

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, MAY 7, 2024

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, May 7, 2024.

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

MEMBERS ABSENT: Gregory G. Coppola, Chairman
Michael Testa

OTHERS PRESENT: Leo Neville, Assistant City Attorney
David Popp, Inspector

The meeting was called to order at seven p.m. Vice Chairman Baringhaus explained the Rules of Procedure to those interested parties. Each petitioner must give their name and address and declare hardship for appeal. Appeals of the Zoning Board's decisions are made to the Wayne County Circuit Court. The Vice Chairman advised the audience that appeals can be filed within 21 days of the date tonight's minutes are approved. The decision of the Zoning Board shall become final within five (5) calendar days following the hearing and the applicant shall be mailed a copy of the decision. There are four decisions the Board can make: To deny, to grant, to grant as modified by the Board, or to table for further information. Each petitioner may ask to be heard by a full seven (7) member Board. Five (5) members were present. 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. 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

BARINGHAUS Okay, thank you. Could I have a motion to remove this case from the table?

SCHEEL So moved.

BARINGHAUS Okay. Motion by Ms. Scheel. Is there support?

KLISZ Support.

BARINGHAUS Support by Secretary Klisz. Any discussion? All those in favor say aye.

The Board voted unanimously to remove the case from the table.

BARINGHAUS Okay the case is removed. Petitioner can come forward to the podium, please. Good evening, can you state your name and address for the record?

MASSOUD My name is Souad Massoud. I live in 37437 Lancaster, Livonia, 48154. I'm the owner of the house.

BARINGHAUS Okay. Very good. Since you last appeared before us, can you tell us what changes that you've made based on the Board's recommendations?

MASSOUD Yes. It was, I think it was eight by twelve, the shed, and we changed the size from eight by twelve to eight by eight. And they sent me a quote from the City in here, I want to appeal and I came and I followed up with many people, the Inspector, and I went to the Engineering Department. And I told them about my garden and why we put this cement in there. And the problem is I hired a contractor. He didn't pull a permit for the cement. It wasn't my fault. And I didn't know [until] after I came in the City [that] we didn't have a permit to put this cement over there. And I'm asking you if you will give permission to build because we have so many

problems in my backyard from the neighborhood and you have so many pictures showing what happens in my backyard when it's raining and in the summertime, it's raining all the time. My backyard was a flat backyard. Nothing in my backyard after Consumers Energy came and they put this stuff over the end stone. All the water is coming in my backyard and all the backyard is wet. This is the only place [there] is no water.

BARINGHAUS One of the requests that we made to you at the last meeting was that you provide a detailed site plan. Did you correct that?

MASSOUD I did. The Inspector came in my house and he saw what--

BARINGHAUS No. One of the items we asked you to submit was a site plan showing the layout of your backyard in an accurate

MASSOUD I think—

BARINGHAUS Excuse me, I'm not done. An accurate description of where the rat wall is currently located. Was that completed?

MASSOUD I think I sent everything in here, in the City. And the Inspector, when he came I gave him all the papers.

BARINGHAUS Question for the Inspection Department. Mr. Popp, was there an updated site plan?

POPP Yeah, I'm trying to see right now. Give me one second.

BARINGHAUS One moment.

POPP I mean, this would be the site plan to her house. I don't see it attached to the permit.

SCHEEL There's something in here for 4-18-24, but it shows the shed.

BARINGHAUS Yeah, that's the old one.

SCHEEL It's dated 4-18-24, though.

POPP I mean, I was there today. This would be accurate to her house. Who had the--?

KLISZ It was in the file.

POPP Okay.

KLISZ I see it now. I see it.

BARINGHAUS Okay, you do have an accurate plan on file. Did the City come out and re-verify the water issue you're having with your backyard?

MASSOUD Yes, I asked. I came in the City and met the Inspector. He sent me to the Engineering Department and I went there. And the Engineer, he came and saw the water, and then on a rainy day, how it is like a pool in my backyard.

BARINGHAUS Okay, very good. Any other questions?

BOLOVEN Mr. Chair?

BARINGHAUS Yes, Mr. Boloven.

BOLOVEN Yes, two of the main questions for the Petitioner last time. What's the height going to be?

MASSOUD What's the height? Really, I don't know what height, but I can make it any way in the same size, the City will give me permission to put it there.

BOLOVEN So the two main issues we left off were the height that the shed was going to be and the location of the shed.

MASSOUD Yes.

BOLOVEN I'm looking at the revised plans. I don't see the height of the shed. And I don't see the location.

MASSOUD The location is the same location. I didn't change the location. Where is the cement? We put it before.

BOLOVEN So I read the minutes from last time. You heard the Board's comments, the main issues that you were facing, why we tabled it was the height of the shed and the location and neither look like they've been changed.

MASSOUD I didn't change the location.

BOLOVEN Okay. Thank you, Mr. Chair.

BARINGHAUS Thank you.

POPP Mr. Chair?

BARINGHAUS Yes.

POPP I will say Matt Stierna from Plan Review was the one that went out on site there. And he did verify the water and Troy from Engineering verified that that section, that whole neighborhood has water issues at the back of the properties, the entire neighborhood does, not just her particular lot.

BARINGHAUS I have another question, too. I was reading that the proposed location of the shed is in a drainage area for the property that would take the water for the neighborhood?

POPP That I don't know, I didn't really notice that when I was there today. It is kind of at a high point in the yard. So I don't know how it would be a drainage area. It looks like the low point in her yard is the southeast corner. When she does appear to be, without actually putting a transit on it, lower than some of the surrounding neighbors.

BARINGHAUS But the water conditions, just to clarify, the water conditions she's describing, it's also common to her neighbors as well?

POPP Correct. In their backyards, a lot of... Troy from Engineering said they have a lot of complaints in that neighborhood of standing water. There's no infrastructure at the back of the properties to take it off. So it's just got to naturally soak into the ground.

BARINGHAUS Any other questions? Mr. Boloven.

BOLOVEN Sorry, Mr. Chair, just a follow up on your questions to Mr. Popp. You're looking at Mr. Stierna's email now. There's locations that this could have been placed that were comportsment. Is that correct?

POPP I don't... from what Matt told me today. He said that that was what in the backyard. I don't... I didn't witness it myself.

BOLOVEN So I'm looking at Mr. Stierna's email to Mr. Fisher on April 18 at 3:03p.m.

POPP I don't have that in front of me.

BOLOVEN I'll read it for the record. "However, similar low areas exist immediately adjacent to the new slab that just are likely to 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." I read that as the current location is no different than any other location that's going to flood and that there are other conforming locations that it could have been put that wouldn't have flooded.

POPP Yeah, I didn't see this email before, but that's not what Matt told me earlier. So... but yes, that is how I would take what his email says.

