

AGENDA OF THE CITY OF LIVONIA ZONING BOARD OF APPEALS
October 1, 2024 – 7:00 p.m.
Livonia City Hall Auditorium
33000 Civic Center Drive, Livonia, MI

AGENDA ITEM(S):

1. **APPEAL CASE NO. 2024-07-28, H&A Investment, LLC, 29421 Six Mile Road:** Seeking to continue using a second-story apartment over a commercial business as a tourist home, which is not permitted in this Zoning District.
2. **APPEAL CASE NO. 2024-08-29, TODAL LLC, 38019-38035 Schoolcraft Road:** Seeking to occupy a property in the M-2 (General Manufacturing) Zoning District to establish a religious institution, which is prohibited.
3. **APPEAL CASE NO. 2024-08-30, William Earles d.b.a. So Delish, 33825 Five Mile Road:** Seeking to maintain a second wall sign, erected without permits, resulting in an excessive number of wall signs.

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

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

ZONING BOARD OF APPEALS

ZONING BOARD MEMBERS

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



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

COUNCIL MEMBERS

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

PUBLIC NOTICE ***September 16, 2024***

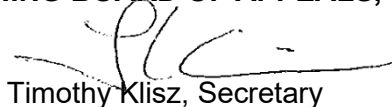
APPEAL CASE NO. 2024-07-28, 29421 Six Mile Road: an appeal was made to the Zoning Board of Appeals by H&A Investment, LLC, seeking to continue using a second-story apartment over a commercial business as a tourist home, which is not permitted in this Zoning District.

This Corridor Commercial property is located on the south side of Six Mile Road (29421), between Oporto Avenue and Middlebelt Road, Lot. No. 085-99-0003-000, C-2, General Business, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 3.11 (Permitted Uses).

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

This appeal will be heard at a public hearing to be held in the **Auditorium on the 1st floor of City Hall on Tuesday, October 1, 2024, at 7:00 p.m.**, at which time comments may be directed to the Board during audience participation. When replying by mail, write your comments on the back of this notice and address it to the City of Livonia, Zoning Board of Appeals, 33000 Civic Center Drive, Livonia, MI 48154. All written comments are read at the meeting and become part of the record.

ZONING BOARD OF APPEALS,



Timothy Klisz, Secretary

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



CITY OF LIVONIA
Inspection Department

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154
421-2000

REJECTION OF APPLICATION FOR PERMIT
BECAUSE OF NON-CONFORMITY TO ZONING ORDINANCE LIVONIA VISION 21

Applicant H&A INVESTMENTS, LLC Address 47288 RED OAK DR., NORTHVILLE, MI 48168
Owner (SAME AS APPLICANT) Address (SAME AS APPLICANT)
Lessee N/A Address N/A
Location SOUTH Side of 29421 SIX MILE Street
Between ORPOTO And MIDDLEBELT
Lot No/Parcel No. 085-99-0003-000 Subdivision N/A
Zoning District C-2 Map No. NE 14 Lot Size 6,100 SQ.FT. (0.14 ACRES) Alley N/A
Present Use RESIDENTIAL RENTAL Proposed Use SHORT TERM RENTAL (TOURIST HOME)
Present Building Size 1,750 SQ.FT. (APPARTMENT SPACE) Proposed Building Size (NO CHANGE)
Present Height of Building N/A Proposed Height N/A
Allowable Lot Coverage N/A Proposed Lot Coverage N/A

Proposal SEEKING TO USE AN EXISTING NON-CONFORMING 2ND FLOOR APPARTMENT SPACE OVER COMMERCIAL
BUSINESS AS A SHORT TERM RENTAL "TOURIST HOME" WHICH IS NOT PERMITTED.

Reason for Rejection LIVONIA ZONING ORDINANCE, SECTION: 3.11 (PERMITTED USES)
Deficient Side Yard _____ Deficient Front Yard _____ Deficient Rear Yard _____
Deficient Lot Area _____ Deficient Lot Area per Room _____ Encroachment _____
Excessive Lot Coverage _____ Excessive Height _____ Increasing No. Units _____
Use Prohibited TOURIST HOMES (3.11) Deficient Parking Spaces _____ Increasing Area and Bulk _____

Remarks TOURIST HOMES ARE PERMITTED IN NM-1 ZONING DISTRICTS ONLY AS A WAIVER USE. ALSO SEE DEFINITIONS OF
VARIOUS RENTAL DWELLINGS IN THE LIVONIA CODE OF ORDINANCE, SECTION: 5.42.010.

Plans and Application examined by

Date JULY 26, 2024

ZONING EXAMINER

APPLICATION FOR VARIANCE

Hq A Investment 47288 Red oak Dr Northville, Mi 48168
 (Owner of Premises) (Street Address) (City) (Zip Code) (Telephone) (Fax)

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

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

The property address is 29421 Six mile Rd, Livonia, Mi 48152

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

Please see attached paper.

1. Are there any deed restrictions or subdivision rules or restrictions on the property? If so, what are they? see attached

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

see Attach

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

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

4. Please describe what the difficulty involves beyond mere inconvenience or inability to earn a higher financial return:

5. Explain why you think this variance would be fair to the neighbors and others who might be affected.

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

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

8. Have you attempted to have the property rezoned? If yes, please describe the outcome of the rezoning process: _____
9. If you have not attempted to have the property rezoned, why hasn't this attempt been made? _____

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

OWNER'S AFFIDAVIT

COUNTY OF WAYNE)
STATE OF MICHIGAN)

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

Signature of property owner: Ahmed Almasri

Please print name of property owner: H&A Investment L.L.C
Ahmed AL Masri

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

Subscribed and sworn to before me this 25th day of July, 2024

Dora Ongel McGriff
(Notary Public, Wayne County, Michigan)

My Commission expires November 20, 2028

DORA ONGEL MCGRIFF
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WAYNE
My Commission Expires November 20, 2028
Acting in the County of Wayne

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

NOT TO BE COMPLETED BY APPLICANT

Petitioner makes application for a Hearing, seeking to (reverse, modify, or affirm) the (order, decision) of the Department of Inspection, dated July 25, 2024, which reads as follows:

TOURIST HOME NOT ALLOWED IN COMMERCIAL DISTRICT

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

[Signature]
(Supervisor)

Application for permit filed No

Violation Issued Yes

Application for Variance

**Property Owner: H & A Investment LLC
47288 Red Oak Dr
Northville, Mi 48168**

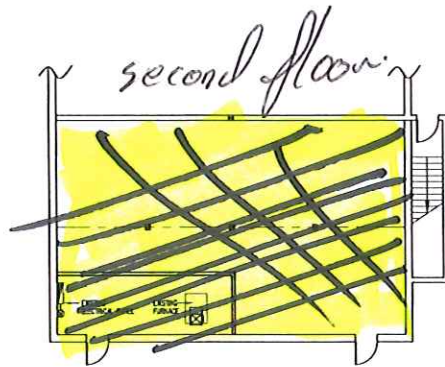
**Property Address: 29421 Six mile Rd
Livonia, Mi 48152**

1. The above property is a residential unit that sits on a commercial C2 zone. The property is currently used as an Airbnb and Short term rental. There is no deed restriction or Subdivision rule apply or any close by residential neighbors.
2. Please see attached plan for more details.
3. Being the owners for this property for the last 20 years, we have found it very difficult to maintain a consistent tenant with this residential unit situated on the top of a commercial property.
4. As mentioned above, without using it for a short term rental, this property will be vacant for a long time and as a result the property value will decrease as well as the financial income.

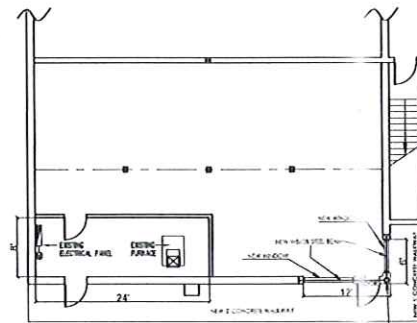
5. This property is unique on its nature and being situated as residential over commercial with mixed use and with no residential neighbors which makes it incomparable with to similar Airbnb or short term rental situated within the neighborhoods.
6. We are not requesting to change the zoning of this property, as it was purchased as C2 zone/ mixed use with correspondence to this zoning.
7. It is difficult to change, as this property consists of four addresses, 3 commercial and 1 residential which has to remain at the current zoning status.
8. No attempt was made.
9. Reason stated in article 7

PROJECT:
COMMERCIAL BUILDING
REMODELING

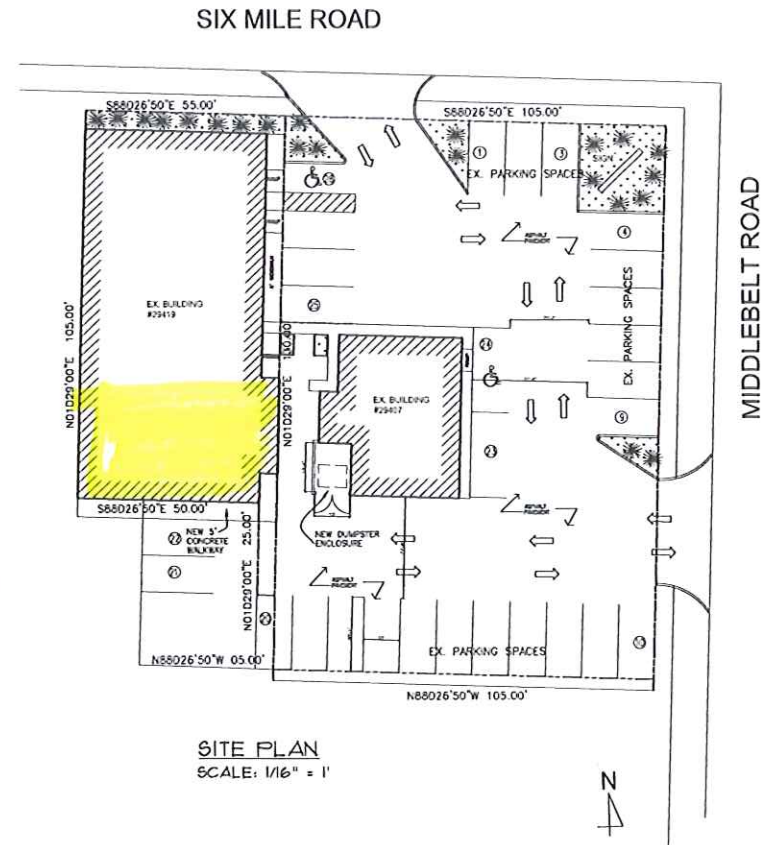
LOCATION:
29415 SIX MILE RD.
LIVONIA, MICHIGAN



EXISTING FLOOR PLAN
SCALE 1/8" = 1'



PROPOSED FLOOR PLAN
SCALE 1/8" = 1'



SITE PLAN
SCALE: 1/16" = 1'

PROJECT: COMMERCIAL BUILDING REMODELING
LOCATION: 29415 SIX MILE RD. LIVONIA, MI 48152
A & M CONSULTANTS 835 MASON, STE. B230 DEARBORN, MI 48124 PH: (313) 582-0022 FAX: (313) 582-0028
DRAWN BY: APPROVED BY: ADNAN AL-SAYIT
SUBMITTALS
REV'S/CHGS.
PROJECT NO.
DATE 07/17/2024
SCALE NOTED
SHEET TITLE - SITE PLAN - FLOOR PLAN - DETAILS
SEAL

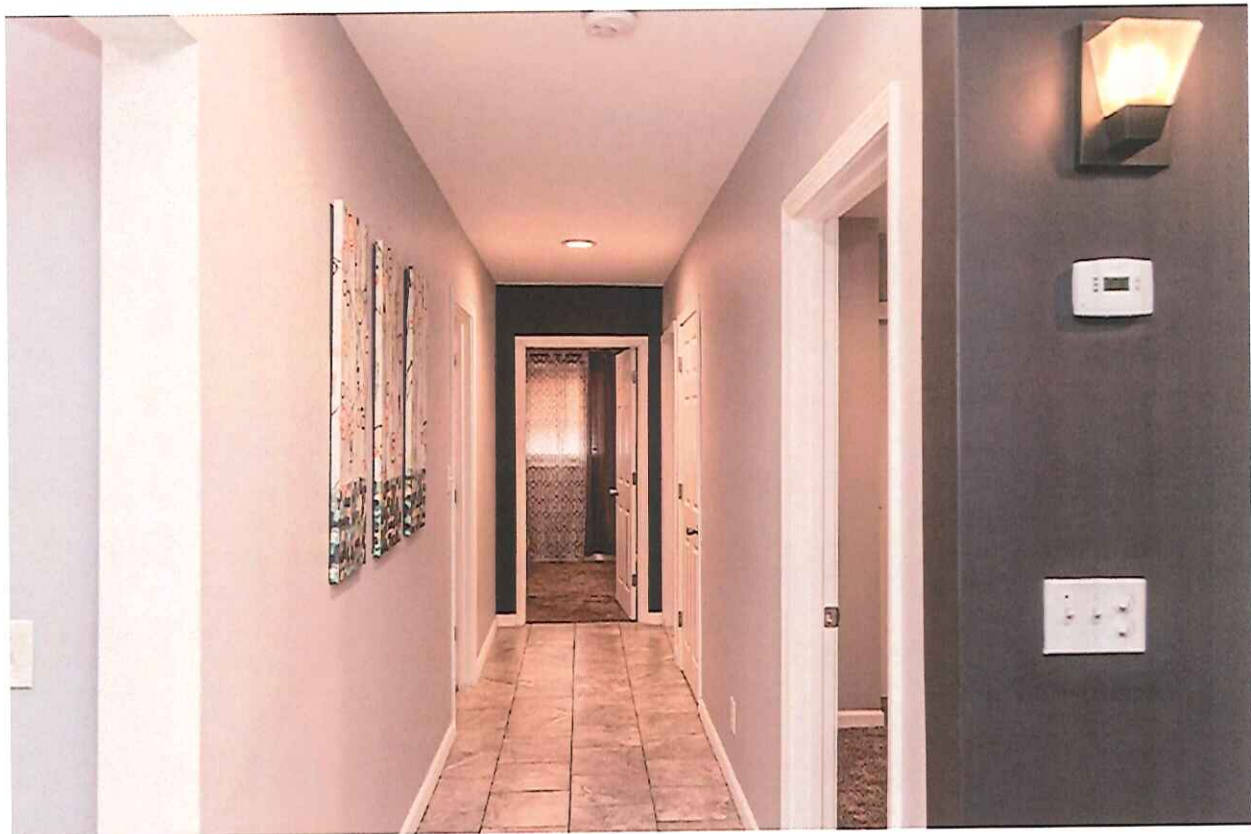
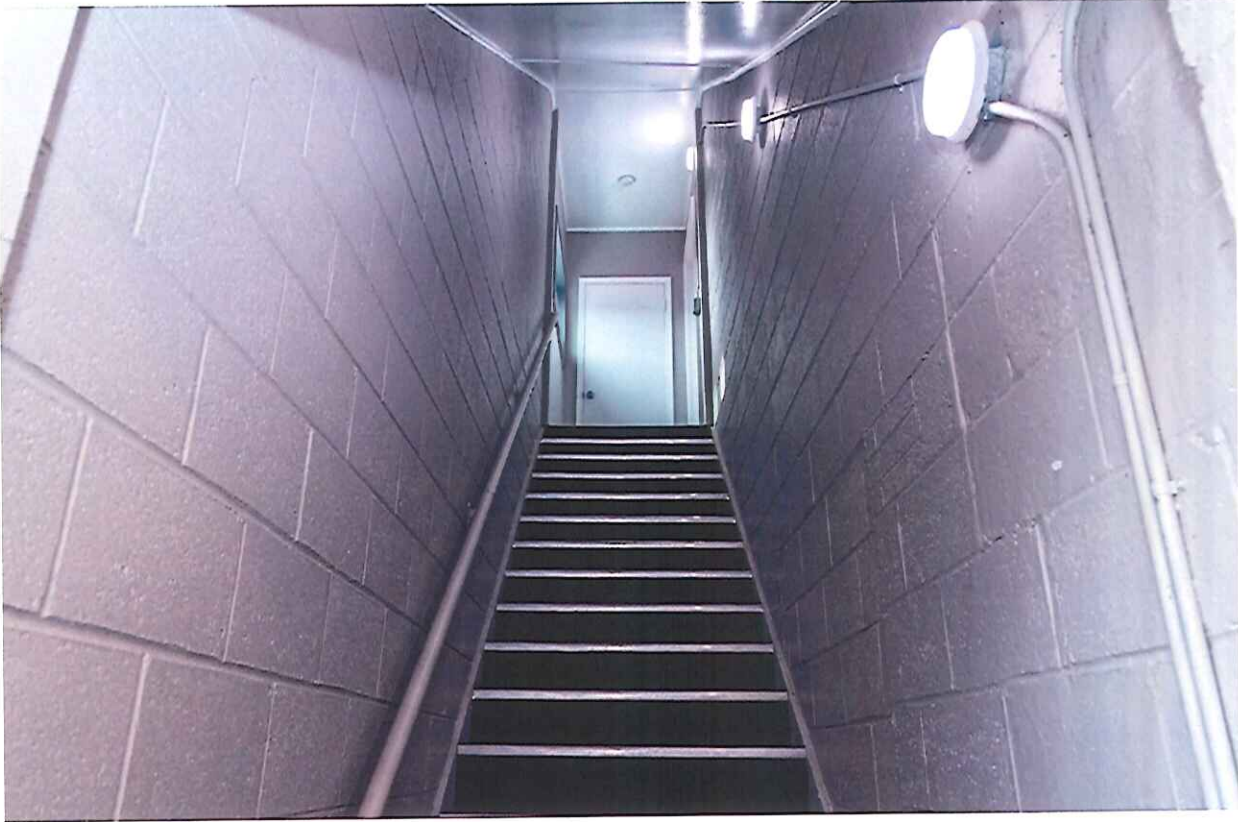


29421 Six Mile Rd
Livonia, MI 48152

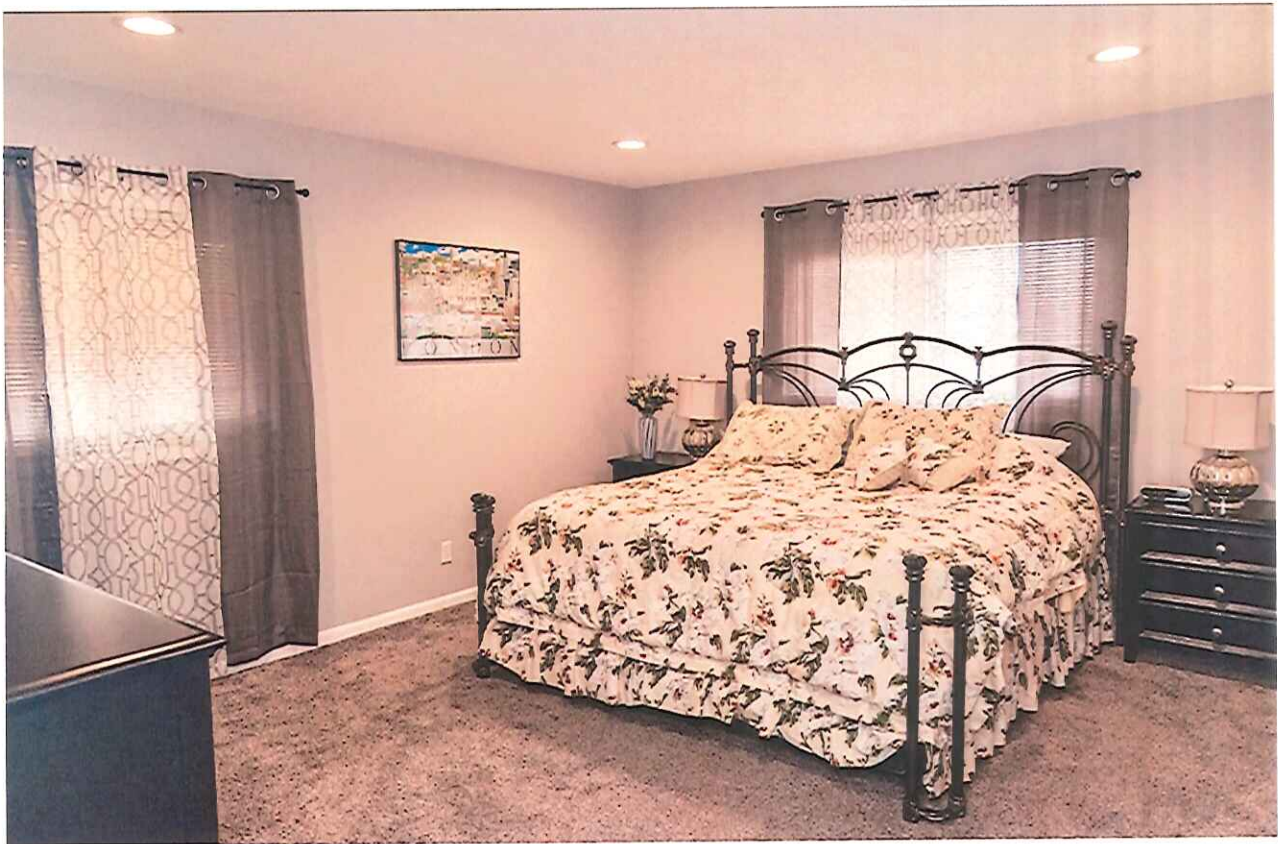
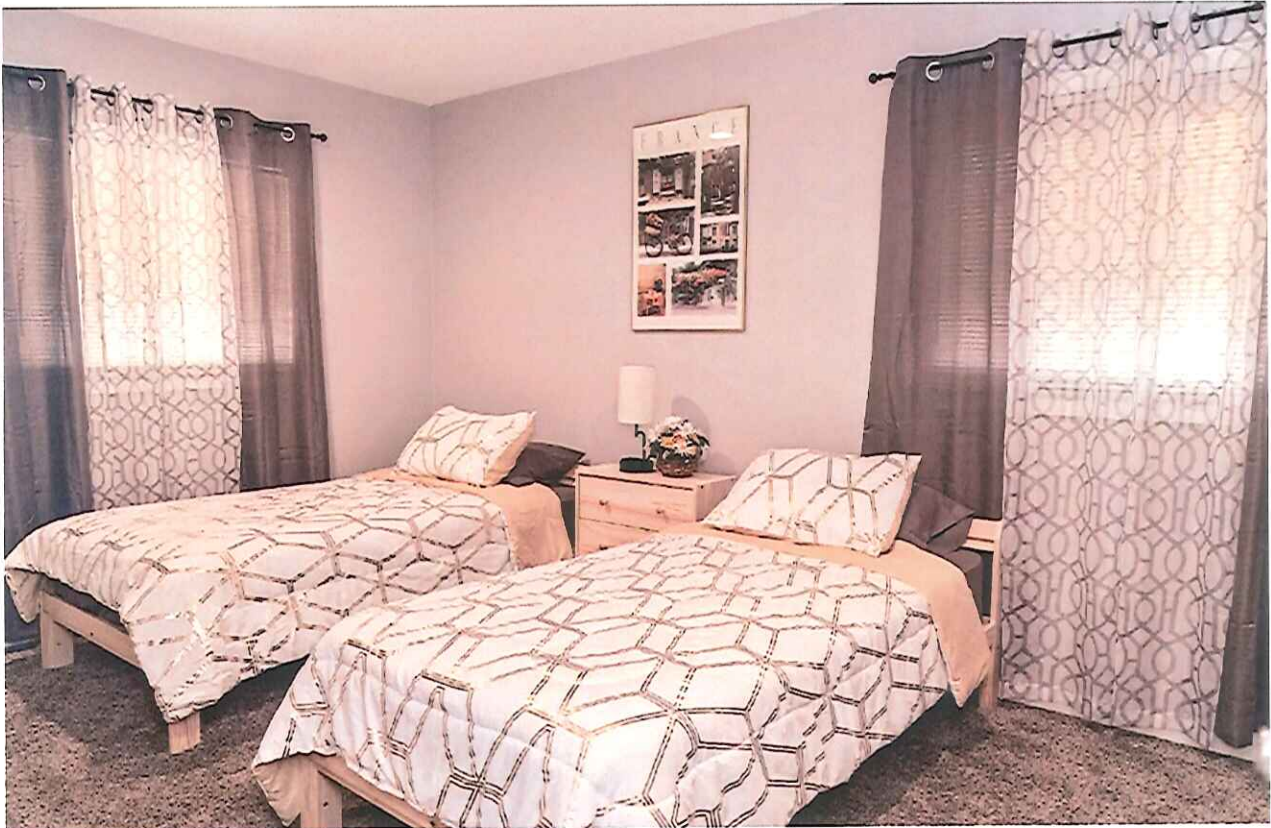
29421 Six Mile Rd, Livonia, MI, 48152



29421 Six Mile Rd, Livonia, MI, 48152



29421 Six Mile Rd, Livonia, MI, 48152



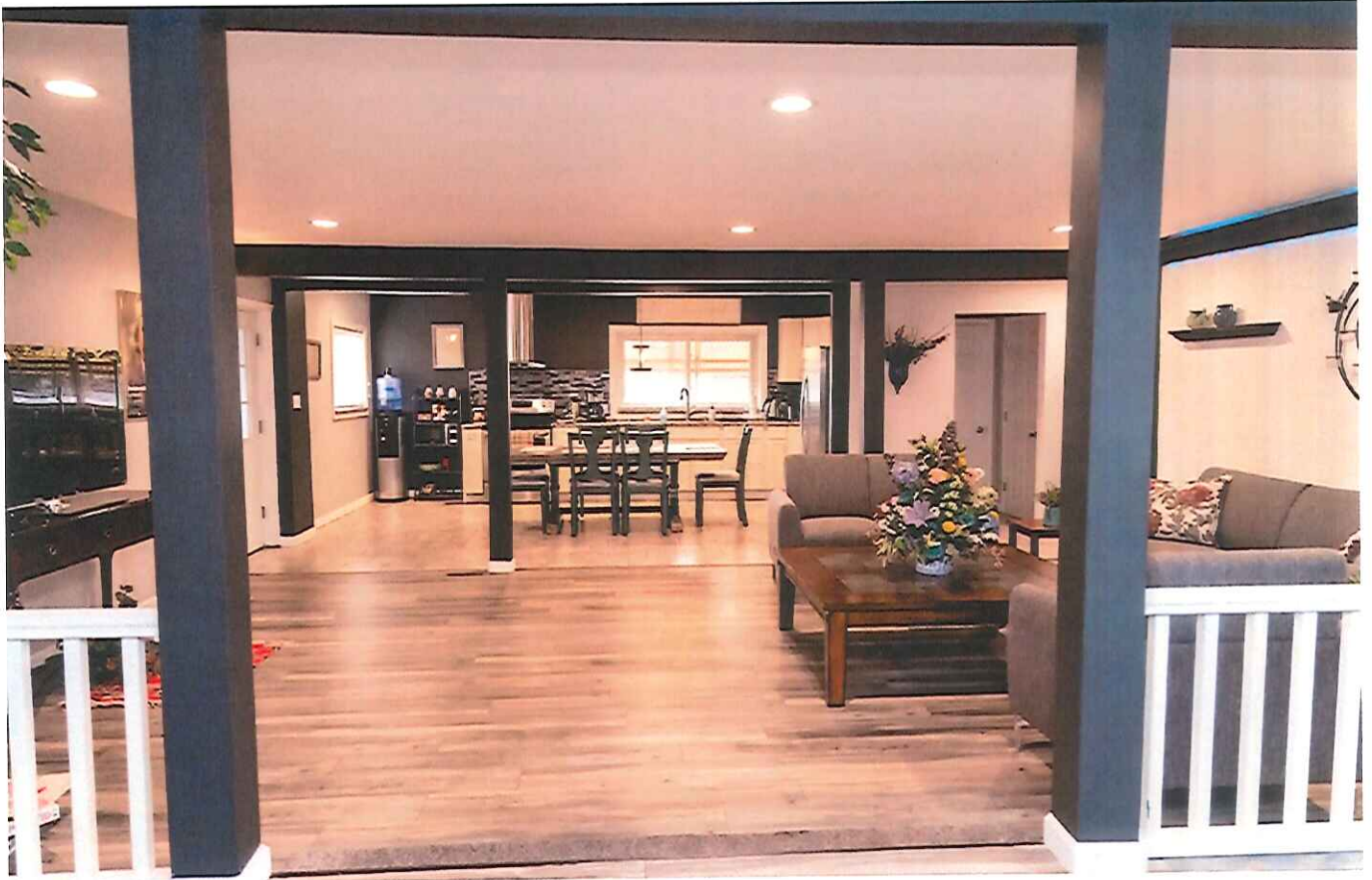
29421 Six Mile Rd, Livonia, MI, 48152



29421 Six Mile Rd, Livonia, MI, 48152



29421 Six Mile Rd, Livonia, MI, 48152





General City Map 17447 PARK

Home Map Layers Tools Print

Parcels

PIN 053990001002

O_ADDRESS 29441 SIX MILE

H&A INVESTMENT
29421 SIX MILE

REF: TOURIST HOME
CORRIDOR COMMERCIAL

ZONING MAP

LEGEND

Zoning Districts

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

N.E. 1/4 Section 14

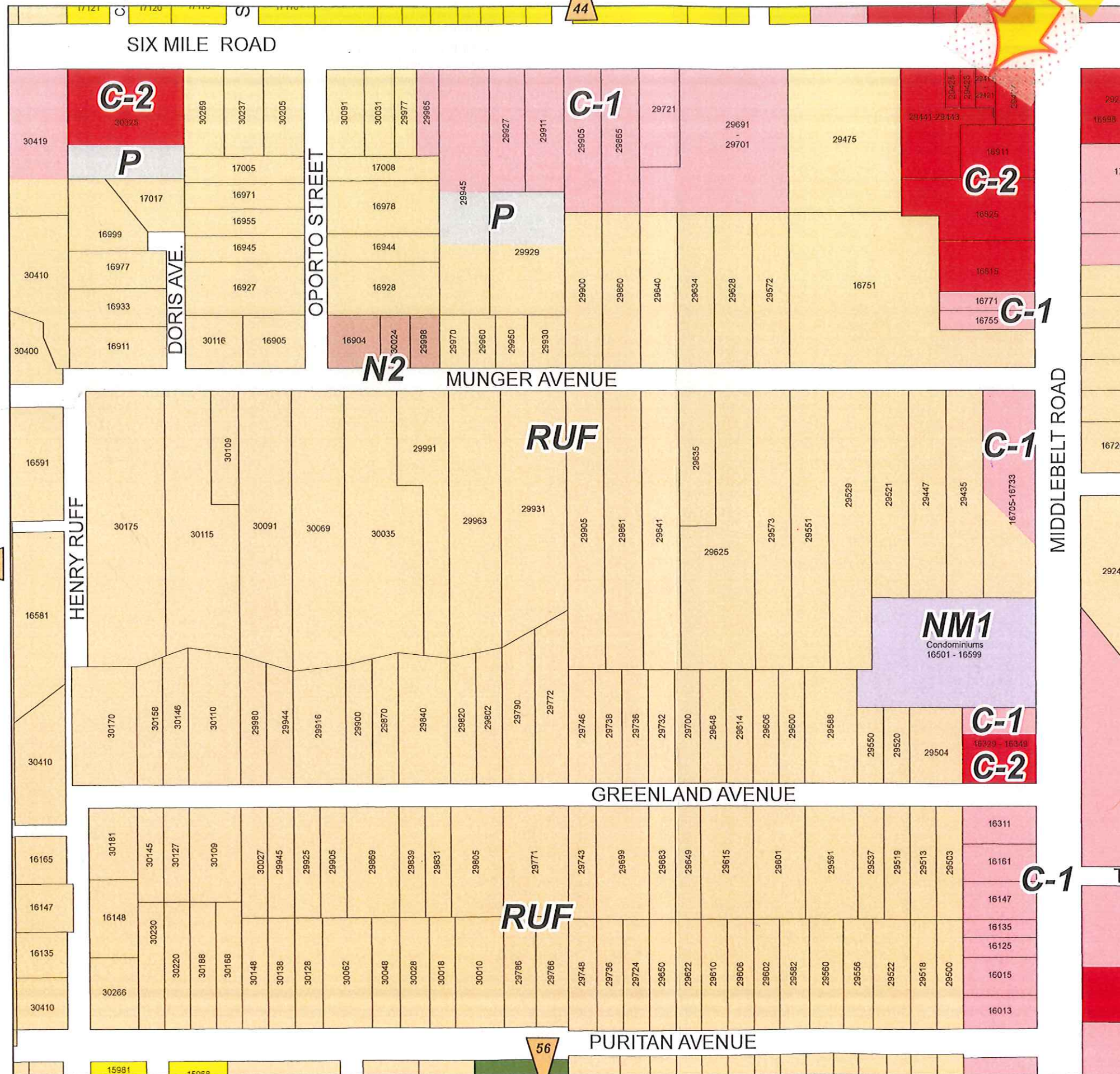
City of Livonia

T. 1 south, R. 9 east
Wayne County, Michigan

Copyright 2001, City of Livonia



300 150 0 300 Feet



CROSS ACCESS AND PARKING AGREEMENT

This Cross Access and Cross Parking Agreement (the "Agreement") is hereby made on this 30th day of Jun, 2021; between **H & A Investment L.L.C**, Michigan corporation and **H & A Investment L.L.C**, Michigan corporation.

