

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, DECEMBER 12, 2023

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, December 12, 2023.

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

MEMBERS ABSENT: None. 2 vacancies on Board

OTHERS PRESENT: Leo Neville, Assistant City Attorney
Frank Hershey, 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. Five (5) 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 several (not counted) people present in the audience.

(7:00)

TABLE OF CONTENTS

APPEAL CASE #	PAGES
APPEAL CASE NO. 2023-10-29 Haidous Brothers 17200 Middlebelt Road	3-14
APPEAL CASE NO. 2023-11-30 Ramolli, Bujar 18917 Yorkshire Drive	15-39
APPEAL CASE NO. 2023-11-31 Bethel Baptist Temple 29475 Six Mile Road	40-58
ADMINISTRATIVE TASKS	59-59

APPEAL CASE NO. 2023-10-29, 17200 Middlebelt Road: an appeal was made to the Zoning Board of Appeals by Haidous Brothers, seeking to erect drive-thru menu board signs, directional ground signs, and wall signs, resulting in excess total menu board sign area, excess directional sign area and excess number of wall signs and wall sign area.

This Commercial property is located on the east side of Middlebelt Road (17200), between Six Mile and Pickford, Lot. No. 047-99-0004-007, C-2 District, Commercial, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 11.08 (3).

<u>Total Menu Board Sign</u>	<u>Directional Sign</u>	<u>Number of Wall</u>	<u>Wall Sign Area:</u>
<u>Area:</u>	<u>Area:</u>	<u>Signs:</u>	Allowed: 52 sq. ft.
Allowed: 50 sq. ft.	Allowed: 2 sq. ft.	Allowed: One	Proposed: 135 sq. ft.
Proposed: 54 sq. ft.	Proposed: 3 sq. ft.	Proposed: Seven	Excess: 83 sq. ft.
Excess: 4 sq. ft.	Excess: 1 sq. ft.	Excess: Six	

COPPOLA Right. Thank you. Mr. Hershey, anything you'd like to add?

HERSHEY Not at this time, Mr. Chair.

COPPOLA Any questions for Mr. Hershey? Seeing none, if the petitioner representatives could step up to the podium. I'll need names and addresses before you start.

A. HAIDOUS Good evening, board members. My name is Alex Haidous. I'm one of the owners, and I've got my brother here.

S. HAIDOUS Sam Haidous.

COPPOLA Name and addresses too if you would.

A. HAIDOUS 7267 Pinehurst, Dearborn, Michigan and the property address is 17200 Middlebelt.

COPPOLA All right, thank you. If you don't mind, as a formality because you have the same last name, I'm gonna say Alex and Sam if I have questions for either one of you specifically. So why don't you go ahead and just give us a brief overview of the proposed site package. I'd like to understand specifically in regard to the excess on the menu boards. And I'd like to understand each of the seven signs. If you could take us through those seven signs, the wall signs.

A. HAIDOUS No problem. Starting off with the menu boards, currently what we're proposing is 54 square feet. The variance allows for 50, so we're asking you to grant us that extra four-square feet. Due to the fact that Dairy Queen concept, the new one we're putting at that location, has two different menus. One is the ice cream, the

traditional ice cream menu, and then we added the food menu, which is the burgers, chicken strips, fries, all that stuff. So that adds up and makes the menu a little bigger than normal. But that said, other QSRs in the area are having almost the same size menu board. And to go back to last year, there was a resolution or case number 2022-06-01 for the Plymouth Road Dairy Queen that currently has the same menu board that was granted a variance last year, and we're actually putting in right now the same menu board. That's in regards to that menu board. In regards to the directional signs. Currently, we're asking for a variance for one extra directional sign. The reason we're asking for that is basically it's going in the back where it's not visible much from the street or to the public. The reason we need that is currently the ground is paved, where it says "Drive-Thru" with an arrow, but during the winter season, when it snows, your visibility won't be shown to show where the drive-thru lane needs be. So, there's a little directional sign in the back that shows with an arrow where the lane starts or where the traffic lane leads to. The third variance we're asking for is in regards to those proposed seven. Four out of the seven proposed are advertising poster signs that go on the back wall that's not visible at all from the public. So, when you pull in as a fan or a customer, you park your car, they're more intended for those kind of people or customers. When you park your car, you come out, it tells you what specials we had for the day or for the week, or what we're running for any promotions; they're more visible in the back, they're not all visible to the public. They're more for advertising. Those are four out of the seven. The other two, and if a permit was obtained, those are the building wall signs... that permit was obtained by the department and there was no need for a variance for that. That permit actually, we readjusted those signs to meet the variance or the requirements for those signs. And there was a permit issued on that. So, there was no need for a variance on those two. And then the seventh sign is also... it's a blizzard cup that's flipped upside down that's not visible to the public. It's more inside for traffic for customers when they park and see it. So, it's more of advertising also. So those are the seven.

COPPOLA

So no spoon anymore?

S. HAIDOUS

No. One of the reasons that we never had the spoon is because of sign limitations. We were not recommended to have it because we're already beyond what we have. We can get a variance next time for that. The kids love the spoon the most. That's what they want to take.

COPPOLA

There's also a ground sign that you'll be putting in or replacing?

A. HAIDOUS

Correct. That's a monument sign that does not need a variance. It meets the city ordinance for requirements.

HERSHEY Randy told me it's not an issue because of the excess signage until that's approved...

COPPOLA But it's in compliance?

HERSHEY Yes, it's on hold for review. But he said he couldn't, so.

COPPOLA Correct. So, the four wall signs that you talked about, those are changeable electronically or are those manually changeable?

A. HAIDOUS They're manual. They're like plaster...

COPPOLA So they're based on what that month's promotions or that period's, whatever, depending on...

A. HAIDOUS The blizzard of the month or the burger of the month.

COPPOLA Okay, so then again, the directional signs, how many total directional signs are you going to have? Just three?

A. HAIDOUS Two on the main entrance road of Middlebelt, and then one towards the back of the building to direct traffic to the drive-thru lane.

COPPOLA The issue with directional signs is not the number of signs but the size of the signs? Is that correct?

HERSHEY Well, I know there's no permit for under two square feet and they want three square feet, so I think that's the issue.

COPPOLA So they could have three signs? They just can't be over two square feet without a variance? Is that correct? I didn't see a variance for the number of directional signs.

HERSHEY I know the size was an issue.

A. HAIDOUS If I'm not mistaken, the sign variance... the directional signs are 2.66 square feet.

COPPOLA That's the size that you're proposing?

A. HAIDOUS Correct.

COPPOLA It says "three."

A. HAIDOUS No.

COPPOLA While I was looking at that, I went back and looked at the variance approval for the Plymouth Road Dairy Queen and there wasn't a request for an overage for the menu boards that I can see, for the approval we did for it last summer--not this last summer, summer of '22. When I looked at your plans, you had a preview board, and it was marked "optional." What does that mean?

A. HAIDOUS So it's a mini preview of what the whole entire menu is that sits about five to six, a little more than five to six feet away from the menu board. So, it's the car before you order gives you an idea...

COPPOLA So, it's not a complete menu. It's kind of like highlighting...

A. HAIDOUS Correct. Like a mini sample of the menu.

COPPOLA And it says "optional" on these plans. What does that mean?

A. HAIDOUS So, it's an option if you want to have or not, but we ended up having it.

COPPOLA Okay. Questions for the petitioner?

BARINGHAUS Mr. Chair.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Going back to the seven signs, you said there's four advertising signs. And then there's another--those are on the back wall--is that on the east elevation of the building?

A. HAIDOUS One is on the north elevation of the building. And one is on the south of the building and they're both towards the back. I'm sorry, there's two on the north of the elevation and two on the south. So, they're designed for people parking into dine-in, two of them, and then the other two are for drive-thru customers.

BARINGHAUS Okay, thank you.

TESTA Mr. Chair. Question for the petitioners. How does your sign package differ from what's currently there from the previous restaurant? Can you compare it to that? So basically, what it was before--I know it wasn't your restaurant, but what are you doing today kind of in comparison to that?

A. HAIDOUS For the record, the former building was Steak 'n Shake. When we took it over, we made major renovations to it and back [then] I think they had more signage if I'm not mistaken on the windows. There was... correct me if I'm wrong... did they have any extra signage?

S. HAIDOUS No. They had about eight windows in the front, like three.... six... about eight windows, and they had stickers on that, which is something that we don't do. We're still going to have the same size probably a road sign. And if I'm not mistaken, there was a menu board back there when we took over the building. There was a preview board for them. All those were taken out, and obviously we're proposing to replace them with a new board.

TESTA Thank you. And thanks for comparing to the Plymouth location regarding the menu board. If you can also compare the wall signs to determine the number?

A. HAIDOUS So, if I go back to that case number 2022-06-01. When they went in for a variance, they were in excess of 175 square feet. Let's not get into the details of what exactly they were going for... Oh, it says there was Allowed: 1, Proposed: 8, Excess: 7, with 175 square feet in excess. In regard to my variance that I'm asking for, I'm only going for 83 square feet excess. So, it's about 50% less than what they went for. Normally, from DQ standards, all DQ signs are standard for the building in size unless there's a city ordinance code that requires signage to be smaller... then, they go in for smaller. Now, to be honest, I did not measure or go there to find out exactly what size of signage they have on the building. Well, I'm sure they met a city variance for that, which we are too.

S. HAIDOUS To add on, if you don't mind, the one on Plymouth has four building signs from all sides of the building. And we are only proposing two, which is in the front and on the main doors on the side. We didn't ask for all four sides.

TESTA And I also appreciate the drawing you submitted and the explanation that some of the signs are pointing kind of back or further back so you can't see it from the street. My other question is regarding the, I guess what we're calling "directional signs." You have a couple signs that say like "thank you" and "welcome."

A. HAIDOUS That's correct.

TESTA Are those necessary if you need to reduce the number? Or not just the number but the size of them... do you really need the "welcome?" I get the directionally. Entrance, one way. Those make sense to me, but can you forego the "welcome" and "thank you?"

A. HAIDOUS Well, sometimes, from past experience, at different locations we have ended up changing from time to time we change the plate from "welcome" and "thank you" to "enter" or "exit," depending on if someone is coming in in the right direction to enter the building.

A. HAIDOUS Sometimes we might put "Happy Holidays," like during the holiday season. So, the template's already something that's standard.

TESTA Okay. So, what you're showing in the drawing is kind of what your big sign would be at the time of install?

A. HAIDOUS Sure.

TESTA And you're saying you have the ability to change it over time?

A HAIDOUS Correct. But obviously, we don't do that unless we come in and get a variance for that or an approval from the city in case we need to change it. But to answer your question: Currently, I think--if I'm not mistaken--I think it's "welcome" and "thank you." And it's part of our customer service; we're showing appreciation to our customers, when they're entering the building, to show them "welcome" and when they exit to show them "thank you." And the variance still allows for two if I'm not mistaken, so those two are going to be right in the front on Middlebelt when you enter.

TESTA Okay. Thank you. Thank you, Mr. Chair.

BARINGHAUS Mr. Chair.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS I see your diagram for the menu board that you talked about earlier. I've noticed that a lot of Dairy Queen sites have that pre-menu board. Just for my clarification, do you still consider that board as well? Or just the menu board?

A. HAIDOUS No, that board too.

BARINGHAUS Two boards?

A. HAIDOUS Yeah. So, the preview board--are you questioning the preview board?

BARINGHAUS Yeah, I didn't see a diagram on that.

A. HAIDOUS Yeah. So, the preview board and the actual menu boards.

BARINGHAUS The two?

