

ZONING BOARD OF APPEALS

CITY OF LIVONIA

MINUTES OF SPECIAL MEETING HELD TUESDAY, OCTOBER 26, 2021

A Special Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, October 26, 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
Leo Neville, 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. Six (6) 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 eleven (11) people present in the audience.

(7:00)

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APPEAL CASE NO. 2021-09-39 (Tabled on September 14, 2021): An appeal has been made to the Zoning Board of Appeals by Dennis, Elaine, and Aleta Lockhart, seeking to erect an attached garage, resulting in deficient south side yard setback and deficient combined side yards.

Side Yard Setback:

Required: 6.0 feet
Proposed: 4.4 feet
Deficient: 1.6 feet

Combined Side Yard Setback:

Required: 16.0 feet
Proposed: 11.0 feet
Deficient: 5.0 feet

The property is located on the west side of Filmore (18265), between Myron and Irving, Lot. No. 033-01-0334-000, N2 Zoning District. Rejected by the Inspection Department under Livonia Vision 21 Ordinance, Section 3.05, "N2 Neighborhood District; Dimension Regulations."

Baringhaus: Okay, thank you. Sure, I'll entertain a motion to remove this case from the table.

Klisz: Mr. Chair.

Baringhaus: Mr. Klisz.

Klisz: Motion to remove appeal case 2021-09-39 from the table.

Boloven: Support.

Baringhaus: I have a motion by Mr. Klisz, supported by Mr. Boloven, to remove the case from the table. All in favor say aye.

Board: Aye.

Baringhaus: Case is removed.

Tatro: Good evening.

Baringhaus: Good evening.

Tatro: Good evening, gentlemen.

Baringhaus: Okay, before we start though, just one last point I have to clarify. Does the Board have any questions for the inspection department?

Turbiak: Mr. Chair.

Baringhaus: Mr. Turbiak.

Turbiak: Yeah, to the inspection department, Mr. Stierna, can you confirm that for the N-2 zoning that the minimum front setback is 30 feet?

Stierna: I can. It is.

Turbiak: Thank you. Mr. Chair, may I ask--may I also ask a question to the legal department?

Baringhaus: Please.

Turbiak: Leo, it appears that this case is actually--the house is only 20 feet from the front yard, which is less than the 30 that I just confirmed with inspection department, however, our public notice does not mention that. I think there was some confusion probably because the last time we heard this case the survey mentions that it was 40 feet or 40 and seven inches or 40.7--something--something in that neighborhood, which was not non-conforming, but I think that was the measurement to the street and not to the property line. So, I'm wondering--just so we set the grounds here, I mean, I'm personally interested to still discuss the case but I just wanna make sure--is it possible to even resolve this case other than tabling tonight?

Neville: Well, if I understand what you're asking, Mr. Turbiak, is whether or not it's a non-conforming use because of the fact that it's--it doesn't meet the front yard setback?

Turbiak: Well, my concern is that the public notice hasn't mentioned that, and if we were to approve it tonight, we would--we would inherently have to also approve a variance that's not called out on the public notice. I know sometimes if the public notice is wrong and we're--you know--actually entertaining a non-conformance or variance that's less than what's on the notice, but in this case, it would be something more than what's on the notice.

Neville: Well, I would imagine that there--it wasn't contained within the notice because it would appear that the proposed garage sits back from the front of the house, and you really can't do anything about the--about that deficiency because of where the house has been and so I don't think that that's--that that would need to be included. The proposed structure is--has the impact of--you know--whether or not it falls within the side yard setback and as far as I understand or see in the proposed documents, that the front of the garage sits behind the front of the house, so, I don't think that that--that poses any kind of impediment to resolving the--the issue before the Board tonight.

Turbiak: Well, let me just ask a little further about that because as it turns out--I don't wanna get ahead of ourselves but it just so happens that our second case tonight is a front yard setback that's non-conforming and it's an addition onto the building that's also not protruding any close that the existing non-conformance but it's still before us tonight because--it's my understand that that's required if you're adding onto a non-conforming building that you still have to come before the Board. So, I'm not sure. Maybe there is a difference, but I have yet to see what the difference between this first case is that would

not require it to also call out that on the notice. And--and again, I think it was a--I think just today that new plans were changed. I'm guessing that it was very recently that this was found out by the petitioner. I don't think that there's any intention of--you know--confusing anyone. I think that it was--and we'll find out in a second most likely, but I think that, like I said, last time it was before us, it was on the survey as 40 feet, which it didn't require a variance, and then--you know--about 4:30 today or 4:00 today, I think our packets were updated and it turns out that it's only 20 feet and so, I just--obviously there was no change to send out a--you know--a public notice in that time, and so, I just wanted to get the legal opinion and direction on--you know--if we can hear this and how much we can hear and--you know--can we even resolve it--you know--I suppose we could reject it without having to send out another public notice, but presumably the petitioner would like to see it approved or approved in some portion with some--you know--modifications or something like that. I just wanted to make sure that we all had the same expectations and understanding.

Neville: Well, I--I wish I had a better answer for you but at this--honestly, I don't see it that it would be an issue, but however, if the Board decides that they think that it might be something that deserves further inquiry then you have your--your options as to whether to--to table it for clarification on that point or to take that into consideration in whether to--just further approve the request for this--the variance for the side and the combined yard setback or to deny it. I don't think there's a notice issue, personally, but.

Turbiak: Okay. Thank you.

Baringhaus: Does the Board have any other questions for the law department? Thank you. Good evening.

Tatro: Good evening, gentlemen. My name's Nick Tatro, I'm an attorney with Foley, Baron, Metzger, and Juip over on Six Mile here in Livonia. I'm here in representation of the Lockhart's who are here to my left and I--yesterday I dropped of a--a letter to--addressed to you gentlemen that I believe lays out our position with respect to this request of variance. As Mr. Turbiak noted, today there was a slight modification to the drawings relative to that front yard setback issue. It was something that we noticed. Apparently, when the surveyor that did the surveyor laid out the unit on--on the drawing, he laid it all the way out to the street, and it was discovered later that that was actually incorrect, and--you know--that was--we wanted to make sure that the record was clean on that subject prior to coming in, hence, we updated that particular portion. The front yard setback isn't the only thing about my client's property that's non-conforming according to the N-2 zoning regulations, and again, I pointed this out in the letter, but my client's lot is woefully deficient of the minimum lot area. It's about 5300 versus the 8400 required minimum. It's also woefully deficient with respect to width and depth. Again, laid out in the letter that I dropped out today. And if any--anybody hasn't had the chance to read it or if they'd like to expound on anything, I'd be happy to. I just don't want to waste the--the body's time on stuff that they've already heard. So--you know--the hardship on my client is really twofold. One, we have this very small postage stamp like property that's plopped down in a zoning area that is, I guess, zoned so much

bigger properties, and as a result, in order to do really anything with the house that's on that property by way of renovation, my client's gonna run into the size constraints that they're experiencing because of this small property. On top of that, and I think the more important issue before the court--excuse me--before the Board tonight here is the issue of my client's disability. She--my client, Aleta Lockhart, who is the resident at the house, and is also a co-owner along with her parents Dennis and Elaine, has been determined to be disabled by the Social Security Disability Administration for at least over the past decade, and that continues today. It's for a--I guess an ailment that we would rather leave off the city's official record, but I'd be happy to discuss with any individual Board member if they had any doubt of--of the fact of my client being a disabled person. On top of that disability, my client also was diagnosed somewhat recently, but somewhat fairly in the past as well, as having multiple sclerosis, and multiple sclerosis as some of you may know is a degenerative disease that progresses as you age. It is, heretofore irreversible and its outcome is inevitable. At some point, my client, Aleta Lockhart will require the use of a wheelchair. Probably first for only part of the time and then later on for all the time. And it's really--that is the reason why we come before you here today requesting the variance. My clients' have looked to the future and have seen whether or not this particular house, which they've lived for some--lived in it for some time, and would like to continue to live in forever, if possible, would in fact be the right house for a disabled person. And the answer to that question is, it could be. It could be if this Board approves the--in my opinion, the relatively de minimus request that we're asking here, which is to come a mere 1.4 feet into that side yard setback in order to accommodate a--a garage that is large enough to have both the space for a car and a space for a handicap compliant ramp into the home. The--the addition of an attached garage might seem like something that is not so important to--you know--any able body person such as you or I, but to a disabled person, to be able to exit your vehicle in a dry covered environment that is safe from the inclement weather that may be outside at the time is--is a god sent. I mean, it could mean the difference between aggravating pre-existing injuries and--and making things worse or just entering mundanely into your home like everybody else does. So, again, I don't wanna belabor the point. Everything that I--that I would like to say regarding this particular matter is contained within my letter. I'd be happy to answer any further questions that the Board might have regarding that letter or my presentation today, but what you have before you is a--a citizen of your city who has two very valid reasons as to why a setback should be granted and we ask that you grant that setback.