BOLOVEN Thank you.

BARINGHAUS So at this point means have been explored, other options for relocating the shed?

MASSOUD I cannot put it anywhere. And it is confirmed from the Inspection and the Engineer. They came and saw the water all over my backyard. And this is what if you give me the permission to put it there and then make it lower, thank you very much or we skip [it]. I cannot put it anywhere, it's all wet. All wet. It's like a pool in my backyard.

BARINGHAUS Can we go back and discuss the hardship that you're under that requires the variance. What was it? Why do you need a shed when you have a 400 square foot garage.

MASSOUD Okay, I need the shed because the most important for me for the Christmas decoration and we are two girls in the house. Every time we take it, we put it again. It's very hard for us to go in the attic. We don't have any men in the house. [It's just] me and my sister. And we have a big problem taking it [out] and putting it again in the attic. I don't have any place. I don't like to put anything in my garage. I like my garage to be clean and proper and this is the most. That's why I asked to put the shed.

BARINGHAUS What are you currently storing in the garage now?

MASSOUD I have nothing. I have two freezers.

BARINGHAUS Nothing?

MASSOUD Empty, empty garage. Because I don't like to put anything in my garage.

BARINGHAUS You have a basement in the home?

MASSOUD I have a basement and it's fully loaded. I have finished basement

BARINGHAUS Do you have storage available?

MASSOUD I have storage that we put stuff in desperation. I don't have storage in my basement. My storage is too, too small. It's in a heat and air-conditioned room. At this point, I don't have....

BARINGHAUS Thank you.

MASSOUD Thank you.

BARINGHAUS Any other questions? Yes, Mr. Rotondo.

ROTONDO Question for Mr. Popp. Just looking at the Engineering report email, was there supposed to be... So when that was originally developed, was there supposed to be a swale or something in between that Newburgh block and the back of this lot on the south property line?

POPP Let me pull it up. Give me one second. I don't want to try to have computer problems here. I could probably pull it up on a plat map.

ROTONDO I'm just looking...Troy from Engineering sent an email. I think that's what he was trying to say.

POPP It's basically just saying that it's just a drainage plane period. The property is still the shared property line between the businesses behind her and hers is just a drainage plane towards Newburgh Road.

ROTONDO That's the spot in the back and then....

POPP Yeah, so... but a lot of the houses on that section drain through her backyard too like yeah, so everything's coming through her backyard towards Newburgh. I can try to find a plat map and see if that actually has gradient lines to see that.

ROTONDO Okay. No, that's fine. Were you on site to snap...?

POPP I was just there today.

ROTONDO Do you think there's potential to regrade that lot to pitch it? First of all, go to the back, in your professional opinion.

POPP Right now most of the water is... it's like a giant bowl back there. Well, not giant but there's like a bowl shape where the water is sitting. You can see the low spot, the depression where water is sitting.

ROTONDO It doesn't go anywhere from there? It just sits.

POPP It appears to me that it just sits there and it drains... and doesn't look like it really drains anywhere. If that drains it'd be the southeast corner of the property towards Newburgh Road.

ROTONDO Okay, would there be, from what you observed, would there be an area in that backyard to place a shed?

POPP I don't see it. I only saw photos of it flooded. So I don't-- I didn't see it flooded today. It didn't rain enough today to do anything.

ROTONDO Yeah. Thank you, Mr. Chair.

BARINGHAUS Thank you. Any other questions for the Petitioner? Okay.

ROTONDO Sorry. To the Petitioner, have you ever tried to do any regrading or anything with the backyard to address the water issue?

MASSOUD I did. I brought an engineer and Consumers Energy, they sent an engineer to see what's going on in my backyard. And it's been more than six years, they never did anything. Instead, my backyard is going down and down more and more. I did.

ROTONDO Did the engineer give a solution or an opinion?

MASSOUD They said we're gonna try to find the solution. And they never... and I came in the City six years ago, I have complained about Consumers Energy, but they never did anything. And they said it's hard, a little bad because of your backyard. I don't know what you know, the engineer what they say. And I tried my best to fix my backyard to not have water. And I was scared that water would come in my house, not only in the backyard. I had told before, never had this problem. My backyard was like that. Never. But it's been like six, six years, I had the same problem. And I couldn't fix it. I brought a landscaper and engineer and they said this is all water.

ROTONDO Okay. Now in regards to this slab that is currently there. So that was done without permits, correct?

MASSOUD I'm so sorry. Yes, it was.

ROTONDO Okay, who did the work?

MASSOUD Yeah, okay, Hope Well... Corewell? I had a letter from him. He did the piece without a permit and I didn't know and I went to the company and I told them, "Why you put the slab before you take permission from the City of Livonia?" I didn't know he didn't pull that permit. After Tuff Shed, they sent me a message, "Come, City of Livonia. They cannot let you put [it in] because they present the paper to have a permit to put the shed," and everything has stopped since then.

ROTONDO Okay, and then what did they do in terms of the slab, did they do a rat wall, did they [inaudible] the slab?

MASSOUD Yeah. The Inspector, he came and saw the slab.

ROTONDO Okay. Did he-- do we have... Mr. Popp? Do you want to comment on that? Do you have any...?

POPP Not on that.

ROTONDO The slab itself?

POPP The slab itself? They would have to just dig and Inspection will verify it's 24 inches deep.

ROTONDO Okay. Did you have something else?

POPP I'll wait for you to be done.

ROTONDO No, I'm all set. Thank you, Mr. Popp.

POPP Mr. Chair?

BARINGHAUS Sure.

POPP So I did just pull up a plat for it. And interesting to note there's actually a 46 foot easement at the back of her property that you wouldn't be able to put anything in anyways. And on the east side of the property is a six foot easement entitled or titled "six-foot private easement for utilities and surface drainage is on the east side of the property." And on the north side of the property or south side of the property it says, "40-foot easement for branch of Bell Creek." So out there I don't know that there's maybe a creek buried there that's not daylighted. And then on top of it is a six foot in front of the private easement for public utilities and surface drainage. So literally their backyard is the drainage plane for that side of Lancaster. If you want to see that I can pass this around, if anyone wants to see it.

BARINGHAUS Ironically, I found a map of the area and there's a-- it's the Bell branch like you said, the Rouge River that passes just north of Lancaster and then kind of runs along Newburgh down to Five Mile. That explains some tension on there but yeah, it does exist.

SCHEEL I have a question.

BARINGHAUS Yes, a question, Ms. Scheel.

SCHEEL So from what you just said, is her slab in the easement? Where her slab is, right here, is that part... is that on top of an easement?

POPP Actually, yes, it's three foot into the easement. According to this, this was the original plat when it was developed. Now that easement, that six-foot easement there might be where the sidewalk is. Without actual overlay from Engineering...

