

# LIVONIA JOINT ZONING BOARD OF APPEALS

July 1, 2024

Present: Chairman M. Sharman, R. Bergin, D. Major, M. Thompson, CEO Adam Backus, Zoning Compliance Assistant Julie Holtje.

Excused: J. Prato, Attorney J. Campbell.

**AGENDA:** (1) *Accept and approve the meeting minutes of June 17<sup>th</sup>, 2024.*

(2) *Eric & Eleanor Randall – 3837 Grayshores Road, Livonia, NY*

(3) *John & Mary Sue Zamiara – 4716 East Lake Road, Livonia, NY*

(4) *Andrew Mattle – 45 Spring Street, 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 June 17<sup>th</sup>, 2024. The Board agreed they had, and a motion was made to approve the minutes. M/2/C (R. Bergin/M. Thompson) Carried: 4-0.

(2) *Eric & Eleanor Randall – 3837 Grayshores Road, Livonia, NY*

**PLEASE TAKE NOTICE** that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, July 1, 2024, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of Eric & Eleanor Randall for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for proposed Cottage renovations and additions, which will violate the side Setback requirements according to Sections 150-31G (2). The proposal also violates 150-31F Lot Coverage and 150-71 Non-conforming Lots. This property is located at 3837 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	Excused
M. Thompson	No

# LIVONIA JOINT ZONING BOARD OF APPEALS

July 1, 2024

Chairman Mike Sharman asked Eric & Eleanor Randall to come forward for the proposed Cottage renovations and additions and read the following:

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.

D. Major disclosed that he knows Eric Randall very well and they have worked together at the CLA for many years. If the Board is okay, he is open-minded and will treat the application fairly. With no objection from the Randall's or the Board, D. Major will be included in the review of the application.

Eric Randall explained that they are renovating a 1920's cottage. They have removed a dangerous and unsafe bathroom and entrance. They are only asking to add an additional 24 square feet. They must replace the roof and would like to extend it to make a covered entrance. This will create a more level approach to access lakeside by creating a deck/walkway over the existing concrete walk. They are trying to bring it up to code as much as possible and will also be replacing the entire electrical system. They appreciate working with Adam and Julie. Lot coverage is increasing with the roof area and deck, but the deck over the concrete walkway does not really add an impervious surface since it is above grade and the concrete is remaining. They are keeping the concrete walkway as it is a waterway for drainage.

Discussion:

- door and window locations.
- M. Sharman-how many steps down is it currently?
- E. Randall- they are working at reconfiguring it to 5-5" steps with platforms to come down at an angle that will come in on the north side of this terraced patio. This is all proposed to make access easier. They would like to do concrete or pressure treated. Their preference would be pressure treated so that it remains pervious.

Chairman Mike Sharman opened the Public Hearing, with no comments from the Public, the Public Hearing was closed.

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? No - It would be difficult.

# LIVONIA JOINT ZONING BOARD OF APPEALS

July 1, 2024

3. Is the variance substantial? No (27+%)
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 Cottage renovations and additions. Mary Ann Thompson made a motion to approve the application as presented. Motion to approve. M/2/C (M. Thompson/R. Bergin) Carried: 4-0

### ***(3) John & Mary Sue Zamiara – 4716 East Lake Road, Livonia, NY***

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, July 1, 2024, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of John & Mary Sue Zamiara for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a 10 X 18 Accessory Structure, which will violate the side Setback requirements according to Sections 150-31G (2). The proposal also violates 150-31F Lot Coverage and 150-71 Non-conforming Lots. This property is located at 4716 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	Excused
M. Thompson	Yes

Chairman Mike Sharman asked John & Mary Sue Zamiara to come forward for the proposed 10' X 18' Accessory structure and read the following:

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

John Zamiara explained

# LIVONIA JOINT ZONING BOARD OF APPEALS

July 1, 2024

John Zamiara explained that they received a variance for the garage and a kitchen addition with the condition that the old garage be torn down. We would like to decrease the garage by 60% and make it more into a garden shed for storage. They want to use the existing foundation and the north, east and west walls. The shed on the back would be taken off. The foundation that they are not using would be gotten rid of and the blacktop will be ripped out and lawn put in. The driveway and sidewalk will be pavers.

Discussion:

- D. Major went over lot coverage. 22.7% was granted by the ZBA, this figure reflects the old garage/proposed garden shed being gone.
- D. Major/R. Bergin: why can't the structure be moved away from the property line?  
Response: remodeling the shed would be cheaper than purchasing a new one. The neighbor's garage is also close to the property line, and aligning it close to the property line allows more usable space. Space on the other side of a shed would not be usable space for them or the neighbor.
- A. Backus: for Fire Code, the north wall would need to be a fire-rated wall with no openings or windows.  
This is a significant alteration so the Board should consider this new construction.
- The existing concrete pad is 18-foot square.
- Moving it farther from the property line pinches access to move equipment from the road to the rest of the property.

Chairman Mike Sharman opened and closed the Public Hearing with no one wishing to speak.

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 – Not much.
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Yes – Could move shed away from the property line, although this does not change lot coverage.
3. Is the variance substantial? Yes
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

Discussion: about the location of green space and usability of it in the location preserved.

Chairman Mike Sharman asked the Board for a motion to approve or disapprove the Area Variance for the proposed 10' X 18' Accessory structure. Doug Major made a motion to approve the area variance for a 10' X 18' shed, with the condition that the side Setback Variance is to be

# LIVONIA JOINT ZONING BOARD OF APPEALS

July 1, 2024

8', not 1.5', and the front setback does not move any closer than the existing east wall of the structure. The concrete apron and blacktop on the east side of the garage are to be removed and returned to grass. A paver driveway will be installed for the driveway and a walk to the new shed. Motion to approve. M/2/C (D Major/R. Bergin) Carried: 4-0

## *(4) Andrew Mattle – 45 Spring Street, Livonia, NY*

**PLEASE TAKE NOTICE** that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **July 1, 2024**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Andrew Mattle** for an area variance pursuant to Section 155-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 6' X 24' Roof structure/addition, which will violate the rear setback requirement according to Sections 155-31G (3) and 155-71 non-conforming lots. This property is located at **45 Spring Street, 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	Excused
M. Thompson	Yes

Chairman Mike Sharman asked Andrew Mattle to come forward for the proposed 6' X 24' Roof structure/addition and read the following:

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

- Mattle wants to connect the deck to the garage with a sidewalk and it was suggested to them that they take the sidewalk the length of the garage and do a covered porch. The house has two side porches and it will match what they have and provide some coverage. The garage roof will come down and overhang 6 feet, so he is asking to add another 6 feet on the rear setback relief that they got for the garage.

Chairman Mike Sharman opened and closed the Public Hearing with no one in attendance.

Chairman Mike Sharman asked the Board to go through the area variance criteria:

# LIVONIA JOINT ZONING BOARD OF APPEALS

July 1, 2024

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 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 rear setback variance for the proposed 6' X 24' Roof structure/addition. R. Bergin made a motion to approve the application and to grant a 10-foot rear setback for the 6'x24' roof structure on the south side of the 24'x24' garage. Motion to approve. M/2/C (R. Bergin/M. Thompson) Carried: 4-0

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 8:10 p.m. M/2/C (D. Major/R. Bergin). Motion carried: 4-0

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Respectfully submitted,  
Julie Holtje