

LIVONIA JOINT ZONING BOARD OF APPEALS
September 16th, 2024

Present: Chairman M. Sharman, R. Bergin, J. Prato, M. Thompson, CEO Adam Backus, Zoning Compliance Assistant Julie Holtje.

Excused: D. Major, Attorney J. Campbell.

AGENDA: (1) *Accept and approve the meeting minutes of August 19, 2024.*

 (2) *Mark Fox – 6055 Boller Avenue, Livonia, NY*

 (3) *Karen Bryant – 6104 Wilkins Tract, Livonia, NY*

 (4) *Little Lakes Community Center – 4705 Main Street, Hemlock, 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 August 19th, 2024. The Board agreed they had, and a motion was made to approve the minutes. M/2/C (M. Thompson/R. Bergin) Carried: 4-0.

(2) Mark Fox – 6055 Boller Avenue, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **September 16th, 2024**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Mark Fox** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia.

This area variance is requested for a 9’ X 15’ existing Deck, which violates the side Setback requirements according to Sections 150-31G (2). and 150-71 non-conforming lots. This property is located at **6055 Boller Avenue, 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.

ZCA J. Holtje polled the Board for site visits:

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

Chairman Mike Sharman read the following, opened the public hearing and asked Mark Fox to come forward for the existing Deck.

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This application was determined not to require Livingston County Planning Board review. This application was determined to be a Type II action, and SEQR was not required.

M. Fox: The house was built in 2014, the deck was not what they had contracted with Brooks construction company so the contractor extended it in 2014 when they completed the house. They were made aware that the setback code was violated so they have submitted a request for a setback variance to resolve that. M. Fox submitted a picture of the deck as it was being extended in 2014.

Questions/Comments from the Board:

- M. Sharman: was this something the contractor did on his own?
-M. Fox: they were working with the contracting company and they had said they wanted a deck to fit a table and chairs. When they discussed this with the contractor, he decided to go out instead of along the side of the house.
- R. Bergin: clarified and confirmed with the Building and Zoning Dept. that all construction occurred in 2014 and that the Building Permit and the Certificate of Occupancy included a 144 sq.st. deck coming out 8 feet, meeting the 9' setback.
- M. Thompson: it does appear that there is room to extend the deck to the rear without encroaching on the setbacks.
- M. Sharman read the neighbor's support letters into the record.

Public comments:

- Jane Barnette of 6060 Boller Avenue, who lives across the street, stated that she has no objections to the deck.
- Hunter LaFountain of 6059 Boller Avenue: Has an objection. The deck has caused issues. Personal issues between the applicant and H. LaFountain were mentioned; these items are unrelated to the deck application and therefore not included. From the deck the Fox's can see directly into his house and garage. The Fox's complain about him working on vehicles in his garage, so the deck needs to be moved back. It is a nuisance.
- M. Fox asked to speak regarding H. LaFountain's complaints. More information regarding violations and personal issues between the neighbors was discussed. These matters are unrelated to the deck and therefore not included.
- J. Prato questioned whether this information is material for this application.
- M. Sharman confirmed that the application is about the zoning laws and the nonconforming 4-foot setback of the deck.
- M. Fox proposed to shorten the overhang, bring the deck back to the support posts. He is concerned for the structural integrity and would like to keep the posts.
- R. Bergin asked about the row of arborvitaes which were planted on the Fox's property.

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- M. Sharman interrupted H. LaFountain stating that there would be no more tete d' tete between him and M. Fox. Only comments related to the application will be heard.
- The Board consulted with CEO A. Backus about the size of the overhang.
- M. Sharman stated that should the existing deck need further remediation, replacement, removal, or reconstruction, which happens for decks, they would need to make the deck conforming, or return to the ZBA.
- M. Fox agreed with this condition.

With no further comments from the public, Chairman Mike Sharman closed the Public Hearing.

