

AGENDA OF THE CITY OF LIVONIA ZONING BOARD OF APPEALS
April 11, 2023 – 7:00 p.m.
Livonia City Hall Auditorium
33000 Civic Center Drive, Livonia, MI

AGENDA ITEM(S):

1. **APPEAL CASE NO. 2023-01-02: George Nicoloff, 19490 Fairlane Ct (Rescheduled from February 7, 2023)**, seeking to maintain a six-foot-tall privacy fence, erected without permit, along portions of the east and southeast property lines, resulting in not acquiring the east and southeast adjoining owners' consent.

2. **APPEAL CASE NO. 2023-03-04: Jason and Katie Kozak, 9760 Wayne Rd,** seeking to demolish a nonconforming shed with an illegal addition and construct a detached garage while maintaining the existing attached garage, resulting in excessive accessory space.

*Public comments may be sent to the ZBA Office at 33000 Civic Center Drive,
Livonia, MI and include name, address, and signature.*

In accordance with Title II of the American with Disabilities Act as it pertains to access to Public Meetings, the Livonia ZBA Office, upon adequate notice, will make reasonable accommodations for persons with special needs. Please call 734-466-2250 if you need assistance. ZBA agendas are available on the City's website – www.livonia.gov - under Your Government, Boards & Commissions L-Z, Zoning Board of Appeals, Agendas & Minutes.

ZONING BOARD OF APPEALS

ZONING BOARD MEMBERS

GREGORY G. COPPOLA, Chairman
JAMES M. BARINGHAUS, Vice Chairman
TIMOTHY J. KLISZ, Secretary
CHRISTOPHER N. BOLOVEN
TAMARA OLIVERIO
MARTHA PTASHNIK
MICHAEL A. TESTA



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2250

MAYOR

MAUREEN MILLER BROSNAN

COUNCIL MEMBERS

JIM JOLLY, President
LAURA M. TOY, Vice President
SCOTT BAHR
ROB GJONAJ DONOVIC
BRANDON MCCULLOUGH
KATHLEEN E. MCINTYRE
SCOTT MORGAN

March 24, 2023
PUBLIC NOTICE

APPEAL CASE NO. 2023-01-02 (Rescheduled from February 7, 2023): An appeal has been made to the Zoning Board of Appeals by George Nicoloff, 19490 Fairlane Ct, maintain a six-foot-tall privacy fence, erected without permit, along portions of the east and southeast property lines, resulting in not acquiring the east and southeast adjoining owners' consent.

The property is located on the east side of Fairlane Ct. (19490), between W. Seven Mile and the cul-de-sac, Lot No.015-04-0015-000, N-2 "Neighborhood District," Rejected by the Inspection Department under Fence Ordinance, Section 15.44.090 (B) "Residential District Regulations."

THE LAW REQUIRES THAT OWNERS OF PROPERTY LOCATED WITHIN 300 FEET OF THIS PROPERTY BE NOTIFIED OF THIS REQUEST IN WRITING. THIS IS YOUR NOTIFICATION.

This appeal will be heard at a public hearing to be held in the **Auditorium on the first floor of City Hall on Tuesday, April 11, 2023, at 7:00 p.m.**, at which time comments may be directed to the Board during audience participation. When replying by mail, write your comments on the back of this notice and address it to the City of Livonia, Zoning Board of Appeals, 33000 Civic Center Drive, Livonia, MI 48154. All written comments are read at the meeting and become part of the record.

ZONING BOARD OF APPEALS,

Timothy Klisz, Secretary

Petitioner will incur a \$100 rescheduling fee for every failure to appear.
In accordance with Title II of the Americans with Disabilities Act as it pertains to access to Public Meetings, the Zoning Board of Appeal's Office of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs.
Please call 734-466-2250 if you need assistance.

Case No: 2023-01-02
Meeting Date: April 11, 2023

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Signature: _____

Address:

To: City of Livonia
Zoning Board of Appeals
33000 Civic Center Drive
Livonia, MI 48154

Case No: 2023-01-02
Meeting Date: February 7, 2023

Please note my (APPROVAL) (OBJECTION) to the requested variance for the following reasons:

OBJECTION:

When we put up our regular fence -
had to get approval of neighbors
and of courtesy to them!
I go to a City hall meeting to
ask permission etc etc
if this was not a BIG ugly fence.

I think it was not courteous as
a good neighbor should have asked
to this & why wanted it
fired reason - people are
unreasonable. But if this was
out of spite or shame on
your person.

Signed comments will be read into
the record. Unsigned or anonymous
comments will not be considered.

Signature: Anne Pawlak Simpson

Name: Anne Pawlak Simpson

(Please print)

Address: 19550 LAUREL

LIVONIA

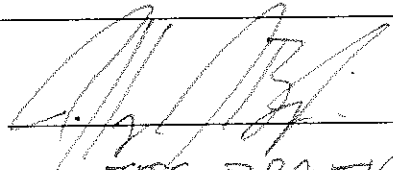
To: City of Livonia
Zoning Board of Appeals
33000 Civic Center Drive
Livonia, MI 48154

Case No: 2023-01-02
Meeting Date: February 7, 2023

Please note my (APPROVAL) (OBJECTION) to the requested variance for the following reasons:

OUR UNDERSTANDING OF THE CANE WOODS SUBDIVISION,
IS THAT PRIVACY FENCES WERE NOT ALLOWED.
IN ADDITION, THIS FENCE IS AT A SKEWED
ANGLE TO THE PROPERTY LINES AND NOT
ON THE PROPERTY LINES. THIS HAS CREATED
CONFUSION AND MISUNDERSTANDINGS, OF WHERE
THE ACTUAL PROPERTY LINES ARE. I SPOKE
WITH THE NICOLOFFS IN NOVEMBER AND
EXPLAINED THESE CONCERNS. AT THAT TIME
I STATED I WOULD NOT GIVE MY CONSENT
FOR THE FENCE, AFTER IT WAS BUILT. I
SUGGESTED THEY PLANT MORE ARBORVITAE
OR ANOTHER "GREEN" PLANTING FOR PRIVACY.
IT IS ALSO MY UNDERSTANDING THE FENCE
IS IN THE 12 FOOT EASEMENT ON THE EAST
SIDE OF THEIR LOT, AND NOT ALLOWED TO BE
BUILT THERE.

Signed comments will be read into
the record. Unsigned or anonymous
comments will not be considered.

Signature: 

Name: JEFF BRANTIGAN

(Please print)

Address: 19478 FAIRLAKE CT

LIVONIA, MI 48152

10:5 AM 18 NOV 2023

RECEIVED
ZONING BOARD OF APPEALS

To: City of Livonia
Zoning Board of Appeals
33000 Civic Center Drive
Livonia, MI 48154

Case No: 2023-01-02
Meeting Date: February 7, 2023

Please note my (APPROVAL) (OBJECTION) to the requested variance for the following reasons:

I/we fully object to any fence being erected on the property. A fence would change the aesthetics of the neighborhood and is inconsistent w/ surrounding properties. There appears to be no legitimate reason to erect a fence on the property. A fence could act as a barrier to wildlife in the area. This appeal should be denied!

Signed comments will be read into the record. Unsigned or anonymous comments will not be considered.

Signature: Ronny Wazira

Name: RONNY WAZIRA
(Please print)

Address: 19456 Fairlane CT
LIVONIA MI 48152

To: City of Livonia
Zoning Board of Appeals
33000 Civic Center Drive
Livonia, MI 48154

Case No: 2023-01-02
Meeting Date: February 7, 2023

Please note my (APPROVAL) (OBJECTION) to the requested variance for the following reasons:

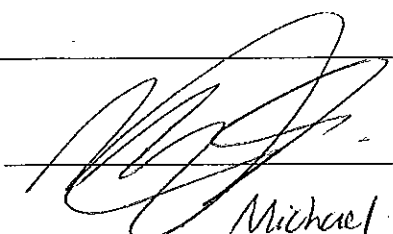
I fully object to the six foot white fence in my backyard.

I'm close with all of my neighbors and I did not receive any notification whatsoever prior to the construction of this fence.

After reviewing the property line survey it is clear that the wall (fence) intrudes across property lines, which was contrary to what the contractors told me which I later found to be a misrepresentation of the truth.

The wall completely negates the easement and is an eyesore for both me and my neighbors.

Signed comments will be read into the record. Unsigned or anonymous comments will not be considered.

Signature: 

Name: Michael Trupiano

(Please print)

Address: 19511 Gill Rd.

Livonia, MI 48152

ZONING BOARD OF APPEALS

ZONING BOARD MEMBERS

GREGORY G. COPPOLA, Chairman
JAMES M. BARINGHAUS, Vice Chairman
TIMOTHY J. KLISZ, Secretary
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ROB GJONAJ DONOVIC
BRANDON MCCULLOUGH
KATHLEEN E. MCINTYRE
SCOTT MORGAN

January 20, 2023
PUBLIC NOTICE

APPEAL CASE NO. 2023-01-02: An appeal has been made to the Zoning Board of Appeals by George Nicoloff, 19490 Fairlane Ct, maintain a six-foot-tall privacy fence, erected without permit, along portions of the east and southeast property lines, resulting in not acquiring the east and southeast adjoining owners' consent.

The property is located on the east side of Fairlane Ct. (19490), between W. Seven Mile and the cul-de-sac, Lot No.015-04-0015-000, N-2 "Neighborhood District," Rejected by the Inspection Department under Fence Ordinance, Section 15.44.090 (B) "Residential District Regulations."

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ZONING BOARD OF APPEALS,

A handwritten signature in black ink, appearing to read "TKL", is written over a horizontal line.

Timothy Klisz, Secretary

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In accordance with Title II of the Americans with Disabilities Act as it pertains to access to Public Meetings, the Zoning Board of Appeal's Office of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs.
Please call 734-466-2250 if you need assistance.

2023-01-02
February 7, 2023

[illegible]

Address:



CITY OF LIVONIA
Inspection Department

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154
421-2000

REJECTION OF APPLICATION FOR PERMIT
BECAUSE OF NON-CONFORMITY TO ZONING ORDINANCE LIVONIA VISION 21

Applicant	(SAME AS OWNER)	Address	(SAME AS OWNER)
Owner	GEORGE NICOLOFF	Address	(248) 345-6834
Lessee	—	Address	19490 FAIRLANE CT., LIVONIA, MI 48152
Location	EAST	Side of	19490 FAIRLANE CT. Street
Between	W. SEVEN MILE	And	CULDESAC
Lot No/Parcel No.	015-04-0015-000	Subdivision	CANEWOODS #4
Zoning District	N2	Map No.	SW 04
		Lot Size	(PIE SHAPE) 14,810 SQ. FT. Alley
Present Use	SINGLE FAMILY RESIDENTIAL	Proposed Use	NO CHANGE
Present Building Size	—	Proposed Building Size	—
Present Height of Building	—	Proposed Height	—
Allowable Lot Coverage	—	Proposed Lot Coverage	—
Proposal	SEEKING TO MAINTAIN A SIX FOOT TALL PRIVACY FENCE, ERECTED WITHOUT PERMIT, ALONG PORTIONS OF THE EAST AND SOUTH-EAST PROPERTY LINES, RESULTING IN NOT ACQUIRING THE (EAST AND SOUTH-EAST) ADJOINING OWNERS' CONSENT.		
Reason for Rejection			
FENCE ORDINANCE, SECTION 15.44.090 (B)			
Deficient Side Yard	Deficient Front Yard	Deficient Rear Yard	
Deficient Lot Area	Deficient Lot Area per Room	Encroachment	
15.44.090(B) NEIGHBOR'S			
Excessive Lot Coverage	Excessive Height	Increasing No. Units	
CONSENT			
Use Prohibited	Deficient Parking Spaces	Increasing Area and Bulk	
Remarks			

Plans and Application examined by MP/Sherman Date Dec. 20, 2022

ZONING EXAMINER

APPLICATION FOR VARIANCE

George Nicoloff 19490 Fairlane Ct. Livonia 48152 (248)345-6834 —
 (Owner of Premises) (Street Address) (City) (Zip Code) (Telephone) (Fax)

(Lessee) (Street Address) (City) (Zip Code) (Telephone) (Fax)

(Contractor) (Street Address) (City) (Zip Code) (Telephone) (Fax)

The property address is 19490 Fairlane Ct Livonia MI 48152

Please note that if you need more space to answer any of the following questions, you may use a separate page or the back of this page. Simply identify your response(s) with the number of the question you are responding to.

1. Are there any deed restrictions or subdivision rules or restrictions on the property? If so, what are they? Please see attached response

2. Give legal description of property involved, or attach a deed or other document which contains the legal description of the property: Please see attached response

A variance can only be granted if a hardship or practical difficulty with the property makes the variance necessary. Under the City's Zoning Ordinance, a practical difficulty exists only if (a) the difficulty is exceptional and peculiar to the property, and does not exist generally throughout the City, (b) the difficulty involves more than mere inconvenience, inability to earn a higher financial return, or both, and (c) the variance would be fair to the neighbors and others who might be affected, as well as those who do not have this variance.

3. Please explain how the practical difficulty you claim is unique to your property, and does not exist elsewhere in the City: Please see attached response

4. Please describe what the difficulty involves beyond mere inconvenience or inability to earn a higher financial return: Please see attached response

5. Explain why you think this variance would be fair to the neighbors and others who might be affected. Please see attached response

6. Have you sought an amendment to the zoning ordinance which would permit your proposed project under your current zoning? If yes, please describe the outcome of this process: Please see attached response

7. If you have not attempted to have the zoning ordinance amended, why hasn't this attempt been made? Please see attached response

8. Have you attempted to have the property rezoned? If yes, please describe the outcome of the rezoning process: Please see attached response
9. If you have not attempted to have the property rezoned, why hasn't this attempt been made? Please see attached response

Please see the separate instruction sheet for plans, fees, and other information which should be submitted with the application. **Note** that if an agent or attorney signs the application on behalf of the owner, said agent or attorney must provide written proof of his or her authority to act on the owner's behalf. ALL INTERESTED PARTIES ARE REQUIRED TO ATTEND THE ZONING BOARD OF APPEALS MEETING. NON-ATTENDANCE BY ANY INTERESTED PARTY MAY RESULT IN YOUR CASE BEING TABLED AND THE APPROPRIATE FEE BEING ASSESSED.

OWNER'S AFFIDAVIT

COUNTY OF WAYNE)
STATE OF MICHIGAN)

DEC 12 2022

The undersigned being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanying information and data are in all respects true and correct to the best of (his/her) knowledge and belief, and that the undersigned personally undertakes to see that the property will be used and developed in compliance with all applicable ordinances and any conditions imposed in connection with any variance which may be granted in response to this application.

Signature of property owner: George M. Nicoloff

Please print name of property owner: George M. Nicoloff

NOTE: Please provide Letter of Authorization on official letterhead if not signed by owner of the property, as well as the deed and property transfer affidavit.

Subscribed and sworn to before me this 10th day of December, 2022.

[Signature]
(Notary Public, Wayne County, Michigan)

My Commission expires 07-28-2023

Any decision of the Board favorable to the applicant will remain valid only as long as the information or data relating thereto are found to be correct and the conditions upon which the resolution was based are maintained.

NOT TO BE COMPLETED BY APPLICANT

Petitioner makes application for a Hearing, seeking to (reverse, modify, or affirm) the (order, decision) of the Department of Inspection, dated 12/12/22, which reads as follows:

FENCE ERECTED WITHOUT PERMITS OR NEIGHBORS' CONSENT.

I certify that (a) the petitioner is not in violation of any ordinance other than the provision(s) sought to be waived in the foregoing application, (b) all applicable fees have been paid, and (c) I have examined the foregoing application, and find that said application is complete, and that the City Zoning Ordinance, Ordinance No. 543, as amended, prohibits the proposed project unless a variance is granted by the Zoning Board of Appeals.

[Signature]
(Supervisor)

12/12/22

Application for permit filed _____

Violation Issued _____

CONTRACTOR INFORMATION: Compass General Contracting, LLC

Q.O. NAME Samir Pilipovic TELEPHONE NO. 314-814-6880

ADDRESS 34693 Clarkson Dr E DRIVER LIC. # _____

CITY Fraser STATE MI ZIP CODE 48026

BUILDERS LICENSE NO. General Contractor EXPIRATION DATE _____

* FEDERAL EMPLOYER ID NUMBER OR REASON FOR EXEMPTION 84-2611956

WORKERS COMP INSURANCE CARRIER OR REASON FOR EXEMPTION works independently MESC EMPLOYER NUMBER OR REASON FOR EXEMPTION _____

"Section 23a of the state construction codes act of 1972, Act No. 230 of Public Acts of 1972, being section 125.1523a of the Michigan Compiled Laws, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who perform work on residential building or a residential structure. Violators of section 23a are subjected to civil fines."

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and we agree to conform to all applicable Ordinances of the City of Livonia including minimum structure setbacks (front, side and rear) and maximum lot coverage provisions of structures and that we will be in compliance upon completion OR we have been granted a zoning variance and/or appropriate Commission or Council approval:

ZBA GRANT: _____ PC/CR _____

HOMEOWNER AFFIDAVIT: INITIAL _____ YES _____ NO _____

I hereby certify the proposed work described on this permit application shall be installed by myself in my own home in which I am living or about to occupy. All work shall be installed in accordance with the Building Code and shall not be enclosed, covered up, or put into operation until it has been inspected and approved by the Building Inspector. I will cooperate with the Building Inspector and assume the responsibility to arrange for necessary inspections.

A PERMIT WILL BE CANCELLED WHEN NO INSPECTIONS ARE REQUESTED AND CONDUCTED WITHIN SIX MONTHS OF THE DATE OF ISSUANCE OR THE DATE OF A PREVIOUS INSPECTION. CANCELLED PERMITS MAY NOT HAVE A 60% REFUND IF AN INSPECTION/SITE VISIT HAS BEEN MADE OR SIX MONTHS TIME HAS ELAPSED SINCE PERMIT ISSUANCE. PLAN REVIEW AND ADMINISTRATION FEES ARE NOT REFUNDABLE.

The applicant warrants the truthfulness of the information in the plans and application and that if any of the information provided is incorrect, the building permit may be revoked. The applicant is responsible for scheduling all required inspections. A permit will be cancelled when no inspections are requested or conducted within six (6) months of the date of issuance or the date of a previous inspection. Cancelled permits cannot be refunded or reinstated.

SIGNATURE OF APPLICANT OR OWNER

PRINT NAME OF APPLICANT OR OWNER

Witnessed By:

INSPECTION DEPARTMENT

DATE

APPLICATION FOR VARIANCE

NICOLOFF

1) The Nicoloff family which reside at 19490 Fairlane Ct., in “ Cane Woods “ subdivision, do not have a Homeowners Association where we pay an annual fee. There are no subdivision rules. The disputing party at 19511 Gill Rd. resides in a separate subdivision that may have different rules to which we are not subject.

2) Please see attached for legal description of our property: **Appendix A.**

3) & 4) The difficulty is unique to our property for several reasons:

Primarily we erected the privacy fence as a Barrier to distance ourselves from the neighbors residing at 19511 Gill Rd. Since the current owners moved into the house in March 2021, they have had many loud disturbing functions which forced us to call the police on several occasions.

A) These parties/functions involve a large group in the backyard near our property line, that are easily heard shouting, using profanity and blaring loud music.

B) They also do not respect the 11 PM curfew, but continue being very loud even after 2 AM. This would occur during the week as well on the weekends.

C) Also, misuse of their fire pit which is near our property line, caused much alarm and concern for nearby bushes catching fire. During the bonfires, the fire is not contained (3X3 fire code regulation), and reaches well over 8 feet in height. Also, they would cut off fresh tree branches and leaves (not dried out) which added to the flames, while dancing around the fire hooting and hollering. **Appendix B** : a police report that is an example of such disturbances, including shooting off large fireworks into our backyard.

W442C

Terry Grochocki, , a police officer and records clerk, admits they don't always keep a record of complaints. Only the times the police physically go to the address in question is a record kept, verses just calling them on the phone and telling them to keep it down.

We have been respectful neighbors for 8 years, quiet and doing our own business. Most of our fellow neighbors do as well, which is indeed a blessing. We ask the Board to grant this zoning variance, so that we can feel safe and at peace in our own backyard.

Since erecting the fence on July 2, we have not called the police, even though the loud functions continued. This is because we felt the fence gave us some privacy and muffled the noise. This was our compromise. It provides us with a sense of well-being and security so we can sit in our backyard with our family and not have to visually see the rowdy/raucous behavior and activities which have caused us psychological distress. Moreover, we intend on installing an above-ground swimming pool which warrants a barrier and privacy.

5) This privacy fence is fair to surrounding neighbors because as our plot plan shows, we erected the fence inside our property in order to ensure we were respecting our neighbors land. Also, neighbors can clearly see over the fence while seated on their patios and decks, thus allowing the area to remain an open green space. **Appendix C.** Finally, the fence is of a good quality vinyl which should not be seen as an eyesore to the subdivision. The fence meets code standards by not exceeding 6 feet 4 inches in height and is 2 inches off the ground. See **Appendix D.**

6) We have not sought an amendment to the zoning ordinance.

