

ZONING BOARD OF APPEALS

CITY OF LIVONIA

MINUTES OF REGULAR MEETING HELD TUESDAY, NOVEMBER 16, 2021

A Regular Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, November 16, 2021.

MEMBERS PRESENT: James Baringhaus, Vice Chairman
Timothy Klisz, Secretary
Joel Turbiak
Michael Testa
Christopher Boloven
Scott Morgan

MEMBERS ABSENT: Gregory G. Coppola, Chairman

OTHERS PRESENT: Matt Stierna, Inspection Department
Mike Fisher, Legal Department
Valerie Bertani, CEO 9489

The meeting was called to order at seven p.m. Vice Chairman Baringhaus explained the Rules of Procedure to those interested parties. Each petitioner must give their name and address and declare hardship for appeal. Appeals of the Zoning Board's decisions are made to the Wayne County Circuit Court. The Vice Chairman advised the audience that appeals can be filed within 21 days of the date tonight's minutes are approved. The decision of the Zoning Board shall become final within five (5) calendar days following the hearing and the applicant shall be mailed a copy of the decision. There are four decisions the Board can make: to deny, to grant, to grant as modified by the Board, or to table for further information. Each petitioner may ask to be heard by a full seven (7) member Board. Five (5) members were present. No one chose to be rescheduled. Secretary then read the Agenda and Legal Notice to each appeal, and each petitioner indicated their presence. Appeals came up for hearing after due legal notice was given to all interested parties within 300 feet, petitioners, and City Departments. There were five (5) people present in the audience.

(7:00)

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APPEAL CASE NO. 2021-05-20 (Tabled on June 29, 2021): An appeal has been made to the Zoning Board of Appeals by Thomas Berry, seeking to maintain a six-foot-tall privacy fence, erected without a permit, at the rear of a double frontage lot, resulting in deficient rear yard setback.

Rear Yard Setback:

Required: 35 feet
Proposed: zero feet
Deficient: 35 feet

The property is located on the east side of Vacri (17202), between Vargo and McNamara, Lot. No. 036-01-0018-000, R-3C Zoning District. Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090A(3), "Residential District Regulations."

Baringhaus: Chair will entertain a motion to remove the case from the table.

Testa: Mr. Chair.

Baringhaus: Mr. Testa.

Testa: Move to remove appeal case 2021-05-20 from the table.

Boloven: Second.

Baringhaus: Motion by Mr. Testa to remove the case from the table. Support by Mr. Boloven. All those in favor say aye.

Board: Aye.

Baringhaus: Okay. Good. Are there any questions for the legal department at this point? Any questions--

Turbiak: Mr. Chair.

Baringhaus: Yes, please.

Turbiak: Yeah, so Mike, I was listening to the audio and reading the minutes from our last meeting on this topic, so the second one so far in the series of three, and it sounded like there was intentions to--to work on a process for Mr. Berry to maybe talk to the inspection department and or city council. I think you yourself were intending to be assisting that process. I just wanna know. I didn't see anything in any emails or anything in the packet. Maybe I missed it. Was there anything along those lines that you're aware of that was done between the last meeting and this meeting?

Fisher: I don't know when this was done. It's dated July 29. But that--what I thought was the pro--the product we were trying to produce is already in existence. The letter signed

by the neighbors, essentially agreeing to follow their--Mr. Berry's lead in terms of the fencing that's gonna be erected in the future.

Turbiak: Okay. Yeah, I did see that in the packet. So, there's nothing that you're aware of beyond that?

Fisher: Nope.

Turbiak: Okay. Thanks. That's all at this time.

Baringhaus: Thank you. Any questions for the inspection department? Okay, very good. Come forward to the podium, please. Can you please state your name and address for the record?

T. Berry: Tom Berry. 17202 Vacri Lane.

Baringhaus: Alright, thank you.

T. Berry: Mr. Chair, honorable Board members, I believe in relationship to the request made, I've satisfied the inquiry. I don't know if you've been out to the site, but you'd see I've stained the fence, and the neighbors were quite pleased with it. There was one neighbor that I just couldn't get ahold of. I tried 7:00 in the morning. I tried at 2:00 in the afternoon, and then 7:00 at night several times, and I thought--you know--I better just quit while I'm ahead. There's another neighbor that--she just didn't wanna get involved, and I respected that and let that go. I believe, Joel, I'll chop up your last name if I say it, so I'm gonna say zoning board member, Joel--Mr. Joel, you requested that we put some foliage or start something out in front of that to kind of mask it, and we have. We have deer and they seem to be thriving on some of it. So, we're between--we're between seasons and the deer have eaten what we've have, and come springtime, my wife is planning on planting more so that it'll climb and cover most of that fence. But the question I do have for the zoning board, or maybe the inspection department knows, is there any grant money out there that we can plant trees out in front of that frontage?

Stierna: Nothing that the inspection department is aware of.

Baringhaus: Thank you.

T. Berry: I'm at your mercy. Thank you.

Baringhaus: Okay, so just going back through this document that you produced, can you maybe go into some more detail on the process that you went through. You mentioned you contact neighbors.

T. Berry: I walked it.

Baringhaus: You walked it.

T. Berry: I walked it. Not all on the same day. I have two paragraphs there--two paragraphs there, and I did speak with Mr. Fisher regarding what he believed that the Board was looking for, so the first said, I the undersigned have acknowledged privacy fence installed at 17202 Vacri Lane. In my opinion, the fence is--in my opinion--my opinion of the fence is that it's aesthetically acceptable. Furthermore, if I decide to install a privacy fence on my property, I agree to install a fence with the like height, material, and color all being available along Farmington roadside in order to maintain consistence aesthetics along the road. And I read that verbatim to every house I walked up to, and they were all in agreement to it, so.

Baringhaus: Now, given this document, how would someone reproduce duplication of your fence?

T. Berry: Well, it's--it's treated--it's--I'm gonna say treated pine for all I know. I don't--it's not treated pine. It's treated lumber. They'll have to go through a process by which they can--they can duplicate the color at Home Depot. It's relatively easy. It's just a dark chocolate stain. And it is a standard six-foot fence.

Baringhaus: The--yeah, cause the other thing I'm looking at is in terms of--okay, I mean, you have a letter of agreement here from your neighbors that acknowledge the fence and I guess they make a commitment. You use the term of like and here. Let me just read the sentence. "Further, if I decide to install a privacy fence on my property, I agree to install a fence with like height, material, and color all being available along Farmington Roadside in order to maintain a consistent look along the road." Now, when you use the term "like" are you implying that as long as it's similar to your fence--

T. Berry: Well, Mr. Baring--

Baringhaus: --that's acceptable or are you looking for a--or is the goal to have an identical fence?

T. Berry: Mr. Baringhaus, I don't think legally I'm in a position where I could--I could put down anything more specific than what I have. I believe the inspection department would probably have to carry that forward and approve it or--

Baringhaus: Sure.

T. Berry: --disapprove it based on what the potential builder is going to do.

Baringhaus: Question for Mr. Fisher, though. Is the term like sufficient in this case or should it be the term identical?

Fisher: Well, I think the term "like" takes into account the fact that identical is almost impossible to produce, especially for the number of people who've signed this petition. I mean, somebody in there is gonna have cedar instead of pine or whatever.

Baringhaus: Well, I guess where I'm going is how specific do you wanna get with these guidelines because--I mean, for instance like paint. And to your point, Mr. Berry, you can go into Home Depot, you have a paint coat and get a gallon of paint, that's not a problem. Now, when you get into materials for the fence, obviously--you know--to keep it real simple--you know--not treated wood versus treated wood. Obviously, if you're gonna use treated wood as a standard that fence is gonna last longer and I guess maybe this is the point I'm getting to. In a document like this, do we have to include clearer standards for somebody to at least get some direction from it? How would somebody get a direct--get direction to build that fence that would be as close as possible to Mr. Berry's fence. And that's a question to Mr. Fisher.