SCHEEL You can't tell.

POPP I can't tell, but usually it's from the property line. Not the... usually this is from the right-of-way, the drawing. So yeah, potentially that could be three foot in. So if you've shrunk the shed up like she said, she could slide it forward and get that out of the easement.

SCHEEL Get the shed out. Go to the side.

POPP Yeah. Correct. But yeah, forty... forty-six foot at the back of her property is a pretty big chunk of... that's kind of a weird easement.

SCHEEL Forty-six straight across the backyard? A straight line across.

POPP So it's showing 40-foot and then there's another six-foot easement in front of it right across the back. So there's 46 foot at the back, back here, that she can't do anything with.

SCHEEL A line going this way.

POPP Correct.

SCHEEL A line pointing this way. Okay.

POPP Yes, yep. This is her property right there, that thirty-seven.

SCHEEL Okay.

BARINGHAUS Another question for Mr. Popp.

POPP Yes, sir.

BARINGHAUS Is there an area that's easement-free where that shed could be placed in the backyard?

POPP I wish I had looked up this plat earlier. I don't know what the actual distance to the back of her property... actually give me one second, I can measure it aerially. I can get you an answer on that. Bear with me one second. I can measure that pretty accurately north-south on Near Maps. So actually, I'm gonna use the city's GIS map. So the back of her house is about eight feet from the back property line to the back corner of her structure. So that would leave her basically like 10 feet because her lot is kind of funky-shaped, so the back corner, the southeast corner of her house is roughly like 56, 57 feet to the corner of her house.

BARINGHAUS So that would be the logical...?

POPP Yeah, so 40 foot of that, forty... 46 foot of that she can't have anything in legally anyway. I don't know why we didn't make note of that before when we were discussing it.

BARINGHAUS Okay, very good. Thank you.

POPP Yes, sir.

BARINGHAUS Any other questions? Okay, just one more thing. Are there any comments from the audience at this point? None? Okay. Then would you like to make a closing statement for your variance? Oh, yes. You have letters. I'm sorry.

KLISZ Not a problem. We do have some letters. This is a letter of approval. Patricia Recker, 37481 Lancaster. "I approve the erection of this building." That was Patricia. Another letter of approval. Kais Karana, 15365 Newburgh. "I, Kais Karana, I approve Souad Massoud to have [a] shed in her backyard." A letter of approval. Ehab Al-Ghurbani, 37456 Lancaster. "We approve as Souad Massoud put[ting] the shed in her backyard poses no issue to us or our neighborhood." A letter of approval. Salwa Nasser, 37455 Lancaster, "I, Salwa Nasser, I do not have any objection to Souad Massoud putting a shed in her backyard." A letter of approval by David Hudyma, 37533 Lancaster, just says, "Approve." And a letter of approval, Paul Gutkowski, 37507 Lancaster, "I approve the shed." Those are the letters.

BARINGHAUS All right. Thank you very much. Okay, now would you like to make a closing statement before the Board?

MASSOUD I am at peace. If I can put the shed in the same place we put the slab, I thank you very much. If not, thank you very much anyway. This is my only... I don't want to say more than that.

BARINGHAUS Okay, thank you very much.

MASSOUD Thank you.

BARINGHAUS Could you have a seat, please? Okay, we'll close the public portion of the meeting and we'll begin the Board's comments with Ms. Scheel.

SCHEEL Thank you. I'm sort of torn on this because of not being able to do anything in the backyard, if that's the case. So I'm torn because the cement was put in without a permit. That's not something that should be taken lightly. I think that's something that's a problem. And I don't know, is the City... how we address that with the company that did that. But I also don't want to penalize you from not being able to have a shed anywhere. Now that we've found out that you can't have a shed in the backyard either. So I'm sort of torn on this. I'm gonna wait and see what the rest of my peers say. Thank you.

BARINGHAUS Mr. Rotondo?

ROTONDO Yeah, I obviously understand your issues with the water, in the flooding water. A part of me thinks that this could be regraded and pitch the water towards the back more. But

now seeing these easements too, I know that you're going to have an issue trying to even put a shed in the backyard. But the thing is that the rest of your neighbors all deal with that same easement as well. So I don't know that there's a hardship here, seeing that they all have that forty, 46-foot easement. And the proposed-- the area of the proposed shed is also in an easement. So I think I'm going to be against this at this time.

BARINGHAUS Thank you. Secretary Klisz.

KLISZ Yeah, this is kind of a tough one. I think finding out about the giant easements made it a little bit different. Obviously, with the permit, we standardly impose a double permit fee for people who have run afoul of permitting rules. And I do believe the Petitioner, you know, she wasn't trying to sidestep this, that it was some contractor who did it all. [Inaudible] And it doesn't sound like it can go very many other places in this. And she does have a unique, certainly a unique setup of her lot. And the fact that it's basically on a creek and all that kind of stuff. I believe that if you know, as we talked about if it was moved to the far side, like the house side of the slab, that would still give the easement towards the sidewalk side so based on that I think I can approve it with all these conditions.

BARINGHAUS Okay, thank you. Mr. Boloven.

BOLOVEN Thank you, Mr. Chair. I would not be in support. We left the last meeting, like I said during my questioning, there were two issues. The issues were the location and the size, and neither were addressed. And even more so with the facts presented tonight. Mr. Hall from Engineering says there were no grading violations. And Mr. Stierna's email says that there were other locations that could have been put with conforming, the current location is a flood location. So you have multiple issues that were not addressed from the last meeting. So with all that being said, I can't be in support as to what was presented this evening.

BARINGHAUS Okay, thank you. I kind of echo the same sentiments. I mean, one, I don't.... I'd like to revisit the hardship in the case, which is kind of the basis of the variance. And this Petitioner indicated that she has a 400 square foot garage that's empty. So I guess the question is, why do you need a 64-square foot shed? That there obviously isn't a hardship, isn't a burden created by our present arrangement. The other thing too is I'm not real comfortable with the shed that close to the fence. I think it doesn't present well to the community, to the traffic on Newburgh. Her reliance on the flooding in the backyard as we found out this evening. That's a very common occurrence with a number of neighbors as well. So based on that, based primarily due to lack of a hardship, I'm not in favor the variance. So with that the floor is open for a motion.

BOLOVEN Mr. Chair.

BARINGHAUS Mr. Boloven.

BOLOVEN Resolved: that the variance sought in appeal case number 2023-09-24 filed by Souad Massoud, 37437 Lancaster Street, be denied for the following reasons and findings of fact: that the Petitioner has not demonstrated to the Board that practical difficulty exists, and furthermore, that the uniqueness requirement has not been met due to the common issue in the neighborhood. Further, that the denial of this appeal is in the best interest of the city of Livonia.

