

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, SEPTEMBER 3, 2024

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, September 3, 2024.

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

MEMBERS ABSENT: Gregory G. Coppola, Chairman

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

The meeting was called to order at seven p.m. Vice Chairman Baringhaus explained the Rules of Procedure to those interested parties. Each petitioner must give their name and address and declare hardship for appeal. Appeals of the Zoning Board's decisions are made to the Wayne County Circuit Court. The Vice Chairman advised the audience that appeals can be filed within 21 days of the date tonight's minutes are approved. The decision of the Zoning Board shall become final within five (5) calendar days following the hearing and the applicant shall be mailed a copy of the decision. There are four decisions the Board can make: To deny, to grant, to grant as modified by the Board, or to table for further information. Each petitioner may ask to be heard by a full seven (7) member Board. Six (6) members were present. Secretary, Timothy Klisz, then read the Agenda and Legal Notice to each appeal, and each petitioner indicated their presence. Appeals came up for hearing after due legal notice was given to all interested parties within 300 feet, petitioners, and City Departments. There were several (not counted) people present in the audience.

(7:00)

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APPEAL CASE NO. 2024-02-13, Christopher Muldoon, 28456 Tulipwood (Tabled April 2, 2024): seeking to construct an accessory building, resulting in deficient east side yard setback. Side yard setback cannot be closer to the corner side street than the wall of the principal building, which is parallel with such side street (seven feet).

Side Yard Setback:

Required: 7 feet

Proposed: 0 feet

Deficient: 7 feet

This Low-Density Residential property is located on the north side of Tulipwood (28456), between Harrison and Emerson Court, Lot. No. 142-04-0015-000, N-1 District, Neighborhood, rejected by the Inspection Department under Livonia Zoning Ordinance, section 7.09(1)(D).

BOLOVEN Mr. Chair.

BARINGHAUS Yes, Mr. Boloven.

BOLOVEN Motion to remove Appeal Case No. 2024-02-13 from the table.

SCHEEL Support.

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

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

BARINGHAUS Okay. Thank you. Are there any questions for the Law Department regarding this case? Are there any questions for the Inspection Department? Will the Petitioner please come to the podium? Please?

MULDOON Christopher Muldoon, 28456 Tulipwood.

BARINGHAUS Okay, thank you. Last time you were here, you gave us a pretty detailed description of your plans for the property. One concern or question the Board had was working with your homeowners association to get approval for your proposed shed. Could you give us an update on that, please?

MULDOON Yeah, the homeowners association has been turned over to the residents. I actually ran for the homeowners association. I'm now the homeowners association president.

BARINGHAUS That'll teach you to listen to me.

[Laughter]

MULDOON I know, right? We all are very in favor of sheds for people in the neighborhood. And yeah, everybody was in favor. And so we voted all that in, and we... I mean at some point [I'm] assuming you're probably going to see a lot of letters from us, because there's a lot of folks in the neighborhood that want to do a lot of different things. Maybe not so much for you guys, but for the Inspection Department. But yeah, yeah. I mean, we have the approval and everything is good. I sent that to Mr. Stierna, and I believe he sent that forward to you guys. The HOA approval?

BARINGHAUS Yes. And we saw that the approval occurred in late August.

MULDOON Correct. Yeah, that was Infinity Homes turned the HOA over to us. I believe it was effective August 16. And so now it's our ball, and we're running with it, I guess. So we're, you know, we're working through all the different requests and applications as we're kind of currently working, yeah, just working through all that stuff. So.

BARINGHAUS Okay, currently you have a shed on your property.

MULDOON Yeah. That's going away.

BARINGHAUS That's going away?

MULDOON Correct.

BARINGHAUS That's a plastic shed.

MULDOON Correct, yeah, that's gonna go. I'm gonna give to my sister. She helped me. She's my real estate agent, so she helped me out. So I'm gonna give it her. She lives over in Westland. They have a little different rules.

BARINGHAUS Yeah.

MULDOON So she's gonna take that. That's my way. Yeah, as soon as this is all, like, handled and taken care of that that is gone as quickly as possible.

BARINGHAUS Okay. And then, if you could just kind of give us a recap on a description for the proposed shed.

MULDOON Sure, yeah. So I'm gonna build an eight by 10 stick-built shed. It's going to be... the shingles will match the home, the siding will match the home. It's going to be matching in character and nature of the neighborhood. It's not just like a resin or a plastic shed. It's actually going to be constructed of high-quality building materials. We're building it to match the house, right? This is our forever home. We spent a lot of money to be here. And we have a lot of cars. I have a 13-year-old who's gonna be driving soon, so we're gonna have another car

here, probably soon. So unfortunately, the garage is just... we have two cars in the garage. There's only so much space. So I don't really want my lawn and garden equipment hanging out in a temporary shed or somewhere that it shouldn't be, right? And we want to build a nice shed to be able to have all that stuff in it. The kids' toys, right? We don't want our kids' toys all over the yard and see how tacky that can look for people. So we want to be able to store all that stuff, our bikes and things. And that's why I want to build this. And unfortunately, because of the public easement that is in the back of our property, we have a very large public easement, which I'm sure you guys can see on the plot, there's really only one place to put the shed, and this is the place, and that's why I'm asking for this variance.

BARINGHAUS Now you have a wrought-iron fence around your property?

MULDOON Black aluminum decorative fence. Yeah, that's in keeping with the bylaws and homeowners association. That's all we can have.

BARINGHAUS Okay. And then how far will the shed be away from the fence?

MULDOON So the shed is actually going to be... the fence will go up to the shed, and then it'll continue on after the shed. So there won't actually be fence behind the shed. So because the shed will be on the property, on the lot line, right? So because I-- my next, not my next door neighbor, but next to me is association properties, common area for the HOA that we own, right? A good 20 feet, I think, or something like that. So that shed will back up on the property line, and then the fence will stop. The shed will continue. And then after that, 10 foot, then the shed or the fence will continue on after that, so the shed will almost be the fence in a way.

BARINGHAUS Okay, question for the Inspection Department, can the shed be part of the in other words, kind of fence, but up to the structure and then stop and then continue on the other side? Or does it have to be continuous?

