

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, NOVEMBER 14, 2023

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, November 14, 2023.

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

MEMBERS ABSENT: Timothy Klisz, Secretary
Tamara Oliverio

OTHERS PRESENT: Leo Neville, Assistant City Attorney
Harry Ramsden, Inspector

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

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APPEAL CASE NO. 2023-09-22, Stephen Ray, 31040 Six Mile (Tabled on October 10, 2023): 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 Mr. Ramsden, anything you'd like to add?

RAMSDEN I visited this site last week with the owner and reviewed the accessory structures. One of them is the attached garage to this dwelling. And it has been converted to habitable space and is not a garage. The overhead door's been bricked in; that's 400 square feet, 20 by 20 attached garage. So just to consider that. When looking at 1384 square feet deficient, there were no permits. That's why this didn't pop up. It was done without permits. Who knows when. And so therefore, you're still 1000 square feet deficient instead of 1400.

COPPOLA So you're saying that the excess included the converted garage?

RAMSDEN Yes.

COPPOLA Which was again about how much?

RAMSDEN 400 square feet.

COPPOLA We now fall just slight below 1000.

RAMSDEN Yes.

COPPOLA Gotcha. Anything else?

RAMSDEN Nope.

COPPOLA Questions for Mr. Ramsden. Mr. Testa.

TESTA So that means also the excess number of buildings should reduce by one?

RAMSDEN That's correct.

TESTA So, it will be two instead of three?

RAMSDEN That's correct.

BARINGHAUS Mr. Chairman.

COPPOLA Yes, Vice Chair Baringhaus.

BARINGHAUS Question for the Law Department or the Inspection Department. What is the difference between a non-conforming use versus a waiver? I saw both terms used interchangeably.

NEVILLE Typically a non-conforming use is one that may or may not comply with current zoning ordinance, it was in effect before and had been grandfathered in and permitted and allowed to remain in existence until such time as immediate change to construction.

COPPOLA Thank you. Anything else? Alright. If the petitioner could give a name and address for the record first.

RAY Stephen Ray. 31041 Six Mile Road.

COPPOLA Mr. Ray, welcome back. So why don't you tell us about what changes you made to your petition.

RAY Sure. So as you'll recall from the last meeting, I purchased the Cape May Kennel on Six Mile back in July. The nearly three-acre property is zoned Rural-Urban Farm. The property has been a kennel since early 1950s. And according to many of my neighbors who have been there a long time, all the properties on the south side of Six Mile were once active farms. My intention is to resume the kennel business. And per your suggestion, I had the kennel inspected and was granted a license. So I'll pass that around, as well as restore and operate the farm on the back 40,000 square feet, to grow my own food for my family, and to share native plants and seeds and education for community projects. The property currently has four outbuildings totaling 1588 square feet, so a little bit... our numbers are different. I am asking for permission from the ZBA to erect a fifth accessory building to house equipment and supplies to operate the farm. My home does not have a basement. So I would also utilize some of the space for items you might normally keep in your basement. I considered your feedback from the last meeting on

reducing the size and perhaps adding a second story. I was able to reduce the footprint by 20% to 30 by 40 by adding a foot and a half of height to accommodate a partial storage loft area. And the height is still within code. So again, thank you for your consideration. And I will pass this around.

COPPOLA Questions for the petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Mr. Ray, earlier you indicated you want this to be a working farm. What do you intend to produce?

RAY Well, I'm going to grow crops -- squash and cucumbers and strawberries and things you might normally buy at the market. I want to grow my own food and make sure I know what's going into it. And then I'm also an advocate for native plants and wildflowers. So I plan to propagate those and participate in some community projects with my knowledge and providing some product there too as well.

BARINGHAUS Are you wanting these crops to be sold?

RAY That's not my intention. If that would happen, it would probably be a break-even situation. I don't think I'll get much yield out of it. But we'll see. But that's not my intention. My intention is to use it for my own personal use.

BARINGHAUS Thank you.

TESTA Mr. Ray, when do you intend to open, reopen the kennel, so to speak?

RAY It probably wouldn't be till spring. I'm still moving in at this point. And with the winter coming and if this project gets kicked off.

TESTA And last time I questioned the use of the existing buildings. Now that you have the kennel license, you plan on using all those other structures for their intended use and you won't need them for kennel purposes, and they wouldn't be used for storage, so to speak, that you'd be using your new garage?

RAY That's correct.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Have you discussed your proposed project with your neighbors?

RAY I have. Yeah. And I believe last meeting there was at least a half a dozen positive responses. And everyone that I talked to seems to be supportive of it.

BARINGHAUS Thank you.

COPPOLA So why don't you just refresh us on materials for the structure. It's going to be comparative to what you provided earlier. And I apologize, I was unable to access the record for any changes that you may have made.

RAY I do have a copy of what I resubmitted if you'd like to.

RAMSDEN I just forwarded it.

RAY Okay. So the basic shape and structure is the same. The materials would be the same. It's just I reduced the length of it from 50 foot down to a 40 foot, so it's still 30 feet wide, still having a porch, a pole frame construction with metal siding, fake dormers on the top.

COPPOLA Metal siding?

RAY That's the intention.

COPPOLA It's going to be corrugated metal siding?

RAY Yeah.

COPPOLA And what color?

RAY It's a dark, almost a black, like a black-gray, brown-gray. Very modern country look. And as the other buildings need paint, I would start to repaint those.

COPPOLA And what utilities will be running out of that?

RAY Electrical and gas. I do plan to have some heat in there, so things don't freeze.

COPPOLA No water?

RAY No water.

COPPOLA And the upstairs is not going to be converted to a living space? It's just storage?

RAY No, it's just storage. It's a loft, kind of a loft storage area.

COPPOLA Any other questions for the Petitioner?

PTASHNIK Mr. Chairman.

COPPOLA Ms. Ptashnik.

PTASHNIK I'm just looking... I was having trouble accessing the new plans. So you're shrinking the footprint by about 20%, but the basic location is still the same as on the original plan?

RAY That's right.

COPPOLA Any other questions for the petitioner? Small audience today. Is there anybody in the audience who would like to speak for or against this petition? Doesn't look like it. Do we have any correspondence?

BARINGHAUS We have one letter, Mr. Chairman. Letter of approval from Anthony Morelli, 30969 Six Mile: "I fully support Mr. Ray's project to erect an additional outbuilding. My own home is two houses east of his. The size and the number of buildings is not a concern. He has plenty of property for it. One of the longest residing residents along Six Mile, I am happy to see Mr. Ray's positive energy. He is a welcome addition to the neighborhood."

COPPOLA Alright, thank you. Anything you'd like to say in closing?

RAY No, I think that covers it.

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

TESTA Thank you, Mr. Chairman. So last time, I did have some reservations on this, mainly because of the open question about the kennel license and whether or not you would be able to operate a kennel. Also, there was some confusion regarding the garage that had been converted into a living space. That has since been clarified on both those points. So I am happy to proceed forward and I will vote yes for this. I like your idea of what you plan to use this space for -- native plants for community education, a seed library and some local elementary schools have programs too for the kids. So, thank you very much for what you're trying to do. Appreciate it. Thank you.

PTASHNIK Thank you, Mr. Chair. I also appreciate the foresight and responsibility of approaching your neighbors like you did and didn't just blindsides them with putting up a large building. I also agree you

have a very large property. I'm not usually one to want to put extra buildings on it. But you took the Board's suggestions by reducing the footprint by 20%. I appreciate that as well. I do like what you're going to do. I think it will be positive for the community. So I will be on board with this as well.

BOLOVEN I agree with my colleagues. You checked all the boxes here and listened to the Board and the feedback from last time. You reduced the size. You got the permit that you needed to get. Everything that basically we provided for such a unique property – one, it's a very large property obviously, and the fact of the hardship of not having a basement. We've granted bigger variances for smaller properties. So I'd be in support as presented this evening.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yes, thank you. I agree with my colleagues. Basically, you took our suggestions to heart at the October 10th meeting. You aligned your plan, especially to our suggestions as well. I do like the fact that you did reach out to neighbors and then also while part of this project will be supporting you, you're also using it as outreach to the community as well. So based on that, I'll support the variance. Thank you.

COPPOLA So Mr. Ray, I appreciate you taking into consideration the comments the Board had, and I apologize for the technical stuff here, that we weren't able to view all the changes beforehand. It's a large property and it's a unique property and its history is unique. I think what you're trying to do to accomplish with this, and I assume it's kind of a missed asset I think for the community. It's going to be interesting. I think it's been a kennel for a while. I don't know the last time there's been horses out there. But this would be somewhat unique. The amount of the excess, while it's not as a percentage a lot, it's still almost 1,000 square feet. You're already a couple of buildings, a building over and this will put you two buildings over, but I think you got the support of the rest of the Board. So I think you're in pretty good shape. So I'll go ahead and open up the floor for a motion.

BARINGHAUS Mr. Chairman.

