

# LIVONIA JOINT ZONING BOARD OF APPEALS

June 6, 2022

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

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

**AGENDA:** (1) *Accept and approve the meeting minutes of May 16<sup>th</sup>, 2022*

(2) *Ralph Folino – 4425 East Lake Road, Lot #7, Livonia, NY*

Chairman Mike Sharman asked if everyone reviewed the meeting minutes from May 16<sup>th</sup>, 2022. The Board agreed they had, and a motion was made to approve. M/2/C (D. Major/B. Weber) Carried: 3-0 – J. Prato abstained.

(2) *Ralph Folino – 4425 East Lake Road, Lot #7, Livonia, NY*

**PLEASE TAKE NOTICE** that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, June 6, 2022, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of Ralph Folino for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 11' X 13' Addition to a Manufactured Home which will violate the rear Setback (7' instead of 30') requirement according to Sections 150-61 F (3). The proposed structure also violates Section 150-70A (2). No nonconforming building shall be enlarged, extended, or increased. This property is located at 4425 East Lake Road, Lot 7, 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:	Excused
D. Major:	Yes
J. Prato	Yes
B. Weber:	Yes

Chairman Mike Sharman asked Ralph & Julie Folino to come forward for the proposed 11' X 13' Addition. Ralph stated that their bedroom is located at the opposite end of the trailer from the bathroom. Since they are older, they make several trips a night to the other end of the trailer to use the bathroom. They would like to have a small Addition off from the bedroom to put in a second bathroom. He obtained permission from the Executive Director of Camp Stella Maris, John Quinlivan, to encroach upon their southmost property line for the sole purpose of

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constructing a new bathroom Addition. There was a condition that if the residence were ever sold and **removed**, the permission would be irrevocably rescinded. Ralph stated that there are a lot of trees and a hedgerow, so the Addition will not be visible from the road. They have also obtained permission from the park owner, Chris Steger, for the Addition. Chris also helped Ralph plot the placement for a Shed that was previously placed on the lot. Chris has agreed to help Ralph move the Shed to an acceptable location to provide room for the proposed Addition. Bill Weber asked for clarification regarding the site plan. ZCA Julie Holtje stated that the proposed Addition would be 7' from the north property line. The Addition will be placed where the Shed is currently located. The Shed is 10'x12' and 11' out from the main structure towards the north property line (1' offset from the main structure). The proposed Addition will be 11' and will not sit any closer to the property line than the existing shed. Ralph confirmed that where the Shed currently stops is where the Addition will stop. Bill Weber stated that the letter from the neighbor at Camp Stella Maris refers to if the trailer is sold and removed, the Variance doesn't stand for any new owner. Bill stated that in the past if a Variance was issued, it stayed with the property. This is a unique situation with a Mobile Home. Bill also noted that Area Variances could be conditional. ZCA Julie Holtje stated that she felt this could be a condition if the Area Variance were approved for the Addition. Ralph mentioned that the owner of the Mobile Home Park spoke with the John Quinlivan of Camp Stella Maris as there are a lot of encroachments from the Mobile Homes and Sheds on the east property line. Camp Stella Maris is willing to give 12' so the Homes and Sheds don't need to be removed. Chris Steger, the Park owner, will provide the occupants with 8' and mark the area with a post stating its private property. That area will have the same condition. If a Mobile Home or Shed is replaced, it will be moved out of the 8' upon which it currently encroaches. Chairman Mike Sharman stated that if a property is torn down or removed in this case, the Variance would be removed at that time. Bill noted that the applicant is asking for a significant Variance. Traditionally, if something is already not in conformance, it is not encouraged to further the non-conformance. Chairman Mike Sharman stated that it is currently a pre-existing nonconforming situation, with no significant change. Doug Major asked if there was an option to place the Addition to the east instead of the north? Ralph stated that the area is where all the utilities are located. Bill Weber asked what the Mobile Home rule was in the Town. ZCA Julie Holtje noted that if the Mobile Home is pulled out, it can be replaced with another Single Mobile Home. Julie also noted that she would like to see a more comprehensive plan by park owners for when Mobile Homes are replaced with larger units. Consideration needs to be given as to how parks can move more towards conformance. Bill asked if the 60% rule applies to this Lot. ZCA Julie Holtje stated she felt it would apply. It would be 18' required instead of 30'. Bill said that if the east side was counted as the rear and the north side as a side. A side requires 9' under the 60% rule. ZCA Julie Holtje stated that was correct; the front was determined by the Zoning definitions. In this case, the front faces the private road.

Chairman Mike Sharman stated with no one present for the Public Hearing; the Public Hearing was closed.

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

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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 # 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 sought by the applicant be achieved by some feasible method other than a variance? No – Absolutely not.
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 11' X 13' Addition. Chairman M. Sharman made a motion to approve the variance as submitted, with the condition that if the Mobile Home is ever sold and **removed**, this Variance approval will be rescinded. Motion to approve. M/2/C (M. Sharman/D. Major) Carried: 3-0 – Nay – B. Weber.

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 8:14 pm. M/2/C (B. Weber/D. Major) Motion carried: 4-0

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Respectfully submitted,  
Alison Houk, Recording Secretary