7) We ask the zoning board to forgive our ignorance and negligence in not obtaining written

27/1/20

permission when the fence was initially installed. However, in our defense, we spoke via phone to Mr David Lear, Assistant Livonia City Engineer, who had emailed us a copy of our property line in May. **Appendix E** We were told if the privacy fence is solely on our property, then we shouldn't need a permit. We were not informed of the need to obtain written consent from neighbors. In addition, the 2 residents that are immediately adjacent to our property did not approach us to object to the erection of the fence.

8) We have not attempted to have the property rezoned.

9) Finally, we saw no need to have our property rezoned being the fence sits inside our property line. Again, we erected the fence as a partial barrier to avoid any confrontation with the residents at 19511 Gill Rd.

We appeal to the Zoning Board, and thank you for your time and consideration!

*** Please note the description on the backside of each picture enclosed for further clarity.

WAVE



APPENDIX E

GT B <gigib773@gmail.com>

Plot Plan for 19490 Fairlane Court

5 messages

Lear, David <DLear@livonia.gov>

Fri, May 27, 2022 at 2:19 PM

To: "gigib773@gmail.com" <gigib773@gmail.com>

**David Lear**

Assistant City Engineer
City of Livonia | Engineering
(734) 466-2608
DLear@livonia.gov
www.livonia.gov



This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable laws. If the reader of the message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and/or reply to this e-mail message. Thank you.



2 attachments



10817 - Fairlane Court #19490.pdf
291K



19490 Fairlane Court.pdf
2028K

GT B <gigib773@gmail.com>

Mon, Jun 13, 2022 at 8:26 PM

To: a George Michael Nicoloff <gnicoloff@ymail.com>

Please print out and bring home when you have time .

[Quoted text hidden]

2 attachments



10817 - Fairlane Court #19490.pdf
291K



19490 Fairlane Court.pdf
2028K

APP. E

19511 Gill Rd

7946406

19478

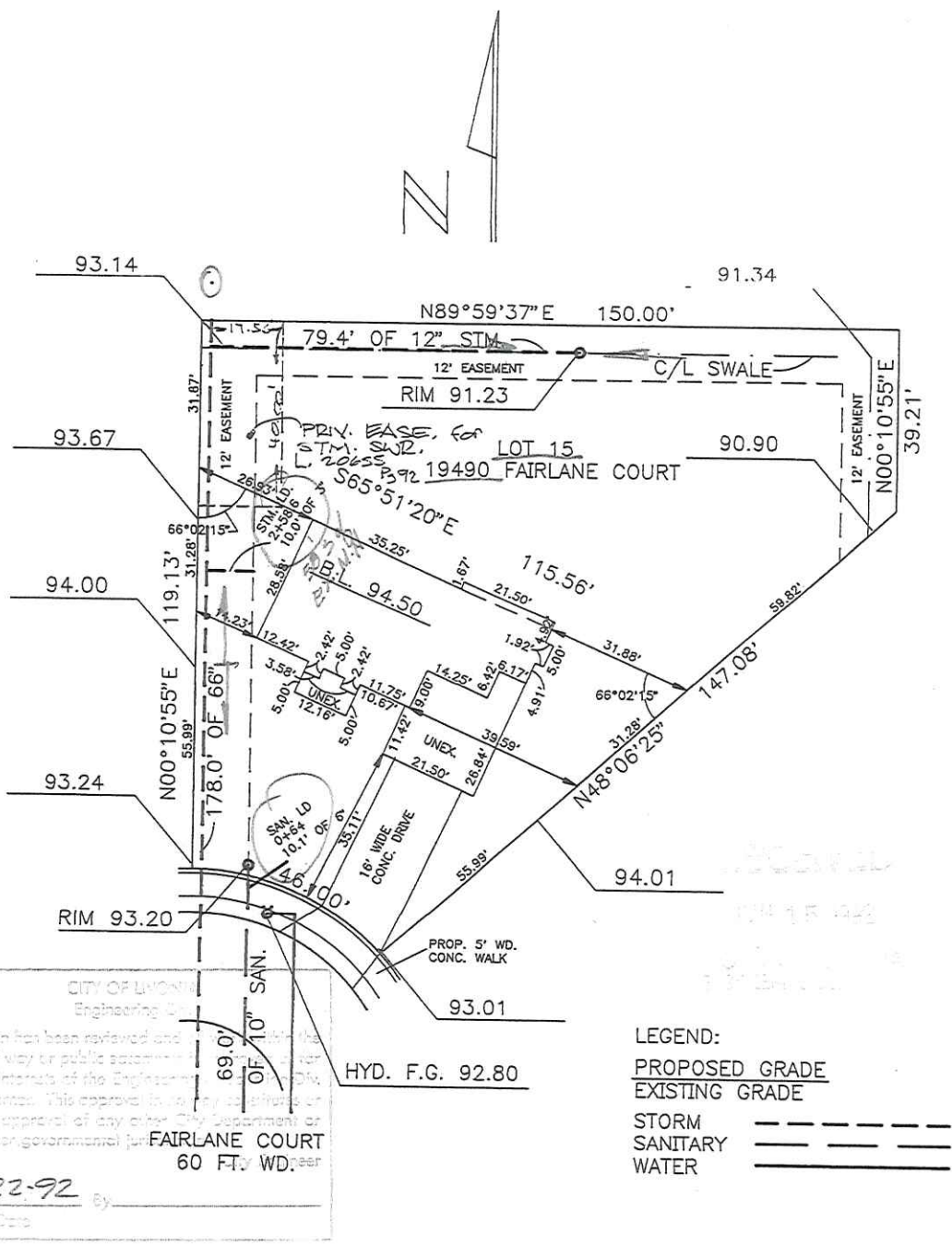
10817

App. E

Plot Plan

LEGAL DESCRIPTION:

LOT 15 OF CANE WOODS SUB'N, PART OF THE S.W. 1/4 OF SECTION 4, T.1S., R.9E., CITY OF LIVONIA, WAYNE COUNTY, MICHIGAN.



CITY OF LIVONIA
Engineering Department

This plan has been reviewed and approved for the right of way or public safety as the interests of the Engineering Department are concerned. This approval is not an endorsement or implies approval of any other City Department or any other governmental jurisdiction.

6-22-92 By _____
Date

LEGEND:

PROPOSED GRADE
EXISTING GRADE

STORM
SANITARY
WATER

DATE: 6-12-92	SCALE: 1" = 30'	SURVEY NO.: 9019-15 S.A.
PREPARED FOR: HERITAGE BUILDING CORPORATION 24430 REDWING DRIVE NOVI, MICHIGAN 48050 349-4540		MICHAEL L. PRIEST & ASSOCIATES, INC. Civil Engineering & Land Surveying 34525 GLENDALE SUITE 201 LIVONIA, MICHIGAN 48150 (313) 427-9505 By <i>[Signature]</i> Registered Professional Engineer & Land Surveyor

COMPASS LAMINATE CONTRACTING
30643 Clarkson Dr E
FROSER, WA 98026
314-814-6880

Proposal

PROPOSAL NO.		DATE	
BID NO.		ARCHITECT	
TO		WORK TO BE PERFORMED AT:	
ADDRESS		ADDRESS	
CITY, STATE		CITY, STATE	
PHONE NO.		DATE OF PLANS	

We hereby propose to furnish the materials and perform the labor necessary for the completion of _____

Area below for additional description and/or drawings:

Dis out 26 inch fence footings
Install vinyl fence posts
Install vinyl rails and pickets
48 ft
Cleaning and dumping off debris
Remove loose debris
Total price with labor and materials \$ 5600.00
Down payment 50% and 50% after job is completed
to start work on 7-2-22 by Rich

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of Down payment paid check # 3471

Dollars (\$ 5600.00) with payments to be made as follows. amount \$ 3300
Paid in full check # 3474 by Rich S.P
Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.
Respectfully submitted _____
Per _____

Note - This proposal may be withdrawn by us if not accepted within _____ days.

ACCEPTANCE OF PROPOSAL The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature _____
Date _____ Signature _____

PROJECT # _____

PERMIT # _____

RESIDENTIAL ZONING PERMIT APPLICATION
CITY OF LIVONIA – INSPECTION DEPARTMENT
 33000 CIVIC CENTER DRIVE
 LIVONIA, MI 48154
 (734) 466-2580



Livonia

Please Print: Samir Pilipovic (Contractor) DATE: _____

Compass General Contracting LLC 34693 Clarkson Dr E. Fraser, MI 48026 314-814-6880
 Contractors Name Street Address Unit/ City/Zip Code Phone No.

Georgi Nicholff 19490 Fairlane Ct Livonia MI 48152 248-345-6834
 Residents Name Street Address City/Zip Code Phone No. (Required to Issue)

Is this property located within 500ft of any open water course (lake, river, stream, wetland, drain etc.) as outlined in part 91, of the Natural Resources & Environmental Protection Act 1994 P.A. 451 YES ☐ NO ☒

CIVIC ASSOC. APPROVAL REQ'D: YES ☐ NO ☒ Contractors E-Mail Address compassgeneralcontracting@yahoo.com

TO CONSTRUCT: ☒ FENCE ☐ SHED
 Check Box

Other Information on Project: _____

19490 Fairlane Ct Livonia, MI 48152 Estimated Cost: \$ 5600.00
 Address of Project Street Zip Code

NOT TO BE FILLED IN BY APPLICANT

ZONING AND HOUSING EXAMINATION PLAN # _____ ON THE _____ SIDE OF
 N/E/S/W

_____ ZONING _____ BETWEEN _____ AND _____
 Street Address

LOT # _____ SUBDIVISION _____ SECTION _____

PROPERTY NUMBER _____ LOT COVERAGE _____ %

LOT WIDTH _____ LOT DEPTH _____ TOTAL AREA _____ SQ. FT.

CORNER LOT _____ INTERIOR LOT _____ ALLEY REAR _____ OR SIDE _____ EASEMENT REAR _____ OR SIDE _____
 Size Size

PERMIT TO BE ISSUED FOR _____

APPROVED BY _____ DATE _____ ZONING _____
 ZONING GRANT # _____ DATE _____

ZONING FEE \$ _____
 ADMIN. FEE \$ 42.00
 TOTAL FEES \$ _____



LIVONIA PD
15050 FARMINGTON RD
LIVONIA MI 48154
734-466-2470

**Case Report****Administrative Details:**

CR No 210020082	Subject
Report Date/Time 07/04/2021 23:25	Occurrence Date/Time 07/04/2021 23:25
Location 19511 GILL RD	Call Source PHONE
Dispatched Offense 7380 Nuisances Ord - Noise / Prohibited Hours / Area	Verified Offense L4599 Misc Complaints - LI
County 82 - Wayne	City/Twp/Village 96 - Livonia
Division Patrol	

Action Requested:

☐ Arrest warrant	☐ Review only
☐ Search warrant	☐ Forfeiture
☐ Juvenile petition	☐ Other

Narrative:

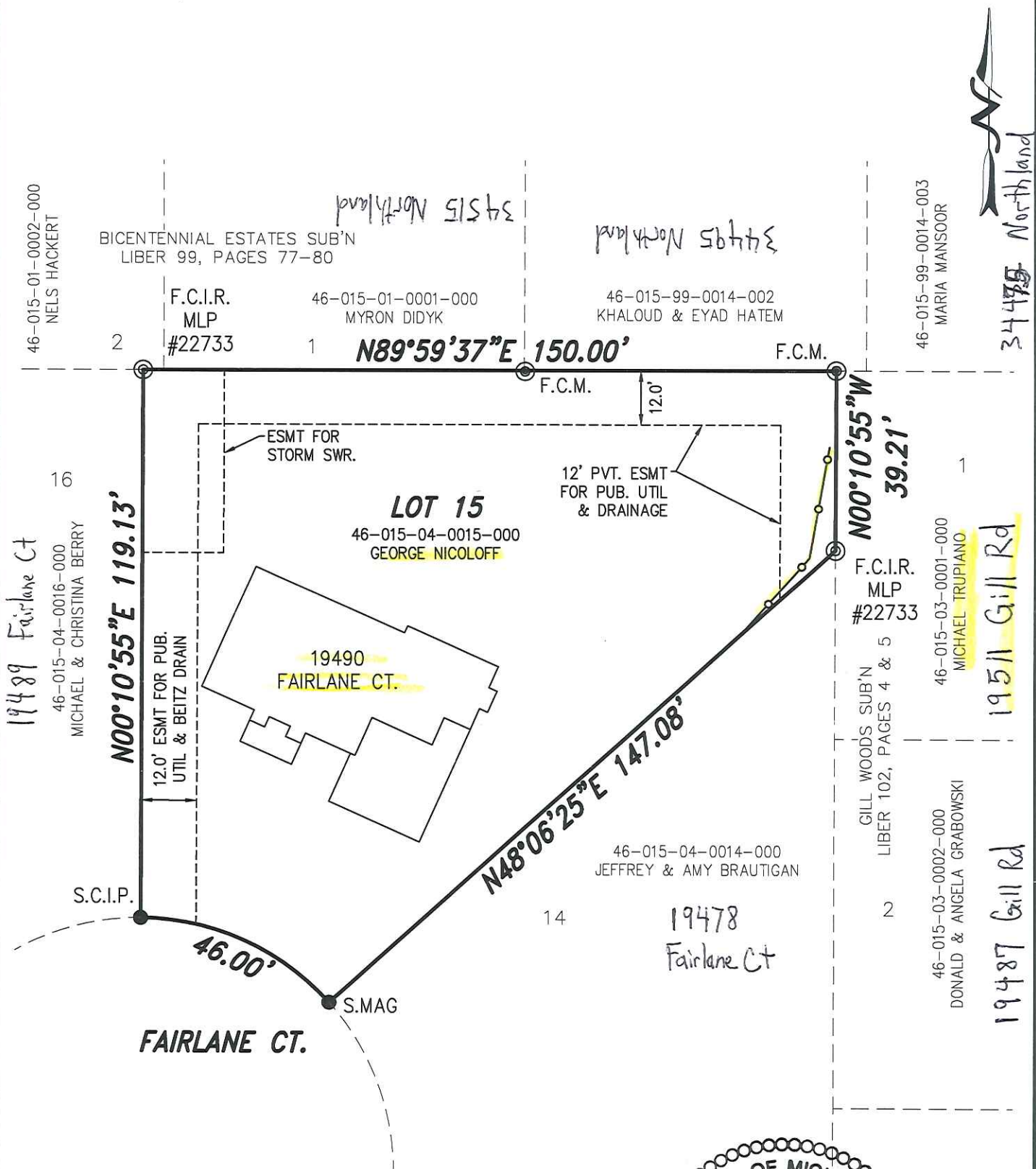
CFS Narrative By: LIROYK (00747)

LIJENGB - 23:25:08 - CHECK AREA FOR LOUD AND VULGAR MUSIC AT LISTED ADDRESS

SKETCH OF SURVEY

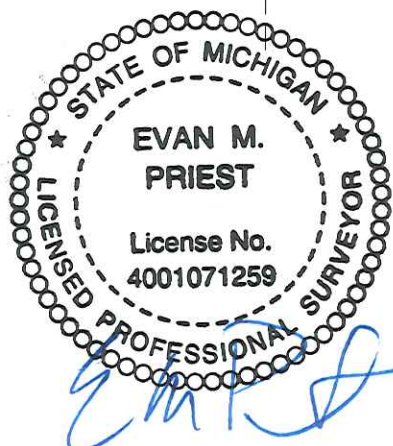
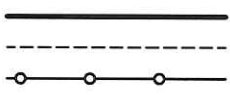
PROPERTY DESCRIPTION:

LOT 15 OF CANE WOODS SUB'N, PART OF THE S.W. 1/4 SECTION 4, T. 1 S., R. 9 E., CITY OF LIVONIA, WAYNE COUNTY, MICHIGAN.



LEGEND:

PROPERTY LINE
EASEMENT LINE
FENCE



ENGINEERS & SURVEYORS

MLP
AND ASSOCIATES, INC.

phone: (734) 459-8560
fax: (734) 459-2585



Appendix D

Fence does not
exceed 6 ft 4 inches
at post.

Appendix D

6 feet tall

Appendix D

ZONING MAP

LEGEND

Zoning Districts

-  RUF Rural Urban Farm
-  N1 Neighborhood
-  N2 Neighborhood
-  NM1 Neighborhood Multifamily
-  NM2 Neighborhood Multifamily
-  NM3 Neighborhood Multifamily
-  P Parking
-  C-1 Local Business
-  C-2 General Business
-  C-3 Highway Services
-  C-4 High Rise Commercial
-  M-L Manufacturing Limited
-  M-1 Light Manufacturing
-  M-2 General Manufacturing
-  P-L Public Lands
-  NP Nature Preserves

S.W. 1/4 Section 4

City of Livonia

T. 1 south, R. 9 east
Wayne County, Michigan

Copyright 2001, City of Livonia



300 150 0 300 Feet





3rd

The fire pit area is now blocked behind the fence.

2nd

After the fence was erected, we have privacy.

1st

Before we put the fence up, we could see straight through from our patio.

7-4-21 Fireworks debris

Appendix B

7th

Note the wooden stake with orange flag-- this shows our property line behind the fence.

6th

APP C

For comparison: Our next door neighbor at 19478 Fairlane Ct erected this Greenhouse a month after our fence went up, without a hearing. This structure does obstruct one's view of open green spaces.

5th

This is an example of how our fence preserves open green spaces.

4th

Appendix C

The 19511 Gill Rd residents can clearly see over the fence while relaxing on their patio and deck.

APPLICATION FOR VARIANCE

George Nicoloff 19490 Fairlane Ct. Livonia 48152 (248)345-6834 —
(Owner of Premises) (Street Address) (City) (Zip Code) (Telephone) (Fax)

(Lessee) (Street Address) (City) (Zip Code) (Telephone) (Fax)

(Contractor) (Street Address) (City) (Zip Code) (Telephone) (Fax)

The property address is 19490 Fairlane Ct Livonia MI 48152

Please note that if you need more space to answer any of the following questions, you may use a separate page or the back of this page. Simply identify your response(s) with the number of the question you are responding to.

1. Are there any deed restrictions or subdivision rules or restrictions on the property? If so, what are they? Please see attached response

2. Give legal description of property involved, or attach a deed or other document which contains the legal description of the property: Please see attached response

A variance can only be granted if a hardship or practical difficulty with the property makes the variance necessary. Under the City's Zoning Ordinance, a practical difficulty exists only if (a) the difficulty is exceptional and peculiar to the property, and does not exist generally throughout the City, (b) the difficulty involves more than mere inconvenience, inability to earn a higher financial return, or both, and (c) the variance would be fair to the neighbors and others who might be affected, as well as those who do not have this variance.

3. Please explain how the practical difficulty you claim is unique to your property, and does not exist elsewhere in the City: Please see attached response

4. Please describe what the difficulty involves beyond mere inconvenience or inability to earn a higher financial return: Please see attached response

5. Explain why you think this variance would be fair to the neighbors and others who might be affected. Please see attached response

6. Have you sought an amendment to the zoning ordinance which would permit your proposed project under your current zoning? If yes, please describe the outcome of this process: Please see attached response

7. If you have not attempted to have the zoning ordinance amended, why hasn't this attempt been made? Please see attached response

APPLICATION FOR VARIANCE

NICOLOFF

1) The Nicoloff family which reside at 19490 Fairlane Ct., in “ Cane Woods “ subdivision, do not have a Homeowners Association where we pay an annual fee. There are no subdivision rules. The disputing party at 19511 Gill Rd. resides in a separate subdivision that may have different rules to which we are not subject.

2) Please see attached for legal description of our property: **Appendix A.**

3) & 4) The difficulty is unique to our property for several reasons:

Primarily we erected the privacy fence as a Barrier to distance ourselves from the neighbors residing at 19511 Gill Rd. Since the current owners moved into the house in March 2021, they have had many loud disturbing functions which forced us to call the police on several occasions.

A) These parties/functions involve a large group in the backyard near our property line, that are easily heard shouting, using profanity and blaring loud music.

B) They also do not respect the 11 PM curfew, but continue being very loud even after 2 AM. This would occur during the week as well on the weekends.

C) Also, misuse of their fire pit which is near our property line, caused much alarm and concern for nearby bushes catching fire. During the bonfires, the fire is not contained (3X3 fire code regulation), and reaches well over 8 feet in height. Also, they would cut off fresh tree branches and leaves (not dried out) which added to the flames, while dancing around the fire hooting and hollering. **Appendix B** : a police report that is an example of such disturbances, including shooting off large fireworks into our backyard.

Terry Grochocki, , a police officer and records clerk, admits they don't always keep a record of complaints. Only the times the police physically go to the address in question is a record kept, verses just calling them on the phone and telling them to keep it down.

We have been respectful neighbors for 8 years, quiet and doing our own business. Most of our fellow neighbors do as well, which is indeed a blessing. We ask the Board to grant this zoning variance, so that we can feel safe and at peace in our own backyard.

Since erecting the fence on July 2, we have not called the police, even though the loud functions continued. This is because we felt the fence gave us some privacy and muffled the noise. This was our compromise. It provides us with a sense of well-being and security so we can sit in our backyard with our family and not have to visually see the rowdy/raucous behavior and activities which have caused us psychological distress. Moreover, we intend on installing an above-ground swimming pool which warrants a barrier and privacy.

