

**AGENDA OF THE CITY OF LIVONIA ZONING BOARD OF APPEALS**  
**March 12, 2024 – 7:00 p.m.**  
**Livonia City Hall Auditorium**  
**33000 Civic Center Drive, Livonia, MI**

**AGENDA ITEM(S):**

1. **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.
2. **APPEAL CASE NO. 2024-01-09, Dave and Marguerite Pietrowski, 16922 Surrey:** Seeking to maintain a privacy screen erected over a concrete protective wall separating this property from adjoining commercial property which is not allowed. Also proposed are landscape treatments (fencing) exceeding the maximum allowed forty-foot length.
3. **APPEAL CASE NO. 2024-01-10, Gay Lynn Tucker, 16332 Aldrich Court:** Seeking to erect a 38-feet by 12-feet deep roof structure over an existing patio resulting in a deficient rear yard setback.
4. **APPEAL CASE NO. 2024-02-11, Allied Signs, 13004 Middlebelt:** Seeking to erect four (4) wall signs resulting in excess number of wall signs.
5. **APPEAL CASE NO. 2024-02-12, S and Z Restaurants, LLC, 13030 Middlebelt:** Seeking to erect two (2) menu board signs, one for each of two (2) drive-thru lanes, resulting in excess sign area.

*Public comments may be sent to the ZBA Office at 33000 Civic Center Drive,  
Livonia, MI and include name, address, and signature.*

In accordance with Title II of the American with Disabilities Act as it pertains to access to Public Meetings, the Livonia ZBA Office, upon adequate notice, will make reasonable accommodations for persons with special needs. Please call 734-466-2250 if you need assistance. ZBA agendas are available on the City's website – [www.livonia.gov](http://www.livonia.gov) - under Your Government, Boards & Commissions L-Z, Zoning Board of Appeals, Agendas & Minutes.

## ZONING BOARD OF APPEALS



33000 CIVIC CENTER DRIVE  
LIVONIA, MICHIGAN 48154-3097  
(734) 466-2250

**JANUARY 10, 2024**

Farmington Six, LLC  
17176 Farmington Road  
Livonia, MI 48152

The Zoning Board of Appeals of the City of Livonia, at a Regular meeting held January 9, 2024, adopted the following Resolution:

**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:

1. Petitioner failed to appear before the Board.

**ZONING BOARD OF APPEALS,**

Timothy Klisz, Secretary

Petitioner will incur a \$100 rescheduling fee for every failure to appear.  
In accordance with Title II of the Americans with Disabilities Act as it pertains to access to Public Meetings, the Zoning Board of Appeal's Office of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs.  
Please call 734-466-2250 if you need assistance.



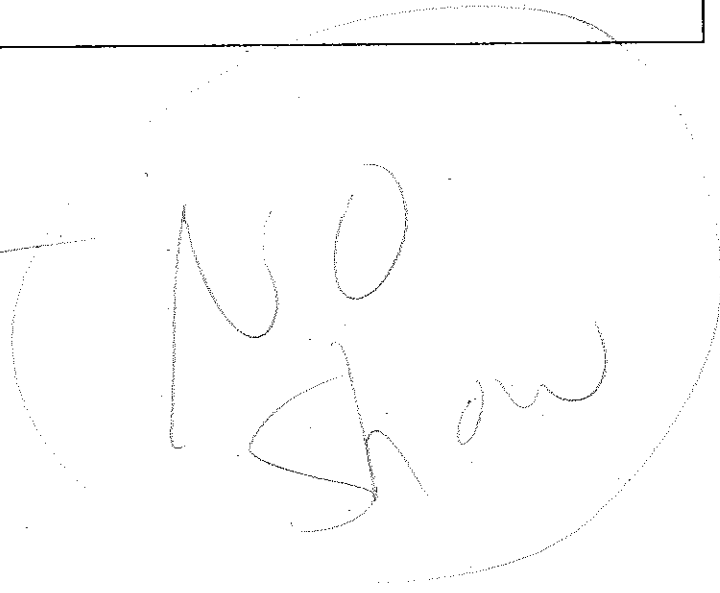
Meeting Date: January 9, 2024

3. 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.

| Motion To: |  | Comments: |
|------------|--|-----------|
| Support    |  |           |
| Deny       |  |           |
| Table      |  |           |
| Other      |  |           |

| Motion     | Support | ZBA Board Member               | Yes | No | Tabled | Absent |
|------------|---------|--------------------------------|-----|----|--------|--------|
|            |         | Greg Coppola - Chairman        |     |    |        | X      |
|            |         | Jim Baringhaus - Vice Chairman |     |    |        |        |
|            |         | Timothy Klisz - Secretary      |     |    |        |        |
|            |         | Christopher Boloven            |     |    |        |        |
|            |         | Michael Testa                  |     |    |        |        |
|            |         | Marc Rotondo                   |     |    |        |        |
|            |         | Lynda Scheel                   |     |    |        |        |
| CONDITIONS |         |                                |     |    |        |        |
| 1.         |         |                                |     |    |        |        |
| 2.         |         |                                |     |    |        |        |
| 3.         |         |                                |     |    |        |        |
| 4.         |         |                                |     |    |        |        |

ZBA Secretary: Timothy Klisz



The Inspector who reviews these materials will use the following checklist:

\*Note: If paperwork is 11" x 17" or smaller 1 copy is required – If larger 10 copies are required.

- ☐ \*1 Copy of Plot Plan drawn to scale, showing
- ☐ Shape and dimensions of the lot
- ☐ Existing buildings and accessory buildings
- ☐ Lines within which the proposed structure is to be erected or altered
- ☐ Existing and intended use of each building or part of a building
- ☐ Number of families or household units building is designed to accommodate
- ☐ Miscellaneous lot information (state type of information here): \_\_\_\_\_
- ☐ Adjacent lots with building locations and address numbers
- ☐ Photograph or architectural rendering or rendering
- ☐ Plan of the building, sign, or property involved (in addition to the plans which accompany the permit application) in any new construction, addition or alteration

For signs only:

- ☒ \*1 copy of plot plan, drawn to scale, clearly showing the proposed location of the sign (for all signs, this means plot plans showing the sign's location on the property, complete with setbacks from all property lines; for wall signs, this includes the road frontage of the property and an elevation depicting the length of the façade and the sign's location thereon)
- ☒ \*1 detailed plan of the proposed sign(s), including a color rendering of same

Your appeal will be placed on the Board's agenda once your application and accompanying materials have been reviewed and approved.

#### **FEE SCHEDULE FOR ZONING BOARD OF APPEALS**

Payment by check only -- payable to: City of Livonia

Section 21.10 Filing Fees. Each application for appeal shall be given a number and shall be accompanied by a filing fee as determined by the schedule below:

- A. Zoning Board of Appeals Fees. Each petition to the Zoning Board of Appeals shall be accompanied by a fee of four hundred and fifty dollars (\$450.00). This fee includes all variance requests and similar petition with regard to a single applicant and single property which are 1) heard at the same hearing, 2) mailed in the same mailing, and 3) published in the same publication, notwithstanding that such requests may require separate supportive findings in order to be granted. Tabled cases and other matters which are reheard through no fault of the applicant do not require any additional fee, but if the applicant or applicant's representative fails to appear on the scheduled hearing date or request and is granted an postponement of the hearing subsequent to the mailing of legal notices, an additional fee of one hundred (\$100.00) shall be required and paid prior to the newly established hearing date. (Code of Ordinances Section 15.56.035 (B))
- B. Rehearings and renewals of temporary variances require the payment of a new fee as determined by this schedule.
- C. Appeals for additions or modifications to existing single-family residential uses in zoning districts other than residential shall be subject to the existing single-family residential fee.
- D. Sign appeals shall be considered as separate appeals and are not to be incorporated with other appeals.

## APPLICATION FOR VARIANCE

Farmington Six, LLC 17122-17176 Farmington Rd Livonia 48152  
 (Owner of Premises) (Street Address) (City) (Zip Code) (Telephone) (Fax)

(Lessee) (Street Address) (City) (Zip Code) (Telephone) (Fax)  
 Jiffy Signs 30777 Schoolcraft Rd Livonia 48150 7342663350  
 (Contractor) (Street Address) (City) (Zip Code) (Telephone) (Fax)

The property address is 17122-17176 Farmington Rd

Please note that if you need more space to answer any of the following questions, you may use a separate page or the back of this page. Simply identify your response(s) with the number of the question you are responding to.

1. Are there any deed restrictions or subdivision rules or restrictions on the property? If so, what are they? No

2. Give legal description of property involved, or attach a deed or other document which contains the legal description of the property:

See Attached

A variance can only be granted if a hardship or practical difficulty with the property makes the variance necessary. Under the City's Zoning Ordinance, a practical difficulty exists only if (a) the difficulty is exceptional and peculiar to the property, and does not exist generally throughout the City, (b) the difficulty involves more than mere inconvenience, inability to earn a higher financial return, or both, and (c) the variance would be fair to the neighbors and others who might be affected, as well as those who do not have this variance.

3. Please explain how the practical difficulty you claim is unique to your property, and does not exist elsewhere in the City:

3 separate entrances to shopping center, with road frontage on 2 major streets

4. Please describe what the difficulty involves beyond mere inconvenience or inability to earn a higher financial return:

Residents traveling on 6 Mile are not aware of the businesses located on the Farmington Rd Side

Residents traveling on Farmington are not aware of businesses on Six Mile Rd.

5. Explain why you think this variance would be fair to the neighbors and others who might be affected.

Allows better visibility to residents of the local stores

6. Have you sought an amendment to the zoning ordinance which would permit your proposed project under your current zoning? If yes, please describe the outcome of this process: No

7. If you have not attempted to have the zoning ordinance amended, why hasn't this attempt been made?

We were told by the city to file a variance





**INSTRUCTIONS FOR COMPLETING APPLICATION FOR VARIANCE**

Identify owner and any lessee of the property as to which you are asking for a variance. Only an owner of property (or an agent who provides the Board with written authority from the owner) can ask for a variance.

Line 1: Often, the deed to a piece of property will specify what can and cannot be built on the property. Or it may specify the ways in which the site may or may not be divided or used. In addition, some subdivisions have rules involving, for example, whether fences can be built on the property. If there are any restrictions in your deed or any subdivision rules, please supply those on line 1.

Lines 3 - 5: When you ask for a zoning variance, *you are asking permission to do something which violates the Zoning Ordinance*. So you need to explain why the law should not apply to you. In order for the Board to grant you a variance, the Board must decide that obeying the law would create a special problem for you which is a) different from everybody else, and b) harsh (for example, you can't use your property at all if you don't get the variance). The Board must also decide that the variance would be fair to the people who are protected by the Zoning Ordinance, such as your neighbors. So on line 3, you need to tell the Board why your situation is so special that you can't obey the law that everyone else must obey. On line 4, you need to tell the Board the bad things which would happen to you if the variance isn't granted. On line 5, you need to explain to the Board why it is fair to your neighbors to allow this variance, as well as the reason this variance would be consistent with the spirit of the Zoning Ordinance.

Lines 6 and 7: If you think the law preventing you from carrying out your plans for your property is a bad law, you should write a letter to the City Council asking that the law be changed so that you -- and others like you -- can do what the law currently forbids. On line 6, please state whether or not you wrote such a letter and, if so, what happened as a result. If you did not write such a letter, please use line 7 to tell the Board why you didn't write such a letter.

Lines 8 and 9: Sometimes, a property owner would be able to use his land -- or build on it -- just as he/she would like if the site were in a different zoning district. Have you tried to get your property rezoned? On line 8, please state whether you tried to get your property rezoned and, if you did, what happened. If you did not try to get your land rezoned, please use line 9 to say why you didn't try.

There are certain other instructions on the form. Please follow those instructions, as well as the additional instructions on the back side of this form. Note that if an agent signs the application on behalf of the owner, the agent must provide written proof of his/her authority to sign the application.

Please note that your application will be reviewed to make sure you have answered every question directly. So remember to complete each line. The Board is required to make a decision on each of the questions presented on lines 3-5, so pay special attention to those questions. Your application will also be reviewed to ensure that you submit a complete set of materials to the Board.

8. Have you attempted to have the property rezoned? If yes, please describe the outcome of the rezoning process: No
9. If you have not attempted to have the property rezoned, why hasn't this attempt been made? \_\_\_\_\_

Please see the separate instruction sheet for plans, fees, and other information which should be submitted with the application. **Note** that if an agent or attorney signs the application on behalf of the owner, said agent or attorney must provide written proof of his or her authority to act on the owner's behalf. ALL INTERESTED PARTIES ARE REQUIRED TO ATTEND THE ZONING BOARD OF APPEALS MEETING. NON-ATTENDANCE BY ANY INTERESTED PARTY MAY RESULT IN YOUR CASE BEING TABLED AND THE APPROPRIATE FEE BEING ASSESSED.

#### OWNER'S AFFIDAVIT

COUNTY OF WAYNE )  
STATE OF MICHIGAN )

The undersigned being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanying information and data are in all respects true and correct to the best of (his/her) knowledge and belief, and that the undersigned personally undertakes to see that the property will be used and developed in compliance with all applicable ordinances and any conditions imposed in connection with any variance which may be granted in response to this application.

Signature of property owner: \_\_\_\_\_

DocuSigned by:  
*Steven Cohen*  
19533A91D15E4DC

Steven Cohen

Please print name of property owner: \_\_\_\_\_

**NOTE: Please provide Letter of Authorization on official letterhead if not signed by owner of the property, as well as the deed and property transfer affidavit.**

Subscribed and sworn to before me this 14th day of November, 2023

(Notary Public, Wayne County, Michigan)

My Commission expires 9/27/2027

TERESA BRUMLEY  
Notary Public, State of Michigan  
County of Oakland

My Commission Expires 09-27-2027

Acting in the County of Wayne

Any decision of the Board favorable to the applicant will remain valid only as long as the information or data relating thereto are found to be correct and the conditions upon which the resolution was based are maintained.

#### NOT TO BE COMPLETED BY APPLICANT

Petitioner makes application for a Hearing, seeking to (reverse, modify, or affirm) the (order, decision) of the Department of Inspection, dated \_\_\_\_\_, which reads as follows:

I certify that (a) the petitioner is not in violation of any ordinance other than the provision(s) sought to be waived in the foregoing application, (b) all applicable fees have been paid, and (c) I have examined the foregoing application, and find that said application is complete, and that the City Zoning Ordinance, Ordinance No. 543, as amended, prohibits the proposed project unless a variance is granted by the Zoning Board of Appeals.

*[Signature]*  
(Supervisor)

Application for permit filed \_\_\_\_\_

Violation Issued \_\_\_\_\_

No

PROPERTY INFORMATION

Property Assessed To:  
RICHARD, MARTIN COHEN  
17176 FARMINGTON  
LIVONIA, MI 48152

Prop #: 019 99 0007 000      School: LIVONIA PUBLIC  
Prop Addr: 17176 FARMINGTON

Legal Description:  
106612A H1A1 THAT PART OF THE SW 1/4 SEC 10 T1S R2E  
NESC AS DEG AT A PTE ON E LINE OF FARMINGTON RD.  
DISTANT DUE N ALONG THE W SEC LINE 145 FT AND S 89DEG  
44N 30S E 60 FT FROM THE SW COR OF SEC 10 AND FROM TH  
DUE N ALONG SAID E LINE 215.12 FT TH DUE E 399.99 FT  
TH DUE S 351.93 FT TH N 89DEG 44N 30S W 265 FT TH DUE  
N 135 FT TH TH N 09DEG 44N 30S W 135 FT TO FOR 2.81  
AC





# CITY OF LIVONIA

## INSPECTION DEPARTMENT

### REJECTION OF APPLICATION FOR PERMIT

33000 CIVIC CENTER DRIVE  
LIVONIA, MICHIGAN 48154  
421-2000

### BASED ON NONCONFORMITY TO LIVONIA ORDINANCE

Applicant (SAME AS OWNER) Address (SAME AS OWNER)  
Owner FARMINGTON SIX, LLC Address 37000 GRAND RIVER, FARMINGTON HILLS, MI  
(248) 476-5213 48335  
Lessee \_\_\_\_\_ Address \_\_\_\_\_  
Location EAST Side of 17176 FARMINGTON RD. Street  
Between SIX MILE RD. And CURTIS RD.  
Lot No./Parcel No. 039-99-0007-000 Subdivision -  
Zoning District C-1 Map No. SW 10 Lot Size 2.81 ACRES (IRREGULAR) Alley -  
Present Use COMMERCIAL RETAIL Proposed Use SAME / NO CHANGE  
Present Building Size N/A Proposed Building Size N/A  
Present Height of Building N/A Proposed Height N/A  
Allowable Lot Coverage N/A Proposed Lot Coverage N/A  
Proposal SEEKING TO ERRECT TWO (2) MONUMENT SIGNS WHERE ONLY  
ONE (1) IS PERMITTED. MAXIMUM NUMBER ALLOWED: 1 ; PROPOSED: 2 ;  
EXCESS: 1

Reason for Rejection LIVONIA ZONING ORDINANCE 11.08 (2) ("MONUMENT SIGNS")  
Deficient Side Yard \_\_\_\_\_ Deficient Front Yard \_\_\_\_\_ Deficient Rear Yard \_\_\_\_\_  
Deficient Lot Area \_\_\_\_\_ Deficient Lot Area per Room \_\_\_\_\_ Encroachment 11.08 (2)  
Excessive Lot Coverage \_\_\_\_\_ Excessive Height \_\_\_\_\_ Increasing No. Units ONE (1)  
Use Prohibited \_\_\_\_\_ Deficient Parking Spaces \_\_\_\_\_ Increasing Area and Bulk \_\_\_\_\_

Remarks \_\_\_\_\_

Plans and Application examined by Matthew S. [Signature]

Date

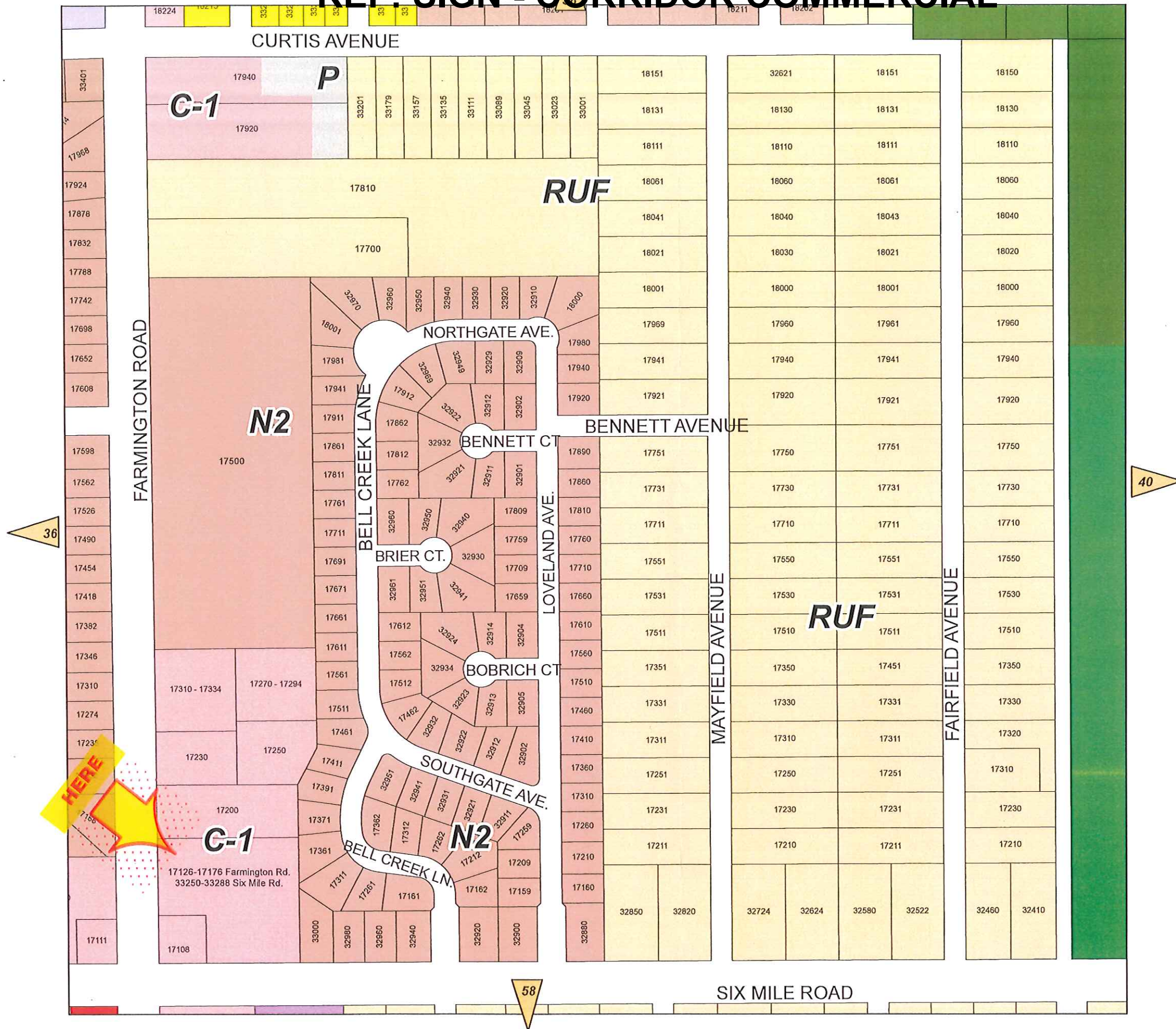
Dec 4 , 2023

ZONING EXAMINER



# FARMINGTON SIX, LLC 17176 FARMINGTON

## REF: SIGN - CORRIDOR COMMERCIAL



## ZONING MAP

### LEGEND

#### Zoning Districts

- RUF Rural Urban Farm
- N1 Neighborhood
- N2 Neighborhood
- NM1 Neighborhood Multifamily
- NM2 Neighborhood Multifamily
- NM3 Neighborhood Multifamily
- P Parking
- C-1 Local Business
- C-2 General Business
- C-3 Highway Services
- C-4 High Rise Commercial
- M-L Manufacturing Limited
- M-1 Light Manufacturing
- M-2 General Manufacturing
- P-L Public Lands
- NP Nature Preserves

S.W. 1/4 Section 10

**City of Livonia**

T. 1 south, R. 9 east

Wayne County, Michigan

Copyright 2001, City of Livonia





## ZONING BOARD OF APPEALS

### ZONING BOARD MEMBERS

GREGORY G. COPPOLA, CHAIRMAN  
JAMES. M. BARINGHAUS, VICE CHAIRMAN  
TIMOTHY J. KLISZ, SECRETARY  
CHRISTOPHER N. BOLOVEN  
MARC ROTONDO  
LYNDA L. SCHEEL



33000 CIVIC CENTER DRIVE  
LIVONIA, MICHIGAN 48154-3097  
(734) 466-2250

### MAYOR

MAUREEN MILLER BROSNAN

### COUNCIL MEMBERS

BRANDON MCCULLOUGH, PRESIDENT  
MARTHA PTASHNIK, VICE PRESIDENT  
CARRIE BUDZINSKI  
ROB DONOVIC  
JIM JOLLY  
SCOTT MORGAN  
LAURA M. TOY

### ***PUBLIC NOTICE DECEMBER 22, 2023***

### **APPEAL CASE NO. 2024-01-01-03, 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.

**THE LAW REQUIRES THAT OWNERS OF PROPERTY LOCATED WITHIN 300 FEET  
OF THIS PROPERTY BE NOTIFIED OF THIS REQUEST IN WRITING.**

**THIS IS YOUR NOTIFICATION.**

**YOU ARE NOT REQUIRED TO RESPOND TO THIS LETTER.**

This appeal will be heard at a public hearing to be held in the **Auditorium on the 1<sup>st</sup> floor of City Hall on Tuesday, January 9, 2024, at 7:00 p.m.**, at which time comments may be directed to the Board during audience participation. When replying by mail, write your comments on the back of this notice and address it to the City of Livonia, Zoning Board of Appeals, 33000 Civic Center Drive, Livonia, MI 48154. All written comments are read at the meeting and become part of the record.

**ZONING BOARD OF APPEALS,**

Timothy Klisz, Secretary

Petitioner will incur a \$100 rescheduling fee for every failure to appear.  
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**Case No:** 2024-01-03  
**Meeting Date:** January 9, 2024

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Signature: \_\_\_\_\_

Address:







10' SET BACK FROM SIDEWALK

**FARMINGTON ENTRANCE**  
11/10/2023

Phone: 734.266.3350 • Fax: 734.266.3351  
Justinc@jiffysigns.com 30777 Schoolcraft Rd., Livonia, MI 48150

**JIFFY SIGNS**  
Your image. Our mission.





10' SET BACK FROM SIDEWALK

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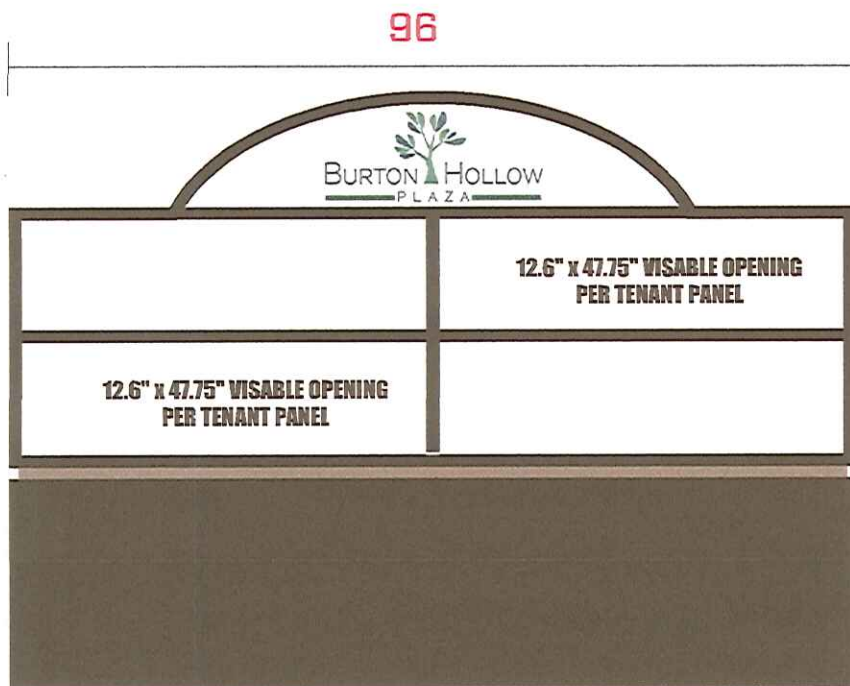
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**6 MILE ENTRANCE**  
*11/10/2023*

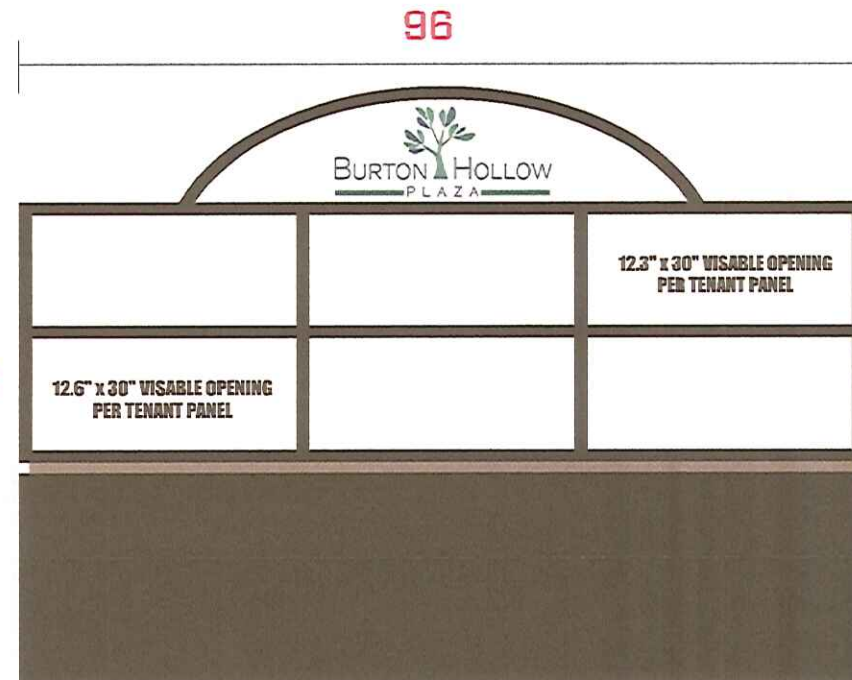
Phone: 734.266.3350 • Fax: 734.266.3351  
Justinc@jiffysigns.com 30777 Schoolcraft Rd., Livonia, MI 48150

 **JIFFY SIGNS**  
Your image. Our mission.





30 SQ FT MONUMENT SIGN  
4 TENANT SPACE  
FARMINGTON RD ENTRANCE



30 SQ FT MONUMENT SIGN  
6 TENANT SPACE  
6 MILE RD ENTRANCE

QTY 2 DOUBLE SIDED INTERNALLY ILLUMINATED LED, ALUMINUM  
EXTRUSION SIGN CABINETS WITH 1/8" ALUMINUM FABRICATED SKIRT,  
3" STEEL POLE INTO 24" AUGERED CONCRETE FOOTING

**DESIGN**  
11/10/2023

Phone: 734.266.3350 • Fax: 734.266.3351  
Justinc@jiffysigns.com 30777 Schoolcraft Rd., Livonia, MI 48150

**JIFFY SIGNS**  
Your image. Our mission.

## ZONING BOARD OF APPEALS

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ROB DONOVIC  
JIM JOLLY  
SCOTT MORGAN  
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### ***PUBLIC NOTICE FEBRUARY 23, 2024***

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Timothy Klisz, Secretary

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**2024-01-03**  
**March 12, 2024**

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Address:





# CITY OF LIVONIA

## INSPECTION DEPARTMENT

### REJECTION OF APPLICATION FOR PERMIT

33000 CMIC CENTER DRIVE  
LIVONIA, MICHIGAN 48154  
421-2000

BASED ON NONCONFORMITY TO LIVONIA ORDINANCE

Applicant SAME AS BELOW Address 734-277-5474  
Owner DAVE PIETROWSKI Address 16922 SURREY, LIVONIA, MI 48154  
Lessee                      Address                       
Location EAST Side of 16922 SURREY Street                       
Between BLOOMFIELD And WOOD  
Lot No./Parcel No. 061-02-0041-000 Subdivision BURTON HOLLOW ESTATES  
Zoning District N2 Map No. NE16 Lot Size                      Alley                       
Present Use RESIDENTIAL Proposed Use SAME  
Present Building Size N/A Proposed Building Size NONE PROPOSED  
Present Height of Building N/A Proposed Height " "  
Allowable Lot Coverage N/A Proposed Lot Coverage N/A

Proposal SEEKING TO MAINTAIN A PRIVACY SCREEN ERECTED OVER A CONCRETE PROTECTIVE WALL SEPARATING THIS PROPERTY FROM ADJOINING COMMERCIAL PROPERTY WHICH IS NOT ALLOWED. THE PROPOSED HEIGHT OF THE SCREEN IS 9.5 FEET TALL. MAXIMUM HEIGHT OF FENCING ON RESIDENTIAL PROPERTY IS 6 FEET.

ALSO PROPOSED ARE LANDSCAPE TREATMENTS (FENCING) EXCEEDING THE MAXIMUM ALLOWED FORTY FOOT LENGTH, THE PROPOSED LENGTH OF LANDSCAPE FENCING IS APPROXIMATELY 62 FEET.

Reason for Rejection CODE OF ORDINANCES, SECTION 15.44.09D B, H.

Deficient Side Yard                      Deficient Front Yard                      Deficient Rear Yard                     

Deficient Lot Area                      Deficient Lot Area per Room                      Encroachment                     

Excessive Lot Coverage                      Excessive Height                      Increasing No. Units                     

Use Prohibited                      Deficient Parking Spaces                      Increasing Area and Bulk                     

Remarks                     

Plans and Application examined by Ry Date JANUARY 18 2024

ZONING EXAMINER

1001-0 2004

## APPLICATION FOR VARIANCE

Dave & Marguerite Pietrowski 16922 Surrey, Livonia, MI 48154 (734) 277-5474  
(Owner of Premises) (Street Address) (City) (Zip Code) (Telephone) (Fax)

(Lessee) (Street Address) (City) (Zip Code) (Telephone) (Fax)

(Contractor) (Street Address) (City) (Zip Code) (Telephone) (Fax)

The property address is 16922 Surrey St.

Please note that if you need more space to answer any of the following questions, you may use a separate page or the back of this page. Simply identify your response(s) with the number of the question you are responding to.

1. Are there any deed restrictions or subdivision rules or restrictions on the property? If so, what are they? No

2. Give legal description of property involved, or attach a deed or other document which contains the legal description of the property:

Residential Property

A variance can only be granted if a hardship or practical difficulty with the property makes the variance necessary. Under the City's Zoning Ordinance, a practical difficulty exists only if (a) the difficulty is exceptional and peculiar to the property, and does not exist generally throughout the City, (b) the difficulty involves more than mere inconvenience, inability to earn a higher financial return, or both, and (c) the variance would be fair to the neighbors and others who might be affected, as well as those who do not have this variance.

3. Please explain how the practical difficulty you claim is unique to your property, and does not exist elsewhere in the City:

Football Field LED lights, plus beautiful trees were

recently removed, hiding the Gas Station and Corner Intersection.  
LED lights are bothersome from dusk to dawn.

4. Please describe what the difficulty involves beyond mere inconvenience or inability to earn a higher financial return: Undermaintained Commercial Bldg. facing our house.  
Our property value will drop substantially due to new LED

lighting and trees being cut down. The Trellises were put  
up to beautify our property.

5. Explain why you think this variance would be fair to the neighbors and others who might be affected. The neighbors love the improvements and everything  
we have done, because our house was never maintained.

6. Have you sought an amendment to the zoning ordinance which would permit your proposed project under your current zoning? If yes, please describe the outcome of this process: No

7. If you have not attempted to have the zoning ordinance amended, why hasn't this attempt been made?

Ordinance Dept. was here 3 times and Trellises were  
never a problem. One guy even remarked on how nice  
they looked. In regards to the white landscape  
fencing in front yard, the paperwork was misleading to me  
and went over a little bit with the length. This fencing  
is to help with our leaf problem coming from all directions.

8. Have you attempted to have the property rezoned? If yes, please describe the outcome of the rezoning process: No

9. If you have not attempted to have the property rezoned, why hasn't this attempt been made? We simply did not know we needed permission for all these upgrades.

Please see the separate instruction sheet for plans, fees, and other information which should be submitted with the application. Note that if an agent or attorney signs the application on behalf of the owner, said agent or attorney must provide written proof of his or her authority to act on the owner's behalf. ALL INTERESTED PARTIES ARE REQUIRED TO ATTEND THE ZONING BOARD OF APPEALS MEETING. NON-ATTENDANCE BY ANY INTERESTED PARTY MAY RESULT IN YOUR CASE BEING TABLED AND THE APPROPRIATE FEE BEING ASSESSED.

#### OWNER'S AFFIDAVIT

COUNTY OF WAYNE )  
STATE OF MICHIGAN )

The undersigned being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanying information and data are in all respects true and correct to the best of (his/her) knowledge and belief, and that the undersigned personally undertakes to see that the property will be used and developed in compliance with all applicable ordinances and any conditions imposed in connection with any variance which may be granted in response to this application.

Signature of property owner: David Pietrowski

Please print name of property owner: David Pietrowski

**NOTE: Please provide Letter of Authorization on official letterhead if not signed by owner of the property, as well as the deed and property transfer affidavit.**

Subscribed and sworn to before me this 5th day of January 2014

Anjana Rao Ashok Kumar  
(Notary Public, Wayne County, Michigan)  
My Commission expires 01 December 2027

ANJANA RAO ASHOK KUMAR  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF OAKLAND  
My Commission Expires December 01, 2027  
Acting in the County of Wayne

Any decision of the Board favorable to the applicant will remain valid only as long as the information or data relating thereto are found to be correct and the conditions upon which the resolution was based are maintained.

#### NOT TO BE COMPLETED BY APPLICANT

Petitioner makes application for a Hearing, seeking to (reverse, modify, or affirm) the (order, decision) of the Department of Inspection, dated \_\_\_\_\_, which reads as follows:

I certify that (a) the petitioner is not in violation of any ordinance other than the provision(s) sought to be waived in the foregoing application, (b) all applicable fees have been paid, and (c) I have examined the foregoing application, and find that said application is complete, and that the City Zoning Ordinance, Ordinance No. 543, as amended, prohibits the proposed project unless a variance is granted by the Zoning Board of Appeals.

\_\_\_\_\_  
(Supervisor)

Application for permit filed \_\_\_\_\_ Violation Issued \_\_\_\_\_



2766 (Rev. 05-16)

**Property Transfer Affidavit**

This form is issued under authority of P.A. 415 of 1994. Filing is mandatory.

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). **The completed Affidavit must be filed by the new owner with the assessor for the city or township where the property is located within 45 days of the transfer.** The information on this form is NOT CONFIDENTIAL.

|                                                                                                                                                                                                                                                                                                                                                                           |  |                                                                                                                                   |                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1. Street Address of Property<br>16922 Surrey St, Livonia, MI 48154                                                                                                                                                                                                                                                                                                       |  | 2. County<br>Wayne                                                                                                                | 3. Date of Transfer (or land contract signed)<br>January 28, 2021 |
| 4. Location of Real Estate (Check appropriate field and enter name in the space below.)<br><input type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> Village<br>City of Livonia                                                                                                                                                            |  | 5. Purchase Price of Real Estate<br>270,000.00                                                                                    |                                                                   |
| 7. Property Identification Number (PIN). If you don't have a PIN, attach legal description.<br><b>PIN.</b> This number ranges from 10 to 25 digits. It usually includes hyphens and sometimes includes letters. It is on the property tax bill and on the assessment notice.<br>061-02-0041-000                                                                           |  | 6. Seller's (Transferor) Name<br>Dennis Griswold and Roberta Griswold                                                             |                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                           |  | 8. Buyer's (Transferee) Name and Mailing Address<br>William R. Robinson Decendants Trust<br>16922 Surrey St,<br>Livonia, MI 48154 |                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                           |  | 9. Buyer's (Transferee) Telephone Number<br>313 682-7661                                                                          |                                                                   |
| <b>Items 10 - 15 are optional. However, by completing them you may avoid further correspondence.</b>                                                                                                                                                                                                                                                                      |  |                                                                                                                                   |                                                                   |
| 10. Type of Transfer. <u>Transfers</u> include, but are not limited to, deeds, land contracts, transfers involving trusts or wills, certain long-term leases and business interest. See page 2 for list.<br><input type="checkbox"/> Land Contract <input type="checkbox"/> Lease <input checked="" type="checkbox"/> Deed <input type="checkbox"/> Other (specify) _____ |  |                                                                                                                                   |                                                                   |
| 11. Was property purchased from a financial institution?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                                                                                                                           |  | 12. Is the transfer between related persons?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No               |                                                                   |
| 13. Amount of Down Payment<br>N/A                                                                                                                                                                                                                                                                                                                                         |  |                                                                                                                                   |                                                                   |
| 14. If you financed the purchase, did you pay market rate of interest?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                                                                                                             |  | 15. Amount Financed (Borrowed)<br>N/A                                                                                             |                                                                   |

**EXEMPTIONS**

Certain types of transfers are exempt from uncapping. If you believe this transfer is exempt, indicate below the type of exemption you are claiming. If you claim an exemption, your assessor may request more information to support your claim.

- ☐ Transfer from one spouse to the other spouse
- ☐ Change in ownership solely to exclude or include a spouse
- ☐ Transfer between certain family members \*(see page 2)
- ☐ Transfer of that portion of a property subject to a life lease or life estate (until the life lease or life estate expires)
- ☐ Transfer between certain family members of that portion of a property after the expiration or termination of a life estate or life lease retained by transferor \*\* (see page 2)
- ☐ Transfer to effect the foreclosure or forfeiture of real property
- ☐ Transfer by redemption from a tax sale
- ☐ Transfer into a trust where the settlor or the settlor's spouse conveys property to the trust and is also the sole beneficiary of the trust
- ☐ Transfer resulting from a court order unless the order specifies a monetary payment
- ☐ Transfer creating or ending a joint tenancy if at least one person is an original owner of the property (or his/her spouse)
- ☐ Transfer to establish or release a security interest (collateral)
- ☐ Transfer of real estate through normal public trading of stock
- ☐ Transfer between entities under common control or among members of an affiliated group
- ☐ Transfer resulting from transactions that qualify as a tax-free reorganization under Section 368 of the Internal Revenue Code.
- ☐ Transfer of qualified agricultural property when the property remains qualified agricultural property and affidavit has been filed.
- ☐ Transfer of qualified forest property when the property remains qualified forest property and affidavit has been filed.
- ☐ Transfer of land with qualified conservation easement (land only - not improvements)
- ☐ Other, specify: \_\_\_\_\_

**CERTIFICATION**

I certify that the information above is true and complete to the best of my knowledge.

Printed Name

Signature

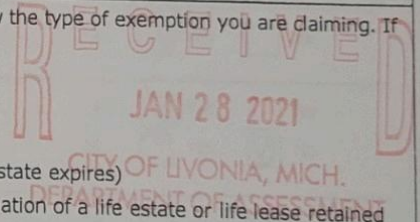
Name and title, if signer is other than the owner

Daytime Phone Number

Date

01/28/2021

E-mail Address



**ILLEGAL FENCESEnforcement | EN23-3227****Property Information**

061 02 0041 000      16922 SURREY      Subdivision:  
LIVONIA MI, 48154      Lot:      Block:      NE 16

**Name Information**

Owner:      ROBINSON WILLIAM R      Phone:      (734) 277 5474  
Occupant:      DAVID PIETROWSKI      Phone:      (734) 277 5474  
Filer:      Phone:

**Enforcement Information**

Date Filed:      11/20/2023      Date Closed:      Status:      Follow up Sched'd  
Complaint:  
Privacy screen on concrete wall.  
Last Action Date:      01/05/2024      Last Inspection:      01/17/2024  
Last Action:  
Inspection

**Show Cause Hearing Inspection | Dan Pilachowski**

Status:      Scheduled      Result:  
Scheduled:      01/18/2024      Completed:

**Pre Show Cause Inspection Inspection | Dan Pilachowski**

Status:      Completed      Result:      Not Complied  
Scheduled:      01/17/2024      Completed:      01/17/2024

**Comments:**

SCHEDULED COMMENT      CALLED AND VERBALLY ADVISED THE HOMEOWNER WHAT WAS LACKING IN HIS APPLICATION FOR THE ZBA.  
Inspector's Comment      NO CHANGES MADE TO PROPERTY,  
DID NOT TURN IN ANY FURTHER PLANS OR CORRECTIONS,  
VIOL  
HOLD FOR SHOWCAUSE HEARING.

**Inspection Inspection | Dan Pilachowski**

Status:      Completed      Result:      Not Complied  
Scheduled:      01/05/2024      Completed:      01/05/2024

**Comments:**

Inspector's Comment      AFTER VISING AND SPEAKING WITH HOMEOWNER, HE STATED THAT HE WOULD TURN THE APPLICATION IN FOR THE  
ZBA, CHECKED LATER IN PM, HE DID NOT.  
SETUP SHOWCAUSE HEARING.  
SEND NOTICE

**Inspection Inspection | Dan Pilachowski**

Status:      Completed      Result:      Not Complied  
Scheduled:      12/04/2023      Completed:      12/04/2023

**Comments:**

Inspector's Comment      MET WITH HOMEOWNER ON SITE,  
VERBALLY ADVISED ON ALL ISSUES,  
HOMEOWNER WOULD LIKE TO GO IN FRONT OF THE ZBA TO APPEAL THE ZONING ORD.  
HE WILL SUBMIT AN APPLICATION WITHIN A WEEK.  
RECHECK

**Inspection Inspection | Dan Pilachowski**

Status:      Completed      Result:      Violation(s)  
Scheduled:      12/04/2023      Completed:      12/04/2023

**Violations:**

|                     |                                                                                                                                                                                                                                                                      |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Uncorrected         | FAILURE TO COMPLY WITH THIS NOTICE WILL RESULT IN A COURT COMPLAINT BEING FILED AGAINST YOU IN 16TH DISTRICT COURT. THIS OFFENSE IS A CRIMINAL MISDEMEANOR AND UPON CONVICTION, IS PUNISHABLE BY A FINE OR A JAIL SENTENCE, OR BOTH, AT THE DISCRETION OF THE COURT. |
| Uncorrected         | Failure to comply with this violation by the date specified will result in the City having the necessary work done with all costs and administrative fees billed to you or placed in the form of a lien against the property as provided by law.                     |
|                     | Livonia Code of Ordinance, Section 8.24.090                                                                                                                                                                                                                          |
| Corrected           | This violation may be appealed to the Zoning Board of Appeals by filing the appeal with this office within 20 days of receipt of this notice.                                                                                                                        |
| <b>Comments:</b>    |                                                                                                                                                                                                                                                                      |
| Inspector's comment | HOMEOWNER ASKING FOR EXTENTION TO APPLY FOR ZBA AFTER XMAS, WILL SEND NOTICE AND HAVE TILL FIRST WEEK AFTER THE NEW YEAR.<br>SEND NOTICE                                                                                                                             |

Investigation Inspection | Dan Pilachowski

|            |            |            |              |
|------------|------------|------------|--------------|
| Status:    | Completed  | Result:    | Violation(s) |
| Scheduled: | 11/20/2023 | Completed: | 11/20/2023   |

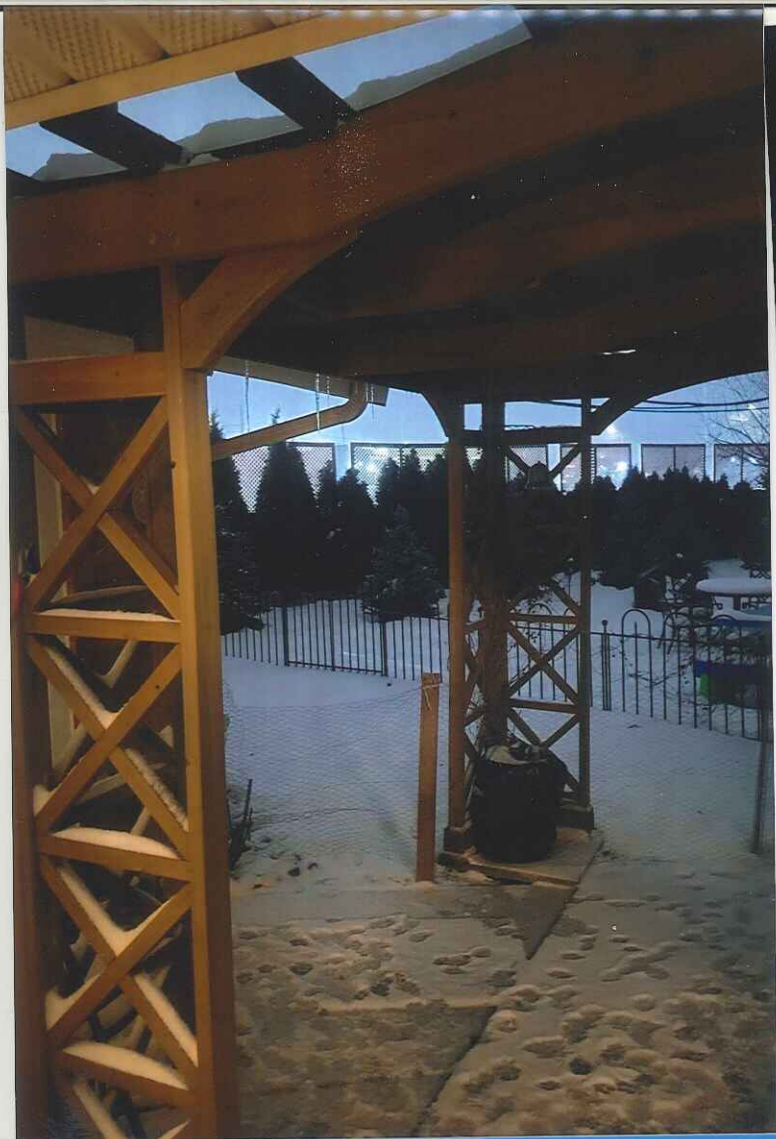
Violations:

|             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Uncorrected | DISMANTLE AND REMOVE THE ILLEGALLY ERECTED PRIVACY SCREENS ATTACHED TO CONCRETE BARRIER, AND ALSO CYCLONE FENCE FROM THE REQUIRED REAR YARD OF THIS PROPERTY. TAN WOODEN LATTICE ATTACHED TO ALL CYCLONE FENCING AND CONCRETE BLOCKS, ALSO REMOVE EXCESS LANDSCAPE TREATMENT IN FRONT YARD.<br><br>LIVONIA CODE OF ORDINANCE, SECTION 15.44.090                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Corrected   | FAILURE TO COMPLY WITH THIS NOTICE MAY RESULT IN THIS OFFICE FILING A COURT COMPLAINT IN 16TH DISTRICT COURT.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Uncorrected | D."Decorative or ornamental fence" - a structure that may or may not be sight-obscuring, not necessarily intended for the purpose of preventing people or domestic animals from crawling or passing through the fence, except at established gateways. A decorative fence shall not include a fence constructed of chain link material or any other type of woven wire fence<br><br>C.Privacy screens are permitted in the rear yard only, shall not be located nearer than ten (10) feet to the rear property line, shall not extend beyond the side building line of the residence, must be a minimum of two (2) inches off the ground and shall not exceed six (6) feet, six (6) inches in height, measured from the surface of the ground to the highest point of the screening material or the supporting structure.<br><br>H.Landscape treatments, not to exceed thirty (30) inches in height, shall be permitted within a front yard or within a side or rear yard abutting a street, provided that they do not exceed forty (40) feet in total length, twenty (20) feet in one continuous direction, and are erected at least two (2) feet from the sidewalk. No fence or landscape treatment shall be located nearer than two (2) feet from a side lot line which is adjacent to a driveway on an abutting property. Cyclone or chain link fencing shall not be considered landscape treatment for the purpose of this section of the ordinance. (Ord. No. 3075, § 1, 9-17-2018; Ord. No. 3049, § 1, 4-23-2018; Ord. 2676, § 3, 2004: Ord. 2176 § 1 (part), 1993) |
| Corrected   | FAILURE TO COMPLY WITH THIS NOTICE MAY RESULT IN THIS OFFICE FILING A COURT COMPLAINT IN 16TH DISTRICT COURT.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

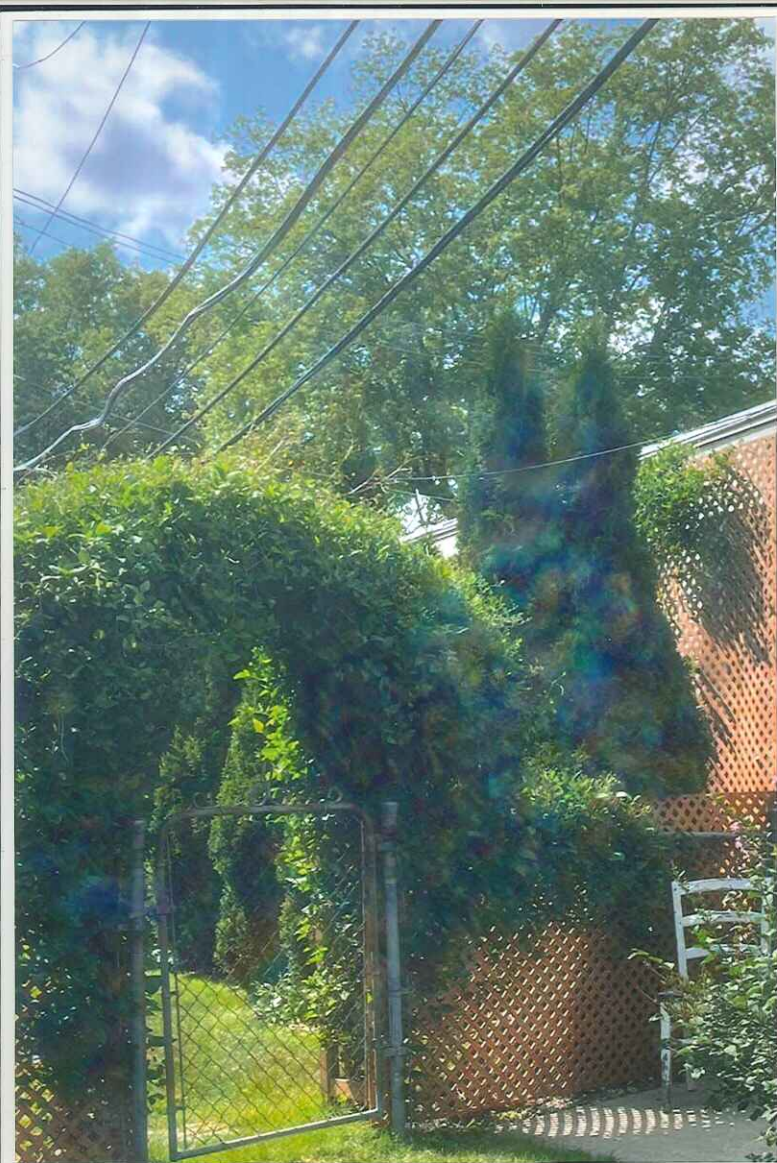
Comments:

|                     |                                                                                                                                                                                                                                                                                                                                                         |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Inspector's comment | NO ANSWER AT DOOR,<br>LEFT DOOR TAG,<br>HAS WOODEN LATTICE ATTACHED TO NEIGHBORING CONCRETE BARRIER WALL, AND CYCLONE FENCING AS A PRIVACY SCREEN. HAS OPEN PERMIT FOR WHITE FENCING, BUT ALSO HAS DECORATIVE FENCING IN EXCESS WILL BE VERBALLY ADVISED TO HOMEOWNER UPON TALKING TO. NOTICE WILL BE SENT FOR ALL VIOLATTIONS ALSO.<br><br>SEND NOTICE |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|













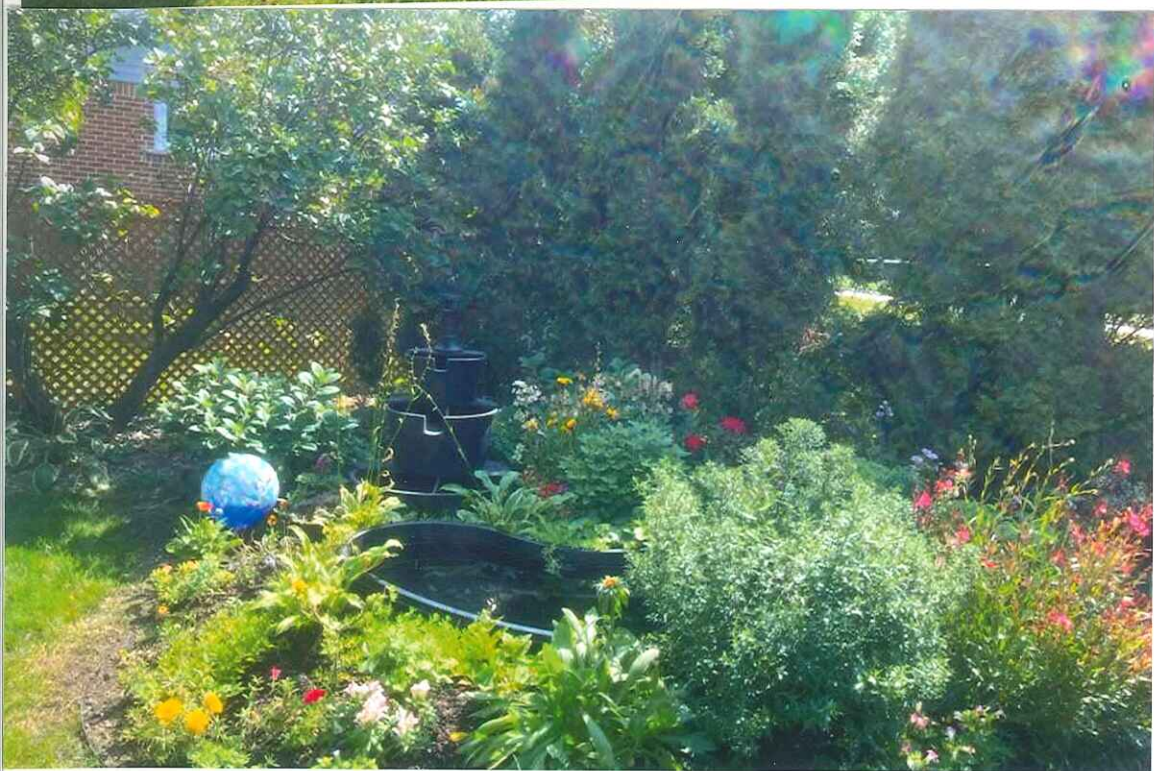
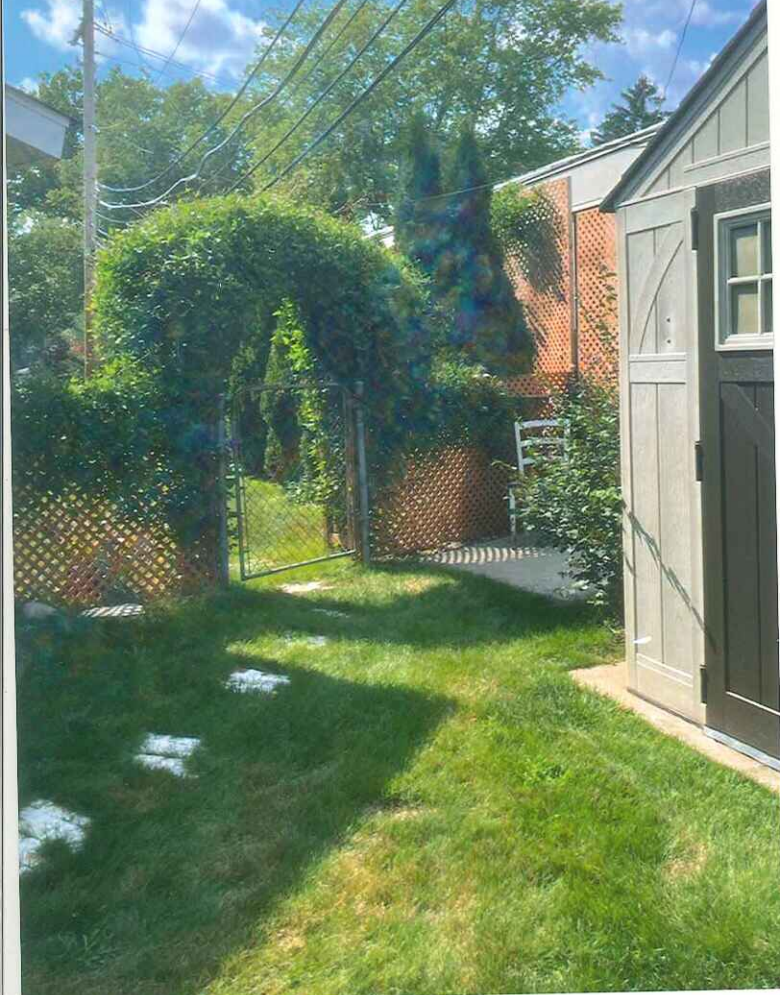














6 - 4' x 8' Trellices - 48"

Google Maps

16922 Surrey

(All these are 9 1/2' From Ground) → 7 - 8' x 4' Trellices  
→ 8 x 4' Trellice  
→ 3 - 8' x 4' Trellices



Imagery ©2024 Maxar Technologies, Map data ©2024 10 m



2 - 4' x 8' Trellices - 48"  
Propose: Want a 30'  
Landscape Fence  
Here. 30" High

2 - 4' x 8' Trellices - 48"

4 - 8' x 8' Landscape Fence  
30" High

Home  
Building



Directions



Save



Nearby



Send to  
phone



Share



You visited yesterday



16922 Surrey, Livonia, MI 48154



CITY OF LIVONIA  
BUILDING INSPECTION DEPARTMENT  
734-466-2580

## PRIVACY and/or CHAIN LINK FENCE ACKNOWLEDGEMENT and AUTHORIZATION

CIVIC ASSOCIATION APPROVAL REQUIRED: YES: \_\_\_\_\_ NO: ☒  
IF YES, PROVIDE WRITTEN ASSOCIATION APPROVAL.

Date: 1/11/24

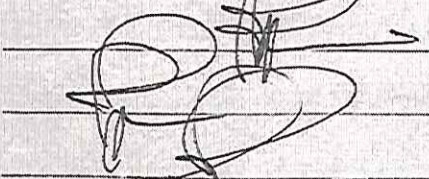
Fence Installation Address: 16922 Surrey St., Livonia, MI 48154

I have seen or had explained to me, the proposal made by Dave Pietrowski  
(Name)

at 16922 Surrey Street to erect a Trellises on cement wall  
(Address) (Description)

~~Chain link~~ Privacy (cross out one not used) fence separating his or her property from mine and consent to all of the following:

- The style and height of the fence.
- The location of the lot line.
- Only one (1) fence is permitted between our properties and that any existing fence will have to be removed in favor of the new fence.

 have the finished side facing my property. *On side by parking lot*  
have the finished side facing the fence owner. *On side by windows*  
be good on both sides.

(Please sign next to the option agreed upon and also as indicated below)

PAF1 24MES  
(Print Name)

16975 Farmington Rd, Livonia, MI  
(Address)

  
(Signature)

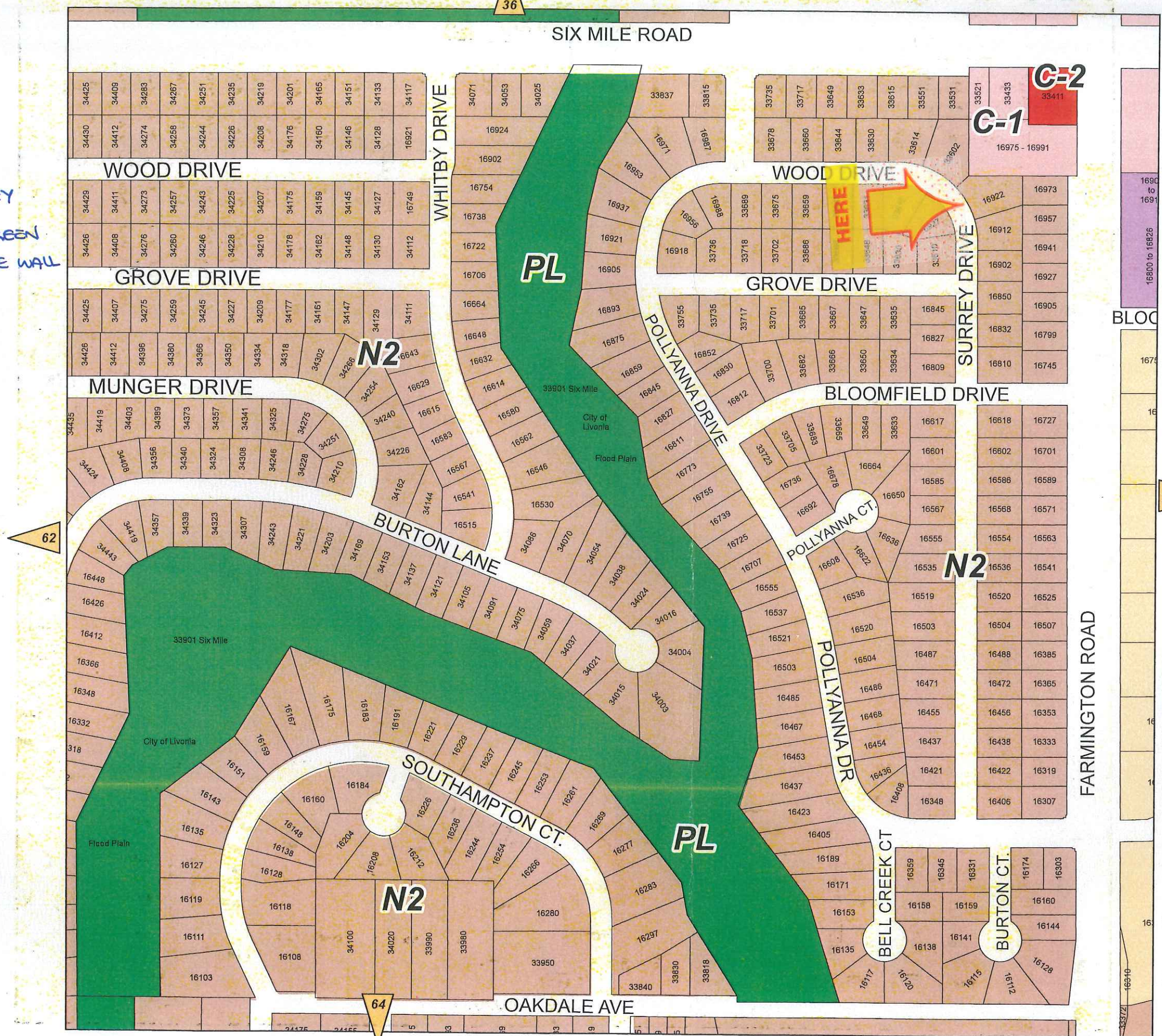
3134434413  
(Telephone number for confirmation)

- ORIGINAL MUST BE SUBMITTED FULLY SIGNED AND COMPLETED
- NO PERMIT WILL BE ISSUED WITHOUT THIS ORIGINAL COMPLETED FORM AND A SITE PLAN OF THE PROPERTY TO BE FENCED



DAVE AND MARGUERITE PIETROWSKI, 16922 SURREY REF:  
PRIVACY SCREEN ON PROTECTIVE WALL LOW DENSITY RESIDENTIAL

ZBA CASE  
16922 SURREY  
RE: PRIVACY SCREEN  
ON PROTECTIVE WALL



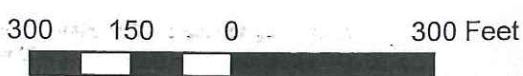
ZONING MAP

**LEGEND**

**Zoning Districts**

- RUF Rural Urban Farm
- N1 Neighborhood
- N2 Neighborhood
- NM1 Neighborhood Multifamily
- NM2 Neighborhood Multifamily
- NM3 Neighborhood Multifamily
- P Parking
- C-1 Local Business
- C-2 General Business
- C-3 Highway Services
- C-4 High Rise Commercial
- M-L Manufacturing Limited
- M-1 Light Manufacturing
- M-2 General Manufacturing
- P-L Public Lands
- NP Nature Preserves

N.E. 1/4 Section 16  
**City of Livonia**  
T. 1 south, R. 9 east  
Wayne County, Michigan  
Copyright 2001, City of Livonia





## ZONING BOARD OF APPEALS

### ZONING BOARD MEMBERS

GREGORY G. COPPOLA, CHAIRMAN  
JAMES. M. BARINGHAUS, VICE CHAIRMAN  
TIMOTHY J. KLISZ, SECRETARY  
CHRISTOPHER N. BOLOVEN  
MARC ROTONDO  
LYNDA L. SCHEEL  
MIKE TESTA



33000 CIVIC CENTER DRIVE  
LIVONIA, MICHIGAN 48154-3097  
(734) 466-2250

### COUNCIL MEMBERS

BRANDON MCCULLOUGH, PRESIDENT  
MARTHA PTASHNIK, VICE PRESIDENT  
CARRIE BUDZINSKI  
ROB DONOVIC  
JIM JOLLY  
SCOTT MORGAN  
LAURA M. TOY

### ***PUBLIC NOTICE FEBRUARY 23, 2024***

**APPEAL CASE NO. 2024-01-09, Dave and Marguerite Pietrowski, 16922 Surrey:** seeking to maintain a privacy screen erected over a concrete protective wall separating the property from adjoining commercial property which is not allowed. The proposed height of the screen is 9.5 feet tall. Maximum height of fencing on residential property is 6 feet

Also proposed are landscape treatments (fencing) exceeding the maximum allowed forty foot length.

#### **Screen Height:**

Allowed: 6 feet  
Proposed: 9.5 feet  
Excess: 3.5 feet.

