

LIVONIA JOINT ZONING BOARD OF APPEALS

June 5th, 2023

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

Excused: CEO Adam Backus, Attorney J. Campbell.

AGENDA: (1) *Accept and approve the meeting minutes of May 15th, 2023*

(2) *Keith & Lorraine Thompson – 4712 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 May 15th, 2023. The Board agreed they had, and a motion was made to approve. M/2/C (D. Major/M. Sharman) Carried: 5-0.

(2) *Keith & Lorraine Thompson – 4712 East Lake Road, Livonia, NY*

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a Public Hearing on Monday, June 5, 2023, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of Keith & Lorraine Thompson for a for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 14' X 20' Deck which will violate the Lot Coverage (exceeds 25%) per Section 150-31 (F). This property is located at 4712 East Lake Road, Livonia, New York, Tax Parcel # 83.71-1-3.1, 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.

Chairman Mike Sharman polled the Board for site visits:

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|-------------------|-----|
| Chair M. Sharman: | Yes |
| R. Bergin: | Yes |
| D. Major: | Yes |
| J. Prato | Yes |
| M. Thompson | Yes |

Chairman Mike Sharman asked Keith & Lorraine Thompson to come forward for the proposed replacement deck. Lorraine stated that they would like to put on a 14' X 20' Deck to cover property that they feel is unusable because it is a hill. They want to take the existing small Deck

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and increase it to 14' X 20' to cover that area and have stairs that come down to the water. Chairman Mike Sharman noted that during the site visit, we spoke about the Side Setback, which would be less than it is currently. Keith stated that currently, the existing deck comes off 16' from the house across the back and will come to approximately 14' in the front. They are asking for 14' across and 20' out from the house.

Doug Major stated that it reads as if the side Setback is still 9' and the house is at 8' 3". Chairman Mike Sharman stated that he had the same questions when he was there for the site visit. They are pushing the deck in. Lorraine clarified that the new deck will be pushed in 2' from where the existing deck was at the corner of the house. Chairman Mike Sharman asked ZCA Julie Holtje if the deck will be over 10' where it meets the house and narrow down to 9' at the closest point to the neighbor to the north instead of 8.3'. Julie confirmed that was correct. Julie noted that the applicant originally came in with a request for a 16' X 20' deck, and when they found out that it would encroach into the required 9' setback, they reduced it to 14' in width. The Variance was changed from Setback and Lot Coverage to just Lot Coverage and only exceeds the Lot Coverage by 117 sq. ft. MaryAnn Thompson asked what side the steps would be on. Lorraine stated they would go out to the concrete pad. Chairman Mike Sharman noted that Keith noted during the site visit that they will be using trek decking with a slight gap to allow water penetration and drainage. Keith confirmed that was correct. Lorraine noted that they did speak with the neighbors, and letters from 4710 & 4716 East Lake were sent prior to the meeting that no one had any objections to their proposal. Doug stated that since they were exceeding the 25%, why did they decide on a 20' deck? Keith stated that now that it's only 8', it is hard to have anyone sitting on the deck because it's so narrow. Lorraine noted that it was because that is where the hill starts, and it would fit in that area, covering the steep hill and making the space usable. Rosemary Bergin asked Julie if the Lot Coverage coverage was 26.3% instead of 25%. Julie confirmed that was correct.

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

Chairman Mike Sharman asked the Board if there were any further 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.

This application was determined to be a Type II action, and SEQR was not required per # 17 of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

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
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Yes

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3. Is the variance substantial? No
4. Will the proposed variance have an adverse effect or 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 proposed Area Variance for the proposed 14' X 20' Deck. Rosemary Bergin made a motion to approve the application as submitted. Motion to approve. M/2/C (R. Bergin/J. Prato) Carried: 5-0.

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:12 pm. M/2/C (/R. Bergin) Motion carried: 5-0

Respectfully submitted,
Alison Houk, Recording Secretary