

ZONING BOARD OF APPEALS  
CITY OF LIVONIA  
MINUTES OF MEETING HELD TUESDAY, APRIL 2, 2024

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, April 2, 2024.

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

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Leo Neville, Assistant City Attorney  
Zac Winkler, 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. Seven (7) members were present. Secretary, Timothy Klisz, then read the Agenda and Legal Notice to each appeal, and each petitioner indicated their presence. Appeals came up for hearing after due legal notice was given to all interested parties within 300 feet, petitioners, and City Departments. There were several (not counted) people present in the audience.

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(7:00)

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**APPEAL CASE NO. 2024-02-13, Christopher Muldoon, 28456 Tulipwood:** seeking to construct an accessory building, resulting in deficient east side yard setback. Side yard setback cannot be closer to the corner side street than the wall of the principal building, which is parallel with such side street (seven feet).

**Side Yard Setback:**

Required: 7 feet

Proposed: 0 feet

Deficient: 7 feet

This Low Density Residential property is located on the north side of Tulipwood (28456), between Harrison and Emerson Court, Lot. No. 142-04-0015-000, N-1 District, Neighborhood, rejected by the Inspection Department under Livonia Zoning Ordinance, section 7.09(1)(D).

**COPPOLA** Okay, thanks very much. Mr. Winkler, anything you'd like to add?

**WINKLER** Not at this time.

**COPPOLA** Any questions for the Inspection Department?

**BARINGHAUS** Mr. Chairman?

**COPPOLA** Vice Chairman Baringhaus.

**BARINGHAUS** I have a question for Mr. Winkler. I've noticed that the proposed accessory building was present on the property. Was that building properly permitted?

**WINKLER** I'm unaware that there is a building existing on that property at this time. If there is then it was put up without a permit.

**BARINGHAUS** Okay, thank you.

**MULDOON** I guess I can answer that.

**COPPOLA** You'll get an opportunity to in a second. Any other questions for the Inspection Department? All right, seeing none, if the Petitioner can step up to the podium.

**MULDOON** Sure.

**COPPOLA** Name and address first for the record if you would, please.

**MULDOON** Christopher Muldoon, 28456 Tulipwood.

**COPPOLA** Okay. Mr. Muldoon, why don't you tell us a little bit about your application for variance?

**MULDOON** Sure, yeah. So the hope was to build a shed in the backyard. And after doing some research and coming to the City, and speaking with the Engineering Department, it was brought to my attention, I was unaware that there is a very large public easement in my back property that is 20 feet deep, and spans the width of my property. There's no place to put a shed there. And working with Matt at the Inspection Department, I believe. He kind of helped me to find a place on my piece of property that really there's only one place that a shed could go, really not any of your problem. But, you know, talking with the developer and the real estate people, they're like, "Yeah, sheds are great." Like that was kind of part of the reason I bought the property because I couldn't, there wasn't a big enough piece of property to build that third car garage. So they're like, "Yeah, sheds are absolutely allowed in the neighborhood. And it's part of something we allow, and you'll have all the space in the world you want to build the shed." And so I kind of went with that thinking that was great. And then when I actually went to pull the permit for the shed, talking with Matt, he's like, "Yeah, I know you're kind of stuck," and speaking with the Engineering Department, they're like, "We don't allow for, we don't give up our public easements. So you really are stuck. There's only a certain area that you can put the shed." And so, again, working with Matt, he said, "You know you can ask for them to remove the setback requirements and come to the Zoning Board. We could put the shed on the on the lot, the side lot there because there's just Association property on the road." So there's not, there wasn't really any sort of issue with neighbors or anything like that. And that's, like I said, that's the only real place I can put a shed on the property. And to your question, it's just a temporary plastic resin shed right there right now. It was at my old house. And since we just moved in, it's just temporarily there until I can get this resolved. And till we get some landscaping and grass. And obviously, it's a new construction. So... and we moved, obviously, kind of hastily so that I have lawnmowers and lawn equipment. And we have a classic car that I keep in the main garage. And so, you know, I kind of put that resin shed there. That was at my old house there temporarily until we can get this resolved, I guess. It's not permanent at all. But yeah, that's really what I would like to do is just build a shed. So that's why I'm here, I guess.

**COPPOLA** So basically, the documentation you provided. The development has an Association, is that correct?

**MULDOON** Yeah, they do. Yep.

**COPPOLA** And so the Association has requirements before you can put up an accessory structure.

**MULDOON** Yep.

**COPPOLA** And then you need to get their consent. And the documentation, and I appreciate you being completely open and frank.

**MULDOON** Yeah.

**COPPOLA** They declined your request.

**MULDOON** The Association... so, they didn't really decline it. They said.... The Association hasn't been turned over to residents yet. And so the developer said, we're not going to approve this until it gets turned over to the residents. And typically, when it gets turned over to the residents, the Association, it's usually good. It's not a problem. And so my thought, and what they told me is that, and there was really a fight. Like a he said, she said. The developer says, "Well, the Zoning Board should deal with it first. We're second." And then, you know, I talked to Matt, he was like, "Well, no, the Zoning Board says maybe they should do it first." And then I guess the attorney maybe piped in and said, "Well, I guess we'll let you go for the Zoning Board first. And then once that happens, then you would get your approval from the Association and go from there." I don't know, I wasn't really sure. I kind of got caught in the middle of that, because I wasn't really sure what, one way or the other, you know how that was supposed to go? And I was like, "Yeah, it's okay." Like, the City Attorney looked at it and said that, "We'll let it go forward for now. And then obviously, you'll need to get that approval from the Association. When it comes back to us, you get your actual permitting application, through the Inspection Department," is what he kind of told me.

