

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, MARCH 12, 2024

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, March 12, 2024.

MEMBERS PRESENT: Gregory G. Coppola, Chairman
Jim Baringhaus, Vice Chairman
Michael Testa
Marc Rotondo
Lynda Scheel
Timothy Klisz, Secretary

MEMBERS ABSENT: Christopher Boloven

OTHERS PRESENT: Leo Neville, Assistant City Attorney
Matthew Stierna, Inspector

The meeting was called to order at seven p.m. Chairman Coppola explained the Rules of Procedure to those interested parties. Each petitioner must give their name and address and declare hardship for appeal. Appeals of the Zoning Board's decisions are made to the Wayne County Circuit Court. The Chairman advised the audience that appeals can be filed within 21 days of the date tonight's minutes are approved. The decision of the Zoning Board shall become final within five (5) calendar days following the hearing and the applicant shall be mailed a copy of the decision. There are four decisions the Board can make: To deny, to grant, to grant as modified by the Board, or to table for further information. Each petitioner may ask to be heard by a full seven (7) member Board. Six (6) members were present. Chairman, Gregory C. Coppola, further explained the option for petitioners to reschedule their petition to a future date for a full board hearing. None of the Petitioners requested that their 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.

(7:00)

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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.

COPPOLA All right, thank you. Mr. Stierna, do you have anything you'd like to add?

STIERNA I do. One distinction between C-1 zoning district and the other commercial zoning districts C-2 through 4 is C-1 is the only district that does not allow for a second monument sign.

COPPOLA Thank you. Any questions for Mr. Stierna? Seeing none, Petitioner is there. Name and address, please?

BRUMLEY Terry Brumley with Thomas Duke Company. Property address is 17122 through 17176 Farmington Road.

COPPOLA Can you spell your last name, please?

BRUMLEY B like boy R U M L E Y.

COPPOLA Ms. Brumley, do you have any relationship to the owner?

BRUMLEY I am the property manager.

COPPOLA Is the property owner here today?

BRUMLEY No, he lives in California.

COPPOLA Did he provide you with authorization to speak on his behalf?

BRUMLEY I believe he did. I thought I sent....

STIERNA We did, we received an LPA.

COPPOLA Oh, did you locate it?

STIERNA Yes, I had to seek that out some time ago.

COPPOLA But you saw it.

STIERNA Yes.

COPPOLA Okay. All right, we'll make a note. Why don't you tell us about your project.

BRUMLEY So what we would like to do is add, we have frontage on both Farmington Road and Six Mile Road. And what we would like to do is add signage for the tenants that face Farmington Road on the Six Mile Road sign side and then on Farmington Road with the tenants that are on Six Mile. So that we're, what we've been told from our tenants that they don't know, that people don't know they're there. So they're kind of hidden behind the outbuilding there on the corner. So they asked us to get signage, so people would know.

COPPOLA Okay, anything else?

BRUMLEY Just visibility. I know the property's been there for a long time, the tenants have been there for a long time. And we would like to keep them instead of having them move somewhere else where they get better business from what they've threatened, if you will.

COPPOLA Okay so the two sides of the one on Farmington Road would have space for four.

BRUMLEY Correct.

COPPOLA So who would go...?

BRUMLEY So that would be the tenants that face Six Mile, so that would be Pan Pan, Papa John's, there's a vacant space right now. And then Golden Gifts is on the corner, so I think they want to offer them signage rights on, maybe on both.

COPPOLA Okay, and then the Six Mile would have six. So you would put the ones that are facing Farmington Road?

BRUMLEY Yes.

COPPOLA Interesting. So actually opposite of where they situate?

BRUMLEY Correct. From what people have told us in the area that they also don't know when they're driving on Six Mile who is on the Farmington Road side and vice versa with Six Mile.

COPPOLA Okay. I forgot to ask Mr. Stierna, is everything else they're proposing in the sense of height, size and all that has been [inaudible].

STIERNA Yes, sir.

BARINGHAUS Question for the Petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Mr. Baringhaus.

BARINGHAUS On this property there's a-- you're proposing two monument signs, but currently there's one existing monument sign.

BRUMLEY For Abbey? Abbey Designs?

BARINGHAUS Yes, Abbey Designs. Can you explain how that relates to your project?

BRUMLEY So Abbey is actually a separate building. It looks like they're attached to ours. But that is not one of our tenants. So they have their own entrance. And then we have a shared parking lot.

STIERNA It's actually a separate, I believe it's a separately deeded property.

BRUMLEY It is. Correct.

BARINGHAUS Okay, very good. Okay, thank you.

BRUMLEY You're welcome.

COPPOLA Other questions? Mr. Testa.

TESTA Mr. Chair, question for the Petitioner. Sorry if I missed it. Did you consider a corner sign?

BRUMLEY There is an outbuilding that it would block. So we don't really have a corner piece there.

TESTA Athletico, you're talking about?

BRUMLEY Correct.

TESTA Okay.

BRUMLEY So that's separately owned as well.

TESTA Okay, thank you.

BARINGHAUS Mr. Chairman.

COPPOLA Mr. Baringhaus?

BARINGHAUS Yeah, I'm familiar with the plaza itself. And I agree with you a lot of those businesses currently that reside there, they have been longtime tenants and have been located in that plaza, even though they have their community, they have long-term tenure. They still need more signage?

BRUMLEY That's what we have been told. For example, Livonia Breakfast Club. They switched ownership, and they don't get a lot of business. And they say we have better signage, people would know we're here.

BARINGHAUS What about the Secretary of State's office, is that a separately deeded property as well? Or is that part of your tenants?

BRUMLEY Yes, they are part of our tenants. A very well-known business.

BARINGHAUS People know how to find out.

BRUMLEY Yes.

BARINGHAUS Where would their sign be?

BRUMLEY Their sign would be on the Six Mile side.

BARINGHAUS Six Mile side.

BRUMLEY They're a very large tenant. So I guess it would be possible, you know, if they asked, I'm sure they would want to have signage on both.

BARINGHAUS Okay, great. Thank you.

COPPOLA Any other questions for the Petitioner?

BARINGHAUS I have another one I should have asked. I'm sorry, Mr. Chair.

COPPOLA No worries.

BARINGHAUS In terms of the signage itself, can you explain is it illuminated and what the mode of illumination would be?

BRUMLEY It is illuminated. We've been working with Jiffy Signs. So it's double-sided, illuminated LED. And I believe we could add a timer as far as the hours are set for illumination.

BARINGHAUS Very good, thank you.

BRUMLEY You're welcome.

COPPOLA Any other questions for the Petitioner? Mrs. Scheel.

SCHEEL So going on what Mr. Baringhaus said, if it's an illuminated sign and they can put a timer on it, is that something that we would control, that we would say we would want it to turn off by a certain time?

COPPOLA Mr. Stierna, is there a requirement for monument signs?

STIERNA Illumination is regulated to drop at certain intensity levels at a certain hour time. I believe it's 11 o'clock. I'd have to confirm that.

SCHEEL Okay, so that's something that they would be told that they have to adhere to.

STIERNA That would be part of their timer, I would imagine.

SCHEEL Okay. Thank you.

COPPOLA Secretary Klisz.

KLISZ Yes, thank you. What's the latest that someone is open in that plaza, like nine o'clock for restaurants, ice cream...?

BRUMLEY Baskin Robbins, their hours vary, like almost eight to 10 o'clock. They might be a little later in the summertime.

KLISZ Okay, so I guess if we did eleven, that should cover everyone during their hours. Potentially. No one's open later than that?

BRUMLEY I don't believe so.

KLISZ Okay, thank you.

COPPOLA Thank you.

BARINGHAUS Mr. Chairman.

COPPOLA Mr. Baringhaus.

BARINGHAUS Okay, thank you. It looks like you've imposed photographs of the monument signs over existing landscaping. When the signs are installed, will the trees still be in place or will the area around those signs be modified and those trees be removed?

BRUMLEY The trees have been removed. And the beds have been expanded, and then replanted-- they planted new trees, smaller trees that aren't overgrown and breaking out of the shell.

BARINGHAUS Basically, you've overlaid...

BRUMLEY Yeah.

BARINGHAUS Pictures over past landscaping schemes. But those have since been updated?

BRUMLEY Yes.

BARINGHAUS I didn't see photographs of the new landscaping in this package. Anybody see those? No. Okay. I'll have to take your word. Thank you.

BRUMLEY You're welcome.

COPPOLA I went there today, quite a bit of new landscaping. Threw out a bunch of the old stuff and put in new—There's rocks where the trees are right now. So.

BARINGHAUS While you write it down, I'm not sure how much that is, it is clear now.

BRUMLEY You can say that.

BARINGHAUS I'm not asking too much.

TESTA Mr. Chairman.

COPPOLA Mr. Testa.

TESTA I have a question for the Petitioner. Have you done a benchmarking of other similarly zoned plots within Livonia that have two signs that are also on a corner?

BRUMLEY I have not.

TESTA This may be for your benefit. I know of one. Five and Newburgh. Plaza there. Newburgh and Five Mile. I was -- since Mr. Stierna mentioned C-1 and C-2 -- is quickly when I started looking at the map. Okay, thank you.

COPPOLA Anything else? Seeing there's none, is anybody in the audience that would like to speak for or against this petition?

PIETROWSKI I live right there. I think that --

COPPOLA You need to step up and then give your name and address, please. Just part of the protocol, for the recording. Up to the podium. Over here to the podium really quick. Your name and address.

PIETROWSKI And I actually drove on Six and Farmington--

NEVILLE Wait. Stop talking.

PIETROWSKI Excuse me.

NEVILLE You don't talk until you get to the podium and then you have to identify yourself for the record.

PIETROWSKI Dave Pietrowski. 16922 Surrey.

COPPOLA Thank you. Just for the record. Appreciate it. Okay.

PIETROWSKI I live on that corner and I can actually basically see that out of my back window from my door wall. And I really don't have a problem with it. I think it'd be a good idea because I think there is some issues (sic) with people being able to see that particular area and I would also rather see a business in there than an empty business. You know, it's like a jewelry store just moved out. Not good. I'd like to, I'd like to see more. So I like it.

COPPOLA Okay Thank you. Anyone else? All right. Do we have any correspondence?

KLISZ No letters.

COPPOLA Okay. Ms. Brumley, is there anything you'd like to say in closing?

BRUMLEY Not at this time, thank you.

COPPOLA Okay, go ahead and have a seat. I want to close the public portion of the case and start the Board comments with Mr. Baringhaus.

BARINGHAUS Okay, thank you, Mr. Chairman. I think a lot of effort was put into the size of the signage itself. While it's present, it's not overly intrusive. I think it does serve a purpose. While a lot of these businesses in that plaza have been established for a number of years and are well-known in the community, there's still a large number of businesses in there as well. I think having the signs will further communicate that fact. I do know the outbuilding itself does obscure some businesses from not only the intersection but from the Farmington Road side as well. Thought's been given to the illumination levels in the illumination times and an effort's also made too for the general landscaping around the entrance of the plaza. So based on that I'll support the variance.

