

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, JUNE 11, 2024

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, June 11, 2024.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Mike Fisher, Chief Assistant City Attorney
David Popp, Inspector

The meeting was called to order at seven p.m. Chairman Coppola explained the Rules of Procedure to those interested parties. Each petitioner must give their name and address and declare hardship for appeal. Appeals of the Zoning Board's decisions are made to the Wayne County Circuit Court. The 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. Seven (7) members were present. Secretary, Timothy Klisz, then read the Agenda and Legal Notice to each appeal, and each petitioner indicated their presence. Appeals came up for hearing after due legal notice was given to all interested parties within 300 feet, petitioners, and City Departments. There were several (not counted) people present in the audience.

(7:00)

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APPEAL CASE NO. 2024-04-15, 37750 Sunnydale: an appeal was made to the Zoning Board of Appeals by Garry Villasenor, seeking to construct a four-season room addition resulting in a deficient rear yard setback.

This Low-Density Residential property is located on the west side of Sunnydale Street (37750), between Richfield St. and Huff St., Lot. No. 069-01-0095-000, N-2, Neighborhood District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 3.05 (Dimension Regulations).

Rear Yard Setback:

Required: 30 feet
Proposed: 22.9 feet
Deficient: 7.1 feet

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

POPP Nothing to add, Mr. Chair. Thank you.

COPPOLA Thank you. Any questions for the Inspection Department? Seeing none, the Petitioners can step up to the podium please, just for the record, if I can get your name and address.

VILLASENOR Garry Villasenor, 37750 Sunnydale Street.

COPPOLA Okay, Mr. Villasenor, why don't you just give us a brief summary of what you're proposing in regards to the variance, what kind of the hardship that you have that would suggest that the Board would provide a variance.

VILLASENOR Okay, so I've been at the house for about 21 years now. Moved in in 2003. Actually bought the house from my mom because she wanted to move to Commerce. My dad passed away in 1994. It's my childhood home, so my family is the original owner. We really love it in Livonia. We love the people, the neighborhood, and we plan to retire here. So my hardship is: my mom is 84 years old. She has dementia, and we eventually want to move her back into the house with us, so that we can provide her with the care she'll ultimately need. She doesn't like to go outside the house at all, so we thought a four-season sunroom would be a good investment. Currently, she has a caregiver for four days, and between my siblings and I, we visit her for three days. So again, that is my hardship. I would like to move my mom in with us in the near future.

COPPOLA Okay, thank you. Questions for the Petitioner?

BARINGHAUS Mr. Chairman?

COPPOLA Mr. Baringhaus.

BARINGHAUS Your home, I believe in the photos you sent in, looks like a kind of a quad-level design?

VILLASENOR Correct.

BARINGHAUS Okay. Can you explain how the four-season room would be adapted to that type of floorplan?

VILLASENOR It'll be directly behind the current family room that we have, it's going to be approximately the same dimension. Again, as I mentioned, my mom doesn't like to go outside, so we thought a sunroom with lots of windows would be a very beneficial feature for her.

BARINGHAUS So the floor levels between the four-season room and your family room would be different? In other words, you would have to take stairs to get in?

VILLASENOR No, it would be a direct access from the family room to the sunroom.

BARINGHAUS And the proposed site is closer to where the bay window is.

VILLASENOR It is near the bay window. But the sunroom I'm interested in is, again, it's about the same dimension as the family room, just building out.

BARINGHAUS Can you tell me about the exterior of the all-season room? How it ties into the house?

VILLASENOR Yeah. As far as exterior, I'm planning to, most likely use a brick veneer to try to match the current exterior that I have on the home. And again, we have sliding doors on the sides of the sunroom and then windows obviously at the back.

BARINGHAUS So the brick veneer will tie into the color of the brick of the home.

VILLASENOR That's the plan, yes.

BARINGHAUS It looks like, from the photos, your home has a little bit of a Tudor styling to it. Will that be adapted to it as well?

VILLASENOR Yeah, yeah, we designed it so it would match well with the current design.

BARINGHAUS Okay, thank you.

VILLASENOR Thank you.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Question for the Petitioner, looking at your proposed addition on the site plan, the way that you have that going with the fence in the backyard, is that fence going to come down?

VILLASENOR The fence directly behind my house?

BOLOVEN Yeah. So your proposal is you're putting that within that fence area. Is that correct or...?

VILLASENOR Yeah, that fenced area is actually my neighbor's fence. I currently have-- the backyard is completely open at this time.

BOLOVEN So that when you put in your petition that the setback of your neighbor was 17 feet. Are you going from that fence line?

VILLASENOR Nope, not from the fence line, from the actual property line.

BOLOVEN So where'd you come up with the 17 foot number?

VILLASENOR Well, the 17 feet that I spoke of was my neighbor that's kitty-corner from me, and he's approximately 17 feet from his property line. Right now, the structure I want to build would be about 22.9 from the current property line. But the fence behind that, my neighbor's fence, is... that's another 20 feet. So we'd be about 40 feet away from each other.

BOLOVEN Your addition is going to be how far from the fence?

VILLASENOR From my neighbor's fence?

BOLOVEN Yes.

VILLASENOR It's probably going to be 40 feet, approximately. I haven't measured how far east he is from the property line. It's about 20 feet.

BOLOVEN So I'm looking, I can't see the number because I thought your reference was the 16068, on the neighbor line, you're truly talking that 17 foot that three seven... 37755?

VILLASENOR No, it's 37750.

BOLOVEN You're three-- yeah, I got that. The neighbor, that's 17 feet. I'm looking at the map here, that has the 17-foot setback.

VILLASENOR Yeah.

BOLOVEN Oh, that is three seven.

ROTONDO That neighbor, that neighbor looks like it is 16110.

BOLOVEN That's what I'm trying to figure out. What neighbor are we talking about? Because it says here, "37750," which... That's his address, so there's a problem.

COPPOLA So that's just, I think that's just marking the survey itself. I don't think that's the property.

BOLOVEN That's... so this is the 16110?

BOLOVEN This would be 40 foot?

POPP 22-something, actually. Plus it's almost [inaudible].

BOLOVEN Okay.

POPP Just to make it easier, so you can visualize.

BOLOVEN That's... I got discombobulated on that. So, question for Mr. Popp and you don't [have] to answer right away, but once you get caught up there: 16110, they never had a variance requested?

POPP I can give you, one sec...

BOLOVEN I'm sorry, you can take, take your time.

COPPOLA Just real quick. What is that structure in the neighborhood that has a 17-foot setback? What is it?

VILLASENOR Sunroom.

COPPOLA It's a sunroom.

VILLASENOR Yeah, it's a sunroom as well.

COPPOLA Okay, a four-season sunroom, or just like a glass...?

VILLASENOR It's hard to say. I don't really talk to that neighbor.

COPPOLA Okay.

POPP Give me one second.

COPPOLA Usually it would be a four-season sunroom, so you would have it heated and cooled?

VILLASENOR Yes, I would have those features.

COPPOLA And the neighbor's fence that's behind you that is not on their property line. Is that correct?

VILLASENOR No, it's not.

POPP It's like a privacy fence.

VILLASENOR They just fenced in their patio.

FISHER So we call it a privacy screen.

POPP Yes, I was going to say that, sorry. What street was behind there?

VILLASENOR Huff.

POPP Huff?

COPPOLA Does anybody have any other questions for the Petitioner?

TESTA Mr. Chair?

COPPOLA Mr. Testa.

TESTA Thank you. Question for the Petitioner, can you explain how you decided the size of your proposed addition and the location. Is there another location you put this on your house that would be within the setbacks and not requiring a variance?

VILLASENOR No, the backyard is the most wide open. The side, obviously I have very limited room. And again, I wanted just enough room where, you know, someone can exercise, walk around.

TESTA So how did you select the specific dimensions?

VILLASENOR Again, I just matched the family room for the most part. And I said, yeah, maybe doubling the size would make a good addition.

TESTA I see. And do you plan on keeping a door between the two spaces or opening it up? Or...?

VILLASENOR I might keep the sliding door? I haven't really decided, but yeah, probably some kind of partition that you can open and close.

TESTA Okay, thank you.

BARINGHAUS Mr. Chairman?

COPPOLA Mr. Baringhaus.

BARINGHAUS Who's going to be building the sunroom for you?

VILLASENOR I've been working with a company called Bongero.

BARINGHAUS Okay. Thank you.

VILLASENOR Are we good?

COPPOLA Any other questions for the Petitioner? Would you consider a slightly smaller footprint that would minimize or diminish the deficiency?

VILLASENOR I would consider it. I obviously, ideally, I would like to keep the dimensions I have, because if I'm going to build out, those are the dimensions I thought would be satisfying to my family.

COPPOLA Any luck, Mr. Popp?

POPP I am digging through microfiche.

COPPOLA It didn't happen since they've upgraded the records electronically?

POPP It's not, I don't have any permits in there, but going back as far as I can on aerial to 2014 it's there then.

COPPOLA It's probably grandfathered.

POPP I don't know about grandfathered, but it might... that's what I'm trying to check real fast in microfiche, but it's not organized very well sometimes.

TESTA Mr. Chairman, one more question.

COPPOLA Mr. Testa.

TESTA So from your drawing, looks like it's... the addition is 16 feet by 23 feet. Six out 16 feet, it is 23 feet long. It looks like to go longer you would encroach into your bay window. So technically—

VILLASENOR I would, yes.

TESTA --you couldn't go any longer than that.

VILLASENOR Right.

TESTA So I can understand why you selected 23 feet. That's pretty much the most you can go. And 16 feet is again, just to match an existing room that gives you good space to use.

VILLASENOR Yes.

TESTA Thank you.

COPPOLA Okay, any other questions for the Petitioner? All right, seeing none, now you may sit down.

VILLASENOR Thank you for hearing me out.

COPPOLA Appreciate it. You'll get the opportunity to speak one more time. Anybody in the audience like to speak for or against this petition? Seeing none, do we have communication?

