

LIVONIA JOINT ZONING BOARD OF APPEALS

June 17th, 2024 **DRAFT**

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

Excused: CEO Adam Backus, Attorney J. Campbell.

- AGENDA:**
- (1) Accept and approve the meeting minutes of May 20TH, 2024.*
 - (2) Michael & Kimberly Yonko – 4447 East Lake Road, Livonia, NY*
 - (3) Sam Gruttadaurio – 3893 Grayshores Road, Livonia, NY*
 - (2) Joe Bivone/4556 East LLC – 4556 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 20th, 2024. The Board agreed they had, and a motion was made to approve the minutes. M/2/C (R. Bergin/D. Major) Carried: 5-0.

- (2) Michael & Kimberly Yonko – 4447 East Lake Road, Livonia, NY*

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **June 17th, 2024**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Michael & Kimberly Yonko** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 32' X 22' addition to include a detached Garage, Laundry Room & Hallway, which will violate the side setback requirements according to Sections 150-31G (2) & 150-71, and Section 150-70 A (2), which prohibits the expansion of a non-conforming building. This property is located at **4447 East Lake Road, Livonia**, New York, 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 J. Holtje polled the Board for site visits:

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

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Chairman Mike Sharman asked Michael & Kimberly to come forward for the proposed 32' X 22' Addition.

Michael explained the existing garage/boathouse is in disrepair. This is their primary residence, and they would like to add a one-car garage, mudroom, and some storage. The existing garage will be torn down.

Discussion: The lot coverage will be reduced, provision for a deck or patio on the rear of the house is included in the lot coverage, and the garage addition will be one story.

Chairman Mike Sharman opened the Public Hearing and stated:

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 (# 4).

This application was determined to be a Type II action, and SEQOR was not required per (# 12) of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

George Bagley of 4445 East Lake Road: they have no objections to their plans as the new garage will actually be able to be used for storage.

With no further comments from the public, Chairman Mike Sharman closed the Public Hearing.

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 – will bring the property closer to conformity. 5% reduction in lot coverage.
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 – It's an improvement
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 Area Variance for the proposed 32' X 22' Addition. Doug Major commented that the Board appreciates the effort to take steps forward by reducing lot coverage while improving their property and made a motion to approve the application as submitted with the condition that the

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Side Setback will be between 4' - 5'. Motion to approve. M/2/C (D. Major/R. Bergin) Carried: 5-0

(3) *Sam Gruttadaurio – 3893 Grayshores Road, Livonia, NY*

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **June 17, 2024**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Sam Gruttadaurio** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 5' X 13' Deck Addition, which will violate the Side Setback requirements according to Sections 150-31G (2) and 150-71 non-conforming lots.

The proposed structure also violates the maximum lot coverage requirement of 25%, according to Section 150-31F and Section 150-70 A. (2), which states that non-conforming buildings shall not be enlarged. This property is located at **3893 Grayshores Road, Livonia**, New York, 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 J. Holtje polled the Board for site visits:

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

Chairman Mike Sharman asked Sam to come forward for the proposed 5' X 13' Deck Addition.

Sam Gruttadaurio explained that they would like to extend their deck at the northeast corner of the house so that they could have room to move the grill away from the house, making it safer. The sliding door here opens to the kitchen. The area underneath the existing deck and this deck extension is covered by pavers which are impervious, so it is not covering any grass area.

Discussion:

- The lot coverage is already significantly over 25%.
- R. Bergin – Is there another place to use the grill? Applicant: they considered this, but the kitchen is adjacent to this space, and for convenience, functionality, and safety, they believe this is the best solution. There is a four-foot wasted space there right now, used to just walk out of the house. No green space is being taken away.

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.

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This application was determined to be a Type II action, and SEQR was not required per (# 16 & 17) of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

Chairman Mike Sharman opened the Public Hearing and with no one from the public in attendance, chairman Mike Sharman closed the Public Hearing.