POPP I mean, there's other examples of that in the City. I don't know that there's anything that actually excludes that in our ordinance that I've ever seen, no.

MULDOON I mean, I can, I can do it the other way.

BARINGHAUS Just for clarification.

MULDOON Yeah, sure. Yeah.

BARINGHAUS Okay, great. Thank you. Are there any other questions?

BOLOVEN Mr. Chair?

BARINGHAUS Mr. Boloven.

BOLOVEN Question for the Petitioner. I'm trying to understand your approval letter here, it looks like he was the one that you had submitted to us originally, back in February 27, your Board was established on August 16, and then it looks like you signed the approval on August 27th. Can you walk me through that timeline?

MULDOON Well, the HOA was turned over on August 16, and I just signed the original letter that I sent in to Infinity myself.

BOLOVEN Did you guys have a Board meeting, or...?

MULDOON Yeah, yeah. We have actually... right how we're meeting every week, honestly.

BOLOVEN Are there minutes from that meeting?

MULDOON Yeah, absolutely, yeah. If you like those, I'd like I can email over to you for sure.

BARINGHAUS Are there any other questions? Very good. Anybody in the audience wants to speak to this issue or this petition? No. Okay, Mr. Secretary, do we have any...?

KLISZ Yes, we have one letter. Letter of approval. Gail Grunkemeyer (28480 Tulipwood) [Letter was read].

BARINGHAUS Okay, thank you. That's it?

KLISZ That's it.

BARINGHAUS Okay, great. At this point, would you also like to make a closing statement?

MULDOON Sure. I just really appreciate you guys having me back, and I just, you know, hopefully everything that I provided you gives you everything you need to make a good decision, whatever you guys see fit. I'm at the mercy of the Board at this point. So thank you.

BOLOVEN Mr. Chair.

BARINGHAUS Yes. Mr. Boloven.

BOLOVEN Question for Mr. Popp. This is obviously the first house of potentially many that are going to be coming to the Board with this issue. If it approves. Do you foresee any issues by setting a precedent with this?

POPP I don't. We both with this neighborhood and the development that's at Lyndon and Newburgh, and the development at Lyndon and in between Inkster and Middlebelt, all have very large easements around the properties, which make it very, very difficult for people. Not only... we've had problems not only with sheds, but decks and all kinds of stuff. I mean, it's a very, very, very tight unit, especially with those very large easements. And there's not really anything we can do about that.

TESTA I have a follow up to that question.

BARINGHAUS Mr. Testa.

TESTA I think the corner lot is unique. He's got the advantage with being able to push it to the side. Everyone else next to him is going to have rear yard setbacks. It's going to be almost impossible, correct?

POPP Yeah, it's going to be very difficult. They're going to end up with very small sheds that are probably right, barely considered a shed. Anything under 40 square foot is not a shed, right? According to our ordinance?

TESTA Okay, yeah, just pointing that out for the precedent.

MULDOON Yeah, no, it's absolutely something that we're very aware of, and we're open to being incredibly creative for people. Because, I mean, you honestly got truth as you're talking people spent upwards of half a million dollars for their homes, and I-- we don't, as a[n] HOA board, our position is that that's a lot of money to spend to tell somebody no, they can't put the shed on their property, and it's difficult. People are in a difficult position because of that easement. So.

BARINGHAUS Okay, any further questions? Okay, very good. Just have you stay there. We'll close the public portion of the meeting, and we'll begin the Board's comments with Ms. Scheel.

SCHEEL Thank you. I appreciate you coming back to us with the information that we requested. I also want to commend you for taking a seat on your homeowners association board. It is very time consuming; there's a lot involved with it, and I wish you luck with that. I think everything here is in order that we asked for and we look for, and the questions that were asked tonight, I would be in agreement with allowing this this evening.

BARINGHAUS Thank you. Mr. Rotondo.

ROTONDO Yeah. So initially, when this first came in front of us, I was against it, just simply based on the development of the property. It appeared that the easements were put in there and that it wasn't really the vision of the developer to allow for accessory buildings like this. Looking at it further, I can see where you have that area in your side yard, which would

normally be part of your property for a corner lot where it cuts off in its common area and since your HOA has obviously approved of it, the shed should be placed on the property line there. I guess I could get behind a supporting motion for it. I think this is unique in this situation. Normally, I wouldn't be in agreement with putting a structure right on the property line like that, but since you've got that buffer zone in the grass area and it's not going up against a neighboring home, then I could be in favor of it.

BARINGHAUS Okay, thank you. Secretary Klisz.

KLISZ I agree. I think we were looking for... since there was a[n] impediment with a homeowners association originally owned by the developer, they've turned it over, and the Petitioner is again working for himself and his similarly-situated neighbors and so, based on all that, and given the circumstances and the Inspection Department's input on this, I'll be in support.

BARINGHAUS Okay, thank you. Mr. Boloven.

BOLOVEN I agree with Secretary Klisz. I'll take my soap box moment, and say this builder consistently likes to have small envelopes and kind of kicks the can to the neighbors to come in front of us, whether it's a porch or a deck or, you know, a shed in that case. And it's frustrating because it does make, or... that you think a lot of this would be addressed beforehand, but based on the circumstances, I would be in support as presented this evening.

BARINGHAUS Okay, thank you. Mr. Testa.

TESTA Mr. Chair, I will be in support of this. I'm actually a little surprised you're back so quick. I would take longer one for the builder to hand over that also for you to get the agreement within your homeowner association. So congratulations on getting that done. And like I said, I can support this.

BARINGHAUS Thank you. Yeah, I too can support it as well. Question from our last meeting was the approval of the HOA, which you readily obtained. I did have some reservations about putting a shed so close to what was described as green space, but if you look beyond the 20 feet, really there's just a retention pond there. And I agree with your statement that other neighbors will be doing similar types of structures, because they've already started now, and I drove to your neighborhood.

MULDOON So yeah, unfortunately, they're not doing it the right way, though. So we have some things we have to address there.

BARINGHAUS We'll leave that to the HOA.

[Laughter]

MULDOON That's kind of got addressed. The last thing we want is rats in the neighborhood, because people didn't want to put in drywall in.

