

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

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

MEMBERS PRESENT: Jim Baringhaus, Vice Chairman
Christopher Boloven
Michael Testa
Marc Rotondo
Brian Meagher

MEMBERS ABSENT: Gregory G. Coppola, Chairman
Timothy Klisz, Secretary

OTHERS PRESENT: Mike Fisher, Chief Assistant City Attorney
Zac Winkler, Building Inspector

The meeting was called to order at seven p.m. Vice Chairman Baringhaus 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. Five (5) members were present. No one chose to reschedule to be heard by a full Board. Acting Secretary, Christopher Boloven, then read the Agenda and Legal Notice to each appeal, and each Petitioner indicated their presence. Appeals came up for hearing after due legal notice was given to all interested parties within 300 feet, petitioners, and City Departments. There were several (not counted) people present in the audience.

(7:00)

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APPEAL CASE NO. 2025-01-01, 39013 Minton Avenue: an appeal was made to the Zoning Board of Appeals by Trent and Joslyn Lloyd, seeking to maintain a 6-foot-tall privacy fence, erected without permits, resulting in a fence erected within the corner side lot while not aligning with a corresponding fence on the adjacent property.

This Low Density Residential property is located on the south side of Minton (39013), between Adams Street and Marie Street, Lot. No. 123-03-0134-000, N-1, Neighborhood, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.090 A.4.b.i.

BARINGHAUS Thank you very much. [Are] there any questions for the Building Inspection Department? Any questions for the Law Department? I do have some questions for the Building Inspection Department, though. Basically, with this particular case, I noticed in the green sheet that there was a statement about a 12-foot deficit, maybe. Can you clarify that?

WINKLER It might refer to how far the side lot is. They came out 12 foot in the side lot.

BARINGHAUS That was listed as a deficit or deficiency on the green sheet? Is that correct?

WINKLER Yeah, the side yard is 12 feet.

BARINGHAUS Okay.

WINKLER And that is the deficiency in the plan that was submitted. They cannot put it that far out into the side lot, past the corner, rear corner of the home.

BARINGHAUS And then, just for clarification, in the instance, with the construction of a privacy fence that requires written permission from adjoining property owners?

WINKLER Correct, it would be 9242 Adams Street, the home directly south of them, and the home to the direct east of them, neighbor authorization forms are required in this case, at which time, I would also tell them that they can't put it past the side rear corner of the home.

BARINGHAUS And then the other has to be, I guess, we're in agreement in terms of where the property line falls for placement of the fence as well?

WINKLER So the neighbor authorization form, basically both neighbors agree that the property line is essentially where they're going to put the fence.

BARINGHAUS Okay.

WINKLER But with a six-foot privacy fence, it's really critical that the neighbor to the south authorizes that.

BARINGHAUS Okay, great. Thank you. Are there any other questions? Okay, very good. If we could have the Petitioner step forward, please.

TRENT LLOYD Right here would be good?

BARINGHAUS Right here, that's fine, perfect. and then your name and address, please.

JOSLYN LLOYD Hello, I'm Joslyn.

TRENT LLOYD And I'm Trent Lloyd.

BARINGHAUS Okay, very good. And your address?

JOSLYN LLOYD 39013 Minton Ave.

BARINGHAUS Okay, great. Thank you. If you could state the nature of your variance request and the hardship, please.

JOSLYN LLOYD Sure. So I just, if you don't mind, I'm just going to do a quick overview of the situation.

BARINGHAUS Sure. Start wherever you're comfortable.