A. HAIDOUS Yes. So, the preview board does not need a variance... it meets the city requirement. It's just the menu board that's going in for four square feet overage, which it's located in the back, and it's covered by all the trees.

BARINGHAUS Question for the Inspection Department. Does that sign meet city ordinances... the pre-menu board?

HERSHEY That was the menu board?

BARINGHAUS That was the pre-menu board.

HERSHEY I thought that was all one, wasn't it? It was the one that the issue... it's one large sign? The pre-menu?

BARINGHAUS The one large sign is the menu board, but there's a second sign to the drive-thru, which is a pre-menu board. And the petitioner said that it meets city ordinances or requirements.

BARINGHAUS I think the only variance they need is the excess size.

HERSHEY Yes, because it's written that they can have up to 50 combined with the menu board and the pre-order menu board. So, in there, the pre-order and the menu is allowed up to 50; otherwise, it's only 30 as a menu board.

COPPOLA I think it's especially going in line of like height, and all those other requirements...

BARINGHAUS Number and height that they were... it sounds like it was combined in the one and they just have the menu board illustrated in the package and the pre-menu board. But I see what you're saying.

HERSHEY Yeah, I was of the understanding they were both combined as a pre-menu and the menu. I see just the one.

BARINGHAUS Okay, great. Okay, thank you very much.

COPPOLA Any other questions for the petitioner? All right, seeing no more...

HERSHEY For the directional signs, they're a maximum of two square feet. These appear to be a little over three square feet each; there is no quantity allowed. The issue is they're too large. So, they can't be larger than two square feet each.

COPPOLA Again, we looked at what was presented in their package. It was basically two and an eighth by one and a quarter, which comes out to about 2.7 if you round up.

HERSHEY Well, I've got one foot three inches by two foot one and a half inches. That'd be three feet for the welcome board.

COPPOLA 1.3 is basically one and a quarter inches?

HERSHEY No, that's feet.

COPPOLA One foot one and a quarter feet.

HERSHEY Yes.

COPPOLA And then the other one I calculated two and an eighth foot.

HERSHEY So, it'd be three square feet.

COPPOLA Multiply those together then it comes to 2.7. Fortunately, usually these things actually tell you the exact size.

HERSHEY Because I think that's why Randy put down three square feet and only two square feet is permitted.

TESTA The drawing shows 2.66 square feet.

COPPOLA Where do you see that? I'm just trying to find where it actually says it. Okay, thanks. Thank you, Mr. Hershey. Anything else?

TESTA Did you find that picture?

COPPOLA I did not. I calculated it. Where did you see...?

HERSHEY On the top corner, it says 2.6, quantity three.

COPPOLA Okay, all right. Anything else? Thank you. Is there anyone in the audience to speak for or against this petition? Seeing none, do we have any correspondence?

KLISZ We have one letter. We have a letter of approval with qualifications by Carol Ely, 29467 Bobrich, Livonia. That's the only letter.

COPPOLA All right, thank you. So, Alex and Sam, anything you'd like to say in closing before we close the case, give our comments, and vote?

A. HAIDOUS Just thank you so much for your time.

COPPOLA Alright, thank you. You can have a seat. We'll close the public portion of the case and start the Board's comments with Mr. Testa.

TESTA Thank you, Mr. Chair. I can be in support of this petition. I think it's similar to what we approved with the Plymouth Road location. I think on that night, we were in a good mood [LAUGHS]. It is kind of excessive when you look at it. But the way I'm judging this one,

what's a little different than the Plymouth Road is that the majority of your signage or a good chunk of the signage is, once you're on the property, you're not seeing it once you're on the property and you're going through the drive-thru, at least with the directional and the wall signs. So, I think when... I get from other petitioners with these types of restaurants, the preview menu boards and the directionals is quite necessary to help with the flow of traffic. And also with the flow or ordering, the pre-menu is important. Regarding the spoon, I wish you didn't remove it. I would have approved that too [LAUGHS]. And maybe you can put it inside. I do like that spoon. I'd like to see it if you can fit it inside. Thank you.

COPPOLA

Thank you. Mr. Boloven

BOLOVEN

I, too, am in support. It's more based on the precedent that we set on the Plymouth Road as Mr. Testa said. This is a different location than the Plymouth Road one. It's a little excessive on the wall signs and the directional and the four-square feet on the menu board, but with the explanation that the majority of them are going to be the back and the way this is secluded in the back covered by forest rather than [on] Plymouth being open, 360 around it. I'm okay with it. I see the need there on it, or I'd be willing to grant that based on what we did on Plymouth.

COPPOLA

Okay, thank you. Vice Chair Baringhaus.

BARINGHAUS

Thank you. I agree with my colleagues. I guess I was surprised about the flexibility on a corporate sign package like Dairy Queen; they are quite a bit different. I think this current plan, while it does happen to be more of an advertising sign, for lack of a better term, has less brand signage than I think the other location. But all in all, I think it's decently presented and gives the petitioner the ability to be competitive in the area, so I'll approve of the variance.

COPPOLA

Thank you. Secretary Klisz.

KLISZ

I agree. I don't have a whole lot more to add. Thank you to the petitioners for moving in there and taking over a building that's been vacant for quite a while. Again, I think it's similar, very similar to the Plymouth Road location. It's a bigger property, and then it is again, more secluded with the woods and whatnot. So based on all that, I'll be in support.

COPPOLA

I, too, am in support. I appreciate the petitioner coming in with a package that's proportional to what had been approved for similar sites. I think that what you've done makes a lot of sense for the site that you're at. You get the additional ground sign, monument

design, which is helpful for you too... so that will be a big plus, so you moderate this too. So, I'll go ahead and open up the floor for a motion.

BARINGHAUS Mr. Chair.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Resolved that the variance sought in appeal case number 2023-10-29, filed by the Haidous brothers be granted for the following reasons and findings of facts. The uniqueness requirement is met due to the size of the property and the vegetation around it. Denial of the variance would have severe consequences for the petitioner due to the inability of customers to identify the location of the property. The variance is fair in light of its effect on neighboring properties and in the spirit of the zoning ordinance due to no protests from the surrounding business or neighbors. The property itself is classified as C-2, Commercial 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 package presented this evening be installed as presented.

TESTA Support.

COPPOLA I have a motion by Vice Chair Baringhaus, supported by Mr. Testa. Any discussion? I have one question in regard to... the petition is asking for a three-square foot directional sign and this package has 2.7 square foot directional sign. So, are we approving 3 foot or are we approving 2.6 as presented, or 2.7 as presented?

BARINGHAUS I think 2.7 as presented.

COPPOLA How does that work, Mr. Neville? When the petition says 3, but we say "build as presented," what takes precedence?

NEVILLE Well, as presented, you're saying that's 2.6?

COPPOLA 2.66.

NEVILLE Yeah, certainly, because it's certainly less than three feet.

COPPOLA So, he could come back then with a three-foot directional sign?

NEVILLE Not to exceed, but... you're granting it subject to being installed as presented. I think that covers what he's got on the drawings.

COPPOLA Alright. Anything else? Take a vote, please.

KLISZ Mr. Testa.

TESTA	Aye.
KLISZ	Mr. Boloven.
BOLOVEN	Aye.
KLISZ	Secretary Klisz votes aye. Vice Chair Baringhaus.
BARINGHAUS	Aye.
KLISZ	Chairman Coppola.
COPPOLA	Aye.
KLISZ	It passes, five to zero.
COPPOLA	Alright, so your petition has passed as presented. Looking forward to the place being built and finished and open. And put the spoon inside [LAUGHS].
A. HAIDOUS	We'll be open in three weeks.
COPPOLA	Great. Good luck.

RESOLVED: APPEAL CASE NO. 2023-10-29, 17200 Middlebelt Road: an appeal was made to the Zoning Board of Appeals by Haidous Brothers, seeking to erect drive-thru menu board signs, directional ground signs, and wall signs, resulting in excess total menu board sign area, excess directional sign area and excess number of wall signs and wall sign area.

This Commercial property is located on the east side of Middlebelt Road (17200), between Six Mile and Pickford, Lot. No. 047-99-0004-007, C-2 District, Commercial, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 11.08 (3), **be granted** for the following reasons and findings of fact:

1. The uniqueness requirement is met due to the size of the property and the vegetation around it.
2. Denial of the variance would have severe consequences for the petitioner due to the inability of customers to identify the location of the property.
3. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance due to there being no objections from the surrounding businesses or neighbors.
4. The property itself is classified as C-2 District, Commercial 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 package must be installed as presented.
2. Each directional ground sign must be 2.66 square ft.

ROLL CALL VOTE

AYES: 5

NAYS: 0

ABSENT:

PASS/FAIL/TABLED: PASS: PASS

APPEAL CASE NO. 2023-11-30, 18917 Yorkshire Drive: an appeal was made to the Zoning Board of Appeals by Bujar Ramolli, seeking to maintain an existing five-foot tall iron picket fence, erected without permit or the west neighbors' approval.

This Low-Density Residential property is located on the west side of Yorkshire (18917), between Hillbrook and Clarita Streets, Lot. No. 037-02-0010-000, N-2 District, Neighborhood, rejected by the Inspection Department under Livonia Fence Ordinance, Section 15.44.090A(1).

Non sight obscuring fence height:

Allowed: 4 ft.

Proposed/existing: 5 ft.

Excess: 1 ft.

COPPOLA Thank you. Anything you'd like to add?

HERSHEY Not at this time, Mr. Chairman.

COPPOLA Just a quick clarifying question, which I should know the answer to, but I don't. If he had all the neighbors' approval on all three sides, could he put in a five foot [fence]?

HERSHEY Not that style.

COPPOLA Not that style?

HERSHEY No. Four feet is the maximum.

COPPOLA So, anything higher than four feet that has to be sight obscuring?

HERSHEY No, well, yes. It would end up being a privacy fence. Yes, exactly.

COPPOLA So it's considered a privacy fence at that point. It's got to be sight-obscuring?

HERSHEY The height for that style fence--picket or chain link--is maximum four feet per the ordinance.

COPPOLA Alright, thank you. Any more questions for Mr. Hershey? Alright, seeing none, if the petitioners can step up to the podium. Name and address, please, first.

B. RAMOLLI Good evening, zoning board. My name is Bujar Ramolli, and I reside at 18917 Yorkshire. And I've been a Livonia resident for 39 years.

COPPOLA Give me a brief summary of your application just to get us all grounded.

B. RAMOLLI Yes, my property was inspected on September 13, 2023 and was found to be in violation of the Livonia Zoning Code Ordinance. Essentially, my fence was installed at five-foot height, and I need a four foot [fence] per city code. I'm requesting a variance to allow for a five-foot aluminum decorative style fence. The reason for the request is for the safety of my special needs child. My child has Down Syndrome also ADHD and is extremely active and can easily climb over a four-foot fence. The neighbor to the rear of mine has an unsecured pond, which is over six feet deep and has refused to communicate whether he will replace the fence that was forcibly removed by the city for being unsafe. I cannot wait any longer to erect the five-foot aluminum fence to protect my child from his unsecured pond.

COPPOLA Okay, Mr. Ramolli. You applied for a permit and that permit was for four feet at the time. It looks like five feet was on it. It was written over with a four foot. Who made that change?

B. RAMOLLI I have no idea. I didn't.

COPPOLA So do you have an original approved permit where it says five feet, not four feet?

B. RAMOLLI No, I don't. They came to look at it, they inspected it, and then they gave the okay afterwards.

COPPOLA And when was the four-foot fence installed on all three sides? If they were done at different times.

B. RAMOLLI The two sides were installed two years ago, in May. I hired a company to do it. They were supposedly supposed to pull the permits. But the other one, the one backing up to the house, that one I pulled a permit for myself, and I did it with my neighbor.

