

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, MAY 6, 2025

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, May 6, 2025.

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

MEMBERS ABSENT: Timothy Klisz, Secretary

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

The meeting was called to order at seven p.m. Chairman Coppola explained the Rules of Procedure to those interested parties. Each petitioner must give their name and address and declare hardship for appeal. Appeals of the Zoning Board's decisions are made to the Wayne County Circuit Court. The Chairman advised the audience that appeals can be filed within 21 days of the date tonight's minutes are approved. The decision of the Zoning Board shall become final within five (5) calendar days following the hearing and the applicant shall be mailed a copy of the decision. There are four decisions the Board can make: To deny, to grant, to grant as modified by the Board, or to table for further information. Each Petitioner may ask to be heard by a full seven (7) member Board. Six (6) members were present. No one chose to reschedule to be heard by a full Board. Acting Secretary, Jim Baringhaus, 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 more than forty (not counted) people present in the audience.

(7:00)

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COPPOLA Thank you. In light of what I would believe is attendance related to the first appeal case, I would suggest an amendment to the agenda to move the first appeal case, which is case number 2025-03-04, CIG Livonia, to the end of the agenda, and then keep the rest of the agenda in the proper order.

BOLOVEN Here, so moved.

TESTA Support.

COPPOLA I have a motion to move the agenda as has been discussed by Mr. Boloven, supported by Mr. Testa. All in favor?

The Board voted unanimously to move the first agenda item to the end of the meeting.

COPPOLA All right. Thank you. So we're going to go ahead and then you can call the second case, actually first.

APPEAL CASE NO. 2025-03-05, 9629 Cranston: an appeal was made to the Zoning Board of Appeals by Karen Amick on behalf of Lessee Justin Baker, seeking to maintain an illegally erected privacy fence resulting in a privacy fence being erected in the side and front yards, which is prohibited.

This Low Density Residential property is located on the west side of Cranston (9629), between Orangelawn Avenue and West Chicago Road, Lot. No. 133-03-1147-001, N-1, Neighborhood, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.090 A.2 & B.

COPPOLA All right. Thank you. Anything you'd like to add? Mr. Stierna. Mr. Rotondo, I apologize.

ROTONDO Yeah, I'm going to recuse myself in this case.

COPPOLA So if you'll just sit back [inaudible].

STIERNA Mr. Chair.

COPPOLA Yes, Mr. Stierna.

STIERNA The Inspection Department has nothing to add.

BARINGHAUS Mr. Chairman?

COPPOLA Yes.

BARINGHAUS Thank you. A question for the Inspection Department. Can a privacy fence be placed directly alongside a driveway on a residential property?

STIERNA They will need permission from the neighbor. Are you talking about a neighboring property? Yes, they need permission from the neighbor. Also, there are some setback requirements for clear view, usually by angling the fence so that they can see down the sidewalk and street.

BARINGHAUS Thank you very much.

COPPOLA Mr. Stierna, I noted when I was doing my preparation, there was a number of enforcement actions and some open and some rental inspection violations that had been unresolved. What's the status of those issues on the property?

STIERNA I believe there's a number of enforcement issues going through the process through which they'll end up with a show cause, followed by a court letter, court sentence if they don't resolve to satisfaction during those. I'm not familiar with all those enforcements at the moment.

COPPOLA But they're open?

STIERNA I can take a look and see if they're open, but

BAKER The inspection's scheduled for the night.

COPPOLA There'll be an opportunity [inaudible]. Any other questions for the Inspection Department? You get a chance to stop us and give us an update, if you would. All right, I apologize. Could I have your name and address first?

BAKER Justin Baker, 9629, Cranston Street.

BOLOVEN Mr. Baker, are you the owner?

BAKER I am not. I'm the owner's boyfriend. It was her aunt's house that we're just rehabbing and bringing back to up to stuff.

COPPOLA Alright. Is the owner here?

BAKER She is not.

COPPOLA Do you have a representation authorization?

BAKER I didn't know I needed one. And I know I've spoken Mr. Stierna a while on it, and I've always been able to file and do anything.

COPPOLA Mr. Fisher?

FISHER Well, I guess we have reasonable confidence in Mr. Baker's representation of Ms. Amick, and I think that I remember he came last time too late.

COPPOLA To be closed.

BAKER Yeah, correct. I apologize.

COPPOLA Okay, why don't you go ahead and tell us about the variance that you're requesting. I'd like to understand the hardship, practical difficulty that you have that would suggest the approval for variance?

BAKER Sure. So it's a small, brick and mortar, middle-class neighborhood, and the developer came in and put in these great big mansions. The one he put next to my house, he put the garage facing my entry door and front yard. So the two panels they want me to remove are the two that are blocking his garage from my entry door and my front yard. And that's set back, I believe, off the top of my head, 24 feet back from the edge of the sidewalk. It just... there was an old existing fence there that was dilapidated and had trees growing all up through it. So we basically just removed that and put this in.

COPPOLA What was the height of the bench you took down?

BAKER Probably five feet.

COPPOLA Okay, who installed the fence?

BAKER Anchor.

COPPOLA Did you know that they did not pull the permit to install that fence?

BAKER I did not upon the City let me know. I filed for a permit and had it inspected.

COPPOLA Mr. Stierna, you know who installed the fence? I just wanted you to know—

STIERNA I have the property owners, the applicants, and with regards to your previous question, currently, the enforcements are closed and approved, and there are a couple of rental enforcements still open. They're just annual inspections that need to be completed. And I see that there's an inspection scheduled, as he said for the nineteenth.

COPPOLA Okay. And so the purpose of the fence is because you don't want to look at the neighbor's garage?

BAKER It's right there. Their house is huge. If I didn't have a fence up, I'd have to walk around with the blinds shut 24/7.

COPPOLA Any questions for the Petitioner?

BARINGHAUS Mr. Chairman?

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Earlier, Mr. Stierna brought up the question of clear line of sight to the street and safety and visibility. At any time, did the Livonia Police Department come out and review the fence for those characteristics?

BAKER No, sir, it's not anywhere near the street or the sidewalk.

BARINGHAUS Okay. Also, once you did get the permit for the fence, you did talk to your neighbors and receive their permission to erect the fence?

BAKER I had their permission prior to acting. I've had their permission on three different occasions, going through this with the City, sir.

BARINGHAUS Also, I noted in the yard you store a lot of equipment: two trucks, a snow plow, and some other miscellaneous items. Neighbors been concerned about that, or have any complaints on that?

BAKER Not that I know of. I speak to my neighbor. He's never voiced an opinion on it. He knows we're rehabbing the house.

BARINGHAUS So when you put the new fence and you ran the fence as far as you did, your neighbor next to you, did you speak to them before doing this? Or did you just do it? Because....

BAKER No, he was there the day the fence guys were there to install it, sir.

BARINGHAUS Did he voice his concern at that point?

BAKER He never voiced a concern to me. I've talked to him about it on several occasions.

BARINGHAUS Okay, thank you.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Question for the Petitioner. Reading your application, it looks like you were under the assumption that Anchor had pulled a permit. Is that correct?

BAKER Yes, sir.

TESTA Okay, and you found out that there was no permit pulled when the City came and did an inspection and cited you. Is that correct?

BAKER I think I received a letter in the mail. Yes, sir.

TESTA And regarding the new construction next to you that used to be school property. It was sold off from developer.

BAKER Sure.

TESTA Did you ever have conversation with the developer about adding a fence back to that that was there when they took it out?

BAKER There was an existing fence there, and I assumed they were going to take it out because it was so dilapidated. It was dangerous for the neighborhood children.

TESTA Question for Inspection, do we know if there was any requirement on the builder or part of your site plan to put a fence back after they removed it? Sorry, I didn't ask this [inaudible].

STIERNA Sorry, could you clarify the question?

TESTA Yeah, so there used to be a school where those four or five homes were built. There was a fence there. Was the builder under any obligation, when he removed that fence to put a fence back?

STIERNA Not that I'm aware of.

TESTA Okay.

BAKER He never removed the fence. Just to clarify for you, it was there. I had to remove it and cut the trees out.

TESTA You removed the fence. Okay? Thanks for clarifying. Why did you remove the fence?

BAKER It was just dangerous. It was grown into trees, and it was killing trees, and it was broken several places.

TESTA Did you remove it before or after the homes were built?

BAKER After.

TESTA Okay. Thank you.

BAKER You're welcome.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Question for the Petitioner. Mr. Baker, on the application it states, originally, it was Action Fence that was the contractor. Then "Justin Baker, Carpenter." What do you mean by that?

BAKER I think because I had to file for the permit, I did it in person in Mr. Stierna's office.

BOLOVEN So do you have a builder's license?

BAKER No, I do not.

BOLOVEN Did you actually put in any of the fence?

BAKER I did not.

BOLOVEN Thank you. Mr. Chair.

MEAGHER Mr. Chair.

COPPOLA Mr. Meagher.

MEAGHER Question for the Petitioner. You stated that you would have to have your blinds shut at all times because the garage is facing your house?

BAKER And the side of their house, it's a huge house, and they have....

MEAGHER Are there [inaudible]?

BAKER ...back windows. [Inaudible]

MEAGHER Okay, that's what I was trying to figure out. So it's not just the garage.

BAKER It's not just the garage, it's the two panels that the City would like me to remove that blocks his garage from my front yard, and I've looked around the neighborhood all the other garages face the street, except for his.

COPPOLA So, Mr. Baker. So I'm looking at some of the pictures here. And so the fence is closest to the neighbor's driveway, correct?

BAKER Yes, sir.

COPPOLA And then there seems to be somewhat of a wooded area, landscaped area. And on your schematic, you said there's 24 feet between yourself, the neighbor, and fence, maybe I'm misunderstanding. So how far is the fence from your driveway?

BAKER From my driveway? It is probably, and this is just a guess, 16 feet.

COPPOLA And then you have a double driveway, correct? So that would be about 10 feet?

BAKER I think my driveway is probably closer to eight feet, sir.

COPPOLA Okay, and then the neighbor has a two-story house?

BAKER Yes, sir.

COPPOLA And then windows on the second story.

BAKER Yes, sir.

COPPOLA So how will the fence create that privacy you needed from the windows on the second story?

BAKER It wouldn't.

COPPOLA I only see, can only see one small window towards the back of the house, on the neighbor's, and there's a doorway, and that's all I see. Am I missing something on the first floor?

BAKER I think the window is probably larger than it appears in the picture. It's probably five feet by four feet.

COPPOLA And then what windows you have facing? What rooms face that neighbor's house?

BAKER The back bedroom and the kitchen, and then obviously the living room and the upstairs bedrooms.

COPPOLA Have you had any window dressings on any of those windows?

BAKER Yeah, I have blinds on them.

COPPOLA Have you had any instances of neighbors inappropriately staring in your windows, out of their windows?

BAKER No, sir, I have not.

COPPOLA Okay.

TESTA Mr. Chair?

COPPOLA Mr. Testa.

TESTA One more question. How long have you had that fence up?

BAKER Two years, maybe.

TESTA Okay. Thank you.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN One more question for Mr. Stierna. Looking at the overview, had this fence been properly permitted, received approvals, how far up could it have gone?

STIERNA It would only be able to go back and plane out with the neighbor's fence coming off the rear corner of the neighbor's house, because I believe his property sits back a little further. So we do allow for planing out with the neighbors.

BOLOVEN So his property is the detached garage toward the back. The normal rule is you can't go past the back of the house line, correct?

STIERNA Correct. Or align with a corresponding fence.

BOLOVEN Okay? So “or corresponding fence.” What about the garage? The garage is higher up than the back of the house.

STIERNA If I'm looking at his plan, it would have to align with the rear corner of his garage.

BOLOVEN Rear...?

COPPOLA He doesn't test for us.

STIERNA Yeah, that's a bit.... Let me take a look at a satellite view. See if I can see anything.

BAKER I think the City told me to where his generator is at that black wrought-iron fence he has running across the yard.

BOLOVEN Which is about... what's the distance on that, would you say?

BAKER 42 feet, I think.

BOLOVEN 42 feet to the... so you'd have to remove 42 feet of your fence?

BAKER Well, the Inspector told me I'd have to remove two of the panels.

STIERNA I think it would be more than that. Sorry to interrupt.

BAKER It would be more than that?

BOLOVEN So what I mean... I guess let me back in my question. How many feet would have to be removed for this to be proper?

STIERNA I'm trying to load up the map, sorry. There's a neighbor has a fence that runs to their corner of their house. He needs to return it back so that it aligns with that. I think is what I looked at last.

COPPOLA I saw six panels.

STIERNA I gotta say he's looking about six to seven panels.

BOLOVEN So even if that were replacing an existing chain, if it was a chain-link, it could have just been replacement and it would have been fine.

STIERNA Chain-link can go up to the front part of his property

BOLOVEN Correct. But it would be fact. It's privacy,

STIERNA Excuse me, I was... go on.

BOLOVEN Well, so the fact that it's privacy, he's got to stop, essentially six panels estimate.

STIERNA It's intended to enclose his rear yard.

BOLOVEN Thank you, Mr. Chair.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Question for the Inspection Department. Just for my clarification, you're suggesting moving the fence to the where the wrought-iron fence is on the neighbor's property?

STIERNA Correct. That would give him a little bit more because it allows him to plane out his fence. It's a little wiggle room. We do allow for it.

BARINGHAUS Question for the Petitioner, can you describe the hardship and why you feel you need this fence to enhance your property?

BAKER Just for privacy, just to enjoy my yard on days [inaudible].

BARINGHAUS It looks like you made an effort to try to have some privacy that seems the along the property line between your neighbor and yourself, there's clearly tall shrubs, trees, things like that. You've attempted to use some landscaping to give you some privacy.

BAKER I have, sir, yes. It all dies. I don't know, I don't have a green thumb.

BARINGHAUS [Inaudible]. It's just not effectively working.

BAKER It's not working there. The two trees in the front the City cut down.

BARINGHAUS Okay. Very good. Thank you.

BAKER Yes, sir.

TESTA Mr. Chair. Sorry, one more question.

COPPOLA Yes.

TESTA I promise this will be my last. Have you talked to Anchor Fence about why they didn't pull the permit?

BAKER We put in several phone calls to them, Miss Amick and myself.

TESTA Okay. All right, thank you.

COPPOLA Any other questions? All right, seeing none. You can have a seat for a minute. Is there anybody in the audience would like to speak for or against this petition? Please step forward to the podium, and I'll need a name and address, please.

SABUDA Mark Sabuda, I live at 9835 Cranston, the neighboring house.

COPPOLA Okay.

SABUDA Like he said, it was an old, dilapidated privacy fence that was there. I signed to allow it months before the fence got put up. It's a vast improvement. I know it's just backing up. You've seen the street. You've seen the sidewalk. It makes the whole area look a lot better. I also, I'm not concerned about what he's got in his yard. I don't see it. I have a privacy fence.

COPPOLA Okay. Thank you. Anyone else? Seeing none, do we have any correspondence?

BARINGHAUS Yes, Mr. Chairman, we have three letters. Question for Mr. Fisher, though. I have two letters from one individual, should both of those be read into the record?

COPPOLA One was for the prior date. One was for the current date.

BARINGHAUS One was for... yes, actually.

FISHER Read the one for the current date and [inaudible] for the record.

BARINGHAUS Read the current letter?

FISHER Yeah.

BARINGHAUS Okay, very good. Letter from Julie Seiter, 9619 Blackburn, (letter of objection was read). Letter of objection, Cathy Ryder, 9625 Cranston, (letter of objection was read). Those are the two letters.

COPPOLA All right. Thank you. Mr. Baker, want to step up and have a final statement?

BAKER The dumpster was there when we started the rehab on the property. It was full of content when we bought the home.

COPPOLA Okay.

BAKER And it was there for approximately nine days. And I can give you a printout from GFL, if you'd like. I work with Scott all the time in my business.

COPPOLA Okay, anything else?

BAKER I don't think so. I don't think... I mean, it could probably appear like a construction company when we're rehabbing the place, but I don't know how else to get my guys there when I'm drywalling or fixing stuff.

COPPOLA Okay. Anything else?

BAKER No, I think that's it, gentlemen.

COPPOLA All right, go ahead and have a seat. We'll close the public portion of the case and start the Board's comments with Vice Chair Baringhaus.

BARINGHAUS Thank you. I think that regarding the fence itself, I think it's excessively long, and they use the reference point of the chain-link fence running down the length of the properties, kind of as a historic precedent for the fence. The Petitioner is citing some privacy concerns, even though I think having a second story, the fence really isn't gonna be that effective. The property line itself does have a number of trees, shrubs, things like that. Overall, looking at the area itself, a lot of the fences tend to be wrought-iron. They tend to be more it's more in line with the look and the design of the area, basically an untreated wood fence doesn't. The Petitioner cited privacy as a hardship, but yet, I think he has a degree of privacy with the vegetation that he's put in and the trees that have been there for a long period of time. While I won't support a variance granting the full length of the fence, I would be willing to consider variance, granting that the fence maybe comes out, say to the front corner of the home as opposed to the rear. I think that'd be a good compromise, and give them the side privacy on his home without infringing on the line of sight on the rest of the neighborhood, from the [inaudible], thank you.

COPPOLA Thank you. Mr. Boloven.

BOLOVEN I actually disagree with Vice Chair Baringhaus. Respectfully. Look at it. I do think there's potentially some privacy concerns, especially this neighborhood where this issue happened. You have a very large home that was built directly next to smaller homes that are more traditional for that subdivision. It doesn't look like it's out of place. I mean, I know there should be a double permit fee for not pulling the permit originally, but for the look of the

neighborhood and actually having the direct neighbor's support, direct support for the fence. I'll be for approval with a double permit fee. Thank you.

COPPOLA Thank you. Mr. Testa.

TESTA Thank you, Mr. Chair. I was caught off guard by Mr. Boloven [inaudible] in the best case. I can be in support of this. There's two main reasons. First is the direct neighbor support. This impacts that neighbor the most out of anyone, since he's in support of it, I can be in support of it. And also it's regarding Anchor Fence. I think this is maybe... I can think of five other cases which we've had because of Anchor Fence not pulling permits and a customer thinking they had, so I believe the story that they were under the impression that Anchor pulled the permit when they had not. But it could be in support, along with the double permit fee, I would agree with that. Thank you.

COPPOLA Mr. Meagher.

MEAGHER Yeah, this is a[n] interesting one for me as well. I used to live in this neighborhood, and there is something that hasn't been said where Old Roseville Gardens does have a very unique culture. I don't particularly want to address the things you have in your yard, but the sight line to the house seems to be taken care of from the part of the fence that's from your house to the rear. So in this case, I think there is a lot to look at with those that have disagreement with it. I do like the look. I just think further back to what the ordinance says. It makes sense to me, so I would have to be in disagreement.

