

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, OCTOBER 10, 2023

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, October 10, 2023.

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

MEMBERS ABSENT: Tamara Oliverio

OTHERS PRESENT: Mike Fisher, Assistant City Attorney
Jim Albus, Director of Building and Planning

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. Six (6) members were present. Secretary, Timothy 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 6 people present in the audience.

(7:00)

TABLE OF CONTENTS

APPEAL CASE #	PAGES
1. <u>APPEAL CASE NO. 2023-09-22</u> <u>Stephen Ray</u> <u>31040 Six Mile Rd.</u>	<u>3-15</u>
2. <u>APPEAL CASE NO. 2023-09-23</u> <u>Phil Kupras</u> <u>16023 Merriman Rd.</u>	<u>16-25</u>
3. <u>APPEAL CASE NO. 2023-09-24</u> <u>Souad Massoud</u> <u>37437 Lancaster St.</u>	<u>26-44</u>
4. <u>APPEAL CASE NO. 2023-09-25</u> <u>Ron Emling</u> <u>28400 Five Mile</u>	<u>45-58</u>
<u>ADMINISTRATIVE TASKS</u>	<u>59</u>

APPEAL CASE NO. 2023-09-22, Stephen Ray, 31040 Six Mile: seeking to erect an additional accessory building (30'x50') on property resulting in excess number of accessory building and total building area.

This Low-Density Residential property is located on the south side of Six Mile (31041), between Merriman and Ryan, Lot. No. 054-01-0007-000 (Lots 7,8), R-U-F, Rural Urban Farm District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09 (1), A (Maximum Size), B (Maximum Number).

Accessory Building Area:

Allowed: 820 sq. ft.
900 sq. ft., allowed for housing animals
Proposed: 3,540 sq. ft.
Excess: 1,684 sq. ft.

Number of Accessory Buildings:

Allowed: 3
Proposed: 6
Excess: 3

COPPOLA Alright, thank you. Mr. Albus, anything you'd like to add?

ALBUS Nothing at this time.

COPPOLA Any questions for the Inspection Department?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS I'll be recusing myself from this case.

COPPOLA Okay.

PTASHNIK Mr. Chairman. I will also be recusing from this case.

COPPOLA Okay. Thank you. You can sit out in the audience. So you have four members right now. You need four votes, or you can ask to be tabled and rescheduled.

RAY Let's go with it.

COPPOLA Okay. Name and address for the record.

RAY Steven Ray, 31041 Six Mile Road.

COPPOLA

Okay, Mr. Ray, why don't you tell us a little bit about the variance. I'd like to understand the practical difficulty, the hardship that you have that would help us support a variance.

RAY

Sure. I'd like to give you some backstory first. So earlier this year, my mother who's with me here today received a health diagnosis from her doctor that has rocked our small family. Her doctor then recommended that she switch to an organic, plant-based diet. My sister, mom, and me discussed, and we agreed to focus on what we can do and not what we can't control. If I could find a suitable place, mom would move in with me. I started looking for a place where she wouldn't have to climb stairs and that had plenty of land to grow our own food to ensure that we know what's going into it. Since I'm now retired, I can operate the farm and then look after my mom. Earlier this summer, my real estate agent told me about the kennel on Six Mile being up for sale. It sounded perfect. We didn't have to move out to Fowlerville or Rockwood or Fenton. We would still be just a few minutes from friends and family and close to her doctors at the Henry Ford Health Systems locations. The property has a dog kennel for a little extra income, a stable for animals, and plenty of land to grow produce, not only for my mom and me but to share with others like the Livonia Shares Food Pantry. I'm also a vegetarian. There's also room to start my dream of propagating native plants, allowing me to make plants and wildflowers available to the community along with the education on why they're beneficial to ecosystems' sustainability. See before moving to Livonia, I lived in Dearborn Heights and was the former chairman of the Watershed Stewards Commission, a commission much like our Greenleaf Commission here. We would partner with organizations like Friends of the Rouge to work on hands-on projects such as civic and residential rain gardens and bioswales, using native plants, and [receive] grants for large-scale initiatives like 10,000 trees in 10 years. I'm so looking forward to bringing that same energy and plant availability here to Livonia. I've already started out planning a program where I would provide wildflower seeds to Livonia school students, so they can grow their own plants in their science class. As I mentioned, the property already has a kennel and a stable along with a detached garage, and a lawn and snow equipment shed, but no place to keep equipment or supplies to operate a farm. When I mentioned that my real estate agent – that it already had too many buildings, even for a nearly three-acre R-U-F – he said, "Well, there's always the variance process." So believing that the situation is unique enough in the purpose and the spirit of the current zoning classification, I went ahead with the purchase. And here we are today. I'm asking permission to construct a fifth building of size 30 by 50 to protect the supplies and equipment needed for the farm. Thank you for hearing my appeal. And thank you for your consideration.

COPPOLA So did I hear you correctly that you're still planning on running a kennel on this property?

RAY Yes.

COPPOLA And where would you be doing the farming on the property?

RAY You should have a copy of the plot with the proposed building. There's a kennel and horse farm or a stable about halfway to the back of the property. The farming activities would be behind that.

COPPOLA So south of those two buildings; it's almost half the acreage. Based on the aerial, it looks like that's right now all grass.

RAY It's grass. Yeah, it's grass with a horse pasture fenced off on one side.

COPPOLA So, you're planning on also having horses?

RAY I'd like to have maybe some goats and a couple of chickens and maybe a horse. The previous owner had Dusty, who was a retired high school equestrian horse and now he lives at Dominos Farms. So, it would be kind of cool to have Dusty back in his own home. We'll see. I'm not sure on that yet.

COPPOLA There's a second garage on the property, correct? There's a detached garage. There's an attached garage, and there's a detached garage.

RAY So the attached garage has been converted to living space – and long before I moved there, and probably long before I was born. And I did bring a picture of it. So I can pass this around if you'd like to see.

COPPOLA Did you put that in your package?

RAY No, I didn't know. I didn't think it'd be an issue. When Randy calculated the number of buildings, there's actually four outbuildings and he included as a fifth one the attached garages, probably just from the aerial, and not seeing the front of it. If I may...

COPPOLA Sure, you can just pass it down this way.

ALBUS Mr. Chairman, I visited the site, and I verified that the bricks on the front of that building match the original bricks of the house. So it's 1950s, 1960s brick design.

COPPOLA Was it a side entry garage or a front entry garage?

ALBUS It was designed as a front entry garage, according to that.

COPPOLA And it looks like right now, based on the property documentation online for the city, that's still listed as a garage, correct?

ALBUS Correct. That's probably why Randy had it that way.

COPPOLA Right. And I didn't see any permitting for a conversion for a living space. Was there anything on there that you saw?

ALBUS No, a check of the microfiche records or Laserfiche records showed that it was an approved kennel in 1958. And [it's] been operating as a kennel since that time period, I talked to animal control who has not contacted you yet. But they'll be talking to you to see if they can convert the kennel license over to your name. They were aware of the original horse that you were trying to get back on the site too.

COPPOLA So if the attached garage was 400 square feet, so it takes 400 square feet off, in a sense?

RAY Pretty much, yes.

COPPOLA Ok, one less building, you still have an overage, now you're at five instead of instead of six?

RAY Correct.

COPPOLA So in the garage, I think you just provided a schematic of what you would fit in there. It's a rather large structure... I see a tractor trailer, pickup, small utility vehicle and there were two spots that were... one's for a woodworking area and one's for a storage area. Anything else we'll be using that particular building for?

RAY So the house, to my mom's benefit, does not have a basement, which is good for steps. But that means that anything that you would normally keep in a basement has to go somewhere else. So I would use some of that storage area for things that would normally go into the basement... off-season Christmas storage and things.

COPPOLA How tall is the proposed barn?

RAY Total height I believe is 19, but it passes the height restriction because you go halfway down and it's under 14.

COPPOLA Okay, so in the other detached garage, what would you be keeping in that garage?

RAY So that garage is currently outfitted as a kennel as well. I'm converting it back to a garage, so I'd keep my daily drivers in it. It might sound like a convenience to keep your daily drivers in it. But our front, I have these massive, beautiful 75-foot walnut trees that are probably 75 years old. And they have walnuts the size of tennis balls and one of those guys hitting your window, I'm sure would cause a lot of damage. So I'd like to restore the detached garage back to vehicle storage, daily driver vehicle storage. And the existing detached garage is also limited in height because of the overhead wires that are there.

COPPOLA Is your building underneath overhead wires?

RAY The existing garage is.

COPPOLA Oh the existing garage is. Interesting. So that's actually probably the right of way or an easement. Questions for the petitioner?

TESTA Mr. Chair. Question for the petitioner, Mr. Ray. Which building is a detached garage? I see from this map, I have an existing stable, existing kennel, existing shed...

RAY It's the one closest to the house, which is east of the house.

TESTA So it's 16 feet by 12 feet?

RAY No, north of that. Just below that.

TESTA Okay, so it's labeled existing kennel?

RAY No, the other direction. Sorry. That's the south. The kennel is south of that shed, and the existing garage is north of it, closer to Six Mile.

TESTA I see. Are there any of the existing buildings that you could forego? Maybe take down so that you're becoming conforming within the number of buildings and maybe incorporate what's in those buildings into your new garage? If it's accepted?

RAY They each have their own purpose right now. The existing garage, like I said, the one I converted back to for daily drivers. The shed has a zero-turn tractor, a zero-turn lawn mower, a push lawn mower, a plow, a snowblower... I mean, it's packed in there, as well. And then the kennels of course serve a purpose.

TESTA Could you add on to an existing structure?

RAY I thought about that, about maybe adding onto the existing garage. There's so much property there; it just didn't seem practical to push everything into that small corner.

TESTA Okay, the previous owner as far as you know, was not using it as a farm that you intend to. So it's kind of one of the change points in usage?

RAY Correct, yeah. They were just cutting the grass. I mean, they did have animals... a horse, but they weren't doing any type of gardening.

TESTA And then location wise, why not put it more south, back closer to the farm area where you plan to have the farm?

RAY Just because that would be continuous space back there that they could use.

TESTA Thank you, Mr. Chair.

ALBUS Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Question for the petitioner. I'm looking at your proposal, which has the plot plans zoomed in. And I'm trying to match it up to what you just said with the submission of that picture of the garage. That existing attached garage is where on that picture that I'm looking at here?

RAY It would be in the lower left corner.

BOLOVEN So it's a called existing garage that's detached?

RAY It's the detached garage. I'm sorry, did you say the attached garage?

BOLOVEN The one that was converted. Where is that on this diagram that you submitted?

RAY It is the far-left residence of the single-family home.

BOLOVEN So is it actually labeled on here?

RAY No, no, because it's... It was sold to me as living space. So I thought it was a garage.

BOLOVEN Understood.

RAY It's got wet plaster inside, so it must be...

BOLOVEN Your proposed garage, you have 30 by 50.

RAY Yes.

BOLOVEN Why so big?

RAY When you see from the layout, I mean full size tractor, I'd like to keep my pickup truck and trailer in there. The previous residents told me that we have a problem here in Livonia, please bear with me... these little red squirrels, they like to chew on automotive wiring and get into bell housings. And he had his truck rewired three times, at considerable expense.

BOLOVEN So I'm looking at your excess based on what you just said would be 1,284 feet if we're knocking on 400 square feet from the attached garage. Is that correct?

RAY That sounds right.

BOLOVEN So looking at your proposal that has that layout of what's actually going to be inside of the garage. I see all this work area. So I understand what you're saying that if there might be squirrels that eat wiring, it looks like there's a lot of excess area for work area.

RAY Yeah, just to be able to sort out seeds and, you know, mix up potting mixtures, and just the work area. So working on repairing tools and things.

