

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, JANUARY 9, 2024

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, January 9, 2024.

MEMBERS PRESENT: Jim Baringhaus, Vice Chairman
Christopher Boloven
Michael Testa
Marc Rotondo
Lynda Scheel
Timothy Klisz, Secretary

MEMBERS ABSENT: Gregory G. Coppola, Chairman

OTHERS PRESENT: Leo Neville, Assistant City Attorney
David Popp, Inspector
Erika Goff, Planning/ZBA

The meeting was called to order at seven p.m. Vice Chairman Baringhaus explained the Rules of Procedure to those interested parties. Each petitioner must give their name and address and declare hardship for appeal. Appeals of the Zoning Board's decisions are made to the Wayne County Circuit Court. The Chairman advised the audience that appeals can be filed within 21 days of the date tonight's minutes are approved. The decision of the Zoning Board shall become final within five (5) calendar days following the hearing and the applicant shall be mailed a copy of the decision. There are four decisions the Board can make: To deny, to grant, to grant as modified by the Board, or to table for further information. Each petitioner may ask to be heard by a full seven (7) member Board. Six (6) members were present. Assistant City Attorney, Leo Neville, further explained the option for petitioners to wait for a full board hearing in the instance of a use variance, which requires five (5) votes to pass. Secretary, Timothy Klisz, then read the Agenda and Legal Notice to each appeal, and each petitioner indicated their presence. Farmington Six, LLC, was absent. 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)

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APPEAL CASE NO. 2024-01-01, Daniela Abel, 12109 Cavell Street: Seeking to maintain the raising and housing of chickens for the owner's consumption, which is not allowed on this parcel in this zoning district. Lots must be at least one-half acre and zoned R-U-F (Rural Urban Farm) to maintain and raise fowl.

This Medium Density Residential property is located on the west side of Cavell Street (12109), between Capitol and Wadsworth Streets, Lot. No. 100-01-0312-000, N-1 District, Neighborhood, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 6.34.

BARINGHAUS Thank you very much. Will the petitioner please approach the podium?

ABEL Good evening.

BARINGHAUS Yeah, good evening. Could you state your name and address for the record please?

ABEL My name is Daniela Abel. I live at 12109 Cavell in Livonia.

BARINGHAUS Okay. Thank you very much. Could you please outline your petition for the board? And please state your hardship.

ABEL Yes. So my petition was based on the fact that I'm raising chickens. About two years ago I was given to them by my ex-husband. He said that he reached out to some official members including police department who said that they were allowed in Livonia. Unfortunately, that was not 100% of the case. Obviously they are allowed but not in this particular zone, which I was not aware of. So we built a- I built a coop that is completely enclosed Iran that is completely enclosed on the far left side of my property if you are facing the back, and in this last summer, Mike Johnson, a city inspector was actually— there about my neighbor's lawn. My neighbors unfortunately do not keep their property as nicely and the grass was very high so he was in their lawn ticketing them and noticed my chickens and wrote me up for the violation. As far as me raising chickens. My- I can state if it's easier for you can read what I've written or up on that completely. It's, it's up to you.

BARINGHAUS Yeah, please read.

ABEL Okay. So what had happened after that is he came- obviously I got a letter. He came out to my property and looked at the property and stated everything that everyone knows here that they are not allowed in this particular zone, I don't have half an acre, etc. So, going forward, what I am asking for is a variance really based on mental health, the pursuit of happiness, and also a full circle lifestyle, the kitchen that I'm owning, I'm a chef, I am a full time head culinary instructor in Mirepoix Cooking School in Royal Oak. Part of my continued education, the education of others and myself is my gardens, my full circle chicken of- my full circle, kitchen, the chickens that I raised, the gardens, the compost, etc. This is something I was raised doing and something that has brought me great happiness, especially in the last couple years. As I said, my ex-husband left very abruptly a couple years ago, and I went in a very

dark downward spiral, as many of you may know, who have gotten into divorce or something horrible has happened in their lives. And through the real healing power of growing my own food, having sustainable living, keeping these chickens. They are my family. They are beyond near and dear to me they are, they are part of who I am. And part of what I do for a living. So taking them away from me is completely breaking up my family. And my family and my neighbors are actually here tonight to support that statement. So it really comes down to a mental state and the hardship that I do not want to go back to. On top of that my neighbors really were not aware even that I have chickens. That's how quiet they are. I don't have any roosters. I keep them completely enclosed. They're not free to roam about the property. They're very well maintained. I'm very clean about them. When my neighbor Dawn actually received the notice she came over and said, "Do you have chickens?" She's right across the street from me. She had no idea. So they're not harming anyone. They are again completely clean and enclosed full circle kitchen. I understand fully - of course - the law and why it's in place. I 100% understand that. But what I really want to invoke is that this isn't just a side project it's not just something on a whim. It is part of what I do for my career, again for my well-being and for the sake of urban sustainable living, which contributes to really more beautiful Livonia. During this last summer when I presented this to city council I had pictures that I included in my variance packet and application. My property is really really meticulously upkept. I am very very proud of it. I've been a Livonia resident my entire life so everything from my gardens to my lawn to how I portray the house from the outside to the back is very very important to me. So all of this really is about attracting people to Livonia like me who want to be urban farmers who- not even farmers, but just urban- sustainable urban and suburban living and it's attractive to everyone in the neighborhood. The neighborhood kids come over. Again, my neighbors Josh and Julie over there love to come over and help and support the chickens. So that's what it's about: a more beautiful Livonia.

BARINGHAUS Do you consider this a hobby, or is this a like a livelihood or a business for you?

ABEL It is not a business. I do not sell the chickens or the eggs in any way, shape, or form. It is personal research for me, though, on a regular basis. I can- again, I garden even on the small plot that I have. So I'm continuously- part of my job is to create new recipes, create new classes, and continuously be creating. So that is 100% part of it.

BARINGHAUS Okay. Any questions for the petitioner?

TESTA [Inaudible]

BARINGHAUS Yes.

TESTA The question has to piggyback off the Chairman's question regarding your financial: so you're not selling the eggs, what are you selling? You're making your food with those eggs and selling the food?

ABEL No, that is for personal research only. I sell more than I teach.

ABEL They're very strict about health code laws, etc. Of course, I mean, I use a professional kitchen so none of those eggs go there in any way, shape or form.

TESTA When did you first become aware that your property was not zoned to have chickens?

ABEL I believe early summer of 2022 is when I first got the notice.

TESTA Okay, so it's based on the notice from Mr. Johnson

ABEL Correct.

TESTA that he said, inspecting, can you maybe give a rough recap of what's happened between May and now? It seems like a really long time.

ABEL It has been.

TESTA I would like to hear.

ABEL Yeah.

TESTA I would like to hear why you weren't here like, say, June or July.

ABEL So Mr. Johnson was very kind to me. He came out to my property. And the first thing that I said to him again, was these chickens are family, I can't just kill them. Or, or there's really not a lot of places to rehome chickens. So I said, I'm going to rehome them, I do need some extra time. So he did give me a couple of months to do that. And then I was also doing research with a number of personal friends who are attorneys who recommended me to city council, which I went to. After I went to the council, I received some support. And they helped me build this case. So it took me a while. Not just that, but also I am single, I do work full time to support myself. I do work long hours, and they are all at night. So it's not something, unfortunately, that can happen overnight. It did take a while.

TESTA Okay, when did you first become aware that you needed a variance from the ZBA?

ABEL That a variance existed that I needed to seek?

TESTA That you needed to seek a variance?

ABEL Honestly, I do not recall.

TESTA At least from your note it is as early as August that city council told you that. So I get, you know, you're saying, well, that the money isn't there and it does take some time, but it does seem pretty excessive. Can you maybe expand upon your conversation with council? What do you mean by support?

ABEL So it was \$450, just to be seen by City Council, which I did not have. So that's something that I was helped to help raise that money. I just didn't have it offhand. So that was the other thing that took me a while to actually get.

TESTA Okay. How has council helped you? Just moral- moral support, or...?

ABEL Well, moral support, verbal support.

TESTA Okay. Have you talked to them about changing the ordinance?

ABEL Changing the ordinance how? Changing the ordinance as far as the zoning area or changing the ordinance law?

TESTA Changing the ordinance in general for the lot so that you wouldn't need a variance?

ABEL No, I did not.

TESTA Okay. So what did you expect to gain from talking to city council?

ABEL More information. There's, there's- I was kind of baffled about why this existed in the first place, I guess. And so I was- Mr. Johnson did say immediately what I needed and did not need to do. However, I really wanted to go before city council and just hear what they have to say because more information is always better, especially when you're doing something like this.

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

BARINGHAUS Any other questions for the petitioner?

SCHEEL I just have a quick question.

BARINGHAUS Ms. Scheel.

SCHEEL From what I could tell, we don't have any letters of objection to this. Is that correct?

ABEL That's correct.

SCHEEL Okay, thank you.

BARINGHAUS Mr. Testa indicated, you had numerous contacts with the city. You indicated going back to like 2022?

ABEL I'm sorry, 2023. I'm sorry, we're in '24. I apologize. We're in 2024 now.

BARINGHAUS Going back through the documentation, in June 2023 it seemed like there were some concerns with rodents in your yard. Can you address that, please?

ABEL Yes. So I took pictures. Actually, this is one of the other reasons why I went to city council, because I had a number of concerns about my neighbors. The neighbors' lawns, both directly next to me, adjacent to me, and back to me, are very unkempt. They're not mowed on regular basis, there is a lot of fallen wood, logs, trash, trash cans, etc. Unfortunately, and again, my neighbors that are here tonight can attest to this. There's a lot of abandoned cars in my neighborhood as well, that unfortunately, people keep trash in. So rodents are a really large problem in our area. And that is something that I brought up only because I wanted everyone to see that there's a larger problem in my neighborhood rather than chickens, unfortunately.

BARINGHAUS Did the city give you any firm deadline to remove the chickens from the property?

ABEL Not that I recall, as long as you said there was a ZBA application in, that was a pending.

BARINGHAUS Question for the inspection department.

POPP Yes, sir.

BARINGHAUS Going back through the reports, was there any like cease and desist requests? Issued?

POPP If you give me one second, I was also looking to see if any of your neighbors had rat complaints. Like [unintelligible] so the neighbor to the south of the her does have a bunch of weed complaints going back to 2019 and the neighbor to the north of her apparently, one second, let me finish what else... only doesn't have any enforcement. So back to your question on hers... There's a lot of notes. So the first time Mike contacted her with a letter was 5/17 was the first letter sent specifically. 5/17 of 23. I don't see anything. Most notes refer back to 11/17, says, "Miss Abel is your paperwork filled out, ready to submit?"

ABEL So there was a number of notices that will-

POPP Hold on one second, ma'am. I do apologize on the delay here. There's numerous notes and it takes a second to flip through them because the system doesn't exactly make it easy. There's a note on 8/28 that she was working towards getting the money to file a ZBA case. And Mr. Hanna, the head of our department, was informed of it at that time. I don't see any hard deadline whatsoever that's ever really been committed to her quite honestly.

BARINGHAUS Okay. Great. Thank you.

BOLOVEN Mr. Chair, this follow up question for Mr. Popp. I'm just reading through the inspection report. There's a reference to a 95 and a 97. What's a 95 and what's a 97?

POPP I will have to pull it up.

BOLOVEN It seems like it's something to notice. I guess more direct I'm looking to see. Was there ever a misdemeanor complaint issued?

POPP Hold on, let me pull up the attachments from-

BOLOVEN Looking at-

POPP So 95 is just so 95 just says failure to comply with this notice may result in office filing a court complaint with the 16th District Court. There never was a complaint file. It's kind of a generic. It goes on almost every ordinance enforcement. It's just trying to get someone's attention and get them to respond.

BOLOVEN That's the 95?

POPP Yeah. 96... 97?

BOLOVEN Yeah, that one.

POPP Let me see if I can find it. 97: failure to comply with this notice will result in a court complaint being filed against you in the 16th District Court. This offense is a criminal misdemeanor and upon conviction is punishable by finer details Sounds again, it's a- it's kind of a blanket do-all. It's just a warning that if you don't move forward, you're potentially going to court.

BOLOVEN So no criminal misdemeanor was ever filed?

POPP Nothing. There's never even been a [unintelligible] off here.

BOLOVEN Okay. Thank you.

BARINGHAUS Okay, go ahead. Yeah.

ABEL Yes. So I just want to make it clear that obviously there were notices 100% sent to me, but they were never, never ignored. Immediately, Mike - Mr. Johnson and I have been in constant contact, email back and forth with each other. And he's been very, you know, understanding and patient to how long a process will take.

POPP Yeah. Chairman, the notes do collaborate that.

BARINGHAUS Okay, very good. Thank you. Are there any other questions for the petitioner?

TESTA Mr. Chair, this question, Petitioner sorry, again, did you try to rehome the chickens at least temporarily so you could maybe go through the process of either having City Council change the ordinance or to get a variance?

ABEL Yes, I have made arrangements. So if that is unfortunately the case tonight, I have made arrangements with a friend to be able to take them. They have a large property out in South Lyon. Again, and one of the things that I wanted to make sure if anything they went to a good home. But that does take a bit of planning on their part. So there's another reason.

TESTA Can I ask why you haven't rehomed them yet until you got through this process?

ABEL I wasn't told I had to.