BARINGHAUS Thank you. Is there support?

ROTONDO Support.

BARINGHAUS Supported by Mr. Rotondo. Is there discussion? Okay, very good. Secretary Klisz, will you please take a vote?

RESOLVED: 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

be denied for the following reasons and findings of fact:

1. The Petitioner has not demonstrated to the Board that a practical difficulty exists.
2. The Petitioner has failed to establish that a hardship exists because the uniqueness requirement has not been met due to the common water issue experienced by other properties in the neighborhood.
3. Further, that the denial of this appeal is in the best interest of the City of Livonia.

ROLL CALL VOTE

AYES: 4

NAYS:1

ABSENT:2

PASS/FAIL/TABLED: PASS: DENIED

KLISZ Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes no. Vice Chairman or Chairman-- Acting Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Passes. Four to one.

BARINGHAUS Okay, so you've received the vote that the Board has voted to deny your request for a variance as well. So if you still want the shed, you've heard tonight, that you do have some more areas in your backyard where you could propose putting another shed as well, but at this point, your request has been denied. So thank you.

MASSOUD Thank you.

BARINGHAUS Okay. Secretary Klisz, you can call the next case.

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.

BARINGHAUS Okay, thank you very much. And could I have a motion to remove this case from the table, please?

SCHEEL So voted.

BARINGHAUS Okay, motion by Ms. Scheel. Is there support?

ROTONDO Support.

BARINGHAUS Support by Mr. Rotondo. All those in favor say aye.

The Board voted unanimously to remove the item from the table.

BARINGHAUS The case is removed from the table. Will the Petitioner please come to the podium. Good evening. Could we have your name and address for the record, please.

DAVE PIETROWSKI Yes, Dave Pietrowski, 16922 Surrey Street, Livonia, 48154.

BARINGHAUS And...?

MARGUERITE PIETROWSKI Marguerite Pietrowski, 16922 Surrey Street, Livonia, Michigan 48154.

BARINGHAUS Okay, great. Thank you. Okay, can you give us an update on what actions you've taken since your case was tabled?

MARGUERITE PIETROWSKI I missed the first meeting and I want to apologize for that. But can I address something that one of the reasons I didn't come in, why I was so upset, because I moved to Livonia because I want to live in a nice city. That's what I want. So we were having issues with next-door getting new lights, which was making our backyard like a football field. So we called, and they came out. I chatted with the fella, you know, and I said, "Oh, gosh, I'm caught," and I had one what you're calling lattice. I'm calling it.... I like flowers. I like, you know, growing up, I like the vines for the birds. So I said, "Oh, I'm caught." And I said, "That's too high, isn't it? He said "No, you have something on it. As long as something's on it, you may do it." And I said, "Well, you know, I was talking to my neighbors about putting one up where the windows are." And you know what? One of the windows aren't far from my bedroom window where you can see now. I discussed it with my neighbors before I did it. But when I asked him this, he said, "No, no, you don't have to go get a permit." And I said, "Are you sure? I think I better go in," and he said, "No, no, as long as you have something growing on it." So that's where I got a little flustered because I was going to come in and talk to you guys about doing it. And it's not about-- it's about making the neighborhood look nicer. It's not just about our property. The neighbors look at it and it's an eyesore. If you look at it now, it looks nice. It doesn't look.... You know, I don't. But you know, I just didn't get to address that earlier. Because I don't want to put something up that isn't going to look nice. I want Livonia to look great. And that's-- I just wanted to say that.

DAVE PIETROWSKI You got that gentleman Zac.

MARGUERITE PIETROWSKI And you know, that's the thing is... we had them come out multiple times.

BARINGHAUS Okay, I understand. We did hear this the last time.

MARGUERITE PIETROWSKI Okay.

BARINGHAUS We do have specific questions for you. One of the issues we looked at was the decorative fencing in the front yard, which I believe as I recall you're permitted for 40 feet. I was just curious what drove you to ignore that and then expand it to 63 feet?

PIETROWSKI Well, that I tried to explain last time. When Zac came out, we both misunderstood the 40 feet total, I thought it was 40 feet basically, for the just straight 40 feet along the sidewalk. And I even have a drawing that I brought that I didn't present last time with Zac's writing on it that are eight by eight by eight by eights. And he did not mention anything about coming back, which is the extensions, inputs in the 40 foot from the front and for eight footers coming back. So it was a misunderstanding, and we would have done it.

MARGUERITE PIETROWSKI We would have done it, we didn't know.

BARINGHAUS One at a time. We have to record this and then transcribe it. So I would say it was a misunderstanding as such.

DAVE PIETROWSKI Correct.

BARINGHAUS Mr. Popp, would you like to explain the study for everyone? We were just handed....

POPP So this was done at approximately nine o'clock at night, one night. Light trespass, you're allowed a half a foot candle by our ordinance on to an adjoining property. The far southwest light pole in the neighboring property on Farmington Road. On the wall side is 2.7 foot candles on their side. On the wall side it's at-- our ordinance says five foot from the ground mind you-- so I took a light rating at five foot up, which is... so none of that's making it over the fence, the fence is six foot. So five foot up from the ground on the business side is 10.4 foot candles. And then on their side above the wall coming over is 2.7. So it's far over the point five allowed by city ordinance, we did write a violation to that business owner and he is working on either changing that southwestern most light pole, it does have two heads on it right now, to a different light or getting guards that will direct the light back towards his property to get it back. If you look at the southeast property and the north property, we're at point three and point two six. So we're addressing it as trying to get to that point five.

BARINGHAUS So that would dramatically reduce the amount of light.

POPP It would reduce their light down. We're gonna get it below the point five. The property owner is complying with us and working with us to try to accomplish that.

BARINGHAUS Okay, very good. That's good news. One question about the concrete wall in the back. Is that your wall or is it the business's?

PIETROWSKI You know, we really... nobody really knows. I had him sign off on the lattices that we did put up on there, but I am not sure whose wall that is.

MARGUERITE PIETROWSKI I did check with them before we did it. You know? Okay, he was looking forward to the flowers. I believe that's the business's because my neighbor also has it.

PIETROWSKI It stretches the whole parking lot all the way to Farmington Road behind the building. And then it goes behind the building to Six Mile. So it could be the builder's, which is the owner.

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

BOLOVEN Mr. Chair.

BARINGHAUS Yes, Mr. Boloven.

BOLOVEN This is a question, asking the Petitioners. I wasn't here for the last meeting. I did read the minutes, so I'm apprised of your situation. What have you changed, if anything, from the original petition to the petition in front of us today?

DAVE PIETROWSKI We have changed nothing at this time.

BOLOVEN All right.

SCHEEL Mr. Chair.

BARINGHAUS Yes, Ms. Scheel.

