

ZONING BOARD OF APPEALS

CITY OF LIVONIA

MINUTES OF REGULAR MEETING HELD TUESDAY, JANUARY 5, 2021

Due to COVID-19 A Regular Meeting of the Zoning Board of Appeals of the City of Livonia was held on-line via ZOOM on Tuesday, January 5, 2021.

MEMBERS PRESENT: Gregory G. Coppola, Chairman
James M. Baringhaus, Vice Chairman
Timothy J. Klisz, Secretary
Christopher N. Boloven
Lisa Fraske
Michael A. Testa
Joel Turbiak

MEMBERS ABSENT: None

OTHERS PRESENT: Michael E. Fisher, City Attorney
Robert Stroble, City Inspector
Janet M. Seewald, CSR-5079

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 members were present this evening. The Secretary then read the Agenda and Legal Notice to each appeal, and each petitioner indicated their presence. Appeals came up for hearing after due legal notice was given to all interested parties within 300 feet, petitioners and City Departments.

(7:00)

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APPEAL CASE NO. 2020-09-23 (Tabled on November 17, 2020): An appeal has been made to the Zoning Board of Appeals by Jason Patterson, 32610 Ohio, Livonia, MI 48150, seeking to maintain an above ground swimming pool, erected without a permit, resulting in the pool being deficient in setback from the west property line.

Pool Distance:

Required: 10 feet

Proposed: 4.5 feet

Deficient: 5.5 feet

The property is located on the north side of Ohio (32610), between California and Colorado, Lot. No. 135-03-2126-000, R-1 Zoning District. Rejected by the Inspection Department under Code of Ordinances, Section 15.40.530, "Modification of Requirements - Appeal Procedure."

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Motion to remove appeal cases numbers 2020-09-23 and 2020-09-24 from the table.

Turbiak: Support.

Coppola: I've got a motion by Vice Chair Baringhaus, supported by Mr. Turbiak to remove from the table these two cases. All in favor?

Board: Aye.

Coppola: Thank you, Vice Chair Baringhaus. Mr. Stroble, anything you'd like to add?

Stroble: Not at this time, Mr. Chair.

Coppola: Thank you. Any questions for Mr. Stroble? Seeing there's none, I'm going to go ahead and add Mr. Patterson. I assume Jennifer Patterson is with you, Mr. Patterson.

Jason Patterson: She might be watching. I'm at work right now.

Coppola: She's keeping a close eye on you, Mr. Patterson. All right. So, Mr. Patterson and Mrs. Patterson, first, Mr. Patterson, name and address for the record?

Jason Patterson: Jason Patterson, 32610 Ohio Street.

Coppola: Thank you. And Mrs. Patterson, are you planning on speaking at all or are you just going to listen in?

Jason Patterson: I'm --

Coppola: I'm asking her.

Jennifer Patterson: I wasn't planning on speaking. I just wanted to --

Coppola: No worries.

Jennifer Patterson: -- unless you need me to.

Coppola: That's fully up to Mr. Patterson. I'm not going to get in the middle of that.

Jennifer Patterson: That works.

Coppola: So Mr. Patterson, why don't you tell me what has happened since the last time we've seen you.

Jason Patterson: Since the last time that we spoke, I've been in touch with the neighbor. I did what Mr. Turbiak suggested. I might have went a little extensive. I wrote three letters and put them in his mailbox and sent him several more text messages. He responded. I did submit a letter to -- forgive me if I -- is it Marilyn?

Coppola: Right.

Jason Patterson: I submitted the letter signed by both me and him. He agreed that if I moved the fence back at least even with the front of his house and finished the fence the rest of the way down that the pool could stay status quo as far as he was concerned. And like I said, as long as the fence was at least even with the front of his house, he was good with that as well.

Coppola: So where would that put the fence then?

Jason Patterson: That would put the fence 36 inches, three feet, back from the front right to the even front of my side bedroom window.

Coppola: It would be in front of the window closer to the street, so it would be behind the fence? Is that what you're saying?

Jason Patterson: Yes. The window behind the fence would be exactly even with the windowsill.

Coppola: Just go through the pictures.

Jason Patterson: I did submit a full picture. I don't know if you guys have that. Marilyn asked and I emailed her a picture of the whole side of my house.

Coppola: Yeah, I see it now. I apologize. It's on page -- there isn't a page on this -- page 36 of the fence petition. It may be on the other one too. I haven't opened up both of them yet. Okay. So looking, I see the note from your -- the note from your -- signed off by your neighbor. Any questions for the petitioner?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Yeah. In your package I believe for the pool you had a number of letters that you've entered but they're undated. Do you recall the time that you wrote those letters and submitted them to the package?

Jason Patterson: I don't. It was within a couple days of -- actually, I think I did put the date on the one --

Baringhaus: Yeah, you did.

Jason Patterson: -- that he signed. The other ones I did not.

Baringhaus: In terms of the location of the fence, right now you're proposing moving it back -- you said 36 inches just before the rear window on the side -- or excuse me -- the side window of your home. I guess my question is this: What's preventing you from moving it to the back of the house and keeping it within City of Livonia ordinances?

Jason Patterson: Well, to move it to the back of the house it would be about 10, 12 inches from where the pool is in relation to the back of the house. And also it keeps my side -- my bedroom window and my son's bedroom window and the bathroom window secured from, you know, if anyone wants to get in my backyard.

Baringhaus: Or at the very least moving the fence, say, midpoint to the side of the house maybe just in front of the chimney?

Jason Patterson: The chimney itself, I don't know if you can tell, but at the very bottom it curves out and the actual posts themselves will not fit between the bottom of the chimney and the windowsill of the bathroom.

Baringhaus: Initially when you started both of these projects, you had mentioned you weren't aware of the fact that City Hall was open because of the COVID-19 pandemic. Did you do any prior research on either project? In other words, for instance, maybe with the fences or maybe with your pool, did you go online and simply do a search on Livonia Fence Ordinances or Livonia Pool Ordinances?

Jason Patterson: No, sir, I did not.

Baringhaus: Okay. Thank you.

Coppola: Any other questions? All right. Seeing that there is none, is there anybody in the audience who would like to speak for or against this petition, if you would raise your hand by clicking on the hand button. Seeing there's none, Secretary Klisz, is there any correspondence?

Klisz: There is definitely some. I don't know if we want to go into any of the older meeting ones or just the new ones.

Coppola: Anything that's new.

