

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, JULY 9, 2024

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, July 9, 2024.

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

MEMBERS ABSENT: Gregory G. Coppola, Chairman

OTHERS PRESENT: Mike Fisher, Chief Assistant City Attorney
Frank Hershey, 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. Six (6) 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)

TABLE OF CONTENTS

APPEAL CASE #	PAGES
APPEAL CASE NO. 2023-11-30 Bujar Ramolli 18917 Yorkshire	3-10
APPEAL CASE NO. 2024-04-17 Christine and Raymond Sobocinski 32729 Norfolk	11-28
APPEAL CASE NO. 2024-06-23 Jacob and Grace Gates 18199 Myron	29-43
APPEAL CASE NO. 2024-06-24 Christopher Cristante and Jesse Syring 32175 Balmoral	44-59
ADMINISTRATIVE TASKS	60

APPEAL CASE NO. 2023-11-30, 18917 Yorkshire Drive (tabled December 12, 2023): an appeal was made to the Zoning Board of Appeals by Bujar Ramolli, seeking to maintain an existing five-foot tall iron picket fence, erected without permit or the west neighbors' approval.

This Low-Density Residential property is located on the west side of Yorkshire (18917), between Hillbrook and Clarita Streets, Lot. No. 037-02-0010-000, N-2 District, Neighborhood, rejected by the Inspection Department under Livonia Fence Ordinance, Section 15.44.090A(1).

Non-sight-obscuring fence height:

Allowed: 4 ft.

Proposed/existing: 5 ft.

Excess: 1 ft.

BARINGHAUS Okay, thank you, Secretary Klisz. For the first case, appeal case number 2023-11-30, the Chair will entertain a motion to remove it from the table.

BOLOVEN Mr. Chair.

BARINGHAUS Mr. Boloven.

BOLOVEN Motion to remove appeal case number 2023-11-30 from the table.

BARINGHAUS Motion by Mr. Boloven to remove case from the table. Second by Ms. Scheel. All those in favor say, "Aye."

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

BARINGHAUS Okay, thank you. Will the Petitioner please step forward. Mr. Ramolli.

RAMOLLI Good evening, Board.

BARINGHAUS One moment, please. Secretary Klisz, will you read the case, please?

[Secretary Klisz read the case as given above.]

BARINGHAUS Okay, thank you. Yeah. Last time you were here, the Board requested, did you get a survey--

RAMOLLI Yes.

BARINGHAUS --for the property? Give us an update on your activity since then.

RAMOLLI Yes, I do have the survey. I turned it in. I have other copies also, if you need.

BARINGHAUS And what did the survey... what information did the survey provide to you?

RAMOLLI Survey shows up about four inches on his side.

BARINGHAUS I see. Question for the Inspection Department. Mr. Hershey, did you have a chance to read the survey?

HERSHEY I did glance at it. It is not on the property line. It appears to be on the property to the west of them.

BARINGHAUS Is there any estimate how far it is on the property line?

HERSHEY I didn't really scale it, but the other inspector said it was at least a half a foot.

BARINGHAUS Okay. In terms of permits, what are the statuses of the permits on the two fences?

HERSHEY We only have one permit, the original one for the rear property line for 80 linear feet of a four-foot-tall aluminum picket-style fence only on the rear property so there's no permit for the other—

BARINGHAUS Two sections?

HERSHEY Exactly.

BARINGHAUS Okay, so you did realize that the fence is not...

RAMOLLI Correct. Yes.

BARINGHAUS Okay, very good. Have you had any further conversations with the owner of the property that's on Seven Mile?

RAMOLLI No, I haven't. I've tried numerous times. He just doesn't want to speak to me. I will move it. That's not a problem.

BARINGHAUS [Are] there any other questions for the Petitioner? Yes. Ms. Scheel.

SCHEEL I have a question. Hi. So I was not on the Board the last time it was heard, but I went through and read the minutes. I just want to make sure you said you would move it into within your property line with your property.

RAMOLLI Yes.

SCHEEL Okay. What about the side fences?

RAMOLLI The sides they had me sign for the neighbors—the neighbors signed for me. I did turn that in, which says it's okay for me to have a fence.

SCHEEL Would those need to be moved also? Are they...?

RAMOLLI No, no. They're well within my property line.

SCHEEL Okay Thank you. Thank you, Chair.

BARINGHAUS Are there any other questions from the Board at this time? Okay, very good. Secretary Klisz, do we have any letters?

KLISZ We do. We have two new letters. Letter of objection from Robert and Teresa Bedzyk: "We are the west neighbor, and object to the five-foot iron fence (on our property). Also object to the gate opening onto our property. Our letter dated 12/7/23 is attached and part of our objection. Furthermore, please include our objection on any further request for variance, appeals, etc., unless we formally confirm otherwise."

And a letter of approval from Rana Nader, 18916 Yorkshire: "Approval. As a mom, I see the responsibility to be alert all the time with kids. Our neighbors have a hyperactive kid with Down syndrome. He climbed my deck and was about to fall. I definitely approve and request approval for even a higher fence, since also they live with woods and ponds behind the backyard." Those are the two new letters.

BARINGHAUS Okay, thank you. Is there anyone in the audience that would like to make a comment on this case? All right, good. At this point, if you'd like to make a final statement regarding your variance request?

RAMOLLI I mean, you guys basically summed it up. But as you're aware, I was here prior requesting a variance to offer a five-foot aluminum decorative fence. The reason for my request is for my son's special needs. During this meeting, it was agreed upon by your Board that the variance might be granted along with a rear gate. The hearing was tabled, so I did get a survey, which the survey is done. I would also like to add that the neighbor approval forms on the north and south of me had been signed a second time. I turned them in and I just, I would respectfully ask for 90 days to get the fence into compliance due to the availability of my contractor.

BARINGHAUS Okay, very good. Thank you very much.

RAMOLLI Thank you.

TESTA Mr. Chair.

BARINGHAUS Yes.

TESTA I just have a procedural question. Is there a way... I guess... what would prevent him from just not moving that fence? He has to, to get the permit approved, correct? Or could we table him tonight, have him move it, and then come back for approval of the variance?

BARINGHAUS Mr. Fisher, could we approve based on the condition that the fence needs to be moved?

FISHER Oh, I see you want to have...? Yeah, sure, whatever the condition put in place, so that he actually does it.

BARINGHAUS Okay. any other questions at this point? Okay, very good. Okay, well, thank you.

RAMOLLI Thank you.

BARINGHAUS Sit down, please.

RAMOLLI Okay, thank you.

BARINGHAUS Okay, that'll close the public portion of the meeting, and we'll begin the Board's comments with Ms. Scheel.

SCHEEL I am in favor of what the previous Board said, and as long as my condition would be that the fence is moved to your property line, and I think that there's definitely a need for it given the status of your child. Thank you.

BARINGHAUS Okay. Mr. Rotondo.

ROTONDO Yeah, I agree with Commissioner Scheel. I'm in favor of it. I can understand the need for it, and obviously we just want to see that fence moved on to your property.

BARINGHAUS Thank you. Mr. Testa.

TESTA Thank you, Mr. Chair. So this was a kind of a strange case between neighbors that I am a little troubled that you haven't been able to reach, kind of contact with him at this point about it. You were pretty adamant last time that the fence was within your property line. The survey doesn't show that. But since you are willing to move it into your property line, I can be in support based on that condition that it is moved, but I still would encourage you to try to work with your neighbor and obviously you don't need his approval at this point, but making peace with them for lack of a better term.

BARINGHAUS Thank you. Mr. Boloven.

BOLOVEN Thank you. I echo my sentiments from last time and just kind of quickly [restate] the facts. Normally, the Board does not grant fences if the neighbor objects, you know, how did this get here? You had a fence, you were forced to take it down. And had it been four feet, you would have added up on replacement. So really, the issues here were, you know, variance is over the one foot and then the location. That's why we had to come back. You've acknowledged that it's in the wrong location. You acknowledge you're willing to move it. So I think with that concession, I'm in support as presented with the five-foot variance, but with the condition being that it needs to be moved back within your property line.

BARINGHAUS Great. Thank you. Secretary Klisz.

KLISZ I agree. I think that everyone's kind of already said it. The hardship is definitely there. We were most concerned with, you know, is it in the right spot or not? It is not. So it needs to be moved to the right spot. And then I think it makes sense, so I will be in support based on the condition that we will add.

BARINGHAUS Okay, thank you. Question for the Inspection Department. I think you mentioned that... are all three sections of the fence properly permitted at this point?

HERSHEY No, just the rear, so he would need to obtain a permit for the other fencing.

BARINGHAUS Oh, okay. Thank you. Yeah, I basically agree with my colleagues' position on this. I am in favor of the variance. However, I'm in favor of it with a couple conditions. One, as we talked about before, moving the fence to its correct location, [the estimated] 90 days based on your contractor's availability. I have no problem with that. Again, all sections are five feet. I would like to see all three fences properly permitted, and so you'll need to draw permits for the other two sections, I believe, which the contractor will put in place. Also, because those fences were erected without a permit, I'd also like to see a double permit fee assessed as well as part of this variance. So with that, the floor is open for a motion.

BOLOVEN Mr. Chair.

BARINGHAUS Mr. Boloven.

BOLOVEN Just on the double permit fee. If I could ask Mr. Hershey... in relooking at the minutes, was the permit not being pulled? Was it something that didn't get caught along the way, or was it truly the fault of the Petitioner that he didn't pull the requisite permits prior to installation?

HERSHEY The homeowner did not obtain the correct permit. He obtained a permit for the rear property line and installed the entire perimeter of his rear yard.

BOLOVEN Thank you.

HERSHEY Yes. You're welcome.

BOLOVEN Mr. Chair.

BARINGHAUS Yes, Mr. Boloven.

BOLOVEN Make a motion to resolve appeal case number 2023-11-30, filed by Bujar Ramolli for 18917 Yorkshire Drive be granted for the following reasons and findings of fact: the uniqueness requirement is met due to the location of the property in its existence in relation toward a pond in the backyard, as well as its location to neighboring properties. Denial of the variance would have severe consequences on the Petitioner due to a special needs child that requires a higher fence. The variance is fair in light of its effect on neighboring properties and in the spirit of the zoning ordinance due to the fact that a fence existed prior to the installation of this fence, as well as neighbor approval on the side fencing. This property is classified as...

BARINGHAUS N-2.

BOLOVEN N-2 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 north fence... north fencing, correct? The fact that this is north?

HERSHEY West.

BOLOVEN West. The west fencing be moved within the property line, as found by Petitioner's survey, the Petitioner be given 90 days to correct and do the installation of that fence. And then proper permits be obtained for the north and south fencing in addition to the permit for the west fencing. And that a double permit fee be issued due to Petitioner installing without a permit.

BARINGHAUS Is there support?

KLISZ Support.

BARINGHAUS Okay? Motion by Mr. Boloven, support by Secretary Klisz, is there a discussion on the motions?

SCHEEL I just have a question.

BARINGHAUS Yes.

SCHEEL I just want to make sure. He said within 90 days, right?

BARINGHAUS Yes.

SCHEEL Okay. Thank you.

BARINGHAUS Okay, very good. Secretary Klisz. Would you please take a vote?

RESOLVED: APPEAL CASE NO. 2023-11-30, 18917 Yorkshire Drive (tabled December 12, 2023): an appeal was made to the Zoning Board of Appeals by Bujar Ramolli, seeking to maintain an existing five-foot tall iron picket fence, erected without permit or the west neighbors' approval.

This Low-Density Residential property is located on the west side of Yorkshire (18917), between Hillbrook and Clarita Streets, Lot. No. 037-02-0010-000, N-2 District, Neighborhood, rejected by the Inspection Department under Livonia Fence Ordinance, Section 15.44.090A(1),

Non-sight-obscuring fence height:

Allowed: 4 ft.

Proposed/existing: 5 ft.

Excess: 1 ft.

be granted for the following reasons and findings of fact:

1. That the uniqueness requirement is met due to the location of the property in relation to a pond in the backyard, as well as its location to neighboring properties,
2. That denial of the variance would have severe consequences for the Petitioner due to a special needs child that requires a higher fence,
3. That the variance is fair in light of its effect on neighboring properties, and in the spirit of the zoning ordinance due to the fact that a fence existed prior to the installation of this fence, as well as neighbor approval of the side fencing, 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 Petitioner will move the fence to the proper location on the Petitioner's side of the property line.
2. The Petitioner will obtain all proper permits.
3. The Petitioner will pay a double permit fee.
4. The Petitioner has ninety (90) days to correct the location of the fence.