KLISZ We have two letters, we have a letter of approval from Michelle Monticello, 15985 Huff Street, "Approval. We are not concerned with the 7.1 foot deficient [sic], and think the addition will be a value-added update." And the next one is a letter of approval from David Scott, 16068 Huff, "I live behind Gary [sic] Villasenor and I do not have any objection to the requested variance." Those are the two letters.

COPPOLA Okay, thank you very much. So Mr. Villasenor, you have an opportunity to make a final statement if you'd like to. You don't have to, but if you'd like to, you're welcome to.

VILLASENOR Yeah. All I just want to add is that, again, I lived in the house, we're the original owners, for over 40 years now, and no updates. As far as sunrooms, we kept it open because visually it's just... it looks nicer in the neighborhood. And I just think at this point in our lives, as we get older, we just think that a sunroom is going to add so much value to our quality of life if we're allowed this variance, and will help immensely in moving my mom into our house again. That's all I have to say. Thank you.

COPPOLA All right, thank you. I'm going to close the public portion of the case and start the Board's comments with Mr. Testa.

TESTA Thank you, Mr. Chair. I can support this. I'm swayed by the two letters of approval, one is your direct neighbor, and one is a nearby neighbor. While at first it seemed like this is maybe an excessive size of addition, it really isn't based on the constraints that you noted. Really can't go wider, sorry, the deficiency of the setback of seven feet, I don't think you can really make that smaller simply because of the footprint of a room that you need to be usable. You can't go any wider because of constraints on your house. I do understand your need, so I'll be in support.

COPPOLA All right. Thank you. Mr. Boloven.

BOLOVEN So I agree with Mr. Testa. I mean, the only addition that I would have to what he said is that adjoining kitty-corner neighbor, the 16110 up, is actually a larger deficiency than what you're proposing, truly, if it's at 17 feet, and whether it got a variance or not. That's the reality of that corner right there, in addition to the fact that your direct neighbor, 16068, is in support, and that's the neighbor that has to look at it. With all that being said, I'd be in support this evening.

COPPOLA Thank you. Mr. Baringhaus.

BARINGHAUS Thank you. Yeah, I agree. Just looking at the lots in the neighborhood, and actually having lived in the neighborhood for a number of years, those lots are fairly wide, but they're not particularly deep. So a lot of neighbors tend to be able to wide... and so, you know, they can, they build wide and not go out as much. Mr. Villasenor didn't have that luxury because of the placement of the bay window of your house. I agree with my colleagues. I think he's more than proved his hardship, not only with the way it has to structure that prevents him from going wider, but his mother's health condition and the need to provide space for him when she does eventually move back into the home. So based on that, I would support a variance.

COPPOLA All right. Thanks. Secretary Klisz.

KLISZ I agree. I think the compelling factor is the neighbor's property that is 17 foot from the property line, and this is even further away from that. And I think there's really no other place it could go. I think the hardships have been met, and I'll be in support.

COPPOLA Thank you. Mr. Rotondo.

ROTONDO Yeah, I'll be in support of this as well. I can understand the Petitioner's hardship in taking care of his sick mother. I think my colleagues pretty much summed it up already, so I don't have much to add to that. I'll be in support of it.

COPPOLA All right. Mrs. Scheel.

SCHEEL Thank you. I will also be in support of this due to all the reasons given by my previous colleagues. And also, I think it's wonderful that you're considering taking your mother in, but I also think it's going to be an added value to the home in the future. Thank you.

COPPOLA Thank you. Okay, looks like we have probably have a quorum to get them what they want. So I'm going to go ahead and open up the floor for....

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Resolved that the variance sought in appeal case number 2024-04-15, filed by Garry Villasenor, be granted for the following reasons and findings of fact: the uniqueness requirement is met due to the width and depth of the property and the structure of the home itself. Denial of the variance would have severe consequences for the Petitioner due to his use of the sunroom size for his mother's care. The variance is fair in light of its effect on the neighboring properties and the spirit of the zoning ordinance due to neighbor support of the project itself. The property itself is classified as N-2, Neighborhood District, under the Master Plan, and the proposed variance is not inconsistent with that classification. Further, that the variance be granted with the following conditions: that the project presented this evening be built as presented.

SCHEEL Support.

COPPOLA I have a motion by Vice Chair Baringhaus, supported by Mrs. Scheel. Any discussion? Do we want to put a limit on the variance permit time frame? Do you want to say pull the permit within six months?

BARINGHAUS Yeah, six months is fine.

COPPOLA Built as presented, just there wasn't much presented. I just want to point out there really wasn't much presented, I think there's a layout. You got the layout. So besides that, I didn't get a lot of feel for materials.

BARINGHAUS Well, coordination of the home, and other dimensions [inaudible] give an approximate [inaudible] structure.

COPPOLA Any discussion?

FISHER Mr. Chair, just so we're clear, it's six months to the approval of the permit? Is that what you're saying?

COPPOLA Approval. Yes. Take a vote?

RESOLVED: APPEAL CASE NO. 2024-04-15, 37750 Sunnydale: an appeal was made to the Zoning Board of Appeals by Garry Villasenor, seeking to construct a four-season room addition resulting in a deficient rear yard setback.

This Low-Density Residential property is located on the west side of Sunnydale Street (37750), between Richfield St. and Huff St., Lot. No. 069-01-0095-000, N-2, Neighborhood District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 3.05 (Dimension Regulations).

Rear Yard Setback:

Required: 30 feet

Proposed: 22.9 feet

Deficient: 7.1 feet

be granted for the following reasons and findings of fact:

1. That the uniqueness requirement is met due to the width and depth of the property and the structure of the home itself,
2. That denial of the variance would have severe consequences for the Petitioner due to his use of the sunroom size for his mother's care,
3. That the variance is fair in light of its effect on neighboring properties, and in the spirit of the zoning ordinance due to neighbors' support of the project itself, and
4. That this 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 project will be built as presented to the Board.
2. The Petitioner must pull the permit within six (6) months.

ROLL CALL VOTE

AYES: 6

NAYS:1

PASS/FAIL/TABLED: PASS: PASS

KLISZ Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Nay. All right, you've got your variance.

VILLASENOR Thank you so much.

COPPOLA I think... was it five days, you can pull a permit? Is that right, Mr. Fisher, five days?

FISHER Yes, sir.

COPPOLA In five days you can go down to have your permit pulled. All right. Good luck again. You can call the next case, please.

APPEAL CASE NO. 2024-05-18, 27555 Grantland Street: an appeal was made to the Zoning Board of Appeals by Fred and Nancy Florkowski on behalf of Motor City Youth Theater, seeking to construct an entry addition resulting in a deficient side yard setback.

This Low-Density Residential property is located on the south side of Grantland Street (27555), between Cavell and Arcola Streets, Lot. No. 100-01-0247-000, C-1, Commercial Assembly, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 3.10 (Dimension Regulations).

Side Yard Setback

Required: 8 feet

Proposed: 4.67 feet

Deficient: 3.33 feet

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

POPP Nothing to add, Mr. Chair.

COPPOLA Any questions for Mr. Popp? Seeing there's none, if the Petitioner can step up to the podium, and I'll need the name and address first, if you would please. Everybody that's going to speak, we need a name and an address first.

FLORKOWSKI Okay. My name is Nancy Florkowski. Our youth theater is at 27555 Grantland, 48150. Our youth theater resides in a church that was built in 1949. We moved in in 2005. Our youth theater was started in 1990, so it's 34 years old. It was started as part of my master's thesis program in children's theater. My husband is here with me. He helped co-found the youth theater. Robert Walker, our booster president is here, and Mark Alfonsi, our architect, is here. What we would like to do is expand our lobby, which is a tiny box on the end of our theater presently, and move it from side to side to the edges of our building, so that it's more spacious for patrons when they come to our theater, so they're not standing out in the snow and the rain. And also, for children, to have a place to work when we split them up and they run lines. Our basic need, our largest need, is that over the years, our children, our clientele, has changed, and we have more and more special needs children. Half of my teaching career was in special ed, and even when I started teaching theater, my favorite kids were the special ed kids that I taught before and the new ones that came along. We're concerned that the doors lead out to the street of Grantland. Down the street there's a market, a vegetable warehouse, and when people are late to work, they fly down that street, and when they want to go home, they fly down that street, and the doors lead straight out into the street. We'd like to move the doors to the side, the east side of the building so that the children aren't walking out into the street. And more and more special needs kids do have special needs. We do have the parents come in and get kids most of the time, but you can't always count on that happening. I would say, I think that's all I would like to say right now, and I brought these guys along for the technical questions.

COPPOLA Thank you. Questions for the Petitioner?

BARINGHAUS Mr. Chairman?

COPPOLA Mr. Baringhaus.

BARINGHAUS When you say that the current entrance is dangerous because it's very--

FLORKOWSKI Could you use your microphones, especially for my husband. Thank you.

BARINGHAUS That's okay. You mentioned that the entrance to theater was dangerous because it was so close to the street. Grantland doesn't strike me as a very busy street.

FLORKOWSKI It's very busy when the kids are there, when people are going and coming from work. They have afternoon, oh, my God, can't think of the word. They work afternoons, possibly, and that's when our children are leaving, coming or going. During the summer, we work there on weekdays. We're basically there on Saturdays. But there are still people going back and forth down that street, because it leads to that....

BARINGHAUS When you have a production and you have patrons at the theater, where did they park?

FLORKOWSKI They park on the east and the west side of the building, mostly the east side and on the street, sometimes.

BARINGHAUS So on the grassy areas.

FLORKOWSKI It's gravel under that grass.

BARINGHAUS Okay.