WHEREAS, H & A Investment L.L.C, Michigan corporation, is the owner of real property located at **29407 Six Mile Rd, Livonia, Mi, 48152** and **46053990002000** more fully described as:

4A1A7A2 A1A8A1 THAT PART OF THE N E 1/4 OF SEC 14 T1S R9E DES AS BEG AT A POINT ON THE E SECTION LINE DISTANT S 1D 29M W 60 FT FROM THE N E COR- NER OF SEC 14 AND PROC TH S 1D 29M W ALONG SAID LINE 150 FT. TH N 88D 26M 50SEC W 165 FT. TH N 1D 29M E 150 FT. TH S 88D 26M 50SEC E ALONG THE S LINE OF SIX MILE RD 165 FT TO THE POB EXCEPT THE EAST 60 FT THEREOF 0.36 ACRE incorporated herein by references as "**Parcel 1**"

WHEREAS, H & A Investment L.L.C, Michigan corporation also is the owner of real property located at **29419 Six Mile Rd, Livonia, Mi, 48152** and **46053990003000** more fully described as:

14A1A8A2 14A1B PT OF NE 1/4 SEC 14 T1S R9E BEG N 88D 26M 50SEC W 165 FT AND S 1D 29M W 60 FT FROM THE N E COR OF SEC 14 TH S 1D 29M W 130 FT TH N 88D 26M 50SEC W 5 FT TH N 1D 29M E 25 FT TH N 88D 26M 50SEC W 50 FT TH N 1D 29M E 105 FT TH S 88D 26M 50SEC E 55 FT POB 0.14 ACRE incorporated herein by references as "**Parcel 2**"

WHEREAS, the owner of both parcels desire to create and grant an easement on, over, upon and across portions of each property (Parcel 1 and Parcel 2, collectively, the "Parcels") for purposes of vehicular and pedestrian ingress and egress to and from, and non-exclusive parking rights, and for all mutual cross access easements, mutual common driveway, mutual cross parking other uses expressly contemplated by this Agreement, the parties agree that these mutual easements will be defined, at a minimum, by the designated areas of both parcels.

THEREFORE, the owner of both parcels representing Parcel 1 and Parcel 2 hereby grant and convey non-exclusive, for purposes of vehicular and pedestrian ingress and egress on, over, upon and across the areas defined in the Easement Areas. The Cross Access Easement is subject to the terms, conditions, restrictions and limitations set forth herein and in other recorded easements, reservations, rights-of-way, licenses, restrictions, conditions and limitations affecting the Easement Areas; provided, however, that the foregoing shall not unreasonably interfere with the easement rights under this Agreement. The Cross Access Easement is for the benefit of and is appurtenant to each of the Parcels, respectively, and may be used by the record title owner of each of the Parcels, respectively, and each of their respective successors, assigns, employees, contractors, agents, licensees, lessees under leases extending the use thereof to such lessees and other permittees (collectively the "Permitted Users") solely for the uses set forth herein (the "Permitted Uses") and for no other uses. Such Permitted Uses shall be for the benefit of the Parcels as now or hereafter improved, subdivided and/or developed. The covenants, conditions, restrictions, easements, and the other provisions of this Agreement shall

run with and be appurtenant to each portion of Parcel 1 and Parcel 2 and shall be binding upon each portion of Parcel 1 or Parcel 2 as applicable.

IN WITNESS WHEREOF, this Agreement has been made as of this 30th day of June, 2021.

H & A Investment L.L.C (Owner of Parcel 1)

Signature *Al-Masarweh* Ahead A. Al-Masarweh /President/Owner

H & A Investment L.L.C (Owner of Parcel 2)

Signature *Al-Masarweh* Ahead A. Al-Masarweh /President/Owner

The foregoing instrument was signed before me, the undersigned Notary Public this 30 day of Jun, 2021 by Alaa Baalbaki Notary Public Wayne County, State of Michigan

Alaa Baalbaki

ALAA M BAALBAKI
Notary Public, State of Michigan
County Of Wayne
My Commission Expires 03-13-2023
Acting In the County of Wayne



APPEAL CASE NO. 2013-02-05: H & A Investments, 29421 Six Mile, Livonia, MI 48152, on behalf of Lessee, Derek Tent, 18981 Melvin, Livonia, MI 48152, seeking to erect two wall signs upon a commercial building.:

Henzi: Mr. Banko, is there anything to add to this case?

Banko: I have nothing to add at this time, sir.

Henzi: Any questions for Mr. Banko? Hearing none, will the Petitioner step to the podium, please. Good evening. State your name, please.

Petitioner: My name is Derek Tent, I'm the lessee of the building at 29419 Six Mile Road. We're putting in this petition for a second sign because even though the building is not actually a corner spot, visually it appears to be and because of this people traveling on Middlebelt southbound cannot see the existing sign and people traveling eastbound on Six Mile cannot see the existing sign. We have the measurements of both signs on each side of the building in here, we're allowed the one and we want to put a second sign on the other side of the building.

Henzi: Mr. Tent, I just have a couple questions for you. In our packet you've got two signs, so you've contracted with a sign company and this is exactly what it's going to look like?

Petitioner: This is exactly what it's going to look like.

Henzi: What are the hours of illumination, is it on a photo cell or otherwise?

Petitioner: It will be dusk to dawn.

Henzi: And then can you describe for us how you came up with the size of the signs?

Petitioner: We just looked at the building and then measured the side and what we could fit on there.

Representative: My name is Ron Moody and I am with the franchisor and he is actually putting in the franchise. Basically just as far as the sign, I was actually the one who put together the layout and just visually for esthetic purposes that's the way we came up with the sign. It wasn't by any certain calculations, just to fill the space that was available there and we felt that that was an adequate fill of that.

Henzi: Is this typical of other signs at these stores?

Representative: Yes.

Henzi: So this is kind of a prototype sign and logo?

Representative: Yes. The logo is the trademark across the board. This sign, obviously we can address the sign per each location. Every location has different demands and different requirements but the style of the sign and the actual logo is all PR.

Henzi: Okay, thank you. Any questions for the Petitioner?

Sills: Mr. Chair.

Henzi: Mr. Sills.

Sills: Just to couple of comments. I don't think that the proposed sign is going to do any good for cars traveling south on Middlebelt, I think the existing sign that's there will do more good than any proposed sign. But I do think the proposed sign will do a world of good for cars traveling east on Six Mile Road and being the building is right up on the sidewalk, there's no room for a monument sign and so I would agree with the sign that's on the building that you're proposing.

Henzi: Any other questions. I had one for Mr. Banko. Do you remember the history of this property, was it a strip center?

Banko: Actually the building in question here used to be Shooter's Service.

Henzi: Okay.

Banko: That was there for years and years. The modifications and alterations made to the building are quite extensive in comparison to what used to be there and actually one of the nonconforming painted on wall signs was at this location on the east elevation which sat there for years and years and years which has now been removed but it covered the whole wall.

Henzi: So this is an improvement to the Shooter's Service strip center?

Banko: They have moved to the north side of Six Mile.

Henzi: Okay. Any other questions.

Duggan: Mr. Chair.

Henzi: Mr. Duggan.

Duggan: I have a question for you guys. You're also going to put a second sign on what would be along Middlebelt so if you're going west on Six Mile it would be right above the door. Do you have any other stores that are done similarly with one sign on the side and then a sign on the other side?

Representative: Where we have multiple signs?

Duggan: Yes. Do you have one like that?

Representative: Yes, absolutely.

Duggan: Then is **that**- I know you said it's a prototype but is this sign over the door typical of others?

Representative: Yes, yes.

Duggan: What about as far as the size of the sign over the door, if you were to shrink it a little bit do you know if cars driving 40 miles an hour down Six Mile, did you look at that at all?

Representative: Yeah, I don't know if that calculation as far as distance can be read. But I believe they're about a 24-inch letter, yeah, I believe you had a 29-inch letter.

Duggan: Okay, thank you.

Henzi: Any other questions? Hearing none, is there anybody in the audience that wants to speak for or against the project? Hearing none, is there letters to read?

Mcintyre: There's only one letter and that's from Roger Nettle, 29502 Six Mile, approval.

Henzi: Gentlemen, anything you'd like to say in closing.

Petitioner: No, we're all set.

Henzi: Thank you very much.

Petitioner: Thank you.

Henzi: We'll close the public portion of the case and begin the Board's comments with Mr. Sills.

Sills: As I mentioned before, I think the position of the building going right up against the sidewalk prevents them from having a monument sign so the sign they're proposing would be adequate for traffic going east on Six Mile Road, but I don't think it serves any other purpose. The cars going southbound on Middlebelt could actually see the existing sign better than they could the proposed sign, so they could actually even put a sign on the west part of the building and serve a better purpose than they're doing right now. But I could approve the sign that they're proposing.

Henzi: Mrs. McIntyre.

Mcintyre: In looking, driving by and looking at the property, given the size of the building and given the fact that it does function a lot like a corner property because the building at the corner doesn't come to the corner, and the way that you've got the sign done, to me I think they're keeping with the spirit of the signage regulations in Livonia and like I say, it's always nice to see a new business coming and remodeling being done and I don't know what the saturation of sign shops is, but I'd certainly rather see something innovative and a sign shop going in than a coffee store or something else so I don't have any problems with supporting this.

Henzi: Mr. Duggan.

Duggan: I, too, will be in support. You guys have a unique, that is essentially a corner business right there, based on your unique location. Furthermore, to me, I know the businesses next door to you have smaller signs than you will have but they don't seem to mind, there are no letters from them so that was a big thing for me so I will definitely be in support.

Henzi: Mrs. McCue.

McCue: I agree, just in supporting what other members have said up here tonight. Where the building is located and the way it is set up a little bit closer to the road, it functions as a corner lot so typically speaking I'm not a big one to say — I'm not a big exception person in relation to others around but because there's a uniqueness of the location I think I will also be in support.

Henzi: I, too, will support. I really have no problem with the extra sign for all the reasons stated. I mean I consider this to be a corner lot and the Petitioner deserves a second sign. At first I was a little concerned over the excess but as I look at the sign package and what I listened to tonight, I think there was a concerted effort to blend it into the building, it's a unique fascia and I think that it's going to look nice. I don't think that they shot for the moon and overshot, I should say in terms of size, so I'll go along with this as presented. The floor is open for a motion.

Sills: Mr. Chair.

Henzi: Mr. Sills.

Upon Motion by Sills, supported by Duggan, it was:

RESOLVED, APPEAL CASE NO. 2013-02-05: H & A Investments, 29421 Six Mile, Livonia, MI 48152, on behalf of Lessee, Derek Tent, 18981 Melvin, Livonia, MI 48152, seeking to erect two wall signs upon a commercial building.

Wall Signs

Allowed: One

Proposed: Two

Excess: One

Wall Sign Area

Allowed: 70 sq. ft.

Proposed: 128 sq. ft.

Excess: 58 sq. ft.

The property is located on the south side of Six Mile (29419) between Oporto and Middlebelt, be granted for the following reasons and findings of fact:

1. The uniqueness requirement is met because the location of the Petitioner's building is such that eastbound traffic can't visualize what the store is without the proposed sign.
2. Denial of the variance would have severe consequences for the Petitioner because of the potential loss of business.
3. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance because without the sign it would be easy to miss the store.
4. The Board received one (1) letter of approval and zero (0) letters of objection from neighboring properties.
5. The granting of the variance will not adversely affect the purpose or objective of the Master Plan because the property is classified "General Commercial" under the Master Plan and the proposed variance is not inconsistent with that classification.

FURTHER, This variance be granted with the following conditions:

1. That no additional signs be placed on the building.
2. That the sign be built as presented to the Board.
3. That the sign be built within 3 months.

ROLL CALL VOTE:

AYES: Sills, Duggan, McCue, McIntyre, Henzi

NAYS:

ABSENT: Caramagno, Pastor

**ADOPTED BY THE LIVONIA CITY COUNCIL AT THE REGULAR MEETING OF
JULY 6, 2011**

On a motion by Toy, seconded by Meakin, it was:

#206-11 RESOLVED, that having considered a communication from the City Planning Commission, dated June 13, 2011, which transmits its resolution 06-33-2011, adopted on June 7, 2011, with regard to **Petition 2011-05-08-05** submitted by **Unique Design Services**, requesting site plan approval in connection with a proposal to renovate the exterior of the commercial building on property located on the south side of Six Mile Road, between Middlebelt Road and Oporto Street (29419 Six Mile Road), in the Northeast ¼ of Section 14, pursuant to the provisions set forth in Section 18.58 of Ordinance No. 543, as amended, the Council does hereby concur in the recommendation of the Planning Commission and Petition 2011-05-08-05 is hereby approved and granted, subject to the following conditions:

1. That the Site Plan, Floor Plan & Survey Plan marked Sheet A-1 dated May 11, 2011, prepared by Unique Design Services, is hereby approved and shall be adhered to;
2. That the Building Elevations Plan marked Sheet A-2 dated May 11, 2011, prepared by Unique Design Services, is hereby approved and shall be adhered to;
3. That all rooftop mechanical equipment shall be concealed from public view on all sides by screening that shall be of a compatible character, material and color to other exterior materials on the building;
4. That only conforming signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals;
5. That no LED lightband or exposed neon shall be permitted on this site including, but not limited to, the building or around the windows;
6. That a Landscape Plan shall be submitted for approval by the Planning Department to include the area around the proposed sign;

7. That approval is granted by the Building Code Board of Appeals for window and door openings on the east side of the building;
8. That the specific plans referenced in this approving resolution shall be submitted to the Inspection Department at the time the building permits are applied for; and
9. Pursuant to Section 19.10 of Ordinance No. 543, the Zoning Ordinance of the City of Livonia, this approval is valid for a period of one year only from the date of approval by City Council, and unless a building permit is obtained, this approval shall be null and void at the expiration of said period.

PLANNING COMMISSION

R. LEE MORROW, Chairman
IAN WILSHAW, Vice Chairman
LYNDA L. SCHEEL, Secretary

SCOTT BAHR
ASHLEY V. KRUEGER
CAROL A. SMILEY
GERALD TAYLOR



JACK KIRKSEY
MAYOR

MARK TAORMINA
PLANNING & ECONOMIC
DEVELOPMENT DIRECTOR

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2290 Fax (734) 458-6007

June 13, 2011

Honorable Members of the City Council
City of Livonia, Michigan

Re: Petition 2011-05-08-05 - Unique Design Services

Dear Council Members:

At the 1,010th Public Hearings and Regular Meeting held by the City Planning Commission on June 7, 2011, in the Livonia City Hall, the following resolution was unanimously adopted:

#06-33-2011 **RESOLVED**, that the City Planning Commission does hereby recommend to the City Council that Petition 2011-05-08-05 submitted by Unique Design Services requesting approval of all plans required by Section 18.58 of the Zoning Ordinance in connection with a proposal to renovate the exterior of the commercial building at 29419 Six Mile Road, located on the south side of Six Mile Road between Middlebelt Road and Oporto Street in the Northeast 1/4 of Section 14, be approved subject to the following conditions:

1. That the Site Plan, Floor Plan & Survey Plan marked Sheet A-1 dated May 11, 2011, prepared by Unique Design Services, is hereby approved and shall be adhered to;
2. That the Building Elevations Plan marked Sheet A-2 dated May 11, 2011, prepared by Unique Design Services, is hereby approved and shall be adhered to;

3. That all rooftop mechanical equipment shall be concealed from public view on all sides by screening that shall be of a compatible character, material and color to other exterior materials on the building;
4. That only conforming signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals;
5. That no LED lightband or exposed neon shall be permitted on this site including, but not limited to, the building or around the windows;
6. That a Landscape Plan shall be submitted for approval by the Planning Department to include the area around the proposed sign;
7. That approval is granted by the Building Code Board of Appeals for window and door openings on the east side of the building;
8. That the specific plans referenced in this approving resolution shall be submitted to the Inspection Department at the time the building permits are applied for; and,
9. Pursuant to Section 19.10 of Ordinance #543, the Zoning Ordinance of the City of Livonia, this approval is valid for a period of one year only from the date of approval by City Council, and unless a building permit is obtained, this approval shall be null and void at the expiration of said period.

Very truly yours,

APPROVED FOR SUBMISSION

CITY PLANNING COMMISSION

Jack Kirksey, Mayor

Lynda L. Scheel, Secretary

cc: Mayor, Clerk, Law, Inspection
Ron Khamou, Unique Design Services, 28103 Everett, Southfield, Michigan 48076
H&A Investment L.L.C., 5034 Maple, Dearborn, MI 48126



Location Map

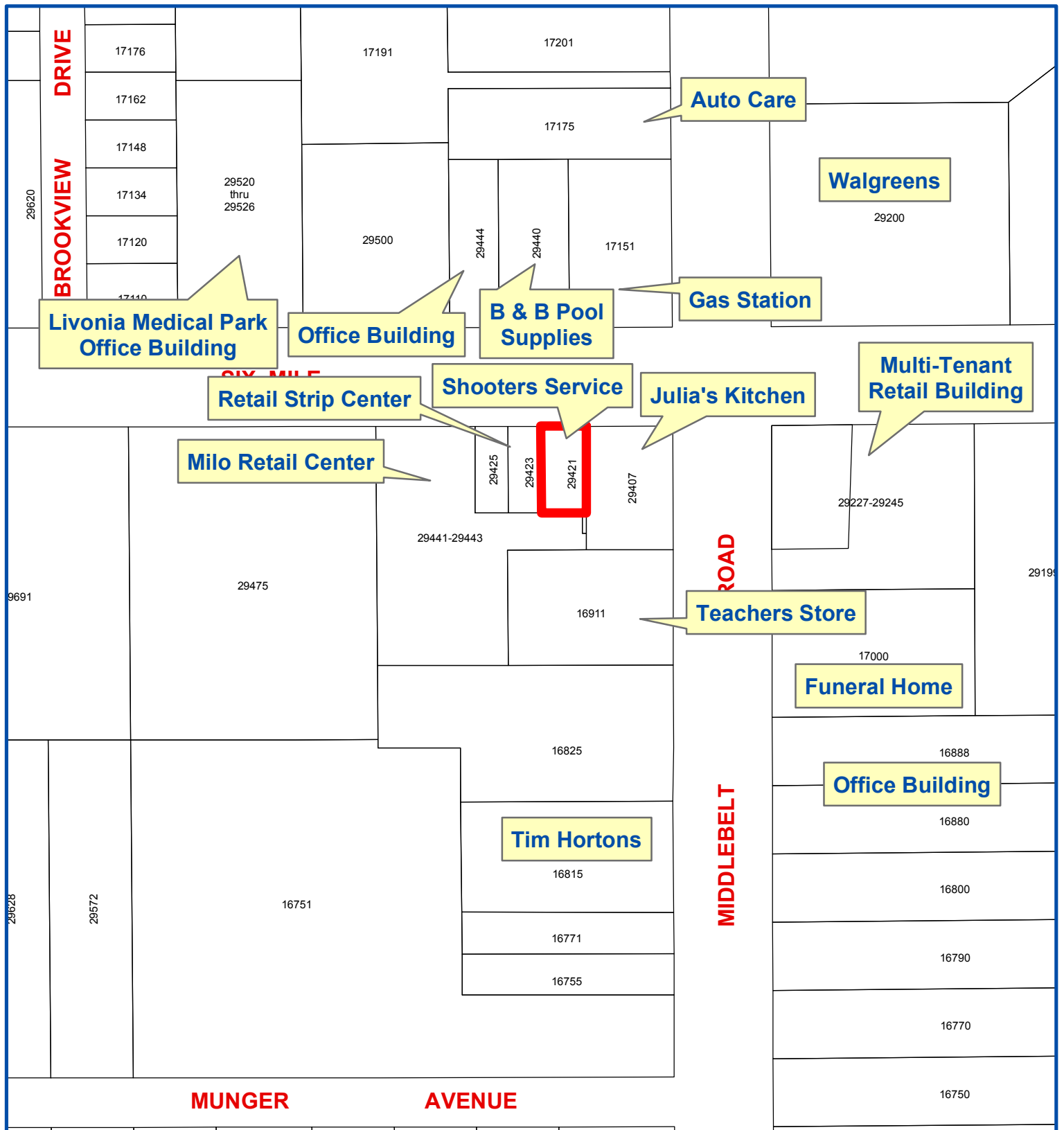
**Petition 2011-05-08-05
Shooters Service
Exterior Renovations**



Not to Scale



City of Livonia
Planning Department



Address Map

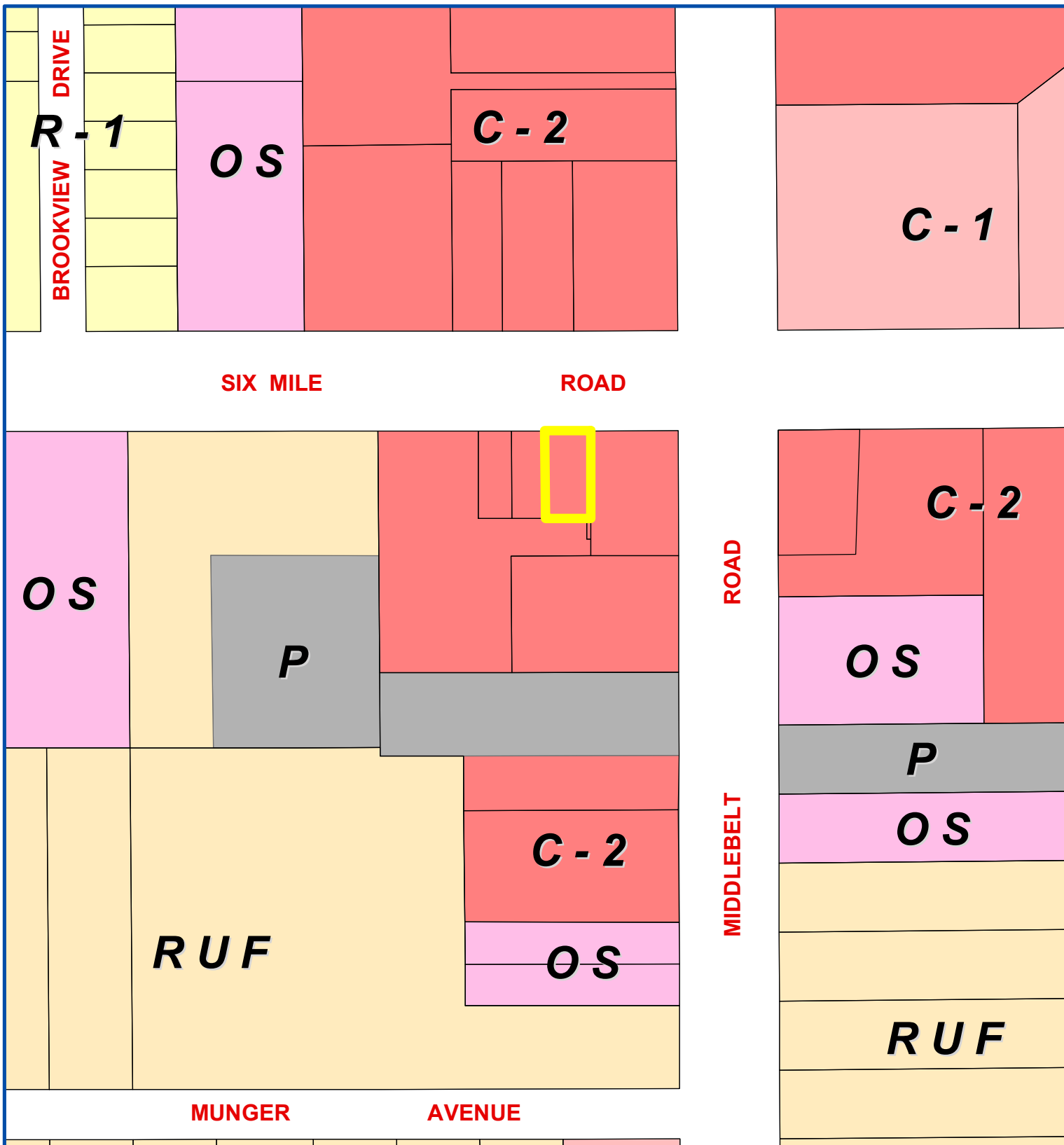
**Petition 2011-05-08-05
Shooters Service
Exterior Renovations**



Not to Scale



City of Livonia
Planning Department



Zoning Map

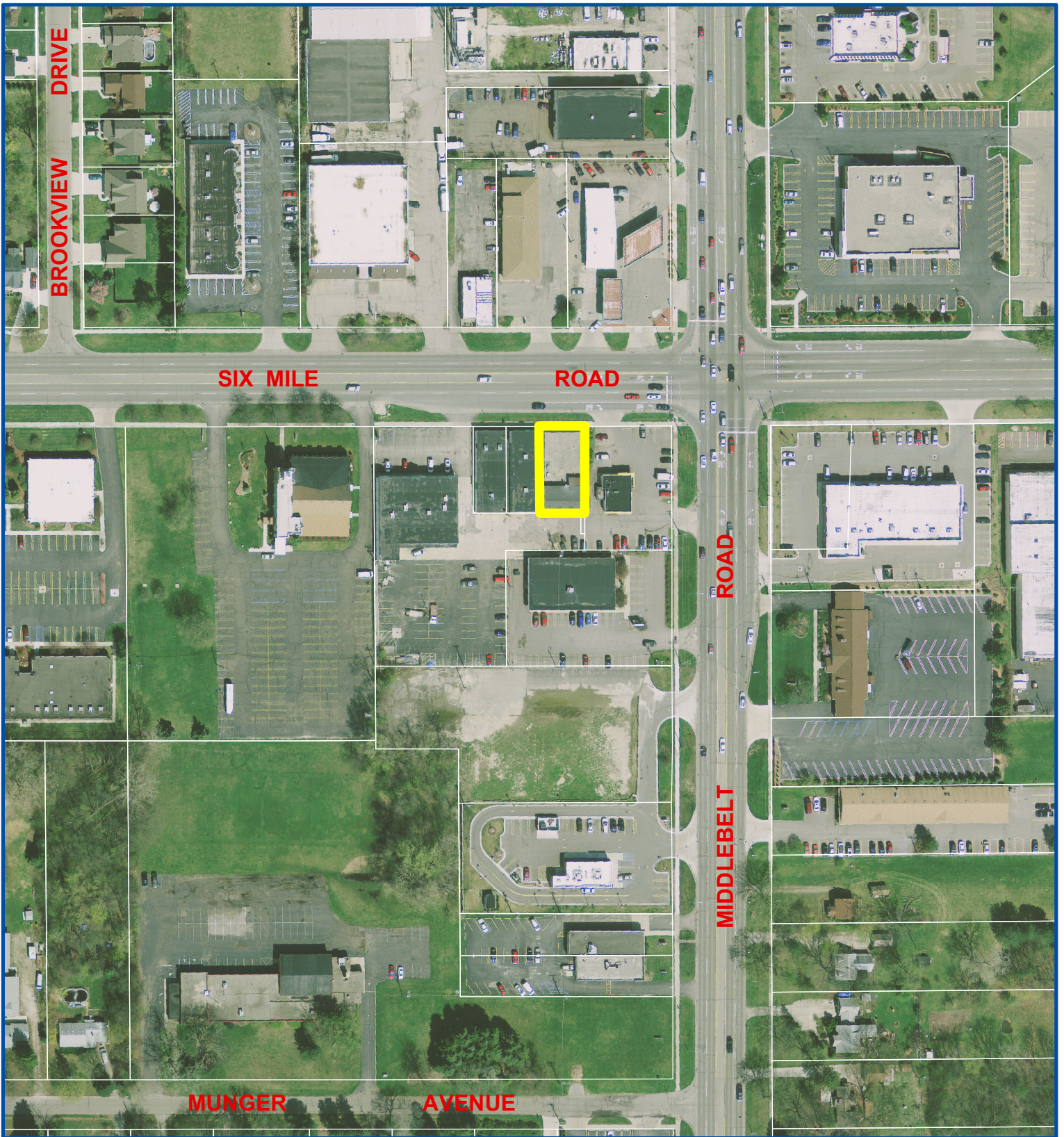
Petition 2011-05-08-05
Shooters Service
Exterior Renovations



