

AGENDA OF THE CITY OF LIVONIA ZONING BOARD OF APPEALS

December 10, 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. 2024-10-34, Seaway Realty, Inc., 13740-13780 Merriman:** Seeking to erect a new monument sign resulting in excessive sign height and area.
ATTENTION: This item has been rescheduled to be heard at the January 7, 2025 meeting.
3. **APPEAL CASE NO. 2024-10-35, Seaway Realty, Inc., 31035-31041 Schoolcraft:** Seeking to erect a new monument sign resulting in excessive sign height and area.
ATTENTION: This item has been rescheduled to be heard at the January 7, 2025 meeting.
4. **APPEAL CASE NO. 2024-10-36, Seaway Realty, Inc., 31067-31077 Schoolcraft:** Seeking to erect a new monument sign resulting in excessive sign height and area.
ATTENTION: This item has been rescheduled to be heard at the January 7, 2025 meeting.
5. **APPEAL CASE NO. 2024-10-38, Charles and Suzanne Endrezl, 19378 Fitzgerald:** Seeking to erect a 2,106 square foot two-story addition to the existing dwelling to include attaching the existing detached garage, resulting in a deficient side 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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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 22, 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, December 10, 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.

2024-07-28
December 10, 2024

[illegible]

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

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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

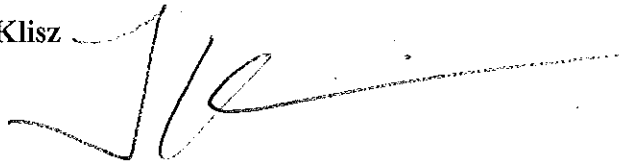
Meeting Date: October 1, 2024

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

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

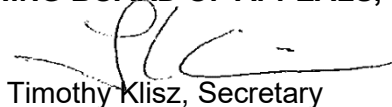
APPEAL CASE NO. 2024-07-28, 29421 Six Mile Road: an appeal was made to the Zoning Board of Appeals by H&A Investment, LLC, seeking to continue using a second-story apartment over a commercial business as a tourist home, which is not permitted in this Zoning District.

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,

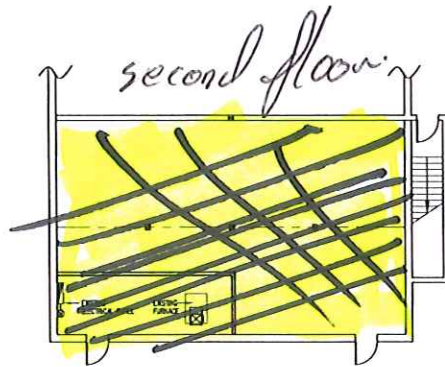


Timothy Klisz, Secretary

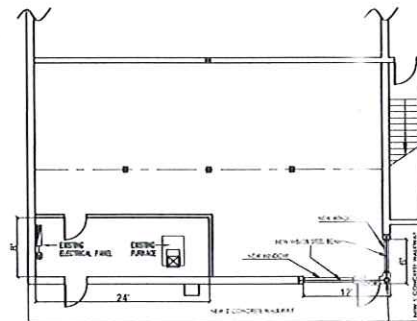
Petitioner will incur a \$100 rescheduling fee for every failure to appear.
In accordance with Title II of the Americans with Disabilities Act as it pertains to access to Public Meetings, the Zoning Board of Appeal's Office of the City of Livonia, upon adequate notice, will make reasonable accommodations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

PROJECT:
COMMERCIAL BUILDING
REMODELING

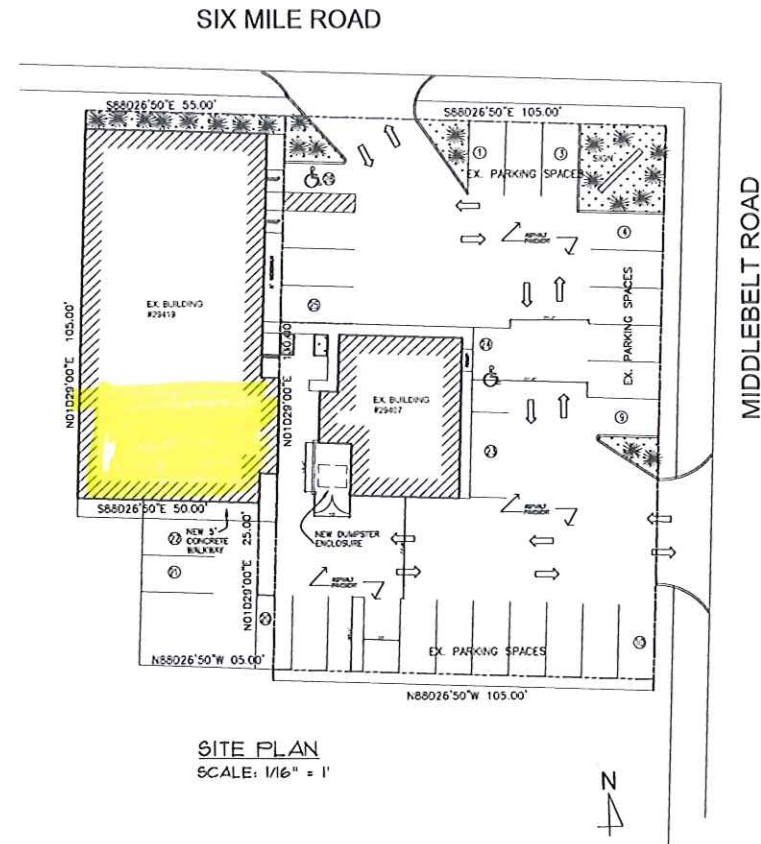
LOCATION:
29415 SIX MILE RD.
LIVONIA, MICHIGAN



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-SAAFI
SUBMITTALS
REV'S/CHGS.
PROJECT NO.
DATE 07/17/2024
SCALE NOTED
SHEET TITLE - SITE PLAN - FLOOR PLAN - DETAILS
SEAL

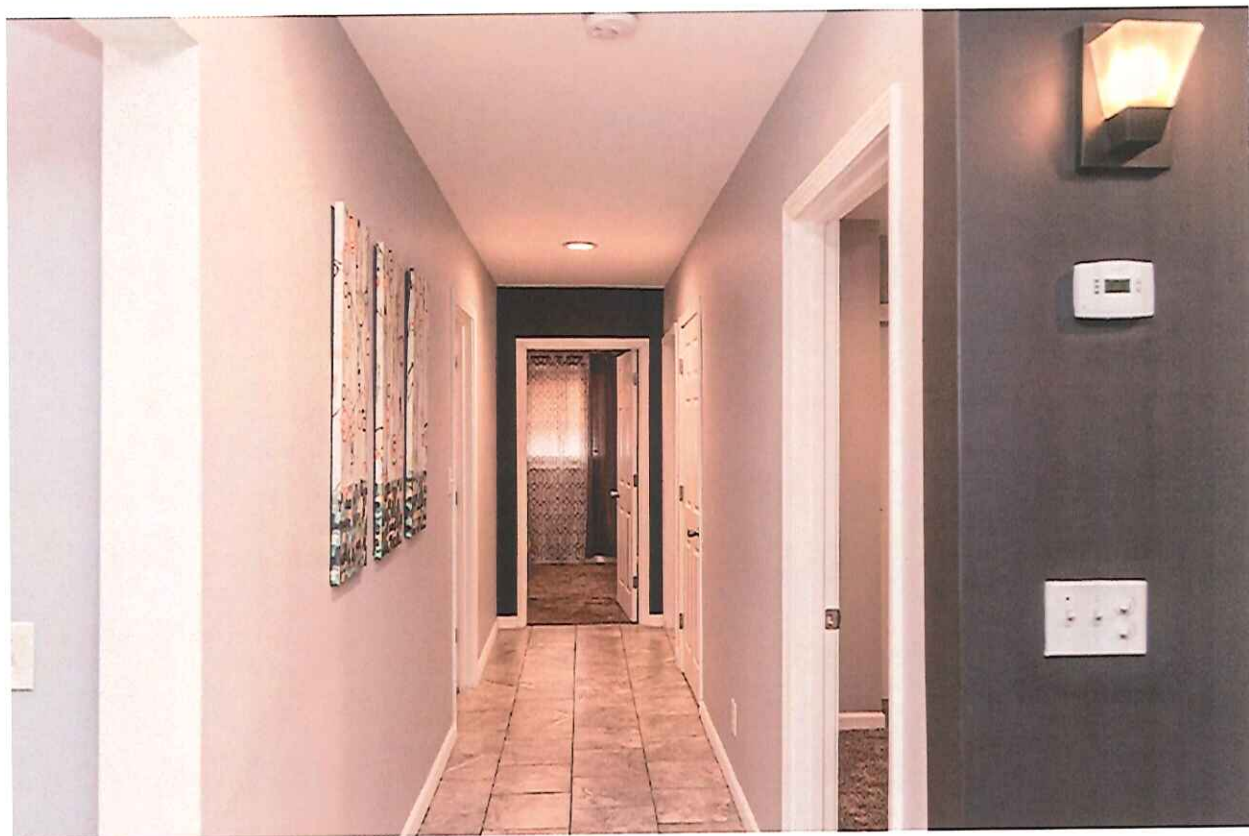
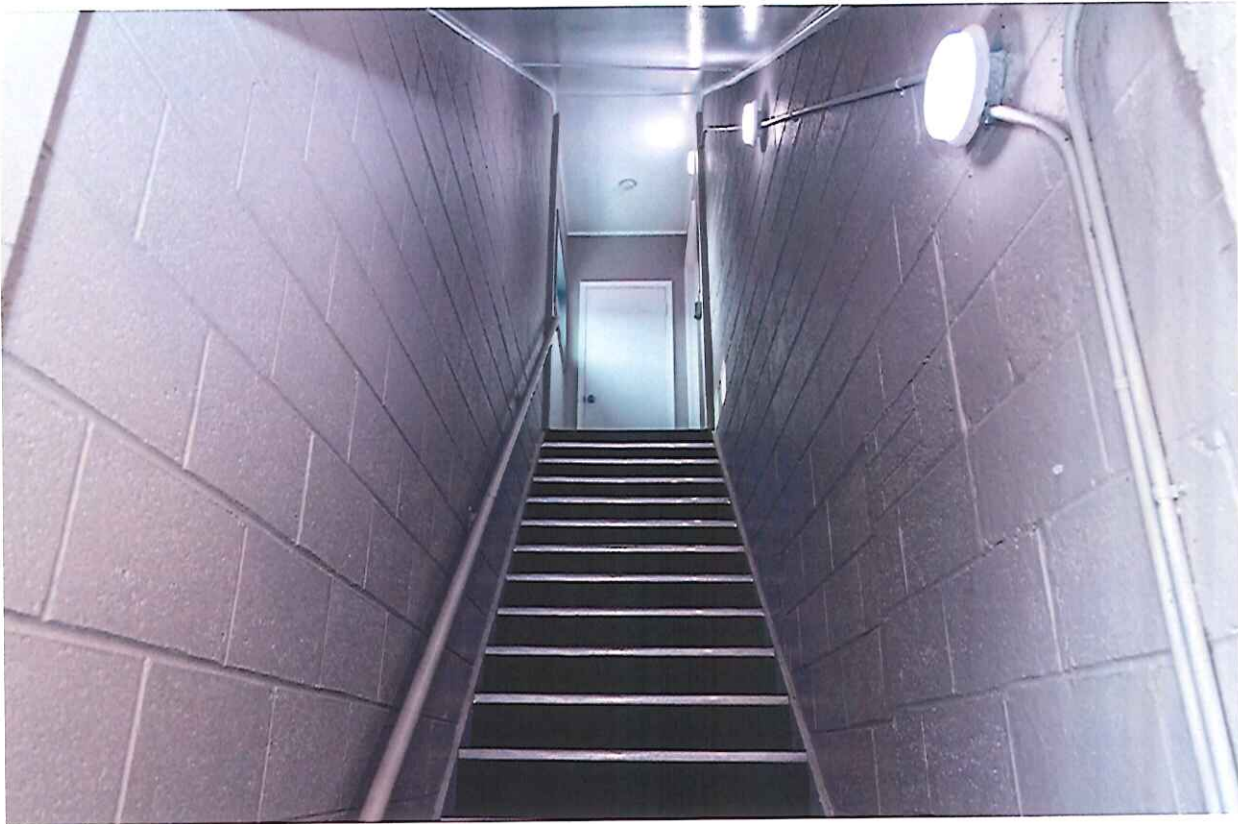


