

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, MAY 16, 2023

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, May 16, 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: Leo Neville, Assistant City Attorney
Harry Ramsden, 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 Klisz 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 eleven people present in the audience.

(7:00)

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APPEAL CASE NO. 2023-01-02: George Nicoloff, 19490 Fairlane Ct (Rescheduled from February 7, 2023, and Tabled on April 11, 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.

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.

KLISZ Calling appeal case number 2023-01-02: George Nicoloff, 19490 Fairlane Ct, rescheduled from February 7, 2023 and tabled on April 11, 2023, seeking to maintain a six-foot tall privacy fence directly without permit along portions of the east and southeast property lines, resulting in not acquiring the east and southeast adjoining owners' consent.

COPPOLA Okay, thank you very much. Mr. Ramsden, anything you'd like to add?

RAMSDEN Yeah, this petitioner just today submitted an approval letter from a neighbor on Fairlane. She's going to read it once it's presented.

COPPOLA Was that provided to the secretary?

RAMSDEN No, it was just before this meeting, and I made copies for each.

COPPOLA Okay. Anything else?

RAMSDEN Nothing at this time.

COPPOLA Okay. Any questions?

BARINGHAUS Mr. Chair, do we need a motion because it's been rescheduled?

PTASHNIK It was tabled, not rescheduled.

COPPOLA Okay.

BARINGHAUS Mr. Chairman?

COPPOLA Vice Chairman.

BARINGHAUS Motion to remove Appeal case number 2022-01-02 from the table.

TESTA	Support.
COPPOLA	Okay, it's been tabled. Are we sure it was tabled?
BARINGHAUS	They requested an adjournment.
COPPOLA	Ok, that's fine. So, I'm looking at some of the items provided here. It shows that the fence is not completely along the property line. Have you seen that?
RAMSDEN	I have. I did do a site visit and I looked at the surveyor stakes. It appears to me that that East line, the south end of it is on the petitioner's property line by about four feet from the surveyor stakes. The SE fence that's erected appears to be on the neighbor's property by roughly a foot. I didn't measure it. But it was obvious enough with the naked eye.
COPPOLA	Have you seen the survey that they had presented in the packet that shows it inside the property lines, I think?
RAMSDEN	I didn't view that. I viewed the survey stakes on site compared to the plot plan submitted by Priest & Associates.
COPPOLA	Okay. So generally that just can't be inside. They have to be on the property line themselves. Or if you want to, what's the word site--it's like a privacy--it has to be within 10 feet. It has to be inside the property line.
RAMSDEN	Privacy screens are what you're speaking of. Yeah, the privacy fence needs to be on the property line unless there's a large tree or some other large object to go around.
COPPOLA	Okay. I didn't recall this... and I looked real quick... I didn't see it. This actually abuts then two different neighbors, correct?
RAMSDEN	That's correct.
COPPOLA	And we don't have approvals for those neighbors?
RAMSDEN	I don't believe those were submitted.
BARINGHAUS	Question for Mr. Ramsden. In terms of a privacy screen, is there a maximum size or length that's designated for privacy screening?
RAMSDEN	Height-wise, six feet, and it has to be behind the residence, not on a side yard. If it's on the rear line behind the residence, it needs to be 10 feet in from the property. It's a privacy screen with no permit required.

COPPOLA I'm gonna ask you a question. If you look at the layout of his property, what would you define as "behind the house?"

RAMSDEN So there's neighbor's yards to the east and to the southeast.

COPPOLA Okay, because it's kind of askew on the property. So does it have to be parallel to the house or parallel to the property? Or, it doesn't have to be either, just behind the house? When you say "behind the house," it's behind the back line of the house, right?

RAMSDEN Correct. The quarters of the home, visible from the street.

COPPOLA Okay. Anybody else have any questions?

TESTA Yeah, Mr. Chair.

COPPOLA Mr. Testa.

TESTA For Ramsden. To piggyback off of the Chairman's comments and questions. It looks like you haven't seen the surveys. Is there any way you can look at the packet while we're talking? And we come back to you. I'd like your opinion. The survey is showing that it's within the property lines, not on the neighbor's plot.

RAMSDEN So when I site visited and looked at their surveyor stakes on site and the fence, that was my observation... is four feet off the line, the east line, and about a foot or so off the southeast line. I do have a copy of the plot plan. Is that what exhibit you're looking at?

TESTA I'm looking at page 14 of...

COPPOLA It says 'Sketches Survey.' It was done by NMLP on 11-1 of 22.

RAMSDEN I don't see a fence depicted on this. Am I not looking at the right...?

COPPOLA I think its highlighted in yellow.

TESTA There are four dots.

COPPOLA There's more than one, I think, in the packet.

RAMSDEN So it does show the east line being off on their property. You see this south end and that east line? It doesn't depict

numbers of how far that was... my estimate was four feet. But I did not measure it.

TESTA Okay, I'm more concerned about your comment that you think part of the fence is on the neighbor's lot.

RAMSDEN Yes, that would be the southeast one, and I did stand on the surveyor stakes and observe that... that southeast fence to me appeared to be on the neighbor's by about a foot, that neighbor to the southeast, without measurements.

COPPOLA When you're saying it was southeast, can you give me an address? So, we all know it.

RAMSDEN Well, I can look that up.

COPPOLA That's the Fairlane Court address -- 19478? Ok. Perfect.

RAMSDEN It's the green house, if you're looking at an overhead view.

COPPOLA All right, seeing none. If the petitioner could step up, please. Name and address for the record.

MR. NICOLOFF My name is Dr. George Nicoloff. 19490 Fairlane Court. This is my wife, Gina Nicoloff.

COPPOLA Go ahead and just give us a brief overview or summary of the fence -- why it exists, why it went in without a permit, and why you were unable to get the neighbors' consent.

MRS. NICOLOFF We just had a prepared statement that's just a couple of minutes. Thanks.

MR. NICOLOFF Thank you. Yeah. Quick statement about our case. I was again born and raised in Livonia. Again, my medical practice is in Livonia. I volunteered at Livonia's Stevenson High School as team physician for 15 years. So I'm very dedicated to the city. My wife and I have lived on Fairlane Court for eight years. And we plan to live here for the next thirty years and raise a family. As far as we know there's no homeowners association in our subdivision. We're very quiet and mind our own business, and we try to keep our property up. Again, since the new owners at 19511 Gill Road moved in in March 2021, there have been many loud gatherings, involving loud music, shouting, and profanity, which occur very frequently. They often extend way past curfew.

MRS. NICOLOFF And also just to back up, you know, initially we were blessed with wonderful neighbors, and the previous neighbors who

lived in 1951 we had cut down cottonwood trees when we moved in, and they thanked us. So again, we like to maintain a nice clean property. But anyway, as my husband said, these frequent house parties for the past two years have caused us undue stress and hardship. We do say hardship over mere inconvenience, because it's not like you know, your neighbor, you tolerate six, seven parties, you know, a year type thing. This is very frequent. So whether we're in our garden, on our lawn or patio, our backyard directly faces them at 1951. It's been extremely uncomfortable seeing their frequent, rowdy parties. Often there's loud shouting and profanity. It's definitely affected our health and our sleep this past year especially. Also, they have huge bonfires that occur right near our property -- you can see in the pictures that were uploaded. So we finally erected this vinyl partition fence inside our property line as a barrier, which helps to muffle the noise and give us privacy and peace of mind. The fence helps to prevent people at the parties from coming onto our property also, when congregated out back. Furthermore, we did want to install a swimming pool in the near future. That would be the area which to my knowledge requires a fence. And again to feel comfortable out there we for sure we want that, we'd need that partition. We did call the building department last May in regards to installing a fence and were never told that we need our neighbor's consent. Instead, they transferred us to a Mr. David Lear who said to make sure it's inside our property line. And he then emailed us a copy of our plot plan. That's the old original one for Mr. Michael Cruise in '92. And then also our next door neighbor, the other one whose fence faces on the southeast side, Mr. Jeff and Amy at 19478. They had verbally admitted to us the loud parties and the bonfires, but they wouldn't put it in writing when we asked them to. Jeff said he didn't want to create friction with them. He also mentioned that family, that live on either side of him, so they just didn't want to get involved. Also, you know, it doesn't affect him like it does us in my opinion because at the very back left corner of Jeff's property, on the north side, he has a huge greenhouse that went up a month after our fence. Three months after erecting the fence, the city informed us that the disputing resident had filed a complaint against our fence. So we had the surveyors come back out and restake the property line in October. And as the survey shows and our pictures show the fence is neither on the easement nor on the adjoining neighbor's property. We will certainly continue to maintain both sides of the fence. At present, we've been weed whacking and edging our lawn service, but also we'd like to -- if we have your consent -- we'd like to actually just remove the narrow strip of grass on the other side of the fence and put down stones so that way, you

know looks nice always and is kept up. And then again, Mr. Evan Priest... when they initially came out in October, they had put the metal before metal property points on before. And I actually asked him to come back out if you could put a stake in so we had come back out and just put a quick stake in there on the southeast side. So perhaps it wasn't as exact as surveyed, I do have a hard copy of that, which I know you guys said it's in your packet. But Mr. Evan had assured me it's inside our property line on the east and southeast side. Because that was a major thing -- we wanted to make sure we weren't encroaching on our neighbor's property. Also, as you can see in the pictures, at the time, a week before we put the fence up, the residents 19511, they had put pear trees up, which was actually like 58 inches inside our property line. And so we just... we're putting the fence inside anyway. But that's why all the more we just went inside that, in that DTE white box you see behind it. And then lastly, there was a misunderstanding with one of our neighbors who lives next door to Jeff actually Ronny Warra at 19456 Fairlane. He apologized and said he misunderstood. He thought that it was going to be that we were adding to it, where it was gonna be completely closed, encased fence all the way around the property. But that's why he didn't sign this thing, as long as it's just this partition, he approves of the fence. So again, we do appeal to you, the board, to allow us the right to maintain our fence for peace and security. Also, I took a picture -- I wasn't able to upload -- but right now there are tons of crates they have on the back bonfire area, like they're getting ready to light them, if you wanted to see it on my phone. You know, again, I don't think that's legal, when it's crazy out of control. And one good thing about a fence is that it's non-flammable, and you know, it doesn't grow taller or wider, like trees, but yet again we have that privacy. So, thank you for your time.

COPPOLA Thank you. You had mentioned you had called the city and asked them if you need a permit?

MRS. NICOLOFF In May, in '22.

COPPOLA And what information or detail did you give them when you made that call?

MRS. NICOLOFF I gave the reasoning why we wanted it. Again, we've lived here eight years, and it would be open if we didn't have an issue with the noise, the constant noise. We don't know what to do. We don't want to have to call the police and abuse the resources of the City. So, you know, it's really kind of appeal to you to intercede.

COPPOLA Which department did you call?

MRS. NICOLOFF The building department. It was a female at the time. I didn't get her name. But she just said, "Oh, yeah, let me transfer you ~~and~~ to Mr. David Lear." I didn't know until after he emailed. I showed you the email; he just emailed the aerial view and the 1992 plot plan. That's why we went with Mr. Michael Priest again, in October. But again, he just stressed to make sure it's inside a property line. And actually right off of 7 Mile when you first turn on Fairlane Court, there are some partition vinyl fences up there. So we're not actually the only ones, perhaps, and we're in the cul-de-sac, so it echoes to begin with. So it's stressful, like with all of us. You come home and you want to de-stress and you're hearing constant, loud music and vulgarity and everything going on, you don't want to have to... you want to compromise and somehow, you know, deal with it graciously.

COPPOLA Since you became aware that you did need your neighbor's consent on the property, that it was their property lines that are being impacted, what efforts did you take to get those consents?

MRS. NICOLOFF So we did ask Jeff and Amy, our next-door neighbor, the one on the southeast corner. But again, he said, "Yeah, we got lucky having our greenhouse, so it's muffled," and he wouldn't sign it because he just kept saying he'd prefer trees and then used the term "friction." He doesn't want to create friction with the neighbors behind him, being all three of them, according to him are our family,

MR. NICOLOFF And for obvious reasons we did not contact the residents at 19511.

MRS. NICOLOFF Yeah, we just felt it's best to just, we didn't want to get involved.

COPPOLA But you did make an attempt to get...

MR. NICOLOFF No, we did not.

COPPOLA That neighbor, they're right behind you, you could have walked across and knocked on their door. You didn't try to do that even?

MR. NICOLOFF We did not for obvious reasons. They were the ones who were why we put the fence up to begin with and felt it was not appropriate to talk with them at that time.

MRS. NICOLOFF Well, and a couple times when we were out there, I kind of walked partially, but then I heard him already murmuring under their breath, you know, saying that blankety fence, when's it gonna come down and stuff. And so we didn't feel at ease to confront them. We'd rather have you as our mediator.

COPPOLA Who put the fence up?

MR. NICOLOFF Our contractor, Sam Pilipovic. I had his credentials and licenses here. Sara uploaded it.

COPPOLA He didn't mention to you that you might want to pull a permit?

MRS. NICOLOFF No, he did not. Again, he felt that it was inside the property as a precaution, it would be alright.

BOLOVEN Mr. Chair?