Not to Scale



City of Livonia
Planning Department



Aerial Map

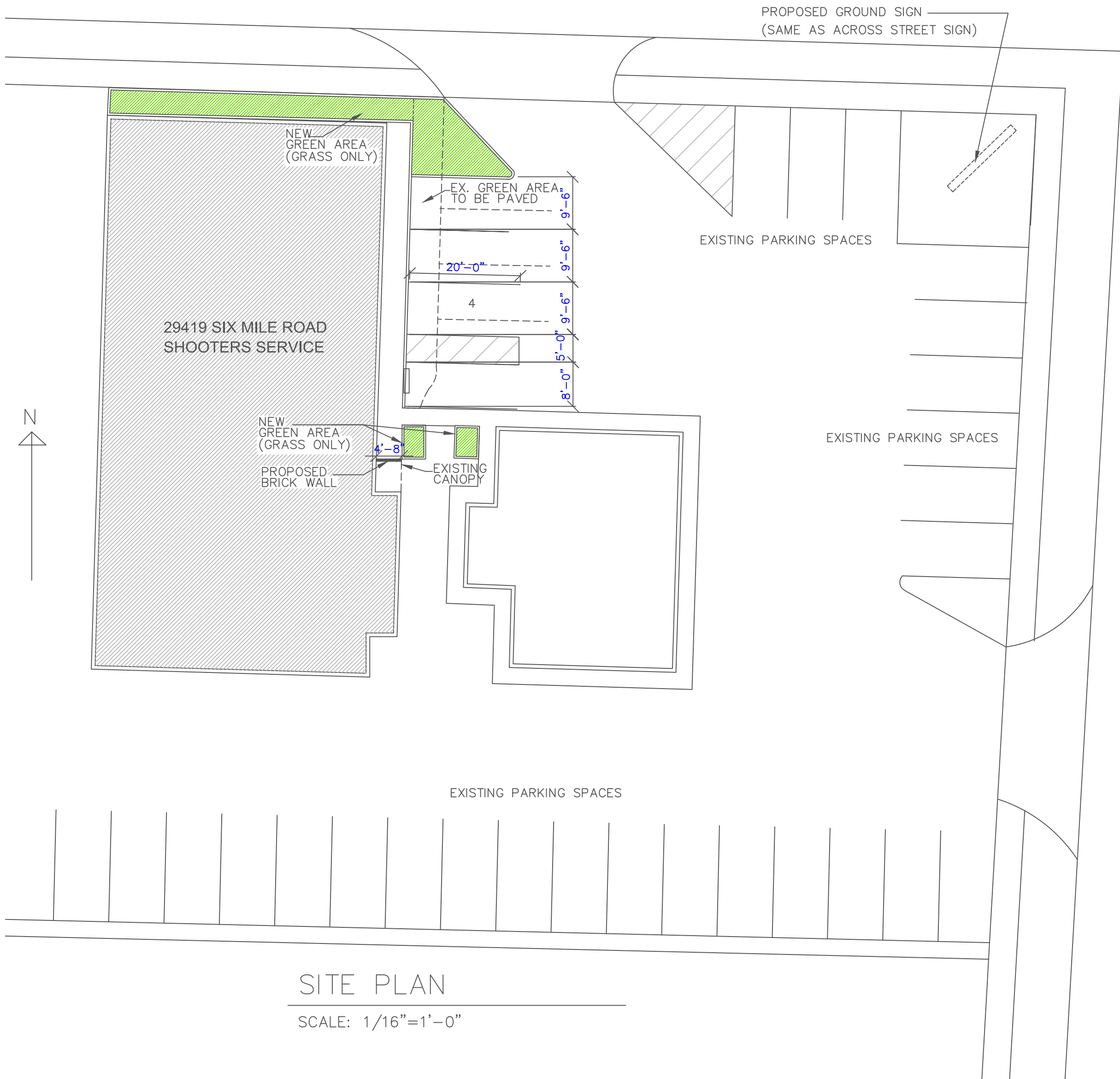
**Petition 2011-05-08-05
Shooters Service
Exterior Renovations**

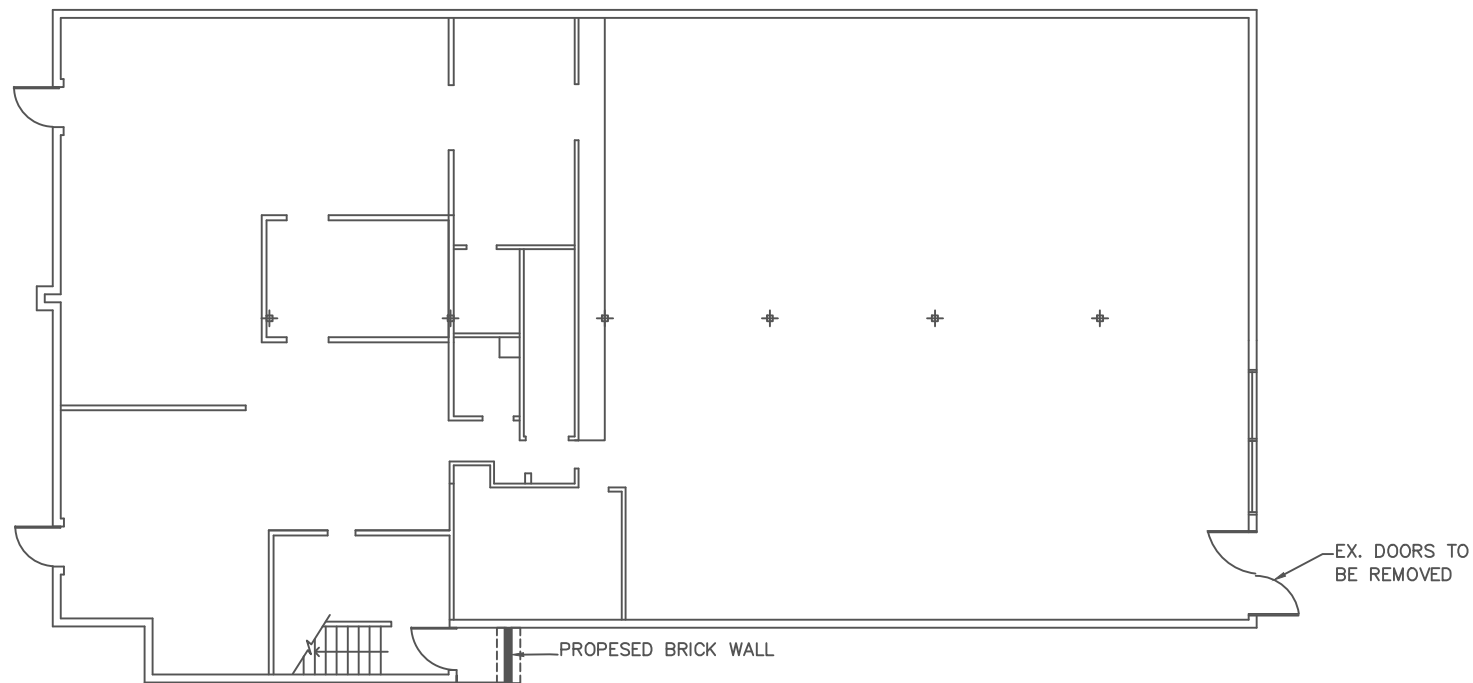


Not to Scale



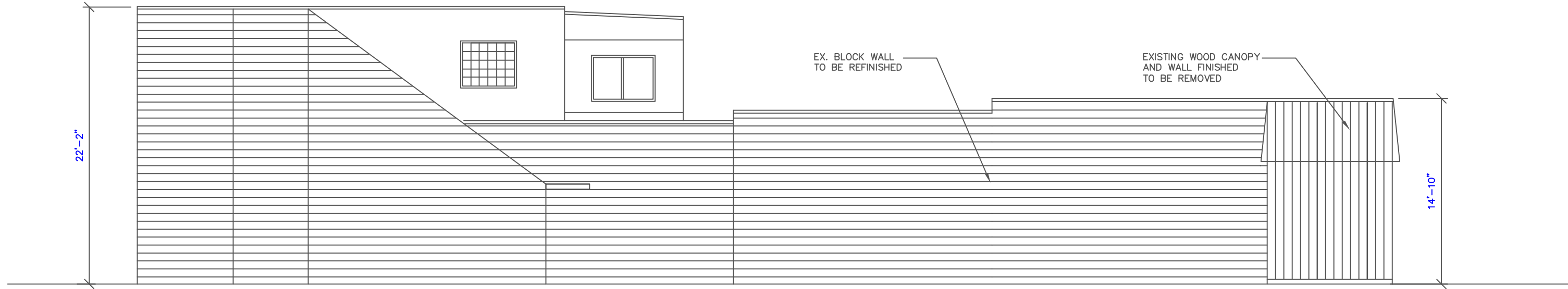
City of Livonia
Planning Department





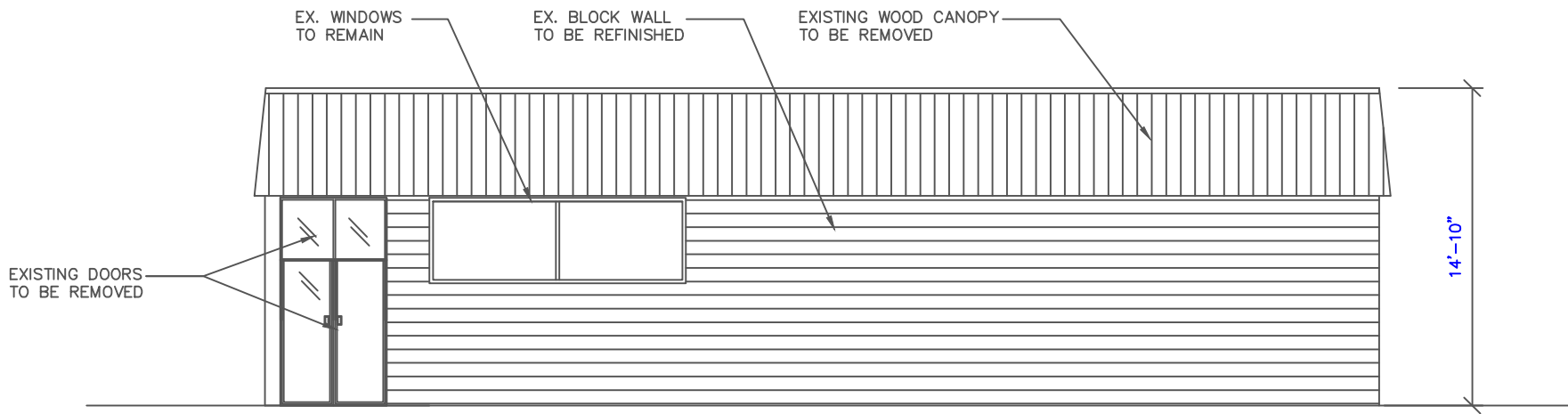
EXISTING FLOOR PLAN

SCALE: $1/16" = 1'-0"$



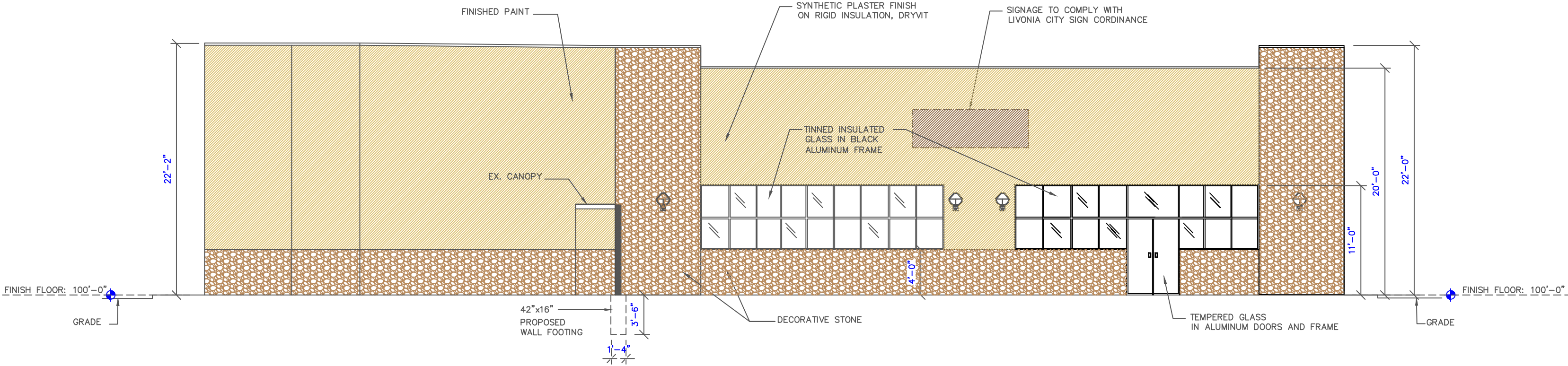
EXISTING SIDE ELEVATION (MIDDLEBELT RD. SIDE)

SCALE: 1/8"=1'-0"



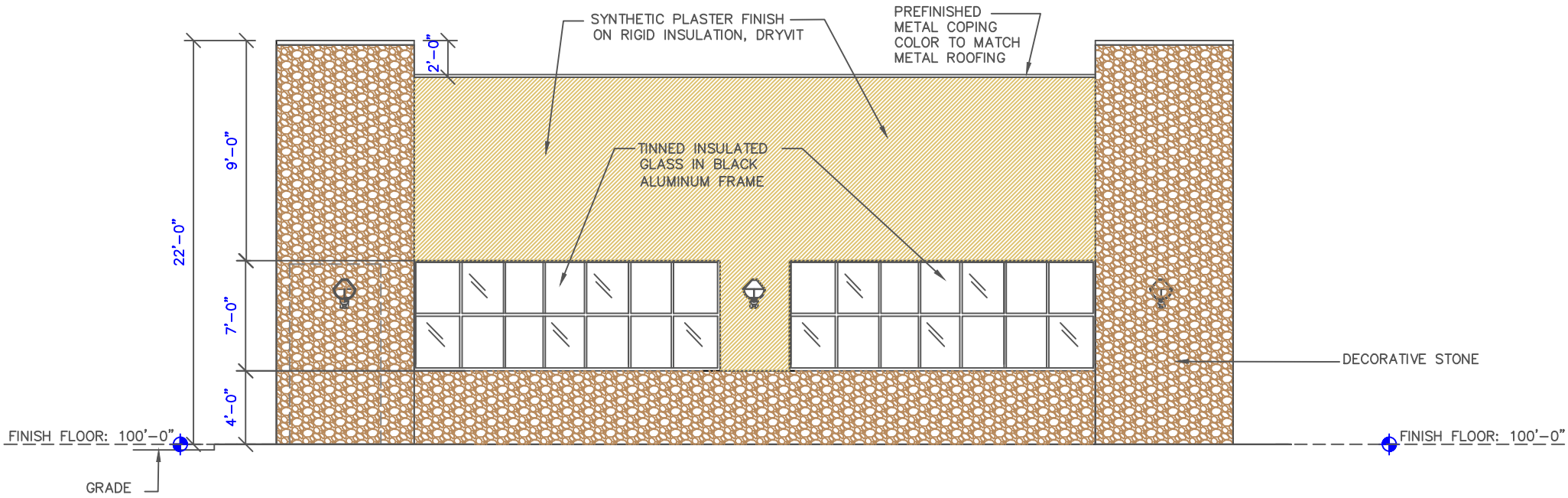
EXISTING FRONT ELEVATION (SIX MILE RD. SIDE)

SCALE: 1/8"=1'-0"



PROPOSED FRONT ELEVATION (MIDDLEBELT RD. SIDE)

SCALE: 1/8"=1'-0"

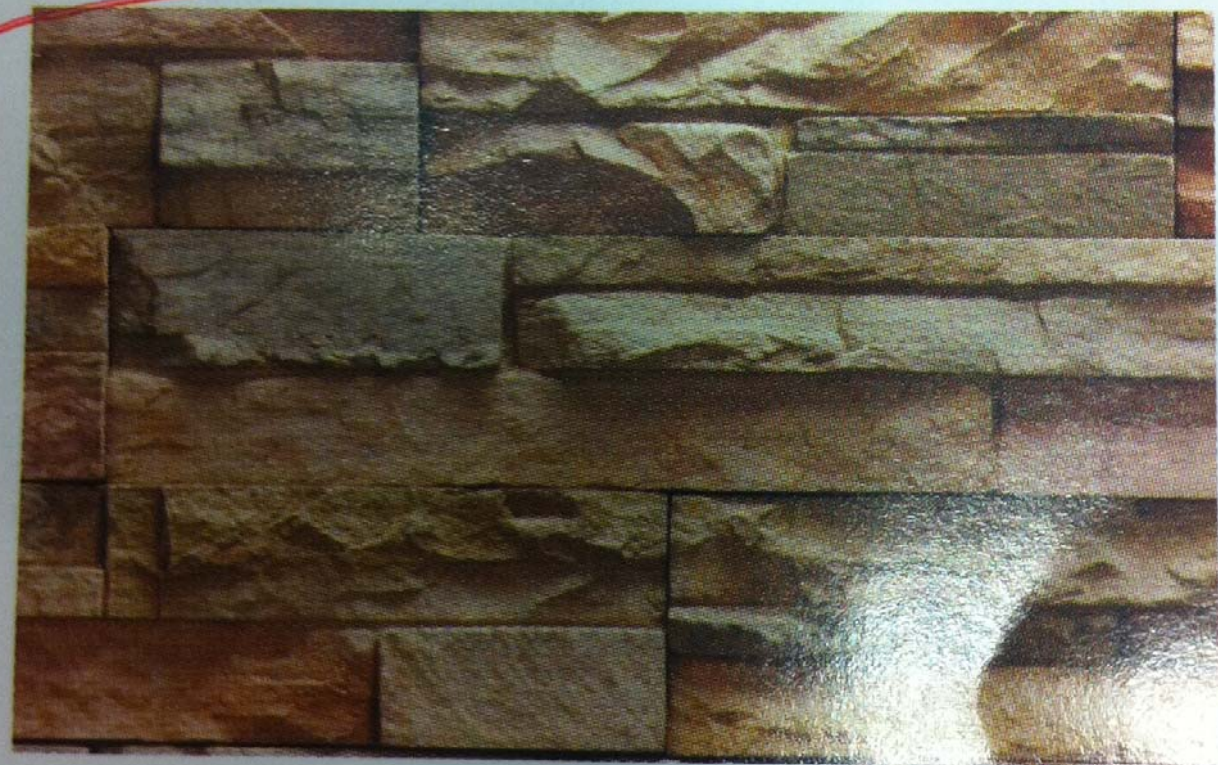


PROPOSED SIDE ELEVATION (SIX MILE RD. SIDE)

SCALE: 1/8"=1'-0"



Stack Stone - Sonrisa



Imperial Stack Stone - Cordovan

INSPECTION DEPARTMENT

BUILDING
HEATING
PLUMBING
ELECTRICAL
ZONING
SANITATION
ENVIRONMENTAL PROTECTION
ORDINANCE ENFORCEMENT



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2580
FAX: (734) 466-2095

JACK E. KIRKSEY
MAYOR

A. ALEXANDER BISHOP, CBO
DIRECTOR

JEROME A. HANNA
ASSISTANT DIRECTOR

Date: June 6, 2011

To: Scott O. Miller

From: Jerome Hanna

RE: Petition 2011-05-08-05 –29419 Six Mile Road – Former Shooters Service

Pursuant to your request, the above referenced Petition has been reviewed.

The following is noted:

1. Signage proposed must meet the requirements of city's sign ordinance as it relates to the number of signs, size and location.
2. The petitioner shall submit a cross parking and cross access agreement to the city for the two properties involved in this petition.
3. The barrier free parking space is required to be van accessible. This requires a minimum of a 5 foot wide hashed access aisle alongside of an 11 foot wide parking space. This space must be properly signed and striped.
4. The windows/openings proposed to be installed on the east wall of the structure are not permitted due to the distance of only four and a half feet between the existing exterior wall and the property line. This is based on the Michigan Building code fire separation requirements.

This Department has no further objections to this Petition. I trust this provides the requested information.

Jerome Hanna
Assistant Director of Inspection

JH/kdt

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

TODD J. ZILINCIK, P.E.
City Engineer

KEVIN G. RONEY, P.E.
Assistant City Engineer



JACK E. KIRKSEY
MAYOR

KEVIN L. MAILLARD P.E.
Director of Public Works

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2571
FAX: (734) 466-2195

May 31, 2011

Scott Miller
Planner IV
City of Livonia

Re: Petition 2011-05-08-05 Shooters Service 29419 Six Mile Road

Dear Mr. Miller:

In accordance with your request, the Engineering Division has reviewed the above referenced petition.

The written legal description does not agree with the drawn description shown on the plan sheet provided by Unique Design Services and dated May 11, 2011. The Architect should review this matter and make the necessary changes to the plan sheet.

The address is confirmed to be **29419 Six Mile Road** for this space.

I trust that this provides you with the requested information. Please feel free to contact this office should you have any questions or comments.

Sincerely,

Kevin G. Roney, P.E.
Assistant City Engineer

Cc: Todd J. Zilincik, P.E., City Engineer
File

DEPARTMENT OF PUBLIC SAFETY
LIVONIA FIRE & RESCUE

SHADD A. WHITEHEAD
FIRE CHIEF



JACK E. KIRKSEY
MAYOR

14910 FARMINGTON ROAD
LIVONIA, MICHIGAN 48154-5419
(734) 466-2444
FAX: (734) 466-2082

May 20, 2011

Scott O. Miller, Planner IV
Planning Commission
City of Livonia

RE: Petition 2011-05-08-05, Shooters Service, 29419 Six Mile Rd.

This office has reviewed the petition submitted in connection with a request to renovate the exterior of a commercial building on property located at the above referenced address.

I have no objections to this proposal.

Sincerely,

Earl W. Fesler

Earl W. Fesler
Fire Marshal

DEPARTMENT OF PUBLIC SAFETY
DIVISION OF POLICE

ROBERT STEVENSON
CHIEF OF POLICE



JACK E. KIRKSEY
MAYOR

15050 Farmington Road
LIVONIA, MICHIGAN 48154-5499
(734) 466-2470
FAX: (734) 261-2265

May 18, 2011

R. Lee Morrow, Chairman
Planning Commission
33000 Civic Center Drive
Livonia, Mi 48154

Re: Petition 2011-05-08-05 Shooters Service

Dear Mr. Morrow,

I have reviewed the plans in connection with the petition. I have no objections to the proposal.

Yours very truly,
FOR THE CHIEF OF POLICE

John Gibbs, Sergeant
Traffic Bureau

PLANNING COMMISSION STAFF NOTES

MISCELLANEOUS

ITEM 4

Petition 2011-05-08-05 submitted by Unique Design Services requesting approval of all plans required by Section 18.58 of the Zoning Ordinance in connection with a proposal to renovate the exterior of the commercial building at 29419 Six Mile Road, located on the south side of Six Mile Road between Middlebelt Road and Oporto Street in the Northeast ¼ of Section 14.

May 31, 2011 Study Meeting:

This petition requests approval to renovate the exterior of the commercial building located on the south side of Six Mile Road between Middlebelt Road and Oporto Street. The subject property, zoned C-2 (General Business), is oddly shaped having 55 feet of frontage on Six Mile Road, 105 feet of depth along the west property line and an appended strip of land that extends south at the property's southeasterly corner. Located on the property is an existing 5,130 square foot building and associated parking area. This building is presently occupied by Shooters Service, a licensed gun and archery dealer. Shooters Service is in the process of relocating their operation across the street into a portion of the building that was previously occupied by Jimmie's Rustics. The owner of the property hopes that the proposed exterior remodel will help enhance the building and make it more appealing to potential tenant(s).

To the east of this site, on the corner of Six Mile and Middlebelt Roads, is Julia's Kitchen restaurant (C-2). To the south is a commercial building occupied by The Teachers Store, and directly to the west is a multi-tenant commercial building (both zoned C-2). Further west is the Milo strip center, a three (3) unit commercial building (C-2). Lying to the north, across Six Mile Road, are several commercial uses (C-2), including a gas station, B & B Pool Supplies and an office building.

According to the submitted plans, only the north (facing Six Mile Road) and east elevations of the building will undergo renovations. The west elevation of the building abuts the adjacent multi-tenant commercial building and thus not visible. The plans do not indicate any type of exterior improvements to the rear (south) elevation of the building. Presently, the look of the building is somewhat worn and outdated. A wood fabricated mansard roof runs along the front elevation of the building and continues approximately ten feet (10') around the east elevation. The existing walls of the building are constructed out of painted masonry blocks. The main entrance and a small picture window are located on the north elevation, at the northeast corner of the building.

The submitted elevation plan shows that the north and east elevations of the building would be refinished with a combination of decorative stone and exterior insulated finish system (EIFS). Decorative stone would be installed along the base of the two elevations, creating a four foot (4') high wainscot feature. The decorative stone material would also be used to create dimensional corner and step-out elements that would extend up past the roof line. The parapet walls of the building would be built up approximately five feet (5') making the building appear to be between twenty and

MISCELLANEOUS

ITEM 4 Petition 2011-05-08-05 – Unique Design Services

Page 2

twenty-two feet (20'-22') in height. The wall sections not covered by the decorative stone would be covered in EIFS. A number of new multi-paned windows would be installed the length of the two elevations. The building's main entrance would be relocated from the Six Mile Road side to the east elevation of the building. A new grass area would be planted along the north elevation's foundation adjacent to the public sidewalk. This grass area would continue around and help define the existing parking spaces along the east side of the building. The submitted color rendering reveals that the exterior of the building would be finished in tan and brown shades.

The subject property is prohibited a ground sign due to deficient front yard setback of the building (Section 18.50H). The owner of the subject property also owns the property to east, which is the site of the Julia's Kitchen restaurant. The owner would like to erect a ground sign on the restaurant's property indentifying both the restaurant and the future tenant(s) of the subject building. The proposed sign would be located at the intersection of Six Mile Road and Middlebelt Road. Off-premise signs are prohibited by the sign ordinance. In order to identity the subject building's tenant(s) on the proposed ground sign, a variance would have to be granted by the Zoning Board of Appeals. A note on the plan indicates that the proposed sign would be the same size as the ground sign across the street in front of the shopping center located on the southeast corner of Six Mile Road and Middlebelt Road. The shopping center across the street is classified as a business center because it has four or more tenants and is therefore permitted a forty (40) square foot, eight foot (8') high ground sign. The restaurant, being a single business, is only allowed a thirty (30) square foot, six foot (6') high ground sign.

June 7, 2011 Regular Meeting:

Approving conditions:

1. That the Site Plan, Floor Plan & Survey Plan marked Sheet A-1 dated May 11, 2011 prepared by Unique Design Services, is hereby approved and shall be adhered to;
2. That the Building Elevations Plan marked Sheet A-2 dated May 11, 2011 prepared by Unique Design Services, is hereby approved and shall be adhered to;
3. That all rooftop mechanical equipment shall be concealed from public view on all sides by screening that shall be of a compatible character, material and color to other exterior materials on the building;
4. That only conforming signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals;

MISCELLANEOUS

ITEM 4 Petition 2011-05-08-05 – Unique Design Services

Page 3

5. That no LED lightband or exposed neon shall be permitted on this site including, but not limited to, the building or around the windows;
6. That the specific plans referenced in this approving resolution shall be submitted to the Inspection Department at the time the building permits are applied for; and,
7. Pursuant to Section 19.10 of Ordinance #543, the Zoning Ordinance of the City of Livonia, this approval is valid for a period of **ONE YEAR ONLY** from the date of approval by City Council, and unless a building permit is obtained, this approval shall be null and void at the expiration of said period.

UNAPPROVED MINUTES

1

MINUTES OF THE 1,010TH PUBLIC HEARINGS AND REGULAR MEETING HELD BY THE CITY PLANNING COMMISSION OF THE CITY OF LIVONIA

On Tuesday, June 7, 2011, the City Planning Commission of the City of Livonia held its 1,010th Public Hearings and Regular Meeting in the Livonia City Hall, 33000 Civic Center Drive, Livonia, Michigan.

Mr. Lee Morrow, Chairman, called the meeting to order at 7:00 p.m.

Members present: Scott P. Bahr Ashley V. Krueger R. Lee Morrow
 Lynda L. Scheel Carol A. Smiley Gerald Taylor
 Ian Wilshaw

Members absent: None

Mr. Mark Taormina, Planning Director, and Ms. Margie Watson, Program Supervisor, were also present.

Chairman Morrow informed the audience that if a petition on tonight's agenda involves a rezoning request, this Commission makes a recommendation to the City Council who, in turn, will hold its own public hearing and make the final determination as to whether a petition is approved or denied. The Planning Commission holds the only public hearing on a request for preliminary plat and/or vacating petition. The Commission's recommendation is forwarded to the City Council for the final determination as to whether a plat is accepted or rejected. If a petition requesting a waiver of use or site plan approval is denied tonight, the petitioner has ten days in which to appeal the decision, in writing, to the City Council. Resolutions adopted by the City Planning Commission become effective seven (7) days after the date of adoption. The Planning Commission and the professional staff have reviewed each of these petitions upon their filing. The staff has furnished the Commission with both approving and denying resolutions, which the Commission may or may not use depending on the outcome of the proceedings tonight.

ITEM #4 PETITION 2011-05-08-05

UNIQUE DESIGN

Ms. Scheel, Secretary, announced the next item on the agenda, Petition 2011-05-08-05 submitted by Unique Design Services requesting approval of all plans required by Section 18.58 of the Zoning Ordinance in connection with a proposal to renovate the exterior of the commercial building at 29419 Six Mile Road, located on the south side of Six Mile Road between Middlebelt Road and Oporto Street in the Northeast 1/4 of Section 14.

Mr. Taormina: This is property located near the southwest corner of Middlebelt and Six Mile Roads. It's a site that is approximately 0.13 acres in size. It has 55 feet of frontage on Six Mile and a depth of 105 feet. The zoning of the property is C-2, General Business. The site does contain an existing building that is roughly 5,130 square feet in size. The building was most recently occupied by Shooters Service, which moved across the street into a portion of the building that was formerly Jimmie's Rustics. The building is now empty. What the petitioner would like to do is renovate the structure. Adjacent to it to the east is a small restaurant called Lefty's, which is zoned C-2. Further to the south is the Teachers Store under the same zoning classification. To the west is a multi-tenant commercial building and then north, across Six Mile Road, are several commercial uses, including a gas station, B&B Pool Supplies and an office building. The existing building on the site is mostly of block construction. It has a mansard-style roof on the front and portions of the east side of the building. Under this petition, only the north and east elevations, the north being the side of the building facing Six Mile and the east elevations facing the corner, would undergo a facelift. The west elevation of the building is attached to the adjacent multi-tenant commercial building and is not visible. Also, there are no planned improvements for the rear or south elevation of the building. This building is somewhat worn and dated. The existing walls, as I indicated, are constructed out of blocks that have been painted. The main entrance currently is on the north side facing Six Mile. There is a storefront window located along that elevation. I think most of you are familiar with the painted sign that is located on the east side of the building. All of that would be modified under the proposal. I will show you what the elevation plans look like. The building as it exists today is represented in the two top side views of the building. On the top right hand side is the front of the building facing Six Mile as it looks today. Directly below that is what it would look like after the improvements. Similarly, on the left hand side of this drawing up at the top is what it looks like today along the east side. After the renovations, this is what it would look. What the improvements consist of would be the placement of a decorative stone veneer along the base of the building. What you see here represented in the darker brown coloration is actually the stone veneer that would be placed mostly along the base of the building, but you also see where they've continued that same treatment at the corners of the building on the front elevation and then in another area along the east side of the building. The lighter tan areas of the building would consist of

EIFS, which is an exterior insulated finish system that would extend over the existing block. You can see how the treatments that are proposed would actually raise the appearance of the building height. These would be parapet walls that would extend the roofline up a bit. In particular along the east side of the building, they would actually cover up some of the area of the building where you see multiple offsets. There's actually an apartment up on the second floor of the building. Some of the details on extending this roofline up will have to be reviewed carefully by our Building Inspection Department. There are windows and access points to that unit. I discussed that issue with the Building Department today, and they will review that to make sure it is in compliance with all safety codes. You can see how the treatment that's proposed along the east side of the building would actually cover up that portion. It would square off the building and make it a more consistent height all the way across. There are also some changes proposed for the site. The site to the east is Lefty's restaurant. These two properties are owned in common. They share parking and access as you can see from this plan. The petitioner is also showing some additional landscape material along the front of the building. This area that is highlighted in green is asphalt that currently runs right along the foundation of the building and butts against the concrete sidewalk. He would tear out the asphalt and add a little bit of green space. He would reconfigure some of these parking spaces along the east side of the building. He is also looking to add a ground sign here in the northeast corner of the adjacent property that would serve to identify not only Lefty's but whatever future tenant goes in this building. In order for him to do that to prevent this from being considered an off-premise sign, we would have to treat this more or less as a planned development with the two properties. He would have to record instruments in terms of the ingress and egress, and he would need a reciprocal easement agreement for both access and parking between the two properties in order to be eligible to construct that sign. It may still require some variances depending on the setbacks and the fact that this building currently has a nonconforming setback from Six Mile Road. We typically will not allow a ground sign on a site that doesn't comply with the front setback requirement. Because this building doesn't comply, the sign may have to be ultimately considered by the Zoning Board of Appeals for approval. But again, the intention here is to construct a sign probably 6 feet in height and 30 square feet in area, similar to what was done across the street for the shopping center that was built that has the LA Insurance and the liquor store. They constructed a sign

on that corner and he wants to do something very similar on the southwest corner for these two buildings. That is pretty much the extent of the petition.