BARINGHAUS Sure. Of course. Okay, with that the Chair is open for a motion.

KLISZ Mr. Chair.

BARINGHAUS Mr. Secretary Klisz.

KLISZ Resolved that the variance sought in Appeal Case No. 2024-02-13, filed by Christopher Muldoon, be granted for the following reasons and findings of fact: the uniqueness requirement is met because of this particular subdivision and large easements that are put in place by the developer and others who have the easement. Denial of the variance would have severe consequences for the Petitioner, because he would not be able to have an accessory building which is otherwise allowed other than the easement. The variance is fair in light of its effect on neighboring properties and in the spirit of zoning ordinance, because one the Homeowners Association approved it, the one neighbor who chimed in was also in full support. This property is classified as N-1 district, Neighborhood, under the Master Plan, and the proposed variance is not inconsistent with that classification. Further, that the variance be granted with the following conditions: that it be built as presented as to materials and location, and that he remove the existing shed.

BARINGHAUS Is there support?

BOLOVEN Support.

BARINGHAUS Okay. Motion by Secretary Klisz, supported by Mr. Boloven. Is there any discussion?

SCHEEL I have a question.

BARINGHAUS Yes, Ms. Scheel.

SCHEEL Mr. Boloven, you asked for minutes. Is that something that should be... minutes from the homeowners association meeting. Is that something that you want part of the approval or no?

BOLOVEN I'll have to ask Mr. Klisz.

KLISZ Yeah, we could do that. Provide approving minutes from HOA, just to make sure he's not, probably not be here making up a story for us, but it is. It has been discussed. He did say that he would provide it. So we'll make that a condition.

POPP We're gonna have to collect that at the Building Department.

MULDOON Mr. Stierna again, or...?

KLISZ Yeah.

MULDOON Is that okay?

POPP Yeah, that's okay. I just want clarification that we're going to follow up on that on our end.

KLISZ ...provided to Inspection Department.

MULDOON When I come to do the permit, I can just bring it with that day, or do you just need me to email it?

POPP Either/or. Either/or.

MULDOON Okay, no problem at all.

BOLOVEN Mr. Chair.

BARINGHAUS Mr. Boloven.

BOLOVEN Do we normally add, Mr. Klisz, "No additional accessory buildings," or the condition... removing the one?

KLISZ Yeah, he can't build any additional [inaudible].

BOLOVEN Sure, sure.

KLISZ No additional....

MULDOON Missed the quota.

[Laughter]

BARINGHAUS I'll say it is.

MULDOON Perfect.

KLISZ And then the HOA would have to say yes, too. We're just covering all our bases.

MULDOON Oh, I know. Very much appreciate that.

KLISZ Yeah, work conditions.

MULDOON Thank you.

BARINGHAUS Yes, Mr. Rotondo.

ROTONDO I was gonna mention this. I actually forgot. And I don't know what the rest of the Board thinks about running that fence, connecting that fence, and putting the building or putting the shed just on the outside of that fence, on the inside of the fence, I guess?

BARINGHAUS I kind of based my judgment on what Mr. Popp indicated where it's not an uncommon arrangement in the city. It's been done before.

POPP It's been done.

BARINGHAUS My concern was that it was setting a precedent, or maybe it wasn't a good practice from a fencing standpoint or a zoning standpoint, but apparently there is history of it, so I'm fine.

KLISZ Real close to building, then how do you do the trimming behind it and stuff like that?

ROTONDO Yeah, you have a good point. I just think esthetically when you come down Harrison—

KLISZ Yeah.

ROTONDO --it looks a lot better when you have a complete fence.

MULDOON There's going to be, there's green space now, but there actually will be additional.... The builders, so that planting phase right now, there's gonna be additional trees that go, that continue down that green space along Harrison. There's some that they planted now, but there's actually more to come. So....

BARINGHAUS Okay, great. Are there any other comments?

FISHER Mr. Chair, just a procedural point.

BARINGHAUS Sure.

FISHER The Master Plan status is actually Low-Density residential.

BARINGHAUS Thank you.

KLISZ

So noted. Good catch.

BARINGHAUS

Okay. Secretary Klisz, can you take a vote, please?

RESOLVED: APPEAL CASE NO. 2024-02-13, Christopher Muldoon, 28456 Tulipwood (Tabled April 2, 2024): seeking to construct an accessory building, resulting in deficient east side yard setback. Side yard setback cannot be closer to the corner side street than the wall of the principal building, which is parallel with such side street (seven feet).

Side Yard Setback:

Required: 7 feet

Proposed: 0 feet

Deficient: 7 feet

This Low-Density Residential property is located on the north side of Tulipwood (28456), between Harrison and Emerson Court, Lot. No. 142-04-0015-000, N-1 District, Neighborhood, rejected by the Inspection Department under Livonia Zoning Ordinance, section 7.09(1)(D).

be granted for the following reasons and findings of fact:

1. That the uniqueness requirement is met due to the large easements in this subdivision installed by the developer and others,
2. That denial of the variance would have severe consequences for the Petitioner due to his inability to have an accessory building, which is otherwise allowed, because of the easement,
3. That the variance is fair in light of its effect on neighboring properties, and in the spirit of the zoning ordinance because the Homeowners Association approved it and one neighbor submitted their full support, 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. Build as presented as to materials and location.
2. The existing shed will be removed.
3. The Petitioner will provide the Inspection Department with minutes from the Homeowners Association approving the shed.
4. No additional accessory buildings will be erected on the property.

ROLL CALL VOTE

AYES: Klisz, Boloven, Baringhaus, Rotondo, Scheel, Testa

NAYS: None

ABSENT: Coppola

PASS/FAIL/TABLED: PASS: PASS

KLISZ	Ms. Scheel.
SCHEEL	Aye.
KLISZ	Mr. Rotondo.
ROTONDO	Aye.
KLISZ	Mr. Testa.
TESTA	Aye.
KLISZ	Mr. Boloven.
BOLOVEN	Aye.
KLISZ	Secretary Klisz votes aye. Chairman Baringhaus.
BARINGHAUS	Aye.
KLISZ	Passes six to zero.
BARINGHAUS	Okay. Thank you. The motion has been approved so just again, send the minutes to the Inspection Department and touch base with them to make the final arrangements as well. Congratulations.
MULDOON	Thank you guys very much. I appreciate you.
BARINGHAUS	Good luck. Secretary Klisz, will you call the next case, please?

