

## LIVONIA JOINT ZONING BOARD OF APPEALS

### MEETING MINUTES- March 2, 2015

Present: Chair P. Nilsson, M. Sharman, G. Cole, B. Weber, Rosemary Bergin  
Code Enforcement Officer A. Backus, Recording Secretary J. Brown

Excused- J. Campbell-Town Attorney

AGENDA: (1) Accept and approve the meeting minutes of February 2, 2015  
(2) *Adrian & Patti Metzger*  
Area variance for a new single family residence at *4128 East Lake Rd. Livonia, NY 14487*

Chair P. Nilsson opened the meeting at 7:00p.m.  
M/2/C (M. Sharman/ G. Cole) to approve the February 2, 2015 Livonia Joint Zoning Board of Appeals meeting minutes as submitted.  
Motion carried 5-0

#### **Code Enforcement Officer A. Backus read aloud the legal notice:**

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday March 2, 2015 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Adrian and Patti Metzger for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia. The area variance is requested for a new single family residence. The proposal will violate the requirements according to Section 150-31F which states that lot coverage shall not exceed 25% of the sq. footage of the property. The proposal will also violate the requirements according to Section 150-31G (1) which states the front setback requirement. The property is located at 4128 East Lake Rd., Livonia, New York and is zoned Neighborhood Residential (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.

Code Enforcement Officer A. Backus asked to have the board members polled on a site visit:

Chair Nilsson- yes  
M. Sharman- yes  
G. Cole- yes  
B. Weber- yes  
R. Bergin- yes

Chair Nilsson invited **Adrian and Patti Metzger** to come forward and explain their request. Adrian said that the reason they would like to position the garage sideways is so that they do not have to back into East Lake Rd. when exiting their driveway.

Patti distributed an engineered survey map to the board members, that more clearly indicated the measurements and placement of their proposed house and attached garage.

R. Bergin asked why the house is skewed on the lot. Adrian said that the way they're proposing to place it, lines up with the neighboring houses.

Chair Nilsson announced that because there is no gallery in attendance at the meeting, he will neither open nor close the public hearing portion of the meeting.

B. Weber said that he will not be recusing himself from voting on the proposal, but wanted to note for the record that he and Adrian own adjacent properties at a separate location.

Chair Nilsson asked the board members to review 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
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

Chair Nilsson asked if there were any further concerns and hearing and seeing none, called for a motion on the application.

Motion: (B. Weber/ M. Sharman) to accept the application for the variance as amended above.  
Motion carried: 5 -0

**Chair Nilsson asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 8:30pm.**

M/2/C (B. Weber/ R. Bergin)

Motion carried: 5-0

Respectfully submitted,

Jeanne Brown

Recording Secretary