

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, SEPTEMBER 27, 2022

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, SEPTEMBER 27, 2022.

MEMBERS PRESENT: James Baringhaus, Vice Chairman
Timothy Klisz
Tamara Oliverio
Martha Ptashnik

MEMBERS ABSENT: Gregory G. Coppola, Chairman
Christopher Boloven
Michael Testa

OTHERS PRESENT: Matt Stierna, Inspector
Leo Neville, City Attorney

The meeting was called to order at seven p.m. Vice Chairman Baringhaus explained the Rules of Procedure to those interested parties. Each petitioner must give their name and address and declare hardship for appeal. Appeals of the Zoning Board's decisions are made to the Wayne County Circuit Court. The Vice Chairman advised the audience that appeals can be filed within 21 days of the date tonight's minutes are approved. The decision of the Zoning Board shall become final within five (5) calendar days following the hearing and the applicant shall be mailed a copy of the decision. There are four decisions the Board can make: To deny, to grant, to grant as modified by the Board, or to table for further information. Each petitioner may ask to be heard by a full seven (7) member Board. Four (4) 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 4 people present in the audience.

(7:00)

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APPEAL CASE NO. 2022-07-03: An appeal has been made to the Zoning Board of Appeals by Scott and Carla Murray, 18420 Laurel, seeking a revision to the original proposal, to reduce the size of the detached accessory building and changing the exterior building materials from steel to wood.

Accessory/Building Area:

Allowed: 920 sq. ft.

Proposed: 1425 sq. ft. (625 sq. ft. existing/800 sq. ft. proposed)

Excess: 505 sq. ft.

The property is located on the east side of Laurel (18420) between Seven Mile and Curtis, Lot No. 034-01-0020-001, Zoning District, R-U-F, "Rural Urban Farm." Rejected by the Inspection Department under City of Livonia Ordinance, Section 7.09, "Single-Family Residential Accessory Buildings and Recreational Equipment Storage."

BARINGHAUS Can you please state your name and address for the record?

MURRAY Scott Murray, 18420 Laurel Drive in Livonia, Michigan, 48152.

BARINGHAUS Thank you and before we begin, does the board have any questions for the law department? Okay. Are there any questions for the building inspection department? Okay, thank you. Okay, Mr. Murray. You were here previously, and you were given suggestions by the board. Can you please state what suggestions you have for this project?

MURRAY Yeah, thank you for last time tabling the decision, allowing me the opportunity to come back and hopefully be more organized and articulate in what my plan is. After taking to heart what the Board of Appeals had to say on August 16, we're back with a revised plan for our accessory building. We've designed the building smaller and submitted plans for that; it's 25 by 32, which equals 800 square feet. As opposed to the metal siding, we have submitted plans for the building to be sided with 5/8-inch primed plywood. The panel siding was 12 inches [inaudible] and painted like our house -- sandcastle over caribou, Sherwin Williams paint. There's also the shed, which is painted exactly as that is right now. Our property is 165 feet wide, 446 feet deep, resulting in 1.69 acres. Our house is situated offset towards the southern property line and more towards the western or street side of our property. We're a family of six, and we've got a large lot with of course a lot of equipment and tools to maintain our property and work around the house. I had prepared a list; however, after talking to Mr. Baringhaus I prefer not to read the entire list, but I'll give you some highlights. A lawn tractor with a bagger. There's tool storage and tools, ladders, one of which -- actually I've got multiple ladders -- one of which I've had stolen from my yard, two walk-in and push mowers, chainsaws, garden tools, chippers, rototillers, gas grills, [inaudible], bicycles - six of them.... multiple things that keep up

the property. I actually did measure all these items, and these items exceed 1000 square feet. Obviously, they'll be stacked in the corner during the wintertime. But it is what it is. Further, our proposed building site on our property is more than 200 feet from the west side of our property and over 150 feet from the east side or rear of our property. We plan to build the accessory building as oriented to the width and depth of our property. Hence, the 25-foot side of the building will be aligned with 165-width side of our property and the 32-foot side will be aligned with the 446-foot depth of our property. The building will be six feet from the property line. The zone's existing shed, like I referenced before, that's where the proposed building will be placed. However, if you've gone out to the property, you can actually see that building from the road. And the new building is only going to occupy about a foot of the rear of that, where that existing shed is right now, if that makes any sense to you. As a result, you really won't be able to see the building from the street. I've spoken to neighbors in the northwest -- Jane Miles, who will be most affected from the resulting building because it's six feet from her property line, and she's in support. I believe she sent a letter last time. I also spoke to our neighbor from the south, Mr. Dahl at 18360, and he's in support of the building, as is Mr. Madgwick at 18461 Gill. We live in a pretty unique neighborhood and on a dead-end street. The lots on our street range from a half-acre to almost two and a half acres. The houses on these lots are of various sizes, shapes and styles, as are the secondary accessory buildings. There are 20 properties on the street that have over an acre and a half. Out of the 20 neighbors on our street who have more than an acre and a half, 11 of them have a second storage building, not including small sheds. One of the properties is just over a half an acre. It's actually .6 tenths of an acre and actually has two buildings on it. One is 980 square feet and the other is 414 square feet, which totals just under 1400 square feet we're coming in at 1394.5. It should be known that our property is almost three times the size of that property on the same street. Of the 11 properties on our street that have over an acre and a half and currently have second garages on them, there are two that have larger secondary accessory buildings built on them that are larger than the one that we're proposing here tonight. One of those buildings is over 900 square feet and the other is 807 square feet. I'd like to compare our proposal to the 807 square foot building at 18728 Laurel, as our proposal is 800 square-feet and that property is located five houses exactly north of us on the same side of the street as we are. The reason I've chosen this building and family situation in comparison is that our situations with the properties and the family situation are very, very similar if not almost identical. We have six people living our house and they have five, according to the minutes from their meeting in 2016. They were granted relief by the Zoning Board of Appeals unanimously in 2016 to build this 807 square foot

