

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

AGENDA ITEM(S):

1. **APPEAL CASE NO. 2023-09-24, Souad Massoud, 37437 Lancaster Street (Tabled on October 10, 2023):** Seeking to erect an accessory building within the side yard, also the corner side yard setback, which is not allowed. The slab and rat wall have been placed without permits. Accessory building must be located in the rear yard, not in the side yard or within the corner side street setback.
2. **APPEAL CASE NO. 2024-01-09, Dave and Marguerite Pietrowski, 16922 Surrey Drive (Tabled on March 12, 2024):** Seeking to maintain a privacy screen erected over a concrete protective wall separating this property from adjoining commercial property which is not allowed. Also proposed are landscape treatments (fencing) exceeding the maximum allowed forty-foot length.

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

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

ZONING BOARD OF APPEALS

ZONING BOARD MEMBERS

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



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

COUNCIL MEMBERS

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

PUBLIC NOTICE **APRIL 19, 2024**

APPEAL CASE NO. 2023-09-24, 37437 Lancaster (Tabled on October 10, 2023): an appeal was made to the Zoning Board of Appeals by Souad Massoud, seeking to erect an accessory building within the side yard, also the corner side yard setback, which is not allowed. The slab and rat wall have been placed without permits. Accessory building must be located in the rear yard, not in the side yard or within the corner side street setback.

This Low-Density Residential property is located on the south side of Lancaster Street (37437), between Newburgh Rd and Richfield St, Lot. No. 072-01-0001-000 (N-2, Neighborhood District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09 (1), D (Minimum Setbacks).

Corner Side Yard Setback:

Required: 25 feet
Proposed: 3 feet
Deficient: 22 feet

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

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

ZONING BOARD OF APPEALS,



Timothy Klisz, Secretary

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

Case No: 2023-09-24
Meeting Date: May 7, 2024

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

Signature: _____

Address:

2023-09-24



CITY OF LIVONIA

INSPECTION DEPARTMENT

REJECTION OF APPLICATION FOR PERMIT

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154
421-2000

BASED ON NONCONFORMITY TO LIVONIA ORDINANCE

Applicant SAME AS OWNER Address 734-776-6660
 Owner SOUAD MASSOUD Address 37437 LANCASTER, LIVONIA, MI 48154
 Lessee — Address —
 Location SOUTH Side of 37437 LANCASTER Street
 Between NEWBURGH And RICHFIELD
 Lot No/Parcel No. 072-D1-0001-000 Subdivision NEWBURGH HEIGHTS
 Zoning District N2 Map No. SE18 Lot Size — Alley —
 Present Use RESIDENTIAL Proposed Use SAME
 Present Building Size N/A Proposed Building Size 8' x ^{10'} 12'
 Present Height of Building N/A Proposed Height ONE STORY
 Allowable Lot Coverage — Proposed Lot Coverage —
 Proposal SEEKING TO ERECT AN ACCESSORY BUILDING WITHIN THE SIDE YARD, ALSO THE CORNER SIDE YARD SET BACK, WHICH IS NOT ALLOWED. THE SLAB AND RAILWAY HAVE BEEN PLACED WITHOUT PERMITS. ACCESSORY BUILDINGS MUST BE LOCATED IN THE REAR YARD, NOT IN THE SIDE YARD OR WITHIN THE CORNER SIDE STREET SET BACK. CORNER SIDE YARD SET BACK REQUIRED: 25 FEET; PROPOSED: 3 FEET; DEFICIENT: 22 FEET.

Reason for Rejection ZONING ORDINANCE, SECTION 7.09(1)D
 Deficient Side Yard 22 FEET Deficient Front Yard — Deficient Rear Yard —
 Deficient Lot Area — Deficient Lot Area per Room — Encroachment —
 Excessive Lot Coverage — Excessive Height — Increasing No. Units —
 Use Prohibited — Deficient Parking Spaces — Increasing Area and Bulk —
 Remarks —

Plans and Application examined by Ry

Date SEPTEMBER 13, 2023

ZONING EXAMINER

734

7766660

Sue Massoud

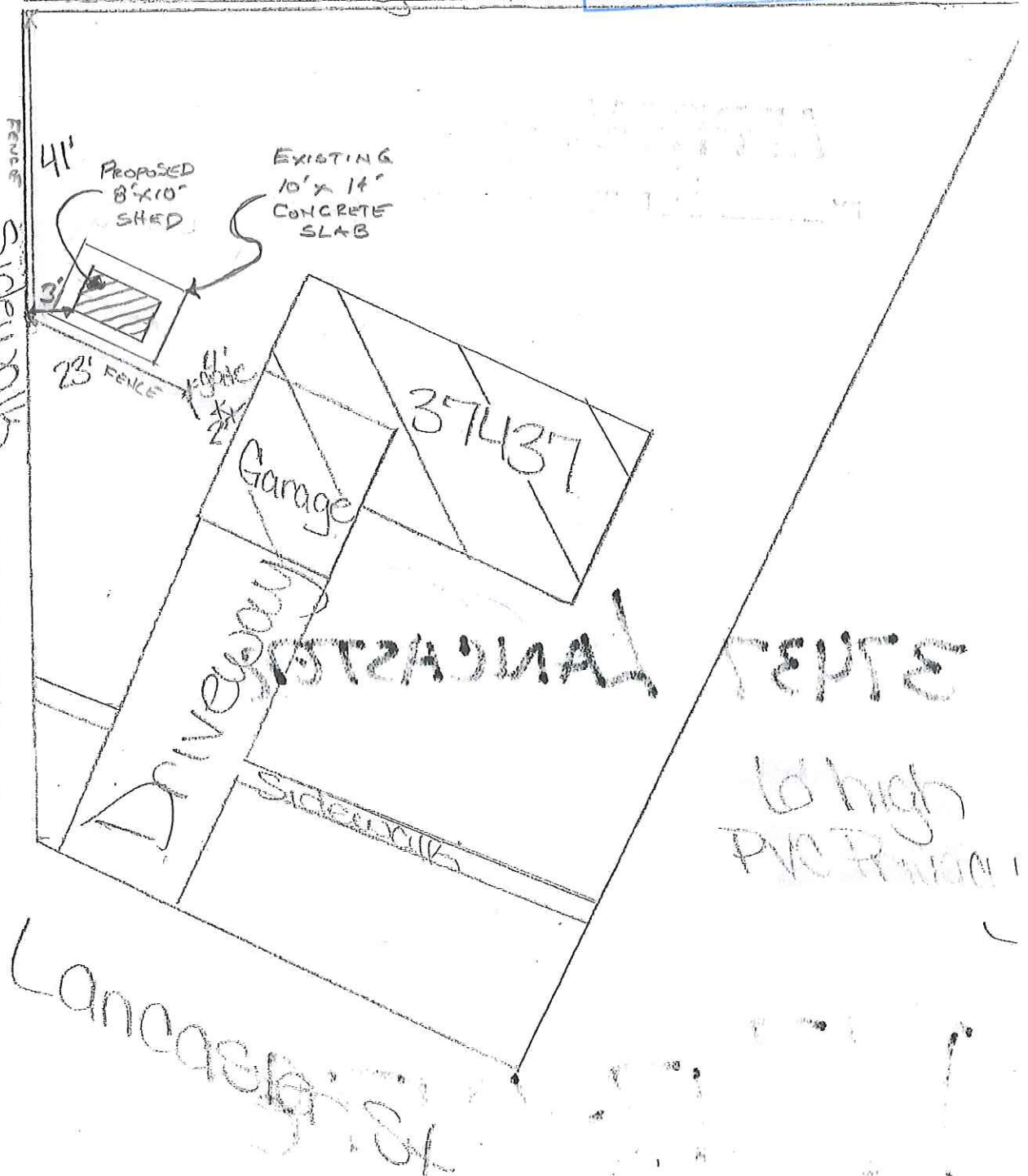


RECEIVED

APR 15 2024

Inspection Department
City of Livonia

Existing Wall

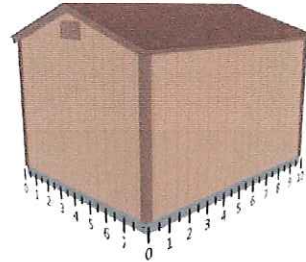
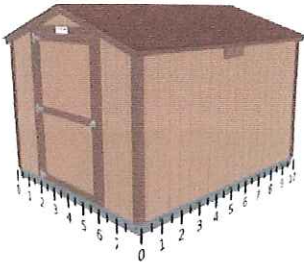


Neighborhood Det

6' high
PVC Railing

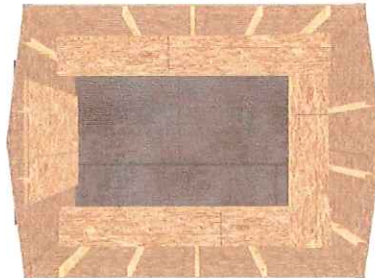


Sue Massoud
37437 Lancaster Street
Livonia MI 48154
Q-2193019



Wall D

Wall A



Wall C

Wall B

Base Details/Permit Details

Building Size & Style

Garden Ranch - 8' wide by 10' long

Door

4' x 6'2" Single Shed Door, Left Hinge Placement

Paint Selection

Base: Hat Box Brown, Trim: Ground Coffee, Accent (Doors): Hat Box Brown

Roof Selection

Autumn Brown 3 Tab

Drip Edge

Brown

Is a permit required for this job?

Yes

Who is pulling the permit?

Tuff Shed

Optional Details

Walls

216 Sq Ft 16" OC Stud Spacing

Roof

92 Sq Ft Radiant Barrier Roof Decking

Floor and Foundation

80 Sq Ft 3/4" Treated Floor Decking

Upgrade

80 Sq Ft PT to Steel - 24" OC Steel Joists

4 Ea Shed Anchor to Concrete - A24 & Wedge Anchor

Interior

28 Lin Ft Shelving - 16" deep

Vents

2 Ea 16"x8" Wall Vent - Brown

10 Ea Floor Track Vent Screen

Jobsite/Installer Details

Do you plan to insulate this building after Tuff Shed installs it?

No

Is there a power outlet within 100 feet of installation location?

Yes

The building location must be level to properly install the building. How level is the install location?

Within 4" of level

Will there be 18" of unobstructed workspace around the perimeter of all four walls?

Yes

Can the installers park their pickup truck & trailer within approximately 200' of your installation site?

Yes

Substrate Shed will be installed on?

Anchored to Concrete with Shed Floor

Customer Signature: _____ Date: _____

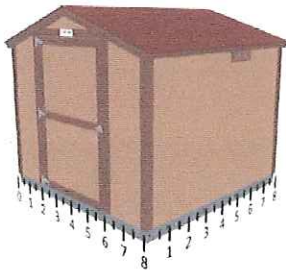
RECEIVED

APR 15 2024

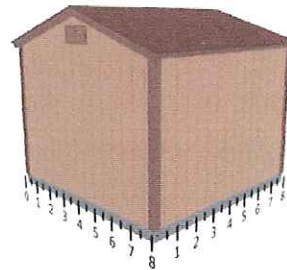
Inspection Department
City of Livonia



Sue Massoud
37437 Lancaster Street
Livonia MI 48154
Q-2193019

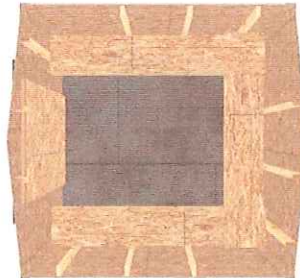


Wall A



Wall C

Wall D



Wall B

Base Details/Permit Details

Building Size & Style

Garden Ranch - 8' wide by 8' long

Door

4' x 6'2" Single Shed Door, Left Hinge Placement

Paint Selection

Base: Hat Box Brown, Trim: Ground Coffee, Accent (Doors): Hat Box Brown

Roof Selection

Autumn Brown 3 Tab

Drip Edge

Brown

Is a permit required for this job?

Yes

Who is pulling the permit?

Tuff Shed

Optional Details

Walls

193 Sq Ft 16" OC Stud Spacing

Roof

74 Sq Ft Radiant Barrier Roof Decking

Floor and Foundation

64 Sq Ft 3/4" Treated Floor Decking

Upgrade

64 Sq Ft PT to Steel - 24" OC Steel Joists

4 Ea Shed Anchor to Concrete - A24 &

Wedge Anchor

Interior

24 Lin Ft Shelving - 16" deep

Vents

2 Ea 16"x8" Wall Vent - Brown

8 Ea Floor Track Vent Screen

Jobsite/Installer Details

Do you plan to insulate this building after Tuff Shed installs it?

No

Is there a power outlet within 100 feet of installation location?

Yes

The building location must be level to properly install the building. How level is the install location?

Within 4" of level

Will there be 18" of unobstructed workspace around the perimeter of all four walls?

Yes

Can the installers park their pickup truck & trailer within approximately 200' of your installation site?

Yes

Substrate Shed will be installed on?

Anchored to Concrete with Shed Floor

Customer Signature: _____ Date: _____

OPTION "B"















RECEIVED

City of Irvine
Inspection Department

RE: 37437 Lancaster

Stierna, Matthew <mstierna@livonia.gov>

Thu 4/18/2024 3:03 PM

To: Fisher, Mike <mfisher@livonia.gov>

Cc: Kasprowicz, Sara <skasprowicz@livonia.gov>; Goff, Erika <egoff@livonia.gov>

From what I read in the minutes, I'd say she has addressed the unclear site plan and made a minimal attempt at addressing the wet yard issue. My conversation with Troy did indicate that the entire neighborhood was a wet neighborhood with non-optimal drainage. I saw evidence of that at her home today. No standing water, but definably spongy still and areas of dead grass suggesting standing water.

However, similar low areas exist immediately adjacent to the new slab that just a likely flood. Further that there were a couple of conforming locations that the shed foundation could have been placed with a similarly raised foundation to keep it dry inside, if not a damp slog to get to in the rain. These may have been areas the board referred to as well.

I don't thing reducing the length of shed had changed the final height of the shed. I will exceed the height of privacy fence by around a foot, give or take. However, Given the size of the poured pad, she has a little latitude to move the shed a little further from the fence and still not violate the fire separation of 10' between it and the house.

Ultimately, her appeal is one due to the inconvenience and expense of needing to pour a new foundation after she jumped the gun by putting one in before consulting the building department.

-Matt-

Matthew Stierna

Building Inspector

City of Livonia | Inspection Department

(734) 466-2593

mstierna@livonia.gov

From: Fisher, Mike <mfisher@livonia.gov>

Sent: Thursday, April 18, 2024 2:42 PM

To: Stierna, Matthew <mstierna@livonia.gov>

Cc: Kasprowicz, Sara <skasprowicz@livonia.gov>; Goff, Erika <egoff@livonia.gov>

Subject: RE: 37437 Lancaster

Thanks, Matt!

Do you think this vetting has answered all the Board's questions?

Mike Fisher

Chief Assistant City Attorney

To: Stierna, Matthew <mstierna@livonia.gov>

Subject: 37437 Lancaster

Matt,

Per our telephone conversation, I have investigated the grading concerns at 37437 Lancaster, in relation to the properties to the south (15365-15375 Newburgh and 15405 Newburgh).

I see no grading violations here. I see no evidence of a recent re-grade for either of the properties on Newburgh Road. The shared property line is meant to be the drainage way here, directing runoff toward Newburgh Road to the east. See attached grading plans and subdivision plat.

Feel free to contact me with any questions.

Sincerely,

Troy Hall, P.E.

Civil Engineer II

City of Livonia | Engineering

(734) 466-2576

THall@livonia.gov





NEWBURGH HEIGHTS SUB'N, PART OF THE S.E. 1/4 OF SECTION 18, T. 1 S., R. 9 E., CITY OF LIVONIA, WAYNE CO., MICHIGAN.

SCALE: ~ ONE INCH = 100 FEET.

0 20 40 60 80 100 120 140 160 180 200 220 240 260 280 300

NOTE: All dimensions are shown in feet and decimals thereof.
All curvilinear dimensions are shown along the arc.WARNER AND WARNER,
Registered Civil Engineers
and Land Surveyors,
Detroit, Mich.

Wayne
Newburgh Heights Sub'n.
5th
December 62 210
p 64 86 plates
Roy H. Woodcock

December 5, 1962
December 6, 1962
December 5, 1962

Richard J. Lemat

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT WE, THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, A NEW JERSEY CORPORATION, BY M. W. SCHUELER, VICE PRESIDENT, AND R. H. BITTNER, ASSISTANT SECRETARY, AS MORTGAGEE, HAVE CAUSED THE LAND EMBRACED IN THE ANNEXED PLAT TO BE SURVEYED, LAID OUT AND PLATTED, TO BE KNOWN AS "NEWBURGH HEIGHTS SUB'N, PART OF THE S.E. 1/4 OF SECTION 18, T. 1 S., R. 9 E., CITY OF LIVONIA, WAYNE CO., MICHIGAN.", AND THAT THE STREETS AS SHOWN ON SAID PLAT ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC, AND THAT THE PRIVATE EASEMENTS, AND OTHER EASEMENTS, SHOWN ON SAID PLAT ARE HEREBY RESERVED FOR THE USE OF THE PUBLIC UTILITIES, OR FOR THE USE OF SPECIFIC UTILITIES, OR SPECIFIC USES, AS THEREON SHOWN, SUBJECT TO THE REGULATION AND CONTROL OF THE USE THEREOF BY THE LOCAL GOVERNMENTAL AUTHORITIES, AND THAT NO PERMANENT STRUCTURES ARE TO BE ERRECTED WITHIN THE BOUNDARIES OF SAID EASEMENTS.

WITNESSES:

THE PRUDENTIAL INSURANCE COMPANY OF AMERICA

JOANNE S. BOURBEAU

BY M. W. Schueler
M. W. SCHUELER, VICE PRESIDENT

SHIRLEY ENGER

BY R. H. Bittner
R. H. BITTNER, ASSISTANT SECRETARY

ACKNOWLEDGMENT

STATE OF NEW JERSEY)
COUNTY OF)
ON THIS 7th DAY OF December, A.D., 1962, BEFORE ME,
A NOTARY PUBLIC IN AND FOR SAID COUNTY, APPEARED M. W. SCHUELER
AND R. H. BITTNER
BEING EACH BY ME DULY SWORN DID SAY THAT THEY ARE THE VICE PRESIDENT AND
ASSISTANT SECRETARY, RESPECTIVELY, OF THE PRUDENTIAL INSURANCE COMPANY OF
AMERICA, A NEW JERSEY CORPORATION, AND THAT SAID INSTRUMENT WAS SIGNED
IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF DIRECTORS,
AND THE SAID M. W. SCHUELER AND R. H. BITTNER
ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID
CORPORATION.

MY COMMISSION EXPIRES:

Thomas H. Haggan
THOMAS H. HAGGAN
NOTARY PUBLIC, CO., NEW JERSEY

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT HEREON DELINEATED IS A CORRECT ONE, AND THAT PERMANENT MONUMENTS CONSISTING OF IRON RODS ONE HALF INCH IN DIAMETER AND 36 INCHES IN LENGTH, ENCASED IN CONCRETE CYLINDERS 4 INCHES IN DIAMETER AND 36 INCHES IN LENGTH, HAVE BEEN PLACED AT ALL POINTS MARKED THUS (o) AS THEREON SHOWN AT ALL ANGLES IN THE BOUNDARIES OF THE LAND PLATTED, AT ALL INTERSECTIONS OF THE LINES OF STREETS, AND AT INTERSECTIONS OF THE LINES OF STREETS WITH THE BOUNDARIES OF THE PLAT.

Terence B. Cantrell
TERENCE B. CANTRELL, REG. LAND SURVEYOR

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT WE, PARIS HOME BUILDERS, INC., A MICHIGAN CORPORATION, BY JACOB MENECK, PRESIDENT, AND ETHEL BENJAMIN, SECRETARY, AS PROPRIETORS, HAVE CAUSED THE LAND EMBRACED IN THE ANNEXED PLAT TO BE SURVEYED, LAID OUT AND PLATTED, TO BE KNOWN AS "NEWBURGH HEIGHTS SUB'N, PART OF THE S.E. 1/4 OF SECTION 18, T. 1 S., R. 9 E., CITY OF LIVONIA, WAYNE CO., MICHIGAN.", AND THAT THE STREETS AS SHOWN ON SAID PLAT ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC, AND THAT THE PRIVATE EASEMENTS, AND OTHER EASEMENTS, SHOWN ON SAID PLAT ARE HEREBY RESERVED FOR THE USE OF THE PUBLIC UTILITIES, OR FOR THE USE OF SPECIFIC UTILITIES, OR SPECIFIC USES, AS THEREON SHOWN, SUBJECT TO THE REGULATION AND CONTROL OF THE USE THEREOF BY THE LOCAL GOVERNMENTAL AUTHORITIES, AND THAT NO PERMANENT STRUCTURES ARE TO BE ERRECTED WITHIN THE BOUNDARIES OF SAID EASEMENTS.

WITNESSES:

PARIS HOME BUILDERS, INC.