COPPOLA Thank you. I'm not supportive of this petition. I think there's a number of issues that give me pause. I see significant violations and issues, and then a fence going up without a permit, I start to question the intent of the Petitioner. When I look at the site, I mean, that is a large house next to them, but there's also almost 24 maybe 30 feet between them and the house. And that area is also wooded, somewhat wooded, there's trees, there's bushes. And some of the line of sight, it's a two-story house. I don't know how you create privacy with a six-foot fence on a two-story house. I'm struggling with that. I think there's other options that can be done to keep with the kind of... what's going on in that area, that wooded area, you can use some vegetation. And there's other ways that you can address that issue without the variance. It also doesn't mean a look to me, doesn't fit in the neighborhood. There's no other fences that go that far forward. Now, again, it's somewhat obscured by the large house that's next to it, sits up a little bit forward. But it just doesn't, to me, look right and again, and I don't want in the sense, it doesn't look right in this neighborhood, an older neighborhood such as this. A lot of older homes, there's no other fences that go out that far, that I could see, that are that tall. And then lastly, on Anchor, if Anchor had pulled a permit, they would have been denied, and that would not have put in [inaudible]. They would have come before us, and that would have been the proper procedure. And to be honest, I still am not sure I would have approved that variance. So I'll go ahead and open up the floor for motion.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS I'd like to make a motion that this Appeal Case No. 2025-03-05 be tabled to allow the Petitioner to come back with a revised plan, reducing the size of the fence and bringing it more in, more behind the front portion of his home, to give it a more, maybe, discrete look and improve the front side lines of the property.

TESTA Support.

COPPOLA All right. I've got a motion to table by Vice Chair Baringhaus, supported by Mr. Testa. You can take roll.

On a motion by Baringhaus, supported by Testa, the appeal case was tabled.

RESOLVED: APPEAL CASE NO. 2025-03-05, Karen Amick on behalf of Lessee Justin Baker, 9629 Cranston: seeking to maintain an illegally erected privacy fence resulting in a privacy fence being erected in the side and front yards, which is prohibited.

This Low Density Residential property is located on the west side of Cranston (9629), between Orangelawn Avenue and West Chicago Road, Lot. No. 133-03-1147-001, N-1, Neighborhood, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.090 A.2 & B,

be tabled to allow the Petitioner to return with a revised plan, reducing the size of the fence and bringing it further behind the front portion of their home to make it more discreet.

ROLL CALL VOTE

AYES: Baringhaus, Testa, Boloven, Meagher

NAYS: Coppola

RECUSED: Rotondo

ABSENT: Klisz

PASS/FAIL/TABLED: PASS: TABLED

BARINGHAUS Okay. Thank you. Mr. Meagher.

MEAGHER Aye.

BARINGHAUS Mr. Rotondo has abstained.

ROTONDO Yes.

BARINGHAUS Mr. Testa.

TESTA Aye.

BARINGHAUS Mr. Boloven.

BOLOVEN Aye.

BARINGHAUS Vice Chairman Baringhaus votes aye. Chairman Coppola.

COPPOLA Nay.

BARINGHAUS Okay, motion to table passes four to one.

COPPOLA Okay. All right, Mr. Baker, you want to step up for a minute? So I want to make sure that we have that we're kind of aligned on what we've asked you to do. So the petition as presented didn't get enough support to pass. So actually, Mr. Baringhaus did you a solid to give you a tabling, to give you an opportunity to modify your petition. I think if you hear of what some of the feedback from the Board, they're asking for you to kind of push things back maybe a little bit, or make some modifications that would appease some of the issues that have been brought up by the Board members.

BAKER Thank you.

COPPOLA Okay, so you can, like I said, before the next meeting, unfortunately, is not till July, and you have till June 9th to turn in your petition. During that period any enforcement regarding the fence is stayed. So the fence can stay up for this period of time, until you have a hearing in front of, front of the Board. But we want you here relatively quickly.

BAKER Okay, that's at Mr. Stierna's office again?

COPPOLA Yes.

BAKER Okay. Thank you, gentlemen. I appreciate your time this evening.

COPPOLA You can call the next case, please.

APPEAL CASE NO. 2025-03-07, 14954 Flamingo: an appeal was made to the Zoning Board of Appeals by Gwen Hosey, seeking to construct an addition to the existing attached garage resulting in excessive accessory structure area and an accessory structure in excess of the ground floor area of the house.

Total Accessory Area

Allowed: 1000 sq. ft.
Proposed: 1320 sq. ft.
Excess: 320 sq. ft.

Total Area

Dwelling Ground Floor: 1315 sq. ft.
Proposed Garage: 1320 sq. ft.
Excess: 5 sq. ft.

This Low Density Residential property is located on the east side of Flamingo (14954), between Nye Road and Hoy Avenue, Lot. No. 089-01-0031-000, R-U-F, Rural Urban Farm, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09 (1) A – Maximum Size.

COPPOLA Just for the record, Mr. Rotondo has returned. Mr. Stierna, anything you'd like to add?

STIERNA I have nothing to add, sir.

COPPOLA Any questions for Inspection? Alright, seeing none if the petition can step forward, and I'll need a just for the record and name and address, if you would, please.

HOSEY My name is Gwen Hosey. I own 14954 Flamingo, Livonia, Michigan.

COPPOLA Why don't you tell us about your petition, the vote petition, trying to understand the need for such a large garage so understanding what your hardship is, this would suggest that this variance should be approved.

HOSEY My family's been living at this property since 1953. I lost my husband five years ago, and shortly following that, I lost my mother. We were able to help my mother stay and age in place at this family home. I am a veteran with 30 plus years of service as a commissioned officer. I grew up in the city of Livonia. I like the city of Livonia. I am preparing to return home and age in place at this house. With the Board approval and support. I would like to extend the existing garage that was built in the 1950s and follow the same structural lines. This extension will allow me to age safely in place, be able to have access, safe access to my car, my vehicles to come in and out of the garage. I also like to have space for my lawn equipment, my snow removal equipment. I like to garden. I have gardening supplies, utility carts, and I like to have a workstation for some of the projects that I have planned. There's space for the extension. I have a large lot. The extension will be located in the rear of the house, which will be mostly concealed. I've hired Livonia-based surveyor, Livonia-based architect, and a Livonia-based contractor who's here tonight. The extension will blend in with the existing house. It will have visual appeal. I do plan to landscape it, too. My variance request is not unusual for the City, as other large garage extensions have been approved. I appreciate your time and your

consideration as I continue to work to improve this home and to safely age in place and be closer to my family. Thank you.

COPPOLA Can you just stay up there for a minute. First of all, thank you for your service. Appreciate that, and I'm sorry for your losses. So it looks like the addition is about 800 square feet. That'd be right about 800 square feet? So the addition's seven, almost 800 square feet, which would normally be a pretty large garage, vehicle, car garage, you already have a relatively large two-car garage. Talked about a snowblower and some lawn equipment. That doesn't take 800 square feet. What else? What else... is it just you living there right now?

HOSEY I'm a widow, yes.

COPPOLA By yourself at the moment. Yes, okay, so

HOSEY I do have a large extended family that does visit that house, in the house, even though you're saying my mom and dad raised eight kids in a three-bedroom house. Anyway, because, besides the point, I do have a backhoe, a gift from my husband that I do plan to bring back. There is an old grape arbor back in the back of the property, and I want to use that with my family's house of help, of course, to bring that back to life, along with some other things so to protect it from the elements, keep it out from just keep it safe. That's fairly large, along with some utility trailers. As I age, I have actually my husband bought it when he was sick, a little utility cart that I can drive back and forth on the property, [inaudible] and that would be stored in there as well.

COPPOLA Okay. Now, were you aware that I think you heard when we did the announcement of the public notice that you're allowed 1000 square feet, without any variance whatsoever. So that's the additional 320 square feet that is creating you having to come before us.

HOSEY Correct.

COPPOLA Okay. Questions for the Petitioner?

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Question for the petitioner, you have any communication with the neighbors regarding your proposal?

HOSEY Some of them Yes, about after they've received the notice and then realized they are granted, but yes

BOLOVEN How about your direct neighbors? Like

HOSEY No.

BOLOVEN Looking at your house to the left and right

HOSEY To the north, yes. To the south, no.

BOLOVEN And is the north in favor or opposed?

HOSEY They're in favor.

BOLOVEN Thank you, Mr. Chair.

COPPOLA Mr. Testa.

TESTA Thank you. Question for the Petitioner, who are you using as a builder?

HOSEY Dave Bongero.

TESTA And then you mentioned some of the back of your lot. I believe it's an RV in the back of your lot, correct? It's parked on that cement.

HOSEY Yes, I have a RV parked on the cement.

TESTA Are you planning to park that in this garage?

HOSEY I don't know if it'll fit.

TESTA Okay, that'll be my question. I was gonna ask. How did you decide the dimensions of this garage? That's pretty long, but not so wide,

HOSEY Because the when I first went to do my research with the city and talk to the engineers and the planning gave me the information, and then I needed to be within 15 feet of the utility lines across. So when we were drawing up the plans with Dave and his architect, decided I would like as big as I can get for the garage, but I do know that I'm limited by those utility lines, so that's where it's stopped at, and that's the reason for the 320 access. But I could use all of that space in the garage.

TESTA Okay, that answers variance square footage. You're going 36 feet out and 22 feet wide. Could you change those dimensions? Keep the same square footage, but change the dimensions, maybe only go 20 foot out and maybe 25 or go the other way, instead of going so deep, why not can go wider?

HOSEY Mike, or Mr. Testa, I haven't really explored that, except that that would really throw off my house, because I have a breezeway right next to that garage, and it just makes common sense to bring that garage forward, extend it using the same structural lines, but allowing my windows for the family room, the kitchen. not to be... I can't. I wouldn't be able to do it unless I'm not a very spatial... like with footage and stuff, but I....

BONGERO Good evening, everyone. Dave Bongero, Bongero Construction, 32346 Glendale. I think the reason was we felt like line up the structure. The wall straight out, because she must put another overhead door to pass through from one direction to the next, moving it over. Was covered up windows. It kind of it made more sense in my eyes. Just take it straight out. Follow that same garage line, nice and neat, clean. That way you don't block any views in the backyard or any blocking sunlight.

TESTA Okay, so there's windows between the garage looking out the backyard, between where the garage would be in the menu you know, thank you. Yeah, the reason I was asking there was some in some letters. You see, someone was concerned about the depth of the garage. I was trying to give you the same square footage just by changing—

BONGERO Yeah.

TESTA Dimensions by understand, blocking off windows.

BONGERO And it makes sense, like, you know, she has a lot so deep that in my when I was helping her. I kept saying it's so deep, it seems that it'll still be... it'll fit, okay. You know, it doesn't seem it's not encroaching on a lot line or anything. We felt like it was deep enough to pull it off and not cover any windows or go to the other side. It just makes sense. But I don't know if one would be open for that. We have to look at it again, but it seemed like this was the costuming for her. Just open up a door. They roll up door and go straight out.

TESTA Okay.

BONGERO Sure. Thanks, you guys.

TESTA You mentioned a couple. It's called vehicles or tractors or trailers. Where are those housed right now? And one of them, you said, are not on site, but the other ones, where are they stored on property?

HOSEY In the driveway.

TESTA Okay.

HOSEY And Mr. Testa, I keep an eye on like neighborhood watches, and I was, I'm just real concerned, as a widow, living by myself currently, that I can pull those vehicles into

the garage at night, get out of the car, Shut the garage door, get out of the car. Get in the house. Be safe. I am worried about break-ins. Unfortunately, it's the day and age when we live in but I do want to make that property safer for me to age in place. Have the storage that I need. Have it all undercover in one spot. That's all I could say. Right now, the vehicles are not in the garage because we have been... losing my husband. I was the executor for my mom. We still have things that we have to get out of there, too.

TESTA All right. Thank you.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yeah. Question for the Inspection Department. I'm showing this square footage of the home, 1,315 square feet. If that home were built today, what size garage would be permitted in terms of square feet?

STIERNA 1000.

BARINGHAUS 1000. Very good. Thank you.

COPPOLA Just a quick question, Mr. Stierna, if they built 1000-square-foot garage? But they do not have that building still? I just wondered.

STIERNA No. They would not.

COPPOLA That would max out that building still?

STIERNA They are given a little extra 920 is the maximum total between accessory structures. If they choose to have one accessory structure, they are allowed to go up to 1,000 square feet, or the maximum of the footprint of the house. In this case, it was 1,013.

COPPOLA Okay. Mr. Boloven.

BOLOVEN Mr. Bongero, if I could just ask you a question real quick. If you were to come down the 300 and so feet to the 1,000 square foot, how would that change your model? Besides less area, [inaudible].

BONGERO It doesn't change much. It's an easy addition because it's pretty much a straight gable, straight off the back. So it would just be cutting off footage. You know how it is, guys. Two-car garage nowadays is a shot. So I'm always doing garage additions, some similar to this, you know what I mean, so obviously I think she wants to go for the motion. To get this is the one shot she gets. So that's kind of what we thought. But we're open to suggestions, hoping you'll see it what we're proposing, but it is easy to pull it back, to answer your question.

BOLOVEN Thank you.

COPPOLA Any other questions?

ROTONDO Mr. Chair.

COPPOLA Mr. Rotondo.

ROTONDO So just looking at the plot plan that was provided, it looks like the drainage, if you want to touch on it, to me, it looks like the drainage is going to be like a proposed swale in between the two properties, and it's going to push water to the rear, to the catch basin, into the front, to the ditch. Is that correct?

BONGERO That's correct. Yeah, we're going to address the drainage when we're out there. We realize that the swale was defined on the site plan, and that's what we intend to do.

COPPOLA Okay, any other questions for the Petitioner?

MEAGHER Mr. Chair.

COPPOLA Mr. Meagher.

MEAGHER I think what I'm honestly trying to figure out is, I understand the death and taking care of family members estate, having this in your family. I just moved, and I know how many things are in every nook and cranny. I think what I'm trying to figure out is really the difference between 300 square feet here. So, is there a time in the future that you're saying, "Hey, I'm going to be going through my current garage to where we could get the Kubota in," or something like this. 300 square feet really make that much of a difference? If you're currently going through the full garage right now?

HOSEY It's gonna make, in my opinion, that 300 feet, and I understand the Livonia ordinances. Again, this isn't the first time that a variance has been asked for an extension on a garage. It's 320 square feet. I can use the space. I have a large extended family. I enjoy sports. I still bike ride. I forgot to say I just bought an electric bike. So I want that undercover. So yes, 300 and I hear what you guys are suggesting. My pushback is I really could use it. It is probably the last time I'll do any extensions to the house. I've been trying to improve it again so I can age in place safely. My family's lived in that house since 1953. I appreciate your time and your thoughtfulness and your consideration for the full extension.

COPPOLA Any other questions for the Petitioner?

BARINGHAUS Yeah, Mr. Chair.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Earlier you mentioned a number of pieces of equipment. What I'd like to do is, with the proposed addition, just kind of get some idea of what you're planning on putting in there. Specifically you indicated a work area.

HOSEY Right.

BARINGHAUS What size do you envision that being, and what do you have?

HOSEY Again, yeah, as Mr. Meagher mentioned, it's been a tough time in my life. My husband was a contractor. He gifted me with some woodworking equipment that I'd like to bring down.

BARINGHAUS I'm putting these as woodworking.

HOSEY There's table saws, there's routers, there's sand [inaudible]....

BARINGHAUS What's the dimension of it? Is this going to take up the whole structure?

HOSEY No, it'll probably take 320 square feet.

[Inaudible crosstalk]

HOSEY Right now, again, I'm trying to simplify, but I do have a truck and a Subi, and I do have a one-ton vehicle, a Dodge.

BARINGHAUS So you have three vehicles. I'm sorry, plus the electric bike.

HOSEY Yeah, don't forget.... The Dodge is a big truck.

BARINGHAUS Also gardening equipment. Give me some examples of what you're going to be storing there.

HOSEY I hope some of you like to garden. There's a rototiller. There's those push carts... wheelbarrows! Wheelbarrows, and hose and, yeah, power tools.

BARINGHAUS Okay, so basically three vehicles, some woodworking equipment, and some gardening equipment.

HOSEY Yeah, and I do have canoes, two canoes.

BARINGHAUS Okay.

HOSEY I know. I lived in Washington state, and we loved to canoe, so I

BARINGHAUS I struggle with a lawnmower and a snowblower. Thank you.

COPPOLA Any other questions for the Petitioner? All right. Seeing none, you may have a seat for a moment. Correspondence? Oh, I'm sorry, audience statements first. Anyone want to speak for or against this? All right, seeing none. Correspondence, please.

BARINGHAUS Okay, thank you. Letter of approval. Goch, 15019 Flamingo (Letter of approval was read). Letter from Marie and David Lewandowski, 14911 Flamingo (Letter of objection was read). Letter from Denise Schaefer, oh, sorry. Denise St. Ledger, 14932 Flamingo. (letter of objection was read), and that concludes letters.

COPPOLA Okay. Thank you. Is there anything you'd like to say in closing? You can step up.

HOSEY Well, I respect the letters in favor, and I respect the letter from my neighbor to the south with the extensive concerns. I don't agree with all of them. It's not going to impact the views from their house. The garage is just directly in my yard with no.... Their windows aren't there. I don't want to address that. There was a whole litany of things. Two years ago, I did hire a company to help me with the drainage in my yard, and they did do the storm drains to help. There's a main storm drainage between my house and the house to the south that has been there since the 1950s and that runs into the main sewer drain up on [inaudible] or Hillcrest. I'm not worried about that. It drains pretty well right now, and I know David Bongero will, with the other extension, make sure the drainage is flowing the way it needs to be. As far as they're talking about vinyl siding and disrupting the neighborhood. And those properties are huge, and they are beautiful. That my garage is going to add visual appeal to my house, and it's also going to enable me to stay there. I want to live in Livonia. I do want that garage extension. They're worried about vinyl. I can work with my builder. We can partially do partial brick. We could work with this. It's not... it's doable. I rarely report people on our street for issues, but there is a neighbor to our south who has utilities without utility buildings without permits and underneath the utility lines. That's not... they didn't mention that in their letter, but I don't want to go. I don't want to do that. I want to be respectful, follow this right, correct process with the City and ask for the zoning variance. Again, it's going to enhance the neighborhood, enhance my property, and it's going to look beautiful.

BONGERO Just, if I may?

COPPOLA Sure.

BONGERO We're not going to be five feet from her house. We're going to line up with the existing garage. So I don't know, I don't have the site plan in front of me, but it's significantly further from her house than five feet. It's not 50 feet long. It's 36 and we're going to... we can do

partial brick around the perimeter, and the drainage is across as we said earlier. I think that was it. We're going to address all these issues, but it's not that close to their house.

BOLOVEN Mr. Chair?

COPPOLA Mr. Boloven.

BOLOVEN Quick question, Ms. Hosey. Are you [on] friendly terms with Ms. St. Ledger?

HOSEY That's a good question and a hard question to answer. There was some trees cut when my mom was alive. There was... my mom lived till she was 92 and there was some trees cut down without her permission. On inside, and it hasn't been

BOLOVEN Your mom or Ms. St. Ledger?

HOSEY My mom. The [St.] Ledgers cut them without her permission, and it's just not been a good scene. We were saying hello, and my mom would get Halloween and stuff. And it was... you guys all had neighbors. When I hired the person to fix the drainage in the way back, there was a big old ditch there. Denise came over and confronted me and was really angry. And asked me if I pulled the permit and we had checked with the City. We did not need a permit. The City Inspector did come out during that time and told the contractor that he was doing a great job with that. I just live next to a neighbor that I can't... it's just hard.

BOLOVEN Is there any chance of compromise with her?

HOSEY I don't think so.

BOLOVEN Thank you, Mr. Chair.

COPPOLA Just have a quick question. Do you have a shed? Currently have a shed on the property?

HOSEY No. The shed is on that Ledger side.

TESTA Mr. Chair.

COPPOLA Yes.

TESTA I'd like to follow on some of the points Mr. Boloven was hitting. Thank you for explaining the relationship. I think you answered before, have you shown the drawings to your neighbor?