Fisher: I actually think "like" is a good term to use in here because it's realistic and I think it still gives people guidance that your fence is supposed to look like that one over there, not like our fence at our house.

Baringhaus: Cause my concern is standard. So, in other words, if they have a question on standards shouldn't there be some reference back to the building and inspection department for questions. I'm--I'm--look--I'm trying--I'm trying to make this document as maybe guiding as possible or as directive as possible so anyone could pick it up and replicate a fence like Mr. Berry's.

Boloven: Mr. Chair.

Baringhaus: Mr. Boloven.

Boloven: If I could piggyback off that--

Baringhaus: Yeah, please. Go ahead.

Boloven: --I think I know where you're going with it. Mr. Fisher, every one of these people that signed, no matter what, even if they wanted to put up a fence, they'd still have to come in front of this Board, right?

Fisher: Right.

Boloven: Because they're gonna have the same problem that Mr. Berry had. So, we could police that on--

Fisher: As a condition.

Boloven: --going forward.

Baringhaus: As a condition? If that's acceptable, Mr. Fisher?

T. Berry: Mr. Chair.

Fisher: Works. It works for me. I will say something else. I think the existence of this document is a remarkable thing because when you see the percentage of people--you know--who in your--who in your neighborhood would be able to go around and get everybody to agree on something like this?

Klisz: No one.

Fisher: I--I'm impressed as heck, so.

T. Berry: Mr. Chair.

Baringhaus: Yes, Mr. Berry. Please.

T. Berry: The only thing I would caution--throw caution into the wind is that--with all due respect to the inspection department, when I did go down to the inspection department, I asked how deep did I need to go, because I wanted to go to the freeze line and I believe it was 40 inches if I'm not mistaken. There was a gentleman there that says you didn't need to. Now, the problem with that is that you're gonna have ice develop in there. You're gonna have it potentially lean or bend so you would have not only aesthetic problems, but you'd have construction problems that'll cause aesthetically just the same type of blight if you wanna call it that we're trying to prevent. So, I would think that that 40-inch freeze line along with the rock and cement it gonna be important because that's my area. I'm gonna make sure that aesthetically it's--stands tall.

Baringhaus: Sure. One question, you kind of touched on it with landscaping, you mentioned that you were adding some foliage to the front of the fence. Did you have any other discussions with your neighbors regarding landscaping and the fence? I noticed with your fence in particular you do have trees behind it which kind of assists it with blending in and plus the addition of the color tones it down. Did you have any questions in that regard?

T. Berry: No. I mean, the inside my wife did a great job. The outside, there wasn't really too much we could do, had--you know--had I thought about it, maybe I would have moved it a foot back and put a bush in front of it, but that wasn't the thought process at the time. I was trying to get it dead straight with the sidewalk, so coming back a foot where the other fence was, I thought, would be perfect, not thinking--you know--that we'd wanna put something in front of it.

S. Berry: Tom.

Baringhaus: Mrs. Berry, if you have a comment, please just--podium and share it with us. Thank you.

S. Berry: Yes, I do. I've already planted about six feet apart the poison ivy which grows really fast and it's already falling off, so that's gonna cover most of it. We'll maintain it. You will not be seeing much of the wood of the fence beginning maybe summertime.

T. Berry: Is it poison ivy?

Baringhaus: Is it--

S. Berry: I got it from the neighbors.

Baringhaus: Well, thank you for the warning.

S. Berry: Okay, maybe it's not, but it's something of that like, so that's gonna go and cover it and it's gonna be a green, beautiful looking fence.

Baringhaus: Okay. Very good. Any--any other additional questions from the Board?

Turbiak: Yeah. Mr. Chair.

Baringhaus: Yes. Mr. Turbiak.

Turbiak: Yeah, maybe just some comments, I guess. Just to clarify, it's Mr. Turbiak--

T. Berry: Turbiak. Thank you.

Turbiak: --but Mr. Joel--Mr. Joel's okay with me. I understand. Or--you know--if you call me Mr. T, I'm gonna have to pity you. You know--in the--I think it was the last meeting, I was looking for a foliage plan--you know--something in writing or something. What you've given here verbally, I understand where you're going with. I'm not gonna say come back with a plan. But just to be clear, I wasn't asking for you to put the foliage in to--I mean, it's--you know--it would be worth more visually, right? We could see it.

T. Berry: Yes.

Turbiak: So, that's good, but all I was asking for to be clear was just a plan--you know--written or pictures or something.

T. Berry: I didn't realize that. I thought you wanted to start the foliage because what I did is I took a--I took a middle eastern--middle eastern vine--it's a Jasmine, and we planted it by the patio so we could start it and once it grew, we could transplant it. And then we took two of those purple--what are those purple things called? Clematis?

S. Berry: Clematis.

Turbiak: Oh, yeah, Clematis.

T. Berry: The Clematis. And we started them. But the deer are enjoying them, so it's like okay, we have to wait for springtime and maybe just move them out there and let them grow.

Turbiak: Okay. I mean, I don't see that we're gonna have a lot of public contributions in this meeting, based on the size of the audience here, but I just wanna also mention that--you know--in my previous understanding at the end of the last meeting, it sounded like there was an interest in getting public input in this because it was forward facing to the community. Did--and again, I think you were interested in and motivated to be involved in those. You were saying, hey can someone from the council call me--you know--inspection department call me. Did anything like that happen that you're aware of.

T. Berry: Yes.

Turbiak: Public interest outside of the subdivision of Frankavilla?

T. Berry: I did speak with--I believe the gentleman's name is Bob from the inspection department--supervisor and we spoke at great length for several--several times we did. I did speak with Mr. Fisher at one point. Outside the community, there wasn't anybody, but within the subdivision there were people that approached me that lived within the subdivision telling me that they were really happy that I stained the fence and it looks so much better now, so they were happy with it aesthetically and I didn't wanna put them on the spot by saying well, would you sign this form because some people--took them enough nerve just to come up to the house and say we really like the fence, so.

Turbiak: Mmhmm. No, I appreciate that. So, the next question I have is, it sounded like, again, we're a Board made up of individuals here, but--you know--Chairman Coppola's not here tonight to talk, but one of the things it sounded like he was requesting is--is agreement to all put in the same fence versus what you've seemed to provided which is an agreement if they put up a fence it would be like, which is a little bit different in that--

T. Berry: Be--repeat that if you would.

Turbiak: Sure. Sure. So, your form that you presented in our packet says--you know--I neighbor A, B, C, if I'm gonna put up a fence I'm going to make it look like Mr. Berry's.

T. Berry: Yes.

Turbiak: It doesn't have any requirement that they do put up a fence.

T. Berry: Well--that they do?

Turbiak: They're not--they're not required but--

T. Berry: They are not required. It's their choice. If they decide to put up a fence well then, it's going to be like that fence. If they decide they don't wanna put up a fence, because this is costly for some people--

Turbiak: Oh, sure.

T. Berry: --I did this by myself so I saved a lot of money but other people don't have-- they're not capable of doing so, it'll cost them a few \$1000. So, if they decide they don't want it then that's their prerogative.

