

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, JUNE 28, 2022

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, June 28, 2022.

MEMBERS PRESENT: Gregory G. Coppola, Chairman
James Baringhaus, Vice Chairman
Christopher Boloven
Martha Ptashnik
Timothy Klisz

MEMBERS ABSENT: Michael Testa.
Tamara Oliverio

OTHERS PRESENT: Matthew Stierna, Inspection Department
Mike Fisher, 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 seven (7) people present in the audience.

(7:00)

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COPPOLA Thank you. Go ahead and read the first case.

APPEAL CASE NO. 2022-04-08 (Tabled on April 19, 2022): An appeal has been made to the Zoning Board of Appeals by Jason & Marianna Wess, 20114 Mayfield, Livonia, MI 48152, 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:	1,439 sq. ft.
Excess:	519 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."

KLISZ Sure. Calling Appeal Case No. 2022-04-08 Tabled on April 19, 2022. An appeal has been made to the Zoning Board of Appeals by Jason and Marianna Wess, 20114 Mayfield, Livonia, Michigan, seeking to construct a detached garage, while maintaining an existing attached garage, resulting in excessive combine ground floor area. Combined ground floor area allowed 920 square foot proposed forth 1,439 square foot, excess 519 square foot.

COPPOLA All right. Thank you. Mr. Stierna, anything you'd like to add?

STIERNA I would like to make a clarification how the square footage it was determined in the inspection department. Initially it was determined based on the square footage of the actual garage enclosed space. Correction was made by the director stating that because there is a covered porch, we do need to include that square footage. So, the Petitioner did cut the dimensions in length by ten feet, but he did not increase the width as it appears on the revisions, but that is a correction based on how we had to determine in the building department.

COPPOLA Just for clarification. So, when I look at the plans, even though the roof line, there's a section that wouldn't be considered unenclosed, and that's included in square footage.

STIERNA We had to include that in the square footage of the garage space, and that was not initially in the initial presentation. So as presented this evening is the correct calculations.

COPPOLA How does that impact the public notice? We got that before the public notice?

STIERNA Yes.

COPPOLA	Any other questions for Mr. Stierna?
BARINGHAUS	Mr. Chairman.
COPPOLA	Mr. Baringhaus.
BARINGHAUS	I'd like to make a motion to remove Appeal Case Number 2022-0408 from the table.
BOLOVEN	Second.
COPPOLA	All right. Motion from Vice Chair Baringhaus, seconded by Mr. Boloven to remove the table. All in favor.
BOARD	Aye.
COPPOLA	Okay. State your name and address for the record, please.
J WESS	Jason Wess.
M WESS	Marianna Wess.
COPPOLA	So you were here before and the Board had made some recommendations in their closing discussion and asked you to take that into consideration and see that you provided a revised plan. Can you tell us what's changed?
J WESS	We redo the actual square footage from 35 by 16 which I always thought that was kind of more like the living space. I thought the overhang was just an overhang that was just covered. Instead of 16 by 35, it will be 16 by 25. So, we reduced the square footage by that much because my truck, we were always talking about the truck being the main issue. We just measured my truck out there today. It's exactly 22 feet long. So, putting that truck in there with height being eight foot six because of the door, we made the door that high, getting at least some space to walk around it. 25 is probably about the lowest you can go. If I had to reduce it because of that square footage that we didn't really talk about on the porch, we can always take another foot off, but that gives you, when we looked at it, it was kind of one foot, the door, and then you got two foot right there for a little shelving area. So, we can reduce it by another foot if we had to. Hopefully that will be more benefit for you guys.
COPPOLA	Okay. Why the overhang instead of making a garage space?
J WESS	Because it's facing the actual deck area that we have out there right now and it's just something that we can all have to sit out there, and, you know, something nice to look at, you know. Something where people can sit. Why not have it.

COPPOLA Okay. Questions for the Petitioner.

M WESS It's a small, covered area. Like for the summer if you have your bikes out, you don't want to store them all the time, you can just put them under roof maybe with a couple chairs there. It would look nice with some lights on it.

COPPOLA Any questions for Petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS As I recall, what are your current garage space that's attached to the home in square feet?

M WESS It's a three-car garage.

J WESS It's a three-car garage.

BARINGHAUS It's a three-car garage.

J WESS Yes.

BARINGHAUS I believe it's well over 900 square feet between the three garages.

J WESS Yeah.

BARINGHAUS I believe it's 914 feet. What are you storing in that garage again?

J WESS: Right now?

BARINGHAUS Yes.

J WESS basically. All the lumber and all the material that we need for the house,

M WESS Right now we're remodeling the house. We have three vehicles. We have three vehicles plus his truck.

BARINGHAUS And I mean with that size garage, can you just restate your hardship and the need for the additional garage that you're proposing?

J WESS The truck won't fit in something that -- I mean I would need at least a ten-foot door, okay? And then on top of that, that will just basically redesign the whole entire thing that we're basically already doing out there as we speak because we are building as we're speaking right now doing a lot of the work, and that will be like very costly and trying to save money too as well but trying to make it look nice.

M WESS So we have two vehicles right now that go in the garage. We have the riding lawnmower because we have an acre of land, so we need a riding lawnmower that's stored in that three-car garage right now. And his truck doesn't fit into that garage because of the height, plus there's no room there anyway.

BARINGHAUS To you have a popup trailer as well?

M WESS Yes.

BARINGHAUS What are your plans for storing that down the road?

M WESS Right now it's just in the back yard covered by tarp. We were hoping to have a building in the back yard so we could store that plus whatever else, sports equipment for the summer, bicycles, and whatnot.

BARINGHAUS How many three-car garages are in your neighborhood?

J WESS Maybe two or three, but I know definitely there's a four-car garage right across the street from us that we mentioned last time in the meeting. It's a detach, then there's a two-car attached literally like right across the street from us. And so, it's attached two-car garage. And right behind it, there's another two car.

BARINGHAUS Okay. Thank you.

J WESS No problem.

COPPOLA So you mention right now you're keeping construction material in there, but it will be done with construction at some point in time.

J WESS Yeah.

COPPOLA You said there's two cars in there right now and also you have two cars plus your lawnmower and lawn equipment. Now, when I look at a -- I mean your standard garage is, two-car garage, although they've gotten bigger over time, they're right around 500 square feet. So, at 900 square feet you're more closer to a four-car garage than you are really a three-car garage. If I remember, it's a deep garage. It's kind of three wide but very deep, and then you have a back -- don't you have a back entrance?

J WESS Yeah, because I believe that whoever owned the house before, they added that garage to the house with the second floor was added to at that time. When I tore it all out, we got 2-by-12 high joists in here. It was like a plus.

M WESS For the lawnmower to get out into the back yard, yes, there's a door in the back. So, we have right now myself, my husband, who drives vehicles, obviously, plus we have a 17-year-old daughter and a 19-year-old daughter and one of them is already driving, the other one is learning to drive, so there's always going to be vehicles.

J WESS Plus, if you look at plans on the first floor, there's a guest room where most likely my mother-in-law or my mother will be living there.

M WESS But what we are facing right now in the house where we live right now before we moved into this one is constantly shuffling vehicles to get one out of the backyard, move one in to switch. It's such a hassle. So, we are trying to avoid it here in the new place and luckily, we have enough room for that. It's just the city rules that prevent from having another building for the car to store.

J WESS Which we hope we get.

PTASHNIK Mr. Chair.

COPPOLA Ms. Ptashnik.

PTASHNIK I'm looking at the pictures of your house and on the two-car garage side it appears that there's nothing above there. There's quite a pitch. If you were to expand doors there, would the truck fit?

J WESS Again, we have the whole second floor going over the garage.

PTASHNIK So in your home addition that you're doing.

J WESS That right there is where our master bedroom is at our master closet and our master bath and some of the other bedrooms.

PTASHNIK You got the two car and the one car garage with nothing above it.

M WESS Right now.

J WESS Yeah. However, I got all the steel. It's a lot going on.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Question for Petitioner. I wasn't at the last meeting, but I did read the minutes, and just seeking some clarification. You're looking to put this garage essentially on the northeast corner of your property, is that correct? So, if I'm looking at the front of your house, it's on the left side far back.

J WESS Yes.

BOLOVEN Is it your intention to have a driveway, a second driveway installed coming from the street to go back to the second garage?

J WESS It's an idea, or whatever you guys would like. It's up to you.

BOLOVEN Because I didn't really see much questioning on that last time. I saw a lot of questions regarding the size of this property but looking at some letters that have come in from your neighbors it looks like the second driveway could potentially be a problem. So, do you have any feeling one way or another moving the garage to the other side and not putting a second driveway if you were granted a second garage.

J WESS There's really no room on the other side, not the other house. Where this is at it's kind of like a straight shot, and that's how I get back there with my truck right now, or anybody just get back there.

BOLOVEN So question for inspection. We don't really have second driveways come up. Is there any current ordinances restricting a second driveway?

STIERNA None that I'm aware of.

J WESS And I'll keep it close away from our property as possible too.

STIERNA The only restrictions would come out of department of engineering for the crossing the right-of-way. We have no ordinances prohibiting the second driveway.

J WESS Are you talking about the easement that comes from the street? Yeah, because I seen them out there doing the actual marking of the actual streets to redo, pave the roads. They marked somewhat of a, there's like a portion on the existing driveway right now where the asphalt comes to concrete, and I think that's what they cut into the driveway. So, that's something that I was told by the city officials that when it comes time to doing the actual landscaping and the driveways, I got to get a secondary permit, not through the city, but through somebody else.

STIERNA The engineering department. That's correct.

J WESS Yeah. That will all be worked out.

BOLOVEN Why are you saying there's no room on the right side behind your current garage?

M WESS Are you talking about going through the garage and further into the yard?

BOLOVEN Correct.

J WESS: I don't know if it would look right, to be honest with you.

BOLOVEN I'll give you my perspective. I'm seeing a lot of complaints coming from neighbors on this and part of it being location and where the second garage is going to go and having a second driveway essentially coming through on both sides of the houses. If this Board was to allow a second garage, and I'm not saying, basing the questioning that's yes or no, but that is one of the questions is if you move it to that side, alleviate that extra concrete work and driveway work on that side, is that something you'd be willing to do?

M WESS Although he will not be able to drive his truck through the existing garage because it's tall.

J WESS That side there's so much room over there, and I did keep the distance between the fence line and the actual easement. And I can go even further from that easement too if that's the case. All the distances were correct when it was placed on there from before where that garage was at, and I can make it even better. I mean I don't mind bringing it back further. Whatever the neighbors want, we'll do. We're willing to help out that neighbor who was kind of upset about it in the beginning that we would actually go there and help her out with her garage if she wanted to. I mean I would be more than happy to help her out. My wife would be more than happy to help her out with getting whatever she needs, merge those two properties together.

BOLOVEN Looking through your neighborhood, and I did drive through your neighborhood, obviously, Google Maps gives you great oversight of it. There's nobody with two driveways. There's circular driveways that wrap around, but having two stand-alone driveways, there's nothing like that in your neighborhood.

M WESS There would be circular in the front connecting those two.

BOLOVEN But it's essentially two driveways going back to garages.

J WESS What do you think would be the best way to do it? Asphalt? Gravel? I can do whatever you want.

BOLOVEN I'm not sure on that. I was just asking the question if you can move it over to the right side and connect it into your existing driveway.

M WESS We didn't think of that.

COPPOLA Any other questions?

PTASHNIK Mr. Chair, I have one question for Petitioner.

COPPOLA Ms. Ptashnik.

PTASHNIK You said when Mr. Boloven started talking about the second driveway you said you weren't sure what you were going to do with the driveway or not or if you were even going to do one. How else would you get the truck back there I guess? That's the main purpose of the second garage. You'd have to have something, right, to drive on.

J WESS Yes. Yes. Right now, we're driving on the grass that's how I'm getting back there and just leaves ruts.

PTASHNIK That's a temporary solution.

J WESS I notice a lot of the neighbors in the area they do that, and you can see where they drive on their property going back there, but that's just probably normal in that area.

PTASHNIK So this additional garage/barn is really, its primary use would be for the storage of your work truck.

J WESS Yes. Yes. That and whatever else we can put in there. Whatever else we can shove in there so nobody can see it. We don't want anybody, look at that guy leaving all that stuff out there. It's mainly for the truck, but it's whatever we can put in there at this point.

PTASHNIK Thank you.

COPPOLA Any other questions? Seeing that there are no other questions, is there anyone in the audience that would like to speak for or against the petition?

SCHEEL My name is Lynda Scheel. My address is 19980 Mayfield. So, when we're talking about the house and the third garage, so the single garage that was added on, you're doing an addition to the top of the house. Are you going over that third garage?

J WESS Yeah.

SCHEEL So you're going out over the entire house with your addition?

J WESS Yes.

SCHEEL And there's no way that you can make it so that you can drive the truck through that side.

J WESS Not after doing the design and spending thousands of dollars to do all that at this point.

PTASHNIK But the size of the building that you're putting up, it's not a small building. And I know what you do for a living. The cost to do it is going to be, in my eyes, six of one, half dozen of the other whether you do it on that side or this side, and it's just what's going to look best for the neighborhood because you're not going to live there forever and the people next door to you are not going to live there forever. But you want to make it so that people want to live in the neighborhood so that the neighborhood thrives and looks good.

J WESS Of course. That's my goal, make it thrive and make it look good. We plan on living there for the rest of our lives, and hopefully it will be given to or children and so on and so on.

PTASHNIK And I know the people that ended up selling to you thought they were going to live there forever too. Life happens.

COPPOLA Really can't be having interaction between Petitioner and the audience, so if you have anything else you'd like to specifically state for or against. If you have comments that you'd like the Board to consider, we can do that.

SCHEEL Thank you. And I'm sorry. I should know better. The concern that I've heard from a couple of the neighbors is the driveway being on that side of the house because it will be close to the house that's built there already. And if there was any way to make it so that it was using the same driveway or adding on to that driveway and putting the garage and the building, if it's allowed, I know this is up to the zoning, but if it's allowed to make it so it's on that side. That's what I wanted to ask. Thank you.

COPPOLA Is there anyone else who would like to speak for or against? You need to step up please and just name and address.

DELCOURT My name is Don Delcourt. I live at 20024 Mayfield Street. I applied with you guys once to get a pole barn as well. I have no problem with you getting a pole barn, but I will reiterate what you people told me when I was doing it. You're afraid that there would be business conducted out of that barn. Now, at the time I worked for AT&T. I had no interest in doing any other business, but that was my argument, and we never did get a petition. I have no problem with you getting a barn. The problem I have is you already have property to store your equipment, right?