COPPOLA So you put it in the rear of the fence that's facing to the west, which is at the rear of your home?

B. RAMOLLI Yes, I did.

COPPOLA And it was inspected at that time?

B. RAMOLLI Yes. Yes, it was. I pulled a permit for that one.

COPPOLA And it was signed off on?

B. RAMOLLI Yes.

COPPOLA So, you're saying that the two north, the south fences, to your knowledge, there were not permits pulled on those?

B. RAMOLLI To my knowledge, they said they did pull permits, but I never got anything. The person moved; I tried contacting the person and nothing.

COPPOLA And those were installed a year earlier?

B. RAMOLLI A few years... two years ago.

COPPOLA December 2020?

B. RAMOLLI Yes. He [the neighbor] had a fence prior to that, and I just put it up to his fence there. And then the city made him tear that one down. And so, they said he was going to put one up, but it was months before he said he was even thinking of putting one up, and I had no choice with my son.

COPPOLA Okay. So, you had petitioned the city to have him remove that fence? Is that correct?

B. RAMOLLI Yes. Us, and five of the neighbors.

COPPOLA So at that time, what were your plans on what was gonna happen after you made him take the fence down?

B. RAMOLLI I thought he was going to replace it.

COPPOLA And on what basis did you think that? Did you have a conversation with him? Why did you think that?

B. RAMOLLI I did. I did have a conversation and the city told me that he was mostly supposedly supposed to replace it with... you know, what's that fence called? That's what he was supposed to replace it with. I forgot the name.

COPPOLA So when he took the fence down, all he took down was the panels?

B. RAMOLLI Yes.

COPPOLA And then what happened to the uprights? What happened to the posts?

B. RAMOLLI They fell over. The fence was up for over 30-some years.

COPPOLA So they all fell over with the fence? Because I think one of your pictures showed that they were still standing after the panels had been taken down. Is that correct?

B. RAMOLLI Yes. But eventually, after a while, they just fell down; they rotted away. I waited a few months and...

COPPOLA So you asked him to take down the fence and didn't have any level of commitment from the neighbor at that time to do anything about the fence, even though you have the issue that you're stating you have?

B. RAMOLLI Yes.

COPPOLA Did you feel comfortable with that at the time?

B. RAMOLLI Well, I didn't feel comfortable with it. I tried talking to him, but I said we'll come to some sort of compromise. And he just wouldn't speak to me. He says, "I'll do it when I want to..." and I just couldn't get through to him. And I told him about my special needs son. He's got a pond back there. And it's not secure. My son loves the water and he can't swim.

COPPOLA Okay. Have you had a survey performed?

B. RAMOLLI No, I didn't.

COPPOLA How certain are you that you're on the property line, within your property with the fence?

B. RAMOLLI I'm almost positive because he had his fence up prior to when I put it up to his, and I just pulled it in a little bit. I have pictures showing that it was... I have the fences that were put on both sides. He had his fence up at that time, so I just put it up against that.

COPPOLA I'm sorry. So, his fence...

RAMOLLI He had a privacy fence.

COPPOLA His privacy fence--the one that he took down--was up when you put your fence up?

B. RAMOLLI Yes, yes, it was.

COPPOLA	So the picture that you submitted showed the panels down, but the posts are still up and there was no iron fence on your property?
B. RAMOLLI	No, that was probably prior to it. I'm not sure what...
COPPOLA	So was the fence still up when you put your fence up?
B. RAMOLLI	Yes.
COPPOLA	So how do you explain that picture there?
B. RAMOLLI	The picture with his privacy fence?
COPPOLA	The panels are down, but the posts are still up.
B. RAMOLLI	Oh, the posts are still up.
COPPOLA	And there was no wrought-iron fence.
B. RAMOLLI	No, but I did put the fence up before his even came down, and the city seemed ok to do that.
COPPOLA	When did he take his picket fence down? When did he take the panels down?
B. RAMOLLI	Last year, last year around...
COPPOLA	So you pulled your permit for that back fence this year?
B. RAMOLLI	Yes.
COPPOLA	So I'm still trying to understand. So, this fence hadn't been down when you put your wrought-iron fence in?
B. RAMOLLI	I put the back fence up.
COPPOLA	That's what I'm talking about.
B. RAMOLLI	Oh, sorry. I misunderstood that. Yes. Yes, you're correct.
COPPOLA	Okay. Questions for the petitioner?
BARINGHAUS	Yeah, Mr. Chair.
COPPOLA	Vice Chair Baringhaus.

BARINGHAUS Yeah. Can you retrace the history of your picket fence again? First off, did you install the fences or were they installed by another company?

B. RAMOLLI The two, the north and south ones, were put in by another company. The one in back...

BARINGHAUS That was installed by yourself?

B. RAMOLLI Yes.

BARINGHAUS Or the installation of it per the contract. Okay. And then what year was that again?

B. RAMOLLI No, the other ones were I hired a company, but I tried to get ahold of them, but they were no longer in business. I heard from a friend of mine that they moved.

BARINGHAUS And at that point you were relying on the contractor to get the permits for you, right?

B. RAMOLLI Yes, I was.

BARINGHAUS You have no knowledge of whether they pursued that or did not pursue it?

B. RAMOLLI No, I don't. I do have copies of my neighbors signing off on it, so I don't know...

BARINGHAUS Okay, so you had those two side fences basically installed by a contractor, and the wooden fence in the back of the property was still in place at that point?

B. RAMOLLI Yes. Correct.

BARINGHAUS Okay, and then what year was the wooden fence removed?

B. RAMOLLI Last year in 2022.

BARINGHAUS And then in 2022, did you get a permit for the back fence?

B. RAMOLLI Yes, I did.

BARINGHAUS Who installed the back fence?

B. RAMOLLI We did--me and my neighbor.

BARINGHAUS	When you filed for the permit, what did you tell the city what type of fence you were installing?
B. RAMOLLI	I told the city that I was building a decorative fence, aluminum fence.
BARINGHAUS	Decorative fence?
B. RAMOLLI	Yes, that's what I have now: a decorative aluminum fence.
BARINGHAUS	Okay, did you describe the height when you're applying for the permit?
B. RAMOLLI	No, I didn't.
BARINGHAUS	Well, there's dimensions written on the permit application. Is that your handwriting?
B. RAMOLLI	Yes, it is.
BARINGHAUS	And how high did you list the fence when you applied for the permit?
B. RAMOLLI	I think I listed it at five feet.
BARINGHAUS	Okay, because it looks like it was scribbled down and changed to four... did you do that?
B. RAMOLLI	I don't recall that. No.
BARINGHAUS	Question for the building... If it's described as a decorative fence, do the height requirements, are they still in effect?
HERSHEY	I would say yes, the way the ordinance is written. It states, "Fences, which enclose property or are within the required side or rear yard, shall not be site-obscuring or exceed four feet in height measured from the surface of the ground, except for a privacy fence as provided for elsewhere in the section."
BARINGHAUS	Okay, very good. Thank you. Thank you very much.
BOLOVEN	Mr. Chair.
COPPOLA	Mr. Boloven.

BOLOVEN Question for the petitioner first, and then Mr. Hershey. Did you ever receive the approval of 31857?

B. RAMOLLI No, I did not.

BOLOVEN So, Mr. Hershey, how did that even that four foot get approved if it was never that neighbor's approval.

HERSHEY It was never approved. So, he applied for the permit, March 18 of '22. It was issued on April 23 of '22. It expired on October 20th of '22. And our inspector went out on the six-month final, which is when it expired, and he disapproved it. And do you want me to read his comment?

BOLOVEN I guess take a step back. It was issued, so the permit was issued, but it was never...?

HERSHEY Only for the back privacy, back 80 feet, four-foot high only.

BOLOVEN Right. So how did that get even issued if there was no neighbor approval?

HERSHEY That I don't know. I don't have an answer for you on that one.

BOLOVEN That's what I'm trying to get to... it got approved four foot and did he just not approve the five feet?

HERSHEY I'm sorry, four foot does not require the requirement for a neighbor approval because it's a chain link for a four-foot non-obscuring fence.

BOLOVEN So if this was four foot, he wouldn't need neighbor approval for a fence?

HERSHEY Right. So, once the privacy fence is obscuring, it needs the neighbors' approval. So, he applied for a four-foot 80-foot-long rear property line fence, which we're under the assumption it's either a picket like he has--four feet--or chain link. Not an obscuring.

BOLOVEN So why does the city's privacy chain link fence acknowledgement form, why does it even exist if it's a four-foot chain link that somebody does?

HERSHEY I don't know. Maybe Mr. Neville can answer that question.

BOLOVEN Mr. Neville, I guess I was under the assumption no matter what you need a neighbor approval no matter the type of fence, but hearing Mr. Hershey's comments, if it was four foot, we wouldn't need neighbor approval written on this?

NEVILLE That is my understanding. I'm looking at the style of fence right now to see, because clearly when we have a privacy fence proposed, it'd need the neighbors' permission to do that. And I'm just verifying to see whether or not that's a requirement that exists with respect to four-foot fences or other fences other than privacy.

HERSHEY So, the start of the ordinance reads, "A partition fence shall be permitted as long as there is only one such fence separating individual properties subject to the following regulations," which would be the four-foot height. And I don't believe there's any requirement for a chain link because it's not obscuring.

BOLOVEN Sure. So, this goes into another kind of question here. The neighbor had a fence up. The neighbor gets ordered to take the wood fence down and leaves the posts up. There are allegations of how the posts came down. Nevertheless, the neighbor was gonna replace it. Who gets the right to put up the fence because they can't have a double fence?

HERSHEY Right. Well, whoever would apply for it and depending upon what you're installing would determine what you need for requirements.

BOLOVEN So it's a first and time type of thing. It would have been a rush to get a fence up.

HERSHEY So if the other neighbor wanted to put a privacy fence up, he would need his approval to put that up.

BOLOVEN What if the neighbor wanted just to replace what was ordered to take down?

HERSHEY You can replace an existing privacy fence. I don't know if his was prior to the ordinance, and/or if it was legal or not, I don't know.

BOLOVEN So, question for the petitioner. If you come down one foot here rather than going through this fight with the neighbor, would you be willing to do that?

B. RAMOLLI I'd be willing. I'm just worried for my son.

BOLOVEN	But right now you're facing the fact that you don't have neighbor approval. And if you were to avoid that, just by coming down a foot, would you be willing to do that?
B. RAMOLLI	I'd try. I could do it myself, I guess. It just wouldn't look too good if I cut off a foot.
BOLOVEN	It's not cutting if... I guess it would go down, depending on... Thank you, Mr. Chair.
COPPOLA	Other questions for the petitioner?
TESTA	Yes, Mr. Chair. Question for Mr. Hershey. So, we're here because the Inspections Department went out to inspect the fence that was put in?
HERSHEY	Yes.
TESTA	And the inspection department was expecting to see a four-foot fence based on...
HERSHEY	The permit description, yes.
TESTA	Okay. Question for the petitioner. I know it's been asked before. Why did you put in a five-foot fence if the permit was for a four-foot fence?
B. RAMOLLI	I wasn't sure about that. But I was actually trying to measure with my son, and the other ones they put up was five feet, the side ones, so I just wanted to match it with them.
TESTA	Can you describe the fence that you put up? Is it the black wrought-iron in the pictures?
B. RAMOLLI	The black? Yes, yes, it's aluminum.
TESTA	So if your main goal is to keep your son from climbing over that fence, that's correct?
B. RAMOLLI	Yes.
TESTA	There's a horizontal slab on that fence that is almost a foot off the ground. And if he steps on that, that becomes a four-foot fence and he can get over it, right?
B. RAMOLLI	Actually, I did lower it to the ground. So, he can't even try to get under it or whatever.