JOSLYN LLOYD So we agree that it was not permitted at the time of install. So we bought the home in... we closed on Halloween of 2023, and then we realized the first thing we wanted to do in the spring was get a privacy fence, because we are on a corner lot, which we do have a lot of foot traffic. It seems like everyone in our neighborhood has dogs. So dogs walking by, people on bikes, foot traffic. We have two dogs that love to socialize. So anyone that passed by, they run back and forth. And then we realized the neighbors behind us, to the south of us, also had four dogs. So we had six dogs running back and forth, so it was loud. So fast forward to April of 2024, we vetted out different fencing companies, and we ended up going with Lowe's because we had them help us with the project previously, and they did a good job. So we like them. And what Lowe's does is we essentially pay them, and then they hire out a subcontractor to do the work. Lowe's will supply all the fencing and all that. So we signed on with them in April, and then over the next two to three months, we did get the partition agreement from the neighbors behind us, which were the ones that we were told we had to which is the 9242 Adams Street, Kelly Lee. So we got that, and then Lowe's, and the contractor said, "You guys got that, we'll handle the rest." So we got the fence installed the beginning of June, which we thought that the contractor had the permit, which he lied, so he installed the fence beginning of June, and we thought everything was good and dandy. Nine days [sic] later, I discovered in January that the contractor did not have the permit, so we got the fence installed. Fast forward seven months to January of this year. We got the letter for the show cause hearing to come down here, and we were very caught off guard and didn't know what was going on with that. So I came down here the following morning and spoke with Frank and Matt in the Building and

[Inspection] Department, and they just kind of enlightened me on the whole situation, to where the contractor installed it, did not have the permit, got the denied permit, and did not tell us about those. So this whole time, we thought our fence was fine, until we got that letter. So Frank and Matthew, when I spoke with them, they advised that we apply for the variance because it's a very unique scenario, to say the least. Lowe's has been very helpful, luckily. They've said it's also kind of a one-off scenario. So that's kind of why we're here, presenting to see if we can kind of just, with this unique circumstance and being the corner lot and just kind of being betrayed by the contractor, just get some sort of insight, and that's why we applied for the variance. So I just wanted to get that background from the case.

BARINGHAUS Okay, question for you.

JOSLYN LLOYD Yeah.

BARINGHAUS You said you had some signed permission statements from your neighbors regarding....

JOSLYN LLOYD Yes, I did. Yeah.

BARINGHAUS Question for either the Board or Inspection Department. I did not see those in the files. Did anybody else see those?

[UNKNOWN SPEAKER] I didn't have them.

BARINGHAUS Could you give those to Mr. Fisher, please?

JOSLYN LLOYD Yeah. That was given to our contractor, and then Lowe's also had a confirmation that this was submitted.

TESTA You only have the one? I thought there were two.

JOSLYN LLOYD We just got that one because the fence.... We didn't get it the whole way around our yard, so we didn't impact the property to the right of us. So we were told we only had to get it to the property that it affected, which is the one behind us.

BARINGHAUS Question for the Inspection Department, the address you cited earlier, 9242 Adams Street. That's what's on the document? [Inaudible] Okay, very good. So you did secure permission from your neighbor. Okay. Tell us about the fence itself, [inaudible] materials, things like that.

JOSLYN LLOYD So it's a standard, it's six foot. It's wood treated, but, yeah, it's a privacy fence. It's like the planks are together so you can't see through. I don't know much more else about it. Sorry.

BARINGHAUS That's fine. In terms of the dimensions, 44 feet on the side. Think that's [inaudible].

JOSLYN LLOYD Yeah.

BARINGHAUS And then the back of the property, that's roughly about 84 feet long.

JOSLYN LLOYD Yeah.

BARINGHAUS Okay.

JOSLYN LLOYD And then the part that is the violation. What I was told, when I went to the Building Department, spoke to Frank and Matt, was the 12 feet that comes out, it should be going straight back from the property. So I believe the violation is just sticking out that 12 feet and then going straight back, whereas it should be just straight back.

BARINGHAUS The 12 feet completes the strip?

WINKLER That is correct. In the plan review correction letter I sent was to stop it at the rear corner of the home without ZBA approval to come out into the side yard.

BARINGHAUS Okay, gotcha, because, yeah, both fences do line up to the rear corners of the home, which is correctly placed. But like you said, the wood fence goes into the side yard along the sidewalk.