building. And that was the last building that I'm aware of that has been built on the street, hence again the reason I chose to compare it. The lot at 18728 Laurel is 1.674 acres and our lot is 1.689 acres, so our lot is little bit bigger. The existing attached garage at 18728 Laurel is 621 square feet while ours the 605.5 square feet. So, our attached existing garage is actually four square-feet larger than theirs. I reviewed the minutes of the Zoning Board's meeting from 2016 and the transcript. It was relayed in the transcript -- it was relayed by the occupant -- that they have a full basement, and I confirmed this through the City of Livonia Online Property Inquiry, which reflects that their basement is actually almost 1500 square feet. Unfortunately, we do not have a full basement. Our basement is a third of our house and maybe it's not even that... at 546 square feet. Therefore, they have an additional 933 square feet of potential basement storage. From that transcript of the Zoning Board of Appeal meeting in 2016, the items that the residents wanted to store in their building were two motorcycles, a zero-turn mower, ladders, a large vacuum, a 32-inch snow blower, garden rakes, rototillers, bicycles, saws, and fertilizer in two large ladles. It should be noted that in addition to the building variance they also requested and received a height variance at over 18 feet tall. We're not doing that. The building at 18728 was built six feet from the northern property line, as we're proposing for our building. The total square footage for the existing garage and accessory building at 18728 Laurel exceeds 1428 square feet, and what we're proposing is 1425 square feet total. The main distinction between our projects and the accessory buildings is ours is a wooded site in a zone with normal trees in comparison to our lot. Their building is easily viewed from the street while ours won't be. It's my understanding that the zoning ordinance has not changed in regards to these matters since September of 2016. But maybe that's a question for the Law Department. During further research, I located the Zoning Board of Appeals handbook, which was reprinted in December 2015 and put up by the Michigan Municipal League, and after carefully reviewing the handbook I came to the understanding that where there are facts very similar in cases that come before the Zoning Board of Appeals, the same decisions should be reached not because of precedent but because the same facts were applied against a consistent set of review standards. It is my understanding that zoning decisions should treat each person, property, and point of view in a fair and consistent manner. And I'm prayerful that we've provided the Zoning Board of Appeals enough information that, due to our large property and equipment required to maintain it, that they feel it is appropriate to grant us relief through a variance to build our proposed accessory building. Granting our variance will not be injurious or negatively affect any of our neighbors or detrimental to the general welfare of neighborhood. Again, 11 out of the 20 properties that have over an acre and a half have a large second accessory

building on them already, of which again two are larger than what we're proposing. By granting our variants, the Zoning Board of Appeals will actually place our property in harmony with the majority of our neighbors on our street. And that's why I'm respectfully requesting and have prayed [will] happen here today. Again, I want to thank you for tabling your decision last time and allowing us the opportunity to come back before you, and again I took your comments to heart and hopefully I was a little bit more articulate tonight.

BARINGHAUS Okay, thank you. I'd like to go back to some specifics on your proposed building. On one side, what is the wall height of the building again?

MURRAY 10 foot.

BARINGHAUS 10 foot?

MURRAY 10 foot. The overall height is 14 feet.

BARINGHAUS And then can you describe the materials in more detail? Originally, you had proposed a metal structure, and now you've revised that structure to a wooden structure, correct?

MURRAY Yes.

BARINGHAUS Okay. Can you go into more detail on the type of... it's wood framing, with what type of wood covering?

MURRAY Our wood covering, like I stated in the beginning -- or maybe you missed it because I'm so longwinded -- is sided. It's going to be sided with 5/8-inch pine plywood panel siding that is 12 inches, exactly like our house is sided, and it's going to be painted Sherwin Williams sandcastle over caribou paint in a two tone, exactly as our house is right now.

BARINGHAUS Do you still plan to have no driveway?

MURRAY There is gonna be no driveway. Yes, it's going to be storage only, sir.

BARINGHAUS And then for the building itself, will you have electricity or heat in it?

MURRAY Just electricity.

BARINGHAUS Just electricity... a standard electricity system?

MURRAY Yes, sir.

BARINGHAUS Okay, and then no plans to operate a business out of that structure?

MURRAY No, I have no plans to operate a business out of that structure.

BARINGHAUS Very good. Okay. Well, thank you very much. Any other questions?

OLIVERIO Mr. Chair?