COPPOLA Again, there's no interaction. You can tell the board what your concerns are.

DELCOURT My concern is that he would run a continuing enterprise out of that garage. He could easily leave his business truck at his business and drive his personal car home, alleviates the entire problem. I worked at AT&T for 40 years. I could have driven my truck home. I always

chose to leave it at the garage because I didn't want to have the issue of having a work vehicle at my residence. So that's the big issue I keep hearing from the people in the neighborhood is, is he going to keep running his business out of the garage, storing stuff for work, coming in and out day in and day out with a diesel truck. It makes it nonresidential. So, you know, if he was storing cars, trailers, toys, bikes, no problem, but with you bringing your work vehicle and storing work equipment in the barn it creates an issue. And once the barn's up, there's nothing we can do. So that's my only point.

- COPPOLA All right. Thank you. Anyone else? State your name.
- CHENEY My name is Zachary Cheney. I'm at 15521 Merriman Road. I have a question for the Board. Since it's a residential area, could work be performed there in this kind of business, or I guess it be a zoning question.
- COPPOLA Pursuant to zoning rules and other ordinances, no. You can't run a business out of your house that is, I could say, obvious.
- CHENEY So you wouldn't be allowed to do any construction type business in the neighborhood.
- COPPOLA If he was building cabinets or working on cars.
- CHENEY He could do like the bookkeeping and stuff like that, stuff that could be inside the house.
- COPPOLA Which is not obvious. No one knows unless you've got clients coming in and out on a daily basis that creates traffic in the neighborhood, that is obvious.
- CHENEY Thank you. I just wanted to clarify that he couldn't do something that's clearly obvious that would look bad in the neighborhood. So, thank you.
- COPPOLA Any other? Nobody in the audience for or against. All right. Do we have --
- KLISZ Yes, we have some correspondence. First one is a letter of rejection, Jenison Wobinder 20120 Mayfield, and 20130 Mayfield. In our previous letter to the ZBA concerning this request, we object to this appeal. The size of the current garage, 926 square feet, equivalent to a four-car garage is already more than other properties in the area. The previous owners of the property got a variance to extend that garage and made it a drive-thru to have access to the back yard. We object to any structure larger than a small shed in the back to store lawn and garden equipment, certainly not any structure that would require a cement driveway between our two houses. Having read the minutes from the first ZBA meeting, we feel there was no

hardship demonstrated. Next is a letter of objection from Cecilia Wollney, 32559 Norfolk. Rezone is too large. Objection. There is a letter of approval. Tommy M. Cisney, 32516 Norfolk. Looks like there is space on the property better to have vehicles in a garage than sitting in the yard. And those are the letters.

COPPOLA Okay. Mr. Wess, is there anything you would like to respond in regard to audience participation, the letters, or anything else you'd like to add before we close?

M WESS First of all, we don't have any intention to run a construction business from the building in the backyard. He does framing, which is -- he can't do it from home anyway. All we do is billing from the home office which requires a computer, nothing else. The vehicle that he drives is his personal vehicle that he purchased from Ford. All it has is a cap in the back just to keep the hand tools inside so nobody can steal it from the open bed of the truck. As regards to the letters against, the neighbor who wrote a letter last time and wrote a letter again has a huge building that is bigger than a house in her backyard that she says our proposed building is too big. And yes, we do feel that it's better to keep everything enclosed in the building in the backyard. Right now, we have a whole acre of empty lot, and there's nothing there. It's not like there is a small shed and more buildings. It's going to be one building and we're going to use it for storage of vehicles, bicycles, chairs for the lawn so we don't have to store it in the basement and keep it taken upstairs out in the backyard. This would be nice looking building, we can decorate it with the lights or just keep it nice looking.

J WESS It's not going to be even as tall as the one that she has next door. Plus, but not to interrupt you, but he said AT&T and business, yes. Okay. That's AT&T. That's a truck that has their logo on it. This is going to be my personal truck that I drive. I don't have like an office that I go to. My office is going from job site to job site looking at the jobs. And like she said, we're going to be in our room with a computer. That's about as much of the office as it's going to be.

M WESS The business we run is the framing company that provides labor. So, we have employees, but we don't buy materials. General contractors provide all the materials and equipment that they use. We provide labor. So, the business we run from home is it doesn't include any customers coming in, it doesn't include employees coming in. It's just a home office with a computer. That's it.

J WESS If it was business like that it would be at a restaurant that we have a friend that owns in Dearborn. We usually go there.

M WESS Business meetings.

J WESS We usually eat at the restaurant.

M WESS	We actually don't want employees, anybody, to know where we live. We want to separate business from personal.
COPPOLA	Okay. Thank you. Just a couple quick questions. We should have asked. What type of power are you running to the building?
M WESS	There was an idea to put, we forgot about it, there was an idea to put solar panels on the building in in the backyard. That's right. We were looking into that.
COPPOLA	So notwithstanding the solar panels, are you running power to the building, and how much?
J WESS	Just plugs and lights, and that pretty much it.
COPPOLA	110? 220?
J WESS	110.
COPPOLA	So are you going to have a box out there or you just going to run a line?
J WESS	I'm going to run a line from the house. It's going to have its own circuit, and the only gas I really plan on using at the house, really my goal is just a stove. Everything else is going to be solar panel, electrical. Trying to get away from this gas for a house, not vehicles, obviously, but definitely the entire house will be electrical for the stove, furnaces. Anything that's not going to be electrical is stove. Everything else like the furnaces, everything I'm going to try to make it electrical.
COPPOLA	Is your company an incorporated business?
M WESS	Yes. It's an LLC. Just a family business, me, and my husband. Two members.
COPPOLA	Just a clarification. So, you have a framing company, but it just provides employees.
M WESS	Labor. They do labor.
COPPOLA	So you don't generally have materials. That's provided by the general contractor.
J WESS	No.
COPPOLA	Your employees have to show up with equipment.

J WESS I have a Con X and it's usually on the job sites, on job boxes. So, I hire a company that will pick it up and take it to a different, you know, to like the jobs. And same thing with the Con X or my SkyTrak. I have machines.

COPPOLA Those aren't in your truck. You have someone move those from place to place.

J WESS Yeah.

COPPOLA So, In between jobs, where is that Con X kept?

J WESS It's placed on the job. Usually, Con X is more stationary.

COPPOLA I understand, but between jobs where does it go?

J WESS I haven't had the decision yet, but it's not going to be at my house, that's for sure. Probably be at the store. My dad has some property up north I was thinking about sending it up if it ever went that way, but I have so much work, it's never a thought.

M WESS Luckily so far there hasn't been in between jobs but there is a storage place right down the street on Mayfield and Eight Mile where we can always rent a unit and store whatever we need to store.

J WESS I was actually planning on doing that with my windows that I had kind of bought. Put it in there.

COPPOLA All right. Thank you very much. I'm going to close the public portion.

BARINGHAUS Mr. Chairman, just one last question as clarification. You made reference to the materials. Those are materials related to the remodeling. Renovation?

M WESS Current remodeling that's ongoing right now.

BARINGHAUS Not materials related to your business.

J WESS No. This is all for my remodeling right now.

BARINGHAUS Thank you.

M WESS Just to remind because initially we wanted to build the barn first or the garage, and we would use it for storing all of the materials while remodeling to make it cleaner, but we were not able to.

J WESS Because I still got to demo that roof over the garage, and I can't do any of that. So, basically what I'm doing is I'm building out, building out, doing what I can keeping it dried in, and then gradually like work

from left to right. And then when I get the house part done, then it's going to be like over the garage.

M WESS Just one more thing with the neighbor on the left who says that we are going to have this big building blocking her view or making it look not nice. There is so much shrubbery growing in between that she hardly can see our yard other than from her second floor window, because I looked. I'm like what is she talking about. Of course, when we look at her yard, she has this huge building, but on our side, there's nothing other than the shrubbery growing along the whole side like a fence line, bushes, trees.

J WESS The building that we're trying to propose is it's the height of it is not even half the height of what she has going on on hers and it's way smaller. So, it's like don't see how she's going to see this with all that shrubbery there too.

COPPOLA All right. Thank you. I'm going to close the public portion of the case and start the board's comments with Ms. Ptashnik.

PTASHNIK Mr. Chair. I guess my concern here is that this seems to be a big inconvenience with your truck, and that's kind of what this is boiling down to, where do we put the truck. Looking at the plans, looking at the pictures of the house, I did drive by. Unfortunately, it looks like you could have changed that garage, that two-car garage side and made it higher, put a bigger door in there and been able to put your truck in. So, for the fact this appears to be mostly just an inconvenience reason for wanting the additional garage, and I'm also concerned about the second driveway, I'm inclined to be not in support.

COPPOLA Okay. Thank you. Secretary Klisz.

KLISZ I agree. I think the problem is too we take the neighbors opinions very seriously and the very next-door neighbor. You know, they objected the first time. They revised it, and I was hoping that the neighbor would agree with the new plans, but obviously, they still don't. So, they still think it's too big. You know, they could just be mad about something else, but it does bother me. And I agree with my colleague's talk about inconvenience rather than hardship, and I think that is probably what I have to hang my hat on as well. So, I would not be in support.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yeah, I agree with the previous comments. Basically, I've only heard inconvenience. Inconveniences related to parking two to three vehicles, a riding mower, a full-size pickup truck. Full size pickup truck is not really a garageable unit. The other thing too is just the size of the garage, over 900 square feet. I agree with the neighbor.

That's almost a four-car garage. Most people that have three car garages, they're in about the 600 to 700 square foot range and they're accommodating three vehicles. They're accommodating a riding mower, and plus a few other things as well. In terms of the area, I don't think it's a good fit for the neighborhood itself. One is the driveway I think creates some problems with the neighbor. And there's a mix of garages in that neighborhood, primarily one-car garages, two-car garages, some attached, some detached. You do see one or two properties with multiple buildings, but that's the exception. So based on that, I won't support the variance.

COPPOLA

Mr. Boloven.

BOLOVEN

Thank you. I'm not in full-out denial on this one. The reason being is I do appreciate, by the way, the work you're doing on your house. It's looking beautiful. And I appreciate that you came down 160 square feet from last time, even though it doesn't look like you did with the enclosure it's 35 square feet, but really you came down 160 square feet from the last meeting. My bigger problem is the location of where you're putting it, and that's why I wouldn't be in outright denial on it. I think you could make something work and get your neighbor's support if you moved it over to the south side of the property, somehow connected it into your current garage or connected in your current driveway and not had that second driveway there because I see a lot of the commentary is really based on that and not really just the size, which I can somewhat buy based on the size of your property that you guys need more space. It is a lot of garage. It is excessive, but at the same time, is it overly. Like I said I could be sold, but right now I can't be sold based off the neighbor's objection on the location where you're going to put it. So, with that being said, I would be in support of tabling. Doesn't seem like the rest of the Board is for that, but that would be my position.

COPPOLA

Thank you. Well, it's a large property and generally properties this size we do allow a second garage. Generally, there's not an existing 900 square foot garage with a rear access. I think Ms. Ptashnik brought up a very good point which I had actually made a note of. A high cap truck is not unique to the property. It's not a hardship that can't be fixed or at some point resolved. It's just an inconvenience. So, the argument that you need this to put the truck away, unfortunately, doesn't really hold water. The other thing is, is the neighbor's concern on the driveway. It's so close to the property line, it's close to his house. I can understand the nature of that neighborhood. It's a little more rural type setting, and having lots of driveway, blacktop, whatever you do, kind of takes away from that. I would think that based on the size of the garage you have right now, and this is allowed, and no variance is required, a 200 square foot shed, it can be relatively large one because you can go 16 feet how, would more than suffice for storing additional yard equipment, your yard furniture, all the other stuff.

I really do appreciate what you're doing to the house. It's going to be a great house when you're done. It will look really nice. I've struggled with this, and as I've listened to the other Board members, I think from my perspective at this point I just can't be in support of it. So, I will go ahead and open up the floor for a motion.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Resolve that the variance sought in Appeal Case No. 2022-04-8 filed by Jason and Mariana Wess be denied for the following reasons and findings of fact. The Petitioner has not demonstrate to the Board that a practical difficulty exists and that basically no hardship has been demonstrated by the Petitioner. The property includes a very large garage presently and the neighbor objections to the proposed driveway location.

Further, that the denial of this appeal is in the best interest of the City of Livonia.

KLISZ Support.

COPPOLA I have a Motion by Vice Chair Baringhaus, support by Secretary Klisz. I guess there's no discussion. Take a roll call.

RESOLVED: CASE NO. 2022-04-08 (Tabled on April 19, 2022): An appeal has been made to the Zoning Board of Appeals by Jason & Marianna Wess, 20114 Mayfield, Livonia, MI 48152, 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:	1,439 sq. ft.
Excess:	519 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," **be denied for the following reasons and finding of fact:**

1. The Petitioner has not demonstrate to the Board that a practical difficulty exists and that basically no hardship has been demonstrated by the Petitioner.
2. The property includes a very large garage presently and the neighbor objections to the proposed driveway location.
3. Further, that the denial of this appeal is in the best interest of the City of Livonia.

ROLL CALL VOTE

AYES: Ptashnik, Klisz, Baringhaus, Baringhaus, Coppola.
NAYS: Boloven.
ABSENT: Testa, Oliverio
PASSES: 4-1

COPPOLA So, your petition has been denied. If you can call the next case up.

APPEAL CASE NO. 2022-05-13: An appeal has been made to the Zoning Board of Appeals by Wendy Senkbeil, 17608 Vacri, Livonia, MI 48152, seeking to erect a six-foot-tall wood privacy fence at the rear of a double frontage and corner lot, resulting in deficient rear yard setback.

Rear Yard Setback:

Required: 35 feet
Proposed: 0 feet
Deficient: 35 feet

The property is located on the east side of Vacri (17608), between McNamara and Franca Villa, Lot No.036-01-0030-000, N-2 "Neighborhood," Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090A (3), (4) "Residential District Regulations."

KLISZ Calling Appeal Case No. 2022-05-13. An appeal has been made to the Zoning Board of Appeals by Wendy Senkbeil, 17608 Vacri, Livonia, Michigan, seeking to erect a six-foot-tall wood privacy fence at the rear of a double frontage and corner lot resulting in deficient rear yard setback. Rear yard setback required 35 feet. Proposed zero feet. Deficient 35 feet.