COPPOLA Mr. Boloven.

BOLOVEN Question for the petitioner. I see in the package that, it looks like you've called the police department on the neighbors at 19511 Gill. How many times would you say you've called the police regarding noise violations or other complaints?

MR. NICOLOFF Prior to the fence...

MR. NICOLOFF At least 10 times.

BOLOVEN 10 times?

MRS. NICOLOFF Yeah, but that's what was established... In fact, we thought that was going to be our proof. And as I said in the packet, Miss Terry, the records and police officer mentioned how they don't record everything if they just make a call to say, "Pipe down." They don't even go out there.

BOLOVEN Were the neighbors at 19511 charged with anything?

MRS. NICOLOFF I don't believe they were cited or fined. Is that what you mean?

BOLOVEN Yes.

MRS. NICOLOFF Because I did inquire later that Mr.... I didn't bring his name... a police officer... Muldoon... it started with an "M." I'm sorry. He said, "Yes, they should be." But not to my knowledge. I wouldn't know if they were or not. I don't know if that's why

they, you know, after three months of it being erected, decided to go against us because we had called on them.

BOLOVEN How many times since you put up the fence, have you called the police on these neighbors?

MRS. NICOLOFF Once. So we compromise and said, "Well, we'll just tolerate it because at least we're on our side and they're on their side." And that's why we even... whatever they wanted to do with the pear trees, which they ended up moving, I think, in October, four months later.

BOLOVEN Why did you call that one time since the fence has been up?

MRS. NICOLOFF Just as proof, that even in icy cold weather when there's not actually a gathering, they still were blaring crazy loud music after hours.

BOLOVEN So the fence really hasn't done its job of keeping the noise out and stuff?

MRS. NICOLOFF Well, it has when we're out there, when we're wanting to be out there in the evening. Naturally, obviously after the 11 o'clock curfew, then it's... yeah, that's different.

BOLOVEN Thank you, Mr. Chair.

BARINGHAUS Mr. Chairman?

COPPOLA Mr. Baringhaus.

BARINGHAUS What is the total length of the fence?

MRS. NICOLOFF It's 48 feet -- it's six panels and seven posts, about equally divided 24 x 24.

BARINGHAUS When you were getting estimates on the fence and researching the fence, did you do any independent research to verify the question of the permit or any specifications for this type of fence before you consulted with the City or after you consulted with the City?

MRS. NICOLOFF No, just Mr. David Lear. And taking the word of our contractor who said, "It shouldn't be a problem. You know, it's inside your property line." He acted like the worst that could happen if you were supposed to [have it] or something, you'd, pay for it after, but he felt because again it was inside and not on the line.

BARINGHAUS Following one of Mr. Boloven's questions, what difference have you noticed in the sound level pre-fence versus installing the fence? Is it dramatically reduced? Is it somewhat reduced? The noise coming from your neighbors.

MRS. NICOLOFF It really helps muffle it. And you know again I don't we don't feel at odds when we're out there with family or again in our garden, or much less if we want to put a swimming pool in, you know, it would be in the evening great right prime time at eight, we'd be in it.

MR. NICOLOFF I would agree. It's like 50%, 60% of an improvement.

MRS. NICOLOFF And again, not only people coming on our property but their dogs too, sometimes that they'd let out and run right straight past our garden and stuff. And now it's kind of like, okay, we each have our boundaries.

BARINGHAUS And I mean, if you're having problems with the neighbor of 19511 Gill Road, why would you want to put a swimming pool in that same area?

MRS. NICOLOFF Well, that was to be disputed.

BARINGHAUS It's TBD?

MRS. NICOLOFF To be determined, but it is. It's a lot cheaper. And we love it. It's a stress release at night rather than going and paying, you know, at someplace to go swim that closes early.

BARINGHAUS Thank you. Very good. Thank you very much.

PTASHNIK I have a question. I'm not 100% sure if this is for the petitioner or maybe Mr. Neville, I do see a residential zoning permit application in here, but there's no date on it. Do you know when that was filled out?

MRS. NICOLOFF That was... inspector Randy had given me the package just gave me everything at the time. So, I just filled everything out at the time of the appeal when we turned it in then.

PTASHNIK Okay, so this is post...

MRS. NICOLOFF Yes...

MR. NICOLOFF Post meeting.

PTASHNIK Okay. So, you were trying to retroactively fill out a zoning permit?

MRS. NICOLOFF Yeah.

PTASHNIK It just doesn't date it. That's what I was trying to get to the bottom of it. Well, thank you.

COPPOLA Any other questions?

TESTA Mr. Chair?

COPPOLA Mr. Testa.

TESTA Questions for the petitioners? Do you know which neighbor contacted the city to dispute your fence?

MRS. NICOLOFF Well, the reason I say 19511 is because that's what inspector Randy had told me.

TESTA And they're also the neighbor that planted the pear trees, correct?

MRS. NICOLOFF Correct.

TESTA And those are directly on your property?

MRS. NICOLOFF The pear trees? Oh, yes. Yes, that picture that was submitted April 6 shows where the wooden stake is, and that's way inside.

TESTA They're right up against... the white fence it's up against is the fence that you...?

MRS. NICOLOFF Right, right, that went up July 2, where they had planted them, like a week or two prior to our fence going up, which had already been scheduled. So at the time, they could have transplanted, you know, just moved on the opposite side of the wooden stake.

TESTA And then regarding the neighbor, I guess, directly next to you on Fairlane 19478. I do see an objection letter from them.

MRS. NICOLOFF Yes.

TESTA Can you maybe summarize what your interactions with them have been and why you didn't seek her approval?

MRS. NICOLOFF Well, we did. That's why when I was referring to Jeff and Amy.

TESTA That's Jeff and Amy?

MRS. NICOLOFF Yes, again he just said he didn't want the friction with the families behind him. And the way he made it sound was that 19487 Gill Road and 34475 Northland -- the two on each side of the disputing neighbor -- are family, so we're kind of outnumbered. They're not about to admit to the noise, and then our other neighbor on the other side, I know they don't matter because it doesn't butt up against the -- Chris and Mike -- they just felt, "Well, your house is in a position where we don't see it and your house muffles the noise and again we don't want to get involved."

TESTA And then did you consider any other alternatives besides a fence, like planting arborvitaes, which could probably grow five times the height of six feet and probably give you more privacy and more sound deadening?

MRS. NICOLOFF Yeah. The reason being though with the fence being non-flammable because those bonfires that happen so frequently, and if they caught fire that's not good.

MR. NICOLOFF We do have some arborvitaes there. But the other reason we put up the fence was for the aesthetics. We think it adds great value to our property, but to adjacent properties for aesthetic reasons.

MRS. NICOLOFF But again, that's not why we put it up.

MR. NICOLOFF It's not the main reason. It's one of the reasons.

TESTA How far is the fire from that fence? I guess if you're worried about anything that could catch on fire, I'd be worried the fence could melt if it's that close.

MRS. NICOLOFF I didn't step on the property dash and measure. I have some pictures, but probably... seven feet, maybe seven to 10.

TESTA Thank you.

BARINGHAUS Any other questions?

BARINGHAUS Mr. Chairman?

COPPOLA Mr. Baringhaus.

BARINGHAUS When you're in your backyard, what area do tend to use? Do you tend to stay near the house? Do you have a patio near the house? What area do you congregate in?

MRS. NICOLOFF That lower area is here we normally stretch out. The one I took the picture of, it shows before the fence and after the fence. You see these six pictures. You can kind of see the white chairs and stuff there.

BARINGHAUS Yeah, I do. Okay.

MRS. NICOLOFF And then, right, so there, laying out the sun. Yeah, you know, when you want to go play croquet and be in your garden daily, and all that stuff.

BARINGHAUS Can you estimate the distance from that area to the fire? The one where your neighbors congregate at 19511 Gill?

MRS. NICOLOFF You mean the patio?

BARINGHAUS Is it 50 feet? 60 feet? 100 feet? Best guess.

MR. NICOLOFF 50 to 75 feet.

BARINGHAUS Okay. And even at that distance, you're still experiencing a lot of background noise?

MRS. NICOLOFF Yes, well, like I said, we're in that cul-de-sac to begin with. So I think a lot of echoing doesn't help much less. You know, how decades ago you used to get a ticket for swearing. And it was offensive and we hear those things every day. If was just a regular get together again, we'd understand that.

MR. NICOLOFF The noise, it actually enters our house through the windows. It's that loud.

MRS. NICOLOFF Oh, yeah. Well, we've had to... when my father stays over, he's had to move bedrooms. But again, that's after hours. And I know you mean at eight o'clock when we're out there and stuff, not after hours. But no, it's just stressful. And again, the way we're positioned, the way our backyard is, is angled that way. So it's awkward, very awkward. It's like, people like to congregate there. They were dosey-doe-ing around the fire one time and then rap music the next week, you know, and it'd be fine if it weren't so frequent.

BARINGHAUS Okay, great. Thank you very much.

COPPOLA Any other questions?

BARINGHAUS Mr. Chair. Just one quick question. Most of the board already asked the questions I was going to ask. But you said you were thinking about having a pool. So if and when you do

have that pool -- up for debate still -- are you thinking you might want to have a larger privacy fence around that?

MRS. NICOLOFF No. No, if anything. No, because... oh, that's a good question. That's the lowest point in our yard. It kind of slopes. So that's why I was talking about in the pictures too, for open green spaces when they're on their patios or deck, just like us, you can completely see way over. It's only if you're right down on the grass there next to them that it's the lowest point in our yard. So we feel completely enclosed when you're at that level, even with a regular aboveground pool.

OLIVERIO Okay, so no intention of getting more fencing at all?

MR. NICOLOFF Probably not because the pool would be above ground.

COPPOLA Okay. Anything else?

COPPOLA Seeing none, is there anybody in the audience who would like to speak for against this petition? Please stand up.

TRUPIUNO Hello. My name is Mike. I grew up in Livonia. I'm the adjoining house, the one on 19511 Gill Road. And I grew up here in Livonia, born and raised here, and it's the first time I'm meeting Mr. and Mrs. Nicoloff. It's a pleasure to meet you guys. And dear friends with Ron and Angela, Jeff and Amy. I love my neighbors. And we're talking about stress. And like, they're being a nuisance and I'll tell you one thing that's very stressful is when a large white fence unexpectedly comes up in your backyard and your power goes out for several days, and you have a group of DTE workers digging where that fence was built, trying to recover that power line with their lives being threatened as well. But I have no resentment at all, for the neighbors. It just would have been really nice if they made any effort whatsoever to even just ask permission to have that fence up. I mean, it's a large white fence. It's a little bit obnoxious. I'm not gonna lie. But it is. They did it without a permit. They did it without permission. And it's quite the eyesore. I remember, one of the biggest detractors. So Ron used to live in this house, and I met him and he was gracious enough to sell his home to me. And I'm really grateful for that. And I love that house. But when I look in my backyard, it was so awesome to see the arborvitaes on the... I think it's the north side of the property; it was just really nice to see all that out in the open. And now it's just such an eyesore. But when I moved in... I'm in my mid 20s. I've settled down quite a bit. I graduated college three years prior. I threw a couple parties -- one in particular got out of hand. And that was the one where I condemned my roommates for letting

that happen when I was out of town. And after that point, you guys have probably recognized that the noise levels dropped dramatically, because I made it a point for that never to happen ever again. Because I knew it got out of control. But yeah, I'd like to thank you, be respectful of my neighbors. I hope Ron and Jeff can agree to that. But I thought it was very disrespectful to someone like that in the backyard and to impede on my property line by four feet. It just doesn't seem right. And I just want to say, it's nice to meet you guys but I definitely disagree with that. And I think my neighbors probably would say the same. But again, I think that's all I have to say. So thank you very much.

BOLOVEN Quick question. We see in the packet, a numerous amount of complaints that were filed with police. Were you or anybody in that house ever charged for a violation?

TRUPIUNO Never.

BOLOVEN What was said when the police came out?

TRUPIUNO The police never talked. I've never had any conversation with the police. Not one.

BOLOVEN So there's one specific one. It looks like on July 4, 2021. It looks like the police came out.

TRUPIUNO I had... I think a very surface-level conversation with them. I think we, and my apologies, we did turn the music down.

BOLOVEN Okay... I'm confused. You said at one point the police didn't come out and then the police did come out?

TRUPIUNO I really... I have no recollection of the police ever coming to my house. But again, you know, we were drinking. It was Fourth of July. Blurry, a little bit, but I think it was handled pretty seamlessly.

BOLOVEN Nevertheless, no citations ever?

TRUPIUNO Never.

BOLOVEN Thank you.

BARINGHAUS Mr. Chair?

COPPOLA Mr. Baringhaus.

BARINGHAUS Did the Livonia Police Department ever phone your house?

TRUPIUNO Never. I never got a call. I never got a phone call on my cell. I don't have a landline. But my phone number is on record. They can contact me whenever they want, but I never got a phone call.

BARINGHAUS And then how many conversations did you have with the Nicoloffs regarding the situation?

TRUPIUNO Zero.

BARINGHAUS So in your mind, having a lot of people over to your house, having bonfires was okay [with the neighbors?]

