

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, AUGUST 12, 2025

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, August 12, 2025.

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

MEMBERS ABSENT: None

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

The meeting was called to order at seven p.m. Chairman Coppola explained the Rules of Procedure to those interested parties. Each petitioner must give their name and address and declare hardship for appeal. Appeals of the Zoning Board's decisions are made to the Wayne County Circuit Court. The Chairman advised the audience that appeals can be filed within 21 days of the date tonight's minutes are approved. The decision of the Zoning Board shall become final within five (5) calendar days following the hearing and the applicant shall be mailed a copy of the decision. There are four decisions the Board can make: To deny, to grant, to grant as modified by the Board, or to table for further information. Each Petitioner may ask to be heard by a full seven (7) member Board. Seven (7) members were present. Secretary, Timothy Klisz, then read the Agenda and Legal Notice to each appeal, and four (4) of the five (5) Petitioners indicated their presence. The Chairman decided to check again later to see if the missing Petitioner arrived. 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. 2025-03-05 Karen Amick on behalf of Lessee Justin Baker 9629 Cranston	3-19
APPEAL CASE NO. 2025-03-06 Michael Guider 14001 Newburgh	20-36
APPEAL CASE NO. 2025-04-10 Paige and Joshua Retting 36589 Six Mile	37-49
APPEAL CASE NO. 2025-06-17 Kordoba, LLC, on behalf of Masri Orthodontics 15230 Levan	50-56
APPEAL CASE NO. 2025-06-19 Ryan and Joanna Wood 17390 Myron	57-74
ADMINISTRATIVE TASKS	75-76

APPEAL CASE NO. 2025-03-05, 9629 Cranston (tabled on May 6, 2025): an appeal was made to the Zoning Board of Appeals by Karen Amick on behalf of Lessee Justin Baker, seeking to maintain an illegally erected privacy fence resulting in a privacy fence being erected in the side and front yards, which is prohibited.

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

COPPOLA All right. Thank you.

ROTONDO Mr. Chair

COPPOLA Yes, sir.

ROTONDO I had previously recused myself in this case when you saw it earlier, given a conflict of interest, but that has been resolved, so I will be participating in the case.

COPPOLA All right. Thank you very much.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yes, motion to remove Case No. 2025-03-05 from the table.

TESTA Support.

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

The Board voted unanimously to remove the variance from the table.

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

STIERNA Inspection? Excuse me. Mr. Chair, the Inspection Department has nothing to add on this case at this time.

COPPOLA [Inaudible] Inspection Department?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yes. Question for the Inspection Department, I noticed some past violations on the property. Can you maybe describe the current status of those, have they been resolved? Is there anything outstanding?

STIERNA If you would give me a moment to look that up, I will---

BARINGHAUS That's fine.

COPPOLA It's okay if we proceed in the interim with the witness's information. You go ahead and let Mr. Stierna chime in.

BARINGHAUS Sure.

COPPOLA Okay. Petitioner, you can step forward, please.

BAKER Justin Baker, sir.

COPPOLA Thank you. I noticed that you did submit a revised plan, I believe. You want to talk about what changes you've made?

BAKER The revision that was asked was a panel and a half, which would be nine feet to put it behind the front of all the houses on the street.

COPPOLA Okay, any other, anything else, any other changes, or anything else you like to add to the record?

BAKER Just the revision, sir.

COPPOLA Okay. Mr. Stierna?

STIERNA Having some technology issues.

BARINGHAUS Okay, no problem.

COPPOLA Anybody have some questions for the Petitioner?

BARINGHAUS Mr. Chairman?

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yeah, what made you come to the decision that nine feet was appropriate?

BAKER I think the Board stated a panel and a half, and they're six-foot panels, sir. In the last meeting.

BARINGHAUS Don't particularly recall that. I think we were looking for an alternative plan to bring the fence more into compliance.

BAKER Yes, sir, bring it behind the line of sight from the former [inaudible].

BARINGHAUS Yeah. At one point we were talking about moving the fence back as far as the wrought-iron fence on the other side of that fence.

BAKER Okay.

BARINGHAUS So based on that conversation, what made you decide nine and a half feet would be sufficient?

BAKER Can we read the minutes from the last hearing?

BARINGHAUS We don't have those.