APPEAL CASE NO. 2024-06-22, 17320 Fairfield Street: an appeal was made to the Zoning Board of Appeals by Roman Martincic, seeking to construct a detached garage while maintaining the existing attached garage, resulting in excessive accessory building area and total area of all accessory buildings.

This Low-Density Residential property is located on the east side of Fairfield Street (17320), between Six Mile Road and Curtis Street, Lot. No. 039-01-0020-001, RUF, Rural Urban Farm District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09(1)A.

Detached Accessory Building Area

Allowed: 200 square feet
Proposed: 572 square feet
Excess: 372 square feet

Total Accessory Building Area

Allowed: 920 square feet
Proposed: 1,034 square feet
Excess: 114 square feet

BARINGHAUS Okay, thank you. Are there any questions for the Law Department? Any questions for the Inspection Department?

ROTONDO Yeah, Mr. Chair.

BARINGHAUS Mr. Rotondo.

ROTONDO Yeah, question for Mr. Popp. This case, I just want some clarification. So what we're voting, what we're going to be discussing in this case is just strictly the shed, the proposed shed, or does it include the proposed driveway as well?

POPP Just the proposed shed. So that driveway thing was from a... there was a previous ZBA case that granted a 20 by 20 building -- accessory structure -- previously, and I believe the people that built the house that's there now tore that down when they erected the current structure. If that makes sense? There was a previous case that said something about the private-- I don't know that the driveway is part of this case.

ROTONDO Okay.

POPP I mean, someone can correct me if I'm wrong here, but not knowing this case very well, that's when I briefed.

ROTONDO Yeah, I'd seen that there was a response regarding the driveway. But when I looked at and he shows on the plot plan a proposed driveway, but it didn't look like it was in violation of a....

POPP There's a previous ZBA case that said that they could not have a hard-surface driveway back to the previous building.

ROTONDO Okay. but that's not for this?

POPP I don't believe so.

ROTONDO That previous one. So we're just voting...

POPP We can address that when the Petitioner comes up, but I don't believe so.

ROTONDO Okay, thank you.

BARINGHAUS Will the Petitioner please come forward to the podium?

MARTINCIC Roman Martincic, 17320 Fairfield Street.

BARINGHAUS Okay, thank you. Can you begin by stating your hardship and why you need this proposed building?

MARTINCIC Yeah. So I have a 250 Econoline van, which, as at this point, will not fit in my current garage. It's about three inches too tall, and the depth on it is... and in front of the garage there's a three-foot step, concrete, to where, even if it would fit in, it bumps that. It would bump that concrete step. I can get a car in there. I got a motorcycle and some tools. Basically, I'd like to secure my vehicle. I got a lot of money in tools in it. I have a zero-turn mower, snowblower, etc. Lawn equipment that is right now just pretty much half in a shed and half not in a shed. So that's pretty much.... I don't always use this van, but when I do, if I could secure it, it'd be great.

BARINGHAUS You said it's an E250 van, is that regular or extended?

MARTINCIC It's a regular.

BARINGHAUS Regular. Okay. What else do you store in the driveway?

MARTINCIC In the garage?

BARINGHAUS Driveway. Because, and I'll just--

MARTINCIC I do have a trailer in the driveway right now. And most of the time I do put it on the side from the garage back if I'm going to be using in the next day, yes, I'll pull it out. And sometimes it sits in the driveway.

BARINGHAUS Okay?

MARTINCIC I like to get it all back there if possible, as you want to breathe, and....

BARINGHAUS And you're also storing a boat in your backyard, I believe?

MARTINCIC Yes, I am.

BARINGHAUS Okay. Tell us about the driveway.

MARTINCIC What about it? I mean, what do you mean?

BARINGHAUS What type of materials?

MARTINCIC So that's the concrete. I mean, right now the driveway, it's asphalt.

BARINGHAUS Okay.

MARTINCIC The apron on the garage is going to be-- it was proposed to be concrete. I just did it, the proposal the whole way, just because someone says, "Put that in the proposal." Whether it -- I mean, I'm not in a hurry. Concrete, the whole thing. I just need to be able to park my vehicle back there, you know, on off times when I'm not, you know... because I do have a full-time job, I just do this on the side. So....

BARINGHAUS In your case, you mentioned you operate a contracting company?

MARTINCIC I do.

BARINGHAUS From your home?

MARTINCIC Yes, I do.

BARINGHAUS Can you tell us...?

MARTINCIC Yeah. So I do some construction, and then I do some electrical, fiber communications, which, again, is the heavy, expensive equipment that usually stays in the vehicle, but I do not like it sitting out front. I do travel, so I do like to, I'd like to secure it.

BARINGHAUS Do you store material at your home or...?

MARTINCIC No, I don't. I mean, I'm not gonna lie, there's something one or day two, yeah, I might store it, but I don't stockpile anything.

BARINGHAUS There's no machining done on your property.

MARTINCIC Nope.

BARINGHAUS All work is done pretty much on site.

MARTINCIC On site. Yep.

BARINGHAUS Okay, very good. Okay. Thank you. Any other questions?

TESTA Mr. Chair?

BARINGHAUS Yeah, Mr. Testa.

TESTA Question for the Petitioner. The size of your proposed second garage. How did you come to that size? That's quite large.

MARTINCIC I would like the depth so I can get the vehicle in and still have room to get other stuff in there. That's just, you know, if I was going to do it, I was going to try to get it, if I could get it that size.

TESTA Okay, you get the height and the depth based on the explanation of the van. More so the width. Do you plan on putting two cars in there, or?

MARTINCIC No. But I, like I said, I do have 16 zero-turn mower. I mean, there's quite a bit of grass there.

TESTA Yep.

MARTINCIC I got other equipment from the house that I put in there. I do have one shed. I'd like to take it down. It's just a Rubbermaid. If I get it all housed all in one, that would be great.

