

AGENDA OF THE CITY OF LIVONIA ZONING BOARD OF APPEALS

November 19, 2024 – 7:00 p.m.

**Livonia City Hall Auditorium
33000 Civic Center Drive, Livonia, MI**

AGENDA ITEM(S):

1. **APPEAL CASE NO. 2024-07-28, H&A Investment, LLC, 29421 Six Mile Road (Tabled on October 1, 2024):** Seeking to continue using a second-story apartment over a commercial business as a tourist home, which is not permitted in this Zoning District.
2. **APPEAL CASE NO. 2024-08-29, TODAL LLC, 38019-38035 Schoolcraft Road (Tabled on October 1, 2024):** Seeking to occupy a property in the M-2 (General Manufacturing) Zoning District to establish a religious institution, which is prohibited.
3. **APPEAL CASE NO. 2024-09-32, Brian Durand, 20132 Osmus Avenue:** Seeking to maintain a permanent carport structure erected without permits while maintaining an existing attached garage, existing accessory shed, and existing barn resulting in excessive number of accessory structures and accessory area.
4. **APPEAL CASE NO. 2024-10-33, The Cornelia Group, LLC, on behalf of Lessee PAG Michigan 165, LLC, 27777 Schoolcraft Road:** Seeking to erect an 8-foot-tall metal picket fence along Schoolcraft Road resulting in a deficient front yard setback.

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

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

ZONING BOARD OF APPEALS

ZONING BOARD MEMBERS

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JAMES. M. BARINGHAUS, VICE CHAIRMAN
TIMOTHY J. KLISZ, SECRETARY
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33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2250

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PUBLIC NOTICE November 1, 2024

APPEAL CASE NO. 2024-07-28, 29421 Six Mile Road (Tabled on October 1, 2024): an appeal was made to the Zoning Board of Appeals by H&A Investment, LLC, seeking to continue using a second-story apartment over a commercial business as a tourist home, which is not permitted in this Zoning District.

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

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

This appeal will be heard at a public hearing to be held in the **Auditorium on the 1st floor of City Hall on Tuesday, November 19, 2024, at 7:00 p.m.**, at which time comments may be directed to the Board during audience participation. When replying by mail, write your comments on the back of this notice and address it to the City of Livonia, Zoning Board of Appeals, 33000 Civic Center Drive, Livonia, MI 48154. All written comments are read at the meeting and become part of the record.

ZONING BOARD OF APPEALS,



Timothy Klisz, Secretary

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

Case No: 2024-07-28
Meeting Date: November 19, 2024

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Signature: _____

Address:



CITY OF LIVONIA
Inspection Department

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154
421-2000

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

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

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

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

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

Plans and Application examined by

Date JULY 26, 2024

ZONING EXAMINER

APPLICATION FOR VARIANCE

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

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

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

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

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

Please see attached paper.

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

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

see Attach

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

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

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

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

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

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

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

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

OWNER'S AFFIDAVIT

COUNTY OF WAYNE)
STATE OF MICHIGAN)

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

Signature of property owner: Ahmed Almasri

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

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

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

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

My Commission expires November 20, 2028

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

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

NOT TO BE COMPLETED BY APPLICANT

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

TOURIST HOME NOT ALLOWED IN COMMERCIAL DISTRICT

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

[Signature]
(Supervisor)

Application for permit filed No

Violation Issued Yes

Application for Variance

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

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

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

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

ZONING BOARD OF APPEALS

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OCTOBER 4, 2024

H&A Investment
47288 Red Oak Dr.
Northville, MI 48168

Dear Ms. Kakish and Mr. Al Masarweh,

The Zoning Board of Appeals of the City of Livonia, at a Regular meeting held October 1, 2024, adopted the following Resolution:

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

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

be tabled to allow the Petitioners to be heard by a full Board.

Please call the Zoning Board of Appeals office by October 25, 2024 at (734) 466-2250 if you wish to be heard at the November 19, 2024 Zoning Board of Appeals meeting.

ZONING BOARD OF APPEALS,


Timothy Klisz, Secretary

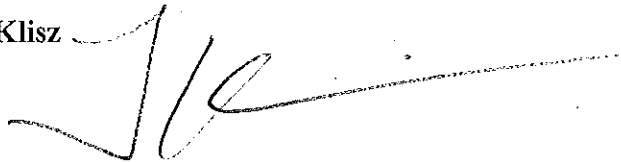
Meeting Date: October 1, 2024

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

Motion To:		Comments:
Support		
Deny		
Table	X	
Other		

Motion	Support	ZBA Board Member	Yes	No	Tabled	Absent
		Greg Coppola - Chairman	X			
		Jim Baringhaus - Vice Chairman	X			
X		Timothy Klisz - Secretary	X			
		Christopher Boloven	X			
	X	Michael Testa	X			
		Marc Rotondo	X			
		Lynda Scheel				X
CONDITIONS						
1.	For a full board to hear					
2.						
3.						
4.						

ZBA Secretary: Timothy Klisz




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

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COPPOLA All right, thank you. Mr. Stierna, anything you'd like to add?

STIERNA Nothing at this time. Thank you.

COPPOLA Questions for the Inspection Department? I have several, so I'm going to tick through these. As I read through the ordinance as such, I see that there's definitions for one family parental dwelling, and then also for a tourist home. I believe, for purposes of today, what we're looking at is a tourist home as it's defined. Is there a difference in licensing requirements for those two?

STIERNA Within the city? No, I understand Mr. Fisher might be able to extrapolate more, whether the state will be requiring anything in the future.

FISHER Oh, there. Well, there's a lot of talk in the legislature over several years, in fact, about short-term rentals and what might or might not be the future of short-term rentals, properties like this really, across the state, but that's not been determined yet.

COPPOLA But in the ordinance itself, is there the definition for depths, for one family rental dwelling, and tourist homes, they are defined separately?

FISHER Yes, they're defined as separate terms. And the problem with tourists, with this place being a tourist home, is that tourist homes are permitted as a waiver use in multifamily districts, and they're not permitted in any commercial district.

COPPOLA When you say multifamily district. If I own a home in a subdivision that's a R-1, - 2, whatever, could I have a tourist... could I use that as a tourist home?

FISHER That's not, no, that's not a tourist.... Well, it's not a permitted use for a tourist home. A tourist home has to be in a multifamily.

COPPOLA I see that. But you could rent it out on an annual basis. You just can't do it for a short-term basis.

FISHER Right.

COPPOLA I see, I see. So is that what... again, I looked over the records. And this particular property appeared to have been licensed as a rental?

FISHER Yes, but I think she needs to do some sort of [inaudible]. That's my understanding.

COPPOLA Then again, it appears that it's been used like that for a long period of time. I'm not sure if it was, it's a commercial district, so even residential rentals aren't allowed. I don't believe are allowed right now, is that correct?

STIERNA Mr. Chair, if I may, in January of 1957 it was approved for an apartment, residential apartment, to be built on top of the existing store. I believe it's a grocery store at that time. It was later registered as a rental in 2006.

COPPOLA Okay. And it was at that time the, my understanding, is the ordinance that prohibits that was enacted prior to 2006. Is that correct?

FISHER Well, the prohibition on residential apartments generally in commercial districts dates back to at least the 1965 or earlier incarnation of the Zoning Ordinance. So, yeah, that's the answer to that.

COPPOLA So using the considered to be an undefined or legal term, theoretically this property could have been grandfathered as a rental property because of its status before the ordinance was enacted.

FISHER I think that's right. Or at least it's been permitted all this time, so at least permitted as a rental all this time.

COPPOLA I think you're saying since 2006.

STIERNA As a rental since 2006 but as a residential property prior to that. And I believe there's state laws involving if it's being used as a rental, as a residential, primary residential property, it's still residential whether it's being rented or not.

COPPOLA Okay. So then what changes now, in the sense of its status, is because it's being proposed to be used as a tourist home, it no longer, theoretically, again, using the term loosely is no longer grandfathered, because its use is being changed, even though licensing is the same.

FISHER The term "grandfather" is difficult when you decide -- when you try to decide when it ends, because the rule generally is you have to abandon the use and abandonment doesn't just mean you put a closed sign on your door. It actually has sort of a harder edge to it, and so I'm not sure that this would constitute abandonment.

COPPOLA So I guess what I'm trying to understand is, then, if there's no difference between the licensing as a residential rental or a tourist home, what precipitates it being here today? What requires us to look at this and make a decision on whether to provide a use variance?

FISHER Well, I think that the tourist home thing has gone. It's now, instead of being used by the owner, or what have you, or I guess, instead of being used on a long-term basis, it's now designed to be a tourist home, so someplace you come to, as opposed to someplace you actually live. At least that's our read on the facts here.

COPPOLA Okay, so the other question is, when a rental property is converted to a tourist home. Is there some requirement for notification to the City?

FISHER Well, you should, as with any time you change the use, you should be telling the City. I don't know if everybody thinks in those terms or not.

COPPOLA Okay, because it appears that, just based on some research that this has been at least used since 2023, mid to early, mid to late, 2023 as a tourist home.

FISHER I guess I would say that's a compliment to the people who have been running it, because a lot of these places, they're defined as tourist homes around the City, are controversial because the tenants are problematic.

COPPOLA Okay. Any other questions? Inspection or Law. No, all right. The Petitioner can step up, name and address first, please.

KAKISH Hilda Kakish.

AL MASARWEH Ahead Al Masarweh.

COPPOLA Okay, why don't you give me a little background on this property from the perspective of when you purchased it, how long it was used since you purchased it as a long-term rental, and when did you convert it to what we call a tourist home or short-term rental?

AL MASARWEH Well this is the history behind this property, H&A Investment, which is Hilda and I, secured this investment about 20 years ago. So we pumped into it so much money and invested in renovation and update, we kept everything up to the city code in every step of the way. That part of the property, I cannot deny that at that time when I purchased it, I'm not that educated about the zoning and what I should look for in terms of what's in the upstairs, what's in the downstairs. [It] was a property, I invested in it. I converted the old Julia's Kitchen at that time. Created Lefty's Cheese Steak at this time, and so on and so forth. This piece of the investment, which is the second floor of that property, [has] been residential since we bought it and before was leased for [the] longest time ever, and [was] well-kept and inspected every year at the same time. We never changed the use of the property. Both of us [are] in the real estate business, both realtors, and we noticed a decline on the leasability of the property after the

increase of the traffic in the area. So it was not fit for long-term leases. So we checked with the City, probably quick question about 2021 there's any certain license for Airbnb? I don't know. I cannot recall the personnel. I asked in the comment, and they said there's no licensing. So we want to invest in Airbnb. It's been a successful investment since 2021. 2021, 2022, '23 and '24 to the area where one of the inspector[s] asking, "This [is] Airbnb? You cannot do Airbnb." Then we follow the procedure. The structure from this property. How we structured the short-term rental. We respected the value of the area and the City. It's designed in a way. It's not designed for someone in and out, not designed for someone who can come in for one night and leave. We have a minimum of two to three nights, plus the cleaning fees and which make it hard for someone to look into this property just because for use for any purpose that can harm the community. Based on our record from Airbnb and leases for our rental is a week, a month, two months for people coming to visit relatives in the area, for company who does construction within the city of Livonia and Farmington, for people who come in for medical treatment, and they cannot go back and forth to the north part of Michigan, and we have a record we can provide on that. It is not something [that] can change the fabric of this community. Also, we [are] situated in a way, we [don't cause] harm to any residential [area]. We sit in the corner, where we [are] far away from any resident to complain about that. This is where we stand from this, and we hope that this case will stand in a way that we continue our investment as we just put so much money into it [in] 2021 and if you don't want to add anything, that's all I have for now. Thank you.

KAKISH He really explained everything. I don't have that much to say to that, but the setting of the property that sits in a commercial makes it really hard for any residential long-term lease to stay. You know, it's really hard. A lot of people complain because the situation around, you know how it is, there is [a] restaurant, there's a lot of busy intersection[s]. It makes it very hard for a long-term rental to stay [in] the type of setting on the commercial. That's it.

COPPOLA Okay. A couple questions, more questions for you here. So you own that property. What other property in that area do you own?

AL MASARWEH We own that corner, which is, we have four addresses. So we have 29407, which it stands as Lefty's Cheese Steak in which we just renovated that building. We have the grand opening with the mayor back in November, where this franchise [was] born in Livonia. So from out to that location, 42 locations in the entire United States. And we also owned the previously known Shooters Service. We developed that property into two sections. It used to be just one section of 5000 square, and we divided into two, we get that approved and developed in 2011. Currently there's a hookah lounge downstairs, a vacant part under the apartment in the back, and the address for the apartment. All the three addresses. There's three addresses in one parcel and one address which is Lefty in the second parcel. And we were asked in 2011 to create a cross-parking agreement, even [though] we own both. And we put that in place at that time, too.

COPPOLA Who asked you to do the cross-parking agreement?

AL MASARWEH Well, I mean, I own the property of Lefty's, but I was asked when we developed that property, 2011 that even [though] H&A Investment owns both propert[ies] we must sign a cross agreement between the two properties, so we put that in place and notarized a part of the application at that time.

COPPOLA Other questions for the Petitioner.

KLISZ Mr. Chair.

COPPOLA Secretary Klisz.

KLISZ What's the average stay of short-term tenants that you have coming through there in the last couple years?

KAKISH We have about one time, one month, sometimes a month and a half. Sometimes we have three nights. It depends what the purpose of coming to [here] at that time. Somebody for medical, somebody for visiting family, or somebody for a wedding. Coming for a wedding to visit, like a family wedding, coming out of the state, family wedding and all this. Yeah.

AL MASARWEH If I can add to this, I was looking at... I pulled some records from the Airbnb, which is documented. We can show you the record for the last two years, but generally speaking, we don't have one night. She did a great job in the vetting part, asking question[s] before we accept anyone to come to that area. Mainly, three nights is the minimum. We can prove that. But it goes up to about three months. We have some engineers from Europe to be trained with GM. They occupied for three straight months. We have a construction company from Chicago. They [were] building a church in Farmington Hills. They came for straight two and a half months. Our current one, which left recently, was two months straight. We don't have one night or two nights, because the fact that the charges on this part, this is a large kind of loft. It's not made for a single person to rent it. It makes more sense for them to go to [a] five-star hotel instead of coming to that apartment, because the typical charges on this is about \$900 per reservation. So it doesn't make sense for someone just to reserve it for a night or so.

KLISZ Following up on that, is there a limit? Like Airbnb, that's the website that you guys work with. Do they allow you to limit it to say, let's say we're only going to do a week or more?

KAKISH What do you mean by that?

KLISZ You say that it's not overnight, that it's usually your minimum is--

KAKISH Right. Because you have a minimum.

KLISZ --Two days. What if your minimum was a week? Could you do that and be within their...?

KAKISH You mean to put the minimum as a week? Yeah, you could do that. But sometimes people get discouraged by this. If somebody coming to visit out of the state and they don't want to stay a week, that's kind of killing the business, because sometimes you don't, people don't want to, pay that extra money. It's costly between the cleaning fees and all this.

KLISZ This is one apartment, correct?

KAKISH Yeah, it's one apartment. It's three bedrooms, one and a half bath. It's a big place, so for somebody who's gonna come with his family. You know, it's worth it to do, like if they do in two or three days. You know, that will be less traffic versus a week. Or, you know....

AL MASARWEH If I can add to this, we solve that on Airbnb currently, and can be reviewed on the listing, minimum of two nights. You can increase that based on our practice, to three. More than that makes no sense, because most of the reservations come in, mainly the weekend, family wedding, family gathering, again, on [inaudible], those what the record is, and the construction, the training, and so on, so forth. So more than three nights. It's kind of hard, unless you have a special case for which it's extended two months or three months for certain purpose. Currently, it's limited. Nobody can go in and reserve one night, literally, and every reservation has to go through a vetting process with us with a certain questionnaire, it's clear. Question is that we are not taking parties and wealth. We don't take parties. Smoking prohibited, no party, no... certain set of rules, and we [are] very straightforward, because we love our property. Honestly, I'm just doing so much time to create this kind of investment, and we want to follow the rules for that.

KAKISH I want to add one thing also, if you look at the record, also, I had a super post, you know, from the Airbnb, as far [as] the customer. The people come in, and they all have good review of us.

COPPOLA If you didn't have access to the parking on the property which you own, but to the east, where would your guests park?

AL MASARWEH When in the general description of the listing, an Airbnb a designated assembly parking behind Lefty's, between Lefty's and the new building for parking, it was brought to my attention by the Building Department that I need some signs, which we [were] willing to do that, we can post signs for a couple of those parking spaces to be designated for the guests of the Airbnb.

COPPOLA But still, right now, that's still on the property that's to the east that you also own, that's the Lefty's property that you have, if that wasn't available, where would your guests park? Is there a place for them to park?

KAKISH Only two parking spots, they're only limited to two parking spots.

COPPOLA I understand, but right now. They're on the property, appears they're on the property that I'll call the Lefty's property.

KAKISH Yeah.

COPPOLA So let's say next week you decide to sell that property, where then would your guests park?

AL MASARWEH Well, in 2011 when we developed the property, that was a question [which arose] at that time. I asked this question. I said, "Why [do] I have to spend money, go to a lawyer and put the cross-parking agreement?" Because of that fact, we can't stop this is an easement agreement was put in place so to eliminate that possibility, selling one piece of the property without accessibility to that other. So that's in the place, and it's through the City. It's not something I can do because there's an easement agreement I put on myself 2011 to develop the second property, which is previously known as Shooters Service.

COPPOLA Okay.

STIERNA Mr. Chair, may I address...?

COPPOLA Yes.

STIERNA There was a previous zoning case that is part of this package that addressed parking. It stipulated parking for the three different addresses, including applying two parking spots reserved for the apartment. Just want to bring that to attention.

COPPOLA Is that done through the agreement? Was there actually filing that was a county... so there was an actual easement?

STIERNA Not an easement. It was part of the zoning agreement, a zoning case.

COPPOLA Thank you. Other questions for the Petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS In here, in this Zillow ad for the apartment you describe it as a condo. Doesn't that imply a long-term rental?

KAKISH It's a loft. It's like a loft.

BARINGHAUS The term condo is present in the end, not loft, or... condo.

KAKISH Condo?

BARINGHAUS Condo.

AL MASARWEH Whatever the name, it's an apartment.

KAKISH Yeah, it's [an] apartment.

AL MASARWEH It's one single apartment sitting on that address, and it's that apartment, where's the parcel ID designated by the address of the property. It's one apartment. We call it whatever we call it in the listing, because the fact it's an open concept, it has a large living space open to the kitchen, with three bedrooms, with—

KAKISH One and a half baths.

AL MASARWEH --One and a half baths, but we don't know really what it should be called, more than it's an apartment sitting on top of that property.

BARINGHAUS When I was at the property, the back parking lot. I noticed there was a dump truck with a trailer with some construction equipment on it. And a large bus being stored there.

KAKISH That belongs to the next door.

BARINGHAUS Next door?

KAKISH Yeah. That's not ours.

BARINGHAUS That's not yours?

KAKISH Yeah.

BARINGHAUS Okay, very good. Okay. Thank you.

KAKISH You're welcome.

TESTA Question for the Petitioner. How many tenants do you allow max? I was trying to look on the Airbnb, but I can't find it.

KAKISH Six. Six.

TESTA Six.

KAKISH Yes, this is a three-bedroom.

TESTA Question for Inspection. I was trying to look at BS&A and online myself. Have there been any complaints from neighbors or anyone in the past four years or so regarding rentals?

STIERNA Not at this property, no.

TESTA Thank you.

COPPOLA Anything else for the Petitioner? All right, seeing none. Is there anyone in the audience who would like to speak for or against this petition? It doesn't appear so. Do we have any correspondence?

KLISZ No.

COPPOLA No correspondence. Okay, would you like to say anything in closing, before the Board deliberates the votes?

KAKISH I think we said everything.

AL MASARWEH It is what it is. Exactly what we have.

COPPOLA All right. Thank you. You can go ahead and have a seat.

KAKISH Thank you.

COPPOLA Closing the public portion of the case. A quick question for Mr. Fisher, though, in regards to the cross-parking agreement, is that kind of understanding the level of enforceability on that future property, what happens if they sell the Lefty's property? How enforceable is that? It doesn't make more sense to have some type of easement filed with the county, rather than just a kind of a two-page paper.

FISHER Well, I guess it depends on who you're going to benefit from that. I mean, obviously, as we heard alluded to already, the cost is greater with any more documentation pertaining to this issue. So that's one thing, I guess. You maybe ramp up the enforceability by the easement. But I still don't know who's going to make this. Enforceability needs to be by us, and I'm not sure we have any standing in enforcing an easement. So I'm not sure....

COPPOLA Well, with an easement that... the party that has the easement, would have to force that enforcement, correct?

FISHER Right. I don't know why—

COPPOLA My concern is just making sure that there's always going to be adequate parking.

FISHER No, I understand. I think, though, in terms of the City enforcing it, it's probably just as good, if not better, to have it as your condition of your variance, so that then future decisions here will be based on, in part, on that.

COPPOLA But it exists today. So the condition of the use variance, but once the use variance is in place, and let's say that agreement gets for whatever reason canceled, or whatever. That doesn't make the use variance go away.

FISHER Well, yeah, for a start, we put in our own resolution the condition that they can't, or that they have to have this mutually beneficial parking arrangement. So I think we need that more than any of these. Because, like, I say, I don't know. We don't have any standing to enforce the principle.

COPPOLA And so is there a requirement, that might be a question for Mr. Stierna, is there a requirement to have... there's obviously, for rental property, you have to have parking, right? So there's got to be... the licensee has to show that they have adequate parking to be able to get a license.

STIERNA That would be correct, yes.

COPPOLA Okay. And then they would have to continue to file every year for the license, is that correct?

STIERNA The rental license is renewed on an annual basis. It is inspected on an annual basis.

COPPOLA Okay. Any other questions? Okay, I will start the Board's comments with Mr. Testa.

TESTA Thank you, Mr. Chair. So I am open to this. My way to explain that, or actually is, it's been a rental property for years. It is a change in the way they're doing it. However, there hasn't been any complaints looking on Airbnb. And finally, we get on they do get absolutely great reviews, 4.68 stars. The only bad review was a two to three star, and it was because of hookah lounge below, the smoke and the noise from the band. So it's already going to be a slightly noisy area because of that, there's no residential homes nearby this. So I'm going to be in support.

COPPOLA Thank you. Mr. Boloven.

BOLOVEN I'm going to not be in support of this. And the reason being is, I believe, it creates a precedent, and this isn't the right body to hear this. I think there's a gift with this property, with the long-term lease availability, but to turn this area into a[n] Airbnb and allow that there. What's stopping the property next door from putting in an upstairs and all of a sudden we're going to

have a plethora of those come in. That's a Council issue. It's not a zoning issue to get it one by one. So for that reason, I wouldn't be the support of it this evening.

COPPOLA All right. Thank you. Vice Chair Baringhaus.

BARINGHAUS Thank you. I agree with Mr. Boloven. It is a really bad precedent to set within the community, because on one, the area is zoned as a C-2 Commercial District, and I guess one of the questions we probably should need to ask is, did you make an effort to develop that area as a commercial enterprise rather than as a piece of rental property? Obviously you didn't, because you went the rental property route itself. I was going to ask if there are any letters from the neighbors? Well, obviously the answer is no, because there's really no residential neighbors around the property. It's entirely in the center of a commercial district. I think it's bad precedent. I don't see the attractiveness of just putting these rentals in areas where they're not intended to be. So with that, I'm not in favor the variance.

COPPOLA All right, thank you. Secretary Klisz.

KLISZ I'm gonna agree with Mr. Testa on this. I think at first I looked at it and kind of had a negative vibe about the situation, saying, again, we don't want these just popping up anywhere. But this is a rental, and it's always been a rental. So even as weird as it is, that it's a rental in a commercial district, it's been there since the '50s, and you know, as the Inspection Department has told us, and so when you get right down to it, it's just timing, because as a rental, of course, it could be a month to month rental, and it sounds like the average person stays here for a good period of time, if not longer. And these people will move in and spend a month and a half or two months, that's a rental period. So it's really not going to change, I guess, just a distinction without a difference. And I don't think that's going to start a rolling of residential inside business district, because this one is unique. So I guess that's the factor I'm looking at, is the uniqueness of this particular property. So I would be in support.

COPPOLA Thank you. Mr. Rotondo.

ROTONDO Yeah, I'm a little bit on the fence about this. I can understand, I could be open to the approving of it, being that it's long-term. It's always been a rental property since, like you said, the '50s. I don't know that this is really an appropriate area for residential, but seeing that it already is a rental, I could be open to it. I'd obviously want to have, if we were to approve it, a minimum amount of nights stay there. I don't want it to be a one-night stay kind of thing, but I'm open to see what the Board makes their motion. Thank you, Mr. Chair.

COPPOLA All right, thank you. I, too, am somewhat on the fence. I think this is somewhat of a unique property. It's been that loft, or whatever you want, the second floor has been a residential property for decades, decades, and really, I can see how that can be somewhat of a challenging space for anybody who wanted to be there long-term, mainly because of the size. I mean, if these were one bed, [inaudible], but in this community you probably could find someone. A three bedroom... I mean, who wants their family there? And then beyond that,

anybody else that would be long-term three that wasn't a family, I kind of questioned whether I really would want them there. So that's what I struggled with. They've had, this has been a residential property for some time, so that bridge is somewhat crossed. The sense of setting precedents, yes, I'm very concerned about that, but I do think this is an extremely unique property. I can only think of a handful of other places in Livonia that have this type of arrangement. You know, there's one at Six Mile and Farmington, that has some upper units. There's some other places that I can think of that have... but there's not a lot of these. So realistic that I could probably support this with a full understanding within the record, that this is unique enough of a situation that this does not set a precedence that the Board has kind of put open season on Airbnbs, in commercial properties. But just this is somewhat unique, and there's only a handful of properties in Livonia that would ever meet this uniqueness. So I'll go ahead and open up the floor for a motion.

FISHER Mr. Chair, well, I guess we haven't harped enough on the significance of this being a use variance. Would the Board consider... I guess we should ask the court whether the Board would consider a tabling resolution.

KLISZ That's what I was going to say. We can't right, it can pass and it can fail, but I was gonna make a tabling motion.

FISHER Okay. Sorry.

KLISZ That's okay.

COPPOLA Thank you.

TESTA Mr. Chair, can we maybe open it back up and see if anyone else was convinced by comments to change their position? I'm thinking no, but it may be worth asking before a table motion.

COPPOLA Okay, sure. [Inaudible]

KLISZ Chris?

BOLOVEN No.

KLISZ Jim?

BARINGHAUS I'm sorry, what was the question?

KLISZ Have you changed your thinking?

BARINGHAUS No, I haven't.

[Crosstalk. Laughter]

COPPOLA So it seems like this would be something that probably wouldn't pass.

KLISZ Yeah, no, it can't. So, Mr. Chair, I would move to table Appeal Case No. 2024-07-28, filed by H & A Investment, LLC, for a full Board to hear the case so that there's a possibility that they can get the five votes they need, and if Ms. Scheel is not convinced, then obviously it's not going to pass. But I think it would give them the best opportunity to have it heard by a full Board, and because they need the five votes.

TESTA Support.

COPPOLA All right, I have a motion by Secretary Klisz, supported by Mr. Testa, to table, potentially for a full Board, hopefully at the next meeting.

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

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

be tabled to allow the Petitioners to be heard by a full Board.

Please call the Zoning Board of Appeals office by October 25, 2024 at (734) 466-2250 if you wish to be heard at the November 19, 2024 Zoning Board of Appeals meeting.

ROLL CALL VOTE

AYES: 6

NAYS: 0

ABSENT: Scheel

PASS/FAIL/TABLED: PASS: TABLED

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ And Chairman Coppola.

COPPOLA Aye.

KLISZ Tabling passes six to zero.

COPPOLA Okay, so the petition—you can step forward. So the petition has been tabled. You don't have a full Board, and as I mentioned in my opening statement, you need five votes. It does not look like you have about five votes right now, so we'd like to have a full Board and to see if that seventh member maybe would vote in your favor, so you would have an opportunity to get the use waiver. So that's-- so what you would need to do then is to call the Zoning office and get on the November meeting, which I said was, and I will mention again, is November 19th. And hopefully we'll have a full Board, then. Mr. Fisher, correct me if I'm wrong, in the interim, you can continue to operate the Airbnb until the next meeting.

FISHER Yes, there is a stay of execution in place.

[Laughter]

COPPOLA Okay, okay. Thank you. Thank you very much.

KAKISH Thank you. Thank you.

COPPOLA All right, you can call the next case, please.

ZONING BOARD OF APPEALS

ZONING BOARD MEMBERS

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



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

COUNCIL MEMBERS

BRANDON MCCULLOUGH, PRESIDENT
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PUBLIC NOTICE ***September 16, 2024***

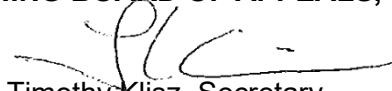
APPEAL CASE NO. 2024-07-28, 29421 Six Mile Road: an appeal was made to the Zoning Board of Appeals by H&A Investment, LLC, seeking to continue using a second-story apartment over a commercial business as a tourist home, which is not permitted in this Zoning District.

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

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

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

ZONING BOARD OF APPEALS,

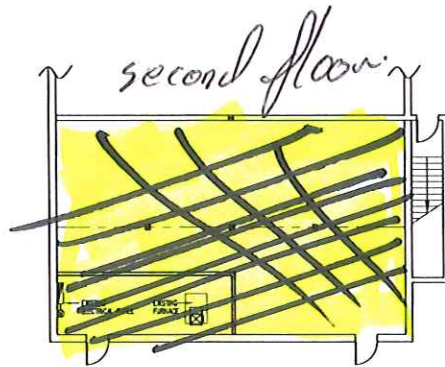


Timothy Klisz, Secretary

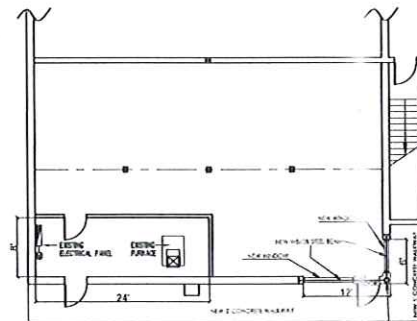
Petitioner will incur a \$100 rescheduling fee for every failure to appear.
In accordance with Title II of the Americans with Disabilities Act as it pertains to access to Public Meetings, the Zoning Board of Appeal's Office of the City of Livonia, upon adequate notice, will make reasonable accommodations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

PROJECT:
COMMERCIAL BUILDING
REMODELING

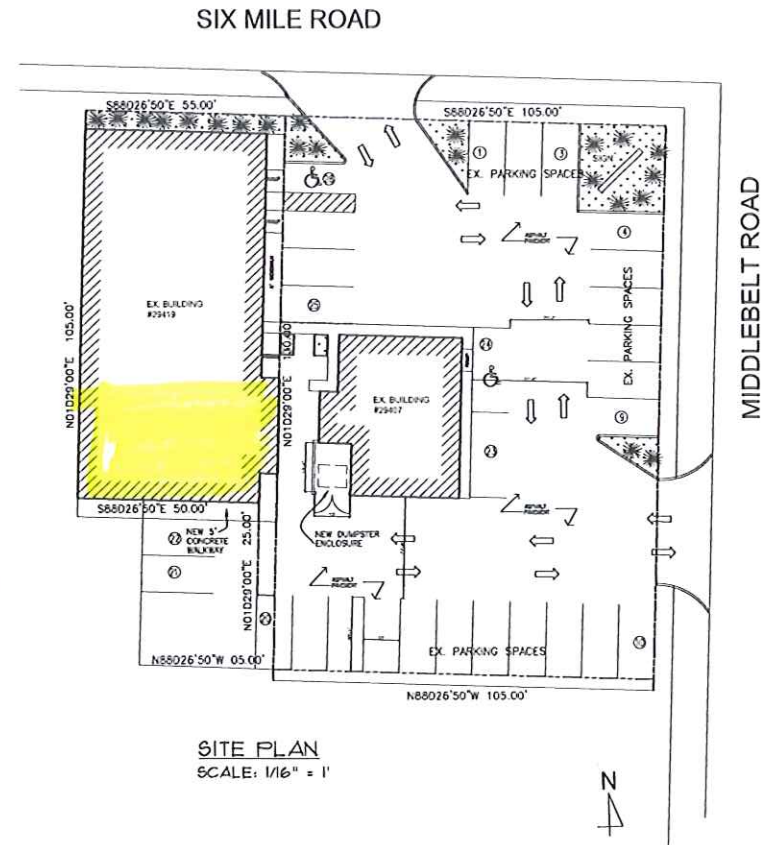
LOCATION:
29415 SIX MILE RD.
LIVONIA, MICHIGAN



EXISTING FLOOR PLAN
SCALE 1/8" = 1'



PROPOSED FLOOR PLAN
SCALE 1/8" = 1'



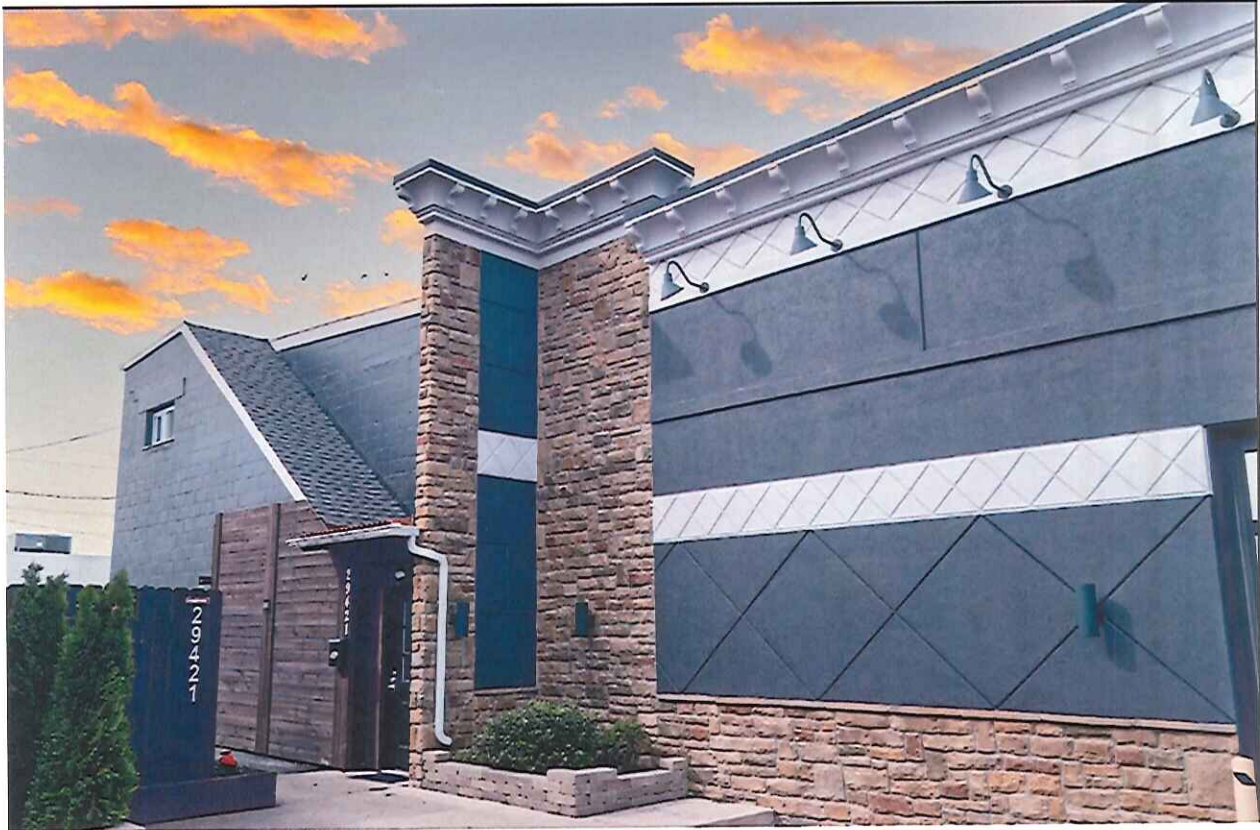
SITE PLAN
SCALE: 1/16" = 1'