FLORKOWSKI Yeah. It was a VFW. It was a church in 1949 and then it was a VFW Hall, the O'Grady's VFW Hall, and it's changed quite a bit since then, because we don't have a bar anymore or a pool table, but it is now a theater, and it's basically a church. In the olden days, people would walk up the stairs and they were in the church, the body of the church, that is our theater now. And when we do a production and you've got 30 kids working, you send them off in little sections to work on their lines together. That will give us enough another space to work. They do work in the lobby right now, but it's freezing cold in the winter because the air comes right in off the street, and it might be warmer if the doors were on the east side, we're hoping, and it will also be larger so that more than just two kids could work together on their lines in the area.

BARINGHAUS There doesn't seem to be any windows on the building. Is there a reason for that?

FLORKOWSKI It was a church and the VFW, they blocked them all in because they used it as a hall, a wedding hall. And it's perfect for theater, because you don't want brightness in a theater.

BARINGHAUS Well, in your proposed vestibule, there doesn't seem to be any windows. The windows, even the door looks like it's solid metal.

FLORKOWSKI Yeah, that's our present drawing. And what we would like is to have block windows along the top so that light is let in over there, natural light. And then when we do a show, we would just put a curtain across the stairway so that it blocks out light or we'd have curtains on those little windows.

BARINGHAUS On your rendering it shows some fairly detailed brickwork on the exterior building. Is that? Is that brickwork gonna be changed? Or is that just like an artist rendition?

FLORKOWSKI That... I'll let Mark answer that.

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

ALFONSI Mark Alfonsi with AV Architects, 100 East Big Beaver Road, Suite 915, Troy, Michigan. Yeah. The rendering you're looking at is, you got the addition that's basically... it's blockwork, gonna be like a painted block to match the existing building. And then we have at above the door line, there's gonna be glass block or windows up there. So I'm going to bring in some natural light. So all the work was going to be basically take the old vestibule down and add that, replace that.

BARINGHAUS Also, there's a building on the back of the property, it looks like a garage.

ALFONSI I don't know. I believe it is. Nancy, can you answer that question?

BARINGHAUS There's a building on that property....

FLORKOWSKI That's our garage.

BARINGHAUS And that's used for...?

FLORKOWSKI It's full of scenery, costumes, fake rocks, things like that.

BARINGHAUS Do you have any plans to modify the signage on the building?

FLORKOWSKI There is a sign hanging there that we don't know what we're going to do with that, for sure. And we have, I don't know if you've ever passed it. We have a wooden sign presently that had Motor City Youth Theater on it, but the big storm that we had last year tore

that apart, and so we're hoping to rebuild that and put it about in the same space, a little bit more south of that, of where it is.

BARINGHAUS Okay. Great. Well, thank you very much.

FLORKOWSKI Thank you.

COPPOLA Other questions for the Petitioner?

TESTA Yeah, sorry, Mr. Chair.

COPPOLA Mr. Testa.

TESTA I need to clarify the answer you had about the brickwork for the proposed addition. Are you going to make it the same color as the rest of the building? Are you redoing the whole building? Let's say it's painted like a yellow.

ALFONSI Yeah, it was the intent, because it was gonna be painted to match or something, you know, something maybe complimentary, but nothing, you know....

TESTA Okay, so it's gonna be painted brick.

ALFONSI The plan is to have it painted black.

TESTA Thank you.

ALFONSI You're welcome.

COPPOLA Any other questions for the Petitioner?

ROTONDO Mr. Chair.

COPPOLA Mr. Rotondo.

ROTONDO So I'm looking at the plans here. How much bigger is this addition going to be? Because you're essentially taking out the current entrance and making it bigger. I don't see a dimension on that.

ALFONSI So...

ROTONDO See the dimension from the...

ALFONSI Yeah, it's graphically. You can see the dash line, right? So the existing was basically seven foot by 10 foot, seven foot out and 10 foot by. So this one's out 10 foot and 28 feet wide, is what we're asking for.

ROTONDO Thank you.

ALFONSI You're welcome.

COPPOLA Any other questions? All right, let's see. Is there anybody in the audience who would like to speak for or against this petition? Seeing none, any correspondence?

KLISZ No letters.

COPPOLA No letters. Okay. Mrs. Florkowski, would you like to say anything in closing before we go ahead and take a vote?

FLORKOWSKI I would just like to reemphasize that I'm here for kids. I don't pay myself for what I do, and I love the kids. And we're not there to produce Broadway stars, but we are there to have kids feel good about themselves, get along with each other, create camaraderie and do theater and have fun.

BOLOVEN Mr. Chair, before we close.

COPPOLA Yes.

BOLOVEN It's either for Mr. Popp or Mr. Fisher. I was quickly trying to look and I couldn't find it. Is this address subject to historical preservation by chance?

POPP I would not think so, no. I can't answer that. I don't have any way to look that up here.

FISHER I don't think there's a historic district along southeastern Inkster Road.

BOLOVEN [Inaudible] List of the addresses that were under that society for that commission.

FISHER Yeah, like I say, I don't think Inkster Road is out among those addresses.

BOLOVEN All right. Thank you.

COPPOLA All right, I'm gonna close the public portion of the case and start the Board's comments with Mr. Boloven.

BOLOVEN Thank you, Mr. Chair. I could be in support. I see the hardship and the need, and obviously it does need improvement. So I'm glad that they're putting resources into the property.

Looking at the email from Mr. Taormina, it is a replacement. It doesn't need a full site plan renewal on it looks like, at one point time, a recent time, it was basically used for UAW Hall. Was there a church? So seeing that, it isn't between the community improving the area and safety concerns noted, it is somewhat de minimis, the setback deficiency that's being requested. I'd be in support this evening.

COPPOLA Thank you. Vice Chair Baringhaus.

BARINGHAUS Thank you. Yeah, I can see the hardship, basically, as the theater really doesn't have a working vestibule to this, what the Petitioner is proposing would remedy that. I agree with Mr. Boloven. I think the deficiency is minimal. It's just slightly over three feet. So based on that, I will support the variance.

COPPOLA Okay, thank you. Secretary Klisz.

KLISZ I agree with my colleagues. I think they've brought up the important points. It's a small variance request, and the hardship is definitely there on this very old building that needs some updating. So that it would be more useful as the theater. So I'll be in support.

COPPOLA Okay, thank you. Mr. Rotondo.

ROTONDO Yeah, I understand. I can see the hardship here. I think it makes sense to redesign and change the out doors to the other side, to the east side, I believe it was. I think it makes sense to not direct traffic right into the road there. So I'll be in support.

COPPOLA All right, thank you. Mrs. Scheel.

SCHEEL I too, am in support of this. I think it's wonderful what you're doing with working with kids and bringing them into theater. And I wish you well. Thank you.

COPPOLA Mr. Testa.

TESTA I'll be in support of this. Nothing really to add, other than that I like changing the side entrance. I think that's a good move, and I think you're kind of maximizing what you can do within that space. Thank you.

COPPOLA I am too in support. I think the theater has created a great service to the community. It's really something great. The kids that want to get involved here have an opportunity to do that. They've also repurposed the building that was vacant and really needed some work, and I think this will actually make the building look that much better in the community, too. So I appreciate your efforts in the community, helping the children with the theater, as well as taking the property that was challenged and is now, I think once it's done, it's going to look great. So I'll go ahead and open the floor for a motion.

POPP Mr. Chair, sorry to interrupt. Real quick. I did find the list Mr. Boloven was looking for.

COPPOLA Yes.

POPP It is actually in our code of ordinance. 2.56.041, list of historic resources in Livonia. It is not on the list.

BOLOVEN Can you say that again?

POPP 2.56.041.

BOLOVEN Thank you so much. Mr. Chair. Resolved that the variance sought in appeal case number 2024-05-18, filed by Fred and Nancy Florkowski on behalf of Motor City Youth Theater, 27555 Grantland Street, be granted for the following reasons and findings of fact: the uniqueness requirement is met due to the proximity of the building in relation to the road as well as the facility prior being vacant. Denial of the variance would have severe consequences for the Petitioner due to lack of rebuild improvements in the building, as well as improvement of entrance safety for its patrons. The variance is fair in light of its effect on neighboring properties and in the spirit of the zoning ordinance due to no neighboring objections, and the resources put into the building would improve the area. 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: that it be built as presented this evening.

TESTA Support.

COPPOLA I have a motion by Mr. Boloven, supported by Mr. Testa. Any discussion? On the conditions you had... did you have conditions?

BOLOVEN Presented, build as presented this evening.

COPPOLA Yeah, I would just say just be a little more specific: location, design and materials.

BOLOVEN Yes.

COPPOLA Okay. Go ahead and take the roll, please.

RESOLVED: APPEAL CASE NO. 2024-05-18, 27555 Grantland Street: an appeal was made to the Zoning Board of Appeals by Fred and Nancy Florkowski on behalf of Motor City Youth Theater, seeking to construct an entry addition resulting in a deficient side yard setback.

This Low-Density Residential property is located on the south side of Grantland Street (27555), between Cavell and Arcola Streets, Lot. No. 100-01-0247-000, C-1, Commercial Assembly, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 3.10 (Dimension Regulations).

Side Yard Setback

Required: 8 feet

Proposed: 4.67 feet

Deficient: 3.33 feet

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

1. That the uniqueness requirement is met due to the proximity of the building in relation to the road as well as the facility prior being vacant,
2. That denial of the variance would have severe consequences for the Petitioner due to the lack of improvements in the building, as well as improvement of entrance safety for its patrons,
3. That the variance is fair in light of its effect on neighboring properties, and in the spirit of the zoning ordinance due to no neighboring objections, and the resources put into the building would improve the area, and
4. That this 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 condition:

1. The project will be built as presented to the Board as to location, design, and materials.

ROLL CALL VOTE

AYES: 7

NAYS: 0

PASS/FAIL/TABLED: PASS: PASS

KLISZ Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Aye.

KLISZ Passes seven to zero.

COPPOLA All right. Congratulations. You've got your variance. The only condition is that you build it as presented. It's basically built as the design that was provided to the to the Board for consideration, so materials, location, and design. Okay?

ALFONSI Thank you.

COPPOLA Good luck. Look forward to seeing it.