TESTA So I guess all the notes we hear here from inspections, back when they were told you need to remove them, you need to remove them, you need to remove them. But I think you were told that there wasn't a clear date. We concede that point.

ABEL Well, I was 100% told, but I think you can see in the emails that I was clarifying. Always, if I needed to actually remove them while this process was happening, that was never told to me. And of course, I wouldn't want to do that to them. I don't want to do that to any animal unnecessarily.

TESTA Okay, and then, can you maybe elaborate on how you received or came in possession of the ownership of the chickens? I think you said, you received them from your ex-husband? Were they already on the property? And then when he left? He left them with you? Or how did he come into possession of them? And where were they?

ABEL So he bought them. So he bought the coop for me. He bought the chickens for me. And that? Yes, then he left is long and short of it.

TESTA Okay, so they've always been at your house?

ABEL Correct. 2021.

TESTA Okay, and then can you maybe restate what you believe your hardship is? The why you're in need for special circumstance?

ABEL So mental health and the continued pursuit of happiness, a full circle kitchen and my continued education as a culinary instructor, all things that will take a downhill turn. So if you've ever been in a situation where you have had an animal have healing power, have you ever had a cat or a dog, or anything ever in your life that has helped you do things like lower your blood pressure, help with panic attacks, Just calm you down in general, this has been all supported from my therapist who I have gone to for a number of years, since my ex-husband left. It is a very real thing that animals

help do for you. So these are all things that they have helped with me throughout the last couple of years and I don't want to go back to a place where I'm without them.

TESTA Okay, thank you.

BARINGHAUS Yes, Mr. Popp?

POPP Yeah, I guess just flow with your comments still from the inspector Michael that was working on it. There is, to Mr. Testa's question about what she was and wasn't told, one comment does say, "Enforcement will continue until the chickens are removed or a ZBA case is opened, will advise Mr. Hanna of this before another notice is sent." So I think that would lead to the fact that there must have been a conversation between them that if she filed a ZBA case, she didn't have to do anything with the chickens. That was on 8/22 of '23.

BARINGHAUS Very good. Any further questions? Okay, very good. I'll have you take a seat. Are there any comments from the audience? Please?

ROBINSON Good evening.

BARINGHAUS Can I have your name and address please?

ROBINSON My name is Julie Robinson and I live at 12108 Cavell.

BARINGHAUS Okay, thank you.

ROBINSON I have lived in my residence for eight years. Prior to Daniela moving into her home, there was a family living there that were a true menace to our neighborhood. The yard was never cared for and the police were there for one thing or another at least once a week on the average. In April of 2017 that home burned down and it sat vacant for a very long time. I cannot remember exactly how long but if my memory serves me correctly, it was longer than a year. During that time with the house sitting vacant, I myself had numerous conflicts with the city due to the rats and other rodents that were taking over what was left of the shell of a home. It was a relief when the house was finally remodeled, cleaned up, and we had neighbors that actually took care of their property and care about the upkeep of our neighborhood. I attended the last city council meeting regarding the chickens, and I said it there and I will say it again. If you take a stroll through our neighborhood, you would see that Daniela's chickens are not a nuisance to our community. In fact, you would probably not even notice that they are there. In fact, when we got the letter in the mail about the hearing this evening, my neighbor two doors down said to me, "There's chickens there?" Their coop is clean, kept up, and they are not loud and there is absolutely zero odor. Blanche, Dorothy, Rizzo, Frenchie, and Marty are more than just chickens. They're more than just animals. They are Daniela's babies. When they first came home, it was an amazing learning experience watching them grow from being chicks that fit into the palm of our hands into hens. They have been raised with the fiercest of love and handling and it shows. The neighborhood kids, including my own son and grandchildren, love visiting and holding the chickens and learning how to care for them. And I have brought photos if you guys would like to see the kids in the

neighborhood kind of interacting with the chickens. The flip side of that is the girls have been raised with so much love and handling, when we go to visit them, they are excited to see us and they will actually run to the door to greet us. It is also not uncommon, weather permitting, to have wine with chickens at Daniela's house and let me tell you there is no experience quite like relaxing with a glass of wine and hanging out with the girls. I mean the chickens. To remove Daniela's chickens would be like severing one of her limbs, you would be tearing her little family apart. I am just her neighbor, but I would be devastated to see them go and leave. And just the thought of the kids coming and asking if they can play with them and telling them when they're gone breaks my heart. Not only do they provide us with a unique pet caring experience, and some amazing fresh eggs, they're really fun to just watch and hang out with. I'm pleading with you to please allow Daniela to keep her chickens losing them but not only devastate her it would change the positive dynamic that they bring to our community. And I can pass the photos to you guys.

BARINGHAUS Thank you. No, thank you very much. Any other comments from the audience?

ALEXANDER Good evening, I'm Steve Alexander, 9909 Deering, Livonia, Michigan. I'm the president of the Clements Circle Association, which is just kind of our informal Emerge Association. I'm wanting to touch briefly because Jill and Meghan has a lot of like, complaints from neighbors like no one ever calls me with like good news, right? It's like, here's something wrong. And then just like you said, it's usually lawns, rats, people who have like commercial vehicles who park in front of their street, don't clog up those already narrow streets. Certainly we don't get complaints about the chickens, as Daniela's neighbors, Julie, Josh already mentioned. But what's interesting is, instead of here, any guarantee or just some level of excitement, oh my gosh, there's another opportunity for people to have chickens in the neighborhood. And I'm kind of looking in this direction, because I'm going to need some guidance at some point of how we may want to see how that ordinance can be refined. Because if anything, this has brought on some level of enthusiasm for that prospect. And of course, we don't want encourage that if it's not, not legal, we want to do the right thing. So I do want to get some guidance on how to go about, you know, addressing that ordinance and see what we can do. Unfortunately, it's one of those things where people, you know, you'll see it until- happening until he knows when he gets caught. Like there's several other folks that are [unintelligible] who have chickens or other interesting bargaining scenarios. Well, there's somebody had drones and things, usually it is the weed that I get complaints about, but you know, never about the chickens. So this is not just the only coop that I'm aware of in the in the neighborhood, that that that we serve, right but just kind of throwing it out there that you know, there's opportunity to kind of seek and approve those variances as long as folks are keeping their pens clean. And there's no obstruction to the neighborhood. So appreciate you coming out of that. Thank you.

BARINGHAUS Thank you. Any other comments from the audience?

MANCINELLI Hi, we are Daniela's parents. My name is Diane Mancinelli and my husband,

KALOTA David Kalota.

MANCINELLI And we live at 19102 Fitzgerald in Livonia. We're just here to support Daniela, that's it. I wrote a letter and read it at the council meeting. I wasn't prepared with that tonight. I didn't know how this was going to happen. So I just want to very briefly say we support her 100%. She's raised those chickens, three of them from chicks and then bought another two. So she's just got five of them and she raises them for eggs. So thank you.

BARINGHAUS Thank you very much. Any other comments?

TESTA Mr. Chair?

BARINGHAUS Mr. Testa.

TESTA I have a question to Leo. Or Mr. Neville.

BARINGHAUS Sure.

TESTA Mr. Neville, is it possible for us to put a condition on a variance that is time bound, that maybe it's two years that expired, she would have to come back and pay another \$450, correct? There's, there's no way to avoid it, like a re-application fee.

NEVILLE I've never heard of a variance being granted for a limited time period, usually it's that the variance- a variance may be granted. And then, for example, when somebody's making a modification to a home, etc., and as the variance will be in existence for years, so if they fail to move forward on that project, it expires. then you have to restart it. Not seeing any situation where a variance has been granted and then subject to whether it's periodical review, or petitioner and homeowner having to come back and pick out a renewed application, the variance will typically run with that property until such time is it's sold, or there's any other changes made to the property where they'd have to come back and request another, another variance.

TESTA Okay, so this use variance case if she sold the property and the new owner wouldn't be able to use the same variance, they'd have to request.

NEVILLE When it's- yes, because it'd be specific to her, to her situation. If somebody wanted to come in and do something else that would be inconsistent with the zoning ordinance is that they would have to get a request with our application for a use variance.

TESTA And one more question. In my head, I don't know how this will be enforceable. But can we put a condition on that would be just for these five chickens and in the future, if they pass away she couldn't replace them?

NEVILLE I don't think that that would be an issue or a problem, put it that way.

TESTA Just be forfeit. Right.

NEVILLE Right now, the application is to raise, you know, it appears to be limited to these five chickens. So I mean, if you're going to expand it, to have more than that might be problematic for them.

TESTA Thank you, Mr. Chair.

BARINGHAUS Okay. Thank you. Any further comments from the audience? One last question.

SCHEEL I have a question, actually a couple of Mr. Testa's that I was going to ask also. So, Leo, the property that chickens are allowed on in Livonia? Is there a limit to the number of chickens that are allowed?

NEVILLE According to the ordinance? That answer's no.

SCHEEL Okay.

NEVILLE Let me just double check. Straight reading of the ordinance just indicates that fowl and rabbits may be raised and kept on for the owner's consumption only one half acre or more in the RUF zoning district. So-

SCHEEL So does the size of the coop determine how many chickens they can have?

NEVILLE The size of the coop? Well, that might be a matter for the Department of Agriculture or some other...

SCHEEL Okay.

NEVILLE ...or some other body.

POPP That's- I can answer that, Leo. Our zoning ordinance mentions the GAAMP which is generally accepted agricultural management practices for care of animals. And to answer that question, the amount of space needed for a chicken is very, very small, according to the state of Michigan. So stocking density, regardless of type of enclosure system or management used all birds have sufficient freedom of movement, depending on the type of bird minimum space alone should be in the range of 67 to 86 square inches. Now, that's not even one square foot per chicken. Okay to answer that question.

SCHEEL Okay. And then my last question is, if this variance waiver would be granted? And then, then for whatever reason, the coop wasn't kept up, then they- if they- if we received complaints, the inspection department received complaints, then we could, the waiver can be taken away or they could be, it could be enforced. Same as if people have dogs and there's a problem?

NEVILLE Well, I think certainly if there was a situation where the coop where the chickens were being neglected, then whether it's animal control or inspection to come in, and then if it became such a situation, we could make a situation declared a nuisance and have the [unintelligible].

SCHEEL Okay. Thank you. That answers my question.

TESTA Sorry, Mr. Chair. Now Ms. Scheel's question spurred another one for Mr. Neville. If a future neighbor who's not there now, let's say I buy the house next door to her and I don't like the chickens, do they become allowed? If I complain, the city's just going to tell me, "She has a variance; they're allowed."

NEVILLE Yes. Correct.

TESTA Thank you.

BARINGHAUS Any other questions? Secretary, Secretary Klisz, are there any letters?

KLISZ There are no letters.

BARINGHAUS Okay, thank you very much. Again, Petitioner come down please, you can make a closing statement.

ABEL Closing statement?

BARINGHAUS Yes.

ABEL Correct. So my chickens add value and aesthetic to my property. There is no negative impact on any of my neighbors and they have no complaints. It is quite the opposite. As you heard here tonight, Josh and Julie Robinson helped me care for my chickens since they were little baby chicks. My chickens are not pasture raised and are completely contained. They are not permitted to roam around my property or any of my neighbors' at liberty. They at the same time have plenty of space and are beyond happy chickens, which is one of my lots in life. There are only five of them, there are no rooster, they make little to no noise whatsoever. There is no odor as I clean the coop regularly, there's no risk of disease if they do not come into contact with other animals. My chickens are not being raised for meat, there are no sales transactions that are taking place for eggs. And in short, most of my neighbors again do not know that they exist. Keeping chickens in a clean, enclosed area is both responsible and sustainable, just clean living. I grow up produce and herbs. Like I said all scraps I otherwise would throw out and cannot be composted, go straight to the chickens. In a world that is producing too much waste and too much pollution. We already see the negative effects in our climate, and subsequent disasters that are plaguing Earth every day. This is my contribution to a more beautiful Livonia. Thank you.

BARINGHAUS Thank you very much. Okay, I'll close the public portion of the meeting now and give your comments, Mr. Testa.

TESTA So I do have some concerns with this, I'm not going to be able to support it as is tonight. I would be open to a table. I know we don't like to table stuff. But in this case, I'd like to see the petitioner work with city council and see if she could go the route of changing the ordinances. If she can't be successful, that way, I could see coming back to us. I do respect what you're doing. I have sympathy for you. In the pre-reordering, when I was reading this over the weekend, I was a little turned off by all the kind of inspection comments, the back and forth. But your verbal explanation has helped your case. I kind of understand a little bit better the back and forth. When I first read it, it looked like you were kind of ignoring the inspector but, as you explained, you were going back and forth with them. I do understand the, the hardship of producing \$450 to be able to put together a petition. But it did take you quite a while to do that. And you knew as early as August that you needed one. But I'm glad you're finally before us. But I can't, I can't support this. I do appreciate the neighbor support. And I appreciate what you're trying to do, but the ordinance is what it is for a reason. And I don't really see the hardship in your specific case. Why? Why yours is unique compared to maybe someone three doors down from it. Thank you.

BARINGHAUS Mr. Boloven.

