

ZONING BOARD OF APPEALS

CITY OF LIVONIA

MINUTES OF REGULAR MEETING HELD TUESDAY, FEBRUARY 1, 2022

A Regular Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, February 1, 2022.

MEMBERS PRESENT: James Baringhaus, Vice Chairman
Timothy Klisz, Secretary
Joel Turbiak
Christopher N. Boloven
Michael Testa
Tamara Oliverio

MEMBERS ABSENT: Gregory G. Coppola, Chairman

OTHERS PRESENT: Jim Albus, 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 reschedule. 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 two (2) people present in the audience.

(7:00)

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APPEAL CASE NO. 2022-01-01: EBAD II, LLC, Tyndell Photographic & Art Supplies, Inc., east side of Wayne (13030), between Glendale and Industrial, seeking to erect an addition onto the rear of non-conforming building resulting in deficient rear yard setback.

Rear Yard Setback:

Required: 50.0 ft.

Proposed: 30.0 ft.

Deficient: 20.0 ft.

The property is located on the east side of Wayne (13030), between Glendale and Industrial, Lot. No. 110-02-0018-000, M-1 Zoning District. Rejected by the Inspection Department under City of Livonia Vision 21, Section 4.03 (n)(ii).

Baringhaus: Okay, thank you. Does the Board have any questions for the law department? Does the Board have any questions for the inspection department at this time?

Turbiak: Mr. Chair.

Baringhaus: Yes. Mr. Turbiak.

Turbiak: Yeah, through the chair to the inspection department. Jim, do we know, are there any businesses in this area that have any variance on rear yard setbacks and if you don't know off hand, could you possibly check on a specific address if I give it to you?

Albus: I can check on a specific address. I do not believe there are any. The two buildings to the South of this Standard Die and Millcraft have the 50-foot setback.

Turbiak: Okay, could you check on 12183 Fairlane. It's one street over to the East, but it--the rear of the building shares the same--

Albus: 12--

Turbiak: 12813 Fairlane. Thank you, Mr. Chair. I'll assume he'll just let us know when he's got it.

Baringhaus: Okay.

Turbiak: Don't need to wait for it right now.

Baringhaus: I do have a couple additional questions for the inspection department as well. Whenever Mr. Albus is ready.

Albus: Okay. I believe there was a zoning variance for that one.

Turbiak: Thank you. Just for the record, do you have the exact variance information?

Albus: No, I do not.

Turbiak: Okay. From my rough estimates it looks to be 40 feet, so, it looks like about a ten-foot variance, and I captured that through the GIS map system--measured online.

Baringhaus: Okay, terrific.

Albus: Alright.

Baringhaus: Yeah, the question I have is, is there a parking space requirement on this property?

Albus: There would have been a parking space requirement when the property was developed, and it does not look like, per Randy's review, he addressed that because I believe they are losing 24 parking spaces.

Baringhaus: I think it's 15.

Albus: So, if Randy didn't mark it as an issue for a variance, then I'd have to make the assumption that it's still in compliance with the loss of 24 parking spaces.

Baringhaus: Okay. And the second question is, the building's described as a non-conforming building, and that has to do with the front setback of the building?

Albus: Correct. It appears that some of the buildings in that district, if you look to the two to the South are also--have the front yard setback less than the 30 feet.

Baringhaus: Okay. Great. And then, thank you for that. And then I just have one question for the law department. Do the police or fire departments have to approve 30 feet of access in the rear of the building should the proposed addition be approved?

Neville: That's a good question. I guess I would be speculating to say no. The rear would--it doesn't front a street, does it? So, there wouldn't be--because typically where the police are involved is to see whether there's an obstruction to traffic or pedestrians.

Baringhaus: I--I was concerned more about, like, the width to get equipment back there (inaudible)

Neville: I wouldn't know that off the top of my head, so--

Baringhaus: Okay.

Neville: --I apologize.

Baringhaus: Okay, very good, thank you. Any other questions? Okay, thank you. May you approach the podium, please?

Tiseo: (Inaudible)

Baringhaus: Yes, good evening.

Tiseo: Ben Tiseo. Tiseo Architects. 19815 Farmington Road, Livonia.

Baringhaus: Alright, so you've done this once or twice already?

Tiseo: Yes. Thank you.

Baringhaus: Very good. Thank you.

Tiseo: Not before this Board, but between the city council and planning commission.

Baringhaus: Okay, terrific. Thank you. Can you just go ahead and describe your case and your hardship, please?

