

LIVONIA JOINT ZONING BOARD OF APPEALS
March 2, 2026

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) Neil Herendeen – 3789 Cluny Point, Livonia, NY**
 (2) Ismael & Maritza Campos – 5654 Pebble Beach Drive
 (3) Chirag & Jessica Patel – 5697 Hillside Drive

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

(2) Neil Herendeen – 3789 Cluny Point, Livonia, New York

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a Public Hearing on Monday, **March 2, 2026**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Neil Herendeen** 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. A Conditional Use Permit is requested for an Accessory Dwelling Unit in the second story of the detached Garage, as per Section 150-31 D (1). The proposed Accessory Dwelling also violates Sections 150-70 A (2), No nonconforming building shall be enlarged, and 150-70 A (3), No nonconforming use may be expanded except by Variance from the Zoning Board. This property is located at **3789 Cluny Point**, Livonia, New York, Tax Parcel # 74.38-2-5.2, 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	Yes

Chairman Mike Sharman asked Neil Herendeen to come forward for the proposed Conditional Use Permit for an Accessory Dwelling in the detached Garage 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 (# 10).

LIVONIA JOINT ZONING BOARD OF APPEALS
March 2, 2026

Discussion:

- Expand for family space, not for rental
- 2 bedrooms and 1 bathroom above existing garage
- No kitchen, for sleeping only
- Variance for the garage, same foundation footprint and just go up 1 level
- Peak height right now is 17 ft and with the expansion it will add 6-8 feet higher
- Someone asked about parking, the garage will still be the 2-car garage and the driveway next to it can fit 3 more cars
- Contractor – confirming the current height is 17 feet and stated he will be adding 9 feet with the expansion

With no more comments from the Public, Chairman M. Sharman closed the public hearing, and the board reviewed the Short Environmental Assessment Form. No moderate to large impacts were identified.

Motion made by R. Bergin/ M. Thompson to adopt the answers as official findings to SEQR. M/2/C (R. Bergin/M. Thompson) Carried: 5-0.

A negative determination of significance was determined. R. Bergin made a motion to adopt a negative declaration of SEQR Part 2. M/2/C (R. Bergin/ J. Prato) Carried 5-0.

Motion made by J. Prato to authorize the Chairman to sign SEQR Part 3 Determination of Significance. M/2/C (J. Prato/ R. Bergin) Carried 5-0.

The Board reviewed the CUP Criteria:

(1) The proposed building or use will 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**

(2) The proposed building or hours of operation or use will 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 the public health, safety and general welfare.

Yes, the character of the neighborhood will change but besides that no for traffic and everything else.

(3) 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, it will dominate because of the size of the building and it being so close to the road.***

(4) The proposed building or use will be adequately served by essential public facilities and services. **Yes**

LIVONIA JOINT ZONING BOARD OF APPEALS

March 2, 2026

(5) The proposed building or use complies with all additional standards imposed on it by the particular provision of this chapter authorizing such use. **Yes**

(6) All steps possible have been taken to minimize any adverse effects of the proposed building or use on the immediate vicinity through building design, site design, landscaping and screening.

Yes, dormers were discussed but might only provide one bedroom

(7) If appropriate, a performance bond or other suitable financial guaranty has been provided to assure compliance with the conditions of the conditional use permit. **NA**

With no more discussion, Chairman Mike Sharman asked the Board for a motion to approve or disapprove the proposed Conditional Use Permit and Area Variance for the Accessory Dwelling. R. Bergin made a motion to deny the C.U.P. based on the answers to 150-17 B. Motion to deny. M/2/C (R. Bergin/M. Thompson) Carried: 5-0.

(3) Ismael & Maritza Campos – 5654 Pebble Beach Road, Livonia, New York

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **March 2, 2026**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Ismael & Maritza Campos** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed Garage Addition, which will violate the side setback requirements according to Sections 150-31G (2). This property is located at **5654 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	Yes

Chairman Mike Sharman asked Ismael & Maritza Campos to come forward for the proposed Garage 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).

