

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, FEBRUARY 11, 2025

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, February 11, 2025.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Mike Fisher, Chief Assistant City Attorney
Matt Stierna, Senior Building Inspector

The meeting was called to order at seven p.m. Chairman Coppola explained the Rules of Procedure to those interested parties. Each petitioner must give their name and address and declare hardship for appeal. Appeals of the Zoning Board's decisions are made to the Wayne County Circuit Court. The Chairman advised the audience that appeals can be filed within 21 days of the date tonight's minutes are approved. The decision of the Zoning Board shall become final within five (5) calendar days following the hearing and the applicant shall be mailed a copy of the decision. There are four decisions the Board can make: To deny, to grant, to grant as modified by the Board, or to table for further information. Each Petitioner may ask to be heard by a full seven (7) member Board. 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)

TABLE OF CONTENTS

APPEAL CASE #	PAGES
APPEAL CASE NO. 2024-11-39 David Bozyk 38530 Morningstar Drive	3-44
APPEAL CASE NO. 2024-12-41 Seven Mile/Farmington Venture, LLC On behalf of Lessee Meijer, Inc. 33500 W Seven Mile Road	45 -67
ADMINISTRATIVE TASKS	68

APPEAL CASE NO. 2024-11-39, 38530 Morningstar: An appeal was made to the Zoning Board of Appeals by David Bozyk, seeking to maintain a privacy fence erected in conflict with the approved plans, resulting in a privacy fence erected along a common property line without neighbor approval, which is prohibited.

This Low-Density Residential property is located on the north side of Morningstar (38530), between Meadowview and Hickory, Lot. No. 022-01-0009-000, RUF District, Rural Urban Farm, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.090B, Residential District Regulations.

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

STIERNA Thank you, Mr. Chair, the Inspection Department has nothing to add.

COPPOLA All right. Thank you. Any questions for the Inspection Department?

BARINGHAUS Mr. Chairman?

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Regarding a privacy fence, do the supporting post and cross members have to face the interior of the yard?

STIERNA That is part of the neighbors' agreement. It is defaulted that you should be facing it towards your -- good side -- towards your neighbor's yard. But under the ordinance, they are allowed to agree with the neighbors which way they may have it facing.

BARINGHAUS Okay. Thank you.

COPPOLA Any other questions? Have just a small group of questions. The notice says that a fence was put up. Privacy fence was put up without neighbor approval. As I looked through the submissions from the Petitioner, it appeared to me that there [was a] privacy fence erected and it looked like in place of chain-link fence that actually led it to two different neighbors. Is that...?

STIERNA That's correct. The neighbor in question wanted the chain-link fence that was approved on the agreement. However, they ended up [with the] privacy fence, which the neighbor hadn't approved. The other neighbors were in agreement with--

COPPOLA So you have that signed?

STIERNA We do have the others signed, correct.

COPPOLA So the one that's on Morningstar to their west, I think. That one's signed?

STIERNA Correct. Yes, we do.

COPPOLA Okay. And then so I noted that there was a permit that was issued for a fence on 9-24, which was actually two months after the violation was noted. What's that fence permit for?

STIERNA I believe it may have been an enforcement, fence erected without permit. He came in, pulled the permit.

COPPOLA But he couldn't have pulled the permit without all the documentation, which would have been the neighbors' approval, correct?

STIERNA Correct.

COPPOLA So you couldn't have issued a permit for the whole fence. That may be for just the fence between the neighbors on Morningstar?

STIERNA No, I believe.... Let me look into the history on that one real quick.

COPPOLA Last question is, when putting a fence between two properties, can you put a fence one foot inside your property, or is it supposed to be on the property line?

STIERNA It is supposed to be as close to the property line as reasonably possible. Part of the agreement is agreeing where that fence line is. It ultimately is... there can be only one fence separating the properties.

COPPOLA So the neighbor—again, I'm a little confused, because when as close as possible would mean when it's not possible, that means there's an obstruction, like a telephone pole or something that's--

STIERNA Trees occasionally will—

COPPOLA --hard to move, but otherwise it should be on the property line.

STIERNA Correct.

COPPOLA So the parties can't agree that, "No, I want you to move the one foot inside your property." That's not really a....

STIERNA Well, barring having a sealed survey, there's really no way to determine that.

COPPOLA I think we do have a survey here, right?

STIERNA Yeah.

COPPOLA Correct. Okay, any other questions? The Petitioner can step up to the podium, and I'll need a name and address just for the record first.

BOZYK David Bozyk, 38530 Morningstar, Livonia, Michigan 48152.

COPPOLA All right, thank you, Mr. Bozyk. Why don't you go ahead and I mean, I think you did -- I'll compliment you -- a pretty good job documenting everything pretty well. You wrote a letter. I saw that. But why don't you just, for purposes for the record. Why don't you just give us the highlights here. I'd like to understand primarily why the fence went in without a permit, and then to understand the reasoning, why you believe we should provide this variance that you requested.

BOZYK All right. I'm willing to answer questions as we go along. First, without the permit, it was a pretty good consensus. Doug and I -- my neighbor -- they talked about, or I had talked to Doug for about a year about replacing the fence. I mean, it was a conjunction of multiple different fences: chain-link, dogwood, or it should be shadow box, picket fence. It was just a compilation of three or four different types of fence, and it was falling over. It was an old fence, and it just needed to come down. As I mentioned, Doug had originally quoted me at a vinyl fence, a six-foot privacy fence around the perimeter, and it exceeded my budget. By double, almost. I mean, my budget for this fence was about six grand. I'd gotten another quote by an existing neighbor that was getting their fence done for about 11 grand. So I'm like, "Okay, well, I'll do that." At the time that Doug and I had been talking throughout the year, since my fence, he didn't really care. So that's kind of why I went about building the fence. I didn't, honestly, I thought I saw online where I didn't need a fence permit, but obviously I was wrong. So that's why I went about it without getting the permit originally.

COPPOLA Okay, so you purchased the property 2019?

BOZYK I believe so, yeah.

COPPOLA So you've been there for a little over five years.

BOZYK No, two thousand-- like 10 years.

COPPOLA 10 years, 2019 with my math--

BOZYK Seventeen.

COPPOLA Seventeen. I'm sorry, 2017, so you've been there about 11 years. You've been there, yeah, okay, eight years. So what's changed in the sense of, because I believe that neighbor has been your neighbor since you moved in.

BOZYK Like I said, we, and I had mentioned replacing the fence, more cohesive aesthetic per se. It just... it needed to be replaced. I wanted my privacy. He was okay with the six-foot because, or the vinyl fence, because he quoted me at the vinyl fence. It's too expensive. I went with the lower bid. And then after I went with the lower bid, the fence is up. That's when issues started to arise.

COPPOLA Okay.

BOZYK Let me add to you that it's not the whole fence that's in question. It's only half of our property line that is, how do I want to say, like, the property line that we share? We're only arguing about half of it, okay? Half was wood before. He's okay with the wood that was there before. So he's okay with that. But the other portion that is up and down alongside the pool that used to be chain-link, that's what the argument is. So basically, he wants me to take down the fence that I put and put the chain-link back so he can see in my yard. But regardless if I put the chain-link back, he's still going to be looking at another wood fence. I mean it's in my pool, so that's where we're at with it, right? 72 foot of chain-link that he wants me to replace, or wood that he wants to replace, back to chain-link, which I think will look ridiculous, but I'm not trying to get personal.

COPPOLA You had mentioned, as one of the hardships you had was his dog. How long has the neighbor had this dog?

BOZYK Not sure how long he's had the dog. But yes, the dog, it's been mean, it's been--

COPPOLA Give me an estimate. What is he, is it a brand new dog? Is it the dog he's had for four years? Is it a dog he's had since you lived there?

BOZYK To my understanding, it's, I don't know, three years? About right? Three years, maybe? Two years.

COPPOLA Okay, and you had mentioned that the dog bit you. Where were you when the dog bit you?

BOZYK Actually, Caroline had come over to talk to me in my yard, about the fence, and I actually had surveillance cameras up, of the dog attacking me, and I didn't know how to save the footage to my phone to.... Yeah, it bit me. It's almost bitten my girlfriend, or attacked my girlfriend through the fence. It's bitten the neighbor across the street. Every time we go out there, the dog is out there will run up and down the fence line. All hyper. I don't understand why he wouldn't want a privacy fence. The comfortability of the dog, comfortability of myself. My family, my kids, when they go out there and swim and I mean, it's comfortability for both of us.

COPPOLA So the dog didn't jump the fence. It came around.

BOZYK She was talking to me. The dog had attacked me.

COPPOLA Has the dog jumped the fence?

BOZYK No, the dog does not jump the fence.

COPPOLA Have you considered any alternatives, such as landscaping, arborvitaes, something else rather than a six-foot fence to kind of achieve the same thing with privacy, some level of privacy,

BOZYK We had trees. They were making a mess out of the pool, so we cut them all down. Yeah, I had... however it is to do, 72 feet, it's way out of my budget. I may have already invested everything I got into this fence project. To take it down, a perfectly good fence to put chain-link up, and then to put trees up, and then that's just, that's way out of my budget.

COPPOLA Okay. Questions for the Petitioner?

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Thank you, Mr. Chair. I wanted to touch back on a point you made that the previous fence. You said half of it was wood and half of it was chain-link.

BOZYK Correct. And actually within the past year, we cut all the trees down, and then it opened up the view, per se, and again, it's like the chain link, the wood, the shadow boxing, the wood is falling over, to aesthetically make it more pleasing. It's like, let's just go with one material that is aesthetically, I mean, rather than having multiple different picket, shadow.

TESTA Mr. Chair, I know I do this to you a lot. I now have a question for Inspection. So I have to go back to Inspection. Mr. Stierna, if he had come in to pull a permit initially, I believe the ordinance states that all the materials have to be cohesive, meaning, if you put it, it would have to be all wood fence. Can't have mismatching materials. So would that have been rejected?

STIERNA No, that isn't necessarily true, because we do have areas where they want to have a privacy fence, say in the backyard, take it forward to the side yard, into the front, to the front corner of the building where it was required. So we do allow for variations in the fence.

TESTA Let me rephrase that. He came in with a vinyl fence, he wouldn't be able to put a vinyl fence with a chain-link and have it abut up to the wood fence. A little bit of mismatching material.

STIERNA I don't think we've rejected one on that if the neighbors have agreed. I haven't come across those frequently.

TESTA Okay, thank you.

STIERNA Usually they're not cohesive.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Question first for Mr. Stierna. The Petitioner had mentioned, this one portion of it was the cyclone fence that was replaced. And then to the right when I'm looking at it would be the wood fence that was replaced. Is that a true statement that that wood fence could have been replaced without a permit?

STIERNA Sections of it as maintenance, but as a whole line, no. Usually we cut it off for about 15 to 20%.

BOLOVEN 15 to 20% of what?

STIERNA Of the fence.

BOLOVEN So looking at where that is, I mean, it's that privacy fence area from the pictures is a small section of the grander scheme project here. Would they have to have a permit to replace that section?

STIERNA If they were just doing that section? No.

BOLOVEN Okay. Is that, do you know, if that section that is currently there, is that considered a six-foot privacy fence? Not the one that was installed. The previous one?

STIERNA That I don't have, unfortunately.

BOLOVEN Do you believe, Mr. Stierna, the only issue here today is just that cyclone area?

STIERNA I do.

BOLOVEN Your green sheet mentioned that there was a proposed plan, and what was installed was not following the proposed plan. What had changed?

STIERNA The proposed plan was the mixed six-foot fence with the cyclone fence.

BOLOVEN And was there a permit given for that?

STIERNA There was.

BOLOVEN That was my understanding. Okay. So question for the Petitioner, why did you change?

BOZYK On that petition it was to move. We were in argument on the property line, and he said that I was at-- he couldn't close his gate that was between his house and my old fence that he used to before. So I went about and spent an additional \$3,500 not only to get the survey, but to move the other 72 feet, not the chain. That we put up, and we moved it a foot off his property line so that he could shut his gate. Even after we had put up the fence, he had said, "I can't fix my gate," or "I think you're on my property line." I'm like, "Well, do you want me to take it down right now or move it?" He's like, "No, I don't want you to take it down. I just want to be able to close my gate." I fixed this gate two times. He wasn't happy. We went and got the survey, I got the permit. We couldn't come to an agreement. "I want to do the whole thing. Would...?" He's like, "No, I'm not signing. I'm not signing. I'm not signing." At the time, I didn't think I had the opportunity to come and talk to you. I didn't know I had a case until I got my neighbors' support. They said, "No, you got a case here." So I moved the fence line a foot off his property line after we'd already put it up. I took the double fence down, and the only portion that I left up was the part that I would like to continue to leave up was where we agreed to the chain-link.

BOLOVEN So that, I guess that's where I'm getting confused. You submitted plans that your neighbor approved.

BOZYK No.... What I signed to get my neighbor approval, at the time, we couldn't come up to an agreement. We couldn't, and I felt forced that I had to agree to whatever he was saying. I didn't think I could come here and argue like, "Can I please keep my...?"

BOLOVEN I'm trying to figure out how we got here. Take a step back.

BOZYK Okay.

BOLOVEN How did we get here? It looks like you submitted plans that your neighbor approved. Is that true?

BOZYK Correct.

BOLOVEN What changed?

BOZYK Right now there's still 72 foot of privacy fence.

BOLOVEN Yeah, but you get what I'm saying. Why... you had your neighbor's approval? You had a plan. You submitted. You got a permit.

BOZYK Right.

BOLOVEN You're good to go. And somewhere along the lines, you changed and decided to put up a whole new fence.

BOZYK No, no, it was already up. He wanted me to take it down. It was already up.

BOLOVEN So you put this whole fence up without a permit from the beginning.

BOZYK Correct.

BOLOVEN You then figured out you had to get the approval.

BOZYK Right.

BOLOVEN You then agreed to do part....

BOZYK I only agreed because I felt like I was forced to agree to get any permit whatsoever.

BOLOVEN You're basically at that point right now. You're appealing the decision, because right now you were denied. I guess I miss an effect of why you agreed to something and now....

BOZYK Because I didn't know, because I felt like I was forced to agree on something that I didn't want to agree on, I didn't have a choice. I feel like I do have a case where... I still have the fence up. I mean, there's still the cost of it, there's still the privacy, the dog. The support from my neighbors, I didn't have that. I mean, I had it, but it's like I didn't understand why I couldn't appeal it, right from the beginning, before I even submitted those, that permit or agreed to that. I didn't think I had a case. And I do have a case. It's....

BOLOVEN Thank you, Mr. Chair.

COPPOLA Mr. Stierna, did you have a chance to look up that permit and see what that was for?

STIERNA I did. That was an enforcement for the illegal fence. Then once the enforcement was set, it's still open. Once the enforcement was set up, then he came in for the permit for the fence, which is....

COPPOLA It hasn't been issued yet. Even though it's showing up.