FLORKOWSKI I thank you. The Motor City's kids thank you.

COPPOLA Take just a quick break. Just for the record, we went on break at 7:42.

[Meeting is paused for a break.]

COPPOLA Okay. Back on the record at 7:44. You can call the next case, please.

APPEAL CASE NO. 2024-05-19, 36244 Curtis Street: an appeal was made to the Zoning Board of Appeals by Jonathan and Shannon Myshock, seeking to construct an accessory shed resulting in a deficient corner lot side yard setback. Side yard setback required: equal to the principal building paralleling the corner side street.

This Low-Density Residential property is located on the north side of Curtis Street (36244), between Golfview Street and Levan Road, Lot. No. 029-01-0033-000, N-2, Residential, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09(1)D (Minimum Setbacks).

Side Yard Setback

Required: 22.3 feet

Proposed: 3 feet

Deficient: 19.3 feet

COPPOLA All right. Thank you. Mr. Popp, anything you'd like to add?

POPP Nothing to add, Mr. Chair.

COPPOLA Any questions for the Inspection Department? Seeing none, could the Petitioner step up? The name and address for the record, please.

JONATHAN MYSHOCK Jonathan Myshock, 36244 Curtis, Livonia, MI, 48152.

COPPOLA Mr. Myshock, could you tell us a little bit about your project? I'd like to understand why you're proposing to put the shed where you suggest it would go, and any parts you could have that would support putting it there.

JONATHAN MYSHOCK Perfect. Well, good evening. First, I want to thank you guys for the opportunity to come out here and speak today. I want to point out, I want to thank Inspector Stierna for his assistance and his quick response and emails. My name is Jonathan Myshock. I'm here with my wife, Shannon Myshock, and my father, Randy Myshock. We're all lifelong residents of Livonia. My wife and I live at 36244 Curtis, at the intersection of Curtis and Golfview, and we're here today to ask for the City to grant a variance for the city ordinance that says we cannot build a shed off the principal building. Our goal is to build a shed in the northeast corner of our backyard, as shown in that picture. The shed would be behind the privacy fence enough for no further visual obstruction that the fact that the privacy fence has already created. We've submitted blueprints to the City and intend to build our shed the same model that's been provided. We would build the shed on our own. We've built sheds in the past for family, friends, up in Tawas and in areas of that we have sent pictures of finished products that we've done in the past. My neighbors, Sam and Linda, who live to the corner left to the north of us, have no issues with us building a shed. I believe they sent in a letter of approval as well. In the fall of 2023 when we were planning to build a shed, we had missed a common outline locations where we had AT&T and gas lines identified in our backyard. This prevents us

from building a shed in several areas of our backyard. Furthermore, our grass space is limited. The shed would allow us to secure lawn equipment, tools and other garage cluttering items. I've been a member of Downriver SWAT team for eight years. I'm always on call. This requires me to have my equipment in my vehicle so I can respond directly to the scene. Just today, we had a homicide suspect taken into custody, detained by the Downriver SWAT team. As I mentioned earlier, this shed would free up valuable garage space, which would allow me to secure my vehicle in the garage. Furthermore, I'm currently an undercover police officer for Michigan State Police. I'm outsourced by the city of Taylor. As you can see, my backyard has an open spot right there. This would grant us just a little bit more privacy. Thank you again for your time. If you have any questions, I'd be happy to answer them.

COPPOLA Thank you. So you stated that there's utilities on your property that would prohibit you from complying with ordinances. Where are... I didn't see in any of the documentation you presented, where those utilities would be, and how they would preclude you from....

JONATHAN MYSHOCK We sent-- there's pictures of the AT&T cable box back here in our backyard.

COPPOLA Right.

JONATHAN MYSHOCK I don't know if you can.... am I allowed to approach, or...?

COPPOLA Yeah, you can approach.

JONATHAN MYSHOCK Here's the AT&T cable box, or cable line that runs parallel right this way. [Inaudible] was able to show that and show a gas line that cuts right over here, in that back corner over there, but...

COPPOLA I'll pass these around.

JONATHAN MYSHOCK Absolutely.

COPPOLA I see that. I see the pictures, it would have been nice to add it to the site plan that you have so you can see exactly where those were. Then the size is just ten by fourteen?

JONATHAN MYSHOCK Correct.

COPPOLA So this is the proposed location for the shed.

JONATHAN MYSHOCK As I stated, another big thing would be just the added privacy of putting the shed in that location. This is the view from outside of my sliding glass window or sliding door wall.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Question for the Petitioner, looking at the picture, when you moved to the house, it looks like, 2021, was that privacy fence there?

JONATHAN MYSHOCK Not the privacy fence that side, there was one that covered our backyard. But once we got the privacy fence....

BOLOVEN You put up the vinyl privacy fence?

JONATHAN MYSHOCK We did not, Home Depot did. But yes, we....

BOLOVEN I mean you, yes, you own the property.

JONATHAN MYSHOCK Yes, yes.

BOLOVEN Why did you do the back line?

JONATHAN MYSHOCK We want to leave that spot open so our dog can go out there and see the little corner and run. Plus we didn't want to block off our neighbors. We're very good friends with our neighbors there.

BOLOVEN So you bought the cyclone, though, so still a fence.

JONATHAN MYSHOCK Yes.

BOLOVEN Didn't choose to go all the way down.

JONATHAN MYSHOCK Correct? It was also a fiscal decision of our mind.

BOLOVEN So if you like seeing the neighbors, isn't this shed gonna block the neighbors?

JONATHAN MYSHOCK Not completely. It'll block people from walking down the sidewalk. There was a time that I was actually cleaning a firearm in my backyard because the smell from the gun cleaning agent isn't good inside the house, and my neighbors all know what I do. So I was like, "Alright, this is fine." Then people were walking their dogs. And I was like, "Okay, I can see what this isn't a good spot to be doing this."

BOLOVEN Thank you, Mr. Chair.

COPPOLA Question for the Petitioner?

BARINGHAUS Mr. Chairman? Question for Mr. Popp. Where would the shed be located according to ordinance? Put that place in the area directly across from the patio, approximately.

POPP Let me grab that picture. Basically. Yeah, they would have to be behind the back corner house, like, if you drew a plane north-south, it would be within that plane of the structure is where, by ordinance, it has to be.

BARINGHAUS A question for the Petitioner, what are you currently storing in the garage now?

JONATHAN MYSHOCK A vehicle, my lawnmowers, lawn equipment, gas for the lawn equipment, just things like that. Would be nice to be able to take the gasoline out the garage somewhere else. Oh, it's not attached to the building.

BARINGHAUS [Inaudible] Yard equipment, gasoline.

JONATHAN MYSHOCK Correct. We're also looking into getting a riding lawnmower to cut down the time of cutting the grass. Right now it's about a two-hour job the riding lawn mower would absolutely cut that down.

BARINGHAUS Okay, thank you.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Looking at the plans, the plan for the shed would be eight feet tall. Is that correct?

JONATHAN MYSHOCK Yes.

BOLOVEN What's that going to sit on?

RANDY MYSHOCK We're going to do foundation work with slab.

[UNIDENTIFIED SPEAKER] Your name.

RANDY MYSHOCK Randy Myshock. 19090 Levan Road, Livonia, Michigan, right up the street. I want to be sure this is going to be done right. So, yeah, we'll put the... we'll go down 24-inch ratwall, just like the code says.

BOLOVEN So you have two, essentially two foot height, and then another eight. So we're gonna be 10 feet, right, total?

RANDY MYSHOCK Yeah.

BOLOVEN Your privacy fence, six foot, right?

RANDY MYSHOCK Yep.

BOLOVEN And then you got probably four-foot cyclone in the back?

RANDY MYSHOCK Yep.

BOLOVEN So with 10 feet, you're gonna be four foot over that privacy fence. Any concerns in the way that's going to look?

RANDY MYSHOCK No, I think the way we have... probably we're going three feet off the fence setback in, plus another six feet off the back fence, because of the codes, I think it'll look fine over there. I think the color scheme, the way we're going to build it to match the house, everything's going to look pretty, pretty sharp over there.

BOLOVEN Just see for that being in a unit I'm driving by it, that's gonna be towering over that fence.

JONATHAN MYSHOCK So Golfview would be the street that would be coming down there. That's very, very little traffic flow compared to the other streets in the city.

BOLOVEN Thank you, Mr. Chair.

COPPOLA Based on where I think you showed me where utility lines were, why not? Why not put the shed on the other side of the property?

JONATHAN MYSHOCK As I stated, another big thing that would come out of this would be a little bit more privacy, and it would not even to the amount of backyard that we have.

COPPOLA So there's not a... beyond a walk, there's not any hardship in the sense of putting it on the other side. In other words, it's not utilities. There's not a watershed or anything else that would suggest that you couldn't put it on the other side.

RANDY MYSHOCK I don't believe there's gonna be enough room there to put a 14 by, I'm sorry, 14 by 10 shed in that corner and do the six feet off and three feet off the west side.

COPPOLA Okay, nice. Any questions for the Petitioner? Mr. Popp?

POPP I'd just like to clarify their foundation. I think Mr. Boloven misunderstood when they said the two foot. They're going to be two foot in the ground, on the foundation by four inches, not two foot above the ground. So eight feet total.

BOLOVEN The foundation. How big is that going to be?

RANDY MYSHOCK It would be even at four inches off the two-foot ratwall. So the foundation can be right off the ground.

BOLOVEN Your concrete slab, you're not going to have it updated?

RANDY MYSHOCK No. Just four inches up.

BOLOVEN Okay.

POPP I just wanted to clarify. Thank you.

RANDY MYSHOCK Thank you for that.

COPPOLA Other questions for the Petitioner?

TESTA You're talking about cleaning your work items, for lack of a better term?

JONATHAN MYSHOCK Yes.

TESTA I guess if you were on your patio, wouldn't your patio screen give you the privacy that you need?

JONATHAN MYSHOCK We don't have a patio screen. That's... that privacy wall. And once we put the privacy fence in...