Baringhaus: I do have a question.

Tatro: Yes.

Baringhaus: Basically, looking at the original plan and then reviewing the revised plan, can you summarize the changes that were made to the revised plan?

Tatro: So, in light of this issue with respect to the front yard side--the originally plan called for about five feet--a portion of the garage, the front portion, would have been five more feet closer to the street and in light of this fact that we were already ten feet into

the minimum setback that the city has required for this zoning district, it was decided that hey, at the very least we should push back that front portion of the proposed garage to even up with the existing house, and that way there--it doesn't really create, in our opinion, a new setback issue. It's merely an add on to a pre-existing non-conforming use. And--and again, this, in light of--excuse me--this particular concession which we submitted today, is in conjunction with the others that were previously changed since the last meeting that we--that were changed in hopes of addressing some of the community concerns that were raised at that hearing. You know--we--we believe that we have done the best we can to--to accommodate those concerns and certainly we're not opposed to listening to those concerns and potentially further re--making further refining points, however, we've kind of reached the point to where there's no room to go back, no room to go further left or right, so, we're hoping that this latest version of the drawing is one that can be approved.

Baringhaus: And then tell me about the modifications to the side yard setback. I believe the original plan was at the 3.6 feet.

Tatro: That's correct.

Baringhaus: It's been revised to 4.4.

Tatro: Yes. So, in light of the--I'm sorry did it go the other way? Give me one second.

Baringhaus: Oh, sure.

(Inaudible speaking)

Tatro: Yes. So, again and I think it has to do with this misconception of--misreading of the original survey, but that--that is basically a result of a better understanding of what we're looking at and revising the plan to more fit the reality of the survey and what's on the ground.

Baringhaus: Okay. And then based on the drawings I see it does move the garage more in line with the front of the house. There appears to be some overlap where the garage is a little--maybe a little more forward than, I'll call it the living area of the home on Filmore Ave.

Tatro: It--

Baringhaus: I mean, you've made an effort to bring the garage back.

Tatro: And I will say this, I mean, what we're looking at really isn't--you know--an engineering or an architectural drawing. I can submit to this Board that the intention is for it to be in line with the living area exactly.

Baringhaus: Okay. Okay, thank you very much.

Tatro: Thank you.

Baringhaus: Any other questions from the Board?

Testa: Mr. Chair.

Baringhaus: Mr. Testa.

Testa: Can you refresh my memory as to why you can't go further back?

Tatro: And I'm sorry one second.

(Inaudible speaking)

Tatro: Yeah. I guess the only way it can really be attached to the house, and again, you remember it's a small house, this really is the farthest back that it can get and still make sense with the layout of the house inside. You know--there's also a shed that's behind where the proposed garage sits now--you know--we're trying to minimize the disruption as much as we can while still being within the footprint and there being a logical entrance to the side of the house.

Testa: Okay. Yeah, thank you. I think that's what I was getting. I believe from my memory it was due to the door or the landing to get into the house from the garage.

Tatro: That's correct.

Testa: Once the car's parked.

Tatro: That's correct.

Testa: Okay. It wasn't the external issue with the shed, technically you could move it further back, but then you have an access issue from your car getting out into the house from that landing area. Thank you.

Tatro: That's correct.

Testa: Thank you, Mr. Chair.

Baringhaus: Thank you. Any other questions from the Board?

Turbiak: Mr. Chair.

Baringhaus: Yes, Mr. Turbiak.

Turbiak: Through the Chair to Mr. Tatro, so, just going back to the point of this not being an engineering drawing, I just wanna put a finer point of clarification on where the

garage will start verbally. It seems like the corner of the house is "x" distance from the--it looks like it's the 20 feet from the property line, and then there's a bay window that's--I presume a foot, foot and a half closer to the street. So, would this garage roofline line up with that corner of the house or with the bay window?

Tatro: So, it--it's not actually a bay window and--and Dennis can correct me if I'm wrong, but I'm fairly certain that's a--some step. Right? Am I correct in that?

D. Lockhart: Yeah.

Tatro: Yes. That little bump out that you see in the drawing, those are steps. And that--this will put it in line with the corner of the actual house.

Turbiak: Okay. But if I look at the picture of the house, I happen to have one here in front of me, probably--I mean, there's a gable on the front of the house, right? So, that gable sticks out further than the proper corner of the house.

D. Lockhart: Yes.

Tatro: Yeah, and I'm also looking at a picture as well. You are correct. It's again--it's the intention that it--that it--at least from what I'm looking at with the drawing a what we discussed earlier today is that front edge of the garage is gonna line up with the--if you see that--if you're looking at that picture of the gable, there is the--there's two white lines that you see next to the red car. Are we looking at the same picture?

Turbiak: I think so.

Tatro: Yeah, so it would be the second white line in from the left. Excuse me, in from the right.

Turbiak: Okay, thank you. I was wondering that. So, basically, not the bump out gable--

Tatro: That's correct. Yes.

Turbiak: Okay. Gotcha. And then, so, I guess my biggest concern is, I don't know what page it was in your original presentation, but there was an overhead view with a car sketched into the--you know--footprint of the garage, and there was a--a future ramp called out and a landing. I have a lot of questions about this--you know--some of them are just very basic ones, but now that there's a new location of the front of the garage, I think that's potentially gonna impact the ramp. So, to me it seems a little bit rushed to say we can--you know--approve it--you know--five feet back. So, I guess to get to some of the technical questions, how high is that door from the proposed garage floor? In other words, what's the rise that needs to be addressed by the ramp, and I see there's a one over sixteen ratio called out--you know--so, basically what I'm getting at is how long does the ramp need to be and can it be contained between this proposed landing, and

the new front of the garage because again, I think this was sketched out on the old design.

Tatro: Certainly. And I'm gonna call up Dennis here, he's a little bit better with the measurements and the numbers, has it more in his head than I--

Turbiak: Sure.

Tatro: --You'll note too that in addition to moving it five feet back there is a separate bump out in the back to accommodate that move, right? And so, with that Dennis, can you explain the ramp with relative to the door--you know--(Inaudible).

D. Lockhart: I'm not sure what the question is, though, which way the ramp is slanting, is that the question?

Turbiak: Well, no--

D. Lockhart: The intent would be to come out the door that's in the upper left hand corner there, come out onto that wood porch and then be able to swivel a wheelchair toward the ramp there, which will slant down to the floor where the--toward the right hand side of the drawing, where it's at floor level, you'd be able to swivel around again to approach the van there with the door open.

Turbiak: Yeah, I can see how it's intended. I mean, what you just said is kind of what I had interpreted from the drawing myself. My concern is that--you know--that front line of the garage, where you've got the garage door called out with the different squiggles--you know--three feet off of each--each wall. The North and the South--

D. Lockhart: Mmhmm. Okay.

Turbiak: --through out the garage I'll call it. You know--that whole garage door is gonna be moved five feet the left, right? So, now if the ramp really has to be--and I know this isn't an engineering drawing, right so, that's what I'm trying to understand and point out and--you know--I think that my concern is that this needs to be--as mentioned earlier, so, this is another reason why I think that this needs to come back before us, not to get too far ahead of us but, I don't wanna be here trying to do engineering work on the ramp--you know--and I know that came up last minute it sounds like. So, how long is that ramp? There's no dimension on it. You know--what's the rise that you need to actually raise the wheelchair from the ground of the garage up to the door where it sits, because that's a fixed height, and--you know--I'm not familiar with the ADA regulations. It looks like one sixteenth is called out. I'm supposing that--you know--for every sixteen feet long you can go one foot up and down, right? You don't wanna have it too steep presumably. You know--also, questions like how wide does the ramp need to be?

D. Lockhart: If I may, the purpose of this drawing is really to give an illustrative example of what it could look like.

Turbiak: Mmhmm.