TESTA I'm talking about getting over it.

B. RAMOLLI Oh, to try to step on it? No, he's tried it now and he hasn't gotten over it or nothing.

TESTA So, if he steps on that horizontal slab, which is about a foot off the ground, it becomes a four-foot fence and you're saying he can't get over that?

B. RAMOLLI No, he doesn't really.

TESTA But he can get over a four-foot fence? That's why I'm not understanding why a four-foot fence would meet your needs?

B. RAMOLLI Just like I said, I had the fives up. He couldn't get over those. And he tried and tried, but he couldn't get over that. So, the four feet, being a foot lower is...

TESTA Okay, can you describe the conversation with your neighbor trying to get approval?

B. RAMOLLI Yes, I spoke to him numerous times about the fence he had up before. My son had cut himself a couple of times. And I've spoken to all the neighbors, and they said they've been trying for 18 or 19 years to get them to remove that fence because it was unsafe, and the city did come out and say it had to come down. So, I think he got upset at me--that I'm the only one who did it. But all my other neighbors were also on it. And that's what started the whole thing about not getting a petition. I tried probably four or five times.

TESTA Okay, so you've asked him to sign the petition for your fence and he's refused?

B. RAMOLLI Yeah, I asked him numerous times and I told him about my son. If he didn't have a pond back there, I wouldn't need a fence.

TESTA Another question for Mr. Hershey. Why was the fence taken down by the neighbor?

HERSHEY I'm unaware of that. I am not sure why. I don't see any enforcement under his address. And I don't know. I know nothing of that.

TESTA We have no record of the city forcing that fence to come down?

HERSHEY	Not that I'm aware of unless we have the other gentleman's address. I could look it up, but I don't know. Let me see if I can find it. But I'm not aware of anything related to that.
TESTA	And since there is a pond there, is a required to keep that secure so that children couldn't get into that?
HERSHEY	There's no permit required for a pond. So, I don't know as far as any barriers that would be required.
BOLOVEN	Mr. Chair.
COPPOLA	Mr. Boloven.
BOLOVEN	One more question for Mr. Hershey. Saying that it was issued for the four foot and obviously got denied or the whole process went where they discovered the five feet, at the time the application was submitted, looking at the ordinance right now, it looks like there was also supposed to be either a written agreement of the adjoining property owner or a survey for the line. Do you know what would have been submitted for that line and issue here?
HERSHEY	What was submitted was a site plan. And that was basically what was submitted. Let's see here. It's a site plan, I believe, from when the house was originally built, showing all the dimensions of the house and the 80 feet in the back and it's highlighted yellow was to where the fence was going. So, they based that off of the site plan.
BOLOVAN	So if the neighbor's contesting the location right now, what would the city do on that end?
HERSHEY	We'd have one of them get a survey and verify the property line.
BOLOVEN	Thank you.
HERSHEY	You're welcome.
BARINGHAUS	Mr. Chairman.
COPPOLA	Vice Chair Baringhaus.
BARINGHAUS	Does your neighborhood have a homeowners association?

B. RAMOLLI No, he's not part of our association.

BARINGHAUS Well, are you part of it?

B. RAMOLLI Yes.

BARINGHAUS And it looks like you reviewed the fence with your homeowners association?

B. RAMOLLI Yes, I did. There should be a copy of that.

BARINGHAUS What was their determination?

B. RAMOLLI They said everything was fine. Everything was a go, and I submitted the letter also.

BARINGHAUS Was there any discussion on the height of your fence with your homeowners association?

B. RAMOLLI No.

BARINGHAUS Does your homeowners association allow privacy fences in the neighborhood?

B. RAMOLLI No, they don't. They made an exception because of my son having Down Syndrome.

BARINGHAUS Privacy fence, six foot?

B. RAMOLLI Correct.

BARINGHAUS You can't even install a six-foot privacy fence in your neighborhood today, is that compliant with your homeowners association guidelines?

B. RAMOLLI If it isn't, not with our homeowners association, but they made an exception because of my son, and they voted on it.

BARINGHAUS They made an exception to your current fence?

B. RAMOLLI Correct.

BARINGHAUS Okay, so they won't allow a privacy fence, but they did sign off on the current five-foot picket wrought-iron fence?

B. RAMOLLI Yes.

BARINGHAUS

Okay, thank you.

COPPOLA

Any other questions for the petitioner?

COPPOLA

Alright, seeing none, is there anyone in the audience who would like to speak for or against this? Alright, if you could sit down and then I need a name and address, please.

MOILANEN

Leo Moilanen. 18963 Yorkshire Drive. I live directly north of the Ramolli's, and I'm here to support them. I'd just like to read my statement for the record and clarify some statements that were made. So, I border, I'm really the only one who really sees that fence. The neighbor to the south, it's covered with landscape and the neighbor to the west, he's probably 500 feet away from this fence. So, it's kind of like in the middle. He has probably almost 800 feet of property that runs from Seven Mile southwards. Just to give you a little idea of how the fence is. So, we were involved with five other families to get his fence removed. It was unsafe; it was falling over. Thousands of nails were protruding from his side to our side. We bought our house three years ago. My realtor went over there and asked him about the fence if he would consider... I offered to take the fence down for him and replace the fence. Not interested. So, it got to the point where panels were falling over. He complained about the nails again; his son got cut with one of the nails. And so we were forced to call the city. I actually spoke to the resident again about the fence. He sent somebody out to grind the nails out. And it was ridiculous. Nails were just falling everywhere; it would have never gotten done because the fence is 500 feet long. So, we called the city up--and I do have the address if you need it--they forced him to take the fence down. It was unsafe. It was deemed unsafe. So, I spoke to his wife and asked about the posts. She said, "You guys can do whatever you want to do. We don't have the money to replace the fence." So, I took my posts down; I actually just pushed them over. They were that rotten. So as far as the special needs child, when they put the two side fences in, I gave him [Mr. Ramolli] permission to do so. And he butted up to that existing privacy fence. And when that fence came down, that opened up the big, big gap, an 80-foot gap for his son, so he could no longer play in the yard. And there was a pond in the back. And you know, autistic kids, kids with special needs are attracted to water. That was a fear of mine, a fear of theirs. And so when he erected the five-foot fence, I didn't know there was an ordinance anyway with a four-foot fence. But this fence is really nice. It's an aluminum fence, decorative, aesthetically pleasing. It's really nice, really a sharp fence. And the lower

part of the fence, it's not a foot up above the ground. It's about three inches. So, it's not a four-foot fence. So, it's not like he can step on that foot and now it's a four-foot fence. So that's inaccurate. But I'm here to support him. I think the fence is nice. And more importantly, it's to protect their son.

HERSHEY

Excuse me, sir, do you have the address? Is it 31885 Seven Mile?

MOILANEN

Yes, it is.

HERSHEY

Yes, there was an enforcement. It's still open, actually from 2021.... regarding the fence.

TESTA

So, the city did require him to take it down?

HERSHEY

Yes, there have been many inspections on it, a show cause hearing. It is still open. I'm not sure where it stands at this point. But there is an enforcement that ordinance has been dealing with.

TESTA

Thank you, Mr. Hershey.

HERSHEY

You're welcome.

COPPOLA

A couple of questions for you if you don't mind. Number one, what were your plans for your property when he took the fence down?

MOILANEN

I have no kids. It doesn't bother me whatsoever. If he put another fence up, I wouldn't care.

COPPOLA

Okay, and then when he asked you to sign approval. I see an approval for you. But it's been signed recently. Did you sign an approval for when he put this fence up?

MOILANEN

No, he just asked. I had no issues, no problem.

COPPOLA

Do you recall the name of the contractor who put the fence up?

MOILANEN

I have no idea. I didn't hire him.

BARINGHAUS

I'm sorry, we just have one question. I kind of saw the backyards from a distance; it looks like they're fairly heavily wooded.

MOILANEN Yeah, it backs up to that wooded area. There's nothing back there. You know, the fear is the pond for the child. It's nothing more than really an ADA case. It's got to be protected.

BARINGHAUS In terms of your property, it doesn't go to the wooded area?

MOILANEN No, the fence goes all the way along our properties. Five houses back. Along Hampshire.

BARINGHAUS Right. Very good. Thank you.

COPPOLA Anybody else? Alright, do we have correspondence?

KLISZ We have a few letters. First, a letter of objection. Robert Bedzyk, 31885 Seven Mile, Livonia. Next one is a letter of approval, Jared Lee, 31866 Clarita. And a letter of approval by George George and Ally George, 18871 Yorkshire. That's the letters.

COPPOLA Thank you. So, gentleman in the back, did you want to speak? No? Okay. All right. Mr. Ramolli, if you'd like to step up. Anything you'd like to say in closing? But I'd also like you to address the several comments that were made by your neighbor on Seven Mile.

B. RAMOLLI I caught a few things that are important. A lie. I mean, we did ask him that we would take the fence down on ourselves and dispose of it. Not to put up a new one or anything like that. We never asked him about that. It's a big cost. But we also asked him that if you do decide to put one up, we'll split the costs. And he just said "No." No, no. Every answer was no. I tried to speak to him five, six times. And he just keeps telling me "No, no." Just recently before I came to the meeting, a few weeks ago, I said, "Can we resolve this without going to a meeting?" He didn't want nothing, no. He didn't want to speak to me at all. And I told him about my son being special needs and he's cut himself a few times. And the main thing is to protect him. My son, being special needs, that's the main goal. Fence, this, that, anything to keep them safe.

COPPOLA He mentioned a gate. Do you have a gate on this fence?

B. RAMOLLI Yes, I do.

COPPOLA A gate going to where?

B. RAMOLLI A gate going to the front and also the back.

COPPOLA So you have a gate on the west fence?

B. RAMOLLI Yes.

COPPOLA And why did you put a gate there?

B. RAMOLLI In case my son throws anything over it. I can just kind of open the gate and grab it.

COPPOLA How do you secure the gate so he doesn't open it?

B. RAMOLLI Oh, no, it's secure. I got a lock on it.

Z. RAMOLLI May I say something? I'm his wife.

COPPOLA You can step up. I'll need the name and address, please.

Z. RAMOLLI My name is Zena Ramolli, 18917. Obviously, you guys heard about my son. I did have a conversation with his wife. I told her about the whole fence situation. I told her we were planning to take it down and do whatever to try to compromise. And she actually told me, "I had no idea that you guys even had this conversation with my husband. I have to catch him on a good day when he's not drinking. And then we can actually sit down and do what you want. You have a special needs child. I agree. I understand." We're not here to solve problems with him. We've been nice to him since day one. My son is special needs. He's able to jump that fence. There is a pond. I have family. My neighbors have kids; my entire neighborhood is all kids. God forbid if somebody jumps that fence and goes into that pond, what's going to happen? We tried being nice to him. We tried everything possible for years. We have neighbors, we have complaints, we have letters, we didn't even want to come to this. But he led us to this point. We tried offering, we tried being nice. At the end of the day, it's like... what more? Do I wait for something to happen to my son and then, it's like "There you go." Like I don't get it. Should I bring my kids next time to show you that I have three kids and one of them is special needs and he literally just got diagnosed with ADHD? Like as a mom, it hurts that I have to stand up here and beg you guys to have a five-foot fence. What more do you guys want? How much proof do you guys need? He's my son at the end of the day. I'm trying to protect him. And I'm pretty sure everybody will agree.

COPPOLA Alright.