COPPOLA All right. Thank you. Mr. Stierna, anything you'd like to add?

STIERNA Not at this time, Mr. Chair.

COPPOLA Any questions for the inspection department?

BARINGHAUS Yeah. Mr. Chairman.

COPPOLA Mr. Baringhaus.

BARINGHAUS Question for the inspection department. This property, is this considered a double front lot?

STIERNA It is considered a double front lot.

BARINGHAUS In terms of fence that would require a setback of 35 feet from the property line.

STIERNA	Back row. Correct.
BARINGHAUS	Thank you very much.
COPPOLA	Thank you.
BOLOVEN	Mr. Chair.
COPPOLA	Mr. Boloven.
BOLOVEN	Question for Mr. Fisher. The letter that came from the Department of Public Safety on May 6 to you, what prompted that letter?
FISHER	If you look at the ordinance, we're supposed to have the visibility where you have it.
COPPOLA	It's a required process when you have a corner lot.
FISHER	Yes.
COPPOLA	Any other questions? Seeing none. If you could just state your name and address.
SENKBEIL	Wendy Senkbeil, 17608 Vacri Lane.
BOWERS	Michael Bowers, 17608 Vacri Lane.
COPPOLA	Thank you. If you could just briefly help us understand the need for the variance. Tell me about it.
SENKBEIL	So originally, I did receive a permit for a vinyl fence with a setback of 35 feet. Neighbors signed for it. It was all taken care of. But the 35 feet takes 35 feet off of my yard. First and foremost, the whole point of the fence a safety. Our dog has had to have two surgeries because he was snatched from another dog underneath our current fence and was injured. We've had various people come and stop. So, there's an island in between the entrance of the subdivision, so people come in and turn around in that little cul-de-sac, little area, and people will stop. And my daughter has been approach. We've had people throwing liquor bottles over the fence. Again, we have three young children, and them to experience, it scares me, first of all, my daughter being approached by random people that we don't know. It's just the safety.
BOWERS	And they're just not approaching. They're actually pulling up and getting out of the car walking up to the fence approaching my daughter and talking to her.

SENKBEIL She's smart enough to come back to us, which is good, but, God forbid, something happens, or God forbid that was one of our kids that got attacked by a dog that was walking by.

BOWERS The dog that was walking by went underneath the fence, grabbed my dog by the face and pulled him out to the sidewalk and started rolling him.

SENKBEIL So he resulted in two surgeries after that.

COPPOLA The current fence, is that just a split rail?

SENKBEIL It's a split rail. So, we have chicken wire in between it like mesh so that it protects them, and it's all the way to the bottom so the dogs can't get under it, our dogs, and we've never had any issues until last year. Last year a woman was walking her dog and couldn't control her dog, obviously, and it grabbed our dog from underneath the fence.

BOWERS And we also addressed the corner. So, we set that back I believe it was 15 feet. So, when you're traveling south on Farmington, when you would go to that corner, we addressed it where it would be 15 feet front the corner and it would go on an angle, and when you're turning into the subdivision -- I'm sorry, when you come out of the subdivision, it would go 15 feet from the Farmington, it would go on an angle, that way not to obstruct any traffic or pedestrians walking that everyone can see.

SENKBEIL And the variance I asked for the wooden fence instead of the vinyl because it was my understanding neighbors of mine towards Six Mile, about half a mile down, he put a wooden privacy fence on Farmington Road, and it was my understanding that ours had to match his.

COPPOLA Okay. Mr. Fisher. We have not, I would assume we have not, what's the proper word, had the public safety officer update his view of the petition regards to the change where they've put a cut at the angle.

FISHER Yes. I called today and I did not get any return calls.

COPPOLA So it's an open issue.

FISHER Open issue.

KLISZ Mr. Chair.

COPPOLA Secretary Klisz.

KLISZ That's what I was thinking too, just reading this looking at the dating that it came in on the 27th and the letter was dated the 6th. I mean

I don't know. We could continue and hear the whole thing and then table it because it's got to go back to them to review and maybe just save time by doing it that way because, you know, there's lots of letters and things that are different. I think if it's tabled, resubmit it to the public, and then, of course, to the police department to get their input, they may change their recommendation. There may be less letters next time, or something like that. But, you know, obviously your call in how you want to deal with it, but it's definitely an issue ripe for tabling in my opinion.

- COPPOLA I understand that. Appreciate that comment. Just want to understand the change that you -- the resubmission. You're going to go on each side 25 feet back and then run at an angle 25 feet back on each side?
- SENKBEIL Where Farmington Road and McNamara meet at that corner there, instead of going directly square, we would come in at that corner, kitty-corner that it wouldn't obstruct traffic. That was our suggestion.
- BOWERS The privacy fence would now run on an angle.
- COPPOLA I understand that, but my question is, how far back are you going from the corner on each side?
- BOWERS I believe I read in the ordinance it was 15 feet for residential areas with privacy fences with a double frontage.
- SENKBEIL At the corner.
- BOWERS To not obstruct traffic or pedestrians walking.
- SENKBEIL And our corner is also an entrance, it's not an exit for traffic. So, when you pull out of our subdivision, you're actually pulling out at least 35 feet forward from our property.
- BOLOVEN Mr. Chair.
- COPPOLA Mr. Boloven.
- BOLOVEN Question for Petitioner. You might have said this already, but you are intending on matching the other privacy fence that was put in off of Farmington?
- SENKBEIL If that's what we have to do, yeah, that's fine.
- BARINGHAUS Mr. Chair.
- COPPOLA Vice Chair Baringhaus.

BARINGHAUS You're moving the fence in 25 feet. Why not just move the fence in 35 feet per ordinance and you would have everything you want?

BOWERS Because we're not actually moving the fence in 15 feet, we're just doing the corner.

BARINGHAUS I guess my question is what's preventing you from complying with the ordinance?

SENKBEIL Currently we have a patio and a gazebo right there, so that would interfere with the whole patio.

COPPOLA How deep is your backyard from the back of your house to the sidewalk on Farmington?

SENKBEIL So from the sidewalk and the current fence to the house? Is that what you're asking?

COPPOLA That's fine. Just basically from the sidewalk, which is basically the property line, to the back of the house, what's the distance?

BOWERS I know 35 it cut the property almost in half, and then where the patio and gazebo is that we built up, it literally, 35 feet runs right down the middle of where that is built, so it would cut everything right in half that we've already built.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS I have a question. If you're having problems with privacy on your property and people approaching the children, why would you put a gazebo and a seating area right on the corner of your lot?

BOWERS Because we built that before we had any of these problems. When we first moved in, we had no problems at all, and it's been within, I'd say, the last year or so where this stuff's been happening. We're like man, what's going on here? Why is this happening out of nowhere. Sitting back there in the gazebo and you get a car drive by, and liquor bottle thrown at you, that almost hit me in the head, it's happening quite often now. When we first moved in, it wasn't happening.

SENKBEIL So it's approximately from our house that would be 115 feet, according to the Google map, correct?

COPPOLA Okay.

BOWERS This is from the first one we filed. We don't have it with us, but it would be on the first site plans that we drew. It would be all on the map.

COPPOLA

Unfortunately, I don't think everything made it into our files. The only thing I see is the revised, the new proposal. I don't see the original. It was 75 feet from the very back end. Probably closer to 90 on the other side that's on the McNamara. Any other questions? I think we have to follow the process. So, if we decide to table it, we can do it at that point. Any other questions? Anybody in the audience like to speak for or against this petition? Seeing none. Correspondence.

KLISZ

Yes, we have some letters. First is a letter of objection by Dennis and Joanne Wiltsy, 17676 Francavilla Drive. My wife and I, Francavilla homeowners for 35 years, object to this requested variance. Buyers and sellers of Livonia property should have confidence in the continuance and enforcement of zoning ordinances. We assume this Petitioner, a relative newcomer to this property, considered and accepted such ordinances when purchasing. We support the rejection by the inspection department and respectfully request this Board's denial of this requested variance, Case No. 2022-05-13. A letter of objection. Flavio Serina, 17729 Francavilla. Objection. We would like to keep the entrance of the subdivision as is. Having a six-foot privacy fence on the side and on Farmington Drive is not appropriate for the area. I even consider safety. A driver will not be able to clearly see Farmington traffic when exiting the sub. Letter of objection. Tom Maxwell. 17652 Vacri Lane. Blocked view of traffic coming out of Francavilla for walkers on Farmington Road and bikers is not uniform with the rest of fences along Farmington split rail. A letter of objection. Dennis Dulgerian, 17585 McNamara Drive. Farmington Road side of the Francavilla Sub used to look very nice with the split rail fence. The appearance no longer looks that way. Fencing is falling down, missing, propped up or pieces of wood, metal rods. No, the sub does not need something new and different to make it look more hodgepodge. Please note the boulevard at Six Mile entrance how nice residents keep it. Look at the boulevard next to this address and its upkeep. According to the city, it's to be maintained by the adjoining lots in the intersection. No, we do not need a six-foot eyesore that probably won't be maintained. A letter of objection Antonio D'Orazio, 17742 Vacri Lane. A privacy fence would block the view of what is coming around the corner. Letter of objection. Sandra Rychlinski, 17698 Vacri Lane. I understand my neighbor's request for a privacy fence. However, I feel that a privacy fence would block the corner view and would be a safety hazard. Maybe a privacy fence on their own property line or an invisible fence for the dog. Letter of approval. Father Kevin Thomas, 17500 Farmington Road. No comment. Letter of objection, Terry B. Case, 17748 Francavilla. I object to the proposed fence because of the safety and aesthetic issues. The six-foot wooden privacy fence on the lot line at this location blocks the views of pedestrians, cyclists, and drivers. This lot is next to a busy entrance in our subdivision. Many people, including school children, are crossing the street at this

location. This fence would alter and obstruct the views of the pedestrians and drivers entering or exiting the subdivision. It would be a traffic hazard and safety issue. If the proposed fence is constructed, it will not conform to the existing split rail fence in size or construction material. The existing split rail fence runs continuously from McNamara to Curtis. It presents a consistent and uniform appearance for a neighborhood border. If erected, this would be the only six-foot wooden privacy fence in that stretch. It would not conform to the existing fences and could potentially affect neighborhood perceptions and ultimately affect property value. That is the correspondence.

COPPOLA Okay. Thank you. So, you heard all of the comments from your neighbors which seems to be a heck of a lot more negative than the other one we heard on Vacri. Then we've got the issue of line of sight that's going to have to be addressed by the public safety. But do you want to have any comments or responses to any of the letters?

SENKBEIL No, because we addressed that, the whole corner, because it seems to be most of their issues were that line of vision on the sidewalk there. Maybe my perception is different. So, it would be okay for us to put a vinyl fence 35 feet in that did not match anything around it, but I wouldn't have -- the ordinance doesn't ask for their permission. Is that what it is? Because originally my first permit was approved for a vinyl that did not match the neighbors.

COPPOLA The zoning ordinance requires the double lot has to be 35 feet in from the property line. At that point, as long as you're compliant with the ordinance, you can put whatever fence up you want as long as you have your neighbors' approvals on those that are adjoining properties, yes.

SENKBEIL Which I did originally.

COPPOLA You can do whatever you want.

SENKBEIL Okay. So, since we didn't get any response to their original response.

COPPOLA Okay. Anything else? All right. Thank you. I'm going to close the public portion of the case and start the boards' comments. Secretary Klisz.

KLISZ Again, this should be tabled to give the Petitioners an opportunity. Again, they sort of revised it already, and since they revised it already and the public didn't see it, and the public safety department didn't see it, I think tabling is in order for everyone to reconsider this new design. And if they're the same 14 complaints, and if the police

department is not on board with it, then that would be a problem. But maybe there will be more support next time. So, I support a table.

COPPOLA All right. Thank you. Vice Chair Baringhaus.

BARINGHAUS I agree. I think that the variance request should be tabled at the moment until we hear the response from the public safety.

COPPOLA Mr. Boloven.

BOLOVEN I echo that sentiment. Thank you.

COPPOLA Ms. Ptashnik.

PTASHNIK Exactly what my colleagues just cited. I vote to table.

COPPOLA I actually lived in that subdivision for 20 years and I always kind of liked the continuity of what was going on on Farmington Road. And we had a neighbor of yours come in several times and he ended up getting approved. I voted no, and I'm not -- I think, I think stockade fences or any type of six-foot privacy fence sitting on a public fairway facing just does not look good. I was willing to acquiesce on a consistent basis, but my condition on consistency was they all have to be done at the same time. It all has to look the same. Now, I've got a brown, we've got a brown stockade fence at the end. And then we've got a bunch of split rail, some in great condition, brand new, some in really bad condition, falling down. We've got landscaping. We've got berms. You know, it's unfortunate because that's a very long stretch of Farmington. It's a very nice subdivision, the homes are very nice. And it just -- I'm really concerned how this thing is going to end up looking at the end, and there's a section of the city that looks like a hodgepodge, and there's other cities that allowed it and it looks like a hodgepodge.

I'm very sympathetic to the issue that you have. That is not something that a young family should have to deal with. It's unfortunate things have changed over time, and it wasn't like that when I first moved to the neighborhood. But I do understand. I do see what goes on on that road. There's alternatives. There's landscaping that can be done, but I think yours has pretty much lived its life and you'd have to start from scratch. That means there would be years that you wouldn't have coverage. So right now you've got quite a bit of I think some support from the Board, and I think the other neighbor down the other end also had enough support from the Board that it got approved. So, we're going to go ahead and table it and you'll come back after we get feedback from the public safety group to see if that's enough of a change. It's going to be tough. That's a 45 mile an hour road. I'll be interested to see what they say about your suggested change. So, I'll open up the floor for a motion.

KLISZ Mr. Chair.

COPPOLA Secretary Klisz.

KLISZ Resolve that the variance sought in Appeal Case No. 2022-05-13 filed by Wendy Senkbeil be tabled for the public safety department to follow up on the new proposed fence layout that the Petitioner submitted back in May, but unfortunately has not been updated in the system and for other neighbors to have a say based on the new petition.

BOLOVEN Support.

COPPOLA I have a motion by Secretary Klisz, support by Mr. Boloven. If you could, take roll.

RESOLVED: CASE NO. 2022-05-13: An appeal has been made to the Zoning Board of Appeals by Wendy Senkbeil, 17608 Vacri, Livonia, MI 48152, seeking to erect a six-foot-tall wood privacy fence at the rear of a double frontage and corner lot, resulting in deficient rear yard setback.