Turbiak: I fully agree, and I fully understand what you're saying about the costs. One of the other things that I remember you saying is that you were interested in making this look right for the community. So, this is my subdivision I want this to look good I don't want this to be Hodgepodge, right? So, my concern is that if there's not--and I'm not saying it's easy, again, no one's--don't--don't get me wrong, I think what you've done is very admirable as Mr. Fisher pointed out, it's impressive but again to keep it from looking hodgepodge--and I also want to mention--you know--as one board member my opinion is I don't wanna see 100% identical all the way down either you know what I mean. I think that has--you gotta strike the right balance of in the same frame but not cookie cutter exactly the same. That's why when developers build neighborhoods they limit what houses can be built close to each other and things like that, right? There's a certain aesthetic value to slight variations--

T. Berry: I think that responsibility's gonna lie on this Board. Because they're gonna come before you again.

Turbiak: Sure. Sure. There's a--many ways to approach this. And again I'm not saying I have the solution, I'm just expressing and trying to see what you've done to address this concern up avoiding the hodgepodge look, right? So, just imagine for example that again nine out of ten-- I think there's like maybe twelve houses between McNamara and Six Mile.

T. Berry: There's 22 actually.

Turbiak: Well, just to McNamara, right?

T. Berry: Okay, yeah, McNamara.

Turbiak: Yes. You're right. To Curtis there's--I think you're closer, if not, I'm sure you're right. You did the math. The point is, imagine just from McNamara--

T. Berry: I agree.

Turbiak: --just to simplify--and then one of them right in the middle has no fence and no foliage maybe even and no split rail fence, that's gonna look--that's gonna look awkward.

T. Berry: Yeah, but now we're going on an assumption and really, we can't--you know.

Turbiak: Well--well, but if we leave the--if we leave it open to that, that's my concern. Again, I'm just one Board member.

T. Berry: Yeah, that's where I thought this in our last conversation would cover anybody that decided to put up a fence because I know the lady that did not want to sign this is not going to put up a fence.

Turbiak: Right.

T. Berry: You know. And I know the majority of the people there are not going to put up fences. Majority of the people there are happy with their shrubs, their trees, they like them. One person, who happens to work for the city, redid his split rail fence, so he put some money into it, just that cedar fence--expensive.

Turbiak: Mmhmm. Mmhmm. So, I guess to my point, I don't disagree with what you're saying at all but if it's going to look like an intentional development I think was one of the terms that somebody used in the last meeting, it almost has to be an intentional project of the entire--again maybe you just start with South of McNamara instead of going all the way to Curtis, something like that. And I think it was, again, thrown out there loosely, I'm not saying that this is easy to do, that something could be arranged with the council and maybe there could be some funding--you asked about grant money for trees. Maybe for the neighbors that just can't afford it, there could be some subsidizing or--you know--some group contributions and maybe, again, I don't know what other funds or grants are available, I'm not familiar with this but I think that would go a long way to the aesthetics of it.

T. Berry: I agree.

Turbiak: Okay.

T. Berry: I agree.

Turbiak: Okay. And again, well, I think you've already made your comments about your intentions to put foliage--you wish you would have put it a couple more feet back so you could put some bushes in there. It sounds like you're gonna do the best with what you got.

T. Berry: Absolutely.

Turbiak: And I appreciate that.

T. Berry: Thank you.

Turbiak: I think that's all the comments I have and questions. Thank you, Mr. Chair.

Baringhaus: Okay, thank you. Any other questions for--I do have a couple questions. Going back--

T. Berry: Yes, sir.

Baringhaus: --when you started this down this road, Mr. Testa made a point that you had some choices at that point where you could have went with like a screening fence around your patio, maybe shades on your rear windows to reduce the lighting that's coming in from Farmington Road. Why didn't you pursue those avenues?

T. Berry: I don't recall the--the shade itself--and like I had touched on when we first purchased the house, there were--there were plastic shutters on the outside and the house had been on the market for so long that I had assumed that those plastic shutters were there to prohibit anybody from coming around the back and looking in. Little did I know, January 9th, when we closed on the house, and we got there for the first night that lights were just shining through. I thought to myself, oh my God, I said, now I know what these shutters are there for. So, we didn't think we could put shades up in front of it again because the patio window had to be--or the patio door had to be replaced, so we knew we were running into a expense there, and we looked at the shrubbery and it was--we thought it would fill in greater than what it did because it was January and we thought well, once spring comes it's gonna grow and it's gonna look a lot better. Well, it didn't. When I went out there and I started looking at the fence itself, it was coming down, and I knew I'd have to replace it. Any way I looked at it, I had to replace the fence. So, that's where I went--pursued with the city inspection department apart putting--repairing a fence, putting up a fence, and so on and so forth.

Baringhaus: Now, the city ordinance called for the fence to be 35 feet back from your rear property line, what persuaded you not to do that.

T. Berry: Well, my first call to the city--my first call was for a homeowner's association in the subdivision and there was not one. I then called the city, and I don't have the name of the person that recommended I went online to check the ordinance and you can find it online. I couldn't find anything online that said that there had to be this setback, because my intention was to make the repair to the fence that was there. I didn't wanna have to move it back, but I didn't know I needed to move it back. Then when I went down to the city and I was told that I didn't need a permit and that I didn't need to go down 40 inches, I was happy. I left out and I went and bought my material and came back and I started putting the fence up. It was only when I was finished with the fence, the day I was finished with the fence, that I was told that I needed a permit. I needed to come down to the city, at which time they told me these are the requirements. And I said, well, I don't know what to do at this time. They say, well, you need to go before the zoning board, so that's how that whole thing worked out.

Baringhaus: And then just one last question, more curiosity. You do have a gate on your yard?

T. Berry: Yes, sir.

Baringhaus: Okay. I noticed you didn't paint the gate. Are you planning on replacing that or?

T. Berry: I don't--well, I don't know if it's the neighbor's or mine.

Baringhaus: Oh, okay. I just think, you painted the whole fence, and the gate wasn't painted. I was just--okay.

T. Berry: Yeah, well--yeah, I didn't know if that fence was mine or the gate was mine or his. I'd be happy to replace it, but--

Baringhaus: Okay. Like I said, just curious.

T. Berry: --if I do, that means I replace the pole on his side, because it has to be higher.

Baringhaus: Sure. Okay. Okay, very good, thank you. Any other questions for Mr. Berry?

Testa: Mr. Chair.

Baringhaus: Mr. Testa.

Testa: Mr. Berry, thank you. I do appreciate your efforts here to get a 90% success rate on signatures. If I ever run a petition drive, I may contact you to help out with that. You know, totally subjective question, when you were talking to these neighbors, how many of them do you feel would put in a fence? Last meeting, we had I think two or three that came forward and said we would like to do this as well.

T. Berry: I know neighbors on both sides--two to my North and one to my South and that's about it. There's one gentleman on the corner that put in the trees--the arborvitaes. He put in 20 of them. I think 15 died. But he's on the corner, and what he doesn't understand is that the ordinance states that a dual frontage is any home that backyard sets on a main street and front yard sets on a main street, except a corner. So, he's on a corner. He's been fighting to put a fence up, but he just didn't read the ordinance. He doesn't need to fight that fight. The ordinance clearly states that he's on a corner, so he can put a fence up. Poor guy put all these arborvitaes up and they died. I think he spend just over \$1200 on arborvitaes, so he may in fact put a fence up.

Testa: Okay. So, you're thinking probably five, roughly?

T. Berry: Max.

Testa: Okay.

T. Berry: Yeah. Yeah, because everybody else, their yards are pretty full, and they seem to be pretty happy with where they're at.

Testa: Okay. Thank you.

T. Berry: Thank you.

Turbiak: Mr. Chair.

Baringhaus: Yes, Mr. Turbiak.

Turbiak: To the inspection department. Mr. Stierna, what Mr. Berry just said about the corner lot sounds right to me, but instead of trying to whip through the inspection--or the ordinance real quick, can you comment on confirming that?

