

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, JULY 8, 2025

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, July 8, 2025.

MEMBERS PRESENT: Gregory G. Coppola, Chairman
Jim Baringhaus, Vice Chairman
Timothy Klisz, Secretary
Christopher Boloven

MEMBERS ABSENT: Brian Meagher
Marc Rotondo
Michael Testa

OTHERS PRESENT: Eric Goldstein, Assistant City Attorney III
Frank Hershey, 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. One Petitioner chose to reschedule to be heard by a full Board. Secretary, Timothy Klisz, then read the Agenda and Legal Notice to each appeal, and each Petitioner indicated their presence. Appeals came up for hearing after due legal notice was given to all interested parties within 300 feet, petitioners, and City Departments. There were several (not counted) people present in the audience.

(7:00)

TABLE OF CONTENTS

APPEAL CASE #	PAGES
APPEAL CASE NO. 2025-06-16 Billy Willis 28984 Sunnydale	4-11
APPEAL CASE NO. 2025-06-18 Maria and Antonio Diaz 14428 Yale	12-23
ADMINISTRATIVE TASKS	24-32

COPPOLA The next scheduled meeting is August 12, and you would have to notify the Zoning Office that you want to be on that by July 14. Is there anyone that would like to be scheduled? Anybody want to be rescheduled or do you want to take a run at it? The audience is allowed to speak. You have two minutes to say your piece, and we can ask you questions that happens during the process, but not during this introduction. So, everybody wants to proceed. Yes. All right, I'll ask the secretary to read the agenda for tonight's meeting. As you hear your name or case, please respond by saying here or present.

KLISZ Appeal Case Number 2025-03-06, Michael Guider

GUIDER Here. President, I think I'd like to reschedule.

COPPOLA Okay, so again, just call the office in the morning and get on the agenda as quick as you can. There's a second meeting in August on the 26th so the 12th is full. You know, I don't know if there's going to be a second meeting, so give them a call and double check otherwise, then we'll be meeting September 9. Okay, well call in the morning and see what you get on Thank you. Anyone else?

GUIDER Just one quick question. If I can add, how do add something to... one of my neighbors sent an email over?

COPPOLA Just submit it. Call the office and they'll give you an email you can submit it, or you can drop it off at the office. You can add to your file up to like the day before.

GUIDER Okay.

APPEAL CASE NO. 2025-06-16, 28984 Sunnydale: an appeal was made to the Zoning Board of Appeals by Billy Willis, seeking to erect a 200-square-foot accessory shed while maintaining an attached garage in excess of 720 square feet, resulting in an excessive number of accessory structures and total accessory area.

Number of Accessory Structures

Allowed: 1
Proposed: 2
Excess: 1

Total Accessory Area

Allowed: 920 square feet
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Excess: 64 square feet

This Low Density Residential property is located on the north side of Sunnydale (28984), between Middlebelt Road and Sunbury Avenue, Lot. No. 051-01-0222-000, R-U-F, Rural Urban Farm, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09 (1) A) Maximum Size.

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

HERSHEY Not at this time, Mr. Chairman.

COPPOLA I just I have a quick question. The reason that it's saying that there's two accessory buildings being proposed is because the current garage is larger than the max allowed? I mean, when I look at this, they're asking for an accessory building. The garage is attached. I know the rules. Sometimes what they consider to be an accessory building...

HERSHEY Well, the garage, yes, is the other accessory structure. The issue is the square footage though.

COPPOLA Because it's larger than that, then, yes, the excess footage is considered already your second, because you allow, basically, because it's larger than the....

HERSHEY The existing garage is too large. It's oversized to have a 200 square foot shed by 64 feet. If his garage was 720, he would be fine.

COPPOLA Okay. Any other questions? Mr. Hershey? If not, Mr. Willis, give us your name and address first, if you would.

WILLIS Billy Willis, 28984 Sunnydale Street Livonia, Michigan, 40154.

COPPOLA Thanks that's just for the record. And just kind of give us a little summary of your project and what you what you're trying to do, and why you need the extra 200 square feet?

WILLIS Well, the problem is, I'm .04 short of an acre. I'm at .96. Me and my wife, we work our property, and we have a lot of gardening. And when the power goes out, I have, I have to go out there, I had one hip replacement.

Now I'm about to get another one, along with other physical things going on with us. And after I go to the garage, haul the generator out to the backyard. So, you know, we can hook it up. I don't have, well, I basically have to take, jam, lawnmower, garden tools, everything in there. I'm getting up in age and it's difficult for me to get around the way I used to. Like I said, we're on .06 acre. And if we were at one acre, it probably it wouldn't be as, well, I could still get something. But at this point, it's keeping any storage in the backyard down to down to nothing for, you know, garden tools, anything, and to have to haul things out of the garage to get to do things is more than just the inconvenience.

COPPOLA Based on your survey you provided and you added the shed to be in the, pretty much the far back portion of your property.

WILLIS Far back corner, and I just pulled a permit and directed a privacy fence with my neighbor's permission, so it's not going to block anyone's sight lines.

COPPOLA But you had talked about the difficulty of having to pull things out, like, let's say, when you have a power outage, bringing your generator now, but now your generator is going to be, you know, you have 300 I mean, your property's 300 feet deep, and that's going to be toilet out. Going to be two, over 200 feet away from the house.

WILLIS I've got more extension cords than that.

COPPOLA It's pretty long. Okay. Questions for Petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yeah. Can you describe the appearance of the shed?

WILLIS The appearance of the shed is a metal shed, a typical metal shed about, well, it's 10x20 and approximately 6 ½ feet at its peak. So I have to duck to get in.

BARINGHAUS What color will the proposed structure be?

WILLIS I haven't decided on that. Tan is the color that comes in.