**COPPOLA** Okay. Questions for the Petitioner?

**BARINGHAUS** Mr. Chairman?

**COPPOLA** Mr. Baringhaus.

**BARINGHAUS** Yeah, can you outline your hardship and why you have a need for the shed on your property?

**MULDOON** Yeah, well, the hardship is the easement, the public easement, right. So I mean, it's a very large public easement in the back of the property that, like I said, I wasn't made aware of when I bought the property. And when you're building a new construction, I was, you know, I asked for some of the site plans and they're like, "Oh, they're not ready." And you know, you get all the excuses from the real estate developers of why they can't give you site plans and things like that. And it was... you move through the process and building a new home is-- I've never done it, right. So I don't really know, I didn't know really what I was getting into. And then obviously, just taking people's word for it. "Yeah, you can build a shed. It's no problem, there's all sorts of area in your backyard to put one up." And then I go to the Engineering Department, they're like, "Well, actually, your whole backyard is a public easement that we can't give up." And so I guess that's the hardship: is that that's unique. I don't feel like that's normal. Having your entire backyard be a public easement. It was news to me. Because you can't really do anything. You can't do with your property what you want. So that was difficult. And then, obviously, for me, I care a lot for my lawn, and I have a lot of lawn and garden equipment. I have very nice lawnmowers, and dethatching machines and I care a lot about my property and

sprinkler systems. And so I have a lot of stuff. And then I also have a classic car for the garage. So it's hard for me to keep my classic car in the garage with all my lawn and garden equipment, and everything else that I have. So at my old house, I lived in Livonia before, I lived on Lathers Street and I just moved two blocks to this new neighborhood. I had a shed and it was no problem and kept all my lawn and garden equipment in there. And I just wanted to build a nice shed that matched the house so it's not resin and plastic and kind of temporary. I don't think that that's right. It doesn't fit the neighborhood. And I don't know, I just... It doesn't seem like the right thing to do is put a temporary structure up to keep my stuff in when I can build a nice shed that matches the character of the neighborhood. I guess matches my personality, what I want the property to be. You know, I spent a lot of money on this house. So I figure if I spend a few more bucks on a nice shed and make it really nice and dress it up good it would fit the character, but for as far as my hardship is concerned.... Yeah, I mean I don't—I wouldn't really have anywhere else to store a lot of my stuff because I have a lot of things that I use for, you know, weeders and snowblower... all that stuff, right? And it's difficult with a two-car garage and a classic car. So then if you want to park in your own garage, too, like if the wife wants to park her van in the garage, I'm really up the creek without a paddle.

**BARINGHAUS** How many cars do you have, including the classic vehicle?

**MULDOON** Three.

**BARINGHAUS** Three total?

**MULDOON** Yeah.

**BARINGHAUS** So your plans for the backyard are to have one accessory building?

**MULDOON** Correct. Yeah, yeah, I couldn't — with the easement there's no way I could, there's no room to do anything else with it.

**BARINGHAUS** Presently, you have two gray structures, one on the side of the house and one in the back and it looks like a lot. It looks like there are storage structures as well.

**MULDOON** That's just to keep my garbage cans in, to make sure that those are out of sight because a part of the association as they say you can't have your garbage cans out in the public area. So when I had the house built I had that nice pad poured behind my, behind the back door there, so that way I could keep my gardens like my trash cans and keep them out of public view, try to keep them out of sight, right? And that's the one. The other one I just have to get rid of. It's just sitting in the backyard. Again, we just moved into the house in the first week of December and with the winter and everything I just, it's something I just have to get rid of at some point. So that's the plan, is that secondary structure just gonna get sold off to a neighbor, you know, taken to the scrapyard or something. So that's the plan with that, and then that obviously the resin shed, that's gonna go. I'm gonna give that to my sister. Depending on what happens here.

**BARINGHAUS** Question for the Inspection Department. Are those two structures, one to use, one primarily for trash cans, is that considered an accessory structure or just one storage unit?

**WINKLER** So that falls not under any zoning ordinance under 40 square feet for garbage cans. They're allowed to do that wherever to keep those out of sight. Absolutely.

**BARINGHAUS** One last question, how many sheds presently exist in the neighborhood today?

**MULDOON** None, I don't think. I'm the first person that's asked, I believe. I mean, I'm one of the few people that live in there already. So there's quite a few, out of 36 lots maybe half are full right now. So there's a significant amount of people that don't even live there yet. So I'm well first there.

**BARINGHAUS** And then the development itself, are those condos, are those single family homes? How is it classified?

**MULDOON** I'm not really... I look at it as it's a single family home, but I guess they call it a condo.

**BARINGHAUS** I wasn't clear on that.

**MULDOON** It doesn't make sense to me because I always remember growing up my grandparents had condos and they were attached, like three together. Like it's a single family home.

**WINKLER** Yeah, they're site condos. They're classified as site condos. Yep.

**BARINGHAUS** Very good. Okay, thank you very much. I appreciate it.

**MULDOON** Yeah. Yep. Thank you.

**COPPOLA** Quick question for Mr. Winkler. If they weren't, if this wasn't a corner lot and they wanted to put in a shed, how far from their property line would the shed have to be?

**WINKLER** It has to be two feet from the property line. The issue with this is there is a 10-foot fire separation from the main structure of the house, which dictates that it goes in this specific corner of the lot. And that also is a 20-foot wide Greenbelt area. That is never going to have anything on it. It's basically, they wanted to put the sign up there and they didn't have to, Infinity didn't want to have to deal with any type of variance for their neighborhood sign, which requires 10 feet on both sides.

**COPPOLA** That's 20 feet from the sidewalk?

**WINKLER** Correct.

**COPPOLA** Is the property line?

**WINKLER** Yes.

**COPPOLA** And you said that you have to have at least a 10-foot separation?

**WINKLER** Fire separation from the main structure.

**MULDOON** Yeah, I guess that was why I had to put it where I put it, right by 10 foot separation from the house.

**WINKLER** Yeah, exactly. The seven foot—Matt Stierna and Jerome, the director of the Building Department, discussed this home and that's what... a seven-foot setback off the property line is typical for a corner lot, which is why that's got that seven foot deficiency.

**COPPOLA** But generally a corner lot would have 20 feet between it and its property line will be right on the sidewalk.

**WINKLER** Correct. It will be right on the sidewalk.

**COPPOLA** Thank you. Any other questions for the Petitioner? Mr. Testa.

**TESTA** Mr. Chair. Question for the Petitioner. Are fences allowed?

**MULDOON** Yeah, yes, they are. Yeah, actually, well, it's a specific type of fence, it has to be black aluminum. And my plan was to just because I'm going to have a fence down the property line, go right to the edge of the building, and then it just continues on beyond the building. And it'll be nice, you know, because I've got an 18-month-old son. So.

**TESTA** Okay. That was going to be my next question. What would you do if you did get a fence?

**MULDOON** Yep.

**TESTA** So it'd be your fence that stopped and started at the shed?

**MULDOON** Correct, right at the... Yeah.

**TESTA** And that will impact you opening and closing your doors on the shed?

**MULDOON** No. So no, because the back, so the fence would be like... the back is going to be a little bit longer. So the doors will be on the long side on the opposite side of the fence. So it'd be like, the fence would be here, right? The back of the building would be here, right, the front of the building is here, and the doors are right here. Okay, so there wouldn't be any sort of interference there, no.