Mr. Morrow: Thank you.

Mr. Taormina: I'll read the correspondence now, Mr. Chairman. There are four items of correspondence. The first item is from the Engineering Division, dated May 31, 2011, which reads as follows: *"In accordance with your request, the Engineering Division has reviewed the above-referenced petition. The written legal description does not agree with the drawn description shown on the plan sheet provided by Unique Design Services and dated May 11, 2011. The Architect should review this matter and make the necessary changes to the plan sheet. The address is confirmed to be 29419 Six Mile Road for this space."* The letter is signed by Kevin G. Roney, P.E., Assistant City Engineer. The second letter is from the Livonia Fire & Rescue Division, dated May 20, 2011, which reads as follows: *"This office has reviewed the petition submitted in connection with a request to renovate the exterior of a commercial building on property located at the above referenced address. I have no objections to this proposal."* The letter is signed by Earl W. Fesler, Fire Marshal. The third letter is from the Division of Police, dated May 18, 2011, which reads as follows: *"I have reviewed the plans in connection with the petition. I have no objections to the proposal."* The letter is signed by John Gibbs, Sergeant, Traffic Bureau. The fourth letter is from the Inspection Department, dated June 6, 2010, which reads as follows: *"Pursuant to your request, the above-referenced petition has been reviewed. The following is noted: (1) Signage proposed must meet the requirements of city's sign ordinance as it relates to the number of signs, size and location. (2) The petitioner shall submit a cross parking and cross access agreement to the city for the two properties involved in this petition. (3) The barrier free parking space is required to be van accessible. This requires a minimum of a 5 foot wide hashed access aisle alongside of an 11 foot wide parking space. This space must be properly signed and striped. (4) The windows/openings proposed to be installed on the east wall of the structure are not permitted due to the distance of only four and a half feet between the existing exterior wall and the property line. This is based on the Michigan Building code fire separation requirements. This Department has no further objections to this petition."* The letter is signed by Jerome Hanna, Assistant Director of Inspection. That is the extent of the correspondence.

Mr. Taormina: Just to go back to Mr. Hanna's last point, what he is referring to, and I failed to mention this in my opening remarks, but you can see there are no openings along the east side of the building. What the petitioner would like to do is move the main entrance to the store to the east side of the building. He would like to increase the amount of store front windows, not only along the front of this space facing Six Mile Mile, but he would like to add all these windows along the east side of the building. What Mr. Hanna is referring to, going back to the site plan, because the property line runs basically four and half feet away from this building, the code requires that in order to have openings he has to have a greater setback. I'm not exactly sure what that minimum setback is required to be to have that percentage of openings. I think it's based on the setback and the percentage of openings. That is something that this petitioner can seek a variance for, not from the Zoning Board of Appeals, but from the Michigan Building Code Board of Appeals. He does have the right to go the Building Code Board of Appeals for a variance regarding placement of the windows on that side of the building. That's something that Mr. Hanna and I discussed earlier today. Thank you.

Mr. Morrow: Are there any questions of Mark?

Mr. Wilshaw: Mark, to dwell on this issue, obviously that's very disappointing to hear that, as it stands, the entrance couldn't be moved there because I think that's an excellent idea. The letter also states that a barrier free space is required to be van accessible. Would he be referring to the barrier free spaces that essentially would be right in front of the entrance that they can't put in - the barrier free spaces that are on the adjoining property that really aren't even on his property?

Mr. Taormina: That is correct. I think what would happen, Mr. Wilshaw, if he's not allowed to move the entrance, he'd still be required to provide a van accessible space. Chances are it would have to be the space closest to the customer entrance, which would be the north space. He is showing that barrier free space located here. He would probably have to move it to this location closest to the entryway.

Mr. Wilshaw: But in all technicality, he already owns both parcels, but the reality is that if he was to sell that corner parcel, there wouldn't even be a space to use. It seems kind of silly.

UNAPPROVED MINUTES

6

- Mr. Taormina: That's correct. I think that is all contingent on having a cross access agreement, as Mr. Hanna pointed out.
- Mr. Wilshaw: Just thinking about these issues, would it be easier for him to combine the two lots into a single parcel? That way he doesn't have the issues of the glass and the entrance and the parking on one unified piece of property. The sign issue at the corner would be negated.
- Mr. Taormina: Yes. That is something that we'd have to consider with the Assessment Department. Typically, where we have separate users and separate buildings, they want to see them separated for tax purposes. But I think we can still treat this as a single development and, hopefully, he would succeed in going before the Building Code Board of Appeals for this.
- Mr. Wilshaw: Okay. So you think we can go forward assuming that the entrance is on the east side, all the glazing is there, and the parking the way it is?
- Mr. Taormina: I think it would be subject to his getting the approval from the Building Code Board of Appeals. Correct.
- Mr. Wilshaw: Okay. Very good. Thank you.
- Mr. Morrow: Anyone else? Mark, the restaurant known as Lefty's, there is no upgrade to that?
- Mr. Taormina: The building, no, but the site, yes. We don't have the details yet on the corner, but I'm not sure if he proposing to grass this area. This area is currently not being utilized for parking. It would make sense to me that we would ask him to provide landscaping around the sign as part of the improvements to the adjoining site in order for him to get the benefits of a sign at that corner.
- Mr. Morrow: Okay. Thank you. If there are no other questions, if the petitioner could come forward please. We'll need your name and address please.
- Ron Khamou, Unique Design Services, 28103 Everett, Southfield, Michigan 48076. The reason I'm here, basically, what we're doing here is improvement for previously Shooters Service building that has been vacant for the last two or three weeks. Everybody who ever sees this building I believe will agree with me, if we keep it the way it is, I think nobody will want to lease it or use it for any

reasons. So after all the improvements we're doing, hopefully will make this building better and could be a step ahead for someone who can use it. As Mark said, we are not doing the major renovation for inside the building, more than taking the ceiling out to make it look big. Hopefully, we try to put in as many windows and openings per the building code to make more natural light inside. We are not increasing any square footage of the building. We are trying to just elevate the parapet of the building so it will look all around like a box. The stone that we're using will be decorative stone, quality stone. We will be using it in the dark brownish area. The other side will be all dryvit, stucco. Regarding the site plan, there is like a greenbelt in front, the elevation facing Middlebelt, the east elevation, we've taken out and take advantage of that area by adding one more parking spot. And you were right about the location of the handicap. It should be in front close to the window. I believe by relocating the entrance to that elevation will be better because all the parking, convenience for the people just to get in there, and more convenience and safety. In order to keep the percentage of the landscape, we're adding the greenbelt to the east elevation. If there is any issue regarding the design, I will be really pleased to cover it.

Mr. Morrow: Thank you. Are there any questions?

Ms. Smiley: Are you interested in doing some landscaping around the sign?

Mr. Khamou: That is correct. We're going to make it more visible and more greenish area.

Ms. Smiley: Forgive me. Shooters. Did you have a shooting range in there?

Mr. Khamou: The Shooters Service, I believe they are no longer there. It has been vacant for the last two or three weeks. They moved across the street. We're trying to do a retail store. The owner behind me, he decides to put either a clothing store or medical equipment or gift shop. It will just make the building better for the customer to come in. To make the corner nicer, it's really a nice corner the way it is I think.

Ms. Smiley: I agree with you totally. I'm not going to miss that deer getting shot at all. But what I'm asking you is, was there a shooting range inside there?

Mr. Morrow: No.

UNAPPROVED MINUTES

8

- Mr. Khamou: No. Just selling guns and bullets and stuff like that.
- Ms. Smiley: Okay. Thank you.
- Mr. Wilshaw: Sir, you understood what we talked about earlier with the fact that you'd have to go to the Michigan Building Code Board of Appeals to get an appeal for having your entrance on the east side of the building, correct?
- Mr. Khamou: That's correct.
- Mr. Wilshaw: And you're going to do that?
- Mr. Khamou: Actually, I will discuss my option with the owner. If he agrees to keep it the way it is, it will make our problem easier. Otherwise, if he really insists to go in that direction, we will follow that way.
- Mr. Wilshaw: The approving resolution, if it's offered tonight, will be based on your plan of having the door and the windows over on the east side. So obviously if for some reason you lost your appeal or you chose not to go down that road, you'd have to bring a different site plan to us because it would substantially change the appearance of the building.
- Mr. Khamou: I understand. Thank you.
- Mr. Wilshaw: The other question was, the apartment that's on the roof right now, is that occupied?
- Mr. Khamou: Yes.
- Mr. Wilshaw: Is this going to box in that apartment in any way that makes it unrentable?
- Mr. Khamou: Actually, we're not touching any access of the lighting that goes to that building. There will be more than a 10 foot difference between the parapet and the face of wall where the window is located. So there is some kind of open space in between.
- Mr. Wilshaw: Hopefully, it's more than four and half feet because apparently the building code doesn't let you . . .
- Mr. Khamou: More than 10 feet, I believe.
- Mr. Taormina: Just a point of clarification, and I misspoke. It's not the Michigan Building Code Board of Appeals. It's a local body that

would review it, not something that he has to go to Lansing for that I'm aware of. I think it can be handled locally.

Mr. Khamou: I just want to mention something. We try to keep the height of the elevation the same height that's in corner with the apartment. That will be consistent all the way around. That's the reason. We're not elevating more than that corner height.

Mr. Wilshaw: Very good. Well, it looks like an excellent upgrade to the building. I really like the material that you just showed, and also the concept of using that east entrance as the primary entrance. I think that's a great idea.

Mr. Khamou: Thank you. I will see what my chances are to keep that entrance to that elevation and see how it goes.

Mr. Wilshaw: Good luck with that.

Ms. Smiley: I guess I'm a little confused. You're going to take the wall up but it's not going to block their window because there's going to be 10 feet of space between the apartment and wall?

Mr. Khamou: Basically, there is an apartment sitting almost in the middle of the roof area. The elevation wall goes this way. Pretend this is the apartment with the window. There is this wall coming here. What we're going, we're going straight having this wall go all the way around the building.

Mr. Taormina: If I can explain it, and unfortunately, it doesn't really show on this elevation view. There is a difference. This wall right here extends further east than this wall, which is where the windows of the apartment are. By extending this wall up, there is still a space between the two walls because the apartment wall is offset a few feet. There is still going to be a space between the parapet wall and the block window. This would appear to be a porch within the apartment, and then there are more windows on the other side, and there are windows on the south side of the building. This will not be completely blocked off. There will be just a small space between the parapet and this window.

Mr. Khamou: I just want to clarify something. The reason I didn't shade the wall, the white wall with the window, just to show this is not part of this wall.

Ms. Smiley: Okay. Thank you.

- Mr. Taylor: I agree with you, but when you look out that window from inside, you're going to be looking at a wall.
- Mr. Khamou: That's correct.
- Mr. Taylor: That seems kind of strange.
- Mr. Khamou: We talked to the tenant and they are willing to write a letter and agree about any improvements.
- Mr. Taylor: You might want to put a glass block wall in there.
- Mr. Khamou: That's correct. That will be another option to do, but we are just trying to be consistent now to have all the building elevation in one unit. If necessary, we will end up putting glass, yes.
- Mr. Taylor: Your renovation of the building looks great. It sounds like you have a few fences to jump over before you're going to make it, but good luck to you.
- Mr. Khamou: Thanks.
- Mr. Morrow: If there is nothing more, I'm going to ask for a motion.

On a motion by Wilshaw, seconded by Scheel, and unanimously adopted, it was

- #06-33-2011** **RESOLVED**, that the City Planning Commission does hereby recommend to the City Council that Petition 2011-05-08-05 submitted by Unique Design Services requesting approval of all plans required by Section 18.58 of the Zoning Ordinance in connection with a proposal to renovate the exterior of the commercial building at 29419 Six Mile Road, located on the south side of Six Mile Road between Middlebelt Road and Oporto Street in the Northeast 1/4 of Section 14, be approved subject to the following conditions:
1. That the Site Plan, Floor Plan & Survey Plan marked Sheet A-1 dated May 11, 2011, prepared by Unique Design Services, is hereby approved and shall be adhered to;
 2. That the Building Elevations Plan marked Sheet A-2 dated May 11, 2011, prepared by Unique Design Services, is hereby approved and shall be adhered to;
 3. That all rooftop mechanical equipment shall be concealed from public view on all sides by screening that shall be of a

compatible character, material and color to other exterior materials on the building;

4. That only conforming signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals;
5. That no LED lightband or exposed neon shall be permitted on this site including, but not limited to, the building or around the windows;
6. That a Landscape Plan shall be submitted for approval by the Planning Department to include the area around the proposed sign;
7. That approval is granted by the Building Code Board of Appeals for window and door openings on the east side of the building;
8. That the specific plans referenced in this approving resolution shall be submitted to the Inspection Department at the time the building permits are applied for; and,
9. Pursuant to Section 19.10 of Ordinance #543, the Zoning Ordinance of the City of Livonia, this approval is valid for a period of one year only from the date of approval by City Council, and unless a building permit is obtained, this approval shall be null and void at the expiration of said period.

Mr. Morrow: Is there any discussion?

Mr. Taormina: If we could possibly add an amendment to the motion, if the maker would agree, that a landscape plan be submitted to the Planning Department for approval to include the area around the proposed sign. I would also suggest that a condition be added that this be subject to approval of the Building Code Board of Appeals for the windows and doorway openings along the east side of the building.

Mr. Wilshaw: Those sound good to me.

Ms. Scheel: Yes.

Mr. Morrow: So be it.

UNAPPROVED MINUTES

12

Mr. Morrow, Chairman, declared the motion is carried and the foregoing resolution adopted. It will go on to City Council with an approving resolution. We wish you good luck.

Mr. Khamou: Thank you very much.

ZONING BOARD OF APPEALS

SHARRON G. BROWN, Chairman
DAVID P. PARR, Vice Chairman
VALDA I. VANDERSLOOT, Secretary
RICHARD S. BLOMBERG
KARL R. LUKENS
KENNETH MIENCIER
SUSAN J. MUCCINO



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(313) 421-2000, EXT. 427
FAX: 421-1807

June 13, 1991

MAYOR
ROBERT D. BENNETT
CITY COUNCIL

Joan McCotter
President

Dale A. Jurcisin
Vice President

Robert R. Bishop
Feron P. Feenstra
Ron Ochala
Gerald D. Taylor
Laura M. Toy

Kok Va Chhan
25580 Five Mile Road
Redford, MI 48239



Dear Mr. Chhan:

The Zoning Board of Appeals of the City of Livonia, at its Special Meeting held on June 11, 1991, adopted the following resolution:

RESOLVED, APPEAL CASE NO. 9106-61: Kok Va Chhan, 25580 Five Mile Road, Redford 48239, (Win Investment, 19350 Hillcrest, Livonia 48150, owner), seeking to operate a limited service restaurant on a site with deficient parking, on property located on the south side of Six Mile Road (29407) between Middlebelt and Merriman, Parcel No. 053 99 0002 000, C-2 zoning district. Proposed is to operate a 21 seat donut shop on a site which also provides all of the parking for the adjoining commercial property to the west, which also has an apartment above it. Required for the three (3) uses are 24 spaces (12 for the donut shop, 2 for the apartment, and 10 for Shooters Service). Proposed is 20 spaces; Deficient of 4 spaces. Rejected by the Inspection Department under Zoning Ordinance 543, Section 18.38 (Off-Street Parking; Schedule) not complied with, be granted for the following reasons and findings of fact and with the following conditions:

1. That this is not a full service restaurant so to speak; the primary business at this shop will be carryout.
2. That there is some sharing of parking with Shooters, located next door. Some of the busier hours of this business will be 6:00 a.m. to 9:00 a.m. Shooters would not be open during that time. Perhaps the lunch hour would be the only significant time this deficiency would have an impact on the area. The Board finds that the deficiency of 4 spaces may be insignificant enough not to pose a hardship on the surrounding commercial neighbors.

FURTHER, That the following conditions be met before the occupancy permit will be issued:

- a. That the parking lot be completely resurfaced.
- b. That all landscaped areas, including the adjoining public right-of-way, are to be completely renovated.
- c. That the retaining wall for the planter be repaired or removed.
- d. That the cement walk from the east side of the building be brought up to level with the drive.
- e. That all landscaped areas will be serviced by an underground sprinkling system.
- f. That the two (2) unused parking lot light bases be removed in their entirety. Also, that the two (2) remaining parking lot lights be put in working condition or removed in their entirety.
- g. That the old ground sign structure be removed in its entirety, and any signage be brought into conformance with the current Ordinance of the City. Window signage would be limited to 20%.
- h. That the building exterior be renovated and remodeled in accordance with the plan presented to the Board this evening.
- i. That at no time shall the seating be increased beyond the combination of 21 stools and chairs indicated on the floor plan shown to the Board this evening.

FURTHER, That the Board acknowledges this proposal has to go back before the Planning Commission for waiver use and site plan approval, and also to the City Council for approval.

FURTHER, That this variance is to be utilized within one year from the meeting date. Otherwise, it shall become null and void.

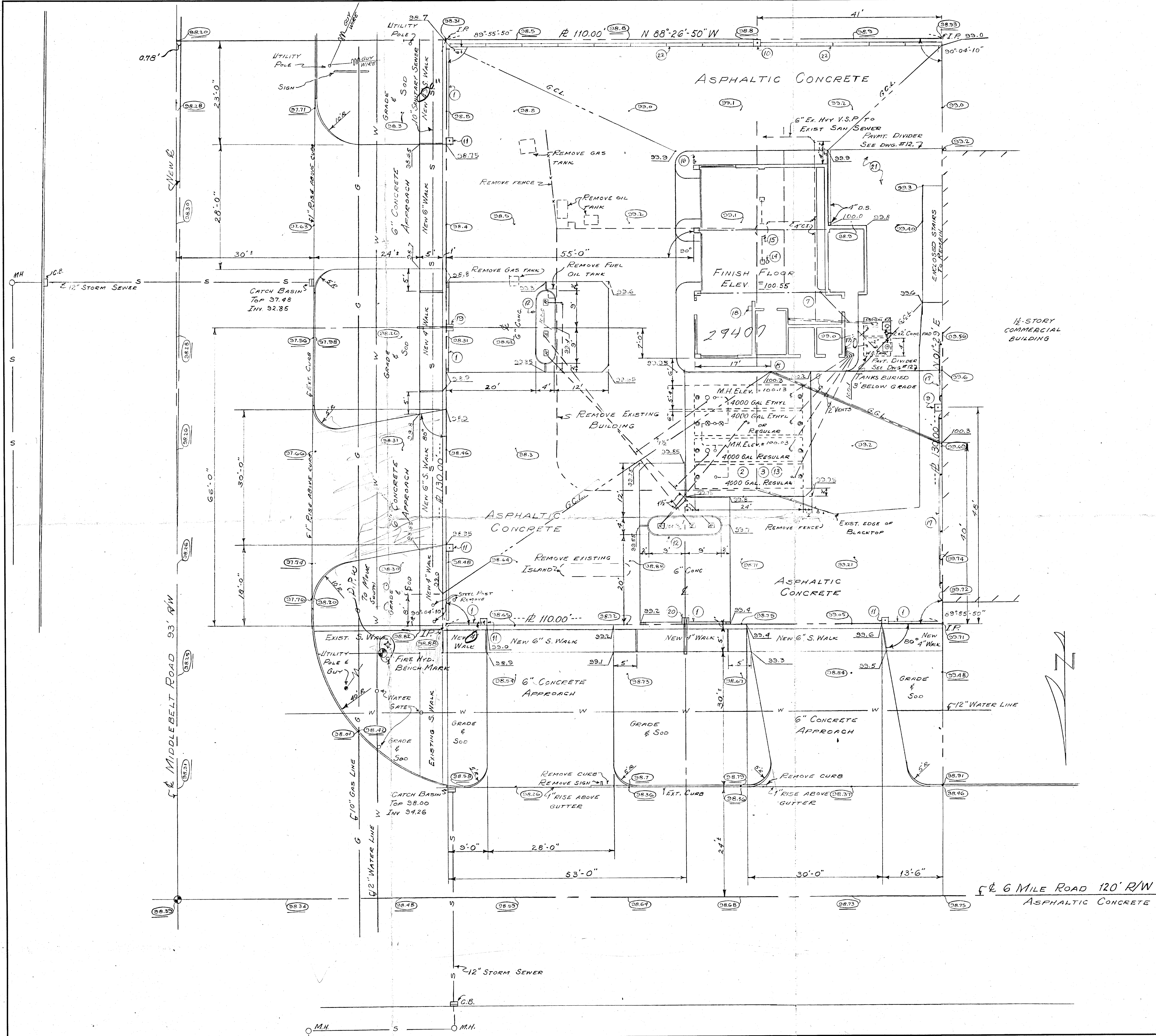
FURTHER, That the granting of this variance is not detrimental to the immediate area nor to the Master Plan of the City of Livonia.

Sincerely,


Valda I. Vandersloot
Secretary 

/kat

cc: W. MacDonald, Code Enforcement; R. Bakewell, Planning; P. Golm, Inspection; City Attorney; File;
Mr. Lynn Morgan, Thompson-Brown Realtors, 32646 Five Mile Road, Livonia, MI 48154;
Win Investment, 19350 Hillcrest, Livonia, MI 48150



NOTES

- 6"x18" CAST IN PLACE CURB. SEE DWG. #12.
- SLAB OVER TANKS TO BE 6" CONC. REINF. WITH #4 BARS AT 12" O.C. BOTH WAYS. EXTEND BARS 1'-0" BEYOND TANKS.
- SET TANK ELEV. AT 97.8' AT PUMP END; OPPOSITE END 1" LOWER.
- BUILDING FOUNDATIONS OCCURRING IN FILLED AREAS MUST EXTEND TO SOLID BEARING.
- ALL APPROACH RADII TO BE AS NOTED.
- ALL TREES SHRUBS, ETC. ON PROPERTY AND BETWEEN PROPERTY LINE AND EDGE OF PAVEMENT ARE TO BE REMOVED UNLESS OTHERWISE NOTED.
- WATERLINE TO BE 1" COPPER, INSTALLED IN ACCORDANCE WITH LOCAL REQUIREMENTS.
- INSTALL FACADE RETURN ON SALES BAY END OF THE BUILDING.
- FLOODLIGHT TO BE 6'-4" TUBE FLUOR. FIXTURE MOUNTED ON A 16' HINGED POLE ON A CONC. BASE. SEE DWG. #12. CENTERMOUNT.
- FLOODLIGHT TO BE WHITEWAY G-SC-2PG FLUOR. FIXTURE MOUNTED ON A 16' HINGED POLE ON A CONC. BASE. SEE DWG. #12. CENTERMOUNT.
- FLOODLIGHTS TO BE 8'-4" TUBE FLUOR. FIXTURE MOUNTED ON A 16' DAVIT POLE WITH A 6' ARM ON A CONCRETE BASE. SEE DWG. #12.
- 18" 3 PUMP ISLAND WITH ISLAND LIGHT. SEE DWG. #12.
- PRODUCT PIPING DETAILS SHOWN ON DWG. 15-1, 15-2, & 15-3.
- LIFT TO BE INSTALLED IN ACCORDANCE WITH DWG. #13 AND MANUFACTURE INSTALLATION DRAWINGS.
- SUMP DETAILS - SEE DWG. FB-1L.
- AIR METER TO BE SIDEWALK POST MOUNT. SEE DWG. #12.
- GUARD RAIL - SEE DWG. #12. INSTALL FLARED ENDS.
- INSTALL WATER COOLER.
- SIGN TO BE 8'x6' CANTILEVER PLASTIC SIGN ON A CONCRETE BASE. SEE DWG. #12.
- SIGN TO BE 8'x6' CANTILEVER PORCELAIN SIGN ON A CONCRETE BASE. SEE DWG. #12.
- 6" COMPACTED STONE.
- SOLID PRECAST CURB APPROX. 8'x6'x8'-0" LONG, REINF. WITH 2#3 BARS. ANCHOR IN PLACE WITH 2#4 E.O.D.S. 36" LONG THROUGH HOLES CAST IN CURBS.
- CUT CONCRETE PAD CORNERS 45'x18"

EXISTING GRADES
 — EXISTING GRADES TO REMAIN
 — NEW GRADES
 — 1/2" EXPANSION MATERIAL
 G.C.L. GRADE CONTROL LINE
 I.P. IRON PIN

BENCHMARK

"D" IN DETROIT ON HYDRANT LOCATED AT NORTHEAST CORNER OF PROPERTY. ASSUMED ELEVATION 100.00 FT.

As Noted
 This plan has been reviewed and is approved as to the interests of the Engineering Division. This approval in no way constitutes or implies approval of any other City Department or Division.
 4-2-65
 Date Chief City Engineer



MARATHON OIL COMPANY
 FINDLAY, OHIO

APPROVED BY H.L. KNAPP	DATE 2/2/64	APPROVED BY H.L. KNAPP	DATE 2/2/65
ED. McGARVEY	2/2/64	ED. McGARVEY	2/2/65
NO. DATE DTHM		REVISIONS	
1 2-18-64 J.D.S.		CHANGED GROUNDING	
DRAWN BY J.D.S.		DATE 1-11-65	
TRACED BY		FILE NO.	
CHECKED BY R.L. 1-11-65		DWG. NO. 3-4016-2	

PLOT PLAN
 3 BAY LH-FB SERVICE STA.
 WAYNE COUNTY
 6 MILE & MIDDLEBELT ROAD
 LIVONIA, MICHIGAN

ZONING BOARD OF APPEALS

ZONING BOARD MEMBERS

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



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

COUNCIL MEMBERS

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

PUBLIC NOTICE ***September 16, 2024***

APPEAL CASE NO. 2024-08-29, 38019-38035 Schoolcraft: an appeal was made to the Zoning Board of Appeals by TODAL LLC, seeking to occupy a property in the M-2 (General Manufacturing) Zoning District to establish a religious institution, which is prohibited.

This Tech and Manufacturing property is located on the south side of Schoolcraft Road (38019-38035), between Waco Road and Newburgh Road, Lot. No. 117-02-0009-006, M-2, General Manufacturing, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 3.17 (Permitted and Prohibited Uses).

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

This appeal will be heard at a public hearing to be held in the **Auditorium on the 1st floor of City Hall on Tuesday, October 1, 2024, at 7:00 p.m.**, at which time comments may be directed to the Board during audience participation. When replying by mail, write your comments on the back of this notice and address it to the City of Livonia, Zoning Board of Appeals, 33000 Civic Center Drive, Livonia, MI 48154. All written comments are read at the meeting and become part of the record.

ZONING BOARD OF APPEALS,



Timothy Klisz, Secretary

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



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154
421-2000

CITY OF LIVONIA
INSPECTION DEPARTMENT

REJECTION OF APPLICATION FOR PERMIT

BECAUSE OF NON-CONFORMITY TO ZONING ORDINANCE LIVONIA VISION 21

Applicant	TODAL LLC	Address	5075 SHOREHAM PLACE, SUITE 280,
Owner	(SAME AS APPLICANT)	Address	SAN DIAGO, CA. 92122
Lessee		Address	
Location	SOUTH	Side of	38019 - 38035 SCHOOLCRAFT Street
Between	WACO	And	NEWBURGH
Lot No./Parcel No.	117-02-0009-006	Subdivision	N/A
Zoning District	M-2	Lot Size	2.55 ACRES Alley N/A
Present Use	GENERAL MANUFACTURING	Proposed Use	RELIGIOUS INSTITUTION
Present Building Size	34,005 SQ. FT.	Proposed Building Size	(NO CHANGE)
Present Height of Building	N/A	Proposed Height	N/A
Allowable Lot Coverage	N/A	Proposed Lot Coverage	N/A

Proposal: SEEKING TO OCCUPY A PROPERTY IN THE M-2 (GENERAL MANUFACTURING) ZONING DISTRICT TO ESTABLISH A RELIGIOUS INSTITUTION, WHICH IS PROHIBITED.

Reason for Rejection LIVONIA ZONING ORDINANCE, SECTION 3.17 (PERMITTED AND PROHIBITED USES)

Deficient Side yard	Deficient Front Yard	Deficient Rear Yard
Deficient Lot Area	Deficient Lot Area Per Room	Encroachment
Excessive Lot Coverage	Excessive Height	Increasing No. Units
Use Prohibited RELIGIOUS INSTITUTION (3.17)	Deficient Parking Spaces	Increasing Area and Bulk
Remarks		

Plans and Application examined by CMJ Stream Date 8/26/2024

APPLICATION FOR VARIANCE

TODAL LLC 5075 Shoreham Place, Suite 280 San Diego, CA 92122
(Owner of Premises) (Street Address) (City) (Zip Code) (Telephone) (Fax)

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

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

The property address is 38019 - 38035 Schoolcraft Road

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

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

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

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

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

4. Please describe what the difficulty involves beyond mere inconvenience or inability to earn a higher financial return:
See attached.

5. Explain why you think this variance would be fair to the neighbors and others who might be affected.
See attached.

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

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

RECEIVED

AUG 23 2024

Inspection Department
City of Livonia

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

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

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

OWNER'S AFFIDAVIT

COUNTY OF WAYNE)
STATE OF MICHIGAN)

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

Signature of property owner: Tod Robinson

Please print name of property owner: Tod Robinson

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

Subscribed and sworn to before me this _____ day of _____, 20__.