HOSEY No, I haven't. I? No, I haven't shown it to any neighbors.

TESTA Yeah, I think there's some misconception on their part of the other I can get you.

HOSEY Oh yeah, I hear you, Mr. Testa. You're right, you're right, you're right.

TESTA Thank you.

HOSEY And I didn't know when those letters came out that the schematics didn't go with it, just the... yeah. So I can see how assumptions are made. Should I sit down?

COPPOLA If you [inaudible]. Thank you. All right, I'm going to close the public portion of the case, and we'll start the Board's comments with Mr. Meagher.

MEAGHER Yeah, at this point, I really understand what you're going for. I think the main thing that I am kind of in agreement is that you're zoned in rural land. So if this was really any other I think I might have a problem with it. So I think for this one, I'm in agreement for the variance.

COPPOLA Thank you. Mr. Rotondo.

ROTONDO Yeah, thank you. Mr. Chair. Obviously there's been some conversation with some of my colleagues about changing the size or making it smaller. When I look at this property, I think it's such a large property that I think the size that is proposed is okay for this property. I think we can accommodate it. Obviously, the Petitioner has stated her hardship based on storage and security reasons, so I can understand why she would need this garage. And then lastly, obviously, we touched on the drainage issues, and what's presented on the plot plans here does show that surface water will positively drain, but I would like to reinforce to Mr. Bongero and his team to make sure that area drains to the catch basin in the back and the bridge in the front. Thank you, Mr. Chair.

COPPOLA Thank you. Mr. Testa.

TESTA Thank you, Mr. Chair. So I guess I'm gonna stop predicting how everyone's gonna vote here. I was gonna say I definitely understand your hardship, and I want to make sure you get something. And it appears we're going in favor of that. I would also be open to a table to give you more time. I know we have a difficult relationship, at least with one neighbor, but maybe you'd send them a letter with the drawings explaining to them. What stuck out to me in the two objection letters was, "We don't want to see a 1300-square-foot addition." It's not 1300, it's 800... 792. They're misunderstanding what the proposal is, by the way it's written up. This written up is a 1300 square foot total allowance. There's a total square footage. That's not what you're putting on. But if there is enough votes here tonight, I'll vote in favor of it. Otherwise, I'm in favor of a table for Ms. Hosey to try to have some conversation with their

neighbors and address their concerns, or get them talking up for them that they're more comfortable, understanding the proposal so that they could support it. Thank you.

COPPOLA Thank you. Mr. Boloven.

BOLOVEN I agree with my colleagues on this one. I'd be in support, I wouldn't be in support of tabling, because I think we can get this approved tonight. Normally, looking at it, there's a couple things that stand out. One, direct neighbor disapproval is something that usually is a red flag. Obviously, there [are] harsh feelings that go back for years between these two neighbors. That's one [of the] important questions, was there any [inaudible] installation. Doesn't seem so. It also seems the objecting neighbor is uninformed on the project, just based on what was stated in the letter. In the site plans have the brick that's addressed in there, and they place them where the property is going to the addition is going to be straight back. It's contrary to what she has in her letter. The other neighbor, as Mr. Testa said, I just don't believe understands. They think an additional 1300 is going in, which isn't the case. The unique issue is that this is bigger than the house. But the best question was from Chairman Coppola, which was, is there a shed? Going through that area, there's numerous properties that have sheds back there, and we granted before garage additions that leave a shed on a property, or have a shed being built, or an out-garage being built, along with an attached garage. As Mr. Bongero stated, this is a one and done. You know, this is the shot to get everything she needs. She doesn't have that excess outbuilding as the other properties have. So as such, I approve, as presented this evening. Thank you.

COPPOLA [Inaudible] Mr. Baringhaus.

BARINGHAUS Thank you. Yeah, that's one thing that came out to the neighborhood, is the amount of neighbors that have accessory buildings like sheds, and to the point where these sheds are actually tied in quite closely to the appearance of the home and generally the old neighborhoods. Very, very attractive. I enjoyed the turn through today. When you look at the number of 1320 square feet, it looks a little daunting on the surface. But let me break out the map. As Mr. Testa pointed out, the garage is 528 square feet, and you're asking for another, really another 792 square feet. I think one of the unique features [of] your property is the fact it's so deep and where the garage is placed, when you drive past your home, you're not going to see the garage from the street. Now, granted, your neighbors will see it. I don't think the garage, as proposed, is as close to her property as she thinks it is. There appears to be quite a bit of distance. So based on that, again, your property is pretty clean. You don't have a number of accessory buildings, as Mr. Boloven stated. Seems pretty straightforward. It seems like a small, thought-out and integrated [inaudible] to your existing home. So based on that, I'll approve the variance.

COPPOLA All right, thank you. I'm opposed to the petition. That might not have come to this point, not even matter. Looks like you have enough votes to get what you need. It's a rather large addition to two and then ending up with a garage that is actually larger than the house that just is that, to me, is just doesn't kind of fit into the character of the neighborhood. I

understand a lot of the things that you have right now that you want to put into the garage are important to you. You've had a lot of loss, and it means something to you. But there's only one of you, and you have three cars. I don't consider one person with three cars a hardship. Someone who has a backhoe. That's not normal. I looked at the property and it's pretty much just mostly grass. So it's not much that you need to do with a backhoe that should just drive around the backyard, which you'd be welcome to do. It's your backhoe. But I just... I can't agree to this as presented, and you're allowed 1000 square feet. I think 1000 square feet is more than sufficient for what your needs are. So I'll go ahead and open up the floor for a vote or for a motion. Sorry.

BOLOVEN Mr. Chair, real quick, can I ask one quick question of Mr. Bongero that Mr. Testa just brought up. If possible, before you close.

COPPOLA That's out of order, but I'll allow it.

BOLOVEN Mr. Bongero, I'm looking at the site plans. It looks like it is a mix of brick and vinyl.

BONGERO Yeah.

BOLOVEN Is that the case with the builder? Is it vinyl all around?

BONGERO No, we're gonna do a partial brick wall around the bottom.

BOLOVEN Okay, that's what I thought.

BONGERO Yeah.

BOLOVEN It was an assumption that it was all combined.

BONGERO No.

BOLOVEN All right. Mr. Chair?

COPPOLA All good?

BOLOVEN Thank you. Resolved that the variance sought in Appeal Case No. 2025-03-07, filed by Gwen Hosey be granted for the founding reasons and finding of fact: the uniqueness requirement is met due to the size of the property, as well as not having any outbuildings. Denial of the variance would have severe consequences for the Petitioner, due to not having ample storage and direct access to her home. The variance is fair in light of its effect on neighboring properties and in the spirit of the zoning ordinance, due to the proposed layout of the property going straight back, not obscuring site views, as well as the depth of the property and the length to the neighboring properties. The property is classified as RUF 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 be built as presented this evening, and that no other outbuildings be allowed to be constructed in the property without Board approval.

ROTONDO Support.

COPPOLA So I have a motion by Mr. Boloven, supported by Mr. Rotondo. Any discussion? We'll have to put a time frame on how long the permits have to get pulled.

BOLOVEN Six months.

COPPOLA Six months, so otherwise the variance would expire.

BONGERO Just for permit, right?

COPPOLA For a permit.

BOLOVEN Add a condition, Mr. Chair, that the permit must be pulled within six months of approval of minutes.

COPPOLA The original condition was as presented as to materials, design, all that.

BOLOVEN Yes, sir.

COPPOLA Any other discussion? Take roll, please.

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

RESOLVED: APPEAL CASE NO. 2025-03-07, Gwen Hosey, 14954 Flamingo: seeking to construct an addition to the existing attached garage resulting in excessive accessory structure area and an accessory structure in excess of the ground floor area of the house.

Total Accessory Area

Allowed: 1000 sq. ft.
Proposed: 1320 sq. ft.
Excess: 320 sq. ft.

Total Area

Dwelling Ground Floor: 1315 sq. ft.
Proposed Garage: 1320 sq. ft.
Excess: 5 sq. ft.

This Low Density Residential property is located on the east side of Flamingo (14954), between Nye Road and Hoy Avenue, Lot. No. 089-01-0031-000, R-U-F, Rural Urban Farm, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09 (1) A – Maximum Size,

be granted for the following reasons and findings of fact:

1. The uniqueness requirement is met due to the size of the property, as well as not having any outbuildings,
2. Denial of the variance would have severe consequences for the Petitioner because they do not have ample storage and direct access to her home,
3. The variance is fair in the light of its effect on neighboring properties, and in the spirit of the zoning ordinance due to the layout of the property running straight back, not obscuring sight views, as well as the depth of the property and length to the neighboring properties, 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. The addition will be built as to materials, design, and location as presented at the ZBA meeting of May 6, 2025,
2. No other outbuildings will be allowed without ZBA approval, and
3. The Petitioner must pull the building permit within six (6) months.

ROLL CALL VOTE

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

NAYS: None

ABSENT: Klisz

PASS/FAIL/TABLED: PASS: PASS

BARINGHAUS Thank you. Mr. Meagher?

MEAGHER Aye.

BARINGHAUS Mr. Rotondo?

ROTONDO Aye.

BARINGHAUS Mr. Testa?

TESTA Aye.

BARINGHAUS Mr. Boloven.

BOLOVEN Aye.

BARINGHAUS Vice Chairman Baringhaus votes aye. Chairman Coppola?

COPPOLA Aye.

BARINGHAUS Motion passes six to none.

COPPOLA The petition has been approved as presented. Two conditions: you have to build it as you as presented: materials, design, location, everything as you presented. And you need to pull the permits within six months or the variance would expire.

BOLOVEN One more condition, Mr. Chairman, no other outbuildings.

COPPOLA No other outbuildings.

HOSEY Thank you, gentlemen, for your time and careful listening. I appreciate you.

BONGERO Thanks a lot, guys.

COPPOLA Okay. Are you ready for the next one?

APPEAL CASE NO. 2025-03-08, 36797 Bristol: an appeal was made to the Zoning Board of Appeals by Christopher Lee, seeking to erect a 6-foot-tall privacy screen in the corner side yard, which is prohibited.

This Low Density Residential property is located on the south side of Bristol (36797), between Newburgh Road and Munger Street, Lot. No. 066-03-0266-000, N-2, Neighborhood, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.090 C.

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

STIERNA I have nothing to add today. Thank you, Mr. Chair.

COPPOLA Any questions for Mr. Stierna?

BARINGHAUS Mr. Chairman.

COPPOLA Yes, Vice Chair Baringhaus.

BARINGHAUS Earlier, I noticed a white privacy fence directly across from this location. Can you give me the history on that, please?

STIERNA This would be at 36851 Bristol?

BARINGHAUS Yes.

STIERNA Okay, I do see that there was a permit obtained and it was approved by David Popp, who also did the plan review. I don't see any plans in the direct file here. At some point I can double check. [Inaudible]

BARINGHAUS But it was permitted....

STIERNA It was permitted and approved.

BARINGHAUS Okay, very good, thank you.

COPPOLA Okay. Mr. Stierna, is there any height of fence or type of fence that would be permitted? Where the proposed fence is, essentially?

STIERNA Not that I'm aware of, as I believe he backs up to the side of his neighbor to his rear.

COPPOLA Okay. And then just a background. So as I'm reading this [inaudible]. Mr. Lee, name and address, please, real quick.

LEE Christopher Lee, 36797 Bristol.

COPPOLA All right, Mr. Lee, tell us about what you are proposing to do that would require a variance, and what hardships you have that would suggest approval.

LEE So we're in a corner lot in a neighborhood right off of Six and Newburgh, between Levan and Newburgh, and essentially, because when we moved in, there was no fencing. There wasn't any kind of privacy fencing at all in the corner lot. The only fencing that really exists, I believe, is a wrought-iron on the southwest side in the back corner. There's a tiny bit of chain-link that the other property owner on the south east side put, but it's just like six, ten feet. So essentially, there's no fencing at all except that. And then there's a little corner on our corner. We recently [put a] split rail just to keep people from crossing over the corner as they're walking down the sidewalk, especially kids from the middle school, as they're practicing cross country. So we essentially wanted just a small amount of privacy in the yard. We love having the wide open space. It's really wonderful. We enjoy it. We get along with all our neighbors, so we don't mind seeing them, but there was a need we felt for a little bit of privacy in our yard space. So that's why we proposed a very modest screen.

COPPOLA You're not asking for a six-foot fence to encapsulate the backyard. This is a side yard.

LEE Yeah, because it's a corner lot. When you say side yard, it's actually the way we enter and exit the house most often. It's where the driveway is at. The front, technically, the front yard facing Bristol, we rarely go through that door. Most of our travel is through the Munger side. I'll also say that one of the things that you mentioned, our neighbor who put up the fence along the sidewalk that extends, I believe that property is one of the properties developed in that neighborhood. It's a double property. I mean, we think it looks great. I mean, he has a wonderful home, and so when we're looking at what kind of screen to put up, we really were trying to match the style. So he has, I believe, a white vinyl six-foot tall. And so we thought that that would be a good approach as well, in an attempt to match what other neighbors have been doing.

COPPOLA But this section here just covers from the garage to just past the looks like where the fireplace abuts out?

LEE Yeah.

COPPOLA There's two windows there and an air conditioning unit?

LEE Correct.

COPPOLA So you're trying to provide privacy for those two windows?

LEE No, not for those two windows necessarily, just an area where we could keep the AC unit there. Also, as you know, with our new trash cans, they tend to be very large. We had what we thought were large trash cans beforehand, I believe they came up about low, above waist-high. The new trash cans actually come up about chest-high. So part of this is also to... we have little shrubs there. The shrubs, frankly, we find it difficult maintaining. We both work. We have an 11-year-old that we're constantly carting back and forth to practices and other events and whatnot. So our time that we can spend maintaining the frankly, what I consider to be unsightly shrubs is... it's difficult to do. So we figured that a cleaner look something that didn't require constant maintenance throughout the seasons, would be a better way to achieve those [inaudible].

COPPOLA So what would you be doing with the area that's inside the fence? So you got the shrubs in right now, they got one in front of...?

LEE The shrubs will be going.

COPPOLA What's going?

LEE I apologize. The shrubs. We'll take down the shrubs because they won't be needed anymore. And we'll be storing the trash containers back there in the back, and the AC unit will be housed back there as well. And then, if there's, like I said, if there's any opportunity for us to go outside and want to, not be wide open to the world, we'll take that little spot closer to the driveway and do that there. Admittedly, it's not... to be honest, we're trying to just keep the proposal really modest. We weren't trying to go all the way out to the sidewalk. So we're trying to sort of make do with the little bit of privacy that we propose.

COPPOLA So the remaining landscaping, except without the bushes or...?

LEE No, no, there'll be no landscaping on the inside. We'll put down like pavers or something like that.

COPPOLA Question for the Petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Rather than a larger fence, did you consider something smaller in scale, like a four-foot lattice fence, something less [inaudible].

ENGLE I'm the fence contractor.

COPPOLA Name and address please, for the record.

ENGLE T. Buell, Superior Fence. We pull a permit before we do the fence.

COPPOLA Understood. Okay. Your name and address, please.

ENGLE Darin Engle, my address is 19614 Ingram.

COPPOLA Thank you.

ENGLE So we've looked at what's not intrusive for the neighborhood, because we're not trying to do a fence that goes to the sidewalk. He's really kind of looking to get rid of some maintenance, pull the bushes out. The fence that we're proposing to be installed looks like a clear-coated cedar. So more of a natural look to the project and kind of give them a little cubby there, without taking... we're not trying to go to the sidewalk or the property line or anything like that. And the neighbor, his neighbor behind the back of his house is the side of the neighbor's, which happens to be exactly the same layout as the white privacy that's across the street. So we're coming out off the house about eight feet. If you look at that, he's got a little jut where his garage actually comes out on the side. We're probably looking at actually maybe a five-foot space between the edge of the fence and the corner of his garage. We had entertained doing a gate there, but he wasn't trying to make it all that.

BARINGHAUS Yeah. But again, the items you described, like the recycling carts and solid waste cart, those aren't six-foot items or five-foot items. My question is, if you do want shielding and not having those on display, did you consider a smaller fence that wasn't quite as tall as six feet?

LEE I mean, I consider it. I do. I would rather... so we have a little door that comes up from the garage. So the if you, if you're inside the garage space down towards the street, there's actually a door right there. And so one of the reasons why we also wanted to keep that little space open, instead of having a gate with that fence, because we have that door there, I would like to be able to go out there. I'm five foot 10, and so I'd like to go out there without being seen. So one of the other reasons was that we want it to be at least taller than me. So at six foot also seemed to be, like we said, seemed to be what was common in the neighborhood, and so we wanted to attempt to match that, but also to be able to provide some privacy for me if and when I'm going out in the morning in my pajamas, trying to take out the trash up there.

BARINGHAUS Okay. Thank you.

LEE No problem.

TESTA Mr. Chairman.

COPPOLA Mr. Testa.

TESTA Question for Mr. Lee. I assume you maybe have a table and chairs out there. You might have something to eat, relax.

LEE Yes, sir.

TESTA Okay, that would give me a bit more to touch upon. It's only eight feet wide out. As you said, 20 feet long. You're trying to be modest. Do you want to go a little bit bigger, get a little bit more space?

LEE I mean—

TESTA You're pretty much setback from the sidewalk a good 15 feet right here.

LEE Yeah.

TESTA When I saw the drawing, I thought, "Wow, it's not a lot of space." I thought 20 feet is good, but eight feet might constrain you.

LEE Sure. I mean, I'd be open to that as well. If the Board said, "You gotta make it bigger," I'm not gonna say no, but that was the original proposal was, I talked with our contractor, and I said, "I want to make sure that we get approved for this." So we were trying to keep it as modest as possible. So if... I mean, if you think it's more appropriate to make it a little bigger, I mean, we're definitely open to that. I don't think that would increase our cost too much.

TESTA You mean you're comfortable with [inaudible] a table and chair?

LEE Oh yeah, we only have one. We have one. It's just me, my wife, my son, so a little Easter table usually is...

TESTA Okay. Thank you.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Question for Mr. Stierna. Is the only reason this wouldn't be considered screening. because it's a corner lot, and there's really...?

STIERNA Essentially, so they've got to patch two things up. It's essentially a privacy screen which is allowed in the rear of the house, provided it was fully concealed by the sides of the house and no closer than 10 feet of the rear property line. Under the circumstances here, this fence projects into the corner side lot setback. It could, and I don't see the setback from the property line at the moment, but essentially, there's also a front yard setback for the neighboring house to the rear.

BOLOVEN So I guess it ties into....

STIERNA So there's a little bit of a line-of-sight issue.

BOLOVEN I guess this ties into Chairman Coppola's initial question, is there really anywhere on this property, the fence could go? A normal home would try to go to the door, be allowed to go past the side yard, which this would be technically side yard, but the way this corner lot is facing, there's nowhere he can go. Is that true statement?

STIERNA That's correct.

BOLOVEN Thank you, Mr. Chair.

MEAGHER Mr. Chair.

COPPOLA Mr. Meagher.

MEAGHER Mr. Stierna, to follow up with that, just so I'm understanding. If the house is facing the opposite street, it'd still be the same situation, just on the opposite street. Is that a good way of looking at it?

