

**LIVONIA JOINT ZONING BOARD OF APPEALS**  
**JUNE 7<sup>TH</sup>, 2021**

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

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

**AGENDA:**     ***(1) Accept and approve the meeting minutes of May 17<sup>th</sup>, 2021***

***(2) Robert Frohne – 4508 Shelly 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 17<sup>th</sup>, 2021. The Board agreed they had and a motion was made to approve. M/2/C (D. Major/J. Prato)  
Carried: 4-0.

***(2) Robert Frohne – 4508 Shelly Road, Livonia, NY***

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday **June 7, 2021** at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of **Robert Frohne** 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 36' Pole Barn which will violate Sections 150-31 G (1), Front Setback, 40' required per filed Subdivision map (15' proposed). This property is located at **4508 Shelly 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.

Chairman Mike Sharman polled the Board for site visits:

Chair M. Sharman:     Yes

R. Bergin:             Yes

**LIVONIA JOINT ZONING BOARD OF APPEALS**  
**JUNE 7<sup>TH</sup>, 2021**

D. Major:                Yes  
J. Prato                 Yes  
B. Weber:               Excused

Chairman Mike Sharman asked Robert & Deb Frohne to come forward to address the Board for the proposed 24' X 36' Pole Barn. Robert stated that they are requesting the Pole Barn primarily for the storage of recreational vehicles, lawn and garden equipment and a place to work on things out of the weather. They are in need of additional storage and by placing the building, it will help keep the dust away from the house from the dirt driveway. Doug Major asked for clarification regarding the side setback. ZCA Julie Holtje stated that an original Subdivision was filed prior to the road becoming Altee's Drive. It was a provision left in order to access lands in the rear. At that time there were thoughts of putting in a road and a Cul-de-sac. Any lots located on the side of this road would have two fronts. The Subdivision limited the setback to a 40' front setback. Rosemary Bergin stated that the property is considered a corner lot. ZCA Julie Holtje confirmed. Doug Major asked if the 15' front setback was from the property line, and not the road. ZCA Julie Holtje stated that the setback was from the property line. Doug Major asked what keeps the applicant from being 32' parallel to Altee's Drive, verses skewing it 15'. Robert Frohne stated that the property line actually starts to swing out. The 15' mark is from the iron pin before it starts to make the swing out. As it swings out, it is a little wider in that area. He would like to try to keep the building further up in the front of the property so a driveway could eventually go in. Electric lines would also be shorter and cost less. Directly behind that area, the elevation drops off quite a bit and it is not a usable area besides for a lawn. Joe Prato asked for clarification regarding the placement of the building on the map. That would leave 15' & 32' for the setbacks.

Chairman Mike Sharman opened the Public Hearing. He asked that anyone who wished to comment to state their name and address for the record.

Daniel Gaffney located at 4512 Shelly Road stated that they have no issues with the Frohne's and they are good neighbors. They are curious about the proportional relationship between the building and the house. The house and proposed barn are relatively close in size. The negative impacts would be more on their property than anyone else. Chairman Mike Sharman asked if he was concerned about the ambiance of the structure or the neighborhood. Daniel stated that the proposed building is 850 Sq. ft. and the Frohne's house is about 1000 Sq. Ft. He understands it is a personal choice. Collen Gaffney asked if the NR District allowed for hired income? ZCA Julie Holtje stated that the building will be for personal storage only. Chairman Mike Sharman stated the building is not a commercial use. If it was a home occupation, that would be a possibility, however the applicants haven't indicated an accessory dwelling. Robert Frohne stated that he has no plans to operate a business from the proposed barn.

Chairman Mike Sharman stated that for the record, there are no plans for accessory dwelling use or plans for septic/sewer or water. The proposed building is for storage use only. Robert confirmed that was correct. Robert stated that if anyone is concerned about the aesthetics of the building, he would be willing to plant some arborvitaes trees around the building. Joe Prato

**LIVONIA JOINT ZONING BOARD OF APPEALS**  
**JUNE 7<sup>TH</sup>, 2021**

stated that there is currently a row of trees there now. Deb Frohne stated that there is currently a row of arborvitaes trees there now located between their property and Altee's Drive. Robert Frohne stated that the barn will be located behind the row of trees. With the existing trees, you will only see approximately half of the building. Doug Major asked if the building location was marked by the red cones. Robert confirmed that was correct. Doug Major asked where the building opening was. Robert stated it will be facing Shelly Road. Chairman Mike Sharman asked Robert Frohne if he has spoken to any of the other neighbors regarding the proposal. Robert stated that the neighbor who lives behind them had no concerns, and provided him with information on who installed his barn. Robert provided a letter from the next-door neighbor Dakota Sharp, located at 4506 Shelly Road. For the record Mr. Sharp has no objections to the proposed structure.

Chairman Mike Sharman closed the Public Hearing.

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

This application was determined to be a Type II action, and SEQR was not required per # 10 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 – due to the leach filed.
3. Is the variance substantial? No – It's rare to have two front setbacks.
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 36' Pole Barn. Motion to approve the Variance as presented. Motion to approve. M/2/C (R. Bergin/J. Prato) Carried: 4-0

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:40 pm. M/2/C (J. Prato/Mike Sharman) Motion carried: 4-0

---

Respectfully submitted,  
Alison Houk, Recording Secretary