

**LIVONIA JOINT ZONING BOARD OF APPEALS**  
**MAY 3, 2021**

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

Excused: CEO A. Backus, Attorney J. Campbell.

**AGENDA:**     ***(1) Accept and approve the meeting minutes of April 19<sup>th</sup>, 2021***

***(2) Amit Chitre – 3889 Grayshores 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 7:00 p.m., and opened with the Pledge of Allegiance.

Chairman Mike Sharman asked if everyone reviewed the meeting minutes from April 19<sup>th</sup>, 2021. The Board agreed they had and a motion was made to approve. M/2/C (B. Weber/D. Major)  
Carried: 5-0.

***(2) Amit Chitre – 3889 Grayshores Road, Livonia, NY***

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday May 3, 2021 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Amit Chitre for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 12'x19' with 5'radius deck replacement, which will violate the maximum lot coverage per Section 150-31 F. (25% max., 39% existing, and 41% proposed). This structure, and the proposed addition of an 8'2" x 23'10" dormer, will also violate Section 150-70 A. (2.), which prohibits the expansion of a non-conforming building. This property is located at 3889 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.

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Chairman Mike Sharman polled the Board for site visits:

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

Chairman Mike Sharman asked Amit Chitre and Contractor Travis Fitzsimmons to come forward to address the Board for the proposed Deck replacement. Travis stated that there is currently a 19' wide Deck, coming out 10' from the structure. He is proposing that the main frame of the Deck go out an additional 2', and have a centrally located 5' radius addition. This would be similar to a balcony affect. The Dormer is to create a different dimension on the building. It would still be within the existing building line. This would be for an aesthetic value and provide visibility to the Lake. Travis provided a letter from the neighbors, David and Donna Sheffield stating that they have reviewed the proposal and, "approve the design and construction documents and have no concerns of impeded view or excessive structures".

Doug Major asked ZCA Julie Holtje if the spiral stairs were included in the lot coverage calculation. ZCA Julie Holtje stated that normally stairs are not considered as part of the lot coverage. Bill Weber asked for clarification regarding the existing Deck. Travis stated that currently the Deck is 19' X 10' deep, and they would like to increase the Deck to 12' deep. It will remain the same width, only be an additional 2' closer to the water. Bill Weber stated that with the 2' additional depth, and the 5' radius, the Deck would be 7' closer to the Lake. Travis stated that was correct. ZCA Julie Holtje stated that he is still well within the Setback requirement. Chairman Mike Sharman asked if the applicant owned the property in 1999 when there was a previous Variance granted. Amit Chitre stated that he had just purchased the property. Bill Weber asked if anything would be built underneath the Deck. Travis stated that it would remain open. Chairman Mike Sharman asked if there would be future plans to enclose the Deck. Amit stated he has no plans to enclose the Deck. Chairman Mike Sharman asked if there were currently spaces between the deck boards to provide drainage. Travis confirmed the deck board spacing and that it would provide for drainage. Rosemary Bergin asked if there was a stamped concrete pad underneath the Deck. Travis stated that was correct. Travis stated that it was his understanding that since the concrete pad is less 8" above grade, it doesn't fall into the guidelines as a structure. Chairman Mike Sharman stated that was correct. Bill Weber asked if they were expansion of non-conforming due to the dormer? ZBA Julie Holtje stated that was correct, the dormer is an expansion. It does go up slightly and the property is on the Lake and could affect views, so the project was referred to the Board. ZBA Julie Holtje also noted that this house does sit significantly behind the neighboring houses. Travis mentioned that to help with visibility on the Lake, Amit has removed two trees. The proposed project will not impair any of the neighbors' views.

With no one wishing to comment from the public, Chairman Mike Sharman closed the Public Hearing.

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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 # 13 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? No – Doug Major noted that technically, the applicant could just replace the existing Deck.
3. Is the variance substantial? Yes - Rosemary noted that it is an expansion of non-conforming and the lot coverage is substantially more, it far exceeds the 25% maximum. Travis commented that many homes around the Lake exceed the 25% maximum, and that they are trying to be tasteful and also provide an updated look to the home. Chairman Mike Sharman stated that he knows the applicant needs room, but the additional 2' may not be necessary.
4. Will the proposed variance have an adverse effect of impact on the physical or environmental conditions in the neighborhood? No
5. Is the alleged difficulty self-created? Yes

Amit Chitre stated that he appreciates the Board considering his application. When they purchased the property, they wanted to have a place for their kids to come and enjoy the Lake. They saw a lot of potential in this property, especially considering how nice the two neighboring properties looked. They want to make some exterior improvements that kept in line without looking too ostentatious.

