

LIVONIA JOINT ZONING BOARD OF APPEALS
MAY 17, 2021

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

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

AGENDA: ***(1) Accept and approve the meeting minutes of May 3, 2021***

(2) Tammi & Chris Imm – 4334-4336 East Lake Road, Livonia, NY

Note, Public Meetings (Covid-19) precautionary policies were followed to the best of our ability and included:

- Applicants would typically be asked to wait in their vehicles until instructed to enter the building; however, the attendees at this meeting were able to maintain social distancing and wore face coverings.
- Hand sanitizer was made available at the entrance of the town hall.
- Meeting room occupancy was restricted to no more than 50% of the maximum occupancy (or 48 persons). Less than 48 persons attended this meeting.

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 May 3, 2021. The Board agreed they had and a motion was made to approve. M/2/C (B. Weber/M. Sharman) Carried: 4-0.

(2) Tammi & Chris Imm – 4334-4336 East Lake Road, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday **May 17, 2021** at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of **Tammi & Chris Imm** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed Single-Family Dwelling & detached Garage which will violate the front (15' instead of 30') for the Garage, and side (North) (5' instead of 9') for House and Garage, side (South) (3' instead of 9') for House and Garage, setback 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 25.4% and the proposed lot coverage is 34%. This property is located at **4334-4336 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.

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Chairman Mike Sharman polled the Board for site visits:

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

Chairman Mike Sharman asked Tammi & Chris Imm, and Architect Ann Hansen to come forward to address the Board for the proposed Single-Family Dwelling and detached Garage. Ann stated that the applicants are requesting to remove a seasonal cottage & guest house and construct a permanent house with detached Garage. Currently on the south side, it is 2.1' Setback, they are requesting 3' where 9' is required. On the north side they are requesting a 5' Setback where now there is a 5'9" Setback, where 9' is required. Currently the front Setback is at 0.1', it is right up next to the road. They would like to go 15' back for the front Setback. They are proposing 34% Lot Coverage, that exceeds the 25% maximum requirement. Elevations have been submitted for the Boards review. The elevations will be finalized if the application is approved. The property is 30' wide so if they met the 9' Side Setback, it would only leave 12' left for a house. Tammi Imm stated that currently it is a seasonal cottage but they are interested in re-locating and making this their permanent home. Rosemary Bergin asked if they would reside their year-round? Chris Imm stated that he will be retiring in January and they would like to make this their permanent home. Rosemary Bergin asked if below the garage there would be storage? Tammy stated that underneath the garage they would like to have a "she shed" storage for their lawn chairs and kayak's. Rosemary Bergin asked if there would be plumbing in the garage? Chris Imm stated there would not be any plumbing in the proposed garage. It was his understanding that the previous owners converted the old garage into the guest house and added electric and plumbing. That would be removed. Tammi Imm stated that there would be no living space in the new garage. Doug Major asked if they have spoken to the neighbor to the north? Tammy stated that she has spoken to both neighbors and has text messages. Carl Smith of 4332 East Lake, located to the north is aware of their proposal and has no objections. They also discussed their proposal with the neighbor to the south, Tom O'Neil of 4338 East Lake and he has no objections. Bill Weber asked how long they have owned the property? Tammi stated it was almost eight years. Rosemary Bergin noted that it is incredibly steep going down to the property. Tammi stated that they are hoping to smooth that area out with the proposed development. They will also be implementing new stairs as the current ones have deteriorated. Doug Major asked what the living space was on the existing house? Tammi stated it was about 1400 Sq. Ft. in the main house. The proposed house will have approximately 2100 Sq. Ft., and will have three floors. Rosemary Bergin commented that was quite a bit larger. Tammi stated that the main reason why is to accommodate the middle level which will be their main living area, (Kitchen & Livingroom). Above that level will be the master suite and below will be space for guests and an office. Chairman Mike Sharman stated that this was a very ambitious project and that the property looks very nice now. Doug Major asked if the proposed house will be at the same angle as the property to the south? Chris stated that he thought the neighbor to the south was straight on. Chairman Mike Sharman stated that the proposed house will be at a different

