

ZONING BOARD OF APPEALS

CITY OF LIVONIA

MINUTES OF MEETING HELD TUESDAY, APRIL 19, 2022

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, April 19, 2022.

MEMBERS PRESENT: Gregory G. Coppola, Chairman
James Baringhaus, Vice Chairman
Timothy Klisz, Secretary
Michael Testa
Tamara Oliverio

MEMBERS ABSENT: Christopher Boloven
Joel Turbiak

OTHERS PRESENT: Jim Albus, Inspection Department
Leo Neville, Legal Department

The meeting was called to order at seven p.m. Chairman Coppola 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 Chairman advised the audience that appeals can be filed within 21 days of the date tonight's minutes are approved. The decision of the Zoning Board shall become final within five (5) calendar days following the hearing and the applicant shall be mailed a copy of the decision. There are four decisions the Board can make: to deny, to grant, to grant as modified by the Board, or to table for further information. Each petitioner may ask to be heard by a full seven (7) member Board. Five (5) members were present. No one chose to 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 four (4) people present in the audience.

(7:00)

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Appeal Case No. 2022-04-08: An appeal has been made to the Zoning Board of Appeals by Jason and Marianna Wess, 20114 Mayfield Livonia, seeking to construct a detached garage while maintaining an existing attached garage, resulting in excessive combined ground floor area.

Combined Ground Floor Area:

Allowed: 920 sq. ft.

Proposed: 1,474 sq. ft.

Excess: 554 sq. ft.

The property is located on the east side of Mayfield (20114), between Pembroke and Norfolk, Lot. No. 010-01-0081-000, N-2 Zoning District, "Low Density Residential." Rejected by the Inspection Department under Livonia Vision 21 Ordinance, Section 7.09(1)A, "Residential Accessory Buildings; Maximum Size."

Coppola Any questions for the inspection department? All right seeing none if the petitioner could step up to the podium on my right your left and you can state your name and address first.

M Wess Marianna Wess, 20114 Mayfield.

J Wess Jason Wess.

Coppola Okay Mr. and Mrs. Wess, why don't you go ahead and give us a little background on what you're trying to accomplish. And the hardship that you have or practical difficulty that you have that would suggest that this board can approve the variance.

M Wess We just purchased this house, we have a whole acre of land. So, we have enough space to build something in the backyard. There are no buildings currently in the backyard, but we do have an attached garage, which doesn't fit the truck that my husband drives. So, we're thinking about putting a building in a backyard with higher doors that would fit the garage will fit the truck. Also, we're going to use that building as utility building for storage of bicycles and summer equipment, whatever. Just so it doesn't lay around in the backyard, keep everything enclosed.

J Wess Make it look clean.

Coppola Okay. Anything else?

J Wess No, that's pretty much it other than, that's it.

Coppola Okay, so you just purchased the property. How many people live in the house?

M Wess We have five family members. Yeah. Awesome, great kids.

J Wess And then we have also maybe my mother or her mother that would be living there too, as well. Basically, already living there.

Coppola How many vehicles do you currently have?

J Wess Three.

Coppola What is the truck used?

J Wess Construction. I'm a licensed contractor, licensed contractors.

M Wess Well, that's his main vehicle he drives. He does carry tools in it. So, it has the cap that makes it taller than normal vehicle.

M Wess The actual cap size with the truck is eight foot six. So, I wouldn't even be able to put it a foot standard door in any kind of part of the house.

Coppola So how many of your residents currently are driving?

M Wess Three.

Coppola You got three drivers.

M Wess Three drivers.

Coppola And how big is your current garage?

J Wess The current garage, it's a three car is what was existing when we bought it. way it was.

M Wess So we also have a little pop-up trailer that right now sits in the backyard covered by the tarp. So, we're trying to avoid this, we want to have everything enclosed neatly in the building. That's why we want the accessory building sometime in the backyard.

J Wess And we were looking at the neighborhood and making sure that we could do this. And seeing that other people have a four-car garage there and three car garages and stuff like that. And they have these separate buildings from their actual property. We were hoping that that would be not too troubling for the committee.

Coppola So yeah, I saw that you submitted a satellite view overhead view, and you pointed out some of the other homes that have...

J Wess Yes.

M Wess Because when we're purchasing the property, we drove around the neighborhood to see how it's situated to make sure there's no association that would restrict certain things. But...

J Wess We didn't know that this was when we bought it June 30 of last year, it took us almost nine and a half months to get the plans up to where it needs to be. And we're at this point where we really want to, this is what we are to live in for the rest of our lives. And hopefully...

Coppola So, do you know how many of these other homes that you've identified have 900 square foot garages.

M Wess See, we didn't look at the square footage, we didn't know that the square footage would matter. I mean, right next to us, the neighbor's had huge garage or barn. I don't know what that is, but it's like so big. And then the one across the street, ours is not going to be anywhere big. Yeah, some people have sheds.

M Wess And then there's one right across the street from us. That is like just to the way you're looking from our house to the straight across. It would be like a four-car garage. He has attached two-car and then a four-car behind.

Coppola Plan on doing any business? No, no business in the garage.

J Wess I mean, I might put some hardware in their...

M Wess He builds homes. So, he does rough framing. All we do out of house is office work, invoices, and contracts. He builds somewhere else. He stores all his equipment somewhere else.

J Wess Yeah, I have...

Coppola One at a time, please. For the record.

M Wess Sorry. I said you will drive the truck though, because that's what you need for work. anything else is stored at the job sites.

J Wess I have a conex where I supply on my web home my hardware and tools and most of everything that I have on the job sites, it's a huge metal containing box that has my name on it and the business name on it. And that's where everything goes. And then I have job boxes on smaller jobs and stuff like that. So, everything is basically stored on the job sites.

Coppola Okay, looks like there was plans also submitted which again are before us for any type of variance, but you're planning on expanding the home too?

J Wess Yes.

M Wess Yes, that's why the first thing we wanted to build was this accessory building so we can also enclose all the construction materials to make it less messy while we're remodeling.

J Wess Yeah.

Coppola Questions for petitioner?

Barringhaus Mr. Chairman

Coppola Mr. Baringhaus?

Baringhaus Yeah, I have a question for the inspection department. Can you confirm the square footage of the three-car garage I'm showing it's 926 square feet?

Albus It was reviewed by Matt and yes, I'm confirming that its 926.

Baringhaus Okay, thank you very much. are currently in the three-car garage. What are you storing in there?

M Wess A riding lawnmower.

M Wess Riding lawnmower. Right now, supplies for the house that we're building. I got a couple of windows and doors door walls that I'm gonna be installing into this house when we're ready to frame and pretty much just nobody really lives there. It's just pretty much the garage and we go there last when we bought the house it was pretty much for just gatherings and congratulations when we bought the house birthday parties graduation party that we don't we...

M Wess We're not fully move in yet. We want to finish the remodeling and move everything in right now is just...

Baringhaus So, currently you're using the garage storage. I think you mentioned you had two cars stored in there. You don't sell supplies for the home?

M Wess No, we don't have no cars stored in there right now. Just supplies for the house.

Coppola Just supplies for the house.

J Wess Yes. For the current project at the house. Yes.

Baringhaus Okay. Very good. What are your plans for I saw some blueprints in the back of the case materials that we had? It looks like there's gonna be an extensive addition to the second story as well.

J Wess Yes, yes.

Baringhaus When do you plan on doing that do you have a time for that yet?

J Wess Well, I was waiting for the committee to hopefully approve this. And then like, tomorrow, I will pull the permit. So, we will get started as soon as the city gives me the okay. But we would like when we do build this barn, all the stuff that's in the garage will definitely go into the actual barn after we build it. So, this way we can actually, because there's a lot of work that's going to

be done over the garage that's currently there, mainly steel beams and stuff, and I gotta get all that stuff out of there just to do that. So where do I put it in the barn for time being? So the first thing I'm gonna build is the barn. And then after I'm done building the barn, I'm gonna start working on the house right away.

Baringhaus Okay. Regarding that, what is the square footage of proposed structure?

M Wess 16 by 35.

Baringhaus Okay, so that would be 560 square feet?

M Wess I think so yeah. It'll have a double door, when you're going from the front going through to get to the back of the house, the back of the property.

Baringhaus What is the square footage in your home?

M Wess Currently, the square footage of the home is 1681. And the proposed square footage is going to be a total, with existing and the new, 3842. That's not including the fact that we're going to put in the back. That's also in the plan.

Baringhaus Okay, so your current storage space plus the proposed structure, almost square footage is almost equal to the square footage of your home at this point. Does that within 200 feet...regarding your truck, do, why do you have need to store it in a garage?

M Wess Just to keep it out of out of the weather and keep it clean. And, you know, just something I can you know, if I if I needed to take my truck and do a work in the back of the property, this is so big, we just planted trees back there, currently. And it'll be instead of, you know, we can be nice to go through the garage out the other door. And my truck is very good for doing that kind of type of thing. So...

Baringhaus Yeah. The truck itself you mentioned the cap. The trucks height is eight feet six inches.

M Wess Exactly. Without anything on top of it. Yes.

Baringhaus Okay, that seems like you have a fairly-tall cargo box cap line, have you considered going to a smaller size cap that's less tall, so you can make the vehicle fit the garage

M Wess Because I carry a lot of like boxes or job boxes, some of those Job boxes, I leave inside that truck. So, I open them up from the inside. So, a lot of times when I get if I had something smaller that won't be able to open up the boxes and pull the tools out. Because when we I deliver the boxes to the job sites, I you know, I need to load them all up inside the box and then take everything out of the box and sometimes it's hard to pull those things from

out of the box if you can't lift the lid. And I got that cap designed, I designed it for lift those lids up from inside the box. Or inside the cab I'm sorry.

Barringhaus Okay, thank you very much.

Testa Thank you, Mr. Chair. Will you be doing the construction yourself of the garage in the addition?

M Wess We're doing I'm doing everything.

Testa Thank you. I understand your truck situation and the fact that we have been in the garage based on the height. Did you consider as part of your remodel to build a taller garage, converted one of your current bays to the taller garage so that you could fit three now you have nothing above your garage?

? Correct.

M Wess There will be a master bedroom,

M Wess Master Bedroom master bathroom and a master closet.

Testa It's currently not there though, right?

J Wess No.

Testa Why is that not an option if you modify your existing garage as part of your overall remodel?

M Wess Because we need the square footage. Yeah, we never really thought about that. I mean, at the time, I mean, it's just, you know, took so long to make these plans right now, if we go back and try to redesign them to make the garage, I mean, if we did that, that would just make that would make that garage so tall just to get a 10-foot door, and then to do the pass through door as well. It would be...

M Wess Upstairs, you would have to have step up into different rooms.

M Wess Yeah, I was trying to make this thing as easy as possible when I build it. So, it would be not having too many step ups in the floor and designs and doing, you know, excessively more amount of work because we have materials cost nowadays, and the way you know, shortages of certain materials. I'm trying to be very conservative, but I want to make this project I want to make this house into a beautiful house, I want to something that it will stand out, you know, and, you know, people say "look at that house," you know, that's what I'm going for.

M Wess And we also want it to put the utility building in the back so we can use solar panels, and maybe use less electricity for powering our house

M Wess Last year. That doesn't change the subject. But last year, I guess there was a power outage in the Livonia area that made the power go out for quite some time. And people were using generators, there was a fire down the street from one of the houses and you know, and then just with gas prices, we wanted to use that utility building where we put the solar panels on top of the utility building or the barn. And we weren't going to do solar power change the whole entire like gas furnaces to electrical furnaces just do everything electrical and go, you know completely energy if you know

Testa Will you need to remove any trees for the addition or the garage or the solar panels?

M Wess There was one tree that was between me and my neighbor's house that he had said it was on my property, but he said it was okay for him for me to remove it. It basically right now it does hang over my existing garage, and it creates moss over the over the garage like it destroys the shingles, I wanted to get rid of that tree and there was one tree in the backyard that I wanted to get rid of so I can have that pass through. It was just one tree. Other than that, we planted already this year, five trees that we planted in our backyard, we're planning on planting more. One of my hobbies is gardening. In my area where I live at right now.

Testa Vice Chairman Baringhaus asked to the Inspection Department about the size of your existing garage, and it was confirmed that's 926 square feet, you do realize that the allowable square footage is 920. So, you're already technically six feet over and you have variance for that, or the previous owner got a variance for that. And so, you're asking to go above and beyond what you already have and you're already over.

J Wess Yes, sir. Thank you.

M Wess We just thought because we have a whole acre and it's totally empty. It was more reasonable to put everything in the backyard, of course, and have everything stored in and it will look neat. I don't see any detriment to anybody from building that building. Just the benefits of keeping everything enclosed. Make it nice.

M Wess Yeah and I didn't know that we had would have to go through that many variances at that time when we bought the house we just saw as a big huge one acre lot, so, that's awesome, so...

Baringhaus Mr. Chairman?

Coppola Mr. Baringhaus.

Baringhaus Okay. Yes, on your street. How many homes have three car garages?

M Wess Well, there's one that has a four-car garage that right across the street from the kitty cross from our house. We took pictures. I know there's a few only, but one has a four. I know that that's right, directly across from like, right where the fire barns place where you see it on the survey. It's like directly across the street. And it's like right there.

Baringhaus Is that 20120 Mayfield?

M Wess It's 20123.

Baringhaus 20123.

J Wess Yep.

M Wess I have a picture if you want to see it.

J Wess So, how many three car garages are on the street total?

M Wess Honestly, we didn't count how many three car garages what we looked at when we were looking at the street and the neighbors whether they have for example, an attached garage and, also building in the back and pretty much all of them have an attached garage whether it's a two-car garage, or I don't know how many car garages.

