

LIVONIA JOINT ZONING BOARD OF APPEALS
August 16th, 2021

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

Excused: Attorney J. Campbell.

AGENDA: *(1) Accept and approve the meeting minutes of July 19th, 2021*

(2) Andrea Sawyer – 5758 McPherson Point, 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 July 19th, 2021. The Board agreed they had and a motion was made to approve. M/2/C (B. Weber/D. Major)
Carried: 5-0.

(2) Andrea Sawyer – 5758 McPherson Point, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a Public Hearing on Monday **August 16, 2021** at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of **Andrea Sawyer** for a Conditional Use Permit pursuant to Section 150-17 B of the Zoning Code of Livonia.

The Conditional Use Permit is requested for a proposed Accessory Dwelling located in an existing accessory building, per section 150-31 D (1). This property is located at **5758 McPherson Point**, 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

LIVONIA JOINT ZONING BOARD OF APPEALS
August 16th, 2021

R. Bergin: Yes
D. Major: Yes
J. Prato Yes
B. Weber: Yes

Chairman Mike Sharman asked Contractor Cory Johnson, representing property owner Andrea Sawyer to come forward for the proposed Conditional Use Permit for the Accessory Dwelling located in the existing Garage. Cory Johnson stated that Andrea would like to finish the upstairs of the Garage for their family and friends to stay when they visit. CEO Adam Backus stated that the Garage didn't require approval from either the Zoning or Planning Board because it met the Zoning requirements. There is currently an exercise room in one corner upstairs, and the Garage underneath. It was stated on the Building Permit that any future use would require Zoning Board approval. It was designed for living space when it was built, but was applied for a storage structure when it was built. A significant drainage plan was implemented when the Garage was built that includes a rain garden to ensure no adverse effects to the neighbors. Andrea Sawyer has provided the "as built" survey that shows the new Garage and rain garden. There is currently plenty of parking, and this application meets all other Zoning requirements except using as an Accessory Dwelling.

Bill Weber asked if it met the square footage requirement. CEO Adam Backus stated that it meets it by far. ZCA Julie Holtje stated that 1226 Sq. Ft. is allowed, and they are proposing 802 Sq. Ft. Chairman Mike Sharman asked if it will have plumbing installed. CEO Adam Backus stated that the plumbing was roughed in during the Garage construction. Cory Johnson stated that the downstairs of the Garage has in-floor heating, and they have it set up to attach a forced air system off the boiler. CEO Adam Backus stated that it was a vacant area above the Garage, and was intended for living space. This was Andrea's husband dream building and unfortunately, he passed away unexpectedly. She wanted to continue his dream of building this and wanted to wait to see if she wanted to go any further. She has decided that she would like to proceed with completing the living space for guests. Chairman Mike Sharman stated that the building does comply with the Zoning. CEO Adam Backus stated that it does comply except that it is detached from the primary dwelling. Joe Prato asked if it has a sewer connection. CEO Adam Backus stated that the plumbing is already roughed in, and there is currently a bathroom in the Garage. Bill Weber stated that this application is for family and friends, but if it were to be approved, it would be available for anyone since it is an Accessory Dwelling. CEO Adam Backus stated that the property owner will be made aware that the property owner needs to occupy one or the other dwelling. Her intentions are to provide the space for family and friends. It is located across the street from the primary dwelling. If she did decide to rent it out, or if it changed owners, it could be rented out as it will be an approved Accessory Dwelling. Rosemary Bergin stated when she visited the property, the owner stated that the property is all one tax parcel number. CEO Adam Backus stated that most of the work was completed Planning & Zoning wise, when she built the Garage. We required a professional engineered drainage plan that implemented rain gardens to ensure there would be no adverse effects. The property owner has accounted for all storm water discharge. It is not located far from the area that had major ice jam problems and flooding, so we had required an engineered drainage plan to control the water on her site. Doug Major asked if the stall on the left will have a second story? Cory Johnson stated that area is also two stories. CEO Adam Backus stated that is where the property owner's

LIVONIA JOINT ZONING BOARD OF APPEALS

August 16th, 2021

personal workout area is located. Doug Major stated that when you add the two areas' together, it will go over the 1200 Sq. Ft, the 800 Sq. Ft. is just the new addition. CEO Adam Backus stated that above the single unit is her current workout space. He views the upper area above the single Garage as a pre-existing use. The application before us now is for the main level. Chairman Mike Sharman asked if the workout area will be incorporated with the Accessory Dwelling space. Cory Johnson stated that the workout area has its own separate entrance and it will be kept as separate. Doug Major stated that if we add the additional 800 Sq. Ft., it will exceed the 40% of the principal dwelling. CEO Adam Backus stated that we are only counting the area above the main Garage area. The other area is a pre-existing legal use, and not part of the Accessory Dwelling.

Chairman Mike Sharman closed the Public Hearing with no one present.

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 Conditional Use Permit criteria:

- (1) Will the proposed building or use will be in harmony with the general purpose, goals, objectives and standards of the Comprehensive Plan, this chapter and, where applicable, Chapter [125](#), Subdivision of Land. Yes No
- (2) Will the proposed building or hours of operation or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare? Yes No
- (3) Will the proposed building or use will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations? Yes No
- (4) Will the proposed building or use will be adequately served by essential public facilities and services? Yes No
- (5) Will the proposed building or use comply with all additional standards imposed on it by the particular provision of this chapter authorizing such use? Yes No
- (6) Have all steps possible been taken to minimize any adverse effects of the proposed building or use on the immediate vicinity through building design, site design, landscaping, and screening. Yes No
- (7) If appropriate, a performance bond or other suitable financial guaranty has been provided to assure compliance with the conditions of the conditional use permit. Yes No N/A

Chairman Mike Sharman asked the Board for a motion to approve or disapprove the proposed Accessory Dwelling in existing Garage. Bill Weber made a motion to approve the application as submitted. Bill Weber noted, as discussed, the exercise room portion of the upper story is not

LIVONIA JOINT ZONING BOARD OF APPEALS

August 16th, 2021

part of the Accessory dwelling, and the Accessory dwelling is under the 40%. Motion to approve. M/2/C (Bill Weber/R. Bergin) Carried: 5-0

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:21 pm. M/2/C (B. Weber/J. Prato) Motion carried: 5-0

Respectfully submitted,
Alison Houk, Recording Secretary