See Attachment For
Official Notarization
(Notary Public, Wayne County, Michigan)
My Commission expires _____

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

NOT TO BE COMPLETED BY APPLICANT

Petitioner makes application for a Hearing, seeking to (reverse, modify, or affirm) the (order, decision) of the Department of Inspection, dated 8/23/24, which reads as follows:

M-1 NOT APPROVED FOR RELIGIOUS ORGANIZATIONS.

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

[Signature]
(Supervisor)

Application for permit filed No

Violation Issued No

CALIFORNIA JURAT

GOVERNMENT CODE § 8202

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Diego



Subscribed and sworn to (or affirmed) before me on

this 16th day of August, 2024, by
Date Month Year

(1) Tod Robinson

(and (2) N/A),
Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature Kenneth C. Shook
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Application for Variance

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Question 2: Land situated in the City of Livonia, County of Wayne, and State of Michigan, being more particularly described as follows:

Part of Lots 13, 14, 15 and 16, SCHOOLCRAFT MANOR SUBDIVISION, according to the recorded plat thereof, as recorded in Plat Liber 69, Page 45, Wayne County Records, described as: Commencing at the Southwest corner of Lot 9; thence South 75 degrees 47 minutes 10 seconds East 824.14 feet; thence North 00 degrees 19 minutes 00 seconds East, 711.41 feet to the point of beginning; thence North 89 degrees 41 minutes 00 seconds West, 64.00 feet; thence North 00 degrees 19 minutes 00 seconds East, 14.00'; thence North 89 degrees 41 minutes 00 seconds West, 272.12 feet; thence South 00 degrees 19 minutes 00 seconds West, 18.00 feet; thence North 89 degrees 41 minutes 00 seconds West, 24.00 feet; thence North 00 degrees 19 minutes 00 seconds East, 344.87 feet; thence South 81 degrees 39 minutes 16 seconds East, 161.68 feet; thence South 84 degrees 31 minutes 15 seconds East, 200.84 feet; thence South 00 degrees 19 minutes 00 seconds West, 300.22 feet to the point of beginning.

Tax Parcel Id. No. 117-02-0009-006

Commonly known as: 38019 - 38035 Schoolcraft Road

Question 3: The practical difficulty has been our inability to lease out available space in the building even at rates below current market as evidenced by our meager 11% occupancy rate. Despite being on the market for over 2 years, we have also had little to no interest in anyone acquiring the property. We had one potential buyer under contract last year but that deal fell through. We have a new buyer under contract which is a local Livonia church looking for its first permanent location. A zoning variance permitting the church to operate at that location is necessary to make this sale viable to this buyer.

Question 4: While the property is zoned for manufacturing, the building on the property is neither configured for, nor has it been used for manufacturing. It has primarily been used for office space. We believe its location is not desirable for primary office space and has led to our inability to lease out space. That inability to lease or sell the property for over 2 years has created substantial losses for us. As selling the property to the church is the only reasonable and viable alternative that we have found, we believe this zoning variance request to be reasonable.

Further, we understand that the prospective buyer searched the Livonia area for two years and was unable to find any buildings that had adequate square footage, were compliant with today's building codes, and had adequate parking to suit the church's needs. This property meets all of their needs except the zoning.

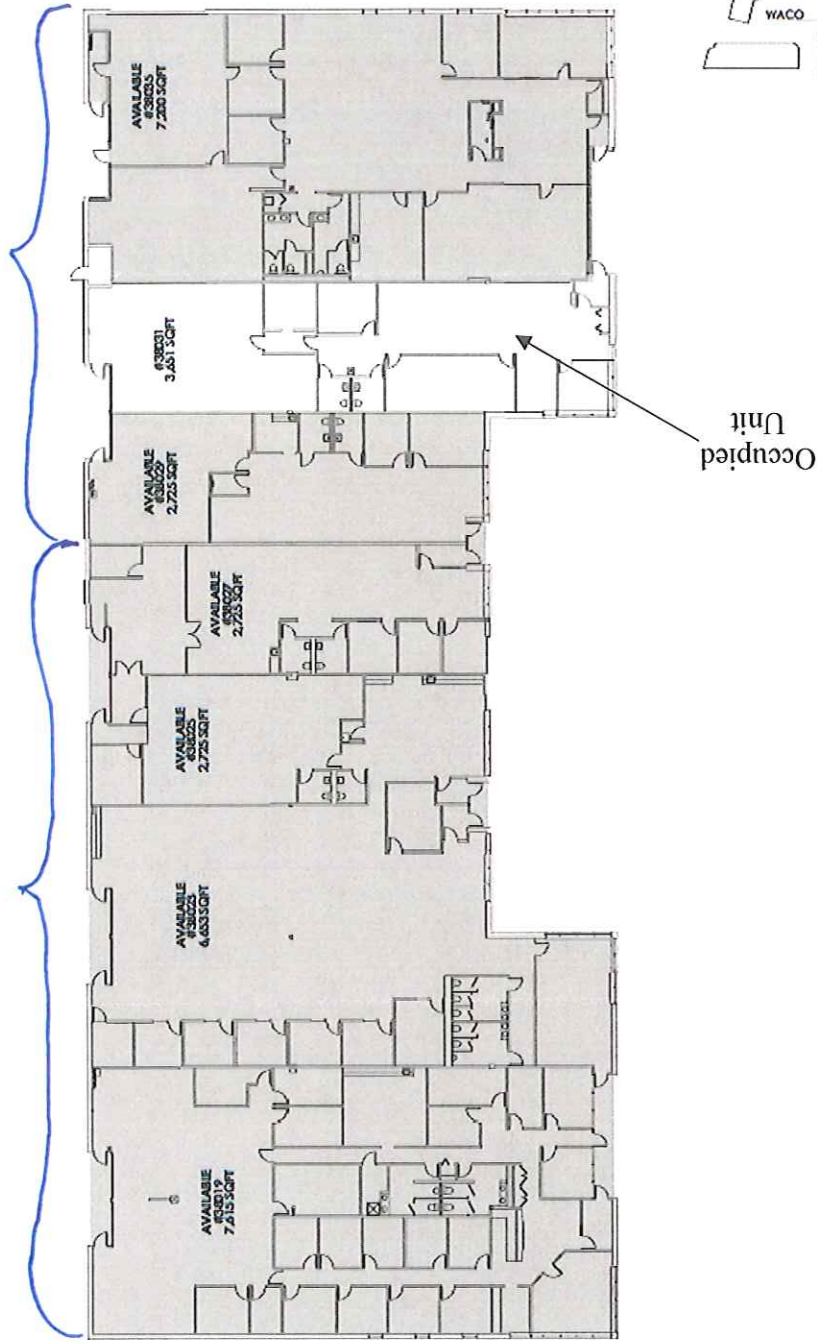
Question 5: As the prospective buyer is a church, we do not foresee a conflict with our neighbors or the community. As the property is on the fringe of the Schoolcraft Business Park, we see no negative impact to any other businesses in the park. Its occupancy would be better for the park than its ongoing vacancy which is a detractor to other businesses. There would be no traffic impact to the surrounding neighbors as the largest occupancy would be on the weekend. We note there are other non-manufacturing spaces within the area including Laurel Manor approximately half a mile to the West and Madonna University just over a mile to the East. Both are long standing anchors in the community as we expect the Buyer to become.

Question 7: We believe that amending the zoning ordinance to permit the buyer to operate at the property isn't the appropriate way to resolve this issue. By granting a zoning variance instead of amending the zoning ordinance, the City would retain planning flexibility with respect to surrounding properties and avoid the issue of spot zoning. Additionally, amending the zoning ordinance as opposed to obtaining a zoning variance would take longer and cost more money which would cause us to incur additional losses.

Question 9: We believe that rezoning the property to permit the buyer to operate at the property isn't the appropriate way to resolve this issue. By granting a zoning variance instead of rezoning the property, the City would retain planning flexibility with respect to surrounding properties and avoid the issue of spot zoning. Additionally, rezoning the property as opposed to obtaining a zoning variance would take longer and cost more money which would cause us to incur additional losses.

SUBJECT LAYOUT

Proposed Religious Org. Use Remain M-2 Use



File: L:\Schoolcraft_LAB.dwg
Date: May 23 2023
Time: 7:59:34

FRIEDMAN
REAL ESTATE

5425 W. Jackson Mills Road
Farmington Hills, MI 48331
Phone: 248.324.2000 Fax: 248.324.9235
Web: www.friedmanrealstate.com

SCHOOLCRAFT BUSINESS PARK
38035-38019 SCHOOLCRAFT DRIVE
LIVONIA, MI

BUILDING 1
FOR DETAILS PLEASE CALL
248.324.2000



Source: Google

AERIAL PHOTO



Source: Realist

IMPROVEMENT ANALYSIS

The subject is a one-story multi-tenant flex building containing 33,294 square feet of gross building area. The improvements were completed in 1986 and are considered to be in average condition. The building is built out as flex space that includes approximately 80% office and 20% warehouse space. Each unit can be accessed through the front(north) and rear(south) of the building. On the south end of the building, there are roll-up doors providing access to each unit.

Unit 1 (#38019): This unit, located on the far eastern side of the building, spans 7,612 SF. Approximately 80% of the unit is dedicated to office space with a number of private offices. The southern end features an open area with a roll up door. There are two bathrooms and a kitchenette.

Unit 2 (#38023): This unit is built out as general office with private offices along the eastern edge of the space. The unit has two bathrooms, a kitchen area and a roll up door. This unit has been updated and is in turnkey condition.

Unit 3 (#38025): This unit is built out as general office and has two bathrooms. The space is predominantly open, except for a bathroom and a single office cubicle.

Unit 4 (#38025): This unit is built out as office space and storage with an open area at the back of the space. The unit includes two bathrooms.

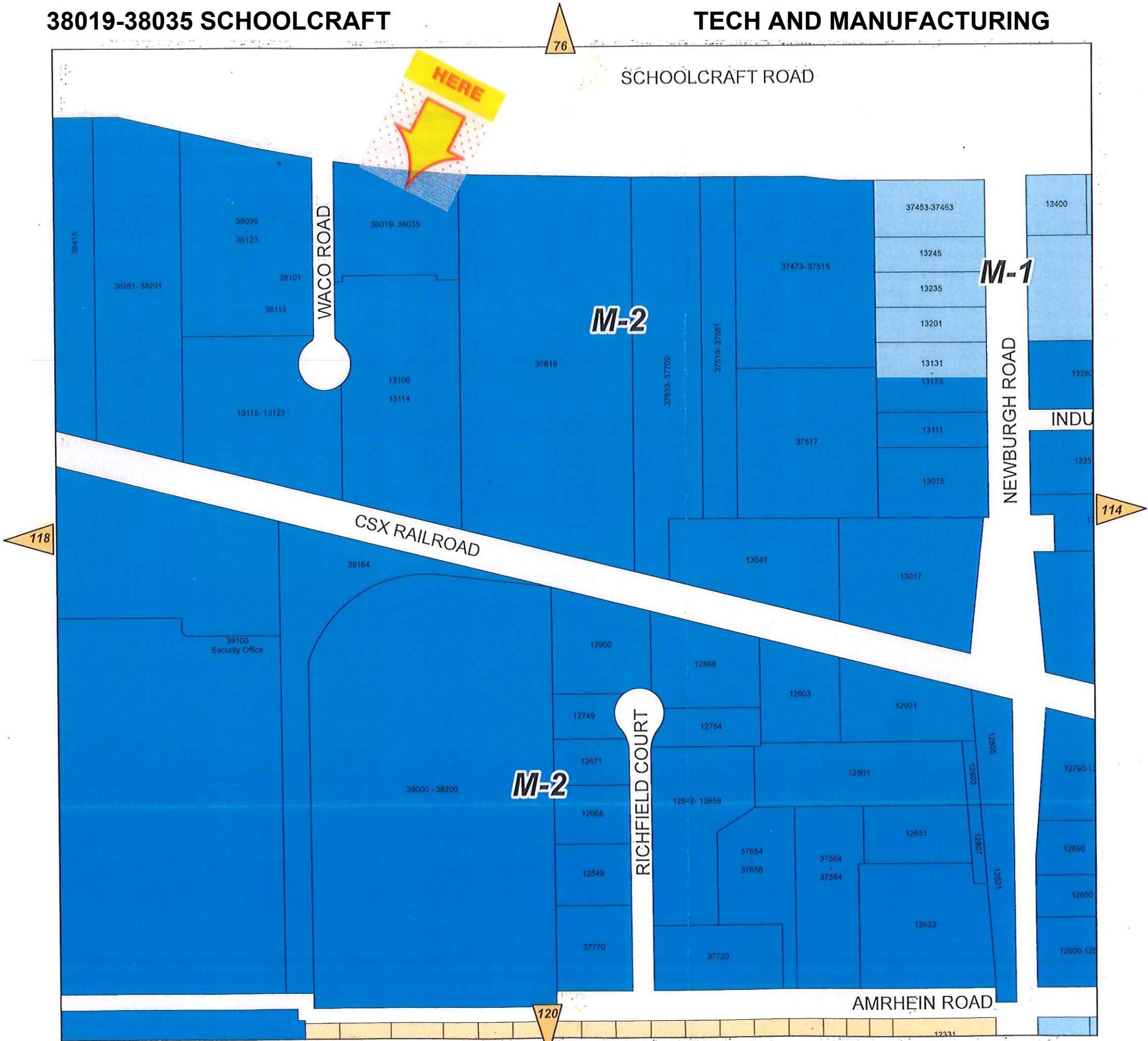
Unit 5 (#38029): The space is split into two areas: the northern section has office cubicles on the western half, a bathroom, and approximately 60% open space, while the southern section near the roll-up door is open. The unit has two bathrooms and has new carpet and paint as well as LED lighting.

Unit 6 (#38031): This unit is currently occupied by Roofing Technologies Systems. The northern half is built out as office space with two bathroom, three offices and a meeting room and the remainder of the space is open.

Unit 7 (#38035): Located on the far western side of the building, this unit is divided into several sections, including large and regular office areas. The northern section contains the majority of the office space along the edges, with an open area in the middle. The unit has two bathrooms a kitchenette, and the remnants of a quality control room at the back of the space.

TODAL LLC
38019-38035 SCHOOLCRAFT

REF: RELIGIOUS INSTITUTION IN M-2
TECH AND MANUFACTURING



ZONING MAP

LEGEND

Zoning Districts

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

N.E. 1/4 Section 30
City of Livonia
T. 1 south, R. 9 east
Wayne County, Michigan
Copyright 2001, City of Livonia



ZONING BOARD OF APPEALS

ZONING BOARD MEMBERS

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



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

COUNCIL MEMBERS

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

PUBLIC NOTICE ***September 16, 2024***

APPEAL CASE NO. 2024-08-30, 33825 Five Mile Road: an appeal was made to the Zoning Board of Appeals by William Earles, d.b.a. So Delish, seeking to maintain a second wall sign, erected without permits, resulting in an excessive number of wall signs.

Wall Signs

Allowed: 1

Proposed: 2

Excess: 1

This City Center property is located on the south side of Five Mile Road (33825), between Fairlane Avenue and Farmington Road, Lot. No. 081-99-0010-002, C-2, Commercial Retail, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 11.08 (3): Awning, Canopy or Wall Signs.

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

This appeal will be heard at a public hearing to be held in the **Auditorium on the 1st floor of City Hall on Tuesday, October 1, 2024, at 7:00 p.m.**, at which time comments may be directed to the Board during audience participation. When replying by mail, write your comments on the back of this notice and address it to the City of Livonia, Zoning Board of Appeals, 33000 Civic Center Drive, Livonia, MI 48154. All written comments are read at the meeting and become part of the record.

ZONING BOARD OF APPEALS,



Timothy Klisz, Secretary

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



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154
421-2000

CITY OF LIVONIA
INSPECTION DEPARTMENT

REJECTION OF APPLICATION FOR PERMIT

BECAUSE OF NON-CONFORMITY TO ZONING ORDINANCE LIVONIA VISION 21

Applicant	WILLIAM EARLES (DBA: "SO DELISH")	Address	8277 DONNA, WESTLAND, MI 48185
Owner	ABRHAM LIVONIA PROPERTIES, LLC	Address	4707 WOODWARD, DETROIT, MI 48201
Lessee	(SAME AS APPLICANT)	Address	(SAME AS APPLICANT)
Location	SOUTH	Side of	33641 FIVE MILE Street
Between	FAIRLANE	And	FARMINGTON
Lot No./Parcel No.	081-99-0010-002	Subdivision	N/A
Zoning District	C-2	Lot Size	N/A
		Alley	N/N
Present Use	COMMERCIAL RETAIL	Proposed Use	SAME
Present Building Size	N/A	Proposed Building Size	NO CHANGE
Present Height of Building	N/A	Proposed Height	N/A
Allowable Lot Coverage	N/A	Proposed Lot Coverage	N/A

Proposal: SEEKING TO MAINTAIN A SECOND WALL SIGN, ERECTED WITHOUT PERMITS, RESULTING IN AN EXCESSIVE NUMBER OF WALL SIGNS. NUMBER OF WALL SIGNS ALLOWED: 1; PROPOSED: 2; EXCESS: 1

Reason for Rejection LIVONIA ZONING ORDINANCE, SECTION 11.08 (3): AWNING, CANOPY OR WALL SIGNS

Deficient Side yard	Deficient Front Yard	Deficient Rear Yard
Deficient Lot Area	Deficient Lot Area Per Room	Encroachment
Excessive Lot Coverage	Excessive Height	Increasing No. Units 1 SIGN (11.08 (3))
Use Prohibited	Deficient Parking Spaces	Increasing Area and Bulk
Remarks		

Plans and Application examined by [Signature] Date 8/30/24

APPLICATION FOR VARIANCE

28400 Northwestern Hwy
Farbman Group ~~28400 Northwestern Hwy~~ Southfield 48034 (248)353-0500
(Owner of Premises) (Street Address) (City) (Zip Code) (Telephone) (Fax)
William Earles 33825 Five Mile Rd Livonia, 48154 (734)744-4080
(Lessee) (Street Address) (City) (Zip Code) (Telephone) (Fax)
(Contractor) (Street Address) (City) (Zip Code) (Telephone) (Fax)

The property address is 33825 Five Mile Rd. Livonia, MI 48154

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

1. Are there any deed restrictions or subdivision rules or restrictions on the property? If so, what are they? NO
2. Give legal description of property involved, or attach a deed or other document which contains the legal description of the property:

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

3. Please explain how the practical difficulty you claim is unique to your property, and does not exist elsewhere in the City:
Our storefront doesn't face a main road, it faces a parking lot facing east, and our back faces west.
4. Please describe what the difficulty involves beyond mere inconvenience or inability to earn a higher financial return:
People traveling east on 5 mile can't see what is in the strip until you pass the strip and reach the monument sign. The people traveling east have a farther viewing distance and don't always know where to turn to get into our parking lot.
5. Explain why you think this variance would be fair to the neighbors and others who might be affected. Other businesses in the strip could put up signs as well, displaying who is in the strip, bringing more potential business for all tenants
6. Have you sought an amendment to the zoning ordinance which would permit your proposed project under your current zoning? If yes, please describe the outcome of this process: NO
7. If you have not attempted to have the zoning ordinance amended, why hasn't this attempt been made?



8. Have you attempted to have the property rezoned? If yes, please describe the outcome of the rezoning process: NO
9. If you have not attempted to have the property rezoned, why hasn't this attempt been made? Not my property, just lease here.

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

OWNER'S AFFIDAVIT

COUNTY OF WAYNE)
STATE OF MICHIGAN)

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

Signature of property owner: [Signature]
Please print name of property owner: William Earles

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

Subscribed and sworn to before me this 30th day of August, 2024.
[Signature]
(Notary Public, Wayne County, Michigan)
My Commission expires 1-24-2026

JANET DOUGLAS
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Jan 24, 2026
ACTING IN COUNTY OF Wayne

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

NOT TO BE COMPLETED BY APPLICANT

Petitioner makes application for a Hearing, seeking to (reverse, modify, or affirm) the (order, decision) of the Department of Inspection, dated 12/4/23, which reads as follows:
ONLY ONE SIGN PERMITTED

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

RECEIVED

Application for permit filed NO

Violation Issued YES

[Signature]
(Supervisor)

City of Livonia
Inspection Department

Revised 12/17/14

SIGN DIAGRAM PROPOSAL

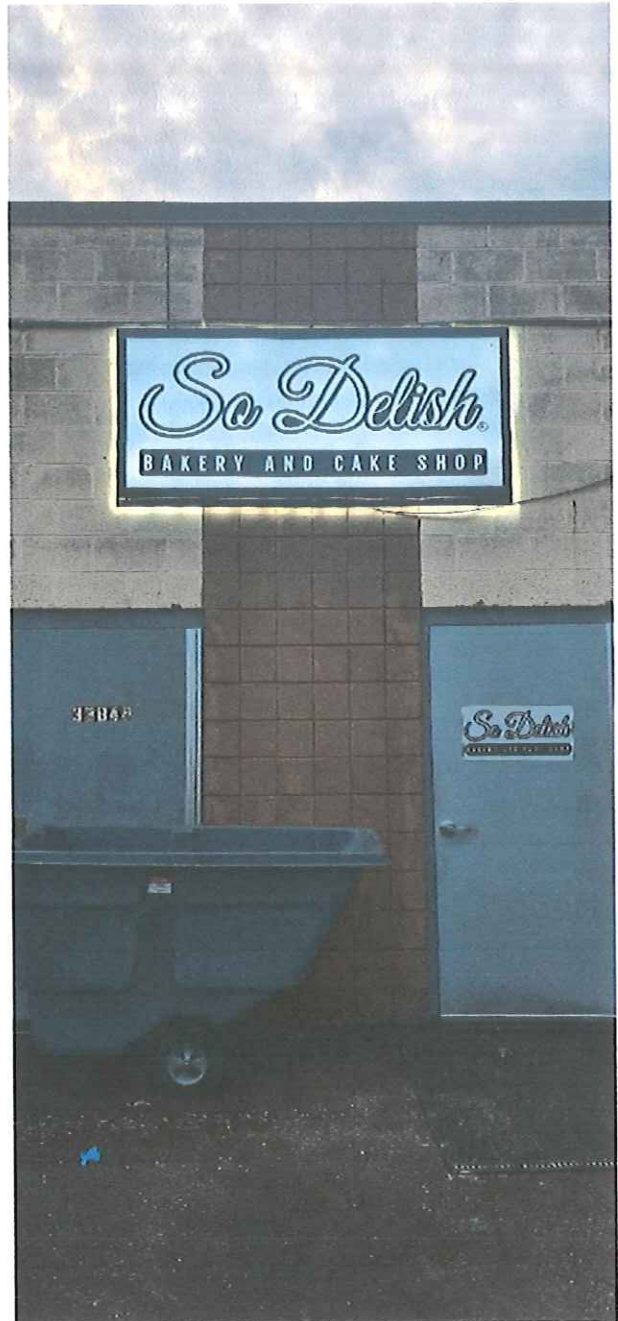
SIGN CABINET
1 SIDE ATTACHED TO THE WALL
WITH BACK LIGHT
THICKNESS 5 IN

7 FT



3 FT







Khaled Signs & Awnings INC
313-818-7037
traboulsikhaled1@gmail.com
22101 W Warren Ave
Dearborn Heights, MI 48127

INVOICE

P.O.#

12/1/2023

CUSTOMER NAME:
BUSINESS NAME: **SO DELISH**
STORE#:
FAX#
EMAIL:
ADDRESS:

QUANTITY	DESCRIPTION	PRICE
	CUSTOM FABRICATION OF SIGN CABINET 7 FT X 3FT BLACK ALUMINUM RETURN 3/16 POLYCARBONATE FACE HIGH PERFORMANCE BLACK VINYL 100%INTERNAL LED LIGHT BACK LIGHT INSTALLATION	\$1700

FABRICATION Fabrication Time Frame Will Range From 30 Days Up To 60 Days Otherwise Specified & Agreed Upon By Terms And Signatures. Additional Delay May Be Added In The Event Of National Disaster, Act Of God, Fatality, Sickness, Hospitalization, Mechanical Failure, Payment Delay, Building Or Business Lack Of Readiness, Lendord Disapproval. Sign To Be Erected On Building Structure As Specified On Sign Diagram. Sign Company Will Not Be Responsible For Building Structure Vulnerable Wall Integrity & Will Be Not Be Responsible & Cleared From All Liability & Lawsuits Pertaining To Wall Facade, & All Surface Areas Supporting Sign Structure. Sign Front Must Be Cleared From All Obstruction Leading To Accommodation Of Space For Sign Vehicles Of Installation. If Plaza Front Is Jammed With Cars And Owners Are Reluctant To Remove These Vehicles, Job Installation Will Be Canceled And Rescheduled With A Penalty Fee Of 6% Of Total Price.	ADDITIONAL CHARGES In The Event Of Job Cancellation After Signing Contract, 50% Of Job Deposit Will Be Avoid & Can Not Be Issued Back Due To Material & Labor Loss. Additional Fees & Interest Rate Of 12% Shall Be Added After Signing Contract In The Event Of Design Change Of Size, Color, Material, Or Any Contradiction Of Approved Sign Diagram Customer & Landlord Shall Facilitate All Installation Required Procedures On Site Of Install, Access To Building & Place Shall Be Granted To Fulfill The Installation Requirement Of Verifying Circuits And Access To Power Source, Shelter From Snow, Rain, Wind, Threat, Vandalism, Terror, Electrocutation, Failure In Assistance & Facilitation Will Result In Job Delay. Reschedule Of Sign Installation In Which Additional Fee & Rate Of 12% Will Back To Total Invoice. Removal Or Relocation Of Sign Electrical Hook Up Complication Or Other Means Of Power Connection. All credit cards transactions are subject to 3% processing fee.	WARRANTY Warranty Will Not Cover: Act Of God, Vandalism, Force Of Destruction, Conspiracy Otherwise Will Be Canceled With Termination. Khaled Signs & Awning & Affiliates Corporations Will Not Hold Responsibility, Liability, Accountability For Destruction Inflicted By Excavation & Soil Disturbance To Power Cords, Pipelines, Sewer, Gas, Water, Cables, Telephone, Camera Alarm, Sprinkler System, Air, Under Near Above Ground.	SUBTOTAL	\$1700
			TAX	6%
			TOTAL	\$1802

A Signature Below Indicates The Above Prices, Specifications, Terms & Conditions Are Satisfactory And Accepted. Acceptance Of Artwork In This Page And The Proof Page Indicated In The Drawings Is An Artistic Representation Only Of Sign Size On Building And Color Accuracy. Elements May Vary Based On Field Measurements This Color Proof Is Intended For Verification Of Spelling, Layout, Color And Composition. By Approving And Proofing All Artwork As Correct & Accurate You Bear Responsibility For Any Corrections Changes -Modification Alteration Of Color, Size, Location & Area Of Install, Dates, & Content. Penalty Fees & 6% Rate Will Be Added Accordingly To Total Price. This Sign Is The Ownership Of Khaled Signs & Awning, You Authorize & Give All Rights To Khaled Signs & Awning To Remove Sign Off Building In The Event Of Debt Collection & Outstand Amount Due. Additional 12% Will Be Added Weekly If Total Owed On Sign Is Not Paid In Full. Signature Constitutes Authorization To Proceed With Specifications And Conditions Of This Document As Specified. All Rights Reserved Khaled Signs & Awning Initial: X

