

LIVONIA JOINT ZONING BOARD OF APPEALS
February 7, 2022

Present: Chairman M. Sharman, R. Bergin, J. Prato, B. Weber, CEO A. Backus, Recording Secretary A. Houk

Excused: Zoning Compliance Assistant Julie Holtje, D. Major, Attorney J. Campbell.

AGENDA: ***(1) Accept and approve the meeting minutes of December 6th, 2021***
(2) John & Mary Sue Zamiara – 4716 East Lake Road Livonia, NY
(3) David Curtis – 3877 Grayshores Road Livonia, NY

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

- Chairs are situated to maintain social distancing.
- Hand sanitizer was made available at the entrance of the town hall.

Chairman Mike Sharman brought the meeting to order at 7:04 p.m. and opened with the Pledge of Allegiance.

Chairman Mike Sharman asked if everyone reviewed the meeting minutes from December 6th, 2021. The Board agreed they had, and a motion was made to approve. M/2/C (B. Weber/R. Bergin) Carried: 4-0.

(2) John & Mary Sue Zamiara – 4716 East Lake Road, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **February 7, 2022**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **John & Mary Sue Zamiara** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 27' X 28' attached Garage on the northeast corner of the house, a 10' Kitchen Addition with a new entryway, and a 12' X 22' covered Porch on the north side of the property. The proposed structures violate the maximum lot coverage requirement of 25%, according to Section 150-31F. The existing lot coverage is 22.1%, and the proposed lot coverage is 27.2%. This property is located at **4716 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.

Chairman Mike Sharman polled the Board for site visits:

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

Chairman Mike Sharman asked John & Mary Sue to come forward to address the Board for the proposed 27' X 28' attached Garage, 10' Kitchen Addition with the new entryway, and a 12' X 22' covered Porch on the north side of the property. John said that there is currently a 17' sq. ft. attached Garage that doesn't provide much use. They would like to remove that and rebuild a two-car Garage, expand the Kitchen area with a new Addition and add a new entryway with a covered Porch on the north side of the house. They will also be putting a new roof on and re-siding the whole house. Rosemary Bergin asked if they would use the second floor of the new garage for storage. John stated that was correct, and there are no plans to turn it into a bonus room.

Chairman Mike Sharman opened the Public Hearing and asked those who wished to speak to state their name and direct their questions to the Board. With no one wishing to comment, the Public Hearing was closed.

Chairman Mike Sharman noted for the record that the Board received several letters from the Zamiaara's nearby neighbors who were all in support of their proposal.

This application was submitted to the Livingston County Planning Board for their review. They determined that it has no significant Countywide or inter-municipal impact. Approval or disapproval of this application is a matter of local option.

The Board reviewed SEQR forms as required for the increase in density. No moderate to large impacts were identified. B. Weber made a motion for a Negative Determination of Significance. R. Bergin seconded, all were in favor, motion carried (4-0).

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? No
4. Will the proposed variance have an adverse effect of impact on the physical or environmental conditions in the neighborhood? No

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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 27' X 28' attached Garage, 10' Kitchen Addition with a new entryway, and a 12' X 22' covered Porch on the north side of the property. B. Weber made a motion to approve the Variance as submitted, with the condition that the existing detached Garage is removed prior to issuing the final Certificate of Occupancy. Motion to approve. M/2/C (B. Weber/R. Bergin) Carried: 4-0.

CEO Adam Backus noted that a temporary Certificate of Occupancy could be issued to allow the applicant time to transition their items from the existing garage into the new garage prior to removing the existing garage.

(3) David Curtis – 3877 Grayshores Road, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **February 7, 2022**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **David Curtis** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 1072 Sq. Ft. Single Family dwelling and a 940 Sq. Ft deck which will violate the 9' required minimum side setback (deck proposed: 3' 10", 6', and 8', dwelling proposed: 4', 5') and the rear Setback (15' instead of 18') requirements according to Sections 150-31G (2 & 3), and 150-71 non-conforming lots. The proposed structure also violates Section 150-70A (2). No nonconforming building shall be enlarged, extended, or increased. This property is located at **3877 Grayshores 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
D. Major:	Excused
J. Prato	Yes
B. Weber:	Yes