This application was determined to be a Type II action, and SEQR was not required per (#16 & 17) of the New York Codes, Rules and Regulations 617.5 Type II Actions.

LIVONIA JOINT ZONING BOARD OF APPEALS
March 2, 2026

Chairman M. Sharman opened the public hearing. With no one in attendance, the public hearing was closed.

Discussion:

- 2 cars barely fit in the garage even though it is considered a 2-car garage
- The width is the problem so there will not be any height added
- Current width is 20' wide, applicant would like to add 8'
- The design of the house won't change, just the garage door will be larger
- Vacant lot next door- to the west

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? *No*
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 Area Variance for the proposed Garage Addition. J. Prato made a motion to approve the Garage Addition as submitted with an 8' side setback. Motion to approve. M/2/C (J. Prato/R. Bergin) Carried: 5-0.

(4) Chirag & Jessica Patel – 5697 Hillside Drive, Livonia, New York

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **March 2, 2026**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Chirag & Jessica Patel** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed Garage, which will violate the side Setback requirements according to Section 150-31G (2) and Section 150-71. The proposed structure also violates the maximum Lot coverage requirement of 25%, according to Section 150-31F. This property is located at **5697 Hillside Drive, 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.

LIVONIA JOINT ZONING BOARD OF APPEALS
March 2, 2026

ZCA J. Holtje 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 Chirag & Jessica Patel to come forward for the proposed garage 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 & #5).

This application was determined to be a Type II action, and SEQR was not required per (#11, 16 & 17) of the New York Codes, Rules and Regulations 617.5 Type II Actions.

Chirag Patel explained:

- Purchased land a couple months ago to build a loft and garage
- Don't have room for storage (currently rent units for storage)
- Would be for pontoon boat, jet ski, car, possibly "mancave"
- Would not rent out to anyone else for personal use only
- Plumbing for bathroom and electric
- Have statements from surrounding neighbors who are okay with this being done
- Propose 60' x 40' (2400 sq ft)
- Maximize the amount of room, would like to enough room to move around between the things that would be stored in there

Discussion:

- R. Bergin - Bringing it down to 2200 or 2000 sq ft would be more do-able
- D. Major - 32'x60' would be meet code for side setbacks, which would take them, from 38% to 30%. The Board felt a reduction in the request of lot coverage and meeting the side setback would be a practical solution.
- 6ft in between each vehicle appears to be more space than needed
- Janis Weaver – 4963 East Lake Rd - owns 5706 Hill Side Dr – private drive with 3 houses on it and privately maintained – wondering about access to the driveway from that lot
- ZCA J. Holtje – This lot fronts a private drive and, by zoning, has access. Any questions about the legal right to use the driveway are outside the scope of our office and are a civil matter. The lot would have been created by a subdivision and would not have been landlocked.
- Gary Weaver – under the impression the parcels belonged to the people on McPhersons Pt. and he was told directly by Margaret Linsner that no one had access to their driveways through Hillside Dr
- J. Holtje – any vacant lot that has **frontage** on Hillside Dr. would have access by zoning.

LIVONIA JOINT ZONING BOARD OF APPEALS

March 2, 2026

- Building would be 1 story and 16ft tall with a loft
- Discussion about different sizes and the lot coverage
- 32'x60' would be 30.4% and 32'x54 would be 27%
- Marty S. - neighbor to Chirag and Jessica, stated they take exquisite care of their property
- There won't be much commotion due to them just pulling the cars in and out

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 Area Variance for the proposed Garage with or without conditions. D. Major made a motion to approve the Garage with first-floor storage and second-floor living space with the following conditions:

1. The building shall be reduced to 32' x 54'
2. The building shall be placed so that no side setback is required, 9' from each side property line.

Motion to approve. M/2/C (D. Major/J. Prato) Carried: 5-0.

With no further discussion, Chairman Mike Sharman requested a motion to adjourn the Livonia Joint Zoning Board Meeting at 8:17 p.m. M/2/C (D. Major/J. Prato). Motion carried: 5-0

Respectfully submitted,
Julie Holtje, Zoning Compliance Assistant