WILLIAM HORDES

BY Jacob Menuck
JACOB MENECK, PRESIDENT

INA SAMRA

BY Ethel Benjamin
ETHEL BENJAMIN, SECRETARY

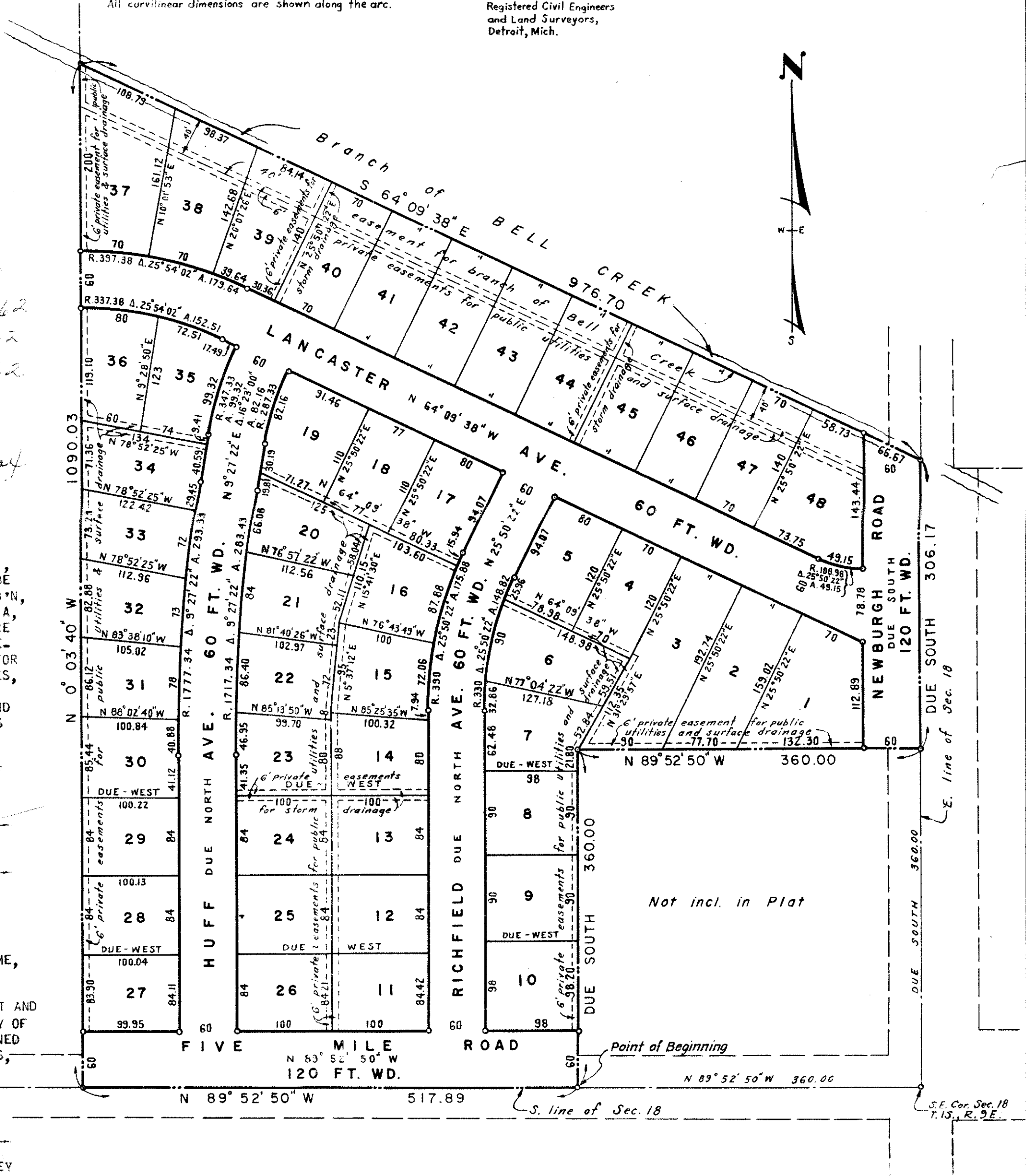
ACKNOWLEDGMENT

STATE OF MICHIGAN)
COUNTY OF WAYNE)
ON THIS 21st DAY OF August, A.D., 1962, BEFORE ME, A NOTARY PUBLIC
IN AND FOR SAID COUNTY, APPEARED JACOB MENECK AND ETHEL BENJAMIN, TO ME PERSONALLY
KNOWN, WHO BEING EACH BY ME DULY SWORN DID SAY THAT THEY ARE THE PRESIDENT AND
SECRETARY, RESPECTIVELY, OF PARIS HOME BUILDERS, INC., A MICHIGAN CORPORATION, AND
THAT SAID INSTRUMENT WAS SIGNED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS
BOARD OF DIRECTORS, AND THE SAID JACOB MENECK AND ETHEL BENJAMIN ACKNOWLEDGED SAID
INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

MY COMMISSION EXPIRES:

JUNE M. WENCLEY
Notary Public, Wayne County, Mich.
My Commission Expires Dec. 16, 1962

JUNE M. WENCLEY
NOTARY PUBLIC, WAYNE CO., MICHIGAN



CERTIFICATE OF MUNICIPAL APPROVAL

THIS PLAT WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF LIVONIA AT A MEETING HELD December 6, 1962, 1962, AND IS IN COMPLIANCE WITH SECTION 19A AND THE WIDTH OF LOTS CONFORM WITH THE REQUIREMENTS OF SECTION 30, ACT 172, OF 1929, AS AMENDED.

Marie W. Clark
MARIE W. CLARK, CITY CLERK

DESCRIPTION

THE LAND EMBRACED IN THE ANNEXED PLAT OF NEWBURGH HEIGHTS SUB'N, PART OF THE S.E. 1/4 OF SECTION 18, T. 1 S., R. 9 E., CITY OF LIVONIA, WAYNE CO., MICHIGAN, COM-
PRISES LOTS 1 THROUGH 48, AND IS DESCRIBED AS FOLLOWS, TO WIT: COMMENCING AT A
POINT ON THE S. LINE OF SECTION 18, T. 1 S., R. 9 E., DISTANT N. 89° 52' 50" W.,
360.00' FROM THE S.E. CORNER OF SAID SECTION 18; THENCE ALONG THE S. LINE OF SAID
SECTION 18, N. 89° 52' 50" W., 517.89'; THENCE N. 0° 03' 40" W., 1090.03'; THENCE
S. 64° 09' 38" E., 976.70' TO A POINT ON THE E. LINE OF SAID SECTION 18; THENCE
ALONG SAID LINE, DUE SOUTH, 306.17'; THENCE N. 89° 52' 50" W., 360.00'; THENCE DUE
SOUTH, 360.00' TO THE POINT OF BEGINNING.

Approved as to compliance with all plat regulations
of the Plat Board of Wayne Co. Mich. 1221-32, 1962.

Walter A. Lesnick County Plat Engineer

APPROVED BY THE

Philip J. Neudeck

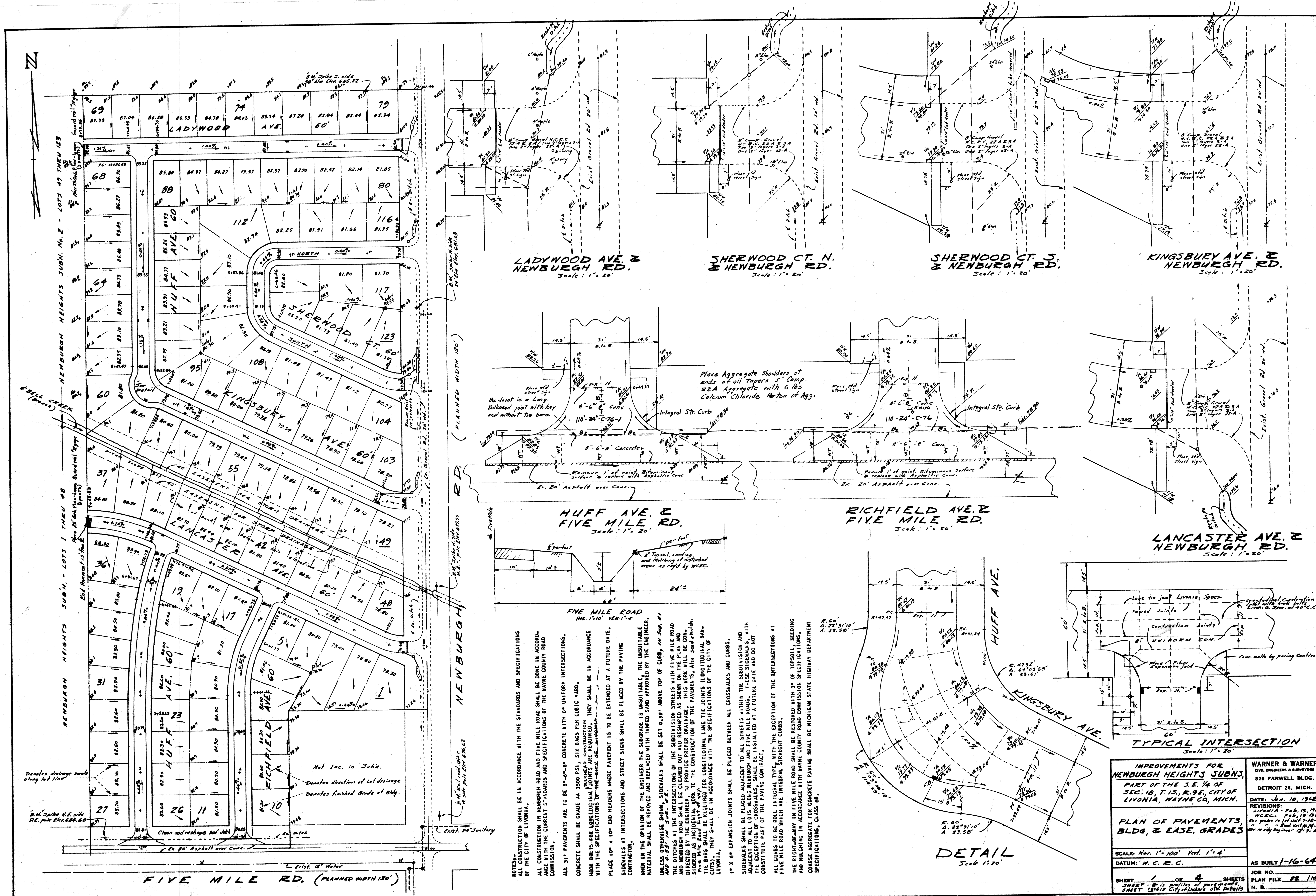
Philip J. Neudeck

THIS IS TO CERTIFY THAT THERE ARE NO TAX
LINES OR TILES ON THIS PROPERTY, AND THAT
TAXES ARE PAID FOR FIVE YEARS PREVIOUS
TO DATE OF THIS INSTRUMENT.

EXCEPT

Donald E. Still Wayne County Treas.
DATE 11-11-62 BY Still

L. PITCHER

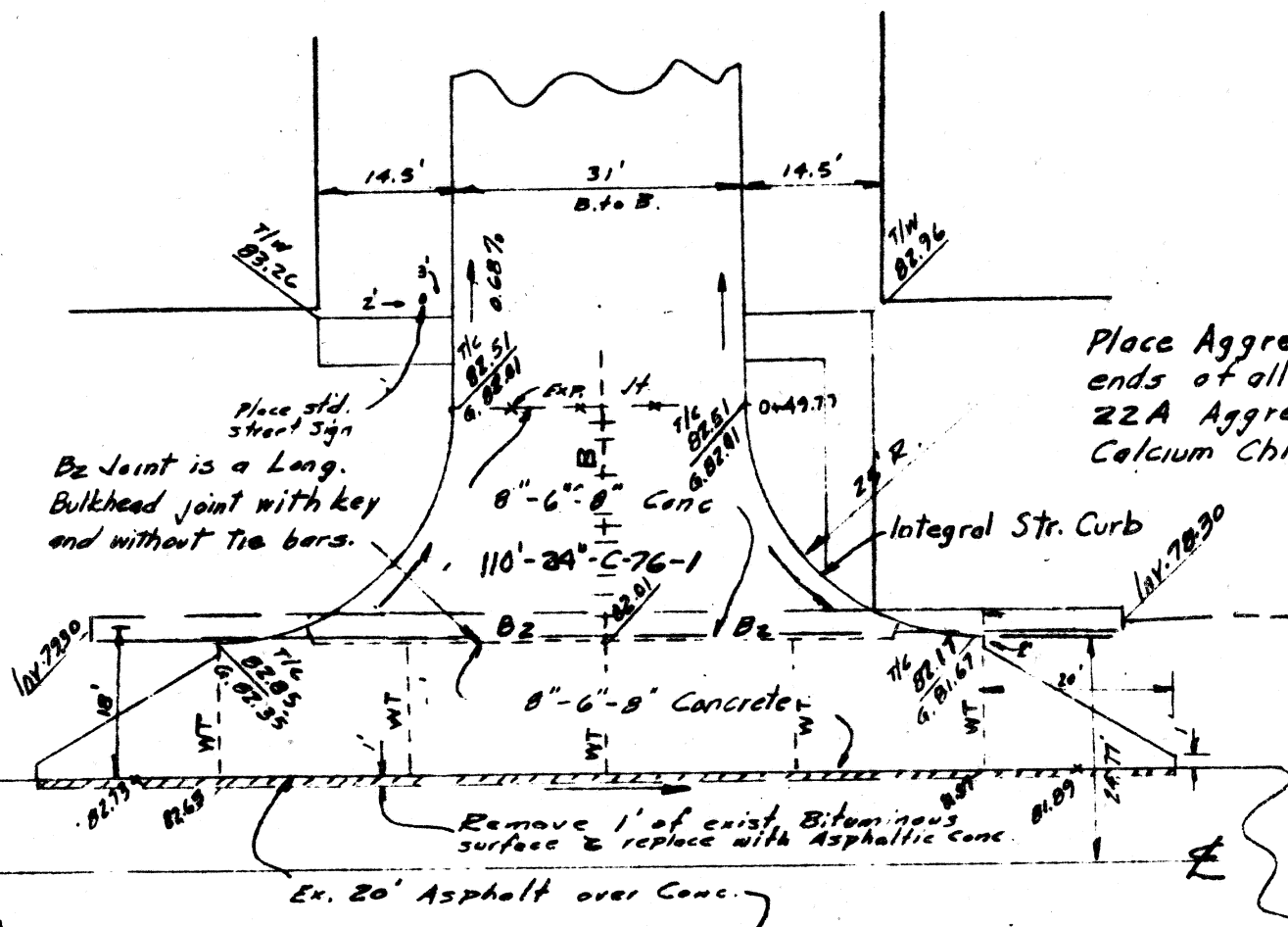


LADYWOOD AVE. & NEWBURGH RD.
Scale: 1" = 20'

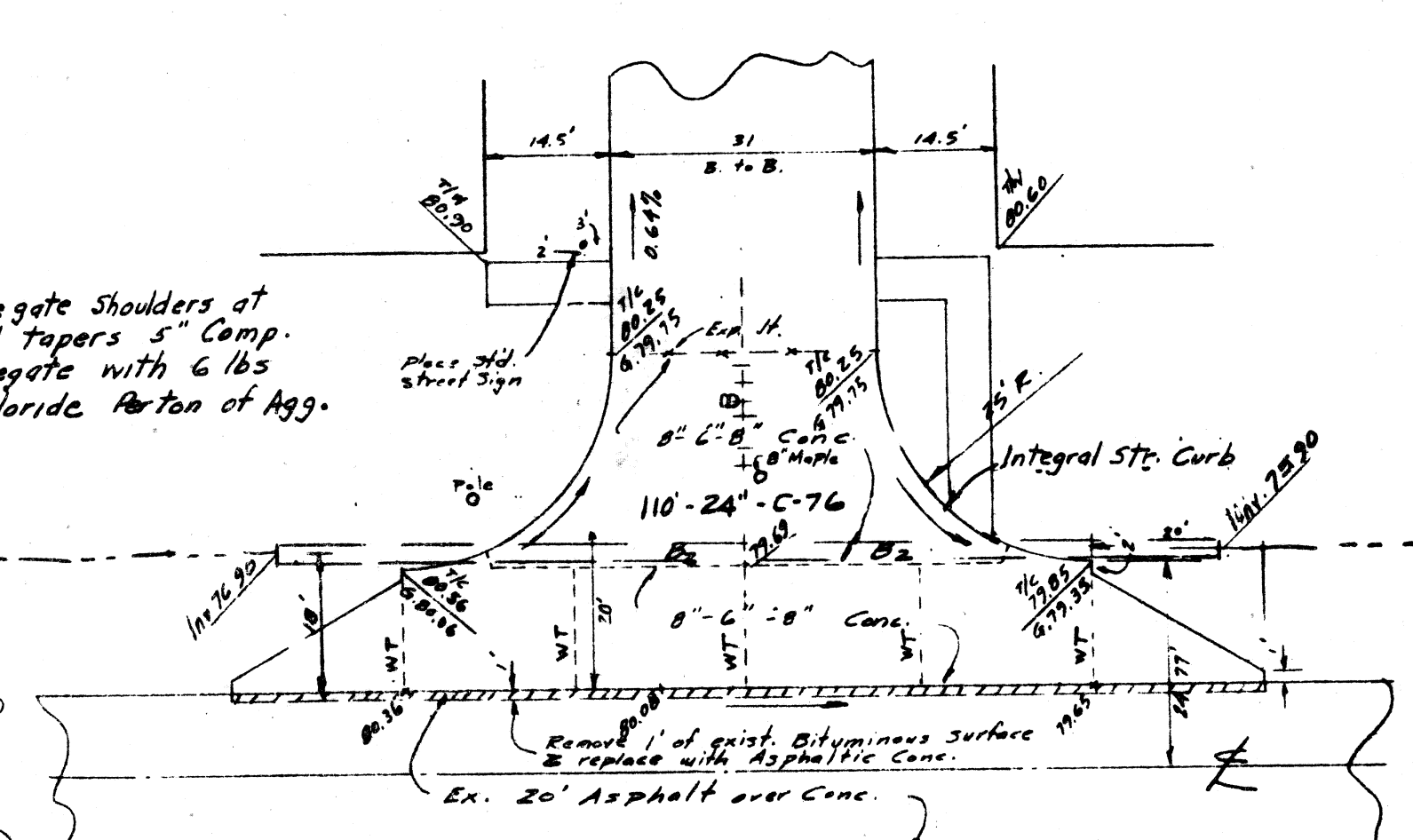
SHERWOOD CT. N. & NEWBURGH RD.
Scale: 1" = 20'

SHERWOOD CT. S. & NEWBURGH RD.
Scale: 1" = 20'

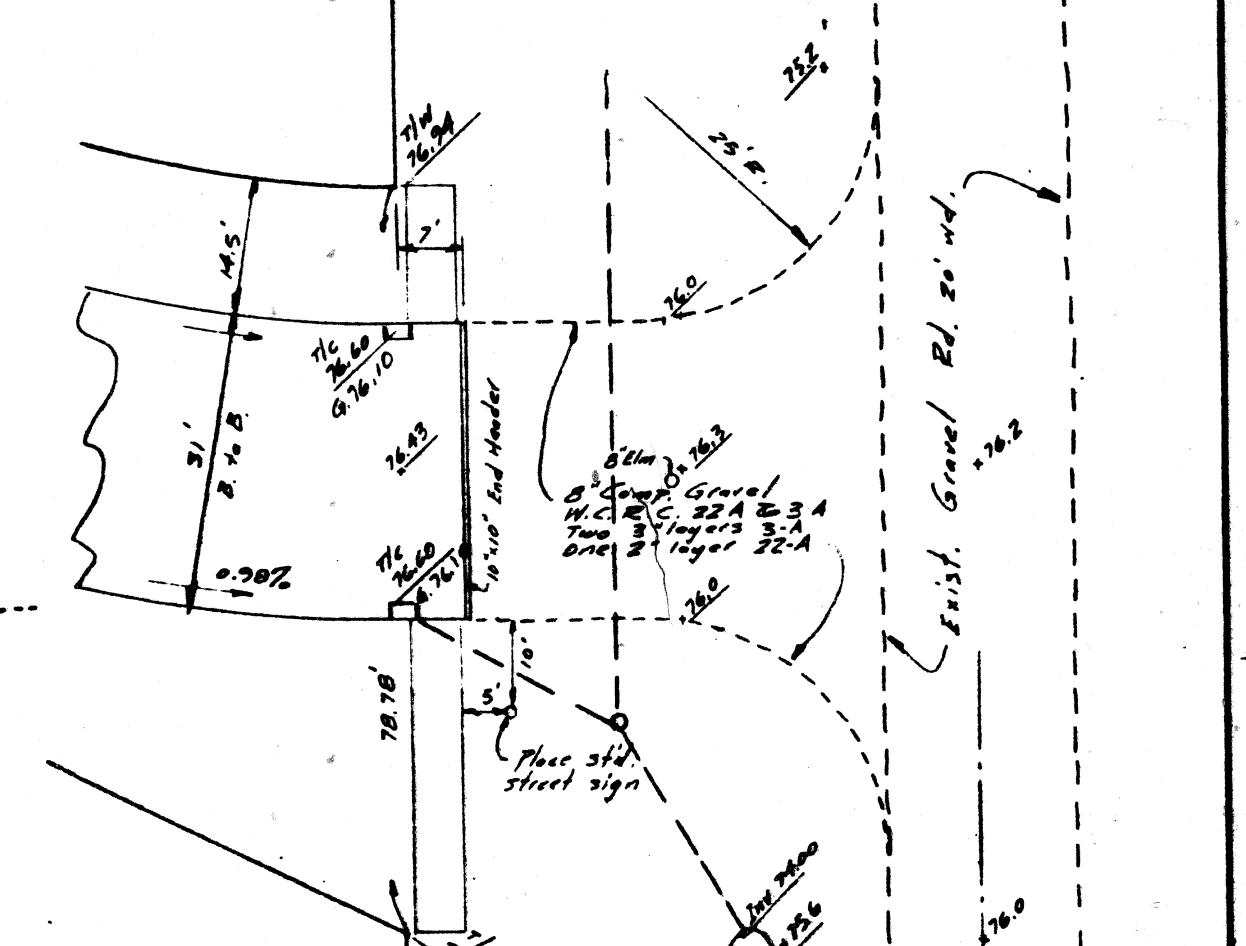
KINGSBURY AVE. & NEWBURGH RD.
Scale: 1" = 20'