Klisz: Okay. I've got one here, it's a Letter of Approval from Melissa Davies, 9921 California. (Letter read.) Letter of Approval from Vicki Lynn Szaal, S-z-a-a-l, 9206 California. No notes, just the Letter of Approval. And I believe that's it for this. This is, again, the first case, and let me just check these other ones. Looks like the next ones are from November, November. That's all. Let me check these last couple here to see. September, September, September, September, September, September, September, September, September, okay. Yeah. There's no more new ones on the first case, the pool case. Now, on to the fence case, we've got a Letter of Approval from Melissa Davies, 9221 California. (Letter read.) A Letter of Approval from Vicky Lynn Szaal, S-z-a-a-l, 9206 California. No comments, just an Approval. And I will scan the rest of these to see if there are anything new. That's November, November, and I'm guessing

these are all September letters. That is correct. So this is all the letters for both cases.

Coppola: Okay, great. Thank you. So, Mr. Patterson, anything you would like to say in closing?

Jason Patterson: No, sir. I think with the last two meetings we've talked about it in length and I've said I think everything that comes to my mind in relation to the two issues.

Coppola: Okay, thank you. I'm going to put you on mute here. I'm going to close the public portion of the case --

Baringhaus: Mr. Chairman.

Coppola: Yes.

Baringhaus: I think Mr. Turbiak had a question.

Coppola: Yes, Mr. Turbiak.

Turbiak: Thank you, Mr. Chairman. Yeah, may I ask a question to the petitioner, please?

Coppola: Yeah. If you give me a quick --

Turbiak: So, I was listening earlier when Vice Chair Baringhaus was asking the questions and Jason stated -- Mr. Patterson mentioned that he couldn't fit a post between the chimney and the windowsill. Mr. Patterson, do you know what the dimensions of the posts are?

Jason Patterson: Offhand I don't know, but I did physically set one there and it did not fit. But the actual dimensions I do not know.

Turbiak: That's sufficient. My concern is that you might not have enough support in the position that you proposed it, so I'm afraid that if we vote on this with the minimal discussion that we've had, I don't know, would you consider another location that you would like to propose?

Jason Patterson: I'm not -- the only other location I could possibly go in, due to where the central air location is, would be between my bedroom window and the bathroom window. That's really the only other location that it can be.

Turbiak: Is it possible to put it up against the chimney, the side of the chimney?

Jason Patterson: I suppose.

Turbiak: That's all the questions that I have. Thank you, Mr. Chair.

Coppola: Let me try this one more time. I'm going to close the public portion and start the Board's comments with Vice Chair Baringhaus.

Baringhaus: Thank you. I guess breaking my comments in to two parts: First of all, regarding the pool request, I guess to start off I'll have to say that I guess from my point of view, it seems like it would come back to the neighbor as the obstacle in this case,

but really it began when the project started. And as the petitioner, Mr. Patterson recognized, he really didn't do any research prior to just putting these projects into play. For instance, with the pool, had he done some due diligence on his part by just simply searching the Livonia Pool Ordinances, he would have found an eight-page book on pool guidelines that would have eliminated this whole problem with fences. If he would have searched on that prior to starting this project, there's 22 pages of documentation available on that project as well. I mean these resources were available to him when the project started, he just didn't take advantage of it. I guess going forward I'm basically okay with the location of the pool. I know in those neighborhoods -- I grew up in that area -- those backyards can get a little challenging, and I think Mr. Patterson has demonstrated a hardship between the location of the wires and also the fact that there are existing tree roots in another area of the yard. I guess in terms of the safety of the pool, as we pointed out in the last meeting, there are some safeguards in place; one would be the fence, at the very least a chain link fence than what's proposed is the privacy fence. Some other safety factors that he has in place for the pool itself are the ladder that he described in the last meeting which had a removable section in it which would prevent entry, and then also the height of the pool wall under City ordinances is considered a barrier as well. So, based on that, I would support that variance. In terms of the fence at the last meeting, I thought it was a good sign that he was starting to move the fence back away from the front of the home itself. I agree with Mr. Turbiak, I think the fence needs to come back farther at a very minimum midpoint on the side of the house. Driving through the neighborhood, I know that there's a handful of fences that are towards the front of the house. In fact, one across the street from them, I don't know the history on that fence, but I know what the ordinance is today. Driving around the neighborhood, privacy fences along Joy Road conform to City ordinances where they are placed at the back of the house, and likewise, there's a number of privacy fences along Merriman between Joy Road and Plymouth that follow that guideline as well. So the only way I would support the variance for the fence at this point is if there was consideration where it was moved back midpoint as Mr. Turbiak suggested at least to the chimney area. Thank you.

Coppola: Thank you. Mr. Boloven.

Boloven: Thank you, Mr. Chair. I agree with Mr. -- or Vice Chair Baringhaus on the pool issue. I would support. I supported it off the first hearing. I think the challenge is that tight backyard as well as the overhead lines warrants the approval of that request. I go back and forth on the fence case. I read the Minutes from the November 17th meeting as well to refresh my memory from the first meeting. My worry is -- I agree with Vice Chair Baringhaus that it should be moved back, but because of the back and forth with this neighbor to get approval and looking at the letter that was typed on November 23rd, 2020 it looks like this agreement was put in place only if that fence was even with the front of the neighbor's house. If that's the case, I really don't want to blow up a whole back and forth, multi-month negotiation over a few more feet coming back. Preference wise, would I like to see it come back, yes, but if the detriment is this neighbor and this is going to blow up the whole deal because it's not going to be even with the neighbor's property with the front of the neighbor's house, then I would support the variance. So I'm curious to hear the rest of the Board's comments, but that's where I stand right now on it. Thank you.

Coppola: Secretary Klisz.

Klisz: Thank you. Listening to both of my colleagues' comments here, I understand what they're saying. I think in the end I agree with Mr. Boloven in terms of -- I wasn't at the second meeting either. We were at the first meeting and then this one has gone on

long enough. We definitely don't need to change it again by altering it again, it kind of blows up the original feel. So, while we don't like to make these kinds of exceptions, I guess just go on the record and say that this is a unique exception based on these particular circumstances only that we can allow something to be a little bit more forward in terms of because of the agreement between the parties. So based on that, I'll be in support of both.

Coppola: Thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. I can be in support of the variance for the pool location given that the privacy between the fences -- between the properties has been approved. However, I cannot approve the location of the fence as it stands, so I guess we'll have to see where the vote comes down on that. I will support being adjacent to the chimney. I think that's around the midpoint like Vice Chair Baringhaus said. And just to clarify, my issue with keeping it where it's proposed is that it's now -- or it would then be even with the front of the neighbor's house, and being that the houses are so close, it's almost the same issue of aesthetics as far as the neighborhood goes. So, I cannot be in support of that.

Coppola: Thank you. Ms. Fraske.