TRUPIUNO I definitely can assume that after that one incident where the bonfire got a little bit out of hand, I drew a firm line and said, "This can't happen anymore." That was like a needle in my mind, that's too much. It's gone too far. But like 10, that's a little excessive. And then to say, like five to seven feet from the fire. I mean, we're, what 15... the bonfire is like 15 feet minimum from that fence. And when I planted those pear trees, I made a guess. This is my first house. I thought that was my property line because I was looking at like, where, I just learned what a survey is. And I just planted those trees and then the tree started dying. So I'm like, "Okay, I got to put this somewhere else." That's what happened.

BARINGHAUS Yeah, and this is the first home you've ever owned?

TRUPIUNO Yeah, my first time.

BARINGHAUS Ok, thank you. Very good. Thank you very much.

COPPOLA Let me ask a question. So, if the Nicoloffs had approached you for your consent to put a fence on the property line, would you have would you agree to allow that to happen if they had approached you properly and asked for your consent, and it would have been put in the proper place?

TRUPIUNO I don't see why not. I have no quarrels with them. I mean, going back in time, I probably would have hated it. I would have thought, "Oh, it's a white fence." But I would have been a reasonable person about it. I understand, you know, you want your privacy and everything. I would have considered it. I wouldn't have said, "No." There's no way. I wouldn't have said no, straight up, no way. Like I'm a pretty reasonable person.

COPPOLA Okay. Any other questions?

TESTA Were you aware that the police were called, or is this the first you're hearing of it tonight?

TRUPIUNO The first time hearing.

TESTA And you said the pear trees were already on your property before. They had a put a fence in and you relocated those?

TRUPIUNO So sorry. So I had put the pear trees where I thought my property line was, like, right on the line. I made a guess-timate, which I thought looked pretty clean, but I don't know, I didn't notice. So when I planted that, then the fence went up. The trees started dying. So, I'm like, "Okay, now I have to move these to location where it gets sun, so they don't die."

TESTA So your pear trees were in before the fence?

TRUPIUNO Yeah. And then they planted the fence. Like it was literally like that close. It was literally like that close.

TESTA And then the... Yeah, I won't go there. Okay. Thank you.

BOLOVEN Mr. Chair?

COPPOLA Mr. Boloven.

BOLOVEN Just one more follow up question. Following up on Chairman Coppola's question to you. You just said that had they asked you, you would have given them permission. So does that mean you're okay with the fence now?

TRUPIUNO No. No. Because it's the principle that matters to me most. It is a tremendous eyesore. There's noise pollution. I would have considered it. But that doesn't mean I would have said yes. I said I would have considered it.

BOLOVEN So you want the fence out or are you okay with the fence staying?

TRUPIUNO I definitely don't want the fence impeding on my backyard. No, it was beautiful before. It was like a nice full yard. And it was like... it was one of the biggest reasons, like Ron and Angela maintained that yard beautifully, and having that my backyard was awesome. But now I just have a big white plastic fence to look at.

TESTA Your comment about DTE. Can you expand on that? I'm inferring that you're implying that the putting in the fence caused a power outage directly.

TRUPIUNO Yes.

TESTA And second, what would make you satisfied if they wanted to put up some type of privacy screening?

TRUPIUNO I like arborvitaes. They're beautiful.

TESTA That would be acceptable to you for them to plant?

TRUPIUNO I think so. Yeah. That would be awesome. I love green. It's better than plastic.

TESTA Thank you.

COPPOLA Take a seat. Thank you. Anybody else would like to speak for or against the petition? Step up, and I'll need your name and address first, please.

BRAUTIGAN Jeff Brautigan. 19478 Fairlane Court. So I just wanted to clarify my discussions before is that I just thought if people have problems, it's better to talk it out instead of like, getting to a point like this. My problem with the fence itself is that it's on our property and doesn't stay true to the property line. And if we were to sell or somebody else, it's already blurring the property lines. As you can tell people don't quite know where the property lines are. And that's an issue going forward. So that's why the ordinance is in place that it has to be on the property line. That's my biggest concern about it. So that's really what I wanted to state. Thank you.

KLISZ We have letters. Two of them are the two gentlemen who just spoke. So I'll just mention that they had letters, but I won't read them.

The first one is letter of approval, Ronny Warra, 19456 Fairlane Court: "The current fence as erected is approved without change. Ron Warra. 19456 Fairlane Court."

A letter of objection, Ian Hatem, 34515 Northland Drive: "If it's approved the city will be like boxes all over and everybody can afford to fence his lot. Thank you."

A letter of approval, Frank Gajor, 18504 Blue Skies Court: "On multiple occasions, my wife and I have been at the Nicoloff home and witnessed loud disturbances coming from the backyard at the residence at 19511 Gill Road after midnight. Prior to the fence being installed, we were at a barbecue at the Nicoloff residence and could hear loud music inside the home with doors closed till near 2 am until we left.

After the fence was installed in July, we were visiting and there was a large gathering at the home with a bonfire, loud music and quite a bit of shouting, including profanity. If I was living in this situation, I would also try to come up with a means to minimize the noise and disturbances with a fence or barrier."

A letter... doesn't say whether it's approval or rejection: "I'm Thomas G. Mcleod, 20084 Gary Lane. The petition fence is not encroaching on the adjoining neighbor's property. And so I don't understand why the Nicoloff's need their consent. They are merely trying to shield themselves from the constant noise and disturbances. I've been a guest at their home in the summer and fall months of 2021-2022 and witnessed the rowdiness sounded like a loud frat party with people coming and going." So it's a letter of approval.

A letter of objection, Mary Batog, 19477 Fairlane Court: "The City of Livonia rules about putting up a new fence should have followed. A survey should have been done as well as informing the next-door neighbor. If a permit was needed, it should have been obtained from the city."

A letter of objection, Anne Polack Simpson, 19550 Laurel: "Objection. When we put up our regular fence, we had to get approval of neighbors out of courtesy to them and go to City Hall, need to ask permission, etc, etc. and there was not a very big ugly fence. I think it was not courteous, as a good neighbor should have asked for this and why wanted it. Good reason. People are responsible. But if this was out of spite, shame on this person."

And then the letter from Michael Trupiuno, who spoke, and Jeff. Those are the letters.

COPPOLA

Anybody else? Thank you. Alright. Mr. and Mrs. Nicoloff, you have the opportunity to make a final statement. You can step up to the podium. You're welcome to respond to any of the communication that just occurred, whether it was audience or correspondence.

MRS. NICOLOFF

I just wanted to... the misunderstanding there. Mr. Trupiuno had said that the east side of the fence is four feet inside his property line; it's actually four feet inside our property line. And, again, I mean, Mr. Evan Priest was so nice; you could call him and ask him himself. I'm the one that actually called and had him come back out -- I think I said that already -- to re-stake, the southeast side. But he assured from this survey that it's again, inside, it narrows and tapers, that's why I'm

suggesting putting the stones down to make it look nicer and to keep it maintenance-free, if you don't want our grass people walking over there to edge it. And also, it's a beautiful vinyl expensive fence. It's not like a broken down wood one that will warp or anything of that nature.

MR. NICOLOFF You can still see a lot of greenery. We don't think it's as obstructive.

MRS. NICOLOFF The arborvitaes you spoke about that are on the north side, that are ours. He's free to certainly put-up greenery just like your pear trees or other bushes right on the other side of the wooden stake too, to soften it. But again, we ask for your intercession, and you helping us because I know you deal with cases like this all the time, of course, and just again, the noise control and what to do. And again, I know we probably can't submit this, but again they have crates set up -- I don't know if the inspector wants to see it, if that's allowed -- and on the side, just getting ready for another big bonfire. To me that's not encased or allowed. Thank you.

COPPOLA We'll close up that portion of the case and start the board's comments with Mr. Testa.

TESTA In reviewing this case before today, I was leaning towards... I had sympathy for the Nicoloffs and was leaning towards approving this. But after hearing the case and also hearing the public comments, I do have concerns about this. I agree mostly with the second public comment from 19478 Fairlane about talking it out. I think that would have been your best approach in this case. Had you approached your neighbors, you might have a different result. I do understand how you could have some confusion initially about whether or not the permit was needed. You did contact the City and if they sent you an email. Obviously, we don't have further record of what was actually said, but I'll give you the benefit of the doubt there. But I can't overlook that you didn't communicate with your neighbors. You said it yourself, and they confirmed it themselves. I would suggest looking into alternative means, such as our writings or other types of landscaping to resolve this issue. I cannot be in support of this variance.

PTASHNIK Thank you, Mr. Chair. I also empathize with your hardship and the need for privacy here. But I do have a couple problems -- one of them that the fence seems to be on, I think, it's Mr. Brautigan's property. And so therefore, that's a huge issue. I can't get past the lack of permit. And also, after hearing some of the other testimony from your neighbors, that is also an issue for me. So I also will not be in support.

And I agree with Mr. Testa that you'll have to look maybe at some alternative ways to create that privacy.

BOLOVEN

I agree with my colleagues. It's an unfortunate incident when it comes to before this board, and it's more out of disagreement. But this board has never been in the place to force people to have fences and especially neighbors unless there's something outrageous. And that's why I asked the questions regarding if there's any criminal citations or anything along those lines. There wasn't anything to Livonia's Police Department standards to rise to that based on the discussion today. The neighbors are strenuously objecting, especially the two that it's directly affecting. So with that being said, I think you've heard suggestions from the board whether it be greenery, arborvitae, or 10 feet in and do a privacy screen. But with all that being said, I cannot support the variances requested.

OLIVERIO

Thank you, Mr. Chair. I completely echo everything that my colleagues are saying. I will say I empathize tremendously, especially because you said you're looking to have a family and grow a family. And especially when the neighbors are loud, and there are parties, that can be certainly a challenge. I get it. I've been there as well. But I've also been in your shoes where I've been the new 20 year old new homeowner having the parties and bonfires in my backyard, not in Livonia. But there's an element of "you don't know what you don't know." And so I think just even just generally speaking, as a society, we need to learn a little bit more to communicate with each other. I think COVID probably impacted that. But I think there are other solutions to the problem before us right now. And I would highly encourage you all -- some of them have already been mentioned there -- and I'd encourage you all to come together and come up with a mutually beneficial solution. Thank you.

KLISZ

This is a tough one. I definitely hear both sides and understand both arguments. I think the biggest problem is the misplacement. If the petitioners say it's within the limits, maybe it looks like it on a survey. But our Inspection Department says it's not. And one of the neighbors says it's not, so based on that I don't think there's really any way around it. If it's in the wrong spot, then it's gotta go, so I will not be in support.

BARINGHAUS

Okay. Yeah, I concur with the comments of my colleagues made on the board. And based on that I will not support the variance as well. Thank you.

COPPOLA	Yeah, I'm too not in support. I found your neighbor's description of what went on not believable. And I think that he's young and learning his way around. He forgets he's living in a family neighborhood and not in a frat house. He probably needs to adjust his behavior accordingly. But nonetheless, what you did wasn't appropriate either. You put a fence up not on the property lines, over the property lines, without a permit. And by the way, Mr. Ramsden, make sure you make note of that contractor.
RAMSDEN	Yes. Out of Frasier. Noted.
COPPOLA	He doesn't get to pull a permit in the future. And a side issue -- I did mention when I asked a question to Mr. Ramsden earlier in regards to where you can put a fence and it would have been more of... a privacy screen, not a fence, and that's got to at least 10 feet in from the property line. So you'll lose 10 feet, but you're welcome to do that. But unfortunately, we can't support keeping the fence where it is. So, I'm gonna go ahead and open up the floor for a motion.
BOLOVEN	Resolve the variance sought in appeal case number 2023-01-02 filed by George Nicoloff be denied for the following reasons and findings the fact: that the petitioners have not demonstrated to the board that a practical difficulty exists, and that due to survey lines and discovered potential misplacement of the fence, as well as serious objection from the neighbors, specifically the ones who are directly impacted, that this variance be denied. Further that the denial of this appeal is in the best interest of the City of Livonia.
TESTA	Support.
COPPOLA	I have a motion by Mr. Boloven, supported by Mr Testa, denying motion. Go ahead and take the vote.
KLISZ	Mr. Testa.
TESTA	Aye.
KLISZ	Ms. Ptashnik.
PTASHNIK	Aye.
KLISZ	Ms. Oliverio.
OLIVERIO	Aye.
KLISZ	Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye. Vice Chair Baringhaus.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Aye.

COPPOLA Mr. and Mrs. Nicoloff, your petition has been denied. I think we've heard some options from the board here of what you could do. And I do empathize with the issue, and hopefully things will get better over time. But you do have some other options you can do, but unfortunately you're going to have to remove the fence. I'm not sure what Mr. Ramsden said timing wise. Normally we allow the petitioner for removal...

RAMSDEN I'm sure if there is a timeline. 30 days, it's usually normal.

COPPOLA So, 30 days. You can step up, real quick.

MR. NICOLOFF So, we do plan to appeal this. So what will be the timeframe then, after the appeal? I assume.

COPPOLA So you can appeal to Wayne County Circuit Court.

MR. NICOLOFF We're planning to, for sure, thank you.