M Wess I just know one has a four-car garage one is detached, one is attached and detached in the same place the same property

Baringhaus Chairman Coppola mentioned a photo that you enclosed in your package, where you took a satellite photo, it looks like a satellite photograph, and then you highlighted the structures in your neighborhood. I guess my question, is this. All the structures that you highlighted, do all those structures have the ability to store vehicles?

J Wess I wouldn't.

Baringhaus Are some of those structures, they're sheds. So, on the picture, some of these some of these buildings are just sheds only and they're not traditional garages that would store a vehicle?

M Wess I don't remember.

M Wess I mean, with not really knowing what they have in there. I don't know, I just know that we that one that's across the street from our house is a is a four-car garage, because it's a garage door. 16-foot garage door. Yeah, they had two of them. So

Baringhaus Would you say on your street, that majority of the homes on there may have a garage with a shed combination versus two car garage, two garages?

J Wess I mean...

M Wess I would have to go back.

J Wess Yeah, we would have to look.

Baringhaus Yeah, because I did a rough survey on the photos that you provided and I'll agree with you that three of the homes have two what you would call garages, I didn't have the ability to look further into those properties, because the system that we use to check these properties out wasn't available at that time. But I counted 1,2,3, probably four to five homes that had like a garage, which would store a vehicle or vehicles and then they would have a separate storage shed for items like you described, you know, yard implements, things like that. Is that a fair statement?

J Wess Yeah, I guess I mean, sure. Yeah.

Baringhaus Oh, and then one last question. Does your home have a basement?

J Wess Yes.

Baringhaus Okay. What are you using the basement for now?

J Wess Nothing right now.

Baringhaus So, it's just empty? You're not really...

J Wess We're not going to do...Yeah, we're not really doing anything with the basement. The only thing we're doing with the basement is putting a crawlspace from the back addition to it from the laundry room. That's a currently existing there.

Baringhaus Okay, going with the whole structure where would the driveway be located

J Wess The driveway for...

Baringhaus The structure that you're placing...

J Wess On the left side of where the other drive, because it's on the, if you're looking at the house...

M Wess It should be on the plans because it's...

M Wess ...on the on the survey.

M Wess It would be on the left of the house all the way to the back. There's enough room there.

Baringhaus I see it now, thank you.

M Wess And then we wanted to do circular in the front.

Baringhaus So the driveway itself, how far away would it be from the property line to the edge of the driveway? I'm not seeing any mention of it. I see two and a half

feet for the proposed building to your property line. So, it's going to be more, looks like more.

M Wess They're going to be more like three feet.

Baringhaus Three feet.

J Wess Yeah.

Baringhaus Okay, very good. Thank you very much.

Coppola Any questions?

Klisz Mr. Chair?

Coppola Secretary Klisz?

Klisz Are you familiar with your neighbors, the Govenders? G-O-V-E-N-D-E-R.

M Wess We don't know last names yet, are they on the on the right on the left?

Klisz You met with them?

We've met with most of our neighbors. Yes.

J Wess Because one of them has filed an objection.

M Wess Ok was it the one on the right?

Klisz And it says that they met with you. Jason let us know the plans he had for the property, doubling the size of the existing house extensive cement work, raising bees and cleaning up the garage. He told us he was a builder and would be using the garage to store his equipment. That was very clearly stated to us. There are no other properties in this area with that much broad space, the current three car attached garage is even more than most homes have. So, they're objecting. My question is, are they objecting on any building going up? Or is it just the size, if you know?

M Wess Well, I know who you're talking about now, because we've talked to pretty much every neighbor that was in that area. They are all okay with us having the barn in addition that we're going on because we had a big party over there for all the neighbors at one point and when we talked to them, they were more upset because they got denied of having not like they bought the lot next door to them, and they have a garage there right now and because the house was torn down or something that they are required to pull that one down, and I told him that if there was anything I can do to help them out, I was trying to be, you know, kind to them, you know, when I'm doing the construction on my house, you want me to come over there and do whatever you need to do. I mean, I'm sorry, you know, this is what, you know, they kept on denying you but there were some new rules that came

into effect for garages and stuff and maybe you can go and try again, you know, if you need some help, I'll be happy to help you.

M Wess So, these are the neighbors on our left and they did tell us that they will probably submit their opposition because they have this huge garage in the backyard or barn or whatever that is it's huge, but they were made by the city to tear down the existing garage prior to that and they say because we had to do this you know, it wouldn't be fair if you guys got permission to build another garage or barn or whatever you want to call it and although it's not going to benefit them in any way again they did tell us that they will probably submit an opposition

Klisz So, you're not surprised either?

M Wess I'm not surprised.

J Wess At least I know the last name

M Wess And, I know the rules have changed a little bit since they're like their variance were denied I know that again this is just because they feel bad about not getting their thing approved.

J Wess We tried talking to them, we tried like trying to reason with them I said, "Look this is gonna make it look a lot cleaner, it's not gonna, you're not seeing a mess around with the barn being there and their privacy too for you know, you're not gonna see anything that's going on over here because just plus it's not as tall or is with, we called and found out that the city requires a certain height you know and certain things other than the square footage but we, you know...

Coppola Thank you. The new proposed driveway and circular driveway, what will be the material?

J Wess Concrete. Up to I guess a certain point from what I guess the street is out of asphalt and then I think there's like a certain amount that we saw that they were actually doing on the street that my neighbor Ralph that's next door to me that's on the other side said that I guess they're gonna be do repaving the whole entire street, and they usually cut into the driveway to a certain amount. So that's where you would want to politely put your concrete and then that will be asphalt. So, it'll be like I think two feet of asphalt that goes onto my drive onto my easement and then the rest of it will be concrete. But we can make it concrete all the way to the end of the street. But I was told that

Coppola Wait until they are done then lay your concrete.

J Wess Yeah.

Coppola All right. Other questions?

Baringhaus Mr. Chairman, yeah, I'm sorry. I do have one question for the inspection department. Under the Livonia Vision 21 ordinances the combined ground floor area is 920 square feet. I believe I guess my question is, does that divide out? 720 square feet is the maximum attached accessory building dimensions and then 200 square feet is the maximum detached, it's the building square footage.

Albus That is correct you're referring to Section 7.09(1)(A)

Baringhaus Correct Thank you very much

Coppola We're going to just try to second read your mind are you going to the option would be they could have a ton of square foot 200 square foot accessory building like a shed in the back as an alternative

Baringhaus My goal was just clarified with the breakdown on the dimensions between the two structures.

Coppola Okay. Any other questions? All right if you got a seat for a moment.

J Wess Thank you.

Coppola Is there anyone in the audience that would like to speak for against this petition? You can step up over here give your name address first.

Lacina Hi, Mike Lacina, 20044 Mayfield so two houses down. And I guess I'm speaking in favor of the variance. I think it's fine. My property personally I have a barn, old barn from the 80s, it's grandfathered in, I guess slightly smaller than this proposed structure but at least similar in dimensions, and, I mean, I park a riding lawnmower in there and at least so far they've been good neighbors and keep up the property and have planted a large number of trees in the back to, I guess, restore that part of the forest. It's nice.

Klisz What kind of garage do you have?

Lacina It's a barn, I would describe it as a barn.

Klisz You have a barn, do you have an attached garage?

Lacina I have an attached garage. It's one, one car. I guess its actually the old one burned down a couple years before we bought the house and so it's newly rebuilt, but it's only...

Klisz So, what was the address again?

Lacina 20044.

Klisz Thank you.

- Coppola Anybody else in the audience like to speak for or against? Seeing none, any correspondence?
- Klisz We do. We have a letter of objection from Karen and Jenasen, J-E-N-A-S-E-N Govender, G-O-V-E-N-D-E-R. In our time meeting the Wess family, Jason let us know of the plans he had for the property, doubling the size of the existing house extensive cement work raising bees and putting up a garage. He told us he was a builder and would be using the garage to store his equipment. That was very clearly stated to us. There are no other properties in this area with that much garage space. The current three car attached garage is even more than most homes have, all the neighbors enjoy being able to look over each other's acre lots with the abundant flora and fauna. We have lived in this home for 38 years and we can see about five acres of this wonderful nature whether looking out the window or enjoying the outdoors relaxing on our patio or entertaining family and friends. If this structure is allowed that will be taken away from us, our view would be a big garage, we are not willing to lose what we have had since 1984 nor would we want the cement driveway he has planned for between our two houses. It is also our position that the structure would make our property less desirable than those with open and unobstructed views. Letter of approval, Howard Walter, 32487 Norfolk Street. I approved to the request of getting the variance. We live in an area that I feel is a bit rural and must not that tight be restricted to our current codes. I of course appreciate the intent of the code but have no objection. A letter from, it's technically a letter of no objection, the number, there's "No" written above the word "objection" from Cecilia Wollney, W-O-L-L-N-E-Y, 32559 Norfolk Street Livonia. Letter of approval from Tommy Cisney, C-IS-N-E-Y, 32516 Norfolk. Looks like there is plenty of room for a garage maybe they could park some of their many vehicles in there out of sight. And those are all correspondence.
- Coppola Thank you.
- M Wess We have another non-objection letter from our neighbor across the street.
- Klisz So we have no objections. The address is 20071. Mayfield and it is signed, but I can't read the signature and there's no printed.
- Coppola Okay. All right. Would you like to make a final statement before we close and make a ruling? You need to step up here if you'd like to. Any questions?
- M Wess I don't know, we lived for 22 years in like 40 by 60 space, backyard, always moving week of vehicles around just trying to get out and have their vehicle in and out. Finally, we got this big lot with a lot of space.

J Wess And if bees are an issue, we can leave the bees where I have them at right now. I just, this is one of my hobbies, I mean, I just like producing honey, wax, and stuff like that for my church.

Coppola Anything else?

M Wess It's not a neighborhood, like I see a lot of stuff flying around and it's a mess, it's not nice to look at, so to store all that in the building, extra garage, or whatever we call it, and have space for every vehicle, so we don't have to back out back in and just drive in the circular driveway out of the property in the property to be just very nice. That's what we planned when we bought the house.

Coppola Okay, thank you. I'm going to close the public portion of the case and start the board comments with us all up, there you go.

Oliverio I would be in favor, for a few reasons. One, this seems to fit the neighborhood. If you look at the neighborhood itself, the peers have said almost every neighbor on the left, perhaps everybody across the street does have a structure in the back. This home appears to be the only one, maybe one of three homes on the whole lot that does not have a structure in the back. So, I don't think it would obstruct from the neighborhood. Currently, as it is, if anything, it would just be more in fit with what the neighborhood currently is.

Coppola Thank you, Mr. Testa.

Testa Thank you, Mr. Chair. I'm a little torn on this. It is a bigger lot and does kind of fit in with the area, that said, but I do think it's still excessive. So, I think I will be not in support. But I could be in support of a table having come back with a more modest proposal, I think there is an option to modify the existing garage to accommodate the taller truck if that is the main reason for needing this addition, but as it stands, I think the structure that you're proposing in terms of the additional drive is too large. Unrelated to this case, I appreciate the addition out of the house. I like it, I'm thinking of doing something similar at my house, but the garage itself, I believe, is too big.

Coppola Thank you. Secretary Klisz?

Klisz I'm going to agree with Mr. Testa, my thoughts were that there may be a room for this additional building, but that it is too big, and one is obviously my questioning of the petitioners was about the neighbor who's objecting because that means a very lot to me, when it's the next-door neighbor saying that they don't like it. And I was wondering, is it the neighbor just doesn't like anything, are they mad because of the whatever situation they're involved in making. But, if you go back to them and talk to them, maybe a smaller structure would either gain their approval or they wouldn't

file an objection next time. If that were the case, it was a smaller proposal that I would probably be in support at that time. But the other thing we've got, which is kind of unique is most people come in with their stuff already packed to the gills, and they're looking for new space. These folks haven't even moved in yet. So, they have an empty basement and empty garages. And then they want to build something to store stuff that they may not even need. And then storing building equipment is a temporary thing. So, we may be left with a giant structure in our city that they don't even really need. Maybe they do, maybe they don't. But I again, we've told lots of people that come in with grandiose garage plans to think of the smallest possible plan that would work for their needs. And so, I would leave them with that concept for a Tabling. So, they could come back with something more modest, and hopefully something that the next-door neighbors would support.

Coppola Mr. Baringhaus?

Baringhaus Thank you. I think your neighbor kind of summed up my observation of neighborhood. While the homes do have a lot of, a lot of detached garages and a mix of detached garages as well. They tend to be on the smaller side, you do see a lot of one car garages in the neighborhoods, some two car garages as well. Because of the size of the garages, I think it's compelled the neighbors to build a shed, you know, various sizes within the neighborhood. And the neighborhood is very well established. It looks like there's a wide range of homes in terms of age. So how some of these structures came into being like a neighbor across the street with the four-car garage. Maybe it was grandfathered like your neighbor's barn was, maybe some of these structures were grandfathered in as well. Don't really know at this point. But one thing I do know is you have a very large garage, today. 926 square feet. For a three-car garage is probably one of the largest garages that I've seen on an established home. I agree with the comments, my colleagues on the board that I think it's customary to have, like a secondary structure in the back of your property, like a barn or a shed, that's very prevalent in your neighborhood. And I think that would be appropriate for you. I'm just concerned about the size. So, what I'd like to see is, I'd support a tabling motion, but I'd like to see a proposed building that's reduced in square footage to offset the exceptionally large garage that you have today. Thank you.

