

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)

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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