BARINGHAUS Yes, Ms. Oliverio.

OLIVERIO Thank you. I appreciate, by the way, the thoroughness and the research that you've done. So, very impressive. I do have a couple of questions. One, I was curious if any of the plans are that you'd have to remove any trees or anything in order to put this up?

MURRAY There is going to be -- if memory serves me right -- I'd have to take down one tree. It should be noted that I think that's a great question. I've planted 10 trees in this past year in preparation for that. Actually, I just planted four eastern pine trees on my property within the past month. And I plan to plant more.

OLIVERIO Great. And another question. I know, we're going through the notes from last time you were here. You had mentioned there was a neighbor that had some prop or some items that were on your property? Is that still the case? Or are there any issues with that?

MURRAY That's still the case.

OLIVERIO Okay. All right. Thank you.

BARINGHAUS Any other questions from the board? Okay, very good. At this point, I'll just have you sit down for a moment. Are there any comments from the audience at this point? Okay, Secretary Klisz, do you have any letters?

KLISZ Yes, we have three letters. I will just say that they're listed with the meeting date of August 16, but they're all stamped and received on August 22. So, they're after the meetings; therefore, I don't believe they've been read into the record. So, I'll just go ahead and do the three letters of objection from Suanne Dorr and Deborah Hoenscheid at 18505 Gill Road: "We believe there's an appropriate reason for the ordinance." Next one is a letter of objection from Samantha Bahr at 18395 Gill Road: "I think the zoning regulation is there for a reason and should stay as is." And the third one is a letter of objection from Colleen Barton and David Barton at 18483 Gill: "We think that the existing zoning requirements should apply for consistency in the

neighborhood." Those are the three that, like I said, they may be new, they may be old, but I don't think they were read last time.

BARINGHAUS Okay, thank you very much. Mr. Murray, can you come forward and lastly, to make a closing statement?

MURRAY Sure. I appreciate your comments from the neighbors and the support from our next-door neighbors on either side of our house and one of our neighbors to the rear, who actually lives on Gill as well. As in the dissent of my neighbors, it's my belief that they may be confused about the language of the letter that was sent out to the board as to the size of the structure that we wish to build. I came to this conclusion after carefully reading the minutes from Ms. Broadway's letter to the ZBA in which she made remarks such as the magnitude of the building and that the existing ordinance already allows up to 960 square feet, almost the size of a standard 14 by 7 mobile home. Again, that was right into the minutes last time as part of the record, so it wouldn't shock me and I'm sure you guys have had this come before you before where people are confused. In fact, in 2016, in their minutes, they talked about neighbors being confused as to the size of the building. So, it's my belief that she thinks I want to build a 1425 square foot building on the property. And I wouldn't be in support of that. It should also be noted that while Ms. Broadway and there was a Ms. Kepshire, they make reference to the properties back up in their woods in those letters. The woods are actually one with the property that is on Laurel Drive, although I'm happy to hear that they enjoy the view in those woods, as do we. It should also be noted that over the past year, we've planted over 10 trees on our property and plan to plant more moving forward. See, I didn't have that in my notes, so you just got to have to be ahead of the game. So, I appreciate you for that. While Michigan law dictates that the public has legitimate interest in maintaining important health, safety and welfare aspects of the neighborhood and having their property value protected, none of the respondents have indicated how they would be deprived of any rights or how the variance would negatively affect them and their properties. They just say it shouldn't happen. And according to the handbook for the Zoning Board of Appeals, I think they talked about Banana and Nimby and both of those things are... don't delay anything anywhere and that's not really in support of what the Zoning Board of Appeals is for. Rather than providing an opinion as to what they think should or shouldn't be built without any supporting documents, for example, or proposals how this would negatively affect them. Granting our variance will not be injurious or negatively affect any of our neighbors or detrimental to the general welfare neighborhood. Again, 11 out of 20 properties on our street that have over an acre and a half have a large secondary and accessory building on them. By granting our variants, the Zoning Board of Appeals will actually place our property

in harmony with the majority of our neighbors on the street. And again, I'm respectfully requesting and pray for that to happen here today. Our hardship is that we've got a large, large lot -- and we need a lot of equipment to maintain that lot. In fact, my one piece of equipment I can't even store at my house now because it's too large for my shed, which is the large lawnmower with the bagger attached. In fact, we got to pay to have a company come cut my lawn now, because I don't have it stored in the house, which is ridiculous.

BARINGHAUS Well, thank you for your comments. I appreciate it. I'll have you sit down now. And now we'll close the public portion of the meetings. And we'll get the board's comments with Ms. Ptashnik.

PTASHNIK Thank you, Mr. Chair. Mr. Murray, I do appreciate how prepared you came tonight; that was really helpful, to be honest. I do also appreciate the cosmetic changes you've made in your design. I think that really goes with fitting with more with the neighborhood and with your own property, so I do appreciate that as well. I took an opportunity to ride my bike actually through your neighborhood and kind of check it out and you are correct, there are quite a few homes with -- I didn't count the 11 -- but with the additional [building]. So, it is consistent with your neighborhood, what you're asking for. And looking at the size of your property and the amount of equipment that you must have, I can see that that would be a hardship. For all those reasons, I will be in support.