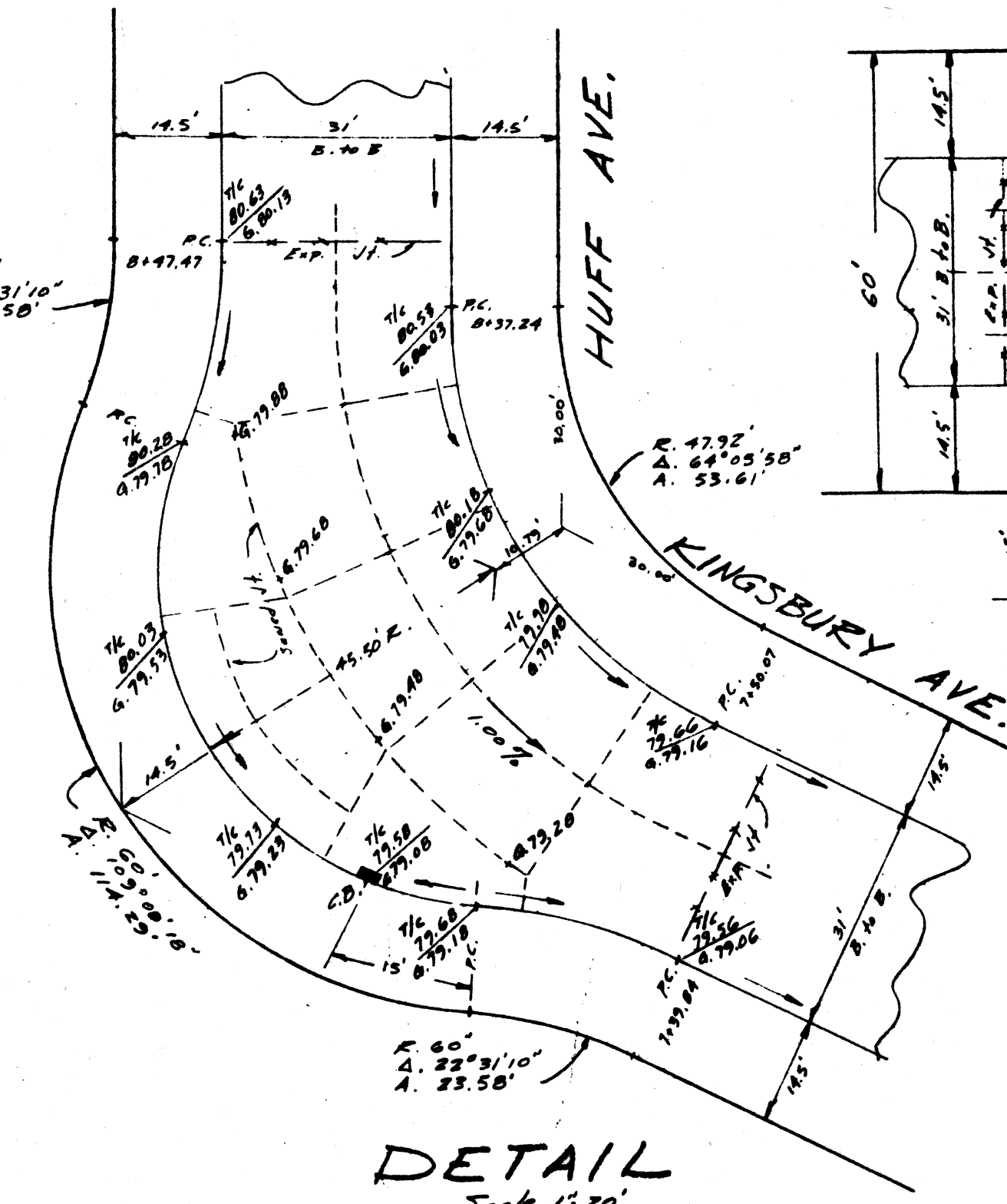
HUFF AVE. & FIVE MILE RD.
Scale: 1" = 20'



RICHFIELD AVE. & FIVE MILE RD.
Scale: 1" = 20'



LANCASTER AVE. & NEWBURGH RD.
Scale: 1" = 20'



DETAIL
Scale: 1" = 20'

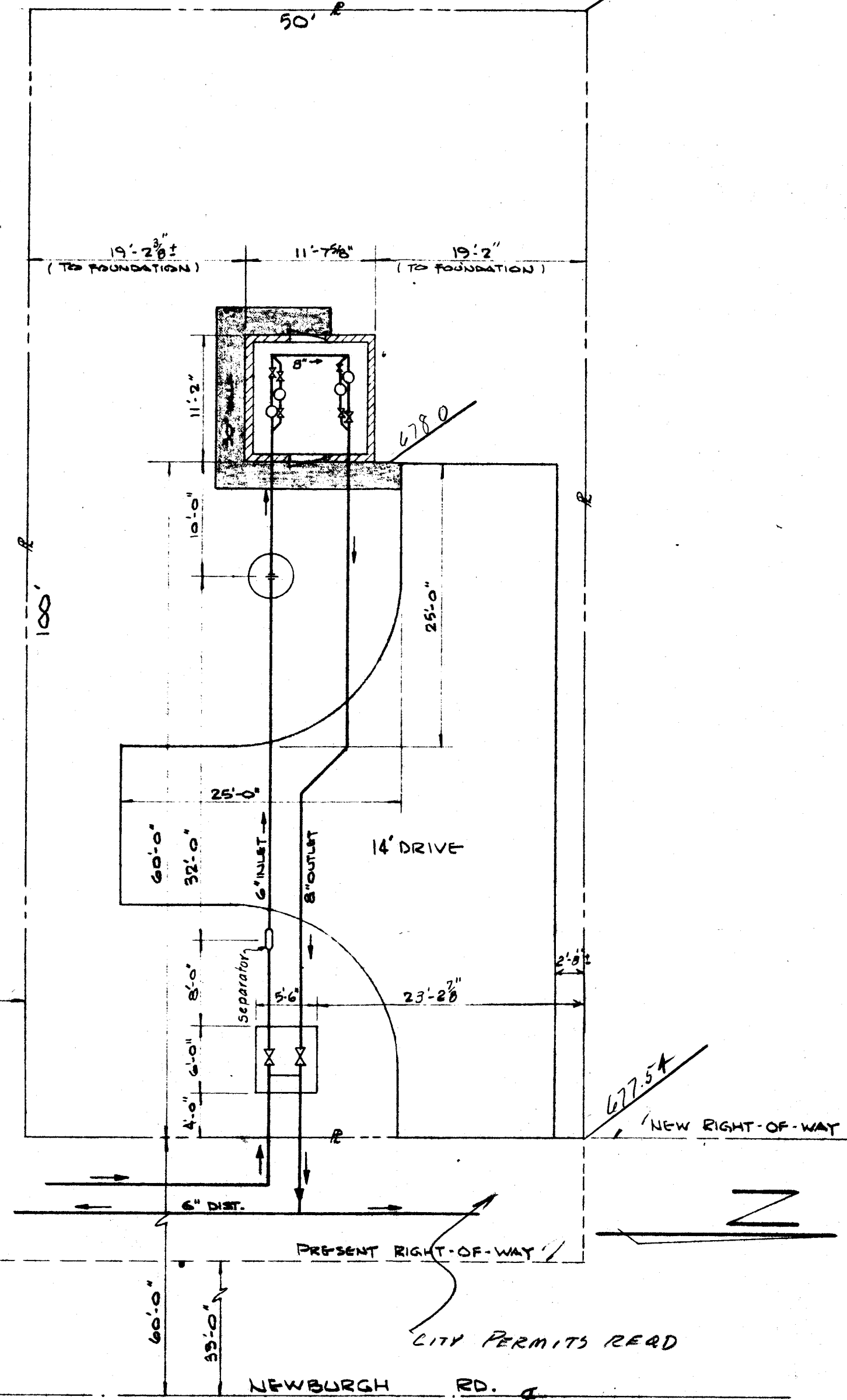
TYPICAL INTERSECTION
Scale: 1" = 20'

NOTES:
CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE CITY OF LIVONIA.
ALL CONSTRUCTION IN NEWBURGH HEIGHTS SUBDIV. NO. 2 SHALL BE DONE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE WAYNE COUNTY ROAD COMMISSION.
ALL 31" PAVEMENTS ARE TO BE 8"-8" CONCRETE WITH 8" UNIFORM INTERSECTIONS. CONCRETE SHALL BE GRADE 3000 PSI, SIX BAGS PER CUBIC YARD.
HOOK BOLTS FOR LONGITUDINAL JOINTS ARE REQUIRED. THEY SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE A.C.I. CODE.
PLACE 10" x 10" END HEADERS WHERE PAVEMENT IS TO BE EXTENDED AT A FUTURE DATE. SIDEWALKS AT INTERSECTIONS AND STREET SIGNS SHALL BE PLACED BY THE PAVING CONTRACTOR.
WHEN IN THE OPINION OF THE ENGINEER THE SUBGRADE IS UNSUITABLE, THE UNSUITABLE MATERIAL SHALL BE REMOVED AND REPLACED WITH TAMPED SAND APPROVED BY THE ENGINEER.
UNLESS OTHERWISE SHOWN, SIDEWALKS SHALL BE SET 0.88' ABOVE TOP OF CURB, 11" WIDE, 8" AND 0.88' WIDE.
THE INTERSECTIONS OF THE SUBDIVISION STREETS WITH FIVE MILE ROAD AND THE INTERSECTIONS OF THE SUBDIVISION STREETS WITH FIVE MILE ROAD SHALL BE CONSTRUCTED BY THE ENGINEER TO PROVIDE PROPER DRAINAGE. THIS WORK WILL BE CONSIDERED AS INCIDENTAL WORK TO THE CONSTRUCTION OF THE PAVEMENTS. ALSO, SEE ENCL. FIVE MILE ROAD EASEMENT.
TIE BARS SHALL BE REQUIRED FOR LONGITUDINAL LANE TIE JOINTS (LONGITUDINAL SAW CUTS). THEY SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE CITY OF LIVONIA.
10' x 6" EXPANSION JOINTS SHALL BE PLACED BETWEEN ALL CROSSWALKS AND CURBS.
SIDEWALKS SHALL BE PLACED ADJACENT TO ALL STREETS WITHIN THE SUBDIVISION AND ADJACENT TO ALL LOTS ALONG NEWBURGH AND FIVE MILE ROADS. THESE SIDEWALKS, WITH THE EXCEPTION OF CROSSWALKS, SHALL BE INSTALLED AT A FUTURE DATE AND DO NOT CONSTITUTE PART OF THE PAVING CONTRACT.
ALL CURBS TO BE ROLL INTEGRAL TYPE, WITH THE EXCEPTION OF THE INTERSECTIONS AT FIVE MILE ROAD WHICH ARE INTEGRAL STRAIGHT CURBS.
THE RIGHT-OF-WAY IN FIVE MILE ROAD SHALL BE RESTORED WITH 3" OF TOPSOIL, SEEDING AND MULCHING IN ACCORDANCE WITH WAYNE COUNTY ROAD COMMISSION SPECIFICATIONS. COARSE AGGREGATE FOR CONCRETE PAVING SHALL BE MICHIGAN STATE HIGHWAY DEPARTMENT SPECIFICATIONS, CLASS 68.

IMPROVEMENTS FOR NEWBURGH HEIGHTS SUBDIV.		WARNER & WARNER CIVIL ENGINEERS & SURVEYORS 828 FARWELL BLDG. DETROIT 26, MICH.	
PART OF THE S.E. 1/4 OF SEC. 18, T. 13, R. 9 E., CITY OF LIVONIA, WAYNE CO., MICH.		DATE: Jan. 10, 1962	
PLAN OF PAVEMENTS, BLDG. & EASE, GRADES		REVISIONS: LIVONIA - Feb. 13, 1962 W.C.E. - Feb. 19, 1962 For grades re lot 11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-1222-1223-1224-1225-122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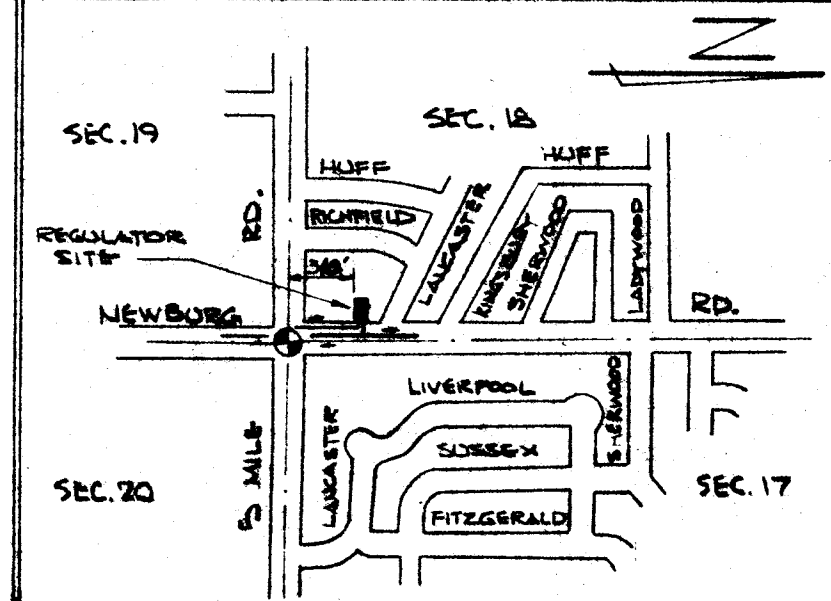
5 MILE RD

NEWBURGH RD.

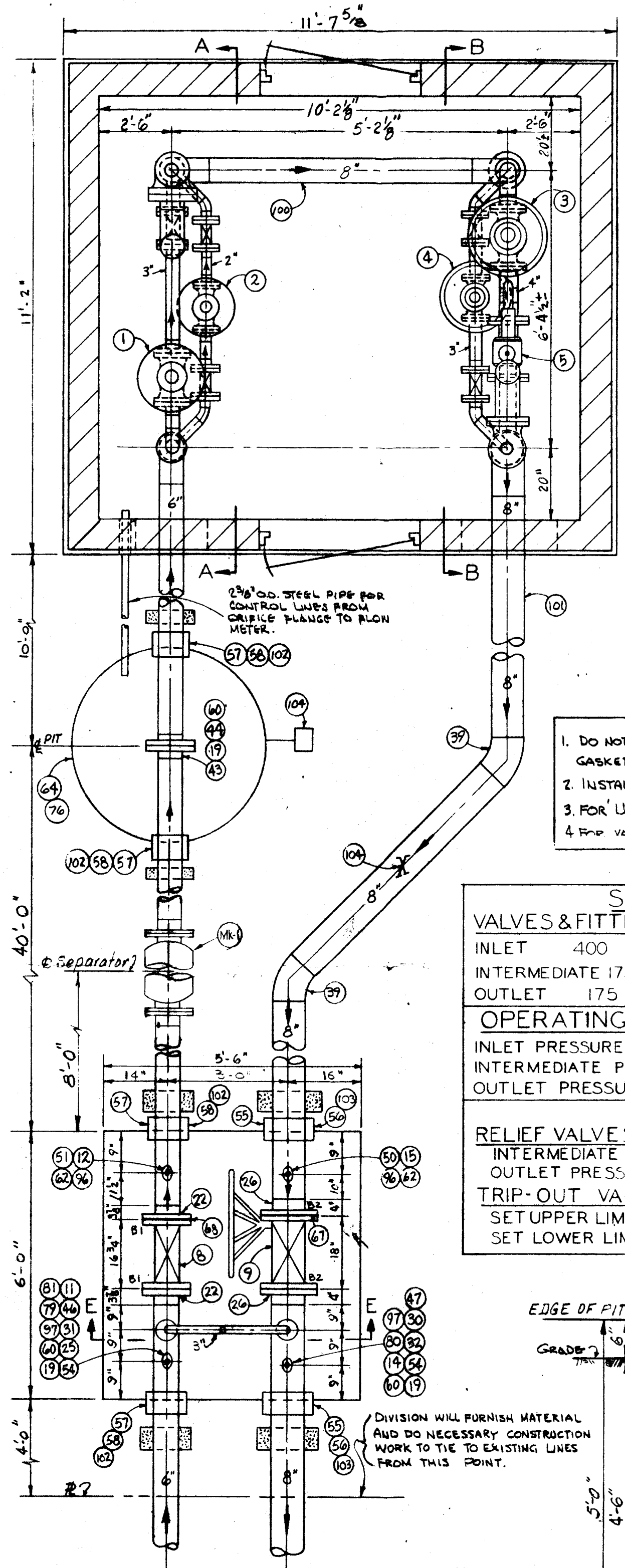


LAYOUT PLAN
IN SE 1/4, SE 1/4 SEC. 18, T1S, R9E
LIVONIA TWP - WAYNE CO.
SCALE: 1" = 10'-0"

APPROVED 5-22-64
Date
WILLIAM J. SHAW
CITY ENGINEER

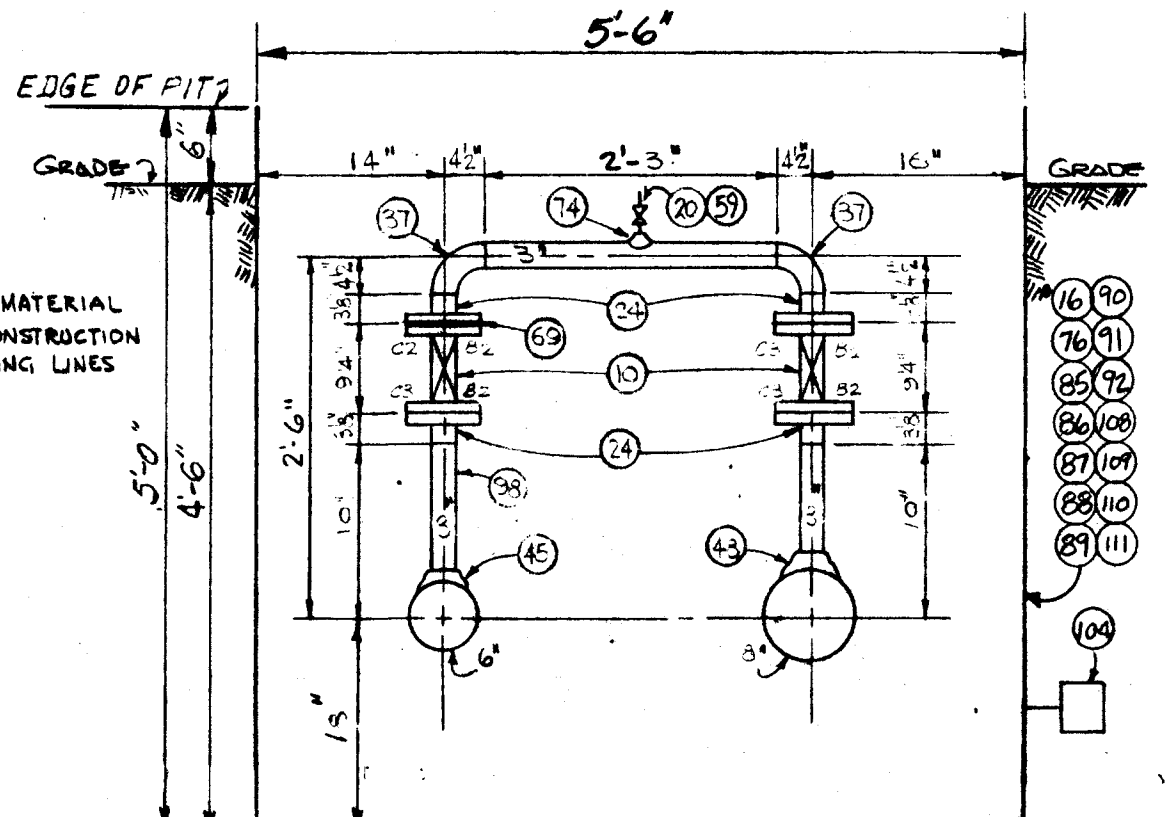


LOCATION PLAN
IN SE 1/4, SE 1/4 SEC. 18, T1S, R9E
LIVONIA TWP - WAYNE CO.
SCALE: 1" = 1000'



- DO NOT PAINT OVER SPECIAL MALONEY INSULATING GASKETS OR WASHERS INSTALLED ON FLANGES.
- INSTALL ANODES AS PER STD. #1-300 & 7-301
- FOR U BUSHINGS SEE STD #5-304
- FOR VALVE PIT DETAILS SEE STD #5-305

STATION DESIGN PRESSURE	
VALVES & FITTINGS	MAXIMUM REGULATOR PRESSURE
INLET 400 PSIG	1ST STAGE INLET 400 PSIG
INTERMEDIATE 175 PSIG	OUTLET 250 PSIG
OUTLET 175 PSIG	2ND STAGE INLET 175 PSIG
	OUTLET 65 PSIG
OPERATING PRESSURE	
INLET PRESSURE 150-400 PSIG	ESTIMATED FUTURE LOAD
INTERMEDIATE PRESSURE 75 PSIG	TOTAL LOAD 600 MCF/HR
OUTLET PRESSURE 15-25 PSIG	
SAFETY VALVE SETTINGS	
RELIEF VALVES	
INTERMEDIATE PRESSURE SET AT 150 PSIG	
OUTLET PRESSURE SET AT 35 PSIG	
TRIP-OUT VALVE	
SET UPPER LIMIT TO TRIP AT 40 PSIG ON INCREASING PRESSURE	
SET LOWER LIMIT TO TRIP AT 1/2 PSIG ON DECREASING PRESSURE	



Address = 15405 Newburgh Rd.