D. Lockhart: We're not ADA experts. It was our best guess in drawing it. So, you know-- that's what we--we tried to justify the width of it and the length of it with this drawing by showing how wide--

(Inaudible speaking)

D. Lockhart: --Also, our neighbor Peter is here, and he just asked if he could answer that question too when he has his turn to speak.

Turbiak: He can come up at any time.

Baringhaus: No.

Turbiak: Oh, he's not with the party? He's a neighbor?

Baringhaus: Correct.

Turbiak: Okay. So, he has to come up at another time.

D. Lockhart: So, this is really meant to be just an example of what it could be. We're not precisely engineers here. We drew it at home. It shows the width of the truck with the doors open, all that.

Turbiak: So, I'll look forward to you neighbor's input as well--his professional opinion, but I guess my question to you is, just to make my point with charity, do you have confidence that this could work now that you've moved the garage door five feet further from the street?

D. Lockhart: I have total confidence this would work. Absolutely

Turbiak: Okay.

D. Lockhart: If the Board will approve it, I think it's gonna make the house look so much nicer. I think it's gonna provide for her future, help provide for her future when we're not around to help take care of her, and it seems to me, the houses on both side have a garage. We're gonna be able to make this house look just like our neighbors' house.

Turbiak: Mmhmm.

D. Lockhart: And it's a very small request. It's down to less than two feet. The reason why it was revised is the first time through, I didn't account for the 55 feet width of the lot, and then, I'm an accountant, so after I looked at that, I thought, what on earth did I do? I shot myself in the foot. So, that's why the revision on the width of the lot.

Turbiak: Well, thank you for clarifying that, too. I forget what I was gonna say. So, I guess I'll hold the rest of the questions about that until we get to an opportunity for your neighbor to speak. Let me see if there's any other--how--I guess, how wide does the door need to be for a wheelchair? I see that your existing door is 30 inches, is that gonna be sufficient?

D. Lockhart: We believe so. Our best guess at this point, if it's not sufficient, then we'll make the door wider.

Turbiak: Okay. And you know what, I remember what I wanted to say. I just wanted to clarify that--you know--these questions and my doubts are not about necessarily the garage and how it'll look and the need for it. It was more of--I would--I'd be disappointed if--if we approved this in such a way, and you found that you couldn't get a ramp in there that would work and that it turns out that the garage needed to be adjusted somehow. That's the point of my questions.

D. Lockhart: I--I think that once we make the garage, adjusting it would be difficult.

Turbiak: Exactly. That's why we wanna fix it now. Which is why I wanna make sure we have engineering drawings.

D. Lockhart: Yeah, that's why. We've--we've carefully pre-thought all of this before we brought it to you. So, just so you know that. We just didn't--just create this on a whim.

Turbiak: Oh--oh, excuse me. I didn't mean to cut you off. No, obviously you've put a lot of work into it. But just a moment ago, you mentioned that you just kind of penned this out on a paper, so, I think it's well thought out, but it's not necessarily--I don't have the confidence that maybe you do. That's--that's my only point. And I'm also not convinced--well, I don't--I'll hold that. Let me keep to the questions for now. So, I noticed that in the revised plan you still have varying pitches. What I mean is different pitches on the garage versus the house. And I remember there was some feedback in the last meeting but just so we can better understand this new proposal, can you explain why you have different pitches?

D. Lockhart: Okay. And I can. The existing house is 24-foot long and 16-foot tall, okay? So, that produces a certain pitch, because it's 20-foot long, 24-foot wide, 12-foot at its center, so that's what the peak is.

Turbiak: Yup.

D. Lockhart: And the garage that we're proposing is 29 feet long which takes the peak in a different spot. So, what we did is we lowered the peak of the garage so that it's three foot less than the peak of the house, and of course then that's less of a slant on the roof because it's 29 feet long and not as tall.

Turbiak: I understand what's on the paper, but I guess my question is why didn't you keep the same pitch, and now that fronts are aligned, you could make the peak of the garage a little bit higher because of like you said, it's 29 feet so, if you keep the same pitch you're gonna end up with a higher peak, just--that's how it works out.

D. Lockhart: Now, the reason we did that is because a question we had last time from this Board was you didn't like the peak of the garage taller than the peak of the house. So, to try and satisfy that (Inaudible) we lowered the peak of the garage less than the peak of the house.

(Inaudible speaking)

Turbiak: Right, and that's--and then that's--I'm glad that you made that point. And I--I was one of maybe a couple, but I was at least one Board member who mentioned that. I think at the time I said--you know--I'm not really an architect and--you know--after looking at it further, I just wanna add--you know--I think your neighbor on either side, actually their garage peaks are higher than the house, so--

D. Lockhart: Absolutely.

Turbiak: --I think it would be fitting and given that this had been proposed with a garage that's equal to the front of the house, I think it would be aesthetically pleasing more so than the differing pitches. Again, just one Board member's opinion. You know--I--I feel a little bit bad because it sounds like maybe I influenced you in the last one, but I'm careful to couch these as comments and I wouldn't--I guess just to say in light of what I've learned since the previous meeting, I think I don't have an issue with the pitch being the same and it seems to me that it would look more aesthetically pleasing. Again, I'll ask your neighbor since he's an architect when he's up in a position to speak.

D. Lockhart: Mmhmm.

Tatro: Just so you know, the side bar was regarding--I think you're using the word pitch incorrect here. It's--the pitch and the slope are identical, it's the height that's different.

Turbiak: Well, no--no they're not. So, one had a--I think a five over twelve pitch and the other had an eight over twelve pitch. So, maybe he doesn't have the latest--

Tatro: Well--we'll--we'll--

Turbiak: Sure.

Tatro: --save it for Mr. Tzilos here.

Turbiak: And maybe I'm--maybe I'm using it wrong. I'm--

Tatro: And again, I don't--I'm an attorney. I don't know anything about when it comes to that stuff, so I'll leave that to Mr. Tzilos.

Turbiak: Sure, I agree.

D. Lockhart: And I guess I wonder how the pitch of the roof has anything to do with the side yard variance that we're asking for your approval.

Turbiak: Well, typically when we approve something, we approve it as presented--you know--so, that would limit you on as--how it's presented. And again, this--we also take into consideration the impact on the city, right? Including the neighbors and that includes aesthetics to a degree. So, I think that it's a fair question for the Board to ask about.

D. Lockhart: Okay.

Tatro: And we agree.

Turbiak: Okay. I think--I think that's all I have, but for any reason, I'll take a break and give my other Board members a chance to ask some of the questions, thanks.

Baringhaus: Any other questions? Okay, very good. That'll close the--that'll close the Board question session at this point. You can sit down.

Tatro: Thank you.

Baringhaus: We'll now open the meeting for any audience comments. Any comments from the audience regarding this case?

Schierlinger: Sure.

Baringhaus: Sure. Why don't you step over to this podium here, please?

Schierlinger: Well, my name's Carl Schierlinger. I'm 1066 Lakeview, Wolverine Lake--the property owner to the South. There's quite a few things and if you guys see my handout--I'm in the dark on this with what I get might not have any--

Baringhaus: Excuse me, sir. The handout you're referring to, can you just hold that up so we know--

Schierlinger: The things that I gave you. The first page here--

Baringhaus: Is it this?

Schierlinger: --this is all--

Baringhaus: This one page.

Schierlinger: There's two.

Baringhaus: There's two. Okay. So, this one--

Schierlinger: Two on this one.

Baringhaus: Okay.

Schierlinger: And then the other one we'll talk about that one.

Baringhaus: Which one?