STIERNA It's showing....

COPPOLA It's showing up on the system as a privilege I have, yeah, I have the PZ 24 04 26 which is the issued fence permit for this fence in question. I have no other permits for a fence.

COPPOLA The question is, what is the permit? Is it for a complete privacy fence, or is it only for the sections?

STIERNA It is for the section. It is for the complete fence, including the sections that were to remain chain-link. So the permit was issued for "install six-foot vinyl privacy enclosing the rear yard and install four-foot chain-link from the telephone pole heading west along the rear line to the corner of the property." That was the permit.

COPPOLA I'm sorry, it says "vinyl?"

STIERNA "Six-foot privacy fence."

COPPOLA Okay.

BOZYK I guess, what you said, "Why are we here?" It's because I'm trying to keep that 72 foot of....

BOLOVEN Better stated. And that was partly my question, Mr. Chair, that I was trying to understand the timeline. So seems like fence fully goes in, no permit. Complaint comes in, an agreement's reached. Submit that agreement, which included part privacy, part chain-link, permit issued. That was the agreement, and now neighbors come back, or the Petitioner has come back and said, "I don't want that agreement. I want to appeal it, because I want to leave up the full privacy fence." Is that correct, Mr. Stierna?

STIERNA That would be correct.

BOZYK Yes, that's correct.

COPPOLA Other questions?

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA First, thank you to Mr. Boloven, for going through all that to get to the bottom of it. But question for Mr. Stierna regarding the enforcement. Who? What triggered that? Was that an actual neighbor complaint, or City or...?

STIERNA Yes, it was a neighbor complaint.

TESTA Thank you.

COPPOLA Vice Chair Baringhaus?

BARINGHAUS Yeah, thank you. You talked to the neighbor, and your neighbor indicated that they wanted a portion of it chain-link. You just left it at that, you didn't go any deeper?

BOZYK No, everyone went back and forth. They said, well. Like that.

BARINGHAUS What was the back and forth? Give us the....

BOZYK He was going back to vinyl for the 72 feet, back to chain-link for 72 feet.

BARINGHAUS What was your neighbor's reasoning for that request to have chain-link in that particular section?

BOZYK They wanted to view my backyard. They feel like it's taking away their view.

BARINGHAUS Is that the portion of the wooden fence that crosses into their backyard?

BOZYK They're not worried about that wood portion. They're only worried about the chain-link portion.

BARINGHAUS The chain-link portion?

BOZYK Right. It has to give them full view.

BARINGHAUS The fence is, I believe, in the area of the backyard, isn't that correct?

BOZYK I'm sorry, say that again?

BARINGHAUS In the area of their backyard?

BOZYK Correct.

BARINGHAUS Yes. Currently... tell us about the materials of the fence.

BOZYK It's dogwood, a six-foot dogwood.

BARINGHAUS Treated or untreated.

BOZYK Currently, it's untreated. I want to know what happens before I go and treat it. I mean, once weather breaks I'd like to treat everything.

BARINGHAUS How would you be treating it? Well, how would you like to...?

BOZYK Spray.

BARINGHAUS Stain?

BOZYK Stain. [Inaudible]

BARINGHAUS Okay, great. Thank you.

MEAGHER Mr. Chair. One question. Was there anything wrong with the 72 feet of chain-link fence?

BOZYK It was falling over.

MEAGHER It was falling through?

BOZYK It was just all falling over. Everything needed to get replaced.

MEAGHER The 72 feet that we're talking about, not the....

BOZYK Correct.

MEAGHER Okay.

BOZYK It was all falling apart.

MEAGHER Thanks, Mr. Chair.

ROTONDO Mr. Chair?

COPPOLA Yeah, Mr. Rotondo.

ROTONDO Question for the Petitioner. I'm looking at the pictures of the new fence and what's the reasoning behind having the fence face.... The fence is.... The posts are facing

your yard on one side and on the other side, they're facing the neighboring yard. What's the reasoning for that?

BOZYK At that time when we installed it, there's a lot of bushes on the other side of that fence, so it was just easier to install the way we did. But my neighbor, the neighbor. He didn't have a problem with that. He was okay with the way the fence is.

ROTONDO Okay and that one where the posts are facing outwards, is that the neighbor that you did not come to the agreement with, or...?

BOZYK That one where they face out, he's okay with that.

ROTONDO Okay. Thank you.

BARINGHAUS Mr. Chairman?

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Thank you. Yeah, your neighbor next door to you on Morningstar, which contains the section of fence Mr. Rotondo described. Did you have conversations with that neighbor when you were thinking about putting the fence in?

BOZYK He was good with it. He was happy. He'd actually like to continue doing the same fence around his property. And I believe he's here to speak today.

BARINGHAUS Great. Thank you.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Question for the Petitioner. During your opening statement, you talked about your neighbor Doug and getting a quote from him, I'm assuming you mean you were gonna hire your neighbor to install that fence?

BOZYK That's correct.

TESTA Okay. Is he a licensed installer?

BOZYK He's done a lot of work, construction work and such. He does landscaping. So I would consider him a professional.

TESTA Did he indicate to you in any way that a permit would be necessary?

BOZYK Not before the fence.

TESTA Okay, so during the location process, in the quote....

BOZYK It wasn't even a problem. So that was it. Was that, actually, that day.

TESTA Okay. Thank you.

COPPOLA Mr. Bozyk, I forgot to ask this question. What do you do for a living?

BOZYK I just retired from Ford.

COPPOLA What did you do for Ford?

BOZYK General assembly.

COPPOLA Any other questions for the Petitioner? All right, seeing none. Is there anyone in the audience who would like to speak for or against this petition? You can go ahead and have a seat, Mr. Bozyk.

JESUS JIMENEZ I would. Do you want me to come back up there?

COPPOLA If you would, please. I'll need a name and address beforehand.

BOZYK Thank you.

JESUS JIMENEZ How are you guys doing tonight?

COPPOLA Good.

JESUS JIMENEZ My name is Jesus Jimenez. I reside at 38568 Morningstar. I'm actually David's direct neighbor. This is my daughter Graciela and my son Jesus. We came here today as a family, because we speak together as a unit. My wife is currently at home recovering from the surgery she had last week, but she did write a letter, and if it's okay with you guys, I'm gonna have my daughter read my wife's letter on her behalf.

COPPOLA You can submit it in for the record, but if you'd like her to read it, that's fine.

JIMENEZ Okay. That's our approval. That's our letter, right there. Ready to go?

GRACIELA JIMENEZ (Letter of approval from Kristina Jimenez, 38560 Morningstar, was read)

JESUS JIMENEZ So with that, I want to add, I'm sorry, but I didn't print out enough. This is a visual of our property lines, which I think it's important to see. I've labeled the neighbors that are kind of technically involved with all of this. David himself, the Petitioner, is C in these images. I'm B. My neighbor to the right of me is A. So the neighbor A is the first one that got their fence put up. This was way before I even bought this house. I literally just moved into this house seven months ago. So when I bought this house, my neighbor on the west of me had already had this fence erected. David on the east of me was getting quotes, and had gotten a quote from Doug, and while that neighbor on the west of me was getting their installation done, he got a quote from them. Before I had moved in, David put up that fence, and I was happy with it. I respected him. I respected his family, his pool, his kids. I have kids. You know what I mean? I don't have any problem with anybody, but I respect people's privacy, period. Somehow, there was a disagreement between them two, and from that point on, somebody else called the City, and the City started issuing the ordinance, the violations. Neighbor A, in this picture, had to go to his neighbor and the neighbors on Eight Mile to get there to keep his fence. Sorry. He had to get three other neighbors, plus my approval to keep his. Neighbor G also shares a fence line. I just recently made contact. She's in the audience tonight to speak her mind. It seems that everybody in this picture was perfectly fine with the fence. I don't know what his personal issue is, but for him to be the only one that's [objecting], not only [objecting], but him to demand that that four-foot fence go back up, more specifically in the area of his pool, I think is a huge red flag, because I have a hot tub. My kids are out there in the hot tub. I don't want anybody looking at them and what they're doing, who's out there, and how they're out there. For him to say that, "You got to take your fence down. I want it back to the chain-link, but you can keep that side, and you can keep the fence that goes between me and Dave." I mean, that's just being petty at that point. You know what I mean? So I don't know if I'm wording that any better than what my wife tried to do or what Dave did. I think he did a fantastic job. And to address a question earlier, I think it was Christopher, I'm sorry. You had asked him what changed from the time that he had requested that permit and to where now he didn't want to agree with it. What changed is me, I'm neighbor B, and then that image again. I'm sorry. The red line is what he put up. That green line is what I'm going to submit my permit for to continue the fence run, because now David has it on my east side. Neighbor A has it on the west side, it would be logical for me to continue that fence route and cost, definitely cost efficient, because they had already paid for the size. I wanted to continue that fence route. Unfortunately, my fence also abuts up with his fence that guy was complaining about. So this petition is not just for David to keep his, it's also the start of mine now, because if he's having this type of problem with David, which I don't know what it is, I just moved there, I don't want to have these type of problems with him. But if there's already this type of friction between neighbors that have been there over 15 years or eight years, whatever it is, I don't want to be part of it. I think it's fair. I think it's reasonable to leave this fence up and possibly consider my permit that I would be pulling in the spring to put that up too. I think that's pretty much all I have to say. Within that time, I'm sorry. One last thing. Within that time, I've made communication with all my neighbors. I've gotten along with all of them. It seems like they or Doug is the only one that has an issue with anything. My kids made friends with the neighbors across the street. The community is beautiful. Everything is fine about it. I don't understand why somebody has to be so intrusive with how they spend their money. If they're

not going to contribute to it monetarily. It's okay to have an opinion, but if you're not going to pay or help put that work in, you shouldn't have really have too much of a say of what he's doing on his property with the taxes he's paying. My opinion, I don't know if that's true or not. It's just opinion.

COPPOLA All right, thank you. Mr. Boloven, you have a question?

BOLOVEN Yeah. Question for... I'm sorry, is it Mr. Jimenez?

JESUS JIMENEZ Jimenez. Correct.

BOLOVEN I'm looking at a picture that encompasses your property as well as, I believe, kind of comes to a tip where you and, I guess it would be....

JESUS JIMENEZ Dave's property, correct.

BOLOVEN Your diagram there. Is that chain-link currently continuing down?

JESUS JIMENEZ Between me and Dave? No, he's already went—

BOLOVEN No, you and....

JESUS JIMENEZ Me and Doug, me and Doug.

BOLOVEN Doug, okay.

JESUS JIMENEZ Yeah, it's currently chain-link. It is in kind of poor condition. And to be honest with people, yes, there is vegetation, and it's great during the summer, but honestly, during the winter, he has a dog, and I have a dog. It's clear as day that the dog will run against the fence and stir some stuff up. I want a fence. So it is, there is a chain-link fence there, but for you guys to like, not you guys, but for him to be required to take down that 72 fence and then leave up the wood fence going east, and then leave up that run that goes north and south between me and him. It kind of looks something like, "Was it done right?" You know what I mean?

BOLOVEN Thank you, Mr. Chair.

COPPOLA Thank you. Anything else?

JESUS JIMENEZ Okay, I think we're set.

COPPOLA Would anyone else like to speak? Mr. Martin.

MARTIN Thank you. Christopher Martin, I used to go to these meetings a lot.

COPPOLA Could we have your address, too?

MARTIN Christopher Martin and 72 years resident of the great city of Livonia and the great state of Michigan.

COPPOLA Still need your address.

MARTIN No, you don't. I know that, really you don't. So just a few comments on fences over the years, because I've watched a number of these debates over the years, and primarily the Zoning Board is here to talk about fences. That's probably your biggest topic, I would think, is privacy fences. And the gentlemen had mentioned that maybe wanted to keep the four-foot cyclone or whatever, so he could look through it. So Michigan is one of the states that you don't have a right to a view. So if you build a house on a lot, and next door to you is some beautiful woods, and all of a sudden, some developer decides to build a house there, you can't stop that. You have no right to that view. So that's number one. Next thing is the good side of the fence, they call it the good side, always goes towards your neighbor, and the hardware goes towards the Petitioner's side. As far as the maintenance repair, supporting a certain percentage, there is no certain percentage, not in the state of Michigan. On the maintenance repair. The fence, you put it on the lot line. No matter who pays for it, you both own it, you and your neighbor. The equivalent of that would be if one of you wanted to come on over and build a garage on my property, I would own the garage. You paid for it. I would own the garage. The permit: the guy's here because he didn't have a permit. To go get the permit, I don't think that was really necessary. He's here to get approval whether he has a permit or not. That's the way I would look at that. And so the fact that he got a permit after putting the fence up is pointless to me, because he came here to get your approval for something that might not have been done correctly in the beginning. But here's another thing, though, is that good fences make good neighbors. And there's a lot of truth in that. Another thing, especially when the privacy fences are discussed, there's usually an angry dog involved. So some stories have been told about that, and I'll tell you, to be quite honest with you, is I tried to get that leash law passed in Livonia and it eventually was, but if a dog was to attack me, to be quite honest. And I told other people this within the Law Department also at times is, I'd shoot the dog. It's that simple. Dog attacks, then I shoot. It might not be humane, but I'm in the process of protecting myself. So I have no interest in this. What goes on between the neighbors on this particular case. I'm just here to say my opinion and what I've seen over the years on privacy fences and who owns what, and this and that. Usually another thing, too, it's very rare that when you put a privacy fence, your neighbor ever chips in. That guy's the poorest guy on the face of the earth when you try to get 50% fence reimbursed, okay, so I would have put the fence up on my property if I paid for it, because then I own it, I can paint it what color I want on both sides. So that's it. Thank you.

COPPOLA Thank you. Anyone else want to speak for or against this petition?

DOUG STROHMER I could use a glass of water.

TESTA There's a drinking fountain right out the door.

DOUG STROHMER Could I get a drink real quick?

COPPOLA All right, please make it quick. Do we want to hear someone else? I'll take someone else in there.