Coppola Thank you, I have to agree with Vice Chair Baringhaus and Mr. Testa, also Secretary Klisz, you have a very large garage. First of all, that's 926 square feet, I think standard garage is right around 500 square feet. So, while it says three car garage, it's really closer to like a three and a half to four car garage, you have a door on the back that gives you access, access to the backyard. And it's probably necessary because you only have eight feet to

your property line on that side, you have more space on the north side, but when you when you put in that driveway, you've got less than, probably less than 10 feet from the neighbor's house. I think that's what he's probably a little concerned about that. In regards to the hardship I didn't see a real compelling reason. I think a 200 square foot shed which is allowed, in addition to the garage that you have, will allow you to store your lawn equipment and other lawn equipment, your deck furniture and other types of stuff. And you got a three and a half car garage that you can put your cars in and your extra stuff in that you currently have, you currently have a vehicle that has a tall cap that you put on it, to me isn't a hardship that requires a significant and permanent variance for the property. So, from my perspective, I do appreciate you bought in this neighborhood, you're planning to raise your family here, you can do a nice job with a house. It's going to be a huge house. That's great. I appreciate that and I welcome you to the city. But I just I'm not convinced that there's a hardship that that requires a variance of this magnitude. So, I'll go ahead and open up the floor for a motion.

Baringhaus Mr. Chairman?

Coppola Mr. Baringhaus?

Baringhaus Thank you. Motion for appeal case number 2022-04-08 that the appeal filed by Jason and Mariana West be tabled to allow the petitioners time to come back with an alternative plan and calls for a smaller scale, secondary building on your property.

Klisz Support.

Coppola I have a motion by Vice Chair Baringhaus supported by Secretary Klisz to table the petition.

Klisz Mr. Testa.

Testa Aye.

Klisz Miss Oliverio.

Oliverio Aye.

Klisz Secretary Klisz votes Aye, Vice Chairman Baringhaus?

Baringhaus Aye.

Klisz Chair Coppola.

Coppola Nay.

Klisz It passes four to one.

Coppola All right, Mr. and Mrs. Wess. So, your petition has been tabled and as you've heard from the comments from the board, they're looking for something a little more modest in size. Take into account that again, you have some pretty large space. Hopefully you've heard kind of what has been suggested by the board members. Your option is, you could modify it, make it more modest, you can come back with the same one if you want and there's two people missing. So maybe you can prevail. Maybe you won't, but that's your options. So, as I said the next meeting is May 24th. And you'd have to have your revised plans in by April 25th, so that's pretty tight. The next meeting after that is June 14th, and you'd need to have your revised plans in by May 16th.

J Wess Can I still pull permits for the actual house itself?

Coppola Yeah, as long as they comply. But if they comply that having a variance for outbuilding it doesn't impact that.

J Wess Yeah, we want to get started.

Coppola Understand.

J Wess Alright, thank you.

APPEAL CASE NO. 2022-04-09: An appeal has been made to the Zoning Board of Appeals by Christopher and Beth Ruffing, 28847 Olson, Livonia, MI 48150, seeking to maintain a six foot tall privacy fence, erected without a permit, resulting in not acquiring the side (west) adjoining owner's consent.

The property is located on the south side of Olson (28847), between Oxbow and Hartel, Lot. No. 143-01-0042-000, RUF Zoning District, "Low Density Residential." Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090(B), "Residential District Regulations."

Coppola Anything you would like to add, Mr. Albus?

Albus Nothing at this time.

Coppola Any questions for Mr. Albus? Mr. Albus, how did this violation come to your attention to the special attention? Was there a complaint filed?

Albus I believe so let me bring up the map on this one. Yes, I believe there was an actual issue with the neighbor on that side removing a house that was before this board.

Coppola So, which was the address of the complaining neighbor was that 28855?

Albus I believe so. Yes.

Coppola Have there been complaints against that particular neighbor or any violations issued to that neighbor?

Albus Yes, I believe that's what brought him before this board. That was supposed to be a partial demo of the house. The entire house was removed. Brian was on this board. I wasn't at that board meeting that he was at, but I believe there's complaints and...

Coppola I'm trying to recall that case and for some reason, it just completely blanked, but there's been other complaints filed against this, this neighbor. Is there any outstanding actions right now that you can see?

Albus Yes, there's outstanding enforcement on it.

Coppola Can you give us a flavor of what those are for?

Albus The House demo without approval without permit and approve shut offs from DPW DTE and Consumers must obtain demo permit double fees, engineering approval and new house permit. Closed permit for the addition and then he went for the variance in front of this board. So I believe...

Baringhaus Mr. Chairman, it was from the March 1st meeting, and it was the appeal case 2022-02-04. Yeah, I mean, long story short, is I think there was a side yard setback issue. Essentially, if all the petitioner had to do was move the house like four feet, and he would have been in compliance. I don't think he elected to do that.

Coppola Move the house after was built or before built?

Baringhaus Before the house was built. It was torn down and

Albus I drove past the site today and there's just a puddle where the house used to be.

Baringhaus Okay. Mr. Chair, I do have another question. Has he ever been compelled to clean up the debris on that lot?

Albus There's multiple and investigations and inspections and let's see, a show cause hearing. So, it has never gone to actual court. I believe it's just been the building department and code enforcement trying to get resolution before it goes to court.

Coppola And when you were there, the other day, I think you said yesterday. Was the debris still on property?

Albus Yeah.

Coppola All right. Do you have questions.

Baringhaus No, I'm fine. Thank you. Okay.

Coppola Okay. Mr. and Mrs. Ruffing, name and address first please.

C Ruffing Christopher Ruffing 28847 Olson Street.

B Ruffing Beth Ruffing

Baringhaus Same address?

B Ruffing Yes.

Coppola Thank you. All right. So why don't you tell us a little bit about your issue here. I like to understand how a fence got up without a permit. But I'd like to also understand the hardship. I mean, we've talked quite a bit about that, but I'd like to hear from you.

- C Ruffing So we've lived at the property about 13 years, maybe a little bit longer than that and the House has looked pretty much well, when the house that was there was pretty much the same the whole time. It's really been an eyesore it just has, we really haven't done much about it. I do know that his other neighbor, she probably called I think he's had like 20 different phone calls concerning the property. He stores junk back there, and quite literally, cars. He's had multiple cars back there throughout pretty much the whole time. But last year, he went through, and he did the demo on the house pretty much like had been mentioned. He really doesn't know what he's doing. But he's kind of going through just doing what he wants to do. Like was mentioned DTE had to be called out because he removed a gas meter. Actually, he broke the gas line is what happened. And then the gas was literally blowing into our house. And she got freaked out, we had to shut the windows. He pinched off the gas line himself didn't even call DTE or Consumers, rather. So, my wife ended up calling Consumers because he was concerned that he didn't...
- B Ruffing The next day, because yeah I couldn't sleep all night thinking, you know, I kept watching, like, Oh, what did he call are they gonna come and look at it and they never showed up. So, I called in the morning and asked him to just come and check it out. And they said it was still leaking.
- C Ruffing She spoke with Consumers and they had concerns obviously, they didn't even know where their gas meter was. He just took the gas, I don't know if it was still on the site, or what happened. But the gas meter wasn't even anywhere around. He had the electrical just kind of hanging, actually, he posted it right next to our fence, but he wrapped wires on the actual fence line, the existing cyclone fence that was there. And it was kind of like hanging out our property. The other thing is, is we try to we beautify the property when we first moved in, by putting in arborvitae bushes that grew up to be about 15 feet in height, while at this point right now they're beginning to die. Because of the grading issue that's going on with the engineering issue that's there.
- B Ruffing He's added dirt every year, every year, every year. Now it's like it's you know, spilling onto mine which the way backyard, I never complained, whatever, it you know, but now it's like, I did try to do the privacy tree route and those have died. So, I guess that's the answer to why do you suddenly move a fence.
- C Ruffing Well, okay, again, so I think you guys have a little bit of information there as far as you know what had happened. And so we weren't really on speaking terms with the neighbor at all. And we really went like a no conflict route and just went ahead and threw the fence up. There was an existing fence that was there. It's not like there wasn't a fence in between us. In fact, I believe he put that fence up before. I don't know that he ever pulled a permit

originally when he put that fence up. Maybe he did, maybe he didn't. But he didn't get our permission. I just went in the backyard one day, and he was putting the fence up.

B Ruffing And yeah, we were kind of like cordial with him for all these years until last summer. Like he would talk to my son, or us, all of us. He talked to all of us. We weren't we're not, you know, yeah, we didn't like his yard. But we weren't calling. We weren't complaining. He kept saying he was gonna fix it. And we were like, okay, we believe him someday, hopefully, we'll have a nice yard over here. But over the summer, he asked me to come and look at the progress of his home. And when I was over there, he said some stuff to me that made me feel very uncomfortable saying that he can't help but he's been watching me cut the grass. And you know, a heart is a funny thing, and he has feelings for me, and he asked me to go in his backyard where no one can see and give him a hug. So, I ran home, and I just shut all my blinds, I put blinds on the sunroom. If I was cutting grass and he pulls up, I literally stop what I'm doing. You know, just I'm gonna talk to you. I'm sorry. But that made me very, where I felt like I couldn't even be my yard anymore. So that's kind of why that was a sudden, we found you know, someone that could do it.

C Ruffing So obviously, privacy is an issue and so when I'm fairly certain that we've read his objection, I think he's the only one maybe that's objected in the entire neighborhood. In his in his objection, he wants us to tear that fence down and put a cyclone fence back up.

B Ruffing But the story is that we put the fence up five months ago and he just said, oh, I want my own cyclone fence back but I don't want it now because my yard is already a mess and I'm in trouble. We said okay, we have a cyclone fence in our backyard. Five months later we object we were obviously in objection to him building the house too close, because I don't trust his building skills, first of all, and so after I objected is when he called us to the end of my fence. So pretty much retaliation, it seems like it's because he was fine with it in for five months, and then all of a sudden, the week after his meeting he was.

C Ruffing And then finally, we have a handicapped son and the kid mentioned before he kind of had a relationship with the neighbor and having the privacy fence there will at least stop my son from you know, going back there observing that he's there seeing what's going on. So I try and maybe to keep that communication more to a minimal. He, he's somewhat verbal. I mean, he does communicate, he's not exactly nonverbal, but he doesn't understand concepts he doesn't understand, like, he doesn't do math, he doesn't read and write and do those types of things.

B Ruffing And now we're not sure where the neighbor is with it but my son is always like, Hi. And I, you know, hopefully so quietly, but I don't you know, I'm trying to just keep it...

C Ruffing Again, as no nonconfrontational as possible.

B Ruffing We've never, I don't want to have a bad time in my own house. You know, I don't want to fight with him. I like we said, we just asked that he moved it over a little bit. I don't care what else he does.

C Ruffing We're actually in agreeance of him building a home there.

B Ruffing I'd love to see it fixed up.

C Ruffing That's I mean, believe me, that's exactly what we want. In fact, we have a, our daughters are active in the school system. And my one daughter, the oldest daughter, she actually is the coach at Franklin pom-pom. And we had a big party there. And we had a lot of neighbors that are you know, people from the community that were coming over and they're like, Wow, you guys have a really nice house. But too bad you got this next door to you. And you know, too bad. You know, these different neighbors. So, we're getting continued comments, and how nice our house was, but how terrible our scenery is.

B Ruffing Also, I just got tired of trying to clean like we have dogs that are eating like junk this like all this, he'll like plant stuff and let it overgrown, leave it and let it rot and the dogs are eating it and I got poisoned it last year trying to you know, just keep trying to clean the fence line. So that was another reason why I just wanted like, a better barrier that I didn't have to deal with that so much. And then like I said, if you're sitting in your backyard, you're not looking over at it's not just a little bit of a mess it's a lot. He's got piles and piles of dirt and wood with overgrown vines and...

C Ruffing Yeah, rodents, another issue.

Coppola Who installed the fence?

C Ruffing We hired a contractor.

Coppola A fence contractor?

C Ruffing Yes. Who was that?

B Ruffing Well, I don't really know. But he was Facebook marketplace

C Ruffing It was Facebook Marketplace.

B Ruffing He did a great job.

C Ruffing Yeah, the fence looks fantastic.

B Ruffing I don't think, I don't know that he was an actual company, I don't know his name.

Coppola Were you aware that you are required to have a permit?

C Ruffing We did pull a permit on the other fence line. So yes, to be fully transparent. Yes.

B Ruffing We were worried about like I said we weren't on speaking terms with him we were worried about a fight we've kind of just thought you know and he doesn't live there. If he's hard to get a hold of for him he's there during the day usually but when Chris is home in the evening we can't we don't see him but we just kind of, I don't know we just got kind of got desperate to the point where we're like he got we figured he totally understand why it was there and then it wouldn't be an issue but and it wasn't for five months but...

C Ruffing She was very uncomfortable. I did as much as I could we actually put up a pergola in the backyard to help block the view she still was uncomfortable in the backyard, and I just pulled the trigger I said let's just have these guys do it now.

Coppola Thank you. When did the neighbor put in a chain link fence?

C Ruffing Pardon me? Oh, that was that was probably over a decade ago.

B Ruffing And it was halfway there. He just like finished it off, I think.

C Ruffing There was a fence that came up to a telephone pole, we have kind of a long one that takes us to the back there. So, there there's a chain link fence that comes up there and then there was like I it was an old Bob Warner style that had just like the old post wooden posts with but there was no barbed wire that was left so then he just kind of ripped all that stuff out and put that chain link in.

Coppola It has been there quite a while?

C Ruffing Oh yeah.

B Ruffing It was like a recycled it wasn't brand new like materials. It was

C Ruffing He put up a used fence is what he did. Yeah. And we still have not...

C Ruffing We still have our post obviously they cut the posts, but we still the top rail.

B Ruffing We buy the post, we buy enough, we replaced whatever he was upset about.

Coppola Was the fence on the property line?

C Ruffing It was on the property line, yeah.

Coppola Okay. So, Mr. Albus, is there a fence permit for that property at all?

Albus For the neighbor's property? No. For their property, they pulled one in 2018 for the chain link on the other side.

Coppola Okay. Nothing that you can see nothing again. It's been over a decade, but they should have, or would that still require a permit, you don't see anything?