Stierna: A corner lot actually is treated almost like--in his case it would be almost like a three sided--on three main roads for this case.

Turbiak: Sure, yeah.

Stierna: There is some side yard restrictions that would also affect a fence setup in the case of a corner lot, so it--that one gets a little bit convoluted because of the nature of a corner lot that also has a backyard facing a main street.

Turbiak: Okay, so, that means--

Stierna: So, he would still have to be in compliance with the 35 yard--35-foot setback--rear yard.

Turbiak: On the rear yard, but--

Stierna: Because you can line up with--facing another fence on the side yard or the rear yard in this case--again, in this case he couldn't line up with anything other than the 35-foot setback.

Turbiak: Okay, so he'd really be no better than the interior lots that are not corner lots.

Stierna: He's a little bit more hamstrung actually. Corner lot's a little bit more hamstrung.

T. Berry: Mr. Stierna.

Stierna: Their side--setback has to (inaudible) with another fence or the side of their house.

Turbiak: Okay. I let--if Mr. Berry has a comment I let it, and then I got a follow up.

T. Berry: I was just--I was just curious because I think that situation exists in several other parts on the city, and I know that's not my battle here, and the right thing to do would be just shut my mouth, but just out of curiosity because there is that situation in several different parts of the city, but their setbacks aren't 35 feet.

Stierna: On corner lots?

T. Berry: Yes.

Stierna: Yeah, the corner lots have a setback based on what's behind them, what's to the side of them--

T. Berry: Okay.

Stierna: --that one, I could probably spend 15 minutes describing the situation--

T. Berry: Okay.

Stierna: --on any type of lot. It has to do with which way the house behind them faces as well.

T. Berry: Okay.

Turbiak: Okay. I agree, Mr. Berry. I don't wanna get into to (inaudible) on that one. Sorry about that. But I'm gonna try and maybe touch on the weeds on this one. So, you mentioned something about how fences need to align with other fences, right? I don't remember reading that in the ordinance, can you--can you educate me a little bit on that? Because one thought that I had in thinking through this thing and trying to look at it from different angles is--you know--there's a lot of existing foliage there. Maybe there's people that want a fence and they don't wanna put it on the street side of the foliage, maybe they wanna put it on their home side of the foliage and to me, again, that might be beneficial to the view from the street because you have that foliage kind of blocking out the fence, it's already existing, it's mature, maybe it's not so mature that it's gonna die soon, but then that would inherently result most likely, if two neighbors did something like that, they might not find that it's opportune or possible to put them at the same distance from the sidewalk--from the road, whatever. They might not align. So, is that something that the ordinance prevents? Setting aside the other condition that--you know--we're talking about. Just fences aligning. Is that something that the ordinance prevents or is it up to the Board or how is that handled?

Stierna: It is written as layout--an exemption to the rule.

Turbiak: Okay.

Stierna: Okay. And it has to do with preexisting fences.

Turbiak: Okay. So, is that something that comes before the Board--the Zoning Board?

Stierna: That would not come before the Zoning Board.

Turbiak: Just the inspection department?

Stierna: That's given to the director at his discretion.

Turbiak: Mr. Hannah?

Stierna: Correct.

Turbiak: Okay. Thank you very much for entertaining all these questions. Thank you.

Boloven: Mr. Chair.

Baringhaus: Mr. Boloven.

Boloven: One quick question. Mr. Berry. The owner at 17652 Vacri. What was the reason for that one? That out of the three reasons why that one didn't sign?

T. Berry: 176--

Boloven: 17652 Vacri. Looks like it's two houses North of McNamara. It's one of your three unsigned.

T. Berry: Wait a minute. That's Lauren?

S. Berry: Lauren? Lauren was here.

T. Berry: They signed it.

Turbiak: If I may--it says cannot be found. I think that's the neighbor he couldn't contact.

Boloven: Thomas and Melissa Maxwell.

Tubriak: On the page--

T. Berry: Oh, that's--oh, no. Yeah, that's--I tried those people like three times--four times. Like 7:00 in the morning, like in the afternoon, in the evening, I--I just couldn't find them. Just my luck, I don't know.

Boloven: Thank you.

Baringhaus: Okay. Any other questions? Okay, very good. Just stand there for a minute, Mr. Berry. If there's any audience participation? Any comments? Okay, very good. Now, will Secretary read the letters, please.

Klisz: Sure. We have one letter. Letter of approval, Mary Catherine Agee-Buchfinck B-u-c-h-f-i-n-c-k (Letter read.) Letter of approval Mary and Rudolph Saenz, 17269 Vacri Lane (Letter read.) Letter of approval Phaedra P-h-a-e-d-r-a Johnson, 17310 Vacri, (Letter read.)

Baringhaus: Okay. Thank you very much. Mr. Berry, would you like to make a closing statement, please?

T. Berry: No, I--I appreciate your patience. I appreciate the process. I would say, Mr. Baringhaus, if there was any misunderstanding between us, I apologize. I know that you have the best interest of the city at heart, and I respect that, and if I don't speak again tonight, I hope you all have a great holiday year.

Baringhaus: Thank you, Mr. Berry. Appreciate it. You can have a seat now, please. Okay, we'll close the public portion of the meeting and begin with our Board comments, Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. So, I'm not sure that I'm ready to approve this. I do--I do appreciate the situation that Mr. Berry's in. I do, as was mentioned in the previous meeting, recognize his comment or argument if you will that--you know--at the time that these houses were built in the way things were aesthetically at the time, the split rail Fences were probably very appropriate and overtime things have changed, so I do recognize that. So, I think something--I would like to see something workout for sure. my concerns and hesitations around the lack of public input up to this point. I'm a little surprised--disappointed I don't know. You know--that that process doesn't seem to have gone through fruitfully. I do recognize and appreciate all the efforts that Mr. Berry had gone through to collect the signatures. I understand--I consider a very good faith effort. however, I think it just falls short given the implications this has on the community as was highlighted several times in the previous meetings that this is a highly traveled area. It's gonna be very visible from the road. So, I have some hesitations around that. So--you know--unfortunately I don't know. I felt like part of it was--at least the way it was communicated in the meeting that Mr--Chairman Coppola, who's not here was going to be to facilitate and lead this--this process. maybe something was clarified after that and I'm not aware of or maybe I just have a misunderstanding, but I don't think this has the public input that it really needs and one thing--option that was mentioned at the last meeting was--you know--potentially involving City Council with an ordinance change and I know that that can be a lot. I think I recall Mr. Berry saying that that is impossible--you know--and he has--had mentioned that he's willing to kind of be the sacrificial lamb and put the effort in there, which again, I really respect--this is not an easy job that he's either found himself in I guess, but--but as I mentioned I think the character of the area has changed and it's an appropriate direction to go in in my opinion. So, for those reasons I'm likely going to be in favor of a tabling at this time.

Baringhaus: Thank you, Mr. Turbiak. Mr. Klisz.

Klisz: I was in favor of it last time. I didn't think that forcing the petitioner to go around and get signatures of his neighbors was even necessary and yet he did it anyhow. you cannot force someone to get a fence. So, very simple, what we've done is just outlined if they want to get a fence, then obviously it's gonna come before us and we know what's going to be consistent. I think it looks great and not everyone's gonna have the same look on that street and that's okay, but at least the people who did sign the petition know

about it, they've seen it, they understand the implications of making their fence look like Mr. Berry's fence, and then it would be coming before us. So, it's in the record. We know about it. Obviously, the Board can change over time, but if any of these folks come forward, they would know what to do and how to make the fence look similar. So, based on that, I will be in support.

Baringhaus: Mr. Boloven. Thank you.