BAKER Okay, because the Board stated, if I removed a panel and a half and would put it behind out of the line of sight, that was the only objection to the fence by the neighbors.

BARINGHAUS So based on that, how far would the fence be from the front, from the front of your house, to the sidewalk? How many feet?

BAKER I have it on the revision plan, I don't know off the top of my head.

BARINGHAUS Is that on the hand drawn one?

BAKER There was several in there, I'm not sure, sir.

BARINGHAUS Okay, thank you.

STIERNA Mr. Chair.

COPPOLA Mr. Stierna.

STIERNA My records indicate that his current violations have been closed. He's got one weed violation here open from June that just has a scheduled follow up, so perhaps the Petitioner can answer the status of the weed complaint.

BARINGHAUS What is the status of the weed complaint against your property?

BAKER The City had planted trees in the front and there was a nine-inch weed with it, and my lawn company didn't go by it. It was... I called them. They immediately fixed it and sent a picture to [inaudible].

BARINGHAUS And that's [inaudible] inspection?

BAKER They had strings coming down, holding the tree straight.

BARINGHAUS Okay, very good. Okay, thank you.

BAKER Yeah.

STIERNA Follow-up scheduled for next week.

BARINGHAUS Okay, very good, thank you.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Thank you. Question for the Petitioner, following up on Vice Chairman Baringhaus's question about the change in the distance of the fence sticking out past the house. I'm now looking at your drawing. It looks like your original proposal was to have it stick out beyond the house?

BAKER Correct.

TESTA You're pulling it back nine feet. I don't see a dimension that shows how much... it looks like it will be not... it'll be before the house, not sticking out.

BAKER Correct. It'll be behind the house, and I think it's somewhere in the neighborhood of nine feet behind. I think right now, the front of the fence is flush with the front of the house, as far as from the side edge of the sidewalk. I think they're both like 24 feet.

TESTA Okay. And then, have you reviewed your modified plans with your neighbors?

BAKER I have not, sir.

TESTA Okay. Thank you.

BARINGHAUS Mr. Chairman?

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yeah. When I drove past the property yesterday, I saw, this time, I saw your fence, the brown fence, and then it looked like it had been brought back, but I don't recall it being brought back to the point where it's parallel to the front of your home.

BAKER I haven't brought it back yet, sir.

BARINGHAUS Okay.

BAKER It's in the original place it is.

BARINGHAUS Okay, and then you had some concerns about the relationship of, is it one of your front door or side door and viewing the neighbor's garage doors? Can you explain that a little further?

BAKER If I step out of my front door, I'm right in line with the neighbor's garage doors that are facing the house and not the street.

BARINGHAUS In terms of the setbacks from the street, both houses are almost identical?

BAKER Correct, sir. His garage is on the street side of his house.

BARINGHAUS And you find that to be a hardship?

BAKER I mean, I just walk out in the yard and see an open garage. I don't know so much that it's a hardship.

BARINGHAUS Just kind of to refresh things and my clarification, can you state what the hardships were that drove you to file the variance? Kind of refresh our memories on that.

BAKER There was an old, dilapidated chain-link fence that got left when they developed the area by the school property, and so it was jagged and had trees going through it. We removed it and put up the privacy fence.

BARINGHAUS Was there any concerns about privacy with you and your new neighbor?

BAKER Correct. The house is built with the bay windows in the front of the house facing my house, and the garage on the street side of the house.

BARINGHAUS And the distance between the two homes is about 29, 30 feet?

BAKER Something like that, sir.

BARINGHAUS Okay, so it's pretty substantial. Have you ever had any privacy issues directly with your neighbor?

BAKER No, no, sir. I get along with my neighbors.

BARINGHAUS Okay, so basically, you just put the fence there based on the location of the prior chain-link fence.

BAKER Correct. He has children and dogs, and I have dogs, so....

BARINGHAUS So you put the-- this privacy fence up to block the view of the side of your neighbor's home? What [inaudible]?

BAKER Well, it would be the side of my home, the front of his home. I don't know if that makes sense the way it's constructed there.

BARINGHAUS So the side of your home from his.... Okay.

BAKER Yeah, like his house looks at the side of my house. Does that make sense?

BARINGHAUS Are there any other fences in your neighborhood that extend that far forward on your properties?