APPROVAL SIGNATURE: X

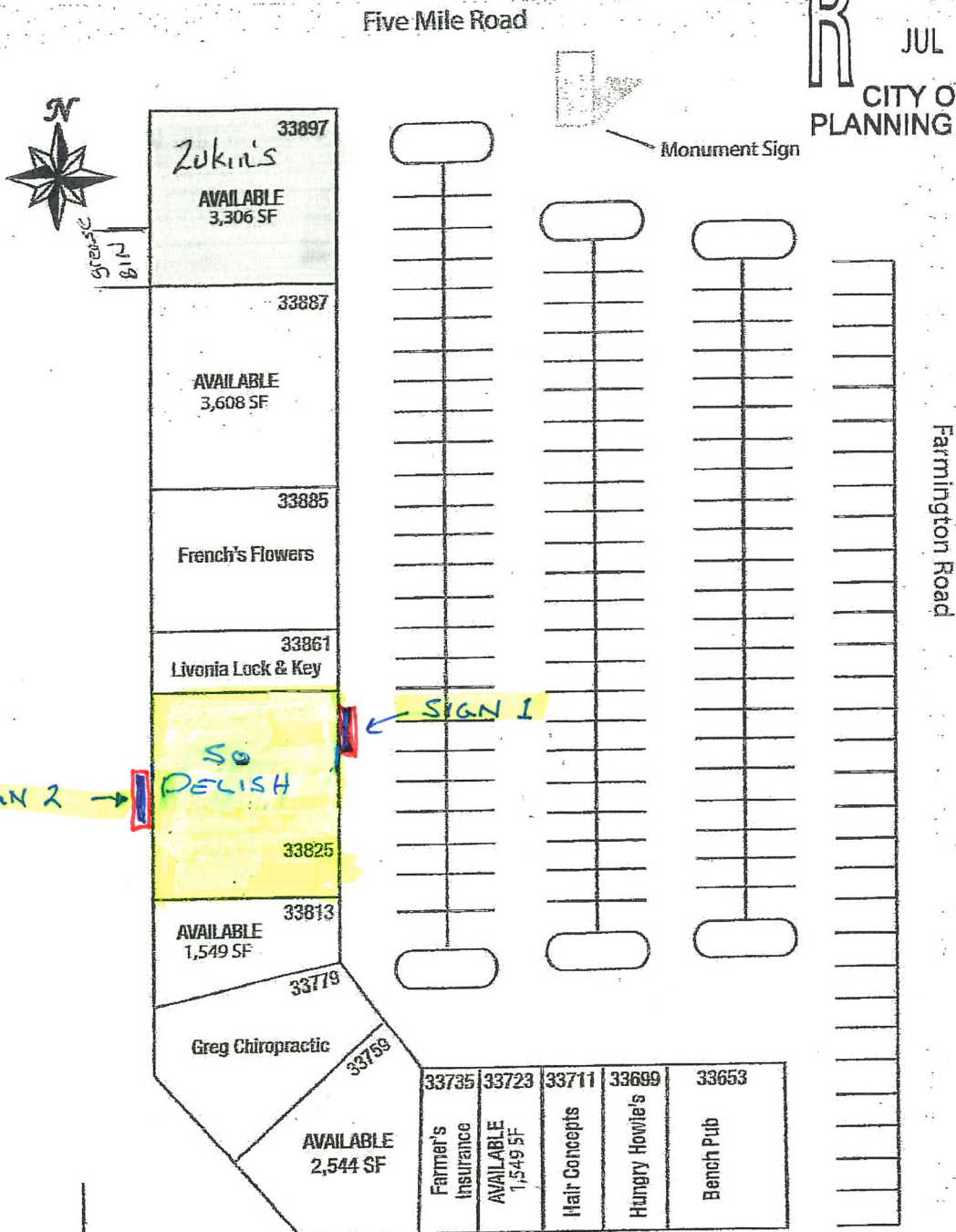
APPROVAL DATE: X

FOR LEASE

2019-07-02-12

SITE PLAN

RECEIVED
JUL 08 2019
CITY OF LIVONIA
PLANNING COMMISSION



Dumpsters

NFI Farbman

COMMERCIAL REAL ESTATE SERVICES

tel: 248.351.6333 28400 Farmington Road, Livonia, MI 48150

Fax: 248.351.6334 Email: nfi@nfi.com

nfi.com nfi.com Southfield, MI 48064

CONTACT

Erik Lawshe Brad Margolis

Direct Phone: 248.351.6333

Direct Phone: 248.351.4367

Direct Fax: 248.784.7013

Direct Fax: 248.784.7110

lawshe@farbman.com

bmargolis@farbman.com

WILLIAM EARLES, D.B.A. SO DELISH
33825 FIVE MILE

REF: WALL SIGN
CITY CENTER

ZONING MAP

LEGEND

Zoning Districts

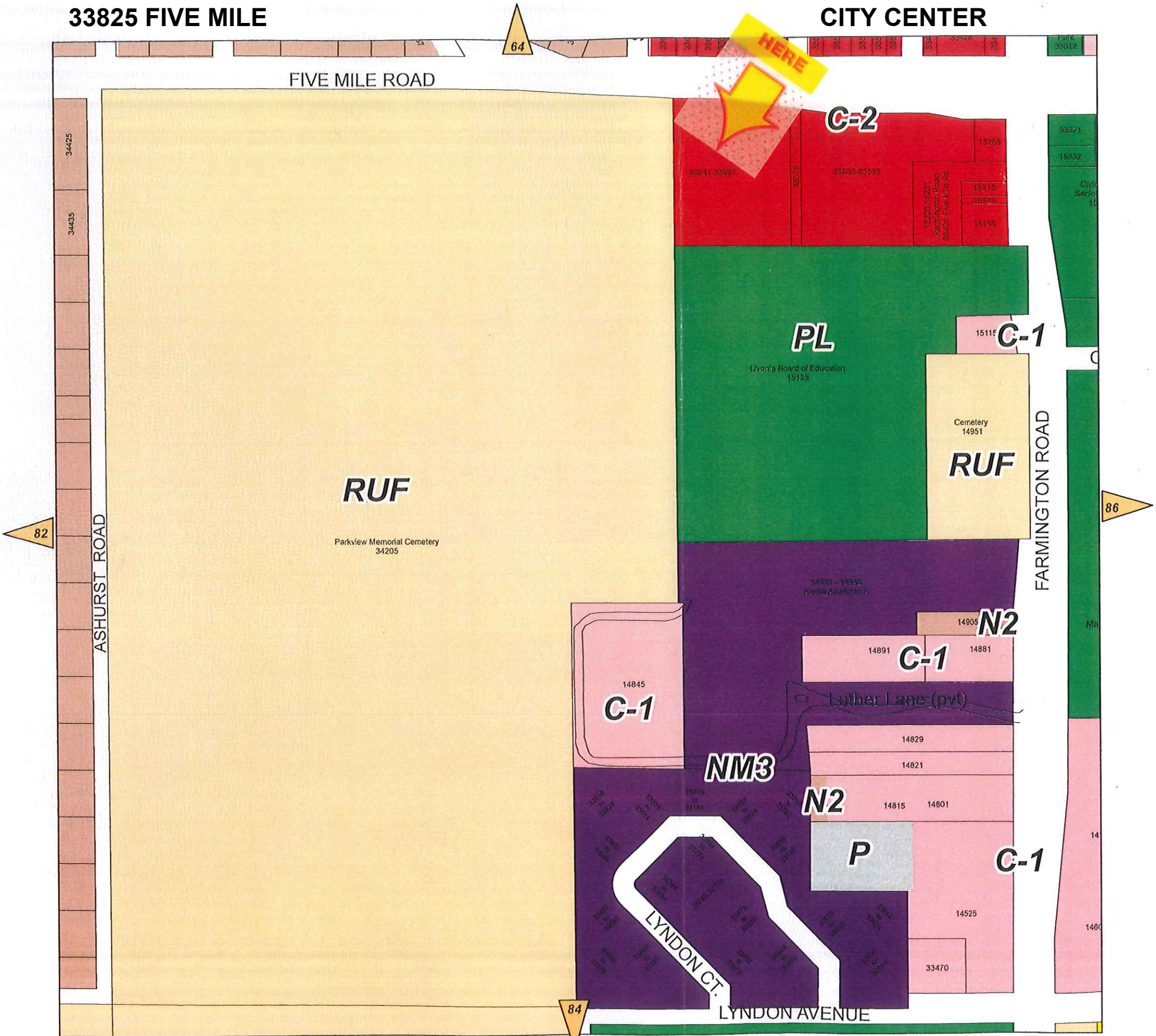
- RUF Rural Urban Farm
- N1 Neighborhood
- N2 Neighborhood
- NM1 Neighborhood Multifamily
- NM2 Neighborhood Multifamily
- NM3 Neighborhood Multifamily
- P Parking
- C-1 Local Business
- C-2 General Business
- C-3 Highway Services
- C-4 High Rise Commercial
- M-L Manufacturing Limited
- M-1 Light Manufacturing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

N.E. 1/4 Section 21

City of Livonia

T. 1 south, R. 9 east
Wayne County, Michigan

Copyright 2001, City of Livonia



ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, AUGUST 13, 2024

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, August 13, 2024.

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

MEMBERS ABSENT: Christopher Boloven
Marc Rotondo

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

The meeting was called to order at seven p.m. Chairman Coppola explained the Rules of Procedure to those interested parties. Each Petitioner must give their name and address and declare hardship for appeal. Appeals of the Zoning Board's decisions are made to the Wayne County Circuit Court. The Chairman advised the audience that appeals can be filed within 21 days of the date tonight's minutes are approved. The decision of the Zoning Board shall become final within five (5) calendar days following the hearing and the applicant shall be mailed a copy of the decision. There are four decisions the Board can make: To deny, to grant, to grant as modified by the Board, or to table for further information. Each petitioner may ask to be heard by a full seven (7) member Board. Five (5) members were present. The Petitioner for Appeal Case No. 2024-06-22 asked to be rescheduled to be heard by a full Board.

COPPOLA As you can see, we don't have all our members present this evening. We have five of the seven members present. To reward a variance, a petition must receive at least four votes. And as I said before, five votes in a use variance case, that would be in favor of the variance. If you wish to be heard by a full Board, we'll be happy to reschedule to our next available meeting, although there's no certainty there will be a full Board at any meeting. The next available meeting will actually be where you can meet the deadline to get on the agenda. It is October 1, and you would need to notify the Zoning Office by August 30. Is there anybody that would like to be rescheduled? And which case is yours? Could you step up to the podium, just to make sure we get it.

MARTINCIC She was asking if you guys could turn the mic up. But--

DORMAN I know you're talking, but I missed a lot. She said the same thing.

COPPOLA That's the best they can be.

MARTINCIC Okay, so I'm the first on the docket. Roman Martincic, 17320 Fairfield Street.

COPPOLA Okay, you prefer a full Board? Again, I can't promise you a full Board.

MARTINCIC That's fine.

COPPOLA Until October 1.

MARTINCIC Okay. Okay, so then I gotta call and reschedule?

COPPOLA Call the Zoning Office, and then have them-- they'll know also, because it'll be part of the minutes.

MARTINCIC Okay.

COPPOLA Let them know that you want to be scheduled for October 1.

MARTINCIC Okay, thank you.

COPPOLA All right. Thank you.

MARTINCIC Yep.

COPPOLA Anyone else?

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. 2024-06-23 Jacob and Grace Gates 18199 Myron	4-11
APPEAL CASE NO. 2024-07-25 Sheldon Center, LLC on behalf of Lessee Momentum Health 33201 Plymouth	12-19
APPEAL CASE NO. 2024-07-26 Dennis Buddenborg 37772 Howell	20-27
APPEAL CASE NO. 2024-07-27 Teri Kowalski 32820 Six Mile	28-58
ADMINISTRATIVE TASKS	59-60

COPPOLA All right, you can go ahead and call the second case. Well, actually—

BARINGHAUS Mr. Chairman.

COPPOLA If you would, Vice Chair Baringhaus.

BARINGHAUS Thank you. Motion to remove Appeal Case No. 2024-06-23 from the table.

SCHEEL Support.

COPPOLA I have a motion by Vice Chair Baringhaus, support by Ms. Scheel, to remove from the table. All in favor?

[The Board voted unanimously to remove Appeal Case No. 2024-06-23 from the table.]

APPEAL CASE NO. 2024-06-23, 18199 Myron Street (tabled July 9, 2024): 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: 17 feet

Excess: 17 feet

COPPOLA Okay, thank you very much. Mr. Popp, anything that you'd like to add?

POPP Nothing at this time, Chair.

BARINGHAUS Mr. Chairman?

COPPOLA Mr. Baringhaus.

BARINGHAUS Yes, Mr. Popp, can you explain the encroachment, how it's calculated off the one corner?

POPP So normally, fences, because it's a corner lot, are not allowed past the farthest side corner of the house. So they want to come off the house towards the right-of-way and then back. And the reason for that, normally, is because, in their scenario, their house faces say

south, and the neighbor's house say east, right? So if the fence comes along the sidewalk and back. It's actually in the neighbor behind them's front yard. It's why the ordinance was written as it is.

BARINGHAUS Okay, thank you. Just one other question. Based on the site plan I'm seeing, it looks like the back fence on the property. It doesn't look like it's drawn right to the property line. I'm assuming that that fence needs to go to the property line.

POPP Normally we're required fences on the property. And I'm pulling that plan up right now. I apologize. I didn't have it up already. I had the last one up still. I don't know. The plat drawing looks like it goes to the back.

BARINGHAUS This is, let's see....

COPPOLA We can ask the Petitioner, but it does appear that the people moved the fence off the property line. That was to address a neighbor's issue, is that correct? But okay, is that allowed?

POPP I mean, it has been before. They have granted that before where there was an issue, say, stuff in the way or... but you're basically ceding that property to the neighbor. Normally, we try to require it on the lot line to stop future issues down the line with property.

BARINGHAUS So then it is intentionally moved off the property line.

POPP Correct, if they understand that they're technically kind of ceding that property to the neighbors, and the neighbor is okay with it as well. Then I don't think we would have a problem with it.

BARINGHAUS Fair enough. Thank you.

COPPOLA Just a follow up a little bit on Mr. Baringhaus's.... The measurement for the, I'll call it the fence setback for the corner lot is measured. You set off the back corner of the house. So they did not, because the garage actually--

POPP Well, I may have misspoken a little there. A non-sight-obscuring fence can be the front corner of the house. A privacy fence would be in the back corner.

COPPOLA Right. But it's the back corner. So because the garage kind of sticks out a little further, and they're asking--

POPP It would be that front corner of the house, then, because it is non-sight-obscuring. My bad.

COPPOLA Okay, so does that mean that the variance is not as much as being listed?

POPP I would assume Matthew probably wrote it off the front corner. What's it say on the green sheet?

COPPOLA Because the front corner, he's got 21 requires again, I'm assuming this is correct. Measurements are correct. Front corner of the house. Twenty-one is, I guess. Does the garage consider front corner of the house, or does it have to be the structure?

POPP No it's an attached garage. It'd be that corner of the garage.

COPPOLA That's only 21 feet. They're coming 12 inches. So it's really only nine foot. That'd be a nine-foot variance instead of the 12 foot they're asking for, 17 foot.

POPP Yeah, I don't know why Matt's got 29 there.

COPPOLA I think that's if you go to the corner of, if you go to the house itself, not the garage. I think it's where you gain that extra.

POPP Yes, it is. It's eight feet.

COPPOLA Okay, okay. Any issues with that, Mr. Fisher, in regards to maybe some errors on the calculation of the deficiency, do we just kind of correct that, do a motion for approval, because I don't want to confuse you in the sense of we're allowing... it says 17 feet but we're really only allowing nine, depending on how you measure it.

FISHER I guess what I've always said is, if you're not, if you're exaggerating the deficiency or the excess or whatever, that's not a problem. It's only if you're understating.

COPPOLA The point I'm trying to make is, let's say we say it's seventeen. I mean, we can always say, "as drawn." So that kind of takes that issue out. But it's really only nine when we say seventeen, he moves it, you know, eight feet closer or eight more feet out because we said seventeen.

FISHER Well, okay, in that situation, I just say that your condition should be like where it is shown.

COPPOLA Gotcha. Okay. Just want to make sure we're all.... Thank you. Appreciate that. Mr. Gates, just for the record, name and address, please.

GATES Jacob Gates, 18199 Myron Street.

COPPOLA All right, Mr. Gates. You were tabled, I think, at the last meeting, was it tabled? And at that point we're asking, they were asked to take some consideration on location as well as we asked for a traffic review by the Police Department. They did that review, and there [were] no issues. I think that was part of the record. So why don't you tell us a little about what changes you've made to the layout of the fence.

GATES So the changes to the layout: initially, we had our neighbors to the west of us, basically the one that the line approaches on. We had a conversation with them, and we met all together with our fence company, Darren as well. And basically we had discussed moving in the fence a little bit off of the property line, which would essentially make them feel more comfortable. There's a large evergreen very close to the property line. They had concerns of the tree growing in the future to sort of cause an issue with the fence. In addition to that, making mowing easier as well for our property line. So it was [an] agreement between them and us to say, "Okay, we have no problem moving it off the property line," to essentially gain their approval. So we came to an agreement together.

COPPOLA Okay, how far off of your property are you proposing going? Really, there's not a measurement there.

GATES Approximately three.

COPPOLA Okay, and then who's going to maintain that section of the property? Of your property?

GATES We discussed [it]. I would. And so it's big enough for the riding mower to get there.

COPPOLA Okay. Any questions for the Petitioner?

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Question for the Petitioner, I think last time you were here, we talked about the fence on the side yard being in eight feet from the sidewalk. According to this drawing, it's 12 feet. Just wondering what was the reason for that change?

GATES Yeah, that was on the day where we all met together as well, and they had concerns of it being a little too close to the sidewalk, so we came towards the house a little bit more as well, which is nice because it is sort of hidden by that large evergreen tree, which... they wanted a nice view down the road. So we were agreeable to bring it back a little further. So it's about 12 feet off. It is 12 feet off the sidewalk, thirty-six feet off of the street.

TESTA Okay, so you're kind of aligning the fence with the tree to create a nice sight line.

GATES Yes, sir.

TESTA All right, thank you.

COPPOLA I apologize, I didn't see it... maybe I missed it in passing. Do we have the neighbors' approvals in the packet?

KLISZ Yes.

COPPOLA I didn't... I missed it. Anything else for the Petitioner? Seeing none, is there anyone in the audience that would like to speak for or against this petition? None. So do we have any?

KLISZ Yes. We have one letter, letter of approval. Group, sorry, Bruce Hofsess, H-O-F-S-E-S-S, and Alice Kachman, [K]-A-C-H-M-A-N (letter was read). And that's the letter.

COPPOLA Okay, thank you. Mr. Gates, would you like to say anything in closing?

GATES No, sir.

COPPOLA All right, you can go ahead and take a seat. Thank you. I'm gonna start the Board's comments with Mrs. Scheel.

SCHEEL So from what I see this evening and from listening to the meeting last time, I would be in support of this. I'm happy to see that the police sergeant who checked on this was fine with everything, and that you met with your neighbors and the fence installer, and have come to an agreement. So I would be, I'm happy to support this.

COPPOLA Thank you. Secretary Klisz.

KLISZ I agree. I think last time it was pretty clear, we just wanted to double check with the police traffic study, and then again, getting together neighbors is a great idea. There's no neighbor opposition, and so I'll be in support.

COPPOLA All right. Thank you. Mr. Baringhaus.

BARINGHAUS Thank you. At the last meeting, we just asked the Petitioner to return with a detailed plan, and also we wanted time for a traffic study to be completed. The Petitioner did come back with a much clearer plan and also documented the changes for us both with the back fence and side fence as well, and then when the Police Department had no issues with the visibility with the fence in its current location. So based on that, I'll be in support of the variance.

COPPOLA All right. Thank you. Mr. Testa.

TESTA Thank you, Mr. Chair. Yes, I'm in agreement, too. I was in agreement last time. The only hiccup was kind of a lack of a detailed drawing, we only had verbal, and obviously the Police Traffic review and thank you for working with your neighbor, as we were all concerned. I'm glad you guys came to kind of a happy medium. Everyone's happy with the proposal. Thank you.

COPPOLA So I'm too in support. I think the Petitioner has listened to the concerns of the Board, as well as they have made appropriate adjustments so that everybody is happy with the compromise. I'll go ahead and open up the floor for a motion, please.

BARINGHAUS Mr. Chairman.

COPPOLA Mr. Baringhaus.

BARINGHAUS Thank you. Resolved that the variance sought in Appeal Case No. 2024-06-23, filed by Jacob and Grace Gates, be granted for the following reasons and findings of fact: the uniqueness requirement is met due to basically the corner location of the property itself. Denial of the variance would have severe consequences for the Petitioner in terms of them needing a safe area for the children to play in and generally their privacy regarding the property. The variance is fair in light of the effect on neighboring properties, and in the spirit of the zoning ordinance due to that there's really no neighbor objection to this fence. The property is classified as N-2, Low Density Residential under the Master Plan, and the proposed variance is not inconsistent with that classification. Further, that the variance be granted with following conditions: that the fence be placed where shown especially with the back fence, and its three foot location off that property line and then 12 feet off the sidewalk, as the Petitioner described.

TESTA Support.

COPPOLA I have a motion by Vice Chair Baringhaus, supported by Mr. Testa. Any discussion?

FISHER Can you please go over those conditions for me?

COPPOLA Yeah, maybe separate them a little bit.

BARINGHAUS Yeah, the condition is basically, "Place fence where shown on the site plan."

COPPOLA That's the revised site plan.

BARINGHAUS The revised site plan.

COPPOLA July 15th.

BARINGHAUS Okay, the revised site plan that was received on July 15th.

FISHER Thank you.

COPPOLA And I would also suggest that if you go with materials as presented in the petition, then I'd be a little more, if you don't mind, be a little more specific that the fence be no more than three feet off the west property line.

BARINGHAUS That's fine.

TESTA Support.

COPPOLA Okay, got all that?

KLISZ Yep.

RESOLVED: APPEAL CASE NO. 2024-06-23, 18199 Myron Street (tabled July 9, 2024): 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: 17 feet

Excess: 17 feet

be granted for the following reasons and findings of fact:

1. That the uniqueness requirement is met due to the corner location of the property itself,
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 no neighbor objection to this fence, 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 fence will be placed as shown on the revised submitted plan dated July 15, 2024.
2. The fence will be no more than 3 (three) feet off the west property line.
3. The fence will be built with materials as presented.

ROLL CALL VOTE

AYES: 5

NAYS: 0

PASS/FAIL/TABLED: PASS: PASS

KLISZ Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Aye.

KLISZ Passes five to zero.

COPPOLA All right, Mr. Gates, your variance petition has been approved with the following conditions: that you have to build it as presented in location that's shown on your submission site plan that was dated July 15, 2024 provided to us, and materials that were in your application package. So that basically the black aluminum fence, is that correct? and then that the west-facing fence, so that's between your neighbor and the west side has can be no more than three feet off of your property line. Okay? Great. Thank you very much. You can go ahead and call the next case.

APPEAL CASE NO. 2024-07-25, 33201 Plymouth Road: an appeal was made to the Zoning Board of Appeals by Sheldon Center, LLC, on behalf of Lessee Momentum Health, LLC, seeking to erect a wall sign resulting in excess area of the sign.

This Corridor Commercial property is located on the south side of Plymouth Road (33201), between Farmington Road and Woodring Avenue, Lot. No. 134-99-0003-004, C-2, General Business, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 11.08 (3) (Maximum Area).

Sign Area

Allowed: 60 sq. ft.

Proposed: 90 sq. ft.

Excess: 30 sq. ft.

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

POPP Nothing to add.

COPPOLA Any questions for the Inspection Department? I had put in a request to Erika, and I asked her to take a look and see what other variances we would have for signs.

POPP She did add them. Well, variances at that specific center. She added to the...

COPPOLA Did she? I didn't see it.

POPP There's two or three of them.

COPPOLA I know that we've recently approved sign variances for the out-lots. I was more interested in the ones on the building, and she added it later on here.

TESTA Mr. Chair, I think she added the previous case files in minutes. It wasn't like specific ones.

POPP But I think they were, I think they were all out-lots that she added.

COPPOLA All out-lots. Lee's and Jimmy John's and...

POPP Dairy Queen, correct.

COPPOLA I think everybody else there, like [inaudible], and they've all been there a long time.

POPP Yeah, and they couldn't find the files on it, but a lot of those stores do have oversized signs.

COPPOLA Do they? We talked about the ones, not the out-lots, but the...?

POPP The ones in the strip, because the stores are really narrow, and your sign size is based off of your lineage.

COPPOLA Right.

POPP So because they're very narrow, they're very limited on sign size.

COPPOLA Okay.

POPP Because the building's deeper than wide, with suites. If that makes sense.

COPPOLA It does. Thank you. If I could have the Petitioner step up. Name and address for the record, please.

GRENADIER Good evening, everyone. Josh Grenadier for Sheldon Center, LLC, 24255 West 13 Mile, Suite 220, Bingham Farms, Michigan 48025.

COPPOLA Thank you, Mr. Grenadier. Your relationship again to...?

GRENADIER I'm one of the owners of the shopping center.

COPPOLA Okay, I recognize you. I think you've been here before.

GRENADIER I have been here before. I've been to City Council and Planning Commission, too.

COPPOLA Okay, you're a busy man, busy man. You've done a great job on that strip mall. It really looks nice. So help me understand the hardship that your Lessee has that would support providing a 50% increase in signage.

GRENADIER So all the strips in the strip mall have unusually deep space. Our building was built in 1950. It is about twice the depth of a usually built shopping center now, which pretty much gives an equal tenant of mine half the size that someone right across the street would get. And we're also far from Plymouth Road, or farther than the usual shopping center. Therefore a small sign would create traffic problems and safety issues on the road.

COPPOLA Okay. Question. I remember you had a monument sign for this strip?

GRENADIER Yes. We do have a monument sign within the traditional ordinance.

COPPOLA And the new tenant will be added to the monument sign?

GRENADIER Yes, there's 16 panels, so they'll be....

COPPOLA How long is a lease for?

GRENADIER The lease is five years, I believe.

COPPOLA Okay. Questions for the Petitioner?

GRENADIER If I could, I want to add one more thing, when you guys were talking about previous cases, I did mention in the application there [were] two: the previous tenant for this space was granted 150% in 2011 and then in 2013 the Michigan Lottery was granted 150% for the same reasons.

COPPOLA The former tenant?

GRENADIER The former tenant of this unit. Yes, it was My Hobby Toys.

COPPOLA Okay. Quick question, Mr. Fisher, I thought that the variances aren't particular to the tenant when we provided variances for that unit. I guess I have a bad memory, or bad misunderstanding, or misunderstanding of the rules.

FISHER No. Generally, variances go with the property they're on.

COPPOLA So, so if they already have a... could they already have a variance?

POPP Because they're changing the sign completely. So it's a brand new sign. It's not... I think the last variance would have applied to the last sign, not the structure itself. It's probably why it got flagged. I don't know... that's Mike's....

FISHER Yeah, I don't....

COPPOLA Do you have that? Can you look at that real quick?

POPP I'm in microfiche right now trying to find it.

COPPOLA Okay. Lucky you. But generally it's like, Mr. Fisher, as you were saying, it's usually for the property, so that unit would have had a continuing variance of at least as Mr. Grenadier, was saying, if you think people use it's under 50% which what they're asking for right now, so that there's really no change.

FISHER Okay, I don't think I saw an earlier variance on this piece of property.

COPPOLA Okay. Mr. Popp is looking into that. Any other questions for the Petitioner while we're...?

BARINGHAUS Yeah, I have a question. The building itself does that run perpendicular to Plymouth Road?

GRENADIER It is angled slightly.

BARINGHAUS It angles towards the Plymouth and Farmington intersection?

GRENADIER It's closest at the Rite Aid, and it's furthest away at the [inaudible].

BARINGHAUS And this particular... anytime within this facility, that's how many store fronts back from the Rite Aid?

GRENADIER There will be one store in-between the Rite Aid and them.

BARINGHAUS Okay. So generally, the way the store is placed, it's closer to the point of the Farmington intersection, say, than the auto detailing, so which is at the far end, right?

GRENADIER Right, right, and there's a bigger parking field over by the grocery store. The way the out-lots were designed.

BARINGHAUS Now all signs on the building. They're not uniform sizes. Some are, as you pointed out, 100%, 150% variances. Others are quite a bit smaller.

GRENADIER Yeah, so there's a few tenants that chose not to request 150 percent. I think it's noticeable that they're hard to read. The letters are small. The scale of the building just, it just doesn't match. The Foodland sign, for example, I can't tell you. It probably predates me. I mean, besides the insides, I don't even know that. That sign, because it's for such a big space, it may have 200 square feet, but that's a very large store, whereas a nail salon with 20 square feet. The 20 square foot is going to be a very small sign. It's gonna be 10 times smaller than the Foodland.

BARINGHAUS Now I mentioned earlier, there's a monument sign by, I believe it's [the] Jimmy John entrance.

GRENADIER Yes.

BARINGHAUS And each business in that building will have signage on that monument sign.

GRENADIER Yes.

BARINGHAUS So each business then has two signs per location.

GRENADIER Yes.

BARINGHAUS Okay, thank you.

COPPOLA Any questions for the Petitioner? Any luck, Mr. Popp?

POPP I found the zoning compliance permit for it. I'm trying to see if I can find a sign permit, or if there's notes on the zoning compliance that there's something with a sign. Bear with me a couple more minutes. I'll see what I can find.

BARINGHAUS Mr. Chair. I'm sorry.

COPPOLA Yes, Vice Chair Baringhaus.

BARINGHAUS Do you own any other commercial properties besides this one?

GRENADIER Yes.

BARINGHAUS Do you find a larger sign is an advantage for a business given the age, given the fact that we live in the age of Google Maps?

GRENADIER I think signs are absolutely necessary then, even if Google takes you to that intersection, I think that your eyes are your final destination, as far as when you pick up on and where you're going to get off the road.

BARINGHAUS Now, Anytime Fitness, is that a franchise?

GRENADIER Yes.

BARINGHAUS Was that large sign requested by them?

GRENADIER No, it was...I suggested it.

BARINGHAUS You suggested it. Okay.

GRENADIER I suggested it because it fits the uniqueness of our building, and without it, it's not a safe situation.

BARINGHAUS Okay. Thank you.

POPP The previous sign was 90 square feet. I still can't find....

COPPOLA But it was permitted?

POPP The previous permit for that previous sign. I can give you the permit number even. So, the permit number is PS 130208, My Hobby Place and Toys. The sign size was 53 inches by 244 inches for a total area of 90 square feet. Got it: ZBA case 2013-08-35.

COPPOLA Okay, so it must have been approved, then.

POPP Yep.

COPPOLA So Mr. Fisher, is this necessary?

FISHER The only other thing I would say is, it's possible that there's a condition on the old variance that needs to be removed or amended, but I don't know what it would be, so....

POPP Hold on, let me see if I can find the actual variance.

GRENADIER If I could say, every variance is attached to an actual sign picture in the diagram.

POPP Yeah.

GRENADIER So the one you spoke of, the dimensions end up being the same square footage. There's a clear picture of that sign, and then there's a clear picture of our sign in our application tonight.

COPPOLA The variance is generally... in this case, the variance would be that we would have allowed you an excess of 30 square feet. How you allocated that 30 square feet would have been dependent on your design and such. So it's generally not specific to the design per se, but I understand your point. But you know, it goes into the record and it's permanent. Once we provide that, it stays with that property.

TESTA Mr. Chair, we often say, "as presented" though. If that's the case in this variance, that would constrain them from changing that sign, right?

FISHER I guess what I'm thinking is, if we don't find some conditional language, we should just give them a refund there.

POPP I still can't find it. I'm kind of digging through... some of the ZBA stuff is mixed in Laserfiche under Planning,

COPPOLA I would suggest that it already has a variance of 30 feet. So they can proceed without our variance or another variance approved for it. I'll leave it up to... we can proceed if others would feel more comfortable proceeding. So what would be the process, Mr. Fisher, if we determine that there was an existing variance, and this process isn't necessary?

FISHER The only thing I can see is, if you want to have a resolution that says, give them their money back, you can do that. Otherwise, Mr. Popp, I think, is capable of carrying that message back to the Inspection Department.

COPPOLA So what I'll do, I'll propose a resolution as chair that in light of previous approved variances, a variance of this exact same amount of 30 square foot excess existing on the property that was overlooked during the permitting process that we go ahead and remove this from the agenda, and provide a...

POPP -A refund.

COPPOLA A refund to the Petitioner for the petition fee.

SCHEEL Support.

COPPOLA So I made-- Chairman Coppola made-- the resolution, supported by Mrs. Scheel, all in favor?

[The Board voted unanimously to approve the resolution.]

COPPOLA Any opposed?

[Silence]

COPPOLA All right.

RESOLVED: APPEAL CASE NO. 2024-07-25, 33201 Plymouth Road: an appeal was made to the Zoning Board of Appeals by Sheldon Center, LLC, on behalf of Lessee Momentum Health, LLC, seeking to erect a wall sign resulting in excess area of the sign.

This Corridor Commercial property is located on the south side of Plymouth Road (33201), between Farmington Road and Woodring Avenue, Lot. No. 134-99-0003-004, C-2, General Business, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 11.08 (3) (Maximum Area).

Sign Area

Allowed: 60 sq. ft.

Proposed: 90 sq. ft.

Excess: 30 sq. ft.

1. In light of a previously approved variance, namely Appeal Case No. 2013-08-35, My Hobby Place & Toys, 33201 Plymouth Road, which was overlooked in the permitting process, and which allowed a variance of an excess of 30 feet of signage, this Petition is removed from the agenda, and

2. A refund will be issued to the Petitioner for the Zoning of Boards application fee, which should be expected to be mailed to the Petitioner in approximately four to six weeks.

ROLL CALL VOTE

AYES: 5

NAYS: 0

PASS/FAIL/TABLED: PASS: PASS

GRENAIER Thank you all very much. Have a good evening.

COPPOLA I apologize so much for the misunderstanding.

GRENAIER No problem. Thank you

COPPOLA Call the next case, please.

APPEAL CASE NO. 2024-07-26, 37772 Howell Street: an appeal was made to the Zoning Board of Appeals by Dennis Buddenborg, seeking to construct a 15-foot by 8-foot mud room addition resulting in a deficient corner side yard setback.

This Low-Density Residential property is located on the north side of Howell Street (37772), between Richfield and Blue Skies Streets, Lot. No. 073-01-0028-000, N-1, Neighborhood District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 3.04 (Dimension Regulations).

Corner Side Yard Setback

Required: 25 feet

Proposed: 22 feet

Deficient: 3 feet

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

POPP Nothing to add. Thank you.

COPPOLA Any questions for Mr. Popp? Seeing that there's none, if the Petitioner can step forward. I'll need a name and address for the record, if you would, please.

BUDDENBORG Good evening. My name is Dennis Buddenborg. I live at 37772 Howell Street.

