

LIVONIA JOINT ZONING BOARD OF APPEALS

May 2, 2022

Present: Chairman Bill Weber, R. Bergin, J. Prato, Zoning Compliance Assistant Julie Holtje, Recording Secretary A. Houk

Excused: CEO A. Backus, Chairman M. Sharman, D. Major, Attorney J. Campbell.

AGENDA: (1) *Accept and approve the meeting minutes of March 21 & April 18, 2022*

(2) *Thomas Mattice – 5263 East Lake Road, Livonia, NY*

Chairman Bill Weber asked if everyone reviewed the meeting minutes from March 21, 2022. The Board agreed they had, and a motion was made to approve. M/2/C (B. Weber/R. Bergin) Carried: 3-0.

Chairman Bill Weber asked if everyone reviewed the meeting minutes from April 18th, 2022. The Board agreed they had, and a motion was made to approve. M/2/C (B. Weber/R. Bergin) Carried: 3-0.

(2) *Thomas Mattice – 5263 East Lake Road, Livonia, NY*

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a Public Hearing on Monday, **May 2, 2022**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Thomas Mattice** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed two-story 24' X 28' detached Garage, which will replace the existing garage on the existing foundation with the same setbacks. The existing structure violates the rear setback requirements (9' instead of 18') according to Sections 150-32G (3) and 150-71. This property is located at **5263 East Lake Road, Livonia**, New York, and is zoned Neighborhood Residential (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:	Excused
R. Bergin:	Yes
D. Major:	Excused
J. Prato	Yes
B. Weber:	Yes

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Chairman Bill Weber stated that Thomas Mattice is attending the meeting via “Go to Meeting” and asked Mr. Mattice to explain the proposed two-story 24’ X 28’ detached Garage. Tom stated that the existing structure was in disrepair, and they wanted to rebuild it. They are requesting a two-story garage that will provide them with much-needed storage space and will be built on the existing foundation. They are asking to keep the existing Setbacks. They have the room to move the Garage forward however, working with the Engineer, Randy Fuller, moving the garage forward another 9’ could pose a safety issue for traffic coming down Holmes Hill Road entering East Lake Road. If they were to move the building forward, putting their boat trailer in the driveway would not leave enough room for a vehicle to be hooked to it. They would be left with parking the Boat Trailer on the side of the road. Tom stated that he is not comfortable with that for safety reasons. They are asking to replace what is currently there with a new structure. The old structure did not fit their needs and was in disrepair. They have already demolished the old structure.

Rosemary Bergin asked for clarification regarding the second story of the proposed Garage. She asked if there are plans for an accessory dwelling and would they be installing plumbing in the new Garage? Tom stated that they would like to put in the water & sewer connections now as it would be more difficult in the future. He has applied for and was granted a Permit from Livingston County Water & Sewer Authority. As of now, their intentions are just storage space on the second floor. He also noted that the parcel is a stand-alone parcel not connected to his home across the street. It has its own Tax Parcel number. Since this is a stand-alone parcel, he was under the assumption that a Conditional Use Permit would not be required if they decided to do something different in the future, such as an Accessory Dwelling. ZCA Julie Holtje confirmed that was correct. If they ever did decide to do anything with the second story, it would become equivalent to a Single-Family Home. Tom noted that they meet all the Setbacks except for the rear. Chairman Bill Weber stated that it had been established that the proposed Garage has a separate Tax Parcel from his home. The applicant is requesting to build a Garage now, and possibly in the future, it would become a Single-Family home. ZCA Julie Holtje stated that with the proposed Garage and second floor Deck, the proposed Lot Coverage is 19.1%. Tom noted that the Deck on the second floor is so that they could have a staircase going to the second floor. They didn’t want to utilize any of the interior space of the Garage for a staircase. The Deck would be 6’ wide and 10’ long off the north side of the Garage. Chairman Bill Weber asked for clarification on the Deck placement. Tom stated that the Deck would be located near the front of the Garage on the north side.

Chairman Bill Weber stated with no one present for the Public Hearing; the Public Hearing was closed.

Chairman Bill Weber asked the Board if there were any further questions.

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 (# 5).

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

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Chairman Bill Weber 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 sought by the applicant be achieved by some feasible method other than a variance? Yes – only if they were to lose their parking.
3. Is the variance substantial? Yes
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? No
5. Is the alleged difficulty self-created? Yes

Chairman Bill Weber asked the Board for a motion to approve or disapprove the Area Variance for the proposed 24' X 28' detached Garage. J. Prato made a motion to approve the variance as submitted. Motion to approve. M/2/C (J. Prato/R. Bergin) Carried: 3-0.

Chairman Bill Weber asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 8:10 pm. M/2/C (J. Prato/R. Bergin) Motion carried: 3-0

Respectfully submitted,
Alison Houk, Recording Secretary