

**ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, DECEMBER 10, 2024**

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, December 10, 2024.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Leo Neville, Assistant City Attorney
David Popp, Building Inspector

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

(7:00)

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APPEAL CASE NO. 2024-07-28, 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).

COPPOLA All right, thank you. I need a motion.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Motion to remove case number 2024-07-28 from the table.

BOLOVEN Support.

COPPOLA Motion to remove from the table by Vice Chair Baringhaus, support by Chris. All in favor?

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

COPPOLA All right, if the Petitioner can step forward, please, and for the record, again, I know that you're coming back, but I'll need a name and address for the record, please.

AL MASARWEH Good evening.

KAKISH Hi. H&A Investment. Hilda Kakish.

AL MASARWEH Ahead Al-Masarweh. We're both owners of the property, husband and wife, we own the property for the last 20 years.

COPPOLA Okay, so you were with us back in October, and that time we tabled, had kind of a split.

KAKISH Four votes.

COPPOLA Yeah, we need five votes, so we didn't work there. We wanted to give the opportunity to be heard by the entire Board. I believe the Board members have had the opportunity to read the minutes. What I'll ask you, is there anything that you'd like to add to what you spoke about at the last meeting that might help us in our decision process?

AL MASARWEH Well, nothing changed in the status of the property since the last meeting, more than much improvement. We added to the property in general. We took extra steps to make sure, like we have other routes and options to utilize that property. We listed the property for lease, which is to continue to use it as residential like before, we can provide the MLS number and/or record of communication. We are not able to lease it out on a regular basis. So it's been in the market for about two months, and no action taken. We showed the property so many times, every time it [was] turned down by people, by coming on top of commercial property or their dumpster across the hall it's [too] inconvenien[t] to continue. At the same time, we're looking at our investment that we started about 20 years ago. This is a major portion of it, a major portion that we pay tax on it, we find a lot of the Airbnb following every rule in the City and respectfully respect the fabric of the population, and not to turn that corner into a small motel. We have a minimum requirement. We have a strict vetting system in place that makes it just usable by people who want to tour the area, visiting for a purpose, not just for any other kind of fun. Family, maybe. And that's the only thing we have so far to present. The same status we're going to maintain to do the things we follow the rules of the City. And that's all I have to add for tonight. Thank you.

KAKISH I don't have much to add, honestly, but it's been like he said, It's the setting of the property on a commercial [lot] make[s] it so hard to lease it, and it's been [on] the market for, like, two months, no action, especially anybody with kids. Somebody came with kids. It's inconvenient for them to have kids over a commercial property. So I don't know, it's making it so difficult to lease.

COPPOLA What type of rental activity you have since the prior meeting day? Has there been some rental activity?

KAKISH Honestly, I'm not getting that much too from everything. It's kind of down too. So it's been vacant since that time, since we... you know. So I'm not really getting any booking, and at the same time, I have it for lease, [it] is not moving, so I'm trying to put a use to it, at least, you know. See what I can do next, maybe.

COPPOLA Thank you. Questions for the Petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Okay, at the last meeting, you stated you were both in the real estate business.

KAKISH Correct.

BARINGHAUS Based on your experience, is it normal to have short-term rentals or any kind of residential rental properties in commercial zoning districts?

KAKISH Well, we've been getting some reservation based on somebody coming from others.

BARINGHAUS Based on your experience in the real estate industry, in other communities, have you noticed rental properties in commercial areas, or were you aware of the fact that rental properties were prohibited in Livonia?

AL MASARWEH Well, I mean, it's... first we bought the property prior to becoming licensed realtors. Both of us, we bought it when we were younger, but the same time, this property has [had] the same use since we bought it and before, and not too many in Livonia, by the way, still at the same setting. I don't know the history of the property, but I was told when we bought it, this was a meat market with a family living upstairs. What makes it hard now [is] the traffic into the property because we leased the major property, which is the major parcel of it, to a growing business called Lefty's Cheesesteak, which became an iconic business in Livonia, became a franchise grown in the United States with 40-some locations, and which is that something added value to us, but also the traffic counted just so much for somebody to live in the property. The same time, it's been making a success for us, just for short-term. It just happened, and one of the inspectors came and said, "You can't use it because of the zoning," but the zoning was a mixed use from day one [when] we bought the property. We know it's C-2, but the residential part was inspected every year, and we pay the fees every year from day one we bought the property. So it was residential, but we don't find many of them in Livonia. Probably in the major cities like downtown, real old... Ann Arbor. Areas like this, not anymore.

BARINGHAUS So you said you own the property for about 20 years, so you purchased in 2004?

AL MASARWEH Yes, roughly.

BARINGHAUS Okay. Question for Mr. Neville. In the October 1 minutes on page... it's on page 442, it's the record. We checked the records in the last meeting, and it was registered as a rental in 2006, then it goes on to state that really the City had prohibitions on residential apartments in commercial districts as far back as 1965. So I guess my question is, how did he get registered as a rental in 2006?

NEVILLE I don't have any idea.

BARINGHAUS Okay. That's a fair answer.

[Laughter]

POPP Can I make a note on that?

BARINGHAUS Yes.

COPPOLA Mr. Popp.