Boloven: I agree with Secretary Klisz. I'm also in support. I've been in support of this since the beginning. More so for consistency in the community. There's other subdivisions that have it. I appreciate the uniqueness of the property, its location. That it's developed more on the Northeast corner of Farmington there--that traffic does shine into your area and causes noise. My concern is is this neighbor that I'll started all this, is--didn't sign this document. But the way around that, is the fact that it's gonna be policed by this Board. Any single fence that's gonna go up on there is gonna come before this Board. We can set the conditions that it's gotta match and we can go forward with it. So, with all that being said, I would be in support, conditioning it that it's as presented. We have a caveat in the file that if anybody comes back in front of us and due to this being an enforcement, probably a double permit fee, just because it was put up without a permit. Thank you.

Baringhaus: Thank you. Mr. Testa.

Testa: Thank you, Mr. Chair. I can also be in support of this. I do appreciate the leg work on Mr. Berry's part, getting input from all the neighbors and kind of sign off that if they do put in a fence or request to put in a fence through a variance through us, it's going to be conforming and in terms of the kind of look and appearance and height, so we'll have some control over that. So, you have 19 of your neighbors on record, and obviously those neighbors can change over time, but it is documented, so I do appreciate you taking that effort. Thank you.

Baringhaus: Okay. Thank you, Mr. Testa. I've had some serious reservations about this case from day one because you're basically taking an established area that's been a highly visible green area for the city for years, and now you're introducing a new dimension into it, which is a privacy--a six-foot privacy fence. That seems to be counter to the trends running in the city today, especially with newer developments. You're seeing a lot of green space being used--especially on double sided lots, to provide privacy--you know--from traffic. I see a lot of that on Newburgh between Six and Eight Mile for example. I just, at this point, I feel that the fence really represents a will to actually generating consistency in the area because the area generally has split rail fences with green space and that area is very consistent, almost down, at least to Curtis, if not past Seven Mile, and there's this distinctly absence of privacy fences along Farmington in that area as well. So, I'm very hesitant to introduce that dimension in it. I think it would destroy the area. I think we really gotta look at the environmental impact as well because of--I think we've seen a lot of tree removals, as Mr. Berry indicated, he removed a number of bushes and trees to install that fence. Now, if your landscaping

does need to be updated from time to time, and that's a normal process of any type of home maintenance but based on my feeling that I think you need a consistent look in the area, it's a highly visible, highly green area, it's been that way for years. I think Francavilla actually led that trend when that subdivision was built, rather than relying on a row of privacy fences or chain link fences, it elected to go with a green barrier between the property lines and the road, so, based on that, while I do appreciate Mr. Berry's efforts on securing his neighbor's support for this, I just don't think it's really in the spirit of the city ordinances to introduce that type of structure into an area that's been historically a green belt for the city. So, based on that, I'm not in favor of supporting the variance. Floor is open for a motion.

Upon Motion by: Klisz. Supported by: Turbiak.

RESOLVED: APPEAL CASE NO. 2021-05-20 (Tabled on June 29, 2021): An appeal has been made to the Zoning Board of Appeals by Thomas Berry, seeking to maintain a six-foot-tall privacy fence, erected without a permit, at the rear of a double frontage lot, resulting in deficient rear yard setback.

Rear Yard Setback:

Required:	35 feet
Proposed:	zero feet
Deficient:	35 feet

The property is located on the east side of Vacri (17202), between Vargo and McNamara, Lot. No. 036-01-0018-000, R-3C Zoning District. Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090A(3), "Residential District Regulations," **be tabled to be brought back before a full Board.**

T. Berry: Mr. Chair.

Baringhaus: No, you're--you've had your closing statements, sir.

T. Berry: Yeah, but I didn't know--do you operate by Robert Rules of Order?

Baringhaus: We operate by Robert Rules of Order. You've made your closing statement. That portion--

T. Berry: Yeah, but don't you need a majority--

Baringhaus: --is done. We're not voting to make a decision, so.

T. Berry: So, why don't you just take me to Circuit Court. I'd love to go to Circuit Court because it will cost you \$350 an hour. It will cost me nothing. Everything will be pro bono.

Baringhaus: Sir, you need--you need to sit down. Be quiet.

T. Berry: I am sitting down.

Baringhaus: You need us to--you need us to complete our business.

T. Berry: Because what you're doing is completely unfair. As far as I'm concerned, it's--

Baringhaus: Sir, I'm gonna ask you to be quiet. We need to finish your case right this moment. Your portion of the meeting, you made your final statement, that portion is now closed.

Boloven: I wanna ask a question to Mr. Fisher. Can I do that--

Baringhaus: Sure.

Boloven: I know we're in the middle of a vote but--

Baringhaus: Please.

Boloven: Mr. Fisher, just for my clarity based on what was just said, is it three out of five here, or do we need four?

Fisher: No, you need four because that's the law where variances are concerned.

Boloven: Thank you. Aye.

ROLL CALL VOTE:

AYES: Turbiak, Boloven, Klisz, Baringhaus

NAYS: Testa

ABSENT: Morgan, Coppola

Klisz: Passes 4-1.

Baringhaus: Okay, Mr. Berry, at this point your case has been tabled based on the direction of the Board for additional information and turn in feedback from the community on the--your proposal to allow these fences to be built along Farmington Road. As I mentioned earlier, our next open meeting will be on December 14th. If you wish to be scheduled on the agenda for that meeting, you'll have to have your case filed by November 15th.

T. Berry: You need to be more specific as to what you're looking for from me because I already met what you have asked me--asked of me.

Fisher: Mr.--

T. Berry: And I spoke with Mr. Fisher.

Fisher: Mr. Berry, I would say this.

T. Berry: Yes.

Fisher: And the principal reason this is tabled is because this is a seven-member Board, and two members are absent.

T. Berry: Then why, Mr. Fisher, did you even conduct a meeting if you knew you lacked-

Fisher: Wait, wait, wait, wait, wait.

T. Berry: No, no. You lacked the membership to take a vote.

Fisher: We--this happens--this is a--we have many, many meetings where we don't have seven people showing.

T. Berry: I'm asking you a question. Why did you--why did you have a meeting, knowing that you did not have a full Board here to hear the case and vote on it properly.

Fisher: That's actually routine.

T. Berry: No, it's not routine. On the Robert Rules of Order, you have five members here, a majority--a majority would rule.

Fisher: But Robert's Rules of Order doesn't overrun the ordinance or the statutes of this state, so.

T. Berry: They just got done telling me they operate under Robert Rules of Order.

Fisher: Well, yes, but that's a lower--

T. Berry: Well, you're contradicting yourself.

Fisher: --no, I am not contradicting my statement. And I don't understand why you're arguing about this.

Turbiak: Mr. Berry, you keep interrupting. If you want to understand, you should listen. Just--in all charity, I suggest, please listen. When you ask a question, just listen.

Baringhaus: Mr. Berry, Mr. Fisher (inaudible). Don't get argumentative with him.

T. Berry: Go ahead, Mr. Fisher.

Fisher: Yeah, no.

Baringhaus: Go ahead, Mr. Fisher.

Fisher: The--the ordinance and the statutes require you to have four members--a majority of the Board, not a majority that was present.

T. Berry: Majority of the Board?

Fisher: Yes.

T. Berry: What do we have here?

Fisher: That's a majority--you're talking about a majority that was present. You have to have a majority of the Board. You have to have--because this was a seven-member Board, you have to have four people to grant a variance.

T. Berry: Then why did we have a meeting? Why was the meeting not cancelled?

Fisher: If you remember, you were given the option at the outset of this meeting to wait to be heard by a full Board, and that was the reason that that option was given

T. Berry: You heard my question. I didn't know that they operated under Robert Rules of Order or not. It wasn't until after they decided to table it because they didn't have the votes and I asked if they operated under Robert Rules of Order.