SCHEEL I have a question. When you talk about the flowers that are on the lattice wall, they face the neighborhood, they don't face the business?

MARGUERITE PIETROWSKI They go both. When they grow they go on both sides. Yes.

SCHEEL Thank you.

BARINGHAUS Any other questions at this point to the Petitioner? Thank you.

DAVE PIETROWSKI Can I present a picture to you guys really quick?

BARINGHAUS Sure.

DAVE PIETROWSKI Okay. I believe it was Mike last time when I came here that he Google mapped that there was no fence. This is a picture that I took of the Trump caravan that was next door in the parking lot. But it proves that there was a fence up there. I took that fence down, specifically, because I probably put 200 screws in it over a two year period.

BARINGHAUS It was only a trellis...?

PIETROWSKI It was basically like a privacy fence.

MARGUERITE PIETROWSKI I did the trellis because I wanted to do that.

BARINGHAUS That was the-- I'm sorry. That was the first fence?

PIETROWSKI That was the fence before we owned the home. It was there when we bought it.

BOLOVEN Mr. Chair?

BARINGHAUS Yes, Mr. Boloven.

BOLOVEN Are the funds due to the City paid now?

DAVE PIETROWSKI Yes, it was paid last month.

BOLOVEN Okay.

ROTONDO Was that the old fence? Is that the same way as what you have right now?

DAVE PIETROWSKI No, it's actually a little bit shorter. It is short.

MARGUERITE PIETROWSKI I did go higher because I thought I was allowed to.

DAVE PIETROWSKI And the reason we did go a little bit higher, was because of the lights and I explained last time, they tore that tree down around that gas station. And it just kind of hides the Walgreens sign a little bit, and it hides the lights and we're not staring at the back of the gas station without that big, beautiful oak tree or whatever it was, before they tore it down.

BARINGHAUS Thank you. One question, Could you restate your hardship as to why you put the decorative fencing in front of the property, and then also state your hardship of why you put the nine and a half foot fences in the back of your property.

MARGUERITE PIETROWSKI It was because it was such an eyesore, the business, the way--

BARINGHAUS You're talking about the rear of the property?

MARGUERITE PIETROWSKI Oh, the front.

BARINGHAUS Start with the front.

MARGUERITE PIETROWSKI From the front, it was the way it is. And I chatted with my neighbors about it because I didn't want to do it if they didn't agree because they're staring at it also. And what it is, is we don't see the side of a building, you see three lattices with a bunch of flowers on it. Versus... it's not an eyesore like it was. It actually looks really nice.

BARINGHAUS And the fencing in front of the house, the decorative fencing?

DAVE PIETROWSKI That was trying to hold back some of the leaves from all directions. We happen to be on the east side of the end of a curved road. And everything from the other side of the neighborhood blows directly into our yard. And it's absolutely horrible.

MARGUERITE PIETROWSKI Well, we have two streets going right to our house. So all the way it brings it right to our house. I can say I've raked every month, all year round. And I mean I walk out of the house and I'm almost knee deep in leaves in December.

DAVE PIETROWSKI And they do help. They do help coming from the from the wind blowing out of the west. And the wind blowing from the north and the south. They do help. Do they stop everything? Heck no.

MARGUERITE PIETROWSKI It is just trying to...

DAVE PIETROWSKI It's still just a mess. As a matter of fact, I'd actually like to put another piece of fencing up in between our island and our garage, but I know that that's not feasible now.

BARINGHAUS There was also some concern about the [inaudible] chain-link fence on the side of the house in other areas of property. Have you addressed any of that, or no?

DAVE PIETROWSKI No, we have not. And I've actually got some pictures of some other ones in our neighborhood that have been up since we moved in and one right down the street on Fairfield up here. The fence in the backyard is... I explained last time, when we moved in in February, I didn't realize how low it is. But I mean the fence is literally... they built a flower garden in front of it that extends the whole way along the back. And it comes up about a foot and a half. And the problem is that that fence... even my dog could leap right over that fence; my grandson could probably fall over into the backyard. And to be quite frank with you... that nobody sees that fence but us and there's our extend my neighbor's backyard directly behind us that completely hide it so... it looks nice and we have vines growing up that also.

MARGUERITE PIETROWSKI I didn't know so I grew a bunch of vines all over that thing.

DAVE PIETROWSKI It looks nice and better. The fence is just a piece of junk. It's just too... it's too low from our yard.

BARINGHAUS Do you have street lights in your neighborhood?

DAVE PIETROWSKI We have... not really, no. We have along the borders.

BARINGHAUS Yeah. So your neighborhood is very dark. Do you feel that maybe—

MARGUERITE PIETROWSKI Not that dark.

BARINGHAUS --accentuates what you're seeing with the lighting condition in the backyard?

MARGUERITE PIETROWSKI The backyard is very bright.

DAVE PIETROWSKI It's very, very bright plus...

MARGUERITE PIETROWSKI We didn't realize how much that tree was hiding.

DAVE PIETROWSKI And you know at the gas station, the Shell sign was....

[Inaudible Crosstalk]

DAVE PIETROWSKI The Shell sign at night isn't pretty until it turns off. [Inaudible]
Which we did not see until the next tree was cut down. [Inaudible]

BARINGHAUS Are there any further questions for the Petitioner at this point? Yes, Ms. Scheel.

SCHEEL I just want to clarify: What you're asking for is done already. Everything's up already, there's nothing that you're adding to it. Everything is up already.

DAVE PIETROWSKI That's correct.

SCHEEL And then for whatever reason, it was brought to someone's attention and that's how you're ending up before Zoning is because you found out that you're not in compliance.

MARGUERITE PIETROWSKI But when the Zoning [sic] came out to check the light I asked about this. He said as long as you have something growing on it, you're fine.

SCHEEL That's the back and the fences in front you're not answering about--

MARGUERITE PIETROWSKI I asked. I said I want to do three here and I want to go there and he said as long as there are vines or something growing so I-- you know, I had double asked, or I would have come.

SCHEEL Okay, but the fences in front that you want. Those are the-- what's there already? You're not asking to add to it?

DAVE PIETROWSKI No.

SCHEEL Okay, that's it for me.

BARINGHAUS Okay, very good. Any other questions? Just stand right there. Are there any comments from the audience? We have one? You can just step aside from the podium please. Good evening, could we have your name and address, please?

BRINKER My name is Dan Brinker, I live at 33614 Wood, Livonia, 48154 of course. I live two doors down and I'm just here in support of this. The Pietrowskis have done a great job in fixing up their house and cleaning it up. It looks nice. They take excellent care of it. You know, I really think this has been quite an improvement they've done on that property. As I said last time, I feel I can remember the fence being up on top of that wall and it was awful. And falling down. And I find it frustrating that we're worried about this. And I see it in a lot of ways because it Mr. Popp, you might be familiar with my home, the--

BARINGHAUS Sir, could you please direct your comments to the Chair and the Board?