WINKLER That is correct.

BARINGHAUS Okay.

WINKLER Yep.

BOLOVEN Mr. Chair?

BARINGHAUS Secretary Boloven.

BOLOVEN Just a follow up to Mr. Winkler. So looking at the notice, it says while aligned, "resulting in a fence erected within the corner side lot while not aligning with a corresponding fence on the adjacent property." So what does that mean there? Is there different materials that are at issue here? Or is it something...?

WINKLER Are you speaking to the plan review correction letter, or...?

BOLOVEN I guess, the notice for why this case is here?

BARINGHAUS The public notice.

WINKLER Yeah. So there's a couple situations here. The rear corner of the neighbor's house at 9242 would be the stopping point normally for a privacy fence if the homes are both facing Adams Street. In this instance, their rear yard on Minton is considered to go to the rear corner of their home. So with neighbor authorization from 9242 we, by zoning ordinance, allow them to enclose their rear yard up to the rear corner of the home. Anything further into the side yard is why we're at this meeting right now. They need authorization from this council.

BOLOVEN So what is the corresponding fence on the adjacent property? Is there another fence that it's not aligned...?

WINKLER So initially they were all chain-link fences. The neighbor at 9242 has erected a privacy fence perpendicular into the rear of the Minton home, which is in the correct location. And then theirs would be in the correct location as well, short of extending past the side of the house.

BOLOVEN So I'm looking at an overview in the package.

BARINGHAUS In other words, this fence kind of juts into their fence, the very small section.

WINKLER Yeah, very small section. Correct.

BARINGHAUS You see that? This is the fence that comes from behind.

BOLOVEN What does that say?

BARINGHAUS That's the neighbor that's behind. It's about maybe 10 or 12 feet long, and comes from there, the corner of the neighbor's house into their fence?

WINKLER That is correct.

BOLOVEN So I'm looking at an overview in our packet, page one has an overview. It looks like 9242 doesn't extend as far out as 39013 does.

WINKLER That is correct, because a privacy fence for their facing on Adams Street has to stop at the rear corner of their home.

BOLOVEN Right.

WINKLER Now, if the Minton home was rotated 90 degrees counterclockwise, the fence on their property would also have to stop at their rear corner, aligning with the neighboring fence to the south.

BOLOVEN So if 39013 would have stopped at their corner, they still would have gone out past 9242.

WINKLER However, in the spirit of the ordinance, and the way it's written, because that is their rear yard, they can put the fence to the southwest corner, rear corner of their home, but no further west into the side yard.

BOLOVEN It's only...?

WINKLER Yes, and it would be, it would extend past the front of the house at 9242, correct.

BOLOVEN So could 9242 come out to that fence without...?

WINKLER No they cannot, because their property, it's the rear corner of their home. Same as the Minton home, it's the rear corner of their home.

BOLOVEN So that's going to create a basically jagged area that....

WINKLER Which is why it's really critical that they get the neighbor authorization, because if the neighbor doesn't want to look at a fence out their window, then we deny it, but because they have neighbor authorization, they can enclose their rear yard, not including the side yard, with a privacy fence in this instance. It is a unique situation. Yeah, I....

BARINGHAUS So it's the side yard that's out of compliance, one, and then the adjoining fence from the neighbor's property?

WINKLER The neighbor's property is fine. Fence is fine, and the Minton home would be fine as well if they had stopped it at the rear corner of the home.

BARINGHAUS Got it. Okay.

[Inaudible conferring between Baringhaus and Boloven]

WINKLER It's a tough one.

BOLOVEN Thank you, Mr. Chair.

BARINGHAUS Thank you. So again, just to go back to the neighbor's permission, one that you just reviewed, the exact requirement.

WINKLER You are correct.

BARINGHAUS Okay. Prior to installing your fence and starting this project, did you do any research on Livonia fence ordinances?