BOLOVEN How much would you be willing to come down as a concession if the board's looking for it?

RAY Well, I guess tell me what you need.

BOLOVEN More so on your side. Obviously, there's certain needs you have, and I appreciate the three acres, I appreciate the big property, and you don't have a basement. But at the same time, you see a very, very large excess here. And looking at your diagram, I see a lot of space that's – I don't want to say not being used – but this work area, I would be looking for something a little bit smaller. I'm just telling you, so keep that in consideration.

RAY And keep in mind that you know, again, I don't have a basement so I want to use some of that for what you would keep in your basement.

BOLOVEN Sure. Thank you, Mr. Chair.

COPPOLA Does the proposed barn have a second floor?

RAY No.

COPPOLA So it will be open to the roof?

RAY Yes. Trusses in it, yes.

COPPOLA Could you put in a second storage area above, like an attic storage?

RAY I'm not sure.

COPPOLA From the layout, it looks like it's eight feet to the bottom of the roof and then you've got another 11 feet, so towards the middle, you'd have quite a bit of room there. You could put stairs in, and you could put in storage above.

RAY There are trusses, so they come down. I can't remember what the distance is... that would be on the schematics that I submitted.

BOLOVEN Mr. Chair. Sorry one more question for the petitioner: Do you plan on putting an HVAC in this building?

RAY I would like to keep it, yes.

BOLOVEN Thank you, Mr. Chair.

TESTA Mr. Chair. Question the petitioner. To follow up on the Chairman's question regarding a second floor. Did you consider a structure with two floors? That might buy you more storage space to reduce your footprint. I think I assumed that this was two stories based on the visual of the door up there.

RAY No, those are simply for aesthetics.

TESTA Yeah, I got that now. So yeah, it does look like what the height would allow you to have a two story, but the second story be mostly for storage. That could cut down on your first-floor footprint.

RAY I suppose that's workable if that's the compromise, yeah. If I needed to shorten the footprint, then yeah, I would look into some type of tiered shelving or loft type of...

TESTA Is there any practical reason you wouldn't want to do that?

RAY I wouldn't want to do it for the whole thing. Maybe part of it, because if I need to get under the tractor and lift it up, I want to make sure that there's space available... eight-foot ceilings.

TESTA Thank you, Mr. Chair.

COPPOLA Any other questions for the petitioner? Going once, going twice.

TESTA Mr. Chair. Can I ask a question to Mr. Albus and then maybe Mr. Fisher? Mr. Albus, you made a comment about kennel license.

ALBUS Yes.

TESTA So that's pending?

ALBUS There's an existing kennel license from the previous owner, and animal control would discuss how he's planning on running the kennel, and it could be transferred over. He'd have to fill out the application and stuff. But there's been a kennel on that site since 1958.

KLISZ Mr. Fisher.

FISHER Yes, sir.

TESTA Could we make a variance conditional upon the license being transferable? Meaning, if he doesn't get the kennel license transferred to him, he technically wouldn't need those kennel buildings anymore. He could conceivably rearrange his current setup.

FISHER So are you saying that you would... I guess you wouldn't necessarily need to condition it. Just give him the building size you want him to have and let him figure it out.

TESTA Based on it, I would say grant the variance only if his license is transferred to him. And he has a kennel as well.

FISHER Okay. So in other words, you grant the 1,500 square foot or whatever is on the condition that he have a kennel license to operate a kennel? I guess you could do that. I don't see why not.

TESTA Question for the petitioner. Do you have any idea of timing on licensing, a transfer of decision?

RAY As soon as I can get the kennel inspector out. I thought they were coming Friday, Jim.

ALBUS They got delayed. So that's why I called them actually this morning to see if they had talked to you yet. And they couldn't get out over there.

RAY I have a license from the previous owner. I thought it was insurance transfer? Yeah.

TESTA What would you do if it wasn't transferred? Would you give up the kennel and focus on just the farm?

RAY I suppose, yeah.

TESTA Okay. Would you be able to rearrange your existing buildings to accommodate what you want? For your needs, I should say. So say you didn't have a kennel because you didn't have a license. You could convert those existing kennels to storage space or workspace. Would you need this variance at that point?

RAY Yeah, I still would want this building. The kennel's not big enough to put any type of equipment in it or vehicles.

TESTA Would you be open to taking those kennels down, those buildings?

RAY I suppose.

TESTA Okay, thank you.

COPPOLA Any other questions? Seeing none, is there any correspondence?

KLISZ There are some letters. Letter of approval. Connie Alexander, 31001 Six Mile: "I have reviewed the plans for the new barn, and I had no objections. I like the architecture and color scheme. I don't feel the new building would be a detriment in any way to the neighborhood." There is a letter that was written by the petitioner and Anthony Morelli wrote back: "I agree to let you build another outbuilding," and then wrote his name, 30969 Six Mile. That's kind of a letter. A letter of approval: Roxanne Sadowski, 31032 Munger: "I have no problems with the building plans. It's a large piece of property and paying Livonia taxes. Building a new building instead of old dilapidated storage can only be a plus and will be adhering to the betterment of the neighborhood." A letter of approval, Edward Condon, 30939 Six Mile: "The property owner should have full use of his property. My wife and I give our approval for the variance." A letter of approval with no comment by Susan Anderson, 31180 Six Mile. And those are the letters.

COPPOLA Is there anybody in the audience who would like to speak for or against this petition? Okay, is there anything you'd like to say in closing?

RAY Yeah, just a couple more points. So this variance request is not like the convenience of wanting to park an RV for storage. It would be an exceptionally practical difficulty to try and keep a farm tractor, equipment and supplies in off-site storage. Also, I want to thank each of you. I've served on many boards and commissions in my past, and I know how much time and energy they can consume. So I appreciate each and each of you. And thank you for your service to the community.

COPPOLA Thank you. I'm going to close the public portion case and start the board's comments with Secretary Klisz.

KLISZ I think this one... I'm a little bit torn, but then listening to the comments and the suggestions of the rest of the board, I think I am probably going to support a tabling here. I think, again, it sounds like the petitioner is welcome and open to the possibility of reconfiguring this to make it smaller, at least from a footprint standpoint, maybe make a second story for storage. But as we look at the plan, there's the working area and the storage area, even just some big areas around one of the vehicles there that probably can be shrunk down. And generally speaking, again, I can't really think of any six building properties that I've been on. But again, this one is very large, and he has good ideas and good use for this space, given the other things have their pre-existing uses. So given all that, I think, again, I'd be favor of a tabling to see a new, smaller proposal, which I will probably then get on board with.

BOLOVEN I agree with Secretary Klisz. I appreciate the size of the lot, I appreciate there's no basement, the need for the equipment and what you're trying to do. I like what you're trying to do; it's been a kennel forever, and you're taking it to the next level by adding the farm. It's just a little bit too excessive for my passing tonight. There is a lot of excess area in that garage you're trying to build. So I'd like to see you come back with something a little smaller, like Secretary Klisz suggested, and I think you'll get it by this board. But tonight, I'd be in support of tabling. Thank you.

TESTA Okay, thank you, Mr. Chair. So I, in general, support a variance for you, for this case. I understand the hardship. I understand the needs. I am, like the other board members, a little taken aback by the size. I think shrinking the footprint a bit and adding a second floor for storage could eliminate that. I would also support tabling in hopes that maybe your kennel license situation is clear, by the time you come back and that we know for sure you already have a

kennel and that those other buildings will be in use, and you can't use it for farming purposes. So I would support a table as well.

COPPOLA I'll too support a table. I think there's potentially something here that might be acceptable to enough of the board to get an approval. I mean, you already have four buildings out there. It was a kennel. And the situation of the buildings that exist, support that kind of kennel stable thing, taking it to the next level with a farm, adds a little... I understand what you're trying to do. But the zoning is pretty clear in regard to a to farm within the city limits – that the limit is 1,820 square feet for accessory buildings. So again, I'm open to looking at something a little more modest. That might meet your needs plus, get closer to the limitations that are currently in the zoning. So I'd open the floor for a motion.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Move to table appeal case number 2023-09-22 to allow the petitioner to rework his proposal based on the feedback from the board tonight.

BOLOVEN Support.

TESTA I have a motion by Mr. Testa, supported by Mr. Boloven to table. So go ahead and take a vote.

On a motion by Mr. Testa, supported by Mr. Boloven, it was: tabled.

RESOLVED: APPEAL CASE NO. 2023-09-22, Stephen Ray, 31040 Six Mile: seeking to erect an additional accessory building (30'x50') on property resulting in excess number of accessory building and total building area.

This Low-Density Residential property is located on the south side of Six Mile (31041), between Merriman and Ryan, Lot. No. 054-01-0007-000 (Lots 7,8), R-U-F, Rural Urban Farm District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09 (1), A (Maximum Size), B (Maximum Number) **be tabled to allow the petitioner to rework his proposal based on the Board's feedback.**

KLISZ Sure. Mr. Testa.

TESTA Aye.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye. And Chairman Coppola.

COPPOLA Aye.

KLISZ Passes tabling 4 to 0.

COPPOLA Alright, so Mr. Ray, your petition has been tabled. The board is asking you to take a look at your design, reflect on the comments of the board to see if there's something that might work for you, that might be a little more modest. Again, you can come back with the same plan and if you feel you can support it and we have another member maybe you can, but I would suggest that you come back with something that's a little downsized. The building you have now definitely has the capability of a second floor that you could use for storage, as well as arranging of things. So there's options here for you. I think it's interesting what you're trying to do it for Livonia. That property has been kind of used in that manner for some time. So we look forward to seeing what you come up with.

RAY Okay. Thank you.

COPPOLA All right. Thank you. Call the next case, please.

ROLL CALL VOTE

AYES: 4
NAYS: 0
ABSENT: 1
RECUSED: 2
PASS/FAIL/TABLED: TABLED

APPEAL CASE NO. 2023-09-23, Phil Kupras, 16023 Merriman: seeking to construct two separate additions on the rear of an existing dwelling, resulting in a deficient rear yard setback.

This Low-Density Residential property is located on the west side of Merriman (16023), between east Myrna and Five Mile, Lot. No. 060-01-0603-002, R-U-F, Rural Urban Farm District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 4.02 (Schedule of Regulations).

Rear Yard Setback:

Required: 45 ft.

Proposed: 33.5 feet

Excess 11.5 ft.

COPPOLA Okay, thank you. Mr. Albus, anything you'd like to add?

ALBUS I did visit the site. But I have nothing to add at this time.

COPPOLA Thank you. Any questions for Mr. Albus? All right, seeing none, if the petitioner represented could step up to the podium? Name and address, please.

KUPRAS Hi. Philip Kupras, 16023 Merriman Road.

COPPOLA Right, Mr. Kupras. Why don't you briefly tell us about your project. The practical difficulty or hardship you have that can help us support your variance.

KUPRAS We moved into the house. We bought it back in 2013. And some things that I had learned since other modernizations we've done to the inside of the house was that it's not an original lot size for that particular section. I don't know exactly when, but the plot looks like it was subdivided that allowed the house to be built. So it makes it a little bit difficult as we continue to get older. We've done some modernization to the inside, as I mentioned. We love the Livonia area. As a matter of fact, I grew up in Livonia as a kid, two blocks from Franklin High School. And it's kind of a thing where if I knew what I know today, I might not even have bought the house. But that's here nor there. Let's deal with the situation as it is. Because the lot was subdivided, it doesn't give us the same advantages of the houses in our current area to rear-build. As far as being able to meet the requirement of 45 feet. There has been an existing deck on the back of the house since we purchased it, which is becoming dilapidated and needs a lot of work. And so my wife and I had discussed the aspect of well, we're getting older, we want to enjoy our golden years, we want to be able to step up from say the master bedroom and sit down having a nice enclosed area compared to the open one we have because the deck is basically taking up the same space that we're asking to put these rooms up for, with a

ground level patio between the two. Right now, it's all deck. So we would really like to do this. Once again, we love our neighbors. We've never had better neighbors in any other neighborhood that we lived in, compared to here. And as I mentioned, I was always familiar with Livonia. I love Livonia. I would like to remain here, but I want to make my wife and I as comfortable as we can in our declining years. We're in our seventies now and things don't get any easier. So this would help us out because we'd be able to step out from our master bedroom and have a seat there and look out and see the deer, and the other aspects that surround us. As for as the north room, it would be an additional help because we want to use it more as a dining section compared to what we have because our kitchen, which was part of a remodel, doesn't give us the seating capacity that we could have when we have company. So we need your help in order to be able to continue to live our lives in Livonia.