TESTA Support.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Resolved that the variance sought in appeal case number 2023-09-22 filed by Steven Ray be approved for the following reasons and findings of fact. The uniqueness requirement is met due to size of property as well as the history of the property as well. Denial of the

variance would have severe consequences for the petitioner due to restricted operations and storage within the property itself. The variance is fair in light of its effects on neighboring properties and in the spirit of the zoning ordinances due to overwhelming neighbor approval of the project. The property itself is classified as R-U-F, Rural Urban Farm District under the Master Plan and the proposed variance is not inconsistent with that classification. Further that the variance be granted with the following conditions: that the project outlined this evening be built as presented.

BARINGHAUS I've got a motion by Vice Chair Baringhaus and supported by Mr. Testa. Any discussion? We'll condition it just as build as presented in both construction and location. Go ahead and take a vote.

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 granted** for the following reasons and findings of fact:

1. The uniqueness requirement is met due to the size and history of the property.
2. Denial of the variance would have severe consequences for the petitioner due to restricting operations and storage on the property.
3. The variance is fair in light of its effects on neighboring properties and in the spirit of the Zoning Ordinance due to overwhelming neighbor approval of the project.
4. The property itself is classified as R-U-F, Rural Urban Farm District under the Master Plan and the proposed variance is not inconsistent with that classification.

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

1. The project outlined during the November 14, 2023 must be built as presented with regard to its size (30' x 40') and location.

BARINGHAUS Ms. Ptashnik.

PTASHNIK Aye.

BARINGHAUS Mr. Testa.

BARINGHAUS Mr. Boloven.

TESTA Aye.

BOLOVEN Aye.

BARINGHAUS Vice Chair Baringhaus votes aye. Chairman Coppola.

COPPOLA Aye.

BARINGHAUS All right. Motion passes 5-0.

COPPOLA So you got your five votes, the votes you needed to get passed. So your petition as presented has been approved. The only condition is that you build it as presented, and that's as to the construction and location.

RAY Very good. Thank you very much.

COPPOLA We're looking forward to seeing it. Alright, you can call the next case please.

ROLL CALL VOTE

AYES: 5

NAYS: 0

ABSENT: 2

PASS/FAIL/TABLED: PASS, 5-0

APPEAL CASE NO. 2023-09-26, Ali and Summer Koussan, 16611 Laurel Park

Drive: seeking to erect a six-foot-tall privacy fence upon a corner lot, resulting in the fence not aligning with the existing fence on the west adjacent property. Also, this adjacent property owner has not signed a fence authorization form, which is required.

This Low-Density property is located on the west side of Laurel Park (16611), between Mallory and Bloomfield, Lot. No. 069-02-0053-000, N-2, Neighborhood District, rejected by the Inspection Department under Livonia Code of Ordinances, Sections 15.44.090 (A), 4bi, (B) and 15.44.060 (A) 4, Fences, Residential district regulations.

Rear Yard Setback:

Required: 45 ft.

Proposed: 33.5 feet

Excess 11.5 ft.

COPPOLA	Alright, thank you. Mr. Ramsden, anything you'd like to add?
RAMSDEN	Yes, upon visiting this site, it is clear that there's an inground swimming pool that was permitted and installed back in 1987. I just asked that if this fence is granted that it comply with swimming pool codes as well. The entire perimeter, safety barrier, which is that fence due to it being inground.
COPPOLA	Okay. Appreciate that. Was there an existing fence around that pool?
RAMSDEN	There was.
COPPOLA	Did they comply at the time?
RAMSDEN	I'm not certain of that. I did not inspect it.
COPPOLA	Okay. Appreciate that. Any questions for Mr. Ramsden? Just for clarity now. In the case of this particular fence, two things. If the neighbor's fence was on the property line like they're proposing and they had the neighbor's approval, would they need a variance? So the only thing primarily is number one, because the neighbor built theirs closer to the house, and because they haven't got neighbor approval.
RAMSDEN	That's correct.
COPPOLA	Okay. Any other questions?
BARINGHAUS	Mr. Chairman.
COPPOLA	Yes.

BARINGHAUS Question for Mr. Neville. We received an email at 4:14pm this afternoon from another neighbor. Should that be read in as part of the letters as well?

NEVILLE No, because I think that...

COPPOLA She didn't want to make it public...

NEVILLE She requested anonymity, said it couldn't be part of the record.

BARINGHAUS Okay. Great, thank you. Okay.

COPPOLA Alright. Name and address if you would, please.

KOUSSAN First name is Ali. Last name is Koussan. My address is 16611 Laurel Park Drive South. Livonia, Michigan 48154. Good evening, everyone.

COPPOLA Just make sure you speak a little louder, so we can make sure we catch you.

KOUSSAN Sorry, good evening.

COPPOLA Why don't you tell me about your petition and the variance you're seeking.

KOUSSAN Me and my wife moved in, bought this house about two years ago. We're at a corner lot. So there was a black fence that was probably about, I want to say four feet tall. And that was covering half of the backyard from the side. And then the other half was about a three-foot deck railing that was covering the backyard. So anyone can literally just jump right over, get in there. And my purpose to do a privacy fence was one, privacy. I just had my daughter four months ago. And unfortunately, we do live in a sick world these days. So I would appreciate my privacy for me, my wife, and my daughter. Second, I want to block it off to where no animals or no one is able to get into the backyard, except obviously through the gate. And we wanted to petition to put the fence a little bit lower to where the side of the house is, just because if we put at the top of the hill where the original fence was, it would be aesthetically disgusting to look at. So we had a part of the side of the house where it's completely leveled, where we did want to install the fence to make it look aesthetically appealing. We had three trees, huge pine trees, two of them that got destroyed during the last storm that we had. So our backyard is very, very easy to walk into, unfortunately right now. But that is it. I mainly do want to do it for privacy and safety of our neighborhood.

COPPOLA So I drove by today, and I noticed that there's a berm that's between the sidewalk and your backyard. It's probably three or four feet high. What are your plans for that berm?

KOUSSAN So we wanted to level it out. Because that area all needs to be cleaned up. And we have a tree stump company... we had two tree companies come out. Unfortunately, they couldn't get past the boulders. I just found another company last week, they're going to be coming out next week, God willing, to remove the boulders, remove the tree stumps, so we can level that area out. It's still going to be at a high point, but it's going to be cleaned up.

COPPOLA So what about the trees that didn't come down with the berm? Are you taking those trees out too to level...?

KOUSSAN No, no, I want to keep the trees.

COPPOLA So then where exactly are you putting the fence? In front of them?

KOUSSAN No, so if this is the house... the hill is right here, the trees are right there, the fence would be right, on the right-hand side of it.

COPPOLA So more towards your yard than the sidewalk?

KOUSSAN More towards the sidewalk, if possible.

COPPOLA But the berm pretty much goes to the sidewalk, doesn't it?

KOUSSAN So that part is going to be removed.

COPPOLA All the way down?

KOUSSAN Well, there's a clear path that's about three and a half feet wide of clear path from the side of our house to where our driveway is, all the way to the back where a fence fits perfectly.

COPPOLA I think what I'm trying to understand is because again, you're asking for a six-foot fence. And right now the berm is four feet. So you get three feet. Let's say it's three feet. I didn't measure it. So it's all visual, then you put a fence on top of the berm and you have a nine-foot fence. Or you put a fence on top of a two feet, or three feet of the berm and then you have an eight-foot fence. I'm just trying to understand.

KOUSSAN Correct. So if we had put the fence on the inside near our house closer, it would sit at that four feet top, but if you go to like more towards the sidewalk, it's about a foot and a half off the ground. Probably about a foot roughly. We want to put the fence right there

on the low point just because we don't want that fence to be too high.

COPPOLA So it'd still be like a seven, seven-and-a-half-foot fence?

KOUSSAN Well, I can change it to a five-foot fence.

COPPOLA Mr. Ramsden, when you put a fence on a corner lot along the property line this has to be how many feet within the parking line?

RAMSDEN One foot from the right of way sidewalk.

COPPOLA So only one foot has to be there. Otherwise it's not approvable. So be aware of that.

KOUSSAN Correct. Yeah. And the boulders take off about a foot and a half off of that. So I can't even put it on top of the boulders. So it's going to... yeah. I'd try moving it, but it's pretty heavy.

COPPOLA Why don't you tell me about the level of communication you have with your neighbor behind you and why you believe we should approve the objection of the neighbor. And I would say the objection in the sense that the lack of providing the approval was kind of an objection.

KOUSSAN So she didn't object. My wife went to her house today. She had surgery and we couldn't really communicate with her, and I've been in and out of town with my business in Traverse City. So I couldn't get her approval letter from her. She's okay with it. Lisa is really good friends with us. I also did get an approval letter from my next-door neighbor, Doug. An approval letter from my neighbor on the right-hand side that's across the street that would view it from the side, and the neighbor right next to him as well. And I can also get approval letter from Lisa, which is the lady that lives right behind us as well.

COPPOLA But besides the sidewalk side, or the roadside, you're only putting a small portion based in the backyard neighbor.

KOUSSAN Correct.

COPPOLA You're retaining the wrought iron fence between yours and the neighbor's yard behind you?

KOUSSAN Yeah, so we're connecting our fence to that wrought iron fence. And then next year, God willing, we have a plan to completely remove the wrought iron fence from around the whole house and cover that up to where it matches and everything looks aesthetically nice.

COPPOLA Any questions for the petitioner?