Rear Yard Setback:

Required:	35 feet
Proposed:	0 feet
Deficient:	35 feet

The property is located on the east side of Vacri (17608), between McNamara and FrancaVilla, Lot No.036-01-0030-000, N-2 "Neighborhood," Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090A (3), (4) "Residential District Regulations," **be tabled for the public safety department to follow up on the new proposed fence layout.**

ROLL CALL VOTE

AYES:	Ptashnik, Boloven, Klisz, Baringhaus
NAYS:	Coppola
ABSENT:	Testa, Oliverio
APPROVED:	4-1

COPPOLA So your petition's been tabled. So, the next step is I think it will go to the public safety based on your revised plan. If you want to further revise it, do that quickly and let some department know that you're going to revise it any further, any types of changes. And then you'll have to call to get back on the schedule. I think our next meeting that's open is August 16th and you would need to get on the agenda on or before July 18. So, I would call the zoning office, ask for them to go ahead and submit your change to public safety department to get their opinion. And then once you get that feedback back, then

you can go ahead and call again and get on the schedule that would be my suggestion.

SENKBEIL Thank you.

COPPOLA Thank you, Mr. Secretary. If you could call the next case.

APPEAL CASE NO. 2022-05-14: An appeal has been made to the Zoning Board of Appeals by LS Equity, LLC, 11700 Middlebelt Road, Livonia, MI 48150, seeking to erect wall and ground signs (menu order drive-thru signs) resulting in excess sign area and number of signs.

<u>Number of Wall Signs:</u>	<u>Wall sign area:</u>	<u>Number of Menu</u>
<u>Board/</u>		<u>Ground Signs:</u>
Allowed: 1	Allowed: 120 sq ft	Allowed: 1
Proposed: 4	Proposed: 188 sq ft	Proposed: 2
Excess: 3	Excess: 68 sq ft	Excess: 1

The property is located on the east side of Middlebelt (11700), between Plymouth and CSX Railroad, Lot No.099-99-0007-009, C-2 "General Business," Rejected by the Inspection Department under City of Livonia Vision 21 Zoning Ordinance, Section 11.08 (3), Zoning District Regulations, Sign Regulations in C-2, C-3, and C-4 Districts.

KLISZ Calling Appeal Case No. 2022-05-14. Appeal has been made to the Zoning Board of Appeals by LS Equity, LLC, 11700 Middlebelt Road, Livonia, seeking to erect wall and ground signs, menu order drive-thru signs resulting in excess sign area and number of signs. Number of wall signs allowed one proposed for excess three. Wall sign area allowed 120 square foot, proposed 188 square foot, excess 68 square foot. Number of menu board/ground signs allowed one, proposed two, excess one.

COPPOLA Thank you. Mr. Stierna, anything you'd like to add?

STIERNA Not at this time, Mr. Chair.

COPPOLA Any questions for the inspection department? Seeing none, if the Petitioner's representative could step up, grab a seat. Name and addresses before we start.

MARTIN Justin Martin, 5200 Buffington Road, Atlanta, Georgia. I'm with Chick-fil-A as our principal development lead.

JOHNSON Will Johnson, with Johnson Sign Company, 663 South Mansfield, Ypsilanti.

COPPOLA

All right. Mr. Martin, Mr. Johnson, who would like to go first? Tell me a little bit about the variance you're requesting and suggest it should be approved.

MARTIN

Sure. Mr. Chair, members of the board, thanks for the time tonight, and the meeting's got a full, full agenda, so we'll try to be brief here. But as mentioned, looking for additional wall signage and the uniqueness is regarding the property or the hardships regarding the property is just kind of the site layout. If you're familiar with the property, tore down a portion of the existing building to make room for this restaurant use. If you're looking at the overall site plan, there's five different entrances to the development. The primary entrance would likely be to the north of our site. There's going to be a new signal added on Middlebelt Road. So, as we went through the PC study meetings, met with the PC meetings and then the council meeting kind of talked about site flow. Once customers enter the property, a lot of concern regarding traffic. So, we felt like signage on the building was important. Knowing that we're only allowed one facing Middlebelt Road, we feel it very important to have one on the north side as people are heading southbound on Middlebelt to be able to have time to turn at that signal and turn into the property. But again, with five different access points, that's the hardship for the north side. For the south side and/or the east side, the way this building is configured and our drive-thru is configured, the majority, if not all of the parking, is on the south side of the building and the southeast side of the building. So, the east elevation is actually our front door. So, the typical business would have their front door facing the main road, we do not on this one just to have the ability for the cars to drive around the building and have the driver side pickup at the pickup window. So that's the hardships on asking for four building signs.

I understand that's a lot to ask for. I think we'd be willing, you know, we'd be super happy with three if we could get one on the north side. We've got the one primary elevation on the West side. If we could get one on the east side over our front door, that would certainly be a concession we'd be willing to make and I know you'd be making a concession we'd be willing to make, and I know you'd be making a concession on that as well.

From the menu board standpoint, it is a double drive thru lane, so we would be requesting a menu board for each one of the lanes just like some of the other restaurants in the city. And I believe as of yesterday working with the permitting official, that was approved as well. But just wanted to bring that up.

We do have a letter of support from the ownership, ownership of this property. Unfortunately, he was not able to attend and we just got this letter today, so I know none of you have seen that. I'd be happy to read it, it's one paragraph, if that's allowed.

COPPOLA Was that submitted to the Zoning Board?

MARTIN I only received it about an hour ago, so I know it was not submitted to the Zoning Board.

COPPOLA Okay.

MARTIN But Frank Jarba with LS Equity LLC, is the owner of the property and he supported our petition for four building signs. And then with us today, I've got -- we've got our local owner/operator franchisee, Ms. Vicki Brown. One difference between Chick-fil-A and some of the other franchise locations is you get one location. That's their sole source of income. It's not like other franchisees and say I'm going to buy the Detroit market, and if this one doesn't do well, I've got six others that can pull it up. So, this will be her location, her sole source of income. So obviously, we're a newer commodity within the Detroit Metro area with five open free-standing units, so we would like to maximize signage for her, and given the uniqueness of the site layout and this lot and the five different entrances, we feel like this is a reasonable request.

COPPOLA All right. Questions for the Petitioner.

KLISZ Mr. Chair.

COPPOLA Secretary Klisz.

KLISZ So, the two most nearby that I can think of are Northville and Novi. Do you know how many signs they have on each of those?

MARTIN I would hate to go off of memory. I've worked on each one of these. I've worked on a lot as well, so I would love to look into that and get back to you so I'm not telling you the wrong answer. I've got our construction team here as well that built both of those.

COPPOLA Okay. Thanks. On the east side the sign is, based on the plan you provided, looks like -- so, there's a building on the east side, right?

MARTIN There is.

COPPOLA It's relatively close.

MARTIN Yes.

COPPOLA Do you really think they'll be any visibility for that sign on the east side?

MARTIN Only to the patrons in the parking field. Again, the main parking field is south and east of our building. And typically we prefer to have a

building side, and no preference isn't a good hardship, right? But having a sign over the front door kind of signifying from our home to ours, welcome to our restaurant.

- COPPOLA Because I'd assume by the time they've parked they know they're going to Chick-fil-A and which building they're going into. So having a sign to identify it probably at that point on the east side isn't that important. Okay. So, I mean I get the extra menu board. It kind of doesn't make sense to have two lanes and one menu board since the Planning Commission and our other governmental boards have approved two lanes, it would be kind of unfair to not say that. I guess from my perspective, the only one I struggle with is the east side. Other questions?
- BARINGHAUS Mr. Chairman.
- COPPOLA Vice Chair Baringhaus.
- BARINGHAUS What type of identification do you have along the main roads, Middlebelt Road, Plymouth Road?
- MARTIN None right now. I believe the ownership group is proposing to do your multi-tenant signage, but I don't think anything has been permitted yet.
- BARINGHAUS And then the signage on the building, is that illuminated?
- MARTIN Yes. And our store hours, they would be turned off after our store closes which typically is right around 10 p.m.
- BARINGHAUS What will your hours of operation be?
- MARTIN Generally between 6 a.m. and 10 p.m. Monday through Saturday, closed on Sunday.
- BARINGHAUS And then again, lighting would be on a timer and turned off.
- MARTIN Correct.
- BARINGHAUS At some point in the evening.
- MARTIN The building signage, yes.
- BARINGHAUS Thank you.
- COPPOLA Other questions? All right. Seeing none, is there anybody in the audience who would like to speak for or against this petition? Okay. None there? No letters?
- KLISZ No letters.

COPPOLA Anything you guys would like to say in closing?

MARTIN I think we've covered everything.

COPPOLA Mr. Johnson, you've been awfully quiet.

JOHNSON We'll be your guys' local, so we do a lot of work here in the Livonia area making sure everything's installed properly.

COPPOLA Anything else, Mr. Martin?

MARTIN One last thing. I think some of the signs that you see are standard logo signs, the square sign with just the C icon is typically 5'11", and that square footage would be over the allowable secondary signs, so we'd be willing to acquiesce and pull that down to 5'4", that way it meets the secondary sign square footage to be allowed multiple signs on the building.

COPPOLA Okay. Thank you. I'm going to close the public portion of the case. Start the Board's comments with Vice Clair Baringhaus.

BARINGHAUS Thank you, Mr. Chairman. Based on what you've proposed tonight, I think your sign package is consistent with the other locations, and Mr. Klisz pointed out both in Northville and Novi. I think generally I understand that as a franchise is a corporation, you have a standardized image to maintain with your buildings, and I think you pretty much conform to that with the sign package you proposed. I think one of your hardships is really the location of the building relative to the property because it's the side fairly large structure, so not that people won't have problems finding you once you open, but you still kind of have to struggle to look for it. So, I think you've more than proved your hardship and I would be in support of a variance.

COPPOLA Mr. Boloven

BOLOVEN I agree with Vice Chair Baringhaus. The funny thing about additions like this, went through the ringer already with planning and city council, and then we kind of get the end result, especially with the signage. We're accepting the lay of the land that's been presented, at least for the building, and you're trying to now match up to the rest of your guy's restaurants and make that fit to this location. It is a very difficult intersection. I mean Plymouth and Middlebelt, besides being very busy, the traffic in there for your signage and what you need, I can see that hardship. I agree with Vice Chair Baringhaus. I like the fact you're presenting I think the menu one is a no-brainer, like Chairman Coppola said. I appreciate you willing to make concessions. I don't think -- on my end I think I'm good with as presented here.

COPPOLA Thank you. Ms. Ptashnik.

PTASHNIK I'm not sure if I'm embarrassed or proud to say I'm pretty acquainted with the Northville location. This seems pretty consistent with the signage they have, and they do have two menu boards, and I can say that because I was there for lunch today. So, anyway, yeah, I agree with my colleagues. I would be in support of this variance.

COPPOLA Secretary Klisz.

KLISZ I agree in part and deny in part, and that is, I think we've kind of discussed that the east signage just doesn't really make any sense. The people are already parked in the lot, they know where they're going. And generally speaking, you know, when one is allowed and four is requested, usually we have to cut the baby, and I think that would be where I would stand would be double menu board makes perfect sense, and the signs in the three elevations make sense, but the east side one does not. So, I would be in support of everything except for that.

COPPOLA I agree with Secretary Klisz on that. I mentioned my position. And I think the one on the north side is important for people driving down Middlebelt to see enough time to navigate and get to it without slamming on the brakes and causing lots of problems. I think the one on the west side is also helpful in identifying the building. South side, it's a big parking lot. Again, I think when you talk about identification and the threshold crossing and welcoming, I think that's going to be your main entrance. As much as you think the one on the east is the main entrance, no one's going to walk around there to get in and try to cross that traffic, they're going to come in from the south side. Again, I agree. I don't want to set precedence because everybody's going to say Chick-fil-A got four signs, and even one where no one can see it, so why can't I have four signs. I think there's good reasons for the three that you've recommended for visibility and such, although I think in a very short period of time, everybody's going to know where this is. That won't be a problem. But the east one is the one I'm struggling with. So, I think from my perspective, I don't know if we require a tabling and a change of plans or we can do a partial.

FISHER Since all you're doing is taking up a portion of the existing plan, I don't see a problem.

COPPOLA So just deny the one sign in a sense.

FISHER Yeah.

COPPOLA One additional sign because there's basically three initial signs on the building.

FISHER	Right.
COPPOLA	So, you've got three that they're willing to let it go as is, and you've got two that they're looking for a change. I'm going to go ahead and open up the floor to a motion, and I guess we'll see where things go.
KLISZ	Mr. Chair.
COPPOLA	Secretary Klisz.
KLISZ	Resolve that the variance sought in Appeal Case No. 2022-05-14 filed by LS Equity, LLC be granted in part and denied in part for the following reasons and the findings of fact. Uniqueness requirement is met because of the position of this particular building on the side lot of a very busy intersection. Denial of the variance would have severe consequences for the Petitioner due to traffic issues in that area. The variance is fair in light of its effect on neighboring properties and spirit of the Zoning Ordinance because there's no neighbor opposition. This property is classified as C-2 under the Master Plan, and the proposed variance is not inconsistent with that classification. Further, the variance be granted with the following conditions: that the signs be built as presented and the denial is as of the east elevation proposed sign and granted as to all other signs and menu boards.
BOLOVEN	Support, but -- I support.
COPPOLA	Then we'll have discussion.
BOLOVEN	Got it.
COPPOLA	So I've got a motion by Secretary Klisz and support by Mr. Boloven. Discussion.
BOLOVEN	What about the wall side area? Are we over without that fourth sign?
COPPOLA	One of those signs is 5'11" by 5'11". Is that what it said?
MARTIN	So 35 square feet is the 5'11" by 5'11".
COPPOLA	35 square feet approximately?
MARTIN	Yes. 35 plus 35 plus the 59. Be a total of 129.
COPPOLA	So we'd have to amend the motion to include the approval of excess of 33 square feet.
KLISZ	So allow excess.

COPPOLA Is 33 enough? Our measurements might be off and I don't want you to have to come back if we're off by half a foot.

MARTIN Remind me the allowable total.

COPPOLA 120. The proposal is 188.

MARTIN I'm calculating between the three signs. So, the main ID sign is 59 square feet. So, 59 plus 35 plus 35 for a total of three signs is 129 square feet. So, it's nine square feet over?