POPP I'm looking at the rental certificate from 2005 and it says since 2002. So previous to our records in the computer, apparently. But the last rental thing says, "Since 1-31-2002 and that was that one. This one was issued on 5-9-2005 so I don't know... I don't know how that happened, but it is actually even older, registered back as a rental [earlier] than 2006.

SCHEEL So when it was registered as a rental back then, what was the least amount it could be rented out for? Was it 30 days? Was it a year?

POPP I don't know... what it is now, current is 30 days, but I don't know what the zoning was back then.

BARINGHAUS Would it be in a residential rental long-term? I mean, I can't understand why it was registered as a rental at all. The prohibition goes back to 1965.

POPP I mean, the violations in 2005 when it was registered was for an assert and then compliance by 5-19-05. That doesn't have... there's not really any notes as to what it was.

SCHEEL Okay. So right now, our rules, the zoning ordinance as of right now, it refers to the questions in the minutes we're referring to a tourist home versus an Airbnb versus a long-term rental, what would it be to keep in our zoning ordinances? What is the least amount of time it can be rented out for now?

NEVILLE Well, under our ordinance, a short-term rental, such as we call them, "bed and breakfast" definition in the code, in our Vision 21 talks about bed and breakfast, home stays, etc. Those are just all short-term rentals. So under the current Vision 21 it would be a permitted use in the C-2 District. This property sits in the C-2 District, right?

POPP Yeah, it would be.

NEVILLE It would be.

POPP NM-1, I think tourist home is allowed in.

NEVILLE And I'm sorry, Mrs. Scheel, you're saying that under...?

SCHEEL Under our current zoning.

NEVILLE Under our current or the old code?

SCHEEL Current, so they're right now, they're allowed to rent it out, right?

NEVILLE So you're wondering what's difference between them?

SCHEEL Right.

NEVILLE There isn't. Any type of a short-term rental, whether it's.... Airbnbs are essentially bed and breakfasts.

SCHEEL Right.

NEVILLE And home stays under Vision 21 essentially falls as a type of a bed and breakfast. Now keep in mind, under our ordinance, it has to be owner occupied. So tourist homes.... There's a definition of tourist home under Vision 21 and a rooming home. But essentially, when we get to what's a permitted or daily use, we're talking essentially bed and breakfast, hotels, those who propose to operate short-term rentals.

SCHEEL So if this were denied tonight, what would they be allowed to do with this property?

NEVILLE If they were going to try to... well, any commercial use, all right, if they wanted to rent it, because it has to be at least a 30-day minimum stay.

SCHEEL So 30-day minimum would be anything over 30 days. 30 days one. Okay, thank you. Those are my questions.

COPPOLA Okay, thank you. Other questions?

TESTA Yes, Mr. Chair.

COPPOLA Mr. Testa.

TESTA A question for the Petitioner. This is kind of a review of last time. How long have you been using this as an Airbnb?

AL MASARWEH Three years?

KAKISH Three years.

AL MASARWEH Three years, some years.

TESTA And I know, Mr. Popp, you weren't here last time, but I asked, has there been any complaints regarding the Airbnb?

POPP Before I say no, let me check. But I do not believe so. Hold on one second.

TESTA And also while you're checking that—

POPP No.

TESTA --It's correct that they've gone through the yearly inspections as they stated?

POPP It looks like it's been inspected every single year. Yep, up until the current one, that they're... it's current till 1/18 of '25. I was trying to look through Laserfiche and see if I could find anything around 2002 when that last one was but I'm not.... I haven't.... If you've ever been on our Laserfiche, you'll understand where I'm at.

TESTA While Mr. Popp's looking, do you own the hookah lounge below as well?

AL MASARWEH We own the property. I used to be the owner, part-owner of the business.

TESTA Okay.

AL MASARWEH But we sold the business, we're just owners for the property.

TESTA Okay, so you're now renting that space to.... Okay.

KAKISH Right.

AL MASARWEH Yes.

TESTA You don't live anywhere on property, correct?

KAKISH No.

TESTA That would be helpful.

BARINGHAUS Question for the Inspection Department.

POPP Sure.

BARINGHAUS Okay, if the current rental use isn't allowed in the commercial district, why is it being inspected and registered, approved annually?

POPP So a tourist home, Airbnb or short-term rental, is not allowed except for in NM-1. And there's a lot of regulations with the bed and breakfast beside that that's allowed in

NM-1, as Mr. Neville said, that the homeowner would have to live there fulltime. They're limited by numbers of bedrooms. They're limited by parking, where the parking is. There's a lot of regulations in that transient stay or for tourist home classification, and it's a minimum of 30 days now. They don't allow... except a bed and breakfast would be allowed. But I don't know of any properties in the city that could actually really meet the ordinance.

BARINGHAUS But according to the ordinance, it's not operating.... It's operating....

POPP So they were operating as like a regular yearly-lease-type rental. Is what the rental certificate was issued for, as far as that's my understanding, it was actually for a residential rental above. So single-family dwelling, versus using it as an Airbnb, where you've got transient stays.

BARINGHAUS And in a C-2 district a residential rental is permitted?

POPP I guess, because we've allowed it. That's a broad reach on my part to say yes. I don't know that. I mean, we've allowed it since 2002, so I would say yes.