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

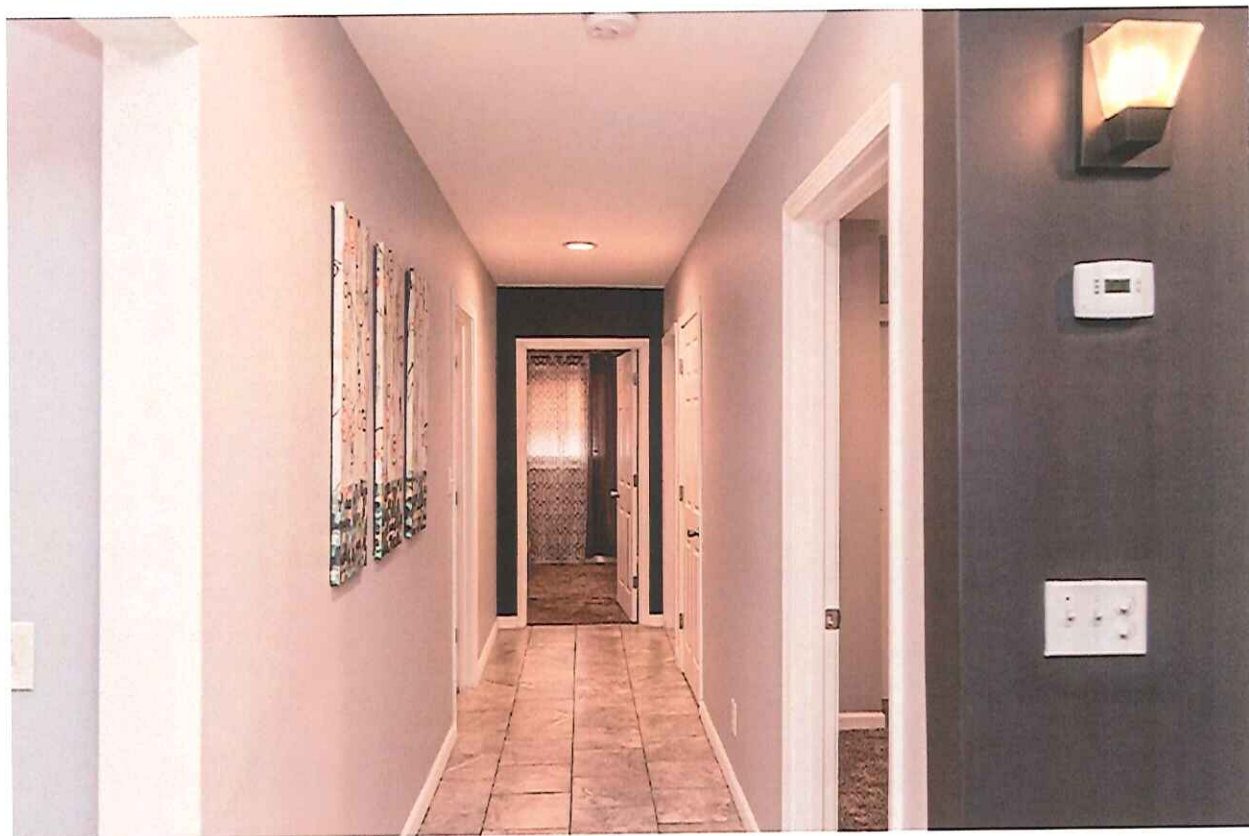
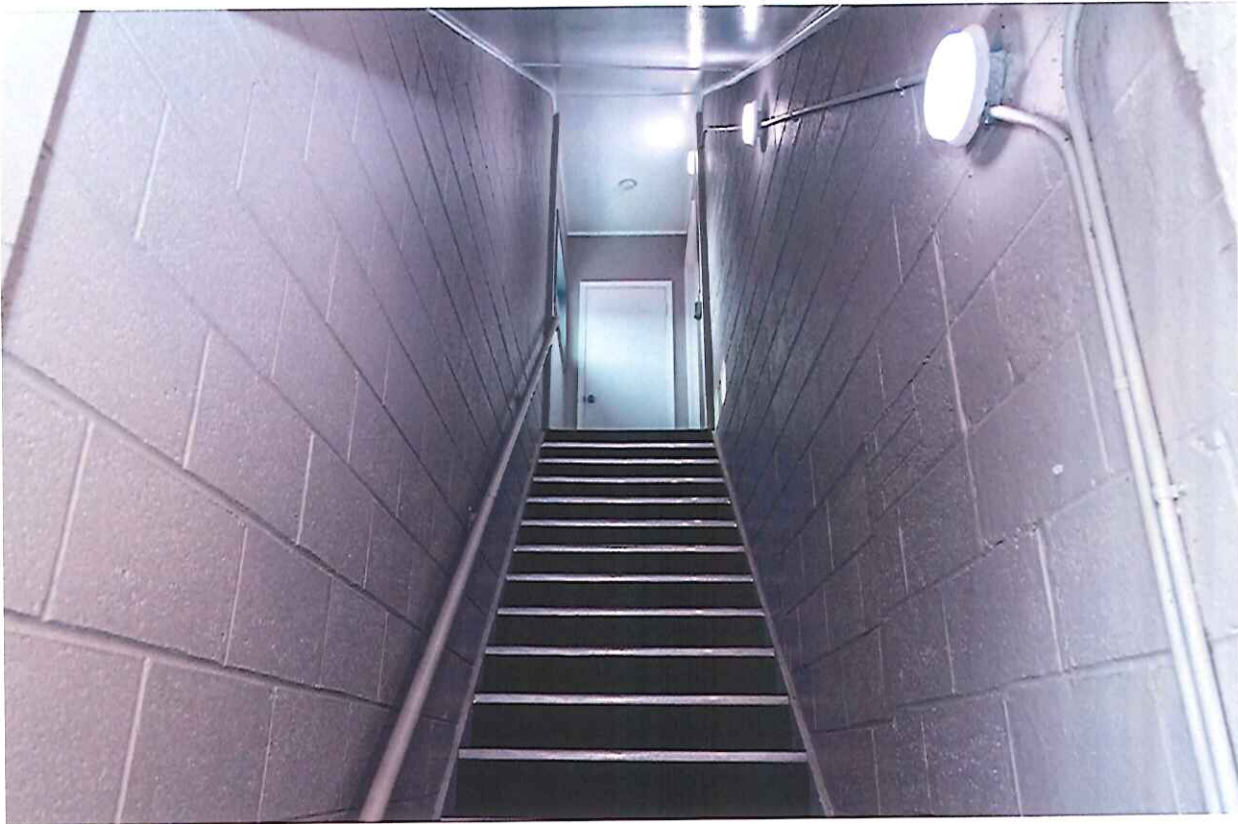


29421 Six Mile Rd
Livonia, MI 48152

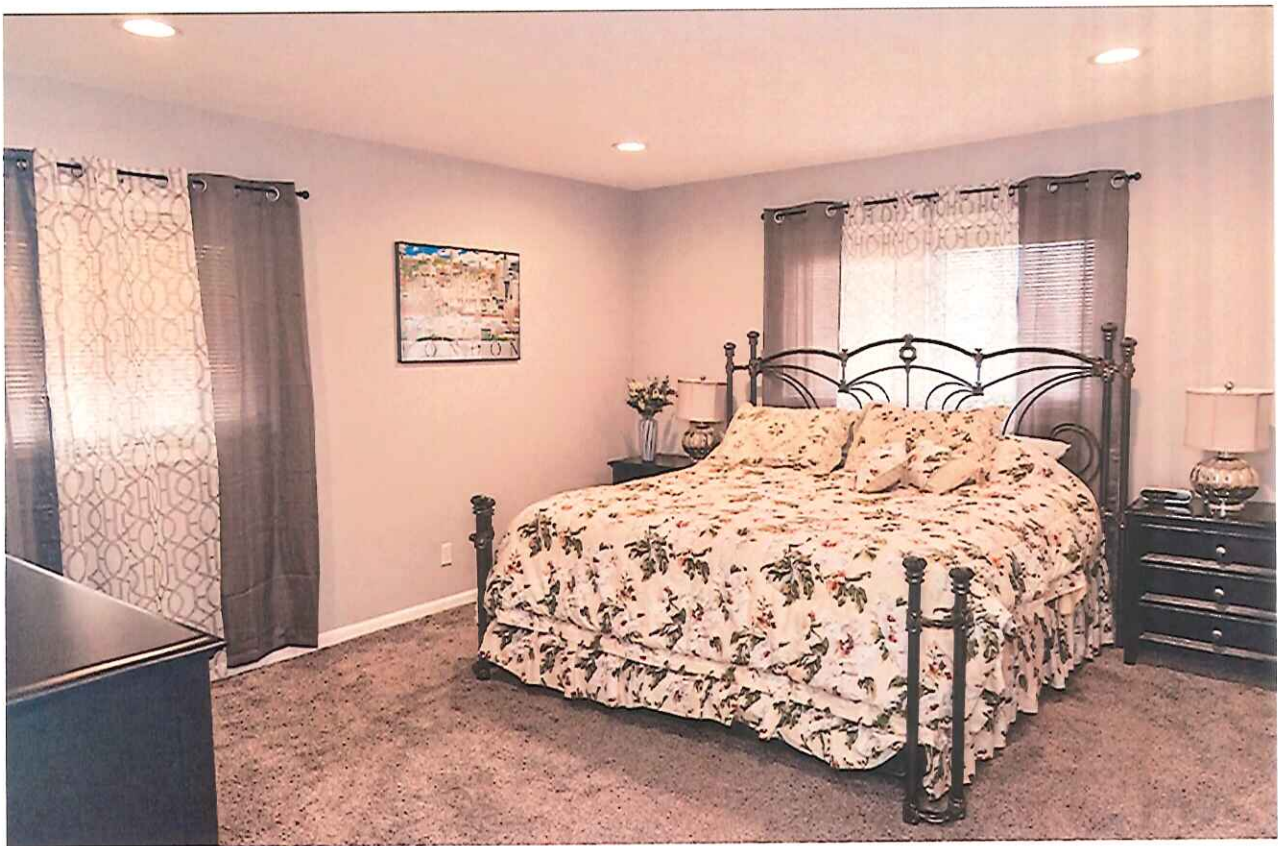
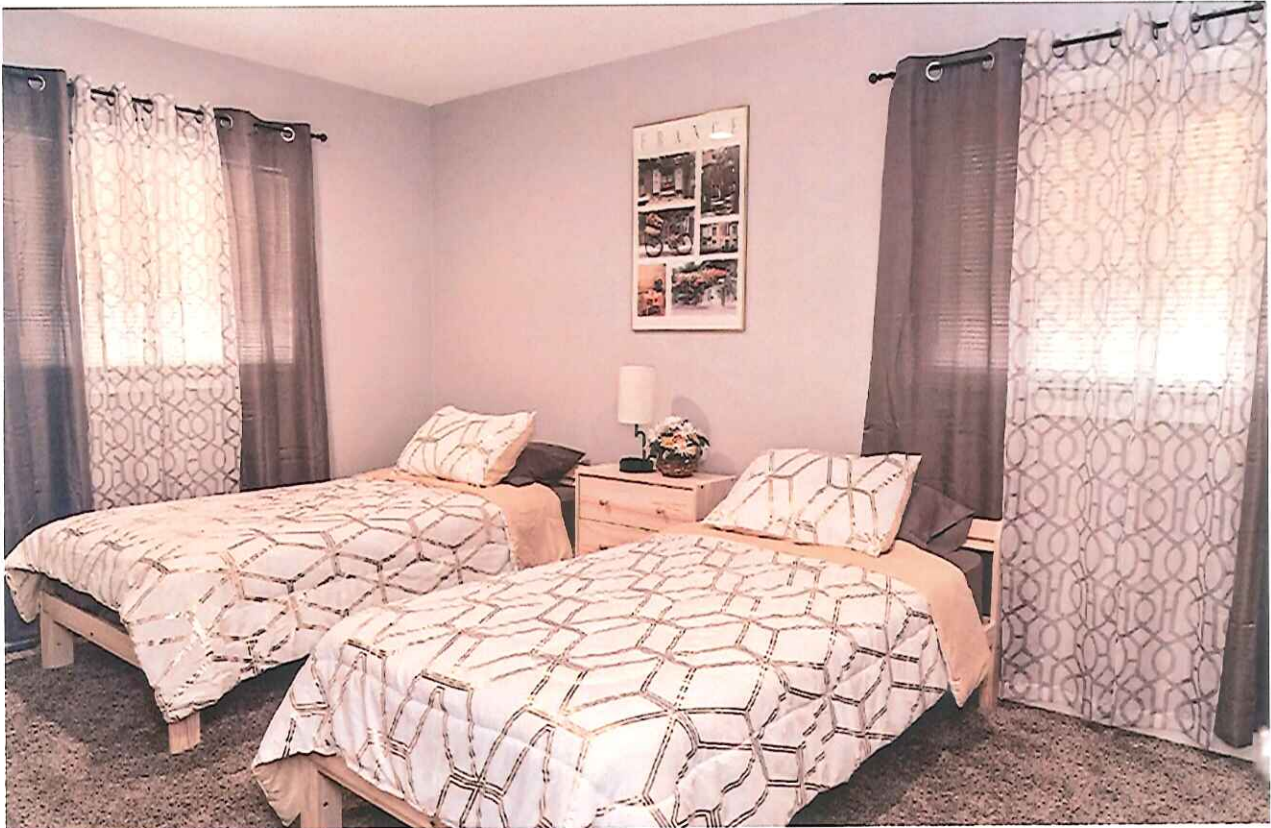
29421 Six Mile Rd, Livonia, MI, 48152



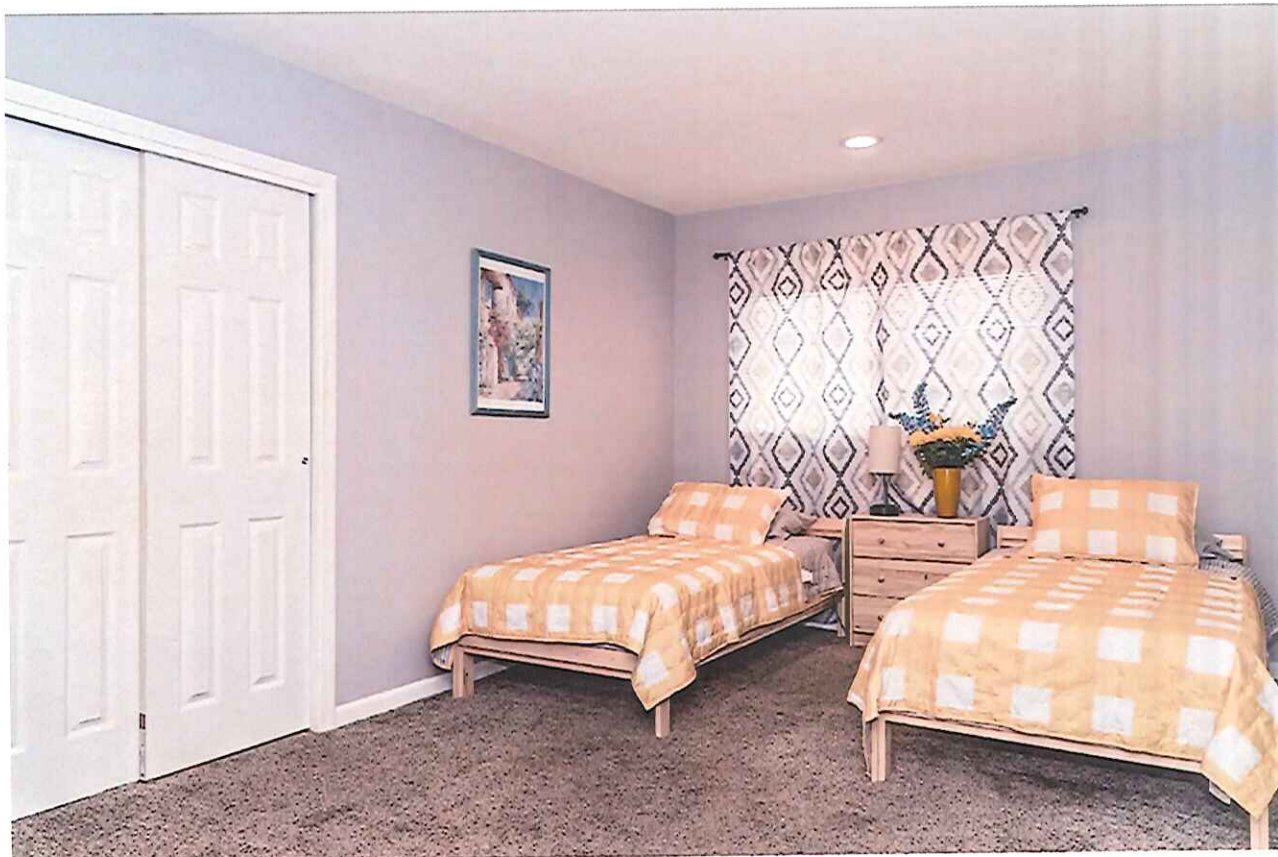
29421 Six Mile Rd, Livonia, MI, 48152



29421 Six Mile Rd, Livonia, MI, 48152



29421 Six Mile Rd, Livonia, MI, 48152



29421 Six Mile Rd, Livonia, MI, 48152



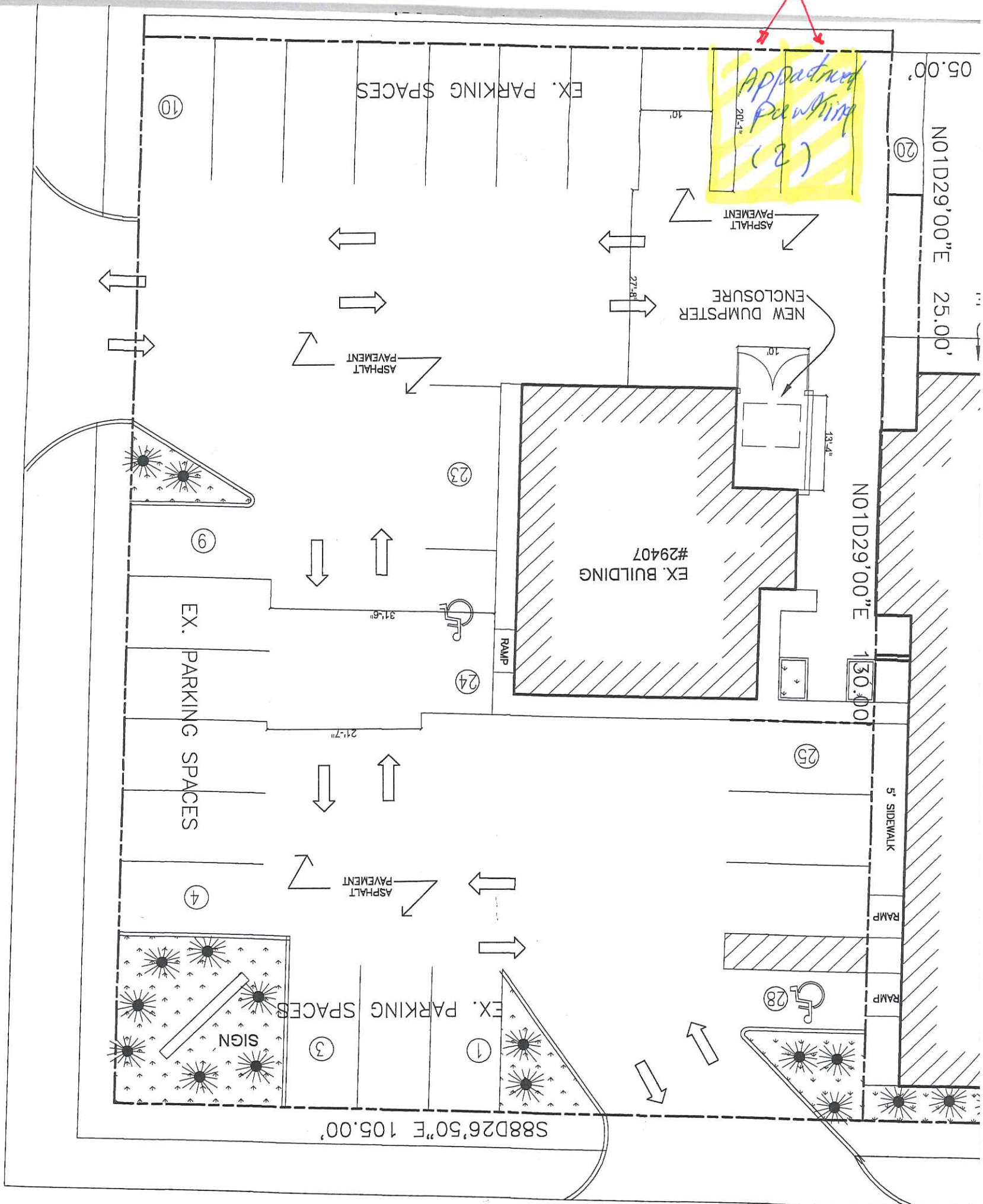
29421 Six Mile Rd, Livonia, MI, 48152



Inspection Department
City of Livonia

29415 SIX MILE

SIGNS:
RESERVED
PARKING



X MILE ROAD

COMM.

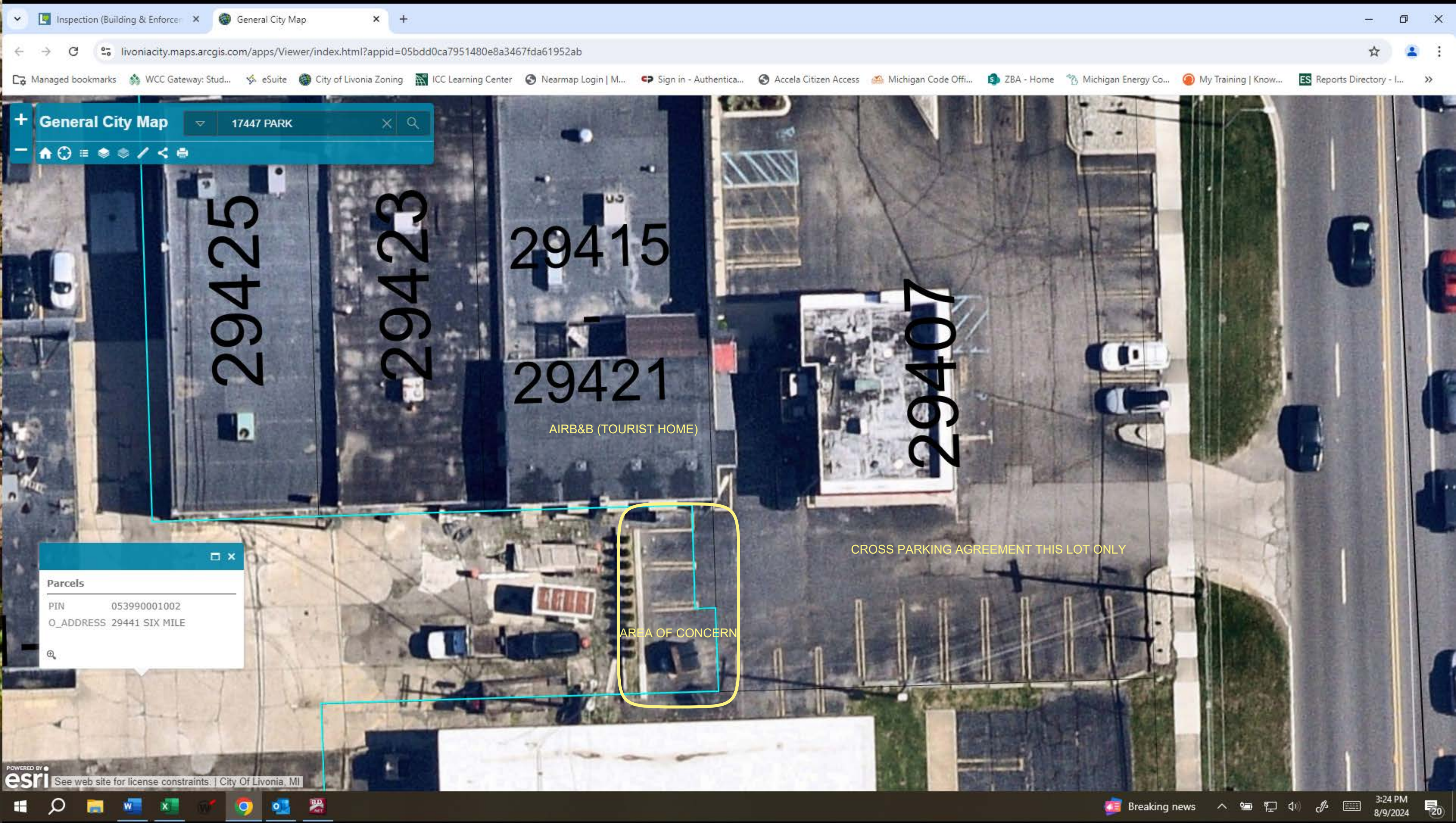
2941
LIVO

A 8
COI

835 1
DEARE
PH:(
FAX:(

ADP

15



Parcels

PIN	053990001002
O_ADDRESS	29441 SIX MILE

29415

29421

AIRB&B (TOURIST HOME)

29407

CROSS PARKING AGREEMENT THIS LOT ONLY

AREA OF CONCERN

H&A INVESTMENT
29421 SIX MILE

REF: TOURIST HOME
CORRIDOR COMMERCIAL

ZONING MAP

LEGEND

Zoning Districts

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

N.E. 1/4 Section 14

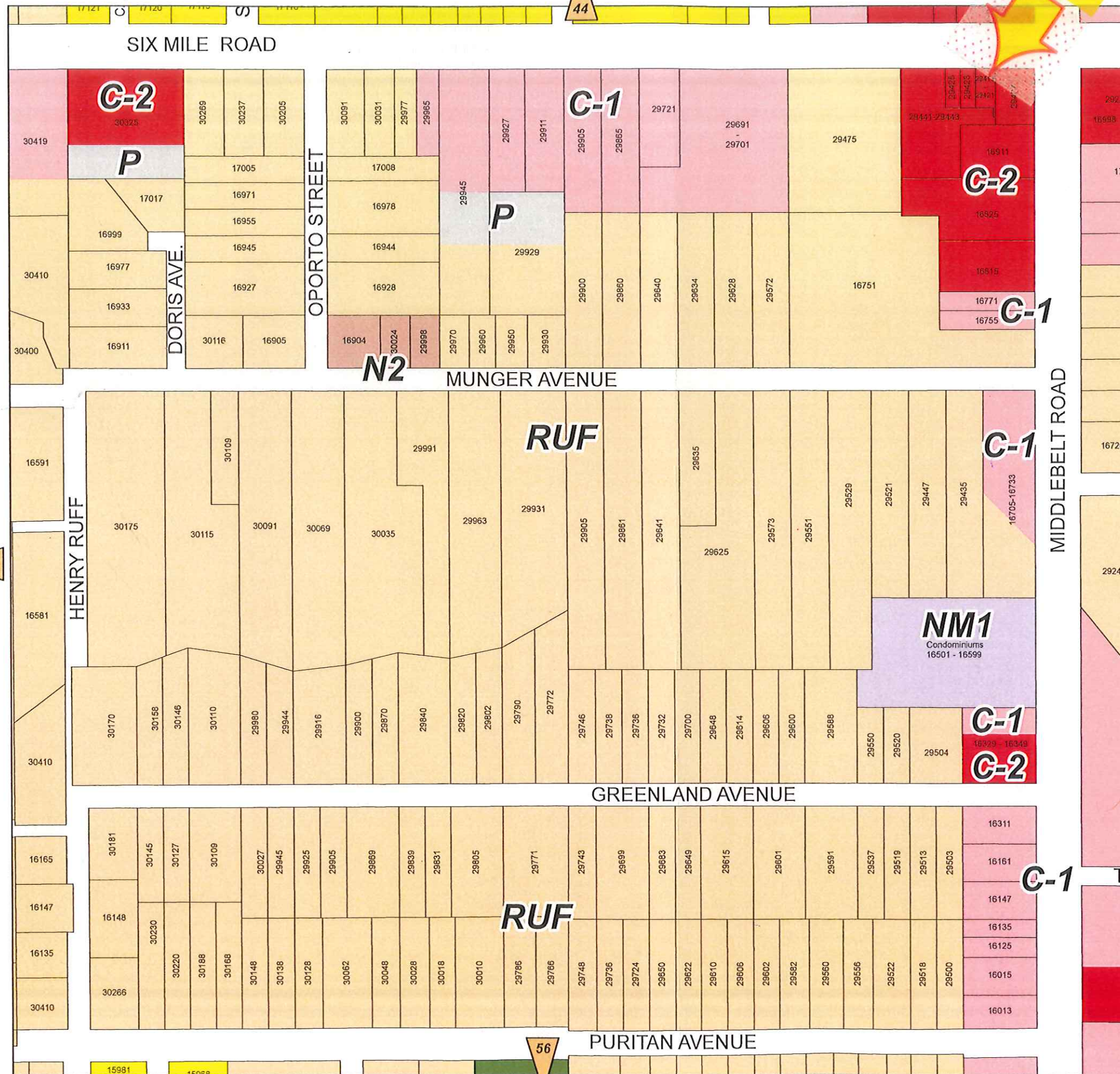
City of Livonia

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

Copyright 2001, City of Livonia



300 150 0 300 Feet



CROSS ACCESS AND PARKING AGREEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Alaa Baalbaki

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



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

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

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

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

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

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

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

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

Petitioner: It will be dusk to dawn.

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

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

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

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

Representative: Yes.

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

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

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

Sills: Mr. Chair.

Henzi: Mr. Sills.

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

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

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

Henzi: Okay.

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

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

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

Henzi: Okay. Any other questions.

Duggan: Mr. Chair.

Henzi: Mr. Duggan.

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

Representative: Where we have multiple signs?

Duggan: Yes. Do you have one like that?

Representative: Yes, absolutely.

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

Representative: Yes, yes.

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

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

Duggan: Okay, thank you.

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

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

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

Petitioner: No, we're all set.

Henzi: Thank you very much.

Petitioner: Thank you.

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

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

Henzi: Mrs. McIntyre.

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

Henzi: Mr. Duggan.

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

Henzi: Mrs. McCue.

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

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

Sills: Mr. Chair.

Henzi: Mr. Sills.

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

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

Wall Signs

Allowed: One

Proposed: Two

Excess: One

Wall Sign Area

Allowed: 70 sq. ft.

Proposed: 128 sq. ft.

Excess: 58 sq. ft.

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

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

FURTHER, This variance be granted with the following conditions:

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

ROLL CALL VOTE:

AYES: Sills, Duggan, McCue, McIntyre, Henzi

NAYS:

ABSENT: Caramagno, Pastor

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

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

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

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

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

PLANNING COMMISSION

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

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



JACK KIRKSEY
MAYOR

MARK TAORMINA
PLANNING & ECONOMIC
DEVELOPMENT DIRECTOR

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

June 13, 2011

Honorable Members of the City Council
City of Livonia, Michigan

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

Dear Council Members:

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

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

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

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

Very truly yours,

APPROVED FOR SUBMISSION

CITY PLANNING COMMISSION

Jack Kirksey, Mayor

Lynda L. Scheel, Secretary

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



Location Map

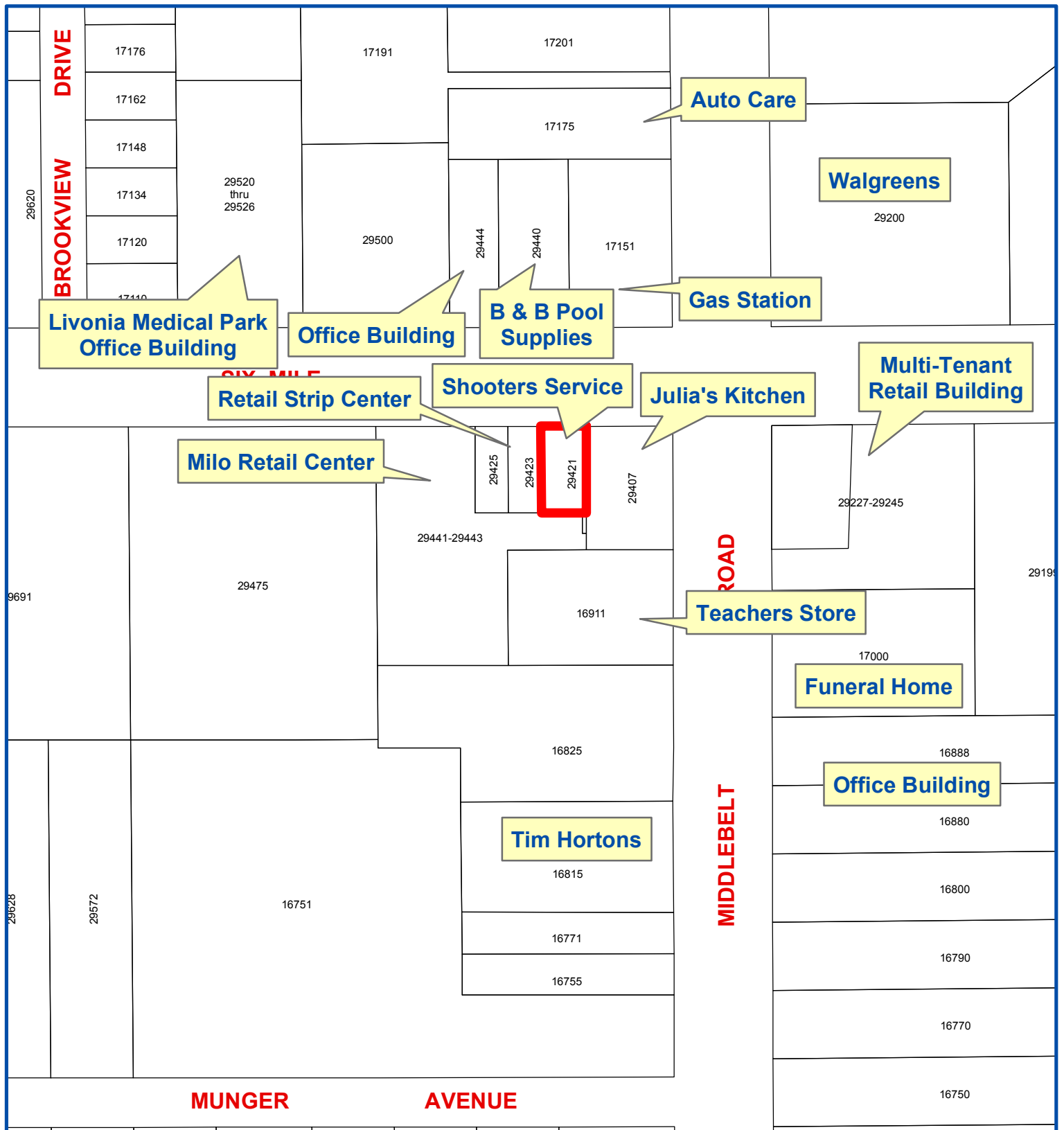
**Petition 2011-05-08-05
Shooters Service
Exterior Renovations**



Not to Scale



City of Livonia
Planning Department



Address Map

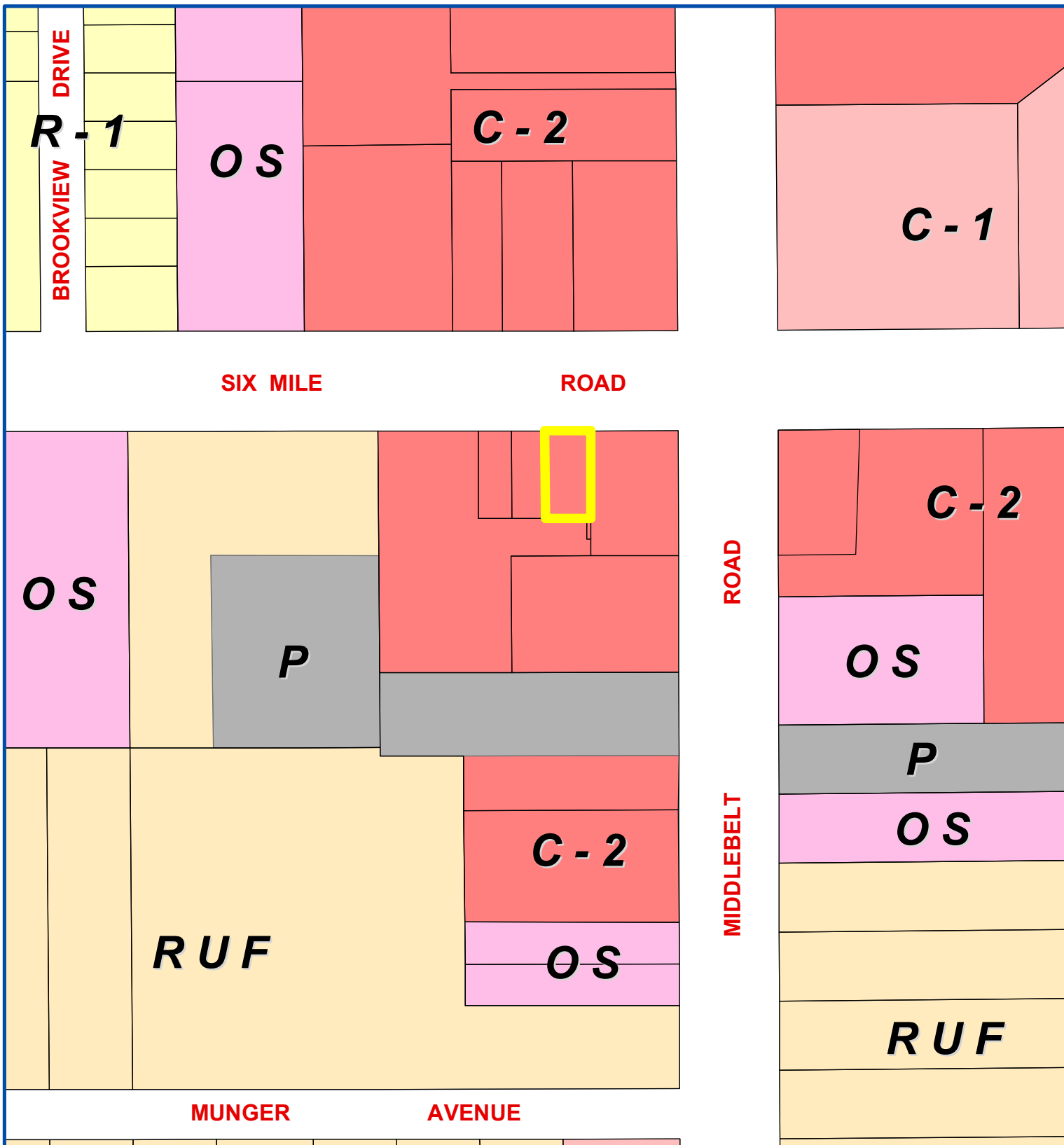
Petition 2011-05-08-05
Shooters Service
Exterior Renovations