STIERNA The ordinance is worded in a way that a corner yard lot fence can align with a corresponding fence to the adjoining neighbor. In the case of a property that is back to back, the potential is that they could have a fence that goes up to the property line on that side street, and they would align. But in the case you have his back to a side yard of a neighbor. The neighbor actually faces the corner side street, then they're dealing with the front yard setback of the neighbor, where they would never have the opportunity to have a fence in the front yard.

MEAGHER Okay. Thank you.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Does your home have a patio?

LEE Can you just define patio so I can give you an accurate...?

BARINGHAUS Table, chairs, [inaudible].

LEE In the front of the house, facing Bristol, we have an area that, I guess....

BARINGHAUS Yeah.

LEE It would be considered a patio. We don't spend a lot of time out there. There's also an area that we paved. If you look at the site plan, you'll see there's a little nook out, like a carve out.

BARINGHAUS That's what I was looking for.

LEE Yeah, so we do spend time out there as well. You know, one of the things that sort of prompted us to want to do this was that we'd be out there. And again, we really enjoy our neighbors. We have a great time, but we really are out in front of God and country. I mean, there's no like privacy at all out there, so we have a little fire out there. We're sitting in our chairs, and our neighbors will wave bye. But you know, if we just want to be by ourselves, there's no opportunity to do that there, even in that little nook, you can still see out to the sidewalk. So that's one of the reasons why we were thinking that this might sort of serve a dual purpose there.

BARINGHAUS So within this nook, you would have a second seating area.

LEE Correct.

BARINGHAUS A little more secluded than, as you mentioned, maybe your recycling....

LEE Yes.

BARINGHAUS Solid waste cans kind of thing.

LEE Correct.

BARINGHAUS Just... and then in terms of a gate to enter it, are you looking at that as well, or you mentioned it's going to stay?

LEE Well, we talked about that idea of having a gate. And again, I'm not opposed to that. I was sort of 60-40 on it. So if the committee feels like we need a gate in order to get this through, I'll do that. But again, it was also the idea I was thinking, okay, if I'm having to put the bistro set in there and move it in, it's a Sunday, we want to be outside, and then I got to pull the trash cans in and out. The gate's going to get in the way. So that's why we decided to keep it open, all on the plane.

BARINGHAUS Did you consider putting this privacy screen in the rear of the house and that little carve out. Or what did you try to [inaudible]?

LEE Yeah, so that area back there is tricky. It has a bit of a slope down, and so there's really no good way to enclose an area that doesn't also take away from the spaciousness of the property as well. Does that make sense? So the sloping, that little area in

the patio area in the back, it sort of goes down like this, and then past that, at our on our property line, facing the southeast, there's a bit of a divot where sort of the water retains right there. And so I've talked to the neighbor back there, and we talked about, "Maybe, hey, let's try and not put fencing back there." There's a little bit of very tall shrubs back there, so there's some vegetation, which is nice. But we talked about this idea of not really wanting to put much more fencing back there, just because there's so much water that retains back there, especially on the last two days, like today and the other day, Sunday. So it's all those reasons sort of put us in a place where we really didn't want to put fencing back in that area.

BARINGHAUS Did you consider vegetation? Arborvitaes in lieu of a six-foot fence?

LEE So we currently do have shrubs. Yeah, we currently do have shrubs. But again, part of the reason why we wanted the fencing was because the constant maintenance of the arborvitaes. I mean, you know how when they get big, they get kind of unwieldy. And given, like I mentioned that we're sort of shuffling back and forth between our 12-year-old's practices all day during the week, and then we both work, it just makes the maintenance of those arborvitaes a bit of a challenge. Not that we can't do it, but just a bit of a challenge. We figured a cleaner approach that required less maintenance would be better not just for us but for the neighborhood.

BARINGHAUS As you said earlier, it's just looking to reduce maintenance in that area that's versus natural landscape.

LEE That's one of the reasons. Yes.

BARINGHAUS Okay, thank you.

LEE Thank you.

COPPOLA I've got kind of a follow-up question. I do see in your packet that you have a picture of a fence.

LEE Yes.

COPPOLA And what is the purpose of the picture of the fence?

ENGLE That's specifically the product that we're....

COPPOLA It's a black and white picture, so I can't tell.

LEE Oh, it's a dark brown.

ENGLE It's a mocha.

LEE Yeah. So, yeah, so when I talked to Mr. Stierna about the application, he asked that I include a picture of the actual product we'd be installing. It is difficult to see the color because it is black and white, and I apologize for that. Our house, the brick is kind of a cream color, and then our roof is sort of a dark brown. So we wanted to pick a color that would match the colors that already exist in the house. And so we thought like something in the middle, sort of a mocha color would be appropriate. And I believe on the plan from Buell, it says, "mocha walnut privacy" on type of fence, so mocha walnut describes the color. I apologize for not including a color picture.

COPPOLA Okay. Any other questions for the Petitioner? All right, seeing none. You can have a seat for a moment. Anybody in the audience want to speak for or against this petition? Seeing none. Do you have any correspondence?

BARINGHAUS Yeah, we have three letters. A letter from Georgia and Alec Tzelepis, 36769 Munger, (Letter of approval was read). Letter from Gloria Churchill, 36927 Munger, (Letter of approval was read). Letter from Tommy Thompson. Tammy Thompson, excuse me, 36772 Munger, (Letter of approval was read). Those are the three letters.

COPPOLA Thank you. Mr. Lee, if you have anything you'd like to say in closing you can step up. No? Okay. All right, I'm gonna close the public portion of the case and start the Board's comments with Mr. Boloven.

BOLOVEN Thank you, Mr. Chair. Normally I'd be against something like this. I just, I don't really get it. But my worry is, what the look is going to do to that street. You don't have any neighboring objection. That's kind of where I'm standing right now. It is a screen. It's a unique property being the corner lot, but I do have a strong concern on what that potentially is going to do for the look of that street with a privacy fence just kind of sticking out there on Munger. I know it's the side of your house, but it's the front of a lot of other houses in that street. I'm curious to hear the rest of the Board's comments. Thank you, Mr. Chair.

COPPOLA Thank you. Mr. Meagher.

MEAGHER Yeah, I drove by this earlier. I actually live in that neighborhood as well. I think what Mr. Boloven just said totally makes sense. If there was pushback, I would probably feel a lot less apt to be positive about this. As long as it stays how you guys just described it, and what we see here, I have no problem with it, knowing that it's not going to be too big, and the point of what you're doing makes sense for being on this odd corner lot.

COPPOLA Mr. Rotondo.

ROTONDO Yeah, thank you, Mr. Chair. I think I'm kind of in the same boat with Commissioner Boloven, where I can understand the uniqueness of this property and how the layout of the house and the property is situated. It gives you issues with trying to put up a fence, and obviously there's no pushback from your neighbors. I just, I wasn't sure about the looks of

this fence and how that will appeal, but I guess there's no issues with your neighbors. And I guess I could be in support of it. There's more support for this petition.

COPPOLA All right, thank you. Vice Chair Baringhaus.

BARINGHAUS Thank you. I like the way that it's color coordinated to the home. You put a lot of thought into that. I feel you make a hardship because it's unique to your property. I think it's extremely wide open. With a lot of corner lots, usually, the owners will make some efforts, get some trees, shrubbery, anything to minimize the view into the backyard, windows, such and such. Your landscaping was more confined to around the perimeter of the house. Normally, I am not a real fan of introducing privacy fences where there isn't a need, but I think in this case, the fact that it's more of a privacy screen rather than a fence that goes around the perimeter of a property, I'm more inclined to agree with that. That, plus your neighbors don't seem to have a problem with it as well. Based on that, I would support the variance.

COPPOLA All right, thank you. Mr. Testa.

TESTA Yeah, thank you, Mr. Chair. I'm in support of this. It only comes out eight feet. I would have gone for probably 16 feet. So I appreciate that you went smaller. Looking at the drawings, you're 31 feet from the sidewalk, so eight feet out you're still plenty of distance from the sidewalk. And of course, the neighbor across the street that Mr. Baringhaus asked about [at] the beginning of the meeting, that huge white vinyl fence sticks out a lot further. It comes almost on the sidewalk. And I get the hardship. And again, having some privacy, so you can sit out there and eat with your family. You are in wide open space, so I can support this.

COPPOLA Thank you. I'm not in support of this. I just find this kind of a really odd request. They've got a backyard. They've got a patio in the backyard. If they had come and said, "I wanted to close that backyard and get a variance compared to what we normally allow for a side lot, I probably would allow that we've done that number of times come beyond just the back corner of their house out a little bit to add some more privacy. This area here just seems really odd to me. You have to come out of the garage to sit there. I'm struggling with the request. I think if it was something that you wanted to do to hide your cans, garbage cans with a four-foot, maybe four-and-a-half foot, small, little enclosure to hide it would be sufficient, although there's room in the garage, I would think that even with two cars with the door there. I just, I don't think I'd like the look of it. I don't want to set that type of precedent to have a bunch of now partial privacy fences in all the side yards. I just can't support this. So I'm going to open up the floor for a motion.

BARINGHAUS Mr. Chairman.

COPPOLA Yes.

BARINGHAUS Resolved that the variance on Appeal Case No. 2025-03-08, filed by Christopher Lee, be granted for the following reasons and findings of fact: the uniqueness

requirement is met due to the corner lot location of his property, denial of the variance would have severe consequences for the Petitioner due to a lack of privacy on his corner lot. The variance is fair in light of its effect on neighboring properties and in the spirit of the zoning ordinance due to neighbor support for the variance. The property is classified as N-2, Neighborhood, 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 be installed as presented this evening, and that the permit for the fence be pulled within six months of today's date.

TESTA Support.

COPPOLA All right, I have a motion by Vice Chairman supported by Mr. Testa. Conditions: as presented, in six months. Any other discussion? Can I get a little more clarity on presented, in other words, in location, size, materials, color.

BARINGHAUS Location, size, materials as presented this evening.

TESTA Support.

COPPOLA Any other discussion? [Inaudible]

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

RESOLVED: APPEAL CASE NO. 2025-03-08, Christopher Lee, 36797 Bristol: seeking to erect a 6-foot-tall privacy screen in the corner side yard, which is prohibited.

This Low Density Residential property is located on the south side of Bristol (36797), between Newburgh Road and Munger Street, Lot. No. 066-03-0266-000, N-2, Neighborhood, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.090 C,

be granted for the following reasons and findings of fact:

1. The uniqueness requirement is met due to the corner lot location of the property,
2. Denial of the variance would have severe consequences for the Petitioner due to a lack of privacy on his corner lot,
3. The variance is fair in the light of its effect on neighboring properties, and in the spirit of the zoning ordinance due to neighbors' support for the variance, 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. The Petitioner will install the privacy screen as presented as to size, color, materials, and location as presented at the ZBA meeting of May 6, 2025, and
2. The Petitioner must pull the permit within six (6) months of May 6, 2025.

ROLL CALL VOTE

AYES: Baringhaus, Testa, Meagher, Rotondo

NAYS: Boloven, Coppola

Absent: Klisz

PASS/FAIL/TABLED: PASS: PASS

BARINGHAUS Okay, Thank you. Mr. Meagher.

MEAGHER Aye.

BARINGHAUS Mr. Rotondo.

ROTONDO Aye.

BARINGHAUS Mr. Testa.

TESTA Aye.

BARINGHAUS Mr. Boloven.

BOLOVEN Nay.

BARINGHAUS Vice Chairman Baringhaus votes aye. Chairman Coppola.

COPPOLA Nay.

BARINGHAUS Motion passes, four to two.

COPPOLA Alright, so Mr. Lee, your motion passed. There's two conditions: that you have to erect the fence pursuant of how you presented it. That's location, size, color, all of that. And then you'd have to pull the permit within six months, otherwise the variance would expire.

LEE Thank you.

COPPOLA Thank you.

TESTA Mr. Chair. May I request [inaudible]?

COPPOLA Sure. We'll take five. So it is 8:46, right now. We'll return 8:51.

The Board took a 5-minute break and returned at 8:51 p.m.

APPEAL CASE NO. 2025-03-09, 19069 Doris: an appeal was made to the Zoning Board of Appeals by Anthony Nerone, seeking to maintain a 6-foot-tall privacy fence erected contrary to approved fence permit, resulting in a privacy fence erected in the side yard toward the front of the lot behind the rear plane of the house, which is prohibited.

This Medium Density Residential property is located on the west side of Doris (19069), between Seven Mile Road and Curtis Avenue, Lot. No. 041-01-0004-001, R-U-F, Rural Urban Farm, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.090 B.

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

STIERNA I have nothing to add.

COPPOLA Quick question for you. So they pull the permit. I'm assuming that the permit was pursuant to what's allowed, and do they generally have to provide some schematic for that generally get permit?

STIERNA They did. They had a permit to enclose the rear yard as per the allowance. They did want to extend it into the side yard. They were told they could use a four-foot fence, and the permit was issued with the caveat that the fence is reduced to four-foot, non-sight-obscuring in the side yard there.

COPPOLA So it has to be four feet, it has to be non-sight-obscuring.

STIERNA Correct.

COPPOLA To be able to be within [inaudible].

STIERNA Correct.

COPPOLA Any other questions for Mr. Stierna?

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN For Mr. Stierna. So looking at the plan, following up on Chairman Coppola's question, is this here...? It's not because it's going past the entryway on the sidewalk. Is that a true statement?

STIERNA It would be allowed to go past the entry line on the side lot if it was less than halfway the distance from the rear of the house. It's intended to enclose a door that is in that rear half of the house.

BOLOVEN So how... if it was, as you said, then it could have been a privacy fence at six foot?

STIERNA Correct.

BOLOVEN How far are we off measurement wise, for where this door is?

STIERNA I have no basis of reference on this drawing, sorry.

BOLOVEN Looking at it—

STIERNA It would appear that it would be approximately eight to nine feet.

BOLOVEN Doesn't look like it's that far. I mean about... call it halfway between the front line and the halfway point, is that a correct statement?

COPPOLA Maybe I can help clarify. The rule is that it can go up to a... I thought it was a window and/or a door, but it can't go beyond halfway forward of the house. So in other words, where you see the use, where they cap, they can't go beyond that point. So this door is past the halfway point, so it wouldn't.

BOLOVEN So I guess my question is, how far past that halfway point is this really? Looks like it's about halfway between the front of the corner to the midpoint. It's actually closer to the midpoint, in my opinion, but just trying to get it.

STIERNA Well, the edge of the door is 25 feet from the rear to the front. I beg your pardon, it's 20 feet.

BOLOVEN Correct. We got 5 feet—

STIERNA 14 feet. So if you call 14 and a half feet to the center.

BOLOVEN So you think you're from the front line 14 and a half feet?

STIERNA Looks like it's... I'm sorry, you're asking me to do math.

BOLOVEN Sorry. I apologize. I know it comes with the territory.

STIERNA I do that all day long. I gotta do it again.

BOLOVEN Because the fence is 20 foot and five foot still remaining. So I got 25 foot total from beginning to end. Looks like....

STIERNA 25 is... 12 and a half feet. So the difference between 12 and a half and twenty. So eight and a half feet.

BOLOVEN Call it....

STIERNA So half. So when I said eight to nine feet, I was pretty close on it.

BOLOVEN So it's about eight and a half foot. So I have eight and a half foot to that 12 and a half to the center point. I'm coming in five. I'm only over by about eight foot.

STIERNA Eight and a half feet. Approximately.

BOLOVEN If this was eight foot I'd be fine?

STIERNA Correct.

BOLOVEN Thank you.

COPPOLA Would you have the door or window enclosed?

STIERNA Provided they were enclosing the doorway.

COPPOLA There's another window there to be enclosed.

BOLOVEN There is a door.

COPPOLA But it's beyond the halfway point.

BOLOVEN That's what I'm asking is how far off that door is? It's only eight foot past the halfway. If it was eight foot back, this wouldn't be an issue.

COPPOLA Well, it still would be, because it's beyond that point. The fence is still beyond that point.

BOLOVEN Eight foot back, he's going right past the door, it looks like in the picture.

COPPOLA Yeah, but the point is the door is forward of the halfway mark in the side of the house.

BOLOVEN Right.

COPPOLA So that door doesn't count.

BOLOVEN Correct.

COPPOLA So there's no door in the back half of that section, so there's nothing that would qualify.

BOLOVEN That front door is only eight foot off the center mark. If it was eight foot back, this wouldn't be an issue.

COPPOLA If only it was on the other side of the halfway mark, yeah.

BOLOVEN Which is eight foot. That's the math you said, and that's what I was trying to figure out.

COPPOLA Yeah.

BOLOVEN So this is only eight foot higher up that's causing this issue.

COPPOLA No, because, because there's no door there.

BOLOVEN Okay.

COPPOLA There's no door there.

BOLOVEN I got my question, thank you.

TESTA Mr. Chair, question for Inspection. So they pull the permit, and then when you guys went to inspect it, it was [inaudible] built per the permit?

STIERNA Correct.

TESTA Okay, thank you.

COPPOLA Okay, the Petition can step up. Name and address first for the record. Appreciate that. Thank you.

NERONE Hello. It's Anthony Nerone, 19069 Doris.

COPPOLA All right, Mr. Nerone, why don't you tell us about what happened, how we ended up with the fence here before, really, you had the permission to do that.

NERONE Well, originally, the fence was at the back of the house. It was a gate. I had concrete poured alongside the house there. So I had to take down the gate, have them do the work so it was wide open. While they were there, the guy had the machine that could drill a post. So I had them drill holes. I didn't erect a fence and just put posts. That's when they came out and said I didn't have a permit. And before that, my AC unit, where it is on the side of the

house there, that spring of 2024, we went out there. Someone had vandalized, or either tried stealing it. It faces Seven Mile. It's exposed right in the open. Even the AC guy said it's in a bad spot. I asked if we could move it to behind the house. He said that was really not doable. And the reason I'd like to go to the side entrance of that, that's a garage entrance when you speak of the center of the garage. It's got [inaudible] a family room. There's a chimney, there's my AC unit, then the door. For security purposes, I would love to have that door behind the gate, and there would be the [functionality], also. If I can get a permit for a four-foot fence. Since now it is open, I put a chicken wire four-foot for temporary. Now I'm having deer in the backyard. I've never had that problem before. And security purposes, four foot's really not going to do much. I'm going to follow the existing line of the fence, [inaudible] color, and have a gate in the front to be able to pull in and out and utilize that driveway and that concrete addition. I did get permission from neighbors, and it does not, [inaudible] with the drawings, it doesn't harm any or cause any interference with visual for people on the sidewalk or the side street.

COPPOLA Questions for the Petitioner?

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Question for the Petitioner, why did you change after getting approved?

NERONE What's that?

BOLOVEN Why'd you change after getting approved? You were approved for a four-foot. That was on the permit. Why'd you change it to a six-foot?

NERONE Oh, that six-foot's just temporary. That's the material that I had on hand. I had not completed the fence. Well, the four-foot, when he told me that, they were very helpful. They said they couldn't authorize six-foot, that I would have to come here to get that authorized. So I just ceased and desist[ed].

BOLOVEN I'm confused. Why do you have a six-foot up if you were approved for four-foot?

NERONE That's the only material I had on hand, just to temporarily block the side of the house. I didn't have fours but I didn't want to cut the boards down.

BOLOVEN So your intention all along was to put up six foot.

NERONE Yes, I did try to get that approved with the inspectors.

BOLOVEN Mr. Stierna, maybe [can] make some clarity.

STIERNA Yeah, I'd like, if I may, just address that. The plan came in proposing the six-foot fence. The Plan Reviewer, Zac, at the time, explained that the fence could not be that tall on the side yard, and apparently there was an agreement made that it could be reduced to the four-foot non-sight-obscuring in the side yard, and that was what was approved through the Building Department.

