

**LIVONIA JOINT ZONING BOARD OF APPEALS**  
**May 15<sup>th</sup>, 2023**

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

Excused: CEO A. Backus, Attorney J. Campbell.

- AGENDA:**
- (1) Accept and approve the meeting minutes of May 1, 2023*
  - (2) Richard Martin – 3990 Graywood Ctr, Livonia, NY*
  - (3) Amanda Hettrick – 3606 Livonia Center 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 1, 2023. The Board agreed they had, and a motion was made to approve. M/2/C (R. Bergin/Joe Prato) Carried: 4-0. Doug was absent from the May 1, 2023, meeting.

*(2) Richard Martin - 3990 Graywood Ctr, Livonia, NY*

**PLEASE TAKE NOTICE** that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a Public Hearing on Monday, **May 15, 2023**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Richard Martin** for a for an area variance pursuant to Section 150-17C and a Conditional Use Permit pursuant to Section 150-17 B of the Zoning Code of Livonia. An area variance is requested for a proposed accessory dwelling unit in a detached Garage which will violate Sections 150-60(D). The accessory dwelling unit shall not exceed 40% of the area of the principal dwelling unit. A Conditional Use Permit is requested for an accessory dwelling unit in the second story of the detached Garage per Section 150-31 D (1). This property is located at **3990 Graywood Center**, Livonia, New York, Tax Parcel # 74.69-1-15, 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.

Chairman Mike Sharman polled the Board for site visits:

Chair M. Sharman:	Yes
R. Bergin:	Yes
D. Major:	Yes
J. Prato	No
M. Thompson	Yes

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Chairman Mike Sharman asked Christine Martin to come forward for the proposed accessory dwelling in the detached garage. ZCA Julie Holtje noted that the applicant applied for a building permit for a detached garage which did not require any variances. After building the garage, they have decided that in the future, they would like to make it an Accessory Dwelling, which requires a Conditional Use Permit for an Accessory Dwelling. Christine stated that the presumption was that the primary residence is only 1052 Sq. Ft., which only counts the first floor. Since the basement is finished, it would be 2104 Sq. Ft. She reviewed the tax data, which only lists the first floor, but it shows two bathrooms, and one of those is in the basement. Christine thought they were within the 40% for Accessory Dwelling. The Accessory Dwelling unit is only approximately 550 Sq. Ft. ZCA Julie Holtje stated that we did not have any records showing the finished basement. She had calculated the finished living space from the Assessor records, which showed 1056 Sq. Ft. Rosemary Bergin asked if they had finished the basement or if it was already finished when they moved in. Christine stated that it was already finished when they purchased the home. The previous owners were living down in the basement. Rosemary asked if there was an overage then. ZCA Julie Holtje stated that there was not an overage and, therefore, no variance needed, just a Conditional Use Permit.

Chairman Mike Sharman asked the Board if there were any further questions.

Chairman Mike Sharman opened the Public Hearing. With no one wishing to comment, the Public Hearing was closed.

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 (# 10).

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.

Chairman Mike Sharman asked the Board to go through the Conditional Use Permit criteria:

- (1) Will the proposed building or use be in harmony with the general purpose, goals, objectives, and standards of the Comprehensive Plan, this chapter, and, where applicable, Chapter [125](#), Subdivision of Land?  Yes  No
- (2) Will the proposed building or hours of operation or use not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting public health, safety, and general welfare?  Yes  No
- (3) Will the proposed building or use will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations?  Yes  No
- (4) Will the proposed building or use be adequately served by essential public facilities and services?  
 Yes  No

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- (5) Will the proposed building or use comply with all additional standards imposed on it by the particular provision of this chapter authorizing such use?  Yes  No
- (6) Have all steps possible been taken to minimize any adverse effects of the proposed building or use in the immediate vicinity through building design, site design, landscaping, and screening?  Yes  No
- (7) If appropriate, a performance bond or other suitable financial guarantee has been provided to assure compliance with the conditions of the conditional use permit.  Yes  No  N/A

Chairman Mike Sharman asked the Board for a motion to approve or disapprove the proposed Conditional Use Permit for the Accessory Dwelling. Doug Major made a motion to approve the Conditional Use Permit as submitted. Motion to approve. M/2/C (D. Major/M. Thompson) Carried: 5-0.