Tiseo: Yes, thank you. As noted, this building was built, I don't know exactly the date, but the Tyndell operation has been there since 19--I'm sorry, 2015, so they've been there about seven years. They--I wasn't aware of the front yard setback--that there was a variance for that. I noticed that when we first met with the owner, he's outgrown the space and needs to add onto it and if we stay within the 50-foot rear setback, it only allows for a sixteen-foot addition, which adds not benefit to the owner, so that, in a sense, becomes a hardship. It is within the industrial subdivision, so it isn't abutting any residential properties or ever rear--near any residential properties. The parking issues: yes we did lose some parking, but we had an excess of parking. According to my parking count, even with the changes to the parking as it is today, we still have an excess of six parking spots. That may have been why Randy did not mention that in his report. So, we're not deficient in that. We actually have six in excess. With that I'd like to invite the owner, Mr. Tyndell to come and if you have any questions for the operations.

Baringhaus: That'd be fine. Thank you. Mr. Tyndell.

Tyndell: Hello, Ben Tyndell. 13030 Wayne Road, Livonia. Just--happy to answer any questions you have, but before 2015 we were across the street at 13035. We were there for 25 years. I grew up in Livonia. I grew up on Westbrook. I went to Taylor. I went to Stevenson. Moved away for a bit for college and came back. We've been in Livonia forever, and it's--we'd like to stay, and unfortunately, the--as I'm sure you all know better than I do, commercial real estate is at an all-time high. A lot of the buildings that we would be targeting in Livonia are being--are also the perfect start locations for cannabis companies and cannabis companies are paying cash, and sellers are increasing the price for buildings. When we bought this building, we paid less than 40 dollars a foot, and now if I were to go after a building in Livonia--a new building that was larger, it

would be 100 dollars a foot. So, we--it's where we have been. It's where we've grown. It's where we've been for many years, and I'm hoping that we can--we can stay.

Baringhaus: Can you describe the nature of your business?

Tyndell: Sure. Very misleading name. So, my father started the company in the 70s. He was a photographer. And then we make wholesale distribution for packaging supplies and other art supplies for photographer. In the 70s, that meant everything from a photo folder, that'll hold a portrait, to possibly art pencils that you would, before digital, you did all--you did touch ups via pencil. We now--we still do manufacture a stock line of products for photographers, the old album--wedding albums, portraits, frames, but we really are a full manufacturing company. So, we do concept design, prototyping, mass production for fold and carton and ridge box type products. So, our core business is still photography but we--we're forced to pivot a lot over the last few years, obviously, especially with the pandemic, and so now we also do a lot of consumer and commercial packaging, marketing kits, media kits, you name it. So, if it's a--if it's a box or a carton or a sleeve, we can make it. So.

Baringhaus: Can we go back to your hardship? You mentioned--it looks like you're adding out--I have my notes here--yeah, you're adding a substantial addition. What are you planning on doing with that addition to the building?

Tyndell: So, we're just completely out of space. You know, one of the things that has happened during the--you know--the world talks about supply chain challenges and so, what that means for my business is that I used to be able to order five tons of paper and have it in two weeks or 30 days tops. Now, I have to order 20 tons minimum from every supplier, and my lead time's over six months. So, I have--when I--for me to receive materials, I need space to put it, and so, I literally am out of space. Additionally, if I ever did wanna expand, add more machines, employee more people, I have no room. And so, my main--my main--my main issue right now is more related to inventory. I--I--just to place an order, again, like from a domestic paper mill, again, it's just--instead of taking up--you know--a thin location or--I'm now taking entire rows in deliveries, so.

Baringhaus: So, the proposed addition is more for storage as opposed to manufacturing and production?

Tyndell: We do--full disclosure, I would love to space out my production. I have--in my--in that building specifically--I also own a building across the street, we have a very condensed manufacturing footprint. I would love to have more room in there, but yes, majority of this is for storage purposes.

Baringhaus: Storage. Where--where is your loading area for the facility? I didn't see it.

Tiseo: At the front. There's two loading docks.

Baringhaus: Okay.

Tiseo: There's one truck well and one loading dock on the front of the building--the overhead doors. I did wanna add one more thing that was mentioned about the--the access. The rear would be--left would be 30-foot aisle, basically. So, therefore, the city requires of 24 foot for a two way aisle, we're leaving 30 feet. So, to answer the question, it should be more than enough room for any kind of vehicles to go around the building.

Baringhaus: Okay. I noticed you have two storage units in the back of the building.

Tyndell: Mmhmm.

Baringhaus: What are you plans for those if you were to build the proposed addition?

Tyndell: I would love to get rid of them. That's just really just where we are right now. We had four deliveries in a two-week period of time and so it just becomes very challenging when I have two employees that just move paper around, so that we can access bin locations and things along those lines. So, those were just put in last week on Wednesday, and so those are very, very new to us, and that's really just to get us through this period of time where we're just out of room.