COPPOLA Okay, so it looks like based on that this is going to be built on crawlspace?

DINVERNO Yes.

COPPOLA Who's speaking?

KUPRAS This is Josh Dinverno. He's from the construction company that I engage.

COPPOLA Name and address, please.

DINVERNO My name is Josh Dinverno. Dinverno Remodeling. I helped do the plans, so I know how it's going to be built.

COPPOLA So that type of crawlspace, it doesn't build any current structure to have a basement?

DINVERNO Yes.

COPPOLA And these are going to be heated and cooled?

DINVERNO Yes, through a mini split system.

COPPOLA And then the materials of the additions. How do they compare to the existing house?

DINVERNO Yeah, they're all going to be the same: vinyl siding matching, shingles matching, and not go out further than that, like you said. And then vinyl windows, a bunch of windows.

COPPOLA Questions for the petitioner?

PTASHNIK Just a couple of questions here. Was there any consideration to going to the side expansion as opposed to the rear expansion on the south side where there's some larger property?

KUPRAS The side expansion would be good for a garage. But there's a bedroom, another bedroom that's on that side. It's not off of our master bedroom that already has a door wall.

PTASHNIK And then you said that the one additional room is going to be used as a dining room. What's the purpose of the other room?

KUPRAS The other room, since it's off of our master bedroom, would allow us to just walk straight out enjoying the scenery like you would on a lot of other nights that might be in open area, except without mosquitoes and other things.

PTASHNIK It's like a sitting room, basically?

KUPRAS Right, but with the heating and cooling system it gives us the advantage of that not just using it in the summertime, but we would be able to do it even if we saw a nice snowfall or something going on.

PTASHNIK So a four-season enclosed area.

KUPRAS Yeah.

PTASHNIK Okay. Thank you, Mr. Chair.

DINVERNO And they currently have like two awnings out there exactly how they were wanting to do these additions.

BARINGHAUS Mr. Chair.

COPPOLA Mr. Baringhaus.

BARINGHAUS I'm just curious what gives you the impression that at one point the lot was subdivided?

CUBA I could speak to that.

BARINGHAUS I can see someone's raising her hand back there.

COPPOLA You can step up. Name and address.

CUBA Okay. I'm Jane Cuba, 31425 Myrna. Before we bought our house, it was one long lot. The previous owner sold off the back of that lot, which became the other neighbor's, which then became Phil's. But that's why this piece is a little odd. It was originally a long piece going from Myrna, north and south.

BARINGHAUS My other question, to follow up. Seeing how you have a rear yard setback deficiency, and the proposed additions will be closer to the property lines than what ordinances allow. Did you have an opportunity to discuss the addition with your neighbors behind you and the distance from the addition to their yard? And if you did, what was their reaction?

KUPRAS All of my neighbors that I have talked to are in agreement with us moving forward with the project. As a matter of fact, we should have letters from them that help support it. Since the lots were so deep, it's the neighbor next to Jane and Mike that their lot goes all the way back as deep as like she was talking to the original lot was.

BARINGHAUS Yeah, because your current addition will be 11 and a half feet closer to them than what would normally occur. Are they comfortable with that?

KUPRAS Yes, he is. His name is Steve Minch. Okay. He isn't here today. He wanted to support it, [and] like I said, you should have a letter from him. He's currently up north. It's that time of year.

BARINGHAUS Sure. Okay. Very good. Thank you.

COPPOLA Let me ask this question. So they subdivided the property [to] the neighbor to your to the west... I believe that is would be Mr. Minch.

KUPRAS Yes.

COPPOLA So if you just walk straight out, your west door is in your bedroom, right?

KUPRAS Yeah.

COPPOLA And if you just kept walking onto his property and walked all across his property, what would you run into?

KUPRAS His neighbor next to him.

COPPOLA Are there any buildings or any structures that you would run into?

KUPRAS No.

COPPOLA No, so that's all open? That neighbor's yard.

KUPRAS It's open until we get a few neighbors down. And then they have, in Ken's yard, he has a shed.

COPPOLA Okay, so behind you, it's just open. The neighbor that you just mentioned is just open, right?

KUPRAS I mean, I can pretty much take an angle like this if I'm sitting out in the back. And I can see deer in the other yards and things like that.

COPPOLA Thank you. Other questions? All right, seeing none is there anybody in the audience would like to speak for or against this petition? You can go ahead and grab a seat for a second. Thank you, and step up and get name and address, for the record.

CUBA Okay, I'm still Jane Cuba, 31425 Myrna. Basically Phil's got a nice sized lovely deck. It's covered with a lovely sunscreen; the room would be the same thing. It really wouldn't change our view at all. If we look out our backyard, of course we've got more trees back there, but we either see the deck and the sunscreen or we'd see this new room. Seventeen years ago, we did a massive addition to our house so that we can age in place. And I'd like to see Phil be able to do the same thing. So yes, and you should have a letter from my husband who can't be here because he's running his own meeting. And there should be a letter from Steve next door. So I hope you approve it.

COPPOLA Alright, thank you. Anyone else?

DINVERNO I just have some pictures if you guys want to see the back of the house.

COPPOLA Sure. The builders took photos from the back of house, in order to have a visual of the back of the house. Is there anybody else who wants to speak for or against? Seeing none, the letters please.

KLISZ Yes. Letter of approval. Kenny Fama, 31501 Myrna, with no commentary. A letter from Mike Cuba, 31425 Myrna. Letter of approval: "Phil and Sandy Kupras have asked for a variance to build in addition to their house extending into the backyard. I live next door to them and have no objection to the plan. The area they plan to use currently has a raised deck with the canopies and the change and visual impact will be minimal. For what it's worth the placement of their house on the lot is offset such that their backyard is actually to the south side of their house. They are very meticulous in keeping the grounds beautiful." Letter of approval from Steve Minch, 31463 Myrna: "To the City of Livonia's Zoning Board of Appeals regarding 16023 Merriman. Please find this type of letter

in lieu of my poor handwriting on the attached form. I want you to be able to read this easily. Simply put, I note my approval towards the request by Phil and Sandy Kupras for their proposed additions to their house. Phil and Sandy had been my neighbors for several years and they've been wonderful. They are easy to get along with, helpful towards neighbors, and keep up their house and yard well. I would support anything reasonable that they want to do with their own home so that they will continue to live here. The area bound by Merriman and Hubbard between Five and Six mile roads is an eclectic mix of houses and lots ranging from several acres to much smaller. It ranges from nearly farmhouses to some that are being newly built upon. It used to be an old apple orchards and horse farms. Now it's a wonderful mix of both old and new and unique lots. We have wildlife in abundance and even a few families raising chickens. I tell family and friends in private, it's a little bit of country right in the heart of the city. I have no fears that Phil and Sandy replacing the existing outdoor decking with enclosed rooms will do anything to upset the great mix of this neighborhood. If anything an enclosed addition should be better for them and easier to upkeep external appearance. As the proposed additions would be closest to my own property line, I hope you will take into this account and fully support the request as I do. I won't be able to attend this meeting in person to support my neighbors due to scheduled travel plans. If there are any questions about my consent, please feel free to contact me anytime even during the course of the meeting by cell phone below. Thank you."

Another letter from Janet Douglas, 15991 Merriman: "Dear Zoning Board members. I hope this letter finds you in good health and high spirits. I'm writing to express my full support and approval of the zoning request made by our good neighbor Phil Kupras regarding appeal case number 2023-09-23 at 16023 Merriman. Having had the privilege of knowing the Kupras family for quite a few years now, I can confidently attest to their commitment to our community and their sincere efforts to improve it. Mr. Kupras has consistently demonstrated their dedication to being a responsible and considerate neighbor. Their property is and always has been beautifully maintained. This proposed zoning change aligns perfectly with the character of our community, and the wellbeing of our residents, especially as our community ages. It is evident that this request has been thoughtfully planned and designed to enhance our neighborhood while respecting the concerns and needs of others. The benefits of granting the zoning request are manifold. It will not only improve the aesthetics of the area but also contribute to its overall development. The Kupras' proposal is in harmony with our community's values and long-term goals. Moreover, their willingness to engage with neighbors and incorporate feedback is a testament to their commitment to fostering a positive neighborhood environment. I believe that

approving this zoning request will not only be advantageous for the Kupras but also for our entire community. It sets a precedent for responsible development and demonstrates the cooperative spirit that makes a neighborhood such a wonderful place to live. I urge you to give serious consideration to this request and grant the necessary approvals. I have no doubt that it will be a decision in the best interest of our community in our neighborhood. Thank you for your time and attention to this matter. Please do not hesitate to contact me if you require any further information or would like to discuss the matter in more detail. Sincerely, Janet Douglas.” Those are the letters.

COPPOLA Thank you. Anything in closing?

KUPRAS No, sir. I just want to thank all of you for listening to our case and taking it into consideration. Once again, I love Livonia.

COPPOLA Thank you. I'm going to close the public portion of case and start to the Board's comments with Vice Chair Baringhaus.

BARINGHAUS Thank you, Mr. Chairman. I agree with the neighbors' comments that Mr. Kupras was a thoughtful and considerate neighbor to take the time that he took to review the plan with his neighbors and show them basically the direction he wants to take his project in. I was a little curious about the two separate additions; you don't usually see that, but with the addition of the deck, it kind of integrates the look of the back of the house. So based on that, I do see the hardship as well, meaning they want to kind of streamline the mobility of the home and keep everything on one floor. So based on that, I'll approve the variance.

COPPOLA Thank you. Mr. Boloven.

BOLOVEN I agree with Vice Chair Baringhaus. The only two things I'd add are one, you have overwhelming neighbor support, which is huge, especially the one that's directly impacted by this 11-foot variance. The second being the uniqueness of this lot split. I think it's a weird lot split, the way it worked out. But you're following the right channels. You've done the right tasks by getting your neighbors' support, and I'd be in support as presented.

COPPOLA Thank you. Mr. Testa.

TESTA I can be in full support of this. One, I appreciate the comments from your neighbors. Generally, we see letters that are rejections, objections, not great support. I appreciate that you worked with your neighbors; a couple of them had talked about how you incorporated their feedback and listened to their opinions. So I appreciate that as well. The lot is unique, and where your house sits on the line is

unique, and the fact that I think it's three or four houses looking that way before you would encroach upon anyone and you're not invading anyone's building space. It's quite a vast land from aerial view when I drove by it. So, expanding 16 feet out I don't think is going to hurt anyone and especially again, because the neighbor directly impacted supports it. So I will be in support.

PTASHNIK Thank you. I will also be in support. You definitely have some significant neighbor support on this, as my colleagues have mentioned, with the direct impact. I would suggest that with your fancy dining room you should probably invite all your neighbors over for dinner or at least have coffee in the sitting room. But I will be in full support.

KLISZ I have nothing else to add. Everyone said everything that I've already thought of... it's a great plan, with great neighbor support and a real good project. I will be in support.