BRINKER Oh! My apologies. Perhaps the Inspection Department is aware of the issue with my neighbor who was between Mr. Pietrowski and I, who attempted to build a three-foot wall out of dirt between the properties and put up a temporary fence that was cited by the City and it's still there as a temporary fence. It's still dirt, it's still spilling into my yard. And there's an ugly piece of whatever next to this house, which is really very well-kept. So I find it frustrating that we're kind of splitting little pins and needles here. I also question on my own curiosity, is it in the purview of this committee to penalize applicants?

BARINGHAUS I'm sorry?

BRINKER I asked you if it's within the purview of this committee to penalize.

BARINGHAUS In what manner, can you be clear?

BRINKER Well, Ms. Scheel moments ago said, you know that she was not wanting to penalize the previous applicant—

BARINGHAUS Okay.

BRINKER --because of something and it was just a curiosity to me.

BARINGHAUS Can you explain to Mr. Brinker the authority of the Zoning Board [inaudible]?

NEVILLE When we are in violation, if there's going to be a correction of that violation, you have to pay.

BRINKER Absolutely understood.

NEVILLE Right.

[Inaudible crosstalk]

BRINKER We're talking about making a decision penalizing because they hadn't gotten the proper--

NEVILLE It's a figure of speech, okay, so direct your comments, whether you're in support of this petition, or in opposition, limited to that--

BRINKER Forget it. I'm sorry, it was a question.

BARINGHAUS I'll give you a little attitude on that, too. One moment, just as Mr. Neville stated, you're making comments either in support of the petition, or--

BRINKER Absolutely, I am absolutely supporting this.

BARINGHAUS Okay.

BRINKER The Pietrowskis have made a great improvement on the property they're living in. They made the neighborhood look much better in that section. They are at the east end of a west street and the north end of a north-south street and all the leaves do bundle in their space. It's pretty horrible. So that's all I'd say that is. I definitely support this.

BARINGHAUS Okay, very good, thank you very much.

BRINKER Thank you very much for your time.

BARINGHAUS Appreciate your comments. Secretary Klisz, are there any letters?

KLISZ Yes, there's one letter, a letter of approval by Vincent Hoglebe, 16927 Surrey. "I approve of this appeal."

BARINGHAUS Thank you very much. Okay, great. If you could approach the podium now, and I'd like to ask you to just make a closing statement regarding your variance.

DAVE PIETROWSKI Well, I think what we did are all improvements. We did not, I just want to make it clear, we did not do this to disappoint the City or any neighbors. We really think that we made an upgrade to our property. By the way, the bucket is still on top of the building next to us. But we just ask if you can be in favor of us. And I don't really need to dwell too much more into it. I just think, we just think [inaudible].

BARINGHAUS Very good. Do you have a final comment?

MARGUERITE PIETROWSKI I'm just.... Yeah, I just think we've improved this by what we've done with the house. It has never been taking care of. I don't think anyone could because of where it is. I'm retired. So that's what I do every day. But you know, we're just trying to make

it easier. So even when we move, the next owners, they can maintain it and it's not going to be an eyesore after we leave one day. That's all.

BARINGHAUS Okay.

MARGUERITE PIETROWSKI Thank you.

BARINGHAUS Thank you very much. Please have a seat. We'll close the public portion of the meeting and we'll begin the Board's comments with Mr. Boloven.

BOLOVEN Thank you, Mr. Chair. Again, read the minutes from last time, wasn't here. I parse this out to two separate issues. One is the screen height in the back, two is the fencing in the front. The screen height in the back, I'm not in support of, I think the lighting issue is going to be fixed. I do think that there's some issues with that fencing. The main issue you had in a hardship reading your prior minutes was that lighting. I do take note of Chairman Coppola's comment from last time of you know, the coming to a pig farm example. Some of the stuff you knew existed, and you came to it and then trying to change that being there is something that I take note of. The other thing is, and you kind of heard it from the prior meeting example. I have an issue where the Board gives comments, and then people come back and don't really take any deference to it. And you know, that's kind of the question I asked: what's changed here, has anything changed from last time? So the screen height I'd be against. The fencing in the front, I'm torn between. I see the commentary that 40 is enough. I do appreciate the pruning you did to the property, like you said that there is some beauty that's been added to it. Twenty-two feet, is that excessive? Yeah. I wish you would have come down a little bit at least before this meeting. Yeah. I'm curious to hear the Board's comments, fellow Board[member]s' comments on the fencing. Toss up on that, but the screen I would not be in support.

BARINGHAUS Thank you. Secretary Klisz.

KLISZ I think I'm exactly the opposite from Mr. Boloven. I don't have a problem with the screen. I don't have confidence that the lighting is going to change. Maybe it does. Maybe it doesn't. But that is a bigger deal to me. And they were replacing something that was already there. And then again, we talked about in the last meeting, not at this one, what makes a fence? Is this a fence? Is this trellis? Is this decorative? You know, the neighbors are in support of it. I've looked at it many times. Every time I drive by there now. But I don't think it's a problem. And that's I guess the bottom line. And then the excess fencing, I guess we'll call it, in the front. I think I'm more... I don't... I'm not really going one way or another with that. It's excessive, but it's not by a whole lot, it does serve a purpose, there is a hardship. So you know, I guess I could go I can move either way when it comes to the front exception.

BARINGHAUS Okay, thank you. Mr. Rotondo.

ROTONDO Yes. So in regards to the fencing in the front yard, I guess I don't see the hardship in it. And obviously, it's excessive and violating the ordinance. I see it as more of an

inconvenience than a hardship for you, I know you're talking about it keeps the leaves out of the yard. But I think I think pretty much everyone has to deal with leaves in their yard. And it's obviously a decoration. So I would be against that. And then, as for the fence in the back along the commercial property, I'm going to be against that as well, because we've already... we've done the lighting study, and our Inspection Department is addressing it with the property owner over there. So you shouldn't have any issues with the lighting coming over the wall.

BARINGHAUS Okay, thank you very much. Ms. Scheel.

SCHEEL Okay, so I'm going to be in the middle on this. So I like the fencing in front. If you could make it within what it's supposed to be, I would be fine with that. The fencing in the back, when you purchased the home, there was fencing there, there was something on top. So I would like to let them be able to put something there, maybe not as tall as what it is now. But to have something there, at least to what it was before. So that's how I'm looking at that. But I see that something would help there. And that's where I am.