NO CHANGES ARE TO BE MADE FROM THIS DESIGN BEFORE CONTACTING GAS ENGINEERING DEPT.

ITEM	REQD	DESCRIPTION	REMARKS	REV. NO.
48	4	8" x 3" WELDING SADDLE		2735
49	1	8" x 4" WELDING SADDLE		2735
50	1	8" x 1" WELDING SADDLE	52-6678	2735
51	2	6" x 1" WELDING SADDLE		2735
52	1	6" x 3/4" WELDING SADDLE		2735
53	6	8" x 3/4" WELDING SADDLE		2735
54	2	2" x 1/2" SWAGED NIPPLES, MALE THREADED BOTH ENDS.	52-4925	2735
55	2	8" x 12" WM. SON U SEAL CASING SEAL, TYPE U-2 TO FIT 8 3/8" O.D. BARE LINE PIPE AND 12 3/4" O.D. BARE CASING.	59-8214	2736
56	2	8" x 12" WM. SON M-2 PLASTIC SPACER FOR 8 3/8" O.D. BARE LINE PIPE AND 12 3/4" I.D. CASING.	59-8314	2736
57	4	6" x 10" WM. SON U SEAL CASING SEAL, TYPE U-2 TO FIT 6 3/8" O.D. BARE LINE PIPE AND 10 3/4" O.D. BARE CASING.	59-8210	2736
58	4	6" x 10" WM. SON M-2 PLASTIC SPACER FOR 6 3/8" O.D. BARE LINE PIPE AND 10 3/4" I.D. CASING.	59-8310	2736
59	14	1/4" EXTRA HEAVY HEX. HEAD BULL PLUG (MALE THREADED)	52-5580	2737
60	4	1/2" EXTRA HEAVY HEX. HEAD BULL PLUG (MALE THREADED)	52-5582	2737
61	1	3/4" EXTRA HEAVY HEX. HEAD BULL PLUG (MALE THREADED)	52-5583	2737
62	2	1" EXTRA HEAVY HEX. HEAD BULL PLUG (MALE THREADED)	52-5584	2737
63	1	3/4" - 800" THERMO-WELL AS PER STD. 5-412 ATTACHED.		2738
64	1	STEEL TANK 4'-0" DIA. x 5'-0" DEEP SEE ATTACHED DWG. #5-307		2738
65		DURABLE GASKETS AS PER REQ. NUMBER SHOWN AT RIGHT.		2739
66		3000# FORGED STEEL SOCKET WELD ENDS, SEE REQ. NUMBER SHOWN AT RIGHT.		2740
67	1	SET MALONEY PLASTIC FLANGE INSULATION FOR 8" SERIES B.F.F. FLANGES, TYPE 'EN' INSULATION		2736
68	1	SET MALONEY PLASTIC FLANGE INSULATION FOR 6" SERIES 30RF FLANGES, TYPE 'EN' INSULATION		2736
69	1	SET MALONEY PLASTIC FLANGE INSULATION FOR 3" SERIES 30RF FLANGES, TYPE 'EN' INSULATION		2736
70	1	1/2" INDICATING PRESSURE GAUGE 0-200# BRONZE BOURDON TUBE, 1/4" LOWER CONNECTION WITH BLACK PHENOL CASE ASHCROFT 1279A.		2741
71	1	12" BRISTOL RECORDING PRESSURE GAUGE 16-500-14, SINGLE V-PEN, RANGE 0-500PSIG WALL MOUNTING WITH 2 SPEED DRIVE, 24 HR. 7 DAY MECHANICAL CLOCK, LUX MOVEMENT #A6994-7 DAY CHART #2269 COMPLETE WITH UNION CONNECTION AND NIPPLE. LUBRICATE FOR SUB-ZERO TEMPERATURE.		2741
72	1	12" BRISTOL RECORDING PRESSURE GAUGE 16-500-14, SINGLE V-PEN, RANGE 0-50 PSIG WALL MOUNTING WITH 2 SPEED DRIVE, 24 HR. 7 DAY MECHANICAL CLOCK, LUX MOVEMENT #A6994-7 DAY CHART #55015 COMPLETE WITH UNION CONNECTION AND NIPPLE. LUBRICATE FOR SUB-ZERO TEMPERATURE.		2741
73	1	2 1/2" - 1 1/4" x 1/4" SOCKLETS STD. WEIGHT		2742
74	1	3/4" - 3" x 1/4" SOCKLETS STD. WEIGHT	52-7726	2742
75	1	1/2" x 1/4" STD. SOCKET WELD BONNEY ELBOW FOR 4" LONG RADIUS WELDING ELBOW.		2742
76	5	1 1/4" YALE PIN TUMBLER, 1 1/2" PADLOCK TO BE KEYPED TO KEY CHANGE #417 WITH #8 PARACENTRIC KEYWAY.	Div Stock	
77	24	1/2" x 5/8" STUD BOLTS ALL STUD BOLTS TO BE OF CARBON STEEL EQUIVALENT TO ASTM	B1	2742
78	100	3/4" x 1/2" STUD BOLTS A-307 GRADE B, NO HEAD TREATING EXCEPT STRESS RELIEF.	B2	2742
79	152	5/8" x 1/2" STUD BOLTS ALL BOLTS THREADED FULL LENGTH WITH 2-6" AMERICAN STD. DS		2742
80	16	5/8" x 3/2" STUD BOLTS HEAVY SERIES HEX. NUTS EACH	B4	2742
81	15	5/8" x 2" CAP SCREWS CAP SCREWS TO BE OF CARBON STEEL EQUIVALENT TO ASTM	C1	2742
82	2	3/4" x 2 1/2" CAP SCREWS A-307, GRADE B, NO HEAT TREATING EXCEPT STRESS RELIEF	C2	2742
83	10	3/4" x 2 1/2" CAP SCREWS	C3	2742
84	1	1 1/2" x 5/8" x 5/8" F8 DROP-FORGED STEEL GATE VALVE, 2000# COLD W.O.G., UNION BONNET RISING STEM SOCKET WELD END.		2732
85		MATERIAL FOR CONSTRUCTION OF VALVE PIT, AS PER REQ. NO. SHOWN ON RIGHT.		2743
86	1	1/2" STEEL SHEET, 3/4" WIDE, 7'-0" LONG	ORDER LOCALLY	
87	1 FT.	2" x 2" x 1/4" STEEL ANGLE (NOT GALV.)	ORDER LOCALLY	
88	7 FT.	1" x 1" x 1/8" STEEL ANGLE (NOT GALV.)	ORDER LOCALLY	
89	6 FT.	3/4" x 3/4" x 1/8" STEEL BAR ANGLE (NOT GALV.)	ORDER LOCALLY	
90	4 FT.	2" x 1" x 1/8" STEEL BAR CHANNEL (NOT GALV.)	ORDER LOCALLY	
91	3 FT.	1" x 1/2" x 1/8" STEEL BAR CHANNEL (NOT GALV.)	ORDER LOCALLY	
92	2	3/8" DIA. x 7'-0" LONG, ROUND STEEL BAR	ORDER LOCALLY	
93	21 FT.	3" EXTRA HEAVY SEAMLESS STEEL PRESSURE TUBING.		2744
94	42 FT.	2" EXTRA HEAVY SEAMLESS STEEL PRESSURE TUBING.		2744
95	21 FT.	1 1/2" EXTRA HEAVY SEAMLESS STEEL PRESSURE TUBING.		2744
96	6 FT.	1" EXTRA HEAVY SEAMLESS STEEL PRESSURE TUBING.		2744
97	2	2" GRADE B, SEAMLESS OR ELECTRIC WELD PE LINE PIPE API-5L WITH .154" WALL	Div Stock	
98	7 FT.	3" GRADE B, SEAMLESS OR ELECTRIC WELD PE LINE PIPE API-5L WITH .216" WALL		2744
99		4" GRADE B, SEAMLESS OR ELECTRIC WELD PE LINE PIPE API-5L WITH .188" WALL	Div Stock	
100		6" GRADE B, SEAMLESS OR ELECTRIC WELD PE LINE PIPE API-5L WITH .219" WALL	Div Stock	
101		8" GRADE B, SEAMLESS OR ELECTRIC WELD PE LINE PIPE API-5L WITH .219" WALL	Div Stock	
102	4 FT.	10" GRADE B, SEAMLESS OR ELECTRIC WELD PE LINE PIPE API-5L WITH .219" WALL	Div Stock	
103	1 FT.	12" GRADE B, SEAMLESS OR ELECTRIC WELD PE LINE PIPE API-5L WITH .250" WALL	Div Stock	
104	3	MAGNESIUM ANODES GALVOPAK TYPE 17D	Div Stock	
105	2	RAINSKIRTS FOR 6 3/8" O.D. PIPE	MAKE UP ON JOB	
106	2	3" x 1/4" WELDING SADDLE		2735
107	1	2" x 1/4" WELDING SADDLE		2735
108	1	3/8" DIA. x 7'-0" LONG, ROUND STEEL BAR	ORDER LOCALLY	
109	7 FT.	1 1/2" STEEL PIPE STD. WT.	Div Stock	
110	14 FT.	3/4" STEEL PIPE STD. WT.	Div Stock	
111	2 FT.	1/2" STEEL PIPE STD. WT.	Div Stock	
MK-1	1	ANDERSON H-EP. TYPE LBS-10 LINE SEPARATOR, COMPLETE WITH ACCESSORIES AS PER DWG. A-1672		2745

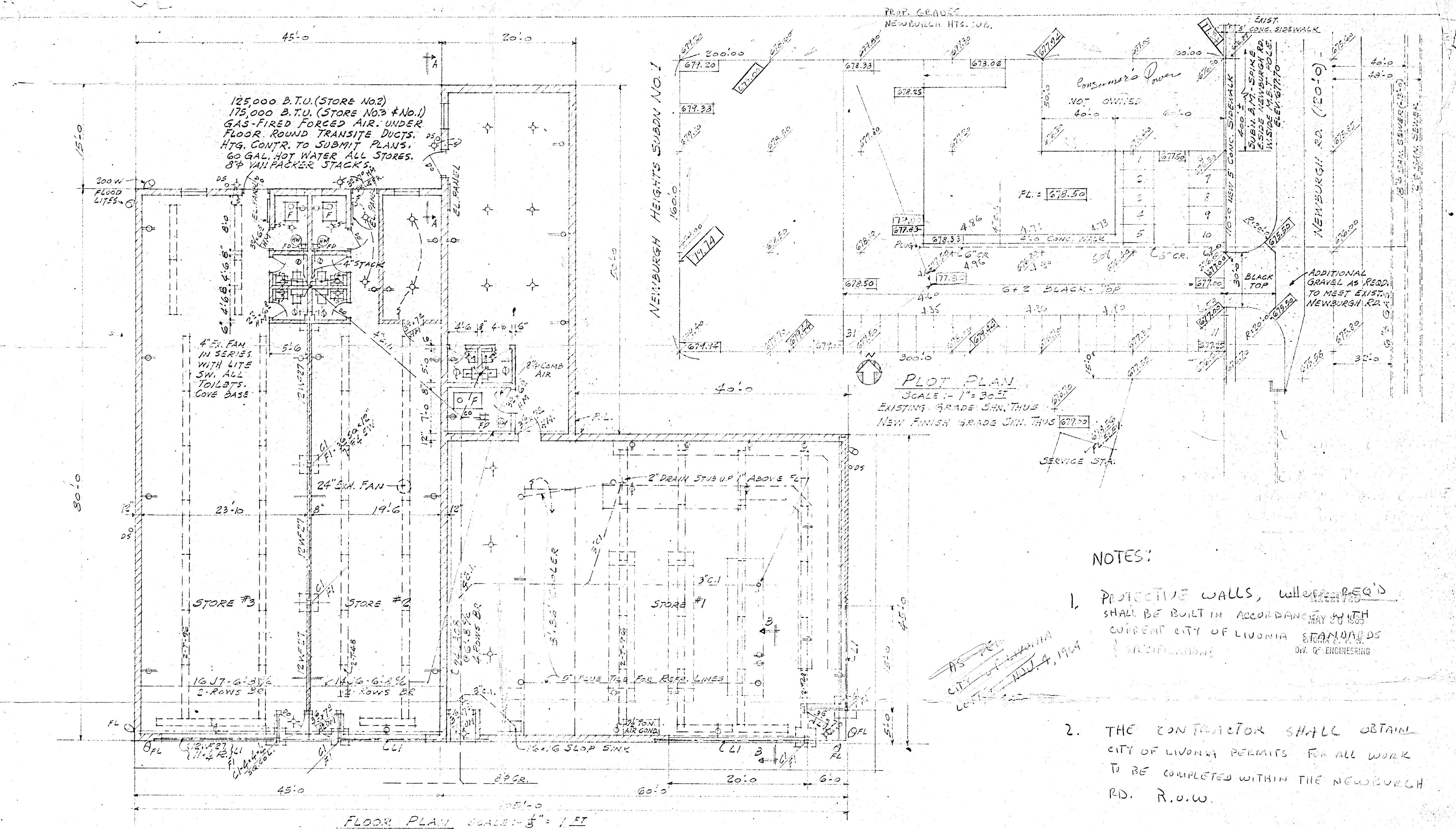
BILL OF MATERIAL FEB 25 1964

CONSUMERS POWER CO.
GAS ENGINEERING DEPT.
JACKSON, MICHIGAN

5 MILE & NEWBURGH REG. STA.
PIPING & LAYOUT PLAN
WEST WAYNE DIV.
SCALE AS SHOWN
DRAWING NO. H-2864
JOB 2165
REV.

DRAWING NO.	REFERENCE DRAWINGS	REV.	DATE	DESCRIPTION	BY	APP.	REV.	DATE	DESCRIPTION	BY	APP.
H-2306	Standard Regulator Building										
H-2955	Two Stage Regulator Piping Details										

DRAWN J.E.W.	DATE 12-9-63	CHECKED R.M.E.	DATE 2-19-64
TRADED	DATE	INSPD	DATE
APPROVED	DATE	APPROVED	DATE



SOUAD MASSOUD, 37437 LANCASTER REF: ACCESSORY BUILDING IN CORNER SIDE YARD

LOW DENSITY RESIDENTIAL

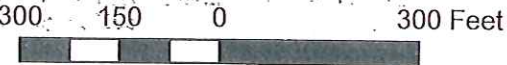
ZONING MAP

LEGEND

Zoning Districts

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

S.E. 1/4 Section 18
City of Livonia
T. 1 south, R. 9 east
Wayne County, Michigan
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37437 LANCASTER
OWNER: SOUAD MASSOUD
APPEAL: ACCESSORY BLDG
IN THE CORNER
SIDE YARD
FUTURE LAND USE PLAN:
"LOW DENSITY RESIDENTIAL"

ZONING BOARD OF APPEALS

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JAMES M. BARINGHAUS, Vice Chairman
TIMOTHY J. KLISZ, Secretary
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33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2250

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OCTOBER 13, 2023

Souad Massoud
37437 Lancaster St
Livonia, MI 48154

Dear Ms. Massoud,

The Zoning Board of Appeals of the City of Livonia, at a Regular meeting held October 10, 2023, adopted the following Resolution:

RESOLVED: APPEAL CASE NO. 2023-09-24, Souad Massoud, 37437 Lancaster St seeking to erect an accessory building within the side yard, also the corner side yard setback, which is not allowed. The slab and rat wall have been placed without permits. Accessory building must be located in the rear yard, not in the side yard or within the corner side street setback.

This Low-Density Residential property is located on the south side of Lancaster (37437), between Newburgh Rd and Richfield St, Lot. No. 072-01-0001-000 (N-2, Neighborhood District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09 (1), D (Minimum Setbacks), **be tabled to allow the petitioner to rework her proposal based on the board's feedback.**

ZONING BOARD OF APPEALS,

A handwritten signature in black ink, appearing to read "TKL", with a long horizontal line extending to the right.

Timothy Klisz, Secretary

Meeting Date: October 10, 2023

3. APPEAL CASE NO. 2023-09-24, Souad Massoud, 37437 Lancaster St. seeking to erect an accessory building within the side yard, also the corner side yard setback, which is not allowed. The slab and rat wall have been placed without permits. Accessory building must be located in the rear yard, not in the side yard or within the corner side street setback.

Motion To:		Comments:
Support		
Deny		
Table	X	
Other		

Motion	Support	ZBA Board Member	Yes	No	Tabled	Absent
		Greg Coppola - Chairman	X			
		Jim Baringhaus - Vice Chairman	X			
	X	Timothy Klisz - Secretary	X			
		Christopher Boloven	X			
		Tamara Oliverio				X
		Martha Ptashnik		X		
X		Michael Testa	X			
CONDITIONS						
1.						
2.						
3.						
4.						

ZBA Secretary: Timothy Klisz

J/C

5-1

APPEAL CASE NO. 2023-09-24, Souad Massoud, 37437 Lancaster St: seeking to erect an accessory building within the side yard, also the corner side yard setback, which is not allowed. The slab and rat wall have been placed without permits. Accessory building must be located in the rear yard, not in the side yard or within the corner side street setback.

This Low-Density Residential property is located on the south side of Lancaster (37437), between Newburgh Rd and Richfield St, Lot. No. 072-01-0001-000 (N-2, Neighborhood District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09 (1), D (Minimum Setbacks).

Corner Side Yard Setback:

Required 25 ft.

Proposed: 3 ft.

Deficient: 22 ft.

COPPOLA Alright, thank you. Mr. Albus, anything you'd like to add?

ALBUS I did visit the site. Their hand sketch site plan does not represent the cement slab on the site. So when looking at the variance, you'll have to verify that they're "build as presented" with the size shed that they're proposing. Because the slab is a lot closer to the three-foot setbacks than their one-foot setbacks.

COPPOLA I'm looking at a hand drawn one; it's on lined paper. It's definitely not to scale obviously.

ALBUS I spoke to the applicants and they did represent that they were going to put a smaller shed than what the cement slab is. I just wanted you to be aware of there's a much bigger cement slab out there on the proposed...

COPPOLA Not to scale, right?

ALBUS It's actually on the site. Yeah, already in the location.

COPPOLA So you're saying the slab right now is larger than the shed will be?

ALBUS Correct.

COPPOLA And the slab is the one spreading out too close to the fence?

ALBUS Hmm. Well, it would be the shed that they're proposing. There is no side yard setback for a cement slab.

COPPOLA Well, I understand that. But I want to try and understand this. So the size of the slab compared to the size of the... so let me put it this way. So let's say the slab is 16 by 16. And he's building a 10

by 16 shed. So if we told him he needed to build the shed on the part of the slab farthest from the fence. Instead of it being the 22 feet deficient now it's only 16 feet. That's what I'm trying to understand.

ALBUS No. They're proposing to meet the three-foot setback from the fence line and the property line on the east side. But if you were looking at Google's maps of the current site, you'd see a cement slab that goes within a foot of those two side yards and fence line.

COPPOLA Any questions for Mr. Albus? Seeing none, if the petitioner can step up. Please give your name and address.

MASSOUD Souad Massoud, 37437 Lancaster, Livonia, 48154.

FRANGIE Hi, I'm her attorney. My name is Charles Frangie. My address is 30600 Telegraph Road, Bingham Farms, Michigan, 48025.

COPPOLA Alright, so who's going to be taking the lead here? So why don't you tell me a little bit about what happened, how the slab got put in, why there wasn't a permit pulled, and then we're trying to understand the hardship that you have that would suggest that we should grant the variance.