BARINGHAUS So you haven't physically made a decision on the shed.

WILLIS I have the shed. The shed is tan.

BARINGHAUS Who is installing it?

WILLIS Well at this point, I had friends coming over, and I was going to supervise them. I erected the privacy fence myself.

BARINGHAUS Okay? Thank you.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Question for Mr. Hershey. The Petitioner mentioned he was .04 off for being a full acre. Had this been a full acre would that changed the allowance on the area?

HERSHEY I was just double checking that. It may be faster to go to Mr. Goldstein, if you'd like to ask him.

GOLDSTEIN I haven't memorized these particulars.

WILLIS Excuse me, and that was changed approximately, think three years ago.

BOLOVEN Part of Vision 21. I might give you 1000 I thought, for some reason.

HERSHEY It says one acre or more, one detached residential accessory structure not to exceed a ground floor area of 600 square feet, and shall be allowed solely for the purpose of housing and keeping animals.

COPPOLA You're not taking any animals right.

BOLOVEN While he's looking that up, sir, you have no other shed out there, correct?

WILLIS No.

BOLOVEN The only storage you have is your current garage which is attached. Do you have a basement.

WILLIS No.

BOLOVEN Thank you, Mr. Chair.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS The structure itself. There's no proposed driveway to it from the front of the house, it'll just be in the back corner.

WILLIS It's in the back corner, and it's surrounded by trees, so I won't be able to drive a car.

BARINGHAUS Will it be set up for electricity?

WILLIS No, I use, I use solar a lot. So, any light I'll have solar.

BARINGHAUS Okay? Thank you.

HERSHEY I would say no. I believe when it changed, it was not based upon half acre, one acre. They just went to a maximum of 920 combined with a 720 square foot garage and a 200-foot accessory structure. If you are on scenarios which are larger, you could have up to 1000 square feet without any other accessory structures.

BOLOVEN And I always go back and forth on that. That's where that 1000 square foot comes in. Yeah, 1000 square foot garage.

HERSHEY There are no other accessory structures.

BOLOVEN But he's trying to go here for a total of...

HERSHEY 984.

BOLOVEN 200 square foot shed. Okay, sir, are you having a pad put underneath the shed? You know, concrete or anything along those lines?

WILLIS No, just, I was just gonna do a rat wall and gravel.

BOLOVEN Thank you, Mr. Chair.

COPPOLA Mr. Hershey, that's all this requires, a rat wall.

HERSHEY Yes, rat wall. You can either have a wood floor, gravel floor, some of them are the rubber floors, but has to have the rat wall, it is required. We do a rattle inspection, and then we go out for a final to make sure it's all installed and completed.

COPPOLA Any other questions for the Petitioner? I see none, you can have a seat for a moment. Mr. Willis, thank you. Is there anyone in the audience that

would like to speak for against this petition? Do we have any we do correspondence?

KLISZ We have one letter. It's a letter of approval from Michael Wiley. 28995 Sunnydale Street. Sounds great. Have fun. You do great work on your yard.

COPPOLA Adoring fans. This has been pretty quick. Is there anything you'd like to say in closing, you can step up to the podium.

WILLIS Thank you for listening to me.

COPPOLA I think I'm gonna close the public portion of the case and start the Board's comments. Secretary Klisz.

KLISZ Yeah, this one is pretty easy. This is just over the limit. And this is a really big property. He's not building a giant barn or anything like that. He's got an oversized garage, but this is right, right in range with what we've done. We've done bigger so this, this doesn't bother me at all. So, I'll be in support.

COPPOLA Thank you. Mr. Baringhaus.

BARINGHAUS Okay, thank you. Yeah, I agree. I would be in support of the variance as well. I think the size of the property can more than accommodate a 200 square foot shed, especially how you've made an effort to put it in the corner so it's kind of discreetly located on the property. Terms of the impact on the area, it's really common for your neighbors to have sheds of various sizes in your neighborhood. So, I'm fine with your plan, and again, I'll support those. Thank you.

COPPOLA Mr. Boloven.

BOLOVEN I agree with my colleagues. I would have liked to see the actual proposed shed, I think Vice Chair Baringhaus found that out sufficiently that you're going to do a metal, tan shed. It's not exorbitant. It's 200 square feet, like my colleagues said, it's just a little bit over what the allotment is, and you have a large property. So, I would be in support this evening.

COPPOLA I'll be in support, I think the overage is not excessive, specifically, compared to what we've seen, it's just 200 square foot sheds. I don't have any issues with that, so I'll go ahead and put the floor for a motion.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Okay, thank you. Resolved that the variance on Appeal Case Number 2025-06-16, filed by Billy Willis, be granted for the following reasons and finding and facts. The uniqueness requirement is met due to the physical requirements of the Petitioner and also the size of the property. Denial of various we have severe consequences for the Petitioner due to restricted storage capacity on its property itself. The variance is fair in light of its effects on neighboring properties and in the spirit of the zoning ordinance, due to neighbor support for the project. The property itself is classified as RUF, Rural Urban Farm, and the proposed variance is not inconsistent with that classification. Further that the variance be granted with the following conditions that the unit be placed on the property as presented as well, and that the unit be installed as described this evening as well.

BOLOVEN Support.

COPPOLA All right, I have a motion.

BOLOVEN Support.

COPPOLA Motion by Mr. Baringhaus, support by Mr. Boloven. Any discussion.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Would Vice Chair Baringhaus also consider also adding the same materials and color as presented this evening, or stated this evening?

BARINGHAUS Oh, that's fine. Thank you.

BOLOVEN Only one other suggestion, just put a six-month limit to pull the permit.

WILLIS I believe I can't pull a permit without the variance.

BARINGHAUS Gotcha, okay, six months to pull the permit.

BOLOVEN Have it within six months of the variance, it expires.