BARINGHAUS Thank you. Ms. Oliverio.

OLIVERIO Thank you, Mr. Chair. I tend to agree with my colleague, Mrs. Ptashnik. I agree -- like I said last time, I've seen large structures there. I do agree with how you had mentioned that it could be confusing reading the public notice, being that you're putting this large structure back there. So, I do think that's potentially cause for some of the confusion among some of the neighbors. And I do appreciate all the thoroughness you had put together, and I certainly appreciate how difficult it would be if you don't have a basement, just to have to throw out that equipment and other equipment for a property of that size in Livonia. So, I would be in support.

KLISZ I agree with my colleagues; I really appreciate the research done digging in and reading old minutes. Sounds like those were cases I would have been probably involved in, and I love consistency. I think that's one of my strongest points that I've made through my years here on the ZBA is being consistent, so if you're in line with what we've already granted that means a whole lot to me. And so, hearing the numbers and hearing the examples, the addresses, and what we did,

and what other people's hardships were is just... it's an excellent presentation on that. So, I would be in support.

BARINGHAUS Thank you. I agree with my colleagues on the board. First of all, thank you for following our advice and reexamining the project. I think where we left the last time is generally the board felt that you were, you know, entitled to some type of enhancement to your property, but what you were presenting at that time with the wood structure wasn't -- I'm sorry, a metal structure -- wasn't consistent with your neighborhood. You revised. You planned. You came back with a wooden structure. That's more, as Mr. Klisz said, consistent with neighborhood in terms of size, material, styles that match your home. So, I think that primary objective was met that again, like Mr. Klisz said, has a lot of emphasis on consistency. So very, very good; very well-organized presentation. I think you definitely clarified your hardship succinctly in this meeting, so I too will be in support of the variance. With that, the floor is open for a motion. Mr. Chair?

KLISZ Resolved that the variance sought in Appeal Case Number 2022-07-03 filed by Scott and Carla Murray be granted for the following reasons and findings of fact:

1. The uniqueness requirement is met because of the large lot size and large amount of maintenance equipment that the petitioner owns and needs to store on his property.
2. The denial of the variance will have severe consequences for the petitioner because he would not be able to, as he testified here today, that he can't even store one of his items on site because of the size of it.
3. The variance is fair in light of its effect on the neighboring properties and in the spirit of the zoning ordinance, because essentially, even though there's some neighbor objections, they just seem to focus on the law itself and not the fact that its neighboring properties already have this kind of building on their premises.
4. This property is classified as R-U-F under the Master Plan. The proposed variance is not inconsistent with that classification.

Further, the variance be granted with the following conditions:

1. That it be built as presented as to size, material and location.
2. That he remove the existing shed per the plan.
3. And that no business operations be made out of the new building.

BARINGHAUS Do you add support?

PTASHNIK Support.

BARINGHAUS Motion by Secretary Klisz. Support by Ms. Ptashnik. Any discussion on the motion? Hearing none, Secretary Klisz will take a vote.

KLISZ Sure. Ms. Ptashnik?

RESOLVED: APPEAL CASE NO. 2022-07-03: An appeal has been made to the Zoning Board of Appeals by Scott and Carla Murray, 18420 Laurel, seeking a revision to the original proposal, to reduce the size of the detached accessory building and changing the exterior building materials from steel to wood.

Accessory/Building Area:

Allowed: 920 sq. ft.

Proposed: 1425 sq. ft. (625 sq. ft. existing/800 sq. ft. proposed)

Excess: 505 sq. ft.

The property is located on the east side of Laurel (18420) between Seven Mile and Curtis, Lot No. 034-01-0020-001, Zoning District, R-U-F, "Rural Urban Farm." Rejected by the Inspection Department under City of Livonia Ordinance, Section 7.09, "Single-Family Residential Accessory Buildings and Recreational Equipment Storage" be **approved for the following reasons and findings of fact:**

1. The uniqueness requirement is met because of the large lot size and the large amount of maintenance equipment that the petitioner owns and needs to store on his property.
2. Denial of the variance would have severe consequences for the petitioner because he would not be able to store his maintenance equipment on site.
3. The variance is fair in light of its effect on the neighboring properties and is in the spirit of the zoning ordinance because neighboring properties of similar size have accessory buildings of this kind and size on their premises.
4. The granting of this variance will not adversely affect the purpose or objective of the Master Plan because this property is classified as R-U-F under the Master Plan and the proposed variance is not inconsistent with that classification.

FURTHER, the variance be granted with the following conditions:

1. The shed must be built as presented in terms of its size, material and location.
2. The existing shed must be removed as per the plan.
3. No business operations may be conducted out of the new building.

ROLL CALL VOTE

AYES: Ptashnik, Oliverio, Klisz, Baringhaus

NAYS: None.

ABSENT: Coppola, Boloven. Testa

PASSES: 4-0.

KLISZ Passes four to zero.

BARINGHAUS Mr. Murray, congratulations on the variance for your structure.

MURRAY Thank you again for the patience and the grace shown to me. I really appreciated it. It allowed me the opportunity, like I said, to come back a little bit more organized and maybe a little bit more articulate. So, I do appreciate that.

