

LIVONIA JOINT ZONING BOARD OF APPEALS

MEETING MINUTES- January 5, 2015

Present: Chair P. Nilsson, M. Sharman, 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 December 1, 2014
(2) *Mike Pragle*
Area variance for a deck and detached garage at *4495 East Lake Rd. Livonia, NY 14487*

Chair P. Nilsson opened the meeting at 7:00p.m.
M/2/C (B. Weber/ G. Cole) to approve the December 1, 2014 Livonia Joint Zoning Board of Appeals meeting minutes as submitted.
Motion carried 4-0

Code Enforcement Officer A. Backus read aloud the legal notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday January 5, 2015 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Mike Pragle for two area variances pursuant to Section 150-17C of the Zoning Code Of Livonia. The first area variance is requested to construct a deck to the front of the house which will violate the requirements according to Section 150-31 G (1) which state the minimum front setback requirement and Section 150-70 A(2) which states no nonconforming building shall be enlarged, extended or increased . The second area variance is requested to construct a detached garage which will violate the requirements according to Section 150-31 G (2) which state the minimum side setback requirements. The property is located at 4495 East Lake Road, 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.

Code Enforcement Officer A. Backus asked to have the board members polled on a site visit:

Chair Nilsson-no
M. Sharman-yes
G. Cole-yes
B. Weber- yes

Chair Nilsson invited **Mike Pragle** to come forward and explain his request, he is accompanied by his contractor, Sam Rode. Mike explained that he is looking to put a deck on the front of the house. There are 4' wide bushes that he would like to remove and put the deck in their place. Mike said that the deck will run along the front side of the house but will not extend to the south side. That is where they access the entrance to the house.

Mike said he is also proposing a 24'x24' detached garage that will still allow a buffer between his property and the neighbors. Mike stated that the neighbor that would be directly affected is here tonight and is ok with the proposal.

Chair Nilsson stated that he wanted to determine how much room was between the hedgerow and the proposed garage to make sure there is ample room. The distributed survey map was referenced and determined to be sufficient.

G. Cole asked Mike, regarding their previous conversation, if it is true that a tree will need to be removed. Mike said that yes, one of the trees will need to be removed to make room for the proposed garage.

B. Weber asked A. Backus if lot coverage had been calculated and determined to be compliant. A. Backus replied that yes, lot coverage is under the 25% maximum allowed.

B. Weber asked Mike if he lives there full time. Mike answered that yes, this is his full time residence.

Chair Nilsson opened the meeting to the gallery. Tom Rutherford identified himself as Mike's northern neighbor and said that he is fine with the proposal and thinks that the proposed deck and garage would be good for the neighborhood. Seeing and hearing no further comment from the gallery, Chair Nilsson closed the public hearing portion of this case.

A motion was made to treat the habitable portion of the lot on the east side of the road as a standalone, non-conforming lot.

M/2/C (B. Weber/ G. Cole)

Motion carried 4-0

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

Motion: (G. Cole/ B. Weber) to accept the application for the variance as amended above.

Motion carried: 4-0

Chair Nilsson asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 8:30pm.

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

Motion carried: 4-0

Respectfully submitted,

Jeanne Brown

Recording Secretary