JOSLYN LLOYD Somewhat briefly for a privacy fence.

TRENT LLOYD We were told that the contractor would handle it all, and we got multiple quotes from Home Depot. We got one from Home Depot, one from Lowe's, and one from a different fencing company. All three said we could do this, and the contractor is responsible for getting the permits.

BARINGHAUS Okay. So you just put a lot on faith in the contractors themselves.

JOSLYN LLOYD We did. We did do research into privacy fence itself, if that was permitted, which we did see. But as far as the technical, even when we were digging into the code itself, not being in the installation fence industry, it's very confusing. But we did do a little research, but we did entrust Lowe's and the contractor to do their due diligence and do their job correctly.

BARINGHAUS Mr. Winkler, just for their future reference on fences and projects like that, responsibility for permitting falls with the owner of the property?

WINKLER A contractor will pull the permit. At the end of the day, the homeowner is also partially responsible for doing their due diligence and knowing where they can and cannot put a fence. Yes.

BARINGHAUS And again, that's just for future reference.

JOSLYN LLOYD Sure. Yeah.

BARINGHAUS You took this privacy fence around a portion of your backyard. Can you describe the remaining fence areas in your backyard?

JOSLYN LLOYD So if you're looking straight at our home, so it will come out 12 feet, which it's still on our property, and it stops one foot before the sidewalk that goes down Adams. It goes back roughly that 44 feet, and that's all the six-foot privacy fence. And then neighboring to our, the property behind us, that full length is the privacy fence. And we just didn't, we didn't have the funds at the time to complete to the house to that other side. So that still remains chain.

BARINGHAUS You own a dog?

TRENT LLOYD Two.

JOSLYN LLOYD Two.

BARINGHAUS Okay. So that fence serves the purpose of containment.

JOSLYN LLOYD Yeah, that was one of the main purposes. And then just overall, well, besides the chain-link, it was very old. The bottom was loose and everything, but then just the fact of we have an attached garage that faces the front, so whereas a lot of our neighbors at a corner lot, their garage faces the other street, which gives them more privacy. So when we were sitting in our backyard and everything, everyone could just walk by, look, and say hello, and we just wanted that added privacy.

BARINGHAUS So basically, it's for privacy, and...

JOSLYN LLOYD Security.

BARINGHAUS ...is security for your property. Very good. Any other questions from the Board?

MEAGHER Mr. Chair, I have a question.

BARINGHAUS Mr. Meagher.

MEAGHER I'm looking at a picture from Google that looks like you guys have a fireplace in backyard. If you were to, if you were to go directly from the corner lot back, would that interrupt where you have that structure?

TRENT LLOYD It would be almost right where we built a little dip.

JOSLYN LLOYD Yeah.

TRENT LLOYD So it wouldn't affect it too much, but....

JOSLYN LLOYD The fence would be right. So we did, I think it was either 11, a 10- or 11-foot, just pea gravel area, and we have just a free-standing fire pit in the middle, whereas if we move the fence back, it would be right on....

MEAGHER Right on.

JOSLYN LLOYD ...pea gravel where it ends, so....

MEAGHER Okay.

TESTA Mr. Chair.

BARINGHAUS Yes, Mr. Testa.

TESTA Question for the Petitioner, I wanted to clarify. You mentioned you hired a contractor through Lowe's. I thought I heard you say that [it] turns out they filed for a permit and got rejected [inaudible].

JOSLYN LLOYD So yes, so the whole situation is they installed the fence, and they told us in close that the permit is good to go. So they installed the fence June 1. Fast forward to January, when I came down here and spoke with the gentleman in the [Inspection] Department. They informed me, which we had no idea. They, the contractor, received the denied permit June tenth, so nine days after he installed our fence, and then he did not tell us or Lowe's. And specifically it was Frank that had been reaching out to the contractor, John, for the past seven months, and John was not replying. And they were sending him correspondence as well to his business address in Riverview, and he was not replying.

