

LIVONIA JOINT ZONING BOARD OF APPEALS
March 6, 2023

Present: Chairman M. Sharman, R. Bergin, J. Prato, Zoning Compliance Assistant Julie Holtje, Recording Secretary A. Houk

Excused: CEO A. Backus, D. Major, Mary Ann Thompson, Attorney J. Campbell.

AGENDA: ***(1) Accept and approve the meeting minutes of February 6, 2023***
(2) John Quinlan – 3975 Graywood Ctr, 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 February 6, 2023. The Board agreed they had, and a motion was made to approve. M/2/C (J. Prato/R. Bergin) Carried: 3-0.

(1) John Quinlan, 3975 Graywood Ctr, Livonia, NY – Continuation from February 6, 2023.

Chairman Mike Sharman asked Contractor Jason Seeley to come forward for the proposed Area Variance for the proposed 1790 Sq. Ft. Single Family Dwelling, and a Conditional Use Permit for the existing Accessory dwelling. Jason stated that after their meeting with the Building & Zoning office, they have decided that they would like to stay with the original footprint. They will be eliminating the existing house, patio, and garage. They have moved the house over 3' to avoid the Side Setback on the south side. The secondary dwelling will be at the required 40%. The only Variance they are requesting would be for the Lot Coverage. Jason stated that by removing the house, patio, and garage, they would be increasing only 4%. Chairman Mike Sharman appreciated the applicant removing the other structures to try to bring the lot coverage into compliance. Rosemary noted that she appreciated the applicant obtaining the boundary line agreement.

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

This application was submitted to the Livingston County Planning Board for their review. They determined that it has no significant Countywide or inter-municipal impact. Approval or disapproval of this application is a matter of local option.

This application was determined to be a Type II action, and SEQR was not required per # 11 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:

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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 variance substantial? No
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

Chairman Mike Sharman asked the Board for a motion to approve or disapprove the proposed Area Variance for the proposed 1790 Sq. Ft. Single-story dwelling. Joe Prato made a motion to approve the application as submitted. Motion to approve. M/2/C (J. Prato/R. Bergin) Carried: 3-0.

Chairman Mike Sharman asked the Board to go through the Conditional Use Permit criteria:

- (1) Will the proposed building or use will be in harmony with the general purpose, goals, objectives, and standards of the Comprehensive Plan, this chapter, and, where applicable, Chapter [125](#), Subdivision of Land? Yes No
- (2) Will the proposed building or hours of operation or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare? Yes No
- (3) Will the proposed building or use will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations? Yes No
- (4) Will the proposed building or use will be adequately served by essential public facilities and services? Yes No Electric, water & sewage tank.
- (5) Will the proposed building or use comply with all additional standards imposed on it by the particular provision of this chapter authorizing such use? Yes No
- (6) Have all steps possible been taken to minimize any adverse effects of the proposed building or use in the immediate vicinity through building design, site design, landscaping, and screening? Yes No
- (7) If appropriate, a performance bond or other suitable financial guarantee has been provided to assure compliance with the conditions of the conditional use permit. Yes No N/A

Chairman Mike Sharman asked the Board for a motion to approve or disapprove the proposed Conditional Use Permit for the Accessory Dwelling. Rosemary Bergin made a motion to

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approve the Conditional Use Permit with the condition that should the encroaching structure be substantially destroyed or require significant renovation, that it only be rebuilt in full compliance with all Code requirements, including Setbacks and Lot Coverage. Motion to approve. M/2/C (R. Bergin/J. Prato) Carried: 3-0.

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:17 pm. M/2/C (J. Prato/R. Bergin) Motion carried: 3-0

Respectfully submitted,
Alison Houk, Recording Secretary