

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)

TABLE OF CONTENTS

APPEAL CASE #	PAGES
APPEAL CASE NO. 2024-07-28 H&A Investment, LLC 29421 Six Mile Road	3-16
APPEAL CASE NO. 2024-08-29 TODAL LLC 38019-38035 Schoolcraft Road	17-30
APPEAL CASE NO. 2024-08-30 William Earles d.b.a. So Delish 33825 Five Mile Road	31-40
ADMINISTRATIVE TASKS	41-42

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