

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF SPECIAL MEETING HELD TUESDAY, MAY 20, 2025

A Special Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, May 20, 2025.

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

MEMBERS ABSENT: Christopher Boloven
Timothy Klisz, Secretary
Brian Meagher

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. Four (4) 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 several (not counted) people present in the audience.

(7:00)

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APPEAL CASE NO. 2024-10-37, 17117 North Laurel Park Drive (tabled on January 7, 2025): an appeal was made to the Zoning Board of Appeals by Laurel Investment, LLC, on behalf of Lessee Cooper's Hawk Winery & Restaurant, seeking to install a wall sign package resulting in an excessive number of signs and excessive total sign area.

This Regional Commercial property is located on the west side of North Laurel Park Drive (17117), between University Park Drive and Six Mile Road, Lot. No. 028-99-0006-008, C-4, High Rise Commercial, rejected by the Inspection Department under Livonia Zoning Ordinance Section 11.08 (3) – Sign Regulations in C-2, C-3 and C-4 Districts.

Total Signs

Allowed: 2
Proposed: 4
Excess: 2

Total Sign Area

Allowed: 197.25 sq. ft.
Proposed: 220.9 sq. ft.
Excess: 23.65 sq. ft.

COPPOLA All right, thank you. Can I have a motion please?

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Move to remove from the table Appeal Case No. 2024-10-37.

BARINGHAUS Support.

COPPOLA I have a motion by Mr. Testa, supported by Vice Chair Baringhaus, to remove from table. All in favor?

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

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

STIERNA The Inspection Department has nothing to add today.

COPPOLA Any questions for Inspection? Seeing none. If the Petitioners could, you can just drag a chair up. Just grab a seat up there so you're a little bit closer to the recording.

KNOWLES Sure.

COPPOLA For us.

LESYNA Perfect.

UNKNOWN SPEAKER Perfect.

COPPOLA If I could get just for the record, name and addresses first.

LESYNA Jennifer Lesyna, representative of Cooper's Hawk and address would be 3500 Lacey Road. That's Downers Grove, Illinois, 60452. I did sign in as well.

COPPOLA Okay, thank you. Sir?

KNOWLES Yeah. Jack Knowles, K N, O, W, L, E, S. I represent the owner, Laurel Investment, 29200 Northwestern Highway, Suite 450, Southfield, 48034.

COPPOLA Okay. Thank you. Welcome back. Just for the record, any changes from the petition or just the same package you provided last time?

LESYNA It is the same package, however, we did reduce the square footage of the signage to a smaller square footage so that it would fit within your square footage requirement.

COPPOLA Okay, closer, much closer. Okay, thank you. So why don't you go ahead and tell us why you believe there's a hardship that would permit a variance.

LESYNA So in our signage package we do have, we are showing four wall signs. One of those wall signs is a feather. It's our Cooper's Hawk logo, and it does identify the entrance, the main entrance to the building. We are willing to concede that, and if we could figure out a way to make that not a signage, but maybe a piece of artwork on the outside of the building? That's definitely something that we would be willing to have a conversation on. We believe the west elevation would be the one most in question, and the west elevation would be the visual representation of where we're located from eastbound traffic on Six Mile Road. We believe that having that sign on the wall high enough up over the traffic because the westbound traffic would be blocking it so that eastbound traffic could see where we're at on the property.

COPPOLA Okay. You have a monument sign, though, right, so—

LESYNA We do have a monument sign. However, it is also... it's only five feet high. So if Six Mile Road is congested, it would be covered by that traffic.

COPPOLA Okay, so the eastbound sign, or the east-facing sign, actually faces directly into Comerica Bank?

LESYNA Yes.

COPPOLA So it won't have visibility, really, from any of the roads, per se. So tell me about your thinking.

LESYNA It would have visibility. Yeah, sorry, go ahead.

COPPOLA No, go ahead.

LESYNA Yeah, it would have visibility from the drive lane into the property, so that they can't see the monument sign from that area or that elevation. So that would be the only thing that would delineate our building from driving into the property.

COPPOLA So you're suggesting it would be seen from North Laurel Park Drive?

LESYNA Yeah.

COPPOLA Pass through Comerica's building?

LESYNA Well, on the other side of Comerica's building, yes.

KNOWLES As you come in the entrance drive, off of the south entrance, drive off of North Laurel Park.

COPPOLA And again, on the west-facing side, you believe that that can be visually seen by people driving eastbound on Six Mile.

LESYNA We do believe that, yes.

COPPOLA And that's a distance of... to the westbound side of Six Mile, that's a distance of how much and that divided, I think it's divided, right? It's divided there.

LESYNA It is divided. Yeah.

COPPOLA That's a pretty far distance.

KNOWLES Several hundred feet.

COPPOLA Okay, questions for the Petitioner?

BARINGHAUS Yes, I saw in your plans that you're going to have a "Now Open" sign on the building. Is that a temporary sign?

LESYNA It's a temporary banner that we typically affix to the building for two weeks while we're open.

BARINGHAUS Two weeks? Okay.

LESYNA Yeah, two, two to four weeks, depending on the municipality's allowance.

BARINGHAUS And you're going to have that on the south elevation?

LESYNA Yeah.

BARINGHAUS Okay, that's the only location for it?

LESYNA Yeah.

BARINGHAUS Okay. Question for the Inspection Department, going back to the feather, just because it is a key identifier and logo for the company, is that viewed as artwork?

STIERNA We, typically, because it's wire would consider it a sign. However, there's a possibility, and that might be definitionally discussed. It could be considered a mural, which I believe goes through a Planning/Council approval. It's a waiver. I was trying to look that up. So there is a potential for a different approach on that. I guess the question would be, is it illuminated?

LESYNA We could make it not.

BARINGHAUS Okay.

LESYNA Definitely a possibility for sure.

BARINGHAUS Does that cast it in a more favorable light?

[Laughter]

BARINGHAUS I couldn't resist that.

STIERNA It would. I believe the artwork needs to be approved by the Planning Commission.

FISHER Sounds right to me.

LESYNA I can't wait to come back.

BARINGHAUS So essentially, your signage is the monument sign, west elevation, south elevation, and east elevation?

LESYNA Correct.

BARINGHAUS Okay, plus the feather.

LESYNA Plus the feather, yes.

COPPOLA Plus the large monument sign off of Laurel Park.

BARINGHAUS Yes, that's what is.

COPPOLA And there's a monument sign at Six Mile.

BARINGHAUS Yes. Okay, so we're dedicated.

[Inaudible crosstalk]

BARINGHAUS Yeah, a dedicated monument sign. Here on the wall, a monument sign.

COPPOLA A monument sign on North Laurel Park.

BARINGHAUS Okay, yeah. So you have a group monument sign. You have the dedicated monument sign to you exclusively, the other three elevations we described, plus the feather.

KNOWLES The group elevation side of the monument sign at North Laurel Park. It really is not a huge sign. It's, my recollection, is it's 10 feet long. It's going to have four users on it. It's four or five feet tall. The sign itself. And it's not a huge sign.

BARINGHAUS Okay. What are your hours of operation?

LESYNA Oh, for the restaurant?

BARINGHAUS Yeah.

LESYNA We open at 10am, and Monday through Thursday we close at nine. Fridays, I believe, it's 10 to 11 or 10 to nine, and then Saturday 10 to eleven, and Sunday 10 to nine. Yeah.

BARINGHAUS So anywhere from 9 to eleven--

LESYNA Yeah.

BARINGHAUS --PM you'll be closed.

LESYNA Correct.

BARINGHAUS In terms of your signage, it is illuminated?

LESYNA Mmmhmm.

BARINGHAUS LED illumination?

LESYNA I'm not 100% positive on that.

FISHER It says LED lighting on the....

BARINGHAUS Okay. Are there hours of operation for the lighting that you're planning on putting it on timers, or is this going to be on all night?

LESYNA Again, not 100% sure.

BARINGHAUS Okay.

LESYNA But I can absolutely find out. I don't want to speak and be wrong either way.

BARINGHAUS Okay. Thank you.

LESYNA My pleasure.

TESTA Mr. Chair.

COPPOLA Thank you.

TESTA Question for the Petitioners. Regarding the monument signs you talked about in the package, I see one monument sign for Cooper's Hawk. I believe you spoke about another monument sign.

KNOWLES Yeah, there's a multi-user monument sign at the south entrance off of North Laurel Park Drive. So there's two entrances to the Holiday Inn site. Currently off North world yard. This is at the south entrance.

TESTA Okay, is that sign part of this package?

KNOWLES No, that sign meets all regulations.

TESTA Okay. What is the purpose of the second Cooper's Hawk sign? The monument sign?

LESYNA The monument sign for Cooper's Hawk only is to....

KNOWLES It's on Six Mile.

LESYNA Call out, yeah, the traffic on Six Mile.

TESTA Okay. I think last time we heard this case in January, there was comments about, you can only see it coming eastbound. Westbound, because of the elevation change that sign really isn't visible. We were asking, what really is the benefit of that sign?

LESYNA Well, for that traffic that's coming westbound.

TESTA Can't they see it already, the three signs on the building? There's east, north, south.

LESYNA I would hope so, yeah.

TESTA Okay. So I guess where I'm going with this. I'm counting if we talk about the next case, too, Capital Grille. They're going to want a monument sign as well. So I gonna count three monument signs, plus the Holiday Inn has monument signs. It seems like we have monument sign overkill on the site.

KNOWLES The Holiday Inn monument sign is being replaced with a multi-user sign in North Laurel Park.

TESTA Gotcha, so that will not stay.

KNOWLES Correct.

TESTA It's leaving. Okay. Regarding the feather, could it be incorporated with a sign that's above your door? Make it into one larger sign?

LESYNA Well, in order to fit the square footage requirements, we would want the words to be as large as possible. So, we would just remove it.

TESTA Okay.

LESYNA We would remove the feather. The feather would... it's more of a logo, decor and to help delineate the front door.

TESTA Okay, maybe question to Mr. Stierna, you mentioned it potentially being a mural, but as I read the description, it's going to be on aluminum fabrication sticking two inches off the brick, so that will technically still be a mural?

STIERNA So murals or painted on or wall designs or sculptures, the size and number of location, murals and signs painted on the wall structure shall be subject to the approval of City Council after review and findings by City Planning Commission. So I would say it definitely could be considered [an] art piece, art structure.

TESTA Okay.

STIERNA That would also remove their overage on square footage.

TESTA Thank you for that point. All right, thank you, Mr. Chair.

COPPOLA They'd have to go back -- for Mr. Fisher -- they'd have to go back to approval for that, then.

FISHER Sounds like it.

COPPOLA It'd have to go to Planning?

FISHER Yeah.

KNOWLES And then Council also?

TESTA Do we have the authority to approve it?

COPPOLA It's designated a sign, yeah.

TESTA Okay.

COPPOLA Which is how their [inaudible] sign.

TESTA Okay.

LESYNA Yeah, okay.

COPPOLA Questions for the Petitioner.

ROTONDO Mr. Chair.

COPPOLA Mr. Rotondo.

ROTONDO Question for the Petitioner. So I think you stated earlier, the monument sign is going to be on the Six Mile entrance?

LESYNA No, it's off of Six Mile Road in front of the building.

ROTONDO I was just looking at the site plans. I don't see it.

KNOWLES Yeah, it's not real big.

LESYNA It is.

KNOWLES It's about in the center of... opposite the center of the building.

LESYNA Yeah.

KNOWLES I think it's 5 or 10 feet off the parking lot.

ROTONDO That's in the boulevard thought?

KNOWLES It will not be in the road.

COPPOLA It will be... no, it won't be in the easement, it'll still be on the [inaudible] before you get to the pole. So it still has to be on the property. So you still got room to get to six months, quite a bit of space to get to six months.

KNOWLES It's a large front here along Six Mile.

COPPOLA Any other questions for the Petitioner?

TESTA Yeah, Mr. Chair. Sorry, I got a few more.

COPPOLA Fire away, Mr. Testa.

TESTA So last time you were here, we tabled you. Mainly, we were looking for a more comprehensive package for the whole site, not just this restaurant, the other restaurant in the hotel? Can anyone speak to the overall sign package plan for the whole site?

KNOWLES Yeah, I can. At this time there is only one other.... There is one other sign that will be coming to you for... it's the pylon sign. And it's really divorced from all these other signs, but it's the pylon sign on the highway. There's a small panel below the main Holiday In sign.

TESTA Okay.

KNOWLES And we'll be coming to you to request a slightly larger lower panel. That's, it.

TESTA Okay. Do you have one drawing that's going to show all of the signs? I think that's kind of what I was looking for.

KNOWLES You mean including the building signs and...?

TESTA Yeah, including the whole site, because it's all... you're basically representing the whole site.

KNOWLES Yeah. No, to answer your question, no.

TESTA Okay.

KNOWLES Yeah. I mean, it wasn't, since both restaurants are sort of separate entities, we only looked at the... really, the remainder site signage as the monument sign on the multi-user monument sign on Six Mile, which is the only other new sign, and then the pylon sign.

TESTA Okay, yeah. From my standpoint, I'm trying to understand the whole site.

KNOWLES Sure.

TESTA We're not hodgepodge. We're approving one restaurant, another restaurant, hotel, and they all have different things. And I wouldn't say misaligned, but it's not in harmony together. Okay. I do see... I looked in the Capital Grille package. There is the monument sign that shows all four locations. The Holiday Inn is not going to come back to us, other than what you said for the....

KNOWLES To my knowledge, no.

TESTA Okay. And they're completely fine with losing their current monument sign and going on, what's going to be the new four by...?

KNOWLES Yeah, we own the Holiday Inn.

TESTA Okay.

KNOWLES Yeah.

TESTA Okay.

COPPOLA When you say we, who's we?

KNOWLES Laurel Investment.

COPPOLA Do you own the property that Capital Grille is going onto?

KNOWLES Yes, we own the entire site.

TESTA Okay.

COPPOLA So those are land leases for all that?

KNOWLES Yes.

COPPOLA Properties, all the buildings going in?

KNOWLES Yes.

COPPOLA And you don't have a sign package for the new Home2Suites?

KNOWLES Correct.

COPPOLA You don't have a side package for them right now?

KNOWLES Drawings aren't done. Buildings not done.

TESTA Do you know when they'll have those drawings done?

KNOWLES For the Home2?

TESTA Yeah.

KNOWLES I'm told a month or two away.

TESTA So if we table you again, waiting for their signs will that hold up Capital Grille or Cooper's Hawk in any way?