Fraske: I'm in support of both as presented. I appreciate that the neighbor -- the petitioner, I'm sorry -- went back to the neighbor several times. He was tenacious and did pretty much what we asked as far as getting ahold of the neighbor. So, I agree, I don't want this to keep going on and on, so I'm in support of both.

Coppola: Thank you. Last but not least, Mr. Testa.

Testa: Thank you, Mr. Chairman. I also support both the pool and the fence. I think the pool has already been discussed about the hardship and I agree with those comments. Regarding the fence, I support it because he worked it out with the neighbor as we asked him to, so I thank him and the neighbor for doing that. And the other point I wanted to make is the fence is three feet further back than what it originally was in terms of what the chain link was there. I understand the privacy fence is a taller, bigger fence, but he is moving that fence line back from what it originally was, so I think that's duly noted on my part at least. So, I support both.

Coppola: Great, thank you. I am too in support of both. Take the pool first. I think that the petitioner has done what we asked. The impacted party, which is the neighbor, has agreed to the location of the pool. I think the thing that is the burden in most peoples' mind and a little bit in mine is that you kind of went and asked for forgiveness instead of permission. I think we would have still seen you here had you looked at the ordinance issue; you still would have wanted to put your pool there and would have probably asked for a variance and I think probably we would have gone through the same process and you would have gotten that variance. I think we've ended up in the right place. Obviously, not pulling a permit is a no-no. There will be a double permit fee when you pull that permit as a penalty for that. In regards to the fence, I agree with Mr. Boloven. I think the impacted neighbor, which is the neighbor to the side that they have gotten the approval, has kind of told everybody where he would prefer that fence to be. That's the neighbor that is impacted, so it would make sense that after all his hard work to get to where we are, efforts not only by the petitioner but by the Board here, that we go ahead and let that proceed as now presented. Again, the old ask for forgiveness instead of permission, so there will be a double permit fee for the fence also. So, I'll go

ahead and open up the floor for a motion.

Upon motion by Baringhaus and supported by Turbiak, it was:

RESOLVED: APPEAL CASE NO. 2020-09-23 (Tabled on November 17, 2020): An appeal has been made to the Zoning Board of Appeals by Jason Patterson, 32610 Ohio, Livonia, MI 48150, seeking to maintain an above ground swimming pool, erected without a permit, resulting in the pool being deficient in setback from the west property line.

Pool Distance:

Required:	10 feet
Proposed:	4.5 feet
Deficient:	5.5 feet

The property is located on the north side of Ohio (32610), between California and Colorado, Lot. No. 135-03-2126-000, R-1 Zoning District. Rejected by the Inspection Department under Code of Ordinances, Section 15.40.530, "Modification of Requirements - Appeal Procedure," **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met due to the location of the pool relative to tree roots and overhead power lines.
2. Denial of the variance would have severe consequences for the petitioner due to having to relocate the pool after installed and potentially move wires as well as roots from his property.
3. The variance is fair in light of the effect on neighboring properties and is in the spirit of the Zoning Ordinance due to neighbor support in the area.
4. The property is classified as Low Density Residential 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 variance be granted only if a double permit fee is assessed since no permit was pulled when the pool was constructed.

ROLL CALL VOTE:

AYES: Baringhaus, Turbiak, Boloven, Coppola, Fraske, Klisz, Testa

NAYS: None

ABSENT: None

Klisz: Passes seven-zero.

Coppola: Okay, Mr. Patterson. We're going to move on to next one and then I'll give

you the summary. So, I've got Appeal Case 2020-09-24 on the table for a motion.

Upon motion by Klisz and supported by Boloven, it was:

RESOLVED: APPEAL CASE NO. 2020-09-24 (Tabled on November 17, 2020): An appeal has been made to the Zoning Board of Appeals by Jason Patterson, 32610 Ohio, Livonia, MI 48150, seeking to maintain an existing six-foot tall privacy fence, erected without a permit, and erecting the fence to nearly the front of the existing residence. Privacy fencing must not extend beyond the rear of the residence toward the front of the property.

The property is located on the north side of Ohio (32610), between California and Colorado, Lot. No. 135-03-2126-000, R-1 Zoning District. Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090(B), "Residential District Regulations" **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met because of the agreement and the negotiation between the neighbors at issue here.
2. Denial of the variance would have severe consequences for the petitioner because essentially this matter would be blown up and he would have to go back to the drawing board to discuss it with the neighbor who was difficult to communicate with.
3. The variance is fair in light of its effect on neighboring properties and is in the spirit of the Zoning Ordinance because of the neighbor support which is clear from our meetings.
4. The property is classified Low Density Residential 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. That the fence be placed as presented and a double permit fee be assessed.

ROLL CALL VOTE:

AYES: Klisz, Boloven, Coppola, Friske, Testa

NAYS: Baringhaus, Turbiak

ABSENT: None

Klisz: Passes five to two.

Coppola: Thank you. So, Mr. Patterson, first the pool, that's been approved. You'll just need to go and pull a permit and you'll be asked to pay a double permit fee on that. And then in regards to the fence, that has also been approved under the condition that you place it as presented. So you showed us that you would be putting it three feet back off the front of the house next to the window, so that's where it needs to go and there will also be a double permit fee.

Jason Patterson: Okay.

Coppola: Any questions?

Jason Patterson: No, sir.

Coppola: Then we're all set. Just remember in the future to please pull a permit.

Jason Patterson: Absolutely. I learned my lesson.

Coppola: Thanks. Have a good day.

Jason Patterson: Thank you. Happy new year.

APPEAL CASE NO. 2021-01-01: An appeal has been made to the Zoning Board of Appeals by VPA 275, LLC, 46925 West Road, Wixom, MI 48393, on behalf of Lessee STMicroelectronics, Inc., 19111 Victor Parkway, Livonia, MI 48152, seeking to erect an additional wall sign on the south elevation while maintaining an existing wall sign on the west elevation and ground sign. This zoning district allows for one wall or ground sign for a single-tenant building.

<u>Number of Wall signs:</u>	<u>Total Wall Sign Area:</u>
Allowed: One	Allowed: 16 sq. ft.
Proposed: Two	Proposed: 76 sq. ft.
Excess: One	(28 sq. ft. Each wall sign, 20 sq. ft. Ground sign)
	Excess: 60 sq. ft.

The property is located on the west side of Victor Parkway (19111), between Seven Mile and Pembroke, Lot. No. 024-99-0003-005, OS Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 18.50F(a), "Sign Regulations for Office Services Districts."

Coppola: Mr. Stroble, anything to add?

Stroble: Not at this time, Mr. Chair.

Coppola: Any questions for Mr. Stroble?