Baringhaus: Okay. Also, I noticed you stored a lot of wooden pallets in the back as well as cardboard boxes. How would those be addressed if you were to go forward with your proposed addition?

Tyndell: So, the--those cardboard boxes are Gaylords--there's recycled content in there, scraps, when we're die-cutting it's in there, right next to those bails. So, that's not storage, we're just--that's staged there until our recycling company comes and pick it up. We--there are plans though or a proposed section where we can add--we had initially tried to build a fenced in area off the building to hold those. The request was denied. And so, right now that's where we're storing them, but we also discussed the possibility of adding a--seeing if we could add a section for just those pieces on the building.

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

Boloven: Mr. Chair.

Baringhaus: Mr. Boloven.

Boloven: Just a quick question for the petitioner. Are you the sole tenant in that building?

Tyndell: Yes. I am.

Boloven: Thank you, Mr. Chair.

Testa: Mr. Chair.

Baringhaus: I'm sorry. Yes, Mr. Testa.

Testa: Question for the petitioner. In the packet that we have, there's two tax statements. I think you addressed this in your statements that you own a building across the street, maybe down a few?

Tyndell: Yep.

Testa: Is--was there a consideration to put an addition on that building? Were you in the same type of constraint?

Tyndell: That building really doesn't have any room behind it to expand, and then it's kind of--with the way that the (inaudible) structure, I don't really see that there's a way to build on the side either. It's a--this--I'm also not really sure how (inaudible) either, as far as space wise.

Testa: Okay. And is this a single-story addition or two stories?

Tyndell: It would be a two-story addition.

Tiseo: Excuse me. It's a single story, but it's an industrial height building.

Tyndell: Yes. I'm sorry.

Testa: Okay. Will you use any kind of loft space or something for extra storage or?

Tiseo: There's some storage on the--above the office area in front, and that's been that way since they constructed the building. But from the--from the office building back, that's one single-story industrial building.

Testa: Okay. Could you do a smaller addition but make it two stories and get your same square footage?

Tyndell: So, we--I don't believe so. So, we have--most of our warehouse is made up of calibrating that goes four rolls high. That would significantly cut down what we could store in that area, plus we're not really equipped to--because we only have the storage in the back, and really just having that where we could go four rolls high would just help with storage. Even the addition--it's gonna be tight. So.

Tiseo: Plus, if you go a two-story in the back, we'd have to somehow deal with an elevator or lift and that occupies more space, etcetera, so, it becomes very challenging.

Testa: Okay. Understand. And the current building you have two overhead doors in the back, one that's smaller and one that's bigger. It looks like your new addition will only have one overhead door. What's that door gonna be used for? Is traffic coming in and out of there?

Tyndell: Essentially, I was gonna say, that would be our access--but really, we--that would be our main access point to our dumpster, so--and to reach the back. It's not really something we need often.

Testa: Okay. Yeah, my concern was if your setback is smaller and you had a truck coming in and out of there, it may be a tight turn.

Tyndell: Yeah, the--so, we don't receive any deliveries in the back.

Testa: All in front?

Tyndell: All (inaudible). So, if it doesn't--the one bay door, the overhead door, is where we have all of our shipping out of, and the other side is truck well, for--it's a palatine shipment.

Testa: Okay. And do you have direct customers from the public come into your facility?

Tyndell: We do. So, very--very rare. We use to--when we were across the street, we had a lot because a lot of--we--our clients are mostly photographers (inaudible) around the United States. Almost all of our sales are out the door--are shipped out. We do very little pick up, but there are a handful of customers that still do preferred pickups to save on shipping.

Testa: Okay. Okay, thank you.

Turbiak: Mr. Chair.

Baringhaus: Mr. Turbiak.

Turbiak: Through the chair to the petitioner or Mr. Tiseo, on the drawing in our packet there--related to the proposed building, there's a grey--at least it's grey on our package--band on the very--I guess that'd be the Eastern portion of the lot. Do you know what that represents?

Tiseo: Yeah. That's actually undeveloped right now. If you look at the drawing on the left that's the existing site plan--

Turbiak: Yes.

Tiseo: --that area is basically undeveloped.

Turbiak: I see.

Tiseo: So, we're just repaving it to the back of the property.

Turbiak: Thank you for clarifying that. I can see the parking design go all the way to the edge of the property in the current drawing.

Tiseo: Yeah.

Turbiak: And I see that the trash is gonna be there. Do you currently have the trash--I don't know where it's located in the current building.

Tiseo: There isn't one.

Turbiak: Okay.