LESYNA We're looking at some construction in the beginning of June.

TESTA Right.

COPPOLA How long is it going to take to build? Because usually the signs are the last thing.

LESYNA They are the last thing, but we do have to put them under production. I mean, I don't know how long it's going to take to get the approval, so I can't speak to if it's going to hold us up or not, and that's if they get their plans in.

COPPOLA Yeah.

LESYNA Right. I'm not saying not to table it. I'm just saying I can't commit to that it's not going to hold them up.

TESTA When are you planning to open?

LESYNA I believe our opening date is late December or early January.

TESTA Okay. I know I get off at Six Mile there every day now. I notice how the Inns deconstructed part of their building.

KNOWLES Correct.

TESTA Is that... what's that for?

KNOWLES That was the conference facility or the banquet facility. We remove that in order to make room for the second hotel.

TESTA Okay? Thank you, Mr. Chair.

COPPOLA Questions for the Petitioner? So if...?

KNOWLES Can I ask a question, is the feather an issue or a question still, with regards to the amount of signage in the variance?

COPPOLA Well, it's included as part of the petition. So it's in question. Yes, that's part of what we're considering today.

LESYNA So we're willing to remove it and move forward as if it's artwork. If that's a possibility today.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yeah, have we concluded that the feather is a sign or a mural? It sounds like--

STIERNA It could be considered either.

COPPOLA Well, it's a logo. So I would... personally it's a logo. It's their logo. So I would consider that a sign.

BARINGHAUS So I tend to look at it as a mural or a piece of artwork. It's not illuminated and it's not... it's decorative.

COPPOLA I think the same thing with Big Boy in front of the....

BARINGHAUS Spoon on a Dairy Queen.

[Laughter]

KNOWLES Not the cone.

BARINGHAUS Back to that question. Less filling tastes great, right?

COPPOLA So let me ask this question of the Petitioner, the feather aside, that leaves three signs, you're allowed two. If you were, this is just an if, and this is just me, because everybody's got their own opinions and they can vote. If I said I'm good with the feather, pick two more signs. Which two would you pick?

LESYNA It would be... the west elevation would be our third choice. The feather would be our first choice to remove if you want the truest answer.

COPPOLA Okay.

TESTA Mr. Chair?

COPPOLA Mr. Testa.

TESTA Sorry.

COPPOLA No worries.

TESTA Not to disagree with you, but why not the south sign? I mean, you have a door there, so it's gonna be pretty obvious, and most of your traffic's coming east or west. No one really sees that southbound sign.

LESYNA I would argue that some people don't know where the door is on some of these buildings. And that is a comment that we get a lot, "Where is the front door at?" Believe it or not.

TESTA Okay, yeah, I'm looking at your drawings. It.. to me, it's obvious, but I can see that.

LESYNA I agree. Yep, I don't disagree.

TESTA Yeah, especially when it's dark out, it might be a little harder. All right, thank you.

COPPOLA All right, anything else? All right, seeing none. Does anyone in the audience like to speak for against this petition? No. Any correspondence?

BARINGHAUS No correspondence.

COPPOLA Okay, anything you'd like to say in closing?

LESYNA No.

COPPOLA No? Okay.

LESYNA Other than thank you for your time.

COPPOLA Thanks for coming back. So I'm going to close the public portion of the case. I'm going to start the Board's comments with Mr. Testa.

TESTA Thank you, Mr. Chair. I'm a little torn here. I was hoping to see a total sign package overall for the site. I get having the signs on the east and the west and obviously above the door. And the feather, I can go either way. I'm not going to be... I'd much rather, if there's enough votes to get it done tonight, just give them the feather instead of having come back to City Council and Planning Commission. But that's just how I feel on that. The monument sign, I'm really iffy on if there's already a four-way monument sign. I think once you're on the site, you can see the building with three signs on it. I'm really not understanding what that additional monument sign, specific for Cooper's Hawk, does for you. Because there's only four of us here today, I'm not going to be... if there's already three votes, I'm not going to be the fourth. I'm not going to oppose it, to decline it. I'll probably go along with the rest of you guys, but... so I'm interested in your comments. If you can sway me.

COPPOLA Thank you. Mr. Rotondo.

ROTONDO Yeah, thank you, Mr. Chair. I think I agree with Mr. Testa for the most part. I can understand the signage on the three sides, they're obviously going to be getting exposure to the road. I really don't have an issue with the feather. I appreciate the Petitioner willing to remove it if needed. I don't have too much of an issue with it. I think it dresses up the building. I guess my only concern is with the monument sign. I just don't know how useful that will be, or how well it will be seen from the oncoming traffic, and obviously there's already another monument sign there as well. So I have my concerns with the monument sign. But other than that, I'm okay with the rest of it.

COPPOLA All right. Vice Chair Baringhaus.

BARINGHAUS Okay. Thank you. Basically, I think the property has some interesting characteristics. You know, yes, it runs along Six Mile Road, but the actual site is below Six Mile Road. So you have a little... you don't have a really clean line of sight. You kind of have to look down on it, so I think the monument sign along Six Mile serves that purpose. I've seen this happen before. Every time we look at signage like on the west side of the building, facing outward to 275 we always struggle with it, but it is a good visual cue if you're on the freeway, and it gives you that sense of confidence that you're in the right area for it as well. And that's a

very common practice with a lot of buildings along 275 itself. The feather I've always considered a piece of artwork. We've always held to a standard. Everything's assigned. But we're kind of evolving with that and as the Inspection Department showed. The other thing that I find is that basically what you're proposing with monument signs along Laurel Park Drive, that's a very common identification for the buildings in the area, there's nothing different about it as well. So based on that, I'd be in support of the full sign package.

COPPOLA All right, thank you. Just a clarifying question to Mr. Stierna, the monument sign is not in question here, is it?

STIERNA It's completely compliant.

COPPOLA Apparently they're compliant? So that's not the four that are the ones that are on the building. I struggle with this one. I don't-- I personally don't find anything overly unique about the property, and I am concerned about over signage on properties and setting precedents where we end up with just a bunch of signs on properties. There's two signs that are allowed on this pursuant to the zoning. From my perspective, I'm kind of okay with the logo, the feather. It's a logo that you use on your sign. It's a logo. So it's a sign, but I do think it does actually dress up the building. I thought Mr. Rotondo made a good point. It makes it look nice. I think you need it. I mean every establishment, every building like that, always has a sign on the front of its building. So I mean that always, you always have a sign on the front of the building that identifies the property. That's where you always have it. The other two I'm struggling with, I find, when you look at east elevation, the east one that faces Comerica, and they're really not going to have a very good line of sight from that and as to recognition, you've got a monument sign coming into the property. So, you kind of know, Capital Grille is there, so you can make your way there. And if you came down Six Mile, you would have seen that exit. You had a monument sign. You have sign on the front of it. There's lots of ways to know where that is. So I think, from my perspective, take out the feather sign. In a sense, I'm fine with that. That gets you under, theoretically, gets you under. And then you got two signs to pick from, and which ones do you think will have the most benefit for you. So I am not right now, supportive of what's been presented, and I think what should happen here is, and I think also for the fact that when Mr. Testa said we really kind of last time in our meeting, we said, we kind of want to, we want to see a whole package for this development. We want to kind of do it all one time, make sure it's cohesive, comprehensive as well, well thought out, well done. And so I think I would support another tabling, plus you'll get a... you need to come back in July. It's two months away. I know that's probably not what you want, but you should have a larger group. And my nay vote may be negated at that point. You may have support from everybody else, but I think there's just too many, I think there's too many signs. And I don't want that development to just be a whole bunch of signs on buildings. I just don't think that that will look good. That's a kind of a gate, one of the gateways into Livonia. And I do want to make sure we do it right, so I will go ahead and open up the floor for a motion.

TESTA Mr. Chair?

COPPOLA Mr. Testa.

TESTA Could we continue discussion a little bit?

COPPOLA You had your chance. Sure.

TESTA Yeah. I agree with your direction and I would support a table motion as well. The reason I brought up the monument sign is, I think the wall signs are overkill with the monument sign. So maybe my point was, if they dropped the monument sign, would people be more open to having three, three wall signs? Or is that a wash for you? Seems your sticking point is the three wall signs.

COPPOLA Yeah, actually, I still have a problem with signs pasted all over the sides of buildings, so that would be my issue.

TESTA Thank you. Mr. Chair?

COPPOLA Mr. Testa.

TESTA Move to table Appeal Case No. 2024-10-37, so that the Petitioner can work with the other buildings on site, coming back with a total site plan for all four sites, with a comprehensive package to show to the Zoning Board.

ROTONDO Support.

COPPOLA I have a motion to table from Mr. Testa, support by Mr. Rotondo. I can take... you're doing the...?

BARINGHAUS Yes.

On a motion by Testa, supported by Rotondo, the variance was tabled.

RESOLVED: APPEAL CASE NO. 2024-10-37, Laurel Investment, LLC, on behalf of Lessee Cooper's Hawk Winery & Restaurant, 17117 North Laurel Park Drive: seeking to install a wall sign package resulting in an excessive number of signs and excessive total sign area.

Total Signs

Allowed: 2
Proposed: 4
Excess: 2

Total Sign Area

Allowed: 197.25 sq. ft.
Proposed: 220.9 sq. ft.
Excess: 23.65 sq. ft.

This Regional Commercial property is located on the west side of North Laurel Park Drive (17117), between University Park Drive and Six Mile Road, Lot. No. 028-99-0006-008, C-4, High Rise Commercial, rejected by the Inspection Department under Livonia Zoning Ordinance Section 11.08 (3) – Sign Regulations in C-2, C-3 and C-4 Districts,

be tabled to allow the Petitioner, Laurel Park Investments, LLC, to confer with the other buildings on site and come back with a comprehensive sign package for all four sites to show to the Zoning Board of Appeals.

ROLL CALL VOTE

AYES: Testa, Rotondo, Baringhaus, Coppola

NAYS: None

ABSENT: Boloven, Klisz, Meagher

PASS/FAIL/TABLED: PASS: TABLED

BARINGHAUS Okay, here we go. Mr. Rotondo.

ROTONDO Aye.

BARINGHAUS Mr. Testa.

TESTA Aye.

BARINGHAUS Vice Chairman Baringhaus votes aye. Chairman Coppola

COPPOLA Aye.

BARINGHAUS Okay. Tabling is approved.

COPPOLA Okay. I'm gonna mispronounce your name, I apologize. I wrote it down because I was going to try to do it. But Lessener?

LESYNA Lesyna.

COPPOLA Lesyna.

LESYNA I appreciate that.

COPPOLA I think, and I do apologize that we ended up not having a full group here today, and I think maybe we would have, we might have had a different outcome. But I think Take what you heard, take it back. I think maybe you may want to listen to the next one too get a feel on that. And then hopefully in July, we'll have a full group. And again, I said, there may have been a different outcome if there was one or two more people.

LESYNA Okay.

COPPOLA But right now, looking from my perspective, I think we'd like to see the whole thing at one time.

KNOWLES Mr. Chairman, that's really on me, quite honestly, as the owner and sort of the coordinator of the entire effort, we will get that plan together for you and give it.

COPPOLA Appreciate that.

LESYNA Thank you for your time.

COPPOLA Thank you. I apologize. All right, you call the next case.

BARINGHAUS Sure.

APPEAL CASE NO. 2025-02-02, 17117 Laurel Park Drive: an appeal was made to the Zoning Board of Appeals by Laurel Investment, LLC, on behalf of Capital Grille, seeking to erect a wall sign package resulting in an excessive number of signs and excessive sign area.

Number of Signs

Allowed: 2
Proposed: 5
Excess: 3

Total Area of Signs

Allowed: 191.75 square feet
Proposed: 319.16 square feet
Excess: 127.41 square feet

This Regional Commercial property is located on the west side of Laurel Park Drive (17117), between University Park Drive and Six Mile Road, Lot. No. 028-99-0006-008, C-4, High Rise Commercial, rejected by the Inspection Department under Livonia Code of Ordinance, Section 11.08 (3) Zoning District Regulations.

TESTA Mr. Chair.

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

STIERNA I have nothing to add at this time. Thank you, sir.

COPPOLA I think you don't like us.

TESTA Mr. Chair, I think we need to remove it from the table.

BARINGHAUS This one's not tabled. The first one was.

TESTA I thought we tabled this one too. I'm sorry.

COPPOLA No worries. At least it doesn't say it was tabled.

TESTA Yep. I'm sorry.

MIKEL It was not tabled.

TESTA Sorry.

COPPOLA Mr. Stierna, help me. There's these two little, small plaques that are on, I guess, those sculptures?

STIERNA Yes.

COPPOLA So those qualify as signs?

STIERNA Is exempt. They're exempt or signs, we consider them.

COPPOLA So is it? I mean, it's, you're talking one foot each. So does that? Is that part of the count?

STIERNA No, we... those are exempt signs. Let me find that.

COPPOLA Okay. Appreciate that clarification.

STIERNA We have them on several doorways around the community.

COPPOLA Okay, so the five then are remaining.

STIERNA Number five: nameplates on entry doors to the premise or adjacent to the doorway.

COPPOLA So A, B... E, F, G, okay. Got it. Any other questions for Mr. Stierna? Okay. seeing none, if the Petitioner could step up to our fancy podium, and if I can get a name and address?

MIKEL Hello there. My name is David Mikel, and I'm from 6001 Nimtz Parkway in South Bend, Indiana.

COPPOLA Mr. Mikel, I will not mess up your last name. Mr. Knowles, just for the record.

KNOWLES Jack Knowles, 29200 Northwestern Highway, Suite 450, Southfield, 48034, Laurel Investment.

COPPOLA Thank you very much, Mr. Knowles. So Mr. Mikel, why don't you take us through? I'd like you to go through each of the signs that you have that you're proposing here. Tell me from your perspective, the purpose and the value of those signs.

MIKEL Sure. So do you have the artwork that was submitted?

COPPOLA Yes.

MIKEL I'm just going to run right through that. So I'm going to go to the second page there, after the cover page. It's titled Site Plan page two. You'll see sign A and sign B, those are both on the south elevation, which is the front elevation. Sign A is a 64-square-foot set of channel letters, and sign B is a 12-inch-tall set of channel letters. The sign B will be placed on the end of the canopy going over. There's a driveway right in front of the door there, and there's a canopy over the front door. The canopy does not go over the driveway, but the sign is at the very end of the canopy there. And then moving past C and D--

COPPOLA Tell me kind of from your perspective, the purpose of each of those signs.