Schierlinger: If you wanna look at the first page. It's my understanding that the plot plan and the drawings have to be similar. They have to be coenesthetic. I see that the little--the addition in the back's not on the plot plan. If you see the--what would you consider says the--the back egress--the sliding door. That's not representing on the drawing properly. Page two you can see it. They have it straight. The door--I don't know. I can't really tell from the front view here, up top. I see the finished floor of the house and the finished floor of the garage being the same, and if you look at this drawing, and I was shooting elevations and grade with surveyor's thing, but I was using--you know--what I could with eye levels. I'm seeing that actually, the plot plan and the drawings don't match. They're inconsistent. You're missing things, there's no elevations on--what is the elevation of the finished floor of the house and the garage? To me, I would think that he would have to tear the driveway up, even though--and if you see the picture that I have with--do you see the addition on the back? I still have it sticking five feet past the existing house. So, I don't know what--maybe I don't have the right drawing, but the problem I'm seeing is if he builds this with the finished floors being the same, and he pulls in using the same driveway, he's gonna run into about an eighteen-inch curb to get into the garage, and his footing is gonna be half up--half outta the ground at that point. So, for you to even consider giving this variance to a garage that you can't even get into would be ridiculous. I see no grade--plus, if the grade is over eighteen inches, and if you see the picture where I try to shoot the side door, I--I tried to do it--the front door, and it's on the left, the finished floor is as you walk out, it's above the pumpkin and there's three tiers there. There's a grey one on top, and that--what I could see measured about 21--22 inches. And when I shot from the--to the side door in--and you see the car and you see the picture, when I shot to the side door, it's 22 inches at the five-foot which I see on this--this drawing here. So, you transpose the line to where his garage--the finished floor is gonna probably be middle of that truck and you see that white line, and if you see the existing cement, how the hell is he gonna get in his garage? How could you possibly okay something like this? And plus, the footing's gonna be half out of the ground. How much fill is he gonna bring in here? Am I missing something? We'll I don't have their drawings. Oh, and a handicap ramp has--when it turns--when it changes directions, it has to be five feet for egress. So, if he's gonna have--if he's gonna pull into the garage and have whatever height that radius is, it's gonna be into the car, which

he's pulling into. Here's what--here's what I had figured and I'm not a genius. It's upsetting that he doesn't want to move his shed. You can't go for a variance because you don't wanna move a shed. That's not a hardship. Moving a shed--

Baringhaus: Sir--sir--

Schierlinger: --is not a hardship.

Baringhaus: --please direct your comments to us.

Schierlinger: Okay. This is what I'm saying. It was quite simple. Say this is the front of his house, the bay window, what have it. This is what he proposed on the garage. I simply said put it right here. It's attached to the sliding door--the entrance right there. It moves it back. It's aesthetically more pleasing. He probably can even match the six-foot side back--he's gonna have one variance which would be the overall and that only makes sense to me. If he doesn't wanna move his shed, then so be it. Then, I just can't figure it out because I don't have the proper information, but I mean, I can't see somebody trying to get a variance because they don't wanna move a shed. It makes no sense. Thank you.

Baringhaus: Thank you very much. Any other comments from the audience?

Tzilos: Good evening. Thank you for the opportunity to speak. My name is Peter Tzilos. I live right next door to the proposed garage addition. I--we live on the North side. We live there since 1988. We build the house in 1988. Four years before then, 1984, I came to zoning board of appeals meeting for the house that the gentleman that spoke, I was instructed he didn't own at the time, it was someone else building it, it was a home builder, building it for himself as a retirement home, and I believe what happened was he passed away when the house was being constructed so it wound up being sold to somebody else. So, I refer back to that because that house that the gentleman's talking about has a number of waivers from the zoning board of appeals in order to construct it. My own house has a number of waivers from the zoning board of appeals. Those lots there, something way back in the 20s or 30s when the homes were very small. The subject house is very small and at one point, I wanted to bring my parents next door to me, and I attempted to buy that house, and was not able to get a mortgage because it was not mortgageable. It wasn't in the condition. So, the owner passed away in the early--I think it was 2000s when she passed away and they put the sale up--the house up for sale, it was on the market for an extended period of time and did not sell. So, the realtor that had it listed purchased the house for herself as a rental. So, she tried renting it out, but the renters wouldn't stay there long enough. She put an addition on the back. She then got a mortgage to refinance the house in her daughter's name and then a few years later, in her daughter's name, the house was never occupied. (Inaudible) It was basically a sore eye. So, eventually there was abandonment. It was foreclosed upon. The family here purchased it out of foreclosure. We have a lot of problems in the neighborhood with that house until they purchased it in, I think it was 2012 that you bought that. And they invested a ton of money in the house. They completely tore the

inside out and made it really a true house. They did some improvements on the outside and since then they continue to make improvements on the house. We are ecstatic about them being there, and we have nothing against the gentleman. He's entitled to his comments and his opinion. The current renters at his house are beautiful. They're three senior citizens--lady sisters, that we have great relationship with. They're beautiful. They've been there for five, six years. Prior to that, there were a number of other tenants that went through, primarily it was divorcees, either a wife or a husband with children. We had a tremendous amount of problems when we had kids climbing on the roof, breaking windows, stealing things from garage because that's what's happens in rentals. So, for the last five, six years, I said, we're really, really happy with what was going on. But I'm getting back to the house here, I'm very familiar with this house because I attempted to buy it. I had planning here which I drew myself, by the way, I'm an architect. I've been an architect since 1980. I'm licensed for over 40 years. That's what I do for a living. So, I know the house inside and out. I drew up the house back when I attempted to buy it and I wasn't able to get a mortgage for it, and we discussed the proposed garage here many times. We've reviewed the limits. We've reviewed the possibilities (inaudible) can happen. The requirements on ramps and so forth, but you're missing the whole point. This is not a commercial project where you have to meet code requirements for ramps. You mentioned one sixteen. The code requirement is one twelve, not one sixteen. The--the proposed garage, I wish it could be bigger, but unfortunately, due to limitations, just as my house is smaller than I want it to be, just as his house is smaller than wanted to be, even though we did get waivers, this proposed garage as big as they can get is what they're proposing, and it's--it would infinitely more practical and usable for the family--for any family that lives in there than it is right now. So, the problems the gentleman mentioned are construction (inaudible) problems. I don't see those problems. I just--I do this for a living. So, we design for the problems, and if there's a concern, the building department will address it, not the zoning board of appeals. Your concerns would be zoning issues, so, that's the concern. You mentioned the pitch of the roof. From what I've saw--the plans that I've saw--I haven't seen the second set of plans--the original plans I saw, the pitch is the same. The pitch is the slope of the roof. There's a height--difference in the height because the garage was longer before, so the longer you go--so the rise basically is length versus height. The longer you go, then the roof will rise higher, so what I see on this--and I'm not sure if you're looking at something different, but what I'm looking at on the elevation which is the side of the house, I see the dashed line which is the existing roof line, yet the garage rises higher, and comes back. The pitch is identical. There's no reason to make the pitch different. The slope is identical. It's just that when you have a longer building then at some point it's gonna rise. The portion that's longer is gonna be higher than the rest of it. So, if they pull the garage back in flesh with the house then the roof will be identical. You will not see a difference in the roof. Now, going back originally, there was some confusion about where the front of the house is gonna be. Based on the--if you're making the house five feet smaller than it was--the house is 24 feet, the garage was 29, reducing it will make it 20--24 feet. No, I'm sorry, that's--whatever the--yeah, it's 24 feet. The garage will be 24 feet. The front of it is not going to be at the back section, you mentioned there's a loft there. There's not gonna be at the rear line, it's gonna be flush with the front of the house. The portion of the house that projects out furthest to the

road. That's where the garage is gonna be. So, there will be a little bit of cavity at the corner, otherwise, if you pulled that to the back, the garage really would become smaller and then it becomes less practical to have. So, I have no concerns about the garage. Yes, they're short on the side setback. I was short of the front setback, on the rear setback, on the lot line, and the width of the lot because the requirement is 80 feet, I only had 60 feet. The same with every house there. Every lot. A new house was built four houses North of us, which is a huge house. A couple--three or four years ago. They have--you know--they got approval. It's a house that's even bigger than my house. Yet, they were able to meet construction requirements and so forth. They do have a waiver similar to this garage, so I would be glad to answer questions. I have no doubt that the garage can be constructed as noted. The roof is not any higher than the existing house it. My house is twice as big as this house next door, so I do--the height of the garage is similar to his house. His garage sticks out just like--I think it sticks out even more than his house. You know--so, practically, what they're proposing makes the structure infinitely more usable. It will improve its appearance. It will improve my house because it looks better. It'll be more value to the neighborhood. I appreciate his comments, but I want to show him, this is gonna look a lot better than it does now. It would be an improvement. If he move the garage back with a detached garage, you're gonna get a lot closer to the lot line, so I don't know why he would wanna do that. That shed that's there was built at the time our house was built. In fact, the carpenters that built our house built that shed for the senior that lived next door before she passed away. So, it's a large shed. There's really is not much room in that lot. There's a beautiful 200-year-old tree smack in the middle of the back of that house. And there's a beautiful tree, one of the best trees that I can imagine. You're gonna cut down that tree to move the shed a few feet away? There's a zoning requirement between the back of the house, which would be the back of his garage if it's attached to the shed. So, that's one reason you can't push the garage any further back than where the house is. So, I really--the only issue here is a reduced side setback, and in light of all these--every house that was build since my house was built, and every house that has been improved since my house was built, has waivers required through the ZBA. That's a normal process. So, I--you know--I can't decide for you. You have to decide for that. I can answer any questions, but as far as a question about whether they can build it, yeah, there's no question about them building it and it would be a far improved structure. And I don't want my neighbor to leave--you know--I mean, she's a beautiful person. I don't want her to have to leave--you know--her fiancé's talking about buying another house. I don't want that. So, I--I'm greedy in that respect. So, I'd be glad to answer any questions--technical questions you may have.