Not to Scale



City of Livonia
 Planning Department



Zoning Map

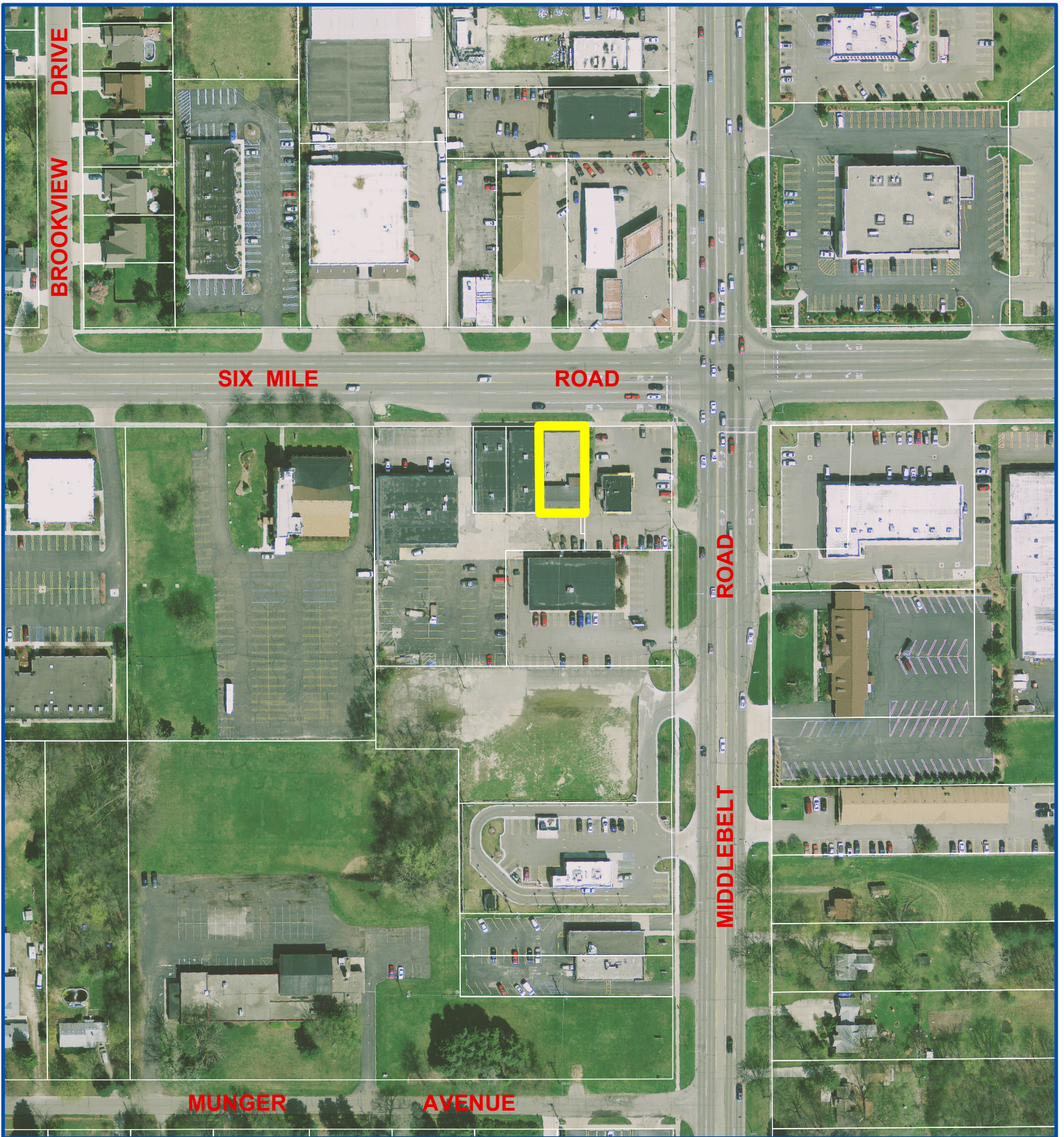
Petition 2011-05-08-05
Shooters Service
Exterior Renovations



Not to Scale



City of Livonia
Planning Department



Aerial Map

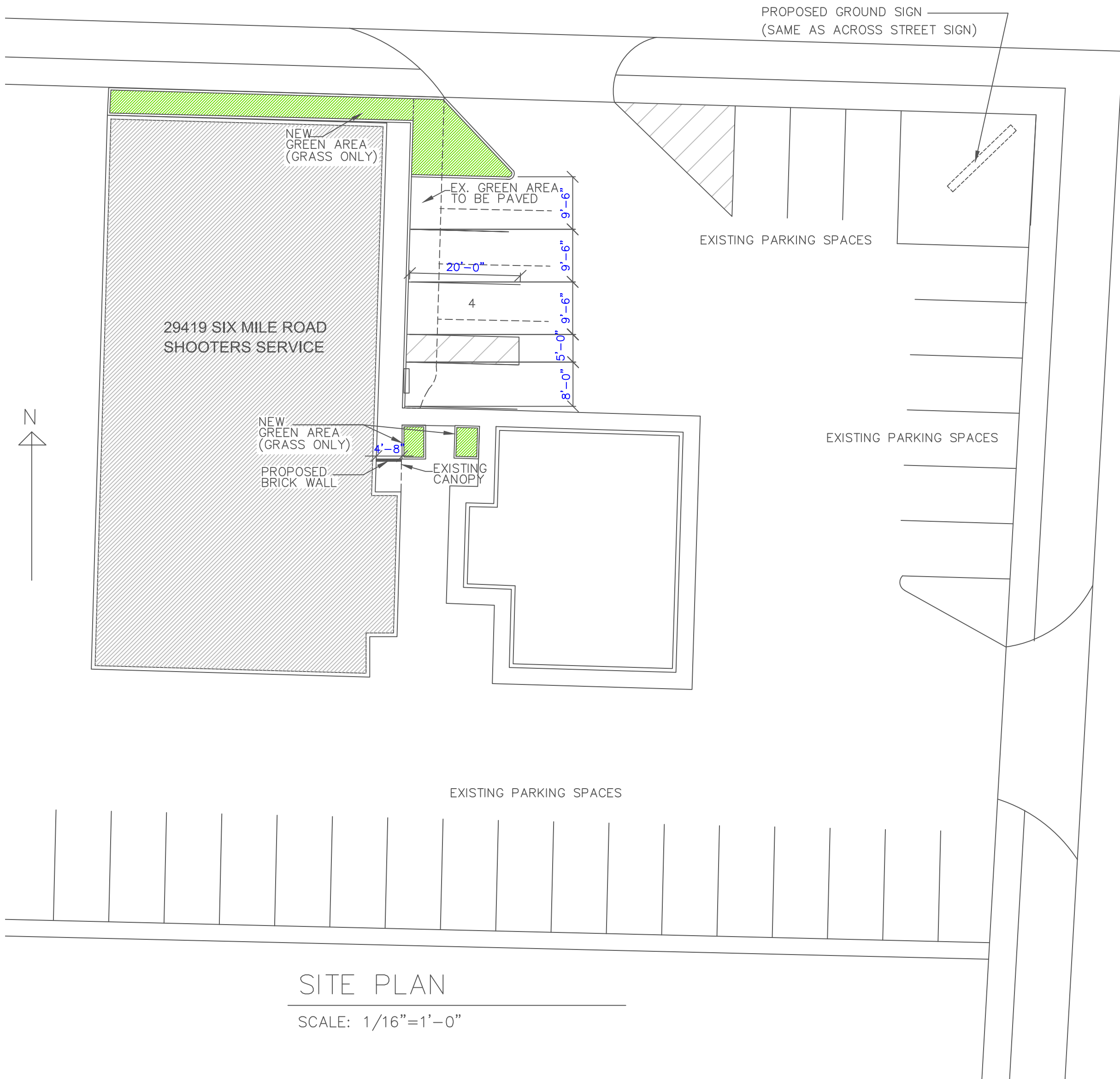
**Petition 2011-05-08-05
Shooters Service
Exterior Renovations**

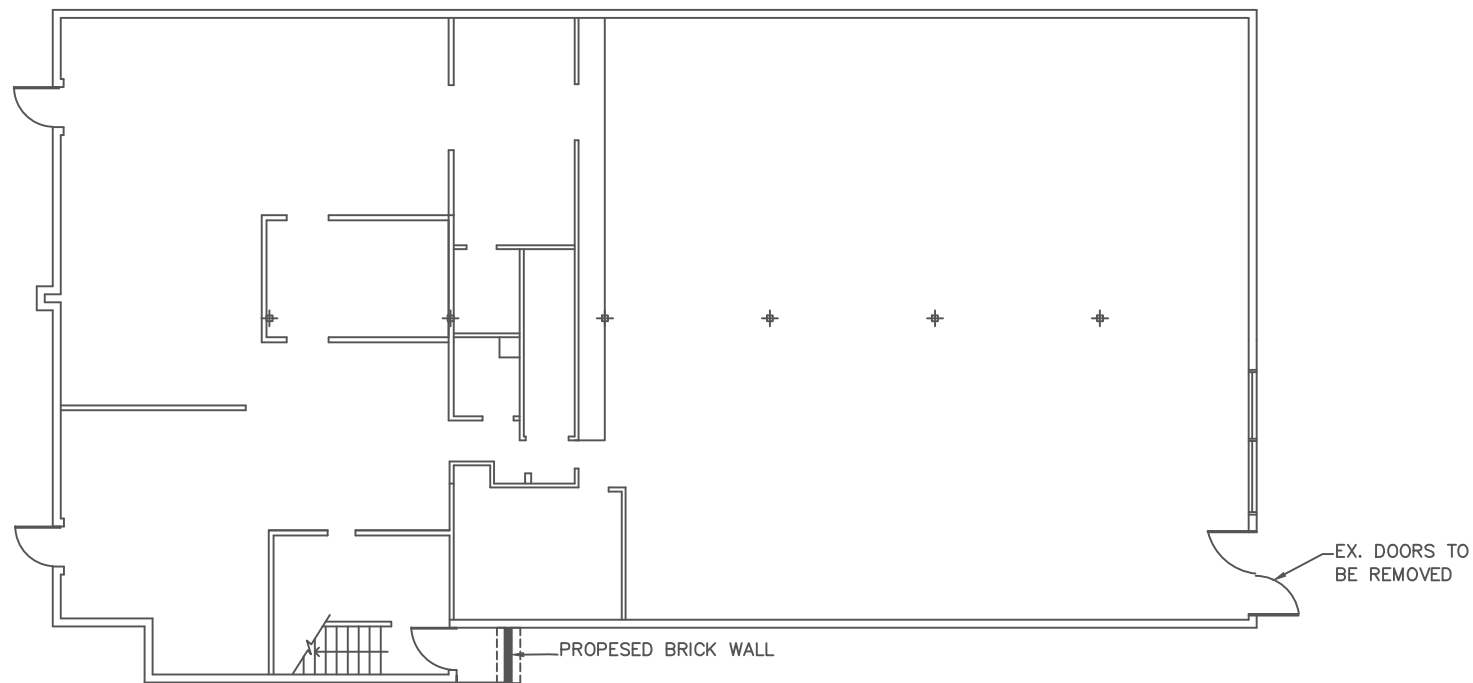


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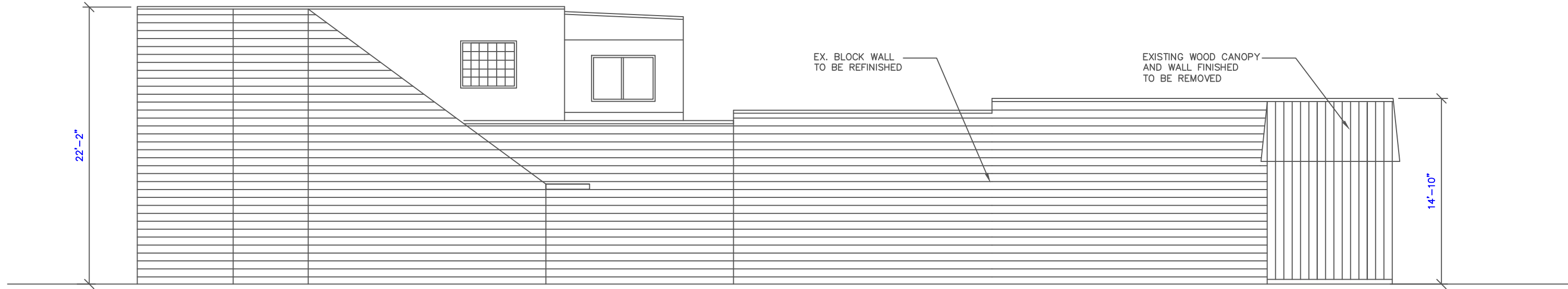
City of Livonia
Planning Department





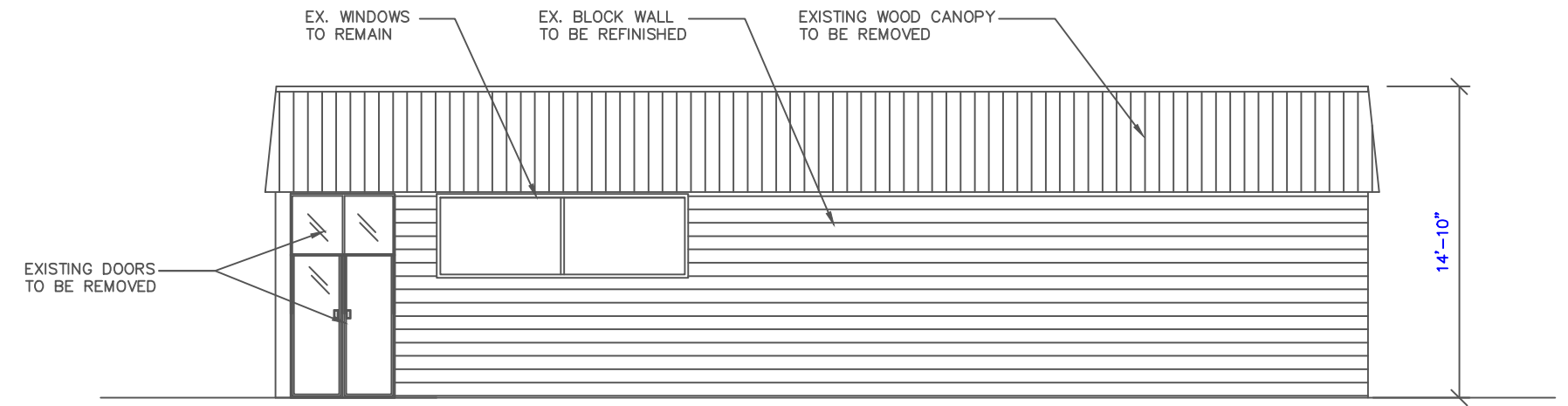
EXISTING FLOOR PLAN

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



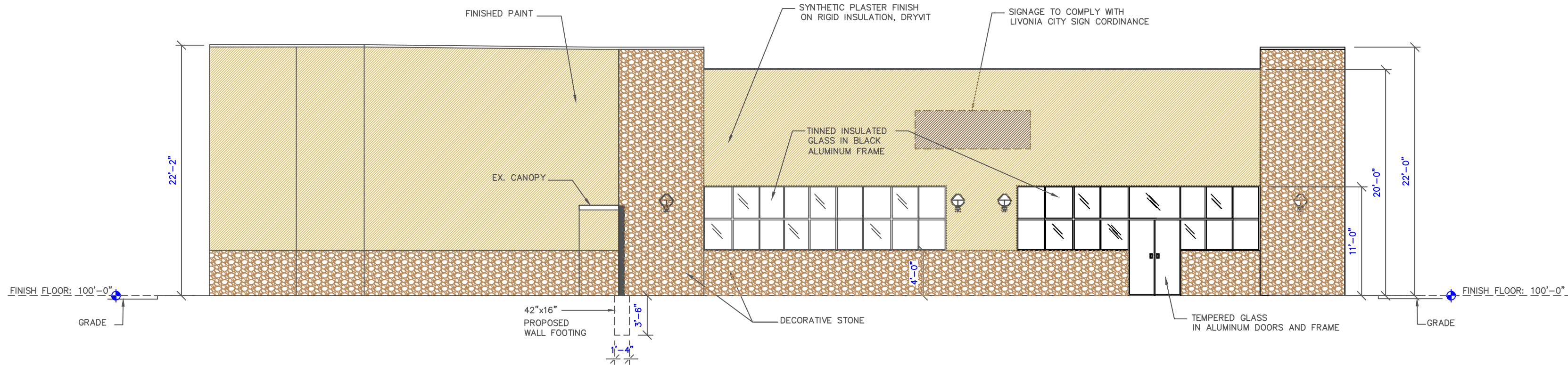
EXISTING SIDE ELEVATION (MIDDLEBELT RD. SIDE)

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



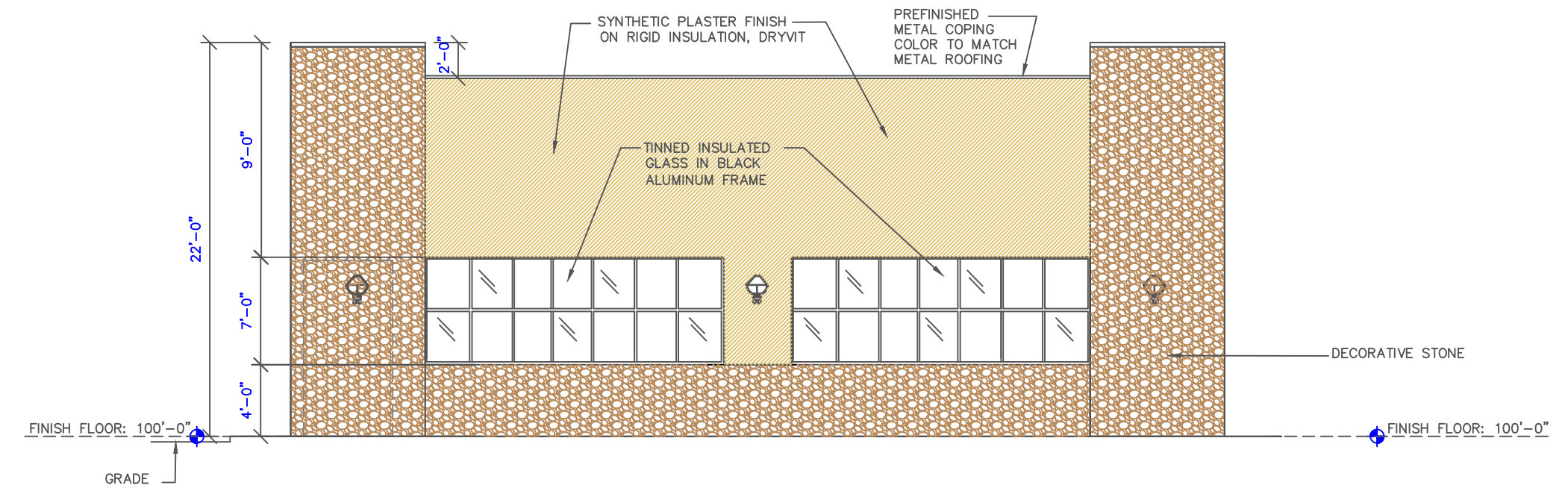
EXISTING FRONT ELEVATION (SIX MILE RD. SIDE)

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



PROPOSED FRONT ELEVATION (MIDDLEBELT RD. SIDE)

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

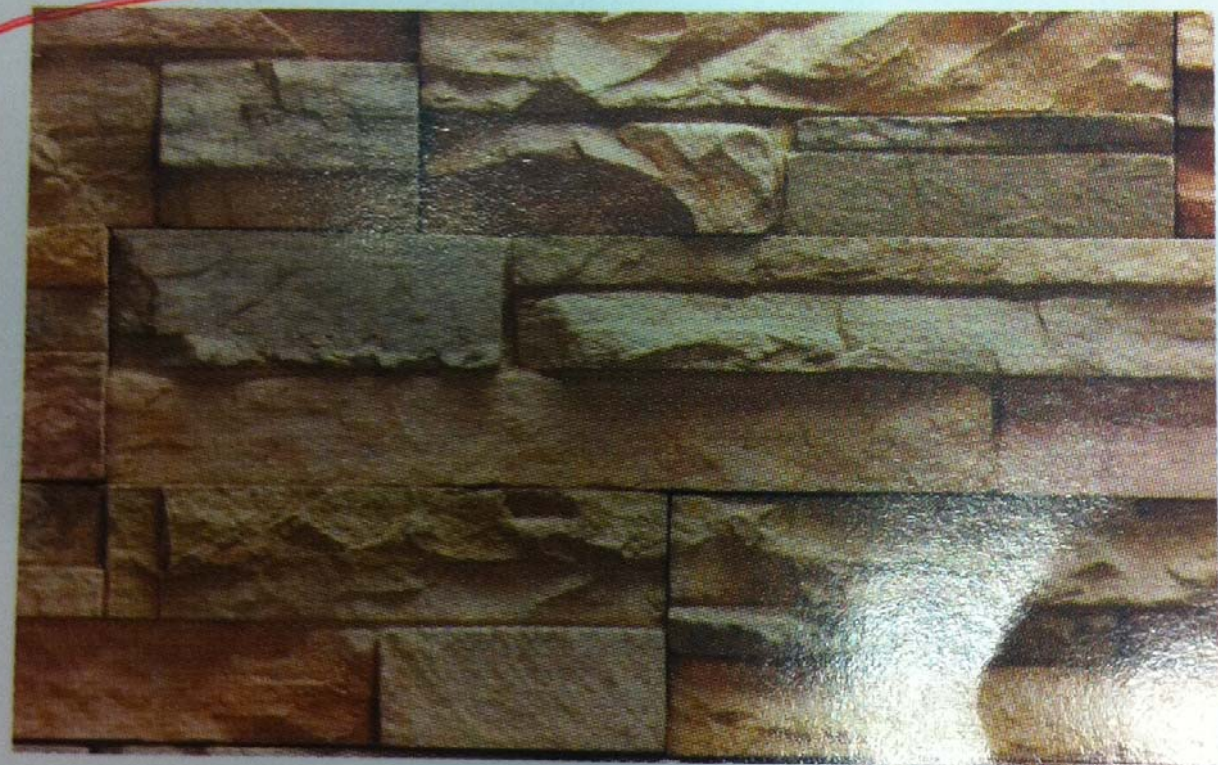


PROPOSED SIDE ELEVATION (SIX MILE RD. SIDE)

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



Stack Stone - Sonrisa



Imperial Stack Stone - Cordovan

INSPECTION DEPARTMENT

BUILDING
HEATING
PLUMBING
ELECTRICAL
ZONING
SANITATION
ENVIRONMENTAL PROTECTION
ORDINANCE ENFORCEMENT



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(734) 466-2580
FAX: (734) 466-2095

JACK E. KIRKSEY
MAYOR

A. ALEXANDER BISHOP, CBO
DIRECTOR

JEROME A. HANNA
ASSISTANT DIRECTOR

Date: June 6, 2011

To: Scott O. Miller

From: Jerome Hanna

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

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

The following is noted:

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

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

Jerome Hanna
Assistant Director of Inspection

JH/kdt

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

TODD J. ZILINCIK, P.E.
City Engineer

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



JACK E. KIRKSEY
MAYOR

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

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

May 31, 2011

Scott Miller
Planner IV
City of Livonia

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

Dear Mr. Miller:

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

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

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

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

Sincerely,

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

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

DEPARTMENT OF PUBLIC SAFETY
LIVONIA FIRE & RESCUE

SHADD A. WHITEHEAD
FIRE CHIEF



JACK E. KIRKSEY
MAYOR

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

May 20, 2011

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

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

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

I have no objections to this proposal.

Sincerely,

Earl W. Fesler

Earl W. Fesler
Fire Marshal

**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF POLICE**

ROBERT STEVENSON
CHIEF OF POLICE



JACK E. KIRKSEY
MAYOR

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

May 18, 2011

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

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

Dear Mr. Morrow,

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

Yours very truly,
FOR THE CHIEF OF POLICE

John Gibbs, Sergeant
Traffic Bureau

PLANNING COMMISSION STAFF NOTES

MISCELLANEOUS

ITEM 4

Petition 2011-05-08-05 submitted by Unique Design Services requesting approval of all plans required by Section 18.58 of the Zoning Ordinance in connection with a proposal to renovate the exterior of the commercial building at 29419 Six Mile Road, located on the south side of Six Mile Road between Middlebelt Road and Oporto Street in the Northeast $\frac{1}{4}$ of Section 14.

May 31, 2011 Study Meeting:

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

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

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

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

MISCELLANEOUS

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

Page 2

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

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

June 7, 2011 Regular Meeting:

Approving conditions:

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

MISCELLANEOUS

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

Page 3

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

UNAPPROVED MINUTES

1

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

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

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

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

Members absent: None

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

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

ITEM #4 PETITION 2011-05-08-05

UNIQUE DESIGN

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

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

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

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

Mr. Morrow: Thank you.

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

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

Mr. Morrow: Are there any questions of Mark?

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

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

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

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

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

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

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

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

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

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

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

Mr. Morrow: No.

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

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

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

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

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

Mr. Wilshaw: Good luck with that.

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

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

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

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

Ms. Smiley: Okay. Thank you.

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

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

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

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

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

Mr. Morrow: Is there any discussion?

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

Mr. Wilshaw: Those sound good to me.

Ms. Scheel: Yes.

Mr. Morrow: So be it.

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

Mr. Khamou: Thank you very much.

ZONING BOARD OF APPEALS

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KARL R. LUKENS
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33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
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FAX: 421-1807

June 13, 1991

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Kok Va Chhan
25580 Five Mile Road
Redford, MI 48239

**ZONING
FILE**

Dear Mr. Chhan:

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

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

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

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

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

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

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

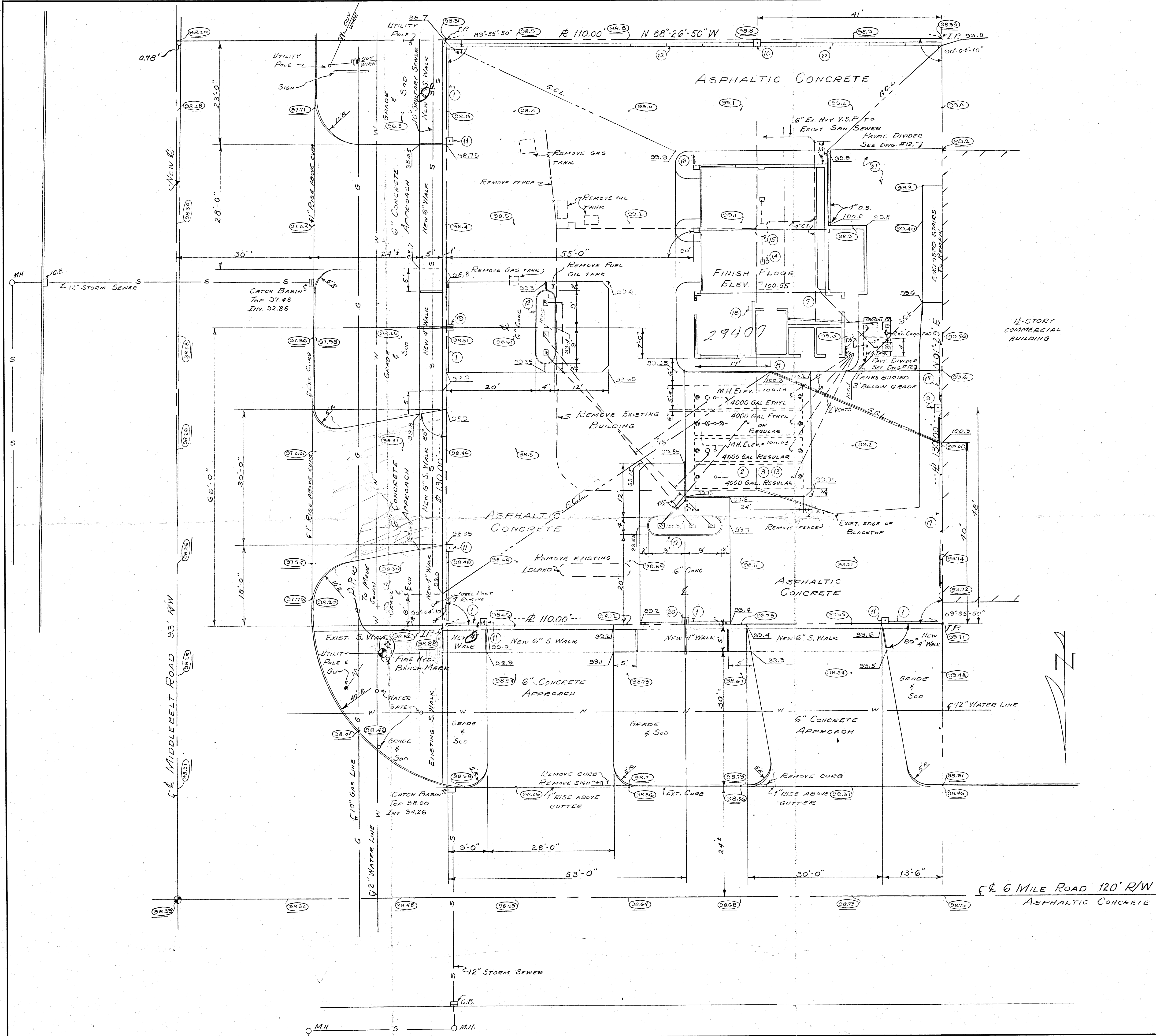
FURTHER, That the granting of this variance is not detrimental to the immediate area nor to the Master Plan of the City of Livonia.

Sincerely,


Valda I. Vandersloot
Secretary 

/kat

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



NOTES

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

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

BENCHMARK

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

Jul

As Noted

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



MARATHON OIL COMPANY
 FINDLAY, OHIO

APPROVED BY H.L. KNAPP	DATE 7/2/64	APPROVED BY H.L. KNAPP	DATE 7/2/65
ED. McGARVEY	7/2/64	ED. McGARVEY	7/2/65
NO. DATE DWTM		REVISIONS	
1 7-18-64 J.D.S.		CHANGED GROUNDING	
DRAWN BY J.D.S.		DATE 1-11-65	
TRACED BY		FILE NO.	
CHECKED BY R.L. 1-11-65		DWG. NO. 3-4016-2	

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

ZONING BOARD OF APPEALS

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PUBLIC NOTICE November 1, 2024

APPEAL CASE NO. 2024-08-29, 38019-38035 Schoolcraft (Tabled on October 1, 2024): an appeal was made to the Zoning Board of Appeals by TODAL LLC, seeking to occupy a property in the M-2 (General Manufacturing) Zoning District to establish a religious institution, which is prohibited.

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

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

This appeal will be heard at a public hearing to be held in the **Auditorium on the 1st floor of City Hall on Tuesday, November 19, 2024, at 7:00 p.m.**, at which time comments may be directed to the Board during audience participation. When replying by mail, write your comments on the back of this notice and address it to the City of Livonia, Zoning Board of Appeals, 33000 Civic Center Drive, Livonia, MI 48154. All written comments are read at the meeting and become part of the record.

ZONING BOARD OF APPEALS,



Timothy Klisz, Secretary

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

2024-08-29
November19, 2024

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Address:



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154
421-2000

CITY OF LIVONIA
INSPECTION DEPARTMENT

REJECTION OF APPLICATION FOR PERMIT

BECAUSE OF NON-CONFORMITY TO ZONING ORDINANCE LIVONIA VISION 21

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

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

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

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

Plans and Application examined by  Date 8/26/2024

APPLICATION FOR VARIANCE

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

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

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

The property address is 38019 - 38035 Schoolcraft Road

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

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

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

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

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

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

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

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

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

RECEIVED

AUG 23 2024

Inspection Department
City of Livonia

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

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

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

OWNER'S AFFIDAVIT

COUNTY OF WAYNE)
STATE OF MICHIGAN)

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

Signature of property owner: Tod Robinson

Please print name of property owner: Tod Robinson

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

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

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

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

NOT TO BE COMPLETED BY APPLICANT

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

M-1 NOT APPROVED FOR RELIGIOUS ORGANIZATIONS.

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

[Signature]
(Supervisor)

Application for permit filed No

Violation Issued No

CALIFORNIA JURAT

GOVERNMENT CODE § 8202

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

State of California

County of San Diego



Subscribed and sworn to (or affirmed) before me on

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

(1) Tod Robinson

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

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

Signature Kenneth C. Shook
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Application for Variance

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

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

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

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

Commonly known as: 38019 - 38035 Schoolcraft Road

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

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

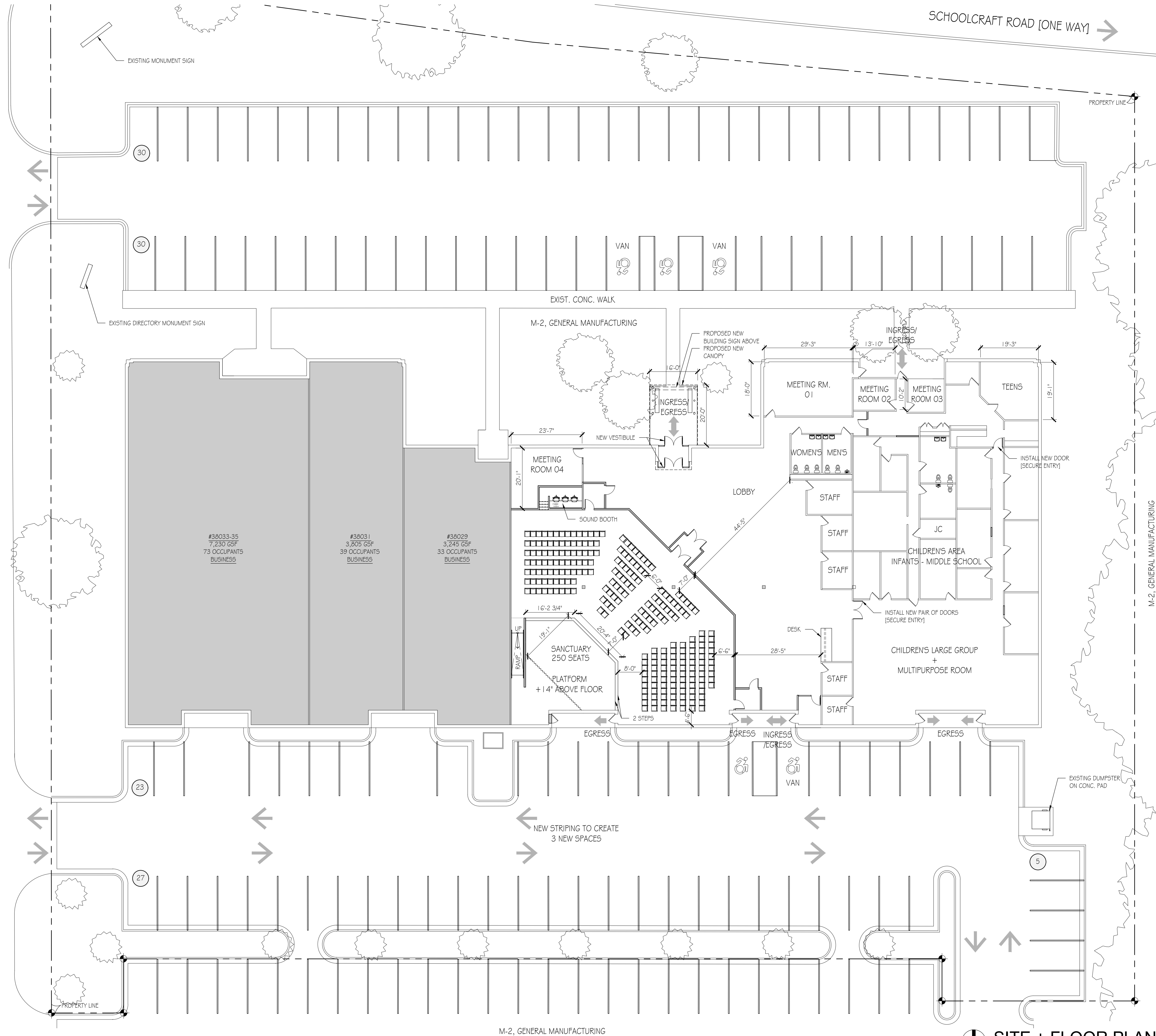
Further, we understand that the prospective buyer searched the Livonia area for two years and was unable to find any buildings that had adequate square footage, were compliant with today's building codes, and had adequate parking to suit the church's needs. This property meets all of their needs except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

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

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

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

WACO DRIVE R.O.W. 60' WIDE



PARKING + SEAT COUNT

1. 115 SPACES, INCLUDING 5 ACCESSIBLE SPACES
RE-STRIPED TO 10' WIDE SPACES

3 SEATS/SPACE - 345 SANCTUARY SEATS ALLOWED

250 SANCTUARY SEATS PROVIDED

COMPLIMENTARY USES

PLEASE NOTE THAT LIFECHURCH LIVONIA AND ANY ADJACENT BUSINESSES WILL HAVE NO PARKING CONFLICT DURING THEIR OPERATING HOURS SINCE THE CHURCH OPERATES PRIMARILY ON SUNDAYS.