COPPOLA All right, Mr. Buddenborg. Welcome back.

BUDDENBORG Thank you.

COPPOLA Glad to see that we're actually wearing the proper [inaudible] this time. Let's talk a little bit about the project and why you have a bit of a hardship [inaudible].

BUDDENBORG My wife and I had a long conversation. We've been in our house almost 39 years, and we're not getting any younger. So we talked about whether we should move or stay where we are. So the thing that would make it really convenient for us to stay is if we had a mud room, and we can move our washer and dryer upstairs. So that's really what we're at right now. Okay, I know, just to add if it matters, I had both my hips replaced, and my wife is having a lot of knee issues right now. She's under treatment for that too. So it's not really urgent right now, but it's something that we're looking at for our future.

COPPOLA So the road structure that you're gonna put in, how will that blend into the house you got now, the materials?

BUDDENBORG Yeah, the biggest obstacle was finding grip that's not manufactured any longer, it's 35 years. So we have found-- a contractor I'm working with has found a brick. It's exact same color, it's just a little shorter. So what we're going to plan on doing is taking the

existing brick, you know, we'll put the addition on. We're going to take that and marry it up on the inside to the existing structure, and we'll put the new brick on the other two sides.

COPPOLA Okay. And then roofing material, are you going to match it?

BUDDENBORG Yes.

COPPOLA The whole thing, or just...?

BUDDENBORG The roof is only five years old, so we'll weave it in the same material.

COPPOLA Okay. And this is going to be on a crawl space slab?

BUDDENBORG Yes, crawl space.

COPPOLA A crawl space. And you have a basement for the rest of the house?

BUDDENBORG Yes.

COPPOLA Okay.

BUDDENBORG So all the utilities and everything are right there in that corner, too. Water, gas.

COPPOLA And you have a doorway out?

BUDDENBORG Yes.

COPPOLA Onto the existing walkway now it goes up to a door.

BUDDENBORG Yes, that's our-- so the door will be moving out to that. Yeah, and that's our main entrance right now. Always has been.

COPPOLA Okay. Questions for the Petitioner?

BARINGHAUS Mr. Chairman?

COPPOLA Mr. Baringhaus.

BARINGHAUS Who will be constructing the structure for you?

BUDDENBORG My friend is a licensed contractor, so him and I, and I'll be the grunt doing the work too. So. [Laughter]

BARINGHAUS And then the structure, I think you have a window towards the front of the house?

BUDDENBORG Yes.

BARINGHAUS The Blue Skies side?

BUDDENBORG Right.

BARINGHAUS So it'll be behind that, basically to the end of the house.

BUDDENBORG Yeah, it'll be a window on the north-- the south-facing section, and that'll be another window on the west side that will match the window, the existing window towards the front of the house.

BARINGHAUS And then the roof, that structure would be built in the roof line?

BUDDENBORG Yes.

BARINGHAUS Okay, very good. Thank you.

BUDDENBORG Thank you.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA A question for the Petitioner. It looks like your addition is proposed to be eight feet by 15 feet?

BUDDENBORG Yes, it's a mud room and laundry.

TESTA The site plans are very clear. I'm not so clear on the layout of kind of interior. How do you come up with eight by fifteen?

BUDDENBORG We first started with seven, we thought that was a little short, narrow. But it fits what we already have in our minds of how we're going to lay it out so it fits. Basically, we're going to put the washer and dryer at the north end, the eight foot section, and we'll have cabinets and stuff and a sink coming the other way.

TESTA Okay.

BUDDENBORG I mean, it's not the biggest mud room, but it'll work.

TESTA Okay. Did you consider other layouts like maybe narrower but longer, more like a galley style?

BUDDENBORG We didn't want to go to the complete front of the house with it. We thought this was a nice design the way it is, and it suited our needs.

TESTA Okay.

BARINGHAUS Mr. Chairman.

COPPOLA Mr. Baringhaus.

BARINGHAUS Just one question. Out of curiosity. Are you going to relocate the chimney or keep it?

BUDDENBORG No, the chimney stays there. We don't take the brick off. The chimney stays there. We just box it up.

BARINGHAUS Okay, very good. Okay. Thank you.

COPPOLA Any other questions for the Petitioner? Seeing none. Is there anyone in the audience that would like to speak for or against this petition? Step forward for the podium, name and address. You may have a seat, Mr. Buddenborg.

BUDDENBORG Thank you.

BURGAN I am Lawrence Burgan. I live behind their house on Blue Skies, 15032 Blue Skies. And Dennis and Kathy went over this with myself and my wife. Talked to us about it. Everything that they've done with their house in the past has always been top grade, and we have no problems. I think I did fill out a yellow sheet, but I just want to make sure, in case we've gotten this somehow that say, you know we don't have any problem with it.

COPPOLA Thank you very much. Anyone else? Name and address before you speak.

SWIDER Sure. My name is Kyle Swider. My address is 37831 Howell. I live across from Kathy and Dennis, and have for many moons. Their place is always impeccably manicured. I certainly have no objections. I'm jealous. I kind of wish I would get one too, but I think it would be a great asset to their home and certainly would help them out. But I certainly have no objection, so I hope it all goes through. Thank you.

COPPOLA All right, thank you. Anybody else? All right. We have some correspondence.

POPP We do. You still have someone.

KLISZ Wait, we have one more person.

COPPOLA I'm sorry. Name and address first, please.

SWIFT Good evening. Sara Swift, 15019 Blue Skies, and I live directly across from Kathy and Dennis's side door, and they have done marvelous things to their home, and this will add not only to their home, but to our neighborhood. And my window looks directly across to their home, and you just couldn't ask for better neighbors or beautiful home. So I hope it's approved.

COPPOLA All right, thank you. Last call. Okay. Right, now we go to correspondence.

KLISZ The good news is three of our letters are from people that just spoke.

COPPOLA Okay. [Laughter]

KLISZ There's only one. It says, "Approval," Ruth Langlais, 37838 Howell. That's the letters and the speakers.

COPPOLA Okay, Mr. Buddenborg, would you like to say anything in closing? You're all set? Okay. I'm going to close the public portion case and start the Board's comments with Mrs. Scheel.

SCHEEL So I drove by the house to see what the neighborhood looked like, what it looked like. And you do keep your house in excellent shape, it's a beautiful landscaping there. From the plans that I see, it looks like it would be a great addition. I understand you want to bring the laundry up to the first floor for living for now, but I also think the mud room would be a great addition for the next tenants who happen to be there. So I'm in support of this, this evening. Thank you.

COPPOLA Thank you. Secretary Klisz.

KLISZ I agree. Again, I think this is what I would consider the de minimis exception. It's only three feet, given that it fits mostly within the ordinance of three feet is not that big of a deal. Everything else is within guidelines. Full neighbor support, so I'm in support as well.

COPPOLA All right. Thank you. Vice Chair Baringhaus.

BARINGHAUS Yeah, I agree with my colleagues. I think it's a very well-thought-out plan. It's a very sensible addition, especially bringing the laundry onto the first floor brings individualism to homes with the first-floor laundry. It's a must have. So based on that, I'll approve the variance.

COPPOLA Thank you. Mr. Testa.

TESTA Yeah, I can support as well. I understand the hardship. I appreciate the neighbor support. I think you got strong support on the previous variance. Moving the laundry there is a good idea, and it fits well within your lot, too. But I also appreciate that you didn't go kind of huge, it's kind of a modest size request. So I appreciate that. I can support.

COPPOLA All right. Thank you. I'm too in support. Fully understand the need to bring the laundry upstairs. I unfortunately ended up moving instead of just adding, which sometimes it's... adding would have been a better thought, but we moved so we could have laundry on the first and our master on first floor too. So I understand why, because we're getting to that point where you don't want to go downstairs either. I think what you've proposed is modest. You're not asking for something large, and I think it will look good when you're done. You've done a lot of hard work. You've found brick that matched, you've done a lot to make sure that it fits in and it looks good in the neighborhood, and that you have a lot of neighbor support. So again, I will be in support and open up the floor for a motion, please.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Okay. Thank you. Resolved that the variance sought in Appeal Case No. 2024-07-26, filed by Dennis Buddenborg, 37772 Howell, be granted for the following reasons and findings of fact: the uniqueness requirement is met again due to the location of the home on a piece of corner property. Denial of the variance would have severe consequences for the Petitioner due to increased difficulty in using the home for living. The variance is fair in light of its effect on neighboring properties, and in the spirit of the zoning ordinances, due to no neighborhood opposition to the proposed project. The property itself is classed as N-1, Neighborhood District, under the Master Plan, and the proposed variance is not inconsistent with that classification. Further, that the variance be granted with the following conditions, that the structure that was discussed this evening be built as presented.

SCHEEL Support.

COPPOLA I have a motion by Vice Chair Baringhaus, supported by Mrs. Scheel. Any discussion? Not to be nitpicky, but I'm going to be. On the condition we say, "as presented materials and design" or "design and materials."

BARINGHAUS That's fine.

COPPOLA Okay. Okay to take roll, please.

RESOLVED: APPEAL CASE NO. 2024-07-26, 37772 Howell Street: an appeal was made to the Zoning Board of Appeals by Dennis Buddenborg, seeking to construct a 15-foot by 8-foot mud room addition resulting in a deficient corner side yard setback.

This Low-Density Residential property is located on the north side of Howell Street (37772), between Richfield and Blue Skies Streets, Lot. No. 073-01-0028-000, N-1, Neighborhood District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 3.04 (Dimension Regulations).

Corner Side Yard Setback

Required: 25 feet

Proposed: 22 feet

Deficient: 3 feet

ROLL CALL VOTE

AYES: 5

NAYS: 0

PASS/FAIL/TABLED: PASS: PASS

KLISZ Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Aye.

KLISZ Passes five to zero.

COPPOLA Correct, your petition has passed five to zero. Didn't ask this question. When did you want to get started?

BUDDENBORG Probably starting within a couple weeks.

COPPOLA All right, so you have some time. Otherwise, I would have [inaudible] the petition-
- the permit. That's fine. So you're all set. The conditions are just that you have to build it as
presented with the materials. All right?

BUDDENBORG Thank you.

POPP Who was in support of that?

COPPOLA Mrs. Scheel.

POPP Real quick before the next case, I did find the ZBA on the sign. Actually, Mr.
Fisher was here for that, back in 2013, the variance was granted with the one condition that they
could not exceed the dimensions proposed. That's the only condition.

BARINGHAUS We'll file that under 2013.

[Laughter and inaudible crosstalk]

COPPOLA Thanks. Thanks for the update. Appreciate that. I think you said the dimensions
were the same.

POPP Same square footage, exact same square footage, yeah.

COPPOLA Okay, then you can call the next case.

APPEAL CASE NO. 2024-07-27, 32820 Six Mile Road: an appeal was made to the Zoning Board of Appeals by Teri Kowalski, on behalf of Mayfield Holdings, LLC, seeking to maintain an illegally erected fence in the corner side yard while expanding it to enclose the entire rear yard, resulting in erecting a privacy fence without neighbor authorizations and erecting a privacy fence in the corner side yard that does not align with a corresponding fence that parallels the street on the adjacent property, which is not allowed.

This Low-Density Residential property is located on the north side of Six Mile Road (33201), between Mayfield and Loveland Streets, Lot. No. 039-01-0003-000, RUF, Rural Urban Farm District, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.090 A.4, 15.44.090 B.

Corner Side Yard Encroachment

Allowed: 0 feet
Proposed: 29 feet
Excess: 29 feet

Neighbor Authorizations

Required: 2
Proposed: 0
Deficient: 2

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

POPP Nothing to add.

COPPOLA Questions for Mr. Popp? I do have a question. I looked at, you know, I looked at the surrounding properties. This wasn't clear to me. The requirement would be that it aligns the corresponding fence that parallels the adjacent property. So, where would that...? Where would the fence be allowed then?

POPP So as dumb as this is going to sound, it'd be easiest to draw you a picture.

COPPOLA Would it be the back corner of the house, then, because of that?

POPP So... say this is their property. This is Six Mile Road. This is Mayfield. So a fence is allowed, say, a chain-link fence is allowed to the front corner. This is also her privacy to the back corner. Technically, because this is her, she could have a fence to here, right? Nothing in the side yard. So if they have a fence, she can line up with their fence. So say this house will start there forward. And the idea being in the future, they may put a fence up, and ideally want to [inaudible] out. And the other thing there is they would have to be similar construction. If one is sight-obscuring and one's non-sight-obscuring, they would have to be both sight-obscuring or both....

COPPOLA Whoever went first gets the choice of design, basically.

POPP Yes.

COPPOLA So in this case, I didn't see a fence on this property, so there's no fence on this property on this side?

POPP Correct. Well, that's where they're running into.... They're out here where they shouldn't be already.

COPPOLA Out to the road, right?

POPP Correct. And again, because it's a corner lot, the idea is, this is their sight vision here.

COPPOLA Right.

POPP If the fence comes along here, it's in their front yard.

COPPOLA So that fence is existing, but if, let's say that wasn't, I mean, the neighbor doesn't have a fence. Where? Where would you be allowed to have one?

POPP At the back corner of the house.

COPPOLA The back corner of the house?

POPP Yeah.

COPPOLA Okay.

POPP Yeah, and actually, this isn't quite accurate. We would actually allow to the back corner. That garage would be the farthest this way. Would be as far forward as it would be allowed.

COPPOLA Okay, thank you.

POPP Does that make sense?

COPPOLA It does, yeah, it paints a better picture. So the house actually sits further.

POPP Yeah, the house is farther to the west, correct.

COPPOLA Okay.

POPP And it's kind of skewed in the lot too. So the one corner is... really the front corner is farther over.

COPPOLA Right. So you could go out that far.

POPP It would, actually. Matt and I actually discussed it this morning. It would be the wall of the garage, since it's farthest that direction, not the wall of the house.

COPPOLA Okay. Everybody understand?

SCHEEL No.

BARINGHAUS No.

[Laughter]

SCHEEL I pulled up the surface....

COPPOLA Draw a line and I'll pass it down. It'll be back off that.

POPP Yeah, because this is the... actually it's....

COPPOLA Yeah, that's the furthest one.

POPP That'll be the furthest fence [inaudible].

COPPOLA Okay, so it'll be the furthest line. We can ignore that one.

POPP Yeah.

[UNKNOWN SPEAKER] Ignore this one, it's this one.

COPPOLA Yeah. Because of the angle. Okay.

KLISZ [Inaudible] the arrows.

SCHEEL Okay.

COPPOLA I thought that reference would be important to understand.

POPP Yeah, because that's technically like the side yard of the house.

COPPOLA Which is actually still in front of the house behind it, but....

SCHEEL Right. So that house [inaudible].

COPPOLA It does. Quite a bit. This line right here is the front corner of the house.

BARINGHAUS Oh.

SCHEEL Yeah.

COPPOLA Mister...?

TESTA Yes, I had a question for Mr. Popp as well. How did we get here? So this fence is put in without a permit, and then...?

POPP I don't have an answer for that. I don't know.

TESTA Was it an enforcement issue? Someone called? I see there's a document here with past calls and enforcement. The City had been out there and talked to them.

POPP I could check that real quick. Hold on.

TESTA Okay.

POPP Give me two seconds here. So you're asking what enforcements there was there? Regarding the fence?

COPPOLA Yeah, the process. I mean, obviously they asked. They've come in for something greater, but looks like it was an enforcement and how to have that. How did she become aware of that issue? So it looks like, if I'm reading this, November of last year they applied for a fence.

POPP Yeah, so AIS Fence Installation applied for a permit on October 27 of '23.

SCHEEL There's a side fence in the back?

BARINGHAUS Then a second complaint here about raccoons.

POPP And then Teri came in and spoke to the Building Department about the variance for the fence. So this dates back to when they tried to, I guess, replace that fence that was already there.

TESTA Okay. All right. I guess we can ask the Petitioner. Thank you.

COPPOLA Any other questions for Mr. Popp? Seeing none, the Petitioner can step forward to the podium. Just for the record, I'll need a name and address. Thank you.

KOWALSKI Good evening, everyone. My name is Teri Kowalski. I'm at 32820 Six Mile Road, Livonia, Michigan 48152.

COPPOLA Thank you, Mrs. Kowalski. What is your relationship to Mayfield Holdings?

KOWALSKI I'm the owner.

COPPOLA Okay. Why don't you go ahead and tell us a little bit about the fence that you're proposing. We also heard the question, from Mr. Testa, we'd like to understand the genesis of the existing fence, and how maybe that became an issue.

KOWALSKI So the fence that you were all discussing that was not allowed, that was on the property when we bought the property four years ago. Okay? So that was already there. It's in disarray right now. It's falling over. My husband's built it so it won't fall over anymore. With the wind, every time we get a storm in Livonia, it falls over. So that's, AIS, that's the company that was going to replace that fence to match the south-end fence that we want the variance for, and the west, so it all matches. So the reason why... can I go into the reason why? Are you guys...?

COPPOLA No, you may proceed.

KOWALSKI Okay, that house that [inaudible] for the last 10 years has been an AFC home. I purchased the home four years ago, and we take care of dementia ladies. Very quiet, very sweet, non-violent ladies live in my home. They're all residents of Livonia, and their family members live in Livonia, and they want to keep the ladies close to them, and that's why they have chosen Mayfield to live in our home. The property is a one-acre property lot, and the road Mayfield Road-- Street has become so busy. Almost like a thoroughfare from Seven Mile to Six Mile, the subdivision to the west is not an out if you enter Six Mile. So they use Mayfield to get from Seven Mile to Six Mile, and there's a lot of traffic. Well, the way our house sits on the property, and if you'd like, I can give you all a photo of the property, it'll probably help you understand more of what the property looks like.

POPP Can I make a note real fast? The fence that she's replacing was installed in between October 10 of 2016 and October 23 of 2016, so it's been there since then.

COPPOLA Was it permitted?

POPP It was not.

COPPOLA How do you know that?

POPP How do I know? I had satellite photos. Near Map. Well, Near Maps, yeah.

TESTA Google Maps, I'm looking at it, too.

POPP Yeah. October, in-between October 10 and October 23, so that 13-day span there, that fence was installed in 2016.

KOWALSKI And we purchased the house in 20[inaudible].

POPP Yeah. I'm just trying to establish how long that fence has been there. A quite long amount of time.

KOWALSKI So back to Mayfield Street, the way the house is situated. It's basically... we're just like in a big fish bowl. When people drive down Mayfield, they can see right in our dining room window, and it's very... it lacks privacy. So one of the main reasons why we want that privacy fence is also for the safety of the ladies that live in the home. We do have dementia ladies, and they like their outdoor fresh air time, and we do have a couple that wander, and we don't want to have any incidents with safety, and we actually have some formal complaints with issues of having people sitting and watching the ladies in my home. So that's my hardship, is not having the privacy and per se, a few reasons. I did pay for a professional survey to come out and survey the property and they're staked right now. And if you can see that little yellow shed, like kind of directly back, right behind that shed is my property line. So the property line goes all the way back that far, and so that's my hardship. And the family members also want, or also said that they would help with petitions to help voice their concern of having a privacy fence in for the yard.

COPPOLA Let's start with the neighbor authorizations. Have you approached your neighbors to the east and north?

KOWALSKI Yes, my daughter is an RN, and she also works at the home. She also is a nurse at a hospital, and then comes in and takes care of some issues with the ladies. And she approached the family to the west, and she basically was told, "No, we're not interested in supporting that." I and one of my main nurses that work in the home, approached the lady directly behind us, and she also... very, very against it, and she basically had said that she'd never wanted to live with old people in that home, and so she's not going to support this. So it's been a hardship, because we have improved the property incredibly. It's a beautiful piece of property, and that would only make it safer and more private.

COPPOLA Then you received your licensing for you, what you're doing with hub fence. So they fill out so they don't require a fence.

KOWALSKI No, absolutely not.

COPPOLA And the picture you gave us, you superimposed the fence on?

KOWALSKI Yes, just a couple of them. To show where it would be. The others don't have it. And here's how I feel. And I've talked to Dave, and I've talked to Matt. Because I paid 1800 dollars for a survey, I'm allowed to put up a chain-link fence, a four-foot chain-link fence. Since I had done that, I don't want the chain-link fence, because what's happened on the west side. It's all rusted and then in disarray. And it just takes away the view of the property. And so, I mean, I will have the okay to be able to put a chain-link fence in the back, north or north corner, but I don't want that look. It still doesn't give me the privacy for the ladies.

COPPOLA Have you thought about potentially just putting in landscaping?

KOWALSKI Yes, we did.

COPPOLA You didn't put a landscaping or thought about it?

KOWALSKI No, if we end up putting the chain-link fence up, which that's probably what's going to end up happening. If I don't get the if I don't get the privacy, then we will have to do that, but that just adds another expense. And you know, it's... the whole property's landscaped to death in the front yard, and just you can keep overdoing it.

COPPOLA Any questions for the Petitioner?

TESTA Mr. Chair.

BARINGHAUS Go ahead.

TESTA Mr. Chair. I have questions. I'd like to start with Mr. Popp, though, if that's possible.

COPPOLA Sure.

TESTA Looking at the pictures she's provided and Google Maps, it looks like there's been fences there for years, both in the front of the lot and in the back of the lot. There used to be a wooden fence up front and a wooden fence up in the back. Over the years, they've been taken down and replaced.

POPP Correct.

TESTA Are there any proper permits for any of the fencing on this property?

POPP So, the picket fence in the front was kind of administratively allowed because it had been there so long and it needed a lot of repair. And she did work with Randy on that previously.

TESTA The one on Six Mile?

POPP The one on Six Mile, correct.

COPPOLA I think in essence it was a repair, 100% repair.

POPP So they actually did, they did get a permit for that, but Randy allowed the permit because it was like for like, basically.

SCHEEL That's normal height, right? That's not that tall.

POPP It's actually short. I don't.... Is that three foot, maybe? It's pretty short. Yeah, it is an open picket. It is, but it was existing there. The property across the street has a very similar like, it's not really a picket, that one. It's more like a stile and rail. But nonetheless, it was there for a long, long time. That other one on the side, like I said going back, that's been there since 2016 and it was not permitted.

TESTA Okay. And that's a shorter metal fence. But if you go further down on the lot, on Mayfield there, if you look at Google Maps in 2007 there was a taller privacy fence made out of wood. Want me show you that picture on Google Maps?

POPP I can pull it up. You said 2007?

TESTA That's the picture on Google Maps. If you look at the history.

POPP And that's a wood fence where, where the vinyl fence is now?

TESTA Correct. It's on that small, little outbuilding. Before you get to the first neighbor on Mayfield.

POPP I was just going here, really, to just go back that far. I was just trying to see when it was removed. I can't tell in there. Is that as far back as Google Maps go?

TESTA Yes. There's a metal picket fence up to the garage area, that little driveway area, then north of that becomes a wooden six-foot privacy fence up until the first neighbor's lot.

POPP Yeah, I see it. Yeah, I don't, I mean, we don't have any permits on any of that, and ordinance may have changed since then. I don't know. The last ordinance, as far as I know, was written in '21.

TESTA Okay. And then in 2018 the Google Photo, as you were saying, shows a white privacy vinyl fence. No permit for that that we know of.

POPP No, sir.

TESTA So question of the Petitioner you purchased this property after 2018 based on your "four year" comment. So when you bought this property, that fence was already there?

KOWALSKI Correct.

TESTA In the mock-up drawing you provided to us where you want to add fencing, it looks like there's a shed and a playscape back there.

KOWALSKI Yes, that's ours.

TESTA The shed and playscape is yours.

KOWALSKI Yes, the fence is behind the shed. So the property line goes all the way back there, because it was just staked out.

TESTA Okay. I didn't realize the playscape was yours.

KOWALSKI Okay, yeah, that's for grandchildren that come visit their family members. And I have a grandson, too.

TESTA Okay, thank you.

BARINGHAUS Mr. Chairman.

COPPOLA Mr. Baringhaus.

BARINGHAUS On the west side the property, there's a chain-link fence.

KOWALSKI Correct.

BARINGHAUS Who owns that?

KOWALSKI I do.

BARINGHAUS You do. You're proposing a privacy fence. What would you do with the chain-link fence?

KOWALSKI Take it down.

BARINGHAUS Take it down, okay. On the fencing that's been installed so far, did you remove any trees to get that fencing in place?

KOWALSKI No, no trees were removed.

BARINGHAUS I noticed on the far east side of the property, kind of in the corner, there was a stake in the ground.

KOWALSKI Yes.

BARINGHAUS And are your plans to take that fence right up to your neighbor's trees? Or are those your trees?

KOWALSKI No, those aren't our trees. Those are the neighbor's trees. And that's... he just put the stake there to stake out where the property line was.

BARINGHAUS Right, because it seems like that stake and where the fence is going to go is almost right against your neighbor's trees.

KOWALSKI There. It's not against the tree. It's against the she's got like a six-foot mulch around the tree. But that's not, yeah, oh, I see you're talking about the middle, the middle tree, yeah. That tree is basically almost on the property line, so we have to obviously come in, so it wasn't bothering that tree.

BARINGHAUS How far would fence be away from the shed in the corner, the yellow shed?

KOWALSKI The way that they proposed it was, I think it's a foot. It was pretty much on the property line where they staked it.

BARINGHAUS So there's going to be no space between the fence and the back of that shed or the sides of that shed?

KOWALSKI We're planning on taking that shed down.

BARINGHAUS And then just the play structure will remain.

KOWALSKI That's correct.

BARINGHAUS Okay. Thank you.

COPPOLA Other questions for the Petitioner?

SCHEEL I have a question.

COPPOLA Mrs. Scheel.

SCHEEL So the west side with the chain-link fences, right now, are you proposing that that be six-foot—

KOWALSKI Yes.

SCHEEL --high also, even though there's just that neighbor there, have you had problems with that neighbor?

KOWALSKI No problems with that neighbor whatsoever.

SCHEEL Is there a reason why that needs to be six foot high, then?

KOWALSKI Just because it's, again, we're enclosing the lot for privacy for the ladies, and it'll look funny, like they've got four different kinds of fences around the house.

SCHEEL It's a bit high, though.

KOWALSKI Yeah.

SCHEEL And the one that's along Mayfield going back towards the evergreen tree, that's six foot now.

KOWALSKI Yes.

SCHEEL And you plan on... so the one that's going to do the most northern fence, the new fence that you want to put in, that's going to be even with where the fence along Mayfield ends now, straight across?

KOWALSKI No, it would be....

SCHEEL You want to extend that?

KOWALSKI Well, the way the fencing people came in, they set the fence installation up to the property lines.

SCHEEL So the stakes-- So I drove by your property.

KOWALSKI Yes.

SCHEEL And there's stakes there that are in front of the evergreen tree that go that whole line. Are those the fence, where the fence is going to be? Or is that your neighbor's stakes for the property line?

KOWALSKI That's my stakes for our property line.

SCHEEL That's your stakes for the property line. With the ropes attached here?

KOWALSKI Yeah. So they staked out the property, of course, and that's what he put there.

SCHEEL So it's real close to that evergreen tree.

KOWALSKI It is.

SCHEEL Going up six feet. Is that evergreen tree yours or the neighbor's?

KOWALSKI Pardon me?

SCHEEL Is the evergreen tree yours, or the neighbor's?

KOWALSKI The neighbor's.

SCHEEL Okay.

KOWALSKI So when branches fall, it falls on my property, and we get a lot of storms. You know?

SCHEEL Yes, I know. Thank you. Thank you.

BARINGHAUS Mr. Chairman?

COPPOLA Mr. Baringhaus.

BARINGHAUS Yeah, can you restate the reason for using a six-foot privacy fence on your property again?

KOWALSKI Well, like I mentioned, Mayfield... when people travel down Mayfield. My yard is like a fishbowl. You can see everything going on in our yard. People can look in our dining room and then see people sitting at the table. I mean, it's very visual for our home. There's just no privacy.

BARINGHAUS Your dementia patients, where did they stay within the home? Is it towards the back, towards one side of the facility versus the other?

KOWALSKI They are...

BARINGHAUS Because I know you have an extension, it looks like, built on to the home.

KOWALSKI That was a two-car garage that was turned into, they do not stay there. They stay in... I guess most of the bedrooms are in the center of the home—

BARINGHAUS Okay.

KOWALSKI --and on the west side.

BARINGHAUS So you reside in a home, which was the two-car garage. What's it used for now?

KOWALSKI That's-- my husband and I live there.

BARINGHAUS Okay.

KOWALSKI So it's kind of like a separate living quarters that we live in and the ladies are... the other home is a 3000-square foot home.

BARINGHAUS Okay, earlier, you mentioned that you were licensed, allowed a fence, with other words [inaudible]. With your patients, have they had any history, or do you have any concerns that they wander on the property in other words is this fence used to contain those patients?

KOWALSKI No, because we always have health care workers there. That's-- this is just an additional security added to the property, along with adding privacy.

BARINGHAUS It seems like along Seven Mile you used extensive landscaping to create green space.

KOWALSKI Six Mile?

BARINGHAUS Six Mile. I'm sorry, thank you. Six Mile.

KOWALSKI Yeah, we have extensive landscaping just to kind of keep the noise down and we do sit out there just because we never had the backyard ready yet to be in and out of the back. Once the fence gets up, there's plans to put a gazebo and some more living....

BARINGHAUS So if you have a sense of landscaping on Six Mile, what would prevent you from doing that in the backyard using a privacy fence, which your neighbors have.

KOWALSKI What? What? What was that?

BARINGHAUS Why wouldn't you consider using landscaping in the back?

KOWALSKI We will.

BARINGHAUS Okay. Without a fence?

KOWALSKI No, we will. We will have a fence.

BARINGHAUS I see. What kind of other privacy fences are in your neighborhood?

KOWALSKI Well, one home down has a complete-- the whole backyard is chain-link fence with the with ribbing in it, so it's a....

BARINGHAUS That's a four-foot fence.

KOWALSKI That's a what?

BARINGHAUS It's a four-foot fence.

KOWALSKI Yeah.

BARINGHAUS I was asking you about six-foot privacy fences.

KOWALSKI I don't know.

BARINGHAUS Is it a trend that there's a lot in your neighborhood, a few, none?

KOWALSKI I couldn't answer that.

BARINGHAUS Okay, thank you.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Question for the Petitioner. When did you become aware that there was not a permit for this fence and there was an issue?

KOWALSKI When Dave brought it to our attention.

TESTA That was roughly November 2023?

KOWALSKI Yes.

TESTA Okay. Looking at the reports, there's been discussion with you since maybe early this year about coming to the Zoning Board.

KOWALSKI Yes.

TESTA We're now in August. What took so long to come before...?

KOWALSKI Just being busy. I worked fulltime and I own a business, and this is the first opportunity I had to bring it to the Board.

TESTA Okay. And once you became aware of the issue, you also decided you wanted to add on at the same time or...?

KOWALSKI No, once that became the issue. It was what we need to repair this fence. And he said, "You can't repair it because there's no permit." I said, "Can we get a permit then to repair it?" And that started the conversation.

TESTA Okay, but now you're adding on to the fence as well, correct? You're proposing to extend the fence?

KOWALSKI Yes, but I don't have to. I can leave it there and then just add where it's at. If you know, if that's an issue. If they're going to approve it, why wouldn't they approve another one-and-a-half-foot section?