29421 Six Mile Rd
Livonia, MI 48152

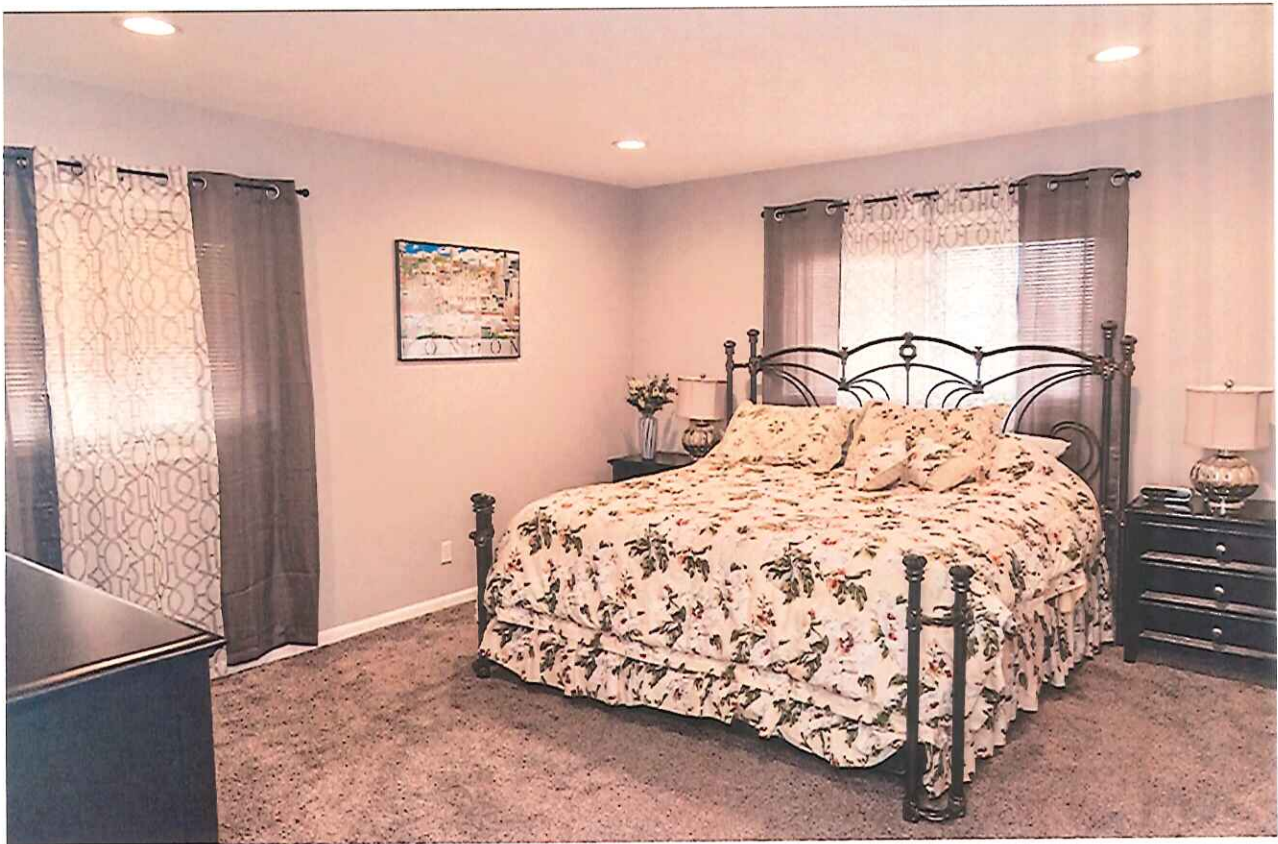
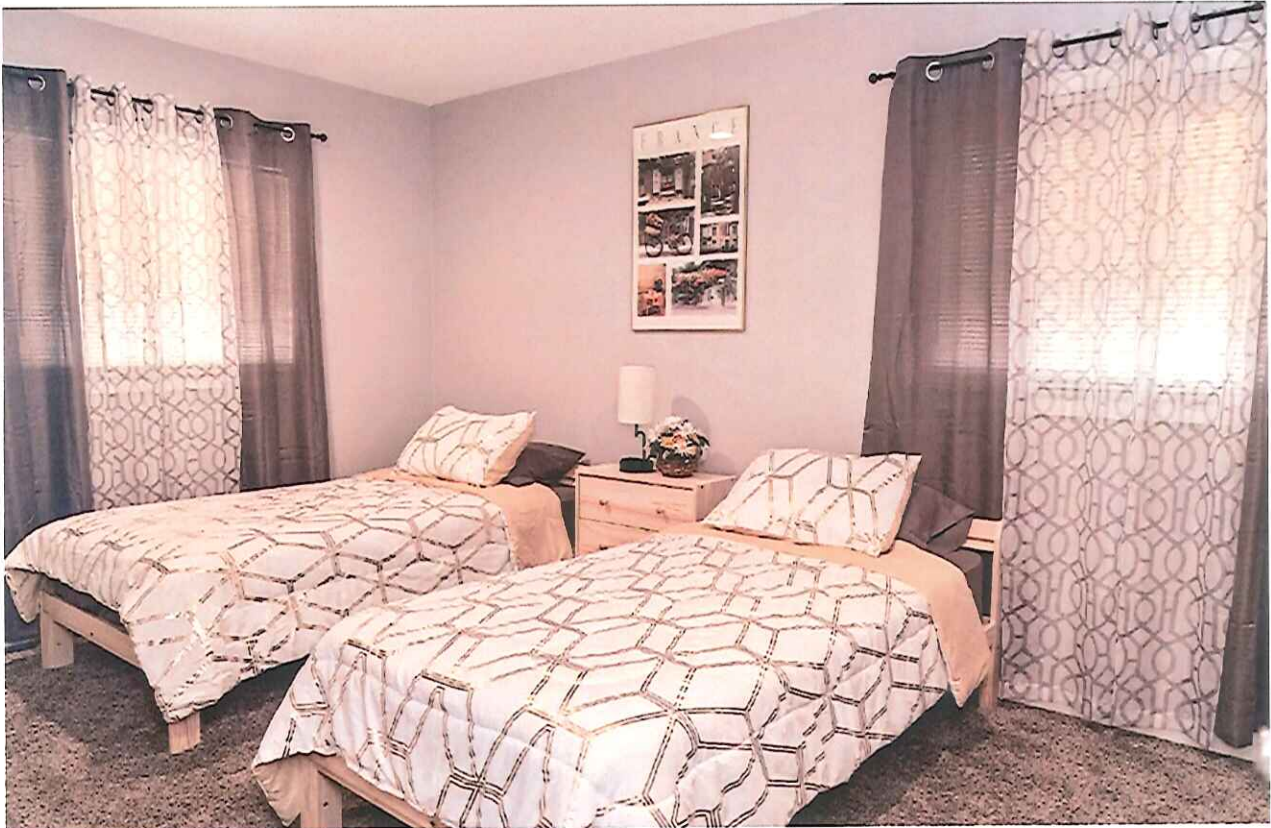
29421 Six Mile Rd, Livonia, MI, 48152



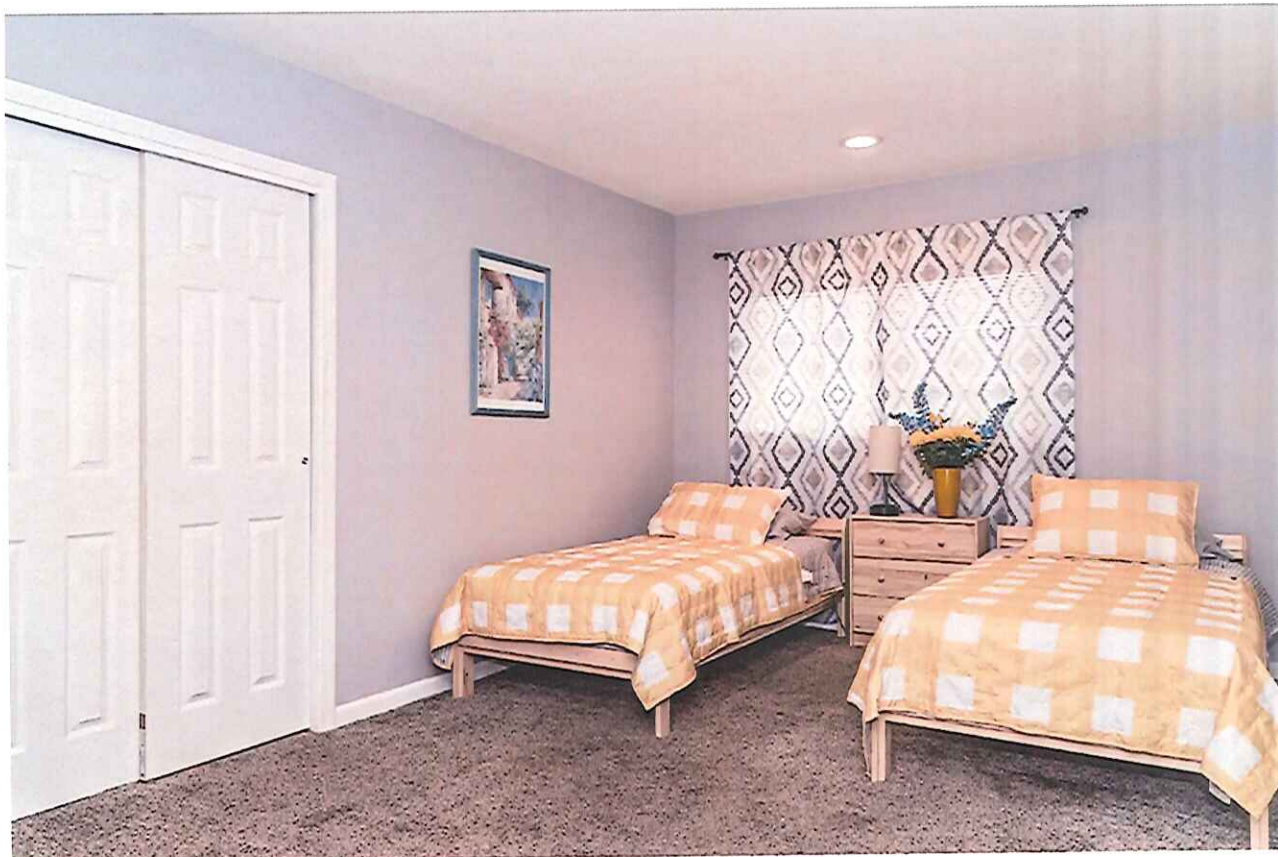
29421 Six Mile Rd, Livonia, MI, 48152



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

Apparatus
Pencil
(2)



X MILE ROAD

COMM.