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Kind of a comment, I think. I don't know if there's a question here, but I did exchange some emails with Mike Fisher and Randy about this when I was kind of getting clarification. It looks like this property has already gone through and gotten the variance for the packets that they have, and what we have before us is that they have one and they're looking for an excess of one. But then there's three different signs square footages that add up to the total, I forgot what it was, 76 or something like that. So, I just want to point out that there is really three signs here that's being considered; the two wall signs and then the ground sign, whereas this office, as I understand it, is really only entitled to either a wall sign or a ground sign of 16 square feet. So, I mean they already have the variance for the one, I just wanted to make sure that everyone is clear in case anyone else was unsure how to interpret that.

Coppola: Okay. Thank you. Any other comments or questions for Mr. Stroble? Seeing none, if the petitioner could raise their or if you're on the phone hit star nine. There you are, Mr. Vinstra. Anybody else with you or are you here by yourself?

Vinstra: By myself.

Coppola: No support, huh? Okay. If you could, for the record, state your name and address.

Vinstra: Mark Vinstra, 5340 Cherlane Drive, Clarkston, Michigan 48346.

Coppola: Thank you. So, if you could just briefly tell us about what you're planning to do, and I'd like to understand the hardship that would support providing this variance.

Vinstra: So, STMicroelectronics, obviously it's in the building, they plan on staying in the building for a while longer. They just re-signed a new lease to extend that. They are on obviously Seven Mile, Victor Parkway there, and then on the 275 on-ramp. The one wall sign they have faces 275 and they really would like to have a presence on Seven Mile so that people from either direction on Seven Mile can know the building they're in, help to assist, find that location for vehicular traffic and just to get a better designation there in the community.

Coppola: So how long have they been in the property now?

Vinstra: I believe they've been in there for 10 years.

Coppola: They've been in that property for 10 years, so what's changed that would all of a sudden precipitate the need for more signage?

Vinstra: Well, from their perspective they're growing and they want to make that location more prominent for themselves and to have a bigger presence in that building. They want to have that same larger presence there in Livonia as well, and with growth they see the need for more people to come in the building hopefully in the future, obviously not currently, but that's a desire for them too. Seeing that they're on the three roads there, the one they're not really on, 275, I mean they're on it, but with three road frontages, they just feel the need for that additional sign there on Seven Mile to allow people to see their presence.

Coppola: So, they have got a ground sign on Seven Mile, correct?

Vinstra: They got a ground sign on Victor Parkway tucked back by the drive entrance because their drive comes in off of Victor Parkway back behind all the landscape and shrubbery that's there. They have a ground sign there.

Coppola: Any questions for the petitioner?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Why aren't the owners here tonight at this meeting?

Vinstra: They just have hired us to represent them for getting this sign with a sign contractor and they asked us to take care of -- see if we could get this variance for them.

Baringhaus: Because my question is this: How many people are in the building now, and do they interact with like clients or customers? It was kind of my understanding this building was like a research center primarily with very little nonemployee traffic.

Vinstra: Well, currently there aren't very many people in the building obviously.

Baringhaus: There's nobody, yeah.

Vinstra: Yeah, so --

Baringhaus: I understand. Under normal circumstances.

Vinstra: -- I don't know the specifics as to how many people are in the building. I do know that they have visitors come to the building. I can't tell you how many or what type of percentage that would be offhand, but they definitely have visitors come to the building whether they're suppliers or are clients, that part I'm not privy to exactly. But when they're occupied, they are -- again, I don't know the exact number of people in the building, but it's a fair number of people that are there day to day when they can have people in the building.

Baringhaus: What is the nature of their business?

Vinstra: So they do -- so it's microelectronics, so they do -- I guess in a nutshell it's like for lack of a better term -- microchips, things like this. So, chips that would go into like a phone. Very small microprocessor type things, that type of stuff.

Baringhaus: How would you describe their hardship at this point, why the need for the additional sign?

Vinstra: I think maybe -- to me their hardship is that visibility from Seven Mile. The ground sign, again, it's off Victor Parkway, so you have to get off from Seven Mile to get to that and visualize that ground sign. There's no presence directly facing Seven Mile. Putting that sign there, that's the majority of traffic that's going to be going by that facility is going to be on Seven Mile, so they want to be able to see that. They get some visibility from 275 where that wall sign is, but I don't think as much as what they're getting from Seven Mile.

Baringhaus: Somehow, I've lost everybody here. Yeah, my question is this: They're proposing putting the sign on the south side of the building?

Vinstra: Correct.

Baringhaus: Okay. That sign faces directly into a stand of some very tall pine trees. How would that be visible from Seven Mile?

Vinstra: So, it's on the southwest corner, so it's on the south facade of the west end to get it out from behind the pine trees as much as possible. Obviously, it's going to be much more visible for people heading east on Seven Mile than it is for people heading west on Seven Mile. But with the landscape in the corner of Victor Parkway and Seven Mile, there really isn't a way to make a sign visible in that corner for the people heading to the west on Seven Mile until they pass that pine tree growth basically. So, the location was basically picked to make it as most visible as possible from Seven Mile.

Baringhaus: The existing sign on the west side of the building, was there -- I notice it's on the far corner. Was there any consideration of moving that sign to the opposite side of the west side of that building so you'd have visibility both on Seven Mile and off the 275 exit?

Vinstra: At this point, they hadn't really discussed moving the sign. They really wanted to see if they could get the second sign to be present from both locations without having to relocate the one sign. So that hadn't been talked about yet. I'm sure if they don't get this variance they will talk about that. They were looking at other buildings like Infineon, which I don't know if that's in the same zoning or not, it's just to the north, that has two wall signs and a couple of the other buildings in that same strip have multiple wall signs. But -- and again, I don't know if those are in the same zoning or not, but they were looking at some of those buildings too and seeing that they have visibility from two

locations plus a ground sign. So they were wanting to be in that same arena with these other companies that have that.

Baringhaus: And then just one last question: The sign you're proposing, that would be identical in terms of dimensions and design --

Vinstra: That's correct.

Baringhaus: -- on the side of the building? Okay. Very good. That's it.

Boloven: Mr. Chairman.

Turbiak: Mr. Chairman.

Coppola: Mr. Boloven first and then I'll let you go, Mr. Turbiak.

Boloven: Thank you. Question for the petitioner: There's a current monument sign right at the corner of Seven and Victor Parkway and it states Victor Corporate Park and then lists four businesses. Do you have any info on that monument sign and if it's possible that your client could be added to that sign?

Vinstra: From my understanding, the number of people that are on there have maxxed it, can be on there. Again, I don't know that that's a Livonia thing or I believe that's the corporate place determines who's going to be on the sign. And from my understanding again, there's no room on the sign to add them to it and they're not on it currently.