COPPOLA Thank you. Secretary Klisz.

KLISZ I agree. I think that even though that's a long-standing strip mall, there is, you know, there's real-- one side and then there's a totally different side on Six Mile and versus the Farmington side. And having the signs actually reverse order is kind of interesting. I assume there's some study going into that why that would work. And it makes sense. Again, if it's in another commercial district, they would allow it without even our approval. So the fact that it's within limits, it's not too big. It's just the addition of that extra sign. It's in a good spot, landscaping is looking good. So I would be in support.

COPPOLA Thank you. Mr. Rotondo.

ROTONDO Yeah, I think the plans make sense. It's a unique parcel because there's-- obviously, you guys don't have the corner so there's another commercial property in front of you at the corner. And so I think it makes sense to have a sign on both sides and present some better visibility for the parcel.

COPPOLA Thank you. Mrs. Scheel.

SCHEEL I agree with all my fellow Commissioners that have spoken already, for all the reasons stated. I do frequent this strip mall and so I understand the need for it. Especially if you do have businesses in that horseshoe section, that side where Baskin-Robbins is, that would be great for them, too. Thank you.

COPPOLA Thank you. Mr. Testa.

TESTA Yeah, I absolutely agree. Thanks to this case, I now know that plaza, Five and Newburgh plaza, that I didn't know before. Yeah, because the size otherwise, conforming size-wise and all that. It does make sense. It's a rather large positive, at least on the Farmington side. I can support this.

COPPOLA I am too in support. I think this is unique in the sense it's a corner lot and the visibility is a challenge although some of the visibility was self-inflicted when they sold the out-lot to that property, but it's always been... I've lived on that corner almost -- now I moved recently,

but -- twenty-something years, and I always thought it was a little bit of a sight challenge to the sense of where it's at, especially the ones sitting in the back. But I think this will be nice and the owner has spent some money on the property. They've upgraded the façade and it looks really nice. The landscaping they showed, I think that was a couple years ago, the landscaping this year, the little courtyard they cleaned up and took out that awful planting out in the middle and I think after it's been spent to make it a nice piece of property so these signs I think will add to that. So I'll open it up for a motion.

KLISZ Mr. Chair.

COPPOLA Secretary Klisz.

KLISZ Resolved that the variance sought in appeal case number 2024-01-03 filed by Farmington Six, LLC be granted for the following reasons and findings of fact: The uniqueness requirement is met because of the particular zoning district that this property is in, where it cannot have two signs automatically. But the sight lines and the location is a challenge. Denial of the variance would have severe consequences for the Petitioner due to potential tenants leaving the complex and having there be open vacancies for the Petitioner. The variance is fair in light of its effect on neighboring properties, in the spirit of the zoning ordinance due to no neighbor opposition. And actually one piece of neighbor support. This property is classified C-1 under the Master Plan, and the proposed variance is not inconsistent with that classification. Further, the variance be granted with the following conditions: that it be built, the signs be built as presented as to size and location and that the lighting be on a timer and should be off by 11 o'clock p.m.

SCHEEL Support.

COPPOLA I have a motion by Secretary Klisz, supported by Mrs. Scheel. Any discussion? I would just suggest the language based on what to say on illumination is that we already have, we already have a code for it. So it's just that, we can add something in to say that they continue to be compliant with the code, but the code already controls that.

KLISZ The code, does it handle the time or not?

STIERNA Yeah, they can probably stay it just needs to be compliant with the ordinance regarding lighting.

KLISZ Okay. Scratch the second condition with the "compliant with lighting." And I forgot, on the first one did you say design, too? Location, size, and design?

COPPOLA Any other discussion? Then take the vote, please.

KLISZ Who was support?

COPPOLA That was Mrs. Scheel.

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

Maximum Number Of Signs:

Allowed: 1

Proposed: 2

Excess: 1

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

1. That the uniqueness requirement is met because of the particular zoning district that this property is in, where it cannot have two signs automatically, but the sight lines and the location is a challenge,
2. That denial of the variance would have severe consequences for the Petitioner due to potential tenants leaving the complex and having there be open vacancies for the Petitioner,
3. That the variance is fair in light of its effect on neighboring properties, and in the spirit of the zoning ordinance because of no neighbor opposition and one neighbor appearing to voice support, and
4. That this property is classified as C-1 under the Master Plan, and the proposed variance is not inconsistent with that classification.

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

1. The signs will be built as presented as to location, size, and design.
Sign lighting will be on a timer and compliant with the lighting ordinance.

KLISZ Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Aye.

KLISZ Passes six to zero.

COPPOLA All right. Congratulations. I look forward to seeing the sign.

BRUMLEY Thank you.

COPPOLA Okay. You can call the next case, please.

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.

COPPOLA Mr. Stierna, do you have anything to add?

STIERNA Not at this time. No, sir.

TESTA Mr. Chair.

COPPOLA Mr. Testa, yes.

TESTA I have a question for Mr. Stierna. Can you maybe explain how we got here? Was he, did someone call on him and we noticed it, or? In other words there's a bunch of visits with him and discussion with him.

STIERNA I saw it as an anonymous report. I saw that as an ordinance complaint.

TESTA Can you maybe speak to the multiple times that he was discussed with about needing to submit the variance?

STIERNA That was handled by Mr. Pilachowski, Dan. I am unfamiliar with much more than that he was just trying to move along to get a variance for the situation.

TESTA I see. Okay. Thank you.

BARINGHAUS Mr. Chair.

COPPOLA Mr, Baringhaus.

BARINGHAUS I have a question for the Inspection Department. Were the fences installed with the proper permitting?

STIERNA The... those pieces were... the eight-foot ones were not part of their original permit. There was a permit for a four-foot, non-sight-obscuring fence on the north side going to the north property line. And then there was an amended permit. Part of that permit was for the decorative fencing. There was a note on there that he had excessive -- the decorative fencing -- and that had to be reduced.

BARINGHAUS So the 62 feet that's proposed is a combination of both front fencing and also lattice at the back?

STIERNA The lattice fencing was not part of the permit.

BARINGHAUS Okay. But the 62 feet of fencing?

STIERNA There was, I believe, 62 feet of the four-foot fencing going from (inaudible) foundation, excuse me, to the property line.

BARINGHAUS Okay, thank you.

COPPOLA Mr. Stierna, just for clarification. So we did issue a permit with a comment that said that only up to 40 feet was basically permitted.

STIERNA Correct.

COPPOLA Okay. And then you mentioned an eight-foot fence. He took the eight foot length, or height?

STIERNA The eight-foot-high fence that's against the protective wall between the business and his property.

COPPOLA That's the one to the nine-foot?

STIERNA Oh, is that, I'm sorry?

COPPOLA Is it the 9.5-feet?

STIERNA Is it nine and...?

COPPOLA What's above the protected?

STIERNA Correct. I'm sorry. That's it. I misspoke eight foot versus nine foot.

COPPOLA That makes sense, then.

BARINGHAUS Mr. Chair.

COPPOLA Mr. Baringhaus.

BARINGHAUS I have another question for the Inspection Department. On one side of the property, in the rear yard, there's two sections of lattice fencing placed against it looks like a chain-link fence? Is that going to...?

STIERNA I have not seen it. I think I saw it in one of the photographs.

BARINGHAUS Okay. That's what I saw. Okay.

COPPOLA But the question was, is that permitted?

STIERNA No.

BARINGHAUS Thank you.

COPPOLA Any other questions?

ROTONDO Mr. Chair.

COPPOLA Mr. Rotondo.

ROTONDO Just for clarification from our Inspector. So the part that they pulled the permit for was that the fence on the side of the house or in the back going to the north property line?

STIERNA It was the section at the front corner of the house going to the north property line.

ROTONDO Okay.

COPPOLA And that one's in compliance?

STIERNA That one complies.

COPPOLA Anything else? The Petitioner, you can step up, please, to the podium and just for the record, your name and address.

PIETROWSKI Dave Pietrowski, 16922 Surrey Street.

COPPOLA Thank you, Mr. Pietrowski. Where is Marguerite Pietrowski?

PIETROWSKI She is at home, she's got some anxieties over this whole thing. She probably is off air, quite frankly.

COPPOLA Generally, generally, because she would have to be the Petitioner because she's the trustee of the trust, because she would have to provide an authorization, but seeing that, of course, I'm assuming here, assuming that you are married, that's probably got more authorization than anything else. So I will, I think we can proceed with that if you're okay. If that makes sense.

PIETROWSKI I just also, I do have a letter that okays this. It's from one of my neighbors who never sent it in. I ran into him today. Would somebody like that?

COPPOLA Yeah, you could pass that down. Okay, Mr. Pietrowski, why don't you tell us a little about your project? We'd like to understand your thinking in regards to putting in the extra lattice above the fence? Why? Why you believe you need that, why you thought that could go in without any type of permitting or anything. And then I also like to understand on the decorative fencing, the need for the extra 22 feet.

PIETROWSKI Okay, I'll start with the type. I kind of call it a trellis or privacy screen or lattice. But I moved into that property approximately, it's going to be close to three years ago. And the parking lot was dark. The gas station that I stare at out my back window, also had a beautiful, beautiful tree that was recently cut down. And after I moved in, the guy who owns the commercial building put in approximately 20 LED lights that are probably brighter than Stevenson's football field. Okay. And this all started, and I got upset, but I called the City and Dan came out from Ordinance. And we came in the backyard and we walked through. And at that time also, I had just put one of the lattices, the eight-foot lattices up onto the concrete. And he made a comment about how nice it looks. Quite frankly, I didn't know that I needed to pull a permit for that particular lattice. I call it a trellis because my wife has got beautiful clematises and other things growing up it. And they're basically positioned in front of the windows of that building, which has been kind of shaky anyways, but so the main concern really is this LED lighting that is just extremely bright. I mean, it's extremely bright. So when Dan came out, we went over a few things. And he made them tip the lights down towards the ground a little bit further. Which helped but these lights are probably one foot by eight, one foot long by eight feet tall. I've got one literally right next to my shed too, almost, it's just on the other side of the property line. And I just, I didn't complain to the building owner. I didn't make a ruckus. It just, it's extremely bright, is extremely bright. From the time the sun goes down until the sun comes up and it's pretty distracting. I don't really want to move. And I don't think it's going to be a very good selling point if somebody does happen to come over and see my house in the evening to see these lights, because I don't know if you're familiar with the corner. But it is lit up like a football field. Six Mile and Farmington behind the gas station, my house is literally behind the Shell gas station. And then this summer they cut down the beautiful tree that was hiding the gas station. I mean, it was a monstrous, you could barely even see the gas station from my home. And they cut that down. So it's pretty direct. It's a pretty dreadful view. So I wanted to rip down an old, probably a 50-year-old, falling apart fence that was mounted upon that concrete. It

wasn't as high, it was about a foot less high. But I ripped that down because it was just falling apart. It was missing pieces. And then I put those trellises up or the privacy fence and flowers or it's going to have clematises and honeysuckle vines going up it. But it actually, to me, you guys may differ. But to me, it's actually an improvement to that corner. The wall isn't real pretty as it is. There's pieces that are starting to go down. Sinking in the ground. It's probably older than me. But I think that, I think it looks nice, but mainly to answer your question. It the place I, it's so lit up. It's very, very bright.

