nice if the Surveyor could add the septic system to the maps for future applications. ZCA Julie Holtje noted that she does try to sketch the septic leach lines on the maps if they are available. Bill Weber mentioned a letter from the neighbors located at 6712 Richmond Mills Road. Charles stated that he did speak with the neighbor, but after adjusting the distance to the Lot Line from 10' to 8', he did not reach back out to them. Chairman Mike Sharman stated that the Board could not accept the letter as it stated the 10' instead of the requested 8'. Chairman Mike Sharman noted that the applicant is requesting the Garage width to be 26'. 2', a 10' door, another 2' and the second 10' door, and then another 2'. Charles confirmed that was correct. Chairman Mike Sharman asked if Charles was able to move it to 10' and closer to the dwelling. Charles asked if the Board had the Survey Map. At a 10' setback, that would place the proposed Garage 2' behind the house Garage. That would still allow him to pull out of the Garage, but he prefers the new Garage to be in line with the home. Mr. Hetrick also noted that he was using a Survey tie to determine the Garage placement from the Lot Line.

ZCA Julie Holtje and the Board had a brief discussion regarding the specifics for ZBA Legal Notices and clarified that letters from neighbors are encouraged, but they are not a requirement for the Zoning Board of Appeals applications. Bill Weber asked for clarification regarding not being specific in the Legal Notices. ZCA Julie Holtje stated that in the past, when applications have varied from the Legal Notice, the Board could not take action without having another hearing with a revised legal notice. The legal notice should focus more on the intent than the specifics that will be discussed at the hearing. Bill Weber noted that if an application is that close to the property lines, an "as-built" Survey should be part of the approval process, and they should have a surveyor stake the property before any building. ZCA Julie Holtje noted that Mr. Hetrick was very conscientious about not asking for too much. If you're going to the great expense of installing a Garage and backing out of it every day at the corner, you want to make sure you are asking for what is needed. Mr. Hetrick stated that he is also trying to stay as close as possible to make the new garage look like part of the house. Chairman Mike Sharman asked if Mr. Hetrick had built the house. Charles stated he did not but rebuilt everything inside after a fire and remained vacant. Rosemary Bergin asked how long it was vacant. Charles stated for twelve years.

Chairman Mike Sharman opened and closed the Public Hearing as there was no one from the public in attendance.

Chairman Mike Sharman asked the Board if there were any further questions.

LIVONIA JOINT ZONING BOARD OF APPEALS
May 16, 2022

This application was determined not to require Livingston County Planning Board review per Section 239-m and 239-n of Article 12 of the General Municipal Law agreement (# 4).

This application was determined to be a Type II action, and SEQOR was not required per # 12 of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

Chairman Mike Sharman 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 detriment 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? Yes – a smaller garage or further away from the home.
3. Is the variance substantial? Yes
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? No
5. Is the alleged difficulty self-created? Yes

Doug Major asked how the Board felt about the 10' Setback that the neighbor knew about versus the proposed 8' from the Lot Line that the applicant is requesting. His thoughts were that the neighbor might not agree with the 8' since they are 15' from their property line. Bill Weber noted that the Legal Notice stated that the request was for 8'.

Chairman Mike Sharman asked the Board for a motion to approve or disapprove the Area Variance for the proposed 26' X 30' detached Garage as submitted with an 8' Setback. D. Major made a motion to approve the variance as submitted. Motion to approve. M/2/C (B. Weber/D. Major) Carried: 4-0.

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:52 pm. M/2/C (R. Bergin/B. Weber) Motion carried: 4-0

Respectfully submitted,
Alison Houk, Recording Secretary