ROLL CALL VOTE

AYES: 6

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. Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Passes six to zero.

BARINGHAUS Okay, Mr. Ramolli, your variance has been granted, so just get in touch with the Building Inspection Department to make your final arrangements. Okay? Thank you. Secretary Klisz, could you call the next case, please?

APPEAL CASE NO. 2024-04-17, 32729 Norfolk Street: an appeal was made to the Zoning Board of Appeals by Christine and Raymond Sobocinski, seeking to temporarily store a recreational vehicle within the front yard setback (in the driveway) in excess of the allowed 72 hours cumulatively in any 5-day period.

This Low-Density Residential property is located on the west side of Norfolk Street (32729), between Shadyside and Mayfield Streets, Lot. No. 010-01-0060-004, N-2, Neighborhood District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09(3).

Days

Allowed: 3 days in 5
Proposed: 6 days in 10
Excess: 3 days

Encroachment

Allowed: None
Proposed: 3.2 feet
Excess: 3.2 feet

BARINGHAUS Okay. Thank you. Does the Board have any questions for the Inspection Department?

BOLOVEN Mr. Chair.

BARINGHAUS Yeah, Mr. Boloven.

BOLOVEN I have a question, I guess it might be more for Law than Inspection, but part of the package, Mr. Fisher, Mr. Hershey, was a back and forth between Fisher's counsel and Mr. Stierna, back from March. And one of the questions is one that I thought of when rereading this case, how is this different than the case this Board has already heard and denied, and it looks like where the our chain left off in the emails, and that question never was really answered, although we are here today, so I guess my question is for either the Inspection Department or Law Department, what has changed that this case is back on the docket for today?

HERSHEY I don't believe anything has as far as I understand. I think they may have missed their opportunity to go to circuit court, so to come back and be disapproved, they could then go back to circuit court, is what I understood.

BOLOVEN Procedurally speaking, if there is no change in this portion here, it's this case again, isn't that correct?

HERSHEY I would agree. I mean, unless there's something I'm missing, but what I understood was there [was] really nothing to change.

BOLOVEN But procedurally speaking, I'm saying the Board should... would you agree or disagree?

HERSHEY I would agree.

BOLOVEN Agree. Mr. Fisher?

FISHER We had lengthy discussions about this back and forth, and I figured, rather than litigating the right or lack of right to come back, I would just say, let it come back. I don't know if there's any.... I can't remember if there's any more than that. I haven't thought about it for several months.

BOLOVEN Just seems procedurally speaking, it's letting the door open on an appeal that's already passed. If we hear this case again.

FISHER Well. It's not like we've never done them before. It's rare and although not the best practice, but it's also... it's also possibly getting himself [inaudible]. I'd just as soon forego that experience.

BOLOVEN We'll defer to your counsel then. So we'll proceed as planned.

BARINGHAUS Mr. Testa.

TESTA I thought the original case, the public notice, didn't have the specific time frame of six to 10 days, whereas this public notice does have a very concrete time frame. So that might be the difference. I think the first case is open-ended in terms of the time allowance. That might be the difference.

BARINGHAUS Well, I guess my recollection of it is, I think the first case was, it was kind of something, to Mr. Fisher's point, there was a misunderstanding, or in terms of the first case, kind of led people to believe that they wanted to permanently store the trailer in the driveway where this case assigns a time frame to it. I don't know if Mr. Fisher agrees or disagrees with that.

FISHER That sounds right.

BARINGHAUS Okay. That's the only difference that I noted between the two cases. Okay. Any further questions from the Board? Very good. Will the Petitioner step forward, please?

OPALEWSKI Good evening.

BARINGHAUS Good evening.

OPALEWSKI If it would please the Board, I do have some brief--

BARINGHAUS Excuse me, can you give us your name and address please?

OPALEWSKI Certainly. My name is Larry Opalewski. My address, 719 Griswold Street, Suite 270, Detroit, Michigan 48226. I do represent the Petitioners, Ray and Chris Sobocinski. If it would please the Board, I have some comments to make, just kind of going over the application materials, and then the Petitioners themselves would both like to make a brief statement, if that would be allowable.

BARINGHAUS That's fine.

OPALEWSKI Thank you. Again, thank you for the opportunity to speak here this evening. Mr. Testa, I think, hit the nail on the head when he described the difference between these petitions. The initial petition, particularly the public notice that went out, I think led neighbors and others to believe that the Sobocinskis were requesting an open-ended extension to store their RV on their driveway, which is certainly not what they're asking for. There's been, there was, as Mr. Fisher indicated, some back and forth between myself and between city staff on this, and I think we came to an understanding that with this reduced request, we would return before you here this evening. So what are the Sobocinskis asking for? Really it's very simple. And you know, in my opinion, doing this for a number of years, very minor. Instead of being able to temporarily park the RV for a maximum of three in five, as Mr. Klisz indicated, they're looking for six days in 10 as a maximum. They're not seeking unlimited or indefinite parking. And in fact, they want to be there less than they already are. And when we look at the practical difficulty here, it has several aspects. First of all, there's the unique circumstances with the property. This is a very narrow lot, as we've indicated and shown in our materials, only 80 feet of frontage. The driveway directly abuts up to the western neighbor, and the western neighbor's fence is also directly abutted up against the driveway. These circumstances have converged to make it so that the RV cannot be moved into the rear or side of the yard, as some others have done. But really it's even more than that. The physical limitations that are at play here, particularly with Mr. Sobocinski, that you'll hear about here in a few moments. It makes it physically impossible for them to comply with the three-day limit in the ordinance. It's not just a mere inconvenience. It's something that completely takes away this entire aspect of their life, which they've worked their entire lives to be able to have the ability to do. And as proof of this, they have not been able to use the RV at all this year. Last year, they were gone for large parts of the year. And this year, they've not been able to do it whatsoever, because they do not want to run the risk of violating the ordinance. In terms of negative impacts, from our perspective there are none. The vast majority of the residents and surrounding neighbors are in support of this. I believe they've submitted written comments. In that regard, there are neighbors in support here this evening. There [were] concerns raised by at least one neighbor regarding the visual impacts of the RV in terms of an obstruction for traffic. Again, as we've indicated in the photos we submitted, the front end of the RV is actually six feet off the ground, so it's actually much less visually obtrusive than many other vehicles and hedges that are in the neighborhood. It will not impact the road right-of-way. The parking will be on the driveway and not in the actual road, not beyond the grass. We've submitted correspondence indicating that State of Michigan law does accept temporary parking as a legitimate use of a road right-of-way, so long as it does not impact traffic, and this certainly would not. It will not impede access to the nearby fire hydrant. It is not in the roadways. Again, it is behind it. It would not, certainly not prevent any fire engines from

accessing the fire hydrant. It will not set a negative precedent. I don't have to tell you, the Board, that ZBA decisions are not precedent setting. They are a unique application of the law to each set of facts that are before you. I tried that argument with other boards about precedents, and I've not-- I've never made any headway with it, so I've given up on that at this point in my career. And again, as I indicated, the Sobocinskis are beloved by their neighbors. This is something that, again, they went to the trouble of hiring counsel and coming back before you this evening to request just a very small amount of consideration from the Board. So if the Board would be accepting of that, I think they'd like to come up just make a very brief statement to the Board.

BARINGHAUS Thank you very much.

OPALEWSKI Thank you.

RAYMOND SOBOCINSKI Good evening, thank you for hearing us.

BARINGHAUS Excuse me, before you begin we need you all to state your name and address for the record. Thank you.

RAYMOND SOBOCINSKI My name is Raymond Sobocinski. I live at 32729 Norfolk.

CHRISTINE SOBOCINSKI I'm Christine Sobocinski, 32729 Norfolk.

BARINGHAUS Perfect. Thank you.

RAYMOND SOBOCINSKI A lifetime of sports- and work-related injuries has resulted, resulted in my need to have my right ankle surgically rebuilt, several procedures on each of my knees, spinal stenosis, a neck fracture, multiple dislocations, arthritis in both ankles, knees, back, and neck, an increasing daily pain to point where I was forced to buy a riding lawn mower because I can no longer walk enough to mow without one. The running joke is that when I get out of bed, it sometimes sounds like I'm making popcorn. Some days I do well. Some days it's difficult to even walk. If I'm walking further than our mailbox, I need to have a cane with me. Trying to prepare the camper for a trip, especially a long one, in under three days, has become physically almost impossible. Pain is not a mere inconvenience. This sometimes really limits what I can accomplish in a day. That is why we are petitioning for this variance. Current ordinance and the variance both allow our camper to be in the driveway the exact same number of days, just grouped differently. It would be no change in the number of days we could have it in the driveway. The extra days grouped together would give me the time needed to do what needs to be done. Our intent is to use the variance as little as possible. Thank you.

CHRISTINE SOBOCINSKI There's a lot of work that goes into preparing our camper for the season, as well as other times during the season. Without this variance, we've not been able to camp at all this year. It's been difficult to give up that valuable time. Life is precious and short. However, with my husband's current physical condition, if we tried to prepare the camper for the beginning of the season trip, or any long trip, within 72 hours, he would be in terrible pain. Once

we arrived anywhere, it would be at least two days of sitting in the camper with his legs elevated to recover. I'm sure none of you wants your loved ones in terrible pain, we need you to grant this variance so I don't have to see my loved one in that type of pain. Thank you.

BARINGHAUS We have some questions for you, if you would just please. How many? How many campers have you owned? [Inaudible] This is your third one.

RAYMOND SOBOCINSKI Right.

BARINGHAUS Okay. Where have you stored the other campers as well as this one?

RAYMOND SOBOCINSKI We've always had them in storage.

BARINGHAUS Okay, you've never had the ability to store them in your home, due to the eight-foot clearance between your neighbor and I guess the side of your house. Okay, very good. Does your neighborhood have a homeowners association?

RAYMOND SOBOCINSKI No.

BARINGHAUS No. When the City did take a closer look at your current trailer.... How long is that, by the way? Both sides?

RAYMOND SOBOCINSKI 41 feet nine inches, I think, 41 feet eight.

BARINGHAUS Okay, 42 feet roughly, give or take. Okay, very good. You mentioned the hardship with the need to have your trailer parked in your driveway for an extensive amount of time. How do you utilize your garage, and where do you park your car or cars when that trailer is parked in your driveway?

RAYMOND SOBOCINSKI My motorcycle and her car are parked in the garage. My truck is always parked on the side of the garage in the driveway.

CHRISTINE SOBOCINSKI And then when the camper is there, there's a third lane in the driveway, so the camper is on the third lane. So then he moves his truck over to the middle lane.

BARINGHAUS Okay.

CHRISTINE SOBOCINSKI And my car goes out.

BARINGHAUS So your driveway is wide enough to handle them both.

RAYMOND SOBOCINSKI Oh yeah.

BARINGHAUS Okay, very good. One thing the City did do is they did a survey on the trailer in terms of its impact both on, I guess, vehicle safety as well as pedestrian safety in the area. Mr. Fisher, would you like to give a summary of that?

FISHER Is this the one with Sergeant Walters?

BARINGHAUS Yes.

FISHER Sergeant Walters said that this was without... just going on my memory. He said that this was, indeed, an obstruction to visibility for motorists and pedestrians.

RAYMOND SOBOCINSKI Okay.

FISHER And he said, the large size of the RV and because there aren't a lot of sidewalks in the area, it poses an additional obstruction, both for motorists and pedestrians. Furthermore, it is unreasonable to apply a parking ordinance to all but one. "Officers will have no way of knowing their variance has been granted, which would lead to confusion on any calls for service in the future and neighbor troubles." So one of the things he's saying is: police don't have sort of a map of every place that there's a zoning variance in town. They come to this place where there's a violation, they're going to expect to enforce the ordinance, and that's, yeah, that's what the officer had to say about this.

CHRISTINE SOBOCINSKI May I say something?

BARINGHAUS Thank you very much. Yes.

CHRISTINE SOBOCINSKI I believe that when the sergeant was looking, was making those comments, there is a picture that was provided by the City from above the camper. What I don't think he may have realized is that the front end of the camper is six feet off of the ground or seven feet. So from looking at it from above, it looks like it's very close to the street, but looking at from the side, there is clearance to be able to see. We did provide pictures that showed that.

BARINGHAUS With your history of trailer ownership, you mentioned you've had three trailers. I think you owned them for like, maybe 10 years or more, if I recall from the first case?