COPPOLA Okay, tell me about the decorative fencing. And I'd like to understand when you got the permit for the 40 feet and you got the 62 feet.

PIETROWSKI Okay. I'll go slow on this one. Okay, this all started with Zac in the Ordinance Department, which I have a drawing that he actually drew for me. And if you guys want to see it, I didn't make copies, but I brought his drawing that we drew some schematics on and I didn't... for the decorative fencing, which is the 30-inch tall fencing, no permit is required. Okay, if you could put that up. In all honesty, I read the directions wrong after the fact that Zac and I went over this, because we drew it up as I've got four sections of eight, eight foot by eight foot which is 16 feet times four, which is basically 64 feet. Okay. At the time, we had a pretty deep discussion, could I go back with the fence because I was taking it as 40 feet in the front, just the front of the property, not total feet. So that's where the discrepancy came in. I put those fences up for two reasons. Number one, I'm on the northeast corner of Surrey Street where it curves around Burton Hollow. It's basically the last street and I put those fences up, including the one I pulled the permit for, to hold some leaves out of my yard and I also put leaf, plastic leaf screen up on the main yard and I take that down after the leaves fall. And it's an, I never thought about it when I moved in. But it's an absolute, it's a disaster. I took some pictures yesterday which I could show you of the leaf buildup just from people not... it's just the wind and people, a lot of people don't clean their yards up like we do. I'm kind of a clean freak. So what happened with that? First of all, I'm trying to keep some leaves out of my house because basically they're on my front porch. Today they're on my front porch. And they do help, they do help. I took, the 64 feet is basically... Zac and I drew this up. It's eight by eight and that makes it sixty-four. But realistically I'm over the limit coming back to my house with eight feet, with four of those sections. And personally, I think it looks pretty nice. And I also do have another proposal, I don't want to forget, because I'd actually like to put another strip up that's in-between one of my islands and my garage, because that's where half the leaves blow through into my driveway up onto my porch, which I can show you some pictures of. But that's not our discussion today. It is on my drawing that I, I highlighted, there's a proposal to try to see if I can put that up. I'm just, I'm trying to make the place look better. But I'm also trying not to rake leaves in January, February, and March. It's pretty trying.

KLISZ Question for the Petitioner, Mr. Chair.

COPPOLA Secretary Klisz.

KLISZ You said that when you bought it three years ago, the let's call them the trellises or whatever, there was something already there.

PIETROWSKI Yeah, there was a really old... there was almost like a six-foot privacy fence that the six-inch boards that are concaved at the top, was almost like cut in half. And it was mounted on the wall. And I tore that down. I never took a picture. But it was, I moved in three years ago. It's probably, it was probably there for thirty years. And now it's facing the parking lot of the commercial building.

KLISZ And then so you took that down, and this is what you put up in its place?

PIETROWSKI That's correct.

KLISZ All right, thanks.

BARINGHAUS Mr. Chairman.

COPPOLA Mr. Baringhaus.

BARINGHAUS You indicated you have some issues with the lighting behind you. It's particularly the gas station?

PIETROWSKI No, it's particularly the LED lights that light up the parking lot for the commercial building.

BARINGHAUS Okay. You have, just looking at some of the photographs, or just the general area where the—is it like a medical building or a commercial building?

PIETROWSKI Yeah, there's a dentist, there's a dentist office. There was, and I'm actually kind of glad, because the City came. There was supposedly a spa right next to my house, literally on the other side of the wall. And people were coming up of all times of day and night. They, they're gone. For the plain fact that I think it was an illegal operation. So I didn't really care to see that. But I knew what was going on because I'm always outside. But to answer your question. I'm sorry, I got distracted.

BARINGHAUS No, that's alright. I think the answer to the question was, was the lighting from the commercial building rather than the gas station?

PIETROWSKI Yeah, it's literally, if you ever drive by there at night. There are probably... there's probably 20 LED lights that are there probably on 10-foot posts. And it's very, very bright.

BARINGHAUS Now the back of your yard, it's not fully exposed to the parking lot. Only about half of it is because half of the property line is covered by the commercial building. Correct?

PIETROWSKI Correct. The north side of my property, which is probably 50 feet is a cement wall facing that parking lot.

BARINGHAUS Okay. And then on the other half is the parking lot with the LED lights and you indicated you haven't-- you're estimating the height of the streetlamp at ten feet and yet you have I believe the wall behind it is six feet?

PIETROWSKI Yes.

BARINGHAUS So you're only, you're looking like it's coming through the top four feet. You're not seeing 100% of the light. In other words, you're seeing a fraction of that light coming into your yard because of the four-foot difference between the height of the wall and the estimated height of the streetlamp?

PIETROWSKI No. The lamps are, are at least 10 feet high. They face south. They face west. They face east only. So in other words, they're pretty much, they're pretty.... They're pretty much pointing at my house. If you're a driver, and I can go in the back of the gas stations at the Shell station. You'll see what's going on. I'm literally the house, well you know where the trellis is. I'm right there. You can take a look at my backyard and you don't even need a flashlight.

BARINGHAUS But you indicated earlier the lights were pointing downward.

PIETROWSKI Yeah, they did end up turning them down. Which, when they first put them up, it was so bright that I mean I actually thought there was a fire. I said to my wife because I didn't realize. I didn't realize they even put them up until they turned them on. But one night we were inside and our whole inside of our home was lit up including the south side which I have a shed. They were extremely bright. So Dan from Inspection came out, he was nice enough to come out and hear me and he talked with them and they did turn, turn they tilted them down. They didn't, they didn't turn them down, like as far as voltage, they tilted the light down, which did help a little bit, but it's still extremely bright.

BARINGHAUS Okay, thank you

COPPOLA Mr. Pietrowski, I drove through that parking lot for the commercial building earlier today, and the lights don't look any taller than maybe they're eight feet tall. But I do get your issue. There's one light that basically sits almost right on top of the fence. But the other ones are pretty far away from your property. And it's just that one like, it's an odd place for a light to be honest with you. I'm not sure why it's there. But the other ones are pretty far away from your property. And they're only about eight feet tall. So I'm struggling to, beyond that one which, you

know, LED would probably light your whole backyard up. Struggling with the other ones, have you talked to the property owner at all and asked if he would either turn the one closest to your property off or do something different for that area? And if he believes there needs to be some level of light in there?

PIETROWSKI I have not. But I have to tell you that even though you say that that one is bothersome, these LED lights are big lights. And I think you really need to see it at night. They are extremely bright. I'm telling you, even if they were if they were five feet off the ground, the way that these things are illuminating. They are just extremely bright. I mean, you could probably have seen it from an airplane 30,000 feet in the sky. You have to see it. You really have to see it.

KLISZ Mr. Chair.

COPPOLA Secretary Klisz.

KLISZ So does it make a difference? Do these trellises stop? Like if I went to your house tonight and looked, see the lights? I can picture them because they're popping up everywhere. And they drive me crazy, especially gas stations. They're like insanely bright, like Vegas bright. So does this make a difference?

PIETROWSKI Yes, it makes a difference.

KLISZ Because it's high enough that it, you know is your backyard dark? And then the parking lot is light?

PIETROWSKI That's correct. If you look at the pictures that you can almost, I took some pictures and you can almost see that they're blinding. They're at night. And the nice thing about the trellises is that they're actually, the way that that property line goes is they're actually at an angle. So when you're back at the house looking there, even though there's holes in it, it's cutting off some of the illumination. But then if you go to another part of my home, where you can more or less see a little bit more directly into them. They're still, they're still pretty darn bright. But the main portion that we hang out that's the far end which is our dining room, and we don't really hang out in our formal dining room. So it's basically our kitchen, our family room, and our bedroom, which is extremely helpful, and also our outside deck.

KLISZ Thank you.

BARINGHAUS Mr. Chairman.

COPPOLA Mr. Baringhaus.

BARINGHAUS Okay, looks like along the back of your property line by the commercial building you planted a number of arborvitaes.

PIETROWSKI Yes, those were there before we moved in.

BARINGHAUS Did you send the arborvitaes past the commercial building as a potential shield for the streetlights in the commercial building's parking lot?

PIETROWSKI Well, I'm assuming that's what the people that owned the house before us did do.

BARINGHAUS You didn't plant any of those. Those were—

PIETROWSKI Those were in. I saved them from that ice storm because I almost had a heart attack two years ago because everyone was touching the ground, because I would probably cry. And amongst that I also did, I just did plant, spend a couple \$1,000 I actually planted also some beautiful blue spruces that are in my backyard that you cannot see. I put six of those in, that I'm going to be pretty old by the time they get tall enough but I also put those in to hope to deter some of that.

BARINGHAUS Do you have a pool in your backyard?.

PIETROWSKI I do.

BARINGHAUS Okay. It looks like it basically is in the area. Like past the commercial building like where the parking lot is. Did you try to have any privacy fencing up around that or anything that would shield the view from the parking lot?

PIETROWSKI Well that, basically that, the trellises, privacy screens or lattice, whatever you want to call it, that extends all the way to the back of my yard, so....

BARINGHAUS But nothing in addition to that. You didn't think, "I have a pool now, I should plant some more arborvitaes, or some trees, something that should give us a little more privacy for using our pool."

PIETROWSKI The only thing that I also have is, I did extend some across the back of my yard, which are there for two purposes, we've got vines growing up and for privacy. People, we just want a little bit more privacy back there. And after we bought the house, we closed on that house in the middle of COVID. And that spring, I went back there, and they put up, they basically built a flower garden along the whole back of the fence. And it made me nervous, because even though it's a four-foot fence, chain-link fence back there, like with one of my grandsons, or my grandson, once you walk up onto that flower garden, it's about two and a half, two and a half feet high. Now on the other side of my neighbors, it's four feet. But there it's two and a half, maybe three feet. So I did put some four by eight trellis along the back, and there's ivy and stuff growing up that actually looks really nice.

BARINGHAUS You have a number of privacy fences in your neighborhood.

PIETROWSKI Excuse me?

BARINGHAUS You have a number of privacy fences in your neighborhood?

PIETROWSKI I believe there could be quite a few.

BARINGHAUS Okay. They're all six feet, correct?

PIETROWSKI Yes.

BARINGHAUS Okay. Based on that, what made you feel you could then use a nine-and-a-half-foot fence and everybody else is using the six-foot fence?

PIETROWSKI Yeah, I agree with you there.

BARINGHAUS I'm sorry?

PIETROWSKI I do agree with that statement. Because I realistically did not, I really realistically didn't know that it was going to be out of the ordinance. And I actually extended it higher for the plain fact of that lighting. That LED lighting.

BARINGHAUS Okay, thank you

COPPOLA Why did you run the trellises further to the west on your property where it faces the building where there's no light coming through?