BARINGHAUS I have a question for the building department. Shouldn't the proposed privacy fence match the existing fence?

RAMSDEN Yes, it is in there that it should match in adjoining materials.

BARINGHAUS And at this point what's been proposed by Mr. Koussan, what is not matching?

RAMSDEN It's considerably different.

BARINGHAUS And not according to ordinance?

RAMSDEN Correct.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN I guess it's my confusion. I look at the property -- you got that wrought iron fence going along the west line -- I guess it's Mallory - - going up Mallory. The fence you're putting in, are you doing another fence in addition to that wrought iron fence that's staying there?

KOUSSAN So there's a wrought iron fence from our... so if I'm facing the front of the house, there's a wrought iron fence coming from the back on the left going all the way to the back of the house and then it cuts out...

BOLOVEN So from your deck... so I'm looking at a picture, you got a deck...

KOUSSAN No, that's gone.

BOLOVEN What's gone?

KOUSSAN The deck. That's gone.

BOLOVEN But you got the fence right there.

KOUSSAN No, that fence is completely gone. So everything you see off the side of Mallory is nothing there.

BOLOVEN So you have no fence on Mallory, right?

KOUSSAN None. Right now I only have a temporary construction.

BOLOVEN So the wrought iron fence is only to the back neighbor.

KOUSSAN Correct, yes. And that's not covering the whole deck; it's only partial. It's about 60% really.

BOLOVEN Mr. Ramsden, the issue we have here... one is the lack of neighbor approval and then the second would be that this privacy fence is coming into a wrought iron in the back and not replacing that full wrought iron. That's the two issues?

RAMSDEN And also the alignment with the existing fence, that neighbor on the west side. The location. A side yard setback.

BOLOVEN Understood. Thank you, Mr. Chair.

TESTA Mr. Koussan, was there a fence on the south side of the lot at one point?

KOUSSAN It was about... I want to say about 10 feet and it was a small four-foot metal fence.

TESTA Okay, so it protected a lot from people coming in to get to the pool?

KOUSSAN It protected about 40% of the side. Yes, sir.

TESTA What happened to it?

KOUSSAN We took that out.

TESTA Okay, how are you securing the pool at this point?

KOUSSAN Right now we have a construction fence all around from the right-hand side of our house connecting to the back of the gate.

TESTA And you want to basically move that fence line from where it was further to the south so that you have more usable space in your backyard. Is that what I read in your petition?

KOUSSAN Well, more square footage in our backyard is one intention. The other would be to lower the height of the fence because we don't want it too high.

TESTA Okay. So I think you'd have some roadblocks here to discuss. Why not plant more trees for privacy and then just put a smaller fence around your pool area to protect your pool?

KOUSSAN We did a couple designs with our construction people. And aesthetically the private fencing would look a lot nicer. And it will give us more seclusion in our backyard. Because we've lived in that house for about two years now. My wife has not gone in the

backyard and swam once just because it's not as private. Even with the trees that were originally up last year and earlier this year, you are still able to see in my backyard.

TESTA Yeah, I noticed the trees were gone. I assume the storm took them out. But from Google maps from like, two years ago, it was pretty well screened from Mallory. Where would the concern be?

KOUSSAN So if you're walking or driving by you would still be able to see into our backyard fully. Because we had pine trees. And then the bushes and the pine trees were there by about 10 feet into the pine tree on a 25-foot pine tree.

TESTA Couldn't you just plant more trees or vegetation to fill in those pockets that are empty right now?

KOUSSAN So we have a lot of trees already. We have about 14 arborvitaes in the backyard that are covering from the back and the right-hand side.

TESTA And then without the neighbors' approval?

KOUSSAN Well, we didn't know we needed the neighbors' approval literally until we got the variance in.

TESTA Understood, but you're going to have to match their fence style, which would be wrought iron unless they agree to change it to what you want right now. I don't really see how you have a way forward without their...

KOUSSAN We'll get an approval from them because the back fence where hers is -- the black gate -- is going to be removed. And we want to put a privacy fence all the way down. And that's something we both agreed on. And I spoke to her about a couple times.

TESTA Okay. Thank you, Mr. Chair.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Thank you. Question for the inspection department. How many signed neighbor authorizations do you have for this project?

RAMSDEN I don't believe any were submitted... were they?

KOUSSAN They told me to bring them to the meeting. Here's three of them.

RAMSDEN When were these signed?

KOUSSAN Earlier this week, and today... and I believe it is today.

RAMSDEN Are these the neighbor to the north and the neighbor to the west?

KOUSSAN This is the neighbor to my left, the neighbor to the right, and their next-door neighbor that's facing our side. Because we're on our corner lot.

RAMSDEN So let me rephrase my question. Are these adjoining property owners?

KOUSSAN So, Doug is and then Lisa is literally right behind us who had the surgery, which we couldn't communicate with her right now, unfortunately. And then you have Pat and Mike that are on our right-hand side and then the person that is next to them as well.

TESTA So there's not a letter from Lisa, right?

KOUSSAN No, not yet.

COPPOLA So you're saying that you didn't know you needed these?

KOUSSAN Well, I didn't know I needed them. I didn't know they had to be turned in before this meeting. The inspector told me to bring those with me to the meeting.

COPPOLA When you went in for your permit and they told you needed a variance, did they also tell you that you needed to these authorizations in?

KOUSSAN Yeah, they told me you got to get authorization and should have those signed by your neighbors and bring them to the variance meeting.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Mr. Ramsden, if that fence would just go along Mallory and then stop at the corner and not turn to go into the wrought-iron fence, is that acceptable? If he had neighbor approval?

RAMSDEN No, it can't be in a side yard on a corner lot. It has to align with the corner of the home under our ordinance.

BOLOVEN Right. So right now, I guess the issue is that it's not aligning with the existing fence. So that comes up the...

RAMSDEN The south line, yep.

BOLOVEN If it comes up the south line and just stops there instead of turning right, would that be acceptable?

RAMSDEN Aligning with the neighbor to the west-side existing fence?

BOLOVEN So you have basically the wrought iron right here, and then you have the privacy fence here?

RAMSDEN The location, yes.

BOLOVEN So that's okay other than the fact that we haven't seen neighbor support on that.

RAMSDEN Correct.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Mr. Koussan, just so I'm clear... your neighbor at 37883 Mallory is across the street from you?

KOUSSAN They're facing like... we're right here...

BARINGHAUS They're on the other side of Mallory from you?

KOUSSAN Yes, right across from us. Yes, sir.

BARINGHAUS Okay. Same with 37851... again, same scenario.

KOUSSAN Correct. Yeah, I wanted to get their authorization because I want to make sure that they're okay with looking at the fence.

BARINGHAUS And then your one neighbor at 16643. That's the neighbor adjacent.

KOUSSAN Yes, sir.

BARINGHAUS How many privacy fences are in your neighborhood today?

KOUSSAN Right now, from what I've seen just yesterday and today, two.

BARINGHAUS Because I saw [only] one. And I'll take your word for it too. Given the fact that the majority of your neighborhood does not have privacy fences, have you looked at other alternatives for ensuring privacy within your backyard besides putting up the six-foot privacy fence, which you kind of admitted is out of character for the neighborhood?

KOUSSAN Well, I wouldn't mind lowering it to be five feet, so the height doesn't surpass six feet. The only other thing I was able to think of was lining up arborvitaes along the side of the house. Two issues with that is, it destroys the pool, with all the leaves that come in it. And then another thing -- which I can actually show you a video that happened to my best friend's house. There was a deer that got into his pool and destroyed his cover. Animals will still be able to get through the arborvitaes. It's not going to be secure. Yes, we can get arborvitaes to block the view off from our backyard. But to block animals from coming through that and getting into the pool or God forbid something happens, that's not really going to protect the backyard.

BARINGHAUS Does neighborhood have a homeowner's association?

KOUSSAN It does. Yes, sir.

BARINGHAUS Does it have restrictions on privacy fences?

KOUSSAN I'm not aware.

BARINGHAUS Okay, thank you.

KOUSSAN So this is just kind of the backstory. We've lived in Section 8 apartments our whole life. This is the first time me -- well, my wife has lived in a home before -- but this is my first time actually living in a home. So I'm not familiar with home associations, and most of anything really [about] owning a home. This is still new to me. And I'm still learning as I go. My whole purpose and intention is just to make sure that my family is protected from the view of other people. And we have our privacy and protect it for the neighborhood as well.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Okay, thank you. Yeah, the reason I mentioned if your neighborhood had an existing homeowner's association, because a lot of neighborhoods in that area do and it's pretty typical for homeowner's associations to be very specific on the type of fences that they do allow in those areas, and they're very specific on what they don't allow. And a lot of times it's not... privacy fences are not allowed, but wrought iron, which you have on the property usually is considered acceptable with a lot of homeowner's associations. You have no knowledge of those restrictions.

KOUSSAN I did not. I mean, I've seen two privacy fences in my neighborhood. So I didn't assume that there was a restriction on privacy fences.

BARINGHAUS Okay, thank you.

COPPOLA Other questions for the petitioner. Seeing there's no more questions, does anybody in the audience want to speak for or against? Seeing none, do we have any correspondence?