#### **Fencing:**

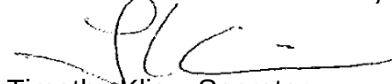
Allowed: 40 feet  
Proposed: 62 feet  
Excess: 22 feet

This Low Density Residential property is located on the east side of Surrey Drive (16922), between Bloomfield Drive and Wood Drive, Lot. No. 061-02-0041-000, N-2 District, Neighborhood, rejected by the Inspection Department under Livonia Code of Ordinances, section 15.44.090 B, H.

**THE LAW REQUIRES THAT OWNERS OF PROPERTY LOCATED WITHIN 300 FEET OF THIS PROPERTY BE NOTIFIED OF THIS REQUEST IN WRITING. THIS IS YOUR NOTIFICATION. YOU ARE NOT REQUIRED TO RESPOND TO THIS LETTER.**

This appeal will be heard at a public hearing to be held in the **Auditorium on the 1<sup>st</sup> floor of City Hall on Tuesday, March 12, at 7:00 p.m.**, at which time comments may be directed to the Board during audience participation. When replying by mail, write your comments on the back of this notice and address it to the City of Livonia, Zoning Board of Appeals, 33000 Civic Center Drive, Livonia, MI 48154. All written comments are read at the meeting and become part of the record.

**ZONING BOARD OF APPEALS,**



Timothy Klisz, Secretary

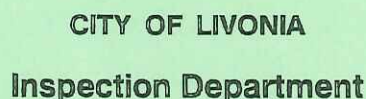
Petitioner will incur a \$100 rescheduling fee for every failure to appear.  
In accordance with Title II of the Americans with Disabilities Act as it pertains to access to Public Meetings, the Zoning Board of Appeal's Office of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs.  
Please call 734-466-2250 if you need assistance.

2024-01-09  
March 12, 2024

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Address:





**REJECTION OF APPLICATION FOR PERMIT  
BECAUSE OF NON-CONFORMITY TO ZONING ORDINANCE LIVONIA VISION 21**

Plans and Application examined by Matthew J. Green Date JAN 22, 2024

ZONING EXAMINER

50

123.83

EX'G  
SHED  
1275.8

30.01 REQUIRED

VARIANCE  
REQUESTED

PROPOSED  
COVERED PORCH

#16322  
2 STORY  
BRKFR.  
P/B SMIT

221.07 R.  
To P.C.

ALDRICH CT

60

30.0  
T. P.C.



# MORI JAGE CERTIFICATE

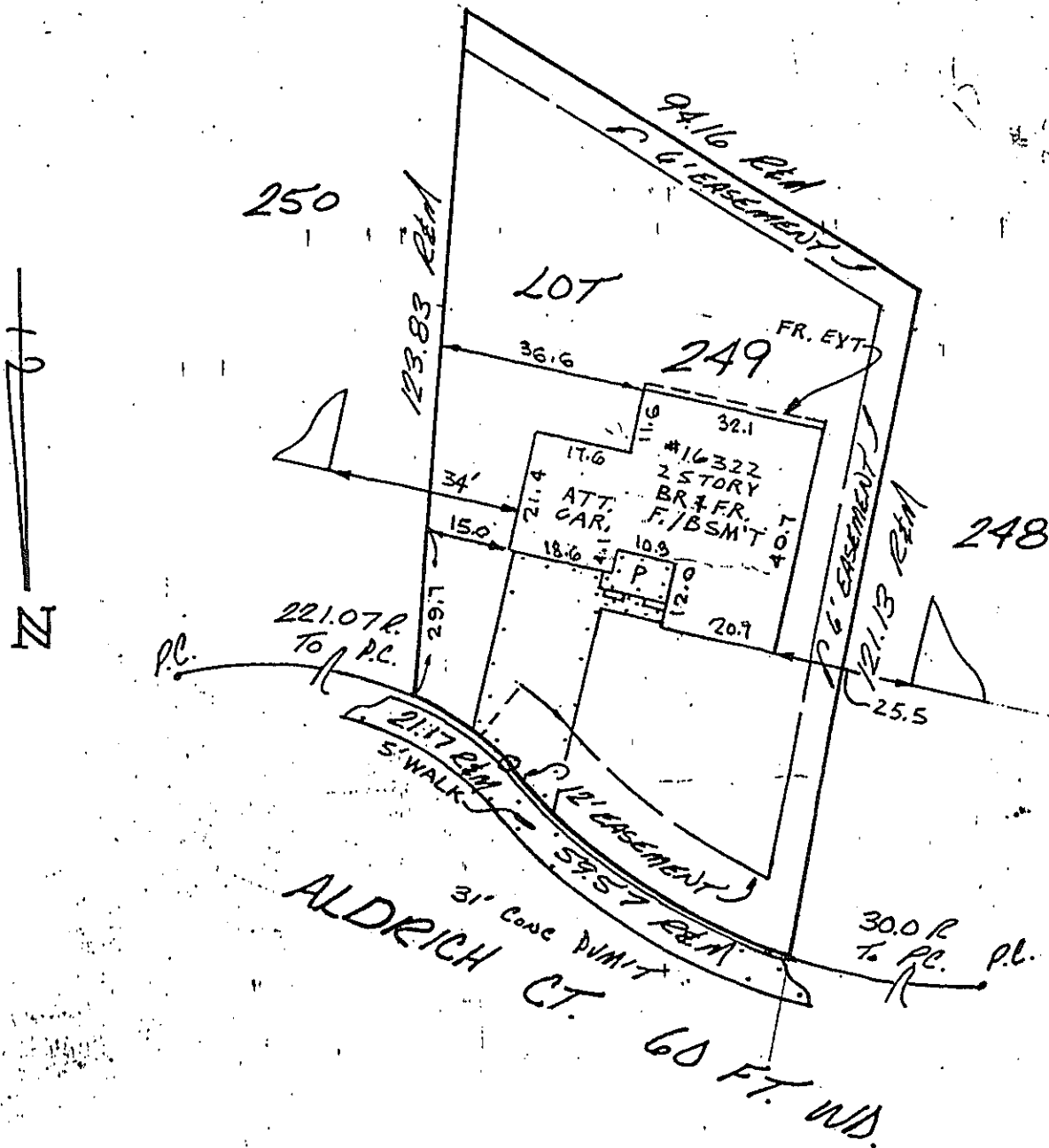
Scale: 1" = 30'

Date Sept. 30, 1985

## Final

July 15, 1986

**Description:** Lot 249, "Quakertown Subdivision No. 2", part of the W. 1/2 of Sec. 18, T. 1 S., R. 9 E., City of Livonia, Wayne Co., Michigan.  
Rec'd L. 99, P. 14-17 Plats, W.C.R.



# CERTIFICATE

We hereby certify to First Federal of Michigan

33333 West Twelve Mile Road, Farmington Hills, Michigan 48018

for the purpose of a mortgage made or to be made by the said Companies

to Paul Busaki and Gay Lynn Busaki

that we have inspected the property herein described: that there are located entirely thereon as shown, buildings and improvements, and that said building and improvements are within the property lines and that there are no existing encroachments upon the land and property described whatsoever, except as shown. This mortgage inspection is not to be used to establish property lines, easement line, public right-of-way lines, building lines, conformity or non conformity to State, County or Local ordinances and/or codes, etc.

**CERTIFIED TO ALL TITLE COMPANYS:**

|                    |               |              |         |
|--------------------|---------------|--------------|---------|
| Commonwealth Land  | Wayne Oakland | Great Lakes  | Lawyers |
| Trans America      | Stewart       | Wayne County | Detroit |
| Pioneer National   | St. Paul      | Tri County   | Chicago |
| Philip F. Greco    | Master        | Interstate   | Paragon |
| Philip R. Seaver   | Shield        | America      | Lincoln |
| Certified Abstract | Covenant      | Heritage     | Omega   |
| First Fidelity     | Old Colonial  | Guardian     | First   |

CIVIL ENGINEER &amp; LAND SURVEYORS

**SCHRADER-PORTER & ASSOCIATES, INC.**

27251 Joy Road • Dearborn Heights, MI 48127

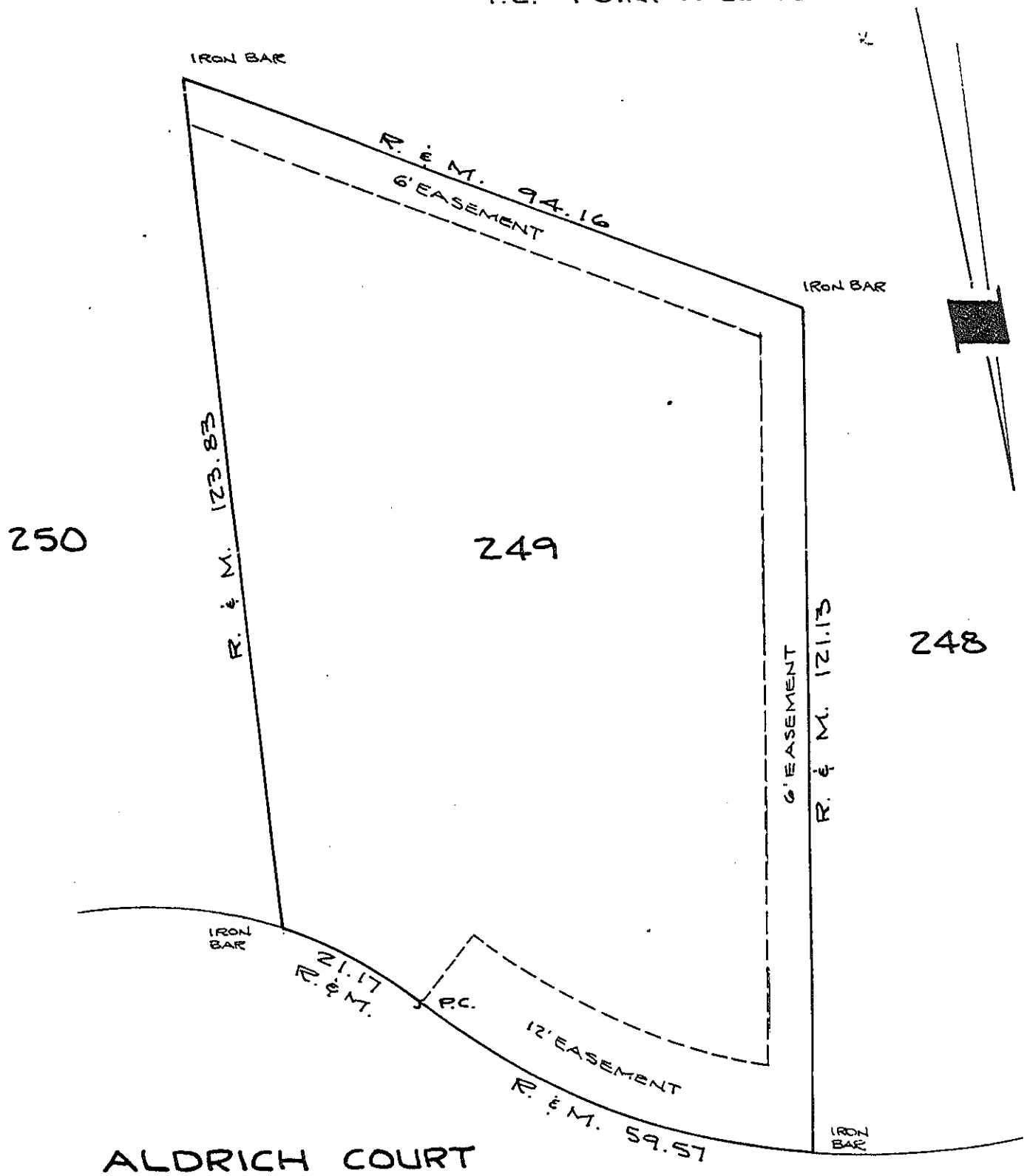
278-3370 - 278-3371

**By**

Job No. J-5-207

LOT 249 OF 'QUAKERTOWN SUBDIVISION NO. 2' PART OF THE W. 1/2 OF SECTION 18, T. 1 S., R. 9 E., CITY OF LIVONIA, WAYNE COUNTY, MICHIGAN. RECORDED IN LIBER 99 OF PLATS ON PAGES 14, 15, 16 AND 17. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

R. = RECORDED  
M. = MEASURED  
P.C. = POINT OF CURVE



### PLAT OF SURVEY

IN THE CITY OF LIVONIA, COUNTY OF WAYNE,  
STATE OF MICHIGAN.

PREPARED FOR PAUL RUSAKI

DATE  
6/6/87

JOB NO.  
87-5-235

SCALE  
1"=20'



ROS KELLY, JEKABSON & ASSOCIATES, P.C.  
Registered Land Surveyors  
888 Sheldon Road  
Plymouth, Michigan 48170  
Telephone 455-8000

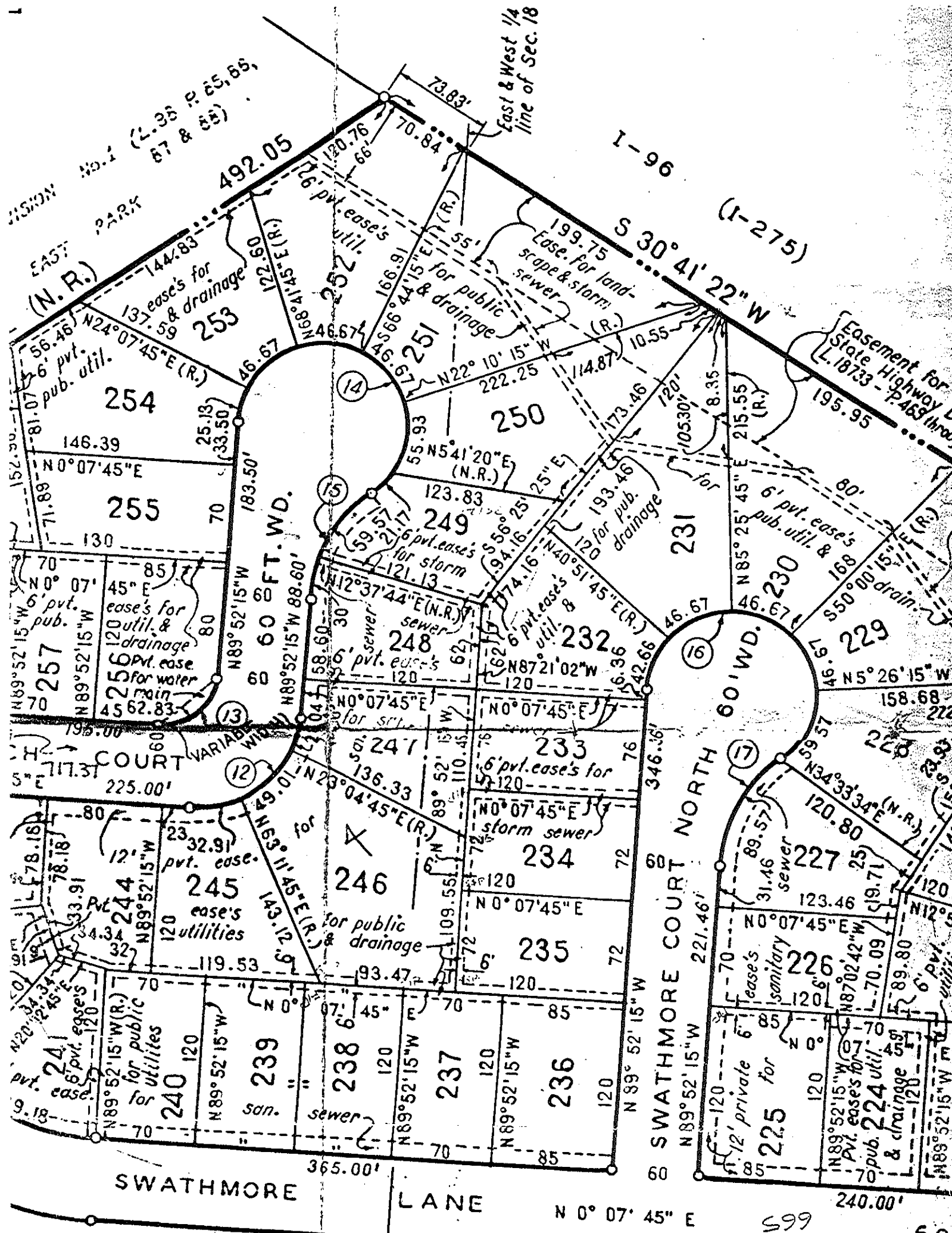
by Robert P. Roskelly

DRAWN  
RFR

CHECKED  
LJL

SHEET  
1 OF 1





PLAT LEGEND

ALL DIMENSIONS ARE SHOWN IN FEET.

ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG THE ARC.

BEARINGS HEREON ARE EXPRESSED IN RELATION TO THE PREVIOUSLY ESTABLISHED BEARINGS FOR QUAKERTOWN SUBDIVISION NO. 1 (RECORDED IN LIBER 98, PLATS, PAGES 85, 86, 87 AND 88).

THE SYMBOL "o" INDICATES A CONCRETE MONUMENT.

ALL LOT MARKERS ARE 5/8" IRON PIPES AND...

ROAD

MILE

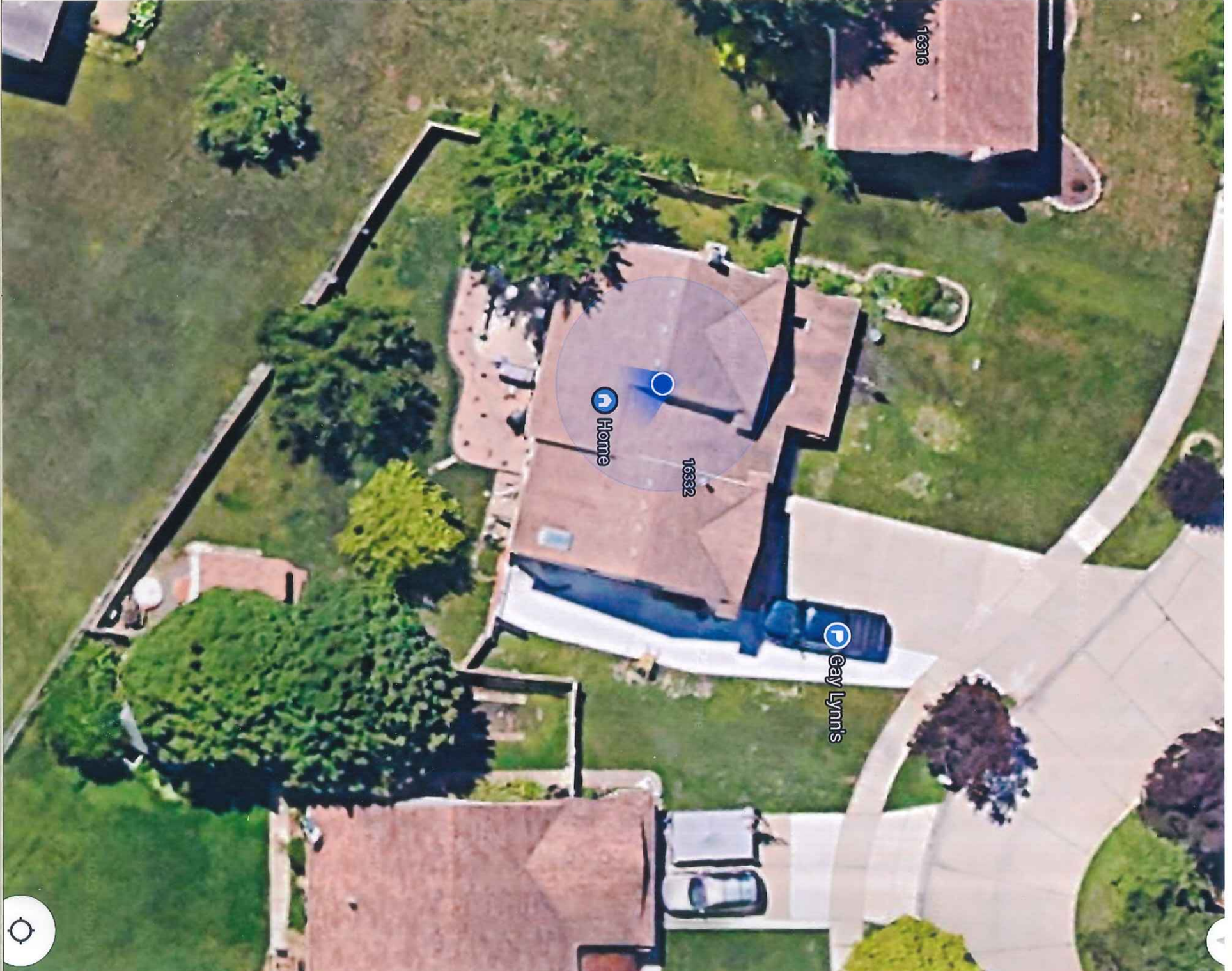
SWATHMORE LANE

SWATHMORE COURT NORTH

EAST & WEST 1/4 LINE OF SEC. 18

FOR SHEET No. 12

30



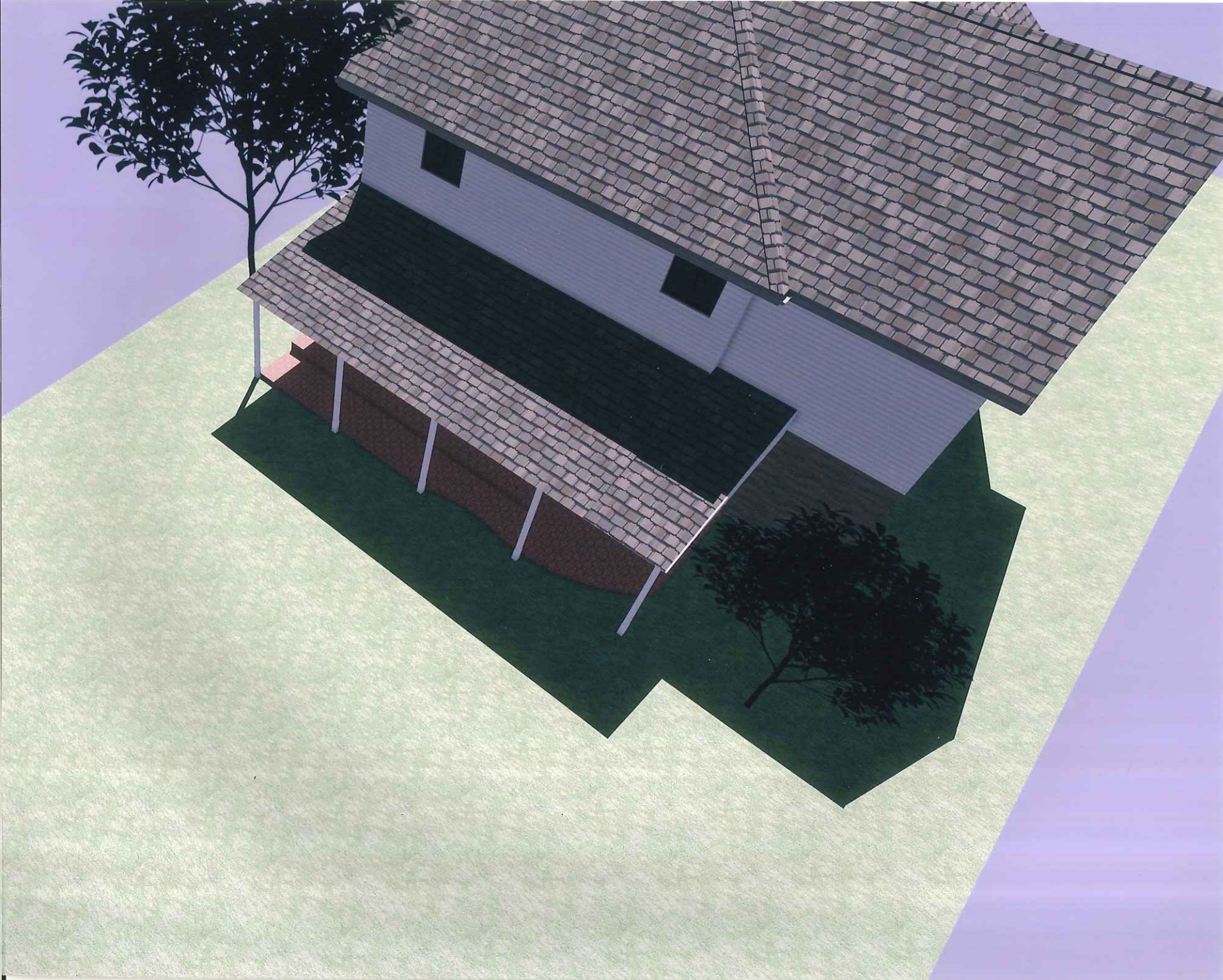
16316

Home

16332

Gay Lynn's

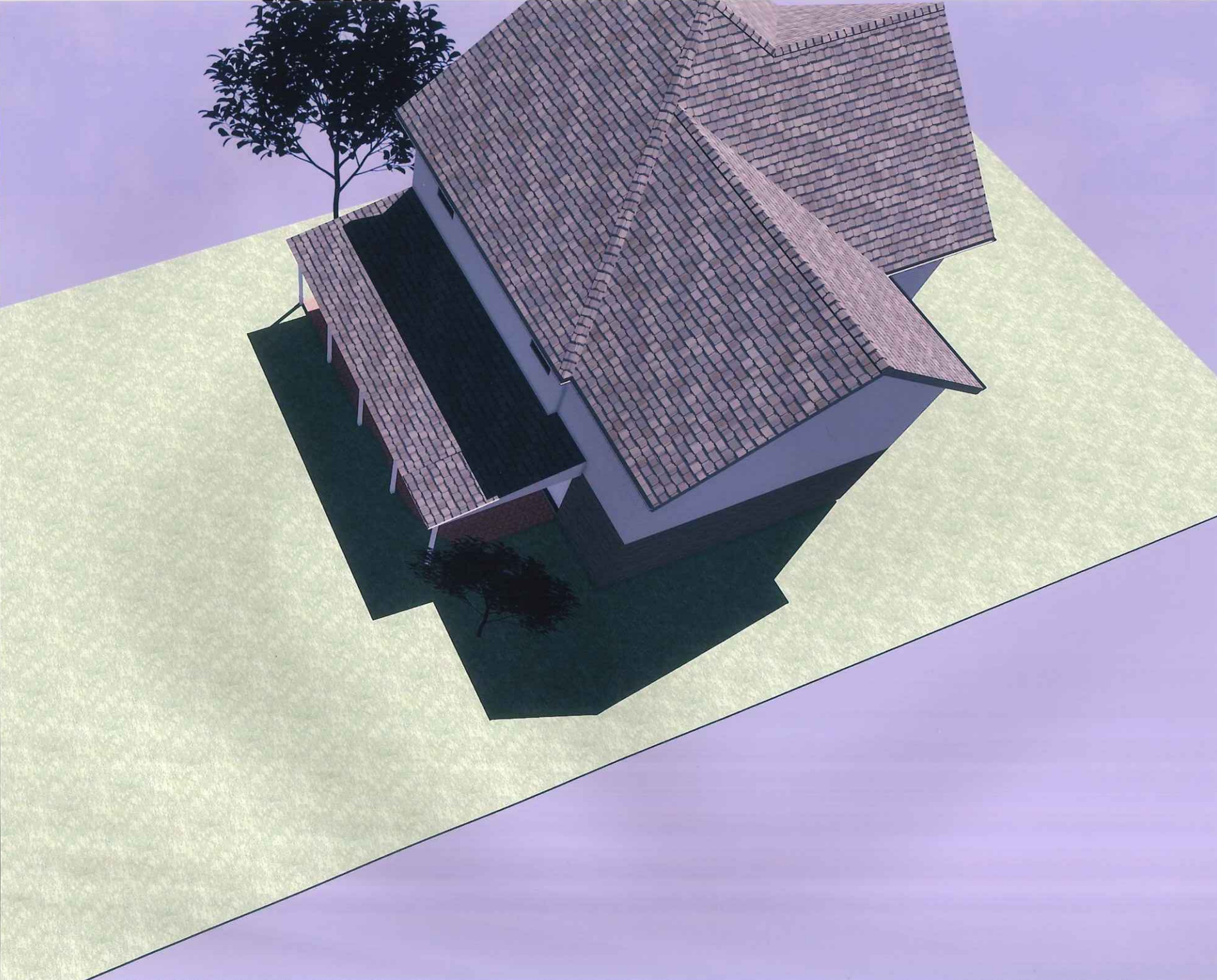












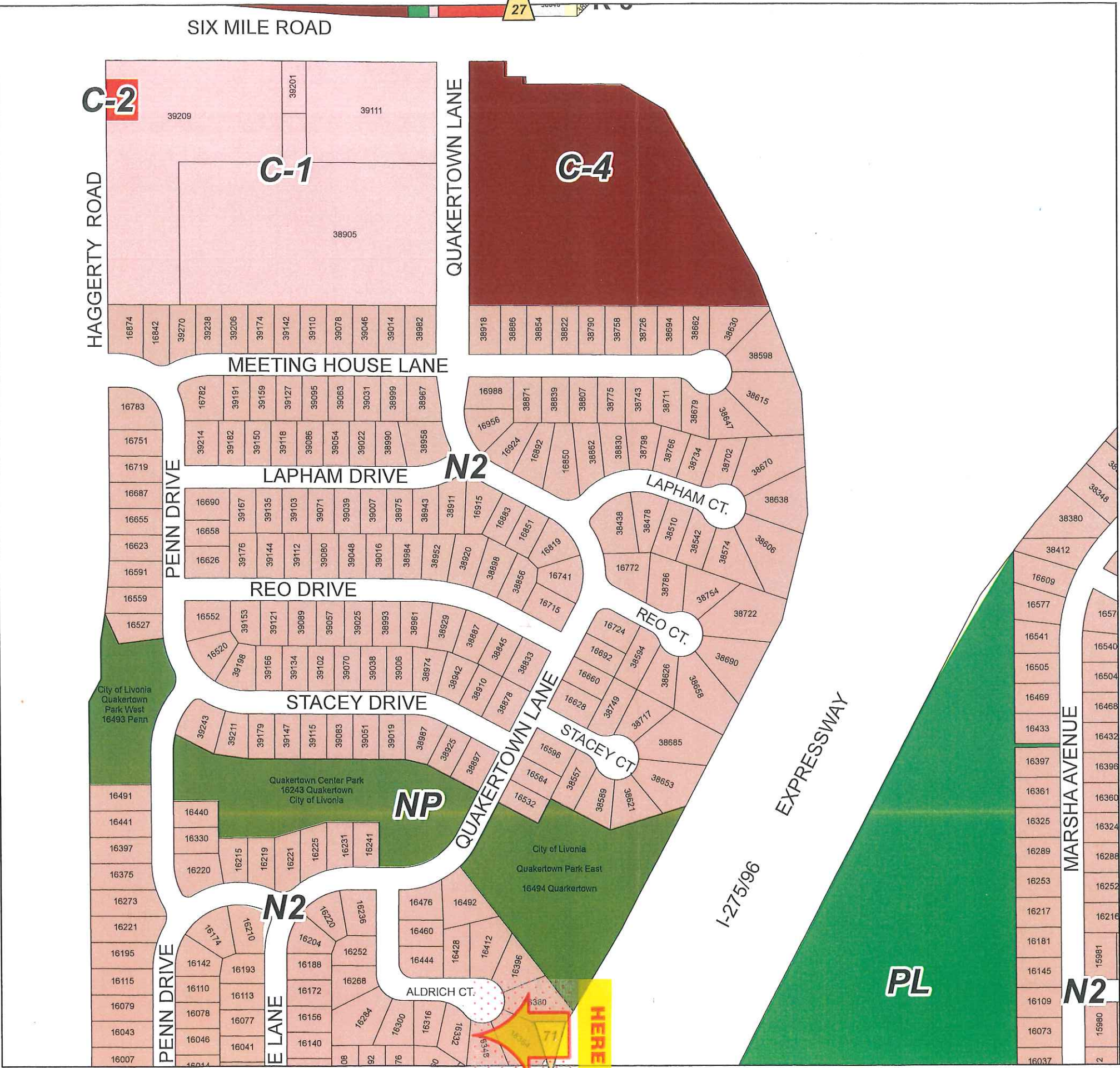












# ZONING MAP

## LEGEND

### Zoning Districts

- RUF Rural Urban Farm
- N1 Neighborhood
- N2 Neighborhood
- NM1 Neighborhood Multifamily
- NM2 Neighborhood Multifamily
- NM3 Neighborhood Multifamily
- P Parking
- C-1 Local Business
- C-2 General Business
- C-3 Highway Services
- C-4 High Rise Commercial
- M-L Manufacturing Limited
- M-1 Light Manufacturing
- M-2 General Manufacturing
- P-L Public Lands
- NP Nature Preserves

N.W. 1/4 Section 18

**City of Livonia**

T. 1 south, R. 9 east  
Wayne County, Michigan

Copyright 2001, City of Livonia





RECEIVED

JAN 19 2024

Inspection Department  
City of Livonia  
(Owner of Premises)

APPLICATION FOR VARIANCE

GRY LYNN TUCKER 16332 ALDRICH CT. LIVONIA 48154 734 748-1630  
(Street Address) (City) (Zip Code) (Telephone) (Fax)

(Lessee) (Street Address) (City) (Zip Code) (Telephone) (Fax)

(Contractor) (Street Address) (City) (Zip Code) (Telephone) (Fax)

The property address is 16332 ALDRICH CT. LIVONIA, MI 48154

Please note that if you need more space to answer any of the following questions, you may use a separate page or the back of this page. Simply identify your response(s) with the number of the question you are responding to.

1. Are there any deed restrictions or subdivision rules or restrictions on the property? If so, what are they? NONE KNOWN OTHER THAN 30 FOOT SETBACK

THIS VARIANCE IS A REQUEST FOR

2. Give legal description of property involved, or attach a deed or other document which contains the legal description of the property:

SEE ATTACHED PLAT OF  
SURVEY AND MORTGAGE CERTIFICATE FOR LOT #249

A variance can only be granted if a hardship or practical difficulty with the property makes the variance necessary. Under the City's Zoning Ordinance, a practical difficulty exists only if (a) the difficulty is exceptional and peculiar to the property, and does not exist generally throughout the City, (b) the difficulty involves more than mere inconvenience, inability to earn a higher financial return, or both, and (c) the variance would be fair to the neighbors and others who might be affected, as well as those who do not have this variance.

x 3. Please explain how the practical difficulty you claim is unique to your property, and does not exist elsewhere in the City:

SEE ATTACHED FOR LINES #3-5

x 4. Please describe what the difficulty involves beyond mere inconvenience or inability to earn a higher financial return:

SEE ATTACHED

x 5. Explain why you think this variance would be fair to the neighbors and others who might be affected.

SEE ATTACHED

6. Have you sought an amendment to the zoning ordinance which would permit your proposed project under your current zoning? If yes, please describe the outcome of this process: NO AMENDMENT TO THE ZONING ORDINANCE HAS BEEN SOUGHT

7. If you have not attempted to have the zoning ordinance amended, why hasn't this attempt been made?

IT SEEMS TO ME AMENDING THE ZONING ORDINANCE  
IS NOT APPLICABLE



8. Have you attempted to have the property rezoned? If yes, please describe the outcome of the rezoning process: \_\_\_\_\_

NO ATTEMPT TO HAVE THE PROPERTY REZONED HAS BEEN MADE

9. If you have not attempted to have the property rezoned, why hasn't this attempt been made? \_\_\_\_\_

NO APPLICABLE FOR ALREADY RESIDENTIAL ZONE

Please see the separate instruction sheet for plans, fees, and other information which should be submitted with the application. Note that if an agent or attorney signs the application on behalf of the owner, said agent or attorney must provide written proof of his or her authority to act on the owner's behalf. ALL INTERESTED PARTIES ARE REQUIRED TO ATTEND THE ZONING BOARD OF APPEALS MEETING. NON-ATTENDANCE BY ANY INTERESTED PARTY MAY RESULT IN YOUR CASE BEING TABLED AND THE APPROPRIATE FEE BEING ASSESSED.

#### OWNER'S AFFIDAVIT

COUNTY OF WAYNE )  
STATE OF MICHIGAN )

The undersigned being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanying information and data are in all respects true and correct to the best of (his/her) knowledge and belief, and that the undersigned personally undertakes to see that the property will be used and developed in compliance with all applicable ordinances and any conditions imposed in connection with any variance which may be granted in response to this application.

Signature of property owner: \_\_\_\_\_

Please print name of property owner: \_\_\_\_\_

**NOTE: Please provide Letter of Authorization on official letterhead if not signed by owner of the property, as well as the deed and property transfer affidavit.**

Subscribed and sworn to before me this 19TH day of January, 2024

Karen Thompson  
(Notary Public, Wayne County, Michigan)

My Commission expires 8-25-2028

Any decision of the Board favorable to the applicant will remain valid only as long as the information or data relating thereto are found to be correct and the conditions upon which the resolution was based are maintained.

#### NOT TO BE COMPLETED BY APPLICANT

Petitioner makes application for a Hearing, seeking to (reverse, modify, or affirm) the (order, decision) of the Department of Inspection, dated JAN. 10, 2024, which reads as follows:

DEFICIENT REAL SETBACK

I certify that (a) the petitioner is not in violation of any ordinance other than the provision(s) sought to be waived in the foregoing application, (b) all applicable fees have been paid, and (c) I have examined the foregoing application, and find that said application is complete, and that the City Zoning Ordinance, Ordinance No. 543, as amended, prohibits the proposed project unless a variance is granted by the Zoning Board of Appeals.

[Signature]  
(Supervisor)

Application for permit filed Yes

Violation Issued No



Gay Lynn Tucker  
January 16, 2024  
16332 Aldrich Ct  
Livonia, MI 48154  
Ph: 734 748-1630  
email: glandrews124@aol.com

page 1 of 2

---

**Application for Variance  
Answers to Questions #3-5**

---

I am asking for a variance of the Zoning Ordinance which requires a 30 foot setback to install a patio roof which would only partially violate the requirement. See attached Lot #249 drawing which shows the proposed roof in relation to our rear lot line.

3. Please explain how the practical difficulty you claim is unique to your property, and does not exist elsewhere in the city.

This claim is unique to my property because I have an unusual rear lot line that is an extreme angle to the back of my house. Looking at a satellite view of the neighborhood, most all of my neighbors do not have this constricting back lot line and could probably put a roof over their back patio without violating this 30 foot requirement. Also the proposed covered porch only partially violates the 30 foot requirement at it's southwest corner. See attached drawing.

4. Please describe what the difficulty involves beyond mere inconvenience or inability to earn a higher financial return:

As a retired long time resident of the City of Livonia, I am trying to enjoy my home's backyard but medical reasons prevent me from doing such. Do to certain medications my doctor encourages me to make use of well ventilated areas out of sunlight and this patio roof would perfectly fit this doctors requirement. Also I am not trying to earn a higher financial return, I am just looking to enjoy the rest of my life comfortably in the city I have loved for over 30 years. My quality of life is severely hindered by not being able to sit outside in my backyard during my senior years.

5. Explain why you think this variance would be fair to the neighbors and others who might be affected.

The main reason my proposed patio roof would be fair to our neighbors is because most of our neighbors could build a roof over their back patio without violating this 30 foot backyard ordinance. Also, once installed, this patio roof would provide our backyard neighbors some additional privacy because of reduced sight lines between their house and

---

page 2 of 2

mine. Most of our neighbors will have no view of this proposed roof at all and the ones that could see the roof would be far enough away that it shouldn't be bothersome.

If you have any questions please feel free to contact me and I look forward to a response from the city.

Very Truly Yours,



Gay Lynn Tucker

attachments (3)

enclosures (3)



TUCKER, Gay Lynn



Return to Work / School

Patient: Tucker, Gay Lynn  
DOB:  
Address: 16332 Aldrich Ct.  
Livonia, MI 48154

Date: 01/10/2024  
Patient ID:

Documents sent via fax will include the following message:

This fax may contain sensitive and confidential personal health information that is being sent for the sole use of the intended recipient. Unintended recipients are directed to securely destroy any materials received. You are hereby notified that the unauthorized disclosure or other unlawful use of this fax or any personal health information is prohibited. To the extent patient information contained in this fax is subject to 42 CFR Part 2, this regulation prohibits unauthorized disclosure of these records.

If you received this fax in error, please visit [www.athenahealth.com/NotMyFax](http://www.athenahealth.com/NotMyFax) to notify the sender and confirm that the information will be destroyed. If you do not have internet access, please call 1-888-482-8436 to notify the sender and confirm that the information will be destroyed. Thank you for your attention and cooperation. [ID:12760515-H-21803]

Note to patient:

Was seen in my office on: 1/10/2024

Patient takes multiple medications that may increase risk of sunburn and edema. Patient would benefit from sitting in cool places with feet elevated to avoid sunburn and swelling.

Sincerely,

A handwritten signature in black ink that reads 'Nathan Bloch DO'.

Electronically Signed by: NATHAN BLOCH, DO

## ZONING BOARD OF APPEALS

### ZONING BOARD MEMBERS

GREGORY G. COPPOLA, CHAIRMAN  
JAMES. M. BARINGHAUS, VICE CHAIRMAN  
TIMOTHY J. KLISZ, SECRETARY  
CHRISTOPHER N. BOLOVEN  
MARC ROTONDO  
LYNDA L. SCHEEL  
MIKE TESTA



33000 CIVIC CENTER DRIVE  
LIVONIA, MICHIGAN 48154-3097  
(734) 466-2250

### COUNCIL MEMBERS

BRANDON MCCULLOUGH, PRESIDENT  
MARTHA PTASHNIK, VICE PRESIDENT  
CARRIE BUDZINSKI  
ROB DONOVIC  
JIM JOLLY  
SCOTT MORGAN  
LAURA M. TOY

### ***PUBLIC NOTICE FEBRUARY 23, 2024***

**APPEAL CASE NO. 2024-01-10, Gay Lynn Tucker, 16332 Aldrich:** seeking to erect a 38 foot wide by 12 foot deep roof structure over an existing patio resulting in a deficient rear yard set back.

#### **Rear Yard Set Back:**

Required: 30 feet  
Proposed: 19.17 feet  
Deficient: 10.83 feet

This Low Density Residential property is located on the west side of Aldrich Court (16332), between Quakertown Lane and Cul De Sac, Lot. No. 070-02-249-000, N-2 District, Neighborhood, rejected by the Inspection Department under Livonia Zoning Ordinance, section 3.05 (District Regulations).

**THE LAW REQUIRES THAT OWNERS OF PROPERTY LOCATED WITHIN 300 FEET OF THIS PROPERTY BE NOTIFIED OF THIS REQUEST IN WRITING. THIS IS YOUR NOTIFICATION. YOU ARE NOT REQUIRED TO RESPOND TO THIS LETTER.**

This appeal will be heard at a public hearing to be held in the **Auditorium on the 1<sup>st</sup> floor of City Hall on Tuesday, March 12, at 7:00 p.m.**, at which time comments may be directed to the Board during audience participation. When replying by mail, write your comments on the back of this notice and address it to the City of Livonia, Zoning Board of Appeals, 33000 Civic Center Drive, Livonia, MI 48154. All written comments are read at the meeting and become part of the record.

**ZONING BOARD OF APPEALS,**

Timothy Klisz, Secretary

Petitioner will incur a \$100 rescheduling fee for every failure to appear.  
In accordance with Title II of the Americans with Disabilities Act as it pertains to access to Public Meetings, the Zoning Board of Appeal's Office of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs.  
Please call 734-466-2250 if you need assistance.



**Case No:** 2024-01-10  
**Meeting Date:** March 12, 2024

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Signature: \_\_\_\_\_

Address:

## Abrahamson, Randy

---

**From:** Hanna, Jerome <JHanna@livonia.gov>  
**Sent:** Wednesday, July 5, 2023 5:06 PM  
**To:** Abrahamson, Randy  
**Cc:** Stierna, Matthew; Kim Allard  
**Subject:** RE: Portillo's Livonia  
**Attachments:** 230928-02\_Portillo's - Livonia, MI - Exterior.pdf

Randy and Kim,

Based on the Planning Departments' approval of the revised detail shown on pages 8 and 9 of the attached plan, we will approve.

Regards,

Jerome



**Jerome Hanna**  
Director of Inspection  
City of Livonia | Inspection Department  
(734) 466-2582  
JHanna@livonia.gov  
www.livonia.gov



This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable laws. If the reader of the message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and/or reply to this e-mail message. Thank you.

---

**From:** Abrahamson, Randy <RAbrahamson@livonia.gov>  
**Sent:** Wednesday, July 5, 2023 4:03 PM  
**To:** Hanna, Jerome <JHanna@livonia.gov>  
**Cc:** Stierna, Matthew <mstierna@livonia.gov>; Kim Allard <kim@alliedsignsinc.com>  
**Subject:** RE: Portillo's Livonia

Jerome,

Are we now making this decision ? If we are, please let me know how this is done and what guidelines we use?

Thanks

**Randy Abrahamson**  
Senior Building Inspector  
City of Livonia | Inspection Department



(734) 466-2577  
[RAbrahamson@livonia.gov](mailto:RAbrahamson@livonia.gov)

---

**From:** Taormina, Mark <[mtaormina@livonia.gov](mailto:mtaormina@livonia.gov)>  
**Sent:** Wednesday, July 5, 2023 3:59 PM  
**To:** Kim Allard <[kim@alliedsignsinc.com](mailto:kim@alliedsignsinc.com)>  
**Cc:** Hanna, Jerome <[JHanna@livonia.gov](mailto:JHanna@livonia.gov)>; Abrahamson, Randy <[RAbrahamson@livonia.gov](mailto:RAbrahamson@livonia.gov)>; Stierna, Matthew <[mstierna@livonia.gov](mailto:mstierna@livonia.gov)>; Fisher, Mike <[mfisher@livonia.gov](mailto:mfisher@livonia.gov)>  
**Subject:** RE: Portillo's Livonia

Kim,

I think that should work. The Inspection Department will make the final decision.

Thanks,

Mark Taormina

**Mark Taormina**

Planning and Economic Development Director  
City of Livonia | Planning Department  
(734) 466-2292  
[mtaormina@livonia.gov](mailto:mtaormina@livonia.gov)

---

**From:** Kim Allard <[kim@alliedsignsinc.com](mailto:kim@alliedsignsinc.com)>  
**Sent:** Wednesday, July 5, 2023 10:27 AM  
**To:** Taormina, Mark <[mtaormina@livonia.gov](mailto:mtaormina@livonia.gov)>  
**Cc:** Hanna, Jerome <[JHanna@livonia.gov](mailto:JHanna@livonia.gov)>; Abrahamson, Randy <[RAbrahamson@livonia.gov](mailto:RAbrahamson@livonia.gov)>; Stierna, Matthew <[mstierna@livonia.gov](mailto:mstierna@livonia.gov)>; Fisher, Mike <[mfisher@livonia.gov](mailto:mfisher@livonia.gov)>  
**Subject:** Portillo's Livonia

Good morning Mark,

I hope you had a nice holiday!

Please see pages 8 and 9 of the attached along with the photo below in this email. Would this lighting be acceptable? To me it seems it would be now, but I would prefer your blessing. ☺

Please let me know your thoughts.

**Kim Allard**  
**Allied Signs, Inc.**  
33650 Giftos  
Clinton Twp., MI 48035  
586-791-7900  
586-791-7788 fax  
[Kim@alliedsignsinc.com](mailto:Kim@alliedsignsinc.com)

Hours of operation: Monday thru Friday 8:00 am – 4:00 pm  
We are closed on weekends

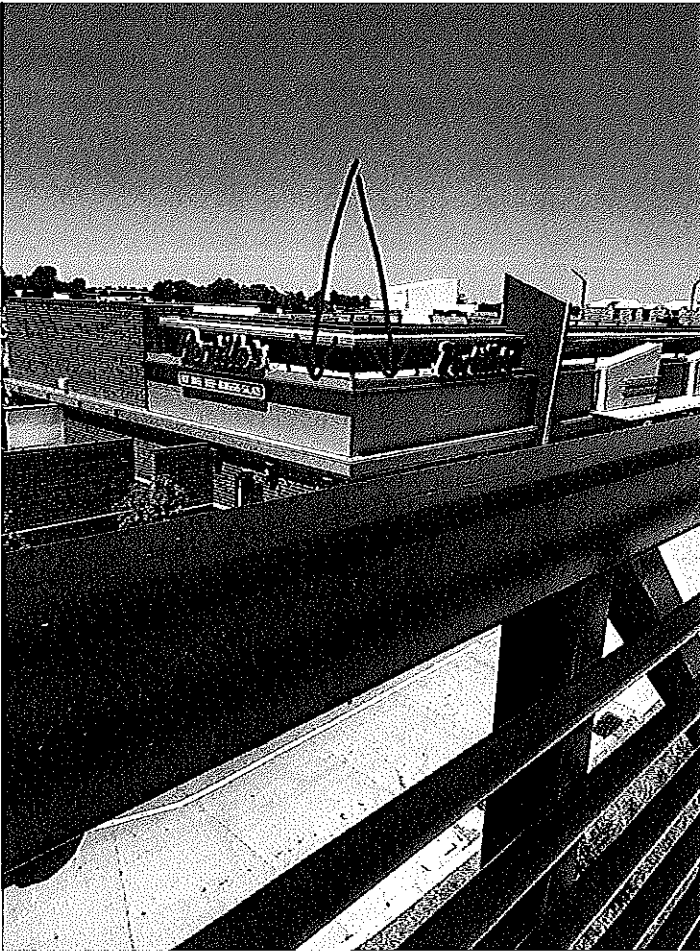
<jmedina@arizonasignsplus.com>

**Subject:** Re: Portillo's Livonia

Please see the attached drawing. Portillo's has elected to avoid a variance and we have revised the drawings as follows

1. Directional sign reduced to 2 square feet
2. Sign in front lowered below roof line

Please see pages 8 and 9. The cross section mounting detail shows an enclosure that shields the lighting from every angle except directly below. This creates a downward "light wash" on the building. Do you think that the city will accept this? Thanks



---

**From:** Rick North <rnorth@arizonasignsplus.com>

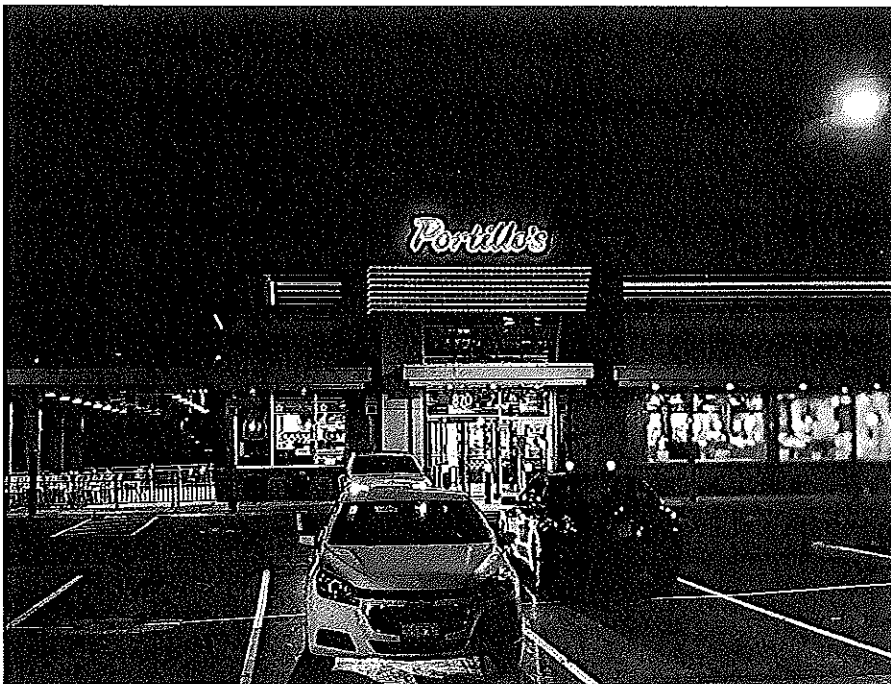
**Sent:** Wednesday, December 20, 2023 10:03 AM

**To:** Miller, Scott <smiller@livonia.gov>

**Cc:** Jarrett Jensen <jarrettj@jensen-jensen.com>; Daliah Zarour <DZarour@portillos.com>; Matthew Gilbert <MaGilbert@portillos.com>; Jacqueline Medina <jmedina@arizonasignsplus.com>; Amanda Schwerin <aschwerin@hdgroupinc.com>

**Subject:** Portillio's - 13004 Middlebelt Road Livonia, Michigan





Hi Scott- Randy Abrahamson referred me to you. We are hoping to explore the addition of accent lighting at the above referenced location. As you may be aware, the Planning Commission stipulated that exposed Neon or LED was not permitted. We are proposing to shield the lighting so that the light source is not visible. The effect is a light "wash" down the building. We have done this at other Portillo's locations where exposed light sources are not permitted. Attached, please find a drawing. The light shield detail is shown on pages 9 and 10. Please review and call me with any questions.

--

Rick North | Sr. Account Manager

Cell: 602.552.4639

**SIGNS<sup>PLUS</sup>**

2507 W. Villa Rita Dr.,

Phoenix, AZ 85023

[Rnorth@ArizonaSignsPlus.com](mailto:Rnorth@ArizonaSignsPlus.com)

[www.arizonasignsplus.com](http://www.arizonasignsplus.com)



# CITY OF LIVONIA

## INSPECTION DEPARTMENT

### REJECTION OF APPLICATION FOR PERMIT

33000 CIVIC CENTER DRIVE  
LIVONIA, MICHIGAN 48154  
421-2000

BASED ON NONCONFORMITY TO LIVONIA ORDINANCE

Applicant ALLIED SIGNS Address 33650 GIFTOS, CLINTON TWP, 48035  
Owner GRAND - SAKAW PROPERTIES Address 28420 13 MILE, #220, FARMINGTON HILLS, MI 48334  
Lessee PORTILLO'S Address 13004 MIDDLEBELT  
Location EAST Side of 13004 MIDDLEBELT Street  
Between SCHOOLCRAFT And CSX RAILROAD  
Lot No./Parcel No. 097-99-0021-023 Subdivision —  
Zoning District C-2 Map No. NE25 Lot Size 2.04 ACRES Alley —  
Present Use RESTAURANT Proposed Use SAME  
Present Building Size N/A Proposed Building Size ± 121 LINEAR BUILDING FRONTAGE  
Present Height of Building N/A Proposed Height ONE STORY  
Allowable Lot Coverage N/A Proposed Lot Coverage N/A

Proposal SEEKING TO ERECT FOUR WALL SIGNS RESULTING IN EXCESS  
NUMBER OF WALL SIGNS, NUMBER OF WALL SIGNS ALLOWED: TWO;  
PROPOSED: FOUR; EXCESS: TWO.

ASIDE: THE BLADE SIGN IS INCLUDED IN THE PROPOSED TOTAL NUMBER  
OF WALL SIGNS.

Reason for Rejection ZONING ORDINANCE, SECTION 11.08(3)

Deficient Side Yard \_\_\_\_\_ Deficient Front Yard \_\_\_\_\_ Deficient Rear Yard \_\_\_\_\_  
Deficient Lot Area \_\_\_\_\_ Deficient Lot Area per Room \_\_\_\_\_ Encroachment \_\_\_\_\_  
Excessive Lot Coverage \_\_\_\_\_ Excessive Height \_\_\_\_\_ Increasing No. Units 11.08(3) 2 WALL SIGNS  
Use Prohibited \_\_\_\_\_ Deficient Parking Spaces \_\_\_\_\_ Increasing Area and Bulk \_\_\_\_\_

Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plans and Application examined by Ry Date JANUARY 31, 2024

ZONING EXAMINER



# ALLIED SIGNS INC.

---

January 30, 2024



City of Livonia  
Attn: Inspection Department  
33000 Civic Center Drive  
Livonia, MI 48154

**RE: ZBA for Portillo's, 13004 Middlebelt**

Hi Randy and Matt!

Enclosed you will find (1) ZBA application with (1) set of drawings and (1) check in the amount of \$450.00 for the ZBA fees, for the above mentioned location.

Please let me know the date of the meeting so we may attend.

If you need anything else, please let me know. Thank you so much and have blessed day!

Sincerely,

A handwritten signature in blue ink, appearing to read "Kim Allard", written in a cursive style.

Kim Allard  
[kim@alliedsignsinc.com](mailto:kim@alliedsignsinc.com)

Enclosures Check # 42114



# Site Map

## Legend

- A Illum. PC Letters
- B Illum. PC Letters
- C Illum. PC Letters
- D1 Drive Thru Dir.
- D2 Drive Thru Dir.
- D3 Drive Thru Dir.
- D4 DNE/Thank You
- E Blade Sign I
- F LED Stripe (See pages 8-10)
- G Monument Sign

Property Line

## Customer Approval

Name

Co/Title

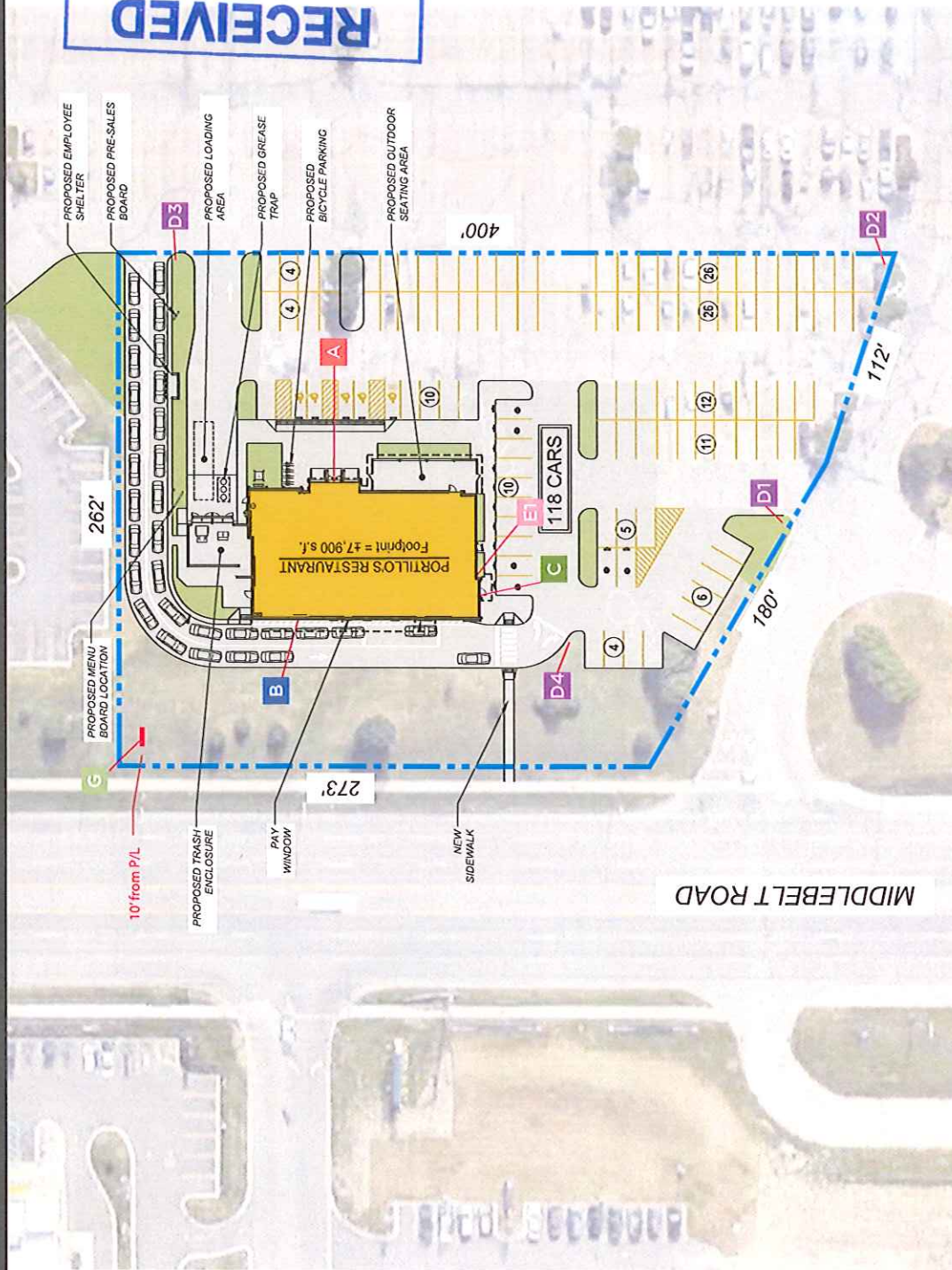
Date

## Landlord Approval

Name

Co/Title

Date



Scale: 1"=55'



**Locations:**  
9200 Valley Rd.  
Prescott Valley,  
Arizona 86314  
800-257-5095  
arizonasignsplus.com

**Project:**  
**Portillo's**  
**Project Location:**  
13004 Middle Belt Road | Livonia, MI 48150

**Account Executive:**  
Rick North  
**Project Manager:**

**Design Number:** 231739  
**Design / Revision Date:**  
01-12/05/2023 AL  
02-12/13/2023 AL

**Sheet:**  
03-12/14/2023 AL  
04-12/22/2023 BL

1 of 11



# Elevations

## Materials

- A** Illum. PC Letters
- B** Illum. PC Letters
- C** Illum. PC Letters

## Paint Colors

## Vinyl Colors

## Customer Approval

Name

Cs/Title

Date

## Landlord Approval

Name

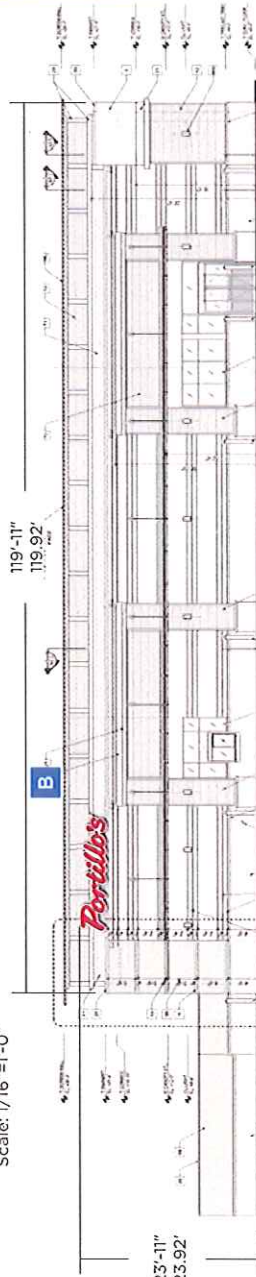
Cs/Title

Date



Proposed East Elevation

Scale: 1/16"=1'-0"



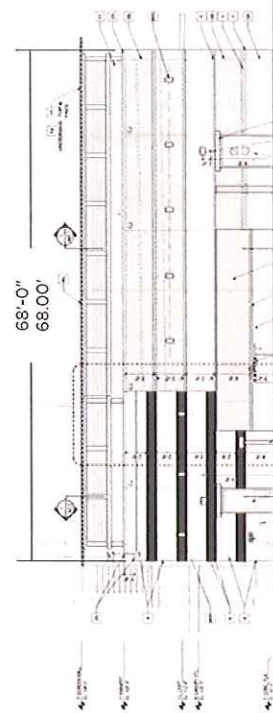
Proposed West Elevation

Scale: 1/16"=1'-0"



Proposed South Elevation

Scale: 1/16"=1'-0"



Proposed North Elevation

Scale: 1/16"=1'-0"

RECEIVED  
JAN 31 2024  
Inspection Department  
City of Livonia

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper installation, wiring, and testing. The sign is to be disconnected after installation shall comply with article 600.6(A) (1) of the National Electrical Code.



LISTED

2018 IBC/2011 NEC-2012 IBC

Sheet:

2 of 11

Design Number: 231739

Design / Revision Date: 01-12/05/2023 AL

Project Manager: 02-12/13/2023 AL

Account Executive: Rick North

Project Location: 13004 Middle Belt Road | Livonia, MI 48150

Project: Portillo's

Locations: 9200 Valley Rd, Prescott Valley, Arizona 86314

800-257-5095 arizonasignsplus.com

NOTE - Field Verify Fascia Area Prior to Fabrication of Signs.



NOTE - Whenever Signs Plus is penetrating the membrane for the attachment of signage it is the responsibility of others to reseal the penetrations. Signs Plus assumes no liability for water damage or any warranty issues with the roof.

Sign A - East Illuminated Pan Channel Letters

Materials

1. Letters
- .125" deep aluminum backer panel painted P2
  - 3" deep Portillo's aluminum channel letters, P1 painted returns and black trim cap. White polycarbonate faces with translucent (V1) and opaque (V2) first surface applied vinyl graphics, 1 1/2" stand-offs painted P2
  - 5" deep aluminum tagline cabinet. Black painted finish. Routed copy and bullets, white plex back-up with 1" thick clear acrylic push-thru copy

Paint Colors

- P1 Black
- P2 White

Vinyl Colors

- V1 3M Red (3630-33)
- V2 3M Black (3630-22)
- V3 3M White (3630-20)

Customer Approval

Name

Co./Title

Date

Landlord Approval

Name

Co./Title

Date

NOTE - Field Verify Fascia Area Prior to Fabrication of Signs.



Locations:

9200 Valley Rd  
Prescott Valley,  
Arizona 86314  
800-257-5095 arizonasignsplus.com

Project:

Portillo's  
2507 W. Villa Rita Dr.  
Phoenix,  
Arizona 85023  
13004 Middle Belt Road | Livonia, MI 48150

Account Executive:

Rick North

Design Number:

231739

Design / Revision Date:

01-12/05/2023 AL

Project Manager:

02-12/13/2023 AL

2018 IBC, 2011 NEC, 2012 IBC

03-12/14/2023 AL

04-12/22/2023 BL

3 of 11

LISTED

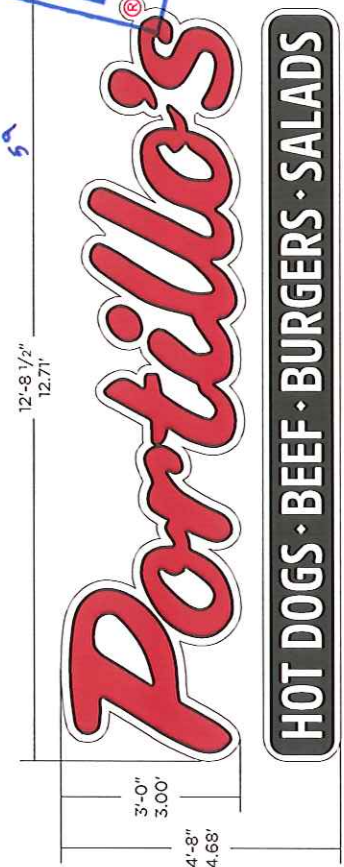
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign structure and the disconnect switch after installation shall comply with article 605.6(A) (1) of the National Electrical Code.



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NOTE - Whenever Signs Plus is penetrating the membrane for the attachment of signage it is the responsibility of others to reseal the penetrations. Signs Plus assumes no liability for water damage or any warranty issues with the roof.