PIETROWSKI I did that mainly because of the windows that are coming out of that empty building. And I'm actually kind of glad that I did it because the people that, that spa that moved in, lights were on all night long, and I don't know what the heck was going on in there. But every one of those extensions are in front of windows. And it was mainly for privacy and a peace of mind. Because I have a bathroom on that side, my home office is actually on that side, it's really, it really just gives me a little bit of peace of mind. Because it's just more private. And the building is not maintained well. So it's not it's not a real pretty sight. And also to add to that in-between that fence, the cement fence with what I have mounted on to it. And the building, there are weeds that grow. It's like rag weeds that grow you know, eight feet tall. And it was just ugly. It was just... it was just ugly. And, but the main reason was mainly because of the windows.

COPPOLA And so that, would that cinderblock wall is how tall?

PIETROWSKI Six feet.

COPPOLA And the windows on the building on the other side are how tall?

PIETROWSKI I would think the windows start just a little bit under that six foot but they extend up. They probably extend up. They're probably four feet tall. So I've actually, maybe even five feet tall. They're pretty tall windows you can, if you stand in that lot and look through that trellis and those windows. There's a (inaudible). As a matter of fact—

COPPOLA (Inaudible) That was only looking out, windows didn't start to like five or six feet, and then over the six foot fence, what would they be able to see?

PIETROWSKI I'm sorry, I couldn't hear you.

COPPOLA So I'm sitting, standing in the building, assuming that the ground level is at ground. And these windows are up that high, who's going to be able to look through them? I mean, they gotta look through a six-foot fence.

PIETROWSKI Oh no, they're, the windows are above the fence.

COPPOLA I understand that. But if you're in the building, and I'm assuming, and again, I don't know for sure that the building is ground level, the floor is ground level. You're staring. If I was in the building, looking out the window, I couldn't see out it because windows start at six feet. Unless you're taller than six foot, you couldn't see out the window anyway.

PIETROWSKI No windows. I don't, I don't believe those windows start at six feet because I actually go to the dentist at the dentist office in the building. And actually, if you look out the back window, you can see my neighbor's house and I was sitting in the dentist's chair and you can look right out that window. And it's a clear view. But don't quote me on that, because I really don't know, I've never been in that unit.

COPPOLA That to get, the fence starts at six feet tall. So you'd have to be taller if you're in. Again, assuming that the building floor inside the building is ground level. To see over the fence you'd have to be six feet tall.

PIETROWSKI You would not have to be over six foot tall.

COPPOLA To see over the six-foot fence?

PIETROWSKI I don't think so.

COPPOLA To look in your, to look straight out.

PIETROWSKI Oh, gotcha. Yeah, yeah. Oh, yeah. You probably have to be over six foot tall if for some reason that that flooring is as low as you're saying, yes.

COPPOLA So what was the condition of the building when you moved in?

PIETROWSKI Well, if you drive by there's still a bucket on top of one of the vents.

COPPOLA It was there when, even when you bought the house when you when you went? Obviously when you looked at the house and looked at the property?

PIETROWSKI Yeah.

COPPOLA Probably walked around the back and you know that the building at that time? What was the condition of the building when you purchased your house?

PIETROWSKI It wasn't, it wasn't really too bad. Really, the building really wasn't too bad.

COPPOLA So you're saying that it's deteriorated significantly in the last three years?

PIETROWSKI Well, what they've done is, they've allowed a lot of weeds to grow. That I mean, they grow taller than the fence. You know, they're picking weeds that were the ones that when you go to pull them out and you basically get a seven-foot stalk. But the main concern really is the lighting. The lighting is extremely high. When you leave here tonight, I welcome you to drive by that corner. It is very, very bright. And even as you're driving by that corner, whether you're heading down Six Mile or Farmington Road, pull on and go up against that wall, that cement wall that backs up to my yard. And you probably have to put some sunglasses on. It is that bright. LED. To be quite frank with you, I think LED lights like that should be, I don't even think they should be allowed in the city. I mean, I would, I was okay with the lighting they had there. But obviously somebody complained that the corner was too dark, I would assume.

COPPOLA Any other questions for the Petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Mr. Baringhaus.

BARINGHAUS I have a question for the Inspection Department regarding the fencing. Where can it start in relation to the house itself? Does it have to start at the back corner of the house?

STIERNA That would be for privacy fences. So the four-foot non-sight-obscuring fence like a cyclone or a picket fence can come up to the front corner of the structure/dwelling.

BARINGHAUS Okay, thank you.

COPPOLA It just can't exceed 40 feet.

STIERNA Cannot...?

COPPOLA Can't exceed 40 feet.

STIERNA Okay, now we're talking about the decorative fencing which has to be 30 inches or shorter, which is the-- what is that, like a white picket, I believe. So we're talking about different fences there.

TESTA Wasn't he was referring to the decorative stuff?

BARINGHAUS The decorative stuff.

STIERNA I'm sorry. Alright. So the decorative fence is like he said, it's not something that requires a permit. It just under ordinance is required to be under minimum total length of 40 feet.

BARINGHAUS In terms of placement regarding the front yard?

STIERNA As far as placement that is allowed in the front yard.

BARINGHAUS Okay, thank you.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Thank you. Question for the Petitioner. Can you talk about the fence that used to be there on top of the cement wall? I was on my phone looking at Google Maps, not ignoring you. I went as far back as 2016 pictures and I couldn't find evidence of something there. So can you... It looked like it was just that cement wall?

PIETROWSKI No, there was a fence there.

TESTA Can you describe what it would look like and how far above it went?

PIETROWSKI Yeah, it was. It didn't extend all the way to the back of the yard. It extended about three quarters of the way, east down that concrete wall. Okay. And basically it was just like the standard Home Depot, six-foot privacy fence. They're, like six, six-inch panels that are concaved at the top. Looked like it was just cut right in half. Okay. So what it was, it was mounted. On my side, obviously the owners, whoever lived there previous to it was probably there for 30 years. But it was mounted pretty much like mine, but it was completely falling apart. I was out there, always trying to -- and I'm pretty handy, but I was always out there trying to put screws in that thing -- and it was just dry rot. But it was there.

TESTA How much taller than the wall was that fence?

PIETROWSKI Approximately? I would say pretty close to three feet.

TESTA Okay. It's not showing on the Google Maps. Regarding the trellises that are there now, how are they mounted? Are they mounted in the ground or are they mounted onto the wall,

PIETROWSKI They're mounted onto the wall. And I took my hammer drill, and they are mounted with some phenomenal masonry screws, again, and they're not going anywhere.

TESTA And how big is each section?

PIETROWSKI They are four by eight.

TESTA Okay. And you have how many of those?

PIETROWSKI I have seven.

TESTA How much space do you have between them?

PIETROWSKI Approximately a foot and a half. No, approximately a foot.

TESTA Okay. So, during your kind of opening statement, you were referring to them as trellises. And I agree they look like trellises. Is your position that it's not a fence and it's simply just a series of trellises that don't connect?

PIETROWSKI Well, it's funny you say that because this is going to be kind of a he said, she said thing. But when one of the inspectors came out, Zac, to help me put this diagram together for my 30-inch decorative fence. He came in the backyard and we were chatting about doing this. And he basically said it shouldn't be a problem at all because you can call it a trellis and that's just telling you I don't want anybody to get in trouble. So I'm thinking to myself, well, you know what, let's do it, put some flowers up and tear down this old gray fence and hopefully it'll, you know, number one, add a little more character, and number two, hide some of the LED lighting. Because that's what there was: a silver or gray fence up on that wall. And it did help a little bit.

TESTA In your position, when Mr. Klisz asked that that trellis, even though it is a trellis, is blocking the LED light enough for it to not bother you. Is that correct?

PIETROWSKI It's good enough. No I couldn't put it, I know that I couldn't put a four by eight piece of plywood out there. So I wanted to put something up that we could add a little character to the home my wife was really into plants and especially vines and I think it looks really nice. Especially the ones on the side of the house where the windows are at. We put a lot of money into those, those plants which are clematises and honeysuckle vines, and they grow

up and it's actually beautiful instead of staring at a building. My neighbors even made some comments. So we're really just trying to make things look a little bit nicer.

TESTA I just need to clarify it. So he has the trellises attached to the cement wall. If they were attached into the ground and not touching that cement wall, would we not consider it a fence, then?

STIERNA No, we would still consider it a fence.

TESTA Even though it's a series of trellises that don't connect to anything?

STIERNA I think if we had two or three of said trellises spread a reasonable distance apart that don't rise to the possibility of ultimately connecting them together with other trellises or fascia there, I think it very quickly... essentially it is a fence, just a broken fence line.

TESTA Okay, so even if you added two feet into the ground and not touching that existing wall.

STIERNA And now we're turning it into a double fence line.

TESTA Okay. Understood. Thank you

COPPOLA Mr. Stierna, just a question in regards to commercial parking lot lighting. Is there an ordinance on that and on brightness?

STIERNA Yes, they cannot be directed into the property, residential properties. And I've made note of this and I seek to do an investigation.

COPPOLA How about illumination and sense of how bright it is. Is there an ordinance on that?

STIERNA I don't believe for this parking lot lighting if there's a maximum, but I don't think it has to be reduced, like the sign lighting. Primarily, it needs to be directed away from residential properties.

COPPOLA But there's no maximum in the sense of illumination, in other words.

STIERNA There is a maximum, but I don't think it has to be reduced at night for parking lots.

COPPOLA So I guess the question is getting to is, has anybody done any type of assessment, I guess would be the word, on that parking lot to see if illumination is excessive in the sense of how bright it is. Not only that plus, I mean, again, there's that one light that was basically on top of the property.

STIERNA I totally agree. And I definitely would like to open up an enforcement and investigate it.

COPPOLA Okay. There is a potential that the light will have to come down in brightness?

STIERNA Possibly, or at least certainly be directed away from the property. So I think it's going to require the investigation in a little bit more detail.

COPPOLA Okay, thank you. Any other questions for the Petitioner?

ROTONDO Mr. Chairman.

COPPOLA Mr. Rotondo.

ROTONDO Yeah, so I noticed in the packet, you have an authorization for privacy fence, because it looks like it was signed by the, is that the business owner that signed it?

PIETROWSKI Yeah. And that's another thing. I mean, he was nice enough. You know, we talked and he was nice enough to have no problem with it. I think I even saved the email. He said, "I can't wait to see the flowers." So, you know, I'm not here to get him in trouble. He could have said, "I'm not signing this. I totally disagree." I mean, he was he was a pretty good, pretty nice, stand-up guy. So. But yeah, I did get authorization from him. And he actually did it within 20 minutes.

ROTONDO Was there any discussion about the lights, the issues you're having with his lights that are shining?