GASTON My name is Nancy Gaston. I live at 38685 Jahn Drive. My property is in the back of the subdivision. My property doesn't have anything to do with the fencing that's going in. The reason I'm here is because in Livonia Hills, it's been recognized by the City back in 1955 that there is an association that has been put in. And as far as I have [inaudible], one of the reasons that we had the association that began 1955, it was because they got shared goals and property values and the unity of the sub were all the homes. Everyone is different, but everybody basically has the same idea as far as the openness, the trees, and the landscaping. People don't particularly like to be told what they can do on their property, and I can understand it, but they also have to take in consideration the unity of what their ideas are and how it affects the rest of the neighborhood. We have a very small sub of only about 28 homes through there. This has always had an open feel. It has a nice charm. A lot of large pole trees. I've been in that sub for 43 years, so I've seen the smaller trees grow up and I've seen the larger trees die out. It's unfortunate that we have this problem. Sorry. We have never had any issues in all the years that I have lived there with any of the neighbors or any disputes that are going on. But the thing is, everybody has had that open feeling. We don't have sidewalks, we don't have street lights. People are able to walk through the streets by themselves. So I understand, and there's many neighbors that are disturbed as far as the fencing that's been going up. It's more of a stockade type fence, and it really doesn't really meld with the rest of the subdivision. I have a landscaping business, and I don't understand why somebody would lock up the properties the way they have, and also having a chain-link fence that has dissipated over the years, I'm quite sure that having a wooden fence is going to have even more issues and have to be repaired, or it is going to have to be replaced, which is also going to be an issue for whoever ends up putting up the fence. I can't speak for a lot of the neighbors, because I hadn't gone around to talk with everyone. I had headed up this association many, many years ago. I am supposed to be informed by the City about problems that they have within our subdivision, which I have not ever in the last few years, been notified about issues that have come up, whether it is on Eight Mile Road or just the ditch along my road, or anything that's in or felt. So I'd appreciate being able to know or have somebody notify me when there is problems that are going on, so I can talk to the other neighbors and see how they are. I have, I've been recognized by the City for many, many years, and for some reason the last few years, I haven't been notified with the City about anything. It's been mostly through the Inspection Department, where I've had to deliver letters stating my position with the sub, and I haven't heard from them. So I just want you to know that there is, there's information that's out there on our subdivision that talks, indirectly talks about the fencing that's allowed in our subdivision. Permits. People have gotten permits to have the fencing put in, but none of the neighbors have been notified. So this is a problem that's not very serious. But the thing is, it's things that the other neighbors know what's going on and what they can do with their property. That's all.

COPPOLA Just, if you wouldn't mind a quick question for you. You keep referencing the association. You have a deeded association in the subdivision?

GASTON I have all the people who were going back to 1955.

COPPOLA I understand that, but is it a deeded association, or is it just an informal association?

GASTON It is. It's what I had been told. It's classified as Livonia Hills Association. It's not a homeowners association. There's no dues, there's no officers. It was just for information of things that were going on within the subdivision.

COPPOLA So it would be more of an informal association than a deeded association that actually has....

GASTON We were supposed to be registered, and I don't know what happened so far, the Inspection Department doesn't have any record of us. But a couple years ago, we had to request a grant to have the pillars outside our subdivision replaced. Now, whoever I spoke with as far as giving me the grant, they knew that I headed up the association, so I don't know where the paperwork and responsibilities lie. It's hard. Who has the paperwork to our association.

COPPOLA Okay, thank you.

MYSLIWIEC My name is Joe Mysliwiec. I live at 20464 Meadowview Street, kitty corner from where the so-called fence is there. I've listened here now for 60 minutes. It's not an amicable situation with neighbors against neighbors, and the very basis of it is a permit wasn't taken, a fence was put up. Agreements between neighbors weren't made, and neighbors have a right to enjoy their property, and there should have been an agreement, there should have been a permit. And all I can say is, if I was doing it, I would talk to my neighbors. If I'm putting a fence on both sides, I would talk to them. I'd even ask them, "Would you want to contribute to it? Would you want to help me design it? Would you want me to help? Want me to help you to pay for it?" But in this case, things didn't happen that way. And so you folks have a tough decision to make, but I looked at sitting here for 50 minutes. I looked at the lot lines. The fence isn't on the lot lines. Was there a survey? Were there documents? Survey documents, the fact that a permit wasn't requested properly. The permit was, what, was two months after the fence was up, the permit was issued. Those are all problems that leave the situation not in the Petitioner's favor. And I'm sorry, I put up a shed on my property. I put up an addition on my property, and I made sure I had permits. I made sure I had inspections. And I have to give credit to the Inspection Department, because when I was general contracting an addition to my house, 27 or 30 years ago, they pointed out things that my contractors were doing to save me and make the contractors do it. It worked out. When I put up the shed about 20 years ago, I went and got the permits I had to base the rat wall and the concrete slab put up. I had the shed inspected, but I

followed procedures. I knew I was going to be causing a problem with my neighbors. Looking where it's going to be. I chose a place where it would not harm anybody. I drew a drawing, took it to the Inspection Department, had it approved, then I showed it to my neighbors. They had no problem with it. But we have to be neighborly. We have to look at people's rights, but the neighbors that can't agree, I think it just goes back to the fact things weren't done the right way, and it should be corrected, and even if it's at some cost, it has to be corrected, simple as that. Thank you very much.

JESUS JIMENEZ Is it possible to add one point, just one point? I'm sorry, I didn't want to interrupt.

DOUG STROHMER You can go ahead and talk, that's fine.

COPPOLA But first you'll give your name and address, but just for the record so it captures it.

JESUS JIMENEZ Okay, I'm sorry to interrupt, Doug. I seriously am. Again, my name is Jesus Jimenez, 38560 Morningstar. I truly do not believe that Dave started this project maliciously or sneaky or anything like that. He said before him and Doug talked about putting up the fence, and that Doug was giving him the agreement, the fact that Doug gave him a quote, knew that he was trying to put up that project. Okay? Doug was going to take the job to put up this very fence that he's complaining about. I think the reason the permit was not pulled in the beginning, because they agreed upon it, with a verbal handshake and said, "Yeah, as neighbors, we can work through this. You want a fence? I'll give you a quote. You like my quote? I'll put it up." Somewhere along the lines, they didn't like it, which is why the permit had to go be pulled afterwards. David pulled that permit to try and satisfy the City. He also removed the chain-link fence. He also paid to have the survey. He also paid to relocate 74 feet of the fence going to the east, I believe. He tried to work with his neighbor. I don't think he maliciously went to sneak behind anybody's back and say, "Oh, I'm gonna put this fence up before somebody catches me." I don't think that's the case at all. I'm sorry. I just want to say that one point.

COPPOLA All right, Mr. Strohmer, you're on.

DOUG STROHMER Good evening. Thank you for the opportunity to speak today.

COPPOLA Just real quick, name and address.

DOUG STROHMER Yes, sir. Doug Strohmer, 20535 Meadowview Street. I live just directly to the north of Dave. I didn't want to be here. This is not something that was anywhere in my purview with Dave. Dave and I-- I used to cut Dave's grass in 2014, so he's been there at least since 2014. I mean, I've done a lot of work for Dave over the years. I've taken care of his pool when he went on vacation. I've helped him with a lot of projects around his house. A couple things real quick. I had a bunch of notes, but they don't even matter, really, from what I'm

hearing. Some of the aesthetics of Livonia.... So I've been a part of Livonia since the late 1970s. My dad and my uncle owned a gas station next to Corsi's. I used to pump gas. And my wife was raised here in Livonia, and went to the Livonia schools and graduated in Livonia. So, you know, we got a history in Livonia. We bought our house about 16 years ago. When we moved into the neighborhood, we moved in because [of] the woods, all the trees, and the open spaces. We had looked for over a year for a house, and that was one of the things we wanted. We wanted that neighborhood, open, togetherness, feel. And we got that. I mean, the McIntoshes came down across with apple pie, Mr. Petrovsky came down riding around 80 years old on his bicycle, came over and always with a big smile, and always had a good conversation. Mysliwiec, the Gastons. I mean, we had barbecues. Dave's been over. We've shared barbecue. So this is definitely not where I want to be today. It's not a great place. However, there's encumbrances that are happening here. And Dave and I did talk about, he wanted to... the fence needed some repairs. Okay, David didn't do anything to the fence for the whole time he had been there. Last summer, he decided to start doing some changes in his yard because he was retired, and we talked about a fence. Now, I've contracted fence. I put up fences in the city of Livonia. Had the Inspection Department come out, check the hole, check the property line, and we submitted plans. I mean, that's how we did it. When I installed fences, and I've done a couple of them in the city of Livonia. My wife and I talked about the fence, and the chain-link fence was there when I moved in, and there was trees. And when the Matthews lived there, Roger and then Lou Matthews lived there before Dave, they had to pull them too, and the trees were giving them privacy. It was a beautiful look from in our backyard. When you looked out in our backyard, it was all trees, and so Dave cut all that down. And when we talked about the fence, we said what we would agree to was a four-foot vinyl fence with a two-foot lattice, so that it had no maintenance, and so it looked nice and it didn't make it feel like a stockade. And what he put up was a stockade fence, and we didn't get any feedback on that. When I told him about... I told him it would be about 20 grand to put up the backyard fence in vinyl, three gates, materials, and labor. He said, "That's not in my budget. I can't do it." That was the last discussion we had about that. We never talked about that again. I've been very busy with work. I was coming home after dark, and a couple days before Dave was putting up the fence, he said, "I'm putting up a fence." I didn't have a choice. So when the fence went up and went down their whole side. And now all of a sudden I'm in a stockade. That was the only part of it. My wife was very upset, because from what she was used to in our backyard, it changed dramatically. And so she was very upset. And I was upset too for a couple reasons: one, the maintenance on that fence and the fact that the fence got put up without any agreement. I just didn't. He was [encroaching] on my property. The second thing that caught my attention right away was now my gate didn't close. We've had dogs since we moved in. We've had four different dogs, so the barking, the dog's trying to play, okay? Up and down the fence. I don't.... The first time I heard about a bite, is there a police report? I mean, really!

COPPOLA

Stay with the topic.

DOUG STROHMER

Okay, and I'm trying not to be emotional, but I'm trying to stick to the facts. So Dave didn't get a survey, and he didn't want to pay for the survey after the fact. And I actually gave him a couple names, and he found somebody to get a survey done. The

fence was a foot over on my property. Okay? There's pictures of it. He moved it 18 inches over, just the first part. So the part that goes from off of his house to the corner, and then it goes west to the telephone pole. So he moved that part on our property line over 18 inches. Okay? And I don't think the Inspection Department came back and looked at anything. He just... he moved part of it, and he stopped. And I kept calling Dave. I'm like, "Dave, Dave!" He never would pick up. I tried to text him. He wouldn't respond about the rest of the fence, because we had agreed that it was going to be chain-link, and he decided, after talking to some of the neighbors, that he had some right to encumber upon my property. The fence that's up from the telephone pole going west back to the corner is still on my property. Even before the chain-link was up, Dave would come to me and we talked on his porch. He said, "What can we do to resolve this?" I said, "Dave." I said, "tell you what." I said, "The wooden fence was always there from the telephone pole in the corner to your house." I said, "That's fine, but get it off my property." And the only way to make sure it was off my property was to get a survey, which he did. But the rest of it needs to go back to chain-link fence. And he agreed to that. That chain link goes 72 feet and it goes another 72 feet back. There's over 140 feet of my fence line that's chain-link. And there that chain-link was not falling down or falling apart, because if it would have my dog, would have got away and escaped, and that never happened. Now, the fence that was erected, so my gate is broken, okay? So my gate is broken on the side where it hinges, because of him messing around with it, or whoever was messing around. I don't know who the contractor was, but that gate is not right, and there's a gap like this that wasn't there before on the gate. And then the back corner, where it goes west from the telephone pole to the property line, where they took down the other neighbor's chain-link going the other way. There's a gap, same gap, which was never there before. We had puppies. We've had our dogs since they were 10 weeks old. Our yard was puppy proof. It's not that way anymore. So I don't know what else I can say about this, except I just wish I wasn't here. But you know, it's not acceptable, what with that stockade fence back there. It's not what we want. The subdivision is supposed to be open spaces, you know what I mean, and that's what Livonia has been to me. And so this changes the feel of the entire subdivision. So, yeah, well, that is true. So my wife just mentioned, so in our subdivision, there are a couple of fences up, the private, wood, but they're only partial fences, and they're all shadowboxes. Shadowbox is what was up before. With the shadow box you don't have one size bigger than the other. They're both about the same. So that kind of would have been nice too, but that didn't happen.

COPPOLA Okay. Couple questions for you.

DOUG STROHMER Yes, sir.

COPPOLA You would. So the fence, there was a six foot privacy fence where you're calling that the shadowbox, right? That was a six foot.

DOUG STROHMER I think it was five foot. I don't think it was six foot.

COPPOLA It was only five foot.

DOUG STROHMER Yep.

COPPOLA Okay.

DOUG STROHMER I could be mistaken.

COPPOLA Is that there? Did you put that up, or was that...?

DOUG STROHMER It was there when Matthews was there.

COPPOLA The Matthews were who you bought the house from?

DOUG STROHMER No, that was who Dave bought the house from.

COPPOLA So the question again, was the fence there when you moved here?

DOUG STROHMER Yes, sir.

COPPOLA Okay, so it's a pretty old fence.

DOUG STROHMER Yeah.

COPPOLA For wood. Wood doesn't tend to last. I'm just trying to remember if there was a picture.

TESTA There is.

COPPOLA [Inaudible] fence. Okay, where's the gate that you're saying was damaged? Where is that gate?

DOUG STROHMER So it's off the back corner of my house, which would be the south. So it's west corner of the house.

COPPOLA West corner, runs right off the back corner of your house. Okay, so now you're saying there's a gap.

DOUG STROHMER It's not that big, it's about this big.

COPPOLA But so when he moved it back onto his property line, now, there's a gap. Was there a gap before?

DOUG STROHMER No, there was no gap before. And also....

COPPOLA How's their gap now? He moved it back to his property line, and so then, how's there a gap now, if there wasn't a gap before?

DOUG STROHMER Because the fence was apparently over the property line.

COPPOLA The original fence?

DOUG STROHMER Yep, because there was a survey done, and that clearly was over. And, not only when--

COPPOLA When you bought your house, though. Back then you had to have a survey. Correct?

DOUG STROHMER Yeah, you had to have a mortgage survey.

COPPOLA Right? Wouldn't that survey have shown that the fence was on your property?

DOUG STROHMER I don't recall. To be honest, I don't recall.

COPPOLA You never had an issue with that fence being on your property up until he replaced the fence.

DOUG STROHMER Well, because he, not only did he replace it, if he would put it exactly where it was, my fence would have been closed. Would have closed, but it actually came further out of my property, and the gate wouldn't close. He tried to fix it a couple times because he knew it was wrong.

COPPOLA So there wasn't... so when the gate, it swings towards the fence, then...

DOUG STROHMER It goes [inaudible].

COPPOLA But the opening is against the fence.

DOUG STROHMER Correct.

COPPOLA The fence was replaced. You're saying because it was closer, it wouldn't go all the way closed. And then when he moved it onto his property, now there's a gap, but there's a gap because he moved it onto his property like you asked.

DOUG STROHMER The context was, they put in a little piece of chain-link. So now there's the wood fence, two poles, a little piece of chain-link, and my fence closes on that little piece of chain-link.

COPPOLA And that gate is a chain-link?

DOUG STROHMER Yes.

COPPOLA Okay, all right, when you were discussing this project with him, was there ever any discussion or mention of a permit being needed?

DOUG STROHMER We never got that far.

COPPOLA So you never mentioned to him that, "I got to pull a permit," or...?