Coppola We did give them the nice side of the fence. I mean, we just we don't

Albus No fence permits from the neighbor's property.

Coppola Any questions for petitioner?

Baringhaus Mr. Chairman.

Coppola Mr. Baringhaus?

Baringhaus Yeah, just for my clarification, when you decided to build the privacy fence, did you research the ordinances and requirements for constructing a fence in Livonia or did you not research those requirements before you decided to build the fence?

C Ruffing I did not.

Baringhaus Did not.

C Ruffing No.

Baringhaus There's a white fence on the other side of the property white privacy fence, who owns that fence?

C Ruffing I believe that's the our direct neighbor, the one who's objecting. So, he put that fence up. And that's actually a double fence that's there. So, there's a cyclone fence that's there. And then he put the white fence on his side of that is what he did. So yeah, there's a privacy fence on his other side.

Coppola Any idea when that...

B Ruffing That was only like five years ago, because he complained that was the neighbor that called on him all the time. She's in he said that she's looking in my yard. And she's you know, being nosy and calling the city. So that's what he did that up there.

Baringhaus How long? How long have, you know, the neighbor that tore down the house next to you?

B Ruffing 13 years?

Baringhaus Both 13 years? How did your other neighbors feel about his activities on that?

B Ruffing They're all pretty upset.

C Ruffing So just to be transparent again, we were probably the only neighbors that he was friendly with in the whole neighborhood until his situation.

Baringhaus Have the neighbors said we discussed filing a complaint jointly with the city regarding this property as a neighborhood, or do you have an association?

C Ruffing We don't have an exact association, but we have spoken with the neighbors there are people across the street, they've actually called there's been emails that have been written, there's been extensive communication with the city already. It's just been a long time and there's been no action. I think a lot of times what happens is the city will come down there, they might threaten some type of ordinance or some type of action, but nothing ever happens. He does a little bit of sweep up cleanup, and then that's good enough. And that's kind of the way it's been for 13 years. I mean, that's the honest truth of it.

Baringhaus Now, your neighbor's chain link fence that you took down. What compelled you to do that, to remove neighbor's property?

C Ruffing I, so again, that was just a matter of putting the new fence in. I didn't even mention that to the contractor. I just told him that we want to put this fence up. And he kind of just ripped that one out. Put the new one in and we were satisfied with the work.

Baringhaus Now are the footings for the chain link fence still on the ground?

C Ruffing Yes.

Baringhaus Do you have plans on removing those?

C Ruffing We didn't, no.

Baringhaus Do you have plans?

C Ruffing No, I didn't have plans.

Baringhaus Okay, thank you

Coppola Any questions?

Klisz Mr. Chair?

Coppola Mr. Baringhaus? Tim, I mean, Secretary Klisz?

Klisz So, the neighbor submitted his objection letter, and he include a pack of pictures with the debris that he says left by I'm guessing the contractor. Like there's some nails and there's wooden chunks and stuff like that. Is that still there, to your knowledge?

B Ruffing I don't know. And I yeah, I mean, I guess we I don't know. We wouldn't be opposed to cleaning it if he left them here but.

Klisz Let's say if you were allowed to keep the fence would cleaning up this is nothing compared to his stuff, but there's a beer bottle and there's some chunks of wood and some nails and stuff like that, you guys would be fine cleaning those up?

B Ruffing For sure.

C Ruffing Yes.

Klisz That's all I have.

B Ruffing If I wasn't worried about trespassing, I would have like went over there and made sure of everything but being in the situation, I didn't.

Klisz Well, the contractor probably should have cleaned it up.

Coppola Any questions?

B Ruffing Yeah.

Testa Mr. Chair?

Coppola Mr. Testa.

- Testa So thank you, I have a lot of sympathy for your situation, and I understand why you want to fence and I appreciate your frankness with not wanting to pull permit because you're trying to not be confrontational with your neighbor, but it seems you knew a permit was needed and it looks like you were just hoping that you'd be able to put the fence up and no one would ever complain and it wouldn't become an issue, is that correct?
- C Ruffing That could be a fair assessment.
- Testa Unfortunately, he is complaining now, which is what you wanted to avoid. So, you're kind of caught between a rock and a hard place there. Okay. Before, you mentioned the word retaliation, and when I first read the case file, as soon as I saw his name in the letter, I thought the same thing myself. Prior to you objecting to his variance, has he said anything about the fence any way or the other, I know you
- C Ruffing Not once. Well, actually did. The only bit that he did say is well where's the other fence? And I told him that it's in my backyard. I said, I can give it to you right now. And he looked at his yard, he's like, I'm not ready to receive it. I said, Well, we can store it in my backyard for now until you know, til you're ready. So that was really about it.
- Testa And from some of the pictures you submitted, there's large puddles in the back and you commented about him constantly re-grading his lot, started in the back and then moving forward. When he was before us last month, he was kind of in denial about that. Was it other neighbors that were complaining? Can you talk about how that is impacting you?
- C Ruffing Yeah. So basically, every year for I don't know, maybe 10 years now. He goes down to the area where you get the free mulch, the compost, and he fills up literally seven, eight.
- B Ruffing We laugh because every day until it's gone. Like, well, the piles gone because they quit like its days and days. He's back and forth, back and forth with his trailer.
- B Ruffing His little trailer.
- B Ruffing And he tries to tell me, Oh, it's compost, it's gonna settle down. It's gonna settle down and just takes time because obviously you just see, like when yeah, that whole place is buried.
- C Ruffing The cyclone fence was buried about a foot, maybe a foot and a half, quite literally about a foot a foot and a half. What it was down to three foot on his side easily. Like you could almost step over it. That's how much dirt he's been putting back there.

Testa Do you have any idea what he was trying to accomplish?

C Ruffing I do, the only thing I can think is he just doesn't want to have that water on his property. Obviously, it just sheds off into our property

B Ruffing We're in a spot where it would flood and dry up usually, but this year, we've never dried up. I know it was a wet year in general. But I haven't had you know, it definitely was the worst year for us. My grass used to not die, and you can see the pictures, it was gone.

C Ruffing I would say that the neighbor on the other side is affected much worse.

Testa In with it being a wood fence that you put up he continues to raise his lot. Is that going to become an issue? Is he going to start burying your fence line too?

C Ruffing I mean, I don't know that he should be doing that to start with. I mean, he's changing the grade on his property. I don't know that that's even allowed in the city. But you know, if he continues, I mean, could he make his way to the moon? Maybe? I don't know.

B Ruffing And that was our concern with I mean, I maybe like being close to our house wouldn't even matter. But I was getting very nervous about what happens when he is building forward. And he even when he when he was digging his foundation, he moved that dirt to the backyard, and you know, flattened it out. I have like pictures where there's higher track, he was using a machine to do that. So, I'm nervous, like what do you think he was doing out of a basement? I don't know how far he's gonna go in this whole yard as far as his side I don't know.

C Ruffing As it is now there is a bit of a gap at the bottom of the fence. So if he, you know, I don't know how much longer he's going to continue to add dirt. I can't foresee the future and as far as that's concerned, will it be an issue in the future? I honestly don't know.

Testa Okay, regarding the fence, you did install did you purchase the fence and then have a contractor install it or did you let him handle both?

C Ruffing We just I think he handled the whole bit.

Testa At any point, did he talk about the necessity of a permit or getting a permit?

C Ruffing Not that I know not to my knowledge, at least not to me.

Testa Maybe my last question regarding your neighbor, has he talked to you at any point since your objection letter?

C Ruffing No.

B Ruffing I've made the phone call to ask him. When he called for me to get it, I'm like, Okay, I'll go through, I'll get a permit. But obviously, when I did that, I got his phone number from the city and I called him that's all he was like, yeah, yeah, put it in my mailbox. And he was kind of that I was like, oh, gosh, I know, you might not know well, and then I put it in his mailbox that I received it back of my mailbox with the letter. So that's the only thing that was said.

Testa Okay, thank you.

Baringhaus Mr. Chairman?

Coppola Mr. Baringhaus.

Baringhaus Okay, you mentioned you've been in your home for 13 years and been a neighbor of this individual for 13 years. What was the condition of neighbor's yard when you moved in initially, compared to what well, compared to what it is today?

C Ruffing It's been pretty much the same.

Baringhaus So, when you moved in, the condition of the yard was in poor condition?

C Ruffing His yard was in poor condition.

Baringhaus Okay. Okay, very good. Thank you.

C Ruffing Yep.

Coppola Anything else?

Oliverio Mr. Chair, I have a few questions.

Coppola Sure, Ms. Oliverio, please proceed.

Oliverio I did notice that in some of these pictures it looks like there's some flooding along the fence. I couldn't tell if that was actual flood or if that was a reflection with the imagery if there was water accumulation around the fence, has that been happening?

C Ruffing At the back of the property? Yeah, at the very back of the property there is.

B Ruffing Like I said, it used to happen, like when it rained, and it would dry up a few days later. But yeah, this year. My other neighbor said she has a pump and pumps it out and we might have to consider that. So, it's kind of...

Oliverio Actually, reminiscent of the other case too, though, there was a discussion about a drain being in the backyard, and it being covered, are you aware of any drain back there?

B Ruffing I'm not sure what she was saying.

C Ruffing He has a lot of piping that he was thinking about putting in for drainage but it's just been in storage back there for I don't know, like a decade.

B Ruffing I know what you're saying, she said there was some drain on his driveway. I don't know any I don't know what she meant by that, it was getting covered up by the materials or....

C Ruffing Yeah, she's lived there longer than me. I don't I I'm not aware of what she meant by that.

Oliverio And my last question you put in the complaint about you know, sexual harassment and invasion of privacy. Have you contacted the police or anything like that?

B Ruffing I did not.

Oliverio Alright, that's it. Thank you.

Coppola Okay, anything else? Right, you can have a seat please. Would anyone in the audience like to speak for against this petition? Seeing if there is any correspondence?

Klisz I have some letters. First is a letter of approval from Laurie and Greg Killeen K-I-L-L-E-E-N 9001 Hartel. I completely understand your concerns, but the fence adds beauty and privacy from a negligent neighbor. The yard neighbor they are blocking is a mess. He burns household items causing toxic fumes and smoke throughout our yards. He has brought in 50 yards of dirt to build up his land causing flooding to the surrounding yards. We have lived in this neighborhood for over 25 years and never has the standing water been so horrendous. I feel sorry for the neighbors on either side of him having to look and live next to this monumental mess. It is a disgrace to our beautiful community. I feel he's being cruel and trying to make them remove the fence. We think of looks amazing and hides his mess from our view too. A letter of approval from Chamber Strong 28830 Olson. Chris and Beth built this fence to hide the garbage site that is now their next-door neighbor. That construction next to them has been ongoing and in no there are piles of garbage and no end in sight to the project. The owner of the lot under construction took steps on his own and broke a gas line and never reported it. I would have built a fence too. I stand behind Chris and Beth and believe this action against them was in spite of them

rejecting the construction within six feet of their home. A letter of approval from Mary Acres 28865 Olson. This fence is a is a good for good for Mr. And Mrs. Ruffing because it helps hide all the junk from Mr. Marius Ghinescu's yard which is, he never gets rid of. I am all for it. Why is he allowed to keep junk in his yard time and time again? Please let Mr. And Mrs. Ruffing keep this fence. Thank you, Mary Acres. Letter of approval Hamzeh Beydoun, 28842 Olson. The fence is an improvement to the neighborhood. The adjoining lot is unsafe and has been an eyesore for a long time. A letter of approval from Shane Wyatt 28937 Grandon Street, I drove by the property in question and saw the next-door neighbor's unsightly yard. This fence is needed to block the eyesore. Letter of approval, Theresa Klein 28872 Olson, this property next to Chris and Beth Ruffing has been an eyesore for the past year, also hazardous, I've sent emails in regard to that issue. And then we have a letter of objection from Marius Ghinescu 28855 Olson Street. I object to the fence permit requested by my neighbor for the following reasons; he removed the existing border fence without approval/consulting me. The illegally removed fence was repaired by me at an estimated cost of \$3500 US dollars in material and labor. If the Commission approved the permit for a new fence, I announce my intention to sue the city of Livonia and my neighbor for this amount. Three, he installed the new fence without permit without even consulting me as per the violation number EN22-077 attached to this document. Four, he cut the posts and love the cement base of the fence posts inground, they are still there and need to be removed. Five, he appropriated the old fence without any rights. Six, during installation of the new fence, he destroyed my garden and my flowerbeds. Also, he left garbage and debris on my property as per the photos attached to this document. Seven new fences too high and have unsightly design. In conclusion, before approving a permit for the new fence, please bring the property to the same stage it was with a new four-inch chain link fence not the old one that is already damaged and removing the existing illegal "privacy" fence. And that is it.

Coppola That is it. Anything you'd like to say in closing?

C Ruffing Just concerning his flower bed and his garden. It was, I believe October when we put that in, so there was really no garden or flower bed to speak of and it was really more of a weed bed than it was any type of garden anyways. And we had to cut it back through the chain link that said it was coming through. And the garden that he did use he never even picks the garden, he just allows the rodents to come in eat the droppings of the tomatoes and cucumbers and whatever that was back there. That's all, thank you.

Coppola Thank you. I'm gonna close the public portion of the case and start the words of comments. Secretary Klisz?

Klisz This one's very interesting. I'm trying to think if we heard this case, if it was brought before us, because of the lack of permit, meaning they applied for a permit didn't get it didn't get the neighbor approval, we would be here, hearing this case. At that point, I think there'd be no question that we would grant it. Just the one neighbor wrote his stuff and didn't bother to come here and everyone else is clearly in support of it and it would turn out to be a nice-looking fence. So, I guess the difference is, the fact that they knew they needed a permit or hired a contractor that had no clue or didn't care and so, you know, that's the only sticking point, I think, but we usually resolve those kinds of issues. We've had them before, and I think they're usually resolved with the good old fashioned double permit fee. So based on that, I think I will be in support.