BARINGHAUS Yes, Mr. Chairman, we have four letters. First letter, a letter of objection, Blake Springer, 16658 Blue Skies Drive: "Construction on a six-foot privacy fence is not consistent with any other properties in the area. The fence would not match fences and would not be aesthetically pleasing to look at."

Letter of objection. Pamela Wheeler, 37898 Munger: "I object to the installation of a six-foot fence. I'm the original owner of my home and built it here almost 40 years ago. I am invested here. Laurel Park is a desirable place to live. It is an inviting neighborhood with mature trees and beautiful landscaping. We specifically chose to build here due to the deed restrictions, specifically no fences. Fences have been required for pools. Most have natural vegetation surrounding them. when privacy is desired. 16611 Laurel Park had that privacy. I am afraid that the value of my home will decline if boxing property with six-foot fences becomes acceptable. I want my neighborhood to remain inviting and not closed up. I respectfully object to this appeal."

Letter of objection, Dennis Long, 38001 Mallory: "I am opposed to the erection of a six-foot high enclosed privacy barrier at 16611 Laurel Park. The existing renovated ground swimming pool area essentially the entire rear yard I suspect previously had a natural shrubby privacy barrier, which was acceptable. The natural privacy barrier could be restored and the desired property privacy maintained. The proposed barrier would be totally inappropriate and would adversely alter the character of our subdivision. Our deed restrictions address fences and auxiliary enclosures. A barrier of this proposed type and dimensions could be expected in rural areas and in auto dismantling and scrap processing operations, not in a residential subdivision. I am opposed to this proposed barrier."

Letter of objection. Alaa Abu-Sayf, 37979 Mallory Drive: "Dear Sir and Madam at Livonia city. Me and my wife, Randa Abu-Sayf, reject request the building of a six-foot tall fence by the neighbor mentioned in this notice, as we are concerned this will change the current welcoming environment we have lived through the last nine years of being in this area." And that's the letters.

COPPOLA Mr. Koussan, anything you'd like to say in closing before we move forward on our vote?

KOUSSAN I really just want protection and security for my family with our own privacy. So whatever terms and whatever installations we can do to get that. If a six-foot fence doesn't work, a five-foot fence, I'm okay with, the four-foot fence, I'm okay with. I just want to make sure that we have our own privacy, just for the sake of my family and my newborn daughter. I just don't feel comfortable and they don't feel comfortable sitting in the backyard with no privacy, really. So I'll do whatever is needed. And I obviously don't want to upset anyone or make anyone feel unwelcome by giving my family privacy. So if there's anything we can do to come to an agreement to where we could have own privacy, and it's still in terms with the ordinance of the City, I am for. That is it.

COPPOLA I'm going to close the public portion of the case and start the Board's comments with Mr. Boloven.

BOLOVEN Thank you, Mr. Chair. Unfortunately, I can't support this as presented this evening. I'd be in support of a tabling. You've got two issues here. One, that backside fence, you can't go from one type of fence to another type of fence. And I think you've heard that you either got to stop on the one side, and then eventually you're going to take out that wrought iron one in the back. But that's the first issue. You can't have two different types of fences. Second one is you need the neighbor approval. And right now you haven't given us neighbor approval for all the adjacent neighbors. You have strong neighbor objection across the street. There's a couple of even more down the street. But right now the only one that I saw in this paperwork that you provided today was 16643 Laurel. You didn't provide the adjacent neighborhood to the back, which is 16626 Blue Skies, I'm guessing or Mallory, depending on where their front door is. So with both those, you kind of get ideas for what you would need to get approved, at least for a side fence. But right now as presented, I couldn't do that, and I'd be in support of a table.

COPPOLA Alright, thank you. Vice Chair Baringhaus.

BARINGHAUS Thank you. Yeah, I agree with Mr. Boloven's comments on the fence. The two fences definitely don't match, which does not comply with the ordinance. Now with adjoining neighbor approval, that's a very basic requirement of this. [There are] general neighbor objections to the whole project in general that we've heard tonight. Several of your neighbors in the letters mentioned the existence of deed restrictions, and quite possibly homeowners' association restrictions. And based on what I saw in the neighborhood I agree with that, because it has that kind of a look. There's a lot of... alternative types of fences are either wrought iron or they're maybe wooden, four foot by four-foot types of fences. And I agree with the neighbors: I think the addition of a privacy fence is going to definitely alter the character of the neighborhood. Right now that

neighborhood is very natural, it's very open. There are some chain-link fences. There are not six-foot privacy fences, predominantly in the area. So based on those conditions., I will not support the variance.

TESTA

Thank you, Mr. Chair, I also cannot support as presented today. I would be in favor of a table motion. Obviously, I know you're new to this, new to homeownership. I want to give you a chance to go back and maybe rework your proposal, talk to your neighbors, especially you need to get the approval from your neighbor right directly behind who has the wrought-iron fence who's mostly impacted by this. I'd also like to see you get approved from your homeowner's association that they would allow this type of fence. I think without those two things, I couldn't be in support of this. I do think you have other options where you could plant something, such as arborvitaes to give you the kind of seclusion, for lack of a better term that you're looking for, or privacy, and then put a smaller fence directly around the pool area to make it secure. I can leave that up to you to decide how you want to rework your proposal.

PTASHNIK

I'm in complete agreement with all my colleagues here. I would suggest a tabling as well to give you the opportunity to talk to the neighbor. As far as trying to keep the deer out, I don't know if you could put a ten-foot fence up to keep the deer out. That's just my own experience with them. We actually have a hot tub in our backyard and we have arbs around it and we don't have any issues with leaves getting into the water. So that's a great way to do some privacy and some seclusion, as my colleagues have mentioned. Yeah, I need to see proof from your HOA basically on the deed restrictions and would also want to see the neighbor support. So I'd be in favor of table, but I will not be able to support today.

COPPOLA

Thank you. I can support it tabling. I think all the good points are brought up in regard to the neighbor behind you actually getting it signed, a signed approval from that neighbor, confirmation as to whether or not there's homeowner association restrictions--and if there are, you'd need their approval. I think you have some alternatives too. I think there's ways you can provide some privacy around your pool. I think you're primarily concerned with the section that's facing Mallory. There are ways to do that. People have put in barriers, like a partial fence, and there's other options. You know, when I drove through that neighborhood, I saw the one and a half of privacy fences. When I say half, there was one that had kind of like a privacy barrier they put up that was just two sections of the fence that they had between their neighbors. It looked like they were looking for some privacy. The other privacy fence was backing up to 275. So those were the only privacy fences I saw. I did see some chain link, a lot of wrought iron and actually mostly just open. So, a large fence like that sitting in the street would really look out

of place, especially that's one of the main entrances to the subdivision. Everybody would drive back by there. So, I think if you can come back with approval of your neighbor behind you, confirming to us if there's an HOA and if there is what the restrictions are, if there aren't any restrictions that need the neighbors' approval, and if there are restrictions, you'll need to get those waivers from your homeowner's association. I think from my perspective, I would consider a variance. So I'll go ahead and open up the floor for a motion.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Resolved that the variance sought in appeal with the 2023-09-26 filed by Ali and Summer Koussan be tabled so that the petitioner can rework their proposal and seek approval from the adjacent neighbors, provide proof of the homeowner association allowing fences, and in general take into consideration the feedback from the Board tonight.

COPPOLA I have a motion by Mr. Testa, supported by Ms. Ptashnik. Let's take the vote.

RESOLVED: APPEAL CASE NO. 2023-09-26, Ali and Summer Koussan, 16611 Laurel Park Drive: seeking to erect a six-foot-tall privacy fence upon a corner lot, resulting in the fence not aligning with the existing fence on the west adjacent property. Also, this adjacent property owner has not signed a fence authorization form, which is required.

This Low-Density property is located on the west side of Laurel Park (16611), between Mallory and Bloomfield, Lot. No. 069-02-0053-000, N-2, Neighborhood District, rejected by the Inspection Department under Livonia Code of Ordinances, Sections 15.44.090 (A), 4bi, (B) and 15.44.060 (A) 4, Fences, Residential district regulations, **be tabled** so that the petitioners can rework their proposal and seek approval from the adjacent neighbors, provide proof of the homeowner association allowing fences, and take into consideration feedback from the Board during the November 14, 2023 meeting.

PTASHNIK Support.

BARINGHAUS Ms. Ptashnik.

PTASHNIK Aye.

BARINGHAUS Mr. Boloven.

BOLOVEN Aye.

BARINGHAUS Mr. Testa.

TESTA Aye.

BARINGHAUS Mr. Baringhaus votes no. Chairman Coppola.

COPPOLA Aye.

BARINGHAUS Motion passes 4-1.

COPPOLA Your petition has been tabled. You have an opportunity to take into account the Board's comments. I think some of those were related to getting the neighbor behind you, getting her to sign off on a waiver or approval. We need confirmation on the homeowner's association, whether there's restrictions for a fence. And if so, then you'll need a waiver from them also. So, consider that. Those are some of the things we've mentioned. So any questions you have for me in regard to your next steps?

KOUSSAN So, get the letter from the neighbor who lives behind me, and you said get something from the home association?

COPPOLA You mentioned there's a homeowner's association?

KOUSSAN Yes.