BOLOVEN But did the Building Department know all along that a six-foot fence was going to go up here and it was just going to go in front of Zoning?

STIERNA No.

BARINGHAUS Thank you, Mr. Chair.

COPPOLA Any other questions for the Petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS You mentioned earlier that post holes were drilled in the ground.

NERONE Yes.

BARINGHAUS Why would they go to the front of the house if you weren't going to do that?

NERONE It wasn't to the front of the house, it was to the side door. And when I did go to the City, originally, they did tell me, first they told me I could go to the center of the garage, like we spoke of. Then when I told him about the AC unit being damaged, they said, "Okay, well, we can go to the AC unit." Now, only a few feet away, and that's when I asked, "Well, can I go to the door?" "No." And this is where we're at now, like I say, I ceased and desist[ed]. I really for security purposes and [functionality]. I would just like to go to the garage door, that side entrance.

BARINGHAUS So, just so I'm clear you're doing the installing of this fence?

NERONE Yes.

BARINGHAUS Knowing that you needed a four-foot fence along the side of the house, [inaudible] City approved it?

NERONE No, I didn't know that at first.

BARINGHAUS Okay, yeah, I was curious whether you bought enough material.

NERONE Right.

BARINGHAUS Construct a full six-foot fence after you were told you were only committed to build a four-foot fence.

NERONE Yes, no, I didn't know. I bought the material before.

BARINGHAUS You didn't have a permit that stated those guidelines either?

NERONE No, I didn't have that.

BARINGHAUS Question for the Inspection Department, is there ever documentation to give to a Petitioner when proposing a fence project, as Mr. Nerone described?

STIERNA Could you clarify the question?

BARINGHAUS Yeah, in other words, he went into Inspection, was told he could only have the four-foot fence. He said he didn't have any documentation or anything that gave him that kind of guidance.

STIERNA It would be on his permit, is the description of work along with the modifications made on the plans.

BARINGHAUS Okay, thank you. No further questions.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Question for the Petitioner. Can you just change it to a four-foot fence and be done?

NERONE Well, it would be a step down. The fence would go from six to the center of the house. Step down, it'll go four. Now, with that side entrance on the garage there, with all the power outages we have, this is where I run my generator, and this is all facing Seven Mile, right by the Walmart, by Middlebelt is where I live. And I mean, just like I say, just for security purposes. And really I would like to put a six-foot fence to have everything there secure.

TESTA Okay, let me back up a little bit. Before you had the concrete put in, there was a six-foot. And where did it stop?

NERONE At the end of the house, the back of the house.

TESTA The back of it, not the front of it.

NERONE No.

TESTA Okay, so you extended it much further.

NERONE Yes.

TESTA And then you had the holes drilled because the concrete guy was there.

NERONE It was pending then.

TESTA And then you pulled the permit. You knew it had to be four when you put in six. You say it's temporary.

NERONE Yeah, there's no gate or anything.

TESTA Yeah. What do you mean by "temporary" if you don't want to change it to four? What's your definition of temporary here?

NERONE To keep the deer out and the people that vandalized my AC unit just so they can't see it? I mean, I can cut it down, yeah, I can bring it down to four feet.

TESTA Okay, I guess I'm trying to understand what you meant by temporary.

NERONE A few screws are holding the panels up, but it needs to come down, it can come right down.

TESTA And you....

NERONE It's not permanent, [inaudible].

TESTA Okay. And you plan on putting the gate on, correct?

NERONE Yes.

TESTA The gate's not there today.

NERONE No gates, no staining.

TESTA Okay. All right, thank you.

COPPOLA Do you have any other questions for the Petitioner? Seeing there's none. You can have a seat for a minute, if you would. Is there anyone in the audience who would like to speak for or against this petition? Seeing none. Do we have any correspondence?

BARINGHAUS We have one letter. Katherine Thaxton, 30200 7 Mile (Letter of approval was read).

COPPOLA Mr. Nerone, is there anything you'd like to say in closing?

NERONE No, thanks.

COPPOLA All right, so I'm gonna close the public portion of the case and start the Board's comments with Mr. Rotondo.

ROTONDO Yes, thank you. Thank you. Mr. Chair. When I look at this case, I think this is kind of a unique situation. Typically, we don't see these service doors so close to the front of the garage. So I can understand the Petitioner's hardship in being right on the main road there on Seven Mile and wanting to have some privacy for that door right there for security reasons. I completely understand his reasoning for it. I know, obviously, as we had touched on, he probably went about things the wrong way. To start it up and putting a fence there, but at the end of the day, I do agree with his hardship here and his need to have a fence there as well as he's got the AC right there, it looks like. Another thing that I know, typically, when we look at these fences coming up this far, is we look at any obstructions that could be from -- I can't talk -- vehicular traffic or pedestrian traffic. Obviously this one, the front offset is 73 feet. So I don't think we have any issues there with that. So I could be in support of this.

COPPOLA All right, thank you. Mr. Boloven.

BOLOVEN I partially agree with Mr. Rotondo. I don't have a problem with the fence, I have a problem with how the fence got there. It's seven and a half foot longer than where it would have been if the door was back. The doors pop. I get the fence coming up. I get everything here that's protecting. What I don't like is that it got there on false pretenses. You know, the Building Department gives a permit for four foot. They think he's putting up four foot, they find out he puts up six foot. Here we are. So like you said, looking at the neighborhood, looking at Seven Mile, looking there's multiple houses that have this privacy, and there's a couple houses actually have that side door up where the privacy fence does come up, or some wrap all the way around. With the neighbor, I just don't like how it got here, so I would be an approval for it with a... well, we've never done a triple permit fee, but a double permit fee would be my condition on approval. Thank you.

COPPOLA All right, thank you. Vice Chair Baringhaus.

BARINGHAUS Thank you. Mr. Boloven's opinion basically mirrors mine. I agree that this is pretty common occurrence on Seven Mile, however, the fact that we got to this point, not

really happy with it, so I guess I will approve the variance, but I agree to the double permit fee as suggested by Mr. Boloven. Thank you.

COPPOLA All right. Thank you. Mr. Testa.

TESTA Yeah, thank you, Mr. Chair. I'm in the same boat as everyone else. I really don't like how we got here, but I do understand the hardship of the location of the property. It doesn't make sense to have them push it back seven and a half, eight feet. I mean, I would want to cover that door as well. So from that standpoint, as well, I think I'll be in favor.

COPPOLA Thank you. Mr. Meagher.

MEAGHER Yes, I don't love how we got here. However, one of the things that did come to mind is you put it up as a temporary fence, and are very willing to change it, as you know, I would like to add, regardless of what we talked about, that a couple of screws holding this up doesn't sit very well with me. So if there can be an addition to whatever motion is to have whatever the resolution happen a little quicker, just because I don't want fences blowing off. But other than that, I love the landscaping. I did drive by, it looks good, and hopefully this results in that.

COPPOLA All right, thank you. I'll too be in favor of this. We've done a number. We've had a number of petitions for homes that were on main roads, like Seven Mile, Six Mile, Five Mile, Eight Mile. And then generally it's for safety and primarily for safety purposes. You said you have your air conditioner there. We know that those get stolen and turned into scrap. You've got your door there. Then maybe... I noticed that... I don't know if it's working, or something, you probably want with your tools and stuff, you want that to be safe. So it's a common request, and it's a common approval. Again, I'm going to beat this one to death. I think while your intention may have been well, your process was a little off, and that will cost you a little bit. We'll see what happens with the motions. But again, I'm in support. So I'm going to open the floor for a motion.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Resolved in the variance case, Appeal Case 2025-03-09, to approve to be granted. The uniqueness variation is a house situated on a main road with a lot of traffic. It's fair in light due to neighbor approval. Denial of the variance would have severe consequences due to the Petitioner would not be able to protect the property and maintain security. The property is classified as Rural Urban Farm under the Master Plan, and the proposed variance is not inconsistent with that classification. Further, the following conditions be imposed: that the fence be finished construction, I'd want to say, probably within three months, and we have a double permit fee.

BOLOVEN Support.

COPPOLA I have a motion by Mr. Testa, supported by Mr. Boloven. We've got conditions finish as constructed and double fee. Any other discussion?

FISHER Mr. Chair, I think I may have missed one of the elements of the variance.

COPPOLA The side yard?

FISHER Well, I was thinking of the harshness, what it entails beyond mere inconvenience.

COPPOLA In the motion itself. So, we should amend the motion. You should have a comment in regards to....

FISHER Regarding the second on the three [inaudible].

TESTA [Inaudible].

FISHER The next one after that.

TESTA Denial of the variance would have severe consequences for the Petitioner, because he would not be able to properly secure his property out of that side door.

FISHER Okay.

COPPOLA Thank you, Mr. Fisher. So finish as constructed. Think that one of the things that I would add to here is that it be painted consistent with the existing fence.

TESTA Yes, thank you. Mr. Chair. I agree.

BOLOVEN I continue to support.

BARINGHAUS Mr. Chairman.

COPPOLA Yes, sir.

BARINGHAUS Mr. Meagher indicated the urgency of completing the project. It was suggested 90 days?

MEAGHER I was really just making sure that the security....

TESTA I said three months, but I didn't want to [inaudible].

COPPOLA I'd have to say, with all the wind we had in the last month, if that's all temporary and hadn't fallen down now, it ain't falling down, but I think we should say that it should be completed and inspected [inaudible].

TESTA I said three months. I'd be willing to change it to 90 days, if you--

BARINGHAUS Same thing.

TESTA Okay. Yeah, sorry. It could have been sooner if you wanted, sorry.

COPPOLA Okay, we got four [inaudible]?

BARINGHAUS Yes.

COPPOLA Okay. You want to repeat those out so everybody's—

BARINGHAUS Sure.

COPPOLA --On the same page?

BARINGHAUS 90 days or...

COPPOLA Three months.

BARINGHAUS Three months now. Okay. Three months, fully constructed, double permit fee, finish the project as constructed and paint the fence and match the existing fence color.

COPPOLA That'll be good. [Inaudible] You gonna take the roll?

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

RESOLVED: APPEAL CASE NO. 2025-03-09, Anthony Nerone, 19069 Doris: seeking to maintain a 6-foot-tall privacy fence erected contrary to approved fence permit, resulting in a privacy fence erected in the side yard toward the front of the lot behind the rear plane of the house, which is prohibited.

This Medium Density Residential property is located on the west side of Doris (19069), between Seven Mile Road and Curtis Avenue, Lot. No. 041-01-0004-001, R-U-F, Rural Urban Farm, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.090 B,

be granted for the following reasons and findings of fact:

1. The uniqueness requirement is met due to the house being situated along a main road with a lot of traffic,
2. Denial of the variance would have severe consequences for the Petitioner due to the Petitioner being unable to protect his property and maintain security,

3. The variance is fair in the light of its effect on neighboring properties, and in the spirit of the zoning ordinance due to neighbor approval, and
4. This property is classified as Medium Density Residential under the Master Plan and the proposed variance is not inconsistent with that classification.

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

1. The Petitioner will finish construction within 3 (three) months,
2. The fence will be finished as constructed,
3. The paint should match the existing fence color, and
4. The Petitioner must pay a double permit fee.

ROLL CALL VOTE

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

NAYS: None

ABSENT: Klisz

PASS/FAIL/TABLED: PASS: PASS

BARINGHAUS Mr. Boloven.

BOLOVEN Aye.

BARINGHAUS Mr. Testa.

TESTA Aye.

BARINGHAUS Mr. Rotondo.

ROTONDO Aye.

BARINGHAUS Mr. Meagher.

MEAGHER Aye.

BARINGHAUS Vice Chairman Baringhaus votes aye. Chairman Coppola.

COPPOLA Aye.

BARINGHAUS Okay. Motion passes. Six - zero.

COPPOLA So Mr. Nerone, you got your variance.

NERONE Thank you.

COPPOLA Do you understand the conditions, four conditions?

NERONE Yes, I do.

COPPOLA Okay, so you'll have to pull up a new permit, okay? Or revised permit. There'll be a double permit fee for that, and then you just need to get it done in 90 days.

NERONE Okay.

COPPOLA I think you're pretty close.

NERONE Got it. Thank you very much.

COPPOLA All right, thank you.

NERONE Have a great night.

COPPOLA Okay. Call the last case, please.

APPEAL CASE NO. 2025-03-04, 37355 Eight Mile Road: an appeal was made to the Zoning Board of Appeals by C.I.G. Livonia, LLC, seeking to establish a gasoline service station in a local commercial business district (C-1), which is prohibited.

This Parks and Community property is located on the south side of Eight Mile (37355), between Newburgh Road and Ellen Street, Lot. No. 018-99-0001-000, C-1, Local Business, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 3.10 – C-1 Local Business District Regulations, Permitted Uses.

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

STIERNA I do not, Mr. Chair.

COPPOLA All right. Any questions for Mr. Stierna? Mr. Fisher, question for you, I think the proposal has a drive-through restaurant, which is also not permitted in the C-1, so should that have been part of the petition?

FISHER Well, I don't think it's.... I guess there are sort of multiple layers of procedure here, and one of the layers is what we're doing right now, which is a use variance, to decide whether, basically, the big issue of this is this going to be permitted here? But there are a subset of issues, such as, what's going to be permitted here? And that's if we decided today that we were going to grant this use variance, we would still need to do the equivalent of site plan approval through Planning with Council, at which time we have discussion, I presume, about the drive-through part of this. So that's not necessarily on tonight's agenda.

COPPOLA Okay, so to be clear, while this is just a use variance, the process of final site approvals still has to go through the Planning Commission process and then Council, final Council vote and that process.

FISHER Yes, that's correct.

COPPOLA Thank you.

TESTA Mr. Chair, can I ask a follow-up, please?

COPPOLA Sure. Mr. Testa.

TESTA Ultimately, if we approve the gas station use tonight. Who would ultimately approve the drive-thru portion of it?

FISHER That'll be City Council. That's a waiver use.

TESTA Gotcha. Thanks for that distinction.

COPPOLA Thank you. Any other questions?

MCNABB We can't hear you. I'm sorry we couldn't hear that discussion.

[Inaudible crosstalk]

COPPOLA The Petitioner could step up. Wherever the Petitioner may be. There you are.

KIRK Good evening. Bob Kirk, 19500 Hall Road, Clinton Township. I'm a land use municipal attorney, doing it about 30 years. I sit on your side of the table a few times a month, so I understand what you do, and I appreciate you preparing this. With regard to the drive-through issue that's always been part of our submission, and we attached a plan, although we knew we had to go through site plan, so it's always been part of our petition and our request. The property is on Eight Mile and Newburgh. I think everyone's familiar with it. It's currently zoned C-1. There's a 30,000, 31,000-foot building there now that's not in great shape. It was a 24-hour Rite-Aid for a long time. The lower level had a golf store. There are some tenants, but it's really a retail dinosaur. As you know, retail has changed through the years. There's not as much as there was before. The landowner is looking to revitalize that corner and develop it. It is located on major corners, Eight Miles is the trunk line. He proposed to rezone it to allow this use. That went to the Planning Commission in October. They held a public hearing. They recommended approval. They found it was compatible, in harmony with the area, consistent with the commercial use of the property, would allow development of the site for the subject property in a manner that's consistent with the size and location, and it represented a reasonable, logical plan. The City Council rejected that recommendation, so we are here today on a use variance. That is a right that the landowner has. As I said, it's a C-1 use which really limits it as the minimal uses, those are local uses, uses such as like bakeries. The other issue is master plan for Community and Park, which is very unusual for private property. If that's the plan, I don't know what he would do to utilize that property to realize some return on it. The uniqueness of the use variance is that you can grant a use variance without granting all those uses. In the C-2 District, which was before the Planning Commission, you could open up the bump shops, truck repair. In this case, it would be limited just to that use and no other C-2 uses. Variance law allows him to get a reasonable return on his property. Must show there's practical difficulties. One common misconception with regard to economics is that many planners think you can't use that to justify a rezoning. What's not justified, and it's in your ordinance, is that you can't do something for a higher return. In this case, he's entitled to a reasonable return. There's an extensive Michigan law on it. There's a 40-year-old case in which there was 100 and some acres of agricultural zoned property. Ultimately it was allowed to be used for multiple families, and the court said you could look to development appraisers to justify that. We filed [an] original letter on this and then a supplement yesterday. Apologize for that, but what the issue was is we hired two kind of national firms to look at this, and I'll go through those with you. We just got those reports together towards the end of the week, we're following that Janssen case law as to what we have to show you. The first one was a geotech report by SME, that's a Midwestern company that examined soils and engineering. I'm not going to go through that, but there's a lot

of problems with the soils here, layers of asphalt, concrete. Below that's existing fill, which has to all be removed. There's silt, slate, clays and increasing, which increase as you go deeper. There's a 20-foot slope, if you know that property, there's a fall off. So to redevelop this property, there's severe practical difficulties with regard to the fill, it's either got to be removed, use piers or redesign to locate the site, just to the building or just to that site. We took that information, gave it to Kimley-Horn, which is a national company, to plug those numbers in, and I gave you those numbers, it'll be about 2.3 million dollars just to get its site back. That's based upon site construction, demolition and fill remedy. We took those numbers and went to the local kind of Detroit-area retail broker who's been in the business 32 years, Matt Burke, over at Keystone. He reviewed the reports, he examined the retail vacancy rate in the city, which is about 500,000 square feet, look at that and the C-1 rates have found that you get about \$9 to \$11 per square foot on a rental basis. He said that would not come close to supporting such a redevelopment. His conclusion was a proposed use would give the owner the ability to get some reasonable use on his [inaudible]. Your factors are set forth in your ordinance. Practical difficulty has to be exceptional. We think it is. It's not just because of increased value to our client, but it would be more towards just a reasonable rate of return. There's soil. The soil problems, the fall off. It's on Eight Mile Road. Doesn't abut any residential, we're not harming any of the neighbors. We have to describe it. It's beyond more than just inconvenience. It's not, it's 2.4 million development costs. And it's not just to get a higher return. It's just to get a reasonable return. You have to explain why the variance would be fair to the neighbors and others affected. It's on Eight Mile. There's no abutting neighbors to it. All these all site plans with regard to lighting would be limited just to the property that you know spill up into adjoining properties. The other question that come that you ask is whether an amendment to the zoning ordinance was attempted, we don't think that would be a good idea. So I guess that means to allow a gas station in C-1. C-1's intended to be kind of more quiet uses, not streets like Eight Mile. If you allow gas stations in all C-1s that could be a problem and have an adverse effect on other properties in the city. The last question is, have you attempted to rezone it? We did, and I gave you the outcome of that. In summary, we believe we meet and exceed the requirements of practical difficulty. We provided expert reports as to input as to what would cost for development, and we think would be a great modern use that would be developed on the site. And by limiting this, we wouldn't be cannibalizing other, C-1 uses or C-2 uses in the city, if a new retail standalone was developed. This is a huge investment. We don't think any other use would justify the investment into this type of project.

COPPOLA Thank you. To be clear, you're representing the owner of the properties.

KIRK Yes.

COPPOLA So, because of that, there hasn't been any plans submitted as part of your application, correct?

KIRK No, I believe we just submitted just the site layout to give an idea site plan approval through Planning and then City Council,

COPPOLA But you hadn't presented some preliminary site plans when you went through Planning Commission.