Z. RAMOLLI	Thank you.
BOLOVEN	Mr. Chair.
COPPOLA	Mr. Boloven.
BOLOVEN	I just have a quick question for the petitioner. The Chairman asked the question earlier about what happened to the posts. You said you don't know what happened to the posts; they fell down. Your neighbor came up and basically said you guys pushed them down. What happened to the posts?
B. RAMOLLI	Those fell over. We had big winds. And they were basically rotted.
BOLOVEN	Well, he's saying you pushed them over?
B. RAMOLLI	Well, I got witnesses. My neighbors witnessed that.
MOILANEN	I pushed the ones that are on my property down. If he wants compensation for renting posts, I'd write him the check right now.
B. RAMOLLI	Mine was worse. There used to be a tree there also. I don't know if they have pictures of it. A totally different story. But there were so many missing panels and stuff on that, and it was windy. It was rocky. It was basically coming down.
BOLOVEN	Thank you, Mr. Chair.
COPPOLA	Anything else? Thank you. I'm going to close the public portion of the case, and I'll start the board's comments with Mr. Boloven.
BOLOVEN	Thank you, Mr. Chair. This is a unique one for a fence case. I'll say that normally off the bat our standard is we don't force people to have fences. That is our kind of standard pass. We're not going to force a neighbor to have a fence. This one's different because A) He had a fence, B) The city forced them to take it down, and C) Had this been four feet, the fence would have been up. So what are we arguing over here? Truly, if you kept it at four feet, the fence would have gone up. We're arguing over one foot, and then you've got the side issue of where the lot line is. I will say: You do have a unique circumstance, you do have a hardship, you have a disabled child. Looking at the doctor's letter from care pediatric, you got a doctor saying he could jump the four-foot fence. I see the need with the pond. I'd be willing to grant one foot. I'm okay leaving it the way it is just because of the

fact that the fence would be there, nevertheless. It's just arguing over a foot now. What I'm not okay with is where the line is, and he's making this accusation in his letter [that] you're on his property line. Really, it would have been caught somewhere along the way in the permit process. So I think, part of this is if we're going to give you the five-foot fence, you're gonna leave it, there does need to be a survey and where the lot line is. And proof needs to be given to the city that you are actually on your line and you're not encroaching on his property. I'm okay with the gate; I know he wants you to get rid of it. But again, I have kids, I have three young kids and yeah, they throw stuff over the fence. And guess what? I don't have a gate and it sucks because you got to go all the way around [LAUGHS]. It is what it is. But with all that being said, I do support the variance for the five foot and require that a survey be done for the property line.

COPPOLA

Thank you. Vice Chair Baringhaus.

BARINGHAUS

Okay, thank you. I basically agree with Mr. Boloven's comments. I think it is unique. I agree that generally, we won't force fences on adjacent neighbors, that we do want their permission in advance before the fence is constructed. You sort of went about this differently. The fence kind of went in place; you weren't aware of the fact, it made you seem like you began to collect permissions from your neighbors, generally, you also took the extra step of going before your homeowner's association. I mean, realistically, even if you wanted a six-foot privacy fence, your homeowner's association would not have allowed it. I think you more than proved your hardship, which is the basis for any variance and that's your special needs child and the need to take additional steps to protect that child from the pond adjacent to your property. I'm okay with the gate. I would like to see the property line issue resolved with some type of survey as a condition for the variance. So based on that, I'd be in favor of approving the variance.

COPPOLA

Secretary Klisz.

KLISZ

I agree completely. I guess the only thing I'm thinking about is technically, can we approve it with that as a requirement? But what if it is not, then does it have to come back versus should we table it? And have the survey done, and then have it come back. Let's look at that. And then if it is on the proper line, then again, I think I would agree with my colleagues. There's definitely a hardship. Because I'm like thinking here, "Well, you can always do a privacy fence," which the city would allow, but then he's got the homeowners problem. So,

I guess that would be my only concern is: Which way we would go? Should we table it, have the survey, come back? Or approve it with the requirement of getting the survey? And I guess that could end it, if it's presented to the inspection department, and they can say, "Yes, it's probably in place." But either way, I would go along with either of those.

KLISZ

Thank you. Mr. Testa.

HERSHEY

Can I make a comment? One issue we have there is the two side fence lines. There's no permit for it. So, I guess if you're going to approve it, maybe [make] a stipulation he obtains a permit for those two sections. So, it is all at five feet, it's all documented and approved to the city.

COPPOLA

Mr. Testa.

TESTA

Thank you, Mr. Chair. Thank you, Mr. Hersey, for that comment. I would support a table motion for two reasons. One, to get a survey to prove the lot lines and where the fence is installed is truly on your lot. And it also will give you time to properly apply for the permits on the other two fences.

COPPOLA

Alright, thank you. I have a little bit of a different opinion here. The thing that I'm struggling with is the events that have occurred through this whole process. The petitioner, and rightfully so, potentially organized and got the city to remove the fence without any thought as to what's next, at least from my perspective. So, the fence comes down. And at that point, were you not concerned about your kids potentially going on to the property? To me that just... I'm a little confused as to why there wasn't a plan, why there wasn't an agreement at that point to negotiate with the neighbor, take the fence down and we'll replace it with a new fence or something. You forced him to take the fence down and again, it was a nuisance and it was a danger--I get that. But there was no plan after that. The back was open. Next thing that happens, actually even before that is you had the two side fences going in without a permit. And that would not have been permitted even with the neighbors' approval; it would have required a variance. I struggle with the fact that there is now a contractor that no longer exists, who put it up, who didn't pull a permit. Didn't get approval from the neighbors at that time. And then we get to the back fence, where when we look at the permit, it's very clear, at least the way I look at it, that he walked into the Inspection Department and had five feet on there and they said, "You're not allowed to have a five-foot fence," scratched it off, put

four foot in, [and] they approved it. And then he just went ahead again and put in a five-foot fence. So, I see some really poor planning and some very overt decision-making to do whatever he pleased, no matter what the rules were. So, I struggle with this. And I do think you have the need for something. I do agree with that. But I'm really struggling with the behaviors that occurred up to this point. So, I'll support a tabling. And we'll have to think about this. And I think the petitioner should also think about alternatives to the fence in the back. I mean, I guess I just don't know what you were thinking forcing a neighbor to take down a fence and then expecting him to cooperate on the next step without getting that all up front. I'm at a loss as to what the thoughts were. Tabling it will give you an opportunity. I think the request was to get a survey, at least to make sure it's on [the property line]. We can do away with that objection that it's on your property, that there's no issue there. And I'd like to also get a clearer understanding the next time we talk at the meeting of what actually happened and why you did the things you did to get us to where we are right now. So, I'm going to vote for a motion.

BOLOVEN

If we're making a motion, I just want to ask Mr. Hershey questions. If they just do four foot in the back. Obviously, they need the permits on the sides, but there is no zoning variance needed?

HERSHEY

But the sides would have to be four foot also, and they're all five at this point.

BOLOVEN

The one question I have is there was a privacy fence there. They can't put up a privacy fence because of their homeowner's association? But the neighbor could put up a privacy fence if it was him?

HERSHEY

If he is not part of their homeowners association, I would say yes, that's not a problem. So, he could have reinstalled a new fence given the time. So, the ordinance was put in about a year before his permit. I'm sorry, the enforcement was put in about a year before.

BOLOVEN

Mr. Chair.

COPPOLA

Mr. Boloven.

BOLOVEN

Motion to table case number 2023-11-30 in order to give the petitioners time to obtain a survey of the property line to resolve the potential dispute, as well as to review the board's

comments and come back with some clarity to the board's questions that are left open.

TESTA

Support.

COPPOLA

I have a motion by Mr. Boloven, supported by Mr. Testa to table the petition. We can take a vote.

BARINGHAUS

Mr. Chairman. I think we also had a suggestion to allow the petitioner a period of time to obtain the permits for the side fences as well.

COPPOLA

Well, they're not permittable.

BARINGHAUS

That was based on Mr. Hershey's comments.

HERSHEY

If you approved it, I recommend you'd have him get permits, but that would be at a five-foot level height and not four. So, he can only get a four-foot chain link or picket fence. But he's five feet. So, technically...

BARINGHAUS

He needs a variance. Okay, got it. I'm sorry.

COPPOLA

Okay, you can take roll, please.

KLISZ

Mr. Testa.

TESTA

Aye.

KLISZ

Mr. Boloven.

BOLOVEN

Aye.

KLISZ

Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS

Aye.

KLISZ

Chairman Coppola.

COPPOLA

Aye.

KLISZ

Passes five to zero.

COPPOLA

Alright, Mr. Ramolli, your petition has been tabled. I think one of the things that you heard from the board is they'd like to see a survey that shows that the fence is inside your property. I think you've heard the comments from everybody.

So, hopefully reflect on those, and when we come back and hear the petition again, we'll have a better understanding of kind of the cadence of events, your thoughts as to what happened and why they happened and potentially come up with a resolution for this.

B. RAMOLLI

Can I just say one other thing?

COPPOLA

You can step up, please.

RAMOLLI

With the survey, he's the one complaining about it. My understanding is when he had that fence up--the privacy fence--and I butted up to it, doesn't that become the new line because it was over 20, 30 years that fence? Does that officially become the new line?

NEVILLE

I'm sorry, Mr. Chair, I just want to quote the ordinance. It says that "A written agreement between the adjoining property owners as to a lot line" or the "production of a survey, which shall be attached to the application" to show what the property line. They just need to establish what that line is. It's just got to be a written agreement or the survey.

COPPOLA

So, we'll take either one.

B. RAMOLLI

So he'd have to get a survey, or I'd have to get a survey?

COPPOLA

He has to agree that your fence is either on the property line or on your property...

NEVILLE

And then he has to look at the survey...

COPPOLA

Or that's the alternative? Either/or, right? That's what you're saying?

NEVILLE

Either a written agreement...

COPPOLA

That's what I was telling you, so either he has to get a written agreement from the neighbors stating that the fence is either on the property line or in your property inside the property line or you can get a survey.

B. RAMOLLI

You want this because I'm...

BOLOVEN

He's already saying in his letter that you're on his property, so you should get a survey.

B. RAMOLLI

That's what I don't understand, then his [fence] would have been.

BOLOVEN

I get it, but you're the one going for the fence right now.

COPPOLA

You can call the next case, please.

RESOLVED: APPEAL CASE NO. 2023-11-30, 18917 Yorkshire Drive: an appeal was made to the Zoning Board of Appeals by Bujar Ramolli, seeking to maintain an existing five-foot tall iron picket fence, erected without permit or the west neighbors' approval.

This Low-Density Residential property is located on the west side of Yorkshire (18917), between Hillbrook and Clarita Streets, Lot. No. 037-02-0010-000, N-2 District, Neighborhood, rejected by the Inspection Department under Livonia Fence Ordinance, Section 15.44.090A(1), **be tabled** to give the petitioner time to obtain a survey of the property line to resolve the potential dispute, as well as to review the board's comments and come back to clarify the board's questions.

ROLL CALL VOTE

AYES: 5

NAYS: 0

ABSENT:

PASS/FAIL/TABLED: TABLED

APPEAL CASE NO. 2023-11-31, Bethel Baptist Temple: an appeal was made to the Zoning Board of Appeals by Bethel Baptist Temple, seeking to erect a ground sign with an electric reader board resulting in excess sign height, sign area and an electric message center, which is not allowed in this zoning district. The message center is excess in area as allowed in other zoning districts.

This Rural Urban Farm property is located on the south side of Six Mile Road (29475), between Oporto Street and Middlebelt Road, Lot. No. 053-01-0001-000, R-U-F District, Neighborhood, rejected by the Inspection Department under Livonia Fence Ordinance, Section 6.50 and 11.08.