MIKEL So from my perspective, I'm representing Darden Restaurants and the Capital Grille, and they have their prototypical sign package, and they wanted me to move forward with it. But as a branding consulting firm, I work for site enhancement services. So we were hired to do this. In my opinion, I don't think sign B is necessary. We can totally agree with not needing that sign. And without just kind of giving away everything I have here.

COPPOLA We kind of covered A and B. I know A, you always have a sign in front of the building, right? So that's an easy one.

MIKEL Yes.

COPPOLA Okay. Keep going, work your way around.

MIKEL So C and D are exempt. I'm going to sign E now, which is on the west elevation. And this kind of goes into my argument here that I have on this page. You can see in the red text there, if we're allowed to calculate our square footage based off of the two street frontages, the one that's on Six Mile Road, and then the ramp going to 275 there, we would actually be under by 26.11 square feet. However, we're only allowed to use our front elevation for the square footage calculation, and that's our shorter elevation, but that western elevation has great visibility to the highway and to eastbound traffic on Six Mile Road. With these sign packages, we try to tell a story where you know you have the free-standing signage, and that gives you an idea of where the building will probably be located, and then you're looking for the building. You're trying to identify the building while safely maintaining control of your vehicle. That westbound or that western-facing sign there has great visibility. It's at the top of the building. It's that building is at a lower grade than the nearby roadways there. So having a sign up there really lets customers know here's the building, and you can now focus on maintaining control of your vehicle and then navigating safely to the site. So we find that sign E is paramount. It helps our customers get to where they need to go safely and make a decision on where they do not want to go as well. If they see the Capital Grille, they'd rather go to Cooper's Hawk. Okay, perfect. That's not what building? I'll go over here. So it's a smooth transfer of information. And we find that sign very important. I'm going to skip over sign G, the back sign, and sign F, we find to be also very important for this building, as if you go to page five really quick, there will be [an] exhibit showing the traffic patterns. And no matter where you're coming from, north, west, east, south, you are going to have to get onto that North Laurel Drive turn left onto the property and then go all the way into the back of the property and find Capital Grille. So it's kind of a hike as far as accessing the building. And building identification is... it's everything when it comes to signage and safety, efficiency, not having people having to do U-turns, any of that, because I know this can be a highly congested area. So....

BARINGHAUS Could I ask a question?

MIKEL Yeah.

BARINGHAUS Okay, sign up. That sign is facing east. Correct?

MIKEL Correct.

BARINGHAUS Okay, and that sign is important for navigating traffic off Laurel Park.

MIKEL So [inaudible] onto the site, you have a general idea of where the building is, right? It's over by the ramp, but that's the sign that you're gonna see. It's facing the driveway that takes you right to the building. It kind of makes everything easier there for just finding the [inaudible].

BARINGHAUS Okay, thank you.

MIKEL Yep, and sign G kind of put that into the same group as sign B there. Don't think we need the visibility there to the hotel behind us. I don't think that's... if we're going to be ranking importance of the signs here. I think G and B are both two signs that we could drop easily, and it wouldn't affect us at all, just my opinion. And then, yeah, I just want to hammer home, if you look at page five and six, they're back-to-back. They kind of give you an idea of what the visual codes would be, where you would be able to view these signs from in this nearby area. And if you, I mean, if you look at page five, obviously the right side of the building is covered. Great. As you turn to page six, if you just look at, I mean, there's four beams coming off the west elevation there, you got good coverage to the highway. And then everyone coming eastbound on Six Mile. The canopy sign, it's 12-inch letters. I don't think anyone's really going to notice it anyway, above sign A, but that west-facing sign tells everybody where the building is, and then you can safely, I mean, you essentially have to make, I mean, at least three maneuvers in your vehicle to get to the car, and that's the most straightforward way to get there. So we just find it's important to have coverage, obviously, over the front door. It is a concern, people finding the front door. Believe it or not, I know it's once you get in the parking they get out of your car, talking to your in-laws, and yeah, where the heck am I? You know, so I totally get that. And then the visibility east and west, just trying to get the people safely to the building with that great visibility. And we just want to work with you. We're not trying to get any excess signs or square footage. We just think that this is the sign package that makes the most sense for where we're situated, the orientation of the building and comparatively just we think Capital Grille is a draw as well. It's going to be good for the area, bringing people in, keeping them longer in that area, spending their money here in Livonia, which is a beautiful city and a beautiful state, which I'm from the west side. So love supporting business in Michigan. That's all I got.

COPPOLA Have you driven the intersection there and also driven up and down 275?

MIKEL Yes. I did that today, actually.

COPPOLA And to the site?

MIKEL Yes.

COPPOLA And what did you see?

MIKEL No building.

COPPOLA Did you see a big berm?

MIKEL No.

COPPOLA And did you see the entranceways on to an entrance and exits and the intersection in the bridge?

MIKEL [Inaudible]

COPPOLA So when you're looking that west side, you'll see that that's running to the entryway, that's an entrance to 275 and that starts to elevate, and it elevates relatively quickly. If you drive on 275 and you're going northbound, you might be able, might be lucky, to see the front building. I highly doubt you'll be able to see the west-facing sign. I don't think you'll be able to see the west-facing sign heading southbound on 275. My opinion. But I'm very familiar with the area that you'd be able to see that sign. My point is, I think that sign, as important as you believe it is, I don't know if it's going to actually have much visibility to the people that you actually want to see it. You could see it on the entryway to 275. By then you're gone. Now you may remember, hey, that's where Capitol Grille is, but you also would have driven by it, seen on the front of the building.

MIKEL Can I just... I agree that that, yes, you're making good points there, but you're not going to see. If you're driving eastbound on Six Mile, you're not going to see signage. It's not going to be easy to view. Signage should be easily identifiable and obvious without being distracting. And the sign on that side of the building, I drove past it multiple times today. I did not see the berm, but I do have a rendering here.

KNOWLES You'll see it as you're coming, as you're going east.

MIKEL The bridge goes above 275.

COPPOLA Yeah, it does.

MIKEL So the bridge will never block you. But if you look at page 11 here, we've actually rendered in the building into the Street View from where the arrow is here, and that's as accurate as we can be without a building being there. And I drove past this day multiple times. I know that I'm... I mean, you're planting seeds of doubt in my head now, but I was positive that that sign is gonna have great visibility. I was driving around that area for two hours today, just thinking this presentation. So, yeah, I definitely think that sign is going to have great visibility,

and it's going to help people identify the building, especially if you drive past the building, you're not going to be looking straight left to look at the front of the building. That's not safe. You need to have signs where people expect to see them. And I do believe that that west facing sign will have visibility for the eastbound traffic, which... that will be the only sign they'll see, as far as the building is concerned, unless they get lucky seeing a monument sign if they happen to turn left on to North Laurel Park way off of Six Mile.

BARINGHAUS So again, you're stating signs E and F are your critical signs for the project?

MIKEL Correct.

BARINGHAUS Okay.

COPPOLA Questions for the Petitioner?

BARINGHAUS Yes, I have a question. Can you describe the color of the building?

MIKEL The color of the building will be white.

BARINGHAUS White.

MIKEL With black accents.

BARINGHAUS So great visibility from the road as well.

MIKEL Yes, absolutely. There's completion photos on pages three and four as well of the... I believe this is a different site location, but same floor plan.

BARINGHAUS The other thing I noticed on the site plan is the building is angled.

MIKEL Correct. Yeah, it kind of fits nicely into that where the ramp is, the west elevation is directly facing, I guess, that 45-degree angle of the ramp there. So yeah, and then again, the right elevation, or the east elevation sign that is angled directly towards where people are going to come in. So they're driving straight at that sign, and you're driving straight at the sign when you're on Six Mile heading eastbound. So we're just trying to get information to the motorist efficiently and safely, so that they can make educated decisions on where they want to drive their vehicle.

BARINGHAUS Question for the Inspection Department. If signs B and C were deleted from the package, as you proposed, where would that place the package in terms of compliance?

STIERNA Other than they still have an excessive number of signs.

BARINGHAUS Right.

TESTA By one, correct?

STIERNA Yes.

COPPOLA The overage is 127 square feet. So even if you took out B and one of the seventy-seven....

BARINGHAUS B and C is what I'm curious about. Just ballpark numbers.

COPPOLA [Inaudible] or about.

STIERNA Just under 90 square feet they would be removing.

BARINGHAUS Okay, so it drops it by about a third, give or take.

COPPOLA So other questions for the Petitioner?

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Yeah, maybe this is a question more directed at Mr. Knowles. Back to my point earlier about a kind of total site plan. Are you planning any way signage?

KNOWLES No.

TESTA Okay. Would that maybe be helpful? Because a lot of his explanation was more for motorists, once they're on site, navigating to the buildings with four large buildings on this property, wouldn't some wayfinding signs help?

KNOWLES You know, it's a good question. My thoughts are, we've got four fairly large buildings on the site, and if we have good signage on the buildings, it negates the need for wayfinding signage. That's sort of my... I think both applicants, have said that that as you come in off of, if you're coming in the south entrance, which is where the bulk of the traffic for the restaurants in particular will come. But really, for all four buildings that come on in that south entrance, that's where the monument sign is. That's where most of the traffic's coming from. I think as you turn in there and you see the signs on the east elevations, it's going to be... that's going to grab your attention, as opposed to something that's going to be probably closer to the ground, lower, with an arrow. I don't know it's....

TESTA Yeah, I'm not buying—

KNOWLES Hotels are fairly obvious, so it's really the restaurants.

TESTA Yeah, I'm not suggesting getting rid of all the signs.

KNOWLES Yeah.

TESTA I think what you're hearing tonight is there's too many signs on the wall. So maybe if you reduce the number of signs and add wayfinding that accomplishes what you're looking for.

KNOWLES Perhaps.

TESTA Okay, so is it your... is your proposal tonight to eliminate the two signs that you talked about, or is it just your...?

MIKEL After... Yeah, after witnessing everything, and I think we want to work with you. We think Livonia is a beautiful city, and we think this development is a great opportunity for us. We want to work with you. So, yeah, I think, we're hired to handle this. So in my opinion, I totally understand the Capital Grille wanting their full sign package, right? And they want to go gung-ho for it. But as far as value is concerned, those having the 12-inch letter set right next to the main sign on the front does seem a little like a little overkill. And then the sign on the back facing the hotel, it's really, I don't even know if customers will see that sign, unless there's no parking immediately. And to get in the parking you have to drive around the building. That's really probably the only time you'll see that. So, yeah, I think if that would be all right, with you guys, I'd like to remove those just because. Yeah, and the wayfinding, I think, is a good idea. Those wayfinding signs, for sure, but I do believe sign E, the west sign, is going to be the best wayfinding sign.

TESTA Okay, one more question, maybe for Inspections, if they put on the glass the front door, it's the glass window, Capital Grille, would that count as a sign? If it's on their glass window?

STIERNA They're allowed 20% of glass coverage is a separate sign.

TESTA Okay, so that wouldn't count towards this, if they...?

STIERNA Not towards the wall signs.

TESTA Okay. Thank you.

COPPOLA Anything else? All right. I'm going to see if there is anyone in the audience who would like to speak for or against this petition. Seeing none. Any correspondence?

BARINGHAUS There's no correspondence.

COPPOLA Anything you'd like to say in closing,

MIKEL Just thank you for your time. Appreciate it.

COPPOLA I appreciate that. I'm gonna close the public portion of case and start the Board's comments with Mr. Rotondo.

ROTONDO Yes, thank you, Mr. Chair. I appreciate that the Petitioner. I appreciate you being able to work with us and taking away signs B and G, because I don't see a reason to allow those so I do agree with that. As for sign E, I know that there was some questions brought up about that, and I do agree with Chairman Coppola's assessment that it wouldn't be seen from 275 but I do see that. I do think that it will have visibility on Six Mile when you're coming over the bridge going eastbound, so I can see your point in that regard. Obviously, as you saw with the last case, we did table it, we want to see all the signs for this site and the package, so I guess I'd be in favor of a tabling for this as well. Thank you.

COPPOLA All right. Thank you. Vice Chair Baringhaus.

BARINGHAUS Thank you. I agree with Mr. Rotondo's comments. By dropping sign B and sign G, like you indicated, they don't add a lot of value to the project. I think you have one thing that I thought was very clever was the angle of the building, which now you leveraged, sign F, and gave yourself some really important visibility on Six Mile Road as well. The other thing I do agree, they are large buildings. So the question of, by not having wayfinding signs on the property, I think you're taking out a lot. You're streamlining the design of the sign package and relying on the buildings, which is refreshing. And I like that. So based on your recommendations for the dropping of sign B and sign G, I would be in support of this package. But Mr. Rotondo's point, seeing how the Board wants to see the full sign package. I would agree with the tabling motion.

COPPOLA All right, thank you. Mr. Testa.

TESTA Thank you, Mr. Chair. Apologize for thinking this was a tabled case. One of the files is called "site plans revised," so that confused me there for a second. But specific to this case, I think the way the building is situated gives you a little bit of advantage with signs E and F giving you kind of more viewership, more viewing, especially from coming from Six Mile. So you probably are in a stronger position with having just two signs there. I can see sign A also helping you. I do appreciate coming prepared, or at least on the fly, dropping a couple of the signs to get this more towards compliance. My point on the wayfinding is, I don't want to over wayfind either. But Capital Grille, especially because you're deeper into the lot, could help you, especially when someone comes in off of Laurel Park, when they see the four sign monument signs, maybe just a directional, "Capital Grille This Way," so the public knows they go south

instead of going north, over towards Holiday Inn. So I think a directional sign like that could be helpful once you get on and hit that first monument sign to make sure you turn left instead of turning right or going straight. But to be consistent, and obviously my comments on the first case, I would like to see an overall package for the site. So I would be in support of a table motion.

COPPOLA All right. Thank you. Similar to what I said on the other case, what I don't want to see is just a building with a bunch of signs slapped on the side of it. And I would think that someone like Capital Grille, they want to look kind of elegant and upscale, and a bunch of signs on the side of a building.... I mean, I guess to each their own. But you know, in the world of map apps, finding where you need to go is not that complex, and having some signage so that once you get there, you know you're going to the right building, I think makes a lot of sense, but the number even, and I do appreciate the accommodations you've done here and suggesting removing some of the signs. I appreciate that, but I still think there's too many signs, and I think that if it was looked at hard, you could pick two signs, and I think you'd be well served, but that's just me, and there's only four of us here, so I think the tabling would make sense. Plus we'd like to see a complete package for the development. And I do appreciate developing this property. This has been a vacant piece of property for a while. What was there? I forget what was there? Something got torn down. I forget exactly.