CHRISTINE SOBOCINSKI Our first one we purchased in 2004.

BARINGHAUS 2004. Okay, very good. With those three trailers, how many neighbors have complained about you storing those trailers in the driveway for an extended amount of time?

CHRISTINE SOBOCINSKI One.

BARINGHAUS Just one. Just, there was mention of you had a complaint. I mean, years ago, on one of your trailers parked in the driveway, and then on another occasion, you had two complaints last year.

CHRISTINE SOBOCINSKI They were from [inaudible] neighbor.

BARINGHAUS Okay? So there are people in the neighborhood that really... well, they understand you need to have that trailer in the driveway for a shorter period of time. They're sensitive to the trailer being present there, is that correct?

CHRISTINE AND RAYMOND SOBOCINSKI Yes.

BARINGHAUS Okay. Any other questions for the Petitioner?

BOLOVEN Mr. Chair.

BARINGHAUS Yes, Mr. Boloven.

BOLOVEN I have a question for the Petitioners' council, if you want to send him back up. So, sir, you referenced the minutes from last time, correct?

OPALEWSKI Yes, sir.

BOLOVEN And you know, obviously this Board has a requirement. Three, call it check boxes that need to be hit. And I don't think there is any denial that the Board found uniqueness and a, you know, whether it was uniqueness or hardship last time, the issue that [inaudible] was, was it fair in light of its effect on neighboring properties, in the spirit of zoning ordinance. You've heard that the Law Department or the Traffic Division strenuously objects to this variance due to the impacts it's going to have on traffic. Two out of the three direct neighbors that were directly affected objected again this time. What change has occurred here for that third factor that this Board should change its mind from its first time?

OPALEWSKI Yeah, and I appreciate the question. So I again, I would repeat what Mrs. Sobocinski said a few moments ago. If you're looking at it from an aerial shot, which is what the City provided. Then, yes, it does look like it's going to pose a visual obstruction and obstruct traffic. But again, having seen this photograph from multiple locations, again, it's taller than me, the clearance from the ground for seven feet off the right-of-way. I just don't, I don't think the evidence supports that in this particular case. Certainly, we have the greatest respect for people who work at the City and who provide comments on these things, but you know better than I do, they're not always working with the most up-to-date facts on these situations. And in terms of the neighbors, the vast majority of the neighbors in this case are in support. Certainly, everyone's entitled to their opinion, but I don't believe in such a thing as a neighbor's veto. I think there's certain people that are going to be difficult to please, no matter what the facts are. And I think in this case, the facts and the evidence indicate that, again, this is not a minor

inconvenience we're speaking of here, it's a lifestyle that's going to be gone. So I, if you have further questions, I'd be happy to again....

BOLOVEN That's the hurdle I've got. I'm not saying that I don't appreciate the hardship, I don't appreciate the uniqueness of property. I do. I'm open. I said last time, what I can't get over is this fair? In effect, the direct neighbors are objecting and they're objecting again. You got one out of the three [to] switch. I note that 3273 seemed to change, but the other two direct neighbors are objecting strenuously to this. And you know, take that in addition, the police report, that is a hard hurdle for this Board to overcome, is that their checkbox not be checked off. So I appreciate your comments back, but understand where we're coming from in that as well.

OPALEWSKI Certainly, and I wouldn't presume to make your decisions for you or question the judgment that you exercised, but I would just say I think that the great weight of the evidence here is in favor.

BARINGHAUS Thank you, Mr. Chair.

TESTA Mr. Chair.

BARINGHAUS Mr. Testa?

TESTA I also have a question for the attorney. The Sobocinskis made a comment, maybe you can speak on their behalf. Regarding the number of days in a given month isn't changing, but the consecutive days that they would be parking is expanding. What do they mean by that? I feel slightly lost in that part.

OPALEWSKI Sure. So I think, I'm fairly certain, what they mean by that is the days in a year, right? So really, you know, three out of five, six out of 10 is the same percentage, and there would have to be required days that it would not be there as well, that we have to meet. So in reality, I think -- I have it here -- last year, they were only 55 days in total having it parked in the driveway, which is far less than is authorized under the current ordinance. Again, they're just grouped differently to accommodate the physical hardship that we have here.

TESTA So what they're implying is that every once a week, they could park it for three days, leave, come back, leave, come back, and still be more excessive than what they're doing today. So what they're asking for is a longer time frame of consecutive days. And that's how they're saying it's less than it is actually.

OPALEWSKI Correct. And I think that might be one thing getting lost on the last couple objecting neighbors is, you know, if this is denied, then there's a chance you may see them there more often, rather than less often. In fact, I'd say that's probably a good chance, not because they're trying to be a certain way, but just because the reality is, they're not able to get it out as often, if ever.

TESTA Okay. And during the last time we heard this case, I did see there was some confusion from the neighbors. Do they... do the Sobocinskis ever park their RV on the street, or is it always 100% of the time in the driveway? So... some neighbors judging based on maybe the one time out of a hundred, they parked in the street?

RAYMOND SOBOCINSKI We have never parked in the street.

OPALEWSKI Never in the street.

TESTA Maybe a question for the Sobocinskis. Could you come back up? Thank you for coming back up. The one neighbor that is kind of in disagreement and has a history of reporting. Is there maybe some history between you guys, and why you think she's doing that, or they're doing that, or is it? Has she ever talked to you about it? Have you talked to her?

RAYMOND SOBOCINSKI I have no clue why she's doing this.

CHRISTINE SOBOCINSKI We've never had an argument with her. We've never had a disagreement with her. We've never complained to her about anything. We don't know why.

RAYMOND SOBOCINSKI We've never had an argument with any of our neighbors.

TESTA And I do appreciate your explanation of how you park it in terms of going in rearward so that it's less obstructive. And again, is that something you do 100% of the time, and maybe one time out of 100 you did it the other way. And that's why people are thinking it is like, or saying it's like, slightly obstructive, more...?

CHRISTINE SOBOCINSKI It would be physically impossible. We have to back it in.

TESTA Otherwise you can't get out.

RAYMOND SOBOCINSKI And because of the slope of the driveway, lower the street, that puts the nose to the camper that much higher off the ground, I can almost walk under the body and touch it.

TESTA Okay, thank you.

BARINGHAUS Are there any other quick questions from the Board? Okay, very good. Thank you. At this point, are there any audience members that wish to comment on this case? Please come forward. Hi, could I have your name and address, please?

GROSS Tom Gross, 20056 Shadyside. I live around the corner. I'm just here in support of their variance. We're both longtime residents of the neighborhood. They're good people. I trust

their judgment. I don't feel like they're going to abuse the variance. I'm not really sure what the Safety Commission had to say about it. That's my neighborhood. I drive by their house a million times, and you know, when the trailer is there, it doesn't obscure any traffic or anything. I think a bigger issue would be the soccer field in the school with people flying through there. But you know, if you go down to the corner of Osmus and Norfolk and try to see if that intersection is clear, there's a big bush there that I practically have to be out in the middle of the intersection before I can see oncoming traffic. And I guess nobody's got a problem with that. And as far as people saying, it's unsightly, it's a nice trailer, you know, it's not pink or purple or yellow, I don't know. I just... as a senior, I don't move as quickly as I used to, so I'm kind of sympathetic to their hardship. So like I said, be a little disappointed with the Board if they didn't approve the variance. Thanks.

BARINGHAUS Okay. Thank you. Are there any other comments from the audience? Yes, please. I just need to ask to state your name and address, please.

WHITTICO My name is Esther Whittico, and I live at 32790 Norfolk Street. I've been there almost 30 years. They've never parked in the street. They're very respectful, very conscientious, sometimes over like they said, they haven't even used their camper this summer because they don't.... They want to get everything right. And I think it would be very sad if they couldn't have their camper, because that leaves them not too many options. It's a brand new I mean, it's a very pretty camper. It's only during the summertime. They do try to take long vacations. They're gone for months. So it's not like right now, they're going back and forth because they're not. And we are all getting older and moving slower and I hope you consider that and thank you for your time.

BARINGHAUS Thank you very much.

WHITTICO Thank you.

BARINGHAUS Are there any other comments from the audience? Secretary Klisz, do we have any correspondence?

KLISZ Yes, we do. First is a letter of approval from R. Karl Burnett at 32720 Norfolk Street. "Ladies and gentlemen: The purpose of my letter to you today is to inform the Board (ZBA) that I, as a close neighbor to Mr. & Ms. Ray and Chris Sobycynski [sic] wish to describe my support for their proposed modification/temporary exemptions the current city ordinance related to the temporary parking and maintenance of the Montana Fifth Wheel vacation trailer they have owned several years. While I have great regard for the ordinances established in our city are generally designed to benefit Livonia residents well, I feel there are opportunities for us to accept temporary exceptions to them, especially when age, and physical capacity are possibly a concern. Ray and Chris use their Montana Fifth Wheel vehicle frequently each year. However, such recreational assets are often found to be 'high maintenance' items. At times their return to our neighborhood after traveling, it has been obvious to me how care and cleaning and adding accessories, improvements, or (sometimes) repairing it can be more time consuming

than most may be aware. I feel that as long as Ray and Chris always confine the care and maintenance of the vehicle never exceed the proposal they make is reasonable and does NOT constitute any form of time that would normally be described as 'storage,' or excessive and within the proposed time limits they've imposed today. Please read aloud my and accept my support for the slightly extended time proposed to perform their care for the recreational vehicle as reasonable, and acceptable. Thank you in advance."

Next one is a letter, but it is not signed, so we will not read it. Next one is a letter. This says, "Approval," J. C, R, E, M, A, N, maybe? 32723 Norfolk Street. No other comments.

A letter from Kimberly Naccashian, 32750 Norfolk, and it says, "Across the street. Good day. Thank you for the opportunity to speak. Enclosed is a letter from the Sobocinskis. They mention the current ordinance 'creates a great deal of hardship on us....' Please apply the current ordinance as extending the number of days creates a hardship to my property, [affecting] the quiet use and enjoyment of my parcel. Creating a less desirable view. Maybe the current ordinance should have been considered before purchasing the camper? Please apply the ordinance accordingly."

"Dear City of Livonia Zoning Board of Appeals, We are homeowners living nearby at 32708 Norfolk Street, and wish to express our support for the subject variance request case 2024-04-17 of our neighbors for parking their camper in their driveway. We have no objections to approval of this case. Thank you, James and Gabriella Tyler, 32708 Norfolk."

Letter from Kevin and Roseanne Pavlov. 20123 Mayfield, 'We, Kevin and Roseanne Pavlov, have no objection to the Sobocinskis' request for a variance for their camper. The property is well maintained, and the camper does not detract from that or interfere with anyone else's property."

Letter from Jack Waters, "Hello, I am Christine and Raymond's neighbor at 33091 Norfolk St. and my wife and I have no objections to adjusting the zoning ordinance on parking a camper in their driveway. When they do have their camper parked in the driveway it causes no issues with the flow of traffic, so no issues would occur by simply doubling the period."

Letter of objection Anne Stevens, 32719 Norfolk Street. "Objection: From my driveway, the camper obstructs my view of oncoming traffic. Living on a street which is a direct path to JC Park, we experience high volumes of traffic, often at high rates of speed, as parents race to get their children to the park on time. This obstruction of oncoming traffic makes backing out of my driveway incredibly difficult. Three days is more than ample time for two able-bodied, non-working adults to pack and unpack their supplies for a camping trip. To the City: Because city codes and regulations have not changed since their last request to allow extended parking/storage of the camper, you should have never extended an appeal. Doing so created another opportunity for Ray and Chris to intimidate neighbors, confronting them in person, to 'explain' their position and mailing letters with stamped envelopes to approve their appeal. Nobody wants to disagree with their neighbor let alone be subject to a confrontation. If their

camper is permitted extended parking/storage time, others will have to be granted the same privilege, turning our neighborhood into an RV storage lot. I respectfully request denial of this appeal to keep our neighborhood safe and wholesome.”

Letter from Michael Connelly, 32812 Norfolk, “The variance will allow the camper to be present. 12 out of 16 days. This is 75% of any 16-day period, as stated in the previous request for variance. 72 hours cumulative in 5 days allows for adequate time to prep or unload camper for a trip. The appeal for variance is in objection.”

Letter from Ron and Laurie Muffler, 20215 Mayfield Street, “Dear Zoning Board of Appeals, we are writing in support of Mr. & Mrs. R. Sobocinskis’ request for a variance for parking their camper in their driveway. Letting them unload and reload their camper in between trips is extremely reasonable. They have storage for their camper. Again we support the variance.”

