

LIVONIA JOINT ZONING BOARD OF APPEALS
November 15th, 2021

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

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

- AGENDA:** (1) *Accept and approve the meeting minutes of October 18th, 2021*
- (2) *Pair of Keys, LLC/Dave Casilio – 4886 East Lake 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 7:00 p.m., and opened with the Pledge of Allegiance.

Chairman Mike Sharman asked if everyone reviewed the meeting minutes from October 18th, 2021. The Board agreed they had and a motion was made to approve. M/2/C (M. Sharman/D. Major) Carried: 4-0.

(2) Pair of Keys, LLC/Dave Casilio – 4886 East Lake Road, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday **November 15, 2021** at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of **Pair of Keys, LLC (Dave Casilio)** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 26' X 34' detached Garage, which will violate the front Setback, (20' instead of 30') according to Section 150-31 G1, and 150-71 non-conforming lots. The proposed structure also violates the maximum lot coverage requirement of 25%, according to Section 150-31F. The existing lot coverage is 18.8% and the proposed lot coverage is 25.9%. This property is located at **4886 East Lake Road, Livonia**, New York and is zoned Neighborhood Residential District (NR). 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:	Yes
J. Prato	Yes
B. Weber:	Excused

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Chairman Mike Sharman asked Dave Casilio to come forward to address the Board for the proposed 26' X 34' detached Garage. Dave & Kim Casilio stated that they plan to retire this year and will be residing full time at the house. They need a garage to park their cars and for storage needs. They would like start the Garage at the wooden wall, which would be a 13' setback, and go back to the retaining wall. The two neighbors to the north located at 4876 & 4870, have 7' & 8' setbacks. Chairman Mike Sharman asked if there were any letters from the neighbors. Dave stated that a letter was submitted from Thomas Clark of 4891 East Lake, and they have a letter from Eric Knittel of 4880 East Lake. They both are aware of the proposal and have no objections. Rosemary asked if the drawing that was provided was what the proposed Garage would look like. Kim stated that it would be a two car Garage, and it would be built into the hill. Kim confirmed that they would like to go 13' to the wall, but they requested 20'. If you look at the picture, the 20' would be at the top of the stairs. They would prefer not to have to go back that far. Rosemary Bergin asked if the Garage located to the south was theirs, and if so, do they intend to take that down. Kim stated that they were not planning to take that garage down. Rosemary asked if both sides of the road were one parcel. Dave stated that it was one parcel, and one tax number. Doug Major commented that the old garage is practically on the road. Dave stated that this is actually 7' in the road, and that there is a utility pole next to it. Rosemary asked what the older garage was used for. Dave stated it was used for storage for their lawn equipment, kayak and other items used on the water. Rosemary asked what they would be using the new garage for. Dave stated the proposed garage would be for both of their cars. Rosemary asked if the new garage would have an upstairs. Dave confirmed it would have an upstairs for storing patio furniture. Chairman Mike Sharman asked how far back off the County Highway line right of way is the existing garage. Dave commented that it was 7' into the right of way. Chairman Mike Sharman stated that he is aware that the house and garage were pre-existing, non-conforming, but in terms of the setback for the proposed garage, how much further back will that be verses the existing garage. Dave stated that ideally, they would like to start at the end of the existing garage. Chairman Mike Sharman asked if they have considered proposing a three-car garage and removing the existing garage. Kim stated that the problem is that the existing garage is so well built and provides a benefit to them. It would create more cost for them to have to remove that garage. Chairman Mike Sharman asked how they felt about moving the earth where the retaining wall is, behind where they are proposing the new garage. That would provide a way to have the garage back further and closer to meeting the setback. Dave stated that they would prefer not to do that, it would be more costly and effect the environment further doing it that way. Chairman Mike Sharman stated that it would be safer for them and the traffic on East Lake Road. Chairman Mike Sharman asked how far the west side setback would be with the proposed garage? Dave stated that existing garage is 20' long and is 7' into the right of way. They are proposing the new garage be at the back end of the existing garage, which would be 13' outside of the right of way. Rosemary Bergin stated, you will be 13' from where you enter the garage to the right of way. Dave stated that it would be 13' from the right of way, 27' from the white line of the road. Joe Prato asked if they were digging into the hill for the proposed garage. Dave stated yes, that was correct. Kim stated that they requested the 20' before they measured the other neighbor's garages, and now they would like to request 13'. ZCA Julie Holtje stated that they can't go more than 20', or they would encroach on the rear setback. Kim stated that is why

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they would like to request 13' as you can get more than a car length before you get to the end. Currently they have five parking spaces. Rosemary Bergin asked if there were any plans for an accessory dwelling or bathrooms in the proposed garage. Kim stated no. Dave stated that there is existing water that runs under the road that they would like to have hooked up at the new garage for washing their cars. Chairman Mike Sharman stated that the record will reflect that the proposed garage will not be used for an accessory dwelling. Dave acknowledged that was correct. Doug Major stated that this application is for a 20', but the applicant is indicating 13'. Chairman Mike Sharman stated that the Board would be voting on what is reflected in the Legal Notice, which is 20'. ZCA Julie Holtje stated that originally the applicant did propose 13'. Once the paperwork was submitted, it was moved to 20'. Kim stated that when the Architect visited their site, he indicated that the 13' wasn't going to be allowed. Since then, they have reviewed other nearby properties and felt that the request for 13' was within reason based on what other properties currently have. Other properties are less than 13'. Ideally they would like 13'. Chairman Mike Sharman asked if we knew what the other neighbor's setbacks were. ZCA Julie Holtje stated that we could check to see if we obtained "as built" survey, but typically we don't receive them. The street view map may provide some clarification. Rosemary Bergin stated that the Public Notice is for a 20' setback Variance so that is what the Board would be voting on. Chairman Mike Sharman recommend the applicant return with an amended application, requesting the 13' setback if that is what they desire. Doug Major agreed since the neighbors provided letters stating they agreed with the proposed 20'. The applicant agreed that they would re-apply requesting 13'. ZCA Julie Holtje stated that they would be scheduled on the next ZBA meeting on December 6, 2021. The applicant stated that they will withdraw this application and re-apply requesting the 13' setback. Doug Major stated that the applicant should also provide engineered plans showing storm water run off since the new proposal will involve digging into the hill. ZCA Julie Holtje stated that the applicants have been made aware that because of the amount of hill behind them, it will be required to have an engineered wall, and that storm water coming off from the hill needs to show it will not have any adverse effects and this will be worked out in the building permit process.

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.

This application was determined to be a Type II action, and SEQR was not required per # 9 of the New York Codes, Rules and Regulations 617.5 Type II Actions.

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:33 pm. M/2/C (M. Sharman/D. Major) Motion carried: 4-0

Respectfully submitted,
Alison Houk, Recording Secretary