**TESTA** Okay, thank you.

**COPPOLA** Any other questions for the Petitioner?

**BARINGHAUS** Yes, Mr. Chairman.

**COPPOLA** Mr. Baringhaus?

**BARINGHAUS** Yeah, have you spoken to any of your neighbors regarding putting a fence around the property and the neighbors' reaction to it?

**MULDOON** Putting a fence... oh, the shed? Yeah, no, everybody that lives—So I'm fortunate to have all my neighbors, the ones that are close to me have moved in. And all of them, actually, were kind of taken aback about the easement thing, because it's not just my property that has this easement. It's a significant portion of the neighbors that have this easement in their backyards that most of them were—actually all of them weren't aware of [it]. And I can count one person that was aware of this easement in their backyard. And so all of them have asked me about, like what I'm doing. And they're curious about it. And they may have to go down the same path. So you may see more of me, but all of them are very supportive. I had, actually, a neighbor three doors down came and handed me the things you guys sent. He handed it to me and said, "Here, I don't even want [inaudible]. Clearly I support what you're doing. So you can have this back." I don't know if you've received any mail from anybody, you know, saying that they were opposed to it. But everybody that I've talked to, the folks across the street, my next-door neighbors, Ronnie and Gail, they're very supportive of what we're doing.

**BARINGHAUS** Okay, thank you.

**COPPOLA** Any other questions for the Petitioner?

**TESTA** Yeah, sorry, Mr. Chair. Question for the Petitioner. When the builder hands it over to the owners, you create your own homeowners association, directly? You know, the process for electing the board?

**MULDOON** It said that, so it's in the minutes, I think there's like a, there's like an election process, people have to decide if they want to run, then there's a vote in the neighborhood.

**TESTA** Okay. Yeah. It's in the bylaws. Where I'm going with this is, I have experience with a previous lot in which it was built and the bylaws are basically saying that it's allowed with board approval.

**MULDOON** Yeah.

**TESTA** But when the board took over, they rejected everything.

**MULDOON** Sure.

**TESTA** So what I fear for you here is we give you approval, you build your shed, and a year from now, when the board's there, they force you to take it down.

**MULDOON** Well, I wouldn't, I wouldn't build. I mean, this is just a pre-emptive kind of thing. I wouldn't build until the association is handed over to the residents. And then they say, "Yeah, you're good to go." Not that I'm not going to tell, because I'm trying to do things the right way. Like, that's why I'm here. I mean, I'm sure people could have just poured a pad and put up a shed, and nobody would have said anything. But I'm trying to do things the right way. And that's why I wouldn't do anything until the Association has been handed over. And I've gotten that approval, you know what I mean, from the board and hey, if they say no, well, then I guess I'm out 450 bucks, and I got to figure something else out. But I figured that this was the right way to go first. It was my thought at least.

**TESTA** I appreciate your feedback there on how you're going to approach this. How big is that plastic kind of accessory shed you have right now?

**MULDOON** I think it's like eight by seven or so. I think it's eight by seven right now.

**TESTA** Okay.

**MULDOON** Yeah, it's pretty small. It just packed up in there pretty good. So if this doesn't work out, then I'm going to have figure something else out like a storage unit or something, I guess, I don't know.

**TESTA** Question for Inspection. So that eight by seven, he would need a permit to have that right now?

**WINKLER** Correct.

**TESTA** Okay. So if we, in theory, table them today, and say we want you to get homeowners association approval with that table, you could keep that shed up, correct?

**WINKLER** He's not supposed to keep it up. We do our best if we have to send it up to, you know... I mean, he has no permit to have it on the property. I mean, that's definitely....

**MULDOON** Right. Cuz it was like a residence shed. It's like temporary.

**WINKLER** Right.

**MULDOON** It's not like, I don't know how you guys classify that.

**WINKLER** It's... well, it's based on square footage, and it's above the 40 square foot limit. It's a 56 square foot limit.

**MULDOON** So I'm stuck out there.

**WINKLER** And normally we will, when we get a permit application, it'll be pending homeowner approval, Homeowners Association approval. We won't issue it until he gets the Homeowner Association approval.

**TESTA** Okay, so even if we approve him today, he still can't have that resin shed in theory, correct?

**WINKLER** Correct.

**MULDOON** Yeah, I was stuck on that, because we moved and I brought it with. So I mean, if I gotta get rid of it, I gotta get rid of it. That's part of the gig. Right? I don't. That's, I guess I look at that as a separate issue. Right. Like, if it's gotta go, it's gotta go. It is what it is.

**TESTA** Could you move it somewhere on the property where it will be less visible?

**MULDOON** Oh, well, I mean, I don't think so. Because it's kind of the corner lot there. I don't really know where else to put it. Yeah, I mean, I could move it to the other side of the lot and then back towards my cover [inaudible], but, you know, listen, if I gotta get rid of it, I gotta get rid of it. I'm not gonna....

**BARINGHAUS** I just want a quick question. Currently, the shed is not anchored? It's just sitting on the concrete?

**MULDOON** No, correct. Yeah. Just the plot. Yeah.

**BARINGHAUS** Okay. Thank you.

**COPPOLA** Just sitting on concrete?

**BARINGHAUS** Just sitting there, it's not anchored.

**MULDOON** Yeah. There's like a patio off the back of the house. That's separate from...

**COPPOLA** You haven't put in a pad for the shed?

**MULDOON** No, no, correct. No, I have not.

**BARINGHAUS** It's just for clarification sitting on the patio area.

**MULDOON** Correct.

**BARINGHAUS** Unanchored?

**MULDOON** Yeah, exactly, unanchored on the patio. Like I said, it's just a temporary deal. We just let loose kind of set up there. Just because we moved in, had the stuff. And I mean, like I said, if you guys say I gotta get rid of it, I gotta get rid of it.

**BARINGHAUS** Okay, thank you.

**COPPOLA** Any other questions? Then we're done with questions, and you can have a seat for a minute. Was there anybody in the audience who would like to speak for against this petition? Anybody—

**KLISZ** Nope, no letters.

**COPPOLA** No letters. Okay. Would you like to say anything in closing, before we put close the public part of the case and take our vote?

**MULDOON** I just appreciate you guys being here. And thanks for listening to me. And so I'm at the mercy of the Board. So appreciate it.