“Dear City of Livonia, We have no objections to this letter above. Case #2024-04-17. Thank you.” Issa and Rana Ruba of 32267 Bretton Street.

And another. “We have no objection.” Ben and Genna Walling, 20080 Shadyside Street.

And a letter of approval. Esther Whittico, 32790 Norfolk. “We at 32790 Norfolk Street approve this variance.” Those are the letters.

BARINGHAUS Okay, thank you very much. Would the Sobocinskis or their attorney like to make a closing statement?

OPALEWSKI Just briefly, I truly do appreciate the time you spent on this. It's apparent to me that each and every one of you has seriously considered these issues. I served multiple terms on a planning board myself. I know that these decisions are not made lightly. Just brief responses to a couple of those objection letters. One of them said there's no reason that two able-bodied people shouldn't be able to do that in 72 hours. I would tend to agree. That's not what we're dealing with here. We're dealing with severe physical hardship. Again, the facts are not accurate from that one letter. There's another letter again that seems to be a bit confused. Just talking about 12 out of 16 days to have the RV there. That will never, ever, ever happen and will not be allowed under the variance that's proposed. Again, they want to be there less, not more. And finally, we did hear one neighbor, their opinion is they simply don't like looking at the RV for a couple of days out of the year. Again, everyone's entitled to their opinion, but I would suggest to you that that does not countermand the evidence that's in favor of this variance. Certainly again, appreciate your time and any further questions we'd be happy to answer.

BARINGHAUS Okay, well, thank you very much. Mr. Sobocinski, Mrs. Sobocinski, would you like to have a closing statement?

CHRISTINE SOBOCINSKI I would like to just make a couple more comments about the dissenting opinions. The person who commented that it would be 12 out of 16. So it would be 75% of the time. You can't really stop counting it for 16 days. If you did the same math and did 32 days, it'd be 60% of the time. If you did 36 days, it'd be 55% of the time. So I think that person was kind of looking for a worst case scenario type of math. As far as the comment for considering the variance before purchasing the RV, our physical conditions have changed drastically since we purchased that RV, and we invested a lot of money into it in the meantime, so that we can travel and just be gone. We don't want to be in the driveway. And the other, the comment about the high-speed traffic coming down our street, I think maybe, I think something that should be addressed with the police, and doesn't really have anything to do with our camper. And the comment we were actually a little offended that we were, it was said that we were trying to force our neighbors, or confronting our neighbors, to coerce them in any way. We sent out a letter, which I'm sure you've all seen. It's in a lot of the responses that we were respectfully requesting their support, I don't consider that trying to force anybody to do anything.

RAYMOND SOBOCINSKI We have always tried to adhere strictly to the ordinances. It's only this past year, we ran into an issue. We have never been cited by the city for our camper being in the driveway until this past summer. Never in the 17 years we've been here, there's never been a citation issue. We've never heard of a complaint from the city until this past summer. In our intent, we do not plan on having [it in] the driveway six days every time we bring it to the driveway. There are a few times in the year where we need the extra days. De-winterizing, setting up for the season, and winterizing, putting away for the winter. I can't do it in three days. I used to do it. I just can't do it anymore.

CHRISTINE SOBOCINSKI And if we're trying to pack for a long... if we're going to be gone for two months, there's a lot of things to consider putting into the camper and making sure that it's clean before you head out. This is a lot of work.

RAYMOND SOBOCINSKI Long trips. We're living in it for months at a time. So there's a lot of preparation involved. And like I said, we don't intend on having probably six days every time we come home, or every time we break it down, we just... we need this for the few times when we need it.

CHRISTINE SOBOCINSKI Thank you.

BARINGHAUS Okay, well, thank you very much. Closing the public portion meeting and begin the Board's comments with Mr. Testa.

TESTA Thank you, Mr. Chair. First, I'd like to commend the Petitioners for the letter that they sent to their neighbors. I appreciate that you did that. I prefer neighbors speaking to each other rather than not speaking to each other, and sometimes you can't get them in person. So sending that letter probably was a good idea, and they get one letter [that] complained about it, but he also gave them self-addressed stamped envelopes, which is also the courteous thing to do. So again, I appreciate you trying to communicate with your neighbors about your situation. I

can be in support of this. I think you have convinced me. Last time we were here, it was very kind of open-ended. Looked like you could be there in your driveway for days on end, really no end in sight. You are constraining it now. It's very clear that it is six days. I would like to encourage my fellow Board members, if anyone is in objection or on the fence, maybe constraining the number of times they can do it in a year, maybe -- throwing out a number -- up to six times per year that they could have it out for this many days. If someone is concerned with giving this variance that I would be open to limiting the number of times they could do it. Thank you.

BARINGHAUS Mr. Boloven.

BOLOVEN I am in the same position that I was last time during this case, and it's hard to say that, and I don't want to sound unsympathetic, because I do find that there's a hardship. I do find the uniqueness to property, what I can't get over its effect on the neighboring properties in the community. You have our traffic division saying strictly, this is going to cause a traffic hazard. You have the direct neighbor saying it obstructs my view to oncoming traffic. We have to have all these boxes checked, and it's not checking that box for me. As such, I'm in the same position as last time that I can't approve the variance as requested.

BARINGHAUS Okay. Thank you. Ms. Scheel.

SCHEEL So I am in support of it. I live in that neighborhood. I drive by when they have the trailer there. It's a great looking trailer. They keep their yard up, they keep their house up. There have been no problems that I am aware of. There is traffic on the road when, you know you have the school busses come down, but that's early in the morning, that's afternoon, when people are taking their kids to the park. I mean, that's more danger right there, with the speed with... that's police that need to be involved with that. But they back their trailer up. Very rarely have I seen the truck attached to it, unless they're backing it up with the truck, and then they move the truck. So for not being able to see the road when you're backing out or going through, I don't know where the neighbor is coming from, saying that. I'm in support of this. I understand why. My husband and I own a motorhome, and it does take time to de-winterize it, to winterize it, to pack for long trips. I mean, we just pack for weekends or a week at a time. It takes us time, and so, I understand. I get it. I know needing more than three days, you know, six days, maybe the couple times a year, winterizing and de-winterizing. But I can see it taking four to five days at least. So I would be with Mr. Testa if somebody wants to approve it and put a limit on how many times they can keep it there six days a year. I would be fine with that, but I am in support of this. I understand the need for it. Thank you.

BARINGHAUS Okay, thank you. Just a question for Mr. Fisher, is this considered a use variance that would require five out of six votes?

FISHER No, only because it's not that you can't do this use, it's that we have a time limitation.

BARINGHAUS Okay, thank you very much. Mr. Rotondo.

ROTONDO Yeah, so I am sympathetic to the health issues that the Petitioner mentioned, but what I can't get around is the traffic study that the Police Department provided, and the fact that the RV is sticking— it [protrudes] into the right-of-way and causes a visual impairment for pedestrians and motorists coming down the road. And that's something that I just can't get around at this point. I was against it last time, and I'm going to stay consistent with that.

BARINGHAUS Thank you. Secretary Klisz.

KLISZ This is a very tough one, and everyone's made some good points here. I think I will stick to where I was last time, which even though there's, there's differences from this one and the last one, I think again, the traffic study was not done last time. We didn't hear about that. And there are close neighbors who are in objection. So while it is... there are a lot of people in favor of it, neighbors that have good things to say about them, and they definitely take care of it or want to follow the rules. It seems more like maybe something for City Council to consider changing it for everyone, if that's appropriate, but maybe it's not, and maybe this is just one. It's a real close call, but I think I would be in objection to it today.

BARINGHAUS Okay. Thank you very much. In terms of your hardship and your uniqueness of it, I sympathize with you, and the conditions you have with this trailer itself. But as a board, we have to look at these cases with questions, are they fair to the neighbors, and also, are they within the spirit of the zoning ordinances themselves? And then that's, I think, where the bulk of this case lies. I'm in agreement with Mr. Boloven and Mr. Klisz, when I see the study come from the Livonia Police Department recommending the variance not be approved because it represents a vision obstruction and for both motorists and pedestrians in the neighborhood. And then in addition, you have neighbors that are expressing concern about visibility to traffic because of the presence of the trailer in the driveway itself. Also, I think just the fact that we're doing a single variance for a home kind of opens up a lot of enforcement issues as well. How will the Livonia police know this one house has a variance when the other 37,000, 40,000 homes don't? No, I mean, it would be.... The enforcement of this would be a challenge. So based on that, I'm not in favor of the variance. With that the floor is open for a motion.

SCHEEL Mr. Chair.

BARINGHAUS Ms. Scheel.

SCHEEL I'm not making a motion. I have a question for the Law Department.

BARINGHAUS Go ahead.

SCHEEL So the study that was done by the police was that done this year when the trailer was in the driveway?

FISHER I honestly don't know what condition Sergeant Walters found when he went there, but it was earlier this year.

SCHEEL Okay. Thank you.

BARINGHAUS Well, there is a photo within the case documentation that shows an overhead shot of the trailer present in the driveway itself and it exceeds... goes well into the driving lane itself. Mr. Testa, you have a comment?

TESTA Yeah, I took that to be a Google map photo and not an actual photo of what the officer saw at the time. I would be... I know several Board members expressed concern with the traffic assessment from the police. I would be open to tabling to allow the Sobocinskis to actually park their RV in the driveway and allow the police to come out and reassess it on the actual condition, and not based on an aerial shot from what appears to be Google Maps. It seems more realistic to judge it.

BOLOVEN Mr. Chair.

BARINGHAUS Yes, Mr. Boloven.

BOLOVEN Just in response to Mr. Testa, with all due respect, you have the direct neighbor telling you it's obstructing their view.

TESTA We have the other neighbor telling us it's not.

BOLOVEN No, he's not saying it's not obstructing the view. You have the one direct neighbor saying it's obstructing the view due to traffic, directly replicating what Sergeant Walters said. So, I mean, that's just my position on this.

BARINGHAUS Any other comments, questions?

BOLOVEN Mr. Chair?

BARINGHAUS Mr. Boloven.

BOLOVEN Resolved that the variance sought in appeal case number 2024-04-17, filed by Christine and Raymond Sobocinski, be denied for the following reasons and findings of fact: that the Petitioner has not demonstrated to the Board that practical difficulty exists, and furthermore, that due to the traffic study conducted by the Livonia Police Department, as well as neighboring property objections showing that there would be a detriment for vision obstruction on both motorists and pedestrians if this variance were granted, that this variance be denied. Further, that denial of this appeal is in the best interest of the City of Livonia.

BARINGHAUS Is there support?

ROTONDO Support.

BARINGHAUS Okay, motion by Mr. [Bolovent], support by Mr. Rotondo. Is there discussion? With no discussion, Secretary Klisz, will you please take a vote.

RESOLVED: APPEAL CASE NO. 2024-04-17, 32729 Norfolk Street: an appeal was made to the Zoning Board of Appeals by Christine and Raymond Sobocinski, seeking to temporarily store a recreational vehicle within the front yard setback (in the driveway) in excess of the allowed 72 hours cumulatively in any 5-day period.

This Low-Density Residential property is located on the west side of Norfolk Street (32729), between Shadyside and Mayfield Streets, Lot. No. 010-01-0060-004, N-2, Neighborhood District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09(3),

Days

Allowed: 3 days in 5
Proposed: 6 days in 10
Excess: 3 days

Encroachment

Allowed: None
Proposed: 3.2 feet
Excess: 3.2 feet

be denied for the following reasons and findings of fact:

1. That the Petitioner has not demonstrated to the Board that practical difficulty exists,
2. That the traffic study conducted by the Livonia Police Department, as well as neighboring property objections, showing that there would be a detrimental vision obstruction for both motorists and pedestrians if this variance were granted, and
3. That denial of this appeal is in the best interest of the City of Livonia.

ROLL CALL VOTE

AYES: Baringhaus, Bolovent, Klisz, Rotondo

NAYS: Scheel, Testa

PASS/FAIL/TABLED: PASS: DENIED

KLISZ Ms. Scheel.

SCHEEL No.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA No.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye. Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Passes four to two for denial.

BARINGHAUS Okay, the vote has been taken. Request for your variance has been denied by the Board. So with that, that closes this case. Okay, thank you. Mr. Klisz, will you call the next case, please?

APPEAL CASE NO. 2024-06-23, 18199 Myron Street: an appeal was made to the Zoning Board of Appeals by Jacob and Grace Gates, seeking to erect a 4-foot tall non-sight-obscuring fence, resulting in the fence encroaching into the corner side yard, which is not allowed.