DOUG STROHMER We never got that far.

COPPOLA Okay. So your position, just want to make sure that it's clear, because I appreciate everything that you said. Your position is, at this point, that there's no compromise, there's no change. You want the chain-link fence put back.

DOUG STROHMER I do, but I want to make sure that it's over on his.... It can't be on.... It needs to go back where it was. If he wants to put chain-link fence back, put it back where it was. But right now, the wood fence is over further than where the chain-link was.

COPPOLA So you're willing to have it with the chain-link back, but it's going to be on your property. Because you said right now that... you said the fence was, when it was installed, it was on your property.

DOUG STROHMER If that's the case, based on the survey I want.... He's got to take down the wood fence and put the chain-link up. It needs to go on the property.

COPPOLA Okay.

DOUG STROHMER I mean, it does. So I pay taxes. Dave pays taxes, right? So why would I give him my property? Why would he give, you know, vice versa? I don't want to give up any of my property. I pay taxes. He pays taxes.

COPPOLA I wasn't suggesting--

DOUG STROHMER No, I'm just saying no. But you know, it should just be on. You know that the part I'm good with the front part being wood, but he needs to put the chain-link.

COPPOLA Well, the front part was wood.

DOUG STROHMER And that's fine, and I told him that.

COPPOLA Anybody else have any questions?

BARINGHAUS Yes, I do, Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Okay, earlier, there was mention of the Livonia Hills Association. Are you familiar with that organization?

DOUG STROHMER I am.

BARINGHAUS Okay, when you're having problems with the Petitioner, did you consult that association to get them involved and enforce the guidelines of that association and that group?

DOUG STROHMER So I was not aware of the fact that we were going to be here today on this. I thought the enforcement was taking care of what him and I agreed upon. So no, the answer is no.

BARINGHAUS No. Okay. Do you have published rules on what can and can't be done in your neighborhood?

DOUG STROHMER Yeah, there's building restrictions as contained in Liber 13624, page 258, register number E322731, recorded March 18, 1958, now it also says it there. So it's one through 11, "Develop a state of restrictions, covenants, and conditions and agreements set forth in the foregoing paragraphs shall continue in full force and effect for a period of 35 years." And then it says, "After that date recording of this agreement, after which state set restrictions, covenants, conditions and agreements shall be automatically extended for successive periods and agreements and shall be automatically extended for successive periods of 10 years. Provided, however, that said restrictions, covenants, conditions, and agreements may be changed, modified, or amended at any time by recorded instruments signed by the holders of title to at least two-thirds of the lots in the said subdivision." So to me that says, with deed goes these covenants.

BARINGHAUS Were there any direct references to the installation of privacy fences?
[Inaudible]

DOUG STROHMER I believe there is in sections one through 11. So I think it's in....

BARINGHAUS So basically, there's nothing readily apparent in these agreements?

GASTON It calls for open lots.

BARINGHAUS An open lot?

GASTON Yes.

BARINGHAUS Okay. Thank you.

COPPOLA No. I mean, I'd like it to be a specific reference.

BARINGHAUS Yeah, that's what I was looking at.

COPPOLA I would suggest, if it's saying open lots, then there shouldn't be any fences.

DOUG STROHMER Well, I guess that's open to interpretation by the ordinance based on what is the intent. So what's the intent of the ordinance? I mean, what is the intent?

COPPOLA The ordinance has nothing to do with it. An association, and correct me if I'm wrong, Mr. Fisher, generally, the association bylaws and restrictions override, or at least are in addition to the ordinance. So the ordinance may allow a certain type of fence. But if the association, deeded association, rules say no fence, there's no fence.

FISHER Those rules are not enforced by the City, they would be enforced by the association. But yes, that is a potential answer, or at least maybe another question in this case is, what do the owners of the association rules say, and are they still valid?

DOUG STROHMER I'm not a lawyer, sir.

BARINGHAUS But that's kind of the general direction when this was occurring. I'm curious if you did consider going to your association, getting them involved. You never did, and I was wondering why you never considered that option.

GASTON He did when he wanted to find out.

[Inaudible crosstalk]

DOUG STROHMER I did know who the head of the association was, it was Miss Nancy Gaston, and I did reach out to her once this issue came up. I did reach out. Did I do it ahead of time? No, I didn't think it was necessary. I thought Dave and I had come to an agreement.

BARINGHAUS Okay. Great. Thank you.

BOLOVEN Mr. Chair. Question for the neighbor, starts with... Mr. Strohmer?

DOUG STROHMER Yes, sir.

BOLOVEN Couple questions, starting with the dog. What type of dog is it?

DOUG STROHMER It's a borderland mix.

BOLOVEN A borderland mix is not related to any [inaudible]?

DOUG STROHMER No, sir.

BOLOVEN I want to go back to the timeline of this, because I heard you, your testimony, your statement versus what the Petitioner stated. You guys spoke about this that summer, about replacing the whole line of fence. Did you guys come to an agreement to a four-foot vinyl with two-foot lattice?

DOUG STROHMER No.

BOLOVEN What's wrong with that statement that I just said?

DOUG STROHMER Did we come to an agreement on a four-foot vinyl with a two-foot lattice?

BOLOVEN Yes.

DOUG STROHMER He said no because he couldn't afford it.

BOLOVEN [Inaudible] back, you would have been okay with that down the line, the four-foot vinyl with the two-foot lattice?

DOUG STROHMER I would have.

BOLOVEN Okay. Fast forward....

DOUG STROHMER Because the maintenance, no maintenance.

BOLOVEN I understand. Fast forward. You have a fence that pops up. You file the complaint, the City inspects, and you try to come to some agreement. What was your understanding of the agreement?

DOUG STROHMER He could move the fence off my property, get a survey.

BOLOVEN Which fence? So let's start there.

DOUG STROHMER The front part that goes from his house to the corner, and from the corner west of the telephone pole. It wasn't clear that it was on my property, but based on a few different assumptions it was over on my property. The only way to clarify that was to get a survey. Once that was clarified, move the fence. We agreed to that. He was going to get a survey, move the wooden part of the fence. The second part was that he would put the chain-link back, because we did not want that high-maintenance wood fence that makes our backyard look like a stockade. We didn't want that.

BOLOVEN So your assumption was that your agreement was he was going to take the -- I'm going to separate the two -- I'm gonna say the chain-link and the wood, which the wood is the old privacy. Your assumption was, he was going to move the entire fence, wood and chain-link, back more into his property.

DOUG STROHMER Yes, sir.

BOLOVEN You had stated, when the survey was done that the original fence was on your property. Is that true?

DOUG STROHMER It was an assumption, because I don't know what it said. I'm here answering a question. I've only assumed that that's true.

BOLOVEN Do you believe that the wood fence, which was the old fence, is that more on your property line, less on your property line, or is it in the same place? Where it is currently now, since it was replaced.

DOUG STROHMER So it was replaced, but then was moved. So.

BOLOVEN I understand.

DOUG STROHMER Okay.

BOLOVEN What I'm asking is: the current location of the wood fence, that first part of the fence....

DOUG STROHMER Yup.

BOLOVEN Is that in the same place as the old wood fence? Is that more in your property line, or is that less in your property line?

DOUG STROHMER Less.

BOLOVEN So it's moved back closer to....

DOUG STROHMER To Dave's house.

BOLOVEN The Petitioner's house, and where's the gap coming?

DOUG STROHMER So one guy tried to fix the gate, and they put in two posts with a little piece of chain-link. The post wasn't close enough to the gate, so it just barely, it barely hooks the post. So now there's a gap.

BOLOVEN So if he moves closer to his property line, is it going to create a bigger gap?

DOUG STROHMER If he moves closer to....

BOLOVEN You're saying that—

DOUG STROHMER No, because that's already gone. So that's not the chain-link part. That's at the wood part.

BOLOVEN I'm separating out the two. You're asking him to move the entire fence onto his property line. Is that correct?

DOUG STROHMER Yep.

BOLOVEN Okay, so then we got the wood, we have the chain-link. Let's focus on the wood. That's the replaced part. He moved it more. It was already on your property line. He moved it back closer to his but he's still on your property. You want him to move that all the way on his property? One of your biggest concerns is this gap?

DOUG STROHMER It's not my biggest concern. It's not. I just wanted to point it out.

BOLOVEN Isn't the gap going to increase, though, the more he moves it back to his property line?

DOUG STROHMER He doesn't even move it anymore. It's already been moved.

BOLOVEN I'm missing something here. Let me ask again. Do you think that the wood fence where it is right now, does anything need to change with that fence? Just the replaced part. Is there anything that has to change there?

DOUG STROHMER So the part from the telephone pole to the east to the corner of the house, is fine.

BOLOVEN That's fine.

DOUG STROHMER Except for it goes like this.

BOLOVEN What do you mean, it goes like that?

DOUG STROHMER It's not put in straight. It's not straight. It's not put in right. It's really not. I put in a lot of fences.

BOLOVEN Okay.

DOUG STROHMER It's not straight.

BOLOVEN Taking that aside, the property line. There is no property line issue with that first part?

DOUG STROHMER No.

BOLOVEN Is that where the gate is? Is that where you had the issue? So that's resolved. That's done.

DOUG STROHMER Except my gate's broke.

BOLOVEN Okay. Property line issue is done. Gate's broke, but property line issue's done, gap issue's done, I'm not... correct?

DOUG STROHMER Yes, sir.

BOLOVEN Going to the chain-link side. You mentioned shadowbox. You mentioned that you would have been okay with the shadowbox. What was that shadowbox for? That type of fencing. What were you okay with shadowbox?

DOUG STROHMER I like the look of it and it's what was there before. So basically you'd be replacing what was there before.

BOLOVEN So would you be okay if it was shadowbox all the way down?

DOUG STROHMER No.

BOLOVEN Were you okay with shadowbox? Where on the property line did you want shadowbox?

DOUG STROHMER It's a moot point now. It would have been nice to have the shadowbox. He's got the wood fence up. I'm not asking him to change it to shadow. He can keep that part of the fence. It was wood before. It was not that wood. Okay, the shadowbox would've been nice. Would've been better with the neighborhood, because it just doesn't go. But the rest of it gotta go.

BOLOVEN So you just wanted shadowbox in the first place.

DOUG STROHMER I would have liked vinyl, but I wasn't paying for it. It was not my choice.

BOLOVEN You would have done vinyl all the way through.

DOUG STROHMER I probably would have.

BOLOVEN You would have done vinyl all the way through.

DOUG STROHMER I wasn't paying for it. I wasn't the one who was trying to change the fence. I was fine with the fence. He was the one that wanted to change the fence.

BOLOVEN Thank you, Mr. Chair.

TESTA Mr. Chair. Question for the neighbor. So thank you for speaking. It's good to hear both sides. I wanted to follow up on the vinyl fence. Part of your comment was you moved into the subdivision for the open views. You talked about the trees that were once there and they were removed, you said. Did the neighbor talk to you about that before they were removed, or they just took them down?

DOUG STROHMER I don't know the timeline of that, but once the tree-- and I don't even understand why you would... it was nuts. The trees were nice. It could have been maintained, and there was privacy, full privacy, except in the wintertime, but so is the rest of the neighborhood.

TESTA Okay. The word you used before, I guess I'll use it again for privacy.

DOUG STROHMER He's the one that's like, he's worried about me looking over his fence into his pool, that's what I heard.

TESTA Right, right. But you're also saying you want an open view. Those two things conflict. If you're saying those trees are creating privacy, you didn't have an open view before, right?

DOUG STROHMER But it was natural.

TESTA Okay, fair point. Regarding the vinyl fence that you would have been okay with. Why was that okay if you want to be open to view?

DOUG STROHMER I was trying to be a good neighbor.

TESTA Okay. Thank you. And then last question regarding the Jimenez family. They also spoke. They're looking to put in a fence as well. [Inaudible] fence. Have they approached you about that yet?

DOUG STROHMER So... I guess the answer. So I was at work one day. Now, Mr. I don't even know the man's name that spoke with his two children, but I was at work and he came knocking on the door. I wasn't home, it was dark. There was no car out front. So in our neighborhood, we usually know when somebody's in the neighborhood because we can see a car, because we don't have sidewalks. People aren't walking through. It's not a through street. It's a closed subdivision. My wife got scared. She called me at work. She called the neighbor across the street because we didn't know who was at the front door. She wasn't going to open it because I wasn't there. Nobody was there. She didn't know who was at the door. When I got home, my wife said he walked-- the neighbor across the street. She called the neighbor across the street. He was looking out the window. He said he saw a person walking across Dave's lawn that way. So I called Dave, and I said, "Dave, somebody was walking across your lawn. Carol Ann was scared. Did you see who it was?" He said, "No, but it could have been the other neighbor coming over to talk about the fence." I said, "Okay." So I went around to the other neighbor, next to Dave, and approached him, knocked on his door, and we had a conversation. That was the first time I met the man, and he was telling me at that time that I was a bad neighbor. I was causing problems, and the issue wasn't with him and I, the issue was with the property line between Dave and I. I had nothing to do with whatever was going on on that side of the fence, but he did mention that he wanted to continue the wood fence the rest of the way. That was his intent was to make sure that I wasn't going to give him problems.

TESTA Okay, so I assume you're not going to be in favor of him continuing that wood fence.

DOUG STROHMER At this point? No.

TESTA And even if we judge tonight that that fence can stay, are you still going to be against your other neighbor?

DOUG STROHMER I don't want that wood fence either.

TESTA Thank you.

COPPOLA Any other questions? You may have a seat, thank you.

DAVE STROHMER Thank you, sir.

COPPOLA Somebody else would like to speak for or against the petition?

CAROL ANN STROHMER I am Carol Ann Strohmer, I live at 20535 Meadowview Street, Livonia, 48152, and you were asking about, was he okay with the vinyl fence. The vinyl fence that had four-foot vinyl and then had lattice on top, which they did not want. So, no, I'm not okay with the top, just all vinyl. That's it.

COPPOLA Okay, thank you. Anyone else?

[UNKNOWN SPEAKER] Could I make one last comment?

COPPOLA I'm sorry. I apologize. We gotta keep things moving on.

[UNKNOWN SPEAKER] All right, go ahead.

COPPOLA Yeah, please. We've got correspondence?

KLISZ Yes, we have one letter, a letter of approval.

COPPOLA All right, hold on a second. Hold on. Did you...?

BARINGHAUS Yeah. Just go right to the....

HOUSE May I say something?

BARINGHAUS Go to the podium, please.

HOUSE Hi. I'm Monica House. I would like to add something.

COPPOLA I need your address also.

HOUSE With Dave.

COPPOLA Okay.

HOUSE So for me, I like the privacy fence. That's what I like. One time, I know I love dogs, but the dogs killed me. I was cleaning my fence, my flowers. I thought it's gonna attack me, and I almost fell on my back, because I know it's the fence, right there. Chain-link is there, but I'm still scared. I know I love dogs, but I like the privacy fence. That's it.