COPPOLA So, there's lots of different homeowners' associations. Based on the lack of fences in that neighborhood, I'm suggesting that the homeowner association has a restriction on fences. You'll need to communicate with your homeowner's association and find out if there is a fence restriction. And if not, then you need to communicate that to us. If so, you'll need to get a waiver from the homeowner's association.

KOUSSAN Got it. Makes sense.

COPPOLA And you'll need to come back with that waiver.

BARINGHAUS Mr. Chairman, would it be possible to get the whole set of homeowner's guidelines?

COPPOLA [UNCLEAR].

KOUSSAN I can do that, of course. That works.

COPPOLA Any other questions?

KOUSSAN No, that's it. Thank you, guys, again for your time.

COPPOLA Thank you.

KOUSSAN Thank you. Have a great day.

ROLL CALL VOTE

AYES: 4

NAYS: 1

ABSENT: 2

PASS/FAIL/TABLED: TABLED, 4-1

APPEAL CASE NO. 2023-10-27, 12822 Stark Road: an appeal was made to the Zoning Board of Appeals by Aristeo Construction, seeking to erect a six-foot-tall chain link fence within the front yard setback, which is not allowed. Fences cannot extend past the front building line toward the street. The fence extends approximately 9.5 feet beyond the front building line. The proposed fence has a polyethylene fabric to it which is not allowed.

This Tech and Manufacturing property is located on the east side of Stark (12822), between Schoolcraft and CSX Railroad, Lot. No. 109-02-0019-001, Manufacturing District, rejected by the Inspection Department under Livonia Code Ordinances, Section 15.44.100, A (Industrial District Regulations).

COPPOLA Alright, thank you. Mr. Ramsden, is there anything you'd like to add?

RAMSDEN There was a permit that was issued for a chain-link fence by our department to the front of the building. Unbeknownst to us that it was site obscuring with plastic slats. Upon inspection by the building inspector that inspected that permitted fence, it was noticed that it was site obscuring with plastic, and it is 95 feet in front of the building to the east towards the right of way.

COPPOLA When I drove by there today, [I noticed] there's a fence all around the front of the building. So that was not part of their proposed fence.

RAMSDEN That's correct. I believe there's probably construction fence still existing. That building has been final approved.

COPPOLA And then the section that is 95 feet in front of the building is on that south side?

RAMSDEN Correct.

COPPOLA Any questions for Mr. Ramsden?

BOLOVEN Clarification from Mr. Ramsden. You said there was a permit given. Had the plastic not been on there, would this be okay?

RAMSDEN It would be okay to the front of the building which is the west side because it is currently 95 feet in front of the front fence.

BOLOVEN So that original permit didn't have it going past 90 feet?

RAMSDEN That's correct.

BOLOVEN Thank you.

COPPOLA Anything else?

BARINGHAUS Yeah, question for the law department. The public notice states 9.5 feet... I don't know if that's critical.

NEVILLE A very good question. I didn't catch that.

COPPOLA So it's 95 feet. A typo. I don't think we can change that. Alright. Anything else? All right, petitioners if you can give your name and address and spell your last name for the record, please.

BARTON I'm Michelle Barton. My business address, we're at 12811 Farmington and now 12822 Stark Road.

RIGONI John Rigoni, and we have the same address.

COPPOLA Thank you. So why don't you tell us about your petition and why you believe there's a hardship that would suggest the variance be approved.

RIGONI So actually, if we can start, we are under the opinion and impression that the extension on the south side, heading west to Stark has already been approved. I think Michelle has some documentation.

BARTON I have a permit showing it was approved. So when this originally came out, we had called twice because we said we're not necessarily talking about a variance for the 9.5 or 95 feet. We're just talking about the privacy material on the fence. So I don't know if we need to clarify that. I have something right here that states on 7/20, this was approved.

COPPOLA So, you provided a layout at the time?

BARTON Yeah. I think I actually have it.

COPPOLA Mr. Ramsden, can you pull that permit up?

RAMSDEN I will shortly for you.

COPPOLA Okay, so let's set that aside. Why don't you help us understand the sight-obscuring addition to the fence that wasn't part of the approval.

BARTON So I brought some pictures for you because it's not as sight-obscuring as it looks, right? When you see the word "privacy fence," you kind of think of the junkyard woven in fences. This is what we would call kind of semi-transparent. Part of the reason we decided to ask for this variance was... so we have been members of the

Livonia community for over 35 years, and we've been primarily the last 30 at the 12811 residence. That houses our office building, as well as our steel fabrication facility, and our yard and warehouse facility's mechanic shop. We purchased the property directly behind Farmington on Stark, with the hope that we can make one big complex so we wouldn't have to move those facilities. One of the challenges with building a nice, beautiful office building in an industrial area is you do have the people right next to you. There's a lot of debris, there's a lot of dust, there's a lot of industrial-type processes that go on. And so our hope was that by putting the privacy material there, not only would it cut down on debris, vegetation that tends to grow and kind of look unsightly, but it gives the more polished look for the building that we're trying to go for.

COPPOLA What kind of debris are you trying to keep from entering your property? Because those holes are big enough. It's not going to keep dust out...

BARTON So, there are a lot of manufacturing processes and you do get in that area, unfortunately, a lot of trash. Farmington is busy. You're right off the freeway. So, our hope was to keep up with the building. Right next door, I believe, they have now new tents erected. I don't even know what they're doing anymore. It was Fraser Tea. And then I believe the other side of the property is metal manufacturing. And so you're getting a lot of debris from that as well.

RIGONI But to be perfectly candid and honest, the style of the fence goes along with the design of the building.

RAMSDEN Would you like me to read the permit that was issued? It was issued on 7/20 of this year. The description is "Erect six-foot tall, black chain-link fence, including three sliding gates. Two at 30 feet. One at 18 feet wide for approximately 1350 feet. Setback from parking lot is the front yard setback, or building setback, whichever is greater. Meaning the front corner of the building, which would be the west one. That's a permit that was issued.

COPPOLA That's aligning with the ordinance?

RAMSDEN That's correct.

COPPOLA So there was a misunderstanding, perhaps. But the rest, would it comply -- at least the permit would comply with the variance based on the history here. Okay, questions for the petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS In the application, you mentioned there were some security concerns that drove the design of the fence. Can you elaborate on that?

BARTON Yeah, so one of the things that we do relatively often... we have about 250 people come to our facility every day. We're not a work-from-home facility. A lot of those people work hours that are not typical nine-to-five. And so in that industrial area, our hope was that the privacy fence gives you a little bit more security, particularly at night, when you have maybe some of the manufacturing areas that are darker and nobody's around in that area as much. And so we thought that it kind of obscures the cars if people have to work late. We often have to do that. We're a construction company, obviously. We turn in bids at all hours of the day and night. And so that was kind of the hope for it as well.

BARINGHAUS And then the employee parking facility will be in the front or the back of the building?

BARTON The back of the building.

BARINGHAUS Is there truck traffic going through that lot as well?

BARTON So I mean, apart from FedEx and things like that, other than that, no.

BARINGHAUS No materials?

BARTON No, that's already on the Farmington side.

BARINGHAUS Thank you. Mr. Chairman, I do have a question for the inspection department. Was that type of material, the polyurethane, was that grandfathered in at one point? Because I've seen similar practices in other facilities throughout the city.

RAMSDEN Not that I'm aware of. That fabric is addressed in 15.44.070(D)_. It says, "no slat fabric."

BARINGHAUS Okay, so there was no change 20 or 30 years ago...?

RAMSDEN No.

TESTA Question for Mr. Ramsden. So when the City inspected the fence when it was put in, was it approved or that's...?

RAMSDEN It was disapproved.

TESTA So we're not considering that from a city standpoint, a chain link fence?

RAMSDEN	That's correct.
TESTA	I have a question for the petitioner. Now looking at the picture, that's better than what was submitted. So thanks for bringing the photos tonight. That doesn't look like a chain link fence to me, either. So, what was the rationale for not putting it in a chain link fence?
BARTON	That is a chain link fence. It's just got the material, the privacy material in it.
TESTA	So you could take that privacy material off and behind it is a chain link fence?
KOUSSAN	It is a chain link fence, yes. You just take it out. It's not the typical woven slats that you see; there's locks in it. So it is a little bit more cumbersome to take out. It kind of comes out in bigger sections.
TESTA	So they're not sheets, they're like strips that you put in?
BARTON	It's more than a strip. It's kind of a section of groupings, if you will, that are locked together with the different panels kind of going the opposite sides. So it is a chain link fence, though.
TESTA	So your understanding was you were in compliance and that that additional screening was okay?
RIGONI	Unbeknownst to us, we did we didn't know we were out of compliance. We didn't know our designer didn't put the material they specified on the drawings. It wasn't until the inspector brought it to our attention. And to be perfectly honest, which I don't think it's 95 feet; I was out there today. The piece that goes from the corner of the building to the west, we didn't even know that was an issue. That's never been brought up by our inspector.
BOLOVEN	Mr. Chair.
COPPOLA	Mr. Boloven.
BOLOVEN	Question for the petitioner, if this Board were to give you an extra 95 feet, but the condition is you got to get rid of the fabric, would that be acceptable?
RIGONI	We'd prefer to get rid of the 95 feet and keep the fabric. Truly. Because like Michelle mentioned, it truly is for security purposes. There is an electronic gate on the north side and the south side of the property that closes. It keeps people's cars [out of public view] and provides some sense of security.

