

# LIVONIA JOINT ZONING BOARD OF APPEALS

September 15<sup>th</sup>, 2025

Present: Chairman M. Sharman, R. Bergin, D. Major, J. Prato, M. Thompson, Zoning Compliance Assistant J. Holtje.

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

**AGENDA:**     *(1) Accept and approve the meeting minutes of July 7<sup>th</sup> & August 18<sup>th</sup>, 2025.*

*(2) David Connors – 5754 Old Orchard Point, Livonia, NY*

*(3) Michael & Valerie Pachuta – 5647 Pebble Beach Road, Livonia, NY*

*(4) Steve Hoffman – 3691 Pebble Beach Road, Livonia, NY*

Chairman Mike Sharman brought the meeting to order at 7:00 p.m. and opened with the Pledge of Allegiance.

*(2) David Connors – 5754 Old Orchard Point, Livonia, New York*

**PLEASE TAKE NOTICE** that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **September 15, 2025**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **David Connors** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed two-story Addition, which will violate the front Setback requirements according to Section 150-31G (1) and 150-71. This property is located at **5754 Old Orchard Point, 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 J. Holtje polled the Board for site visits:

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

Chairman Mike Sharman asked David Connors to come forward for the proposed Addition and opened the Public Hearing.

Chairman Mike Sharman stated for the record:

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 (# 3).

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This application was determined to be a Type II action, and SEQR was not required per (# 16) of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

D. Connors explained the age and disrepair of the old house and the one-story addition on the front. He recently put a new foundation under the house because it was falling down. Adding 96 square feet, by making the existing one-story addition two stories, would allow him to make a half bath into a full bath and cover the vent pipe from the sewer that currently runs up the outside of the front of the house, jutting out from the soffit. This will improve the street appeal by not having the ugly flat roof and hiding the pipe.

Discussion:

- D. Major – clarified the 20.5-foot front setback on the 8' x 12' addition.
  - D. Connors—The single-story addition was preexisting and came out from the main building six feet and 12 feet across. When they lifted the home to put the foundation under it, the mason came out 8 feet out and 12 feet across. He never caught it and understands that his option now is to get a variance or tear back the foundation.
- Charlie Pappy, 5744, 5748, 5735 Old Orchard – He is 100% in favor of the variance. This is the oldest cottage on Old Orchard Point. It was literally in the process of tipping over. He has raised it, put in a nice foundation, and it's looking beautiful. The two-foot difference is nothing compared to what he is doing to beautify the neighborhood.

With no further comments, the Board went 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? Yes
3. Is the variance substantial? No
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

With no more discussion, Chairman Mike Sharman asked the Board for a motion to approve or disapprove the proposed addition. D. Major made a motion to approve the addition with a 20.5 foot front setback. Motion to approve. M/2/C (D. Major/J. Prato) Carried: 5-0.

***(3) Michael & Valerie Pachuta – 5647 Pebble Beach Road, Livonia, New York***

**PLEASE TAKE NOTICE** that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **September 15, 2025**, at 7 p.m. at the Livonia Town Hall, 35

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Commercial Street, Livonia, New York, to consider the application of Michael & Valerie Pachuta for a Conditional Use Permit pursuant to Section 150-17 B of the Zoning Code of Livonia. A Conditional Use Permit is requested for an Accessory Dwelling unit in – correction, the addition is attached to the existing Garage - per Section 150-31 D (1). This property is located at 5647 Pebble Beach 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 J. Holtje polled the Board for site visits:

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

Chairman Mike Sharman asked Valerie Pachuta to come forward for the proposed Accessory Dwelling, opened the Public Hearing, and stated for the record:

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 also determined to be a Type II action, and SEQOR was not required per (# 11& 12) of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

Discussion:

- V. Pachuta – They want to put a 900 sq. ft. addition on the back of their garage so that her parents can live there during the summer and eventually full-time.
- R. Bergin – asked if there were plans to rent it in the winter
  - V. Pachuta – No
- M. Sharman – Will this interfere with any drainage?
  - V. Pachuta – briefly mentioned the drainage problem coming from her neighbor. They already have drain tile, but will rip that out and replace it around the house and addition.

With no further comments from the Board and no comments from the public, Chairman M. Sharman closed the public hearing, and the Board reviewed the criteria for the Conditional Use Permit.