COPPOLA I think it's two 59s and a 35 because the 35 the east one. So that's 153 total, so that's 33 over.

KLISZ So allow excess of 33 square feet of signage. Support that amendment.

COPPOLA Anything else?

BOLOVEN For discussion sake here, Vice Chair Baringhaus and Ms. Ptashnik, have your opinions changed at all?

COPPOLA Wouldn't you see that by the vote?

BOLOVEN Mr. Fisher's ruling is tonight and it's done.

COPPOLA No. The motion doesn't get denied, the motion fails and then we have to have a new motion.

BOLOVEN We went through this last time. If it fails, it's done.

FISHER You're right. You need to solve it now just to make sure.

JOHNSON Can we get a little bit of clarification again on how you guys are --

COPPOLA You got two of the large signs, 59, 59 of the small ones at 35. So, you're asking if we have enough votes to get this passed.

BOLOVEN I don't want to run into an issue. If that's the case, we should table. I don't want to deny this.

KLISZ I see what you're saying. So basically, have you guys changed your positions from earlier.

PTASHNIK I would support the amended.

BOLOVEN You'd support the amended.

COPPOLA So we still need one more.

BOLOVEN That's four. I support.

RESOLVED: CASE NO. 2022-05-14: An appeal has been made to the Zoning Board of Appeals by LS Equity, LLC, 11700 Middlebelt Road, Livonia, MI 48150, seeking to erect wall and ground signs (menu order drive-thru signs) resulting in excess sign area and number of signs.

<u>Number of Wall Signs:</u> <u>Board/</u>	<u>Wall sign area:</u>	<u>Number of Menu</u> <u>Ground Signs:</u>
Allowed: 1	Allowed: 120 sq ft	Allowed: 1
Proposed: 4	Proposed: 188 sq ft	Proposed: 2
Excess: 3	Excess: 68 sq ft	Excess: 1

The property is located on the east side of Middlebelt (11700), between Plymouth and CSX Railroad, Lot No.099-99-0007-009, C-2 "General Business," Rejected by the Inspection Department under City of Livonia Vision 21 Zoning Ordinance, Section 11.08 (3), Zoning District Regulations, Sign Regulations in C-2, C-3, and C-4 Districts, **be granted in part and denied in part for the following reasons and findings of fact:**

1. Uniqueness requirement is met because of the position of this particular building on the side lot of a very busy intersection.
2. Denial of the variance would have severe consequences for the Petitioner due to traffic issues in that area.
3. The variance is fair in light of its effect on neighboring properties and spirit of the Zoning Ordinance because there's no neighbor opposition.
4. This property is classified as C-2 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 signs be built as presented and the denial is as of the east elevation proposed sign and granted as to all other signs and menu boards.

ROLL CALL VOTE

AYES:	Ptashnik, Boloven Klisz, Baringhaus, Coppola.
NAYS:	None.
ABSENT:	Testa, Oliverio
PASSES:	5-0

COPPOLA Okay. So just to be clear so everybody is clear, all of the signs, except for these signs, have been approved and you're allowed 33 square feet over the minimum. Because we've also had a condition

that you have to construct it and install it as approved, it's only those three signs. You can't change sizes and stuff at this point.

KLISZ Right. So, the location, size, color we'll do and also okayed menu boards.

JOHNSON So we'll do a script logo at 59 square feet on the west elevation?

COPPOLA Correct.

JOHNSON Well do a script logo on the north elevation at 59 square feet?

COPPOLA Correct.

JOHNSON And then we'll do an icon on the south elevation at 35 square feet.

COPPOLA Correct. That's how you present. Yes.

JOHNSON Got it. Thank you.

COPPOLA Welcome to the community. We're looking forward to it. You're going to be a busy person. All right. Call the next case, please.

APPEAL CASE NO. 2022-05-15: An appeal has been made to the Zoning Board of Appeals by Susan Hynes, Wayne Craft, Inc., 34286 Haldane, Livonia, MI 48152, seeking to erect construct an addition onto the rear of an existing dwelling resulting in deficient rear yard setback.

Rear Yard Setback:

Required: 30 feet

Proposed: 25.5 feet

Deficient: 4.5 feet

The property is located on the west side of Haldane (34286), between Gill and Fonville, Lot No.016-03-0005-000, N-2 "Neighborhood District," Rejected by the Inspection Department under City of Livonia Vision 21 Zoning Ordinance, Section 4.02, Schedule of Regulations.

KLISZ Calling Appeal Case No. 2022-05-15. Appeal has been made to the Zoning Board of Appeal by Susan Hynes, Wayne Craft, Inc., 34286 Haldane, Livonia, Michigan, seeking to erect, construct an addition onto the rear of an existing dwelling resulting in deficient rear yard setback. Rear yard setback required 30 feet, proposed 25.5 feet, deficient 4.5 feet.

COPPOLA Okay. Anything to add Mr. Stierna?

STIERNA I have nothing. Thank you.

COPPOLA Any questions for the inspection department? Seeing none. If you can just give us your name and address first, please.

DEFENDANT: Jason McFall from Wayne Craft, 13525 Wayne Road in Livonia.

COPPOLA Okay. So why don't you tell us a little bit about your project hardships you have and why you believe that the variance should be approved.

MCFALL Certainly. So, Ms. Hynes has a corner yard which is kind of exposed. She has some trees, but not the coverage she wants. They're still kind of short and she wanted to erect a screen enclosure just to kind of keep the bugs out and everything. She used to have a wooden deck that has since been removed by another contractor, and then she has a new concrete slab which she'll be later if this passes, if she hasn't already done it, have a foundation or a footing underpinned around it. This is just basically one of the simpler rooms that we produce. No glass windows, nothing like that, no electrical that I'm aware of, and she's just looking to kind of reclaim some of her back yard and everything. I don't think four and a half feet is too terribly far off. You know, I've done variances for larger in other cities, but she just wants to -- you know, she's getting almost to retirement, but I think it's something she just wants to hang out, have coffee, have family over, maybe talk to some of the neighbors. And we chose a color scheme that's going to blend in, kind of work with what she's going for the rest of her house. But just one of our simpler screen rooms.

COPPOLA Questions for the petitioner?

PTASHNIK Mr. Chair, I have a question for the Petitioner.

COPPOLA Ms. Ptashnik.

PTASHNIK Is this building going to be, this addition going to be on the footprint of the former deck?

MCFALL Correct.

PTASHNIK So is that deck all the way out to that.

MCFALL I believe so, yeah. I don't have the original deck. I had seen her probably two or three years ago initially. And then late last year I saw her again, and then earlier, I want to say, April, we had revisited with her again and everything and she had already removed and disposed of the deck when I had seen her last year. But I do believe it takes up the existing footprint of what that deck once was. She's not asking for anything more than I think what she currently had.

BARINGHAUS Mr. Chair.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Can you describe the construction of the structure?

MCFALL Absolutely. So, this is a room that we produce locally in Livonia by Wayne Road and everything, and it's going to be an aluminum frame structure probably about two and a quarter, two and a half inches thick, extruded aluminum. It's one of the rooms that we've been producing on and off for 40, 50 years so. We make slight changes to it from here and there. It will basically have a panel that rises probably about 24 inches off of the ground that's used for a little bit of privacy so if she wanted to drop some shades down, or something like that, because she is on the corner. It will be easier for her to find some readymade shades where they basically just cut them to width and then we can have them hung on the inside frame of it. And then what she'll have for ease of maintenance in case something were to go awry with like a squirrel or feral cat or something, is we have removable fiberglass screens that she'll be able to either take to I guess you'd call it a hardware store to us for us to rescreen for her. But it's just basically meant for ease, ease of use. Standard, I believe it's just a standard 36 by 80 swinging screen door and everything. Nothing that wouldn't be considered, I don't know, I guess out of the ordinary. It's pretty much like a stock size door. Very basic looking.

BARINGHAUS Tell me about the roof on the house. Six-inch poly roof?

MCFALL So we use different types of awnings and roofs to actually cover certain distances. Because her projection sticks out so far, he's automatically put into what we call six-inch thick insulated roof system. So, it's basically going to be about six inches of expanded Styrofoam. And then you're going to have a layer of aluminum top and bottom. Now because it's not shingled on top, what we're going to end up doing is we're going to have a colored roof panel on top for her. It will be like a beige to match the rest of the house. We'll have a fascia that goes around the perimeter of it to be the same color as the room itself. Then the underneath side of it will be white, just to make it a little bit brighter inside for her. But it's very quiet when it rains. That's one of the reasons why we use it for a lot of our sunrooms.

BARINGHAUS So it's basically beige, the structure has a beige roof.

MCFALL Yeah.

BARINGHAUS The supporting columns are what color?

MCFALL Well, there won't be supporting columns. It will be basically the wall sections that go around underneath it. So, those will be the same clay color.

BARINGHAUS So, it's kind of a clay beige.

MCFALL Yeah. We want something to kind of blend in as much as possible for her. The only thing that would be white would be interior ceiling portion of it just to kind of give it a larger like more open feeling. We've done like darker beige on the inside before, but it tends to absorb a lot of the light.

BARINGHAUS How will she illuminate this at night?

MCFALL The what?

BARINGHAUS How will she illuminate it? You said she wasn't going to bring electricity into it.

MCFALL No. I think she has a wall sconce out there now. From what I gather, I don't believe screen rooms are required to have electrical in Livonia. I could be wrong. I know a lot of other cities once there are windows in them there's usually electrical requirements, but not for this one that I'm aware of.

BARINGHAUS Does her neighborhood have an association and has it been reviewed by the association and approved if it?

MCFALL I don't know if it does or not. Usually, we can't get a permit until, if there is an HOA, after they give us a letter, we can usually apply for it. If it needed one, we probably already have. Otherwise, most cities would never allow us to even submit for a permit. I don't know if Livonia's that way or not. But if it does require one, we will get one.

BARINGHAUS Okay. Thank you.

COPPOLA Any other questions?

KLISZ Mr. Chair.

COPPOLA Secretary Klisz.

KLISZ For the inspection department, do you guys care about HOAs, like isn't that their thing and your thing is different?

STIERNA We don't.

KLISZ Meaning you're not going to go an enforce an HOA.

STIERNA We don't enforce HOA rules. We're not allowed to. If there is an HOA that is involved, ask that they provide authorization if it's required.

KLISZ Because I know like with my HOA in Rosedale, it's nonbinding. It's just basically like kid stuff and barbecues and ice cream socials and stuff.

COPPOLA Well, mine's binding. You put up a fence, you're gone. Anything else? All right. Seeing none, is there anybody in the audience that would like to speak for or against this petition? We do have correspondence letters.

KLISZ Letter of approval. Roberta Valade, 34279 Haldane Drive. Susan mentioned to me in the past that she would like to have the addition in the back. I was fine with it then, and I'm fine with it now. Letter of approval, Mary -- Paul and Mary Gieske, 34327 Haldane. We do not see a problem with the concrete pad that replaced the wooden deck. A letter of approval Monica K. Robinson, 34359 Haldane. No comment. That's it.

COPPOLA Okay. Thank you. Anything you'd like state in closing before we --

MCFALL No. This is just a project that I think would go very simple, very fast. It's basically a one-day installation. You know, we keep very quiet. We clean up. We've produced a lot of different sunrooms. Did a lot of them in Livonia. Sometimes it does come to a zoning variance, but we always pull permits in everything when we required. It's just going to be a very nice, blended structure and everything, nice and easy to maintain. That's about it.

COPPOLA Just a couple clarifying questions.

MCFALL Certainly.

COPPOLA Susan Hynes is the property owner?

MCFALL She is. Correct.

COPPOLA She has nothing to do with Wayne Crafting.

MCFALL No. I think she's like a teacher for Oakland University or something.

COPPOLA Where is she today?

MCFALL I have no idea. She's probably at home. It's not unusual for me to represent other clients if they have other things or engagements.

COPPOLA Did she provide you a letter of authorization to represent her?

MCFALL I'm unfamiliar with that.

COPPOLA All right. We'll close the public portion of the case and start with the Board's comments with Mr. Boloven.

BOLOVEN I'd be in support this way. Looking at the property, the setback not that -- what's the work I'm looking for. De minimis, four and a half feet, especially with the deck already being there. I think curiosity is did that deck already have a setback requirement or was it made before laws change or something went into effect? With that being said, the neighbor's support, the outcry of the neighbor's support really goes into my decision, and I'd be in support of this variance.

COPPOLA Thank you. Ms. Ptashnik.

PTASHNIK I also would be in support. That's why I asked about the footprint of the deck. It doesn't look like we're asking for anything additional here, and the overwhelming support from the neighbors would sway me in that direction as well.

COPPOLA Secretary Klisz.

KLISZ I agree. I have nothing more to add. My colleagues have said it well, and I agree.

COPPOLA Thank you. Vice Chair Baringhaus.

BARINGHAUS I agree. I would support the variance. I think it's a -- I understand the hardship. She's on a corner lot. It is wooden. I can understand the problem she's having with the insides as well. I was just curious as to that type of structure given the nature of that neighborhood, a lot of people choose maybe more like permanent type of structures as opposed to screened-in porch, but it's still a very viable alternative. I think it will add to the property as well. I think it's well planned out, so I support the variance.

COPPOLA I too support. I don't think a deck requires a setback. I don't think it's considered a permanent structure. So, it doesn't encroach on a setback. Nonetheless, I have no issues with it, and it appears the majority of the impact, the neighbors, the neighbor in the rear, behind her that would have looked at it, said they liked it, the person across the street that faces the backyard said they have no problem with it. Surprisingly, the one to the other side didn't respond, so I assume they got the letter, so they don't have a problem with it. So, if the neighbors are okay with it, I'm okay with it. So, I'll go ahead and open up the floor for a motion.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Thank you. Resolved. That the Appeal Case 2022-05-15 filed by Susan Hynes be granted for the following reasons and following of facts. Uniqueness requirement is met due to the corner property

location and lack of privacy. Denial of the variance would have severe consequences for the Petitioner due to reduced privacy in her back yard.

The variance is fair in light of the spirit of the neighboring properties and the spirit of the Zoning Ordinance through the general neighborhood support. The property is classified N-2 neighborhood district under the Master Plan and the proposed variance is not inconsistent with classification.

Further, that the variance be granted with the following conditions, that the structure proposed today be built as presented.

BOLOVEN Support.

COPPOLA Got a motion by Vice Chair Baringhaus supported by Mr. Boloven. Any discussion? Seeing none, go ahead and take roll.

