

LIVONIA JOINT ZONING BOARD OF APPEALS
March 21, 2022

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

Excused: B. Weber, Attorney J. Campbell.

- AGENDA:**
- (1) Accept and approve the meeting minutes of March 7, 2022*
 - (2) David Curtis – 3877 Grayshores Road, Livonia, NY*
 - (3) Michael Suchan – 6174 Wilkins Tract, Livonia, NY*
 - (4) Ellen Hanafin – 3957,3953,3949 Graywood North, Livonia, NY*
 - (5) Robert & Julia Peck – 4328 East Lake Road, Livonia, NY*

Note, Public Meetings (Covid-19) precautionary policies were followed to the best of our ability and included:

- Chairs are situated to maintain social distancing.
- Hand sanitizer was made available at the entrance of the town hall.

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 March 7th, 2022. The Board agreed they had, and a motion was made to approve. M/2/C (J. Prato/R. Bergin)
Carried: 4-0.

(2) David Curtis – 3877 Grayshores Road, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **March 21, 2022**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **David Curtis** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 1072 Sq. Ft. Single Family dwelling and a 940 Sq. Ft deck which will violate the 9' required minimum side setback (deck proposed: 3',10', 6' and 8'), dwelling proposed: (4' & 5'), and the rear Setback (15' instead of 18') requirements according to Sections 150-31G (2 & 3), and 150-71 non-conforming lots. The proposed structure violates Section 150-70A (2). No nonconforming building shall be enlarged, extended, or increased.

The proposed structure also violates the maximum lot coverage requirement of 25%, according to Section 150-31F. The existing lot coverage on the lakeshore parcel is 19.2%, and the proposed lot coverage is 32.3%.

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This property is located at 3877 Grayshores Road, 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 Julie Holtje polled the Board for site visits:

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

Chairman Mike Sharman stated that this is a follow-up to the previous meeting. He asked David Curtis to come forward and asked if he would like to add any additional information from the last meeting. David stated that he did not have any new information. Joe Prato confirmed that this is a follow-up meeting because the Legal Notice did not include Lot Coverage as a part of the requested Variance. Chairman Mike Sharman confirmed that was correct. Chairman Mike Sharman noted that an Engineer has approved the existing foundation footprint. Doug Major asked if stairways count towards the setbacks. CEO Adam Backus stated that if that is the only access to the main living area, relief is granted. CEO Adam Backus discussed the elevations with the applicant and explained them to the Board. Chairman Mike Sharman stated that the Board is looking at several things besides the significant Setbacks. The percentage of Lot Coverage will go from 19.2% to 32.3%. The board considers the lakeside lot, not the other side of the road that is part of this parcel. Chairman Mike Sharman asked if the applicant has explored any options to reduce the Setbacks regarding the Deck placement. David Curtis stated that he could reduce the size of the Deck a little. Doug Major noted that if the applicant could make the Deck 10' deep and 10' to the side. The Deck wouldn't violate the Side Setback. David stated that the Deck towards the Lake goes out 14', which is where they have an existing concrete pad for the lower level. That would mean he would need to bring the Deck back 4'. Doug Major stated that he would ask that they bring that side back to 12' instead of 14'. CEO Adam Backus clarified that the outer edge of the curve on Deck is 15+'. Doug Major stated that is what he would like to see is the Deck reduced from 14' to 12' on the Lakeside and southside. Rosemary Bergin asked if the Deck on the south side was for a particular purpose. David stated that it was a covered deck. The front section by the Lake is not covered.

Chairman Mike Sharman opened the Public Hearing and asked those who wished to speak to state their name and address and direct their questions to the Board.

Doug Doerflinger of 3949 Graywood asked if his front Deck that is already there was over a cement pad? David Curtis confirmed that was correct. Doug asked if the Board was asking Mr. Curtis to move it back 2'? CEO Adam Backus stated, just the Deck and not the concrete Patio.

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

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 (# 3).

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:

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
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

Chairman Mike Sharman asked the Board for a motion to approve or disapprove the Area Variance for the proposed 1072 Sq. Ft. Single Family dwelling and a 940 Sq. Ft deck. D. Major made a motion to approve the variance with the condition that the variance to the Lake decreases by 2'. It will be 17' 5" instead of a 15'5 " setback from the Lake, and the side variance to the southeast corner by the stair's setback is increased by 2'. It will go from 6'2" to 8' 2". CEO Adam Backus also confirmed the firewall requirements with Mr. Curtis. Motion to approve. M/2/C (D. Major/M. Sharman) Carried: 4-0.