Boloven: Have you inquired -- and I mean anything in writing to show that you inquired on trying to get added to that sign?

Vinstra: I do not believe we have anything in writing that says that. I'd have to check on that, but I don't believe we have anything in writing.

Boloven: Mr. Stroble or Mr. Fisher, off the top of your head, any Livonia restrictions on that sign or is that strictly from Victor Corporate Park that sets the restrictions on that sign?

Fisher: We don't tell people what to do with that sign.

Boloven: Okay. Thank you, Mr. Chair.

Coppola: With that, Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Yeah, so first to go back to Mr. Boloven's topic, I believe I read in the Minutes from -- I don't know if it was 2004 or '05 timeframe or 2012 -- probably the 2005 timeframe, the topic of that -- they called it an obelisk sign was discussed, and at that time anyway it was stated that the Victor Park Corporation was a different portion of the land off of Victor Parkway and that that parcel -- that site was not included in that, and therefore, they were not allowed to be on that sign. So, I don't know if that's still the case, but that was described in one of the earlier Minutes. My question actually is to Mr. Fisher -- and I apologize, I didn't ask it in the opening, it didn't strike me. But Mike, in the email chain that we had on this topic you said something about any changes to the sign package needed to go to the Planning Department and City Council, and then after I had a chance to look at it closer I saw similar notes in one of the resolutions. So, I guess my question is are we allowed to

resolve this tonight, or does it need to go to another body or bodies first?

Fisher: I'm glad you asked that question because Council Resolution 581-05, which is the one I think you're referring to, says in one of its conditions, condition number four is that "Any additional signage shall come back before the Planning Commission and City Council for their review and approval." So there -- it does also say -- there's also a reference to ZBA, but it's if the sign that was approved back in 2005 was too much they'd have to go for a variance. So, this resolution would refer this matter back to Planning Commission and City Council. I didn't see this -- I saw this for the first time today, otherwise, I would have said hold the phone here because it's a procedural problem.

Coppola: So, I think the question --

Vinstra: Next step?

Coppola: -- is who should really be going first? Is it really us or should we be going to the Planning Commission?

Fisher: By virtue of their own resolution, it should be the Planning Commission.

Coppola: So, should we table then and refer it to --

Fisher: I think that's where we're headed with this one.

Coppola: So, should we not spend any more time on this at this point? Because I don't know what the Planning Commission will do, so there's no point in us discussing something that may not be -- but shows up later.

Fisher: No, I think that's right.

Coppola: Why don't we go ahead and issue a tabling motion. Mr. Vinstra, you understand the issue, right?

Vinstra: Yes, I do.

Coppola: So why don't we go ahead and have a motion to table, someone could do that, and we can get this -- we can get this off the docket and then Mr. Vinstra, you'll need to get in front of the Planning Commission.

Vinstra: Understood.

Upon motion by Klisz and supported by Fraske, it was:

RESOLVED: APPEAL CASE NO. 2021-01-01: An appeal has been made to the Zoning Board of Appeals by VPA 275, LLC, 46925 West Road, Wixom, MI 48393, on behalf of Lessee STMicroelectronics, Inc., 19111 Victor Parkway, Livonia, MI 48152, seeking to erect an additional wall sign on the south elevation while maintaining an existing wall sign on the west elevation and ground sign. This zoning district allows for one wall or ground sign for a single-tenant building.

Number of Wall signs:

Allowed: One
Proposed: Two
Excess: One

Total Wall Sign Area:

Allowed: 16 sq. ft.
Proposed: 76 sq. ft.
(28 sq. ft. Each wall sign, 20 sq. ft. Ground sign)
Excess: 60 sq. ft.

The property is located on the west side of Victor Parkway (19111), between Seven Mile and Pembroke, Lot. No. 024-99-0003-005, OS Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 18.50F(a), "Sign Regulations for Office Services Districts," **be tabled** for the petitioner to go back to the Planning Commission and/or City Council based on the City Council resolution from 2005," **be tabled for the petitioner to go back to the Planning Commission and/or City Council based on the City Council resolution from 2005.**

ROLL CALL:

AYES: Klisz, Friske, Baringhaus, Boloven, Coppola,
Testa, Turbiak

NAYS: None

ABSENT: None

Passes seven-zero.

Coppola: So, Mr. Vinstra, we've tabled this and you'll need to get in front of the Planning Commission, and then whatever is their recommendation that will get back to us. So I guess we'll see you in hopefully in the near future.

Vinstra: Thank you very much for your time.

Coppola: Thank you.

APPEAL CASE NO. 2021-01-02: An appeal has been made to the Zoning Board of Appeals by Best Nest Investments, LLC, 33533 West 12 Mile Road, Suite 101, Farmington Hills, MI 48331, seeking to erect a single-family dwelling on property resulting in deficient lot area.

Lot Area:

Required:	0.500 acres (21,780 sq. ft.)
Proposed/Existing:	0.467 acres (20,343 sq. ft.)
Deficient:	0.033 acres (1,437 sq. ft.)

The property is located on the east side of Merriman (11018), between Orangelawn and Plymouth, Lot. No. 138-99-0062-001, RUF Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 5.04, "Minimum Lot Size."

Coppola: Mr. Stroble, anything to add?

Stroble: Not at this time, Mr. Chair.

Coppola: Any questions for Mr. Stroble? Seeing that there are none, I'll go ahead and bring the petitioner on. I see you've got your hand raised so let me get you over here. So, you're now unmuted. Anybody -- Ms. Freda, anybody else with you or are you just by yourself?

Freda: Yes, sir. Good evening, ladies and gentlemen. I actually have Joseph Eadeh with American Building Company, our builder, and then my partner with Best Nest Investments, Mr. Patrick Heffernan.

Coppola: So, they're with you on the same computer?

Freda: Couple computers, but yes, we are together.

Coppola: So, I see two of you, so I'm assuming that that's also --

Freda: I think he just needs to add your --

Coppola: I see a phone number too, a 734 --

Freda: Yeah. There's --

(Technical interference.)

Coppola: Turn the phones off. You've got two computers going. You can't do that in the same room.

Freda: Okay. We're good. We're good.

(Technical interference.)

Coppola: No, we're not good because we're getting feedback because there's more than one device.

Freda: There we go.

Coppola: Kick him out.

Freda: There we go. We're still getting feedback. There we go.

Coppola: No. It's still there. Let's try this again.

Freda: Can you hear us okay now?

Coppola: Yes, we can. Okay. So, what I'd like to do is everybody that's going to speak, I need a name and address for the record.

Heffernan: Patrick Heffernan, 33533 West Twelve Mile Road, Suite 101, Farmington Hills, Michigan 48331.