RESOLVED CASE NO. 2022-05-15: An appeal has been made to the Zoning Board of Appeals by Susan Hynes, Wayne Craft, Inc., 34286 Haldane, Livonia, MI 48152, seeking to erect construct an addition onto the rear of an existing dwelling resulting in deficient rear yard setback.

Rear Yard Setback:

Required: 30 feet

Proposed: 25.5 feet

Deficient: 4.5 feet

The property is located on the west side of Haldane (34286), between Gill and Fonville, Lot No.016-03-0005-000, N-2 "Neighborhood District," Rejected by the Inspection Department under City of Livonia Vision 21 Zoning Ordinance, Section 4.02, Schedule of Regulations, **be granted for the following reasons and findings of fact:**

1. Uniqueness requirement is met due to the corner property location and lack of privacy.
2. Denial of the variance would have severe consequences for the Petitioner due to reduced privacy in her back yard.
3. The variance is fair in light of the spirit of the neighboring properties and the spirit of the Zoning Ordinance through the general neighborhood support.
4. The property is classified N-2 neighborhood district under the Master Plan and the proposed variance is not inconsistent with classification.

Further, that the variance be granted with the following conditions,

1. That the structure proposed today be built as presented.

ROLL CALL VOTE

AYES: Ptashnik, Boloven, Klisz, Baringhaus, Coppola.
NAYS: None.
ABSENT: Testa, Oliverio
PASSES: 5-0

COPPOLA So the petition has passed. The only condition is it's built as it's been presented in application with no modifications.

MC FALL Okay. Thank you very much.

COPPOLA Call the next case, please.

APPEAL CASE NO. 2022-05-16: An appeal has been made to the Zoning Board of Appeals by Dan Lee, Cornerstone Baptist Church, 29850 Six Mile, Livonia, MI 48152, seeking to erect a replacement ground sign resulting in excess sign height and area.

Ground Sign Height:

Allowed: 6 feet
Proposed: 8.3 feet
Excess: 2.3 feet

Ground Sign Area:

Allowed: 50 square feet
Proposed: 68 Square feet
Excess: 18 square feet

The property is located on the north side of Six Mile (29850), between Louise and Brookview, Lot No.044-99-0030-000, N-1 "Neighborhood District," Rejected by the Inspection Department under City of Livonia Vision 21 Zoning Ordinance, Section 6.50(3), (A), Religious Institutions.

KLISZ Yes. Calling case number 2022-05-16. An appeal has been made to the Zoning Board of appeals by Dan Lee, Cornerstone Baptist Church 29850 Six Mile, Livonia, Michigan, seeking to erect a replacement ground sign resulting in excess sign height and area. Ground sign height allows six feet, proposed 8.3 feet, excess 2.3 feet. Ground sign area allowed 50 square foot, proposed 68 square foot, excess 18 square feet.

COPPOLA Thank you. Anything to add Mr. Stierna?

STIERNA I do not.

COPPOLA Any questions for the inspection department? Seeing none, Petitioner name and address, please.

LEE Actually it's not Dan, it's Darrin. I'm Pastor Darrin Lee. I'm the pastor of the church.

COPPOLA Mr. Lee, why don't you tell us about your project and why you believe the board should approve your variance.

LEE If you'd like, I was told to bring copies. It might help you guys to see what I'm proposing.

COPPOLA Was this included in your application?

LEE I don't know. I think it might have been, so I don't know if you have a copy of it. I wanted you to see the frontage of the church itself.

COPPOLA Okay. You can pass it.

LEE And if I could explain a little bit about why we even have a sign, the importance of it. If I could explain. First of all, we started our ministry on Grand River and there's some of you are familiar with. There's a church building two blocks west of Botsford Hospital. It's a white church building. And anyway, I knew it was time to start a church, my wife and I, actually I went to purchase it, the building. Figured God wanted me to start a church, go buy a building. Anyway, long one short, they just gave me it, so I had a 12,000 square foot building, the keys to it put in my hands.

Years later, I gave you some pictures, I gave you pictures. I wanted to show you something what happened. So, prior to this right here, I had a fellow come into my office and say he wanted to talk to me, and he asked me what the next major project we were going to do at the church. I said well, we need to put a sign up front because we had a four-by-eight piece of plywood. This was our first building. And he said what would it cost to get a new sign. Probably \$6,000. He wrote a check and put it on my desk. So that's this on Grand River. Detroit News came by. The writer, Mr. Rubin from Detroit News, he saw the sign and he said he wanted to know the story of the church. The next thing I know, this was August -- or I'm sorry. We put it up in August 2010. And so, Labor Day 2010, he put a full-page, page two of the Detroit News was the article about our church and the sign. And the purpose for the sign we're not for profit, obviously. We don't make money. And what we do is if we put a sign out, this is the thing amazes me about a lot of churches, they don't understand, they have a sign, they put their church name, they put their hours on, whatever. You drive past that once or twice, it's just part of the landscape. You don't even see it anymore. What we do is we put encouraging sayings on the signs, and we encourage people with it. And so, I can go to a local restaurant and if I have my wife, who's in charge of the sign ministry, hasn't changed the sign, Pastor, you need to change the sign. We literally have neighbors that look forward to seeing the sign.

Now, about six years ago, this building became for sale in Livonia, and I knew that God wasn't going to keep us on Grand River because that building was 100 years old and had stairs in the front, stairs in the middle, stairs in the back, okay? So fast-forward. Now we come to this new building. So, for six years we've been working on this

building. The last people that were in it didn't take great care of it. We put on three quarters of a roof. We're on about three and a half acres and think I've got you a picture of our site plan in there. Do you have a picture of that?

COPPOLA A picture of the church. I don't see a site plan in it.

LEE Don't tell me she forgot that.

COPPOLA It's in our package.

LEE The paper is folded. Okay. So, if you see this in the back. This is an acre of land back here. The trees were just falling over. So, we cut down all those trees and all that stuff and made it safe. And so, in the front we got about an acre up front here and we have an existing sign, probably Vintage 1970's. All right. And so, I've got a picture of that sign in here in the package, and this picture. Okay. And now here the letters on this sign fall out. It's just all antiquated and it's two-sided. So, if you see the flagpole here, on the other side of the flagpole is where we're wanting to erect a new sign. Well, again, what happened was I had a person that came to me out of the blue, and we're not a big church, a person came to me and said Pastor, I want to pay for a new sign and find out how much it's going to cost. The cost is minimally about \$11,700 and wrote the check and gave us \$11,700 for a new sign.

Now, what I'm trying to pose to do is get a sign. It's a little deceiving as far as square footage of it, but the cabinet here is basically five-by-ten. But if you look at the top part where you've got 1'10", that is just a design scroll that looks nice with the cross on top. And the sign is in green. And I think aesthetically it look great. And so, if you go from underneath that down is basically a pedestal it sits on, but the casement of the sign is basically five-by-ten.

So the whole purpose of the sign, again, is to encourage people. We don't put something on 12 years now of putting a new sign out sayings out there every week, I've not had one complaint in 12 years. So, we don't put things out there, you know, pardon me for saying this, but you either do it my way or you are going you know where. So that's not the purpose of the sign. The purpose of the sign is strictly to encourage people. I can tell you that as I sit here tonight, I had somebody text me while you guys were talking because somebody's dying. And five days ago, when you guys had your pillows to your head, I was woke up at midnight to somebody that committed suicide. So, there's a lot of people hurting in Livonia. I just think that this sign is not only going to aesthetically be the right size for the front of our church because we're on like an acre, the purpose for the sign is to encourage the neighborhood.

And I would add this, that the sign, the size of sign that I believe the zoning is for, if you look across the street if it's the doctor's office, they're on a quarter of the property that we have, but if you look at our property as large as it is, our existing sign, I can take that and just redo it. But I don't want to do that. That's not -- I think we're better off purchasing a brand-new beautiful sign that will stand out in Livonia, and according to the standards of the neighborhood.

I would also add this. As I drove around the neighborhood a little bit because I live in Livonia, matter of fact, I just drove past a sign I just noticed on the next mile over from me. We're on Six Mile. On Five Mile there's Bell Creek Church, and I got out and I measured their sign, and their sign is five-by-eleven not counting the pedestal, just the sign portion, where ours would be five by ten okay. And then there's another church that I took a picture of, this one. That's over there on Newburgh near Joy I think, this church, and this is what the sign would look like except the difference is with our sign, if you look at the picture of our sign, I told them I wanted it, the top of it, I added that scroll which looks much nicer than rather having a box sign out there. I don't like the -- I did not want to get one of those LED light-up signs. I don't like them. I think people drive past them and you forget whatever is on there. But people in the neighborhood, I've talked to so many people in the neighborhood about, you know, when we were on Grand River where the white church with the sign, or you're the sign. I drive past there, you know. I go to Bates' Burger. One day I went, I know I shouldn't be eating burgers, this is a Chick-Fil-A crowd, and I can't offer you a Chick-Fil-A, but my Boss made the chicken. Amen. So anyway, I went in there one time to Bates' and the lady in Bates' said, Pastor, you haven't changed your sign. When are you going to change your sign? I just missed it by one week. So, we went back and changed it. But it's all about encouragement.

If I could say one last thing to try to pitch this sign to you, all right, is that -- where is it? I took a picture of the last sign my wife put on there sayings like this, said in two days, tomorrow will be yesterday. Now, that's not antagonizing anybody. A lot of times it's just to make you think, you know what I mean? And people enjoy our signs. And as you can see, this sign has had its day, okay? And this sign is beautiful. And that's all I can say. I would not put anything; I would not put anything that would offend anybody. And I'd be surprised if any neighbor wrote any bad letters because the neighbors around us, I do open our property to all our neighbors, and I put horseshoe pits in the back for neighbors to play horseshoes. I put a badminton on the side for them to play volleyball and badminton. I let the kids roller skate and ride around our property, and I put two basketball hoops in the back for all of the kids in the neighborhood to play basketball. And I allow every neighbor that has any functions at all to our parking lot for birthday parties and block parties and whatever. They invited us to the first block party. They know I don't drink so

they don't invite me anymore. But I mean we let them use -- I think as a Pastor, I should allow the neighborhood to use our property, okay, and so that's what we do. And trust me when I say this, this sign, it will beautify, it will fit our building, and it will beautify the neighborhood and it's not going to be tacky, and I'm not drawing people in to make money. The sign is strictly for encouragement to the neighborhood.

COPPOLA Okay. Thank you. Any questions for the Petitioner? Mr. Boloven.

BOLOVEN Couple questions. When you put the additional picture in this packet, I'm just trying to identify what they are. The first one says Riverside Park Church.

LEE Again, that's the church that I got out and measured the sign, and that is basically about the same size sign as the sign I wanted to put up.

BOLOVEN This one is at Newburgh and Plymouth. I thought you said the one you stopped at was Bell Creek.

LEE That was on the way over here. This one I got out, took a picture of, measured. And then on the way over here, I saw Bell Creek because I was coming up Five Mile, and from Middlebelt was coming up Five Mile, I saw it and I said that's got to be close to the same size. So, I got out and I measured it, got a tape measurer, and measured it, and it was five by eleven. What I'm looking for is the casing five by ten. Now, the height difference goes bigger because of the scroll. Now, I can do a sign like this without the scroll, and it be cheaper. But I think with the scroll on it, on the top, I think it's just a classier looking, and, of course, I'm particular to cross on there.

BOLOVEN What's this one that says Cornerstone Baptist Church.

LEE That was the sign, I just wanted to show you, that was the sign that put up in our first building. Back then it was \$6000 to buy that sign, and that was much taller, okay? But I wanted to show you that because here's the article in the Detroit News, and also Carmen Harlan from Channel 4, they stopped by and took a picture of one sign, whoever's praying for snow, please stop. It was one of those winters we had a lot of snow. So anyway, two weeks later I happened to be watching Channel 4 news. They got out and took a picture of it and they waited till it snowed again, and they said Cornerstone Baptist Church. At that time Farmington Hills, now we're in Livonia, they put on their sign, whoever's praying for snow, please stop. And so, I had a full page. Imagine this, a church sign. I had a full-page Detroit News page, full page, and back when I was in the business world a full page was \$20,000 on advertising on the back. And they gave me a full-page article. And you can look it up. It says plucky Pastor from whatever. And then the Associated Press

called me up and did an article. They were doing an article on church signs. They called me up, they did an article on my church sign. And then Channel 4 news did a thing on our church sign. So, if the Detroit News and Channel 4, and the Associated Press, I don't know, it just -- and Bate's Burgers' manager loves it, I mean people literally get up and they drive past our church to see our sign what's going to be on there every week.

BOLOVEN Your proposed sign you got it has your logo on here. What's your logo?

LEE I think our logo -- I got a picture of it on my phone. I could show it to you. It's basically a globe with a cross in the middle.

BOLOVEN Is it on the old sign?

LEE Yeah. There you go.

BOLOVEN All right. The last question I got for you, I guess let me start with inspection. Inspection it says is in the ground sign area breakdown for what's allowed 30 feet, identification, 20 feet changeable sign. Looking at this current proposed sign, and I don't know if you guys have exact measurements of if, is this, besides the 18 feet excess for total sign area of 50 feet, is this sign in conformity of the 30/20 ratio?

STIERNA It Looks like it's reversed. Larger portion compared to message.

BOLOVEN So in addition to the 18 feet, this wouldn't be allowed due to the 20 foot allowed to the changing sign area, is that correct?

STIERNA That would be my understanding. Yes.

BOLOVEN Thank you.

COPPOLA Mr. Fisher, is that correct?

FISHER I don't have the notice in front of me.

BARINGHAUS Are you hearing complaints that people are having difficulty finding your church in terms of are they driving passed it missing it on Six Mile?

LEE Well, there's a problem actually with the current sign because if you're driving from the east, there's, of course I didn't show it in this picture, but right here is a big oak tree and it blocks this sign. And so that's why I want to put the sign on the other side of the flagpole because going east or west, you can see the sign. But when you come, the signage coming this way, coming from the east, yes, it's a problem seeing the sign. And I will tell you this, this particular sign, I

plan on giving it away for free to a non-profit. They would just need to come get it. So, we're not going to sell this, or whatever. We're not going to have two signs on our property, we're going to give this away to a startup church or something, something that needs it.

BARINGHAUS And then in your earlier discussion you mentioned this sign is going to be non-illuminated or illuminated?