This Low-Density Residential property is located on the west side of Myron Street (18199), between Curtis and Vacri Streets, Lot. No. 036-02-0211-000, N-2, Neighborhood District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 15.44.090 (A) 4.

Encroachment

Allowed: 0 feet

Proposed: 29 feet

Excess: 29 feet

BARINGHAUS Okay. Thank you. Are there any questions for the Inspection Department? Any questions for the Law Department? I do have a question for the Inspection Department. Can you explain the encroachment to the Board, the 29 feet?

HERSHEY That's not permitted on this setback, correct? Encroachment the way the ordinance is written....

BARINGHAUS Guess what I'm trying to say is, where is the encroachment occurring? I was looking at the site plan.

HERSHEY I would say the encroachment is an obstruction of vision for the Police Department. That's one.

BARINGHAUS More towards the Curtis-Myron side.

HERSHEY Yes.

BARINGHAUS Okay, very good. Thank you.

BOLOVEN Mr. Chair.

BARINGHAUS Yes, Mr. Boloven.

BOLOVEN Question for Inspection. Having driven through this area to look at the property, seems like there's multiple properties that have a similar setting. [Are] there variances that were granted? Are these just grandfathered fences to your knowledge that...?

HERSHEY I am unaware of those. I'm not sure. If you have an address, I could look it up.

BOLOVEN I'll pull a couple while we're going and I'll pass them over.

BARINGHAUS Okay, very good. Thank you. Any other questions? Okay will the Petitioners come forward, please. Good evening. Could I have your name and address for the record, please?

GRACE GATES Sure. Grace Gates, 18199 Myron.

JACOB GATES And Jacob. Gates, 18199 Myron.

BARINGHAUS Okay, thank you. Can you give us a summary of your variance request?

GRACE GATES Sure. Absolutely. So we just bought the house in March and just moved in in May. We were super excited to be first time homeowners, and throughout the process of looking for the home, we really wanted to be in Livonia, one of our main priorities for purchasing a home was a fence for our beloved dog, Cooper, and for future children to be able to safely play. We realized upon starting the process that because of the way our home faces and the home neighboring across faces, that it's against the code, and we totally understand why, not wanting to be in a neighborhood where views are obstructed everywhere, and everyone feels separated from each other. So we love how open and welcoming our neighborhood is, and we were so... we felt so lucky to meet our neighbors who have been very welcoming and friendly to us. But because of the way I understand the code, if we put a fence that was compliant, it would not only be an eyesore for being sort of a diagonal fence, but it would also cut our yard into two thirds or half and so that is why we're requesting to be able to put the fence straight back. And it's non-view-obstructing. It's only four feet. It's a very nice-looking fence. The concern with other options, like an invisible fence, is one: there's a lot of foot traffic on that corner. It's a bus stop, as well as being just off of Farmington Road. There's a lot of foot traffic. And so I know sometimes walking, when walking my dog, you walk by someone's house, you don't know they have an invisible fence, and a dog comes running up to you. You feel like you don't know if you're safe or not. And so I wouldn't want the children in the community or their families to feel that, you know, rudderlessness. Additionally, our children wouldn't be protected by an invisible fence. So that's a major factor. Again, we really like how bustling the area is, but we want to make sure that our dog and our family [are] safe.

BARINGHAUS It's a four-foot picket fence, correct?

GRACE GATES It's an aluminum. Yeah.

BARINGHAUS The color is...

GRACE GATES Black.

BARINGHAUS Black. The fence itself basically runs around the perimeter of the yard, based on the diagram we received.

GRACE GATES Yeah, the back perimeter.

BARINGHAUS Okay.

GRACE GATES Yeah.

BARINGHAUS And it starts at the front of the house?

GRACE GATES No, it starts at the side of the house, but more towards the rear.

JACOB GATES Yes, the diagram submitted has the fence going to the front of the house. But since submitting, are anticipated going slightly back towards the [inaudible].

BARINGHAUS So the diagram is incorrect.

JACOB GATES So the diagram... bluntly yes, it's incorrect for the starting point as for the front of the house. It looks as if we would like to start the fence at the front aspect of the house, but it would be more west.

GRACE GATES I don't know if you have pictures in front. I don't know what pictures were submitted. I'm sorry. My husband kind of took the lead on this. That's why there's a misunderstanding.

BARINGHAUS It's always your fault. Just get used to it.

[LAUGHTER]

GRACE GATES He took the lead, but I'm the speaker. If you have a picture, I'm not sure if it's in there, but we have, like a wooden trellis on the side of the house.

BARINGHAUS Okay.

GRACE GATES And the idea was, especially after speaking to our neighbor, that we would be open to starting the fence about where the trellis, so that's towards it actually.

BARINGHAUS ...midpoint.

JACOB GATES Yeah, there's a back door off the garage that would include that within the fence perimeter, just in case.

BARINGHAUS So you said there's a wooden trellis?

GRACE GATES Yes.

BARINGHAUS I see some stair.... There's some stairs to your deck? That's not it.

GRACE GATES It's slightly behind, like....

BARINGHAUS Oh, I see it now. It's kind of in front of the door.

JACOB GATES Correct.

BARINGHAUS Okay, so it is actually a little further back.

GRACE GATES Yes.

BARINGHAUS Question of the Inspection Department.

HERSHEY Yes, sir.

BARINGHAUS If the fence was complying to the ordinance, how would it run on a corner lot? And how would that vary from what the Petitioner is proposing?

HERSHEY I'm not sure that.... So what would be permitted, basically?

BARINGHAUS Yeah.

HERSHEY Um, well, one issue is that the Police Department approves of it, intersection street traffic that'd be parallel with the street. Installation of proposed fence would not require removal of existing trees. I would say the biggest issue would be the approval of the Police Department.

BARINGHAUS So it's the side of Curtis Road there?

HERSHEY Yes.

BARINGHAUS Okay. Correct me if any.... I did not see a police review in this case.

[UNKNOWN SPEAKER] No.

BARINGHAUS Okay.

BOLOVEN Mr. Chair.

BARINGHAUS Yes, Mr. Boloven.

BOLOVEN I did provide Mr. Hershey. The Petitioner was presenting an address for the closest one, which was... Mr. Hershey, could you say the address that I gave you?

HERSHEY You put 18201 Stanford.

BOLOVEN There you go.

HERSHEY I could not find that address.

BOLOVEN 18201 Stanford, which is right at the corner of Stanford and Curtis. And they get the exact same layout, but they look like they have a privacy fence. 18210?

HERSHEY Yeah, does not come up with Stanford.

BOLOVEN 18210 Curtis?

HERSHEY Farmington, Foch, Laurel, Loveland and Universal Park.

BOLOVEN It's Stanford.

HERSHEY That's not....

BOLOVEN The corner house. It's at the... It would be the south. Curtis runs north and south. So it's at the southeast corner of Stanford and Curtis, that property has a privacy fence. That is basically exactly what the Petitioner is proposing here, except they did a privacy fence rather than a picket fence.

BARINGHAUS Excuse me, you mentioned that it was explained to you the fence would run diagonally in the yard according to the Ordinance, can you explain that, how you got that impression?

JACOB GATES We actually have our fence contractor here.... Superior Fence.

GRACE GATES They were asking where we came from.

[SUPERIOR FENCE] Yeah, right. So

BARINGHAUS Could I get the address of Superior Fence, please. The business address.

[SUPERIOR FENCE] Absolutely.

BARINGHAUS Okay. Sorry.

[SUPERIOR FENCE] We are 26650 West Eight Mile Road. Sorry, I should have remembered that. We just bought the building, so we've done this exact same layout previously in Livonia, and it's been our experience with the Building Department, what they've asked for is to go from the back corner of the house straight back. Not to break so that when we hit the rear

property line, we would be on the plane of the front of the house, the front of the neighbor. Makes sense?

BARINGHAUS So it leaves the side to the street.

[SUPERIOR FENCE] So what you wind up with is, so their house sits if you look at the drawing they submitted, their house sits like this, the neighbor's house sits here.

BARINGHAUS Okay.

[SUPERIOR FENCE] Right.

BARINGHAUS Right.

[SUPERIOR FENCE] So we make that line, which in their case, I'm going to say pretty close to cuts their backyard in half. But that's what we, that's what the City has signed off on in other for the Building Departments on other projects that we've installed... it's incredibly problematic, as you can imagine.

BARINGHAUS When you mentioned on the one side, and I think it was the Curtis side, and why did they actually start the fencing midpoint by the trellis?

[SUPERIOR FENCE] Yes.

BARINGHAUS Where on the other side of the house, approximately midpoint on that side as well?

GRACE GATES Correct, matching.

BARINGHAUS Matching whether...

JACOB GATES Nice, clean.

BARINGHAUS Yeah, for sure. Okay. Any other questions?

KLISZ Mr. Chair.

BARINGHAUS Yes, Mr. Klisz.

KLISZ Do you guys have a homeowners association?

GRACE AND JACOB GATES No.

BARINGHAUS Any other questions?

BOLOVEN Having luck finding it, Mr. Hershey?

HERSHEY No, that address does not come up. I just found Stanford.

BOLOVEN I'm going to say it again, 18210.

HERSHEY 18201?

BOLOVEN 18210, sorry.

HERHSEY Okay, 18—

BOLOVEN 210.

HERSHEY There you go. Okay, thank you.

BOLOVEN Sorry about that.

HERSHEY Not a problem. I do not see a fence coming under that address unless... is this...? I do apologize. There is erect approximately 135 lineal feet of six-foot tall vinyl privacy fence on the north and south sides of the rear yard per approved plan.

BOLOVEN Was that just permit, or was that a variance?

HERSHEY I would say that was issued. It was not variance.

BOLOVEN So how is that different than what's before us today, other than they actually have a privacy fence rather than a picket fence?

HERSHEY I don't know.

SCHEEL How long ago was it?

HERSHEY It was done last year, it has not been a final yet.

BARINGHAUS So what was the company name?

BOLOVEN What was the address?

HERSHEY That was actually the homeowner.

TESTA Mr. Chair.

BARINGHAUS Yes.

TESTA Can I ask a question while Mr. Hershey is looking that up? For the Petitioner. Sorry if I'm not seeing it in the drawing or in what you submitted, how far off the sidewalk would the fence be?

JACOB GATES That's a great question. Since submitting the request, and after a conversation with our neighbor just behind us, we have come to add some plans to move it, it would be approximate, at this point, about eight feet off of the sidewalk, so that way we are—

[SUPERIOR FENCE] --I'm sorry, eight feet approximately off of the sidewalk.

JACOB GATES So the idea would be, so that way you can also see a very large evergreen and the front yard of the neighbor's house. So that way the fence is sort of hidden by back if you're looking straight down the street.

TESTA Okay, so you are giving up some of your yard space to accommodate somewhat of a neighbor. Yes, okay, the main reason I just want to see how we're going to maintain that, keep that grass on both sides of the fence. Okay, thank you.

BARINGHAUS Just one question, do you have any gates in the fence?

JACOB GATES Yes, we plan to include two gates, one of those gates at this point, being a five-foot gate. That is what we will enter through the front of the house. On the north side of the house, we have a nice concrete pack that goes back there, so that will be one access point. The other proposed access point that we were looking at would be a slightly larger, sorry, six-foot?

[SUPERIOR FENCE] Bigger.

JACOB GATES A bigger gate, so that way I can get a running lawnmower back there.

BARINGHAUS Okay, very good, thank you.

TESTA Sorry, Mr. Chair, I have just one more question.

BARINGHAUS Yes, Mr. Testa.

TESTA We have had some issues in the past with having the latest information. I want to confirm, though, what we have here shows a four-foot swing fence. Have you submitted an updated version that shows a five-foot gate? And then, so I said, four-foot gate is what your drawing shows, and you're saying it's gonna be a five-foot gate. And then, from the sidewalk, from the fence, you said it would be eight foot. Have you submitted a drawing that shows those latest dimensions?

JACOB GATES No, on the initial one that we sent, it actually doesn't have the measurement of—

TESTA Yeah.

JACOB GATES So you're correct. Yes.

TESTA Okay.

JACOB GATES There's no dimensions on that.

BARINGHAUS Any other questions for the Petitioner?

HERSHEY Looking at the plan on that other house, that may have been an existing fence because it states, "lines of blocks are proposed replacements and repairs for fence." So that may have been an existing fence prior to the ordinance, possibly.