COPPOLA Other questions? All right, seeing none, is there anybody in the audience who would like to speak for or against this petition? Any correspondence?

KLISZ No letters.

COPPOLA Okay, anything you'd like to say in closing, before we begin our...?

KAKISH Everything has been said.

AL MASARWEH Everything has been said, and just back to the question was asked between this, obtained the license for being residential, we bought the property under the same status in 2005. We bought the property with a tenant in place. So it was not new, that something we changed along the way that we rented before that, the only thing we did, just updated the property a few years after, but also just follow the rules that apply for the license every 18th day on January 18 every year, we're paying for the license. We have not changed the status of the property, and we are not seeking the change of the status more than the continuation to use as Airbnb. Thank you.

COPPOLA Okay, thank you. I'm going to close the public portion of the case and start the Board's comments with Mr. Testa.

TESTA Thank you, Mr. Chair. I was in support of this last time, and I'll continue to be. I feel this is a fairly unique situation. I don't think it sets a precedent. We can.... It's very explainable that this has been like this for years, dates back decades, but in terms of it's being a rental at least a couple decades. The other point I want to make is there's been no complaints regarding neighbors or any other business in the area regarding being a rental. And if there are

Board Members that are perhaps against this, which I know there were a few last time, maybe we put a time limit on if you want to put some time, like two years or three years, up to five years that we could have with a set period of time, and then we need you to come back again, ask for another variance to continue. That's all. Thank you.

COPPOLA Thank you. Mr. Boloven.

BOLOVEN Thank you, Mr. Chair. My position hasn't changed from last time, just in response to Mr. Testa, and I do appreciate his point on it. It has been a rental. It's been a long-term rental. And I said long-term, it's over 30 days. Short-term market is new to this day and age, and that's what the potential precedent that's set, if we do that for this unit. So with all that being said, I stand in my prior decision of no on this one.

COPPOLA Thank you. Vice Chair Baringhaus.

BARINGHAUS I agree with Mr. Boloven. I held the same position at our last meeting. It has a history of being a residential rental, probably [a] personal or residential home going as far back as 1957. It's always... the license board has always been renewed as a residential rental itself. It's only recently, when the Petitioners changed that to a short-term rental. I don't think it's appropriate, and I agree. I think it's a bad precedent, so I won't be in support of the variance.

COPPOLA Thank you. Secretary Klisz.

KLISZ I agree with Mr. Testa, as I did before. I think just the distinction is the length of the rentals. Again, a residential rental can be as low as 30 days. So if someone comes in and lives there for 30 days and moves out, the next person can move in and live there for 30 days. Now granted this could be... I think they testified last time that there was like a two-night minimum that most people, they said would come for a week or a couple weeks or close to a month. So there's really not a massive distinction. And again, I don't think there's any other properties that are going to be like this. We're not going to get a flood of formerly 50s owned residential properties above commercial that are going to want to become Airbnbs. So I think the uniqueness is literally one of one. Maybe I'm wrong, but I'll still be in support.

COPPOLA All right, thank you. Mr. Rotondo.

ROTONDO Yeah, I could be in support of an approving motion as well. I can see the uniqueness being that this has been an existing rental for years, and obviously the apartment's been there for a while. There's no residential neighbors. Obviously, no complaints so far. The owners own the buildings around it, so.... I don't see any nefarious activity going on. I would be in support of placing some kind of a minimum night stay there, though, for rentals.

COPPOLA All right, thank you. Mrs. Scheel.

SCHEEL So I am not in support of this variance. I agree with what Mr. Boloven and Mr. Baringhaus said. I think that the 30-day limit on it is where it should be, and that's how it's always been. That's what the rental agreement was put at. So I don't think it should be used as a one- or two-night stay. I would not be in support of the variance right now.

COPPOLA All right, thank you. So, I think as I stated in my opening, that you require five votes for a use variance approval. You won't get the five votes. You have three that are against it. I mean, I can give you my comments, but they're kind of moot at this point, so I'll just go ahead and open up the floor for a motion.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Resolved: that the variance sought in Appeal Case No. 2024-07-28, filed by H&A Investments, LLC, be denied for the following reasons and findings of fact: the Petitioner has not demonstrated to the Board that a practical difficulty exists, and due to prior precedent for the rental status, granting a short-term stay would be consequential. Further, that the denial of the appeal is in the best interest of the City of Livonia.

SCHEEL Support.

COPPOLA I have a motion by Mr. Boloven, support by Mrs. Scheel for denial. Could you take roll, please?

On a motion by Boloven, supported by Scheel, the use variance was denied.

RESOLVED: 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).

be denied for the following reasons and findings of fact:

1. The Petitioner has not demonstrated to the Board that a practical difficulty exists,
2. Due to prior precedent for the rental status, granting a short-term stay would be consequential, and
3. Denial of the variance is in the best interest of the City of Livonia.

ROLL CALL VOTE

AYES: Boloven, Scheel, Baringhaus, Coppola

NAYS: Klisz, Rotondo, Testa

PASS/FAIL/TABLED: PASS: DENIED

KLISZ Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Rotondo.

ROTONDO No.

KLISZ Mr. Testa.

TESTA Nay.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes no. Vice Chairman Baringhaus.

BARINGHAUS Aye

KLISZ Chairman Coppola.