PLUMBING FIXTURES

THE FINAL REQUIRED PLUMBING FIXTURE COUNT WILL BE PROVIDED WITH BUILDING PERMIT APPLICATION.

ACCESSIBILITY

THE BUILDING IS ACCESSIBLE AND IS CONNECTED TO ALL PARKING BY ACCESSIBLE ROUTES.

OCCUPANT LOAD

OCCUPANT LOAD - SANCTUARY
CALCULATED LOAD
3,527 SF/7 = 504 OCCUPANTS

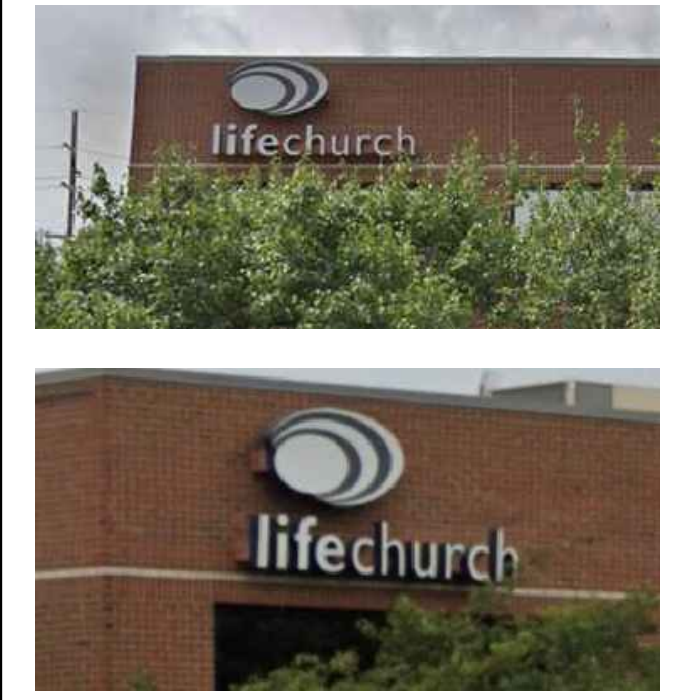
2015 MICHIGAN BUILDING CODE, SECTION 1004.1.2
EXCEPTION:
THE OWNER WILL PROVIDE A LETTER AND POST A SIGN IN THE SANCTUARY THAT STATES THE MAXIMUM NUMBER OF OCCUPANTS SHALL NOT EXCEED 250.

NOTE:
THERE WILL BE APPROXIMATELY AN ADDITIONAL 30 ADULT VOLUNTEERS ON SITE AND OUTSIDE OF THE SANCTUARY DURING TYPICAL SERVICES.

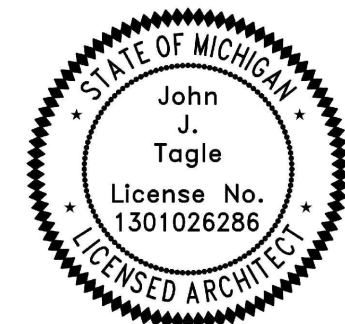
SIGNAGE

ALL NEW PROPOSED BUILDING SIGNAGE WILL COMPLY WITH THE LIVONIA SIGN ORDINANCE AND BE SIZED UNDER THE MAXIMUM ALLOWABLE DIMENSIONS.

THE PROPOSED LIFECHURCH LIVONIA BUILDING DIRECTORY SIGN GRAPHICS WILL BE SIMILAR TO THE EXISTING MONUMENT SIGN. ALL TENANTS SHALL HAVE AN APPROPRIATE SUITE SIGN AND LIFECHURCH LIVONIA EXPECTS TO ADD A SIGN SIMILAR TO THE IMAGES BELOW



SITE + FLOOR PLAN
SCALE: 1/16" = 1'-0"



John J. Tagle

NOT FOR CONSTRUCTION

JTAI

JOHN TAGLE ASSOCIATES, INC.
ARCHITECTS & PLANNERS

309 N. Main Street, Suite 213
Royal Oak, MI 48067-1810
248-542-0600
www.jtai.net

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PROJECT:
LIFECHURCH LIVONIA

CONCEPT PLANNING
38019 SCHOOLCRAFT ROAD LIVONIA, MI 48150

SHEET:
SITE PLAN

ISSUE / REVISION:

OWNER REVIEW	8OCT24
OWNER REVIEW	9OCT24
PRELIM CITY REV	16OCT24
ZBA APPROVAL	22OCT24

DRAWN BY:
RFD2

REVIEWED BY:
JT

JTAI FILE NO.
24.21

DRAWING NO.
A-200



1. 116 SPACES, INCLUDING 5 ACCESSIBLE SPACES
3 SEATS/SPACE - 348 SANCTUARY SEATS
2. 124 SPACES BY REVISING SOME STRIPING ON THE SOUTH SIDE
3 SEATS/SPACE - 372 SANCTUARY SEATS

THE FINAL REQUIRED PLUMBING FIXTURE COUNT WILL BE PROVIDED WITH BUILDING PERMIT APPLICATION.

THE BUILDING IS ACCESSIBLE AND IS CONNECTED TO ALL PARKING BY ACCESSIBLE ROUTES.

OCCUPANT LOAD - SANCTUARY
CALCULATED LOAD
 $4,054 \text{ SF} / 7 = 579 \text{ OCCUPANTS}$

2015 MICHIGAN BUILDING CODE, SECTION 1004.1.2
EXCEPTION;
THE OWNER WILL PROVIDE A LETTER AND POST A SIGN IN
THE SANCTUARY THAT STATES THE MAXIMUM NUMBER OF
OCCUPANTS SHALL NOT EXCEED 325.

NOTE:
THERE WILL BE APPROXIMATELY AN ADDITIONAL 30 ADULT
VOLUNTEERS ON SITE AND OUTSIDE OF THE SANCTUARY DURING
TYPICAL SERVICES.

ALL NEW PROPOSED SIGNAGE WILL COMPLY WITH THE LIVONIA SIGN ORDINANCE.

JTAI

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ARCHITECTS & PLANNERS

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Royal Oak, MI 48067-1810
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PROJECT:

LIFECHURCH
LIVONIA

CONCEPT PLANNING

38019
SCHOOLCRAFT
ROAD
LIVONIA, MI 48150

SHEET:

SITE PLAN

ISSUE / REVISION

OWNER REVIEW 8OCT24

OWNER REVIEW 9OCT24

PRELIM CITY REV 16OCT24

DRAWN BY

RFD2

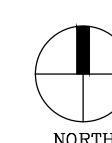
REVIEWED BY:
JT

JTAI FILE NO.

24.21

DRAWING NC

A-200



SITE + FLOOR PLAN

RE: LifeChurch Livonia - Site + Floor Plan - Preliminary Review

From Stierna, Matthew <mstierna@livonia.gov>

Date Wed 10/23/2024 2:01 PM

To Fisher, Mike <mfisher@livonia.gov>; Goff, Erika <egoff@livonia.gov>; Kasprowicz, Sara <skasprowicz@livonia.gov>

Mike,

The proposed wall sign is in the right margin of the revised site plan. Exact dimensions were not provided, however it is indicated that they would be compliant with our sign ordinance.

On the matter of revised plans, they have proposed 115 parking spaces that comply with the minimum dimensions required by our ordinance so the break down would be as follows: Spaces required for the Religious institution: 109; spaces required for the business spaces based on a gross floor area of 14,280 s.f.: 71 for a total of 180 required parking spaces creating a deficiency of 65 spaces.

Included below is a string of the pertinent emails.

Respectfully,

RE: LifeChurch Livonia - Site + Floor Plan - Preliminary Review

From Stierna, Matthew <mstierna@livonia.gov>

Date Fri 10/18/2024 9:23 AM

To Taormina, Mark <mtaormina@livonia.gov>; Fisher, Mike <mfisher@livonia.gov>; Kasprowicz, Sara <skasprowicz@livonia.gov>; Goff, Erika <egoff@livonia.gov>

Cc Uhazie, Jacob <juhazie@livonia.gov>; Stroble, Robert <rstroble@livonia.gov>; Hanna, Jerome <JHanna@livonia.gov>

Good morning, everyone,

Upon a site visit on this property yesterday to evaluate the proposed parking, I found that the parking spaces in the north lot and the spaces immediately adjacent to the rear of the building are only 9' wide. Since zoning requires 10' wide spaces and this is a proposed change of use, it would be my understanding that the parking lot would need to be restriped to be compliant. This will lead to a net loss of spaces, even with the use of the old garage door approaches be repurposed into parking.

My assessment is that they could only have a total of 115 parking spaces available including the 5 required barrier free spaces.

Respectfully,

Matthew Stierna

Sr. Building Inspector

City of Livonia | Inspection Department

(734) 466-2593

mstierna@livonia.gov

From: Stierna, Matthew <mstierna@livonia.gov>

Sent: Thursday, October 17, 2024 10:02 AM

To: Taormina, Mark <mtaormina@livonia.gov>; Fisher, Mike <mfisher@livonia.gov>; Kasprowicz, Sara <skasprowicz@livonia.gov>; Goff, Erika <egoff@livonia.gov>

Cc: Uhazie, Jacob <juhazie@livonia.gov>; Stroble, Robert <rstroble@livonia.gov>; Hanna, Jerome <JHanna@livonia.gov>

Subject: RE: LifeChurch Livonia - Site + Floor Plan - Preliminary Review

Thank you, Mark!

I will forward this additional information to the Zoning Board of Appeals.

Respectfully,

Matthew Stierna

Sr. Building Inspector

City of Livonia | Inspection Department

(734) 466-2593

mstierna@livonia.gov

From: Taormina, Mark <mtaormina@livonia.gov>

Sent: Thursday, October 17, 2024 9:50 AM

To: Stierna, Matthew <mstierna@livonia.gov>; Fisher, Mike <mfisher@livonia.gov>; Kasprowicz, Sara <skasprowicz@livonia.gov>; Goff, Erika <egoff@livonia.gov>

Cc: Uhazie, Jacob <juhazie@livonia.gov>; Stroble, Robert <rstroble@livonia.gov>; Hanna, Jerome <JHanna@livonia.gov>

Subject: RE: LifeChurch Livonia - Site + Floor Plan - Preliminary Review

Matt,

Section 9.03(6) of the Zoning Ordinance allows the Planning Department to consider an alternative method of calculating parking demand by consulting the most recent edition (6th) of the Institute of Traffic Engineers (ITE) Parking General Manual. Referencing the data statistics for Churches (560) under the Institutional Land Use Group, the range of rates for parking demand based on actual surveys is 10.42 – 17.32 parking spaces per 1,000 square feet of gross floor area (GFA), with an average rate of **13.94**. An alternative study looked at the parking demand based on seats as the independent variable, which resulted in an average rate of **0.65** spaces per seat. The peak parking demand for this land use is during worship services. Per the ITE description, a church is a building where public worship services are held. A church houses an assembly hall or sanctuary and may also house meeting rooms, classrooms, and, occasionally, dining, catering, or event facilities.

Applying this information to the proposal by Life Church results in the following parking demands, which the ZBA may want to consider as part of its evaluation of the variance request:

Approximate size of church = 19,500 square feet.

Number of proposed seats in the sanctuary = 348

Parking demand based on ITE average rate per 1,000 square feet: $13.94 \times 19.5 = \mathbf{272 \text{ spaces}}$.

Parking demand based on ITE average rate per seat: $0.65 \times 348 = \mathbf{226 \text{ spaces}}$.

Another consideration should be parking flow. We note that the parking lot on the north side of the building is likely to fill up first. As members arrive and seek parking, turning around once the lot is full will be difficult. Note the cross-connection with the property to the south. Overflow traffic will use the adjacent property for parking; thus, the ZBA should verify that there will be a legal arrangement between the owners to allow this.

Mark

Mark Taormina

Planning and Economic Development Director

City of Livonia | Planning Department

(734) 466-2292

mtaormina@livonia.gov

From: Stierna, Matthew <mstierna@livonia.gov>

Sent: Wednesday, October 16, 2024 5:38 PM

To: Fisher, Mike <mfisher@livonia.gov>; Kasprowicz, Sara <skasprowicz@livonia.gov>; Goff, Erika <egoff@livonia.gov>

Cc: Taormina, Mark <mtaormina@livonia.gov>; Uhazie, Jacob <juhazie@livonia.gov>; Stroble, Robert <rstroble@livonia.gov>; Hanna, Jerome <JHanna@livonia.gov>

Subject: FW: LifeChurch Livonia - Site + Floor Plan - Preliminary Review

This is the proposed floor and parking plan the TODAL ZBA case (#2024-08-29) . I have completed a quick parking evaluation here. Perhaps planning may want to weigh in with their comments?

My evaluation comes to 109 parking spaces required for the religious institution based on their sanctuary maximum seating, leaving 15 parking spaces for the other tenant spaces of the 124 proposed parking spaces. This also supposes that the additional parking spaces added on the south side of the building at the existing garage doors will fit. I'm not sure there is 30 feet available at two of those areas to get the additional 3 spaces. I will make a site visit and confirm.

The tenant spaces as general business offices would require 1 parking space per 200 square feet of floor space. Based on 14,280 That would require 72 spaces.

Alternatively, the tenant spaces could be considered Industrial/ business research laborites and offices or Industrial manufacturing processing or assembling which only requires 1 parking space for each employee computed on the basis of the greatest number of persons to be employed an any one period during the day or night. This is the more favorable approach but is very subjective.

There may also be a case to be had regarding peak times between the two uses.

I will provide additional information later as needed.

Respectfully,

Matthew Stierna

Sr. Building Inspector

City of Livonia | Inspection Department

(734) 466-2593

mstierna@livonia.gov

From: rday@jtai.net <rday@jtai.net>

Sent: Wednesday, October 16, 2024 2:24 PM

To: Stierna, Matthew <mstierna@livonia.gov>

Cc: 'Life Church Livonia' <alex@lifechurchlivonia.org>; 'Chris Garvey' <garvcm@gmail.com>; John Tagle

<jtagle@jtai.net>

Subject: LifeChurch Livonia - Site + Floor Plan - Preliminary Review

Good afternoon Matthew,

Please find attached the LifeChurch Livonia Site + Floor Plan with occupancy and parking calculations, for you preliminary review and comment.

Let me know if you have any questions or if there is anything I can assist you with.

Thank you!

Roland Day, II, AIA, NOMA

Senior Project Architect

John Tagle Associates, Inc.

Architects & Planners

The Genesis Building

309 N. Main St., Ste. 213

Royal Oak, MI 48067-1810

(248) 542-0400

www.jtai.net

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[2024]

ZONING BOARD OF APPEALS

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



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

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

OCTOBER 4, 2024

TODAL LLC
5075 Shoreham Place, Suite 280
San Diego, CA 92122

To Whom It May Concern,

The Zoning Board of Appeals of the City of Livonia, at a Regular meeting held October 1, 2024, adopted the following Resolution:

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

This Tech and Manufacturing property is located on the south side of Schoolcraft Road (38019-38035), between Waco Road and Newburgh Road, Lot. No. 117-02-0009-006, M-2, General Manufacturing, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 3.17 (Permitted and Prohibited Uses), **be tabled** so that the Petitioner may submit more information regarding signage, parking, detailed floor plans, and modifications to Matt Stierna, Senior Building Inspector, in person or via email at mstierna@livonia.gov.

If the Petitioner wishes to be heard at the November 19, 2024 meeting, the additional petition information must be submitted by October 25, 2024 to allow the Zoning Board of Appeals Department time to notify residents.

ZONING BOARD OF APPEALS,


Timothy Klisz, Secretary

CC: Chris Williams

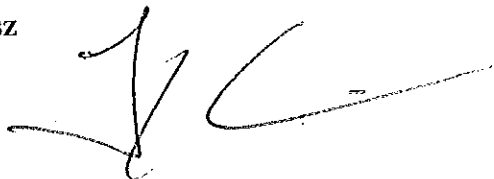
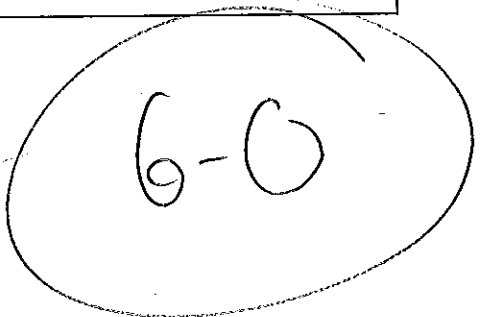
Meeting Date: October 1, 2024

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

Motion To:		Comments:
Support		
Deny		
Table	X	
Other		

Motion	Support	ZBA Board Member	Yes	No	Tabled	Absent
		Greg Coppola - Chairman	X			
X		Jim Baringhaus - Vice Chairman	X			
		Timothy Klisz - Secretary	X			
	X	Christopher Boloven	X			
		Michael Testa	X			
		Marc Rotondo	X			
		Lynda Scheel				X
CONDITIONS						
1. For more info on signage, parking, plans, etc.						
2.						
3.						
4.						

ZBA Secretary: Timothy Klisz

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

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

COPPOLA All right, thank you. Mr. Stierna, anything you'd like to add?

STIERNA The Inspection Department does have a couple of items that should be made noteworthy, because this building will be, if this passes, the building will be changing use or changing occupancy, which will require updates to the building that will bring it in[to] compliance with current Michigan codes, building codes. They will also need to be compliant with required parking spaces for this use, which I was unable to determine based on no proposed floor plan. Spaces for parking vary between the, say, the administrative use portions of a church and then the, excuse me, the assembly spaces. Assembly spaces require one parking space per 50 square feet of assembly, whereas the administrative would be one space per 200 square feet. So their architect would need to present plans that would somehow fit the existing 117 parking spaces for a building area of about 33,000 square feet.

COPPOLA Just so I can summarize, they would need to... to be able to use it. Let's say we give them the use variance and to be able to use it there has to be two things that need to occur to get into compliance. Number one, we have to, first of all, determine any plan, the design, to make sure that's in compliance. And then number two, then you need to understand the parking situation, where there's enough parking for that use. So we're kind of a cart in front of the horse? I mean, if they don't meet the parking requirements, I guess the question is, if they kind of guessed, could they meet it? If we can't meet the parking requirements, they can't use it as that type of as a religious facility.

STIERNA There would be a very real possibility they would have to come in for another variance for parking.

COPPOLA Okay. Any questions for Mr. Stierna? All right, seeing none, if the Petitioner could step forward, please. Name and address.

WILLIAMS Good evening. My name is Chris Williams, I'm an attorney for Couzens Lansky. The firm address is 39395 West 12 Mile Road, Suite 200, Farmington Hills, Michigan, 48331. I'm representing TODAL tonight. But just for clarity, there's currently a transaction going on which you're aware that Life Church Livonia is seeking to purchase that property from TODAL LLC. Our firm represents Life Church Livonia in that transaction. However, I have been given special permission tonight to represent TODAL at this hearing.

COPPOLA Mr. Fisher, we don't need any authorizations or anything? I didn't see anything in the file. We didn't receive even the written authorization.

WILLIAMS I do have a written authorization, a consent from TODAL that signed actually by both parties.

COPPOLA That would be a big help. Can you share that with us?

WILLIAMS Yeah, I can. Do I give this to Mr. Fisher?

COPPOLA Yes, if you would please. Is that your only copy?

WILLIAMS That is. That's a photocopy.

FISHER We'll take care of it.

WILLIAMS Thank you.

COPPOLA Alright, you may proceed.

WILLIAMS So as we indicated, I think our application, or the application from TODAL indicates the proposed use for this property. Life Church Livonia has been in the area for 10 years. The lead pastor is here tonight. We also have the real estate agent. Another parishioner is here so they can comment after I'm done. With respect to it, though, as far as reasoning for doing this, from TODAL's perspective, they've had this property in the market for two years. They've had very limited leasing that's occurred during that period of time. It's a little bit unusual property. It's in a general manufacturing zone, but it's really, you know, even though professional office space is within general manufacturing, it's really not set up for manufacturing per se. So it's made it a challenge for TODAL to do a deal, essentially, either lease it or sell it. Similarly, from Life Church's perspective, they've been seeking to find a place to use. They've been in Livonia for 10 years. They're currently temporarily in Laurel Park Mall, and this seems to be a pretty good match between the two parties. There was some concern, I think, about the parking that was raised. And again that could be... what I'm saying... a measure.

COPPOLA We need to make a copy for the file. So I'm going to go ahead and scan it in once we've listened to what you have to say.

WILLIAMS Okay. As far as the... I think it was brought to Life Church's attention with respect to the upgrades, and Life Church was aware of that, that those were going to be happening. I think there's some HVAC things that will need to be done, and there'll be some, I believe, some fire suppression things that may need to be done to the property before it's occupied. So everybody's well aware of that. With respect to the parking, you know, we'll have to understand that the formula that's used. But essentially, there's seven units within that space. The church is proposing to use three of the units, they feel pretty confident that, once we go through the

formula, they really are only going to need about 50 spaces of the 117-some-odd spaces that are currently there. Again, it's complementary use, it's weekend use. So they're not going to be really overlapping with other tenants, during the course of the week, or, frankly, other businesses around the area. So they're not too concerned about that issue. And again, if a variance needs to be obtained, we'll certainly seek that. But they're not too concerned about the parking issue at this point. There's approximately, 120 congregants currently. So, you know, obviously every 120 doesn't have a car of their own, so they are families and couples that are coming in.

COPPOLA Okay, so there... you said, how many of the spaces are they planning to initially use? I assume at some point they'll expand to all of it.

WILLIAMS I mean, I think they hope to expand it. They're looking to do several services. So it's not like there's gonna be a single service where everybody's flooding the zone, so to speak. So I think right now, they feel probably about 50 spaces during the weekend is probably gonna meet their needs.

COPPOLA So what are they planning on doing in the interim with the vacant spaces?

WILLIAMS I mean, I don't think they're planning to do anything. They will just simply-- oh, vacant. I'm sorry. I was thinking parking spaces, the vacant building spaces.

COPPOLA Yes.

WILLIAMS I think the hope that there's currently one tenant in one of them, in an ideal world, they would hopefully be able to rent out some of those other units.

COPPOLA Well, they're aware, that the reason landlord signed on this, is because he hasn't been able to....

WILLIAMS They have. I mean, this is, that's not the principal, you know, they're not really looking to get into the business of being landlords. I mean, that would just be sort of a happy benefit if there's a way to use that space, until they're able to use it for their entire space. So. Like I said, there's one tenant there now, if another tenant came in, or a second tenant came in, then that's just more resources for them to use down the road. But the primary reason is to really have space, a space of their own, a space in the community that Livonia would have access to, and they think would be a ni-- right now we've got essentially a vacant building sitting there, really doing not much of anything. And we think this would be a nice addition to Livonia to be able to have this church in that location.

COPPOLA Question. Any other questions for the Petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS I guess, is the principal services just on Sunday, or do they have a number of programs planned through the week as well? Yeah, go ahead. I'm sorry.

WILLIAMS I'm sorry. I think that the pastor can probably comment better to that than I can, but I think my understanding is they have a Sunday service. Again. I think they're planning, once everything's up to speed, to try to have two Sunday services. You know, there'll probably be some things during the week, women's groups, some things in the evening, but I think... my guess is most of the use is going to be heavily weekend, probably evenings for Bible studies and those sorts of things. But not... that's why it's kind of a nice, complimentary use. Really shouldn't be interfering with anybody else that would be in the regular nine to five operation.

BARINGHAUS Okay. Thank you.

COPPOLA I have a question for Mr. Fisher. We provide a use variance. At that point, does that whole property be designated as, I guess, what are usually more like C-2s, the use variance. Can they still use that as a rental, as rental property, since we've given the whole property a use variance?

FISHER Well, I guess you, if you're asking, could you give the use variance status for less than the entire parcel? I suppose you could do that. Is that what you're driving at?

COPPOLA No, well, what I didn't want to do is give the buyer a misunderstanding that once we give them use variance, that those units they want to rent out, the interim before they can use them, can't be rented out.

FISHER Well, they obviously have some problems in that you already talked about the fact that you don't know how much parking you're going to need, because we haven't got interior plans at the church, and simultaneously, we don't know how much you'll need for current and future tenants, pretty much, by definition, in the case of future tenants. So there we're gonna have to address those issues somehow.

COPPOLA Okay. Other questions?

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Question for the Petitioner, how far are you in due diligence on the other items that Mr. Stierna brought up, as far as if it were approved for that use variance, parking updates that need to be done.

WILLIAMS My understanding is they're very far along in due diligence. This is one of the last steps to being able to close this transaction. Is just trying to get this variance.

BOLOVEN So is everything that's going to be required by the City, are they going to be able to do, or is this just going to end up back here again for another variance request for parking or whatever the case may be?

WILLIAMS Well, again, I became aware of the parking issue. I think someone from the Engineering Department reached out to one of the church members who raised these issues. So I've been aware of it for a couple days now. I think parking was... well.... As far as the additions and things that need to be done to make it accessible, I think everybody was fully aware of that. They've already had the architect on site, I believe they already have plans or there certainly will be soon enough. So that issue is where again, on the parking issue, we'll have to understand the formula for what's going to be provided there. But my sense is, I think we're going to, I think the church is going to meet that for them, because, again, they're not looking to use, even 50% of the curb space there.

BOLOVEN I tend to agree with Mr. Chair about putting the cart before the horse. If this were tabled for 30 days, it seems like far enough along in the due diligence process that that last piece, if you got the formula, you guys could give us some certainty. Is that correct?

WILLIAMS Well, I think we need to understand what the requirements are, yeah, that's for sure.

BOLOVEN Thank you, Mr. Chair.

COPPOLA Any other questions for the Petitioner?

TESTA Yeah, Mr. Chair, question for the Petitioner.

COPPOLA Yes, Mr. Testa.

TESTA I don't know if we directed you or maybe someone from the church. So Life Church has been around in Livonia for 10 years. I think the business model, for lack of better term, has been rentals like Holmes Middle School. I live right there. And you guys were great during Covid, doing it outside and playing music, enjoyed from my backyard. But I'm wondering why you're changing from a kind of a rental model to maybe a....

WILLIAMS So I can, yeah, I can answer that a little bit. So this is actually kind of a baby church, a larger church called, it's in Canton, called Life Church in Canton. And so I think it's down on Haggerty and Warren Road, and it was kind of a similar situation. I don't know what... I can't remember what the zoning was precisely. It was manufacturing or industrial, but it was a similar thing where they took a building like that and turned it into a pretty large, successful church. And so that church was so successful that it's been able to church plant with other ones.

So with the church plant, with Life Church Livonia, it's... the intent is always to get to a building. I mean, that's the plan. I mean, it's not-- they have to do what they can live with initially, in terms of building, the congregation, the resources, but ultimately, at the end of the day, they want to have a church building and build plant churches of their own. I mean, that's really the goal of the of the operation, so that's the answer to the question. I mean, that's just part of the of the overarching plan for the church. And again, the pastor can comment on that more than I can, but that's my understanding.

TESTA Okay. And then building-wise, if you look at other buildings, so I drive by this building every day on my way home from work, it seems it's more office-y-type building, and not so much church type. Why this building, is it simply the one building they could find, or...?

WILLIAMS Yeah, I think they, we've got, actually, I said the real estate agent is here also, he can comment too. They've been looking for a place that met all of their criteria in terms of space and zoning, and various issues, and so this has been the best that they've been able to find that's in the community. And honestly, when we think of churches, we think of kind of the historical, beautiful, architectural majesties that we've seen around the communities and things. Things have changed. I mean, churches run malls, churches run retail strips. I mean, they're in different spaces, and people are kind of actually demanding sort of a different approach, a little bit more modern, contemporary. You can do a lot of things with a space like this. You know? It allows a lot of things for kids ministries and other sorts of ministries using these kinds of wider open spaces than, sort of the conventional church building.

TESTA Okay, in an ideal world, when do you guys close and start operating this church?

WILLIAMS You know, again, I can let Alex, who I think can comment on that more. I'm not sure what the timing is. I mean, we're trying to just get the deal done, the transaction done. I mean, in a perfect world we'd get it done in 30, 60 days. I'm sure that they would want to be in it before the end of the year.

TESTA All right. Thank you.

WILLIAMS Thank you.

COPPOLA Any other questions for the Petitioner? All right, seeing none, is there anyone in the audience who would like to speak for or against this petition? And [if] there's members of the church or the realtor would like to speak up, now's a good time.

RAHILL How you guys doing? My name is Alex Rahill. I'm a Livonia resident, been living here and doing work here for 10 years. I'm lead pastor at the church you're just hearing about and to address a couple of the issues, our church is about 230 folks, as our representative said, we're a church plant. Renting is not a long-term strategy for success. It's cheaper than owning, for sure, but part of our heart in the Livonia community is, we're really trying to meet the needs of the City and the people in the city and when you're a setup and tear-down operation and you

only have five hours of actually having a physical location that's not somebody's house, that really dramatically limits the kinds of things that you're able to do. As you saw, we did many events at Holmes Middle School over the years, and does bless the community. We actually just recently threw a Livonia cider mill at the mall in the parking lot, partnered with a number of vendors from the mall, trying to bring business back to the mall. And during Covid, we helped deliver lunches to kids who were dependent on those lunches but were doing school online at home, even just today, as I was at the Rec Center before coming here, I was talking to a number of the senior gentlemen who were talking about their thoughts on the senior center, really looking for purpose and looking for community, looking to build friendships. These are the kinds of things we're interested in partnering with. And we think a permanent facility is going to help us do that much better than a rental facility. To the point about parking. Will we end back up here asking for another zoning variance on that? I don't think so. I think if that were to happen, we've probably outgrown that space, and in terms of the 33,000 square feet, we have a lot of dreams and hopes with that space, some of that is stuff we'll have to grow into, and I don't want to speak out of turn, and things like that. We do not yet have plans that are drawn up by an architect because we were unsure. This deal has died and kind of risen from the dead many times thus far in its process. We didn't want to spend the money creating something firm if we weren't even sure we could get it all the way through. So we're happy to come back with something more firm for everybody to take a look at. That's not a problem for us. And you know, we could come back with a solution on the parking as well and have some more information at the next meeting, if you'd like. But primarily what I wanted to come up here is just for some of the questions we were directing our representation to be able to answer those more directly.

COPPOLA Any questions? All right, thank you very much. Anyone else?

GARVEY Hi, my name is Chris Garvey, and I'm a congregant. I actually live in Canton, 1281 Hampshire Drive, and I was a part of the aforementioned plants for Life Church Canton, where we took the old Rudolph Libby building and converted that. Worked very closely with the city there to get similarly, to get the variance. In that case, we did actually add parking. And so when I moved over to start attending Life Church Livonia, I joined on with their kind of a building team, and found out that they had been in this process for the better part of two years. They've looked at multiple buildings. We're having a serious difficulty in finding anything within the bounds of the Livonia city limits that would meet the square footage and parking, etc. requirements. And so actually, I think as far as the kind of aforementioned, whether we haven't done specific plans with the architect, we have engaged the same architect that helped us with Canton. So he's very aware of the requirements specifically, and we're aware of the modifications we have to make. You know, airflow, large, countering space. You have to increase the amount of air flow so the HVAC improvements, things like egress, obviously, would have to be improved. I think on the parking front, I look at this as we will design the space to meet what our parking availability is, and that is to say, with the 50 square feet per spot that's within 117 spaces, you've got almost 6000 square feet, which is actually larger than we would need for auditorium space, the congregating space. So if we have a space of, like right now, if we have, if our average attendance is, yeah, there's 100 and 100... well, 120 I think, includes kids. But if you have 100 congregants, we could have a space for 250, easily, 250 seats that we

get that we could grow into in that 5000 square feet, which is more than, I think we have more than adequate parking. So I would get, as a way that we would actually design the space to fit the available spots.

COPPOLA Okay.

GARVEY Any other questions on that?

COPPOLA Thank you. Anyone else? One more? Okay.

HENRY My name is Mark Henry. I work with Rock Real Estate.

COPPOLA Your name and address, if you would, please.

HENRY My address?

COPPOLA Yes.

HENRY All right. It is 45580 Maidstone Road, Canton, Michigan. We, Alex especially, we've been looking at several properties. We've almost been under contract with a few for lease agreements, but most of them would have faced a lot of challenges with parking. It just... Livonia is a developed community. It's been around for several years, and everything is set in place, and it'd be very difficult to find open land or spots where you could build. So that's... and we also have pursued other churches where we would come across the same issues with be able to be involved, with being with some of the things that's mentioned, and also to have the parking that we would need. So that's kind of where we landed. And it's been a long process, and this building seemed to meet a lot of the criteria that we were looking for in a building, because I think in a lot of cases, we've already had this experience with Canton, and we thought this would be a great opportunity for the church.

COPPOLA Thank you. Any questions? No? I think we're all set, thanks. Anyone else? Any correspondence?

KLISZ No letters.

COPPOLA Okay, Mr. Williams, would you like to say anything in closing, before we close the public portion to our to go to that... whatever... we talk and then we vote?

WILLIAMS No. I think we... I think it's been said. I think we've addressed the issues at this point, like I said. I think certainly when you cooperate to work with the Zoning Board and the City to come to a successful resolution. So I guess, one... can I ask one question? This is a point of clarification. With respect, if this were to be granted, there was some conversation about how that would impact leasing, and future leasing of the space. Is that, was I hearing that

correctly, that that could essentially prevent future leasing of the empty spaces? And I guess what... I guess the question would be, what about the existing tenancy there?

COPPOLA Mr. Fisher, I'm going to punt to you on that one.

FISHER Okay. I think part of the problem is that your traffic or your parking needs are tied to your building usage, and as soon as one goes up, the other goes down. And so the reason we had asked for site plans was because it was for that very issue that your use of your internal spaces governs what you can do outside. And so, yes, that does. It does potentially make it more difficult for you to have your additional tenants, or even your current tenant.

WILLIAMS But, I'm sorry, but only to the extent of making sure that it qualifies with respect to the parking requirements of the City, is that right?

FISHER Well, right now, that's all I can think of.

WILLIAMS Okay, so that's... I just wanted to make a clarification.

COPPOLA Let me ask a clarifying question, a little deeper question. Does getting a use variance prohibit them, notwithstanding any other requirements to lease any of the units?

FISHER I think that's only if the Board imposes that requirement.

COPPOLA So, but if we did impose it, in other words, just because we gave them a use variance, didn't think about it, and then they came back and said, all we want, or we want to rent out these three units. Does the use variance prohibit them now from using it as, as what the property currently is zoned as, which is general manufacturing?

FISHER Well, the use variance standard includes within itself the concept of reasonable return. So I suppose theoretically, if they said, "We're going to starve to death and we can't rent to this or that," then it wouldn't... the mere fact of the use variance wouldn't stop that. So you should be mindful. I guess when you're developing your resolution that it says whatever you think it's going to need to say.

COPPOLA Okay. So it doesn't, you know, notwithstanding any other requirements, there's no prohibition with use variances, as it stands, unless we provide any limitation.

WILLIAMS I mean, I would assume, unless it's, because it's zoned manufacturing now, I would assume that manufacturing qualified tenants can still be within that space, unless the resolution provided otherwise, made some kind of limitation. In other words, we couldn't necessarily lease it to another church, maybe. And, you know, I guess, unless it was, unless that was part of the criteria or something, but.... I have nothing further. So I appreciate your time.