COPPOLA Yeah, it's 21 days from the day tonight's minutes are approved, which would be probably at our next meeting... 21 days after that, until then to appeal.

MRS. NICOLOFF I just have one question regarding again that huge greenhouse that Jeff has next door. How that's considered, I heard where you don't need to get the approval of your neighbor and it can be just two feet from the property line and it's completely blocks our view and everything. It's just got tons of junk in it and the whole roof is white frosted where you can't see over anything. So I mean, is there any way if we... again to me, it's on our property line when you're saying it's encroaching. That's what we would definitely want to argue on here because they came back out and just put that stake in quick because they're mad that I asked him to come back out and put one on the southeast side. But is there anything we can do to make it an accessory, just like the greenhouse is considered an accessory?

COPPOLA No, the rules are pretty straightforward.

MRS. NICOLOFF Because if we added a dog run to the fence....

COPPOLA It would have to be at least 10 feet within the property line.

MRS. NICOLOFF Even for the pool?

COPPOLA Well, for the pool, usually, if there's a fence, you have put it around the pool if it's at the ground level. And if it's above ground level, you just have to block off access and a fence is not necessary. But those kinds of questions, for an expert on everything, you can call the City and they'll be able to answer those questions for you.

MRS. NICOLOFF For the building department?

COPPOLA Yes. Call the next case.

RESOLVED: APPEAL CASE NO. 2023-01-02: George Nicoloff, 19490 Fairlane Ct (Rescheduled from February 7, 2023, and Tabled on April 11, 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.

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" be **denied** for the following reasons and findings of fact:

1. The petitioner has not demonstrated to the Board that a practical difficulty exists.
2. The potential misplacement of the fence on the neighbor's plot, as indicated by the survey lines.
3. Serious objection from neighbors, specifically the ones who are directly impacted.

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

ROLL CALL VOTE

AYES: 7

NAYS: 0

ABSENT: 0

PASSES/FAILS: 0-7

APPEAL CASE NO. 2023-03-05, Robert Day, 36519 Grandon: seeking to erect a six-foot tall privacy fence upon property resulting in not obtaining the adjacent property owner's approval. The adjoining property owner is located at 36449 Dover. Privacy fences require the approval of the adjacent property owners.

The property is located on the south side of Grandon (36519), between Wilshire and Lionel, Lot No.127-01-0036-000, N-1 "Neighborhood District," Rejected by the Inspection Department under Fence Ordinance, Section 15.44.090 (B) "Residential District Regulations."

KLISZ Calling appeal case number 2023-03-05, Robert Day, 36519 Grandon, seeking to erect a six-foot tall privacy fence upon property resulting in not obtaining the adjacent property owner's approval. The adjoining property owner is located at 36449 Dover. Privacy fences require the approval of the adjacent property owners.

COPPOLA Alright, thank you. Anything to add, Mr. Ramsden?

RAMSDEN None at this time, Mr. Chair, thank you.

COPPOLA Seeing none, if the petitioner can step forward. Name and address first, please.

DAY My name is Robert Day, address 36519 Grandon Street.

COPPOLA You'll want to tell me in regards to why you believe that you'd have a hardship that would rise up to a variance. I'd like to understand what level of loss, what level of communication or interaction you have with a neighbor that you haven't been able to get their approval.

DAY Yeah, we moved in October of last year. We bought a fixer upper. I'm sure you've all seen The Money Pit, that's what we bought. So initially, we intended on putting up the privacy fence immediately. That was one of the first things that we wanted to do. We have two dogs, both pit bulls -- one's 10 years old, ones, just over one. So he's still kind of learning his boundaries. He does hop the fence. I know that our neighbors right next to us, they're not afraid of him, but they're afraid that he may hurt their dogs. I know he won't. But, you know, I'm trying to do the right thing here and put up a fence to prevent my dog from even entering their yard. So we have to the north of me, the gentleman is in California. So I was able to contact his father. His father faxed over the documentation; he signed it. No issues. My backyard -- the back line and my fence line there shares two separate properties -- so obviously, the shorter side, they had no

issues approving. I think it's only like 25 or 30 feet. The people to the south of me, they had no issues approving. The gentleman in question -- that house, from my understanding, has been vacant for years. No one lives there. The gentleman lives in Northville, I think it is. My wife was actually able to track him down. He showed up at our house. I was at work. And my wife said he was very rude to her. He basically tried to extort us. So he wanted us to pay for the materials and the labor to not only do our portion but the rest of his back. And I told, my wife had actually called me when I was at work, and I told her "Absolutely not." I don't know that guy from Adam. So I'm not going to do that. So that's where we're at. We haven't put up a fence yet. All the materials are sitting in my driveway. It's been there for a few weeks now. So that's where we're at.

COPPOLA Okay, so you've had an interaction with the neighbor. The neighbor said he would do it, but only if you paid for it his whole back?

DAY Just the backside. Yes.

COPPOLA Okay. Questions for petitioner?

KLISZ Mr. Chair?

COPPOLA Secretary Klisz.

KLISZ Did you write him a letter? How did you get ahold of him?

DAY My wife did multiple different things. I have a buddy of mine who's on LinkedIn. He looked him up. He was able to recover his phone number. I tried to contact him via phone. My wife actually drove to his house in Northville, with the approval letterform, and a handwritten letter stating what we were trying to do.

KLISZ Did you reach him?

DAY No, she actually taped it to the front door of his home with our address and all of our information. And like I said, he had showed up at my house when I was at work, and he was very rude to my wife.

KLISZ He didn't like it taped to his door or something like that?

DAY I don't know. Like I said, just from the conversation that I had with my wife after he had left. He was lucky that I wasn't there.

Because it wouldn't have been a very friendly conversation if I had heard him talking to my wife the way that he was.

BOLOVEN

Question for Mr. Ramsden. I'm looking just at the public website for 36440 Gilbert, which is this neighbor question. I see a bunch of enforcement violations that, me looking at it, tend to kind of show that this may be vacant, or somebody's not attending the home. Specifically, just this past February, "Snow on sidewalk." Do you have any more detail on this one? If anyone's living there or what these enforcement violations were?

RAMSDEN

When I visited that residence on Dover, there was no one present at that time. It is a licensed rental. And those licenses are up to date. There's nothing outstanding. The enforcements have all been closed. So the snow on the sidewalk is the most recent one and that's been closed and the next most recent is 2018.

BOLOVEN

So the last time you've been there, did it look like anybody was in the home renting it?

RAMSDEN

It did look occupied to me. But no one answered the door and there were no vehicles in the driveway.

BOLOVEN

Thank you, Mr. Chair.

DAY

If I might add -- the neighbors directly next to him are the particular neighbors who told me that house has not been occupied for years. He has not had any rentals or residents occupying the home.

TESTA

Mr. Chair?

COPPOLA

Mr. Testa.

TESTA

Question -- for Mr. Ramsden or Mr. Neville -- since it is a rental property, the public notice does it go to the house on Dover? Or does it go to the owner's address that is registered as the owner in Northville? I'm trying to understand, can we reasonably assume the owner of this house has that notice? Or is it possibly stuck on Dover and the rental person did not give it to him?

RAMSDEN

I'm not sure.

NEVILLE

I would be guessing, but my presumption is if it's a rental and there hasn't been any response or communication that they

would have contacted or sent something to the Northville address on Highland Court. That would just be my guess.

COPPOLA Any other questions?

BARINGHAUS Mr. Chair?

COPPOLA Mr. Baringhaus.

BARINGHAUS Your back fence, which is 60 feet...

DAY Yeah, that sounds good. I think the area in question is 60 feet. I know my wife had drawn a picture...

BARINGHAUS Yeah, I'm looking at a diagram that shows the neighbor within 20 feet of that back fence, and the vacant home has 40 feet. Can you explain what the owner of the vacant house wanted you to do with your fence in more detail? I didn't quite follow.

DAY So that 60 feet is our shared... a joint property...

BARINGHAUS Between your two neighbors?

DAY Between just the unimproved neighbor in question, direct... or 40 feet or whatever... it's our shared property line. He also wanted me to pay for the materials and labor to finish the rest of his back fence there. So I'm assuming he would have had the additional 20 feet in the other direction.

BARINGHAUS Okay, perfect. Thank you.

COPPOLA Is there a fence in that space right now? That 20 feet?

DAY There's a chain link fence, yes.

COPPOLA Okay, and it goes all the way across your next-door neighbor's property, right? All 60 feet of that? I'm sure he probably wouldn't to see half a fence on his property either. Who is going to be putting up the fence?

DAY I believe his name is Dave, from Best Guys, I think it is.

COPPOLA Initially when you said all the fencing was upon your property, I thought that maybe you were going to do it yourself. Any other questions?

PTASHNIK Mr. Chair?

COPPOLA Ms. Ptashnik.

PTASHNIK Question for the petitioner. I actually went by your house and it looks like there's a privacy fence across the front of the home right now... wooden. And that will be coming down, I would assume?

DAY Those are staying.

PTASHNIK Oh, those are staying? So they will not be matching the new material?

DAY No, it had something to do with the dimensions of the gates. The gate on the south side is actually like 14 feet wide. So you can't get a 14-foot wide gate. I mean I can literally back my truck into my backyard if I needed to. But as of right now with that gate, so I'm just gonna keep it.

PTASHNIK Because I noticed that the materials were in the driveway. I was like, "Oh, he's thinking he's getting this fence."

DAY Well, I'll do free property line that I can and just leave that spot open or I'm going to complete the fence.

PTASHNIK But that's gonna be a white vinyl, right? So it won't match the wooden fence that's on the front. But there's currently a chain link that will come down?

DAY That's correct.

PTASHNIK I just wanted to make sure I understood the project. Thank you.

COPPOLA Anything else?

OLIVERIO Mr. Chair?

COPPOLA Ms. Oliverio.

OLIVERIO Just to build off what Ms. Ptashnik was saying, so the chain link in the back will come down as well?

DAY I believe that my contractor stated that he wants to remove all the chain link fence and replace it with the black.

OLIVERIO Would he be able to do that, because there's another 20 feet of property for the vacant home?

DAY Yes, because at that corner, they share a post. So the post will just continue on to his backyard, and it will be deleted the chain link will be deleted at that post.

OLIVERIO Thank you.

COPPOLA Anything else? Seeing none, just hang tight there. Is there anybody out in the audience who would like to speak for or against this petition? Seeing none, any communication?

COPPOLA One letter, a letter of approval - Carolyn Kramer 36526 Grandon: "No comments."

COPPOLA Okay. Mr. Day, would you like to say anything in closing?

DAY No, I think you guys have all the information to make a decision.

COPPOLA Thank you. We'll close the public portion of the case and start the comments with Ms. Oliverio.

OLIVERIO I will be in support of this. I think your hardship has been pretty evident. I'm also the owner of a one-year old pit, so I get it. I have a privacy fence that she likes to try to escape out all the time. So I understand the safety issue and the concern as an owner around making sure your neighbors are safe and your pets are safe as well. So I completely understand why you want to have the privacy fence. And I also understand entirely that you've reached out to your neighbors, you've got approval from all your other neighbors, which is fantastic. The one, which is vacant building, I know there's been some issues there and you've had a hard time getting in contact with that particular owner who did you know... they're trying to get you to pay for additional. So I completely empathize with that as well, too. So I will be in support. I think the hardship has been shown, and I think you put in the effort to do everything you're supposed to be doing.

COPPOLA Thank you. Mr. Boloven.

BOLOVEN I'm actually torn on this. You heard me from the last hearing. We're not in the place to force people to have fences if they don't want them. I listened to your testimony today, and basically what you're saying -- if we do hold it as truth -- we have no opposition, we have nothing in writing saying that the neighbors opposing, other than the fact that your neighbor didn't give consent. That alone makes me lean towards supporting this variance. I mean, I see the hardship. I see the dog, for example. That's one of those examples of why we would allow a fence, but I still have that problem that you'd have one neighbor that essentially this is going to be forcing the fence on. Looking at the facts, I do think potentially nobody is living there. I'm looking at the public record. It says

that there's an occupant. It says that there's a tenant, but it looks like it might be expired. So like I said at the beginning of this, I'm torn. I'm curious to hear what the rest of the board says. But I could go either way on this one right now.

KLISZ

I'm in support of this. The key is the petitioner's due diligence in obtaining the approval. And again, the neighbor is not here. And we've received nothing in writing. Again, did it get to them? We can just assume that again, what Mr. Neville told us -- that they would send it on to the registered owner. He's not the occupant. He doesn't live in Livonia. Again, we take the petitioner at his word; he basically would have given approval if the petitioner gives him a free fence, so that's not valid. To me, that is consent, essentially. And again, he's not here to object. The only other letter is a letter of approval, so I'll be in support.

COPPOLA

Thank you. Ms. Ptashnik.

PTASHNIK

Like Mr. Boloven, I was originally a little bit torn. I do appreciate that you pulled the permit. I do appreciate that you got all the neighbor approval. And I do see the hardship, and I was torn because of the one neighbor, but after hearing -- I'm going to take you at your word that you did do everything you could to contact him and get that consent -- I guess my biggest issue is that I worry a little bit about the cosmetic look of the kind of wooden fence with the vinyl on the other three sides. But that's personal preference. But I will be in support.