KIRK Yes. I wasn't there. But yes, it was.

COPPOLA And those were included in our packets, we've seen some of that. This will be a 24-hour operation?

KIRK Yes, Rite-Aid [inaudible].

COPPOLA Do you know whether they'll be selling alcohol?

KIRK No alcohol.

COPPOLA No beer, no wine sold at all.

KIRK No, it's not. It's prohibited by the ordinance.

COPPOLA Okay. Can you give me a little feel for the efforts that the owner has gone through that had them determined that this is the best course of action. In other words, what efforts has he made to try to redevelop or release the property since the major tenants left?

KIRK There hasn't been any activity, always [inaudible] of broker, there hasn't been much activity at all in that regard. And as I told you, since COVID and with online ordering, retail has really changed. So that type of use in a C-1 is really minimal, so there hasn't been that much activity. It's kind of stuck, but he's willing to develop it in this fashion.

COPPOLA Okay. Questions for the Petitioner?

BARINGHAUS Mr. Chairman?

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yeah, you indicated that the owner had difficulty developing the property, but yet, there's been a number of established businesses on that property over the years, ranging from pro shops to like right now, you have an operating realty company on that site, and you have a 24-hour pharmacy operating for a number of years at that site. So what is the difficulty with Sheetz not developing it?

KIRK The drugstore is out. You know the problems they're having, right? Rite-Aid just declared bankruptcy for the second time. This is a big building. They're looking for tenants; haven't been able to find them. They'd like to upgrade the property. But their real estate said they couldn't upgrade the property. That's where they're at. They've owned it 17 years

when they had it, and they were thought probably remember back in the heyday of drugstores, they were a great choice to have, but things change.

BARINGHAUS In terms of looking for potential location in Livonia for Sheetz, did you consider other properties that are currently vacant that could have been easily adapted to your operation?

KIRK I'm not involved with that with Sheetz.

BARINGHAUS Thank you.

TESTA Mr. Chair?

COPPOLA Mr. Testa.

TESTA I had the same question as Mr. Baringhaus. does anyone from Sheetz? Or can the owner speak to that? [Inaudible] they looked at?

KIRK There's one representative here, but what [is] the relevance? I'm here for the landowner.

COPPOLA Give a name and address first, please.

SIWICKI Absolutely. Good afternoon or good evening. I'm Alex Siwicki from Sheetz. You can find me at 39300 West 12 Mile Road, Farmington Hills, Michigan. We have looked at various locations within the city of Livonia. This is a location that piqued our interest and piqued interest of City of Livonia staff. We actually found this location through City of Livonia staff.

BARINGHAUS Okay, thank you.

TESTA Do you have any feedback? I mean, based on some of the public comments that City Council, Planning Commission or the City Council gave, what was kind of your reaction to the rejection?

KIRK I wasn't involved yet.

TESTA Sorry.

SIWICKI Can you rephrase that question for me?

TESTA Yeah, I guess I have interest. Now that you, after the fact, in hindsight, if you've heard the comments from City Council and from the public, were you surprised by the reaction? Is there any misconception out there that you'd like to address that you heard?

SIWICKI There's a lot of misconception out there. We did our best during those meetings to tell our story. I'm happy to answer some of those questions tonight, but as you probably surmised by Mr. Kirk's presence, this application this evening was brought by the property owner and was not brought by Sheetz. If you have any specific questions you would like to answer,

TESTA Yeah, has anyone approached you about their concerns and asked or offered suggestions on making changes that you think you could do?

SIWICKI Not directly, but we have listened to comments in those meetings, and we do have things that we would like to do if this variance does happen to help mitigate some of those additional concerns.

TESTA Okay, so the site plans that you proposed initially are amendable?

SIWICKI Yes.

TESTA And you are open to changes based on feedback from both the public and City Council. Absolutely. Could you maybe just note one example?

SIWICKI Not that I would like to share with you at this time.

TESTA I have one specific question. Some of the comments insinuated this can be like a truck stop, but in watching your explanation in the City Council meeting, you explain that there won't even be pumps with diesel 2 fuel. So this is not a truck stop. Trucks won't be coming to this locations. They can't get fuel there.

SIWICKI Your assessment is accurate. It's not a truck stop.

TESTA Thank you.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Going through some of the documentation was indicated that in this question for the landowner, that some of the soil was contaminated, or the term you used is "bad." Can you give us more description?

KIRK It's not contaminated, but it wouldn't support development. If you want me to read directly....

BARINGHAUS Yeah, just for....

KIRK These are words I don't usually use.

[Laughter]

SIWICKI So Bob and I were actually talking earlier about the difference between attorneys and engineers. So “contaminating” is not the right word. There is no environmental contamination to note here. The actual word that you're looking for is “stability” of soils, and they are very poor here. Very, very poor.

BARINGHAUS You have three buildings on it. It's not stable?

SIWICKI If you look at historical images of the site, this is the best way to kind of see this. You'll see, this is an asphalt parking lot. And as time has [gone] on, concrete patches that fill that asphalt parking lot have actually grown. So when you look at that, that's a layman's way of looking at the soils underneath, they're not supporting the parking lot as it is, and when you look at all the scientific mumbo jumbo of all the geotechnical borings, it supports that conclusion.

BARINGHAUS Okay, so it's more of the stability of the worth of the ground.

SIWICKI Yes.

BARINGHAUS The ability to support parking lots, building things like that.

SIWICKI Yes, sir, which makes it extraordinarily expensive to develop a patent ready site, as Mr. Kirk mentioned earlier.

BARINGHAUS And this condition was never discovered when the Rite-Aid was built there years ago? Or does it just occur over time? I'm not an engineer, either.

SIWICKI You know what they did back then. I can't speak to their building practices. And I, frankly, I'm not sure whether they lease the space, or whether they built it, I'm not sure of the history in that regard. But there are things that can happen over time. Soils can change. Water quantities in the soils can change, etc.

BARINGHAUS Okay. Great. Thank you.

SIWICKI You're welcome.

COPPOLA Other questions.

TESTA Yeah, Mr. Chair, I guess I'd like to get on the record questions I asked Legal and Inspection through email. I had asked about other gas stations in the city that are in the zone C-1 properties. I found at least three of them, correct?

FISHER Yes, in fact, you're commendably diligent. You also found one that was in an industrial zone, but those stations in every case cited are very old. They stretched back a long way in Livonia zoning history, or, for that matter, Michigan zoning history. Gasoline stations today are waiver use. When these gas stations were put in, they never heard of the term waiver use, so they went in under different rules, and that's how they are in our....

TESTA Okay, thank you.

FISHER You're welcome.

TESTA I've got a couple more questions. Do we have any ordinance restricting the location of a gas station as it relates to a specific residential area or bordering to homes?

FISHER I don't think so.

TESTA That's my understanding as well. And do we have any ordinances restricting our operation for gas stations or convenience stores.

FISHER As you know, we have a number of 24 hours similar to the [inaudible].

BEHRENDT Can you speak into the mic so we can hear you?

TESTA I'm not sure how much closer you can get.

[Inaudible crosstalk]

BEHRENDT You're looking at each other instead of speaking into the mic, so we can't hear.

FISHER Yeah, this, this mic is kind of stuck. So this is as close as this is gonna get.

TESTA He had confirmed that there are 24-hour operations already in the city. There is an ordinance restricting them. Thank you, Mr. Chair.

COPPOLA Do you have any other questions for the Petitioner? All right, seeing none, you can go ahead and have a seat for a minute. So we're going to do the audience statements now. I know there's a number of you up here that would probably soon want to speak, so we're going to do one at a time. Like I stated in my opening statement. You're going to be allowed two minutes, and no more than two minutes, and if possible, please don't be too repetitive in what's

already been said. New information is always helpful. So I'll go from my left, and then I'll go to my right. Basically, if people are there, I need a name and address to start, and then I will start your clock, and then you have two minutes, so I'm going to start on my left first.

LOMAKO Good evening. My name is Nicholas Lomako. I live at 20154 Edgewood in Deer Creek Estates, approximately a quarter mile from the subject site. I'm here tonight to request that you deny the use variance. Use variances were once considered an end run around legislative action, which [inaudible] rezoning. As you know, this case, the Council rejected a rezoning for a fueling station and convenience store at this location. State law allows cities to grant use variances, but doesn't require them to do so. Your ordinances, however, permit you to grant use variances. Contrary to what you heard tonight, your ordinance and state law stipulates two different ways for granting variances, practical difficulties and unnecessary hardships. Practical difficulty things deal with things that you can measure and count. That's what criteria that you use. The courts have said that in terms of use variances, you have to look at economic hardship and not practical difficulties, as the applicant's representative represented tonight. So I ask you to pay attention only to use variance criteria. The courts have said that in order to grant unnecessary hardship, you have to prove that you have removed economic viability under a current zoning standard that you currently have. I lived in my location since 1987. We've already heard that there's been a number of successful uses on the site. I don't believe C-1 zoning eliminates viability of use at that location. Further, your order stipulates that economic hardship must be more than the mere inconvenience or inability to obtain a higher financial return for the applicant. Simply put, the use variance cannot be granted just to ensure the applicant—

BARINGHAUS Fifteen seconds.

LOMAKO --achieves a greater reward or to consummate a deal. The last thing I have to tell you is that if you look at the public hearing notice of this, the use variance is only for refueling station. If you're to grant a use variance, the only thing that can go on this is a fueling station, not a drive-thru.

BARINGHAUS Sir, your two minutes.

LOMAKO Not a convenience store.

BARINGHAUS Your two minutes [are] up.

COPPOLA Your name and address, and then you can start. All right, name and address, please.

MCNABB Yes. Ralph McNabb.

COPPOLA Hello, Mr. McNabb.

MCNABB Hello, 36372 Fairway Drive, and I'm on the board of the Golf Ridge Villa Homes. This is wrong on all levels. One question I'd like you to ask him is, is he going to put 40,000 gallons or 80,000 gallons underground there. Because if you look at one of those three big tankers, those are 12,000 gallons. Is he going to put four of those underground? Is he going to put eight of those underground? That's a lot of fuel in that little, tiny area. I'd like to draw your attention to Greenmead Master Plan and the City Master Plan, both of those. This violates both of those master plans. You have to read it: "The second important piece of the Greenmead story is the role that the small four-corners developments played in serving the rural farming communities. The Newburg intersection illustrates this part of the rural story."¹ They want to preserve it. They want to grow that beautiful corner of Livonia. And if you let that gas station in there, it's not a quality operation. Go to Romulus. They play music outside all 24 hours. Would you want that in your neighborhood? No. It's a horrible idea on many levels. We look at this and we say, is it wanted? No. 400 residents, 95% said no. Is it needed? No, there's 18 gas stations within a 2.5-mile radius. Do we need another one? It's oversaturation. It's foolish.

BARINGHAUS 15 seconds.

MCNABB Stop asking for what isn't needed and what's not wanted. Master Plans: follow them. Read them. If you haven't read them, I'll get you a copy. Thank you.

COPPOLA Name and address, please.

BEHRENDSEN Dennis Behrendsen, 20012 Wayne Road. I'm the president of the Deer Creek Homeowners Association, where you have 209 homes. I'm representing them here, and I'm representing myself. They don't want this. They want me to tell you, we should not approve the variance. I'd like to point out that the Petitioner, the property owner, accepted the risk as any property owner renting to a retailer does. He couldn't foresee that his lifetime tenant Rite-Aid would go under, but it happened. But he could foresee, and you can foresee, and we can all foresee, is that gasoline sales, the market is declining. It's going to continue to decline. People are accepting hybrid cars, plug-in cars as an alternative, pardon me, to gasoline-using cars. All of us that have been around for a good long time know that gas stations did exist on several corners. They went out of business. If a gas station goes in on this corner, there is going to be gas stations somewhere going out of business in the city, and now those are going to be derelict, as people are talking about this piece of retail property going derelict. I want them, and you to keep that in mind. Do you want this property retained as a kind of a green site was reasonable C-1?

BARINGHAUS 15 seconds.

BEHRENDSEN Or do you want a gas station or more closed around the city and sitting vacant?

¹ Greenmead Historical Park Master Plan, 7 October 2022 Draft, p. 26.

COPPOLA

Thank you, Mr. Behrendsen. You're up.

ROZNER

My name is Joseph Rozner. I'm a resident of Golf Ridge, 36261 Club Drive. I am a professional civil engineer licensed in Michigan with 25 years of experience. I am opposed to this development. If the developer's claims are true, the site is not stable. The adjacent properties are not designed for new runoff from the site. If soil mitigation, which is if they're correct, is very clearly going to be required. If it's not performed correctly, there will be significant settlement issues which would cause ruptures of the underground fuel tanks from the increased traffic. The developer's environmental mitigation, which was brought up in previous meetings, does not adequately address potential groundwater contamination. Increased traffic will have significant wear and tear on the roads, which is going to cause more problems and more money for Livonia. I do this for a living. You need to vote this down. Thank you.

COPPOLA

Thank you, Mr. Rozner. [Inaudible]

HARTLEP

Pardon?

COPPOLA

Your name and address.

HARTLEP

Jan Hartlep, 20244 Gary Lane. Most of what I was going to-- Oh, before you start the clock, I want to clear something for the record. The Rite-Aid in question was never a 24-hour store. It wasn't. I live right there. It closed at 10 o'clock. And put that in the record, because it was never 24 hours, despite what these people say. All my concerns have been voiced already, and like I said, this has already been denied once, and it's just a shame that they get to try it again. When they put that Rite-Aid in, there was a Rite-Aid at Seven and Farmington, which is now under development, which has been probably for 15 or 20 years, then like a ghost town, but that Rite-Aid was the one I went to all the time, and I thought, "Well, why are they building another one at Eight and Haggerty? It's just going to put the other one out of business." It stayed open for about three or four months, and then they closed it down. Why does the City allow stuff like that? Putting pharmacies across the street from each other, grocery stores across the street from each other. It's just, it's bad for business. And like someone said, if this gas station goes in, it's going to put another gas station out. And we do not need a 24-hour gas station, or any kind of gas station on that corner. There's a childcare across the street. That intersection is already incredibly busy. When anything happens on 275, traffic is backed up for half mile on Newburgh and Halstead—

BARINGHAUS

Ten seconds.

HARTLEP

--trying to get through. And I don't see how this business could enhance that. How can it make our lives more tenable and happy? It can't.

COPPOLA

All right. Thank you. Give us one second. All right, name and address, please?

MARSHA MCLEAN Marsha McLean, 20075 Edgewood Avenue, excuse me. Everyone has voiced my opinion, so I just say that the zoning change was denied and it should be denied again, and I feel it would be irresponsible of this Board to change the zoning. Thank you.

COPPOLA Thank you.

DAVE HALL Hi. I'm Dave Hall. I live at 37300 West Eight Mile in Farmington Hills. And yes, I said Farmington Hills, because this affects me the most. This is going to be right across the street from my house. I live right on Eight Mile. The drive-thru that they proposed for this site is going to go southbound and come out northbound. Well, that puts headlights directly into my master bedroom. This is going to be open 24/7, 365 days a year. And the gentleman kept calling it a gas station. It's not a gas station. This is Sheetz. This thing's going to be lit up like a Christmas tree every night. I got to deal with this. I'm going to have a pump literally 50 feet from my front of my driveway, by their proposed plans. I have a circular driveway. I'm going to have people all night, every night, making turn arounds in my driveway, putting more headlights into my bedroom window. The week, it's bad enough. I got a daycare enough that we can't enjoy our day, because we got to listen to this. And like a gentleman said, this Sheetz is going to be pumping music out. This is what I got to listen to. I'm not going to be able to open up my windows. I just put brand new windows in my house. Not going to be able to open them up. I got to live with this. You guys might know the property. We're known as the pumpkin family. We sell the pumpkins on Eight Mile. I hope you take in consideration of what I'm saying. Because the last board, there was a comment that, why should we listen to Farmington Hills. Well, this is why you should listen. Thank you.

TESTA Mr. Chair?

COPPOLA Mr. Testa.

TESTA Can I ask a question of the...?

COPPOLA Yes.

DAVE HALL Oh. I'm sorry.

COPPOLA You can come back.

DAVE HALL I'm sorry.

TESTA Welcome.

DAVE HALL Yes.

TESTA I like my neighbor. I like Farmington Hills, no problem. Looking at the Google Maps I was looking at the area, I noticed you have a lot of trucks in your yard.

DAVE HALL Yeah.

TESTA Yeah, I looked your address up. You run....

DAVE HALL We run a landscape company, which... we're approved by the City of Farmington Hills. We have to go every five years.

TESTA Who do you go before for that?

DAVE HALL The City Council, I believe.

TESTA The Zoning Board?

DAVE HALL Zoning Board, right.

TESTA Okay, so you have a variance.

DAVE HALL We've been doing it for over 40 years now, so we're kind of grandfathered in.

TESTA Okay, but you have a variance on that property.

DAVE HALL We absolutely do.

TESTA You oppose a neighbor getting a variance for their property.

DAVE HALL Well, no, I'm not 24/7. You know, listen, put anything you want in there. But not the 24/7, 365.

TESTA Okay, thank you.

BEHRENDT He also doesn't mind the traffic.

COPPOLA Name and address, please.

BEHRENDT My name is Diane Behrendt. I live a half a mile from the proposed property. I am one of the few that support it. Look, for rezoning purposes, yes, this is a gas station, but it's also a full convenience store, which we don't have in our little corner. Walgreen's is closed. Rite-Aid is closed. Kroger closes at ten. Meijer closes at ten. When you need Tylenol for your sick kid at 2am we have nowhere to go. We need a full convenience store.

UNKNOWN AUDIENCE MEMBER Meijer!

BEHRENDT They close at eleven.

COPPOLA Hold on one second. Ma'am, excuse me. Hey! Everybody here will get an opportunity to talk, and you need to be respectful for those who are talking. So I ask that you be quiet. If you want to talk and you haven't already spoken, you'll get your opportunity. You've already spoken. You got your respect. You need to give it back. So I don't want any more outbursts, please. I apologize. Thank you.

BEHRENDT So Livonia has an abundance of empty buildings, and this property is going to be added to that list. The Walgreens at Eight and Merriman is about to close, or did just recently close. The soil questions are being addressed and fixed by Sheetz, the only person that has come to the table with \$10 million to invest in this property. We don't see any other offers coming to that corner. How much longer do we want to look at the empty building like we did for Kmart at Seven and Farmington? The Planning Commission approved the zoning change prior to the City Council meeting. City Council was split because [Lynda] Scheel wanted more time to think about it, but her comments [inaudible] at the time. At past meetings, the complaints were about traffic noise and lighting, which are all part of city life on a major road. The complaints are the same, whether this is going to be a gas station, a party store, a bar, or a dollar store, you're always going to have traffic, noise, etc., at a commercial building. This location, as they said, is not going to be a truck stop and is not going to sell alcohol. And Sheetz said that they're going to have extensive security system and a direct link to local law enforcement. What other—

BARINGHAUS Fifteen seconds.

BEHRENDT --convenience store has offered that? So in closing, I think Sheetz is going to beautify the property by fixing the landscape and adding some forestry and some trees and some greenery. And it's a \$10 million project, and the tax revenue Livonia cannot afford to lose. Please reconsider. Thank you.

COPPOLA All right, thank you. Your name and address first, please.