KNOWLES The old Holiday Inn.

BARINGHAUS Yeah.

KNOWLES Yeah.

COPPOLA Was it? Was it always, I thought there was something else on the front there at some point, but....

BARINGHAUS I don't think it was ever developed.

COPPOLA I don't remember, but it's been a while. But, I mean, it looks, it's gonna look really nice, and I really do appreciate that. But I do want, again, this is one of the gateways to Livonia. I do really want it to look right, so I'd like to see the whole package, and then I'd like to see it done in a manner that's effective, but not overdone. So I'll go ahead and open up the floor for a motion.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Thank you. Motion to table Appeal Case No. 2025-02-02, to allow the Petitioner time to revise their sign package and assemble sign packages for the three projects that they're proposing for that site.

TESTA Support.

COPPOLA And I have a motion to table by Vice Chair Baringhaus, support by Mr. Testa. You can go ahead and take roll.

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

RESOLVED: APPEAL CASE NO. 2025-02-02, Laurel Investment, LLC on behalf of Capital Grille, 17117 Laurel Park Drive: Seeking to erect a wall sign package resulting in an excessive number of signs and excessive sign area.

Number of Signs

Allowed: 2

Proposed: 5

Excess: 3

Total Area of Signs

Allowed: 191.75 square feet

Proposed: 319.16 square feet

Excess: 127.41 square feet

This Regional Commercial property is located on the west side of Laurel Park Drive (17117), between University Park Drive and Six Mile Road, Lot. No. 028-99-0006-008, C-4, High Rise Commercial, rejected by the Inspection Department under Livonia Code of Ordinance, Section 11.08 (3) Zoning District Regulations,

be tabled to allow the Petitioner, Laurel Park Investments, LLC, time to revise their sign package and assemble sign packages for the three projects they are proposing for that site.

ROLL CALL VOTE

AYES: Baringhaus, Testa, Rotondo, Coppola

NAYS: None

ABSENT: Boloven, Klisz, Meagher

PASS/FAIL/TABLED: PASS: TABLED

BARINGHAUS Thank you. Mr. Rotondo.

ROTONDO Aye.

BARINGHAUS Mr. Testa.

TESTA Aye.

BARINGHAUS Vice Chairman Baringhaus votes aye. Chairman Coppola.

COPPOLA Aye.

BARINGHAUS Tabling motion passed.

COPPOLA So the next meeting available is the July 8 meeting. I'm not sure exactly where you'll be at the podium, but something more you know, kind of like,

KNOWLES Do you know the deadline for...? Its submission deadline?

COPPOLA Yeah, it's June 9th and it's July 8th meeting, so June 9th. Then the next meeting, if it was July, it's August 12th, and that submission date is July 14th.

KNOWLES Thank you.

COPPOLA Thank you.

APPEAL CASE NO. 2025-04-10, 36589 Six Mile: an appeal was made to the Zoning Board of Appeals by Paige and Joshua Retting, seeking to erect a 6-foot-tall privacy fence resulting in the privacy fence encroaching into the side yards forward toward the front of the property beyond the rear of the dwelling, which is prohibited.

Side Yard Encroachment on the West Side

Allowed: 0 feet
Proposed: 6.5 feet
Excess: 6.5 feet

Side Yard Encroachment on the East Side

Allowed: 0 feet
Proposed: 29 feet
Excess: 29 feet

This Low Density Residential property is located on the south side of Six Mile (36589), between Levan Road and Fitzgerald Avenue, Lot. No. 066-02-0038-000, N-2, Neighborhood, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.090 B.

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

STIERNA The Inspection Department has nothing to add, Mr. Chair.

COPPOLA Any questions for Mr. Stierna?

BARINGHAUS Yes, Mr. Chairman.

COPPOLA Please.

BARINGHAUS Can metal poles be used in conjunction with a wooden privacy fence? Or do the materials have to be uniform?

STIERNA We have allowed them....

BARINGHAUS Okay.

STIERNA ...For structural purposes. So generally, if there's a uniform... we do allow for mixed fences as well, allowing for a privacy fence, for instance, to be reduced to a shorter mixed materials use to encroach into the side yard and such. So we have not objected to those from the Inspection Department.

BARINGHAUS Great. Thank you.

COPPOLA If I could expand on that just a little bit, Mr. Stierna. Supporting pole for a fence has to be to the height of the fence.

STIERNA It can go six foot six.

COPPOLA So it can go a little bit higher.

STIERNA Go a little bit higher than the fence itself, yes.

COPPOLA Let's say, in the case of someone's replacing a chain-link fence that's only four-foot high, and they leave the poles in to support a six-foot-high fence. Is that permitted?

STIERNA I would say that would be a consideration for the Field Inspector to determine whether that was going to be structurally sound.

COPPOLA So that's a maybe.

STIERNA Yes. There are definitely ways to support a fence off of that, yes.

COPPOLA Okay. If the Petitioner could step up, please. Excuse me. All right. If you could just for the record, even though you are the Petitioner, if you could just give me your name and address for the record.

PAIGE RETTING Okay. Hello, I'm Paige Retting, R-E-T-T-I-N-G. Address is 36589, Livonia, Michigan, 48152.

JOSHUA RETTING Okay. Joshua Retting, 36589 6 Mile Road.

COPPOLA All right. Mr. and Mrs. Retting, who would like to take the lead and tell me about the project, and what you believe is the hardship that would allow a variance.

JOSHUA RETTING Okay, I will take the lead.

COPPOLA And if you could just speak up, just to make sure we capture your voice. Seems like one that would be hard to capture.

JOSHUA RETTING Okay, so the current fence proposal is for... there's already an existing fence at that location. So the proposal would be to replace the current chain-link fence with a six-foot wood privacy fence. The east side of the house extends to almost near the front of the house, that encapsules a garden hose and outlet and the gas meter. So all that area, as well as some additional space for gardening and other things, we thought that would be important to keep as part of the rear, I guess, of the yard. And on the west side, that fence location is in line with the neighbor to the west side. So that would be, I think, in compliance with the inspection. So currently, the fence is a chain-link one. It's starting to have some surface rust on the top poles and chain links. So we are looking to replace it. We decided to do a six-foot wood privacy fence, because living on Six Mile Road, there's a lot of foot traffic as well as vehicle traffic, and just like the last two cases, there's might be even more traffic with the proposed restaurants going in. So we thought that would help dampen some of the noise coming into the rear of the yard while we're outside enjoying it. We would also... so that was one of the decisions, or one of the key factors for that. We also have a large dog that can actually put her paws on the top of the four-foot fence. So we thought that was also a concern, to raise it up two feet. We went ahead and got all the neighbors' approvals, and I guess to some of the conversation that was

just discussed, the proposal is to utilize the existing metal poles with the wood privacy fence, because at the adjoining corners the northwest side, the west south side and the southeast side, there are current chain-link fences already being adjoined to those corners. So we have multiple dogs surrounding us, and the concern would be, if we were to move those corners or adjust them, then the dogs would have, there would be a potential for dogs to get out or wildlife to get in. So I think that overall is the scope of the project.

COPPOLA So right now you're proposing to basically replace a four-foot chain-link fence with the six-foot privacy fence, and it's the same existing footprint that you have right now, correct?

JOSHUA RETTING Correct.

COPPOLA Okay, on the east-facing side of the house. How many, what windows do you have on that first floor?

JOSHUA RETTING East side? None on that first floor.

COPPOLA None on that first floor, none facing to the east?

JOSHUA RETTING We have a chimney and it's all brick on that side. We have a second-floor window.

COPPOLA Okay. Questions for the Petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yeah, just to confirm you're planning on using the existing four-foot metal poles to support the six-foot wooden privacy fence?

JOSHUA RETTING Correct. So I would purchase extensions, so the diameter of the poles would be the same, two feet up, but there would be an additional six inches of pipe that would encapsulate the metal poles to ensure that it was structurally sound. I have photos, if you would like to see those.

BARINGHAUS Sure. And then question for the Inspection Department, does using two extensions or two additional feet of piping, does that sound architect--?

STIERNA Sounds like they're sleeving them.

BARINGHAUS Okay.

STIERNA Get some additional rigidity all the way up.

BARINGHAUS I don't know if we allow this here.

[Laughter]

BARINGHAUS Thank you.

STIERNA I would like to add some other options I've seen in the past.

COPPOLA She had noted that you had some concern in regards to rust on the existing chain-link. So would you be concerned structurally, to be using existing poles? The rust, it may not hold up?

JOSHUA RETTING No. So the current poles, the poles that are in the ground are actually... they look fine. So in these photos, it's mostly at the top of the fence and the chain-link itself.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yeah, what's your rationale for bringing the fence so far front, so far to the front of your home?

JOSHUA RETTING So that's... when we purchased the home, a few years ago, that's where the current location of the fence is. And I guess we've enjoyed that portion of the property for gardening. The dog likes to go to the bathroom on that side, so we don't have to look out into the property and see it as much. And then it also on the east side of the house has [an] outlet, the gas meter, as well as a garden hose that we'd like to, I guess, keep inside the fence.

BARINGHAUS Did you research the current fencing ordinances for Livonia prior to drawing up this plan?

JOSHUA RETTING Yes, yeah, I spoke with the Inspection Department, and I was told that it would have to attach to the rear of the fence so... or the rear of the house, so. That's why we put the proposal in for the variance.

BARINGHAUS And then, just to go over your hardships, you mentioned your dog reaching the top of the fence.

JOSHUA RETTING Mmmhmm.

BARINGHAUS Okay, any other hardships that require this type of fencing plan?

JOSHUA RETTING Just the foot traffic. So there's having the strip mall being very close with grocery stores and restaurants. There's a lot of foot traffic that goes through around Six Mile. So just overall safety concerns for any future kids or any property that we have back there.

BARINGHAUS And how long have you been in the home?

JOSHUA RETTING Two and a half years?

BARINGHAUS Two and a half.

PAIGE RETTING Two and a half going on three.

BARINGHAUS Okay. That wasn't a consideration when you purchased it?

JOSHUA RETTING It was. We thought it wouldn't... I guess maybe we didn't consider it as much. We didn't think that there would be as much traffic. But that was....

BARINGHAUS Yeah. Okay, thank you.

COPPOLA Any other questions for the Petitioner? All right, seeing there's none, is there anyone in the audience would like to speak for or against?

DOLORES MAUTI Yes.

COPPOLA You could just step up from the dais and just take a seat back there for a second. So.

DOLORES MAUTI Hi. My name is Dolores Mauti. 36613 6 Mile Road, Livonia, 48152. I reside on the west side, right next door to Josh and Paige. My husband and I do. We've been there 32 years. Those metal poles have been there for a long, long time. Our concern is the metal poles, because they're not.... I mean, you could go like this, and our concern is, if they put an extension on there, and then you attach that wooden fence to it, how secure will that be, and will it eventually tilt? And then who's going to be responsible for the fees and the maintenance on that?

COPPOLA Name and address? Just real quick. I apologize.

JOHN MAUTI My name is John Mauti. I'm in my address, 36613 6 Mile Road. I live in the west side. Josh.

DOLORES MAUTI Right next door.

COPPOLA The fence they're asking for... So they suggested they had neighbor approval. Did you sign off...?

DOLORES MAUTI We did approve. Yes, we did approve it. And then we had questions afterwards. The more we thought about it, there is a tree that we have to cut at the very end of the fence. Not a problem with that, but our main concern is those metal poles that have been there for years. Like I said, we've been there 32 years. Those poles have been there. And then, I don't know how long before that, the poles were there, if they put an extension on the top, our concern was, how secure is that going to be?

JOHN MAUTI Some of the poles that I checked, not all of them in our side. Some are good and some are weak because the cement has been underneath there for many years. Eventually it will get loose by putting weight on it with the weather in the wintertime. Eventually, that's eventually going to tilt left or right, depends which way the wind goes, the weather goes. So our point is, the person that pulls the permit, Josh wants the fence there. Is he going to be responsible for--

DOLORES MAUTI For any of the maintenance fees or anything on that, because truly, we really didn't want the fence, but we were being neighborly, and we signed the authorization. But then afterwards, the more we thought about it, we had some concerns.

COPPOLA Okay, so....

DOLORES MAUTI And that's why we're here. We just wanted to listen to see how they were going to do the fence and then address our concerns as well.

COPPOLA Now the actual location of fence they're suggesting, your fence on that west side where it faces Six Mile, it deflects each other right now?

DOLORES MAUTI Yes, and we have a gate also that we're concerned about, because we have the chain-link. And then we have a gate that you go in and out of our yard, and if they take that, how are they going to secure without loosening up that chain-link?

COPPOLA How strong is that pole? If he kept that pole.

JOHN MAUTI That's been stretched out by a company, and it's nice and stretched right through the pole, right to the front of it. Once he takes go to put a cap on there, he's kind of loosening it up. And once they're loosened up—

DOLORES MAUTI It'll loosen the chain-link.

JOHN MAUTI Eventually, eventually, the chain-link is going to stretch. It's going to get loose. That was one of our other questions.

COPPOLA That sounds like that would be an issue either way, because you're saying your gate is attached to that corner, that pole that's between the two properties right now. Is that what you're saying?

DOLORES MAUTI We do have a gate in there.

JOHN MAUTI Yeah.

COPPOLA It's attached to that pole that's between the two properties?

JOHN MAUTI Well....

DOLORES MAUTI No, the chain-link is attached to the pole on the end, our gate is on the other end.

COPPOLA Okay.

DOLORES MAUTI But it's still in the front. So our gate is here, and then the pole is on this side.

BARINGHAUS Mr. Chairman. Is your gate by the chimney? You're the house at the lighter color brick?

DOLORES MAUTI Yes.

JOHN MAUTI Yes.

BARINGHAUS Gotcha. Okay.

COPPOLA So the gate's closer to the house?

DOLORES MAUTI Yes.

JOHN MAUTI Yes, correct. It goes to the house. Yes.

DOLORES MAUTI But if it loosened up that chain-link work--

COPPOLA So you're just concerned how the integrity of the chain-link...?

JOHN MAUTI Correct. Once you lose the top of the whole, the chain-link is gonna--

DOLORES MAUTI It might not be as [inaudible].