COPPOLA

Thank you. Mr. Testa.

TESTA

Thank you, Mr. Chair. I will be in support of this. I can understand the hardship. I do appreciate you getting approval from three to four neighbors. Regarding the fourth neighbor, it's been pointed out -- they're not here tonight, nor have they sent in a letter. I guess we could question whether they're aware of that letter; either way, it went to the Dover house, or where there's seemingly a tenant or it went to their Northville address. So no one showed up here tonight. So I'm gonna take that as they're not objecting to it.

COPPOLA

All right. Vice Chair Baringhaus.

BARINGHAUS

While Mr. Boloven brings up an interesting point, I have to agree with my colleagues on the fact that I think you've done everything you could possibly do. You reached out to the neighbor, who is basically an absentee owner. The other point is your full-time neighbors, the actual property owners who reside in your neighborhood, have no issue with that

fence. Generally, I do get a little suspect when I see this where you don't have an owner's approval. But in this case, I think you have some extenuating circumstances. I think your hardship is genuine and based on that, I'll approve the variance.

COPPOLA

Thank you. I struggle as I have over the years, with forcing a fence on a neighbor that doesn't want a fence. I think from the perspective of feedback from the owner of that property, you reached out to him on that property and trust me, I don't find his response appropriate or really helpful -- but he said, "No, unless you're willing to do something for me." So you did get a response from the neighbor, and I don't believe a neighbor is obligated to respond to a request or to show up to a meeting, but they did speak. They said, "No." I understand that I'd be very unhappy with that, too. So I personally can't support that. If a neighbor had been reached, the neighbor said no, there wasn't an extenuating circumstance in regards to it, like the property was maintained -- it was full of rats, they used it for garbage. I have voted for fence petitions when those circumstances existed. But when that neighbor, again, it's a landlord. He's absentee. I understand that. But he said, "No." I can't override that. So I'm going to vote against it. It looks like you might be in pretty good shape to get it anyway. But you don't have my vote. And I'll open up the floor for a motion.

KLISZ

Mr. Chair?

KLISZ

Resolved that the variance sought in appeal case number 2023-03-05 filed by Robert Day be granted for the following reasons and findings of fact: the uniqueness requirement is met because of the basic neighbor approval for signing their consent forms, and the one other neighbor filed an approval. Denial of the variance would have severe consequences for the petitioner because essentially, his dogs have been jumping the small fences and that could lead to criminal citations for the petitioner. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance, based on neighbor support -- the ones who've actually signed his allowance of this fence and no opposition, at least in writing. This property is classified as N1 under the Master Plan and the proposed variance is not inconsistent with that classification. Further that the variance be granted with the following conditions: that the fence be built as presented this evening as to the location and as to the materials.

TESTA

Support.

COPPOLA I have a motion by Secretary Klisz, supported by Mr. Testa. Any discussion? Seeing none, we can take a vote.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Ms. Ptashnik.

PTASHNIK Aye.

KLISZ Ms. Oliverio.

OLIVERIO Aye.

KLISZ Mr. Boloven.

BOLOVEN No.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ And Chairman Coppola.

COPPOLA I'm a no.

KLISZ 5 to 2, passes.

COPPOLA Mr. Day, you've got your petition... five to two. I think you can go down and get your permit -- and I forget how many days, a few days -- in a few days, you can go down and get the permit and you can get your fence.

DAY Thank you.

RESOLVED: APPEAL CASE NO. 2023-03-05, Robert Day, 36519 Grandon: seeking to erect a six-foot tall privacy fence upon property resulting in not obtaining the adjacent property owner's approval. The adjoining property owner is located at 36449 Dover. Privacy fences require the approval of the adjacent property owners.

The property is located on the south side of Grandon (36519), between Wilshire and Lionel, Lot No.127-01-0036-000, N-1 "Neighborhood District," Rejected by the Inspection Department under Fence Ordinance, Section 15.44.090 (B) "Residential District Regulations" be **granted** for the following reasons and findings of fact:

1. The uniqueness requirement is met because the neighbors' supplied approval by signing their consent forms and another neighbor filed an approval.
2. Denial of the variance would have severe consequences for the petitioner as it could lead to criminal citations due to his dogs jumping over his current small fence.
3. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance based on neighbor support, including those who signed letters approving the proposed fence, and the fact that there is no opposition (at least in writing).
4. This property is classified as N-1 under the Master Plan and the proposed variance is not inconsistent with that classification.

ROLL CALL VOTE

AYES: 5

NAYS: 2

ABSENT: 0

PASSES/FAILS: 5-2

APPEAL CASE NO. 2023-04-06: Mike Kinaia, 2500 Starbucks Westmont Circle, Sterling Heights, MI 48310, on behalf of Lessee Starbucks, 12679 Middlebelt: seeking to erect four menu and pre-menu signs within a drive-thru resulting in an excess number of menu board signs and total combined sign area.

Menu/Pre-menu

signs:

Allowed: 1

Proposed: 4

Excess: 3

Menu sign area:

Allowed: 30 sq ft

Proposed: 47 sq ft

Excess: 17 sq ft

Directional sign size:

Allowed: 2 sq ft

Proposed: 2.6 sq ft

Excess: .6 sq ft

The property is located on the west side of Middlebelt (12679), between Industrial and CSX Railroad, Lot. No. 101-99-0008-015, C-2 Zoning District, Commercial. Rejected by the Inspection Department under Livonia Vision 21 Zoning Ordinance, Section 11.06 (8), Exempt Signs, Directional Signs and 11.08 (3) Zoning District Regulations, Sign Regulations in C-2, C-3 and C-4 Districts.

COPPOLA

Why don't you give one more call out for Starbucks?

KLISZ

Starbucks, Michael Kinaia. One last call out. Do we need a motion on that?

COPPOLA

We called it. They didn't answer. They can pay a penalty and get rescheduled. We could call it and deny it, but I don't think we want to do that. I think we'll just pass them over and have them pay the penalty and they can reschedule. Call the next case.

APPEAL CASE NO. 2023-04-07: Luis Morales-Villegas, 20307 Parkville: seeking to erect a six-foot tall wood privacy fence within the side yard which is not allowed. Privacy fences, without a side door, must not extend beyond the rear line of the home toward the street. Also, the proposed nearly bisects the depth of this lot, leaving a large, wooded area between an existing four-foot-tall chain-link fence along the rear property line.

The property is located on the west side of Parkville (20307), between Morlock and Bretton, Lot. No. 002-01-0393-000, R-U-F Zoning District, Rural Urban Farm, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.090 (B), Residential District Regulations, Privacy fence in the side yard.

KLISZ Calling appeal case number 2023-04-07, Luis Morales-Villegas, 20307 Parkville. Seeking to erect a six-foot tall wood privacy fence within the side yard, which is not allowed. Privacy fences, without a side door, must not extend beyond the rear line of the home toward the street. Also, the proposed nearly bisects the depth of this lot, leaving a large, wooded area between an existing four-foot-tall chain-link fence along the rear property line.

COPPOLA Alright, thank you. Anything to add, Mr. Ramsden?

RAMSDEN Not at this time.

COPPOLA So I have a question for you. So there's a covenant here in regards to the proposed fence that they want to put in bisecting the property? Is that something that's not permitted? Or was that just stated as additional commentary?

RAMSDEN My understanding of the ordinance is that the fence is only allowed on the property line.

COPPOLA So in the case that we talked about... the privacy shield... he could do that, but he can't have it connecting to the two fences?

RAMSDEN That's correct.

COPPOLA Okay. Any other questions?

PTASHNIK Mr. Chair, I have a question for Mr. Ramsden. I noticed when I saw the house on the south side, there's already a double fence.

RAMSDEN I observed that as well.

PTASHNIK Okay. I thought that also was not allowed.

RAMSDEN	You are correct.
PTASHNIK	Okay thanks. I was checking to make sure I understood. Alright, thank you.
COPPOLA	Okay. Anything else? Ok, if you could step up. Name and address for the record, first, please.
MORALES-VILLEGAS	My name is Luis Morales-Villegas, address is 20307 Parkville Street, Livonia, MI.
COPPOLA	So why don't you tell us a little bit about what you're doing with the fence? And number one, why you're bifurcating the property number, and number two why you want it further forward on the home than what's normally permitted?
MORALES-VILLEGAS	Yes. So, when I bought this property, I moved in and I had two young pups. One was Shepherd Husky, and the other one was a Wolf Pitt, and now four years old. As soon as I bought this property, it did not have a... it was not fully enclosed. It did not have a fence on the front or the rear. So, one of the first things I did when I bought it was erect a gate in the front. Well, technically, on the middle, dividing the front and back yards and a four-foot chain link fence on the rear. Ever since that was completed, my idea was my dogs could roam free in the backyard. But as they've grown, they've gotten bigger and now they can easily leap over the current four-foot fence to my neighbor's yard. Ever since those incidents started happening, I've been keeping them on a leash whenever they are in the back yard. The pit bull has a shock caller that I can remote control beep or vibrate in case a shock is needed. But that hasn't been the case so far. She responds easily to the beeping alone. The Husky is a little bit more difficult to manage. Every time I take him out in the backyard, he's on a short leash by hand. I then connect him to the leash in the back yard and he's able to roam. The problem has been recently we've had incidents that even with those measures, he's been able to escape and jump the fence. As soon as I got them, I invested in dog training. When he was a year old, I took him to Dan Morris Dog Training School last year. I spent almost two grand on an additional Barky Mark's training to correct this type of behavior. The trainer did say it's going to be difficult to simply train that behavior out of them. I would essentially have to go spot by spot throughout the entire property line and correct them not to trespass and then be able to keep them within the fence without being on a leash. The neighbors in question, over at 20315, Parkland Street, they have met my dogs. I've had friendly conversations with

them ever since they moved in. The issues started arising from their side, ever since they had their newborn, and I understand where they're coming from in a sense that even though my animals have never shown any aggressiveness towards them, it's difficult, you know, as a pet owner, simply to guarantee their safety. If my dog is constantly jumping on their fence, and he doesn't respond when we call him; therefore, been looking into potential ways to better enclose my backyard. And I believe the six-foot privacy fence around the bush foot chain link currently is the better solution to guarantee the safety, peace of mind of both the neighbors and my animals. Essentially, the Pit Bull does respond when we call her, but the Shepherd Husky does not. And that seems to be the problem. There hasn't been any aggressiveness towards people or children, but once again -- and not that I would believe they would ever do that -- but it's not proper behavior. I've tried to train it out of them without success. The idea of bisecting the backyard is simply financial reasons. My backyard is 200 plus feet, all the way to the end of my property line, where there currently lies the four-foot chain link fence. There are multiple trees and forest area on that part of the yard, which would take additional investment to remove trees and cut away, clear away, the section of the property line that I need to essentially remove and clear out in order to put up the six-foot privacy along with entirety of the property. I do have my neighbor's approval for the side of the house. I have talked to them about the project; they agreed. They expressed their appreciation for taking on this project and ensuring their safety. I do have a complaint that came officially from the City of Livonia for my dog jumping on the fence, which in that case, it was over the winter and there was ice over my deck. And my girlfriend Ashley was walking him to change the leash, she slipped and he got loose. And that's why he was able to get away from her and jump. And then those are essentially the scenarios that we're trying to avoid in the future. Right now, he hasn't jumped since, because we've had better weather, better ways to prevent those... but I've seen that I can't prevent all incidents. And I'm trying to do that..

COPPOLA

In regards to having a fence go up the back line of the house, why do you believe that variance should be approved? What's was the hardship for that?

**MORALES-
VILLEGAS**

So, I would say.... so, you're talking about the...?

COPPOLA I think that's the north side. It seems like you have an existing six-foot vinyl gate.

MORALES-VILLEGAS The six-foot vinyl gate is on the, I want to say, west side. The north side has only a four-foot chain-link.

COPPOLA Okay, so if I was facing your house, on the right hand side is the vinyl gate, right?

MORALES-VILLEGAS Yes.

COPPOLA And then what runs along the side of your house? Is that a chain link right now?

MORALES-VILLEGAS Four-foot chain link, yes.

COPPOLA Did you put in the vinyl fence, the six-foot vinyl fence?

MORALES-VILLEGAS Yes. Well, I went through Lowe's. That's the one I put up when I bought the house. And four feet to the rear of the property.

COPPOLA And you got a permit for that fence?

MORALES-VILLEGAS Yes. I went through Lowe's, got a permit, got approval from the church that owns the property on the rear of the property. And I got approval from both neighbors at a time.

COPPOLA Was there something existing at the time that you replaced?

COPPOLA There was nothing? So, the chain link fence only ran along the side of the yard...

MORALES-VILLEGAS No. I only had a four-foot chain link running along the side of the house, and nothing front and rear.

COPPOLA So between the garage and the house, what would keep your animals from running up in there?

MORALES-VILLEGAS So, between the house and the garage right now, I have a four-foot vinyl gate and what I'm working on is some type of...barricade. I would say that I could extend the height of that gate. I looked into replacing that gate, but it's built on cement. It's on concrete. It's significant to tear down to increase the size of that gate. So, I'm trying to just add a panel or a sheet or something to extend it. Not sure if I need a permit for that one.