TESTA Okay, so your intent is that garage will house all of your work truck, and then all of your belongings...?

MARTINCIC All of my wife's [inaudible] kids' stuff, the storage stuff, you know, whatever.

TESTA Okay, thank you.

BARINGHAUS Can you describe the garage? The photo or the rendering we had in the package just was basically tan.

MARTINCIC It's just, it'll be the same siding as the house, the same features as the house.

BARINGHAUS So the materials will be the same as the house?

MARTINCIC Yep.

BARINGHAUS Materials, colors.

MARTINCIC Yep.

BARINGHAUS Have you spoken to your neighbors about putting the structure?

MARTINCIC Yeah.

BARINGHAUS In the yard?

MARTINCIC Yep.

BARINGHAUS What's the reaction?

MARTINCIC None of them really had a problem. We had one concern about the driveway. And the lady across the street said something. There's a few people on the block that have one or two outbuildings or garages, whatever you want to call it, on the street. I have photos. She just said that she wanted a wider door at the time. I don't... that was it. I had one neighbor here that she's lived across the street from me in support. She came here.

BARINGHAUS Your neighbor next to you seems to have concerns about the property line between... [inaudible] Can you describe that?

MARTINCIC Yes, so the paperwork I got from you guys drawing out the whole property line gives me 10 feet from the edge of my garage to where the fence is now, which is pre-existing before I got there. There's a wrought-iron fence, and it runs the length of the garage. I mean, the property line, I don't know, for whatever reason she said she had a resurvey. Says I was like two feet over. I have no idea. I had it surveyed again. That shows the basic site property line with a garage on it. It shows the same as your guys' information I got from you guys. So.

BARINGHAUS On her property, she has a wooden fence that extends from the side of her house?

MARTINCIC Yes, but that's still on the actual... the line where it's going to stay, like where it is now, that's actually, if you measure it, is what you guys have that I got from you guys and this independent company that drew the rendering for the property. It's not... it's the same. So I don't know, like I said, I don't know when she did it, how....

BARINGHAUS Okay, thank you.

BOLOVEN Mr. Chair.

BARINGHAUS Mr. Boloven.

BOLOVEN Question for the Petitioner, will you come down to the 20 by 20?

MARTINCIC I mean, that's kind of like what I got now. Does it have to be a 20 by 20? I mean that....

BOLOVEN So if you come down to a 20 by 20, you're still over by 200 so you got excess, but it puts you within the total of accessory, within the 920 and you get your driveway. I'm not saying that the Board's going to do this. I'm just asking if you're willing to go down to that size.

MARTINCIC I'd like to keep it to where it's at.

BOLOVEN Thank you, Mr. Chair.

BARINGHAUS Thank you.

TESTA Question for Inspection, Mr. Chair.

BARINGHAUS Sure, Mr. Testa.

TESTA Mr. Popp, he referred to a survey that he gave, is that in our packet?

POPP I don't see it here.

TESTA I think it's just the question of the neighbors

ROTONDO Site plan number two is how it's labeled in our agenda or in our package.

SCHEEL It says received May 30th.

ROTONDO Yeah, that would have been.... This would have been dated from when they built the house. 1990.

TESTA Question: this one's dated 1990. Question for the Petitioner, you said you had a survey done.

MARTINCIC I just-- that rendering you guys got. Yeah, this company called Site Plan, and they, I don't know how accurate it is, but it's the same as what you guys have here that I got from you guys, the property line.

TESTA Okay, so it's not a full survey. It's the site plan you submitted.

MARTINCIC Yeah. I mean, they look it up on, I don't know if they do some kind of program, and I have no idea.

TESTA Okay, they didn't come out and measure your....

MARTINCIC No, they didn't physically come out, no.

TESTA All right, thank you.

POPP So the one stamped 1990 is a survey from our Engineering Department, by the looks of it, when it was actually developed.

BARINGHAUS And then, based on that survey, does it look like the driveway falls within the Petitioner's property line and there's no encroachment on the neighbor's property?

POPP I mean, according to this, it does not appear. But I don't know that actual survey would say otherwise. I don't know that.

SCHEEL Mr. Chair.

BARINGHAUS Yes, Ms. Scheel.

SCHEEL So would they require it? Does the Inspection Department require an actual new survey be done? If something like this is being done.

POPP We normally would not absolutely have to have a survey, no.

SCHEEL What happens if the neighbors, if there is a neighbor that's saying that'll be encroaching on their property line, how do we resolve that?

POPP Well, a survey would solve that.

SCHEEL I get that.

POPP So is this neighbor saying they have a survey that says otherwise?

KLISZ It's attached.

POPP And that's attached to what, their letter?

KLISZ To their letter. It's dated. Well, it's funny, because there's a date, 5-17-2000 but then the document top part, the description says 11-4-81, but anyway, she highlighted

a spot on the left side. It says, "Note: Patio blocks encroach from adjacent property onto subject property by 3.2 plus or minus as shown." And then it draws a little box.

POPP What was the date on the letter?

KLISZ It's her objection. It says, "The only objection I have..." August 13, 2024, yellow. It's a yellow page. And then she attached. It's much bigger. It got shrunk down. This is what she sent us. That accompanied her letter.

BARINGHAUS It looked like she was just referring to the patio block encroaching.

KLISZ Because her letter says, "The only objection is that a driveway cannot be put between our two houses. The previous form and a survey attached that showed an encroachment of 3.2 feet onto my property. Driveway would be partially on my property. It's his fences now. The garage he wants to put in his backyard has to be only on his property. It cannot back up to the fence, which would include 3.2 feet of my property." Sounds like there's a real....

BARINGHAUS Yeah.

POPP 3.2 feet only, so the patio blocks.

BARINGHAUS Yeah, the letter says....

POPP The fence is not even on this.

KLISZ Right. It could be her misinterpretation of the survey, I don't know.

ROTONDO Then there's another note on the other side. It says, "Boundary survey is needed to determine...."

POPP Yeah, this is from 2000.

ROTONDO Yeah.

POPP I mean, is that patio block even there still?