BOLOVEN I agree with Mr. Testa that you know, to some extent, and I appreciate the tabling thought, but even if we tabled it, all it's doing is buying time. It's not like if this came back before us I would be in support. And I appreciate, you know, you hit some of the requirements to get the uniqueness and I have sympathy on your behalf what you've gone through, but at the same time, I believe Mr. Alexander's comment was the main one that I'm focusing on. It's the opening of the door. It's you have other people in your neighborhood that allegedly have chickens. And that's not this board's job to grant everybody a variance. It's us to in those unique situations, one by one. In that case, yeah. If for looking for this mass change City Council's the place, and they got to change the zoning requirement. I just can't see that precedent being set here. And then all of a sudden the floodgates open and everybody's coming here for a use variance for their property your neighborhood. So with that being said I would be in support of denial this evening.

BARINGHAUS Okay, thank you. Mr. Rotondo.

ROTONDO I think Commissioner Boloven brought up a good point. Regarding the opening the door for other people, I respect what you're doing, the Petitioner, I think it's awesome that you're raising chickens for the consumption of eggs. I think you brought up some good points, but I think the Council would be the right place to settle this, with the changing of the zoning.

BARINGHAUS Thank you. Ms. Scheel.

SCHEEL Thank you. I do support what you're doing. I think it's great that you have chickens and that you provide a place for them that most your neighbors don't know they exist. That means that you're doing a good job, and they're working for you for what you want from them, also. Since this is my first ZBA meeting, I didn't realize some of the things and I like Mr. Testa's idea of tabling it and giving you time to maybe

work with Mr. Alexander and some other people to see if you could get a group to go to Council and see if we can change the ordinance. I don't think with, with you putting that forth or a group putting that forth to council trying to see if you can change it so we're not- so we don't open the floodgates for other people to come here. I know there are other people out there that have chickens also. I'm not sure, I haven't looked at their property to see whether it's allowed there or not. If there's, if there's been no complaints then unless an inspector's at another property by them, then we don't find out about it. So I would be supportive of tabling it to give you and a group of people a chance to move forward with going to City Council. Thank you.

BARINGHAUS Secretary Klisz.

KLISZ This is a tough one, and I'll feed off the council comments because it's probably going to be a hard road to change the ordinance, I think, so if it's a table, that means if it fails, then you're going to come back here. And it's really tough because I don't think we've ever had a use variance, that I can remember, because it's the hardest one to get. It's the most amount of votes. So obviously we have to take it the most seriously. However, if it fails, you can't change the ordinance and it comes back, I'd like Mr. Testa's idea. And Mr. Neville said it was possible to limit it to just these particular chickens. Apparently they live five to 15 years. But that replacing them that it's like limited to just this particular case and just these particular chickens. Again, it is tough, and there may not be enough votes for that in the future. We are missing one member too. So I think a tabling is at least fair to give the petitioner the opportunity. And then if it comes back, we'll take another close look at it.

BARINGHAUS Thank you very much. After reading this case, I did a little research on it. And all- first of all, I do appreciate the effort that you're making with your lifestyle and raising chickens and showing your neighbors how to lead a sustainable lifestyle within the city of Livonia. It was interesting, though, when I did do my- do some research on your case. One of the first questions I asked myself is, well, how do you raise chickens in a suburb? So I queried that and the first thing that I came to was from the Michigan Humane Society. And the first sentence on that website was, "Check your local zoning ordinances first." And you made an effort to check those, to do a little bit of research. But you took the word of a Livonia policeman, which obviously wasn't an authority on the subject as well. Basically, I, I can appreciate your emotional attachment to the chickens. But if you look at the facts of the case, the ordinance calls for a property that's in an RUF district; you're not, you're in an N-1. You require- it requires a half acre of property under city ordinances. You are under that point 1/8 acre, I just I think the facts really don't stack up and then to Mr. Alexander's comment with Clements Circle and the high level of interest in raising basically livestock, you know, within a neighborhood. I'm not real familiar with Clements Circle. I don't know if it's a homeowner's association or more of a social group. Most homeowners associations will not allow this flat out. So based on that I don't see where, I don't see a hardship. You've made plans to rehome the chickens to another location. The action's really not in the spirit of the ordinances. So based on that, I won't support the variance. With that the floor is open for motion.

BOLOVEN Mr. Chair?

BARINGHAUS Mr. Boloven.

BOLOVEN Quick question for Mr. Neville. I don't know if it's ever been done before. Are you allowed with the denial to put a condition of a length of time for correction? So I get what, I get what the other Commissioners are trying to do with the tabling. And they're essentially just trying to give time, knowing that even if it does come back, the numbers aren't here. So it's not gonna be supportive. Could we do a denial that would give X number of months, which gives it opportunity to go before Council and get them to change, rather than- because if that now happens, it's effective within five days, or an appeal within 21 days.

NEVILLE We're going to be honest with you. We've never done anything of that nature. And I would say that a denial is a denial. But again, you know, if you're going to table it, how long can you table it to?

BOLOVEN That's exactly what we've tried.

NEVILLE So, I mean...

BOLOVEN What's wrong with putting that condition of the correction time? Is that violating something if we do that, say we give her six months to correct?

SCHEEL Could we table it, give her six months to come back?

BOLOVEN The problem with the tabling is, all it's going to do is clog up, it's gonna come back here, and it's gonna get denied. I'd rather, we can resolve it. Put that condition on, give that time. Great, solves the problem.

BARINGHAUS Well, I guess my only point, there's what's going to change, the zoning is not going to change. The size of the property is not going to change.

BOLOVEN She's going to try to get the zoning change with City Council that would that's the opportunity.

BARINGHAUS Would the ordinance change in the City Council?

BOLOVEN It, I think- no, that- that's right, exactly. It's a common path. But that's what can be done in that way.

NEVILLE I think you just have to deny, and then the ball's in the Petitioner's court to try to get, get Council or try to get the ordinance amended and, you know, start the ball rolling that way through whether it's Planning or Council directly.

BOLOVEN What's the length of time that would be required to get that if it were to pass before Council?

NEVILLE So if the Council adapts it, after having a public hearing-

BOLOVEN If I'm starting this process, and I want to get-

NEVILLE I, you know, I couldn't guarantee and what, what I mean, no, there's no time limit within which to- where the procedure has to be completed under an ordinance.

BOLOVEN No, I'm just saying in general, what's the normal if I was going for a council agenda? Exactly. To get on the council's agenda? And to go through that process? If I was successful? How long would that take?

NEVILLE I couldn't tell you.

BOLOVEN Six. Six.

SCHEEL Because Council has to [inaudible] again. I'd say at least six. Could be three, but six is the end in sight.

TESTA Could I ask a question of Mr. Neville as well?

BARINGHAUS Please.

TESTA If we, if we deny the petition today, she cannot come back with the same petition again. Correct?

NEVILLE Unless there's a change in the ordinance, you're correct it would be. So typically when, when an amendment is sought? Well, first of all, the ordinance, our ordinance 13.15 lays out, you know, filing the application, what needs to be contained within that application. And then whether it's to the Planning Commission, the Planning Commission would hold a public hearing on it. And then they, based on the hearing, and they would have a vote and make recommendations to Council. So I mean, you're probably talking I would think, you know, four or five months in that regard. And then depending on what Council does with it.

TESTA And maybe to elaborate on that, the reason that I propose a table is that I didn't want to put her in position where she is denied, she can't come back to us. So that's why we either table her, give her the opportunity, good faith that she says she has support from Council. But she hasn't acted on that; I want to give her an opportunity to act on it. That was just my rationale. I wanted to explain. Thank you.

BARINGHAUS The floor is still open for a motion.

KLISZ Mr. Chair?

BARINGHAUS Mr. Klisz.

KLISZ A motion to table appeal case number 2024- 01-01 filed by Daniela Abel for the purposes that have been mentioned here for her to have an opportunity to go in

front of City Council and seek a change and then if she is unsuccessful to come back to us, and I'm guessing we'll put a limit on it of like, six months.

BARINGHAUS Is there support?

TESTA Support.

BARINGHAUS Discussion? None. Secretary Klisz, will you please take a vote?

RESOLVED: APPEAL CASE NO. 2024-01-01, Daniela Abel, 12109 Cavell Street:
seeking to maintain the raising and housing of chickens for the owner's consumption, which is not allowed on this parcel in this zoning district. Lots must be at least one-half acre and zoned R-U-F (Rural Urban Farm) to maintain and raise fowl.

This Medium Density Residential property is located on the west side of Cavell Street (12109), between Capitol and Wadsworth Streets, Lot. No. 100-01-0312-000, N-1 District, Neighborhood, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 6.34. **be tabled with the following conditions, to allow the petitioner to comply with the Board's advice:**

- 1. Seek City Council amendment of Section 6.34 of the zoning ordinance.
- 2. Return before the Zoning Board of Appeals within 6 months from January 9, 2024.

ROLL CALL VOTE

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

KLISZ Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Mr. Boloven.

BOLOVEN Nay.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Nay.

KLISZ So, table passes 4-2. It's not a use variance, right?

BARINGHAUS Correct.

KLISZ So it's tabled.

BARINGHAUS Okay, so Ms. Abel, if you'll come to the podium, please. Okay, as you heard, your request has been tabled. As of this point, it has a time condition of six months for you to come back and either show that the ordinance was changed. Or if it wasn't changed, then we'll rehear. We'll rehear the case and then calling on the lawyer tonight. Is that correct, Mr. Neville?

NEVILLE Yes.

BARINGHAUS Okay. Any questions?

ABEL Yes. Is there a- this is honestly confusing to me, is there a contact that I can contact within City Council or Hall that can further break down the next steps that I need to take and exactly who, what, where, when, why. I don't, I don't really understand what a table is, I don't understand what-

BARINGHAUS A table is, no action has been taken in either respect. We have to choose to either approve it, deny it, or table it. And a table is essentially a request for more information or action on your part.

ABEL Okay.

BARINGHAUS The action that we're suggesting to you is to go back and look at revising the ordinance, you know, from City Council and begin that process as well. My suggestion and correct me if I'm wrong is contact the office of City Council, begin initiating those steps.

ABEL Okay, and they can direct me on exactly where I need to go and what I need to bring?

KLISZ You were before them before, right?

ABEL I was, yes.

KLISZ Who did you contact at that time?

ABEL I didn't contact anyone. Mike Johnson directed me if I wanted to go to City Council, just generally.

BARINGHAUS The August 21 City Council meeting and you were asked to be a part of just audience communication.

ABEL Correct. That's correct.

BARINGHAUS This will be a little more specific.

ABEL Okay. Okay. I understand.

NEVILLE If I might add, because you've indicated you were working with or speaking to lawyers to help you with, with this process, I would tell them, go to them and direct them to Section 13.15 of our Zoning- our Vision 21 Zoning Ordinance, and that lays out what the process is for trying to to get a change, you know, any kind of an amendment to our, our ordinance. And that'll lay out what they're after that, like I said, whether it would be at the Planning Commission, who makes recommendations to the Council or going to Council, but the whole process about what needs to be in the application what information is being contained? And how to go about doing that. And then, then they can either contact the office of the City Council, if you're going to go that route, or if you're going to go to the Planning Commission, you know, contact that. But my advice would be to at least sit down with those attorneys and have them work through this section of our ordinance with you so that you understand and you're on the same page as to what you think might be the best way to go about trying to get it taken care of.

ABEL Thank you.

APPEAL CASE NO. 2024-01-02, Christine and Raymond Sobocinski, 32729 Norfolk Street: Seeking to store a recreational vehicle within the front yard setback (in the driveway) which is not allowed. Recreational vehicles may be stored within an accessory building or the rear yard.

This Low-Density Residential property is located on the south side of Norfolk Street (32729), between Shadyside and Mayfield Streets, Lot. No. 010-01-0060-004, N-2 District, Neighborhood, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09 (3).

BARINGHAUS Thank you. Is there any questions for the law department? Any questions from the Building Inspection department? Will the Petitioner please approach the podium?

BARINGHAUS Good evening.

CHRISTINE SOBOCINSKI Good evening.

BARINGHAUS Would you state your name and address please?

CHRISTINE SOBOCINSKI Christine Sobocinski, 32729 Norfolk

RAYMOND SOBOCINSKI Ray Sobocinski, 32729 Norfolk.

BARINGHAUS Thank you very much. Could you summarize your request for a variance for us?

CHRISTINE SOBOCINSKI Yes. First I'd like to address the wording of our petition. The petition states that we're seeking to store our recreational vehicle in the front yard of our driveway. But that's not the case. We're requesting a variance to seek relief from Zoning Ordinance 7093. That limits parking a recreational vehicle in our driveway in front of house to 72 hours within a five day period. Our situation is unique in that many of our neighbors are able to park their RVs in their backyards. The narrowness between our house and our neighbor's fence makes it physically impossible to park our camper in the backyard. The granting of the variance would not have any effect on any of the adjoining properties. The literal- literal interpretation of strict application of the ordinance causes substantial undue and unnecessary hardship to us. Physical limitations prevent us from being able to completely unpack the RV, including the refrigerator, to take it to storage for a day, then repack it for the next trip within 72 hours. We have not had any of our campers in our driveway for more than two weeks at any time, except in the fall of 2022, when my husband developed a severe leg infection just after we arrived home from a trip and he could not drive the RV. We did move it to storage as soon as he was well enough to do so. The requested variance would be consistent with the spirit and purpose of this ordinance. It is not and never has been our intention to store the RV in our driveway. We have a space in a storage facility that we pay \$1,320 per year to store our camper. We have invested a lot of time and money to modify our camper and home to enable us to travel like we do. Without the variance we would have to give up traveling as we do or sell our home and move out of Livonia. Thank you.