PIETROWSKI You know what, I brought it up jokingly, to him just - just to try to keep some peace. And I didn't make any complaints. No, I think he, I think quite frankly, I think he already knows just the plain fact that he's probably pretty sure I was the guy who complained when they first came on. And Dan from Ordinance came out and took a look. And then he had gone over there and one of his workers wasn't real happy about it. But then he basically had to tilt them all down to the ground. But while we're on that, also, just this summer, they cut down that tree. And it was a big, beautiful, probably an oak, but it was literally behind the Shell gas station. And it hid that whole gas station. And they cut it down. My wife and I couldn't really figure out exactly what was going on. We had to leave for the day. We came back that evening, we had dinner on our patio. And my wife looked back at that gas station. And she started to cry. I didn't, but she started to cry because this was before we put that, trellis was all by itself, but we're sitting out in a beautiful backyard in Livonia overlooking our pool, and you look to the left which is the north and the big beautiful tree that was hiding the back of this ugly gas station, which they did paint since then, which they did paint. I give him some credit. It was gone. It was gone. And it's pretty heartbreaking really because I love trees. I don't know why they cut that

tree down. But then I got a gas station to look at. It's not pretty, the back of the gas station, but they did paint it.

SCHEEL Mr. Chair.

COPPOLA Mrs. Scheel.

SCHEEL I had contacted you earlier with a question I had about this. Is now a good time to bring that up?

COPPOLA Sure.

SCHEEL So I was going to, I wanted to question you regarding your property taxes. Your most recent property taxes that were due December 1st, you had until February 29th to pay them to the City of Livonia, are not paid.

PIETROWSKI Yes, they will be paid.

SCHEEL They will be paid?

PIETROWSKI Yeah, I'm gonna be paying them very soon. I'm in the middle of, I have a little issue with one of my nephews who actually lived off of Fairfield. And he's mentally retarded, we allowed him to live in a condo that's right there on Fairfield Street. We had, it's a long story, but we had some major issues and he's no longer there. And he was a heavy smoker. I'm kind of in a panic mode right now because the place is... I'm spending a lot of time over there in the evenings, on the weekends. And I am trying to get it fixed up so I can just sell it. So I'm a little tight for money right now because I gotta get that place sold because it was under special circumstances and I could lease it to him, but you can't rent those facilities. But we were, my wife has basically taken care of him over the last 25 years. I will get those paid.

SCHEEL So these taxes, you have to pay directly to Wayne County now. That can't be paid to the City of Livonia any longer.

PIETROWSKI Yeah, you're talking about Surrey Street?

SCHEEL Yeah.

PIETROWSKI Okay. So I can't drop it off at City Hall?

SCHEEL No. They have to be paid to Wayne County.

COPPOLA All right. Thank you. Anything else for the Petitioner? All right, seeing none is there anyone in the audience who would like to speak for or against this? You can step up, you just step aside for a minute.

BRINKER My name is Dan Brinker, I live at 33614 Wood Street, just a couple of doors down [inaudible]. I just wanted to come down and I'm embarrassed. It's been three years. And I've never introduced myself to my neighbor. But it was during the pandemic when you came in, I wanted to let you know that this gentleman has taken great care of this house. He's made a lot of improvements. When he moved in, there was indeed part of a trellis still on top of that. I've lived there for 19 years. It was falling down, it was in terrible shape. It wasn't very big, maybe thirty, thirty-six inches high. It was only a partial thing there. That tree loss was also a large thing. And it was, it made that backyard look very nice. I looked at it when it was up for sale a number of years ago. And it was nice and as soon as that tree came down, my wife and I said the same thing, "Those poor folks that bought that." It's pretty awful to have your backyard be a green haven and then be looking at the edge of a commercial building. I'd also like to add in my frustration with the lighting on that property. I live on Wood Street. So I am just west of Mr. Pietrowski and the lighting that's gone up and the lighting that is no longer blocked by that tree makes it very difficult for me to enjoy my backyard in the evening. I cannot look east. Because of the brightness and the color temperature, I think it's probably you'll find those lights are all within the bounds of luminosity, but their color temperature of white rather than what we're used to, the more warmer colors. And that's not a natural color for our eyes and it's painful for many of us to look at. But I just wanted to be here to say as a neighbor that he's absolutely right, all the leaves blow right down the street and into his yard. Putting up those little fences does make a big difference. You know, it blocks quite a bit of it, creates a little bit of windbreak. I've seen in the past few years the work he's done to the house. He's taking good care of it, he's made very good choices, and they've maintained it very well. And I think that the issue of having a light spilling over that railing or over that fence is significant. I think the loss of them in greenscape behind him now looking at it has taken value away from his home and all of our homes in that corner. And so you know, while the idea of putting some Arborvitae in there are nice but they'll probably be dead before they block those lights. You know, they were there. They've been there 10 or 12 years and they're not even as high as the bench for the wall. So I just, I think you should approve this. I hope he gets this. He has the support of another neighbor. Thank you.

COPPOLA Sir, just a qualifying question.

BRINKER Sure.

COPPOLA The fence that was on top of the cinderblock fence. I just want to confirm you said there was three feet above that fence or above (inaudible).

BRINKER Yes.

COPPOLA Okay. Thank you.

BRINKER Yeah. And I think this description is quite apt. It looked like the top of you know, the cottage fences that you'd see. It looked like someone had bought some pallets from a

Lowe's many years ago and cut them off and loaded them up. Because they were pretty much falling down three years, four years ago.

COPPOLA Thank you.

BRINKER Thank you.

COPPOLA Anyone else? Seeing none....

TESTA Mr. Chair, I'm sorry. I know it's out of order, but may I ask one more question of the Petitioner?

COPPOLA Sure.

TESTA Mr. Pietrowski, when you took down that fence that was on top of the wall, why didn't you just replace that?

PIETROWSKI The gray fence? Because it wouldn't have served any, really wouldn't serve any purpose. First of all the light, as you stare over that fence, it's right at my shed and ended up basically at my shed. There's an LED light that's literally right there, that's probably two feet above that. But the purpose of that fence? It would not block any lighting. Period. Period. Except for... actually it wouldn't get rid of any lighting.

TESTA Where you have the trellises now, isn't that where that fence used to be?

PIETROWSKI Yes. but they're a little bit taller.

TESTA Your trellis is a little bit taller?

PIETROWSKI Yes.

TESTA Okay. You put the trellises in....

PIETROWSKI But let me back up. Mainly, I got rid. Basically, I got rid of that fence because I got tired of refurbishing it.

TESTA Okay, so it's probably... how much lower than the trellises the fence was?

PIETROWSKI About a foot.

TESTA Okay, so you're saying that foot higher on the trellis is making a difference?

PIETROWSKI Actually, I did extend it a little bit higher, mainly for aesthetics. More on the back of my property behind the gas station. Okay. Believe it or not, the further back you

step, the more you see that gas station. If you're standing at the wall, obviously, it's not going to matter. But I figured if I'm going to extend it that high there, I might as well extend it that way all the way across. Because it covers some of Six Mile, too, which is the traffic.

TESTA I think you've covered this. You did not pull a permit for the trellises because you didn't... Okay, and what, why didn't you, because you didn't think it was necessary?

PIETROWSKI I did not think so.

TESTA Just to make a comment on that gas station within the past two years we approved a variance and they were expanding that gas station and I believe they're finally getting around to doing that. That's probably why that tree came down.

PIETROWSKI Thank you. What you said. But the tree is behind it so I don't know exactly how they're gonna go back with that but it's too bad they cut it down.

COPPOLA Thank you. Just give us a few minutes here. Do we have any correspondence?

KLISZ We have the one letter that the Petitioner turned in. It's a letter of approval by Vincent Hogrebe, H-O-G-R-E-B-E, 16927 Surrey. "I approve of this appeal."

COPPOLA Alright. Mr. Pietrowski, is there anything you would like to say in closing before we do our Board comments and take a vote?

PIETROWSKI Well, all I'm really trying to do is, I'm really trying to make life a little bit easier for me. I'm gonna be 60 years old. I know that doesn't matter to you guys. But the older I get, I really like Livonia and I really don't want to go anywhere. The front fences that I put up are really, I mean, those are the permanent ones but I put up a bunch of plastic fencing also to try to keep these leaves out of my yard. And I just think I just need a peace of mind that just, you know, I'm doing leaves almost 12 months out of the year and I know it sounds simple but now I'm talking about a lot of leaves. I'm not talking about, you know, a little birch tree that's dropping some leaves in my neighbor's yard. I'm talking about some big 150-foot trees that are... they're blowing down my yard and grant it in the fall I love doing the leaves. I've got the beautiful steel leaf blower. I have a lot of fun doing that until November. But it's no fun at Christmastime when you've got family coming over and you're trying to make the front of your house look a little bit nicer and I'm out there with my leaf blower trying to get it started, you know two-degree temperatures just to get the leaves off my driveway that are getting tracked into my house. So that's not the point. The trellises, lattice, privacy screens. I'm really hoping you take into consideration how nice they look. There's plants that are going to be, well there's plants that are growing up under some plants and haven't made it quite up some of them yet. The lighting is very distracting. I don't want to move and I really don't want to complain to this guy, this owner of the building either, Matt. He was cooperative with me. But I just think it's, I think it's a nice improvement and I think I the house when we bought it was a complete makeover. I poured a ton of money into it. And I am just trying to make the neighborhood look a little bit better.

Because that house didn't look good. And I paid top dollar for it. (Inaudible), I bought it in the driveway. So please take that into consideration.

COPPOLA All right, thank you. Go ahead and take a seat. We're now going to close the public portion of the case and start the Board's comments with Secretary Klisz.

KLISZ Thank you, Mr. Chair. This one, I think going into it I was a little bit concerned, a little bit like, you know, this doesn't seem right. And got, you know, an interesting one here. But the Petitioner has been forthright with us, I think he is an honest person. He's telling us the way it is. And again, if he did run into, and the neighbor who spoke, confirmed that there was this fencing above the thing ahead of time. So when he replaced this, he really just thought he was replacing something that was already there. And that probably did not need a permit. Arguably, it sounds like a trellis might be a fence, but it might not be a fence. But I think the hardship comes down to this lighting thing. And again, I haven't seen this particular parking lot in action. But I can say that the LED lights at Five Mile and Newburgh is insane. It's insane how bright it is. So I can only imagine that it lights up the corner. And so that's a big issue. I think that's a big hardship. I think again, he's done his best. It looks nice. It's, you know, it's one of those tough ones. We don't want to just start letting people do whatever they want, putting up nine-foot fences wherever they please. But I'm pretty convinced in this one that he did it the right way. And that barring, you know, the City coming in and turning off all the lights or turning them down, which I'm sure is not going to happen. I think I'm on board with this. And on the additional with the non-sight-obscuring fencing and the 60-foot, the 40 foot. I mean, it's excess, but there's a reason behind it. I'm not as concerned about that. So I'm in support of both of these variances this evening.

COPPOLA Thank you. Mr. Rotondo.

ROTONDO Yeah, I can understand where the Petitioner is coming from, with the lighting issue. I think I would, I would like to have more information, I guess, just regarding what our Inspector was talking about, and checking out the parking lot next door with the lighting situation, see if that can be addressed without having the excessive fencing there. So the fencing in the front? I think it's a little bit excessive. I can understand the leaves issue. I don't know. I guess I'd like to have a little bit more information just from our Inspection Department. And when they do their evaluation of the parking lot next door.