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? 3 votes Yes, the grill could be moved to another place.
2 votes No, for safety reasons
3. Is the variance substantial? Yes, the lot coverage is already significantly over.
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 Area Variance for the proposed 5' X 13' Deck Addition. Rosemary Bergin made a motion to deny the application as submitted based on the significant existing lot coverage and approving the proposal would increase it further. Motion to deny. M/2/C (R. Bergin/J. Prato) Carried: 3-2 (M. Sharman/M. Thompson opposed)

(4) Joe Bivone/4556 East LLC – 4556 East Lake Road, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **June 17, 2024**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Joe Bivone/ 4556 East LLC** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed Single-Family Dwelling, which will violate the front, side & rear Setback requirements according to Sections 150-31G (1), (2) & (3), and 150-71 non-conforming lots. The proposed structure also violates the maximum lot coverage requirement of 25%, according to Section 150-31F. This property is located at **4556 East Lake Road, Livonia**, New York, 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 J. Holtje 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 Joe to come forward for the proposed Single-Family Dwelling.

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 (# 16 & 17) of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

John Sciarabba, surveyor from LandTech,, gave a brief overview of the Bivone family property. The Bivone family plans to move to Livonia full-time, but there are significant issues with the existing space. Instead of remodeling, they have decided to build a new home. The house has been similarly placed. The garage side setback is staying the same. Attention was given to maintaining greenspace and the existing hedgerow. The 3' front setback sounds significant, but this is a side-load garage, so they are not backing into the road. The lot coverage is increasing; it is a rather large lot, but the character of the neighborhood will be maintained, and it fits well on the site and for the needs of the family. The site plan will be finished and be part of the building permit application in the future.

Discussion:

- R. Bergin- the garage placement moving closer to the road?
J. Sciarabba- yes, side setback is the same, but it is coming closer to the road.
- The Board expressed concern for safety along the road with the garage having a 3 foot setback.
- D. Major facilitated discussion about the right-of-way and pole location. The poles have recently replaced the poles, and the wires are higher. Wire location may necessitate a change in the garage roof style, and the applicant is prepared for that. This plan would not allow any parking along the road. The applicant does have the ability to park on the lot they own across the street. They are raising the house so that the entrance will be at street level and no longer be down into a hole. The Board asked how the cars would be able to maneuver so that they would not back out onto the road. The applicant is exploring alternative pavers that are permeable (honeycomb style) that will still look like lawn.
- The side setbacks conform
- The garage couldn't be shortened up and still allow the entrance of two cars, but the whole footprint could be moved back. The Board would prefer to push the whole footprint further from the front property line and decrease the rear setback. An increase

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in the front setback would allow safer off-street parking and the ability to turn around instead of backing out into the road.

- Moving the house back would only affect the patio and entertainment space in the rear.
- As much as the board does not like to see structures pushed to the lake, we would rather sacrifice entertainment than safety.
- J. Sciarabba- they could move the structure back to a 6-foot front setback. They will see if they can get 8 feet.

Chairman Mike Sharman opened the Public Hearing.

With nobody from the public in attendance, Chairman Mike Sharman closed the Public Hearing and 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
3. Is the variance substantial? Yes, although it is consistent with the neighborhood.
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 Area Variance for the proposed Single-Family Dwelling. Doug Major expressed appreciation for the effort made to make East Lake Road safer and made a motion to approve the application as submitted with the following conditions. 6' - 8' Front Setback from the right of way. The Board approves the additional 3' - 5' closer to the Lake for the Rear Setback. Permeable pavers/green alternatives are to be used to extend the driveway to allow the area to turn cars so they are not backing out onto East Lake Road. Motion to approve. M/2/C (D. Major/R. Bergin) Carried: 5-0

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 8:05 p.m. M/2/C (M. Thompson/J. Prato). Motion carried: 5-0

Respectfully submitted,
Julie Holtje