COPPOLA Thank you. I too will be in support. I won't have much to add. My main concern was the neighbors would be impacted by the deficiency and the setback, and both are in support. And there's nothing behind you. It's all open land for several lots. So I think realistically, no one's really that detrimentally impacted, so I'll go ahead and open up the floor for a motion.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Resolved that the variance sought in appeal case number 2023-09-23 filed with Phil Kupras be granted for the following reasons and findings of facts. The uniqueness requirement is met due to the lot split, which gave the property some interesting geometry. Denial of the variance would have severe consequences for the petitioner due to decreased mobility within their home. The variance is fair in light of its effect on neighboring properties and in the spirit of zoning ordinance due to overwhelming neighbor support. The property itself is zoned as R-U-F, Rural Urban Farm under the Master Plan and the proposed variance is not inconsistent with that classification. Further that the variance be granted with the following conditions: that the proposed structure be built as presented this evening.

PTASHNIK Support.

COPPOLA I have a motion by Vice Chair Baringhaus, supported by Ms. Ptashnik. Any discussion? Alright, seeing none. Go ahead and take a vote.

On a motion by Vice Chair Baringhaus, supported by Ms. Ptashnik, it was: granted.

RESOLVED: APPEAL CASE NO. 2023-09-23, Phil Kupras, 16023 Merriman: seeking to construct two separate additions on the rear of an existing dwelling, resulting in a deficient rear yard setback.

This Low-Density Residential property is located on the west side of Merriman (16023), between east Myana and Five Mile, Lot. No. 060-01-0603-002, R-U-F, Rural Urban Farm District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 4.02 (Schedule of Regulations), **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met due to the property having a split lot with “interesting geometry”.
2. Denial of the variance would have severe consequences for the petitioner, as it would decrease mobility within the petitioner’s home.
3. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance due to overwhelming neighbor support.
4. The property is classified as Low Density Residential under the Master Plan and the proposed variance is not inconsistent with that classification.

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

1. The proposed structure must be built as presented during the October 10, 2023 meeting.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Ms. Ptashnik.

PTASHNIK Aye.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ And Chairman Coppola.

COPPOLA Aye.

KLISZ Passes 6 to 0.

COPPOLA Alright, Mr. Kupras, your variance petition has been approved. The only condition is that you build it as presented with the plans as presented. If there's a change, you'd have to come back.

KUPRAS Sure.

COPPOLA Okay.

KUPRAS No problem.

COPPOLA Congratulations. Good luck.

KUPRAS Thank you so much.

COPPOLA Call the next case please.

ROLL CALL VOTE

AYES: 6

NAYS: 0

ABSENT: 1

PASS/FAIL/TABLED: PASS

APPEAL CASE NO. 2023-09-24, Souad Massoud, 37437 Lancaster St: seeking to erect an accessory building within the side yard, also the corner side yard setback, which is not allowed. The slab and rat wall have been placed without permits. Accessory building must be located in the rear yard, not in the side yard or within the corner side street setback.

This Low-Density Residential property is located on the south side of Lancaster (37437), between Newburgh Rd and Richfield St, Lot. No. 072-01-0001-000 (N-2, Neighborhood District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09 (1), D (Minimum Setbacks).

Corner Side Yard Setback:

Required 25 ft.

Proposed: 3 ft.

Deficient: 22 ft.

COPPOLA Alright, thank you. Mr. Albus, anything you'd like to add?

ALBUS I did visit the site. Their hand sketch site plan does not represent the cement slab on the site. So when looking at the variance, you'll have to verify that they're "build as presented" with the size shed that they're proposing. Because the slab is a lot closer to the three-foot setbacks than their one-foot setbacks.

COPPOLA I'm looking at a hand drawn one; it's on lined paper. It's definitely not to scale obviously.

ALBUS I spoke to the applicants and they did represent that they were going to put a smaller shed than what the cement slab is. I just wanted you to be aware of there's a much bigger cement slab out there on the proposed...

COPPOLA Not to scale, right?

ALBUS It's actually on the site. Yeah, already in the location.

COPPOLA So you're saying the slab right now is larger than the shed will be?

ALBUS Correct.

COPPOLA And the slab is the one spreading out too close to the fence?

ALBUS Hmm. Well, it would be the shed that they're proposing. There is no side yard setback for a cement slab.

COPPOLA Well, I understand that. But I want to try and understand this. So the size of the slab compared to the size of the... so let me put it this way. So let's say the slab is 16 by 16. And he's building a 10

by 16 shed. So if we told him he needed to build the shed on the part of the slab farthest from the fence. Instead of it being the 22 feet deficient now it's only 16 feet. That's what I'm trying to understand.

ALBUS No. They're proposing to meet the three-foot setback from the fence line and the property line on the east side. But if you were looking at Google's maps of the current site, you'd see a cement slab that goes within a foot of those two side yards and fence line.

COPPOLA Any questions for Mr. Albus? Seeing none, if the petitioner can step up. Please give your name and address.

MASSOUD Souad Massoud, 37437 Lancaster, Livonia, 48154.

FRANGIE Hi, I'm her attorney. My name is Charles Frangie. My address is 30600 Telegraph Road, Bingham Farms, Michigan, 48025.

COPPOLA Alright, so who's going to be taking the lead here? So why don't you tell me a little bit about what happened, how the slab got put in, why there wasn't a permit pulled, and then we're trying to understand the hardship that you have that would suggest that we should grant the variance.

FRANGIE My client would like to add a shed or put a shed in her backyard. She has a large backyard. However, there was DTE next door and because of that she used to because of the way equipment their work was set up. So her backyard all the time gets water, stagnant water coming from the lot of DTE. And she has been after them and she tried to talk to DTE and to remove the problem or remediate that problem. And she could not. Sorry, not DTE. It's Consumer Energy. And now she has put a shed... she wants to put [in] a shed. And she was told that she has to put it on the edge, all the way behind her parking in her backyard. However, there's always water there. She has looked for a dry spot and put that shed there on it, a dry spot. And she thought at that time she talked to somebody from the City, and they told her basically this is fine. I think it will go. It will work that you put the shed here. That's why when she called some contractor, they put the slab there. I would like to mention here a few things with the issue of the water. The neighbors have no objection to that. I don't know if you receive notices from the letters. I have three of them here. If I may approach and give them. [In] these letters apparently none of them is an objection. They are in favor of this. And my client has been driving around the area, and she saw sheds and many sheds in the city close to the fence. In the same situation. And she took pictures of them, and she submitted those pictures.

MASSOUD I took pictures. I'm sorry, I can't talk. I do have a picture over there showing the water in my backyard. It's all over my backyard. When it's raining, it's all over. When it's snowing, we stay more than one month, we see this water all over my backyard. My backyard was the flat backyard. After this water coming up from Consumer Energy and I talked with them, they sent me engineer and they saw all the places. And they said they were going to fix this problem, and they got to fix it. If you can see in the picture, you see my trees, how it is declined in the other position, because of the water. And we have this separation between me and my neighbor. It [the fence] fell down last year. And they fix it. They fix it. Yes, the fence, they fix it. And they repaired it because all the water was coming up from this area. That's why when I came to the City before I did my shed, and I talked with someone, and they Googled my house and he said, "Where's your shed?" I said, "Here." And he said, "I don't think you will have a problem. Because your house is all over five, and we don't have no problem. And I called the contractor, and they came and put the slab and I didn't know it was without permission. I think they did take permit. And that's why when the shed people they came, they said they need permission; they are not approving us. You have to file for variance, I said it was no problem. I will file for a variance. And I did file for a variance, and I'm here to accept whatever you're going to say.

COPPOLA So where do you stand right now with Consumer Energy? Is your complaint still open? Did they say aren't going to fix it, or they are going to fix it?

MASSOUD They've been saying that for years. And I came to the City, and I talked with the City, they said we cannot do nothing, but we're gonna try to help you to call Consumer Energy to fix this problem. And they never come, and they never fix it. And I still have this problem. And I've been trying to do the shed for many years. And this year I did everything in my house except the shed, and I decided to do the shed this year. And I'm having this problem. I don't know.

COPPOLA How long have you lived in this home?

MASSOUD I've had this house since 2001 in my name.

COPPOLA And how long have you had this flooding issue?

MASSOUD The flooding issue. It's been like more than six or seven years, or more than that.

COPPOLA So what changed? What did Consumer Energy do that created this issue?

MASSOUD They did something. They put stone. It was the black stone. [Before] it was grass in this area. Consumer Energy, they were there for a long time. But the change and they put stone in this area and the stone doesn't swallow the water. It's coming in my backyard. My backyard was a flat area -- nothing, nothing, flat, flat. And now we have all this [water coming] up and down.

COPPOLA Have you looked at the potential to have the property regraded, so it drains better? In other words, add some soil and other materials to have it drain a little better.

MASSOUD I approved somebody and they put a soil and we did the grass again and it's still come in the next year after the wintertime. We do have the same problem.

COPPOLA What are you putting in your shed?

MASSOUD Where I'm gonna put my shed?

COPPOLA What goes into it? What are you putting a shed up for?

MASSOUD I want to put it just in the corner of the house.

COPPOLA What are you going to use the shed for?

MASSOUD I want to use for some stuff I need. I'm gonna put my snowblower and all this stuff for the garden and some stuff I had extra in the house. We like to stock things like in our house, but I don't use it all the time.

COPPOLA Questions for petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS That slab that was installed next to the side of your garage.

MASSOUD Yes.

BARINGHAUS What's the elevation on that from the ground to the top of the cement slab? Two inches, three inches?

MASSOUD How high from the ground? They did it in a city ordinance.

ALBUS About four inches.

BARINGHAUS So it's four inches above the surface?

MASSOUD Yes.

BARINGHAUS Okay. Thank you.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Questions for the petitioner. First, the shed, how tall is it?

MASSOUD I think my shed, they're gonna build it... it's 8 by 10.

BOLOVEN So I see 8 by 12.

MASSOUD By 12. I told them, let's see the City, what they agree [to] with for our shed. And we bought it, but we didn't get it yet.

BOLOVEN I'm guessing 8 by 12 is the length and width. What's the height going to be?

MASSOUD The height? You had the size on the sheet.

BOLOVEN I don't see it on here.

MASSOUD Yes, you do. I gave it to the City inspector.

BOLOVEN Mr. Albus, do you know how tall the shed's supposed to be?

ALBUS Not from any of the records I got here.

BOLOVEN I see the door is supposed to be 4 by 6.2. So I'm assuming it's going to be at least 6 foot, 2 inches high. The reason why I asked. You have a privacy fence right now; that's a six-foot privacy fence.

MASSOUD Yes.

BOLOVEN So the shed's going to be over the privacy fence?

MASSOUD But I think is gonna be not lot more than, like one feet.

BOLOVEN Okay. Who put the slab in?

MASSOUD It's a company.

BOLOVEN Tuff Shed put the slab in?

MASSOUD No, no. American company. I wrote the name of the concrete company. They put it [in] for me.

BOLOVEN Why didn't they pull a permit?

MASSOUD I don't know. I don't know. Really, I don't know.

BOLOVEN Would you be willing to move the shed to the back of the house?

MASSOUD No.

BOLOVEN Why?

MASSOUD I can't.

BOLOVEN Why?

MASSOUD Because of the water over there.

BOLOVEN Where?

MASSOUD Over there in the back of the house over and over watered. In this in the wintertime, you cannot walk in my backyard. In the summertime when it's raining, you cannot walk in my backyard.

BOLOVEN So you have a wall going in your backyard right now?

MASSOUD Correct, I have a wall.

BOLOVEN So where is it flooding?

MASSOUD That flooding comes from the neighbor to me and it's all over. You have the picture. You can see the trees, how it's coming. Like all the trees are not straight. They were straight before.

BOLOVEN So that that looks like it's right by the wall?

MASSOUD Uh huh.