Turbiak: Mr. Chair.

Baringhaus: Mr. Turbiak.

Turbiak: Thanks, and I--I just wanna clarify because--you know--Mr. Schierlinger--you know--has--had--and I think we could entertain an opportunity to have a back and forth with the Board with questions. I mean, usually we let the petitioners present what they wanna say, and then usually the Chairman will ask for questions from the Board. I think

we missed that, so we can--if the Chair's okay with it, and if any of the Board members would like to. I just wanna point out that unfortunately because as it was mentioned earlier, maybe not clearly enough--

Baringhaus: Excuse me, Mr. Turbiak. The idea is to question the petitioner. You can--

Turbiak: Okay.

Baringhaus: Okay.

Turbiak: Mr.--

Tzilos: Tzilos.

Turbiak: Say again.

Tzilos: Tzilos.

Turbiak: Tzilos. Thank you. Have you seen the plans that were presented today?

Tzilos: No, I have not seen those plans. I saw the plans before. I understand that the--the--the deficiency is smaller, and I know why because I helped them. We traced the actual survey's pin at the corner of the house, and we measured off that pin before it was more or less a guesstimate. So, we were able to verify the exact location of the pin. I even sent information to Carl there, letting him know that we found the pin, we marked it. He could go check it himself, find out where it is. And that--that's what resulted. So, I don't know--it was surprise to me today that the house was pulled back five feet. I just heard that. Other than that, it's identical I believe. So, I can see slightly different, yes. I--I'm familiar. I can understand the difference between what I had from before and what's being proposed here today. So, if you have any questions about that, I'd be glad to try and answer that for you.

Turbiak: Thank you. Earlier you mentioned that the required rise over run is one over twelve, right?

Tzilos: No. No. That's the pitch. That's the--the slope of a ramp--handicap ramp.

Turbiak: Oh, okay. Another way to say rise over run, but yes. Same thing, right?

Tzilos: Right.

Turbiak: Yeah.

Tzilos: (Inaudible) what the code requires no higher than one twelve slope. In other words, you have to have twelve feet of length for every twelve inches. Now, again, that is the building code.

Turbiak: Yeah.

Tzilos: So, if you--in a house like this, if you--I'm sure they can meet it, but if you don't meet it, so what? It's a lot better than not having a ramp. It's a lot better than having a step going down. So, you will do the best that you can in circumstances. Regarding the door, if the door is 32 inches, the code requires 32 inches of minimum clearance. A 32-inch door will not produce that. It'll produce about 30 inches. So, I can change the door if necessary. The wheelchair will still fit through the door, it's just not as easy. So, those issues that the family can deal with--you know--this--it's a construction issue. It's not a zoning board of appeals issue. It's a construction--building department issue.

Turbiak: Mmhmm.

Tzilos: So, the ramp is that--it's not your concern--the ramp. It's not your concern the roof. I mean, I can understand you're raising the question saying well let's make sure it's practice, it's definitely practical. What we proposed is definitely practical.

Turbiak: Okay. I--I think I get to ask whatever questions I want, with all due respect.

Baringhaus: Excuse me, Mr. Turbiak, just one question to the building department. Do you feel the plans that are presented this evening are buildable?

Stierna: Well, he's not produced full sets of prints. I would believe based on my looking at an architectural set of plans could be developed that would be buildable.

Baringhaus: Okay, very good. Thank you.

Turbiak: Thank you. Back to Mr. Tzilos. Did I hear you say that they don't need to meet the ramp elevation--slope--sorry, the ramp slope requirement if they can't?

Tzilos: No. I mean, this is a home. So, if--if you were building a new home, you strive to meet all the code requirements. This isn't just him. When you do work on an existing structure, you use what's called the--the code for rehabilitation of an existing buildings, not the building code. And you--there's different levels of--of requirements. There's repairs, level one, level two, level three, depending on what you do. So, you do--the code allows you to do the best you can. You obviously can't stretch the garage. You can't get a bigger garage. So, if the door--if it's possible, I'm sure they can--if necessary, they will replace a door. They're here making all this effort to build a garage. If they have to replace a door, they'll do that. But I'm not aware of requirement that they have to provide a one twelve pitch or one twelve slope on that ramp nor a 32-inch door. This is an existing building. This is an existing house. Yes, it's practical for them to make those improvements that they can to the best degree that they can.

Turbiak: Okay. And what is the code requirement for the width of the ramp?

Tzilos: Depends on circumstances. For someone like this, three feet is more than enough.

Turbiak: Okay. Thank you. I think that's all, Mr. Chair.

Baringhaus: Okay. Thank you very much. Thank you, sir.

Tzilos: Thank you.

Baringhaus: Okay. That'll close the--any other comments from the audience?

Schierlinger: Can I--can I--

Baringhaus: You've already spoken sir.

Schierlinger: Well, thank you.

Baringhaus: Okay. That'll close the--

Unknown: Hold on.

Baringhaus: I'm sorry. Please, I'm sorry. I didn't see you.

Tatro: Slow to the jump there, sorry.

Baringhaus: That's alright. Please.

A. Lockhart: My name is Aleta Lockhart. My address is 18265 Filmore Street, Livonia, Michigan, 48152. I have lived in my house for about ten years, and I love where I live, and I don't wanna have to move from my home and possibly Livonia where I've lived my entire life. I am diagnosed with multiple sclerosis. I live with a certainty of long-term effects every day from his illness, and I am disabled by Social Security. And approval of my home side yard setback will make me able to get easily into my car for when assistance may be necessary, and I respectfully request the ZBA to approve my variance.

Baringhaus: Okay, thank you. Any other comments from the audience at this point? Very good. That'll close the public portion of the meeting. At this point we'll begin with Board comments, and we'll start with Mr. Testa.

Klisz: (Inaudible) letters first.

Baringhaus: Oh, I'm sorry. Excuse me. Yes, letters. If the Secretary will read any letters.

Klisz: So, there is one letter, it's from Mr. Tzilos who spoke. So, we won't read his letter into the record.

Baringhaus: All set then?

Klisz: Yes.

Baringhaus: Okay, very good. Thank you. Okay, thank you. If I could have the petitioner come forward and then make a closing statement.

Tatro: And again, Board members I want to express my gratitude for hearing us out tonight. In fact, having us here in person without masks is a breath of fresh air and I commend the city of Livonia and zoning board for proceeding thusly. You know--I think as I stated in the letter our request is really de minimis. The resulting building is gonna look like its neighbors houses and it's gonna be--the impact on the family is not measurable. This is not something where you're presented with a play to turn the quick about. This is--you're presented with the abil--you know--the, I guess a decision that could keep a Livonia resident a level in your resident for life, and I think that that's what's the zoning board is here to do--is to accommodate its citizens when the need matches the ability and I think you have that ability and we ask that you approve the variance before you. Thank you.

Baringhaus: Okay, thank you very much. Okay, now the public portion of the meeting is closed, so will begin with Board comments. Mr. Testa, please.

Testa: Thank you, Mr. Chair. So, thank you for coming back before us today and modifying your proposal as we discussed in the last meeting. It met the intent of I think the majority of the Board, what we were asking. I like the explanation and they understand the need as I said last time so in general, I'm in support of this. I do have some concern regarding the drawing itself and if we approve it as presented maybe those rooflines--you're kind of stuck with what they are, so I'd be open to approving it but maybe not putting in as presented to give them the flexibility on the roof line or tabling it and coming back later. But I can approve the variance itself in terms of the side yard setbacks.