TESTA Okay.

JONATHAN MYSHOCK We put the privacy.... Okay, sorry.

TESTA I'm looking at the picture.

JONATHAN MYSHOCK Absolutely.

TESTA Understood now. Thank you.

COPPOLA Any questions for the Petitioner? All right, seeing that there isn't, you guys can have a seat for a minute. Does anyone in the audience want to speak for or against his petition? Do we have any...?

KLISZ Yes, we have one letter, letter of approval from Hussam and Linda Batayeh, residing at 36245 Hammer, "We approve of this project."

COPPOLA Okay, so Mr. Myshock, would you like to say anything in closing? If you would, just step up to the....

JONATHAN MYSHOCK Sorry about that. Yes. Thank you guys again for your time. This would be a great addition to the house. If we can get this done, I would greatly appreciate it. Thank you again.

COPPOLA All right. Thank you. I'm going to close the public portion of the case and start the Board's comments with Vice Chair Baringhaus.

BARINGHAUS Yeah, corner lots like this always present a challenge when it comes to sheds. I feel that. I mean, I have to agree with the Petitioner that places, because of the ordinance, [it] places the shed basically right square in the middle of your backyard, and I think some premium living space to get six of one and half a dozen of the other where the shed goes, because either way, it's still in the corner. I've seen both done. I've seen in both situations and neighbors are generally accepting of it. I think the fact that the majority of the property has privacy fence around it kind of gives the question of how it appears in the street, because it's basically it. So based on that, I feel I'll support the variance.

COPPOLA Secretary Klisz.

KLISZ I agree. I think Mr. Baringhaus summed it up. I was a little puzzled myself, but then he cleared it up for me. So that makes sense, that it is a difficult situation here, based on the particular requirements of these setbacks and that it will not look wildly out of place. I mean, it's not an oversized shed by any means. [Inaudible] too big. A hardship is there to put his lawn equipment and whatnot out of the garage and a car can fit in there. So based on that, I'll be in support.

COPPOLA All right, thank you. Mr. Rotondo.

ROTONDO Yeah, I think the plans that the Petitioner offered look nice. I like the shed. I'm a little bit on the fence here. No pun intended. But I can understand the Petitioner is wanting privacy, putting it in that corner, but then also he's, you know, I feel like there's other areas in the yard that it could be, it could be placed in without affecting the utilities. So I guess I'm interested to hear what the rest of my colleagues have to say, and I could probably be swayed either way.

COPPOLA All right, thank you. Mrs. Scheel?

SCHEEL Thank you. I agree with Vice Chair Baringhaus. There may be other areas where the shed could go, but I like the position that it's placed in right now. I also want to thank you for bringing the large pictures that greatly helped in looking at how everything's placed. So I would be in support of it as submitted by the Petitioner.

COPPOLA Thank you. Mr. Testa.

TESTA Yeah, on the pre-read, I was kind of undecided on this, so your case that you made here tonight was very helpful. I can support this. I like the fact that there already is a fence there, kind of screening most of it. And if I live down this line, I would probably want to put a shed on this side, instead of the opposite, more naturally floating here. And thank you for the explanation of you're also looking for privacy screening from that sidewalk area. So I can support this.

COPPOLA All right. Thank you. Mr. Boloven.

BOLOVEN Thank you, Mr. Chair. I too, like Mr. Rotondo, was a little torn on this, and the reason being is, is there another area within the property that you put and the Chairman asked that question, and I'm looking at the picture that you brought in here, and it looks to me like on the other side, where I think it may potentially be able to go with it, not the subject issue. Looks like you got another utility box there in the opposite corner. So if that's the case, then I do buy the hardship that there's nowhere else to put it. We denied similar proposals before as recent as local meetings, but in those cases, there [were] other places that it could be put. So truly, you know, with that understanding that there's nowhere else to go, I would be in support as presented this evening. And also, thank you for your service.

COPPOLA Thank you. Coming from a law enforcement family, thank you for your service. I know that's a tough job, especially when you got to work undercover. Appreciate that. In regards to the petition, it would have been really helpful if you'd placed utilities that you're claiming to be an obstruction. I'm not suggesting that you're claiming incorrectly or correctly, but you're claiming, I don't know. And so the question is this: [are] there other places? We've denied some of these, and we've permitted some of these based on certain hardships. I'm not convinced yet I have enough information to make that decision. I'd like to have seen where these utilities were, the gas line. I would like to have seen where the boxes were, but right now, from my perspective, without that, I'm thinking, let me go on the other side. If you go, in the middle, if you go, I don't know. I would prefer, and ask anybody on your end, I'm the least person to ever suggest a table. I'd like to table, and I'd like to see where the utilities are on this property to fully understand. So I'd like to see the site plan with the gas line on it, with any of the boxes or obstructions, so that I could clearly say, Yeah, this is definitely a hardship and it deserves a variance. So again, that's mine. I think you might have enough votes to get by tonight, so we'll go ahead and open up the floor for a motion.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chairman Baringhaus.

BARINGHAUS Okay. Resolved that the variance sought in appeal case number 2024-05-19, filed by Jonathan and Shannon Myshock be granted for the following reasons and findings

of fact: The uniqueness requirement is met due to the corner lot and the arrangement of utilities in the backyard. Denial of the variance would have severe consequences for the Petitioner due to reduced privacy in their backyard. The variance is fair in light of its effect on neighboring properties and in the spirit of the zoning ordinance due to no apparent neighbor objection to the proposed project. The [property] is classified as N-2, 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 that it be built as presented in terms of location, design, and materials.

SCHEEL Support.

COPPOLA I have a motion by Mr. Baringhaus, supported by Mrs. Scheel. Any discussion?

BARINGHAUS This question is for Mr. Popp. Generally with utilities, lines and pipes, things like that, do they tend to run through the front yard or the backyards, or both,

POPP Being that there's a cable box back there, those can be funny, because their cables are only required to go under the ground a couple inches, and they have a tendency to sling those just about anywhere, regardless of where they're actually allowed to put them. Gas lines are usually within the easement, so that would be on the rear property line on that property, yeah, there's no, there's nothing on either side of it as a utility easement. It's all on the back property.

BARINGHAUS Very good. Okay, thank you.

COPPOLA Discussion? Any limitations on the time frame for the permit?

BARINGHAUS Six months will be fine.

COPPOLA Okay, take the roll please.

RESOLVED: APPEAL CASE NO. 2024-05-19, 36244 Curtis Street: an appeal was made to the Zoning Board of Appeals by Jonathan and Shannon Myshock, seeking to construct an accessory shed resulting in a deficient corner lot side yard setback. Side yard setback required: equal to the principal building paralleling the corner side street.

This Low-Density Residential property is located on the north side of Curtis Street (36244), between Golfview Street and Levan Road, Lot. No. 029-01-0033-000, N-2, Residential, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09(1)D (Minimum Setbacks).

Side Yard Setback

Required: 22.3 feet

Proposed: 3 feet

Deficient: 19.3 feet

be granted for the following reasons and findings of fact:

1. That the uniqueness requirement is met due to the corner lot and the arrangement of the utilities in the backyard,
2. That denial of the variance would have severe consequences for the Petitioners due to reduced privacy in their backyard,
3. That the variance is fair in light of its effect on neighboring properties, and in the spirit of the zoning ordinance due to no apparent neighbor objection to the proposed project, and
4. That this 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 project will be built as presented to the Board as to location, design, and materials.
2. The Petitioners will have six (6) months to obtain the permit.

ROLL CALL VOTE

AYES: 6

NAYS: 1

PASS/FAIL/TABLED: PASS: PASS

KLISZ Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ And Chairman Coppola.

COPPOLA Nay.

KLISZ Six to one.

COPPOLA All right, Mr. Myshock, you have got your variance. The only condition is that you have to build it as presented. So that means location, size, material, design, as you were presented and you need to pull your permit within six months or the variance will expire.

JONATHAN MYSHOCK Excellent. Thank you very much.

COPPOLA Call the next case, please.

APPEAL CASE NO. 2024-05-20, 14340 Hillcrest Street: an appeal was made to the Zoning Board of Appeals by Christine Renshaw, seeking to construct a 319-square-foot master suite addition on an existing dwelling on a nonconforming lot, resulting in a deficient rear yard setback.

This Low-Density Residential property is located on the east side of Hillcrest Street (14340), between Schoolcraft Road and Lyndon Street, Lot. No. 091-01-0011-002, RUF, Rural Urban Farm District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 3.06 (District Regulations).

Rear Yard Setback

Required: 45 feet

Proposed: 31 feet

Deficient: 14 feet

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

POPP Only thing I would like to add here on number five on the application for variance that they mentioned that they would meet N-1 zoning. Their property and a property three to the north were at one time split, and the split to the east that was split off as N-2 as well as the property to the north, and they would meet setback on N-2 but for whatever reason, when the property was split, they remained RUF, which made their lot non-conforming to RUF. I just wanted to clarify, because they say N-1 on their thing, and it's actually N-2.

COPPOLA N-2. Yes, this might be a Fisher question. We normally, because you got one on one part of the street where that got rezoned and this one didn't get rezoned. Is that normally the process, when you start a lot, do they rezone it? Or did they go in and add a rezoning?

FISHER Well, I guess I don't know the history of this piece of property, I couldn't tell you. There are several possibilities. I guess the other thing I don't know is the zoning problem here. If the problem is that the lot is not wide enough or not big enough in the area, that has to be approved by Council in order to split it. However, any other deficiency that you have in your lot can just be in a lot split, then you... it's buyer beware.

COPPOLA There's a structure up here now. So obviously a lot was split before or after the building, depending on what was split, right?

FISHER Right, and like I say, if it's the deficiency of something other than with their areas, they can split. In fact, the Land Division Act says you must split it. [Inaudible] something for the next discussion.

COPPOLA Yeah, but I would say on a today basis, if someone came and wanted to split one of those lots, would you and it was theoretically conforming under a rezoning, would they be required to be rezoned, to be conforming?