TESTA Question for Inspection. Do we have record of that rejection?

WINKLER I have the rejection letter, the correction letter I wrote to them, and it's also in the BS&A when I rejected the permit and application initially.

TESTA Okay. So we have record that a permit was applied for, but it was rejected?

WINKLER It was applied for, it was disapproved. I sent an email letter to Jade Best Fence, I believe is the name of it.

TESTA Okay.

WINKLER Yeah.

TESTA Those communications go directly to the contractor, not the homeowner, correct?

WINKLER They go directly to the contractor.

TESTA Thank you. More questions for the Petitioner. There used to be a chain link fence there.

JOSLYN LLOYD Yes.

TESTA That did terminate correctly at the edge of the house, the corner of the house in back?

JOSLYN LLOYD Yes.

TESTA What was the thinking? Or why did you guys want to move that fence line? Why don't you just keep the existing fence line?

JOSLYN LLOYD There was so much, I don't want to say wasted space, but we saw potential for just maximizing our backyard space. So that was the main reason. So when we had originally drawn up the original plan with Lowe's, we were like, "How far can we go out?" They said, "As long as you're a foot from the sidewalk." And then I never saw the exact plans that the contractor submitted, but you know, if he would have followed the correct process and waited, he obviously would have pushed it back, which we're perfectly fine with. But we thought, "Hey, we can get that extra 10 feet for the dogs and just extra room for a fire pit and just stuff... room to do back there. Why not?" So.

TESTA Okay. And you said you received three quotes. Did any of the contractors indicate to you at any point that you might need a variance to have this fence installed?

JOSLYN LLOYD No.

TESTA Thank you. Mr. Chair.

BARINGHAUS Sure.

BOLOVEN Mr. Chair.

BARINGHAUS Yes, Secretary Boloven.

BOLOVEN Question for the Petitioner. You stated you've been in communication with Lowe's and they're trying to rectify this. If you do have to bring this back to the lot line, will they cover the cost?

JOSLYN LLOYD They have put in loose writing that between them and the contractor, they will do what they can to cover costs. Supposedly, the contractor will be doing the work free of charge. Given the past history, it makes me a little nervous, but we have some word that he will do what's right to rectify the situation.

BOLOVEN Thank you, Mr. Chair.

BARINGHAUS Okay. Are there any other questions for the Petitioner? Okay, thank you. Are there any... just hang on? Are there any comments from the audience, if so... just step down and let this gentleman talk. Come forward. Good evening. Name and address, please.

BISINGER Yes, Russell Bisinger, and I live two doors down at 38961 Minton Avenue, and so we're at the end of a block. So there's their house on a corner, my house on a corner, and then one in between. And yeah, and I've lived there from birth, from Saint Mary's Hospital,

and bought the house next to my parents that are up here, around the corner. So I've seen a lot of things come and go in the neighborhood, but the house in question was originally blighted and it was a rental property, and there were some almost teenage kids that were harassing neighbors or police involved. It was just a disaster. But when Trent and Joslyn moved in, and this is just some backstory, they immediately made improvements. They were out there, just right out of the gate, just working around the yard, making everything look nice. So very, very much appreciated. And in the summer and even now, springtime, it's a dog neighborhood. And to the good point, their dogs, my dog, the lady in between and the one behind them, the dogs will just go nuts day and night if there's not some kind of barrier. So it's much appreciated and needed and as well, there was a broken kind of fence that was there before, and the privacy fence, really, they did a great job. I understand that they didn't get the proper permits. I have a privacy fence. I went through Lowe's, and it was actually my dad when he was alive, living next door was like, "No, you gotta do this, this and this," and Lowe's gave me pieces of that, and so they take care of it. But I actually followed through, just because my dad was nagging me, but otherwise I would not have known, and I don't think I would have done anything. I would have trusted Lowe's. They're such a big box name, and it's the Lowe's at Newburgh and Warren that's by our neighborhood that a lot of people are getting our fences from. And then also, I was going to say, so the variance, I think you would have to actually see the property. And I'm sure some of you have. You know things there, but say this is their corner, and the house behind them is like this. And so this is their garage, and if they went up to the back of the house behind them, they would lose a third or half of their yard. And so really, when they come out from their house line, if you include the attached garage, it's really only just a matter of a few feet. This is how a lot of the other neighbors in the neighborhood have done it, if they got a variance or not. And some of these fences look pretty old and... but there's similar corner lots in their situation where other neighbors have not forfeited a third or half of their yard because of the goofy way that the neighborhood [is laid out]. So that's really beyond the financial hardship is the unique situation of how this neighborhood was established on my birth in 1968 and then, but yeah, I would say it does look nice, and I hear all the neighbors appreciate it, and I respect the permit process. But I would say, if at all possible, please let them keep their fence. It looks nice, and they're awesome people, and I love their dogs, too. So thank you so much. Any questions?