LEE It's going to be illuminated. It will have lighting in it. It will come on at dark and we can set the hours, put a timer on it, probably go off at 1:00 or something, whatever time. I wouldn't come to you guys and gals, I wouldn't even come to you with one of those LED red light-up signs. Because just like Clarenceville, their sign up front that was put up, I think they're a hazard to drivers. They're too much, too busy, and after a while, people don't read them.

BARINGHAUS Looking at the sign, you elected to go with like a four-line changeable message section. Seems like a lot of the signs in the immediate area of the church got three lines where text can be read. What was your rationale relative to the existing signs in the area?

LEE That's a good question. The reason why is because not to pack it with more words, but to spread the words out. For instance, if you look at that sign that you're looking at right now, that three lines that I had originally.

BARINGHAUS I was going to say, you operated with a three-line sign for a number of years.

LEE The problem with the three-line sign is that you're limited. There's a lot of things that you can't put on. You only want -- you want to have less than typically 39 words, but with a four-line sign, that's actually a four-line sign. What they did was they messed up. See the fourth line? It's got my name on it, right. So that's a four inch. It was supposed to be six inch. And when they sent it out, they said oops, sorry. So, it was wasted with my name in it, but it was supposed to be a four-inch sign. So, with four lines, and the fourth line ended up being four inches instead of six inches, and so, therefore, right now if you drove past that church, and they've had the same sign on there for over a month, okay, and they have too many words on it and it's cramped together. With four lines, you can use the same amount of words but spread them out, and it's easier to read when you ride down the road. Keep in mind, you're going 40 miles an hour, okay? So, we can't put 50 words on the sign. You're not going to read it. So, we have to limit the words but with four lines. Now we can spread the words out and you can see it much clearer. So, it's basically that lit up area including the signage of Cornerstone Baptist Church on the top, that cabinet what you're looking at is basically five-by-ten cabinet.

BARINGHAUS Would you say your current sign is consistent with the other signage in the area concerning the church?

LEE Yes, I would. Except some of the signs around us there are smaller signs, but they don't have the property we have. We have much larger property than anybody in the neighborhood. Unless you go down the street, now there's a Lutheran church that has a good size sign like we do, and then on top of that, they have about a 40-foot cross behind it.

So, a lot of the churches in Livonia have this size sign. And just like the two I pointed out to you, one over there on Newburgh and the other one Bell Creek. Matter of fact, I stopped, and I was talking to a fellow that was going into Bible study, I told him what I was going come do here tonight, and they said that they'd be praying for me to get the sign approved. So, as we speak, we have people praying for me.

BARINGHAUS Okay. But in terms, all things being equal in church, it's a church facility, church sign not a church sign type of thing, this particular sign will be larger than the signs within the surrounding area of the church with businesses that surrounded the church, yes, or no?

LEE No. Of the street, the next church, now there's a church across the street.

BARINGHAUS Because there's businesses surrounding the church that have similar signs like this. How would this sign be on a scale to those signs? Would it be larger than those existing signs?

LEE Probably One third bigger, but property is two thirds bigger. That's the difference. If I put a little sign out there with an acre of property, you know, it's just like when we put up a flagpole, I didn't put up a 20-foot flagpole, I put up a 35-foot flagpole with an eight-by-ten flag. And when you drive down the street, you see the American flag. You don't put a little dinky flag, dinky flagpole in that property. And it's the same with the sign. The sign is proportionate is the word I'm trying to use. And you'll have to excuse me with my speaking. I'm not doing as great as what I normally do, even though I'm a professional speaker I guess you might say, but I still have COVID fog. I'm a COVID survivor. Sometimes words slip.

BARINGHAUS The hardship again, you made some points you needed the larger sign I guess for better communication with traffic in the area. Are there other hardships that you can cite that would justify the need for the sign that you're proposing?

LEE I think one of the greatest reasons for that size sign is I want people to -- I don't want people to drive by -- okay. Let me back up and say something, all right? At one time I managed businesses 20 years

ago, okay? I literally had items out in front of my business that people crashed their cars to look at what we had to offer, okay, literally. And so, when we put a sign out there, I want to it to be as safe as possible. If I go with a smaller sign, it's going to be six-inch letters no matter what. And so, if I go with six-inch letters on three lines and I cram it together, there's actually more danger for a car to drive by and read it, where if I have four lines with six-inch letters, they can look at that sign, and they can catch it like this and drive by and it's not a hazard for them. I'm not just giving you a line. That's the truth. If you cram -- and you all can drive home tonight and you can go down Grand River and see what I'm talking about. On that particular sign, what we used to have, I can't even read it by the time I go by, there's so many words on it with three lines and they got them crammed together. With four lines, it's spread out. It looks good. It's professional.

I'm pretty meticulous. And, for instance, since we took over this building, we had to fix all kinds of things on the roof and leaking and change carpet and all this. We couldn't afford to do a sign right now. But I had somebody that literally come up to me and said Pastor, you know, our sign looks bad, and we got a beautiful building, and I want to buy us a new sign. Find out what it will cost. I find out what it will cost, and the man wrote the check.

COPPOLA Okay. Thank you. Any other questions? Seeing none, is there anyone in the audience that would like to speak for or against this petition? No. We have correspondence.

KLISZ We do. First letter is letter of approval Scott Halseth 29906 Six Mile.

LEE Excuse me, sir. That guy Scott, he would be the fellow that's closest to the sign right across the street.

COPPOLA Thank you. Let him finish.

LEE I'm sorry.

KLISZ We are fine with the taller sign so long as the lighting scheme doesn't rival the Luxor. Letter of objection, Amanda Duke, 17200 Louise. We object to Cornerstone Church erecting a larger sign than allowed. This would pose a risk to driver's line of sight when turning onto or from Six Mile. Furthermore, everything this church does is executed poorly, so I have zero confidence in their ability to follow any rules. After they cut down the woods that divided a buffer between the neighborhood and church, I certainly don't want to look at an even larger sign than already have to now. Letter of objection. Peggy A. Besecker, 29827 Bobrich. Other churches in area have requested to change their sign to larger size and have been told no as they were outside the approved size. I feel the sign is excessive in size. I drive by the current sign daily and can see it and read it

clearly. And finally, a letter of objection, Tylese Black, 17220 Louise. Once we allow for signs to expand beyond the current zoning for a church/business, then that opens the door to the entire community. We currently have enough distinct strictly signs at Six Mile and Middlebelt that are not aesthetically pleasing. We need to refocus on a hometown feeling and Tree City USA. I would encourage the church to plant trees in the area that they are clearing and made promises to keep. Thank you. That's all.

COPPOLA

Okay.

LEE

Can I say something?

COPPOLA

You can make closing statement.

LEE

First of all, the one lady that objected I've had no problems whatsoever with any neighbor except the one lady whose dog -- you guys have a picture of my property, right? We have an acre in the back. The last owner, if you look at the property site, the last owner was Missionary Church. They did nothing with the property. And so, the neighbors got upset, some of them, because all the trees that were back there, scrub trees, were starving for sunlight and water and they were dead. They were dead trees, and they were a hazard. And this was property in the back that was unmaintained. I'm surprised the city didn't do something about it, you know, with that church. And I hired a guy to go back there and cut down all dead trees. Matter of fact, the greenery has grown up right now that is ten foot tall. One day I may clear that property back there and see if the city will let me put up a pavilion so that the neighborhood can use it for birthday parties and things, but that's way down the road.

One of them didn't want me to cut down dead trees because it was their privacy fence, according to them, and the other lady has a dog problem. Other than that, the person that's closest to me, Scott, which is right across the street said he doesn't have a problem with us putting up a sign. Matter of fact, I let these neighbors, if you drive by right now tonight on your way home, drive by Six Mile and Middlebelt, my church, look in my parking lot right now and some of these neighbors, that lady that complained, her kid parks her car in my parking lot and I allow it, the woman with the dog. I could put a gate up there on both sides and put up a gate and block it off. I do block off the front part because when we first bought this building, the neighbors, what they were doing was driving into my parking lot going behind our building, coming out on Louise Street going this way, and instead of going up Six Mile to Louise Street and turning right. There's no difference going this way behind my building. So, they were wearing out my asphalt. So, I had to block the front to keep them from doing that. I block the other side too because they would drive through our parking lot. I let them park on our parking lot, even this lady that's complaining. I let her kid park on my parking lot.

I invite you folks to drive by my church property and see if there aren't cars there tonight in the back parked because I open up our parking lot and our property to the neighbors that are complaining about me cleaning up, cleaning up the back acre because the back acre had trees that were falling over. And by the way, some of their kids were back there drinking liquor. I found liquor bottles. Somebody has a kid that's an alcoholic, unfortunately, and so they were hiding back there. I invite you to drive by it, please, because you'll see that right now after we cut down the dead trees, the greenery is ten foot tall.

COPPOLA All right. I appreciate your feedback. We're going to go ahead and close the public portion of the case and we're going to start the comments.

BOLOVEN Can we get an answer on the notice?

FISHER The notice is fine.

COPPOLA Okay. Thank you.

PTASHNIK Thank you, Pastor. I've been by your church, and I appreciate the look of your church and the value it brings to the street and that point. My concern is that we are 2.3 feet over the height, and I feel like that you haven't really demonstrated a hardship to bring it down to just being six feet high as opposed to that 8.3 feet. If you were to reduce that then you'd probably be in the allowed square footage as well, and so because of that I'm not going to be in support of the variance.

COPPOLA Thank you. Mr. Klisz.

KLISZ I agree. I think that easily the sign can be replaced. It can also be moved, but it just doesn't need to be as big as it is. If every neighbor was in support, maybe I'd be a little bit more moved, but when most of the neighbors are against it for whatever reason, then I have a problem with it as well. It's just too big for this area. I think Mr. Baringhaus asked the pertinent questions. We don't need signs that are bigger than neighboring signs, so I will not be in support as well.

COPPOLA Thank you. Mr. Baringhaus.

BARINGHAUS Thank you. I agree. I think one identifying feature of this area is the consistency of the signage of not only church, because that sign is very similar to the other signs in the area in terms of height, text area, general dimensions. I actually went and looked at a couple signs and measurements on them. They're pretty dead on in terms of the ordinance. They're around six feet. I think I understand a couple hardships that churches have. One, they do have a larger piece of property than the surrounding businesses. The surrounding businesses do have smaller property here on Six Mile. Also, I think the current sign is in need of some updating and freshening up. It is

difficult to read some stronger colors in terms of wording on it. That type of thing. I really think you can exist with three lines of text rather than four. At this point I would like to have a tabling motion and give the Petitioner a chance to come back with a reduced signage design that's more consistent with the ordinance and the surrounding signage in the area.

COPPOLA

Thank you. Mr. Boloven.

BOLOVEN

I agree with Vice Chair Baringhaus on this. I would be in support of a tabling on this. The issue that you have, and again, for uniformity of that area, there was a credit union that just was here within the last six months, same exact issue, and definitely I think your sign needed a new sign like they did, but to keep consistency within that street, you have to some parameters of where our ordinance has for this requirement. The one I'm a little bit more concerned about is this 30/20 ratio which everybody seems to skip over a little bit. As inspection said, it looks like you're reversed right now. So, it's not just the fact that you're just over the excess area, you're totally out of line on the ground sign area breakdown of what can be signage verses changeable sign. So, with that being said, I think you should take the board's comments for what they're worth and take the board's comments for what they're worth and come back to the drawing board if the board supports a tabling.

COPPOLA

All right. Thank you. I think my position, I do believe a new sign is needed. That one looks a little dated. Location probably would be an improvement by moving it. But I don't see a hardship. All I see is a design issue. You want a certain design because that design you've gone over. So that doesn't, to me, unfortunately doesn't make a hardship.

In addition, the larger property argument kind of doesn't work because our ordinance doesn't adjust ground signs for property signs. So, it kind of is what it is. And I don't think just because the property is larger suggests it needs a larger sign. So, I personally would deny the request. I'll go ahead and open up the floor for a motion.

BOLOVEN

Mr. Chair.

COPPOLA

Mr. Boloven.

BOLOVEN

Resolved. That the Petition, Appeal Case Number 2022-05-16 filed by Cornerstone Baptist Church Be tabled in order to give the Petitioner an opportunity to listen to the board's feedback and present a new proposal.

BARINGHAUS

Support.

COPPOLA I Have a motion by Mr. Boloven supported by Vice Chair Baringhaus. So, I guess technically there's not a discussion right now for tabling. But right now, we've got three, and I think we would need four I think to approve the table.

FISHER No, Mr. Chair. Three will be fine. If you're actually reversing something let's say is done, that's when you need four votes.

COPPOLA Okay.

KLISZ I will support the table.

COPPOLA I guess again, normally don't have discussion for tabling, but I'm at a loss as to what we've actually asked the Petitioner to consider.

LEE Well, this sign here is seven foot tall. I don't understand that.

FISHER One thing is a full board.

BOLOVEN Honestly, if the Petitioner in my view swapped out the identification area, maybe came down a little bit, I'd be okay with a little bit bigger sign.

LEE Can I interject something off record or however you want to do it? I just want to say this. There is another sign that I can get that would be two foot instead of five-by-ten, five-by-eight. How would that fit?

COPPOLA Well, you can come back with that.

LEE I don't want to come back if you're going to turn it down. Would it work?

COPPOLA I think you're going to get a table and get an opportunity to present a new changed proposal. So that could be one of them. I know that height from my perspective was a little bit of an issue for me too. Those are things you would have to take into consideration.

BARINGHAUS I think I've heard a couple things. I think Mr. Boloven raises a good point about the 20/30 ratio. We need clarification on that. I've heard some concerns about the height of the sign as well, express concerns about the size of the signs relative to the general area and consistent signage. So, the point I think it's fair, I think the Petitioner is on the right track. I think you do need to rework your signage and that's what we're proposing tonight with the table.

LEE Here's what I'm thinking about, just throw this at you. You see this scroll which think looks nice? I'm going to get rid of it.

BARINGHAUS Sir, I can appreciate that. Those are all good ideas, but I think it would be beneficial if you came back with a final fixed design that the

board could evaluate. If you have a plan B, that's great. You're off to a good start.

COPPOLA We can only consider what you've presented at this point in time.

LEE I need to know what the parameters are because I'm up against time because this is going to take four months to create. And so, if I can't get it done soon, then I'm into the winter and I can't get it put in.

COPPOLA Your option is to come back with a revised one that still requires a variance, in other words, it's either taller, or larger, or both, or you build it pursuant to the ordinance and you don't need to come back. So, if you need to do it right away, seems like the only option you have, again, depending what right-of-way means in the scheme of time, that you'd have a sign built that complies with the ordinance. That's kind of your options.