BARINGHAUS Okay, have the permit within six months or the variance will expire.

BOLOVEN Support.

COPPOLA Can you read those conditions back?

KLISZ Built as presented as the materials and color installed as described, and six months to pull the permit. I think his location was also included.

COPPOLA The location was also included. Okay, take the vote.

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

RESOLVED: APPEAL CASE NO. 2025-06-16, Billy Willis, 28984 Sunnydale: Seeking to erect a 200-square-foot accessory shed while maintaining an attached garage in excess of 720 square feet, resulting in an excessive number of accessory structures and total accessory area.

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This Low-Density Residential property is located on the north side of Sunnydale (28984), between Middlebelt Road and Sunbury Avenue, Lot. No. 051-01-0222-000, R-U-F, Rural Urban Farm, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09 (1) A) Maximum Size,

be granted for the following reasons and findings of fact:

1. The uniqueness requirement is met due to the physical requirements of the Petitioner and due to the size of the property,
2. Denial of the variance would have severe consequences for the Petitioner due to restricted storage capacity on the property itself,
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 of the project, and
4. This property is classified as Low Density Residential under the Master Plan and the proposed variance is not inconsistent with that classification.

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

1. The shed will be built as presented at the meeting of July 8, 2025 as to location, materials, and color, and
2. The Petitioner must obtain the permit within six (6) months or the variance will expire.

ROLL CALL VOTE

AYES: Baringhaus, Boloven, Klisz, Coppola

NAYS: None

ABSENT: Meagher, Rotondo, Testa

PASS/FAIL/TABLED: PASS:

KLISZ Passes is 4-0.

COPPOLA Mr. Willis, you've got your variance. Appreciate you coming in tonight. The conditions are that you just need to build that as you propose it basically, location, materials, color, and then you've got six months to pull the permit.

WILLIS Yes, sir. Okay

COPPOLA All right. Good luck. Thank you.

APPEAL CASE NO. 2025-06-18, 14428 Yale: an appeal was made to the Zoning Board of Appeals by Maria and Antonio Diaz, seeking to erect a privacy fence to enclose the rear yard resulting in a fence in the corner side yard that does not align with any corresponding fence on an adjacent property, which is prohibited.

This Low Density Residential property is located on the east side of Yale (14428), between Perth Avenue and Barbara Avenue, Lot. No. 080-04-0043-000, N-2, Neighborhood, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 15.44.090 a4b1.

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

HERSHEY Not at this time, Mr. Chair.

COPPOLA Question for you. I noticed that there's an enforcement action currently outstanding. If you can give us a brief understanding of what that is and status.

HERSHEY The privacy, the chain-link fence that's there. The front is missing. The side is damaged, probably from trees or something. There was an enforcement put in March to repair the fencing. It is on hold right now, pending this case, the next step will be filing a court complaint for the lack of repairs.

COPPOLA So when you say the front is missing, you are talking about the section that's on the Yale side, on the side of the house? Are you required to have a front on there?

HERSHEY No, but the posts are sitting there...

COPPOLA Oh, I see.

HERSHEY So the posts are still in place. The top rail is gone, the chain link is gone. Then the side fence is damaged.

COPPOLA Gotcha.

HERSHEY So they would either need to put it back or remove the posts.

COPPOLA Okay. I understand. Any other questions for Mr. Hershey?

BARINGHAUS Yeah. just a question I want to ask Mr. Hershey. Is that this side of the fence that's along the curb, sidewalk?

HERSHEY The curbside, when I went by, was damaged, and on the front that would be attached at a 90, that's where it's missing. The posts are still in the ground.

BARINGHAUS Okay, got it. Thank you.

HERSHEY You're welcome.

COPPOLA Okay, anything else? Okay, Mr. and Mrs. Diaz, if I can just for the record, get the name and address, please.

DIAZ Good evening. My name is Maria Diaz, and this is my husband, Antonio. 14428 Yale Street, Livonia, Michigan 48154.

COPPOLA Okay, all right. Thank you. Why don't you just give me, if you can give the Board just a real quick summary of what you're proposing. And I'd like to understand what happened to the fence and why it's been in disrepair for so long. And then talk about your privacy fence.

DIAZ We have a chain link fence, and it was damaged due to the thunderstorm. And we were really thinking of replacing it with a nice full privacy six-foot around the perimeter of the back of the rear yard and then I was not familiar with the rules of the City. We just went to the fence company, and then that's when we find out that it's not permitted. So we have to go through back and forth with the City Inspectors and the Inspector explained to us that our fence has to be aligned to the corresponding fence of the adjacent property, which is the neighbor's fence, and that would cut our yard in half and we sought this request of variance that if we could erect a fence that would fully enclose our rear yard, because we entertain a lot, and it would be nice. There's so many trespassers along Barbara, and they're very inconsiderate. They would just throw stuff in our backyard. And those are one of the many challenges we have been having, not put up the privacy fence.

COPPOLA Okay. Tell me about the privacy fence. The design, color, I'd like to know who's going to be installing it.

DIAZ We already contracted Upright Fence in Canton to do the...in fact, we already made the deposit, and it's a vinyl, modern, horizontal, six-foot fence.

COPPOLA You don't happen to have a visual of the fence that the Board can see? Kind of a picture, or a brochure or something like that, that you can share?

DIAZ I don't have it with me right now, but it's just, instead of vertical vinyl fence, we opted for the modern horizontal fence.

COPPOLA And what color?

DIAZ White.

COPPOLA Questions for the Petitioner?

BARINGHAUS Mr. Chairman?

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Can you explain the circumstances as to why you didn't repair your fence when you requested a repair by the City?