COPPOLA Thank you.

BOLOVEN Mr. Chair. I have a question for Mr. Fisher based on that discussion. My understanding has always been it's all or nothing. So what I mean by that, especially in relation to the property taxes, if this Board grants the use variance on that property, it's fully owned by the church, and it's no longer... it's fully tax exempt. So even if they do—no?

FISHER I don't know that that's necessarily true, because function is considered in deciding whether the property is exempt from tax.

BOLOVEN Yeah, but for churches, they're fully exempted, right? They could have rentals that are still going, but they're that property is no longer income tax or real estate tax producing.

FISHER Well, I don't, I don't know, property tax exemptions. Didn't have a dependent answer for you, but I would have said if you give the... even if the church uses it for purposes which are not churchly, the church use it with those purposes, it would not be exempt. And it's not exempt.

BOLOVEN For a normal nonprofit, it would be, but not church.

FISHER I got in my own church, we had a parsonage that somebody in the church hierarchy said we should rent out to the general public, and we paid property taxes on that parsonage all the time -- it was in the hands of a non-church employee. So no.

BOLOVEN Thank you, Mr. Chair.

COPPOLA Okay, all right, so I'm going to close the public portion of the case and start the Board's comments with Mr. Boloven.

BOLOVEN I think I'd like some more certainty. I kind of hinted that way my question of Petitioner when he was up in front of us, and I think they're far enough along in due diligence that a tabling is not going to hurt this. I mean, it's 30 days that gets its specifics from the City, as far as what the requirements going to be. If this does convert it, this use variance is granted by this Board, they can figure out what's needed, how it's going to affect their tenants, if those tenants remain. Think there's a lot of questions that were asked tonight that need to be answered, and I think tabling would be appropriate at this time to get some certainty at the next meeting.

COPPOLA All right. Thank you. Vice Chair Baringhaus.

BARINGHAUS Okay, thank you. I agree with Mr. Boloven. I think once I heard tonight about office space today has to evolve into more different, creative uses. I agree with that. The world's kind of moved on. I understand your difficulty in securing a site within Livonia. I know Glen Church is doing a similar exercise to yours, and they're still not there yet after a couple

years, but they're still trying as well. Again, I have questions regarding parking requirements. Also what changes are necessary for the building to get it into its final format. And also look to see a floor plan presented as well. So based on that I'd be in support of the variance. Thank you.

COPPOLA All right. Thank you. Secretary Klisz.

KLISZ I agree with my colleagues. I think it's a good time to table this, and then by the time they come back, there'll be more answers, as well as outline the plans and that kind of thing.

COPPOLA All right. Thank you. Mr. Rotondo.

ROTONDO Yeah, I'm happy to see that the parish is growing, and you guys are looking to invest into a building now. I just, I don't know that this is very... instantly appropriate here. I think this is something that should probably go to Council for rezoning. But I could be in favor of a table too, because it sounds like my colleagues are, and I guess if we table it, I would be interested to see more of the site plans and the parking plan. Thank you.

COPPOLA Thank you. Mr. Testa.

TESTA Thank you, Mr. Chair. I'm in support of a table. Have you guys firm up your plans and come back and present them. Thank you.

COPPOLA Okay, thank you. Yeah. I'd really like to see a more fully baked petition. I think ideally, we're going to provide a user experience. One has to understand the layout of the property, what it's going to be. What section is going to be used for what. We'll have the parking issue resolved, and if it needs to be addressed, it can be addressed at that time. I'd also want to suggest that you... any signage that you want to put on the property, you might want to include that in your petition, because if there's some variance needed for that, let's get it all done at one time. If, again, the proposed signage is something that's approvable by the Board. So I agree. I support the tabling. I think it sounds like you guys are pretty close to there anyway. So you can finish that up, spend some time with the Building Department making sure that everything's in compliance. So we can get up, we approve something. We know exactly what we're approving, and then we can move forward from that point. So I will go ahead and open up the floor for a motion.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Okay. Thank you. Motion to table Appeal Case No. 2024-08-29, made by TODAL, LLC for the purposes of requesting additional information on the project. Examples include signage for the property, clarifying and defining the number of parking spaces, what the

final plan would look like in terms of modifying the building for church uses, and then also a detailed floor plan of the building as well.

BOLOVEN Support.

COPPOLA I have a motion by Vice Chair Baringhaus. Support by Mr. Boloven. Go ahead and take the roll.

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

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

be tabled be tabled so that the Petitioner may submit more information regarding signage, parking, detailed floor plans, and modifications to Matt Stierna, Senior Building Inspector, in person or via email at mstierna@livonia.gov .

If the Petitioner wishes to be heard at the November 19, 2024 meeting, the additional petition information must be submitted by October 25, 2024 to allow the Zoning Board of Appeals Department time to notify residents.

ROLL CALL VOTE

AYES: 6

NAYS: 0

Absent: Scheel

PASS/FAIL/TABLED: PASS: TABLED

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Aye.

KLISZ Six zero.

COPPOLA All right, so the petition has been tabled. The Board has asked for information. I think you've kind of got in mind what we're looking for. So as I mentioned earlier, the next meeting is November 19th, and you need to submit updated documentation by the 25th. You can have your representation letter back. You can submit that with the resubmission of the package, I was just going to scan it, but I think you just resubmit anything.

WILLIAMS Just for clarification. That was just for tonight. So we might have to get something further--

COPPOLA All right.

WILLIAMS --If we're going to actually coming back so we can work with the buyer.

COPPOLA Yeah, maybe just, yeah. I think there's actually, do we have a form? Mr. Fisher, do we have a form for authorization? Or... I thought I saw something.

FISHER Not that I'm aware of.

WILLIAMS Don't steal my form.

[Laughter]

COPPOLA Don't worry about it, it's much simpler than that.

WILLIAMS In terms of submitting the--

COPPOLA Yeah, can you just step up so we can get the recording?

WILLIAMS In terms of submitting the supplemental documentation. I assume we can just submit that to the Building Department, the same process, and then we'll just talk to them about, do we need to affirmatively get back on the docket? We have to communicate?

COPPOLA Yes. Again, if you, let's say, by chance, you just aren't finished by the 25th of October, that pushes you into a separate meeting.

WILLIAMS Okay.

COPPOLA So, so you want to make sure you have everything, and again, I think it would make sense for the Building Department to have an opportunity to review that. And then, you know, they'll do their calculation on parking, make sure that you're in compliance with all the other requirements. And then, once you have a fully, kind of a fully baked plan, everybody agrees to that, you can present it to the Board.

WILLIAMS Okay? So we need to submit those by the 25th and let them know that we want to be back on the docket.

COPPOLA If you're able to do that, otherwise it just goes to December. If you can't get it there by the 25th....

WILLIAMS No, I think we'll hopefully get there. Okay. Thank you very much. Appreciate it.

COPPOLA All right. Thank you. You can call the next case, please.

ZONING BOARD OF APPEALS

ZONING BOARD MEMBERS

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



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

COUNCIL MEMBERS

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

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

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

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

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

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

ZONING BOARD OF APPEALS,



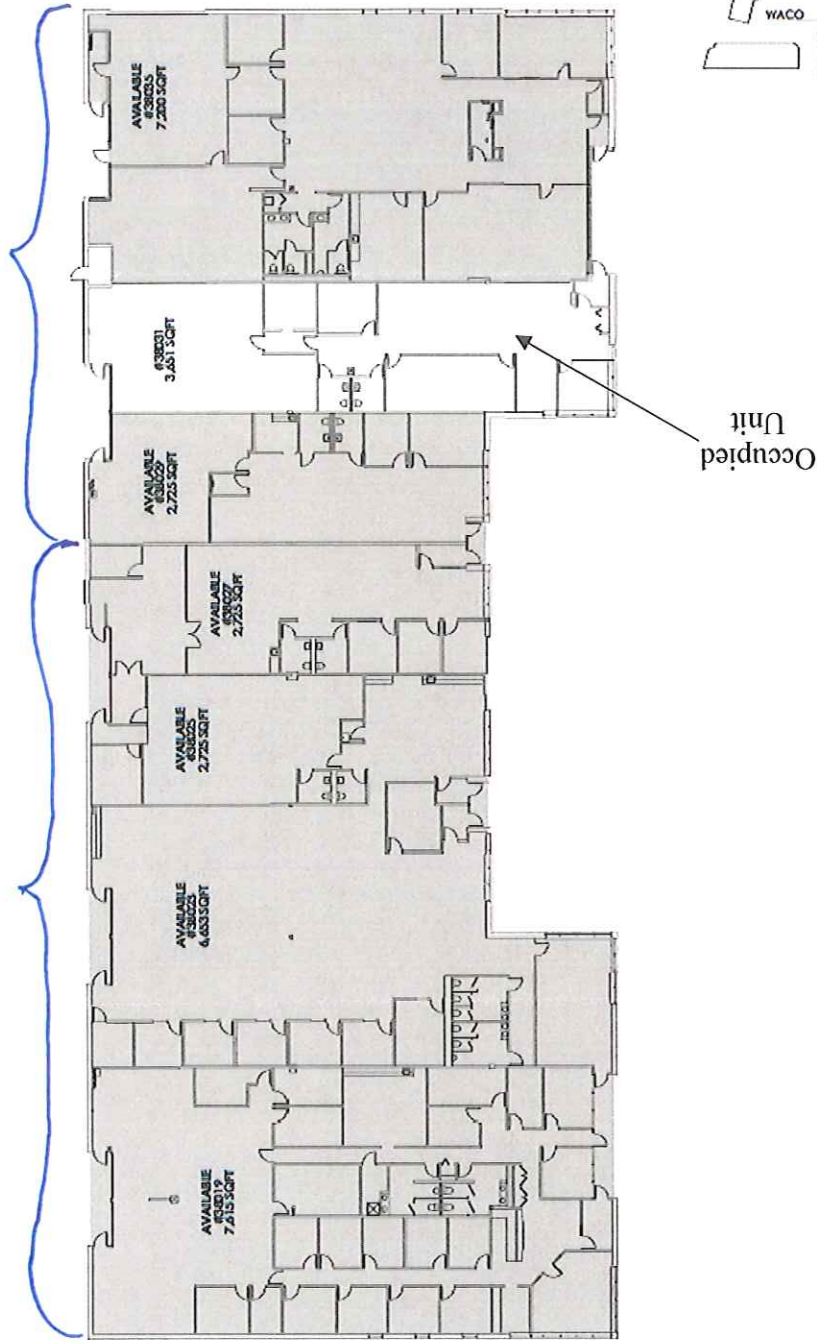
Timothy Klisz, Secretary

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

SUBJECT LAYOUT

Proposed Religious Org. Use

Remain M-2 Use



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

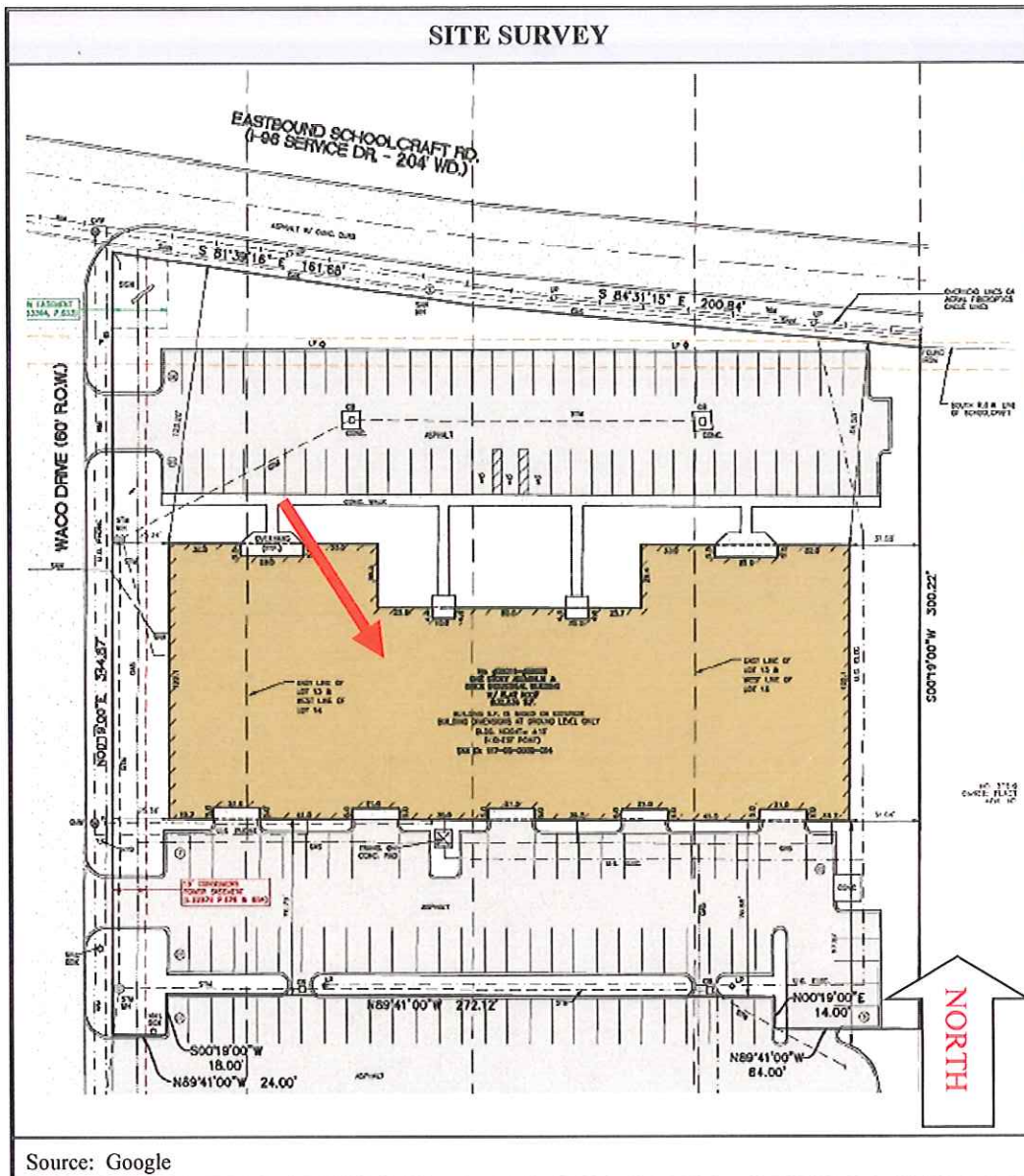
FRIEDMAN
REAL ESTATE

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

SCHOOLCRAFT BUSINESS PARK
38035-38019 SCHOOLCRAFT DRIVE
LIVONIA, MI

BUILDING 1
FOR DETAILS PLEASE CALL
248.324.2000





Source: Google

AERIAL PHOTO



Source: Realist

IMPROVEMENT ANALYSIS

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

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

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

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

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

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

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

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

**REF: RELIGIOUS INSTITUTION IN M-2
TECH AND MANUFACTURING**



ZONING BOARD OF APPEALS

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

PUBLIC NOTICE NOVEMBER 1, 2024

APPEAL CASE NO. 2024-09-32, 20132 Osmus: An appeal was made to the Zoning Board of Appeals by Brian Durand, seeking to maintain a permanent carport structure erected without permits while maintaining an existing attached garage, existing accessory shed, and existing barn resulting in excessive number of accessory structures and accessory area.

Number of Accessory Structures

Allowed: 3

Proposed: 4

Total Accessory Space

Allowed: One garage up to 720 sq. ft., one accessory shed up to 200 sq. ft., and one accessory barn up to 600 sq. ft.

Proposed: Two detached accessory structures beyond the existing complying barn and attached garage, totaling 265 sq. ft.

Excess: 65 sq. ft.

This Low-Density Residential property is located on the east side of Osmus (20132), between Pembroke and Norfolk, Lot. No. 099-99-0026-000, R-U-F, Rural Urban Farm, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09 (1) A (Maximum Size) and B (Maximum Number).

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

This appeal will be heard at a public hearing to be held in the **Auditorium on the 1st floor of City Hall on Tuesday, November 19, 2024, at 7:00 p.m.**, at which time comments may be directed to the Board during audience participation. When replying by mail, write your comments on the back of this notice and address it to the City of Livonia, Zoning Board of Appeals, 33000 Civic Center Drive, Livonia, MI 48154. All written comments are read at the meeting and become part of the record.

ZONING BOARD OF APPEALS,

Timothy Klisz, Secretary

Petitioner will incur a \$100 rescheduling fee for every failure to appear.

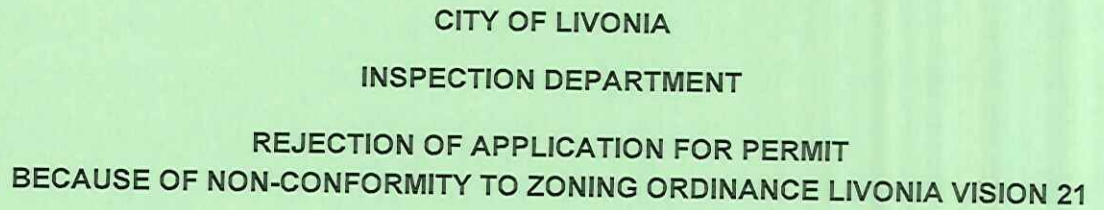
In accordance with Title II of the Americans with Disabilities Act as it pertains to access to Public Meetings, the Zoning Board of Appeal's Office of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs.
Please call 734-466-2250 if you need assistance.

Case No: 2024-09-32
Meeting Date: November 19, 2024

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Signature: _____

Address:



Applicant <u>BRIAN A. DURAND</u>	Address <u>20132 OSMUS, LIVONIA, MI 48152</u>
Owner <u>(SAME AS APPLICANT)</u>	Address <u>(SAME AS APPLICANT)</u>
Lessee <u>N/A</u>	Address <u>N/A</u>
Location <u>EAST</u>	Side of <u>OSMUS</u> Street
Between <u>PEMBROKE</u>	And <u>NORFOLK</u>
Lot No./Parcel No. <u>099-99-0026-000</u>	Subdivision <u>(UNPLATTED)</u>
Zoning District <u>R-U-F</u>	Lot Size <u>2.26 ACRES</u> Alley <u>N/A</u>
Present Use <u>SINGLE FAMILY RESIDENTIAL</u>	Proposed Use <u>(SAME)</u>
Present Building Size _____	Proposed Building Size <u>12' X 18' (216 SQ.FT.)</u>
Present Height of Building _____	Proposed Height <u>11'</u>
Allowable Lot Coverage <u>35% (34,503 SQ. FT.)</u>	Proposed Lot Coverage <u>2.7% (2,716)</u>

Reason for Rejection : LIVONIA ZONING ORDINANCE, SECTION 7.09 (1) A) (MAXIMUM SIZE) AND B) (MAXIMUM NUMBER)

Plans and Application examined by  Date SEPTEMBER 26, 2024

APPLICATION FOR VARIANCE

BRIAN A. DURAND 20132 OSMUS LIVONIA 48152 586-268-3640
(Owner of Premises) (Street Address) (City) (Zip Code) (Telephone) (Fax)

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

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

The property address is 20132 OSMUS ST. LIVONIA, MI 48152

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

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

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

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

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

WE ARE ASKING FOR A SMALL AMOUNT OF EXTRA, ACCESSARY/STORAGE SPACE. OUR LOT SIZE IS 160' X 660' - 2.39 ACRES

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

THE ADDED INCREASE WOULD ALLOW US TO PROTECT OUR 20' TRAVEL TRAILER FROM HARSH WEATHER AND TREE DAMAGE.

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

THE EXISTING SHELTER IS 150' SET BACK FROM ROAD AND IS 15' FROM SOUTH PROPERTY LINE. WE HAVE GATHERED SIGNATURES IN FULL SUPPORT FROM 7 CLOSEST NEIGHBORS.

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

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

IT MAY, DUE TO OUR EXCESSIVE PROPERTY DIMENSION, IF VARIANCE IS AN ISSUE, THE ZONING ORDINANCE SHOULD BE AMENDED TO BE FAIR TO OWNERS OR RESIDENTS WHO'S PROPERTIES ARE "MORE THAN" 1/2 ACRE. TO INCLUDE LOTS OF 2+ ACRES & MORE

8. Have you attempted to have the property rezoned? If yes, please describe the outcome of the rezoning process: NO ZONED R.U.F..

9. If you have not attempted to have the property rezoned, why hasn't this attempt been made? NO NEED.

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

OWNER'S AFFIDAVIT

COUNTY OF WAYNE)
STATE OF MICHIGAN)



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

Signature of property owner: Brian A. Durand

Please print name of property owner: BRIAN A. DURAND

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

Subscribed and sworn to before me this 12TH day of September 2024

Karen D. Thompson

(Notary Public, Wayne County, Michigan)

My Commission expires 8-25-2028

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

NOT TO BE COMPLETED BY APPLICANT

Petitioner makes application for a Hearing, seeking to (reverse, modify, or affirm) the (order, decision) of the Department of Inspection, dated 9/12/24, which reads as follows:

EXCESSIVE ACCESSORY STRUCTURES AND ACCESS.

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

[Signature]
(Supervisor)

Application for permit filed No Violation Issued No



WARRANTY DEED

The Grantor(s): Linda L. Kiefner, Trustee of Ray E. Kiefner a/k/a Raymond E. Kiefner Grantor Living Trust
Agreement dated March 13, 2002

whose address is 129 Matise Circle, Aliso Viejo, CA 92656

Convey and Warrant to: Brian A Durand, a Single Man

whose address is 2645 Chesley Drive, Sterling Heights, MI 48310

the following described premises situated in the City of Livonia, County of Wayne and State of Michigan, to-wit:

The South 1/2 of the North 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 3, Town 1 South, Range 9 East, excepting from the Westerly and thereof a strip of land thirty feet in width which has heretofore been designated for public street and highway purposes,

Commonly known as: 20132 Camus Street, Livonia, MI 48152

Tax parcel number(s): 46-009-99-0026-000

For the sum of: One Hundred Ninety Thousand and 00/100 Dollars (\$190,000.00)

R.U.F.

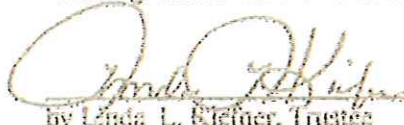
Subject to: the existing building and use restrictions, easements, and zoning ordinances, if any.

The grantor grants to the grantee the right to make _____ permissible division(s) under Section 108 of the Land Division Act, Act No 238 of the Public Acts of 1967. This property may be located within the vicinity of farmland or farm operations. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

Dated: November 2, 2014

Seller(s):

Ray E. Kiefner a/k/a Raymond E. Kiefner Grantor Living
Trust Agreement dated March 13, 2002


by Linda L. Kiefner, Trustee

This is to certify that there are no delinquent property taxes as of
this date owed to our office on this property. No representation is made
as to the status of any tax liens or fees owed to any other entities.

13154 R. Youngblood Not Registered
11-14-14 WAYNE COUNTY TREASURER Clerk

Titl One, Inc.

#1121122

4-18

Received

September 12th, 2024

Zoning Board of Appeal
City of Livonia
33000 Civic Center Drive
Livonia, Mi. 48154



Letter of intent for Zoning Variance for:
Address: 20132 Osmus St. Livonia, Mi. 48152
8 mi. and Merriman
Zoning Ordinance # 7.09 1 B
Property # 46009990026000

Dear Planning and Zoning Members,

We are requesting a Dimensional Variance regarding a canopy shelter that is currently existing on our property located at 20132 Osmus St., Livonia, Mi. 48152. We would appreciate your consideration in approving our variance to allow the camper/shelter to remain in place "as is" due to the "Unique" property size and location.

Listed here are (8) reasons that we believe this is a reasonable and viable variance request that will allow this decision to be granted in our favor.

- 1.) We have a "Unique" situation, in that, our property dimension is substantially larger than most parcels in our general area. The lot dimension is 160' lot frontage and 660' lot depth for a total of 2.39 acres.
- 2.) The sole purpose of this structure is for protection and prevention of damage from weather related incident that quite likely would occur due to exposure to the rain, snow, ice and tree debris, over an extended period of time from not having the overhead protection that our camper canopy has provided.
- 3.) Our shelter has been in place since 2017 with no incident or complaint and is located for ease of access and in a location with minimal overhead tree exposure.
- 4.) The canopy/shelter has a set-back of 150' from Osmus St. and is located 15' from the south property line along with being well behind the rear of our home.
- 5.) The footprint of the open sided canopy is only 12' in width and 18' in total length and is manufactured by VersaTube Corp. It carries a 90 mph wind load rating and has a snow load rating of 20 psf. It is constructed of 2"x3" galvanized square tubing and powder coated steel roof panels that cover approximately 1/3 of the structure. The base is set upon pressure treated lumber to limit ground contact and has (10) 5/8"x24" ground anchors, (5) per side.
- 6.) We have included the signatures of seven of our nearest neighbors, four of which are adjacent, with their un-fenced yards backing up to our north property line along with three of our neighbors who's

properties are directly accross from our residence on Osmus St.. All seven are in full support of leaving the camper canopy in place "as is" and have zero complaints or issues regarding our property or existing structures.

7.) As shown in the included photos, are multiple views of our property including canopy, camper, and location. We, along with each and every one of our nearest neighbors do not believe that the camper canopy structure takes away or diminishes the appearance of the overall feel of our neighborhood due to the size of our lot, canopy placement or appearance.

8.) As stated in Ordinance Section 7.09 1 A, on lots of "less than" 1/2 acre, 2 structures are permitted (to include attatched garages), and on lots "more than" 1/2 acre, 3 structures are permitted (to include attatched garages). Being our lots size is two to four times the square footage of most lot dimensions in the area (our property is in excess of 100,000 square feet), and there is no mention in the Livonia code of excessive property dimension such as ours, as to added accessory/storage and added square footage is concerned, this should, in all rights merit special consideration in allowing an increase that is in ratio to exististing code on smaller parcels. Since our property is zoned RUF, Rural Urban Farm, we are well below the maximum 35% of lot coverage for dwellings and accessory buildings according to code.

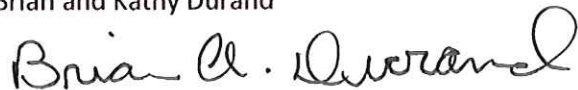
That being said, we would like to ask for your consideration in allowing us to leave the canopy shelter in place "as is". We understand fully the issue with allowable storage and number of allowable accessory structures, along with square footage allowed by Livonia Code Enforcement. We believe that because of our "unique" situation concerning property dimension, along with full neighborhood support, and the structure being in place for seven years with no incident, prior complaints, or safety concerns, that this is a legitimate and reasonable request.

We would state our "Hardship" in this case, as the damage that could, and most likely would occur to our camper because of being left exposed to the extremes of rain, ice and snow for an extended period of time. The 2013 20' KZ Travel Trailer should continue to be protected as it has been since it has been by the original owner and ourselves as evident by it's overall excellent condition. My wife and I take alot of pride in our home, property, and possesions.

To the Zoning Board....

Thank-you for your time and consideration on this important (to us) matter!!

Brian and Kathy Durand



SIGNATURES OF SUPPORT

AS NEIGHBORS OF BRIAN AND KATHY DURAND, WE HAVE SIGNED THIS SHEET SHOWING THAT WE ARE IN SUPPORT OF LEAVING THE EXISTING CAMPER /SHELTER IN PLACE AS-IS WITH NO OBJECTION.

NAME	ADDRESS
Neil Worden	31679 Norfolk St
Mike Kandra Welch	31655 Norfolk St.
Bruce A. Schwartz	31631 Norfolk St.
Mark Lederman	20164 Osmus St
Dina Hardy	20133 Osmus St
Jonathan Riley	20123 Osmus St.
Ronald P. Salge	20101 Osmus St

BASIC CARPORT PARTS LIST

BASE RAILS

4 1/2' ON CENTER FRAMES:

END BASE RAIL, 2" X 3" X 83 3/4" rail with 2 welded vertical pins, swaged one end. QTY. (4), part # 71-4802

CENTER BASE RAIL, 2" X 3" X 56" rail with 1 welded vertical pin in center. QTY. 2, part # 71-4801

NOTE: The length of the carport can be extended using **4 1/2' Base Extensions**, one on each side of the carport.

2" x 3" tube, Part # 71-7050. 2" x 2" tube part # 74-7050

SIDE POST, 2" X 3" tube with a bend at one end. QTY. 10. Part # 71-5000 (7 1/2') or # 71-5007 (7') or # 71-5008 (8').

PEAK, 2" X 3" X 72" with one bend in the center. QTY. (5) Part # 71-6000

HEIGHT EXTENSIONS (optional) Height extensions are 2" x 3" tubes with a swage at one end. They come in net height increments (the height from the end to the swage) of 1' to 5'. Part # HE-1, HE-2, HE-3, HE-4, HE-5.

RAFTERS,

10' wide carport, 2" x 3" tube swaged both ends. Part # 71-1500, QTY. 10

12' wide carport, 2" x 3" tube swaged both ends. Part # 71-2000, QTY. 10

14' wide carport, 2" x 3" tube swaged both ends. Part # 71-3000, QTY. 10

18' wide carport, 2" x 3" tube swaged both ends. Part # 71-3500, QTY. 10

20' wide carport, 2" x 3" tube swaged both ends. Part # 71-8000, QTY. 10

24' wide carport, 2" x 3" tube swaged both ends. Part # 71-8300, QTY. 10

30' wide carport, 2" x 3" tube swaged both ends. Part # 71-8400, QTY. 10

VINYL TRIM, Length will change depending on the size of the carport. Part # 9901-VTW

BUTYL TAPE, Length will change depending on the size of the carport. Part # 71-9401

FRAME SCREWS, # 12 hex head, Self-Drilling screws. Come in 70 pack #71-9999 or 40 pack # 71-9999-A
SCREWS FOR ROOF METAL, #12 x 1" painted screws with rubber washers.

VERSATUBE ANCHORS are supplied with each carport. (30" Rebar Anchors or Ground Anchors)

REBAR ANCHOR, used with concrete. #4 x 30" rebar with welded top plate. # ANC-24 Use 1 per post.

Concrete Wedge Anchors 1/2" x 7" are not supplied.

SHEET METAL PANELS, Sizes listed on page 15.

TRUSS BRACES: Truss braces may be required on your carport depending on width, wind load and snow load. 10', 12' and 14' wide carports do not require a truss brace. Two types of truss braces are available. Type 2 (collar tie with a vertical support) and type 3 (a collar tie with web angle braces and knee braces) See the part descriptions in that section.

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9/6/24, 11:49 AM

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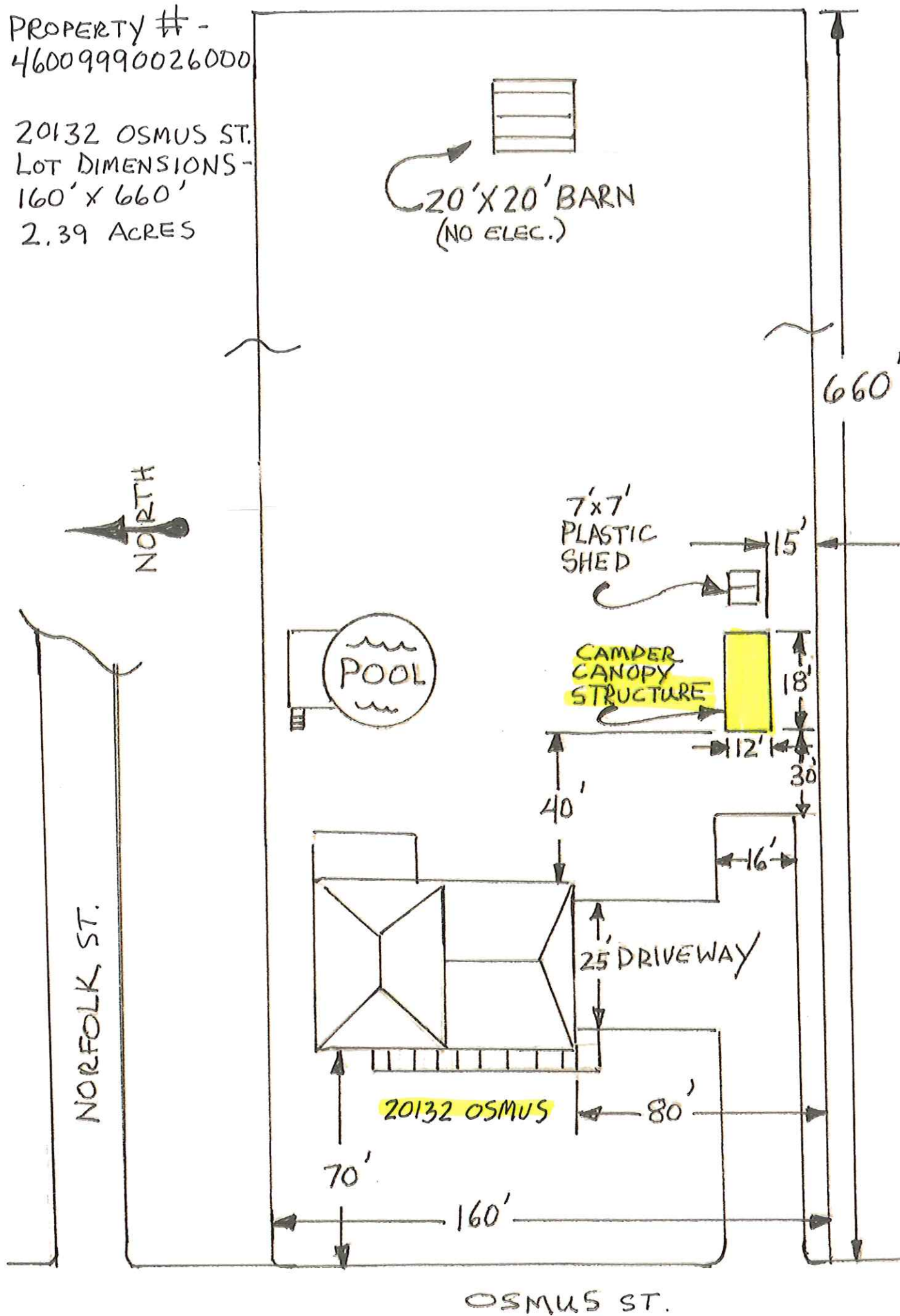
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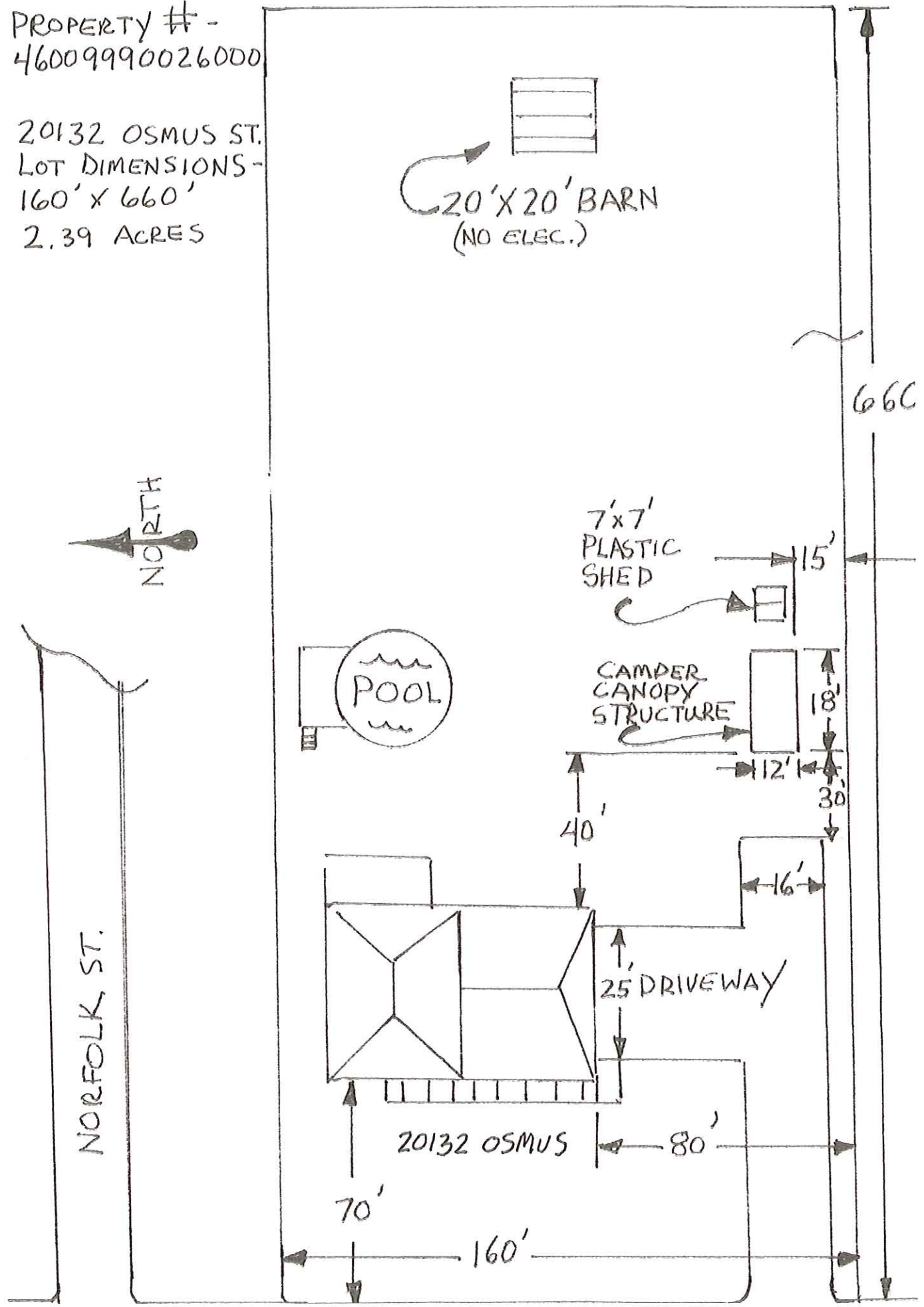
PROPERTY # -
46009990026000