Fisher: Well, as I say, at the outset, you were given the opportunity to--

T. Berry: You're correct.

Fisher: So, that was the reason for that. I'm sorry if there was some misunderstanding that rose about that.

T. Berry: Then you needed to be specific at the time saying, Mr. Berry, although we're hearing your case, we don't have a majority here to vote on it. That would have been appropriate.

Baringhaus: Again, back to Mr. Fisher's comment about the fact, at the beginning of the meeting, at the opening statement of the meeting, you were given the option to decline hearing--let me finish--you were declined--you were given option to decline having your case heard tonight and being rescheduled as Mr. Fisher stated. You declined that option. You went forward and heard your case. As Mr. Fisher stated, it's--you didn't have the benefit of the full Board. You didn't have the number of votes tonight to get your resolution--your case passed. This is why we tabled it, so that you would have the advantage of a full Board to be heard.

T. Berry: No, no. You tabled it--he tabled it. Mr. Turbiak tabled it because--

Baringhaus: I'm sorry, Mr. Fisher, we've really closed the case at this point. Do we need to continue with this?

Fisher: Why don't--if you want to, I'll go out in the hall with you, and we can discuss this while they do their other case?

T. Berry: Why--why don't we just vote to deny it so I can take it to Circuit Court.

Baringhaus: No. We're done. We voted to table.

S. Berry: What are we doing next time? Are we--

T. Berry: I don't know.

S. Berry: --guaranteeing seven members being here next time? Are we coming here--

T. Berry: Did I fulfill what you've asked of me?

Baringhaus: What I've asked for you is that if you wish your case to be heard, you'll reschedule it for December 14th. That's what I told you.

T. Berry: According to the Chair that's not here this evening and Mr. Fisher, they wanted me to go down Farmington Road--

Baringhaus: Again, Mr. Fisher, are you gonna discuss this separately?

Fisher: Yeah, why don't we--why don't we do that.

Baringhaus: Thank you.

APPEAL CASE NO. 2021-07-32 (Tabled on September 28, 2021): An appeal has been made to the Zoning Board of Appeals by Michael Ramsden, seeking to erect a detached accessory building, resulting in excess area and the total of all accessory buildings being excess in area.

<u>Detached Accessory Building Area:</u>	<u>Total of all Accessory Buildings:</u>
Allowed: 200 sq. ft.	Allowed: 920 sq. ft.
Proposed: 484 sq. ft.	Proposed: 1109 sq. ft.
Excess: 284 sq. ft.	Excess: 189 sq. ft.

The property is located on the south side of Greenland (32525), between Hubbard and the cul-de-sac, Lot. No. 058-01-0186-000, RUF Zoning District. Rejected by the Inspection Department under Livonia Vision 21 Ordinance, Section 7.09(1),A, "Residential Accessory Buildings; Maximum Size."

Baringhaus: Chair will entertain a motion to remove the case from the table?

Klisz: Mr. Chair.

Baringhaus: Mr. Klisz.

Klisz: Motion to remove appeal case 2021-07-32 from the table.

Turbiak: Support.

Baringhaus: Motion by Mr. Klisz, support by Mr. Turbiak to remove the case from the table, all those in favor say Aye?

Board: Aye.

Baringhaus: Thank you. Do we have any questions for the building inspection department? Okay, obviously can't ask the legal department. We'll move forward. Yes, Mr. Boloven.

Boloven: I'm gonna close the door.

Baringhaus: Okay. Thank you. Okay, Mr.--

Ramsden: I hope you guys aren't all pissed off.

Baringhaus: No, no no. Before we begin--

Ramsden: Please, I need you.

Baringhaus: Before we begin though, if you can just state your name and address for the record.

Ramsden: Yeah, this is Michael Ramsden. 32535 Greenland Court.

Baringhaus: Thank you. Alright--

Ramsden: I--I tried to do everything that you guys have asked of me.

Baringhaus: Thank you. If you could just kind of state what's changed with--since we last heard your case.

Ramsden: We--we made the size even smaller. But he--my building contractor, he went hunting instead of being here, so, I think that he turned it all in. And so, I think now 22 by 22.

Baringhaus: Yes. That's what we have here. If you can, tell me about your attached garage. You mentioned that one of the hardships you had was the fact that the fireplace went into the inside of the garage--

Ramsden: Right into the--

Baringhaus: And actually (inaudible)

Ramsden: Oh, inside the garage is only 18-foot wide.

Baringhaus: Okay.

Ramsden: So, when you put two cars in there, you can't work. You have to go sideways to walk between two cars. I have a '55 Chevy and a '66 Chevelle. I'm trying to work on the Chevelle right now. The '55's done, but I'm trying to work on the Chevelle. So, I would like to move one to another garage so I can at least start--I gotta finish it. I'm--I'm going on 70 so I gotta get this done. Pretty soon they're all gonna be electric cars anyways.

Baringhaus: One question I did have, and previously you mentioned you had a trailer on your property. Is that correct?

Ramsden: No.

Baringhaus: No. You've since removed that?

Ramsden: A long time ago.

Baringhaus: Okay.

Ramsden: My mother passed away.

Baringhaus: Okay.

Ramsden: Somebody had taken an overhead picture, and that was when my mother previously owned the house.

Baringhaus: Okiedokie.

Ramsden: I thought everybody had gone by and looked at the property and seen the shrubs and everything that I planted.

Baringhaus: Yeah, no I had read that actually--

Ramsden: Okay.

Baringhaus: --in the minutes, and it just--I didn't quite recall it. So, I just wanted to re-check to see if the trailer was there or not. So, basically, you have your shed, the attached garage--

Ramsden: Right.

Baringhaus: --as your primary means of storage. Okay. Any adjustments to the height of the building with the size reduction?

Ramsden: Whatever he put down there. I don't think it's--I don't think it's that high. I haven't even seen the plans.

Turbiak: Mr. Chair, by my calculations--

Baringhaus: Yeah, Mr. Turbiak, go ahead.

Turbiak: By my calculations, it's under--just a smidge under sixteen feet, so it is within the ordinance.

Baringhaus: Great, thank you. Okay, very good. Any other questions for Mr. Ramsden? Mr. Testa.

Testa: Thank you for coming back with your modified proposal.

Ramsden: As long as you guys aren't all upset now.

Testa: I recall you also have a shed on your property. Is that correct?

Ramsden: Yes, that's why we lowered the size so that the shed could stay. That's where my lawnmower and all my gas and everything is.

Testa: So, you're gonna have two accessory buildings?

Ramsden: Well, it would be one for putting a car and the other----and the other one's for my tractors and stuff.

Testa: And as I recall last time you were not willing to remove that shed if we gave you that square footage?

Ramsden: Oh, then I--I would--if you did that I'd go back to the regular size. That's what they said before. They said if you lower the size, then the shed could stay.

Testa: Yeah--

Ramsden: I--I was here. I paid attention.

Testa: No, I think it was because you were un--at the time unwilling to remove that shed.

Ramsden: Yes.

Testa: Okay. So, that's the condition--your proposing is keeping that shed and you reduced your overall garage size proposal to accommodate that.

Ramsden: Yes.

Testa: Okay.

Ramsden: But--but at the time, my builder, he didn't have the drawings.

Testa: Correct.

Ramsden: And--and the Board said if he had the drawings, it would've been okay, but I didn't have the drawings.

Testa: Okay. And I also recall from--as Mr. Baringhaus was touching on, I was under the impression you had a trailer as well that you were storing parts in? But that's not the case, you're saying, correct?