MARTINCIC What it is... So the previous owner between the fence, so there's a patio block that runs maybe, like two feet by the length of the right under the fence, with the fence closes, and it's still been there. It was there previously, the fence was there previously, the gate was.

POPP I mean, neither this mortgage survey, or the survey from Engineering there includes a list of what that fence is. I would have to say the mortgage survey, if the fence is 9.8 feet from the side for the garage, and that's ten-something feet from his house to the

fence, that they both agree that the fence is on the property line. I don't know what else to say there.

KLISZ Gotcha.

POPP Because his survey from Engineering showing like ten-something feet from the back corner of his house.

MARTINCIC And that's 10 feet that I got from the inside of the fence. And then there's the four by four of steel adds another couple of inches.

POPP The City requires the fence on the property line.

MARTINCIC Right.

POPP Because this isn't, actually, this wasn't a field survey. This wasn't like she just had a survey.

KLISZ No. Right.

POPP This is from—

KLISZ Exactly.

POPP 5-17 in 2000.

KLISZ I guess it just becomes, is it something that we should look into, or is that... is she just off, that's....

POPP I mean, we can certainly verify from the fence to her back corner of the house and from the fence to his house. And if they agree, they agree, if not--

KLISZ Right. Then it's an issue.

POPP We can request a survey. I don't know what else to do with that.

BOLOVEN Mr. Chair.

BARINGHAUS Mr. Boloven.

BOLOVEN Mr. Popp, if this Board does approve this right now. What's in front of us is just the size... which there could be potentially setback issue, if there really is a survey boundary line issue, what happens? Does it come back before this Board on that issue, or...?

POPP I would think we could just move it over if it's an actual setback issue to the property line. So it's got to be five feet off the property line, right? Just... you have to have 10 feet in between structures. So potentially, someone else could build a shed at the back of the property, and then the structure would have to be fire rated, so it has to be at least five foot off the property line.

BOLOVEN Are you willing to do that?

MARTINCIC Yeah, that's fine. Yeah, I do. But, but wasn't there a fire rating? You said it was three if you fire rated the one side of the wall, or no?

POPP If you fire rate the one side of the wall, then you can drop it down to three, correct.

BOLOVEN Either way. Here's what I don't want to see, is that all of a sudden you go through all this and then you're back before the Board again, because you got a setback issue.

MARTINCIC Well, I mean, if it takes getting a survey, then so be it.

BOLOVEN Thank you. Mr. Chair.

BARINGHAUS Any other questions?

ROTONDO Mr. Chair.

BARINGHAUS Yes, Mr. Rotondo.

ROTONDO Question for the Petitioner, do you... so is your property like an L-shape? Do you own what's identified as lot 19 on the...?

MARTINCIC Yeah, it's a weird-- I mean, everyone's acreage is the same. It's just for whatever reason, when they built that house, it's only 80 frontage versus everyone had 100 by 300 so the neighbor that's got the issue with the driveway, they have 120 by, I believe it's 212, so deep. And actually, I mean, if you really want to get on the survey one, if you go off these measurements, the fence that they have on that dog leg is about 15 feet further back than it should be. It should be closer to their house, but I mean, again, I don't... I just mow the lawn over there. It's not an issue.

BARINGHAUS Thank you. Okay, any other questions? Okay, very good. Is there anybody in the audience? Anybody else in the audience wants to speak to this?

FREDA Good evening. I'm Lindsey Freda, 17251 Fairfield Street. I live directly across from Mr. Martincic. I can attest to the fact that he fairly maintains his property. He keeps a very tidy yard and utilizes a lot of the equipment. Because we have such significant lot sizes,

we have to have large lawn equipment and other items that can crowd the garage, which we like to use at our property for the storage of our vehicles, based on the fact that we reside in Michigan, and the climate is not always conducive to keeping cars neat and tidy. That being said, I know Mr. Martincic personally, I've had him, I've actually contracted him to do work for me. So I know he is a sound builder. I know that he would improve the property value with this proposed structure, because I firsthand can speak to the quality of craftsmanship that he has done for me, which I imagine he would do at a minimum as well for his own property that he's done for me. So I am in full support, as is my husband and our neighbors, both adjacent neighbors. We have no issues.

BARINGHAUS Thank you.

FREDA You're very welcome.

BARINGHAUS Secretary Klisz, do we have letters?

KLISZ We do. We have a letter of approval, David Sykes, 17330 Fairfield [letter was read]. We have a letter from Susan Hafner, 17311 Fairfield [letter of objection was read]. Letter from Linda Sipps, 17310 Fairfield [letter was read]. Those are the letters.

BARINGHAUS Thank you. Is there a closing comment?

BOLOVEN Mr. Chair. This one?

KLISZ She sent two.

BOLOVEN Oh, okay.

KLISZ I can't read twice. One was for the first meeting. This was the more recent one.

BARINGHAUS Okay, great. Would you like to make your closing comment?

MARTINCIC No, I just hope you guys review it. I mean, I'm hope I'm not out of line asking for such a thing. And it's in your guys' hands.

BARINGHAUS Thank you. Okay, great. I will close the public portion of the meeting and we will begin the Board's comments with Mr. Testa.

TESTA Thank you, Mr. Chair. So at first I was thinking this proposed garage was a little too big. It is excess, in excess of 372 square feet. But when you consider the total overage, it's only 114 square feet over. So what that shows me is that your current garage, with this size lot, I understand the need for the second garage. I can be in favor of this based on the explanation of what you have and what the neighbors said about your lot. I do have a little bit of

pause regarding the survey or the questions from the comment from your one neighbor, it sounds like they're only talking about the blocks and not the proposed garage itself. You already answered that. If it does become a problem, you can just scoot the garage over. So I think I'm okay with an approval for tonight.

BARINGHAUS Thank you. Mr. Boloven.

BOLOVEN Thank you. I would be in support of a tabling. I think the survey issue needs to get resolved before this Board makes a decision, just because you can have setback issues, along with other issues. I'm struggling with the 24 by 24 when a previous Board back in '04, with more of a hardship, in my opinion, lowered it down to a 20 by 20. I think it's still overage with the 20 by 20. As calculated, you're still over in the total area. It gives the garage and gives driveway, and everything's within set. So I could be in support of tabling tonight with the Petitioner and his table to take that into consideration before coming back before the Board.