BARINGHAUS No. Thank you very much. Appreciate it.

BISINGER Yup. Sure, thanks.

BARINGHAUS Are there any other public comments? Secretary Boloven, are there any letters?

BOLOVEN There are two letters, Mr. Chair. (Letter of approval was read) Justin Berger, 39118 Minton Avenue. Then there is letter, a mixed letter. (Letter was read) Sandra Brandstatter, 38884 Minton Avenue.

BARINGHAUS Okay. Thank you very much. If the Petitioners will come forward, you can make a closing statement.

JOSLYN LLOYD What was your question? I'm so sorry.

BARINGHAUS So we're asking you to make a closing statement in support of your variance request.

TRENT LLOYD We just want to make it known that if the contractor had approached us or contacted us and said he got disapproved, that it needed to come off the corner lot of the house, we would have said, "Yeah."

JOSLYN LLOYD Our intention was never to erect an illegal fence. That wasn't on our bingo card for this year. So we again, we respect the whole process, but with this unique scenario, we hope you guys kind of see where we're coming from. Again, you entrust people that you give 1000s of dollars to. So it's a shame that it didn't turn out the way we hoped, but we just hope you take our situation into mind.

BARINGHAUS Very good. Thank you. Thank you very much. We'll close the public portion of the meeting at this point, and we'll begin with Board comments. I'd like to start with Mr. Meagher.

MEAGHER Yeah. Thank you so much for everything you said. I think it's clear that you had good intentions. It is a very nice-looking fence, I'll admit. I do.... Yeah, I'll leave it at that. Thank you for coming in.

BARINGHAUS Okay. Mr. Rotondo.

ROTONDO Yeah, so I appreciate your guys' comments, and I can understand, obviously, what happened to you guys, and it's a shame that your contractor lied to you guys and deceived you guys and put up the fence, even though his permit was denied. Obviously we wouldn't be here today if he had communicated things effectively with you guys. Obviously you guys did some of your due diligence, and you got a signature from the neighbor, who it will affect. So I do appreciate that, and I have no issues with the privacy fence itself, and I think it's a good thing, based on what you guys were saying with the dogs barking and things, I think a chain-link fence would lead to a lot of nuance with the other neighbors, just with noise and things like that. So I could be in support of that. I'm a little bit on the fence about the side yard thing, and I'm not sure that I see a hardship there. I do understand the point that there's a unique building line there, so I am open to my colleagues' opinions on the side yard.

BARINGHAUS Okay, very good. Thank you. Mr. Testa.

TESTA Thank you, Mr. Chair. So I appreciate your explanation. On the pre-read, I was kind of negative based on your explanation, [inaudible] swayed me. It is unfortunate that your contractor deceived you or didn't communicate well with you. Regarding the side yard, the way I view it, if you had the neighbors' permission at 9242, and they were okay with it, I was

hoping that the two people actually were there to speak on your behalf, but we do have a signed letter from them, and there's no record of them complaining. There's no record of other neighbors coming in and complaining about that fence being on the side yard. It's been there for months at this point, so I think if it was an issue for the neighbors, they would have stood up, come here tonight, or contacted the City to complain about it. So based on that, I can be in favor.