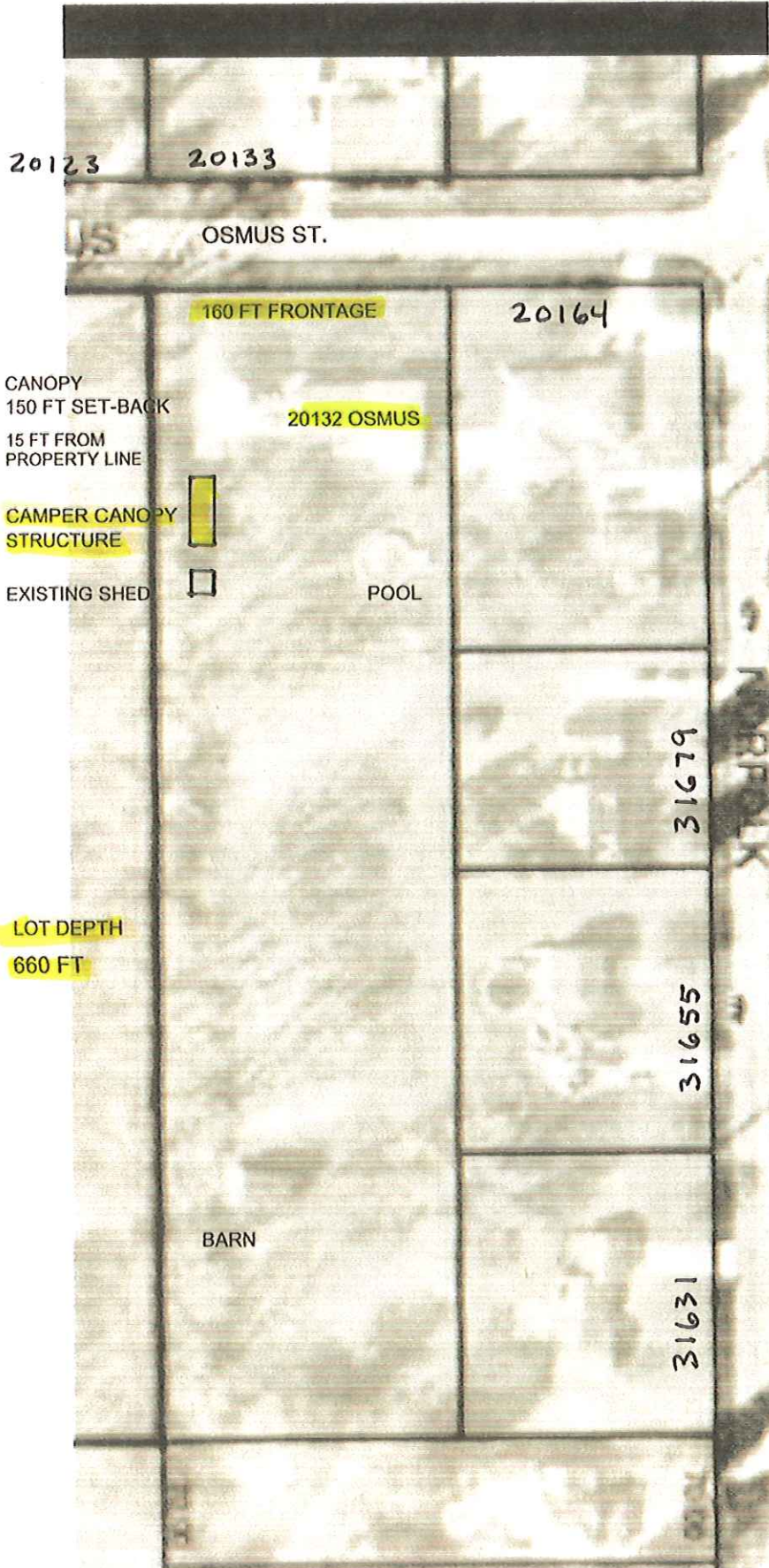
20132 OSMUS ST.
LOT DIMENSIONS -
160' X 660'
2.39 ACRES



PROPERTY # -
46009990026000

20132 OSMUS ST.
LOT DIMENSIONS -
160' X 660'
2.39 ACRES





BRIAN AND KATHY DURAND
20132 OSMUS
PROPERTY # 46009990026000
FILING # EN24-2602
LOT DIMENSION-
160 FT. X 660 FT.
2.39 ACRES

APPLYING FOR A VARIANCE TO
ALLOW EXISTING CANOPY/ SHELTER
TO REMAIN AS-IS.

Section 7.09 - Single-Family Residential Accessory

Buildings and Recreational Equipment Storage.

(1) Residential Accessory Buildings.

- A) **Maximum Size.** For the purpose of this Section, a garage, whether attached or detached, shall be considered a residential accessory building. On single family lots, the combined ground floor area of all attached and detached residential accessory buildings shall not exceed nine hundred twenty (920) square feet; provided, however, the maximum ground floor area of any attached accessory building shall not exceed seven hundred twenty (720) square feet and the maximum ground floor area of any detached accessory building shall not exceed two hundred (200) square feet. On lots that do not contain any detached accessory buildings, the ground floor area of an attached residential accessory building shall not exceed seven hundred twenty (720) square feet or the ground floor area of the house (excluding the area of the attached accessory building), whichever is larger, subject to a maximum size limit of one thousand (1,000) square feet. On lots that do not contain attached accessory buildings, the combined ground floor area of all detached accessory buildings shall not exceed the ground floor area of the house, subject to a maximum size limit of one thousand (1,000) square feet. Notwithstanding the above, on lots measuring one-half ($\frac{1}{2}$) acre or more, one (1) detached residential accessory building not to exceed a ground floor area of three hundred (300) square feet shall be allowed solely for the purpose of housing or keeping of animals pursuant to Section 6.34 or Section 6.49. Further, on lots measuring one (1) acre or more, one (1) detached residential accessory building not to exceed a ground floor area of six hundred (600) square feet shall be allowed solely for the purpose of housing or keeping of animals pursuant to Section 6.34 or Section 6.49.
- B) **Maximum Number.** On lots less than one-half ($\frac{1}{2}$) acre in size, no more than two (2) residential accessory buildings, including one (1) attached accessory building, are allowed. On lots which are more than one-half ($\frac{1}{2}$) acre, a total of three (3) residential accessory buildings, including one (1) attached accessory building, are allowed.
- C) **Maximum Height.** Detached residential accessory buildings shall not exceed sixteen (16) feet in height.

We are asking the Board to take into consideration an increase in storage, or accessory building space, in a manner that is fair and equal to the increase that takes place in a lot size of "less than" $\frac{1}{2}$ acre compared to a lot size that is "more than" $\frac{1}{2}$ acre. "More than" could be perceived as $\frac{1}{2}$ acre plus 1 sq. ft. of land and this would allow as much storage space with "more than" $\frac{1}{2}$ acre as we are allowed with over 4 times the property square footage.



WARRANTY DEED

The Grantor(s): Linda L. Kiefner, Trustee of Ray E. Kiefner a/k/a Raymond E. Kiefner Grantor Living Trust
Agreement dated March 13, 2002

whose address is 129 Matisse Circle, Aliso Viejo, CA 92656

Convey and Warrant to: Brian A Durand, a Single Man

whose address is 2645 Chesley Drive, Sterling Heights, MI 48310

the following described premises situated in the City of Livonia, County of Wayne and State of Michigan, to-wit:

The South 1/2 of the North 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 3, Town 1 South, Range 9 East, excepting from the Westerly and thereof a strip of land thirty feet in width which has heretofore been designated for public street and highway purposes.

Commonly known as: 20132 Osmus Street, Livonia, MI 48152

Tax parcel number(s): 46-009-99-0026-000

For the sum of: One Hundred Ninety Thousand and 00/100 Dollars (\$190,000.00)

R.U.F.

Subject to: the existing building and use restrictions, easements, and zoning ordinances, if any.

The grantor grants to the grantee the right to make _____ permissible division(s) under Section 108 of the Land Division Act, Act No 288 of the Public Acts of 1967. This property may be located within the vicinity of farmland or farm operations. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

Dated: November 3, 2014

Seller(s):

Ray E. Kiefner a/k/a Raymond E. Kiefner Grantor Living
Trust Agreement dated March 13, 2002

This is to certify that there are no delinquent property taxes as of
this date owed to our office on this property. No representation is made
as to the status of any tax liens or titles owed to any other entities.

No: 13154 *Remitted* Not Examined
Date: 11-24-14 WAYNE COUNTY TREASURER Clerk *[Signature]*

[Signature]
by Linda L. Kiefner, Trustee

Titl One, Inc.

~~11/13/14~~

4-18

~~11/13/14~~



CARPORT INSTALLATION INSTRUCTIONS FOR 4 1/2' ON CENTER FRAMES

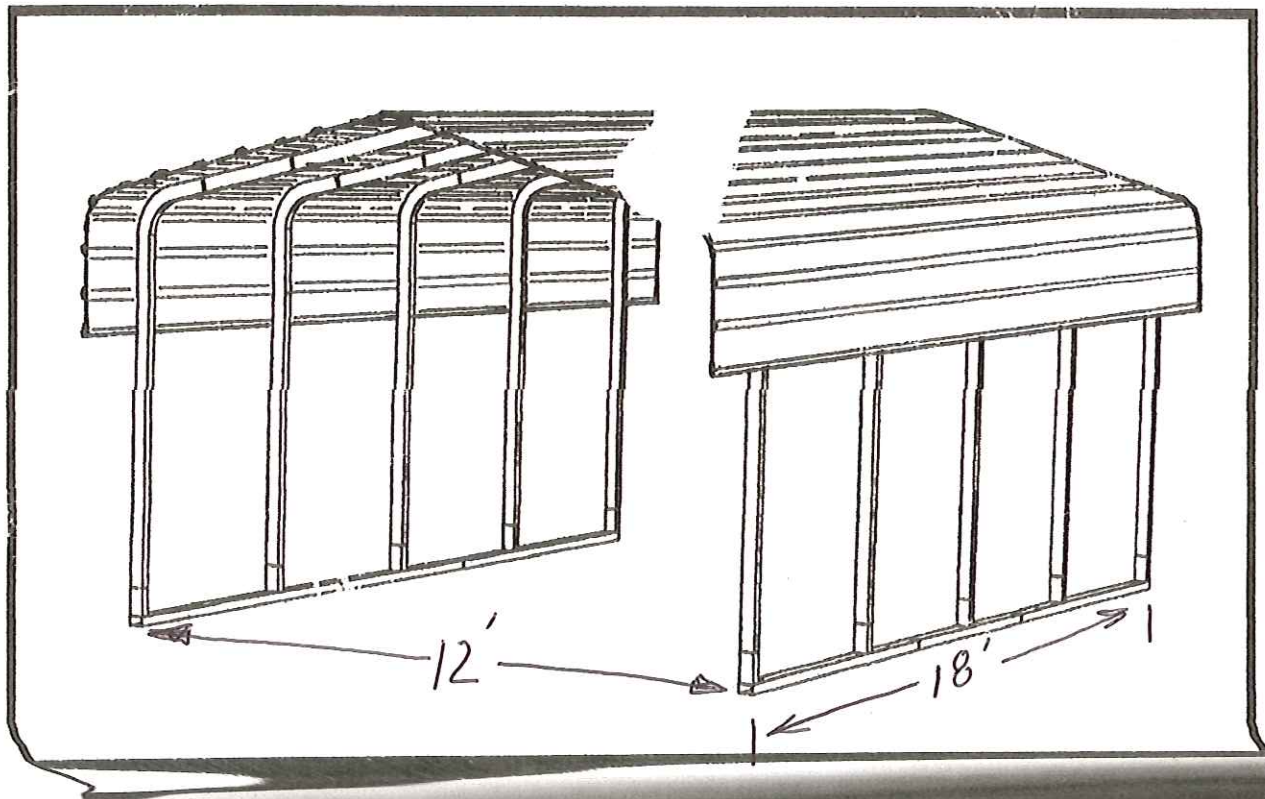
FRAME SIZES:

WIDTH: 10', 12', 14', 18', 20', 24', AND 30'

ON CENTER FRAME SPACING: 4 1/2'

BASIC FRAME LENGTH: 18' CAN BE EXTENDED IN 4 1/2' INCREMENTS

EAVE HEIGHTS: START AT 7 1/2' TO 12 1/2' IN 1' INCREMENTS.



12' X 18' @ BASE

[STANDARD KITS](#) [DESIGN YOUR OWN](#) [ACCESSORIES](#) [SUPPORT](#)

[What do you want to build?](#)

[SIGN UP](#)

This structure is engineered to meet or exceed your local building code requirements of:

20lbs
GROUND
SNOW LOAD

20lbs
ROOF SNOW
(LIVE) LOAD

90MPH
WIND LOAD

* Source: 2015 IBC for Livonia, Michigan 48152 in Wayne County

ROOF
PITCH

3:12

ON CENTER
SPACING

5'

GROUND-TO-
TRUSS CLEARANCE

11' 1 5/8"

FRAME
WEIGHT

611 lbs

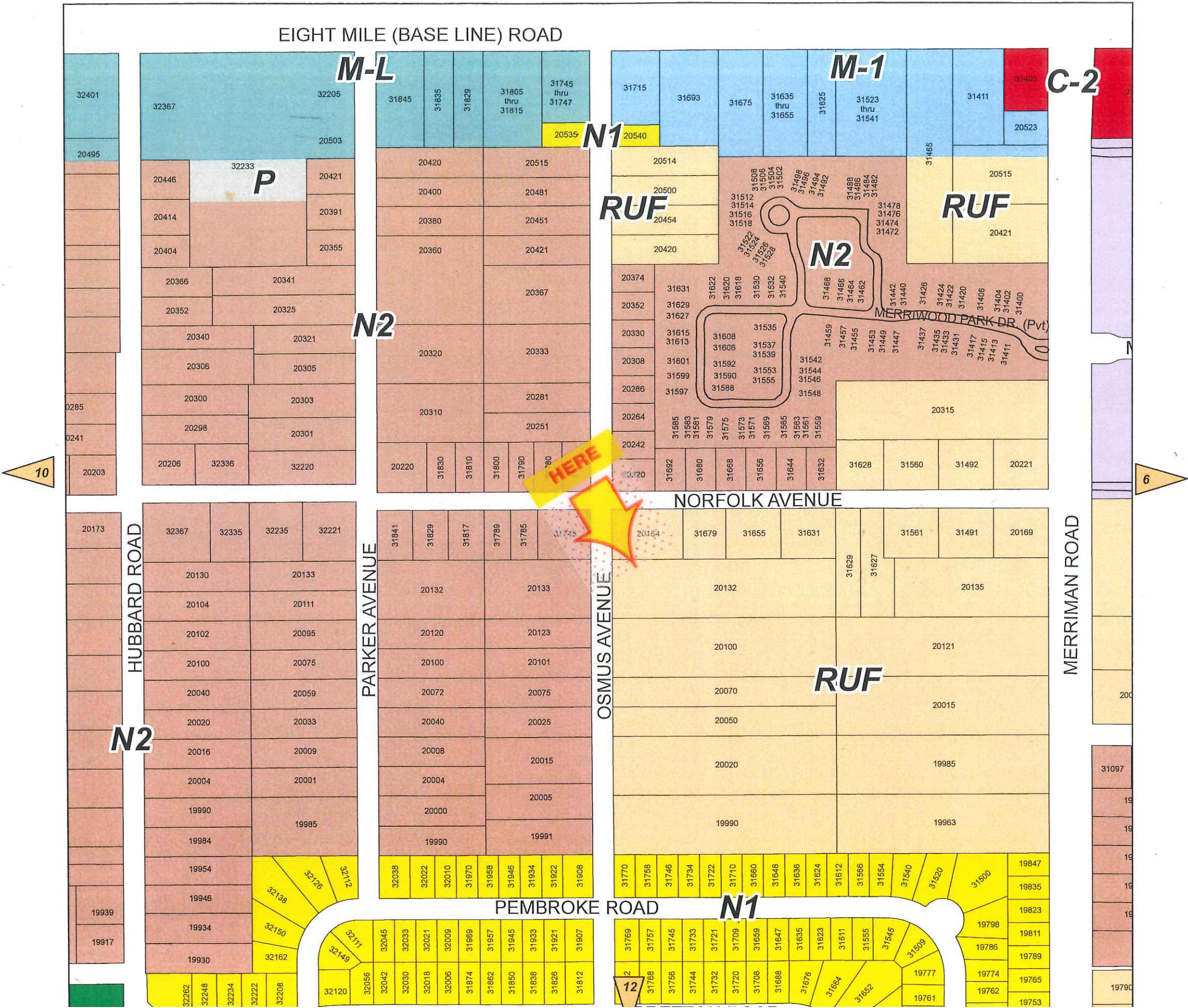
ZONING MAP

LEGEND

Zoning Districts

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

N.E. 1/4 Section 3
City of Livonia
T. 1 south, R. 9 east
Wayne County, Michigan
Copyright 2001, City of Livonia



ZONING BOARD OF APPEALS

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

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PUBLIC NOTICE November 1, 2024

APPEAL CASE NO. 2024-10-33, 27777 Schoolcraft: an appeal was made to the Zoning Board of Appeals by The Cornelia Group, LLC, on behalf of Lessee PAG Michigan 165, LLC, seeking to erect an 8-foot-tall metal picket fence along Schoolcraft Road resulting in a deficient front yard setback.

This Tech and Manufacturing property is located on the south side of Schoolcraft Road (27777), between Middlebelt Road and Inkster Road, Lot. No. 097-99-0019-001, M-2, General Manufacturing, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.100 (A) with reference to Livonia Zoning Ordinance Section 3.17 and 4.03 (o)iii.

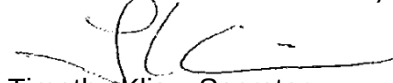
Setback from Schoolcraft Road Right-of-Way

Required: 50 feet
Proposed: 0 feet
Deficient: 50 feet

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

This appeal will be heard at a public hearing to be held in the **Auditorium on the 1st floor of City Hall on Tuesday, November 19, 2024, at 7:00 p.m.**, at which time comments may be directed to the Board during audience participation. When replying by mail, write your comments on the back of this notice and address it to the City of Livonia, Zoning Board of Appeals, 33000 Civic Center Drive, Livonia, MI 48154. All written comments are read at the meeting and become part of the record.

ZONING BOARD OF APPEALS,


Timothy Klisz, Secretary

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

Case No: 2024-10-33
Meeting Date: November 19, 2024

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Signature: _____

Address:



CITY OF LIVONIA
INSPECTION DEPARTMENT

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

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154
421-2000

Applicant	PAG MICHIGAN 165, LLC	Address	255 TELEGRAPH, BLOOMFIELD HILLS, MI 48302
Owner	THE CORNELLA GROUP, LLC	Address	27777 SCHOOLCRAFT RD., LIVONIA, MI 48150
Lessee	(SAME AS APPLICANT)	Address	(SAME AS APPLICANT)
Location	SOUTH	Side of	27777 SCHOOLCRAFT Street
Between	MIDDLEBELT RD.	And	INKSTER RD.
Lot No./Parcel No.	097-99-0019-001	Subdivision	(UNPLATTED)
Zoning District	M-2 (GENERAL MANUFANTURING)	Lot Size	11.662 ACRES Alley N/A
Present Use	GENERAL MANUFACTUREING	Proposed Use	NO CHANGE
Present Building Size	N/A	Proposed Building Size	N/A
Present Height of Building	N/A	Proposed Height	N/A
Allowable Lot Coverage	N/A	Proposed Lot Coverage	N/A

Proposal : SEEKING TO ERECT A 8 FOOT TALL METAL PICKET FENCE ALONG SCHOOLCRAFT ROAD RESULTING IN A
DIFFICIENT FRONT YARD SETBACK. SETBACK FROM SCHOOLCRAFT ROAD RIGHT OF WAY REQUIRED: 50 FEET;
PROPOSED 0 FEET; DEFICIENT: 50 FEET.

Reason for Rejection Livonia Code of Ordinance; § 15.44.100 (A) w/reference to Livonia Zoning § 3.17 & 4.03 (o) iii)

Deficient Side yard	Deficient Front Yard	50' (15.44.100)	Deficient Rear Yard
Deficient Lot Area	Deficient Lot Area Per Room	Encroachment	
Excessive Lot Coverage	Excessive Height	Increasing No. Units	
Use Prohibited	Deficient Parking Spaces	Increasing Area and Bulk	

Remarks

Plans and Application examined by [Signature] Date 10/16/2024

APPLICATION FOR VARIANCE

THE CORNELIA GROUP, LLC 27777 SCHOOLCRAFT RD LIVONIA, MI 48150 (248) 797-5795
(Owner of Premises) (Street Address) (City) (Zip Code) (Telephone) (Fax)

PAG NICHGAW 165, LLC 2555 TELEGRAPH RD BLOOMFIELD HILLS, MI 48302
(Lessee) (Street Address) (City) (Zip Code) (Telephone) (Fax)
248/648-2500

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

The property address is 27777 SCHOOLCRAFT ROAD LIVONIA, MI 48150

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

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

THERE ARE NO DEED RESTRICTIONS ON FENCING OUR PROPERTY

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

SEE ATTACHED

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

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

BECAUSE WE ARE TAKING OVER AN EXISTING PARKING LOT, HAVING PART OF PARKING AREA FENCED, AND PART NOT MAKES THE UNFENCED AREA UNUSABLE.

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

A FENCE IS REQUIRED TO PROTECT OUR CAR INVENTORY FROM THEFT. BY MOVING THE FENCE BACK 50' IT WILL CREATE A "DEMO ZONE" THAT IS DIFFICULT TO MANAGE AND IN TERMS OF SECURITY, CLEANLINESS, MAINTENANCE, ETC.

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

THIS PROPERTY LING IS ON SCHOOLCRAFT/I-96 ROAD. IT IS A HIGHLY INDUSTRIALIZED AREA. USING A DECROTIVE FENCE AND LANDSCAPING SCREEN WILL IMPROVE THE PROPERTY, NOT DETRACT FROM IT. WE ARE ASKING TO MAKE IT TALLER + MORE SECURE. ALSO, THERE IS A FENCE HERE ALREADY

8. Have you attempted to have the property rezoned? If yes, please describe the outcome of the rezoning process: _____

NO

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

ZONING IS CORRECT FOR OUR INTENDED USE

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

OWNER'S AFFIDAVIT

COUNTY OF WAYNE)
STATE OF MICHIGAN)

RECEIVED

OCT 15 2024

Inspection Department
City of Livonia

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

Signature of property owner: _____

Please print name of property owner: SAM MASS

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

Subscribed and sworn to before me this 10th day of OCT, 2024

[Signature]
(Notary Public, Wayne County, Michigan)

My Commission expires 10/20/2026

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

NOT TO BE COMPLETED BY APPLICANT

Petitioner makes application for a Hearing, seeking to (reverse, modify, or affirm) the (order, decision) of the Department of Inspection, dated 10/15/2024, which reads as follows:

(See Attached Page)

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

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

OWNER'S AFFIDAVIT

COUNTY OF WAYNE)
STATE OF MICHIGAN)

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

Signature of property owner: _____

Please print name of property owner: _____

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

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

(Notary Public, Wayne County, Michigan)

My Commission expires _____

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

NOT TO BE COMPLETED BY APPLICANT

Petitioner makes application for a Hearing, seeking to (reverse, modify, or affirm) the (order, decision) of the Department of Inspection, dated 10/15/24, which reads as follows:

DEFICIENT FRONT YARD SET BACK

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


(Supervisor)

Application for permit filed No

Violation Issued No

EXHIBIT "B"

Legal Description of the Leased Premises

Land in the City of Livonia, County of Wayne, State of Michigan, described as:

Parcel 1:

Part of the North 1/2 of Section 25, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as follows: Commencing at the Northwest corner of Section 25, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan and running thence South 00 degrees 27 minutes 00 seconds West along the West line of said Section 25, a distance of 1169.51 feet to a point, thence South 89 degrees 34 minutes 33 seconds East, a distance of 785.00 feet; thence North 00 degrees 27 minutes 00 seconds East, a distance of 919.17 feet to a point on the Southerly line of Schoolcraft Road; thence proceeding along said Southerly line of said Schoolcraft Road the following six courses: North 87 degrees 19 minutes 36 seconds East, a distance of 561.33 feet and North 86 degrees 43 minutes 06 seconds East, a distance of 585.52 feet; thence North 82 degrees 11 minutes 17 seconds East, a distance of 151.59 feet; thence North 86 degrees 43 minutes 06 seconds East, a distance of 652.37 feet; thence South 89 degrees 19 minutes 00 seconds East, a distance of 598.25 feet; thence South 85 degrees 50 minutes 39 seconds East, a distance of 383.66 feet to a point of beginning of the site herein described; thence continuing along said Southerly line of Schoolcraft Road, South 85 degrees 50 minutes 39 seconds East, a distance of 239.60 feet; thence South 00 degrees 12 minutes 22 seconds West, a distance of 583.68 feet; thence North 89 degrees 47 minutes 38 seconds West, a distance of 72.62 feet; thence along the arc of a curve to the left, radius of 295.00 feet; central angle 21 degrees 51 minutes 08 seconds; (the chord of said curve bears North 41 degrees 00 minutes 52 seconds West, a distance of 111.83 feet); thence along the arc of a curve to the right, radius of 240.00 feet; central angle 57 degrees 35 minutes 01 seconds; (the chord of said curve bears North 23 degrees 26 minutes 25 seconds West, 231.18 feet) and having an arc distance of 241.21 feet; thence North 00 degrees 12 minutes 22 seconds East, a distance of 304.29 feet to the point of beginning of the site herein described.

Together with Reciprocal Easement Agreement dated May 6, 1999 recorded June 11, 1999, in Liber 30228, page 8118, Wayne County Records, described as follows:

An easement for storm water detention on, over, under and across a parcel of land being part of the North 1/2 of Section 25, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, more particularly described as follows: Commencing at the Northwest corner of Section 25, Town 1 South, Range 9 East, Wayne County, Michigan; thence South 00 degrees 27 minutes 00 seconds West, 1169.51 feet to a point on the West line of Section 25 and the nominal centerline of Middlebelt Road; thence South 89 degrees 34 minutes 33 seconds East, 785.00 feet; thence North 00 degrees 27 minutes 00 seconds East, 919.17 feet to a point on the Southerly line of Schoolcraft Road, the following six (6) courses: thence North 87 degrees 19 minutes 36 seconds East, 561.33 feet, and North 86 degrees 43 minutes 06 seconds East, 585.52 feet, and North 82 degrees 11 minutes 17 seconds East, 151.59 feet, and North 86 degrees 43 minutes 06 seconds East, 652.37 feet, and South 89 degrees 19 minutes 00 seconds East, 598.25 feet, thence South 85 degrees 50 minutes 39 seconds East, 383.68 feet; thence South 00 degrees 12 minutes 22 seconds West, 111.33 feet; thence North 89 degrees 47 minutes 38 seconds West, 63.97 feet to the point of beginning of the easement herein described; thence South 00 degrees 12 minutes 22 seconds West, 254.29 feet; thence North 89 degrees 47 minutes 38 seconds West, 281.55 feet; thence North 00 degrees 12 minutes 22 seconds East, 389.48 feet to a point on the Southerly line of Schoolcraft Road; thence continuing along said Southerly line, South 85 degrees 50 minutes 39 seconds East, 20.05 feet; thence South 00 degrees 12 minutes 22 seconds West, 83.81 feet; thence South 89 degrees 47 minutes 38 seconds East, 70.00 feet; thence South 65 degrees 21 minutes 00 seconds East, 120.83 feet; thence South 89 degrees 47 minutes 38 seconds East, 81.55 feet to the point of beginning of the easement herein described.

Parcel 2:

Part of the Northeast 1/4 of Section 25, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, described as beginning at a point distant North 89 degrees 52 minutes West, 987.25 feet from the Northeast corner of said Section 25; thence South 0 degrees 20 minutes 47 seconds East, 1320 feet; thence South 89 degrees 52 minutes West, 330 feet; thence North 0 degrees 20 minutes 47 seconds West 1320 feet; thence South 89 degrees 52 minutes East 330 feet to the point of beginning, except the Northerly part measuring 170.64 feet on the East line and 152.75 feet on the West line of said parcel.

Tax Identification Number: 46 097 99 0019 001

Commonly known as: 27777 Schoolcraft Road, Livonia, MI 48150

Parcel 3:

A portion of the east 1/2 of the northeast 1/4 of Section 25 Town 1 south, Range 9 east, Michigan: Beginning at a point distant north 89 degrees 52 minutes 00 seconds west 822.25 feet from the northeast corner of Section 25; thence south 00 degrees 20 minutes 47 seconds east 407.36 feet to the point of beginning of Parcel B; thence south 00 degrees 20 minutes 47 second east 234.58 feet; thence north 89 degrees 52 minutes 00 seconds west 165.00 feet; thence north 00 degrees 20 minutes 47 seconds west 231.54 feet; thence south 89 degrees 04 minutes 43 seconds east 165.13 feet to the point of beginning Parcel B.

Tax Identification Number: 46 097 99 0015 005

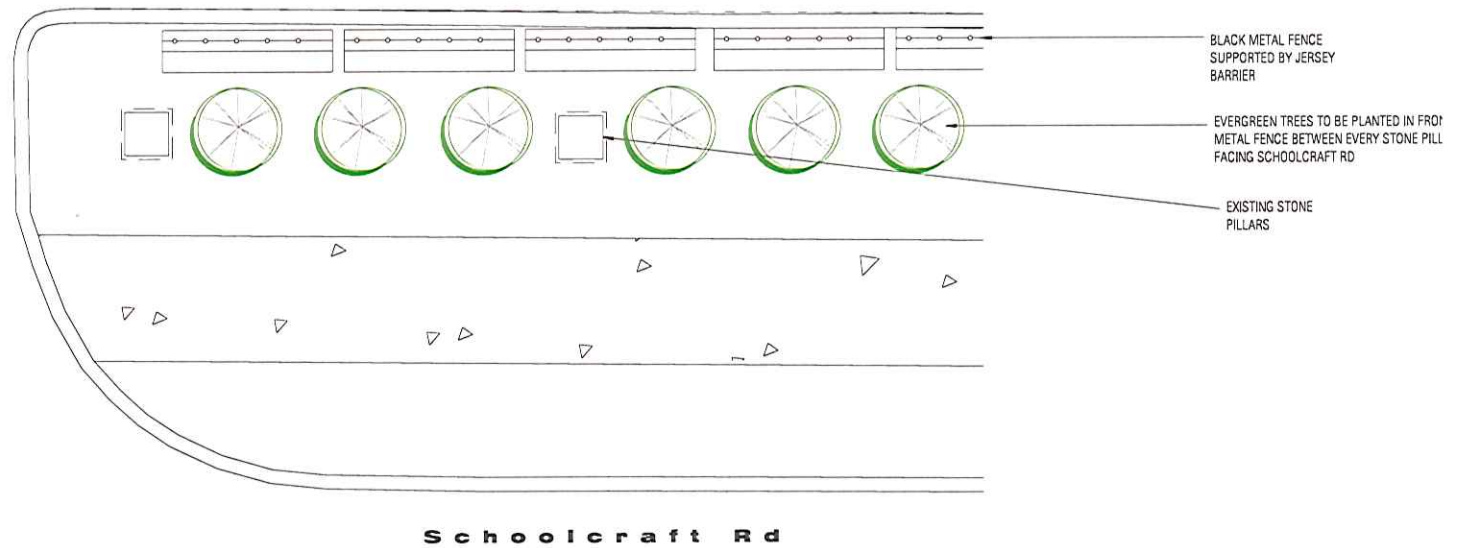
Commonly known as: 27607 Schoolcraft Road, Livonia, MI 48150



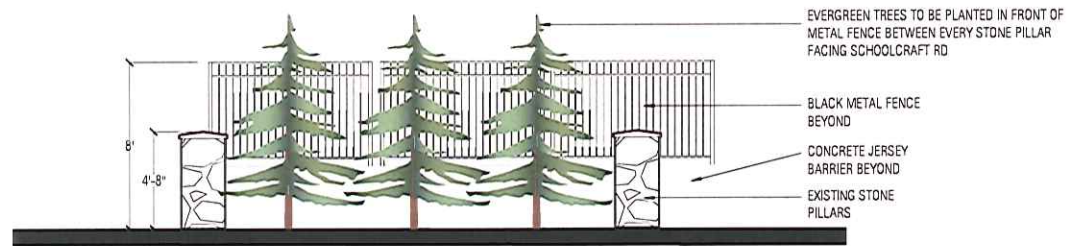
Rendering of proposed
fence and landscaping



Existing fence at property
West of Penske facility



ENLARGED TYPICAL SITE PLAN



TYPICAL STREET ELEVATION

THE CORNELIA GROUP, LLC
27777 SCHOOLCRAFT

REF: FENCE
TECH AND MANUFACTURING

ZONING MAP

LEGEND

Zoning Districts

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

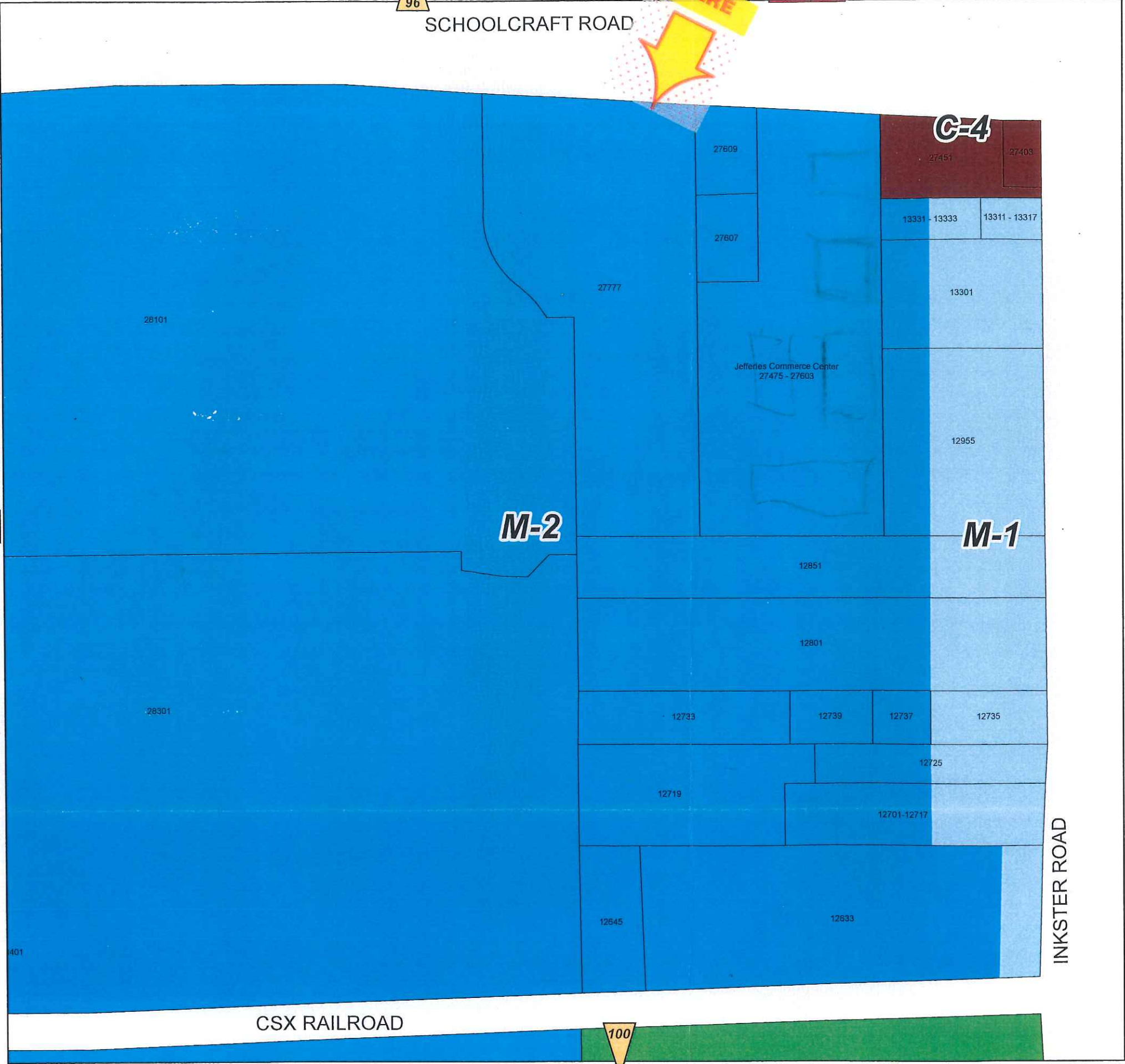
N.E. 1/4 Section 25

City of Livonia

T. 1 south, R. 9 east

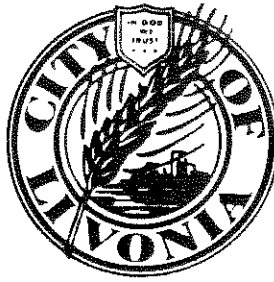
Wayne County, Michigan

Copyright 2001, City of Livonia



ZONING BOARD OF APPEALS

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



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

May 4, 1992

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ROBERT D. BENNETT

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Gerald D. Taylor

Burton Manor
27777 Schoolcraft
Livonia, Michigan 48150

Gentlemen:

The Zoning Board of Appeals of the City of Livonia, at its Special Meeting held April 28, 1992, adopted the following resolution:

RESOLVED, APPEAL CASE NO. 9204-044: Burton Manor, 27777 Schoolcraft, Livonia 48150 (William B. Johnson, 31805 Evergreen, Birmingham 48025, owner), seeking to erect a fence in the required front yard of a banquet hall site. Proposed is to construct a garden wall and decorative fence in the existing front yard at a 1' setback, on property located on the south side of Schoolcraft (27777) between Inkster and Middlebelt, Lot No. 097 99 0019 000, M-2 zoning district. Rejected by the Inspection Department under Zoning Ordinance 543, Section 2.06(16) (Yard, Front) not complied with, be granted in part and denied in part for the following reasons and findings of fact:

1. The Board grants the fence at a 1 ft. setback from the property line, which is 3 ft. closer to the building than shown on the print.
2. The fence this evening is needed by the petitioner to beautify the front portion of the building and for security for the parking lot.
3. If the fence were in fact installed as required by ordinance, it would be at the building front some 125 ft. back off the right-of-way. This would offer little value to the petitioner for front parking security and have no value at all as far as beautifying the front of the property on Schoolcraft.