<u>Ground sign height:</u>	<u>Ground sign area:</u>	<u>Electronic message center sign area:</u>
Allowed: 6 ft.	Allowed: 30 ft.	Allowed: 15 ft.
Proposed: 8 ft.	Proposed: 40 ft.	Proposed: 20 ft.
Excess: 2 ft.	Excess: 10 ft.	Excess: 5 ft

- COPPOLA

Thank you, Mr. Hershey, anything you'd like to add?
- HERSHEY

Not at this time, Mr. Chair.
- COPPOLA

Any questions for Mr. Hershey? Seeing none, if the petitioner can step up or the petitioner's representatives. Name and address, please.
- R. BUJA

Ryan Buja. I'm the Pastor of Bethel Baptist. My address is 30457 Jeanine Street, Livonia. And the church is 29475 Six Mile.
- COPPOLA

Can you please spell your last name for me?
- BOLOVEN

B-U-J-A.
- COPPOLA

All right. Tell us about your project.
- R. BUJA

Well, the first thing I want to do is thank you guys because my parishioners will never complain about a long sermon again [LAUGHS]. So, I'll start it right there, right? So, there's really two issues that we have here. First thing I want to say is Bethel Baptist, for those who are not aware, has been at that location will be for 50 years this coming spring. So, Bethel has been around a long time in the city of Livonia at that location. And there's really two issues that we have on our related appeal process. Number one is the zoning. And then of course, number two is the size of the sign. I kind of want to talk just for a minute about the zoning. I understand that we are currently zoned residential. According to the zoning rules, you cannot have an electronic reader board in the R-U-F zoning district. I do understand the purpose of that because

obviously, if a church is in the middle of a neighborhood, typically the homeowners in that area might not want an electronic sign. I understand the purpose of it. But I do believe that our situation is much different in the fact that while we are zoned residential... I did provide the board with quite a few photos. But number one would be our zoning. And that is, even though we're zoned residential, we're really not. We're in a commercial zone. Every neighbor to our west is commercial, the neighbors to our right are commercial, the neighbors across the street are commercial, and our neighbors behind us, which is that large piece to the south, that's actually a church, which is about 300 yards behind us. So, we have no residential homes around our church at all. And I did present the committee with a picture of course of the plot map. I also presented kind of a view from all around our church. I don't know if you have that. But if you kind of look at what I submitted, it's all medical buildings. To our west, there's a daycare over there within eyeshot, and then across the street, more medical buildings. Directly across the street is a debt company. And then you have the pool store, the BP, and then to our east, you have the couple of different places and Lefty's over there. So, I kind of provided all the different pictures on that. But I don't know why we're really zoned residential in the middle of a commercial zoning. Again, we've been there for 50 years, and maybe 50 years ago, I'm sure the landscape looked much different 50 years ago, than it does in 2023. But being surrounded by that, I would say that we would definitely fit more into applying for the variance due to the fact that we are more commercial and the fact that our neighbors are all commercial. The other picture I did supply under the zoning was just a picture of the Michigan Columbus Credit Union. I provided two pictures on that. That is actually on the same side of our street about a half a mile west on our street. And if you notice, I provided a two pictures on that. They have an electronic reader board, which is what we're going for, and their neighbors, if you will directly across the street is all residential homes. So, you know, I understand that they're probably zoned commercial. But from a visual perspective, they're more residential than we are. We're more commercial than they are. So, I think that that would be kind of my plea or appeal to the board as far as our zoning on why we feel we should be granted to have this reader board in our "zone." So that would kind of sum that up. Number two would be the size of the sign. And let me pull a picture of it. You have this picture right here. And you probably don't see much but a bunch of trees. So that picture right here is... we have seven mature trees that are on the Wayne County right of way. So those trees right there, as you can see now, I took that picture on October 27. So, half of those leaves had already fallen off that tree and we're almost to November when I took this picture. So, you can imagine for most of the year or at least more than half of the year, when the leaves are on there, you literally cannot see our church when you drive down it, like we don't even exist when

you drive down the road, because of those seven mature trees on the right of way. Now I did have an issue just to give you kind of a little bit of an idea. Those trees are of course on the Wayne County right of way. And back in late 2020, the trees were actually touching the ground on our property; you had to duck around them on the sidewalk to go down it. Because Wayne County had not done anything with them. And for 18 months, I had called the Wayne County Tree Commission, and in the seven times I called them to have our trees trimmed, and they would say, "Well, we're trying, we're trying, we're trying..." On the seventh call, after 18 months of calling, they finally said, "Just go trim them yourself," even though they're huge... literally. And by the way, this is part of our church family right here, so but some of the men you see here went out and spent like a half a day with a pulsar, trimming those trees, so they look that good, because we did that. We trimmed Wayne County trees with their permission. That being said, if they were our trees, they wouldn't be there; we would cut them down. And the other thing that I submitted past that picture: there's four other churches that are on in a one mile... on our block or on our street. So from Six Mile, Merriman to Middlebelt in that one-mile stretch there, [there are] five churches. We're one of them. And I submitted the pictures of the other four churches. And if you'll notice, not one other church on our street has any trees on the right of way. Every one of them are wide open; nothing blocking their church. In fact, almost every business on our street has no right of way trees blocking. We're like the only one. And I believe this gives a hardship to us. Just not having any visibility from the road driving down it because of trees that we cannot do anything about. So if you kind of look at the pictures I did submit -- their sign, their building [are] all very visible from the road as people drive down. I believe that is something that we face that other churches and other businesses down that stretch do not have to deal with. The last thing I'd like to say regarding that is this church right here is Cornerstone Baptist; they are literally across the street, about 50 yards to the west. You can actually see them from our street, or from the front of our church. Last year, they got approved for a 50 square foot sign here. And of course, under their current condition, 40 was the maximum. So they were granted 10 additional square feet. And I don't know what their case was. I don't know anything about what they had. But all I know is that they were given 10 more additional square feet. And again, there's no... if you look at their church in the picture I said, there's nothing even blocking their current sign or where they put their sign. And I don't know why they wanted 10 more, but either way, I feel like we're asking for the same thing. I know an electronic reader board can be 30. We're asking for 10 more, for 40. And I believe we have a very legitimate reason, like a hardship of why we would help kind of attract... since we can't do anything with the trees, something to attract through the trees and to kind of gain a little bit of attention that "Hey, we're here." And again, we've been

there for 50 years. It was funny... I was looking in one of the old photo directories, and there was a time when those trees were very small, but they are no longer that. So that's kind of the two things I believe address the zoning issue, and I believe address the size of the sign issue.

COPPOLA Just a quick question for Mr. Neville. I believe all the churches are zoned residential. Is that correct? I think that is the zoning that they have?

NEVILLE I'm not aware.

HERSHEY Cornerstone is N-1.

NEVILLE Your question, though, is...

COPPOLA The ones I can think of, they're all residential. The one that I thought about on Farmington and another one on Six Mile... And one is still in the neighborhood. It's still from my perspective, it's not an R, but it's still a residential, right? N-1 is neighborhood?

HERSHEY Yes.

COPPOLA So they're all residentially coded. And they match the residential coding that they're around from what I can see. Is that your understanding?

NEVILLE Well, I wasn't aware of them all being zoned residential, but if that is the case then...

COPPOLA And I can't say that definitively. I was wondering if you knew that? And they're all in a residential zone; it may not be R-1, it could be N-1 or something else. They're all residents.

BARINGHAUS Mr. Chairman. To support what you're saying, my church, which is away from this general area is zoned R-U-F. I'm looking at the zoning of my church and had no idea.

COPPOLA So what is your plans for the existing sign?

R. BUJA Take it out.

COPPOLA And what is the size of the existing sign?

R. BUJA 30.

COPPOLA So, it's 30 right now?

R. BUJA Yep.

COPPOLA Okay. Do you know of any other churches in Livonia that have electronic signs?

R. BUJA I'm not aware of the churches that do, but I'm aware of liquor stores that do and...

COPPOLA There are a lot of them.

R. BUJA Yeah, but I'm aware of those, so I think that whether regardless of what other churches have done, I imagine the reason you might not see other churches that have them is probably because as you said, they're zoned residential. And with the current zoning format, they're not allowed to have them. Because of that, maybe it's a rule that the board needs to consider maybe changing for churches to allow them to have the same opportunity that the liquor stores or GFS or other stores around us maybe have the ability to do that.

COPPOLA Yeah, changing the zoning would require approval by City Council.

R. BUJA Sure.

COPPOLA It's a process. So, if you wanted to go that route, that would be the route you need to go. You have to petition the City Council and see if they're willing to do that. Any other questions for the petitioner?

BARINGHAUS Mr. Chairman. Obviously, if you did have a message board, and as we discussed that's not permitted in neighborhood zoning, many churches use like a letterboard underneath the identification with the church. Did you consider that option?

R. BUJA Not necessarily. I feel like one of the things that we'd like to do with our sign is have a little bit more flexibility. Our sign right now does what we need it to do to for us, like the old-fashioned letterboard... to me, it's not old fashioned, it's old, like at Cornerstone. To me, that's old-fashioned and something where it doesn't really attract your attention. We wanted more flexibility with being able to promote whether we have our community events, Trunk or Treat. We do quite a few community events throughout the year. And that would give us a better opportunity as people drive down the street to see that. Whereas this doesn't allow you to do that. So, we weren't really wanting to spend... like if we were going to spend \$15,000 on the Cornerstone sign, we'd just keep the one we have. It doesn't really do much more than what would really help our situation.

BARINGHAUS Okay, thank you.

TESTA How are you currently advertising events, like Trunk or Treat?

R. BUJA We get a van, we put banners out. So, we have to pay... we have overnight signs, and we use them for all our banners stuff.

TESTA Okay, and is that system not working for you? It's just costly, right?

R. BUJA Costly. You have to continue to do that, or update or get new ones for each year because it's not on the same day, things like that.

TESTA Okay, thank you. I notice signs when I drive by through there. I guess I struggle a bit with the trees. I totally get the trees are there and that they are obstructing [the view]. I'm not denying that. But from at least a quarter mile away, your church is basically a tower. I can see the top of that tower. So, it's not obscuring the church. If I'm looking for the church, I can see it from far away.

R. BUJA But did you only notice that because of this case, or have you noticed that in the past?

TESTA I call that "church road." I didn't know there were six churches.

R. BUJA I know. I didn't realize that, and I live in the sub right there, so I agree.

TESTA I guess the other point on the trees is... if they're obscuring, why would you want to put a sign there that's going to be obscured by the trees?

BOLOVEN So the sign was going to be moved to the driveway, which would be in between the trees right now where the sign is at. It's in the middle of where church part is at because we have two lots. We have the main church, and then there's the main drive you pull in on, and then we own that field to the west also. So, my point is, though, where it's at right now, unless we go trim our trees if we move it to where we're proposing, that gives more visibility for people that drive by than where it's at in the middle.

TESTA Okay, and why couldn't you just keep the 30 square feet? Sounds like you were asking you for 10 extra, but Cornerstone got 10 extra.

R. BUJA So, originally, I was like, "Well, if they got 50, I want 50." To be honest with you. But then when we had seen that it's 30, we thought that if they got 10 additional, and they have nothing even blocking. And again, I don't know what they proposed or why they needed 10 more when they have no visibility issues, I think it would be more

than fair to allow us to have the same 10 more square feet with the visibility issues.

TESTA Okay, just from my memory on that case, what they were arguing or what their case was... their sign is set further back than your sign. And for people to be able to read the letters and read the message, they needed a bigger sign that had bigger words. I think your sign is going to be much closer to the road. So, I don't see why you couldn't get by...