BARINGHAUS Oh, you're welcome. And just, you know, touch base with the Building Inspection Department to make sure all the final details are in place, and good luck to you.

MURRAY Thank you so much.

BARINGHAUS Thank you, sir. Secretary Klisz, please call up the next case.

APPEAL CASE NO. 2022-08-26: An appeal has been made to the Zoning Board of Appeals by Feras Seryani, 34800 Plymouth, Livonia, MI 48150, seeking to erect an addition to a nonconforming building, resulting in deficient rear yard setback. Nonconformity is based on the existing rear yard setback of 6.9 feet, where 20 feet is required.

Rear Yard Setback:

Required:	20 feet
Proposed:	6.9 feet
Deficient:	13.1 feet

The property is located on the north side of Plymouth (34800), between Beldon Ct and Priscilla Lane, Lot No.111-01-006-000, C-1 "Local Business District," Rejected by the Inspection Department under City of Livonia Vision 21, Section 3.10 "District Regulations" and 4.03 (P) "Footnotes to Schedule of Regulations."

KLISZ So the second case so far does not look to be here, so we'll move on to case number three on the agenda.

APPEAL CASE NO. 2022-08-27: An appeal has been made to the Zoning Board of Appeals by Tyler Gregory, 36476 Bennett, Livonia, MI 48152, seeking to maintain a 96 sq. ft. accessory structure, erected without permit, on a corner lot, resulting in a deficient corner lot setback.

Minimum Setback:

Required: Equal to existing dwelling (24 feet)

Existing/Proposed: 9 ft.

Deficient: 15 ft.

The property is located on the west side of Bennett (36476), between Levan and Gardner, Lot No.031-02-0148-000, N-2 "Neighborhood District," Rejected by the Inspection Department under City of Livonia Vision 21, Section 7.09 (D) "Minimum Setbacks."

~~BARINGHAUS Thank you, sir. Secretary Klisz, please call up the next case.~~

~~KLISZ So the second case so far does not look to be here, so we'll move on to case number three on the agenda. Calling Appeal Case Number 2022-08-27. An appeal has been made to the Zoning Board of Appeals by Tyler Gregory, 36476 Bennett, Livonia, Michigan seeking to maintain a 96 square foot accessory structure erected without a permit on a corner lot, resulting in deficient corner lot setback. Minimum setback required to equal to existing dwelling, which is 24 feet. Existing/proposed: nine feet. Deficient: 15.~~

BARINGHAUS Does the board have any questions for the Law Department? Any questions for the Building Inspection Department? Actually, I do have a question for the inspection to clarify. My question has to do with the fencing on the property. Currently there's wood slats and a chain link fence.

STIERNA That is not permitted.

BARINGHAUS Correct. Okay. It wasn't noted in the meeting notice. It said something to be sure of?

STIERNA We didn't have an ordinance complaint about that that I'm aware of.

BARINGHAUS But just to verify, it is not covered under ordinances as well. Okay, the second question is, has the petitioner filed for a permit?

STIERNA Originally, no. And I believe they were told to go before the Zoning Board before doing so.

BARINGHAUS Thank you. Very good. Thank you. Good evening, Mr. Gregory. Would you state your name and address for the record?

GREGORY Tyler Gregory, 36476 Bennett, Livonia, Michigan, 48152.

BARINGHAUS Can you tell us about your proposed project?

GREGORY So first and foremost, I'll say good evening and thank you for your time. And secondly, I apologize for originally not pulling the permit -- erecting this accessory structure without a permit. I have since actually requested for a permit. I applied for a permit, and it was rejected. And that is the reason I'm here this evening. Now, to start, we were first home buyers in the city of Livonia. We grew up in Livonia, the both of us, my wife Katie and I, and looking to raise a family here in Livonia. Upon moving in, we made an agreement with the neighbors that we could borrow their lawnmower so long as we stored it. It is a zero-turn 36-inch-wide John Deere mower, and this is the purpose of building the shed. It is not fitting in the garage with the two vehicles that we have. And so, being a first homebuyer, I started to build a shed without a permit. Pretty much at the completion of the shed, prior to putting the plywood on the roof, I was given a call by my wife at work one day that David Popp, an inspector in the City of Livonia stopped by with a business card and requested that I give him a call, where he then informed me to go to the City of Livonia to pull a permit and request an inspector to come out and have the building approved. The building is a 96 square foot shed, as you guys know, and pre-purchased, pre-cut wood from freshly engineered company. I purchased the shed at Lowe's Home Improvement and it's all pinewood, solid wood; the floor is made of treated plywood. The shingles for the roofing, I still have yet to finalize, but it will be matching to what we have on the house. The paint will then be paint matched to the siding of the house, which we were planning to repaint since moving in. The location of the shed is in the most accessible corner for me and the neighbors. Like I had mentioned, the purpose of the shed was to store this mower that I am using in sort of a pact with the neighbors. The neighbors directly south of me at 36473 Bennett, at 36507 Bennett, and 36510 Bennett; we kind of share lawn service with each other and I'm allowed to use the mower so long as I store it. The location of the shed was determined, like I had said, because of the accessibility for the neighbors. We have a fence, as you guys had mentioned, that is a five-foot chain link. It was there prior to moving in. We have actually plans to replace this and put up a full privacy fence in the future so long as that project would be granted and also replant bushes along that fence line on the interior side to more or less hide and create privacy from the loud and busy street of Levan. This is also not just to create privacy and a sense of, you know, distance from the road but to create some safety for the kids that we plan on raising there. And going back to the location, it's in the most northwest, or sorry, northeast corner of the property, this