2941
LIVO

A 8
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835 1
DEARE
PH:(
FAX:)

ADP

15

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

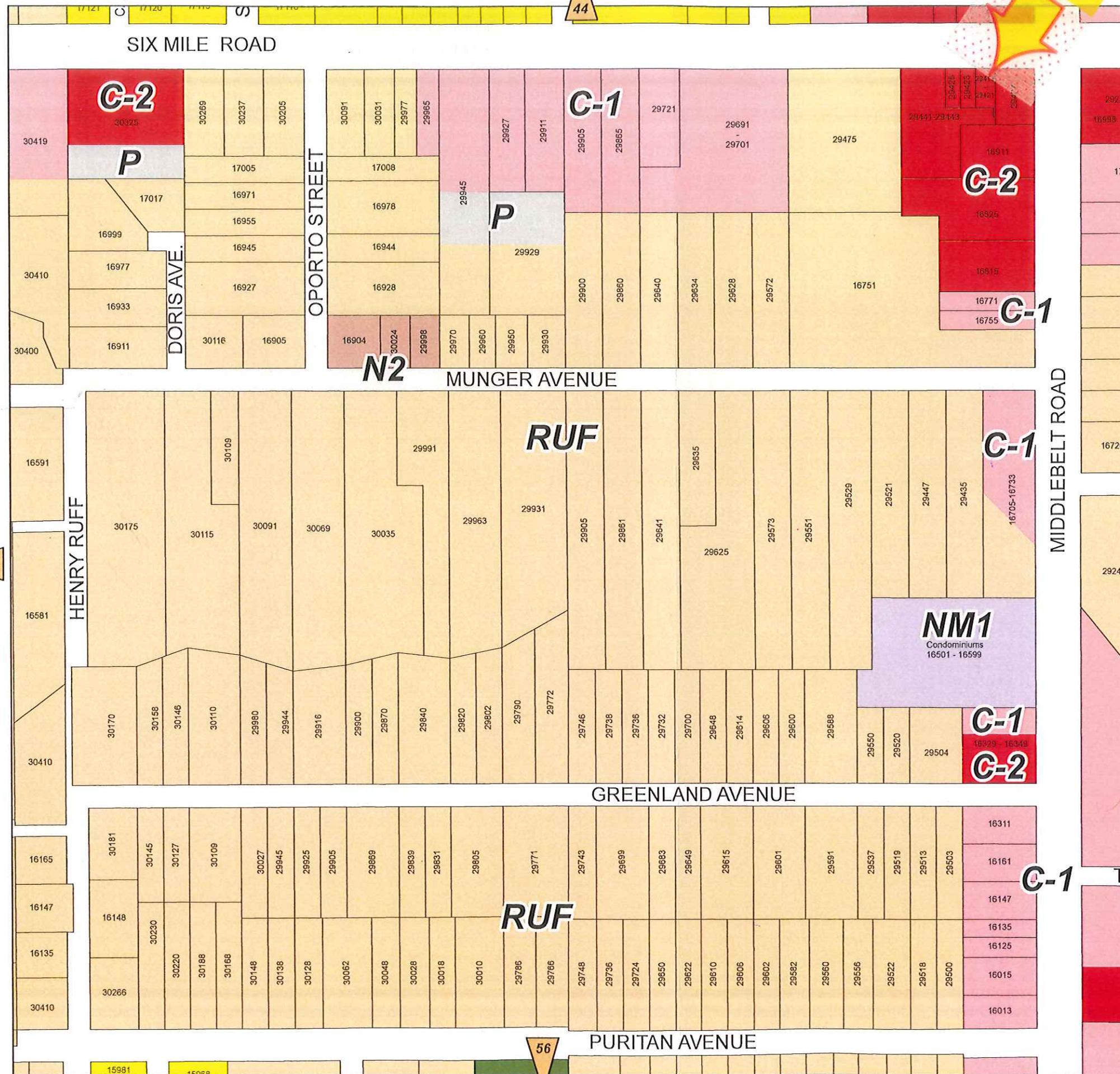
City of Livonia

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

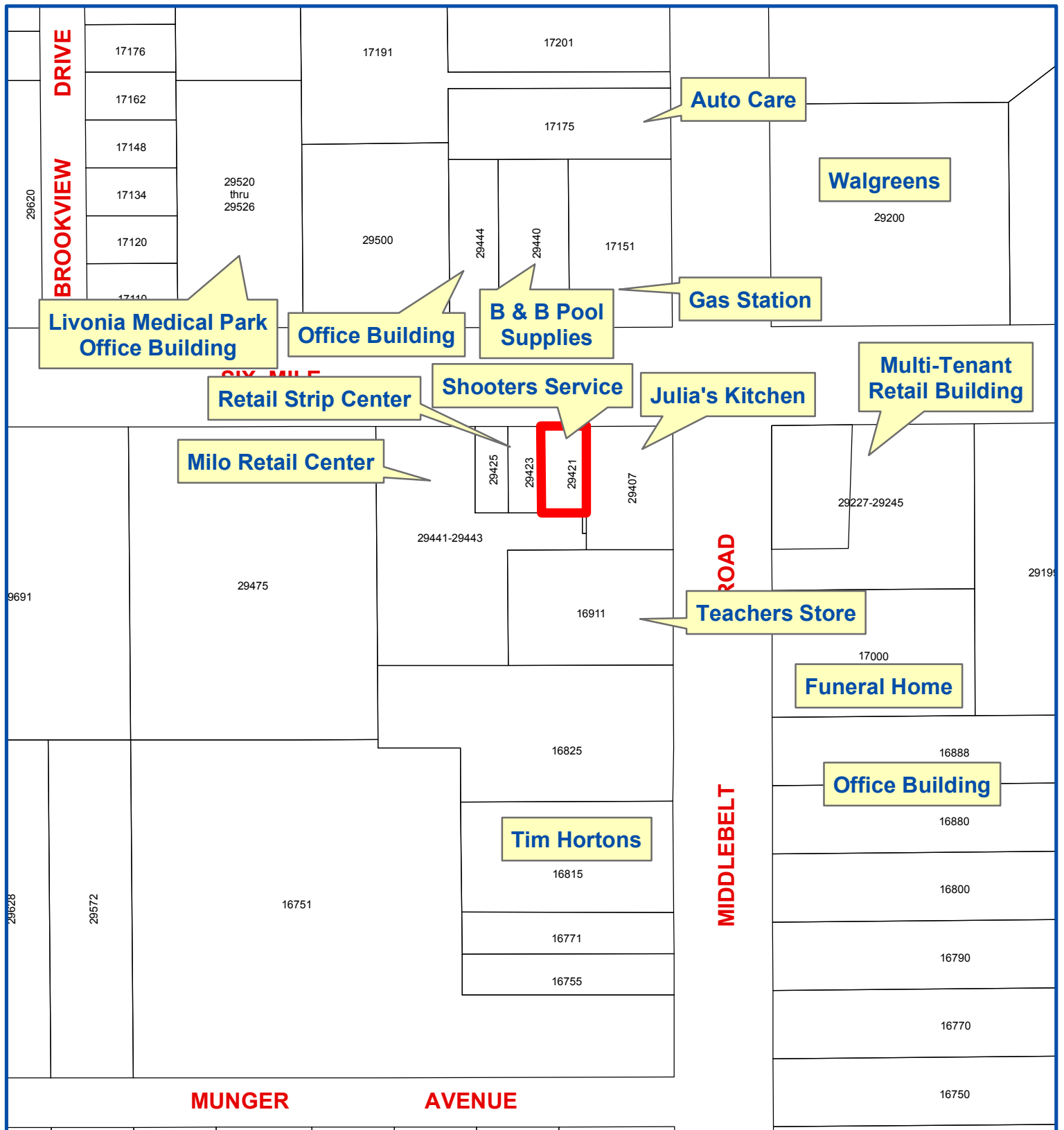
**Petition 2011-05-08-05
Shooters Service
Exterior Renovations**



Not to Scale



City of Livonia
Planning Department



Address Map

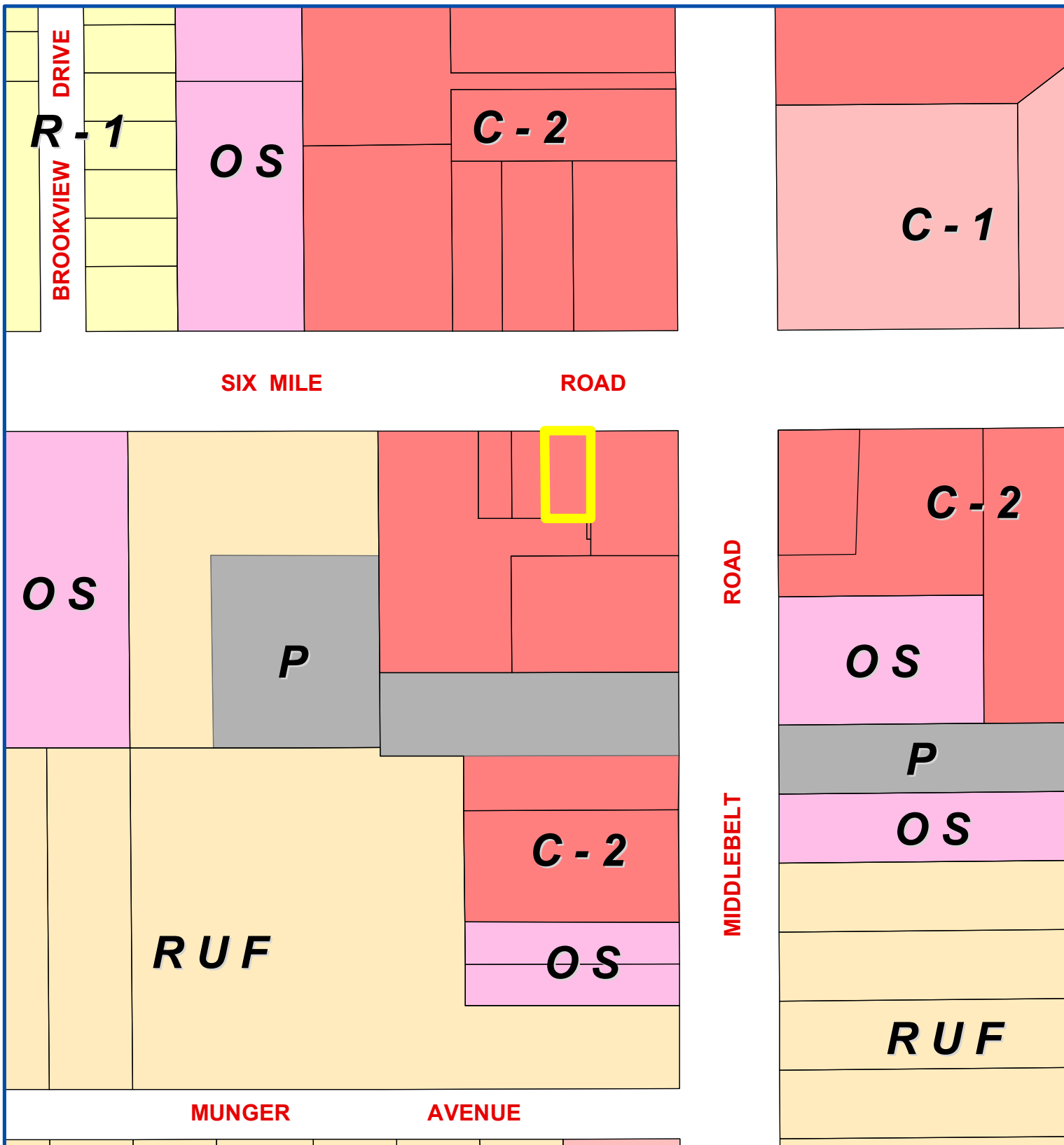
Petition 2011-05-08-05
Shooters Service
Exterior Renovations