R. BUJA I don't know if I agree with that.

TESTA They have a further setback than yours. From the street to the sidewalk, and then also from the sidewalk to their sign is going to be further back than what you're proposing.

R. BUJA Okay.

TESTA Okay, thank you.

BOLOVEN Mr. Chair. Question for petitioner. If this board were to allow you an electronic sign with the condition [that] you gotta come within the regulations of the requirements by the city as far as height, area, all that. Would that be acceptable?

R. BUJA I mean, yeah, it would be a good thing, but we really feel with the block, with our current... again, if it was wide open, I would have no problem. I really wouldn't. I think the big issue here is literally, I mean... you can look at the picture, and see. And again, that's because we trimmed them [the trees], and we're gonna have to go out there and do it again, because Wayne County is not going to do it. So, I mean, we do have an issue that no other church or really no other business for that matter has to deal with. So, I do feel like that little bit bigger sign... I mean it's not a whole lot bigger, right? I mean, what are we asking? 25%, maybe bigger than what's allowed. I don't know if you guys have seen the sign. I'm sure you haven't. But I mean, it's a beautiful sign, right? We're spending like \$35,000 on the sign. So I mean, we're spending a lot of money. This isn't like we like, you know, drove down to Detroit and found somebody and said, "Hey, can you make us a sign?" Okay? This is a national company that is making this sign and it's beautiful. So, I don't think in any way it's going to be harmful. I don't think in any way, people are gonna drive by and "Oh, wow, what's that big ugly thing?" So, I think it's going to be done really, really well.

BOLOVEN Second question is, and again, obviously, we'll have discussion as a board here. But if we give you the excess on height and total area, is it a potential to come down at least for the message center, the electronic center to the 15 square feet? Is that... I don't know what

proportion is or how that would look... but if you did that versus the sign right now, how would that look?

R. BUJA

I would prefer if we could bring the sign down from eight feet to six feet, which would be the code and keep it at 40. Just because proportionately it just would look better to have it 50/50. That's kind of what people do. That top 50% is just the nameplate, right? So, the Bethel Baptist Church, the blue part, that's 50%. That's a nameplate. The bottom half is a reader board. So, I think if it had like, come down, I think it would go to worse. I think visually, the aesthetic look of it, it looks better to have 50%, 50%. So, I think I'd rather us say, "Hey, let's bring the sign down." You know, compromise on that. Bring it down a couple feet to six feet height but leave it at the 40 square feet. So, it'd be 20 and 20. 20 square feet reader board, and 20 square feet on the digital signboard.

BOLOVEN

So if you came down to six... right now you're at eight and you got proposed square footage 40.

R. BUJA

Correct.

BOLOVEN

You would come down to six...

R. BUJA

...if we can keep the 40.

BOLOVEN

So you're gonna come out wider?

R. BUJA

No, no, the sign won't change at all. So, the only thing I know because I've talked to them about this. They would just cut the footer, they would cut this part down. They would cut that footer down to a foot, so it's three feet. That footer -- or I don't know if I'm calling it the right thing -- but the bottom part would be three feet, would be cut down to one. So that would bring it down to the correct height.

BOLOVEN

Okay. Thank you, Mr. Chair.

BARINGHAUS

Mr. Chair. You mentioned that you promote your church events currently on banners along Six Mile.

R. BUJA

Yes, sir.

BARINGHAUS

Do you also promote your events on your church's website?

R. BUJA

We do.

BARINGHAUS

So you're not really dependent exclusively on the banners?

R. BUJA Correct.

COPPOLA Just a quick question on the height. When I'm looking at the pictures that you gave, that you submitted, of the trees in the front, it looks like the canopy, the tree canopies, [are] probably a little higher than six foot. So when you go to eight feet, you're actually blocking your visibility as part of the sign.

R. BUJA Right. And that was one of the issues.

COPPOLA So I'm trying to understand why you want eight feet, when realistically, I think coming both ways, you might have difficulty seeing it.

R. BUJA Honestly, one of the reasons is the cost of the sign. And we just kind of figured if we got it off the ground a little bit more, it'd be a lot safer from damage and things like that if it wasn't like right now where they're cutting grass and throwing rocks, you know what I mean? Like, because the reader board is going to be there. So obviously, that is only a foot off the ground, right? If rocks or things thrown, or to me, it was something to protect the sign, to have a little bit more off the ground that would help it on that part of it. But the canopy part of it is something that it's our responsibility apparently to trim. So, we would have that trimmed to where it would you could see the sign. And I think that to me, the other reason was aesthetically, it kind of looks like proportionate with the way that I submitted or what would be eight feet. To me, the sign looked more proportionate than if I cut two feet off the bottom and leave one foot... to me, it aesthetically looks better. So that was kind of another thing that we had thought. But again, that wasn't like a deal breaker. You know what I mean? That wasn't a huge thing.

COPPOLA Anything else for the petitioner?

TESTA One more question. So, regarding the banners that you usually put up, would you forego ever putting banners up in the future if you have this sign?

R. BUJA Correct. Yeah, we wouldn't need the banners anymore.

TESTA Okay, thank you.

COPPOLA Any other questions for the petitioner? Seeing none, is there anyone in the audience who would like to speak for or against this petition? Step up to the podium. I'll need a name and address.

FARY Sure, I'm Vince Fary. I live at 18841 Doris, Livonia, Michigan. I think it's great idea. I'm a member of Bethel Baptist Temple. And just

visually, it'd be really good. We want to reach our community. We want to impact our community, try to be more visual for them. And I think this sign is a great idea. And it's nice sign--it's very good-looking sign. I've been involved with the pastor; I serve on the board, and I've been involved with going through the process trying to figure this out. I think it would be really good for the community. And I think it's great idea. I hope you guys approve it.

COPPOLA

Thank you.

R. BUJA

I'd like to say one thing too. I was going to kind of wait for my conclusion because I know you guys give a final thought. But I think this maybe would help a little in understanding. We want to use this sign not just to promote, like our events, but we feel like the sign in that area could be something that we use as a community board. So, for instance, first thing--we're going to have time, date, and temperature on it, which people like. People like driving by and seeing the time, temperature, things like that. Another thing that we would like to do and no, I don't know if this is possible, but we could connect with Livonia. I don't know who sends it out, but like a snow emergency or an Amber Alert. I don't know if there's a way to connect to the sign. So, if there's an Amber Alert, that could go onto our sign. That would be a help. I'm not sure about that. The third thing that we can control would be we would like to partner with Livonia in advertising some of Livonia community events, like the Spree. We know the police used to do their Touch a Truck event there, Save the Youth Run. Those are a couple of things that we would also advertise on our sign. So, it's not just like all about us. But Bethel is a church about the community. And, again, we've been in this community for 50 years, so as a church you don't last 50 years without being a part of the community and being a help. So, we would like to let this sign also be a hub for people that drive by that area for upcoming Livonia events. And again, if we can connect somehow like the Amber Alert, snow emergency, tornado warning. I don't know if that is possible to do, but we would certainly absolutely do that if we could.

COPPOLA

Are you doing anything like that now?

R. BUJA

We don't have the ability, unless I go get a banner made and hold it up [LAUGHS].

COPPOLA

You don't have... you can't change, there's a message board on your...?

R, BUJA

No, the sign that is there has been there a long time and it's just a plastic. I don't know really how to describe it. It's a piece of plastic with lettering put on it. Sorry, I did not mean to be rude about your question [LAUGHS].

COPPOLA No, that's perfect. Does someone else want to speak? I need your name and address for the record.

J. BUJA My name is John Buja, 17122 Oporto, right down the street from there. I noticed myself as I'm driving that way for different things. You cannot see that sign. It's not a sign like [at] the other churches in the neighborhood, beside the tree factor. I mean, if you go down to Cornerstone or the other churches down the street, they're visible from the road. You can see them a half a mile away. You can see that sign already there before you get there, whereas with our sign even if we moved it in a better position to have where we need it because right now, if you go after tomorrow and drive by there, you can't see our sign like until you get right on top of it, but by that time you're already past it. We need something visible from the road, that as you're driving down, you can already see the sign that we're here, that our church is here, not as you're driving past it.

COPPOLA Okay. Thank you. Anyone else? Do we have any correspondence? No correspondence. So, you already gave your closing. Anything you'd like to add?

R. BUJA Honestly, no, I mean, other than, to me, this is an opportunity. I think that we have a different hardship. I do believe that we have something different than everybody else on our street. So, I think, to me, it should be warranted... again, we are literally surrounded by commercial; we are not a residential zone. The purpose of the code is to protect neighborhoods and things like that, and that doesn't apply to our location. And then of course, sincerely we'd like to use it as a community hub to promote things of Livonia, like I said, and also things that we have. And again, we have great turnout for Trunk or Treat, and we help the community to do different things throughout the year. So, we've been there for 50 years, and we feel like this will help support the community and be a part of it for another 50 years.

BOLOVEN Mr. Chair, before you close, can I ask a question to Mr. Hershey?

COPPOLA Absolutely.

BOLOVEN Can you refresh my recollection, Mr. Hershey. What was the variance that the board allowed at 30419 Six Mile Road for the credit union?

HERSHEY So in that, it states on 11-2-2021, case closed due to change in new ordinance Livonia Vision 21 per Jerome Hanna. That is Zone C-1, which was then permitted because of the changing of the ordinance.

BOLOVEN Had that actually come back again?

HERSHEY No, it was closed because the ordinance changed and it was permitted in C-1 and they aren't R-U-F.

BOLOVEN Do you know the specs of that sign by any chance?

HERSHEY It should be on the permit here. The sign is LED message center, size is 75 inches by 25 inches, total of 13.2 square feet, setback 10 feet, height six feet, constructed with metal and polycarbonate supports metal brackets, zoning C-1, section Northwest 14. It's six feet tall and it's 13.2 square feet.

BOLOVEN On the electric?

HERSHEY On the illuminated sign, that's the dimensions given.

BOLOVEN Sorry, I know that there's two parts to that sign. The electric part of that sign is 13.2?

HERSHEY The way this is written, it looks like the LED message center is yes, 13.2.

BOLOVEN 15 is what is permitted?

HERSHEY 15 is what is permitted in that zone.

BOLOVEN Thank you.

HERSHEY You're welcome.

COPPOLA I'm going to go ahead and close the public portion of the case and start the board's comments with Vice Chair Baringhaus.

BARINGHAUS I guess first of all, looking at the issues that the petitioner identified... when it comes to zoning, the petitioner contends that they're really commercial because they're wedged into a number of different zoning areas around there. I'll argue that that's not an uncommon arrangement in Livonia. I mean churches in the area where I live, one in particular, south of it, it's all basically commercial than the churches classified with the neighborhood zoning property adjacent to it is public land. And then like the streets here, Oporto or Munger, it's all residential behind it. And so that situation is not unique. That's very common throughout the city itself. In terms of the actual sign, I do see a need for maybe a little larger sign than what the ordinance specifies because of visibility problems with the trees. I think that's partially offset, though. It's a fair size for a

building; you have a three-story building with a fairly stone, tall steeple on top of it. I've driven past that building for years, and I recognize the building just from the way the front of the church is designed. It's very attractive. I've always liked it. I do have problems with an electronic message sign in a residential zoning. I think that this particular type of display, it's really intended for commercial purposes. By allowing it into a neighborhood zoning, it kind of calls the question, "Well, gosh, if I have a business that I operate from my home, could I put on electronic sign on my front line?" I think you know that that may open the door on that. So, while I'm basically okay with the concept of the sign, I really, I really can't support the variance for the electronic message center. Thank you.

COPPOLA

Thank you, Secretary Klisz.