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? Yes
3. Is the variance substantial? Yes, because of the numbers involved.
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 Area Variance for the existing Deck. Joe Prato made a motion to approve the application for the removal of the overhang back to the support posts, approx..16". Per discussion when the deck requires remediation, replacement, reconstruction or is ever removed, the replacement deck shall be brought into compliance, or the applicant will have to return to the Zoning Board. Motion to approve. M/2/C (J. Prato/R. Bergin) Carried: 4-0

(3) Karen Bryant – 6104 Wilkins Tract, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **September 16, 2024**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Karen Bryant** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 24' X 28' detached Garage, which will violate the front & side Setback requirements according to Sections 150-31G (1) & (2). This property is located at **6104 Wilkins**

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Tract, 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.

ZCA J. Holtje polled the Board for site visits:

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

Chairman Mike Sharman opened the public hearing asked Karen Bryant to come forward for the proposed 24' X 48' detached Garage.

ZCA J. Holtje informed the Board that a change in the requested setbacks was received today and the garage is now proposed to have a 20 foot front setback and a 5 foot side setback.

K. Bryant: They live at 6100 Wilkins Tract and own the neighboring property at 6104. The existing garage is not in good repair, and they would like to take it down and build a 2-car garage.

Chairman M. Sharman: appreciates application has become more compliant. The neighbor support letters were read into the record.

Discussion:

- The house on 6104 is a seasonal cottage. The garage will be used by K. Bryant.
- Required setbacks are: 9-foot side and 30-foot front.

This application was determined not to require Livingston County Planning Board review. This application was determined to be a Type II action, and SEQR was not required.

Chairman Mike Sharman opened the Public Hearing, and with no one from the public in attendance, Chairman Mike Sharman closed the Public Hearing.

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? Yes, but this is a substantial improvement to what is there now.
3. Is the variance substantial? It is substantial but better than it is now.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? No

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5. Is the alleged difficulty self-created? Yes

Chairman Mike Sharman asked the Board for a motion to approve or disapprove the Area Variance for the Proposed 24' X 48' detached Garage. Rosemary Bergin made a motion to approve the application for the two-car garage with a side Setback of 5' and a front Setback of 20'. Motion to approve. M/2/C (R. Bergin/J. Prato) Carried: 4-0

(4) Little Lakes Community Center – 4705 Main Street, Hemlock, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **September 16, 2024**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of the **Little Lakes Community Center**, for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed free-standing business Sign that violates requirements according to Section 150-97 C (1). A free-standing business sign shall be no larger than 20 square feet in area. The proposed sign will be 24 Sq. Ft. This property is located at **4705 South Main Street**, Livonia, New York, and is zoned Mixed Use Hamlet District (MUH). 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 J. Holtje polled the Board for site visits:

| | | | |
|-------------------|---------|-------------|-----|
| Chair M. Sharman: | Yes | J. Prato | Yes |
| R. Bergin: | No | M. Thompson | Yes |
| D. Major: | Excused | | |

Chairman Mike Sharman asked Little Lakes Community Center to come forward for the proposed 24 Sq. Ft. business sign.

M. Thompson, a Board member of Little Lakes Community Center, recused herself from the application.

This application was determined not to require Livingston County Planning Board review. This application was determined to be a Type II action, and SEQR was not required.

Chairman M. Sharman opened the Public Hearing, and with no one from the public in attendance, Chairman M. Sharman closed the Public Hearing.

Jerry Elman, President, and Cindy Wagner, VP of communications, came forward representing Little Lakes Community Center.

A 10-foot canoe was donated that will be used as a “roof” for the new sign. Because the canoe is so long, they would like to keep the sign size of 6’x4’ (24 sq.ft.). The width is necessary to

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stabilize the canoe and to make it look in proportion. The sign will meet the 10' minimum required front setback.

M. Thompson: the setback for the sign will be measured from the building, as the survey shows a front tie to the structure.

J. Prato/ CEO A. Backus: the sign needs to have a variance because it is new and being moved. Current Zoning Code has a 20 sq.ft. maximum.

Discussion with CEO A. Backus about lighting the sign. Lights must be shielded and less than 3000 kelvins so that offsite glare is not an issue. New and replacement LED lighting has been a problem with blue light and glare.

Chairman M. 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? 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 Area Variance for the Proposed 24 Sq. Ft. business sign. Joe Prato made a motion to approve the application for a 24 square foot sign (6'x4'). Motion to approve. M/2/C (J. Prato/M. Sharman) Carried: 3-0 M. Thompson – recused.

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

Respectfully submitted,
Julie Holtje