DIAZ Oh, because I was already thinking of replacing it with nice vinyl fence, instead of replacing just the chain link. We already have the plans, and I cannot figure out. I have so many contractors coming and offering us different sorts of materials, and I cannot figure out, and I don't want the chain link. I just want the nice, vinyl horizontal fence. And it took me forever to decide, because the materials out there in the market are so overwhelming, I have to go everywhere. And it just... yes, it's just took me forever to decide for that.

BARINGHAUS Okay, great. Thank you.

BOLOVEN Mr. Chair?

COPPOLA Mr. Boloven.

BOLOVEN Question for the Petitioner. I see in your application, you have an authorization from a Wendy-Joyce Wimberly?

DIAZ Yes.

BOLOVEN What's her address?

DIAZ She works at the City, and in fact, she called the City that she's very supportive of our plan. She didn't put her address?

COPPOLA Is she a neighbor?

DIAZ Yeah.

COPPOLA So is she the neighbor that's on Barbara?

BOLOVEN Yeah, she's the one right next to you.

DIAZ Yes, right, next to us.

BOLOVEN Thank you.

BARINGHAUS Is that 14415?

DIAZ Yes. She gave us that paper and she approved of the plan.

COPPOLA You'll probably need to get that one and put an address on it. Right now, there's not an address on it.

BARINGHAUS Question for the Inspection Department.

HERSHEY Yes.

BARINGHAUS Does she have the proper authorizations for the fence?

HERSHEY She applied for the permit.... Okay, hold on second. Let me bring that back. They applied for it on May 5th. Let's see. A fence authorization, which was input on June 2nd. Of course, it's upside down. I don't see any authorizations. Oh, wait, I'm sorry. Yes, there's one here for 14415 Barbara, Wendy-Joyce Wimberly?

DIAZ Yes, that's...

HERSHEY Privacy fence, right? Yeah, it appears she approved. That says six-foot white vinyl, full privacy.

BARINGHAUS Are there any other neighbor authorizations required, or...?

HERSHEY Were they only doing...

BARINGHAUS Mr. Boloven mentioned...I can't remember her name, Wimberly, or...

BOLOVEN Wendy-Joyce Wimberly?

HERSHEY That one. Yes, it appears they are doing the entire property according to the site plan that they submitted. So, they would need the authorization for the other neighbor.

DIAZ We asked to meet with the other neighbor several times.

BARINGHAUS That would be for 14416?

DIAZ Yes.

HERSHEY Yes.

BARINGHAUS Okay, gotcha.

HERSHEY So the one that was submitted that I have is 14415 Barbara.

BARINGHAUS Barbara. Okay, and then you just need to see 14416.

HERSHEY Yes, sir.

BARINGHAUS Which you said is... okay.

KLISZ We have it.

COPPOLA So we have one six?

BARINGHAUS Oh, there it is.

COPPOLA Okay, that's in the package.

BARINGHAUS Okay, it's in the package. Okay, very good. Okay. Thank you.

BOLOVEN So, Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Question for Mr. Hershey, taking aside the... replacing the current chain link that's there with this vinyl, one of the issues was it doesn't align with any corresponding fence in the case of the property.

HERSHEY Right.

BOLOVEN Can you give us an explanation on what that means?

HERSHEY The fences should be in line with each other, with the property behind it, and the way the street is curved, that's not even possible because of the way the other house is set up.

BOLOVEN So would it be....

HERSHEY It would never align with it.

BOLOVEN So with using current chain-link there, that requirement is not met.

HERSHEY Well, the chain link is not sight-obscuring. So that doesn't count on the privacy fence, it would.

BOLOVEN I guess I want to get to my question, there's no possible way for them to ever meet that with doing a privacy fence, that requirement.

HERSHEY No, exactly.

BOLOVEN The chain link fence that's on the neighbor's property. So this would be the one to the south. How is that tying into anything with the requirement of the continuity of the fence, that chain link fence there that's coming in perpendicular?

HERSHEY I guess I don't understand you.

BOLOVEN So is that affecting any....

HERSHEY Oh, no.

BOLOVEN Does that have any effect on this fence?

HERSHEY No, as long as the neighbor to the south one approves of the privacy fence, that would be granted.

BOLOVEN It's okay that it's going to go be chain-link into the privacy at that...

HERSHEY Yes.

BOLOVEN ...junction. Thank you, Mr. Chair.

HERSHEY You're welcome.

COPPOLA Any questions? A couple for Mr. Hershey. We didn't get any... we didn't have the Police Department review for sight obstruction?

HERSHEY No, there is not.

COPPOLA Okay. And then on the fences along the sidewalk, what's generally the requirement for distance from the sidewalk?

HERSHEY Typically, the property line is about one foot. I'm sorry, this side of the sidewalk, I know you have granted and made it two feet to allow more space. But typically, it's one foot as a property line.

COPPOLA One foot doesn't get maintained.

HERSHEY No, right. So that's why the last meeting I was at that you did, you made two foot so they could plantings or keep it neat and clean.

COPPOLA Yes. All right. Okay.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Question for the Petitioner. Your diagram, you have where the fence is going. Looks like it's going through some of the trees that you have there off of Barbara. What's your plans for those trees?

COPPOLA Those are the trees that fell?

DIAZ There are no more trees there, because everything fell.

BOLOVEN This is their site plan. They still got the trees on their map.

DIAZ We just ordered a site plan recommended by Matt from the office to be able to submit the site plan to say, just go through siteplan.com and enter your address.

BOLOVEN So this hasn't....

DIAZ There are no more trees.

BOLOVEN that fell on your site plan. I thought they were still existing.

DIAZ There are no more trees. Everything fell.

BOLOVEN Okay. Thank you. Mr. Chair, I drove by this afternoon, there is nothing there.

COPPOLA So the pictures I'm seeing on the websites for maps show the trees still but I drove by this afternoon. There's nothing there. That must have been quite the storm.