5) This privacy fence is fair to surrounding neighbors because as our plot plan shows, we erected the fence inside our property in order to ensure we were respecting our neighbors land. Also, neighbors can clearly see over the fence while seated on their patios and decks, thus allowing the area to remain an open green space. **Appendix C.** Finally, the fence is of a good quality vinyl which should not be seen as an eyesore to the subdivision. The fence meets code standards by not exceeding 6 feet 4 inches in height and is 2 inches off the ground. See **Appendix D.**

6) We have not sought an amendment to the zoning ordinance.

7) We ask the zoning board to forgive our ignorance and negligence in not obtaining written

wayne

permission when the fence was initially installed. However, in our defense, we spoke via phone to Mr David Lear, Assistant Livonia City Engineer, who had emailed us a copy of our property line in May. **Appendix E** We were told if the privacy fence is solely on our property, then we shouldn't need a permit. We were not informed of the need to obtain written consent from neighbors. In addition, the 2 residents that are immediately adjacent to our property did not approach us to object to the erection of the fence.

8) We have not attempted to have the property rezoned.

9) Finally, we saw no need to have our property rezoned being the fence sits inside our property line. Again, we erected the fence as a partial barrier to avoid any confrontation with the residents at 19511 Gill Rd.

We appeal to the Zoning Board, and thank you for your time and consideration!

*** Please note the description on the backside of each picture enclosed for further clarity.

WAVE

Plot Plan for 19490 Fairlane Court

5 messages

Lear, David <DLear@livonia.gov>
To: "gigib773@gmail.com" <gigib773@gmail.com>

Fri, May 27, 2022 at 2:19 PM



David Lear

Assistant City Engineer

City of Livonia | Engineering

(734) 466-2608

DLear@livonia.gov

www.livonia.gov



This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable laws. If the reader of the message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and/or reply to this e-mail message. Thank you.

- * 2 attachments
- 

 10817 - Fairlane Court #19490.pdf
291K
- 

 19490 Fairlane Court.pdf
2028K

GT B <gigib773@gmail.com>
To: a George Michael Nicoloff <gnicoloff@ymail.com>

Mon, Jun 13, 2022 at 8:26 PM

Please print out and bring home when you have time .

[Quoted text hidden]

- 2 attachments
- 

 10817 - Fairlane Court #19490.pdf
291K
- 

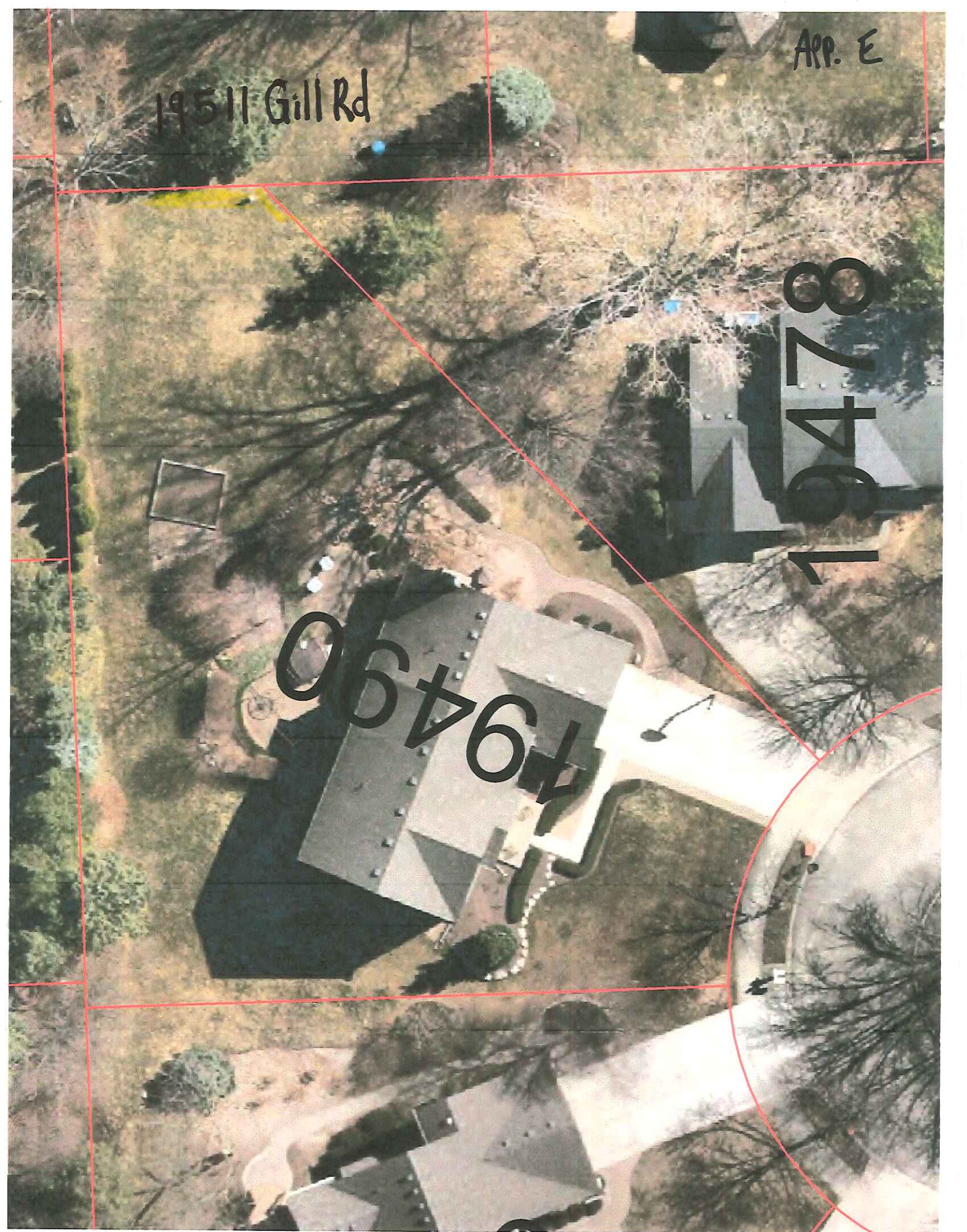
 19490 Fairlane Court.pdf
2028K

APP. E

19511 Gill Rd

79490

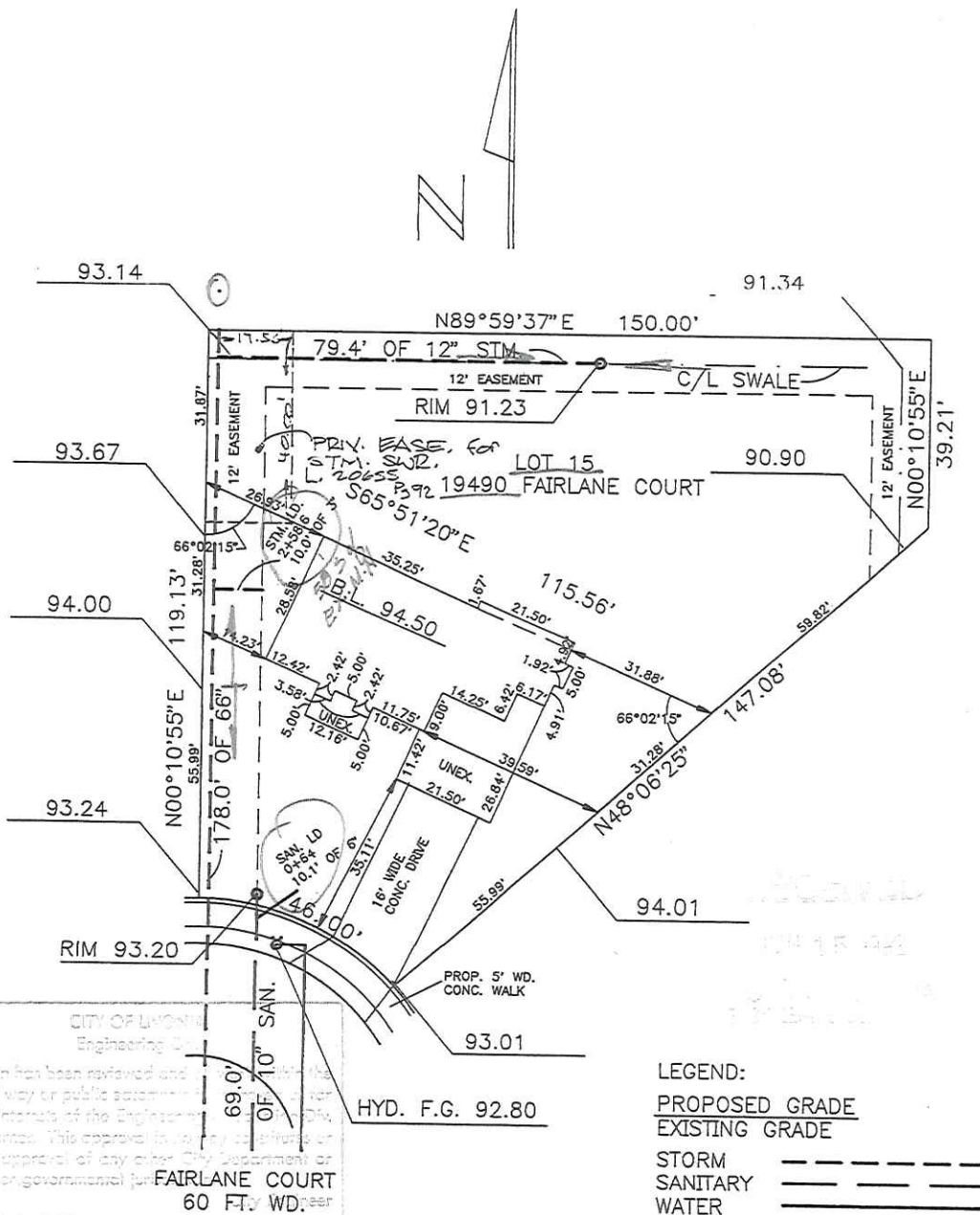
19478



Plot Plan

LEGAL DESCRIPTION:

LOT 15 OF CANE WOODS SUB'N, PART OF THE S.W. 1/4 OF SECTION 4, T.1S., R.9E.,
CITY OF LIVONIA, WAYNE COUNTY, MICHIGAN.



CITY OF LIVONIA
Engineering Department
This plan has been reviewed and approved for the right of way or public safety by the City Engineer as the interests of the Engineering Department are concerned. This approval is not an endorsement or implies approval of any other City Department or any other governmental jurisdiction.
6-22-92
Date

LEGEND:

PROPOSED GRADE
EXISTING GRADE

STORM
SANITARY
WATER

DATE: 6-12-92	SCALE: 1" = 30'	SURVEY NO.: 9019-15 S.A.
PREPARED FOR: HERITAGE BUILDING CORPORATION 24430 REDWING DRIVE NOVI, MICHIGAN 48050 349-4540	MICHAEL L. PRIEST & ASSOCIATES, INC. Civil Engineering & Land Surveying 34525 GLENDALE SUITE 201 LIVONIA, MICHIGAN 48150 (313) 427-9505 By <i>[Signature]</i> Registered Professional Engineer & Land Surveyor	

Proposal

30693 Clarkson Dr E
Ft. Worth, TX 76106
314-814-6880

PROPOSAL NO.		DATE	
BID NO.		ARCHITECT	
TO		WORK TO BE PERFORMED AT:	
ADDRESS		ADDRESS	
CITY, STATE		CITY, STATE	
PHONE NO.		DATE OF PLANS	

We hereby propose to furnish the materials and perform the labor necessary for the completion of _____

Area below for additional description and/or drawings:

Dis out 26 inch fence footings
Install vinyl fence posts
Install vinyl fence and pickets
48 ft
Cleaning and dumping all trash
This price includes everything
Total price with labor and materials \$ 3300.00
Down payment 50% and 50% after job is completed
Job done on 7-2-22 by Ryan

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of Down payment paid check # 3471

_____ Dollars (\$ 3300.00) with payments to be made as follows. amount \$ 3300

Paid in full check # 3474 S.P

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted _____

Per _____

Note - This proposal may be withdrawn by us if not accepted within _____ days.

ACCEPTANCE OF PROPOSAL The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature _____

Date _____ Signature _____

adams 9450 12-12

PROJECT # _____

PERMIT # _____

RESIDENTIAL ZONING PERMIT APPLICATION
CITY OF LIVONIA – INSPECTION DEPARTMENT
33000 CIVIC CENTER DRIVE
LIVONIA, MI 48154
(734) 466-2580



Please Print: Samir Pilipovic (Contractor) DATE: _____

"Compass General Contracting, LLC" 34693 Clarkson Dr E, Fraser, MI 48026 314-814-6880
Contractors Name Street Address Unit # City/Zip Code Phone No.

George Michoff 19490 Fairlane Ct Livonia MI 48152 248-345-6834
Residents Name Street Address City/Zip Code Phone No. (Required to Issue)

Is this property located within 500ft of any open water course (lake, river, stream, wetland, drain etc.) as outlined in part 91, of the Natural Resources & Environmental Protection Act 1994 P.A. 451 YES ☐ NO ☒

CIVIC ASSOC. APPROVAL REQ'D: YES ☐ NO ☒ Contractors E-Mail Address compassgeneralcontracting@yahoo.com

TO CONSTRUCT: ☒ FENCE ☐ SHED

Check Box

Other Information on Project: _____

19490 Fairlane Ct Livonia, MI 48152 Estimated Cost: \$ 5600.00
Address of Project Street Zip Code

NOT TO BE FILLED IN BY APPLICANT

ZONING AND HOUSING EXAMINATION PLAN # _____ ON THE _____ SIDE OF
N/E/S/W

_____ ZONING _____ BETWEEN _____ AND _____

Street Address

LOT # _____ SUBDIVISION _____ SECTION _____

PROPERTY NUMBER _____ LOT COVERAGE _____ %

LOT WIDTH _____ LOT DEPTH _____ TOTAL AREA _____ SQ. FT.

CORNER LOT _____ INTERIOR LOT _____ ALLEY REAR _____ OR SIDE _____ EASEMENT REAR _____ OR SIDE _____
Size Size

PERMIT TO BE ISSUED FOR _____

APPROVED BY _____ DATE _____ ZONING _____
ZONING GRANT # _____ DATE _____

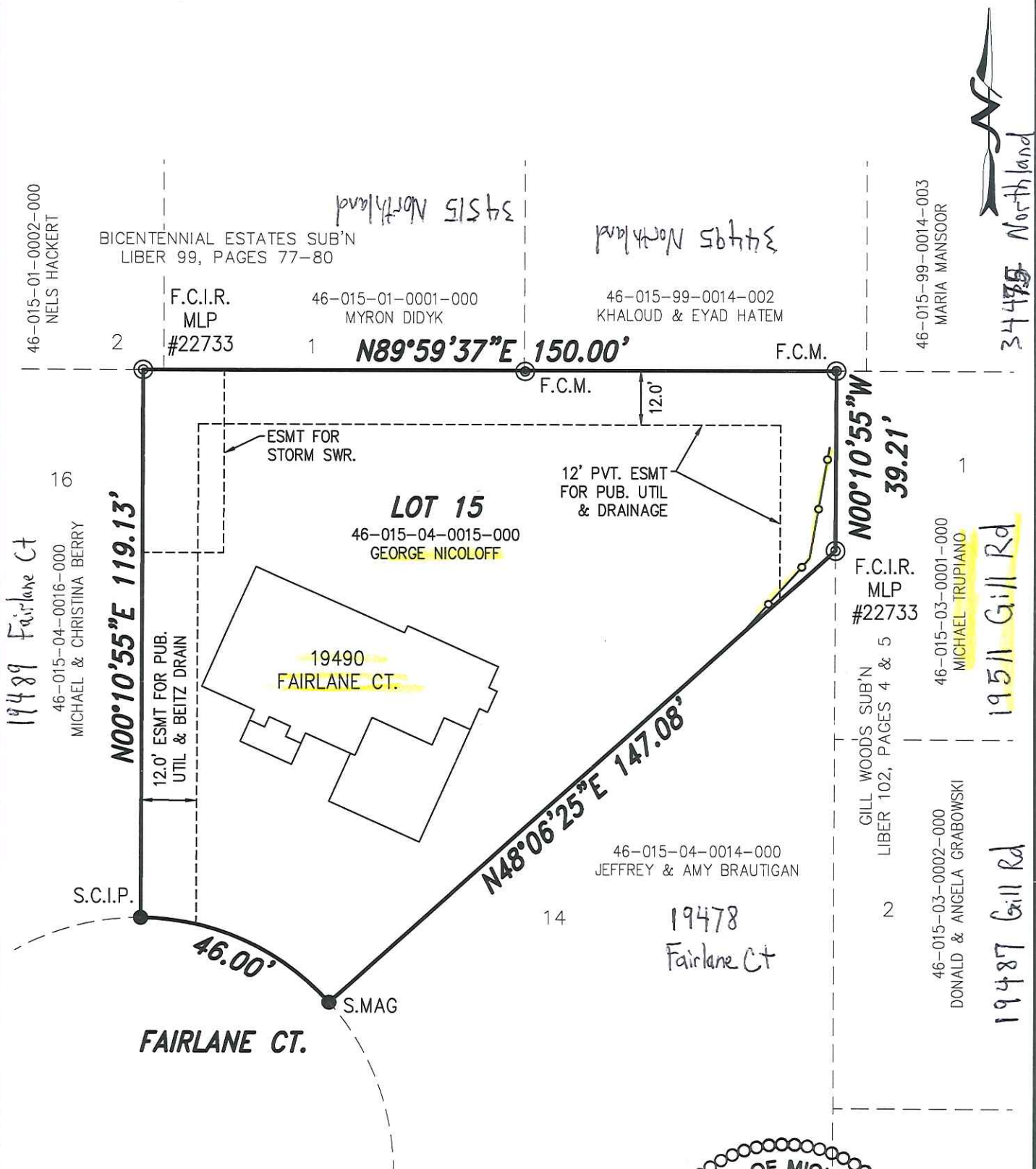
ZONING FEE \$ _____
ADMIN. FEE \$ 42.00
TOTAL FEES \$ _____

LIVONIA PD 15050 FARMINGTON RD LIVONIA MI 48154 734-466-2470	
	
Case Report	
Administrative Details:	
CR No 210020082	Subject
Report Date/Time 07/04/2021 23:25	Occurrence Date/Time 07/04/2021 23:25
Location 19511 GILL RD	Call Source PHONE
Dispatched Offense 7380 Nuisances Ord - Noise / Prohibited Hours / Area	Verified Offense L4599 Misc Complaints - LI
County 82 - Wayne	City/Twp/Village 96 - Livonia
Division Patrol	
Action Requested:	
☐ Arrest warrant	☐ Review only
☐ Search warrant	☐ Forfeiture
☐ Juvenile petition	☐ Other
Narrative:	
CFS Narrative By: LIROYK (00747)	
LIJENGB - 23:25:08 - CHECK AREA FOR LOUD AND VULGAR MUSIC AT LISTED ADDRESS	

SKETCH OF SURVEY

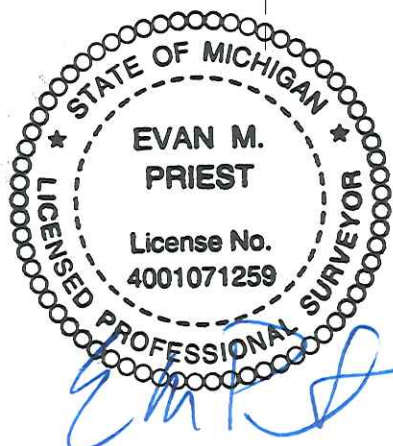
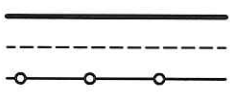
PROPERTY DESCRIPTION:

LOT 15 OF CANE WOODS SUB'N, PART OF THE S.W. 1/4 SECTION 4, T. 1 S., R. 9 E., CITY OF LIVONIA, WAYNE COUNTY, MICHIGAN.