COPPOLA You might have to put a bracket in there.

JOHN MAUTI Put in a bracket and stretch it out.

COPPOLA Stretch it. Yeah.

JOHN MAUTI Correct.

COPPOLA Okay. Anything else?

[Inaudible crosstalk]

DOLORES MAUTI Yeah, just the maintenance. I mean, we're not young anymore, and the maintenance on that fence, I mean, there's going to be maintenance down the road. Are we responsible for the maintenance on our side, or who's responsible for the fees? Or if, the fence starts to go like this sideways, or if some of the wood falls off. I mean, is that us or who's responsible for the fees if there's any damage?

STIERNA Mr. Chair?

COPPOLA I appreciate your help.

[Laughter]

STIERNA We have record of a permit holder in our system. The permit holder becomes responsible for the fence.

DOLORES MAUTI Okay.

COPPOLA Okay, that helpful?

DOLORES MAUTI Yes. That was one of my questions.

JOHN MAUTI That's all we need.

COPPOLA Anything else?

DOLORES MAUTI That's it. Thank you very much.

COPPOLA Oh, you have a question, don't you?

ROTONDO Yeah, so my question for you guys, so it sounds like your biggest concern is the support poles.

DOLORES MAUTI Yes.

JOHN MAUTI Correct.

ROTONDO This fence, if they were to put different supports in there, change the support poles, would you guys be in favor of the fence? Or no?

DOLORES MAUTI Absolutely. And like I said, we did sign the approval. It's just that the four-foot poles that have been there for years and years, they're not. I mean, you could--

JOHN MAUTI Some are still strong, but some are weak, okay?

ROTONDO I just wanted to understand exactly.

DOLORES MAUTI Sure, absolutely.

ROTONDO Okay.

TESTA Mr. Chairman.

COPPOLA Mr. Testa.

TESTA Are you done?

COPPOLA Are you done?

ROTONDO No, I had another question for Mr. Stierna. So when I look at this picture here, it looks like they're putting the panels on the outside of the pool. Do we know... is the pool on the property line currently? So then the panel would be over the property line?

DOLORES MAUTI Yes, I think we're having--

STIERNA I have no idea. That's part of the neighbor's agreement.

JOHN MAUTI [Inaudible] property line.

DOLORES MAUTI That was one of our other concerns, too. We're going to lose a couple inches of property line.

JOHN MAUTI At least two, three inches of property line. Yes.

STIERNA Without solid surveys, we don't know. Fences vary all over the city.

JOHN MAUTI Correct.

STIERNA That's why we have the neighbors' agreement. You're going to agree to some give and take.

DOLORES MAUTI Yeah.

ROTONDO Thank you.

COPPOLA Is that an issue for you two? A couple, few inches.

JOHN MAUTI It isn't an issue now.

DOLORES MAUTI Not so much.

JOHN MAUTI It isn't an issue now, but I still want to sell my house three years from now.

COPPOLA No one does surveys anymore. They don't, seriously. None of these companies do surveys

DOLORES MAUTI No, it's just the extension on the existing pool [that] is already there, is a big concern.

COPPOLA Okay, gotcha.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Just to follow up on Mr. Rotondo's question, are you suggesting to replace all the poles or just the ones that are loose? Would be your ideal situation.

JOHN MAUTI Well then, probably the ones that are loose. You don't want to replace them all. I mean, if they, somebody checks them, whatever it is, inspected, whatever it is, and which one[s] are loose.

TESTA Okay.

JOHN MAUTI Get them replaced.

TESTA Thank you.

DOLORES MAUTI We're just concerned that it eventually. We have had some strong winds lately, and I don't know, you know what could happen, and we don't want the fence to start leaning.

JOHN MAUTI Because the link fence, I understand they want privacy. Understand they have a dog.

DOLORES MAUTI Yeah.

JOHN MAUTI Great dog they have, actually. But, the point is, when it gets wet, eventually, that's, you know, with the wind and everything.

TESTA Question for the Inspection Department.

COPPOLA Yes, Mr. Testa.

TESTA Is there a difference in code for the height of the fence, for the depth of the post, or the weight of the fence, for the depth of the post?

STIERNA Fences under seven feet don't require building permits. We require zoning permits because it's a zoning issue.

TESTA Okay.

STIERNA Typically, we look for one third, one quarter of the height of the pole to be sunken into the ground.

TESTA Okay, so if that rule was followed 30 years ago, these are probably sunken, maybe two feet?

STIERNA Maybe. And it also [is] probably in concrete with the old chain-link-fences.

TESTA And then today you would want it deeper than... oh, for six feet. You'd probably go deeper with the six-foot fence than today, right? Okay, thank you.

COPPOLA Thank you very much.

DOLORES MAUTI Thank you for your time. I appreciate it.

JOHN MAUTI Thank you.

COPPOLA Thank you. Appreciate your input. Anybody else? You can step forward, please. I'll need a name and address.

LEANN RETTING Yeah. Hi, I'm Leann Retting, and I live at 15107 Paderewski in Livonia, Michigan, and I'm just here to agree with the homeowners on really needing some privacy in that backyard. When they bought the home three years ago, one, they have put a, just a

beautiful twist on the home since they bought it. They have upped the property value. It was quite challenging when they first bought it, what it looked like compared to what they've done. New roof, painted the siding. Done just a beautiful job with it. Josh is an engineer by trade, so structural is very important to him. So he has, again, a big dog that would be going on this fence. So he's not going to put anything up that isn't going to be safe and structural. If he sees a pole is loose or is not sturdy, he will be cementing or re-cementing. There's 32 poles right now in that. That is one of the reasons, almost an impossible task, to get those out with that cement that's been in those years. So they are very sturdy. His dog does lean on that fence, and that fence, the poles don't budge. So it's not... but it's more a privacy you know how busy again, everybody just before us was all talking about restaurants, and that how busy Six Mile has become, especially with the expressway being closed. Trucks, semis, people coming down Six Mile that used to never come down Six Mile years ago to get onto the expressway, cut through from my... I live over at Five Mile, there's no exit, so everyone's cutting through up that way now. So it's just, when you're coming down Six Mile, you can see right into their backyard if you're heading east, you can see right into their backyard if you're heading west. So you can see any and everything they're doing in there. Their dog outside. They have a special needs brother, he plays outside in the backyard. I just... it definitely could use some privacy. And again, this is an existing fence that's already there. They just want to put a wood privacy fence in place, so they're not asking for any other variance of where the fence is. There's already an existing fence there.

COPPOLA Okay. Thank you.

LEANN RETTING Mmhmm.

COPPOLA Anyone else? Correspondence?

BARINGHAUS We have one letter.

COPPOLA Mmhmm.

BARINGHAUS Letter of approval, Anne Ploucha, 36614 Whitcomb, (Letter of approval was read).

COPPOLA All right, thank you. That's it? Okay, Mr. and Mrs. Retting, anything you'd like to add in closing? You can respond to any of the correspondence or audience.

JOSHUA RETTING So yeah, the, I guess the major concern it sounds like, is the metal poles. Structurally. I think they're pretty sound, a large individual, and we do not have a fence on the that side, where it's the east side. I've jumped that fence many times to water the plants in the front yard rather than walking around the house and have not had an issue of those poles moving. So overall, we, and I guess my major concern, is the adjoining properties. And if we were to leave the adjoining properties, those poles in trying to join the wood fence and not have

any space in between the wood fence and the current chain link fence of the neighbors that there could be a concern for animals getting out or getting into the property.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yeah, who will be installing this proposed fence?

JOSHUA RETTING Myself.

BARINGHAUS Yourself, okay. In terms of the materials for the fence, can you describe those?

JOSHUA RETTING So the materials would be the extensions, which are two feet plus or two and a half feet. Two feet to extend the post upward, and then half a foot for the sleeve on the current pole. There would be three different couplings on each pole to attach the pole to the wood six-foot panels. They would be an L-shaped bracket so it would go underneath the two-by-fours and attached to the wood panels.

BARINGHAUS Can you tell, give a more detailed description of the wood panels themselves? The material? Are you planning to paint them, stain them? What's it going to look like when it's finished?

JOSHUA RETTING So the wood panels are currently at Menard's. I use that as the description. It's six-foot, the dog-ear style, so the chamfer corners, and then the plan is to stain it at the beginning of the season, and then whenever it needs to be stained.

BARINGHAUS So by staining it, it'll darken it down?

JOSHUA RETTING Correct. Yeah.

COPPOLA When you say stain, you'll obviously be able to stain the fence on your side of the property. What are you planning on doing on the neighbor's side of the property, if anything?

JOSHUA RETTING I was letting them decide what they would want to do, if they would want to stain it or leave it to whatever color they would want, so they could have their choice. And they would, I would think they would do the work.

COPPOLA So you leave it to their decision, their volition as to what they wanted that they would have be on their own to do that.

JOSHUA RETTING Correct, yep.

COPPOLA But the finished side would be facing the neighbors.

JOSHUA RETTING Correct.

BARINGHAUS Are there a lot of privacy fences in your neighborhood along Six Mile?

JOSHUA RETTING Yes, correct. I provided a list of example properties. A couple of them have Zoning Board approvals for the similar locations where it extends to the front of the house or a portion of the side of the house.

BARINGHAUS But I mean within your area, within your block on Six Mile.

JOSHUA RETTING Yes, so right at Fitzgerald and Six Mile, right when you turn into the Six Mile subdivision or the service drive. There's a large vinyl fence right there that was previously wood.

BARINGHAUS Okay, thank you.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Mr. Retting, would you be... if there were any loose poles, as your neighbor suggests, would you be replacing those? Or how would you address that?

JOSHUA RETTING I would be replacing them.

TESTA Okay, so you're gonna inspect each one. Have you done that yet? Or are you saying there's no loose poles or none that you've noticed? Have you inspected?

JOSHUA RETTING None that I've noticed.

TESTA Okay.

JOSHUA RETTING So I can take a second look at all of them and ensure that they're structurally sound.

TESTA Okay. Do you have a good relationship with your neighbor next to you?

JOSHUA RETTING Yeah.

TESTA Okay. So if he showed you the poles he's in question, you'd be willing to replace those?

JOSHUA RETTING Mmhmm.

TESTA Okay. And regarding staining or sealing their side of the fence, if they like the color you used on your side, would you be willing just to do that side for them, at least the first time? And maybe in the future, it's up to them to decide how they want to keep maintaining it.

JOSHUA RETTING Mmhmm.

TESTA Okay.

JOSHUA RETTING Yeah.

TESTA Thank you.

COPPOLA Let me ask kind of out of order. I'm going to ask anyway, the reason that I don't know if this has been explained to you the reason that the fence, specifically on the east side is to the front of the house, is because it's a four-foot non-sight-obscuring fence.

JOSHUA RETTING Mmhmm.

COPPOLA And you could, without any variance, put a four-foot non-obscuring fence to the front of the house now. So the reason that you're required to get the variance is because you went that on the I'm just talking on the east side, that part forward, is because you're now putting a six-foot sight-obscuring fence in. So have you thought perhaps of doing something different for that front area? Perhaps some type of four-foot decorative type fence for that area, front of the back of the house, on the east side, something different. You still have a fence. It wouldn't go as high, but it would be kind of in compliance with the ordinance.

JOSHUA RETTING I guess I would just like to have the consistent look across the entire yard. So I would still like to have the current style, the six-foot privacy fence there, with the driveway next to the fence on the east side. My house and the neighbor's house to the east, I think, would be in parallel with the fence. So I don't think there would be any kind of sight obstruction for the vehicles pulling out of that driveway.

COPPOLA All right. Thank you. Anything else?

BARINGHAUS Yeah, Mr. Chairman, following your line of thought on the east side fence, because it's so far forward to the home. Have you considered moving that fence back so it would be even with the fence on the garage side?

JOSHUA RETTING No, I've not considered that. I guess, overall, I guess just would like to keep the current proposal.

BARINGHAUS Okay, thank you.

COPPOLA Anything else? Seeing none, I'm going to close the public portion of the case and start the Board comments with Mr. Baringhaus.

BARINGHAUS Thank you. I guess I went into this case thinking that you had full 100% neighbor support for the fence. Having some conversations with your neighbors, I think it brought out some reservations with them, but I think it kind of there's still some unanswered questions, like questions about the number of supports. Some would be mixed. Some would be metal. Also the way of strengthening the metal supports, if you're using them, and the method you're going to do it and I still think there's some questions there. Also, I think you have a good opportunity to take on the east side of the fence that's fully forward on the home and move it back so that it's more in compliance with our ordinances today, that what you're proposing is not consistent. Normally, we like to have both fences back towards the rear corner of the house. So basically, I'd like to have maybe a little fuller explanation on verifying either how you're going to support the fences, either wood, either steel, or a combination of both. Maybe the second thing I'd like: maybe a more detailed plan on how you're planning to support that fence using the existing metal poles and three, I'd like to see a plan where you take the east side fence and pull it back so that it lines up consistently with the depth on the west side fence. So based on that, I'd be in favor of tabling this variance.

COPPOLA All right. Thank you. Mr. Testa.

TESTA Thank you, Mr. Chair. Yeah, on the pre-read I was in support of this, mainly because you have clear neighbor approval. But obviously here tonight, one of your neighbors is in approval, but has some reservations. But I rather... I would support a table. I know I typically would prefer to move forward, but in this case, I would rather have you talk to that neighbor again. Work out which poles he thinks is loose, which ones you're going to replace. As Mr. Chairman Coppola pointed out, you're here tonight mainly because of your existing chain-link fence is in the front port of the house. When you change that to a privacy fence, it doesn't apply anymore. You gotta move it rearward. You verbally explain on that side of the house that there's a gas meter and spigots and stuff. If you could come back, or if we table, you come back, maybe bring some pictures to show kind of what's going on over there and how that space is used and why it is necessary from your standpoint, or why you don't want to move that fence line more rearward. That could help your case, but I would support a table for tonight.

COPPOLA Thank you. Mr. Rotondo.