KLISZ

I agree with Mr. Baringhaus. We've been consistent on these. We've heard some and we've denied everyone, like the liquor store, and even the credit union here. It's in the right zoning district and meets the requirements, which is the 50% below 15 square feet. So would this just be a big sign like Cornerstone, which we did allow, and I would certainly be consistent with that. But it doesn't sound like the petitioner has any interest in just a bigger, better, newer sign. They want the electronic part. And that's unfortunate, we have to be consistent with it. And I think as Chairman Coppola mentioned, it's not something we can do. This isn't our job. This is City Council's job. And if the petitioners want to approach the City Council, there's a new City Council starting up in January. Approach them because these were never allowed. And now they're starting to come into very conservative use. But maybe they would take a look at that. And maybe again, if the zoning changed, it would be something that wouldn't even affect... we wouldn't even have to approve it. It would just be a given. But based on the current law and the current way we look at these, I can't be in support of the electronic message board. Thank you.

COPPOLA

Thank you, Mr. Testa.

TESTA

Thank you, Mr. Chair. I'm torn on this one too. So, I like that you're moving the sign closer to the drive. At least when you're driving eastbound, you'll definitely be able to see that sign. Westbound, probably still challenging. Your current site is really dated; it is due for an upgrade. I do like aesthetically how you've done the sign. I am bothered by the electronic portion. It is bigger than what would be allowed, even if you were in commercial. I think that's what Mr. Boloven was getting at with his questions to Mr. Hershey. As Vice Chairman Baringhaus and Secretary Klisz noted, we've been very consistent in other cases denying these requests. But in some

cases where it is allowed in the zoning, we pushed for it to be down to the size that is permitted. I get your argument about zoning for residential in the sense of you would be able to have this if you were commercial. And the fact that you are on a main road does give me a little bit of openness to considering that, but I'm sensing you don't have those votes tonight. You may have to be tabled and come back. Maybe make a stronger case or maybe as someone's already suggested, approaching City Council about changing the ordinance might be the better approach for you. And I'm not sure you'll be able to get enough votes even in the new year with the full board. Thank you.

COPPOLA

Thank you, Mr. Boloven.

BOLOVEN

So I'm going to be in the minority here. I would support it. I'd just support it with some changes. The factor is you're a half mile away from another signage board, electronic signage, and I get this board and the precedent is we normally deny these. But to your point, it's being allowed in other places and commissioner Klisz made a good point. Go to City Council and see if you can get a change. But if that doesn't work, you come to this board and you get a variance and that's what you guys are doing here. And I understand that on that road. My only condition would be just like the credit union, come within the parts. If you're going to do an electronic messaging board, do as they did. They were under the 15 feet. You can have a sign, come with requirements and you got my vote. If not, you want a 50-foot sign like the guy across street, that's not electric. Bring that back too. But I would be in support of tabling tonight to let you kind of listen to the board's feedback, come back with another proposal. But on my end, it would be come within the city parameters, and I'd be okay with the electronic messaging board.

COPPOLA

I'm not in support of two of the three. So, I'm not in support of electronic messaging board. I'm not in a position where I'm prepared to start a lot of those in a residential zoned district, even if it's surrounded by commercial. I mean, every residential area is surrounded by commercial--some more than others. But the 10 plus years I've been on the board, we've seen a number of these requests and they've never been approved. Even when I was first on it, I've seen them. And this was before any of these young men have been on there... it's just something that I don't think the community is prepared for, at this point in time. As to the sign height, I'm not in support of it, the increased sign height. I think the purpose of the sign height was to protect electronic message boards. So, without the message board, the sign height is not needed. The sign area, I would support the increase in the sign area. I have no issues with that. I think that 40 square feet is not exceptionally large, especially based on the area that you have, it won't overwhelm that area. So that's kind of where I stand. I know

that's disappointing to you. But from my perspective, I'm not prepared. And I don't think the community is prepared for churches to have electronic signs. So, I'll go ahead and open the board for a motion.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Motion to table appeal case number 2023-31- submitted by Bethel Baptist Temple to come back with a revised plan on their proposed signage package for the church itself, taking into account the suggestions of the board in terms of the height, sign area, and the revision of the electronic message center to another alternative.

BOLOVEN Support.

COPPOLA Motion to table by Vice Chair Baringhaus, supported by Mr. Boloven. Take a vote.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Aye.

KLISZ Passes five to zero.

COPPOLA Alright, why don't you step up to the podium. If you want to say something, go ahead.

R. BUJA I understand. Yeah. No worries. I'm a little disappointed, and I will say I think Livonia is a pretty conservative town. And to me, to say, in your own statement or whoever said it that every church is zoned residential, so then Livonia has a standard that churches are not allowed to have the same thing as a liquor store because they're zoned commercial, and we're gonna be zoned residential, no matter what. So, we're out no matter what. And I think that goes

against in the part you have in the city of Livonia that says, "In God we trust." And I don't think that's fair. I think that if a liquor store can have it, I don't know what it means by "the community is not ready for it" if they're ready for a liquor store to have one, then I think a church should be able to promote those kind of things. I also don't think the analogy of, "Are we gonna allow an electronic reader board in the middle of a subdivision if a guy has a business in their home?" I mean, that's not comparable with our case in any way. I mean, we meet in a church, right surrounding the commercial zone. So, I don't think that's a fair statement at all. So, I just think if Livonia is going to have churches automatically be zoned residential, then there has to be something changed that allows the church then to take its case and say, "Hey, why can't we have an electronic reader board?" The statement that the community is not ready for a church to have that. I don't even know what that means. I mean, I'm not trying to... But can you explain what that means?

COPPOLA

But I think it's very clear in the zoning ordinances, we just went through a rehash of the zoning ordinance a couple of years ago. Churches are zoned as residential, residential zoning. And message boards aren't allowed in residential zoning. They didn't make an exception for churches.

R. BUJA

What is the purpose of not allowing an electronic reader board in that zone? It's so the neighborhoods aren't affected by lights and stuff. And we're not in a neighborhood, right? So, we don't really fall under... I'm saying the purpose of the zoning law.

COPPOLA

So again, when I read in the beginning, there are certain requirements you have to meet to get a variance. In my opinion, and I don't think everybody agrees with me, I don't think you've met any of those requirements. That doesn't mean again that... churches shouldn't have message boards, but the zoning is very clear. And a variance can't be granted without meeting those requirements. You didn't meet those requirements. And that doesn't mean that you can't go to the City Council and get them to approve an exception for churches that are--and I believe all of them--are zoned residential. But the zoning board is limited to what variances it can provide based on what I read before those items that you have to meet. I don't believe you met any of those. Now others may have. I didn't believe you met any of those. And every church that has come before asking for a message board I don't believe have met the requirements for a variance. That doesn't mean that a church shouldn't have it. But that's the rules, right? And to provide a variance, you have to meet those requirements. So, the path you need to make and you should get all the churches together, go to City Council, make your position understood, make your arguments understood. They're the ones that can make that

change. It's not really up to... it's kind of like should judges be creating law? No, they're not supposed to be interpreting and enforcing law. The legislature makes the laws. So, this is the law we have; our job is to enforce that law and to give variances when certain requirements are met, so realistically, what needs to happen is the churches need to get together and you need to petition City Council to allow some level of message board so that they can change the variance so that it's allowed. That's the path you need to take.

R. BUJA Well, see, they told me the opposite. When I was told that we weren't allowed to have that sign, they said it's much easier to come before you.

COPPOLA Oh, it's easier to come before us. But it's not easier to get.

R. BUJA They'd have to change their zoning, though, is what I'm saying. That's what they told me.

COPPOLA I tend to disagree. I think it's passing a law.

BOLOVEN There's the final meeting of City Council tomorrow night. You got a great show tonight... at least one of you go and bring this issue up. You know, I sense the frustration, I get the frustration, but the same time what the Chairman says is true. This is the law that we're following. And there's changes to be made. Take that action. That takes it out of our hands, and it's not an issue anymore.

COPPOLA But for now, you've been tabled. You have an opportunity to come back and review what the board has said. There'll be two other new board members starting in January. And when tabled, you can come back with the same petition you came with before. It doesn't mean you'll make it any further. But if you think that you can convince two more members and sway some more, you can come back with that. I think that while I agree it's probably not an easier path, it's very easy to get a variance assuming you can meet the requirements. It's a much easier path, but you got to meet the requirements.

R. BUJA What's the requirement that we have to meet?

COPPOLA What's the hardship?

R. BUJA Well, I mean, I did explain that. That with seven trees that block our church.

COPPOLA That's not a hardship for an electronic sign. It's not.

BARINGHAUS Yeah, the requirements for the variance are laid out in the application you completed prior to coming to this meeting tonight. And basically in a nutshell you gotta prove is there a hardship associated with your request that you're trying to overcome? Is there some unique feature of the property that creates this hardship?

R. BUJA I feel like I did.

BARINGHAUS Is your request in the spirit of the Livonia Vision 21 Master Plan? It's those general guidelines that you'd have to meet. So, with your tabling request tonight, that'll give you an opportunity to reread your application, pay particular attention to the paragraph that specifically lists the qualifications for the variances and then address your alternative plan accordingly.

R. BUJA Okay.

COPPOLA Anything else?

R. BUJA Nope.

COPPOLA I do understand your frustration and such. But at this point, again, the ordinances are very clear. And the requirements for getting a variance are very clear. And it's just my opinion, I think you almost swayed a couple others. I just don't believe they've been met.

R. BUJA Yeah.

COPPOLA Okay. Thank you.

RESOLVED: APPEAL CASE NO. 2023-11-31, Bethel Baptist Temple: an appeal was made to the Zoning Board of Appeals by Bethel Baptist Temple, seeking to erect a ground sign with an electric reader board resulting in excess sign height, sign area and an electric message center, which is not allowed in this zoning district. The message center is excess in area as allowed in other zoning districts.

This Rural Urban Farm property is located on the south side of Six Mile Road (29475), between Oporto Street and Middlebelt Road, Lot. No. 053-01-0001-000, R-U-F District, Neighborhood, rejected by the Inspection Department under Livonia Fence Ordinance, section 6.50 and 11.08, **be tabled** to allow the petitioner to consider the board's comments and suggestions in terms of the height, sign area, and alternatives and come back with a revised plan for their proposed signage package.

ROLL CALL VOTE

AYES: 5

NAYS: 0

ABSENT: 0

PASS/FAIL/TABLED: TABLED

ADMINISTRATIVE TASKS

TESTA	Mr. Chair.
COPPOLA	Mr. Testa.
TESTA	Move to approve the minutes from November 14, 2023.
BOLOVEN	Support.
COPPOLA	I don't think there's any other administrative [tasks]. We will have two new members at our next meeting. I think everybody knows at this point that it's Lynda Scheel and a gentleman named Marc Rotondo. Everybody knows Lynda Scheel. So, looking forward to having them on. I think it adds good perspectives to the board, which will be helpful. Sorry for the losses of Martha and Tamara. They had a good dynamic, but I think these two will be a nice replacement.
COPPOLA	I have a motion by Mr. Testa, supported by Mr. Boloven to approve the minutes of November 14, 2023. All in favor?
BOARD	Aye.
BARINGHAUS	Anything else that we need to cover?
TESTA	Mr. Chair, there's a holiday gathering this Thursday here.
COPPOLA	Everyone knows about that? Okay, anything else? I just need one more motion.
BARINGHAUS	Mr. Chair. Motion to adjourn.
KLISZ	Support.
COPPOLA	Motion by Vice Chair Baringhaus, supported by Secretary Klisz to adjourn. All in favor? We are adjourned.