

LIVONIA JOINT ZONING BOARD OF APPEALS
June 19th, 2023

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

Excused: Attorney J. Campbell.

AGENDA: ***(1) Accept and approve the meeting minutes of June 5, 2023***

(2) Jeff & Kathleen Padlick – 5218 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.

Chairman Mike Sharman asked if everyone reviewed the meeting minutes from June 5th, 2023. The Board agreed they had, and a motion was made to approve. M/2/C (D. Major/R. Bergin) Carried: 5-0.

(2) Jeff & Kathleen Padlick – 5218 East Lake Road, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **June 19, 2023**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Jeff & Kathleen Padlick** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed Garage and Addition which will violate the front and side Setback requirements according to Sections 150-31G (1 & 2) and 150-71 non-conforming lots. The proposed structure also violates the maximum lot coverage requirement of 25%, according to Section 150-31F and Section 150-70 A. (2) non nonconforming building shall not be enlarged. This property is located at **5218 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.

Chairman Mike Sharman polled the Board for site visits:

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

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Chairman Mike Sharman asked Jeff & Kathleen Padlick and their Architect, Randall Peacock, to come forward for the proposed Garage and Additions. Randall stated that the Padlicks retained his services to design some alterations to the house that they had recently purchased. He noted that they would like to make some changes to the current application based on the Padlick's discussions with their neighbor to the north. He thought making those changes would require the Board to table the application. What they are looking to do is to take the existing garage down and construct a new garage that is pushed further away from the road to create additional parking spaces on the property and pull it 5' off the side property line so it would be in compliance with the State and Fire Code. The proposed garage would be constructed with storage space underneath the first floor and storage space above it to be used to store lake goods. An important goal with the garage would be to create an interior accessible pathway from the road to the house level. The Padlicks have elderly parents with difficulty moving up and down the stairs. With their current situation, they have one pathway that comes off the road down to the house. It's a gate with a stone stairway that goes down. Unfortunately, the way the road drains off from East Lake Road, there is a large amount of water that comes over that area, and they also have a large amount of ice build-up during the winter months. This has caused damage to the retaining wall that is next to the existing garage. Their intent is to work with the Highway Department. If they are successful with the Variance, they would revise the way that drains along that whole strip and eliminate that overflow of drainage water onto their property and channel it properly where it needs to go. The proposed garage would be a little larger than the existing one and incorporate a stair and an elevator in the interior. They would like to proceed with the garage as it has been presented. The changes that they would like to make would be on the north side of the house. The current drawings show a two-story Addition. After the Padlicks had discussions with the neighbors to the north, they were not looking very favorably with what they were proposing to do. They are going to revise the plans and remove the deck and go to a one-story Addition on the north side. That will bring the scale of the house down closer to the property line. They are currently 2.8' away from the property line, which requires a fire-rated wall. The new plan would maintain the line that is currently there but leave the existing one-story portion and add on to both sides of it. This would allow the one window that is there now in place. They would remove the existing Deck that is along the northwest side of the house and make the Deck on the southwest side of the house a little larger. That will require revising all the coverage numbers and returning with a new application showing the revisions requested. Tonight, they are here to present what they would like to do and answer any questions. They will ask the Board to table the decision so that they can make the revisions and return at a future meeting.

Chairman Mike Sharman asked if the neighbors had a right of way on the Padlicks property. Randall stated there was a small right of way between the two garages. That would remain and would appear slightly larger since they would be moving the new garage away from the property line. (Note: this "right-of-way" is a 4' wide parcel of property attached to #5223 East Lake Road and adjoins the Padlick's south property line).

Chairman Mike Sharman thanked the applicant and their Architect for their reasonable request to revise their application and asked if the Board had any questions. Mary Ann Thompson stated that when she visited the site, she noticed that there was a large tree near the garage area and asked if that was going to be removed. Randall stated that one tree would have to be removed.

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Mary Ann stated that the Lakeside Deck is being removed and asked about that tree. Randall stated that the tree would remain. Rosemary Bergin asked if all the calculations were going to change with their revisions. Randall confirmed that was correct. Mary Ann stated that looking at the northern neighbor and the Deck that was proposed, the proposed Deck would have blocked their view.

This application was submitted to the Livingston County Planning Board for their review. There was not a quorum present at this meeting. The Planning Board motioned to informally recommend “Disapproval” of the proposed action because of strong concern for the proposed amount of Lot coverage in the proximity of Conesus Lake.

This application was determined to be a Type II action, and SEQOR was not required per # 12 of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

Chairman Mike Sharman opened the Public Hearing and asked if anyone would like to comment to please state their name and address for the record.

Jim Fulmer and his siblings Lynn, John, and Jan are the children of Jim & Elaine Fulmer that purchased the Cottage in 1980. A family partnership currently owns the Cottage, as his dad has passed away. The idea is to keep it as a family venue for a while. They have had five owners next door since they purchased the property, including the Padlicks. Everyone has been great, including the Padlicks. Their intentions are not to be obstructional and hope it doesn't appear that way. The Padlicks want to live there year-round, and he feels to have them there full-time would be great for everyone. If you have been to the Fulmer property, you would see that it is an odd location of the building. It is located on the northwest corner of the property. They have a narrow Lot, but it has a very nice side yard. The orientation is towards the south. All they ask is that as the plans are developed, they consider their views part of that. He feels that they are currently doing that, and they do appreciate it. The reason they are here tonight is because the original plans caught them by surprise. They were supportive of the concept, but it was a major project, and it would have obstructed their view significantly. They understand that the view will be impacted, but they are asking them to be considerate since they have a very narrow Lot. It appears that the Padlicks are trying to be considerate. Chairman Mike Sharman noted that the Board doesn't see Mr. Fulmer's comments as objectionable. He understands their concern, and the Board always takes comments into consideration. The letter that they provided was well received.

CEO Adam Backus commented that the Padlicks don't owe anyone a view of the Lake. On the other hand, if they are willing to modify their plans to help the neighborhood, that is great. The neighbors don't have a vote, but they do have a voice. It sounds like the Padlicks are willing to go above and beyond to try to consider their neighbor's impact.

Randall and CEO Adam Backus had a brief discussion regarding questions involving the Fire Code requirements.

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Jeff Padlick stated that they had some comments regarding the garage. Most people are well aware that no one obeys the speed limit on East Lake Road. When you are on the side of the road, especially in the wintertime, and opening your car door, getting groceries out, and trying to walk down the side of the road and down a set of steps to get inside your house, it becomes very difficult and is sometimes on the scary side. The reason they are trying to redo the garage is so they can make access through the garage. When they are inside the garage, they will be able to enter the house without being next to the road. This is also a safety concern for their children and grandchildren when visiting, especially during the busy summer months. They were also informed by ZCA Julie Holtje of the Towns access management code for off-street parking and not counting the use in the right of way. That is another reason they are pushing the Garage further back, so they can accommodate if the Code changes regarding parking in the right of way. They are trying to work with all of the rules and regulations the Town has in place, not only now but in the future. Their plan is to try to age in place in their home.

Chairman Mike Sharman noted that the Public Hearing will remain open to give the applicant time to have their revisions made and return to a future meeting.

Chairman Mike Sharman asked the Board for a motion to table the Area Variance for the proposed Garage and Additions to allow the applicant to make revisions and return for a future meeting. Joe Prato made a motion to table the application. Motion to approve. M/2/C (J. Prato/M. Thompson) Carried: 5-0.

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:56 pm. M/2/C (J. Prato/R. Bergin) Motion carried: 5-0

Respectfully submitted,
Alison Houk, Recording Secretary