ROTONDO Yeah. Thank you, Mr. Chair. I think my colleagues have summed it up pretty well so far. I'm not against the privacy fence. I can understand your reasons for wanting to have the privacy fence. Obviously, your neighbors have brought up some concerns with the supports for it, and I do think that it would make more sense to have uniform supports with the fence and to make sure that they are sturdy and at the appropriate depth into spec. The other

thing is the property line as well. I know we're only talking a few inches here, but I think procedurally, down the line, I think it should be on the property line realistically. The other thing, which my colleagues have also touched on, was the fence line on the east side, how it comes all the way up to the front of the house. I'm failing to see how this is a hardship. I don't know if you guys, seems like we're going to table it. If you guys want to come back and try to present what the hardship is? I don't see the gas meter needing to be covered up as a hardship. I think there's a lot of homes where the gas meters are exposed, and same with the hose. I think Mr. Baringhaus brought up a good point of maybe moving that fence line back so that it is in line with how it's going to be on the west side. I'm okay with the fence on the west side of the property. It lines up with the neighbor's fence, so I'm okay with that. And, yeah, that's it.

COPPOLA Thank you. Mr. Rotondo kind of stole what I was going to say. From my perspective, I'll start on the west side. I think lining up the neighbor's fence makes a lot of sense. And then visually and esthetically, that probably works. On the east side, I'm struggling, I didn't really hear a very good hardship. Generally, if there's windows on that side of the house, we'll generally allow the fence to go up to just past that window. If, as long as it's not past the halfway forward on the house. There's no windows on that side, so I didn't really hear anything compelling that would suggest that that would allow the privacy fence to go any further forward. As to construction and other issues. I'll leave that to the Building Department, Inspection Department, that's their expertise, and I'll leave that to them. But as to the request on the variances, if I'm fine with the tabling, if that's what the rest of the group wants to do, so we can move this forward. But I would have done an approval in part, denial in part, if this was my choice, so I'll go ahead and open up the floor for a motion.

ROTONDO Motion to Appeal Case No. 2025-04-10, in order to allow the Petitioner to come back with revised plans and allow them to meet with their neighbor to discuss the fencing situation.

TESTA Support.

COPPOLA I have a motion by Mr. Rotondo, support by Mr. Testa to table the appeal case and take roll.

On a motion by Rotondo, supported by Testa, the variance was tabled.

RESOLVED: APPEAL CASE NO. 2025-04-10, Paige and Joshua Retting, 36589 Six Mile:
Seeking to erect a 6-foot-tall privacy fence resulting in the privacy fence encroaching into the side yards forward toward the front of the property beyond the rear of the dwelling, which is prohibited.

Side Yard Encroachment on the West Side

Allowed: 0 feet
Proposed: 6.5 feet
Excess: 6.5 feet

Side Yard Encroachment on the East Side

Allowed: 0 feet
Proposed: 29 feet
Excess: 29 feet

This Low Density Residential property is located on the south side of Six Mile (36589), between Levan Road and Fitzgerald Avenue, Lot. No. 066-02-0038-000, N-2, Neighborhood, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.090 B,

be tabled to allow the Petitioner to take some of the suggestions of the Board into consideration and to return with a revised plan, and also to allow them to meet with their neighbors to discuss the fencing situation.

ROLL CALL VOTE

AYES: Rotondo, Testa, Baringhaus, Coppola

NAYS: None

Absent: Boloven, Klisz, Meagher

PASS/FAIL/TABLED: PASS: TABLED

BARINGHAUS Mr. Rotondo.

ROTONDO Aye.

BARINGHAUS Mr. Testa.

TESTA Aye.

BARINGHAUS Secretary, I'm sorry. Secretary slash Vice Chairman Baringhaus votes aye. And Chairman Coppola.

COPPOLA Man of many hats.

BARINGHAUS Yes.

COPPOLA I'll vote aye.

BARINGHAUS Thank you. Motion is approved.

COPPOLA Okay, so Mr. Retting, so your appeal case has been tabled. So that opportunity to present... what that means is you could again, there's only four of us here today, so there's another three. You may be able to see in front of we generally have at least six, if not seven. You come back with the same plan and see if you convince some other people that you want or otherwise you may want to take into account some of the suggestions that were provided by the Board, come back with a revised plan.

JOSHUA RETTING Mmhmm.

COPPOLA Alternatively, you could just comply with the ordinance and move forward. So just a quick question, Mr. Stierna, on the east, on the west side here, would the rear of the property be the rear of the garage?

STIERNA We use the rear corner of the garage, correct.

COPPOLA So it doesn't have to go to the back of the house, but it would have to go to the rear corner of the garage—

JOSHUA RETTING Even—

COPPOLA On the west side.

JOSHUA RETTING Even with the existing neighbor's fence there?

COPPOLA It's the aligning fence. Yeah, we allow that. If it was aligning fence.

STIERNA Yes.

COPPOLA We would. So even though we had it here for a variance, we would probably, we'd probably just waive that.

STIERNA Primarily, we're in there for the offset for the east side.

ROTONDO [Inaudible] west side.

COPPOLA We're talking about the west side that the joints—

UNKNOWN SPEAKER Yeah.

COPPOLA They're saying that the proposed location of the fence, which is six and a half feet in excess, would actually—

UNKNOWN SPEAKER Yeah.

COPPOLA That would align with the neighbor's fence.

STIERNA I think the plan they proposed did not include the alignment with their existing, their neighbor's fence.

COPPOLA So it wasn't communicated?

STIERNA It wasn't communicated and [inaudible].

COPPOLA Okay.

STIERNA I would not have written that in front of that otherwise.

COPPOLA Okay, so if they came back and asked for a permit with the placement as is on the west side and put to the back of their house on the east side, they could get a permit?

STIERNA Yes.

COPPOLA So that's an option also.

JOSHUA RETTING Okay.

COPPOLA Okay, although you would, at that point, if you were to do that, then we would just remove the tabling, and that would settle the petition.

JOSHUA RETTING And then for resubmission, I'd have until you said June 9, I think in the previous...?

COPPOLA Well, you can... the one thing we didn't do, we didn't put a timeframe on this, but you don't have, they actually aren't in violation of anything. So you could decide never to come back, but if you wanted to get on the next... into the next meeting, you'd have to until June 9 to submit your revised plans, and then that meeting would be on July 8, okay? And if you have questions on that, you can always call the Zoning Office and they'll help you out.

JOSHUA RETTING Okay.

COPPOLA All right?

JOSHUA RETTING Thank you.

COPPOLA All right. Thank you.

BARINGHAUS Quick question for Mr. Rotondo, your condition was give the Petitioner time to discuss additional details on the fence. I thought you had one more condition.

COPPOLA Well, there's no conditions on a tabling.

BARINGHAUS Oh, is that so?

COPPOLA Yeah, there's no condition.

BARINGHAUS Okay. Thank you.

COPPOLA Thank you. You could call the next case.

BARINGHAUS Sounds good.

APPEAL CASE NO. 2025-04-11, 32501 West Chicago: an appeal was made to the Zoning Board of Appeals by Shawn Friend, seeking to maintain an illegally erected 6-foot-tall privacy fence resulting in a privacy fence erected in the side yard forward of the rear of the house and a privacy fence in the corner side yard that does not align with the neighbor's fence/wall.

Side Yard Encroachment

Allowed: 0 feet
Proposed: 21 feet
Excess: 21 feet

Fence to Fence/Wall Misalignment

Allowed: 0 feet
Proposed: 7 feet
Excess: 7 feet

This Low-Density Residential property is located on the south side of West Chicago (32501), between Woodring and Vermont Avenues, Lot. No. 135-02-1982-000, N-1, Neighborhood, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.090 B. & 15.44.090 A. 4. b. i.

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

STIERNA I don't currently have anything to add, but I expect there may be some questions.

COPPOLA Mr. Stierna, you want to give me a little history on this home, specifically regards to what I saw were multiple, well, a long history of issues with fencing.

STIERNA This is a single violation stemming from Mr. Hershey, I believe, observing the fence being erected without a permit. Mr. Friend was advised to obtain a permit.

COPPOLA When was that exactly?

STIERNA That date, I don't have, because it was a verbal warning.

COPPOLA Okay, so, when was the first violation actually recorded?

STIERNA So, that would be...

COPPOLA Would it be July 12, 2023?

STIERNA Bear with me, because of our new software, I'm still learning how to read it all. Yes, the investigation was July 12, 2023.

COPPOLA Almost two years ago. So, what's transpired since July of 2023?

STIERNA Since then, he was issued a violation at one point early last year, he did attempt to comply and come in to apply for a permit. He was told at the desk that the permit, the location as applied for, would not be approved without a variance. He was advised to seek for a variance before applying for the permit. Following that, there were several months of non-compliance, which ultimately resulted in a court complaint, I believe, and there might be some

history with the legal department that the initial result of the first court was advised that he apply for the variance so he exhausts his options.

COPPOLA And when was that?

STIERNA September 11, 2024.

COPPOLA Okay, so that's over six/seven months ago.

STIERNA Yes, and he returned to court with several, I think, looks like three or four adjournments, because he had not yet applied for the variance. Eventually, he, in discussion with a city attorney, determined to formally apply for the permit. Was denied the permit, and then formally advised again to get a variance. He missed two required dates at that point. Court required. He was to meet court cases. So, I think this will be his last adjournment.

COPPOLA Thanks for that. Mr. Fisher, any insights you'd like to or color you'd like to add.

FISHER No, that's pretty much what you've heard just now. I did not have any personal involvement with Mr. Friend, so I don't have more details. I know that there have been some give and take, let's put it that way. But beyond that, I can't really say any details.

TESTA Mr. Chair?

COPPOLA Mr. Testa.

TESTA Question for the Inspection Department, sorry. This is considered a side lot, correct?

STIERNA It's a corner side lot.

TESTA Okay. There was a chain-link fence there that used to terminate, it will be, I guess, the back side of the house. He now put in a privacy fence that goes to the front of the house. To be in compliance, where would he need to be?

STIERNA He would need to terminate at the back corner of the house. He could still take it towards the sidewalk because the proximity to his driveway and side entrance garage.

TESTA Yeah. Okay, thank you.

COPPOLA And for how far off of the, I guess, is this fence in compliance with the distance from the sidewalk? Is there any issue with that?

STIERNA Usually, we're looking for a foot off the sidewalk based on engineering right of ways.

COPPOLA That would be part of the inspection after final installation.

STIERNA Most cases, if we have questions, we'll ask Engineering, because sidewalks don't always end up perfectly with a foot from the right of away, so there's a lot of latitude there. We're not seeking to hang anybody over that.

TESTA Sorry, one more question for Mr. Stierna. I know you're not Mr. Hershey, but is verbal warning about a permit to Mr. Friend, did Mr. Hershey also point out that where he was building his fence in the front of the house was not permitted?

STIERNA I do not know.

TESTA Thank you.

COPPOLA All right, if there's not anything else, if the Petitioner could step forward, please, and then I'll need a name and address.

FRIEND Good afternoon or evening, Shawn Friend. I live at 32501 West Chicago Street, Livonia, Michigan.

THOMAS Good evening. Tracy Thomas, appearing on behalf of Shawn Friend, 538 North Mill Street, Plymouth, Michigan, 48170, it's my office address.

COPPOLA Okay, so you kind of heard what the records have told us about this fence. It's been a, sounds like almost a two year, maybe more saga here, three-year saga. Well, I'll let you. You need to speak up, so once you can meet, I'd like to hear your side.

FRIEND Of which part, the legal part?

COPPOLA Tell me about the fence. how it how it went in, why it went in without a permit. And then, why has it taken so long to come before this Board for a variance?

THOMAS I can address the second part. The second part, why it came, why it took so long to get to a variance. I promise you, we were pulled at first to get a permit, and we eventually applied for the permit. We were not told at the outset to do the variance first. It seemed to make sense to apply for the permit first, because we needed the denial of the permit to come before the ZBA. Now, if I've inverted that order, then it's on me, but I know city of Livonia, when we're defending the misdemeanor prosecution told us to go get a permit first, and that's why we took and went and got a permit, rather than coming to the variance first. Now, with regard to how the fence got built without a permit.

FRIEND That started in '22.

THOMAS I can tell you that, I'm uncomfortable having Mr. Friend make unsolicited answers because there's a pending misdemeanor prosecution.

COPPOLA Maybe we should table this till it's done. If I can't get a full accounting?

THOMAS No, we can probably work around it. and it's a real chicken or the egg thing, because the City doesn't want to go forward and try the case until there's a decision on the variance. The City Attorney keeps pushing us toward applying for the permit. Okay, that's denied. Go to the Board for a variance, see what they said. So, I don't think that the City Attorney wants to try the case until there's a decision from the ZBA. And in fact, the last adjournment was at the bequest of the City Attorney, the last trial adjournment. So, the way the fence got built without a permit was Mr. Friend had a discussion with a member of the Livonia Building Department and is no longer employed by the Livonia Building Department. This was kind of part of a whole series of renovations he did. He put in a pool, he put in a deck. All of that was permitted, all of that was approved, all of that went off without a hitch. When it came time to do the privacy fence, he had a conversation with a gentleman that no longer works there, and Mr. Friend took from that conversation, they didn't need a permit, and according to the state code, you don't need a permit for a fence. So, he built it unaware of the requirements and unaware of the fact that he had extended antithetically to the city ordinance.

COPPOLA Okay. So, who pulled the permits for all of the work that was done prior to that? So, he was aware that permits are needed for things. Did he spend any time at all looking at city ordinances to determine whether permit was needed for fence?

THOMAS He did not. He did have a conversation, like I said, with a Livonia building representative that's no longer there.

COPPOLA Unfortunately, that person, I can't get that person's side of the story. So, I understand I have no idea what was said there. So, this fence was installed in 2022?

FRIEND '23.

COPPOLA So, you're saying this is a three-year issue, but, so, it's only been two years.

FRIEND The conversation started in '22 with that Inspector. I don't know his name, but when I started trying to figure out who he was, because he was the one they initiated the conversation with, I was informed that he no longer works there.

COPPOLA Okay, and unfortunately, we are not able to collaborate that story or the conversation as to what was asked of. Many times we hear that, and then we find out that that there was a disconnect in the communication, what was they understood, what was being asked

and what was being asked, and what was actually being asked. So yeah, and then ultimately, it's the application for the permit that clarifies things. So, all of that's occurred. So, you've come forth now, this has been going on for over two years, and my understanding was you were asked to file for a variance back in, based on what was just earnest. Looked at the records again, based on his records, I don't think he's been directly involved in this that you were asked to file for a variance in 9-24, now you're saying you didn't because you didn't have a permit.

THOMAS So, we applied for the permit, and we were denied.

COPPOLA And that happened in January?

THOMAS I believe so, yes.

COPPOLA So what transpired between September and January? Why the delay between September and January to apply? September you're asked to apply for a variance. You would have gone in to apply for a variance, they would have told you that you needed to apply for a permit first. So, why did it take four months?