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

**TESTA** Yeah, I'm torn on this procedurally because... so I understand your hardship because of the easement. My property that I have right now also that a large public easement and utility lines, so I'm locked in to where my shed can go and where it is. I have more flexibility than you do. So I totally get it. I understand your need to have a shed. My issue here is more procedural whether, should we table you and wait for you to have Homeowners Association approval and then go through the procedural vote, perhaps a review or approve you on the condition that the Homeowner Association approves that you won't build it until that happens? So I have to see what the rest of my Board members feel. But in general, I am in support of giving you something at some point in time.

**MULDOON** Yeah.

**COPPOLA** Mr. Boloven.

**BOLOVEN** I agree with Mr. Testa. I just don't think this is ripe for a vote at this time. I've never been in favor of giving in anticipation or due diligence type of a vote on what could come scenarios. And that's really what's happening here. You potentially could be setting a precedent for this subdivision with an affirmative vote based on something that may or may not be approved by an association in the future. So at this point, I'd be in support of a tabling until the Association gets established and either approves or denies this.

**COPPOLA** Mr. Baringhaus.

**BARINGHAUS** Okay, thank you. I, too, would be in favor of tabling. I think you're going in the right direction. But you're going... you're really kind of ahead of the curve right now. I think you need to wait until your Association evolves from the developer to your fellow homeowners. I believe that's likely to go through two steps, actually. They'll probably set up an Architectural Review Committee where you'll present the plan, then eventually have to present it to the final board so this will give you some time to prepare and not only that, you recently moved into your house. Like me, chances are you're unable to get into your garage right now if you wanted to, because it's full of boxes. This will give you some time to figure it out and see how you can best utilize that space again. So again, I'm in favor of tabling as well.

**COPPOLA** Okay, thank you. Secretary Klisz.

**KLISZ** I don't disagree. I think again, a couple things that I'd point out. Also just for the Petitioner's sake, is that under the bylaws, it says no unit owner shall construct, and then an accessory structure without the prior written approval by the developer or review committee. So in their email, they seem to punt it, but they really can still have the power to approve it. So you might want to fight with them a little bit more and try to get them to approve it. Because if they approve it, then you can come back. And obviously Mr. Winkler has kind of told us that the policy is first Homeowners [Association] approval, then either it fits or it needs our approval. So again, tabling means you don't have to pay again, go get that approval, assuming you can, and then come back to us. But I would definitely push harder against them because you're in the middle. But I would eventually, like I said, if it came back and it had a Homeowners [Association] approval, I would be in support at that time. But I'm in support of a table today.

**COPPOLA** All right, thank you. Mr. Rotondo.

**ROTONDO** I'm not going to be in support of this. I don't see the uniqueness of this property because it looks like the easement exists for neighboring properties throughout this whole street here. Looks like you have that 20-foot easement going through there. So I just can't justify the uniqueness of this property alone. Thank you.

**COPPOLA** Thank you, Mrs. Scheel.

**SCHEEL** So I would be in support of tabling it. I, with Mr. Testa, can see both sides. But I'd be in support of tabling it to see if you can get the Association's [approval]. And I would strongly encourage you to run for an Association seat.

**MULDOON** Oh, yeah, sorry.

**COPPOLA** I am going to support tabling. I generally like to see the Association's approval first, whatever limitations they put on this. But in general, I do see that there's a hardship here. In the sense of the layout of the property and the inability really to place it pretty much anywhere that's useful. And I think also with a 20-foot green space, open space between the sidewalk and the property line that kind of creates the buffer that normally we like to see in the seven feet. I do know that units like the next unit over to you can put one in but it has to be two feet from the property line instead of seven feet. So being in the corner does create some issues. I think tabling probably is the right thing. What I don't want to happen is the Zoning Board's approval to be misconstrued as, as you know, they have to approve it, because we approved that I'd rather make sure that they get their say, approve it with their conditions. And then we can take a look at it and decide whether that makes sense from that point. So I will go ahead and open up the floor for a motion.

**BARINGHAUS** Mr. Chairman.

**COPPOLA** Vice Chairman Baringhaus.

**BARINGHAUS** Resolved, that the variance sought in appeal case number 2024-02-13, filed by Christopher Muldoon, be tabled for the time being to allow the Petitioner to pursue approval with their Homeowners Association once it comes into existence.

**TESTA** Support.

**COPPOLA** Tabling motion by Mr. Baringhaus, Support by Mr. Testa. Go ahead and take roll, please.

**RESOLVED: APPEAL CASE NO. 2024-02-13, Christopher Muldoon, 28456 Tulipwood:** seeking to construct an accessory building, resulting in deficient east side yard setback. Side yard setback cannot be closer to the corner side street than the wall of the principal building, which is parallel with such side street (seven feet).

**Side Yard Setback:**

Required: 7 feet

Proposed: 0 feet

Deficient: 7 feet

This Low Density Residential property is located on the north side of Tulipwood (28456), between Harrison and Emerson Court, Lot. No. 142-04-0015-000, N-1 District, Neighborhood, rejected by the Inspection Department under Livonia Zoning Ordinance, section 7.09(1)(D), **be tabled**

1. To allow the Petitioner to receive Homeowners Association or developer's approval.

**KLISZ** Ms. Scheel.

**SCHEEL** Aye.

**KLISZ** Mr. Rotondo.

**ROTONDO** No.

**KLISZ** Mr. Testa.

**TESTA** Aye.

**KLISZ** Mr. Boloven.

**BOLOVEN** Aye.

**KLISZ** Secretary Klisz votes aye. Vice Chairman Baringhaus.

**BARINGHAUS** Aye.

**KLISZ** And Chairman Coppola.

**COPPOLA** Aye.

**KLISZ** Passes six to one.

**COPPOLA** Okay, so your petition has been tabled. If you come back, without an additional cost, you just need to notify the Zoning Board Office, which is basically a special department, that you want to come back. What we're looking for from you is your Association's approval...

**MULDOON** Sure.

**COPPOLA** For the shed and knowing that there are conditions that also have to be met with the City requirements, which is what we've been talking about.

**MULDOON** Yeah. Okay. Absolutely.

**COPPOLA** All right. Good luck.

**MULDOON** Appreciate it. Thank you, guys.

**COPPOLA** All right, call the next case, please.

**APPEAL CASE NO. 2024-03-14, Nicholas Carignan on behalf of Timothy J. Belanger, 31815 Eight Mile Road:** seeking to occupy a property within the M-L, Light Industrial Zoning District to establish an indoor recreational facility, which is not allowed.