FISHER You know, I would prefer it was rezoned, but I don't make those decisions.

POPP It was zoned RUF, which, by current zoning, requires 150-foot depth, and they're only one hundred and twenty-six.

BOLOVEN Mr. Chair, can I ask to clarify a question?

COPPOLA Absolutely.

BOLOVEN So if I'm looking, Mr. Popp or Mr. Fisher, looking at the zoning map for the city, they're at 14340, clearly it was at one point with 14341.

POPP Correct.

BOLOVEN That split? What's the rhyme or reason that 14341 is N-2?

POPP Across the street to the east is all N-2, so the other side of Henry Ruff is N-2. Why they did that when they split it, I can't speak to. I don't have an answer for that.

BOLOVEN Because it looks like if I go down south, 14268 and 14264 were split, but those folks both remained RUF.

SCHEEL Right.

FISHER Well, to some degree, this is dependent on who makes the petition right, because if I don't petition to have my land rezoned, and you do, then your land might get rezoned and mine might not. That might explain irrational patterns like this.

BOLOVEN So would they have to have done it during the split? They would have asked for that rezoning at that time?

FISHER It's conceivable.

BOLOVEN But that still doesn't make sense, because on that split, one was N-2, another one was RUF.

POPP Yeah, that's the same. Two, three lots to the north, 14400 and 14401, are RUF and N-2 as well.

BOLOVEN So just for my best understanding here. If they were 14341 here today, they wouldn't be here today. They would get approved as is.

POPP Correct. Yep, they would. They would fit within zoning for N-2. One hundred percent. By a foot.

FISHER If you remember this neighborhood, it used to be all these houses were one. One house took all the space from Henry Ruff to Hillcrest, and then only relatively recently broke off those back ends and developed them there.

BOLOVEN Thank you.

TESTA And question for Mr. Fisher. Could they seek to rezone this to N-2, would that be a better path for them?

FISHER For this Petitioner here?

TESTA Yes.

FISHER I don't think that's... I don't think the side here I said that could help, but I don't know. I'm not sure how much....

COPPOLA A very hard setback, right?

FISHER I was looking at the wrong one.

TESTA If that was zoned N-1, I'm sorry, N-2, they wouldn't need it.

FISHER I'm not sure....

POPP Mr. Testa, that is an accurate statement. Rear yard setback for RUF is 45 feet, rear yard setback for N-2 is 30 foot. Their proposed setback is 31 feet. So they would have, instead of being deficient, they would have one foot to spare.

COPPOLA Okay, anything else? Seeing none, the Petitioner can step forward, please. Name and address.

RENSHAW Good evening. Christine Renshaw. Address: 14340 Hillcrest, Livonia, Michigan. So again, obviously there's already been a little bit of discussion. Same confusion kind of came from us. Ultimately. Obviously we did. We were told that we needed to present a hardship in regards to this, we are living in our house currently. When I purchased the home almost six years ago, it was a two-bedroom. We've since expanded our family. We have a young son that's now living in our bedroom. He will be one at the end of this month. We want to stay in the Livonia area. We've looked elsewhere, but our older son is in the school district. He's played sports here, and ultimately, we want to continue our home here in Livonia, so we thought to expand our house. Back when we obviously worked with an architect, we definitely thought we were in a very different zone than a farming district in Livonia. But then when we went to go pull permits, we were hit with this variance for the rear setback. So again, we are here to present

this hardship and trying to expand our house so we can remain Livonia residents and have our family continue to grow here.

COPPOLA All right, thank you. Questions for the Petitioner?

BARINGHAUS Mr. Chairman?

COPPOLA Mr. Baringhaus.

BARINGHAUS Who will be constructing the addition?

RENSHAW Bongero.

BARINGHAUS Bongero. Okay. On the map, the zoning district map, the lots almost look identical to one another in the size. Is that a fair statement, or is one slightly larger than the other, in your opinion?

RENSHAW I honestly don't know. I do know that when we were presented this, it did come up in 2005. The previous homeowner actually was the one who bought the spot or the land, but bought both lots, and then he built the house behind us and again. So I don't remember who was speaking in regards to the zoning, or who would rezone it at that time, but obviously the house behind us was at that time rezoned. To my understanding it was N-1. So again, why that lot that he actually still lived on was not rezoned like I said, it was very.... We were not aware of why, but again, I know that it didn't meet.... Our current lot size doesn't meet the RUF square footage.

BARINGHAUS Going through your neighborhood, I've seen a couple additions that look like all-season rooms or sunrooms. Are there any other neighbors that have done an addition similar to yours on your street?

RENSHAW Yes. There are several, several homes, I would say, down the street as well as there's a little cul-de-sac down the street from us as well. And a lot of them do have, again, you can tell three bedrooms off the side of the home.

BARINGHAUS Okay, great. Thank you.

BOLOVEN Mr. Chairman?

COPPOLA Mr. Boloven.

BOLOVEN Looking at the site plans, to the Petitioner, are you going to match your material on the outside of the addition, or how's that going to look?

RENSHAW So we are planning on using a white vinyl. Our house is kind of half and half right now. The majority of the brick would honestly be lost with the addition. So we're going to match the siding. The sides of our house will both have vinyl as well as off the garage, and previously, I don't know when, they connected the garage and the house, and that is all out of vinyl.

BOLOVEN And will the shingles match?

RENSHAW Yes. To the roof, so yes.

BOLOVEN Thank you.

COPPOLA Other questions for the Petitioner? All right, seeing none. Does anyone in the audience like to speak for or against this petition? Any...?

KLISZ No letters.

COPPOLA No letters. Anything you'd like to say in closing?

RENSHAW Again, we just want to stay Livonia residents. Again, I truly have enjoyed. My son just graduated fourth grade from Roosevelt Elementary, so we really like that. I would love my next son to also go to school there, as well as play sports that they continue to like and enjoy for the City. Thank you.

COPPOLA I'm going to go ahead and close the public portion of the case and start the Board's comments with Secretary Klisz.

KLISZ Thank you. So obviously, I think this one came down to once the Inspection Department has given us the... it would be perfectly acceptable to do if it was zoned correctly, as its former partner, 14341, and then under N-2 zoning, it would be one foot under the proposed setback. So based on that, I think there's just no distinction between the two. It's obviously half of an RUF lot now anyhow, and it makes sense to allow it, and I get the hardship, so I'll be in support.

COPPOLA Mr. Rotondo.

ROTONDO Yeah, this is pretty clear-cut. I mean, the zoning doesn't properly characterize this property, and it would comply with the N-2 which is probably what it should be zoned. So I'll be in support of this. It would make sense.

COPPOLA Thank you. Mrs. Scheel.

SCHEEL I too am supportive of this to the reasons that were stated by my two previous colleagues. I also want to thank you for wanting to stay in Livonia and for searching out ways that you can do that. And this totally makes sense to me. Thank you.

COPPOLA Thank you. Mr. Testa.

TESTA Yeah, thank you, Mr. Chair. Yeah, as well, I'm glad you're staying. Yeah, it doesn't make sense to really send you to seek a zoning change, although it would get you the same thing, kind of just delay what you want to do. I can be in support of this. I will be in support of this, and I feel we mentioned in the first case. I just finished an addition by Bongero. You will be very happy with his work, or their work.

COPPOLA Mr. Boloven.

BOLOVEN I agree with Mr. Testa, I think probably the better half would have been to change the zoning of it, but it's kind of silly that you're here. The house right behind you, had it been yours, it's approved, but right now, obviously you have that issue. So I agree with the rest of the Board, and I'll approve as it's here.

COPPOLA Thank you. Mr. Baringhaus.

BARINGHAUS Your neighborhood has very interesting zoning. Probably more interesting than usual, so thank you for that, but I agree with what everybody stated, and based on that I will support the variance.

COPPOLA I, too, am in support of this. It's kind of more an administrative process than anything that requires a true hardship or anything else. So again, I am in support. Open the floor for a motion.

KLISZ Mr. Chair.

COPPOLA Secretary Klisz.

KLISZ Resolved that the variance sought in appeal case number 2024-05-20, filed by Christine Renshaw, be granted for the following reasons and findings of fact. The uniqueness requirement is met because the zoning is actually arguably wrong or different from the property that it used to be split off from. Denial of the variance would have severe consequences for the Petitioner because they couldn't use their property to have their addition, which would be perfectly fine under N-2 zoning. The variance is fair in light of its effect on neighboring properties, and in the spirit of the zoning ordinance, because of the things that have already been mentioned and no neighbor opposition to the project. This property is classified as RUF under the Master Plan, and the proposed variance is not inconsistent with that classification. Further, the variance be granted the following conditions: that it will be built as presented, as to location, design and materials.

BOLOVEN Support.

COPPOLA I have a motion from Secretary Klisz, supported by Mr. Boloven. Any discussion? Seeing none, please take roll.

RESOLVED: APPEAL CASE NO. 2024-05-20, 14340 Hillcrest Street: an appeal was made to the Zoning Board of Appeals by Christine Renshaw, seeking to construct a 319-square-foot master suite addition on an existing dwelling on a nonconforming lot, resulting in a deficient rear yard setback.

This Low-Density Residential property is located on the east side of Hillcrest Street (14340), between Schoolcraft Road and Lyndon Street, Lot. No. 091-01-0011-002, RUF, Rural Urban Farm District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 3.06 (District Regulations).

Rear Yard Setback

Required: 45 feet

Proposed: 31 feet

Deficient: 14 feet

be granted for the following reasons and findings of fact:

1. That the uniqueness requirement is met due to the zoning being arguably wrong and differential from the property from which it was split,
2. That denial of the variance would have severe consequences for the Petitioner because they would be unable to have their addition, which would be perfectly in line under N-2 zoning,
3. That the variance is fair in light of its effect on neighboring properties, and in the spirit of the zoning ordinance because of previously mentioned reasons, and due to no neighbor opposition to the project, and
4. That this 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 condition:

1. The project will be built as presented to the Board as to location, design, and materials.

ROLL CALL VOTE

AYES: 7

NAYS: 0

PASS/FAIL/TABLED: PASS: PASS

KLISZ Yes. Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Aye.