COPPOLA Just a quick question for Mr. Ramsden. That six-foot vinyl fence that runs perpendicular to the side yard, so it runs north-south on that one side.

RAMSDEN From the residents to the north line. Yeah, I'm looking at this permit issued from Hometown Builders back in 2019. And its description is 93 lineal feet of four-foot chain link fence, 17 lineal feet of six-foot tall privacy fence, and six lineal feet of four-foot tall privacy fence. I don't have a drawing here to look at, but it was approved by the building inspector back in 2018.

COPPOLA So I guess the question would be, do they know where that sixth foot...?

RAMSDEN It's not clear by the information I have.

COPPOLA If it had been drawn out and shown where it is, I guess, is that an appropriate place for it?

RAMSDEN It is not. The back corner of the house is where it would be.

COPPOLA And that's on yard, that six-foot is on the ground?

MORALES-VILLEGAS Yeah.

COPPOLA Okay. And it's what, about two or three... is it a whole gate, that six-foot gate?

MORALES-VILLEGAS So there's some side panels to the gate. I was surprised by the rejection on the side of the house because it wasn't prior.

COPPOLA Yeah, I think that based on what I'm hearing, there probably wasn't clarity on what was being permitted and slipped through. Questions from the rest of the board?

BOLOVEN Just to follow up on Chairman Coppola's question. Why aren't you stopping at the back of the rear one in the house?

MORALES-VILLEGAS I cannot afford it.

BOLOVEN What do you mean afford it? You're doing more than what you have to do right now.

MORALES-VILLEGAS I would need to add 125 feet.

BOLOVEN Okay. I'm saying right now you're going to this -- and I'm looking at the picture, I don't know who submitted it -- but you're going with the six-foot vinyl gate. Why don't you stop at the rear line?

MORALES-VILLEGAS The side of the house?

BOLOVEN The reason you're here today is that you're going past the rear line of the house.

MORALES-VILLEGAS Yes

BOLOVEN That's the only reason you're here?

MORALES-VILLEGAS Right. Yes

BOLOVEN So the question is, why do you need to go past the rear light of the house? Why don't you stop at the rear line of the house?

MORALES-VILLEGAS They jump at that point between the six-foot gate and the four-foot chain link at the side of the house, I need to cover that area.

BOLOVEN But what I'm saying, why don't you stop at the rear of the house and cut it off with the line of the house? You'd have a full, fenced-in backyard.

MORALES-VILLEGAS I'm having trouble picturing it.

BOLOVEN So this is page six of 12 in the packet. Right here, you're trying to go all the way to the green line? Why don't you stop right here and cut it off? You don't need any of that. It would just be all fenced in right here.

TRUPIUNO I would need to then add a section here.

BOLOVEN Correct. So, you'd be removing all this, but you're just going right here.

MORALES-VILLEGAS I would need to see how it would be functional. I do have these three lines. There used to be a pool in this area. There is a heater built in. So, between these streets, there's

a gas line going in there. So, I would need to see what else the previous owner had built back there.

BOLOVEN So if you could do it, you'd have no objection cutting it off there?

MORALES-VILLEGAS I would... if it's possible, I would not have an objection. I just mean in terms of difficulty... So, it's possible.

BOLOVEN So just for clarification for the board. I'm looking at page six. What I said is just move the line... basically from the rear line of the house, that additional red, you get rid of... you wouldn't go to the green line, and you just cut it off at the back end.

COPPOLA But you'd have to move the gate, right?

BOLOVEN Well, the gate right now... is there anything existing that's replacing that?

COPPOLA Right now, the proposed fence is... I don't know if it's chain link. I think he said it was chain-link.

BOLOVEN It's chain right there. So, you wouldn't remove anything.

COPPOLA No, because the green would have to move back to the back of the house so that you have an enclosed area.

BOLOVEN Unless he didn't touch that, right? So he could leave that open and just have another one right here? He'd have two.

COPPOLA He'd have to have two gates; he'd either remove the gate or add another enclosure.

BOLOVEN And he'd stay at the rear line. So that was my suggestion instead...Thank you, Mr. Chair.

COPPOLA I understand. Thank you. Other questions?

PTASHNIK Mr. Chair? A question for the petitioner. There's been some back and forth on what kind of fence you're looking to put in. I've heard chain link, I've heard six-foot wood. Are we going six-foot wood?

MORALES-VILLEGAS So, I currently have a six-foot vinyl. The two sides are four-foot-chain. I want to replace one side of one section of four-foot chain link with a six-foot of wooden privacy.

PTASHNIK Okay, so that would be along the north side and then across the middle of the back?

MORALES-VILLEGAS	Correct.
PTASHNIK	Okay, there's currently also on the south side, a chain lake and doubled up, a six-foot wood privacy fence. Are those both your fences?
MORALES-VILLEGAS	No, those aren't mine. They're the neighbor's fence.
PTASHNIK	So both of those are the neighbors? They got the double fence.
MORALES-VILLEGAS	Their privacy is on their property line. The four-foot chain link was always there.
PTASHNIK	Okay, I was trying to figure out what was going on with all the fences there. Okay, thank you.
MORALES-VILLEGAS	I believe it was recently put up there. I don't want to speak for them. But I believe the reason is they also have animals. They had a noise complaint. And I believe the privacy has prevented the interaction between my animals and theirs.
BOLOVEN	Mr. Chair, sorry, one more follow-up question. On the rear of your house -- where you're planning on putting it in, I guess it'd be on the east, that back fencing line that goes straight down to your existing fencing line - are you gonna have a gate there?
MORALES-VILLEGAS	Yes.
BOLOVEN	So you're going to be able to access this large wooded area?
MORALES-VILLEGAS	Yes. Yes. The plan is to essentially have a pet area and then I can still maintain and keep the backyard, have a garden or something back there.
BOLOVEN	Thank you, Mr. Chair.
TESTA	Mr. Chair?
COPPOLA	Mr. Testa.
TESTA	My understanding, from what I wrote down here, is your neighbor to the north has written or has signed off on approval, correct?

TESTA	Okay. No other neighbor is impacted. Is that correct?
MORALES-VILLEGAS	Yes correct.
TESTA	Okay, thank you.
COPPOLA	Any other questions? Seeing there's no more questions, anybody in the audience want to speak for or against this petition? For correspondence, we'll go to the letters.
KLISZ	Letter of approval: Nawal Aqoni, 29149 Morlock Street, just got approval with no comment.
	And then our letter of objection: Stephanie Wilson, 28979 Morlock: "The proposed fence is unnecessary. Zoning laws exist for a reason. This proposed fence would be an eyesore. It would stand out for all the wrong reasons."
MORALES-VILLEGAS	I want to comment on that.
COPPOLA	You can during the closing statements.
MORALES-VILLEGAS	So directly on that. I doubt how that would be an eyesore since it wouldn't be visible from any road or neighbor's yard. As they mentioned, there's a current six-foot privacy on the south side. I would be installing a six-foot privacy on the north side and that will be crossing, going across. So, I doubt we're going to be visible from passing roads or any of the other neighbors.
COPPOLA	Anything else? Okay, thank you. Have a seat.
MORALES-VILLEGAS	One more thing. So, Christopher... if I were to move the line back, I believe there's significant tear-up to be done there. There's trees planted there, like I mentioned. There's some electrical and gas lights for where there used to be an above ground pool. I think that would probably add to the project rather than remove.
COPPOLA	Alright, thank you. I'm gonna go ahead and close the public portion of the case and start the board comments with Vice Chair Baringhaus.
BARINGHAUS	Okay, thank you. It's an interesting piece of property due to the wooded area that you're dealing with right now. Basically, I see the point where, you know, you don't want to go to the depth of the property due to the extensive amount of trees in

the area and the cost of fencing off a wooded area. So that doesn't make sense. I mean, essentially, I see Mr. Boloven's point about moving the fence back; however, that does present some an additional difficulty in terms of the obstacles you outlined. Again, I think the location of the fence is basically -- I think a lot is concealed from your surrounding neighbors, so based on that I would support the variance.

KLISZ

With regard to the last point, it sounded like moving it back would fix problems in terms of we don't like the fence bisecting the house. And so if it moved back that distance, it would be fine. But then the petitioner actually made a good hardship argument which is one, the fence is already in place, which means something, and two, if he's got gas lines and other trees and other things, it's not as easy of a move and it is more of a hardship than just leaving the fence gate in place which again, sort of is the grandfather argument because he got his permit, they allowed it to be put up where it was, so it's sort of like that probably should stay. And the other part, at first thing was like, we don't really want you know, cutting off properties, but it is unique again -- with the uniqueness and the hardship part -- with the wooded area that there's no sense of cutting through a slough of trees just to put up a fence to fence in the whole wooded area. That's kind of silly. So now they kind of buy that argument as well. So, I think I was a little negative, but now I think I'm in support.

COPPOLA

Right, thank you. Ms. Oliverio.

OLIVERIO

Thank you, Mr. Chair. I would actually agree. This is looking at the map too, because on the one side, you have three, you butt up against three other properties too. So you have to really be thoughtful about where you're going to put... even to be respectful of your neighbors... where you would be putting that fence line. So it looks like coincidentally, some of those property lines also line up with where the wooded area is. And of course, we don't necessarily want to tear down the wooded area; we want to preserve that, right? So I would be in support and especially with the hardship, and like I said before, you've got the dog situation, and then looking in the packet, you actually had some citations there too from that. So, I feel like you're problem-solving something that you knew was problem, and you're coming up with a solution to it. So I would be in support. Thank you.

BOLOVEN

So I'm not in support today. I'd be in support more of a tabling. And the reason being is, I do hear my colleagues' comments, I see that this six-foot vinyl fence was existing, the permit was given. I get going to that line if you can't do it, but there's a lot

of guessing... there's a lot of guessing about the gas lines, there's a lot of guessing that stuff's gonna be removed. And we're not talking on that north line, going a little bit past the house line; it's 50% of the fence. I mean, you got the rear line and then boom, you go another 50% of this fence, and then we're going all the way to that green gate. I think a little bit more certainly should be given if we're going to give that type of a variance and go past that lot line. Again, I do concede that the City might have messed up in 2019 given that gate. But I don't think enough has been given today to go 50% of the fence past the lot line at this point. So, with that being said, I'd be in support of tabling.

PTASHNIK

I'm also, no pun intended, on the fence with this one. But you kind got away with one honestly on the vinyl fence. And when I drove by I was like, what is that doing there? So I'm not happy about that. But regardless, that's probably the City's mistake on that. You're impacted neighbors are okay with it. So that's good news. But this is a lot of fence and really creating a series of small walled enclosures is typically against City policy. So I'm not really on board because of that. This is a lot of fence, a lot of different fences going on. The way it's presented today, I don't think that I could support. I would be in favor of tabling also and looking at some alternative ways to get around this. I do see the hardship issue with the dogs. I do see the hardship issue with the trees. And I would not want you to destroy the trees or ruin that beautiful wooded area that you have back there. But I'm not sure that this is the plan.

COPPOLA

Thank you. Mr. Testa.

TESTA

Thank you, Mr. Chair. So I understand Mr. Boloven's point or his your alternative proposal. But I'm fine with this because the neighbor on that side, who is impacted by this, the direct neighbor, approves of it. If they were not, or if they were not here tonight, I would probably side with Mr. Boloven on those comments. The other thing: if we went with what Mr. Boloven suggested, it would create more walled structures throughout the property, which I don't think is in addition to what he's already, in addition, to what the petition is proposing would be more walls. So I am in support of this, mainly because the neighbor who is impacted approves it and the one neighbor who objected is across the street and looks like three houses down. So they may be able to see it from their window, but I don't think they're really as impacted as the people directly who share borders with you, the property line.

COPPOLA Thank you. I think we can bifurcate this into the two issues. The fence in the back -- not enough fan of it, but it's a large piece of property. It's not like it's an 80-foot deep or 100 foot deep property that you're putting multiple fences on. So I could probably live with it. I'm not excited about it. But I can live with that. But I would prefer to take this opportunity to correct an error that was made to move the gate back to where it belongs, which is on the backside of the house and make that make that correction while we have the opportunity. I think the City messed up, but I think they didn't get the full package of what was going on and permitted something they probably shouldn't have permitted. So, we have an opportunity to fix it and I'd like I would like to fix that. So I'm fine with tabling it. I'm fine with approving in part and denying in part and allowing the petitioner to make a decision on what he wants to do. If he wants to move the gate back and leave it at the back of the house. I'm good with either one, but I would prefer tat this issue be corrected and we take the opportunity to correct that. So, I will go ahead and open up the floor for a motion.

BARINGHAUS Mr. Chairman?

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Resolved that the variance on appeal case number 2023-04-07 filed by Luis Morales-Villegas be granted, in part be granted for the following reasons and findings of fact: The uniqueness requirement is met due to the limiting nature of the property. Denial of the variance would have severe consequences for the petitioner. The variance is there in light of its effect on neighboring properties and in spirit of the zoning ordinance due to the approval of the neighbor who is directly impacted by the fence. The property is classified as RUF- rural-urban farming under the master plan and the proposed variance is not inconsistent with their classification. Further that the variance be granted with the following condition -- that double front gate incorrectly installed in, I believe, the front of the house?