BAKER Not that I know of. When I did the fence, I matched the fence that the other side had put up when they moved the old chain-link fence.

BARINGHAUS Chain-link fence.

BAKER Correct.

BARINGHAUS Okay, great. Thank you.

BAKER You're welcome, sir.

COPPOLA I did look through the minutes, I don't see any reference to specifically removing any number of panels on here. I think there were suggestions. They go back. And I think Vice Chair Baringhaus actually made the suggestion they go back to the wrought-iron fence, which was the neighbor's on the neighbor's side, which would be like the end of their garages. But I don't see any reference to specifically suggesting removal of any number of panels. Other questions for the Petitioner?

ROTONDO Mr. Chair.

COPPOLA Mr. Rotondo.

ROTONDO Yeah. Question for the Petitioner. Is your neighbor on board with this fence? How it is?

BAKER Yes, sir.

ROTONDO And revised plan as well?

BAKER Yes, sir.

ROTONDO Okay.

BAKER He would like the fence left where it's at. He was at the last meeting, he said so.

ROTONDO Thank you.

COPPOLA [Inaudible] signed the fence letter. I didn't see it. Correct?

BAKER Yes, sir.

MEAGHER Mr. Chair. Question for question for Inspection, there's multiple places where it references the permitting. Has that been taken care of? That's, I mean, we're talking about illegally erecting the privacy fence, and multiple of the neighbors say it was not permitted.

STIERNA Initially, it was erected without a permit.

MEAGHER Right.

STIERNA That's correct.

MEAGHER Has that been resolved?

STIERNA Well, we're hoping that... let me get in there. I mean, it wouldn't be approved until the variance, we'd either deny sometimes we try and save Petitioners the trouble of applying for a permit that may be denied in the Zoning Board. So it does look like he did apply for a variance, or, excuse me, apply for the permit. It was denied. It does have the letter of authorization from his neighbor.

BAKER That's how this variance came about is, Anchor Fence didn't pull the permit. So I came to the City to get a permit, and that's how, why we're here tonight.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS In our file, there's a copy of the draft minutes, and this is a draft of the minutes, not approved copy of the minutes, so...

BAKER Sure.

BARINGHAUS I should have made that clear to you. He had a draft copy, an unapproved copy. On page 11 of 92 there's a reference that says Mr. Stierna said there's a neighbor fence that runs corner to their house. He needs to return it back so that it aligns with that. Think that's what we looked at. [To Coppola] You mentioned, "I saw six panels." Mr. Stierna replied, "I gotta say he's looking at about six to seven." So I took that as meaning you're thinking six to seven. Six to seven panels, not two, if I'm reading that correctly.

COPPOLA Yeah. All I did was take a look at a picture, or at least a visual of the corner there, which I actually wrote a copy of. You'll see it was one... three, four, five, and I thought six.

BARINGHAUS Yeah, [inaudible] and I thought six, seven, eight.

COPPOLA To get to the neighbors. Right.

BARINGHAUS Right. So going back to that discussion, were you aware of that when you made the decision? Tell me what the fence back might be.

BAKER I've never touched the fence. I think at the end of the meeting they said not to do anything yet until the next meeting. And I believe it was Mr. Testa that said a panel and a half would get it behind the line of sight.

BARINGHAUS So I guess maybe the question I'll ask them, you never considered that in your proposal moving it back to seven. You never considered removing seven panels like it was discussed?

BAKER Yeah, whatever I have to remove, I'll remove. I'm not going to not be in compliance.

BARINGHAUS Sure. Okay. Okay, thank you.

BAKER By removing seven panels, there won't be any fence between mine and the neighbor's house.

COPPOLA But you could put up a four-foot fence.

BAKER Can I just put up a chain-link fence back?

STIERNA As long as it complies with the ordinance which would allow it to come to the front corner of your house.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Question for the Petitioner. The original fence that was there that you took out. How far did it go?

BAKER It's exactly where the new fence is at.

TESTA Okay.

BAKER It's in the exact same footprint.

TESTA Okay. So if you had done this prior to the home being built to the north of you, this would have been approved without any concern. For Inspection?

STIERNA Not as a privacy fence, no.

TESTA Yes, but as a four-foot fence.

STIERNA In the four-foot fence, it would have been approved. It looks, from what I've seen from both segments and the site, Google Maps here.