BOLOVEN So that's grandfathered if they're doing a replaceable repair.

HERSHEY Because they're repairing, according to this, that's what it sounds like. Materials would be white and inside, outside looking identical. It says repairs, replacement. That's from what I'm reading. There are no other notes on it.

BOLOVEN Was there a traffic study done on that for six-foot privacy fence, vinyl?

HERSHEY I would say if this was existing and issued through our department, no.

BARINGHAUS Any other questions for the Board? At this point are there any, is there anyone in the audience that would have a comment on this case? If you can step aside from the podium for a moment. Your name and address, please.

LOFTUS Yes, my name is Mike Loftus. I live at 33545 Curtis, Livonia, Michigan. We lived there for about 35 years, and we met Grace and Jake. They bought the house, very good neighbors. But again, he's addressing issues that we've talked about, but isn't physically, you know, updated to the Zoning Board. So I'm thinking, once you get an update, we've been working with them to.... Okay, we'll go ahead. We're not going to impede anything, but we want the T's crossed and the I's dotted, so, but we're constantly working with them, they've been very open, good neighbors. Our concern was, we have a big pine tree on our front, and we're concerned that the fence is going to go too close to the pine tree, where we can't access for the lawn mower, whatever. So we've been addressing that issue, and then also the fact that they're going to not be right on the sidewalk, but offset, like, eight feet, yeah, and that will hopefully give them a nice square fence. And it's a four-foot fence, so it's not-- doesn't look ugly or anything

like that. So we're constantly working with Jake and Grace and with the Zoning Board just to make sure that it's okay with all parties involved.

BARINGHAUS Thank you very much, appreciate it. Anybody else want to address the Board? Your name and address, please.

ELLIS Yes. Name is Lawrence Ellis. I live in 33569 Curtis Road, next-door neighbor to Mike, and just two doors down from Jake and Grace. Okay, haven't met you guys; look forward to meeting you. But as far as this case goes, my main concern is the fact that, under the proposal it would-- it sounds like the fence would be going all the way to the sidewalk. I don't think that's a good look for the community. However, talking to them, it sounds like an eight foot off the sidewalk would be an acceptable variance, four-foot fence. I've seen four-foot fence in other areas. It's not that obtrusive. And so, like I said, the reason I came tonight was because of the 29-foot variance. I think that's too much, and if we can get to a good compromise, I can be supportive of it. Thank you.

BARINGHAUS Okay, very good. Thank you very much. Any other comments from the audience? Okay with that we'll close the public portion-- I'm sorry, yes. Letters.

KLISZ One letter. "We fully support this request for fencing." Bruce Hofsess and Alice Kachman, 18236 Stanford Street. That's the letter.

BARINGHAUS Okay. Thank you, Secretary Klisz. We will now close the public portion of the meeting and begin our comments with Mr. Rotondo.

ROTONDO Yeah. I can be in favor of this. I think it's a reasonable request that they're providing. It's not visually obstructive to the—

BARINGHAUS No, go ahead.

ROTONDO It's not visually obstructive. I guess the only thing would be, we probably should see an updated plan before we approve this. If you guys could make an updated plan. I don't know if we should table it and see the updated plan before we make the decision, but I'll see what my colleagues have to say.

BARINGHAUS And I apologize. I made a mistake. If I could just have you come back to the podium and make a closing statement, that'd be terrific.

GRACE GATES Okay, can he draw the plan?

BARINGHAUS I'm sorry?

GRACE GATES Can he draw the plan?

BARINGHAUS No, we'll just have the closing statement at this point.

GRACE GATES Yeah, we're really appreciative to the Board and our neighbors, who have been so communicative, and really wanting to work together to make sure that everybody in the neighborhood is safe and happy, and we're just grateful for the time. Thank you.

BARINGHAUS Okay. Thank you very much. I apologize for that. Next comment would be from Ms. Scheel.

SCHEEL I have questions first.

BARINGHAUS Sure.

SCHEEL What are the changes to the plan that we're looking at right now? That bringing this, bringing this fence in eight foot from the sidewalk, is that the only change?

BARINGHAUS Two things, one is moving-- Go ahead, please.

GRACE GATES So the plan was made, and my understanding is people don't want to bring but we do our due diligence. So we made the plan, but it was before we had talked to our neighbors, Mike and Kim, a second time to find out. We went out there and looked at everything together. So the difference, I think, between the plan you're looking at and what we would agree to is that the fence line will be back away from the sidewalk near where our walkway and trellis are. That's where it will be on Curtis, right?

JACOB GATES Yes.

GRACE GATES And then in terms of where the gate is or where the start of the fence is, it will also be right where that trellis is. So it's actually further back than the plan that we submitted. It's further back on Myron.

SCHEEL Further back from Myron Street?

[SUPERIOR FENCE] Correct.

SCHEEL Right? Further back from Myron Street, and then on the Curtis side, it's coming in eight feet from the sidewalk.

BARINGHAUS Yes.

SCHEEL Okay, just want to make sure I understood that.

BARINGHAUS And also the entry gates that you'll need to identify.

GRACE GATES We identified them. We just didn't put the measurements.

BARINGHAUS Okay, very good. Any other questions, Ms. Scheel?

SCHEEL No questions.

BARINGHAUS And now do you want to make a comment?

SCHEEL I can be in support of this, as with the changes that they have mentioned that they would like to make. Thank you.

BARINGHAUS Thank you. Mr. Testa.

TESTA I can be in support of this. I do think getting it documented into an updated drawing would be the better path. That being said, I would hate to table you, but it is the fairest thing for your neighbors to begin with. First make sure it kind of meets their expectation, what you guys have talked about, instead of us kind of piecing it together tonight. But if there's enough folks to do that tonight, I will support.

BARINGHAUS Mr. Boloven.

BOLOVEN I agree with Mr. Testa and Mr. Rotondo. I will eventually be in support of this. Just can't do it tonight, and it's frankly, you gotta give your neighbors the right to see specifics. We need to see specifics. And as was recommended by the Inspection Department, you are the corner lot. You should have a study done prior to our Board giving any approval. As you heard in the prior case, obviously the safety and if it is said obscuring or there is a vision obstruction that would come into play in our vote. So once you submit a final plan, then submit it to the [Building] Inspection Department. I would table tonight.

BARINGHAUS Thank you. Secretary Klisz.

KLISZ I agree. It's something that definitely is probably going to get approved next time. But we, you know, we usually start by saying "build as presented." Well, what you presented is not what you want to build. So we can't rule on that this evening. So I think tabling for a very detailed, properly current, agreeable by everyone document should be submitted next time. And also, if the Law Department can ask for a police study, I think it's different on a non-sight-obscuring versus a privacy fence. But still, I'd like to hear from them, and then we can look at it and probably get it done next time.

BARINGHAUS Thank you very much. Yeah, I agree. I think a tabling motion would be appropriate, as you're finding out. I think a corner lot is a little challenging when it comes to fencing, but to your credit, you've been working closely with your neighbors, you're taking that into consideration, but there are quite a few changes from what's been submitted for us to review versus I think what the actual finished plan is looking like. I wouldn't be discouraged. I

think you're going in the right direction. Just come back with a fully detailed plan. So. Our next meeting is actually August 13th. If you can have that plan submitted to the Building Inspection Department and then scheduled on that agenda, you would have till July 19th to do that. So I think you're in very good shape, just a matter of getting the final details in place as well. But again, my support would be for a tabling motion at this point. So with that, the floor is open for a motion.

KLISZ Mr. Chair.

BARINGHAUS Secretary Klisz.

KLISZ That appeal case number 2024-06-23, filed by Jacob and Grace Gates be tabled for the Petitioners to come back with a very detailed plan of exactly where they'd like their fence to be, and also for a traffic study to be done by the Police Department.

BARINGHAUS Thank you.

TESTA Support.

BARINGHAUS Okay, motion by Secretary Klisz, support by Mr. Testa. Is there any further discussion? Secretary Klisz, take a vote, please.

RESOLVED: APPEAL CASE NO. 2024-06-23, 18199 Myron Street: an appeal was made to the Zoning Board of Appeals by Jacob and Grace Gates, seeking to erect a 4-foot tall non-sight-obscuring fence, resulting in the fence encroaching into the corner side yard, which is not allowed.

This Low-Density Residential property is located on the west side of Myron Street (18199), between Curtis and Vacri Streets, Lot. No. 036-02-0211-000, N-2, Neighborhood District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 15.44.090 (A) 4.

Encroachment

Allowed: 0 feet

Proposed: 29 feet

Excess: 29 feet

be tabled

1. To allow the Petitioner to return with a detailed plan, and
2. To allow a traffic study to be done.

ROLL CALL VOTE

AYES: 6

NAYS: 0

PASS/FAIL/TABLED: PASS: TABLED

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. Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Passes six to zero.

BARINGHAUS We've heard your case. It's been tabled right now so we can get an updated site plan of the fencing project. So again, update the plan based on the discussions we've had tonight, and then deal with the Building Inspection Department to get scheduled. If you can have that plan ready and submitted by and placed on the agenda by July 19th, then you could be heard at our August 13th meeting as well. Any questions at this point?

[UNKNOWN SPEAKER] Yes.

BARINGHAUS Sir, no, we're done with the public portion of just the questions for the Petitioners.

[UNKNOWN SPEAKER] Okay.

BARINGHAUS Sorry, go ahead, please. Okay, thank you.

JACOB GATES How do I go about getting a police study done?

BARINGHAUS You don't have to do that. That'll be taken care of.

JACOB GATES Oh! Okay, thank you.

BARINGHAUS Any other questions?

GRACE GATES No, I think that's it.

BARINGHAUS Okay. Well, thank you very much. Take care. Secretary Klisz, will you read the next case?

APPEAL CASE NO. 2024-06-24, 32175 Balmoral Street: an appeal was made to the Zoning Board of Appeals by Christopher Cristante and Jesse Syring, seeking to construct a detached accessory pool house while maintaining and expanding on an existing attached garage, resulting in excessive building area (pool house), excessive total accessory building area and a deficient side yard setback (garage).

This Low-Density Residential property is located on the south side of Balmoral Street (32175), between Cambridge and Canterbury Streets, Lot. No. 057-01-0077-000, R-U-F, Rural Urban Farm District, rejected by the Inspection Department under Livonia Zoning Ordinance, Sections 3.06 "Dimension Regulations" and 7.09(1)A "Minimum Size."

Accessory Building Area

Allowed: 200 sq. ft.
Proposed: 1,089 sq. ft.
Excess: 889 sq. ft.

Total Accessory Area

Allowed: 920 sq. ft.
Proposed: 1,777 sq. ft.
Excess: 857 sq. ft.

Side Yard Setback

Required: 10 ft.
Proposed: 3.4 ft.
Deficient: 6.6 ft.

BARINGHAUS Okay, thank you. Does the Board have any questions for either the Law or the Inspection Department? And thank you. Will the Petitioners come forward? Good evening, may I have your name and address, please?

SYRING Good evening. I'm Jesse Syring. I live at 32175 Balmoral Drive.

CRISTANTE I am Chris Cristante, 32175 Balmoral Drive as well.

BARINGHAUS Very good. Thank you very much. If you can give us a description of your project and your request for a variance, please,

SYRING Absolutely. We've lived in this home for well, August will be 15 years. We've been longtime residents here in Livonia. We absolutely love the home and the property. It's a unique property, not only by how it's laid out and it's designed, but we also have open fields. Buchanan Elementary School is behind us, as well as a church, and so there's no buildings constructed behind us. And then we have neighbors on each side. In the past 15 years, we've put more than \$350,000 of improvements into our home, and we are now looking to improve the out, the exterior of the house. So specifically for the pool house, the current structure that is there, it really does not allow us to have adequate storage for the poolside equipment: chairs, tables, and such. We were hauling all of that equipment every year, every winter, down into the basement of the home and back up every spring. And actually the pool shed that's there houses the pool equipment. The former owners had a shower stall area that is no longer usable, so that takes up a lot of space, and frankly, because it's detached so far away from the actual pool deck, which we redid, I think in 2020, there's no access to any entertainment space for us, if we have guests and we're at the pool, anytime you need to go to the home to get something to drink or to cook food, you have to basically leave your guests within the fence to the pool, as was required. So this pool house will allow us to have an entertainment space that comes directly to the pool deck, and allow us to utilize that space much better. It's blocking none of our neighbors' views, and so in preparation for all of these drawings and such, we actually spoke already with the three neighbors that are involved. All of them are in absolute full support.