DIAZ Yes.

COPPOLA Okay, any other questions for the Petitioner? All right, seeing none. Is there anyone in the audience who would like to speak for or against this petition? Anybody in the audience to speak for or against? No? Do we have correspondence?

KLISZ We have three letters.

COPPOLA If you want to take a seat for a minute, you can. It's gonna take a couple minutes.

KLISZ First letter is from Joseph Kujat, 14417 Ramblewood, (letter of objection was read). Next one is Stephen Theisen, 14446 Yale, (letter of approval was read). And a letter of approval. Mary Ann Jordan, 14452 Yale, (letter of approval was read). Those are the letters.

COPPOLA All right, thank you, Mr. and Mrs. Diaz, anything you'd like to say in closing? If you do, you'll need to step back up.

DIAZ It's just that it's very important for us to have this fence, because we entertain a lot, and it's our dream to have a property with enclosed fence in the rear yard. So, we're back in the rear yard, so....

COPPOLA All right. Thank you very much. I'm going to close the public portion of the case and start the Board's comments with Mr. Boloven.

BOLOVEN Thank you, Mr. Chair. I'm in support of the fence. The issue I have is, what fence? I know this is not as easy as the prior case with the shed that's going in as a standard shed. There's so many different types of privacy fences that can be put in here. And this is a corner lot, and as one of my colleagues mentioned, the one missing part would have to do an inspection for a corner coming out that far with that sight-obscuring fence. As much as I hate to do it, I think a tabling is in order on this one. Or I'd be in support of a tabling, but in the long run, I would be in support of a privacy fence.

COPPOLA Thank you. Secretary Klisz.

KLISZ Oh, I think I agree. We usually like to see what's going in. So this one's going to be public-facing. We have the one resident who has some concerns, but I think we can fix that. And again, the rest of it is in support. But if we think that the Police, as we just realized on one of them that we just granted recently, with the exception of the Police looking at it, and, in turn, found it was a problem for traffic. So, I think tabling to have the Petitioners come back to show us the exact fence that they're going to be putting up and to send it over to Traffic for their report will be in order.

COPPOLA Great. Thank you. Vice Chair Baringhaus.

BARINGHAUS I agree with my colleagues' comments. I think it'd be appropriate to have a photograph to see what the actual fence looks like, due to the large footage of the fence that's going to be enclosing the property. In terms of the police review, I agree with that also. It's not just good business to have a look at that, considering it is on a pretty prominent corner within the subdivision. So based on that, I would support the tabling of this variance request.

COPPOLA I, too, support a tabling, and I think in general, with the review of the vinyl fence, what it will look like, just to make sure that we're all aligned on what that would look like, just to make sure it's okay, and then to make sure that we have a sign-off from the Police Department, that the fence won't be sight-obstructing for traffic, is important that that get done. So beyond that, I think if you cleared those two hurdles, from my perspective, I think you've probably got a pretty clear path to getting your fence. So, I'm going to support the tabling, and what I'll do is open it up for a motion.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Move in Appeal Case No. 2025-06-18, filed by Maria and Antonio Diaz that it be tabled for the reasons that the Board stated, to give the Petitioner time to come back with actual plans for the fence.

BARINGHAUS Support.

COPPOLA I have a motion by Mr. Boloven, supported by Mr. Baringhaus. We usually don't have discussion on this, but I think we also are requiring the police review too, right?

BOLOVEN Yes. Add that condition as well to give the Petitioner time to have the Police review that site plan before coming back to the Board.

COPPOLA Okay, All right, thank you. Then take roll.

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

RESOLVED: APPEAL CASE NO. 2025-06-18, Maria and Antonio Diaz, 14428 Yale: Seeking to erect a privacy fence to enclose the rear yard resulting in a fence in the corner side yard that does not align with any corresponding fence on an adjacent property, which is prohibited.

This Low Density Residential property is located on the east side of Yale (14428), between Perth Avenue and Barbara Avenue, Lot. No. 080-04-0043-000, N-2, Neighborhood, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 15.44.090 A. 4. b. i,

be tabled to allow the Petitioner to provide plans of the fence color and style, and to allow a Police review (traffic study) to be conducted.

ROLL CALL VOTE

AYES: Boloven, Baringhaus, Klisz, Coppola

NAYS: None

ABSENT: Meagher, Rotondo, Testa

PASS/FAIL/TABLED: PASS: TABLED

KLISZ Mr. Boloven.

BOLOVEN Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Aye.

KLISZ Passes four to zero.

COPPOLA Mr. and Mrs. Diaz, your petition's been... step forward for a minute, if you would. Just want to make sure that you understand and tell you kind of what probably what you need to do the next steps. So what we've done is we've tabled the petition, so we've set it aside for you to provide. Well, two things need to be provided, one that you will provide, which is, we need to see what the vinyl fence looks like. So if we approve something that has so much public view, we want to make sure we know what we're approving. So you need to submit to the office, the Zoning Board Office, where you put your other paperwork in, a copy of what that vinyl fence is going to look like, color and style and design. So we'll need that number one. Number two, the Zoning Board Office is going to reach out to the Police Department, have them do a traffic study, quick, you know, to drive by. Basically, they come by just to make sure that there's no issues with the fence. And if there's issues then we will address that. I think it can be

addressed. Sometimes you have to cut the corner a little bit. There's things you need to do. We just want to make sure, I don't think there is, but I want to make sure that we're not approving a fence that becomes a safety issue. So those are the two steps. So what I would recommend that you do is, if you already have your fence selected, you know what it is, you should have some pictures of it, whether it's a brochure or whatever, or get it from your fence company, bring that to the office, and then just make sure that they've asked for the Police study and try to get you on the next available meeting. Which will either be, I know you want to get this fence up as quick as possible, which would be, I think it said, let's say the 12th and that one's filling up quick, but I'm guessing we're going to have one on the 26th also. So you might be able to still get this done in August, but you'll have to move quickly. Did you understand what I...?