BARINGHAUS How long have you owned the camper?

CHRISTINE SOBOCINSKI Our first camper was purchased in 2003. 2004.ri

BARINGHAUS So you've owned several of these vehicles?

RAYMOND SOBOCINSKI Yes.

CHRISTINE SOBOCINSKI Yes. I started with a pop up and then a pull-behind trailer, and then we have this vehicle.

BARINGHAUS Okay. How many- you take it on a number of trips with the vehicle, you documented it in your application. When you come, returning from those trips, how many days typically does it stay in your driveway? While you're unloading and loading, getting ready for the next trip?

RAYMOND SOBOCINSKI That's a very simple question with a very difficult answer. Because when we travel, sometimes we're going, we're coming home for just a day or two, sometimes five days and then we're off to some other location. So there's, there's no for us to completely unpack the camper and prepare it for storage. It would probably take about five days because there's- a camper this size to take there's, there's a lot of things that need to be done before you can put it in storage.

BARINGHAUS Does it go in and out of storage during the season that you use it?

RAYMOND SOBOCINSKI Yes.

BARINGHAUS Where is-

CHRISTINE SOBOCINSKI Most years it does; this past season it did not because we were never home very long.

BARINGHAUS Okay.

CHRISTINE SOBOCINSKI At any given time- and then when we were home for any given time, most of the time that said [unintelligible] our being here.

BARINGHAUS Where do you store your RV?

RAYMOND SOBOCINSKI I'd rather not put that on the public record if that's okay.

BARINGHAUS You had it documented on your application.

RAYMOND SOBOCINSKI Correct. Can we just go into the application and not put it on public record?

BARINGHAUS Why?

RAYMOND SOBOCINSKI I just, I don't like people, people having information on us.

BARINGHAUS Okay. You've been leaving your camper in your drive it sounds like fairly extensively, when you, between trips?

RAYMOND SOBOCINSKI No, typically it's three or four, five days. When it's between trips, we don't need to unpack the fridge. We can leave the fridge packed. And that's, that's a whole day just to pack or unpack the fridge.

BARINGHAUS How have your neighbors reacted to seeing your RV in front of your home, in your driveway?

CHRISTINE SOBOCINSKI Most of our neighbors have never made a comment. We do have one neighbor who, I'm sure you've seen in your in the records because we've pulled the public records that there is one neighbor who has filed a complaint. The rest of our neighbors seem fine with our camper, come over and usually they'll forget to do and they can't wait to see who's first they come over and see it.

BARINGHAUS Okay, questions? Mr. Testa.

TESTA Mr. Chair. A question for the Petitioner. Pardon my ignorance. Why do you have to unpack the camper, when putting it in storage, but you don't have to unpack it and keep it in storage on your site?

RAYMOND SOBOCINSKI When you're storing the camper, you need to unpack the fridge, turn it off, you can't just leave food in the fridge and leave it in the storage.

TESTA Okay, at that site, you can power it up?

RAYMOND SOBOCINSKI Leave it and power it up?

TESTA Yes.

RAYMOND SOBOCINSKI Okay. Correct.

CHRISTINE SOBOCINSKI And also we have to drain the hot water tank.

TESTA Okay.

CHRISTINE SOBOCINSKI And then we fill that before we left again.

TESTA Your current RV I understand can't fit back behind the house. Your priorities with a small effort, he could get it back there and that this is a change point that so for 20 years, you had campers in and out on your front drive.

CHRISTINE SOBOCINSKI We've lived in Livonia for 15 years, and we've had campers in that driveway.

RAYMOND SOBOCINSKI Our smallest camper, which was the pop up, would not fit in the backyard.

TESTA And you didn't have any complaints that you didn't know of until recently. Is that correct?

CHRISTINE SOBOCINSKI We, actually we pulled the records going all the way back. And the last complaint was 10 years previous.

RAYMOND SOBOCINSKI When we first moved to the city. Two weeks after we had moved into the house, I received a sticker on our pop up camper two hours before I was moving it into storage yard. And ever since then, the city has never had an issue with us in the way we camp, the way that we store- have a camper in the front yard to prepare it and to store it. It has not been an issue until all of a sudden this year.

TESTA Okay. Have you talked to City Council? We'll be consistent with the first Petitioner in my questions. Have you talked to City Council about changing the ordinance?

CHRISTINE SOBOCINSKI No, because we're not aware of anybody else who has a situation like that. Most of our neighbors are, have driveways and backyards wide enough to back your campers into. Well, the ones that are in our neighborhood at least

RAYMOND SOBOCINSKI We were in favor of the ordinance. We understand the ordinance. It's just in our situation. I'm physically not able to be able to do this in 72 hours. And sometimes I'm not able to do it in a week.

RAYMOND SOBOCINSKI It's...

CHRISTINE SOBOCINSKI It's in for an example. We came back from our last trip October 26. And which was a Thursday, we came around two in the afternoon. We, so by the ordinance, we would have had to have the camper out of the driveway by Sunday, two o'clock in the afternoon. We had an appointment on Monday morning, General RV at 10am. So according to the ordinance, we would have had to unpack the camper, take it to storage overnight, and go back to the storage yard and pick it up to take it in. It's just a restriction of the 72 hours.

TESTA You started your comments, talking about the public notice and how that was worded versus your intent for relief from the 72-hour requirement. But if, if we gave you relief to the 72-hour restriction by default, you would just be parking it out front for a lot of time, right? I guess what's the difference between the way it's written? And the relief being asked for is we get rid of that 72-hour period, it's therefore now an indefinite amount of time.

RAYMOND SOBOCINSKI I don't want to store the camper in our driveway. It is in my way. If it's in the driveway, it is difficult for me to do regular maintenance on the house or on the yard while the camper's in the driveway. The only time we have it in the driveway is when we need it to be there for packing for unpacking, sometimes for service work that needs to be done. But we don't want to store it there. We have a storage yard that we put it in as often as we can.

TESTA If we granted a variance, could you be agreeable to a, instead of 72 hours, some other timeframe so that it's not indefinite, that would allow you just to keep it there forever?

RAYMOND SOBOCINSKI Yes, perhaps three weeks would cover bases and make sure that we would always be in compliance with authorities.

TESTA And would you be open to restrictions on time of the year that's only during certain months?

RAYMOND SOBOCINSKI Certainly. We use it pretty much from middle of March until the end of November. I think the earliest we've ever taken that was really March. And the latest we've come home with it was early to mid-December. But those were exceptional years.

CHRISTINE SOBOCINSKI One year, we didn't come back til December 8 but that was an extreme exception. Typically, we're, we're done by the end of November.

TESTA Thank you, Mr. Chairman.

BARINGHAUS Any other questions? Refresh my memory. You've owned a number of campers stored in your driveway since what? 2000..?

CHRISTINE SOBOCINSKI Seven. Yeah.

BARINGHAUS Okay. Number of years. Anyways, okay, so you get one sticker on a camper, and one neighbor complained. So what's, what's your motivation for requesting a variance today?

RAYMOND SOBOCINSKI In just this past summer, I think it was June or July, we received a notice in the mail from code enforcement that we were in violation.

BARINGHAUS Okay.

RAYMOND SOBOCINSKI And when we came back from that trip that around, we went down to code enforcement, and we asked what this was about and ask for advice on what to do. And we thought everything was cleared up until we left, really September on a two month trip to Wisconsin. And when we came back, there's another violation that we received in the mail. That was written up. The day that we left. I think we left by September 11. And the violation was written on September 11.

And mailed to us. And we didn't receive it until after we came home at the end of October. And we don't want to be in violation. We are

CHRISTINE SOBOCINSKI looking to not be in violation of ordinances.

RAYMOND SOBOCINSKI We just we spotted keep traveling.

BARINGHAUS Okay, very good. Thank you. Any other questions from the board? Okay, very good. Just have a seat. Any comments from the audience? You may just want to stay there.

RAYMOND SOBOCINSKI The audience left.

BARINGHAUS Looks like yeah, definitely. Okay. There you go. Anyway, since there are no audience comments, just like- Oh, I'm sorry, letters. Yes.

KLISZ Yes, we have letters. Letter of objection, Anne Stevens, 32719 Norfolk Street. Objection. 72 hours is sufficient to load a camper for a trip. The camper obstructs my view of street traffic when backing out of my driveway. The camper is an eyesore for the weeks it routinely sits in the driveway. If this is acceptable, everyone will park RVs in their driveways. Thank you for your consideration. Letter of objection by John Cremen, 32723 Norfolk. I feel the 72-hour period before and after the use of your recreational vehicle is a fair amount of time. A letter of objection from Kimberly Naccashian, 32750 Norfolk. Good day, thank you for your- for the opportunity to speak. Ray and Chris are great neighbors. I hope they enjoy their camper. I do not care to look at my front window at a camper all year long. Please apply ordinance accordingly. Much appreciated. Not sure why we're at this point. Thank you. And letter of objection Michael Connelly, 32817 Norfolk Street. I object to any variance of the ordinance. The ordinance allows for 72 hours of temporary storage for an RV in the front drive. This is ample time to load the RV prior to a trip and ample time to unload after a trip. This is a residential neighborhood, not an RV park.

BARINGHAUS Okay, thank you very much. Okay, now you can make a closing statement.

CHRISTINE SOBOCINSKI Well, I didn't really prepare a closing statement. I, we just thought we'd like to continue to travel like we do. It's, I do understand that our neighbors have said that 72 hours is enough. However, none of them own campers and pack and unpack them for long trips, especially in long term. We're going for six or eight weeks. In between trips, we need to do laundry we need to get the sheets washed, we need to take care of a lot of things. So I do appreciate that they don't have the same understanding of a 72-hour period that we do. But we don't want to be in violation of the ordinance. But we really do need more time to be able to enjoy our camper the way that we do and travel the way we do.

BARINGHAUS Thank you very much.

TESTA Mr. Chair, I know you've given me a lot of leeway already.

BARINGHAUS Go ahead.

TESTA One of the letters, spurred a question, a kind of reaction. I, when I read through the case the other day, some of the letters weren't in yet, so they were like two at the time. Now, I think you're, you seem very surprised by the neighbors' comments. Have you had conversations with your neighbors, maybe about your specific situation and why the 72 hours are insufficient for you?

CHRISTINE SOBOCINSKI No, we really haven't. Because they've never really raised objections to us. So we've never had a reason to address it, or explain it to them.

TESTA Okay, so you were given violation notice, that before you didn't know specifically who issued them, or you thought-

CHRISTINE SOBOCINSKI We did know the one neighbor that complained. Yes. I mean, that was

TESTA Did you talk to them, or you did not?

CHRISTINE SOBOCINSKI No, actually and her complaint about backing out of the driveway, that was the same person who filed the complaint. And to say that when I get out of the driveway, I am right next to the camper. So if anybody's view would be blocked, it would be mine. And I stop at the end of my driveway before I back out into the street to check your back for pedestrians, because we have no sidewalks. And I've never had a problem seeing past the camper.

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

BARINGHAUS Thank you very much. Yes, go ahead.

SCHEEL Thank you. Mr. Testa, you've had suggested in your first comment asking, you know, what additional besides the 72 hours. Can you explain what you were, what you were thinking with that?

TESTA Yeah, if, I don't know what's possible, but if we put a condition on the variance that it's, instead of 72- 72 hours we're allowing X. Those, the variance, do not leave it open ended that they're always allowed to do it, but maybe give them a one week, up, in my head. That's how I was thinking. So instead of 72 hours they have one week.

SCHEEL Okay, so I'm, can I go further, please? Okay, so I'm familiar with their fifth wheel, because I live in the area. And it is a nice, large fifth wheel, it would take a long time to unpack, and to clean in between trips, and it would take more than 72 hours. My husband and I have a large motorhome. It takes us a while to unpack and repack. So I understand where they're, where they might need more than 72 hours to do this. I don't think it should be parked there all the time. I'm glad to hear that it's not what they want. Because I can see where that would be a detriment to the, to the neighbors coming back and forth. But it would take it especially if they traveled the

beginning of the travel that they put down on the list that they do. And, and we do notice when they're, when they come in and they go out. And they do come and go. And, and I have not noticed it there for a long time. But then, you know, our travel could be different times than they travel. So but a unit that big does take you know, you come home, you want to clean it, you want to empty it, you want to wash everything out, you want to put everything in it. And in between trips, we empty our fridge because we want to clean it out and everything. I'm sure if they're gone for a long time, you want to do that too. It's just like a fridge in your house. It's a full time, it's a full size fridge, you want to empty it out every so many months. And that takes time to do when you empty all the water out, put the water back in. It takes time. Vacuum everything. And if you're going from one area to another, you want to make sure it's clean. Just like if you put a boat in the water, you want to make sure it's cleaned up before you go from one mooring to another. It would take time. So I understand that. But I also understand the neighbors not wanting to, you know, if it, if it blocks the view in their driveways from backing out. You want to be cognizant of that too.

BARINGHAUS Thank you. Okay, very good. I will close the public portion of the meeting and get the board's comments with this request.

KLISZ I think like the last one, this one is where basically the petitioners just don't like the law as it's written. And it's not our job to give an exception to the law. It's their job to see change in the law. That if Council thinks, and maybe rightfully so, at the time, these days is out of date and it should be longer, then they need to make that change. But I am not going to approve something with four neighbors saying no to it. That, that means more to me than their claimed hardship. So I will not be in support.