Baringhaus: Thank you, Mr. Boloven.

Boloven: I agree with Mr.--Mr. Testa in part. I do appreciate that the deficiencies have come down since the last meeting that we had. I struggle with the neighbor's strenuous objection, but I also look at the size of the variance that's being requested and I do think it's borderline de minimis on that end but I--I have a bigger concern with what Mr. Testa said is as presented. I don't wanna give the leeway of not including that. So with that I think the only option, just because there is no certainty in plans that have been presented tonight, is a tabling motion but only for the purpose of giving a more definitive set of plans on what's gonna happen so we can approve as presented. Other than that, I'd be in support of the variance, but for tonight, I'd approve a tabling motion. Thank you.

Baringhaus: Okay. Mr. Klisz.

Klisz: I agree. I think the hardship is great and the request is de minimis. I guess between making them come back again to give us plans better more definitive--I think concerned about that myself, but I would be in support as presented today.

Baringhaus: Okay. Thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. In general, I'm in support of a variance in this case. I can see the hardship. I'm just not sure that I'm convinced that this is the--well, two things. I'm not convinced that this is the minimum width that the garage needs to be, and that ties into I'm not convinced that it has had time to be properly considered and laid out given the new plans that were submitted today, either by the Board or by the petitioner themselves. So, in general, today I'd be in support of a tabling--you know--so, the variance that I would be in favor of would be the combined variance, right? So, I'm thinking that potentially this could get into conformance with the side yard setback and that is mainly--my interest in that is the neighbor's objection. So, I think if we could get it within--you know--that other 1.6 feet I think it is, that I think--that I could support it. And as I mentioned earlier, I think the pitches probably should match, and it seems like there's some support for that and even the neighbor who was an architect expected that they did match. So, I think he was looking at an old drawing set. So, for those reasons I'd be in support of a tabling tonight.

Baringhaus: Mr. Morgan.

Morgan: Yes, I think last time we talked here, and Mr. Lockhart was in front of us, we asked him to reduce the size of the garage and set it back so it was conforming, and--or more conforming so it would be in line with the front of the house. And Mr. Lockhart did that. I don't know where else he could go with this garage. This is a limited piece of property. I understand that the neighbor has an objection, but there has to be some type of allowable movement when it comes to building, and in this case, I think Mr. Lockhart did everything he could. It doesn't matter where the--the base of the floor is in the home. They're putting steps there so they can go down. There's a ramp there. They did everything they possibly could to conform to be able to put a garage here and with our recommendations last time. So, I would be very much in favor of allowing this to go through. It would be up to the building department and or engineering to take a look at how Mr. Lockhart decides to build this garage, but I would be in favor of approving this tonight, and not with any further delay.

Baringhaus: Thank you, Mr. Morgan. I would be in favor of supporting the table myself. I think the petitioners adequately demonstrated a hardship. One, with the daughter's current medical condition and then projected medical condition, presents a definite need for this garage to be constructed to the home. I find that it's unique in the fact that this is probably the only home that doesn't have a garage and adding a garage will actually add to the consistency in the neighborhood. In terms of the appearance of it, I agree. I think the garage will make the home more balanced, more proportional, and how it appears within the neighbor itself. Basically, in terms of the questions on whether the structure is buildable or not, the city of Livonia inspection department demonstrated that

the design is buildable, and we'll rely on their expertise to determine if the design is buildable and make any revisions along those lines itself. So, based on that, based on the fact that the design's buildable, there's a definite hardship with the daughter's condition, adding the garage will make the house more consistent in design and usability with the neighbor, I will fully support the variance without any delay. Thank you. Chair's open for a motion.

Upon motion by: Klisz. Supported by: Testa.

RESOLVED: APPEAL CASE NO. 2021-09-39 (Tabled on September 14, 2021): An appeal has been made to the Zoning Board of Appeals by Dennis, Elaine, and Aleta Lockhart, seeking to erect an attached garage, resulting in deficient south side yard setback and deficient combined side yards.

Side Yard Setback:

Required: 6.0 feet
Proposed: 4.4 feet
Deficient: 1.6 feet

Combined Side Yard Setback:

Required: 16.0 feet
Proposed: 11.0 feet
Deficient: 5.0 feet

The property is located on the west side of Filmore (18265), between Myron and Irving, Lot. No. 033-01-0334-000, N2 Zoning District. Rejected by the Inspection Department under Livonia Vision 21 Ordinance, Section 3.05, "N2 Neighborhood District; Dimension Regulations," **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met because of the very small lot and house size and situation of having no garage which is needed.
2. Denial of the variance would have severe consequences for the petitioner due to the health condition of one of the petitioners and they would have to move out of the house.
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 de minimis side setback variance being granted.
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 location and size.

Boloven: Mr. Chair.

Baringhaus: Mr. Boloven.

Boloven: Just a quick question for the inspection department. Based on that motion, it's for as presented in location and size. If anything changes from what we've seen tonight based on the location or size, will they have to come back before this Board?

Stierna: They would.

Boloven: Is that a concern for Secretary Klisz that--I mean, if they go smaller even, they're stuck having to come back.

Klisz: I don't have a problem with that.

Boloven: Okay.

Baringhaus: Any other discussion? Mr. Turbiak.

Turbiak: Mr. Chair. Yeah, I would propose that we ask that the roof pitches do match and also a minor correction, I believe that the zoning is--per the FLUP is low density residential not N-2--future land use--on page two of our packet.

Baringhaus: What was mentioned in the meeting was--

Klisz: N-2.

Baringhaus: N-2. It has N-2. Neighborhood was (inaudible) under the Livonia Vision 21 ordinances. It's on the--

Unknown: That's the notice--

Baringhaus: It's on the public notice.

Turbiak: What Mike is--what Leo's counterpart has--Mr. Fisher has explained in the past is that he wants us to use the one that's on the FLUP. That's all I was going off of, so. You can put it however you want in the notes.

Baringhaus: Mr. Klisz, do you have a preference?

Klisz: No, it doesn't matter to me.

Turbiak: Can we also make a comment though about the pitches?

Klisz: I'm not gonna--

Turbiak: Okay.

Klisz: --modify my motion.

Neville: (Inaudible)

Baringhaus: I'm sorry.

Neville: The FLUP versus the N-2.

Testa: The motion--the FLUP should be used.

Baringhaus: I'm sorry?

Testa: For the motion, the FLUP should be used.

Baringhaus: The motion--

Klisz: So, low density residential should be used.

Baringhaus: Low density residential would be correct. So--

(Inaudible speaking)

Klisz: So, edit that and put in that it's low density--I'm sorry, low density residential in that section of the petition for the motion.

Baringhaus: Okay, thanks for pointing that out.

ROLL CALL VOTE:

AYES: Testa, Morgan, Boloven, Klisz, Baringhaus

NAYS: Turbiak

ABSENT: Coppola

Klisz: Passes 5-1.

Baringhaus: Okay, very good. Your variance has been approved by the Board so--you know--you can again begin working with the building inspection department. You can begin moving forward with your project. So, good luck and congratulations.

D. Lockhart: Thank you.

Unknown: Thank you.

APPEAL CASE NO. 2021-10-43: An appeal has been made to the Zoning Board of Appeals by Mohammed Fakhruddin, (Animal Care Hospital of Livonia), seeking to construct an addition onto a nonconforming building, which requires zoning approval. Nonconformity is based on the existing front yard setback of zero feet where 15 feet is required.

The property is located on the north side of Joy (28450), between Harrison and Hartel, Lot. No. 143-99-0013-000, C-2 Zoning District. Rejected by the Inspection Department under Livonia Vision 21 Ordinance, Section 4.02, "Schedule of Regulations; C-2, General Business."

Baringhaus: Okay. Very good. Good evening.

Najib: Good evening.

Baringhaus: Could you state your name and address for the record, please?

Najib: My name is Dr. Tarik T-a-r-i-k, Najib N-a-j-i-b. I work for a professional contracting consultant. I am the engineer that designed the blueprints for the addition of the animal clinic, and I'm presenting--I'm here tonight on behalf of the owner of the clinic which is Dr. Mohammed.

Baringhaus: Okay. Very good. Could you describe your proposed structure?