DIAZ Yes, we were hoping that we would have the fence before July 19th, because we have a grad party. But forget about that.

COPPOLA Sorry about that. It's unfortunate.

DIAZ Okay.

COPPOLA All right.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Mr. Hershey, you had mentioned the next step during the process is a court summons. It's not going to get that far before they're done here, are they?

HERSHEY No, they're not done. It was tabled. So, it'll just sit.

BOLOVEN So those just want to make sure that all of a sudden they're not....

COPPOLA Everything is staying during the appeal process. Any enforcement acts are staying.

GOLDSTEIN Well, we can make sure of that.

COPPOLA Thank you.

DIAZ We'll be back.

COPPOLA Okay? I'll look forward to seeing you again.

DIAZ Thank you very much, everybody.

COPPOLA Goodbye.

ADMINISTRATIVE TASKS

COPPOLA I forgot about you. We have minutes to approve. I need a motion for that.

KLISZ Motion to approve the minutes of April 8.

COPPOLA So I've got a motion by Secretary Klisz.

BOLOVEN Support.

COPPOLA Support by Vice Chair Baringhaus.

NEMER Can we object to the approval of the minutes?

COPPOLA You cannot.

NEMER We cannot?

COPPOLA Is that what your question is about?

NEMER The minutes yes.

COPPOLA From the from April 25th? I'm sorry April 8th?

NEMER The May meeting.

COPPOLA The May meeting? This is April meeting we are approving. We haven't got, unfortunately, we're a little behind right now, then I'll take your question and I'll hear what you have to say and repeat your name. All right, so I get the motion by Secretary Klisz, support by I'm going to say Mr. Mr. Boloven, all in favor, say aye.

BOARD Aye.

COPPOLA So that passes. Okay, now I'm ready, you can step up, name an address first

NEMER Faye Nemer, I live in the Burton Hollow subdivision, but I had a concern regarding the decision by the ZBA regarding a request by Sheetz to put a gas station at Eight Mile and Newburgh. They were requesting a variance request to put a gas station in a C1 district, which is typically a very restrictive district. Gas stations are prohibited, as well as drive-thru are also prohibited. My concern revolves around the fact that the public notice that was sent out to individuals that are within a 300 foot vicinity of the parcel. It only stated and mentioned that there would be a fuel station. It didn't mention anything about a drive through. However, the subsequent

approval included a drive through and carry out, in addition to the gas station, all of which are prohibited in C1 district. I mean, today we talked about fences and a shed, and I feel like there was more scrutiny around those two items than scrutinizing Sheetz in a C1 district. There is an ordinance in place that a gas station cannot be within 100 feet of a recreational park or public space that is a Livonia city ordinance. It is within 100 feet of Greenmead, which is across the street. It is adjacent to the golf course, which is adjacent to the parcel on both sides. There is a creek immediately behind the parcel, and that creek also is in my backyard. It's a tributary to the Rouge River, and I don't know if this Body considered the runoff and emissions of four to 5000 vehicles refilling fuel in that gas station. Also, there's a Michigan Statute that states there's no sale of alcohol within 500 feet of a gas station. They are within 500 feet of a church or a school/childcare center. A childcare center is not within the Michigan Statute, but that is, you know, based on municipalities ordinance, where they can add, you know, childcare centers. There are two churches, one to the north of this parcel and one to the west side of this parcel. There will be sale of alcohol at that gas station 24/7 and there's a childcare center immediately across the street. So, all of those are concerns that I don't know if this body took into consideration. The only consideration that you were deliberating upon that evening was the hardship on the part of the owner/developer, but that is a self-created hardship, you know. And in retrospect, I feel like you could have pushed back on the petitioner by encouraging them to identify a different parcel, and potentially in the C2 district that is more conducive to the gas station rather than embedding it in that area. And I love your introduction today to the meeting where you talked about, you know, Chairman Coppola, you said, if the variance request that you're making today is not in the spirit of the Master Plan, then we are not able to grant that variance request. The variance request by Sheetz is not in the spirit of the Master Plan, is actually contrary to the Master Plan. So, I asked this body to revisit that. And I know the only recourse now is the Circuit Court of Appeals. So, you know, unfortunately, you know, be as it may, that may be the option moving forward, but there were residents that opposed it, more than 400 residents that are part of the three HOAs that are in the vicinity. There were other residents that are outside of that district that are also impacted, that are small businesses that will be impacted, and that are not given the same discretion that Sheetz was given, you know, if they were requesting the same variances, they would have been immediately turned down and told to go find a parcel elsewhere for their gas station, or potentially just denied altogether. So that's also a constitutional consideration that this body needs to evaluate. What I feel happened was a political ploy. Unfortunately, Council, you know, is coming up on election. They didn't want to be in the hot seat. They didn't want to seem like the ones that are, you know, putting this through and granting the

request. So, they kind of dumped it in your lap, because you're appointed, you're not elected. So that, as unfortunate as it is, it's just that this Body did make the wrong decision, unfortunately, with regard to this parcel. I did want to thank Vice Chair Baringhaus, for making the right decision that evening. You know, I feel like he did consider the right factors that I just stated, but I thank you for your time. So, that was my non-agenda item, but that's why I was interested in the meeting minutes, and why, if they were going to be approved this evening or not.

COPPOLA So just let me address two things. Number one, you talked about improper notice. So if you believe that there's an improper notice, Mr. Goldstein, I think there's a process that you can follow. You know, it's filing a notice or complaint or something, but I'm sure there's something that you can file if you believe that was improper notice, as to, kind of all the other things you brought up. Our approval of the variance, use variance is just the beginning. This has to go back though Planning Commission, this is going to go back to Council...