COPPOLA Thank you. Mrs. Scheel.

SCHEEL So as far as the portions of the fencing that are in place now, seeking to maintain the privacy fencing, I understand where the Petitioner would like that, given the lighting needs, or the lighting needs of the commercial property compared to what it's doing to the private property. I also would like to see some further information from our Inspection Department. What they are, what they find from their reports. As far as proposed landscaping treatments. I'm not in favor of that right now. And mostly it's from, excuse me, it's from a personal standpoint that I believe that anybody who's requesting a variance, a zoning variance should be not

delinquent on any funds due to the city. So if that's something that can be tabled until they can show that their current taxes are paid, I would look at that. But I would be in favor of tabling this tonight until we can get a report back from our Inspection Department. Until the May meeting. April's too soon. Until then.

COPPOLA Thank you. Mr. Testa.

TESTA Thank you, Mr. Chair. So this is a tough one. Coming in here, like Mr. Klisz, I was probably very questionable on supporting this. Obviously, I think he did a good job pleading the case and your neighbor was a huge help, plus the additional letter. I fully agree with Mrs. Scheel on the tax issue, so I would support a table. One, to give you time to pay your taxes and show that it's been taken care of, but also to allow the City to go and inspect the parking lot lighting there and see if anything can be done to address it from that standpoint. But otherwise I do see the hardship, I can understand why you thought the trellises by themselves were individual units that didn't construct to be a fence. Although obviously, it is by City definition, but I can see why you didn't think that. And since there was a similar type of fence there before, also understanding that tree is now gone. Maybe, my guess, that old variance caused it. So I apologize. But also that even if you're saying it does help with the lighting, I can understand the hardship and could be in support. But for now, I'd be in support of a table today to give you time.

COPPOLA Mr. Baringhaus.

BARINGHAUS Thank you. I guess a couple of things. When you look at a variance that will consider the property owner but you also have got to consider the neighborhood and the community. And while with the trellises along the concrete wall, that are nine and a half feet tall, that may definitely serve the Petitioner's purpose of shielding light in his backyard. Attractive. But when you look at those same trellises from Six Mile, it's not a good look. It's just a bunch of brown squares on top of a gray concrete wall. Not appealing whatsoever. Also, in terms of the Petitioner's saying that he did not know you couldn't do that, all you have to do is prior to beginning a project, just do a search on the Livonia fencing ordinances. And the City publishes a whole guide on what you can and can't do with fencing, which would have given some direction at that point. Basically, I feel that the current Ordinance of a maximum of six-foot fence is there for a purpose. And I think that needs to be enforced. So in this case, I think those trellises need to come down. And the proper front sight of six feet needs to be restored. The one thing about the lights in that parking lot, we've come into contact with that property before and one thing that always struck me is how small those lights are. Chairman Coppola touched on that point. That's not a large light. I mean, if you look at your streetlights on this property that you don't pass tonight, those are 27 feet tall. So I mean, that's a whole different argument, we're looking at something like that, that would be in your backyard. But these are on a scale that are maybe eight, ten feet and that's generous. They've been investigated by the City before they've been pointed downward, they're going to be investigated again, and they seem unusually small, like some thought was given to that up front. I also questioned the one light; Chairman Coppola saw it as well. But it's a double-edged sword. While it's distracting to you, because of the proximity to the property, that same light is probably the primary illumination for the entrance to

that building as well. In terms of the decorative fencing, it's decorative fencing, it's meant to be an accent to the property, not as a leaf protector. Myself, I live next to a neighbor who has five oak trees in his front yard, not only blankets my house, it blankets the neighborhood. And like you I'm raking leaves in the glow of Christmas lights in December. But I, really, you've done a good job with accenting your property with those decorative fences. But I think 40 feet is enough. I think you need to eliminate the excessive fencing or reapply on other points of your property if you can do that as well. So based on that, at this point, I'm not in favor of the variance.

COPPOLA All right, thank you. I don't want this to come off as being insensitive or flippant, but I kind of look at this as the person who buys a house adjacent to a pig farm and the next day complaining about the smell of pigs. You bought a house right next to a commercial property. And there's always that risk, that there's going to be changes that you don't like, but are compliant with that property. So that as being a hardship, I'm struggling with that hardship. I think the one light that I saw that is right on top, I get that, and we're going to take a look at some of the other lighting to see if that illumination or they can change angle to do something to improve it. Your other neighbor complained about it too and I fully appreciate exactly what they're saying. We're going to take a look at that. But Vice Chairman Baringhaus brought up a very good point. This impacts the public. It's visible from the intersections, visible from the street. And it really does not give a good look or, and sets a bad precedent in that you know, well, this person did it. Why? Why can't I do it? And I really don't want to see a lot of lattices jetting above six-foot fence walls that are required for separation between residential and commercial. We have a lot of those. So I'm not inclined to approve it. I can support the tabling in regards to that, to get a little more feedback on the lighting and seeing if there's ways to mitigate it, but I'm not at this point in time supportive of that. In regard to the decorative fencing, I think 40 feet is enough. We have ordinances for a reason. I understand your issue. I've had houses that had been in areas where I got the neighbor's leaves all year round. And I get that. There's other things, you can do some plantings, and you can do other things to stop those leaves. But I didn't get it. I wasn't compelled to agree to the excess that is there, and it was put in also without a proper permit. Other issues that we have here is, we've got the lattice that's against the chain-link fence. That's going to need to be corrected; that's not permitted. And then obviously, the property taxes need to be paid. So again, I can support the tabling, it looks like you have a level of support here from some of the Board members. We're missing one and maybe that Board member will put you over the top and get you four, and once we get some feedback from the Inspection Department regards to what can be done to mitigate lighting, maybe there'll be a solution that works for everybody. So again, I'm in support of tabling.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Move to table appeal case number 2024-01-09 to allow the Petitioner more time to pay his taxes and to become current. And also for the City to inspect the lighting in the neighboring commercial lot.

KLISZ Support.

COPPOLA Motion by Mr. Testa, support by Secretary Klisz for tabling. One thing I would like in there is actually to require them to come back on the meeting of the 8th so that we could get this resolved. Would that be enough time, Mr. Stierna, to get an assessment of the lighting?

STIERNA I'll be going there tonight.

SCHEEL You mean May 7th.

COPPOLA I'm sorry?

SCHEEL May 7th.

COPPOLA I said the eighth. I was thinking March 8th.

STIERNA I will be going there tonight.

COPPOLA I drive by there every night and I haven't noticed it, but that doesn't mean it doesn't exist. No reason for me to notice it. Okay to take a vote?

RESOLVED: 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, **be tabled**

1. To allow the Petitioner to pay their taxes and to become current,
2. To allow the Inspection Department to investigate the lighting from the neighboring property and to provide feedback, and
3. To allow the Petitioner to consider the concerns of the Board and make modifications, including correcting the lattice against the chain-link fence.

Further, that the variance **be tabled** with the following condition:

1. That the Petitioner is required to return before the Board on May 7, 2024.

KLISZ Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS No.

KLISZ And Chairman Coppola.

COPPOLA No.

KLISZ Four to two.

COPPOLA All right, Mr. Pietrowski. Your petition has been tabled and we ask for you to come back on the meeting of May 7th. At that time, we'll have an assessment of our Inspection Department in regards to that, to the issues with that licensee and there's ways to mitigate that and that will give you an opportunity to pay your property taxes. And at that time we'll have a full Board, and you'll be heard by a full Board.

PIETROWSKI May 7th.

COPPOLA May 7th.

PIETROWSKI Thank you.

COPPOLA Call the next case.

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 setback.

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).

COPPOLA Mr. Stierna, is there anything you would like to add?

STIERNA Not at this time.

COPPOLA The Petitioner can please step up to the podium and give your name and address for the record.

TUCKER I am Gay Lynn Tucker, and I live at 16332 Aldrich Court.

COPPOLA All right, Ms. Tucker, why don't you give us a little summary in regards to the project, the hardship that you have, and why you want us to provide you with a variance.

TUCKER I'm asking for this variance. I'm nervous.

COPPOLA That's okay.

TUCKER Because I have a very unusual rear lot line. And at the one end it's like pie-shaped and it comes in. I am the only lot if you look at there on the whole block that has that issue. Three quarters of the roof I'm proposing doesn't need a variance. The corner does because of the pie-shaped lot. I have tried other means. I bought two of those pop-up canopies, an atrium with cedar blocks and they both got blown away by the winds or storms and it's expensive. You should, in the packet that I provided, there's a note from my doctor. I've had three surgeries in the last year and I will be on medication so that I can't be in sunlight. Every morning I like to have my coffee, throw the ball for the dog and watch the birds. It's what life is now as a senior. This roof would provide that for me, I could sit out there. And that means something. I've lived here for almost 40 years. I like living in Livonia. And I'm just asking you to approve this because it will give me a better quality of life. I guess that's it.

COPPOLA All right. Thank you very much. Have you discussed this project with any of your neighbors?

TUCKER No, sir. I know the one neighbor on one side. He said he didn't care at all. Vicki and John Wysocki. And really they're the only ones that I could see where it would affect. I lived there 38 years, I never talked to the two neighbors behind me. There's been like three or four different people there over the years.

COPPOLA Thank you. Any questions for the Petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Mr. Baringhaus.

BARINGHAUS How would you describe the sun in the backyard? Is it very sunny, partly sunny?

TUCKER it would be very sunny, because the backyard faces the south side, the front of the house is the north side. So it gets a lot of sun.

BARINGHAUS Who designed the overhang?

TUCKER Sunrise Construction, and they pulled the permit. And that's when the City told me you know, it's this variance? So nothing has been done.

BARINGHAUS Will they be doing the construction on this for you?

TUCKER Yes, yes. They submitted all the plans to the, like the architect drew it up and everything. And I have pictures if you'd like.

BARINGHAUS We already saw it, so we have the pictures. Just one last question. The deck, is that in concrete or in brick of the patio that you're covering? What is that material currently now?

TUCKER It's all cement.

BARINGHAUS All cement. Okay, so cement base and then the overhang?

TUCKER Yes.

BARINGHAUS Okay, very good. Thank you.

COPPOLA Any other questions?

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA A question for the Petitioner. Did you consider moving kind of the roof structure to the east enough so that maybe you wouldn't need a variance?

TUCKER Then it wouldn't be over that door wall or any part of the corner of the porch? It would look terrible. You would have three quarters of your porch covered and this end would be open.

TESTA So you basically centered over your patio over your door.

TUCKER Yes, I open the door on an angle to the porch and sit there.

TESTA Okay, thank you.

COPPOLA Any other questions for the Petitioner? Just one small question. I see a tree at the corner of the patio that would be pretty darn close to the overhang you're putting in there. What's your plans for that tree? It'd be fitting if they're not taking down that tree.