Chairman Mike Sharman asked David Curtis to come forward to address the Board for the proposed 1072 Sq. Ft. Single Family Dwelling and a 940 sq. ft. Deck. David stated that they have owned the property for about ten years, and it was always their intention to update and improve the property. They are proposing to rebuild the dwelling using the existing foundation with a second story with a lower roofline and attic. They don't want the new home to impede on

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the views of the Lake or obstruct any of the neighbor's views, so they decided to build a Cape-style home. It will be a one-bedroom and a bath and a half with second-floor attic storage. They are not requesting to increase the size of the new home or move it closer to the Lake. They are requesting to rebuild the existing foundation. Rosemary Bergin asked if it would be a year-round home. David confirmed that they would live there year-round. Bill Weber asked if they own the property next door. David stated that there is a 10' access strip on the south side, and they own the vacant lot south of the 10' strip. Rosemary Bergin asked if the applicant ever intends to combine the two lots. David stated no, they like the space, and currently, the vacant lot is not buildable. There is currently a Town easement on the vacant lot as they use to pump water from there. The lots couldn't be combined because of the 10' strip. Joe Prato asked what the 10' strip was for. David stated that is Lake access for the lot behind his vacant lot, and there is a drainage pipe that goes through there.

Chairman Mike Sharman opened the Public Hearing and asked those who wished to speak to state their name and direct their questions to the Board.

Dick Doerflinger of 3853 Grayshores and Doug Doerflinger of 3949 Graywood stated that they own the 10' strip and would like clarification regarding the Setbacks from the south side. David Curtis commented that the house is currently not centered on the lot; it is positioned to the north. The north front corner by the Lake is the closest to the neighbor's property and is approximately 4' from the lot line. As it comes back towards the road, it is about 8' from the lot line. On the south side, they are proposing a deck with a setback of 8'. David reviewed the survey map with the neighbors and the Board, explaining the setback distances. Bill Weber noted that all four corners require a Variance, plus the rear Setback and the Lot Coverage. Rosemary asked what the proposed Lot Coverage was. Joe Prato determined that it would be approximated at 31%. Bill Weber stated that anything over the 1600' requires a Variance for the Lot Coverage. Dick Doerflinger asked for clarification on the 25% Lot Coverage rule. CEO Adam Backus stated that it pertains to structures. It doesn't include Patio's or Sidewalks. Chairman Mike Sharman noted that Lot Coverage was not advertised on the Public Notice. CEO Adam Backus stated that if the Board is comfortable with the other Variance requests, the vacant portion of the lot could legally be counted towards the Lot Coverage. Bill Weber disagreed or indicated that the Board has not historically considered the portion of a plot- divided by a road to be included when considering lot coverage. Dick Doerflinger asked how much the applicant was over on the Lot Coverage. Chairman Mike Sharman stated that it is to be determined and that the application was improperly advertised. If we were to use the other portion of the parcel, which is logical, as CEO Adam Backus previously explained, there might have to be restrictions placed on the other lot across the street, such as no future building on that lot. Chairman Mike Sharman stated that the Board is going to postpone this application. He would like to request input from the Town Attorney, James Campbell. CEO Adam Backus stated that the application will need to be re-advertised to address the Lot Coverage. We will have to determine the next meeting date based on meeting the Legal Ad & possible Livingston County Planning Board deadlines. The Board agreed to postpone this application.

Bill Weber stated that the survey distributed in the Board packet shows the applicants lots not tied together with one tax map number. He would like clarification from the Town Assessor that

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the parcel on the Lake is tied together with the parcel across the street. The applicant stated that it was and that he only receives one tax bill. Bill Weber noted that the survey map shows the vacant lot tied in with a different lot. David Curtis stated that it was an old survey map from ten years ago, and they did not owe the vacant lot ten years ago and directed the Board to the newer survey. CEO Adam Backus stated that the County mapper would verify that. Bill Weber noted that the map is dated September of 2011. David stated that a new survey was done when they purchased the lots.

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 (# 3).

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.

This application is postponed and will be re-advertised and placed on an upcoming Zoning Board agenda.

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 8:09 pm. M/2/C (B. Weber/R. Bergin) Motion carried: 4-0

Respectfully submitted,
Alison Houk, Recording Secretary