BARINGHAUS Ms. Scheel?

SCHEEL I would be in support of adjusting it slightly. I don't know if we're allowed to what we're allowed to do with something like what Mr. Testa was mentioning. And I get not wanting to, to, to make it with the neighbors that have filed complaints or somewhat complaints. It's, I believe they were aware of one neighbor. It's too bad they weren't aware of the other ones so that they could address those issues with the neighbors before they were here this evening. But I would be open to some sort of variance to the 72 hours because I am aware that it definitely does take time to maintain.

BARINGHAUS Okay, thank you. Mr. Rotondo.

ROTONDO Yeah, I'm gonna be against this. I understand the maintenance issues with the RV. I know it's time consuming, but I think 72 hours should be ample to unload and pack. And I just can't get behind, allowing a big RV to be in the front of the driveway, in a residential area like that for, I think the petitioner said three weeks is what he needed? Did I hear that right?

BARINGHAUS Okay, thank you. Mr. Boloven?

BOLOVEN I agree with Secretary Klisz and Member Rotondo. No, we have checkboxes here and getting all the checkboxes and [unintelligible] good, you may

have a unique property, you have a hardship, yeah, we might get those two off. But what it comes down to what Secretary Klisz says, and you have four neighbors that are directly affected based on those addresses that are objecting to this. So because of that, we don't check that box off. And we need all those boxes checked to approve. So with that being said, I'm in support of a denial.

BARINGHAUS Thank you. Mr. Testa.

TESTA Yeah, at first, I was thinking to be consistent with the first case: Tabling it, allowing them time to go talk to Council. But the difference here is you actually are allowed to have your RV be there for 72 hours. So you do have some allowance. In the case of the chickens, she's not allowed to have chickens period. So I would not support a table. And I'm gonna be against this only because, or mainly because of the objection of your, your neighbors. But I would like to suggest that you seek out Council, talk to Council Members and see if you could change the ordinance. I think you could make a case that maybe 72 hours is not enough for an RV of your size. Maybe they could consider scaling the ordinance based on the size or something along those lines to give people in your condition and ownership of that size of RV , thank you.

BARINGHAUS I wouldn't be in support of a variance as well. I think my colleagues kind of summarized quite well where I was at, in terms of it's kind of tough to be exceptions to an ordinance for individuals like that. The other thing too, is, it really doesn't check the boxes. Nobody likes to play in a trailer. They're liars. It's probably inconvenient. But you have to do it and to say, a hardship that the trailer won't fit between your house and your backyard. Like you probably knew that when you bought your existing trailer, you can't get around that. Generally, we have these trailers in my neighborhood as well. And overall 72 hours over the five day period, but at least my neighbors, they give our neighbors with these trailers maybe a day or two leeway if they need it, you kind of get a feel for what it takes and I have a sense your neighbors have been doing that for a while since 2007 as well. But again, I don't see the hardship. And I just feel that 72 hours is more than sufficient time to do what you need to do, so based on that I won't approve a variance, and with that the floor is open for a motion.

BOLOVEN Mr. Chair.

BARINGHAUS Mr. Boloven.

BOLOVEN Resolved that the variance appeal case number 24-01-02 filed by Christine and Raymond Sobocinski be denied for the following reasons: by the fact that the Petitioner has not demonstrated to the board that practical difficulty exists and that due to the neighboring properties objecting to the requested variance that the Board find that it be denied. Further that the denial of this appeal is in the best interest of the city of Livonia.

BARINGHAUS Support- can I have a motion for support? Ms. Scheel. No, no, that's not any smaller than main emotion. I need motions. Oh no, I asked for support. Support. Thank you. Okay, now please take the vote. Thank you.

RESOLVED: APPEAL CASE NO. 2024-01-02, 32729 Norfolk Street: Seeking to store a recreational vehicle within the front yard setback (in the driveway) which is not allowed. Recreational vehicles may be stored within an accessory building or the rear yard.

This Low-Density Residential property is located on the south side of Norfolk Street (32729), between Shadyside and Mayfield Streets, Lot. No. 010-01-0060-004, N-2 District, Neighborhood, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09 (3), **be denied** for the following reasons and findings of fact:

1. The petitioner has not demonstrated to the Board that a practical difficulty exists,
2. Concerns from neighbors regarding the request, and
3. Denial of the petition is in the best interest of the City of Livonia.

ROLL CALL VOTE

AYES: 5

NAYS: 1

ABSENT: 1

PASS/FAIL/TABLED: PASS: DENY

KLISZ Ms. Scheel.

SCHEEL No.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye. We can now pass this by default. If you want to come forward, please. Your variance request has been denied based on there wasn't real, any real practical difficulty established. And there were some concerns on the part of your neighbors for storing the trailer for an extended period in your driveway. So how we precede in that, so based on that, you will be asked to follow the current city ordinance that states you have 72 hours within a five day period to either maintain or repair RV. So, thank you very much. I'm sorry?

RAYMOND SOBOCINSKI Several of those neighbors I'm very surprised because in casual conversations in the past they had no objections to us having the camper in the driveway.

CHRISTINE SOBOCINSKI I have a question. if we do go to City Council now to ask to have that ordinance changed, is that an additional \$450?

BARINGHAUS No. Okay, thank you very much. Secretary Klisz, will you call the next case?

APPEAL CASE NO. 2024-01-03, Farmington Six, LLC, 17176 Farmington Road:
Seeking to erect two (2) monument signs where only one (1) is permitted.

Maximum Number Of Signs:

Allowed: 1
Proposed: 2
Excess: 1

This Local Business District property is located on the east side of Farmington Road (17176), between Six Mile and Curtis Roads, Lot. No. 039-99-0007-000, C-1 District, Commercial Retail, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 11.08 (2), Monument Signs.

KLISZ We're gonna call appeal case number 2024-01-03 Farmington Six LLC. They didn't. They're not here so we can pass them, they weren't here to begin with. So we'll move on to appeal case number 2024-01-04 Henry Ford Health Systems.

RESOLVED: APPEAL CASE NO. 2024-01-03, Farmington Six, LLC, 17176 Farmington Road,: seeking to erect two (2) monument signs where only one (1) is permitted.

Maximum Number Of Signs:

Allowed: 1
Proposed: 2
Excess: 1

This Local Business District property is located on the east side of Farmington Road (17176), between Six Mile and Curtis Roads, Lot. No. 039-99-0007-000, C-1 District, Commercial Retail, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 11.08 (2), Monument Signs, be **tabled** for the following reasons and findings of fact:

Petitioner failed to appear before the Board.

ROLL CALL VOTE

AYES: 0
NAYS: 0
ABSENT: 0
PASS/FAIL/TABLED: TABLED

APPEAL CASE NO. 2024-01-04, 29200 Schoolcraft Road: an appeal was made to the Zoning Board of Appeals by Expedite the Diehl, LLC, on behalf of Henry Ford Health Systems, seeking to erect wall, ground and directional signs resulting in excess number of wall signs, excess height and area of directional signs and excess height and area of ground signs. Signage on utility poles on private property are not allowed.

This Commercial property is located on the north side of Schoolcraft (29200), between Middlebelt and Cardwell Roads, Lot. No. 095-99-0002-008, C-2 District, Commercial, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 11.08 (3), 11.05 (16).

<u>Number of Wall Signs:</u>	<u>Directional Sign Area:</u>	<u>Ground Sign Height:</u>	<u>Ground Sign Area:</u>
Allowed: One Proposed: Three Excess: Two	Allowed: 2 sq. ft. Proposed: 20 sq. ft. and 9 sq. ft. Excess: 18 sq. ft. and 7 sq. ft. respectively	Allowed: Six Proposed: Nine Excess: Three	Allowed: 30 sq. ft. Proposed: 47 sq. ft. and 45 sq. ft. Excess: 17 sq ft and 15 sq ft respectively.

KLISZ Calling appeal case 2024-01-04 Henry Ford Health, seeking erect wall, ground, and directional signs. Signage on utility poles on private property are not allowed.

BARINGHAUS Thank you very much. Good evening. Could you state your name and address, please?

HATCHER Yes. My name is Pete Hatcher. Address is 6487 Hilliard Drive, Canal Winchester, Ohio 43110.

BARINGHAUS Okay, thank you. Can you please outline your variance request and your current hardship?

HATCHER Yes, Henry Ford Health is in the process of rebranding all of their locations for consistency to their brand and to effectively communicate with their patients their use of facilities. This location is part of that rebranding, all signage is being upgraded at 29200 Schoolcraft Road, which is located in a C-2 zoning district on the north side of Schoolcraft road. We're seeking wall sign variances to deviate from section 11.08. Number three proposed are three wall signs where only one wall sign is allowed. The wall signs proposed are as follows: E40 signing 40 which is 67.7 square 66.7 Square Foot this wall says proposed on the east elevation. This elevation is approximately 170 feet in length. The sign reads, "Henry Ford Health." Sign E03 is 96.6 square feet. This wall sign is the refacing of an existing site. This elevation is approximately 250 feet in length and the sign reads, "Henry Ford Health." EO1-A is 66.7 square foot. This wall stands [unintelligible] for the West Elevation. This elevation is approximately 102 feet in length, this side reads, "Henry Ford Health." The sign that we are allowed is one square foot earlier foot voting front inch little wall sand area proposed is 230 square feet where the front edge measurement is over 250 feet in length based on Schoolcraft Road. We're seeking to allow variance where only three. We're seeking to seeking variance to allow three wall signs where only one is allowed. Sorry. We're also seeking monument sign variances to deviate from section 11.08 number three

HATCHER The proposed replacement ground signage: we see three monument sign, three monument style signs and four directional signs where only one ground sign is allowed. Sign number two is located in the driveway entrance along the west side of the property entering from Schoolcraft Road. We've proposed to remove 57.8 square foot line sign and install a 45 square foot monument sign. The sign is internally illuminated, has nine foot in height and this is smaller than the existing. This sign identifies Henry Ford Health Medical Center. This is the main ID sign that has the numerical portion of the address 29200. E05 is located in the driveway entrance along the east side of the property entering from Schoolcraft Road. We propose to remove the 14.4 square foot monument sign and install a 20.3 square foot directional monument for wayfinding. The sign is illuminated internally and has six foot in height. This sign identifies Henry Ford Health Medical Center and is a wayfinding sign as well. E21, this sign is located on the north side of the lot where persons entering the rear of the lot would navigate to the property. We propose to remove the 2.1 square foot directional sign and install a nine square foot monument sign or directional sign. This sign is a non-illuminated wayfinding sign that is four feet in height for navigations of delivery and staff. E36, this sign is located internal to the site near the building on the north elevation. We propose to install this new nine square foot monument style directional sign. This sign is non-illuminated and it's four feet in height. This monument sign is used for motorists coming onto the lot from Middle Belt Road. And this is a wayfinding sign. E37 located to the northwest side of the lot at the parking lot entry from Middle Belt Road. This is for motorists to navigate their way to the facility. We propose to install a 46.9 square foot monument sign. This sign is illuminated internally and is six feet in height. This identifies Henry Ford Health Medical Center and helps motorists to navigate their way to various parking lots and facility entrances. Sign number E38 is to install a three square foot hospital public navigation sign. This sign is not illuminated. This sign is on a light pole outside hospital campus. Now, if I'm not mistaken for E38 and E39 that these are not going to be part of the variance package? Is that correct?

BARINGHAUS I think, it's my impression they were included as part of the variance package.

HATCHER Okay. And E39 is to install another three foot square foot hospital public navigation sign. This sign is also not illuminated and this sign is on a light pole outside the hospital campus. So we are seeking to allow variance of 136.20. We're putting a monument sign where only 30 square foot is allowed. We are seeking a variance to allow the use of three monument signs where only one is allowed. We are seeking a [unintelligible] at three foot to allow for one of the proposed monument signs to be nine foot, which would exceed the maximum height of six feet. We are seeking a directional sign variance to allow directional signs that exceed the two square foot maximum allowed.

BARINGHAUS How many sides total around the property right now? Existing signs.

SCHEEL Total monument signs?

BARINGHAUS No, total, total signs. In other words I want to see what's the [inaudible] and original signs look like.

HATCHER These are replacements.

BARINGHAUS Okay.

HATCHER So E 03, that wall sign, that's a replacement. E 40 is a new sign and E 01 that wall sign is also a new sign. And as far as the directionals go, they're all replaced, they're all just replacements except for one. So we would have three new signs unless you count and they'd be like old.

BARINGHAUS Signs E 38 and E 39. Which are you proposing to place on light poles? That's not allowed in the ordinance. What? What drove your decision to do that?

HATCHER I'm not actually sure what ordinance that is that doesn't allow that?

BARINGHAUS Mr. Popp, can you?

POPP I can't elaborate on that. It'd be a legal question. I didn't write the ordinance that goes to specify why it's not allowed.

BARINGHAUS It states on the agenda, it says signage on utility poles on private property is not allowed.

POPP I think it's an exempt signs period section of the ordinance.

TESTA The paper copy we have in front of us is revised from what we have online. So I'm not sure that proposal still includes putting a sign on a utility pole. That may be a question for the Petitioner. Does your proposal still put a sign on the utility pole? I'm not seeing it in the packet, the paper packet that we have in front of us.