LEGEND:

PROPERTY LINE
EASEMENT LINE
FENCE



ENGINEERS & SURVEYORS

MLP
AND ASSOCIATES, INC.

phone: (734) 459-8560
fax: (734) 459-2585



CITY OF LIVONIA
Inspection Department

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154
421-2000

REJECTION OF APPLICATION FOR PERMIT
BECAUSE OF NON-CONFORMITY TO ZONING ORDINANCE LIVONIA VISION 21

Applicant	(SAME AS OWNER)	Address	(SAME AS OWNER)
Owner	GEORGE NICOLOFF	Address	(248) 345-6834
Lessee	—	Address	19490 FAIRLANE CT., LIVONIA, MI 48152
Location	EAST	Side of	19490 FAIRLANE CT. Street
Between	W. SEVEN MILE	And	CULDESAC
Lot No/Parcel No.	015-04-0015-000	Subdivision	CANEWOODS #4
Zoning District	N2	Map No.	SW 04
		Lot Size	(PIE SHAPE) 14,810 SQ. FT. Alley
Present Use	SINGLE FAMILY RESIDENTIAL	Proposed Use	NO CHANGE
Present Building Size	—	Proposed Building Size	—
Present Height of Building	—	Proposed Height	—
Allowable Lot Coverage	—	Proposed Lot Coverage	—
Proposal	SEEKING TO MAINTAIN A SIX FOOT TALL PRIVACY FENCE, ERECTED WITHOUT PERMIT, ALONG PORTIONS OF THE EAST AND SOUTH-EAST PROPERTY LINES, RESULTING IN NOT ACQUIRING THE (EAST AND SOUTH-EAST) ADJOINING OWNERS' CONSENT.		
Reason for Rejection			
FENCE ORDINANCE, SECTION 15.44.090 (B)			
Deficient Side Yard	Deficient Front Yard	Deficient Rear Yard	
Deficient Lot Area	Deficient Lot Area per Room	Encroachment	
15.44.090(B) NEIGHBOR'S			
Excessive Lot Coverage	Excessive Height	Increasing No. Units	
CONSENT			
Use Prohibited	Deficient Parking Spaces	Increasing Area and Bulk	
Remarks			

Plans and Application examined by MP/Sherman Date Dec. 20, 2022

ZONING EXAMINER



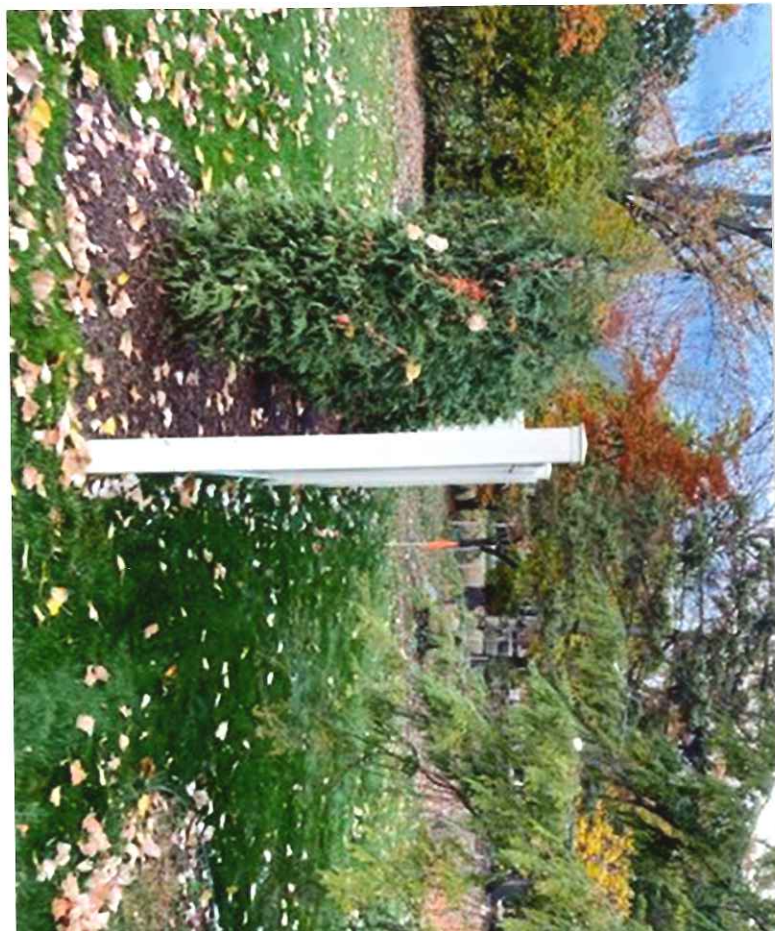
Appendix D

Fence does not
exceed 6 ft 4 inches
at post.

Appendix D

6 feet tall

Appendix D



3rd

The fire pit area is now blocked behind the fence.

2nd

After the fence was erected, we have privacy.

1st

Before we put the fence up, we could see straight through from our patio.

7-4-21 Fireworks debris

Appendix B

7th

Note the wooden stake with orange flag-- this shows our property line behind the fence.

6th

APP C

For comparison: Our next door neighbor at 19478 Fairlane Ct erected this Greenhouse a month after our fence went up, without a hearing. This structure does obstruct one's view of open green spaces.

5th

This is an example of how our fence preserves open green spaces.

4th

Appendix C

The 19511 Gill Rd residents can clearly see over the fence while relaxing on their patio and deck.

ZONING MAP

LEGEND

Zoning Districts

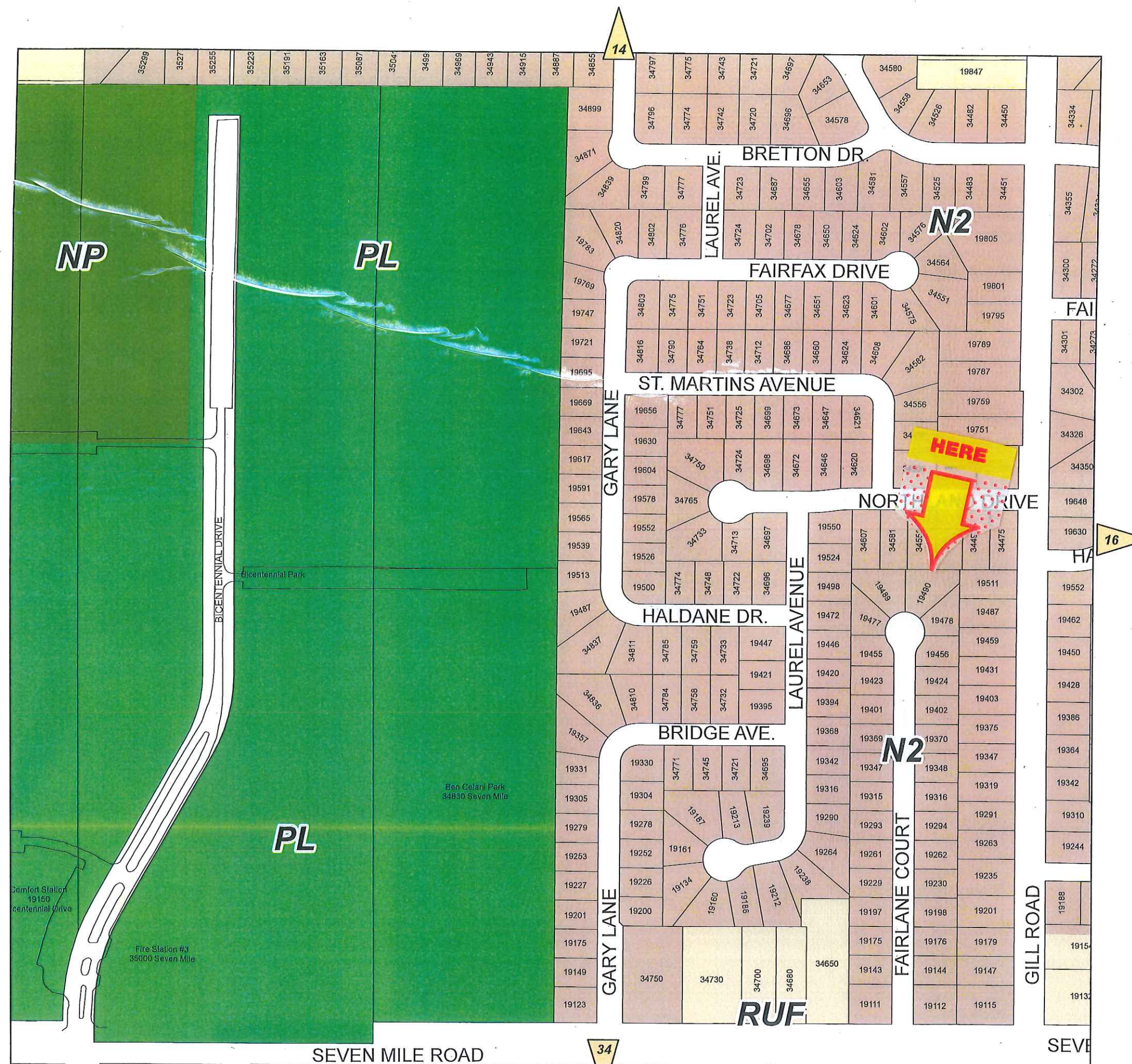
-  RUF Rural Urban Farm
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-  P Parking
-  C-1 Local Business
-  C-2 General Business
-  C-3 Highway Services
-  C-4 High Rise Commercial
-  M-L Manufacturing Limited
-  M-1 Light Manufacturing
-  M-2 General Manufacturing
-  P-L Public Lands
-  NP Nature Preserves

S.W. 1/4 Section 4

City of Livonia

T. 1 south, R. 9 east
Wayne County, Michigan

Copyright 2001, City of Livonia



ZONING BOARD OF APPEALS

ZONING BOARD MEMBERS

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JAMES M. BARINGHAUS, Vice Chairman
TIMOTHY J. KLISZ, Secretary
CHRISTOPHER N. BOLOVEN
TAMARA OLIVERIO
MARTHA PTASHNIK
MICHAEL A. TESTA



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2250

MAYOR

MAUREEN MILLER BROSNAN

COUNCIL MEMBERS

JIM JOLLY, President
LAURA M. TOY, Vice President
SCOTT BAHR
ROB GJONAJ DONOVIC
BRANDON MCCULLOUGH
KATHLEEN E. MCINTYRE
SCOTT MORGAN

March 24, 2023
PUBLIC NOTICE

APPEAL CASE NO. 2023-01-02 (Rescheduled from February 7, 2023): An appeal has been made to the Zoning Board of Appeals by George Nicoloff, 19490 Fairlane Ct, maintain a six-foot-tall privacy fence, erected without permit, along portions of the east and southeast property lines, resulting in not acquiring the east and southeast adjoining owners' consent.

The property is located on the east side of Fairlane Ct. (19490), between W. Seven Mile and the cul-de-sac, Lot No.015-04-0015-000, N-2 "Neighborhood District," Rejected by the Inspection Department under Fence Ordinance, Section 15.44.090 (B) "Residential District Regulations."

THE LAW REQUIRES THAT OWNERS OF PROPERTY LOCATED WITHIN 300 FEET OF THIS PROPERTY BE NOTIFIED OF THIS REQUEST IN WRITING. THIS IS YOUR NOTIFICATION.

This appeal will be heard at a public hearing to be held in the **Auditorium on the first floor of City Hall on Tuesday, April 11, 2023, at 7:00 p.m.**, at which time comments may be directed to the Board during audience participation. When replying by mail, write your comments on the back of this notice and address it to the City of Livonia, Zoning Board of Appeals, 33000 Civic Center Drive, Livonia, MI 48154. All written comments are read at the meeting and become part of the record.

ZONING BOARD OF APPEALS,

Timothy Klisz, Secretary

Petitioner will incur a \$100 rescheduling fee for every failure to appear.
In accordance with Title II of the Americans with Disabilities Act as it pertains to access to Public Meetings, the Zoning Board of Appeal's Office of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs.
Please call 734-466-2250 if you need assistance.

Case No: 2023-01-02
Meeting Date: April 11, 2023

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Signature: _____

Address:

ZONING BOARD OF APPEALS

ZONING BOARD MEMBERS

GREGORY G. COPPOLA, Chairman
JAMES M. BARINGHAUS, Vice Chairman
TIMOTHY J. KLISZ, Secretary
CHRISTOPHER N. BOLOVEN
TAMARA OLIVERIO
MARTHA PTASHNIK
MICHAEL A. TESTA



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2250

MAYOR

MAUREEN MILLER BROSNAN

COUNCIL MEMBERS

JIM JOLLY, President
LAURA M. TOY, Vice President
SCOTT BAHR
ROB GJONAJ DONOVIC
BRANDON MCCULLOUGH
KATHLEEN E. MCINTYRE
SCOTT MORGAN

March 24, 2023
PUBLIC NOTICE

APPEAL CASE NO. 2023-03-04: An appeal has been made to the Zoning Board of Appeals by Jason and Katie Kozak, 9760 Wayne Rd., seeking to demolish a nonconforming shed with an illegal addition and construct a detached garage while maintaining the existing attached garage, resulting in excessive accessory space.

Total Accessory Space:

Allowed:	920 sq. feet
Proposed:	1208.7 sq. feet
Excess:	288.7 sq. feet

The property is located on the east side of Wayne Rd. (9760), between Grandon St. and Pinetree St., Lot No.130-01-0039-001, R-U-F, Rural Urban Farm District. Rejected by the Inspection Department under Livonia Vision 21, Section 7.09 (1) (A), Residential Accessory Buildings, Maximum Size.

THE LAW REQUIRES THAT OWNERS OF PROPERTY LOCATED WITHIN 300 FEET OF THIS PROPERTY BE NOTIFIED OF THIS REQUEST IN WRITING. THIS IS YOUR NOTIFICATION.

This appeal will be heard at a public hearing to be held in the Auditorium on the first floor of City Hall on Tuesday, April 11, 2023, at 7:00 p.m., at which time comments may be directed to the Board during audience participation. When replying by mail, write your comments on the back of this notice and address it to the City of Livonia, Zoning Board of Appeals, 33000 Civic Center Drive, Livonia, MI 48154. All written comments are read at the meeting and become part of the record.

ZONING BOARD OF APPEALS,

A handwritten signature in black ink, appearing to read "TK", written over a horizontal line.

Timothy Klisz, Secretary

Petitioner will incur a \$100 rescheduling fee for every failure to appear.
In accordance with Title II of the Americans with Disabilities Act as it pertains to access to Public Meetings, the Zoning Board of Appeal's Office of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs.
Please call 734-466-2250 if you need assistance.

Case No: 2023-03-04
Meeting Date: April 11, 2023

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Signature: _____

Address:

Kasprowicz, Sara

From: Stierna, Matthew
Sent: Friday, March 17, 2023 3:23 PM
To: Fisher, Mike; Kasprowicz, Sara; Abrahamson, Randy
Subject: FW: Proposal Garage - 9760 Wayne

Matthew Stierna

Building Inspector
City of Livonia | Inspection Department
(734) 466-2593
mstierna@livonia.gov

From: katie.kozak@highly-marelli.com <katie.kozak@highly-marelli.com>
Sent: Friday, March 17, 2023 3:21 PM
To: Stierna, Matthew <mstierna@livonia.gov>
Cc: jasonkozak68@gmail.com
Subject: Proposal Garage - 9760 Wayne

Garage Design Board and Batten Wood clear oil – based sealer.

Quality Engineer
Internal/External Audits
Supplier Quality
Highly Marelli USA Inc.

27000 Hills Tech Ct.
Farmington Hills, MI 48331
Phone: 734-748-4682
E-Mail: katie.kozak@highly-marelli.com
www.highly-marelli.com





33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154
421-2000

CITY OF LIVONIA
Inspection Department

REJECTION OF APPLICATION FOR PERMIT
BECAUSE OF NON-CONFORMITY TO ZONING ORDINANCE LIVONIA VISION 21

Applicant	JASON & KATIE KOZAK	Address	(734) 634-2292 SAME AS OWNER
Owner	KATIE KOZAK	Address	9760 WAYNE RD.
Lessee	—	Address	—
Location	EAST	Side of	9760 WAYNE RD. Street
Between	GRANDON ST.	And	PINETREE ST.
Lot No/Parcel No.	130-01-0039-001	Subdivision	SUPERVISOR'S LIVONIA PLAT NO. 1
Zoning District	R-U-F	Map No.	NW 33
		Lot Size	66.00 FT X 270.00 FT (17820 ^{sq}) Alley —
Present Use	RESIDENTIAL SHED + ADDITION	Proposed Use	SAME
Present Building Size	200 SF + 170 SF (370 SF)	Proposed Building Size	32 FT X 24 FT (768 sq FT)
Present Height of Building	18 FT (2 STORY)	Proposed Height	16 FT (1 STORY)
Allowable Lot Coverage	35% (6,237 sq FT)	Proposed Lot Coverage	12% (2,185.9 sq FT)
Proposal	SEEKING TO DEMOLISH A NON-CONFORMING SHED WITH AN ILLEGAL ADDITION AND CONSTRUCT A DETACHED GARAGE WHILE MAINTAINING THE EXISTING ATTACHED GARAGE RESULTING IN EXCESSIVE ACCESSORY SPACE. TOTAL ACCESSORY SPACE ALLOWED: 920 sq. FT.; PROPOSED 1208.7 sq. FT.; EXCESS: 288.7 sq. FT.		
Reason for Rejection	LIVONIA VISION 21, SECTION 7.09(1)(A) (MAXIMUM SIZE)		
Deficient Side Yard	Deficient Front Yard	Deficient Rear Yard	
Deficient Lot Area	Deficient Lot Area per Room	Encroachment	
Excessive Lot Coverage	Excessive Height	7.09. (1) (A) 288.7 sq. FT.	
Use Prohibited	Deficient Parking Spaces	Increasing Area and Bulk	
Remarks			

Plans and Application examined by

Date

MARCH 10,

2023

ZONING EXAMINER

APPLICATION FOR VARIANCE

RECEIVED

FEB 28 2023

Inspection Department
City of Livonia

734 634 2292

JASON & KATE KOZAK 9760 WAYNE LIVONIA 48150 734 634 2292
 (Owner of Premises) (Street Address) (City) (Zip Code) (Telephone) (Fax)

(Lessee) (Street Address) (City) (Zip Code) (Telephone) (Fax)

(Contractor) (Street Address) (City) (Zip Code) (Telephone) (Fax)

The property address is 9760 WAYNE ROAD

Please note that if you need more space to answer any of the following questions, you may use a separate page or the back of this page. Simply identify your response(s) with the number of the question you are responding to.

1. Are there any deed restrictions or subdivision rules or restrictions on the property? If so, what are they? _____

2. Give legal description of property involved, or attach a deed or other document which contains the legal description of the property: _____

A variance can only be granted if a hardship or practical difficulty with the property makes the variance necessary. Under the City's Zoning Ordinance, a practical difficulty exists only if (a) the difficulty is exceptional and peculiar to the property, and does not exist generally throughout the City, (b) the difficulty involves more than mere inconvenience, inability to earn a higher financial return, or both, and (c) the variance would be fair to the neighbors and others who might be affected, as well as those who do not have this variance.

3. Please explain how the practical difficulty you claim is unique to your property, and does not exist elsewhere in the City:

VERY SMALL ATTACHED GARAGE WITH STEPS EXTENDING INTO
PARKING, ONLY 1 CAR WILL FIT

4. Please describe what the difficulty involves beyond mere inconvenience or inability to earn a higher financial return:

NOT ABLE TO PARK MY NEW TRUCK IN GARAGE

5. Explain why you think this variance would be fair to the neighbors and others who might be affected. THE NEW 24x32 GARAGE WOULD BE LARGE

ENOUGH TO FIT MY TRUCK, LAWN EQUIPMENT AND
ALL RECREATIONAL (KAYAK, BIKES)

6. Have you sought an amendment to the zoning ordinance which would permit your proposed project under your current zoning? If yes, please describe the outcome of this process: N/A

7. If you have not attempted to have the zoning ordinance amended, why hasn't this attempt been made? N/A

RECEIVED

8. Have you attempted to have the property rezoned? If yes, please describe the outcome of the rezoning process: no
9. If you have not attempted to have the property rezoned, why hasn't this attempt been made? no

Please see the separate instruction sheet for plans, fees, and other information which should be submitted with the application. Note that if an agent or attorney signs the application on behalf of the owner, said agent or attorney must provide written proof of his or her authority to act on the owner's behalf. ALL INTERESTED PARTIES ARE REQUIRED TO ATTEND THE ZONING BOARD OF APPEALS MEETING. NON-ATTENDANCE BY ANY INTERESTED PARTY MAY RESULT IN YOUR CASE BEING TABLED AND THE APPROPRIATE FEE BEING ASSESSED.

OWNER'S AFFIDAVIT

COUNTY OF WAYNE)
STATE OF MICHIGAN)

The undersigned being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanying information and data are in all respects true and correct to the best of (his/her) knowledge and belief, and that the undersigned personally undertakes to see that the property will be used and developed in compliance with all applicable ordinances and any conditions imposed in connection with any variance which may be granted in response to this application.

Signature of property owner: Katie Kozak

Please print name of property owner: Katie Kozak

NOTE: Please provide Letter of Authorization on official letterhead if not signed by owner of the property, as well as the deed and property transfer affidavit.

Subscribed and sworn to before me this 7TH day of March, 2023

Karen D. Thompson
(Notary Public, Wayne County, Michigan)
My Commission expires 8.25.28

Any decision of the Board favorable to the applicant will remain valid only as long as the information or data relating thereto are found to be correct and the conditions upon which the resolution was based are maintained.

NOT TO BE COMPLETED BY APPLICANT

Petitioner makes application for a Hearing, seeking to (reverse, modify, or affirm) the (order, decision) of the Department of Inspection, dated _____, which reads as follows:

I certify that (a) the petitioner is not in violation of any ordinance other than the provision(s) sought to be waived in the foregoing application, (b) all applicable fees have been paid, and (c) I have examined the foregoing application, and find that said application is complete, and that the City Zoning Ordinance, Ordinance No. 543, as amended, prohibits the proposed project unless a variance is granted by the Zoning Board of Appeals.