(3) Michael Suchan – 6175 Wilkins Tract, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on **Monday, March 21, 2022**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Michael Suchan** to the Zoning Code of Livonia. The applicant has proposed the placement of a 3' tall steel fence on lakeshore property which requires approval by the Zoning Board of Appeals per Section 150-56 J. This property is located at **6174 Wilkins Tract Road**, Tax Parcel # 74.40-1-23, 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:

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

Chairman Mike Sharman asked Michael Suchan to come forward to address the Board for the proposed Lakeshore Fence. Michael stated that they would like to put a Fence on the Lakeside to enclose the property for safety since there is a drop-off in that area. The Fence will be located near the Deck. Chairman Mike Sharman confirmed that the application is for a 3' tall metal see-through Fence. Rosemary Bergin stated that during the site visit, the applicant mentioned putting up a gate in the future and asked if he would have to come back to the Board when he wanted to proceed with the gate. Chairman Mike Sharman stated that if the applicant decides in the future to install a gate, they would need to contact the Building & Zoning office for compliance.

Chairman Mike Sharman opened the Public Hearing and asked those who wished to speak to state their name and address and direct their questions to the Board. With no one wishing to comment, the Public Hearing was closed.

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

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 (# 8).

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

Chairman Mike Sharman asked the Board for a motion to approve or disapprove the Lakeshore Fence. Bill Weber made a motion to approve the proposed Fence as submitted. Motion to approve. M/2/C (J. Prato/D. Major) Carried: 4-0.

(4) Ellen Hanafin – 3957,3953,3949 Graywood North, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **March 21, 2022**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Ellen Hanafin** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed Lot Line Adjustment, which will violate the minimum required Lot width requirements of 90' according to Sections 150-31E. The existing Lot width is 99.92', and the proposed is 86.92'. This area Variance may also violate Section 150-70A. (1) No nonconforming lot shall be further reduced in size. This property is located at **3957, 3953, and 3949 Graywood North, 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

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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	Yes
B. Weber:	Excused

Chairman Mike Sharman asked Karl Hanafin to come forward to address the Board for the proposed Lot Line Adjustment. Karl stated that they are requesting to move two lot lines. On the north side, they propose moving the lot line 3' towards the south to give the neighbors some relief as their lot is very narrow. On the north side, they seek to move the lot line 10' to the south to provide access to get equipment to the front of his house located at 3957 Graywood north. There is a stone wall that has been there for 25 years, and they cannot get any equipment through that area. This would make the 3953 Graywood N property less than the 90' required lot width and make 3957 Graywood N more than 90' lot width. The side Setbacks for all the properties will be conforming. Chairman Mike Sharman noted that the applicant is improving the lot to the north. CEO Adam Backus pointed out that there is 90' of road frontage on the other side. ZCA Julie Holtje noted that during the review process, it was determined that there were five ways in which the proposal makes all three lots more conforming. The only one that makes it less conforming is the lot frontage on one lot, but it still meets the Setbacks. Doug Major asked what the new lot frontage would be at 3953 Graywood N? ZCA Julie Holtje stated it was 86.92 proposed along the road frontage. The frontage along the lake, at the rear of this parcel, is 98.81'. Doug Major asked if the applicant could choose 7' instead of 10'. ZCA Julie Holtje stated that she asked the Surveyor the same question. You could be legalistic and meet that 90' frontage number that way, but practically in the field, and for good planning and use, the 86.92' makes better sense and fits setbacks on both lots. Joe Prato asked what lot he was referring to. Doug Major stated the south side of the middle house. Instead of moving that lot line towards the middle house, they could just move it in 7', then the whole Variance goes away. ZCA Julie Holtje stated that this is a very good case as to why there is a ZBA because in some cases, you may not meet the letter of the law, but sometimes it may be much more practical. Karl noted that the sidelines are good. The back lot is deeper (20') past the old pins, and they now have the surveyor measuring the top part of the parcel to make sure the measurements match. He doesn't want to file the Lot Line adjustments if those two parcels don't match up. Doug Major stated that they are moving the lake parcel of the Hanafin property 3' south. Karl said that was correct, but the top side of the parcel is staying the same. All these parcels are going 20' further back into the woods. ZCA Julie Holtje stated that currently, there is a discrepancy where the backline is. Filing it the way it is now will be the surveyor's opinion on where the line is currently located. Chairman Mike Sharman asked if that was according to the deed. ZCA Julie Holtje stated that references on the map (3,5 & 6) are filed documents. That will not affect how the lot lines are moved east and west. Mr. Hanafin stated that Richard

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Doerflinger owns the property going up into the woods area (northerly). Karl stated that the same surveyor who surveyed these three parcels is currently surveying the parcels in the back. If the numbers match, they will be good.