COPPOLA Aye.

KLISZ Passes four to three.

COPPOLA Okay, so unfortunately, your petition has been denied. So I think, as you heard, and I'm not sure if it helps or not, you can do short-term rentals 30 days and greater. Otherwise, it would have to be a long enough, anything 30 days or greater. Couldn't be shorter than that. So I'm not sure if that's helpful for you. I don't know if it works for an Airbnb, but I apologize, but it seems like you heard the Board's comments as to their concerns.

AL MASARWEH I understand. Okay. So again, it continues to be a residential to my understanding.

COPPOLA Yeah, it can be rented for 30 days at least for a short-term rental.

AL MASARWEH Absolutely. We'll find a different way to develop the property when we find a good use for it. I just want to make a closing statement. Honestly, if there's a property in Livonia that can be used for this Airbnb, it should be this property or anything of this kind, because it's far away from residential, away from noise. It's not bothering anybody. That's it in the commercial property, but we did not get the approval. Understandable. And thank you so much for your time.

[MULTIPLE BOARD MEMBERS] Thank you. Thank you

COPPOLA You can go ahead and call the next case.

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.

COPPOLA All right, thank you. Anything to add, Mr. Popp?

POPP Nothing further.

COPPOLA So question for you. Now, okay, so the garage that they're going to be attaching the addition to exists, and it is non-conforming, and probably had been non-conforming.

POPP Technically, if it stays an accessory structure, it's conforming because an accessory structure could be within two foot of the property line. The problem becomes when it comes attached to the structure, that accessory structure has to abide by the zoning that applies to the structure, which is 10 foot for the primary structure.

COPPOLA Thanks for that clarification, I appreciate that. Besides this issue, and again, I don't think full plans have been provided. But as basis, there isn't anything else that would be considered non-conforming?

POPP In this particular case, not that I know of. No. I mean, technically, the accessory starts at 4.9-something feet, so it's not quite five, but I mean it's, or no, yeah, as an accessory structure it would be fine. I'm thinking of fire rating. Sorry, I kind of dove down a wrong turn.

COPPOLA Refresh my memory on accessory structures on a detached basis. What's the limit... size?

POPP So current zoning is, you're allowed 1000 square foot total, attached or detached. If there is an attached structure, it can be up to 720 and 200 additional detached would be what the current zoning calls out.

COPPOLA This property currently has two accessory structures, correct?

SCHEEL A barn.

POPP I don't know that. I did look at this like....

COPPOLA Yeah, there seems to be a...

SCHEEL Is that a barn back there?

COPPOLA 260 square foot barn.

POPP Yeah. I mean, that would probably be far before our current zoning.

COPPOLA Actually, there's a lean-to it, but it's rather large. Would that be conforming?

POPP So if they attach—

COPPOLA Over 200 square feet.

POPP Technically, by current zoning, no, because you would be allowed 720 attached and 200 detached, unless it's zoned RUF, which it is, and then you're allowed a third building additional for animal husbandry if it's over a half-acre and zoned RUF.

COPPOLA Okay, I appreciate those extra data points. That's helpful. Any other questions for Mr. Popp?

TESTA Question for Mr. Popp.

COPPOLA Mr. Testa.

TESTA Thank you for your question, that was helpful for me. The garage itself. They're expanding that garage under the plans, correct?

POPP Let me pull the plans up.

TESTA There's a garage sitting....

BARINGHAUS Mr. Chairman, I believe the garage would span 902 square feet.

TESTA No change. Simply, if this was not attached. If the home addition wasn't attaching to it, they wouldn't need a variance.

POPP Correct.

TESTA Thank you.

COPPOLA That's a good question. So the garage is 900 square feet. Now.

[Inaudible crosstalk.]

POPP They may have got a variance at one time for the third building.

COPPOLA Do they have a variance for the third building?

POPP I don't know that. I'm looking it up right now.

COPPOLA So once the garage becomes attached, is it conforming in size and 900 square feet?

POPP Technically? No, not if there's a third structure. Hold on. Let me get the green sheet up.

COPPOLA I just want to make sure. We should address all the...

POPP The existing garage is 900 square feet.

SCHEEL --No, 700 square—

BARINGHAUS --902 square feet—

SCHEEL The existing garage—

COPPOLA See that, coming back —

BOLOVEN No, I get it.

BARINGHAUS It's on present building size and then proposed building size lines.

POPP Bear with me one more second.

BARINGHAUS Okay.

POPP Whoa, I don't know what just happened. Everything closed down.

COPPOLA The ZBA technical curse.

SCHEEL Yup. It does say, "Garage side [inaudible]."

POPP I think, I think that's total area.

SCHEEL Including the lean-to?

POPP Because the garage is only 22 by twenty-one.

SCHEEL That doesn't make sense.

POPP I was gonna say I don't.... So it's a garage with a lean-to....

ROTONDO I got 736....

POPP I don't see another structure on the plot plan.

BARINGHAUS There's a [inaudible]....

SCHEEL The barn. Barn in the back.

POPP Oh, I see it now. Way back there.

COPPOLA Yeah, we add the lean-to it, it's over 600 square feet.

POPP Yeah. So the attached garage, current zoning would be 720 attached, with 200 detached. So obviously the barn is over that. But let me check, there might be a previous variance for that barn or....