(Supervisor)

Application for permit filed _____ Violation Issued _____

STATE OF
MICHIGAN

Wayne County
April 11, 2008 08:04:00 AM
Receipt # 130518



REAL ESTATE
TRANSFER TAX

\$169.95 - CO
\$1,156.75 - ST
Stamp # 75292

Bernard J. Youngblood
Wayne County Register of Deeds

April 11, 2008 08:04 AM
Liber 47138 Page 1198-1199

#208132081 DD FEE: \$18.00



Loan #: 11999
Parcel #: 46-130-01-0039-001

Return to:
Clifford A. Branham, Esq.
800 Corporate Dr., Suite 102A
Lexington, KY 40503

COVENANT DEED

KNOW ALL MEN BY THESE PRESENTS: That Deutsche Bank National Trust
under the Pooling and Servicing Agreements 2004-b

Whose address is: 460 Sierra Madre Villa Ave, Ste. 101, Pasadena, CA 91107-2940

Covenants that it is seized of said land and has a right to convey it and conveys to

Katie Kozak, married

Whose mailing address is: 9760 Wayne Road, Livonia, MI 48150

the following described premises situated:

Situated in the City of Livonia, Wayne County, Michigan, more particularly
described as follows:

Lot 39, Except the Easterly 330 feet and also the Westerly 27 feet thereof,
Supervisor's Livonia Plat No. 2, according to the recorded plat thereof as
recorded in Liber 65 of Plats, Page 52.

Permanent Parcel No.: 46-130-01-0039-001

More commonly known as: 9760 Wayne Road, Livonia, MI 48150

Prior Recording Reference: Liber 45621, Page 160

for the full consideration of **One Hundred Fifty-four Thousand Five Hundred Dollars and 00/100 (\$154,500.00)** subject to covenants, restrictions, and easements of record and subject to such liens and encumbrances as may have attached or accrued through the acts or omissions of persons other than the Grantor(s) and subject to the lien of taxes not yet due and payable.

The undersigned person executing this deed on behalf of the Grantor represents and certifies that he or she is duly authorized to act for the Grantor and have been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

Subject to the existing building and use restrictions, easements, and zoning ordinances, if any.

This is to certify that there are no tax liens or titles on
this property and that taxes are paid for FIVE YEARS
previous to date of this instrument EXCEPT 2007 not examined

No. 5972 Received by Wayne County Date FEB 29, 08

WAYNE COUNTY TREASURER Clerk LKG

Dated this 25th day of January, 2008

WITNESSES:

[Signature]
Print name: Josie Salazar
Chase

[Signature]
Print name: Martha Guerrero

Deutsche Bank National Trust under the
Pooling and Servicing Agreements 2004-b

By: [Signature]
Print name: Cary B. Sternberg
Title: Vice President

State of Texas, County of Williamson, ss:

Before me, a Notary Public in and for said County and State, personally appeared Cary B. Sternberg, the Vice President of Indymac Bank, as Attorney-In-Fact for **Deutsche Bank National Trust under the Pooling and Servicing Agreements 2004-b**, who acknowledged the execution of the foregoing instrument for and on behalf of said Grantor, and who, having been duly sworn, stated that any representations therein contained are true.

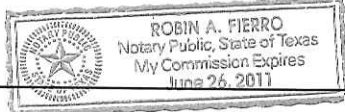
Witness my hand and notarial seal this 25th day of January, 2008.

My Commission expires: 06/26/2011

County: Williamson

County acting in:

[Signature]
Notary Public



This Instrument Drafted By:

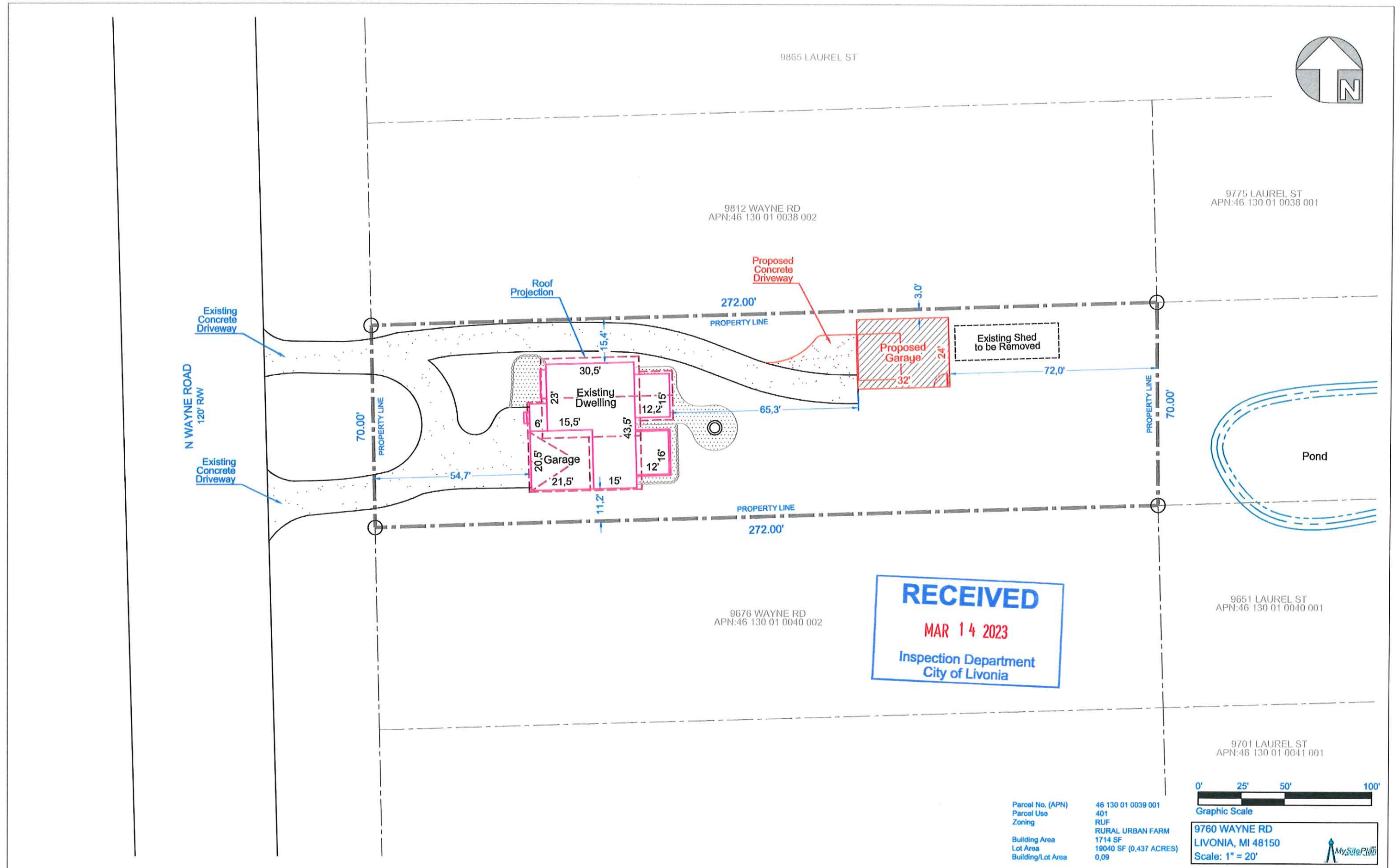
Clifford A. Branham, Esq.
800 Corporate Dr.
Suite 102A
Lexington, KY 40503

Send tax bills To: GRANTEE

File: REO #148

[Signature]
Clifford A. Branham, Esq.
800 Corporate Dr. #102A
Lexington, KY 40503
+ return to

REVISED SITE PLANS RECEIVED BY PETITIONER 3/14/23





9865 LAUREL ST

9812 WAYNE RD
APN:46 130 01 0038 002

9775 LAUREL ST
APN:46 130 01 0038 001

N WAYNE ROAD
120' ROW

Driveway

Driveway

Roof
Projection

272.00'

PROPERTY LINE

Proposed
Dwelling

Existing Shed
to be Removed

72.0'

70.00'

Pond

9676 WAYNE RD
APN:46 130 01 0040 002

9651 LAUREL ST
APN:46 130 01 0040 001

9701 LAUREL ST
APN:46 130 01 0041 001

Parcel No. (APN)
Parcel Use
Zoning
Building Area
Lot Area
Building/Lot Area

46 130 01 0039 001
401
RURAL URBAN FARM
1714 SF
19040 SF (0.437 ACRES)
0.09

0' 25' 50' 100'
Graphic Scale

9760 WAYNE RD
LIVONIA, MI 48150
Scale: 1" = 20'





9866 LAUREL ST

9776 LAUREL ST
APN:46 130 01 0038 001

PROPERTY LINE
70.00'

Existing Shed
to be Removed

Proposed
Dwelling

PROPERTY LINE
272.00'

9812 WAYNE RD
APN:46 130 01 0038 002

Roof
Projection

PROPERTY LINE
70.00'

Driveway

N WAYNE ROAD
120' ROW

Driveway

54.7'

PROPERTY LINE
272.00'

9676 WAYNE RD
APN:46 130 01 0040 002

9651 LAUREL ST
APN:46 130 01 0040 001

PROPERTY LINE
70.00'

Pond

9701 LAUREL ST
APN:46 130 01 0041 001

Graphic Scale

0' 25' 50' 100'

9760 WAYNE RD
LIVONIA, MI 48150

Parcel No. (APN)
Rural Use
Zoning
RUP
401
1714 SF (0.437 ACRES)
Building Area
19045 SF (0.437 ACRES)
0.09



Scale: 1" = 20'



ZONING MAP

LEGEND

Zoning Districts

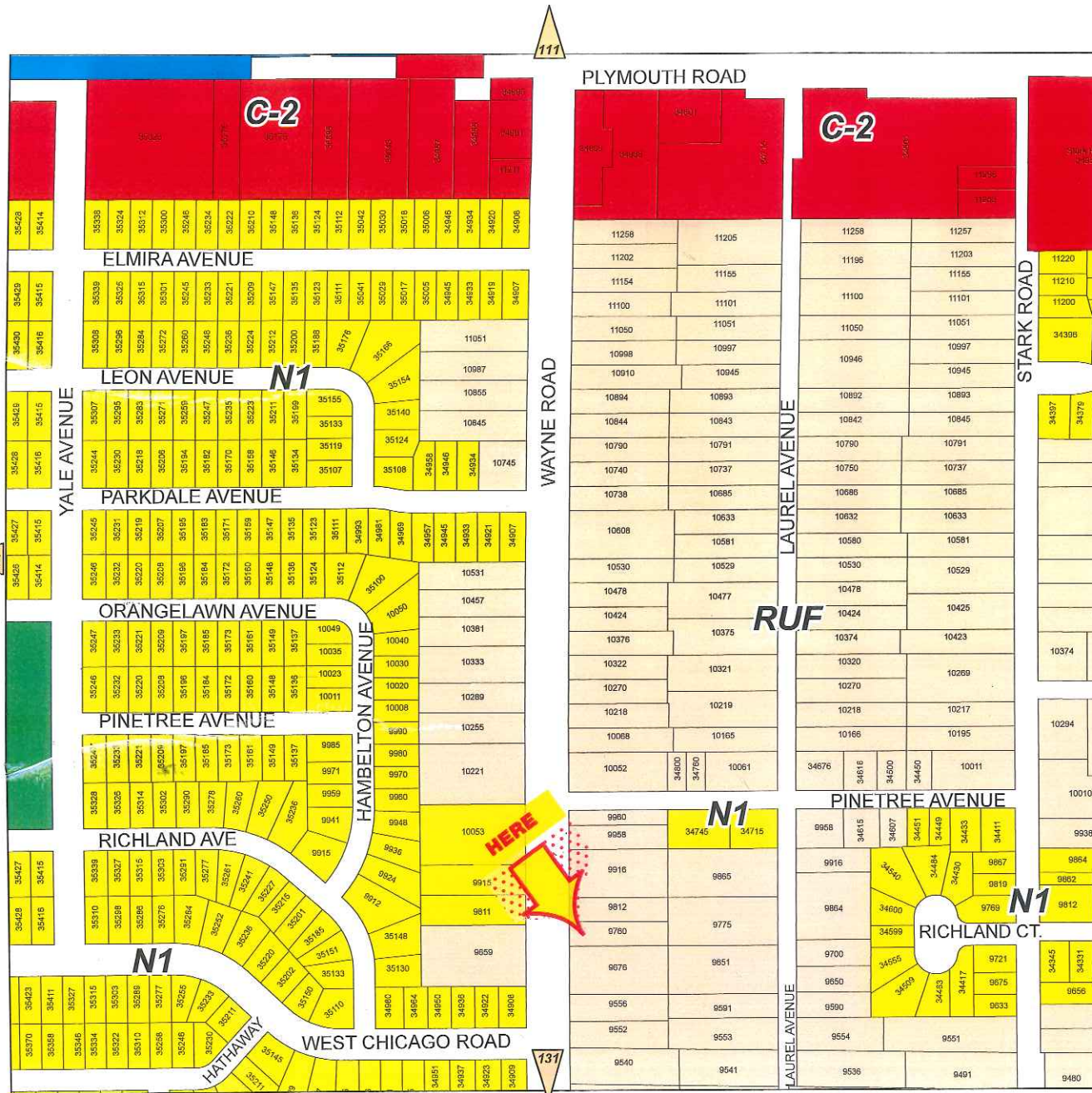
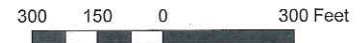
-  RUF Rural Urban Farm
-  N1 Neighborhood
-  N2 Neighborhood
-  NM1 Neighborhood Multifamily
-  NM2 Neighborhood Multifamily
-  NM3 Neighborhood Multifamily
-  P Parking
-  C-1 Local Business
-  C-2 General Business
-  C-3 Highway Services
-  C-4 High Rise Commercial
-  M-L Manufacturing Limited
-  M-1 Light Manufacturing
-  M-2 General Manufacturing
-  P-L Public Lands
-  NP Nature Preserves

N.W. 1/4 Section 33

City of Livonia

T. 1 south, R. 9 east
Wayne County, Michigan

Copyright 2001, City of Livonia



Kasprowicz, Sara

From: Stierna, Matthew
Sent: Friday, March 17, 2023 3:23 PM
To: Fisher, Mike; Kasprowicz, Sara; Abrahamson, Randy
Subject: FW: Proposal Garage - 9760 Wayne

Matthew Stierna

Building Inspector
City of Livonia | Inspection Department
(734) 466-2593
mstierna@livonia.gov

From: katie.kozak@highly-marelli.com <katie.kozak@highly-marelli.com>
Sent: Friday, March 17, 2023 3:21 PM
To: Stierna, Matthew <mstierna@livonia.gov>
Cc: jasonkozak68@gmail.com
Subject: Proposal Garage - 9760 Wayne

Garage Design Board and Batten Wood clear oil – based sealer.

Quality Engineer
Internal/External Audits
Supplier Quality
Highly Marelli USA Inc.

27000 Hills Tech Ct.
Farmington Hills, MI 48331
Phone: 734-748-4682
E-Mail: katie.kozak@highly-marelli.com
www.highly-marelli.com





33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154
421-2000

CITY OF LIVONIA
Inspection Department

REJECTION OF APPLICATION FOR PERMIT
BECAUSE OF NON-CONFORMITY TO ZONING ORDINANCE LIVONIA VISION 21

Applicant	JASON & KATIE KOZAK	Address	(734) 634-2292 SAME AS OWNER
Owner	KATIE KOZAK	Address	9760 WAYNE RD.
Lessee	—	Address	—
Location	EAST	Side of	9760 WAYNE RD. Street
Between	GRANDON ST.	And	PINETREE ST.
Lot No/Parcel No.	130-01-0039-001	Subdivision	SUPERVISOR'S LIVONIA PLAT NO. 1
Zoning District	R-U-F	Map No.	NW 33
		Lot Size	66.00 FT X 270.00 FT (17820 ^{sq}) Alley —
Present Use	RESIDENTIAL SHED + ADDITION	Proposed Use	SAME
Present Building Size	200 SF + 170 SF (370 SF)	Proposed Building Size	32 FT X 24 FT (768 sq FT)
Present Height of Building	18 FT (2 STORY)	Proposed Height	16 FT (1 STORY)
Allowable Lot Coverage	35% (6,237 sq FT)	Proposed Lot Coverage	12% (2,185.9 sq FT)
Proposal	SEEKING TO DEMOLISH A NON-CONFORMING SHED WITH AN ILLEGAL ADDITION AND CONSTRUCT A DETACHED GARAGE WHILE MAINTAINING THE EXISTING ATTACHED GARAGE RESULTING IN EXCESSIVE ACCESSORY SPACE. TOTAL ACCESSORY SPACE ALLOWED: 920 sq. FT.; PROPOSED 1208.7 sq. FT.; EXCESS: 288.7 sq. FT.		
Reason for Rejection	LIVONIA VISION 21, SECTION 7.09(1)(A) (MAXIMUM SIZE)		
Deficient Side Yard	Deficient Front Yard	Deficient Rear Yard	
Deficient Lot Area	Deficient Lot Area per Room	Encroachment	
Excessive Lot Coverage	Excessive Height	7.09. (1) (A) 288.7 sq. FT.	
Use Prohibited	Deficient Parking Spaces	Increasing Area and Bulk	
Remarks			

Plans and Application examined by

Date

MARCH 10,

2023

ZONING EXAMINER

APPLICATION FOR VARIANCE

RECEIVED

FEB 28 2023

Inspection Department
City of Livonia

734 634 2292

JASON & KATE KOZAK 9760 WAYNE LIVONIA MI 48150 734 634 2292
 (Owner of Premises) (Street Address) (City) (Zip Code) (Telephone) (Fax)

(Lessee) (Street Address) (City) (Zip Code) (Telephone) (Fax)

(Contractor) (Street Address) (City) (Zip Code) (Telephone) (Fax)

The property address is 9760 WAYNE ROAD

Please note that if you need more space to answer any of the following questions, you may use a separate page or the back of this page. Simply identify your response(s) with the number of the question you are responding to.

1. Are there any deed restrictions or subdivision rules or restrictions on the property? If so, what are they? _____

2. Give legal description of property involved, or attach a deed or other document which contains the legal description of the property: _____

A variance can only be granted if a hardship or practical difficulty with the property makes the variance necessary. Under the City's Zoning Ordinance, a practical difficulty exists only if (a) the difficulty is exceptional and peculiar to the property, and does not exist generally throughout the City, (b) the difficulty involves more than mere inconvenience, inability to earn a higher financial return, or both, and (c) the variance would be fair to the neighbors and others who might be affected, as well as those who do not have this variance.

3. Please explain how the practical difficulty you claim is unique to your property, and does not exist elsewhere in the City:

VERY SMALL ATTACHED GARAGE WITH STEPS EXTENDING INTO
PARKING, ONLY 1 CAR WILL FIT

4. Please describe what the difficulty involves beyond mere inconvenience or inability to earn a higher financial return:

NOT ABLE TO PARK MY NEW TRUCK IN GARAGE

5. Explain why you think this variance would be fair to the neighbors and others who might be affected. THE NEW 24x32 GARAGE WOULD BE LARGE

ENOUGH TO FIT MY TRUCK, LAWN EQUIPMENT AND
ALL RECREATIONAL (KAYAK, BIKES)

6. Have you sought an amendment to the zoning ordinance which would permit your proposed project under your current zoning? If yes, please describe the outcome of this process: N/A

7. If you have not attempted to have the zoning ordinance amended, why hasn't this attempt been made? N/A

RECEIVED

8. Have you attempted to have the property rezoned? If yes, please describe the outcome of the rezoning process: no
9. If you have not attempted to have the property rezoned, why hasn't this attempt been made? no

Please see the separate instruction sheet for plans, fees, and other information which should be submitted with the application. Note that if an agent or attorney signs the application on behalf of the owner, said agent or attorney must provide written proof of his or her authority to act on the owner's behalf. ALL INTERESTED PARTIES ARE REQUIRED TO ATTEND THE ZONING BOARD OF APPEALS MEETING. NON-ATTENDANCE BY ANY INTERESTED PARTY MAY RESULT IN YOUR CASE BEING TABLED AND THE APPROPRIATE FEE BEING ASSESSED.

OWNER'S AFFIDAVIT

COUNTY OF WAYNE)
STATE OF MICHIGAN)

The undersigned being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanying information and data are in all respects true and correct to the best of (his/her) knowledge and belief, and that the undersigned personally undertakes to see that the property will be used and developed in compliance with all applicable ordinances and any conditions imposed in connection with any variance which may be granted in response to this application.

Signature of property owner: Katie Kozak

Please print name of property owner: Katie Kozak

NOTE: Please provide Letter of Authorization on official letterhead if not signed by owner of the property, as well as the deed and property transfer affidavit.

Subscribed and sworn to before me this 7TH day of March, 2023

Karen D. Thompson
(Notary Public, Wayne County, Michigan)
My Commission expires 8.25.28

Any decision of the Board favorable to the applicant will remain valid only as long as the information or data relating thereto are found to be correct and the conditions upon which the resolution was based are maintained.

