

LIVONIA JOINT ZONING BOARD OF APPEALS
October 3, 2022

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

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

- AGENDA:** ***(1) Accept and approve the meeting minutes of September 19th, 2022***
(2) Justin & Nicole Maggio – 5299 Bald Hill Road, Hemlock, 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 September 19th, 2022. The Board agreed they had, and a motion was made to approve. M/2/C (D. Major/R Bergin (J. Prato-abstained) Carried: 3-0.

(2) Justin & Nicole Maggio, 5299 Bald Hill Road, Hemlock, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a Public Hearing on Monday, **October 3, 2022**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Justin & Nicole Maggio** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 24' X 30' detached Garage which will violate the side setback requirement of 9 feet according to Sections 150-33G (2) and Section 150-71 nonconforming lots. This property is located at **5299 Bald Hill Road**, Hemlock, New York, and is zoned Agricultural Residential Conservation 5 (ARC-5). 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:	No
D. Major:	Yes
J. Prato	Yes
B. Weber:	Excused

Chairman Mike Sharman asked Justin & Nicole Maggio to come forward for the proposed area Variance for the detached 24' X 30' Garage. Justin stated that there was previously a 24' X 30' stick-built garage with a concrete pad. They are planning to use the existing area to place the new Garage. The purpose of this meeting is to request a Variance for the side setback. Justin

LIVONIA JOINT ZONING BOARD OF APPEALS
October 3, 2022

provided the Board members with photos of the area for the placement of the proposed barn and letters from the nearby neighbors. They are requesting 60' from the front of the lot, where the existing barn once was. The requirement is 75'. They are also asking for a 5' side setback. ZCA Julie Holtje clarified that since this is a non-conforming lot in the ARC (5) District, the applicant is eligible for reduced setbacks. The applicant is only requesting the side setback of 5'. The front setback meets the requirement at the 60'. Doug Major asked for clarification on the side setback. ZCA Julie Holtje stated it would be 9'. Justin is requesting a 5' side setback. Joe Prato commented that it appears the applicant is requesting to use the existing footprint of the old barn. Nicole stated that was correct. Chairman Mike Sharman asked when they removed the existing slab floor and if the barn was there when they purchased the property. Justin noted that the slab was removed over the summer, and the barn was previously removed before they bought the property, he believes in the late 90s. Joe Prato asked that since they removed the slab, couldn't it be moved to make it 8' and 8' and square it up to the lot line? Justin stated that their driveway goes at an angle, and they don't want to push it too far up. There are also railroad ties and a retaining wall that comes up along the driveway. Doug Major asked how it would impose to keep the angle but move it towards the north a little to 8' or 9'. Justin said they would like to place it furthest away towards the south as possible to allow for easier access with his boat & trailer. Chairman Mike Sharman stated that judging by the map, the applicant states it would be hard to maneuver when coming back in with his boat. Doug Major noted that the applicant has an angle where you come within 5' of the property line; instead of being at 9', the Board is asking if you would accept 9' at the one corner closest to the street and the neighbor. Justin described how the property line runs at a sharp angle and would prefer the garage to be squared up to the driveway and property, not to the property line. This means that it would be a different measurement on each side setback. He would prefer the side to be at 5', and he is aware that his neighbor, John O'Connor, doesn't have any objections to his request. Chairman Mike Sharman noted that the applicant takes good care of his property. Doug Major asked when he backs his boat in, does he go up towards the house and then back in? Justin stated that the area is always very busy, so he focuses on his doorway at the side entrance. He also pulls in along the flower bed area in the front of the property. Chairman Mike Sharman noted that the setback reduction gives the applicant quite a bit of leeway because of the area they are in. Since they are asking for 8' on one side, could they do 8' & 8' instead of 8' & 5'? ZCA Julie Holtje asked if they plan to keep the new barn tilted, so it's easier for the angle of the driveway. Justin stated no, it is currently how the site is now. Chairman Mike Sharman asked which way the trusses would run and if it was a one or two-story barn. Justin said it would be one story, and the trusses will run east and west. Joe Prato asked if it would be two and a half-car garage. Justin stated it would be storage and a fishing boat. Chairman Mike Sharman asked if the applicant would consider the 8' & 8'. Justin said that he would like to request 8' & 5'. Rosemary Bergin asked if the neighbor, John O'Connor, favored this proposal. Justin stated that he was, and even helped, cut down the branches of the black walnut tree on his property, signed off on the proposal, and was very willing to attend the meeting. All the neighbors have been very helpful.

Chairman Mike Sharman closed the Public Hearing with no one present to speak from the public.

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

LIVONIA JOINT ZONING BOARD OF APPEALS
October 3, 2022

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 (# 10).

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 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? 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 proposed Area Variance for the 24' X 30' detached Garage. Rosemary Bergin made a motion to approve as submitted. Motion to approve. M/2/C (R. Bergin/J. Prato) Carried: 3-0. D. Major – Nay.

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:49 pm. M/2/C (R. Bergin/M. Sharman) Motion carried: 4-0

Respectfully submitted,
Alison Houk, Recording Secretary