COPPOLA It's in the middle of the other side of the house.

BARINGHAUS Okay... in the middle of the side of the house be corrected and that the designs of the fencing be built as presented.

TESTA Support.

COPPOLA We have a motion by Vice Chair Baringhaus, supported by Mr. Testa. Discussion and clarification. So we're granting,

we're granting the fence that bisects the property, currently. And we're denying a variance allowing him to bring the fence up to the middle of the house. Does everybody understand that? So the way the petition is, there are two issues. Number one, the fence that runs along, that's in the middle of the yard, basically bifurcates it, that's the one issue. And Vice Chair Baringhaus is proposing that that'd be that'd be approved in the motion. And then the variance request for allowing the fence to go up to the center of the house, rather than to the back of the house, is being denied.

BOLOVEN

So he would have to stop on the side?

COPPOLA

He would have to stop at that back corner.

PTASHNIK

Would that require the vinyl fence to be moved back?

COPPOLA

Well, he could leave that there. He's got approval, but it doesn't do him any good. That's up to him.

NEVILLE

If I understand what you're saying, Mr. Chair, with respect to the proposed privacy fence on the north side lot line. Because on the ordinances, typically, a privacy fence may only go up to the rear, or front of the house, in this circumstance. And from the rear of the house forward would be chain-link, unless, of course, there was a side entry or some reason why that couldn't extend beyond the rear lot line. And if I understand the topic of the motion is to approve the north privacy fence up to the rear of the home?

COPPOLA

We're not approving anything. That's already permitted.

NEVILLE

What's that?

COPPOLA

That's permitted. We're not approving that. We're denying his request to bring it to the center of the house.

NEVILLE

Is part of that then though to relocate with green or the front six-foot vinyl property, privacy fence...?

COPPOLA

We could make that a condition of the approval of the back fence, the fence that's goes north-south that bifurcates the building. We could make that a condition. He's got a permit for that.

NEVILLE

Okay.

BOLOVEN I don't think the back fence is an issue here. It's not a violation. The only thing that's an issue is that the north side is going past the corner.

COPPOLA We're not even allowed to have a double fence. This wasn't written up well. You're not allowed to have double fence.

BOLOVEN Even if it's that far in between?

COPPOLA Yes. Is that correct, Mr. Ramsden?

RAMSDEN I believe the intent of the double fence proximity to each other that's existing on the south line at this home in question... the purpose for that no double fence is that it cannot be maintained and that it's a raceway for rats and rodents. So, these two fences that you're speaking of -- the existing one that's already approved at the front of the home and the one that's being proposed tonight that you're considering an exception to put in the rear of the home -- would be far enough away to maintain and would not be a rat or rodent issue.

COPPOLA But there's a comment in the notice... when you read the notice, it talks about also the proposed nearly bisects the depth of the lot, leaving a large wooded area behind the existing four foot tall chain link fence. When I asked that question earlier, maybe I didn't ask it right or maybe I misunderstood what you said.

RAMSDEN I believe that comment is pertaining to the fence that's 125 feet from the west lot line of this property. The large fence in the back is bisecting the property.

COPPOLA Right. So the proposed six-foot fence behind the house that would run north-south to the west of the house...

RAMSDEN ..bisects that lot...

COPPOLA ...is that permitted or not permitted?

RAMSDEN It is not.

COPPOLA So the way that the notice was written makes it sound like "Oh, by the way, this is happening" when really, it's not that great, but what we're doing, is we're approving to put the back fence right behind the house, but we're not allowing him to bring the fence beyond the back of the house to the front of the house, to the middle of the house. Now we could as a condition require him to move the gate back. Since we made

that error, I'm not sure I'd want to be that draconian. But I would assume if he wants to cordon that off, he'd move the gate back. Maybe he won't make...

COPPOLA It is not permitted?

RAMSDEN Correct.

BOLOVEN Are we in discussion?

COPPOLA Yes, we're in discussion.

BOLOVEN So Mr. Chair, my only comment on that... I liked the motion as far as been resolved if it gets there, but my worry is based on his, the petitioner's comments, if he can't do it, if there truly is gas-lines, if there truly are reasons why he can't put the fence in the back, that's why I'd be more in favor of tabling right now to see the response. And then if he can't do it, then I'm more likely to grant as presented.

COPPOLA Unless the gas line runs north-south in the back of this property to the back of his house to the line, you can pay for it, as opposed to the street to avoid that.

BOLOVEN I'm assuming he can do it. But rather than denying him straight up and then he finds out he can't do it and he's already denied, wouldn't it be better to just table it right now? Let him find out and come back to the board with the final presentation. Just my thoughts.

PTASHNIK Mr. Chair. I'm actually in agreement with Mr. Boloven on this. I feel like we need just a little bit more information to approve. I would like to see additional information as well, just to make sure we're crossing our T's here.

TESTA Yes, Mr. Chair, I agree. Instead of telling him that we're fine with it between the rear and the midpoint, we can let him come back and tell us exactly where he wants to put it.

COPPOLA So we have a motion on the table... we need to withdraw the motion. So, Mr. Testa, are you okay with withdrawing the motion?

TESTA Yes, I support.

COPPOLA The motion has been withdrawn from the table. So, I'll look for a motion.

BOLOVEN Mr. Chair?

COPPOLA	Mr. Boloven.
BOLOVEN	Resolved that appeal case number 2023-04-07 followed by Luis Morales-Villegas be tabled in order to give the petitioner time to listen to the board's comments and potentially find out if he could build a back fence perpendicular to the house rear line and present more findings of fact regarding that proposal.
PTASHNIK	Support.
COPPOLA	I have a motion by Mr. Boloven, supported by Ms. Ptashnik. We'll vote for it to be tabled.
KLISZ	Mr. Testa.
TESTA	Aye.
KLISZ	Ms. Ptashnik.
PTASHNIK	Aye.
KLISZ	Ms. Oliverio.
OLIVERIO	Aye.
KLISZ	Mr. Boloven.
BOLOVEN	Aye.
KLISZ	Secretary Klisz votes aye. Vice Chair Baringhaus.
BARINGHAUS	Aye.
KLISZ	Chairman Coppola.
COPPOLA	Aye.
KLISZ	Passes 7-0.
COPPOLA	So initially, there was a motion that would have approved the back fence, the one that runs in the back behind the house, but would have denied your variance to bring the new fence up to the gate and would have stayed in the back of the house. So Mr. Boloven suggested we table it and you can do one of two things. You can just decide that If you're gonna just move it to the back of the house after you do your research or you can do the research and come back with supporting evidence and documentation that it's impractical to put a gate at the back of the house to the fence that's right

alongside of your property. So there's no extra cost to doing that; you already paid your piece of that, so that's all set. But if you decide that that's what you want to do, or actually you have to do because you don't have approval for the back fence either. So you'd have to come back at least for the back fence. But if you also believe you have sufficient evidence that would sway this board to allow you to have your side property (north-side side property) fence go to where the gate is right now then you'd have to submit and then present that at our board.

MORALES-VILLEGAS

Okay. I've got a couple of follow-up questions.

COPPOLA

Sure.

MORALES-VILLEGAS

One, when would be the next board meeting?

COPPOLA

It is June 6, but... well, you missed the deadline. So, July 18 and the deadline to submit your updated information and get it on the agenda is June 10.

MORALES-VILLEGAS

I guess a second question pertaining to the ordinance to deny the north-side of the fence... I see it's mentioning a side door. What is the reasoning behind that?

COPPOLA

The reasoning behind it is generally if you have a side door and you want you want your access to that side door protected behind your fence that that is a reasonable and logical reason to allow that fence to go that far. If there is no door, then there's no logical reason to bring it that far forward.

MORALES-VILLEGAS

So, a back door doesn't count?

COPPOLA

Well, your back door's in the back of the house, right? That means it only goes to the back to your house. So it would have to be on the side of the house.

MORALES-VILLEGAS

Yeah, understood.

COPPOLA

On the other side, you might one on the side of your house.

MORALES-VILLEGAS

Yeah, I do have a side door on that side.

COPPOLA

On the north side, you do not. But if you want to fence the one up to there, you can have them. Any other questions? Thank you. Okay, call our next case.

RESOLVED: APPEAL CASE NO. 2023-04-07: Luis Morales-Villegas, 20307

Parkville: seeking to erect a six-foot tall wood privacy fence within the side yard which is not allowed. Privacy fences, without a side door, must not extend beyond the rear line of the home toward the street. Also, the proposed nearly bisects the depth of this lot, leaving a large, wooded area between an existing four-foot-tall chain-link fence along the rear property line.

The property is located on the west side of Parkville (20307), between Morlock and Bretton, Lot. No. 002-01-0393-000, R-U-F Zoning District, Rural Urban Farm, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.090 (B), Residential District Regulations, Privacy fence in the side yard be **tabled** to give the petitioner time to consider the Board's comments and research whether he can move the gate currently located on the north east side of his home from the front line back to the house's rear line and present that proposal at a future meeting.

ROLL CALL VOTE

AYES: 7

NAYS: 0

ABSENT: 0

PASSES/FAILS: 7-0

APPEAL CASE NO. 2023-04-08: Amy Arsenault, 18925 Westmore: seeking to erect a six-foot tall vinyl privacy fence that is even with the front building line, which is not allowed in the side yard, even to the front of the home.

The property is located on the west side of Westmore (18925), between Clarita and Seven Mile, Lot. No. 038-02-0178-000, N-1 Zoning District, Neighborhood, rejected by the Inspection Department under Livonia Fence Ordinance, Section 15.44.090 (B), Residential District Regulations, Privacy fence in the side yard.

KLISZ Calling appeal case 2023-04-08, Amy Arsenault, 18925 Westmore, seeking to erect a six-foot tall vinyl privacy fence that is even with the front building line, which is not allowed in the side yard, even to the front of the home.

COPPOLA Mr. Ramsden, Anything you'd like to add?

RAMSDEN Not at this time.

COPPOLA Any questions?

RAMSDEN Not at this time.

COPPOLA Any other questions? Seeing none. I think you're all set up there. Correct?

ARSENAULT Yeah. Can you hear me?

COPPOLA Can you move a little closer? There's a mic there? Isn't there?

ARSENAULT Okay, I'm Amy Arsenault at 18925 Westmore Street.

COPPOLA Okay, Ms. Arsenault, why don't you tell us a little about the project you do with the fence and why the hardship is that you need to bring that fence up to the front of the building?

ARSENAULT Okay. There are a couple of reasons. The first one being that I have an in-ground pool and since I'm in a wheelchair, I have a contraption. It's a lift system that my caregiver here helps me get in and out of the pool. She kind of puts a sling around me and hooks me up to this. It's an ADA regulation lift, to lift me in and out of the pool. When it does put me in there, I'm not exactly lady-like in my swimsuit and people walking by the house are always kind of peaking, not to check me out but to see what's going on -- "Do you need any help?" -- and it's just very, very uncomfortable. A little embarrassing. Number two. Another reason is the person directly across the street from me is well, he's had the police call to his house several times, once by me for exposing himself to my sister-in-law out his front porch, when she was there. Every time I

have my nieces or friends with kids over to swim in the pool, he just happens to be out on the front lawn. That's why I want it in the front of my house. I have arborvitae bushes all around the yard. But after the two ice storms we kind of had this winter, I lost a lot of them. Rather than replacing them all, I just can't care for them like I used to do. So, I thought this would be a better solution. So, I'm not doing the fence all the way around the yard. The neighbors on the sides of me have all the bushes and it's completely private. The ones in the back were demolished. And that's why I'm replacing that fence. But the one the front is mostly standing by the street.

COPPOLA

Okay. What would be the difference in privacy between putting it further back in the house than the front of the house? I'm trying to understand. I understand what you need to get into your pool. But I'm not sure I understand the process and where everything is and what is gained by moving the fence to the front of the house.

ARSENAULT

Okay, sure. In the paperwork, I noticed that it says that it's right at the front of the house. That's not correct. I talked to an inspector who I explained that too. And I thought he understood it. He said, "Oh, I get it, I get it." I have a one-car attached garage that sits in the back of the front of the house. And it would be attached to the garage and to the side. Not the front of the house.

COPPOLA

Is there a side door access to that garage?

ARSENAULT

No, there is not to the backyard. I have a garden and lots of plants and shrubs inside that area that I would have to totally rip out and I would lose a large portion of my yard.

COPPOLA

Okay, any questions for the petitioner?

BARINGHAUS

Mr. Chairman?

COPPOLA

Vice Chair Baringhaus.

BARINGHAUS

Where's the lift located in your backyard?

ARSENAULT

It's right on the corner of the pool. It's a removable lift.

BARINGHAUS

Oh, a removable lift?

ARSENAULT

Yeah, we haven't even put it in yet. We have a drilled hole for it. But it's not even in right now.

BARINGHAUS

So it's not time for it right now?

ARSENAULT Not time, nope.

BARINGHAUS Okay, very good. Thank you.

TESTA Mr. Chair?

COPPOLA Mr. Testa.