BOLOVEN And it looks like you have a very large backyard.

MASSOUD I have very large backyard.

BOLOVEN So my question is: Why can't you move [the shed] into somewhere else in the backyard that's not flooding?

MASSOUD Because of the water. It's all over my backyard when it's raining. The only place, it's this place... and let me let me tell you the truth. It's very close to my back door to my garage.

BOLOVEN What is?

MASSOUD Whatever they put the slab in this corner, it's very close to the back door of my garage.

BOLOVEN I understand the convenience of having it where it is. But the issue is one, I think it's going to be higher than the privacy fence, which is right against Newburgh Road.

MASSOUD Yes.

BOLOVEN My statement is to you looking at what you submitted, the flooding is against the wall. You have a very large backyard. I don't understand why you can't put it somewhere else in the backyard.

FRANGIE If I may say something. Since you mentioned that shed would be taller and higher than the fence, since she ordered the shed, but she did not receive it, she can get the shed that is not higher than the fence.

BOLOVEN The door alone is 6 foot, 2 inches. So I got to imagine that roof is gonna come up at least another foot. Maybe a foot and a half. You're looking at 7, [or] 8 feet high.

FRANGIE The shed you mean?

BOLOVEN The shed right now because again, we don't have the specs, that's part of the issue.

MASSOUD I don't have no problems to order less size. Just I want to put some stuff over there to be in my backyard, and I like to be organized more than I am now.

BOLOVEN Thank you.

PTASHNIK Mr. Chair.

COPPOLA Ms. Ptashnik.

PTASHNIK Just kind of following up on Mr. Boloven's question here. In addition, it will be also on that corner slab, so it's even going to be taller when you start to think about that. But I want to actually go back to kind of the flooding issue. I feel like this is the bigger issue here. I guess

I'm not understanding fully what what's going wrong with the flooding. Why is this not being able to get fixed?

MASSOUD Really, I don't know. They sent me an engineer and he saw my backyard. And they said, "We're going to fix it." And it's been more than seven years, I came to the City and I complained about Consumer Energy, but they never fixed it.

PTASHNIK So is the cause... did they dig something up and then just not...

MASSOUD When they started doing it, after they put those stones to cover the land, it's all over. It's on the walking side. It's all over in the winter and the summertime. All over water.

PTASHNIK Not only your property, but your neighbor's as well?

MASSOUD Yes, of course. My neighbor, he has the same problem too.

PTASHNIK Okay. So that's my thoughts. And then you said the shed's usage, the types of items you're going to store there, they're currently stored in the home, or are they in your garage?

MASSOUD I'd like to put some stuff in the shed. I bought a good one [shed] to put some stuff. We don't use it [the stuff] in the house; I had it in the basement. In my basement, I put it [the stuff] in my heating and cooling area. And I don't want it over there. I said I want a shed to put all those stuff. We don't use it a lot, like extra things for the house.

PTASHNIK Like are we talking about decorations? Tools?

MASSOUD Like decorations for Christmas. I have so many sets of plates and you know, plates, pans, and pots all in the boxes and [they're] taking too much space in my basement.

PTASHNIK Okay, thank you.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS I just wanted to basically confirm the size of the shed originally in the package. You submitted I believe you said it was 8 feet by 12 feet. So 96 square feet?

MASSOUD Yes.

BARINGHAUS And I understand since then, you changed and purchased a smaller shed.

MASSOUD I didn't yet. We came for the variance to see what's going on and I will talk was my Tuff Shed. I've already talked to them, and they drew the thing. I just I need to put shed on my house.

BARINGHAUS And the brand of the shed is Tuff Shed?

MASSOUD Yeah. Tuff Shed.

BARINGHAUS And where did you purchase that from?

MASSOUD The one here in Livonia.

BARINGHAUS Where at?

MASSOUD It's on Schoolcraft, between Levan and Farmington.

BARINGHAUS Did they ever warn you about local variances? Because that's a very experienced installer.

MASSOUD What they told me when they came for the shed is that she needs variance. And when they told me that they already put the slab [in] for me.

BARINGHAUS So Tuff Shed did warn you about the noncompliance of the shed location?

MASSOUD For the shed location, no, no, no, they didn't. They didn't warn me for the shed location.

BARINGHAUS Who is they? I'm sorry.

MASSOUD Tuff Shed. They came and took the size. When they came when I ordered the shed, they came in my house, and they took the size and I said I wanna put it in here. And they didn't complain. They didn't tell me anything. When they send the City to take the permit to build the shed, they called me and they said "you have to go to the City. They need the zoning and variance for the shed." That's why I applied for variance.

BARINGHAUS How would you describe the elevations in your backyard? Is it fairly flat? Is it lower in some areas?

MASSOUD Yeah, it was flat -- no incline in any area. But now, no, no. It comes up and down. In the wintertime, it's all down in some places. In the

summertime, it will be flatter than wintertime. And when it's raining you can see like some down area.

BARINGHAUS Just to follow up on Chairman Coppola's question. You know you had a water problem. Did you ever consider correcting the problem yourself by bringing in dirt and regrading it?

MASSOUD I did. I did. I did hire a company. They put the dirt and they fixed all the backyard, and the next year it came the same.

BARINGHAUS What year did you do that?

MASSOUD It's like five years ago.

BARINGHAUS Five years ago. Now the area you put the slab in, is that subject to flooding today? The current concrete slab, is it prone to flooding in that that particular area? Because I noticed on your diagram, you've indicated that's a flood area and it looks like the concrete slab is in that flood area.

MASSOUD I don't think because of the slab, we tried to put it there.

BARINGHAUS You have a map here, where you have on the Newburgh side, you have an area designated and you lined it out as indicating this is like the problem area or the flooding area. And then the majority of your backyard says, "good area." But for what I'm looking at, you put the slab in the area that was prone to flooding. Is that correct?

MASSOUD That area is flooding over there, no.

BARINGHAUS Where your slab is today?

MASSOUD No, it's the only place with no water because it's higher than my backyard. You can see it's higher. I have a garden over there. That was planned to me to put wherever, and I took it.

BARINGHAUS So this map is incorrect? Because you've indicated the area literally up to your sidewalk on the side of the house highlighting it as a potential floodplain or flood zone in your backyard. So you're saying that's not the case?

FRANGIE With that slab is, is it where the flooding is?

MASSOUD No, there's no flood in the place of the slab because it's higher. A little back it was a garden over there. A garden. I planned to plant vegetables. And they took it to put the shed over there. Because my mom she loved plants. And I don't have time for that. My mom she was doing that. As she died.

BARINGHAUS Did you take the time to kind of survey your neighborhood to see if your neighbors had sheds? And if they did have sheds, where...

MASSOUD Yes.

BARINGHAUS And yeah, I'm sorry, I didn't finish the question. Did you survey the neighborhood or surrounding neighborhoods to kind of get an idea of the size sheds that your neighbors have and where they're located in the backyards?

MASSOUD I did ask all my neighbors around me. They didn't complain. But I can show you picture, a proper picture.

BARINGHAUS How many sheds are in your neighborhood today?

MASSOUD Really, I don't know. I didn't ask. There's so many. Next door, they have. Next door, my neighbor she has one and she never uses because the same problem. She has water. I put my stuff in her shed and we threw all the stuff... we threw it because there's water over there. And a big stream is coming inside. She's facing the same. She never uses it; she's given me permission to use her shed. And I never use it. One time, I threw all my stuff, all my backyard seating, the chair and whatever.

BARINGHAUS Okay, thank you.

MASSOUD Thank you.

PTASHNIK Mr. Chair, I have one more. While we were talking, I looked up your model of the Tuff Shed. It turns out that it looks like it would be 8 foot, 2 inches from ground, so really 8 and a half feet and to put it on the slab. Does that sound about right?

MASSOUD Yes.

PTASHNIK Okay . I just want to make sure that that was the right amount. Thank you.

COPPOLA Any other questions for the petitioner? Mr. Testa?

TESTA First, a question for Mr. Albus. Mr. Albus, the slab that was put in if they had pulled a permit based on your viewing it, would you say it would pass the... there is a rat wall, a sufficient rat wall, the check you made, or no?

ALBUS I did not verify for a rat wall at that point. I was just on the site verifying where the shed was going.

TESTA To verify the updating, is there dirt there?

ALBUS You have to dig sample holes verifying that the concrete goes down.

TESTA That could be done right there?

ALBUS Oh yeah.

TESTA And while you were there, were you witnessing water, as the petitioner is saying?

ALBUS The petitioner told me to check out the backyard. It was moist in the areas where she said. Where it's listed "good area," I think it was somebody else wrote that in is a good area to install a shed in and then it's showing the side yard where the shed wouldn't be allowed. And so walking back there I did observe that the Consumer's power site was a little higher. They brought in gravel, but it looked like all the backyards in that neighborhood were lower than the houses and so it seemed like all the backyards had soft ground or moisture, so I would anticipate standing water in springtime when the grounds frozen and stuff.

TESTA Thank you. And question for the petitioner. I'm familiar with that lot. The Consumer's lot. It is gravel and I do notice it is higher and that sidewalk there is sometimes wet. But you have a wall there. How is the water getting around that wall?

MASSOUD Really, we don't know because last year this wall half of the wall it fell down.

TESTA I saw that.

MASSOUD And my neighbor, the liquor store, my neighbor behind me, he built it again. But you can go and see all the wall, there's water in the bottom. Half of my part fell down, but my neighbor he built it, and he fixed it for me, but the other one is upside down. But it's water over there, under the trees and all over. I have flowers at my house, beautiful flowers, all gone because of the water.

TESTA Okay, so looking at Google Maps it looks like that Consumer lot has been gravel since 2003.

MASSOUD 2003. I've been there since 2001.

TESTA Okay, I thought you said it was originally grass and they changed it to gravel several years ago.

MASSOUD This is what we saw they came in with the trucks and they put stone. This is what I mentioned at this time. I'm never home. You know I work a lot, and I leave home early.

TESTA And to the question of putting the shed somewhere in the backyard. I get that along that back wall is wet. But what about bringing it in 30 feet from that wall closer to the house?

MASSOUD It is the same. You can see water over there. And you have a picture; I give the City a picture. You can see around all this area from the wall, in three quarters of my backyard you can see the water. It's like a lake. Spots.

TESTA Mr. Albus, do we have a record of her complaining or neighbors complaining about water in their backyard from Consumer?

ALBUS No, but that would have been referred to engineering to do site evaluations.

BOLOVEN Mr. Chair. Just one more question for Mr. Albus. You mentioned this picture that's got "good area." Who drew that?

MASSOUD I drew that picture.

BOLOVEN Who wrote "good area?"

COPPOLA Why don't you show the petitioner what you're talking about. Come up. Where did that schematic come from?

MASSOUD Oh, this is from the City.

BOLOVEN I'm going to ask you about this. Okay, so my question is where did this picture come from?

MASSOUD This one?

BOLOVEN Yes.

MASSOUD Okay, when Tuff Shed they applied to put the shed, the City they give them this drawing and they said this is good area to put the shed, and I already -- and I'm so sorry about that. The contractor I hired, they didn't pull a permit. And they put this slab of concrete without permit.

BOLOVEN Mr. Albus, from this area that's marked as "good area," is there any area that you inspected that didn't have moisture?

ALBUS It appeared to be lower than the area where they were proposing the shed. I didn't go out and do a full survey. I just walked the property and did a visual. And like I said, it seemed like most of the backyards adjoining properties were lower.

BOLOVEN I guess my question more specifically, if I came closer to the house, is there an area that can be built that is not wet?

ALBUS I would assume there is, that the house property is actually higher than the rear yard.

BOLOVEN Thank you, Mr. Chair.

COPPOLA Any other questions for the petitioner? Alright. Seeing none, is there anybody in the audience who would like to speak for or against this petition? I don't think there is. So do we have correspondence?