COPPOLA I think it would go over once it becomes attached. It'd be pretty darn close. 10,000, right, in total? RUF is....

POPP It's 1000 total if it's only one structure. It's only 920 combined, if it's two separate structures. But I'm gonna have to dig in microfiche and see if there's a....

COPPOLA ---they're gonna go over.

SCHEEL Would the 902 on the green sheet be the barn, plus the garage?

COPPOLA Should have been. They may not count the lean-to. 620 for that structure.

BARINGHAUS How did you see the numbers?

POPP I mean, I would go off of what Matt had on the green sheet is what I would refer to.

COPPOLA Okay.

TESTA What does “lean-to” mean? I apologize.

POPP So that's like a shed roof structure off the side or back of another structure. So it's attached to the structure on one side and supported by legs on the other, like a shed roof. But not enclosed normally. Usually just a cover [inaudible].

COPPOLA Would that be normally included in the total square footage of accessory structures?

POPP On accessory structures? A lot of times, it's not because it's not enclosed, but it is included in total roof area, usually, because you're only allowed so much roof area coverage on a property. So that's why I said go by whatever Matt went off of on that, I wouldn't say that the lean-to area normally would be included in that, because it's not an enclosed area.

COPPOLA ...You take that out and then it's.... Okay. Just want to make sure. We're going to have to deal with it for a long time. All right, the Petitioner can step up. I'll need a name and address.

ENDREZL Hi, Chuck Endrezl. 19378 Fitzgerald Street.

COPPOLA All right, Mr. Endrezl, why don't you tell us about your project and in particular I'd like to understand your perspective, the reason why you would like the variance to be provided.

ENDREZL My wife and I purchased the house a little over two years ago. September 2022 is when we closed on the house. All the structures you guys were just talking about were all there when we bought the house, the garage and the barn. My wife has been diagnosed, as you can see in the application, with problems with her knee and her back. Occasionally, her knee will swell up to the size of almost a cantaloupe and she has a very difficult time traversing the stairs when her knee flares up. We've had several doctors tell her that her condition is not curable, and it will flare up on occasion, something she's probably going to have to learn to deal with. I've looked at options of putting a first-floor laundry in under the current configuration of the house, and there's no place to do it without adding on. So we're asking to add on to the garage - to the house, to connect the garage so that we have space for first-floor laundry and in keeping with the other houses on the street, it's a nice neighborhood. We felt that making the garage attached would align with everything. I had no idea when we purchased the house that the garage was going to be a problem. I've been working with Matt. I think I maybe met David once at the Building Department, but I've been with the Building Department for over a year now, dealing with different options. We looked at options to move the garage due to the power lines that run through the back, which an easement was not defined when we bought the house. Didn't realize that that's not really an option either, to move the garage farther away from the

house to be able to add on and avoid this 10-foot variance that we're requesting by not having it attached.

COPPOLA Okay, what's the... I understand you talked about the health issue with your wife.

ENDREZL Yes.

COPPOLA What's the purpose of an attached garage, per se?

ENDREZL So in adding on to the house, if we have the garage attached in wintertime, if there is snow and ice, it's an added benefit that we'll be able to access the garage from the house. My wife won't have to risk walking across the cement, potentially slipping and falling. Last Christmas, she had a pretty bad incident where she slipped and fell, and she was in the hospital for four days because her knee swelled up. If you look at my application, we've listed what her diagnosis is for all the different issues that she has with her health.

COPPOLA Okay, questions for the Petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS When was the home and the garage built?

ENDREZL I believe the house was built in '57. I'm not entirely sure when the garage was built.

POPP Garage was built [on] August 29, 1960, shed was built 9-27 of '83, and the residence got its C of O on....

BARINGHAUS The shed?

POPP The shed in the back was built in '83. The garage was built in 1960. Well, the barn in the back.

BARINGHAUS I just want to make sure.

POPP The house was somewhere in '59. The C of O doesn't actually have a date on it. The permits are from '59, so I don't know when it was actually completed. '59, '60, somewhere in there.

BARINGHAUS So the garage has been in that current location for quite a while.

POPP Basically since the house was built.

BARINGHAUS In terms of the proposed addition, will that...? Can you describe that a little bit, materials?

ENDREZL Yes, I actually submitted an email to Matt. It was supposed to be included in the package. We're going to take the brick off the back of the house and attempt to reuse it on the first floor, on the driveway side, stitch it in, not having a straight line so it looks contiguous, as if it was always there. We're going to do vinyl siding. Front of the house is going to have the cedar-shake-simulated siding. And we're going to do Dutch lap on the second floor, on the north wall, and the south wall, and then on the back of the house, we're going to do the cedar shake, and then the existing aluminum sidings that's on the front of the house is going to have the Dutch lap. Again, the street we live on has some really, really nice houses. They built the house right next door to mine. They were still doing the landscaping as we were closing on the house. And I want to present something that is going to fit in with what the other houses on the street are like, the two-story houses there.

BARINGHAUS So you'll still maintain the red brick theme that you have on the...?

ENDREZL Yeah, on the north side, the brick is going to be contiguous and stitched in. It looks as if... I hate seeing houses where they're chopped up and they're pieced together, and you can tell all those houses had three or four additions on it. So yeah.