BARINGHAUS Okay, thank you. Secretary Boloven.

BOLOVEN I tend to agree with Commissioner Rotondo. I'm a little bit torn to find the hardship in the length that it's coming out. You're going to get your privacy fence. That's not the issue. And everybody's talking about the dogs and it's going to be blocked. I think the best argument that is potentially swaying is your neighbor's argument saying the weird lot line, but you guys are saying, even in your petition, you're saying, okay, had you been told to bring it back, you would have brought it back. You're okay with bringing it back. If it's going to be brought back no cost, then why are we bringing a variance? And that's where I'm torn on this looking at the neighbor's line, it is a different type of lot line, but you're going to have that problem no matter what, because your house comes out farther. I hate using the "I'm on the fence" term, but that's where it's at. I just can't see where the hardship would be if the Petitioner is okay with bringing that line back. Thank you, Mr. Chair.

BARINGHAUS Okay, thank you. Basically, I agree. Looking at the fence, I did have a chance to view it today, and I thought it was a very well-thought-out project. Very, very well-constructed as well. And there is kind of... the lot line is an interesting twist, because two things: you're on the corner lot, which under city ordinances, makes it a challenge. But yet, [inaudible], as Mr. Winkler pointed out, to the corner, which, as you mentioned, takes out a quarter to a third of your yard, which is a fairly substantial chunk. I thought Mr. Testa brought up a good point. The fence has been there. You do have the neighbor permission. It's been there for months, not only your immediate neighbor, but based on the other letter, there's really no objection to the way it's set up today. In terms of what you did, you did move it away from the sidewalk, which I thought was a good thing, because it gives you the ability to maintain the lot in front of the fence nicely. A lot of people try to bring it right to the sidewalk, which I think generates a whole lot of issues itself. In a perfect world, and like you said, you would have installed it correctly to ordinance. But again, within the City, there's a mix when it comes to, I think, corner lots. You see some right to the edge of the house per ordinance. Others are varying degrees from that, based on what would be sufficient. Personally, I agree with the observation Mr. Testa had that it's been there. Nobody's offended with it. Yeah, it wasn't done correctly, but it's not doing any harm, and it's not impacting any of the neighbors that you could see as well. So based on that, I am in favor of just keeping it as is, granting the variance. However, I am concerned that there was no permit drawn for the construction of the fence itself. Normally, in those situations what we will do is support the assess[ment] of a double permit fee because the permit wasn't drawn at the beginning of the project. So based on that, I'd be in favor of the variance. Now, with that the floor is open for a motion.

BOLOVEN Mr. Chair, I'm just trying to get a rundown of where the Board is at. And it looks like there's two in favor. I will, based on your statements, support as well. That gives us three. I'm not sure where Mr. Rotondo and Mr. Meagher are following everybody's comments.

ROTONDO Yeah, Mr.—

BARINGHAUS Mr. Rotondo.

ROTONDO Yeah, I will be in favor of it as well. And I think, I think you guys did bring up a good point, and that makes sense to me. I'm in favor of it.

BARINGHAUS Mr. Meagher.

MEAGHER Mr. Chair, I appreciate bringing up the permit. That's where I was stuck early on, so that double fee makes sense to me, so keeping it as it is makes sense as well.

BARINGHAUS So you're comfortable supporting this part of the variance.

MEAGHER Yeah.

BARINGHAUS Okay, very good.

BOLOVEN Mr. Chair.

BARINGHAUS Mr. Boloven.