Najib: So, my client had purchased this property quite a while since--2015-2016. It was a vacant building. They converted that building to an animal clinic. I don't know if you guys recall, that was an eye sore building. They renovated that building. It just been much better for that neighborhood. Now as time went by--you know--seven years later, business had increased so there is--you know--a demand for a little addition, and we really--he really didn't wanna go too much in the addition. Just enough, plus the setback on the sides we couldn't go that much further. So, we thought an additional 1,000 square foot could give him couple more--couple--three more office space to see more--you know--vet--you know--more patients and things like that. So, due to that, so, we have to expand along the--Joy Road. We all know that originally the building been existent like that for zero feet, and the requirement's 50 feet setback. We have no choice but to add to that building, and I don't know if you guys seen the new elevation. We kind of came up with a nice elevation for client. He loves it. It's gonna look really much better. All what is gonna do is gonna make the front much more appealing on Joy Road, plus it's gonna benefit our client to expand his business and be able to treat more vets--you know--animals and things like that, which that neighborhood really in need of that addition, otherwise you really didn't wanna fool with it, but he had no choice. I mean, that clinic is always packed, so, he needed that space. So, I'm open for any questions. That's all what I have to say.

Baringhaus: Yeah, I think the building had a bit of a history to it. When was it originally built? Do you recall?

Najib: I don't recall--quite a bit.

Baringhaus: Okay.

Najib: The day of the building.

(Inaudible speaking)

Najib: In the 50s we--

Baringhaus: 50s.

Najib: (Inaudible) in the 50s.

Baringhaus: Okay. Can you go into detail in terms of how much space you are adding? Old building versus new building.

Najib: The old building is 2000 square foot. We're adding just an addition 1000 square feet.

Baringhaus: Okay.

Najib: And the 1000 square feet will give us three more offices that the doctor can--you know--treat the more animals.

Baringhaus: Okay, there was some questions that came up in the planning commission regarding a wall--masonry wall around the property.

Najib: That masonry wall--we're talking the back of the property. Not the side or the front. The back--when they first converted that building to an animal clinic, there was a history with the back neighbor--that neighbor that greatly needed to have a screen, so, I think they had an agreement back then and there was permits pulled out to construct a fence, which they did, and then that was one of the comments. And then they took that into the records, and we were told that set--that just goes back to that date when that fence was constructed so it's no longer an issue. We were talking to Mark. We were suggesting to add just few evergreens along the fence every five feet, just to give it more--you know--more protection, things like that.

Baringhaus: Okay. Great. Thank you.

Najib: You're welcome.

Baringhaus: Any other questions from the Board?

Testa: Mr. Chair, I have a question--

Baringhaus: Yeah, Mr. Testa.

Testa: --it might be more for the legal department, but it would be okay if the petitioner answers. What exactly was approved by city council most recently for this case? A use waver?

Neville: What did city council approve?

Testa: Yes.

Neville: If I recall correctly, it was with respect to the placement of the addition on the front lot line as well as that the rear lot--or the lot behind the building as well as a fence or some other barricade by the residential--

Najib: Correct.

Testa: Okay. So, if city council approved this, why does this have to come before us?

Neville: Because it's still a variance.

Testa: Okay. So, procedurally what are they approving them if it still has to come to us?

Neville: I'm sorry?

Testa: Procedurally, what are they approving if it still--

Neville: Well, they can approve subject to acquiring a variance for it. But I believe--I'll have to open up my packet--

Najib: And I believe just because the building itself has zero setback, anytime you add anything to it, you still have to--even though it's existing, but you still have to come for--and I think the history of this, they never really recorded that it's actually okay to go with the zero setback. They just wanted to make sure that's on the record. That's what I was told at least.

Neville: Yeah.

Testa: Yeah, I guess Leo, my question made more specifically, what--what does city council's approval really mean if it ultimately comes to us.

Neville: Well, of course, this body has the ultimate say. I mean, they can say that their recommendation is for the approval of certain features with respect to the proposals, but if they still require a variance, then that's up to the--the Zoning Board. You know--for instance, they were talking about signage and whether that was gonna have to be a--if there was gonna be an issue and it'd have to be approved by the Zoning Board of Appeals. So, I think what they're doing is they're passing on the plan as presented as it

came to them through the planning commission and then of course subject to the--the variance being granted by this body for ultimate authority to go ahead and proceed with--with the--with the plan--with the project.

Testa: Okay. I do have a couple questions for the petitioner.

Baringhaus: Please.

Testa: So, it looks like you will be expanding the parking lot as well. Adding two spaces to accommodate the larger size of the building. Is that correct?

Najib: Sure. Which would actually make it much better. We are relocating the dumpster--

Testa: Yup.

Najib: --enclosure. I don't like the position where it's at. It's gonna be much better. Much more organized back parking lot. It's gonna flow with everything. And you know--I discussed with them, there is a lot of water that sits on--we have a lot of green space, and then we are gonna actually come up with a pond and run a manhole to it and then essentially run an invert to the--to tie into the city manhole. So, it's gonna cover all--I mean, the plan that we have sent to them, they like it. We're all in agreement right now. It's gonna correct all the issues for the neighborhood--for the neighbors. It's gonna make it much better and then on top of all this, what I really like about this--this plan, that the façade, the front, is gonna look totally different. It will have a higher level of front. It gives it a nice, more appealing look to the building with a fresh look of a stucco and--you know--better looking like you see it on the plan. All in one, the whole project's gonna look much better. It's gonna--it's gonna really stick out in that neighborhood right there.

Testa: Thank you for addressing the pond, that was gonna be my next question. So, some of that parking lot is taking up the green space there that's existing into--

Najib: Not too much. Like I said we're only--

Testa: Sure.

Najib: --adding few. We're gonna actually have five more cars extra just because of that.

Testa: And the pond is there to help deal with drainage issues?

Najib: Right because there were some complaints by the back neighbor about that. So, I came up with that. I talked with the engineering department. They have no problem with it. They said that's fine, and we are just gonna go with that plan.

Testa: And the other landscaping is just there for beautification and not for--

Najib: Correct. Correct.

Testa: Okay. Thank you.

Najib: You're welcome.

Baringhaus: All set? Any other questions? Mr. Turbiak.

Turbiak: Yeah, thank you. Through the Chair to Mr. Najib, looks like a great--you know--building and upgrade that you have proposed here. You mentioned, have we seen the newest drawings. Just so we can confirm, what is the date of the latest set of drawings that you know of? And maybe I'll help you out a little bit. Ours in our package is from June 24, 2021. Do you know if that is the latest?

Najib: That is--that is the last one that was submitted to the building department, but we've gone through the board of zoning and all that, and since then, we came up with that pond. So, the only thing that you don't see there is the green area where the pond is actually gonna be situated.

Turbiak: Okay. Actually--

Najib: But other--other than like the façade, the parking lot, the location of the dumpster, no, everything's still the same. The only issue that we really changed is the addressing the concerns of the neighborhood and that's what the conditions we had, and we just made the changes to--to reflect that.

Turbiak: Okay. Actually, maybe it's not a part of the same packet, but somewhere in our packet in here we do have a drawing that shows the pond.

Najib: Oh, okay. So, somebody must have--

Turbiak: Yeah, maybe it's--put it in there at (inaudible) I'll have to look at that. But, so my question was--actually, the inspection department director Jerome Hannah mentioned that the egress on the South side of the building, but on the addition, so I guess the West side of the building, but on the South side of the building--West portion I'll say, he mentioned that it needs to be off set or something like that so that the egress isn't directly, I guess, into the sidewalk. Has that been addressed in any other drawings?

Najib: I mean--I've never--nothing like that got brought up to me. But you know, we still have to go--after we get this approval, that the building department still have to review our plans and come up with the--with all these notes and to clarify. So, if that's something that we have to address--you know--we will do it at that time before we get the building permit.

Turbiak: Okay, yeah. Sounds good to me. Alright, thank you, Mr. Najib.

Baringhaus: Any other questions from the Board? Okay, very good. Okay, at this point I'll have you sit down for a moment. Are there any comments from the audience on this case?

Doyle: Hi, my name is Melody Doyle, I live at 28617 Dover Street. I'm the property behind you that keeps getting brought up with the fence and everything else. When I was here the last time, it--they were adding more than five parking spots, so it would have brought the parking lot farther to my fence. It sounds like they've added less parking than they were going to. So, I don't know how far the parking lot distance will be because like before there was no pond, and yes there is a drainage issue, but I don't know how far--will the parking lot go from--will it stop before it gets to like the property line? And then my other question was, they said relocation of the dumpster. When we were here before, the dump--there was a lot of talk about the dumpster because they had the dumpster off on the Harrison side. Where was the dumpster relocated to?