BARINGHAUS And then the attachment from the home to the garage will be used both as a walkway to the garage, and a future location for, I think you referenced the first-floor laundry?

ENDREZL Yes, so the plan is to extend the house back. We're going to extend the bedrooms and extend the kitchen. There'll be a dining and another room on the back with windows that's kind of like a sitting area for plants. All of it is going to be year-round insulated. I'm not doing like a seasonal sunroom or anything like that. Second floor will be attic space at this stage. There's going to be a first-floor laundry on the back, near the right, near the garage, actually, to act as a mudroom coming in from the garage, from the backyard to accommodate the first-floor laundry. Everything is going to be on one level with the bedrooms, and we're going to, like I said, expand the bedrooms.

BARINGHAUS Okay. Great. Thank you.

COPPOLA Other questions for the Petitioner.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Question for the Petitioner. In the packet we received, on the survey it shows a shed that's on the lot line.

ENDREZL Yes.

TESTA Is that your shed?

ENDREZL It is not. It is my neighbor's. And I, in working with the Building Department, I got a survey, and we determined that the lot lines are not where we thought they were. The lot lines on the street for all of the houses are actually skewed to the houses in the street. They're not perfectly square with the houses. And our lot lines actually run at the back of the property, along the golf course fence. The lot line is 10, almost 10 feet farther to the north than what I assumed it was when I purchased the house.

TESTA So did that help you with the setback or hurt you?

ENDREZL On the north side, it makes the back of the garage a little bit farther from the property line. On the south side, I'm actually going to have to offset the house to maintain the same distance.

TESTA Gotcha.

ENDREZL I can't have. And I've been working with Matt a lot on this, trying to figure out options, looking at ways to make this work and still try and be in compliance with the ordinances. And it's just... this is the option that is really the only one that's there with regards to this setback, unfortunately, attaching it causes us to be breaking the rule.

TESTA Okay, in your description of the lot line, that would put the shed more onto your property than....

ENDREZL It's about 18 inches.

TESTA Okay.

ENDREZL Almost two feet. A foot and a half.

TESTA Mr. Popp, do we have a copy of that survey? Or do you know anything about that?

POPP I have only seen that survey from what he supplied.

ENDREZL I had the survey company that previously surveyed for the new house build to the south of me do the survey for my property. And they used... there was a pin in the back along the golf course fence on the south side, and I was able to locate a pin out front on

the north side. And I paid to have the survey done so that I knew exactly what a lot of things were, because one of our options when we were looking to move the garage was to have entryway from the side, pitch the garage back and over and going from the side. And I didn't want to end up having to put driveway on the neighbor to the north's yard. So I needed to know exactly where the property line was, and that's when we made the discovery that it's shifted.

TESTA Okay. The survey we have is dated February of this year, so we must have the related survey. That must be the latest.

ENDREZL It should look something like this.

TESTA Yes. You have a... the name of who did it is Ambit?

ENDREZL Yes.

TESTA Okay, then we have the land survey.

ENDREZL I believe I submitted a digital PDF of that Ambit survey. And again, the property lines being the way they were was.... It was a surprise to neighbors on both sides, and none of us realized that's where they landed.

TESTA Okay, thank you.

COPPOLA Any other questions for the Petitioner? All right, seeing none, does anyone in the audience like to speak for or against this? We don't have anybody. Any correspondence?

KLISZ Yes. We have two letters. We have a handwritten letter to the Zoning Board of Appeals from 19468 Fitzgerald (letter of approval was read). Sandra Zaschak, Z, A, S, C, H, A, K, dated 12-8-24, and a prior approval from John P. Casey, 19377 Fitzgerald (letter of approval was read).

COPPOLA All right, thank you. Anything you'd like to say in closing?

TESTA Sorry, Mr. Chair. Can I ask one more question?

COPPOLA Yes.

TESTA To the Petitioner, your neighbor with the shed is obviously going to be the most impacted by this.

ENDREZL Yes.

TESTA They're not one of the letters. Have they given a verbal or anything to you?

ENDREZL He's here tonight.

TESTA He is. Okay.

ENDREZL We've had discussions.

JECEWSKI I don't have any issues.

ENDREZL Thank you, Barry.

COPPOLA If you could do us a favor?

JECEWSKI Sure.

COPPOLA If you could come down to the podium, if you don't mind. I'd like to get this on the record for the Petitioner. I believe you're the gentleman I spoke to earlier today.

JECEWSKI Yes, sir. I found it.

COPPOLA You found it. Do me a favor. Just name and address real quick.

JECEWSKI Sure. My name is Barry Jecewski. I live at 19410 Fitzgerald.

COPPOLA So you're the neighbor that's directly to the north. That directly would be the one that's impacted by the variance.

JECEWSKI Yes, sir.

COPPOLA So, your thoughts?

JECEWSKI I really don't have any objection. I've looked at the drawings of the building, and they look just fine.

COPPOLA And then the garage has been there as long as you can remember. So....

JECEWSKI Oh, yeah.

COPPOLA Has it been an issue before that?

JECEWSKI No, not at all.

COPPOLA Okay, any questions? Thank you very much.

JECEWSKI Sure.

COPPOLA Appreciate it very much.