COPPOLA All right, thank you.

KLISZ And one letter of approval. Donald Landess, L-A-N-D-E-S-S, 38640 Morningstar (letter of approval was read).

COPPOLA All right. Thank you. All right, Mr. Bozyk, would you like to have a closing statement? You need to step up to the podium.

BOZYK Just a couple things. First, I know it's minor, but he had mentioned the gate that we fixed or moved, per se. Actually, I have a picture of it. I mean, if that helps at all, if you guys want to see a picture of what we did, but we actually added almost six inches, seven inches onto my property line. And that definitely-- we moved that fence a substantial amount onto my property line, that he had asked us to move after the survey. Now, as for where the chain-link was before, he had actually argued, when we're putting in where the gate was. He's like, "Hey, you're on my property line." So when we put in the remainder of the fence in question, where the chain-link used to be, we actually had put the fence in and then taken out the chain-link, so we had moved it already substantially even more on our property line. And when we got the survey done, that surveyor said, from the telephone pole back to the end was not on his property line. It was only on the property line from the telephone pole to his gate, where he had mentioned was in question, but the remainder where it is right now, it is not on his property line, and that survey should show that it's at the zero mark at the telephone pole. So it's not. That's all.

COPPOLA Anything else?

BOZYK Nope.

COPPOLA Okay, thank you very much. You can have a seat. I'm going to close the—

STIERNA Mr. Chair?

COPPOLA Yes?

STIERNA Briefly, question came to me from the side regarding HOA approvals, part of the neighbor agreement requests, if there is an HOA in place that requires approvals, and they are supposed to supply that to us if there is an HOA.

COPPOLA So the Petitioner is supposed to....

STIERNA Correct.

COPPOLA Correct, so that's not something that you'll chase down. This doesn't seem like an HOA. It seems like there's more, like a deed....

STIERNA Yeah, the deed restrictions are handled a little differently, but for the purposes of HOAs, we do ask that they voluntarily give us information.

BARINGHAUS Mr. Chairman? Just a question for Mr. Stierna. Was that permission provided to you at the time of the permit?

STIERNA I would say it would have been, but I would have to double check the application. I'll take a look. I'll have your answer at the moment.

BARINGHAUS And then going back to an earlier statement in the meeting regarding the permit. The permit was for a combination of wood and chain-link fence?

STIERNA Correct.

BARINGHAUS As described on the site plan?

STIERNA As described on the site plan, and as written in the application.

BARINGHAUS Okay, very good. Thank you.

BOLOVEN Mr. Chair?

COPPOLA Mr. Boloven.

BOLOVEN Sorry, a question for Mr. Stierna, real quick on that point. I thought the City's position was on the fence if there was a deed restriction or HOA restriction, that's a contractual issue between the homeowners association and the resident, that it wouldn't stop Inspection from issuing the permit. Is that a true statement?

STIERNA That is a true statement, we do still request that they voluntarily provide that information.

BOLOVEN So even if they would have voluntarily told you the HOA hasn't approved it, would that have stopped the issue?

STIERNA We would have stopped it if they said the HOA has not-- if they said there's an HOA in effect with restrictions and has not been approved, then we will stop the permit.

BARINGHAUS Excuse me, Mr. Chairman, but you will grant a permit without the HOA permission?

STIERNA No.

COPPOLA They will if they don't have knowledge.

BARINGHAUS Knowledge.

STIERNA Yes, correct. Often, what we'll see is the "no association" checked off.

TESTA Sorry to add to this, but in this case, since it would have been a replacement, would you maybe neglect that because you would assume they already had permission, already fenced in?

STIERNA It's changing the nature of the fence from the privacy or, excuse me, from the chain-link to a privacy.

TESTA Yes.

STIERNA At least on the one neighbor's side. So no, we would have still looked.

TESTA If it was from chain-link to chain-link you probably would have...?

STIERNA Probably not, no. Particularly since there's a pool involved and there are code requirements there.

TESTA Fair point. Thank you.

COPPOLA Anything else? I'm going to close the public portion of the case. I will start the Board's comments with Mr. Testa.

TESTA I knew that. You don't want to start with our new Board member?

COPPOLA I do not want to do that to the new Board member.

BARINGHAUS Next meeting.

[Laughter]

TESTA Okay, yeah, I'm really at a loss on this one. I don't mean to make light of it. It seems like a Judge Judy episode. This is probably the toughest case I've ever heard. I'm torn, disappointed. I wish we weren't here, and I think everyone feels that way. I'm still troubled with how we got here. Looks like maybe a perfect storm. I would want to say, try to table and see if you guys can work it out. Obviously, I don't think that's going to happen based on comments here tonight and the history of everything. I do want to thank the Jimenez family for coming out and the young lady who read the letter. Great job. That letter swayed me quite a bit. It kind of reinforced a lot of what the Petitioner was saying, the struggles with communication with the neighbor. I don't like to reward people who [have] done the crime without a permit, but in this case, I think I somewhat understand how we got to that spot. So maybe, maybe that point is going to be overlooked. One other case maybe I was not so willing to overlook. I'm going to be interested where other Board members' comments go, but right now I'm torn, but I think I'm

going to side with the Petitioner on this, simply because the comments from his neighbor collaborating the situation, and I think it was a breakdown of communication, and that the neighbor originally was going to be fine with this, and when he decided not to build the fence, things deteriorated.

COPPOLA Thank you. Mr. Boloven.

BOLOVEN Thank you, Mr. Chair. It's unfortunate. It seems like your guys' community, and even your relationship as neighbors, over the last 11 years, you had a good one, and this has drawn a division, no pun intended, with the fence. I'm actually divided here. But the standing policy of this Board and the City has been not to force people to have fences, and it's the hard part about this case. But you got mixing views from neighbors. You got neighbors that are in support of it. You got neighbors that are against it. What it comes down to, and that's why the City has that form, is the direct neighbor, and if he doesn't want it, unless there was some egregious situation which isn't occurring here. In fact, you can't force people to have fences. And he had the cyclone fence. He has a right to have that cyclone fence. He can't be forced, in my opinion, to have a privacy fence put upon him. As such, here I would deny the petition. Thank you.

COPPOLA Thank you. Mr. Rotondo.

ROTONDO Yeah, thank you. Obviously, there's a lot here. Thank you, everyone who commented on the situation. We had a lot of participation, so I appreciate everyone for coming out. There's a lot to unpack here, and when it comes down to it, I think at the end of the day, it was the agreement with the neighbor that [they'd done] the permit's submission with the plans that then changed when the installation happened. So I don't know that I can be in support of this. I don't know if there's enough here for us to issue a variance with this. I hope that the two neighbors can get things worked out and come to some kind of an agreement with the situation. Thank you.

COPPOLA Thank you. Secretary, Klisz.

KLISZ I agree with Mr. Boloven. Unfortunately, and it is... I paid a lot of attention, listened to everyone very carefully, and it's a tough case, but that is the problem. Once the neighbor comes and says, "I didn't approve of this, I'm objecting to it," and our tradition is to not force a neighbor to have a fence that they don't want. So I get all the hardship. I get all the cost, but the end of the day, whether it came to us as [an] appeal without a permit or not, I think doesn't really make a difference, unfortunately, so I will be against this tonight.

COPPOLA Thank you. Vice Chair Baringhaus.

BARINGHAUS Thank you. Yeah, again, it's unfortunate. It's been a very long story, but I guess the point you have to go back to is the point where the permit was drawn based on the

fact there would be a combination of wood fence and chain-link fence, and that was communicated to the neighbors in order to get approval for that variance to be granted by the City itself, and then to have a change of heart after the fact, and stay with the actual wood fence. Not a lot of clear communication on the specifications of the fence. One neighbor was left with the impression it was going to be vinyl with a combination of lattice and wood. That never happened. And other neighbors have the impression nobody wants privacy fences in the neighborhood, that it's a wide-open space. Well, there really isn't, because now you have a stockade fence in your neighborhood. Actually, you have several other fences as well. So I'd say, in terms of neighborhood, probably a nice step, and maybe a lesson from tonight is you need to band together and get a deeded association with firm guidelines, especially with fences. My association, we deal with this internally. We don't wait for the City to send us a letter and say, "There's a problem in the neighborhood," we deal with it directly. I find it amazing that the Petitioner has lived in the neighborhood, maybe since 2014. Never consulted the association in terms of the guidelines. I didn't hear that tonight. Did the Petitioner actually research the ordinances for the City prior to building this fence? Probably should have asked that question. We didn't. But apparently, from the conversation, it didn't happen as well. So based on that, I will not be in support of the variance tonight. Thank you.

COPPOLA

All right, thank you. Mr. Meagher.

MEAGHER

Thank you, Mr. Chair. I really do appreciate the voices here tonight, hearing both sides, especially from neighbors and others in the community. I think that Livonia has a long-standing tradition of neighbors having a right to privacy, but I also understand neighbors having the right to move into a neighborhood that is open. That's something that my wife and I looked at when we were looking to purchase a house. At this point, I can't side with the Petitioner.

COPPOLA

All right, thank you. I'm also not going to support the variance. I think it starts with a pretty unfortunate error on the Petitioner's part. I don't think it's... sitting here and pointing fingers and such, but it was an important error. If you had gone to the City and asked for a permit for what you have done, if you would have been at that time advised you needed the, in order to get a permit, you go to your neighbors. Basically, they sign off on a form of approval, and that would have precluded you from unfortunately spending all the money that you have spent. Important lesson is, any major changes you make to your property, you should always at least call the Building Department and ask whether a permit is required. So that's unfortunate. I think everything else really kind of becomes moot. We do as a Board, I can only think of one instance where we've actually approved a variance for a six-foot privacy fence without neighbor approval, and that was a very extenuating circumstance where the neighbor had significant violations. The backyard was a disaster, and there was just a lot of issues. I don't see that here. And so while I may or may not agree with the neighbor that doesn't want to provide you their approval, that is their prerogative, and that's what the ordinances permit and require. So it's again, I do empathize with you. I feel badly for you. It started with a very critical misstep at the beginning, and it's unfortunate, but we're here where we are today and again, while I wish that the neighbors, all the neighbors, would come to an agreement and be happy,

that unfortunately, that's just not gonna be the outcome tonight. So I'll 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. 2024-11-39, filed by David Bozyk, be denied for the following reasons and findings of fact: that the Petitioner has not demonstrated to the Board that a practical difficulty exists, and that due to the direct neighbor's objection to the requested fence and variance. Further, that the denial of this appeal is in the best interest of the City of Livonia.

KLISZ Support.

COPPOLA I have a motion by Mr. Boloven, supported by Secretary Klisz. Generally, we don't have a discussion on this. Only, I would suggest that, because we're kind of in the middle of the winter, we provide the Petitioner some time to remove and replace the fence. So in other words, provide guidance to the Inspection Department, say, give them a certain period of time. I'm hoping for suggestions.

BOLOVEN Can we do that?

COPPOLA I think we can.

KLISZ Sure.

FISHER Sure. That's not unusual.

BOLOVEN January, February, March, April, May....

MEAGHER Six months.

BOLOVEN Three months? Three months, six months?

COPPOLA Six months. I would do six.

BARINGHAUS Yeah.

BOLOVEN Mr. Chair, move to amend my motion to add that the Petitioner has six months to comply with the zoning code.

KLISZ And I agree with this.

FISHER Mr. Chairman, may I just add something? By way of findings of fact so we have a clearer one that the Petitioner did renege [inaudible] DOA [inaudible].

COPPOLA Sorry. Say that again?

FISHER I was saying the Petitioner had, by way of sort of beefing up the findings, the Petitioner did renege on an earlier agreement, which is how we got here.

COPPOLA I might be wrong, but I believe that permit was issued. It was issued after the fence was put in.

BOLOVEN I get what Mr. Fisher is looking for. Let me try to add it into the findings of fact. So: Furthermore, adding to the motion for the reasons and findings of fact that a permit was issued due to an agreement by the Petitioner with the direct neighbor. But that permit was only issued based on an understanding that a wood fence and chain-link fence were going to be constructed, not the all-wood fence that has been left there and constructed by the Petitioner. As such, the direct neighbor objects strenuously to the wood fence being put where the chain fence was. And the denial of this is in the best interests of Livonia.

KLISZ And I continue to support the amended finding.

COPPOLA You can go ahead and take the roll.

KLISZ Sure.

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

RESOLVED: APPEAL CASE NO. 2024-11-39, David Bozyk, 38530 Morningstar: Seeking to maintain a privacy fence erected in conflict with the approved plans, resulting in a privacy fence erected along a common property line without neighbor approval, which is prohibited.

This Low-Density Residential property is located on the north side of Morningstar (38530), between Meadowview and Hickory, Lot. No. 022-01-0009-000, RUF District, Rural Urban Farm, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.090B, Residential District Regulations,

be denied for the following reasons and findings of fact:

1. That the Petitioner has not demonstrated to the Board that a practical difficulty exists,
2. The direct neighbor objects to the fence and the variance,
3. A permit was issued based on an agreement made between the Petitioner and the direct neighbor that the fenced-in area would be fenced in partly by a wood fence and partly by a chain-link fence, but instead an all-wood fence has been left there and additional wood fencing was constructed by the Petitioner where the chain-link fence was supposed to be located, and
4. That denial of this variance is in the best interest of the City of Livonia.

Further, that the variance **be denied** with the following condition:

1. That the 72 feet of contested fence will be removed within 6 (six) months. It may be replaced with the agreed-upon chain-link fence or fencing which would comply with the fence ordinance, also within 6 (six) months.

ROLL CALL VOTE

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

NAYS: None

PASS/FAIL/TABLED: PASS: DENIED

KLISZ Mr. Meagher. Vote aye or nay.

MEAGHER I'm saying...?

COPPOLA So if you're approving, you're approving the denial or denying?

MEAGHER Approving the denial. Aye.

KLISZ Thank you. 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 Passes seven zero.

COPPOLA Mr. Bozyk, your case has been denied. And as such, we have to remove that, what was it, [72]-foot section of the privacy fence. You would not have to actually put a fence in. Well, you would probably because of the pool, but generally wouldn't have to put a fence in. You could put a chain-link fence in. You put another type of non-obscuring four-foot fence, anything else you'd like, or in the six months that we've allowed you to remove it, come up with something else that is agreeable to your neighbor. Again to resolve, while we denied your petition, you could always go forward and ask for a permit if you get the neighbor's approval. So that's open for you, but at this point, you'll have to move that section and then put a conforming fence in that doesn't require your neighbor's approval.

BOZYK So basically, six-foot chain is back.

COPPOLA I believe it was a four-foot chain.

BOZYK All right. Correct. Four-foot chain.

COPPOLA Correct. All right.

TESTA Can we take five minutes?

COPPOLA Five-minute break?

TESTA Yeah.

COPPOLA Okay, take a five-minute break.

The Board recessed for a five-minute break.