BARINGHAUS Thank you. Secretary Klisz.

KLISZ I agree in part with Mr. Boloven as to the survey part of things, I think the Petitioner is like, "Hey, I could go get a survey." It just it's too questionable, the note that the neighbor point about the fence is not right and whatnot. It would just be so simple to have an official survey that is not going to put anything in doubt. We can see exactly where it is, where it can go. When it comes to the size, actually, I think the overage is less than what was approved on the other neighbors. You know, we can go back and forth in garages, basements and that kind of thing. But I'm not really disturbed about the size. I just want to make sure that it's put in the right place and the survey, I think, is a must so I will be in support of the tabling.

BARINGHAUS Thank you. Mr. Rotondo.

ROTONDO Yeah, I'm in support of the shed, the size of the design, obviously, this is a pretty large parcel, and it, you know, it's a large parcel and it fits in that area. And the Petitioner owns the property on the side of it as well, and it backs up to a tree line and then Rotary Park. So it's really not disturbing anyone behind him, and I can understand the hardship of him needing to store his vehicle with valuable tools and equipment in it.

BARINGHAUS Okay, thank you. Ms. Scheel.

SCHEEL I also agree with the size of the shed and the need for it and the placement of it looks fine. Again, that's depending on what this... if you choose to get a survey or what we require tonight. I'm slightly concerned with that, because the neighbor did mention that and that I don't want to brush off, but I can go either way on that, knowing that if it if you're agreeable to a further setback that's required, then that would be done. But I do agree with the fact that this size would be well utilized in keeping your personal items safe. Thank you.

BARINGHAUS Okay, thank you. I did have some initial concerns about the size of the shed as well, but again, depending on how you look at it, the overage doesn't appear to be as large as it does initially on paper. The other thing is, there's probably two similar structures in the neighborhood that are, I'd say, larger than a typical, traditional yard shed. Those units are placed closer to the street, which are more visible to the neighbors. Yours is set back fairly deep in your property. Also, another thing is that you indicated you would remove the plastic shed that you currently have, which is fine. I do have a question for you. I was looking at Google Earth. It seems like you have some, some material or something in the far corner of your yard or you had this at one time? That's not another outbuilding, is that?

MARTINCIC No, no, there's a kids' play thing that's up on stilts. Okay, right now, the zero-turn mower is partially underneath that.

BARINGHAUS Okay, so at this point you would just have the one plastic shed in the yard.

MARTINCIC That's what I have now, but I mean....

BARINGHAUS You're willing to remove that.

MARTINCIC Right.

BARINGHAUS Okay. That would be a good offset there too. You know, in terms of the property line, I had some concerns where Mr. Popp brought up the point that they could measure it from the street to the back of the property. And if there's some discrepancies, they can adjust the location of the proposed structure as well, which I think would be a good workaround, and probably be a little more expedient at this point. So based on that, I'm in favor of the variance. With that the floor is open for a motion.

BOLOVEN Mr. Chair, just a point of clarity. I usually keep good track of where this Board is. Is the majority within it tabling right now? Are we within an approval? Approval with condition? Table to get the survey?

BARINGHAUS I'm thinking... I'm reading it as an approval with conditions. Anybody else has a different opinion?

BOLOVEN That's why I'm asking. I'm confused. There was agreement on the survey for a bunch of people, but I don't know if it's an approval with condition or if it's a get the survey, table, and come back.

SCHEEL I have approval with condition.

BOLOVEN Condition, yeah, what's the condition?

ROTONDO Well, just making sure that it's on the property line.

BOLOVEN So how do you prove it as presented? If it's... not as presented....

KLISZ Right, where's the problem?

BOLOVEN I don't think we can approve the conditions is the point I'm coming to.

FISHER Your condition would be frustrated [inaudible].

BOLOVEN So you might as well just table it.

FISHER Well, I'm not going to go there.

[Laughter]

BOLOVEN What's the easiest path for this case?

FISHER Oh, I'd say approval with conditions. [Inaudible]

BOLOVEN It's approval with conditions, but what happens if he runs into... what's the condition on it, on approval?

FISHER The condition is that... well.... We have a survey and it shows....

BOLOVEN What if the survey shows he's not in line and what happens, he's back in front of us?

TESTA Does he have to pay another fee?

FISHER No, [inaudible] unless he changed the proposal.

SCHEEL Why would--

BOLOVEN Would he—sorry. Would it be a new petition then, if we approve him tonight?

FISHER Well, what's the condition?

SCHEEL [inaudible] setback.

BARINGHAUS Yes.

POPP Wouldn't this because he's asking for three-foot setback from the property line. Wouldn't that setback still apply regardless of where the property line is?

BOLOVEN I didn't think there was a setback issue.

POPP He's got drawn under a three-foot setback to the property line with understanding that you had to make that wall a firewall.

SCHEEL Right, yeah.

POPP So if the property line shifts two foot over, it would still be a three-foot setback that he would be shooting for. So I don't know where that would be.

BOLOVEN So you're not gonna... because you don't have to play right now the public notice. So if that line truly moves, you're not gonna have a setback issue, you're saying?

POPP We don't have a setback issue, really, because he was saying he was gonna do a three-foot setback to the property line with that wall as a fire-rated wall. So if the property line moves two foot, you could still do the three-foot setback from the actual property line.

BOLOVEN But he's got to move the building, is what I'm saying. It can't be where it's built as presented tonight.

POPP Well, he has it presented as three-foot off the property line, as location, right? So if the property lines moved, it's still three foot off the property line.

[Inaudible crosstalk; laughter]

BOLOVEN So say the survey moves. He's got a three-foot setback. He's still going to need that three-foot setback. So he's got, he's got to move the building.

SCHEEL But it goes with the property line.

POPP But it's, he's three foot from the property line right now is where he's proposing. So if the property line, regardless of where the property line is, he's saying it's still three foot off of it.

BOLOVEN If that property line moves, though, he can't build as presented this evening..

ROTONDO No, because he drew it on the site plan. It's three feet off the property line.