PATTY RIGGIO Patty Riggio, 37204 Bretton Drive, also president of the Willow Woods HOA. It represents 62 homes in our HOA. 90% of them have said they do not want this. We are the closest subdivision to this property. Also, there's three other HOAs. All total, representing 400 homes that have said we do not want it. We are the closest. All three of those HOAs are the closest to this property. We have a strong representation that we do not want this at this corner. A variance in the zoning should not be granted. This land should be continued to be used in what it's zoned for. Do not permit a variance based on the plea of an unnecessary hardship. This is not a hardship. This is greed. There's no rush here. We can be patient for the right business under the current zoning. I ask you to keep it at the same zone. Thank you.

COPPOLA Thank you. Anyone else? Step up, name and address please first.

RON RIGGIO Hi. My name is Ron Riggio. I live at 37204 Bretton. The City Council voted no because they listened to the people, okay? In our community on that end of Livonia, it's the high end, because we pay a lot of taxes, over \$10,000 a year in that area. Sheetz would bring it down. It's nothing more than a truck stop. I don't care what anybody says. It shouldn't be there. And the man made a good point about the fuel tanks and the way it's located. It shouldn't do it. You got a river running behind it. You got water that will seep into the foundation. It probably already has. If you check it now, the building needs a lot of repair to it, so there's a lot of things wrong. So I'm saying this to the Board here, the Council denied it. You should deny it too. Thank you very much.

COPPOLA Okay, thank you. Name and address, please.

RALKO Greg Ralko, 3... no, that's my old one. 36116 Fairway Drive, and you know that it's Livonia. I'm the last one speaking, and I kind of led the charge for the last nine months on this. I have a number of things that I want to say. I can say it quickly. If you allow me enough time to complete it, I would appreciate it, because what I have to say is important. I live in Golf Ridge Villa. My homeowners association and the homeowners associations are here, Deer Creek and Willow Woods, have led the effort against this. I submitted a document last Friday to you. I hope you read it. It was our comments and concerns and our arguments in there. I'll summarize them now, but I first want to say one thing, nothing has changed since we took on this battle. Because the only thing that Sheetz representatives ever said, and you can check the minutes, about their Eight Mile and Newburgh, proposal at the Planning Commission and the City Council meetings, was the following, and I quote, "This is going to serve a great demand in the community. Right in this general area, there's not much comparable to offer. So that's why we believe it's going to be a great spot." Alex Siwicki, who's here tonight, said those words. It may be a great spot for them, because they have to do their analytics to decide whether it's a financial incentive or it's a financial advantage to do something, but it's a terrible spot for Livonia and our residents. Our City Council agreed with what they read and heard from us, and they denied the Sheetz proposal by an overwhelming five to two margin. Let's not dismiss that. Five to two. We need to respect their decision. 15

BARINGHAUS 15 seconds.

RALKO Are you gonna allow me, please, more time to be the final one? Yes, if I'm the final one.

KAREN HALL He can have my minutes, my two minutes for Karen Hall.

COPPOLA Are you gonna be the final one, then?

RALKO Yes, I will be the final one.

COPPOLA Okay, then, we will allow you two minutes.

RALKO Thank you. Once again, I'll recap our points. There's no need for a gas station. We got 18 within a two and a half mile radius. We petitioned the 400 homes, Golf Ridge, Deer Creek and Willow Woods, and 95% of our residents said no, and they're the closest to this corner, contrary, then to what the Sheetz said, they're going to fill great need and demand. They're not. The last gas station to be built in this city was Kroger, 10 years ago, on Eight Mile, and the only reason they built it was in front of their store, so there's further evidence that there's no demand. So they're creating this demand to make an illusion for us. There's no demand there. In the master plan, this corner is designated, clearly designated to be Parks and Recreation. Eventually, eventually, the Master Plan does not contemplate us going in the opposite direction. C-2 with waivers for a highway commercial operation. The 20-year Greenmead plan clearly states that development in this corner of the city needs to be compatible with the green and natural space of Greenmead. The City Council adopted that plan in 2023. A highway gas station 50 feet away is the opposite of what they intended. We don't want the environmental risk damage to this fragile area the adjacent ponds, streams and tributaries that lead to the Rouge River go and then go through our three golf courses is just down the hill on the south side of this site. It's too close. We would be inviting potential disaster. Storm water itself is going to be a problem and detrimental to that area. There's no question about it, because everything flows south going down the hill. A gas station will devalue this corner of the city. We moved into this part of the city because it was a green area. Livonia was doing what they promised to do in these plans, and to do something just the opposite is a devaluation to us in our overall tax bases. The whole, the 400 homes that I just mentioned, we're tired of construction. They're going to beat up the roads, and then their big, heavy tanks are going to come in with fuel and beat up the roads again when all is said and done. We don't want crime. And when you have 24/7 convenience store, which is a convenience store, a drive-thru restaurant, 24/7, you're going to have crime where you don't already have crime. Right now there's no crime. That corner is quiet as can be after eight o'clock, when the Rite-Aid was there. And finally, we don't need any more traffic on that corner. The corner is congested enough during traffic-- during peak hours on 275 and the 275 backups and accidents, that's a secondary road. It's backed up during rush hour. They're never going to be able to make a left turn out of that parking lot. And Dave Hall over on Farmington, he has them doing U-turns in his driveway already. We represent the homeowners of Golf Ridge Villa, Deer Creek, Willow Woods, the three that are so close to the subject. We adamantly are against the rezoning of this property and allowing a gas station variance. We urge you to uphold what the City Council did in their five-two denial. Nothing has changed. The evidence is still very, very overwhelming, and the two things they said demand and need, they made that up because we asked our neighbors, and there is no demand and need. We're under no obligation to change the zoning because they want to come into our city. Thank you.

COPPOLA Okay.

KOTERBA I just... Jim Koterba, 19710 Liverpool.

COPPOLA I thought we had an agreement that we were going to be done.

KOTERBA I just want to say I want to point out the obvious. The obvious is you should see this as a desperate attack to back door the City Council decision by Sheetz.

COPPOLA Okay.

KOTERBA You are being used.

COPPOLA All right, thank you. All right, we have correspondence.

BARINGHAUS Yes, yes, we have two letters.

COPPOLA Okay.

BARINGHAUS First letter is from Christine Depowski, who resides at 36221 Club Drive (letter of objection was read). Another letter from Kenneth and Sandra Moore. 20185 Ellen Drive (letter of objection was read). That concludes the letters.

COPPOLA Thank you. Mr. Kirk, anything you'd like to say in closing?

BARINGHAUS Mr. Chairman, I do have some questions for Mr. Kirk.

COPPOLA Please step up, Mr. Kirk.

BARINGHAUS Earlier, you mentioned that the land, that the property was zoned C-1 and C-1 is traditionally reserved for maybe low-impact, low-intensity retail operations site.

KIRK That's correct.

BARINGHAUS Okay. And then for years, you had a Rite-Aid operate there, as well as a number of low-impact businesses. Now the owner is considering a business operation that need to require C-2 development, which is more intensive 24-hour retail operations. So my question is this, have you had discussions with the landowner in terms of impact on the local businesses around the area, the daycare center, the pumpkin business, and other residential homes that are in Farmington Hills as well.

KIRK No, I don't know what's your question?

BARINGHAUS Well, that was my question. It was a concern, given to the impact, but [inaudible].

[Inaudible crosstalk]

KIRK I guess they looked at it as a commercial piece on Eight Mile. That was pharmacy before. I mean, it's Eight Mile.

BARINGHAUS I see. Earlier it was indicated that basically the property was made aware of to Sheetz by the City of Livonia staff. I guess my question was, are you aware of any discussions where Sheetz did look at other properties, or led with that one and that's it?

KIRK I haven't been involved. Alex has been involved.

SIWICKI Yes, we have looked at multiple properties throughout the City of Livonia. There comes a question of properties that we are able to get appropriate access. There's appropriate traffic up front that we're essentially able to develop. And of course, availability.

BARINGHAUS Sheetz, when they consider items like traffic flow, access to various properties, you consider is it normally a Sheetz policy that you locate your retail stations next to community historical properties?

SIWICKI Can you rephrase the question?

BARINGHAUS Yes, did you consider the fact that you were putting your proposed station next to a property that's not only listed on the Michigan State Historical Sites, but also listed on the National Registry of Historic Places? You deal with a property that has over 200 years of Livonia history involved with it, and you're considering putting up 24-hour fairly high intensive retail operation next to that. Do you do that in other sites around the country as well?

SIWICKI So you're referring to Greenmead across the street?

BARINGHAUS Yes, I am.

SIWICKI So we do take into consideration everything that is surrounding us when we are developing site plans and looking at sites. We situate our site plans in such a way to make sure that our operations have very minimal impact on the surrounding areas. I can talk about all the various ways that we do that, but to complement the area, here, we are proposing much more extensive landscaping, much more high-quality architecture that's currently existing on the property and could potentially never exist on the property. To help mitigate that. I believe I have the property owner behind me that would like to speak to some more of that.

BARINGHAUS I do have one more question, and you're an engineer, maybe you can answer this. It's been cited that there is a creek behind the property, it runs adjacent to the golf course. Are there any branches of the stream that run underneath that property?

SIWICKI None that I'm aware of.

BARINGHAUS Okay, great. Thank you.

SIWICKI Yup.

ELIEFF

I'm the property owner. I apologize. I'm recovering from a stroke. It was brought up at the Council meeting by Laura Toy about Greenmead. And I said, "Look, Greenmead has their driveway there on Newburgh, and we're facing Eight Mile Road, and we're putting the convenience store with the about 30 seats on there." I said, "If it was so important to you, why did you build a 120-seat restaurant across the street?" The Tin Cup, with beer, wine, and hard liquor by the glass, directly across Greenmead, if you're so worried about what happens there, but I guess that's a building is owned by the City, so it's do what we say not what we do. It's wrong to punish us when you already have a business there. And the other thing is, there were some things said that were wrong. The store was open till midnight. And they did try it for a while, 24 hours, it didn't work out. They went back to closing at midnight, and we keep our lights on there until three in the morning for safety. And the new lights they're proposing are high-quality LED lights, they shine directly down. They don't blast all over the neighborhood like you would go to a football game or a baseball game, and when you want to light up the whole area. They're efficient lights. And the tanks. New tanks are valuable things. New tanks are coated with a special plastic, and the slightest bit of a leak is detected, the pumps are shut down immediately. There aren't the issues of environmental things like there used to be. And as far as Levan goes, Speedway on Seven Mile is the busiest Speedway in the United States of America, a couple thousand stores. It's number one. So there is a demand for gas there. And if you're coming off the Jeffries Freeway going north, we're the only spot. It would be a gas station on the right side. Everything else would be on the left. You have to cross over traffic. I think that it would be a big improvement to what's there. The building there is close to 30 years old. It's outdated, and I can put dollar store in there. Everyone's complaining, "Oh, don't put a dollar store there." All they ask me to do is paint the building dark gray. That was their requirement, and I put a Chinese dollar store there. It's going to look terrible, but it's better than nothing there. That property, the taxes were approaching \$80,000 a year at one time. It got lowered once. It got lowered again, they're closer to fifty. If we're turned down again, they'll be closer to forty. Whereas, if Sheetz puts up a beautiful new building, the taxes there will probably be closer to 200,000, not 40,000, and all the people that keep coming to these meetings that are protesting, I asked half of them, "Have you ever driven to the airport? Instead of spending four hours here, spend 15-20 minutes to drive to the airport? Drive." And said, "See that Sheetz there." I drove. I went. I didn't, I wasn't sure about doing the deal with them. When I saw that building, I said to my son, "I like the operation. It's wonderful. It's not a truck stop. It's clean. It's spotless." I make my living driving in my car to different properties. I stopped at gas stations because every four hours I had to get out to do my business. And when I used the restrooms in these gas stations, they're disgusting. When you see a Sheetz, they're spotless. So consider that. And one last thing, I was invited by the county and Business Association to come to their meeting in Dearborn, and I asked what for, they said, "We're meeting how we can stop Sheetz from opening stores." They didn't know I own this property, and I asked them point blank, "Why?" "We don't want competition." And so they raised it somewhere between a half a million to a million dollars to fight Sheetz and their high priced lawyers are spending in all the communities spreading disinformation.

[Inaudible audience talk]

ELIEFF No, it's true.

COPPOLA Sir, can you do me a favor? Before you leave, can we get your name and address?

ELIEFF I'm John Elieff, 475 Stover Drive.

COPPOLA Thank you, sir.

ELIEFF I've owned the property for 18 years.

COPPOLA Anything else before we close out the public portion?

SIWICKI No. Thank you.

UNIDENTIFIED AUDIENCE MEMBER Can I have a chance to retort on some of that stuff?

COPPOLA No, you do not.

UNIDENTIFIED AUDIENCE MEMBER It's not our obligation—

COPPOLA Please sit down.

UNIDENTIFIED AUDIENCE MEMBER --to find him a tenant.

COPPOLA All right, we're going to close the public portion of the case, and we're going to start the Board's comments with Vice Chair Baringhaus.

BARINGHAUS Well, as you heard tonight, this has been discussed in a number of venues, from Planning Commission to City Council, but kind of bringing it into focus with the Zoning Board, I guess I kind of look at it that when you do request a variance, you have to follow some guidelines, that hardship is something more serious than inconvenience or desire to earn more money, that the requested variance is consistent with the city's Master Plan, which we heard extensively tonight, was being quoted chapter and verse, that the variance is fair in light of many concerns that the neighbors may have, and that it's in the spirit of the Livonia zoning ordinances. The Master Plan and the future land use plan further calls for this area to be a C-1 property and listen. So basically, given the environment that it's in today, we've had a lot of comments about the appearance, that it's one of the few natural areas in the city today that our city is pretty much built up at this point. We did have a Rite-Aid there. It seemed like in C-1 it was low intensity. That area adapted to that fairly well. Respected the fact that there were neighbors, both in Livonia and Farmington surrounding it. There [were] historical properties next to it, and public land properties with golf courses behind it. I think that the C-2 designation is an escalation in the activity that that corner is going to see. It's going to have a lot more traffic. It's going to have more activity 24 hours. It's not going to blend in and support, which I think is a key

area of the city, which is the Greenmead Historical Farms [sic]. In addition to that, in terms of neighbor support, it's going to be causing a lot of potential issues. Interesting to learn about the term "the soil is bad," meaning the soil is unstable, it's going to take extensive work. How are you gonna put gas tanks in an unstable environment like that without extensive amount of work that you hope supports those tanks in the long run? There's too many things that it just doesn't need. I think we're well served by gas stations. I think we need to consider the impact on residents in the area. We need to consider the impact on traffic. We need to consider the impact on Greenmead as well. I also [feel] there's a potential risk for pollution into the Rouge River branch, however remote that would be. So based on that, I will not be supporting the variance.

COPPOLA

All right, thank you. Mr. Rotondo.

ROTONDO

Yes. Thank you, Mr. Chair. Thank you everyone who came out tonight to share their opinions who are both for and against it. Obviously it's not an easy job being up here on the ZBA. There's a lot of information that we have to go through when we go through these cases. And this one certainly has quite the history. It's obviously been to the Planning Commission. It was approved for the rezoning and then denied by Council, so they are here for a use waiver. And when I looked at this case and look at all the facts, ultimately, what I come to is there is a hardship and a uniqueness with this property. When you look at the excessive [inaudible] in the back end, the 20-foot drop off, the soil stability issues, and there's a lot of site work that needs to be done on this property in order to make it redevelopable. What we have in front of us is a petitioner who is willing to invest millions into our community and into this property to redevelop this whole site. And my fear here is that if we were to deny this request, I don't see what happens to this site. I think this is one of those-- I mean, you go through the City of Livonia and you see, I mean, if you just go down Eight Mile, you see a lot of Vacancy signs and For Lease signs and things of that nature. And I think this site kind of turns into something like that, where you have a long-term vacancy here. I mean, you look at the Seven and Farmington, the old Kmart building, and that's been vacant for 15 years, and now that's just getting redeveloped. But there's many cases of that throughout our city, and that's a big fear of mine, is that this sits vacant here for ten, fifteen years, and then I don't know what you get. Obviously, the Rite-Aid went out of business. There was a Walgreens at Eight and Farmington that recently went out of business. So I don't see another convenience store of that nature coming in here to fill that building. So ultimately, I'm in favor of this, and that's where I'm at. Thank you.

COPPOLA

Okay, thank you. Mr. Testa.

TESTA

Thank you, Mr. Chair. I'm a little disappointed we're here tonight. I think Council should have approved this. Planning Commission did. They gave a recommendation. I think ultimately Council governed by populism, and that's never a good thing to do. What's before us tonight is not a zoning change. It's not changing from C-1 to C-2, it's a use change, and it's a completely different thing. And it addresses some concerns that were raised during public comment, that in the future, if Sheetz were to leave and we would rezone this to C-2, then anything could come in. That won't happen in this case, because we're using a use variance. So

it's going to stay, if it gets approved tonight, it's going to stay as a C-1 we'll just be allowed to have a gas station. If Sheetz ever leaves it, it's going to revert back to a C-1, so it doesn't change the overall zoning. I agree with Mr. Rotondo about empty buildings in Livonia. They're all over. I don't want to see any more. I don't want to see this one to turn into something a lot longer. And from my standpoint, I live off of Newburgh, between Five and Six, and I learned tonight it's not the high end of Livonia, so I'm a little disappointed about that, too. This isn't a residential area, despite what everyone wants to try to say, the closest subdivision is point four miles away. You're buffered by a golf course. You're buffered by Greenmead. Yes, the guys from Farmington, across the street, that is residential. I've lived here 25 years. I grew up in Grosse Pointe Woods off of Eight Mile Road. There it's called Vernon. The first gas station I went to on Eight Mile right next to a home. And if you drive anywhere across Eight Mile from Grosse Pointe all the way out here, you see residential, you see commercial, it changes, it flip-flops all the way across town. I've driven it many times.

HALL Not 24/7.

TESTA When... There are 24/7s around. I'm going to get to that in a minute.

COPPOLA I ask you to please be quiet when we speak. Thank you.

TESTA Yeah. So I do feel for the resident who lives across the street, Mr. Hall. I measured it out, it's about 285 feet from where cars are going to be pulling out of Sheetz when they're leaving to your front of your house. You're set back from the road about 190 feet. And you also live on Eight Mile Road. It's a five-lane road. I keep... I sympathize with you, but you bought a house on a major road.

HALL Forty years ago.

TESTA Yup, yup.

COPPOLA All right, I'm gonna ask that you please be quiet. Let the Board members speak. You've all had your opportunity.