TUCKER The tree will be fine. Right where it's at. They don't have to touch it as is shown in the drawings I submitted to the City.

COPPOLA All right, any other questions for the Petitioner? Seeing there's none, does anybody in the audience want to speak for or against this petition? Do we have any letters?

KLISZ No letters.

COPPOLA Is there anything you'd like to say in closing before we get to the Board comments and vote?

TUCKER I just want to thank you for your consideration. That's it.

COPPOLA All right. You can have a seat. Thank you very much. We will close the public portion of the case and start the Board's comments with Mr. Rotondo.

ROTONDO Yeah, I could be in support of this. I think the Petitioner has got a good case. She's just covering the existing patio and I understand that it's not going to be within the proper setback but it's only intruding by 10 feet, I want to say. Obviously, she's got a medical condition and a note from the doctor that was provided in here, so I can be in support of this.

COPPOLA Thank you. Mrs. Scheel.

SCHEEL I concur. I can also be in support of this. I totally understand the need to be out of the sun but want to be outside and enjoy the fresh air, especially in your backyard. And the fact that it is a pie-shaped lot and it is just that corner and you do want it to look aesthetically

pleasing from the backyard so I can understand that. So I would be in support of this. Thank you.

COPPOLA All right. Thank you. Mr. Testa.

TESTA Thank you, Mr. Chair. I could be in support of this as well. I think it's an odd-shaped lot (inaudible). I like the plan you've drawn up and I understand your necessity.

COPPOLA Thank you. Mr. Baringhaus.

BARINGHAUS Like my colleagues, I felt Ms. Tucker demonstrated the hardship. (Inaudible) One corner is compliant and one corner isn't. So based on that I will support the variance.

COPPOLA Thank you. Secretary Klisz.

KLISZ I agree. There's really nothing else that... everyone's already said everything I thought. I will be in support.

COPPOLA Thank you. I am, too, also in support, so I will open the floor for a motion.

BARINGHAUS Mr. Chairman.

COPPOLA Mr. Baringhaus.

BARINGHAUS Thank you. Resolved that the variance sought in appeal case number 2024-01-10 by Gay Lynn Tucker, be granted for the following reasons and findings of fact: the uniqueness requirement is met due to the shape of the property itself. Denial of the variance would have severe consequences for the Petitioner due to an existing medical condition that requires her to be out of sunlight. The variance is fair in light of its effect on the neighboring properties and in the spirit of the zoning ordinances due to no neighbor opposition to the project itself. The property is classified as N-2, Neighborhood, under the Master Plan, and the proposed variance is not inconsistent with that classification. Further, that the variance be granted with the following conditions: that the project be built as presented this evening.

TESTA Support.

COPPOLA All right. Motion by Mr. Baringhaus, support by Mr. Testa. Any discussion? Seeing none, you can take a vote, please.

RESOLVED: 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 setback.

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), **be granted** for the following reasons and findings of fact:

1. That the uniqueness requirement is met due to the shape of the property itself,
2. That denial of the variance would have severe consequences for the Petitioner due to an existing medical condition that requires her to avoid sunlight,
3. That the variance is fair in light of its effect on neighboring properties, and in the spirit of the zoning ordinance due to no neighbor opposition to the project itself, and
4. That this property is classified as N-2 Neighborhood 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 size and location.

KLISZ Mrs. Scheel.

SCHEEL Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Aye.

KLISZ Passes six to zero.

COPPOLA Ms. Tucker, your petition has passed. So the only condition is that you have to build it as you presented it, so the plans and drawings all has to be exactly as that. You can't change it after the fact. All right?

TUCKER Thank you.

COPPOLA Good luck. All right. The next case, please.

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).

COPPOLA Thank you. Mr. Stierna, is there anything you would like to add?

STIERNA I have nothing to add. Thank you, Mr. Chairman.

COPPOLA Any questions? Seeing none, the Petitioner could step up to the podium and give name and address for the record, please.

FIELDS Jim Fields, Allied Signs, 33650 Giftos Drive, Clinton Township, Michigan. This is for the Portillo's in the Meijer out-lot.

COPPOLA Can you spell your last name for the records so we can get it right?

FIELDS F-I-E-L-D-S.

COPPOLA Okay, just as you said. Want to make sure. You never know.

FIELDS So, Portillo's is going into the Meijer out-lot. And your ordinance is two wall signs. Where the lot is, where the restaurant's being built out in the out-lot on Middlebelt. You're in the large shopping plaza where you've got multiple stack parking lots going back to the east. So you got your main visibility up and going to the west to your traffic coming in your main egress there. And then you're also going to have egress down north on commercial property to come in on that side. So that's where the main two wall signs will come into play. You also have the egress coming back on racetrack and then on the backside which you have to transverse into the other parking lot. So that's where the east-facing channel is set with the branding on the backside of that square building. And then that small blade sign which falls under a wall sign, because it is a wall sign even though it is just a pickup sign, covers just the parking area on the southside lot. There's a stretch of parking there for you to walk out to get your carry-out orders. So yeah, it's for four wall signs. Two of them fit the ordinance. It's really for the third wall sign and then the small pickup which identifies, you know, where we have so much drive-up and carry-out, especially with online ordering. The nature of the beast with these restaurants.

COPPOLA So there's also going to be a monument sign too, correct?

FIELDS Yes.

COPPOLA Actually north of the building?

FIELDS It would be in the northwest corner.

COPPOLA Right.

FIELDS So really the big thing is over A) the main entry coming down the backside you have their lot. And then you have the sublots driven out where you have like another 180 spaces here. And that transverses into the next parking lot, which goes into the back of the eastern strip mall behind that as we're (inaudible) drive and egress is coming in there. So you can actually come through and you traverse the back of the other commercial properties, carry through two parking lots, so that we can pick up that signage there.

COPPOLA Actually I'm somewhat surprised that you don't have a sign, an actual sign, on the south side. Compared to, let's say to the north side. The north side, you actually have a ground sign to kind of give them a warning and you've got the sign that faces Middlebelt that could tell if the building but nothing from the south side.

FIELDS The south side. I don't know if you've been through the way that Portillo's is set up in Michigan to really dealing with a rectangle and you've got two lanes coming in on our side of the building comes back down to the one. So as they come back around through that backside of that building, they'll pass through in a lane and then they have their parking there for their walk-up pickup counters for mobile order. So their main parking is coming in on the east side of their buildings. It's just kind of their standard footprint. Their channel letters and their sign pack is a little, it's a little different than traditionally what we see over here. The letters are pretty classic. That is mainly serving that north flow coming back and crossing over and also will pick up a little bit, you'd be surprised, off the freeway even at that speed in the parking lot you identify it from there, which you won't pick up on the Meijer side.

COPPOLA Questions for the Petitioner?

KLISZ Mr. Chair.

COPPOLA Secretary Klisz.

KLISZ I've been to, I think maybe it's the only one around in Sterling Heights. Is this the same sign package they have there?

FIELDS It is. There's been a slight change in some of the sizing, but it's a very similar package. The difference is going to be in the building. You can see we put the entire packet

before you like to make your codes down here, we have the exterior lighting which you would see on typical Portillo's is shielded. So that can meet Livonia's requirements. Some of the hand painted graphics that would be splattered on a few other areas are also brought down so that way it fits more of your ordinance. So they just kind of tailor it down. Mine is smaller, but the challenge is the same.

KLISZ Thank you.

BARINGHAUS Mr. Chairman.

COPPOLA Mr. Baringhaus.

BARINGHAUS Looking at your building today, it seems like a very large facility for a drive-entitled operation for lack of a better term. Is that a larger than usual size building for Portillo's or like an industry standard for that type of operation?

FIELDS For that, they're... I was born in Detroit. I raised my kids in northwestern Indiana and so we spent as much time in Chicago as we did in Detroit. Portillo's is a stand-up institution out of the Chicago area. The amount of foot traffic that you will get for Portillo's, in and out, to the drive-thru. If they're in a good area that is a lot similar to, it's not at the levels of a Chick Fil A, but you can see that kind of traffic. So when you go inside, it's a lot more open. It's not a confined space. They have a lot more on the inside to bring up that poppy, you know, 1940s, 50s feel. So their footprints are usually big. They do a lot on the interior. The interior package, it's pretty typical. It's kind of a throwback, classic mind.

BARINGHAUS Okay, thank you

COPPOLA Any other questions for the Petitioner? (Inaudible) If you had to give up one of the signs, what would you give up?

FIELDS Which one would I give up, or which one would my client give up? I think they gave up the idea of putting channeled letters, going for the fourth elevation instead of the smallest, probably the blade sign.

COPPOLA My opinion is the C sign which is on the north side is a little bit inefficient because you have that monument sign back there. A sign that, facing Middlebelt they'll be able to see at some distance. Anything else for the Petitioner? Seeing there's nothing else, is there anybody in the audience to speak for or against this petition? No. Do we--?

KLISZ No letters.

COPPOLA No letters. Okay, Mr. Fields, you have an opportunity to make a final statement before we close the public portion.

FIELDS Okay, I just wanted to look and see what their options are.... So the monument sign is a very, they're just a shared tenant there over by Meijer. So it's stacked. So I mean, as far as the visibility being at three foot off the ground, so your center focal is at 24 inches. I mean that's a car. Meijer, I think the wall sign being up on that north elevation is going to be a lot more visibility than that (inaudible) sign. So, I understand your primary was with the north letter set, but I think the north letter set being up at 15 foot and that size of the channel letters stand out is going to have more of a factor than that small monument, which is why I couldn't remember if it was.... It was the stack under the Meijer. I think it overlay that sign is only six foot so it's, yeah, it's a six by six square, it's a three by six square. So I mean you're really talking this versus being up there on that one side.

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

TESTA Thank you, Mr. Chair. I'm familiar with this restaurant. As I travel to Chicago, I look forward to it opening up. I am a little torn that they, four signs does seem excessive but it's not unlike what we've done recently with other restaurants that have a similar situation where they're setback in kind of a wall area and kind of need to be seen from all four sides. We did that with Lee's Chicken as an example recently and also the DQ there. So I think I can support this just because your location, that you are setback in that area, you are going to be getting traffic from all four sides. So giving you visibility would be kind of key, and navigating through that parking lot. There's a lot going on there. So I think having that visibility would be helpful to get people to it. I would support it.

COPPOLA Okay, thank you. Mr. Baringhaus.

BARINGHAUS Thank you. As I mentioned earlier, when I did see the building today I was struck by the size of it. It's not your, around here you're probably going to stereotype is your standard issue and the downsize the building. This was quite a bit larger. Quite honestly, I thought the sign package was a good fit. The one thing that hurts it a little bit is its location. This location is kind of tucked up in a corner by the Meijers and maybe dwarfs it to an extent. So based on that I think the sign package is sufficient. Also there's like little delta high traffic road you're going past the past and it's new. The other thing is there's a lot of businesses on the other side that have multiple types of sign packages similar to this so based on that I will approve the variance.

COPPOLA All right, thank you. Secretary Klisz.