THOMAS This was coming from the City Attorney during the misdemeanor proceeding.

FRIEND We've been in court for a while, quite a while now.

THOMAS Several times.

FRIEND We had a judge change in the middle of our court proceedings.

COPPOLA So why don't you tell me about what your hardship or your practical difficulty is for the purposes of the side yard encroachment? First, let me talk about the fence wall misalignment.

THOMAS So, it stems basically from privacy. It's a, I'm sure you all are familiar with it. It's a very busy public park that's right across the side lot, what I would call the side lot, the part of Lot A issue. And Mr. Friend wants to extend his privacy to cover up a window, his living room window. In addition, there's screening, there's a couple of unsightly utility things. Admittedly, that's not a practical hardship. That's more of an esthetic thing. The practical bones of it is, the extension is there to cover up, to shield that window, the living room window.

COPPOLA There are two windows on that side, correct? Like, one's a living room, one might be a bedroom. Yeah, one's a dining room, one's a living Yeah,

FRIEND Dining room. The back line, the further back one is the dining room, the front lines the living room.

COPPOLA Neither of those are actually bedrooms or any anything or bathroom. They're just a living room in a dining room.

FRIEND That's my living room.

COPPOLA Yeah, I understand. Okay, keep going.

THOMAS That's it. That's the practical difficulty.

COPPOLA How about the misalignment.

FRIEND When I bought the house, the privacy fence was at the front corner of my garage. I have a letter from both my neighbors, and discussed it with her, and she was fine with me putting it right back to the front corner of the garage, but I moved it back, actually about two feet, which is still forward from her wall, but my street right there and where her house is, it goes on a huge curve, so nothing's lined up. Her garage theoretically should be lined up with my garage, if we're not talking about esthetics, you know, if her garage was forward and even with my garage, and we want to have that, but because around the curve, they built her garage back further, or she wouldn't have a driveway.

COPPOLA Okay, so...

FRIEND There was a privacy fence on the back there, and you can see it in some before picture, I think I have some, and it came right to the front corner of my garage, over, and then down the back to where her wall is. And then I actually took that all out and then moved it back a couple of feet to or so feet back. I'm not sure the exact measurement, how far back, but I did move it back to the front corner of the garage.

COPPOLA Do you have any pictures with you? Should it show the older six-foot fence in the front of the garage?

FRIEND You gotta give me a second.

COPPOLA So, while you're doing that, I know that in that there was, there's some portals or something on in that fence, so what are those for?

FRIEND For my dogs.

COPPOLA Okay, so they would allow people that were walking on a sidewalk to actually look in, too, correct?

FRIEND Yeah, they do. Little kids be looking in. I've had people stop their car, get out and come over, and I get a lot, Bubbas get a lot of attention from well, it's a very dog friendly

neighborhood. That park is getting dog walkers all day long. So, most people love it. Pictures of the back.

COPPOLA You can approach.

FRIEND That's the back part of the garage. That's the old picture, and I have a new one right here of what we did with it. I still have the hole sitting, sitting there. They had it attached.

COPPOLA All right, any questions for the Petitioner?

TESTA Mr. Chair?

COPPOLA Mr. Testa?

TESTA Thank you, so, Mr. Friend, Mr. Stierna from Inspection, said a few years back, Mr. Hershey from Inspection stopped you, and told you that you needed a permit for that fence. Did that occur, is that your understanding as well, that you were stopped mid construction?

FRIEND Nope, the project was done three, maybe four months later, all that showed up.

TESTA Okay, who installed the fence? You did it yourself?

FRIEND Yeah, well, with some help.

TESTA Sure. Okay, so no one during the construction stopped you and talked to you about that. Okay. The conversation you had with the Inspector that no longer works here. What specifically did you ask him?

FRIEND I drew up site plans, similar to the ones you have there and was asking about, you know, putting the fence in. And so, I was wanting to put the fence into the front corner. He did mention that I couldn't put it all the way up to the front corner of the house, which is why I left it back about 20 inches or so from the front corner of my house. So, I asked why I can't do that. He said, "Well, because you can't. I said, "Well, what about all these other corner fences that I drive around and they're all got them?" He said, "Oh, they're grandfathered in. I said, "These new vinyl ones? When did this law take place? I want to see it on paper, you know, instead of just going off your word, I'd like to see it on paper." He turned around to go get it, and then you turn back around to go get the paper. So, then he turned back around and says, "Is there a door there?" I said, "I can put a door there." And that was it. I left thinking, basically, he said their grandfathered in or they just did it. So, I was under the impression that all these corner fences I've seen were grandfathered in, or they just did it. I did exactly what I was under the impression that my community people have done, or they were grandfathered in, so I just did it.

TESTA What do you mean by put a door in? Did you mean a gate on the fence or?

FRIEND A door around the house, he was asking about that.

TESTA Okay, you didn't put that in, though, right?

FRIEND No.

TESTA Okay, yeah, thanks for pointing out. I thought the fence went all the way to the front of the house. You're right. It does look like it sets back maybe a foot, I'll take your word 20, I guess about 20. Okay, so you did that specifically, because your understanding was you couldn't go to the front....

FRIEND Front corner of the house. They didn't tell me I had to stay at the back corner house. I was under the impression I couldn't go to the front corner house, but that's my living room right there. And I have teenage daughter, and it's a very busy park, and I've had people walk like right up on my grass, up on the side of my house, cut in my corner. I don't care. Ride your bike across it. Skid across. I don't care. But there's no need for people to be walking that close to the side of my house. Okay, after that happened, and my daughter got creeped out by this guy in the park, I needed more privacy, and that's what I did.

TESTA And when you had the conversation with the Inspection Department while he was there for other reasons, you showed him site plans, you said, correct?

FRIEND That meeting with the guy that was there?

TESTA Yes.

FRIEND Yes.

TESTA Did you discuss with him the materials that it was going to be?

FRIEND Sir, he didn't discuss much with me. I don't know if he came in, tied a good one on the night before, or came in still drinking. All I could smell was alcohol on the dude's breath. It was nine o'clock in the morning.

TESTA Yeah, no, I'm asking you, did you point out to him that you're going to change...

FRIEND He didn't, the discussion didn't get there. He told me that they're grandfathered in, they just did it. And I said, thank you and I turned around and left.

TESTA So, you did not specifically tell him you're putting in a six-foot wood privacy fence.

FRIEND No.

TESTA Okay, so I think that's the disconnect in your conversation with him. If it was a chain-link fence, you would not have needed a permit if you replaced it.

FRIEND No, he knew I was putting a privacy fence in.

TESTA How did he know that?

FRIEND Because that's what I was asking to get the permit for it.

TESTA Do you know when? This is a couple years ago, when he was there for other inspections and you showed him the site plans.

FRIEND Nobody was at my house for other inspections that I showed site plans to for this fence. That never happened. Nobody did. I've had other inspections done at my house, but I've never presented any Inspector at my house site plans for a fence at my house. That could never happen.

TESTA Sorry, maybe I need to go back to your lawyer. You had mentioned that he had initial conversations a few years ago

THOMAS It took place at the city office.

TESTA Okay, so it was not on site. Okay, okay, I misunderstood that.

FRIEND He was saying that I, like when I moved in, I pulled permits for location work and the deck and the pool and the electrical and other work that I've gotten done, I've been in compliant.

TESTA And so this is around 2022, you went into City Hall with site plan. You clearly explained that you were going to put in a wood fence, privacy, six feet. You that was your word. You used those words. It was clear that you're putting in a wood privacy fence, not replacing a chain link fence?

FRIEND With another chain-link fence? No, I have the dogs I wanted a privacy fence for my safety, my daughter's safety, our privacy, and also for the safety of like I said, it's a very busy corner with the park. Kids come up, they see those dogs. And what do the kids do when they come up and see dogs? They grab the fence. I don't have vicious dogs, but I do have dogs. So, for the safety of the people in my neighborhood and to give my dog a little bit more space. I needed that to come up. I originally wanted my pool to come over this way, but they

wouldn't let me bring it past the side of my house, like my house and my garage are in line here, the street's here. They told me I couldn't bring the pool this way. So now I put it over this way, which lost my whole yard, and I need a little bit of yard to use, and the dogs gotta use the bathroom and whatnot, which was another reason so dogs, privacy, safety for the people in the community, and safety for my teenage daughter, who's out here laying in her bathing suit, getting talked to by weirdos in the park.

TESTA Okay, yeah, I'm familiar with this area, I have friends in this subdivision, and I know the park well, and I saw, I remember when the fence was going up, you mentioned you need for privacy for the living room there and the other window.

FRIEND Mainly the living area, the dining room, people want to stare at me while I'm eating. I don't want people, coming up to me while I'm in my living room.

TESTA Driving by, or at least sitting over in the park area, even with your six-foot fence, you can still see right into your windows.

FRIEND Yeah, you can see it's up though, you know, I've had problems where I've had people walk right up on my grass, you know? They can visually see right in, but with the fence there now they can, they can see my ceiling in there, but they can't see like down where we're sitting and laying, so it changes their view they can still see in my window, but it changes their view of what they can see in my window.

TESTA Okay. All right, thank you, Mr. Chair.

COPPOLA Questions.

BARINGHAUS Yeah, Mr. Chairman. How many dogs do you own?

FRIEND Three.

BARINGHAUS What types, what size.

FRIEND Small, medium, large.

BARINGHAUS I'm trying to judge the rationale for the six-foot fence.

FRIEND 130 pounds, 80 pounds and 40 pounds. The 40-pound dog I got last year.

BARINGHAUS Okay, so fairly large, large to medium sized, yeah. Okay, great. Okay, thank you.

TESTA Question for Mr. Stierna. Is there any record, you mentioned Mr. Hershey gave him a verbal warning. I know you can't speak to what Mr. Hershey said. Is there a record that they had a conversation, that he gave a warning?

STIERNA Not in our records. No.

TESTA Okay.

STIERNA I assume that he assigned himself a follow up at some point, and when no application was applied, that's when he would have mailed the violation.

TESTA But you're, you're confident Mr. Hershey saw or talked to him during construction.

STIERNA I am confident that he had a conversation with Mr. Friend prior to sending the violation. Okay? That was verified by Mr. Hershey this afternoon.

TESTA Mr. Friend, did you have a conversation with Inspector at your house?

FRIEND No, I don't remember him coming to my house.

TESTA Where else would they have spoken?

STIERNA I don't know where else he would have, I mean, Frank's not shy about going up and knocking on doors. I don't have a specific date. Again, it is not Frank's habit to issue a violation unless he has given at least some sort of warning or something like that. But again, we don't have it on paper until the actual violation back in 2022 so 2023. So unfortunately, that was when action was demanded.

FRIEND Yeah. I do not recall getting a new type of verbal communication with him before receiving the letter at my house.

STIERNA Any more questions for the Inspection Department?

TESTA Would it be irregular if we table this to have Mr. Hershey at the next case? Or is that maybe a question for Mr. Fisher?

FISHER Well, we don't typically subpoena people that come to testify before ZBA.

STIERNA First for everything, Mr. Fisher. I'm sure, if the Board wishes, we could certainly generate all the notes from the reports that Mr. Hershey is fairly diligent at keeping.

FRIEND I did a good job on the fence, and my neighbors all like it. The people in the park like it. And there's a lot of new houses, I got a stack of photos just in my neighborhood

of the houses that have the fence the exact same way that I have mine that's either grandfathered in or they just did it, or you guys have sent somebody from the zoning board has since approved it for these other corner houses, but there's a lot of them just in my neighborhood, so I'm not asking. I guess that's where I also got a little confused. When he first sent me that like hardship and these and just questioning and there was very confusing to me. I don't have the legal jargon, language, or great reading skills, like some people do. I'm a construction guy, a high school dropout, so reading things and comprehending sometimes don't work so well for me. And I'm like harsh just those words just I didn't understand quite it. I got confused when I first seen that, before that got involved. But, uh, I just want the same thing that these other people in my neighborhood have the privilege to have. That's all I'm asking for. And it's not even just my neighborhood. I mean, as soon as I left the courthouse, I was on, I was, I didn't even make it a block out of the courthouse that the first time, and I already had pictures of corner houses that had the same thing like me, especially on busy corners. So, I'm just asking for the same privilege that we've already given to other people in our community.

BARINGHAUS Mr. Chairman, regarding your fence, have you, are you just letting it weather naturally, or have you stained it, or what treatments have you done?

FRIEND So, I did, you should be able to see it in the recent pictures, I put a clear finish on it so it gives like a little bit of a shine. But it's basically just a sealer, weather sealer. I did both sides of my fence, all the way around my neighbor, around the one side and the neighbor behind me. I did everything for the both of them. So, I sealed both sides already, and plan to maintain it as long as I'm living there. I get along good with my neighbors. I help them out on a regular basis when they need stuff, so I have no problem to continue to be neighborly with my neighbors and all of the other neighbors that I have a lot of neighbors because I'm on the corner from the park, so I've got neighbors that are like five blocks over that I've talked to on a regular basis because they're walking every day, so.

BARINGHAUS Prior to constructing the fence, did you, I didn't see any letters of approval from the neighbors in the file is that are no neighbors.

COPPOLA There are no neighbors.

FRIEND Yeah, I have two direct neighbors, and both of them wrote me letters, and they are in the file. We submitted them to the Zoning Board, they're submitted at the court.

COPPOLA I had the fence that's in question supplemental defense, and if you built that fence with adjoining neighbors, you would need their approvals. But we're not here for those.

FRIEND Yeah, we're here for those side in the back, the back is the neighbors, and she wrote me a letter, and then the front one is this, yeah, well, it is all the rest of my neighbors, which is the people that walk in the park, because they all own the park. So, it's kind of the whole community is my neighbors. I had a couple people that must have seen a letter that

got sent out that seen me when I was out a couple days ago in the driveway. They said they'd come up if I needed them, but I said no.

COPPOLA We're actually talking about the forms that we have in the Building Department.

STIERNA For the fence in question, no, there would not be adjoining neighbors.

BARINGHAUS Because of where it's located relative the house next door.

STIERNA Then the one to the south is far enough away from the driveway that it wouldn't have required neighbor's authorization.

FRIEND She still wrote us a nice letter and so did the other neighbors.

COPPOLA Mr. Friend, what kind of construction do you do?

FRIEND Grass cutting, lawn and landscaping.

COPPOLA Okay, so not really, not trying to demean you, but not really kind of construction, more like...