This Light Industrial property is located on the south side of Eight Mile (31815), between Parker and Osmus, Lot. No. 009-99-0047-001, M-L District, Light Industrial, rejected by the Inspection Department under Livonia Zoning Ordinance, section 3.15 (District Regulations).

**COPPOLA** All right, thank you. Mr. Winkler, anything you would like to add?

**WINKLER** Not at this time.

**COPPOLA** Any questions for Mr. Winkler? I see none. The Petitioner can step up. The name and address first, please.

**CARIGNAN** Nick Carignan, our current address is 31745 Eight Mile Road. We're asking about the building next-door to us, 31815 Eight Mile Road.

**COPPOLA** Mr. Carignan, did you get an authorization? Kind of like a power of attorney from the property owner?

**CARIGNAN** Yeah, he's also here tonight.

**COPPOLA** Okay. Can he step forward? So you're the property owner? We just want to give you a quick opportunity to speak in this.

**BELANGER** Sure. I'm Tim Belanger and the owner of Gladiator Holdings, which owns the building. We also share half of it with our business, Aims Construction. And so we're in one half, Nick's business has been next-door to us for several years, the 8 Mile CrossFit gym. Our space opened up when Fastenal moved out about eight to twelve months ago. And Nick showed interest in the property, came over looked at it. I was under the assumption it would probably just move over since he was there just on this side of our parking lot now moving this way. But once he went through the process, he found out that we'd have to go through the zoning approval change process.

**COPPOLA** Okay, what methods have you put forth to try to lease that property for the purpose that it's zoned?

**BELANGER** Well, we've had Thomas Duke, who is our agent. We've got a sign in front showing that the square footage is available. We've had several offers for it. One of them was an inflatable, housing or, you know, for parties they do inflatable, you know, big bouncy house type things, and they wanted to dry them out in the driveway and out on the front of the lawn.

And we said we didn't want to do that. Then we had an auto mechanic that showed an interest and wanted to put an offer on it. And we turned that one down as well. We're looking for the right partner to be next-door. Fastenal had been there for 12 or 13 years. And it's mostly an open warehouse is the way it's set up. So for Nick and his business, it gives them twice the capacity. It also gives them a much better parking spot. I don't know how many spots you have, Nick, but you can. But I know this one, he's going to get probably 20 to 24 parking spots that come with the space in which it's much more suited for that kind of traffic.

**COPPOLA** How many parking spots does that building have? In total?

**BELANGER** I think it's thirty-six.

**COPPOLA** And how [many] do you use, approximately a dozen or so?

**BELANGER** Yeah, we use... so there are parking spots, and I don't have the exact number, but I'm going to say 16 on this side or so. And the same on the opposite side, then there's a few spots in the back as well.

**COPPOLA** Any questions for Mr. Belanger?

**BARINGHAUS** Mr. Chairman?

**COPPOLA** Yes.

**BARINGHAUS** Yeah, I noticed too, that you put these buildings on... you share them with other businesses as well. How's that worked out with parking arrangements? Has it been generally positive or do you find your business tends to dominate the parking over the other business?

**BELANGER** No, it's worked pretty well. We have two separate entrances. So the building sits in the middle. You come in the east entrance and then there's a west entrance, and our sign out in front shows both businesses that have been there. But you know Fastenal had, they had quite a bit of traffic but they had, they might have any number of people at a time that would be there, maybe ten. It wasn't like a Target where you got a flow of traffic. For them during the pandemic, they realized people just started ordering online so they changed their model from having 20 locations around Metro Detroit into five super warehouses where they just warehouse everything and ship it out like Amazon. So that's the reason they moved.

**BARINGHAUS** How many CrossFit facilities are in the area or in Livonia? Is it just the one or are there multiple across the US? I'm sorry.

**CARIGNAN** That's okay. There's two in the city, us and CrossFit North Industry. We've both been around for 10 to 11 years, they're south of 96. We're on the north end of the city.

**BARINGHAUS** And the main advantage as you indicated going into this proposed facility is increased space, increased parking?

**CARIGNAN** Yeah, so we currently have 20 spots right now and the uniqueness is, when we're busy, their business is closed for the day. So that allows for the extra parking. We don't really pick up until the evening when they've all gone home for the day. Our daytime hours when they occupy their space, we have pretty minimal traffic throughout the day. So we'll go from 20 to about 35 spots.

**BARINGHAUS** And what are your hours of operation?

**CARIGNAN** We have up to six classes a day, but as early as 5:00 a.m. And our last class of the day, only two days a week is 7:30pm. Yeah, so typically, our facilities close by 7:00 p.m.

**BARINGHAUS** I noticed on the site plan for the new facility, seemed like there's quite a bit of empty space in the building.

**CARIGNAN** Yeah.

**BARINGHAUS** There's racks on the side, you have plans to fill that, or...?

**CARIGNAN** So we need a big, open space. Because every day, based on the workout, we're training, we like the space in order for whatever is on the agenda that day. So that's why we needed tall ceilings and open space because every day is going to be a little bit different. The racks will stay there. And those will be a fixed structure for squats and pull ups and stuff like that. But the rest of the equipment, we kind of manipulate and move around as we need each day.

**BARINGHAUS** Okay, thank you.

**COPPOLA** Questions for the Petitioner?

**TESTA** Mr. Chairman, question for the Petitioner.

**COPPOLA** Yes, Mr. Testa.

**TESTA** Your current location, who owns that building?

**CARIGNAN** Villanova... or Tony Soave. Villanova Construction.

**TESTA** Okay, and they know you're looking to move?

**CARIGNAN** We've had a conversation in the past. They don't necessarily know. We still have six months left on our current lease.

**TESTA** Gotcha, and your intent would be to see that lease out, or close to it and then you'll move?

**CARIGNAN** Yeah, we would be moving and then they would either fill the space beforehand, or we would obviously pay the rent until the lease expires.

**TESTA** Okay, obviously you can't speak to what that would be used for after you move out.

**CARIGNAN** We've been there for 10 and a half years at this point.

**TESTA** Okay.

**BELANGER** There's a business in the back as well.

**CARIGNAN** So that aerial shot I gave you guys to show you where we are and where we're going, we don't have the entire building as it is. We have two thirds of our current building. In the back there, it is occupied by a cabinetry business.