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Inspection Department  
City of Livonia

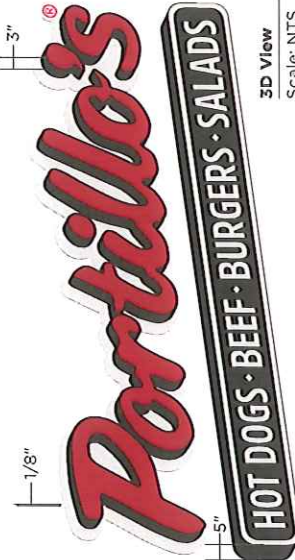


PT2 - Face View

Scale: 1/2"=1'-0"

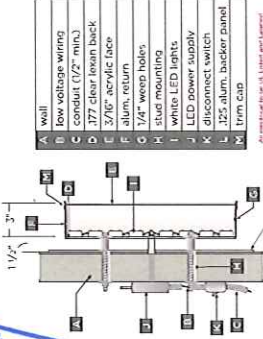
Portillo's Perim. 69'

SQFT: 59.30



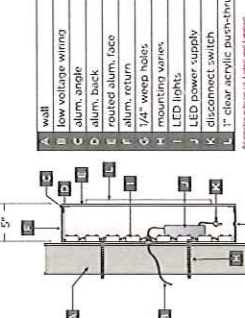
3D View

Scale: NTS



Face & Halo Lit PC Letters (Panel) / Cross Section Detail

Scale: NTS



Cabinet w/ Push-Thru (Self Contained) / Cross Section Detail

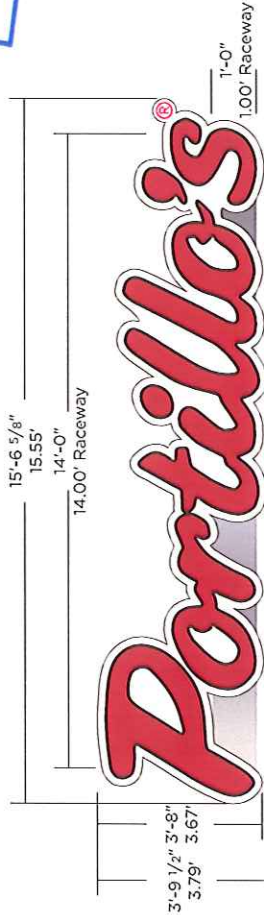
Scale: NTS



Sign B - West Illuminated Pan Channel Letters

Materials

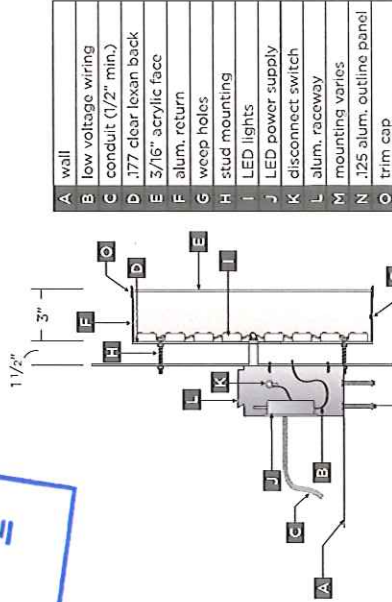
1. Letters
- 125" deep aluminum
  - 3" deep Portillos aluminum channel letters. P1 painted returns and black trim cap.
  - White polycarbonate faces with translucent (V1) and opaque (V2) first surface applied vinyl graphics. 1 1/2" stand-offs painted P2
2. Raceway
- Alum. painted (TBD)



PR4 - Face View  
Scale: 3/8"=1'-0"

Perim. 85'  
SQFT: 58.97

SA



Face & Halo Lit PC Letters (Raceway Mounted) / Cross Section Detail  
Scale: NTS

All electrical to be UL Listed and Labeled

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City of Livonia

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper installation and use of the sign. The sign is not to be disconnected which after installation shall comply with article 600.4(A) (1) of the National Electrical Code.



LISTED

4 of 11

NOTE - Field Verify Fascia Area Prior to Fabrication of Signs.



Locations: 9200 Valley Rd, Prescott Valley, Arizona 86314  
800-257-5095  
arizonasignsplus.com

Project: Portillo's  
Project Location: 13004 Middle Belt Road | Livonia, MI 48150

Account Executive: Rick North  
Project Manager:

Design Number: 231739  
Design / Revision Date: 01-12/05/2023 AL  
02-12/13/2023 AL

2018 IBC, 2017 NEC, 2012 IBC  
Sign:

NOTE - Whenever Signs Plus is penetrating the membrane for the attachment of signage it is the responsibility of others to reseal the penetrations. Signs Plus assumes no liability for water damage or any warranty issues with the roof.

Sign C - South Illuminated Pan Channel Letters

Materials

1. Letters

- .125" deep aluminum backer panel painted P2
- 3" deep Portillo's aluminum channel letters. P1 painted returns and black trim cap.
- White polycarbonate faces with translucent (V1) and opaque (V2) first surface applied vinyl graphics. 1 1/2" stand-offs painted P2

2. Raceway

Alum. painted (TBD)

Paint Colors

- P1 Black
- P2 White

Vinyl Colors

- V1 3M Red (3630-33)
- V2 3M Black (3630-22)
- V3 3M White (3630-20)

Customer Approval

Name

Co/Title

Date

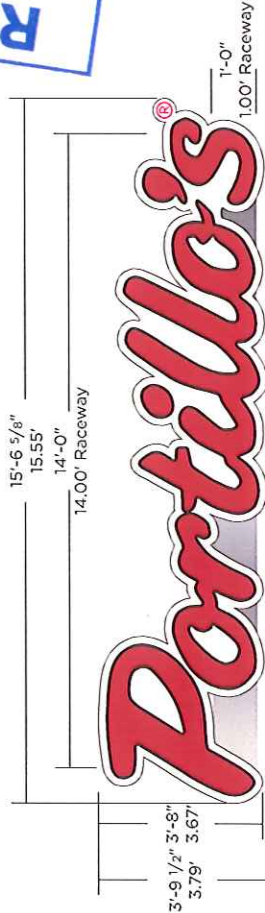
Landlord Approval

Name

Co/Title

Date

RECEIVED  
JAN 31 2024  
Inspection Department  
City of Livonia

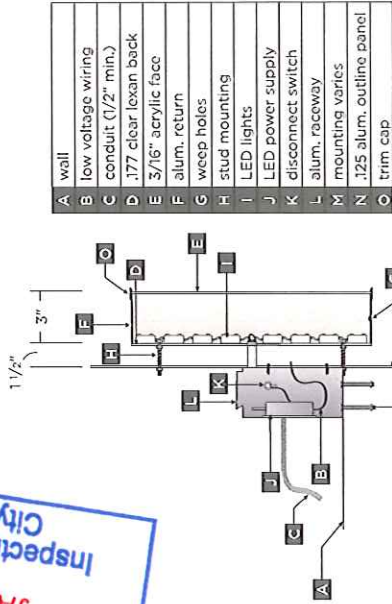


PR4 - Face View

Scale: 3/8"=1'-0"

Perim. 85'

SOFT: 58.97



Face & Halo Lit PC Letters (Raceway Mounted) / Cross Section Detail

Scale: NTS

All electrical to be UL Listed and Labeled

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper wiring, grounding, and disconnecting means. The sign must be disconnected which after installation shall comply with article 600.6(A) (1) of the National Electrical Code.



LISTED

2018 IBC/2011 NEC/2012 IBC

|                    |                         |                         |                                            |
|--------------------|-------------------------|-------------------------|--------------------------------------------|
| Account Executive: | Design Number:          | Design / Revision Date: | Project Location:                          |
| Rick North         | 231739                  | 01-12/05/2023 AL        | 13004 Middle Belt Road   Livonia, MI 48150 |
| Project Manager:   | Design / Revision Date: | Project Location:       |                                            |
|                    | 02-12/13/2023 AL        |                         |                                            |



Locations:

2507 W. Villa Rita Dr.  
Phoenix,  
Arizona 85023  
800-257-5095 arizonasignsplus.com

Project:

Portillo's

Project Location:

13004 Middle Belt Road | Livonia, MI 48150

Sheet: 5 of 11

NOTE - Field Verify Fascia Area Prior to Fabrication of Signs.

NOTE - Whenever Signs Plus is penetrating the membrane for the attachment of signage it is the responsibility of others to reseal the penetrations. Signs Plus assumes no liability for water damage or any warranty issues with the roof.

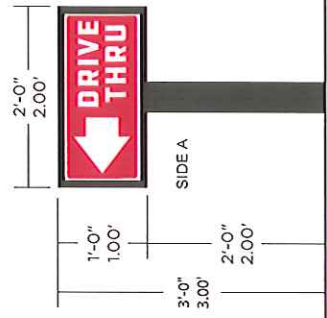


# Signs D1-D4 - Non Illuminated Directional Signs

## DIRECTIONAL SIGNS

Manufacture and install four (4) d/f non-illuminated directionals.

The signs will be .125 aluminum overlaid with 3M Red (3630-33) and 3M white reflective vinyl. The signs will than be mounted to 4"x4" square tube posts painted to match P1.



SIDE B



SIDE A



SIDE B

D1 D2 D3

D4

## Face View

Scale: 3/4"=1'-0" SQFT: 2

Description: Manufacture and install four (4) d/f non-illuminated directionals.

|                   |                     |
|-------------------|---------------------|
| Paint Colors      |                     |
| P1                | Black               |
| Vinyl Colors      |                     |
| V1                | 3M Red (3630-33)    |
| V2                | 3M White Reflective |
| Customer Approval |                     |
| Name              |                     |
| Co./Title         |                     |
| Date              |                     |
| Landlord Approval |                     |
| Name              |                     |
| Co./Title         |                     |
| Date              |                     |



NOTE - Field Verify Fascia Area Prior to Fabrication of Signs.



Locations: 9200 Valley Rd. Prescott Valley, Arizona 86314  
2507 W. Villa Rita Dr. Phoenix, Arizona 85023  
800-257-5095 arizonasignsplus.com

Project: Portillo's  
Project Location: 13004 Middle Belt Road | Livonia, MI 48150

Account Executive: Rick North  
Project Manager:

Design Number: 231739  
Design / Revision Date: 01-12/05/2023 AL

03-12/14/2023 AL  
04-12/22/2023 BL

Sheet: 6 of 11

NOTE - Whenever Signs Plus is penetrating the membrane for the attachment of signage it is the responsibility of others to reseal the penetrations. Signs Plus assumes no liability for water damage or any warranty issues with the roof.

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## Sign E1 - Pick Up Sign

### Materials

- E1. Blade Sign**
- .125 aluminum routed painted P2
  - 3/16" white acrylic back up.
  - 1" clear acrylic push thru overlaid with 3M V1 and V2 vinyl.
  - 1 1/2" aluminum square tube painted P1.
  - 1/4" plate painted P1
  - 6" aluminum return painted P3.

### E2. Window Vinyl

- Install one (1) set of vinyl V1 & V3 first surface to the window above the door.

**LOCATION OF BOTH SIGNS TO BE DETERMINED.**

### Paint Colors

- P1** Black  
**P2** White  
**P3** Match V1

### Customer Approval

Name

Co./Title

Date

### Landlord Approval

Name

Co./Title

Date



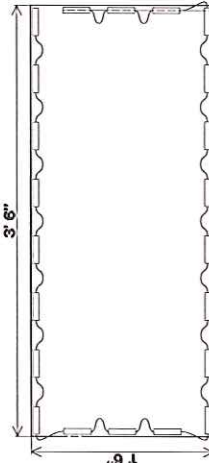
5.25 sqft

### Illuminated Blade Sign

Scale: 1"=1'-0"

Manufacture and install one (1) double sided white LED illuminated blade sign with 1" clear acrylic push thru overlaid with 3M Red (3630-33) and 3M dual color black vinyl.

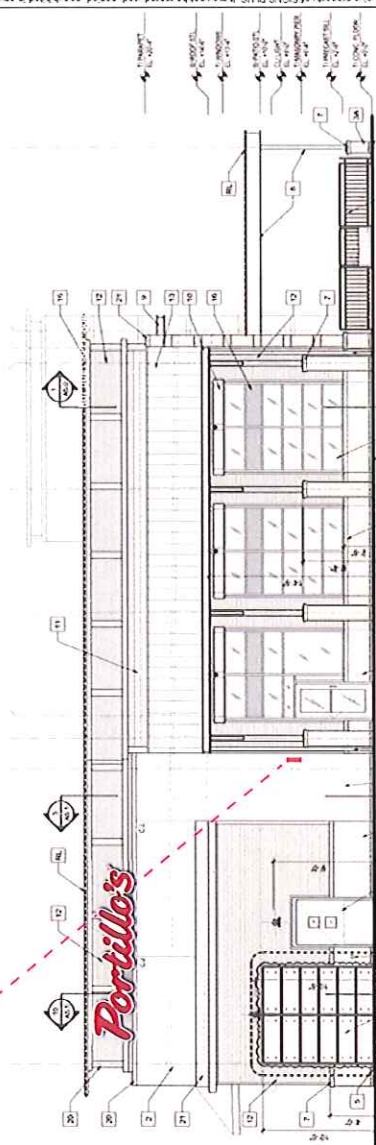
### Blade Sign LED Layout



Load: 39.6%  
Modules: 22  
Nett: 23.8 of 60.0  
PS: Meanwell50W  
22 Modules: COQ Samsung - 3LED WHITE H - COQ-3WCM  
22 Total Modules  
23.8 Watts  
1 Power Supply: COQ Samsung - Meanwell50w  
5.25 sq ft  
12,000 Per ft

### Proposed South Elevation

Scale: 3/32"=1'-0"



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City of Livonia

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper installation, wiring, and testing. The sign must be disconnected which after installation shall comply with article 600.6(A) (1) of the National Electrical Code.



LISTED

2018 IBC:2011 NEC:2012 IBC

Share

Design Number: 231739

Design / Revision Date: 01-12/05/2023 AL

Project Manager: 02-12/13/2023 AL

Account Executive: Rick North

Project Location: 13004 Middle Belt Road | Livonia, MI 48150

Project: Portillo's

Locations: 9200 Valley Rd, Prescott Valley, Arizona 86314, 800-257-5095, arizonasignsplus.com

2507 W. Villa Rita Dr, Phoenix, Arizona 85023

7 of 11

NOTE - Field Verify Fascia Area Prior to Fabrication of Signs.



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# Sign F - LED Stripe Light Shield

## LEDStripe

Large-profile LED tubing

### Specifications

|                                                                                              |                     |
|----------------------------------------------------------------------------------------------|---------------------|
| Dimensions                                                                                   | Width: 100 ± 0.2 mm |
| Height: 104 ± 0.2 mm                                                                         |                     |
| Length: 14.0 ft (4.27 m)                                                                     |                     |
| Weight: 1.1 lb (0.5 kg)                                                                      |                     |
| Factory batch: 14.0 ft (4.27 m) ± 0.1 ft (0.03 m)                                            |                     |
| In-field batch: 14.0 ft (4.27 m) ± 0.1 ft (0.03 m)                                           |                     |
| Operating temperature: -40° C to +40° C                                                      |                     |
| Protection class: IP65                                                                       |                     |
| Power per foot: 1.1 W/ft (0.037 W/cm)                                                        |                     |
| Power capacity: 15.4 W (0.43 A) per foot (0.037 A/cm)                                        |                     |
| Colors: Red, Orange, Amber, Teal, Yellow, Green, Blue, White (5050), Lemon Yellow            |                     |
| Mounting: Standard, 30° Tilt                                                                 |                     |
| Accessories: 30° Tilt Mounting Bracket, 30° Tilt Mounting Bracket, 30° Tilt Mounting Bracket |                     |

### Customer Approval

Name

Co/Title

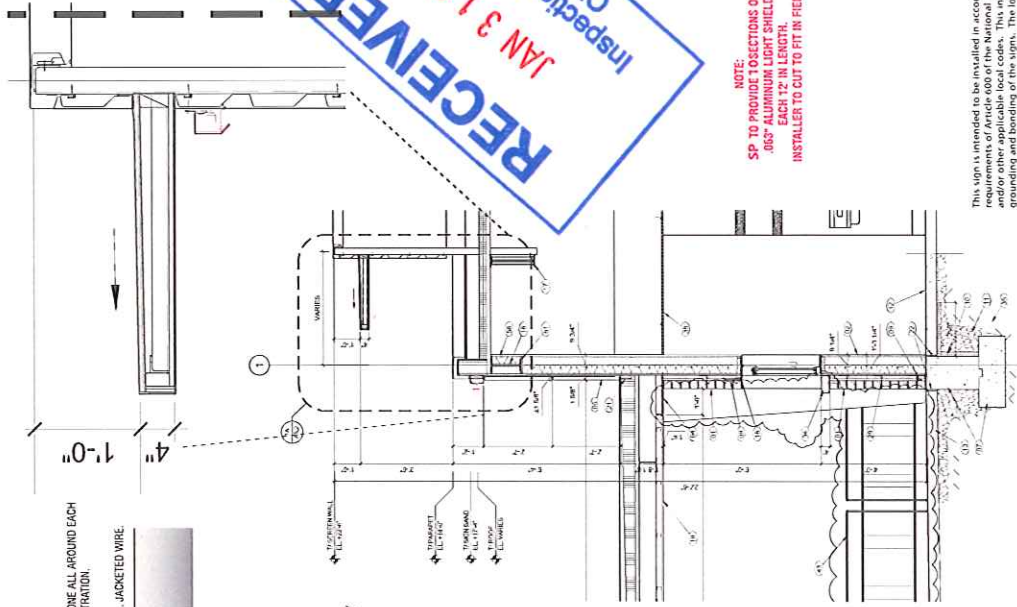
Date

### Landlord Approval

Name

Co/Title

Date

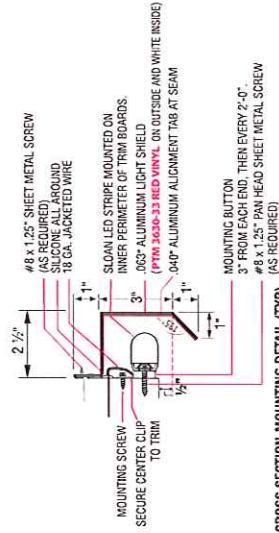


- ENDS CUT TO LENGTH IN THE FIELD (AS REQUIRED)
1. CUT LEDSTRIP BY USING WATER BOX (CUT END MARKED AS INDICATED ON EACH UNIT)
2. APPLY ACRYLIC END CAP USING SUPPLIED CEMENT
- SILICONE ALL AROUND EACH PENETRATION
- 18 GA. JACKETED WIRE
- CUTTING DETAIL
- LED STRIPE (TYP)

SP TO PROVIDE FIFTY (50) .040" ALUMINUM SEAM TABS FOR INSIDE OF LIGHT SHIELDS FOR ALIGNMENT OF SEAMS & TO ELIMINATE LIGHT LEAKS. SP TO PROVIDE TABS WITH VHB TAPE ON ONE SIDE OF SEAMS ONLY. INSTALLER WILL ATTACH TAB TO OTHER SIDE OF SEAM WITH SELF-TAPPING SCREWS PAINTED TO MATCH LIGHT SHIELD. SP TO PROVIDE PRE-PAINTED SCREWS.

INSTALLER TO ATTACH ALUMINUM SEAM TAB FOR SHIELD ALIGNMENT TO INSIDE OF SHIELD WITH SP PROVIDED PRE-PAINTED, SELF-TAPPING SCREWS

### SEAM TAB DETAIL



### CROSS SECTION-MOUNTING DETAIL (TYP)

| Ordering Information                    |
|-----------------------------------------|
| Order Number: 231739                    |
| Order Date: 01-12-2023                  |
| Order Status: Open                      |
| Order Type: Standard                    |
| Order Reference: 13004 Middle Belt Road |

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

NOTE - Field Verify Fascia Area Prior to Fabrication of Signs.



Locations:

9200 Valley Rd  
Prescott Valley,  
Arizona 86314  
800-257-5095  
arizonasignsplus.com

Project:

Portillo's  
2507 W. Villa Rita Dr.  
Phoenix,  
Arizona 85023  
13004 Middle Belt Road | Livonia, MI 48150

Account Executive:  
Rick North

Design Number: 231739  
Design / Revision Date: 01-12/05/2023 AL  
Project Manager: 02-12/13/2023 AL

2018 IBC: 2011 NEC: 2012 IBC

Sheet: 10 of 11

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper installation and use of the sign. The sign is not to be used as a disconnect switch after installation shall comply with article 600.6(A) (1) of the National Electrical Code.



NOTE:  
SP TO PROVIDE 10 SECTIONS OF .063" ALUMINUM LIGHT SHIELD, EACH 12" IN LENGTH. INSTALLER TO CUT TO FIT IN FIELD.

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Inspection Department  
City of Livonia

## Signs G - Illuminated Monument Sign

### Materials

Manufacture and install one (1) double face internally illuminated Monument sign. Skinned with .050 aluminum painted to match building colors (TBD). The copy will be 1/2" clear acrylic overlaid with V1, V2, & V3 vinyl.

### Paint Colors

P1 Black

### Vinyl Colors

V1 3M Red (3630-33)

V2 3M Trans White

V3 3M Black (3630-22)

### Customer Approval

Name

Co./Title

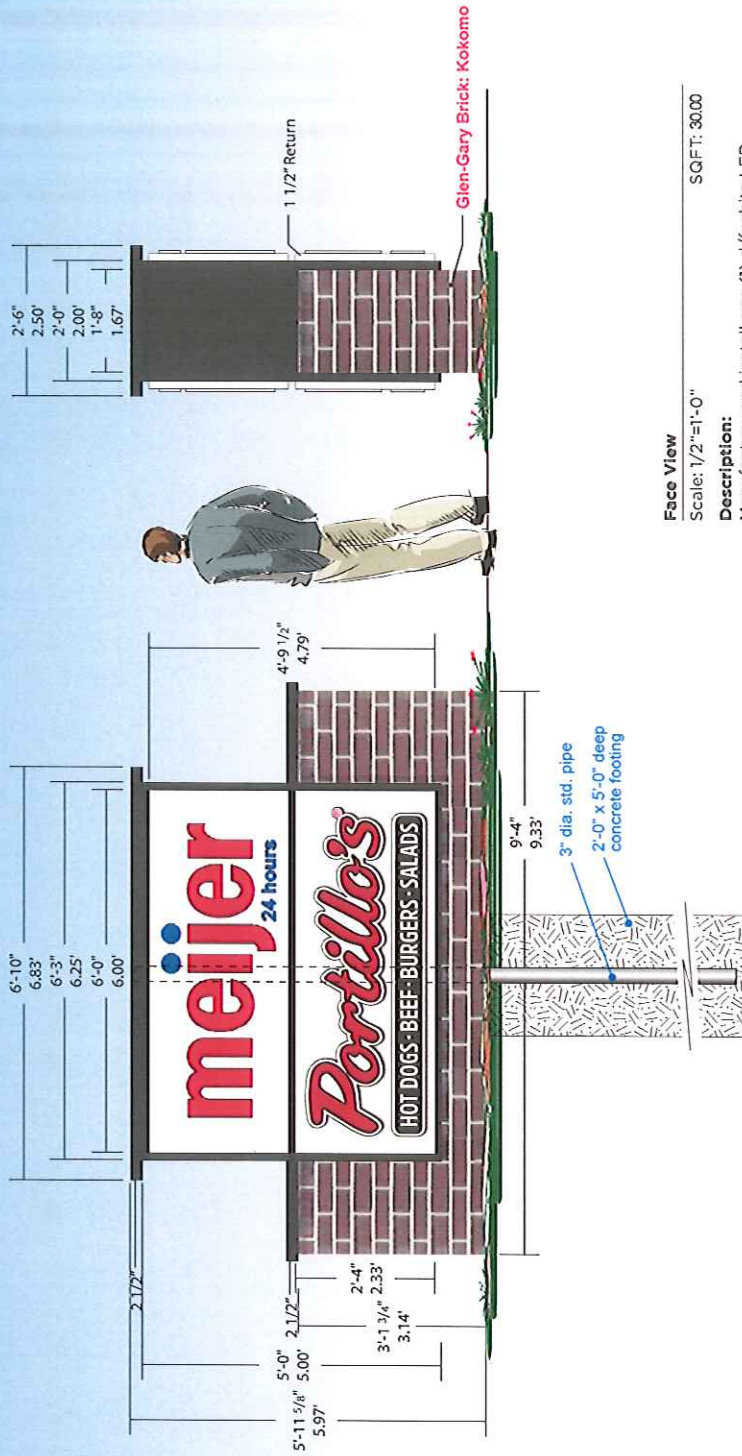
Date

### Landlord Approval

Name

Co./Title

Date



### Face View

Scale: 1/2"=1'-0"

SQFT: 30.00

### Description:

Manufacture and install one (1) d/f white LED illuminated monument sign.

NOTE - Field Verify Fascia Area Prior to Fabrication of Signs.



### Locations:

9200 Valley Rd.  
Prescott Valley,  
Arizona 86314  
800-357-5095  
arizonasignsplus.com

### Project:

Portillo's  
2507 W. Villa Rita Dr.  
Phoenix,  
Arizona 85023  
13004 Middle Belt Road | Livonia, MI 48150

### Account Executive:

Rick North

### Design Number:

231739

### Design / Revision Date:

01-12/05/2023 AL

### Project Manager:

02-12/13/2023 AL

### Short:

11 OF 11

NOTE - Whenever Signs Plus is penetrating the membrane for the attachment of signage it is the responsibility of others to reseal the penetrations. Signs Plus assumes no liability for water damage or any warranty issues with the roof.



## APPLICATION FOR VARIANCE

|                                                                                                      |                         |                     |              |                     |                     |
|------------------------------------------------------------------------------------------------------|-------------------------|---------------------|--------------|---------------------|---------------------|
| <u>Grand / Sakaw Properties, 28470 13 Mile Rd, Ste. 220, Farmington Hills, MI 48334 248-538-6363</u> |                         |                     |              |                     |                     |
| (Owner of Premises)                                                                                  | (Street Address)        | (City)              | (Zip Code)   | (Telephone)         | (Fax)               |
| <u>Portillo's</u>                                                                                    | <u>13004 Middelbelt</u> | <u>Livonia</u>      | <u>48150</u> |                     |                     |
| (Lessee)                                                                                             | (Street Address)        | (City)              | (Zip Code)   | (Telephone)         | (Fax)               |
| <u>Allied Signs, Inc.</u>                                                                            | <u>33650 Giftos</u>     | <u>Clinton Twp.</u> | <u>48035</u> | <u>586-791-7900</u> | <u>586-791-7788</u> |
| (Contractor)                                                                                         | (Street Address)        | (City)              | (Zip Code)   | (Telephone)         | (Fax)               |

The property address is 13004 Middlebelt

Please note that if you need more space to answer any of the following questions, you may use a separate page or the back of this page. Simply identify your response(s) with the number of the question you are responding to.

1. Are there any deed restrictions or subdivision rules or restrictions on the property? If so, what are they? No

2. Give legal description of property involved, or attach a deed or other document which contains the legal description of the property:  
See attached.

A variance can only be granted if a hardship or practical difficulty with the property makes the variance necessary. Under the City's Zoning Ordinance, a practical difficulty exists only if (a) the difficulty is exceptional and peculiar to the property, and does not exist generally throughout the City, (b) the difficulty involves more than mere inconvenience, inability to earn a higher financial return, or both, and (c) the variance would be fair to the neighbors and others who might be affected, as well as those who do not have this variance.

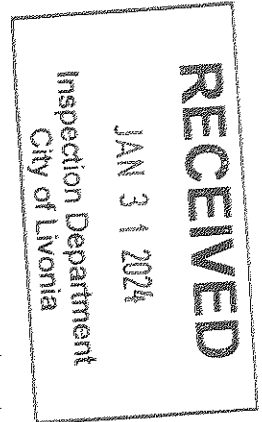
3. Please explain how the practical difficulty you claim is unique to your property, and does not exist elsewhere in the City:  
Portillo's is a new business coming to the city in the outlot of Meijer. There is a lack of identification since they have visibility on all (4) sides of the building.

4. Please describe what the difficulty involves beyond mere inconvenience or inability to earn a higher financial return:  
Lack of identification.

5. Explain why you think this variance would be fair to the neighbors and others who might be affected. This is a stand alone building with visibility on all (4) sides.

6. Have you sought an amendment to the zoning ordinance which would permit your proposed project under your current zoning? If yes, please describe the outcome of this process: No.

7. If you have not attempted to have the zoning ordinance amended, why hasn't this attempt been made?  
The zoning ordinance restricts the size and number of signs in any district.



8. Have you attempted to have the property rezoned? If yes, please describe the outcome of the rezoning process: No.
9. If you have not attempted to have the property rezoned, why hasn't this attempt been made? The zoning ordinance restricts the size and number of signs in any district.

Please see the separate instruction sheet for plans, fees, and other information which should be submitted with the application. Note that if an agent or attorney signs the application on behalf of the owner, said agent or attorney must provide written proof of his or her authority to act on the owner's behalf. ALL INTERESTED PARTIES ARE REQUIRED TO ATTEND THE ZONING BOARD OF APPEALS MEETING. NON-ATTENDANCE BY ANY INTERESTED PARTY MAY RESULT IN YOUR CASE BEING TABLED AND THE APPROPRIATE FEE BEING ASSESSED.

**OWNER'S AFFIDAVIT**

COUNTY OF Oakland  
STATE OF MICHIGAN )

The undersigned being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanying information and data are in all respects true and correct to the best of (his/her) knowledge and belief, and that the undersigned personally undertakes to see that the property will be used and developed in compliance with all applicable ordinances and any conditions imposed in connection with any variance which may be granted in response to this application.

Signature of property owner: [Signature]

Please print name of property owner: WILLIAM EISENBERG  
MILLENNIUM OUTLOT LLC

**NOTE: Please provide Letter of Authorization on official letterhead if not signed by owner of the property, as well as the deed and property transfer affidavit.**

Subscribed and sworn to before me this 24 day of January, 2024

[Signature]  
(Notary Public, Oakland County, Michigan)

My Commission expires 2-11-2027

JOYCE L. PIKULAS  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Feb 11, 2027  
ACTING IN COUNTY OF Oakland

Any decision of the Board favorable to the applicant will remain valid only as long as the information or data relating thereto are found to be correct and the conditions upon which the resolution was based are maintained.

**NOT TO BE COMPLETED BY APPLICANT**

Petitioner makes application for a Hearing, seeking to (reverse, modify, or affirm) the (order) decision) of the Department of Inspection, dated JANUARY 31, 2024 which reads as follows:  
ZONING ORDINANCE, SECTION 11.08(3)

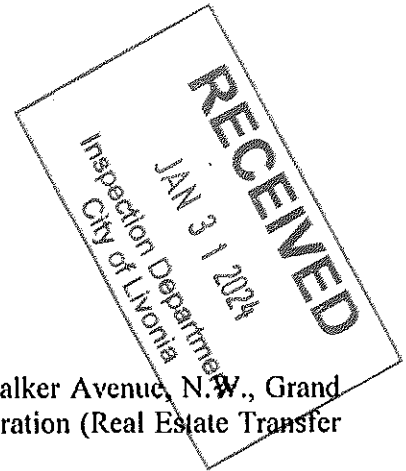
I certify that (a) the petitioner is not in violation of any ordinance other than the provision(s) sought to be waived in the foregoing application, (b) all applicable fees have been paid, and (c) I have examined the foregoing application, and find that said application is complete, and that the City Zoning Ordinance, Ordinance No. 543, as amended, prohibits the proposed project unless a variance is granted by the Zoning Board of Appeals.

[Signature]  
(Supervisor)

Application for permit filed yes, NOT ISSUED Violation Issued NO







### **COVENANT DEED**

**MEIJER, INC.**, a Michigan corporation, whose address is 2929 Walker Avenue, N.W., Grand Rapids, Michigan 49544 ("Grantor"), for good and valuable consideration (Real Estate Transfer Tax Affidavit filed),

**CONVEYS** unto **MILLENNIUM OUTLOT LLC**, a Michigan limited liability company, whose address is c/o Grand/Sakwa Properties, LLC, 28470 Thirteen Mile Road, Suite 220, Farmington Hills, Michigan 48334 ("Grantee"), the following real property situated in the City of Livonia, Wayne County, Michigan, described as:

SEE ATTACHED EXHIBIT A (the "Property").

**TO HAVE AND TO HOLD** the Property in fee simple forever, unto Grantee, and Grantor does hereby covenant title to the above-described property, rights and interests and binds itself to covenant and forever defend all and singular the above described Property and interests unto the said Grantee, against the claims of all persons claiming by, through or under Grantor and no other persons and claims/demands whatsoever.

**SUBJECT TO:** (a) Terms, covenants, conditions and restrictions as specified in the Declaration of Restrictions executed by Grantor and Grantee, which Declaration is dated the same date as this Covenant Deed and recorded simultaneously with this Covenant Deed; (b) easements and restrictions of record; (c) a perpetual easement herein reserved by Grantor for the benefit of Grantor's adjacent property for the use, operation, maintenance, inspection, replacement, and repair of all existing utility lines, drainage, and improvements currently located on, onto and/or under the surface of the Property (together, the "Improvements"). Grantee acknowledges that no building or structure shall be constructed over such Improvements without the prior written consent of Grantor, provided, however, Grantee may use the easement areas for landscaping, driveways, parking lots, curbing and curb cuts that do not interfere with Grantor's retained easement. Grantee shall have the right to change the location of the Improvements on the Property, provided such relocations do not result in the interruption or diminishment of utility service or drainage (other than temporary in connection with such relocation) and further provided Grantee obtains Grantor's prior written consent for any such relocation, which consent shall not be unreasonably withheld, conditioned or delayed, and Grantee shall assume any and all obligations to restore the easement areas (and the Grantee improvements therein) following the disturbance of the Property resulting from Grantor's use, operation, maintenance, inspection, replacement and repair of the Improvements; (d) any existing drainage from adjacent parcels and roadways currently draining onto and/or across the Property; (e) all zoning and land use ordinances; and (f) any general real property taxes and assessments not yet due and payable.

The Grantor grants to Grantee the right to make zero (0) divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

This Property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Dated as of this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**MEIJER, INC.**  
a Michigan corporation

By: [Signature]  
Michael Flickinger  
Its: Vice President-Real Estate

Legal BD  
Bus. ML  
Bus. KA

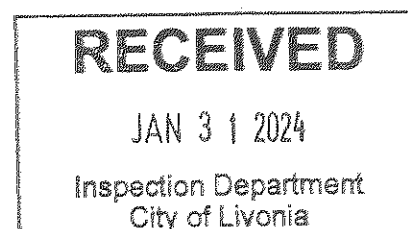
STATE OF MICHIGAN     )  
                                  ) ss.  
COUNTY OF KENT        )

The foregoing instrument was acknowledged before me this 19th day of September 2023, by Michael Flickinger, the Vice President-Real Estate of Meijer, Inc., a Michigan corporation, for and on behalf of said corporation.

[Signature]  
Notary Public  
State of Michigan, County of Ottawa  
My Commission expires: 2-17-30  
Acting in the County of: Kent

LARAE B STEIGENGA  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF OTTAWA  
My Commission Expires February 17, 2030  
Acting In the County of Kent

|                                                                                                                                                                                 |                                                                                                                                                                           |                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| WHEN RECORDED RETURN TO:<br>Millennium Outlot LLC<br>Attn: Bill Eisenberg<br>c/o Grand/Sakwa Properties, LLC<br>28470 Thirteen Mile Rd, Suite 220<br>Farmington Hills, MI 48334 | SEND TAX BILLS TO:<br>Millennium Outlot LLC<br>Attn: Bill Eisenberg<br>c/o Grand/Sakwa Properties, LLC<br>28470 Thirteen Mile Rd, Suite 220<br>Farmington Hills, MI 48334 | DRAFTED BY:<br>Brandon Duckworth, Esq.<br>Meijer, Inc.<br>2929 Walker Ave., N.W.<br>Grand Rapids, MI 49544 |
| Tax Parcel No: 46-097-99-0021-023 (2024)                                                                                                                                        |                                                                                                                                                                           |                                                                                                            |



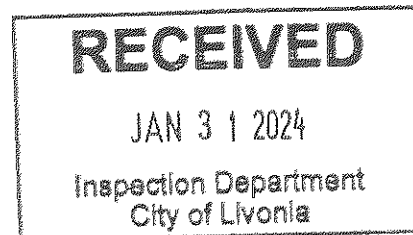


**EXHIBIT A  
TO  
COVENANT DEED**

PART OF NORTHWEST 1/4 OF SECTION 25 TOWN 1 SOUTH, RANGE 9 EAST, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHWEST CORNER OF SECTION 25, THENCE ALONG THE WESTERLY LINE OF SAID SECTION S00°27'00"W 1628.41 FEET; THENCE S89°34'33"E 60.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF MIDDLEBELT ROAD (VARIABLE WIDTH) AND TO THE POINT OF BEGINNING; THENCE S89°33'00"E 262.00 FEET; THENCE S00°27'00"W 400.00 FEET; THENCE N66°25'21"W 110.88 FEET; THENCE N62°03'38"W 180.40 FEET TO THE EASTERLY RIGHT OF WAY LINE OF MIDDLEBELT ROAD; THENCE N00°27'00"E 273.18 FEET TO THE POINT OF BEGINNING. CONTAINING ±2.04 ACRES.

Tax Parcel #46-097-99-0021-023 (2024)

Property Address: 13004 Middlebelt Road, Livonia, Michigan



**FW:**

Abrahamson, Randy <RAbrahamson@livonia.gov>

Tue 2/6/2024 3:44 PM

To: Goff, Erika <egoff@livonia.gov>

Hi Erika,

You can add this email chain to your variances for Culvers (2024-02-02) and Portillo's (2024-02-01).

Thanks you Erika !

**Randy Abrahamson**

Senior Building Inspector

City of Livonia | Inspection Department

(734) 466-2577

RAbrahamson@livonia.gov

---

**From:** Taormina, Mark <mtaormina@livonia.gov>

**Sent:** Tuesday, February 6, 2024 3:23 PM

**To:** Abrahamson, Randy <RAbrahamson@livonia.gov>

**Cc:** Stierna, Matthew <mstierna@livonia.gov>

**Subject:** RE:

Randy and Matt,

For Portillo's, condition #11 of the council resolution reads: *"That only conforming signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals."* Comparing the ZBA plans with the set provided during the site plan process shows an additional wall sign on the south elevation; however, we would not oppose a grant of variance allowing for this sign based on the language of the resolution.

For the Culvers, the Planning Commission was made aware of the additional oversized menu boards but only saw these on the site plan and not the detailed sign elevations. Again, there was no objection to what was being proposed, and thus, the ZBA is free to act however they see fit.

I hope that this helps.

Mark

**Mark Taormina**

Planning and Economic Development Director

City of Livonia | Planning Department



(734) 466-2292

[mtaormina@livonia.gov](mailto:mtaormina@livonia.gov)

**From:** Abrahamson, Randy <[RAbrahamson@livonia.gov](mailto:RAbrahamson@livonia.gov)>

**Sent:** Tuesday, February 6, 2024 2:33 PM

**To:** Taormina, Mark <[mtaormina@livonia.gov](mailto:mtaormina@livonia.gov)>

**Cc:** Stierna, Matthew <[mstierna@livonia.gov](mailto:mstierna@livonia.gov)>

**Subject:**

Hey Mark,

Can you do us a quick favor and see if these signs match were the same approved by Planning?

Mike wants to make sure what the ZBA has is the same thing you guys approved.

As far as I can tell, looks Portillo's removed one of the wall signs for the variance, they showed you guys 4, ZBA has 3. Culvers did a canopy thing, but the ZBA just has menu board with no canopy.

If your cool with it, so are we. And I will let Mike know.

Thank you Sir !!

**Randy Abrahamson**

Senior Building Inspector

City of Livonia | Inspection Department

(734) 466-2577

[RAbrahamson@livonia.gov](mailto:RAbrahamson@livonia.gov)

Site Map

Legend

- A Illum. PC Letters
- B Illum. PC Letters
- C Illum. PC Letters
- D1 Drive Thru Dir.
- D2 Drive Thru Dir.
- D3 Drive Thru Dir.
- D4 DNE/Thank You
- E1 Blade Sign
- F LED Stripe (See pages 8-10)
- G Monument Sign

Property Line

Customer Approval

Name

Co/Title

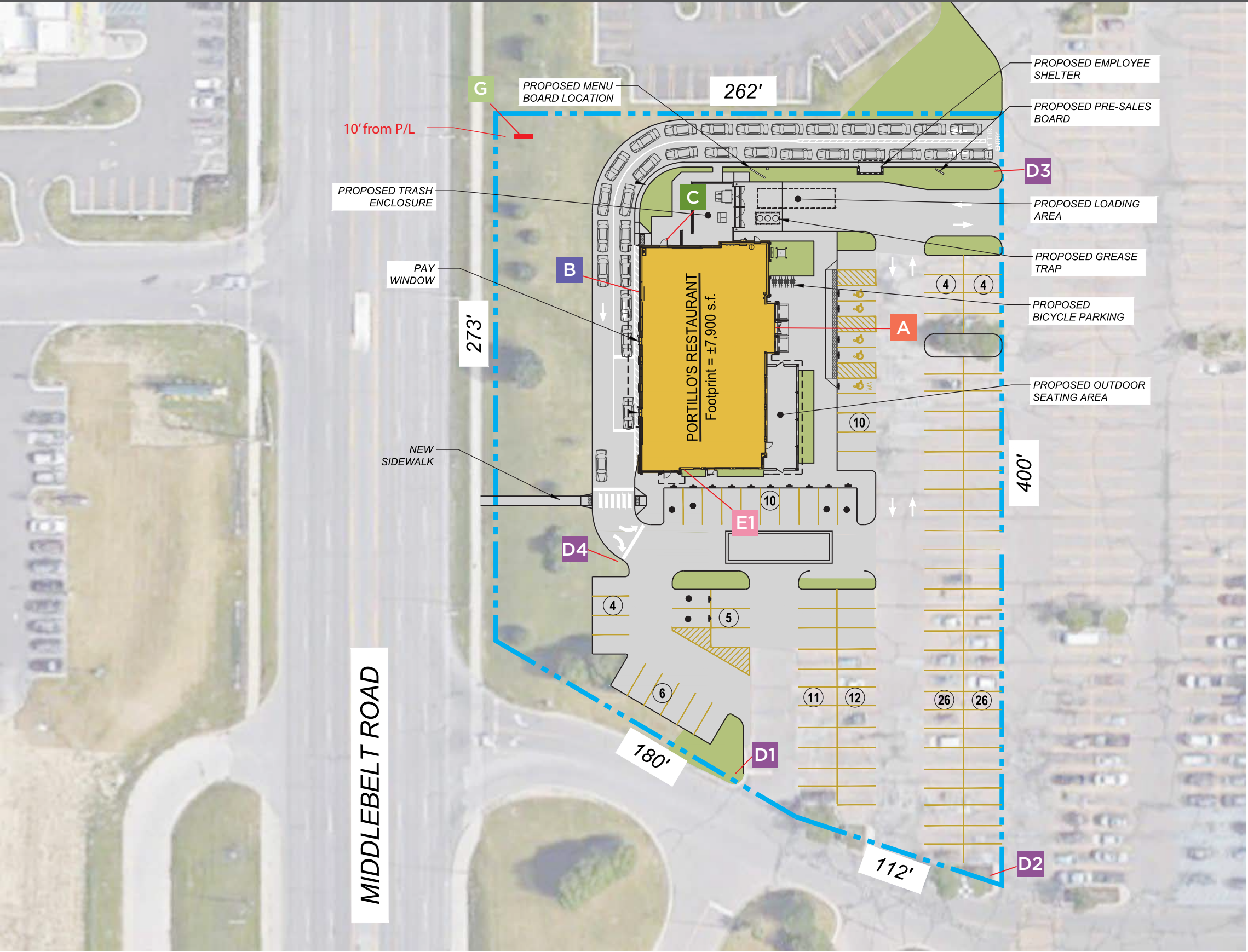
Date

Landlord Approval

Name

Co/Title

Date



Scale: 1"=55'



Locations:

9200 Valley Rd.  
Prescott Valley,  
Arizona 86314

2507 W. Villa Rita Dr.  
Phoenix,  
Arizona 85023

800-257-5095 arizonasignsplus.com

Project:

Portillo's

Project Location:

13004 Middle Belt Road | Livonia, MI 48150

Account Executive:

Rick North

Project Manager:

Design  
Number: 231739

Design / Revision Date:

01-12/05/2023 AL  
02-12/13/2023 AL

03-12/14/2023 AL

04-12/22/2023 BL

05-02/06/2024 AL

06-02/09/2024 AL

Sheet:

1 of 11



Elevations

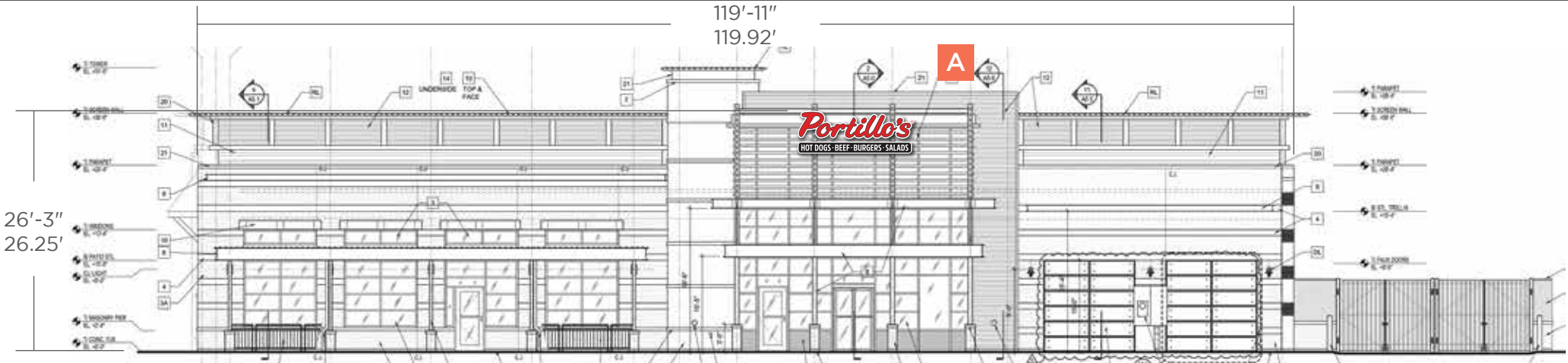
Materials

- A

Illum. PC Letters
- B

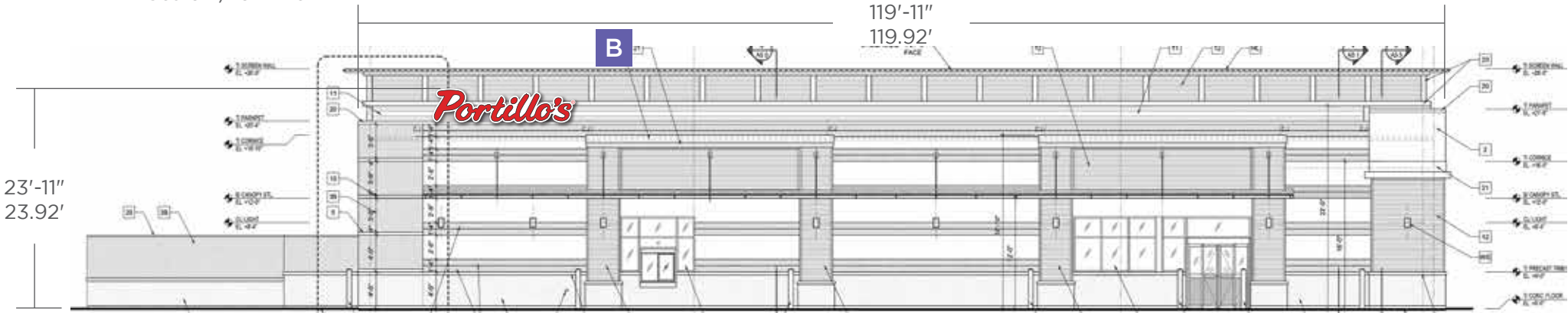
Illum. PC Letters
- C

Illum. PC Letters



Proposed East Elevation

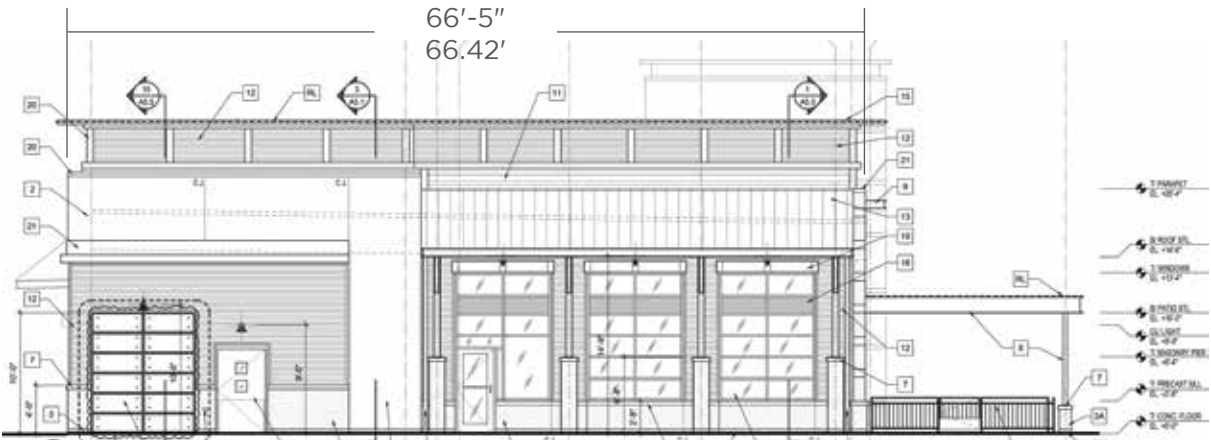
Scale: 1/16"=1'-0"



Proposed West Elevation

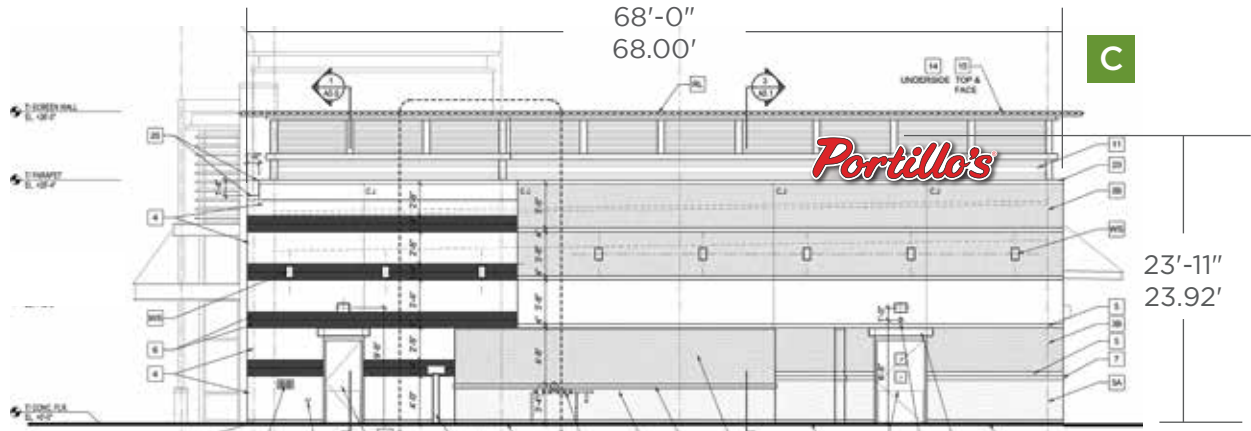
Scale: 1/16"=1'-0"

Faces Middlebet



Proposed South Elevation

Scale: 1/16"=1'-0"



Proposed North Elevation

Scale: 1/16"=1'-0"

NOTE - Field Verify Fascia Area Prior to Fabrication of Signs.



Locations:

9200 Valley Rd.  
Prescott Valley,  
Arizona 86314

2507 W. Villa Rita Dr.  
Phoenix,  
Arizona 85023

800-257-5095 arizonasignsplus.com

Project:

Portillo's

Project Location:

13004 Middle Belt Road | Livonia, MI 48150

Account Executive:

Rick North

Project Manager:

Design

Number: 231739

Design / Revision Date:

01-12/05/2023 AL  
02-12/13/2023 AL

03-12/14/2023 AL

04-12/22/2023 BL

05-02/06/2024 AL

06-02/09/2024 AL

Sheet:

2 OF 11

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the signs. The location of the disconnect switch after installation shall comply with article 600.6(A) (1) of the National Electrical Code.

2018 IBC, 2011 NEC, 2012 IBC



NOTE - Whenever Signs Plus is penetrating the membrane for the attachment of signage it is the responsibility of others to reseal the penetrations. Signs Plus assumes no liability for water damage or any warranty issues with the roof.

Sign A - East Illuminated Pan Channel Letters

Materials

1. Letters

• .125" deep aluminum backer panel painted P2

• 3" deep Portillos aluminum channel letters. P1 painted returns and black trim cap. White polycarbonate faces with translucent (V1) and opaque (V2) first surface applied vinyl graphics. 1 1/2" stand-offs painted P2

• 5" deep aluminum tagline cabinet. Black painted finish. Routed copy and bullets, white plex back-up with 1" thick clear acrylic push-thru copy

Paint Colors

P1

Black

P2

White

Vinyl Colors

V1

3M Red (3630-33)

V2

3M Black (3630-22)

V3

3M White (3630-20)

Customer Approval

Name

Co/Title

Date

Landlord Approval

Name

Co/Title

Date

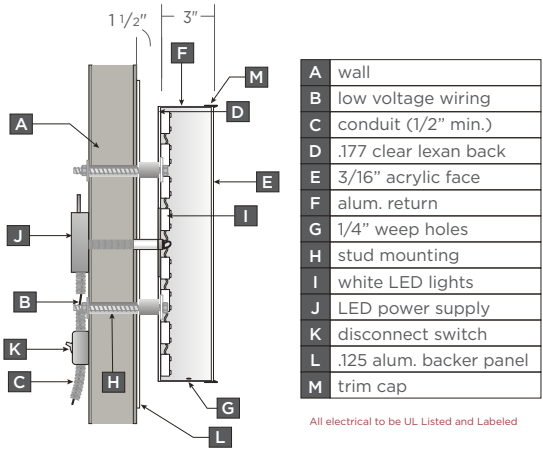


PT2 - Face View  
Scale: 1/2"=1'-0"

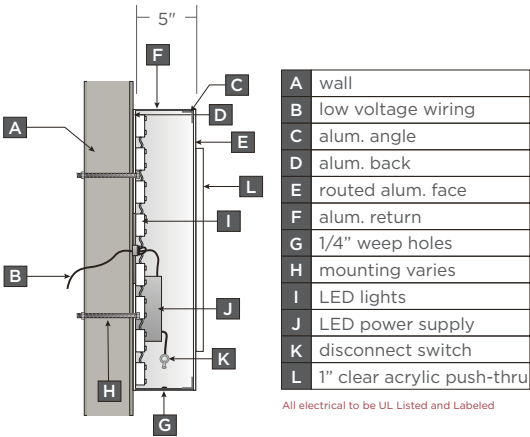
Portillo's Perim. 69'  
SQFT: 59.30



3D View  
Scale: NTS



Face & Halo Lit PC Letters (Panel) / Cross Section Detail  
Scale: NTS



Cabinet w/ Push-Thru (Self Contained) / Cross Section Detail  
Scale: NTS

NOTE - Field Verify Fascia Area Prior to Fabrication of Signs.



Locations:  
9200 Valley Rd.  
Prescott Valley,  
Arizona 86314  
800-257-5095 arizonasignsplus.com

2507 W. Villa Rita Dr.  
Phoenix,  
Arizona 85023

Project:  
Portillo's  
Project Location:  
13004 Middle Belt Road | Livonia, MI 48150

Account Executive:  
Rick North  
Project Manager:

Design Number: 231739  
Design / Revision Date:  
01-12/05/2023 AL  
02-12/13/2023 AL

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the signs. The location of the disconnect switch after installation shall comply with article 600.6(A) (1) of the National Electrical Code.

2018 IBC, 2011 NEC, 2012 IBC

Sheet:  
3 OF 11



NOTE - Whenever Signs Plus is penetrating the membrane for the attachment of signage it is the responsibility of others to reseal the penetrations. Signs Plus assumes no liability for water damage or any warranty issues with the roof.



Sign B - West Illuminated Pan Channel Letters

Materials

1. Letters
- .125" deep aluminum backer panel painted P2
  - 3" deep Portillos aluminum channel letters. P1 painted returns and black trim cap. White polycarbonate faces with translucent (V1) and opaque (V2) first surface applied vinyl graphics. 1 1/2" stand-offs painted P2

2. Raceway
- Alum. painted (TBD)

Paint Colors

- P1 Black
- P2 White

Vinyl Colors

- V1 3M Red (3630-33)
- V2 3M Black (3630-22)
- V3 3M White (3630-20)

Customer Approval

Name

Co/Title

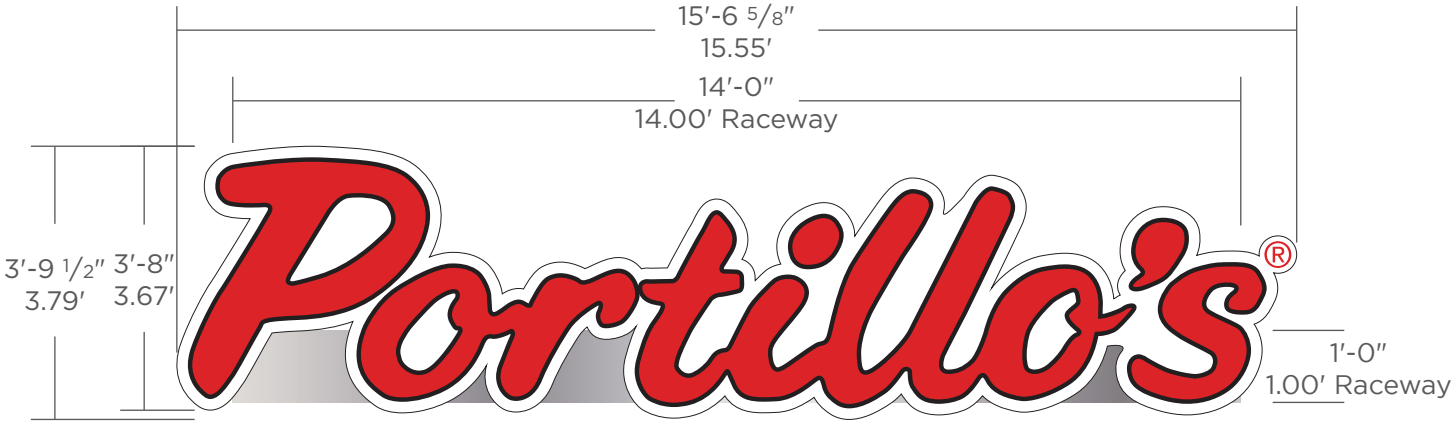
Date

Landlord Approval

Name

Co/Title

Date

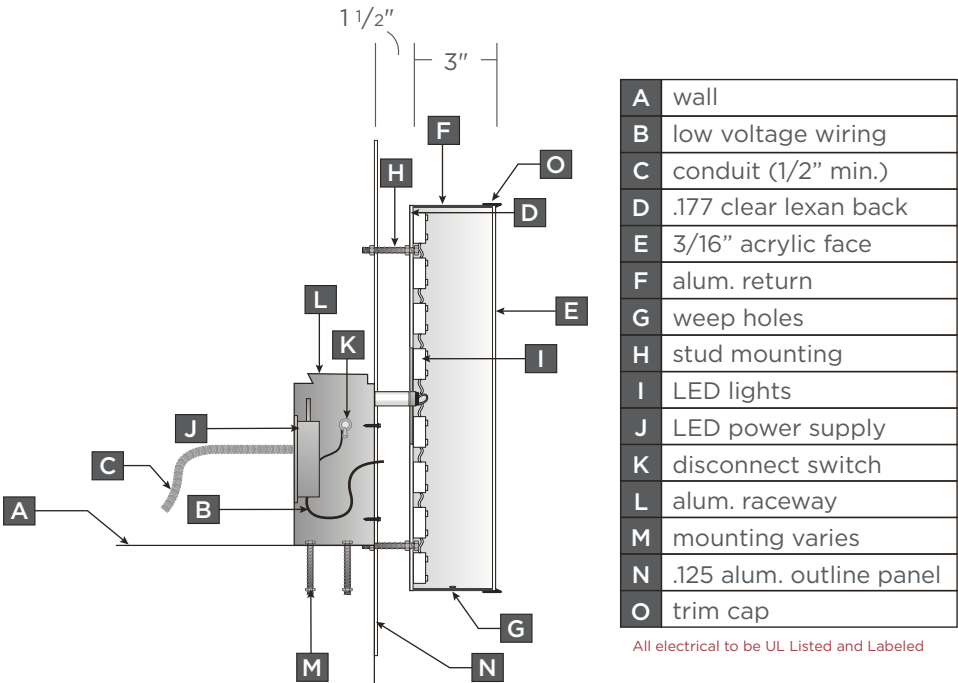


PR4 - Face View

Scale: 3/8"=1'-0"

Perim. 85'

SQFT: 58.97



Face & Halo Lit PC Letters (Raceway Mounted) / Cross Section Detail

Scale: NTS

NOTE - Field Verify Fascia Area Prior to Fabrication of Signs.



Locations:

9200 Valley Rd.  
Prescott Valley,  
Arizona 86314

2507 W. Villa Rita Dr.  
Phoenix,  
Arizona 85023

800-257-5095 arizonasignsplus.com

Project:

Portillo's

Project Location:

13004 Middle Belt Road | Livonia, MI 48150

Account Executive:

Rick North

Project Manager:

Design Number: 231739

Design / Revision Date:

01-12/05/2023 AL

02-12/13/2023 AL

03-12/14/2023 AL

04-12/22/2023 BL

05-02/06/2024 AL

06-02/09/2024 AL

Sheet:

4 OF 11

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the signs. The location of the disconnect switch after installation shall comply with article 600.6(A) (1) of the National Electrical Code.

2018 IBC, 2011 NEC, 2012 IBC



NOTE - Whenever Signs Plus is penetrating the membrane for the attachment of signage it is the responsibility of others to reseal the penetrations. Signs Plus assumes no liability for water damage or any warranty issues with the roof.

Sign C - South Illuminated Pan Channel Letters

Materials

1. Letters
- .125" deep aluminum backer panel painted P2
  - 3" deep Portillos aluminum channel letters. P1 painted returns and black trim cap. White polycarbonate faces with translucent (V1) and opaque (V2) first surface applied vinyl graphics. 1 1/2" stand-offs painted P2

2. Raceway
- Alum. painted (TBD)

Paint Colors

- P1 Black
- P2 White

Vinyl Colors

- V1 3M Red (3630-33)
- V2 3M Black (3630-22)
- V3 3M White (3630-20)

Customer Approval

Name

Co/Title

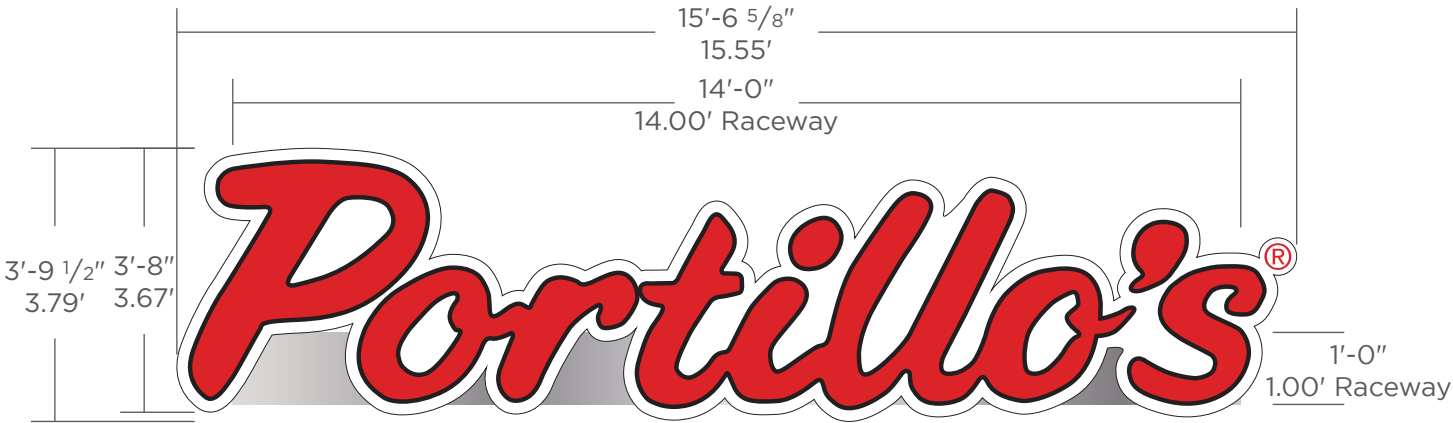
Date

Landlord Approval

Name

Co/Title

Date

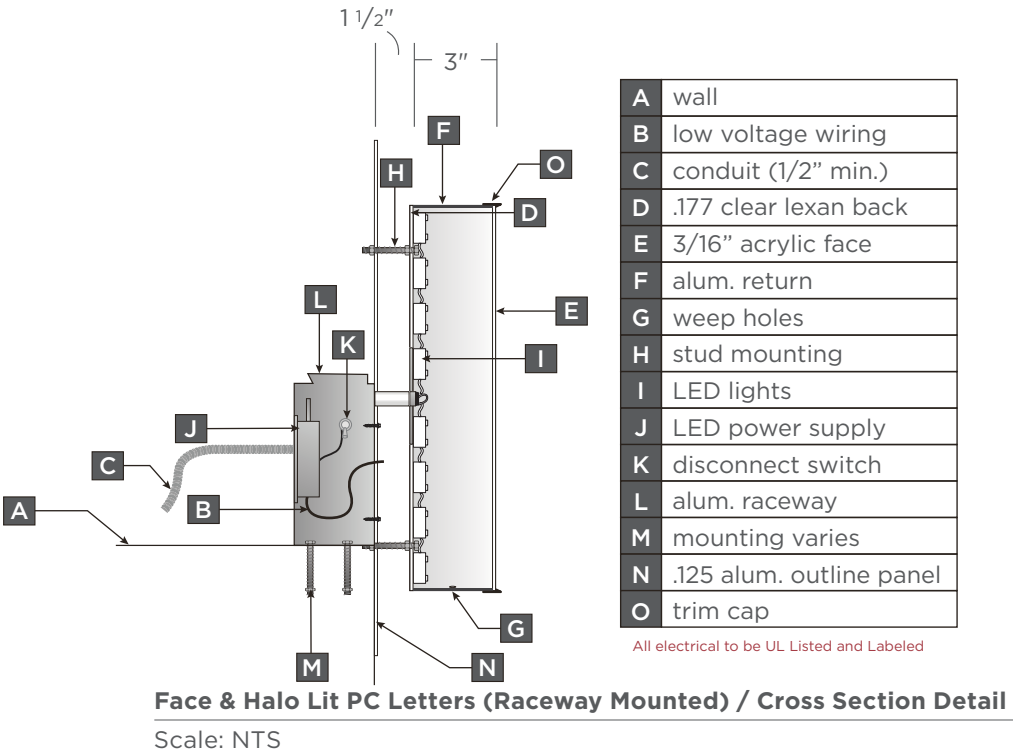


PR4 - Face View

Scale: 3/8"=1'-0"

Perim. 85'

SQFT: 58.97



Face & Halo Lit PC Letters (Raceway Mounted) / Cross Section Detail

Scale: NTS

NOTE - Field Verify Fascia Area Prior to Fabrication of Signs.



Locations:

9200 Valley Rd.  
Prescott Valley,  
Arizona 86314

2507 W. Villa Rita Dr.  
Phoenix,  
Arizona 85023

800-257-5095 arizonasignsplus.com

Project:

Portillo's

Project Location:

13004 Middle Belt Road | Livonia, MI 48150

Account Executive:

Rick North

Project Manager:

Design Number:

231739

Design / Revision Date:

01-12/05/2023 AL  
02-12/13/2023 AL

03-12/14/2023 AL  
04-12/22/2023 BL  
05-02/06/2024 AL  
06-02/09/2024 AL

Sheet:

5 OF 11

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the signs. The location of the disconnect switch after installation shall comply with article 600.6(A) (1) of the National Electrical Code.

2018 IBC, 2011 NEC, 2012 IBC



NOTE - Whenever Signs Plus is penetrating the membrane for the attachment of signage it is the responsibility of others to reseal the penetrations. Signs Plus assumes no liability for water damage or any warranty issues with the roof.