KLISZ Passes seven to zero.

COPPOLA Congratulations. You got your variance. The conditions are, you just have to build it as you presented with placement, design and materials. You can get your permit in five days. Good luck.

RENSHAW Thank you.

COPPOLA All right. Home stretch. Final. You can go ahead and call them up.

APPEAL CASE NO. 2024-05-21, 12679 Middlebelt: an appeal was made to the Zoning Board of Appeals by Michael Kinaia, Indy-C-Kal, Inc. on behalf of Lessee Starbucks, seeking to replace existing wall signs resulting in a single sign with excessive wall sign area.

This Regional Commercial property is located on the east side of Middlebelt Road (12679), between Industrial Road and Plymouth Road, Lot. No. 101-99-0008-015, C-2, Commercial District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 11.08 (3) (Sign Regulations).

Wall Sign Area

Allowed: 28 square feet

Proposed: 36.5 square feet

Excess: 8.5 square feet

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

POPP Nothing to add, Mr. Chairman.

COPPOLA Any questions for the Inspection Department? Seeing none, the Petitioner could step forward. Name and address, please.

LONG My name is Tammy Long. I work for Northern Sign, [inaudible] decal service, the address is 2181 East Walton Boulevard, Auburn Hills, Michigan.

COPPOLA Great. Thank you. Won't you tell us a little bit about the sign swaps. I'm a little bit lost. I got a little lost.

LONG Starbucks had three signs put up. They had two. They had a siren sign from '14 or '15 on the side of the building and a drive-thru. They also had a big Starbucks coffee right across the front. Starbucks decided to remount, to the outer west store and get rid of the two signs on the side of the building and put them on the-- take the Starbucks coffee at the front and for the side to the side in a drive-thru, attached together to make it one sign and more presentable for people to read [inaudible].

COPPOLA So the signs that are facing, I guess that's south now outside the building by the window, they'll be gone. The drive-thru ones are gone.

LONG I'm sorry?

COPPOLA So the siren and the drive-thru, they're on the side of the building that faces south like this is going to be removed and not replaced.

LONG Oh, they've already been removed.

COPPOLA Okay, so the plan is they will be removed and not replaced.

LONG Right.

COPPOLA And the sign on the front that says Starbucks will be removed and replaced with a siren and a drive-thru. And is it one sign?

LONG I'll show you what they proposed to do, to make it the one sign.

COPPOLA We've got it in your plans.

LONG I don't think... I don't know if you have this one. It's the... do you have this one? Right now, it is the Starbucks siren sign here. The "Drive-Thru" one underneath. And you can put pedestals there, [a] type of thing to make it into one sign, if not, if you allow it not to happen, it's like the siren sign here, and the "Drive-Thru" underneath it, without the hookup. No, that's the way they want it. But if they have to, they can put this alternative, hook it to one side. Right now we have, we did get approval on putting the siren up only. Starbucks still wants to go ahead.

COPPOLA So in other words, to make it one sign instead of two signs. Is that right, right now? There's a request for two signs.

LONG Right.

COPPOLA One sign?

LONG Yeah. They want two, yeah, because they said they don't have to hook it together. They don't want two, but if they have to, they will. Like that.

COPPOLA All right. Gotcha. And then removing and then moving the two signs.

LONG As of Friday, all the signs came down. The siren sign went up on Friday.

COPPOLA Okay.

LONG Which I do have permission [for] that.

COPPOLA Okay, so siren sign is 28, less than twenty-eight....

LONG Yes, it's 25 square feet.

COPPOLA So it meets the variance, okay.

LONG Right.

COPPOLA So they have no intention of putting a sign on that side of building.

LONG No, we've already discussed it, to maybe put the "Drive-Thru" there, but they said that nobody would be able to read it. Coming from one way.

COPPOLA Yeah, if they go back to the main way.

[Inaudible crosstalk]

LONG Yeah. And they want to make it fair for their neighbors, because the neighbors don't get all that signage like they did. So they're trying to modernize it, I guess.

COPPOLA So... Just a question for Mr. Fisher. I don't know if you saw the picture or not, so they would.... They want to put the "Drive-Thru" on there, and I think it was the way that it's designed that they showed on the proposal that they gave us, they actually use two signs. So they said they're willing to connect those to make it one sign even though they would prefer not to. So that would be now, the variance would be now only allowed one sign, but if they would be getting two signs, that would be giving them excess square feet. Can we? Can we do that, even though it's not on the petition, per se?

FISHER We're going to have to renote so that we're going to have to change.

LONG We can keep it one sign. Yeah, we'll connect it just so we can get it through.

COPPOLA So one other question for you, Mr. Fisher, so right now, they received a variance for three signs. They were allowed two signs on the south side of the building, which were the siren, and it's a "Drive-Thru." They're removing that and they're putting one sign in front. So they had three signs. Now they're going to one sign. We provided them the variance. They could go back and put a sign on that south side because they had that variance. And I think they're below the square footage. I think we approved... we approved 46.5 square feet of total footage for signage. They're only asking for thirty-six.

FISHER We can't mix and match, though. I mean, you can't have, you can't use both variances.

COPPOLA No, no, let's go back to say it's... well, no, they're asking for.... I don't know, you can't bifurcate the original variance, then? Because what they did is, they asked for three signs, and each sign had its own size. So do they stand alone?

FISHER Those mass variances contain conditions and so forth, and make them individual units. We didn't present this as, "Okay, we're going to aggregate these variances." Presented them as been presented or we didn't present it.

COPPOLA They presented the variance as three separate signs.

FISHER Yes.

COPPOLA So the point, what I'm trying to get at is, can we, as part of if we agree to do this, can we rescind the old variance with the new variance so that they can't go put a sign on the south side?

FISHER Sure, I recommend you get their agreement. Sounds like there's agreement. If there's agreement then you can do anything you want. It's only if the parties disagree that you really have to have your thinking cap on.

COPPOLA Well, I would think in this manner, it could be conditioned from our perspective. The agreement could say, to get this, you need to do that. Okay. I just want to make sure we could do that with our motion. Rescind the old one and say, this is it. Okay. I'll stop monopolizing this discussion. Mr. Popp?

POPP I just wanted to clarify how the Building Department came up with the 36 square feet. It was like a lot of signs, if it's separate pieces of the sign, but they're all separate pieces, we take the whole length and height.

COPPOLA Right.

POPP Which is what they did on their sign. They took the "Drive-Thru" and the other and they combined them as a total length and a total width, and that's how we computed the square footage. So [regardless] if it's two pieces, we said it's one sign.

COPPOLA Yeah, go back to the former approval....

POPP I know, I realize that, but I'm saying their proposal with the siren and the "Drive-Thru" under it, we computed that as one sign. That's how we came up with the 36 square feet.

COPPOLA Okay.

POPP Right? I just wanted to clarify on that, that it's not... even though it's two separate pieces. We computed it as one because it's one common sign area.

COPPOLA They did the petition for two signs.

POPP I know. That's why I want to clear... Correct, but it's not.... From the Building standpoint, we're looking at it as one sign because they're right with each other, whereas, say it was all separate big letters. We wouldn't say that each one of the letters is a separate sign.

COPPOLA Right.

POPP So when they proposed the "Drive-Thru" and the siren, we said, aggregately, that's one sign. That's six foot nine inches.

COPPOLA Okay.

POPP I just want to clarify that we didn't say it was two signs. We said it was one sign.

SCHEEL So what you're saying is, they don't have to be attached to be considered one sign?

POPP Correct. Because they were in the same aggregated area. So we took that whole area at six foot nine inches times five foot, four and a quarter, and that's where we came up with the 36 square feet of sign space.

BARINGHAUS So what you're saying is the number of signs is not relevant because it's aggregated?

POPP We as the Building Department, were saying that was one sign. So the write-up as one sign is actually accurate at 36 square feet by their given dimensions that we computed it off of.

[Inaudible]

POPP That... yes, correct.

COPPOLA Mr. Fisher, are you in agreement with that?

FISHER I kind of lost track.

[Laughter]

COPPOLA The Building Department is suggesting that that even though the signs aren't attached per se, like the siren and the "Drive-Thru," they consider one sign, right?

FISHER I'm not surprised. We let those guys do whatever they want.

[Laughter]

COPPOLA No supervision, is that what you're saying? Okay.

TESTA Mr. Chair, can I clarify the intent of your questions to Mr. Fisher, from a few minutes ago? I think you're what you're trying to avoid is, if we approve this tonight, the Petitioner puts two more signs back up that we had approved previously, correct?

COPPOLA Correct.

TESTA Okay, yeah, I'd like to avoid that as well.

COPPOLA Okay, any other questions for anybody? Petitioner, Inspection, Legal? All right, seeing none. Anybody in the audience like to speak for or against this petition? I don't think we have any...

KLISZ No letters.

COPPOLA No letters. Okay, would you like to say anything in closing?

LONG No, thank you. I'm all set. I think I said everything I needed to say.

COPPOLA All right. Let me ask one more question, if you don't mind.

LONG Okay.

COPPOLA So you've heard all the conversation. So my proposal is going to be that the variance is going to, in essence, rescind the old variance and create a new variance. So there'll be no signage on the south side.

LONG Right. Starbucks doesn't want to put anything else up there. We already discussed it with the Building Department and my contact for Starbucks. They said that they don't want [any] signage on that side of the building at all.

COPPOLA Okay, all right. Thank you very much. I'm going to close the public portion of the case and start the Board's comments with Mr. Rotondo.

ROTONDO Yeah, I'll be in support of this. I think it makes sense. They're taking down the two signs on the side, they're putting one sign on the front. If it consolidates it, it's a cleaner look. I think it makes sense. I'm in support of it.