KLISZ We have a few letters. A letter of approval. Chris Khurana 15365 Newburgh Road: "I Chris Khurana am okay with so Saoud Massoud to put the shed in the place she wants because the other area's all wet and she has a private fence. Nothing will bother anybody." Letter of approval: Paul Gutowski, 37507 Lancaster: "I have no problem with this shed. She has a privacy fence. Will not see this." A letter of approval: Patricia Recker, 37481 Lancaster: "I do not object to this request." And a letter of approval: Lena Alhanouti, 37456 Lancaster Street: "I have no issue with it. Whatever people do on their property does not bother me. Shouldn't be an issue."

COPPOLA Okay, thank you. Is there anything you'd like to say in closing? Before we dive into our deliberation.

FRANGIE I would like to say that she loves her home; she wants to continue living here. And she takes great care of her home. I've seen it personally. It's very nice. She's a very active lady and I would like to ask you to let her enjoy living in her home, using her home. And again, if she puts the shed in a wet area, then water would go inside the shed and destroy whatever she has inside. So I ask you to approve an application or petition.

COPPOLA Okay, thank you. I'm gonna close the public portion. You can have a seat right now. I'll start the Board's comments with Mr. Boloven.

BOLOVEN Thank you, Mr. Chair. I can't be in support as presented this evening. I think the first issue off the bat is we don't have the real specs. I mean, the question is how tall is it going to be? And I appreciate that commissioner Ptashnik looked up what we think it's gonna be. But that's an issue right off the bat. And presumably, it's going to be towering over by at least 2 feet, maybe even 2 and a

half feet from that privacy fence, right where it's being put. I think there might be some more questions on where this wetness is. I think it's a big enough backyard like Mr. Albus said, that it could come closer to the house. I think it's more of a convenience that it's at this side entry level. That's where it's being put. I don't know why the contractor put the slab down without a permit. Nevertheless, here we are. So with everything being said, I don't even know if I'd be for a tabling at this point. I guess the petitioner could come back with something if we did table it. But I'd be in support of denial as well. Thank you.

TESTA

Yeah, thank you, Mr. Chair. So Mr. Boloven's questions towards the end, maybe swayed me here. It looks like the slab was put in the wrong location. And that's why you're here today trying to get a variance. That's where the slab was put. I think from this drawing, you have the intent was to put it in the good area, meaning you can put it anywhere in this area. For whatever reason, they did not. So you're kind of stuck with where it is and asking for a variance. I get that you have water issues in the back of your yard. But I'm not convinced that there is not a location that you could find to put it back there. So I would be open to a table motion with you may be coming back if you maybe prove that there is no good location in the backyard and that's why you have to do the side yard setback. I guess you can't put it on the wall, but maybe you can do it maybe towards the west side of your lot, closer to the house. I'm assuming it is perhaps less wet. Maybe next time we have a good rain, you can kind of take some measurements and take some pictures, showing how close it gets to the house and that there really is not real estate there. And that your only location is where the slab was put by the contractor mistakenly.

PTASHNIK

Thank you. I think the actual issue here is the flooding. And I'm sympathetic to that. You must be frustrated. I'm frustrated for you. I would suggest that maybe you get the City involved and the building department to keep going after Consumer's. But at the same time, I think that's the real issue here. And I think putting that slab in, you need to go after the subcontractor or the contractor; they should know better that they need to pull a permit, I think, as my colleagues have said, now you're kind of stuck with this footprint trying to retrofit this in. And I also really haven't seen a hardship need for the shed storage. So you know, this is really just kind of becoming a convenience issue as well. So at this time, I would be in support of denial.

KLISZ

I think Mr. Testa had the point that I would take here as well. It's like, maybe this is the only place, but we're not sure and we don't have an absolute knowledge of exactly what this particular shed is going to be like. So I think it would be fair for the petitioner to get that opportunity. If they can't find the spot, then they can come back

and try again and see how it goes for them. They obviously need to get four votes, but I would give them the opportunity to come back and prove that this is the only place it can go. So I'd be in support of a table.

COPPOLA

Thank you. Vice Chair Baringhaus.

BARINGHAUS

Yeah, I agree. I would be in support of a tabling motion as well. I mean, a lot of questions. We're not clear on the map. We're not clear on the specs of the shed. Go through that area and base your opinions on where the sheds are currently located. In that area, the homes were built back in the '70s. We don't know what the ordinances were back in the '70s, and these sheds were installed back then. I know from my experience, some of those sheds -- because I used to live in this area -- a lot of the sheds were below the fence lines if they had privacy fences on their property. But I just like a little more clarity. I'd like clarity on the map. I'd like clarity on the dimensions of the shed itself. So I'd like to give the petitioner an opportunity to kind of document the facts, give us a good map, and then we'll take another look at it. Thank you.

COPPOLA

Thank you. I definitely sympathize with the petitioner on the water issue. But I think it's something that can be mitigated. And while I know you've made some efforts, maybe you just haven't gotten to the right person yet. I think realistically, you should be pushing your abutting neighbor Consumer Energy or whoever owns the property. If the water is coming from their property and you can prove that it's coming from their property and they haven't properly mitigated that, they need to fix that. I think this is more of fixing the issue in the backyard and putting the shed in the right place than trying to accommodate an issue that really needs to be resolved. So I'll support a tabling if that's what the rest of the group supports. But realistically, I think the shed belongs where it needs to be in regard to the ordinance and the property just needs to be fixed. So I'll go ahead and open up the floor for a motion.

TESTA

Mr. Chair.

COPPOLA

Mr. Testa.

TESTA

Move to table appeal case 2023-09-24 to allow the petitioner to reflect on the Board's feedback and come back.

KLISZ

Support.

COPPOLA

I have a motion by Mr. Testa, supported by Secretary Klisz to table. Go ahead and take the vote.

On a motion by Mr. Testa, supported by Secretary Klisz, it was: tabled.

RESOLVED: APPEAL CASE NO. 2023-09-24, Souad Massoud, 37437 Lancaster St

seeking to erect an accessory building within the side yard, also the corner side yard setback, which is not allowed. The slab and rat wall have been placed without permits. Accessory building must be located in the rear yard, not in the side yard or within the corner side street setback.

This Low-Density Residential property is located on the south side of Lancaster (37437), between Newburgh Rd and Richfield St, Lot. No. 072-01-0001-000 (N-2, Neighborhood District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09 (1), D (Minimum Setbacks), **be tabled to allow the petitioner to rework her proposal based on the board's feedback.**

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Ms. Ptashnik.

PTASHNIK Nay.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Aye.

KLISZ 5 to 1.

COPPOLA So, Ms. Massoud, your variance has been tabled so that you have an opportunity to address the comments of the Board. And again, you can see that not all the Board's here today. We're short one person. I think overall, we're looking for more clarity on the dimensions of the shed. Number one. And number two, we want to be convinced with certainty that that's really the only place that shed can be placed. And from my perspective, I'd like to see a little more -- not that you probably haven't tried, I just don't think you've gotten the right people -- to get a solution for your property. Because ideally, you should get a solution for your property so you

can enjoy your property. And then you can put your shed where it really belongs. So those the comments of the Board. As I mentioned earlier, the next meeting is on the 14th. And you would need to resubmit. Again, there's no extra cost. You resubmit a revised plan, or you can come back with the same plan if you think you can convince them the board that that you have a hardship, and that we should allow the variance. Otherwise, the next meeting after that is on December 12 and you need to submit by Monday, November 13.

FRANGIE Next meeting is December 12?

COPPOLA So the next meeting is November 14. And by October 23, you would need to contact the offices, the Zoning Board office and get a petition and submit any new information you'd like to submit.

MASSOUD I have a question.

COPPOLA If you can step up, just to make sure that it's captured on the recording.

MASSOUD If I want to put this shed in this case, where the slab is now, do I have to have it less size? If it is less high, can we put it over there?

COPPOLA You can definitely propose that if you'd like. And I think you got some feedback from the Board members.

MASSOUD We can change the shed model. I can change the shed model. They have six feet tall.

COPPOLA Okay, well, that's an alternative that you can propose. I think someone suggested that that might be acceptable. I'm not certain that that's going to be something that will pass; I don't know. What the bigger issue is, in the perspective of being able to convince the Board that this is really the only place that you can place a shed.

MASSOUD Because my backyard is too wide at the place. Where they suggested to put a shed is not good place. It's so many trees over there. And my neighbor's trees come... I had many problems at this property. I cut all the trees because I don't want no trees in my backyard. But my neighbor's tree is coming in the place, same place where he suggested to put that shed.

COPPOLA I understand and you can make that make that decision understood the next time you come up. Again, I think from the perspective of what you may have heard is the Board wants to understand that this is absolutely the only place that a shed can be placed due to issues with your property. If you think that it's acceptable to have something below six feet, you can propose that. But at this point in

time, the Board is not convinced that this is the only place on your property that a shed can be placed without issues.

MASSOUD Okay. Thank you very much. And I'm going to try to find a shed that high.

COPPOLA I would really suggest pushing hard, contacting the City engineering department, getting them out there to look at it and seeing... maybe you can't use your property. If based on what you're saying [is true], you can't even use your backyard. That's not appropriate.

MASSOUD This what's happening for now.

COPPOLA If you get that issue resolved, you can put a shed in the back. You don't need a variance and the problem's solved.

MASSOUD That's fine. Maybe I don't need the shed at all. I've been waiting for the shed for 10 years. And now I think I don't need it at all. And I can't see what's gonna happen. I'm gonna try. I'm gonna try to let you accept my variance. But at the same time, this is the only place we can use in this backyard because of water.

COPPOLA All right, thank you very much. You can call the next case please.

ROLL CALL VOTE

AYES: 5

NAYS: 1

ABSENT: 1

PASS/FAIL/TABLED: TABLED

APPEAL CASE NO. 2023-09-25, Ron Emling, 34430, 34434 and 34437 Rosati:
seeking to erect an industrial building on industrial properties resulting in deficient front yard setback, deficient landscaping for parking areas over 40 spaces. Also, the truck loading/unloading docs are located in the front yard setback, which is not allowed. Lots 8, 9 and 10 need to be combined into one parcel. A cross parking/access agreement is required between lot 7 and lots 8-10.

These Tech and Manufacturing properties are located on the north side of Rosati (34430, 34434 and 34437), between Stark Rd and West End, Lot. Nos. 111-03-0010-000, 111-03-0009-000 and 111-03-0008-000, M-1, Manufacturing District, rejected by the Inspection Department under Livonia Zoning Ordinance, Sections 4.03 (n) ii, Schedule of Regulations, 7.08, Lot Limitation, 9.08 (4), Off-Street Loading Space, 10.03 (2) B (i-vii) and 10.03 (3) and Landscaping Design Requirements.

COPPOLA	Mr. Albus, anything you'd like to add?
ALBUS	Nothing more than I've already submitted.
COPPOLA	Any questions for Mr. Albus? There's a lot to lot to digest here in the sense of in the sense of all of the issues. In the sense of the official front yard setback, what's the required setback on the front yard?
FISHER	I think it's 50 feet.
ALBUS	Randy's response said it should be 60 feet from the center line of the road.
COPPOLA	Of the roadway?
ALBUS	Yes.
COPPOLA	So in the case of the cul-de-sac, it can be at the centerline of the cul-de-sac.
ALBUS	Yes.
COPPOLA	So in in the packet that was provided there was a site plan. And there's some areas here that were marked across the building where you can see where there's a circle that goes around the cul-de-sac and there's areas on the building that are kind of marked out. Is that where the setback issue would be?
ALBUS	Correct.
COPPOLA	And then in regard to... does the parking lot have a setback issue, too? In the sense that if you look to the west there, and you see

where that setback circle is drawn, it appears that the parking lot is in that setback too. So another setback issue? It's a parking lot, though, but...