TESTA He's also operating a commercial business out of there that got ZBA approval from the City of Farmington. He sells pumpkins out of there. What kind of traffic does that bring in? Obviously, it's only a few weeks out of the year, but for a busy intersection that everyone's complaining about, they seem to be fine with the pumpkins. Through my investigation, we already talked about we found other C-1 situations or properties, that are zoned C-1 or M-1 that have an existing gas station. Now, of course, some of those are put in, or they were all put in before use variance came in and it was back when it was allowed. But some of those are actually 24 hours. And touching upon 24 hours, we have 7-Elevens, we have CVSes all throughout this town, and I looked. A lot of them have at least four, some have 10 houses within 285 feet of them. So the same distance that Mr. Hall across the street. If you go to a 7-Eleven, there's one on Seven and Inkster, there's 10 homes within that same distance. I

want to talk about two different cities, Redford and Westland, they have the exact same situation. Let's look at Redford. When you look on Inkster Road, they have gas stations on Inkster Road, and right across the street in Livonia, there's homes, and in some cases, there's six homes within 285 feet. So it's not just the same as Mr. Hall. There's six Livonia residents that are impacted by traffic pulling out of those, and two of those are 24 hours. Same in Westland, if you look on Joy Road, there's a 7-Eleven and there's a BP. When people pull out of those gas stations, there's headlights shining right into Livonia homes. So this isn't unique. We're not doing unto our neighbor what our neighbor's not already doing unto us. Gas stations and food with food service and convenience stores already exist throughout the city. So that's not new. Gas stations are open 24 hours throughout the city. That's not new. I found at least 15 gas stations in Livonia with residents within 285 feet. Most of them have four or more homes. Some of them up to 10 homes within 285 feet. So what I'm saying is, this already exists, and we're not creating something new. Yes, at that exact location, we are, but it's not anything different throughout the city of Livonia. What again, for us is just a use variance. We're not changing the zoning. Sheetz. Is gonna have to come back if we do approve them tonight through Planning Commission and City Council to address many of the current concerns that you guys cited tonight. So there's going to be lots of opportunity to give scrutiny. I asked Sheetz, does anyone from the community come to you and complain or offer suggestions and seeing no, I think that's where you should be directing your comments to. You should be driving change through Sheetz directly. They seem open to listening and making changes to proposal and maybe Mr. Hall across the street, ask them to throw some landscaping your way, to block the headlights going into your front yard. And that's up to you on how you want to talk to them or make those suggestions. But I mean, there is a clear hardship here, and I think everything I just went about above is fair and light. I mean, it already exists throughout the city, so I'm going to be in support of this.

COPPOLA

Okay, thank you. Mr. Meagher.

MEAGHER

I really appreciate everybody who came out. This obviously isn't a small deal, so I really appreciate that this has obviously been a passionate and thoughtful at times, discussion. I really enjoy just hearing from everybody, the thoughts on it. The concerns about traffic, neighborhood impact, and what that means for Livonia, are real, and we have heard it very clearly. I think that's [inaudible] but our job here on the Zoning Board is really specific. We're not deciding whether or not Sheetz should or will be built. We're deciding whether or not they have the right to bring a revised plan back to our Planning Commission, where those concerns that you've all brought forward can and will be fully addressed. For me, the decision comes down to one thing: do we believe in the Livonia's planning process and our standards enough to let them make their case properly with full public review and accountability? I do. Granting this variance doesn't give a green light to the project. It doesn't ignore neighborhood concerns. It says that like any applicant, big or small, Sheetz has the right to present a proposal and work through the same rigorous steps as any other developer has to follow to come into the city of Livonia. I trust our Planning Commission. I trust this community. I trust that if Sheetz can't meet our standards, they won't succeed. But I also believe that they deserve the chance to try, and this is what the variance allows. For that reason I support this variance.

COPPOLA

Thank you. Mr. Boloven.

BOLOVEN

I agree with my colleagues. It's a tough case, and as is with cases with development, there is usually complaints. The closer the people are, change is not something that's wanted. And that's what you see here. You know, the whole Not in My Backyard argument was redundant throughout the Planning Commission. It was redundant throughout Council. And it's redundant here, but Mr. Meagher hit it. Mr. Testa hit it. This Board, there's a separation of duties within our government, within the City. This Board is to look at strictly the zoning issue that's been brought before us for use variance. Mr. Testa is correct. It's not changing it from a C-1 to a C-2. It gives the right to use and Mr. Meagher is correct in his summation on it. They stood back with the whole process. This gives them the opportunity to do it. You know, I look at some of the commentary that was made, and I appreciate the commentary that was made. I don't want to disregard it. But I look at it in one of the comments that was made during the opposition was the Rite-Aid at Seven and Farmington, 15-to-20-year ghost town. We don't want that against this Board. We don't want that against the City. And I understand that there's opposition to Sheetz. It's going to go through its process, but I don't want another abandoned building like at the corner of Eight and Farmington sitting there with Rite-Aid. It is a low-density area. It's a two five lane road, including state highway there. A lot of the issues are going to be addressed by the Planning Commission and the City Council, if it makes it past this Board, but the light, all the everything regarding the plan with it has got to go through that process. Closest Livonia home is 2000 feet away. The crime argument. There's no greater risk to that than is with the Speedway, in my opinion. And the Speedway is only within a two-mile radius. Is the only one within the two miles. And speaking [of] that Speedway, it's closer to the neighboring properties, many reasons. And Mr. Baringhaus, respectfully, I disagree with his points. He hit those four points that the score follows, and I believe they're hit in order to bring a use variance in this case. Thank you.

COPPOLA

Okay, thank you. I think there's not a whole lot more I could add to what was stated by the Board members, both for and against. I do, again, appreciate the residents coming out and voicing their opinion. That's the beauty of government. Representative government, you get to have your voice heard. Doesn't mean that necessarily the parties will agree, but you get to have your voice heard and we heard you. We listened to what you had to say. I went through and read the minutes from the Planning Commission. I read the minutes for City Council. I read all of the letters that were given. I read all of that. I listened to everything they had to say. And I do agree with the majority of the Board members here that I think we need to give Sheetz the opportunity to make its case. That is a site that is challenged. It's got a lot of issue, not only topography, and then the soil. I think, as it's built now, it will be a challenge site to be released, and it needs to be redeveloped. To find someone to come in and put the level of investment in this property and to redevelop and make it a non-breaking business, and not just a vacant ghost town and an eyesore for the City, is unique. I think this is a good opportunity. As was stated several times, this isn't a green light to Sheetz. They've got a process they're going to have to follow, and they're going to have to meet those requirements. You'll get your opportunity to continue to voice your opinions in regards to how it will how will go

and work, potentially, if it will go in, but mostly how. So the issues with lighting, the issues with the tanks, the issues with traffic. Those are all going to be addressed as we go through that process. What this is going to allow is that process to be followed. And the alternative to not doing this could be rather positive for the City. Litigation is a high potential, and the probability of winning is not guaranteed, and in litigation, we'll have no control. The judge will make the decision. So at least this gives us the opportunity to make the decision on how this is going to be built, what it will look like, what limitations are there, so that it's best for the community. In the sense of it not being needed, you've got a pretty sophisticated company coming in, doing analysis and willing to invest, I think what is it? Close to ten million dollars when it's all said and done for something that's not needed, I don't think anybody would make that type of investment. They didn't think they did. Someone would want return on it. So I, for me, I support it. I think this gives an opportunity to go to the next level. Planning Commission can have its say, have its input. You all can have your input. You've been there before, you should be there again, and give your input. And then it's gotta go to City Council, and they have to vote on it too and review it. And so this is just the beginning of due process. This is not the end. So I'm going to go ahead and open the floor for a vote. I should take a motion first, right?

BOLOVEN Mr. Chairman.

COPPOLA Mr. Boloven.

BOLOVEN Resolved that the variance sought in Appeal Case No. 2025-03-04, filed by CIG Livonia, LLC, be granted for the following reasons, and findings of fact: the uniqueness requirement is met due to the location of property as well as the elevation of property surrounding creeks and elevations. The denial of the variance would have severe consequences for the Petitioner due to not being able to proceed with the process of their development. The variance is fair in light of its effect on neighboring properties and in spirit of the zoning ordinance, due to being a low density corner, the property is classified as C-1 for the Master Plan. Mr. Fisher for this point for use variance.

FISHER It's actually hard to word something like that.

COPPOLA C-1, so--

BOLOVEN The statement on the motion templates normally that it's classification for use variance isn't inconsistent with that classification, so we just say that....

FISHER That it is consistent with the Master Plan.

BOLOVEN So C-1... it's classified as C-1 but being assigned a use variance for C-2. Further, the variance be granted with the following conditions: that it go through Planning and Council, as required by the City for further development, and... what else do I need? Do I need any conditions on? Do I put conditions on?

COPPOLA We'll have a discussion. So let's go ahead and get the motion.

TESTA Support.

COPPOLA So I have a motion by Mr. Boloven, supported by Mr. Testa. We've got the one condition, which I think is already a process that is dictated. Mr. Fisher.

FISHER Yes, sir.

COPPOLA So in a use variance, first question is, if the use variance was specific to allowing a gas station, we're not. We're not saying a broad approval for C-2 use. We're saying we're giving you a use variance to be used as a gas station in a C-1, correct?

FISHER As proposed.

COPPOLA As proposed.

FISHER Right.

COPPOLA Directly in their petition, they did not provide plans. Plans were presented within the Planning Commission and package for the Planning Commission and Council. Is it appropriate in this process for us to say something to the extent that it should be built as previously presented to the -- let's say -- the Planning Commission, City Council. There's a plan date. The last plan date I saw was 7-17-24, subject to Planning Commission and City Council amendments and requirements, because I'd like to kind of put a stake in the ground in a sense of what we're approving—

FISHER Right.

COPPOLA --in a sense of the use and then obviously give Planning Commission and City Council, which they already do have, but there without violating the use variance, at least the ability to make the adjustments that come out from their study and review.

BOLOVEN So I guess the statement would be, Mr. Chair, taken from a petition would be to allow the use variance would be for a gas station, restaurant, drive-thru, convenience store within C-1 for this property. Would that suffice?

FISHER Well, that's one piece, I think the other piece is subject to these approvals by Planning Commission.

BOLOVEN Which was my original condition.

COPPOLA That's the normal process anyway. Are we stating the obvious in a sense?

FISHER This sort of thing doesn't happen very often, so I think it makes some sense to spell out.

COPPOLA Okay, so....

BOLOVEN Mr. Chair, upon advice of Counsel, you know, rephrasing the conditions that it would be an approval of the use variance for this C-1 location for your gas station, restaurant, drive-thru, and convenience store, and that the property and development go through the City's normal course with Planning and Council.

TESTA Mr. Chair, question for Mr. Fisher. The use variance is only for the gas station, right? So we shouldn't say convenience store?

COPPOLA Convenience store is allowed in C-1, right?

TESTA He needs a waiver, not from us, from City Council.

COPPOLA [Inaudible] Drive-thru [inaudible].

FISHER But that's the drive-thru.

TESTA Yeah.

COPPOLA [Inaudible] provided as a waiver.

SIWICKI Just for... if I could, for clarification, those uses were all included in our request.

COPPOLA You make your motion, I just wanted....

BOLOVEN Yeah, I'm reciting from the actual petition, but it wasn't included, unfortunately, it wasn't included the public notice.

COPPOLA I don't do the public notice.

[Laughter]

COPPOLA It wasn't published yet, you can't do it.

FISHER Well, we have ways of getting it done. But right now, the thing is to get this, if we're going to approve this, the thing is to get [inaudible].

COPPOLA Appreciate that. It's a little cryptic for me. So what does that mean? That was a little cryptic for me. So could you do it a little more expansive?

FISHER Okay, well, we have provisions in our zoning ordinance that are designed to give flexibility to councils to handle situations.

COPPOLA You're talking about the way to take into thinking the waiver, I guess it's called.

FISHER Yes.

COPPOLA So all we need to do is do what's before us now, which is to allow the gas station, convenience store, and a restaurant, to allow the building outstanding issue and drive-thru, which could be a waiver led by the Council. Do I have that correct?

FISHER That's good.

COPPOLA Okay.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA One more question for Mr. Fisher.

COPPOLA Okay.

TESTA We don't have a lot of experience, as you noted. Can we make them time-bound? Like, for example, Sheetz doesn't build and open within five years that this is revoked, and then another gas station can't come without reapproval.

FISHER Well, I guess what I'd do, I'd ask if we have the acquiescence of the Petitioner, then I would include that.

COPPOLA I don't know if we would be asking for their permission. The question would be the process itself. How long would that take? A lot of unknowns when you're dealing with approvals with councils and Planning Commission, but with 18 months and 24 months, I would think it's at some point you can say, "We're done."

SIWICKI We can get it done.

COPPOLA Pardon?

SIWICKI We can get it done in 24 months.

COPPOLA So the variance... they would have to be able to get approvals and pull permits within 24 months. Is that what you're suggesting?

TESTA That's why I ask that. If it helps anyone, it looks like we already have enough votes, but that might be a good condition to put on to limit that it's just the Sheetz and in a reasonable amount of time. A lot of us expressed concern with this corner being mostly vacant. There is one tenant in there, but he doesn't mostly make the property. You want to see something happen there as quickly as possible. If she's the same, they can do it within two years. In some time frame, I'd like to time-bound it. So that....

SIWICKI I would just like to clarify, I don't know if I turned this off. Just like to clarify, we can pull permits within 24 months. I don't know if it can be built in that.

COPPOLA No, that's what I was getting towards.

SIWICKI Okay, thank you.

BOLOVEN So, Mr. Fisher, the petition is on behalf of CIG, which is the landowner. It's not actually Sheetz. So the use variance here, are you looking for a condition to limit to just this potential lessee?

TESTA Yeah, I would say yes. But I also want to time-bound it too, so that Sheetz won't drag this out for eight years. As an example, not that they're going and

COPPOLA I don't want it to also be where two to three years from now [inaudible]. I don't know what we can....

TESTA Exactly.

SIWICKI If I can clarify the time frame. It has to be 24-- we can agree to 24 months. We can pull permits from our final City Council approval if it takes us a year to go through Planning Commission and City Council.

KIRK That may sound long, but these guys are in the business. I hear the complaints all the time. How long these days?

COPPOLA Yeah. Plus, you've got other kind of approvals too, right? Exactly. County approvals.

SIWICKI Yeah. Eagle, right now, environment, Great Lakes Energy, their review process right now is taking six months just themselves.

COPPOLA So 36 months?

SIWICKI I would just whatever time you frame. I would base it off of approval from City Council, assuming that we would get to that part.

TESTA If the Chairman and I are the only two that like this, we can drop it, but I think it's worth exploring.

BOLOVEN I think you can satisfy your concern by just limiting it to this lessee.

FISHER Well, we're--

COPPOLA That's why I wanted the site plans to be kind of built as presented, except as modified or amended by City Council, Planning Commission. Does that get you? That gets you that piece?

ROTONDO They did provide a site plan.

COPPOLA Not to us directly, but....

ROTONDO There is one labeled site plan.

COPPOLA But it came from....

ROTONDO I mean, it's not the full set of them. In the Planning package, there's a whole set of plans, but this is just a [inaudible] layout, essentially.

[Inaudible discussion between Rotondo and Testa]

ROTONDO [Inaudible] based it on.

TESTA [Inaudible] property owner and subject?

ROTONDO Yes.

FISHER That's not... the premise of a use variance is that you need to have the ability to return. I don't think there's any basis, as I think about it, for limiting this specific Sheetz.

UNKNOWN AUDIENCE MEMBER Yes, that's exactly.

COPPOLA So hence the time limit.

BOLOVEN If we can't limit the lessee then [inaudible].

COPPOLA If it exceeds it, they'll just have to come back.

BOLOVEN I'm fine with that, too. So like 36 months from, I won't even say from Council approval, because if it hits 36 months and they're delaying, it's not at Council approval. It's got to come back before this Board. I would say that.

TESTA Okay.

BOLOVEN So within 36 months of tonight, approval of the minutes, permits are not pulled by then, then the Petitioner has to come back before this Board for further review.

TESTA Support.

BOLOVEN Mr. Fisher, is that....?

FISHER From the approval of tonight's minutes to pull permits [inaudible]?

BOLOVEN Yep.

TESTA Yes.

COPPOLA So basically that got through the whole process with City Council and Planning Commission.

FISHER Or return to ZBA.

BOLOVEN Correct.

FISHER Okay. All right.

BOLOVEN Satisfactory?

FISHER I think that'll work.

COPPOLA Okay.

BARINGHAUS Let me see if I have this right. One: subject to approval by City Council and Planning Commission? Number two: approval of C-1 use variance, or you started with the gas station, restaurant, and convenience store, [inaudible].

BOLOVEN So I had one as the would be to allow use of the property as a gasoline service station and limited carry-out with outdoor seating and drive-thru window in a C-1 district.

BARINGHAUS Gasoline service station....

BOLOVEN Limited carry-out, outdoor seating, and a drive-thru window in a C-1 district.

BARINGHAUS ...Window. What else?

BOLOVEN In a C-1 district.

BARINGHAUS Okay.

BOLOVEN Permits to be pulled within 36 months of approval of tonight's minutes being approved. If not, Petitioner has to return before the Zoning Board of Appeals.

BARINGHAUS All right. With approval of tonight's minutes within 36 months. No permits, will return before ZBA. Okay.

COPPOLA Support?

TESTA Support.

COPPOLA And....

BARINGHAUS Have a vote?

COPPOLA Okay, take roll?

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

RESOLVED: APPEAL CASE NO. 2025-03-04, C.I.G. Livonia, LLC, 37355 Eight Mile Road:
seeking to establish a gasoline service station in a local commercial business district (C-1), which is prohibited.

This Parks and Community property is located on the south side of Eight Mile (37355), between Newburgh Road and Ellen Street, Lot. No. 018-99-0001-000, C-1, Local Business, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 3.10 – C-1 Local Business District Regulations, Permitted Uses,

be granted for the following reasons and findings of fact:

1. The uniqueness requirement is met due to the location of the property as well as the creeks and elevations of the property,
2. Denial of the variance would have severe consequences for the Petitioner due to not being able to proceed with the process of their development,
3. The variance is fair in the light of its effect on neighboring properties, and in the spirit of the zoning ordinance due to being a low-density corner, and

4. This property is classified as Parks and Community under the Master Plan and the proposed variance is inconsistent with that classification, but the property is currently in use as C-1 and will be given an approval for a use variance to operate a gasoline service station, limited carry-out, and a drive-thru window at this C-1 district location.

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

1. Subject to approval of the Planning Commission and City Council,
2. Approval for a use variance for a gasoline service station, limited carry-out, and a drive-thru window at this C-1 district location, and
3. The Petitioner has thirty-six (36) months from the approval of the minutes of the May 6, 2025 ZBA meeting to obtain all approvals and pull the permits. If not, the Petitioner must return before the Zoning Board of Appeals.

ROLL CALL VOTE

AYES: Boloven, Testa, Meagher, Rotondo, Coppola

NAYS: Baringhaus

ABSENT: Klisz

PASS/FAIL/TABLED: PASS: PASS

BARINGHAUS Sure, Mr. Meagher.

MEAGHER Aye.

BARINGHAUS Mr. Rotondo.

ROTONDO Aye.

BARINGHAUS Mr. Testa.

TESTA Aye.

BARINGHAUS Mr. Boloven.

BOLOVEN Aye.

BARINGHAUS Vice Chairman votes no. Chairman Coppola?

COPPOLA Aye.

BARINGHAUS Okay, motion passes five to one.

KIRK Thank you very much.

COPPOLA You have the conditions?

[Inaudible]

SIWICKI Planning Commission, City Council approval....

COPPOLA Which is [inaudible].

SIWICKI Permits within 36 months.

[Inaudible crosstalk]

ADMINISTRATIVE TASKS

COPPOLA We only have one other course of business here, right?

TESTA Motion to adjourn.

BARINGHAUS Motion to adjourn by Mr. Testa. Support.

COPPOLA Motion to adjourn by Mr. Testa, supported by....

BARINGHAUS Vice Chair Baringhaus.

COPPOLA Vice Chair Baringhaus to adjourn. All in favor?

The Board voted unanimously to adjourn the meeting.

There being no further business to come before the Board, the meeting was adjourned at 10:47 p.m.

Gregory G. Coppola, Chairman

Timothy Klisz, Secretary