

LIVONIA JOINT ZONING BOARD OF APPEALS
October 2, 2023

Present: Chairman M. Sharman, D. Major, M. Thompson, CEO Adam Backus, Zoning Compliance Assistant Julie Holtje.

Excused: R. Bergin, J. Prato, Attorney J. Campbell.

- AGENDA:** ***(1) Accept and approve the meeting minutes of September 18th, 2023***
(2) Chris Wegener – 3598 Shoreline Drive, Livonia, NY

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

(2) Chris Wegener – 3598 Shoreline Drive, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **October 2, 2023**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Chris Wegener** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 14' X 30' inground pool, which will violate the side setback requirements according to Sections 150-31G (2) and 150-71 non-conforming lots. This property is located at **3598 Shoreline Drive, Livonia**, New York, and is zoned Neighborhood Residential District (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.

Chairman Mike Sharman polled the Board for site visits:

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

Chairman Mike Sharman asked Chris Wegener to come forward for the proposed 14' x 30' inground pool.

Chris explained that he currently has a temporary 18' round pool inside the existing fence. This pool is set up and taken down each year. His son has special needs and loves to swim. The lake is not always available, so they have a pool to allow him to be able to swim more. As his son is growing, the ladder is becoming more difficult to manage. An inground pool would better suit

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accessibility for his son, mom, grandmother, and neighbor families that they share their pool with.

D. Major asked what is keeping Chris from conforming? Chris replied that the existing building is 4' from the north property line. He would like to keep it somewhat in line with that building. There is a sidewalk and green space on the other side which they would like to keep, and they already have a fence in place. The inground pool will fit practically with these features.

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

Chairman Mike Sharman closed the Public Hearing with no present.

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 SEQR was not required per # 16 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 sought by the applicant be achieved by some feasible method other than a variance? No
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 inground pool. Doug Major made a motion to approve the application as submitted. Motion to approve. M/2/C (D. Major/M. Thompson) Carried: 3-0.

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:28 p.m. M/2/C (D. Major/M. Thompson). Motion carried: 3-0

Respectfully submitted,
Julie Holtje

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