FURTHER, The Board conditions that it be as proposed this evening with the Michigan fieldstone over block, and that the tops be capped with limestone.

Burton Manor
APPEAL CASE NO. 9204-044
May 4, 1992

Page 2

FURTHER, That the landscaping that was described this evening be as proposed along the entire length of the decorative fence, between the fence and the sidewalk.

FURTHER, The Board also conditions that the parking lot be resurfaced and restriped and that this be accomplished by the end of the asphalt season which is normally recognized as Thanksgiving Day.

FURTHER, The Board acknowledges it has received one piece of correspondence in opposition.

FURTHER, That the solid portion of the entryway garden decorative fence is to be illuminated by floodlights.

FURTHER, The Board feels that granting this waiver is not detrimental to the area nor to the Master Plan of the City of Livonia.

Sincerely,

Susan J. Muccino
Susan J. Muccino
Secretary

/rej

cc: W. MacDonald, Code Enforcement
P. Bakewell, Planning
P. Golm, Inspection
City Attorney
File
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OCTOBER 4, 2023

REVISED LETTER

Roush Holdings, LLC
28200 Plymouth Rd
Livonia, MI 48150

To Whom It May Concern:

The Zoning Board of Appeals of the City of Livonia, at a Regular meeting held September 26, 2023, adopted the following Resolution:

RESOLVED: APPEAL CASE NO. 2023-08-16, Roush Holdings, LLC on behalf of Ashley Livonia South, 28200 Plymouth Rd: seeking to erect an eight-foot-tall iron picket fence and an eight-foot-tall chain link fence in the front and corner side yard setback, which is not allowed. Fences on industrial property cannot extend beyond the front building line toward the street.

This Tech and Manufacturing property is located on the north side of Plymouth (28200), between Deering and Hartel Streets, Lot. No. 099-99-0151-003, M2, General Manufacturing District, rejected by the Inspection Department under Livonia Zoning Code of Ordinance, Section 15.44.100 (A)(B), 15.44.030(C) and Zoning Ordinance Section 4.03(0)(i), **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met due to the current locations of the storage areas and the inability to move them.
2. Denial of the variance would have severe consequences for the petitioner, as it would cause a lack of storage and lack of security for their inventory.
3. The variance is fair in light of its effect on neighboring properties and in the spirit of Zoning Ordinance due to no business or residential opposition to the plan.
4. The property itself is classified as Tech and Manufacturing 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 fencing along Plymouth Road must be consistent and of wrought iron.
2. The proposed plan must be approved by the Plymouth Road Development Authority (PRDA), or the PRDA must stipulate that their approval is not necessary and it's outside their scope.
3. The fence and all associated parts will be removed at the time of termination of Roush's lease of the subject property from Ashley and all affected areas will be returned to their original condition.

ZONING BOARD OF APPEALS,

A handwritten signature in black ink, appearing to read "TK", is written over a horizontal line.

Timothy Klisz, Secretary

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, OCTOBER 1, 2024

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, October 1, 2024.

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

MEMBERS ABSENT: Lynda Scheel

OTHERS PRESENT: Mike Fisher, Chief Assistant City Attorney
Matt Stierna, Senior Building 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. Six (6) members were present. Secretary, Timothy Klisz, then read the Agenda and Legal Notice to each appeal, and each petitioner indicated their presence. Appeals came up for hearing after due legal notice was given to all interested parties within 300 feet, petitioners, and City Departments. There were several (not counted) people present in the audience.

(7:00)

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

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

COPPOLA All right, thank you. Mr. Stierna, anything you'd like to add?

STIERNA Nothing at this time. Thank you.

COPPOLA Questions for the Inspection Department? I have several, so I'm going to tick through these. As I read through the ordinance as such, I see that there's definitions for one family parental dwelling, and then also for a tourist home. I believe, for purposes of today, what we're looking at is a tourist home as it's defined. Is there a difference in licensing requirements for those two?

STIERNA Within the city? No, I understand Mr. Fisher might be able to extrapolate more, whether the state will be requiring anything in the future.

FISHER Oh, there. Well, there's a lot of talk in the legislature over several years, in fact, about short-term rentals and what might or might not be the future of short-term rentals, properties like this really, across the state, but that's not been determined yet.

COPPOLA But in the ordinance itself, is there the definition for depths, for one family rental dwelling, and tourist homes, they are defined separately?

FISHER Yes, they're defined as separate terms. And the problem with tourists, with this place being a tourist home, is that tourist homes are permitted as a waiver use in multifamily districts, and they're not permitted in any commercial district.

COPPOLA When you say multifamily district. If I own a home in a subdivision that's a R-1, - 2, whatever, could I have a tourist... could I use that as a tourist home?

FISHER That's not, no, that's not a tourist.... Well, it's not a permitted use for a tourist home. A tourist home has to be in a multifamily.

COPPOLA I see that. But you could rent it out on an annual basis. You just can't do it for a short-term basis.

FISHER Right.

COPPOLA I see, I see. So is that what... again, I looked over the records. And this particular property appeared to have been licensed as a rental?

FISHER Yes, but I think she needs to do some sort of [inaudible]. That's my understanding.

COPPOLA Then again, it appears that it's been used like that for a long period of time. I'm not sure if it was, it's a commercial district, so even residential rentals aren't allowed. I don't believe are allowed right now, is that correct?

STIERNA Mr. Chair, if I may, in January of 1957 it was approved for an apartment, residential apartment, to be built on top of the existing store. I believe it's a grocery store at that time. It was later registered as a rental in 2006.

COPPOLA Okay. And it was at that time the, my understanding, is the ordinance that prohibits that was enacted prior to 2006. Is that correct?

FISHER Well, the prohibition on residential apartments generally in commercial districts dates back to at least the 1965 or earlier incarnation of the Zoning Ordinance. So, yeah, that's the answer to that.

COPPOLA So using the considered to be an undefined or legal term, theoretically this property could have been grandfathered as a rental property because of its status before the ordinance was enacted.

FISHER I think that's right. Or at least it's been permitted all this time, so at least permitted as a rental all this time.

COPPOLA I think you're saying since 2006.

STIERNA As a rental since 2006 but as a residential property prior to that. And I believe there's state laws involving if it's being used as a rental, as a residential, primary residential property, it's still residential whether it's being rented or not.

COPPOLA Okay. So then what changes now, in the sense of its status, is because it's being proposed to be used as a tourist home, it no longer, theoretically, again, using the term loosely is no longer grandfathered, because its use is being changed, even though licensing is the same.

FISHER The term "grandfather" is difficult when you decide -- when you try to decide when it ends, because the rule generally is you have to abandon the use and abandonment doesn't just mean you put a closed sign on your door. It actually has sort of a harder edge to it, and so I'm not sure that this would constitute abandonment.

COPPOLA So I guess what I'm trying to understand is, then, if there's no difference between the licensing as a residential rental or a tourist home, what precipitates it being here today? What requires us to look at this and make a decision on whether to provide a use variance?

FISHER Well, I think that the tourist home thing has gone. It's now, instead of being used by the owner, or what have you, or I guess, instead of being used on a long-term basis, it's now designed to be a tourist home, so someplace you come to, as opposed to someplace you actually live. At least that's our read on the facts here.

COPPOLA Okay, so the other question is, when a rental property is converted to a tourist home. Is there some requirement for notification to the City?

FISHER Well, you should, as with any time you change the use, you should be telling the City. I don't know if everybody thinks in those terms or not.

COPPOLA Okay, because it appears that, just based on some research that this has been at least used since 2023, mid to early, mid to late, 2023 as a tourist home.

FISHER I guess I would say that's a compliment to the people who have been running it, because a lot of these places, they're defined as tourist homes around the City, are controversial because the tenants are problematic.

COPPOLA Okay. Any other questions? Inspection or Law. No, all right. The Petitioner can step up, name and address first, please.

KAKISH Hilda Kakish.

AL MASARWEH Ahead Al Masarweh.

COPPOLA Okay, why don't you give me a little background on this property from the perspective of when you purchased it, how long it was used since you purchased it as a long-term rental, and when did you convert it to what we call a tourist home or short-term rental?

AL MASARWEH Well this is the history behind this property, H&A Investment, which is Hilda and I, secured this investment about 20 years ago. So we pumped into it so much money and invested in renovation and update, we kept everything up to the city code in every step of the way. That part of the property, I cannot deny that at that time when I purchased it, I'm not that educated about the zoning and what I should look for in terms of what's in the upstairs, what's in the downstairs. [It] was a property, I invested in it. I converted the old Julia's Kitchen at that time. Created Lefty's Cheese Steak at this time, and so on and so forth. This piece of the investment, which is the second floor of that property, [has] been residential since we bought it and before was leased for [the] longest time ever, and [was] well-kept and inspected every year at the same time. We never changed the use of the property. Both of us [are] in the real estate business, both realtors, and we noticed a decline on the leasability of the property after the

increase of the traffic in the area. So it was not fit for long-term leases. So we checked with the City, probably quick question about 2021 there's any certain license for Airbnb? I don't know. I cannot recall the personnel. I asked in the comment, and they said there's no licensing. So we want to invest in Airbnb. It's been a successful investment since 2021. 2021, 2022, '23 and '24 to the area where one of the inspector[s] asking, "This [is] Airbnb? You cannot do Airbnb." Then we follow the procedure. The structure from this property. How we structured the short-term rental. We respected the value of the area and the City. It's designed in a way. It's not designed for someone in and out, not designed for someone who can come in for one night and leave. We have a minimum of two to three nights, plus the cleaning fees and which make it hard for someone to look into this property just because for use for any purpose that can harm the community. Based on our record from Airbnb and leases for our rental is a week, a month, two months for people coming to visit relatives in the area, for company who does construction within the city of Livonia and Farmington, for people who come in for medical treatment, and they cannot go back and forth to the north part of Michigan, and we have a record we can provide on that. It is not something [that] can change the fabric of this community. Also, we [are] situated in a way, we [don't cause] harm to any residential [area]. We sit in the corner, where we [are] far away from any resident to complain about that. This is where we stand from this, and we hope that this case will stand in a way that we continue our investment as we just put so much money into it [in] 2021 and if you don't want to add anything, that's all I have for now. Thank you.

KAKISH He really explained everything. I don't have that much to say to that, but the setting of the property that sits in a commercial makes it really hard for any residential long-term lease to stay. You know, it's really hard. A lot of people complain because the situation around, you know how it is, there is [a] restaurant, there's a lot of busy intersection[s]. It makes it very hard for a long-term rental to stay [in] the type of setting on the commercial. That's it.

COPPOLA Okay. A couple questions, more questions for you here. So you own that property. What other property in that area do you own?

AL MASARWEH We own that corner, which is, we have four addresses. So we have 29407, which it stands as Lefty's Cheese Steak in which we just renovated that building. We have the grand opening with the mayor back in November, where this franchise [was] born in Livonia. So from out to that location, 42 locations in the entire United States. And we also owned the previously known Shooters Service. We developed that property into two sections. It used to be just one section of 5000 square, and we divided into two, we get that approved and developed in 2011. Currently there's a hookah lounge downstairs, a vacant part under the apartment in the back, and the address for the apartment. All the three addresses. There's three addresses in one parcel and one address which is Lefty in the second parcel. And we were asked in 2011 to create a cross-parking agreement, even [though] we own both. And we put that in place at that time, too.

COPPOLA Who asked you to do the cross-parking agreement?

AL MASARWEH Well, I mean, I own the property of Lefty's, but I was asked when we developed that property, 2011 that even [though] H&A Investment owns both propert[ies] we must sign a cross agreement between the two properties, so we put that in place and notarized a part of the application at that time.

COPPOLA Other questions for the Petitioner.

KLISZ Mr. Chair.

COPPOLA Secretary Klisz.

KLISZ What's the average stay of short-term tenants that you have coming through there in the last couple years?

KAKISH We have about one time, one month, sometimes a month and a half. Sometimes we have three nights. It depends what the purpose of coming to [here] at that time. Somebody for medical, somebody for visiting family, or somebody for a wedding. Coming for a wedding to visit, like a family wedding, coming out of the state, family wedding and all this. Yeah.

AL MASARWEH If I can add to this, I was looking at... I pulled some records from the Airbnb, which is documented. We can show you the record for the last two years, but generally speaking, we don't have one night. She did a great job in the vetting part, asking question[s] before we accept anyone to come to that area. Mainly, three nights is the minimum. We can prove that. But it goes up to about three months. We have some engineers from Europe to be trained with GM. They occupied for three straight months. We have a construction company from Chicago. They [were] building a church in Farmington Hills. They came for straight two and a half months. Our current one, which left recently, was two months straight. We don't have one night or two nights, because the fact that the charges on this part, this is a large kind of loft. It's not made for a single person to rent it. It makes more sense for them to go to [a] five-star hotel instead of coming to that apartment, because the typical charges on this is about \$900 per reservation. So it doesn't make sense for someone just to reserve it for a night or so.

KLISZ Following up on that, is there a limit? Like Airbnb, that's the website that you guys work with. Do they allow you to limit it to say, let's say we're only going to do a week or more?

KAKISH What do you mean by that?

KLISZ You say that it's not overnight, that it's usually your minimum is--

KAKISH Right. Because you have a minimum.

KLISZ --Two days. What if your minimum was a week? Could you do that and be within their...?

KAKISH You mean to put the minimum as a week? Yeah, you could do that. But sometimes people get discouraged by this. If somebody coming to visit out of the state and they don't want to stay a week, that's kind of killing the business, because sometimes you don't, people don't want to, pay that extra money. It's costly between the cleaning fees and all this.

KLISZ This is one apartment, correct?

KAKISH Yeah, it's one apartment. It's three bedrooms, one and a half bath. It's a big place, so for somebody who's gonna come with his family. You know, it's worth it to do, like if they do in two or three days. You know, that will be less traffic versus a week. Or, you know....

AL MASARWEH If I can add to this, we solve that on Airbnb currently, and can be reviewed on the listing, minimum of two nights. You can increase that based on our practice, to three. More than that makes no sense, because most of the reservations come in, mainly the weekend, family wedding, family gathering, again, on [inaudible], those what the record is, and the construction, the training, and so on, so forth. So more than three nights. It's kind of hard, unless you have a special case for which it's extended two months or three months for certain purpose. Currently, it's limited. Nobody can go in and reserve one night, literally, and every reservation has to go through a vetting process with us with a certain questionnaire, it's clear. Question is that we are not taking parties and wealth. We don't take parties. Smoking prohibited, no party, no... certain set of rules, and we [are] very straightforward, because we love our property. Honestly, I'm just doing so much time to create this kind of investment, and we want to follow the rules for that.

KAKISH I want to add one thing also, if you look at the record, also, I had a super post, you know, from the Airbnb, as far [as] the customer. The people come in, and they all have good review of us.

COPPOLA If you didn't have access to the parking on the property which you own, but to the east, where would your guests park?

AL MASARWEH When in the general description of the listing, an Airbnb a designated assembly parking behind Lefty's, between Lefty's and the new building for parking, it was brought to my attention by the Building Department that I need some signs, which we [were] willing to do that, we can post signs for a couple of those parking spaces to be designated for the guests of the Airbnb.

COPPOLA But still, right now, that's still on the property that's to the east that you also own, that's the Lefty's property that you have, if that wasn't available, where would your guests park? Is there a place for them to park?

KAKISH Only two parking spots, they're only limited to two parking spots.

COPPOLA I understand, but right now. They're on the property, appears they're on the property that I'll call the Lefty's property.

KAKISH Yeah.

COPPOLA So let's say next week you decide to sell that property, where then would your guests park?

AL MASARWEH Well, in 2011 when we developed the property, that was a question [which arose] at that time. I asked this question. I said, "Why [do] I have to spend money, go to a lawyer and put the cross-parking agreement?" Because of that fact, we can't stop this is an easement agreement was put in place so to eliminate that possibility, selling one piece of the property without accessibility to that other. So that's in the place, and it's through the City. It's not something I can do because there's an easement agreement I put on myself 2011 to develop the second property, which is previously known as Shooters Service.

COPPOLA Okay.

STIERNA Mr. Chair, may I address...?

COPPOLA Yes.

STIERNA There was a previous zoning case that is part of this package that addressed parking. It stipulated parking for the three different addresses, including applying two parking spots reserved for the apartment. Just want to bring that to attention.

COPPOLA Is that done through the agreement? Was there actually filing that was a county... so there was an actual easement?

STIERNA Not an easement. It was part of the zoning agreement, a zoning case.

COPPOLA Thank you. Other questions for the Petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS In here, in this Zillow ad for the apartment you describe it as a condo. Doesn't that imply a long-term rental?

KAKISH It's a loft. It's like a loft.

BARINGHAUS The term condo is present in the end, not loft, or... condo.

KAKISH Condo?

BARINGHAUS Condo.

AL MASARWEH Whatever the name, it's an apartment.

KAKISH Yeah, it's [an] apartment.

AL MASARWEH It's one single apartment sitting on that address, and it's that apartment, where's the parcel ID designated by the address of the property. It's one apartment. We call it whatever we call it in the listing, because the fact it's an open concept, it has a large living space open to the kitchen, with three bedrooms, with—

KAKISH One and a half baths.

AL MASARWEH --One and a half baths, but we don't know really what it should be called, more than it's an apartment sitting on top of that property.

BARINGHAUS When I was at the property, the back parking lot. I noticed there was a dump truck with a trailer with some construction equipment on it. And a large bus being stored there.

KAKISH That belongs to the next door.

BARINGHAUS Next door?

KAKISH Yeah. That's not ours.

BARINGHAUS That's not yours?

KAKISH Yeah.

BARINGHAUS Okay, very good. Okay. Thank you.

KAKISH You're welcome.

TESTA Question for the Petitioner. How many tenants do you allow max? I was trying to look on the Airbnb, but I can't find it.

KAKISH Six. Six.

TESTA Six.

KAKISH Yes, this is a three-bedroom.

TESTA Question for Inspection. I was trying to look at BS&A and online myself. Have there been any complaints from neighbors or anyone in the past four years or so regarding rentals?

STIERNA Not at this property, no.

TESTA Thank you.

COPPOLA Anything else for the Petitioner? All right, seeing none. Is there anyone in the audience who would like to speak for or against this petition? It doesn't appear so. Do we have any correspondence?

KLISZ No.

COPPOLA No correspondence. Okay, would you like to say anything in closing, before the Board deliberates the votes?

KAKISH I think we said everything.

AL MASARWEH It is what it is. Exactly what we have.

COPPOLA All right. Thank you. You can go ahead and have a seat.

KAKISH Thank you.

COPPOLA Closing the public portion of the case. A quick question for Mr. Fisher, though, in regards to the cross-parking agreement, is that kind of understanding the level of enforceability on that future property, what happens if they sell the Lefty's property? How enforceable is that? It doesn't make more sense to have some type of easement filed with the county, rather than just a kind of a two-page paper.

FISHER Well, I guess it depends on who you're going to benefit from that. I mean, obviously, as we heard alluded to already, the cost is greater with any more documentation pertaining to this issue. So that's one thing, I guess. You maybe ramp up the enforceability by the easement. But I still don't know who's going to make this. Enforceability needs to be by us, and I'm not sure we have any standing in enforcing an easement. So I'm not sure....

COPPOLA Well, with an easement that... the party that has the easement, would have to force that enforcement, correct?

FISHER Right. I don't know why—

COPPOLA My concern is just making sure that there's always going to be adequate parking.

FISHER No, I understand. I think, though, in terms of the City enforcing it, it's probably just as good, if not better, to have it as your condition of your variance, so that then future decisions here will be based on, in part, on that.

COPPOLA But it exists today. So the condition of the use variance, but once the use variance is in place, and let's say that agreement gets for whatever reason canceled, or whatever. That doesn't make the use variance go away.

FISHER Well, yeah, for a start, we put in our own resolution the condition that they can't, or that they have to have this mutually beneficial parking arrangement. So I think we need that more than any of these. Because, like, I say, I don't know. We don't have any standing to enforce the principle.

COPPOLA And so is there a requirement, that might be a question for Mr. Stierna, is there a requirement to have... there's obviously, for rental property, you have to have parking, right? So there's got to be... the licensee has to show that they have adequate parking to be able to get a license.

STIERNA That would be correct, yes.

COPPOLA Okay. And then they would have to continue to file every year for the license, is that correct?

STIERNA The rental license is renewed on an annual basis. It is inspected on an annual basis.

COPPOLA Okay. Any other questions? Okay, I will start the Board's comments with Mr. Testa.

TESTA Thank you, Mr. Chair. So I am open to this. My way to explain that, or actually is, it's been a rental property for years. It is a change in the way they're doing it. However, there hasn't been any complaints looking on Airbnb. And finally, we get on they do get absolutely great reviews, 4.68 stars. The only bad review was a two to three star, and it was because of hookah lounge below, the smoke and the noise from the band. So it's already going to be a slightly noisy area because of that, there's no residential homes nearby this. So I'm going to be in support.

COPPOLA Thank you. Mr. Boloven.

BOLOVEN I'm going to not be in support of this. And the reason being is, I believe, it creates a precedent, and this isn't the right body to hear this. I think there's a gift with this property, with the long-term lease availability, but to turn this area into a[n] Airbnb and allow that there. What's stopping the property next door from putting in an upstairs and all of a sudden we're going to

have a plethora of those come in. That's a Council issue. It's not a zoning issue to get it one by one. So for that reason, I wouldn't be the support of it this evening.

COPPOLA All right. Thank you. Vice Chair Baringhaus.

BARINGHAUS Thank you. I agree with Mr. Boloven. It is a really bad precedent to set within the community, because on one, the area is zoned as a C-2 Commercial District, and I guess one of the questions we probably should need to ask is, did you make an effort to develop that area as a commercial enterprise rather than as a piece of rental property? Obviously you didn't, because you went the rental property route itself. I was going to ask if there are any letters from the neighbors? Well, obviously the answer is no, because there's really no residential neighbors around the property. It's entirely in the center of a commercial district. I think it's bad precedent. I don't see the attractiveness of just putting these rentals in areas where they're not intended to be. So with that, I'm not in favor the variance.

COPPOLA All right, thank you. Secretary Klisz.

KLISZ I'm gonna agree with Mr. Testa on this. I think at first I looked at it and kind of had a negative vibe about the situation, saying, again, we don't want these just popping up anywhere. But this is a rental, and it's always been a rental. So even as weird as it is, that it's a rental in a commercial district, it's been there since the '50s, and you know, as the Inspection Department has told us, and so when you get right down to it, it's just timing, because as a rental, of course, it could be a month to month rental, and it sounds like the average person stays here for a good period of time, if not longer. And these people will move in and spend a month and a half or two months, that's a rental period. So it's really not going to change, I guess, just a distinction without a difference. And I don't think that's going to start a rolling of residential inside business district, because this one is unique. So I guess that's the factor I'm looking at, is the uniqueness of this particular property. So I would be in support.

COPPOLA Thank you. Mr. Rotondo.

ROTONDO Yeah, I'm a little bit on the fence about this. I can understand, I could be open to the approving of it, being that it's long-term. It's always been a rental property since, like you said, the '50s. I don't know that this is really an appropriate area for residential, but seeing that it already is a rental, I could be open to it. I'd obviously want to have, if we were to approve it, a minimum amount of nights stay there. I don't want it to be a one-night stay kind of thing, but I'm open to see what the Board makes their motion. Thank you, Mr. Chair.

COPPOLA All right, thank you. I, too, am somewhat on the fence. I think this is somewhat of a unique property. It's been that loft, or whatever you want, the second floor has been a residential property for decades, decades, and really, I can see how that can be somewhat of a challenging space for anybody who wanted to be there long-term, mainly because of the size. I mean, if these were one bed, [inaudible], but in this community you probably could find someone. A three bedroom... I mean, who wants their family there? And then beyond that,

anybody else that would be long-term three that wasn't a family, I kind of questioned whether I really would want them there. So that's what I struggled with. They've had, this has been a residential property for some time, so that bridge is somewhat crossed. The sense of setting precedents, yes, I'm very concerned about that, but I do think this is an extremely unique property. I can only think of a handful of other places in Livonia that have this type of arrangement. You know, there's one at Six Mile and Farmington, that has some upper units. There's some other places that I can think of that have... but there's not a lot of these. So realistic that I could probably support this with a full understanding within the record, that this is unique enough of a situation that this does not set a precedence that the Board has kind of put open season on Airbnbs, in commercial properties. But just this is somewhat unique, and there's only a handful of properties in Livonia that would ever meet this uniqueness. So I'll go ahead and open up the floor for a motion.

FISHER Mr. Chair, well, I guess we haven't harped enough on the significance of this being a use variance. Would the Board consider... I guess we should ask the court whether the Board would consider a tabling resolution.

KLISZ That's what I was going to say. We can't right, it can pass and it can fail, but I was gonna make a tabling motion.

FISHER Okay. Sorry.

KLISZ That's okay.

COPPOLA Thank you.

TESTA Mr. Chair, can we maybe open it back up and see if anyone else was convinced by comments to change their position? I'm thinking no, but it may be worth asking before a table motion.

COPPOLA Okay, sure. [Inaudible]

KLISZ Chris?

BOLOVEN No.

KLISZ Jim?

BARINGHAUS I'm sorry, what was the question?

KLISZ Have you changed your thinking?

BARINGHAUS No, I haven't.

[Crosstalk. Laughter]

COPPOLA So it seems like this would be something that probably wouldn't pass.

KLISZ Yeah, no, it can't. So, Mr. Chair, I would move to table Appeal Case No. 2024-07-28, filed by H & A Investment, LLC, for a full Board to hear the case so that there's a possibility that they can get the five votes they need, and if Ms. Scheel is not convinced, then obviously it's not going to pass. But I think it would give them the best opportunity to have it heard by a full Board, and because they need the five votes.

TESTA Support.

COPPOLA All right, I have a motion by Secretary Klisz, supported by Mr. Testa, to table, potentially for a full Board, hopefully at the next meeting.

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

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

be tabled to allow the Petitioners to be heard by a full Board.

Please call the Zoning Board of Appeals office by October 25, 2024 at (734) 466-2250 if you wish to be heard at the November 19, 2024 Zoning Board of Appeals meeting.

ROLL CALL VOTE

AYES: 6

NAYS: 0

ABSENT: Scheel

PASS/FAIL/TABLED: PASS: TABLED

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ And Chairman Coppola.

COPPOLA Aye.

KLISZ Tabling passes six to zero.

COPPOLA Okay, so the petition—you can step forward. So the petition has been tabled. You don't have a full Board, and as I mentioned in my opening statement, you need five votes. It does not look like you have about five votes right now, so we'd like to have a full Board and to see if that seventh member maybe would vote in your favor, so you would have an opportunity to get the use waiver. So that's-- so what you would need to do then is to call the Zoning office and get on the November meeting, which I said was, and I will mention again, is November 19th. And hopefully we'll have a full Board, then. Mr. Fisher, correct me if I'm wrong, in the interim, you can continue to operate the Airbnb until the next meeting.

FISHER Yes, there is a stay of execution in place.

[Laughter]

COPPOLA Okay, okay. Thank you. Thank you very much.

KAKISH Thank you. Thank you.

COPPOLA All right, you can call the next case, please.

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

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

COPPOLA All right, thank you. Mr. Stierna, anything you'd like to add?

STIERNA The Inspection Department does have a couple of items that should be made noteworthy, because this building will be, if this passes, the building will be changing use or changing occupancy, which will require updates to the building that will bring it in[to] compliance with current Michigan codes, building codes. They will also need to be compliant with required parking spaces for this use, which I was unable to determine based on no proposed floor plan. Spaces for parking vary between the, say, the administrative use portions of a church and then the, excuse me, the assembly spaces. Assembly spaces require one parking space per 50 square feet of assembly, whereas the administrative would be one space per 200 square feet. So their architect would need to present plans that would somehow fit the existing 117 parking spaces for a building area of about 33,000 square feet.

COPPOLA Just so I can summarize, they would need to... to be able to use it. Let's say we give them the use variance and to be able to use it there has to be two things that need to occur to get into compliance. Number one, we have to, first of all, determine any plan, the design, to make sure that's in compliance. And then number two, then you need to understand the parking situation, where there's enough parking for that use. So we're kind of a cart in front of the horse? I mean, if they don't meet the parking requirements, I guess the question is, if they kind of guessed, could they meet it? If we can't meet the parking requirements, they can't use it as that type of as a religious facility.

STIERNA There would be a very real possibility they would have to come in for another variance for parking.

COPPOLA Okay. Any questions for Mr. Stierna? All right, seeing none, if the Petitioner could step forward, please. Name and address.

WILLIAMS Good evening. My name is Chris Williams, I'm an attorney for Couzens Lansky. The firm address is 39395 West 12 Mile Road, Suite 200, Farmington Hills, Michigan, 48331. I'm representing TODAL tonight. But just for clarity, there's currently a transaction going on which you're aware that Life Church Livonia is seeking to purchase that property from TODAL LLC. Our firm represents Life Church Livonia in that transaction. However, I have been given special permission tonight to represent TODAL at this hearing.

COPPOLA Mr. Fisher, we don't need any authorizations or anything? I didn't see anything in the file. We didn't receive even the written authorization.

WILLIAMS I do have a written authorization, a consent from TODAL that signed actually by both parties.

COPPOLA That would be a big help. Can you share that with us?

WILLIAMS Yeah, I can. Do I give this to Mr. Fisher?

COPPOLA Yes, if you would please. Is that your only copy?

WILLIAMS That is. That's a photocopy.

FISHER We'll take care of it.

WILLIAMS Thank you.

COPPOLA Alright, you may proceed.

WILLIAMS So as we indicated, I think our application, or the application from TODAL indicates the proposed use for this property. Life Church Livonia has been in the area for 10 years. The lead pastor is here tonight. We also have the real estate agent. Another parishioner is here so they can comment after I'm done. With respect to it, though, as far as reasoning for doing this, from TODAL's perspective, they've had this property in the market for two years. They've had very limited leasing that's occurred during that period of time. It's a little bit unusual property. It's in a general manufacturing zone, but it's really, you know, even though professional office space is within general manufacturing, it's really not set up for manufacturing per se. So it's made it a challenge for TODAL to do a deal, essentially, either lease it or sell it. Similarly, from Life Church's perspective, they've been seeking to find a place to use. They've been in Livonia for 10 years. They're currently temporarily in Laurel Park Mall, and this seems to be a pretty good match between the two parties. There was some concern, I think, about the parking that was raised. And again that could be... what I'm saying... a measure.

COPPOLA We need to make a copy for the file. So I'm going to go ahead and scan it in once we've listened to what you have to say.

WILLIAMS Okay. As far as the... I think it was brought to Life Church's attention with respect to the upgrades, and Life Church was aware of that, that those were going to be happening. I think there's some HVAC things that will need to be done, and there'll be some, I believe, some fire suppression things that may need to be done to the property before it's occupied. So everybody's well aware of that. With respect to the parking, you know, we'll have to understand that the formula that's used. But essentially, there's seven units within that space. The church is proposing to use three of the units, they feel pretty confident that, once we go through the

formula, they really are only going to need about 50 spaces of the 117-some-odd spaces that are currently there. Again, it's complementary use, it's weekend use. So they're not going to be really overlapping with other tenants, during the course of the week, or, frankly, other businesses around the area. So they're not too concerned about that issue. And again, if a variance needs to be obtained, we'll certainly seek that. But they're not too concerned about the parking issue at this point. There's approximately, 120 congregants currently. So, you know, obviously every 120 doesn't have a car of their own, so they are families and couples that are coming in.

COPPOLA Okay, so there... you said, how many of the spaces are they planning to initially use? I assume at some point they'll expand to all of it.

WILLIAMS I mean, I think they hope to expand it. They're looking to do several services. So it's not like there's gonna be a single service where everybody's flooding the zone, so to speak. So I think right now, they feel probably about 50 spaces during the weekend is probably gonna meet their needs.

COPPOLA So what are they planning on doing in the interim with the vacant spaces?

WILLIAMS I mean, I don't think they're planning to do anything. They will just simply-- oh, vacant. I'm sorry. I was thinking parking spaces, the vacant building spaces.

COPPOLA Yes.

WILLIAMS I think the hope that there's currently one tenant in one of them, in an ideal world, they would hopefully be able to rent out some of those other units.

COPPOLA Well, they're aware, that the reason landlord signed on this, is because he hasn't been able to....

WILLIAMS They have. I mean, this is, that's not the principal, you know, they're not really looking to get into the business of being landlords. I mean, that would just be sort of a happy benefit if there's a way to use that space, until they're able to use it for their entire space. So. Like I said, there's one tenant there now, if another tenant came in, or a second tenant came in, then that's just more resources for them to use down the road. But the primary reason is to really have space, a space of their own, a space in the community that Livonia would have access to, and they think would be a ni-- right now we've got essentially a vacant building sitting there, really doing not much of anything. And we think this would be a nice addition to Livonia to be able to have this church in that location.

COPPOLA Question. Any other questions for the Petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS I guess, is the principal services just on Sunday, or do they have a number of programs planned through the week as well? Yeah, go ahead. I'm sorry.

WILLIAMS I'm sorry. I think that the pastor can probably comment better to that than I can, but I think my understanding is they have a Sunday service. Again. I think they're planning, once everything's up to speed, to try to have two Sunday services. You know, there'll probably be some things during the week, women's groups, some things in the evening, but I think... my guess is most of the use is going to be heavily weekend, probably evenings for Bible studies and those sorts of things. But not... that's why it's kind of a nice, complimentary use. Really shouldn't be interfering with anybody else that would be in the regular nine to five operation.

BARINGHAUS Okay. Thank you.

COPPOLA I have a question for Mr. Fisher. We provide a use variance. At that point, does that whole property be designated as, I guess, what are usually more like C-2s, the use variance. Can they still use that as a rental, as rental property, since we've given the whole property a use variance?

FISHER Well, I guess you, if you're asking, could you give the use variance status for less than the entire parcel? I suppose you could do that. Is that what you're driving at?

COPPOLA No, well, what I didn't want to do is give the buyer a misunderstanding that once we give them use variance, that those units they want to rent out, the interim before they can use them, can't be rented out.

