

**LIVONIA JOINT ZONING BOARD OF APPEALS**  
**November 6, 2023**

Present: Chairman M. Sharman, R. Bergin, M. Thompson, Zoning Compliance Assistant Julie Holtje.

Excused: D. Major, J. Prato, CEO A. Backus, Attorney J. Campbell.

**AGENDA:**    *(1) Accept and approve the meeting minutes of July 17<sup>th</sup> & October 16, 2023*

*(2) Mark Hamilton & Melissa McCracken – 4821 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.

*(2) Mark Hamilton – 4821 East Lake Road, Livonia, NY*

**PLEASE TAKE NOTICE** that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **November 6, 2023**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Mark Hamilton & Melissa McCracken** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 20' X 25' two-story Garage, which will violate the side and rear Setback requirements according to Sections 150-31G (2 & 3). The proposal also violates 150-31F Lot Coverage and 150-71 Non-conforming Lots. This property is located at **4821 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 Julie Holtje polled the Board for site visits:

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

Chairman Mike Sharman stated that 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 # 12,16 & 17 of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

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Chairman Mike Sharman opened the public hearing and invited Mark and Melissa to explain their application for the proposed 20' x 25' 2 story garage.

Letters from neighbors were submitted.

Mark explained their need for storage as he does side jobs and has a lot of associated tools. The garage would house his tools and his motorcycle. A new vinyl fence will be put up for their south neighbors.

Rosemary Bergin noted the garage is 2 stories and asked if there were going to be any utilities put in.

Applicant: Half bath and a shop sink. They hunt, fish, and process their own food. Processing would be for themselves only, not for a home occupation. They would like to be able to clean up and use a bathroom without bringing the mess into the house. The upstairs will be only storage, no living space.

Chairman Mike Sharman asked ZCA Julie Holtje for clarification on lot coverage. ZCA Julie Holtje referred to the survey map and explained that the property consists of 2 parcels, a parcel on the lake side and a parcel across the street where the house is located and where the garage is proposed. Existing lot coverage on the house parcel is 22.5%. Proposed lot coverage with the addition of the garage is 29.8%, this includes the removal of the shed on the survey. If the entire property is taken into account, the existing coverage is 17% and the proposed coverage is 22%. Rosemary Bergin clarified that the Board historically looks at lot coverage of these parcels as separate to protect overcrowding on the lakeshore parcel, but this is the opposite, the lakeside parcel will have no additional structures beside the 120 square foot shed that is already there.

Maryanne Thompson asked about drainage of the creek.

Applicant: there is a 36" culvert that goes under the road directly to the lake. There was discussion about the runoff from the hill and the improvements they have made to protect the house and provide improved drainage. With the installation of additional stone around the creek, it has not overflowed to date.

Chairman Mike Sharman asked about decreasing the size to lessen impact on the side setback. The applicants suggested they could reduce the width to 18' but proposed 28' depth. This would bring the side setback to 4'. The applicant was made aware that there are Fire Code requirements with a setback less than 5'. Fire Code requirements would be handled during the Building permit process.

Chairman Mike Sharman asked the Board if there were any further questions. With no further questions and no one in attendance from the public, Chairman Mike Sharman closed the public meeting 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

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2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? No – Unusual shape of Lot & more square footage across the street.
3. Is the variance substantial? Yes – Already pre-existing non-conforming.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? No – Will mitigate roof run off & work with Building and zoning.
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 18' X 28' two-story garage with a 4' side setback. Rosemary Bergin made a motion to approve the application as revised and with mitigation of stormwater and fire code requirements. Motion to approve. M/2/C (R. Bergin/M. Sharman) Carried: 3-0.

Chairman Mike Sharman asked if everyone reviewed the meeting minutes from July 17<sup>th</sup>, 2023. The Board agreed they had, and a motion was made to approve. M/2/C (R. Bergin/M. Thompson) Carried: 3-0.

Chairman Mike Sharman asked if everyone reviewed the meeting minutes from October 16<sup>th</sup>, 2023. The Board agreed they had, and a motion was made to approve. M/2/C (M. Thompson/R. Bergin) Carried: 3-0.

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:30 p.m. M/2/C (R. Bergin/M. Thompson). Motion carried: 3-0

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Respectfully submitted,  
Julie Holtje