is because having put it in the more central location -- the property directly north of the patio -- this area oftentimes floods due to our neighbor at 36471 Gardner. His house, being approximately 7 to 8 feet at a higher level than ours. And all of her backyard runoff drains into our grass and yard. And it is a very low area in the yard, along with the west and northwest side of the property being at a lower point. In the spring it causes a lot of problems for us when we're mowing the grass or just using the yard, because everything is swampy and essentially underwater, and then adding to the point of location, the northwest side corner of the property there is an apple tree there that would be a great burden to take down and put a shed there. So, this is also why the shed was not constructed in that location. And, with that point I believe I have covered everything or what I have.

BARINGHAUS I have a question. Your neighbor directly behind you -- the one that has the yard that has a higher elevation than yours -- I think it's the lot at 30647 Gardner. Is that... correct?

GREGORY Correct.

BARINGHAUS Okay. I was looking at their patio. It seems like that patio is 30, maybe 30 feet... 35 feet away from the back of the shed. How do your neighbors feel about that?

GREGORY I don't recall what her name was. I've met her only twice since we moved in. One of the times being me knocking on her door before constructing it. Had she been okay with me doing it? And she said yes. She was one of three neighbors that I asked. The other neighbor being directly west of me at 36510 and the other day we're doing at 36473 Bennett on the south side.

BARINGHAUS So you did talk things and she had no objection?

GREGORY Correct -- prior to construction.

BARINGHAUS Prior to construction. Okay. And she said no. She said no objection on the distance?

GREGORY Correct.

BARINGHAUS Okay. Very good. Do you have a basement in your home?

GREGORY We do.

BARINGHAUS Okay. So, you do have storage, but not for a lawnmower?

GREGORY Containing flood history that we discovered, post moving in.

BARINGHAUS Tell me about the future plans for your privacy fence. Have you thought about that in any detail or are you just going to want to put a fence up a bit at some point?

GREGORY The idea would be preferably a polymer fence of some sort -- one that is not see-through in any fashion. And in some sense probably white, so it matches the color of the shed and matches the color of the house. This would be preferably next year so long as we have the funds for this. And in the interior side of the yard, along the fence line, the plan is to plant about 20 arborvitae bushes.

BARINGHAUS Question for the inspection department: Has this shed been inspected by the city?

STIERNA I believe Mr. Popp did the initial inspection. I believe it's a Tuff Shed?

GREGORY No, it is a brand specifically.

STIERNA I believe it was an initial inspection. There was a concern about the rat wall.

BARINGHAUS That's kind of where I'm going.

STIERNA Yeah. There was a presentation, I'm seeing here, that's been approved by Mr. Hanna in the past to establish a rat wall with the existing location provided it's approved tonight.

BARINGHAUS Okay, so it's been reviewed, it's been discussed. Thank you. So you're aware of the rat wall condition?

GREGORY Of course. Speaking about the rat wall, as you had said there was a revised plan that I'm finding out now was approved that was from a previous proposal for a quarter-inch steel meshing, going down I believe 18 inches and 2 feet around the perimeter of the accessory building. Currently there is no rat wall, which is why after discussing with the inspector this would have to be installed upon the location being approved. Currently, all there is two levels of 4 by 4 frames that have been dug into the ground. And then filled with limestone and compacted to make a flat surface, and then the shed rests on top of that with its additional 4 by 4 frame that is only 8 by 12, matching the dimensions of the shed. The dugout 4 by 4 frames are approximately 13 by 9.

BARINGHAUS Very good. Thank you. Any other questions for Mr. Gregory? Yes, Secretary Klisz?

KLISZ Mr. Gregory, what do you do for a living?

GREGORY I am a program manager in an automotive company.

KLISZ Okay, so you're not a construction person or anything like that?

GREGORY No, sir.

KLISZ Did you do any research at all regarding the permitting of the shed before you started building it?

GREGORY No, sir.

KLISZ Did anyone at Lowe's mention it to you, that you should look into that?

GREGORY No, sir.

KLISZ And you also realize that a fence needs a permit too, right?

GREGORY Oh, then I'll do it. [Laughs].

KLISZ Now you know. We just try to weed out the difference between people who make mistakes and people who try to skirt the permit required.

GREGORY Understood.

KLISZ And then we've seen some people that we think they do it, hope they don't get caught, and then do, and I get the sense that's not you. So that's... that's the only questions I have.

GREGORY I appreciate that.

BARINGHAUS Okay, thank you. Any other questions?

OLIVERIO Mr. Chair.

BARINGHAUS Yes, Ms. Oliverio.