HATCHER I do not think so. That's what I was. That's what I'm saying. Thank you for that quick revision because that's right.

TESTA To the other board members, if you remove the staple. You can see the numbers up in the top corner of the site. And then you match up the first drawing.

POPP Mr. Chairman, I found the section in there. So it is under exempt sign. Any sign attached to a tree or utility pole whether public or private or attached to a track device or public sign. It does not give any reasoning why it's not allowed. Correct, and I will note Mr. Testa has said that it has been revised 'cause also in the original submission there is another sign EO1C which is a large address on the building that is not in this packet.

BARINGHAUS Now it's E03?

POPP It's EO1C, was a very large one foot 10 inch address on a building which is not in this packet either.

BARINGHAUS [Inaudible] Property it seems like what are your plans for signage on Middle Belt, to come to locations coming in through Middle Belt by the way. Because the complex itself is not on the corner of Middle Belt. It's set back. And it's also a challenge to get to the property when you're coming from the north like from the direction of say Olive Garden, or, I don't know, any kind of navigational signage.

HATCHER Right. I accidentally tried that highway trying to, I was trying to turn, you know, at Schoolcraft that you would go down and turn and come back up this way. GPS actually misdirected me by about at least 10 feet which is enough for me to pass that turn on the highway and had to get back off and come back around. There's a sign there, [unintelligible] that will help with that. People will be able to see that and that's one of the reasons this is needed because the, is that Aldi building? In front of it. And you can't really see it back there. So that monument sign will help with that, with directing traffic to that facility.

POPP Chairman, may I say something?

BARINGHAUS Yes, please.

POPP So, all these Chipotle, the Comfort Inn, Olive Garden, all of that property and the office complex that's dilapidated back there is all owned by one gentleman. So they probably don't have legal authority to put a sign out there because they don't own any of the land there. All they have is egress coming in from the road. Just like nobody's looking for a sign and I don't think I have one because I don't think they'd be allowed to. That's Thomas Guastello owns all that land.

BARINGHAUS Yes, exactly. Okay. Any other questions from the board?

KLISZ Mr. Chair?

BARINGHAUS Yes.

KLISZ Petitioner, I'm looking at the EO3, which is the replacements from, from the blue side and the white side shows this like final banner, is that going to be part of this?

HATCHER EO3? No, the banner is just an existing banner.

KLISZ Right. And is it meant to stay or is it gonna come down?

HATCHER I'm not aware if that is I mean if that if it has to come down....

KLISZ It's a sign that shouldn't be there. I'm sure it was never approved. That means there...

POPP It would be considered a temporary sign and those are normally approved for three periods over the course of the year. That's separate, three separate permits and I can answer you if they have one if you give me one second.

KLISZ That's okay. I would just make sure that it's to be removed permanently.

HATCHER I understand.

TESTA First I have a question for Inspection and for the Petitioner. Maybe first to Inspection. The way this is written up, there is not a request for variance on the side and area for the wall site. Is it safe to assume that means they are within the variance area within the ordinance and do not need it? One of the signs is going more than double the size of current. Three times the size, almost three times the size, that's why I'm asking.

POPP Bear with me one second. I thought it was allowed by ordinance. That's zone C-1.

TESTA So it's 10%.

POPP You're talking about a wall sign or monument sign?

TESTA The wall sign specifically the Henry Ford sign is three times the size.

POPP Maximum area of one square foot of area for each lineal foot of frontage of the building or portion thereof occupied by each separate business. So Henry Ford occupies only buildings, so that would be one square foot per lineal foot on that. The total allotted sign shall not exceed one and a half square foot for each lineal foot of frontage of the building. No single sign- How tall is that building? Two stories, three stories?

POPP I think it's two stories.

HATCHER I believe it's two.

POPP So, buildings not exceeding two stories in height, one wall sign per unit located at the front of the building. And having a single business occupying a single building, a second wall sign should be allowed on the side of the building. So it doesn't really have the maximum square footage, it would be the lineage. So that would be okay, my computer doesn't want to work.

TESTA While you're looking that up, it's a safe assumption that they're okay, resting on a variance, that one sign is going from 22.5 square feet to 66.7. Maybe a question of the Petitioner, your current signage that you have, is it problematic? Have you had complaints with people trying to find the building, why do you need to increase the size and the number of signs?

HATCHER The signage is definitely insufficient as it sets for people looking for a facility. Like I said, I'm new to duty here. But, you know, I had trouble right off the bat and with a medical facility people do come from other places to come here because there's providers, and you know, they get recommended, so there's going to be a lot of people coming from other places, and it's just, it's a little bit of a mess. The traffic there is a little bit of a mess. Trying to get around, I had a lot of trouble. But, and for legibility. They do eyecare here, some people can't see that well. You know, GPS doesn't always work, some people don't even have it. You know, so that signage is crucial to find this medical center.

TESTA It helps with the signage increase. You much better explain why traditional both sides are needed, versus what's there today.

HATCHER That's for the visibility of the signs. Because, you know, there's not there's no front wall sign on the, on the West elevation currently just the address and for the East elevation that'll help direct traffic coming down Schoolcraft Road.

TESTA Okay, and to your design package in November revision 2, remove all non-relevant signs and this scope down. Right number signs maybe give an overview of why, what prompted that.

HATCHER I believe that some of the signs actually just didn't need to be in the variance at all as far as why that happened.

TESTA So there will be more signs than what's shown on here? This is just showing the variance.

HATCHER That is set. That is all of them.

TESTA Okay. Before the package from dated in June revision 1, had 20 plus signs now you're down to about 10 signs.

HATCHER Correct. But again, we did have to reduce what was going to be planned. Okay, sorry about that.

TESTA Okay. Thank you.

BOLOVEN Mr. Chair.

BARINGHAUS Mr. Boloven.

BOLOVEN Question for Mr. Popp. Part of this is kind of grouping this package here. The directional sign area that violation is on the public notice and that they're looking for the variance. Is that included in this nine ground sign? The ground sign request?

POPP I don't know that. I don't.

BOLOVEN So I guess let me ask it a different way. Ground signs, their requirement is obviously different than directional signs on square footage, height, length, width. I'm looking at the ground sign area overage. It allows 30, proposed 45. And the next is 17, 15. And then I got directional signage 2 square feet proposed 20 and 9. So I'm trying to match up here based in the package which sign is which here.

POPP So the monument sign would just be stating it's Henry Ford, right? Whereas the directional sign is telling you where to go somewhere.

BOLOVEN Which I only see one monument sign, all the rest of them are directional. E02 I believe is the only monument sign that doesn't have a direction.

HATCHER That is wrong here.

BOLOVEN So how many directional signs are on the property right now?

HATCHER Right now, well these are all replacements except for the one, so. There would be two.

BOLOVEN So you're going from two to eight? There's only one monument sign and that's E02.

BARINGHAUS [inaudible] the directional sign?

BOLOVEN I am, but the of the proposal has nine ground signs. So I'm assuming the other eight are the directional signs here?

POPP Yeah, so this has been changed since the initial write up from plan review, if you would.

TESTA The green sheet's dated October and they revised their plans in November.

BOLOVEN It's four total. I see four directional signs. Then one monument sign. So you're only requesting five sign, five ground signs?

HATCHER Four ground, four directionals total. One of them's new.

BOLOVEN Okay. And then one monument?

HATCHER And then one monument and then that's if you're going to be, yeah, that's yeah, good. It is a directional sign, yeah correct.

BOLOVEN It says ground sign height those actual numbers are six and nine. Mr. Popp, what are they allowed for the number of ground signs? The notice of ground sign height I read that originally just because it didn't have sort of footage or feet. It says six, nine, and three. I assume that was the number of ground signs at the time of the application.

POPP Well I think directional signs are different than ground signs. I think there's an exclusion for directional, so bear with me a second.

BOLOVEN That, I'm looking for ground not directional. Sorry.

POPP Yeah, so actual monument signs?

BOLOVEN Monument signs. How many could they have?

POPP Sites consisting of a single tenant occupying a single building maximum of one sign of 30 square feet, maximum height: six foot, maximum length: 10 foot, maximum setback: 10 foot, permitted right away.

BOLOVEN That's the wall sign. What, what doesn't make sense here is on the ground sign area. Because this is ground sign, height allowed six, proposed nine, excess three. Ground sign area: allowed 30, proposed 47 and 45. So that's covering two. Excess 17 and 15. That's covering two.

POPP So I think one of those was revised out.

BOLOVEN So there was a second monument.

NEVILLE I felt like if you're looking at the sign package loaded into CivicClerk E37 and E02 are both monument signs. Because if you're looking at them, E02,

BOLOVEN I think E37.

NEVILLE E37. Based on the package that they sent.

HATCHER Yeah. E37 is a monument that also has directional information.

BOLOVEN See, and that's what-

POPP Is it a monument sign or is it a directional sign?

BARINGHAUS I think in the original packet E37 was referenced as a monument, illuminated directional monument.

BOLOVEN All these directional signs are monuments. I mean, they're not the size of a-

BARINGHAUS Basically.

BOLOVEN That's, so I guess to the question, are they, is really the variance being requested here for more ground signs than that? Because if they're requesting

five, that's an excess of four. Take sign square footage and it was ground sign they would be allowed a square footage of thirty, which there was only one.

POPP Can I? Sorry, I finally found the directional sign terminology.

BOLOVEN Yeah.

POPP So directional signs, directional signs of whatever content the owner deems appropriate located on parking areas or in ancillary parking lots used in conjunction with an adjacent permanent use when the purpose of the sign is to expedite the flow of vehicular and pedestrian traffic to, from, or within the development site. Each sign may not exceed two square feet in area. The minimum setback for such signs used to indicate an entrance or exit shall be two feet from all property lines or any public right-of-way with a maximum height of three feet. All other directional signs shall have a minimum setback of 10 feet. So really, if you're calling it a directional or a monument, by our ordinance, they say it's directional signs of whatever content the owner deems appropriate. So if it's giving directions and technically by our ordinance, I think it'd be a direction sign, would that not be the way that's phrased, Leo?

NEVILLE Based on, based on what you're saying with regards to the ordinance if it's providing, but I think if, I don't have that section open, but it has to be in the parking lot, parking area, as opposed to on the boulevard or office.

POPP Parking areas and ancillary parking lots used in conjunction and adjacent to. Correct. But I believe all of those are on the property. And in the parking area, are they not?

HATCHER Correct.

POPP So I don't, I think you're splitting hairs calling it monument or directional because either way you're over one way or the other.

BOLOVEN It seems like they're trying to sneak in a large monument sign and call it directional. The ones that are being replaced, were they ever approved?

POPP There is- Oh, my keyboard decided to work again. Cool. Nothing but the best here. There is a final sign. It was an illuminated ground sign of 32 square feet. There is an illuminated wall sign of 96 square feet. That's all I really see.

BOLOVEN As far as directionals?

POPP I do not see anything for directionals. There were directionals on site. It doesn't mean that they weren't there pre-ordinance either though, they could have preexisted the current ordinance as well.

BOLOVEN Last question I have for Petitioner. EO2 is your actual monument sign here. In the proposal, you're getting rid of landscaping around the sign. So why is it so called if it's going to be clearly visible in the street?

HATCHER Actually it doesn't add very, really very good visibility. Again. You know, right out of the bush there, it's not very good visibility at all, though the white background with it made taller, it definitely helped add visibility. And it's, you know, it's thinner.

BOLOVEN That, but, your notes say you are taking out the bush: existing landscaping around sign to be removed and make an address.

HATCHER Oh, for the address? Correct. So the address can be visible. But for the main signage to be visible, the higher height helps with the visibility,

BOLOVEN Can they cover, there's a lot of excess blue space, can that come down to the six?

HATCHER In the blue space to, to, excuse me?

BOLOVEN So right now you're about three feet up? From-

HATCHER Right.

BOLOVEN What's allowed? Can you come down to six, it looks like there's a lot of excess blue space just hanging in the middle.

HATCHER That would take away from the purpose of the variance to make the sign higher and more legible from the roadway. If we, if we pulled those words down. You have everything come down three more feet, then it's not as visible as it would have been.

BOLOVEN Thank you, Mr. Chair.

BARINGHAUS Any other questions?

TESTA Mr. Chairman.

BARINGHAUS Mr. Testa.

TESTA Question for Mr. Popp. The public notice- very quickly, Mr. Neville can chime in, too. Does the public notice adequately reflect the latest proposal from them?

POPP I don't in my personal opinion think it does, no. Because I'm sitting here trying to figure out how many square feet of wall space we had exactly, and how many square feet of monument, how many square feet of other. I realize he said in the beginning of it but that doesn't, doesn't-

TESTA Right.

POPP The original letter that went out does not describe the current conception of it.

TESTA Their drawings are clear, I'm just not sure whether the total request is, is clear to us that if we tried to make a motion I'm not sure we'll all be on the same page with what we are and are not [unintelligible], which could take the time to hash out. A new question to the Petitioner: your two monument signs, Mr. Boloven asked is E37 and 02, Right?

HATCHER That's correct.

TESTA And then 36 is a directional? Now any new directional?

HATCHER Yes, E36 is a directional sign.

TESTA And [inaudible] with my plan view and then 33 and 34 are your wall signs.

HATCHER 33 and 34?

TESTA Yeah.

HATCHER The tobacco sign?

BARINGHAUS All signs with building numbers is what we call the wall signs.