BARINGHAUS Okay, thank you very much. Basically, I think the issue revolves on the fact that we've given you specific suggestions in our last meeting on which to address and you didn't really choose to do any of those. In terms of the fencing the front of the yard, I think it was clearly stated on the permit, that it was limited to 40 feet, and which was actually the ordinance and you went well above that. I think 40 feet is more than enough. It's decorative fence. I don't know how much fence you could put in any front yard that would totally protect you from not having to rake leaves in the fall. I mean, it's just, it's going to be [inaudible] so I'm not really in support of that. I'd like to see it return to 40 feet. In terms of the backyard, I cannot justify a nine-and-a-half-foot privacy fence in the City. One, I think it's a bad precedent. Because once somebody else sees nine-and-a-half-foot privacy fence, that's going to probably drive others to consider that type of option on their property, which again, like I said, isn't a good precedent. The other thing I noticed was I mentioned this last meeting was, while it may look attractive from your backyard, in your opinion, for the rest of the public, I mean, when you're driving down Six Mile, it doesn't present well, when you just see seven screens on top of the gray concrete wall. And one of the things that we have to consider with the variance is not only is it fair to the neighborhood but is it fair to the community and if it isn't within the spirit of the city ordinances. Now usually with fences, we've shown some latitude on making adjustments on replacement of them. But we generally held to the six-foot level as a consistent rule throughout the City. And that's the way I feel today. So based on that I will not support the variance.

BOLOVEN Mr. Chair.

BARINGHAUS Yeah, Mr. Boloven.

BOLOVEN Question for Mr. Neville. Can you separate out a motion with two issues present where it can be tabled on one and either approved or denied on the other? Or is it all or nothing based on the petition?

NEVILLE Well, as I look at the petition there are two different issues. Certainly. Let's say if you were inclined to grant one and table the other, that's something that's certainly doable.

BOLOVEN I mean, just knowing that the Petitioner needs four approval votes to pass a variance. It seems during the Board's comments, and please somebody correct me if I'm wrong, it seems like one issue is not going to get to four approvals, the other one may or may not. So I'm more inclined to deny one but table the other just to give the opportunity to the other two members to potentially get to four. Does that make sense?

SCHEEL It does.

BARINGHAUS I think it makes sense.

BOLOVEN With that being said, Mr. Chair, I'd like to make a motion.

BARINGHAUS Mr. Boloven.

BOLOVEN Mr. Chair, resolved that the variance sought in appeal case number 2024-01-09 filed by Dave and Marguerite Pietrowski be... The split on a separate subject... to be denied on the issue regarding... getting the wording right... regarding the screen height for the following reasons and findings of fact: that the Petitioner has not demonstrated to the Board that a practical difficulty exists, as well as with the additional support of the lighting inspection from the City. In addition, further that the denial of this appeal is in the best interest of the city of Livonia. Mr. Neville, should I separate this out into two, one for the one, one for the other?

NEVILLE Yes.

BOLOVEN That would be my motion on the first piece.

BARINGHAUS Motion to deny the variance on the screen height by Mr. Boloven. Is there support?

SCHEEL Support.

BARINGHAUS Support by Ms. Scheel. Is there any discussion? Hearing no discussion, Secretary Klisz, would you please take a vote?

RESOLVED: 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., be **denied** in part regarding the screen height for the following reasons and findings of fact:

1. That the Petitioner has not demonstrated to the Board that a practical difficulty exists, as well as with the additional support of the lighting inspection by the City which should improve the situation greatly.
2. The denial of this appeal is in the best interest of the city of Livonia.

ROLL CALL VOTE

AYES: 4

NAYS: 1

ABSENT: 2

PASS/FAIL/TABLED: PASS: DENIED

KLISZ Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes no. Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ That part passes four to one.

BARINGHAUS Okay, so on the first part of the variance from one plus four the rear screen in the backyard has been denied.

BOLOVEN Mr. Chair.

BARINGHAUS Mr. Boloven.

BOLOVEN Subsequent motion in appeal case number 2024-01-09 filed by Dave and Marguerite Pietrowski that the fencing request be tabled in order to allow a full board to be present, as well as to give the Petitioner time to potentially heed the Board's comments and bring a revised proposal regarding the excess fencing.

BARINGHAUS Okay, motion to table by Mr. Boloven. Is there support?

SCHEEL Support.

BARINGHAUS Supported by Ms. Scheel. Is there discussion? No discussion. Secretary Klisz, please take a vote.

RESOLVED: 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.

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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** in part regarding the front yard excess fencing, in order to:

1. Allow the Petitioners the chance to be heard by the full Board.
2. Give the Petitioners time to heed the Board's comments and to bring a revised proposal regarding the excess fencing.

ROLL CALL VOTE

AYES:5

NAYS: 0

ABSENT: 2

PASS/FAIL/TABLED: TABLED

KLISZ Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye. Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Passes five to zero.

BARINGHAUS Okay. So regarding the front fencing, that request from the variance is going to be tabled. That will give you an opportunity to come back with a revised plan or just revise the fence back to 40 feet, which will fall within the limits, so then you wouldn't need to pursue the variance. Again, the screen through the backyard, that variance has been denied. Mr. Popp, if I'm not mistaken, that will need to be removed?

POPP Correct.

BARINGHAUS Okay. And then again, what you have going in favor of you, the City did initiate a light study in order to reduce that lighting, which I think will alleviate a lot of the problems you have.

DAVE PIETROWSKI Can... there was a fence up there when we moved in, we would have liked to request—

BARINGHAUS Come up to the podium.

DAVE PIETROWSKI Sorry. Okay, being that there was a fence up there, is there anything that we can do with those current sheets that are in the back of the ladders along the back wall? Would you guys be in favor of us lowering them?

BARINGHAUS The variance was to deny the fences altogether. So what will happen is, it'll go back to the concrete wall that exists later today which is within code.

MARGUERITE PIETROWSKI Can I— Is that the front yard?

BARINGHAUS The backyard.

MARGUERITE PIETROWSKI Okay, so... okay.

DAVE PIETROWSKI So in other words, there's no... I cannot... if I take that down I cannot put up like what you saw on that picture?

BARINGHAUS Correct. It would just be the concrete wall. Is that correct?

POPP The concrete wall is six foot, is what would be allowed by ordinance is six foot tall. And that concrete wall does belong to the business. That is mandated in the Code of Ordinances, the separation between the residential and commercial.

SCHEEL May I ask a question?

BARINGHAUS Sure, please.

SCHEEL So I know we did this based on the lighting. How soon would they have to take the fence down? Would they be allowed to keep it up until this lighting is corrected? Or is there something there that says how soon they have to take it down?

POPP I would have to refer that to Leo. I don't have an answer for that. I don't know when the lighting will be taken care of, but it will be taken care of.

NEVILLE Technically, they would have to remove it—

SCHEEL Right away?