TESTA Okay, regarding the privacy fence, that's not... we're still going. I assume that's where you want to still go. Is it offering any type of privacy in terms of sight of you from your neighbor, obviously, from the garage, yes. What about some of the... you mentioned that bay window on their house, is that blocking their view?

BAKER It is.

TESTA Okay. Thank you.

COPPOLA Where's the bay window of your neighbor? That's back behind their garage, isn't it?

BAKER Behind their garage. Right.

COPPOLA Let's say we agreed that the fence went up to the neighbor's metal fence. It would still... you'd still have that blocked. You'd still have that blocked.

BAKER No, sir, the metal fence goes across the back on his generator and his backyard.

COPPOLA I didn't see that, so I must have missed it. When I looked at it, it wasn't like that. That metal fence went at the end of their garage. It was even with the end of the garage. It's almost up to the... almost up the driveway. Other questions for the Petitioner? All right, seeing none, is there anybody in the audience who would like to speak for or against this petition? Have a seat just for a minute. I'll call you up in a second. Can you give a name and address for the record, please?

SABUDA Yeah. Mark Sabuda, 9835 Cranston, the house directly north.

COPPOLA Okay.

SABUDA First. I don't think anyone has seen this. I'm going to pass a picture on to you guys of the old fence. It's a privacy fence that goes to basically the same location. Can I pass this around? Or do you guys care?

COPPOLA Was it a chain-link fence?

SABUDA No, it's a privacy fence. It's a dilapidated wood privacy fence that he replaced, and I've got pictures from when my house was new construction, and that fence is still going past my driveway. Can I pass this around, or...?

TESTA Sure, yeah, I wouldn't mind seeing it.

COPPOLA [Inaudible] Mr. Fisher. If you'd just like to show everybody, that might be best.

SABUDA The dilapidated wood privacy fence that you can tell is going way past where my driveway is.

BARINGHAUS That was the fence....

SABUDA That was a fence that he replaced.

COPPOLA But you said it was chain-link.

BARINGHAUS You said it was chain-link.

SABUDA It was double fenced.

BAKER It was double fence.

SABUDA So you can see the chain-link that's still right there, and then the dilapidated wood. So he replaced a terrible-looking fence.

HAKALA If I may. I believe that part of the construction process that's more of a silt fence to stop--

SABUDA No, those were both there. The construction fence [inaudible], those were fences that were there. Those are the dilapidated privacy fence that [inaudible] away and the chain-link.

COPPOLA Where's the second fence?

SABUDA It's hard to cut. You can see the bar right there for the chain-link. Yeah, I wasn't looking to take pictures of that fence.

COPPOLA No, I guess....

SABUDA Yeah.

STIERNA Okay.

SABUDA Okay.

STIERNA I don't have a vote.

SABUDA And then my other thing is, that fence. So I've got the only house that has the garage facing southbound. You take that privacy fence out, you're gonna be looking into my garage eight houses down. There's nothing to block looking into that garage. The distance between my house and his, it's a huge distance. Anytime my garage is open, you're looking into my garage from West Chicago. So that fence is something that gives me any privacy in my garage. Every other house in the neighborhood with the setback, garage behind the house, you can't see into theirs, mine is out in the open for everyone.

COPPOLA What about the vegetation between the two properties?

SABUDA You have that, that's....

COPPOLA Had you considered that when you designed the house?

SABUDA I didn't design it, and to my knowledge, that was a requirement [inaudible] garage. That's all I got.

COPPOLA Thank you. Yes, hold on one second, please.

TESTA You're still, I'm assuming, I want to confirm for sure you're still in support of...?

SABUDA Yes, I 100% wanted if he has to take something out as little as possible. Like I said it's the only privacy in my garage has towards anything southbound.

TESTA Okay, thank you.

SABUDA Yep.

COPPOLA Anyone else? Step forward, please. Start with name and address first, please.