**(3) Amada Hettrick – 3606 Livonia Center Road, Livonia, NY**

**PLEASE TAKE NOTICE** that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a Public Hearing on Monday, **May 15, 2023**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Amanda Herrick** for a for an area variance pursuant to Section 150-17C and a Conditional Use Permit pursuant to Section 150-17 B of the Zoning Code of Livonia. An area variance is requested for a proposed accessory dwelling unit in an existing masonry building which will violate Section 150-60 (D). The accessory dwelling unit shall not exceed 40% of the area of the principal dwelling unit. A Conditional Use Permit is requested for an accessory dwelling unit in the masonry building per Section 150-33 D (7). This property is located at **3606 Livonia Center Road**, Livonia, New York, Tax Parcel # 75.-1-5, and is Agricultural Residential Conservation District (ARC-5). 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.

Chairman Mike Sharman 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 Mark Heffner and Cameron Herrick to come forward for the proposed accessory dwelling in the detached masonry building. Doug Major stated that he thought the application had a math error; it should be 960 Sq. Ft. Mark stated that it is a split level, approximately 30' X 16', and it goes up three steps to another 30' X 16'. Then there is a 200 Sq. Ft. loft area above the middle of the building. It was previously an old milk house. It is approximately 1200 Sq. Ft. Mark stated that his daughter and son-in-law Cameron own the

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property, and Mark and his wife moved out to the property to watch the Grandkids. They decided that they wanted to renovate the old milk house to reside in. ZCA Julie Holtje confirmed the square footage. The primary dwelling shows 2097 Sq. Ft. on record, which the calculations were based on. Mark stated that sounded correct. They haven't changed anything since they purchased it. Julie stated that if she added the 200 Sq. Ft. loft, the new ratio is 55% versus 40% allowed. Chairman Mike Sharman asked what the Lot size was. Mark stated that it was just under 8 acres, and the house is setback approximately 75 yards off the road. Rosemary asked if they had a septic system for the house. Mark stated that there is a septic for the house, and they plan to install a separate septic for the Accessory Dwelling. Chairman Mike Sharman asked if the property was serviced by a well. Mark stated that it was; their plans are to share the well. Currently, they live together and have no problems with the water. He has already contacted an Engineer to do a perk test for the new septic. Doug asked for clarification on the plot map regarding the dotted line. Mark stated that was a porch. Mary Ann asked if the Porch was going to be open or enclosed. Mark stated it would be open.

Chairman Mike Sharman asked the Board if there were any further questions.

Chairman Mike Sharman opened the Public Hearing.

Porter Hunt of 3648 Livonia Center Road stated that he owns 76.8 acres next door. He stated that he & his Dad, Terry Hunt of 5750 South Lima Road, are both in full support of the Herrick's application.

With no further comments, the Public Hearing was closed.

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 (# 10).

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.

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
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

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Chairman Mike Sharman asked the Board for a motion to approve or disapprove the proposed Area Variance for the proposed accessory dwelling. Joe Prato made a motion to approve the application as submitted. Motion to approve. M/2/C (J. Prato/R. Bergin) Carried: 5-0.

Chairman Mike Sharman asked the Board to go through the Conditional Use Permit criteria:

- (1)** Will the proposed building or use be in harmony with the general purpose, goals, objectives, and standards of the Comprehensive Plan, this chapter, and, where applicable, Chapter [125](#), Subdivision of Land?  Yes  No
- (2)** Will the proposed building or hours of operation or use not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting public health, safety, and general welfare?  Yes  No
- (3)** Will the proposed building or use will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations?  Yes  No
- (4)** Will the proposed building or use be adequately served by essential public facilities and services?  
 Yes  No
- (5)** Will the proposed building or use comply with all additional standards imposed on it by the particular provision of this chapter authorizing such use?  Yes  No - Area Variance granted
- (6)** Have all steps possible been taken to minimize any adverse effects of the proposed building or use in the immediate vicinity through building design, site design, landscaping, and screening?  Yes  No
- (7)** If appropriate, a performance bond or other suitable financial guarantee has been provided to assure compliance with the conditions of the conditional use permit.  Yes  No  N/A

Doug noted that they are using the building that is already there, and it is not intrusive to anyone.

Chairman Mike Sharman asked the Board for a motion to approve or disapprove the proposed Conditional Use Permit for the Accessory Dwelling. Doug Major made a motion to approve the Conditional Use Permit as submitted. Motion to approve. M/2/C (D. Major/J. Prato) Carried: 5-0.

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:39 pm. M/2/C (M. Thompson/M. Sharman) Motion carried: 5-0

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Respectfully submitted,  
Alison Houk, Recording Secretary