TESTA Okay. That's 01 and 1A. Right?

BARINGHAUS E01A and/or through

POPP And E44. 033 034.

HATCHER Properties and facilities are tobacco free smoking non-smoking sign.

POPP Normally those signs wouldn't fall under any ordinance they're just like a non-smoking sign on a building. Okay.

TESTA What's 021?

HATCHER 021 was a directional sign, not illuminated.

TESTA What's 005?

HATCHER 005 is a directional.

TESTA 049?

SCHEEL E40.

HATCHER E40 is a wall sign. Henry Ford Health wall sign.

TESTA Okay. Based on that you have four wall signs. Two monuments, and three directional.

HATCHER That should be three wall signs.

TESTA You have 001, 001A, 003.

HATCHER 001A?

BARINGHAUS 01A and 01C, E40 are the three wall signs?

HATCHER Yeah, that's it.

BARINGHAUS E01A, E01C, and E40 are the three wall signs.

BOLOVEN Chairman Baringhaus, are you looking at the photocopy that you have?

BARINGHAUS I'm looking at, oh, I'm sorry, E01A to E40?

HATCHER Yes.

SCHEEL So, in our packet under the application page for "denied," it lists the variance request. It goes through and lists all the signs. Is that still correct?

POPP No. Not at all.

SCHEEL Okay.

BARINGHAUS Question for the Petitioner: what was the biggest change from the prior package to the one that we're reviewing tonight?

HATCHER Square, total square footage overall. Number of signs have been reduced.

BARINGHAUS Number of signs. Square footage.

HATCHER Right.

BOLOVEN Mr. Chair?

BARINGHAUS Yes.

BOLOVEN Mr. Popp, do you have any clue if Randy or whoever does the green sheets now why this wasn't reevaluated or because?

POPP This didn't get to us before it came here. I, I can't answer that.

BARINGHAUS Question, because we have enough information to go forward in time to review this.

BOLOVEN Continue on with the hearing and do a table. That's where I'm at. Finish the process.

BARINGHAUS Any more questions for the petitioner? Okay, thank you. Just wait here a moment. Obviously, there's no audience comments here. So, Secretary Klisz, any letters?

KLISZ No letters.

BARINGHAUS Okay, very good. Would you like to make a closing statement?

HATCHER Is this going to be a vote to approve or disapprove, or?

BARINGHAUS We're gonna, we'll have more discussion and then we'll discuss and make a call.

HATCHER Okay. I just want to say the variances granted from that won't have any adverse effect on the objectives of the city of Livonia sign ordinance, but rather enhance the safety, health, and welfare of the community by providing adequate signage for a medical facility. This does not create any sign clutter, the signs proposed are appropriate for posted seamless distances from the roadways, lines of sight and overall size. The nature of a commercial property versus the nature of a medical facility needs to be taken into consideration and the signs are consistent with what needs are for a medical facility. Thank you.

BARINGHAUS Very much appreciated. Okay, we'll close the public portion of the meeting. And we'll begin the comments with Ms. Scheel.

SCHEEL So, although I think the signs look great, I'm sort of confused as to the amount and not having the correct information in the application process. And I don't know how it should have been corrected before it got to us. So I'm not sure where I'm going to go with this now. Although I do believe the signs are necessary. It's just how much in size which is what you're here for tonight. I look forward to hearing from the rest of my colleagues. Thank you.

BARINGHAUS Mr. Rotondo.

ROTONDO Yeah, I agree with Commissioner Scheel. I think I'd be willing to maybe table this and could we have the Petitioner do a new application reflecting what they're actually petitioning before they come in front of us again, can we do something like that? Or does that make sense?

ROTONDO So we'd have a more accurate idea on the application of what we're, exactly what we have?

BARINGHAUS Yeah. Thank you. Mr. Testa.

TESTA Yeah, thank you, Mr. Chair. So I agree with the comments. So maybe clarification to the Petitioner, what we received and had online was your packet that was last updated 6/23. What we received tonight as a paper copy was revised, revised in November. And those revisions weren't reflected into the overall package or proposal, the way it was written up. So it's a little confusing. What we'd be approving tonight, because the way it's written doesn't match with what you're, what you're asking. I think there will probably be a motion to table. I don't feel comfortable approving this, because there's a mismatch between what's on one the public notice, on the green sheet and the application. That being said, what you're presenting in terms of your package tonight, I think I could be in support of ultimately, when they come before us. It's much more modest in terms of what you're originally proposing, scaled down, it reflects maybe one of the benchmarks I did was looking at the old summary of what St. Mary's likes to call it. And then also the former site, it's not what you're what you're requesting is not excessive compared to that it's within that realm or scope. So ultimately, I can approve this package. I'm just not sure I can do it tonight.

BARINGHAUS Secretary Klisz.

KLISZ I agree it needs to be tabled. We're obviously confused by looking at stuff, getting new stuff, that kind of thing. I guess adding to it, just for my sake is that I would ask the Petitioner to, again, trim down what is not needed in terms of height. Like again, if something is overly tall, bushes have been removed. Like, just give us the bare minimum. And you did a good job by already trimming it. But like, again, seems like a third wall sign is just not needed. People know where they're going. They're looking for an address. They know the building, there's monument signs and directional signs everywhere. So I would just say also, while we're at it, one the public notice needs fixed, it will be correct next time on a table. But also I'd like to see a trimmed down package, so ever so slightly. I know it's replacing a lot of things. But there's also some new things in there that I would ask the Petitioner to consider.

BARINGHAUS Mr. Boloven.

BOLOVEN I agree with Secretary Klisz. Taking aside the procedural aspect here. We need to get a proper write up and proper notice needs to be given. I personally do agree that I think there's excess here. And you have an opportunity to decrease it like Secretary Klisz said, get it to the bare minimum, make that over to the inspection department will go right to the board. We can evaluate next time. But as far as a decision tonight, I think I support table.

BARINGHAUS Thank you. Yeah, I agree I would be in support of tabling. Well, again, we'll need to adjust the public notice, also adjust the green sheet as well. So let's whatever the current package comes back in. Me, maybe personally, I think you're going in the right direction. Looks like from the original plan to the revised plan you did reduce the number of signs and also square footage. Question is presented

just in the package, of what she did. So you may get a decision on the minor package as well. Driving the property myself, I agree with you that it's very undersigned. I'm a patient there and I get confused. So I share your pain. But again, just revise the package as I indicated earlier. If you can get that turned around by January 12. We could see about getting you on the February 6 agenda or if that's too tight. Your next target date would be February 16. And then we can come back with your revised package on March 12. Thank you.

TESTA Do we need to make a motion?

BARINGHAUS Yes.

TESTA Move to table appeal case 2024- 01-04 from Henry Ford Health Systems to allow them to reevaluate and resummarize the package with the city and have agreement about their latest revisions.

BOLOVEN Support.

BARINGHAUS Do I have support? Thank you, Mr. Boloven. Is there a discussion? Secretary Klisz you take the vote.

RESOLVED: APPEAL CASE NO. 2024-01-04, Henry Ford Health Systems, 29200 Schoolcraft Road: an appeal was made to the Zoning Board of Appeals by Expedite the Diehl, LLC, on behalf of Henry Ford Health Systems, seeking to erect wall, ground and directional signs resulting in excess number of wall signs, excess height and area of directional signs and excess height and area of ground signs. Signage on utility poles on private property are not allowed.

This Commercial property is located on the north side of Schoolcraft (29200), between Middlebelt and Cardwell Roads, Lot. No. 095-99-0002-008, C-2 District, Commercial, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 11.08 (3), 11.05 (16),

<u>Number of Wall Signs:</u>	<u>Directional Sign Area:</u>	<u>Ground Sign Height:</u>	<u>Ground Sign Area:</u>
Allowed: One Proposed: Three Excess: Two	Allowed: 2 sq. ft. Proposed: 20 sq. ft. and 9 sq. ft. Excess: 18 sq. ft. and 7 sq. ft. respectively	Allowed: Six Proposed: Nine Excess: Three	Allowed: 30 sq. ft. Proposed: 47 sq. ft. and 45 sq. ft. Excess: 17 sq ft and 15 sq ft respectively.

be tabled to allow the Petitioner to reevaluate their plan in light of the Board's comments and return with a summary for their revised plans.

ROLL CALL VOTE

AYES: 6
NAYS: 0
ABSENT: 1
PASS/FAIL/TABLED: TABLED

KLISZ Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Rotondo. [inaudible] Mr. Testa. [inaudible] 6 Zero.

BARINGHAUS So your variance is tabled but again, taking from the past the board, we've gone in the other direction again, just give us a final clean package that we can review. When you come back.

HATCHER So by the 12th if we're good?

BARINGHAUS Yeah, January 12, just get in touch with the inspection department.

HATCHER All right, thank you. Have a great day.

APPEAL CASE NO. 2024-01-05, Thomas Posner, 20409 Oporto Avenue: Seeking to erect a six (6) foot tall vinyl privacy fence to enclose the rear yard, resulting in the fence extending toward the front of the lot beyond the back plane of the dwelling, which is prohibited.

This Low-Density Residential property is located on the east side of Oporto Avenue (20409), between Morlock and Norfolk Streets, Lot. No. 005-99-0058-002, R-U-F District, rejected by the Inspection Department under Livonia Code of Ordinances, Section 15.44.090 (B).

Encroachment Next to Dwelling:

Allowed: 0 ft.
Proposed: 22 ft.
Excess: 22 ft.

Encroachment on south side of Dwelling:

Allowed: 0 ft.
Proposed: 3 ft.
Excess: 3 ft.

BARINGHAUS Thank you very much. Secretary Klisz, please call the next case.

KLISZ Sure. Calling appeal case number 2024-01-05, Thomas Posner, 20409 Oporto Avenue. Seeking to erect a six foot tall vinyl privacy fence to enclose the yard, resulting in a fence extending towards the front of a lot beyond the back plane of the dwelling, which is prohibited.

BARINGHAUS Okay, thank you. Come to the podium. Give your name and address, please?

POSNER Thomas Posner, 20409 Oporto, Livonia.

BARINGHAUS Can you outline your variance request and your hardship for us?

POSNER We're just requesting? Well, we, our, our plan is to install a six foot standard vinyl privacy fence down the north side of our lot and down the south side of our lot coming over to the house from the property line is I guess, what's the question? We're proposing that we on the north side of the house, move that fence from the house over the property line 22 feet towards the front of the house. We, we have, we.... A herd of deer have made our backyard their home. Every day we deal with that we can't do any landscaping. Because of that. They eat up everything, we're going to try to enclose the yard with this fence. On that side of the property I abut to the apartment complex, I think it's called Purlingbrook Apartments. And their parking carports are right there right along that fence. That fence is just a cyclone fence down and allows for a lot of noise a lot of headlights at night. We're trying to block that with, with this fence. Also on that fence line, there are a number of mature trees. So we have to move that fence two feet into our yard because of those mature trees. If we didn't, we'd have to start and stop the fence in between each tree which is unacceptable, really. So anyway 22 feet towards the front of our house on that side. That's our request. I was told that it has to be in the back corner of the house is where that fence has to start and go over to the property line. But we're proposing to move it up. We want to extend our yard a little more, block a little more of the headlights from the apartments and enclose our air conditioning unit which is on that side of the house also within the yard instead of having it outside of the yard.

BARINGHAUS Now that's on the side of your house where you're building like a looks like in addition, that's the north side?

POSNER I'm in that process right now. I'm building that sunroom back there. Yes.

BARINGHAUS Okay. Very good. Is there an existing fence from the apartment along the property line?

POSNER Yes.

BARINGHAUS What type of fence?

POSNER It's a cyclone fence, four-foot.

BARINGHAUS Question for the inspection department. Is there a double fence condition?

POPP I believe he is proposing removing that fence and putting it in. I would also say with a sunroom I believe, aren't they making you put another bedroom window facing the door?

POSNER Facing the west and that's already been done. Yes. An egress window, yes.

BARINGHAUS And now you describe the work on the looks like the south side of the house. Okay,

POSNER On that side we, we want to put a fence that to enclose the yard over there. We want a fence all the way from our house to the house next door, which is Tina's house, behind me here, she lives there. We want to put a straight fence all the way across so there isn't an offset. The back of our house and the back of her house are offset. So they couldn't line up if we did it according to the ordinance. But we're proposing to move it a couple of feet forward. And that way, we can have a straight fence with a gate on her side and a gate on our side. And it'll be a straight, nice straight line that will look pleasing from the road. The reason we want to move it forward, though, is because there is a air conditioning on her side too. And there's also a water spigot, and she wants to have that water spigot into her backyard, rather than having outside of the yard for purposes that I'm sure she'll explain when she talks to you. So.

BARINGHAUS Question for the inspection department, is it permissible to run one style of fence from structure to structure?

POPP Normally going through plan review if it came in, and that her fence already came to say, the back corner of her house, and theirs was set back farther, we would normally allow it to plane out there because aesthetically, it does look better. Also, if there was a side door, within half the distance of the house, like say where he

wants to come on the north side, if there was a side door there, we would normally within half like say half the distance of the house, which he's not even proposing. If there was a side door, we would allow him to come to that side door. Just putting that out there too as far as what would be allowed.

BARINGHAUS Okay, very good. Thank you. And then on the South side, same scenario, you would remove the existing fence and replace it with, I believe the package shows like a beige vinyl privacy fence?