Coppola Thank you, Mr. Baringhaus?

Baringhaus Thank you. I guess I partially agree with Mr. Mr. Klisz's statement the responsibility for the permit is always with the homeowner. You can't fall back on the contractor, and you knew that, you knew you needed a permit, and you didn't, you didn't apply for one and follow the ordinances. I do really sympathize with you. You've suffered with his neighbor for 13 years and nothing's really improved. You put a fence up to try you know, to try and improve things but I guess where I'm having some real issues with this is the fact that one, you knew you needed a permit, you didn't get one. And the second thing is regarding your neighbor's property, his chain link fence. You took it down without his permission. I think you have, I don't really agree with those methods. But I think you know, this is a very difficult decision, you know, based on the circumstances you've had before. I agree with Mr. Klisz, based on the fact that we've seen one case come before this board and then in the intervening time, nothing's improved with the condition of that lot. fact that looks like it's gotten worse, because you know, there's no more debris on it. It's good that the city is aware of the problem, and I think the building inspection department knows, next steps it needs to take to fix it. I will support the variance, but I'll support it on one condition. And that's that I am in no way condoning the fact that you did take this chain link fence down, which was your neighbor's property. And the second part is you knew you needed a permit, and you didn't pursue it. And I agree with Mr. Klisz's recommendation that a double permit fee penalty be imposed for you. So, with that, I will support the variance.

Coppola Okay, thank you, Mr. Testa.

Testa Thank you, Mr. Chair. So, I completely accept this. I sympathize with you. As I said earlier, I will support this, but I do have concerns that I don't, I'm in line with Mr. Baringhaus. I don't like that you didn't get a permit, but I do appreciate that when questioned, in your explanation, you freely admitted it and didn't try to dance around it and try to try to hide that. If you had come

before us for permit, I would have had no problem approving his objection. But I understand the situation and the hardship, what you're going through. I would appreciate it I don't know if there's any way to embed it in into our motion, but if you could remove the existing fence posts that were in the ground, from the photos he submitted, it looks like at least one is on his side. So, it's from the pictures, the good side of the fence, which was nice of you to put on his side. And it's clearly the fencepost is clearly on that side. So, I can see his complaint, not that you guys don't have anything to complain about on your end about his property, but leaving those fence posts in clearly on his side, if you could remove them, that'd be great. Like I said, I don't like the way you went about this, but I understand what you're dealing with and can overlook. So, I'll approve.

Coppola All right, Ms. Oliverio.

Oliverio Well, I would say if there's ever hardship, this was it. I can completely understand and I'm empathetic about 13 years. That being said, I do agree that you should have the permit done. But also, you know, being wrong and perhaps feeling threatened for your safety of your children and yourself, I can completely understand why you want to be non confrontational, and make this decision. I would say, you know, going forward or advise anybody going forward in these types of situations to contact the police first. But that being said, I am full support of staying there, and wish you luck, and much safety.

Coppola Okay, thank you. I think a lot of what I would have said has already been said, I think this is correct. If you had come before us to follow the proper process, you would have defense and wouldn't have this issue.

B Ruffing I guess, I, at the time.

Coppola No, you gotta. That said, I struggle with this because you knowingly did what you did knowing you didn't do the right thing and if I could impose, and I don't think we have the ability to a larger fine, I would have imposed a larger fine, we're not it's not within our realm to do that and I have a feeling that your neighbor is going to probably impose that and find in other manners, because he probably won't go away easily. The fence he put up probably was put up illegally. So, we have no permit, it was put in, you know, last 10-15 years. So, he has no ground to stand on in litigation because it shouldn't have been there in the first place. I'm not sure if I do think also you need to approval to put a fence between two property lines and doesn't appear that that was received either. So, there's a lot of bad stuff that went on. There's other fences that appear to have gone up without proper approvals or neighbor approvals. So, there's a lot of stuff that went on that was unfortunately done because of such a bad neighbor. And I really do feel for you. So I'm going to support this. Reluctantly, we don't generally do this, we

always try to mitigate the situation, mediating between the parties, try to find a solution. I don't have a solution to be found here. And I don't think that processes is appropriate here. So, I will go ahead and support this somewhat reluctantly, but on the record that this is this is a very unique situation, it's not normal and we will always look at cases like this very closely for the circumstances. So again, I'll open up the floor for motion.

Klisz Mr. Chair.

Coppola Secretary Klisz.

Klisz Resolved the variance sought in Appeal case number 2022-04-09, filed by Christopher and Beth Ruffing, be granted for the following reasons and findings of fact.

1. The uniqueness requirement is met because of the particular situation that the petitioner is facing with their not-very-good-neighbor.
2. Denial of the variance would have severe consequences for the petitioner because one, the fence would have to come down and the problem that they face would still be there.
3. The variance is fair in light of its effect on neighboring properties in the spirit of the zoning ordinance, because of complete neighbors support other than the affected neighbor, and it will also be fair based on I think the conditions that I'm going to add to the motion.
4. This property is classified for 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 conditions:

1. that the petitioners pay a double permit fee for not obtaining a permit in the first place,
2. that the petitioners clean up the debris as outlined in the neighbor's objection. And
3. that they also removed the fence posts that were left from the removal of the chain link fence. And those are the conditions.

Testa Support.

Coppola Motion by Secretary Klisz, support by Mr. Testa. Discussion.

Oliverio Mr. Chair.

Coppola Ms. Oliverio.

Oliverio I do have a question about the removing of the post. That post is on the other homes on the neighbor's property? Correct.

Coppola So is the debris.

Oliverio Okay. Are there any concerns that we have about going onto the other than neighbor's property to remove those and ask the petitioners to do so?

Coppola I find the debris overwhelming.

Klisz Mr. Leo, what do you think about that?

Neville Definitely constitutes trespass on their property.

Coppola We can't compel someone to break the law.

Baringhaus Mr. Chairman. But then the petitioners trespass to take the fence down. Didn't the petitioners trespass to take the fence down? Sure.

Neville Well, I don't think they did. I think they were on their property when they removed.

Coppola The property line. I mean, I can't imagine you couldn't have put it up without publicly stepping over the property line.

Klisz Exactly.

Coppola Two wrongs don't make a right.

Klisz Right, so...

Coppola Well, we I don't think the more we can compel someone to break the law.

Baringhaus Right. But I'm saying that I think we need to keep our perspectives balanced because what we're concerned about them trusting petitioners, trust asking to pick up the debris the trespass already occurred taking down the fence.

Klisz In the neighbors asking for those who has his issues, but he's not here to correct address it and he's not part he's not a petitioner. So, I mean, I can remove it we can just say that's it yeah, sorry.

Testa I caused this because I have the debris part. I thought she mentioned it. I'm not so worried about him filing trespass and for worried of maybe some something escalating so...

Coppola Yeah, when you start digging out to the...

Testa If you offer it to your neighbor to do it if he lets you do it fine. If not, here we go.

Coppola How about if so asked by the neighbor to remove the debris and post, we should we recommend that you do it.

Klisz Should we add a condition to that and just leave it be? They heard it, they understand it. If it's gonna keep the peace and you guys go hey, I'll remove those posts, and we'll pick up these eight items of garbage you know if he wants you to you do it. We just won't make it official that we'll just stick with the double permit fee.

Coppola So that's the motion support. Okay. Anything else? Tim, take the roll please.

Upon motion by Klisz, supported by Testa.

RESOLVED: APPEAL CASE NO. 2022-04-09: An appeal has been made to the Zoning Board of Appeals by Christopher and Beth Ruffing, 28847 Olson, Livonia, MI 48150, seeking to maintain a six foot tall privacy fence, erected without a permit resulting in not acquiring the side (west) adjoining owner's consent.

The property is located on the south side of Olson (28847), between Oxbow and Hartel, Lot. No. 143-01-0042-000, RUF Zoning District ("Low Density Residential"). Rejected by the Inspection Department under Livonia Fence Ordinance, Section 15.44.090(B), "Residential District Regulations," **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met because of the particular situation that the petitioner is facing with their not-very-good-neighbor.
2. Denial of the variance would have severe consequences for the petitioner because one, the fence would have to come down and the problem that they face would still be there.
3. The variance is fair in light of its effect on neighboring properties in the spirit of the zoning ordinance, because of complete neighbors support other than the affected neighbor, and it will also be fair based on I think the conditions that I'm going to add to the motion.
4. This property is classified for 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 conditions:

1. That the petitioners pay a double permit fee for not obtaining a permit in the first place.
2. That the petitioners clean up the debris as outlined in the neighbor's objection.

ROLL CALL VOTE:

AYES: Testa, Oliverio, Klisz, Baringhaus, Coppola
NAYS: None.
ABSENT: Boloven, Turbiak.

Klisz: Passes 5-0.

Klisz Mr. Testa.

Testa Aye.

Klisz Ms. Oliverio.

Oliverio Aye.

Klisz Secretary Klisz votes Aye, Jim Baringhaus.

Baringhaus Aye.

Klisz Chairman Coppola.

Coppola Aye.

Klisz Passes five to zero.

Coppola Thank you, Mr. and Mrs. Ruffing, you've got your variance for the fence. Strongly recommend in the future to follow the ordinances and requirements of laws. Understand it was a very difficult situation or you would have gotten your fence anyway, most likely. So just try to do the right thing and I can show control and good luck with your neighbor because I have a feeling this is not the end of it. Thank you. All right. Next case please.

Appeal Case No. 2022-04-10: An appeal has been made to the Zoning Board of Appeals by Aimee Payne, 36009 Scone, Livonia, MI 48154, seeking to erect a six-foot-tall vinyl privacy fence along the rear property line and not acquiring the adjacent property owner approval.

The property is located on the south side of Scone (36009), between Woodside and Golfview, Lot. No. 080-03-0052-000, N2 Zoning District, "Low Density Residential." Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090(B), "Residential District Regulations."

Coppola All right. Thank you. Anything to add, Mr. Albus?

Albus Nothing at this time. Was there an objection that was submitted in this one like the other ones just from yesterday?

Klisz There is there is an objection on this one.

Albus Ok, I'll wait on that at an appropriate time.

Coppola Okay, any questions for Mr. Albus? All right, seeing there are none, if the petitioner would step up, name and address please first.

Paine Hi, Amy Paine 36009 Scone Street

Coppola Okay Miss Paine, could you tell us a little bit about why you're putting the fence up and why you've been unable to obtain approval from your neighbors to the rear, right?

Paine Yes, that's correct. So, I purchased the house in September relocated here from Ohio with work I have two small rescue dogs, each under 15 pounds, both licensed with the city, just to make sure you know that too. So, I moved up here and hired a contractor to do a fence to close in the back yard and for safety for the dogs really more so that nothing gets in as opposed to them getting out, but was able to obtain signed neighbor consent for the left and the right of me however, the house behind me is unoccupied. So I've sent multiple letters knocked on the front door, my contractor actually also went knocked on the front door and left his business card and a message then but just have not been able to contact anyone. So was not able to obtain sign neighbor consent from the property behind me. The contractor did pull the permit for the left and the right of me and put up the privacy fence on the sides of the property. There is currently a chain link fence on that back property line, which I believe is the property of that owner. I'm just requesting to replace that with a privacy fence to finish the fence around the property. But also, I think it would be nice to have the taller six-foot privacy fence because there are also large dogs, catty corner in both of my back

neighbors and they kind of scare my small dogs a lot. Also, I'm always afraid they're going to jump over the fence because the chain link fence is only four foot tall and they're pretty big sometimes and get up there and start barking at each other through the fence. So I think having that privacy fence would also bring a little bit of peace to the neighborhood so that they aren't seeing each other and kind of barking incessantly at each other through the fence.

Coppola Thank you, is, do you know, this home is owner-occupied, rental. Why do you believe there's an issue that you can't get a response?

Paine I have never seen, so I moved in September. I've never seen anyone on this property. The backyard has looked pretty much identical the entire time I've lived there and like I mentioned I've knocked on the front door a couple of times I've asked my neighbors if you have seen anyone at this property and nobody has really seen or knows who owns it. So that led us to believe that it was not occupied.

Coppola Have you ever seen any lights on the house?

Paine There's heat running because you see like smoke coming up but I've never seen like lights on and off within the house like indicating somebody was physically home.

Coppola Have you checked with the city as to ownership or whether it's registered as a rental or any of those types of occupants?

Paine I know my contractor called the city's zoning or wherever you pull the permit from. And they, he was told that he couldn't be provided that information. So, we didn't pursue it any further. He was told to apply for the variance.

Coppola That's generally public information, ownership. And if they're in the rental rules, it's public information. Have you tried, going online to see, find the phone number tied to the address, try to call the phone number? Did you mail a letter to that address?

Paine I did. I actually mailed three or four written letters with my, you know, a neighbor letter. Hi, I'm Amy, I moved to the neighborhood. I'd like to put a new fence in, and also the neighbor agreement. So, I've mailed multiple letters to him. I did try googling and maybe it's just different in Ohio versus Michigan, but I was not successful in locating the public property records. So maybe I didn't do a good job, but I did try to Google, and I looked at it the same way. I would kind of check when I lived in Ohio to find it. And I

didn't find something similar. I found a website that asked me to pay for it, but I was afraid it was a scam.

Coppola Questions?

Baringhaus Mr. Chairman?

Coppola Mr. Baringhaus?

Baringhaus Well, first of all, thank you for getting a fence permit.

Paine Trying to.

Baringhaus Okay, I did look up the record of the home. Do a search on Livonia tax records, and that will bring you to the site.

Paine Okay.

Baringhaus And then go to the bottom of the screen, you'll see online tax records, just agree to the terms and then you can type in an address of the home. I did type in the address for 36024 Schoolcraft, which I think is the home directly behind you.