Bill Weber stated that he wasn't sure if the extra 2' was needed in order to put the radius on. There are a lot of Decks on the Lake and 10' should suffice. Bill noted that the other two neighboring houses are positioned closer to the Lake. Rosemary Bergin stated that she agreed with Bill, and that the point of the Board is to grant Variances for the least amount, but accomplish what the applicant is requesting. Amit stated that since the other two neighbors are out closer to the Lake, the additional 2' would allow them to be closer to the Lake and not impair any views. They have included their neighbors in the process and have tried to be very careful not to disrupt their line of site to the Lake. Rosemary Bergin stated that the design of the proposed Deck is very nice. Travis stated that regarding the spiral staircase, if they didn't have the extra 2', that the pillars would have to be moved back. This would create a conflict with the entry point on the top, and where it exits below. Having the stairs too close to the windows would be a safety concern. Chairman Mike Sharman asked if they plan to rent the property. Amit stated that they plan to rent it out to their friends one weekend this summer. It will not be

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used as an Air B & B. Doug Major asked for clarification if they moved the Deck in 2' would it touch the staircase? Travis stated that when he initially spoke to CEO Adam Backus regarding the application, he indicated that he would prefer the staircase be further out away from the house so it wouldn't provoke anyone from trying to climb out a window onto the staircase. The pillars are 24" X 24" with a cap, and that takes up quite a bit of area on the ground. He needs to have a little wiggle room on the staircase to make sure it will be offset from the house. Bill Weber asked what the distance was of the railing from the house, out to the first new post for the stairs? Bill stated that he could see a concern with the staircase being too close to the glass sliding doors. Rosemary Bergin asked if the spiral staircase took up less room than conventional stairs. If you have children, a circular staircase with an opening seems dangerous. Bill Weber stated that CEO Adam Backus would ensure it is Code compliant. Travis stated that the staircase will be ADA and Code compliant. Bill Weber stated that his concern was the location of the stairs. If you come out the sliding door and immediately have an opening to go down the stairs, that would be a safety concern. Amit stated that from the Lake, it would be the left side of the sliding glass door. Bill stated that there is a minimum area required once you step outside the door opening before the staircase. Chairman Mike Sharman asked if the stairs could be placed on the other side of the Deck, on the north side? Travis stated that on the northside, they are trying to preserve as much open lawn space for activities. The south side is unequal, and dead space in that area. The actual stairs coming down from the road are on the same side of the spiral staircase which makes it more convenient. Amit commented that his neighbor's kitchen window is on that side, and he removed some shrubs to open up her view to the Lake and would hate to block that area off with a staircase. Travis stated that from the house siding to the post that starts the spiral staircase is 3' 4". Bill Weber stated that if we did not allow the 2' extension, it would be just over 1' when you step out of the sliding glass door. Travis confirmed that was correct. ZCA Julie Holtje asked if the Landing is required to be 3' out? Bill Weber stated that would be the minimum requirement. He would be concerned with the door opening distance if the 2' wasn't included in the proposal for safety reasons. Chairman Mike Sharman asked if there was going to be a gate on the spiral staircase. Travis stated that would not be their intentions. Currently the edge of the door frame to the post of the staircase is 3' 9".

Chairman Mike Sharman asked the Board for a motion to approve or disapprove the Area Variance for the proposed 12'x19' with 5'radius deck replacement. Bill Weber made a motion to approve the Variance as submitted, noting that the Board did discuss if the extra 2' was necessary. If they want to have any steps coming off the Deck, the 2' will bring the staircase away from the sliding glass door opening. Motion to approve. M/2 (B. Weber/J. Prato) Nay: Chairman Mike Sharman: 4-0

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:42 pm. M/2/C (D. Major/B. Weber) Motion carried: 5-0

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Respectfully submitted,  
Alison Houk, Recording Secretary