FRANGIE My client would like to add a shed or put a shed in her backyard. She has a large backyard. However, there was DTE next door and because of that she used to because of the way equipment their work was set up. So her backyard all the time gets water, stagnant water coming from the lot of DTE. And she has been after them and she tried to talk to DTE and to remove the problem or remediate that problem. And she could not. Sorry, not DTE. It's Consumer Energy. And now she has put a shed... she wants to put [in] a shed. And she was told that she has to put it on the edge, all the way behind her parking in her backyard. However, there's always water there. She has looked for a dry spot and put that shed there on it, a dry spot. And she thought at that time she talked to somebody from the City, and they told her basically this is fine. I think it will go. It will work that you put the shed here. That's why when she called some contractor, they put the slab there. I would like to mention here a few things with the issue of the water. The neighbors have no objection to that. I don't know if you receive notices from the letters. I have three of them here. If I may approach and give them. [In] these letters apparently none of them is an objection. They are in favor of this. And my client has been driving around the area, and she saw sheds and many sheds in the city close to the fence. In the same situation. And she took pictures of them, and she submitted those pictures.

MASSOUD I took pictures. I'm sorry, I can't talk. I do have a picture over there showing the water in my backyard. It's all over my backyard. When it's raining, it's all over. When it's snowing, we stay more than one month, we see this water all over my backyard. My backyard was the flat backyard. After this water coming up from Consumer Energy and I talked with them, they sent me engineer and they saw all the places. And they said they were going to fix this problem, and they got to fix it. If you can see in the picture, you see my trees, how it is declined in the other position, because of the water. And we have this separation between me and my neighbor. It [the fence] fell down last year. And they fix it. They fix it. Yes, the fence, they fix it. And they repaired it because all the water was coming up from this area. That's why when I came to the City before I did my shed, and I talked with someone, and they Googled my house and he said, "Where's your shed?" I said, "Here." And he said, "I don't think you will have a problem. Because your house is all over five, and we don't have no problem. And I called the contractor, and they came and put the slab and I didn't know it was without permission. I think they did take permit. And that's why when the shed people they came, they said they need permission; they are not approving us. You have to file for variance, I said it was no problem. I will file for a variance. And I did file for a variance, and I'm here to accept whatever you're going to say.

COPPOLA So where do you stand right now with Consumer Energy? Is your complaint still open? Did they say aren't going to fix it, or they are going to fix it?

MASSOUD They've been saying that for years. And I came to the City, and I talked with the City, they said we cannot do nothing, but we're gonna try to help you to call Consumer Energy to fix this problem. And they never come, and they never fix it. And I still have this problem. And I've been trying to do the shed for many years. And this year I did everything in my house except the shed, and I decided to do the shed this year. And I'm having this problem. I don't know.

COPPOLA How long have you lived in this home?

MASSOUD I've had this house since 2001 in my name.

COPPOLA And how long have you had this flooding issue?

MASSOUD The flooding issue. It's been like more than six or seven years, or more than that.

COPPOLA So what changed? What did Consumer Energy do that created this issue?

MASSOUD They did something. They put stone. It was the black stone. [Before] it was grass in this area. Consumer Energy, they were there for a long time. But the change and they put stone in this area and the stone doesn't swallow the water. It's coming in my backyard. My backyard was a flat area -- nothing, nothing, flat, flat. And now we have all this [water coming] up and down.

COPPOLA Have you looked at the potential to have the property regraded, so it drains better? In other words, add some soil and other materials to have it drain a little better.

MASSOUD I approved somebody and they put a soil and we did the grass again and it's still come in the next year after the wintertime. We do have the same problem.

COPPOLA What are you putting in your shed?

MASSOUD Where I'm gonna put my shed?

COPPOLA What goes into it? What are you putting a shed up for?

MASSOUD I want to put it just in the corner of the house.

COPPOLA What are you going to use the shed for?

MASSOUD I want to use for some stuff I need. I'm gonna put my snowblower and all this stuff for the garden and some stuff I had extra in the house. We like to stock things like in our house, but I don't use it all the time.

COPPOLA Questions for petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS That slab that was installed next to the side of your garage.

MASSOUD Yes.

BARINGHAUS What's the elevation on that from the ground to the top of the cement slab? Two inches, three inches?

MASSOUD How high from the ground? They did it in a city ordinance.

ALBUS About four inches.

BARINGHAUS So it's four inches above the surface?

MASSOUD Yes.

BARINGHAUS Okay. Thank you.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Questions for the petitioner. First, the shed, how tall is it?

MASSOUD I think my shed, they're gonna build it... it's 8 by 10.

BOLOVEN So I see 8 by 12.

MASSOUD By 12. I told them, let's see the City, what they agree [to] with for our shed. And we bought it, but we didn't get it yet.

BOLOVEN I'm guessing 8 by 12 is the length and width. What's the height going to be?

MASSOUD The height? You had the size on the sheet.

BOLOVEN I don't see it on here.

MASSOUD Yes, you do. I gave it to the City inspector.

BOLOVEN Mr. Albus, do you know how tall the shed's supposed to be?

ALBUS Not from any of the records I got here.

BOLOVEN I see the door is supposed to be 4 by 6.2. So I'm assuming it's going to be at least 6 foot, 2 inches high. The reason why I asked. You have a privacy fence right now; that's a six-foot privacy fence.

MASSOUD Yes.

BOLOVEN So the shed's going to be over the privacy fence?

MASSOUD But I think is gonna be not lot more than, like one feet.

BOLOVEN Okay. Who put the slab in?

MASSOUD It's a company.

BOLOVEN Tuff Shed put the slab in?

MASSOUD No, no. American company. I wrote the name of the concrete company. They put it [in] for me.

BOLOVEN Why didn't they pull a permit?

MASSOUD I don't know. I don't know. Really, I don't know.

BOLOVEN Would you be willing to move the shed to the back of the house?

MASSOUD No.

BOLOVEN Why?

MASSOUD I can't.

BOLOVEN Why?

MASSOUD Because of the water over there.

BOLOVEN Where?

MASSOUD Over there in the back of the house over and over watered. In this in the wintertime, you cannot walk in my backyard. In the summertime when it's raining, you cannot walk in my backyard.

BOLOVEN So you have a wall going in your backyard right now?

MASSOUD Correct, I have a wall.

BOLOVEN So where is it flooding?

MASSOUD That flooding comes from the neighbor to me and it's all over. You have the picture. You can see the trees, how it's coming. Like all the trees are not straight. They were straight before.

BOLOVEN So that that looks like it's right by the wall?

MASSOUD Uh huh.

BOLOVEN And it looks like you have a very large backyard.

MASSOUD I have very large backyard.

BOLOVEN So my question is: Why can't you move [the shed] into somewhere else in the backyard that's not flooding?

MASSOUD Because of the water. It's all over my backyard when it's raining. The only place, it's this place... and let me let me tell you the truth. It's very close to my back door to my garage.

BOLOVEN What is?

MASSOUD Whatever they put the slab in this corner, it's very close to the back door of my garage.

BOLOVEN I understand the convenience of having it where it is. But the issue is one, I think it's going to be higher than the privacy fence, which is right against Newburgh Road.

MASSOUD Yes.

BOLOVEN My statement is to you looking at what you submitted, the flooding is against the wall. You have a very large backyard. I don't understand why you can't put it somewhere else in the backyard.

FRANGIE If I may say something. Since you mentioned that shed would be taller and higher than the fence, since she ordered the shed, but she did not receive it, she can get the shed that is not higher than the fence.

BOLOVEN The door alone is 6 foot, 2 inches. So I got to imagine that roof is gonna come up at least another foot. Maybe a foot and a half. You're looking at 7, [or] 8 feet high.

FRANGIE The shed you mean?

BOLOVEN The shed right now because again, we don't have the specs, that's part of the issue.

MASSOUD I don't have no problems to order less size. Just I want to put some stuff over there to be in my backyard, and I like to be organized more than I am now.

BOLOVEN Thank you.

PTASHNIK Mr. Chair.

COPPOLA Ms. Ptashnik.

PTASHNIK Just kind of following up on Mr. Boloven's question here. In addition, it will be also on that corner slab, so it's even going to be taller when you start to think about that. But I want to actually go back to kind of the flooding issue. I feel like this is the bigger issue here. I guess

I'm not understanding fully what what's going wrong with the flooding. Why is this not being able to get fixed?

MASSOUD Really, I don't know. They sent me an engineer and he saw my backyard. And they said, "We're going to fix it." And it's been more than seven years, I came to the City and I complained about Consumer Energy, but they never fixed it.

PTASHNIK So is the cause... did they dig something up and then just not...

MASSOUD When they started doing it, after they put those stones to cover the land, it's all over. It's on the walking side. It's all over in the winter and the summertime. All over water.

PTASHNIK Not only your property, but your neighbor's as well?

MASSOUD Yes, of course. My neighbor, he has the same problem too.

PTASHNIK Okay. So that's my thoughts. And then you said the shed's usage, the types of items you're going to store there, they're currently stored in the home, or are they in your garage?

MASSOUD I'd like to put some stuff in the shed. I bought a good one [shed] to put some stuff. We don't use it [the stuff] in the house; I had it in the basement. In my basement, I put it [the stuff] in my heating and cooling area. And I don't want it over there. I said I want a shed to put all those stuff. We don't use it a lot, like extra things for the house.

PTASHNIK Like are we talking about decorations? Tools?

MASSOUD Like decorations for Christmas. I have so many sets of plates and you know, plates, pans, and pots all in the boxes and [they're] taking too much space in my basement.

PTASHNIK Okay, thank you.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS I just wanted to basically confirm the size of the shed originally in the package. You submitted I believe you said it was 8 feet by 12 feet. So 96 square feet?

MASSOUD Yes.

BARINGHAUS And I understand since then, you changed and purchased a smaller shed.

MASSOUD I didn't yet. We came for the variance to see what's going on and I will talk was my Tuff Shed. I've already talked to them, and they drew the thing. I just I need to put shed on my house.

BARINGHAUS And the brand of the shed is Tuff Shed?

MASSOUD Yeah. Tuff Shed.

BARINGHAUS And where did you purchase that from?

MASSOUD The one here in Livonia.

BARINGHAUS Where at?

MASSOUD It's on Schoolcraft, between Levan and Farmington.

BARINGHAUS Did they ever warn you about local variances? Because that's a very experienced installer.

MASSOUD What they told me when they came for the shed is that she needs variance. And when they told me that they already put the slab [in] for me.

BARINGHAUS So Tuff Shed did warn you about the noncompliance of the shed location?

MASSOUD For the shed location, no, no, no, they didn't. They didn't warn me for the shed location.

BARINGHAUS Who is they? I'm sorry.

MASSOUD Tuff Shed. They came and took the size. When they came when I ordered the shed, they came in my house, and they took the size and I said I wanna put it in here. And they didn't complain. They didn't tell me anything. When they send the City to take the permit to build the shed, they called me and they said "you have to go to the City. They need the zoning and variance for the shed." That's why I applied for variance.

BARINGHAUS How would you describe the elevations in your backyard? Is it fairly flat? Is it lower in some areas?

MASSOUD Yeah, it was flat -- no incline in any area. But now, no, no. It comes up and down. In the wintertime, it's all down in some places. In the

summertime, it will be flatter than wintertime. And when it's raining you can see like some down area.

BARINGHAUS Just to follow up on Chairman Coppola's question. You know you had a water problem. Did you ever consider correcting the problem yourself by bringing in dirt and regrading it?

MASSOUD I did. I did. I did hire a company. They put the dirt and they fixed all the backyard, and the next year it came the same.

BARINGHAUS What year did you do that?

MASSOUD It's like five years ago.

BARINGHAUS Five years ago. Now the area you put the slab in, is that subject to flooding today? The current concrete slab, is it prone to flooding in that that particular area? Because I noticed on your diagram, you've indicated that's a flood area and it looks like the concrete slab is in that flood area.

MASSOUD I don't think because of the slab, we tried to put it there.

BARINGHAUS You have a map here, where you have on the Newburgh side, you have an area designated and you lined it out as indicating this is like the problem area or the flooding area. And then the majority of your backyard says, "good area." But for what I'm looking at, you put the slab in the area that was prone to flooding. Is that correct?

MASSOUD That area is flooding over there, no.

BARINGHAUS Where your slab is today?

MASSOUD No, it's the only place with no water because it's higher than my backyard. You can see it's higher. I have a garden over there. That was planned to me to put wherever, and I took it.

BARINGHAUS So this map is incorrect? Because you've indicated the area literally up to your sidewalk on the side of the house highlighting it as a potential floodplain or flood zone in your backyard. So you're saying that's not the case?

FRANGIE With that slab is, is it where the flooding is?

MASSOUD No, there's no flood in the place of the slab because it's higher. A little back it was a garden over there. A garden. I planned to plant vegetables. And they took it to put the shed over there. Because my mom she loved plants. And I don't have time for that. My mom she was doing that. As she died.

BARINGHAUS Did you take the time to kind of survey your neighborhood to see if your neighbors had sheds? And if they did have sheds, where...

MASSOUD Yes.

BARINGHAUS And yeah, I'm sorry, I didn't finish the question. Did you survey the neighborhood or surrounding neighborhoods to kind of get an idea of the size sheds that your neighbors have and where they're located in the backyards?

MASSOUD I did ask all my neighbors around me. They didn't complain. But I can show you picture, a proper picture.

BARINGHAUS How many sheds are in your neighborhood today?

MASSOUD Really, I don't know. I didn't ask. There's so many. Next door, they have. Next door, my neighbor she has one and she never uses because the same problem. She has water. I put my stuff in her shed and we threw all the stuff... we threw it because there's water over there. And a big stream is coming inside. She's facing the same. She never uses it; she's given me permission to use her shed. And I never use it. One time, I threw all my stuff, all my backyard seating, the chair and whatever.

BARINGHAUS Okay, thank you.

MASSOUD Thank you.

PTASHNIK Mr. Chair, I have one more. While we were talking, I looked up your model of the Tuff Shed. It turns out that it looks like it would be 8 foot, 2 inches from ground, so really 8 and a half feet and to put it on the slab. Does that sound about right?

MASSOUD Yes.

PTASHNIK Okay . I just want to make sure that that was the right amount. Thank you.

COPPOLA Any other questions for the petitioner? Mr. Testa?

TESTA First, a question for Mr. Albus. Mr. Albus, the slab that was put in if they had pulled a permit based on your viewing it, would you say it would pass the... there is a rat wall, a sufficient rat wall, the check you made, or no?

ALBUS I did not verify for a rat wall at that point. I was just on the site verifying where the shed was going.

TESTA To verify the updating, is there dirt there?

ALBUS You have to dig sample holes verifying that the concrete goes down.

TESTA That could be done right there?

ALBUS Oh yeah.

TESTA And while you were there, were you witnessing water, as the petitioner is saying?

ALBUS The petitioner told me to check out the backyard. It was moist in the areas where she said. Where it's listed "good area," I think it was somebody else wrote that in is a good area to install a shed in and then it's showing the side yard where the shed wouldn't be allowed. And so walking back there I did observe that the Consumer's power site was a little higher. They brought in gravel, but it looked like all the backyards in that neighborhood were lower than the houses and so it seemed like all the backyards had soft ground or moisture, so I would anticipate standing water in springtime when the grounds frozen and stuff.

TESTA Thank you. And question for the petitioner. I'm familiar with that lot. The Consumer's lot. It is gravel and I do notice it is higher and that sidewalk there is sometimes wet. But you have a wall there. How is the water getting around that wall?

MASSOUD Really, we don't know because last year this wall half of the wall it fell down.

TESTA I saw that.

MASSOUD And my neighbor, the liquor store, my neighbor behind me, he built it again. But you can go and see all the wall, there's water in the bottom. Half of my part fell down, but my neighbor he built it, and he fixed it for me, but the other one is upside down. But it's water over there, under the trees and all over. I have flowers at my house, beautiful flowers, all gone because of the water.

TESTA Okay, so looking at Google Maps it looks like that Consumer lot has been gravel since 2003.

MASSOUD 2003. I've been there since 2001.

TESTA Okay, I thought you said it was originally grass and they changed it to gravel several years ago.

MASSOUD This is what we saw they came in with the trucks and they put stone. This is what I mentioned at this time. I'm never home. You know I work a lot, and I leave home early.

TESTA And to the question of putting the shed somewhere in the backyard. I get that along that back wall is wet. But what about bringing it in 30 feet from that wall closer to the house?

MASSOUD It is the same. You can see water over there. And you have a picture; I give the City a picture. You can see around all this area from the wall, in three quarters of my backyard you can see the water. It's like a lake. Spots.

TESTA Mr. Albus, do we have a record of her complaining or neighbors complaining about water in their backyard from Consumer?

ALBUS No, but that would have been referred to engineering to do site evaluations.

BOLOVEN Mr. Chair. Just one more question for Mr. Albus. You mentioned this picture that's got "good area." Who drew that?

MASSOUD I drew that picture.

BOLOVEN Who wrote "good area?"

COPPOLA Why don't you show the petitioner what you're talking about. Come up. Where did that schematic come from?

MASSOUD Oh, this is from the City.

BOLOVEN I'm going to ask you about this. Okay, so my question is where did this picture come from?

MASSOUD This one?

BOLOVEN Yes.

MASSOUD Okay, when Tuff Shed they applied to put the shed, the City they give them this drawing and they said this is good area to put the shed, and I already -- and I'm so sorry about that. The contractor I hired, they didn't pull a permit. And they put this slab of concrete without permit.

BOLOVEN Mr. Albus, from this area that's marked as "good area," is there any area that you inspected that didn't have moisture?

ALBUS It appeared to be lower than the area where they were proposing the shed. I didn't go out and do a full survey. I just walked the property and did a visual. And like I said, it seemed like most of the backyards adjoining properties were lower.

BOLOVEN I guess my question more specifically, if I came closer to the house, is there an area that can be built that is not wet?

ALBUS I would assume there is, that the house property is actually higher than the rear yard.

BOLOVEN Thank you, Mr. Chair.

COPPOLA Any other questions for the petitioner? Alright. Seeing none, is there anybody in the audience who would like to speak for or against this petition? I don't think there is. So do we have correspondence?

KLISZ We have a few letters. A letter of approval. Chris Khurana 15365 Newburgh Road: "I Chris Khurana am okay with so Saoud Massoud to put the shed in the place she wants because the other area's all wet and she has a private fence. Nothing will bother anybody." Letter of approval: Paul Gutowski, 37507 Lancaster: "I have no problem with this shed. She has a privacy fence. Will not see this." A letter of approval: Patricia Recker, 37481 Lancaster: "I do not object to this request." And a letter of approval: Lena Alhanouti, 37456 Lancaster Street: "I have no issue with it. Whatever people do on their property does not bother me. Shouldn't be an issue."

COPPOLA Okay, thank you. Is there anything you'd like to say in closing? Before we dive into our deliberation.

FRANGIE I would like to say that she loves her home; she wants to continue living here. And she takes great care of her home. I've seen it personally. It's very nice. She's a very active lady and I would like to ask you to let her enjoy living in her home, using her home. And again, if she puts the shed in a wet area, then water would go inside the shed and destroy whatever she has inside. So I ask you to approve an application or petition.

COPPOLA Okay, thank you. I'm gonna close the public portion. You can have a seat right now. I'll start the Board's comments with Mr. Boloven.

BOLOVEN Thank you, Mr. Chair. I can't be in support as presented this evening. I think the first issue off the bat is we don't have the real specs. I mean, the question is how tall is it going to be? And I appreciate that commissioner Ptashnik looked up what we think it's gonna be. But that's an issue right off the bat. And presumably, it's going to be towering over by at least 2 feet, maybe even 2 and a

half feet from that privacy fence, right where it's being put. I think there might be some more questions on where this wetness is. I think it's a big enough backyard like Mr. Albus said, that it could come closer to the house. I think it's more of a convenience that it's at this side entry level. That's where it's being put. I don't know why the contractor put the slab down without a permit. Nevertheless, here we are. So with everything being said, I don't even know if I'd be for a tabling at this point. I guess the petitioner could come back with something if we did table it. But I'd be in support of denial as well. Thank you.

TESTA

Yeah, thank you, Mr. Chair. So Mr. Boloven's questions towards the end, maybe swayed me here. It looks like the slab was put in the wrong location. And that's why you're here today trying to get a variance. That's where the slab was put. I think from this drawing, you have the intent was to put it in the good area, meaning you can put it anywhere in this area. For whatever reason, they did not. So you're kind of stuck with where it is and asking for a variance. I get that you have water issues in the back of your yard. But I'm not convinced that there is not a location that you could find to put it back there. So I would be open to a table motion with you may be coming back if you maybe prove that there is no good location in the backyard and that's why you have to do the side yard setback. I guess you can't put it on the wall, but maybe you can do it maybe towards the west side of your lot, closer to the house. I'm assuming it is perhaps less wet. Maybe next time we have a good rain, you can kind of take some measurements and take some pictures, showing how close it gets to the house and that there really is not real estate there. And that your only location is where the slab was put by the contractor mistakenly.

PTASHNIK

Thank you. I think the actual issue here is the flooding. And I'm sympathetic to that. You must be frustrated. I'm frustrated for you. I would suggest that maybe you get the City involved and the building department to keep going after Consumer's. But at the same time, I think that's the real issue here. And I think putting that slab in, you need to go after the subcontractor or the contractor; they should know better that they need to pull a permit, I think, as my colleagues have said, now you're kind of stuck with this footprint trying to retrofit this in. And I also really haven't seen a hardship need for the shed storage. So you know, this is really just kind of becoming a convenience issue as well. So at this time, I would be in support of denial.