NEVILLE Right away, immediately. Otherwise Inspection could cite them for ordinance violation.

DAVE PIETROWSKI What's—

NEVILLE They have what's [inaudible], you're gonna have the right to, if you decided to take an appeal to the Wayne County Circuit Court, that would stay the enforcement, you'd have to file the appeal down at the court, the Wayne County Circuit Court.

DAVE PIETROWSKI I'm just curious why it was never brought up to the people who lived there prior to us. I kind of like a fence there.

BARINGHAUS Okay, thank you very much.

ADMINISTRATIVE TASKS

BARINGHAUS Before we have some minutes to approve, I just wanted to briefly talk about the Committee of the Whole meeting that was conducted on April 26. Ms. Scheel attended, Secretary Klisz attended. A summary basically, the City Council listened to our concerns regarding various processes and the hardware we're using right now in the ZBA, meaning our iPads. And they were in agreement that these iPads needed to be replaced. They would still keep our concerns in the Committee of the Whole, but I think they understood the direction that we were going in. Lynda, you were there. What were your thoughts on that?

SCHEEL They seem very open to our concerns, especially the fact that we need to have machines that work, whether they choose to go to surfaces or laptops, we need to have machines that work for us so that we can see what's in our packet. So we can all be on the same program. If we also-- I think they said we're going to stay with CivicClerk, get away from SharePoint and stay with CivicClerk. But they were looking into the cost of getting seven, having all seven at one time. So we all have the same equipment. But they did keep it in the Committee of the Whole just to make sure that things progressed. And then you had put out something to put together for us to look at in a second.

KLISZ Yeah, I think that they were just, you know, they would have to figure out whatever the budget is for that. But we have a budget for those kinds of things. And then I think we also discussed training in CivicClerk and maybe put something together for all of us who have never been taught it. And then we get a training program for future people. Because obviously, people come every couple of years, we're getting some new people to be able to get them right in, give them their machine, get them trained. And we've really never had any training. There was that one ZBA training.

[Inaudible crosstalk]

KLISZ So I think those things are good. They were certainly not trying to, you know, hinder us, it was more like let's all work together.

SCHEEL Right.

KLISZ I think we have a good start on that.

BARINGHAUS Yeah. And then what I did is just from our comments, we have 63 comments, boiled them down to about 16 main points. And actually, I added one more, which was developing the onboarding checklist for ZBA Members. So the second email I sent was basically a spreadsheet that has those 17 points. And it's kind of a way for us to track it, it'll show what the latest discussion was on those points. What I'd like to do is put a team together, that can track that maybe from Inspection, Law Department, in different areas, City Council office, and then assign ownership to that process and then get an estimated completion date.

So we can monitor the progress and make sure everything's you know, resolved and streamlined to everybody's satisfaction.

SCHEEL The hope was, with Council, was that we would get our new surface or laptop as soon as possible and making sure we can get on CivicClerk, because I still can't do that. I get on through the normal public one. And--

BOLOVEN It's totally inconsistent. I can, but...

BARINGHAUS The recommendation was for laptops, so I think that will be the relative [inaudible] which they make sense. It's a little more doable.

BOLOVEN If you look at the history of the financing of this Board, it's significantly gone down in cost. We used to be two days a week, right? So that's gone down to... two days a month, right. That's down to one, so that salary is back into play, and then they used to be, before me, reimbursed for mileage, right? That doesn't happen anymore. So there should be a benefit here. Some pockets of building, the purpose of technology.

BARINGHAUS Still have to cover the Mayor's salary.

[Laughter]

DAVE PIETROWSKI Are we all set?

BARINGHAUS Yeah, you're all set. Thank you very much. If you have any questions, just contact the Building Inspection Department.

MARGUERITE PIETROWSKI Okay, awesome. Thank you.

BARINGHAUS Thank you very much. So yeah, I think we're moving in the right direction. We're just getting some of the pieces in place. And we'll just keep working on getting our questions answered or getting processes documented so we're all standing together. So.

BOLOVEN I will say that BS&A access is a big help.

SCHEEL It is, isn't it? Huge.

BOLOVEN Oh, they have all the full notes. They gave us a general login to BS&A, which has been great.

POPP I didn't realize you guys didn't have that before.

SCHEEL I realized it right away. I was used to using it.

KLISZ We were never, you know...

POPP Can I ask if you guys have access to Near Maps? No? You may want to ask for that, too.

BARINGHAUS Near Maps?

POPP So Near Maps is a program, we use in Inspection a lot as you can, you can go back through time, it's a satellite that flies over every three months. This goes over like every three months. So if there's trees in the way or you can skew it so you can see it at like a 45-degree angle.

SCHEEL But you can go back and see it from four years ago?

POPP Just an example. I was looking at there. I'm just saying, it's....

[Inaudible crosstalk]

BARINGHAUS Okay, yeah, so we'll ask for Near Maps as well. That's a good suggestion.

POPP I mean, it's a subscription of some kind, you get a login to it.

KLISZ I assume that we have some.

POPP And we use it a lot.

BOLOVEN Right. Okay. I mean, they just gave us one login to BS&A so should I mention a generic...?

POPP Look, here's their property as an example. So it's last on April 8. And of course it's not gonna work in....

SCHEEL Google Maps was September.

POPP Okay, I guess I got to have the keyboard on it. Can you guys get me a new laptop, too? So right there we got April 8, March 26. March 29 of '22, March 12 of '21, March 7 of '20. I mean, it just... so this goes back.... It varies in where you're at in the City too. But this goes to 2017. Like, it's actually pretty funny. Sometimes you'll have someone say they didn't do something and you pull their address up and it's actually under construction when the satellite went over.

BARINGHAUS Secretary Klisz, do we have some minutes to approve?

KLISZ We have minutes for April 2 and March 12, I guess we'll start with March 12. I propose a motion to approve the minutes of March 12.

BARINGHAUS Okay. Motion to approve by Secretary Klisz. Support?

ROTONDO Support.

BARINGHAUS Support by Mr. Rotondo. All those in favor say aye.

The Board voted unanimously to approve the minutes of March 12, 2024.

BARINGHAUS The minutes are approved. Next set.

KLISZ We have a motion to approve the minutes of April 2.

BARINGHAUS Support?

BOLOVEN Support.

BARINGHAUS Secretary Klisz, support from Mr. Boloven. All those in favor?

The Board voted unanimously to approve the minutes of April 2, 2024.

BARINGHAUS Okay, minutes approved. Any other comments? One last motion?

KLISZ I have a motion to adjourn.

BARINGHAUS Okay. Secretary Klisz made a motion to adjourn.

SCHEEL Support.

BARINGHAUS In favor?

The Board voted unanimously to adjourn.

BARINGHAUS We are adjourned.