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angle, but will have very similar Setbacks as the existing home. Tammi stated that it will be a similar angle. Chairman Mike Sharman stated that in the past many of the lots in that area were cut off at the same angles. People placed their homes in not realizing that the angles were so different. Chairman Mike Sharman asked if they understood about the Fire Code requirements with no combustible walls. Tammi stated her husband is a fireman. Ann Hansen stated that this has been discussed when preparing the plans. Bill Weber stated that even though the neighbor to the south is aware of the proposal, since he is so close, he assumes there will be some disruption to his property during construction. Tammi stated that they would be willing to discuss those points further with their neighbor. Chris stated that portion of his neighbor's property is not really being used. Tammi stated, that side is the back for both houses, and there are big tree's there now which will come down. Bill Weber stated that if the Board was inclined to grant the Variance, he didn't want the neighbor complaining about construction equipment driving on his lawn, and that the Board wasn't looking out for the best interest of all the neighbors. Chris stated that they will speak with their neighbor. Tammi stated that if they demolished the guest house first, construction could go through that area. Chairman Mike Sharman asked Tammi if she would forward hard copies of the text messages from the neighbors to be part of the record. Bill Weber asked if it would appropriate to have a letter from the neighbor to the south acknowledging that he is aware that there will be construction equipment and possible damage to the earth surrounding their house. Bill stated that a letter should be sent to the Town from each neighbor stating that they are aware of the proximity of the new build and anticipating the Imm's contractor being on their property during construction. Tammi stated that they will request that from both neighbors. Doug Major asked for clarification regarding the 2.1" on the south end. Was that from the side of the building or the overhang? Ann Hansen stated that it was from the foundation. Ann Hansen stated that they plan to have an entry on the side and asked if could have a small roof structure over that entryway. Bill Weber stated that he would not be in favor of that as it would be right to the property line. Chairman Mike Sharman asked if they have made any allowance for drainage? Chris stated that there would be gutters installed. Chairman Mike Sharman asked if they will be taking down any trees? Tammi stated that have already taken down a lot of trees. They plan to leave the one by the Lake, but trim the branches that come towards the house. Tammi stated that most of the trees between them and the south neighbor are on the neighbor's property. Chairman Mike Sharman asked if they were going to bury their drainage. Ann Hansen stated that they have consulted with a Civil Engineer who will be looking at the topography and develop a drainage plan. Chairman Mike Sharman suggested contacting the Building & Zoning office for drainage references, as that will be an important part of the application. ZCA Julie Holtje stated that the drainage and site plan will be part of the permit process. Doug Major asked if they have considered having a longer house and keeping the 5' setback? Ann Hansen stated that they did try to scale back as much as possible. Tammi stated that she would like to have a small yard. They have dogs and she would like to have a small garden. Doug Major asked if in the new proposal, to the north of the garage if that will be where the walkway will be. Tammi confirmed that was correct.

With no one wishing to comment from the public, Chairman Mike Sharman closed the Public Hearing.

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

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This application was determined to be a Type II action, and SEQOR was not required per # 9 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? No
3. Is the variance substantial? Yes – Increase in size of house.
4. Will the proposed variance have an adverse effect of impact on the physical or environmental conditions in the neighborhood? No – Drainage concern to be mitigated with Building Permit & Site Plan process.
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 Single-Family Dwelling & detached Garage. Bill Weber made a motion to approve the Variance as presented with the following conditions: A letter submitted prior to issuing a Building Permit from the neighbors acknowledging the project and their properties may have possible damage and need to be restored after construction is completed. Doug Major also requested that the letter also state that the neighbors have an understanding that they will have a 2-story home, 3' away. Chairman Mike Sharman stated that the overhangs are not to exceed 16". Motion to approve. M/2/C (B. Weber/R. Bergin) Carried: 4-0

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:48 pm. M/2/C (R. Bergin/D. Major) Motion carried: 4-0

Respectfully submitted,
Alison Houk, Recording Secretary