KLISZ

I think Mr. Testa had the point that I would take here as well. It's like, maybe this is the only place, but we're not sure and we don't have an absolute knowledge of exactly what this particular shed is going to be like. So I think it would be fair for the petitioner to get that opportunity. If they can't find the spot, then they can come back

and try again and see how it goes for them. They obviously need to get four votes, but I would give them the opportunity to come back and prove that this is the only place it can go. So I'd be in support of a table.

COPPOLA

Thank you. Vice Chair Baringhaus.

BARINGHAUS

Yeah, I agree. I would be in support of a tabling motion as well. I mean, a lot of questions. We're not clear on the map. We're not clear on the specs of the shed. Go through that area and base your opinions on where the sheds are currently located. In that area, the homes were built back in the '70s. We don't know what the ordinances were back in the '70s, and these sheds were installed back then. I know from my experience, some of those sheds -- because I used to live in this area -- a lot of the sheds were below the fence lines if they had privacy fences on their property. But I just like a little more clarity. I'd like clarity on the map. I'd like clarity on the dimensions of the shed itself. So I'd like to give the petitioner an opportunity to kind of document the facts, give us a good map, and then we'll take another look at it. Thank you.

COPPOLA

Thank you. I definitely sympathize with the petitioner on the water issue. But I think it's something that can be mitigated. And while I know you've made some efforts, maybe you just haven't gotten to the right person yet. I think realistically, you should be pushing your abutting neighbor Consumer Energy or whoever owns the property. If the water is coming from their property and you can prove that it's coming from their property and they haven't properly mitigated that, they need to fix that. I think this is more of fixing the issue in the backyard and putting the shed in the right place than trying to accommodate an issue that really needs to be resolved. So I'll support a tabling if that's what the rest of the group supports. But realistically, I think the shed belongs where it needs to be in regard to the ordinance and the property just needs to be fixed. So I'll go ahead and open up the floor for a motion.

TESTA

Mr. Chair.

COPPOLA

Mr. Testa.

TESTA

Move to table appeal case 2023-09-24 to allow the petitioner to reflect on the Board's feedback and come back.

KLISZ

Support.

COPPOLA

I have a motion by Mr. Testa, supported by Secretary Klisz to table. Go ahead and take the vote.

On a motion by Mr. Testa, supported by Secretary Klisz, it was: tabled.

RESOLVED: APPEAL CASE NO. 2023-09-24, Souad Massoud, 37437 Lancaster St
seeking to erect an accessory building within the side yard, also the corner side yard setback, which is not allowed. The slab and rat wall have been placed without permits. Accessory building must be located in the rear yard, not in the side yard or within the corner side street setback.

This Low-Density Residential property is located on the south side of Lancaster (37437), between Newburgh Rd and Richfield St, Lot. No. 072-01-0001-000 (N-2, Neighborhood District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09 (1), D (Minimum Setbacks), **be tabled to allow the petitioner to rework her proposal based on the board’s feedback.**

- KLISZ

Mr. Testa.
- TESTA

Aye.
- KLISZ

Ms. Ptashnik.
- PTASHNIK

Nay.
- KLISZ

Mr. Boloven.
- BOLOVEN

Aye.
- KLISZ

Secretary Klisz votes aye. Vice Chairman Baringhaus.
- BARINGHAUS

Aye.
- KLISZ

Chairman Coppola.
- COPPOLA

Aye.
- KLISZ

5 to 1.
- COPPOLA

So, Ms. Massoud, your variance has been tabled so that you have an opportunity to address the comments of the Board. And again, you can see that not all the Board's here today. We're short one person. I think overall, we're looking for more clarity on the dimensions of the shed. Number one. And number two, we want to be convinced with certainty that that's really the only place that shed can be placed. And from my perspective, I'd like to see a little more -- not that you probably haven't tried, I just don't think you've gotten the right people -- to get a solution for your property. Because ideally, you should get a solution for your property so you

can enjoy your property. And then you can put your shed where it really belongs. So those the comments of the Board. As I mentioned earlier, the next meeting is on the 14th. And you would need to resubmit. Again, there's no extra cost. You resubmit a revised plan, or you can come back with the same plan if you think you can convince them the board that that you have a hardship, and that we should allow the variance. Otherwise, the next meeting after that is on December 12 and you need to submit by Monday, November 13.

FRANGIE

Next meeting is December 12?

COPPOLA

So the next meeting is November 14. And by October 23, you would need to contact the offices, the Zoning Board office and get a petition and submit any new information you'd like to submit.

MASSOUD

I have a question.

COPPOLA

If you can step up, just to make sure that it's captured on the recording.

MASSOUD

If I want to put this shed in this case, where the slab is now, do I have to have it less size? If it is less high, can we put it over there?

COPPOLA

You can definitely propose that if you'd like. And I think you got some feedback from the Board members.

MASSOUD

We can change the shed model. I can change the shed model. They have six feet tall.

COPPOLA

Okay, well, that's an alternative that you can propose. I think someone suggested that that might be acceptable. I'm not certain that that's going to be something that will pass; I don't know. What the bigger issue is, in the perspective of being able to convince the Board that this is really the only place that you can place a shed.

MASSOUD

Because my backyard is too wide at the place. Where they suggested to put a shed is not good place. It's so many trees over there. And my neighbor's trees come... I had many problems at this property. I cut all the trees because I don't want no trees in my backyard. But my neighbor's tree is coming in the place, same place where he suggested to put that shed.

COPPOLA

I understand and you can make that make that decision understood the next time you come up. Again, I think from the perspective of what you may have heard is the Board wants to understand that this is absolutely the only place that a shed can be placed due to issues with your property. If you think that it's acceptable to have something below six feet, you can propose that. But at this point in

time, the Board is not convinced that this is the only place on your property that a shed can be placed without issues.

MASSOUD Okay. Thank you very much. And I'm going to try to find a shed that high.

COPPOLA I would really suggest pushing hard, contacting the City engineering department, getting them out there to look at it and seeing... maybe you can't use your property. If based on what you're saying [is true], you can't even use your backyard. That's not appropriate.

MASSOUD This what's happening for now.

COPPOLA If you get that issue resolved, you can put a shed in the back. You don't need a variance and the problem's solved.

MASSOUD That's fine. Maybe I don't need the shed at all. I've been waiting for the shed for 10 years. And now I think I don't need it at all. And I can't see what's gonna happen. I'm gonna try. I'm gonna try to let you accept my variance. But at the same time, this is the only place we can use in this backyard because of water.

COPPOLA All right, thank you very much. You can call the next case please.

ROLL CALL VOTE

AYES: 5

NAYS: 1

ABSENT: 1

PASS/FAIL/TABLED: TABLED

ZONING BOARD OF APPEALS

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

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***PUBLIC NOTICE
SEPTEMBER 22, 2023***

APPEAL CASE NO. 2023-09-24, Souad Massoud, 37437 Lancaster St.: seeking to erect an accessory building within the side yard, also the corner side yard setback, which is not allowed. The slab and rat wall have been placed without permits. Accessory building must be located in the rear yard, not in the side yard or within the corner side street setback.

This Low-Density Residential property is located on the south side of Lancaster (37437), between Newburgh Rd and Richfield St, Lot. No. 072-01-0001-000 (N-2, Neighborhood District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09 (1), D (Minimum Setbacks).

Corner Side Yard Setback:

Required: 25 feet
Proposed: 3 feet
Deficient: 22 feet

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

This appeal will be heard at a public hearing to be held in the **Auditorium on the first floor of City Hall on Tuesday, October 10, 2023, at 7:00 p.m.**, at which time comments may be directed to the Board during audience participation. When replying by mail, write your comments on the back of this notice and address it to the City of Livonia, Zoning Board of Appeals, 33000 Civic Center Drive, Livonia, MI 48154. All written comments are read at the meeting and become part of the record.

ZONING BOARD OF APPEALS,

Timothy Klisz, Secretary

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

To: City of Livonia
Zoning Board of Appeals
33000 Civic Center Drive
Livonia, MI 48154

Case No:
Meeting Date:

2023-09-244
October 10, 2023

Please note my (APPROVAL) (OBJECTION) to the requested variance for the following reasons:

I have no issue with ~~you~~ it. Whatever
people do on their property does not bother
me and shouldn't be an issue

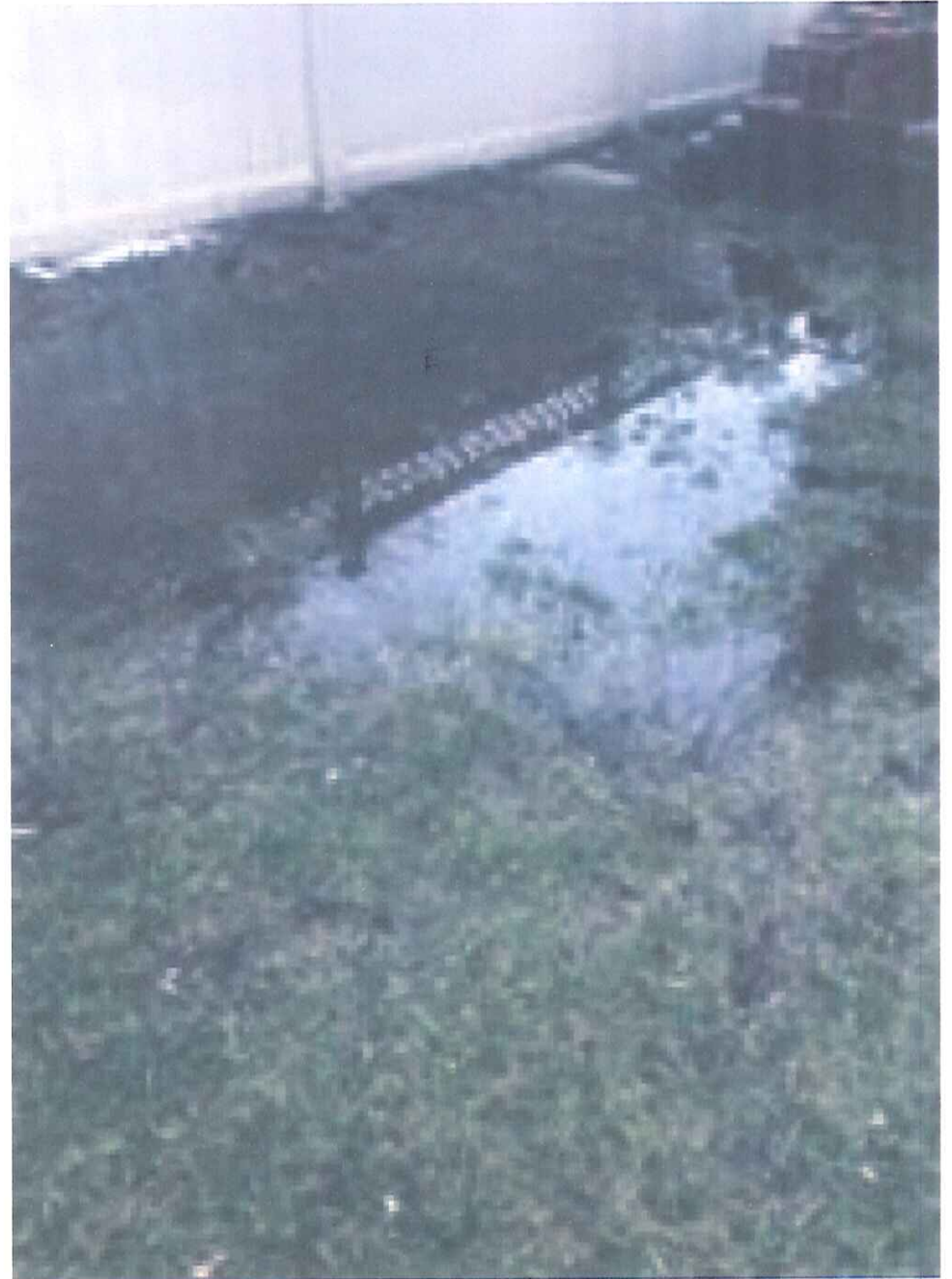
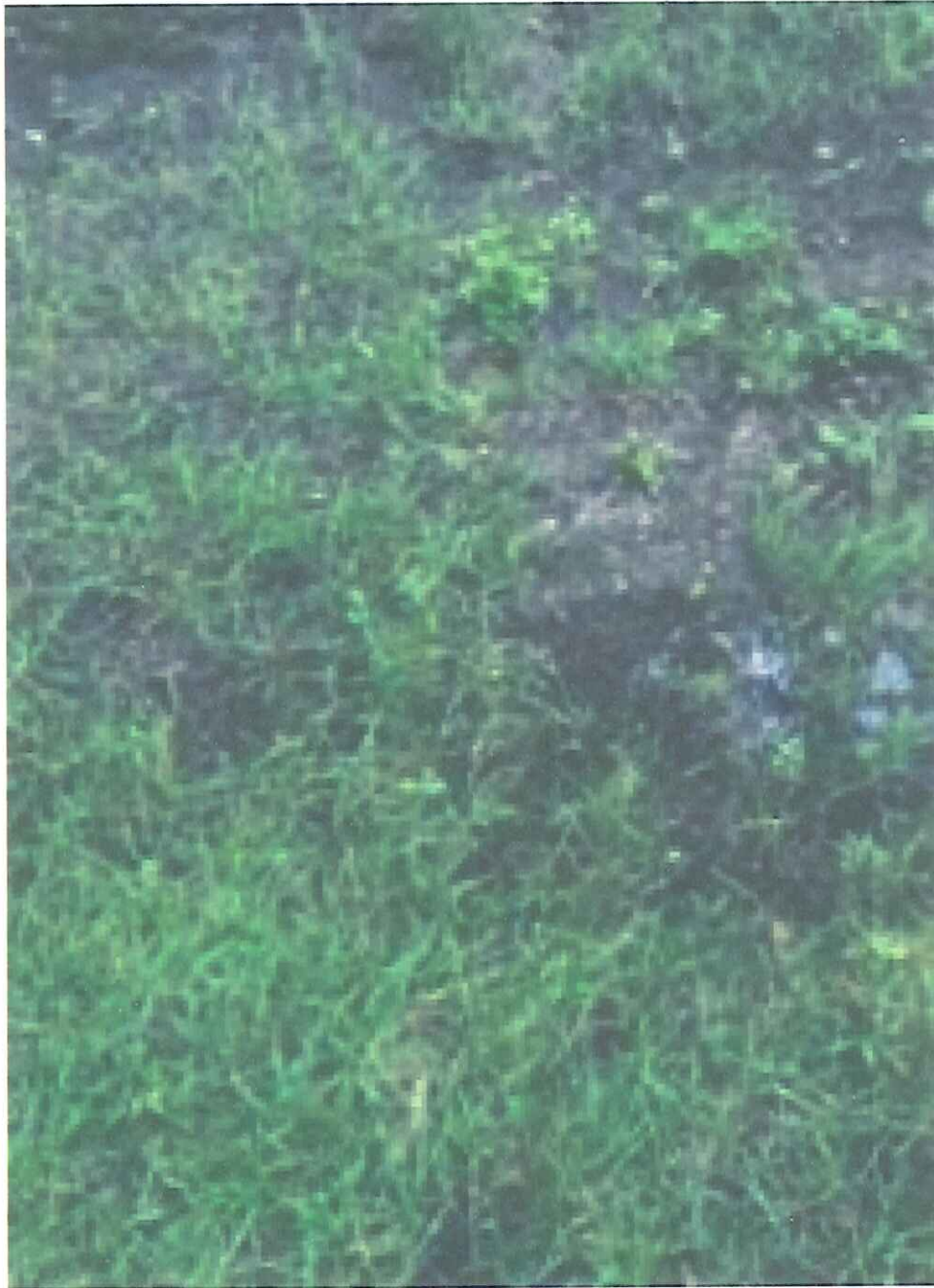
Signed comments will be read into
the record. Unsigned or anonymous
comments will not be considered.

Signature: Lena

Name: Lena Alhanati
(Please print)

Address: 37456 Lancaster St.
Livonia, MI

37437 LANCASTER



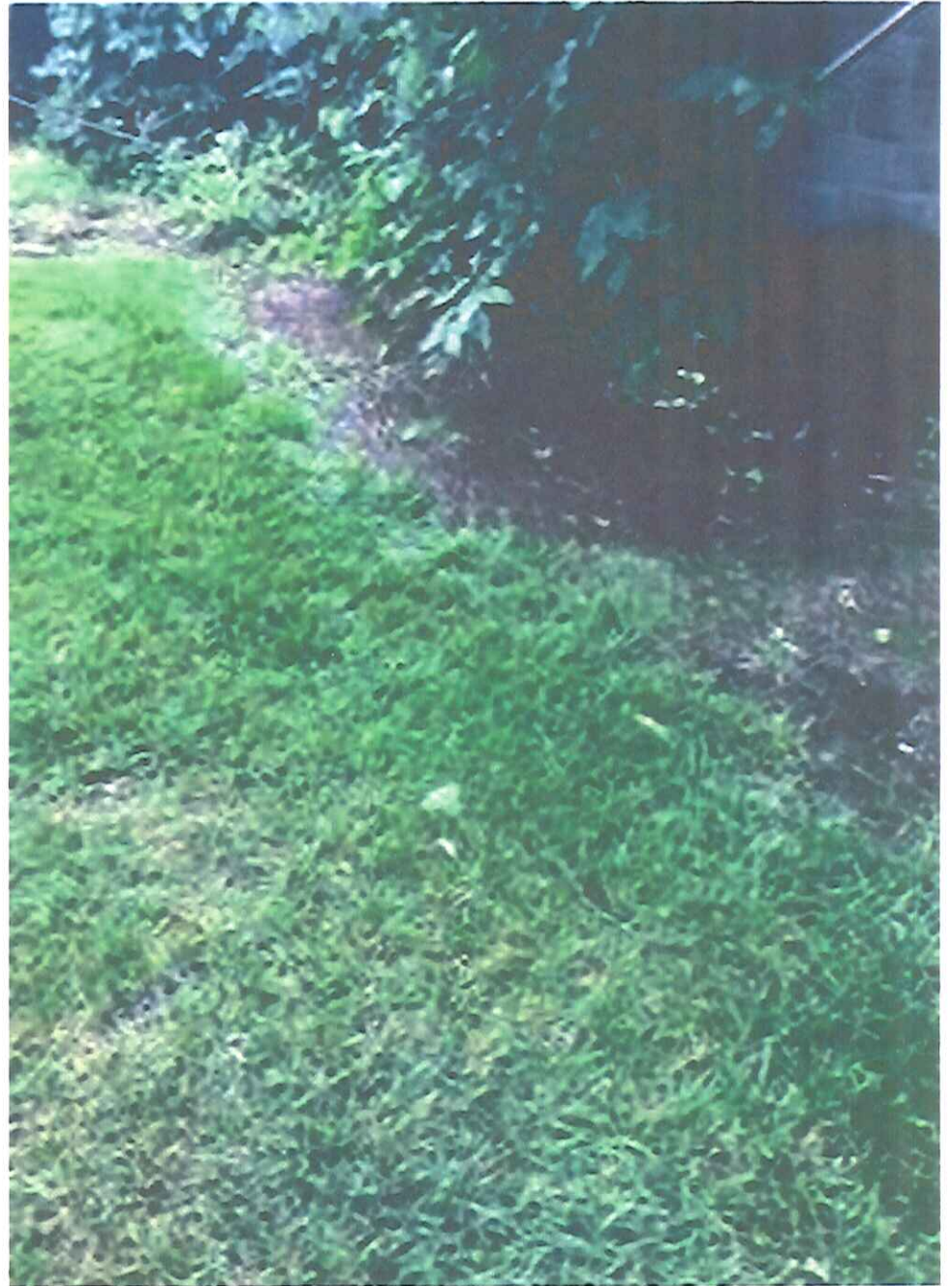
37437 LANCASTER



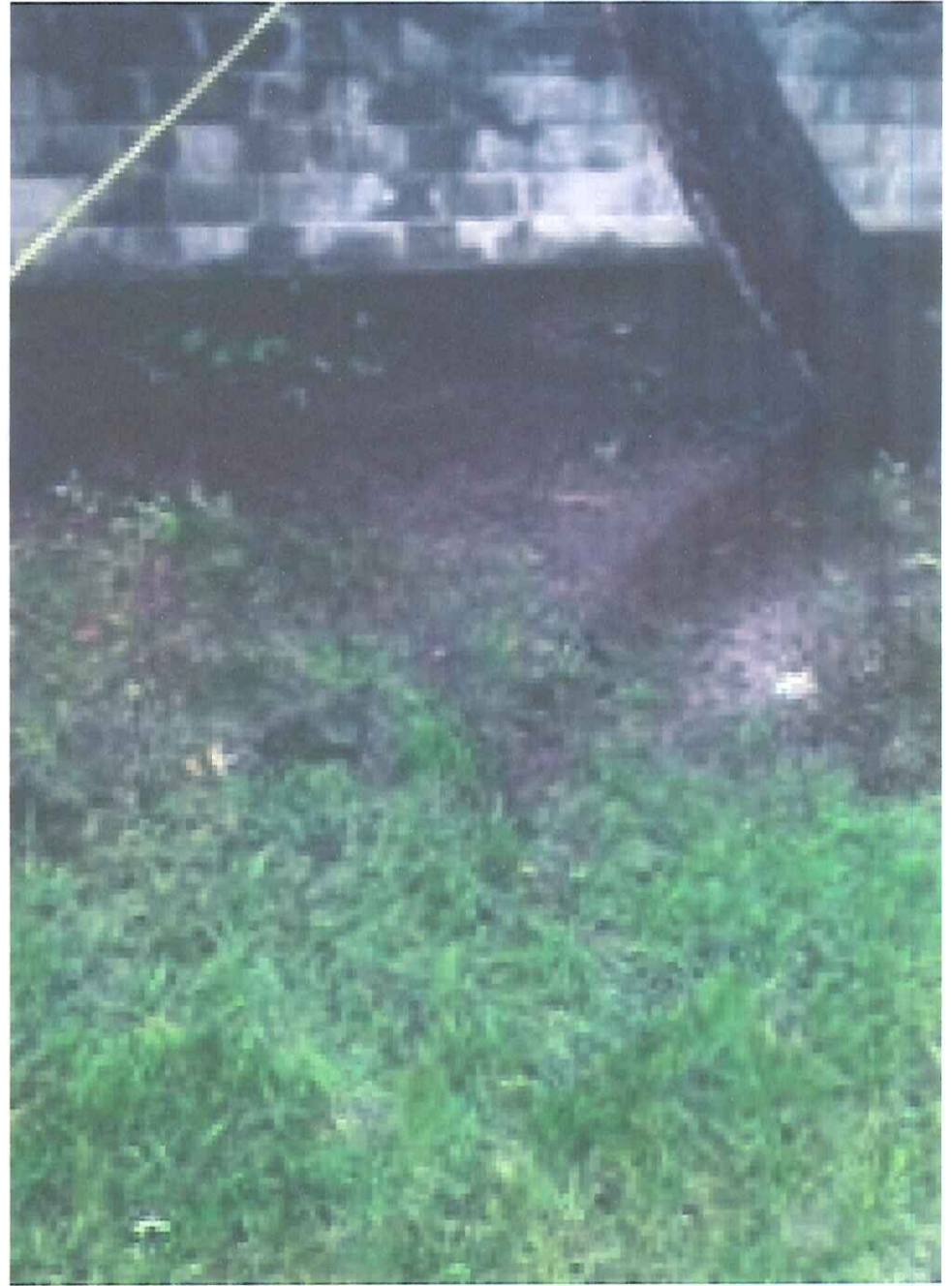
37437 LANCASTER



37437 LANCASTER



37437 LANCASTER



37437
LANCASTER



APPLICATION FOR VARIANCE

SQUAD MASSOUD 37437 Lancaster Street, Livonia, MI 48154 (734) 776-6660
(Owner of Premises) (Street Address) (City) (Zip Code) (Telephone) (Fax)