Freda: Lindsay Freda, 17251 Fairfield, Livonia, Michigan 48152. Would you prefer Mr. Eadeh's home or business address?

Coppola: Business.

Eadeh: I'm Joe Eadeh, American Building Company, and the address is 32826, Suite 106, Five Mile Road, Livonia. I'm across the street from you guys. I can see you from my window.

Coppola: If we were there.

Eadeh: Right, if you were there.

Coppola: Someday. All right. So, who is taking the lead here? Why don't you tell us --

Baringhaus: Mr. Chairman.

Coppola: Yes.

Baringhaus: I'm going to be excusing myself from this case.

Coppola: Okay.

Baringhaus: Thank you.

Coppola: We'll scratch you off. Who is going to take the lead and tell us about the project, what the issue is and the hardship?

Freda: Certainly. I can try, and that's why my builder, Joe, is here so that I can lean on him if necessary. So Best Nest Investments is interested in erecting a 1,375 square foot ranch at the property located at 11018 Merriman Road in Livonia. I own the adjacent property to the north -- sorry -- the south, so the property we'll be erecting is to the north of the adjacent property which is 11006 Merriman. It's a property I purchased from my father, Robert Hartunian. When I purchased the property, it came with the split parcel of 11018. At that time, I realized that it would be advantageous to build a property there, so myself and my business partner decided to contract Mr. Eadeh to draft some plans and erect the single-family residence.

Coppola: Okay. Did you subdivide these properties or were they already subdivided?

Freda: It was a split parcel at the time of purchase.

Coppola: So, who split it?

Freda: The previous owner.

Coppola: The parcel that was split from is the one you currently reside in, correct?

Freda: No, sir. The property that it was split from is the property that I purchased for my father, Robert Hartunian. He currently resides in it. It's his primary residence.

Coppola: So, is that property also deficient?

Freda: No, sir, it is not.

Coppola: So, you created a deficient property when you split this?

Freda: No, I didn't split them. They were split at the time of purchase, and the property in which my father resides on is point-50 acres, the property which was a split parcel already is -- from my understanding -- point-46 acres, so a mere point-033 acres shortage which is equivalent to 1,437 square feet.

Coppola: Okay. No other issues with any setbacks based on what you're planning?

Freda: No, sir.

Coppola: Questions for the petitioner?

Klisz: Mr. Chairman.

Coppola: Secretary Klisz.

Klisz: To the petitioner, your company, is it going to be something that you sell this property to a stranger, are you going to look to rent this property, or will one of you or both of you live in the property?

Freda: So, we're definitely going to sell it, that's the ultimate goal. I own several properties in the City of Livonia, and the goal ultimately now is to -- I've been in real estate for almost 20 years, so I'd actually like to start construction, and this is kind of the perfect property to initiate that aspect of the business that I want to venture into.

Klisz: So, you said you own multiple properties. Are those ones that you ultimately sell off? Is that the nature of Best Nest Investments?

Freda: Best Nest Investments was initiated to purchase a property in Canton, Michigan, which we renovated extensively and worked very closely with the City there and sold it. And then the other property -- to answer the second part of your question -- are properties that I purchased for family. My mother resides on Merriman in Livonia, my father also resides at a separate property on Merriman in Livonia, both of which I purchased for them. My own personal single-family residence is in Livonia. That's my primary residence. And this is a lot so I guess it's not a property but another property that I own in Livonia. And I just want to do something with it. I mean it's more or less just a vacant property right now and I'd really like to be able to erect a beautiful, single-family residence obviously for profitability purposes but also just because it's a vacant lot as it sits right now and I think it would increase the property values around it.

Klisz: So, it won't be a rental property?

Freda: No, sir. I mean to answer that, the intention is to sell it, but I guess if it doesn't sell for whatever reason we would turn it into a rental property, but it's very unlikely that's the case with the housing market as it is.

Klisz: Understood. Thank you.

Freda: You're welcome.

Coppola: I had heard someone else had a question. Who was it?

Fraske: Me.

Coppola: Ms. Fraske, go ahead.

Fraske: So, to the petitioner, I notice that you purchased this property with the lot in 2016.

Freda: Uh-huh.

Fraske: Is there a reason that it took this long to make the decision? Can you kind of talk about that a little bit?

Freda: Yes. So, I'm a mortgage broker and I have two small children, and ultimately, I wanted to wait until my children were in school full-time, which is kind of ironic now because they're not. But once I got my business kind of managed and operating on its own, I had more time to be able to dedicate to learning the trade of constructing new single-family residences. So now that I can have more time to designate towards that goal, that's my goal. That's kind of how it worked out. With this pandemic it gave me more opportunity to kind of research it, find an amazing builder and then delve into it. So, we're pretty excited.

Fraske: Thanks. The other question I have -- actually I have a couple. Sorry.

Freda: That's okay.

Fraske: The one property that your father lives in next door, it looks like it's about 760 square feet if I'm correct.

Freda: That's correct.

Fraske: So, this property would be almost double that, this house?

Fraske: Yes. This property that's almost double actually conforms to the rest of the neighborhood, whereas my father's is a little bit unconforming in that it's relatively small for the rest of the neighborhood.

Fraske: Do you have an idea of what you would sell the property for? Do you have anything in your head as far as what that would be?

Freda: Well, it will ultimately depend on what the market dictates obviously per square foot. Ideally, we would like to be somewhere in the ballpark of maybe low twos,

potentially 195 to 220 if we had to ballpark it. But again, that's going to be dictated by completion date, issuing a C of O and then market value.

Fraske: Of course. Do you think that that's a reasonable price with the houses around that? Have you -- I mean I'm sure you've done this because --

Freda: So, my CMA has indicated that new construction in the area of that Merriman/Plymouth Road area within a one-mile square footage is -- or one-mile radius -- is actually supportive of 195 to 200,000. With new construction and higher end finishes, which we'll likely do, it'll probably be -- and in this market if we finish it and get approval for of course, we would hope to take advantage of the higher market and sell it upwards of 220.

Fraske: Thank you.

Freda: You're welcome.

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: Question for Mr. Fisher or Mr. Stroble. The deficiency that's currently existing for the requirement of point-five acres, is that strictly in relation to the square footage that's proposed of the house that's being built or is that no matter what?

Fisher: A half-acre requirement is a part of RUF zoning.

Boloven: So, no matter what, even if they reduce the size it's still a half-acre?

Fisher: Right.

Boloven: Thank you.

Coppola: Other questions?

Turbiak: Mr. Chairs.