TESTA Okay. Thank you.

COPPOLA Got any questions for the Petitioner? All right, seeing none. If you could have a seat for a moment. I'm gonna turn it over to the audience who would like to speak for or against this petition, step forward. I'll need a name and address first if you would.

WOZNIAK My name is Steve Wozniak. I live to the west of this facility she's talking about. My address is 32850 Six Mile Road.

COPPOLA Okay, Mr. Wozniak.

WOZNIAK I've lived in my house for 27 years. 28 years now. I've had additions put on the house to make it the way I like it. When I originally bought this house, I bought it because of the open space. I like the way it looks, I got along with all the neighbors that are there. And about a year ago, maybe a little over a year ago, I was approached by a young lady who wanted me to sign off on having a privacy fence. Well, and I explained to her that I did not buy in Livonia, in this neighborhood, to look at a privacy fence. And she said, "Thank you very much," and left, and I thought that I heard the end of it, and obviously not. This chain-link fence that came into question. It is her fence. That fence has been there since I bought the house. I have no idea why the fence was ever put there. It starts nowhere and ends nowhere. It's in the middle, between the two yards. The gentleman that owned the home two owners before this one, I always wanted to ask him why he put the fence up, but I thought better of it and just left it at that. But again, that's not my fence. That's her fence. I'm opposed to having a privacy fence put up in any way, shape, or form. And I appreciate your time.

COPPOLA All right. Thank you. Name and address first, please.

STEELE Paula Steele, I live at 17250 Mayfield Street. So I live two houses down and across the street from this facility. I do object to this request. I personally don't think a business operating in a residential neighborhood should be allowed to build anything outside of what our current city zoning laws are. We've lived on Mayfield since 2015. We bought our house because we like the big lots, nice place to raise our three kids. We love our neighbors. We have wonderful neighbors. We take care of each other there. There are not a lot of privacy fences in

our neighborhood, and it kind of keeps it very open, and the kind of place people like to be in Livonia, and that's why we live there, and we also have a[n] elderly living facility directly across the street from us. I would love to see our neighborhood remain family homes. And would prefer businesses not coming in, so if we allow them to kind of do what they want, I would prefer that. as a city, we say, "No, this is for families and they're homes for families." It's not a business district, so I object to anything going beyond the zoning -- the current zoning -- going on. Thank you.

DORMAN I don't know--

COPPOLA Name and address first, please. Ma'am?

DORMAN Oh, I'm sorry. Ellen Dorman, 17211 Mayfield.

COPPOLA Thank you.

DORMAN And I have what I'm going to say, and then I have two that they wrote. They were unable to make it. So do you want me to read them? Or do I just give them to you?

COPPOLA You just give it to us. We'll read it into the record.

DORMAN The house that I live in. My folks bought the property, built the house, 1952-53. Been there a while, and all of us, Mayfield and Fairfield, I'm sure you must be aware, we all have approximately 100 by 300, which is what I have. We have 100 by 300 square feet. We have... fences basically were not allowed in our neighborhood for... I'm going way back. We never have any problem with privacy. People would raise kids, we had no problems. And I, since she brought it up, her daughter did come over. She was an adult, a nurse, and asked me, and I said, "I really like the openness." She said, "Okay," and she left. That was last year. Here, couple, three months, I'm not sure. It hasn't been that long. The owner, Teri Kowalski, came over with one of her workers and asked me about a fence, and I said, "I really like the openness." That's all I said, just like I'm saying now, I wasn't upset, but she turned around and she said, "I'm going to tell your neighbors how uncooperative on everything, and you stop." And she stomped off.

COPPOLA Okay, so let's... I appreciate that.

DORMAN Okay, I'm just saying, she asked. I did not bring this up.

COPPOLA Okay.

DORMAN I wasn't going to, but I figure you need a full picture. I am very strongly opposed to a fence. First of all, I don't think we need one. When she mows or I mow, it's clear. There's no weed whacking, digging or anything like that. You know, grass upon grass, and I don't need more work. We already have enough. And that just goes for trimming and that. And I just, I

strongly, like I said, I've lived here in Livonia, really, since 1942 but in the present home, since '52,'53, so I'm very aware of Livonia. I oppose it strongly, very strongly, because we don't need it. When you've got acre lots. You've got a lot of room. You can go sit on your porches, be in your yard, talk, have fun, and you don't know what the next one's doing.

COPPOLA I have a question for you.

DORMAN Sure.

COPPOLA You've been here. You've been in your house for a very long time.

DORMAN My folks built it.

COPPOLA So there's an existing six-foot privacy fence that's along Mayfield. It's on the backside of their property. I think what's your property? Then you're at, again, you're at...

DORMAN I'm right next door.

COPPOLA 17211? Okay, so there's that. There's, you're at seven, you're the one, you're the neighbor to the north, correct?

DORMAN Yes.

COPPOLA Okay, so there's a privacy fence up right now? There's an existing white vinyl privacy fence.

DORMAN Yes, they did not put that up. The other neighbors did.

COPPOLA Okay.

DORMAN But it's not dividing our property.

COPPOLA Okay. And it appears that before that, there was a wooden privacy fence. Do you recall the wooden privacy fence?

DORMAN One in the front on Six Mile.

COPPOLA Okay, so you don't recall before the white vinyl fence, that there was a fence there prior to that?

DORMAN No, I do not. I do not believe it was. There was in the front on Six Mile.

COPPOLA Okay, so that vinyl fence was put up in the last fifteen, twenty years.

DORMAN I'm not sure.

COPPOLA And you've never had a problem, never voiced objection to that fence.

DORMAN I was never asked, never got anything.

COPPOLA I understand. But you never voiced an objection to either the owner or to the City in regards to that fence.

DORMAN No.

COPPOLA If you were asked about that fence, would you have had... what would your comment have been?

DORMAN I really don't know, that was so long ago, and I'd have to know exactly why, what? And you know, the coverage, I don't see the reason for dividing our property.

COPPOLA So you're mostly opposed between the fence, between your two properties.

DORMAN Mm. Yes, sir, because it's going to be like I said, we mow. She mows. Everything is clean and neat, no weed whacking, no digging, and we've never had a problem with privacy or.... I mean, the lots are so big, they're not your 60 by 120 like most of the subdivisions and we can and she never, since she has lived there, she has not used the back porch. Now the owners before that did.

COPPOLA All right. Well, thank you.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Question for the—

DORMAN Do I give this to you?

COPPOLA Is that yours? Is that what you wrote?

DORMAN Well, it's what you said. You said write on the back. So I don't--

COPPOLA Okay, we'll put it into the record. We've already talked to you, so we're not gonna read it out. We'll put it into the file.

TESTA I still have a question.

COPPOLA Sure. Mr. Testa.

TESTA I still have a question for anyone else who speaks. Chairman Coppola is asking, the current existing fence that's there today, and that's been there for several years, does anyone have any concerns with those existing fences?

STEELE So this is the fence that faces...?

COPPOLA Well, yeah, let's finish with Ms. Dorman, and then we'll ask Ms. Steele to come back up. So just give me a minute. So we got to keep the record clear. Okay, so, Ms. Dorman, you can step back up to the....

DORMAN Me or her?

COPPOLA You, Ms. Dorman. You can step up. So this, can you answer this question? You remember what it was?

TESTA Do you have any concerns with the existing fence, either on Six Mile or on Mayfield?

DORMAN No.

TESTA Okay, so you're fine with those fences staying as is today?

DORMAN Yes, if that's... you know, I understand they're illegal. Didn't know that. Okay, brought up. But another one where she wants would interfere.

COPPOLA Thank you. Mrs. Steele, same question, yes.

STEELE So the fence in the front is a small picket fence. So that really is esthetically pleasing for being on a main road like that. The fence that does face Mayfield is kind of a sectional it really is just up there. It's been there for a while. In the last years we've been there, I've only seen one section blow down during a storm. It's fairly well-maintained. You know, I really don't have an issue with that. To my recollection, since I've been in the neighborhood, there's never been a fence in-between Ellen Dorman's yard and this house. So that north-facing part of the property has never had a privacy fence as long as I've been there, since 2015. So yeah, I have no issues with the current fencing, as long as it's maintained.

COPPOLA All right, thank you. Mr. Wozniak.

WOZNIAK Yes.

COPPOLA Same question. Want to ask it again, just to make sure?

TESTA The existing fences both on Six Mile, the white picket fence and then the six-foot vinyl privacy fence on Mayfield. Do you have any issue with those existing fences as they are today?

WOZNIAK No.

TESTA Thank you.

COPPOLA Thank you as well.

TESTA Okay. Thank you, Mr. Chair.

COPPOLA Anybody else to speak for or against the petition? Seeing none we, I know we have some correspondence.

KLISZ We got Miss Dorman, who spoke, so we won't read that one. We have a letter of objection. Cheryl Ryba, 17231 Mayfield (letter was read). And then a letter of objection by Diane Flynn Davis, 17230 Mayfield (letter was read).

COPPOLA All right. Thank you. Mrs. Kowalski, would you like to say anything in closing? If you would, step up to the podium.

KOWALSKI Okay, I just want to mention one thing about the business. Okay, I worked 30 years as a chemical engineer for Toyota Motor Company. I'm not doing this for a business. I take care of ladies. Three of the ladies don't have any money, and I sponsor them to live with us. Nursing homes are overflowing with people. People have an option, and it's called an AFC home. And when you're licensed by the state, they're like having a home away from home. I don't have to be doing this. I'm doing this to give back right now. So I just want to make it clear that this is not a bus-- Mayfield in my book, is not a business. Yeah, we take care of the elderly, and we have nothing but good reviews and the state is never an issue. So I just wanted to mark that. You know, [inaudible]. Okay? My girls there are CNAs, certified. I have two. The state requires 12 people to one aide. I have two girls per six ladies living here. It's not what, okay, they said they had another home down the street. Now that is a business. They run that like a business, but they also aren't taking very good care of the residents that live there. So just all, all being said, I just want to mention that, okay? And then David, I wanted to bring the fact that Matt said, he told me up front. You pay for a professional survey and you are allowed a four-foot privacy fence.

POPP One hundred percent. Well, not... non-sight-obscuring. So that would be a open picket like you have up front, or a cyclone fence or something of that nature. So absolutely 100% you can have a four-foot tall non-sight-obscuring fence on the property without anyone having anything to say, correct.

KOWALSKI I, again, I just wanted to make it nicer in the neighborhood. But obviously, you know, things change in life, and the home is what it is today, for a reason. So does anybody have any more questions for me?

SCHEEL Mr. Chair.

COPPOLA Mrs. Scheel.

SCHEEL I have a question.

COPPOLA Sure.

SCHEEL So just regarding the exchange that just happened, so she can have a non-obscuring fence around her entire property line.

POPP Because she had a survey done.

SCHEEL Because she has a survey done, she knows what her property line is.

POPP Correct, and you do not need neighbor approval for a non-sight-obscuring fence.

COPPOLA But she still could not go all the way to her property line on Mayfield. She still has to have that setback.

POPP Correct, because it's on a corner lot.

SCHEEL Okay. And then is it on the property line, or does it have to come in from the property line for a certain amount?

POPP Normally, it'd be right on the property line.

SCHEEL Okay. And if it's... if four foot is that? What happens if it's right on a neighbor's tree? What happens there?

POPP You're gonna have to work that out with the neighbor on what to do with it. Bought it to the tree on each side of the tree, if it's right on the property line. Or, I don't really have an answer for that, that's something that would have to be worked out between neighbors.

SCHEEL Okay, thank you.

POPP I will say, Teri and her husband have multiple properties right there, and they do take good care of them. So they have cleaned up two properties across the street that they also own. So just my two cents there. But they do take good care of their properties.

SCHEEL What I know from bringing up the property the landscaping in the front, looks wonderful.

KOWALSKI Thank you.

SCHEEL If you might consider doing that along the back?

KOWALSKI Yeah.

SCHEEL The landscaping in the front is wonderful.

KOWALSKI Thank you.

COPPOLA So my question to you is, I think it's my perspective, it's going to be tough for us to approve privacy fences, and I'll do my spiel later, but privacy is without your neighbors' permission. But I think one of the things that we might be able to accommodate, and I wanted to see how you felt about this, was the existing privacy fence that's on Mayfield as a compromise, if that was to be allowed to keep that then you could build your complying fence elsewhere. Is that something that as a compromise you'd be willing to accept?

KOWALSKI So what you're saying is we could replace what's there with something new. So it's—

COPPOLA Yes.

KOWALSKI Okay, so that can stay there, and then--

COPPOLA At least this is just me right now, obviously everybody else has to—

KOWALSKI Yeah, that's what we would like to do, okay? Because it's,

COPPOLA Yeah, that needs, I mean, it needs, something needs to happen with that. I understand that.

KOWALSKI Right. So okay, what is your question, then?

COPPOLA So in other words, the variance would be approved to be a partial-- part would be denied, part would be approved, and what we would approve is that basically you can maintain a fence, a privacy fence where that one exists now. Obviously you can replace it and upgrade it, and that will stay, but everything else would have to comply with zoning. So in other words, your fences between your neighbors' properties would have to comply. If you can't get the permission, that means that they can be no longer higher than four feet, that would be non-sight-obscuring, that would be kind of compromising. So you have, on Mayfield, you get that

little bit of extra privacy from that busy road that you're looking for. You get your security on the rest of your property so that you don't have flight risks with your residents, because that's a risk, and they get their view, non-obscured. So it's kind of a compromise, the trade off for everybody.

KOWALSKI Okay. I would be willing to do that. Yes.

COPPOLA You could always use landscaping over time to provide privacy. That was just again, that's just me. We've got others here that may have different ideas. Mr. Testa.

TESTA Mr. Chair, thank you for your hypothetical proposal. Personally, I can comment more when it comes to my turn. But just to clarify: the existing fence under your hypothetical proposal, it would be allowed to be replaced as a privacy fence, six-foot tall. It doesn't have to conform to a four-foot non-sight--

COPPOLA Yes, that will be, there be two vari-- well, I guess there's only one variance we would allow them to have, because it because the variance would be the corner yard encroachment. So we will allow the corner yard encroachment, which so they could put a six-foot privacy fence in that corner yard. Only thing is, it's got to be behind the back corner of the house. Can't go out beyond that back corner of the house, and she's not proposing that right now.

KOWALSKI The back corner? I'm confused. What back corner of the house?

COPPOLA What you're proposing isn't an issue. In other words, the back corner of your house, your fence can't go further in front of your house, than the back corner of your house, you're not supposed to do that on the east side. So it's not an issue. You're not asking for variance there. So it's not an issue.

POPP It is in the side yard setback currently, but you're proposing leaving it right where it is.

COPPOLA Which would mean we would approve the corner side here.

POPP Correct, yes.

COPPOLA And you don't need neighbor approval, because there is no neighbor.

POPP Correct.

COPPOLA And then the remaining.... So, the north and the west sides would have to comply with zoning so it could be no taller than four feet, and it has to be non-sight-obscuring, that's what I was proposing.

TESTA Thank you for clarifying.

COPPOLA I wanted to make sure she understood it.

TESTA Thank you.

KOWALSKI So the chain-link fence that is on the west side of the house right now, and it's in disrepair. It's rusted, it's crooked. Can that be replaced with another four-foot, same exact fence?

COPPOLA Yes, and then you can also do the same on the north side. You could put a chain-link fence, or if you wanted a non-sight-obscuring, if you want to do a little more decorative or a little nicer, it's up to whatever you wanted to do. So that's what we're thinking, at least that's what I'm thinking. So we would approve your encroachment, and we would deny overriding your neighbors' non-authorization to get a little... you get something.

KOWALSKI I would be agreeable to that.

COPPOLA Okay. Any other thoughts? Again, that's just my proposal. We'll hear from the others as we go through. Okay, anything else you'd like to—

KOWALSKI No, thank you, very much.

COPPOLA You can have a seat. I'm going to close the public portion of the case and start the Board's comments with Vice Chair Baringhaus.

BARINGHAUS Okay, thank you. Basically what I heard from the neighbors is in their neighborhood they like big lots. They like the open space, and also they said not a lot of privacy fences. And that was my general observation of the neighborhood as well. In fact, I'll take it one step further that I really didn't see a lot of fences, period. So when I heard the word open from the neighbors, that's like, no fences, right? Basically, what I'd like to see is the existing fence on Mayfield be brought into compliance, seeing how that's been an ongoing effort with the City, and it sounds like the neighbors have no objection on maintaining that fence as well. In terms of the fences in the back, I think neighbors have made it very clear they don't want any fences. So based on that I will support the variance.

COPPOLA Either one?

BARINGHAUS Either one.

COPPOLA Thank you. Mr. Testa.

TESTA Thank you, Mr. Chair. So coming into this case, on the pre-read, I was kind of offended by the illegal existing fence, but you clarified that that was not put up by you. It was put up by the prior owner. So obviously I can't hold that against you, but that's why I asked the

public commenters if your neighbors not only object to that existing fence as it sits today. So I appreciate Chairman Coppola for coming up with kind of a proposal. I would be in support of keeping the existing fences and allowing you to replace it, upgrade it, repair it, type of situation. I cannot be in support of a variance for your additional fence that you're looking for on the north side of the lot and the west side of the lot. So if you're looking for a privacy fence there, you're not going to get a vote from me on that. So I think your only option would be is what the Chairman proposed that would go within compliance and get a four foot non-sight-obscuring fence. That's where I sit. Thank you.

COPPOLA Okay. Thank you. Mrs. Scheel.

SCHEEL Thank you. I agree with everything that Mr. Testa just said. I want to say thank you for coming out tonight to the neighbors to let us know your opinions on this. I myself live on an acre property in Livonia with open areas, and some have a small privacy fence, like what's on Mayfield, and I can agree with that, but to put up the large privacy fence that you want on the north or the west side, I can see why your neighbors don't want that. So the only thing I'm going to add is if you do choose to put a four-foot fence up along your properties, please work with your neighbors to make sure that you're not... the trees, [if] there's trees in the way, to make sure that you get that fence where you're both agreeable, where the fence will go. Thank you very much.

COPPOLA Thank you. Secretary Klisz.

KLISZ I agree. I think that, again, we've kind of sliced and diced this here that the neighbors that object to the privacy fence do not object to the existing. So the compromise, I guess, would be it's very sensible to allow those to stay, to upgrade it, and whatnot. On the other hand, we don't force fences upon neighbors, especially a privacy fence, especially in a neighborhood with [inaudible], so that one's a good candidate for denial. And the other one, I think it's a good compromise to allow what is there, and then everyone's happy, the Petitioner is happy, the neighbors are happy. So I would be in support of the compromise proposal.

COPPOLA All right. Thank you. I think, you know, I've kind of had my say. I think allowing the variance from the corner side lot approach, and allows you to keep the existing privacy fence that you have. And you just, you said you're going to fix that, repair, which will be nice for everybody, it will look better and such, and there may be use for that, don't have an issue with it. And I also, you know, I've been on the Board for a very long time, and I can think of only one or two times that we've overridden the neighbors' objection to a privacy fence over to provide their authorizations, and those are for very unique circumstances. I don't recall for the last at least 10 years that we've ever allowed that. And this doesn't arise to one of those situations when we did allow it. So from my perspective, I would support approving the corner side yard encroachment that would allow you to upgrade and maintain the existing privacy fence that exists on Mayfield, and then you're free to do whatever type of fencing you'd like that is in compliance with the ordinances. So go ahead, I'll open up the floor for a motion.

KLISZ Mr. Chair.

COPPOLA Secretary Klisz.

KLISZ Resolved that the variance sought in Appeal Case No. 2024-07-27, filed by Teri Kowalski, be granted in part and denied in part for the following reasons and findings of fact: The uniqueness requirement is met because of this particular property containing some illegal pre-existing fences that the Petitioner bought with those fences already existing. Denial of the variance would have severe consequences for the Petitioner because of the safety, the inability to maintain the current fencing, which is again out of spec, as to the encroachment. The variance is fair in light of its effect on neighboring properties and in the spirit of the zoning ordinance, because essentially, we have a compromise proposal here where the existing fences can stay, and yet the privacy fence request will be denied due to neighbor opposition. This property is classified RUF on the Master Plan, and the proposed variance is not inconsistent with that classification. Further, the variance be granted with the following conditions, Petitioner is allowed the encroachment, and the Petitioner can maintain the existing fences on the property. And the denial of the privacy fence without the neighbor approval is the denial part. I guess. I don't know if that's a condition or not.

COPPOLA You already denied it.

KLISZ So then just one condition.

TESTA Support.

COPPOLA So I have a motion by Secretary Klisz, supported by Mr. Testa. Any discussion?

BARINGHAUS I have a question. So the proposed motion gives the Petitioner the option of pursuing a non-sight-obstructing fence, if they so choose to do so.

COPPOLA No, no, no. Ordinances allow a Petitioner to get a permit to put a fence in four-foot tall concept. So we're not providing that variance; that is already allowed.

BARINGHAUS Okay, fair enough. Okay, thank you.

TESTA With the survey. They're allowed to get it with the survey.

COPPOLA If they have the survey, yes. Any other? So, can you repeat your condition so we're all clear.

KLISZ The condition is allowing the encroachment and the Petitioner to maintain the existing current fences?

COPPOLA Well, so... by approving the encroachment that basically satisfies your condition. So there's the two variances, there's the encroachment. So we're approving that. So that allows that fence to stay.

KLISZ Right.

COPPOLA And....

KLISZ The fence does not need a condition?

COPPOLA I feel like we do and I just can't think about what it is.

KLISZ Well I understand the concept, is the condition important or not?

FISHER Okay, so what you've done so far is you've approved the existing fences that's been installed, and you denied the variance, basically that they would and you're also approving the right to enter the encroachment. I guess that goes hand in hand with the ability to do the non-sight-obscuring four-foot fence. It sounds like you just describe what you need, and you don't have to have any conditions, unless they're going to say styles....

COPPOLA Just one question. So we allow the encroachment, and I know in her plans, she plans to run the fence then to the house. In some sense that's... the encroachment encompasses that extension from the encroachment area. So in other words, from the corner of the fence as an encroachment to her house, that the variance we're allowing permits that piece too. We're not--

POPP It's already there.

COPPOLA What's already there? Yeah, oh, it's there too, now. I won't do this, then. Okay, never mind. Yeah, that's already there. Can we? I guess the one condition could be that the fence be replaced. Because I think the plan is to fix the fence.

FISHER Right. The nasty part.

SCHEEL Replace it.

COPPOLA Yes, replace it. We have a condition in place that the fence within the encroachment be replaced.

KLISZ Replace the fence within the encroachment.

COPPOLA Well, they can go. I mean, we allow them to go all the way right before they want. They can go. They can go back.

SCHEEL They can't go further back.

COPPOLA They can go closer to the house if they want.

SCHEEL Right, but they can't go further up to the road.

COPPOLA Correct.

FISHER Okay, we should probably try to describe this as precisely as possible, because--

COPPOLA Yes.

FISHER --I'm not sure, five or 10 years ago, down the road, somebody reads this and said, "Oh, I know exactly what that means."

TESTA Maybe connecting to the existing fence?

COPPOLA We say as presented in the plan?

FISHER Sure if that's what you want.

COPPOLA For the encroachment portion only?

FISHER Sure, if that's what you want.

COPPOLA That'll be precise.

FISHER I think, well, yeah, you might want to just describe the encroachment

BARINGHAUS Well, you answered the two questions, the encroachment and the privacy fence. Is there anything past that point?

FISHER Well, I was just saying so that your Inspection guys can look at this and understand it.

COPPOLA We can say built--

FISHER What happened tonight.

COPPOLA The fence within the encroachment as approved. Will be built as presented. Which is basically what's existing now.

FISHER Okay.

COPPOLA That works. I think that works?

POPP She has a survey that shows the fence, so base it on the survey.

FISHER Sounds like a plan.

COPPOLA So it's attachment three.

BARINGHAUS Yeah, just stating the questions.

COPPOLA So as presented on attachment three.

TESTA I support those changes.

COPPOLA Do you want to read it back one more time?

KLISZ Sure. Replace the fence within the encroachment and build as presented in attachment three, as to the existing fence?

COPPOLA The existing location.

KLISZ Existing location.

TESTA Support.

COPPOLA You good with that?

KLISZ Yeah.

COPPOLA Okay. You can take roll.

RESOLVED: APPEAL CASE NO. 2024-07-27, 32820 Six Mile Road: an appeal was made to the Zoning Board of Appeals by Teri Kowalski, on behalf of Mayfield Holdings, LLC, seeking to maintain an illegally erected fence in the corner side yard while expanding it to enclose the entire rear yard, resulting in erecting a privacy fence without neighbor authorizations and erecting a privacy fence in the corner side yard that does not align with a corresponding fence that parallels the street on the adjacent property, which is not allowed.

This Low-Density Residential property is located on the north side of Six Mile Road (33201), between Mayfield and Loveland Streets, Lot. No. 039-01-0003-000, RUF, Rural Urban Farm District, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.090 A.4, 15.44.090 B.

Corner Side Yard Encroachment

Allowed: 0 feet
Proposed: 29 feet
Excess: 29 feet

Neighbor Authorizations

Required: 2
Proposed: 0
Deficient: 2

be granted in part and denied in part for the following reasons and findings of fact:

1. That the uniqueness requirement is met due to this particular property containing some illegal pre-existing fences at the time of purchase,
2. That denial of the variance would have severe consequences for the Petitioner due to safety issues, namely the inability to maintain the current not-in-compliance fencing as to the encroachment,
3. That the variance is fair in light of its effect on neighboring properties, and in the spirit of the zoning ordinance because the existing fences can stay, and yet the privacy fence will be denied and removed due to neighbor opposition, 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. That the Petitioner replace the deteriorated fence within the encroachment, and
2. That the Petitioner build as presented in Attachment 3 as to location.

ROLL CALL VOTE

AYES: 5

NAYS: 0

PASS/FAIL/TABLED: PASS: PASS

KLISZ Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ And Chairman Coppola.

COPPOLA Aye.

KLISZ Passes five to zero.

COPPOLA All right, Mrs. Kowalski, do you understand? Just want to make sure that you fully understand what just happened, what's been approved. If you want to step up, just to the-- I just want to make sure it's clear so there's... when you go get your permits and stuff, whatever, there's no misunderstanding,

KOWALSKI Okay. So they... you saw the permits that were already sent in from the company. So basically, if I say to that company, everything except we're going to not make it a privacy fence, we're going to make it a non-sight-obscuring fence. Is that okay?

POPP I believe that's what they just said.

COPPOLA Was your... did you also pull a permit to replace...?

KOWALSKI Yes.

POPP Yes.

COPPOLA So that privacy fence part, well, it can still be a privacy fence.

KOWALSKI Yes.

POPP Just on the easement.

COPPOLA Just replace it.

KOWALSKI Correct.

POPP So, to clarify: the east property line, that is a privacy fence now, can stay a privacy fence and be replaced, but the north and west property lines can be non-sight-obscuring.

COPPOLA It has to comply with what the ordinance says.

POPP Okay.

KOWALSKI Thank you very much.

COPPOLA Thank you. Appreciate it.

ADMINISTRATIVE TASKS

COPPOLA All right, we have some minutes. We have last meeting minutes for approval. I was not there, okay, so, but I got a motion.

TESTA Mr. Chair, move to approve the meeting minutes from July 9, 2024.

KLISZ Support.

COPPOLA All right, so motion by Mr. Testa, supported by Secretary Klisz to approve last meeting minutes. It was July 9, I believe?

KLISZ Yes.

COPPOLA I will not be voting, but everybody else in favor?

BARINGHAUS, KLISZ, SCHEEL, TESTA Aye.

COPPOLA Any opposed?

ROLL CALL VOTE

AYES: Testa, Klisz, Baringhaus, Scheel

NAYS: None

ABSTAIN: Coppola

COPPOLA Okay, anything else we need to cover today?

KLISZ I would just make a note that in my practice about [inaudible], believe it or not, Novi has no permits and no neighborhood requirements. I was shocked.

COPPOLA Have you ever seen the neighborhoods in Novi?

[Laughter]

COPPOLA I'm not joking, I'm serious. Have you ever seen the neighborhoods?

KLISZ Maybe that was me, it's just the Wild West. And I was shocked, and I'm like, well, you didn't get a permit. You're gonna be in trouble. And then I looked up and they don't need a permit, they don't need waiver approval, they don't need anything. Their Zoning Board must not have much to do. So anyway, just my interesting observation.

POPP Who was in support on that last one? Sorry.

KLISZ Support was....

BARINGHAUS Mike.

POPP Mr. Testa? Thank you. Yeah, Farmington Hills, you have to have a permit, but you don't have to have neighbor approval.

COPPOLA Okay.

POPP And you're allowed six foot to the front of the property and four-foot sight-obscuring to the right of way.

COPPOLA All right. Could I have a motion for...?

TESTA Mr. Chair, motion to adjourn?

COPPOLA I have a motion by Mr. Testa, supported by Secretary Klisz to adjourn. All in favor?

[The Board voted unanimously to adjourn the meeting.]

COPPOLA We are adjourned.

There being no further business to come before the Board, the meeting was adjourned at 9:01 p.m.

Gregory G. Coppola, Chairman

Timothy Klisz, Secretary

**AGENDA DATE: October 1, 2024
ZONING BOARD OF APPEALS
CITY OF LIVONIA**

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

1. **APPEAL CASE NO. 2024-07-28, H&A Investment, LLC, 29421 Six Mile:** Should be denied because Petitioner has not provided credible proof that the property will not yield a reasonable return if used only for a purpose allowed by the ordinance. FURTHER, Petitioner apparently relies on a neighboring property for the parking spaces it needs. FURTHER, an alternative form of relief may be available to Petitioner in the form of a Planned General Development.
2. **APPEAL CASE NO. 2024-08-29, TODAL LLC, 38019-38035 Schoolcraft Road:** Should be denied because Petitioner has not provided credible proof that the property will not yield a reasonable return if used only for a purpose allowed by the ordinance.
3. **APPEAL CASE NO. 2024-08-30, William Earles, d.b.a. So Delish, 33825 Five Mile:** Should be denied because the alleged practical difficulty does not entail more than mere inability to earn a higher financial return. FURTHER, Petitioner installed the second sign without pulling a permit.

FUTURE LAND USE PLAN

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

- 1. APPEAL CASE NO. 2024-07-28, H&A Investment, 29421 Six Mile:** Seeking to continue using a second-story apartment space over a commercial business as a tourist home, which is not permitted in this Zoning District.

FUTURE LAND USE PLAN (FLUP): CORRIDOR COMMERCIAL

- 2. APPEAL CASE NO. 2024-08-29, TODAL LLC, 38019-38035 Schoolcraft Road:** Seeking to occupy a property in the M-2 (General Manufacturing) Zoning District to establish a religious institution, which is prohibited.

FUTURE LAND USE PLAN (FLUP): TECH AND MANUFACTURING

- 3. APPEAL CASE NO. 2024-08-30, William Earles d.b.a. So Delish, 33825 Five Mile:** Seeking to maintain a second wall sign, erected without permits, resulting in an excessive number of wall signs.

FUTURE LAND USE PLAN (FLUP): CITY CENTER