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

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

The property address is 37437 Lancaster Street, Livonia, MI 48154

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

1. Are there any deed restrictions or subdivision rules or restrictions on the property? If so, what are they? None

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

Please see attached

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

X 3. Please explain how the practical difficulty you claim is unique to your property, and does not exist elsewhere in the City:
This is the only area in my back yard that water does not gather. It is away from any other neighboring property. Anytime it rains, water accumulates in the other areas. There are sheds in the City close to the front fences

X 4. Please describe what the difficulty involves beyond mere inconvenience or inability to earn a higher financial return:
When it rains water accumulates in all the other sides of my backyard.
I have photographs showing that.

X 5. Explain why you think this variance would be fair to the neighbors and others who might be affected.
The proposed location sets the shed away from any other neighboring residential property.

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

No, I have never thought this variance would be required.

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

I checked with the City before deciding on the location of the shed. An employee of the City told me that he believes I can place the shed at the requested location.

RECEIVED

SEP 13 2023

Inspection Department
City of Livonia

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

No. This is a residential Property. _____

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

Not reasonable demand _____

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

OWNER'S AFFIDAVIT

COUNTY OF WAYNE)
STATE OF MICHIGAN)

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

Signature of property owner: _____

Please print name of property owner: SOUAD MASSOUD

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

Subscribed and sworn to before me this 12th day of September, 2023.

Chanel Zaitouna
(Notary Public, Wayne County, Michigan)
My Commission expires 09.29.2024

Chanel Zaitouna, Notary Public
State of Michigan, County of Macomb
My Commission Expires 9/29/2024
Acting in the County of Oakland

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

NOT TO BE COMPLETED BY APPLICANT

Petitioner makes application for a Hearing, seeking to (reverse, modify, or affirm) the order, decision) of the Department of Inspection, dated 9/13/23, which reads as follows:

ZONING ORDINANCE, SECTION 7.09 (1) D

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

(Supervisor)

Application for permit filed Yes (REJECTED) Violation Issued Yes (CORRECTION)

01022210 FEB 23 2001

GOLDEN TITLE

Liber-33270 Page-480
201083195 2/23/2001
Ferrard J. Youngblood, Wayne Co. Register of Deeds

**WARRANTY DEED
STATUTORY FORM**

GTI File #: 95478

KNOW ALL MEN BY THESE PRESENTS: That GEORGE ZAHKA *A SINGLE MAN.*

Residing at 37437 LANCASTER, LIVONIA, MICHIGAN

Convey(s) and Warrant(s) to SOUAD MASSOUD

whose Street Number and Postoffice address is 37437 LANCASTER, LIVONIA, MICHIGAN
the following described premises situated in the City of Livonia
County of Wayne and State of Michigan, to-wit:

Lot 1, NEWBURGH HEIGHTS SUBDIVISION, as recorded in Liber 86, Page 64 of Plats,
Wayne County Records.

37437 Lancaster
Sidwell No. 46-072-01-0001-000

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the
full consideration of TWO HUNDRED SEVENTY THOUSAND & NO/100 DOLLARS
subject to Building and use restrictions and easements of record, if any.

Dated this 1st day of December, 2000

Signed, Sealed and Delivered in Presence of:

Joe Baran
JOE BARAN
B. D. DEFRANK
B. D. DEFRANK

Signed and Sealed:

George Zahka
GEORGE ZAHKA

STATE OF MICHIGAN }
COUNTY OF *Wayne* } SS.

On this 1st day of December
GEORGE ZAHKA *A SINGLE MAN*

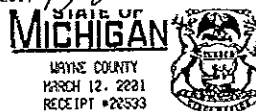
A.D. 2000 before me personally appeared

to me known to be the person described in and who executed the foregoing instrument and acknowledged that
executed the same as his free act and deed, and represented that he is 73 years of age or older.

JOSEPH E. BARAN
Notary Public, Wayne County, MI
My Commission Expires: August 6, 2001

Notary Public,
County, Michigan

This Notary Public Seal is valid for five years
on the property and the taxes are paid for FIVE YEARS
paid by date of this instrument EXCEPT 4000 NOT EXEMPTED
No. 7226 *Remitting* Date 1-13-01
WAYNE COUNTY TREASURER *Clark Evans*



REAL ESTATE
TRANSFER TAX
\$ 287.88-00
\$ 2325.00-ST
STRIP #122285583

Prepared by: *George Zahka* Rec. 1314
37437 Lancaster Rev. 292.00
Livonia, MI, 48154 State *2000-2001*
RWD 94R1PQS DEED # *2322.00*

WITNESSES

DEED # 4.00

ZONING BOARD OF APPEALS

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MICHAEL A. TESTA



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LIVONIA, MICHIGAN 48154-3097
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SCOTT MORGAN

PUBLIC NOTICE SEPTEMBER 22, 2023

APPEAL CASE NO. 2023-09-24, 37437 Lancaster St.: an appeal was made to the Zoning Board of Appeals by Souad Massoud, seeking to erect an accessory building within the side yard, also the corner side yard setback, which is not allowed. The slab and rat wall have been placed without permits. Accessory building must be located in the rear yard, not in the side yard or within the corner side street setback

This Low-Density Residential property is located on the south side of Lancaster (37437), between Newburgh Rd and Richfield St, Lot. No. 072-01-0001-000 (N-2, Neighborhood District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09 (1), D (Minimum Setbacks).

Corner Side Yard Setback:

Required: 25 feet
Proposed: 3 feet
Deficient: 22 feet

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

This appeal will be heard at a public hearing to be held in the Auditorium on the first floor of City Hall on Tuesday, October 10, 2023, at 7:00 p.m., at which time comments may be directed to the Board during audience participation. When replying by mail, write your comments on the back of this notice and address it to the City of Livonia, Zoning Board of Appeals, 33000 Civic Center Drive, Livonia, MI 48154. All written comments are read at the meeting and become part of the record.

ZONING BOARD OF APPEALS,

Timothy Klisz, Secretary

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

Case No: 2023-09-244
Meeting Date: October 10, 2023

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Signature: _____

Address:

2023-09-24



CITY OF LIVONIA

INSPECTION DEPARTMENT

REJECTION OF APPLICATION FOR PERMIT

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154
421-2000

BASED ON NONCONFORMITY TO LIVONIA ORDINANCE

Applicant SAME AS OWNER Address 734-776-6660
 Owner SOUAD MASSOUD Address 37437 LANCASTER, LIVONIA, MI 48154
 Lessee — Address —
 Location SOUTH Side of 37437 LANCASTER Street
 Between NEWBURGH And RICHFIELD
 Lot No./Parcel No. 072-D1-0001-000 Subdivision NEWBURGH HEIGHTS
 Zoning District N2 Map No. SE18 Lot Size — Alley —
 Present Use RESIDENTIAL Proposed Use SAME
 Present Building Size N/A Proposed Building Size 8' x 12'
 Present Height of Building N/A Proposed Height ONE STORY
 Allowable Lot Coverage — Proposed Lot Coverage —

Proposal SEEKING TO ERECT AN ACCESSORY BUILDING WITHIN THE SIDE YARD, ALSO THE CORNER SIDE YARD SET BACK, WHICH IS NOT ALLOWED. THE SLAB AND RAILWAY HAVE BEEN PLACED WITHOUT PERMITS. ACCESSORY BUILDINGS MUST BE LOCATED IN THE REAR YARD, NOT IN THE SIDE YARD OR WITHIN THE CORNER SIDE STREET SET BACK. CORNER SIDE YARD SET BACK REQUIRED: 25 FEET; PROPOSED: 3 FEET; DEFICIENT: 22 FEET.

Reason for Rejection ZONING ORDINANCE, SECTION 7.09(1)D
 Deficient Side Yard 22 FEET Deficient Front Yard — Deficient Rear Yard —
 Deficient Lot Area — Deficient Lot Area per Room — Encroachment —
 Excessive Lot Coverage — Excessive Height — Increasing No. Units —
 Use Prohibited — Deficient Parking Spaces — Increasing Area and Bulk —

Remarks —

Plans and Application examined by Rx Date SEPTEMBER 13, 2023

ZONING EXAMINER

INSPECTION DEPARTMENT
ORDINANCE ENFORCEMENT
CITY OF LIVONIA
33000 CIVIC CENTER DR.
LIVONIA, MI 48154

TUFF SHED INC
34425 SCHOOLCRAFT
LIVONIA, MI 48150

08/11/2023

RE: 37437 LANCASTER

PLAN REVIEW CORRECTION SHEET

Your application for a permit was reviewed for the above location. It has been rejected for the following reasons:

1. SETBACK - Deficient corner lot side yard set back.

REVIEWER COMMENT: ACCESSORY STRUCTURES ON A CORNER LOT MAY NOT BE ANY CLOSER TO THE SIDE STREET THAT THE PRIMARY DWELLING.
Livonia Zoning Ordinance, section 7.23 (1) D

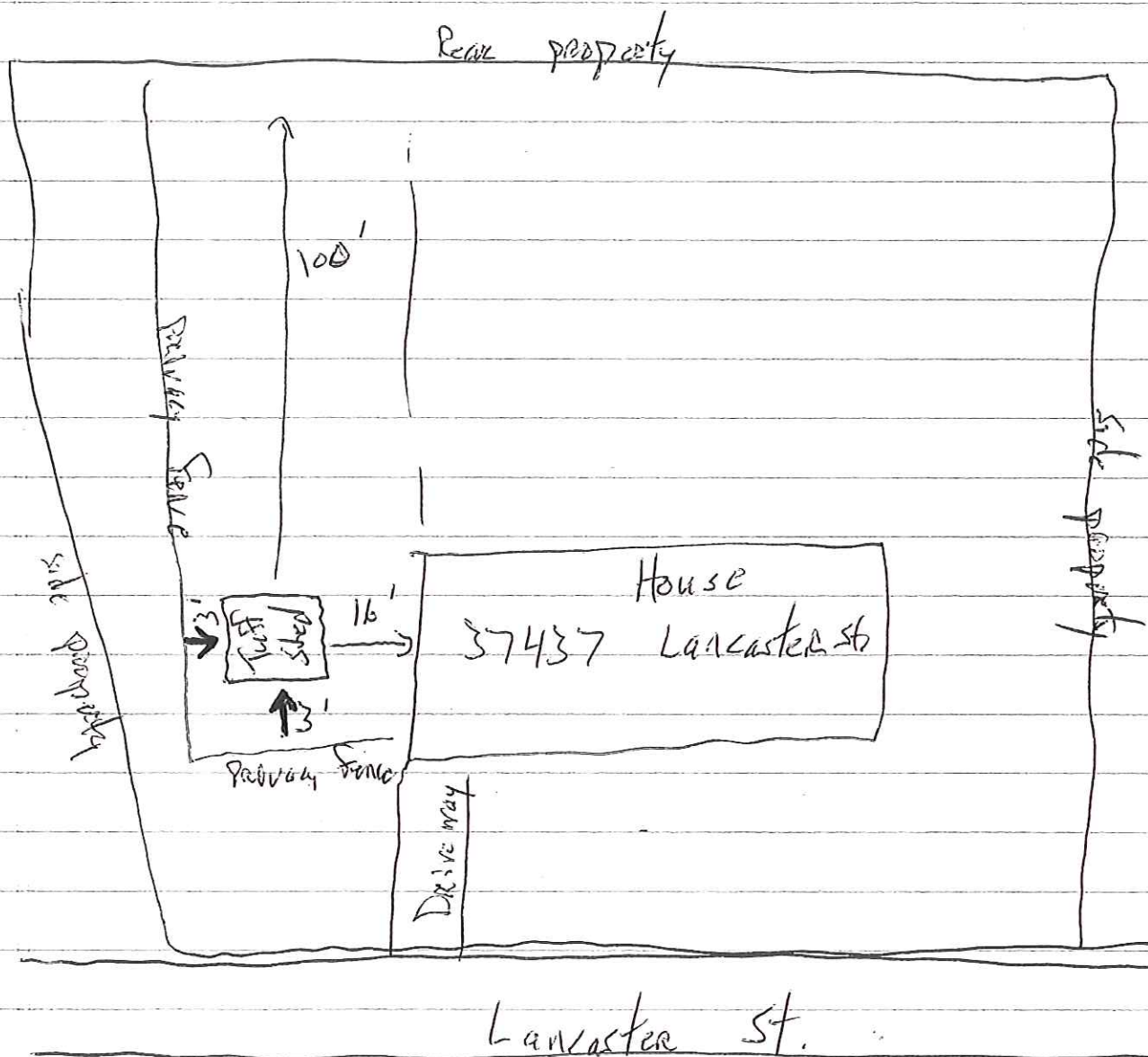
For Information
(8:30 - 9:30 AM) (4:00 - 5:00 PM)

File: PZ23-0287

Reviewer: Matt Stierna
Telephone (734) 466-2593

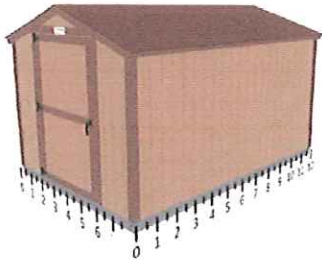
WARNING: Damage or injury resulting from delay or failure to comply with this notice will be attributed to negligence on the part of the responsible party or parties.

8/11 - T/T Jamie @ Tuff Shed. will confer w/client. 

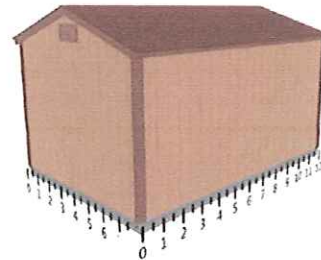




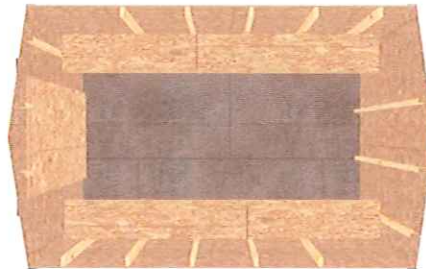
Souad Massoud
37437 Lancaster ST
Livonia MI 48154
Q7535528-7519886



Wall D



Wall A



Wall C

Wall B

Base Details/Permit Details

Building Size & Style

SR-600 - 8' wide by 12' long

Door

4' x 6'2" Single Shed Door, Left Hinge
Placement, Decorative Door Hardware

Paint Selection

Base: Hat Box Brown, Trim: Ground
Coffee

Roof Selection

Autumn Brown 3 Tab

Drip Edge

Brown

Is a permit required for this job?

Yes

Who is pulling the permit?

Tuff Shed

Optional Details

Special Instructions

16" deep shelf on C wall per Derek

Roof

110 Sq Ft Radiant Barrier Roof Decking

Floor and Foundation

96 Sq Ft 3/4" Treated Floor Decking

Upgrade

4 Ea Shed Anchor to Concrete - A24 &

Wedge Anchor

Interior

24 Lin Ft Shelving - 16" deep

Vents

16"x8" Wall Vent - Brown

Shelving Locations

Shelving on B at 39".

Shelving Locations

Shelving on D at 39".

Jobsite/Installer Details

**Do you plan to insulate this building after
Tuff Shed installs it?**

No

**Is there a power outlet within 100 feet of
installation location?**

Yes

**The building location must be level to
properly install the building. How level
is the install location?**

Within 4" of level

**Will there be 18" of unobstructed
workspace around the perimeter of all
four walls?**

Yes

**Can the installers park their pickup truck &
trailer within approximately 200' of
your installation site?**

Yes

Substrate Shed will be installed on?

Anchored to Concrete with Shed Floor

Customer Signature: _____

DocuSigned by:

F6E42D1E39334DC...

Date: 7/22/2023

ZONING BOARD OF APPEALS

ZONING BOARD MEMBERS

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



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

COUNCIL MEMBERS

BRANDON MCCULLOUGH, PRESIDENT
MARTHA PTASHNIK, VICE PRESIDENT
CARRIE BUDZINSKI
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SCOTT MORGAN
LAURA M. TOY

PUBLIC NOTICE APRIL 19, 2024

APPEAL CASE NO. 2024-01-09, 16922 Surrey (Tabled on March 12, 2024): an appeal was made to the Zoning Board of Appeals by Dave and Marguerite Pietrowski, seeking to maintain a privacy screen erected over a concrete protective wall separating the property from adjoining commercial property which is not allowed. The proposed height of the screen is 9.5 feet tall. Maximum height of fencing on residential property is 6 feet

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

Screen Height:

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

Fencing:

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

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

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

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

ZONING BOARD OF APPEALS,



Timothy Klisz, Secretary

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Please call 734-466-2250 if you need assistance.

Case No: 2024-01-09
Meeting Date: May 7, 2024

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

Signature: _____

Address:

ZONING BOARD OF APPEALS



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

MARCH 18, 2024

Dave and Marguerite Pietrowski
16922 Surrey
Livonia, MI 48154

Dear Mr. and Mrs. Pietrowski,

The Zoning Board of Appeals of the City of Livonia, at a Regular meeting held March 12, 2024, adopted the following Resolution:

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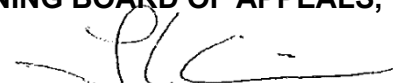
This Low Density Residential property is located on the east side of Surrey Drive (16922), between Bloomfield Drive and Wood Drive, Lot. No. 061-02-0041-000, N-2 District, Neighborhood, rejected by the Inspection Department under Livonia Code of Ordinances, section 15.44.090 B, H, **be tabled**

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.

ZONING BOARD OF APPEALS,


Timothy Klisz, Secretary

Meeting Date: March 12, 2024

2. **APPEAL CASE NO. 2024-01-09, Dave and Marguerite Pietrowski, 16922 Surrey:**

Seeking to maintain a privacy screen erected over a concrete protective wall separating this property from adjoining commercial property which is not allowed. Also proposed are landscape treatments (fencing) exceeding the maximum allowed forty-foot length.

Motion To:		Comments:
Support		
Deny		
Table	X	
Other		

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

CONDITIONS

1. Required to core back May 7th

2.

3.

4.

ZBA Secretary: Timothy Klisz

4-2

APPEAL CASE NO. 2024-01-09, Dave and Marguerite Pietrowski, 16922 Surrey: Seeking to maintain a privacy screen erected over a concrete protective wall separating 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
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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.

1001 - 3 2004

APPLICATION FOR VARIANCE

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

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

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

The property address is 16922 Surrey St.