OLIVERIO I do have one question. When you look at the Google Earth pictures of your property, it looks like in that spot where you had the shed there was something there before. Do you happen to know what was there before you put in the shed?

GREGORY No, ma'am. Along the fence line there used to be bushes and prior to the bushes... [inaudible] the bushes were there when we moved in, we took the bushes out because they were growing over the fence and with them growing over the fence, they kind of damaged the fence

in a way, so now it hangs over the sidewalk that goes along Levan. And this is why we took those out and then it was an ideal location.

OLIVERIO Okay, thank you.

BARINGHAUS Thank you. Any other questions? Very good, I'll have you take a seat for a moment. Do we have any letters?

KLISZ We do. We have a few letters. A letter of approval, Mike Varraco, 36473 Bennett: "I approved the current shed location. I live directly across the street from the Gregorys and will see the shed on a regular basis. It is not a metal shed but a pleasant-looking wood structure. I understand the Gregorys are trying to keep as much open space as possible in their yard without the shed being in the middle of it. Their other option is the other end of the yard where the underground utilities are located -- telephone cable and electric. Working for DTE Energy, I would not recommend putting it near the underground services for safety and serviceability. Thank you for taking my comments under advisement." We have a letter of approval from Norman and Nancy Nettie 36510 Bennett: "We live next door to the Gregory's. The shed Tyler's building will not be an eyesore in our neighborhood. And when it's finished, we don't believe anyone will disapprove of having it where he's building it. It's inside his fence, which has privacy slats, which will hide the majority of the shed. As so far as not having a permit, we were under the assumption that the building wasn't permanently attached to a foundation and no permit was required. The Gregory's are a young couple that are making a lot of improvements to their first home and the shed is definitely a big improvement. We believe where Tyler is building his shed is the perfect place for it. My wife and I believe that Tyler should be allowed to complete building his shed where it's located. The neighbors I have talked to all agree that he should be able to continue the shed." A letter of approval from Richard Schoenberger 17650 Levan: "I have no objection to the location of the structure." A letter of approval from Jeff and Karen Calleja, 36544 Bennett: "We have no issues with the placement of the shed."

BARINGHAUS Thank you very much. Would you like to make a closing statement, Mr. Gregory?

GREGORY Just one thing to add that I don't believe I mentioned before. Putting it in the middle of the yard again would hinder the usage of the yard, which we have plans in the spring to move a play structure that my parents have at their house currently in the neighborhood on the northeast side of 5 Mile and Newburgh and move this to our yard for my son growing up to have swing set, the same structure, in the middle of the yard.

BARINGHAUS Thank you. We'll close the public portion of the meeting now, and then we can begin the board's comments with Ms. Oliverio.

OLIVERIO Thank you, Mr. Chair. I think you've stated a very good case and understand the uniqueness of the property and why that's probably the only location you could put a shed back there. I think I would certainly be in support because you've had such a significant neighbor approval and agreement.

BARINGHAUS Okay, thank you. Secretary Klisz.

KLISZ I will be in support as well. I think it's pretty standard that the condition for the motion approving it would be to assess a double permit fee for people who don't get permits as they're supposed to when it first starts off. But otherwise, I think the strong neighbor support from all the way around, including the neighbor that's most affected by it. He said he's talking to her about it, which is a good sign, and that she's obviously not objecting. She may not have sent in a letter, but she's not objecting. So, I assume she's in support as well. So I agree.

BARINGHAUS Thank you. Ms. Ptashnik.

PTASHNIK Like my colleagues, I agree. I feel like probably if nothing else, this was a good life lesson about pulling permits for you. So, there's that. But the overwhelming neighbor support definitely sways my decision, and I will be in support as well.

BARINGHAUS Okay, thank you. I agree with my colleagues on the board; I'd be in support of the variance as well. Looking at your backyard, that's probably the best workable scenario you have for the shed at that time. It's consistent with the neighborhood. Your other neighbors have sheds in various locations in the backyards as well. One thing I would like to see, as I agree with Mr. Klisz as a matter of policy, that the project is started without a permit where one's required that the double permit fee is to be assessed. I agree with that. I'd also like conditions where that wall issue for the shed be addressed as well. And then also I'd like to have a condition regarding... you bought the house, as you heard from Mr. Stierna, the slats of the fence don't conform to ordinance, but you bought the house in that condition. So, I would like to see a condition that you do have plans for a privacy fence. I'd like to see that condition added as part of the variance as well. So, with that, the floor is open for a motion. Ms. Oliverio.

OLIVERIO A motion to approve. Resolved that the variance sought in Appeal Case Number 20220827 filed by Tyler Gregory, 36476 Bennett Street be granted for the following reasons and findings of fact:

1. The uniqueness requirement is met because of the uniqueness of the property, being prone to flooding and existing trees being obstructions to creating an effective and safe spot for a shed.
2. Denial of the variance would have severe consequences for the petitioner because there would be nowhere to effectively store and safely store lawn equipment.
3. The variance is fair in its effect on neighboring properties and the spirit of the zoning ordinance because there's full and diverse support and does not look atypical to the neighborhood.
4. And this property is classified as N-2 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. A double permit fee will be assessed
2. The rat wall changes as directed by the inspection department will be put in place

The third... if you could help me on that one a little bit.

