

Livonia Joint Zoning Board of Appeals
October 19, 2015

Present: Chair P. Nilsson, M. Sharman, R. Bergin, B. Weber, Code Enforcement Officer
A. Backus, Recording Secretary-B. Miles

Excused: G. Cole

AGENDA: *(1) Accept and approve the meeting minutes of October 5, 2015*

(2) Michael Cendoma – 22 Spring St.

Request for an area variance for the proposed construction of a roof over an existing patio which violates the code which states that no nonconforming building shall be enlarged, extended or increased. This is located at **22 Spring Street, Livonia, New York**

(3) Stephen McCauley – 5688 McPhersons Pt.

Request for an area variance for a proposed construction of a garage which violates setback requirements at **5688 McPhersons Pt., Livonia, New York**

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

- 1) Chair P. Nilsson asked the Board if they had reviewed the Meeting Minutes for October 5, 2015. All agreed they had.

M/2/C (M. Sharman/B. Weber) to approve the Livonia Joint Zoning Board of Appeals Meeting Minutes for October 5, 2015 as submitted. Motion carried: 4-0

2) Michael Cendoma – 22 Spring St., Livonia, NY 14487 CEO

Adam Backus read the Public Notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday October 19, 2015 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Mike Cendoma for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia. The area variance is requested for a proposed construction of a roof over a 15' x15' existing patio and a 13' x 27' pergola which violates 150-70A (2) which states that no nonconforming building shall be enlarged, extended or increased. The property is located at 22 Spring Street, 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.

Chair P. Nilsson asked Michael Cendoma to come forward to explain to the Board what planed on doing.

Chair P. Nilsson poled the Board for site visits:

M. Sharman: Yes

R. Bergin: Yes

B. Weber: No

P. Nilsson: Yes

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Mr. Cendoma explained that the existing patio was put in about 5 years ago. Their plans were to have picnics and be able to enjoy the backyard, but the sun beats down on the patio so hot making it difficult to enjoy the backyard for any real length of time. They have tried using umbrellas, but it did not help and the wind just blows the umbrella over. He stated that in the past they had put an addition on the back of the house and what they would like to do is attach the roof at that point and extend a roof 15' x 15' over the patio, this will allow some protection from wind, rain and snow and then off to the side there is a small porch they would like to build a 13' x 27' free standing pergola. Mr. Cendoma stated that they are hoping the pergola will help with adding shade and give a little shade to the small garden they have and also add to the looks the of the house. He stated they do not have final plans as to what this will all look like, but they are hoping for colonial.

Chair P. Nilsson stated that their lot is narrow in width, but fairly deep. Mr. Cendoma agreed and stated that they own a shed that is located just west of their rear property line. Chair P. Nilsson verified with Mr. Cendoma that there is not infringement on the properties adjacent to them. Mr. Cendoma also noted that he has talked with his neighbor to the north and his neighbor has no problem with what he plans on doing.

R. Bergin stated that the print she received showing the house layout and the proposed work was very helpful. CEO Adam Backus indicated the layout she is talking came from the Assessor's Office, but Mr. Cendoma supplied drawings. Mr. Cendoma explained the sketches he submitted for the Board's review. He stated one of the drawings he tried to show what he would like it to look like and the other drawing may be how they will have to build the roof.

Chair P. Nilsson opened the meeting up to the public for any questions/discussion. He asked that if anyone had any questions to please state your name and address. There was no response. Chair P. Nilsson closed the public hearing portion of the meeting.

Chair P. Nilsson asked if there was any further discussion or comments. He 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 deterrent 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? 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

B. Weber asked Mr. Cendoma if the pergola will be extending any closer to the side property line than the house is right now. Mr. Cendoma indicated no, the footers will be dug into the existing patio so that it will be within the existing patio. M. Sharman clarified by asking Mr. Cendoma if he was standing at the

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sidewalk and you look along the north side of your house, will you see the pergola. Mr. Cendoma state no.

Chair P. Nilsson asked if there is any further discussion

M/2/C (M. Sharman/B. Weber) to approve the variance as submitted.

Motion carried: 4 to 0

3) *Stephen McCauley – 5688 McPhersons Pt., Livonia, NY 14487*

CEO Adam Backus read Public Notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday October 19, 2015 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Stephen McCauley for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia. The area variance is requested for a proposed construction of a garage which violates 150-31G (2) which states the minimum side setback requirements. The property is located at 5688 McPhersons Pt., 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.

CEO Adam Backus poled the Board for site visits:

M. Sharman: Yes

R. Bergin: Yes

B. Weber: Yes

P. Nilsson: Yes

CEO Adam Backus explained that there was an existing cottage and Mr. McCauley owned the property between that cottage and the lake and he also bought the property behind that cottage. Mr. McCauley removed that cottage and combined the properties to avoid a rear setback variance and he is now asking for the variance for the 2 side setbacks. Adam stated that compared to what was there Mr. McCauley has made the impact much less. Mr. McCauley decided to combine the 2 lot lines so he would only have to ask for the side setbacks.

Chair P. Nilsson asked Stephen McCauley to come forward to explain to the Board what he plans on doing, what he needs from the Board and why.

Stephen McCauley and his contractor, Chris Wegener, came forward to present their proposal. Mr. McCauley explained that their residence now is their retirement home and he wants to build a pole barn garage 24' x 32' and he believes that garage will be an improvement to the neighborhood. He has sent letters to his neighbors and they have indicated that they are okay with the garage/barn. It will be directly across from his residence at 5688 McPhersons Pt Road. The garage/pole barn is for two cars. He is requesting that this structure be placed at 6 feet for both sides and 18 feet from the rear property line and 30 feet from McPhersons Pt. Road. They tore down the cottage on this lot because it was beyond repair. McCauley explained that the lot they are talking about is approximately 36 feet at McPhersons Pt. Road and is approximately 41 feet at Hillside Avenue.

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Chair P. Nilsson stated that the lot was still not very wide. McCauley agreed but the 6 foot setback will give them a little flexibility.

Chair P. Nilsson asked if there were any more questions. R. Bergin asked if his property goes all the way to Hillside Avenue. He responded yes. M. Sharman asked if the garage is two story. Mr. McCauley stated that it will be a two car garage with a loft, not quite two stories. Chair P. Nilsson questioned the stairs and access to the loft. B. Weber asked when you combined the lots and the house you reside at, are they the same tax parcel. Mr. McCauley stated yes, he went to the county and combined all three lots. M. Sharman stated that you are going to have a second floor, what is the total height of this garage. Chris Wegener, Mr. McCauley's contractor, stated the total height will be 17 feet. Mike stated so there is not going to be living area on the second floor. Chris stated there will be no living space, it will be more for storage with room to walk upright down through the middle of the second story.

Chair P. Nilsson asked if there were any questions from the public. No response and he closed the public hearing. He 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
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? 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

Chair P. Nilsson asked if there were any more questions and if not he asked for a motion.

M/2/C (B. Weber)/M. Sharman) to approve the variance as submitted. Motion carried: 4 to 0

Chair Nilsson asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:25 pm.

M/2/C (B. Webber/ M. Sharman)

Motion carried: 4 to 0

Respectfully submitted,

Betty Miles
Recording Secretary

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