ALBUS I think setbacks would be for structures itself. So I don't believe it would affect the parking lot.

COPPOLA But it wouldn't affect it if it's not a permit structure?

ALBUS Correct. Well.

COPPOLA Okay. Any other questions for Mr. Albus?

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Just one question. And it was actually one that you brought up before on this. We're hearing this case, tonight, [and] one of the requirements is that Lots 8, 9 and 10 need to be combined. And I believe their response was that's not for assessing, no permit can be issued without that combination. Is this putting the cart before the horse for having this hearing tonight?

ALBUS I don't believe so. No.

COPPOLA Even more in depth when I asked the question. Is getting lots combined kind of just a process that generally doesn't run into any issues? Or could there be the potential that if this request with lots combined could be denied?

ALBUS I don't want to make an assumption on that. But has the developer looked into combining the lots already?

BLUMENSTEIN I'm Richard Blumenstein from Dover Development, 32400 Telegraph Road, Suite 205. Bingham Farms, Michigan, and I appear with me, my son Benjamin, and Scott Howard from True World Foods. To answer your question, we are in the due diligence period, because there's a lot of issues regarding this land. The building that we're proposing to build would be the new home of True World Foods, which has currently been at 11876 Belden Court for approximately 30 years. They've outgrown their 12,000-foot building. They require a different building. They couldn't find anything in Livonia. And they're interested in moving to this building, where they would be combining a number of operations including a fish distributor of sushi, and dry goods that support restaurants, and also a commissary and a grocery operation that they're moving. So in terms of the lot combination, the lot would have to be combined. It's an administrative process. And basically,

we discussed this with the staff before and indicated that if that's required it should just be conditioned as part of the approval. But since we haven't closed on the lot and can't without knowing if we can use it for its intended purpose, it's kind of more difficult to resolve that without having this conversation first.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN To clarify, you said, you're in due diligence and haven't closed. So this is all prospective?

BLUMENSTEIN This is prospective. We have the support of the owner to do this. And we are in the process of making plans. But we couldn't close without knowing if we were able to build the building that we needed to in order to accommodate our tenant.

BOLOVEN So Mr. Fisher, does this Board hear prospective claims?

FISHER I don't think it's prospective in that sense. I think it's fairly typical of a due diligence process. And I don't know if they've told them, okay, you can't do this, because you don't own the property... the property owner has signed off on this variance request.

BOLOVEN We may grant something this evening that might never come to fruition, because closing might not happen.

FISHER Well, yes. But there are a lot of things you grant that might not come to fruition. There are plenty of variances issued for people who never built what they said they were wanting to do or what they supposedly desperately needed.

COPPOLA And we can remedy that situation with conditions.

FISHER Yep.

BOLOVEN Thank you, Mr. Chair.

PTASHNIK Mr. Chair. Question for Mr. Fisher. So do we grant this to a non-owner then?

FISHER No, we're granting it to the owner.

PTASHNIK Okay, because the applicant is Dover, but Dover doesn't own it. Right?

FISHER Well, then the true applicant is the owner of the property.

PTASHNIK Right, that's what I was making sure. Okay, so Mr. Hamilton is actually the owner?

COPPOLA Yeah, I looked it up in the documents. He owns all the buildings, separately.

PTASHNIK Gotcha.

COPPOLA Any other questions? Seeing none, I'll turn it back over to you, you had a good start. So keep it going.

BLUMENSTEIN First of all, to address some of the items in the notice. As we've addressed the lot combination. And of course, there would be a cross easement. We always planned on combining Lots 9 and 10 for the reason that obviously you can't have a building crossing a lot line. It wouldn't be permitted, literally. As far as 8, if it's required that we combine that and cross easement, we hadn't quite figured out what we would do it. But obviously, every building needs to have adequate parking and legal access to it in perpetuity. So whatever mechanism that needed to happen would happen. And that was always our intent. In terms of the setback, as stated, the setback is from the centerline of the street. And it's 60 feet, which gives us actually a 30-foot setback, and 60 feet from the centerline of the cul-de-sac actually doesn't even get us to the curb. When I talked to Mark Taormina about it, and I said, "Well, that means we have a 12-foot front setback," he said, "No, that is not acceptable." We still had to meet the setback; however, given the shape of the cul-de-sac, and it's a fairly large cul-de-sac, and the shallow depth of the lots. We're basically ending up with 9, 11 feet of the corner, at the maximum of a corner of the building, which I think also accounts for the truck well. I don't think without the variance that the truck well would be permitted from what I've been able to gather from Randy and from Mark. But because if we put the corners into the setback, then that's where the truck well issue would arise to the extent of that 9 and 11 feet. So from the standpoint of True World Foods, and you know, I asked Mr. Howard if there were any questions for him. They've done a layout of this facility in terms of what would work. And there's two options. One is you can just push the building back and make the entirety of the entire front wall of the building or we can jog the building. For their use, it's you about a 600 square foot variance on a cul-de-sac where we have a fair amount of setback and the only people who would be affected by it are us. It seemed reasonable to see if we could obtain this variance in order to get square corners on the building and allow them to layout that they need, you know, for hopefully another 20 or 30 years in this facility.

As far as the landscaping, we were actually confused. From my understanding, we needed 5%, and that will be around 3,000 square feet. And we have 9,000 square feet. So when we designed this, that's kind of how we laid it out. And frankly, this kind of issue is not atypical; we have several buildings and cul-de-sacs that we operate in Livonia. We're now on our third generation in Livonia. And I have buildings on Belden Court where once the cul-de-sac makes it very difficult sometimes to have that typical front rear landscaping. So I'm not exactly sure about that. I was surprised to see it on the notice. And I'm happy to answer any questions.

COPPOLA On the loading dock, how deep is that loading dock as far as the feet?

BLUMENSTEIN It looks like it's 58 feet.

COPPOLA 58 or 53 or what?

BLUMENSTEIN I actually have a larger one that I made.

COPPOLA The tractor trailer is 72 feet, so that means the trucks are gonna sit out in the middle of the cul-de-sac?

BLUMENSTEIN No, no, no. The truck that's drawn is actually within the setback. Or I'm sorry, the truck that's drawn does not extend beyond the right of way. Basically it's effectively ignoring this 11 feet for a minute and just looking at that line, that arc. There's 30 feet basically and then another 13 feet to the curb. The truck well was designed so that they that a truck would not extend beyond the right of way line, which again, I'm of the understanding that that would be permissible, but it would not be in the streets, which we would not want.

COPPOLA There's four shipping doors on the side of the building. How exactly are we going to use those shipping doors?

BLUMENSTEIN The shipping doors are for... do you want to answer that, Scott? Do you want to come up?

HOWARD Sure. I'm Scott Howard. I work with True World Foods as a General Manager. We've been leasing from Ricky for like he said 25 years. So we would like to stay in Livonia. And this is a big deal for us, obviously. So it's you know, four times, three and a half, four times the size of the space that we're currently in. We basically deliver to the sushi restaurants using Transits, cargo vans. So the overhead door... we need the loading dock doors for semis for receiving, but for shipping purposes, the overhead doors are where we load our vans for daily delivery.

COPPOLA It just seems kind of tight, how you actually get into those spots. Will they pull into the building?

BLUMENSTEIN I'm not sure. There was a proposed layout where they were potentially loading inside the building. But these are also vans; they're not big trucks. I mean, they're not small cars, but they're refrigerated vans. And the way we designed the parking lot... originally there was a parking lot on the property line. By moving it over and having that aisle, it gives them a room to pull in and either to back up to the door or to pull into the building, which is... there's a designer that works for True World Foods that does their all of their process layout. So that would be the idea, hopefully. But I'm hedging because the final design has not been accomplished, but he thought it would be better particularly given the winter conditions to have the ability to do their loading and unloading inside.

COPPOLA Do you know what is planned for Lot 7 in development? I know that there's kind of a sketch of something there with the fact they'll have the same issue with their loading doors, but I'm not sure that's just there for display purposes only.

BLUMENSTEIN Well, we designed a building on Lot 7 as well. We put that in as a kind of a future building because this is the one that we're most focused on. The building would be a similar industrial building or distribution type of facility, as we've done elsewhere. The trucks are similarly designed so that they would not exit the property and go over the right of way line. But yeah, we would potentially only build on Lots 8, 9, and 10. There are some underground electric lines. And we just need to finish our examination of that issue to make sure that that would work with a combined parking lot, but there's no question that True World wants this building. And that's the one that we're focused on. But yeah, the other one would just be a standard building, like any other one on that street, or in any of the industrial areas. Specification on that street is the fronts are split-based block, or decorative block. There's kind of a standard, if anyone's driven down the street, it's kind of...

COPPOLA How many people will be working per shift at the facility?

HOWARD Currently, we have 30 employees, but it will be expanded to this facility, probably 40. So, parking wise, we probably need 50 spaces overall, because we have like 10 delivery vehicles, as well. So, you know, if every employee more or less drives a car...

COPPOLA Where would you park the building vehicles? I mean, it's basically one shift.

HOWARD Yeah, it's one shift; we start at 5 a.m., production. We do our production until 8 or 9, load the trucks, drivers are out. And then we

do our thing with cleaning and all the stuff that we have to do for prep for the next day. So we call it one shift, but the building is sitting idle from 3 p.m. until the next morning at 5 a.m.

COPPOLA How many trucks would be coming on this site?

HOWARD Well, we have the vans. There's 10. We have about 10 vans now, so it might expand slightly, but not in any major way.

COPPOLA So where would you park those?

HOWARD Just in the current parking spots? You know, it's like a Ford transit or a cargo van. So it's not any different than a passenger car really.

COPPOLA How many spots are in the shared parking area?

HOWARD There are 117 spots allotted for this entire area. Seventy-seven of those are designated for this 40,000 square foot collection of building.

COPPOLA So the shared parking, how many parking spots are in there? In the shared parking, in the same Lot 8.

HOWARD 80.

COPPOLA So 50 workers and 10 trucks... you got enough, but it's going to be a little tight.

BLUMENSTEIN Does that not include the spaces on the side...

HOWARD Well, additionally, but besides that shared parking, there's this parking up alongside that's marked as Lot 10, which all calculates within the ordinance for either a warehouse building or for a distribution building.

COPPOLA Questions for the petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yeah, question regarding the truck wells. Are those truck wells -- both of them -- intended to handle like a full size semi tractor trailer?

HOWARD Yes.

BARINGHAUS Okay. I know the cul-de-sac is large, but is that sufficient space to turn a semi around and back into that building?

BLUMENSTEIN I think this cul-de-sac is bigger than the one on Belden. And on Belden, they have to sometimes pull into truck wells without even being in the cul-de-sac. But in terms of the area of this, I think this is a dream. Because we have a tenant at the end of Belden who does last-leg distribution, and we had to make some modifications because not every driver knows how to... I mean, and we have a really big truck... it's a similarly sized truck well, frankly, and it's adequate, but not for every driver. And honestly trucks have gotten a little bit longer. It's one of the things we looked at, because we knew we would be asked how far the trucks are going to stick out. So I think each cul-de-sac is a very ideal situation. And I think the truck wells are sized for the kind of size truck that's on the road today.

BARINGHAUS Okay, are there any fence areas or secured areas on the property that are planned? Six-foot fences?

HOWARD We don't have any plans for fencing.

BARINGHAUS Okay, very good. Thank you.

HOWARD I just want to add: the cul-de-sac, we love it. From our point of view, you know. We're on Belden now. And the cul-de-sac actually works great because the drivers come... I say you can go to the end, turn your rig around, and they come in the way that a driver wants to come in. So it's kind of the same scenario when we saw the space. We thought, "Oh, this could work well."