BOLOVEN So you'd be willing to get rid of that extra 95 feet and come back to the building line but keep the fabric?

BARTON If we had to. I'd have to see what the existing was before. And again, until we talked about this we've been told by our team and the inspector that everything was good to go on the actual setback. So, if it's not, we're going to have to kind of take another look at that.

BOLOVEN But the other worry is that Stark is obviously a very busy road. Coming out that far with a sight-obscuring fence, what potential issue could be caused by that?

BARTON So you can see past it. It does not go all the way to the end of the driveway. You can definitely see when you're turning in and out.

RIGONI And that gate, which is the south side, is the entrance. The north side is designated as the exit.

BOLOVEN Thank you, Mr. Chair.

COPPOLA Anything else?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS How would you maintain that black fabric, if someone backs into it and it tears in the material? How is that repaired? Is it replaced?

BARTON It just has to be replaced. You'd have to cut it out in a section. And truly, it's probably... the pictures make it look a little bit challenging. It's flexible enough... if a car backed into it, unless it flew right through it, it wouldn't do too much damage to it.

COPPOLA Send me the picture.

BARINGHAUS Mr. Chairman. I have another question. On the side of the building where the fence extends well past the building, what was the rationale for that? Because it's quite a distance from the cantilever gate? I don't see how that would make the property more secure.

BARTON You're saying the front part?

BARINGHAUS Yes.

BARTON So what we were told with the front piece is there was an existing fence between us and the neighbors. And I believe when we put our construction fence up, it kind of extended over and then the

fence that you saw today that you mentioned that is construction fencing that kind of went up and around. I was told that the neighbors agreed to keep it there when we put our fence in. And that from an inspection standpoint... that again, to John's point, has nothing to do with security. We could take that out if we needed to; we were just under the impression that it was okayed with the City inspector.

BARINGHAUS And then on the other side of the property, on the side where it doesn't extend all this far. In other words, I'd kind of like to see the material. I guess I'm trying to understand why you're extending the material so far past your gates, on both sides.

BARTON So, there's a building on the north side... that's the metal manufacturing. It's actually a nice-looking building. There were some scrubby trees and things like that; they didn't really maintain the existing fence. So that one's not as much of a problem. On the other side, that was the old Fraser Tea -- that I don't know who owns that property now, nor what they're doing on it -- but that's gotten a little unkempt, I will call it, over the last year that we've been building the building. So there's a lot of overgrown plants and things like that would be more on the unsightly side.

BARINGHAUS So the Fraser Tea building, they relocated, didn't they?

BARTON Yes, they did.

BARINGHAUS So that building is identified as Fraser Tea...

BARTON I don't even know who bought it.

BARINGHAUS So, in other words it's not occupied right now.

BARTON Somebody's there. Somebody is occupying it, whether they're leasing it or not. And they still have trucks there relatively often.

BARINGHAUS Okay, thank you.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Mr. Stierna or Ramsden, sorry.

RAMSDEN Fair enough.

BOLOVEN I'm looking at the site plan from NSA Architecture. It was part of the package here. That's got a highlighting of the fence. You got that?

COPPOLA Was that submitted with the permit? Is that what you're asking?

BOLOVEN Yes. Was that submitted with the permit is my point?

RAMSDEN Yes.

BOLOVEN Okay, so I added up at the fence just now. And it comes to 1350. Is this yellow highlighting showing that excess 95 right now? Because I believe it is, but I want to make sure.

RAMSDEN On the south line, yes.

BOLOVEN So, where was the confusion? If they gave me 1350. This totals 1350. They see where it was going to go. Why'd they approve it? I guess that's my question.

RAMSDEN It was approved with that setback from the right of way.

BOLOVEN So, even though they submitted it as is, and it says, yeah, you're getting 1350, that setback was supposed to be the limiting factor on it?

RAMSDEN Correct.

BOLOVEN That's where the confusion was.

RAMSDEN That's my understanding.

COPPOLA A quick question for Mr. Ramsden. Can you put a privacy fence on a commercial property? In other words, if they wanted to put up a site-obscuring fence, could they have done that?

RAMSDEN Yes. At the rear corner of the building, not the front corner, where a chain link fence is.

COPPOLA But they can move the non-site-obscuring up to the front of the building?

RAMSDEN Correct.

TESTA Mr. Chair. Question for the petitioner. So I guess maybe I'm gonna nitpick wording here. But I think you said that you would consider this fencing to be opaque or...

BARTON Semi-opaque, semi-transparent.

TESTA But at the same time, you want that polyurethane fabric for privacy purposes, right?

BARTON Correct. So, from a privacy standpoint, especially at night, it looks much darker. You cannot see through it at night. That's kind of the caveat there. This is taken right when the sun hits it. So it looks a little bit more see-through if you will. To me, it's more about the nighttime over there than anything else from a security standpoint.

TESTA Okay. Can you give examples of issues? You haven't been there long, but what issues have you had or what issues specifically are you trying to prevent?

BARTON So we have been at the property behind it for 30-something years. So I'm going to use in that area. In the past, we've been broken into no less than three to four times. We have had people come to our building that are homeless vagrants. We have had... help me out here.

RIGONI So, the Livonia Spree fireworks always draws a problem in our parking lot, on Farmington. I don't know about Stark, but... there's cars that are left in our parking lot that we have to have towed, because somebody has left it there.

BARTON Right. So, it is kind of something for us. And we do have a lot of people who work late hours as well... is one of the concerns there. Being in an industrial area and your neighbors typically aren't super well lit. There's not a lot of newer buildings there. So maybe the code is not as up to standard as what we're building today. So that's kind of the concerns there.

TESTA So how does that adding that screening prevent the issues that you have had? Like, are you thinking that if someone can't see through there, they're not gonna break through your fence?

BARTON I think it just gives us more privacy. And if you can't see the cars going through, you're not going to be as apt to try to break in through the fence. Right? And again, bear in mind too, the fencing will be closed after business hours, like normal business hours. So I just think it gives you a little bit more of a secure feel.

PTASHNIK Mr. Chair.

COPPOLA Ms. Ptashnik.

PTASHNIK Question for the petitioner. Do you have any kind of 24-hour security?

BARTON We do.

PTASHNIK Manned security, cameras?

BARTON Cameras.

COPPOLA Let me ask this question. So, the section that you really want the security for if I've heard you correctly -- let me finish and correct me if I'm wrong -- seems to be the area that's kind of behind the gates, right? So that's area where you really want security. And if it makes sense, it's why you have gates, right? You want security. So when you think about that... Well, I can understand kind of, and that's also pretty close to where the back of the building is and where you're only allowed to have a privacy fence. So would you ever consider as a compromise, removing the sight-obscuring material from the fence that's in front of the two gates? In other words, from the gate to the west. So in other words, nothing in the front, the front of the back of the building, would be sight-obscuring, but everything behind, you'd be able to keep all that sight-obscuring. And it's not really sight-obscuring; I shouldn't say that. But whatever you want to call the material that you put in there, so as a compromise... say, okay, I understand your issue. You really want to protect the area behind the gates. So you keep the material for the stuff behind the gates as a compromise but in front of the gates, it's gotta be removed. Is that something that you would consider? Correct me if I'm wrong in any of my assumptions.

RIGONI So just to clarify what I think I heard you say. And can I give you a copy of this, just so we're looking at the same thing?

COPPOLA Yeah. I have it on my computer. I'm looking at it right now.

RIGONI Okay, perfect. So from the gate, if you're looking at the south side -- from the gate of the south, heading east, you're saying...

COPPOLA Heading west....

RIGONI So, heading west towards Stark, it would come out. Heading east towards Farmington, it could stay.

COPPOLA Everything but the gate behind would stay. So that's a compromise suggestion.

RIGONI Yeah. I understand. And is it also a suggestion that it could also stay on the two gates?

COPPOLA From my perspective, I would find that acceptable. And then to north, the same concept in the north. Everything to the west of the gate would...

RIGONI ...come off and anything from the gate, including the gate, to the east could stay.

COPPOLA Right. I think part of that is also when I look at this during the daytime -- and I drove by there today -- it's not like the slats that we've seen or the people that put the fabric up. It's not sight-obscuring, but...

BOLOVEN Mr. Chair, I just want to understand what you're saying. So, if I'm looking at that picture, if I'm looking at the south, I'm at the 35-foot line, that's the gate. You're saying take away on that highlighted line all the way going west, past the 205 there or Stark.

COPPOLA I'm not sure that 205 represents that area.

BOLOVEN Just for the picture. So from there that's removed, and then from the north side, the 40-foot gate and going from there west Stark up the 140-foot line.

COPPOLA Correct. That's what I was suggesting.

RAMSDEN May I comment? Just for clarity, Greg, what you're suggesting is removing the entire fence or removing just the slats from the chain link fence?

COPPOLA Just the slats from the chain link. For clarity.

TESTA For clarity from the petitioner, what do you need that fence for? What's the purpose of that fence that we're talking about? That zone to remove the fabric from. Why is that fence there? What does it do for you?