MCGRAIL Of course. Lucas McGrail, 9611 Cranston. I am here, I appreciate the opportunity to speak and just it seems like there's some historical information that hasn't been shared, perhaps. Maybe folks aren't aware. I've been at 9611 Cranston for 20 years. The property in question, the previous owner put up the dilapidated wooden fence as a screen against the chain-link fence, which was established when it was old Rosedale Elementary School where these houses were, so the chain-link originally came from the school, and Miss Turner, rest her soul, she put the privacy fence up against that chain-link fence as a screen for privacy in her backyard when she was more able-bodied. So yes, there were two fences there. There should have only been one, of course, but what we're talking about is not the fact that it's a chain-link replacement or a wood privacy replacement. One of them should never have been there, but it was, and that's where we're at. All I ask is that this respondent be required to adhere to the code that everybody else in the neighborhood has. When I put up my fence, I got blessing from all four of my adjoining neighbors. They all signed off on what I was doing, how I was doing it, the height I was doing it, and style and color. So the 25 other people in Livonia in Cranston that have done the same thing, we just want this new arrival to do exactly what we had to do. So the appeal should really be denied, and he should be required to adhere to the code, which we all had to. That's pretty much all I've got.

COPPOLA All right. Thank you. Anyone else? Do you have any correspondence?

KLISZ We do, we have one letter. It is a letter from Cathy Ryder, 9625 Cranston. (Letter of objection was read).

COPPOLA All right. Thank you. Anything you'd like to say in closing, sir?

BAKER The tree debris in mention fell across the road, and I went out with my chainsaw and cut it up and stacked it off the road so traffic could go through after the last storm.

COPPOLA Okay, anything else?

BAKER That's it.

COPPOLA All right, thank you. You can have a seat.

BAKER Thank you.

COPPOLA Alright, I'm gonna close the public portion of the case and start the Board's comments with Vice Chair Baringhaus.

BARINGHAUS Okay, thank you, Mr. Chairman. Just driving through the neighborhood, I have to agree with the last gentleman who spoke. It was the only fence that basically extended quite further than the front porch of the home itself. I think the rationale that you just replaced your... used the footprint of the chain-link fence with the existing fence really doesn't have any merit in this case. You're putting a new fence in 2025, that fence needs to comply with current zoning ordinances in the city itself. The current proposal, just moving two panels, I don't think is sufficient. I think the fence needs to be moved back behind the front portion of the home of the neighbors. Keep it consistent with the neighborhood statement of removing additional panels, somewhere in the neighborhood of six to seven, as close to that wrought-iron fence that your neighbor has, I think would be sufficient. So based on that, I'm not in support of the variance.

COPPOLA All right. Thank you. Secretary Klisz.

KLISZ This one's kind of tough. I was not here at the last meeting, so I did study the minutes to see what my other colleagues had talked about. And of course, now we're a new Board in part as well. So I think I'm sort of up in the air on this. I can kind of see both sides. And then we've heard from neighbors in support, neighbors against, so I'd like to hear what other people have to say before making my decision.

COPPOLA Okay. Thank you. Mr. Meagher.

MEAGHER Yeah, I think I was looking through the draft minutes from last time, and I don't think much of my thoughts have changed. I do think that the sticking to the code of having it be to the back of the or the front of the house is still where I'd sit, even after hearing all the [inaudible] today.

COPPOLA Okay. Thank you. Mr. Rotondo.

ROTONDO Thank you, Mr. Chair. This is, this is kind of a tough one for me. I can understand the frustrations of some of my colleagues. Mr. Baringhaus expressed some frustrations. He gave some comments at the last meeting about moving it back further than what is being presented tonight. But I also understand the Petitioner, the Petitioner and the neighbor as well, wanting to cover up the garage and give some privacy on that side. I can see that the Petitioner obviously has some windows on that side of his home. And obviously, with the neighbor pulling in and out of the garage, maybe, you know, at nighttime, they might have some light pollution, things of that nature. I can... I'm not typically in favor of allowing a privacy fence this far out, but I can understand the hardship presented in this case, so I'm going to be in favor of it at this point.

COPPOLA All right. Thank you. Mr. Testa.

TESTA Thank you, Mr. Chair. I was in support last time. I'm gonna be in support again. My reasoning is first and foremost, the most impacted neighbor just to the north is in support of this and wants it also for his privacy concerns. The other part here is, it's a very mature neighborhood, and we popped in four, maybe four or five houses just north of here to kind of separate those two areas that used to be empty field or a school years ago. I can understand why you want to put a fence up. I'm not. Obviously I'm against it. You did it without a permit. We discussed last time that you thought Anchor Fence had pulled that permit. So I'd also be in support of a double permit fee. But in terms of the fence, I appreciate that you scaled it back a little bit to put it in line with the front of the house. So you did take some of our feedback into concern. But I also understand you're trying to block views from your neighbor, and your neighbor wants the privacy as well. So I can support.