**TESTA** Thank you for that clarification.

**CARIGNAN** We tried just to move into that additional space, but it just hasn't worked out timewise with their lease and ours and so the landlord knows. We had negotiations or talks in the past about us checking out other buildings, which we've done over the last—This is our fourth lease with the current landlord and every time we look at other buildings along 8 Mile, whether it be on the Livonia side, the Farmington side, we trade one problem for another. So this is the first time we've gone this far and pulled the trigger because we don't create any problems. We find solutions for what we have.

**COPPOLA** Other questions for the Petitioner? What's your average class size? The bigger ones?

**CARIGNAN** Bigger ones right now, about fifteen to seventeen. Those are the 4:30 and 6pm classes.

**COPPOLA** Any other questions for the Petitioner? All right, seeing none, have a seat for a second. Anybody in the audience like to speak for or against this petition? Come forth or forever hold your peace. Could I have your name and address for the record, please?

**SEEWALD-CAMPBELL** Danielle Seewald-Campbell, 9977 Hillcrest, Livonia. I've been with CrossFit 8 Mile going on now, I think, three years. We came in during COVID. Yeah. We were on that. Never been good at speaking in public. So...

**COPPOLA** Keep it up. I think you're doing great. Keep going.

**SEEWALD-CAMPBELL** They welcomed us with open arms. The class was still full, even though it was COVID, we could come back. And we're brand new. And we had to go in the middle of the class, which was very nerve-wracking. Like it has to be up here. But they welcomed us. It was amazing. And we have been coming back ever since. They are a great asset to our community. They work with all ages, they accept people who have children, young children to come in. And they have play areas for them to play at while their parents are working out. And they also welcome pets that are friendly to visit and be able to join in and they're kind of like our little mascots. They give back to the community. They do have fundraisers for I believe it's Pawesome and they give back to a lot of people that are in need of getting healthier. And right now, this is very small, but it's kinda like a garage gym. So it's great, it's comfy, we're a little bit on top of each other. So more space would be great. Trying to find a rack sometimes can be hard, but we double up and share. And some people, you know, get there a little bit late. So it's harder to try to find a spot. So a bigger place would be, I'm sorry, excuse me, a bigger space would be great to be able to work out and have your own little area and not be on top of everybody else. And since a lot of people are just word of mouth, because they are such great people, and they're great teachers, we've gotten a lot of other classes to check them out and fell in love with Nick and Monica. Now more people keep joining and joining the community and becoming family. So I'd love to see us, Nick and Monica, get into a bigger facility and have better parking. So we cannot be parking on the street or finding, when we have great big events, places to park. I think it'd be great for the community and business. A lot of people are coming from all walks of life and all areas over the town and bringing more business into the local businesses such as your gas stations and your restaurants and your grocery stores and things like that. So I think it'd be a great asset for them to be able to expand and bring more people over to the community, bring more business to Livonia.

**COPPOLA** All right. Thank you. Anybody else? Name and address first if you would please for the record.

**SALINAS** [Inaudible] Salinas, I live at 11854 Farmington Road. I have been going to 8 Mile since 2018. Long before I was a resident of Livonia. And since I've been there, I've been able to watch CrossFit 8 Mile grow tenfold. Some of you may even have heard of it or know of it based on the things they do in the community for a lot of different people. But over the years, every time you're there, there's been a new face, a new person, and someone else coming into the gym. And where we're at now is great. But if they continue to grow like this, they're going to need this space. And if any of you care about your health and fitness, then this is something that we should all be on board with. Because not only do they help the community, but they help individuals stay healthy and live longer lives, be able to play with their kids, their grandkids and things like that. And like I said, there's great people. As you can see, we have a lot of people here already. And I'm really surprised that this whole thing isn't filled out for you guys. But I think CrossFit 8 Mile is a great thing for the community. And if they've been in business for 10 years or 11 years, and there's been no problem, I think that's to say something for that as well. And that's all I have to say.

**COPPOLA** Okay. Thank you. Anybody else?

**STEWART** Good evening.

**COPPOLA** Good evening. Give your name and address, please.

**STEWART** Andrea Stewart, 24800 Arden Park Drive. I have been going to 8 Mile coming up on two years. And like everybody was saying, just from when I first started, I'm a "5:00 a.m.'er," the amount of people there was four or five people. Now there could be 10-15 people. That's just in the first class. We are on top of each other. It's such a wonderful environment, you hear about community, but it's more than community. It's more than a gym. It's family, they become family. Monica and Nick, they're just amazing. With me being a new member for two years in a row for the holidays, the whole gym came together. I work with the State of Michigan, they've adopted our foster kids. So they're giving back, they're always constantly giving back to the community. And they are continuously growing and we need the room. We need the space. And yeah, we just would really appreciate it. Thank you.

**COPPOLA** Thank you. Okay, anybody else? If you want to speak come down and do so. Last call? All right. Do we have any responses?

**KLISZ** We do. We have two letters from the same couple that have a little bit different information. They were in the files. I guess read one of them, versus both?

**COPPOLA** Are they from both of them? Both of them signed it?

**KLISZ** Yep. Dated the same day.

**COPPOLA** Okay, so, just read one of them.

**KLISZ** Okay. So this is from Jeff and Kristie Cruse. Doesn't give their address but it's in Livonia, has a phone number and email address. "Dear members of the Zoning Board of Appeal [sic], I am writing to express my support for the request made by Nick and Monica Carignan, owners of CrossFit 8 Mile, for a variance in zoning classification to allow the gym to move into its neighboring building at 31815 8 Mile Road. As a resident and member of our community, I believe that granting this variance would bring numerous benefits to our city/neighborhood. CrossFit 8 Mile has been a valued member of our community for more than 10 years, providing residents with a welcoming and inclusive environment for fitness and recreation. I have personally experienced the positive impact of CrossFit 8 Mile on individuals' lives, including my own. The gym has not only helped me achieve my fitness goals, but has also fostered a sense of community and support among its members. Moving into this larger space would allow the gym to expand its offerings and accommodate more members, further enriching our community. Furthermore, the proposed location is well suited for a gym facility, with ample parking and convenient access for residents from across the neighborhood. By repurposing the space for a

fitness center, we can revitalize an underutilized property and contribute to the economic vitality of our city. I urge the Zoning Board of Appeal [sic] to carefully consider the merits of CrossFit 8 Mile's request and to grant the variance in zoning classification. Doing so would not only benefit our community but also demonstrate our city's commitment to supporting local businesses and promoting healthy lifestyles. Thank you for your attention to this matter. Please feel free to contact me if you require any further information." Signed by Jeff and Kristie Cruse.