Not to Scale



City of Livonia
 Planning Department



Zoning Map

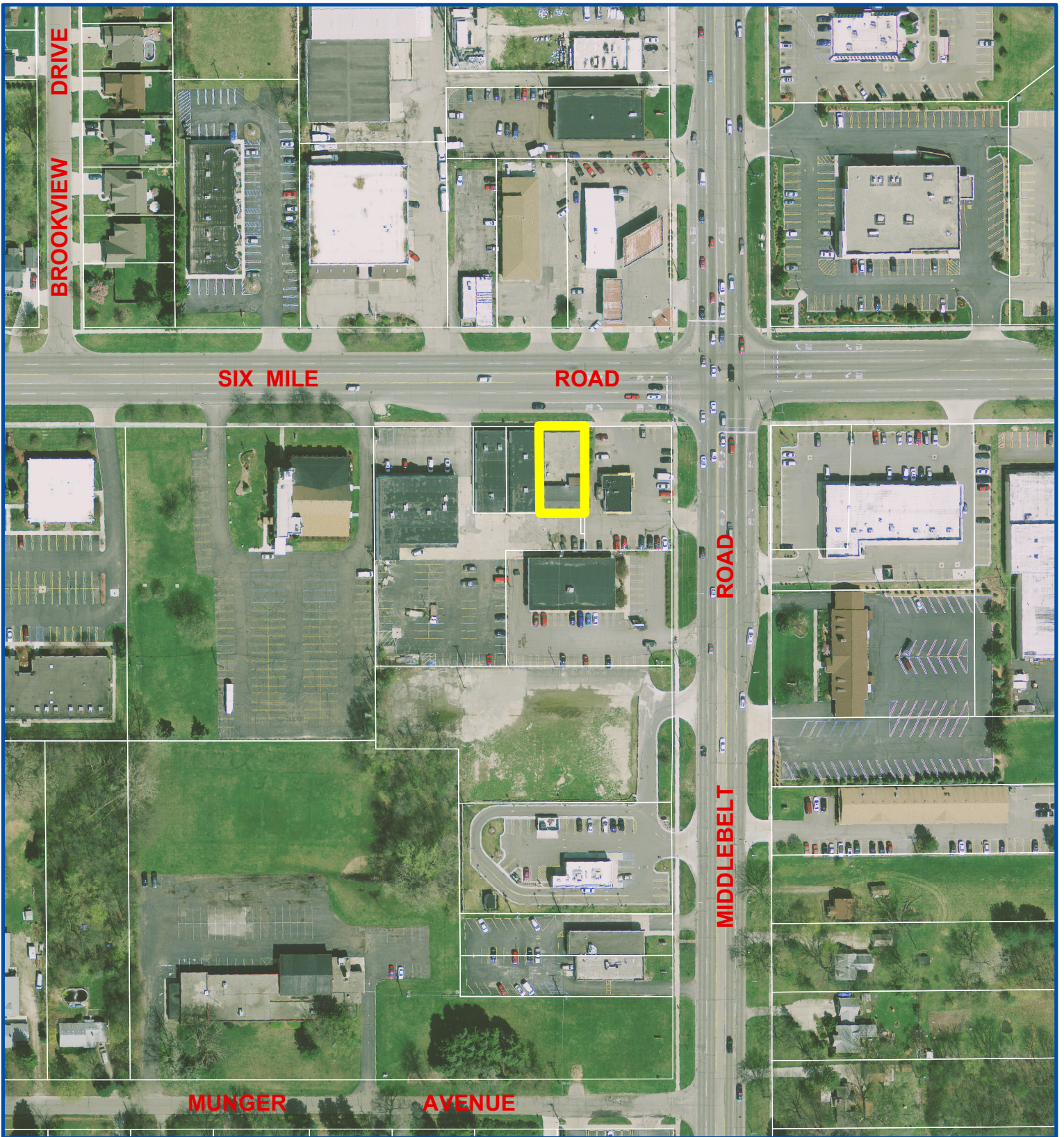
**Petition 2011-05-08-05
Shooters Service
Exterior Renovations**



Not to Scale



City of Livonia
Planning Department



Aerial Map

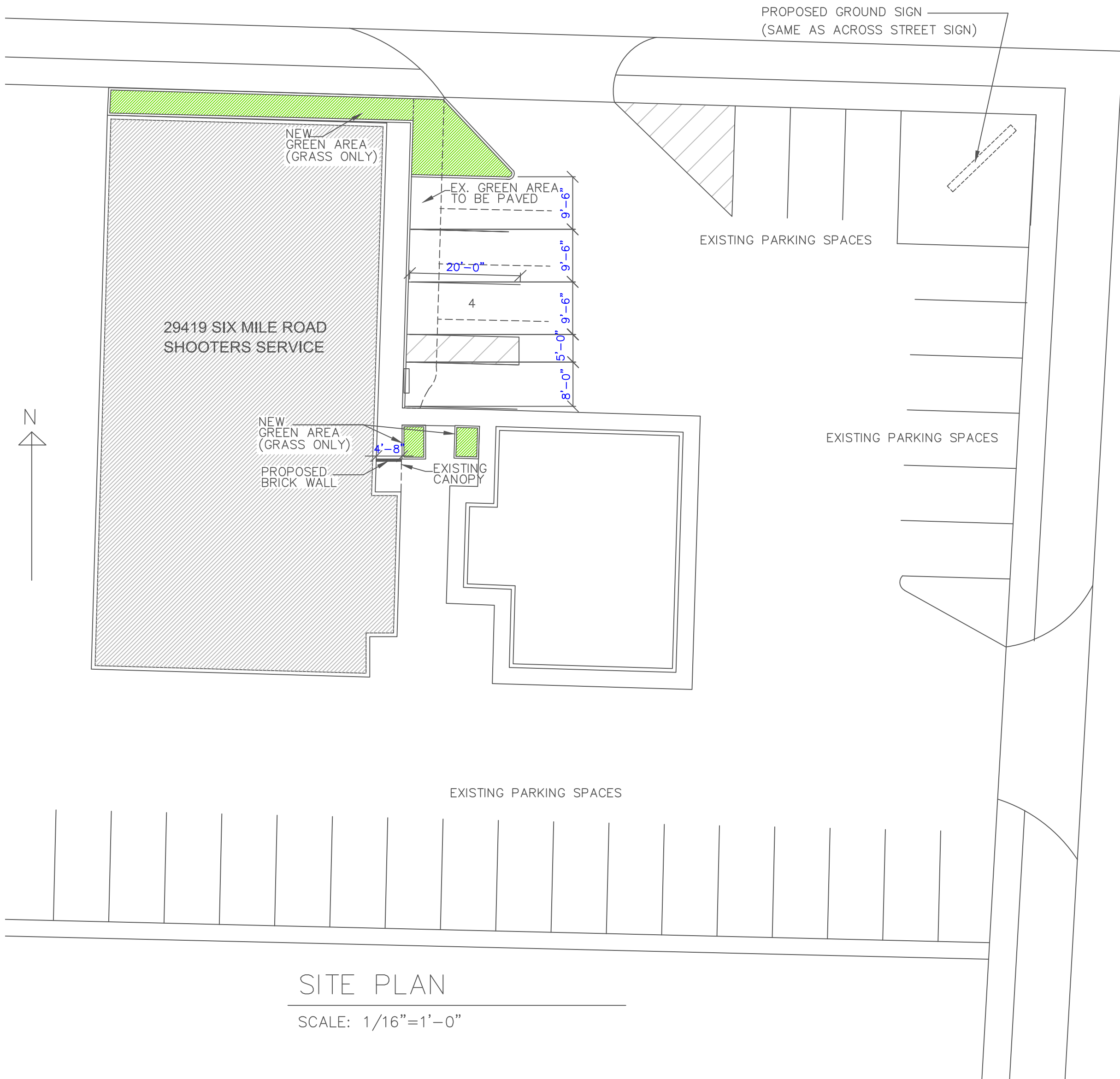
Petition 2011-05-08-05
Shooters Service
Exterior Renovations

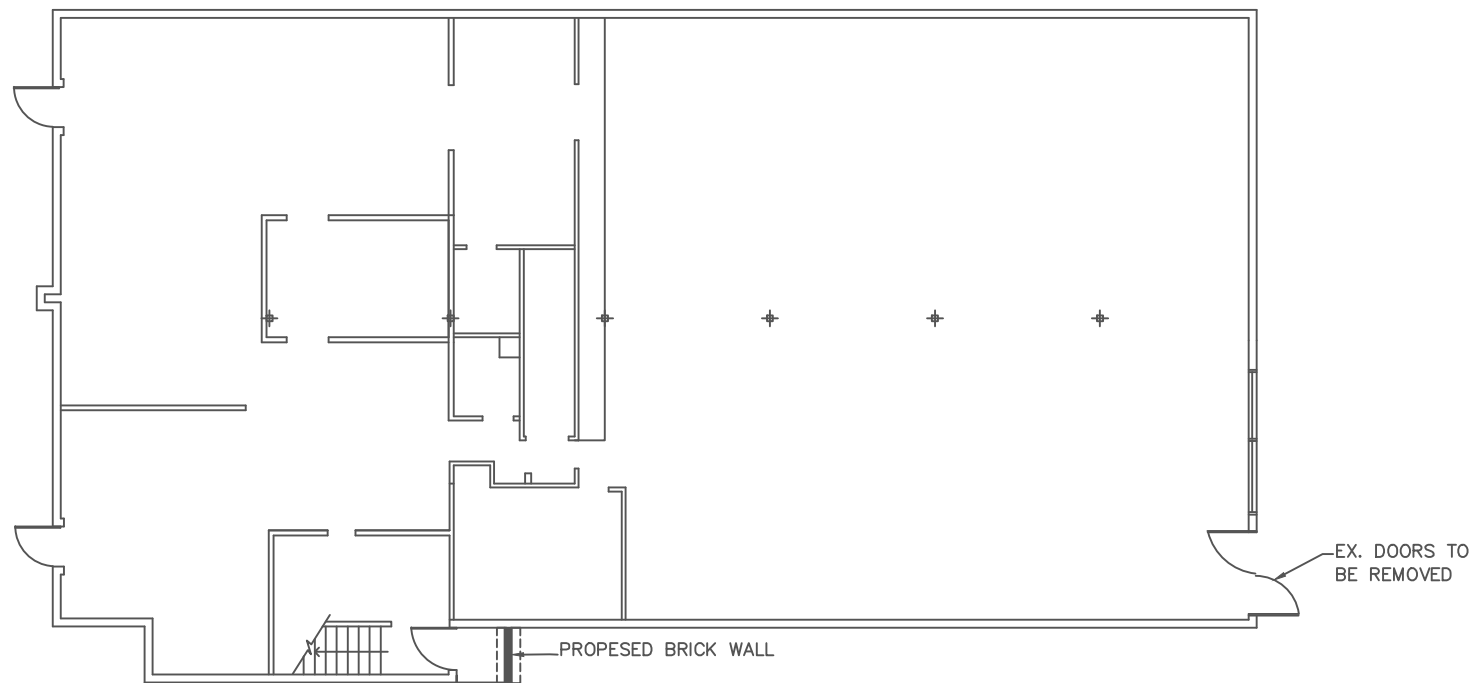


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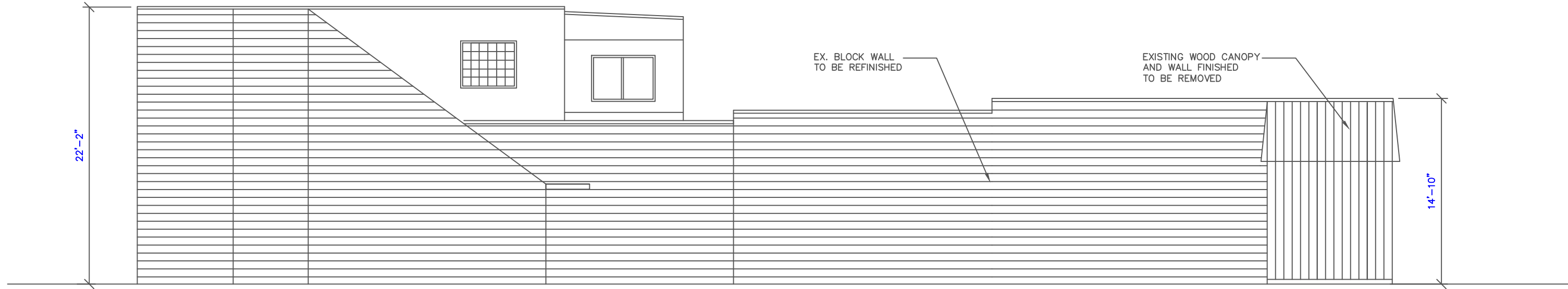
City of Livonia
Planning Department