COPPOLA All right, thank you. Ms. Hakala.

HAKALA I would support this motion or this variance as the Petitioner has tried to compromise by suggesting to replace or remove those two and a half, excuse me, portions, as Mr. Testa mentioned, this is not typical of the rest of the neighborhood, and it's the hardship of viewing a garage that nobody else in the neighborhood has to look at. Everybody else has a garage facing forward or a step behind. So, and I think removing the fence too far would defeat the purpose of blocking out the garage, so....

COPPOLA All right. Thank you. As before, I don't think there's anything that's been provided to me that would sway me from what I had said before. I'm not in favor of this. I think one of the speakers from the neighborhood is right, and it's a unique neighborhood. And while we allowed, and there was a lot of objection to allowing that construction on the old school property before, we did it with a kind of understanding that everything that would happen would stay with the flavor of the neighborhood. And this, this isn't... this doesn't, you know. So I'd be going back on kind of what I said, that I would work very hard during that period on approving the [inaudible] and everything on those homes. And I don't see any hardship that hasn't been kind of created, in a sense, by the actions of people. It's not a hardship that is created upon them, but it's been created. The new home, that's the way it was built. The garage was put on the side, that's the way it is. A fence that was existing. You said you put in an existing footprint. Yeah, that's true. However, that footprint was based on when there used to be property related to a school, and I can understand that. That's not there anymore. So now it needs to comply, kind of with, somewhat with the neighborhood. So what I could agree to, and I think, correct me, Mr. Stierna, if they were, if he was to comply with the zoning? Would he... would that fence have to go back even further than the neighbor's metal fence? Would it have to go all the way to the back of his home, right? I believe you can't have it in the side or in the front yard, right?

STIERNA I believe the Petitioner's rear corner.

COPPOLA Rear part of their home.

STIERNA Of their home, not necessarily the neighbor's.

COPPOLA Yes, we'd actually have to go further back.

STIERNA So you would actually be, I think if I look at this, he'd actually have it further forward. It would almost plain out, that's hard to tell. It would almost plain out with the neighbor's metal fence that goes across the back of his driveway.

COPPOLA Yeah. So....

STIERNA That would be complying.

COPPOLA That would be compliant to the metal fence?

STIERNA Yeah, if he were to plain out with the metal fence, then I think that wouldn't compromise either of the enclosures of the yards, either.

COPPOLA Yeah, and I would be good with that, so I will stop talking and open the floor for a motion.

MEAGHER Mr. Chair, can I ask a question for what you just said?

COPPOLA Mr. Meagher, yes.

MEAGHER You're saying, bring it back, seven panels?

COPPOLA Approximately seven panels, so it would match up as close as possible to the neighbor's metal fence there. And then, Mr. Stierna, nothing would prohibit him from putting in a non-sight-obscuring fence up to the front of his home. Is that what it...?

STIERNA Correct.

COPPOLA Okay, and that would be...

STIERNA Four foot... four foot tall.

COPPOLA Okay. Do I have a motion?

KLISZ I want to ask a clarifying question, what you're saying, is this like an approved in part, denied in part?

COPPOLA No, I think it, based on, I believe what Mr. Stierna is saying, if we denied it, he could keep the fence that's behind the chain-link, even within, behind the chain-link, that would be compliant, from his perspective.

KLISZ Gotcha.

COPPOLA So it'd be a full denial.

KLISZ Gotcha. Mr. Chair.

COPPOLA Secretary Klisz.

KLISZ Resolved that the variance sought in Appeal Case No. 2025-03-05, filed by Karen Amick on behalf of Lessee Justin Baker, be granted for the following reasons and findings of fact: The uniqueness requirement is met, because of the replacing a double fence that was there in the past, and this being part of a new/old, new neighborhood, old neighborhood situation. Denial of variance would have severe consequences for the Petitioner, because he would have to remove the fence that's already been installed, which he did use a contractor for, who happened to not pull the permit. The variance is fair in light of its effect on neighboring properties and in the spirit of the zoning ordinance, because of direct neighbor support. This property is classified...

