

LIVONIA JOINT ZONING BOARD OF APPEALS
July 15, 2024

Present: Chairman M. Sharman, R. Bergin, M. Thompson, Zoning Compliance Assistant Julie Holtje.

Excused: D. Major, J. Prato, CEO A. Backus, Attorney J. Campbell.

- AGENDA:**
- (1) Accept and approve the meeting minutes of July 1, 2024.*
 - (2) Megan & Jeffrey Chamlis – 18 Summers Street, Livonia, NY*
 - (3) Adrian Johnson – 6520 Florence Lane, Livonia, NY*
 - (4) Chad Lambert – 10 High Street, 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 July 1, 2024. The Board agreed they had, and a motion was made to approve the minutes. M/2/C (M. Thompson/R. Bergin) Carried: 3-0.

(2) Megan & Jeffrey Chamlis – 18 Summers Street, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **July 15, 2024**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Meghan & Jeffrey Chamlis** for an area variance pursuant to Section 155-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 24' above-ground Pool, which will violate the rear Setback requirements according to Sections 155-31G (3). This property is located at **18 Summers Street, 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
R. Bergin:	Yes
D. Major:	Excused
J. Prato	Excused
M. Thompson	Yes

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Chairman Mike Sharman asked Megan & Jeffrey Chamlis to come forward for the proposed 24' Above-ground pool, opened the public hearing and stated the following:

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 (# 12 & 16) of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

Jeff Chamlis explained that his backyard backs up to the Kurtz property which is a corn field right now. The rear setback is 30 feet and they would like to put the pool 8 feet from the property line. The previous pool was approximately in the same place. Landscaping and a brick pizza oven prevents moving it closer to the house.

They have 3 small children and want to preserve the south side for an open play area.

Discussion: about the deck, moving it closer to the house, the pool barrier and other pools in the neighborhood being closer to the rear property line.

Adrian Johnson of Florence Lane explained he was in the same situation and in favor of the reduced setback location. 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
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' above-ground Pool. Rosemary Bergin made a motion to approve the application with the condition that the rear (east) setback is increased to 12 feet. Motion to approve. M/2/C (R. Bergin/M. Thompson) Carried: 3-0

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(3) Adrian Johnson – 6520 Florence Lane, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, July 15, 2024, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of Adrian Johnson 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 36' Inground Pool, which will violate the rear setback requirements according to Sections 150-31G (3).

This property is located at 6520 Florence Lane, 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 J. Holtje polled the Board for site visits:

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

Chairman Mike Sharman asked Adrian Johnson to come forward for the proposed 14' X 36' inground Pool and read:

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 SEQOR was not required per (# 12) of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

Adrian Johnson explained that they have a deck and patio behind the house in that area and wish to put in a 14'x36' rectangle inground pool. They are looking to keep a 10' setback from the waters edge. The pool will have a fence around the perimeter. They entertained going to the east or west side of the house, but on the west side they have a drywell where his sump pump discharges and the driveway kicks out there. On the east side the electric service comes through and an old foundation that is filled with construction debris and garbage, which most of his lot contained. They are trying to maintain the most privacy and use the deck and patio to be able to monitor the kids. The wanted 16' but reduced it to 14' because of the constraints.

Discussion: M. Bergin clarified that from the property line to the waters edge will be 10' and also noted that this property backs up to the Kurtz property. The Board explained that this is a similar situation as the prior case.

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ZCA noted the 15' wide drainage easement along part of the rear property line. A corner of the pool appears to be within the drainage easement. A. Johnson explained that there are no drainage issues on site.

Chairman Mike Sharman opened the Public Hearing, with no one in attendance, the Public Hearing was closed.

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? 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 14' X 36' inground Pool. M. Thompson made a motion to approve the application with the condition that the rear(south) side setback be increased to 12 feet. Motion to approve. M/2/C (M. Thompson/R. Bergin) Carried: 3-0

(4) Chad Lambert – 10 High Street, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, July 15, 2024, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of Chad Lambert for an area variance pursuant to Section 155-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 22' X 24' attached Garage, which will violate the side Setback (5.5' instead of 9') requirements according to Sections 155-31G (2) and 155-71 non-conforming lots. This property is located at 10 High Street, 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

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

Chairman Mike Sharman asked Chad Lambert to come forward for the proposed 22' X 24' attached garage and read:

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 (# 12 & 16) of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

Chad Lambert explained that he would like to build a 22x24 attached garage on the south side of the house. He is looking for a side setback variance.

Discussion from the Board: None

Chairman Mike Sharman opened the Public Hearing.

Mike and Joan Vallone of 7 High Street, neighbors across the street were in support of the application.

With no further comments, 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? No
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 22' X 24' attached Garage. Rosemary Bergin made a motion to approve the application as submitted with a 5.5' side Setback. Motion to approve. M/2/C (R. Bergin/M. Thompson) Carried: 3-0

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Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 8:16 p.m. M/2/C (R. Bergin/M. Sharman) Motion carried: 3-0

Respectfully submitted,
Julie Holtje