FRIEND So, yeah, I'm a jack of all trades, but I do professionally, lawn and landscaping. Yeah, I started, I like I said, I quit school at 16. I started roofing. I've done siding, I've done home repairs. So, I'm like a little jack of all trades, but professional, like grass cutting.

THOMAS But a business owner also.

COPPOLA A relatively successful one, you've done a nice job on your house. Any other questions for the Petitioner. All right, seeing none. I don't see anybody in the audience. Anybody there. What do we have for correspondence?

BARINGHAUS We have no correspondence.

TESTA Really? Just those two letters.

BARINGHAUS Those you want those submitted?

COPPOLA If you want those submitted for the record, if it's part of the application, then they're part of the record, right?

BARINGHAUS It's under supplemental documents.

COPPOLA Mr. Fisher, those considered, should they be read?

FISHER They can be read like any other, if you like.

THOMAS So, the previous applicant, when he was talking about jumping over his fence repeatedly. I got nostalgic for the days when I could jump over a fence.

BARINGHAUS Okay. Two letters. Letter from Grant Danley, 32505 West Chicago, dated November 16, 2024, "Sirs, my neighbor, Shawn Friend, installed a privacy fence around his property. Before he did so, he asked my permission. I gladly agreed. In my opinion, the fence has enhanced the look and feel of the neighborhood." Letter from Kathy Lopez, 9537 Brookfield Livonia, Michigan, dated September 16, 2024. "To whom it may concern. This letter is in regard to the privacy fence of my neighbors, Shawn and Alicia Friend. Prior to building the fence in 2023, they contacted me and let me know they were contemplating installing a privacy fence. They described the fence they were planning and asked if I have any objections. I told them I had none and thought it was a great idea. I know being on the corner often brought them unwelcome attention from passersby. They soon built the fence, and I thought it looked great. He has a very attractive wooden fence, and I believe it adds to the value of both their home and mine. I even had the other neighbor's comment on how attractive and unique their fence is. They have made a myriad of improvements to their home, increasing its curb appeal and adding to the desirability of our neighborhood. I have no objections to their fence whatsoever. They are excellent and considerate neighbors." That's the two letters.

COPPOLA I'm looking at what was submitted as supplemental documents. You look at supplemental documents, I just want to make sure if we're doing something, that we just get it done either way. On page three is a plan review, corrections sheet and on that plan review correction sheet, there's two issues outlined there. The one was towards the privacy fence, towards the front of the house issue. Then there was also a second issue. A fence in the corner lot, and that should not be located in the corner side yard. And that wasn't part of the variance from the west. Is that an issue?

STIERNA It is the corner side yard. It's on the side of the house extending into the setback towards the fence, towards the sidewalk.

COPPOLA So, the question is, if that is also a violation, doesn't look like included as part of...

STIERNA I will say that actually, because he has his garage situated where it is, that his fence would be allowed to go to that side yard setback, because he returned to his driveway and then returned to the garage. Unfortunately, the plan that he provided the Planning Department at the time wasn't clear enough to ascertain that. So, that correction letter would not be correct for the purposes of being in the side yard, but the encroachment towards the front.

COPPOLA Okay, I just wanted to make sure that that should we be doing something today, that we do it in totality, and not have to come back.

STIERNA It would be strictly for the encroachment between the, from the rear front and the misalignment the back fence.

COPPOLA Mr. Friend, I apologize for that. So, is there anything you'd like to say in closing?

FRIEND The only thing I could really think to say is if I sound a little bit harsh, I'm sorry, but this has been going on a very long time. I just want the same rights, the same privileges that the other people in Livonia with corner houses have. That's all I'm asking, not asking for anything special or different than what other people in our community have.

COPPOLA All right, thank you. So, I'm going to close the public portion of case and start the Board's comments with Mr. Rotondo.

ROTONDO Thank you, Mr. Chair. This is kind of a difficult one for me. I mean, it seems like there's some he said, she said, type stuff, and there's not really any clear statements for some of this. I don't know that I see a hardship here. I get the petitioner is making the case that it's covering the window, but then when you look at the pictures he submitted, it looks like you can see the window from the streets. So, I don't know that it's really solving anything. So, I don't know. I guess I'm interested to see what my colleagues have to say and go from there.

COPPOLA Mr. Testa.

TESTA Thank you, Mr. Chair. I don't like this case at all. It's hard. Some of your story is hard to believe, but we really don't have any evidence otherwise documented that conversations did or didn't take place and when they took place. So, it's hard to go on, but knowing some of the Inspectors that you verbally talked to at this point, I tend to side with them. The one thing I think benefits you, at least in my eyes, tonight, is public notice went out to your neighbors, and no one came in, or no one wrote a letter against this. The fence has been up for two years. I've driven by it many times. Since no one's objecting to it, it makes me more open to it. I suspect you might not have the votes here tonight, but I could be in support if there was enough other votes. But it does weigh on me that there's no objection from your neighbors, and again, because of the fact it's been up for so long, that tells me something. Thank you.

COPPOLA Mr. Baringhaus.

BARINGHAUS Ok thank you. Mr. Testa brings up your point. I noticed that too, that there was no letter of objections from your neighbors pertaining to this immediate case. However, going back in your file, I did notice the two letters you know were brought out here that you know you did have make an effort to talk to your neighbors and give them, let them weigh in on fence. So that's a positive thing. Again, the fence has been there for a number of years, which I think gives it some more credibility. The other thing too is, I really think you have a hardship because you're across from this park. I know from experience, it's a very busy park. Also, I grew

up in that area, and I know that there is a lot of traffic as well, so you really don't have a lot of privacy on that corner as well. So, I view that as a hardship. That addresses the encroachment. In terms of the fence-to-fence wall misalignment, I think it might be beneficial for appearance sake, to correct that and align it more to that wall as well, which would give it a, probably a little more esthetic look than you know what the way it what it has right now. So, if you do those conditions, I think that would probably really be rectifying something to get it into a status that's workable for everybody. So based on that, yeah, I would consider the variance.

COPPOLA All right, thank you. I'm going to set aside the history here and take a look at this in the sense of as if this came in as a clean, fresh petition homeowner wanting to go to the fence and having at the location of this and expressing the practical difficulties that they have. West Chicago is a busy street. This is a busy street. There's a busy park across the way. So, I could be convinced to say that there's a hardship there. Would I have suggested something not as far forward, I think Mr. Stierna we have kind of an allowance for halfway forward of the house, if, if there's a window, right? A door, we've allowed a door, we've done it. We've kind of said, eh, there's a window. Okay, it's already to the front. I probably would support a variance for the fence based on the busy street of West Chicago, and the busy park. I think that's a unique feature that suggests that there's a difficulty. As to the misalignment there, there was a history there where that fence was to the front. But the zoning and ordinances are, if you were to have just repaired that fence and left it where was, you could have, you could have done that as soon as you made a change, then you have to be in compliance with an ordinance. So, for that fence, I think I think I would suggest that that that be fixed. So, from my perspective, it'd be kind of approval, partial approval, partial denial. The approval would be, from my perspective, would be okay on the side yard, fix the misalignment. And I think that's a I think that's a good compromise. So, I'm gonna go ahead and open up the floor for a motion.

BARINGHAUS Mr. Chairman.

COPPOLA Mr. Baringhaus.

BARINGHAUS Thank you. I resolve that the variance appeal case, 2025-04-11, filed by Shawn Friend, be granted and denied for the following reasons, and finding, in fact; the uniqueness requirement is met to the corner location of the property, denial of the variance would have severe consequences for the petitioner due to decreased privacy and security on his property. Variance is fair in light of its effect on neighboring properties and in the spirit of the zoning ordinance, due to neighbor support and no neighbor complaints regarding the fence. The property itself is classified as N1 neighborhood under the Master Plan, and the proposed variance is not inconsistent with this classification. Further, that the variance be granted through with the following conditions: That the misalignment cited be corrected, and also that we would find that the fence itself, we would support the variance.

TESTA Support.

COPPOLA I have a motion by Baringhaus, support, Mr. Testa. Discussion. I would suggest that this be, as we call it in my opening minutes, exactly it is called, I want to make sure I use the right term. It's a partial approval. So, you're going to approve, in part, the variance for the side yard encroachment, and you're going to deny the variance for the fence misalignment would be appropriate, I think that's the proper way to do that, Mr. Fisher correct me, if you think...

FISHER Sounds good.

COPPOLA And then I would also suggest that we impose a double permit fee. Do we have to remotion that Mr. Fisher, to that a modification?

FISHER You can just put it under the...just additional conditions.

BARINGHAUS Okay, so the conditions are approved in part the side yard fence...

COPPOLA I'm so sorry hold on. So, we can do a partial denial in the conditions, or should we re-word or reset the motion, so I make sure we got it right. Don't wanna make it too difficult. But you know what I'm saying, should we remotion it? Are we just revising the motion?

FISHER Well, why don't you do this, why don't you say the entire motion as we now understand it, and we'll just call it good.

COPPOLA You're the motioning party. So, if you go ahead and restate the motion.

FISHER And you can skip over the findings. We got those.

BARINGHAUS Okay, start from the beginning, is what you're suggesting.

COPPOLA Well, do the motion portion. You don't need to do all the finding stuff. So, you're going to do a motion. The motion of approval and a denial.

BARINGHAUS Resolved that the variance on appeal, case number 2025-04-11, filed by Shawn Friend, be granted in part and denied in part for the following findings of reasons of finding of facts.

COPPOLA You need to state which is being approved and which is being denied, I'm sorry.

BARINGHAUS We will be approving, in part, the side yard fence on the property and also we will be denying the variance request for the misalignment, for the fence wall misalignment. And also, we're requesting that a double permit fee be assessed.

TESTA Support.

COPPOLA

Any other discussion? I see no. Okay. Take a vote.

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

RESOLVED: APPEAL CASE NO. 2025-04-11, Shawn Friend, 32501 West Chicago: Seeking to maintain an illegally erected 6-foot-tall privacy fence resulting in a privacy fence erected in the side yard forward of the rear of the house and a privacy fence in the corner side yard that does not align with the neighbor's fence/wall.

Side Yard Encroachment

Allowed: 0 feet
Proposed: 21 feet
Excess: 21 feet

Fence to Fence/Wall Misalignment

Allowed: 0 feet
Proposed: 7 feet
Excess: 7 feet

This Low-Density Residential property is located on the south side of West Chicago (32501), between Woodring and Vermont Avenues, Lot. No. 135-02-1982-000, N-1, Neighborhood, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.090 B. & 15.44.090 A. 4. b. i.,

be granted in part and denied in part for the following reasons and findings of fact:

1. The uniqueness requirement is met due to the corner location of the property,
2. Denial of the variance would have severe consequences for the Petitioner due to the decreased security and privacy on his property,
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 support and no neighbor complaints regarding the fence, 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 in part and denied in part** with the following conditions:

1. The variance sought in order to preserve the existing privacy fence running forward from the rear of the house is approved,
2. The variance sought to preserve the privacy fence in the corner side yard which causes the fence/wall misalignment is denied, and the non-compliant fence must be eliminated, and
3. The Petitioner must pay a double permit fee.

ROLL CALL VOTE

AYES: Baringhaus, Testa, Rotondo, Coppola

NAYS: None

ABSENT: Boloven, Klisz, Meagher

PASS/FAIL/TABLED: PASS: PASS

COPPOLA Okay, Motion approved. Do you understand what has happened here? So let me just go through real quick. So, in regards to the variance request, we have a side yard encroachment, 21 feet. That has been that variance has been approved. The fence-to-fence wall misalignment, that branch request has been denied. Okay, so that one has to be correct.

FRIEND Do I just need to put this gate opening even with her wall, with her wall?

COPPOLA Correct. The only other condition then, is that what you have to still file for a permit for the fence, and there'll be a double fence fee. You have to file.

THOMAS If it's rejected, I don't know, do we have to refile?

STIERNA The plan. I mean, we would reject it. We look for a corrected plan. We'll assess the double fee at the time we issue the permit. So, you won't have to apply again, but please give us a revised plan showing that alignment being corrected.

FRIEND This one on the back right here, correct, I'll just draw it like take the same site plan and draw it with this and change that section.

STIERNA And probably a time frame to get them done.

COPPOLA We did not, we did not put a time frame in...

STIERNA Permits are good for six months.

FRIEND I gotta go to court in like a couple weeks. I really want this court to be over with.

COPPOLA I think the City does too.

FRIEND I think I'm leaving Thursday, but I'll be back next week. I'm skipping work we're doing this fence.

BARINGHAUS So, at this point, we're not specifying a timeframe, the court date, the six months you got plenty of timelines to go on.

COPPOLA That brings an end to a long saga for both you and the city.

FRIEND We have to come back here? Do I bring this back part, up to the court? When we go back or are we good?

COPPOLA I think you need to bring, probably the resolution to the court. I don't know, the City Attorney representing the city, they'll provide whatever needs to be provided.

THOMAS Yes, I'll get with Miss Rogers and make sure she has what she needs before we go in court on the 9th.

COPPOLA I don't think our minutes will be approved by then, but I think he'll be good.

TESTA [Inaudible] Mr. Fisher.

FISHER Just yearning to adjourn is, I think....

COPPOLA He's pensive about this to be over. All right, thank you. Thank you again. I'm hoping that next time things go a little more appropriate. If there's a next time for you. Pull the permit and because one permit, that's an official process and you will get an official and final determination, and there won't be any issue with hearsay.

THOMAS Thank you.

BARINGHAUS Okay, thank you.

FISHER Thank you.

STIERNA Congratulations.

ADMINISTRATIVE TASKS

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Thank you, yes. We have minutes to approve. Yeah, we have minutes pending approval. It's from the March 11, 2025 meeting.

COPPOLA Can I get a motion on that?

ROTONDO Motion to approve the minutes.

BARINGHAUS Motion to approve by Mr. Rotondo...

TESTA Support.

BARINGHAUS By Mr. Testa. All those in favor say aye.

The Board voted unanimously to approve the minutes of the March 11, 2025 meeting.

BARINGHAUS Motion is approved. Now, for Mr. Fisher's favorite motion. Motion to adjourn.

COPPOLA Motion to adjourn from Vice Chair Baringhaus. Support from Mr. Rotondo, whether they had it or not. All in favor.

The Board voted unanimously to adjourn the meeting.

There being no further business to come before the Board, the meeting was adjourned at 9:38 p.m.

Gregory G. Coppola, Chairman

Timothy Klisz, Secretary