POSNER Yeah, that's going to be adobe color. Adobe is the color and Superior Fence is going to install it for us. And yes, that that is in the contract for them to actually remove that fence to both fences will be removed and on the North side and the South side when the new vinyl fence goes in.

BARINGHAUS Okay, great. Thank you. Any questions for the Petitioner?

BOLOVEN Mr. Chair.

BARINGHAUS Mr. Boloven.

BOLOVEN So follow up on that question. I'm looking at your proposal on the South side and the West side, there's portions that says existing fences to remain. What is that?

POSNER Well, on the south side of property line, the fence is going to start up near the house and it's going to go back about three quarters of the way back to the to the rear property line. There's a number of trees back there that are kind of grown right into the existing fence. And we propose to stop right at those trees with the vinyl fence. So the cyclone fence will stay from where those trees start to the rear property.

BOLOVEN So question for inspection. Can you do that? I didn't think you could have two different types of fences.

POPP I don't know off the top of my head. Give me one second.

BOLOVEN We had this recently.

POPP That was two adjoining properties. It's worded different.

BOLOVEN Essentially, it looks like he's taking the one fence, stopping, privacy, then going cyclone, cyclone, wraps along the west side, stops, and goes privacy on the north side.

BOLOVEN While he's looking it up, for the Petitioner, have you thought about moving the AC unit?

POSNER I have not. In the midst of construction right there.

BOLOVEN You're doing this addition? Can that be moved?

POSNER Not really, because it's in the rear corner of the basement right now. And the sunroom, the addition that's being put on is on a crawlspace. And I don't know that they can extend that those air conditioning lines under the crawlspace in there and then move that air conditioner back further. I don't I'm not sure if that's something that they could do or not.

BOLOVEN You don't have a fence guarding the AC unit right now. Correct?

POSNER Correct.

BOLOVEN So what's the concern about moving that privacy fence back?

POSNER Just safety I guess, the view from the road and also, you know from the apartments on that side. I'm also trying to basically extend my yard a little bit more and protect it from the, the apartment noise and headlights and also enclose the air conditioner at the same time. So that's my attempt over there.

BOLOVEN If you were to come back and make it actually, even with the south side, what would that do? Essentially, right now you're looking for 22 feet on the one side. It's three feet on the south side. If I came back, put you at about, just eyeing this, looks like that's another

POSNER It would be 14 feet from the rear corner of the sunroom.

BOLOVEN Correct. Is that permissible?

POSNER I would prefer it to be up further. I mean, that's what our request is.

BARINGHAUS While you're waiting, I noticed you have a bedroom window above the AC unit indicated on your site plan.

POSNER No.

BARINGHAUS That your window?

POSNER No. That wall does not have a window. On the north side of the building on that one?

BARINGHAUS Was there plans for one?

POSNER No.

BARINGHAUS No. Okay. Because it is indicated on your plans. Just curious. Why was it there?

POSNER Is that kind of drawn in by hand?

BARINGHAUS Yes, it was.

POSNER Okay. Mr. Stierna kind of helped me with that at the window there when he took that plot plan. And he indicated down there what I wanted to do, and maybe he put that on there. But that's incorrect.

BARINGHAUS Okay. Just curious.

TESTA Mr. Chairman.

BARINGHAUS Mr. Testa.

TESTA Question for the Petitioner. So I apologize, I try to drive out to the properties. I kind of want to review the site. I tried to do it, couldn't make it out there. I was using Google Maps, which is you notice a lot of trees and vegetation under the north side of the property. That is not enough to block the headlights so to speak, coming from the apartment complex?

POSNER Well, it does in the summer, I had a bunch of vegetation, vines and everything incorporated in that fence for ever since I moved into that. I built the house 10, 12 years ago. And it's been, you know, like I said, but in the wintertime, all the leaves fall off. And then it's just pretty much wide open until next spring when the leaves come back. So that's why we're proposing to just replace the whole thing with a privacy fence instead.

TESTA Understood, the corner case is for during the winter months. If the fence is approved. And once you've put it in, you say you're going to move it about two feet in, away from the tree on the north side. Views of the tree line there. How are you going to maintain the property? The two feet, they'll be now on the other side of the fence?

POSNER Well, right now, it's just wood chips from the apartment on the apartment side of the property line. He doesn't have any landscaping along there at all. There's basically carports right there. So the woodchips are going to probably just come over that two feet around the trees. And just that's, that's basically what it would be. So he would, there's really no maintenance at that point. It's just woodchips along there.

TESTA So two feet of the property and the other side of the fence towards the apartment complex would be your property, right? Yes. Okay. So you would just put wood chips there to match up to what he has?

POSNER Exactly.

TESTA Understood. And from the drawing your fence would be completely straight or it would jog to get around the trees?

POSNER No, it's going to be completely straight. Because there is one tree that near the, near the rear that I know the fence company wants to jog in and then back. But I'm going to make them just go right. It's just the root. The very bottom part of the tree that's sticking into the fence line. So I'm going to have them just notch around it so the fence will be a straight fence.

TESTA Okay, you're giving up basically two feet of space on your property line. Usually when the petitioners come in they don't want to.

POSNER Believe me, I don't want to. But it's almost impossible to-

TESTA Okay. On that property line.

POSNER They want \$2,000 to take out each one of those trees and I think I got eight.

TESTA Okay. Your lot is narrow and long, relatively speaking.

POSNER Yeah.

TESTA I understand. Thank you,

BARINGHAUS Mr. Popp, do you have an answer for Mr. Boloven?

POPP Yeah, Mr. Boloven. So he was referring to previous cases where it was a corner lot condition. So the only condition about abutting to another fence is under number four, fences on a corner lot shall not be located within the corner side yard unless all the following conditions are met. One of those conditions, Condition D is the proposed fence, including its pipe, height, color, materials fully conform to any adjoining fences, it doesn't apply to a single run. It's only if it's a, an adjoining corner lot. And the neighbor has an abutting fence that's different already.

BOLOVEN So he had one side of the property connect two different types of fences?

POPP Correct, because it's not a corner lot, that doesn't apply. I don't want to start by just, I have no other explanation for that. But the only section that says anything about abutting fences with new and old as it refers to corner lots which it was one of the previous cases I sat here on was a corner lot. And that was why they were here, because it was two different fences.

BARINGHAUS Any other questions for the Petitioner? Okay, very good. See if there's not a lot of comments from the audience.

OSTRANDER I do.

BARINGHAUS Sorry, I didn't see you there.

OSTRANDER I'm hiding.

BARINGHAUS Come on. You're looking down at something. Could I have your name and address, please.

OSTRANDER My name is Tina Ostrander, I live at 20389 Oporto Avenue, right next to Tom. I'm on the south side. I'm a single mom, two beautiful children, my son is seven and severely autistic, nonverbal. And when he approached me about the fence, I was very excited and even more worried about him safety wise, going over the fence, stuff like that. So I'm very excited to have a tall fence. And I would like the spigot in the backyard. He loves water. You'll get my summer water bill. You'll see. He loves sprinklers. So I'm worried about going in and out of the gate. And where the, he's going to try to get out of the gate and turn the water on. So by just moving it a little bit in, lining it up straight. The spigot will be in my backyard, I'll feel safe. I mean, it's hard being a mom and doing all these things, but he's given me a run for my money. So that's my request. Just move it up a little bit. Let me keep my son safe.

BARINGHAUS Thank you very much. Next time you visit us don't sit behind the podium. Thank you. Secretary Klisz, any letters?

KLISZ No.

BARINGHAUS Okay. No letters. We'll close the public portion of the meeting. Voice comments. Mr. Rotondo.

ROTONDO I think that the Petitioner's request is pretty reasonable. And I could be in favor of this. It makes sense with the, with the parking bay right next, right next to his house and the cars coming in there, headlights coming in on his house. I think it's, it's very reasonable. And then with the fence on the south side as well, I think it makes sense. Bring it straight across, it would look a lot better.

BARINGHAUS Thank you. Ms. Scheel.

SCHEEL I agree with those comments, I think it makes sense to bring the to give the 22 -foot variance on the north side because of closing the air conditioner makes a lot of sense. [Inaudible] protecting it from the road also. And on the south side, and from the fence line that makes sense. And for the safety of the child, I think it's good, too. So, I would be agreeable to this.

BARINGHAUS Thank you. Secretary Klisz.

KLISZ I would agree with my colleagues a it's a minute de minimis change especially as a three foot and as the 22 foot that includes the proposed [inaudible] that wasn't really there at the beginning. But it still does cover the AC unit and I think would be that would be a hardship for the petitioner. So I would be in approval of the petition as presented this evening.

BOLOVEN I agree to some extent with my colleagues. The only thing I don't like is the mixed fences, but it's a big enough property I can see it, but that's something you

got to live with and it's in the back and it's not the front. Everything else I agree with in regards to distance and being de minimis. I support it.

TESTA Yeah, I can support as well and Mr. Boloven asked the question about the fences not being the same material. I frantically did a partial search on my previous property they did the exact same thing: wood fence up to a certain point and chain link further to a tree, that block was there. And we pulled proper permits. 20 years ago my, my contractor did, so it does seem strange based on some of the cases we had at the corner lot fit within a given line. You can have multiple fences, but adjoining your neighbor you can't, but that's a different, different issue. I understand your condition, especially on the north side with the apartment complex, your lot is oddly shaped and the fact that you're right next to apartment complex, I can kind of understand why you want to move the fence line forward to block the air conditioner. And really, it's probably aesthetically better, that you're gonna log in and then two, it's probably gonna be slightly better from both sides of the house, north side and south side, that those fences are going to be mostly in the same plane, instead of pushing one back. And on the south side, I understand with your neighbor's agreement, I can also be agreeable to move that line. It's logical. And I think because you have her agreement and kind of your hardship by the north side, I would agree to this variance.

BARINGHAUS Thank you. I'll agree with the variance as well. I think my colleagues pretty much stated my reasons. My impression: plan is very well thought out, very aesthetically pleasing, and you definitely demonstrated a hardship by living next to the apartment building. So based on that, I'll approve the variance. and the [inaudible] motion.

KLISZ Mr. Chair. Resolved with the variance on appeal case number 2024-01-05 filed by Thomas Posner be granted for the following reasons and findings of fact, uniqueness requirement is met because of the location of the property in regards to a neighboring apartment complex. Denial of variance would have severe consequences for the Petitioner due to the safety of both himself, his neighbors, and the, again, vis-a-vis the apartment complex. The variance is fair in light up on its effect on neighboring properties and the spirit of the zoning ordinance because of full neighbor support and no neighbor opposition. This property is classified for

BARINGHAUS [inaudible] specified

KLISZ RUF under the master plan, and the proposed variance is not inconsistent with that classification. Further, the variance be granted with the following conditions: that it'd be built as presented here this evening as to location and material.

SCHEEL Support.

BARINGHAUS Support by Ms. Scheel. Discussion. Hearing none. Secretary Klisz, please take the vote.

RESOLVED: APPEAL CASE NO. 2024-01-05, 20409 Oporto Avenue: an appeal was made to the Zoning Board of Appeals by Thomas Posner, seeking to erect a six (6) foot tall vinyl privacy fence to enclose the rear yard, resulting in the fence extending toward the front of the lot beyond the back plane of the dwelling, which is prohibited.

This Low-Density Residential property is located on the east side of Oporto Avenue (20409), between Morlock and Norfolk Streets, Lot. No. 005-99-0058-002, R-U-F District, rejected by the Inspection Department under Livonia Code of Ordinances, Section 15.44.090 (B).

Encroachment Next to Dwelling:

Allowed: 0 ft.
Proposed: 22 ft.
Excess: 22 ft.

Encroachment on south side of Dwelling:

Allowed: 0 ft.
Proposed: 3 ft.
Excess: 3 ft.

be granted under the condition that the fence be built both as to the location and materials as presented at the meeting

ROLL CALL VOTE

AYES: 6
NAYS: 0
ABSENT: 1
PASS/FAIL/TABLED: PASS

KLISZ Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Rotondo. Mr. Testa. Mr. Boloven. I Secretary Klisz, vote aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ six zero

BARINGHAUS Your variance has been approved. Please go to the inspection department to [inaudible].

POSNER Thank you.

OSTRANDER Very interesting, and I don't want your job.

POSNER I don't know how you deal with that last case. I have to say, last time I was before this board was 40 years ago when I built my first house. And on that night, I was the last case on the agenda. I remember sitting there all night. And sure enough, here I was again, last case.

ADMINISTRATIVE TASKS

BARINGHAUS Thank you very much. Secretary Klisz, we have some minutes to approve.

TESTA Mr. Chair. Move to approve the minutes for. December 12 2023.

BARINGHAUS Thank you support? or support. Any discussion? All those in favor say aye. Aye. Any other terminal comment?

KLISZ You want to put on the record that for some reason. Mr. Testa's name has been removed unceremoniously from the letterhead of the Zoning Board Office. I had inquired to see if he was still a member. And he is so hopefully they can add that back in.

TESTA I haven't checked my mail this week.

BARINGHAUS But now anyways, seriously, you know, Lynda, Marc, Erika, welcome aboard and looking forward to working with you and more people are going to make the meeting shorter, I guess. Yeah, for sure. I would say just one more motion. Motion to adjourn. Support? [inaudible] Meeting adjourned.