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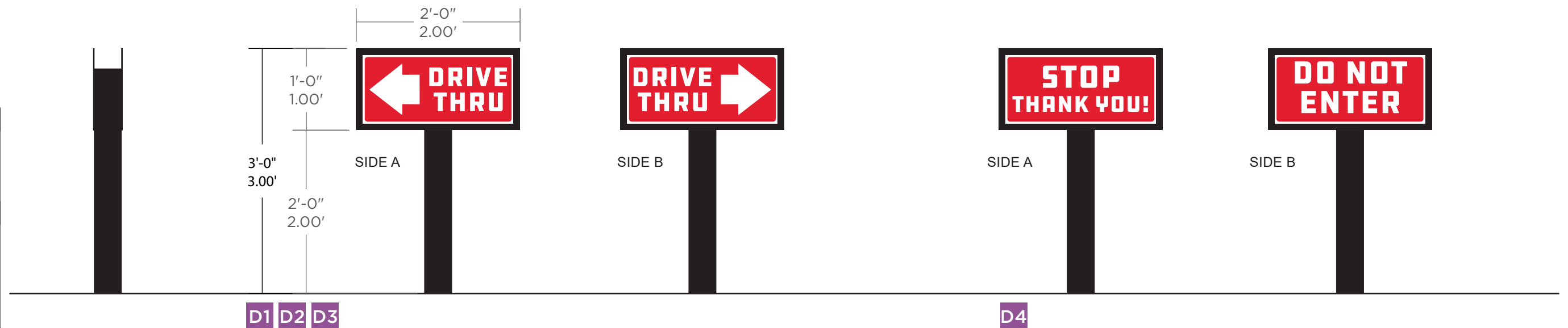


## Signs D1-D4 - Non Illuminated Directional Signs

## DIRECTIONAL SIGNS

Manufacture and install four (4) d/f non-illuminated directionals.

The signs will be .125 aluminum overlaid with 3M Red (3630-33) and 3M white reflective vinyl. The signs will than be mounted to 4"x4" square tube posts painted to match P1.



### Face View

Scale: 3/4"=1'-0"

SQFT: 2

**Description:**

Manufacture and install four (4) d/f non-illuminated directionals.

**NOTE - Field Verify Fascia Area Prior to Fabrication of Signs.**



|                   |
|-------------------|
| <b>Locations:</b> |
|-------------------|

9200 Valley Rd.  
Prescott Valley,  
Arizona 86314

2507 W. Villa Rita Dr.  
Phoenix,  
Arizona 85023

800-257-5095 arizonasignsplus.com

|                 |
|-----------------|
| <b>Project:</b> |
|-----------------|

## Portillo's

Project Location:

13004 Middle Belt Road | Livonia, MI 48150

|                    |  |
|--------------------|--|
| Account Executive: |  |
|--------------------|--|

Rick North

|  |                         |
|--|-------------------------|
|  | <b>Project Manager:</b> |
|--|-------------------------|

Design Number: 231739

Design / Revision Date:

|                  |
|------------------|
| 01-12/05/2023 AL |
| 02-12/13/2023 AL |

|                  |
|------------------|
| 03-12/14/2023 AL |
|------------------|

|                  |
|------------------|
| 04-12/22/2023 BL |
|------------------|

|                  |
|------------------|
| 05-02/06/2024 AL |
|------------------|

|                  |
|------------------|
| 06-02/09/2024 AI |
|------------------|

Sheet:

6 OF 11

**NOTE -** Whenever Signs Plus is penetrating the membrane for the attachment of signage it is the responsibility of others to reseal the penetrations. Signs Plus assumes no liability for water damage or any warranty issues with the roof.

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Sign E1 - Pick Up Sign

Materials

- E1. Blade Sign**
- .125 aluminum routed painted P2
  - 3/16” white acrylic back up.
  - 1” clear acrylic push thru overlaid with 3M V1 and V2 vinyl.
  - 1 1/2” aluminum square tube painted P1.
  - 1/4” plate painted P1
  - 6” alumnium return painted P3.

Paint Colors

- P1** Black
- P2** White
- P3** Match V1

Vinyl Colors

- V1** 3M Red (3630-33)
- V2** 3M Black (3630-22)
- V3** 3M Matte White (7725-20)

Customer Approval

Name

Co/Title

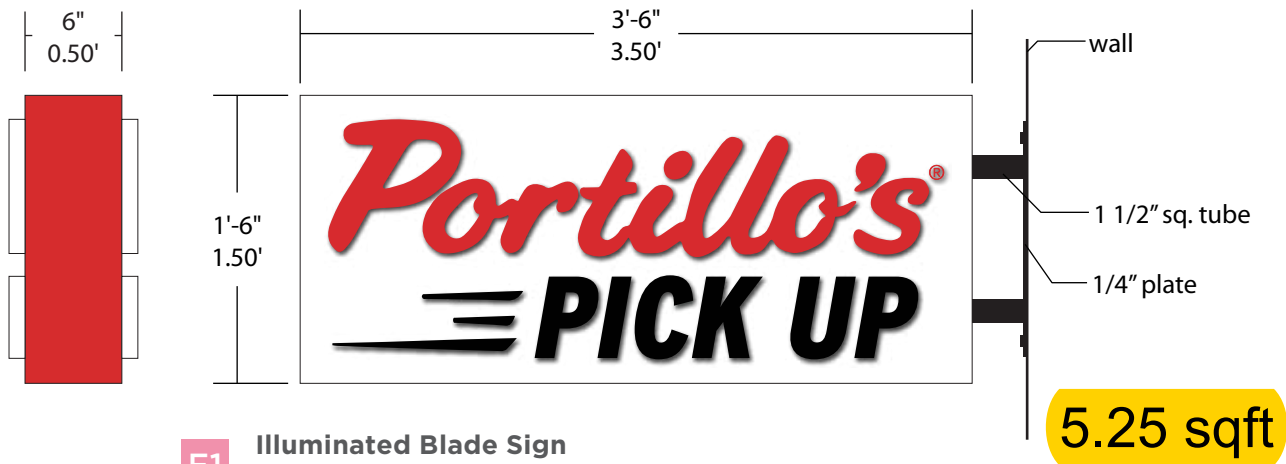
Date

Landlord Approval

Name

Co/Title

Date

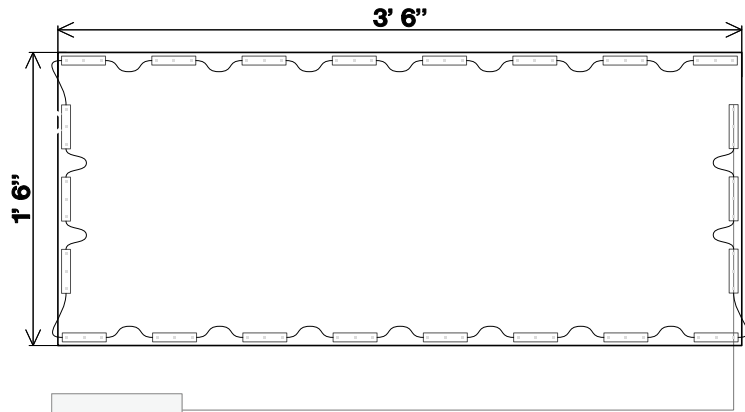


**E1** Illuminated Blade Sign

Scale: 1"=1'-0"

Manufacture and install one (1) double sided white LED illuminated blade sign with 1" clear acrylic push thru overlaid with 3M Red (3630-33) and 3M dual color black vinyl.

Blade Sign LED Layout



Load: 39.6%  
Modules: 22  
Watts: 23.8 of 60.0  
PS: Meanwell60w

22 Modules: GOQ Samsung - 3LED WHITE H - GOQ-3WCM  
22 Total Modules  
23.8 Watts  
1 Power Supply: GOQ Samsung - Meanwell60w  
5.250 sq ft  
10.000 perim ft



Proposed South Elevation  
Scale: 3/32"=1'-0"

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**2018 IBC, 2011 NEC, 2012 IBC**

**UL LISTED**

**NOTE - Field Verify Fascia Area Prior to Fabrication of Signs.**



**Locations:**

9200 Valley Rd.  
Prescott Valley,  
Arizona 86314

2507 W. Villa Rita Dr.  
Phoenix,  
Arizona 85023

**800-257-5095** **arizonasignsplus.com**

**Project:**

**Portillo's**

**Project Location:**

13004 Middle Belt Road | Livonia, MI 48150

**Account Executive:**

Rick North

**Project Manager:**

**Design Number:** 231739

**Design / Revision Date:**

01-12/05/2023 AL  
02-12/13/2023 AL

03-12/14/2023 AL  
04-12/22/2023 BL  
05-02/06/2024 AL  
06-02/09/2024 AL

**Sheet:**

**7 OF 11**

**NOTE - Whenever Signs Plus is penetrating the membrane for the attachment of signage it is the responsibility of others to reseal the penetrations. Signs Plus assumes no liability for water damage or any warranty issues with the roof.**



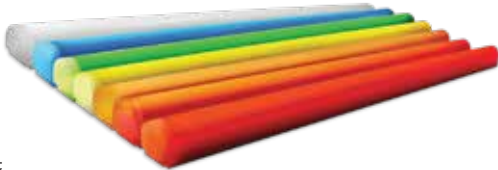
Sign F - LED Stripe

LEDStripe

Large-profile LED tubing

Specifications

|                       |                                                                            |                                                                                          |
|-----------------------|----------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| Dimensions            | Width                                                                      | 1.00 in (25 mm)                                                                          |
|                       | Height                                                                     | 1.68 in (43 mm)                                                                          |
|                       | Lengths                                                                    | 1-ft (0.3-m); 2-ft (0.6-m);<br>4-ft (1.2-m); 6-ft (1.8-m)<br>8-ft (2.4-m); 10-ft (3.0-m) |
| Factory bends         | 12 in (305 mm) radius (radial and flat bend)                               |                                                                                          |
| In-field bends        | Radial bend                                                                | 14 ft (4.25 m)                                                                           |
|                       | Flat bend                                                                  | 19 ft (5.8 m)                                                                            |
| Operating temperature | -40° C to +70° C                                                           |                                                                                          |
| Protection class      | IP66                                                                       |                                                                                          |
| Binning               | MacAdam Step 3 <sup>2</sup>                                                |                                                                                          |
| Power per foot/meter  | 1.5 W/5.0 W (except 1-ft [0.3-m] piece at 3.0 W on average)                |                                                                                          |
| Power capacity        | 60 ft (18.3 m) per SloanLED 100 W 24 VDC power supply                      |                                                                                          |
| Colors                | Red, Orange, Amber, True Yellow, Green, Blue, White (6500 K), Lemon Yellow |                                                                                          |
| Mounting              | Round                                                                      | 701156                                                                                   |
|                       | pre-mounting buttons                                                       |                                                                                          |
|                       | Slide and mount                                                            | 400775                                                                                   |
| Accessories           | rectangle mounting buttons                                                 |                                                                                          |
|                       | Snap-on, colored joint and corner covers for clean finish:                 |                                                                                          |
|                       | Joint                                                                      | 701361-X                                                                                 |
|                       | Outside corner                                                             | 701362-X                                                                                 |
|                       | Inside corner                                                              | 701363-X                                                                                 |
|                       | Step corner                                                                | 701364-X                                                                                 |



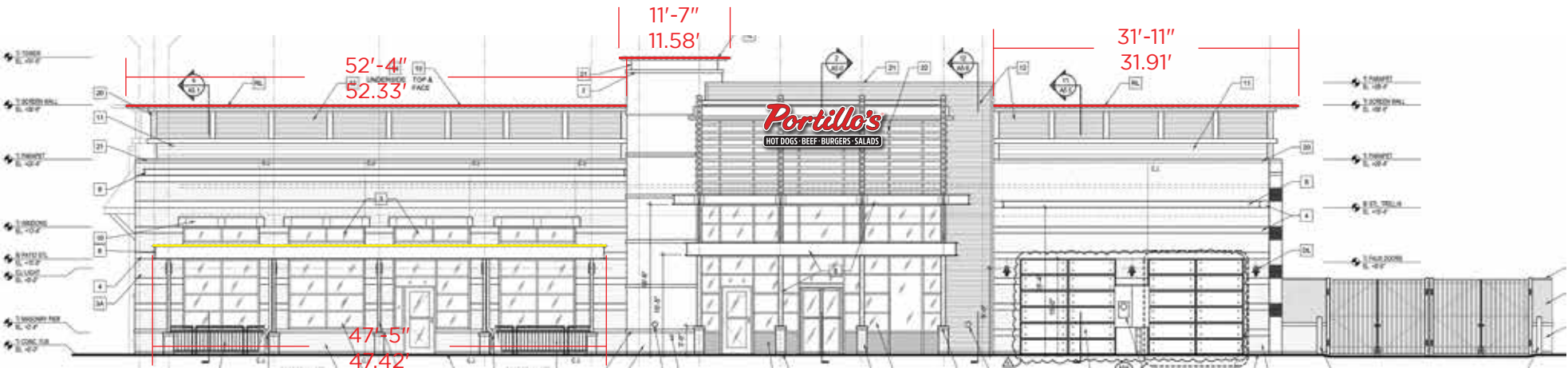
Ordering information

| Color       | Part number | Color                     | Part number  |
|-------------|-------------|---------------------------|--------------|
| Red         | 701189-XH   | Green                     | 701189D-G-X  |
| Orange      | 701189-A-XD | Blue                      | 701189A-B-XD |
| Amber       | 701189-Y-XD | White                     | 701189E-W-X  |
| True Yellow | 701189-YT-X | Lemon Yellow <sup>4</sup> | 701189E-WY-X |

3 \*X\* in part number denotes length (0.3-m [1-ft]; 0.6-m [2-ft]; 1.2-m [4-ft]; 1.8-m [6-ft]; 2.4-m [8-ft]; or 3.0-m [10-ft])  
4 Lemon Yellow illuminates lighter than its daytime color. Lemon Yellow daytime color is Amber.

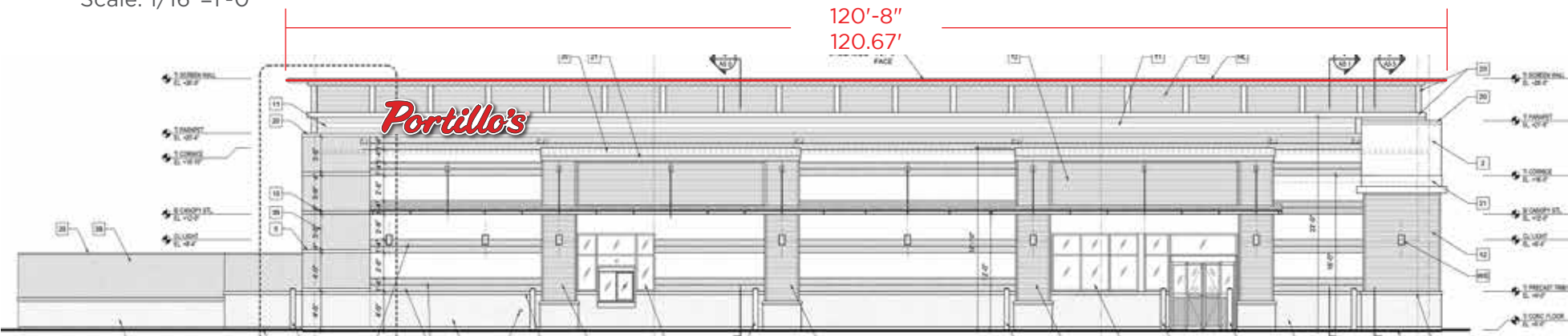
WHITE LED  
RED LED

| Item description               | Approx. cut increments | Actual length       |
|--------------------------------|------------------------|---------------------|
| 1-ft (0.3-m) Tube <sup>a</sup> | 1 in (25 mm)           | 13.0 in (33.0 cm)   |
| 2-ft (0.6-m) Tube              |                        | 25.0 in (63.5 cm)   |
| 4-ft (1.2-m) Tube              |                        | 49.0 in (124.5 cm)  |
| 6-ft (1.8-m) Tube              | 3 in (75 mm)           | 73.5 in (186.7 cm)  |
| 8-ft (2.4-m) Tube              |                        | 97.5 in (247.7 cm)  |
| 10-ft (3.0-m) Tube             |                        | 121.5 in (308.6 cm) |



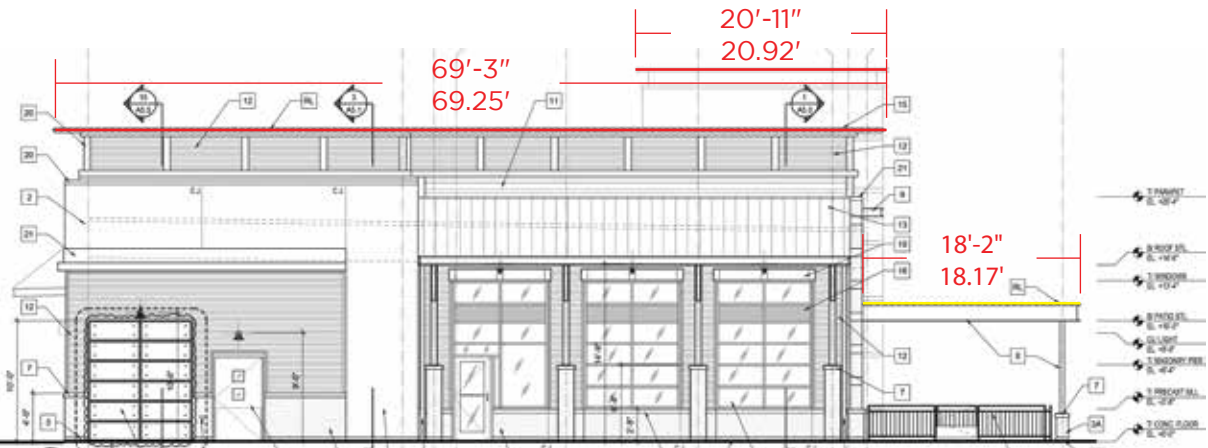
Proposed East Elevation

Scale: 1/16"=1'-0"



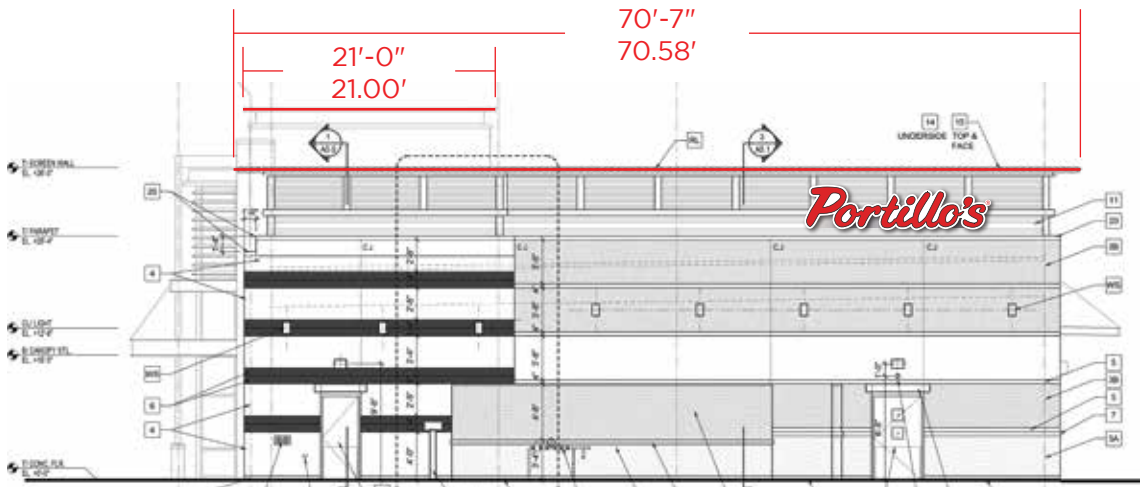
Proposed West Elevation

Scale: 1/16"=1'-0"



Proposed South Elevation

Scale: 1/16"=1'-0"



Proposed North Elevation

Scale: 1/16"=1'-0"

464' of LED lighting

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the signs. The location of the disconnect switch after installation shall comply with article 600.6(A) (1) of the National Electrical Code.

2018 IBC, 2011 NEC, 2012 IBC



| Customer Approval |  |
|-------------------|--|
| Name              |  |
| Co/Title          |  |
| Date              |  |
| Landlord Approval |  |
| Name              |  |
| Co/Title          |  |
| Date              |  |

NOTE - Field Verify Fascia Area Prior to Fabrication of Signs.



Locations:  
9200 Valley Rd.  
Prescott Valley,  
Arizona 86314  
800-257-5095  
2507 W. Villa Rita Dr.  
Phoenix,  
Arizona 85023  
arizonasignsplus.com

Project:  
**Portillo's**  
Project Location:  
13004 Middle Belt Road | Livonia, MI 48150

Account Executive:  
Rick North  
Project Manager:

Design  
Number: 231739  
Design / Revision Date:  
01-12/05/2023 AL  
02-12/13/2023 AL

03-12/14/2023 AL  
04-12/22/2023 BL  
05-02/06/2024 AL  
06-02/09/2024 AL

Sheet:  
**8 OF 11**

NOTE - Whenever Signs Plus is penetrating the membrane for the attachment of signage it is the responsibility of others to reseal the penetrations. Signs Plus assumes no liability for water damage or any warranty issues with the roof.

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Sign F - LED Stripe Light Shield

LEDStripe

Large-profile LED tubing

Specifications

|                              |                                                            |                                                                                              |
|------------------------------|------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| <b>Dimensions</b>            | Width                                                      | 1.00 in (25 mm)                                                                              |
|                              | Height                                                     | 1.68 in (43 mm)                                                                              |
|                              | Lengths                                                    | 1-ft (0.3-m); 2-ft (0.6-m);<br>4-ft (1.2-m); 6-ft (1.8-m);<br>8-ft (2.4-m); 10-ft (3.0-m)    |
| <b>Factory bends</b>         |                                                            | 12 in (305 mm) radius (radial and flat bend)                                                 |
| <b>In-field bends</b>        | Radial bend                                                | 14 ft (4.25 m)                                                                               |
|                              | Flat bend                                                  | 19 ft (5.8 m)                                                                                |
| <b>Operating temperature</b> |                                                            | -40° C to +70° C                                                                             |
| <b>Protection class</b>      |                                                            | IP66                                                                                         |
| <b>Binning</b>               |                                                            | MacAdam Step 3 <sup>2</sup>                                                                  |
| <b>Power per foot/meter</b>  |                                                            | 1.5 W/5.0 W (except 1-ft [0.3-m] piece at<br>3.0 W on average)                               |
| <b>Power capacity</b>        |                                                            | 60 ft (18.3 m) per SloanLED 100 W 24 VDC power supply                                        |
| <b>Colors</b>                |                                                            | Red, Orange, Amber, True Yellow, Green, Blue,<br>White (6500 K), Lemon Yellow                |
| <b>Mounting</b>              | Round                                                      | 701156<br>pre-mounting buttons<br>Slide and mount ..... 400775<br>rectangle mounting buttons |
| <b>Accessories</b>           | Snap-on, colored joint and corner covers for clean finish: |                                                                                              |
|                              | Joint                                                      | 701361-X                                                                                     |
|                              | Outside corner                                             | 701362-X                                                                                     |
|                              | Inside corner                                              | 701363-X                                                                                     |
|                              | Step corner                                                | 701364-X                                                                                     |

| Item description               | Approx. cut increments | Actual length       |
|--------------------------------|------------------------|---------------------|
| 1-ft (0.3-m) Tube <sup>1</sup> | 1 in (25 mm)           | 13.0 in (33.0 cm)   |
| 2-ft (0.6-m) Tube              | 3 in (75 mm)           | 25.0 in (63.5 cm)   |
| 4-ft (1.2-m) Tube              |                        | 49.0 in (124.5 cm)  |
| 6-ft (1.8-m) Tube              |                        | 73.5 in (186.7 cm)  |
| 8-ft (2.4-m) Tube              |                        | 97.5 in (247.7 cm)  |
| 10-ft (3.0-m) Tube             |                        | 121.5 in (308.6 cm) |

Ordering information <sup>3</sup>

| Color       | Part number | Color                     | Part number  |
|-------------|-------------|---------------------------|--------------|
| Red         | 701189-XH   | Green                     | 701189D-G-X  |
| Orange      | 701189-A-XD | Blue                      | 701189A-B-XD |
| Amber       | 701189-Y-XD | White                     | 701189E-W-X  |
| True Yellow | 701189-YT-X | Lemon Yellow <sup>4</sup> | 701189E-WY-X |

<sup>3</sup> "X" in part number denotes length (0.3-m [1-ft]; 0.6-m [2-ft]; 1.2-m [4-ft]; 1.8-m [6-ft]; 2.4-m [8-ft]; or 3.0-m [10-ft])  
<sup>4</sup> Lemon Yellow illuminates lighter than its daytime color. Lemon Yellow daytime color is Amber.

NOTE - Field Verify Fascia Area Prior to Fabrication of Signs.



Locations:

9200 Valley Rd.  
Prescott Valley,  
Arizona 86314

2507 W. Villa Rita Dr.  
Phoenix,  
Arizona 85023

800-257-5095 arizonasignsplus.com

Project:

Portillo's

Project Location:

13004 Middle Belt Road | Livonia, MI 48150

Account Executive:

Rick North

Project Manager:

Design  
Number: 231739

Design / Revision Date:

01-12/05/2023 AL  
02-12/13/2023 AL

03-12/14/2023 AL

04-12/22/2023 BL

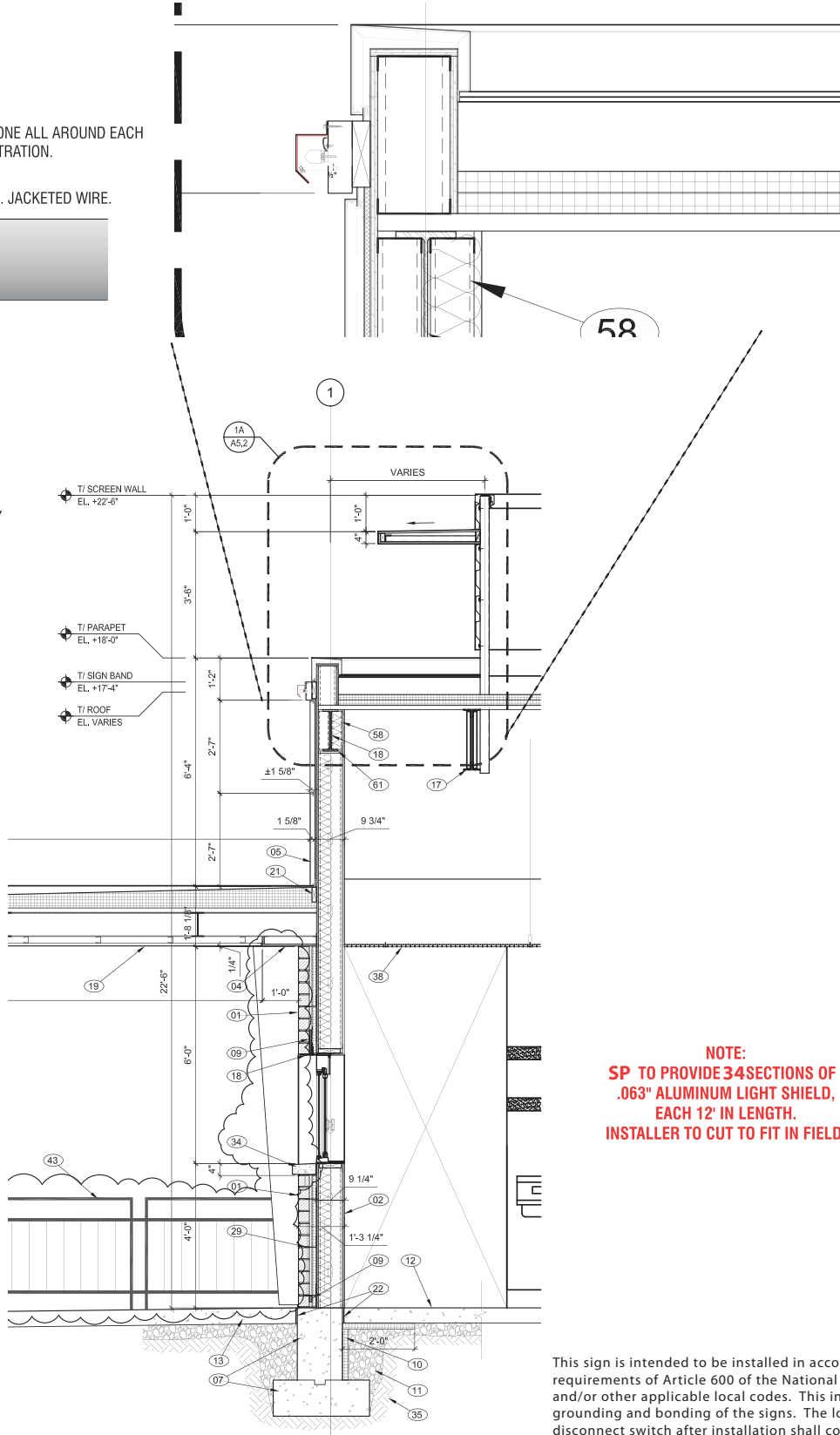
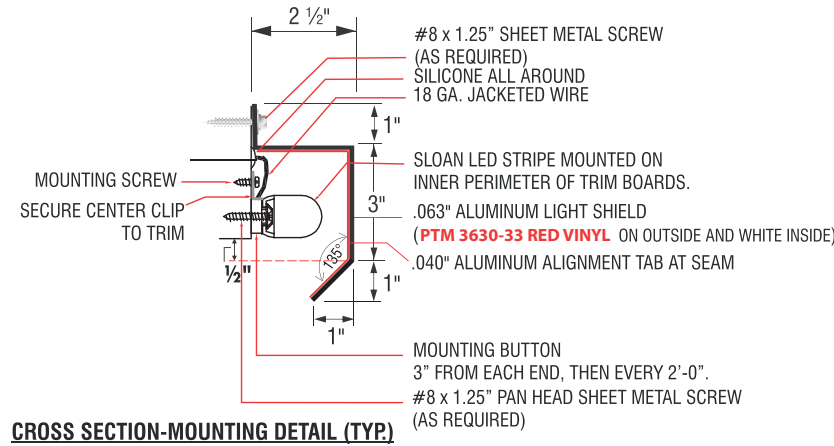
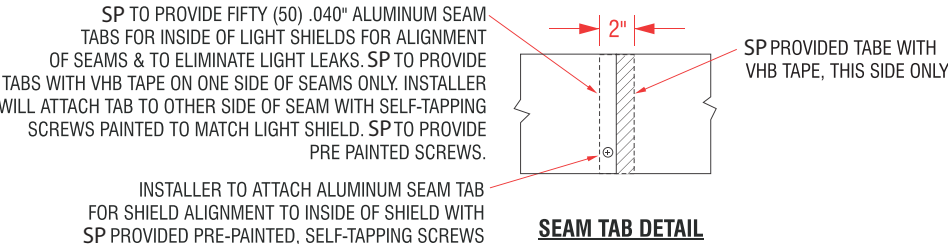
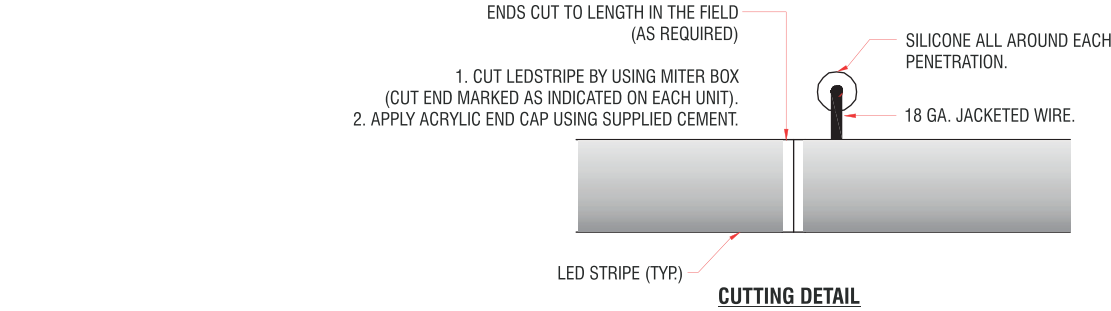
05-02/06/2024 AL

06-02/09/2024 AL

Sheet:

9 OF 11

NOTE - Whenever Signs Plus is penetrating the membrane for the attachment of signage it is the responsibility of others to reseal the penetrations. Signs Plus assumes no liability for water damage or any warranty issues with the roof.



NOTE:  
SP TO PROVIDE 34 SECTIONS OF  
.063" ALUMINUM LIGHT SHIELD,  
EACH 12' IN LENGTH.  
INSTALLER TO CUT TO FIT IN FIELD.

This sign is intended to be installed in accordance with the  
requirements of Article 600 of the National Electrical Code  
and/or other applicable local codes. This includes proper  
grounding and bonding of the signs. The location of the  
disconnect switch after installation shall comply with article  
600.6(A) (1) of the National Electrical Code.

2018 IBC, 2011 NEC, 2012 IBC



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Sign F - LED Stripe Light Shield

LEDStripe

Large-profile LED tubing

Specifications

|                       |                                                                            |                                                                                     |
|-----------------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Dimensions            | Width                                                                      | 1.00 in (25 mm)                                                                     |
|                       | Height                                                                     | 1.68 in (43 mm)                                                                     |
|                       | Lengths                                                                    | 1-ft (0.3-m); 2-ft (0.6-m); 4-ft (1.2-m); 6-ft (1.8-m); 8-ft (2.4-m); 10-ft (3.0-m) |
| Factory bends         | 12 in (305 mm) radius (radial and flat bend)                               |                                                                                     |
| In-field bends        | Radial bend                                                                | 14 ft (4.25 m)                                                                      |
|                       | Flat bend                                                                  | 19 ft (5.8 m)                                                                       |
| Operating temperature | -40° C to +70° C                                                           |                                                                                     |
| Protection class      | IP66                                                                       |                                                                                     |
| Binning               | MacAdam Step 3 <sup>2</sup>                                                |                                                                                     |
| Power per foot/meter  | 1.5 W/5.0 W (except 1-ft [0.3-m] piece at 3.0 W on average)                |                                                                                     |
| Power capacity        | 60 ft (18.3 m) per SloanLED 100 W 24 VDC power supply                      |                                                                                     |
| Colors                | Red, Orange, Amber, True Yellow, Green, Blue, White (6500 K), Lemon Yellow |                                                                                     |
| Mounting              | Round                                                                      | 701156                                                                              |
|                       | pre-mounting buttons                                                       |                                                                                     |
|                       | Slide and mount                                                            | 400775                                                                              |
| Accessories           | rectangle mounting buttons                                                 |                                                                                     |
|                       | Snap-on, colored joint and corner covers for clean finish:                 |                                                                                     |
|                       | Joint                                                                      | 701361-X                                                                            |
|                       | Outside corner                                                             | 701362-X                                                                            |
|                       | Inside corner                                                              | 701363-X                                                                            |
|                       | Step corner                                                                | 701364-X                                                                            |

| Item description               | Approx. cut increments | Actual length       |
|--------------------------------|------------------------|---------------------|
| 1-ft (0.3-m) Tube <sup>3</sup> | 1 in (25 mm)           | 13.0 in (33.0 cm)   |
| 2-ft (0.6-m) Tube              |                        | 25.0 in (63.5 cm)   |
| 4-ft (1.2-m) Tube              |                        | 49.0 in (124.5 cm)  |
| 6-ft (1.8-m) Tube              | 3 in (75 mm)           | 73.5 in (186.7 cm)  |
| 8-ft (2.4-m) Tube              |                        | 97.5 in (247.7 cm)  |
| 10-ft (3.0-m) Tube             |                        | 121.5 in (308.6 cm) |

Ordering information <sup>3</sup>

| Color       | Part number | Color                     | Part number  |
|-------------|-------------|---------------------------|--------------|
| Red         | 701189-XH   | Green                     | 701189D-G-X  |
| Orange      | 701189-A-XD | Blue                      | 701189A-B-XD |
| Amber       | 701189-Y-XD | White                     | 701189E-W-X  |
| True Yellow | 701189-YT-X | Lemon Yellow <sup>4</sup> | 701189E-WY-X |

<sup>3</sup> "X" in part number denotes length (0.3-m [1-ft]; 0.6-m [2-ft]; 1.2-m [4-ft]; 1.8-m [6-ft]; 2.4-m [8-ft]; or 3.0-m [10-ft])

<sup>4</sup> Lemon Yellow illuminates lighter than its daytime color. Lemon Yellow daytime color is Amber.

NOTE - Field Verify Fascia Area Prior to Fabrication of Signs.



Locations:

9200 Valley Rd.  
Prescott Valley,  
Arizona 86314

2507 W. Villa Rita Dr.  
Phoenix,  
Arizona 85023

800-257-5095 arizonasignsplus.com

Project:

Portillo's

Project Location:

13004 Middle Belt Road | Livonia, MI 48150

Account Executive:

Rick North

Project Manager:

Design Number:

231739

Design / Revision Date:

01-12/05/2023 AL

02-12/13/2023 AL

03-12/14/2023 AL

04-12/22/2023 BL

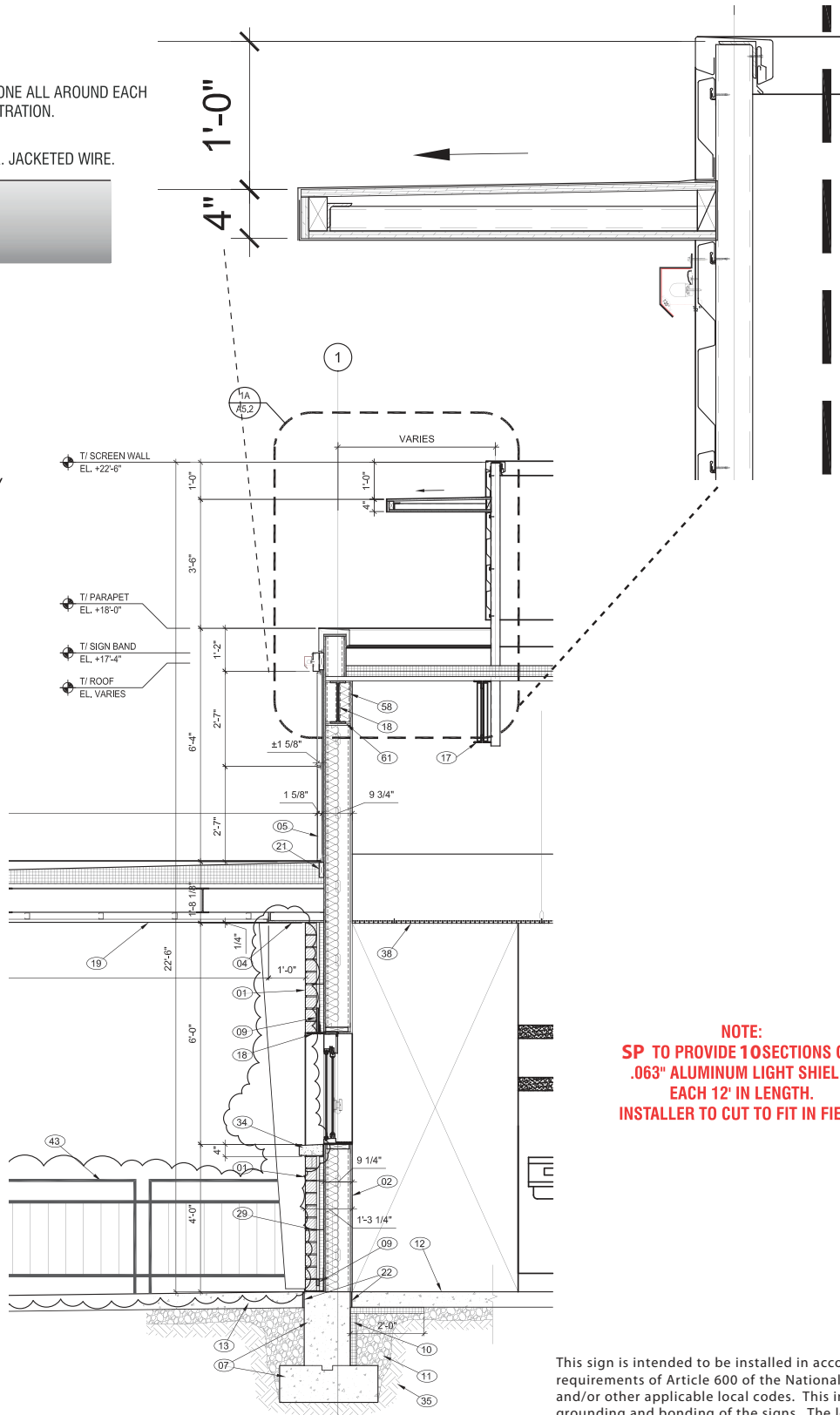
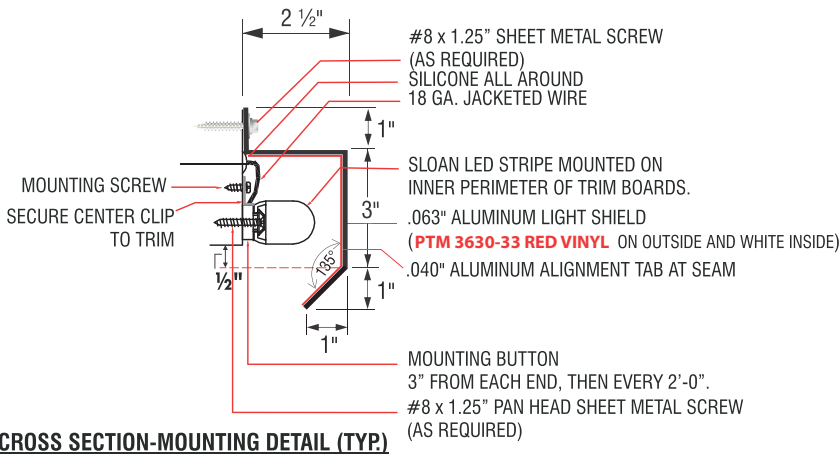
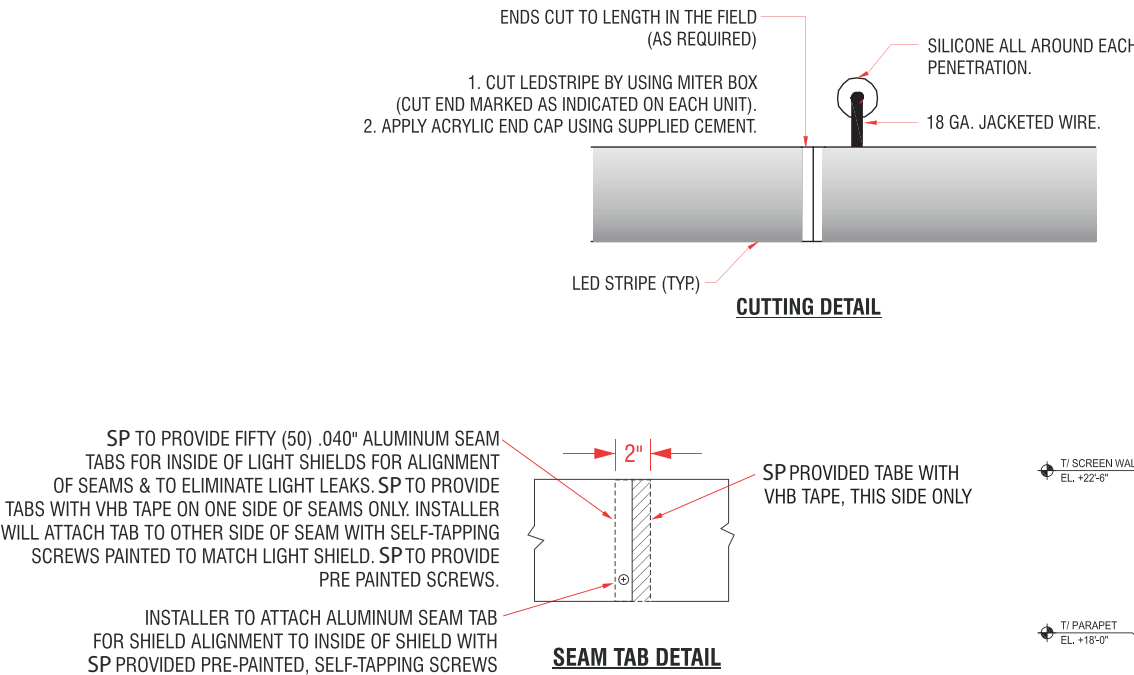
05-02/06/2024 AL

06-02/09/2024 AL

Sheet:

10 OF 11

NOTE - Whenever Signs Plus is penetrating the membrane for the attachment of signage it is the responsibility of others to reseal the penetrations. Signs Plus assumes no liability for water damage or any warranty issues with the roof.



NOTE:  
SP TO PROVIDE 10 SECTIONS OF .063" ALUMINUM LIGHT SHIELD, EACH 12' IN LENGTH. INSTALLER TO CUT TO FIT IN FIELD.

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the signs. The location of the disconnect switch after installation shall comply with article 600.6(A) (1) of the National Electrical Code.

2018 IBC, 2011 NEC, 2012 IBC



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Signs G - Illuminated Monument Sign

Materials

Manufacture and install one (1) double face internally illuminated Monument sign. Skinned with .050 aluminum painted to match building colors (TBD). The copy will be 1/2" clear acrylic overlaid with V1, V2, & V3 vinyl.

Paint Colors

P1 Black

Vinyl Colors

V1 3M Red (3630-33)

V2 3M Trans White

V3 3M Black (3630-22)

Customer Approval

Name

Co/Title

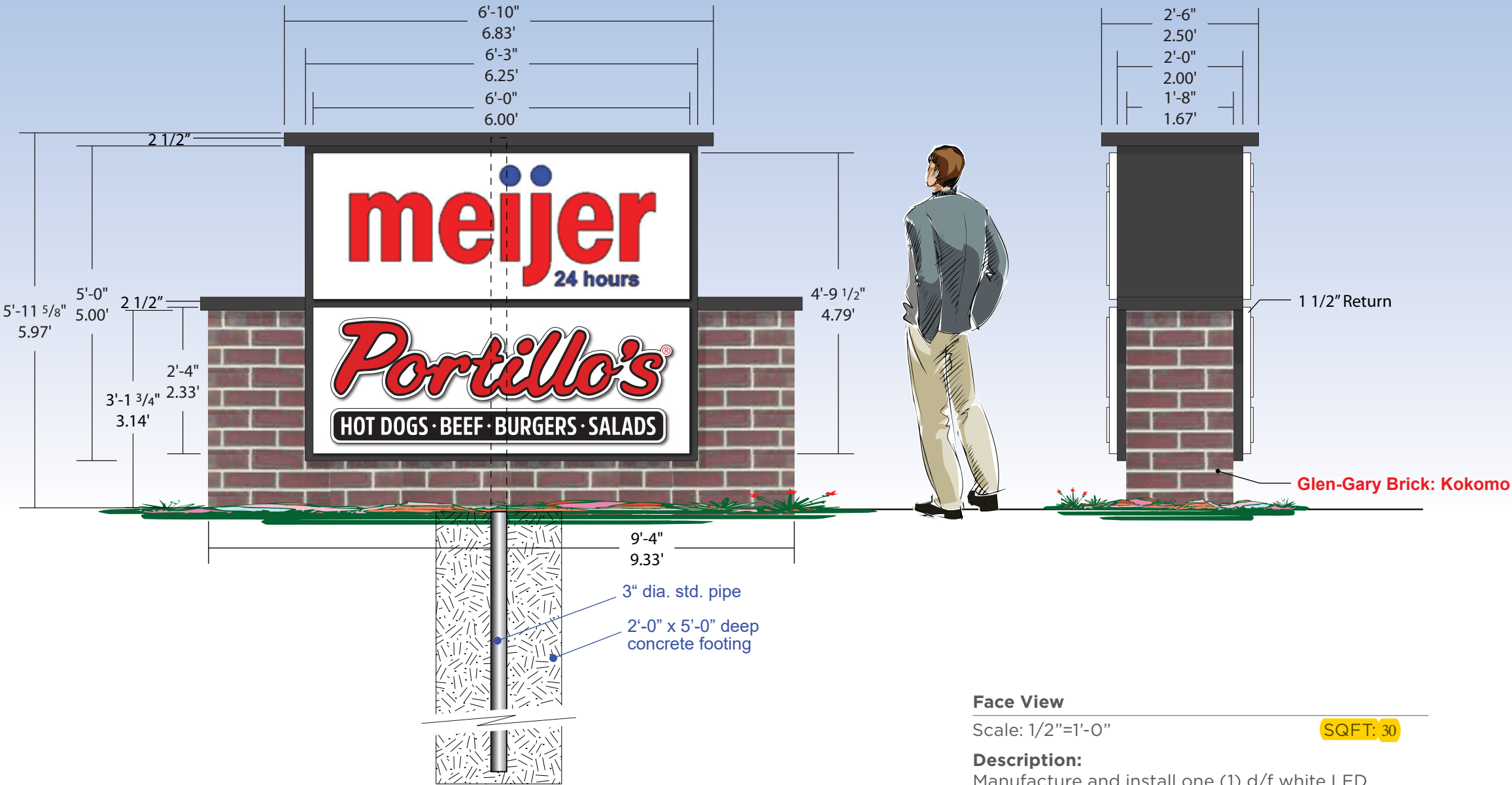
Date

Landlord Approval

Name

Co/Title

Date



Face View

Scale: 1/2"=1'-0"

SQFT: 30

Description:

Manufacture and install one (1) d/f white LED illuminated monument sign.

NOTE - Field Verify Fascia Area Prior to Fabrication of Signs.



Locations:

9200 Valley Rd.  
Prescott Valley,  
Arizona 86314

2507 W. Villa Rita Dr.  
Phoenix,  
Arizona 85023

800-257-5095 arizonasignsplus.com

Project:

Portillo's

Project Location:

13004 Middle Belt Road | Livonia, MI 48150

Account Executive:

Rick North

Project Manager:

Design

Number: 231739

Design / Revision Date:

01-12/05/2023 AL

02-12/13/2023 AL

03-12/14/2023 AL

04-12/22/2023 BL

05-02/06/2024 AL

06-02/09/2024 AL

Sheet:

11 OF 11

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## ZONING BOARD OF APPEALS

### ZONING BOARD MEMBERS

GREGORY G. COPPOLA, CHAIRMAN  
JAMES. M. BARINGHAUS, VICE CHAIRMAN  
TIMOTHY J. KLISZ, SECRETARY  
CHRISTOPHER N. BOLOVEN  
MARC ROTONDO  
LYNDA L. SCHEEL  
MIKE TESTA



33000 CIVIC CENTER DRIVE  
LIVONIA, MICHIGAN 48154-3097  
(734) 466-2250

### COUNCIL MEMBERS

BRANDON MCCULLOUGH, PRESIDENT  
MARTHA PTASHNIK, VICE PRESIDENT  
CARRIE BUDZINSKI  
ROB DONOVIC  
JIM JOLLY  
SCOTT MORGAN  
LAURA M. TOY

### **PUBLIC NOTICE FEBRUARY 23, 2024**

**APPEAL CASE NO. 2024-02-11, Allied Signs, 13004 Middlebelt:** Seeking to erect four (4) wall signs resulting in excess number of wall signs.

#### **Maximum Number Of Wall Signs\*:**

Allowed: 2  
Proposed: 4  
Excess: 2

\*The blade sign is included in the proposed total number of wall signs.

This General Business District property is located on the east side of Middlebelt Road (13004), between Schoolcraft Road and CSX Railroad, Lot. No. 097-99-0021-023, C-2 District, General Business, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 11.08 (3).

**THE LAW REQUIRES THAT OWNERS OF PROPERTY LOCATED WITHIN 300 FEET OF THIS PROPERTY BE NOTIFIED OF THIS REQUEST IN WRITING. THIS IS YOUR NOTIFICATION. YOU ARE NOT REQUIRED TO RESPOND TO THIS LETTER.**

This appeal will be heard at a public hearing to be held in the **Auditorium on the 1<sup>st</sup> floor of City Hall on Tuesday, March 12, 2024, at 7:00 p.m.**, at which time comments may be directed to the Board during audience participation. When replying by mail, write your comments on the back of this notice and address it to the City of Livonia, Zoning Board of Appeals, 33000 Civic Center Drive, Livonia, MI 48154. All written comments are read at the meeting and become part of the record.

**ZONING BOARD OF APPEALS,**

Timothy Klisz, Secretary

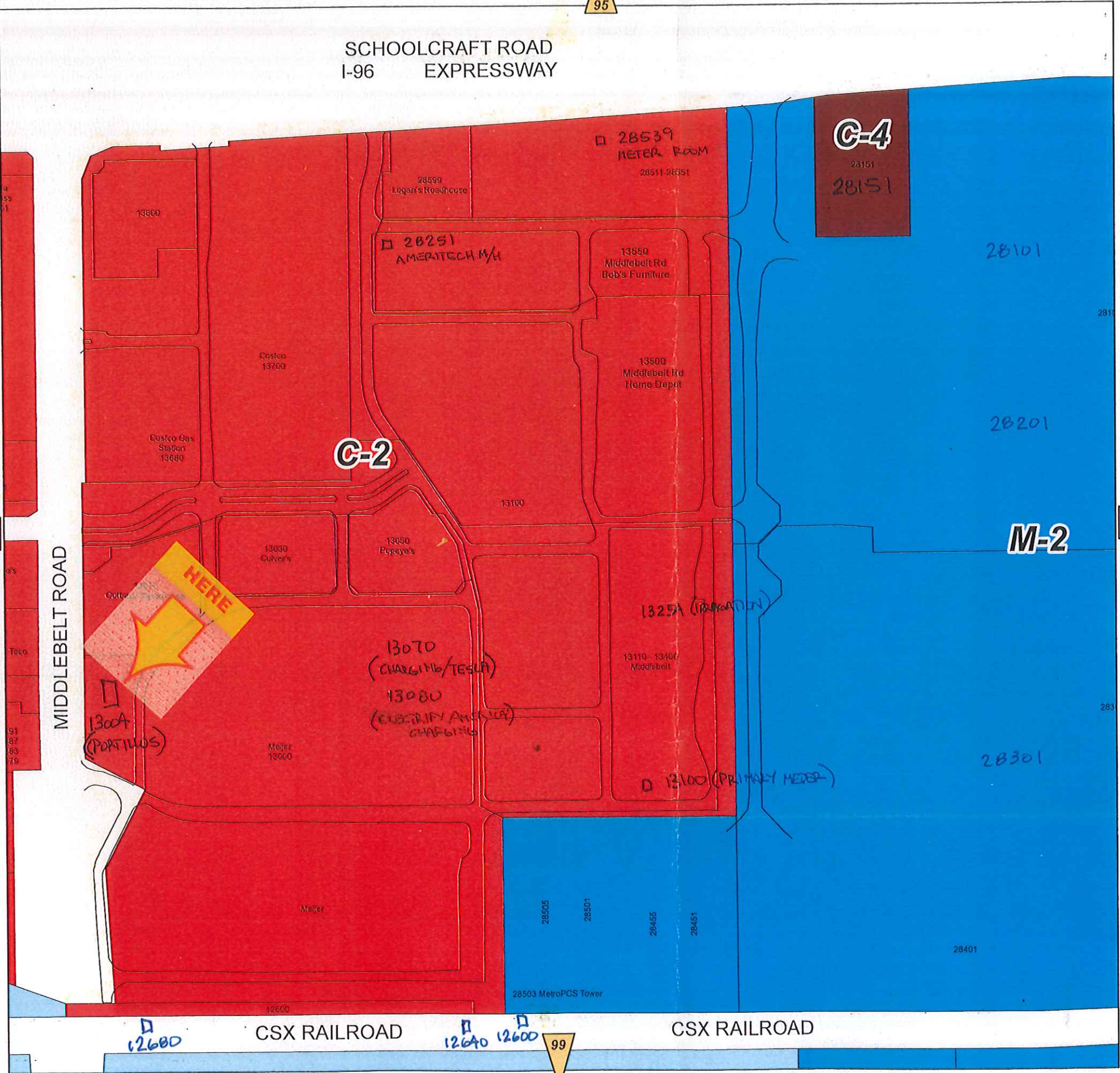
Petitioner will incur a \$100 rescheduling fee for every failure to appear.  
In accordance with Title II of the Americans with Disabilities Act as it pertains to access to Public Meetings, the Zoning Board of Appeal's Office of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs.  
Please call 734-466-2250 if you need assistance.

2024-02-11  
March 12, 2024

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Address:





ZBA CASE  
PORTILLO'S  
REF: SIGNAGE

ZONING MAP

LEGEND

Zoning Districts

- RUF Rural Urban Farm
- N1 Neighborhood
- N2 Neighborhood
- NM1 Neighborhood Multifamily
- NM2 Neighborhood Multifamily
- NM3 Neighborhood Multifamily
- P Parking
- C-1 Local Business
- C-2 General Business
- C-3 Highway Services
- C-4 High Rise Commercial
- M-L Manufacturing Limited
- M-1 Light Manufacturing
- M-2 General Manufacturing
- P-L Public Lands
- NP Nature Preserves

N.W. 1/4 Section 25  
**City of Livonia**  
T. 1 south, R. 9 east  
Wayne County, Michigan  
Copyright 2001, City of Livonia





## APPLICATION FOR VARIANCE

S&Z Restaurants, LLC 4564 Oakhurst Ridge Rd. Clarkston MI 48348 248-891-6080

(Owner of Premises) (Street Address) (City) (Zip Code) (Telephone) (Fax)

(Lessee) (Street Address) (City) (Zip Code) (Telephone) (Fax)

Rosetta Building Company 4564 Oakhurst Ridge Rd. Clarkston MI 48348 248-891-6080

(Contractor) (Street Address) (City) (Zip Code) (Telephone) (Fax)

The property address is Culvers of Livonia 13030 Middlebelt Rd. Livonia, MI 48150

Please note that if you need more space to answer any of the following questions, you may use a separate page or the back of this page. Simply identify your response(s) with the number of the question you are responding to.

1. Are there any deed restrictions or subdivision rules or restrictions on the property? If so, what are they? See Letter Attached

2. Give legal description of property involved, or attach a deed or other document which contains the legal description of the property:

A variance can only be granted if a hardship or practical difficulty with the property makes the variance necessary. Under the City's Zoning Ordinance, a practical difficulty exists only if (a) the difficulty is exceptional and peculiar to the property, and does not exist generally throughout the City, (b) the difficulty involves more than mere inconvenience, inability to earn a higher financial return, or both, and (c) the variance would be fair to the neighbors and others who might be affected, as well as those who do not have this variance.

3. Please explain how the practical difficulty you claim is unique to your property, and does not exist elsewhere in the City:

4. Please describe what the difficulty involves beyond mere inconvenience or inability to earn a higher financial return:

5. Explain why you think this variance would be fair to the neighbors and others who might be affected.

6. Have you sought an amendment to the zoning ordinance which would permit your proposed project under your current zoning? If yes, please describe the outcome of this process:

7. If you have not attempted to have the zoning ordinance amended, why hasn't this attempt been made?

**RECEIVED**  
JAN 31 2024  
Inspection Department  
City of Livonia



8. Have you attempted to have the property rezoned? If yes, please describe the outcome of the rezoning process: \_\_\_\_\_
9. If you have not attempted to have the property rezoned, why hasn't this attempt been made? \_\_\_\_\_

Please see the separate instruction sheet for plans, fees, and other information which should be submitted with the application. **Note** that if an agent or attorney signs the application on behalf of the owner, said agent or attorney must provide written proof of his or her authority to act on the owner's behalf. ALL INTERESTED PARTIES ARE REQUIRED TO ATTEND THE ZONING BOARD OF APPEALS MEETING. NON-ATTENDANCE BY ANY INTERESTED PARTY MAY RESULT IN YOUR CASE BEING TABLED AND THE APPROPRIATE FEE BEING ASSESSED.

#### OWNER'S AFFIDAVIT

COUNTY OF WAYNE )  
STATE OF MICHIGAN )

The undersigned being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanying information and data are in all respects true and correct to the best of (his/her) knowledge and belief, and that the undersigned personally undertakes to see that the property will be used and developed in compliance with all applicable ordinances and any conditions imposed in connection with any variance which may be granted in response to this application.

Signature of property owner: \_\_\_\_\_

Please print name of property owner: Andrew Zielke

**NOTE: Please provide Letter of Authorization on official letterhead if not signed by owner of the property, as well as the deed and property transfer affidavit.**

Subscribed and sworn to before me this 31<sup>st</sup> day of JANUARY 2024  
Nora Brock  
(Notary Public, Wayne County, Michigan) ACTING IN WAYNE COUNTY  
My Commission Expires LIVINGSTON 9/1/28

Nora Brock  
NORA BROCK  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF LIVINGSTON  
MY COMMISSION EXPIRES Sep 1, 2028  
ACTING IN COUNTY OF WAYNE

Any decision of the Board favorable to the applicant will remain valid only as long as the information or data relating thereto are found to be correct and the conditions upon which the resolution was based are maintained.

#### NOT TO BE COMPLETED BY APPLICANT

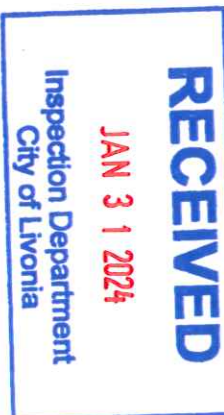
Petitioner makes application for a Hearing, seeking to (reverse, modify or affirm) the order decision) of the Department of Inspection, dated 01/31/2024, which reads as follows:  
ZONING ORDINANCE, SECTION 11.00(3)

I certify that (a) the petitioner is not in violation of any ordinance other than the provision(s) sought to be waived in the foregoing application, (b) all applicable fees have been paid, and (c) I have examined the foregoing application, and find that said application is complete, and that the City Zoning Ordinance, Ordinance No. 543, as amended, prohibits the proposed project unless a variance is granted by the Zoning Board of Appeals.

Rp  
(Supervisor)

Application for permit filed NO

Violation Issued NO



# Application for Menu Board Signage Variance

Culvers of Livonia  
13030 Middlebelt Rd.

1. There are signage restrictions, but we meet the requirements. See part of Reciprocal Construction, Operation, and Easement Agreement that is attached.
2. Land situated in the City of Livonia, County of Wayne, and State of Michigan, described as: A part of the North 1/2 of Section 25, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as: Commencing at the Northwest corner of said Section 25; thence South 00 degrees 27 minutes 00 seconds West, 1336.44 feet along the West line of said Section 25 and following Middlebelt Road; thence South 89 degrees 34 minutes 33 seconds East, 60.00 feet to a point on the Easterly line of Middlebelt Road (variable width) to the south line of a private road for ingress and egress; thence the following two courses along the South line of said private road, 1) South 89 degrees 34 minutes 33 seconds East, 127.81 feet and 2) North 73 degrees 41 minutes 04 seconds East, 261.60 feet to the point of beginning; thence continuing along said private road, South 89 degrees 34 minutes 33 seconds East, 301.00 feet; thence South 00 degrees 46 minutes 00 seconds East, 191.35 feet; thence South 45 degrees 48 minutes 10 seconds West, 24.44 feet; thence North 89 degrees 34 minutes 33 seconds West, 299.31 feet; thence North 00 degrees 25 minutes 27 seconds East, 187.43 feet; thence North 29 degrees 33 minutes 27 seconds East, 24.09 feet to the point of beginning.

The property is located at 13030 Middlebelt Rd which is an interior space/outlot of Meijer. The property is unique because it is an inside space/outlot located within the Meijer parcel of a larger shopping center development.

3. The applicant is requesting a variance for an additional second drive-thru menu board. The menu board is approximately 73" above finish grade and 106" in length with an approximate sign area 46.3 sq feet. We are removing the existing pre-sell board in the current drive thru lane of approximately 24.6 sq feet. to represent the minimum variance to provide the least modification possible. We are seeking an additional sq footage of drive thru menu board of 21.7 sq. feet,(46.3 secondary menu board less 24.6 original presale board). The menu board shown is the current design standard for all Culver's restaurants.

The pandemic has caused a change of circumstances and shift in the business from eating inside to more drive- thru service. As a result, we need to add an additional drive-thru lane to service customer traffic. By not having a menu board in the second drive lane, it would cause traffic congestion and delayed ordering decisions in the drive-thru lane. Additionally, about five years ago, the government also required calorie counts to be labeled on food items. This is required by law to be shown and has increase the amount of information that needs to be displayed on the menu boards.

4. Without the addition of a second menu board, it will create an unnecessary difficulty on the ordering process. Decisive and expedient decisions would be much harder to make when a customer doesn't understand the offerings of items or is unable to visually see the graphics displayed clearly and legibly. When a car arrives at the menu board, their order is placed to be made fresh - not cooked ahead of time. This

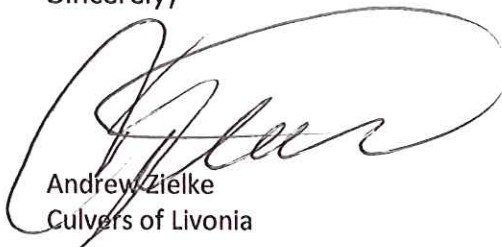


is a very unique fact about Culver's as most fast casual food restaurants have food premade. Therefore, it takes time to prepare the quality of food for the customer and they need to be able to make decisions quickly so that they receive their food in a reasonable amount of time. By having a second menu board, they will be able to see the displayed menu items, pricing, and descriptions and be able to place their order in a timely manner to prevent longer drive-thru times and have uninterrupted flow of traffic. This will help us to have the ability to operate a drive-thru without traffic congestion and backing up onto Industrial Blvd. This has been amplified due to the consumer changes by the pandemic and by only having one drive-thru line it will make it very difficult to serve customers as the shift has been away from the dining room. By not having an additional drive-thru lane it has created long and congested traffic situations within the interior of the parking lot as well.

5. The variance will do substantial justice to the applicant, as well as fair to other property owners, consistent with the general purpose and intent of the of the zoning ordinance, such as the new Portillos to the west that also has double drive- thru. By having a clear and large menu board it helps the consumer make food ordering decisions, expediting the process and flow of the drive-thru lane. The variance will not affect the overall characteristics of the neighborhood, public health or safety of the area
6. We have not sought to change the zoning ordinance but rather modify our existing zoning variance.
7. We have an existing signage variance and would like to modify the drive thru menu board portion the original signage variance.
8. No, we have not attempted to have the property rezoned.
9. We would like to remain consistent with the current zoning of the surrounding area of parcels and the governing use restrictions of Millennial Park.

We have approvals from both Planning and City Council.

Sincerely,



Andrew Zielke  
Culvers of Livonia

is a very unique fact about Culver's as most fast casual food restaurants have food premade. Therefore, it takes time to prepare the quality of food for the customer and they need to be able to make decisions quickly so that they receive their food in a reasonable amount of time. By having a second menu board, they will be able to see the displayed menu items, pricing, and descriptions and be able to place their order in a timely manner to prevent longer drive-thru times and have uninterrupted flow of traffic. This will help us to have the ability to operate a drive-thru without traffic congestion and backing up onto Industrial Blvd. This has been amplified due to the consumer changes by the pandemic and by only having one drive-thru line it will make it very difficult to serve customers as the shift has been away from the dining room. By not having an additional drive-thru lane it has created long and congested traffic situations within the interior of the parking lot as well.

5. The variance will do substantial justice to the applicant, as well as fair to other property owners, consistent with the general purpose and intent of the of the zoning ordinance. By having a clear and large menu board it helps the consumer make food ordering decisions, expediting the process and flow of the drive-thru lane. The variance will not affect the overall characteristics of the neighborhood, public health or safety of the area
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9. We would like to remain consistent with the current zoning of the surrounding area of parcels and the governing use restrictions of Millennial Park.

We have approvals from both Planning and City Council.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Zielke', written over a large, loopy flourish.