They've seen what we've done to our home over the past 15 years, and actually are very excited to see the plans and what we're going to do with it. As far as the garage, the same principle, really with the garage is there's no active storage. When you place two vehicles in the garage, when you come out of the mud room into the garage, the vehicle is right there. So we are hauling groceries or hauling equipment into the home, you're constantly sideways, trying not to scratch your vehicles. The nice thing about where the garage would be located. The third car garage is that it's along a tree line. The land survey doesn't show that, but it's all tree lined on that neighbor's side where the third car garage would be built. And so that neighbor, it doesn't impact his view anymore, because it's already opaque due to the Arborvitae trees that are 20-feet tall there. And he absolutely says, "Please, please build away." So I think, as a general rule, we're looking for these variances to allow us to just improve our storage space and ultimately increase the usage of the buildings that we would like to build on the property.

BARINGHAUS According to the site plan, you currently have a shed on the property?

SYRING It's the current pool shed.

BARINGHAUS Okay, what would happen with that?

SYRING We would tear that—

BARINGHAUS It would go away?

SYRING Yeah.

BARINGHAUS Very good. In terms of the—where is the equipment? Where's the [inaudible] equipment?

SYRING In that shed. In that current shed.

BARINGHAUS Okay, so that equipment will then be housed in the proposed building?

SYRING Absolutely, in the storage portion of the pool house. So that this pool house, as designed, will have two sections. One will be like a built-in entertainment space with countertops and refrigerators and such, and then the back will be the storage facility with the garage door access to that.

BARINGHAUS What's the square footage of the pool equipment storage building?

SYRING I don't know, off the top of my head, I'm guessing it's probably 200 square feet. It's very small.

CRISTANTE You're talking about the current one?

BARINGHAUS No, the proposed one.

SYRING Oh, the proposed pool house.

BARINGHAUS Pool equipment storage on the end?

SYRING On the drawings that were submitted--

BARINGHAUS I'm sorry, I missed that. It's 471.9 square foot. Very good. What are you going to be storing in this?

SYRING All of our lawn furniture. You will have poolside furniture, the pool tables, we have two decks. There's-- on the land survey you can see, there's a beautiful paver patio that's on the backside of the home, outside of the pool area. We will store all of that equipment in there, and someday have a riding lawnmower to put in there.

BARINGHAUS How large is the pool?

SYRING It's about 20,000 gallons, so 40 feet by about 20 feet.

CRISTANTE It's only five feet deep, though.

BARINGHAUS Trying to see if you have neighbors on this side of your property and you do not, is that correct?

SYRING That is correct.

BARINGHAUS You have no neighbors facing the pool storage unit.

SYRING No, we're all kind of in alignment. So the house directly next to us is a pie-shaped home, and it gets pinched off by the next neighbor, kind of around the corner, and then our yards meet way in the back.

BARINGHAUS And currently you're storing a lot in your basement, so this will allow you to transport from the pool [inaudible].

SYRING The logs do not scratch the car on the third-car garage.

BARINGHAUS What are you currently storing in the garage right now?

SYRING Well, it has the cars.

BARINGHAUS Besides the two cars.

SYRING And that's pretty much all that fits. Yeah. I mean, we are able to store a toolbox and a snowblower.

BARINGHAUS And your current garage is 400 and some feet, I believe?

SYRING Four hundred and ninety-eight, is that correct?

BARINGHAUS That would be the third parking spot.

SYRING Oh, the third parking spot.

BARINGHAUS I'm sorry, the third parking spot, what would that be utilized for, just storage or...?

SYRING Actually, we would shift the cars down in order to get a space when you open the door into the garage so you'd have that space there.

BARINGHAUS Do you have a stairway coming into the house out of the garage?

SYRING Two steps up.

BARINGHAUS Two steps up, okay.

SYRING One step and then another step up.

BARINGHAUS So it kind of encroaches into the garage area. Okay. Thank you. Any other questions?

TESTA Mr. Chair.

BARINGHAUS Yes, Mr. Testa.

TESTA Yes. Question for the Petitioner. Regarding the proposed pool house. It looks like there's two aspects to it, the pool equipment storage, and then you have a bar area and covered patio area.

SYRING Correct.

TESTA Is there a door between the "bar" and the covered patio?

SYRING It will be, yes, those windows that are in the front—

TESTA Okay.

SYRING --that are shown in the drawing are actually foldable doors that will become an open-air kind of open space.

TESTA Gotcha.

SYRING When in use.

TESTA Do you plan on using that year-round, then, since it's enclosed?

SYRING Probably not year-round, no, but probably later into the summer season than we do now, sure.

TESTA Okay, where I was going with this is both that space and also your covered patio space. Couldn't you store your pool chairs in that space during the winter months when you're not using that space? So could you make your pool equipment house or pool equipment storage area smaller because you won't need to store the chairs there. You can either put it under the covered patio or in the bar area, so to speak.

CRISTANTE I think there's a potential to do that. I think the issue would be during the summer season, with all the floaties and the little noodles that we have for the kids and that, we need a spot to put that during the season, and so that's really what we put in the pool shed currently now.

TESTA How big is the current pool shed? it seemed to be substantially smaller than what you're proposing here, right?

SYRING Yes, it is very much smaller.

[UNKNOWN SPEAKER] I think it's 200 square feet.

SYRING And I think too, we were getting a riding lawnmower, something like that. That's where we'd want to store that in that storage kind of combo, entertainment space, storage area in the back.

TESTA Yeah, understood. You have a rather sizable lot, but your request here is quite a bit over the allotment. So I'm looking for a pathway to get you what you want, but kind of scale it down a bit so that you're asking is not as large of an overage that's trying to be creative with your existing space. I belong to a pool club. We store our furniture underneath a covered awning, so to speak. It's not an enclosed space, but it's covered so it doesn't get the elements of snow and rain during the off-season months.

SYRING I think one of the things we tried to do too, purposefully, was to really kind of cover-- the space is useless in between the pool deck, and where the current pool shed is right, there's really nothing there. And so just kind of building that out doesn't make any difference to

the neighbor, the neighbors on any side to kind of cover up that space that's now unusable. And so we're just maximizing, I think, to your point, maybe too much, but maximizing that space that really is useless space to us now. It's going to go back nearly as far, not too much further. Further than the current structure is that's there. It's more use of the space coming forward towards the pool.

TESTA Okay. And the fence would just be extended to the pool house. That's your time with the entertaining space. Would everyone be in the same entertaining space? You would have to leave the fenced area?

SYRING Correct. There would still be the pool gate that's off to the side in the drawing. You'll see one side of the pool house has the fence because we need to continue to have the pool completely fenced in. On the opposite side of the pool house, that outdoor space will be the barbecue, so the wall will act as a fence to make sure that nobody climbs in the pool.

TESTA Okay. Thank you.

BOLOVEN Mr. Chair.

BARINGHAUS Mr. Boloven.

BOLOVEN Question for Mr. Hershey. There's nothing before us today on the new garage, correct? All that is within code and no variance is required?

HERSHEY For the garage right now?

BOLOVEN The third garage they're adding onto the existing garage.

HERSHEY I guess I don't understand your question. Is that--?

BOLOVEN Part of this, it looks like in their site plans, they're adding under their two-car garage, a third garage.

HERSHEY And that's the excessive amount between the two. So adding to the garage and their setback on the side of the garage, they're going from ten feet that's required. They want to propose three point four.

BOLOVEN So I guess I'm looking—

HERSHEY So they want to expand the garage, correct? And they want to build the pool house.

BOLOVEN Correct.

HERSHEY Yes.

BOLOVEN So what from... I think that's what I'm missing here. So I got accessory building area. I'm over by eight eighty-nine.

HERSHEY Okay.

BOLOVEN That's just the pool house, correct? The 1089 is just a poolhouse. Allowed two hundred. I got total accessory area nine twenty, proposed seventeen seventy-seven. Is that 1777 a pool house, plus the shed, plus the addition on the garage?

HERSHEY So the pool house is proposed at 1089 square foot?

SCHEEL 1,088.6.

HERSHEY And then they're wanting to expand the garage, and the garage is already probably four hundred, so I'd say they're adding... are you adding about 300 feet to your garage? 300 square feet?

SYRING Yeah.

HERSHEY So—

SYRING I mean, as big as another car can fit in there.

HERSHEY So from—

SYRING The biggest issue is the three-foot variance is the one, I think [inaudible] setback.

BOLOVEN The setbacks for the... definitely for the... that's not for the...

HERSHEY The setback is for the garage.

BOLOVEN Right. That's for the garage, or the...?

HERSHEY That's the garage addition. So they want to expand the garage--

BOLOVEN That's not coming on the pool house that's being built.

HERSHEY No. Combined for what they want to add, they want to expand the garage. Okay?

BOLOVEN Okay. I understand. Question for the Petitioner, who's building this?

SYRING Bongero. David Bongero.

BOLOVEN Are you going to put in the pool house... HVAC?

SYRING No.

BOLOVEN Is there going to be electricity?

SYRING Already does, so yes.

BOLOVEN Is there plumbing? When I say plumbing, I don't mean the plumbing for the pool. Are you gonna have a wet bar there? Are you gonna have...?

SYRING Yes, the pool house currently has water, and so we'll just use that to have a sink.

BOLOVEN You're gonna have a sink. It has electricity, but you're not gonna put in AC or...?

SYRING No.

BOLOVEN Any bedding in there? People are... strictly just entertainment.

SYRING Strictly just entertainment.

BOLOVEN What do you both do for occupations?

SYRING I am a director of a solid organ transplant program.

CRISTANTE I'm the director of business management for an army program.

BOLOVEN So no chance that's gonna be turned into an office for any of you, or... we just gotta ask questions.

SYRING Oh, yeah. Absolutely

BOLOVEN Don't take it as an insult.

SYRING No.

BOLOVEN Just curious. So no chance it's gonna be anything businesswise. It's just strictly entertainment.

SYRING Strictly.

BOLOVEN Alright. Last question is the easiest one. Why so big? Will you be willing to come down?

SYRING Well, we actually... with the original drawings that we gave, we bought the spray paint that you spray in your yard, and by the time you put a two-foot counter all the way across to build in that bar area, it just seemed too small. And since that space, as we mentioned, from the pool that to the existing structure is wasted space anyway, we could just make it as long as we needed to and go back as deep as the current structure, and so we maximized that space.

BOLOVEN So if this Board was saying-- not saying it's going this way, I'm just saying, it's a hypothetical-- say that they said you could have your pool house exactly the way you want it, with the shed, but you can't have the third car addition. Would you still do the pool house? Would you do the three-car garage?

SYRING We would do the pool house.

BOLOVEN You looked at me, you gave that look like there's going to be a disagreement—

[Laughter]

CRISTANTE No, no. I mean, honestly, because we have a pool and you know, you only get like, three months out of the year in Michigan to enjoy it. If that. It would make the most sense to utilize that space. So if we could go into September and actually enjoy the pool a little bit longer, just when it gets cool at night, that would be the preference, I suppose.

BOLOVEN Thank you, Mr. Chair.

BARINGHAUS Okay. Thank you. Any other questions?

KLISZ Mr. Chair?

BARINGHAUS Secretary Klisz.

KLISZ I'm curious, the angle of it, is that just because of the property line? Is there any reason you can't just square it up?

SYRING The reason why that's angled like that is because that's where the... so that pinched-off piece of property that's directly next to us. That's where the next neighbor and our properties meet in a diagonal convex, and so that's to keep it parallel to the fence that already exists on their property.

KLISZ Okay?

SYRING So initially there's a setback limitation in there as well trying to maintain.

KLISZ So this is basically the best way to use that corner.

SYRING Correct.

KLISZ Okay, thanks.

BARINGHAUS Any other questions? Yeah, going back to the garage, you had the side yard setback of just a little over three feet where ten is required?

SYRING Yes.

BARINGHAUS How are you going to use all of that?

SYRING Because of those Arborvitaes that are there that you can't see through anyway. Literally, Dave Smolarek said, "Build away." No concerns, because it doesn't impact his view, or he doesn't. He doesn't see anything different than the trees that he's looking at now.

CRISTANTE In addition to that, his driveway comes out toward that third-car garage if we were to put it there. So it's not like he has a front room window there that's looking at our [inaudible]. Exactly. So really, that part of the house doesn't really have the view of our garage.

BARINGHAUS So basically, because there's a screen of the Arborvitaes, he's comfortable with the garage being there.

SYRING Yep.