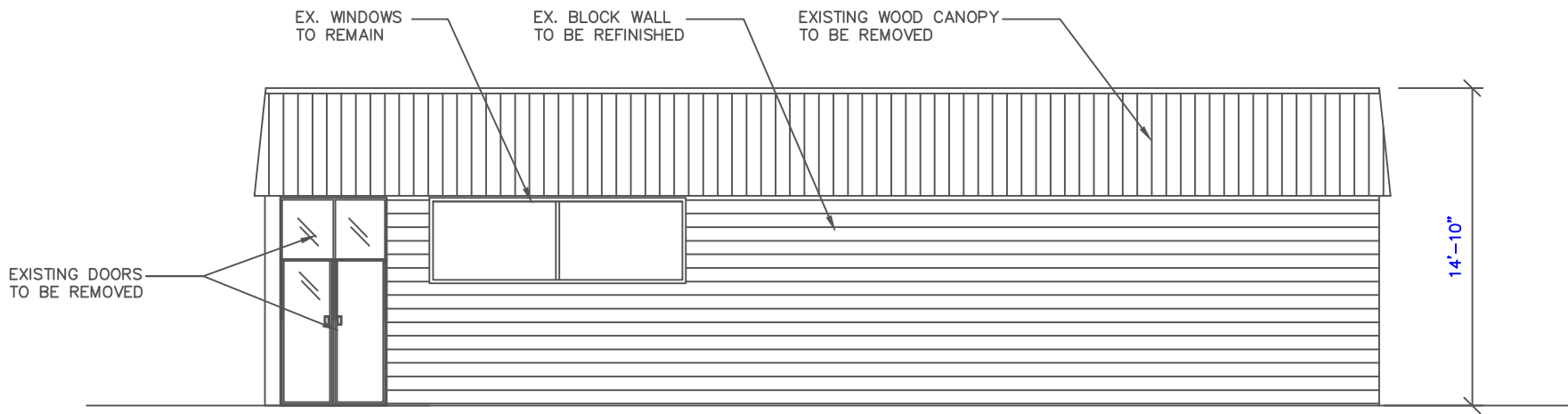
EXISTING FLOOR PLAN

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



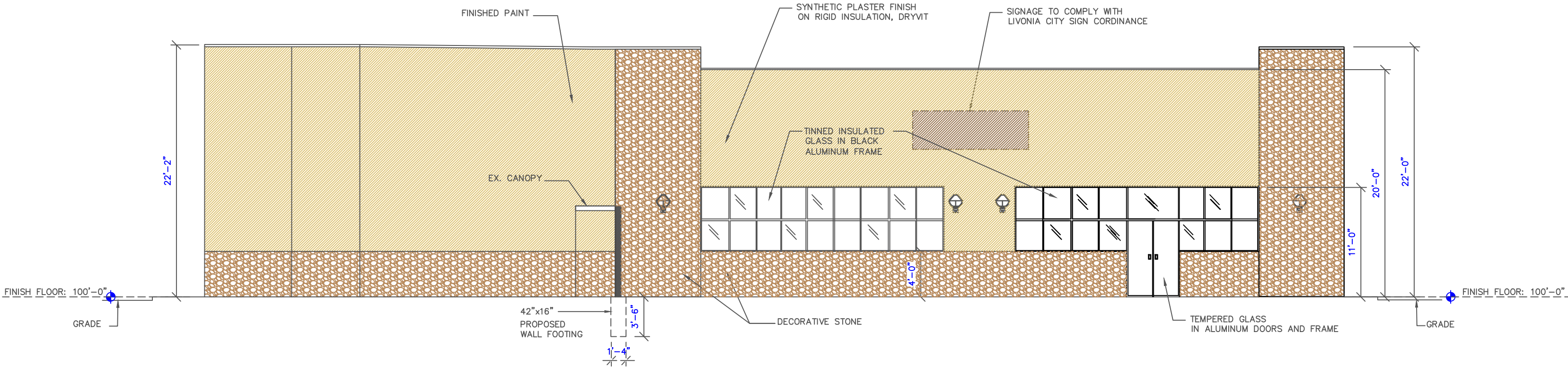
EXISTING SIDE ELEVATION (MIDDLEBELT RD. SIDE)

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



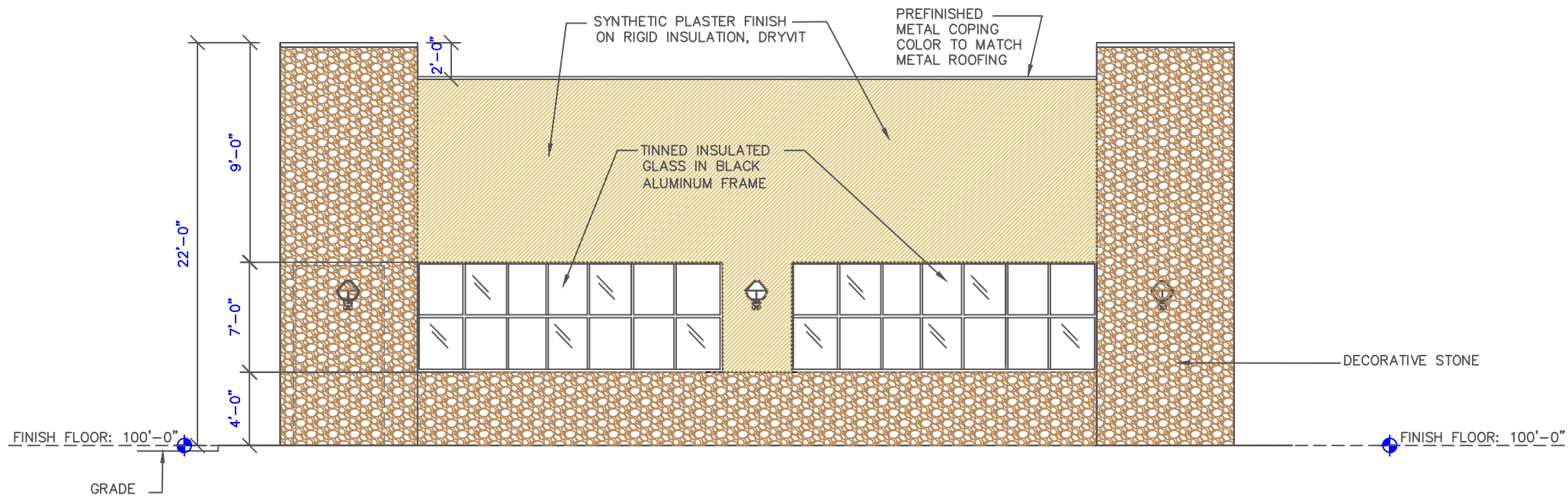
EXISTING FRONT ELEVATION (SIX MILE RD. SIDE)

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



PROPOSED FRONT ELEVATION (MIDDLEBELT RD. SIDE)

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

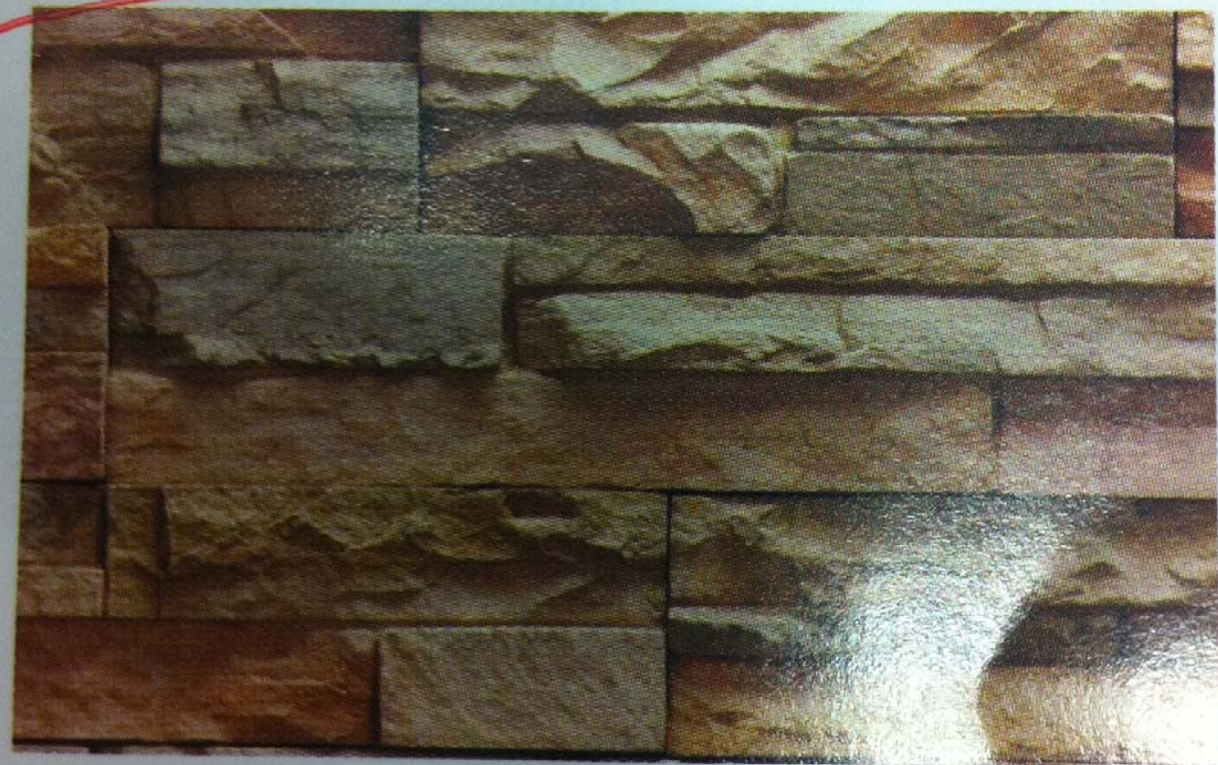


PROPOSED SIDE ELEVATION (SIX MILE RD. SIDE)

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



Stack Stone - Sonrisa



Imperial Stack Stone - Cordovan

INSPECTION DEPARTMENT

BUILDING
HEATING
PLUMBING
ELECTRICAL
ZONING
SANITATION
ENVIRONMENTAL PROTECTION
ORDINANCE ENFORCEMENT



33000 CIVIC CENTER DRIVE
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FAX: (734) 466-2095

JACK E. KIRKSEY
MAYOR

A. ALEXANDER BISHOP, CBO
DIRECTOR

JEROME A. HANNA
ASSISTANT DIRECTOR

Date: June 6, 2011

To: Scott O. Miller

From: Jerome Hanna

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

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

The following is noted:

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

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

Jerome Hanna
Assistant Director of Inspection

JH/kdt

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

TODD J. ZILINCIK, P.E.
City Engineer

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



JACK E. KIRKSEY
MAYOR

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

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

May 31, 2011

Scott Miller
Planner IV
City of Livonia

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

Dear Mr. Miller:

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

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

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

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

Sincerely,

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

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

DEPARTMENT OF PUBLIC SAFETY
LIVONIA FIRE & RESCUE

SHADD A. WHITEHEAD
FIRE CHIEF



JACK E. KIRKSEY
MAYOR

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

May 20, 2011

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

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

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

I have no objections to this proposal.

Sincerely,

Earl W. Fesler

Earl W. Fesler
Fire Marshal

**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF POLICE**

ROBERT STEVENSON
CHIEF OF POLICE



JACK E. KIRKSEY
MAYOR

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

May 18, 2011

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

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

Dear Mr. Morrow,

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

Yours very truly,
FOR THE CHIEF OF POLICE

John Gibbs, Sergeant
Traffic Bureau

PLANNING COMMISSION STAFF NOTES

MISCELLANEOUS

ITEM 4

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

May 31, 2011 Study Meeting:

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

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

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

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

MISCELLANEOUS

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

Page 2

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

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

June 7, 2011 Regular Meeting:

Approving conditions:

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

MISCELLANEOUS

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

Page 3

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

UNAPPROVED MINUTES

1

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

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

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

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

Members absent: None

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

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

ITEM #4 PETITION 2011-05-08-05

UNIQUE DESIGN

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

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

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

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

Mr. Morrow: Thank you.

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

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

Mr. Morrow: Are there any questions of Mark?