Tiseo: I think it's a pre-existing non-conforming.

Turbiak: Okay. And then you had mentioned--to the petitioner, Mr. Tyndell, you had mentioned that you moved to this building from across the street, I believe your previous address was 13035, was that seven years ago that you sold 13035?

Tyndell: Approximately, yes.

Turbiak: So, okay. And you--cause, I mean, again, I'm just eyeballing it, looks like going from that building to this building--well, first let me stop there, did you have the other one on the West side of Wayne at the same time? When did you acquire that one?

Tyndell: So, 12935 was purchased approximately fifteen years ago.

Turbiak: Okay.

Tyndell: And then we have 13035 and 12935. When we had outgrown that space and wanted to pursue--our business was changed. We either were going to become a manufacturing company, or we were gonna go out of business, and so we needed more to expand, the building across the street became available, and we thought we had more room for a lifetime. And so, we--having three buildings seemed to be mass excess and now it's the biggest mistake we ever made--was selling 13035. If we had those three buildings, we would have been fine.

Turbiak: Understand. We don't have crystal balls--

Tyndell: Yeah.

Turbiak: --but that answered my question. So, I appreciate that and that is all the questions I have at this time, Mr. Chair. Thank you.

Baringhaus: Any other questions from the Board?

Testa: Mr. Chair.

Baringhaus: Yes.

Testa: Sorry. I have one more question to follow up based on Joel's question. I didn't notice that grey band that he was referring to in the back. I drove back there the other day. So, right now you're not even utilizing that space and when cars are parked back there, per your drawing, you only have a 31-foot aisle, so essentially, with this addition and getting rid of the parking, you're still gonna have, roughly, a 30-foot aisle.

Tiseo: Correct.

Testa: You're really not changing--

Tiseo: Good point. So, it doesn't change the circulation (inaudible).

Testa: Understood. Yeah, where the cars park. Okay. Thank you.

Baringhaus: Any other comments or questions? Okay, very good. I'll just have you stay right there for a moment rather than have you sit down.

Tiseo: Okay.

Baringhaus: Obviously, we have no audience comments tonight, so we'll just move--I believe we do not have--

Klisz: No letters.

Baringhaus: --any letter, Mr. Klisz.

Klisz: No.

Baringhaus: Okay. No letters as well. With those actions complete I'll just ask you to make a closing statement at this point before the Board regarding your variance.

Tiseo: Again, we appreciate the opportunity here, and we're just trying to keep a business in Livonia going strong, and the hardship again, is that with a sixteen-foot addition, it just doesn't give us the (inaudible) that is needed for this property--that building function property. And again, we still have the 30-foot aisle access. We still meet the parking requirements, and there's no residential in the area, so, we appreciate your comments. Thank you very much.

Baringhaus: Thank you. Mr. Tyndell, is there anything you wish to add?

Tyndell: No. I just appreciate your consideration. Like I said, Livonia's been home for this business since its inception, so, hoping that we continue to grow here (inaudible).

Baringhaus: Okay, real fine. Just have you take a seat for a minute. We'll close the public portion of the meeting. At this point we'll hear the Board's comments. We'll begin with Mr. Testa.

Testa: Oh boy. Yeah, thank you Mr. Chair. So, I can support this. I'm in that area a lot actually. And I drove by there, there's another building, just to the North, and one over, even though it's a corner lot, both the side and rear setbacks are fairly small, but even with this addition and removing the parking there, you're keeping your same aisle. That was my main concern and why I asked about accessing the door in the back. Since you don't have traffic flow in and out through there, I think it's no problem, so I would support this.

Baringhaus: Okay, thank you. Mr. Boloven.

Boloven: Thank you, Mr. Chair. I agree with Mr. Testa on this. I see the hardship. Yeah, everybody's dealing with right now with supply chain and even the increased inventory and having delay in getting it, and if you're out of space you're out of space. I did have concerns going into this that the setback request was too much. Hearing Mr. Turbiak's analysis on the building that's one street over could potentially be 40--you know--so we got a ten--you're looking for 20. We have no opposition from the neighbor's behind, and as Mr. Testa pointed out, the aisle isn't changing, the parking's not changing. You're adding building in with plans for keeping everything else the same. So, with all that being said, I would be in support of this request.

Baringhaus: Okay, thank you. Ms. Oliverio.

Oliverio: I actually concur with everything that's been said, so yeah. That was my main point I was going to make is that it appears that there's other buildings in the vicinity that have similar situations going on. So--and I'm glad that you can continue to grow your business in Livonia--hopefully, and not leave, so.

