

LIVONIA JOINT ZONING BOARD OF APPEALS
January 3, 2022

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 December 6, 2021*

 (2) *Joshua Shaw – 27 Spring Street, 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 7:07 p.m. and opened with the Pledge of Allegiance.

Chairman Mike Sharman asked if everyone reviewed the meeting minutes from December 6th, 2021. The Board agreed they had, and a motion was made to approve. M/2/C (D. Major/B. Weber) Carried: 5-0.

(2) *Joshua Shaw – 27 Spring Street, Livonia, NY*

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **January 3, 2022**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Joshua Shaw** for an area variance pursuant to Section 155-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 24' X 24' Garage which will violate the side setback requirement (15' required, 10' proposed) according to Section 155-31G (2). This property is located at **27 Spring 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.

Chairman Mike Sharman polled the Board for site visits:

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

LIVONIA JOINT ZONING BOARD OF APPEALS
January 3, 2022

Chairman Mike Sharman asked Joshua Shaw to come forward to address the Board for the proposed 24' X 24' Garage. Joshua stated that they would like to build a two-car garage on the property. The driveway goes straight in, and there is currently a one-car garage off to the side. They have three vehicles, and it would be nice to have another garage. They are requesting a Variance due to the 15' Side Setback requirement. It would be easier to access the existing Garage if they could move the new one over a little. Joe Prato asked if the framed shed was the other garage he was referring to? Joshua stated that was correct. Rosemary Bergin asked if there would be a second story on the proposed Garage for added storage? Joshua noted that they are proposing a single-story Garage. Doug Major asked if he knew how much room there would be between the south end of the new Garage and the north end of the existing Garage. Joshua stated that he did not have that measurement, but he could provide that later if required. Doug Major also asked if the map provided was drawn to scale; if so, he could get a rough idea from that. ZCA Julie Holtje stated that she thought it was drawn to scale. Bill Weber asked if the proposed overhead doors on the new Garage would be facing the road? Joshua said that was correct. Chairman Mike Sharman stated that the applicant indicated that the existing shed-type Garage would be used for storage. Joshua confirmed that was correct. Chairman Mike Sharman asked if Doug Major's concern was the ingress & egress? Doug Major said it plays to the reason the applicant needs the Variance. If there is a lot of space between, you don't need the Variance. Since the existing Garage door goes towards the north, parallel with the road, more space is needed. Joshua stated that he would still like to be able to drive a car into the existing Garage. Chairman Mike Sharman asked if the turning radius would work with the proposed Garage. Joshua stated that they should be able to utilize it as long as the new Garage is moved over. Bill Weber noted that if you pushed the proposed Garage and met the 15' side Setback from the north line, pulling in would be more challenging because you would already be facing north. Joshua stated that was correct. Doug Major noted a steep hill on the east side. Joshua said that should not be a problem. Doug stated that it is still close enough. One option would be moving the Garage toward the east, but the hill prevents that; another 15' would conflict with driving into the existing Garage. If you pushed the proposed Garage back away from the road another 15', you would no longer be blocking the existing Garage. Joshua asked if he meant to push the proposed Garage back further on the hill. Doug stated that was correct and asked how far it would be from the hill? Joshua noted that they chose the proposed location to ensure they were on solid ground regarding the hill. Doug Major asked if the letter provided was from the neighbor to the north? Joshua stated that was correct.

Chairman Mike Sharman stated with no one present from the public; the Public Hearing is 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 (# 4).

LIVONIA JOINT ZONING BOARD OF APPEALS
January 3, 2022

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.

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 – in theory/uses of the present structure.
3. Is the variance substantial? Yes
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 24' X 24' detached Garage. D. Major made a motion to approve the Variance as submitted. Motion to approve. M/2/C (D. Major/B. Weber) Carried: 5-0.

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:28 pm. M/2/C (R. Bergin/M. Sharman) Motion carried: 5-0

Respectfully submitted,
Alison Houk, Recording Secretary