

## LIVONIA JOINT ZONING BOARD OF APPEALS

### MEETING MINUTES- July 20, 2015

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

Excused- J. Campbell-Town Attorney

- AGENDA:
- (1) Accept and approve the meeting minutes of July 6, 2015
  - (2) *Agnieszka Bajan*  
Area variance for an addition at *4 Linden St., Livonia, New York*
  - (3) *Adrian Johnson*  
Area variance for a shed at *5620 Florence Ln., Livonia, New York*

Chair P. Nilsson opened the meeting at 7:00p.m.

M/2/C (R. Bergin /M. Sharman) to approve the July 6, 2015 Livonia Joint Zoning Board of Appeals meeting minutes as submitted.

Motion carried 5-0

Recording Secretary J. Brown read aloud the legal notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday July 20, 2015 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Agnieszka Bajan for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia. The area variance is requested due to the construction of an attached garage. The proposed garage will violate the rear setback requirement according to Section 150-31G (3) which describes the minimum rear setback requirement. The property is located at 4 Linden St., 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.

Board members were polled for a site visit:

Chair Nilsson- yes

M. Sharman- yes

R. Bergin- yes

B. Weber- no

G. Cole- yes

Chair Nilsson invited **Agnieszka Bajan** to come forward to explain her request, for the record. Agnieszka explained that she would like to build an addition off the rear of the house, which will consist primarily of a garage with living space above.

She indicated the way the house is right now, it is not up to standards and she would like to make it a 4 bedroom, and at least 1.5 bathroom house with a 1.5 car garage. She also said she would like to relocate the staircase from inside the main house to the new proposed addition.

Chair Nilsson asked Agnieszka what her proposed rear setback will be. She replied it will be about 15 ft. CEO A. Backus said the rear setback requirement is 18 ft., so she is only asking for a 3 ft. variance.

G. Cole mentioned she has spoken with Agnieszka's neighbors on both sides of her property, and they are in favor of the proposal.

R. Bergin asked if they are going to eliminate the full bathroom downstairs. Agnieszka said yes, and they will convert it to a half bathroom.

Agnieszka informed the board, they hope to finish this project by next spring.

Chair Nilsson opened the meeting to the gallery for public comment.

Keith Gfeller (6 Linden St.) addressed the board and indicated that he supports this proposal and feels that it will be an improvement.

Observing no further comment from the public, he closed the public hearing portion of the meeting.

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 sought by the applicant be achieved by some feasible method other than a variance? NO
3. Is the variance substantial? NO
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

CEO A. Backus stated that this was a highly unfavorable property prior to Agnieszka purchasing it and feels that this is the best possible outcome.

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

Motion: (G. Cole / M. Sharman) to accept the application as submitted

Motion carried: 5 -0

Recording Secretary J. Brown read aloud the second legal notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday July 20, 2015 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Adrian Johnson for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia. The area variance is requested for a storage shed. The proposed shed will violate the requirements according to Section 150-31G (3) which describes the minimum rear setback requirement. The property is located at 6520 Florence Ln., 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.

Board members were polled for a site visit:

Chair Nilsson- yes

B. Weber- no

M. Sharman- yes

R. Bergin- yes

G. Cole- yes

Chair Nilsson invited **Don Johnson, Adrian Johnson's** father to come forward and explain the request. Don Johnson began by stating the proposed shed would be 15 ft. from the east side property lot and proposed 6 ft. from the property line.

Don said that neighbors Ian Coyle and Bill Kurtz verbally indicated to him they are fine with the proposed shed location. Don also mentioned that Ian Coyle (Adrian's neighbor) has a 10'x12' shed close to the property line.

CEO A. Backus explained that Ian's shed size would indicate that a permit was not needed. A. Backus continued that when Adrian Johnson came to apply for his shed permit, he had already placed his shed pad down. Then he realized that it was placed in the wrong spot and wanted to try to get a variance.

B. Weber said he has a problem with 6 ft. variance request when it's supposed to be 30 ft. especially when the applicant knew way ahead of time what the required setbacks are.

B. Weber wanted to make sure Adrian Johnson was aware of setbacks ahead of time.

CEO A. Backus said yes, and he understands why, aesthetically, Adrian wants to place the shed where he's proposing.

Chair Nilsson opened the meeting to the gallery for public comment, and observing no comment from the public, he closed the public hearing portion of the meeting.

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 sought by the applicant be achieved by some feasible method other than a variance? YES. There is plenty of room elsewhere on the lot.
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: (M. Sharman/ R. Bergin) to accept the application as submitted

Motion carried: 4-1

**Chair Nilsson asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 8:15 pm.**

M/2/C (R. Bergin / M. Sharman)

Motion carried: 5-0

Respectfully submitted,

Jeanne Brown

Recording Secretary