APPEAL CASE NO. 2024-12-41, Seven Mile/Farmington Venture, LLC, on behalf of Lessee Meijer, Inc., 33500 W Seven Mile Road (tabled on January 7, 2025): seeking to erect a sign package resulting in an excessive number of wall signs, total wall sign area, wall sign size and directional signs in excess sign size.

Number of Wall Signs

Allowed: 2
Proposed: 6
Excess: 4

Maximum Area

Allowed: 494 sq. ft.
Proposed: 496.7 sq. ft.
Excess: 2.7 sq. ft.

Maximum Wall Sign Size

Allowed: 200 sq. ft.
Proposed: 253.7 sq. ft. (sign D1)
Excess: 53.7 sq. ft.

Maximum Directional Sign Size

Allowed: 2 sq. ft.
Proposed: 6 sq. ft. (sign C4) and 4 sq. ft. (sign C5)
Excess: 4 sq. ft. and 2 sq. ft. respectively

This Mixed Development Center property is located on the north side of West Seven Mile (33500), between Farmington Road and Norwich Road, Lot. No. 016-99-0016-003, C-2, General Business, rejected by the Inspection Department under Livonia Zoning Ordinance, Sections 11.08 (3) – Sign Regulations in C-2 districts & 11.06 (8): Exempt Signs.

BARINGHAUS Mr. Chairman?

COPPOLA Just one second, if you would. [Inaudible]

BARINGHAUS Thank you. Okay. Motion to remove Appeal Case No. 2024-12-41 from the table.

BOLOVEN Support.

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

The Board voted unanimously to remove Appeal Case No. 2024-12-41 from the table.

COPPOLA All right. Everybody voted in favor. Mr. Stierna, anything you'd like to add?

STIERNA Yeah. So there's a couple of changes that came in. One of them removes the total excess area of the total signage area. They reduced a couple signs so that it comes down within conforming limits of total square footage of signage. Additionally, you may have noted that I had removed the blade signs from their area as well. Those are separate signs and they conform as well.

COPPOLA Okay. Any questions for Inspection? Seeing none, Petitioner, name and address. Spell your last name.

JONES Crisman Jones, J-O-N-E-S, senior real estate manager of Meijer, Inc.

COPPOLA That's Cris with no H, right?

JONES No H, correct. C-R-I-S-M-A-N. And I'm at 2929 Walker Avenue, Grand Rapids, Michigan.

TESTA Mr. Chair, sorry, I did have a question for the Law Department.

COPPOLA Sure. Can you just give me one second? I apologize.

TESTA It also, to be full disclosure. I communicated with Mr. Fisher last week about this case. I first asked about the Petitioner being Seven Mile Farmington Venture, LLC, and I didn't think anyone could come there specifically. Okay, thank you. Okay, and the other thing I asked about last week -- or Mr. Fisher, was regarding if we had any documentation regarding signage of the townhouses. So I think Mr. Fisher had some renderings added to the package, something as of Thursday, everyone had access to those. That's where those came from.

BARINGHAUS Okay.

TESTA Thank you.

COPPOLA All right. Okay, Mr. Jones.

JONES Just real briefly, David Johns, from Schostak Associates is -- or Schostak Brothers -- is here with us tonight, and I'll direct any questions regarding the townhomes to him. If that's okay with you, Mr. Testa, and I believe he brought a Concord board, just in case the townhome signage didn't make it into your package, he has something with him, because I think there was some discussion about conformity and harmonious signage and that type of thing. So if you have any questions about that sign, David's here tonight. I think I'll pick up on Matt's introduction. We did go back and look at the size of our pharmacy drive-up and went back and looked at the size of our curbside and reduced both of those signs to fit down to the maximum signage allowed, 494 square feet. So we do not exceed the total maximum signage. And I'm not requesting a variance on that item. We are here tonight before you to request a variance on six building signs, and our hardships remain the same. We went through a very rigorous, extensive general development plan approval with Planning Committee or Planning Commission, City Council, numerous neighborhood meetings, numerous work sessions, several Planning Commission meetings. And I'm not going to say they agreed with our signage, because the resolution they ultimately passed asked us to be kicked back to your Board to discuss any waivers over the ordinance, so. We do have six signs on the building. We consider really five of them... well, let me say four, wayfinding. We still have a relatively big building. Our hardship is, we're two and a half times what's permitted in C-2 as the size. I think C-2 allows a 30,000 square-foot building. We're 75,000 square feet. So it's still a... we're on 9.7 acres. So we still have a large parcel, large building, and we have the two ends of the building, one that's curbside. So you guys all know what that is, it's more digital ordering, and so it directs

customers to that side of the building. And then our pharmacy drive-through. A lot of customers don't go in the store [to] pick up their prescriptions. They prefer just to use the pharmacy pickup so that we direct customers to that side of the building. And I think that helps the internal flow of traffic, as we've found. It helps with pedestrian safety. It helps people park on the edges when they're only using those services. So there's some benefits to those additional signs. The "Local" and "Fresh Since 1934" are on the building, and then the "Meijer Grocery." The sixth sign is "Bottle Return." And again, that's something that only required in Michigan, within our six-state footprint, to have "Bottle Return." And the "Bottle Return" sign is on the building. I would say, right out of the gate, there is no reason we can't move that "Bottle Return" sign into the glass of the bottle return area. It still accomplishes the same thing, and it eliminates one sign from the building. So right out of the gate, I'll offer that up to the Board. And I think the last time we were in front of you, the Board, which I thought was really brilliant asked for us to demonstrate what other size, other stores in our footprint, as we provided a table of Lake Orion, Macomb, Noblesville, Indiana, and how they compared to here in Livonia. And Indiana was much more generous than Michigan is, as you can see, so maybe that's kind of tossed out the window, but you know, we're right in line with Macomb and Lake Orion. I really am happy to answer any questions that the Board has. The wayfinding signs, we talked about some of the parking lot signs, and I think we can, for example, we can take the "Curbside Pickup" sign and make it three signs on one post, with each sign being two square feet. And we got the impression from our last time here that that was kind of silly. Why don't you just make it a six-foot square, but now it needs a variance. So, so those are site signage, signs within the drive aisles of the parking lot, and there's a diagram in your package that kind of shows the routes that we're trying to get customers to take. So that's why that variance is in the request. I think the only other one is the is the "Meijer Grocery." And you have [an] ordinance that says 200 square feet max, and ours is slightly over that.

BARINGHAUS Mr. Chairman?

COPPOLA Vice Chair Baringhaus.

BARINGHAUS On your letter, it's from Fish--

JONES Fishbeck.

BARINGHAUS Yes.

JONES Our engineer.

BARINGHAUS Yes, your engineer. They did a [inaudible] wall sign, and they did a comparison against four stores: Lake Orion, Macomb, Noblesville, and Livonia. The Lake Orion store, is that about 90,000 square feet?

JONES It is. We took about, I don't know, a year to study those two stores, Lake Orion and Macomb. And we had a lot of fun with those two stores. This was the first time we

built 90,000 square-foot stores. And we decided to make a couple of compartments a little bit smaller. For example infants, we decided to make that a little bit smaller. We also felt like a couple of our aisles were too wide. They were like three-cart wide, and we decided to narrow them down to two-cart wide, and all that learning and seeing what we can put, like a heat lamp on our store and know which areas are selling the most products, where those products need to be assorted. So we came out of that after a year or so of opening Lake Orion and Macomb and decided to make this prototype 15,000 square feet smaller.

BARINGHAUS The Livonia store, that's about 77,000 square foot?

JONES Yes, it's 75 and some change.

BARINGHAUS Okay, gotcha. The reason I'm asking is, I'm looking at some of the signage, for instance, "Bottle Return." That sign at your Lake Orion store, 90,000 square feet, 6.7 square feet. But then at the Livonia store, which is smaller, it's actually a larger sign at 11.7 square feet.

JONES Right.

BARINGHAUS I was just wondering what the rationale was for that.

JONES I don't think there's really.... I noticed Macomb is 11.7 square feet. I think we could go either way, on that sign. Honestly, we could do either one.

BARINGHAUS Okay, there's even, going back to the Lake Orion store, the "Fresh Since 1934" signs and "Local Since [1934]" 40 square feet, but Livonia again, a smaller store, they increased to 56.6. I'm just curious what the thinking was there, for having a larger sign on a smaller store.

JONES I understand your point. I think we looked at being willing to put "Bottle Return" inside a window so it can go down to 6.7 square feet, was [inaudible] with us. And then our rationales would be in ordinance at 490 square feet.

BARINGHAUS In our last meeting, you talked about walkability, safety, especially with the townhouses, and going to the Meijer store itself. Can you touch on some of the enhancements you made in that area?

JONES Well, what we've done is we have, you'll see on our-- I don't know if it's part of this package, but on our site plan, we addressed a lot of those walkability items with Planning Commission and City Council. For example, we added three what we call pocket parks, pop public park operated by a private entity. So we have three parks in this project. We have one in an area between, right on Farmington, between the townhomes side of the property and the Meijer side of the property. We have a pocket park that we're going to feature a piece of artwork and some benches in. We also did a pocket park at the intersection of Five Mile and

Farmington. We also did some lawn area in front of our main entrance to the store, and put out some tables and benches. Their seating area at the corner of Farmington. We also have numerous crosswalks in our site and striping that provides crosswalks for pedestrians. We have foot traffic. You go between the town project and the Meijer project. We did everything we could with the parcel size we have to accommodate green space, landscaping, pocket parks with art, sitting benches, crosswalks. I think when I looked at the Vision 21 plan, that was a lot of what it was going to accomplish was walkability and mixed use. And I believe after multiple reiterations, we got there.

BARINGHAUS Okay, thank you.

COPPOLA Mr. Jones, last time you were here, we had a discussion regarding the "Pickup" sign, and I had suggested that maybe that might be something you wanted to reconsider. I see that nothing, in essence, really has changed much in your proposal regarding the "Pickup" sign. That's one. That's the building sign, not the only directional signs.

JONES Right. We only lowered it, I mean, decreased it by less than a foot in square feet. Correct. We did decrease the size of it.

COPPOLA Right. So again, the "Pickup" sign is facing east, the northeast parking lot. You don't believe that's going to create confusion for people coming in and off of either Seven Mile or the lower entrance on Farmington, the further south entrance on Farmington, when people see that "Pickup" sign, aren't you telling them to park where the pickup is? I mean, that's not where the pickup is.

JONES Right. The pickup is around the side and more faces McDonald's.

COPPOLA Yes.

JONES I really feel like... I understand the question. I understand being pragmatic about it. I really do believe that if you're a curbside and digital shopper, once you go to the building and you see where the spaces are numbered that you park in, and they have a phone number on those signs, I think that's something that gets... is habitual. I think people get used to where it is. The "Pickup" sign orients them towards that end. And then there's some lower signs that are more handicapped kind of parking height, that direct a more at eye-level in their cars.

COPPOLA And you're going to have a monument sign, which was the one that was in three pieces, and you put back in the one which I think I would prefer that, and I think it would be more helpful to the people looking for "Pickup" than the one that's on the wall. Again, because you're asking us to provide more wall signs than normally is allowed. I do appreciate you lowering the size to get within compliance. I just want to make sure when we're approving additional signs, that we're putting things, additional signs, that are needed and useful. And I really am struggling with this "Pickup" sign, as I was in the last meeting.

JONES I understand, Mr. Chairman.

COPPOLA So again, after being at last meeting. You guys like to keep that on there, so there's no specific reason beyond that. Normally, you'd have a bigger sign. I didn't hear anything beyond that from you really.

JONES Well. I mean, it's, you'll see it. We have it in all three other locations, that there's "Pickup" on those three buildings. It's a relatively new shopping experience, and we like to have the benefit of the sign on the building to direct people to that end of the building. If I walk out here tonight and we have approval and the "Pickup" is removed, I still think it'll operate successfully with the blade sign that's there, so I can appreciate the comment, and I won't try to belabor the point that we can live without it.

COPPOLA Okay. Other questions for the Petitioner?

BOLOVEN Mr. Chair, just a quick question on the point. I remember you stated in the last meeting, Petitioner, that you moved it from the north side to the... let's call it east side. Why was that switched?

JONES Your ordinance [inaudible] support doesn't allow anything on the back or the side of the building, so that was the reason it moved to the east side.

BOLOVEN You guys didn't want to apply for a variance for that?

JONES No, sir.

BOLOVEN Thank you, Mr. Chair.

TESTA Mr. Chair?

COPPOLA Mr. Testa.

TESTA Questions for the Petitioner. I was a little surprised to see you guys back so quick. A little impressed on the turnaround time for you guys to modify your plans. But I drove by the site this past weekend and the old Kmart is still there. So the building hasn't been torn down. You haven't broke ground. You filed for this petition back in October?

JONES Right.

TESTA I guess, what is the urgency on filing so early to get this petition? What's holding you up in the project, that you need this before you can move forward?

JONES Well, that's a fantastic question, and I'm happy to address that. We have an agreement with Schostak Brothers to lease the property. We have contingencies in that

ground lease that Meijer needs to waive governmental approvals. So signage is a governmental approval. We have civil construction level design plans in to the City right now for permits. We need a permit to demo the building. Demolition plans are within that set of civil drawings, we have plans and specs in to Wayne County. We'll work within Wayne County right away. We just received comments on that set of plans earlier this week. We have architectural design building plans in to the City for a building permit, and we're ready to start construction next month, as soon as we can be issued our permits and wrap up our governmental approvals. Our start is at the City's mercy.

TESTA Okay. So this sign variance is holding you up. Is that what I'm hearing?

JONES We have to design the architecture. It would be nice to know what we're designing, too. I'm not saying it's holding us up, because we start with demolition when we end with signs.

TESTA Right.

JONES But in my mind, it's a decade's commitment to the City of Livonia and to Schostak, and I'm not gonna wave signs until we know what they are.

TESTA Right. I don't understand why you need to know that right now. Can't that be done later?

JONES Why would we wait? Well, I turn the question back around. We've been working on this project for half a decade, millions of dollars in predevelopment work. Why wouldn't you want, if you were in my shoes, why wouldn't you want your final approvals?

TESTA On the flip side, you could get in construction or hear back from Wayne County on the traffic light situation. You may need to change your plan once you get moving. You may have to come back for another variance. Couldn't you submit for permits, the signage that conforms to the variance or the ordinance, and then come back later?

JONES No, but that's just our choice.

TESTA Okay, that's fair enough. Regarding the "Fresh" and "Local" signs, I'm still a little hung up on the necessity of those. Could you maybe speak to what in the hardship specifically is the hardship for those two signs?

JONES Well, in my mind, the "Fresh" and "Local Since 1934" is something that resonates with people. I mean, we're a Michigan-based company. I'm proud of it. The hardship. Got to look at it a little differently. One of your litmus tests is does it provide increased return on investment? I don't think those signs really, necessarily do. I think, again, it's part of the packaging, the imaging that, when you invest \$40 million. Lake Orion didn't have a problem with

it. Macomb didn't have an issue with it. Noblesville, Indiana doesn't have an issue with it. Your ordinance, to me, for two signs on a 75,000 square building is pretty difficult and onerous.