Ramsden: No. No. No. He's talking about a motorhome trailer.

Testa: So, you do have a--

Ramsden: I have a trailer. It's outside, yeah.

Testa: Okay, and it's storing parts, right?

Ramsden: Yeah, I got car parts in it.

Testa: Yeah, I understood Mr. Baringhaus' question to be exactly what I'm asking, that's why I was--

Ramsden: Oh, I thought he was talking about the motorhome--

Baringhaus: No. I was talking about the trailer that you're storing--

Ramsden: Oh, I thought you were talking about--somebody had taken an overhead picture of the house previously, and it had my mom's motorhome.

Testa: Yeah, yeah.

Baringhaus: No. No. No.

Testa: Yeah, just in general, a trailer, not specific--motorhome.

Ramsden: Okay, I'm sorry.

Testa: You do have a separate trailer--

Ramsden: Right.

Testa: Okay. Question to the inspection department, is that trailer allowed?

Ramsden: It's licensed.

Stierna: It would need to be in the rear yard.

Ramsden: It is.

Stierna: Under ordinance.

Testa: And you plan to keep that trailer on--on premises?

Ramsden: I'll probably put it in the garage.

Testa: Oh, you will? So, it will not--it will no longer be out?

Ramsden: But it's still licensed. I can put it anywhere. It's a licensed trailer. I paid for that license so that trailer could be outside. I don't see the problem with the trailer.

Testa: I was trying to assess what all is out there.

Ramsden: Yeah.

Testa: I'm not saying there is a problem with it, I'm just trying to understand what you have out there.

Ramsden: Well, I thought he was talking about the motorhome.

Baringhaus: No.

Testa: Okay. What else do you have out there?

Ramsden: I have a dinghy.

Testa: Do you have any like plastic sheds or storage units or anything?

Ramsden: No.

Testa: Okay.

Ramsden: No.

Testa: Okay. And do you plan on any additional landscaping other than what we talked about last time that you were putting--

Ramsden: Not unless the deer keep eating mine up like they eat his up, man. I mean, I'm getting five and six and seven, bunches.

Testa: My last question, I was always iffy on your hardship on--I understand why you want a bigger garage--

Ramsden: I really enjoy working on cars. You know--that's what I enjoy. That's what keeps me going for my life. I'm--if nobody here works on a car or maybe you turn it in to some other mechanic, but that's not what I do. I work on them. And I enjoy going to car shows and doing stuff like that. But I can't work on a car--can't--there's just not room. You gotta walk between--I got this--maybe not even this much room between both cars. That's--it's impossible to work. You can't even change a tire. So, that--to me that's a hardship. Not being able to work on a car. Not being able to do things. I had to put my motorcycle over to my neighbor's house because somebody tried to steal it.

Testa: Thank you, Mr. Chair.

Baringhaus: Thank you. Just going back to the trailer again. What are the dimensions of that trailer? We--I had a vision of like a semi-truck trailer.

Ramsden: No. No.

Baringhaus: Can you maybe just give a brief description of it?

Ramsden: It's probably five by--five by eight.

Baringhaus: And it's garage-able like you said?

Ramsden: Yeah.

Baringhaus: Okay. Very good.

Ramsden: Maybe it's four by eight--it might be four by eight.

Baringhaus: Any other questions for Mr. Ramsden?

Ramsden: Semi-truck.

Baringhaus: Why don't you just wait there a minute.

Ramsden: I didn't upset all you guys, right? I can still hear them out there.

Baringhaus: Why don't you just wait right there, obviously I don't think we have any audience comments tonight, we'll just ask Mr. Klisz to read the letters.

Klisz: Letter of approval, Barry Ziemba, 32634 Greenland Court, (Letter read.)

Ramsden: But you guys--you guys have to go with all the other ones that were wrote too. A lot of these people aren't gonna keep writing.

Baringhaus: Okay, very good. Yeah, this will--if you would like to make a closing statement regarding your request--

Ramsden: I really need the garage guys. I enjoy working on cars. I enjoy tinkering. I don't know. I just enjoy it. It's keeps me going.

Baringhaus: Okay.

Ramsden: I'm 70 years old almost. I like doing it.

Baringhaus: Okay, very good. Thank you very much. We'll just have you take a seat now.

Ramsden: Okay.

Baringhaus: Okay, terrific. Okay, that'll close the public portion of the meeting and then we'll begin the with the Board's comments with Mr. Testa.

Testa: Thank you, Mr. Chair. I will be in support of this. I--I appreciate your comments. I also like working on cars, I don't have the space to do it or that I'm with four young kids

nor as many cars to work on itself but I do--I wish you had him more detailed explanation of your hardship but I can imagine what it is I don't go with that. I do appreciate that you've come back multiple times reducing the size of this. I think what you originally proposed was too big. I know in your eyes you disagree but I think it's a fair compromise to keep your shed that you did come down in size with the overall size of the garage making your total overedge not so bad. So thank you and I will be in support

Baringhaus: Thank you. Mr. Boloven.

Boloven: So, I wasn't at the last meeting. I read the minutes. I was at the first one where we heard this and I'm curious to hear the board's comments on it. I'm still torn on this one just based on my statement from the first meeting I was expecting this to come at least under 1000 in total area. It's still over by 109. We still have shed that's gonna be remaining and I kinda--I did, I asked for the shed--I set if it came back I'd wanna see it under 1000 in the shed being removed in both those aren't present. I'm curious to hear what my board has to say and then I'll go from there.

Baringhaus: Thank you, okay, Mr. Klisz.

Klisz: I was in support of it last time. I think--I don't remember what the breakdown was but it kind of seemed like we would have approved it at that time with the people that we had present other than the fact that we didn't have the drawings because there was debate about whether leaving the shed or taking it down. I believe it's in good shape and the overall is not that--that giant for this particular large lot. So, based on that I will be in support.

Baringhaus: Thank you, Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Yes, I was gonna be supporting this one last time even before the reduction. I saw the hardship. I--I don't think it's unusual for properties this size to have the additional storage, and obviously there's needs with the equipment that Mr. Ramsden has, so, I will be in support of it tonight as well.

Baringhaus: Thank you. I agree with my colleagues on the Board. I'll be in support of the variance as well. I appreciate Mr. Ramsden's effort to reduce the size of the proposed garage. Also, I think he has a little bit of a hardship with the--with the current attached garage. I think--you know--when the home was building, it was built on a smaller dimension than it--that garage would have been built today with that house, so I think that's working against you. You answered the question regarding the trailer. I assumed that was like a separate storage trailer, it really isn't. It's a smaller trailer that you plan on moving into your garage as well. The shed itself, I'm fine with that. I think--I agree with your neighbors. I think there's no impact on visibility. Your house sits very far from the road and the backyard itself is very wooded and things like that. So, it doesn't really have any lines of sight. I will ask you to try to--you know--if you have any outside

storage, to eliminate that. You know--as much as possible. Other than that, like I said, I will support the variance. So, floor's open for a motion.

Upon Motion by: Klisz. Supported by: Turbiak.

RESOLVED: APPEAL CASE NO. 2021-07-32 (Tabled on September 28, 2021): An appeal has been made to the Zoning Board of Appeals by Michael Ramsden, seeking to erect a detached accessory building, resulting in excess area and the total of all accessory buildings being excess in area.

<u>Detached Accessory Building Area:</u>		<u>Total of all Accessory Buildings:</u>	
Allowed:	200 sq. ft.	Allowed:	920 sq. ft.
Proposed:	484 sq. ft.	Proposed:	1109 sq. ft.
Excess:	284 sq. ft.	Excess:	189 sq. ft.