Baringhaus: Okay, thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Yeah, I'm gonna be in support of this. As was mentioned, there was one specific address that has a similar variance in the area, and I didn't name them all, but when I was measuring them doing my research, I found some that were even less than 30, and they might have been a unique situations where it was the side yard instead of the rear yard because one property was on an adjacent street around the corner and so the setback--effective setback--you know--to the same line--lot line that was shared was much less than even this, and--you know--they may be unique situations too, where I don't know if there was fences there, maybe, so it wasn't a problem. It was mentioned that the--was 24 feet, so yeah, it could have been around that as well. And there's no--I don't see any hardship on any of the neighbors as well. And as it was mentioned, supply chain is changing these days and I think the petitioner had taken a first look into--you know--other options in the area and considered his other building and in light of that, this seems like a fair request, and I will be in support.

Baringhaus: Thank you, Mr. Klisz.

Klisz: I agree. There's not a whole lot more to add. Everyone's done a great job at analyzing it. I guess the only thing I can mention is that the setback in the front is 30, so now they're just stretching it so there's a setback in the back of 30 and I think Mr. Testa's finding, the aisle situation is probably the most clear thing that I've seen where it's really just not changing anything, and that's all we'd really be worried about in the back or neighbor objecting. We have neither of those problems, so I'll be in support.

Baringhaus: Thank you very much. I agree. I'll be in support also. I think you did a very good job of outlining your hardship. It wasn't real apparent in the documentation, but just listening to you verbally, obviously, you would have the storage issues and the only way to address that is by physically expanding the size of the building. One suggestion though, I would like--because you are--you're requesting over 4300 square feet of an addition to the building, I would like to see you act on, what it sounds like you're gonna do anyways, and remove the two storage units back there, and kind of streamline things a little bit. So, again, I'll support the variance. With that, the floor's open for a motion.

Upon motion by: Boloven. Supported by: Testa.

RESOLVED: APPEAL CASE NO. 2022-01-01: EBAD II, LLC, Tyndell Photographic & Art Supplies, Inc., east side of Wayne (13030), between Glendale and Industrial, seeking to erect an addition onto the rear of non-conforming building resulting in deficient rear yard setback.

Rear Yard Setback:

Required: 50.0 ft.

Proposed: 30.0 ft.

Deficient: 20.0 ft.

The property is located on the east side of Wayne (13030), between Glendale and Industrial, Lot. No. 110-02-0018-000, M-1 Zoning District. Rejected by the Inspection Department under City of Livonia Vision 21, Section 4.03 (n)(ii), **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met due to the 30-foot front yard setback of the property.
2. Denial of the variance would have severe consequences for the petitioner due to current conditions of supply chain and the need for more space and storage not available without the build out.
3. The variance is fair in light of its effect on neighboring properties and is in the spirit of the zoning ordinance because of no objections from neighboring property owners and other properties in the area being granted a similar variance.
4. The granting of this variance will not adversely affect the purpose or objective of the Master Plan because this property is classified as "Tech and Manufacturing" under the Master Plan and the proposed variance is not inconsistent with that classification.

FURTHER, the variance be granted with the following conditions:

1. That the storage containers in back be removed.
2. That the project be built as presented.

ROLL CALL VOTE:

AYES: Turbiak, Testa, Oliverio, Boloven, Klisz, Baringhaus.

NAYS: None.

ABSENT: Coppola.

Klisz: Passes 6-0.

Baringhaus: Okay, well congratulations--

Tyndell: Thank you.

Baringhaus: --your variance has been passed. If you have any additional questions just work with the building inspection department. So, good luck to you.

Tyndell: Thank you.

Tiseo: Can you stop the snow for a while--

Inaudible speaking

Neville: That department's upstairs.

Baringhaus: Yeah. Still have to talk to legal--

Tiseo: What floor? Five?

Neville: A little bit higher.

Tiseo: Thank you. Goodnight.

Baringhaus: Thank you. Mr. Klisz, are there any minutes to approve this evening?

Klisz: There are not according to the folder we have online. There are no minutes to vote on, so probably next meeting--

Baringhaus: Okay. Very good.

Klisz: --we'll have some minutes to vote.

Baringhaus: Any final comments for the meeting this evening?

Boloven: Mr. Chair.

Baringhaus: Yes, Mr. Boloven.

Boloven: Motion to adjourn.

Turbiak: Support.

Baringhaus: Okay, motion by Mr. Boloven, support by Mr. Turbiak to adjourn. All those in favor say aye.

Board: Aye.

There being no further business to come before the Board, the meeting was adjourned at 7:33p.m.



James Baringhaus, Vice Chairman



Timothy J. Klisz, Secretary

/vcb CEO 9489