Another letter from Jonathan Gray, 20021 Sunbury Street, Livonia. "I'm writing to express my support for the request made by Nick and Monica Carignan, owners of CrossFit located at 31745 Eight Mile Road, for a variance in zoning classification to allow the gym to move into its neighboring building at 31815 Eight Mile Road. As a child, my parents moved to Livonia in 1994, where my brother and I subsequently graduated from Churchill High School in 2007 and 2010, respectively. As an adult, I obtained a bachelor's degree from our beloved Madonna University in 2013. Currently, my wife and I reside in the Clarenceville district of Livonia where we have recently started a family of our own. I believe that granting this zoning variance would bring continued numerous benefits to our city and neighborhood. CrossFit 8 Mile has been a valued business in our community for more than 10 years, providing residents with a welcoming and inclusive environment for fitness and recreation. I have personally experienced the positive impact of CrossFit 8 Mile on individuals' lives, including my own. The gym has not only helped me achieve my fitness goals, but has also fostered a sense of community and support among its members. Moving into this larger space would allow the gym to expand its offerings and accommodate more members, both residents and non-residents, further enriching our community with our own local businesses. Furthermore, the proposed location is well-suited for a gym facility, with ample parking and convenient access for residents from across the neighborhood. By repurposing this space for a fitness center, we can revitalize an underutilized property and contribute to the economic vitality of our city. I urge the Zoning Board of Appeal [sic] to carefully consider the merits of CrossFit 8 Mile's request and to grant the variance in zoning classification. Doing so would not only benefit our community, but also demonstrate our city's commitment to supporting local businesses and promoting healthy lifestyles. Thank you for your attention to this matter. Please feel free to contact me if you require any further information." And the information was in this document header. Signed by John Gray.

And then a regular form letter from Johann Eberhardt, 20515 Osmus Street, Livonia. "I am in favor of approval of this request. In general, I would prefer an occupied building with a flourishing business to an empty one, and there appear to be an increasing number of empty buildings along this stretch of 8 Mile. Furthermore, based on the address and parties mentioned, I assume this is an expansion of CrossFit 8 Mile who have been good neighbors since their establishment a few years ago."

**COPPOLA** Okay, thank you. Mr. Carignan, is there anything you would like to say in closing?

**CARIGNAN** I was in the same scenario before you guys 10 years ago as a startup business. Fourteen clients and just a whole lot of empty promises that I had yet to fulfill. Here we are 10 years later, and happily, we have well over 150 members and we are looking for additional

space to just even not necessarily grow, but to continue the service and experience that we give all of our members on a daily basis. This would help ensure what we've established and maintain rather than not. We're running out of room and we've pushed it off long enough. And this was the best solution space that we found out of all the years of looking. We offer a wide range of services, from our kids' programs, to senior programs in art every day on top of physical therapy and other programs. So hopefully you're going to vote in our favor. Thank you.

**COPPOLA** All right. Thank you. I'm going to close the public portion of the case and start the Board's comments with Mrs. Scheel.

**SCHEEL** I am so glad to see the business has done so well. I don't know if you recall me, but we met 10 years ago, and put your business plan together for this. And we talked about this, and you had to come before the Zoning Board at the time. So I'm glad it worked out for you then. I'm glad the business has grown. And I think this makes perfect sense. Thank you.

**COPPOLA** Thank you. Mr. Rotondo.

**ROTONDO** Yeah, I can understand the need for a facility with the high ceiling to accommodate your activities. I think it makes sense to have extra parking to have easier flow of traffic and the extra space is also a positive. And I'm happy to see that you guys have been successful in your past 10 years, and I'm happy that you guys are expanding but still staying in Livonia.

**COPPOLA** Thank you. Secretary Klisz.

**KLISZ** I agree, I was just gonna say, thanks for staying in Livonia. Because obviously, if it didn't work out, or if we said no, you'd probably go somewhere else. So we're happy to have you. Great business. It's great to see such support of your customers or clients, however, you term them, but this is pretty simple. It's right next-door. So obviously, it's been allowed in this area, and it's just gonna be a bigger area. And then we'll worry about what goes into the next one where you vacate. But regardless of that, it's one I can support.

**COPPOLA** All right, thank you. Vice Chairman Baringhaus.

**BARINGHAUS** Thank you. Yeah. I, too, will support the variance. Even though this type of property is classified light industry, in today's economy have been repurposed for a number of different resources. Like for instance, your business, is for basically a gym, or a health center. So I'm proud of your history in Livonia, ten years, I'd like you to stay 10 more.

**CARIGNAN** That's how it's going to be.

**BARINGHAUS** And congratulations, again. I support the variance.

**COPPOLA** All right, thank you. Mr. Boloven.

**BOLOVEN** I agree with my colleagues. You went through the gauntlet. Ten, eleven years ago, whatever the case may have been when you came in front of ZBA. You're moving right next-door, it all makes sense. So I'd be in support.

**COPPOLA** Thank you. Mr. Testa.

**TESTA** Thank you, I support this. Thank you for the people in the audience who came out, and I think it was very helpful for the owner of the building to come out and speak on your behalf as well. That made me very comfortable with this. And I think this is the first fitness center that came before us that's motivated myself and... [general outburst of laughter]. Thank you.

**COPPOLA** I'm just generally in support, I guess my one concern I have is now we have a property that is right next-door that has a use variance. And so that property could now have a fitness area, too. I did get the feeling from the owner that there's been a lot of time out there marketing the space, to have it be used for the purpose that it's zoned for. Nonetheless, I think we have a lot of support here. I think it makes sense. And I think these smaller spaces that are now zoned Light Industrial are becoming harder and harder, especially where we are on Eight Mile, getting harder and harder to fill. They are just getting more difficult. And we'll probably have to as a city look at what does Light Industrial mean, and what really is allowed in there. So that we can make sure that the buildings are full because nothing's worse than blocks and blocks and blocks of empty buildings. So I'll go ahead and open up the floor for a motion.