The property is located on the south side of Greenland (32525), between Hubbard and the cul-de-sac, Lot. No. 058-01-0186-000, RUF Zoning District. Rejected by the Inspection Department under Livonia Vision 21 Ordinance, Section 7.09(1),A, "Residential Accessory Buildings; Maximum Size," **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met because of the original garage being very small and lot very large.
2. Denial of the variance would have severe consequences for the petitioner due to the petitioner being unable to store and use garage space to work on vehicles and store lawn equipment.
3. The variance is fair in light of its effect on neighboring properties and is in the spirit of the zoning ordinance because of the neighbor support.
4. The granting of this variance will not adversely affect the purpose or objective of the Master Plan because this property is classified as "Low Density Residential" under the Master Plan and the proposed variance is not inconsistent with that classification.

FURTHER, the variance be granted with the following condition:

1. That the garage be built as presented as to materials and location.
2. That the petitioner is to eliminate outside storage on his property.
3. That there be no commercial auto repair on the property.
4. That the petitioner maintains the foliage currently on the property.

Fisher: Can you say the petitioner try to eliminate?

Klisz: That was Mr. Baringhaus' comment and I liked it.

Baringhaus: Well, previously--

Ramsden: He was outside. He doesn't know about--

Baringhaus: Previously, Mr. Ramsden was storing a number of items outside. It was his opinion he could eliminate that by--with the garage. I think he was storing some (inaudible) equipment, auto parts, things like that, if I wasn't mistaken. You obviously agree you need to clean that up, and that's--that was what was driving that suggestion from me.

Fisher: Okay, well, I just--to use a term we heard earlier this evening, we should be a little more directive then tell him to try.

Klisz: Okay, then let's just say, petitioner to eliminate outside storage on his property.

Baringhaus: Very good.

Klisz: So that's the motion.

Baringhaus: Thank you. Do I have support?

Turbiak: Support.

Baringhaus: Thank you. Motion by Mr. Klisz, to approve the variance with support by Mr. Turbiak, do we have discussion?

Boloven: Mr. Chair.

Baringhaus: Yes, Mr. Boloven.

Boloven: Quick question for Mr. Fisher. There's a note on the finding of fact, should the Board be inclined to grant the variance, they may wish to regular the use of auto repair equipment on sight in order to minimize the noise and other impacts on neighbors. Is there anything that we should be incorporating into this motion based on that statement?

Fisher: Well, previously, Mr. Ramsden had indicated that he wasn't gonna use the air drills or whatever, so you can--if that's a concern--

Ramsden: I have one in my other garage. So, it doesn't matter.

Fisher: That--if that's a concern, that's what that's about.

Boloven: Well, there was a question asked last time if there would be an air compressor in this new garage, and the answer was yes. Is that--

Ramsden: Right. I have air compressors. I hope everybody here has one.

Baringhaus: No, I think if I recall, I asked that question at the last meeting and Mr. Ramsden respond--I asked if the neighbors had--I assumed you had an air compressor first of all.

Ramsden: Right.

Baringhaus: So, my question was did he have any neighbor complaints or concerns regarding the noise about the air compressor and I believe he hadn't experienced any up to that point. And maybe to follow up on Mr. Boloven's suggestion is-sounds like you're working on cars as a hobby.

Ramsden: Right.

Baringhaus: You're not conducting a business--

Ramsden: No.

Baringhaus: --from your home.

Ramsden: I don't work on other people's cars either.

Klisz: So, should we limit--limit no commercial auto repair from the property?

Ramsden: That's good with me.

Baringhaus: Mr. Klisz, would you mind re-reading the conditions before we--

Klisz: Sure.

Baringhaus: Oh, I'm sorry, Mr. Turbiak.

Turbiak: Yeah, I had another condition. I think in the last meeting I had suggested the condition that Mr. Ramsden maintain the foliage, I believe they were arborvitae that he had planted as screening, and I just wanted to--I think he had mentioned that he had no objection to it last time as a condition, meaning if one should die or a deer should eat one, that he would replace it in a timely manner.

Klisz: I'll be happy to add that.

ROLL CALL VOTE:

AYES: Turbiak, Testa, Boloven, Klisz, Baringhaus

NAYS: None

ABSENT: Morgan, Coppola

Klisz: Passes 5-0.

Baringhaus: Okay, congratulations your variance has passed.

Ramsden: How long do I have to do it?

Klisz: Should we allow the waiting period?

Fisher: Waive the five days.

Klisz: Are you looking to get started right away?

Ramsden: I don't know. The weather. I don't know. I gotta break ground, pour concrete, do all that stuff. I don't know whether I'm gonna be screwed up with the freeze/frost stuff.

Turbiak: So, I think he said he wants to know how long he has to get his permit pulled. I would say nine months is sufficient.

Ramsden: Oh, that'd be fine.

Klisz: Should we add that to a condition or?

Baringhaus: Why don't we add that.

Turbiak: Can we add that after we voted?

Klisz: Can we do that?

Fisher: Why don't we just tell him nine months.

Turbiak: Okay.

Baringhaus: You have nine months--So, okay, as--again, congratulations--you know--

Ramsden: Okay. Thank you.

Baringhaus: --your variance has been passed as we discussed. You have nine months to get your permit so you can get started with your garage. Any questions, please consult the building inspection department.

Ramsden: Alright.

Baringhaus: Okay.

Ramsden: I'm glad that I didn't upset you too.

Baringhaus: You did fine.

Ramsden: But you need--you needed to make it more clear that they were open to come back in front of you.

Baringhaus: Thank you, we're fine. That closes the case. Mr. Klisz, do we have some minutes to approve?

Klisz: Yeah, that's what I'm looking at here. It's the minutes of October 26th.

Testa: Move to approve minutes for October 26, 2021.

Boloven: Support.

Baringhaus: Okay.

Klisz: Motion. Support.

Baringhaus: All those in favor say aye?

Board: Aye.

Baringhaus: Mr. Klisz, you wanted to discuss the meeting notices and how motions should be--

Klisz: Oh, yes. Just to make it clear and put it on the record for people the minutes, but for the current Board who's here. There's always been a discussion when we get to the resolutions about the property's classified blank under the master plan, and then Mr. Fisher today has interpreted that for us by using the FLUP on our--in our packages when you look at the FLUP, it'll show each case and then in bright red caps, bold letters, it'll--like today it was low density residential and then it could be commercial or it could be whatever. That's what he's looking for--or that's what should be in that--in a resolution we should use that term as opposed to--

Turbiak: N-2.

Klisz: --if we're looking at something, the voting districts or the zoning districts and stuff like that. So, that's just to clear that up so that when you make a petition or motion to approve something, use the FLUP, future land use plan, that'll be--then we can consistently do that.

Baringhaus: Question I have though, would it be possible to put that on the public notice? Because a lot of times--at least myself, I use the public notice to formulate a motion.

Fisher: Does it reference the master plan status on the--

Baringhaus: Yeah, maybe in parenthesis next to the zoning--so, in other words it would read, RUF Zoning District (Low Density Residential).

Fisher: We can--I'll make a note of that and see what can be done. I mean, we have Marilyn out right now, I don't know how readily we're gonna be able to move on these things.

Klisz: Oh, the new person can just jump right in.

Fisher: Yeah, maybe.

Baringhaus: Okay, any other comments?

Boloven: Motion to adjourn.

Testa: Second.

Baringhaus: Motion to adjourn by Mr. Boloven, support by Mr. Testa, all those in favor say aye.

Board: Aye.

There being no further business to come before the Board, the meeting was adjourned at 8:17 p.m.



James Baringhaus, Vice Chairman



Timothy J. Klisz, Secretary

/vcb CEO 9489