NOT TO BE COMPLETED BY APPLICANT

Petitioner makes application for a Hearing, seeking to (reverse, modify, or affirm) the (order, decision) of the Department of Inspection, dated _____, which reads as follows:

I certify that (a) the petitioner is not in violation of any ordinance other than the provision(s) sought to be waived in the foregoing application, (b) all applicable fees have been paid, and (c) I have examined the foregoing application, and find that said application is complete, and that the City Zoning Ordinance, Ordinance No. 543, as amended, prohibits the proposed project unless a variance is granted by the Zoning Board of Appeals.

(Supervisor)

Application for permit filed _____ Violation Issued _____

STATE OF
MICHIGAN

Wayne County
April 11, 2008 08:04:00 AM
Receipt # 130518



REAL ESTATE
TRANSFER TAX

\$169.95 - CO
\$1,156.75 - ST
Stamp # 75292

Bernard J. Youngblood
Wayne County Register of Deeds

April 11, 2008 08:04 AM
Liber 47138 Page 1198-1199

#208132081 DD FEE: \$18.00



Loan #: 11999
Parcel #: 46-130-01-0039-001

Return to:
Clifford A. Branham, Esq.
800 Corporate Dr., Suite 102A
Lexington, KY 40503

COVENANT DEED

KNOW ALL MEN BY THESE PRESENTS: That Deutsche Bank National Trust
under the Pooling and Servicing Agreements 2004-b

Whose address is: 460 Sierra Madre Villa Ave, Ste. 101, Pasadena, CA 91107-2940

Covenants that it is seized of said land and has a right to convey it and conveys to

Katie Kozak, married

Whose mailing address is: 9760 Wayne Road, Livonia, MI 48150

the following described premises situated:

Situated in the City of Livonia, Wayne County, Michigan, more particularly
described as follows:

Lot 39, Except the Easterly 330 feet and also the Westerly 27 feet thereof,
Supervisor's Livonia Plat No. 2, according to the recorded plat thereof as
recorded in Liber 65 of Plats, Page 52.

Permanent Parcel No.: 46-130-01-0039-001

More commonly known as: 9760 Wayne Road, Livonia, MI 48150

Prior Recording Reference: Liber 45621, Page 160

for the full consideration of **One Hundred Fifty-four Thousand Five Hundred Dollars and 00/100 (\$154,500.00)** subject to covenants, restrictions, and easements of record and subject to such liens and encumbrances as may have attached or accrued through the acts or omissions of persons other than the Grantor(s) and subject to the lien of taxes not yet due and payable.

The undersigned person executing this deed on behalf of the Grantor represents and certifies that he or she is duly authorized to act for the Grantor and have been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

Subject to the existing building and use restrictions, easements, and zoning ordinances, if any.

This is to certify that there are no tax liens or titles on
this property and that taxes are paid for FIVE YEARS
previous to date of this instrument EXCEPT 2007 not examined

No. 5972 Received by Wayne County Date FEB 29, 08

WAYNE COUNTY TREASURER Clerk LKG

Dated this 25th day of January, 2008

WITNESSES:

[Signature]
Print name: Josie Salazar
Chase

[Signature]
Print name: Martha Guerrero

Deutsche Bank National Trust under the
Pooling and Servicing Agreements 2004-b

By: [Signature]
Print name: Cary B. Sternberg
Title: Vice President

State of Texas, County of Williamson, ss:

Before me, a Notary Public in and for said County and State, personally appeared Cary B. Sternberg, the Vice President of Indymac Bank, as Attorney-In-Fact for **Deutsche Bank National Trust under the Pooling and Servicing Agreements 2004-b**, who acknowledged the execution of the foregoing instrument for and on behalf of said Grantor, and who, having been duly sworn, stated that any representations therein contained are true.

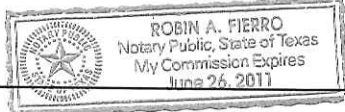
Witness my hand and notarial seal this 25th day of January, 2008.

My Commission expires: 06/26/2011

County: Williamson

County acting in:

[Signature]
Notary Public



This Instrument Drafted By:

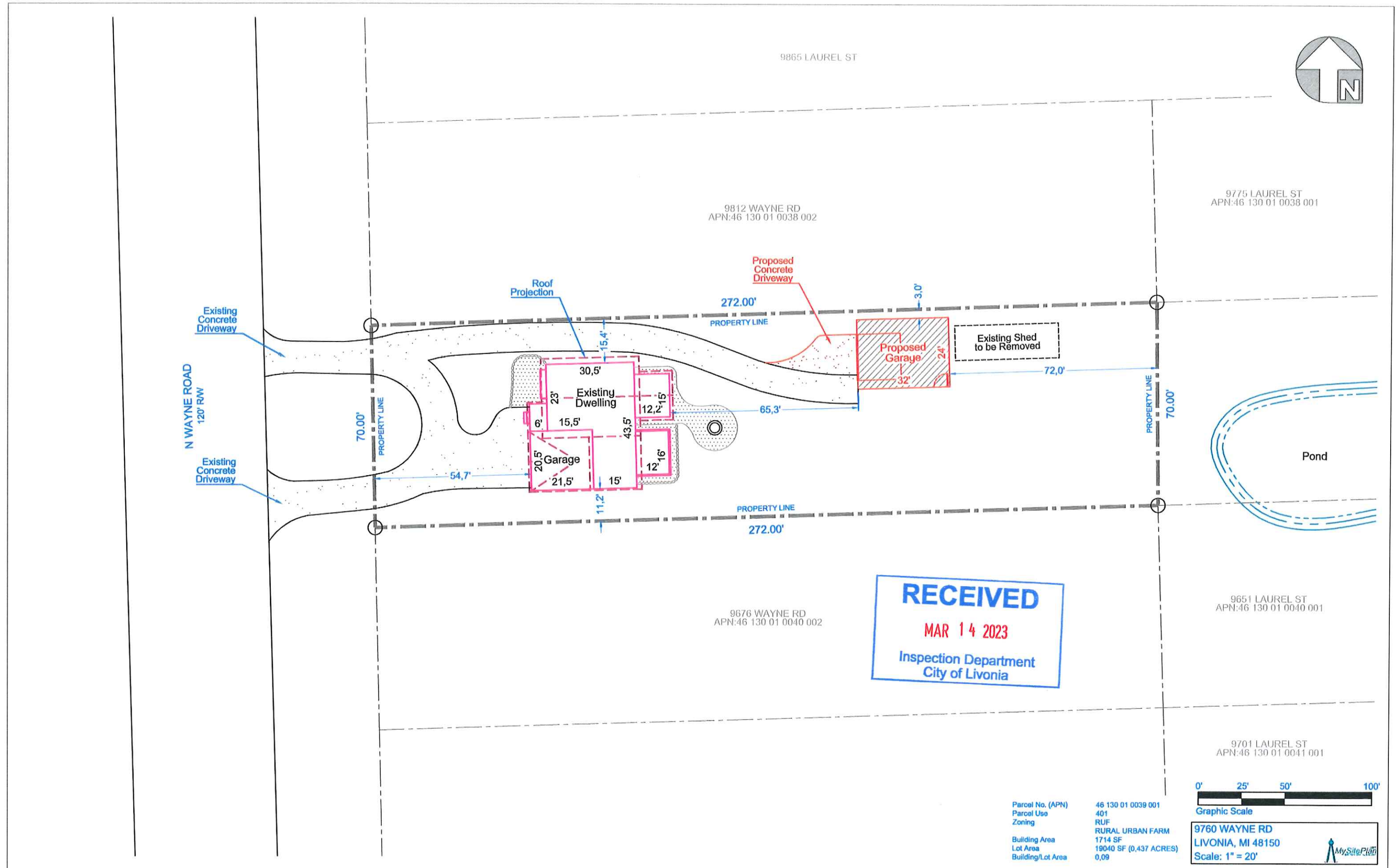
Clifford A. Branham, Esq.
800 Corporate Dr.
Suite 102A
Lexington, KY 40503

Send tax bills To: GRANTEE

File: REO #148

[Signature]
Clifford A. Branham, Esq.
800 Corporate Dr. #102A
Lexington, KY 40503
+ return to

REVISED SITE PLANS RECEIVED BY PETITIONER 3/14/23





9865 LAUREL ST

9812 WAYNE RD
APN:46 130 01 0038 002

9775 LAUREL ST
APN:46 130 01 0038 001

N WAYNE ROAD
120' ROW

Driveway

Driveway

Roof
Projection

272.00'

PROPERTY LINE

Proposed
Dwelling

Existing Shed
to be Removed

72.0'

70.00'

Pond

9676 WAYNE RD
APN:46 130 01 0040 002

9651 LAUREL ST
APN:46 130 01 0040 001

9701 LAUREL ST
APN:46 130 01 0041 001

Parcel No. (APN)
Parcel Use
Zoning
Building Area
Lot Area
Building/Lot Area

46 130 01 0039 001
401
RURAL URBAN FARM
1714 SF
19040 SF (0.437 ACRES)
0.09

0' 25' 50' 100'
Graphic Scale

9760 WAYNE RD
LIVONIA, MI 48150
Scale: 1" = 20'





ZONING MAP

LEGEND

Zoning Districts

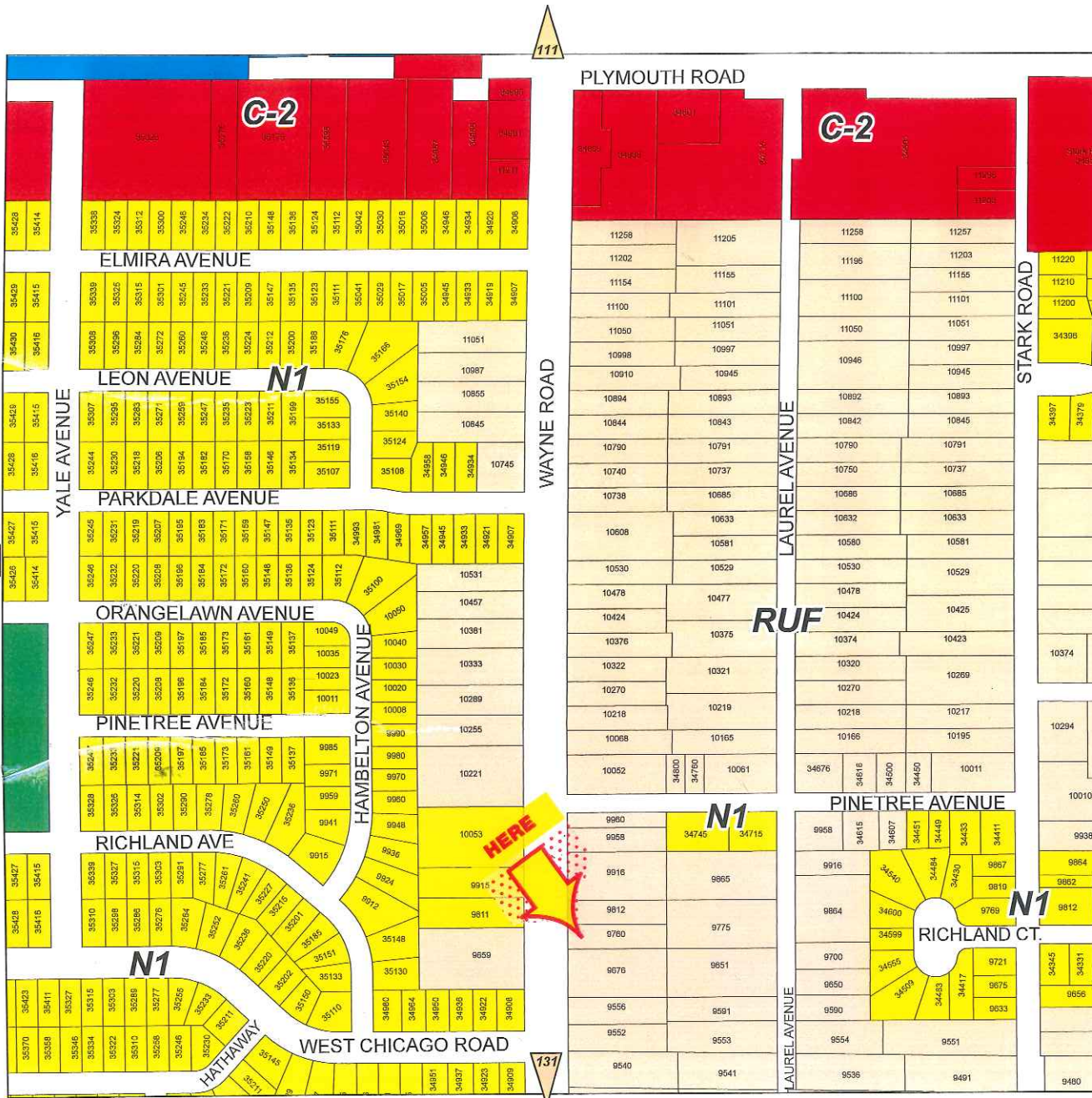
-  RUF Rural Urban Farm
-  N1 Neighborhood
-  N2 Neighborhood
-  NM1 Neighborhood Multifamily
-  NM2 Neighborhood Multifamily
-  NM3 Neighborhood Multifamily
-  P Parking
-  C-1 Local Business
-  C-2 General Business
-  C-3 Highway Services
-  C-4 High Rise Commercial
-  M-L Manufacturing Limited
-  M-1 Light Manufacturing
-  M-2 General Manufacturing
-  P-L Public Lands
-  NP Nature Preserves

N.W. 1/4 Section 33

City of Livonia

T. 1 south, R. 9 east
Wayne County, Michigan

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ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, FEBRUARY 7, 2023

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, FEBRUARY 7, 2023.

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

MEMBERS ABSENT: NONE

OTHERS PRESENT: Mike Fisher, Assistant City Attorney
Lawrence O'Neal, Building Inspector

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. Seven (7) members were present. Secretary then read the Agenda and Legal Notice to each appeal, and each petitioner indicated their presence. Appeals came up for hearing after due legal notice was given to all interested parties within 300 feet, petitioners, and City Departments. There were four people present in the audience.

(7:00)

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APPEAL CASE NO. 2022-11-32 (Tabled on December 13, 2022): An appeal has been made to the Zoning Board of Appeals by John Beshi, 38141 Ann Arbor Road, seeking to erect a directional sign and additional wall (awning) sign, resulting in the directional sign being excess in area and the wall sign being excess in amount and area.

Directional Sign Area:

Allowed: 2 sq. ft
Proposed: 4.5 sq. ft
Excess: 2.5 sq. ft

Wall Signs:

Allowed: 1
Proposed: 2
Excess: 1

Wall Sign Area:

Allowed: 21 sq. ft
Proposed: additional 10 sq. ft
(28 sq. ft. existing)
Excess: 17 sq. ft.

KLISZ Calling appeal case number 2022-11-32, tabled on December 13, 2022. An appeal has been made to the Zoning Board of Appeals by John Beshi, 38141 Ann Arbor Road, seeking to erect a directional sign and additional wall awning sign, resulting in the directional sign being excess in area and the wall sign being excess in amount and area. Directional Sign Area: Allowed: 2 sq. ft, Proposed: 4.5 sq. ft, Excess: 2.5 sq. ft. Wall Signs: Allowed: 1, Proposed: 2, Excess: 1, Wall Sign Area: Allowed: 21 sq. ft, Proposed: additional 10 sq. ft (28 sq. ft. existing), Excess: 17 sq. ft.

COPPOLA Anything you'd like to add?

O'NEAL Not at this time.

COPPOLA Any questions for Mr. O'Neal? Seeing none, the petitioner can come up to the podium. Name and address.

BARINGHAUS Mr. Chairman?

COPPOLA Oh, I'm sorry.

KLISZ Motion to remove appeal case number 2022-11-32 from the table. Got a motion by Vice Chair Baringhaus, seconded by Mr. Boloven, remove from table. All in favor?

MEMBERS Aye.

COPPOLA Okay.

WATSON I'm Daniel Watson. My address is 33733 Lacrosse Street, Westland, Michigan. I apologize about December 13. I had a little illness and could not make it. But the company that I'm working with -- the sign company -- kind of filled me in on the last one.

COPPOLA

Ok, why don't you give us a little background on what you're trying to accomplish here? And if there are any changes from last time...what was presented last time. So, what you're trying to accomplish; when you talk about the directional sign, I'd like to understand the purpose and hardship you have to increasing that and then we can talk about the wall sign.

WATSON

Yeah. So, the directional sign is on, I guess it would be the south east side of the building. There's a big tree, a big bushel tree there. We don't have any signage, aside from what Mr. Beshi has allowed us on his LED sign, saying that we have a pickup window. The thought behind this was, when COVID happened obviously all QSRs kind of took a hit with how we were able to respond to that. And we put into motion that we asked Mr. Beshi if we could do a pick-up window. You guys granted that, and we are very appreciative of that. It's allowed us to service our customers more conveniently. It also allows us to keep our employees safe at nighttime, because we're allowed to lock the doors when it starts to get dark. And then we allow people to go through the pickup window. The sign on the road is not illuminated; we're not going to put electrical to it. It's for our daytime traffic; we have a sign on to 275 North coming up on the MDOT sign that says, "Hey, Little Caesars to the right, a mile down the road." When you come around that curb, as I think many of us have, it's very hard to locate. You're almost two entrances in before you see where Little Caesars is. And then you have to kind of back skirt and come to the store. The purpose of the sign is to let people know that "Hey, we do have a pickup window; here's the convenience. Come around the corner and come up to our pickup window. We can service you that way." It's not going to be illuminated. Again, it's bigger. I'm asking for a variance, I went to Little Caesars, I used to work at Headquarters, I asked for the smallest sign that they had that they could manufacture. They shipped this one. So, we put it into the plans. So, I don't have any intention and illuminating the sign; I just want it to be there for us during our daytime traffic to be able to get them off the highway. And the tree kind of restricts it from, coming west.

COPPOLA

How about the wall sign? Why don't you talk about that?

WATSON

So, the wall sign... we're referring to the awning, correct? Okay, so the awning, like many pickup window drive-thru sits above the pickup window or drive-thru window there to kind of protect. Obviously, we serve food. So, food safety, when we hand the product out the window -- the pizza, the crazy bread -- and allow us to transfer it to the car when they pull up. It protects from elements outside -- the wind, the rain and the sleet. It just makes it a more appealing visit to the customer. It also keeps with that

sign, you know, being there, with it illuminated, it allows us -- as we walk up to that window and our employees -- to be able to look and see into the car. So, for safety for our employees as well. So, we can go and see, you know, when that car approaches. But the main concern for me, personally as a franchise owner, and I have my supervisor here as well works operations day to day, it's that safety of handling it with the elements -- the snow, the rain, we have all kinds of elements in Michigan -- to help us protect our food as we pass it out the window to the customers.

COPPOLA Let me start, just real quick, with the awning. So, as I understand, the purpose of the awning and I think John, I fully agree that there needs to be an awning and actually there's no prohibition to having an awning. The issue is that the sign sits on the awning. So why don't you talk a little bit about why you want the signage on the awning?

WATSON So the sign is just... it's just Little Caesars. When I ordered this, this was the sign. They like to put their logo on everything. We put a request in to corporate saying this is what we're going to do; we sent them the approvals from the city, and they sent us back the awning. They fabricated it with 'Little Caesars.' So bam, it's recognizable. You know, it's just, I guess, I don't have an answer to why... there's no benefit to business or anything. It just lets people know that it's Little Caesars's pickup window. I don't have a specific reason why the signage is on there or the logo. Just corporate recommended it.

COPPOLA Ok. You have a current directional sign on the road already?

WATSON I do not.

COPPOLA Ok. Questions for the petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Mr. Baringhaus.

BARINGHAUS Okay. The directional signage that we have in the packet, that's a corporate sign?

WATSON That is a corporate sign, yeah.

BARINGHAUS Okay, because I've seen other Little Caesars that have drive-thru, and they had smaller directional signage than what you're proposing.

WATSON Okay. I'm not familiar with what stores you're referring to, but I can definitely email or...

BARINGHAUS The one I'm referring to specifically be the one on Warren and Wayne, in Westland.

WATSON Warren and Wayne... ok.

BARINGHAUS It's kind of on the corner. Okay, yeah, by that McDonald's over there?

BARINGHAUS Exactly.

WATSON It's one of those small ones? Okay, yeah, I know that store was built, you know, probably in the 80s. So, it's an old image on that. So, they may have changed their stacks. I just again sent all the plans to corporate.... would they recommend an architect? And they sent us back what they recommend.

BARINGHAUS When you sent a request in to Little Caesars, did you also send them the ordinance for the city on what the direction signage square footage should be?

WATSON The sign company, in my recollection, did. Yes. I didn't personally.

BARINGHAUS Because it came back out of compliance.

WATSON Okay. Okay. Yeah, they should... I mean, I hire them. I don't do the signs. I hire a sign company and an architect to draw these up and to be in communication with corporate.

BARINGHAUS You don't advertise that you have drive-thru facilities at your Little Caesars?

WATSON Not drive-thru, no. It's a pickup window. We don't advertise drive-thru; it's a pickup window. We have a sign on the front, like in our like glass that says, "pick-up window" and it has an arrow inside our building that just points an arrow that we can illuminate when our lobbies are closed.