OLIVERIO Mr. Chair.

BARINGHAUS Sure. That the plans for a privacy fence be instituted in the future.

OLIVERIO So, plans for privacy fence be instituted in the future.

BARINGHAUS Well, if someone can phrase that better than me, then update it. Secretary Klisz, I know that look.

KLISZ [Laughs]. No, I'm just wondering, would it be "replace it" or "remove the slats" or is it just the period of time to replace it within a year or something like that? I mean, we know it's hard for inspection to follow that kind of stuff.

BARINGHAUS No, I agree.

KLISZ We could give a period of time to which to...

BARINGHAUS Mr. Gregory, when do you feel you could realistically consider replacing your fence?

GREGORY Two to three years, and that involves replacing the posts that are currently there, which are for some reason risen above the dirt level and leaning over the sidewalk. You can see the visible concrete that has the current posts planted in them at the moment. So that involves completely replacing those and potentially the north side and potentially even the full perimeter.

BARINGHAUS Does the Inspection Department have a suggestion?

STIERNA My first and foremost suggestion -- we'd probably just remove the slats and then he would be free to apply for the permit when he is prepared to do so.

BARINGHAUS Then let's do that. We'll have you remove the slats from the fence; that'd be the easiest way to go.

GREGORY The slats?

BARINGHAUS The green wooden slats.

GREGORY Ah, okay.

BARINGHAUS And then this way it's much cleaner so when you are ready to do the fence... [then there's] no timing requirements. You just get your permit and go on your way.

OLIVERIO Do I need to repeat that part?

BARINGHAUS I think we have it. Okay, do I have support?

PTASHNIK Support.

BARINGHAUS Thank you. Motion by Ms. Oliverio. Support by Ms. Ptashnik. Is there any further discussion? Very good. Mr. Secretary Klisz, will you please take the vote?

RESOLVED: APPEAL CASE NO. 2022-08-27: An appeal has been made to the Zoning Board of Appeals by Tyler Gregory, 36476 Bennett, Livonia, MI 48152, seeking to maintain a 96 sq. ft. accessory structure, erected without permit, on a corner lot, resulting in a deficient corner lot setback.

Minimum Setback:

Required: Equal to existing dwelling (24 feet)

Existing/Proposed: 9 ft.

Deficient: 15 ft.

The property is located on the west side of Bennett (36476), between Levan and Gardner, Lot No.031-02-0148-000, N-2 "Neighborhood District," Rejected by the Inspection Department under City of Livonia Vision 21, Section 7.09 (D) "Minimum Setbacks" be **approved for the following reasons and findings of fact:**

1. The uniqueness requirement is met because the property is prone to flooding and existing trees, which act as obstructions to creating an effective and safe spot for a shed.

2. Denial of the variance would have severe consequences because there would be nowhere to effectively store and safely store lawn equipment.
3. The variance is fair in its effect on neighboring properties and in the spirit of the zoning ordinance because there is full and diverse support from neighbors and the shed does not look atypical to the neighborhood.
4. The subject property is classified as N-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. A double permit fee will be assessed.
2. The rat wall changes as directed by the Inspection Department will be put in place.
3. The green wooden slats must be removed from the existing fence.

ROLL CALL VOTE

AYES: Ptashnik, Oliverio, Klisz, Baringhaus

NAYS: None.

ABSENT: Coppola, Boloven. Testa

PASSES: 4-0.

KLISZ Passes four to zero.

BARINGHAUS Okay, well thank you, Mr. Gregory. Congratulations, your variance has been approved. You can file for your permit and with the Building Inspection Department, and also work on the rat wall condition for correcting the shed, get approval from the inspection department and then also remove the wooden slats in the current chain link fence as well. May I give you one suggestion? Search online. The building inspection department has excellent guides on how to install a shed, what's required. And even when you're ready to do your fencing project, just search "Livonia fence ordinances." There's a booklet that's pre-published that's there that I think would be a real good guide for you for both projects and give you some background information but follow those conditions and good luck to you.

GREGORY Thank you so much. I appreciate it.

BARINGHAUS Mr. Secretary, do we have some minutes real quick?

KLISZ Yes, so we have the minutes from the August 30 meeting. We had everyone present so we can vote on the minutes. So, a motion to approve the minutes of Tuesday August 30, 2022?

OLIVERIO Second.

BARINGHAUS Okay. Motion by Secretary Klisz. Support by Ms. Oliverio. All in favor say aye. Aye. Minutes are approved. Just have one item to share with you, or if anybody else has any final comments? Just a reminder that the mayor did send out a letter about the Board and Commission's annual celebration event. So, if you're available, RSVP, but it should be in your inbox. A motion to adjourn then? Motion to adjourn. Motion to adjourn by Mr. Secretary Klisz. Do I have support?

PTASHNIK Support.

BARINGHAUS Support by Ms. Ptashnik. All in favor say aye.

PTASHNIK Aye.

BARINGHAUS Meeting adjourned.

There being no further business to come before the Board, the meeting was adjourned at 7:55 p.m.

Gregory G. Coppola, Chairman

Timothy Klisz, Secretary