Paine Okay. I think so it wasn't included in the property description when I purchased the home. So, I just assumed.

Baringhaus I came up with an owner name of Ian M. Thomas. So, but I there I didn't wasn't able, the system was acting up. I was unable to get any further, but I think you can call the inspection department, for assistance on them. But yeah, I do have a question. You did indicate the chain link fence is you believe it's owned by the neighbor? When you erected the white privacy fences on the sides, your properties were their existing fences there at that point?

Paine No there were not.

Baringhaus Okay, thank you very much.

Coppola Any further questions?

Baringhaus I do have a question for you as the inspection department. Okay, in the event that Miss Paine was successful at contacting the owner to erect a privacy fence along that fence line chain link fence would have to be removed?

Albus Correct.

Baringhaus Okay. Pending on the other fence installed?

Albus Correct.

Baringhaus Okay, so you can have a three-step process.

Paine Yeah, my contractor informed me that he would have to remove the fence as part of the permit as well.

Baringhaus Who is your contractor?

Paine Cornerstone fencing.

Baringhaus Keep his number he did a good job.

Paine Yeah, he was very, very thorough and was like, I can't do anything that we don't have a permit for.

Baringhaus Some installers do care? Yes. My faith is redeemed. Okay. Thank you very much.

Coppola Mr. Testa, do you have a question?

Testa Maybe it's going to be addressed by Mr. Albus, based on this I'm kind of confused by one of the objection letters, two doors down.

Albus That's a new objection letter that came in just recently. One of her side property fence lines wasn't put on the property line. If you actually go to Google Maps, you can see where the fence is. And they put in the property line, which is at an angle, that seems like the fence starts fairly close to being on the property line and then when you reach the back of the property, it's about 10 foot off of the property. So, both the neighbor and the neighbor two doors down, are here to talk on that. We do have enforcement on that. The fence wasn't put on that property properly. So

Coppola What's the normal process? You would have to it has to be on the property line, so they would have to move it

Albus Correct. By ordinance it has to be on the property.

Coppola That would be the, generally that's the installer's issue.

Albus Yes. I was hoping that the two neighbors would discuss this before the meeting, but it doesn't sound like they've had a chance to talk.

Testa Mr. Albus, how does it affect this piece aren't they two houses down?

Albus That's mother and daughter, the mother is directly next door, and then the daughter is two doors down.

Coppola Yeah, I think the question is, how does it impact this particular petition? Because I mean, that's a different issue. It needs to be addressed through the you know, with the city and the neighbors and the petitioner, but I don't think it impacts this petition.

Albus It would extend the rear fence another 10 feet, which it looks like the property directly behind her and now it affects another property directly behind her by that the extra 10 feet section.

Coppola No, I understand that, but she's only coming to approve the rear right property line. So, if we would, if we were to approve something, it would be to for the rear property line. That's all we'd be approving. We would not be approving any fence that doesn't follow, you know, little procedure on a property line, we're only focused on that rear property and that's it.

Albus That's what's before you, but it was close enough and a big enough concern.

Coppola They're welcome to voice their concern at the meeting, anybody's willing to but it's not really something we're going to consider, that will be handled through the appropriate channels and processes. So, there's nothing we there's nothing, no one's asking for a variance to put up, put a fence off the property line on the sides. So, there's nothing that we can address. We're happy to listen to the issue, but it won't impact us. We're only looking right now at at the at the back property line where right now they don't have a neighbor approval. That's all we're looking at.

Albus Correct.

Coppola Okay.

Albus Thank you.

Coppola Mr. Albus does their concern impact the placement of her fence. I think no, right?

Albus Her side fence that's already installed, if it's found to be off the property line, then she would actually have to move that existing side fence and that would change the rear fence line of her property and know that 10 feet into, there would be another adjoining rear yard neighbor.

Testa Of this case, the fence we're talking about right now, the length of that fence would change?

Albus She could install it, but if the side yard fence was moved, there'd be a 10-foot section, I'm ballparking, there'd be like a 10-foot section that wouldn't have a fence, you'd have an existing chain link fence there on the rear.

Testa Okay, so then it is your opinion, this issue does impact her case? Because if we approve her fence today, and she puts it in, she may have to change it three months from now if that

Coppola It wouldn't pass inspection because it wouldn't be on the property line. All we'd be approving is a variance. Install it pursuant to the ordinances. So we're not we're not approving any variance to the ordinance. So the ordinance besides the fact he doesn't have neighbors so,

Testa So, if we approve her that she could put in a fence it'd be on the property line, it might not terminate to the other fences because those fences have to move.

Coppola Ideally, they had to fix that before they fall. But we're not approving the fences that weren't installed properly at all we've been asked to do is essentially recruitment variance understanding.

Albus Sorry to muddy up the...

Coppola No worries. There's always issues. There's always issues, tangent issues, but any other questions, comments? All right, seeing none, you can have a seat for a moment. Anybody in the audience like to speak for or against the petition?

T Shrader My name is Theresa Shrader and I live in Plymouth that 11817 Morgan in Plymouth.

B Shrader Barbara Shrader 35995 Scone.

T Shrader She is on the east side of which he's made reference to that we believe that the side yard privacy fence is not installed in the proper location on the lot line. And if I could just give each one of you these, I do have the sitemap here attached to this letter, which we can work on to talk about the letter later. But I do have the site plan as to what he alluded to that if that privacy fence is put on the true lot line, she would need to obtain approval from the neighbor that's also to the east of her also, because her lot actually spans three home lots that are on Schoolcraft. So would be the neighbor behind her. Obviously, my mom has been in her home for 57 years. With no fences, we can honestly say there really, we've never really had anything with the lady that's behind there that and we really haven't really saw her. So I went around and looked at the house, it looks, I mean, I assume no one's living there at this time, but the neighborhood behind my mom, per se, they

actually would be impacted if the lot line if the fence is moved to the proper lot line because then for her to put privacy fence across her whole rear yard, there's actually three homes back there of which chain link fence would need to be removed, not just the one lot that she can't get ahold of the owner of.

Coppola Okay, so just so I understand so does it appear that the fence was installed and goes to the it goes inside her property and abuts that sounds like

T Shrader Can I give each one of you a picture in that show the site plan?

Coppola Sure.

T Shrader So, what's happened is from the street up Scone, out from the house, on lot 52, the privacy fence comes out at the rear corner of her house, which is where it should be out to at some point, but then the property fence and you can see on lot 53 that lot of line between those two lots runs due north. Now I can take a really, kind of a real weak point to take a compass out there. And I can stand at that fence and the fence posts each one of them, the fence posts which are square are not running through North, I can also stand at the side of the front of the fence at the rear corner of the house and point the compass back into the rear yard. And you can see in the photo where it attaches to the corner of lot 41 and 42 where there was private or where there was chain link fence, which has been there for 57 years. So, I have no idea whether that's a proper location of that fence post. But that's where that privacy fence terminates. So, it's estimated that there's a rectangular space of 10 feet, which I actually did talk to Matt in the building department. He was the one that estimated that and told me that number also a triangle space that actually is outside of that property line.

Coppola So, you're stating that her fence is 10, at the back end of it, the south side, it's 10 feet inside the property line. Yes. So, you gain 10 feet.

T Shrader The gaining 10 feet is not it's of no reward.

Coppola Yeah. See, the confusion is that the corner of this fence, the existing fence suggests a property corner.

T Shrader Yes.

Coppola That's where the installer got confused. I don't think Mr. Albus, they don't require, do they require to submit a survey with their fence permits?

Albus Not with the authorization of a neighbor.

Coppola So, that's and because mortgages don't require...

T Shrader Well, a mortgage...

Coppola We don't requires surveys anymore. So, she may not even have a survey of her property to know that's an issue.

T Shrader No, but when you're putting up the privacy fence of this magnitude, and I can tell you it's a big magnitude. It's a very tall, white shiny fence. And there's a lot of it, looking to have a lot more of it. I would think that a requirement of at least getting a few engineered stakes of where your property line is, would be a requirement or would be a consideration putting up that much fence. There was not one engineering stake in the backyard. In fact, the first day they came out to put the fence up, the fence contractor appeared to be very confused in the backyard, possibly looking for a lot rod in the back corner, never located a rod came back the next day and put the fence up from the house out to the property line, to the assumed property line, and then back to that fence post.

Coppola Did you sign?

T Shrader My mother signed, yes, for the fence.

Coppola So, your issue is only that it's in the wrong place and you want to put the right place.

T Shrader Yes.

Coppola Okay. Understand, Mr. Albus, what how do you normally remedy situations like this? Do you require to go get a survey? What do you do?

Albus That would be the only remedy is to get a survey.

Coppola Do you have a survey?

T Shrader It's been there since 1965.

Coppola You may already have a survey you just don't have it with you?

T Shrader Well, and again, I'm in the real estate business. So, a mortgage survey would not really be an accurate depiction of where your lot lines and your lot corners are.

J Wess We were friendly neighbors with no fence. We just assumed and proceeded from that.

Coppola So, Mr. Albus, obviously this is before you there's been a complaint that has to be rectified. Right?

Albus Oh, yeah. There's, I believe it's been assigned to Mike in the code enforcement department.

Coppola Okay. I understand the issue and I understand the confusion. It appears the neighbor's fence in the rear is

J Wess And that's been there for 30 years.

Coppola Which would suggest it's in the wrong place.

T Shrader No, that that fence post, the silver fence posts that's in that picture, is on the corner between, assumed between the corner lot 41 and 42.

Coppola I see, yep. Okay. Well, that's why the confusion he thought that was a corner and it wasn't.

T Shrader Exactly, now we're asking that the confusion be solved by somebody giving, you know, an accurate location of where the true lot line is, because my mind does not want that privacy fence not on the lot line.

Testa Right. Who's the owner of the fence that's not in the right spot?

Coppola The petitioner's who was installed in the wrong, it starts in the right place in the north and it ends in the wrong place in the south, so it needs to be removed so it's on the lot line and the confusion was because a lot lines don't match up between Schoolcraft and Scone Avenue and because he didn't have a survey, he assumed that petitioner's lot line matched up to corner, matched up to the to the neighbors corner and it doesn't.

Testa So, I'm going to admit I completely missed it. Her fence is already up?

Coppola Yeah, well, the side fences are up.

Testa So, it was the previous, whoever put that fence in before made that mistake?

Coppola No, she's getting new fences on all three sides. Yep. The two side fences that have been put in the one that's on the east side has been put in wrong and potentially the one on the west side might be put in wrong too if they use that corner, because the installer assumed that the corner of the fence for South neighbor was the corner lot for her property and it's not.

Testa Yeah, so I guess where I'm going with this, why is it an issue now it wasn't an issue when they put it in years ago?

T Shrader It was put in months ago.

Coppola So, the rear, if you look at the picture that they gave us, and you'll see the corner fence, was a chain link fence, the cyclone fence, that is the neighbor's, rear neighbor corner lot. That corner is not the same corner as far as the petitioner, it goes over whatever, however, many feet that is. So that fence has to be moved over to her corner, to her property line. So that needs to be fixed.

Testa Yeah, hey, my question was, is it a complaint now?

Coppola Because the fence went in, it was put in wrong, so they had a complaint, they lodged it with the inspection department, it needs to be rectified. It has nothing to do with theory and has nothing to do with this position.

Testa Okay.

Coppola Except that, that if this stayed the way it was...

Testa It messes up.

Coppola Her fence doesn't go far enough to the east. So that just that needs to be fixed and that's a separate issue and I understand that it's in the process and it needs to be fixed.

T Shrader And then also we would bring up that, you know, the people in lot 41, if the true lot line if that privacy fence is going to span the entire, you know, 84 feet.

Coppola No, that's correct. They wouldn't also need to provide their consent. So, it'd be something that the, I don't know how that normally works for Mr. Albus, who decides who needs to provide this, I believe that's the Building Department, hopefully the department determines that, thank you.

Albus Since it crosses onto the other neighbor's property, they'd have to give consent.

Coppola But initially, when it when a citizen comes in and says I want to put a fence in, who do I, do they ask, I mean, who tells them where they need to get approval? You say, they need to call your neighbors. In this case, she didn't really know she had two neighbors. She didn't know she had two neighbors that she needed to get approval from.

Albus Well, it actually, really, she has three.

Coppola No, she didn't know of two.

T Shrader Right, of the two yes, but now there's three.

Coppola So likely that she may have not gotten the approval of the neighbor to the west. Just that little piece.

Coppola So, that's going to need to be looked at too.

Albus Right.

Coppola So yeah, this is definitely a unique situation that we ran into.

Baringhaus Mr. Chairman?

Coppola Mr. Baringhaus.

Baringhaus I think was answered before. Is it common practice for fence installers to use the corner existing, fence posts?

Albus Yeah, if you look at that property that appears that property line is at that point, just from me walking out and looking at the site today but knowing where the Google Maps puts the property lines and the way the fence is set up, it's, obviously it's different.

Baringhaus And if there's no survey to substantiate the location of the where the fence should actually go, does the fence stay where it's installed? In other words, you need a survey to validate the actual property lines.

Albus Yes.

Baringhaus Okay. Thank you.

Coppola I do believe if you look at the zoning map, it's very clear that there's little pieces on the east and the west side that need to be addressed.

Coppola So, unfortunately, you will need to probably look at the property fence installed on the west side of, the fence installer assumed that the rear yard corner fence were the property lines and they're not. You probably don't want to lose part of your property. So that will need to be fixed.

Baringhaus Okay, they'll appreciate that. Thank you for the clarity.

Coppola Anybody else? Seeing none, we have correspondence.