KLISZ I agree. I agree with my colleagues here. And I think again, all the points that they all have made have been very valid, and just unique. This isn't McDonald's, this is a brand new restaurant, there's one way at the east side. So it's not well-known. And I believe it's kind of almost up, like from Middlebelt it seems like it's elevated when you drive by it. So that's just another thing. And technically, it's only on three sides and the one sign is really just a drive-thru

pickup sign, which is, is a big deal with online ordering and that kind of thing. So I look forward to it being open. I'll probably be one of the first customers in line. And I'll support it tonight.

COPPOLA Mr. Rotondo.

ROTONDO Yeah, I think my colleagues summed it up pretty well already. I would say it's in a pretty busy area. So I can understand the need for the three, four signs, and increased visibility from the road. So I'll be in support of it.

COPPOLA Okay, thank you. Mrs. Scheel.

SCHEEL I will also be in support of it for all of the reasons that have previously been stated. Thank you.

COPPOLA To give support, I pushed you a little bit to see if you'd give up a sign, which you did. Never hurts to ask. Probably the biggest thing that stands out to me is that we get a lot of these requests. But the one thing that you didn't ask that everybody always asks is the excessive square footage. You haven't asked for that. So I'm really, I agree with Secretary Klisz's comment. The blade sign, it's five feet, first of all. I wouldn't really consider it, I understand that it is pursuant to ordinances, it's a law, so that's really that. I would have put my third wall sign on the south side, but the edge works. I think, but I think this is very tasteful. It's not excessive, it does good to identify the property, so I am in support. So I'll go ahead and open the floor for a motion.

KLISZ Mr. Chair.

COPPOLA Secretary Klisz.

KLISZ Resolved that the variance sought in appeal case number 2024-02-11, filed by Allied Signs, be granted for the following reasons and findings of fact: the uniqueness requirement is met because of the location, the elevation, and the fact that this is an out-lot building with access on four different sides. Denial of the variance will have severe consequences for the Petitioner because the new customers to this new restaurant couldn't find it. The variance is fair in light of its effect on neighboring properties, in the spirit of the Zoning Ordinance, because of no neighbor opposition. This property is classified as C-2, General Business, under the Master Plan. The proposed variance is not inconsistent with that classification. Further, the variance be granted with the following conditions: to be built as presented today as to the signs and we could put in follow all...

COPPOLA Recommendations and requirements from Planning and City Council.

KLISZ And Matt.

COPPOLA Matt, too. Could I have your support?

TESTA Support.

COPPOLA Support by Mr. Testa. Motion by Secretary Klisz, supported by Mr. Testa with the conditions to construct as presented and to comply with the Planning Commission and City Council recommendations. Is there any other discussion? Seeing none, you may take the vote.

RESOLVED: 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), **be granted** for the following reasons and findings of fact:

- 1 That the uniqueness requirement is met because of the location, the elevation, and the fact that this is an out-lot building with access on all four sides,
- 2 That denial of the variance would have severe consequences for the Petitioner because new customers would be unable to find it,
- 3 That the variance is fair in light of its effect on neighboring properties, and in the spirit of the ordinance because of no neighbor opposition, and
- 4 That this property is classified as C-2, General Business, under the Master Plan, and the proposed variance is not inconsistent with that classification.

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

- 1 It will be built as presented as to the signs.
- 2 It will follow all City Planning and Council conditions.

KLISZ Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Aye.

KLISZ Passes six.

COPPOLA Good job, Mr. Fields.

FIELDS Thank you. Appreciate it. Get a Maxwell and then get a beef with hots and mozz and get it dipped. They'll know exactly what you're talking about. Nobody else will.

TESTA I know. I actually go to one in Chicago all the time.

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).

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

STIERNA I have nothing to add tonight. Thank you.

COPPOLA Okay. Anything for Mr. Stierna? And seeing none, if the Petitioner could step up to the podium. Name and address. Do me a favor. If you could spell your last name for the record?

VICKI ZIELKE Zielke, Z-I-E—Sorry.

ANDREW ZIELKE Andrew Zielke, 4564 Oakhurst Ridge, Clarkston, Michigan 48348.

VICKI ZIELKE Vicki Zielke, Z-I-E-L-K-E. I'm at the same address as him. 4564 Oakhurst Ridge.

COPPOLA Okay, good. So why don't you tell us about the renovations you're doing and the necessity for the larger second sign.

ANDREW ZIELKE So basically what we're doing is the Culver's Restaurant, if you didn't know what it was for. We're removing the single drive-thru lane and we're adding a double drive-thru lane, to accommodate the shift in the business. We're seeing a lot more business is going through the drive-thru lane and not coming in. That's pretty much the result of the pandemic and the shift in that. And in doing so, you know, we'll get a lot more backup and traffic out towards Industrial Road and we're trying to control that by shifting to more traffic to go around our building. And in doing so we're updating the back of the building: putting up canopy, awning type, speaker posts. We're getting away from the actual speaker posts, we're updating that. And we're requesting the normal amount of signage variance. So we're moving the 24, I think, 24 square foot presale board, and we're requesting 21 feet additional for the menu board. So that's basically what we're trying to do.

COPPOLA So right now, you've got the two boards. One is called the pre-order board and the other one is the one you don't want?

ANDREW ZIELKE Exactly. Yeah, so originally when we built the restaurant, Culver's, is well-known. So they required a presale board. And at that time, we went through the ZBA process and gave us the presale board. So you know, we're taking the presale board out. And in light of doing that we're trying to minimize our request for the variance in requesting that offset for the larger board in the secondary.

COPPOLA The size of the additional menu board will be basically the same size as the existing one.

ANDREW ZIELKE Yes.

COPPOLA But it'll be basically the same size, you'll have matching menu boards.

ANDREW ZIELKE Yep, in the two lanes, everything.

COPPOLA Any questions for the Petitioner?

BARINGHAUS Mr. Chair.

COPPOLA Mr. Baringhaus.

BARINGHAUS Same location for the two menu boards? Oh, you're only going to have one.

ANDREW ZIELKE In the same area, but the lanes are gonna shift a little bit so we're gonna move our dumpster area and we're gonna relocate that in the other side of the parking lot so the menu board should be more close to the building.

BARINGHAUS Okay, very good. Thank you again.

COPPOLA Any other questions? Going once, going twice.... All right. Anybody in the audience who would like to speak for or against this petition? Seeing none, any letters?

KLISZ No letters.

COPPOLA Okay, Mr. Zielke, anything you'd want to say in closing before we...?

ANDREW ZIELKE No, just that Culver's has been a great business in Livonia. And we're trying to, by adding this improvement, we're actually increasing the visibility of the business and bringing it up to a higher standard in the city of Livonia also.

COPPOLA Thank you. You may have a seat. I'm going to close the public portion of the case and start the Board's comments with Mrs. Scheel.

SCHEEL I'm in favor of this. I think it's wonderful that you saw there was an issue there and you took steps to correct it. And so the additional signage is needed in order to make sure that each lane has the signs that they need. So I would be in favor of this.

COPPOLA Thank you. Mr. Rotondo.

ROTONDO Yeah, I'm in favor as well. I know. I know how busy that area gets. And I think it is a good idea to add another lane to the drive-thru and I see the need to have two menu boards. So I'm in favor of it.

COPPOLA Okay. Secretary Klisz.

KLISZ I agree. Obviously, your new neighbor is going to be in competition. And I'll say that during COVID I think I ordered my daughter for dinner from Culver's and sat in that single drive-thru line every week for like, two years. And I think you guys had a temporary one or something. So anyway, great idea. It's not changing anything. We appreciate the reduction of the other board, which really doesn't make it that much greater anyhow, so I'll be in support.

COPPOLA Okay. Mr. Baringhaus.

BARINGHAUS Yeah, I'll be in support as well. I think in a lot of these things this day and age a second drive-thru lane is like a prerequisite. And you've done a good job of minimizing the impact with the menu boards and locations as well. So I agree with the variance.

COPPOLA Thank you. Mr. Testa.

TESTA Thank you, Mr. Chair. Not much more to add. I can support this. I also like that it's pointed away from the streets. It's really not visible to the rest of the people driving by. That's been a factor in other cases. Thank you for attending to customer needs.

COPPOLA Okay, thank you. I, too, am in support, I think it makes a lot of sense with the change of the customers' desires to order in drive-thru. And that's also a public safety issue with getting cars off of Industrial Drive and into your lot so it's safe. So I am in support. I will go ahead and open the floor up for a motion.

BARINGHAUS Mr. Chairman.

COPPOLA Mr. Baringhaus.

BARINGHAUS Resolved, that the variance sought in appeal case number 2024-02-12, filed by S&Z Restaurants, LLC, be granted for the following reasons and findings of fact: the

uniqueness requirement is met due to the business necessity for a second drive-thru lane. Denial of the variance would have severe consequences for the Petitioner due to reduced customer service and satisfaction with their business. The variance is fair in light of its effect on neighboring properties and in the spirit of the zoning ordinance due to no local business objection to this proposal. The property itself is classed as C-2, General Business, under the Master Plan and the proposed variance is not inconsistent with that classification. Further, that the variance be granted with the following conditions: that the project proposed tonight be built as presented.

SCHEEL Support.

COPPOLA Motion by Vice Chairman Baringhaus, support by Mrs. Scheel. Condition: this should be built as presented. Any discussion? Seeing none, go ahead and take the vote.

RESOLVED: 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), **be granted** for the following reasons and findings of fact:

1. That the uniqueness requirement is met due to the business necessity for adding a second drive-thru lane,
2. That denial of the variance would have severe consequences for the Petitioner due to reduced customer service and satisfaction,
3. That the variance is fair in light of its effect on neighboring properties, and in the spirit of the zoning ordinance due to no local business objection to this proposal, and
4. That this property is classified as C-2, General Business, under the Master Plan, and the proposed variance is not inconsistent with that classification.

Further, that the variance **be granted** with the following condition:

2. It will be built as presented.

KLISZ Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Aye.

KLISZ Passes six to zero.

COPPOLA All right, your variance has passed.

ANDREW ZIELKE Thank you.

ADMINISTRATIVE TASKS

COPPOLA All right. I think the only item we have are the minutes for February 6th.

TESTA Motion to approve the minutes of the meeting of February 6, 2024.

SCHEEL Support.

KLISZ Motion by Mr. Testa, support by Ms. Scheel. All in favor?

The Board approved the meeting minutes from February 6, 2024 by a quorum. Chairman Coppola abstained.

COPPOLA Anything else that needs to be covered?

TESTA Mr. Chairman.

COPPOLA Mr. Testa.

TESTA Do we have a second meeting this month?

COPPOLA I'm not aware of it.

BARINGHAUS We would be the last to know.

COPPOLA We only had five cases. If we had six, we would have had a second one. That's a good question to ask. All right. Motion to close?

SCHEEL Support.

TESTA Motion to adjourn.

KLISZ Motion by Mr. Testa, supported by Mrs. Scheel to adjourn. All in favor?

The Board unanimously approved the motion to adjourn.

COPPOLA We are adjourned.