BARINGHAUS One more follow-up question. You stated your hours of operation earlier? Will there be deliveries coming in at night to this facility? Or you have a definite start time and definite stop?

BLUMENSTEIN Yeah, we don't take anything at night. We say, with exception of course, that we need the product delivered. But generally, we close our receiving by 2 p.m. So it's an early morning deal.

BARINGHAUS What type of lighting is planned on the property?

BLUMENSTEIN You're talking about exterior lighting?

BARINGHAUS Exterior lighting, parking lot lighting, things like that.

BLUMENSTEIN I mean, honestly, I don't know what the ordinance says, but we always put wall paths on the perimeter of the building for security. Given that this is a commercial area, there's less issue in terms of lights disturbing neighbors; we have the railroad on one side, we have Belden on the other side, and we're within the cul-de-sac. But personally, I think light is really important in terms of security and

just usability. It's dark in Michigan a lot. So, if we needed to put some pedestals in the parking lot, we would. It just depends on how far we can cover.

BARINGHAUS Well, my main concern was neighbors' reaction to the lighting being introduced to the area.

BLUMENSTEIN Building on Lot 7, if we build it, there's forest back there. So there really wouldn't be an issue. But I think maybe if there was an issue, that's also an area that's not really that accessed, or you would have to use one of those... they're making a lot more of these low-light types of lights that are more where you can see the stars. So on that, we'd have to just be sensitive to providing enough light for security without creating a nuisance.

BARINGHAUS Okay, very good. Thank you.

COPPOLA What's your timeline for developments? Give me kind of the process, from finish your [due] diligence, go and get your lots combined, and then start construction.

BLUMENSTEIN Well, honestly, the issue that I referenced with the power lines, if it had not been for that, I probably would have gone ahead with the plans, even though we hadn't closed yet. However, right now, we're just doing engineering around making sure that we can make this work, that the grades will work, and that there's not going to be any issues. We also had some extended environmental due diligence as a result of the Ford spill, which I'm happy to report came back well, because that was a big issue for us on Belden at the time. Usually, we get engineering in a couple of weeks. The architect says two weeks, but it's probably a month. And we would probably do the lot combination, I think we'd probably do it when we submitted... maybe they'd want to see a site plan. I'm not sure. Or we just go into the assessor and deal with that. I was hoping to have footings in the ground this fall, which will not be happening. If we can make all the economics work. It's a very challenging time right now to make stuff work because of the cost of things; it's as high as it's ever been in my lifetime, which I guess is true for everybody in every lifetime, but right now it's particularly very bad. But I would imagine I'd be trying to get foundations in the spring or at latest early summer. I mean, probably hopefully occupying by the end of the year, next year. But I'm planning on closing on this land, regardless of if we can make it work, even if it's going to take a little longer for all the economic pieces together because there's not a lot of land in Livonia. We've been building Livonia since the 70s; I really like operating in Livonia. And if I can make it work, this is really the last piece for a reason. The lots are small. The guy who developed it wasn't really cognizant of all the challenges, but it's a

very clean street in a very good location. So, hopefully it wouldn't be more than another 12 to 18 months.

COPPOLA Okay. Questions? Seeing none, I'm thinking there's probably no one who wants to speak for or against. Do we have any correspondence?

KLISZ No.

COPPOLA I didn't think. So anything you'd like to say to closing?

BLUMENSTEIN Just that I think this would be an asset for the city. I think keeping it approved would be a really good thing. And I regret that we needed to seek a variance because we always tried to work within it. But given the geometry of this lot, and the shallowness and size of the cul-de-sac radius and what have you. And then add that it's really odd that we actually really didn't... I mean, technically, we're 60 feet from the center line. But I know it doesn't work that way in a cul-de-sac. I feel like, as far as for the petitioner, I feel like it's reasonable. And hopefully I convinced you that we have a practical difficulty.

COPPOLA All right, thank you. I'm going to close the public portion of the case and start the Board's comments with Mr. Testa.

TESTA Thank you, Mr. Chair. This is a unique size lot and location of the setback in the corner of the cul-de-sac. So based on what you're trying to do here, I understand why you're coming in for a variance, and I understand the hardship. I kind of feel that what you're trying to build here is maybe not the best location. But you believe it is. And I think because of the uniqueness, and it doesn't really impact neighbors too much. And since there's been nothing against it from neighbors, I can support it.

PTASHNIK I think this is a unique property with the cul-de-sac. And I actually went by, and I thought it was kind of a cool piece of land when I saw it. So, I'll be in support.

KLISZ I agree. I think originally before hearing everything, it was daunting, like, why are we hearing all these problems with this and that and the other. But in the end, they're all fairly minor. And then when you get right down to it and you look at the drawing, you see just a little bit of area. And this is an industrial area, and they know it, and I'm very impressed with the petitioners and their client regarding what will work here. It's like, "Oh, can we put the truck well somewhere different?" They've looked at it, they've figured it out. It's in the right place. Are we convinced that it is the right thing? And is this a unique hardship to this particular piece of land? Yes. And so based on all that, I will be in support.

COPPOLA

Thank you. Vice Chair Baringhaus.

BARINGHAUS

I think, with the cul-de-sac, you're basically trying to put a square building into a curved piece of property and I agree with your observation that all the buildings in that area were sort of designed for one-size-fits-all operations, which isn't the case. And from my personal experience of working for Kroger's and unloading more than my fair share of grocery trucks on site. You don't want to do that. Definitely inside is the way to go. So based on that, I'll approve the variance.

BOLOVEN

I agree with my colleagues. I think they said it best. I think you're trying to make this work. I kind of agree with Mr. Testa that this doesn't seem like the right spot, but if you think it's the right spot, great and as long as you meet all the other requirements, especially the lot, I'd be in support.

COPPOLA

Thank you. I can too be in support. I can say that if the original developer of this property came in and asked for this variance, I'd tell him "No way." This is self-inflicted, and you created this issue. But now here we are struggling with it, and I think what's being proposed makes the best out of probably not a very good layout and situation. There's a lot of things we're approving here. And generally, we don't like to approve a lot of things, but I think it makes sense here. It's the end of the cul-de-sac. No one is really impacted. And you get to live with what you build. So I can support that. I think there needs to be quite a few conditions to this when we do a motion, we can go through them. So I'll open up the floor for a motion.

BARINGHAUS

Mr. Chairman.

COPPOLA

Vice Chair Baringhaus.

BARINGHAUS

Okay. Resolve that the variance sought in appeal case number 2023-09-25 filed by Dover Development on behalf of Ron Emling be approved for the following reasons and findings of fact. The uniqueness requirement is met due to the curved shape of the property, the cul-de-sac in the area. Denial of the variance would have severe consequences for the petitioner due to restricted access to the building by trucks. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance due to generally no neighbor objections to the proposed project. The property itself is classified as M-1, Manufacturing District under the Master Plan and the proposed variance is not inconsistent with that classification. Further that the variances be granted with the following conditions. I'll take a shot at this and then we'll go from there. Basically, one that Lots 8, 9, and 10 need to be combined into one parcel, and that cross-parking access between

Lot 7 and Lots 8 through 10 be designated as all as well. And then additionally, that the variance for the front yard setback be approved.

BOLOVEN Support.

COPPOLA I have a motion by Vice Chair Baringhaus, supported by Mr. Boloven. Discussion?

BOLOVEN Would we add, "Build as presented."

BARINGHAUS Yes, we can do that.

BOLOVEN I support that addition.

COPPOLA Two other things. I would also suggest that there be a minimum as Mr. Fisher stated [of] 72 dedicated spaces. And number three, that the variance is good for one year. In other words, they'll have to pull the permit within a year.

BOLOVEN I support those conditions.

COPPOLA So let me read them off real quick here before we take a vote. The conditions are "Build as presented," and they need to combine Lots 8, 9, and 10. That there's a cross parking access agreement between Lots 7 and Lots 8, 9, and 10. So in other words, between Lots 7 and 8, 9 and 10. That there'll be a minimum of 72 dedicated spaces for Lots 8, 9, and 10. And that the variance is good for one year.

BARINGHAUS I support.

BOLOVEN Support.

On a motion by Vice Chair Baringhaus, supported by Mr. Boloven, it was: granted.

RESOLVED: APPEAL CASE NO. 2023-09-25, Ron Emling, 34430, 34434 and 34437

Rosati: seeking to erect an industrial building on industrial properties resulting in deficient front yard setback, deficient landscaping for parking areas over 40 spaces. Also, the truck loading/unloading docs are located in the front yard setback, which is not allowed. Lots 8, 9 and 10 need to be combined into one parcel. A cross parking/access agreement is required between lot 7 and lots 8-10.

These Tech and Manufacturing properties are located on the north side of Rosati (34430, 34434 and 34437), between Stark Rd and West End, Lot. Nos. 111-03-0010-000, 111-03-0009-000 and 111-03-0008-000, M-1, Manufacturing District, rejected by the Inspection Department under Livonia Zoning Ordinance, Sections 4.03 (n) ii,

Schedule of Regulations, 7.08, Lot Limitation, 9.08 (4), Off-Street Loading Space, 10.03 (2) B (i-vii) and 10.03 (3) and Landscaping Design Requirements, **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met due to the curved shape of the property, the cul-de-sac in the area.
2. Denial of the variance would have severe consequences for the petitioner, as it would restrict access to the building by trucks.
3. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance due to no neighbor objections to the proposed project.
4. The property itself is classified as Tech and Manufacturing under the Master Plan and the proposed variance is not inconsistent with that classification.

Further that the variances be granted with the following conditions:

1. Lots 8, 9 and 10 must be combined into one parcel.
2. A cross-parking access agreement is required between Lot 7 and Lots 8, 9, and 10.
3. Build as presented.
4. Must pull permit within one year.

KLISZ Okay. Mr. Testa.

TESTA Aye.

KLISZ Ms. Ptashnik.

PTASHNIK Aye.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye. Vice Chair Baringhaus.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Aye.

TESTA Passes 6 to 0.

COPPOLA So your variance passed. Do you understand the conditions?

BLUMENSTEIN I do.

COPPOLA Any questions?

BLUMENSTEIN No, I think they're reasonable. And if we run into some sort of problem or delay, then we'll have to come back. At least we have the ability to go forward.

COPPOLA Exactly. And you're staying in Livonia.

BLUMENSTEIN Yeah, and I understand there's definitely challenges to the location. And I wish that there were more locations in Livonia. When we first got it, it was miles from the airport and also from the distribution.

HOWARD The joke is that in the flyer for this property, you can see their current building, they like the spot, it's nice. I've been looking for two years, three or more for existing places and everything else and there isn't anything.

COPPOLA Well, I think it worked out well for you. A place you can design for your customers.

BLUMENSTEIN Yeah, yeah. Thank you for the approval.

ROLL CALL VOTE

AYES: 6

NAYS: 0

ABSENT: 1

PASS/FAIL/TABLED: PASS

ADMINISTRATIVE TASKS

COPPOLA Thank you. We have minutes to approve. The last meeting or September 26 meeting. There are minutes to vote on. Motion to approve.

PTASHNIK Support.

COPPOLA I have a motion by Vice Chair Baringhaus, supported by Ms. Ptashnik to approve the minutes of September 26, 2023. All in favor?

BOARD Aye.

COPPOLA Any opposed? Seeing none, that motion is passed. Do we have any administrative? Anything else that needs to be covered?

FISHER I think we're done.

COPPOLA So I just need a motion.

PTASHNIK Mr. Chair.

COPPOLA Ms. Ptashnik.

PTASHNIK Motion to adjourn.

KLISZ Support.

COPPOLA Motion by Ms. Ptashnik, supported by Secretary Klisz to adjourn. All in favor?

BOARD Aye.

COPPOLA We are adjourned at 9:21 p.m.