BOLOVEN I know. He's got to move it.

ROTONDO From the property line. Wouldn't--

BOLOVEN He'd still have the three foot.

POPP I guess. Mr. Fisher, can you pipe in on this?

FISHER Well, okay, right. It sounds like the current issue is, what do we mean by setbacks, and we don't mean anything about setbacks. That's not what this case is about. All we're talking about is, I guess the real thing we're looking for is, what does it mean "as presented?" And if "as presented" means it has to occupy the exact physical space it is right now, then Chris has got a point. On the other hand, if "as presented" means you look at the picture and then you lay it on the land, and then build accordingly. Then it, "as presented," is just fine.

BOLOVEN So which is it?

KLISZ We don't use the words "as presented."

[Laughter]

KLISZ We could use that the Petitioner's project must be three foot from the property line as determined by the survey.

BOLOVEN Then he can go and move it out to the other side of the property.

KLISZ Isn't that fine?

BOLOVEN I'm saying.

KLISZ I mean, we need a....

POPP So, say, three foot off the south property line as presented by survey. And then that would cover both bases.

BOLOVEN All right. I'm good right now, thank you. I'm not making the motion, so....

[Laughter]

BARINGHAUS Any other questions or comments? Okay, do I have a motion? I'll give it a shot. Okay. Resolved that the variance sought in Appeal Case No. 2024-06-22 filed by Roman Martincic, be granted for the following reasons and findings of fact: the uniqueness requirement is met due to the size and shape of the Property. Denial of the variance would have severe consequences for the Petitioner due to limited storage of property at his residence. The

variance is fair in light of the effect on neighboring properties and in the spirit of the zoning ordinance due to similar structures in the neighborhood and a general consensus amongst the neighbors, the property itself is classified as RUF, Rural Urban Farm District, under the Master Plan, and the proposed variance is not inconsistent with that classification. Further, than the variance be granted with the following conditions: one, that the proposed structure maintained a three-foot setback from the south property line, and secondly, that the existing plastic shed on the property be removed.

TESTA Support.

BARINGHAUS Motion by Baringhaus, support by Mr. Testa. Discussion? Secretary Klisz, will you please take a vote.

RESOLVED: APPEAL CASE NO. 2024-06-22, 17320 Fairfield Street: an appeal was made to the Zoning Board of Appeals by Roman Martincic, seeking to construct a detached garage while maintaining the existing attached garage, resulting in excessive accessory building area and total area of all accessory buildings.

This Low-Density Residential property is located on the east side of Fairfield Street (17320), between Six Mile Road and Curtis Street, Lot. No. 039-01-0020-001, RUF, Rural Urban Farm District, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09(1)A.

Detached Accessory Building Area

Allowed: 200 square feet
Proposed: 572 square feet
Excess: 372 square feet

Total Accessory Building Area

Allowed: 920 square feet
Proposed: 1,034 square feet
Excess: 114 square feet

be granted for the following reasons and findings of fact:

1. That the uniqueness requirement is met due to the size and shape of the property,
2. That denial of the variance would have severe consequences for the Petitioner due to limited storage of property at his residence,
3. That the variance is fair in light of its effect on neighboring properties, and in the spirit of the zoning ordinance due to similar structures in the neighborhood and a general consensus among the neighbors, and
4. That this property is classified as Low Density Residential, under the Master Plan, and the proposed variance is not inconsistent with that classification.

Further, that the variance **be granted** with the following conditions:

1. The proposed structure will maintain a three (3)-foot setback from the south property line.
2. The existing plastic shed will be removed.

ROLL CALL VOTE

AYES: Baringhaus, Testa, Klisz, Rotondo, Scheel

NAYS: Boloven

Absent: Coppola

PASS/FAIL/TABLED: PASS: PASS

KLISZ Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Mr. Boloven.

BOLOVEN Nay.

KLISZ Secretary Klisz votes aye. Vice Chairman, or Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Passes five to one.

BARINGHAUS Okay, very good. Your variance has been approved. Again, just touch base with the Inspection Department to make the final arrangements. Congratulations.

MARTINCIC Thank you, sir. So for the survey, is it going to be through that, or is it? How does it work?

POPP You'll have to pay a private survey company to come out, survey the property.

MARTINCIC Okay.

POPP Then just bring us the results. Well, you'll get the results of the survey. You can bring it to the Building Department.

MARTINCIC Okay. Thanks, everybody.

ADMINISTRATIVE TASKS

BARINGHAUS We have no minutes tonight.

[UNKNOWN SPEAKER] No minutes tonight.

KLISZ No minutes for approval.

BARINGHAUS Yeah, just for me briefly. I did send a note to City Council today, reminding them that we need funding for our iPads.

[Inaudible]

BARINGHAUS So it'll be going in, obviously, to the 2024-2025 budget is the way it looks. The other thing I did is based on our comments that we made back in April, I did condense those into 16 action items, and we made some progress. About seven of them are completed. Things that I noticed happening: at least we're getting, I think, timely notice of upcoming meetings. I think the documentation is improving, not as many missing documents as well. One thing we will have to do is, last year, we did the ZBA orientation. We did the operating procedure for the ZBA. It was a document where we had our different roles for operation. Within that, there was a section for the ZBA orientation handbook that's going to be a collection of documents that will kind of serve as not only a reference guide for all ZBA members, but it'd be helpful as an onboarding piece for new member orientation. So I did send out a checklist earlier. I'm going to revise that, [inaudible] that in there. I'll send it back out to everybody again. Going forward, I'll just send out the spreadsheet that shows the status of each of the 16 items rated as either completed, in progress, and not started. And this way, we'll know where we're at so we can have this completed, and eventually get this pulled out of Committee of the Whole. So that's my update. Anybody else have any comments or questions? Okay. You look like you...

SCHEEL No, I'm good.

BARINGHAUS Okay, with that motion to adjourn. Support?

SCHEEL Support.

BARINGHAUS All those in favor say, "Aye."

The Board voted unanimously to adjourn the meeting.

There being no further business to come before the Board, the meeting was adjourned at 8:01 p.m.

Gregory G. Coppola, Chairman

Timothy Klisz, Secretary