Klisz We do have some letters. A letter of objection, Robert Selenis, S-E-L-E-N-I-S, 35985 Scone. We object to the further continuation of the six-foot-tall vinyl privacy fence at 36009 Scone Street. The current construction of the fence is glaringly white and abomination on what was previously in a review of the neighborhood. It is excessively high, blocking light, breezes and a

general openness that previously existed for decades. It is also starkly white and fails to blend into any ambience of nature. It's what is commonly referred to as a spite fence, but I have no clue as to why we are being spited. A letter of approval, Stephen Skolnick, 36036 Schoolcraft. My family resides at 36036 Schoolcraft. Our property line directly connects, and we have no problem with any of our neighbors placing a fence on their back yard or property. A six-foot vinyl fence on the rear of any of our neighbors is completely fine, regards, Steven Skolnick. Letter of approval, Melissa Whiting, 36008 Scone. I don't see an issue with a resident wanting privacy fence and their own property. I also don't agree with having to get neighbors approval, I approve Amy's request and see no issue with it. And a letter of approval Marie Tartaglia 36017 Summer Street, I feel that the vinyl privacy fence at the rear of Miss Paine's property should be approved. Many neighbors in the subdivision and privacy fences around their entire yard, two specifically on the same block of Scone and one four doors down for me. Why should Miss Paine be denied this when others have it Miss Payne already has a privacy fence on both sides of her yard and I strongly believe that the city of Livonia should approve a fence along the back rear of her yard. That's the correspondence.

Coppola Thank you. Miss Paine, would you like to make a closing statement?

Paine Sure. I first I want to really apologize. I had no idea that it was not properly placed. They did say they pulled the pins they had trouble falling on the other side of the property and they went and talked to that neighbor and talked about where to put the placement on the other side. So, I I had no idea. I'm really sorry that you guys are upset. I tried to do everything right and I feel awful that you're angry with me and

T Shrader We didn't say we were angry.

Paine All that being said, I'm happy to do whatever is required to complete the fence and resolve the back issue and again, apologize that it wasn't handled the way that maybe it should have been.

Coppola Okay, anything else? I'll begin the comments with Mr. Testa.

Testa I would be in favor of tabling this until the lot line is resolved. What I fear is, you're going to put your fence up and it's not going to resolve the issue. But I understand your point that, Mr. Chairman, that we're only approving the fence along the length of the rear, but what I fear is getting it installed correctly and then we still have this gap or mismatch of fences and how does that get resolved, when someone's back before us with a complaint or try and resolve it with another variance? So, I am not going to support this, but I do support a table.

Coppola Thank you, Secretary Klisz.

Klisz I agree, but I'll do it for a secondary reason, which is, I don't think enough efforts have been put in to try to contact the neighbor. I think we were here googling some stuff and looking up some stuff. It looks like that owner has been there since '07, she bought it in '07. I believe it's 100% homesteaded. Now is she you know, live in a different part of the state and different period of time, or whatever the case may be. But I think some more effort should be made to try to get her approval and then at the same time, also, if we table it, then that kind of puts a little bit of a delay on things until the other issue can be sorted out with the side yard. So, I would be in support of the table.

Coppola Okay, thank you. Mrs. Oliverio.

Oliverio I completely agree with my colleagues on this one, but I will also add that it would make sense to resolve the side part, just from a pure geometry standpoint, right, before you actually put the back part on so to know how much square footage you would need. So, it just makes logical sense to do that, too.

Coppola Right. Thank you. Vice Chair.

Baringhaus Thank you. No, I agree. I think at this time, tabling this variance is appropriate until we resolve the lot lines and it'll give him Miss Paine more time to contact owner or owners for permission to finish the installation of the privacy fence. Thank you.

Coppola Thanks. I'd also support it tabling. I think there's some lots of stuff that needs to get done. I think a little more effort needs to be put into finding the owner. You may not be super successful, but I'd like to see a little more effort first. Then when you need to get these other...we need to get the property line, property corners resolved. And because you may likely also need approvals from two other neighbors because your property line goes over to there. So that will need to be resolved too, so I agree tabling, that makes a lot of sense. So, I will open the floor for a motion.

Baringhaus Mr. Chairman?

Coppola Mr. Baringhaus.

Baringhaus I have resolved an appeal case number 2022-04-10 filed by Amy Paine be tabled to allow more time to resolve property line issues and also ownership issues of the chain link fence that adjoins the rear of the property.

Testa Support.

Coppola We have a motion by Mr. Baringhaus, support by Mr. Testa. Take the roll please.

Upon motion by Baringhaus, supported by Testa.

RESOLVED: APPEAL CASE NO. 2022-04-10: An appeal has been made to the Zoning Board of Appeals by Aimee Payne, 36009 Scone, Livonia, MI 48154, seeking to erect a six-foot-tall vinyl privacy fence along the rear property line and not acquiring the adjacent property owner approval.

The property is located on the south side of Scone (36009), between Woodside and Golfview, Lot. No. 080-03-0052-000, N2 Zoning District ("Low Density Residential"). Rejected by the Inspection Department under Livonia Fence Ordinance, Section 15.44.090(B), "Residential District Regulations," be tabled to allow more time to resolve property line issues and also ownership issues of the chain link fence that adjoins the rear of the property.

ROLL CALL VOTE:

AYES: Testa, Oliverio, Klisz, Baringhaus, Coppola

NAYS: None.

ABSENT: Boloven, Turbiak.

Klisz: Passes 5-0.

Klisz Mr. Testa.

Testa Aye.

Klisz Mrs. Oliverio.

Oliverio Aye.

Klisz Secretary Klisz votes Aye, Vice Chairman Baringhaus.

Baringhaus Aye.

Klisz Chairman Coppola.

Coppola Aye.

Klisz Passes five-zero.

- Coppola Miss Paine you may step up. So, it's been tabled. I think you've kind of heard what needs to happen. We'd like to see a little more effort and finally, you may not but we'd like to see a little more effort in that. Be a little more resourceful. Get some help getting resourceful, hopefully you'll get that result. Plus, you have two neighbors you're going to have to get approvals from now. And then you have some fences to move. So, the process would be that when you're ready to come back, you would contact the inspection department, the zoning department and then get you back on the agenda. Like I said, 24th is the first one, but you would have to submit by the 25th of April. I don't think that's gonna happen by then. So, June 14, and it gives you the May 16th to kind of get things wrapped up and resolve. If you can get the owner's approval you don't have to come back.
- Paine Can I just clarify? So, I need a mortgage survey to validate where I need to move my fence to, to move it back inside my property? Is that what I need to provide to you?
- Coppola A survey is the ideal resolution, but maybe your fence is taller source, there should be a metal pole, in the corner. Question is, where is the corner? They may have measurements, and those measurements will assist in locating it. But that's probably your best bet. Otherwise, you have to get a get a surveyor out there, and they could probably find the post, you may not even really get a survey, you just got to find the posts. Okay, so those are some of the options, you might want to contact the survey and say, Look, I need to display my property corners, you know, can you do that? How much are your costs?
- Paine What evidence can I provide to make sure that I meet the threshold of enough effort to find the property owner? Is there anything specific you guys would look for if I have to come back?
- Coppola I think Secretary Klisz found a name. And so you may have to spend a little money on a name search to get a phone number and make a phone call or
- Paine So, bring some records that I
- Klisz Send a certified letter and see if it comes back. So can you come back with an unsigned for certified letter, the green card Try that. She didn't sign for it, it got returned. You know, I did a Google search. I mean, I just was looking at probate records to see if she died. I didn't see any permission of guardianship.
- Paine I probably just need to study Michigan law. It's a little bit different up here.

Klisz Yeah, a lot of this is public record search and that assessor's office, if you just go on your assessor online property type in the address, you might find that the...

Paine Assessor's office is that we call it.

Klisz Assessors online or do the BSA is the company that they do it from it's all the same search function.

Coppola Then just pay the fee to get the information. There's no communication. I did it just now. They may be mailing the tax bill to another address.

Paine Yeah, I didn't see that.

Coppola So, you might want to message me, and you'll see the taxes, you're getting the tax bill. Okay. So, they're getting somewhere.

Paine Okay, and then just print all those records and submit those with the application.

Coppola Provide letter if it comes back unclaimed.

Paine I would be satisfied myself. That's one thing. Thank you for the clarification.

T Shrader Can I say one more thing about that house, please?

Coppola Step up.

T Shrader Just the burden of obtaining this approval from this neighborhood. I just do want to say on behalf of my mother. She has never in, you said since 2007, which I did research, she has never saw anybody in that home. In that backyard. The door wall. A service cuts the grass, and the door wall in the Florida room has been open this much for years. Open like, no just like maybe like the screen door is, so I don't know how much burden Amy really is going to be forced upon her to find somebody because I did do some research myself and it was extensive. And you're short of, yes, going into paying money, which as I said, I'm in the real estate industry. I know a lot of that is a scam. I know it is very fruitless effort and money. So, I'd like to say on behalf of that. To find that homeowner, I believe the burden is beyond what's going to be achieved.

Baringhaus Mr. Chairman. I just have a quick point. You said that someone is cutting the lawn?

T Shrader Yes, a lawn service.

Baringhaus Miss Payne, if you can get the name of that lawn service, somebody has to pay them, right?

Paine Okay, I'll try.

Appeal Case No. 2022-02-03 (Tabled March 15, 2022): An appeal has been made to the Zoning Board of Appeals by Stark Road Holdings, LLC, 14255 Stark Road, Livonia, MI 48154, seeking to erect wall signs upon a physical therapy/fitness facility building resulting in excess number of wall signs and wall sign area.

Number of Wall Signs:

Allowed: Zero
Proposed: Five
Excess: Five

Wall Sign Area:

Allowed: Zero Square ft.
Proposed: 313 Square ft.
Excess: 313 Square ft.

The property is located on the west side of Stark Rd. (14255), between Schoolcraft and Lyndon, Lot. No. 084-99-0003-000, N-2 Zoning District (Parks and Community). Rejected by the Inspection Department under Livonia Vision 21 Ordinance, Section 11.08, "Sign Regulations for Residential Districts."

Klisz Motion to remove from table.

Baringhaus Support.

Coppola The motion by Secretary Klisz, support by Vice Chair Baringhaus to remove the table. All in favor, aye. Okay, thank you. Any questions for the Inspection Department?

Albus None at this time.

Coppola I have a question that you may or may not be able to answer. Mr. Neville, I understand that this property is in the process of being redone and it may be the early stages of being rezoned. Are you aware of that? I know Mr. Fisher was, but I didn't take notes the last time

Neville Well, I believe my understanding, speaking to Mr. Fisher, is that the City Planning Commission and Council are addressing that, and I'm not aware that anything is formally presented to Council, but I know that the petitioners have been involved and engaged with them.

Coppola The reason I'm asking is if there was at least an effort to select a new zoning district, then I thought, what type of variance am I approving? If it's going to be changed at some point in time and I think that's the intent, is that it could change. So, you know, where we're looking at a kind of a huge variance right now, where there's, you know, the wall signs now, no signs at all are allowed. When it gets rezoned, there may be some level of signs allowed, and then the variance is not nearly as large as is being requested right now.

Neville Well, I'm not privy to what exactly the potential rezoning might be or the kind of how that is actually going to shake out. It is my understanding that with regards to maybe a commercial zoning, it may not be ideal, because there's

mixed use in that neighborhood between schools and petitioner's, business and residential and the ballparks, etc. So, I think they're trying to work on a viable option with regards to any potential rezoning. So, I guess, speaking to Mr. Fisher, his opinion was that I would perhaps, invest based on perhaps what the comments were at the last meeting, if it became an issue as to the number of signs that we're going to be allowed or not, to move forward. I know that they're really trying to work with a petitioner on something, but you never know.

Coppola That's helpful. Thank you. Okay, petitioner, step forward, name and address please.

deVerteuil Hello, Joseph deVerteuil. 14255 Stark Road, Livonia, 48154. Do you need me to repeat?

Klisz No.

Coppola So you're coming back, and you've modified your request. So why don't you tell us about what's changed?

deVerteuil Yeah, if you don't mind, I do have some visuals here that I'd like to approach and share with everyone as well.

Coppola Okay.

deVerteuil Yes, so we originally proposed three walls, oh sorry, five wall signs for a total of 313 square feet. We've reduced the request for the recommendation of the Board when we last met, to three signs at 239 square feet. If you reference page one of the document that I passed out, one sign is facing Stark Road, these three signs were included in the last proposal, but we removed two signs. One that was facing Stark Road and one that was facing our parking lot. So, sign one, two and three remain and that's what the large, the sort of the significant difference is in the reduction of square footage.

Coppola Okay, I see you have a little cross and then you downsized the Stark Road. signs where they were going to be.

deVerteuil I'm not sure if this is the time to, to note it, but the three signs would have a significant impact for our business in terms of, you know, any potential clients or any potential community members understanding who we are and what we're doing in the building, because we do get the question of, oh, I never knew this was here, I thought this was the Y, etc.

Coppola This just changed hands when it closed a year, maybe two years ago. You have a current tenant, right?

Yeah, we have several current tenants.

Coppola Who is in there right now?

deVerteuil We have a group by the name of Healthwise Physical Therapy. They actually do physical rehabilitation. We have a pool, a swim team. classes for youth, competition for swim, and so forth. We have a group in there called Play On Sports Management that runs leagues, tournaments, clinics, for all different types of sports, such as soccer, football, and host rentals for lacrosse. We host a lot of Madonna University through Play On sports, as well, and those are the primary tenants.

Coppola How does the physical therapy fit into, kind of the athletic field? Is it a sports physical therapy type or just a general physical therapy?

deVerteuil It's a general physical therapy, but one of our biggest attractions is pickleball. Pickleball demographic is usually 40 to 70 years old. And, you know, a lot of that demographic utilize that physical therapy section.

Coppola Will the physical therapy business want any more signage beyond what's going to be on the tenant roster?

deVerteuil No.