Andrew Zielke  
Culvers of Livonia





# LARA Corporations Online Filing System

Department of Licensing and Regulatory Affairs

**ID Number:** 801717432[Request certificate](#)[Return to Results](#)[New search](#)**Summary for:** S & Z RESTAURANTS, LLC**The name of the DOMESTIC LIMITED LIABILITY COMPANY:** S & Z RESTAURANTS, LLC**Entity type:** DOMESTIC LIMITED LIABILITY COMPANY**Identification Number:** 801717432   **Old ID Number:** E2440Y**Date of Organization in Michigan:** 06/17/2013**Purpose:** All Purpose Clause**Term:** Perpetual**The name and address of the Resident Agent:**

Resident Agent Name: VICKI ZIELKE

Street Address: 13030 MIDDLEBELT RD

Apt/Suite/Other:

City: LIVONIA

State: MI

Zip Code: 48150

**Registered Office Mailing address:**

P.O. Box or Street Address: 4564 OAKHURST RIDGE RD.

Apt/Suite/Other:

City: CLARKSTON

State: MI

Zip Code: 48348

**Act Formed Under:** 023-1993 Michigan Limited Liability Company Act**Managed By:**

Members

[View Assumed Names for this Business Entity](#)**View filings for this business entity:**

ALL FILINGS  
ANNUAL REPORT/ANNUAL STATEMENTS  
CERTIFICATE OF CORRECTION  
CERTIFICATE OF CHANGE OF REGISTERED OFFICE AND/OR RESIDENT AGENT  
RESIGNATION OF RESIDENT AGENT  
CERTIFICATE OF ASSUMED NAME

[View filings](#)

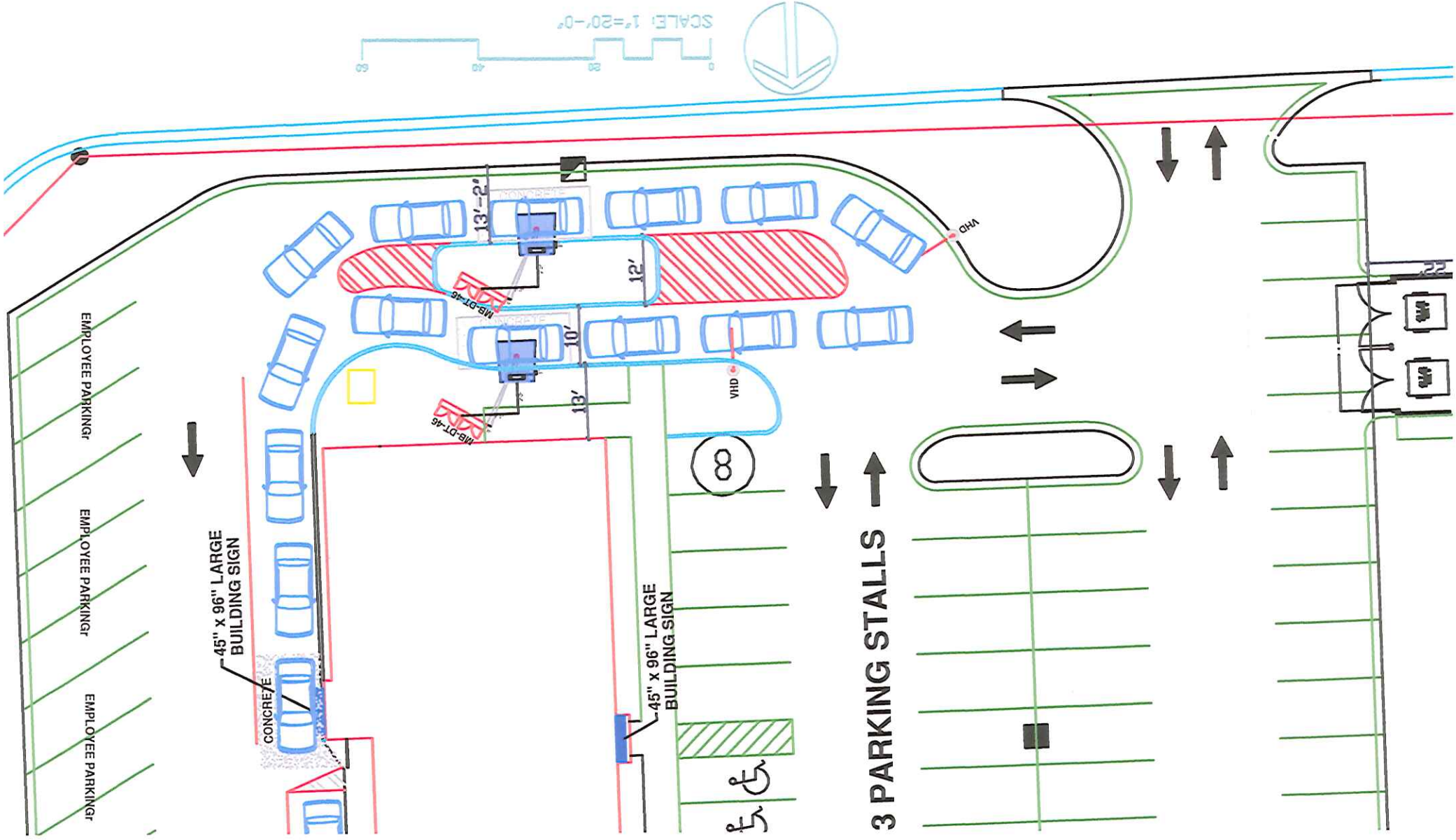


**PROPOSED SITE PLAN**  
**LIVONIA, MI. PLAN EXISTING**  
**LOT AREA APPROX. TBD SQ. FT.**  
**LOCATED AT: 42.380019, -83.331122**

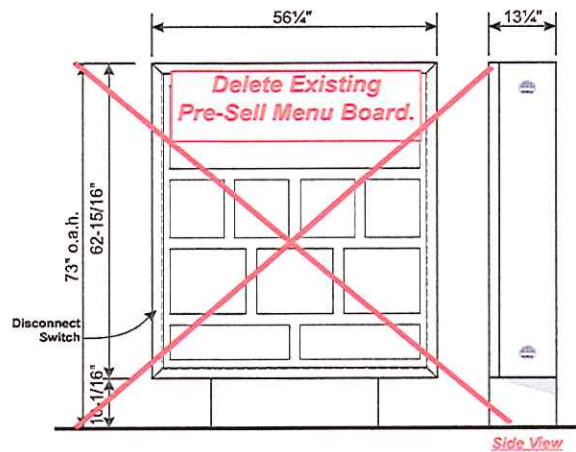


**Culver's**  
Franchising  
Since 1985

**Culver Franchising  
System, LLC**  
1240 Water Street  
Prairie du Sac, WI 53578  
608-643-7980







#### MB-PS-25 Pre-Sell Menu Board -

Scale 1/2" = 1'-0"  
Qty Required: (1) Sign

##### Specifications:

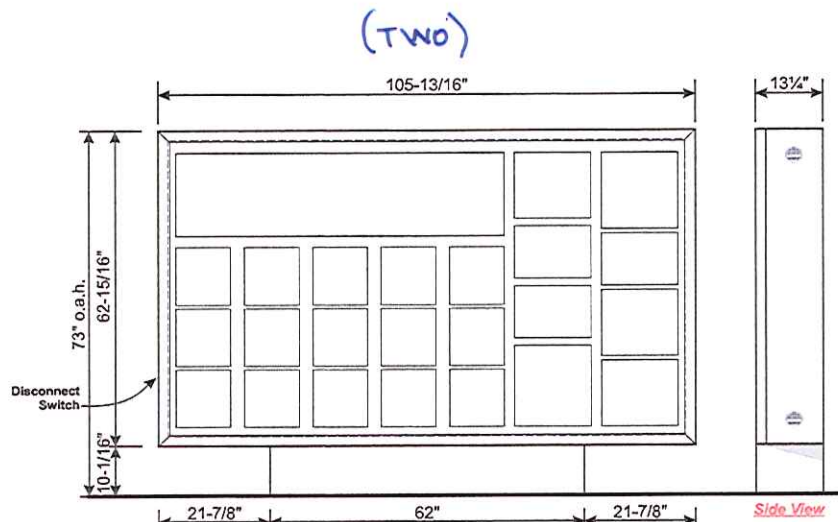
- Sign Cabinet: Extruded Aluminum
- Face Panels: .150 White Flat SG Polycarbonate
- Access: Open front door to service sign cabinet
- Wind Load: Maximum wind load 35 psf
- Weight (Est.): 541 lbs. (crated) - 480 lbs. (uncrated)

##### Color Specifications:

- Sign Exterior: Matthews N202 White or Equivalent

##### Electrical Specifications:

- Lamps: (8) F60T12
- Ballasts: (2) Electronic Ballast (3.0 amps each)
- Line Load: 6.0 Amps @ 120 VAC  
(1) 15 Amp Circuit, 60 Hz UL 48 and NEC Compliant



#### MB-DT-46 Drive Thru Menu Board -

Scale 1/2" = 1'-0"  
Qty Required: (1) Sign

##### Specifications:

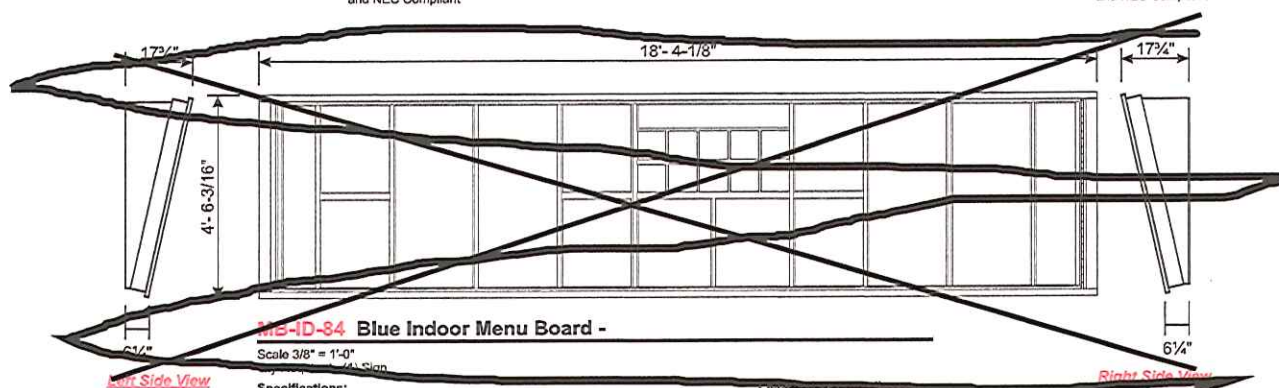
- Sign Cabinet: Extruded Aluminum
- Face Panels: .150 White Flat SG Polycarbonate
- Access: Open front door to service sign cabinet
- Wind Load: Maximum wind load 35 psf
- Weight (Est.): 541 lbs. (crated) - 480 lbs. (uncrated)

##### Color Specifications:

- Sign Exterior: Matthews N202 White or Equivalent

##### Electrical Specifications:

- Lamps: (8) F60T12
- Ballasts: (2) Electronic Ballast (3.0 amps each)
- Line Load: 6.0 Amps @ 120 VAC  
(1) 15 Amp Circuit, 60 Hz UL 48 and NEC Compliant



#### MB-ID-84 Blue Indoor Menu Board -

Scale 3/8" = 1'-0"

Qty Required: (1) Sign

##### Specifications:

- Sign Cabinet: 1 1/2" wide x 1/2" thick red oak (1-coat clear satin polyurethane sealer) used for perimeter menu board trim.
- Overall nominal dimensions: 218-5/8" w x 52-1/2" h x 13-3/8" d
- Square Footage: 81.22 sq. ft.
- Sign Cabinet Finish: 3-coat Maple Finish - Wilsonart Fonthill Pear 10745
- Dimensions:
- UL Compliant
- Formed aluminum cabinet (welded construction)
- Outside of cabinet (visible areas) powder coated to match PMS 295c, "Bristol Blue"

##### Electrical Specifications:

- Lamps: (18) F032/741-48" T-5 (2,800 lumens each)
- Ballasts: (6) F60T12
- Line Load: 120 volts/60 Hz / 5.75 total amps
- Lumens: Total lumens = 50,400 lumens per square foot = 620
- POP Frames:
- Formed aluminum frames
- .060" Clear non-glare acrylic front and (1) .060" Clear gloss acrylic backer plastic per frame element.



**Culver's of Livonia**  
Industrial Dr. and Middlebelt Rd.  
Livonia, MI 48150

Sign Type: Metro XL

Job Number #: 7005085

Drawing Name:

7005085\_Culvers\_Livonia MI.cdr

Metro XL 1.8

DATE/REVISIONS 08/21/13 PMF

08/26/13 PMF 08/28/13 PMF

#### MENU BOARD SIGNAGE

**SOUTH WATER**  
SIGNS

934 N. Church Rd., Elmhurst, IL 60120



© COPYRIGHT 2011, BY SOUTH WATER SIGNS, LLC.  
ALL DESIGNS AT THE SOLE PROPERTY OF SOUTH WATER, LLC.  
AND MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT  
WRITTEN PERMISSION FROM SOUTH WATER SIGNS, LLC.

#### 3.04 Berm

Meijer shall, at its expense, construct a berm along the western border of the Meijer Site as required by and in compliance with the site plans approved by the City of Livonia. Grass and other landscaping shall be installed as a part thereof together with a sprinkler system to service such berm. Such construction shall be carried out at such time as Meijer commences construction of the building to be located on Retail A; provided, however, that if the City of Livonia requires such berm to be constructed at such time as Developer commences its construction activities, even though Meijer has not yet begun construction, Meijer undertakes and agrees to commence and thereafter to diligently pursue such construction to completion immediately following notice by Developer that the City of Livonia requires such construction to be carried out.

#### 3.05 Signs

(a) Construction of monument sign structures as described in Section 2.05 hereof shall comply with the plans and specifications prepared by T. Rogvooy Associates, Inc., File 97101, dated March 3, 1999, as further described on attached Exhibit J. Any replacement identification signs which shall be installed on the monument sign structure shall comply with the provisions of Section 3.05 (b) below to the extent applicable.

(b) The initial exterior identification signs installed on the Meijer store building and Home Depot store building shall be consistent with the prototypical exterior identification signs of Meijer and Home Depot, respectively. Any replacement sign installed on such buildings shall be consistent with the prototypical exterior identification sign then in use by the lessee or owner, as the case may be, of the Site on which such buildings are located, and otherwise shall be architecturally and aesthetically compatible with the rest of the improvements on the Shopping Center Site.

(c) Except as set forth in subsection (b) hereof, each Party installing identification signs on buildings within the Shopping Center Site shall comply with the signage requirements set forth in attached Exhibit J.

#### 3.06 Parking Lot Improvements

(a) All Parking Lot Improvements constructed or installed by a Party on a Site must be constructed or installed on, and only on, those portions of the Site designated for such improvements on the Site Plan. Except as otherwise set forth in Section 3.11 or Article XVII hereof, no Party shall reconfigure the parking spaces on its Site so as to reduce the number of parking spaces within its Site from that depicted on the Site Plan.

(b) A Party constructing a building on a Site shall be required, contemporaneously with such construction, to install on the Site the number of parking spaces as would be required to comply with the City of Livonia's required parking ratio per 1,000 square feet for the Shopping Center Site (the "Required Parking Ratio") as applicable to the aggregate square footages of the building being constructed, except that (i) Meijer shall construct, on the Meijer Site, 68 parking spaces over and above the number required to satisfy such Required Parking Ratio with respect to the buildings to be located on the Meijer Site if and when Developer needs same and (ii) Developer shall be entitled to construct 68 parking spaces less than the number required to satisfy such Required Parking Ratio with respect to the buildings to be located on the Developer Site.

(c) All Parking Lot Improvements shall be paved or black-topped and striped, except for landscaped areas.

(d) Nothing contained herein shall be deemed to prohibit a Party from installing or allowing to be installed in the parking areas on its Site (i) deposit and pick up boxes for the United States Postal Service, Federal Express and Airborne Express and similar postage and delivery services and (ii) automatic teller machines (ATM) and similar devices, provided that nothing contained herein shall have the effect of reducing or modifying any Party's obligation to install parking spaces as set forth in Section 3.06 (b) hereof.



**SIGNAGE REQUIREMENTS****A General:**

1. All signs located on the exterior of any store shall be in good taste so as not to detract from the general appearance of the store and the Shopping Center. The Parties further agree to maintain in good condition and repair at all times any such sign or advertising matter.
2. The furnishing and installation of a sign and the costs incurred shall be the responsibility of the Party installing the sign. Sign construction is to be completed in compliance with the instructions, limitations and criteria contained herein.
3. Each Party will be required to identify its premises by an individual letter or sign panel internally illuminated sign.
4. All signs and location of same must be approved by the applicable governmental authorities.

**B Sign Criteria:**

1. The wording of the signs shall be limited to the store name, departments thereof, and logo only.
2. The use of corporate shields, crests, logos, or insignia will be permitted.
3. The extreme outer limits of signs shall not exceed 66% of the store width.
4. The maximum area of the signs shall not exceed that allowed by the City of Livonia, unless a variance is received from the Board of Zoning Appeals.
5. The following design standards will be adhered to:
  - a. All letters shall have concealed attachment devices, clips, wiring and transformer. No exposed tubing or lamps shall be permitted.
  - b. No exposed conduit or junction boxes on face of canopy fascia will be permitted.
  - c. Prohibited Types of Signs or Sign Components:
    - 1) Moving or rotating signs.
    - 2) Signs employing moving or flashing lights.
    - 3) Signs exhibiting the names, stamps or decals of the sign manufacturer or installer.
    - 4) Cloth, wood, paper or cardboard signs, stickers, decals or painted signs around or on exterior surfaces (other than Garden Center) of the premises.
    - 5) Signs employing noise making devices and components.
    - 6) Signs, letters, symbols or identification of any nature, painted directly on surfaces exterior to the premises.
    - 7) Free standing signs (except parking lot directional signage).
    - 8) Signs employing unedged or uncapped plastic letters or letters with no returns and exposed fastenings.
    - 9) Box signs. Except for Meijer store signs (2) "Welcome," (1) "Garden Center," (1) Pharmacy" and (2) "Pharmacy Drive-Thru" posted on the exterior.

**C Home Depot Sign Package is approved as attached.**

REM:97101.EX1/ MD

**Regular Meeting Minutes of January 17, 2024**

On a motion by Councilmember Jolly, supported by Councilmember Vice President Ptashnik, it was:

**#008-24** RESOLVED, that having considered a communication from the City Planning Commission, dated December 20, 2023, which transmits its resolution #12-69-2023, adopted on December 19, 2023, with regard to Petition 2023-11-08-08 submitted by S & Z Restaurants, L.L.C. requesting approval of all plans required by Sections 3.11 and 13.13 of the Livonia Zoning Ordinance, as amended, in connection with a proposal to add a second drive-thru lane at the Culver's restaurant at 13030 Middle Belt Road, located on the east side of Middle Belt Road between the CSX Railroad right-of-way and Schoolcraft Road in the Northwest ¼ of Section 25, the Council does hereby concur in the recommendation of the Planning Commission and Petition 2023-11-08-08 is hereby approved and granted, subject to the following conditions:

1. That the Site Plan identified as Option:3, dated November 3, 2023, prepared by Culver Franchising Systems, L.L.C., is hereby approved and shall be adhered to;
2. That the required bypass lane may be omitted only if this requirement is waived by the City Council by means of a separate resolution by which two-thirds of the members of the City Council concur;
3. That the three walls of the trash dumpster area shall be constructed out of building materials that shall complement that of the building and the enclosure gates shall be of solid panel steel construction or durable, long-lasting solid panel fiberglass; and
4. Pursuant to Section 13.13 of the Livonia Zoning Ordinance, as amended, this approval is valid for a period of one year only from the date of approval by the City Council, and unless a permit is obtained, this approval shall be null and void at the expiration of said period.

|                                                                   |
|-------------------------------------------------------------------|
| <p><b>CONSENT ITEM 2 (Regular Meeting of January 17,2024)</b></p> |
|-------------------------------------------------------------------|

|                |                                                             |
|----------------|-------------------------------------------------------------|
| <b>Motion:</b> | <b>Jolly</b>                                                |
| <b>Second:</b> | <b>Ptashnik</b>                                             |
| <b>Ayes:</b>   | <b>Ptashnik, Donovic, Budzinski, Toy, Jolly, McCullough</b> |
| <b>Nays:</b>   | <b>None</b>                                                 |
| <b>Absent:</b> | <b>Morgan</b>                                               |





## LETTER TO THE LIVONIA CITY COUNCIL

3.

Planning  
December 20, 2023

### MEETING DATE

S010324/R011724

### PREPARED BY

Stephanie Reece, Program Supervisor,

### AGENDA ITEM

SITE PLAN PETITION: Planning Commission, re: Petition 2023-11-08-08 submitted by S & Z Restaurants, L.L.C. requesting approval of all plans in connection with a proposal to add a second drive-thru lane at the Culver's restaurant at 13030 Middlebelt Road, located on the east side of Middlebelt Road between the CSX Railroad right-of-way and Schoolcraft Road in the Northwest ¼ of Section 25.

### BACKGROUND DETAILS

December 20, 2023

Honorable Members of the City Council  
City of Livonia, Michigan

Re: Petition 2023-11-08-08 – Culvers

Dear Council Members:

At the 1,207th Public Hearings and Regular Meeting held by the City Planning Commission on December 19, 2023, the following resolution was unanimously adopted:

### PREFERRED COUNCIL RECOMMENDATION/RESOLUTION (Please complete this field. Attachments are not to be used in lieu of the recommendation)

#12-69-2023 RESOLVED, That the City Planning Commission does hereby recommend to the City Council that Petition 2023-11-08-08 submitted by S & Z Restaurants, L.L.C. requesting approval of all plans required by Sections 3.11 and 13.13 of the Livonia Zoning Ordinance, as amended, in connection with a proposal to add a second drive-thru lane at the Culver's restaurant at 13030 Middle Belt Road, located on the east side of Middle Belt Road between the CSX Railroad right-of-way and Schoolcraft Road in the Northwest ¼ of Section 25, be approved, subject to the following conditions:

1. That the Site Plan identified as Option:3, dated November 3, 2023, prepared by Culver Franchising Systems, L.L.C., is hereby approved and shall be adhered to.
2. That the required bypass lane may be omitted only if this requirement is waived by the City Council by means of a separate resolution by which two-thirds of the members of the City Council concur.

3. That the three walls of the trash dumpster area shall be constructed out of building materials that shall complement that of the building and the enclosure gates shall be of solid panel steel construction or durable, long-lasting solid panel fiberglass, and

4. Pursuant to Section 13.13 of the Livonia Zoning Ordinance, as amended, this approval is valid for a period of one year only from the date of approval by the City Council, and unless a permit is obtained, this approval shall be null and void at the expiration of said period.

#### ATTACHMENTS

1. 2023-11-08-08\_E-COUNCIL Pkt

#### APPROVED BY



Date: December 21, 2023

Mark Taormina, Planning and Economic Development Director



Date: December 21, 2023

Maureen Miller Brosnan, Mayor



**FW:**

Abrahamson, Randy <RAbrahamson@livonia.gov>

Tue 2/6/2024 3:44 PM

To: Goff, Erika <egoff@livonia.gov>

Hi Erika,

You can add this email chain to your variances for Culvers (2024-02-02) and Portillo's (2024-02-01).

Thanks you Erika !

**Randy Abrahamson**

Senior Building Inspector

City of Livonia | Inspection Department

(734) 466-2577

RAbrahamson@livonia.gov

---

**From:** Taormina, Mark <mtaormina@livonia.gov>

**Sent:** Tuesday, February 6, 2024 3:23 PM

**To:** Abrahamson, Randy <RAbrahamson@livonia.gov>

**Cc:** Stierna, Matthew <mstierna@livonia.gov>

**Subject:** RE:

Randy and Matt,

For Portillo's, condition #11 of the council resolution reads: *"That only conforming signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals."* Comparing the ZBA plans with the set provided during the site plan process shows an additional wall sign on the south elevation; however, we would not oppose a grant of variance allowing for this sign based on the language of the resolution.

For the Culvers, the Planning Commission was made aware of the additional oversized menu boards but only saw these on the site plan and not the detailed sign elevations. Again, there was no objection to what was being proposed, and thus, the ZBA is free to act however they see fit.

I hope that this helps.

Mark

**Mark Taormina**

Planning and Economic Development Director

City of Livonia | Planning Department

(734) 466-2292

[mtaormina@livonia.gov](mailto:mtaormina@livonia.gov)

**From:** Abrahamson, Randy <[RAbrahamson@livonia.gov](mailto:RAbrahamson@livonia.gov)>

**Sent:** Tuesday, February 6, 2024 2:33 PM

**To:** Taormina, Mark <[mtaormina@livonia.gov](mailto:mtaormina@livonia.gov)>

**Cc:** Stierna, Matthew <[mstierna@livonia.gov](mailto:mstierna@livonia.gov)>

**Subject:**

Hey Mark,

Can you do us a quick favor and see if these signs match were the same approved by Planning?

Mike wants to make sure what the ZBA has is the same thing you guys approved.

As far as I can tell, looks Portillo's removed one of the wall signs for the variance, they showed you guys 4, ZBA has 3.

Culvers did a canopy thing, but the ZBA just has menu board with no canopy.

If your cool with it, so are we. And I will let Mike know.

Thank you Sir !!

**Randy Abrahamson**

Senior Building Inspector

City of Livonia | Inspection Department

(734) 466-2577

[RAbrahamson@livonia.gov](mailto:RAbrahamson@livonia.gov)



ZONING BOARD OF APPEALS

CITY OF LIVONIA

MINUTES OF SPECIAL MEETING HELD NOVEMBER 26, 2013

MEMBERS PRESENT: Matt Henzi, Chairman  
Sam Caramagno  
Edward Duggan  
Betsy McCue  
Kathleen E. McIntyre

MEMBERS ABSENT: Craig Pastor, Vice Chairman  
Robert E. Sills

OTHERS PRESENT: Michael Fisher, City Attorney  
Steve Banko, City Inspector  
Helen Mininni, Court Reporter

The meeting was called to order at 7:00 p.m. Chairman Henzi then explained the Rules of Procedure to those interested parties. Each petitioner must give their name and address and declare hardship for appeal. Appeals of the Zoning Board's decisions are made to the Wayne County Circuit Court. The Chairman advised the audience that appeals can be filed within 21 days of the date tonight's minutes are approved. The decision of the Zoning Board shall become final within five (5) calendar days following the hearing and the applicant shall be mailed a copy of the decision. There are four decisions the Board can make: to deny, to grant, to grant as modified by the Board, or to table for further information. Each petitioner may ask to be heard by a full seven (7) member Board. Five (5) members were present this evening. The Chairman asked if anyone wished to be heard by a full Board and no one wished to do so. The Secretary then read the Agenda and Legal Notice to each appeal, and each petitioner indicated their presence. Appeals came up for hearing after due legal notice was given to all interested parties within 300 feet, petitioners and City Departments. There were 27 persons present in the audience.

---

(7:05 #1/173)

**APPEAL CASE NO. 2013-11-60:** Kelly Reich, 16515 Whitby, seeking to erect a 6-foot tall privacy fence near the side street property line of a corner lot resulting in

the fence being excess in height, placed in the side yard and the fence does not align with any fence on adjoining property. Privacy fences cannot be in the side or front yard.

**Fence Height**

|           |           |
|-----------|-----------|
| Allowed:  | Five feet |
| Proposed: | Six feet  |
| Excess:   | One foot  |

The property is located on the west side of Whitby, (16515), between Burton and Grove.

Henzi: Mr. Banko, anything to add to this case?

Banko: Not at this time, sir.

Henzi: Any questions for Mr. Banko? Seeing none, will the Petitioner please come forward?

Petitioner: Good evening.

Henzi: Good evening. Can you tell us your name and address?

Petitioner: My name is Kelly Reich, r-e-i-c-h. I live at 16515 Whitby Street, Livonia, Michigan.

Henzi: Okay. Go ahead and tell us why you want to construct the privacy fence.

Petitioner: When we first purchased this house three years ago, we thought that we had a bigger lot. Then we actually found out that we had to keep our line 25 ft. from the sidewalk. I'm trying to put a fence up. I put down in the notes for five feet from the sidewalk. I've had a couple sergeants come over and review the lot. They had no problem with going with 10 ft, which would be fine with me also just so I could get more of a lot line in there because we do have a lot of traffic and kids that walk back and forth to the high school. We do have a couple dogs that they seem to want to tease and irritate as they walk their dogs by. I'm just trying to put up a fence so I can kind of shield them from my dog jumping out or their dog coming up to my dog.

Henzi: So, you don't have any problem if the fence is 10 ft. north of the sidewalk?

Petitioner: No, I do not.

Henzi: And you have gotten your neighbor's approval for the fence?



Petitioner: I do have all my neighbors' approval on that.

Henzi: There is a photograph in our packet of a vinyl fence. I can't tell the color but is this a model?

Petitioner: It's white. It's white vinyl.

Henzi: And that's the model that you want to put up?

Petitioner: Yes, it is. It's called Intervence.

Henzi: If you lived on Burton Lane, is Whitby the only way into your sub?

Petitioner: There is one other way – actually there is two. You can come down through Fairlane and then you can come in through Riverside, but that's farther down the road. Ours is basically the main traffic coming out of our section of the sub.

Henzi: Okay. Thanks. Any questions for the Petitioner?

McIntyre: Mr. Chairman.

Henzi: Mrs. McIntyre.

McIntyre: Would you just reiterate or maybe explain why you need a 6-ft. fence? I know you said there was kids walking back and forth but --

Petitioner: Just because I have a dog that wants to jump high and I'm just afraid that the people can actually see over the fence and I'm just afraid that my dog would get out, you know, because it's part like I'd say pit bull and Scooby Doo it looks like. And it's just for the safety of my children, too, so that the people that walk by don't see my children playing in the yard and stuff like that if they want to play in the yard.

McIntyre: How old are your kids?

Petitioner: I've got a 6 ½, I've got a 13, and a 15.

McIntyre: Okay. Thank you. And is your dog licensed?

Petitioner: Yes, it is.

McIntyre: Okay. Thank you.

Petitioner: You're welcome.

Henzi: Any other questions? Hearing none, is there anyone in the audience who wants to speak for or against this project? If so, come on up to the podium. You can have a seat, Mr. Reich, we will come back to you.

Petitioner: Thank you.

Walters: Good evening. My name is Bob Walters. I live at 16219 Alpine, Livonia, Michigan. I've been a resident of Burton Hollow for going on 24 years, a resident of Livonia approaching 35 years. I'd like to distribute the six copies that I have here, which gives you a pictorial of the house in question. The purpose I guess of his request for a variance, which is a variance in height, side yard and not aligning with any fence on the adjoining property. As you see in the first picture, it's a picture looking south at the house and he has a cyclone fence I believe that is his on the property and then behind him I believe there is a wood fence. I'm not sure if it is Mr. Reich's or if it is his adjoining neighbor. The next picture is a side picture looking north, which shows the current cyclone fence, his back porch and so forth. I'm basically here to speak on rejection of this proposal for a variance, as this side yard is very large. There is a lot of traffic as Kelly mentioned. A lot of homeowners come through here. The Burton Hollow Swim Club and to him a 6-ft. high vinyl white fence would be a dramatic eyesore, a devaluation of property values. I've been the past president of the Burton Hollow Civic Association so I know the complaints that I hear. And so if you look at this second picture, you'll see the plastic poles that are kind of sticking up there. That is the proposed line on this petition by the homeowner. The third picture is another viewpoint looking for northeast and the fourth shows his neighbor directly adjoining and then you have a picture basically looking west down the street. So, if you could imagine a big 6-ft. tall fence protruding out from the back of the side yard there it's just not very conducive and appropriate for the residents of Burton Hollow. The people that are trying to up keep their homes and try to recapture some value after what's been happening in 2008 and 2009 with home values. So, as the past president of the Burton Hollow Civic Association, I want you to basically try to look at that information that I provided here that this is not a good thing for Livonia, it's not a good thing for Burton Hollow. Thank you.

Henzi: Anybody else?

Caramagno: Mr. Chair.

Henzi: Mr. Caramagno.

Caramagno: Sir. I have a question for Mr. Walters. I have a question for you. You're a past president of the Burton Hollow Association?

Walters: Correct.

Caramagno: Are you speaking on behalf of the Association or as a personal --



Walters: I'm speaking as a 24-year resident living in Burton Hollow.

Caramagno: Okay. Do you know what the Association thinks about this?

Walters: They're not for it. They're for anything that is not against the regulations of the City and of the deed restrictions of Burton Hollow.

Caramagno: Okay. When you say they're not for it – how many members are there?

Walters: Well, there is a board of seven.

Caramagno: Board of seven. And you're saying all seven are against this?

Walters: All seven are against it.

Caramagno: Okay. Thank you.

Walters: You're welcome.

Caramagno: Mr. Walters, that leads me to a question. You said that the Board is against anything that might infringe on the deed restriction. Do you believe that there is a deed restriction against side-yard fences in Burton Hollow?

Walters: Well, yes. These restrictions that are here are even more restrictive than other parts of Burton Hollow, as Burton Hollow was built in six different phases. The restrictions vary a little bit. This particular house is in subdivision number two and let me just quickly get to it here. "Fences. Only ornamental fences or wood open ranch type of fence not exceeding 5 ft. in height shall be erected, placed, altered or permitted except ornamental post not exceeding 6 ft. in height may be used. It is the intention to prohibit solid fences of boards, planks, or logs; therefore, any fence not having an open area equal to 70% of the gross area shall not be erected, placed, altered, or permitted provided however the masonry walls having footings not less than 3 ft. 6 in. below soil line may be erected with the written consent of the owners of premises abutting those premises upon which such walls are to be erected in the Architectural Control Committee. The Architectural Control Committee shall not grant consent until the certified copies of such written consent is submitted to it.

Henzi: Thank you.

Walters: You're welcome.

Henzi: Is there anybody else who wants to speak for or against the project? If so, come on up to the podium. Seeing no one else wanting to speak, are there letters?

Caramagno: Yes, I have an approval Richard Ryan [34144 Burton Lane] (letter was read). David Turbiak [34240 Munger] writes an approval (letter was read). Tracy Miller [16541 Whitby] (letter was read). We have an objection from Margaret Innis and Donald Ouellette [34105 Burton] (letter was read). Pamela Johnson [34121 Burton Lane] objection (letter was read). Nancy (& Robert) Mitcham [34091 Burton Lane] objection (letter was read). James Roach [34086 Burton Lane] objection (letter was read).

Henzi: Mr. Reich, you have the opportunity to make a closing statement if you would like.

Petitioner: Yes, I would. At the point of putting this privacy fence up there is a couple names on there that – David Miller lives on Whitby Lane and I had given him this paper to sign about the privacy fence. He knew long in advance what I was going to do, how tall it was, and where I wanted it. He did sign this stating that he did not mind that I put up. Now, all of a sudden he does mind and he knew in the very beginning what I was planning to do.

Henzi: No, his wife approved.

Petitioner: His wife approved?

Henzi: Yes.

Petitioner: Okay. I also have some photos here of houses in Burton Lane that do have a privacy fence on the corner lot. There is one actually on the corner of Polly Anna and Wood Drive that statly shows Burton Hollow and they have it 2-ft. from the sidewalk that joins the whole backyard, which would basically block that view also. I'm not looking for the 2 ft. I'm not looking for the 5 ft. I'm looking for the 10 ft, but the house there does show a privacy fence following all the way around the yard. There's also other houses that are in Livonia that, you know, that are covering the same spots that I am asking for and I just don't think it would be fair to – I'm not saying I want it because they have it I want it for, you know, protection of my children, the safety of the neighbors of walking their dogs that want to let their dog come up to my fence. And I'm afraid that that their dog is going to torment mine enough to make it jump over the fence or try to get out. I just want to make sure that everybody is safe. Like I said, I had the police from Livonia come. They did the inspection and review and they found that that would not be blocking that street with the 10 ft. variance back. They looked at it both ways. They talked to my wife and they both agreed that 10 ft. from the sidewalk is more than enough clearance to be able to view traffic coming either south down Whitby or east or west on Burton Lane. That's all I have to say.

Henzi: I have one last question for you. How many side-yard fences are there within Burton Hollow? You mentioned one, but you said you've got photos. I'm



not interested in throughout the city because I know they exist. I'm talking about just Burton Hollow.

Petitioner: Right. That's the only one that I could notice. I didn't like drive completely through Burton Hollow. I was just from traveling in and out I've noticed that. Thank you so much.

Henzi: All right. I will close the public portion of the case --

Caramagno: I'm sorry, sir, I've got a question for you. The proposal you have here is to put the fence on the north side as well as the south side. How about that wooden piece in the back whose fence is that?

Petitioner: That is mine. That was actually approved by the City Building Inspection back in --

Caramagno: Your proposal is supposed to do what take that down?

Petitioner: I want to take that down put up a white vinyl privacy fence.

Caramagno: So, your proposal is white vinyl fence the whole yard?

Petitioner: Yes, I would so it's in line with everything else. I would take the cyclone fences down, the old wood privacy fence and replace it with a brand new white vinyl fence.

Caramagno: Okay. Thank you.

Petitioner: I mean I've already talked to the city inspector and he went ahead and already approved that I could go ahead and where the fence sits now it will still be a white vinyl fence it's just not going to be that extra 15 ft. out. And he approved that I could put the 6 ft. fence in the existing spot as my fence now, but he said to go in front of the Board of Appeals to see if I could get that variance moved out at least 15 ft. so I have more of a yard.

Henzi: Thanks.

Petitioner: Thank you.

Henzi: I will close the public portion of the case and begin the Boards comments with Mrs. McIntyre.

McIntyre: I have a question, Mr. Chair. It sounded to me if I understood the deed restrictions correctly that the deed restrictions prohibited the fence as being requested. So then, my question is what takes precedence?

Fisher: Well, the City generally doesn't take responsibility for enforcing deed restrictions.

McIntyre: Right.

Fisher: But we try not to violate them either and it sounds like, as you say, this would violate these deed restrictions.

McIntyre: Okay. That's a concern to me. I live in a subdivision where we have deed restrictions and I understand it is incumbent upon the civic association or the subdivision association to enforce the deed restrictions. That does cause me some heartburn. I don't understand and I didn't hear a compelling case as to why the fence needs to be moved up forward of the – why it needs to be – let me look at these pictures. Right, this is moving east. I don't understand if I read this correctly why the fence – why you need to be moved up to here. If you do need a privacy fence and we have approved privacy fences especially on corner lots. I understand you have a different configuration, but I don't see any compelling reason why that fence needs to come further east than it is. I appreciate that you have kids. You're kids are not toddlers. I appreciate the situation with your dog. I understand why you want a 6 ft. fence, but I would not be in support of moving the fence further east according to the plans.

Henzi: Mr. Caramagno.

Caramagno: Where I looked at your property and your request for this fence here, I drove into the sub obviously and when I looked at this I thought as I drove in the sub, I don't see a lot of side-yard fences here anywhere especially coming up close to the sidewalk. So, I looked at it for a few minutes and I parked and then I said, let me go for a little ride and I rode around the sub. I didn't see a lot of fences in the side yard. This particular fence and this configuration would be completely different to anything else that I have seen in that sub. While there might be one somewhere up closer to Six Mile as you said, this would look odd to me. I hear the need for the fence for keeping the dog and seeing people walk by, but I think there might be something better here to satisfy the subdivision, to satisfy you. I didn't hear that you took this to your civic board and try to reason with them on anything. So, at this point I am not in favor of this, but I think it can be tabled and maybe you could find a resolution later on.

Henzi: Mr. Duggan.

Duggan: I am in favor of the tabling resolution. You're right on the corner and you have people are walking by on Six Mile right there. I get why you need a privacy fence. When you read the civic board deed restrictions, I thought he said at the end that if you get approval from your neighbors and go to the civic board that they would be open to having put up a privacy fence, but I was listening to him, but I could have heard it wrong, but I think you have a need. You have a



compelling need right on the corner with Six Mile right there and everyone that walks by. I just want you to talk to the civic board before we approve it.

Henzi: Mrs. McCue.

McCue: I agree. I'm pretty much restating what everyone else has said. It does not really flow with the neighborhood. The deed restrictions are a concern to me as well. I would like to see you be able to work something out with them and make sure that it's all consistent within those regulations in the neighborhood. Again, you've got your immediate neighbors that are in support, but you've got several that were opposed. When it's not consistent with the neighborhood, it's going against what the deed restrictions are and we have several neighbors that are not in support of that, I would agree with a tabling solution. I'm sure there has got to be an option out there and I would prefer to have it tabled and have you go back and figure out what Plan B might be and then see you back here again.

Henzi: Yes, I feel much the same. I'll agree with the Petitioner that there are side-yard fences throughout the city of Livonia in many different subdivisions. One of the reasons why I approve those in many cases is because the folks on the other corner have one. That's just not the case in Burton Hollow. I don't remember seeing many. As a favor really to the Petitioner so that he doesn't have to pay a fee and he doesn't get an out right denial, I'll go along with Mr. Caramagno's suggestion for a tabling resolution so that he can try and convince the civic board. So, the floor is open for a motion.

Upon Motion by Caramagno, supported by Duggan, it was:

**APPEAL CASE NO. 2013-11-60:** Kelly Reich, 16515 Whitby, seeking to erect a 6-foot tall privacy fence near the side street property line of a corner lot resulting in the fence being excess in height, placed in the side yard and the fence does not align with any fence on adjoining property. Privacy fences cannot be in the side or front yard.

**Fence Height**

|           |           |
|-----------|-----------|
| Allowed:  | Five feet |
| Proposed: | Six feet  |
| Excess:   | One foot  |

The property is located on the west side of Whitby, (16515), between Burton and Grove, be tabled to allow Petitioner an opportunity to approach the Burton Hollow Board and redesign the plan to suit everyone's needs.

**ROLL CALL VOTE:**

**AYES:** Caramagno, Duggan, McCue, McIntyre, Henzi

**NAYS:** None

**ABSENT:** Pastor, Sills

Henzi: The petition was tabled. The next available meeting is January 14<sup>th</sup>. If you want that date, you have to have your submission in to the ZBA office by December 20<sup>th</sup>. And all you do is call Bonnie at the ZBA office and ask to reschedule. Good luck.

(7:30 #1/933)

**APPEAL CASE NO. 2013-11-61**:, Nicholas Carignan, 9979 Cavel, Livonia, MI 48150, seeking to conduct fitness training classes within an M-L (Manufacturing Limited) Zoning District which is not allowed.

The property is located on the south side of Eight Mile (31745), between Osmus and Parker.

Henzi: Before we begin, Mr. Fisher, is this a use variance?

Fisher: This is a use variance, Mr. Chair.

Henzi: So, we need five votes?

Fisher: Yes, it will require a unanimous board this evening.

Henzi: Okay. Mr. Banko, anything to add to this case?

Banko: At looking at other variances along 8 Mile Road, the Board did issue a variance, a use variance, for a karate training facility at 31839 8 Mile Road back in 2005.

Henzi: Thank you. That business is still open; isn't it?

Banko: Yes, it is.

Henzi: Any questions for Mr. Banko? Hearing none, will the Petitioner please come forward?

Petitioner: My name is Nick Carignan. The business address is 31745 8 Mile Road. Home address is 9979 Cavel, Livonia. I have been a Livonia resident my whole life. I went to Livonia Public Schools, bought a house in Livonia, and I am raising a family in Livonia. I am a full-time fireman in another community, but I started this venture on another business that I am real passionate about which is fitness and cross fit. We, of course, want to open it in the community in which we live in. When we started this venture, we found a building that we really liked and we needed the building because of height use because we use gymnastic screens, rope climbs and we have a 10 ft. pull-up break. Now when we initially signed the lease, it was represented as an M-1 zoned building. Come to find out now that it's a Manufacturing Limited. If it was M-1 this would be an acceptable waiver use through the Planning Committee, which hasn't been denied before. Clearly, if we cross Osmus across the street, it is an M-1 district, which this would



be allowed. So, I am seeking this variance for an M-1 to use for training fitness classes.

Henzi: Okay. Mr. Carignan, I have a couple questions for you.

Petitioner: Sure.

Henzi: Will you be a franchisee?

Petitioner: We're not a franchise. We are an affiliate of Cross-Fit, which really you're using the name of Cross Fit, but we are independently owned and how we operate is completely on ours. We use the methodology and the name of Cross Fit, which is a company that was started about 17 years ago and there's about 7,000 affiliates worldwide.

Henzi: Okay. Cross Fit is not just a description of the type of training it's also the name of a company?

Petitioner: Correct. It's not like a franchise like a Jimmy Johns or Subway where you have to follow exactly how they run things and how they do it. The training modality more so the methodology that Craig Glassman created is what we are following. He has trade marked his methodology and that's the route that we're going.

Henzi: And then I think you touched on it in your packet, but could you explain a little bit what you're talking about. You're suggesting this is a good fit for your business because it is on 8 Mile because you don't need a lot of parking because you're not competing with big gyms like Life Time; right?

Petitioner: Correct. We're not a 24-hour facility. It's strictly based on classes. People come to a class that's ran by a coach so, it's not a come as-you-go or not like Planet Fitness or Lifetime where we need a lot of spaces. Also because of limited space and which we already want to anyway is cap the amount of people that can come to a class. So, that will help regulate the amount of parking spaces we need, but also help us in staying in that small intimate class that we want so you can get that one-on-one feel with a coach. Also, we plan on staggering class times with a half hour in between so there is no backs up between classes in the parking lot.

Henzi: Okay. Any questions?

McIntyre: Mr. Chair.

Henzi: Mrs. McIntyre.

McIntyre: This might be for Mr. Banko. I couldn't tell and I didn't count the parking spaces, which I should have done. How many parking spaces are there?

Petitioner: There are 25.

McIntyre: Okay. And how many employees do you have?

Petitioner: Three including myself.

McIntyre: And those 25 are dedicated. Those are all for your --

Petitioner: It is for me and the other tenant next to me. We have a great business relationship and he assures me that he only uses two to three spots,

McIntyre: He's in insurance; right?

Petitioner: No, he manufactures cabinetry.

McIntyre: Oh, cabinetry.

Petitioner: Yeah, he says he only uses one or two spots.

McIntyre: Okay.

Petitioner: And his business is actually closed during our busy times.

McIntyre: Okay. Thank you.

Henzi: Any other questions?

Duggan: Mr. Chair.

Henzi: Mr. Duggan.

Duggan: Who was the one that told you it was an M-1 zoning? I know you said it was advertised. Was it on like a flyer or were you told or what was it?

Petitioner: Yeah, it was given to me by the landlord.

Duggan: Okay. And you still -- gave it to your landlord I assume?

Petitioner: Yeah. He doesn't know the specifics, but he knows we are going through this with you guys.

Duggan: Did you ever ask him why he wasn't aware what his property was zoned in?

Petitioner: I have not. If things don't go in my favor tonight, that is the next step.

Duggan: All right. Thank you.

Petitioner: Yes.

Henzi: To that point, did you both execute the least already?

Petitioner: Yes.

Henzi: And it wasn't contingent on getting approval; right?

Petitioner: No, it's not.

Henzi: So, you're on the hook?

Petitioner: Right.

Henzi: Did you tell him that?

Petitioner: No.

Henzi: There's a lot of letters in our packet from folks who are very supportive of you and they're all Livonia residents. Are these folks that have been to your classes at another facility?

Petitioner: Correct. I've been a cross-fit coach for over two years now and I was a head coach at a local affiliate for the last year and these are members that are leaving that facility to follow me in this venture. She's in another city so they're leaving an established gym to follow me and my staff to our place.

Henzi: What was the building used for before?

Petitioner: It was a showroom and window replacement.

Henzi: And how long has it been vacant?

Petitioner: At this point, I believe about five months, but I don't know for sure.

Henzi: Okay. Any other questions? I see none. Is there anyone in the audience who wants to speak for or against this project? If so, come on up.

Carignan: My name is Larry Carignan. I live at 14448 Auburndale Court. I have been a resident of Livonia for going on about 15 years and I am Nick Carignan's uncle. As far as his experience with regards to cross fit my wife, Carol, and I have participated in cross fit over two years now and all due to Nick. He's the



one who talked to us about the activity and I can assure you that if it wasn't a good thing, a positive thing, I wouldn't continue participating in it. I've never been one to work out unfortunately, but Nick was the one who brought Carol and I into this activity over two years ago and I can attest to Nick's professionalism and determination to run a good company outfit. I can assure you that his company Lower Town Cross Fit – Eight Mile Cross Fit will be a positive addition to Livonia, to the area and I have every reason to expect that it will be credit not only to himself and his members, but to the city. It is a very positive activity. I don't know if any of you are aware of cross fit as an activity. It is relatively new and the members that come to a cross fit place are very positive. They do good things. In fact, the place that I started out at does a lot of charity activities and I'm sure they will probably continue the same thing. So, I just want to speak in favor of it.

Henzi: Anybody else? Good evening.

Carignan: My name Dave Carignan. I'm Nick's dad. I don't go to cross fit as you can tell. I probably should though. I just want to say that Nick is the kind of man that you want to have to have a business in Livonia. We've lived in Livonia for 28 years. Nick grew up in Livonia, went through all the schools in Livonia, what's to have his business in Livonia and I know he is the type of person that has the integrity that really is the kind of thing that Livonia wants in a person to be a model to other young people, young families in the city. He will bring in those type of people into his business and I think it would be a great benefit to the city to have Nick and his family as business owners here in Livonia. Thank you.

Henzi: Anybody else?

Carignan: I'm Carol Carignan. I'm Nick's aunt and we live at 14448 Auburndale Court and I have to correct my husband. We have lived there 17 years not 15 years. One of the things that I just want to point about this business is that I have corresponded a little bit unusual when we first joined a few years ago at the other facility that Nick was at that it was kind of in an industrial facility. And we realized shortly that the thing that draws you to cross fit and to the folks that participate in this type of activity is not the facility itself but as my husband stated, the community and the individualized attention that everybody gets. And I realize I'm not here to sell you on cross fit, I'm here to sell you on Nick and his company getting a variance at this facility. So, I wanted to also point out to you that at our other gyms that we've been at that were both housed in Plymouth where Nick was one of the coaches there, one of the leading trainers, the outreach that these young men and women provide to the community is quite extensive. When Officer Nehasil was killed here in the city, it struck and resonated very intimately with all of these young folks at the cross fit facility that we were at. Several of them are civic employees. Nick, as he stated, is a firefighter. Several of the other folks that attend the facility are police officers and firefighters. Can I have a

show of hands who is here from cross fit? We have teachers, firefighters, wait staff, deacons in the church. Quite a cross section of folks who reach out into the community and really try to give back in the cross fit family. So, I wanted to reassure you that the variance you're asking for here is not something that is going to negatively impact the community or the neighborhood, but it's truly something that is going to enhance the community and neighborhood. Nick is very committed to the aspect of cross fit that is individualized and I think that that will help us to address the parking concerns that might have been raised at any point in the conversation. And I also wanted you to know that at any point in this conversation when Nick found out weeks ago that the zoning was inaccurate for the type of facility at this time, Nick could have thrown down the towel and just given up or asked and gone to bat with the landlord and try to give up. But he really feels that this facility, this place that he's at is the optimal place for his facility and I'd really like to throw our support behind this for him. Thank you.

Henzi: Thank you. Carol, before you go away I've got a question or two. What was the type of building at the other facilities that you went to in Plymouth?

Carignan: They are all in industrial. The facility was a gym that moved from – I don't even know what it was prior to that.

Petitioner: It was an auto shop.

Carignan: Auto repair company that they put the gym in and then when they out grew that, they then moved into an old lawn mower, commercial lawn mower and service agency. So, I think that's one of the reasons, too, why Nick felt that when he landed in the window company facility that he is in now, it was similar to the facility that we just left.

Henzi: It's pretty common; isn't it for cross fit gyms to be in a warehouse.

Carignan: Yes, they almost all are because the ceiling variance is a huge issue for us.

Henzi: Okay, got it. Thank you.

Carignan: Thank you.

Henzi: Come on up.

Lynch: My name is James Lynch. I live at 14212 Garden Street. I've been there for 35 years. What I've heard here I'm all in favor of it. These sound like good people. That's all I got.

Henzi: Thank you. Anybody else. Are there any letters?

Caramagno: We have an approval from Joanne Eberhardt [20515 Osmus St.] (letter was read). Michael Struble [1550 Rustic Lane, Walled Lake] approval (letter was read).

Henzi: Mr. Carignan, is there anything you would like to say in closing?

Petitioner: No, just that as you heard it's more than just fitness facility. It's really about community and a lot of my best friends are because of cross fit and I want that community in the community that I live in. That's it.

Henzi: Thank you very much.

McIntyre: Mr. Chair.

Henzi: Mrs. McIntyre.

McIntyre: May I ask the Petitioner a question? Do you have a business plan, Nick?

Petitioner: Yes.

McIntyre: Okay. And how far out in the future does your business plan go?

Petitioner: About three to five years as long as we continue to grow and if we outgrow our facility, we actually want to have another location on the south end of Livonia.

McIntyre: And how long will it take according to your business plan for your business to become profitable?

Petitioner: With the amount of people that I have waiting right now about six months.

McIntyre: Okay. Great. Thank you.

Henzi: I will close the public portion of the case and begin the Board's comments with Mr. Caramagno.

Caramagno: Well, from what I've heard tonight you've got nice support here. I was on the Board when we approved a similar situation with the karate center just down the road really from here. That was a building that wasn't full and needed a tenant. We looked at that and said yeah, why not? Why not give it a shot? I feel the same way here. Let's fill this building and what really can this hurt? I don't know that it can hurt anything. Give a young man a business opportunity here. Give a property owner an opportunity to fill their building. I'm in support. I like it.



Henzi: Mr. Duggan.

Duggan: I, too, will be in support. I know you need a certain ceiling height for the cross fit exercises. You obviously bought the property on reliance on your landlord telling you what correct zoning, you know, you're in a tough spot there. But I think absolutely there is a hardship. You've got a lot support. The people that live right behind the building are in support so, I think it's impressive to the people behind you and I will be in support.

Henzi: Mrs. McCue.

McCue: I would agree. You have great support tonight. It makes logical sense the activities that are going to go on in the building require that type of a ceiling. A little bit of misrepresentation going on there with your agent. That didn't help anything. All in all to me, I am a big believer that if somebody is going to bring something to Livonia, bring a company to Livonia, we want to support it as much as possible. So, I will support.

Henzi: Mrs. McIntyre.

McIntyre: No reason not to support. You've got a business plan. That's why I asked you. It's great when people have – when they're good at something like training and they have a vision and clearly you have a lot of support, but they haven't established a business plan. You have a business plan that usually speaks well to the chances of the business going to succeed. I appreciate that you want to put it in Livonia. You've given a lot of good reasons why this is a good space, why this is a uniquely qualified space and the other thing that I'd like to do is to thank you and everyone who is here tonight in support of you for being well prepared, for keeping remarks very targeted and you made a very, very strong impression all of you here tonight. Your conduct and your comments and the strength of your support so, that's very, very effective and we appreciate that at least I do.

Henzi: I agree. I thought you made a very good presentation both tonight and in your packet. It makes the decision easy for me. I am in full support. I think it's a great idea. I think that this is the perfect building and my general philosophy is that there's a lot of light manufacturing building throughout the city both along 8 Mile and in the industrial corridor south of 96 where 30 years ago they were full with tool and dye shops and the like. Those jobs aren't coming back. Tool and dye shops are rushing to refill those, but businesses like yours seem to be hopefully. So, I am in full support and I can't wait until you grab another building on the south end and do this all over again. So, the floor is open for a motion.

Upon Motion by McIntyre, supported by Caramagno, it was:

**RESOLVED APPEAL CASE NO. 2013-11-61:**, Nicholas Carignan, 9979 Cavel, Livonia, MI 48150, seeking to conduct fitness training classes within an M-L (Manufacturing Limited) Zoning District which is not allowed.

The property is located on the south side of Eight Mile (31745), between Osmus and Parker, be granted for the following reasons and findings of fact:

1. The uniqueness requirement is met because a building with a certain height needed has been met.
2. Denial of the variance would have severe consequences for the Petitioner because the building is ideal for the needs of the Petitioner's business.
3. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance because there is no detriment to the neighboring businesses and fits with the aesthetics of the manufacturing corridor.
4. The Board received two (2) letters of approval and no letters of objection from neighboring property owners.
5. The granting of this variance will not adversely affect the purpose or objective of the Master Plan because this property is classified "Industrial" under the Master Plan, and the proposed variance is not inconsistent with that classification.

**FURTHER,** This variance is granted with the following conditions:

1. That the classes be staggered to allow for sufficient parking.

**ROLL CALL VOTE:**

**AYES:** McIntyre, Caramagno, McCue, Duggan, Henzi  
**NAYS:** None  
**ABSENT:** Pastor, Sills

Henzi: The variance is granted. You just have that one condition which essentially is to use your best efforts to stagger classes to avoid parking congestion. Good luck to you.

(7:54 #1/1652)

**APPEAL CASE NO. 2013-11-62:** Meijer, Inc. (Culver's), 13030 Middlebelt, seeking to erect four wall signs, two ground sign menu boards and an identification ground sign with electronic message center which is not allowed because of the excess proposed signage and the electronic message center is more than half of the total ground sign area.

**Number of Menu Board Signs**

Allowed: One

Proposed: Two  
25 sq. ft.)

Excess: One

**Menu Board Area**

Allowed: 30 sq. ft.

Proposed: 71 sq. ft. (One sign 46 sq. ft.; one sign

Excess: 6 sq. ft.

**Number of Wall Signs**

Allowed: One

Proposed: Four

Excess: Three

**Wall Sign Area**

Allowed: 100 sq. ft.

Proposed: 120 sq. ft.

Excess: 20 sq. ft.

The property is located on the east side of Middlebelt (13030), between Schoolcraft and C & O Railroad.

Henzi: Mr. Banko, anything to add to this case?

Banko: I have nothing to add, sir.

Henzi: Any questions for Mr. Banko? Hearing none, will the Petitioner please come to the podium? Good evening.

Petitioner: Andrew Zulke, S & Z Restaurants, 4564 Oakcrest Ridge Road, Clarkston, Michigan 48348. We're looking to apply for a variance for a new Culver's located at 13030 Middlebelt Road. It is a center out parcel in front of Meijer's and what we're looking to do is add four building signs up around the outside wall at the top of the building as shown in the sign application that I dropped off. Also, a menu board that features a pre-board menu board as well as an ordering menu board. And then also a ground sign that has a Culver's logo with an ENC electronic message board also in that. And the out parcel being that it's off the main strip of Middlebelt Road we're looking to have these signs just to help promote our business and to make sure people are aware of what we do.



Henzi: If you wouldn't mind, could you go through the signs and just describe the location and the why it is necessary?

Petitioner: Yes, that's not a problem. We'll start with the fourth page in, which is the exterior of the building itself.

Henzi: The one with signs three and two?

Petitioner: Correct. Sign number three is the actual kind of the front of the building that actually faces the west and then sign number two is actually kind of on the front sign of the parcel, which faces the private boulevard that you come in off the entrance of Middlebelt Road. Then as you turn to the next page, sign number four and five. Sign number four is on the east side, which is our drive-through side and also sign number five is on the rear sign of the building that faces Meijer's. If you go to the third page in, which kind of shows you the site diagram it kind of shows you on the outside of the building, you know, where they are located around the perimeter of the building itself. And each one is labeled, you know, its sign three, four and five.

Henzi: What are sign seven, eight and nine?

Petitioner: Um.

Henzi: Is that the menu boards?

Petitioner: The handicapped parking signs.

Henzi: Oh.

Petitioner: They're the ones that go on the metal posts in front of the parking spots.

Henzi: Can you talk about the menu boards, you know, why you have two and not one?

Petitioner: Yeah. Culver's is a relatively newer franchise and there is a lot of different types of food items that we have on our menu boards. Due to the fact that we make everything and don't make everything ahead of time so it is made to order. Doing so it helps people chose and decide what they want to do before they actually get up to the front and order. Having a pre-menu board alleviates a lot of situations where it is a relatively new restaurant and people be indecisive as to what they want and help get people through the drive-through lane faster. And there is quite a few restaurants in Livonia that do have the pre-menu boards also. There's a Kentucky Fried Chicken I believe on Five Mile that has it also. Burger Kind also has it on Middlebelt Board.

Henzi: Okay. Any questions?

Duggan: Mr. Chair.

Henzi: Mr. Duggan.

Duggan: Why do you need the electronic sign?

Petitioner: Electronic medium sign announces our flavor of the day, which is very important to Culver's. It kind of gives people the idea that, you know, hey here is our flavor of the day. It could be brownie fudge or something like that and they get incline to come in and try that new variety of ice cream that we have to offer.

Duggan: All right. Thank you.

Petitioner: Yeah.

McIntyre: Mr. Chair.

Henzi: Mrs. McIntyre.

McIntyre: Okay. The building signs again. Which sign number three, two, four or five is on the drive-through side?

Petitioner: Sign number four is on the drive-through side.

McIntyre: Okay.

Petitioner: As you can see, the car is on that side of the building.

McIntyre: Yes, that's the east; right?

Petitioner: That would be the east; correct.

McIntyre: Okay. And then the flavor of the day would be which sign?

Petitioner: What do you mean?

McIntyre: On the last page.

Petitioner: Yeah, as far as the sign goes?

McIntyre: Yes.

Petitioner: Well, those signs kind of show you, you know, the electronic media center on a couple of different Culver signs. So, we would like to build this stone type of a sign out there that shows it. And I can show you the stone sample that we have.

McIntyre: And that would face --

Petitioner: That would face west and east. And that would be number one, sign number one. Up in the upper left-hand corner of the drawing, of the site drawing.

McIntyre: Right there, right there and this would be -- okay, I'm sorry.

Petitioner: No problem.

McIntyre: One would be where on this diagram?

Petitioner: On the photograph picture itself it would be above the word future circled.

McIntyre: Okay, so like right there? The intent is not to have it visible from Middlebelt but Industrial?

Petitioner: It would be right there.

McIntyre: Right there, right?

Petitioner: Correct, yes.

McIntyre: So, on Industrial.

Petitioner: Right.

McIntyre: Okay.

Henzi: Is that what you were asking how it's orientated which way it is pointing?

McIntyre: Yes, Industrial so the intent is that you see it from Industrial not from Middlebelt.

Henzi: Okay.

Petitioner: There's going to be, I believe, an Outback going in that large parcel to the left. So, that's what our biggest point is that we have pretty much zero visibility from Middlebelt Road.

Henzi: Any other questions?



Duggan: Mr. Chair.

Henzi: Mr. Duggan.

Duggan: You won't have any signage on that – right at the light there's that big --

Petitioner: Yeah, Millennium Park sign.

Duggan: Yeah.

Petitioner: Yeah. No, we don't have anything out there.

Duggan: Okay.

Petitioner: We've asked for that but, they said it's all pretty much filled and it's already dedicated to the other people inside there.

Duggan: Thank you.

Henzi: Anything else? Hearing none, is there anyone in the audience who wants to speak for or against the project? If so, come on up. I see no one coming forward. Can you read the letters?

Caramagno: I don't think we have any with this case.

Henzi: Okay.

Caramagno: No, we do not.

Henzi: Mr. Zulke, is there anything you would like to say in closing?

Petitioner: No, I think it's going to be beneficial to a whole community. It's not going to be deleterious to the – I visualize a lot of people coming in there and I think it will be just an outstanding type of a building that we're going to be putting in the community of Livonia.

Henzi: Thank you. I will close the public portion of the case and begin the Board's comments with Mr. Duggan.

Duggan: I will be in support of your plan. When I looked at it originally it was a lot of signage but when you compare it to the unique location where your property is and where it will be located at the big strip mall right there and right across the street you have Menard's which has a ton of signage as well. I mean on top of it with the other fast food restaurants that have drive throughs, I know MacDonald's has more signage than you do especially relating to menu boards.

The walls signs between the unique location of your property is not unreasonable so, I will be in support.

Henzi: Mrs. McCue.

McCue: I, too, will be in support. I agree it's a unique location. In addition, as you mentioned, I'm certain there's going to be other new businesses coming into that location, which again, granted right now it seems like it's right there and everybody can see it but, I see in the near future a lot of that going up and I'm with Mr. Duggan and the fact that we have approved different variances with signage that definitely is, you know, as equal if not less than what you have in regards to the sign and the location. So, I will be in support.

Henzi: Mrs. McIntyre.

McIntyre: I think I should recuse myself because I first went to Culver's in about 2004 in Muskegon and it was the best hamburger I ever had and then I had custard and then I was hooked. My only comment is that I would be, if my colleagues don't have a problem with this I'm certainly not going to quibble because I am happy to see Culver's coming. I think it's an example why people don't like chain businesses, but every Culver's I've ever been in all over and I seek them out they're a step above and I don't mean anything disrespectful to any of the other food restaurants, but they're clean and I think every time you build they get better looking and they just seem to be well maintained. So, I think this is beneficial to our community to get it. The only one that I would say that seems to me to be a bit excessive is sign number four on the east of the drive through. I think the others - it's very clear why you need those. I have no objection to the menu board. Overall, I think your sign package looks great, but if you feel that's an important part of your component and that the people driving on - if you need that to identify, then I'm certainly not going to object to your overall package based on that.

Henzi: Mr. Caramagno.

Mcintyre: Is that Millennium Drive?

Banko: I believe so.

McIntyre: Okay.

Henzi: Mr. Caramagno.

Caramagno: I think it's a good-looking sign package and Culver's all of their buildings look exceptionally well in my opinion. This is an area of growth in the city. I think you want to be recognized in all four directions on your building. I don't think this is a crazy plan by any stretch. I think there is quality put into it.

The brick that you're showing here on the signs this is not your average just stapled together aluminum signs. This is going to be done nice. I think it enhances the overall plan so I'm also good with it.

Henzi: I agree with a lot of the comments made by the other Board members and I, too, will support this. To me, it's becoming more and more popular to add these out building or out-lot structures. That's a way a lot of our malls are build nowadays and in my humble opinion I analyze those differently. This is different than just your straightforward storefront where we look at how many signs is necessary. This is a huge complex and this is a small part of it and therefore, I understand the need to have a sign on the back of the property because you'll have folks at other stores who are driving around Millennium Park who are looking for it. I agree with Mrs. McIntyre, I five was appropriate even though it's on the back end because of where this property sits. I thought four was superfluous because you've got the drive-through cue you've got the menu boards. I don't know how you could look at that side and not know it's a Culver's but, that's a very small problem that I have with this project. I'd also like to thank the Petitioner because we get lots of requests and very rarely do we get wall sign area where the access is only 20 sq. ft. I mean it's usually a significant excess and that shows to me that Culver's has got a formula that works and also that they're reasonable and work with the city. So, the floor is open for a motion.

Upon Motion by McCue, supported by Duggan, it was:

**APPEAL CASE NO. 2013-11-62:** Meijer, Inc. (Culver's), 13030 Middlebelt, seeking to erect four wall signs, two ground sign menu boards and an identification ground sign with electronic message center which is not allowed because of the excess proposed signage and the electronic message center is more than half of the total ground sign area.

**Number of Menu Board Signs**

Allowed: One  
Proposed: Two  
Excess: One

**Menu Board Area**

Allowed: 30 sq. ft.  
Proposed: 71 sq. ft. (One sign 46 sq. ft.; one sign 25 sq. ft.)  
Excess: 6 sq. ft.

**Number of Wall Signs**

Allowed: One  
Proposed: Four  
Excess: Three

**Wall Sign Area**

Allowed: 100 sq. ft.  
Proposed: 120 sq. ft.  
Excess: 20 sq. ft.

The property is located on the east side of Middlebelt (13030), between Schoolcraft and C and O Railroad, be granted for the following reasons and findings of fact:

1. The uniqueness requirement is met based on the location of the property being an out lot from the larger strip center and the number of different



locations that the traffic will flow in and out of and the need for identity in all of those locations.

2. Denial of the variance would have severe consequences for the Petitioner because the identity of that particular location could become an issue if they did not have these variances granted.
3. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance because there is no one opposed to the signing request and such variances have approved in the past.
4. The Board received no letters of approval and no letters of objection from neighboring property owners.
5. The granting of this variance will not adversely affect the purpose or objective of the Master Plan because this property is classified "Regional Shopping" under the Master Plan, and the proposed variance is not inconsistent with that classification.