FISHER Well, they obviously have some problems in that you already talked about the fact that you don't know how much parking you're going to need, because we haven't got interior plans at the church, and simultaneously, we don't know how much you'll need for current and future tenants, pretty much, by definition, in the case of future tenants. So there we're gonna have to address those issues somehow.

COPPOLA Okay. Other questions?

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Question for the Petitioner, how far are you in due diligence on the other items that Mr. Stierna brought up, as far as if it were approved for that use variance, parking updates that need to be done.

WILLIAMS My understanding is they're very far along in due diligence. This is one of the last steps to being able to close this transaction. Is just trying to get this variance.

BOLOVEN So is everything that's going to be required by the City, are they going to be able to do, or is this just going to end up back here again for another variance request for parking or whatever the case may be?

WILLIAMS Well, again, I became aware of the parking issue. I think someone from the Engineering Department reached out to one of the church members who raised these issues. So I've been aware of it for a couple days now. I think parking was... well.... As far as the additions and things that need to be done to make it accessible, I think everybody was fully aware of that. They've already had the architect on site, I believe they already have plans or there certainly will be soon enough. So that issue is where again, on the parking issue, we'll have to understand the formula for what's going to be provided there. But my sense is, I think we're going to, I think the church is going to meet that for them, because, again, they're not looking to use, even 50% of the curb space there.

BOLOVEN I tend to agree with Mr. Chair about putting the cart before the horse. If this were tabled for 30 days, it seems like far enough along in the due diligence process that that last piece, if you got the formula, you guys could give us some certainty. Is that correct?

WILLIAMS Well, I think we need to understand what the requirements are, yeah, that's for sure.

BOLOVEN Thank you, Mr. Chair.

COPPOLA Any other questions for the Petitioner?

TESTA Yeah, Mr. Chair, question for the Petitioner.

COPPOLA Yes, Mr. Testa.

TESTA I don't know if we directed you or maybe someone from the church. So Life Church has been around in Livonia for 10 years. I think the business model, for lack of better term, has been rentals like Holmes Middle School. I live right there. And you guys were great during Covid, doing it outside and playing music, enjoyed from my backyard. But I'm wondering why you're changing from a kind of a rental model to maybe a....

WILLIAMS So I can, yeah, I can answer that a little bit. So this is actually kind of a baby church, a larger church called, it's in Canton, called Life Church in Canton. And so I think it's down on Haggerty and Warren Road, and it was kind of a similar situation. I don't know what... I can't remember what the zoning was precisely. It was manufacturing or industrial, but it was a similar thing where they took a building like that and turned it into a pretty large, successful church. And so that church was so successful that it's been able to church plant with other ones.

So with the church plant, with Life Church Livonia, it's... the intent is always to get to a building. I mean, that's the plan. I mean, it's not-- they have to do what they can live with initially, in terms of building, the congregation, the resources, but ultimately, at the end of the day, they want to have a church building and build plant churches of their own. I mean, that's really the goal of the of the operation, so that's the answer to the question. I mean, that's just part of the of the overarching plan for the church. And again, the pastor can comment on that more than I can, but that's my understanding.

TESTA Okay. And then building-wise, if you look at other buildings, so I drive by this building every day on my way home from work, it seems it's more office-y-type building, and not so much church type. Why this building, is it simply the one building they could find, or...?

WILLIAMS Yeah, I think they, we've got, actually, I said the real estate agent is here also, he can comment too. They've been looking for a place that met all of their criteria in terms of space and zoning, and various issues, and so this has been the best that they've been able to find that's in the community. And honestly, when we think of churches, we think of kind of the historical, beautiful, architectural majesties that we've seen around the communities and things. Things have changed. I mean, churches run malls, churches run retail strips. I mean, they're in different spaces, and people are kind of actually demanding sort of a different approach, a little bit more modern, contemporary. You can do a lot of things with a space like this. You know? It allows a lot of things for kids ministries and other sorts of ministries using these kinds of wider open spaces than, sort of the conventional church building.

TESTA Okay, in an ideal world, when do you guys close and start operating this church?

WILLIAMS You know, again, I can let Alex, who I think can comment on that more. I'm not sure what the timing is. I mean, we're trying to just get the deal done, the transaction done. I mean, in a perfect world we'd get it done in 30, 60 days. I'm sure that they would want to be in it before the end of the year.

TESTA All right. Thank you.

WILLIAMS Thank you.

COPPOLA Any other questions for the Petitioner? All right, seeing none, is there anyone in the audience who would like to speak for or against this petition? And [if] there's members of the church or the realtor would like to speak up, now's a good time.

RAHILL How you guys doing? My name is Alex Rahill. I'm a Livonia resident, been living here and doing work here for 10 years. I'm lead pastor at the church you're just hearing about and to address a couple of the issues, our church is about 230 folks, as our representative said, we're a church plant. Renting is not a long-term strategy for success. It's cheaper than owning, for sure, but part of our heart in the Livonia community is, we're really trying to meet the needs of the City and the people in the city and when you're a setup and tear-down operation and you

only have five hours of actually having a physical location that's not somebody's house, that really dramatically limits the kinds of things that you're able to do. As you saw, we did many events at Holmes Middle School over the years, and does bless the community. We actually just recently threw a Livonia cider mill at the mall in the parking lot, partnered with a number of vendors from the mall, trying to bring business back to the mall. And during Covid, we helped deliver lunches to kids who were dependent on those lunches but were doing school online at home, even just today, as I was at the Rec Center before coming here, I was talking to a number of the senior gentlemen who were talking about their thoughts on the senior center, really looking for purpose and looking for community, looking to build friendships. These are the kinds of things we're interested in partnering with. And we think a permanent facility is going to help us do that much better than a rental facility. To the point about parking. Will we end back up here asking for another zoning variance on that? I don't think so. I think if that were to happen, we've probably outgrown that space, and in terms of the 33,000 square feet, we have a lot of dreams and hopes with that space, some of that is stuff we'll have to grow into, and I don't want to speak out of turn, and things like that. We do not yet have plans that are drawn up by an architect because we were unsure. This deal has died and kind of risen from the dead many times thus far in its process. We didn't want to spend the money creating something firm if we weren't even sure we could get it all the way through. So we're happy to come back with something more firm for everybody to take a look at. That's not a problem for us. And you know, we could come back with a solution on the parking as well and have some more information at the next meeting, if you'd like. But primarily what I wanted to come up here is just for some of the questions we were directing our representation to be able to answer those more directly.

COPPOLA Any questions? All right, thank you very much. Anyone else?

GARVEY Hi, my name is Chris Garvey, and I'm a congregant. I actually live in Canton, 1281 Hampshire Drive, and I was a part of the aforementioned plants for Life Church Canton, where we took the old Rudolph Libby building and converted that. Worked very closely with the city there to get similarly, to get the variance. In that case, we did actually add parking. And so when I moved over to start attending Life Church Livonia, I joined on with their kind of a building team, and found out that they had been in this process for the better part of two years. They've looked at multiple buildings. We're having a serious difficulty in finding anything within the bounds of the Livonia city limits that would meet the square footage and parking, etc. requirements. And so actually, I think as far as the kind of aforementioned, whether we haven't done specific plans with the architect, we have engaged the same architect that helped us with Canton. So he's very aware of the requirements specifically, and we're aware of the modifications we have to make. You know, airflow, large, countering space. You have to increase the amount of air flow so the HVAC improvements, things like egress, obviously, would have to be improved. I think on the parking front, I look at this as we will design the space to meet what our parking availability is, and that is to say, with the 50 square feet per spot that's within 117 spaces, you've got almost 6000 square feet, which is actually larger than we would need for auditorium space, the congregating space. So if we have a space of, like right now, if we have, if our average attendance is, yeah, there's 100 and 100... well, 120 I think, includes kids. But if you have 100 congregants, we could have a space for 250, easily, 250 seats that we

get that we could grow into in that 5000 square feet, which is more than, I think we have more than adequate parking. So I would get, as a way that we would actually design the space to fit the available spots.

COPPOLA Okay.

GARVEY Any other questions on that?

COPPOLA Thank you. Anyone else? One more? Okay.

HENRY My name is Mark Henry. I work with Rock Real Estate.

COPPOLA Your name and address, if you would, please.

HENRY My address?

COPPOLA Yes.

HENRY All right. It is 45580 Maidstone Road, Canton, Michigan. We, Alex especially, we've been looking at several properties. We've almost been under contract with a few for lease agreements, but most of them would have faced a lot of challenges with parking. It just... Livonia is a developed community. It's been around for several years, and everything is set in place, and it'd be very difficult to find open land or spots where you could build. So that's... and we also have pursued other churches where we would come across the same issues with be able to be involved, with being with some of the things that's mentioned, and also to have the parking that we would need. So that's kind of where we landed. And it's been a long process, and this building seemed to meet a lot of the criteria that we were looking for in a building, because I think in a lot of cases, we've already had this experience with Canton, and we thought this would be a great opportunity for the church.

COPPOLA Thank you. Any questions? No? I think we're all set, thanks. Anyone else? Any correspondence?

KLISZ No letters.

COPPOLA Okay, Mr. Williams, would you like to say anything in closing, before we close the public portion to our to go to that... whatever... we talk and then we vote?

WILLIAMS No. I think we... I think it's been said. I think we've addressed the issues at this point, like I said. I think certainly when you cooperate to work with the Zoning Board and the City to come to a successful resolution. So I guess, one... can I ask one question? This is a point of clarification. With respect, if this were to be granted, there was some conversation about how that would impact leasing, and future leasing of the space. Is that, was I hearing that

correctly, that that could essentially prevent future leasing of the empty spaces? And I guess what... I guess the question would be, what about the existing tenancy there?

COPPOLA Mr. Fisher, I'm going to punt to you on that one.

FISHER Okay. I think part of the problem is that your traffic or your parking needs are tied to your building usage, and as soon as one goes up, the other goes down. And so the reason we had asked for site plans was because it was for that very issue that your use of your internal spaces governs what you can do outside. And so, yes, that does. It does potentially make it more difficult for you to have your additional tenants, or even your current tenant.

WILLIAMS But, I'm sorry, but only to the extent of making sure that it qualifies with respect to the parking requirements of the City, is that right?

FISHER Well, right now, that's all I can think of.

WILLIAMS Okay, so that's... I just wanted to make a clarification.

COPPOLA Let me ask a clarifying question, a little deeper question. Does getting a use variance prohibit them, notwithstanding any other requirements to lease any of the units?

FISHER I think that's only if the Board imposes that requirement.

COPPOLA So, but if we did impose it, in other words, just because we gave them a use variance, didn't think about it, and then they came back and said, all we want, or we want to rent out these three units. Does the use variance prohibit them now from using it as, as what the property currently is zoned as, which is general manufacturing?

FISHER Well, the use variance standard includes within itself the concept of reasonable return. So I suppose theoretically, if they said, "We're going to starve to death and we can't rent to this or that," then it wouldn't... the mere fact of the use variance wouldn't stop that. So you should be mindful. I guess when you're developing your resolution that it says whatever you think it's going to need to say.

COPPOLA Okay. So it doesn't, you know, notwithstanding any other requirements, there's no prohibition with use variances, as it stands, unless we provide any limitation.

WILLIAMS I mean, I would assume, unless it's, because it's zoned manufacturing now, I would assume that manufacturing qualified tenants can still be within that space, unless the resolution provided otherwise, made some kind of limitation. In other words, we couldn't necessarily lease it to another church, maybe. And, you know, I guess, unless it was, unless that was part of the criteria or something, but.... I have nothing further. So I appreciate your time.

COPPOLA Thank you.

BOLOVEN Mr. Chair. I have a question for Mr. Fisher based on that discussion. My understanding has always been it's all or nothing. So what I mean by that, especially in relation to the property taxes, if this Board grants the use variance on that property, it's fully owned by the church, and it's no longer... it's fully tax exempt. So even if they do—no?

FISHER I don't know that that's necessarily true, because function is considered in deciding whether the property is exempt from tax.

BOLOVEN Yeah, but for churches, they're fully exempted, right? They could have rentals that are still going, but they're that property is no longer income tax or real estate tax producing.

FISHER Well, I don't, I don't know, property tax exemptions. Didn't have a dependent answer for you, but I would have said if you give the... even if the church uses it for purposes which are not churchly, the church use it with those purposes, it would not be exempt. And it's not exempt.

BOLOVEN For a normal nonprofit, it would be, but not church.

FISHER I got in my own church, we had a parsonage that somebody in the church hierarchy said we should rent out to the general public, and we paid property taxes on that parsonage all the time -- it was in the hands of a non-church employee. So no.

BOLOVEN Thank you, Mr. Chair.

COPPOLA Okay, all right, so I'm going to close the public portion of the case and start the Board's comments with Mr. Boloven.

BOLOVEN I think I'd like some more certainty. I kind of hinted that way my question of Petitioner when he was up in front of us, and I think they're far enough along in due diligence that a tabling is not going to hurt this. I mean, it's 30 days that gets its specifics from the City, as far as what the requirements going to be. If this does convert it, this use variance is granted by this Board, they can figure out what's needed, how it's going to affect their tenants, if those tenants remain. Think there's a lot of questions that were asked tonight that need to be answered, and I think tabling would be appropriate at this time to get some certainty at the next meeting.

COPPOLA All right. Thank you. Vice Chair Baringhaus.

BARINGHAUS Okay, thank you. I agree with Mr. Boloven. I think once I heard tonight about office space today has to evolve into more different, creative uses. I agree with that. The world's kind of moved on. I understand your difficulty in securing a site within Livonia. I know Glen Church is doing a similar exercise to yours, and they're still not there yet after a couple

years, but they're still trying as well. Again, I have questions regarding parking requirements. Also what changes are necessary for the building to get it into its final format. And also look to see a floor plan presented as well. So based on that I'd be in support of the variance. Thank you.

COPPOLA All right. Thank you. Secretary Klisz.

KLISZ I agree with my colleagues. I think it's a good time to table this, and then by the time they come back, there'll be more answers, as well as outline the plans and that kind of thing.

COPPOLA All right. Thank you. Mr. Rotondo.

ROTONDO Yeah, I'm happy to see that the parish is growing, and you guys are looking to invest into a building now. I just, I don't know that this is very... instantly appropriate here. I think this is something that should probably go to Council for rezoning. But I could be in favor of a table too, because it sounds like my colleagues are, and I guess if we table it, I would be interested to see more of the site plans and the parking plan. Thank you.

COPPOLA Thank you. Mr. Testa.

TESTA Thank you, Mr. Chair. I'm in support of a table. Have you guys firm up your plans and come back and present them. Thank you.

COPPOLA Okay, thank you. Yeah. I'd really like to see a more fully baked petition. I think ideally, we're going to provide a user experience. One has to understand the layout of the property, what it's going to be. What section is going to be used for what. We'll have the parking issue resolved, and if it needs to be addressed, it can be addressed at that time. I'd also want to suggest that you... any signage that you want to put on the property, you might want to include that in your petition, because if there's some variance needed for that, let's get it all done at one time. If, again, the proposed signage is something that's approvable by the Board. So I agree. I support the tabling. I think it sounds like you guys are pretty close to there anyway. So you can finish that up, spend some time with the Building Department making sure that everything's in compliance. So we can get up, we approve something. We know exactly what we're approving, and then we can move forward from that point. So I will go ahead and open up the floor for a motion.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Okay. Thank you. Motion to table Appeal Case No. 2024-08-29, made by TODAL, LLC for the purposes of requesting additional information on the project. Examples include signage for the property, clarifying and defining the number of parking spaces, what the

final plan would look like in terms of modifying the building for church uses, and then also a detailed floor plan of the building as well.

BOLOVEN Support.

COPPOLA I have a motion by Vice Chair Baringhaus. Support by Mr. Boloven. Go ahead and take the roll.

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

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

be tabled be tabled so that the Petitioner may submit more information regarding signage, parking, detailed floor plans, and modifications to Matt Stierna, Senior Building Inspector, in person or via email at mstierna@livonia.gov .

If the Petitioner wishes to be heard at the November 19, 2024 meeting, the additional petition information must be submitted by October 25, 2024 to allow the Zoning Board of Appeals Department time to notify residents.

ROLL CALL VOTE

AYES: 6

NAYS: 0

Absent: Scheel

PASS/FAIL/TABLED: PASS: TABLED

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Aye.

KLISZ Six zero.

COPPOLA All right, so the petition has been tabled. The Board has asked for information. I think you've kind of got in mind what we're looking for. So as I mentioned earlier, the next meeting is November 19th, and you need to submit updated documentation by the 25th. You can have your representation letter back. You can submit that with the resubmission of the package, I was just going to scan it, but I think you just resubmit anything.

WILLIAMS Just for clarification. That was just for tonight. So we might have to get something further--

COPPOLA All right.

WILLIAMS --If we're going to actually coming back so we can work with the buyer.

COPPOLA Yeah, maybe just, yeah. I think there's actually, do we have a form? Mr. Fisher, do we have a form for authorization? Or... I thought I saw something.

FISHER Not that I'm aware of.

WILLIAMS Don't steal my form.

[Laughter]

COPPOLA Don't worry about it, it's much simpler than that.

WILLIAMS In terms of submitting the--

COPPOLA Yeah, can you just step up so we can get the recording?

WILLIAMS In terms of submitting the supplemental documentation. I assume we can just submit that to the Building Department, the same process, and then we'll just talk to them about, do we need to affirmatively get back on the docket? We have to communicate?

COPPOLA Yes. Again, if you, let's say, by chance, you just aren't finished by the 25th of October, that pushes you into a separate meeting.

WILLIAMS Okay.

COPPOLA So, so you want to make sure you have everything, and again, I think it would make sense for the Building Department to have an opportunity to review that. And then, you know, they'll do their calculation on parking, make sure that you're in compliance with all the other requirements. And then, once you have a fully, kind of a fully baked plan, everybody agrees to that, you can present it to the Board.

WILLIAMS Okay? So we need to submit those by the 25th and let them know that we want to be back on the docket.

COPPOLA If you're able to do that, otherwise it just goes to December. If you can't get it there by the 25th....

WILLIAMS No, I think we'll hopefully get there. Okay. Thank you very much. Appreciate it.

COPPOLA All right. Thank you. You can call the next case, please.

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

Wall Signs
Allowed: 1
Proposed: 2
Excess: 1

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

COPPOLA All right, thank you. Mr. Stierna, anything you'd like to add?

STIERNA The Inspection Department has nothing to add.

COPPOLA Any questions for Mr. Stierna? I have a question, as I always do. I noted that there wasn't any reference to sign size or excess size. What's the size that's permitted total for that unit, and do you know what's the total size of the two signs?

STIERNA So the total allowable sign area is one square feet of signage for one lineal foot of frontage or portion there of the building. In this case, So Delish actually has three units that [have] been combined into one address, and they are definitely in compliance with....

COPPOLA More than enough.

STIERNA Yeah.

COPPOLA Okay, perfect. Alright, if the Petitioner could step up to the podium. Name and address first, please.

EARLES William Earles, address is 33825 Five Mile Road.

COPPOLA All right, Mr. Earles, why don't you tell us a little bit about the need for a sign, the kind of the hardship that would suggest approval of the variance. And then I'd like to understand how the sign got up without a permit.

EARLES Okay, the need for the sign is because the specific portion on Five Mile, where our strip mall is, is east, and the road goes east and west with the median in the middle. So it's hard for people to see our front store sign. When you're traveling east on Five Mile, you don't see the front of the store. You just see the back of the strip. So for me, having a sign on that side of the building is sort of important, even though it's not huge, [it] kind of gets, at least gets

people's attention to say, "What's over there?" And they might come in the strip, because we do have a lot of comments on people not being able to... they didn't know where we were. They couldn't find us. You know, they had to do the turnaround because they... it's not clearly noted where, exactly where we are. As far as the getting the sign up, I just hired the same company who put my initial sign up, up front, to do the back sign, and then do something as elaborate as what is up front, just doing a box sign in the back to just kind of like I said, get something up there so that way people can notice us more.

COPPOLA Okay. You said the company that did your front side did your back side. Did they actually erect a sign, or they just hand you a sign to put up?

EARLES Nope, they erected it.

COPPOLA So what was the name of this company?

EARLES I think it's... I can look it up.

COPPOLA Did you know that a permit was required to erect a sign?

EARLES I didn't know that it was required for a second sign. I did know that it was for my first one, and I had gotten an approval for that one, but I didn't know that, since it's the same business, that you would need a second approval.

COPPOLA And you didn't call the City to ask.

EARLES I did not, no.

COPPOLA Okay, and then the company that did this, did they pulled a permit to put the first sign up?

EARLES To my knowledge, yes.

COPPOLA There's a monument sign for this strip mall, correct?

EARLES There is.

COPPOLA And you're you are on there?

EARLES We are on there, as well as some other businesses that are no longer there. Again, driving east on Five Mile, it's hard to see the monument sign until you're actually on it. There's some trees on the Boulevard that obstruct the view a little bit. When you're traveling westbound on Five Mile, you would have to be looking across the median. It would be on your left-hand side. But also, our landlord has a large sign that's sort of in front of our monument sign

for leasing purposes, to call the leasing agent to fill in one of the spots. So it's kind of hidden a little bit behind their sign.

COPPOLA Have you asked the landlord to move the leasing sign?

EARLES I have not, no.

COPPOLA Have you suggested that or do something more helpful? Because you're not the only one dealing with that. Obviously, everybody in that strip mall, it's the same section here has the same and even the ones in there that really far from Five Mile have the same issue, visibility is difficult, so have you thought to talk about or to improve their monument sign?

EARLES I have not, no. I mean, obviously there's a lot of things that need to be improved about that space specifically. Unfortunately, the sign is not our biggest issue that we have there, but it can definitely be addressed.

COPPOLA Have you thought that, rather than have that sign, put a bigger sign on the front so that people might be able to when they're looking for, they can see it better. You've got three units and you've got a pretty... you've got a small... looks like you might have put that sign up when you were in one unit. Maybe expand it. So maybe you do something larger.

EARLES I could, yep, I... again. You know people traveling east on Five Mile would never see it. You have to be traveling west on Five Mile and looking over the median. You know, further away from... To be honest, driving supposed to be paying attention, driving a quick glance at the side is fine, but across three other lanes of traffic as well as a median is... might be a little bit distracting.

COPPOLA I drove east on Five Mile and I looked for the sign. First of all, you sit pretty far down in the strip mall, and if I hadn't been looking for the sign because I wanted to view it, I wouldn't have seen it. Do you believe that that actually improves your visibility?

EARLES I mean, you can't even... beyond that, you can't even read it.

COPPOLA Sure.

EARLES My... the reason for lighting was so you could see it at night or early in the morning, so that way you could at least acknowledge that there was something different over there. There was something that was lit up. You know, we do have a lack of lighting in the back there as well. So at least if somebody saw it out of the corner of their eye, they could say, "Oh, I'll have to go see what that is."

COPPOLA Questions for the Petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS I mean, essentially, that sign you installed is on the back of the building.

EARLES Correct.

BARINGHAUS Are there any other signs like that on that area of the building?

EARLES There are not, no.

BARINGHAUS Just yours.

EARLES Just mine. I'm the first one, I mean, and then, since there was an issue with mine. I know that at least one of the other spots on my side of the building would like to put up a sign, but since there was an issue, it kind of halted them as well.

BARINGHAUS Just for clarification, was that a newly constructed sign that you placed back there or was that your old sign that you moved to that location?

EARLES It was a newly constructed sign.

BARINGHAUS Newly constructed.

EARLES Yeah.

BARINGHAUS Okay, great. Thank you.

EARLES You're welcome.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Do you have any activity in the back?

EARLES As far as what?

BOLOVEN So is there customers that come in back there? Is there deliveries or pickups back there? What happens back there?

EARLES Deliveries are back there. People do drive back there. People ride their bikes back there. People walk back there. So, I mean, there are, it's not necessarily like, you know, a sidewalk or anything like a pathway, but I mean, people are curious. They do their own paths

and stuff, and then right next to us is the cemetery, so as they're developing that side of the cemetery right next to us. I mean, I think it would be helpful to have a sign there.

BOLOVEN I have a similar question to Mr. Chair here. Questions just come back to why. Throughout this many times back and forth. I love your location, by the way, major props. You guys are growing. I love it.

EARLES Thank you.

BOLOVEN I just can't understand, even driving east, I couldn't see it, and I'm looking for it, and it's like, is this your hill to die on, you know, wouldn't you rather have a bigger sign up front or different signage, rather than this in the back that nobody's really seeing? Like, I understand you're telling me, "Oh, I got deliveries. People need to find a shop." But if all your activity is coming in the front, why this sign back here?

EARLES Like I said, for me, having it lit at night, it's just something that kind of grabs people's attention, even though you might not be able to see it clearly during the day. You know, the nighttime is where you primarily see it lit. And you could at least have a notion to say, "Hey, maybe I want to check out whatever that was."

BOLOVEN Did you have to get approval of the landlord to put that up?

EARLES I did not, no.

BOLOVEN Does the landlord know this is up?

EARLES Yes.

BOLOVEN And they're okay?

EARLES They got a notice, also from the City of Livonia.

BOLOVEN Are they okay with you having it up?

EARLES Yeah.

BOLOVEN Okay. Thank you, Mr. Chair.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS In the back where you take your deliveries, looks like you have two doors with adhesive signs on them that say, "So Delish." Question for the Inspection Department is, are those signs to be included in either the number of signs or the square footage of signs?

STIERNA They are. They are exempt signs under the ordinance. They are allowed a placard for identifying loading, shipping areas in the rear of the building.

BARINGHAUS Okay. Great. Thank you.

COPPOLA Any other questions for the Petitioner? All right, seeing none. Is there anyone in the audience who would like to speak for or against this petition? Do we have any correspondence?

KLISZ No letters.

COPPOLA No letters.

EARLES I did have actually, somebody came into the shop today to drop one of these off, and he filled it out. This comment on the back is, "Approval, please help the small business owners in the city."

COPPOLA Can you pass that along, please?

EARLES Sure.

COPPOLA Thank you.

KLISZ Do you want me to read in the address?

COPPOLA Yeah, you can read in the address.

KLISZ The letter that we've just been handed, (approval letter was read) Steve King, 33950 Coventry. I'll add it to the file.

COPPOLA Anything else you want to say in closing, Mr. Earles?

EARLES No, thank you.

COPPOLA Go ahead and have a seat. Close public portion case and start the Board's comments with Vice Chair Baringhaus.

BARINGHAUS Thank you very much. Basically, I mean the site itself, I don't know if it justifies a hardship. All it's doing is it's an effort by the business owner to try to increase traffic with the signage improperly placed. I am not real happy with the fact that was installed without a

permit, but the owner of this business admitted that it was their mistake as well. I don't think the sign serves any real purpose. I drive down Five Mile quite a bit. To be honest, the first time I noticed that is with this case itself, also. I really think it does set a precedent, a bad precedent, because that's the only sign on the back of the building, which is basically a loading area and delivery area. And I don't think it's the intention of the ordinances to have that level of signage in that type of area. So based on that, I'm not in favor of the variance.

COPPOLA All right. Secretary Klisz.

KLISZ I think I agree. And then, as we are worried about precedents, it sounds like other members of the same strip mall would be coming to us if we allowed it, and then they would end up with signs all the way to the back of the building, which just doesn't seem practical, like he has all the right to put up a much bigger, better sign, work with the landlord on the monument sign. But again, if you can't see it, even driving eastbound on Five Mile, it just doesn't seem like it's working. And again, a permitting thing, neither here or there, but I think I will not be in support.

COPPOLA Thank you. Mr. Rotondo.

ROTONDO Yeah, kind of what Mr. Baringhaus and Mr. Klisz touched on the setting of precedents. There's a lot of tenants in this building, and if we approve this one, I don't see how we wouldn't be able to, how we wouldn't have to approve the other buildings trying to put signs in the back. And I just think that that could cause an issue down the down the road there, because that's kind of an alleyway for deliveries and trash trucks, and people start seeing signs in the back of the building, so they might start turning in that area, you might cause some traffic issues. I think that the bigger issue is the monument sign. Maybe if you could get with your landlord or something, or some of the other tenants, and you guys could figure out a better situation with the monument sign, I think that might increase your visibility, better than the sign on the back of the building. So I'm going to be against this. Thank you, Mr. Chair.

COPPOLA Thank you. Mr. Testa.

TESTA Thank you, Mr. Chair. Yeah, I'm pretty indifferent on this. I have noticed the sign at nighttime and daytime. I am not morning and I'm not up early enough for it to be dark, so I wouldn't notice it. I agree with Mr. Rotondo. I think your better approach here would be to work with the other tenants and your landlord. You have a very dated monument sign. Looking at it here on Google Maps, there's 12 different businesses. They're all kind of small on that monument sign. I also agree with the comment you made, Petitioner, that the trees that are blocking coming from eastbound. I know Mr. Vice Chairman Baringhaus, won't like this, but maybe taking some of those trees out would help with visibility. You're right. We don't see that monument sign, until you're right up on it by that time, you're too late. You gotta pull in kind of the second entrance there. I don't think you have the votes here tonight, but I'm probably gonna be against it as well.

COPPOLA Mr. Boloven.

BOLOVEN I agree with my colleagues. I think my bigger gripe is with this Khaled Signs & Awnings that charged 1800 bucks and basically knows better, and should have warned you. You should have got a permit before, and would have saved the money, and if anything, you should have spent the money and got a bigger sign up front. But you know, reluctantly, I agree here. It's going to set a precedent. You already said other people are going to want signs in the back, and it just doesn't seem like it's going to go down a good path for this Board or for the City. So with that, I'd be against.

COPPOLA All right, thank you. Yeah, I'm really not for this. I think that the bigger concern here is that really approval for you is kind of approval for everybody. We pretty much would agree that we end up with signs on every unit. I think the actual proper path here is to work with the landlord. You have, I don't know, you got three units, so you should get three spaces on the monument sign, and that he should move his rental sign so that it doesn't block the monument sign. It seems like the landlord's more in it for himself than for his tenants and keeping the guys that he has. So again, I'm not in support of this. I feel for you, your company that put that sign up should have known better, and they should have advised you. I have a feeling that if you had gone to the City looking for a permit, and they told you needed a variance, you probably wouldn't have done it. So I feel bad for you there, and I think the company that put that sign up owes you something. So I'll go ahead and open up the floor for a motion.

BARINGHAUS Mr. Chairman.

COPPOLA Yes, Vice Chair Baringhaus.

BARINGHAUS Thank you. Resolved that the variance sought in Appeal Case No. 2024-08-30, filed by William Earles, be denied for the following reasons and findings of fact: that the Petitioner has not demonstrated to the Board that a practical difficulty exists, and that other options for expanding signage on the property, such as working with other tenants on the monument sign, sign specifications, and other options for signage in front of this store should be explored.

TESTA Support.

COPPOLA I have a motion by Vice Chair Baringhaus, supported by Mr. Testa for denial. And take roll, please.

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

Wall Signs
Allowed: 1
Proposed: 2
Excess: 1

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

be denied for the following reasons and findings of fact:

1. That the Petitioner has not demonstrated to the Board that a practical difficulty exists,
2. That other options for expanding signage on the property, such as working with other tenants on the monument sign, sign specifications, and other options for signage in front of this store should be explored, and further,
3. That denial of this variance is in the best interest of the City of Livonia.

Further, that the variance **be denied** with the following condition:

1. The second sign should be removed as soon as possible.

ROLL CALL VOTE

AYES: 6

NAYS: 0

Absent: Scheel

PASS/FAIL/TABLED: PASS: DENIED

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Mr. Boloven. Did you want to add...?

BARINGHAUS Mr. Chairman, I just want to add one final comment. Point three, regarding the denial motion is that further that denial of this appeal is in the best interest of the City of Livonia.

KLISZ What other things should there be? Should there be a time limit for him to take it down? I think it's immediate.

BARINGHAUS What would be a reasonable time frame would be a question for Mr. Stierna.

STIERNA We already have an act of enforcement on it.

BARINGHAUS Okay. Then have the sign taken down as soon as possible.

COPPOLA I don't know if we put conditions on denials.

BARINGHAUS We never have. There's always a first time.

[Laughter]

COPPOLA Okay. Anyway.

KLISZ So we're at Mr. Boloven.

BOLOVEN Aye.

KLISZ And Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Aye.

KLISZ Six to zero.

COPPOLA Mr. Earles, unfortunately your petition has been denied. You'll have to remove that sign.

EARLES Thank you.

ADMINISTRATIVE TASKS

COPPOLA All right. We have some administrative duties here today. We have two sets of minutes.

KLISZ Two minutes. We have August 13 and September third.

COPPOLA All right, so I need some motions.

KLISZ Mr. Chair.

COPPOLA Secretary Klisz.

KLISZ A motion to approve the minutes of both August 13, 2024 and September 3, 2024.

COPPOLA You do them separately. I can vote for August. I can't vote for September.

KLISZ Separately. August 13, first.

BARINGHAUS Support.

COPPOLA I have a motion by Secretary Klisz, motion by Vice Chair Baringhaus to approve the August 13th minutes, all in favor?

The Board voted unanimously to approve the minutes of August 13, 2024. Mr. Boloven and Mr. Rotondo abstained.

ROLL CALL VOTE

AYES: Klisz, Baringhaus, Testa, Coppola

NAYS: None

Abstain: Boloven, Rotondo

Absent: Scheel

BOLOVEN We, Mister Rotondo and I, are present. I don't know if that affects your quorum or not, but we were absent at that meeting.

COPPOLA Okay, I don't think we need it for quorum.

BOLOVEN Okay.

COPPOLA So please.

BOLOVEN Yeah. You got three.

COPPOLA So I got yay votes from Mr. Testa, Vice Chair Baringhaus, Chairman Coppola, and Mr. Klisz. And okay, so I need a new motion for September minutes.

KLISZ Motion to approve the September 3 minutes.

BOLOVEN Support.

COPPOLA I have a motion by Secretary Klisz, support by Mr. Boloven for the September minutes. All in favor?

The Board voted unanimously to approve the minutes of September 3, 2024. Chairman Coppola abstained.

ROLL CALL VOTE:

AYES: Klisz, Boloven, Rotondo, Testa, Baringhaus

NAYS: None

Abstain: Coppola

Absent: Scheel

COPPOLA All right, so I have Mr. Testa, Mr. Boloven, Vice Chair Baringhaus, Secretary Klisz, and Mr. Rotondo. All right, I just need one more motion.

TESTA Move to adjourn.

KLISZ Support.

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

The Board voted unanimously to adjourn the meeting.

There being no further business to come before the Board, the meeting was adjourned at 8:38 p.m.

Gregory G. Coppola, Chairman

Timothy Klisz, Secretary

AGENDA DATE: November 19, 2024
ZONING BOARD OF APPEALS
CITY OF LIVONIA

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

1. **APPEAL CASE NO. 2024-07-28, H&A Investment, LLC, 29421 Six Mile Road:**
Should be denied because Petitioner has not provided credible proof that the property will not yield a reasonable return if used only for a purpose allowed by the ordinance. FURTHER, an alternative form of relief may be available to Petitioner in the form of a Planned General Development waiver use.
2. **APPEAL CASE NO. 2024-08-29, TODAL LLC, 38019-38035 Schoolcraft Road:**
Should be denied because Petitioner has not provided credible proof that the property will not yield a reasonable return if used only for a purpose allowed by the ordinance.
3. **APPEAL CASE NO. 2024-09-32, Brian Durand, 20132 Osmus Avenue:** Should be denied because the alleged practical difficulty does not entail more than mere inconvenience.
4. **APPEAL CASE NO. 2024-10-33, Cornelia Group, LLC, on behalf of Lessee PAG Michigan 165, LLC. 27777 Schoolcraft Road:** Should be denied because the alleged practical difficulty does not entail more than mere inability to earn a higher financial return.

FUTURE LAND USE PLAN

**CITY OF LIVONIA
ZONING BOARD OF APPEALS
November 19, 2024 – 7:00 p.m.
Livonia City Hall – Auditorium (1st floor)
33000 Civic Center Drive, Livonia, MI**

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

FUTURE LAND USE PLAN (FLUP): CORRIDOR COMMERCIAL

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

FUTURE LAND USE PLAN (FLUP): TECH AND MANUFACTURING

3. **APPEAL CASE NO. 2024-09-32, Brian Durand, 20132 Osmus Avenue:** Seeking to maintain a permanent carport structure erected without permits while maintaining an existing attached garage, existing accessory shed, and existing barn resulting in excessive number of accessory structures and accessory area.

FUTURE LAND USE PLAN (FLUP): LOW DENSITY RESIDENTIAL

4. **APPEAL CASE NO. 2024-10-33, The Cornelia Group, LLC, on behalf of Lessee PAG Michigan 165, LLC, 27777 Schoolcraft Road:** Seeking to erect an 8-foot-tall metal picket fence along Schoolcraft Road resulting in a deficient front yard setback.

FUTURE LAND USE PLAN (FLUP): TECH AND MANUFACTURING