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

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

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

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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

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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33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
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June 13, 1991

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Kok Va Chhan
25580 Five Mile Road
Redford, MI 48239



Dear Mr. Chhan:

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

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

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

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

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

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

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

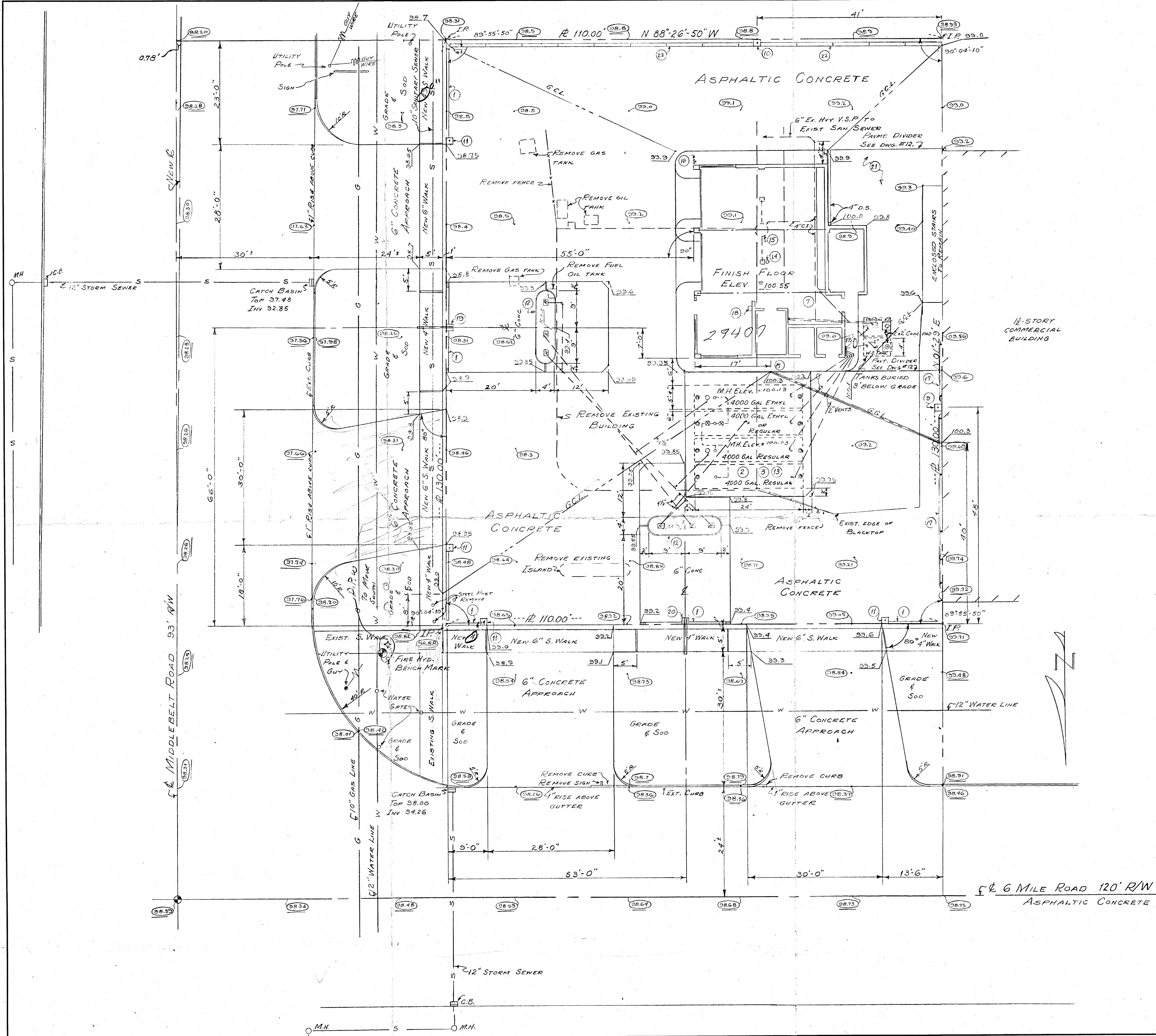
FURTHER, That the granting of this variance is not detrimental to the immediate area nor to the Master Plan of the City of Livonia.

Sincerely,


Valda I. Vandersloot
Secretary 

/kat

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



NOTES

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

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

BENCHMARK

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

As Noted

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



MARATHON OIL COMPANY
 FINDLAY, OHIO

APPROVED BY H.L. KNAPP	DATE 2/2/64	APPROVED BY H.L. KNAPP	DATE 2/2/65
DATE 1-11-64	DATE 1-11-65	DATE 1-11-65	DATE 1-11-65
NO. 1	DATE 1-11-64	NO. 1	DATE 1-11-65
BY J.D.S.	BY J.D.S.	BY J.D.S.	BY J.D.S.
CHECKED BY R.L. 1-11-65	CHECKED BY R.L. 1-11-65	CHECKED BY R.L. 1-11-65	CHECKED BY R.L. 1-11-65

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

SCALE 1/2" = 10'
 DATE 1-11-65
 DWG. NO. 3-4016-2

ZONING BOARD OF APPEALS

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PUBLIC NOTICE NOVEMBER 22, 2024

APPEAL CASE NO. 2024-10-38, 19378 Fitzgerald: An appeal was made to the Zoning Board of Appeals by Charles and Suzanne Endrezl, seeking to erect a 2,106 square foot two-story addition to the existing dwelling to include attaching the existing detached garage, resulting in a deficient side yard setback.

Side Yard Setback

Required: 10 feet

Proposed: 4.9 feet

Deficient: 5.1 feet

This Low-Density Residential property is located on the east side of Fitzgerald (19378), between Seven Mile and North End, Lot. No. 019-01-0054-000, R-U-F, Rural Urban Farm, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 3.06 – Dimension Regulations.

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, December 10, 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: 2024-10-38
Meeting Date: December 10, 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:

APPLICATION FOR VARIANCE

RECEIVED

OCT 25 2024

Inspection Department
City of Livonia
734-718-2588

Suzanne Marie Embase

Charles R. Endres Jr.

19378 Fitzgerald

Livonia 48152

(Owner of Premises)

(Street Address)

(City)

(Zip Code)

(Telephone)

(Fax)

N/A

(Lessee)

(Street Address)

(City)

(Zip Code)

(Telephone)

(Fax)

N/A

(Contractor)

(Street Address)

(City)

(Zip Code)

(Telephone)

(Fax)

The property address is 19378 Fitzgerald

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? N/A

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:

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. The proposed Addition is will provide a floor

Plan That is consistent with other Homes on TheStreet and will Not reduce The current Distance of structures from
The Property Lines.

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?

The Violation of ordinance is Due to Placement ofgarage That was Built Prior to The ordinance Being
enacted.

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

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

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.

RECEIVED

OCT 25 2024

Inspection Department
City of Livonia

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:

Charles Endresz Jr. & Suzanne Marie Endresz

Please print name of property owner:

Charles Endresz Jr. & Suzanne Marie Endresz

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 October, 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 10/25/24, which reads as follows:

DEFICIENT SIDE 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.

[Signature]
(Supervisor)

Application for permit filed NO

Violation Issued NO

Question 3.

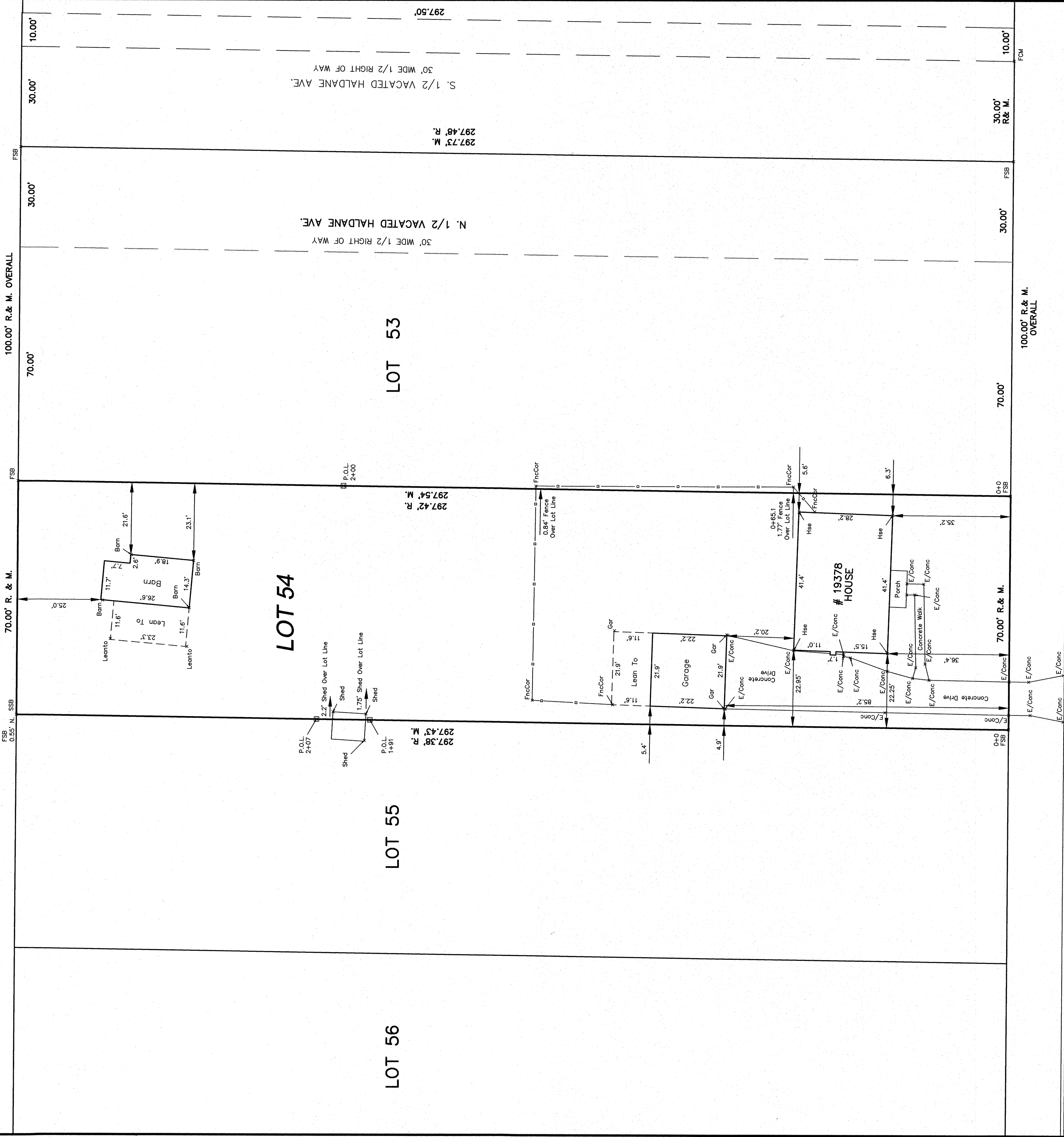
The proposed addition of a first floor laundry will connect the house to the garage. The existing garage is less than the current ordinance allowable distance from the North property line for it to be attached to the house. The presence of utility (power/internet/phone/cable) running north to south thru the property behind the existing garage prevents the practical movement of the garage away from the property line.

Question 4.

Suzanne (my wife) has been diagnosed with multiple medical conditions which make it difficult (and sometimes impossible) for her to traverse the basement stairs to access the current laundry room.

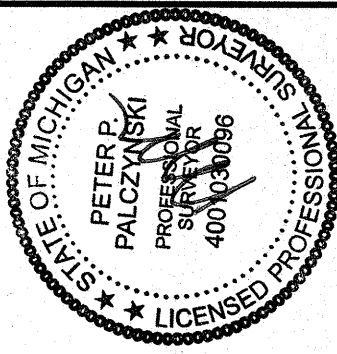
- Acute degenerative osteoarthritis in the neck, spine and knees.
- Arthritic calcium pyrophosphate deposition disease, acute to the knees. degenerative spondylolisthesis.
- Diffuse disc bulges, inter facet stenosis of the spine, paramedian to intraforaminal disc herniation, impingement upon the nerve root within its lateral recess.

The floor plan of the home does not provide adequate space/location for a first floor laundry to be installed.



19378 FITZGERALD AVE.
60' WIDE RIGHT OF WAY

TO SEVEN MILE ROAD



LOT SURVEY

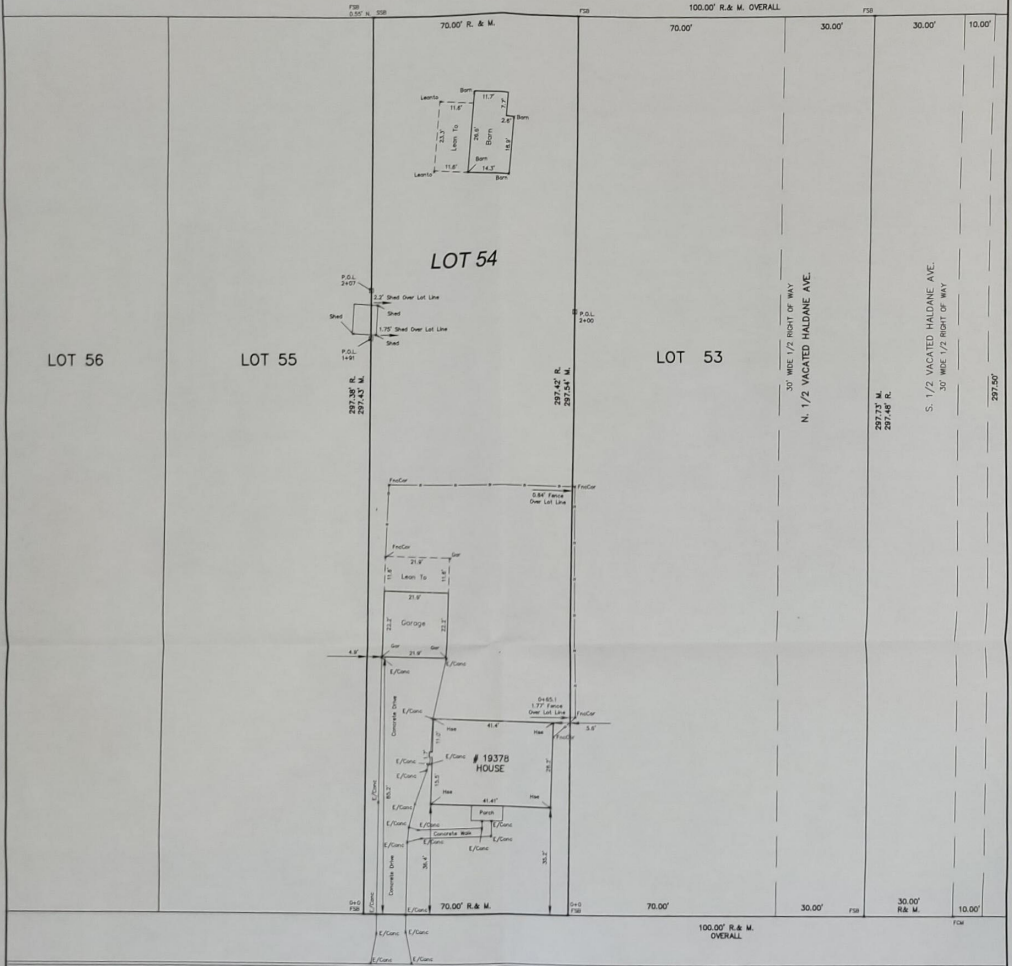
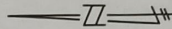
CLIENT: CHUCK ENDRESZEL
19378 FITZGERALD
LIVONIA, MI. 48152