TESTA To follow up on the Chairman's question about where the fence will terminate, I think page 13 in the packet is a good picture. And I understand what you're saying... it's too attaching to the garage. But maybe to the intent of the question, why couldn't it be moved I guess further east, further more towards the back, let's say? I heard you do have landscaping there. Is there any other reason that you couldn't move it to the back, instead of the front of the garage?

ARSENAULT It would just lose a large portion of my backyard. That's like 24 or more feet near the garage. We have an old garden dug there and other plans.

TESTA Okay, so that's pace you're using today that you feel if a fence was put there, it would cut off access and usability of that space?

ARSENAULT That's correct. And it's really hard for me to go over there if I had to go in and out of that gate.

TESTA Okay, thank you.

BOLOVEN Question for Mr. Ramsden. There currently right now is this chain link fence that's existing next to the garage, and it goes up north to their back property line. Was that permitted at any point in time?

RAMSDEN Let me look into that for you. There is no zoning permits for fencing under that address.

BOLOVEN Would that have at one point needed a permit?

RAMSDEN Yes.

BOLOVEN Question for the petitioner. Did you put in that chain link fence?

COPPOLA ARSENAULT No. I've been there just over 22 years, and that was there long before me.

BOLOVEN Okay, thank you.

COPPOLA Question for you. So where are you proposing... on the side you're proposing the privacy fence running parallel to the front of the garage? Is there a closing fence anywhere along that side of the house right now, a chain link or any other type of enclosing fence?

ARSENAULT Yes. That is the chain link.

COPPOLA It's in the front right there?

ARSENAULT Yes, it is.

TESTA Page four shows that look.

PTASHNIK Mr. Chair, question for the petitioner. I see the privacy fence going, I believe that would be the north side where the garage is, is there going to be any on the other side of the front of the house?

ARSENAULT It's funny because I was also going to mention that there is six and a half feet on the other side of the house, which is back even further. It's almost to back to the house. That's what I wanted. But on my estimate from AIS Installation, they charged me for that part, but I noticed that it wasn't in the paperwork. So I was gonna ask you about that as well. That is not something where someone can see in my yard, to be perfectly honest with you. My deck is covered over there. But I thought it would be nice because it would add to the aesthetic just to make it look nice.

PTASHNIK Yeah, I was trying to tell because it is difficult to tell from the drawings.

ARSENAULT Right now it's just chain link.

PTASHNIK So you would do both sides?

ARSENAULT I would like to.

PTASHNIK Okay. Sorry, follow-up question. So then that would come up to the front of the house then?

ARSENAULT No, it goes further back on that side. Right now it's a gate chain link gate, but we're not going to put another gate.

PTASHNIK So would that be even with the rear of the home?

ARSENAULT It's almost the back porch.

PTASHNIK Okay, I did go by your house but I can't tell from the picture. There's a lot of vegetation and stuff. Thanks.

COPPOLA Any other questions? Seeing none, is there anybody in the audience who'd like to speak for or against this petition? No. So do we have any correspondence?

KLISZ We have one letter of approval, Quentin E. Laszyca, 19007 Westmore, with no comments.

COPPOLA So is there anything you would like to say in closing before we close the public portion case?

ARSENAULT Just that it went by so fast [laughs].

COPPOLA Would you like to spend more time on this? [laughs]

ARSENAULT No, just give me a stamp of approval, and that is all.

COPPOLA Alright, thank you. I'm gonna close the public portion of the case and start the board's comments, with Mr. Boloven.

BOLOVEN I'd be in support of this as presented, actually. The only issue here is this front gate. And the most compelling reason... I appreciate you saying the lift and your privacy and all that. But even more so is the neighbor across the street with the stranger danger, the fact that the police have been called multiple times. So that alone, the fence existing already you moved into it 20+ years ago, as you said, so I understand to that extent, why not moving back on that line. But that gate that you're replacing based on the current labeling for the current fence, and as well as your comments you made with your hardship, I'd be in support.

COPPOLA Alright, Ms. Ptashnik.

PTASHNIK I also would be in support. I completely understand the hardship here. As far as privacy and the neighbor across the street. Typically, I would want that fence on the front to be even with the back of the house. But I also understand that you'd have difficulty of access. And I see the hardship there. I would suggest that when we do make the motion that we make sure we grant the front on both sides and not just the one. We need to do that, if that's required, I guess.

COPPOLA Mr. Testa.

TESTA I'm in full support of this. Thank you.

COPPOLA Okay. Secretary Klisz.

KLISZ I agree with my colleagues. There's really nothing more to add. I think the existing fence is the key, along with the hardships that the petitioner has presented. I'll be in support.

COPPOLA Alright, thank you. Ms. Oliverio.

OLIVERIO I'm also in full support. I also agree with Ms. Ptashnik and her suggestion about sides of the house.

BARINGHAUS I'll support the variance as well. I totally understand that the sides of the property aren't fully screened by vegetation and the length of the chain link fence in the front of house does grant a rather panoramic view of the pool. And I think the private security would be excellent correction for that.

ARSENAULT Thank you very much.

COPPOLA You've got the votes you need to get to get this. I personally didn't see a reason to move it to the front of the house. I think there's more than enough space in the back. I didn't get a compelling reason why it needed to be there. I'm looking at the vegetation that would have to be moved. If you took the fence out, I don't think it would have impacted the vegetation. There was nothing here. But again, you got the votes, so I'm gonna I'm just gonna let it go. But in regards to the suggestion that we provide approval on the other side, we can't do that. It wasn't on the list. It wasn't included as part of the petition, so you'd have to come back for that.

BOLOVEN Does it actually time to be part of this? Because it's on the back line already?

COPPOLA I thought you were suggesting that you move it to the front?

ARSENAULT No.

BOLOVEN It's already compliant.

COPPOLA I thought it was suggested to move it forward to match with the other one. So that would be no. That would have to be...

PTASHNIK It just wasn't included in the drawing, so I wanted to make sure that she wasn't going to run into trouble with that.

COPPOLA No, because that complies.

PTASHNIK Okay. Then that's fine. As long as it complies. So it's not on the rear, but it's close to the rear. So I didn't know if that was an issue.

TESTA Do you want to confirm with the petitioner? I took it to be she's replaced a chain link fence with the privacy fence exactly where it is. But you do raise a good point that a couple people here implied that it was going to be moved up front, so maybe it's best if she clarified her intent, if we can go back there if that's possible?

ARSENAULT Yes, it's gonna be back. We're just replacing it where it is, but it is further back than the other one is.

COPPOLA But it would have to be to the back line of the front of house?

PTASHNIK Yeah, which it currently is not.

TESTA Okay, so then we would need a variance and, to your point, it's not a public notice.

PTASHNIK So it's a separate variance then?

OLIVERIO Yeah, it would be a separate variance.

TESTA Mr. Chair? I don't want to approve this and then come back with a separate variance. So maybe we should table her to allow her to refine the plan to make it clear where that fence is going to be?

COPPOLA Mr. Neville, if we tabled it, can they amend their petition to add what they want to have a variance for? So let's say we table this petition...

NEVILLE Well, I'm just looking at the list on the agenda. I didn't even notice with respect to it because it says that "erect a six-foot tall privacy fence even with a front building line." So I guess the front of the garage is where...

COPPOLA ...was what was proposed, what was included. It was noticed at the front of the house.

NEVILLE By looking at her drawing, it appears in front of the garage...

COPPOLA But we're talking about the other side...

NEVILLE There was nothing with respect to... so that should be a separate re-notice.

COPPOLA Let's say we tabled it. Could the petition be amended to include that, or do you have to have a separate application?

NEVILLE Well, if you're going to ask a method to add bringing on the opposite side forward where it already is.

COPPOLA No, well, there's the chain link fence there right now.

NEVILLE On both sides?

COPPOLA Yes.

NEVILLE Okay. Because you can't tell...

COPPOLA But the one on the short side is further back; it's just all the way back to the back corner of the home. She wants to put it where it is now, which... again, it doesn't go all... I think you're saying it doesn't go...

NEVILLE If it's going to be where it is right now, take out the chain link and install a privacy test. I think she's fine.

TESTA Sorry, Mr. Chair. I didn't get to hear the first part of your question. If we tabled her today, can she come back with an amended variance where she adds that other side?

NEVILLE Oh, sure.

COPPOLA Or does it have to be a new petition?

NEVILLE Well, I think essentially, it would be just if you're adding...

ARSENAULT Excuse me, may I say something?

COPPOLA Sure.

ARSENAULT I would much rather have you just give me a go on this fence, so I can get it installed. And I will forego that other side if it means I have to do all of this all over again.

PTASHNIK Mr. Chair. Quick question: If she keeps it even with the back of the house, then it's irrelevant? She doesn't need to come back at all anyway, right?

COPPOLA I think right now, it's not. But if she wants to put one in, she just has to move it back to the back row. So, she could put one in, it just can't be where it is right now.

PTASHNIK	And that's why when I saw the house, I'm just making sure, so that you don't get yourself in trouble.
ARSENAULT	Can you just make a note of that so I can talk to my installer about it?
COPPOLA	I think when you go for your petition, we'll make sure that it'll be that way. Because again, all we're doing is giving you a variance to file for your permit. At that point, they'll pull the variance and we can make a note on the variance.
ARSENAULT	I was told that this was in place of a permit.
COPPOLA	It's not. You still have to pull a permit. But you can do that within a couple of days. Okay. Alright. Are we good? I can open up the floor for a motion. Okay. Motion, please.
BOLOVEN	Resolved that the variance sought in appeal case number 2023-04-08 filed by Amy Arsenault be granted for the following reasons and findings of fact. The uniqueness requirement is met due to the current existing fence on the property as well as the layout and personal requirements for that property. The variance would have severe consequences for the petitioner due to privacy concerns, as well as potential pre-existing threats that were made. The variance is fair in light of its effect on neighboring properties and in the spirit of Zoning Ordinance due to full neighbor support that's been received and no opposition. The property is classified as properties classified as N1 under the Master Plan and the variance is not inconsistent with that classification. Further, that the variance be granted with the following conditions that it'd be built as presented this evening, as well as location.
BOLOVEN	Mr. Chair?
COPPOLA	Mr. Boloven.
BOLOVEN	Support.
COPPOLA	Motion by Mr. Boloven, supported by Vice Chair Baringhaus. Any further discussion? Do you want to put up a note for the Building Department that on the other side of fence? Is there anything we need to say? No, we don't. I think we're all set. Any other discussion? Seeing none, we're going to take a vote.
KLISZ	Mr. Testa.

TESTA	Aye.
KLISZ	Ms. Ptashnik.
PTASHNIK	Aye.
KLISZ	Ms. Oliverio.
OLIVERIO	Aye.
KLISZ	Mr. Boloven.
BOLOVEN	Aye.
KLISZ	Secretary Klisz votes aye. Vice Chairman Baringhaus.
BARINGHAUS	Aye.
KLISZ	Chairman Coppola.
COPPOLA	Nay.
KLISZ	Passes. 6-1.
COPPOLA	Okay, so you've got your variance approved. So you can build your fence as it's been proposed in your package. You should be able to pull a permit in the next couple of days.
ARSENAULT	Thank you very much.

RESOLVED: APPEAL CASE NO. 2023-04-08: Amy Arsenault, 18925 Westmore: seeking to erect a six-foot tall vinyl privacy fence that is even with the front building line, which is not allowed in the side yard, even to the front of the home.

The property is located on the west side of Westmore (18925), between Clarita and Seven Mile, Lot. No. 038-02-0178-000, N-1 Zoning District, Neighborhood, rejected by the Inspection Department under Livonia Fence Ordinance, Section 15.44.090 (B), Residential District Regulations, Privacy fence in the side yard be **granted** for the following reasons and findings of fact:

1. The uniqueness requirement is met due to the current existing fence on the property as well as the layout and personal requirements for that property.
2. Denial of the variance would have severe consequences for the petitioner due to privacy concerns, as well as potential pre-existing threats that were made.

3. The variance is fair in light of its effect on neighboring properties and in the spirit of Zoning Ordinance due to full neighbor support that has been received and no opposition.
4. The property is classified as N-1 under the Master Plan and the variance is not inconsistent with that classification.

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

1. The fence must be built both as to how it was presented and its location during the May 16, 2023 meeting.

ROLL CALL VOTE

AYES: 6

NAYS: 1

ABSENT: 0

PASSES/FAILS: 6-0

ADMINISTRATIVE TASKS

COPPOLA Alright. We have minutes to approve.

TESTA Mr. Chair?

COPPOLA Mr. Testa.

TESTA Move to approve the minutes for April 11, 2023.

COPPOLA Motion by Mr. Testa, supported by Secretary Klisz. All in favor?

BOARD Aye.

COPPOLA We need a motion.

BARINGHAUS Mr. Chairman?

COPPOLA Yes.

BARINGHAUS Motion to adjourn.

BOLOVEN Support.

COPPOLA Motion by Vice Chair Baringhaus, supported by Mr. Boloven. All in favor?

BOARD Aye.

COPPOLA Opposed? Seeing none. We are adjourned.

There being no further business to come before the Board, the meeting was adjourned at 9:26 p.m.

Gregory G. Coppola, Chairman

Timothy Klisz, Secretary