BARINGHAUS Are you planning to always to screen it? I mean, in the event the Arborvitaes go away, will that area probably be screened for privacy for the pool, your property?

SYRING The arbor... There's also our plantings that we planted when we did the pool that run all along the whole length of the pool side. Those are drawn on the plan of the actual pool shed, I believe, not on the site plan, but on the description the gentleman calling it got held up so this is the side of the pool. Those are all new Arborvitaes that will eventually grow to give us the privacy that we want.

CRISTANTE I should also say the Arborvitaes that are near the garage are actually the neighbor's Arborvitaes. Those aren't ours; they're on his property.

BARINGHAUS His property.

CRISTANTE Yes.

BARINGHAUS So you won't be maintaining them.

CRISTANTE Yes. So we kept that same trend of using the Arborvitaes to blend in to make sure that--

BARINGHAUS --his Arborvitaes would look like that. Okay. Great. Thank you. Any other questions?

TESTA Mr. Chair.

BARINGHAUS Mr. Testa.

TESTA A question for the Petitioner. You mentioned potentially a future riding lawn mower. How would you get it to the front of your house if you put that third bay on your garage?

SYRING I'm glad you asked, because my father asked the same question, and that's why you see on the drawings that there's a garage door in the front and a garage door in the back, because we won't probably even be able to get a wheelbarrow right through the backyard to the front yard. So we do that as a pass through in order to make sure we can get through.

TESTA Okay.

CRISTANTE In addition, on the other side of the house, there is that pathway, too. The lawn service that currently cuts the grass. That's the route they actually go.

TESTA They can get there without going on the neighbor's property? Okay, it looked tight. There's a tree there, but I can see the path now.

BARINGHAUS Any other questions?

ROTONDO Sir?

BARINGHAUS Yes, Mr. Rotondo.

ROTONDO Is there currently a retaining wall there? Is that something you guys are proposing putting in, a timber retaining wall?

SYRING Yeah, so along where that timber retaining wall currently exists. When we had the pool redone in 2020 it was not done very well with the timbers. The neighbors are really not happy with that retaining wall, so we have agreed to, when they pour the concrete for the pool shed and for the garage, we will build a new cement retaining wall for them.

ROTONDO So that runs up to the new proposed garage. Or where does that stop at?

SYRING It is a fenced-in area of the pool. So no, not from the garage.

ROTONDO Okay. Are you guys planning on putting any kind of, well, I guess, you kind of addressed... you're not putting a walkway or anything next to that new garage?

SYRING No, it's currently asphalt.

BARINGHAUS Any other questions to the Petitioner? Okay, very good. Secretary Klisz, are there any letters?

KLISZ There are two letters. A letter from David Smolarek, 32201 Balmoral Drive, "Proposed construction 32175 Balmoral Drive, Dear Livonia Zoning Board Members: I'm writing to you today regarding the proposed project at 32175 Balmoral Drive to add a pool house in the backyard and to expand the existing garage from a two-car to a three-car. I reviewed the plans with my neighbors, and I am in support of this project. The pool house will be a nice addition to the yard and will improve the appearance from the existing structure. Chris and Jesse invest a lot of time and effort into keeping the yard tidy and being excellent neighbors. Sincerely, David Smolarek."

And, "To: Livonia City Zoning Board, from: Randy and Judy Parzych, To whom it may concern, We understand that our neighbors, Jesse Syring and Chris Cristante, are planning to build a structure in their backyard next to their pool. We have no concerns about their plans to build their structure and are confident that it will be built in a professional manner. Regards."

BARINGHAUS Okay, thank you. I would normally ask if anybody in the audience wants to make a statement, but that's a foregone conclusion. Would you like to make a closing statement, please?

SYRING In closing. Thank you very much for your time, and we hope that you take into consideration our requests. Given the fact that there are three impacted neighbors, and all of them wholeheartedly are excited for what we have planned, and after having seen all we've done with the home already to this point.

BARINGHAUS Okay, perfect. We'll close the public portion of the meeting and begin the comments with Mr. Testa.

TESTA Yeah. I will be careful with how I word this. I just finished an addition with Bongero's. I did put a covered patio on as well. Yours is nicer than mine. Your proposal is nicer than mine. So I'm a little jealous. I may contact Dave in a few days. I'm interested in this whole bar cart. I just thought that would be the optional pull-down screen. So maybe I'll start with a screen and then call Dave. This is a little excessive. That's why I've asked some questions about, could you scale it down? I do understand the need about storage, so I was trying to be a little creative with putting your pool furniture in the covered patio/bar area so you don't need as much storage. But I do get the aspect of looking at the aerial view and the size of your lot that ultimately you probably would want a riding lawn mower and you would need a place to store that. I think ultimately I can be in support, but if there is some concern or pause by other Board

members about the size, I would be open to a table for allowing you guys to come back with a more modest or a scaled-down proposal, but otherwise I would be fine with this.

BARINGHAUS Mr. Boloven.

BOLOVEN I'm torn. I'm torn because I think it's a beautiful project, by the way. I really like what you guys are doing. I know you're investing a lot into that home and let alone that area, to improve everything that you got there. Like Mr. Testa said, I am hesitant on the size, but I also look at where the property is. You've got five neighbors. It's a very weird lot, the way that it's shaped, you know, the whole pie structure. But that weird lot also gives you some benefit, because there's so much greenery there. It's blocking the view of this from basically the school, you know, the lot behind it, and then your neighbors. So is that overage? Are you that unique situation where we grant such an overage in comparison to everybody else, where we can scale down? That's where I'm torn on. Like I said, I'm looking. I asked the question, why so big? Where could you scale down? And I'm looking, where would you scale down? I mean, you're not going to scale down the garage anymore. That's at minimum. You scale down the storage again, you're in a corner like Mr. Klisz asked. It's a weird angle. So no matter what you do, you start changing the shape. Even if you downgrade the size, you're just going to make it more skewed. Honestly, you're one in very, very few that I'd say I'd probably grant as presented with this overage. Thank you.

BARINGHAUS Thank you. Okay, Mr. Rotondo.

ROTONDO Yeah, I can understand the concerns from some of [my] colleagues about the size of it, but I think that, I think the plan is pretty clean, and it speaks volumes that your neighbors are in favor of it, even the one that is right there to the west of you, where you're impeding on the setback there. So, I mean, I don't see any issues with it, seeing that your neighbor, your neighbors, signed off on it, and plans are pretty clean.

BARINGHAUS Thank you. Ms. Scheel.

SHEEL I agree with what Commissioner Rotondo said. You have the perfect property for this. It looks like beautiful plans. You're improving your home, which is improving the values in the neighborhood. And I think this is definitely worth doing. I think it's great that you're adding a third car garage. That's what most places have now, if they can. So, and I understand the need to walk back and forth without wanting to hit your vehicles. So I get that and wanting to use your pool for longer, if there's a way you can, absolutely you should. And this, this seems like the perfect property to do it on, so I would be in support. Thank you.

BARINGHAUS Thank you. Secretary Klisz.

KLISZ This one is unique, and we usually, as Mr. Boloven, kind of was struggling the same way I was, but going, jeez, it just makes sense. It makes it doesn't make sense to do it another way. The only other thing I'll add is, when we look at RUF lots and people want to put

up giant barns, those are way more impactful than this, which half of it's a patio, half of it's a pool house, and the other part is a usable garage, you have a hardship because you can't even, you know, get into the cars the way you currently have it. The neighbors are in support. Again, I think you're very unique. And this isn't like trendsetting for the rest of the city, but it's very unique property. You've done it the right way. You've really worked on this. Obviously, the whole property, and what-all the improvements you made in the plan totally makes sense. So I'll be in support.

BARINGHAUS Thank you. I'll be in support of the variance also. I think you have a number of hardships. One hardship is the size of your garage, it's 462 feet, that's small. So I think we want to justify to expand that size, make it a little more workable for you as well. I mean, if you look at your project by the numbers, it's horrific in terms of size, but if you break it down into smaller pieces it makes sense. The shape of your property is unique. I thought it was a hardship initially, but as it turns out, it's a real asset for this project as well, but you also had another hardship. You had an existing pool there, and as Mr. Testa indicated, he and myself, we both have experiences being swim club presidents. And when you deal with swimming pools, you deal with larger-scaled items: chairs, etc., etc. So you need a little bit more space as well. I was impressed that what you've done is you've taken your home, your garage and your pool, and you've integrated it into one unit, and you've used the property to manage to do that as well. So just generally, on those items, I have to commend you. I think it's very well thought out. I think it's very unique, and I agree. I think it'll definitely be an asset to the neighborhood. And I was impressed with the fact that you didn't try to keep that shed, that you eliminated it so there would be one consistent unit. So based on that, I'll approve the variance. With that the floor is open for a motion.

BOLOVEN Mr. Chair.

BARINGHAUS Yes. Mr. Boloven.

BOLOVEN Resolved in appeal case number 2024-06-24, filed by Christopher Cristante and Jesse Syring, be approved for the following reasons and findings of fact: the uniqueness requirement is met due to the shape of the property envelope and layout of the property in relation to the neighbors. Denial of the variance would have severe consequences for the Petitioners due to lack of storage needed to maintain the property as well as its accessories. The variance is fair in light of its effect on neighboring properties and in the spirit of the zoning ordinance, due to full support from two directly affected neighbors. The property is classified as...

BARINGHAUS RUF.

BOLOVEN ...RUF under the Master Plan, and the proposed variance is not inconsistent with that classification. Further, that the variance be granted with the following conditions. One, that would be [built] as presented this evening. Two, I would add the condition that there be no HVAC to the outbuilding, as stated this evening.

BARINGHAUS Thank you. Is there support?

SCHEEL Support.

BARINGHAUS Support by Ms. Scheel. Motion by Mr. Boloven, support by Ms. Scheel. Is there any discussion on the motion? Secretary Klisz, can you take a vote, please.

RESOLVED: APPEAL CASE NO. 2024-06-24, 32175 Balmoral Street: an appeal was made to the Zoning Board of Appeals by Christopher Cristante and Jesse Syring, seeking to construct a detached accessory pool house while maintaining and expanding on an existing attached garage, resulting in excessive building area (pool house), excessive total accessory building area and a deficient side yard setback (garage).

This Low-Density Residential property is located on the south side of Balmoral Street (32175), between Cambridge and Canterbury Streets, Lot. No. 057-01-0077-000, R-U-F, Rural Urban Farm District, rejected by the Inspection Department under Livonia Zoning Ordinance, Sections 3.06 "Dimension Regulations" and 7.09(1)A "Minimum Size,"

Accessory Building Area

Allowed: 200 sq. ft.

Proposed: 1,089 sq. ft.

Excess: 889 sq. ft.

Total Accessory Area

Allowed: 920 sq. ft.

Proposed: 1,777 sq. ft.

Excess: 857 sq. ft.

Side Yard Setback

Required: 10 ft.

Proposed: 3.4 ft.

Deficient: 6.6 ft.

be granted for the following reasons and findings of fact:

1. That the uniqueness requirement is met due to the shape of the property and the layout of the property in relation to the neighbors,
2. That denial of the variance would have severe consequences for the Petitioners due to lack of storage needed to maintain the property as well as its accessories,
3. That the variance is fair in light of its effect on neighboring properties, and in the spirit of the zoning ordinance due to full support from two directly affected neighbors, 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:

5. The project will be built as presented to the Board.
6. That no HVAC will be installed to the outbuilding.

ROLL CALL VOTE

AYES: 6

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. Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Passes six to zero.

BARINGHAUS Thank you. Well, congratulations. Your variance has been approved. So just visit the Building Inspection Department and finalize your plans. Good luck to you.

CRISTANTE Thank you so much.

ADMINISTRATIVE TASKS

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

KLISZ Yes, we have the minutes from the Zoning Board of Appeals meeting on June 11, 2024. I would make a motion to approve those minutes.

BARINGHAUS Okay? Is there a second?

SCHEEL Support.

BARINGHAUS Okay, motion for approval by Secretary Klisz. Support by Ms. Scheel. All those in favor say aye.

[The Board voted unanimously to approve the minutes of June 11, 2024.]

BARINGHAUS Okay, very good. [Are] there any other discussion items for the Board? Okay. Motion to adjourn.

SCHEEL So moved.

BARINGHAUS There you go, motion by Ms. Scheel to adjourn, supported by Secretary Klisz. All those in favor say aye.

[The Board voted unanimously to adjourn.]

BARINGHAUS Meeting adjourned. Thank you.