BOLOVEN To your point, sir, about removing that scroll, I mean it might help your height issue that the board has, you still have another issue that requirement is that you can only have 20 square feet of changeable sign.

LEE So that's ten-by-twenty?

BOLOVEN No.

LEE I'm sorry. Two-by-ten.

BOLOVEN You're reversed right now. We're not saying the board's not going to grant you a variance on it, but right now you are -- this signage you have like twenty feet of non-changeable identification sign and 30 feet of changeable sign. That's flopped.

LEE Say that again.

BOLOVEN This design that you're presenting, you have approximately, and I don't have the exact measurements, 30 square feet of changeable sign and 20 square feet of identification sign. The requirement is 30 square feet of identification sign, 20 square feet of changeable sign. 30/20. So that will help you get within the range of the height in the other area square footage as well. 30 identification, 20 changeable sign.

LEE But as I drive around Livonia I see a lot of churches, this and Bell Creek that have larger signs.

COPPOLA There's a lot of reasons why. None of those have come before me, and I've been here over eight years, so I haven't approved a sign. They could be grandfathered, or they could have just changed the face of it, and if the structure stayed the same for the last 40 years,

it is what it is. There's nothing we can do. So, I don't know why they may be bigger, but they are. But it wasn't during my period of eight years. I haven't approved a larger church sign in Bell Creek, so I don't know why. You can ask them that question. I have no idea. But the point from our perspective is we're willing to table this for you, give you an opportunity to come back and address the issues that were brought forth by the board if you'd like. You don't have to. You can move forward and just comply with the ordinance and build the sign right away. That's purely your choice.

LEE I can do what?

COPPOLA You can comply with the ordinance, stays no taller than six feet, and it has to stay within 50 square feet, and you can build it tomorrow.

LEE It wouldn't work.

COPPOLA So the other option then is to kind of digest what we've told you, other things we're looking for, come up with a revised plan, submit it, and get on the agenda for August 16, which means you'd have to have everything done by July 18. So, within three weeks.

LEE It's done. I'll be there. So how do I get back on the agenda?

COPPOLA Call the zoning office and you'll have to submit your new plans by the 18th. You can't get on the agenda if you don't submit the plans. So, they have to be submitted by July 18th.

LEE I'll just figure out how I can do a smaller sign and I'll submit it two ways, but I tell you -- can I get a copy of those letters?

COPPOLA I think they're public record, so you should be able to get them. I think they're online. The public can access them online.

FISHER If you need to just bring that up when you call the zoning office, and they'll take care of it.

LEE Yeah, because I've been more than generous with my neighbors.

COPPOLA You ready to vote?

KLISZ Ready to vote.

RESOLVED CASE NO. 2022-05-16: An appeal has been made to the Zoning Board of Appeals by Dan Lee, Cornerstone Baptist Church, 29850 Six Mile, Livonia, MI 48152, seeking to erect a replacement ground sign resulting in excess sign height and area.

Ground Sign Height:
Allowed: 6 feet

Ground Sign Area:
Allowed: 50 square feet

Proposed: 8.3 feet
Excess: 2.3 feet

Proposed: 68 Square feet
Excess: 18 square feet

The property is located on the north side of Six Mile (29850), between Louise and Brookview, Lot No.044-99-0030-000, N-1 "Neighborhood District," Rejected by the Inspection Department under City of Livonia Vision 21 Zoning Ordinance, Section 6.50(3), (A), Religious Institutions, **be tabled in order to give the Petitioner an opportunity to listen to the board's feedback and present a new proposal.**

ROLL CALL VOTE

AYES: Ptashnik, Boloven, Klisz, Baringhaus, Coppola.
NAYS: None.
ABSENT: Testa, Oliverio
PASSES: 5-0

COPPOLA Call the next case please.

APPEAL CASE NO. 2022-05-17: An appeal has been made to the Zoning Board of Appeals by Kris Robertson, 20186 Purlingbrook, Livonia, MI 48152, seeking to erect a building addition onto the rear of an existing dwelling resulting in deficient south side yard setback.

Side Yard Setback:

Required: 10 feet
Proposed: 7.3 feet
Deficient: 2.7 feet

The property is located on the east side of Purlingbrook (20186), between Eight Mile and Navin, Lot No.005-99-0066-002, RUF "Rural Urban Farm," Rejected by the Inspection Department under City of Livonia Vision 21 Zoning Ordinance, Section 4.02, Schedule of Regulations.

KLISZ Calling Appeal Case No. 2022-05-17. Appeal has been made to the Zoning Board of Appeals by Kris Robertson, 20186 Purlingbrook, Livonia, Michigan, seeking to erect a building addition onto the rear of existing dwelling resulting in deficient south side yard setback. Side yard setback required ten feet, proposed 7.3, deficient 2.7 feet.

COPPOLA Thank you. Anything to add, Mr. Stierna?

STIERNA I have nothing to add.

COPPOLA Any questions for the inspection department? None? Okay. Name and address first, please.

ROBERTSON Kris Robertson, 20186 Purlingbrook.

COATES
COPPOLA Adam Coates, 40 Martin Lane.
Mr. Robertson, why don't you tell us a little bit about your project and specifically as to understanding what's creating the issue that needs a variance.

ROBERTSON Really quickly. We have two letters of support here. Would we be able to submit those? One's from Mr. Oldani who shares property line where the variance is being asked, and one is across the street. Mr. Oldani was nice enough to come and support in person.

COPPOLA Okay.

COATES I'm acting as the agent for Kris and speaking on his behalf. So given the layout of the design of the existing house, right now there's five children, two adults living in that house. One of the children has accessibility issues and mobility issues, and the design of the house tries to take advantage of the existing layout and existing structure. And so, the idea is that the encroachment on the south is for the creation of a larger bedroom for the handicap accessibility issues. That bedroom opens directly into common space which aligns with the existing house. And so, there's a straight line of access from the front door straight through the kitchen and then it goes right out to the back door. That new bedroom's a little bit larger than what a typical bedroom would be to allow for flexibility of space and movement. That bedroom does have its own bathroom for use as well. And so, the house is designed to take advantage of the existing structure and the existing roof lines so that there's a minimal interference in the way that the house will look from the street. The building is not only offset for accessibility issues, but it's also offset for aesthetic issues in order to align the existing roof and also to allow for a break in separation of materials where the existing materials will then be changed to new materials. So, I think we'll keep it short and sweet for you guys. If there's any other questions, we'll answer them.

COPPOLA I'd like to expand a little bit because again, I looked, and I thought the plans were here too. I know there's an overhead that you kind of superimposed overhead satellite where you superimposed the addition, and it kind of is offset to the existing home. And I think you've talked a little bit about design and maybe engineering. But I'd like to understand because, again, if you just kind of moved it up a little bit and matched up the south building line with the new building line it would work it looks like to me. So, what's creating that?

COATES You don't have to look at the elevations. But when you do additions to houses, it's really difficult to do an extension of an existing line, an existing roof line and match those lines up so they work perfectly, so generally it's good practice to offset or to step the new addition. This way, in this case if you look at the roof line you see that the hip roof bumps out, right, and those -- the exact dimensions of how that's going to work out can be figured out in the field by the contractor.

As a general case, the current house is designed exterior load bearing wall and those load bearing walls on the outside would be east and west. And so that existing roof will be left in place and the new roof will be shifted. It's always good design practice to do that shift, not only from an aesthetic standpoint trying to match materials and roof lines in this case from a structural standpoint. This also allows for an extension of you see the main living common room area. So, what's happening is the front door is being opened up a little bit wider. The dining room accessed into where the kitchen is, that's being opened up wider, and there will be direct access to the right of the island and directly into the larger living room common space. From there you'll be able to take a right into that measurement that's been designed to be, let's say, accessible friendly.

COPPOLA I understand all that. So then why not just have the offset on the other side instead of that side and resolve the issue, move it north?

COATES I think the other side is ten foot as well.

COPPOLA So you'd end up with the same issue on the other side.

COATES: Yeah. And the way this was designed, and that's why Mr. Oldani came out as well, he's the property that is right there and his garage is highlighted on that satellite imagery. He was kind enough to come up and show his support in person.

COPPOLA Any questions for the Petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS On the south side where the deficiency exists, can you kind of describe how it fronts on the neighbor? Do you recall I think it's maybe tree lined or is it aligned with a garage? What will that actually encroach on?

COATES It is your tree lines. There's also a garage there. It's Mr. Oldani's property.

COPPOLA Name and address, please, just for the record.

OLDANI John Oldani, 20178 Purlingbrook. Where he's going to go with the addition, that's tree, and it's on the other side of my garage, and I mean I won't even see addition three fourths of the year because leaves are in the tree. But it's kind of a unique neighborhood. I've got two and a half acres, 2.37 acres, he's got an acre and a quarter. There's no two houses in the neighborhood that are alike, so it's

not a cookie-cutter neighborhood. People have big garages. People have big houses. People got small houses. It's a unique neighborhood. We got deer. I got a baby fawn in my yard right now, and it's not going to interfere with any of that, so I don't see any problem with approving the variance. All for it.

BARINGHAUS Thank you. I'm all set. Thank you.

COPPOLA Any other questions. Seeing there's none, anybody in the audience that would like to speak for or against this petition that hasn't already spoken? Seeing there's none, can you read.

KLISZ First letter is Mr. Oldani, so I don't need to read that. Second one letter of approval. Says good luck. Steven J. Makie, 20203 Purlingbrook. Letter of approval, Marcia Heads, 20210 Purlingbrook, approved. No objections. And Mary McNamara, 20177 Purlingbrook, Livonia, approval. They have like a letter that goes with it. Honorable Zoning Board of Appeals. Michael and Mary McNamara of 20177 Purlingbrook Street, Livonia, approve Livonia Board of Appeals case 2022-05-17 for our neighbors at 20186 Purlingbrook Street, Livonia, seeking to erect a building addition on the rear of existing dwelling resulting in deficient south yard sign setback. All the best. Mary and Michal McNamara.

COPPOLA That's it. Anything you'd like to state in closing.

ROBERTSON No, I don't think so.

COPPOLA All set? All right. I'm going to close the public portion of the case and start the board's comments. Secretary Klisz.

KLISZ Similar to the other case we had this evening, full neighbor support and a de minimus encroachment and obviously can't be fixed by moving into the other side, and I totally understand the hardship of the design aspect, so I'll be in support.

COPPOLA All right. Vice Chair Baringhaus.

BARINGHAUS Yeah. I agree. Generally full neighbor support. Kind of chuckling that one neighbor has a two and a half acre piece of property and the other has one acre piece of property, and we're talking about 10 feet.

ROBERTSON There's a small story because the original neighbor that owned that piece of property, her mom and dad lived next door to them. When they got married, they split the property and gave their daughter and son-in-law half the property. He wanted to be as far away from the neighbor as possible, he built right up against.

BARINGHAUS Anyways, you're more than proving your hardship. I'll support the variance.

COPPOLA Mr. Boloven.

BOLOVEN I agree with Vice Chair Baringhaus and Secretary Klisz. I'm in support of this motion. I see the hardship and the need, and the neighbors' support.

COPPOLA Ms. Ptashnik.

PTASHNIK I Really don't have anything else to add. I also support.

COPPOLA I too support. I have nothing more to add, so I will open up the floor for a motion.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Resolved that the variance of Appeal Case No. 2022-05-17 filed by Kris Robertson be granted for the following reasons and finding of fact: uniqueness requirement is met due to the mobility needs of the family member. The denial of the variance will have severe consequences for the petitioner due to reduced mobility and usability of their property for their family. The variance is fair in light of its effect on neighboring properties in the spirit of the zoning ordinance due to overwhelming neighbor support for the project. The property is classified as RUF, rural urban farm, under the Master Plan and the proposed variance is not inconsistent with that classification. Further, that the variance be granted with the following conditions: that the proposed structure be built as presented this evening, and then also if needed that the board can consider waiving the five-day waiting period.

PTASHNIK Support.

COPPOLA I have a motion by Vice Chair Baringhaus supported by Ms. Ptashnik. And discussion? All right. Seeing none, take a vote.

APPEAL CASE NO. 2022-05-17: An appeal has been made to the Zoning Board of Appeals by Kris Robertson, 20186 Purlingbrook, Livonia, MI 48152, seeking to erect a building addition onto the rear of an existing dwelling resulting in deficient south side yard setback.

Side Yard Setback:

Required: 10 feet

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Deficient: 2.7 feet

The property is located on the east side of Purlingbrook (20186), between Eight Mile and Navin, Lot No.005-99-0066-002, RUF "Rural Urban Farm," Rejected by the Inspection Department under City of Livonia Vision 21 Zoning Ordinance, Section 4.02, Schedule of Regulations, **be granted for the following reasons and findings of fact:**

1. Uniqueness requirement is met due to the mobility needs of the family member.
2. The denial of the variance will have severe consequences for the petitioner due to reduced mobility and usability of their property for their family.
3. The variance is fair in light of its effect on neighboring properties in the spirit of the zoning ordinance due to overwhelming neighbor support for the project.
4. The property is classified as RUF, rural urban farm, under the Master Plan and the proposed variance is not inconsistent with that classification.

Further, that the variance be granted with the following conditions:

1. That the proposed structure be built as presented this evening, and then also if needed that the board can consider waiving the five-day waiting period.

ROLL CALL VOTE

AYES:	Ptashnik, Boloven, Klisz, Baringhaus, Coppola.
NAYS:	None.
ABSENT:	Testa, Oliverio
PASSES:	5-0.

COPPOLA	So your Petition has been approved. You have your variance. It's just that the conditions are you build it as presented and we've waived the waiting period, five-day waiting period so you can start building tomorrow morning if you'd like. There are no minutes. I don't think there's any other business that needs to be done. Just so everybody knows, I think everybody does at this point, there is no meeting on July 12, so our next meeting will be July 26. Anything else we need to cover?
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BOLOVEN	Mr. Chair.
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COPPOLA	Mr. Boloven.
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BOLOVEN	Motion to adjourn.
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KLISZ	Second.
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COPPOLA	Motion by Mr. Boloven, supported by Mr. Klisz to adjourn. All in favor.
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BOARD Aye.

COPPOLA We are adjourned.

There being no further business to come before the Board, the meeting was adjourned at 9:50 p.m.

Gregory G. Coppola, Chairman

Timothy Klisz, Secretary