

LIVONIA JOINT ZONING BOARD OF APPEALS

April 4, 2022

Present: Chairman M. Sharman, J. Prato, B. Weber, Zoning Compliance Assistant Julie Holtje, Recording Secretary A. Houk

Excused: CEO A. Backus (Fire Call), R. Bergin, D. Major, Attorney J. Campbell.

AGENDA: (1) *Accept and approve the meeting minutes of March 21, 2022*

(2) *Mari DeWit – 21 Branch Street, 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 7:00 p.m. and opened with the Pledge of Allegiance.

Chairman Mike Sharman stated that since only two members were present from the March 21, 2022 meeting, the Board will approve those minutes at the next meeting.

(2) *Mari DeWit – 21 Branch Street, Livonia, NY*

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, April 4, 2022, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Mari DeWit for an area variance pursuant to Section 155-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 24' X 26' detached Garage which will violate the side Setback (5' instead of 9') requirements according to Sections 155-31G (2) and 155-71 non-conforming lots. This property is located at 21 Branch Street, 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.

ZCA Julie Holtje polled the Board for site visits:

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

LIVONIA JOINT ZONING BOARD OF APPEALS

April 4, 2022

Chairman Mike Sharman asked Mari DeWit to come forward to address the Board for the proposed 24' X 26' detached Garage. Mari stated that there was a one-car garage which was very small and in disrepair. It was placed 5' to the Lot line. The previous owner had installed extra 2' X 4's on the roof trusses for additional support and installed extra boards on one side where it was falling in. He owns a DeLorean car and would like to store it in a garage, but he didn't trust the old garage's construction and felt it was dangerous. He removed the old garage a couple of weeks ago. He would like to rebuild a new 24' X 26' garage in its place that would be 5' off the south side Lot line, in the same place as the old one so that the existing floor could be used. Mari provided letters from both neighbors, Casey Gross on the Southside, and Michael & Susan Lawton on the north side, that stated that they have no objection to his proposal. Mari provided pictures for the Board of the property before he purchased it, showing the old garage. He also provided renderings for the proposed garage. Chairman Mike Sharman asked if the new garage would be a two-story? Mari stated it would be a single story. Bill Weber asked to view the Survey Map. Bill Weber noted if the Board was inclined to approve the application, he felt the garage should run parallel with the south property line. Mari stated that he would adjust the garage to be parallel with the south property line. Chairman Mike Sharman noted that the applicant should work with the Building & Zoning office to ensure the garage doesn't become less than 5' to the property line. Mari stated that he agreed.

Chairman Mike Sharman read the following statements:

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 (# 4).

This application was determined to be a Type II action, and SEQOR was not required per # 12 of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

Chairman Mike Sharman stated with no one present from the public, the Public Hearing is closed.

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

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? Yes, he could move over, but it is understandable since he has the concrete pad.
3. Is the variance substantial? Yes - Moderately
4. Will the proposed variance have an adverse effect of impact on the physical or environmental conditions in the neighborhood? No

LIVONIA JOINT ZONING BOARD OF APPEALS

April 4, 2022

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 26' detached Garage. Joe Prato made a motion to approve the Variance as submitted with a 5' Setback along the entire south side property line. Motion to approve. M/2/C (J. Prato/B. Weber) Carried: 3-0.

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:18 pm. M/2/C (B. Weber/J. Prato) Motion carried: 3-0

Respectfully submitted,
Alison Houk, Recording Secretary