

LIVONIA JOINT ZONING BOARD OF APPEALS
October 18th, 2021

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

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

AGENDA: (1) *Accept and approve the meeting minutes of September 20th, 2021*
 (2) *Michael Lewis – 5264 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 to hold approval of the minutes until the end of the meeting. The Board agreed.

(2) Michael Lewis – 5264 East Lake Road, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday **October 18, 2021** at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of **Michael Lewis** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 120 Sq. ft. 2nd floor Addition on the east side of the house which will violate the front Setback (20’ instead of 30’) side Setback (2.7’ instead of 9’) requirements according to Sections 150-31G (1 & 2), and 150-71 non-conforming lots. The proposed structure also violates the maximum lot coverage requirement of 25%, according to Section 150-31F. The existing lot coverage is 37.8% and the proposed lot coverage is 42.6%. This property is located at **5264 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.

Chairman Mike Sharman polled the Board for site visits:

Chair M. Sharman:	Yes
R. Bergin:	Yes
D. Major:	Yes

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J. Prato Yes
B. Weber: Yes

Chairman Mike Sharman asked Michael Lewis to come forward to address the Board for the proposed 120 Sq. Ft. two story Addition on the east side of the house. Michael stated that the proposed Addition is a small extension on the street side of the house to add a little extra space for family to stay. Chairman Mike Sharman confirmed that the extension was only the second level. Michael Lewis stated that the Addition will enlarge the master bedroom that is on (lakeside), the west side of the house, and allow some extra space to for an additional bed and bathroom on the second level for guests. Joe Prato asked how far the new addition will come out? Michael stated that the proposed extension is approximately 10' off the existing east facing wall. His goal was not to extend the proposed addition beyond the existing frontages toward the street. The renovation will be further away from the street than the two closest nearby homes. Bill Weber asked if the applicant lived there year-round? Michael stated that it is a weekend and vacation home for his family. Bill Weber asked if the home is used as a rental? Michael stated that they did try renting, but decided not to continue. The Hayes house next door is a full time rental. They enjoy the Lake and decided not to pursue renting. Rosemary Bergin asked if Mr. Hayes stays at his rental home? Michael stated that he has never seen him stay there. Mr. Hayes takes very good care of his property, and he has never had any problems contacting him when needed. Bill Weber asked if the Hayes property is located south of his property? Michael confirmed that the Hayes property is south of him. There is a parcel between that is for Lake front access only, and is part of Linda Lindenberg's property across the street. Chairman Mike Sharman commended Mr. Lewis on his presentation of his materials. Chairman Mike Sharman asked Mr. Lewis if there was any other way to achieve what he wanted to do without requesting an area Variance? Mr. Lewis stated not in this case. He couldn't create square footage where there is none, and he didn't want to extend out on the sides. They focused on borrowing from the space on the property that was available. The parcel was already non-conforming and the only way to add space to the home that allowed for some functional use was towards the street. They are making the Addition as small as they can, and will be providing some green space between the home and the driveway. They have a parking area with a retaining wall and they plan to keep most of the grass in that area. Doug Major asked if the area coverage included deck? ZCA Julie Holtje confirmed, and commented that it also includes the shed. Doug Major stated that since the applicant is well over the lot coverage limit, is there a way to trade deck area for the proposed Addition space? Michael stated that he didn't feel that would be an option because then they would be right at the bulkhead. They don't really have a lot of space. Since they are only proposing to do a second-floor renovation, it would actually create a canopy effect if they projected the addition lakeside. There was discussion about removing some deck to minimize the lot coverage. Doug Major stated that one option to not increase lot coverage would be to sacrifice/trade off some of the size of the deck. Mr. Lewis stated that the north side in itself serves as a walkway and access. They may be able to get possibly 4' from that area, but possibly not. They will be adding gables and also improving the site line from the street and the lake. The living area that they are proposing is above ground level, and that is why they felt going towards the parking area was the more appropriate way to increase space. Joe Prato asked if the north facing deck was a walkway? Mr. Lewis confirmed that it was. It is essentially a "decked in"

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landing area for the staircase from the parking area. It brings you up to the side of the house where the utilities are located. He doesn't think there is even 9' between his house and the neighbors house. ZCA Julie Holtje asked how high above grade was the north deck? Mr. Lewis stated he wasn't sure of the exact measurement, but it is below street level. ZCA Julie Holtje stated that we consider walkways less than 8" off the ground, as not counting towards the coverage. Mr. Lewis stated that it is a flat platform deck with a staircase that goes down below it as well. Joe Prato asked if that is the first-floor level? Mr. Lewis stated that is what he calls the first-floor level. Rosemary Bergin asked if that was Lake level? Mr. Lewis stated that Lake level is the basement. Bill Weber clarified that the north side deck is the same elevation as the Lakeside deck. Mr. Lewis stated that this is a deck section that you can walk to the lake, but there is also a staircase. The first-floor level where the entryway to the home is has space underneath with a staircase, and below that you can walk out. Joe Prato reviewed the applicants survey discussing the decks, landings & staircases. Mr. Lewis stated that at the lake level there is a deck against the house, which is the west side. Bill Weber asked if that's the first-floor elevation? Mr. Lewis stated that was lake level, the first floor has a deck above it. There is a deck at the lake level, a deck above it at the first-floor level, and nothing above that. Bill Weber asked if both decks were included in the lot coverage calculations? ZCA Julie Holtje confirmed that all the decks were included in the calculation. If it were for access or grade level, it wouldn't count against the lot coverage. Mr. Lewis commented that the entire north side section is all access, there is no usable space. Bill Weber stated that the lakeside deck is approximately 110 Sq. Ft. If that area was eliminated, what would the Lot Coverage be? ZCA Julie Holtje stated that the new Lot Coverage would be 38.7%, existing coverage is 37.8%. Joe Prato commented that the application states you are asking for a 120 Sq. Ft. Addition. If you subtract off a 110 Sq. Ft., you would be at 10 Sq. Ft. Mr. Lewis stated that it is a very small Addition, it would be a 14' increase. Chairman Mike Sharman stated that it would actually be less due to the bump out.

Chairman Mike Sharman closed the Public Hearing with no one present.

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

This application was determined to be a Type II action, and SEQOR was not required per # 10 of the New York Codes, Rules and Regulations 617.5 Type II Actions.

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.

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 – Pre-existing/non-conforming.

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3. Is the variance substantial? No – for Lot Coverage. Yes - for front Setback from the road.
4. Will the proposed variance have an adverse effect of 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 120 Sq. Ft. two story Addition. Rosemary Bergin made a motion to approve the Variance as presented. Motion to approve. Motion to approve. M/2/C (R. Bergin/J. Prato) Carried: 5-0

Chairman Mike Sharman asked if everyone reviewed the meeting minutes from September 20th, 2021. The Board agreed they had with the correction of rearranging the paragraph on page 6 & 7, a motion was made to approve. M/2/C (D. Major/R. Bergin) Carried: 5-0.

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:35 pm. M/2/C (Doug Major/Bill Weber) Motion carried: 5-0

Respectfully submitted,
Alison Houk, Recording Secretary