BOLOVEN Mr. Chair, can we get confirmation if this is approved on the setback issue, is there going to be a size issue?

COPPOLA No, my question was, because I was counting the lean-to.

BOLOVEN Okay.

COPPOLA And that extra eighty, almost 90 square feet puts it over.

BOLOVEN Okay.

COPPOLA You take that off and it puts it under. And I think on the green sheet, it was what, 900?

SCHEEL 902.

COPPOLA 902.

POPP Matt's only issue that we're here for was just a setback. As far as....

COPPOLA We just wanted to make sure that he didn't have to come back again, because they realized....

BOLOVEN Isn't it 900 with...?

POPP 920 total.

BOLOVEN 920. Okay, thank you. All right.

COPPOLA I apologize. Anything else in closing?

ENDREZL I would just like to say thank you for your time in considering this. I hope that you approve of this. We are looking to improve the neighborhood and make the house more appealing and matching with what is already on the street.

COPPOLA Okay. Thank you very much. I'm going to close the public portion of the case and start the Board's comments with Mrs. Scheel.

SCHEEL I am in favor of this. I think it's one of-- first of all, I'm sorry for the health issues that your wife has, understanding that this is to help her. It also does improve the house, and it'll improve the house for the neighborhood. I think it's great that your neighbors are in support of it. That's always very important, and something that we look at, but I think it will be a great improvement, and I appreciate you wanting to put your investment in the home and staying in Livonia. So thank you. I would be in support of this.

COPPOLA All right, thank you. Mr. Rotondo.

ROTONDO Yeah, I'd be in support of this as well. I can understand the need, obviously, with your wife's medical issues, to want to attach the house to the garage. The addition looks nice. Just looking at the plans, it looks like you're going to use nice materials and do a good job. I think this is really more of a technicality. The reason it's coming to us is because you're not moving the garage at all. You're simply just connecting the house to the garage. So I have no issue with it.

COPPOLA Okay, thank you. Secretary Klisz.

KLISZ I agree with my colleagues. The only thing I'd add is there's a distinction without a difference. Essentially, it's allowed the way it is. You connect the garage and all of a sudden it violates the ordinance. So it seems pretty minuscule. I'll be in support.

COPPOLA Okay, thank you. Vice Chair Baringhaus.

BARINGHAUS Yeah, I agree with my colleagues. I'll approve the variance as well. I'm looking at the plans, very well thought out. Mr. Endrezl has looked at every conceivable option on this project. And I think he's got the solution. His wife's current medical condition definitely demonstrates a hardship in this case. So based on that I'll approve the variance. Thank you.

COPPOLA Thank you. Mr. Boloven.

BOLOVEN I agree with my colleagues, it checks all the boxes. You know, unique property envelope. Definitely consequential hardship on you and your wife if you weren't to get this, and you got the neighbor's support. I mean, that was the last piece of the puzzle there and you have everything you need. Thanks-- Welcome to Livonia. I know it's been an eternity during the last two years you have been doing this, but thanks for the improvement in the property, and welcome to Livonia.

COPPOLA All right. Mr. Testa.

TESTA Thank you, Mr. Chair. I'll be in support of this as well. I'm swayed by your general neighbor support, especially the neighbor next to you. Also, I appreciate that you tried other ways back and forth with the City for over a year to try to make this work and not be here

tonight. But I thank you for that. But obviously I think the best course is to get a variance, seek the variance for this, and I'll support it.

COPPOLA All right, thank you. I'm too in support. I think that notwithstanding the issue with an existing garage, we would be having another conversation. If you're trying to put a garage there, but it exists. It's been there for... the number was almost half a century. So I think even notwithstanding that and everything else is to compliance, you could do this, except for that small issue. So I think it becomes a good resolution. I'll go ahead open up the floor for a motion.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Resolved that the variance sought in Appeal Case No. 2024-10-38, filed by Charles and Suzanne Endrezl, be granted for the following reasons and findings of fact: the uniqueness requirement is met due to the garage being in existence in its current location to 1960 and the wife's current medical conditions requiring easy access on the property. Denial of the variance would have severe consequences for the Petitioner due to restricted access to the garage areas and other areas and the basement itself. The variance is fair in light of the effect on neighboring properties and in the spirit of the zoning ordinances due to general neighborhood support of the project. The property is classified as RUF, [rural] urban farm, under the Master Plan, and the proposed variance is not inconsistent with that classification. Further, that the variance be granted with the following conditions: that the project be constructed as presented this evening.

BOLOVEN Support.

COPPOLA I have a motion by Mr. Baringhaus. Support by Mr. Boloven. Any discussion? All right, seeing none. Want to take a vote?

On a motion by Baringhaus, supported by Boloven, the variance was granted.

RESOLVED: 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,

be granted for the following reasons and findings of fact:

1. That the uniqueness requirement is met due to the garage being in existence in its current location dating back to 1960, and due to Mrs. Endrezl's current medical conditions requiring easy access on the property,
2. That denial of the variance would have severe consequences for the Petitioners due to restricted access to the garage and other areas and the basement itself,
3. That the variance is fair in light of its effect on neighboring properties, and in the spirit of the zoning ordinance due to general neighborhood support of the project, and
4. That this property is classified as Low Density Residential, under the Master Plan, and the proposed variance is not inconsistent with that classification.

