

**LIVONIA JOINT ZONING BOARD OF APPEALS**  
**December 6<sup>th</sup>, 2021**

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

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

**AGENDA:**    *(1) Accept and approve the meeting minutes of November 15<sup>th</sup>, 2021*

*(2) Pair of Keys, LLC/Dave Casilio – 4886 East Lake Road Livonia, NY*  
*Amended application from November 15<sup>th</sup>, 2021*

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 reviewed the meeting minutes from November 15<sup>th</sup>, 2021. The Casilio's withdrew their application at the meeting. The Board discussed procedural requirements about approving minutes. With no revisions proposed, a motion was made to approve the minutes from November 15<sup>th</sup>, 2021. M/2/C (D. Major, M. Sharman) Carried: 4-0 (B. Weber abstained).

*(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 December 6, 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, (13' 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

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J. Prato                      Yes  
B. Weber:                    Yes

Chairman Mike Sharman asked Dave Casilio to come forward to address the Board and reintroduce his application for the proposed 26' X 34' detached Garage.

Dave Casilio reviewed the site plan and elevation drawing. The two and a half garage is proposed to start at the existing retaining wall, 13' from the right of way. Dave and Kim feel that it is less environmentally invasive to keep the garage as much out of the hill as possible. The garage will have two -10' overhead doors and windows in the second-floor storage area. The second-floor storage area will be for patio furniture and not for an accessory dwelling. Drainage will come around sides and will be worked out by the architect and in the building permit process with the Building and Zoning Department.

The Board discussed being in favor of the new garage on the condition that the existing garage that extends 7' into the County right of way be removed. B. Weber explained that in applications such as this, the board has the ability and the responsibility to set conditions that can remove violations and limit the extent of nonconforming conditions on a property.

There was some discussion about removing the 7' portion of the existing garage that is in the right of way. The Casilio's would have to discuss that with their architect to see if it is feasible. The Casilio's do not want to lose the existing garage as it is in good shape and useful for storage. It would be a financial burden to have to take the structure down as well as paying to increase the proposed structure and move more earth to accommodate the larger structure.

Lot coverage with the existing garage and proposed 26'x34' garage is 25.1%.

There was some discussion about parking and safety.

Chairman Mike Sharman asked the Board and the applicants if there were any further comments or questions.

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.

Chairman Mike Sharman opened the Public Hearing.

With no one present from the public, Chairman Mike Sharman closed the Public Hearing.

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

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2. Can the benefit be sought by the applicant be achieved by some feasible method other than a variance? No
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
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 26' X 34' detached Garage. R. Bergin made a motion to approve the Variance with the condition that the existing garage is removed. Motion to approve. M/2/C (R. Bergin/B. Weber) Carried: 5-0.

Chairman Mike Sharman asked if the Board would be agreeable to letting the old garage remain standing for up to 4 months after the construction of the new garage is complete in order for the applicant to have storage space. The Board agreed with the condition that the Certificate of Occupancy shall be held back until the demolition of the old garage is completed.

The Board reviewed SEQR forms as required for increase in density. No moderate to large impacts were identified. B. Weber made a motion for a Negative Determination of Significance. R. Bergin seconded, all were in favor, motion carried (5/0).

There was some discussion on whether the applicant would need to return to the Board if the proposed garage is to be increased in size. The Town Attorney will be consulted.

ZCA Julie Holtje informed the Board that the Planning Board is looking for a new member.

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:40 pm. M/2/C (B. Weber/R. Bergin) Motion carried: 5-0

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Respectfully submitted,  
Julie Holtje, Zoning Compliance Assistant