BARINGHAUS And what does your sign say?

WATSON It says, "pick-up window."

BARINGHAUS I believe it says, "drive-thru."

WATSON Does it say "drive-thru?"

BARINGHAUS Maybe it does. Let me check. One moment. I can get a picture of it.

WATSON If I go back and it says "drive-thru," I can change it.

BARINGHAUS Yeah, it does say "drive-thru."

WATSON Okay. So, we'll have to change that.

BARINGHAUS When you're a franchise for a Little Caesars operation, does Little Caesars have standards for drive-thru operations?

WATSON In regards to what?

BARINGHAUS In regards to directional signage. In regards to the distance the customer has to drive through a window. The setup around the window - does it require an awning? Does it have to be logo-ed?

WATSON Yeah, they do. I'd be happy to put us in touch with corporate, when they do these drawings.

BARINGHAUS Question for Mr. Fisher... if an operation like Little Caesars or a restaurant has a drive-thru window, is it required that they specifically identify parking spots for customers who are waiting for it because it can't be completed through a drive-thru window?

FISHER Well, I know that they're supposed to have spaces for those people who are waiting for their transactions and so forth. I don't know about any signage requirement.

BARINGHAUS So there are no signage requirements, or no ordinance that requires a certain amount of space to set aside for that particular customer who didn't have their order completed at the drive-thru window?

FISHER Well, they do have... there is a requirement for spaces for the customers at the drive-thru window. It's just, I'm not sure that there's any requirement that you identified.

WATSON So it's a pickup window... they order our model with Little Caesars, which I'm sure you're familiar with is just "hot and ready" placed orders on the phone. We don't have people come up -- and Justin, you can speak to this -- we don't typically have people come up and say, "Hey, I need it pre-made." And if they do, we say, "You can pull around in 10 minutes." We don't bring it out to them. So, it's just a pick-up. It's easy convenience. We try to inform the

customers that, "Hey, this is for hot and ready products that we have ready, and your online orders or your phone orders."

BARINGHAUS Okay. Thank you, Mr. Chairman.

TESTA Mr. Chair?

COPPOLA Mr. Testa.

TESTA Question for the petitioner. So, I was there yesterday, driving around, and I noticed there are four other wall signs that say one way -- two are like the white and black traditional one-way signs, mounted on the building. But there's two additional that are orange that say "one-way" and then the arrow is actually like the Little Caesar guy's spear, which makes a nice, convenient arrow pointing. Are you counting those in your signage calculation or not?

WATSON I believe the Little Caesars are... I don't know about the one-way or the black and white ones.

TESTA Okay. Yeah, those probably aren't, but you're saying the orange signs are included in your wall sign... 20 square feet?

WATSON I'm not entirely sure. I can get that information from my general contractor.

TESTA They're not very big, but they're there. And then also, there is paint on the pavement of an arrow that says "drive-thru" going to that window, so it may be that terminology is not jiving with the "pick-up window" because it does say "drive-thru" on the asphalt, right when you turn onto the street.

WATSON From that road, okay.

TESTA Regarding the awning, you're saying the awning is already fabricated with the signage?

WATSON Yeah, I purchased it like a year and a half ago.

TESTA Okay. It's not currently up, right?

WATSON No.

TESTA Okay, so when I say that it's there, I just want to make sure I'm not misunderstanding. I noticed maybe the same plaza also has a drive-thru. I didn't know that until yesterday. It has a very large awning drive-thru on it but no signage on it. But they do have four

directional signs in the parking lot. And then one large wall sign, but it's more directional. So I think once you're in queue, you kind of know you're going to Biggby. And that's maybe why they don't have signage on the awning. But I'm assuming because you have the awning already made or fabricated, that's why you want the signage on there. If you didn't already have it made, would you just be okay with an orange and black awning with directional wall signs to it?

WATSON

Yeah, absolutely. I mean, if I didn't have it fabricated, I mean, I'm happy to reach out to the fabricator and see if we can... I don't personally know how they're made. You know, and I don't know if there's a way to cover up. Like the signage - I'm not tied to this logo, because I mean... it points to the neighborhood. So, to me the logo, it would be different if it were street facing, right? So, I'm not tied to that; the audience is what I care about. The logo, I don't. But I'd be happy to reach out to the fabricator and see if there's something that they can retrofit. Again, it's just through this process, when we signed up, we kind of did everything at once to pass COVID, to get this pick-up window put in place. And, you know, they put the signage and it's like a whirlwind, with anything with COVID. It's like, "yeah, this works," and maybe an oversight on your guys' requirements as a city from corporate or the architect or whoever did those. And I might be too. So, again, it's mainly the awning. The directional sign is by the street, just for people to see it during the daytime.

TESTA

Okay, thank you.

BOLOVEN

Mr. Chair?

BOLOVEN

Question for Mr. O'Neal. Maybe this was asked at the last meeting, but I just want to ask it again. Had this awning not had the Little Caesars logo on there, it'd be approved today? Is that correct?

O'NEAL

Yeah.

BOLOVEN

So the 10 square feet -- the additional 10 square feet of wall sign area -- that is just coming from Little Caesars signage?

O'NEAL

Correct.

BOLOVEN

Question for the petitioner. In part of your petition, you state your hardship as being able to locate your facility and that you can't be seen in the back. What's your response to the fact that there is a huge Little Caesars figurine in the air that you can see from a mile away?

WATSON I would say... I mean, mainly for our routine customers knowing that we have the pickup window. I mean, yeah, you can see that tilt man, but we drive past things all the time. I don't have a good answer for that. So, I don't have response, really.

BARINGHAUS Mr. Chairman?

COPPOLA Mr. Baringhaus.

BARINGHAUS As I recall from the Quigley's variance that we approved for your building that was back in 2020.... there was a variance given for an electronic messaging center. You still have plans to have that?

WATSON That would be a question for the landlord. I don't... I'm not the landlord. That electronic sign.

BARINGHAUS Also, you mentioned you wanted that sign illuminated as well?

WATSON On the plans, I believe it said "illuminated," but again, I mean, it's more about the safety of the product. So, if it's not illuminated, it doesn't do me any good. I know that we've had issues with past from when Mr. Beshi remodeled the entire center, made it look beautiful for the City of Livonia because it was a rundown center. We had issues from residents saying that his lighting was too bright. So, I'm guessing if we put a sign in there, you will get flooded... with light in there.... you'll get flooded with people complaining. But yeah, it's one of those things that it's more about the awning than the lighting. More about the awning than the logo. It's just for safe from the elements for our food.

BARINGHAUS And then you currently have lighting on that side of the building?

WATSON We do.

BARINGHAUS Two lights, I believe?

WATSON Yeah, two or three. So, they're just, you know, one-by-two lights on the side of the building.

BARINGHAUS Okay, so in other words, in terms of the lighting of the awning - that's not a critical element for you.

WATSON It's not a critical element; I wouldn't say that it's not going to shine out, right? It's going to shine down to where the transaction happens. And I would hope if I took the logo off that I can put a light down there, because my main concern is... we're open till 11 o'clock on Fridays, and Saturdays, my main concern is safety for

my -- when we close the lobby -- safety for my employees, safety for the customers so they can see what's going on.

BARINGHAUS And what are your hours of operation?

WATSON We're open 10:30am to 10pm. Monday through Thursday, and Sunday, and then 10:30am to 11pm on Fridays and Saturdays.

BARINGHAUS Okay, thank you.

OLIVERIO Mr. Chair. I had a question -- actually two questions. Looking at the image, it says that there are two, never mind, I figured about the wall size. Never mind that one. We have in our packet, there's a resolution from City Council dated 12-14-2020. And it refers to a plan that they reviewed. Is the plan that we're looking at that you had submitted, is that the same plan that City Council reviewed on 12-14-2020? Do you know?

WATSON I don't know with certainty. But I'm guessing it is the same plan because I haven't gotten any new plans to submit to you yet; it's from the original pick-up window and signage package. I am not 100% certain... if you guys have two sets of plans.

OLIVERIO Yeah, we don't have the plan that's referred to, based on the resolution that's in there, but they very specifically mentioned these two pieces that we're assessing this evening -- the awning signage and the nonconforming directional signage.

WATSON Yeah, and I believe that back then they said you're going to have to apply for a variance. And so obviously, it's been almost two and a half years, right? So, it's just taking some time. Okay.

PTASHNIK Mr. Chairman?

COPPOLA Ms. Ptashnik.

PTASHNIK I just want to touch back on the lighting you're proposing for the awning. Are we looking at.... what type of lighting, I guess? Is it LED lighting? I know you said it's just going to shine down, but...

WATSON I think it would coincide with what's on the side of the building. You know, that type of lighting that would just be angled downward; it would be bright enough. They sell LED lights more than anything else, so I'm guessing it would be LED.

PTASHNIK We're not looking at like, neon signs?

WATSON No, no. It's not gonna illuminate... it's not illuminating the awning. The plan that I told my contractors is that it just shines down. I would hope that it wouldn't make the awning light up bright orange.

COPPOLA Anything else? I just have one more question. When this was before us back in December, we had another restaurant that had a drive-thru pick-up, and they came in with larger signs. And we agreed to provide them with directional signs -- at 4 square feet as a compromise. And you guys, this one, followed directly after that one. I know that you said that corporate sent you signs... I'm a little confused because I thought that -- and I don't recall the gentleman's name that was here -- but he suggested signs had not been made yet and could be modified. But my question to you is: If we were to ask for a compromise of 4 square feet, is that something that you would consider?

WATSON I would have to get the sign remade, which... is yes, I would compromise. That's completely fine. I had it made two years ago, so it's just been sitting in the shop. So same with the awning, which I'm fine.

COPPOLA And then you do understand that if the logo were removed, you wouldn't need a variance?

WATSON Sure.

COPPOLA You can have a lighted awning without a variance.

WATSON So the variance is just for that logo?

COPPOLA It's just for the logo because it would be signage at that point.

WATSON And the question is that there's too much signage? Is that what I'm understanding?

COPPOLA Correct. Based on the size of your unit you're looking at too much signage. And that would exceed it. You're already over. But I think that's grandfathered.

WATSON Yep. All right, so I can put the awning out with the light if I take the logo off.

COPPOLA You wouldn't need a variance.

WATSON I wouldn't need a variance. But I would still need to come back with the approval with the picture of the awning that's gonna go up and stuff?

COPPOLA If you have an awning, I'm not sure if there are restrictions on awnings in regards to the ordinance. But if you put an awning on, as long as it doesn't have a logo on it, it's not considered a sign. You can just go ahead and put it up.

WATSON Are there signs I can remove to be in compliance with the signage? So, like, the ones on the wall?

COPPOLA I don't think those are counted, to be honest with you. I'm not certain what the requirements are, or what the restrictions are related to. I don't think those are included in the calculation of signage. All I included was the one wall sign you had in the front of your building, did not include the large Little Caesar guy. I don't know what that's counted as. So I think it was just the one you have in front of your building, in front of your unit and this one.

COPPOLA Mr. Chair?

COPPOLA Mr. Testa.

TESTA You said these are made a couple of years ago. Why are you just now coming for a variance? Or why haven't you tried to put them off earlier?

WATSON Recently I went through a divorce and a separation of partners, so I had to get on my feet. And you know, recently I've gotten on my feet in trying to get back and get things organized.

COPPOLA Okay, any other questions? Seeing none, I will ask if anybody in the audience would like to speak for or against this petition? All right. Seeing none, is there any correspondence.

BARINGHAUS No new letters.

COPPOLA Okay. You have an opportunity for a final statement before we close and take our vote.

WATSON I don't have anything that comes to mind. I just hope that what I'm trying to do, it benefits our customers; it doesn't benefit me per se. It protects our employees with the awning. And I realize that now with or without signage, the awning can go up. But as for the directional signage, it just helps our customers, but I'm willing to comply. I'm willing to do whatever you guys think is best.

COPPOLA Okay, thanks for your help. I'm going to close the public portion of the case and start the Board's comments with Ms. Oliverio.

OLIVERIO

Thank you. Well, considering it sounds as if you're looking to remove the logo and do a different type of awning, I'm assuming that that case is off the table. In terms of the directional, non-conforming signage, I'm actually in support of that. I think a person who drives that stretch of road coming from the Plymouth side of Livonia oftentimes, I can completely understand missing that and the importance of being able to see where you're at because you can't see that side of the strip mall from that direction. So I can understand that; I think that will be a safety issue if someone's trying to turn in there. And from the looks of some of our notes, it sounds like there was actually a couple of accidents in the past in that particular area, which was discussed in a past case. So, I would be in support.

COPPOLA

Thank you. Mr. Testa.

TESTA

Thank you. So I've been there twice now. And I definitely see the need for the directional signage. I tried coming in both entrances. They're not far apart from each other. But I can see if you're coming westbound and you miss that first entrance, there's no signage. You see the pizza guy, which is closer to the next one, and then you come in, you have to turn right to get behind the building. If you don't try to go the other way and you're doing a U-turn, it's a big cluster. So, I get why you want the sign. You're here because it's bigger than what would be conforming. I like what Biggby did. They have four signs in the parking lot, almost like breadcrumbs to lead you closer. Maybe that would be more helpful for you -- to have two to four smaller signs that truly are directional. And once someone gets in, because as Mr. Boloven pointed out, he's gonna see that pizza guy, the Little Caesar's guy, turning in, and then once you're in, maybe directional signage directing people which way to get to the backside of the building. With the awning, it seems like you're very open to just getting rid of that sign if it's possible to get the sign off and just put it up without a variance. So, if this isn't going to pass with the amount of votes, I'd be open up to table this to allow you to make sure you can get a new awning and take the sign off your awnings, put it up without the variance. If you want to rethink your directional signage to be... what I would perceive to be more convenient for your customers. If it's truly directional, like the Biggby route, then much smaller signs -- maybe 1 square foot, maybe 2 square foot each. They truly are directional arrows -- this way, this way, this way -- it really maps you out right to their awning or drive-thru window. But if there's enough votes here tonight, I'll support it. Otherwise, I could see it tabled and you figure out what you can do with the awning and see if you want to reconfigure your package for directional signs.

KLISZ I think as to the directional sign, I'm fine with it. He asked if we could compromise. But it's already allowed at 2 square foot and four and a half is really not anything too crazy. When it comes to the awning, I think there are two options here. And I guess, what does the petitioner want, because I would be okay... he already owns the awning, and it has a logo. And the only thing I think there's an issue with is the lighting of it, because that's the only thing that neighbors have complained about from the prior meeting. So, the awning without the lights, it's already there. It has no restrictions, just the fact that the Little Caesars logo is on it... it kind of doesn't mean much to me, where the petitioner would not have to rebuild the awning with lights and take off the logos. I just think in the in the spirit of what the neighbors were talking about, having it not lit up and having the logo on it, I think would be okay. If on the other hand, the petitioner wants to, I guess, have it denied, so that he could just go in and put up a plain awning with lights then he certainly can do that. But as to the directional sign, I'm on board with it as proposed. And the wall sign -- I guess I would allow it without lights.

WATSON I'd be okay without lights.

COPPOLA Thank you. Mr. Boloven?

BOLOVEN I'm not in support across the board. The wall signage, I think we've discussed that the petitioners acknowledge they really doesn't care about the logo. It's more so the awning, which you can get had he not put the logo on there. The directional signage -- and one question I asked at the December 13 meeting I asked again tonight. Where's the hardship? And the response was, there is no response. There is no hardship to that... that we need that directional sign over two times the amount of what our city ordinance allows. And we have the big figurine, I get it's a staple, but like what was said, everybody can see it. You can see it from a mile away. So, you can't give me the argument that I need this for identification, I need this for location purposes. So, I gotta have something that's over, you know, 100% bigger than what we allow for directional signs. I'd be in denial across the board. Thank you.

COPPOLA Thank you.

PTASHNIK Well, I guess first of all, it was kind of a shame that you ordered this stuff before you realized that you're gonna be out of compliance. That's kind of the disappointing part. But as far as the awning, I'm actually kind of concerned about the lighting too. I remember that that was the big problem that the neighbors had brought up and that's why I was asking about the type of lamp lighting that you're gonna be putting on there. Obviously, you can

take the logo off and proceed, but I don't really have a problem with the actual logo on there. My bigger concern is consistency. And I know we already discussed that we had another one that same day when he first presented at 4 square feet. And this is asking to be little bit larger than that. So, I think we need to look at consistency. I would be not in support of the directional signage as is right now. I could get on board with the awning.

COPPOLA Thank you. Mr. Baringhaus.

BARINGHAUS Probably a little bit of a miss for me. In terms of the awning... where that awning is located and where the logo's located, it's really not visible to anyone. So, I kind of question what was put on there anyways. Be that as it may, I do agree with Ms. Ptashnik and Mr. Klisz that I think the issue isn't so much the presence of the awning, but it's the lighting that the neighbors have complained about. Based on that, I'd be okay with the awning and the logo, provided that there's not a lot of lighting on the awning. Generally directional signage is small, and I've seen other examples of it, especially by Little Caesars that is much smaller than what you're proposing. We have compromised a bit. I'd be willing to go down to the smaller size, perhaps maybe two feet is too small. And considering the backdrop curve, there are some rather large trees around that, and it's not the main entrance for that shopping complex. Your driveway through the drive-thru area is more at the end of the, at the perimeter of the property. So based on that, we've compromised it for people for with other businesses that were in that scenario; we're only looking at four and a half, I'd probably be fine with that. So just to summarize, I'm probably fine with the current directional sign, not really loving it. In terms of the audio, just drop the illumination and I'd support the variance.

COPPOLA So from my perspective, I think I've been kind of clear in my previous comments. From my perspective, you can put it on at anytime, you want. That's well within the ordinance to have an awning and it lighted. And I think actually at nighttime, especially this time of year, being lighted is helpful for people to identify where to go for the window. But I'm not excited about the logo and the neighbors having to look at the logo. And realistically, no one can see the logo. So, it doesn't really add a lot of value anyway. But then again, like Mr. Boloven said, you've got the Little Caesars, maybe you can get a new arm and have him like point to the direction of the drive-thru or something. But you've got lots of signage already. I think putting an awning up... be lucky to get through campus that way, it's unfortunate, but it's not our issue that you ordered the sign earlier. That's an unfortunate outcome, but it's not something we can consider. And with regards to a directional sign, I think a directional sign will be helpful to direct

people, especially those that have ordered online, and they'll be coming through or called in and are trying to come through the back end. They can say just look for the directional sign. But I do agree with Ms. Ptashnik about consistency. Again, that same night, we had someone who agreed to go 4 feet. So, to be consistent and fair, I'm willing to do 4 feet but not up to four and a half feet. I don't want us to continually set precedents larger and larger and larger. So, I'll go ahead and open up the floor for a motion if we can find one.

TESTA

Mr. Chair, I move to table this case to allow the petitioner to reflect on the Board's feedback here tonight, rework his proposal and to look at other options on the table based on our feedback -- and obviously looking at whether or not he can modify his existing awning and take the signage off and just put it up without a variance... but just to relook at his package and re-propose.

COPPOLA

Motion by Mr. Testa, supported by Ms. Oliverio to table. Let's take the vote.

RESOLVED: APPEAL CASE NO. 2022-11-32 (Tabled on December 13, 2022):

An appeal has been made to the Zoning Board of Appeals by John Beshi, 38141 Ann Arbor Road, seeking to erect a directional sign and additional wall (awning) sign, resulting in the directional sign being excess in area and the wall sign being excess in amount and area.

Directional Sign Area:

Allowed: 2 sq. ft
Proposed: 4.5 sq. ft
Excess: 2.5 sq. ft

Wall Signs:

Allowed: 1
Proposed: 2
Excess: 1

Wall Sign Area:

Allowed: 21 sq. ft
Proposed: additional 10 sq. ft
(28 sq. ft. existing)
Excess: 17 sq. ft.

The property is located on the south side of Ann Arbor Road (38141), between Hix Road and Ann Arbor Trail, Lot No.121-99-0010-001, C-1 "Local Business District," Rejected by the Inspection Department under City of Livonia Vision 21, Section 11.06 (8) "Exempt Signs," "Directional Signs" and 11.08 (2) "Sign Regulations for C-1 Districts" be **tabled**.

ROLL CALL VOTE

AYES: Testa, Ptashnik, Baringhaus, Oliverio, Klisz

NAYS: Boloven, Coppola

ABSENT: None

PASSES: 5-2

KLISZ

Passes five to two.

COPPOLA If you could step up for a moment, I just want to explain. So, it's been tabled. You've kind of heard from everybody, you have an opportunity to revise your application or petition. I'm giving examples; I'm not giving recommendations or telling you. You could say, "Ok, I'm just going to get a new cover for the awning. Let's take that off. And all that was is a directional sign." Or "I'm gonna come in with just the directional sign at four feet," or "I don't care, I want everything. I'm gonna come back exactly the way I came in." Those are all options you can do, but you have the ability to come back; it's somewhat open. I don't think we put a timeframe on that, which is fine. You can you can decide to just put the awning up with everything on it, go to the directional sign and call it a day and never come back. It's all up to you.