**BARINGHAUS** Mr. Chairman.

**COPPOLA** Mr. Baringhaus.

**BARINGHAUS** Thank you. Resolved that the variance sought in appeal case number 2024-03-14, filed by Nicholas Carignan, on behalf of Timothy J. Belanger, be granted for the following reasons and findings of fact: the uniqueness requirement is met due to the specific type of structure that's needed for this type of business, also for increased parking capacity and generally increased member capacity as well. Denial of the variance would have severe consequences for the Petitioner due to reduced capacity for membership, parking, and other services as well. The variance is fair in light of its effect on the neighboring properties, and in the spirit of the zoning ordinances due to support from surrounding businesses and neighbors in the area. The property itself is classified as M-L district under the Master Plan, which is Light Industrial, and the proposed variance is not inconsistent with that classification.

**BOLOVEN** Support.

**COPPOLA** Motion by Vice Chairman Baringhaus, supported by Mr. Boloven. Is there any discussion? I have one thought here, what I'd like to do based on the conversation I heard is, there's not yet been a formal lease signed. And what I would like to ensure is that that use variance will go for purposes of the Petitioner that presented today. So I don't know, Mr.

Winkler, do you know if they have to get some type of license or something from the Building Department or something to occupy that space?

**WINKLER** They will fill out a zoning compliance, and then we'll review that and then we'll inspect the building.

**COPPOLA** And do you normally require at least a lease or something to review to...?

**WINKLER** Possibly a contract, a lease contract? I'm not 100% sure on that, we'll look into it.

**COPPOLA** The only thing I'd like to have is the use variance be contingent upon a formal lease?

**CARIGNAN** We do have a formal lease, we have worked out at least that if this doesn't go in our favor, tonight, we're no longer under agreement.

**COPPOLA** Well, then you can present it, so then you'd be able to present that as part of the condition.

**BOLOVEN** Mr. Chair.

**COPPOLA** Mr. Boloven.

**BOLOVEN** Addressing your issue with the next-door having that use variance, can we make this condition and this approval just for this Petitioner? That way it solves your future, down the line, too, that it's with the tenant rather than I would say the property, but say they vacate down the line. Now you've got two properties next-door to each other that have variances.

**COPPOLA** I know we've had some communication on that. And I think the concern I have is a use variance goes with the property generally. It doesn't go with the tenant.

**BOLOVEN** We can put the condition on that?

**NEVILLE** We've used conditional land use agreements in the past where it was that there was a massage therapy and there was a variance granted that they were going to go into that establishment, it indicates that it's for that particular business. It doesn't, it's not transferable or assigned. So that whoever comes after the applicant, they would need to then try to get their own.

**COPPOLA** That would be a different type of variance, though. That was, it wouldn't be a use variance like for massage therapy.

**NEVILLE** And that may be something....

**COPPOLA** The use variance itself goes with the property. So once we've granted that, that variance for use on that property, it can be used by anybody.

**NEVILLE** Not with a conditional land use that we've used, like I said, I predominantly have seen them in situations where it seems to be the massage therapist because you don't want to have... you want to have somebody that's credible, and you want to know who's there. And therefore it terminates when the person vacates, stops using that building, the building is sold, so you don't just have a run of massage shops. So that's something that we can always follow up.

**COPPOLA** Okay, if you're comfortable with that, something that is...legally holds water, then I'm 100% for that. Because again, I think we didn't do that... that wasn't on the property next-door. So that is, you know, that use variance stays with that property.

**KLISZ** Just I thought I read it on his variance for 2013. But actually what it was is they included the Livonia Karate variance, which is like a neighboring property that also was a, you know, recreation in an industrial area, their condition on their variance. That the variance is for Livonia Karate, LLC only. So that was in '05 or something like that. So they did it in that case, as well, where they said. So I guess I would say our condition can be just for, you know, CrossFit 8 Mile only, just like we did then. But, you know, I guess was there another condition that you mentioned for specific...?

**COPPOLA** No, I think that would satisfy. I just wanted to make sure that number one there was, the use of a variance was going to be because they were going to occupy the building. Let's say they didn't actually negotiate a lease and then they don't come to terms and the next thing you know, we've got, I don't know, heavy metal lifting or something. It kind of meets the variance but wasn't really going to [inaudible].

**KLISZ** Okay, so I added that the variance is for CrossFit 8 Mile only as the condition.

**COPPOLA** As tenant?

**KLISZ** As tenant. Are you good with that?

**BARINGHAUS** Yeah, I'm good with that.

**BOLOVEN** I support that addition.

**COPPOLA** Okay, take...

**KLISZ** Sure.

**RESOLVED: APPEAL CASE NO. 2024-03-14, Nicholas Carignan on behalf of Timothy J. Belanger, 31815 Eight Mile Road:** Seeking to occupy a property within the M-L, Light Industrial Zoning District to establish an indoor recreational facility, which is not allowed.

This Light Industrial property is located on the south side of Eight Mile (31815), between Parker and Osmus, Lot. No. 009-99-0047-001, M-L District, Light Industrial, rejected by the Inspection Department under Livonia Zoning Ordinance, section 3.15 (District Regulations), **be granted** for the following reasons and findings of fact:

1. That the uniqueness requirement is met due to the specific type of structure that's needed for this type of business, also for increased parking capacity and generally increased member capacity,
2. That denial of the variance would have severe consequences for the Petitioner due to reduced capacity for membership, parking, and other services as well,
3. That the variance is fair in light of its effect on neighboring properties, and in the spirit of the zoning ordinance due to support from surrounding businesses and neighbors, and
4. That this property is classified as M-L, Light Industrial, 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. The variance is for CrossFit 8 Mile as tenant only.

**KLISZ** Ms. Scheel.

**SCHEEL** Aye.

**KLISZ** Mr. Rotondo.

**ROTONDO** Aye.

**KLISZ** Mr. Testa.

**TESTA** Aye.

**KLISZ** Mr. Boloven.

**BOLOVEN** Aye.

**KLISZ** Secretary Klisz votes aye. Vice Chairman Baringhaus.

**BARINGHAUS** Aye.

**KLISZ** Chairman Coppola.

**COPPOLA** Aye.

**KLISZ** Passes seven to zero.

**COPPOLA** Okay, so the use variance has passed. You can proceed.

**CARIGNAN** Thank you.

## **ADMINISTRATIVE TASKS**

**COPPOLA** All right. Administratively the minutes were not done in time. We have no minutes. Could we have a motion to adjourn?

**SCHEEL** So vote.

**COPPOLA** Could we have support?

**KLISZ** Support.

**COPPOLA** Support. All in favor?

The Board unanimously approved the motion to adjourn.

**COPPOLA** We are adjourned. It is 8:02.