**FURTHER,** This variance is granted with the following conditions:

1. That the variance is good for 12 months.
2. That the requirements of the Planning Commission be met.
3. That the signs be erected and placed according to the plans as presented to the Board.

**ROLL CALL VOTE:**

**AYES:** McCue, Duggan, McIntyre, Caramagno, Henzi  
**NAYS:** None  
**ABSENT:** Pastor, Sills

Henzi: It's granted. I will read the conditions one more time. It's good for one year. That doesn't mean that it expires it means you've got one year within which to complete the construction. You have to comply with the requirements as set forth by Planning Commission and you've to erect the signs as presented. That means the type of signs and the place where you represented them both in your packet and through your oral presentation.

Petitioner: Okay.

Henzi: Good luck.

Petitioner: Thank you very much.

(8:13 #2300)

**APPEAL CASE NO. 2013-11-63:** Eleanor Dow, 30872 Puritan, Livonia, MI 48154, seeking to construct an addition onto the rear of the existing dwelling and attached garage addition resulting in excess lot coverage.

**Lot Coverage**

Allowed: 20% (2600 sq. ft.)

Proposed: 23% (3015 sq. ft.)

Excess: 3% (415 sq. ft.)

The property is located on the north side of Puritan (30872), between Merriman and East End.

Henzi: Mr. Banko, anything to add?

Banko: I have nothing, sir.

Henzi: Any questions for the Inspection Department? I had one. Steve, I just want to make sure this is just adding a bay to the garage; right?

Banko: I'm looking at the same thing you are. That's what it appears to be.

Henzi: On the survey there's an addition in the back that's colored in paint, but I didn't see any plans for that.

Banko: I agree with you. When I looked at the pink parcel and that add on in the back and I really didn't understand.

Henzi: Okay. Thank you. Will the Petitioner please come forward? Can you say your name and address?

Petitioner: Eleanor Dow, 30872 Puritan, Livonia. The addition on the back there was not a problem there with any overage and size. The person who owned the property initially was handicapped. Once the house was built, he took all the dirt out of the yard piled it up next to the house, laid out a patio, and now we're having water starting to seep into the basement. So, we knew we had to change all the grate in the backyard and change this patio. We decided to make it into an enclosed room. As far as we know, that's not a problem. The footage and

everything was fair. But I've had both knees replaced and about a year and-a-half ago I took a fall and broke my nose occipital bone, lacerated my face from forehead and chin across here. I fell into a wastebasket. Anyway, it has left some residual dizziness and things like this accompanied with the knees the doctor said try not to go up and down the stairs too often or rarely. We have things that are stored in the basement. We've moved a lot of them upstairs to the garage and right now trying to get to from the car to the house around the snow blower and the lawn mover and all the rest of the stuff is getting kind of difficult. So, we thought at first to make shed decided that's kind of unsightly a little bit and it would have put us over also. So, we thought about putting the extra bay on because it looks better for the neighbors. It will be brick in keeping with the house and it would help to store the things that have to be stored in the garage and still give me good access in and out of the house without things that I am going to trip over. And that's basically what this is about. We still do clear more than 10 ft. on the side of the house and the property. All of our neighbors have said oh, that's great love to do it, like to see it. In fact, we plan an open house for when it's finally done. That's basically our story.

Henzi: Okay. Mrs. Dow, do you have a builder that you've hired?

Petitioner: Yes, we do. We've got permits and everything else and all the plans submitted. Our builder is here as a matter of fact.

Henzi: And then you're going to match the brick to exist; right? You want this bay to look like it was there from the beginning; right?

Petitioner: All the time. Yeah, so will the addition probably.

Henzi: What is the status of the addition? Which comes first I guess?

Petitioner: The addition comes first and if we can, it would be nice to be able to pour the cement for both of these at the same time. It would save the builder. It would get things a little more under way and we wouldn't have to make separate cement deliveries and all that kind of stuff. The plan is to get the room started. It would help to be able to at least put the foundation in for the garage. We haven't done anything at this point waiting for you to make a decision and see what we have to do.

Henzi: Okay. Any questions? When do you want to pour? I mean before --

Petitioner: Tomorrow.

Henzi: Got it. Okay.

McIntyre: Mr. Chair.



Henzi: Mrs. McIntyre:

McIntyre: So just to be clear, the total with the addition and the additional garage space we're only talking about an excess of 3%?

Petitioner: Right.

McIntyre: Okay.

Henzi: Anything else? Is there anyone in the audience who wants to speak for or against the project? If so, come on up to the podium.

McGowan: My name is Don McGowan. I am the builder that is doing the addition in the rear of the house. We're raising the addition and doing a slab to make it all one level so there is no steps for her climb. At the same time, we're taking the opportunity to cut the grade down. If anyone has been out and saw it's kind of a sharp angle the house. The garage is level with the house in front, which is unusual and I don't know what it was built like that and the grade was brought up fairly sharply. When we dug the dirt away and lowering the brick ledge and brick in the back addition, I can straighten the grade out and make it a flatter area. In the northeast corner of the lot kind of holds water because the steep grade is blocking from running to the street. So, if we do the side addition to the garage, it will give us the opportunity to drop that brick ledge, flatten the lot out, and get positive drainage from the back corner of the lot toward the front. So, it will help drainage, it will help the lot. Right now it's kind of difficult at the grade it is for her to walk around even in the summertime. But if we can do the garage and I can lower the grade, I can flatten the lot out, take care of the water problem and we're going to put a French drain all along the east side of the house because that lot goes right to the neighbor on a fairly steep angle. So, if we can flatten that out, get the water to drain to the front, put the French drain in, that will take care of a lot of the problems around the yard and the house besides her personal problem of the steps and not being able to go in the basement anymore. It's a great opportunity to straighten drainage out.

Henzi: Thanks for the explanation.

McGowan: Yeah, and as far as the brick, we're removing the brick off the existing garage and going to reuse the same brick to do the front and they make that brick but run numbers can be a little different, but we're going to reuse the old brick on the front so it matches perfectly.

Henzi: Okay. Thank you.

McGowan: Thank you.

Henzi: Is there anybody else who wants to speak? I see no one else coming forward. Can you read the letters?

Caramagno: David Soubeyrand [30961 Puritan] (letter was read) an approval. Michael White [30909 Puritan] approval (letter was read). Alan Dembski [30941 Puritan] sends an approval. Robert King (& Colleen) [30871 Greenland Street] approval (letter was read). Roy (& Barbara) Finkenbine [30850 Puritan] approval (letter was read).

Henzi: Mrs. Dow, is there anything you would like to say in closing?

Petitioner: Only that this would not be a benefit to me and to the house, but to the neighbors because they have been complaining for almost – we've lived there almost 10 years – that the water just lays by their fence line and makes a big puddle out in front when it finally drains down. We've worked on it somewhat but this will settle the problem once and for all. And I think it is beneficial to not only us but, to the people around us.

Henzi: I will close the public portion of the case and begin the Board's comments with Mrs. McCue.

McCue: I will be in full support. Everything that you presented tonight makes logical sense between your medical situation as well as just the lay out of the backyard and the drainage and everything. I will be in support.

Henzi: Mrs. McIntyre.

McIntyre: Delighted that you can find a way to reconfigure your house a little bit that allows you to suit your needs and keeps you in Livonia. I always appreciate a good package, a buttoned up approach really nice to hear that you're taking this opportunity. From everything your builder said in his presentation, I think you selected a very good builder who's going to take this opportunity – I did notice the grade issues to, you know, just improve the situation for you and for your neighbors and by extension the neighborhood and the city so, 3% is a minimal overage especially given the necessity. So, full support. Thank you.

Henzi: Mr. Caramagno.

Caramagno: This makes sense to me as well. It's a medical health convenience for your folks and 3% is a minor, a minor variance and you've got fantastic support from your neighborhood so, I will be in support as well.

Henzi: Mr. Duggan.

Duggan: I, too, will be in support 3% that we're granting the variance is minimal compared to the upside for you. So, I will absolutely be in support.

Henzi: I, too, will support it for all the reasons stated. I think it is a minimal deficiency and I always like it when additions look as if it was meant to be all along and I think that this one will. And I also appreciate Mr. McGowan's comments. It's always good to hear from the builder about other engineering concerns. It's persuasive for me anyway. Thank you. The floor is open for a motion.

Upon Motion by Duggan, supported by McCue, it was:

**RESOLVED APPEAL CASE NO. 2013-11-63:** Eleanor Dow, 30872 Puritan, Livonia, MI 48154, seeking to construct an addition onto the rear of the existing dwelling and attached garage addition resulting in excess lot coverage.

**Lot Coverage**

Allowed: 20% (2600 sq. ft.)

Proposed: 23% (3015 sq. ft.)

Excess: 3% (415 sq. ft.)

The property is located on the north side of Puritan (30872), between Merriman and East End, be granted for the following reasons and findings of fact:

1. The uniqueness requirement is met because the current lot was originally part of one farm lot that was subdivided.
2. Denial of the variance would have severe consequences for the Petitioner because the Petitioner has mobility problems and denial would negatively affect her health.
3. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance because there is no opposition and there is neighbor support.
4. The Board received four (4) letters of approval and no letters of objection from neighboring property owners.
5. The granting of this variance will not adversely affect the purpose or objective of the Master Plan because this property is classified "Low Density Residential" under the Master Plan, and the proposed variance is not inconsistent with that classification.

**FURTHER,** This variance is granted with the following conditions:

1. That the plans be met as presented to the Board.



- 2, The variance is good for six months.
3. That the 5-day waiting period be waived.
4. That once the building is constructed it will be enclosed within 90 days.
5. That the standard electrical requirement be met.

**ROLL CALL VOTE:**

**AYES:** Duggan, McCue, McIntyre, Caramagno, Heinz

**NAYS:** None

**ABSENT:** Pastor, Sills

Henzi: The variance is granted with the conditions and I will read them one more time. You've got to build it as presented. It's good for six months, which means you've got six months within which to complete it. We've waived the five-day waiting period so you can pull a permit tomorrow if you'd like. When constructed you've to enclose it within 90 days and then you're limited to standard electrical, which is probably what you have in your garage already.

McGowan: Yes.

Henzi: So, just go and see the building department and you can pull the permit. Good luck.

Petitioner: Thank you.

(8:29 #2836)

**APPEAL CASE NO. 2013-11-64:** Robert and Heidi Palmer, 14219 Alexander, seeking to erect a six-foot wood privacy fence along the rear property line without obtaining the written approval of the adjoining property owner.

The property is located on the west side of Alexander, (14219), between Meadowlark and Buckingham.

Henzi: Mr. Banko, anything to add to this case?

Banko: I have nothing to add, sir.

Henzi: Any questions for Mr. Banko? Hearing none, will the Petitioner please come forward?

Petitioner: Good evening. My name is Robert Palmer. I live at 14219 Alexander, Livonia, Michigan. I would like to obtain an abatement to put up my fence. The reason for this is the back neighbor did not sign and we have a problem with a vicious dog. It's scaring my family and we need the fence. Basically, they have had the dog for about a year and it continues to bark, charges the fence. I have a seven year old and a 12 year old scaring the children. Can't go in the back yard. Basically, we determined Labor Day weekend this year huge problem. We have a 4-ft. fence right now. My son is on the swings they're both 15 ft. from the back. The dog is standing on the fence growling. The next day we went to Lowe's and started a procedure for the fence. In early July, I went to the back neighbor's and they wouldn't sign to say I would be able to put the fence. So, that's why we're here.

Henzi: Have you spoken with the neighbor to the rear since you made the application?

Petitioner: What do you mean?

Henzi: About the fence. Well, I know that you've got an application that states that you broached the subject on a couple of occasions and in your words, you say once we told him it was about his dog he didn't want to sign it. Now, I'm asking have you talked to him since.

Petitioner: Basically, he told me to go back to Canada.

Henzi: Okay.

Petitioner: He was very rude to me and said, you know, he was just incredibly rude to me.

Henzi: How long have you lived there?

Petitioner: About 12 years.

Henzi: But he's only had the dog for a year.

Petitioner: A year. He had another dog before that, which was fine. He barked it was a big German Sheppard, too, but it was a very sweet dog. This one is not.

Henzi: After you had an exchange did you just figure there's no talking to this guy I can't get anywhere.

Petitioner: I've never talked to him again. He was so incredibly rude, you know, after he said he wouldn't sign it that was the end of it and then we just went this process.

Henzi: Okay. Any questions?

Duggan: Mr. Chair.

Henzi: Mr. Duggan.

Duggan: What alternatives are there? I know you have some bushes back there what about like about trees along that fence line or something other than the 6-ft. privacy fence?

Petitioner: The dog can stand up on the fence right now. It's only getting bigger.

Duggan: Right, but I'm saying --

Petitioner: So, what's stopping it from jumping over?

Duggan: Well, what about putting trees that are bigger back there? I mean it's got to be similar in cost than getting a big privacy fence.

Petitioner: What I'm trying to say is the dog can jump through it. I want to protect my family. At this point, we can't go out in our backyard without a shovel to protect ourselves --



Duggan: Right, but what I'm thinking – the dog is aggressive I assume because he sees people.

Petitioner: Exactly.

Duggan: So my question is how do you --

Petitioner: That's why we want the wood fence so the dog can't see us.

Duggan: I got it. Okay. Let me speak, please.

Petitioner: I'm sorry.

Henzi: Let him finish. There's a court reporter. Let him finish and then speak.

Duggan: My question to you is, what other alternatives have you thought about to get rid of the problem when he sees people that the dog gets aggressive? What other alternatives besides the privacy fence have you thought about? Have you thought about bigger trees back there? What other alternatives have you thought about besides the 6-ft fence?

Petitioner: Well, unfortunately, the trees wouldn't stop the dog from coming through.

Duggan: But if he doesn't see and you have something blocking his vision, there's nothing for him to get aggressive at.

Petitioner: But I can't let my kids sit in the house for three years while the trees go.

Duggan: You can't just go buy – doesn't Lowe's have big --

Petitioner: They won't really fill in.

Duggan: Don't people have arborvitae or something? Can't you just go and get them and put them in?

Petitioner: What I'm trying to say is it won't stop the dog from coming through.

Duggan: But I'm saying, that there are other alternatives if your neighbor doesn't agree to a privacy fence and you want to solve your spat with your neighbor I'm trying to figure out some other alternative for you.

Petitioner: We could get rid of the dog. I'm trying to protect my family from the dog so they can go out in their yard and enjoy the yard. We haven't gone in the

yard this year because of this dog. Every time we go out we have got to be on guard. We have a trampoline we didn't even put it up. It wasn't worth putting up because of the dog or we'd have to sit right by the trampoline so the dog isn't barking at us. When we go to our cars, which the dog can't even see, the dog barks and runs to the fence.

Henzi: Anything else? When were the pictures taken in the packet? There's some color photos a couple of your kids playing and one in the backyard.

Palmer (Heidi): He was a baby. He was on the swings, so he's seven.

Petitioner: A couple years ago?

Palmer (Heidi): Five, four? I don't take a lot of pictures in the backyard. My purpose was to show the fence line in the proximity of the swing set to that fence.

Henzi: So, a couple years ago?

Petitioner: A couple years ago?

Palmer (Heidi): Oh, yeah.

Petitioner: Yeah.

Henzi: All right. Anything else? Is there anybody who wants to speak for or against the project? If so, come on up.

Palmer (Heidi): Good evening.

Henzi: Good evening.

Palmer (Heidi): Thank you so much for seeing us. As you can see, this is a very emotional issue protecting our children.

Henzi: Your name and address, please.

Palmer (Heidi): I'm sorry. My name is Heidi Palmer, I'm Rob's wife. My address is 14219 Alexander. We're 16-year residents of Livonia. I was expecting Kate, our 12-year old, when we moved into this home. We've loved living there. We've always had a terrific relationship with all of our neighbors on all of the sides including the Holmes who live behind us. The last dog that they had was elderly. I think they adopted her or something, but she was a very nice dog and they made a real effort as pet owners to make sure our kids were comfortable with the dog as well as us. She barked which annoyed one of our senior neighbor's who is now deceased, but dogs do that. I was raised with dogs. I have no issue with dogs. I love them. The problem with this situation is when

they got this dog, I could tell the minute I met it, it was different than the last one. I believe it's a purebred German Sheppard. It reminds us of an attack dog. This is not a family pet. I'm sure it is to them, to the neighbors we feel threatened. As my husband articulated, I mean I come in from bringing the kids in from school or from grocery shopping what have you there's not even a direct sight line to his backyard our driveway is shielded by our garage. We have a detached garage. If the dog is out, and oh by the way, they leave the door wall open morning till night. The dog is never supervised. It just comes and goes at will. It hears me and the thing charges the fence and barks. I've been dealing with this for months. We can't use our yard. I am terrified to go out in the yard. I love to garden haven't garden for a season. We have to go to the park. We had to join a pool club to go find something for them to do. And I just wanted to make a couple of points. In my letter I omitted a couple of things. There were arborvitae, Mr. Duggan, I know you brought that up. When we bought the house there were three, four arborvitae and they were up above the wires so 20, I don't know how far that is 20 ft. plus. Unfortunately, he lost the sewer and then we lost ours. I remember you coming out to our house actually, Mr. Banko, as the inspection and we lost all of our trees. So, we now are exposed. It wasn't a problem they had the other dog. Compounding that, it settled the dirt has settled so it sags in the middle. It's an old chain-link fence. I'm guessing it's at least 40 years old. The house was built in '62 and it's old and there are two spots in the fence in the middle where it seems to be a problem with this animal and they have been patched with chicken wire. We didn't do it. I don't know who did. I'm assuming he did, but we have not done it. That indicates to me that the fence is aging and it's a potential safety issue and the dog comes on the fence all fours. I don't think she's realized yet she can jump over. My fear is if she's provoke, will she and then what do I do? We go out in the yard the four or five times we've went out last summer we take a cell phone in case we have to call 911, and I'm not exaggerating. I have a baseball bat on the patio table and my husband has a shovel. That's no way to live. And his response is going to be well, if you put up a privacy fence it's going to diminish the value of my house. My reaction to that is I don't think so. My neighbor's to the north have a wooden privacy fence and our yard looks just fine. His yard is probably I'm guessing from the door wall to the fence line 25 ft. maybe. They're shallower a garden. On the Alexander side, it's probably double from our house. So, he's getting a visual impression that his yard is much bigger than it is and our yard is beautifully landscaped. We have worked really hard to do that. My response is and I'm very sorry I'm very upset. I'm trying to control myself and be calm here. I don't feel that I should have to sacrifice our family's safety and my property value so he can retain his with an animal that he refuses to control. I have called the animal control people and I am not keeping a log. They've gone out I guess and spoken to them. My next step is to go and talk about having an aggressive animal ordinance and have the animal assessed. It's that bad. Short of that, we can't use our yard and that's one reason we bought this house. We've got kids. We believe in our children going outside and being able to play.



Henzi: What does animal control say?

Palmer (Heidi): I talked to her about a week and-a-half ago and she's having me keep a log. When I'm in the house it's winter, it's not really a real situation because the windows are shut, but she's very big, big barks. Whenever I hear her I write down when she was out and if it's excessively long, I will write down the duration. I owe her a phone call next week and then I guess we're going to discuss is this normal, I'm not sure what the next step is.

Henzi: How old are your kids?

Palmer (Heidi): Kate is 12 and Brendon is seven.

Duggan: Mr. Chair.

Henzi: Mr. Duggan.

Duggan: What are the experiences of your other neighbors with the dog?

Palmer (Heidi): The one to the north, he's the one with the fence, he can't stand it but he's limited from it because he is shielded because he has a fence. The neighbors to the south, I've never talked to them, Rob probably has. They have a two year old and I know that they've taken the little girl like one of those play houses the Playskool big things and they've parked it in the corner to kind of block it off. I know they watch her when the dog it out. They've had parties and whatnot and I've heard comments over the fence about it. The neighbors to the back and the rear I don't know who lives in the one side on the north on his side but, the one to the south I think he's a long-time friend of his. He has a wood pile behind his shed which kind of is our shared four corner area of our yard and h is wood pile is now way over the fence line, too.

Henzi: Thank you.

Palmer (Heidi): You bet. Thank you very much.

Henzi: Anybody else want to speak for or against this project?

Holmes (Mary Ann): My name is Mary Ann Holmes. I'm at 14228 Garden Street, Livonia, Michigan. We are the dog owners. I just have a couple things. I saw when he was talking Labor Day, I was at the kitchen window and the dog was sitting at the fence and he was yelling at the dog to go in the house. And she said, you know, quit doing that because the dog might jump. The dog didn't do anything. It sat there. She has been in training since then. She was eight months old, an eight month old puppy. She will lick you to death. I have nieces and nephews that come to my house from two years old to 12 years old. They eat food out of her bowl with her and she will not growl. She will lick you to

death. She could take food out of your mouth. She does not like a lawn mower. She will bark up a storm on a lawn mower. We have had her in training and our trainer has told us what to do. We have tried saying bring your kids over so Abby gets to know you. She used to bark quite a bit at our one neighbors but since the training she's not doing that and my husband will go out there and tell her not to do it. She's not doing it any more. I don't like a dog that barks constantly. We have had neighbors that had that. When I hear her bark, I try to run downstairs and bring her in and when we hear her bark any time of the day. I try not to have her bark before nine in the morning unless I have to get to work early and I try to bring her in by 8:30, 9 at night. I don't like barking after that. If I hear one or two barks, she's in. I have to go to bed early I don't like the barking. We have offered. We don't want a wood fence. We have landscaped sculpted backyard. It will kill all of our bushes and we have offered to erect like another 3 ft. fence extend the fence. The reason we have the wires there is because when we had the sewer put in, they had to cut through because the sewer pipe is in their backyard, which they allowed us to do. And our other dog barked more than this dog. I don't understand. Besides chasing her tail constantly, she will lick you to death. She has never growled at anybody. She barks at people she doesn't know, but she has never growled. She will jump on you but, she has never – my husband will have more.

Henzi: Are any of the other neighbors here tonight?

Holmes (Mary Ann): Yes.

Henzi: Okay.

Holmes (Mary Ann): I mean the one next to us knows. She was talking about the pool they used to have a dog years ago he's fine with the dog. He asked me if he could give the dog treats. I'm like yeah and he knows the dog barks at the lawn mower. The dog cannot stand a lawn mower and she's just getting used to a vacuum cleaner. As our other dog did not like the lawn mower, but she didn't bark she would just run in the house and my husband is home, he's retired. He's home 24 hours a day and the dog does have access to go in and out, but he's not out that much.

Henzi: What do you do when your neighbor is mowing the lawn?

Holmes (Mary Ann): We probably bring her in.

Henzi: And was the training that you had?

Holmes (Mary Ann): We had her in this past summer in June at Pet Smart – May, June.

Duggan: Mr. Chair.

Henzi: Mr. Duggan.

Duggan: What do you do during the day? Do you leave the dog outside? Does he have access to go in and out?

Holmes (Mary Ann): No, my husband is home. And in the summer, yeah, we will – he's there. He's either in the kitchen or in the family room.

Duggan: Okay. Thank you.

Holmes (Mary Ann): But he's home all the time.

Henzi: Thank you.

Holmes (John): Good evening. My name is John Holmes. I live at 14228 Garden Street, Livonia, Michigan. As you heard from my wife, we have what is currently a 14-month old German Sheppard puppy. And as if you've ever been a dog owner, you have a puppy and they see a squirrel they bark. If the people from Brighthouse come in, she's going to let me know about it or utility people. We've been in Livonia since 1989. There's a Livonia fence ordinance for a reason. Okay? If privacy fence is going to stop a dog from barking, we forget that there is also scent and sound that will cause them to bark. I mean they have a hell of a lot better nose than we do. Our dog is a puppy. She will lick you to death. She has never growled at anybody. I will feed her with a biscuit from my mouth. She is just a darling puppy 14 months old. Okay? We have never had a problem with our other dog, which my son rescued. I made the offer to bring the dog over to make sure that the children were comfortable. I don't want to have somebody uncomfortable with a pet. It should be that way. We have the current chain-link fence as the house in the subdivision was designed. Our house was built in 1977. Our house was the model home of that subdivision. If you know where IHOP is off of Middlebelt and Perth. That subdivision, our home, was the model of the subdivision with blueprinted landscaping front and rear and I have a lot of sensitive bushes and shrubs, not to mention the ornamental trees that are just an entire rainbow of color when they bloom. To put up this privacy fence would not only detract from the value of my house, our home that we paid for, we are not going to get our money back when we sell the home when they supposedly – say they were moving in three years I'm stuck with wood fence I don't want. I don't want to maintain and that I never wanted in the first place. All you have to do is go down Middlebelt take a look at some of the wood fences and the condition. I have no intention of having to stain, maintain. I don't want it. Never did. I don't want to be in an adversarial position, but I certainly don't believe that putting up a wood fence is going to solve this problem. In fact, that's why we have the ordinance for a reason. I oppose it. My wife opposes it. You'll hear from some other people momentarily that will oppose it. When this person leaves, I'm stuck with it. When DRC was open, we used to have wild pheasants



in the backyard. I don't know if any of you remember DRC, but they used to come and they use to flock in our backyard. I've got squirrels and rabbits. Yeah, my dog barks. I am retired. I am home. That dog does not bark. If it barks three times, I am on it period because of the sensitivity of the situation. Nobody else has ever complained. In fact, the note we got from the City of Livonia the complainant name was anonymous because I've already answered to that letter that we got from the City. There's a record on file. I have the complaint here that there is an owner that is hypersensitive and is going to be keeping tabs because we don't want a privacy fence. I don't want. Our subdivision doesn't have and this is a pretty sad remedy for bushes and being ecology. My floral stuff is going to die and I hope you do not approve this variance. Thank you.

Henzi: What if they put up a vinyl fence?

Holmes (John): It's still going to stop the light. I have arborvitaes that are this high. I'm sorry I don't have the blueprint with me to show you. I do have her certificate of completion from Pet Smart if you want to see that for discipline school for obedience school. She's a loving puppy.

Henzi: No, I'm asking about the fence. I said, what if they put up a vinyl fence?

Holmes (John): A vinyl fence will still stop the sunlight from getting down to where it needs to be.

Henzi: And you're thinking that will hurt your landscaping?

Holmes (John): Yes, most definitely.

Henzi: Why do you think the that vinyl fence will detract from the neighborhood and when I ask that, know that there are people who come in here every Tuesday who are tripping over themselves to get a vinyl fence.

Holmes (John): Well, they may be tripping over themselves -- first off the landscaping in their backyard doesn't exist. It was torn out when the sewer came in. I maintain --

Henzi: No, you said, a fence will diminish the value of your home and I'm saying there are people --

Holmes (John): A wooden fence.

Henzi: Okay. There are people who can't wait to get a privacy fence. So, tell me why you think a wooden fence will diminish the value of your home?

Holmes (John): Well, I have to maintain it. It will stop the light coming in for the several feet of the landscaping that will cause the bushes to die and if you want

proof of that, you can go next door and look at the fence that is next door of his property to see all the dead vegetation to my neighbor to the north due to their fence.

Henzi: And you like the open aspect of the neighborhood.

Holmes (John): I like it open in the summertime. You cannot see through the fence except for maybe like a wreath there and wreath there because it all just blooms and explodes. I spend a lot of time in the yard and horticulture. I spend a lot of time with my dog. They have a personal concern that is unwarranted and you've heard a lot of rhetoric regarding the aggressiveness of this dog and I will let some other people address you.

Henzi: Well, because this is a dispute between you and them --

Holmes (John): I'm sorry?

Henzi: Because this is between you and the Petitioner I've got some more questions for you.

Holmes (John): Sure.

Henzi: You haven't seen their packet. We have. I mean you come in here tonight and act like they live in a different neighborhood. You said that their concerns are unwarranted. There is something else going on here because from where I sit these people went to a lot of trouble to make complaints about the dog. I can't imagine why anybody would go to the trouble --

Holmes (John): I'm sorry I don't know if this is --

Henzi: -- let me finish. I can't imagine why anybody would go to the trouble of filing an application like this if they weren't incredibly fearful of your dog and you act as if they've got no right to be scared at all. So, how are we supposed to figure this out?

Holmes (John): Uh, that's a very good question. If there were other complaints, which I don't think you have any. I don't think you have a complaint on file period with their name on it.

Henzi: Well, let's say their anonymous that's one.

Holmes (John): Okay. I don't know who is the anonymous?

Henzi: These people say they didn't even go outside they are so scared of your dog. We don't get comments like that from people. People don't say I can't go outside because I'm so scared of the neighbor's dog. When we get a dog

dispute, it's we hate their dog it barks all night. These people say I can't even go in my backyard.

Holmes (John): I guess that's their choice. As you know, a puppy will bark at a squirrel. It will bark at the air. The dog is not aggressive. I don't know what else I can say.

Henzi: Okay.

Holmes (John): I mean if you want additional testimonial, I guess I would have to obtain that from fellow neighbors around me which, if that's required I will produce it. I thought an ordinance was to be an ordinance and it's going to detract from our property value in the subs. We've had several foreclosures --

Henzi: Mr. Holmes, we're going around and around. I get your argument. It makes a lot of sense. These people are saying you're doing me what you don't want me to do to you because I can't even use my backyard because your dog is so terrible. And now it's up to us to try and solve this dispute. You want to be able to use your backyard. They want to be able to use theirs.

Holmes (John): True.

Henzi: So, that leads my back to my original point. Is there something more to this story?

Holmes (John): Not from our side.

Henzi: Did you get along until a year ago?

Holmes (John): I'd never say we got along, but we weren't enemies. I mean they live there okay, fine. Never bothered them. In fact when we had our sewer put in for their inconvenience my wife and I sent them a \$50.00 gift certificate to Outback saying sorry for the inconvenience when we had the sewer put in and, you know, we did that on our own. And from that time, we had really no words, no conversation, no reason. I don't want to be here tonight.

Henzi: Yeah, okay.

Holmes (John): There's never been anything going on.

Henzi: Yeah. I appreciate it. Any questions?

Holmes (John): The other dog was fine I just think we've got something going on.

Henzi: Wait. Don't go anywhere. Mr. Duggan.



Duggan: Did you ever talk to the animal control? Did animal control ever come to your house?

Holmes (John): No, no, sir.

Duggan: Okay. Thank you.

Caramagno: Mr. Chair, I have a question.

Henzi: Mr. Caramagno.

Caramagno: Has the dog gotten better as it has aged and gone to obedience school? Has he calmed down some?

Holmes (John): It's a she. No question, no question, the puppy is playing. I'm home 24/7. I'm so sensitive she barks one time and I'm on it as fast as possible. I say, "Get in here. What's the matter with you?"

Caramagno: How does the dog go outside?

Holmes (John): I will let it out.

Caramagno: You open the door and you have to let it out?

Holmes (John): Yes.

Caramagno: I think I heard it earlier the door wall is wide open and the dog comes and goes as it pleases.

Holmes (John): In the summertime when we're home, she can go in and out of the house while we're present of the door wall when I'm sitting in the backyard.

Caramagno: The door wall just stays open?

Holmes (John): No. When I'm in the yard or my wife is in the family room, she's allowed to go in and out, yes. But if there's any barking or situations, we're Johnny-on-the-spot. I guess I don't know how to convince you of that. I don't know what else I can say.

Caramagno: Well, I'm just thinking about first impressions. When you have a new dog and it barks like crazy maybe or acts like a young dog, that was the reason for my question has the dog gotten better?

Holmes (John): Yes, to answer your question, yes. Do I think she was ever that bad? No, but yes, she is more obedient every day that we work with her.

Caramagno: Thank you.

Holmes (John): Thank you.

Henzi: I have one more, Mr. Holmes.

Holmes (John): Yes, sir.

Henzi: Could your dog jump that fence?

Holmes (John): I don't believe so.

Henzi: I mean that's something for you to worry about as much as they worry about --

Holmes (John): Yes, it is. No question.

Henzi: You don't think that's a problem?

Holmes (John): No.

Henzi: Okay.

Holmes (John): Okay. No. I mean many dogs will stand and put their feet up there and that's what she will do. And she will lick you to death. That's what she does. She's never growled at anybody.

Henzi: Okay.

Holmes (John): Nobody. Anything else?

Henzi: No.

Holmes (John): Thank you.

Henzi: Anybody else want to speak for or against the project?

Palmer (Heidi): Do you have to be an adult my daughter would like to speak if that's all right?

Henzi: Mike, is that okay?

Lynch: My name is James Thomas Lynch, Jr. Staff Sergeant, National Guard, Utah Canine Core, familiar with all dogs. The situation has got out of hand. That dog is a pure bred Sheppard. It is territorial. It does not jump fences. It protects its territory. It knows its territory to be within the confines of that fence. It will not

jump it. Somebody comes into that territory aggressively possibly but, it's a family dog. It has not been trained as an attack dog or a guard dog. It is a family pet. The other objection I have to this is that I like an open neighborhood. I was opposed to the fence on the north side, but I wasn't asked because apparently I wasn't within 300 ft. I think it detracts from the neighborhood. I think it detracts from the neighborliness of the neighbors and I think it discourages neighborliness. I live two houses down from John. I know John. I have seen Abby. I would like to describe the behavior of some dogs around my daughter's home. One lives in Hamburg, one lives right here in Livonia on Denny. Her neighbor has a barrio fence. The fence is 8-ft. tall and goes about half way down her property line. That dog is huge. Everyday when I come out, it comes out and attacks me through that fence. It attacks the fence. I go back around to where the cyclone fence is about 4-ft. The dog does not come over the fence. I reach over. I put my hand down and it sniffs and then walks away. And the more I come towards it but don't come across the fence the more it backs away. These dogs are not meant to be attack dogs. They are family dogs. That is the primary issue here and I believe the Palmer's have an unnecessary fear of the dog.

Palmer (Heidi): Put your seven year old –

Lynch: I will. I will introduce you to Abby.

Henzi: Mr. Lynch.

Palmer (Heidi):: You're an idiot.

Henzi: Mr. Lynch.

Lynch: Yes.

Henzi: Direct your comments to the Board only.

Lynch: Okay. If you have any questions, I will be happy to answer them. I would oppose the fence as a barrier fence. I would oppose vinyl or wood or anything that blocks the area. I would ameanible ??? to anything else if they can come to some kind of agreement, but I personally don't think it's necessary. The animal itself is a safe animal in my opinion.

Henzi: What's your address again?

Lynch: 14212 Garden Street. I live two houses down from Mr. Holmes.

Henzi: Got it.



Lynch: Additional comments. Next to me are two aggressive dogs. There is a 4-ft. cyclone fence separating myself and my neighbor Keith. I've been in the neighborhood for 35 years. The dogs are aggressive, they bark, they charge the fence. That's basic nature of the dog, but it's not going to do anything else once you've established yourself as a friend or as a neighbor. They will become friendly. I know John has been working to keep Abby educated and do more work with the dog. He'll be doing that later on I'm sure. I don't know. But I feel that the barrier fence is unnecessary. I think there's other solutions than a barrier fence.

Henzi: Thank you. Anybody else want to speak for or against this project?

Kathryn Palmer: I live on 14209 Alexander Street. I just want to say that when the guys came out to prove that the line of the fence was ours we had the video camera out but it wasn't that good because I messed it up. So, they came out and we were talking to the guy and he said that the dog could very easily jump the fence that it just didn't know that it could. I remember him saying that and they were talking about how the 6-ft. fence would protect them for it. The City of Livonia people that have come out have said that like for the fence that it can jump the fence and the guys have seen the behavior of the dog and they that it's aggressive.

Henzi: Thank you. Anything else?

Palmer (Kathryn): No. Thank you.

Petitioner: Tell them what you think of the dog. I don't think they know. Tell them.

Palmer (Heidi): Tell them from a kid's point of view.

Petitioner: Tell them what the dog is like to you.

Palmer (Kathryn): Well, when we're coming like from school to go in the house, it charges the fence and it tries to bite through it almost. We can't even see it because the detached garage and stuff we're just trying to like walk in and then we couldn't put the trampoline up. We couldn't do a leaf pile. We couldn't do anything like that and then it's like just really aggressive. It gets up on the fence and stuff.

Duggan: Mr. Chair.

Henzi: Mr. Duggan.

Duggan: How often does the dog bark?

Palmer (Kathryn): Probably twice or three times every hour like more, like a lot more. Like it's like longer periods but it comes out and then like three or four times more.

Duggan: Thank you.

Henzi: Good evening.

Goodall (Leroy): Good evening, my name of Leroy Goodall. I live 11201 Haller Avenue. I am not a neighbor. I am a friend of John's and I am very, very familiar with the dog that he has. The dog that I've heard these people describe is not the dog that I know or I've been around. It's a bouncy little dog. I mean he is liable more to lick you to death than he'd every bite you. It would never happen. It's just a dog that's just a very, very sweet little dog. He wants to be around people and he's just not the dog they're describing that I saw. I can't speak for them. I can only speak for what I saw and the way I have seen the dog. I don't have an axe to grind except I wanted to defend to the dog from what I was hearing because the dog can't defend itself. That's all I've got.

Henzi: Thank you.

Goodall (Leroy): That's it?

Henzi: Thank you.

Goodall (Leroy): Okay, thank you.

Henzi: Anybody else want to speak for or against? Okay, then Mr. Palmer you have the opportunity to make a closing statement. Oh, I'm sorry, before you do let's read the letters. You can come up towards the podium.

Caramagno: We have an approval at [14230 Alexander Drive] from Terri Esposito. We have Gregory Malnar at [29101 Perth] approval (letter was read). Alex Fridman [14221 Sunbury] (letter was read). Luzviminda Cuares [14253 Garden] approval (letter was read).

Henzi: All right, Mr. Palmer, go ahead.

Petitioner: I would just appreciate it if you would approve it to help me protect my family so we can enjoy our property that we paid for and have the right to enjoy. We should not be fearful of a dog jumping the fence or barking at us or chasing us when we're out in the yard. We should just be able to enjoy our yard and basically the whole spring and summer we have not. We have been waiting for the fence to go up so we can feel safe. Thank you.

Henzi: When was the last time you saw the dog?

Petitioner: Um, you know, I see it everyday. It barks at me everyday.

Henzi: I mean here's the deal. It's November 26<sup>th</sup> you're not going outside for the next four months. They say you're describing a different dog. This dog is trained it's better, et cetera. I'm wondering when you get back out there do you expect to have the same experiences?

Petitioner: Yes. As of early November, the dog charged the fence and wouldn't shut up. I just went out there and it's on the fence. It's just ridiculous.

McIntyre: I have a question, Mr. Chair.

Henzi: There's a question.

McIntyre: Now, I've lost my train of thought. Your neighbors said that they offered to bring the dog over. Are you not amenable ??? to that because you're afraid of the dog or because at this point you're just --

Petitioner: Well, at this --

McIntyre: -- let me finish, please.

Petitioner: Oh, I'm sorry.

McIntyre: That you're so irritated you want nothing to do with them and nothing to do with the dog? Or are you honestly fearful that if they brought the dog over on a lease and please don't read anything into my question I'm not advocating for barking dogs, but is there honest fear here or is it just to the point that the dog's behavior is so annoying you want nothing do with the dog?

Petitioner: It's fear. We enjoyed the last dog and the last dog did bark, but the last dog was the same size but it was very sweet. The children would go up --

McIntyre: How big is this dog?

Palmer (Heidi): How big is it, 80 lbs?

Petitioner: It's huge.

Henzi: You have got to direct your comments to the Board.

McIntyre: How big is the dog?



Petitioner: Basically, the last dog was as big. It was very sweet. The kids would go up to the fence and stick their fingers through and, you know, and it was great.

Palmer (Heidi): We weren't fearful.

Petitioner: And we weren't fearful. This one we are.

Palmer (Heidi): Mr. Henzi, you said it best. We are willing to spend in excess of \$2,000.00 on a house that's worth about 40% less than when we bought it to protect not only our children, but our investment. That's a huge amount of money to put into a house that's worth a fraction of what it was when we bought it. I wouldn't arbitrarily do this. I understand the gardening thing. That's one thing he and I share. I love to garden. I can't garden in my yard. I have a dog in my face the entire time I'm out there. It's not even relaxing. So, I mean to your point, we're willing to spend a lot of money. We're willing to discuss putting up a vinyl fence if maintenance is his issue what's a few hundred extra dollars if it relieves him of that responsibility? Furthermore, we've offered to put the nice side of the fence on his. We offered to remove the chain links at our expense incremental. We've offered to stain it, pick the color. Heck, I'd be willing to sign an agreement that every few years if you want us to hire somebody and do it contractually to maintain it, we'll do that, too. That's how serious we are and that's how serious this problem is. Our kids shouldn't have to be captive in the house.

Henzi: I'll ask this to you, too. I asked Mr. Holmes. Is there something else going on here?

Palmer (Heidi): No.

Petitioner: No, we've never had a problem.

Palmer (Heidi): We have never had an issue ever.

Petitioner: Until they go this dog.

Palmer (Heidi): It's the dog.

Petitioner: We've never had a problem.

Palmer (Heidi): And by the way, I gave my name to the lady at animal control. So, if there's an anonymous complaint, that's not me. He knew I was going to call. I absolutely gave my name. If she coded it as such, I'm not sure, but I did give her my name and address when I called. I don't know if there's another one or not, but thank you.

Henzi: Thank you.

Petitioner: Thank you.

Palmer (Heidi): Thank you, appreciate it.

Henzi: I will close the public portion of the case and begin the Board's comments with Mrs. McIntyre.

Holmes (John): Excuse me, may I address one more thing?

Henzi: No. It's not because I don't want to hear what you have to say it's just the format of the meeting.

Holmes (John): Sure.

Henzi: Every case is the same. Go ahead.

McIntyre: This is clearly about so much more than a fence and it sounds to me that the truth about this animal is somewhere in the middle. I don't understand why the Palmer's would say that the dog is aggressive if they were okay with the past dog if there wasn't some aggressiveness in the dog. I also understand from some of the other things that have been said that it's doesn't appear that it's an attack dog or dog that has been trained to attack or a dog that hates people. It seems that dog is probably open more than family at 14228 is suggesting the dog is out. This is about more than a fence and more than a variance. Absent some evidence that the dog is truly ferocious a video tape of what happens when the kids walk into the backyard. I'm not comfortable approving this. It's difficult because I certainly don't want to see the Palmers be made hostages in their house but, it's just a mess of a situation and it's unfortunate. I guess I'd also like to hear what my colleagues have to say.

Henzi: Mr. Caramagno.

Caramagno: Yeah, the truth lies somewhere in the middle here. There is no doubt in my mind. We hear about a ferocious dog barking at a fence and being aggressive and the same dog will lick you. I don't want no dog licking me. I don't want him barking at me either. I can see both sides of this issue. Is there a way to meet in the middle here at the fence? It doesn't sound as though there is. I heard somebody suggest raising the height of the fence, the chain-link fence. I wonder if that can be done properly or not and then screened with an arborvitae or some sort of a growth on that fence? I think that would take care of the dog's ability to jump that fence. It would take that piece of the fear out of it and it would allow you to screen it with a tree, shrub, series of trees, series of shrubs to give you what you need as far as a screen goes. It will give you the privacy of a dog not climbing a 6-ft. fence. I don't know what that does for Holmes light on the other side. A tree blocks the light, too, but I think there is probably something

here. Each side is going to have to lose something in my mind, but I don't know what that answer is.

Henzi: Mr. Duggan.

Duggan: I'm in favor of a tabling motion. My one issue would be the behavior of the dog. One says the dog doesn't do anything. The other side says the dog is out of control. I'm wondering if you can get some sort of documentation from the animal control when they went over to visit something of that nature to talk about the dog. I don't know if you can its general behavior because at this point it's kind of a he said, she said spat between the neighbors without much documentation and I'm just wondering if we can get something like that to help clear any doubt in our minds. I know you guys have already lost four months in the process but I mean it is December and you're not going to be gardening or anything in the next few weeks. So, if we can get some sort of documentation to figure out what when on that would be at least appreciated on my end.

Henzi: Mrs. McCue.

McCue. I guess I'm kind of with everybody else that there has to be something on both sides that's going on here that we're not necessarily seeing. I will say though it wasn't the Palmer's that chose to have this dog. I don't think they should be held hostage in their house. I would like to see it worked out. I'm just not really sure how that's going to happen considering either way we decide on this someone is going to be really upset about that. So, that is a lose/lose for all of us. I love dogs. I love gardening. I get it all. I have to think about how I want to vote on this one because again, I will agree with my colleagues that there is more here than what meets the eye and I agree that I think the behavior of the dog has got to hit somewhere in the middle because it can't be that diametrically different from each side of the fence.

Henzi: Yeah, I am in favor of a tabling resolution, too. I'd like to give the parties a chance to resolve this. It puts us in a difficult spot. Perhaps the resolution is replace it with a 6 or 7-ft. chain-link and then the Palmer's plant arborvitaes – I don't know. I'm persuaded by the Palmer's. They seem to have a genuine fear of this dog. I think the fact that they were fine with the last dog bodes well for them. They have gone to a lot of effort and they're 12-year old daughter came up here and looks petrified when she talks about the dog. The Holmes seem like nice people. They seem like their dog lovers. They've trained their dog and their description is something completely different. So, I don't know what to think? Are the Palmer's too hypersensitive? Is the fact that they won't introduce their kids to the dog is that adding to the problem? Is the fact that the Holmes appear, with all due respect, to have the attitude that hey this is my dog sort of live with it. You've got some budging to do, maybe that adds to it. I mean just because you're a dog lover doesn't mean that your neighbor is and just because the Palmer's want a fence doesn't mean that they have to have it. You can't force it



on somebody. Because I think that there is the potential for resolution and also quite honestly it's, you know, Thanksgiving time there's not going to be anything going on and for all we know by next summer this problem is over. That's one of the biggest concerns that I have that this dog is docile by next summer. So, for all those reasons I would suggest a tabling resolution for six months. And if they come up with a resolution and agree to a 6-ft. chain-link fence, I don't have any problem with it. And if they can't come up with a solution, then we'll see you in June. That's my thought. The floor is open for a motion.

Upon Motion by Duggan, supported by McCue, it was:

**APPEAL CASE NO. 2013-11-64:** Robert and Heidi Palmer, 14219 Alexander, seeking to erect a six-foot wood privacy fence along the rear property line without obtaining the written approval of the adjoining property owner.

The property is located on the west side of Alexander, (14219), between Meadowlark and Buckingham be tabled for six months to allow Petitioner to seek an alternate resolution or return to the ZBA.

**ROLL CALL VOTE:**

**AYES:** Duggan, McCue, Caramagno, Heinz

**NAYS:** McIntyre

**ABSENT:** Pastor, Sills

Henzi: All I can suggest is that hopefully you can come up with a mutually agreeable solution.

There being no further business to come before the Board, the meeting adjourned at 9:15 p.m.

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SAM CARAMAGNO, Secretary

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MATTHEW HENZI, Chairman

An email communication from the Engineering Division, dated October 18, 2013, and including an email communication from Stephen B. Dearing, P.E., PTOE, OHM Advisors, Inc., dated October 18, 2013, re: the intersection at Middlebelt and Millenium Drive (east) and Industrial (west) and possible solutions to traffic congestion in that area as the property continues to be developed, was received and placed on file for the information of the Council. (Petition 2013-08-02-20)

On a motion by Robinson, seconded by McCann, and unanimously adopted, it was:

**WAIVERS**

Pet 2013-08-02-20  
(S & Z Restaurants, LLC)  
Approval to construct and operate a full service restaurant including drive-up window facilities (Culver's) on property located on the east side of Middlebelt Road between the CSX Railroad right-of-way and Schoolcraft Road, Section 25.

**#343-13** RESOLVED, that having considered a communication from the City Planning Commission, dated September 18, 2013, which transmits its resolution 09-52-2013 adopted on September 17, 2013, with regard to Petition 2013-08-02-20, submitted by S & Z Restaurants, L.L.C. requesting waiver use approval to construct and operate a full service restaurant including drive-up window facilities (Culver's) on property located on the east side of Middlebelt Road between the CSX Railroad right-of-way and Schoolcraft Road in the Northwest ¼ of Section 25, which property is zoned C-2, the Council does hereby concur in the recommendation of the Planning Commission and Petition 2013-08-02-20 is hereby approved and granted, subject to the following conditions:

1. That the Site Plan marked Sheet 1 prepared by Fairway Engineering, L.L.C., dated August 2013, is hereby approved and shall be adhered to;
2. That pavement markings be provided across the drive aisle and drive-up lane leading to the entrance on the east side of the building for pedestrian safety purposes;
3. That the Landscape Plan marked LP-1 prepared by J. Brian Devlin, R.L.A., dated August 28, 2013, as revised, is hereby approved and shall be adhered to;
4. That all disturbed lawn areas shall be sodded in lieu of hydro-seeding;
5. That underground sprinklers are to be provided for all landscaped and sodded areas and all planted materials shall be installed to the satisfaction of the Inspection Department and thereafter permanently maintained in a healthy condition;

6. That the maximum customer seating count shall not exceed a total of one hundred thirty-one (131) seats, including one hundred nineteen (119) interior seats and twelve (12) outdoor patio seats;
7. That the Building Elevation Plan marked A-3 prepared by Culver Franchising Systems, Inc., dated January 1, 2013, is hereby approved and shall be adhered to;
8. That all rooftop mechanical equipment shall be concealed from public view on all sides by screening that shall be of a compatible character material and color to other exterior materials on the building;
9. That the three walls of the trash dumpster area shall be constructed out of building materials that shall complement that of the building and the enclosure gates shall be of solid panel steel construction or durable, long-lasting solid panel fiberglass and maintained and when not in use closed at all times;
10. That all pole mounted light fixtures shall not exceed a height of 20 feet above grade and shall be shielded to minimize glare trespassing on adjacent properties and roadway;
11. That only conforming signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals;
12. That no LED lightband or exposed neon shall be permitted on this site including, but not limited to, the building or around the windows; and
13. That the specific plans referenced in this approving resolution shall be submitted to the Inspection Department at the time of application for building permits.

FURTHER RESOLVED, that notice of the above hearing was given in accordance with the provisions of Section 19.05 of Zoning Ordinance No. 543, as amended.

**UNFINISHED BUSINESS AGENDA ITEMS (Regular Meeting of October 21, 2013)**

**Motion by:** Robinson

**Seconded by:** McCann

**ROLL CALL:**

**Ayes:** Robinson, Brosnan, Kritzman, McCann, and Pastor

**Nays:** None

**Absent:** Laura and Toy



**Zilincik, Todd**

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**From:** Zilincik, Todd  
**Sent:** Friday, October 18, 2013 3:11 PM  
**To:** CityCouncil  
**Cc:** Knapp, Don; Marecki, Terry; CityCouncil; Mayor Staff; Worley, Karen; Priebe, Judy; Higham, Jackie; Taormina, Mark; Bishop, Alex  
**Subject:** FW: Middlebelt at Industrial / Millenium  
**Attachments:** Prelim Fix.docx

Dear City Council,

Please see the information below regarding for additional information for Agenda Item #15, Culver's as it relates to the intersection at Middlbelt / Millenium Drive (east) and Industrial (west) for Monday's Regular Meeting to be held at 7 pm.

I high-lighted in the pertinent information for your reference.

Regards,

Todd J. Zilincik, PE  
City Engineer  
City of Livonia  
33000 Civic Center Drive  
Livonia, MI 48154  
(734) 466-2561 (Phone)  
(734) 466-2195 (Fax)  
Email: [tzilincik@ci.livonia.mi.us](mailto:tzilincik@ci.livonia.mi.us)

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**From:** Zilincik, Todd  
**Sent:** Friday, October 18, 2013 10:23 AM  
**To:** 'stephen.dearing@ohm-advisors.com'  
**Cc:** 'randall.wilson@ohm-advisors.com'; Taormina, Mark; Mayor Staff; TrafficCommission; Gibbs, John (john.gibbs@livoniapd.com); Maillard, Kevin; Haskin, Doug; St. Henry, Paul; Grodek, Rick; Lear, David; Youkhanna, Louai  
**Subject:** FW: Middlebelt at Industrial / Millenium

Stephen,

Thanks for your detailed information pertaining to the intersection at Middlbelt / Millenium Drive (East) / Industrial (West) and when warrants are needed for left turn phasing.

As you stated, basically there are a few options:

**SHORT TERM FIX**

1. A short turn fix would be take paint on Industrial to force an alignment (not the greatest looking solution)  
OR
2. Remove median an Millenium Drive to line up left turns from Industrial at an estimate cost of around \$25k (preferred option)

**LONG TERM FIX**

1. Upgrade the signal to box spans, pedestrian signals and ramps, base mounted, add E /W left turn phasing for around \$200k

I appreciate the efforts to review these locations, as future restaurants will be constructed adding additional traffic to this area.

Regards,

Todd J. Zilincik, PE  
City Engineer  
City of Livonia  
33000 Civic Center Drive  
Livonia, MI 48154  
(734) 466-2561 (Phone)  
(734) 466-2195 (Fax)  
Email: [tzilincik@ci.livonia.mi.us](mailto:tzilincik@ci.livonia.mi.us)

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**From:** Dearing, Stephen [<mailto:stephen.dearing@ohm-advisors.com>]

**Sent:** Tuesday, October 15, 2013 2:38 PM

**To:** Zilincik, Todd

**Cc:** Wilson, Randall; Loch, Mark

**Subject:** Middlebelt at Industrial / Millenium

Todd,

Randy asked that I weigh in on your request from Oct. 10 regarding this location. I am going to take your questions a bit out of order, so bear with me. First is the question of what are the warrants for left turn phasing.

There is a standard method MDOT and most Michigan communities use to determine if left turn signal phasing should be added. It looks at when left-turn demand is present but cannot be accommodated without separate left turn phasing. This is checked by looking at the mathematical product between the peak hour volume of the left turns and the volume of the opposing through and right turning movements. Left turn phasing may be considered if this product is over 50,000 when there is a single opposing lane, or over 100,000 for two or more opposing lanes.

Looking at the Traffic Impact Study (TIS) done by Birchler Arroyo, I used the volumes on Fig. 9 (Pg. 16) to check this. The highest cross product is for eastbound left turns opposed by westbound through and right turns in the p.m., but this only amounted to a value of 32,012. From this we conclude that operationally, left turn phases are not required for Industrial / Millenium.

The other consideration is if there is a crash pattern at the intersection which could be corrected with left-turn phasing. Left-turn phasing should be considered if crashes exceed four correctable crashes in one consecutive 12 month period or six correctable crashes in two years for one approach, or six correctable crashes in one consecutive 12 month period or 10 correctable crashes in two consecutive years for both approaches to the intersection.

I pulled crash data from TIA for 2010 to present and there were no crashes associated with the east / west left turns. So from a safety perspective, no pre-existing crash issue. In summary, this location does not meet the warrants for adding E/W left turn phasing.



There is a safety problem latent in the layout of the intersection, however. The east and west bound left turn lanes do not align. The full lane offset is caused by the median for Millenium. This may be the cause for any complaints concerning the left turn movements. **The ultimate fix is to have the median removed, and the left turn lanes correctly aligned. This will run about \$25k.** In the short turn, you could try to use the excess pavement on the Industrial side of the intersection to force alignment, but this not the greatest looking solution. See the attached for a sketch of what I'm offering as a temporary fix. This is about a \$1K in signs and paint.

In the event you want to go ahead anyway and insist on adding left turn phasing, you are looking at the need for practically a full rebuild of the signals. First, I'm guessing you would want the left turn phases to allow permissive movement (turn on flashing) thru light opposing traffic. This will be critical to minimize disruptions to Middlebelt, allowing the LT phase to be skipped if not needed. All new LT permissive phases must be flashing yellow; new installations of flashing red are prohibited. You would then have to change out the N/S LT signals, because you cannot mix flashing yellows and reds together in the same intersection.

With the added weight and height of the LT signals, you will need to raise the span wire to maintain under clearance between the signals and pavement. Looks like there may be some room on the DTE pole in the SW corner, but I'm not so sure the span can be raised on the strain pole in the NE corner of the intersection. If you have to rework the span anyway, no reason not to change to a box span.

This is an old EPIC controller, and it has been programmed to run alternate timing plans for Industrial / Millenium depending on if there is a pedestrian actuation to cross Middlebelt or not. I don't think there are enough circuits to retain this pedestrian actuation feature and still add E/W LT phasing. Converting to an modern EPAC pushes you into a new controller cabinet, the added size needed for back-panel wiring and racks for added detection for the LT phasing. All told, plan on about \$150K for the signal work.

While we are looking at all this signal work, the pedestrian pushbutton locations do not meet current ADA requirements, which will also spark the need to upgrade the ramps. Don't you just love how this keeps cascading? The ped pushbuttons are already included in the signal cost, but the ramps will be another \$25K.

Grand total is about \$200K, and this is right out of the gate, not a long term do someday set of improvements.

Hope this helps. Not sure what to offer by way of access management suggestions at this time; will need to think about that a bit. I will let you know if I can come up with anything.

Stephen B. Dearing, PE, PTOE  
MANAGER of TRAFFIC ENGINEERING SERVICES

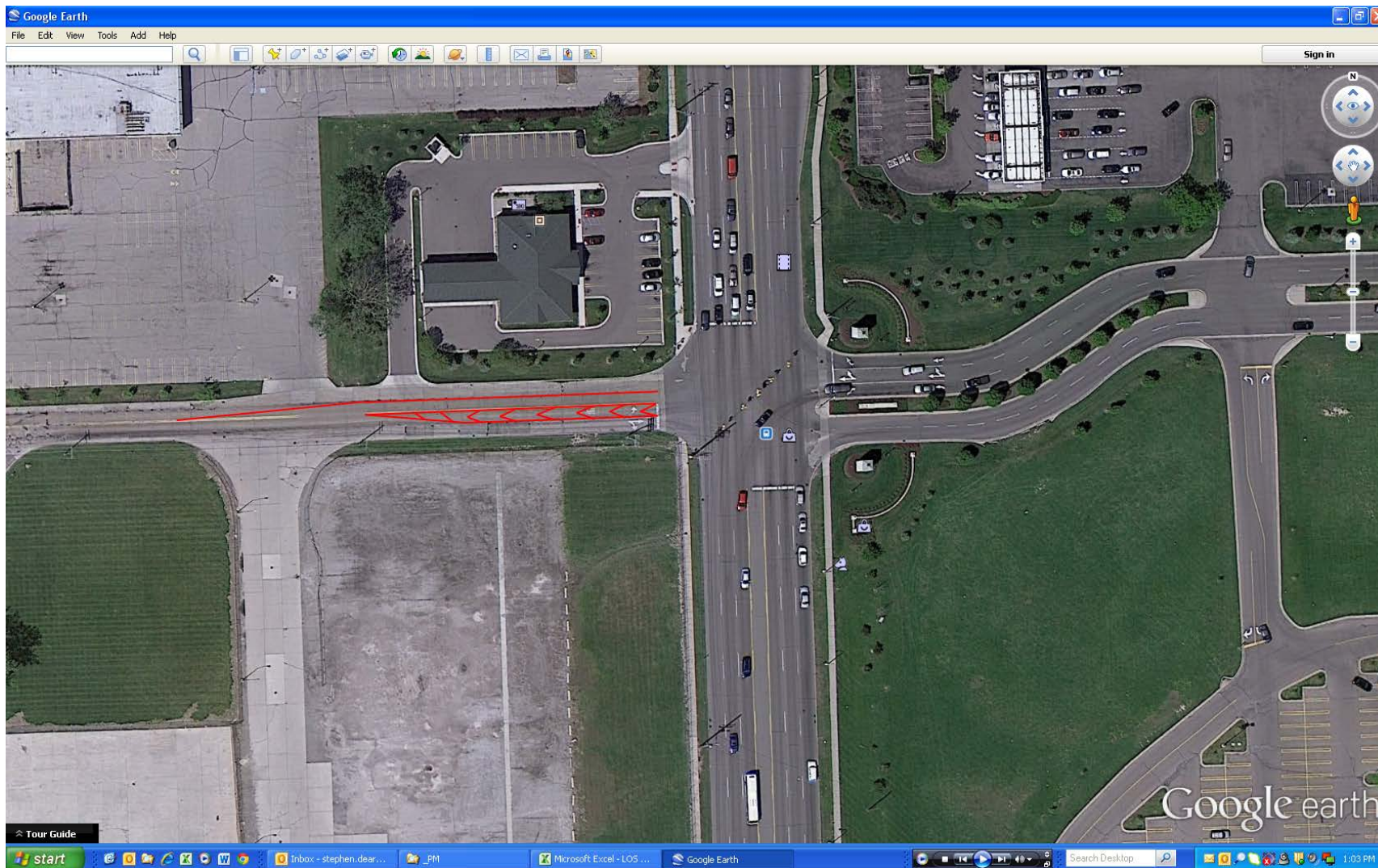
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**CITY OF LIVONIA – CITY COUNCIL  
MINUTES OF STUDY MEETING HELD OCTOBER 7, 2013**

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Meeting was called to order at 8:00 p.m. Present: Joe Laura, John Pastor, Thomas Robinson, Maureen Miller Brosnan, Brandon Kritzman, James McCann, and Laura Toy. Absent: None.

Elected and appointed officials present: Todd Zilincik, City Engineer; Mark Taormina, Director of Planning and Economic Development; Don Knapp, City Attorney; Terry Marecki, City Clerk and Jack E. Kirksey, Mayor.

9. **WAIVER PETITION:** Planning Commission, re: Petition 2013-08-02-20 submitted by S & Z Restaurants, L.L.C. requesting approval to construct and operate a full service restaurant including drive-up window facilities (Culver's) within an outlot on the site of Meijer, located on the east side of Middlebelt Road between the CSX Railroad right-of-way and Schoolcraft Road (13000 Middlebelt Road) in the Northwest 1/4 of Section 25.

Mark Taormina, Director of Planning and Economic Development, presented the request to Council. The proposal is to construct a restaurant on one of three outlots that were created at the time the Meijer store was developed. The outlots are located on the east side of Middlebelt Road between the CSX railroad and Schoolcraft. The size of this particular outparcel is about 1.51 acres. The zoning is C-2, General Business, which would allow for the development of the restaurant subject to waiver use approval. Culver's would be located on the second outlot which is centrally located with the Meijer property. The building that they propose to construct is about 4,500 square feet in area. The building would be positioned on the east side of the property. Parking and storm water management would be located on the west side of property. There is some parking as well located on the east side. The drive-up window service would be along the east side of the building and the traffic lane that would serve the drive-up window would commence on the south side of the building and then loop around to the east side of the building where the pickup window would be located. There would be a drive aisle created with some angled parking. The drive aisle would serve as the escape lane. The Planning Commission had requested that they facilitate pedestrian crossing where the drive-up window is located. The petitioner indicated that the striped parking on that side would be used primarily for employee parking. This site has no direct access to Middlebelt Road. The access would be provided by two new drive approaches; one from the north off the existing main driveway, and one from the south off the adjacent Meijer's driveway. In terms of the required number of parking spaces, the required parking for restaurants is a function of the number of customer seats as well as the number of employees. In this particular case, Culver's is proposing 119 interior seats plus 12 patio seats, for a total of 131 customer seats. They estimate about 12 employees. The ordinance requires approximately 76 parking

spaces. The plan shows a total of 78 parking spaces. However, as part of the first phase, they would construct only 63 spaces and they would landbank the remaining 15. They would reserve the area in the southwest corner of the property for future parking should it be needed. The Planning Commission and the City Council can approve the banking of up to 25 percent of the total number of required spaces, so they are within compliance of that provision of the ordinance. About one fourth of the property is going to be green space. An actual photograph of Culver's latest prototype and one which they propose to build here was displayed for Council. The building's appearance is dominated by three different materials. There is a beige or a brown cast stone, tan cement fiber board siding, and then a lighter tan E.I.F.S. area. The building is highlighted with the blue awnings and the blue trim and signage. The height of the building is 23 feet, well within the C-2 district regulations, which allows structures up to 35 feet in height. Lastly, in terms of signage, Culver's is proposing additional wall signage exceeding what the ordinance allows. The ordinance would only permit one wall sign not to exceed 99 square feet in area and that's based on the overall length of the building. In this particular case, they are proposing four wall signs, one on each elevation of the building, totaling approximately 128 square feet. With respect to the monument sign, this would be located in the northwest corner of the property to capture the attention of drivers coming in off of Middlebelt Road along the extension of Industrial Road heading east towards the Home Depot or south towards the Meijer store. The monument sign complies with respect to the height requirements of six feet in overall height. The other dimensions are fully conforming with respect to the sign. The static part of the sign, which is the lower part, will remain as shown. However, the upper portion represents a variable electronic message board and that is something that would change. They would have control over the various advertising. The ordinance does allow for the sign to devote half of the area to an electronic message board, but that is only if all other aspects of the site complies in terms of signage, which it will not obviously. So this sign as well will require Zoning Board of Appeals approval in order for it to be installed.

Brosnan asked Taormina to describe how the proposed driveway entrance to Culver's aligns up with the driveway entrance to Costco. Taormina said the driveway turning into the Costco parking lot is before the proposed driveway entrance into Culver's and shouldn't interfere with the traffic. He said traffic exiting the Culver's can turn to the right and loop around the median and exit on Middlebelt or they can circle around Culver's and exit out to the left onto the main driveway leading back to exit onto Middlebelt. Brosnan said that raises some concerns for her. She said there is already some traffic congestion with the traffic entering and exiting into the Costco parking lot off that main driveway. Brosnan asked Taormina to explain again what the other option Culver's patrons would have to exit the site. Taormina said they would have access to use the existing Meijer's exits that lead out to the main driveway that exits onto Middlebelt Road. Brosnan said she likes the plan and thinks this is a great fit for the area; however, she does have some concerns about the loop around for cars exiting from the



Culver's and the traffic flow and wishes there was another way to move traffic through that site.

Kritzman said he thinks it's a great fit for the property. He said the plan incorporates the existing driveways for exiting that area of the site that are already established. He said he doesn't see any way to change that without drastically altering that entire boulevard area. He said he doesn't see it as a problem and he looks forward to this restaurant being built. Kritzman said he would like to request that the dumpster enclosure material be brick or stone to match the façade of the building.

Kritzman offered the approving resolution with the modification to the dumpster enclosure for the Consent Agenda.

Laura said that site is tough on traffic and that won't change no matter what type of outlet goes in there. He would like to hear more about what kind of restaurant Culver's is.

President Toy said they would get to the petitioner in just a moment. First, she wanted to comment on the proposed plan. She said that she shares the same concern that Councilmember Brosnan has with regard to the traffic at this proposed site. She said there is already congested traffic going in and out of the Costco parking lot and around the Costco gas station. She thinks Culver's is a great restaurant and she wants them to come to Livonia and be successful; however, she has concerns for the safety of the public. She would like to see an alternative plan to the one proposed addressing the traffic congestion along that boulevard.

Andrew Zielke, S & Z Restaurants, LLC, 4564 Oakhurst Ridge Road, Clarkston, Michigan 48348, petitioner, was present to answer any questions from Council. He addressed Council with regard to their concerns with the flow of traffic. Taormina also commented that the boulevard is two lanes in each direction.

Laura said that loop around isn't necessarily the problem. He said the problem is exiting the boulevard out onto Middlebelt Road. He said he was there the other day and someone tried to turn left and created a traffic back-up all the way to the driveway exiting the Costco parking lot. Laura said maybe a no left turn there might solve the problem; perhaps they can get some help from Wayne County to do that. Laura said since the Costco on Haggerty north of Seven Mile has opened up a gas station the traffic congestion at this location has lessened but it still remains somewhat congested. Laura asked Taormina if it was even possible to get a no left turn at Middlebelt Road. Taormina said he couldn't answer that question and is not sure that they would even seek that type of solution before looking at other signalization improvements whether its timing or something else. He said they would probably look at that before looking at a no left turn at that location.

Vice-President Pastor asked Zielke if he was with Culver's or if he was the franchisee. Zielke said he was the franchisee. Pastor said in all fairness, there are three lanes that go out to Middlebelt Road; a left turn, a right turn, and the center lane is a straight across Middlebelt or a right turn. He said he's there every weekend and frequents Home Depot and the new Menards almost every night. He said it is not right to plan the traffic on a new petitioner. He said some of the current Councilmembers, himself included, were on the Council when the site plan including the outlots were approved. He said the heavy traffic in the area is probably a reason why they have chosen this area. Most restaurants and outlots don't add to the traffic congestion they actually help relieve some congestion. He said there are several options to exit the Millenium Park Shopping Center, some on Middlebelt, some on Schoolcraft. He agreed that perhaps looking at timing of traffic signal might be something that can be looked at to help alleviate some of the traffic congestion. He said he would be support this request and wished the petitioner well. He said as a builder of restaurants, he doesn't see any problem with what is being proposed.