Coppola: Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Through the Chair to the petitioner, Ms. Freda, I believe you said that your father's property is point-five acres, but when I look it up in our B, S & A system, it says that it's the same basic dimensions; 90 feet wide by 226 feet deep. Technically his is 90.36 whereas the one that we're discussing tonight at 11018 is 90, but we're talking about point-36 feet. So, they're essentially the same. So, is that your understanding? Or do you have other documentation that says his property is actually a half an acre?

Freda: That was my understanding when I purchased them that were both exactly a half-acre because I -- well, knowing that they're RUF, which I believe is the Rural Urban Farmland designation, I was under the impression that it had to be a half-acre in order for the structure to be erected. I'm assuming that his must have been grandfathered in if that's the case. Because he had even offered "Well, I'll gift you some of mine." And then in speaking with Mr. Hanosh at the City of Livonia, he had indicated "Well, then that would make him out of compliance," if you will, so it's best to just go in front of you

guys and request the variance. There was even some talk that it might go through the -- I believe the preliminary research with the attorney and that they might just go ahead and award it based on the very nominal deficiency. So, either way, we're eager to start the project, erect the new residence, and I mean obviously it's going to be a beautiful property, so we're anticipating that this will all go according to plan but that's for you guys to decide.

Turbiak: Thank you for that clarification, and I do agree that it's a very small amount of deficiency. In fact, looking at the first four RUF properties and starting with your dad and moving north, it might be a little more, but they were all in the amount 90 foot by 226, so they all seemed to be very consistent on Merriman Road. In fact, the one that's mostly behind the property is only 80 feet wide so it's even more deficient. So I just wanted to make that -- share that information for my fellow Board members. Thank you, Mr. Chair.

Freda: Appreciate it.

Coppola: Any other questions? Seeing there are none, is there anybody out in the audience -- there's nobody out in the audience so skip the audience. Statements, and Secretary Klisz, is there any correspondence?

Klisz: There are. There is a Letter of Objection from Patricia Holmes, 11015 Merriman. (Letter read.) Letter of Approval, David M. Galida, 9938 Merriman, Livonia. No comments on the Approval. We have another letter -- let's see. I believe it is a Letter of Objection, it's not circled, from Jose Antonio Hernandez, 31160 Dalhay Street, D-a-l-h-a-y. (Letter read.)

Coppola: Anything else? Is that all of them, Tim?

Klisz: Yes, that's it.

Coppola: Thank you. Ms. Freda, anything you would like to add in closing?

Freda: Just in response to the first letter that was read indicating the upkeep of the home, so at the -- within the first month of purchasing the home for my father, we replaced a roof, shortly thereafter we replaced the siding and all of the windows in the home and we have certainly beautified our properties. I'm not -- I can't speak to the other neighbors in the area, but that is our intention is to -- especially on a main road -- beautify the properties that I own and then any properties that I'm permitted to build. I believe firmly that it would add value. That's the only addition that I have to the initial letter that was read.

Coppola: Thank you. I'm going to close the public portion of the case, going to put you on mute, Ms. Freda, public portion of the case, and I'm going to start the Board's commends with Mr. Testa.

Testa: I wish you hadn't done that. No, so I understand the objection letters, however, the deficiency here is tiny and these two lots are equal in size. And as Mr. Turbiak pointed out, I was doing the same thing online as you may have seen my eyes were on a different screen, checking the other properties right around that area. They're all roughly the same size, even slightly smaller, so I think putting a residence on this property would fit in with what's already there even though it is slightly deficient. So, I'm in support of this.

Coppola: Thank you. Ms. Fraske.

Fraske: So, I'm not in support. I think -- I didn't hear anything that showed that there was a hardship. This is strictly for benefit, for capital gain, financial gain. I'm a little reluctant about the size of the house, and I don't think it fits into the houses around it on Merriman Road. So, I'm not in support.

Coppola: Thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Yeah, I did a little bit more research, and the houses along Merriman on the east side of Merriman that are in the Rural Urban Farm, there's one, two, three, four, five, six -- I believe seven out of the nine that are the same size or smaller. One of them was slightly smaller. So, I think it fits in with the lot area of the neighborhood. I didn't look at the size of the home to Ms. Fraske's concern. The last one I looked at happened to be 1,417 square feet, granted it was at the other end of the strip there, but I think that this is in harmony with the homes along Merriman that are Rural Urban Farm directly adjacent or in the direct vicinity to the home in question, to the property in question. So, I think I would definitely be in support of this. Thank you.

Coppola: Thank you. Mr. Boloven.

Boloven: I tend to be a little bit on the fence on this one, that's why I asked the question of Mr. Fisher does the size of the home matter. We are looking at a very small deficiency here, but I do think this is probably going to stick out like a sore thumb. I'm not saying it's going to be a bad house. It's just going to be a big house in comparison to that neighborhood as you're driving up into the Devon-Aire subdivision. But again, it really doesn't matter, it's just looking at that point-five deficiency on the lot which is very close so I'm on the fence. I'm leaning towards voting yes, but I'd like to hear what the rest of the Board says.

Coppola: Thank you. Secretary Klisz.

Klisz: I'm in favor of this. I would look at Merriman Road as being the least farmy RUF that I can think of in the City of Livonia. And again, if you're starting to look at all these other places are under the half acre, then this makes perfect sense. And in fact, if you don't grant it then it's just a vacant lot and that's no good for anybody to be honest in the City. And then the size of it, it's not crazy. They're not putting a 500,000 dollar downtown Plymouth bigfoot home here. It's a 200,000 dollar home in this particular part of the city. I think it will look good there so I have no problem with this, and again, the size is not up to us. The one Letter of Objection is clearly about the size, and that's not something we can even consider, I don't think, it's just "Do you agree that anything can be built on this lot," and my answer is "Yes."

Coppola: Thank you. I agree with Secretary Klisz specifically in regards to the alternative of a vacant property if we turned it down because it basically would tell everyone that it's an unbuildable lot so it stays vacant forever. The deficiency is pretty minimal, and I do agree with Secretary Klisz, they're not building a McMansion here. This size house is not a huge house. There's decent setbacks, 25 foot setbacks on both sides. It's actually a very large lot for that size house. So, from my perspective, I think it's a nice addition to tax rolls, we'll get tax income -- significant tax income of much higher than would be on a vacant lot and we don't end up with kind of a vacant lot sitting there. So in looking again at all the other properties, the deficiency is not significant and you can't even probably visually note that deficiency, so I would suggest that this is probably a good resolution for this property. If this petitioner hadn't bought it

someone else would have and we would have seen somebody else trying to build on it. Again, I think it's a good resolution for this property. So, I'll go ahead and open the floor for a motion.

