

**LIVONIA JOINT ZONING BOARD OF APPEALS  
MARCH 15, 2021**

Present: Chairman M. Sharman, R. Bergin, D. Major, J. Prato, B. Weber, Zoning Compliance Assistant Julie Holtje

Excused: Attorney J. Campbell, CEO A. Backus, Recording Secretary A. Houk.

**AGENDA:**     *(1) Accept and approve the meeting minutes of March 1, 2021*

*(2) Michael & Lindsey Ferguson – 5676 Holmes Hill 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 7:03 p.m., and opened with the Pledge of Allegiance.

Chairman Mike Sharman asked if everyone reviewed the meeting minutes from March 1, 2021. The Board agreed they had and a motion was made to approve. M/2/C (M. Sharman/B. Weber) Carried: 5-0.

*(2) Michael & Lindsey Ferguson – 5676 Holmes Hill Road, Livonia, NY*

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday **March 15, 2021** at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of **Michael & Lindsey Ferguson** 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 32' detached Garage which will violate the rear setback requirements (5' instead of 18') according to Sections 150-32G (3) and 150-71. This property is located at **5676 Holmes Hill Road, Livonia**, New York and is zoned Agricultural Residential Conservation (ARC-3). 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  
MARCH 15, 2021**

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

Chairman Mike Sharman asked Michael & Lindsey Ferguson to come forward to address the Board for the proposed 24' X 32' detached Garage. Michael Ferguson stated that he is requesting the Garage to provide additional storage for lawn equipment and to store their boat during the winter months. There is not a lot of flat spaces on the lot to build comfortably. Building on the lakeside of the house may impede the neighbor's view. During site visits it was asked why not build closer to Holmes Hill Road, but that would impede access to the existing Garage. Mr. Ferguson felt that the proposed location was the best placement for the Garage.

Bill Weber stated that it appears that the Garage could be moved north towards Holmes Hill Road. That would give additional distance from the property line to the back of the Garage. Bill felt that the proposed Garage could easily be moved back 5'. Mr. Ferguson stated that he felt 5' would be a stretch, and would make it difficult to back out of the Garage. If he were trying to moving anything around, such as the Boat, he would lose some access. He felt that since he is requesting the Variance, that this would be a more convenient distance. Bill Weber stated that he feels as a Board Member, it is important to grant the minimal amount needed for a Variance. Lindsey Ferguson stated that they provided a letter from the neighbor Karen Moone who shares the south property line. They did explain the proposal showing the building 5' from the property line. Ms. Moone stated in the letter that was provided to the Board, that she was aware of the proposed location and has no objections. Mr. Ferguson stated that they had also spoke to their other neighbors, Gwen Cole of 5684 Holmes Hill, and Dave Turek of 5672 Holmes Hill who had no objections. Rosemary Bergin asked if the proposed Garage would be exclusively for storage, and there will be no plumbing. Mr. Ferguson stated that was correct. Chairman Mike Sharman said that he agrees with Bill Weber, the Board wants to try to minimize the amount of the Variance.

With no one wishing to comment from the public, 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? Yes

**LIVONIA JOINT ZONING BOARD OF APPEALS**  
**MARCH 15, 2021**

3. Is the variance substantial? Yes

4. Will the proposed variance have an adverse effect of impact on the physical or environmental conditions in the neighborhood? No – Drainage tile will be used to direct any water away from neighboring property.

5. Is the alleged difficulty self-created? Yes

Bill Weber asked if the applicant could offer anything else except the 5' Setback, 13' Variance. Mr. Ferguson asked if a 9' Setback be acceptable? Bill Weber stated that the Board was not trying to give him a hard time, but that they have to look at each case individually and on its own merits. In his opinion, the merit is not there to grant a 5' Setback. Mr. Ferguson felt that it will be difficult for him to maneuver a Boat in that amount of space, but its better than not having the building.

Chairman Mike Sharman asked the Board for a motion to approve or disapprove the Area Variance for the proposed 24' X 32' detached Garage. Bill Weber made a motion to approve the Variance with moving the rear Setback to 9' instead of 5'. Motion to approve. M/2/C (B. Weber/J. Prato) Carried: 5-0

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:26 pm. M/2/C (R. Bergin/D. Major) Motion carried: 5-0

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Respectfully submitted,  
Alison Houk, Recording Secretary