Brosnan asked if any consideration had been given to opening a curb cut to the east side to help direct the flow of exiting traffic to the east so that it would have a more direct exit and not have to loop around on the Boulevard. Taormina said that was not considered. Zielke said you would have to get more cars circling the building and exiting on the east side. He said that would actually create more of a hazard to pedestrian traffic. Brosnan said her objective is to have something in place that helps direct traffic to some of the other alternative routes to exit other than just the one exit onto the Boulevard. She said she will be supporting the request but wishes something could be done to improve the traffic flow.

President Toy said perhaps something can be done to look at the traffic signals, she asked Taormina if that would be through Wayne County; he replied yes. President Toy said she would like a traffic study and report and recommendation from Wayne County with regard to the traffic signals at Millenium Park Boulevard and Middlebelt Road. She said she doesn't want to hold the project up but would like that report and recommendation. She indicated this would be placed on the Regular Agenda. She wished the petitioner good luck.

Rick Sponseller, 32629 Crystal Lake Court, Romulus, said he will be the Operating Manager of the new Culver's. He said he is in their training program in Saulk City, Wisconsin learning all about the Culver's culture. He looks forward to his future with Culver's and being active in the community.

DIRECTION:

APPROVING – WITH DUMPSTER  
ENCLOSURE MODIFICATION

REGULAR

PLANNING COMMISSION

R. LEE MORROW, Chairman  
IAN WILSHAW, Vice Chairman  
LYNDA L. SCHEEL, Secretary

SCOTT BAHR  
CAROL A. SMILEY  
GERALD TAYLOR



JACK KIRKSEY  
MAYOR

MARK TAORMINA  
PLANNING & ECONOMIC  
DEVELOPMENT DIRECTOR

33000 CIVIC CENTER DRIVE  
LIVONIA, MICHIGAN 48154-3097  
(734) 466-2290 Fax (734) 458-6007

September 18, 2013

Honorable Members of the City Council  
City of Livonia, Michigan

Re: Petition 2013-08-02-20 - S & Z Restaurants, L.L.C. (Culver's)

Dear Council Members:

At the 1,043<sup>rd</sup> Public Hearings and Regular Meeting held by the City Planning Commission on September 17, 2013, in the Livonia City Hall, the following resolution was unanimously adopted:

**#09-52-2013**     **RESOLVED**, that pursuant to a Public Hearing having been held by the City Planning Commission on September 17, 2013, on Petition 2013-08-02-20 submitted by S & Z Restaurants, L.L.C. requesting waiver use approval pursuant to Section 11.03(c) of the City of Livonia Zoning Ordinance #543, as amended, to construct and operate a full service restaurant including drive-up window facilities (Culver's) within an outlot on the site of Meijer, 13000 Middlebelt Road, located on the east side of Middlebelt Road between the CSX Railroad right-of-way and Schoolcraft Road in the Northwest 1/4 of Section 25, which property is zoned C-2, the Planning Commission does hereby recommend to the City Council that Petition 2013-08-02-20 be approved subject to the following conditions:

1. That the Site Plan marked Sheet 1 prepared by Fairway Engineering, L.L.C., dated August 2013 is hereby approved and shall be adhered to;
2. That pavement markings be provided across the drive aisle and drive-up lane leading to the entrance on the east side of the building for pedestrian safety purposes;



3. That the Landscape Plan marked LP-1 prepared by J. Brian Devlin, R.L.A., dated August 28, 2013, as revised, is hereby approved and shall be adhered to;
4. That all disturbed lawn areas shall be sodded in lieu of hydro-seeding;
5. That underground sprinklers are to be provided for all landscaped and sodded areas and all planted materials shall be installed to the satisfaction of the Inspection Department and thereafter permanently maintained in a healthy condition;
6. That the maximum customer seating count shall not exceed a total of one hundred thirty-one (131) seats, including one hundred nineteen (119) interior seats and twelve (12) outdoor patio seats;
7. That the Building Elevation Plan marked A-3 prepared by Culver Franchising Systems, Inc., dated January 1, 2013, is hereby approved and shall be adhered to;
8. That all rooftop mechanical equipment shall be concealed from public view on all sides by screening that shall be of a compatible character material and color to other exterior materials on the building;
9. That the three walls of the trash dumpster area shall be constructed out of building materials that shall complement that of the building and the enclosure gates shall be of solid panel steel construction or durable, long-lasting solid panel fiberglass and maintained and when not in use closed at all times;
10. That all pole mounted light fixtures shall not exceed a height of 20 feet above grade and shall be shielded to minimize glare trespassing on adjacent properties and roadway;
11. That only conforming signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals;
12. That no LED lightband or exposed neon shall be permitted on this site including, but not limited to, the building or around the windows; and

13. That the specific plans referenced in this approving resolution shall be submitted to the Inspection Department at the time of application for building permits.

Subject to the preceding conditions, this petition is approved for the following reasons:

1. That the proposed use complies with all of the general waiver use standards and requirements as set forth in Section 19.06 of the Zoning Ordinance #543;
2. That the subject site has the capacity to accommodate the proposed use; and
3. That the proposed use is compatible to and in harmony with the surrounding uses in the area.

**FURTHER RESOLVED**, that notice of the above hearing was given in accordance with the provisions of Section 19.05 of Zoning Ordinance #543, as amended.

Very truly yours,

APPROVED FOR SUBMISSION

CITY PLANNING COMMISSION

---

Jack Kirksey, Mayor

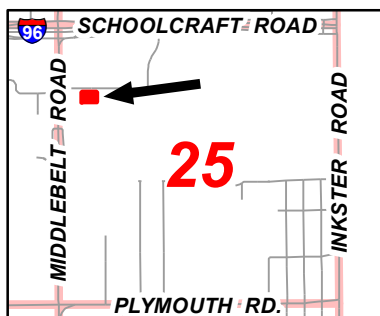
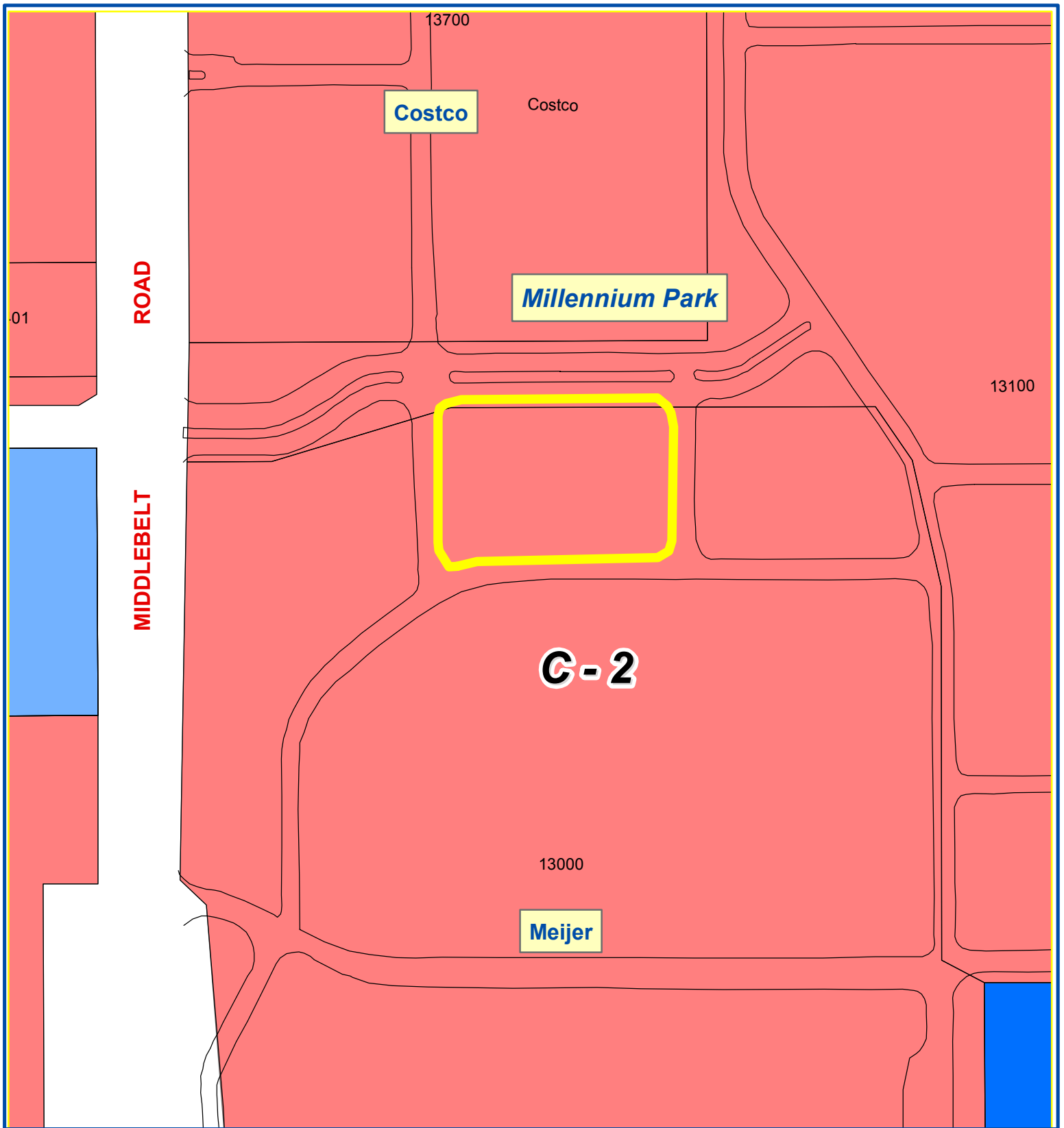
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Lynda L. Scheel, Secretary

cc: Mayor, Clerk, Law, Inspection  
Andrew Zielke, S & Z Restaurants, L.L.C., 4564 Oakhurst Ridge Road, Clarkston,  
MI 48348  
Mr. Roger DeHoek, Meijer, Inc., 2929 Walker Avenue, N.W., Grand Rapids, MI  
49544







## Address & Zoning Map

Petition 2013-08-02-20

Culver's

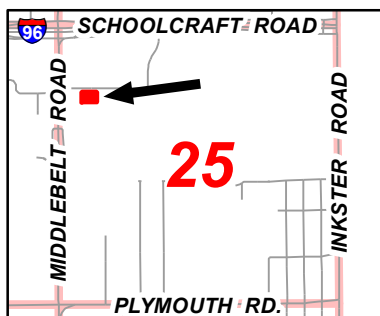
13000 Middlebelt Road  
Construct Restaurant



Not to Scale



City of Livonia  
Planning Department



## Aerial Map

Petition 2013-08-02-20

Culver's

13000 Middlebelt Road  
Construct Restaurant



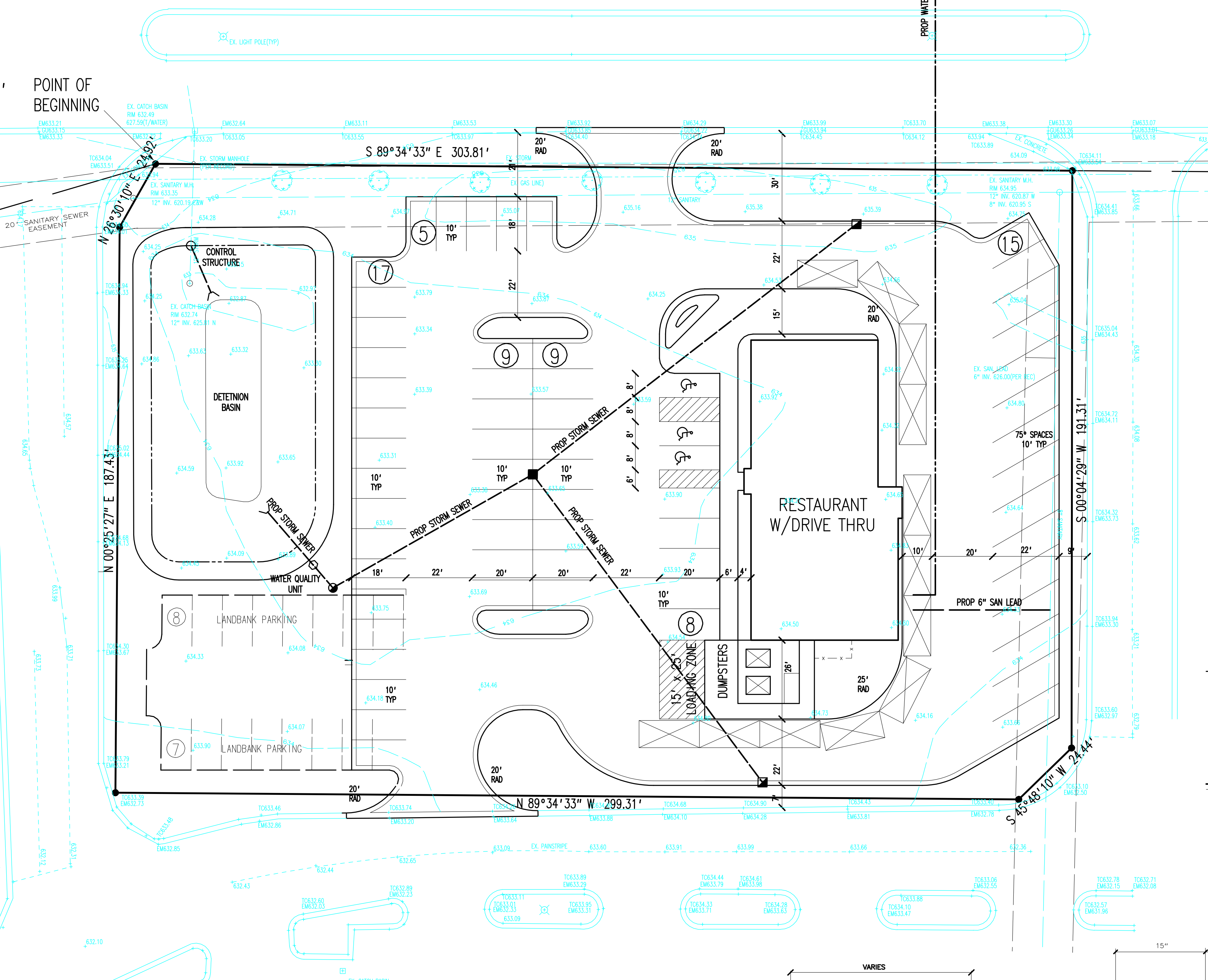
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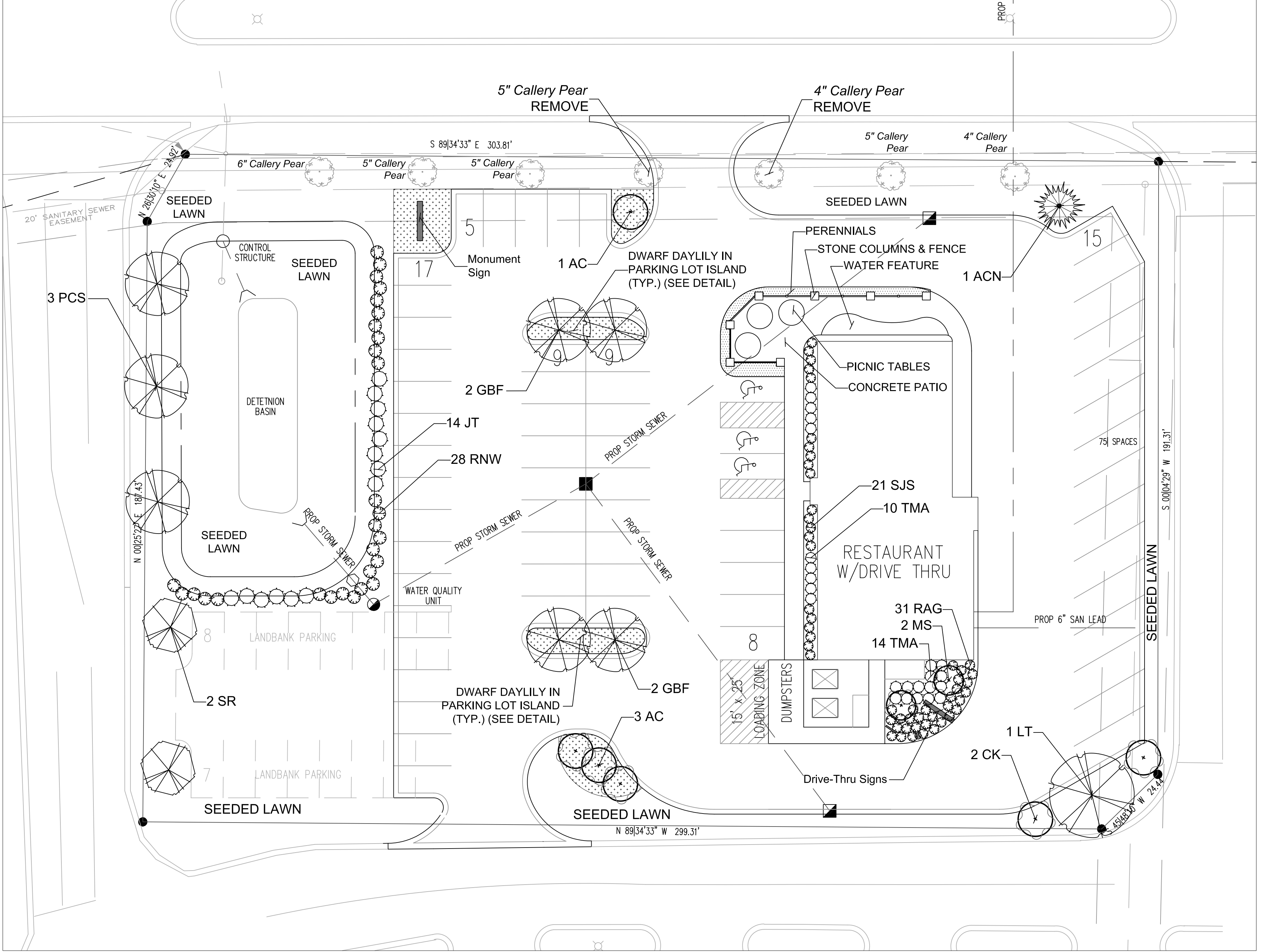


City of Livonia  
Planning Department



POINT OF BEGINNING





LANDSCAPE PLANTING PLAN

scale: 1" = 20'



2 LASH  
P

- OPTION 4:
- STONE: ENVIRONMENTAL STONETWORKS: TUSCAN LEDGE - MANZANITA
- EIFS: STO, FINE SAND FINISH, PLATEAU
  - PIPER CEMENT BOARD SIDING: DIAMOND KOTE OYSTER SHELL
- OR
- EIFS: PAREX SWIRL, FINE-LIGHT BASE, BRUSHWOOD
  - PIPER CEMENT BOARD SIDING: DIAMOND KOTE TAN

9 - BLUE STRIPED CANVAS AWNINGS  
6'-7" H x 8'-0" W

2 - BLUE STRIPED CANVAS AWNINGS  
6'-7" H x 6'-0" W

2 - BLUE STRIPED CANVAS AWNINGS  
5'-6" H x 6'-0" W

---

13 - TOTAL

# A-3







CULVERS  
 LIVONIA MICHIGAN  
 EXTERIOR

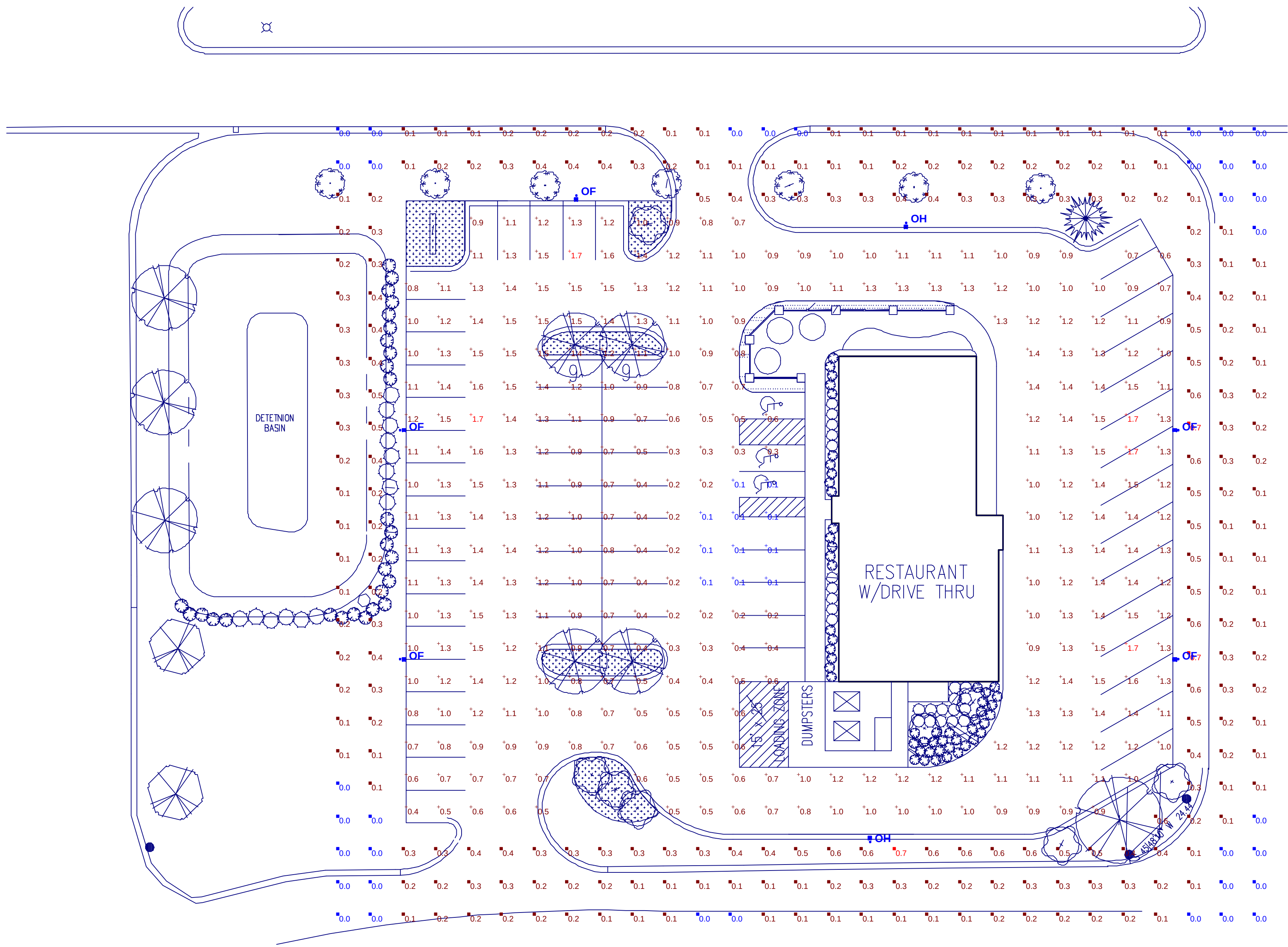
Designer

Date

SEP 3 2013

Scale

Drawing No.



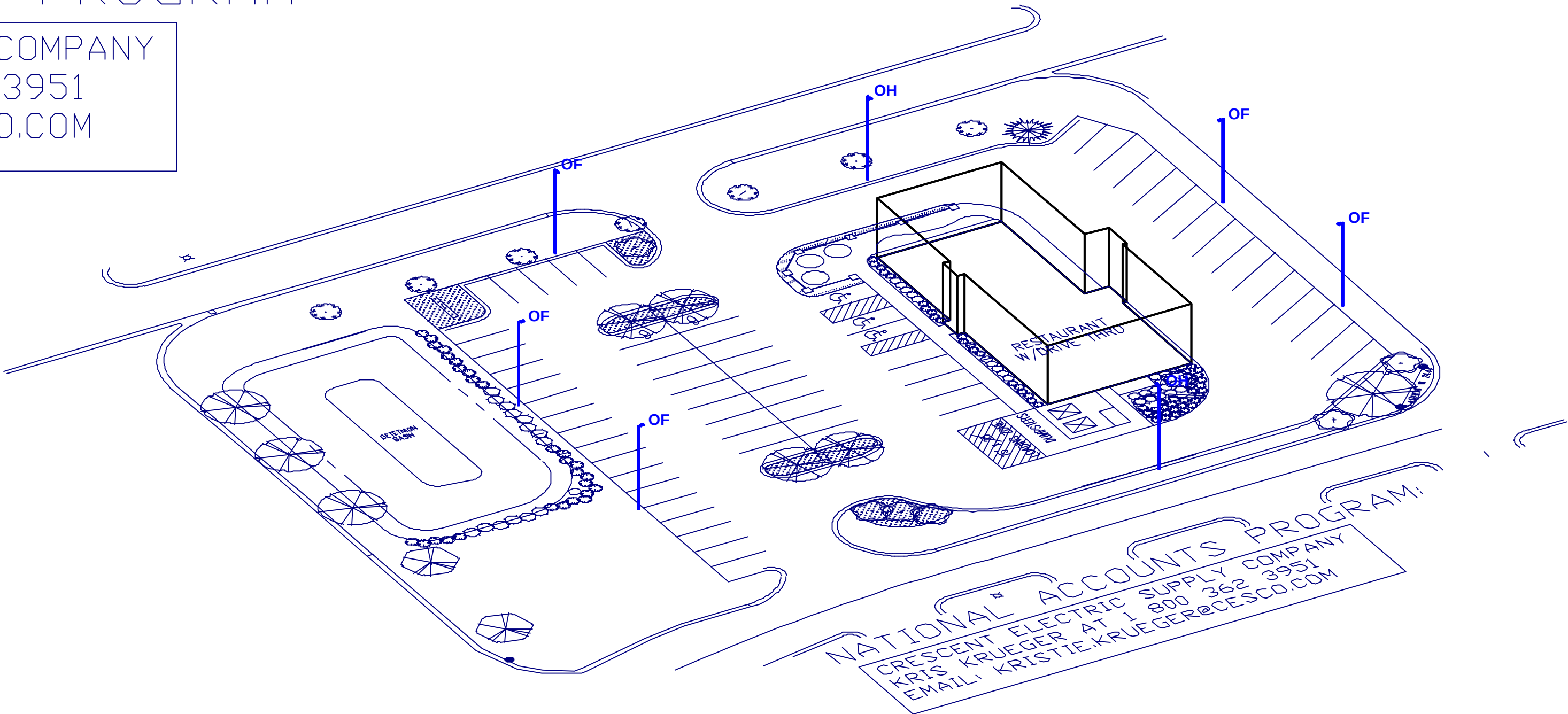
NATIONAL ACCOUNTS PROGRAM:

CRESCENT ELECTRIC SUPPLY COMPANY  
 KRIS KRUEGER AT 1 800 362 3951  
 EMAIL: KRISTIE.KRUEGER@CESCO.COM

Plan View  
 Scale 1" = 22'

| LUMINAIRE SCHEDULE |       |     |                                                                                               |                                                                                                            |      |                                                    |          |      |
|--------------------|-------|-----|-----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|------|----------------------------------------------------|----------|------|
| Symbol             | Label | Qty | Catalog Number                                                                                | Description                                                                                                | Lamp | File                                               | Lumens   | LLF  |
| ■                  | OF    | 5   | DSX1 LED 30C<br>1000 50K T4M<br>MVOLT HS NA8C<br>NEW 25' POLE,<br>POLE BASE 3"<br>ABOVE GRADE | DSX1 LED WITH (1) 30<br>LED LIGHT ENGINES,<br>TYPE T4M OPTIC, 5000K,<br>@ 1000mA WITH HOUSE<br>SIDE SHIELD | LED  | DSX1_LED_30<br>C_1000_50K_T<br>4M_MVOLT_H<br>S.ies | Absolute | 0.95 |
| ■                  | OH    | 2   | DSX1 LED 30C<br>1000 50K T3M<br>MVOLT HS NA8C<br>NEW 25' POLE,<br>POLE BASE 3"<br>ABOVE GRADE | DSX1 LED WITH (1) 30<br>LED LIGHT ENGINES,<br>TYPE T3M OPTIC, 5000K,<br>@ 1000mA WITH HOUSE<br>SIDE SHIELD | LED  | DSX1_LED_30<br>C_1000_50K_T<br>3M_MVOLT_H<br>S.ies | Absolute | 0.95 |

| STATISTICS                     |        |        |        |        |         |         |
|--------------------------------|--------|--------|--------|--------|---------|---------|
| Description                    | Symbol | Avg    | Max    | Min    | Max/Min | Avg/Min |
| AREA OUTSIDE OF<br>PARKING LOT | ■      | 0.2 fc | 0.7 fc | 0.0 fc | N / A   | N / A   |
| PARKING LOT                    | +      | 1.0 fc | 1.7 fc | 0.1 fc | 17.0:1  | 10.0:1  |







**Culver's of Livonia**  
Industrial Dr. and Middlebelt Rd.  
Livonia, MI 48150

Sign Type: Metro XL  
Job Number #: 7005085  
Drawing Name: 7005085\_Culvers\_Livonia MI.cdr

Metro XL 1.4

DATE/REVISIONS 08/21/13 PMF  
08/26/13 PMF 08/28/13 PMF

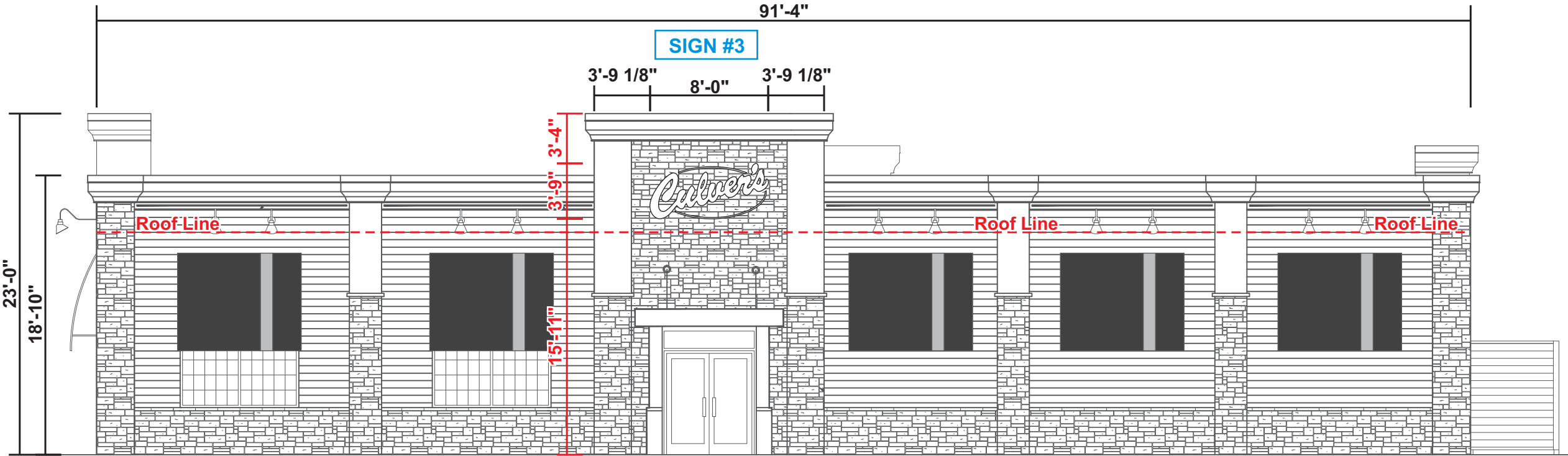
**BUILDING ELEVATIONS**



934 N. Church Rd., Elmhurst, IL 60126

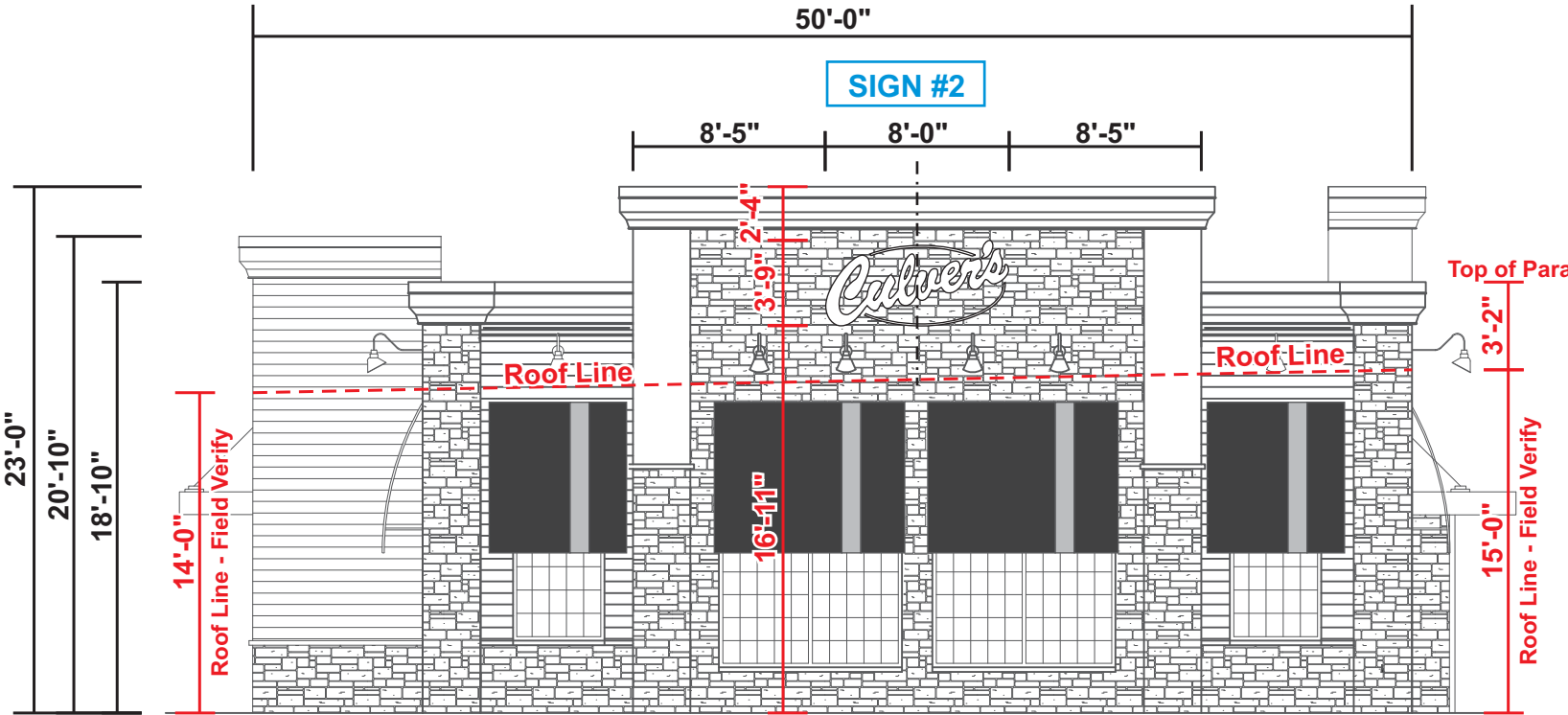


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ALL DESIGNS AT THE SOLE PROPERTY OF SOUTH WATER, LLC.  
AND MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT  
WRITTEN PERMISSION FROM SOUTH WATER SIGNS, LLC.



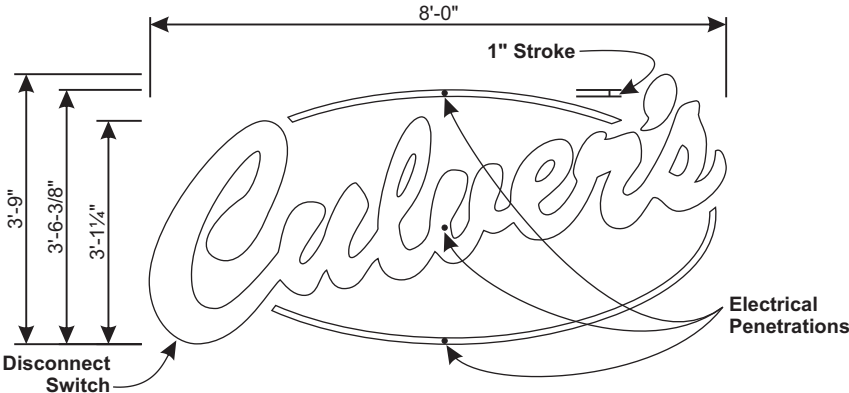
**West Building Elevation -**

Scale N.T.S.



**North Building Elevation -**

Scale N.T.S.



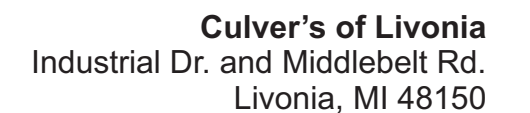
**SL-30 Illuminated Script Channel Letterset -**

Scale 3/8" = 1'-0"  
Qty Required: (2) Lettersets

- Specifications:**
- Channel Letter Returns: Blue - .040 Aluminum at 5" Depth
  - Channel Letter Backs: White - .063 Aluminum
  - Channel Letter Trim Caps: White
  - Letter Faces: White Polycarb
  - Illumination: Internally illuminated with White LEDs
  - Electrical: 60W Power Supply
  - Square Footage: 30.0

- Electrical Specifications:**
- LEDs: Sylvania Chain X1 Modules (2) #71071  
(10) Top Swoop, (14) Bottom Swoop, (63) Ltrs  
(87) Modules Total
  - Power Supply: (2) Sylvania #51603
  - Line Load: 1.5 Amps @ 120 VAC  
76 Watts - Total System

**Concept Drawing - Actual building dimensions to be field verified once actual building structure is completed.**



7005085 Culvers Livonia MI.cdr

Metro XL 1.5

08/26/13 PMF 08/28/13 PMF

## BUILDING ELEVATIONS

SOUTH WATER  
SIGNS

934 N. Church Rd., Elmhurst, IL 60126



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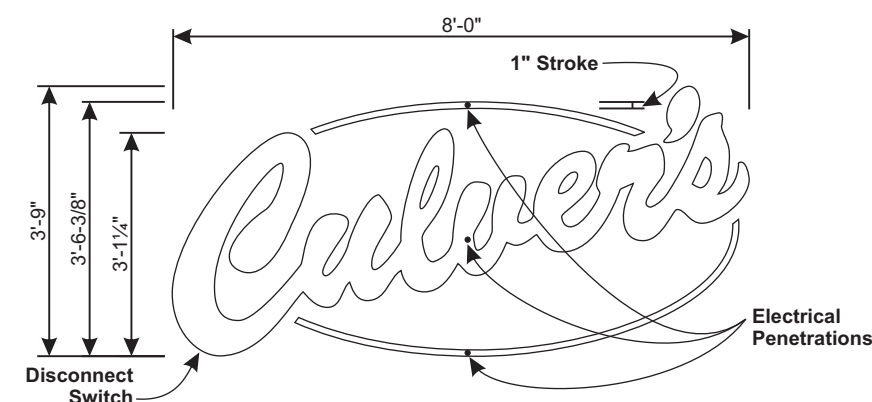


Scale N.T.S.



Scale N.T.S.

**See Drive-Thru Signage page  
for sign specifications**



**SL-30 Illuminated Script Channel Letterset -**

Qty Required: (2) Lettersets

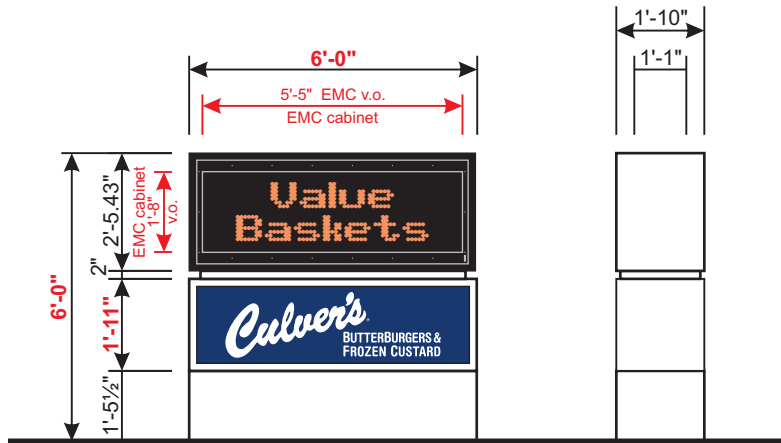
**Specifications:**

- **Channel Letter Returns:** Blue - .040 Aluminum at 5" Depth
- **Channel Letter Backs:** White - .063 Aluminum
- **Channel Letter Trim Caps:** White
- **Letter Faces:** White Polycarb
- **Illumination:** **Internally illuminated with White LEDs**
- **Electrical:** 60W Power Supply
- **Square Footage:** 30.0

### Electrical Specifications:

- **LEDs:** Sylvania Chain X1 Modules (2) #71071  
(10) Top Swoop, (14) Bottom Swoop, (63) Ltrs
- **(87) Modules Total**
- **Power Supply:** (2) Sylvania #51603
- **Line Load:** 1.5 Amps @ 120 VAC  
76 Watts - Total System

**Concept Drawing - Actual building dimensions to be field verified once actual building structure is completed.**



**Square Footage:**  
 Main Sign Face - 12.5 Sq Ft  
 EMC Unit - 8.99 Sq Ft  
 Complete Sign - 36.0 Sq Ft

**Side View**

**SIGN #1**



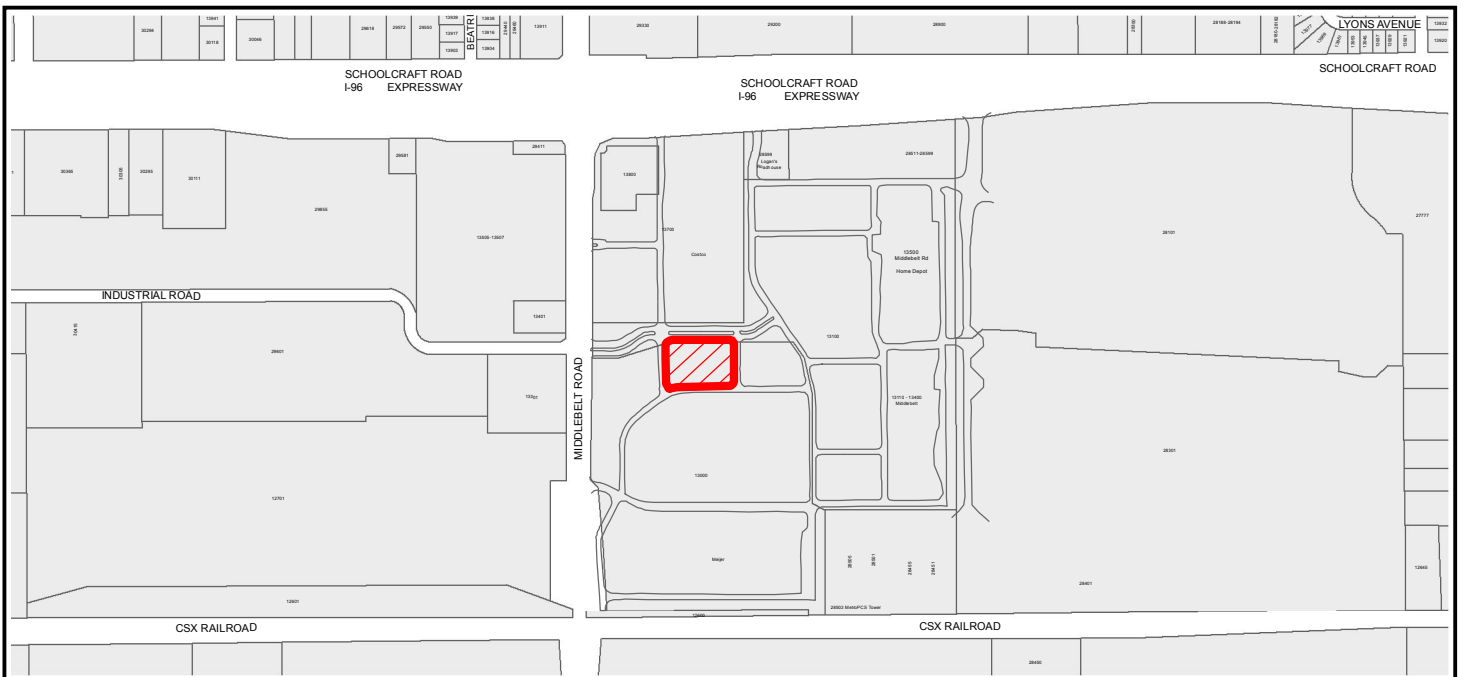
**NOTICE OF PUBLIC HEARING**  
**CITY OF LIVONIA PLANNING COMMISSION**



33000 Civic Center Drive  
Livonia, Michigan 48154-3097  
(734) 466-2290  
Fax: (734) 466-2108

A PUBLIC HEARING WILL TAKE PLACE BEFORE  
THE CITY PLANNING COMMISSION OF THE CITY OF LIVONIA  
ON TUESDAY SEPTEMBER 17, 2013 AT THE  
LIVONIA CITY HALL, 33000 CIVIC CENTER DRIVE, LIVONIA, MICHIGAN  
AT 7:00 P.M., OR AS SOON THEREAFTER AS THE AGENDA  
WILL PERMIT ON THE FOLLOWING ITEM:

**Petition 2013-08-02-20 submitted by S & Z Restaurants, L.L.C. requesting waiver use approval pursuant to Section 11.03(c) of the City of Livonia Zoning Ordinance #543, as amended, to construct and operate a full service restaurant including drive-up window facilities (Culver's) within an outlot on the site of Meijer, 13000 Middlebelt Road, located on the east side of Middlebelt Road between the CSX Railroad right-of-way and Schoolcraft Road in the Northwest ¼ of Section 25.**



**YOU ARE ENCOURAGED TO ATTEND THE PUBLIC HEARING AND PRESENT YOUR VIEWS ON THIS MATTER TO THE CITY PLANNING COMMISSION.**

In accordance with Title II of the American with Disabilities Act as it pertains to access to Public Meetings, the Planning Department of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs. Please call 734-466-2290 if you need assistance.

DEPARTMENT OF PUBLIC SAFETY  
LIVONIA FIRE & RESCUE

SHADD A. WHITEHEAD  
FIRE CHIEF



JACK E. KIRKSEY  
MAYOR

14910 FARMINGTON ROAD  
LIVONIA, MICHIGAN 48154-5419  
(734) 466-2444  
FAX: (734) 466-2082

September 19, 2013

Scott O. Miller, Planner IV  
Planning Commission  
City of Livonia

**RE: Petition 2013-08-02-20, Culver's, 13000 Middlebelt – Meijer's out lot**

Dear Mr. Miller

I have reviewed the petition for waiver use approval on the property at the above referenced address to construct and operate a full service restaurant including drive-up window facilities and have noted the following:

In regards to NFPA 1, 2009 edition

1. Chapter 20 shall be followed for Assembly Occupancies
2. Fire Department Access shall be maintained in accordance to 18.2.3.2
3. Fire lanes shall be marked with freestanding signs that have the words "FIRE LANE – NO PARKING" painted in contrasting colors (on both sides) at a size and spacing approved by the authority having jurisdiction
4. Fire Hydrants and Water Supply shall be required according to 18.3

In regards to NFPA 101, 2009 edition

1. Chapter 12, shall be followed for New Assemblies
2. Building Services and Fire Protection shall be followed

These issues and other code requirements will be addressed during the plan review process.

Providing that all details in regards to New Assembly Occupancy are followed and inspected prior to tenant use, this department has no objections to this petition.

Sincerely,

*Keith Bo*

Keith Bo  
Senior Fire Inspector

**INSPECTION DEPARTMENT**

BUILDING  
HEATING  
PLUMBING  
ELECTRICAL  
ZONING  
SANITATION  
ENVIRONMENTAL PROTECTION  
ORDINANCE ENFORCEMENT



33000 CIVIC CENTER DRIVE  
LIVONIA, MICHIGAN 48154-3097  
(734) 466-2580  
FAX: (734) 466-2095

**JACK E. KIRKSEY**  
MAYOR

**A. ALEXANDER BISHOP, CBO**  
DIRECTOR

**JEROME A. HANNA**  
ASSISTANT DIRECTOR

Date: September 10, 2013

To: Scott O. Miller

From: Jerome Hanna

RE: Petition 2013-08-02-20 – 13000 Middlebelt Road – Culver's

Pursuant to your request, the above referenced Petition has been reviewed.

The following is noted:

1. A variance from the Zoning Board of Appeals would be required for the deficient number of parking spaces.
2. A variance from the Zoning Board of Appeals would be required for the excess number of signs.
3. The gates on the dumpster enclosure shall be steel or may be as approved.

This Department has no further objections to this Petition. I trust this provides the requested information.

Jerome Hanna  
Assistant Director of Inspection

JH/kdt



DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION

TODD J. ZILINCIK, P.E.  
CITY ENGINEER



JACK E. KIRKSEY  
MAYOR

KEVIN L. MAILLARD, P.E.  
DIRECTOR OF PUBLIC WORKS

33000 CIVIC CENTER DRIVE  
LIVONIA, MICHIGAN 48154-3097  
(734) 466-2571  
FAX: (734) 466-2195

September 4, 2013

Mr. Scott Miller  
Planner IV  
City of Livonia

**Re: Petition 2013-08-02-20 – Culver's**

Dear Mr. Miller:

In accordance with your request, the Engineering Division has reviewed the above referenced rezoning petition.

The legal description provided is missing one of the legs of the boundary and does not close. (The drawing indicates what the missing bearing and distance should be, but the description still does not close when using the drawing information.) The following legal description should be used until the owner's surveyor is able to provide an acceptable survey:

A part of the North ½ of Section 25, T. 1 N., R. 9 E., City of Livonia, Wayne County, Michigan being more particularly described as commencing at the Northwest corner of said Section 25 and proceeding thence S 00°27'00" W, 1336.44 feet along the West line of said Section 25 and following Middlebelt Road; thence S 89°34'33" E, 60.00 feet to a point on the Easterly line of said Middlebelt Road (120 foot wide right-of-way) to a point on the South line of a private drive; thence the following two courses along the South line of said private drive, 1) S 89°34'33" E, 127.81 feet and 2) N 73°41'04" E, 261.60 feet to the POINT OF BEGINNING; thence continuing along said private drive S 89°34'33" E, 303.81 feet; thence S 00°04'29" W, 191.31 feet; thence S 45°48'10" W, 24.44 feet; thence N 89°34'33" W, 299.31 feet; thence N 00°25'27" E, 187.43 feet; thence N 29°33'27" E, 24.09 feet to the POINT OF BEGINNING. Containing 1.51 acres. Subject to any easement or restrictions of record, if any.

There currently is no address associated with the proposed outlot. We proposed using an address of **#13030 Middlebelt Road** for all future matters regarding the proposed project.

We have no objections to the proposed layout of the sight, although full engineering drawings will need to be provided prior to determining if the site meets all of the current standards.

The outlot is currently serviced by storm sewer, sanitary sewer and water main. We have no objections to the layout of the proposed services, but would like to mention that the locations may need to be adjusted based on existing features such as trees or light posts.

The proposed plan shows the site draining to a detention basin and eventually outletting to a private storm sewer. No drainage calculations have been included, so we cannot determine if the system meets all current requirements. Please be advised that the developer will need to meet all Wayne County storm sewer requirements for the proposed drainage in order to receive site plan approval.

A soil erosion and sedimentation control (SESC) permit will be required and involve separate plans to be submitted if the proposed site is one (1) acre or more or within 500 feet of a lake or stream. This permit and associated fees will be handled by the City of Livonia's Engineering Department before any work commences.

Should you have any additional questions on this matter, please feel free to contact myself at (734) 466-2608 or the City Engineer, Mr. Todd Zilincik at (734) 466-2561. If you would prefer, you could e-mail either of us at [dlear@ci.livonia.mi.us](mailto:dlear@ci.livonia.mi.us) or [tzilincik@ci.livonia.mi.us](mailto:tzilincik@ci.livonia.mi.us).

Sincerely,

---

David W. Lear, P.E.  
Civil Engineer II

cc: 2013 Petition File

DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF POLICE

CURTIS CAID  
CHIEF OF POLICE



JACK E. KIRKSEY  
MAYOR

15050 Farmington Road  
LIVONIA, MICHIGAN 48154-5499  
(734) 466-2470  
FAX: (734) 261-2265

September 4, 2013

Scott O. Miller  
Planning Commission  
33000 Civic Center Drive  
Livonia, MI 48154

Re: Petition 2013-08-02-20 Culver's Restaurant

Dear Mr. Miller,

I have reviewed the plans in connection with the petition. I have no objections to the proposal.

Yours very truly,  
FOR THE CHIEF OF POLICE

John Gibbs, Sergeant  
Traffic Bureau



**CITY OF LIVONIA, MICHIGAN  
APPLICATION FOR WAIVER/USE APPROVAL**

All applications must be presented in triplicate to the City Clerk, 33000 Civic Center Drive, Livonia, MI 48154-3097. Applications must include property owner's name, address and signature. Filing fee = \$600.00 plus \$20.00 for each 1,000 sq. ft. of gross floor area of new construction.

Date Filed: August 22, 2013 Petition # 2013 08 02 20  
 Site Address: 13000 Middlebelt Rd. Sidwell # 46097990021005 Zoning of Property C2  
 Requesting approval to To split off middle outlot parcel from Meijer property.  
 Applicant: Rosetta Building Company Business/Company: S & Z Restaurants, LLC  
 Applicant's Address: 4564 Oakhurst Ridge Rd. City: Clarkston State: MI Zip Code: 48348  
 Applicant's Phone # (248) 891-6080 Applicant's Fax # (248) 499-7911  
 Contact Person: Andrew Zielke Business/Company: S & Z Restaurants, LLC  
 Contact's Address: 4564 Oakhurst Ridge Rd. City: Clarkston State: MI Zip Code: 48348  
 Contact's Phone # (248) 891-6080 Contact's Fax # (248) 499-7911

State whether you have previously received or applied for any determination from the Planning Commission, Zoning Board of Appeals and/or the City Council pursuant to the provisions of the Zoning Ordinance #543 with respect to this property. No ☒ Yes ☐ IF YES, state the date of such determination(s) or application(s) and attach a copy of the previous application(s) and resolution(s).

**Please provide the following information:**

- 1) Site Plan showing:
  - property dimensions, including road right-of-way & building setback lines
  - foot print of building, including dimensions & square footage
  - all easements, protective walls, sidewalks & existing trees
  - any significant topographic features (existing or proposed)
  - parking layout, including type of surface material, sizes of spaces & aisles
  - method used in calculating parking requirement
  - location of light standards servicing parking lot & cutout showing type & height
  - location of trash receptacle, including description of screening
  - location of signs (if proposed must submit separate sign application)
- 2) Detailed Landscape Plan including:
  - listing or labeling of all planted materials as to type and size
  - areas to be fully irrigated
  - percentage of landscaping provided (15% of total site required)
- 3) Building Elevation Plan depicting:
  - architectural quality
  - wall section & detail plan - exterior building materials must be labeled (i.e. brick, thin brick, dryvit)
  - all visible rooftop mechanical equipment and how they will be screened
- 4) General Floor Plan showing:
  - floor layout
  - entrances & exits
  - restaurants are required to illustrate seating arrangement & capacity
- 5) Legal Description of the property to be considered (Clearly Printed)
- 6) One (1) completed application form, twenty three (23) sets of full size drawings
- 7) One (1) set of reduced color renderings, a maximum 11" x 17" in size, or digital file in a .pdf format either on CD or emailed to [planning@clivonia.mi.us](mailto:planning@clivonia.mi.us)

You are invited and encouraged to review your proposal with the Planning Department staff subsequent to the filing of this application. Only one set of preliminary drawings will be necessary for this analysis.

| FEE COMPUTATION |                                                         | \$600.00 |
|-----------------|---------------------------------------------------------|----------|
| <u>4556</u>     | sq. ft. of new construction x \$20.00 per 1,000 sq. ft. |          |
|                 | (NOTE: Round off to nearest 1,000)                      | + 100    |
|                 | Total Amount Due                                        | \$ 700   |

Owner of Property: Meijers, Inc.  
 Owner's Address: 2929 Walker Ave. N.W. City: Grand Rapids State: MI Zip Code: 49544  
 Owner's Phone # (616) 791-3909 or 791-3063 Owner's Fax # (616) 735-8887  
 Signature of Owner of Property [Signature] Roger De Hoak  
 Subscribed and sworn to before me, a Notary Public in and for the County of Kent State of Mich  
 on this 26th day of August 20 13  
 Signature of Notary [Signature] My commission expires 2-17-17  
 Acting In the County of Kent

LARA E. B. STEIGENGA  
 Notary Public, Ottawa Co., MI  
 Acting In Kent Co., MI  
 My Commission Expires Feb 17, 2017

RECEIVED  
CITY COUNCIL OFFICE  
13 AUG 27 PM 4:01

13 AUG 26 PM 4:19

# PLANNING COMMISSION STAFF NOTES

## PUBLIC HEARING

### ITEM 2

**Petition 2013-08-02-20 submitted by S & Z Restaurants, L.L.C.** requesting waiver use approval pursuant to Section 11.03(c) of the City of Livonia Zoning Ordinance #543, as amended, to construct and operate a full service restaurant including drive-up window facilities (Culver's) within an outlot on the site of Meijer, 13000 Middlebelt Road, located on the east side of Middlebelt Road between the CSX Railroad right-of-way and Schoolcraft Road in the Northwest ¼ of Section 25.

#### **September 10, 2013 Study Meeting:**

This petition requests waiver use approval to construct a full service restaurant including drive-up window facilities (Culver's) on one of three available outlots on the site of the Meijer store at 13000 Middlebelt Road. The subject outlot, along with the Meijer store, is part of the Millennium Park retail complex, which is comprised of a Home Depot and Costco, as well as several other shops and restaurants, including Logan's Roadhouse, Petsmart, Leo's Coney Island, Famous Footwear, Marshalls, and Panera Bread. The subject property is zoned C-2 (General Business) and is 1.51 acres in total area.

The site plan shows the Culver's restaurant would be a one-story building containing a gross floor area of 4,507 square feet. The restaurant itself would be positioned towards the east side of the property leaving a majority of the west half of the site available for parking and storm water management. The drive-up window service for Culver's is planned along the east side of the building. The traffic lane serving the drive-up window would commence at the south side of the building and loop around to the east side of the building. Restaurants with drive-thru services are required to have a sufficient amount of waiting (stacking) space provided at a minimum rate of at least 4 car spaces for each drive-up service facility in addition to the space at the drive-up window. The plan shows sufficient stacking room in the traffic lane serving the drive-up window to satisfy this requirement. Service lanes for drive-up windows are required to be at least ten feet (10') in width. The proposed drive-up lane shown on the plans appears to meet this requirement. Drive-up establishments are also required to provide a by-pass lane or other suitable means of access to a public street for vehicles that do not use the drive-up window. To comply with this provision, Culver's would be utilizing the adjacent aisleway of the parking lot as the by-pass lane.

The subject outlot has no direct access to Middlebelt Road. Access to the proposed restaurant would be from two (2) new drive approaches: one from the north off the existing main driveway that extends from Middlebelt Road into the Millennium Park development and the other from the adjacent Meijer parking lot to the south.

Required parking for restaurants is based on the following standards: 1) the overall number of restaurant customer seats, computed at a ratio of one (1) space per each two (2) interior seats plus one (1) space per each three (3) patio seats; and 2) the number of restaurant employees, computed on the basis of one (1) space per employee during the largest working shift. Based on the information received, the proposed Culver's would have 119 interior seats and 12 patio seats, for a combined total of 131 seats. The restaurant would have 12 employees during their largest working shift. Thus, a total of 76 parking spaces are required to satisfy the Ordinance. The submitted plans show a total of 78 potential parking spaces, 63 of which would be built and 15 that would be landbanked. The 15 landbanked spaces constitute approximately 20% of the required parking. Section 18.37(j) permits up to 25% of the total number of required parking spaces to be reserved for future consideration.

The landscape plan submitted in connection with this item provides for landscaping around the perimeter of the site as well as within the parking lot islands. The landscape plan is fully detailed and indicates the type, quantities and size of plant materials. A note should be added to the plan indicating that sod would be used on all areas identified as lawn, and that an automatic underground irrigation system(s) would be provided for all of the site's landscape areas. Landscaped areas include the 15 landbanked parking spaces in the southwest corner of the property as well as a storm water detention pond located in the northwest corner.

The building elevation plans for Culver's provide information with respect to the exterior finish of all four sides of the restaurant. The building's appearance is dominated by three (3) building materials: beige/brown cast stone, tan horizontal cement fiber board siding, and light tan colored E.I.F.S. Blue awnings would be installed over the windows of the restaurant. Blue trim, matching the color of the awnings, would define the roofline of the building. The restaurant's dumpsters would be located along the south side of the building. The walls of the enclosed dumpster area, which is attached to the south wall of the building, would be constructed out of poured concrete with a brick pattern.

The highest point of the building, measured from the finish ground elevation to the top cap of the tower element of the main entrance, is shown at 23 feet. This complies with the C-2 District Regulations, which has a maximum height restriction of 35 feet.

The submitted plans do not give any information in regards to the size and location of the parking lot light poles. The light poles should be consistent with the guidelines of the City of Livonia Outdoor Lighting Policy for the installation of exterior lighting in all non-residential zoning districts, which specifies that pole mounted lights should not exceed a height of twenty feet (20') above grade.

The proposed wall signage as shown on the building elevation plans would not be in conformance with the sign regulations. By Zoning Ordinance standards, the proposed restaurant would be allowed one (1) wall sign not to exceed 99 square feet in area (one square foot for each lineal foot of building frontage). The elevation plan shows four (4) proposed wall signs, one on each elevation, which added together would total approximately 128 square feet. The wall signage as proposed would require variances from the Zoning Board of Appeals for excessive sign area and excessive number of wall signs.

This site would also be allowed one ground sign not to exceed 30 square feet in area or exceed 6 feet in height, 10 feet in length, and having a minimum setback of 10 feet from any right-of-way line. The plans indicate a proposed ground sign at the northwest corner of the site's parking lot and adjacent to the main entrance drive into Millennium Park. According to the submitted sign package, the proposed ground sign would be conforming at approximately 30 square feet in area and 6 feet in height. As permitted, half of the sign's area would be a variable electronic message sign.

**September 17, 2013 Public Hearing:**

**Approving Resolution:** That the request to construct and operate a full service restaurant including drive-up window facilities (Culver's) within an outlot on the site of Meijer, 13000 Middlebelt Road, is hereby approved subject to City Council approval and the following conditions:

1. That the Site Plan marked Sheet 1 prepared by Fairway Engineering, L.L.C., dated August 2013 is hereby approved and shall be adhered to;
2. That pavement markings be provided across the drive aisle and drive-up lane leading to the entrance on the east side of the building for pedestrian safety purposes;
3. That the Landscape Plan marked LP-1 prepared by J. Brian Devlin, R.L.A., dated August 28, 2013, as revised, is hereby approved and shall be adhered to;
4. That all disturbed lawn areas shall be sodded in lieu of hydro-seeding;
5. That underground sprinklers are to be provided for all landscaped and sodded areas and all planted materials shall be installed to the



## **PUBLIC HEARING**

### **ITEM 2     Petition 2013-08-02-20   Culver's**

**Page 4**

satisfaction of the Inspection Department and thereafter permanently maintained in a healthy condition;

6. That the maximum customer seating count shall not exceed a total of one hundred thirty-one (131) seats, including one hundred nineteen (119) interior seats and twelve (12) outdoor patio seats;;
7. That the Building Elevation Plan marked A-3 prepared by Culver Franchising Systems, Inc., dated January 1, 2013, is hereby approved and shall be adhered to;
8. That all rooftop mechanical equipment shall be concealed from public view on all sides by screening that shall be of a compatible character material and color to other exterior materials on the building;
9. That the three walls of the trash dumpster area shall be constructed out of building materials that shall complement that of the building and the enclosure gates shall be of solid panel steel construction or durable, long-lasting solid panel fiberglass and maintained and when not in use closed at all times;
10. That all pole mounted light fixtures shall not exceed a height of 20 feet above grade and shall be shielded to minimize glare trespassing on adjacent properties and roadway;
11. That only conforming signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals;
12. That no LED lightband or exposed neon shall be permitted on this site including, but not limited to, the building or around the windows; and
13. That the specific plans referenced in this approving resolution shall be submitted to the Inspection Department at the time of application for building permits.

Subject to the preceding conditions, this petition is approved for the following reasons:

1. That the proposed use complies with all of the general waiver use standards and requirements as set forth in Section 19.06 of the Zoning Ordinance #543;

**PUBLIC HEARING**

**ITEM 2     Petition 2013-08-02-20   Culver's**

**Page 5**

2. That the subject site has the capacity to accommodate the proposed use; and
3. That the proposed use is compatible to and in harmony with the surrounding uses in the area.

**MINUTES OF THE 1,043<sup>RD</sup> PUBLIC HEARINGS AND REGULAR MEETING  
HELD BY THE CITY PLANNING COMMISSION  
OF THE CITY OF LIVONIA**

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On Tuesday, September 17, 2013, the City Planning Commission of the City of Livonia held its 1,043<sup>rd</sup> Public Hearings and Regular Meeting in the Livonia City Hall, 33000 Civic Center Drive, Livonia, Michigan.

Mr. Lee Morrow, Chairman, called the meeting to order at 7:00 p.m.

|                  |                 |               |                 |
|------------------|-----------------|---------------|-----------------|
| Members present: | Scott P. Bahr   | R. Lee Morrow | Lynda L. Scheel |
|                  | Carol A. Smiley | Gerald Taylor | Ian Wilshaw     |

Members absent: None

Mr. Mark Taormina, Planning Director, and Ms. Margie Watson, Program Supervisor, were also present.

Chairman Morrow informed the audience that if a petition on tonight's agenda involves a rezoning request, this Commission makes a recommendation to the City Council who, in turn, will hold its own public hearing and make the final determination as to whether a petition is approved or denied. The Planning Commission holds the only public hearing on a request for preliminary plat and/or vacating petition. The Commission's recommendation is forwarded to the City Council for the final determination as to whether a plat is accepted or rejected. If a petition requesting a waiver of use or site plan approval is denied tonight, the petitioner has ten days in which to appeal the decision, in writing, to the City Council. Resolutions adopted by the City Planning Commission become effective seven (7) days after the date of adoption. The Planning Commission and the professional staff have reviewed each of these petitions upon their filing. The staff has furnished the Commission with both approving and denying resolutions, which the Commission may, or may not, use depending on the outcome of the proceedings tonight.

**ITEM #2 PETITION 2013-08-02-20**

**CULVER'S**

Ms. Scheel, Secretary, announced the next item on the agenda, Petition 2013-08-02-20 submitted by S & Z Restaurants, L.L.C. requesting waiver use approval pursuant to Section 11.03(c) of the City of Livonia Zoning Ordinance #543, as amended, to construct and operate a full service restaurant including drive-up window facilities (Culver's) within an outlot on the site of Meijer, 13000 Middlebelt Road, located on the east side of Middlebelt Road

between the CSX Railroad right-of-way and Schoolcraft Road in the Northwest 1/4 of Section 25.