WATSON Okay, where do I submit the response?

COPPOLA So what you would do is you would give the Inspection Department, the Building Department, ask for Zoning. And then, let them know what you want to do. If you want to do a revised petition you have to submit a revised petition at no additional cost. But you'd have to call them and get a revised petition submitted, and then we'd get it back on the agenda.

WATSON Ok. I appreciate it.

COPPOLA Thank you. Call the next case, please.

APPEAL CASE NO. 2023-01-03: An appeal has been made to the Zoning Board of Appeals by Charter Communications, 14525 Farmington Road, seeking to erect a six-foot-tall privacy fence upon commercial property, which is not allowed.

KLISZ Calling appeal case number 2023-01-03. An appeal has been made to the Zoning Board of Appeals by Charter Communications, 14525 Farmington Road, seeking to erect a six-foot tall privacy fence on commercial property, which is not allowed.

COPPOLA All right, Mr. O'Neal, anything you'd like to enlighten us with?

O'NEAL No, not at this time.

COPPOLA Ok, any questions for Mr. O'Neil?

TESTA I have a question for Mr. O'Neal, but Mr. Fisher has stepped out for a minute.

COPPOLA Want to wait a second until he comes back?

O'NEAL We can.

TESTA Mr. O'Neal, there's a current six-foot high fence there. Is that there with a variance, or whose fence is that?

O'NEAL I believe that fence is... I looked it up... it was approved for a replacement back in 2010. It's 285 linear feet. I believe it's for that property.

TESTA Okay. And there's also a shorter picket fence that goes more along the perimeter of the parking lot.

O'NEAL Correct.

TESTA Is there a variance for that as well?

O'NEAL To be honest with you, I did not look up the picket fencing.

BOLOVEN Mr. Chair?

COPPOLA Mr. Boloven.

BOLOVEN Question for Mr. O'Neal. The proposed fence is a six-high chain link fence. Why does that fall within the definition of a privacy fence for our ordinance?

O'NEAL Well, it's six feet tall, first of all. They're using it, well, I guess it was there in one of their letters, to basically keep people from... I guess some people cross their properties for a festival, I believe, and I think they're wanting to use that to just protect their equipment.

BOLOVEN So, my understanding has always been that a privacy fence is something you can't see through. Not a chain link. Always differentiated. This notice is saying it's a six-foot privacy. Because it's a six-foot tall chain link fence do they still need, no matter what, a variance here? Or why? If it's going to be six-foot tall privacy that a commercial building is not allowed to have.

O'NEAL I would have to get back to that. I believe it would be because it's six foot tall.

COPPOLA So the red herring is that it says it's privacy, but really the issue is that there's a 6-foot fence being proposed?

FISHER I was prepared to accept those guys' judgment that this was a privacy fence, but that as you say, it's pretty much a red herring.

COPPOLA Okay. Thank you. Good question. Thank you, Mr. Boloven. All right, you can step up, please give a name and address.

COULTER I'm Kevin Coulter with Spectrum Communications.

COPPOLA Ok, will you be speaking too?

HACKER Yep. I'm Mark Hacker with Lake Shore Construction, 3645 Scenic Woods, out of Muskegon.

BARINGHAUS Can you spell your last name please?

HACKER H-A-C-K-E-R.

COPPOLA All right. Mr. Coulter, why don't you tell us a little bit about the fence -- the purpose and the need for it?

COULTER Yeah, so basically, it's the area that we're looking to fence off is in the southwest corner of the lot. And that border is a data facility, which provides 911 services to the local residents and residents of Southeast Michigan. We've had a couple of instances, both at the Livonia Spree, where people start walking back to go to cut through the parking lot. And when they get back there, they realize that there's a vinyl fence. Well, they don't turn them out. They kicked the vinyl fence down. That's happened two to three different times where we've had to repair the fence. That was the biggest concern. Additionally, with that, we're trying to secure that facility

within the standards that the company has for all of its data centers across the company.

COPPOLA Okay. So, the fence will have a gate coming in from the north to the south?

COULTER Yes, correct. Through the drive, yes.

COPPOLA I'm a little confused on what it said. You're not electrifying the fence; it's just an electric gate. Because it did say "electric fence" at one point.

HACKER No. It's a rolling gate that is triggered by a card swipe or on the inside. It's a pressure sensitive, as the car drives up to it, it opens back out. And there is also a mandate for emergency access.

COPPOLA So, is the fence going to be completely within the property line or is it on the property line?

HACKER It is very close to the property line, but it is within the property lines. Yes.

COPPOLA So then who owns the existing vinyl privacy fences? Whose are those?

COULTER I guess we don't know.

COPPOLA Are those on property line, to your knowledge?

HACKER Those are on the property line. Yes.

COPPOLA So, there'll be a space between the six-foot, I'll call it a security fence. It's not a privacy fence, and then the vinyl privacy fence, it looks like anywhere from 10 feet to maybe around 10 feet to the south and maybe only about six feet or so to the west. How and who is going to maintain that space between the fences?

COULTER They'll have access to it. They'll have access to the gate and access in the yard also and then they'll have access to go in between for mowing, weeding and mulch and everything else. We'll keep that returned.

COPPOLA On the west side, it appears to me that that's actually a... like a plant. You're gonna have a fence. The vinyl fence is on one side of the planning, and your security fence is going to be on the other side, where the pine trees are.

HACKER There are existing trees there, with chip bark, and that would need to be maintained in that manner. Really, the reason the fence is going on the east side of the trees is simply because the trees are there.

COPPOLA Okay. Questions for the petitioner?

TESTA Mr. Chair?

COPPOLA Mr. Testa.

TESTA Thank you. So, I'm suddenly confused about the vinyl fence and people going to the Spree and kicking it down -- sorry, I'm not confused about that. It sucks. I'm sorry. It wasn't my kids. How does your proposal address that from happening again? It doesn't?

COULTER No, it does.

TESTA Okay.

COULTER Oh, no, it does. So that area that they're cutting back through would be secured. So, they wouldn't be able to access that particular portion to where they were kicking down the fence.

TESTA Okay. Then, they're probably going to traverse over by the picket fence -- the vinyl picket fence?

COULTER Yeah, so that fence is low; that's never been damaged. It's just because they get cornered. And for whatever reason, they don't feel like walking all the way back. I really don't know.

TESTA Okay, so you're preventing them from getting into that kind of back parking lot area? Completely.

COULTER That back corner. Now, mind you, if you have an image of the overview of the building, but that whole back corner where that wing is sticking out is our data center. So that's literally, we're looking to secure that door, the entire area, the whole area back there.

TESTA Okay. And if it turns out you own that six-foot vinyl fence, would you just take it down?

HACKER The problem we might have with that is the reason that fence was put up, from my understanding, back when it was Time Warner was because the people of the residence wanted that fence for people pulling into that parking lot and their traffic, their lights

shining on their residency windows. And so, we'd like to leave it there so that they're not disappointed.

TESTA Understood. That makes sense. I drove back there. Ok, thank you.

COPPOLA Any other questions?

BARINGHAUS Question for Mr. O'Neal, just to confirm there is no double fence situation for the proposed fence that will be installed?

O'NEAL Well, because of the fencing out of the property line, it's within six feet. Yeah, there wouldn't be, I guess. It would have to be within 10 feet.

BARINGHAUS So it's not in compliance?

O'NEAL I can get back to you on that. Mr. Fisher would probably be able to answer that better than myself. Maybe.

FISHER I don't know the answer to this question.

O'NEAL I'm sorry.

FISHER I'm sorry.

O'NEAL This is my first one here.

COPPOLA No worries. Ok, thank you very much.

FISHER I wouldn't think of that as a double fence, especially as it applies elsewhere in the ordinance.

COPPOLA So it is a double fence?

FISHER No, it is not.

BOLOVEN Question for the petitioner. Since the ordinance doesn't allow for fences in commercial property, and yet you have a very specific need, is there any reason why the fence could not just be surrounding the generator and whatever equipment that you're trying to protect? Is there any reason why it can't just surround that area?

COULTER Well, that's actually what we're trying to accomplish. The area that we're fencing is pretty much just the generator, the lot, the back door of the building, and then a lot on the side where the tower is, so we're just trying to secure that general area. That's it. Not the whole property.

BOLOVEN But it runs the whole length of the back of the property?

COULTER Well, because the lot is there. Yeah, because the problem is where you've got the generator, and then there's that back door of the building. So, we're trying to secure both locations.

FISHER So, I guess my answer's no; you can't do it.

COULTER Yeah, it wouldn't... see, what we're trying to complete to bring it up to our corporate security data center's standards.

COPPOLA So, there's an existing... looks like a fence in that area, that cordons off the... I don't know what's there.

COULTER The antenna, right?

COPPOLA The antenna. Right. So, the portion that faces to the to the west. So now that you're gonna bring kind of a fence line out, are you gonna get rid of that little...

COULTER Yeah, we're going to remove that fence.
COPPOLA That fence piece?

HACKER Yeah, there will be fencing on the side of fencing, so we intend on removing that.

COPPOLA Are there any other questions? All right, seeing none. Just a minute. We'll go quick. Anybody in the audience want to speak for or against this? Seeing there's none, any correspondence?

KLISZ No letters.

COPPOLA See it was really quick. Any final statements?

COULTER Just thank you for your time. I appreciate you guys.

COPPOLA Thank you. All right. We're going to close the public portion of the case. And start the Board's comments with Mr. Baringhaus.

BARINGHAUS Thank you. Based on the presentation by petitioners, I think the plan makes sense. Obviously, those are high security items -- the generator and the diesel drum and the tower -- and those sites need to be hardened. So, thank you for the clarification on the fact that it's a security fence and not a privacy fence. But that makes sense. And I'll support the variance. Thank you.

BOLOVEN I'm also in support of it, what Vice Chair Baringhaus said. The hardship is clear. The Spree is not hopefully going away. And you

do have a lot of traffic there, especially on the firework night. So, I can see that people continue to knock it down unless you do something about it. You haven't had an objection from neighbors, which is great. I don't think it's going to be really even that visible from the street, looking at the way it's gonna be set up. So, I'd be in support as presented.

COPPOLA Okay, thank you. Mr. Testa.

TESTA I support. I completely agree with Mr. Boloven and Mr. Baringhaus' comments. For me, as Mr. Boloven pointed out, you won't be able to see it from the street. And there have been no objections from the neighbors. And I understand the hardship. So, thank you.

COPPOLA Secretary Klisz.

KLISZ I really had nothing else to add. Obviously, we don't want to start precedent for fencing commercial properties. But this one is a very different exception to any kind of pool. So, I think the hardship is absolutely there. And I'll be in support as well.

COPPOLA Thank you. Ms. Oliverio.

OLIVERIO I'm also in support, probably more so because of the data security concerns. With that particular property, I'm actually quite surprised there's not a security fence there already, considering that they have the data and the importance of keeping that protected.

PTASHNIK Like my colleagues, I will also be in support... you definitely have demonstrated hardship here. We want to keep our 911 running and the safety issues are abundantly clear to me. I'll be in support.

COPPOLA Thank you. I think I got everybody. I'm too in support. I think this is needed for security purposes and privacy.... we probably didn't have this up much more before that. The only thing that I would suggest as a condition is to make sure it's very clear that the six-foot tall fence will be a non-sight-obscuring fence. I will open up the floor for motion.

BOLOVEN Support.

COPPOLA Motion by Vice Chair Baringhaus. Support by Mr. Boloven. Any discussion? Seeing none, we'll take a vote.

RESOLVED: APPEAL CASE NO. 2023-01-03: An appeal has been made to the Zoning Board of Appeals by Charter Communications, 14525 Farmington Road, seeking to erect a six-foot-tall privacy fence upon commercial property which is not allowed.

The property is located on the west side of Farmington (14525), between and Lyndon and Five Mile, Lot No. 081-99-0019-001, "C-1, Local Business District," Rejected by the Inspection Department under City of Livonia Vision 21, Section 7.24, "Fences and Walls" and Code of Ordinances Chapter 44, Title 55, "Fences" be **granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met due to the sensitive nature of the equipment and the security necessary for the 911 system and basically southeast Michigan.
2. Denial of the variance would have severe consequences for the petitioner due to increased risk to this sensitive equipment.
3. The variance is fair in its effect on neighboring properties and in the spirit of the Zoning Ordinance due to no neighbor complaints being registered regarding this project.
4. The project is classified as C-1, Local Business District 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 six-foot tall fence be designated as a non-sight-obscuring fence
2. That the project presented this evening be built as presented.

ROLL CALL VOTE

AYES: Testa, Ptashnik, Boloven, Baringhaus, Coppola, Oliverio, Klisz.

NAYS: None.

ABSENT: None.

PASSES: 7-0.

COPPOLA So your petition has been approved on two conditions -- you build it as presented or to provide a footprint in your submission, so that's where the fence should be placed and number two, that it be a non-sight-obscuring fence, just for clarity purposes.

COULTER Right. Thank you.

COPPOLA Okay, we were supposed to be voting on minutes, but I did not see any minutes in the package.

BARINGHAUS I did a SharePoint site and they did some one of the three sites.

TESTA mi.cityclerk.com, documents for approval, minutes.

BOLOVEN I'm on the SharePoint. It wasn't on SharePoint.

COPPOLA So I assume you only need a majority to approve the minutes based on our rules, which we'll talk about shortly.

TESTA Move to approve the minutes for January 10, 2023.

PTASHNIK Second.

COPPOLA Just a second. I'm going to stay tight and read them. I think we still have enough everybody else read them. So, the ones that have read it -- all in favor?

MEMBERS Aye.

COPPOLA Okay. So then, the only other piece of administrative to take care of tonight is the rules of procedure. Personally, I'm not sure exactly what version everyone had an opportunity to review. I know I spent... It was Saturday.... I spent a bunch of time cleaning it up. I circulated it, but I don't know if I circulated to everybody. Did everybody get a chance to see it? So past that point, I got some comments -- some minor comments from Vice Chair Baringhaus. And then from Leo Neville. For Leo, I think basically there were some semantics and some formatting. I think you had some minor ones I added. The templates, I forget if I circulated once I added the completes or not. The other one I circulated to the reference materials. So, I added the supervisor resolution, daycare motion and opening statement templates to the reference materials that are provided to all new members. I don't think there's anything else of substance that we added. I think everything else was as provided, except for again, the formatting and some word changes for Mr. Neville. So, the way this is then set up is on a go-forward basis is review is set based on basically a vote of five members or more. And that can happen at any time; you will be asked to review it, but there's no set renewal or review. And when Mr. Fisher first sent this out, this was actually the first time I think I saw the rules of procedure and it might be because I just missed it or it's good that everybody has had a chance to read it and understand it now. So, I guess I'll ask first, are there any further comments in regards to the rules?

TESTA Yeah, Mr. Chairman. Question from Mr. Fisher. Within these rules of procedure, why is there such an emphasis put on swimming pool approvals?

FISHER Well, these rules have a certain sort of caveman feel to them. All of these rules were here before I got here. At some point, the Board must have done a lot of swimming pools. Because I think in 26 or 27 years, I've been doing this there were like three swimming pools.

COPPOLA I remember one... they were moving it or it was in the wrong place.

FISHER Yeah. So, I don't know why that emphasis is there.

BARINGHAUS But it does require a different process...

FISHER Well, there's also a different ordinance. I mean, there's a swimming pool ordinance, just like there's a fence ordinance, which are not the same. So, there are some things that are going to have to be different.

COPPOLA But the rules here state that the fencing variances follow the same procedures as the other periods, even though the ordinance is different. But the swimming pool procedure is slightly different. And its direction is slightly different.

FISHER Right, and if you're asking me: Did we originally follow those rules when we did those three swimming pools before? I have no idea.

BARINGHAUS That was part of the question. The other part was, given the fact that I can only recall one instance where we rolled out a swimming pool -- and it just took up a lot of space in the rules of procedure - - whereas we tend to deal more with prices on swimming pools, so... part curiosity.

FISHER Okay.

COPPOLA Other comments?

TESTA Mr. Chair, I think you might have touched on this at the beginning. And Mike, you touched upon it in the part you marked out that we wouldn't want to put anything in here about renewing these on an annual basis... that it could get us into trouble...

FISHER Well, I think you have to be very careful about that for two reasons. One, is, like I said, that sort of fatigue reason that you slog through the year, you finally get your annual review done and it's time to do it all over again. I think probably one year is too short a time

period. But the other thing is, you don't want to create a situation where you've raised a question about the validity of your rules and your decisions and so forth. And so, if you're going to have some kind of review process in here, you probably want to say something. Certainly, the fact that failure to do this in such and such timetable does not invalidate the rules or the decisions of the board.

TESTA On the flip side, couldn't it become problematic if we don't update these for 10 years? Someone could complain that we've been doing things out of our procedure.

FISHER Violating the procedures. I suppose, but then again, nobody's done it.

COPPOLA And we didn't really change anything in regards to the rules. We just cleaned it up and added some clarity. The one area that we added to a little bit was the membership, the Board stuff and ex parte. There were some things that were added, but they had nothing to do with the procedure. They had to do with more clarity as to responsibilities and then some of the issues that we want to be careful about, like ex parte contact.

TESTA What if we review or revote on the procedures every year with the election? Do we vote for officers and vote on the procedure?

FISHER Well, I guess here again... you wouldn't want to have the drift that tends to happen with elections affect the status of your ordinance.

TESTA You could drag it out to make changes. So, your solution, Mr. Chair, was just if five members brought it forward?

COPPOLA No, any member can bring it forward. I didn't want to, in turn, have a paragraph that's 15 pages in the process. So, if five of the members vote to review the rules... then... but anybody can bring it up at anytime, they want, and we'd have a vote. We could say, "we're going to review or we're going to not review."

TESTA Thank you.

BARINGHAUS I'd just like to thank Chairman Coppola for his time and attention. And if it's appropriate at this point, I'll make a motion that we approve the rules of procedure.

COPPOLA I have a motion by Vice Chair Baringhaus, seconded by Secretary Klisz. All in favor?

MEMBERS Aye.

COPPOLA Opposed? Seeing none. I do want to point one thing specific out, which I think we need to start doing on a go-forward basis is we're gonna do roll call from now on: I think it's important that we have roll call for the record. You know, the Council does that and others do it. And I think it does make sense, just so in the record, if someone's absent, it's marked absent. Even if we do it on each of the votes, it's not really in the record per se. It's part of the minutes, but we don't talk about it. So that's a change we're going to be doing starting with the next meeting.

KLISZ So, Mr. Chairman, we'll just do roll call, then Pledge of Allegiance?

COPPOLA Yes. As you know, I always forget, so. All right. Anything else that we need to cover? Any other business?

KLISZ Move to adjourn?

COPPOLA We are 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

AGENDA DATE: April 11, 2023
ZONING BOARD OF APPEALS
CITY OF LIVONIA

PROPOSED FINDINGS OF FACT
Pursuant to Zoning Board of Appeals
Rules of Procedure, Rule V-Hearings, Paragraph 7

1. **APPEAL CASE NO. 2023-01-02, George Nicoloff, 19490 Fairlane Ct. (Rescheduled from February 7, 2023):**
Should be denied because the alleged practical difficulty does not entail more than mere inconvenience.
2. **APPEAL CASE NO. 2023-03-04, Jason and Katie Kozak, 9760 Wayne Rd.:**
Should be denied because the alleged practical difficulty does not entail more than mere inconvenience. Petitioner does not need a 24'x32' building to house the new truck.

FUTURE LAND USE PLAN

**CITY OF LIVONIA
ZONING BOARD OF APPEALS
April 11, 2023 – 7:00 p.m.
Livonia City Hall – Auditorium (1st floor)
33000 Civic Center Drive, Livonia, MI**

1. **APPEAL CASE NO. 2023-01-02: George Nicoloff, 19490 Fairlane Ct. (Rescheduled from February 7, 2023)**: seeking to maintain a six-foot-tall privacy fence, erected without permit, along portions of the east and southeast property lines, resulting in not acquiring the east and southeast adjoining owners' consent.

**FUTURE LAND USE PLAN
(FLUP)**

“LOW DENSITY RESIDENTIAL”

2. **APPEAL CASE NO. 2023-03-04: Jason and Katie Kozak, 9760 Wayne Rd.**, seeking to demolish a nonconforming shed with an illegal addition and construct a detached garage while maintaining the existing attached garage, resulting in excessive accessory space.

**FUTURE LAND USE PLAN
(FLUP)**

“LOW DENSITY RESIDENTIAL”

ZBA Meetings/Deadlines

April 11, 2023

May 16, 2023	<i>Auditorium Harry Ramsden, Inspector</i>	Deadline: Monday April 17
June 6, 2023	<i>Auditorium Frank Hershey, Inspector</i>	Deadline: Monday May 8
July 18, 2023	<i>Auditorium Dave Popp, Inspector</i>	Deadline: Monday June 19
August 1, 2023	<i>Auditorium Larry O'Neal, Inspector</i>	Deadline: Monday July 3

Minutes to vote on: February 7, 2023

2023 MAY						
SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8 ZBA060623 Case deadline (Inspector Hershey)	9	10	11	12	13
14	15	16 ZBA Auditorium (Inspector) Ramsden	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			