TESTA Okay, are you... any benchmark? Any other grocery stores in Livonia?

JONES I believe Kroger got all six signs they asked for.

TESTA Okay.

JONES They did a remodel. We looked at their signage package and compared our signage package to it. They have curbside pickup, they have pharmacy pickup.

TESTA I could only find two other grocery stores in Livonia that are on a corner lot of two major roads. The one I want to focus on is Six Mile and Inkster, it's a Value Center Marketplace. It's pretty much same size. It's pretty much same type of lot where it's set back pretty far from the road, and they only have two signs, one facing south and one facing east. Are you familiar with that location?

JONES No.

TESTA Okay. I know monument signs are not part of your variance, but just wanted to reconfirm. You have how many monument signs on your site plan?

JONES We have two, and they conform to ordinance.

TESTA Correct. One's on Farmington and one is on Seven?

JONES Correct.

TESTA And I may be confusing myself, because I looked at old Planning Commission notes and City Council meetings. At the corner of Seven and Farmington, it looks like a brick wall with a "Livonia" sign on it. Is that no longer in the plan?

JONES We were asked to change that.

TESTA Okay. So that's gone completely.

JONES We were asked to put a seating area there, rather than the Livonia logo. We were asked to make it more a circular seating area. Semi-circular, I should say.

TESTA Okay, thank you. And then I have some questions regarding the townhouses.

JOHNS Good evening, Dave Johns with Schostak Brothers. 17800 Laurel Park Drive North, Livonia.

TESTA Thank you, and thank you for coming. Were you here last time? I don't think so, right?

JOHNS Yeah, I was here last time.

TESTA Oh, you were here last time? Well, that didn't reflect on the meeting minutes. I'm not sure if we want to update that for clerical reasons. For the signage of the townhomes, are you going to expect to need a variance for that?

JOHNS Well, you have the record? I may just grab the record you have because you mentioned that renderings were distributed. So this rendering, which, I believe you probably have, this is the most prominent one of the townhomes, is the set amount entry point. And what we presented to Planning Commission and presented to City Council, received the approval for, was to basically have our one entry point and to have a small fence with some masonry piers spaced all along the frontage. And we just conceptualized at the time that there would be two potential signage areas at the driveway locations on the monument sign. We've really not gotten into that far into the design for that aspect of it yet. But just looking at ordinance, it looks like we're generally limited to 30 square feet and six-foot height. So if, as we get further designed, we are designing the townhome building for right now, the simple aspect of the site. As we get further into the design, if we get to a point that we need a variance, or when we would submit it, but these are the only locations at the driveway that we anticipate in signage along Seven Mile Road so... and certainly I understand where your ordinance is I just can't answer whether we'll be looking at splitting it up between two signs, or whether we might have something larger. Some of it will come down to what we name the development, whether it's the name for the townhomes, which we're still working through that as well as a company.

TESTA Okay. I guess if there were put a condition on the variance tonight, if we approve it with no other variances allowed, would that cause problems for you? It sounds like maybe because you can't really speak confidently to your signage.

JOHNS Well, yes, I think we've basically put a design challenge on it. Because they think the driveway should be identified from both directions. We've actually angled the walls at a 45-degree angle to the driveway, so it was kind of to catch eastbound or westbound traffic. And I would really not want to look at changing the [inaudible] monument style sign, where you could see both sides from one monument sign. They would prefer to do it on both. So I would ask just that we certainly be given the opportunity that we able to come back and seek the variance if we want to split it up, but without the name of the development yet for the townhome side of it. You see here, it's attractive. It's already been through Planning Commission and through City Council. I'd just like to keep the flexibility.

TESTA Okay, that's exactly why I was asking Mr. Jones so many times about timing or trying to narrow down the timing. Yeah, to me, I personally feel more comfortable approving everything all at one time. So that's why I was trying to understand why the variance from Meijer is needed now, why it couldn't wait until maybe the townhome side is more clear on what is needed. We approved an overall package for the site.

JONES Again, we want to start next month. I mean, we're fully designed with what we can design for, and civil wise, architectural wise, traffic signal, we have all of that set of consultant work into authorities in the jurisdiction, and we're hoping to start with demolition this time next month.

TESTA Okay.

JONES I mean, we've been at this, again, since 2020 trying to get to this point to transform this corner in Livonia.

TESTA I understand your side. We're asking more on the townhome side. So it seems that side's holding....

JONES We're going to do some work on the townhome side as part of our work, such as demolition, we're going to do some stormwater measures, some soil erosion control measures. We're going to remove some piping that's underground and no longer needed. We're going to be doing some of our grading activities will go on to the townhome site. We'll be improving some fencing, but there'll be some things that will be done on that side of the property. Maybe not the vertical construction.

JOHNS Cris, can I add to that? The townhome frontage is over 475 feet of frontage by itself, for that portion of the site. So certainly we... just general ordinance. General ordinance seems to allow a second monument sign. If there's over 400 feet of front, as I recall, or over 300 feet of front, I don't know if Mr. Stierna can answer that right now, or I could look at my notes, but it only allows the second wall, second sign for the frontage. It's just a spacing requirement. I'm sure we could work [an] attractive sign within the 30 square foot. It's just wanting to put it on the wall at the 45-degree angle that the Planning Commission approved, that the Council approved, that's part of the overall project, and whether it should be broken up as two or 215 square feet, or whether it really should be two and 30 square feet. So I just certainly would like to keep the flexibility towards the townhomes, while allowing Meijers to receive the variances that may be granted this evening, and so that we may have Meijers start demolition next month and begin the overall project. I think we, if we come back with a variance, I would certainly recognize that there's been conversation about this, and we would have to present our own case.

TESTA Normally, the commercial side is built second. Residential side first. But because of the approval from City Council last night, that got changed, can you maybe speak to that a little bit?

JOHNS Sure. We're still determining the start date for the townhome side of the project. So Meijers wanted to get started right away, and they have the obligation commitment through their lease with us to do the demolition of both sites. So they wanted to get started, allowing them to start in March. I think, Cris, you spoke almost a couple months or so, and that would get them closer to an opening date, which, if Cris, would address that?

JONES I would just say we have to do some environmental abatement, you know, in both buildings. I mean, there's asbestos, and there's materials that are in today's time deemed environmentally sensitive, so there'll be a period of abatement in all buildings that are on site. Then there'll be a period of demolition. Typically, abatement is more with... a little more tactical and takes a little more time. So, yeah, so we'll be doing those things starting in March.

TESTA Okay, thank you.

JOHNS And just related to the townhomes, I mean, the townhomes will probably take a longer timeframe to construct, closer to probably 18 months or so, and some of that's just based upon obviously supply and trade availability. There's a lot of work out there in the multifamily in various communities. Some of it's quite large-scale projects. So we, Meijer, with the schedule that they want to start with, it would be ahead of us, so we're still determining our schedule. But certainly that was addressed with Council last evening. So.

JONES The Meijer project takes about, once demolition is complete, and we have kind of a fresh slate and slabs are removed, and those type of foundations are removed, asphalt is removed, any utilities that are going to be abandoned are removed, the Meijer project will take about 10 months, and then it will take approximately eight weeks to hire 150 new team members, and to test it under our IT systems and get inventory fixtures and ready to open. So about a year in total for us.

TESTA Okay, thank you. Thank you. Mr. Chair.

COPPOLA Other questions? No more questions? Seeing none. We have any... no one in the audience. I'm not gonna ask that question. Okay, do you want to make a closing statement?

JONES Yeah, I just appreciate your support. We, I can't tell you the plan iterations and 20-30 times I've been over here for meetings with concerned citizens. So we started with standing room only in this auditorium years ago. I think the project, really, through a lot of collaboration between government agencies, your own boards and staff and administration, has come a long way. And I would say each time it's gotten better and better and more and more and more like Vision 21 and I think it was ultimately approved that it met all of that criteria. So I'm just considering the investment, the transformational mixed-use project we have. I just really appreciate your support. So thank you very much.

JOHNS I just would add, if there's a variance for the townhome that comes forward, certainly, I think we could work within the square footage that's allowed, provide that we apply it to the two sides of the 45-degree angles. It's just that I don't have it designed. I mean, that's where I'm at right now. So I know that it allows two monument signs. It's just, I think the variance at that point in time would be a spacing requirement. Rather than having a two-monument space 300 feet along, 475 for frontage, they would be both at the driveway at the 45-degree angles on the brick masonry wall with the fence and all the landscaping that we proposed. So.

COPPOLA A couple quick questions for you.

JOHNS Sure.

COPPOLA The original property was all one. Was it all in one piece of property at the time, the Kmart was all one?

JOHNS It is currently all one. It's 16 and a half acres. It will be split into two parcels, both owned by Schostak-related entities.

COPPOLA Will there be a parcel for the residential, parcel for the commercial, they'll be rezoned different and all that?

JOHNS Well, the zoning will be through the Mixed Development Center, but the town homes will be allowable under that. So.

COPPOLA They'll be separate properties,

JOHNS Correct, and the City's well aware of that through the planning process, I mean, it's been discussed, and it's clear, so....

COPPOLA Okay.

JOHNS So certainly, I hope I've addressed everything for the townhomes, and we'd like you to be supportive of Meijer so that they can move forward with the project, and we can work towards transforming that corner as soon as possible. So appreciate all the consideration.

COPPOLA Right. Thank you.

TESTA Mr. Chair, follow up to your question, what point does it become two separate properties? Today it's one.

COPPOLA Well, they're going to subdivide it.

TESTA Yeah.

COPPOLA Whenever they get it.

JONES Well, there's an application to do that. It's a lot, essentially a lot split, and we're doing that, it's mainly for property tax assessment, and we're obligated to pay the property taxes on the Meijer side, the 9.7 acres in our agreement, certainly there's some language that covers it in the event we don't subdivide it. But I think it's cleaner from a tax standpoint, from utilities, and there's some different environmental reasons to segregate the parcel. I think there, I think the land has a lot split available to it, and so I think that's really the reason. There's some assessor's.... Assessor's reason is the primary reason. Okay, and I believe it's an administrative process that they can do through this, through some paperwork with the City.

TESTA If we did put a condition on in theory, no additional variances, that would be null and void once they split a lot, wouldn't it?

COPPOLA Well, I'm not sure what, to be honest, I'm not sure what the purpose of the additional variances are. They could come before us and ask for... they're not going to be precluded from, I mean, they've got a right to ask for a variance so they can come through. We could waive our no additional variance. You give them a variance. So I'm not sure what the value of that would be, but again, on the legal side of it, but I would suggest now they put two separate properties. Probably, yeah, it would negate our variance issue.

TESTA Okay.

COPPOLA All right, anything else? We're gonna close the public portion case. I'm gonna start the Board's comments with Mr. Rotondo.

ROTONDO Yeah, I appreciate the Petitioner taking some of the comments that we made and making some revisions to cut down the wall signage area in the square footage, and I could be in support of passing this. Thank you.

COPPOLA Thank you. Secretary Klisz.

KLISZ I agree. I think the project was well done to begin with, but then some voluntary tweaks is always nice to keep it in line with what the other stores in the area are and that kind of thing, and then losing one of the offers, one of the variances is gone based on that. So I'm happy with the project the way it's currently presented, and I will be in support.

COPPOLA All right. Thank you. Vice Chairman.

BARINGHAUS Thank you. Yeah, I appreciate the effort that went into considering some of our earlier comments and reducing some of the signage appropriately as well. I did appreciate the organization in this letter, especially the store comparison [inaudible] that we're

going between, Lake Orion and Livonia. But then, I guess, in your defense, I can look at these just from the numbers standpoint, but I don't know where these stores are located relative to their position on properties. Are they close to intersections? Are they far away? What's the line of sight? So we have to give you the benefit of the doubt. I have to say that I did look at illustrations of various Meijer stores, and this package is important for you to market your Meijers as a brand and also market your heritage. Signage is always very consistent among Meijer stores, and that's a compliment. I'm excited by the project. I think you've done a very thorough job, and I'll support the variance.

COPPOLA

Thank you. Mr. Testa.

TESTA

Thank you, Mr. Chair. So I'm looking very much forward to this development. I think it's long overdue for that corner. So in Farmington, I wanted to piggyback on one of the final comments Mr. Jones said at the end of last meeting about kind of you're ingrained in the community. You guys do a lot around here, in particular, Blessings in a Backpack, you guys have been a big supporter of them. So thank you. Unfortunately, I cannot support this variance tonight. I think it's excessive, the number of signs, especially the "Fresh" and "Local." I don't see a hardship for that. I also would prefer to do this all as one total package for the townhomes and the commercial side at one time. Over the past few years, when I've been on the Board, we've had Lee's Chicken come in, Dairy Queen, and they've all come in after the building is pretty much very far along within construction. They didn't need signage variances before to get approvals for everything. So I believe you can move forward with getting your approvals and start the tear down and start construction and come back later, and hopefully that time, the townhomes know exactly what they're going to need. So I'm a no vote tonight.

COPPOLA

All right. Mr. Boloven.

BOLOVEN

Thank you, Mr. Chair. I'm a mix. I hear what my colleagues say across the board. One, first and foremost, as a lifelong Livonia resident, thank you for the investment. I know you guys have gone through the gauntlet. Have witnessed the gauntlet. The only thing that I really have a problem with is that "Pickup" sign, and I hate to sound petty on it. It just... I looked at your other renderings. What confuses me on it is, if I'm looking at it, if I'm driving in, it's going to take me to an area that I can then not get to where I need to be, because it doesn't connect. I see how it works in Lake Orion. I see how it works in the Indiana location and Macomb location. Those all connect, and it makes sense. I would, had you given a request for a variance to have it in the back, I would rather give you that than where you got it right now, because it would make sense. Direct my eye as I'm coming in off of Farmington Road to that back area where you want me to come pick up, rather than where it is right now, it's going to draw me there. And guess what, I'm gonna end up pulling back around and come all the way back around. Everything else with the project I'm good with, I appreciate a lot the additional work that went into and how quickly you turned it around with the other store pictures, as well as that table, which was great. I mean, it showed what is custom at the other stores. Were all within range, and what you're doing, the size, the number, everything's within range there, and what

you did underscores -- other than Indiana's its own piece, but the Michigan stores we focus on that. So I would be in support this evening, but taking out that "Pickup" sign. Thank you.

COPPOLA

Thank you. Mr. Meagher.

MEAGHER

Yeah, I am obviously playing catch up, and I've done a lot of reading, so I appreciate you guys being here and explaining it a little more. I'm in favor of this. I think the only thing that I would request, I guess, is that concession to put the "Bottle Return" inside. I know it's small, but I think looking at other facilities, having it on the inside does create a little difference there, walking in, all that. But other than that, I don't have any problem with the signage here.