DATE: 2-28-24
JOB NO: 24-02-012
SCALE: 1"=20'

DRAWN BY: CW
CHECK: PPP
SHEET: 1/1

LEGEND
R. RECORD DISTANCE
M. MEASURED DISTANCE
FSB FOUND STEEL BAR
FCM FOUND CONCRETE MONUMENT
SSB SET STEEL BAR
P.O.L. POINT ON LOT LINE (WOOD STAKE)

LEGAL DESCRIPTION: LOT 54 "FITZGERALD GARDENS" SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 5, TOWN 1 SOUTH, RANGE 9 EAST, NOW CITY OF LIVONIA, WAYNE COUNTY, MICHIGAN, AS RECORDED IN LIBER 68 OF PLATS, PAGE 95 OF WAYNE COUNTY RECORDS, SUBJECT TO EASEMENTS AND RESECTIONS OF RECORD.



19378 FITZGERALD AVE.
60' WIDE RIGHT OF WAY

TO SEVEN MILE ROAD



LEGEND
R RECORD DISTANCE
M MEASURED DISTANCE
FSB FOUND STEEL BAR
FCM FOUND CONCRETE MONUMENT
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P.O.L. POINT ON LOT LINE (WOOD STAKE)

LEGAL DESCRIPTION: LOT 54 "FITZGERALD GARDENS" SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 5, TOWN 1 SOUTH, RANGE 5 EAST, NOW CITY OF LIVONIA, WAYNE COUNTY, MICHIGAN, AS RECORDED IN LIBER 68 OF PLATS, PAGE 95 OF WAYNE COUNTY RECORDS, SUBJECT TO EASEMENTS AND RESECTIONS OF RECORD.

LOT SURVEY

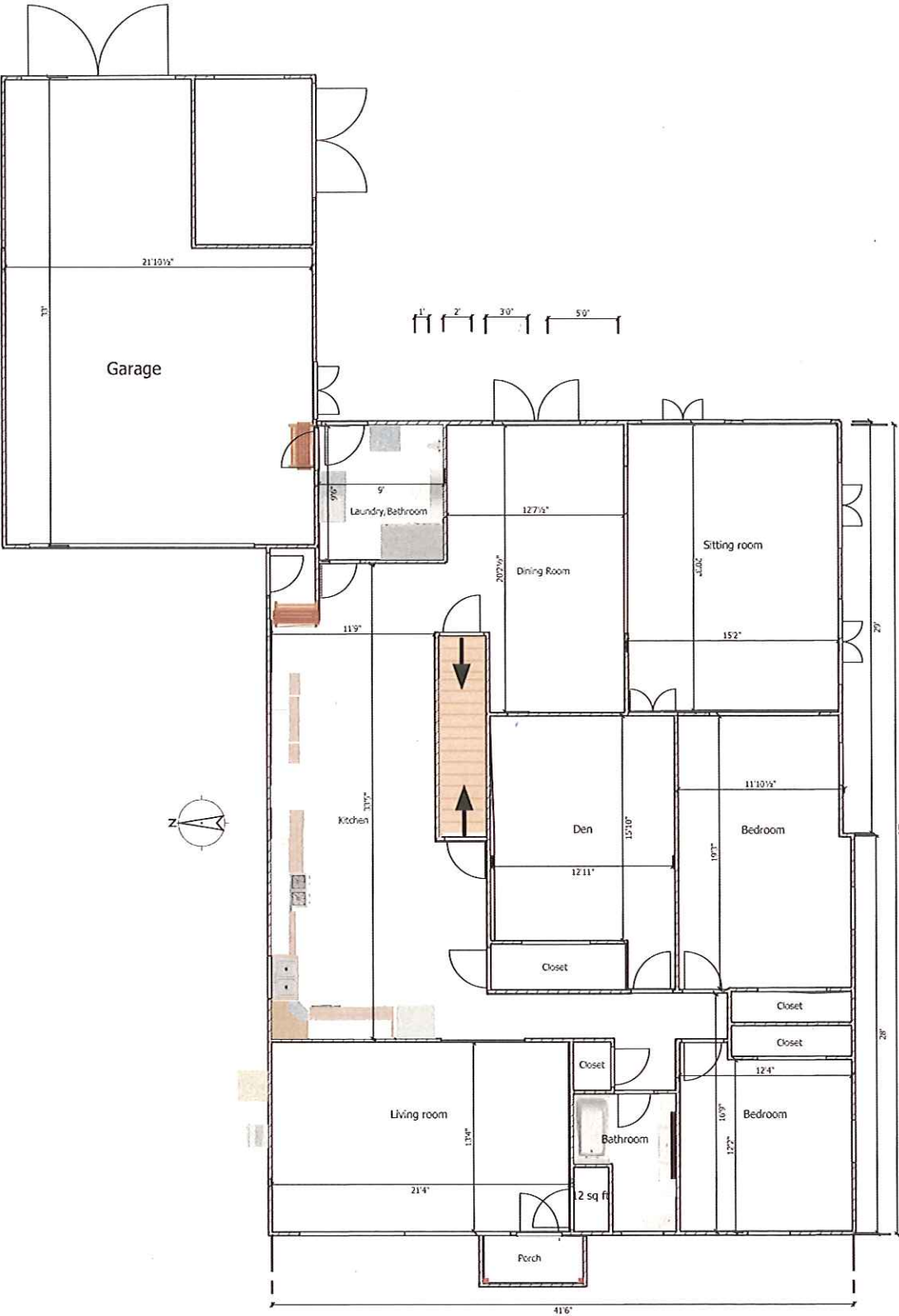
CLIENT: CHUCK ENDRESZEL
19378 FITZGERALD
LIVONIA, MI. 48152

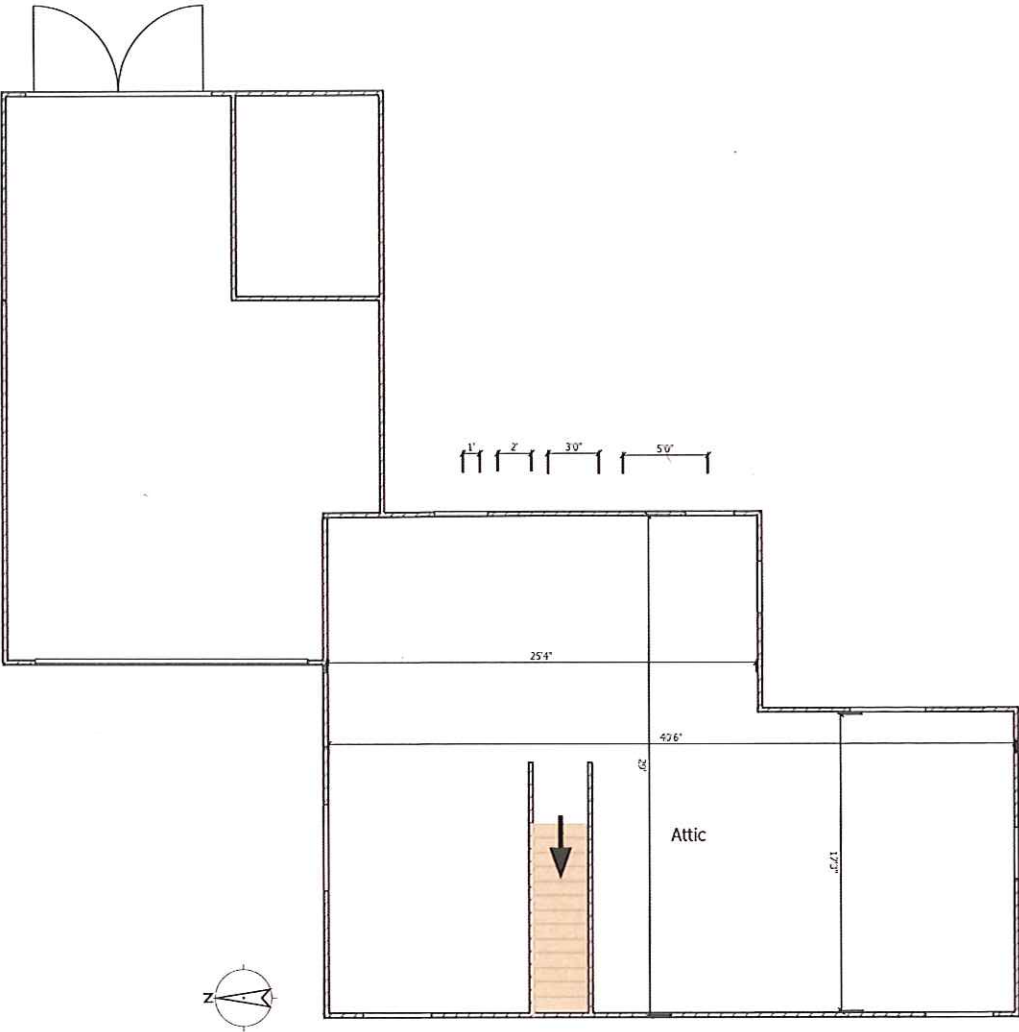
DATE:
2-27-24
JOB NO.
24-02-012
SCALE:
1"=20'

