

LIVONIA JOINT ZONING BOARD OF APPEALS
September 19th, 2022

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

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

AGENDA: ***(1) Accept and approve the meeting minutes of June 20th, 2022***

(2) Brian & Nicole Timberlake – 4547 East Lake Road, Livonia, NY

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 June 20th, 2022. The Board agreed they had, and a motion was made to approve. M/2/C (D. Major/B. Weber)
Carried: 4-0.

(2) Brian & Nicole Timberlake, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a Public Hearing on Monday, **September 19, 2022**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Brian & Nicole Timberlake** for a Conditional Use Permit pursuant to Section 150-17 B of the Zoning Code of Livonia. The Conditional Use Permit is requested for an accessory dwelling unit with an attached Deck in the existing Garage per Section 150-31 D (1). This property is located at **4547 East Lake Road**, Livonia, New York, Tax Parcel # 83.47-1-8, 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.

ZCA Julie Holtje polled the Board for site visits:

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

Chairman Mike Sharman asked Brian & Nicole Timberlake to come forward for the proposed Conditional Use Permit. Brian said they would like to take their garage and turn it into an in-law apartment for his father-in-law. Chairman Mike Sharman asked if it would be his father-in-law's

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permanent residence. Brian stated that it would; he is currently living in Florida and moving back permanently. Chairman Mike Sharman noted that the only change to the existing structure would be to add a deck. Brian said that they would be adding a deck to the front, and everything else would be done internally. Chairman Mike Sharman asked if he planned to go higher with the roof. Brian confirmed that they just put a new roof on last month and did not and will not be making any changes to the height. Bill Weber asked if the applicant met all the square footage requirements. ZCA Julie Holtje confirmed that they do. Chairman Mike Sharman asked how long the applicant lived at this location. Brian stated they had been there six years.

Chairman Mike Sharman closed the Public Hearing with no one present to speak from the public.

Chairman Mike Sharman 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 (# 10).

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.

Chairman Mike Sharman asked the Board to go through the Conditional Use Permit criteria:

- (1) Will the proposed building or use will be in harmony with the general purpose, goals, objectives, and standards of the Comprehensive Plan, this chapter, and, where applicable, Chapter 125, Subdivision of Land. Yes No
- (2) Will the proposed building or hours of operation or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare? Yes No
- (3) Will the proposed building or use will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations? Yes No
- (4) Will the proposed building or use will be adequately served by essential public facilities and services? Yes No Electric, water & sewage tank.
- (5) Will the proposed building or use comply with all additional standards imposed on it by the particular provision of this chapter authorizing such use? Yes No
- (6) Have all steps possible been taken to minimize any adverse effects of the proposed building or use on the immediate vicinity through building design, site design, landscaping, and screening. Yes No
- (7) If appropriate, a performance bond or other suitable financial guaranty has been provided to assure compliance with the conditions of the conditional use permit. Yes No N/A

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Chairman Mike Sharman asked the Board for a motion to approve or disapprove the proposed Conditional Use Permit for the Accessory Dwelling. Rosemary Bergin made a motion to approve the Conditional Use Permit as submitted. Motion to approve. M/2/C (R. Bergin/B. Weber) Carried: 4-0.

The Board had a brief review and discussion of the upcoming October applications.

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:27 pm. M/2/C (D. Major/R. Bergin) Motion carried: 4-0

Respectfully submitted,
Alison Houk, Recording Secretary