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

1. The it be built as presented.

ROLL CALL VOTE

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

NAYS: None

PASS/FAIL/TABLED: PASS: PASS

KLISZ Ms. Scheel.

SCHEEL Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Aye.

KLISZ Passes seven to zero.

COPPOLA All right, so you've received your variance. The only condition is that you build it as presented. So, plans, materials, location, everything has to be built as presented. Contact Building if you are making any changes. [Inaudible] So congratulations. I look forward to seeing it.

ENDREZL Thank you very much.

ADMINISTRATIVE TASKS

COPPOLA All right, we got some housekeeping to do here. We've got minutes from the November meeting, the 19th. So motion for that.

SCHEEL So moved.

COPPOLA I have a motion by Mrs. Scheel, supported by...

ROTONDO Support.

COPPOLA ...Mr. Rotondo. All in favor. I'm going to abstain; I wasn't there. All in favor?

The Board voted 6-0 to approve the minutes from the meeting of November 19, 2024. Chairman Coppola abstained from the vote.

COPPOLA Right. So that's a positive six votes. Then we have our revised meeting scheduled for next year based on comments from the Board. Did everyone get a chance to look at that, and are we good with that? So if we can get a motion... because let's get it on record.

KLISZ Motion to approve the meeting minutes that have been proposed by the Inspection Department [sic].

SCHEEL Meeting dates?

KLISZ Yeah, dates.

SCHEEL Second.

COPPOLA I have a motion by Secretary Klisz, support by Ms. Scheel, to approve the [meeting schedule] as presented. All in favor.

The Board voted unanimously to approve the 2025 Proposed ZBA Meeting Schedule.

COPPOLA That's unanimous. And then we've got one last piece of business to take care of: elections for the officers. So I'm going to start by taking... what is the word I'm looking for?

[BOARD MEMBERS] Nominations.

COPPOLA Thank you. Nominations for chair.

BOLOVEN Mr. Chair.

COPPOLA Yes, Mr. Boloven.

BOLOVEN Nomination for Greg Coppola for Chair.

SCHEEL Support.

COPPOLA Thank you. Any others? All right, let's take a vote. All in favor?

The Board voted unanimously to re-elect Greg Coppola as Chairman.

COPPOLA All right, that's unanimous. I'm going to take nominations for Vice Chair.

SCHEEL Mr. Chair.

COPPOLA Mrs. Scheel.

SCHEEL I nominate Mr. Baringhaus for Vice Chair.

COPPOLA I support that.

BARINGHAUS Thank you.

COPPOLA Anyone else? We can go ahead and take a vote then. All in favor?

The Board voted unanimously to re-elect Jim Baringhaus as Vice Chairman.

COPPOLA All right, that passes unanimously. I need nominations for Secretary.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS I nominate Tim Klisz.

COPPOLA I'll support that. Okay, all in favor?

The Board voted unanimously to re-elect Tim Klisz as Secretary.

COPPOLA All right, that is unanimous. So now we've got our slate of members, Chairman Coppola, Vice Chairman Baringhaus, and Secretary Klisz. I think that ends all... is that it?

BARINGHAUS Just two quick updates.

COPPOLA Yes, sir.

BARINGHAUS Okay. I sent everybody an email on December 9 regarding the status on the new ZBA iPads. Basically, the budget was approved. Looks like they're waiting to just cut a purchase order to purchase the units. They'll then go to the Information Systems area, where they'll be... city-related apps and security will be added on. So they're still two weeks out.

COPPOLA Thanks, particularly on that. There's Cyber Monday, but it is what it is.

BARINGHAUS What about Black Friday? And just one final reminder: the holiday party, Thursday, December 19, 11 a.m. to 2 p.m. Drop by.

COPPOLA Everybody that can make, that would be great. I, unfortunately, will be out of town.

BARINGHAUS That concludes my public service announcements.

COPPOLA All right, that pretty much, I think that concludes everything we need for today, I am inviting everybody out for a drink. We'll go out to [inaudible]. I think they didn't get affected by that fire, did they? Right, there was a big fire down at the plant?

[Inaudible crosstalk]

COPPOLA Mr. Popp and Mr. Neville, if you'd like to join for a little toast for the holidays, I'd appreciate everybody. Is this... are you retiring?

NEVILLE I am.

COPPOLA Is this your last meeting?

NEVILLE Probably it will be.

COPPOLA Thanks for all your support over the years, not only as a member of the Board, but also as our counsel. I appreciate all of your support in different meetings and [inaudible] retirement.

NEVILLE Looking forward to it.

[Applause]

BARINGHAUS I would like to say, as someone who has retired, I totally recognize [inaudible].

[Laughter]

NEVILLE Thank you very much.

COPPOLA All right.

NEVILLE It has been a pleasure working with all of you. Thank you.

COPPOLA Just now, you just need one more motion.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Motion to adjourn.

KLISZ Support.

SCHEEL Support.

COPPOLA Motion by Vice Chair Baringhaus, support by Secretary Klisz to adjourn,
all in favor?

The Board voted unanimously to adjourn the meeting.

There being no further business to come before the Board, the meeting was adjourned at 7:58 p.m.

Gregory G. Coppola, Chairman

Timothy Klisz, Secretary