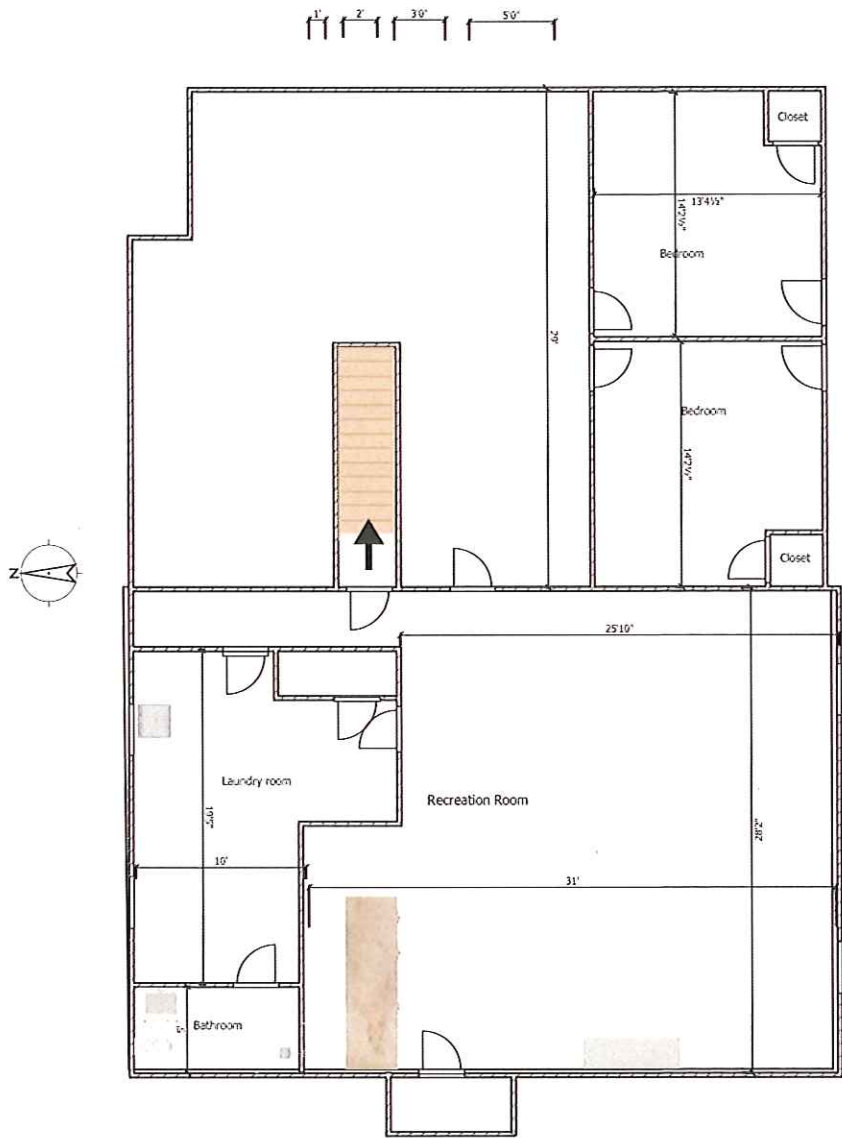


881 WIND STREET,
Farmington, MI. 48120
ph. 800.221.5283
ph. 734.455.5001
fax 877.837.8267
www.ambitsurveying.com

DRAWN BY:
GR
CHECK:
PPP
SHEET:
1/1





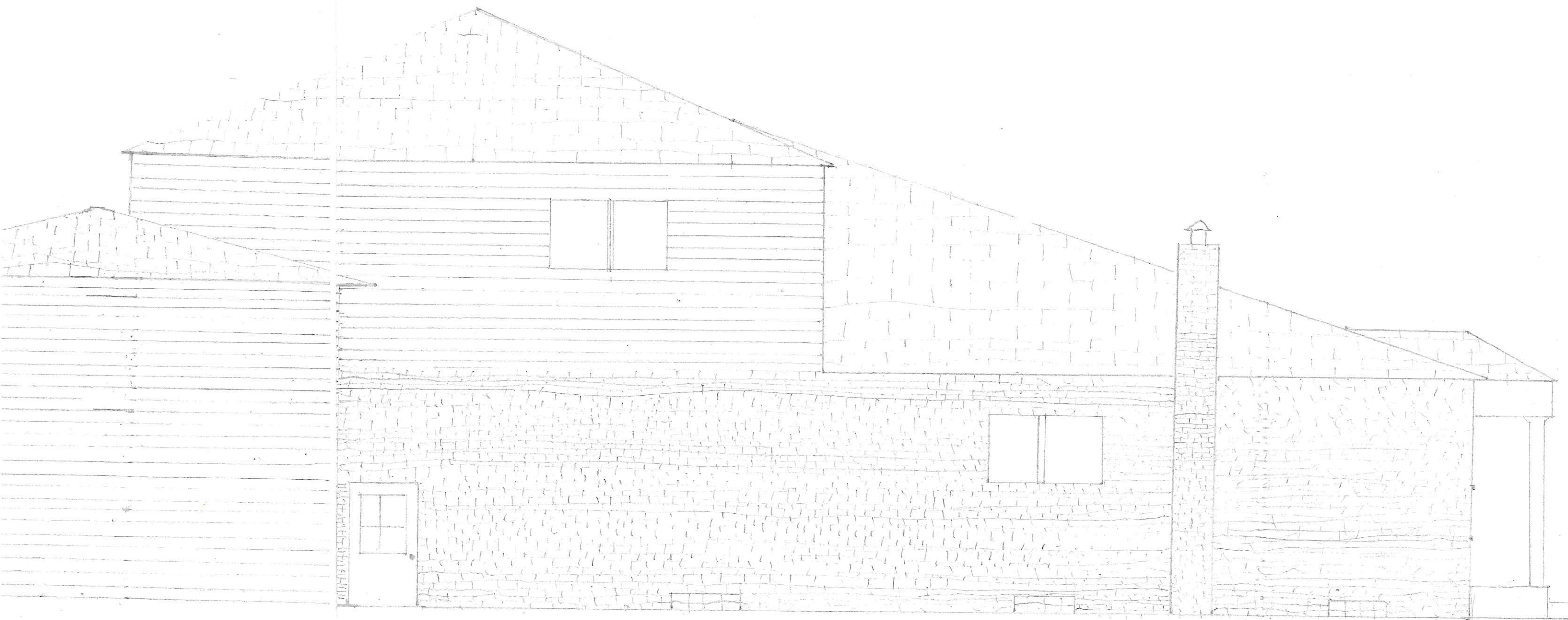




West Side

scale $\frac{1}{4}'' = 1'$

Pg 2 ← Pg 1



North side Pg 1

1/4" = 1'

Pg 2 → ← Pg 1

1/4" = 1'

Pg 2 ← Pg 1



North Side Pg 2

$\frac{1}{4}'' = 1'$

North Side Pg 1

$\frac{1}{4}'' = 1'$

Pg 2 → ← Pg 1

FW: Additional information you requested for 19378 Fitzgerald street

From Stierna, Matthew <mstierna@livonia.gov>

Date Wed 10/30/2024 8:45 AM

To Goff, Erika <egoff@livonia.gov>

Cc Kasprowicz, Sara <skasprowicz@livonia.gov>; Fisher, Mike <mfisher@livonia.gov>

 1 attachments (326 KB)

plot plan 2-29-2024 (survey).pdf;

Please find attached additional information for the Endreszl case I brought up yesterday.

Respectfully,

Matthew Stierna

Sr. Building Inspector

City of Livonia | Inspection Department

(734) 466-2593

mstierna@livonia.gov

From: Chuck Endreszl <cendreszl@gmail.com>

Sent: Wednesday, October 30, 2024 8:23 AM

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

Subject: Additional information you requested for 19378 Fitzgerald street

Hi Matt,

I wanted to say thanks again for the guidance you provided on Friday regarding my request for a variance for the addition to my house. It was very helpful.

Per your request, I have attached a digital pdf of the site survey obtained from Ambit to this email. Also, here is the additional information you requested regarding the exterior cladding for the addition to my house.

- North wall first floor addition – red brick to match existing brick (plan to try to reclaim existing brick from back of house and stitch in line for seamless transition)
- North wall second floor addition - Flagstone grey (or similar color) Dutch Lap style vinyl siding
- West wall (front of house) first floor [replace existing white siding] – Nordic blue (or similar color) cedar shake style vinyl siding.

- West wall (front of house) second floor addition - Nordic blue (or similar color) cedar shake style vinyl siding.
- South wall first floor/second floor addition - Flagstone grey (or similar color) Dutch Lap style vinyl siding
- East wall (back of house) first/second floor addition - Flagstone grey (or similar color) Dutch Lap style vinyl siding
- Garage - Flagstone grey (or similar color) Dutch Lap style vinyl siding
- Trim/windows – White

If you need any additional information please let me know,

Chuck Endreszl

734-718-4588

19378 Fitzgerald St, Livonia, MI 48152

MICHIGAN REAL ESTATE TRANSFER TAX
Wayne County County Tax Stamp #346101
10-03/2022
Receipt# 22-277321 L: 57883 P: 1207
State Tax: \$2,325.00 County Tax: \$341.00



WARRANTY DEED

File No.: BH-229332

THE GRANTOR,

Yvonne Paquin, survivor of herself and Ray G. Paquin, her deceased husband, whose Death Certificate is recorded in Liber 58833 Page 1496, Wayne County Record, 19378 Fitzgerald St., Livonia, MI 48152

conveys and Warrants to

Charles R. Endreszl Jr. and Suzanne Marie Endreszl, as joint tenants with full rights of survivorship 33161 Pierce, Garden City, MI 48135

the following described premises:

SEE ATTACHED LEGAL DESCRIPTION RIDER

Tax Parcel No.: 46 019 01 0054 000

Commonly known as: 19378 Fitzgerald St., Livonia, MI 48152

For the sum of: **Three Hundred Nine Thousand Nine Hundred Dollars and No Cents (\$309,900.00)**

The Grantor grants to the Grantee the right to make (_____) divisions under section 108 of the land division act, Act 286 of the Public Act of 1967.

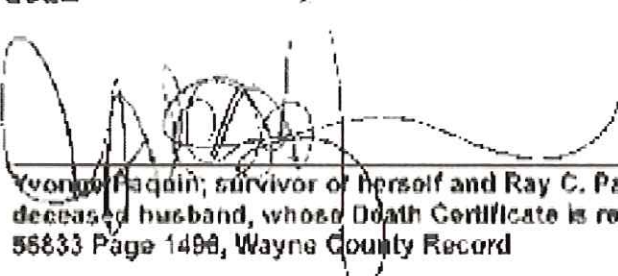
If the land being conveyed is unplatted, the following is deemed to be included: "This property may be located within the vicinity of farmland or farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act."

Subject to easements, reservations and restrictions of record.

"Grantor executes this deed pursuant to the power of appointment reserved in her favor in the Deed recorded in Liber 54828 Page 419, Wayne County Records

Dated: 30th day of September, 2022

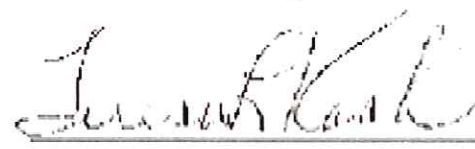
Signed and Sealed:


Yvonne Paquin, survivor of herself and Ray C. Paquin, her
deceased husband, whose Death Certificate is recorded in Liber
55833 Page 1498, Wayne County Record

STATE OF Michigan

COUNTY OF OAKLAND

On SEPT 30, 2022, before me personally appeared Yvonne Paquin, survivor of herself
and Ray C. Paquin, her deceased husband, whose Death Certificate is recorded in Liber 55833 Page 1498,
Wayne County Record to me known to be the person(s) described in and who executed the
foregoing instrument and acknowledged that he/she/they executed the same as his/her/their free
act and deed.

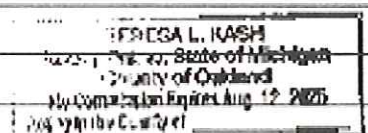
Notary Public: 

Printed Name: _____

OAKLAND County, _____

Acting in the County of: _____

My Commission Expires: _____



Drafted by:

Yvonne Paquin, 19378 Fitzgerald St., Livonia, MI 48152

When recorded return to:

Charles R. Endreszl Jr., 33161 Pierce, Garden City, MI 48135

LEGAL DESCRIPTION RIDER

Situated in the City of Livonia, County of Wayne, State of Michigan

Lot 54, Fitzgerald Gardens Subdivision, according to the Plat thereof, as recorded in Liber 68 of Plats, Page 95, Wayne County Records.

Parcel Identification No.: 46 019 01 0054 000

Commonly known as: 19376 Fitzgerald St., Livonia, MI 48152

This document is a true and correct copy of the original document as filed for record in the office of the County Clerk of the County of Wayne, Michigan, and is a true and correct copy of the original document as filed for record in the office of the County Clerk of the County of Wayne, Michigan, and is a true and correct copy of the original document as filed for record in the office of the County Clerk of the County of Wayne, Michigan.

Clk: R. G. Gable Wayne County Treasurer
No. E-140260 Date: 04/04/2022 Clerk: R. G.



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

S.W. 1/4 Section 5

City of Livonia

T. 1 south, R. 9 east

Wayne County, Michigan

Copyright 2001, City of Livonia



FUTURE LAND USE PLAN

**CITY OF LIVONIA
ZONING BOARD OF APPEALS
December 10, 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. 2024-10-38, Charles and Suzanne Endrezl, 19378 Fitzgerald:** Seeking to erect a 2,106 square foot two-story addition to the existing dwelling to include attaching the existing detached garage, resulting in a deficient side yard setback.

FUTURE LAND USE PLAN (FLUP): LOW DENSITY RESIDENTIAL

AGENDA DATE: December 10, 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. 2024-10-38, Charles and Suzanne Endrezl, 19378 Fitzgerald:** Should be denied because the alleged practical difficulties do not entail more than mere inconvenience.