

*Livonia Joint Zoning Board of Appeals
October 5, 2015*

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

AGENDA: *(1) Accept and approve the meeting minutes of August 17, 2015*

(2) Paul Schultz – 3554 Camp Run Dr.

Request for area variance to rebuild a single family two story residence which violates side setback requirements at **3554 Camp Run Dr., Livonia, NY.**

(3) Chris Wegener – 3598 Shoreline Dr.

Request for an area variance for a proposed second story addition which violates setback requirements and that no nonconforming building shall be enlarged, extended or increased.

(4) John and Patricia Feola – 3656 Shoreline Dr.

Request for an area variance for a proposed second story addition which violates setback requirements and that no nonconforming building shall be enlarged, extended or increased.

Chair P. Nilsson opened the meeting at 7:06 p.m.

(1) Accept and approve the meeting minutes of August 17, 2015

Chair P. Nilsson asked for a motion on the meeting minute for August 17, 2015

M/2/C (M. Sharman/G. Cole) to approve the August 17, 2015 Livonia Joint Zoning Board of Appeals meeting minutes as submitted.

Motion carried: 5-0

(2) Paul Schultz – 3554 Camp Run Dr.

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 5, 2015 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Paul M. Schultz for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia. The area variance is requested to rebuild a single family two story residence. This proposal will violate the requirements according to Section 150-31G (2) which state the minimum side set back requirement. This property is located on the lakeside at 3554 Camp Run Dr., Livonia, New York and is zoned Neighborhood Residential. This 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 Nilsson invited **Mr. Schultz** to come forward and explain to the Board what they are planning to do. Stephen Schultz came forward and introduced himself to the Board and explained that he is the spokesperson for his brother Paul Schultz, who lives in Texas. Stephen stated that he has included a Durable General Power of Attorney stating that he is acting on behalf of his brother Paul. CEO Adam Backus had asked him to supply a copy for this project.

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Stephen explained that their plans are to demolish the existing 1 ½ story cottage at 3554 Camp Run Dr. and replace with a 2 story cottage. They would like the new build to remain close to the northern boundary. This will keep the line site open for the neighbors across the street and leaves the side yard access which is shared with our southern neighbors unchanged. Stephen explained that the current house is 7.8 feet from the northern property line and the existing chimney on the north side of the house is at 6.3 feet from that property line. The new house will be at 7.8 feet from the northern property line and they will also push the house 15 feet further from the water/lake. They will be aligning the house more with the existing garage. The overhang will be no closer to house than 9 feet.

Rosemary Bergin stated that she wanted to clarify that the existing house was being demolished. Stephen indicated yes. Gwen Cole stated that she has talked with the neighbors and they are all good with the project.

Chair P. Nilsson opened the meeting up to anyone that wished to comment or has any questions. Pat who lives at 3550 Camp Run Drive stated they have no issue with where the new house is being placed and they are very supportive of the project. Chair P. Nilsson closed the public hearing.

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 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 requested variance substantial? No
4. Will the proposed variance have an adverse effect of impact on the physical or environmental conditions in the neighborhood or district? Yes – will improve
5. Is the alleged difficulty self-created? Yes

Chair P. Nilsson asked if anyone had any further comments, there were none. Chair P. Nilsson as for a motion.

M/2/C (B. Weber/G. Cole) to approve the variance as submitted.
Motion carried: 5 to 0

(3) *Chris Wegener – 3598 Shoreline Dr.*

(4) *John and Patricia Feola – 3656 Shoreline Dr.*

G. Cole stated that she did not see any signs posted at 3598 Shoreline Drive and 3656 Shoreline Drive, therefore she moved that these two cases not be discussed or any action be taken on them at this meeting. She questioned why they were not posted and also raised the concern that legally these signs need to be posted so that neighbors and concerned persons know what is happening in their neighborhood. Chris

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Wegener stated that notices are posted in the Livingston County News. The response from the Board was that some people do not get the Livingston County News and the sign is the notice for those that do not get the paper and it is part of the procedures for obtaining variances.

CEO Adam Backus asked Chris if he had the signs and Chris indicated no. G. Cole and CEO Adam Backus both indicated that the signs legally have to be posted for 10 days. There was discussion regarding getting the Chris Wegener and John and Patricia Feola legal notices into the paper for the next 2 weeks. Chris Wegener will need to come into the office to reschedule the public hearings. There was motion to put the legal notices back in to the Livingston County News M/2/C (M. Sharman / B. Weber): 5 to 0.

It was stated that both properties ***3598 Shoreline Dr. and 3656 Shoreline Dr.*** will need to come back to a future ZBA meeting for their variances. R. Bergin asked Chris if he knew about the signs and he stated that Kevin Masterson was at the sites of the above properties and he made a comment about the signs not being up. CEO Adam Backus clarified that he does not place signs on behalf of the applicant.

Chair Nilsson asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:35 pm. M/2/C (B. Weber / G. Cole)
Motion carried: 5 to 0

Respectfully submitted,

Betty Miles
Recording Secretary