NEMER This is the biggest hurdle for them, this is the biggest hurdle.

COPPOLA They have a lot of hurdles. There were a lot of issues brought up.

NEMER I understand. That should, that should have come to the ZBA. So the Planning Director, you know, the methodology in which he's using to measure from parcel to parcel, whether it's Greenmead Park or the golf course or if the churches or the child care center.

COPPOLA The ZBA doesn't approve any of that. So that's all things that you can bring forth to Planning Commission, you can bring forth to Council.

NEMER No, those would have prompted a variance request. So...

COPPOLA No, we didn't the selling of alcohol. We didn't approve any of those things. All we did was we gave a use variance. Everything that goes along with, everything you're talking about has to be approved by Planning, has to be recommended by Planning Commission and approved by Council.

NEMER But that's my point. So, the Planning Director, using his methodology of measuring he doesn't deem Greenmead is within 100 feet, but there are engineering standards through the State of Michigan that need to be applied here. So, he's using his own discretion and erroneous measuring methodology in order to prevent Sheetz from having a variance requested. So I'm asking this Body to reevaluate the method in which he is measuring from parcel to the public space. So, just something for you

to consider, because they would have had to come before the ZBA for those variance requests as well.

COPPOLA Well, and they did, and we didn't approve any variances at this point. So, in regards to that, it's just, it was just a use variance.

NEMER I appreciate it. And will you be approving the minutes in next month's meeting?

COPPOLA I would hope so, that's the intent.

NEMER Okay. And Mr. Goldstein, is it alright if I contact you to file the grievance with regard to the improper public notice?

GOLDSTEIN I think it is perfectly fine for you to contact me to explore how you would appeal or challenge the notice issue.

NEMER Okay, and is that through Circuit Court?

GOLDSTEIN I do not know. That's why I think it's appropriate for you to reach out to me and we could try to figure that out together.

NEMER I appreciate it. Will you have contact information?

GOLDSTEIN I will talk to you when we're done with the meeting minutes.

NEMER Okay, perfect. Thank you.

COPPOLA All right, name and address first please.

RALKO Greg Ralko, 36116 Fairway Drive. I kind of led the effort, and you may remember me from the May 6 meeting. I led the effort against these this development at Eight and Newburgh. And I showed up at the City Council meeting last evening, and I gave them a letter, open letter with attachments. And two of the attachments are, all the attachments are really geared toward this group. The first one is your your public notice that just said gasoline station. Your agenda did say gasoline station only, and then in it jumped from when you approved, you went beyond, on what the notice and the in the agenda said. You said a drive thru, which is a separate item that's prohibited in C1 zone. So, at that point, the problem is, I listened to this that evening, but we don't have a chance to rebut. They call this an appellate, equivalent of appellate court. The defense in our case would have been the defense we would have had an opportunity to rebut for the record, to make everybody in that meeting, including the attorney that sat here, that wait a minute here, what you're prepared to do

is give them a variance for something beyond what you put public notice on and even what's on your agenda. And it was funny, because I have this also the letter from the attorney. The attorney wrote this committee a letter the day before and emailed it in, okay.

COPPOLA I'm sorry. Which attorney?

RALKO Robert Kirk.

COPPOLA So, the attorney for Sheetz?

RALKO For their plaintiff, who happens to also be the attorney for Sheetz.

COPPOLA I just want to clarify that.

RALKO He's the attorney for both, okay, he in his letter on behalf of Petitioner, the landowner. He wrote a letter, okay? And in his letter, he was very, very, very, very confident or very sure that he included drive thru, limited carry out and all those things and your attorney sat there and missed what he was trying to do, set the record because she noticed that the agenda and the note and the and the notice, the public notice, had included everything that Sheetz wanted, and so he slid it in the back door the day before, and everybody took the bait and bit on it. But you don't give us a chance to rebut after all that testimony, because you had Sheetz and you had this attorney talking for 15-20 minutes, not being challenged, and beyond that too, he at the end of his letter, he has an exhibit that says this, this poor owner has this financial hardship. Okay? He has this financial hardship, and he has this letter from this commercial real estate company that describes the hardship and the inability that he's going to be able to find a C1 tenant. But this, this commercial real estate developer, happens to be employed by Sheetz. They were hired to a year ago by Sheetz to find Michigan locations. I could have set the record straight and given you an opportunity to question the Petitioner, but, but I wasn't given that opportunity. Okay? No, to speak before they spoke, before all these things became very apparent, okay? And so, that was the issue that I'm raising. And the other thing, if you had read the minutes from the City Council and the Planning Commission. If you had read their minutes, it was very clear that Sheetz was prepared and included in their \$12 or \$10 to \$12 million range to develop that site that they were going to undertake the cost of knocking down the building, taking out the soil, putting an engineered fill for their tanks and building a retaining wall just they were going to do that.

COPPOLA For the record, I did read that, I did see that, but it's irrelevant.

RALKO It is relevant because in their presentation that night, they made it out to you guys that this was the financial hardship that the petitioner was facing in order to find his to find a tenant, which is hogwash, he wasn't going to face that. All he needed to do was put a new coat of paint and lower for rent, and he can find a C1 tenant. And he never demonstrated that. He exhausted all that, and everybody takes the bait, saying, Yeah, geez, the only solution here is the Sheetz. The only solution for finding a site that you know right, it's been closed for less than three years. Why are we not concerned about the Rite-Aid closed at Six and Newburgh, or the Walgreens that are closed up and down Eight Mile? But we give this preferential treatment to Sheetz, and they come in through the back door, and you guys are caught with your pants around your ankles, and you're not even paying attention to what was displayed in front of you.

COPPOLA I think we're done.