COPPOLA Are you talking about from the gate west?

TESTA The gate forward, the gate towards Stark.

BARTON So that fence has always been there. We just replaced it with a nice new fence. It was actually a broken-down fence.

TESTA What does it do for you?

BARTON What does it do for us? We are looking at, you know, a \$20 million investment in an industrial area of Livonia. And I'd like to keep whoever is there, Fraser Tea or whoever rent it out to, whatever they're doing separate from our property.

RIGONI It's a fence line that separates the two properties.

TESTA Without that fence, they can't just drive on your property?

RIGONI I'd have to look.

BARTON They have a driveway that is very close to the fence line. It's mostly asphalt right there. So hypothetically, they could if it wasn't there. They could drive on the grass.

TESTA Yeah, I thought there was a median type of thing there.

BARTON I don't know if there is a median.

TESTA I would consider the grass like a median.

RIGONI So there would be access if the Fraser Tea building actually sits in front of that fence. So, it would be unsecured. It looks from the picture I took today there are some type of arborvitaes or something. But there'd be no security there.

TESTA They can easily just drive right around it, right? That's what I'm not understanding -- what it actually does for you.

RIGONI At this point no, they couldn't drive around it. No, because the new fencing that we put up from the 35-foot gate towards the west goes out some distance and then it returns back into Fraser Tea's fence.

TESTA So, you're saying they have to go around Stark and back into your driveway?

TESTA Correct.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN If the petitioner could answer that question from the Chairman on would you be approving that concession? Would it be acceptable?

COPPOLA You get to keep the sight-obscuring, the additional materials on the fence, not the fence itself.

BOLOVEN Keep the fence, but remove the sight-obscuring...

COPPOLA I'm not suggesting that... the 95 feet is a different topic. We're just talking about the materials.

KOUSSAN It would be a suggestion. My only caveat with that would be depending on the use of the space, right? From our vantage point, you have an industrial area. You guys have driven around it, right? Some buildings look really nice. Some look not so nice. Some have the privacy slats you're mentioning that you guys didn't approve, because they didn't take the time to go seek a variance, right? And so as long as that building didn't start becoming a junkyard or things

like that -- because we also on our Farmington property do have a junkyard next to us and it creates quite a problem in that area -- so as long as I could always come back and say, "Can we get another variance?" because here's the difference at a future point in time to put that privacy slat back in, then yes.

COPPOLA You can always petition for a variance, whether you get one or not. There are also alternatives. You could use landscaping too.

BARTON We have plenty of landscaping right now.

COPPOLA You have to get approval from the planning department, but you can use landscaping to obscure that area too.

BARTON Okay.

COPPOLA So, you've got that suggested compromise and then it's the 95 feet that we need to discuss. As an alternative to retaining the remaining of the sight-obscuring, you'd be willing to... was that 95 feet there before or did you add that?

RIGONI It was there because again, it used to be Millgard that owned the building that we purchased from Soave Homes, I believe it was, set much further back than the Fraser Tea building. So right now the Fraser Tea building sits up front. It was definitely there and I think in my opinion, part of it's got to stay in order for even them to secure their property. It doesn't go all the way up to Stark Road. I think the temporary fence, the construction fence and the permanent fence, maybe in someone's mind they blended it together, but there's a whole mess of fence that comes down and it's only there for security purposes until we get our final certificate of occupancy to move into the building. I mean like if you drove by it today you saw there's a fence that goes all the way down Stark -- just a chain link fence with nothing in it -- and then it heads east on both ends, north and south, and returns back. All that comes down. That is only temporary, and I apologize to all of you. We really did not know we were going to discuss this tonight. Or I would have printed these pictures I took.

COPPOLA I just want to be clear. You're stating that the fence on the south side was -- all you did was replace it?

RIGONI That is correct.

COPPOLA So it had the same exact footprint as existed prior?

RIGONI And it wasn't black; it was just the galvanized fence.

COPPOLA It was probably rust. I don't recall. I've gone up and down this road a million times, but I don't recall how far up that goes for.

RIGONI So, the tie-in point even on the Fraser Tea side is still there. The original fence that comes from the south heading north on the Fraser Tea side and where we pick it up and head east, that original section is still there.

COPPOLA Any other comments or questions? I have one for Mr. Ramsden. If you can recall, how far that fence went out? I don't. I never noticed it.

RAMSDEN I don't recall, sorry.

COPPOLA I drove by today and it still sits quite a bit back from the road. Again, you can tell where the new fence is to the construction fence because the fence has got the material.

COPPOLA Anything else? Comments? So I just want to ask a clarifying question. Sorry, I don't mean to beat this to death. But the proposed compromise is for the sight-obscuring. And again, this is just me. If you remove the sight-obscuring material from everything west of the gates north and south, you will find that acceptable? As for the 95 feet -- and I'll give you my speech on that -- that is not part of that compromise. So anything else I'm talking about...

PTASHNIK Mr. Chair, if we remove the sight-obscuring, is that just gonna like a plain chain link fence?

BARTON It's black. But yes. No, it's just black posts and black chain link.

BARINGHAUS Question for Mr. Ramsden. With the existing damaged Fraser Tea fence, for lack of a better term, and the new fence, is that creating a double fence situation?

RAMSDEN It is not, not that I noticed while I was on site today.

BOLOVEN One more quick question for Mr. Ramsden. If this Board did do the concession that Chairman Coppola is suggesting here, is there an issue with that additional 95 feet as far as safety, do you think that's good where it's at? Or do you think we'd have to go and refer it over to public safety?

RAMSDEN We should refer it to public safety for sure.

BOLOVEN Thank you.

COPPOLA Anything else? Seeing none, I don't see anybody left in the audience. But is there any correspondence?

BARINGHAUS	No correspondence.
COPPOLA	Anything you'd like to say in closing?
RIGONI	The only last thing I'd like to say is that if you did look at this site plan that was provided, the south side -- where the fence goes to the west -- there's a faint line... it's a 90-degree angle. That is the Fraser Tea building. You can see it very faintly. So I don't believe in my opinion, it's a sight obstruction issue, because the Fraser Tea building is out the same distance as the fence. But that is where the fence originally went. It returns into that 90-degree angle that looks like a building corner. And there's a bunch of arborvitaes right there next to it.
COPPOLA	Anything else? Would you like to say anything in closing?
BARTON	I appreciate your time. Our hope with this whole thing is, again, we've been commercial residents of Livonia for quite some time and wanted to continue to do so, which is why we invested so much in the property and our hope [is] that we have a beautiful, safe, secure building that people can enjoy, and it's pleasing to look at and improves the area.
COPPOLA	Thank you. I'm going to close the public portion of the case and start the Board's comments with Ms. Ptashnik.
PTASHNIK	Thank you, Mr. Chair. This is definitely an industrial area. So I understand exactly what your deal is here. As far as the setback confusion, I can get over the 95 feet because of the footprint that you were already filling. I've driven by there a million times too... I haven't seen it jutting out or anything like that. I would be on board with supporting the removal of the fabric as Chairman Coppola had offered up as a possible compromise. My only caveat would be maybe we have to run a safety study, and that would be the only condition I would have based on supporting that.
COPPOLA	Vice Chair Baringhaus.
BARINGHAUS	I agree with the points Ms. Ptashnik outlined there. I share that concern too. Good choice of fence coloring, black. Because if the fabric is removed black will cause it to be opaque. I agree with your point. I think the fabric on like the gate's back accents the building. So I think that's a good choice as well. And I think it's a fair compromise, so I'll support too.
COPPOLA	Mr. Testa.
TESTA	I would support a table as well...

COPPOLA Wait, you're supporting a table?

BARINGHAUS Yeah, you want to do the safety study and then you want to approve it based on the safety study as a condition? Okay, I would rather approve it as a condition for the safety study.

TESTA I personally would like to table it. I'm in favor of tabling it because I'd like to see the plan updated to reflect some of the comments that were made today to make it more clear. I think you guys admitted that coming into tonight, you didn't expect to be discussing the fabric or whatever we want to call this, the sight-obscuring material. So, I would like to see the site plan updated to be more clear with where specifically you would have that sight-obscuring fabric versus where you wouldn't. So, I would like to see that more detailed and updated.

COPPOLA Mr. Boloven.

BOLOVEN I agree with Ms. Ptashnik and Vice Chair Baringhaus on this. I love the Chairman's concession on this -- I was thinking about it as we were talking. I think you remove those items to the west. That's a good concession. And then everything in the gate, obviously you can keep. I think there's some confusion on this 95 feet. If I'm looking at this and I get it's this highlighted portion, everything in the highlighted portion is just a replacement; I get why you guys thought it was approved. And totaling up the total fence, it totals to what you submitted. But again, you got that restriction. I would approve with the condition of Public Safety's approval on that additional 95 feet, removing the portions in front of the gate to the west. And then the only other thing I would do is I'd do a double permit fee just because you guys did build it not as presented with the additional sight-obscuring that you put on there. And you guys knew you shouldn't have done it, or the fence company did. Other than that, beautiful development. I appreciate you investing in the city of Livonia, and I'd be good with that.