- [\(1\)](#) 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

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- (2) Will the proposed building or hours of operation or use 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? No,
- (3) Will the proposed building or use 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, it is behind the garage
- (4) Will the proposed building or use be adequately served by essential public facilities and services? Yes
- (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
- (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, behind the garage, screened by the house and will have drainage
- (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. N/A

With no more discussion, Chairman Mike Sharman asked the Board for a motion to approve or disapprove the proposed Conditional Use Permit for the Accessory Dwelling. J. Prato made a motion to approve the C.U.P. as submitted. Motion to approve. M/2/C (J. Prato/R. Bergin)  
Carried: 5-0.

## ***(4) Steve Hoffman – 3691 Pebble Beach Road, Livonia, New York***

**PLEASE TAKE NOTICE** that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **September 15, 2025**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Steve Hoffman** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed single-family dwelling, which will violate the front Setback requirements according to Section 150-31G (1) and 150-71. The proposed structure also violates the maximum lot coverage per Section 150-31 F. This property is located at **3691 Pebble Beach 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 J. Holtje polled the Board for site visits:

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

Chairman Mike Sharman asked Steve Hoffman to come forward for the proposed Single-Family Dwelling and opened the Public Hearing.

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Chairman Mike Sharman stated for the record:

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 also determined to be a Type II action, and SEQR was not required per (# 11) of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

Discussion:

S. Hoffman – explained that they have owned the property since June. Currently, it is one and a half stories, three bedrooms, and the upstairs is noncompliant with today's building codes. They thought about putting additions on, but their architect and engineer recommended new construction, as there are three different foundations and more additions would disrupt these existing foundations and cause problems down the road, requiring the replacement of the foundation completely. They decided to demolish and build accordingly. The closest side lot line would be 7.5 feet on the new construction at the southwest corner.

- ZCA J. Holtje clarified setbacks with S. Hoffman, as her understanding and the information given to the Board was that the new structure would meet the minimum 9-foot side setback. The existing garage will stay and is 7.5 feet from the side property line at the southwest corner. The garage has a 9-foot setback at the southeast corner. The new construction will jog 1.5 feet out, making the requested side setback on the new dwelling 7.5'. Since the garage is attached to the new dwelling, this is an expansion of a nonconforming building, which requires a variance for the existing 20.8 front setback of the garage. The proposed lot coverage is 27.3%. The original application requested a five-foot side setback. While working with the Hoffmans, that setback was increased to 7.5 feet.
- S. Hoffman—They could move to the 9-foot side setback, but that would require removing a tree and encroaching on the other side yard, which is their access to the lake.
- Elevation drawings of new construction were examined and setbacks discussed further.

With no more questions from the Board and no one in attendance from the public to comment, Chairman M. Sharman closed the Public Hearing, and the Board went through the area variance criteria:

M. Sharman – for the most part, this application makes existing violations less.

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? Yes, but restricts activity on the other side

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3. Is the variance substantial? Yes, while each request is minor, the combined effect of all three requests makes it substantial.

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

With no more discussion, Chairman Mike Sharman asked the Board for a motion to approve or disapprove the area variances for the proposed single-family dwelling. D. Major made a motion to approve the continuance of the 20.8-foot front setback, the 7.5-foot side setback on the new house, and the 27.3% lot coverage, including the deck. M/2/C (D. Major/M. Thompson)  
Carried: 5-0.

S. Hoffman expressed his appreciation and good experience working with the Building Department and the Board.

Chairman Mike Sharman asked if everyone reviewed the meeting minutes from July 7, 2025. The Board agreed they had, and a motion was made to approve the minutes. M/2/C (M. Sharman/M. Thompson) 4-0 J. Prato abstained.

Chairman Mike Sharman asked if everyone reviewed the meeting minutes from August 18, 2025. The Board agreed they had, and a motion was made to approve the minutes. M/2/C (M. Thompson/J. Prato) 3-0 J. R. Bergin & D. Major abstained.

With no further discussion, Chairman Mike Sharman requested a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:44 p.m. M/2/C (J. Prato/M. Thompson). Motion carried: 5-0

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Respectfully submitted,  
Julie Holtje, Zoning Compliance Assistant