Upon motion by Klisz and supported by Turbiak, it was:

RESOLVED: APPEAL CASE NO. 2021-01-02: An appeal has been made to the Zoning Board of Appeals by Best Nest Investments, LLC, 33533 West 12 Mile Road, Suite 101, Farmington Hills, MI 48331, seeking to erect a single-family dwelling on property resulting in deficient lot area.

Lot Area:

Required:	0.500 acres (21,780 sq. ft.)
Proposed/Existing:	0.467 acres (20,343 sq. ft.)
Deficient:	0.033 acres (1,437 sq. ft.)

The property is located on the east side of Merriman (11018), between Orangelawn and Plymouth, Lot. No. 138-99-0062-001, RUF Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 5.04, "Minimum Lot Size," **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met because this is an RUF lot, which is a large lot by nature, and the other houses on these lots, which are identical, have already been built and/or grandfathered in or allowed.
2. A denial of the variance would have severe consequences for the petitioner because essentially it would be a large vacant lot that could not be built upon for any reason.
3. The variance is fair in light of its effect on neighboring properties and is in the spirit of the Zoning Ordinance because, essentially, it's a decent sized house for this particular neighborhood and the size is not something we have to concern ourselves with.
4. This property is classified Low Density Residential 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. That the property be built as presented to us here today.

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Yeah. I just wanted to respond to I guess Mr. Klisz's own comment about how we're not worried about the house that's being built on there and his one condition was being built as presented, I don't think that we should have that condition.

Coppola: Well, I think, again, that there is kind of a contradiction there. But they are asking for a variance, and I think from my perspective one of the things that gets me comfortable with that variance is that they're not building an overly large house and that the setbacks are large, they're 25 feet on both sides which creates kind of a vision of space and stuff which overcomes a little bit. I think the shortness of the width or at least overall a small deficiency. So generally, when we do these things we do -- if this was a conforming lot they could build whatever they want as long as they were within the setbacks and all the other ordinances. In this case they're asking for a variance, so I think we're allowed to have input into what's built on that. I don't know if anybody else feels differently, but if they came in with a different floor plan that was huge and definitely didn't fit within the homes around there, we'd be -- I'd be having a different discussion. So I actually would prefer to have the conditions built as presented.

Turbiak: Right.

Klisz: And that is why I wanted it to be that way. I'm just saying our discussion and the reasoning behind it is that it is not our place to say it's too big or too small. But being that it is presented to us, I want this house to be built there, not some other house, so I think that maybe clarifies the comments that I was making during my approving resolution.

Turbiak: Understood, and I agree. I can still support. Thanks.

Coppola: Any other discussion? I apologize, Secretary Klisz. Was there more than one condition? I missed it.

Klisz: No. That's the only condition I had.

Coppola: Okay. Any other discussion? Seeing none, if you could take the roll.

ROLL CALL VOTE:

AYES: Klisz, Turbiak, Boloven, Coppola, Testa,
NAYS: Fraske
RECUSED: Baringhaus

Klisz: It passes five to one with one recusal.

Coppola: Okay. Ms. Freda, so you've gotten approval.

Freda: Thank you.

Coppola: The only condition is that you build as presented. So, to build as presented, you're going to build the house that you have included in your petition where you show it on the survey with the materials as presented, floor plan, everything as presented. Do you understand that one condition?

Freda: I do. I only ask that as far as the siding is concerned, my goal is to go with that color, but it's going to depend on the cost. So, it should be the same, but I'm sure we will cosmetically keep it the same as submitted. The blueprints and surveys and everything were pricey, so we'll certainly keep it the same as submitted.

Coppola: Okay. Congratulations. Good luck with the project.

Freda: Thank you.

Coppola: You're welcome.

Fisher: Mr. Chair, we may already have this information and I haven't seen it, but you might want to get the spellings of the representatives.

Coppola: Ms. Freda.

Freda: Yes, sir.

Coppola: The two people, I have Mr. Heffernan and Mr. Eadeh, can we get the spelling of their last names?

Freda: Certainly. Heffernan is H-e-f-f-e-r-n-a-n, that's my associate with Best Nest. Eadeh, E-a-d-e-h, is my contracted builder.

Coppola: Perfect.

Freda: Just to clarify if I may ask a question, it's five days from today's date in which the approval will be solidified?

Coppola: Yes.

Freda: Thank you.

Coppola: That's correct. You're welcome.

Freda: Have a good evening.

Coppola: You too. Take care. We have some housekeeping. First on the housekeeping, why don't we go ahead and do the easy one which are Minutes to be approved for November 17th.

Turbiak: Mr. Chair, I move that we approve the Minutes from December 17th -- or I'm sorry -- from November 17th.

Coppola: Okay. Do I have support?

Fraske: Support.

Coppola: Ms. Frasse, you can't support. You weren't there.

Fraske: Sorry.

Baringhaus: Support.

Coppola: I have support by Vice Chair Baringhaus and a motion by Mr. Turbiak. Do we approve?

Board: Aye.

Coppola: Okay, that's approved. Now, a little bit of a re-do here. So, we had some

issues with the schedule so we had to revise the schedule. Trying to find it. Here it is. Because we had some issues, I think it was due to some election day conflicts. So, here's the new schedule. It actually looks a little better in the sense that we don't have to be in the gallery very often which is always a good thing. We do have three in March. The probability of having three in March is probably pretty small, but they are each two weeks apart. There's only one in April to take into account spring break, and then just one in December. We have two in November, whether we'll need two in November, I guess we'll see. Maybe the world will be back to normal and activity will just be humming along and everyone will need a variance. So, this new schedule – so we need to vote on this schedule. So, I'll need a motion to approve it if everybody wants to approve it, but let's have a discussion first. Any discussion? Seeing none, do I have a motion?

Klisz: Mr. Chair.

Turbiak: So moved.

Coppola: So, I've got a motion by Secretary Klisz, supported by Mr. Turbiak. I think he beat you just a little bit so he gets support.

Klisz: Motion to approve the schedule and supported by Joel.

Coppola: Right. All in favor?

Board: Aye.

Coppola: Any opposed? We now have an official schedule subject to change again. I don't think we have anything else to cover so we just need one more motion.

Baringhaus: Mr. Chairman, motion to adjourn.

Coppola: Vice Chair Baringhaus has a motion to adjourn. Do I have support?

Klisz: Support.

Coppola: Supported by Secretary Klisz. All in favor?

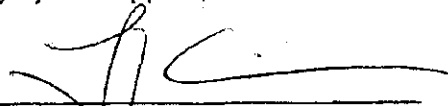
Board: Aye.

Coppola: We're all set. Happy New Year everyone. Good meeting.

There being no further business to come before the Board, the meeting was adjourned at 8:25 p.m.



Gregory G. Coppola, Chairman



Timothy J. Klisz, Secretary

/jms