Coppola They currently have a temporary sign outside correct or something in the window?

deVerteuil Yeah, I believe it's a vinyl sticker in the window.

Coppola Is that going to be coming out?

deVerteuil I am not sure. If that's a request from the board, obviously we'll have that as a consideration.

Coppola Other questions for the petitioner?

Baringhaus Mr. Chairman, Sorry, I was reading and kind of looking at how to ask the question. Earlier, I think it had to do with your earlier like artistic pieces in the windows. Maybe that was a tool referring to his decals.

Coppola That's actually a tenant sign and that's what I was referring to.

Baringhaus Okay. Earlier versions of the signage package had decals on the windows.

deVerteuil That's correct.

Baringhaus Okay, thank you.

Testa Mr. Chair, I have some questions.

Coppola Mr. Testa.

Testa Do you have any under 50-year-old pickleball leagues? No, I'm kidding.

deVerteuil The smaller courts.

Testa Your sign that facing to stark road, I didn't see any description here for lighting. I believe last time we talked about it being possible.

deVerteuil I'm sorry, can you say that last part.

Testa The sign facing Stark Road.

deVerteuil Yeah, it's ground lit.

Testa Ground lit. Okay, and then sign two and sign three are backlit?

deVerteuil So, sign two is backlit and then sign three is actually, we have gooseneck lighting.

Testa Got it. Okay and then regarding the questions at the beginning from Chairman Coppola. Can you, so, you were not before us last time, I believe the owner was and he brought up that there could be some potential future rezoning that he has ongoing discussions with the Planning Commission and City Council on it. We didn't follow up with him on questions regarding that. Can you make any comment about what you're trying for or hope to add to this facility to kind of let us understand what your long-term plans are for it?

deVerteuil Yeah, I am one of the owners, the person that was here previously was my partner. Okay, yeah, we would love to activate the space, the total space that'd be in the backyard as well. If you're familiar with the former YMCA, it has, six to nine tennis courts in the backyard, that, you know, really have been neglected in the past few years of ownership. We'd love to, you know, enhance that area, make it more of a social gathering place, you know, further development with more pickleball courts, because, you know, that's been a large demand for us, you know, something that can be really leveraged in summer, in the spring in the warmer months. So, it can be a gathering place, not, you know, similar to what Livonia has to offer at the moment.

Testa The gathering place that you would like to put back there, if you were successful in being able to get approval to do that, would you come back or want additional signage?

deVerteuil It wouldn't be, from my understanding, and I'm not the developer particularly involved with this, but from my understanding, it's not required. They wouldn't be required, but I wouldn't quote me on that but from my understanding, it is not, it wouldn't be required.

Testa I guess maybe from your standpoint, how, if you had a gathering space back there, how would you have it advertised when people can know, I have a gathering space back there? So, wouldn't you want a sign, maybe I should as that.

deVerteuil Yeah, I mean, I think we can really leverage the people that have been frequenting, we have, you know, a large contact list so far from what we've gathered throughout the winter from when we opened and then also, you know, any type of yard signs, you know, saying, you know, go to the back for XYZ, etc.

Testa Okay, so you do not foresee coming back, asking for additional sign to advertise or alert people to the fact that you have a gathering space in the back of your lot?

deVerteuil That's correct.

Testa Thank you.

Coppola Couple more questions. The ground sign last time. You weren't here, but your partner was here, and he said the ground sign would be coming out, is that still the plan to remove the ground sign?

deVerteuil Yes, that is.

Coppola Okay and any plans to serve food and beverage?

deVerteuil Not at this time. We do have an area that used to be the reception desk. That's, you know, we haven't...

Coppola No, I'm not talking about prepared food, I mean like just buying a can of soda or a package of something, not prepared food.

deVerteuil Yeah, we would love to do that. We have an area that's you know, earmarked to be a café'. We have pause on that until future notice.

Coppola Okay, Beer and wine?

deVerteuil We don't have any plan on that at the moment.

Coppola Right. Thank you. Anything else? Anybody? All right, you can have a seat for a moment. I'm going to just probably dispense with, we have no comments either, any audience? Anything like to say in closing, I guess?

deVerteuil Yeah, you know, it's been a real pleasure of mine and our partners to be tied to the city of Livonia, there has been real support from our community, real support in participating. Every one of the Councilmembers have children that participated at our facilities. So, you know, we're really grateful to be here, we're really grateful for the opportunity to purchase the Y, you know, I'd love to get that identity for us. I don't want to take away from the Y and what it was, you know, we still have some of the memorabilia relics in there, but I'd love to have this come to a conclusion, as this is the eighth time, I think you met with my partner, but this is probably my fifth time here. Not that I don't like meeting with you all, but you know, like to have a resolution for this and, you know, really move forward with the signage. Promote, you know, share that Livonia Athletic District name with the community. So, thank you.

Coppola Thank you. I'm going to close the public portion of this case and start words and comments with Mr. Testa.

Testa Okay, thank you very much. Sorry, I didn't recognize you as an owner. Earlier, as I knew there was two partners, I got confused when I saw you and not the gentleman before, but you did speak at City Council. So, you do look familiar. I will support this proposal, I do appreciate you guys going back to the drawing board, so to speak, taking back feedback and making a more somewhat modest request, eliminated a couple of signs. I do appreciate what you're doing with the building, I have not participated in anything there yet. But I do plan so in the future and I'm glad someone has taken over the space and I like what you're doing with it and I'm interested in your future plans as well.

Coppola Mrs. Oliverio.

Oliverio Thank you, I am in full support, and I said before, I'm a big fan of this development, I am in awe of the innovation that you're bringing to our city. So, thank you, I am very inspired with your vision around what you and your partner are trying to do here, and I thank you for your patience through this entire process. I'm sure it's been very challenging. That being said, the only one concern I had last time, which was the size of the cross center, or the like right across, that was removed. So that's great. I was just concerned, you know, with it being around the number of other athletic fields and you know, with the Eddie Edgar and Ford Field, and then of course the school there and the park, that someone might mistake it as like a hospital or

nursing care. So, you know, mistakenly go there for that. So that was removed. I think this is great. I would certainly be in support of it and hopefully we can bring this to conclusion this evening.

Coppola Secretary Klisz.

Klisz I agree. I used to be a member of the Y Board. And it was sad when they went under and I wondered how long it would be before something would take over there, and it's pretty quick and that's good. So, really happy for you guys, even know there's zero signs available in this particular district. That's crazy. The Y had signs. This is very reasonable. And again, everything we've asked for you've given us. Take away this, gone. Take away that, gone. Make this smaller. Very reasonable signage. I think it'd be great, it's great for the community that it hasn't sat there vacant. It's a giant piece of land, I used to live, I grew up right near here as well. So, thank you for doing what you're doing bringing this to the city. It's a great addition and I will be in support of the package.

Coppola Mr. Baringhaus

Baringhaus Thank you. Yeah, I agree. I'll be in support of the variances as well. I think at last meeting, I was looking for probably three signs as a package for this building, which you very nicely met. I think you've also followed guidelines that were given to you by the City Council as well. You kept the LAD sign under 60 square feet, which you've done, it's around 62 feet. You have very streamlined lighting plan for two of the signs that I see which is a good thing. Then as Mr. Klisz indicated, or Secretary Klisz indicated, a request that you made, a request we made regarding the variance you have met. So, based on that, I will be supporting the variance. Thank you.

Coppola Thanks. First of all, I do appreciate you guys stepping in and making something of this building, this could have been a vacant building for a very, very, very long time. Its location makes it difficult to be used for really anything else and I appreciate the fact that you guys had the foresight to come in there and be creative and come up with something that works for this site. So, I'm looking forward to seeing it grow and improve over time. Back areas getting cleaned up and used, I think it'd be a great addition to the community. I'm in support. I think you did a great job. Your partner did a great job listening to what we said at the last meeting may be appropriate adjustments. I think this works now. It's appropriate for the area that it's in, and I think it will provide you the visibility that you need. So, I think that works out well, for everybody. The only thing that I would suggest is that as a condition of the ground sign be removed, and that there'd be no, you know, no other signs on there so there's no confusion that the ground sign got replaced, it just gets removed. So, I'll open up with the floor for a motion.

Baringhaus Mr. Chairman.

Coppola Mr. Baringhaus.

Baringhaus Thank you. Variance resolved case number 2022-02-03, filed by Stark Road Holdings LLC, be granted for the following reasons and following findings of fact,

1. the uniqueness requirement is met. Due to the mixed-use classification of different varied businesses in the area.
2. Denial of the variance would have severe consequences for the petitioner due to the inability of clients to identify the building in the area itself.
3. The variance is fair in light of its effect on neighborhood properties in the spirit of the zoning ordinance due to really no protests tonight from either neighbors or surrounding businesses.
4. The property itself is classified as parks and community under the Master Plan and the proposed variance is not inconsistent with that classification.

Further that

1. the variance be granted with the following conditions that the ground sign currently at that location be removed
2. There shall be no other signs on the property.
3. The signs shall be installed as presented to the Board.

Testa Support.

Klisz Do you want to have no others? Second, oh, sorry. Sorry.

Coppola Motion by Mr. Baringhaus, support by Mr. Testa.

Klisz Would you like to add to either no other signs or remove any signs that are currently in place?

Baringhaus I'm fine, I'm just trying to like just trying to determine is it signs on the buildings is it part of signs on the grounds or is it just signs in general?

Coppola There would be no other signs, except for that have been approved tonight. Even the ones in the windows are considered signs. So those would have to be...

Baringhaus Yeah, I was just, I wanted to clarify the phrasing on how you stated it is fine.

Klisz I'd also suggest that we just ask that the signs be as approved installed. I'm not using the right language here but

Baringhaus That's ok, signs be installed as presented. Should we throw in Mr. Testa's comment about pickleball?

Klisz Okay. So, we've got three conditions, remove ground sign, no other signs on the property and then install as presented.

Coppola Okay. Everybody agree? Mr. Klisz, take the roll please.

Upon motion by Baringhaus, supported by Testa.

RESOLVED: APPEAL CASE NO. 2022-02-03: An appeal has been made to the Zoning Board of Appeals by Stark Road Holdings LLC, 14255 Stark Road, Livonia, MI 48154, seeking to erect wall signs upon a physical therapy/fitness facility building, resulting in excess number of wall signs and wall sign area.

The property is located on the west side of Stark Rd. (14255), between Schoolcraft and Lyndon, Lot. No. 084-99-0003-000, N-2 Zoning District (Parks and Community). Rejected by the Inspection Department under Livonia Vision 21 Ordinance, Section 11.08, "Sign Regulations for Residential Districts," **be granted for the following reasons and findings of fact:**

1. the uniqueness requirement is met. Due to the mixed-use classification of different varied businesses in the area.
2. Denial of the variance would have severe consequences for the petitioner due to the inability of clients to identify the building in the area itself.
3. The variance is fair in light of its effect on neighborhood properties in the spirit of the zoning ordinance due to really no protests tonight from either neighbors or surrounding businesses.
4. The property itself is classified as parks and community under the Master Plan and the proposed variance is not inconsistent with that classification

FURTHER, the variance be granted with the following conditions:

1. the variance be granted with the following conditions that the ground sign currently at that location be removed
2. There shall be no other signs on the property.
3. The signs shall be installed as presented to the Board.

ROLL CALL VOTE:

AYES: Testa, Oliverio, Klisz, Baringhaus, Coppola

NAYS: None.

ABSENT: Boloven, Turbiak.

Klisz: Passes 5-0.

Klisz Mr Testa.

Testa Aye.

Klisz Mrs. Oliverio.

Oliverio Aye.

Klisz Secretary Klisz votes aye. Vice Chairman Baringhaus.

Baringhaus Aye.

Klisz Chairman Coppola

Coppola Aye

Klisz Passes five to zero.

Coppola All right, so you're petition has been approved as amended and presented on the following conditions; the ground sign needs to be removed and not replaced, that there's no other signs either on the building or on the property and signs including, if someone put something in the window, that advertises a business that's considered a sign, so there can't be signs, other signs. That business can put their name up on the tenant wall that you've got there and then you will install the signs as presented tonight. So, the size, coloring, placement, all that to be exactly as presented. Any questions?

deVerteuil Yes. The size that you're referring to the decals in the window, is that the Healthquest Physical Therapy?

Coppola Well that's an example of a sign that would not be permitted. So then, you know, once you get in, you'll have a little wiggle room here. And once you get your tenant sign put up, that's gotta come down.

deVerteuil Okay.

Testa They're allowed to seek permission, they can get a permit within two weeks?

Coppola Yes, oh yeah. Temporary signs, absolutely.

Testa No other permanent signs. I don't know. I don't know if I want to get that particular, then people are going to say, well that's not permanent.

Coppola Okay. Anything else?

deVerteuil That is it. I do appreciate you still addressing this case.

Coppola No worries and you only been in front of us twice.

deVerteuil Oh, yeah.

Testa It wasn't our fault you had to keep coming back.

deVerteuil Thank you.

Coppola Sorry that we put you in the end.

deVerteuil Oh, that's all right. Thank you.

Coppola Thank you. We have some minutes of March 15 of 2022.

Testa Move to approve meeting minutes of March 15 2022.

Klisz Support

Coppola That motion by Mr. Testa, support by Secretary Klisz to approve the minutes for March 15, 2022. All in favor?

All Aye.

Coppola Okay, anything else? Any other business we need to cover today? Coppola. Seeing none, I need one more motion.

Barringhaus Mr. Chairman.

Coppola Mr Barringhaus.

Baringhaus Motion to adjourn?

Testa Support.

Coppola A motion by the Vice Chair Baringhaus, support by Mr. Testa to adjourn. All in favor?

All Aye.

Coppola We are adjourned.

Gregory G. Coppola, Chairman

Timothy Klisz, Secretary