BOLOVEN Resolved that the variance in Appeal Case No. 2025-01-01, filed by Trent and Joslyn Lloyd be granted for the following reasons and findings of fact: The uniqueness requirement is met due to the layout of the lot as a corner lot in relation to neighboring properties. Denial of the variance would have severe consequences for the Petitioner due to having to redo the fence, bringing the fence back, taking up the yard, as well as potentially losing their privacy. The variance is fair in light of its effect on neighboring properties, and in the spirit of the zoning ordinance due to majority neighboring support, as well as direct neighboring support and approval of the direct neighbor for that privacy fence. The property is classified as Low Density Residential under the Master Plan, and the proposed variance is not inconsistent with that classification. Further, that the variance be granted with the following conditions: that it remain in the same condition as it was built, and the Petitioner be issued a double permit fee for putting it up originally without a permit.

TESTA Support.

BARINGHAUS Okay, motion by Secretary Boloven, support by Mr. Testa. Is there discussion on the motion? Seeing that there's no discussion, Secretary Boloven, will you please take a vote?

On a motion by Boloven, supported by Testa, the petition was granted with conditions.

RESOLVED: APPEAL CASE NO. 2025-01-01, Trent and Joslyn Lloyd, 39013 Minton Avenue: seeking to maintain a 6-foot-tall privacy fence, erected without permits, resulting in a fence erected within the corner side lot while not aligning with a corresponding fence on the adjacent property.

This Low Density Residential property is located on the south side of Minton (39013), between Adams Street and Marie Street, Lot. No. 123-03-0134-000, N-1, Neighborhood, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.090 A.4.b.i.,

be granted for the following reasons and findings of fact:

1. The uniqueness requirement is met due to the layout of the lot as a corner lot in relation to neighboring properties,
2. Denial of the variance would have severe consequences for the Petitioner due to having to redo the fence, bringing the fence back, taking up the yard, as well as potentially losing their privacy,
3. The variance is fair in the light of its effect on neighboring properties, and in the spirit of the zoning ordinance due to majority neighboring support and approval of the direct neighbor for the privacy fence, and
4. This property is classified as Low Density Residential under the Master Plan and the proposed variance is not inconsistent with that classification.

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

1. That the fence will remain in the same location and condition as presented, and
2. The Petitioner will pay a double permit fee for having erected the fence without a permit.

ROLL CALL VOTE

AYES: Boloven, Testa, Meagher, Rotondo, Baringhaus

NAYS: None

Absent: Coppola, Klisz

PASS/FAIL/TABLED: PASS: PASS

BOLOVEN Yes. Mr. Meagher.

MEAGHER Aye.

BOLOVEN Mr. Rotondo.

ROTONDO Aye.

BOLOVEN Mr. Testa.

TESTA Aye.

BOLOVEN Secretary Boloven votes aye. Chairman Baringhaus.

BARINGHAUS I vote aye.

BOLOVEN Passes five zero.

BARINGHAUS Okay. Well, congratulations, your variance has been granted. So again, you will be requested to provide a double payment fee, but I'm sure you had some inkling about that. That's all I'm going to say. So with that, congratulations and your fence is to remain as built today. And again, if you have any questions, please consult the Building Inspection Department.

TRENT LLOYD Thank you.

BARINGHAUS Okay. Thank you very much.

ADMINISTRATIVE TASKS

BARINGHAUS Mr. Secretary, I don't see any minutes. They were still working on it as of this afternoon.

BOLOVEN Yes. Mr. Chair, that is correct.

BARINGHAUS Okay. Are there any other comments from the Board this evening? Building Inspection or Law Department? None. Okay with that, the Chair will entertain a motion to adjourn.

TESTA Move to adjourn.

ROTONDO Support.

BARINGHAUS Motion by Mr. Testa to adjourn. Second by Mr. Rotondo, any discussions? All those in favor say, "Aye."

The Board voted unanimously to adjourn the meeting.

BARINGHAUS Meeting adjourned. Thank you.

There being no further business to come before the Board, the meeting was adjourned at 7:44 p.m.

Gregory G. Coppola, Chairman

Timothy Klisz, Secretary