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

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

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

Residential Property

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

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

Football Field LED lights, plus beautiful trees were

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

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

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

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

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

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

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

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

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

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

OWNER'S AFFIDAVIT

COUNTY OF WAYNE)
STATE OF MICHIGAN)

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

Signature of property owner: David Pietrowski

Please print name of property owner: David Pietrowski

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

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

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

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

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

NOT TO BE COMPLETED BY APPLICANT

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

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

(Supervisor)

Application for permit filed _____ Violation Issued _____

2766 (Rev. 05-16)

Property Transfer Affidavit

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

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

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

EXEMPTIONS

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

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

CERTIFICATION

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

Printed Name

Signature

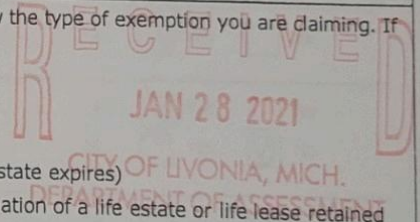
Name and title, if signer is other than the owner

Daytime Phone Number

Date

01/28/2021

E-mail Address



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

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

Name Information

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

Enforcement Information

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

Show Cause Hearing Inspection | Dan Pilachowski

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

Pre Show Cause Inspection Inspection | Dan Pilachowski

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

Comments:

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

Inspection Inspection | Dan Pilachowski

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

Comments:

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

Inspection Inspection | Dan Pilachowski

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

Comments:

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

Inspection Inspection | Dan Pilachowski

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

Violations:

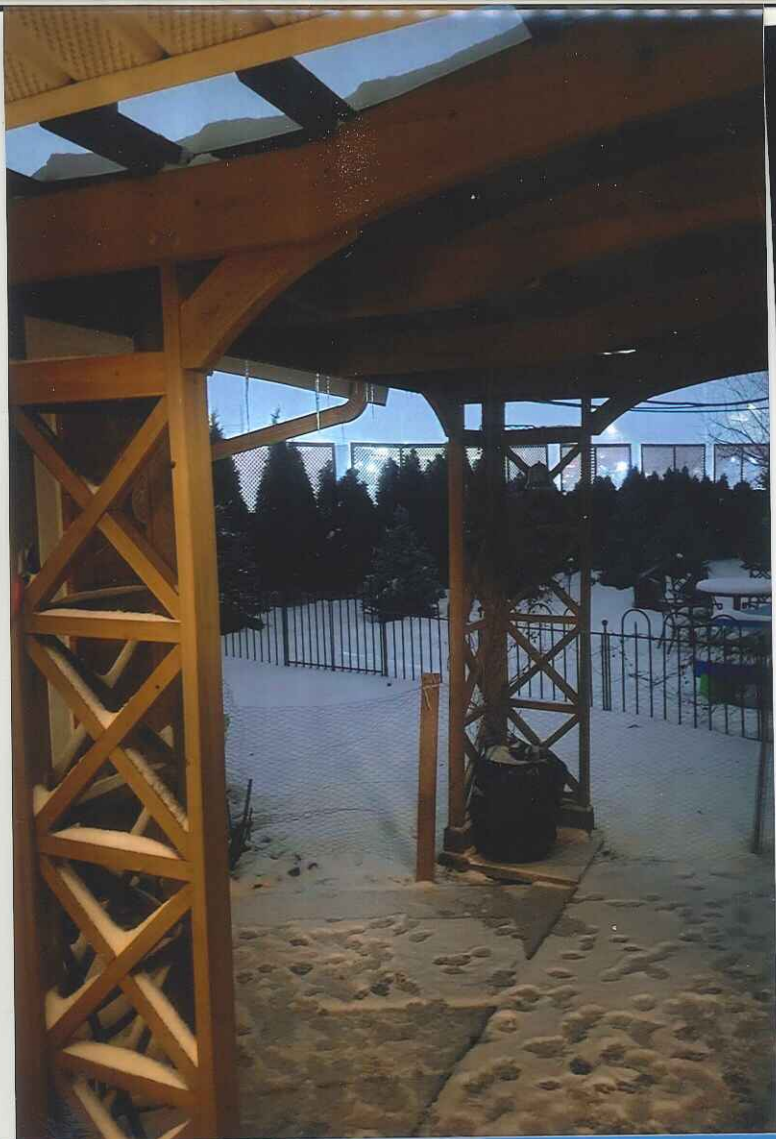
Uncorrected	FAILURE TO COMPLY WITH THIS NOTICE WILL RESULT IN A COURT COMPLAINT BEING FILED AGAINST YOU IN 16TH DISTRICT COURT. THIS OFFENSE IS A CRIMINAL MISDEMEANOR AND UPON CONVICTION, IS PUNISHABLE BY A FINE OR A JAIL SENTENCE, OR BOTH, AT THE DISCRETION OF THE COURT.
Uncorrected	Failure to comply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

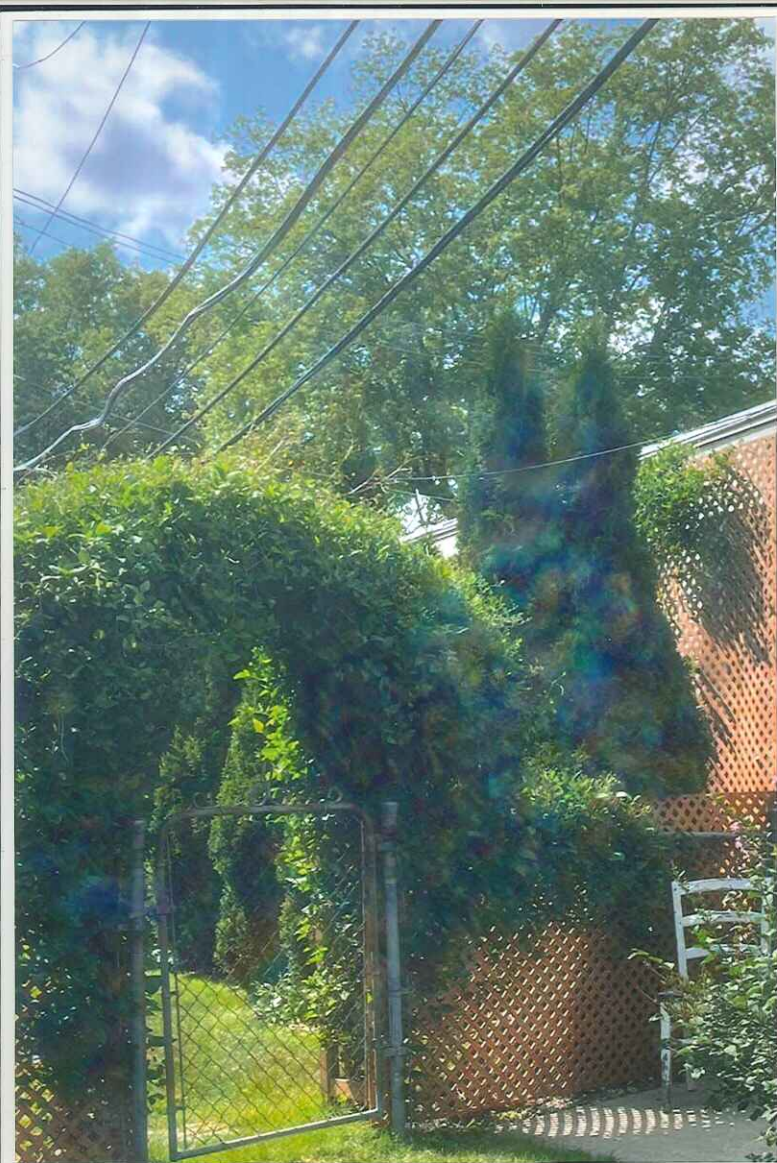
Investigation Inspection | Dan Pilachowski

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

Violations:

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

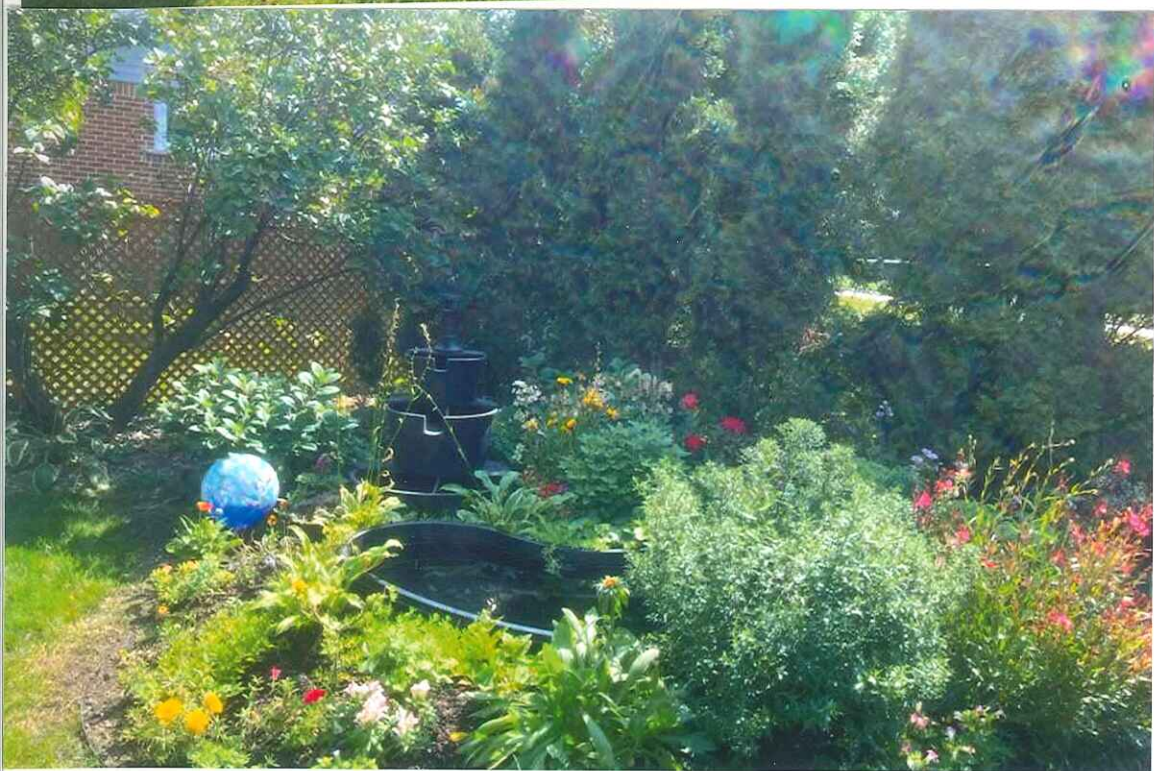
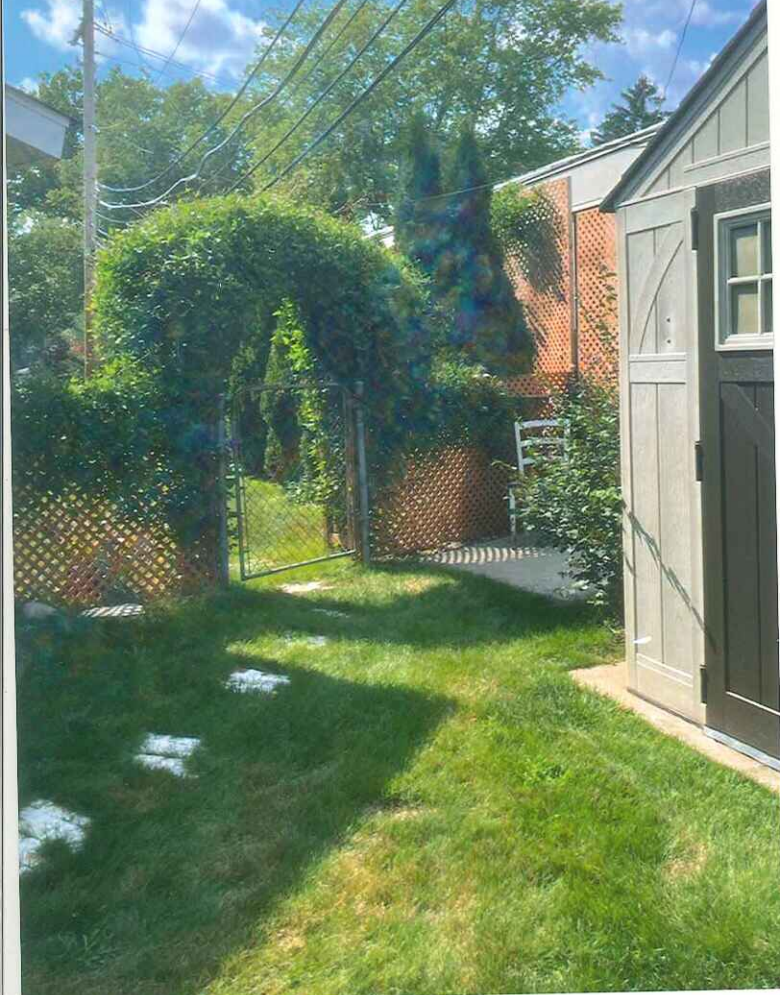












To: City of Livonia
Zoning Board of Appeals
33000 Civic Center Drive
Livonia, MI 48154

Case No: 2024-01-09
Meeting Date: March 12, 2024

You are not required to respond to this letter. If you choose to do so, please note the following reason: (APPROVAL) OR (OBJECTION) to the requested variance.

I APPROVE OF THIS APPEAL.

Signed comments will be read into the record. Unsigned or anonymous comments will not be considered.

Signature: Vincent Hogrebe
Name: VINCENT HOGREBE
(Please print)

Address: 16927 SURREY

6 - 4' x 8' Trellices - 48"

Google Maps

16922 Surrey

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



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



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

2 - 4' x 8' Trellices - 48"

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

Home
Building



Directions



Save



Nearby



Send to
phone



Share



You visited yesterday



16922 Surrey, Livonia, MI 48154

CITY OF LIVONIA
BUILDING INSPECTION DEPARTMENT
734-466-2580

PRIVACY and/or CHAIN LINK FENCE ACKNOWLEDGEMENT and AUTHORIZATION

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

Date: 1/11/24

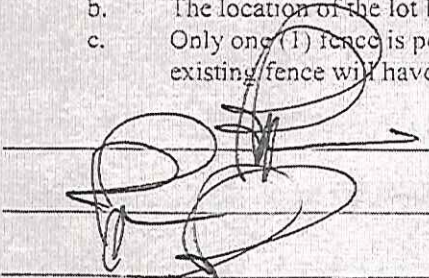
Fence Installation Address: 16922 Surrey St., Livonia, MI 48154

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

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

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

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

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

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

PAF1 24MES
(Print Name)

16975 Farmington Rd, Livonia, MI
(Address)

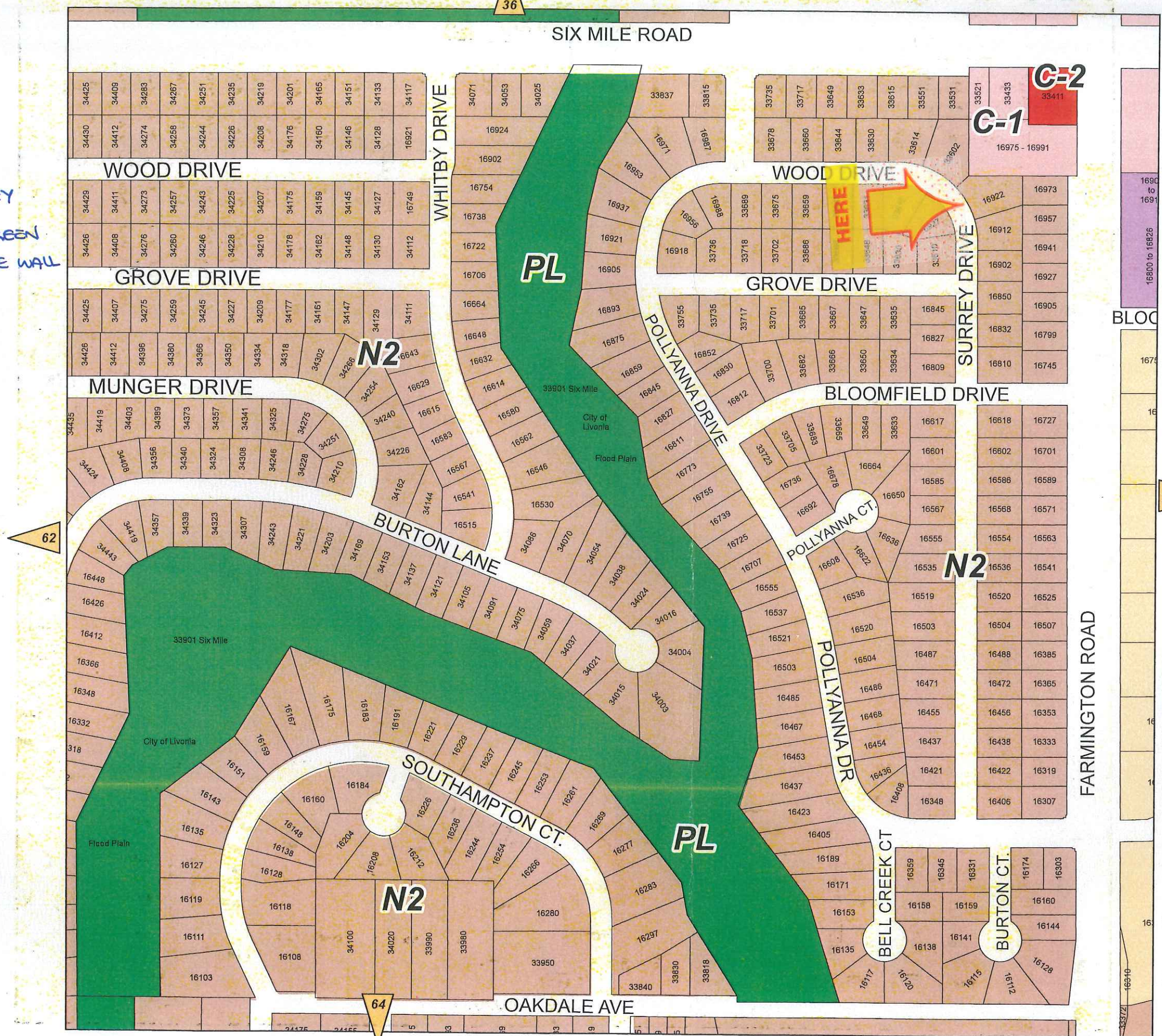

(Signature)

3134434413
(Telephone number for confirmation)

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

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

ZBA CASE
16922 SURREY
RE: PRIVACY SCREEN
ON PROTECTIVE WALL



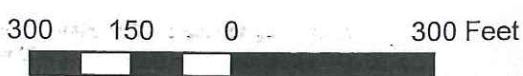
ZONING MAP

LEGEND

Zoning Districts

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

N.E. 1/4 Section 16
City of Livonia
T. 1 south, R. 9 east
Wayne County, Michigan
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PUBLIC NOTICE FEBRUARY 23, 2024

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

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

Screen Height:

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

Fencing:

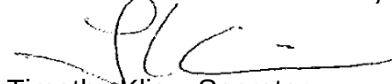
Allowed: 40 feet
Proposed: 62 feet
Excess: 22 feet

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

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

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

ZONING BOARD OF APPEALS,



Timothy Klisz, Secretary

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

2024-01-09
March 12, 2024

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

Address:

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.

(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.

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 Hoglebe, 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.

**AGENDA DATE: May 7, 2024
ZONING BOARD OF APPEALS
CITY OF LIVONIA**

**PROPOSED FINDINGS OF FACT
Pursuant to Zoning Board of Appeals
Rules of Procedure, Rule V-Hearings, Paragraph 7**

1. **APPEAL CASE NO. 2023-09-24, Souad Massoud, 37437 Lancaster Street (Tabled on October 10, 2024):**
Should be denied because the alleged practical difficulty does not entail more than mere inconvenience. FURTHER, the shed height exceeds the fence height.
2. **APPEAL CASE NO. 2024-01-09, Dave and Marguerite Pietrowski, 16922 Surrey Drive (Tabled on March 12, 2024):**
Should be denied because the alleged practical difficulty does not entail the need to undertake this extreme and permitless project.

FUTURE LAND USE PLAN

**CITY OF LIVONIA
ZONING BOARD OF APPEALS
May 7, 2024 – 7:00 p.m.
Livonia City Hall – Auditorium (1st floor)
33000 Civic Center Drive, Livonia, MI**

1. APPEAL CASE NO. 2023-09-24, Souad Massoud, 37437 Lancaster Street (Tabled on October 10, 2023): Seeking to erect an accessory building within the side yard, also the corner side yard setback, which is not allowed. The slab and rat wall have been placed without permits. Accessory building must be located in the rear yard, not in the side yard or within the corner side street setback.

FUTURE LAND USE PLAN (FLUP): LOW DENSITY RESIDENTIAL

2. APPEAL CASE NO. 2024-01-09, Dave and Marguerite Pietrowski, 16922 Surrey Drive (Tabled on March 12, 2024): Seeking to erect wall, ground and directional signs. Signage on utility poles on private property are not allowed.

FUTURE LAND USE PLAN (FLUP): LOW DENSITY RESIDENTIAL