Baringhaus: Could we have the inspection department comment on those questions?

Stierna: We do have a revised set of prints. They are also online with this package.

Doyle: Okay, how--how do I do--

Stierna: So, it has relocate the dumpster to the West side of the property away from Harrison.

Doyle: Okay.

Stierna: And the--there is a rather large green area between the parking lot and your property.

Doyle: Okay. And then you--and then he said they're gonna put evergreens back by the fence? By the pond? I mean, that'll be kind of cute, the pond.

Baringhaus: That's what I heard but we can reconfirm that statement with the petitioner when he makes his closing comments.

Doyle: Okay.

Baringhaus: And you can hear it first thing.

Doyle: Okay. Yeah, I was here before because like it was supposed--the parking lot was supposed to go way back farther than it seems to be now, so, I'm okay with that.

Baringhaus: Okay, well thank--

Doyle: Thanks.

Baringhaus: Thank you very much. Mr. Neville you have a comment?

Neville: Well, that's really not a variance issue. Because it was sufficient setback to the rear--I mean, council and planning may have addressed that, but there's no need to bother the zoning board with that because it's not a variance matter.

Baringhaus: Correct. Yeah. Okay, very good. We'll close the audience comments at this point. Mr. Klisz, do we have any letters.

Klisz: We have one letter. Letter of approval, Anita Shiplett, 28641 Dover, Livonia, (Letter read.) And that's the only letter.

Baringhaus: Okay. Thank you very much. Okay, will the petitioner come forward please. Just ask you to make a closing statement and if you can address Ms. Doyle's question regarding the evergreens in the back of the property.

Najib: Like I said earlier, the evergreens are gonna be along the fence and then we are gonna out some trees that grows with the pond. There's special trees that actually absorbs the water--you know--they're specialty trees that you put around a pond. So, we'll deal with that. That's a landscaping issue. The parking lot is not expand--it had not expanded like maybe she's thinking or imagining. It's just moving about ten feet away, so there's plenty of green area way to you--you got at least I think about 10,000 square foot of space area because we have to use that to calculate the pond size. So, all--so, actually all the things that we had to change of the plans, is just to address the issues of her concern. So, the doctor wanted to make sure that all the neighbors are comfortable, because of course--you know--he's there--they're like family. People bring their animals there. He really loves to see everybody comfortable. Everybody's happy. So, we addressed all the issues. We accommodated all the issues that they had and it's all been put in the plans and--and everything hopefully will work out for the best for everybody else around the neighborhood.

Baringhaus: Okay, very good. Thank you very much.

Najib: You're welcome.

Baringhaus: I'll have you take a seat. Okay, the public portion of the meeting's now closed. We'll begin the Board's comments with Mr. Morgan.

Morgan: Yes. I was out there, and I went out and I took a look at this property and I--I took a look at the plans that were sent to me. I went over all the concerns and I think they've all been addressed. The only thing that I would say is--based on the information that I have is--the only reason that it's been brought to the zoning board is because this building sits right on the sidewalk, and it's--the setback is not correct. Other than that, it looks like a beautiful addition. It also looks like it will beautify the area and make that--that corner much more appealing than it currently is. So, with the information that I have and the plans that they've presented, I would be very much in favor of this. I think this

will be a great addition to our city and the expansion that they have. So, I will be in favor. Thank you.

Baringhaus: Okay, thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Yeah, I also will be in support of this as Mr. Morgan rightly pointed out that this is an existing non-conforming building and it's just an addition that's being put on. It's not really something new--variance as it is just an expansion of an existing variance. And we've seen many of these before the Board before and I've yet to see one that was rejected. Usually, they're very sensible like this one is, and on top of that, it's gonna be a great improvement to the neighborhood and to all of the neighbors who make use of this veterinary hospital. So, for those reasons I will be in support.

Baringhaus: Okay, thank you. Mr. Klisz.

Klisz: I'm gonna echo the words of my fellow Board members. Any time we see these where they've been fully vetted, fully heard by both the planning commission and city council, then it really just comes down to us and we're just sort of the rubber stamp of approval of something like that, but they've done the hard lifting, and it's an existing building, and if we didn't approve it, they just basically couldn't do anything with this property which would be crazy. It looks great. We thank the petitioner for spending the money and investing in this property, and I'll be in support.

Baringhaus: Thank you. Mr. Boloven.

Boloven: I agree with Secretary Klisz exactly. You know--the only other comment I'll add to it is we love what you guys have done with the place, continued with improvements, and it's doing a lot for the area. I'll be in support.

Baringhaus: Okay, thank you. Mr. Testa.

Testa: Yeah, I'll also be in support of this. Thank you very much. I like the design and I also like that you've taken into account the neighbors' concerns and trying to address the issue with the drainage and not just taking care of your business. You're taking care of the community. So, thank you.

Baringhaus: Thank you, Mr. Testa. I agree with my colleagues. I'll be in support of the variance as well. I grew up in the area and I remember way back when when it was a laundry mat, so, this project, I agree, very nice plan for it. Very nice frontage. It'll definitely upgrade the area substantially, and I think it'll serve as a catalyst to have other business owners follow suit as well, so I commend you for that, and then as I stated earlier, I will support the variance. With that I will, the floor's open for a motion.

Upon motion by: Morgan. Supported by: Klisz.

RESOLVED: APPEAL CASE NO. 2021-10-43: An appeal has been made to the Zoning Board of Appeals by Mohammed Fakhruddin, (Animal Care Hospital of Livonia), seeking to construct an addition onto a nonconforming building, which requires zoning approval. Nonconformity is based on the existing front yard setback of zero feet where 15 feet is required.

The property is located on the north side of Joy (28450), between Harrison and Hartel, Lot. No. 143-99-0013-000, C-2 Zoning District. Rejected by the Inspection Department under Livonia Vision 21 Ordinance, Section 4.02, "Schedule of Regulations; C-2, General Business," **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met because the existing building is located on the front lot property line resulting in a zero foot setback.
2. Denial of the variance would have severe consequences for the petitioner due to the inability to otherwise expand or build upon its existing facility.
3. The variance is fair in light of its effect on neighboring properties and is in the spirit of the zoning ordinance because of general neighbor support for the proposed addition.
4. The granting of this variance will not adversely affect the purpose or objective of the Master Plan because this property is classified as "Corridor Commercial" 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 proposed addition be built in conformity with the plans submitted.

ROLL CALL VOTE:

AYES: Turbiak, Testa, Morgan, Boloven, Klisz, Baringhaus

NAYS: None

ABSENT: Coppola

Klisz: Passes 6-0.

Baringhaus: Okay, very good. Your variance has passed, so congratulations, you can begin working with the inspection department to finalize--

Najib: Thanks. I'd like to thank--

Baringhaus: --your design.

Najib: --everybody here tonight and have a good evening.

Klisz: Thank you.

Baringhaus: Thank you very much. Mr. Klisz, I believe we have some minutes to approve.

Klisz: We do. It looks like we have the minutes of October 12th to vote on.

Testa: Move to approve the minutes for October 12th.

Boloven: Support.

Baringhaus: Okay. Motion by Mr. Testa to approve the minutes of October 12, support from Mr. Boloven.

Turbiak: All in favor say aye.

Baringhaus: All in favor say aye.

Board: Aye.

Baringhaus: Okay. Any other last comments for this evening?

Boloven: Motion to adjourn.

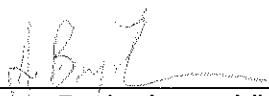
Baringhaus: Motion to adjourn by Mr. Boloven.

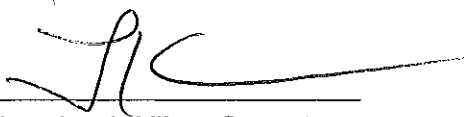
Turbiak: Support.

Baringhaus: Support by Mr. Turbiak. All in favor say aye.

Board: Aye.

There being no further business to come before the Board, the meeting was adjourned at 8:35 p.m.


James Baringhaus, Vice Chairman


Timothy J. Klisz, Secretary

/vcb CEO 9489