COPPOLA I appreciate your investing in Livonia. I'm glad that you were able to find a solution where you can expand and still stay in the city. So, thank you very much. Again, I think this compromise is a fair compromise for both parties. There's some confusion in regard to the 95 feet. That's fine. From what I can understand -- and I believe the petitioner, you were just replacing fence, so I'm fine with that. The compromise is, as Mr. Boloven stated, the sections of the fence on the north and south side that are west of the gates would be where you'd have to remove that material. I grew the double permit fee to kind of compensate for the misunderstanding. I think we can do this through a partial approval, partial denial, where we would approve the 95 fee and could approve the sight-obscuring for the

section we're discussing. And then we would deny the sight-obscuring for the sections west of the gates. Does that make sense? I think we could do it in that manner. So I'll go ahead and open up the floor for a motion.

TESTA Based on your comments, I'm going to switch my vote to a yes.

COPPOLA We're not voting yet.

BOLOVEN Mr. Chair, quick question. Can we condition this on approval from public safety?

COPPOLA Absolutely.

BOLOVEN So we can go forward rather than...

COPPOLA Right, because that way they just need to get the letter in the file and they can issue the final permit, and we're all good.

COPPOLA I'm going to go ahead and open up the floor for a motion.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Resolved that the variance sought in appeal case number 2023-10-27 filed by Aristeo Construction be granted in part and be denied in part for the following reasons and finding the fact. The uniqueness requirement is met due to the location of the property being industrial as well as the size of property and the investment in the project. Denial of the various would have severe consequences for the petitioner due to safety concerns and privacy concerns regarding their industrial area. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance due to no neighbor objection. The property is classified as Manufacturing under the Master Plan, and the proposed variance is not inconsistent with that classification. Further, that the variance be granted with the following conditions. We'll start with the approval and then we'll go to the denial. So, the approval will be first, the additional 95 feet be approved, with the removal of any sight... let me do it this way. Approval of the variance as presented with the removal of the sight-obscuring from anything west of the south gate and anything west of the north gate. Additional approval of additional 95 feet, conditioned on approval of Livonia's Public Safety Department. And a denial would be for the site-obscuring west of the gates north and south. Also, a double permit fee would be required for the petitioner. Is that everything?

TESTA Mr. Neville, does that work?

NEVILLE Yes, I think when you read it, it will make sense, or we could always do something different.

COPPOLA Does everybody understand what we're asking to vote on as approval and for denial? Okay. So, any other further discussion? Alright. Seeing none, let's take a vote.

RESOLVED: APPEAL CASE NO. 2023-10-27, 12822 Stark Road: an appeal was made to the Zoning Board of Appeals by Aristeo Construction, seeking to erect a six-foot-tall chain link fence within the front yard setback, which is not allowed. Fences cannot extend past the front building line toward the street. The fence extends approximately 9.5 feet beyond the front building line. The proposed fence has a polyethylene fabric to it which is not allowed.

This Tech and Manufacturing property is located on the east side of Stark (12822), between Schoolcraft and CSX Railroad, Lot. No. 109-02-0019-001, Manufacturing District, rejected by the Inspection Department under Livonia Code Ordinances, Section 15.44.100, A (Industrial District Regulations), **be denied in part** and **granted in part**.

The variance is **denied in part** for the sight-obscuring portions west of both gates (north and south).

The variance is **granted in part** as presented for the additional 95 feet south location and with the removal of the sight-obscuring portions of anything west of both gates (north and south) for the following reasons and findings of fact:

1. The uniqueness requirement is met due to the location of the property being industrial as well as the size of property and the investment in the project.
2. Denial of the variance would have severe consequences for the petitioner due to safety and privacy concerns regarding their industrial area.
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 objection.
4. The property is classified as Manufacturing District under the Master Plan and the proposed variance is not inconsistent with that classification.

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

1. Approval of the additional 95 feet is conditioned on receiving public safety approval from the Traffic Bureau of the Livonia Police Department.
2. A double permit fee is required.

Commented [TT1]: This is from the resolution letter, so please revise as necessary.

BARINGHAUS Mr. Testa.

TESTA Aye.

BARINGHAUS Ms. Ptashnik.

PTASHNIK Aye.

BARINGHAUS Mr. Boloven.

BOLOVEN Aye.

BARINGHAUS Vice Chair Baringhaus votes aye. Chairman Coppola.

COPPOLA Aye.

BARINGHAUS Thank you. The variance passes.

COPPOLA So, you understand?

RAMSDEN Let me read it back to you. So, the motion was from Christopher and who supported that?

PTASHNIK I did.

RAMSDEN And the support is for the 95 feet and the south location, its location.

COPPOLA So that variance is approved.

RAMSDEN Remove the sight-obscuring part west of the gates.

COPPOLA North and south.

RAMSDEN So, both gates. Okay.

BOLOVEN So that's a denial, I guess on that.

COPPOLA That's a denial.

RAMSDEN Yeah. And the denial -- deny the sight-obscuring.

COPPOLA Remaining footprint.

RAMSDEN So the deny part is the sight-obscuring west of the gates.

COPPOLA Correct.

RAMSDEN West of both gates.

COPPOLA We approved the sight-obscuring for everything east of the gates, including the gates.

BOLOVEN And the 95 feet is conditioned on public safety approval, and then the rest is a double permit.

RAMSDEN So, the two conditions are a double fee for the permit and a public safety approval.

COPPOLA Correct. I forget who requests that.

NEVILLE The inspection department.

RAMSDEN From the Traffic Bureau.

TESTA Because if they do it now, they might be confused with the fence that goes all the way down with construction, right?

COPPOLA Well, that will be removed.

TESTA Yeah, but if they go tomorrow, they might be confused by it.

COPPOLA I think we're done. We voted, right? I just want to make sure we're done with our business.

BARTON So, we're talking about a double fee on the fencing permit?

COPPOLA You probably already paid one fee. So before you get your final sign off, you'll have to pay a second.

BARTON But just for the fencing permit?

COPPOLA What else? Oh, yeah. Not for the building.

RIGONI Yeah, you're not gonna hit us up with two building permits.

BARTON You just said permit.

COPPOLA We'll make that clear.

BARTON Okay, good. So, the second question, the safety study. So what does that entail? What do we need to do to get that? Or we don't do anything?

COPPOLA Inspection will contact the police department, and they'll send somebody out to observe to make sure that it's not obscuring traffic visibility. And he'll submit a letter to the department and they'll put that in the file. It shouldn't take too long.

BARTON It's pretty quick? Okay. Because our hope is to move in relatively soon. This was one of the last things for closing out the permit, deciding and then, so we can have the inspection or close out that permit, you have to wait for that inspection to do that?

RAMSDEN That's correct.

BARTON So that takes a couple weeks or...?

RAMSDEN I don't know. It's the traffic division that performs that.

PTASHNIK It's usually pretty quick.

BARTON Okay. And would we contact [about] the status through our inspector who we've been working with or for through you... or?

RAMSDEN Yes, you can.

BARTON Okay. Perfect. Thank you. We appreciate it.

RIGONI Thank you very much.

ROLL CALL VOTE

AYES: 5

NAYS: 0

ABSENT: 2

PASS/FAIL/TABLED: PASS, 5-0

ADMINISTRATIVE TASKS

COPPOLA Alright. We've got some administrative work here. First, we have minutes.

TESTA Mr. Chair?

COPPOLA Mr. Testa.

TESTA Move to approve the meeting of October 10, 2023.

BARINGHAUS Support.

COPPOLA I've got a motion by Mr. Testa, supported by Vice Chair Baringhaus. All in favor?

BOARD Aye.

COPPOLA That's approved. Now, we've got the meeting schedule. Did everybody have a chance to look at the meeting schedule? We didn't put locations here, but I think we were able to get... I think we're downstairs for at least the regular meetings. There's no guarantees on the additional ones. So, unless anybody has an objection to these dates, they are what they are. need a motion.

TESTA Move to approve the meeting schedule for 2024.

COPPOLA I have a motion by Mr. Testa, just want to give us one last aye, even though she's not going to attend any of these meetings.

PTASHNIK That's why I wasn't going to support. Support.

COPPOLA All in favor?

BOARD Aye.

COPPOLA Alright. Just for the record, I'd like to congratulate Ms. Ptashnik to her election on the City Council. Congratulations. on that. And I'd also like to congratulate Vice Chair Baringhaus. I don't know if I've seen anybody work as hard as you did. I don't think the results reflect anything close to the level of effort and passion you have for the city. Selflessly, I'm glad I still have you on the Board. I'm happy to have you here. In that sense, a win for me, a loss for you, but you should be very proud of yourself. You worked very hard and I'm sorry to see that it didn't turn out.

BARINGHAUS Well, thank you. I appreciate it. But again congratulations to Martha and I reflect everybody's hope and best wishes for you.

PTASHNIK You all have a Councilwoman on speed dial now.

COPPOLA Who understands..

PTASHNIK I actually have one last piece of business myself. This is my letter of resignation from this Board. It will be effective as of tomorrow.

COPPOLA I sadly accept your resignation. Alright. We have one last piece of business.

PTASHNIK Motion to adjourn.

BARINGHAUS Support.

COPPOLA All in favor?

BOARD Aye.

COPPOLA We're adjourned.