Mr. Taormina: The proposal is to construct a restaurant on one of three outlots that were created at the time the Meijer store was developed. The outlots are located on the east side of Middlebelt Road between the CSX railroad and Schoolcraft. This aerial photograph shows the location of the subject outlot. It is the second outlot east of Middlebelt Road located on the Meijer's property. The size of this particular outparcel is about 1.51 acres. The zoning is C-2, General Business, which would allow for the development of the restaurant subject to waiver use approval. The Meijer store is part of the Millennium Park retail center which is comprised of not only the Meijer, but also a Home Depot, as well as several other shops and restaurants, including Logan's Roadhouse, Petsmart, Leo's Coney Island, Famous Footwear, Marshalls, and Panera Bread, just to name a few. Culver's would be located on the second outlot which is centrally located with the Meijer property. The building that they propose to construct is about 4,500 square feet in area. The building would be positioned on the east side of the property. Parking and storm water management would be located on the west side of property. There is some parking as well located on the east side. The drive-up window service would be along the east side of the building and the traffic lane that would serve the drive-up window would commence on the south side of the building and then loop around to the east side of the building where the pickup window would be located. Vehicles would have the option of circling around and exiting back out to the main road which connects directly with Middlebelt Road. It does have a median separating the eastbound from the westbound traffic so vehicles would then have to turn right and then loop around the median in order to head west towards the signalized intersection at Industrial Road and Middlebelt. Optionally, they could exit out of the south portion. There is a ring road that circles around the actual Meijer store and connects with the other parts of Millennium Park. On the west side of the property, in the northwest corner of the property, is a planned stormwater management pond that would have to be a part of the development. In terms of the required number of parking spaces, the required parking for restaurants is a function of the number of customer seats as well as the number of employees. In this particular case, Culver's is proposing 119 interior seats plus 12 patio seats, for a total of 131 customer seats. They estimate about 12 employees. The ordinance requires approximately 76 parking spaces. What this plan shows is a



total of 78 parking spaces. However, as part of the first phase, they would construct only 63 spaces and they would landbank the remaining 15. While our ordinance requires a total of 76 spaces and they can provide 78, they are not initially proposing to build all of those spaces feeling that the amount of parking they're providing would be adequate to serve the restaurant, the customers and all of the employees. They would reserve the area in the southwest corner of the property for future parking should it be needed. That represents about 15 parking spaces that would be landbanked and represents about 20 percent of the total number of required parking spaces. The Planning Commission and the City Council can approve the banking of up to 25 percent of the total number of required spaces, so they are within compliance of that provision of the ordinance. About one-fourth of the property is going to be green space. Additional areas include the parking lot islands and along the perimeter of the site to the north, south and to the east. I'll quickly go over the floor plan. Just to get you familiar, when I pointed to where the pickup window would be for the drive-up service, on this particular plan it's located here at the top. So the vehicles would swing around the back of the building and then pick up their food here. So this entire northerly half of the building represents the customer seating area. The south half of the building represents all of the service aspects of the operation. This would represent the service counter where people come up and place their orders. There are public restrooms located here. These are the cooler, freezer and dry storage components, and the prep area and kitchen and back office and mechanical area are in the corner of the building. This is an actual photograph of Culver's latest prototype and one which they propose to build here. You can see that the building's appearance is dominated by three different materials. There is a beige or a brown cast stone, tan cement fiber board siding, and then a lighter tan E.I.F.S. area. The building is highlighted with the blue awnings and the blue trim and signage. The height of the building is 23 feet, well within the C-2 district regulations, which allows structures up to 35 feet in height. Lastly, in terms of signage, Culver's is proposing additional wall signage exceeding what the ordinance allows. The ordinance would only permit one wall sign not to exceed 99 square feet in area and that's based on the overall length of the building. In this particular case, they are proposing four wall signs, one on each elevation of the building, totaling approximately 128 square feet. It's a little more in terms of area as well as the number of signs as you can see from the plan. It gives a good sense of what those signs would look like, small oval shaped

signs on each elevation. With respect to the monument sign, this would be located in the northwest corner of the property to capture the attention of drivers coming in off of Middlebelt Road along the extension of Industrial Road heading east towards the Home Depot or south towards the Meijer store. The monument sign complies with respect to the height requirements of six feet in overall height. The other dimensions are fully conforming with respect to the sign. The static part of the sign, which is the lower part, will remain as you see it. However, the upper portion represents a variable electronic message board and that is something that would change. They would have control over the various advertising. The ordinance does allow for the sign to devote half of the area to an electronic message board, but that is only if all other aspects of the site complies in terms of signage, which it will not obviously. So this sign as well will require Zoning Board of Appeals approval in order for it to be installed. With that, Mr. Chairman, I can read out the departmental correspondence.

Mr. Morrow: Please.

Mr. Taormina: There are three items of correspondence. The first item is from the Engineering Division, dated September 4, 2013, which reads as follows: *"In accordance with your request, the Engineering Division has reviewed the above-referenced. The legal description provided is missing one of the legs of the boundary and does not close. (The drawing indicates what the missing bearing and distance should be, but the description still does not close when using the drawing information.) The following legal description should be used until the owner's surveyor is able to provide an acceptable survey: A part of the North ½ of Section 25, T. 1 N., R. 9 E., City of Livonia, Wayne County, Michigan being more particularly described as commencing at the Northwest corner of said Section 25 and proceeding thence S 00°27'00" W, 1336.44 feet along the West line of said Section 25 and following Middlebelt Road; thence S 89°34'33" E, 60.00 feet to a point on the Easterly line of said Middlebelt Road (120 foot wide right-of-way) to a point on the South line of a private drive; thence the following two courses along the South line of said private drive, 1) S 89°34'33" E, 127.81 feet and 2) N 73°41'04" E, 261.60 feet to the POINT OF BEGINNING; thence continuing along said private drive S 89°34'33" E, 303.81 feet; thence S 00°04'29" W, 191.31 feet; thence S 45°48'10" W, 24.44 feet; thence N 89°34'33" W, 299.31 feet; thence N 00°25'27" E, 187.43 feet; thence N 29°33'27" E, 24.09 feet to the POINT OF BEGINNING.*

*Containing 1.51 acres. Subject to any easement or restrictions of record, if any. There currently is no address associated with the proposed outlot. We proposed using an address of 13030 Middlebelt Road for all future matters regarding the proposed project. We have no objections to the proposed layout of the sight, although full engineering drawings will need to be provided prior to determining if the site meets all of the current standards. The outlot is currently serviced by storm sewer, sanitary sewer and water main. We have no objections to the layout of the proposed services, but would like to mention that the locations may need to be adjusted based on existing features such as trees or light posts. The proposed plan shows the site draining to a detention basin and eventually outletting to a private storm sewer. No drainage calculations have been included, so we cannot determine if the system meets all current requirements. Please be advised that the developer will need to meet all Wayne County storm sewer requirements for the proposed drainage in order to receive site plan approval. A soil erosion and sedimentation control (SESC) permit will be required and involve separate plans to be submitted if the proposed site is one (1) acre or more or within 500 feet of a lake or stream. This permit and associated fees will be handled by the City of Livonia's Engineering Department before any work commences." The letter is signed by David W. Lear, P.E., Civil Engineer II. The second letter is from the Division of Police, dated September 4, 2013, which reads as follows: "I have reviewed the plans in connection with the petition. I have no objections to the proposal." The letter is signed by John Gibbs, Sergeant, Traffic Bureau. The third letter is from the Inspection Department, dated September 10, 2013, which reads as follows: "Pursuant to your request, the above-referenced petition has been reviewed. The following is noted: (1) A variance from the Zoning Board of Appeals would be required for the deficient number of parking spaces. (2) A variance from the Zoning Board of Appeals would be required for the excess number of signs. (3) The gates on the dumpster enclosure shall be steel or may be as approved. This Department has no further objections to this petition." The letter is signed by Jerome Hanna, Assistant Director of Inspection. And just as a point of correction with respect to Item 1 in that letter, in terms of the parking requiring a variance from the Zoning Board of Appeals, as I indicated earlier, they do comply with the ordinance and would not require Zoning Board of Appeals approval.*

Mr. Morrow: As you explained.

## **UNAPPROVED MINUTES**

6

Mr. Taormina: Correct.

Mr. Morrow: Are there any questions of the Planning Director? Seeing none, is the petitioner here this evening? We will need your name and address for the record please.

Andrew Zielke, S & Z Restaurants, L.L.C., 4564 Oakhurst Ridge Road, Clarkston, Michigan 48348.

Mr. Morrow: Thank you very much. You've heard Mr. Taormina's presentation. Would you like to add to that?

Mr. Zielke: I think a lot of you guys are pretty well versed in the Culver's type of restaurant. It offers warm hospitality, has a nice tradition of a nice featured building, and has a quality food emphasis, family values and different things in the community, large community involvement. Culver's values are strong with a family emphasis and a strong tradition of community support, and a nice overall building façade that enhances the community and the environment around it.

Mr. Morrow: Let's see if there are any questions from the Commission.

Ms. Smiley: About the landbanking of parking, do you think you have sufficient parking for your restaurant?

Mr. Zielke: Yes. We've talked to Culver's and their planning department and they typically look for 55 to 60 spaces.

Ms. Smiley: For that size of restaurant?

Mr. Zielke: Correct.

Ms. Smiley: I just wanted to comment that this new prototype with the blue and tan colored brick and stone is very attractive. Culver's has some big white buildings.

Mr. Zielke: Exactly. I have the sample board here if you want me to bring it out and show you.

Ms. Smiley: I notice even your refuse containers are color coordinated. That's very nice.

Mr. Morrow: Let's set up the easel for the benefit of the people in the audience as well as at home.



## **UNAPPROVED MINUTES**

7

Marcie Suntiller, 32629 Crystal Lake, Romulus, Michigan. I just want to bring this up to you.

Ms. Smiley: I do have one more question. Do you have experience with restaurants or Culver's or is this your first one?

Mr. Zielke: This is our first one, correct.

Mr. Morrow: You did a very nice job for the presentation of the materials. Mark, you did a good job too.

Mr. Zielke: As you can see, these are the cultured stone or boulder creek composite brick samples. This is our E.I.F.S. color. This is the metal trim that's going up on top of the roof as you can see along the top edge portion of the building. This is the color of the awning sample. The awning will have stripes similar to this. That will decorate the front and side of the building.

Mr. Morrow: So there's three colors.

Mr. Zielke: Correct. Yes. I'm not sure what the repeat pattern is, but it is three colors, the light, the white and the dark blue.

Mr. Taylor: Is there any E.I.F.S. on this at all?

Mr. Zielke: Yes. On the corners of the building, off to the side right here is where the E.I.F.S. is.

Mr. Taylor: It's all above grade.

Mr. Zielke: Correct. It is all stone along the bottom and on the sides, correct.

Mr. Taylor: Thank you.

Ms. Scheel: I have a quick question. Can you tell me what the hours of operation will be?

Mr. Zielke: It's from 10:00 a.m. to 12:00 p.m.

Ms. Scheel: Seven days a week?

Mr. Zielke: Correct.

Ms. Scheel: Thank you.

## **UNAPPROVED MINUTES**

8

- Mr. Bahr: I'm just curious. With the three lots available over there, I was surprised that you're going to this one versus the one that has the frontage on Middlebelt Road. Is there a strategy with that?
- Mr. Zielke: There's really no strategy except there is an offer on the purchase on the first westerly portion right there. Meijer has an offer on that parcel and looking to entertain that offer first. So we had to go to the second parcel over to the east.
- Mr. Bahr: You may have touched on this a little bit, but Culver's is primarily a sit-down restaurant. I mean I know you have the drive-thru, but is that true?
- Mr. Zielke: Yes, it's a family-oriented sit-down restaurant but they do have some drive-thru service that functions as well to serve the people that want to drive-thru instead of come in.
- Mr. Bahr: So you're comfortable with the stacking area for the drive-thru on this. I just had a mild concern with the south side of the property and cars coming in from the south versus cars coming in from the north and whether that was going to be a congestion issue.
- Mr. Zielke: I think we provide for stacking spaces. I believe it is more than adequate to service our stacking needs for our restaurant.
- Mr. Bahr: Okay. Thanks.
- Ms. Smiley: With that stacking, those people that park on the right, where would they enter the restaurant?
- Mr. Zielke: There is a side entry door just right next to the front of the bumper of the car right there, where the people can come through and walk through that area. Most of that parking on the right hand side will be for employees only. I shouldn't say for employees only, but we'll prefer to have the employees park on that side of the building.
- Ms. Smiley: So that they're not crossing the path of traffic.
- Mr. Zielke: They will cross the path of traffic to enter into the building, yes.
- Ms. Smiley: But like once a day.
- Mr. Zielke: Right, not as often as normal customers coming in and out.

## **UNAPPROVED MINUTES**

9

- Ms. Smiley: And your normal person comes in and sits down, not normal. People in the drive-thru can be normal too, but you're regular average client.
- Mr. Zielke: Families that come in there, correct. They'll come in and dine and then you get the people who come through for lunch or whatever that are just in the area will drive thru and proceed to get their food there also.
- Ms. Smiley: Okay. Thank you.
- Mr. Wilshaw: Just a couple follow-up questions. Do you know what percentage of your business will be drive-thru versus dine-in?
- Mr. Zielke: I think is around 30 percent drive-thru and 70 percent sit-down.
- Mr. Wilshaw: Do you find that the drive thru business is at certain time periods, such as lunch or late evening or that type of thing?
- Mr. Zielke: It's probably one of those things that varies, I would imagine. You know what I mean depending on who comes in at what time, but I think the lunch hour rush that comes through are the people that are coming in to get their food and go and get out. Probably the highest point during the day would be the lunch hour.
- Mr. Wilshaw: Okay. Good. That answers that question. The changeable message sign that you have, what type of things are going to be put on the changeable message sign?
- Mr. Zielke: The most important thing for Culver's is that they put on their flavor of the day, whatever it is - brownie, caramel custard - whatever it may be, a raspberry split. They announce that so people have a fine liking to seeing that type of message driving through and actually seeing what the flavor of the day is.
- Mr. Wilshaw: Okay. Changeable message signs are fairly new for us in the city. There are not a lot of them around, and we do have an ordinance that specifies some requirements as far as how long a message stays on the sign and things like that. Even though this is not going to be considered a conforming sign and it will have to go to the Zoning Board of Appeals for a variance anyway, I would like to request that you at least understand what our ordinance is and try to conform to it as far as the length of the time the message should stay on there and so on. We just don't want anything garish or flashy.

- Mr. Zielke: No, no, no. It's not like a colored message board where it flashes and sparkles and does all that. It's just a very simple message board that shows the flavor of the day and then it announces to the people that are driving through, that, hey, you know what, we're having Browning Delight or whatever it might be on their ice cream.
- Mr. Wilshaw: It sounds good.
- Mr. Zielke: So that they know what the flavor of the day is and they come in and grab what they want.
- Mr. Wilshaw: Okay. That sounds fine. The only other thing looking at the plan that caught my attention is, Mr. Taormina pointed out the fact that your patrons who are going to be leaving the lot northbound will have to make a right hand turn and then make a Michigan left to get back toward Middlebelt Road. So I would definitely advise you to consider placing a "right turn only" sign at that exit so that you don't have people trying to shoot across the one way.
- Mr. Zielke: Correct. I would agree with you on that also.
- Mr. Taylor: Are you going to own and run the restaurant, sir?
- Mr. Zielke: Correct. Yes, I am.
- Mr. Taylor: So you're going to be there most of the time?
- Mr. Zielke: Correct, and Marcie right here.
- Mr. Taylor: I wondered. I thought maybe she might be important in this.
- Mr. Zielke: Exactly. And her husband is taking a 16 week long training class.
- Mr. Taylor: I think it's going to be a great addition. I think you're going to have a little bit of a problem with the Zoning Board of Appeals for setting a precedent for four signs on all sides of the building. The one at the back, the south. I don't know why you would need one back there because you're facing Meijer, but I guess that's up to them. I don't have a big problem with it. So good luck.
- Mr. Zielke: Okay. Thank you very much.



- Mr. Morrow: Anyone else? Just one thing, the drive-thru. Is there occasion when people have to wait for an order and have to pull forward?
- Mr. Zielke: Yes, that's why there's four stacking spaces. All of our food is made to order, so it's not like you go to a normal fast food restaurant. We're the fast/casual type of concept where you order the food, it's cooked to order so it's hot when you get it, and it's fresh. Occasionally you will have to wait.
- Mr. Morrow: Now would they wait at the window or would they have to pull aside?
- Mr. Zielke: There's four stacking spaces right up front on the site plan there. Yes, they would have to pull up, depending how big the order is. If there's no one behind you, obviously you can wait, but as traffic comes behind you or additional customers come up, we may ask you to pull forward and wait.
- Mr. Morrow: I assumed that's what those spaces were for. I just wanted to get it on the record.
- Mr. Zielke: Correct. Yes.
- Mr. Morrow: Did you have something to say, ma'am?
- Ms. Suntiller: I do. I have 10 years of customer service, and the food is made to order for you. So you will pull over and we do have a time limit for that food to be prepared especially for you. So if I'm ordering my food and for whatever reason I change my mind or change the order, you're not going to get what's left over in the car behind me. You're going to get what's cooked for you when you order it, and there also is a time limit on that food that you're waiting to receive. So we get you in; we get you safe; we get you hot, fresh food; and it's made for you.
- Mr. Morrow: If you have a customer waiting for his food in one of those parking places, how does the food get to him?
- Ms. Suntiller: We have a number that is service for you, so you'll be number 32 and we'll have you get that number. You'll pull over to the side and we'll have a gentleman or a young lady bring that food made to order out to your car.
- Mr. Morrow: Okay. So he does not have to come back to get it. Somebody on your staff will make that delivery.

- Ms. Suntiller: That's correct. You do not exit your car.
- Mr. Morrow: Okay, because when you're not quite a fast food place, I was just concerned how you were going to handle the stacking of the cars and servicing them.
- Ms. Suntiller: Correct.
- Mr. Zielke: It's done by basically a runner that comes out. If you're pulled over to a stacking area, there's a runner that comes out and delivers your food.
- Mr. Morrow: Okay. Very good. Are there any other questions? Is there anybody in the audience that wishes to speak for or against the granting of this petition? Seeing no one coming forward, I'm going to close the public hearing and ask for a motion.
- Mr. Bahr: I am excited about this. I do live nearby. I go into Millennium Park a lot, probably more than I want to admit. There's a Home Depot in there. So I'm anxious to see that filled, and as somebody that takes his family out to Kansas several times a year, we stop at Culver's a lot on the way. So I'm excited to have one nearby and this looks like a great proposal. I think it will be a great addition to that retail center.

On a motion by Bahr, seconded by Smiley, and unanimously adopted, it was

**#09-52-2013** **RESOLVED**, that pursuant to a Public Hearing having been held by the City Planning Commission on September 17, 2013, on Petition 2013-08-02-20 submitted by S & Z Restaurants, L.L.C. requesting waiver use approval pursuant to Section 11.03(c) of the City of Livonia Zoning Ordinance #543, as amended, to construct and operate a full service restaurant including drive-up window facilities (Culver's) within an outlot on the site of Meijer, 13000 Middlebelt Road, located on the east side of Middlebelt Road between the CSX Railroad right-of-way and Schoolcraft Road in the Northwest 1/4 of Section 25, which property is zoned C-2, the Planning Commission does hereby recommend to the City Council that Petition 2013-08-02-20 be approved subject to the following conditions:

1. That the Site Plan marked Sheet 1 prepared by Fairway Engineering, L.L.C., dated August, 2013 is hereby approved and shall be adhered to;

2. That pavement markings be provided across the drive aisle and drive-up lane leading to the entrance on the east side of the building for pedestrian safety purposes;
3. That the Landscape Plan marked LP-1 prepared by J. Brian Devlin, R.L.A., dated August 28, 2013, as revised, is hereby approved and shall be adhered to;
4. That all disturbed lawn areas shall be sodded in lieu of hydro-seeding;
5. That underground sprinklers are to be provided for all landscaped and sodded areas and all planted materials shall be installed to the satisfaction of the Inspection Department and thereafter permanently maintained in a healthy condition;
6. That the maximum customer seating count shall not exceed a total of one hundred thirty-one (131) seats, including one hundred nineteen (119) interior seats and twelve (12) outdoor patio seats;
7. That the Building Elevation Plan marked A-3 prepared by Culver Franchising Systems, Inc., dated January 1, 2013, is hereby approved and shall be adhered to;
8. That all rooftop mechanical equipment shall be concealed from public view on all sides by screening that shall be of a compatible character, material and color to other exterior materials on the building;
9. That the three walls of the trash dumpster area shall be constructed out of building materials that shall complement that of the building and the enclosure gates shall be of solid panel steel construction or durable, long-lasting solid panel fiberglass and maintained and when not in use closed at all times;
10. That all pole mounted light fixtures shall not exceed a height of 20 feet above grade and shall be shielded to minimize glare trespassing on adjacent properties and roadway;
11. That only conforming signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals;

12. That no LED lightband or exposed neon shall be permitted on this site including, but not limited to, the building or around the windows; and
13. That the specific plans referenced in this approving resolution shall be submitted to the Inspection Department at the time of application for building permits.

Subject to the preceding conditions, this petition is approved for the following reasons:

1. That the proposed use complies with all of the general waiver use standards and requirements as set forth in Section 19.06 of the Zoning Ordinance #543;
2. That the subject site has the capacity to accommodate the proposed use; and
3. That the proposed use is compatible to and in harmony with the surrounding uses in the area.

**FURTHER RESOLVED**, that notice of the above hearing was given in accordance with the provisions of Section 19.05 of Zoning Ordinance #543, as amended.

Mr. Morrow, Chairman, declared the motion is carried and the foregoing resolution adopted. It will go on to City Council with an approving resolution.



## ZONING BOARD OF APPEALS

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TIMOTHY J. KLISZ, SECRETARY  
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MARC ROTONDO  
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33000 CIVIC CENTER DRIVE  
LIVONIA, MICHIGAN 48154-3097  
(734) 466-2250

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### ***PUBLIC NOTICE FEBRUARY 23, 2024***

**APPEAL CASE NO. 2024-02-12, S and Z Restaurants, LLC, 13030 Middlebelt:** Seeking to erect two (2) menu board signs, one for each of two drive-thru lanes resulting in excess sign area.

#### **Menu Board Sign Area\*:**

Allowed: 30 square feet  
Proposed: 46 square feet  
Excess: 16 square feet per sign

The preorder menu boards are being removed.

This General Business District property is located on the east side of Middlebelt Road (13004), between Schoolcraft Road and CSX Railroad, Lot. No. 097-99-0021-015, C-2 District, General Business, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 11.08 (3).

**THE LAW REQUIRES THAT OWNERS OF PROPERTY LOCATED WITHIN 300 FEET OF THIS PROPERTY BE NOTIFIED OF THIS REQUEST IN WRITING. THIS IS YOUR NOTIFICATION. YOU ARE NOT REQUIRED TO RESPOND TO THIS LETTER.**

This appeal will be heard at a public hearing to be held in the **Auditorium on the 1<sup>st</sup> floor of City Hall on Tuesday, March 12, 2024, at 7:00 p.m.**, at which time comments may be directed to the Board during audience participation. When replying by mail, write your comments on the back of this notice and address it to the City of Livonia, Zoning Board of Appeals, 33000 Civic Center Drive, Livonia, MI 48154. All written comments are read at the meeting and become part of the record.

**ZONING BOARD OF APPEALS,**

Timothy Klisz, Secretary

Petitioner will incur a \$100 rescheduling fee for every failure to appear.  
In accordance with Title II of the Americans with Disabilities Act as it pertains to access to Public Meetings, the Zoning Board of Appeal's Office of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs.  
Please call 734-466-2250 if you need assistance.

**Case No:** 2024-02-12  
**Meeting Date:** March 12, 2024

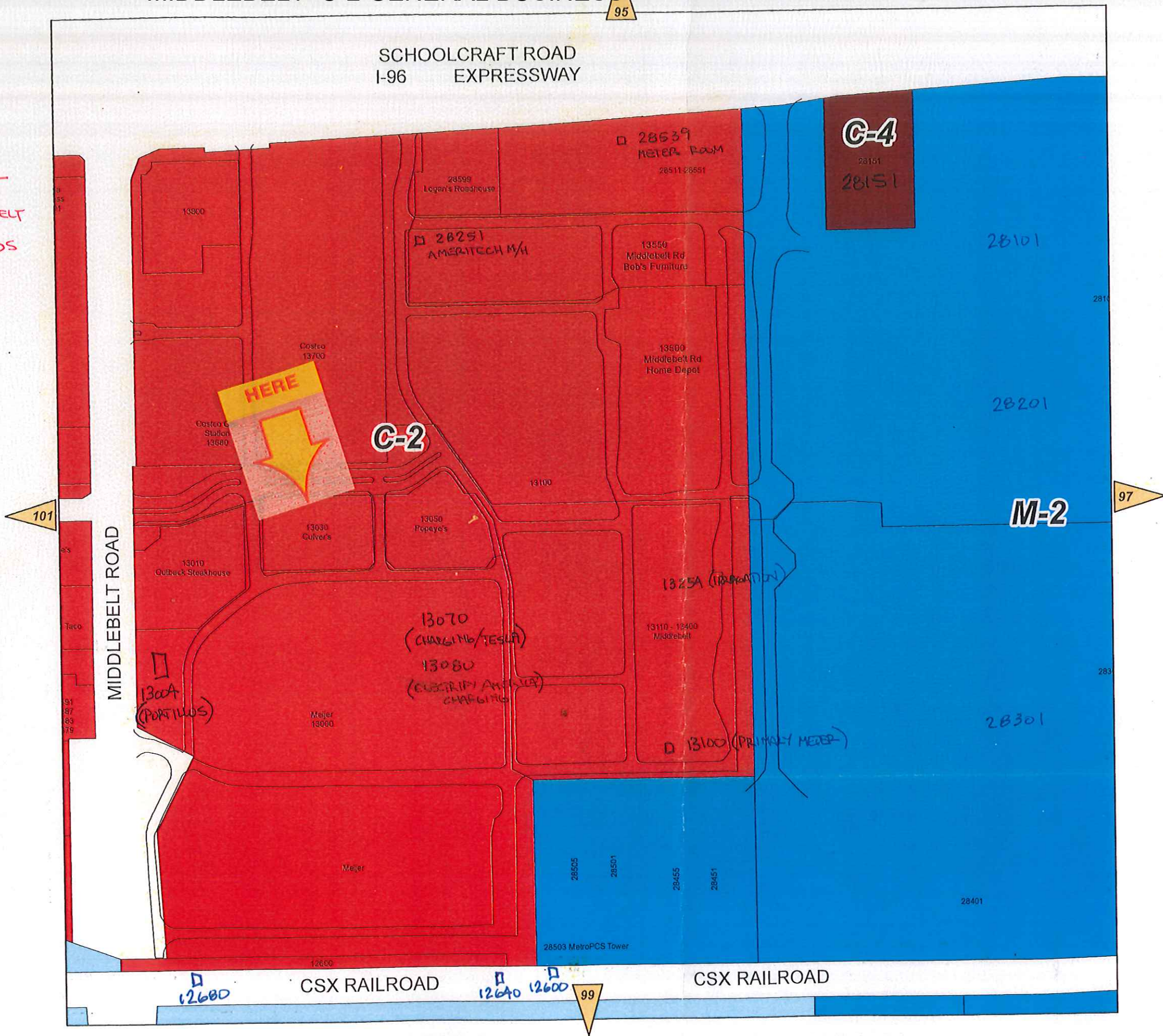
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Signature: \_\_\_\_\_

Address:



ZBA CASE:  
13030 MIDDLEBELT  
RE: MENU BOARDS



# ZONING MAP

## LEGEND

### Zoning Districts

- RUF Rural Urban Farm
- N1 Neighborhood
- N2 Neighborhood
- NM1 Neighborhood Multifamily
- NM2 Neighborhood Multifamily
- NM3 Neighborhood Multifamily
- P Parking
- C-1 Local Business
- C-2 General Business
- C-3 Highway Services
- C-4 High Rise Commercial
- M-L Manufacturing Limited
- M-1 Light Manufacturing
- M-2 General Manufacturing
- P-L Public Lands
- NP Nature Preserves

N.W. 1/4 Section 25

**City of Livonia**

T. 1 south, R. 9 east

Wayne County, Michigan

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ZONING BOARD OF APPEALS  
CITY OF LIVONIA  
MINUTES OF MEETING HELD TUESDAY, FEBRUARY 6, 2024

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, February 6, 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:** Mike Fisher, Chief Assistant City Attorney  
Lawrence O'Neal, Inspector

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. Vice Chairman, Jim Baringhaus, further explained the option for petitioners to reschedule their petition to a future date for a full board hearing. Neither Petitioner requested that either case be tabled to await a full Board. Secretary, Timothy Klisz, then read the Agenda and Legal Notice to each appeal, and each petitioner indicated their presence. Appeals came up for hearing after due legal notice was given to all interested parties within 300 feet, petitioners, and City Departments. There were several (not counted) people present in the audience.

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(7:00)



## TABLE OF CONTENTS

| APPEAL CASE #                                                                    | PAGES        |
|----------------------------------------------------------------------------------|--------------|
| <b>APPEAL CASE NO. 2023-11-31</b><br>Bethel Baptist Temple<br>29475 Six Mile     | <b>3-11</b>  |
| <b>APPEAL CASE NO. 2024-01-04</b><br>Henry Ford Health<br>29200 Schoolcraft Road | <b>12-22</b> |
| <b>ADMINISTRATIVE TASKS</b>                                                      | <b>23</b>    |

**APPEAL CASE NO. 2023-11-31, Bethel Baptist Temple (Tabled on December 12, 2023):** an appeal was made to the Zoning Board of Appeals by Bethel Baptist Temple, seeking to erect a ground sign resulting in excess overall sign area and excess area of the bulletin board message display portion of the sign.

**Ground sign area:**

Allowed: 30 ft.  
Proposed: 50 ft.  
Excess: 20 ft.

**Bulletin board message area:**

Allowed: 20 ft.  
Proposed: 27 ft.  
Excess: 7 ft

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

**BARINGHAUS** Thank you very much. Could I have a motion from the Board to remove the first case from the table?

**TESTA** Mr. Chair.

**BARINGHAUS** Mr. Testa.

**TESTA** Move to remove appeal case number 2023-11-31 from the table.

**KLISZ** Support.

**BARINGHAUS** Motion by Mr. Testa, support by Mr. Klisz to remove the case from the table. All those in favor say aye.

The item was unanimously approved by acclamation.

**BARINGHAUS** Thank you. Secretary Klisz, would you please read the first case?

**KLISZ** Sure. Calling appeal case number 2023-11-31, Bethel Baptist Temple, tabled on December 12, 2023. An appeal was made to the Zoning Board of Appeals by Bethel Baptist Temple seeking to erect a ground sign resulting in excess overall sign area and excess area of the bulletin board message display portion of the sign. This Rural Urban Farm property is located on the south side of Six Mile between Oporto Street and Middlebelt Road, RUF district neighborhood, rejected by the Inspection Department under Livonia Ordinance, Section 6.50. Ground sign area: allowed 30 feet, proposed 50 feet, excess 20 feet. Bulletin board message area: allowed 20 feet, proposed 27 feet, excess seventeen.

**BARINGHAUS** Thank you. Does the Board have any questions for the law department? Any questions for the Inspection Department? Very good. The Petitioner, come forward, please. Good evening.

**BUJA** Good evening.

**BARINGHAUS** Could you state your name and address please? Sure.

**BUJA** Ryan Buja. I'm pastor at Bethel Baptist and address is 30457 Jeanine Street, Livonia, Michigan 48152.

**BARINGHAUS** Great, thank you very much. You could outline the revisions you made to your proposal and about the variance, it would be appreciated.

**BUJA** Sure. I didn't know if I have to go over the hardship about the trees, which is something I presented. I know there's some new Board Members here today. So I don't know if that's something I need to.

**BARINGHAUS** If you'd like to, just...

**BUJA** Okay, yeah. So one of the things that we have different than pretty much, not only every other church, but every other business in Livonia is in front of our property, in the Wayne County right-of-way, we have seven mature trees, and they're very, very large. And they block pretty much, especially when all the leaves are on, I did send a picture in and that was taken in the fall when about half of the leaves are fallen off. But in the summertime, so about half the year, when those trees are full our church is really, really blocked from the view. Whereas you know, when you look at all the other churches, there's about five others on that mile stretch, not one of them have any trees, blocking their sign, blocking their church. And even as you drive around Livonia, you know, you can drive anywhere you want. But on the road, there's Steve's, there's McDonald's, and Walgreens and no one has, you know, seven huge trees on the right-of-way. We had reached out to Wayne County Trees several years ago, because the trees had gotten so overgrown, they were almost touching the ground. To the point that for 18 months, I had called Wayne County to please trim the trees. For 18 months, they didn't come out, to the point I'm on my seventh call. Wayne County said, "Just trim them yourself." So we did that. So they do look a lot better. What you see in that picture is because of the work that we did on the Wayne County trees to make it look like it should. However, they're still very large and they still do block and I do believe that that hardship does present us, you know, that case does present a hardship to our situation that we believe other churches and other businesses in Livonia do not have to deal with, which is the main reason we are asking for the variance to get something. In this case, we went back and revised. We listened to kind of, you know, your feedback on what, as far as the electronic sign and whether it's electronic or a letter sign. And we met, we decided to go away from the electronic sign and to listen to your comments, your feedback. And so what we did is we went to the company, the same exact company that designed Cornerstone Baptist, which is directly across the street a little to the

west of us, the same company that made that sign, they're the exact same specifications for a letter sign. And I know that the Board granted a variance on that. So we're asking you to consider the same thing there. One of the reasons we felt that would be acceptable is, I know last time when we were here Dairy Queen was before us. And I know they were asking for a larger menu board. And I know one of the discussions that were made were Plymouth Road Dairy Queen had been given a variance for that same menu board sign, and it was kind of like well, we've kind of set that precedent, so we don't see an issue giving this location the same size. So we kind of took all that information. And we designed or had the same exact sign designs, as Cornerstone and we feel that our hardship, we really need that sign even more so than them because of that. One of the really things on that sign is -- if I've understood it correctly -- one of the reasons they wanted the bigger sign was because they had a bigger offset from the road. At least that's I think what we talked about last time. I measured their offset, and they actually have the same exact offset as we have. So our sign currently is 37 feet from the road. Their sign is at 40 feet from the road however, they chose to put their sign 13 feet from the sidewalk when obviously 10 is the code, so they could have had that thirty-seven. They chose to put it at forty, so their offset from the road is exactly the same as what our current sign is at and also where the new sign would go would be 37 feet from the road, 10 feet from the sidewalk. So we're trying to make everything similar, you know, in the same exact specification on that. So that's kind of, we tried to listen to you and bring back something that would be acceptable.

**BARINGHAUS** Can you outline the current location of your existing sign versus where you want the proposed sign?

**BUJA** Sure. So the current sign, we kind of have two lots, the main church lot, and then to the west, we have like a field almost, but where the current church is at or where the church is at and that lot is directly in the middle of the yard there, and we want to move it over to the driveway side. Big reason there, get it over by the driveway, is because it's the most open there, again, we have all those trees. And if we can move it to where the driveway is at, at least there's a gap there that will allow people to see it, maybe a little quicker. It'd be a quick second, but at least a little bigger gap there, it would be more noticeable than having it blocked in the middle there by the trees. So that's why we wanted to move it, move it over to the west, or a little bit.

**BARINGHAUS** Very good. Questions from the Board?

**ROTONDO** Mr. Chair.

**BARINGHAUS** Yes, Mr. Rotondo.

**ROTONDO** A question for the Petitioner. Have you reached out, I know you said you contacted Wayne County about maintaining the trees? Have you reached out to them about maybe getting a permit to remove the trees?

**BUJA** I have not thought of that idea. And you know, I don't know, if that would be allowed, but that's definitely something to consider.



**ROTONDO** I know that they offer permits. I don't know what their criteria is and if they would be willing to allow it or not.

**BUJA** Sure, yeah, we would definitely be open to that, for sure.

**ROTONDO** That's it.

**BARINGHAUS** Okay. Great. Thank you.

**TESTA** Mr. Chair.

**BARINGHAUS** Mr. Testa.

**TESTA** Thank you. Question to the Petitioner. Last time you were here, you were pretty adamant about the electronic sign. It sounds like, obviously you moved away from it. Can you talk to me about the rationale, or was it just simply... you didn't think, "I don't want to have to worry about this?"

**BUJA** As far as why we did it. I mean, at the end of the day, we felt because it was, pretty adamantly seemed like it was denied here, that it was not going to happen. And so, you know, it was a matter of, did we want to fight the City about the sign or maybe just go in a different direction and present something that would be more acceptable to the City? So that's kind of why we decided to go that direction.

**TESTA** Okay. And last time, you were also questioning your zoning. Do you plan on seeking a zoning change?

**BUJA** We do not.

**TESTA** Okay. And then the last question, I do recall a discussion last time regarding your temporary signs and you put up a "Trunk or Treat" as an example. I remember that specifically that you do have?

**BUJA** Correct.

**TESTA** Good. If this variance is approved, those signs would be coming down?

**BUJA** Correct. Yeah, we wouldn't need to advertise. Obviously, we could put it on our letter sign.

**TESTA** Okay. Thank you. Thank you.

**SCHEEL** Mr. Chair.

**BARINGHAUS** Yes, Ms. Scheel.

**SCHEEL** Thank you. Will you be removing the sign you have there?

**BUJA** Yeah, that sign will be coming down.

**SCHEEL** Thank you.

**BARINGHAUS** Question, did you change the dimensions of the sign? From what you originally proposed to the present design tonight?

**BUJA** Are you referring to the electronic sign?

**BARINGHAUS** The size of, the overall size of the sign?

**BUJA** So the electronic sign that we proposed was forty.

**BARINGHAUS** Okay.

**BUJA** Yep. And that was 10 square feet bigger, you know, than what the electronic sign would be allowed. So again, we just kind of took your feedback and went with kind of what the variance was given and kind of built it off that.

**BARINGHAUS** Thank you. Any other questions from the Board? Okay, very good. Okay. Just have you take a chair for a moment. Does the audience have any comments? Okay, no comments from the audience, then? Secretary Klisz, do we have any letters?

**KLISZ** We have no letters.

**BARINGHAUS** Thank you very much. Okay. At that point, I'll have you come forward to make a final statement.

**BUJA** Final statement?

**BARINGHAUS** Yes.

**BUJA** A closing statement. I reiterate everything I just said. No, final statement: You know, I appreciate your consideration into this matter. And, you know, closing statement would be you know, I feel like Bethel for those who don't know, this year, 2024 is 50 years that Bethel has been at that location. 1974 to 2024. So it's been in the community a very long time. And we plan on continuing for another 50 years, hopefully, and more. And we do feel like the sign that we have is older. It's an old, it's an outdated sign. So the new sign would definitely present better than our old sign, right? It's gonna look better, it's going to be better for the community.

It's gonna be nicer to look at as people drive down the road. So we feel like it's a win-win for everybody.

**BARINGHAUS** Okay, very good. Thank you very much.

**BUJA** Thank you.

**BARINGHAUS** Okay, we'll close the public portion of the meeting and we'll get the Board's comments with Ms. Scheel.

**SCHEEL** Well, even though I wasn't here when this was presented the first time, I did go back and read the notes and the minutes, I should say, and the comments and everything that was there. I do appreciate you bringing me back a sign that's not an electronic sign. I think that meets the needs of both sides. And I think it's a great choice. So I would be in favor of this this evening.

**BARINGHAUS** Thank you. Mr. Rotondo?

**ROTONDO** Yeah, I also reviewed the minutes because I was not here at the previous one. It looks like you made some changes based on the comments that some of the other, my colleagues made. So yeah, I can get behind this, and I will be a favor of it.

**BARINGHAUS** Great, thank you very much. Secretary Klisz?

**KLISZ** I agree. I was here. The last one. And again, as we told the Petitioner and everyone else is that we had these and consistently said no to electronic message board signs in residential areas. So I'm glad to see it is not and the fact that it looks very similar to the neighbor's sign which we did approve, is great. And it's actually smaller than that one. So I have no problem approving this one.

**BARINGHAUS** Thank you. Mr. Boloven.

**BOLOVEN** Nothing further to add. I support what my colleagues stated and I'd be in support.

**BARINGHAUS** Thank you. Mr. Testa.

**TESTA** Thank you. I'll be in support of this. Thank you for modifying your proposal based on our feedback last time.

**BARINGHAUS** I too will be in support of the variance as well. It's obvious you took our comments to heart and went back, did your research, did your homework, and made the necessary adjustments in the sign that it blends better into the surrounding areas as well. So with that, the floor is open for a motion.

**KLISZ** Mr. Chair.

**BARINGHAUS** Secretary Klisz.

**KLISZ** Resolved: the variance appeal case number 2023-11-31. Filed by Bethel Baptist Temple will be granted for the following reasons and findings of fact: The uniqueness requirement is met because of the age of the old sign and the inability to see the sign currently due to the trees that are in the area and that won't be cut appropriately by Wayne County. Denial of the variance would have severe consequences for the Petitioner because of the inability of parishioners to get to the church without a readable sign. The variance is fair in light of its effect on neighboring properties and the spirit of the zoning ordinance because of overwhelming crowd support and no opposition. The property is classified RUF under the master plan. The proposed variance is not inconsistent with that classification. Further, that the variance be granted with the following conditions: that it be built as presented as to location and material and size.

**BARINGHAUS** Okay, very good. Do I have support?

**BOLOVEN** Support.

**FISHER** Mr. Chair

**BARINGHAUS** Yes?

**FISHER** Just for the sake of accuracy, the Master Plan says this is Corridor Commercial.

**KLISZ** Change my classification to Corridor Commercial.

**FISHER** Thank you, Mr. Klisz.

**BOLOVEN** Support.

**BARINGHAUS** Thank you. I thought the public announcement said RUF zoning?

**FISHER** It's RUF zoning but on the Master Plan it's Corridor Commercial.

**BARINGHAUS** Very good. Thank you. Okay, very good. Support by Mr. Boloven. But is there any discussion from the Board? Okay, very good. Secretary Klisz, will you take a vote?



**RESOLVED: APPEAL CASE NO. 2023-11-31, Bethel Baptist Temple:** an appeal was made to the Zoning Board of Appeals by Bethel Baptist Temple, seeking to erect a ground sign resulting in excess overall sign area and excess area of the bulletin board message display portion of the sign.

**Ground sign area:**

Allowed: 30 ft.  
Proposed: 50 ft.  
Excess: 20 ft.

**Bulletin board message area:**

Allowed: 20 ft.  
Proposed: 27 ft.  
Excess: 7 ft

This Corridor Commercial property is located on the south side of Six Mile Road (29475), between Oporto Street and Middlebelt Road, Lot. No. 053-01-0001-000, R-U-F District, Neighborhood, rejected by the Inspection Department under Livonia Fence Ordinance, Section 6.50 and 11.08, **be granted** for the following reasons and findings of fact:

1. That the uniqueness requirement is met because of the age of the old sign and the inability to see the sign currently due to the trees in the area that won't be cut appropriately by Wayne County,
2. That denial of the variance would have severe consequences for the Petitioner because of the inability of parishioners to get to the church without legible signage,
3. That the variance is fair in light of its effect on neighboring properties, and in the spirit of the ordinance because of overwhelming crowd support and no opposition, and
4. That this property is classified as Corridor Commercial under the Master Plan, and the proposed variance is not inconsistent with that classification.

Further, that the variance **be granted** with the following condition:

1. It will be built as presented as to location, material, and size.

**KLISZ** Yes. Ms. Scheel?

**SCHEEL** Aye.

**KLISZ** Mr. Rotondo?

**ROTONDO** Aye.

**KLISZ** Mr. Testa?

**TESTA** Aye.

**KLISZ** Mr. Boloven?

**BOLOVEN** Aye.

**KLISZ** Secretary Klisz votes aye, and Chairman Baringhaus?

**BARINGHAUS** Aye.

**KLISZ** Passes six to zero.

**BARINGHAUS** Well, congratulations, your variance is approved. And just, please just follow up with the building inspection department for any final arrangements. Thank you very much.

**BUJA** Thank you.

**BARINGHAUS** Secretary Klisz, will you call the next case?

**APPEAL CASE NO. 2024-01-04, 29200 Schoolcraft Road (Tabled on January 9, 2024):** 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.

| <b><u>Number of Wall Signs:</u></b>            | <b><u>Directional Sign Area:</u></b>                                                                                | <b><u>Directional Sign Height</u></b>              | <b><u>Ground Sign Height:</u></b>               | <b><u>Ground Sign Area:</u></b>                                  |
|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-------------------------------------------------|------------------------------------------------------------------|
| Allowed: One<br>Proposed: Three<br>Excess: Two | Allowed: 2 sq. ft.<br>Proposed: 47 sq. ft, 9 sq. ft., and 9 sq. ft.<br>Excess: 45 sq. ft., 7 sq. ft., and 7 sq. ft. | Allowed: 5 ft.<br>Proposed: 6 ft.<br>Excess: 1 ft. | Allowed: 6 ft<br>Proposed: 9 ft<br>Excess: 3 ft | Allowed: 30 sq. ft.<br>Proposed: 45 sq. ft.<br>Excess: 15 sq ft. |

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).

**KLISZ** Sure. Calling appeal case number 2024-01-04, 29200 Schoolcraft Road, tabled on January 9, 2024. 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 sign, 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, C-2 District, Commercial, rejected by the Inspection Department under zoning ordinance section 11.08 (3) and 11.05 (16). Number of wall signs allowed: one, proposed: three, excess: two. Directional sign area allowed: two square foot, proposed: 47 square foot, nine square foot, and nine square foot, excess: 45 square foot, seven square foot, seven square foot. Directional sign height allowed: five foot, proposed: six foot, excess: one foot. Gound sign height allowed: six foot, proposed: nine foot, excess: three foot. Ground sign area allowed: 30 square foot, proposed: 45 square foot, excess: 15 square foot.

**BARINGHAUS** Thank you. Could I have a motion to remove the case from the table, please.

**TESTA** Mr. Chair.

**BARINGHAUS** Yes, Mr. Testa.

**TESTA** Move to remove appeal case 2024-01-04 from the table.

**BARINGHAUS** Can I have a second, please?

**SCHEEL** Support.

**BARINGHAUS** Okay, support by Ms. Scheel. Motion by Mr. Testa, support by Ms. Scheel to remove the case from the table. All those in favor say aye.

The item was unanimously approved by group agreement.

**BARINGHAUS** Okay, thank you very much. Good evening.

**DIEHL** Good evening. My name is Tracey Diehl. That's T-R-A-C-E-Y D-I-E-H-L. My address is 6487 Hilliard Drive, Canal Winchester, Ohio, 43110.

**BARINGHAUS** Okay, very good.

**DIEHL** Please don't hold that against me. I do realize where I am. I'm not a Buckeye fan, so let's get that out of the way.

**BARINGHAUS** We always appreciate full disclosure.

**DIEHL** I try to, especially when I come to Michigan. I actually love Michigan, I think it's beautiful here. I want to thank you for allowing us the opportunity to come back. I was not present at the last meeting. But I have been fully briefed on what occurred during that meeting. I also wanted to make some clarifications that there was a monument sign that was proposed to be nine feet in height. It's my understanding at that time that the Board made a suggestion to bring that sign down to six feet, and we have, so that sign will not be seeking a height variance. That is a sign that is along Schoolcraft Road, I believe, and it's on the southeast side of the property. I also want to say that I had dinner over in that area today before coming here. And being unfamiliar with the area, I suddenly looked to my right and said, "Oh, wait a minute, there's Henry Ford Health." Coming down Schoolcraft, down the service road there, it was not very easily identified. It is very hard to tell that there is a medical facility there as the day gets darker. So during the day, these signs will definitely be an added benefit to people that are seeking medical services there. I am happy to go over all of the criteria. I know that there were some discrepancies in the submission from what was posted online last time. But I reviewed what was posted online today. And everything that was there is correct. We are not seeking signs on utility poles. We are not putting any signs on utility poles, we know that those are not allowed. And those should have been removed the first time so I apologize to the Board for that. And what we are seeking is what has already been reviewed in the application. And I'm happy to answer any questions that you might have. Or go over any of the criteria.

**BOLOVEN** Mr. Chair.

**BARINGHAUS** Yes, Mr. Boloven.



**BOLOVEN** Two quick questions and then I'm gonna refer to the numbers in the corner. That's what we were using last time.

**DIEHL** Okay,

**BOLOVEN** So you said the nine foot monument sign is coming down to six foot. Is that E02?

**DIEHL** Yes.

**BOLOVEN** And I'm looking at E03. One of the questions last time, is this banner remaining in the second picture?

**DIEHL** The banners are being removed. Yes.

**BOLOVEN** Okay. Thank you, Mr. Chair.

**BARINGHAUS** Thank you. I do have a question on your diagram.

**DIEHL** Absolutely.

**BARINGHAUS** Okay. Could you clarify the sign EXT-001? I didn't see detailed photos in the PowerPoint presentation.

**DIEHL** Okay. Yep, absolutely. On page three of the variance submission. It's numbered down at the bottom of the center in the fine print, page number three, that shows you E01a. And then if you look in the top right-hand corner, do you see the banner that is there? That is E01. That banner is being removed. And the proposal is for a letter set on this wall in the statement in the spot that is shown. So on the site plan that EXT-001 and 001a, it's referring to that banner and that letter set.

**BARINGHAUS** But the banner is going away.

**DIEHL** Yes. The banners are going away.

**BARINGHAUS** Now on E01a, you know where it says Henry Ford Health?

**DIEHL** Yes.

**BARINGHAUS** Where are the building numbers going?

**DIEHL** Those building numbers are being moved to another corner where they're more legible. Because they did not need a variance they were removed from the package.

**BARINGHAUS** Very good. The other two signs I had questions on were EXT-033 and 034. I'm using the numbers that are referenced on the second, no, first slide. It's on the site plan.

**DIEHL** 033 and 034? And I believe that those were existing signs and they're existing directionals that are not being modified. They did not need a variance either.

**BARINGHAUS** Can you describe the signage you're using for employee parking, or to identify the employee parking area?

**DIEHL** There is a directional sign that is going to be placed on the north side of the property on a base that they are right now that doesn't have a sign. Okay, so this is kind of internal to the site of the north, the northern area of the parking lot. And it identifies visitor parking and staff parking. It is identified as E37.

**BARINGHAUS** And then, possibly off Schoolcraft the entrance to what is the current employee parking area is gated and it looks like the gate is locked. Is that your plan to leave that gate locked?

**DIEHL** That gate would be open if it's necessary for employees to enter. It's for employee use only, so for safety purposes, it would only be something that staff could open.

**BARINGHAUS** And if I recall, you're going to modify sign [inaudible] that identifies employee parking?

**DIEHL** Yes. And that's what I was going to say, Mr. Chairman, E05 also identifies staff parking. And E21 identifies the shipping and receiving as well as staff parking on the opposite side.

**BARINGHAUS** I noticed in your parking lot, you have an entrance that is almost by the front of the Aldi's store. It goes into the Olive Garden parking lot.

**DIEHL** Yes.

**BARINGHAUS** And then you have another entrance further down that goes into your parking lot. Kind of behind the Aldi's.

**DIEHL** Yes.

**BARINGHAUS** Can you describe the signage in that area?

**DIEHL** Okay, so E037 is the sign that is going to the north side behind the Aldi's where the base is existing, that is a monument sign. And then if you go further over east from that, that's where those existing directionals are, directing traffic within the property. That's E033 and

034. And then 036 is also a directional sign. And then, those are from the north side of the parking. Then on the south side of the property along the entrance on Schoolcraft. That's where you will see E002. That monument sign that is existing that's being replaced. I believe that that's being replaced. And that's the one that we're going to replace it at six feet. And then the existing sign 005 is also a small monument sign that is being removed and replaced. And that is, for lack of better terminology, the east and the west entrances along Schoolcraft.

**BARINGHAUS** It seems like a lot of your pylon signs, especially, and apparently, the blue areas that needed the words "Henry Ford Health" has a fairly extensive blue field on it. And you may not hear a lot of these signs. It's six feet, I think six feet. Can you reduce the size by reducing the blue area, have you looked into doing that already?

**DIEHL** Well, if they reduce it, it will reduce the height and then the signs won't be legible for, I'd say, people that are five feet. I'm five foot two, most vehicles come right up to my eyesight. So the idea is to have the sign legible between a vehicle that's sitting in front of it. If there was a vehicle coming in or out of the entrance, you want that sign to be legible to all motorists that are traveling that are using signage. Additionally, we are in Michigan and I know right now we have El Niño, La Niña, whichever one it is, and we're not getting a lot of snow, but in a snowy season, that ground surface is going to be blocked as well. Additionally, this is very consistent with what the Henry Ford Health writing team is doing throughout all of their Michigan sites, all of their hospitals are being rebranded. And the signage is very cohesive. For all of them.

**BARINGHAUS** Is the sign package for each facility or is it based on the location?

**DIEHL** It's based on the location, but they do have standard branding that they've tried to choose from. And it is to make Henry Ford Health signage more legible. Because in the past, it's been very wordy, very excessive. So the negative space, there's this organization called the United States Sign Council, and the United States Sign Council is a nonprofit organization in Doylestown, Pennsylvania. They make recommendations on negative space within a sign and how a motorist is affected by this thing called the viewer rate of transfer, where when they're driving down the road, what they can see in a small amount of time and a small window, and the negative space on the sign contributes to that as well. So having too much stuff on the face of the sign and not a lot of negative space, makes it hard for a sign to be legible. And we have to take into consideration the person that's going to a medical facility isn't always happy about going there. They're often under distress. And so making the signs as simplified and legible, but purposeful, you know, with an intent is their goal.

**BARINGHAUS** The patient entrance, is that primarily the brown building [inaudible]?

**DIEHL** That patient entrance is where primarily the northwest corner of the building. Is that area, the front end? Yes, that would be considered the front of the building. It's kind of like the north side. It's not along Schoolcraft. It's kind of the opposite side.

**BARINGHAUS** Driving around it, I was like in the loading area. I was in the back of it. I don't know if that was just for employees, if that was for employees or patients as well.

**DIEHL** Employees and, any entrance could be used by emergency services or patients if it needed to be.

**BARINGHAUS** Primarily, probably, the one?

**DIEHL** Primarily, yes.

**BARINGHAUS** Okay. Very good. Thank you. Any other questions from the Board?

**ROTONDO** Mr. Chair.

**BARINGHAUS** Mr. Rotondo.

**ROTONDO** E21, which I'm trying to pull up again, I saw it before the meeting, but now my tablet's freezing up. It looked like it was increasing pretty significantly, compared to what was there before?

**DIEHL** I don't have that memorized. Because I do so many of them. Yeah, they're increasing that one to make it more consistent. They're doing that to make it more consistent with the other directional signs on the property. That sign is proposed to be nine square feet, which is what the other directionals are.

**ROTONDO** Okay.

**BARINGHAUS** Very good. Yes, Ms. Scheel?

**SCHEEL** No questions.

**TESTA** Mr. Chair.

**BARINGHAUS** Yes, Mr. Testa.

**TESTA** Thank you. Question for the Petitioner, just a point of clarification, you reviewed a couple of changes since last time. I'm looking at the revisions right here. All the revisions were made in November. I think really, technically nothing has changed. Since the last [inaudible].

**DIEHL** There is a revised narrative that's posted on the website that is dated 1-10-24. And that's what I was referring to, that on that narrative. There's actually, and I can provide you with a hard copy if you'd like. But on that narrative, there was a reference to that monument sign that's going to be nine feet height, where only six foot is allowed, is actually not going to be. It's going to be six feet.



**TESTA** Okay.

**DIEHL** That needs to change

**TESTA** The revision record on the drawings...

**DIEHL** On the drawings.

**TESTA** ...is dated last November.

**DIEHL** Yeah, the drawings. What, the drawings haven't been re-dated. They haven't been re-dated, but they were altered.

**TESTA** Okay.

**DIEHL** Yeah. If that makes sense. I apologize for the confusion, but that's because the drawings are not scaled, but they will be submitted for a building permit scale with a six foot of height.

**TESTA** Okay, yep. I just want to make sure. Usually, if we approve we'll say, "As presented." I just wanted to be sure what we have in front of us.

**DIEHL** What you have on the website, for the Board is correct.

**TESTA** Thank you.

**BARINGHAUS** Can you discuss the signage that would bring patients in from Schoolcraft Road?

**DIEHL** The signage that would bring patients in from Schoolcraft Road?

**BARINGHAUS** I'm sorry, no, I meant [inaudible].

**DIEHL** That's the signage. Well, there's actually no signage that would bring somebody in from there. People would already be on the campus by the time they see that signage. When they're coming down on the north side of Aldi they would see that E37. That would be their first indication that there's a hospital, there's a medical facility here. I want to refrain from calling it a hospital. A lot of the sites I deal with are hospitals.

**BARINGHAUS** That's the sign on the telephone pole.

**DIEHL** It's totally, yes, that's coming down. Yeah, so they, unfortunately, in the sign industry, when they send somebody out to do something to make changes, they try to do it all at the same time. So anything that's not legal that's there will come down. And I can testify to that.

**BARINGHAUS** Any other questions from the Board? Okay. Very good. Why don't you stay there for a moment. Secretary Klisz, do we have any letters?

**KLISZ** No.

**BARINGHAUS** Okay, there are no letters. Perfect. If I could just have you give a closing comment.

**DIEHL** Certainly. So I would like to state on the record and be very clear that a medical facility is not like other facilities within the same zoning district. These signs aren't intended to draw in business. People don't make decisions about their medical care based on the signage. People that are seeking this facility are going to use the signage to find their way. We can't use the argument of GPS traffic or GPS navigation as being a valid way to negate the need for a sign. Not everybody uses GPS technology. My father doesn't use GPS technology, and he's only 72 years old. So saying that people that go here will be able to use a GPS to find it is not a valid statement. Saying that people that are going here are going to be potentially under distress, are going to need the signs to find their way, are going to possibly be unfamiliar with the area. That is a good indication that you know signage is necessary, but also to remember that sometimes emergency medical services have to go to a medical facility to pick up a patient to transfer them to another level of care in the event of an emergency. Not all ambulances are going to be familiar with this area, sometimes those come from outlying communities. And so making sure that anybody that is on this campus for any reason, can navigate their way there to find it safely, quickly, and be able to prepare for turns safely is very important. So Henry Ford Health has implemented their proposal for these changes, and seek your approval, humbly, with the knowledge that they have gone to great lengths to try to make sure that they mitigate any potential motorist hazard that comes from lack of signage, as well as provide a clear, cohesive way for the campus to be able to take its part here in Livonia, as you know, a business partner who is providing a medical service. Thank you.

**BARINGHAUS** Thank you very much. With that we'll close the Board's public portion of the meeting and we'll begin the Board's comments with Mr. Testa.

**TESTA** Mr. Chair. So last time I was in support of this, but we just couldn't move forward because of the uncertainty about what the actual proposal was. The documents we had in hand didn't match the verbal explanation. I think part of it was on the Petitioner, part was on us for not having the latest documents. I do think it's greatly pared down from what was originally I guess submitted to the City would be the best way to say it. I do see the need, I compare this site to other medical sites that are within the city. I went around, for example, St. Mary's, so I think this is in line with what we've approved before and also what is already there and existing. I agree. Once you're on site, you kind of need guidance to get around. Thank you.

**BARINGHAUS** Thank you. Mr. Boloven.

**BOLOVEN** I agree with Mr. Testa. The feedback you guys took from the last meeting, it seems like you actually took that into account and made those changes and that's one of the big things the Board appreciates is you accepted that feedback. It's more concise than last time, some of the information we didn't have, some of the information wasn't clear. I think we all have a better picture now. And as presented, I would be in support this evening.

**BARINGHAUS** Thank you. Secretary Klisz.

**KLISZ** I agree with my colleagues, I really don't have anything further to add. It's, they summed it up well. I'll be in support.

**BARINGHAUS** Okay, thank you. Mr. Rotondo.

**ROTONDO** Yeah, my colleagues did a good job of summarizing everything. I don't have much to say. I'm in support of it.

**SCHEEL** I also agree with my fellow Commissioners and I will be in support of this also.

**BARINGHAUS** I too will be in support of it as well. It's a challenging piece of property, a lot of entrances, a lot of different ways to get to it. On the surface, it looks like a lot of signs but you did a very good job of organizing it for us tonight and I thank you for that and walking us through it. So based on that I will approve the variance as well. With that the floor is open for a motion.

**BOLOVEN** Mr. Chair.

**BARINGHAUS** Mr. Boloven.

**BOLOVEN** Resolved that the variance sought in appeal case number 2024-01-04, filed by Henry Ford Health System be granted for the following reasons and findings of fact: the uniqueness requirement is met due to the location of the property in relation to the expressway as well as a busy congested area. Denial of the variance would have severe consequences for the Petitioner due to the lack of signage for patients coming to the facility as well as staff, deliveries, vendors. The variance is fair in light of its effect on neighbor's property and in the spirit of the zoning ordinance because of no neighbor objection, and this property is classified as Regional Commercial under the Master Plan, and the proposed variance is not inconsistent with that classification. Further, that the variance be granted with the following conditions: that it be built as presented this evening.

**BARINGHAUS** Okay, support?

**SCHEEL** Support.

**BARINGHAUS** Okay, motion by Mr. Boloven, support by Ms. Scheel. Discussion?  
Secretary Klisz, will you take a vote?

**RESOLVED: 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.

| <b><u>Number of Wall Signs:</u></b>            | <b><u>Directional Sign Area:</u></b>                                                                                | <b><u>Directional Sign Height</u></b>              | <b><u>Ground Sign Height:</u></b>               | <b><u>Ground Sign Area:</u></b>                                  |
|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-------------------------------------------------|------------------------------------------------------------------|
| Allowed: One<br>Proposed: Three<br>Excess: Two | Allowed: 2 sq. ft.<br>Proposed: 47 sq. ft, 9 sq. ft., and 9 sq. ft.<br>Excess: 45 sq. ft., 7 sq. ft., and 7 sq. ft. | Allowed: 5 ft.<br>Proposed: 6 ft.<br>Excess: 1 ft. | Allowed: 6 ft<br>Proposed: 9 ft<br>Excess: 3 ft | Allowed: 30 sq. ft.<br>Proposed: 45 sq. ft.<br>Excess: 15 sq ft. |

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), **be granted** for the following reasons and findings of fact:

1. That the uniqueness requirement is met due to the location of the property in relation to the expressway as well as a busy, congested area,
2. That denial of the variance would have severe consequences for the Petitioner due to the lack of signage for patients coming to the facility as well as staff, deliveries, and vendors,
3. That the variance is fair in light of its effect on neighboring properties and the spirit of the ordinance because of no neighbor objection, and
4. That this property is classified as Regional Commercial under the Master Plan, and the proposed variance is not inconsistent with that classification.

Further, that the variance **be granted** with the following condition:

1. It will be built as presented to the Board at the meeting.

Further, that Petitioner withdrew its request for a variance allowing Petitioner to place its signs on utility poles.

**KLISZ** Sure. Ms. Scheel.

**SCHEEL** Aye.

**KLISZ** Mr. Rotondo.

**ROTONDO** Aye.



**KLISZ** Mr. Testa.

**TESTA** Aye.

**KLISZ** Mr. Boloven.

**BOLOVEN** Aye.

**KLISZ** Secretary Klisz votes aye. Chairman Baringhaus.

**BARINGHAUS** Aye.

**KLISZ** Passes six to zero.

**DIEHL** Thank you all very much.

**BARINGHAUS** Congratulations, your variance has been approved.

**DIEHL** We will follow up with the building department and work through the permit process.

**BARINGHAUS** Very good. Thank you very much. Good luck to you.

## **ADMINISTRATIVE TASKS**

**BARINGHAUS** Secretary Klisz, we have some minutes to approve... June 23? June? I'm sorry.

**KLISZ** Yes, if we have a motion to approve the minutes of January 23.

**TESTA** I'll make a motion to approve the meeting minutes for January 23, 2024.

**BOLOVEN** Second.

**BARINGHAUS** Okay, very good. Motion by Mr. Testa, supported by Mr. Boloven. All those in favor say aye.

The Board approved the meeting minutes from January 23, 2024 unanimously.

**BARINGHAUS** Any additional comments for the Board tonight?

**BOLOVEN** I got one quick one. Mr. Baringhaus, Chairman Baringhaus.

**BARINGHAUS** Sure.

**BOLOVEN** Before we started the meeting, there was some discussion as to appointments. The only reason I'm reading this for the record is because I found it while we were going and I want it part of the minutes so we can refer back to it when somebody asks. So upcoming, there's three upcoming terms ending this year: Greg Coppola, who was appointed by Rob Donovic. This is on July 12, 2024. Jim Baringhaus appointed by Laura Toy. Appointed for term ending July 12, 2024. Marc Rotondo appointed by Scott Morgan, July 12, 2024. Next year, there's two up. Tim Klisz, appointed by Brandon McCullough, 7-12-25. Chris Boloven was appointed by Kathleen McIntyre, 7-12-25. And then two years from now, in 2026. Mike Testa appointed by Jim Jolly, 7-12-26. And Lynda Scheel appointed by Scott Bahr, 7-12-26.

**BARINGHAUS** Okay, well, thank you for that update. Very good, good to know. Any other comments? Okay with that, do we have a motion to adjourn?

**TESTA** I move to adjourn.

**BARINGHAUS** Motion by Mr. Testa. Supported by Secretary Klisz. All those in favor say aye.

The Board unanimously approved the motion to adjourn.

**AGENDA DATE: March 12, 2024  
ZONING BOARD OF APPEALS  
CITY OF LIVONIA**

**PROPOSED FINDINGS OF FACT  
Pursuant to Zoning Board of Appeals  
Rules of Procedure, Rule V-Hearings, Paragraph 7**

1. **APPEAL CASE NO. 2024-01-01-03, Farmington Six, LLC, 17176 Farmington Road:**  
Should be denied because the alleged practical difficulty does not entail more than mere inability to earn a higher financial return.
2. **APPEAL CASE NO. 2024-01-09, Dave and Marguerite Pietrowski, 16922 Surrey:**  
Should be denied because the alleged practical difficulty does not entail the need to undertake this extreme and permitless project.
3. **APPEAL CASE NO. 2024-01-10, Gay Lynn Tucker, 16332 Aldrich:**  
Should be denied because the alleged practical difficulty does not entail more than mere inconvenience.
4. **APPEAL CASE NO. 2024-02-11, Allied Signs, 13004 Middlebelt:**  
Should be denied because the alleged practical difficulty does not entail more than mere inability to earn a higher financial return.
5. **APPEAL CASE NO. 2024-02-12, S and Z Restaurants LLC, 13030 Middlebelt:**  
Should be denied because the alleged practical difficulty does not entail more than mere inability to earn a higher financial return.

# **FUTURE LAND USE PLAN**

## **CITY OF LIVONIA ZONING BOARD OF APPEALS**

**March 12, 2024 – 7:00 p.m.  
Livonia City Hall Auditorium, 1<sup>st</sup> floor  
33000 Civic Center Drive, Livonia, MI**

1. **APPEAL CASE NO. 2024-01-03, Farmington Six, LLC, 17176 Farmington Road (No Show 01-09-2024):** Seeking to erect two (2) monument signs where only one (1) is permitted.

**FUTURE LAND USE PLAN (FLUP): COMMERCIAL CORRIDOR**

2. **APPEAL CASE NO. 2024-01-09, Dave and Marguerite Pietrowski, 16922 Surrey:** Seeking to erect wall, ground and directional signs. Signage on utility poles on private property are not allowed.

**FUTURE LAND USE PLAN (FLUP): LOW DENSITY RESIDENTIAL**

3. **APPEAL CASE NO. 2024-01-10, Gay Lynn Tucker, 16332 Aldrich:** Seeking to erect a 38 foot wide by 12 foot deep roof structure over an existing patio resulting in a deficient rear yard set back.

**FUTURE LAND USE PLAN (FLUP): LOW DENSITY RESIDENTIAL**

4. **APPEAL CASE NO. 2024-02-11, Allied Signs, 13004 Middlebelt:** Seeking to erect four (4) wall signs resulting in excess number of wall signs.

**FUTURE LAND USE PLAN (FLUP): REGIONAL COMMERCIAL**

5. **APPEAL CASE NO. 2024-02-12, S and Z Restaurants, LLC, 13030 Middlebelt:** Seeking to erect two menu board signs, one for each of two drive-thru lanes resulting in excess sign area.

**FUTURE LAND USE PLAN (FLUP): REGIONAL COMMERCIAL**