COPPOLA

All right. Thank you. All right, first of all, I owe you an apology, and I owe Mr. Boloven lunch, I guess. I didn't know that the first case was going to go so long, so I appreciate your patience through the neighborhood squabble. But I also do appreciate you providing additional information, making some concessions and some of the other changes. You know, I'm really excited about this development, that property has been an eyesore for quite some time, and I think you've come up with a unique solution for this. I think that provides some opportunity for some different shopping as well as some residential areas, probably different than what we really have much of around here in Livonia. So this will be a great development. As to the proposal, yeah, I appreciate you getting down to below the maximum area. Last time we met I proposed a different way of doing that, and that was primarily removing the "Pickup" sign. And again, I think the pickup sign, and I think Mr. Boloven stated it pretty well, that's just, I think it doesn't really serve a purpose, and actually will confuse, or at least [not] serve the purpose that it really should and may be more confusing in the sense from that and that we're asking, as I mentioned earlier, to give a variance on a number of signs. I want to make sure that those signs, the additional we're allowing, actually serve the purpose that they're intended to serve. Putting it on the north side, I think I'm not sure how helpful that would be, because I don't think you can see it. I don't think anybody can see it. And I'm fine with the I guess you call it a ground sign or monument sign for the "Pickup." I think that's the sign people are going to see and be able to go to and get to the right place. I think that's important, as well as the other direction signs you're gonna have throughout the parking lot, such that direct them to where they need to be. And Mr. Jones, I think you're gonna be right. You're gonna have regular customers who are all gonna know where to go at some point. So hopefully that won't be too much of an inconvenience. So from my perspective, I am in favor of the majority and just in opposition, just to the number of wall signs. And what I would suggest is in any type of motion, we'll just say that we'll allow five of the six. They can decide which five they want. I'm assuming they'll remove the "Pickup" sign and not the other signs. But again, beyond that, I'm in support. The only other comment I would have is just making sure we're very clear on the directional sign signage. That we're approving the one sign, which is the "Pickup" sign for excess, and then we're only approving four signs to be two square feet in excess, which are related to the pickup signs that are the locational pickup signs as they're presented in the revised plan. So I will go ahead and open up the floor for a motion.

BOLOVEN Mr. Chair, very quickly for the motion. I'm looking at my tally sheet here. It seems like we have going forward, Vice Chair Baringhaus, Secretary Klisz, or Mr. Rotondo. Is that, with that condition, does that change anybody's vote? Are you looking for full approval?

KLISZ I would be fine with a compromise.

ROTONDO Yeah, I'm good with that condition.

BARINGHAUS Same.

BOLOVEN Okay.

COPPOLA Thank you. Mr. Meagher, I just wanted to make sure, do you understand the question I was asking about removing the "Pickup" sign? I know you had asked about something—

KLISZ It was the "Bottle" sign.

COPPOLA The "Bottle Return" sign inside.

MEAGHER That was one of those questions about "Bottle Return," was one of those six?

COPPOLA The "Bottle Return" is one of those, I believe.

MEAGHER So is there a point to having that be a condition, if the concession was already made at the beginning, to put the "Bottle Return" inside?

COPPOLA The "Bottle Return" was one of the six. So we almost have to do a motion, but for each of the each of the wall signs. So the six wall signs, it sounds like.

TESTA Looks like to me, say four of the six.

COPPOLA Well, if we continued, the "Bottle Return" would still have to be approved, as it's a wall sign, and I was asking them to move it on the inside. I think it's out. I think it still remains a wall sign because it's over 20% of the....

BOLOVEN I guess the question on that is, it's not... so is that? Can I ask the Petitioner one question, Mr. Chair?

COPPOLA Absolutely.

BOLOVEN That location of the "Bottle Return," that's right where the bottle return is, isn't it?

JONES It is. Yes.

BOLOVEN Okay, you walk right in. Is there an entrance right to the bottle return right there?

JONES There is. So we'd be moving it slightly north into a window. And I think there's an ordinance for window signs, and there's an ordinance for wall signs, if I'm not mistaken. And maybe Matt could help me out on that.

STIERNA Window signs are intended to be unlit, and usually decals.

JONES And we could make this a decal. The "Bottle Return" can be a decal. I want the Board to know, and I know it's probably inappropriate for me to speak, but the discussion I'm hearing is that we will not leave disappointed tonight, if we lose our "Pickup" sign and "Bottle Return" goes in a window and then it conforms with whatever code wall or window signs need to adhere to. Meijer will leave here tonight, thanking you for your efforts and your service. And we would appreciate and we'll be happy.

BOLOVEN I guess the question, Mr. Chair, sorry, Mr. Meagher, are you looking for that to come off the top there where the entrance is, and go basically like the "Local" and "Fresh" sign?

MEAGHER I think when I was thinking about it, I've seen different versions of "Bottle Return" to where it doesn't even have to be-- I mean, I don't want to speak for exactly what the ordinance is. But I mean having it be on the outside versus the inside, I think it's 11.7 square feet. It's not like the "Pickup" sign where it's going to be a huge sign to the rest of the community. That's just a wayfinding at that point.

JONES I know it's hard to see on here, but "Bottle Return" is, yeah, you can barely see it because it's in the black. It would go in the glass, so it would move a little bit that way, and then into the glass, and probably this very top molding is where it would go.

STIERNA Thank you. We can discuss, probably outside of the meeting.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Take a stab at this here. Resolved that the variance sought in Appeal Case No. 2024-12-41, filed by Seven Mile/Farmington Venture, LLC, on behalf of Lessee Meijer, Inc. be granted in part and denied in part for the following reasons and findings of fact: First, the uniqueness requirement is met due to the location of the property, the new build, and the corner of location relative to the new construction that's going in. Denial of the variance

would have severe consequences for the Petitioner due to lack of signage for customers. The variance is fair in light of its effect on neighboring properties and spirit of the zoning ordinance, due to no objections at this hearing from any neighboring properties. This property is classified as Mixed Use?

BARINGHAUS C-2.

BOLOVEN C-2, General Business under the Master Plan, and the proposed variance is not inconsistent with that classification. Further, that the variance be granted with the following conditions.

COPPOLA How are you going to do that? State what you're...?

BOLOVEN Yeah, I think I was gonna go by one by one. Can I do that?

COPPOLA Yeah.

BOLOVEN All right, so I'm gonna go on the approval one by one here. Approving number of wall signs to be... instead of six. Approve that to be five. So we're denying one. Maximum area is not an issue.

COPPOLA We actually deny that. I mean, it's on the petition, so we have to deny it.

BOLOVEN Deny the maximum area excess of 2.7 square feet. Approve maximum wall size for the D-1 sign of an excess of 53.7 square feet as presented, which is the "Meijer Grocery" sign. Approve the maximum directional sign size.... Mr. Chair, if you could give me your conditions on the directional signs.

COPPOLA I would go with what's on there, say, "as presented." And then I would say, "One sign. The sign C-4 excess of four to six square feet." And then the sign designated as C-5 in the plans.

BOLOVEN Okay.

COPPOLA Two, actually four, [inaudible] for an excess of two.

BOLOVEN Got it. So maximum directional sign be approved as presented this evening, with a proposed square footage for the sign C-4 in the package of six square feet with an excess of four square feet and a proposed maximum size for sign C-5 in the package of four square feet, which would be an excess square footage of two square feet. Furthermore, regarding the "Bottle Return" wall sign that be moved to behind the glass or as into a decal, as allowed by zoning ordinance, but that is to be considered one of the five signs for approval.

ROTONDO Support.

COPPOLA So I have a motion by Mr. Boloven, supported by Mr. Rotondo. Let's have some discussion.

ROTONDO Mr. Chair?

COPPOLA Yes.

ROTONDO Just because it came up earlier, this property is going to be split. Do we know if this is going to be the parent property and keep the same address? Before we issue the variances for this address?

JONES We have been designated. We have a designated address from the Building Department, and I believe it keeps this old address of Kmart. This will be the Meijer address. We had to get that worked out with the City, because we've already ordered steel, we've already ordered transformers, we've already ordered our circuit boards. We've already ordered our roof material, our rooftop units for air conditioning have all been.... We already placed those national account orders that we have. So we needed that for procurement reasons.

COPPOLA Thanks for the clarification. So the only thing maybe we need a little, Mr. Fisher, do we need to be a little more explicit on the wall signs? Just make sure so we say these specific wall signs were approved. This one was denied.

FISHER That's a good idea.

COPPOLA So there's no confusion anywhere.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Looking to amend my motion. Could you specify that the five wall signs being approved tonight are the...

COPPOLA Number two? Aren't they?

BOLOVEN I'm looking at this. I'll just say, "It's the 'Meijer Grocery' sign, the 'Pharmacy Drive Up' sign, the 'Bottle Return' sign, the 'Fresh' sign, and the 'Local' sign..."

COPPOLA "As presented in...."

BOLOVEN "...as presented in the package this evening, specifically denying the 'Pickup' signs."

COPPOLA Okay. All right. Any conditions?

BOLOVEN Built as presented this evening.

COPPOLA Got that condition? Okay. All right. I think we got everything. Are we good?

BOLOVEN Well, I made, for Mr. Testa's sake, I'll just put one more condition on that, for whatever purpose, if they split, for some reason, it would give any type of approval for the townhouses, the townhouses would need to come back before this Board.

COPPOLA For any variance?

BOLOVEN For any variance which they would have.

COPPOLA All right. Anybody need anything read back? Are you all clear on what we're approving?

MEAGHER Could we start over?

[Laughter]

STIERNA Now or the first case?

[UNKNOWN SPEAKER] Bring them back.

BOLOVEN Mr. Rotondo [inaudible].

ROTONDO Yeah. Second.

BOLOVEN He re-seconded my amendment.

COPPOLA Okay, perfect. Okay, you can go ahead and take roll.

On a motion by Boloven, supported by Rotondo, the petition was granted in part and denied in part.

RESOLVED: APPEAL CASE NO. 2024-12-41, Seven Mile/Farmington Venture, LLC, on behalf of Lessee Meijer, Inc., 33500 W Seven Mile Road: Seeking to erect a sign package resulting in an excessive number of wall signs, total wall sign area, wall sign size and directional signs in excess sign size.

Number of Wall Signs

Allowed: 2
Proposed: 6
Excess: 4

Maximum Area

Allowed: 494 sq. ft.
Proposed: 496.7 sq. ft.
Excess: 2.7 sq. ft.

Maximum Wall Sign Size

Allowed: 200 sq. ft.
Proposed: 253.7 sq. ft. (sign D1)
Excess: 53.7 sq. ft.

Maximum Directional Sign Size

Allowed: 2 sq. ft.
Proposed: 6 sq. ft. (sign C4) and 4 sq. ft. (sign C5)
Excess: 4 sq. ft. and 2 sq. ft. respectively

AS AMENDED BY THE BOARD:

Number of Wall Signs

Allowed: 2
Proposed: 5
Excess: 3

Maximum Area

Allowed: 494 sq. ft.
Proposed: 496.7 sq. ft.
Excess: 0 sq. ft.

Maximum Wall Sign Size

Allowed: 200 sq. ft.
Proposed: 253.7 sq. ft. (sign D1)
Excess: 53.7 sq. ft.

Maximum Directional Sign Size

Allowed: 2 sq. ft.
Proposed: 6 sq. ft. (sign C4) and 4 sq. ft. (sign C5)
Excess: 4 sq. ft. (sign C4) and 2 sq. ft. (sign C5)

This Mixed Development Center property is located on the north side of West Seven Mile (33500), between Farmington Road and Norwich Road, Lot. No. 016-99-0016-003, C-2, General Business, rejected by the Inspection Department under Livonia Zoning Ordinance, Sections 11.08 (3) – Sign Regulations in C-2 districts & 11.06 (8): Exempt Signs,

be granted in part and be denied in part, due to the following reasons and findings of fact:

1. The uniqueness requirement is met due to the location of the property, the new build, and the corner location in respect to the new construction that's going in,
2. Denial of the variance would have severe consequences for the Petitioner due to lack of signage for customers,
3. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance due to no objections at this hearing from any neighboring properties
4. This property is classified as Mixed Development Center according to the Master Plan, and the variance is not inconsistent with that classification.

Further, this variance is to **be granted in part and to be denied in part** with the following conditions:

1. 5 (Five) wall signs are to be approved as presented in the package on February 11, 2025, while 1 (one) wall sign is to be denied. The 5 (five) approved signs are as follows: "Meijer Grocery" sign, the "Pharmacy Drive Up" sign, the "Bottle Return" sign, the "Fresh" sign, and the "Local" sign. The "Pickup" wall sign is denied.
2. The excess maximum sign area of 2.7 square feet is denied.

3. Maximum wall size for the D1 "Meijer Grocery" sign is approved.
4. The maximum directional sign size approved as presented for sign C4, in the package with a size of six square feet, with an excess of four square feet, and for sign C5, which was presented in the package with a size of 4 square feet, with an excess square footage of two feet.
5. The "Bottle Return" sign will be moved to be behind glass or may be a decal as allowed by Ordinance, but it is considered one of the 5 (five) approved signs.
6. The townhomes will need to come before the ZBA for approval of any variances for their portion of the development.

ROLL CALL VOTE

AYES: Boloven, Rotondo, Klisz, Meagher, Baringhaus, Coppola

NAYS: Testa

PASS/FAIL/TABLED: PASS: GRANTED IN PART, DENIED IN PART

KLISZ Mr. Meagher.

MEAGHER Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA No.

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Aye.

KLISZ Passes six to one.

COPPOLA All right, so the variance as amended has passed six to one. Do you need any clarification, or are you guys good?

[Inaudible]

COPPOLA Good luck again. I know, but I didn't know if they're in a rush. I don't think there's any process for permits that we have to waive. All right, well listen. Good luck. I'm looking forward to seeing the work start to progress. I can understand that you're going to start to progress. I understand that you're going to start. There's a lot of work to be done inside first, but I'm hoping that all gets leveled by the end of May. Thanks again for your patience, your willing[ness] to work with us. Take care.

ADMINISTRATIVE TASKS

COPPOLA All right. I believe we have minutes.

BARINGHAUS Motion to approve the minutes from the January 7, 2025 meeting.

KLISZ Support.

COPPOLA I got a motion by Vice Chair Baringhaus, support by Secretary Klisz, to approve the minutes of January 7, 2025. All in favor?

The Board voted unanimously to approve the minutes of January 7, 2025. Meagher abstained.

COPPOLA Anything else we need to cover today, administratively? Seeing none, could I have a motion, please, to adjourn?

TESTA Motion to close.

ROTONDO Support.

COPPOLA I have a motion by Mr. Testa, support by Mr. Rotondo to close. 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 9:52 p.m.

Gregory G. Coppola, Chairman

Timothy Klisz, Secretary