COPPOLA Mrs. Scheel.

SCHEEL I too am in support of it. I think it's a great concept to do that, and it makes it better, easier for people to read going about the building. So I will be in support of this. Thank you.

COPPOLA Mr. Testa.

TESTA I agree. I will support this.

COPPOLA Mr. Boloven.

BOLOVEN I gotta say I'm so happy you guys are back, because I'm going to admit I actually messed up. So you guys originally were here on May sixteenth, and no show. I did the approving motion on August first, and we said, on May sixteenth, we're going to do a penalty. And I messed up, and I forgot to give that penalty on August first, so I'm in support tonight, but I want to add that penalty for before. Thank you.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS I like the fact that the sign package has been streamlined, so based on that, I'll support the variance.

COPPOLA All right. Thank you. Secretary Klisz.

KLISZ I agree, and it's good to hear that Starbucks learned their mistake for the suggestion of the Board that the one sign wouldn't be seen by people that were already in line. It's an interesting piece of property, but I think it makes sense. I'll be in support of it.

COPPOLA All right, thank you. I, too, will be in support, as long as [there's] a condition about rescinding of the former variance and that this is the total sign package that's approved for that site. Open for a motion.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Resolved that the variance sought in appeal case number 2024-05-21, filed by Michael Kinaia, Indy-C-Kal, Inc., on behalf of Lessee Starbucks, be granted for the following reasons and findings of fact: the uniqueness requirement is met due to location of property as well as the road signage on Middlebelt. Denial of the variance would have severe consequences for the Petitioner due to not being able to obtain their signage. The variance is fair in light of its effect on neighboring properties and in the spirit of the zoning ordinance, due to reducing the total number of signs to one and consolidating, coming more into the spirit and the light of the ordinance. This property is classified as C-2 under the Master Plan, and approval of the variance is not inconsistent with that classification. Further, the variance be granted with the following conditions: one, that it be built as presented this evening as to size, design and location placement; two, that the variance approved in appeal case number 2023-04-06 be rescinded, which allowed excess signage, excess menu sign area, and additional directional sign area; and that three, there be a double permit [fee].

ROTONDO Support.

COPPOLA I have a motion by Mr. Boloven, supported by Mr. Rotondo? No, it was you. Secretary Klisz. Okay. Any discussion? Seeing none, you can take....

RESOLVED: APPEAL CASE NO. 2024-05-21, 12679 Middlebelt: an appeal was made to the Zoning Board of Appeals by Michael Kinaia, Indy-C-Kal, Inc. on behalf of Lessee Starbucks, seeking to replace existing wall signs resulting in a single sign with excessive wall sign area.

This Regional Commercial property is located on the east side of Middlebelt Road (12679), between Industrial Road and Plymouth Road, Lot. No. 101-99-0008-015, C-2, Commercial District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 11.08 (3) (Sign Regulations).

Wall Sign Area

Allowed: 28 square feet

Proposed: 36.5 square feet

Excess: 8.5 square feet

be granted for the following reasons and findings of fact:

1. That the uniqueness requirement is met due to the location of the property as well as the road signage on Middlebelt,
2. That denial of the variance would have severe consequences for the Petitioner due to them not being able to obtain their signage,
3. That the variance is fair in light of its effect on neighboring properties, and in the spirit of the zoning ordinance due to consolidating the total number of signs to one, and
4. That this property is classified as Regional Commercial, 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 project will be built as presented to the Board as to size, design, and location.
2. The variance approved in appeal case no. 2023-04-06, which allowed excess signage, excess menu sign area, and additional directional sign area, is hereby rescinded.
3. The Petitioner will pay a double permit fee.

ROLL CALL VOTE

AYES: 7

NAYS: 0

PASS/FAIL/TABLED: PASS: PASS

KLISZ Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ And Chairman Coppola.

COPPOLA Aye.

KLISZ Seven - zero.

COPPOLA All right, so the variance petition has been approved, with the following conditions: be built as presented, which is size, location, and design, that the prior variance is either rescinded or overwritten by this variance, and that the double permit fee to get caught up on this space.

LONG What do you mean, double permit fee?

COPPOLA So last time that you were here, and I think it was for the menu boards, you were a no show. Them, not you. Your client was a no show, and the intent was, because of the no show and because of the inconvenience to the Board, it was proposed to have a double permit fee for that, because that was neglected to be done. Mr. Boloven has asked that that be....

LONG When were they supposed to be here?

BOLOVEN May 16th, there was a hearing. There was a no show.

LONG May 16th?

BOLOVEN May 16, 2023.

BARINGHAUS 2023.

LONG Oh, 2023.

BOLOVEN Yeah, last year.

LONG Okay, I was going to say.

FISHER It wasn't you.

LONG No, I work for Northern Signs, I just don't remember. So okay, we'll get, I'll get that taken care of.

COPPOLA I guess we'll let you see in another six months?

[Laughter]

LONG No, I'll pull the permits as soon as I get to it.

COPPOLA All right. Thank you very much.

LONG Thank you.

ADMINISTRATIVE TASKS

KLISZ A motion to approve the minutes of May 7, 2024.

BARINGHAUS Support.

COPPOLA Motion by Secretary Klisz, support by Vice Chairman Baringhaus.

[The Board voted unanimously to approve the minutes of May 7, 2024.]

COPPOLA That is approved. Any administrative things we need to take care of?

TESTA Mr. Chair?

COPPOLA Mr. Testa.

TESTA Will we have a second meeting this month?

COPPOLA It does not appear so. We only had five on this one, they don't need it unless we go to six, so I'm pretty confident there will not be a second one.

BOLOVEN Can we it's a rare occasion where we get all seven people, and I think the new appointments just went through. Can we do officers now? Just get out of the way, or do we have to wait until July?

COPPOLA We gotta wait until at least August.

BOLOVEN Until August? I didn't think it was August.

FISHER It's usually August.

COPPOLA It's August. We'll keep it in sight. It was a good suggestion. Anything else?

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Mr. Baringhaus, do you want to talk about Casey's message today?

BARINGHAUS Yeah, that's fine. Basically at the Committee of the Whole meeting background to the Zoning Board that we pursue replacing our iPads with laptops. Further investigation by Casey McNeil from our Information Systems Department found that it's less expensive to purchase and license an iPad than it is a laptop, so it's recommending that we replace our current, soon to be outdated iPads with already outdated with the current or current

version of the laptops. Sorry, yes, but one thing too that's going on is they've identified that they're still pursuing funding that hasn't been confirmed yet, as of this point.

KLISZ Brandon, I think, replied and said, "I'll get you iPads."

SCHEEL Wait, so they want to stay with iPads instead of going to surfaces or something?

BARINGHAUS Yes.

SCHEEL Really?

BARINGHAUS Cheaper, less maintenance, cheaper license.

TESTA The licensing fee for the laptop requires an additional security and a different licensing that the iPad doesn't need. He also said the functionality on the iPad is the same. I think that was one of Brandon's concerns from the Committee of the Whole meeting.

COPPOLA For what we do I don't think we need anything.

BOLOVEN Oh, it's nice to have multiple screens. I'm used to not having a laptop, so....

BARINGHAUS I get it from a [inaudible] standpoint, it just makes sense to go to that.

[UNIDENTIFIED SPEAKER] A thousand a piece.

BARINGHAUS Yeah, rather than incur an current additional charge for something that basically does the same thing.

COPPOLA Whereas the capability of what we need, we don't do presentations, we're looking at documents.

SCHEEL Where are we on getting all of us up on Civic[Clerk]? Because I still, I go in through the website. I don't go in through CivicPlus or SharePoint. I still can't get on anything.

BARINGHAUS Well, have you....

SCHEEL I haven't searched out anything on my own because I thought we were doing something as a group.

BARINGHAUS Yeah, well, I mean, what we're doing as a group is we're using Civic....

SCHEEL Okay, so I should reach out to somebody to get me a password to the site that works.

BARINGHAUS They sent everybody that support number or reach out to Casey directly. I mean, I had problems with mine initially, and I was doing the same thing, and then it did get corrected amongst all of us, to a degree. Mine has been fine ever since, but I'd recommend reaching out to him.

BOLOVEN I can't get in, but everything's on the public site now. I just use the public site.

BARINGHAUS I was using the public site for a while, but then....

KLISZ But that wasn't always consistent.

BARINGHAUS Exactly, right. I would recommend using CivicClerk.

SCHEEL I'll have to figure out how to, I'll have to call....

BOLOVEN Everything's on the public site and working, so iPads and all....

BARINGHAUS To a degree, because sometimes there's information in the packets that [isn't] making it to the agenda. Yeah. Now this week looks pretty good, but the other week, you know, there's always little glitches, but I think CivicClerk when it is running, works effectively.

BOLOVEN I'll tell you, the best thing has been the BS&A login. That, for these cases, has added so much value. I can see all kinds of things, seeing notes now, and we didn't have that before, so that's been the biggest improvement that's come over.

BARINGHAUS Just some of the other things we did. I did do an outline of an onboarding process. Thank you, everybody for those comments. I'll still rely on Marc and Lynda from their recent experiences. I did find there's one other document that's going to need to be created, and we worked on this last year, when we updated our rules and procedure, we created a ZBA orientation guidebook, which contained, it looks like, nine items in it. That file is going to need to be created, create that item, put it online, so we can just email them. So I think we're moving forward in a lot of categories, the items that we put together, I'll get that updated. Send a copy to everybody, so we know where we stand. But I think at this point, you know, we're starting to make progress, you know, on the iPads, which is key, and we still need some, we need to do more documentation, maybe get a little more consistent on some of our processes, but I think it's going in the right direction.

SCHEEL Thank you.

COPPOLA Anything else?

TESTA Ice cream social on Thursday.

BARINGHAUS Yes, thank you.

COPPOLA Motion to adjourn. Motion by Mr. Boloven, supported by Mr. Rotondo. All in favor?

[The Board voted unanimously to adjourn.]

COPPOLA We are adjourned.