Chairman Mike Sharman opened the Public Hearing and asked those who wished to speak to state their name and address and direct their questions to the Board. With no one wishing to comment, the Public Hearing was closed.

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

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 (# 6).

Chairman Mike Sharman and the Board went through the Short Environmental Assessment Form criteria. The answer choices were: *No or small impact may occur, or Moderate to large impact may occur.*

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No
2. Will the proposed action result in a change in the use or intensity of use of land? No
3. Will the proposed action impair the character or quality of the existing community? No
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway? No
6. Will the proposed action cause an increase in the use of energy, and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No
7. Will the proposed action impact existing:
 - a. Public/private water supplies? No
 - b. Public/private wastewater treatment utilities? No
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources? No
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora, and fauna)? No
10. Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems? No

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11. Will the proposed action create a hazard to environmental resources or human health?
No

The Board reviewed the SEQR forms as required for the increase in density. No moderate to large impacts were identified. A Negative Determination of Significance was determined.
Motion to approve: M/2/C (D. Major/J. Prato) Carried 4-0

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? 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 Area Variance for the Lot Line Adjustment. D. Major made a motion to approve the Variance as submitted. Motion to approve. M/2/C (D. Major/R. Bergin) Carried: 4-0.

(5) Robert & Julia Peck – 4328 East Lake Road, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **March 21, 2022**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Robert & Julia Peck** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area Variance is requested for a 630 Sq. Ft Addition and a 346 Sq. Ft Deck, which violates Section 150-70A (2), no nonconforming building shall be extended or increased, and 150-31 G (1) & 150-71 minimum required front setback of 30', existing 3.4', with the proposed addition at 3.4'. This property is located at **4328 East Lake Road, 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 Julie Holtje polled the Board for site visits:

Chair M. Sharman: Yes
R. Bergin: Yes

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D. Major: Yes
J. Prato Yes
B. Weber: Excused

Chairman Mike Sharman asked Julia Peck and contractor Doug Kohn to come forward to address the Board for the proposed 630 Sq. ft Addition, and 346 Sq. Ft Deck. Julia provided an update to their application showing elevations, a letter from the neighbor in favor of the proposal, and a letter from the County Highway Department stating that they have no issues with their proposal. Julia stated that they are proposing to add an addition to the existing structure that goes along the roadside facing the east. Extending south would be an 8' extension at the road level. Below they have the foundation for the basement that is currently 4' over already. There would need to be a walkway to a front Deck that they would like to add. Currently, there are pitched cement stairs, which allows water to enter the house and have caused the exterior basement wall to deteriorate. The retaining wall is bowing. They hope to be able to get a new retaining wall that ties into their basement wall and have one cement structure so the water can be better handled. These improvements will also allow for better parking and get the cars off the road area, which is a safety benefit. Currently, the back of the vehicle is on the white line of the road; this is dangerous for their children. Having the extra couple of feet will provide a better sightline for them and their neighbors. Chairman Mike Sharman asked if the cement stairs would go away. Julia stated that was correct; they would be replaced with steps that come off from the Deck. Rosemary Bergin asked if the new entrance would be from the east side. Julia confirmed that was correct. Joe Prato asked if the Highway Department required approval for the stairs. Julia clarified that the approval was for the retaining wall and that their Architect would be providing drawings for the Highway Department's approval. Doug Major asked if the roofline would be changing roadside. Doug Kohn stated that the whole roofline would be redesigned. Julia noted that they have had issues with the flat roof in the back leaking. Rosemary Bergin asked how long they had owned the property. Julia stated they have owned it for 6 or 7 years. Rosemary asked if they only use it during the summer months. Julia stated that currently, they only use it during the summer because they have children still in school. Their hope is for it to become a year-round residence once the kids are done with school.

Chairman Mike Sharman opened the Public Hearing and asked those who wished to speak to state their name and address and direct their questions to the Board. With no one wishing to comment, the Public Hearing was closed.

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.

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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? No - improve and enhance the neighborhood.
3. Is the variance substantial? Yes – Expanding close to the road.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? No – A big safety improvement
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 630 Sq. Ft. Addition and 346 Sq. Ft. Deck. D. Major made a motion to approve the Variance as submitted. Motion to approve. M/2/C (R. Bergin/D. Major) Carried: 4-0.

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 8:10 pm. M/2/C (M. Sharman/D. Major) Motion carried: 4-0

Respectfully submitted,
Alison Houk, Recording Secretary