RALKO Okay, that's fine. Here's the letter to this point.

COPPOLA We're done.

RALKO I want this entered in the record here for you guys. This is a letter that they went to the City Council. I gave them all a copy last night. I want you to have a copy too, because it has all of what I just talked about.

COPPOLA The petitions closed. There's no more recommendations.

MYERS Can I approach?

COPPOLA I'm going to give you five minutes.

MYERS That's all I need. I'm a new resident, I live in Livonia.

COPPOLA I need a name and address if you would please.

MYERS Tony Myers, 13940 Richfield Street. It's right on the corner of Richfield and Schoolcraft. So, we just filed for a variance, which I'm hoping to get in for August. But I got a couple of questions you mentioned earlier, for variance for a privacy offense, that a police review might be needed.

COPPOLA That's on a corner lot.

MYERS I'm on a corner lot. I'm right on Schoolcraft, right by the expressway. So, is there a way that I can get that police review before I go in front of the board?

COPPOLA Call the Zoning Office and ask them to make sure that review occurs prior to.

MYERS Okay, and then you mentioned that you wanted pictures of the privacy fence. So, I have a picture of the fence that me and my neighbor...

COPPOLA Normally, you get a brochure...

MYERS It shows a picture of the fence, just one section of the fence. Do you need, like, a whole picture of the fence, or, just like...

COPPOLA I need a picture that is good enough for us to understand what you are proposing.

MYERS Just one panel with the with the railing on it and stuff like that. So that'd be enough?

COPPOLA That should be enough.

MYERS Is there anything that you could think of that I could bring up in the next meeting that I have that would help me? I don't know where you got the...

COPPOLA Do you have a drawing of, a survey, or a drawing of the property so we can see exactly where you want it?

MYERS I got the plot map, but I can take pictures. We're right on the corner of Schoolcraft, so it's crazy traffic and everything over there. It's very dangerous, noisy and whatnot. But would behoove me to take pictures, actual pictures?

COPPOLA Yes, visuals are always helpful. So, I mean, don't overdo it, but some appropriate visuals are always helpful. We generally drive by the properties anyway, but visuals are always helpful.

MYERS And then how did you get the neighbor's reactions or comments?

COPPOLA They put out a notice of the meeting to everybody within 300 feet in a circular and then they have an opportunity to respond. Most usually don't. Since you're on Schoolcraft, it kind of limits...

MYERS Yeah, there's only a couple names. I got one neighbor.

COPPOLA A statement is not going to get a notice and they're not going to respond.

MYERS I'm just wondering, if I get statements from my other neighbors that are around the neighborhood and bring them in, or do they mail them in?

COPPOLA I would suggest that you let them know they're going to be receiving a letter from the city that's going to be asking for their comments on your proposed fence. The ideal thing would be for them to submit those through the official chain, because otherwise, I don't know who really wrote them.

MYERS Okay. Thank you very much.

BOLOVEN Mr. Chair?

COPPOLA Mr. Boloven.

BOLOVEN If I may have a brief moment and on top of the cap that's happened here this evening, as you all are aware, this is my last meeting tonight, and I do feel it's appropriate that you three are the ones that are here, because you three are the ones that were on the Board when I first joined, and the only three that were on the Board here still to this date when I first joined. I got to say, walking into this room today feels the same that it did six years ago. You have a sense of pride, a little bit of queasiness coming here. It's a big responsibility. You three were awesome mentors. I got to tell you that, and there's a reason you guys are chairman, most, Chairman and Secretary, but truly, you know, it's been an honor to serve on the board with you guys. The support this board has given you know, over the last couple months has been incredible. I will miss it, but I know Miss Hakala is in the audience today. I know you will welcome her and give her that same support you gave me six years ago, and I know she'll be phenomenal on this Board. And with that, I move to adjourn.

COPPOLA Not yet. Just for the record, I just want to thank Mr. Boloven for his service over the last six years, really enjoyed working with you and enjoyed and really enjoyed the comments and and your intensity and hard work that you put into this. I always look forward to hearing your comments when, when the Board had this opportunity, and I always listened very carefully what you have to say. You will be missed and looking forward to hopefully working with you and other shapes you manage in the future. But thank you for your service, over six years, you've been great to work with, and you've been very dedicated this Thank you.

BARINGHAUS Mr. Chair.

COPPOLA Mr. Baringhaus.

BARINGHAUS Yes, I'd just like to say also that it's been a real pleasure and an honor to work with you on the Zoning Board, Chris. I share Chairman Coppola's observations, pleasant, very enthusiastic. I appreciated the points of view that you brought to the meeting. You say I was one of your mentors, well, you mentored us as well. You showed us how to take different approaches to problems and how to see both sides of a question that comes before us. Even though you're leaving the Board, which I do take, I guess I say it's not goodbye forever, we'll be seeing one another, you know, frequently, and I know that the Chris Boloven story is yet unfinished. So good luck to you.

BOLOVEN Thank you, Vice Chairman, Baringhaus.

KLISZ Chris, yep. Very nice working with you. As you know, sometimes there's a lot of turnover on the Board, so we have one member running for City Council. If he wins, maybe we'll see you back. You were the tough guy sometimes, which we need. You know you need someone to ask the tough questions. But no, it's been a pleasure working with you, and we'll definitely see you around.

BOLOVEN Thank you. Secretary, Klisz. With that, Mr. Chair, I move to adjourn.

COPPOLA Mr. Boloven. Do I have support?

BARINGHAUS Support. Motion by Mr. Boloven, support by Mr. Baringhaus to adjourn. All in favor.

BOARD Aye.

COPPOLA We are adjourned at 8:05.

There being no further business to come before the Board, the meeting was adjourned at 8:05 p.m.

Gregory G. Coppola, Chairman

Timothy Klisz, Secretary