TESTA Low density residential.

KLISZ It's low density residential under the Master Plan, and the proposed variance is not inconsistent with that classification. Further, the variance be granted with the following conditions: that the fence panels that are currently in excess of what the Petitioner proposed today be removed... double permit fee.

TESTA Support.

COPPOLA All right, so I have a motion by Secretary Klisz, supported by Mr. Testa. Any other discussion?

MEAGHER Mr. Chair, could we define number of feet rather than discussed number of panels, just to make that definition...?

COPPOLA I think that the Petitioner actually proposed nine feet.

KLISZ Nine feet. So whatever

MEAGHER I'm just saying, can we....

KLISZ Yeah.

MEAGHER Yeah, as presented....

KLISZ Yeah. Remove nine foot, as presented.

BARINGHAUS From the current construction.

KLISZ Right.

COPPOLA Anything else? This is a little pet peeve of mine. I'm going to start doing this more and more, especially on the important ones, but there'll be no decorations on the fences.

KLISZ Sure.

COPPOLA I know that, Mr. Stierna, it's almost impossible. I'm fine with that.

KLISZ Okay.

COPPOLA Okay? All right. You can go ahead and take roll.

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

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

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

be granted for the following reasons and findings of fact:

1. The uniqueness requirement is met due to replacing a double fence which was previously located on the property, and this being part of a new neighborhood/old neighborhood situation,
2. Denial of the variance would have severe consequences for the Petitioner due to needing to remove the already-installed fence, which a contractor installed without

- pulling a permit,
3. The variance is fair in the light of its effect on neighboring properties, and in the spirit of the zoning ordinance because of direct neighbor support, 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 9-feet's worth of fence panels which are in excess of what the Petitioner proposed at the ZBA meeting of August 12, 2025 be removed from the current fence structure,
2. The Petitioner must pay a double permit fee, and
3. There will not be any decorations on the fences.

ROLL CALL VOTE

AYES: Klisz, Testa, Hakala, Meagher, Rotondo

NAYS: Coppola, Baringhaus

ABSENT: None

PASS/FAIL/TABLED: PASS: PASS

KLISZ Ms. Hakala.

HAKALA Approve.

KLISZ Mr. Meagher.

MEAGHER Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS No.

KLISZ And Chairman Coppola.

COPPOLA No.

KLISZ Passes five to two.

COPPOLA All right. Congratulations. Mr. Baker, you have got your variance. Need to just remove that nine feet of fence. You need to apply for a permit. You'll be charged double permit fee. And then....

BAKER I paid the permit fee once, so I just have to pay again?

STIERNA You have to pay the balance.

BAKER Okay.

COPPOLA Right. And then just no decorations on it. At least.

BAKER No, me or my neighbor would never hang anything on this.

COPPOLA A fence was approved that I didn't approve, but now it's got decorations on it, and that just is like... so no decorations, please.

BAKER I agree with you, sir.

COPPOLA All right, thank you.

BAKER So I... can I go remove the nine feet?

COPPOLA Yeah, I would remove the nine feet, then apply for again, apply to Inspection, they'll charge you the extra fee, and you should all be done.

BAKER What kind of timeline do I have?

COPPOLA Tomorrow will be great.

[Laughter]

BAKER Okay.

COPPOLA ASAP.

UNKNOWN SPEAKER Think quickly before fall.

COPPOLA Thank you.

BAKER Thank you.

COPPOLA All right, you could call the next case.

APPEAL CASE NO. 2025-03-06, 14001 Newburgh: an appeal was made to the Zoning Board of Appeals by Michael Guider, seeking to maintain a 12' tall privacy fence erected without permits in the side yard resulting in a privacy fence erected without neighbor approval, a privacy fence erected in a side yard, and a fence in excess of allowable height.

Side Yard Encroachment

Allowed: 0 feet
Proposed: 60 feet
Excess: 60 feet

Privacy Fence Height

Allowed: 6 feet
Proposed: 12 feet
Excess: 6 feet

This Low Density Residential property is located on the west side of Newburgh (14001), between Perth Avenue and Schoolcraft Road, Lot. No. 076-01-0021-000, R-U-F, Rural Urban Farm, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.090 B.

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

STIERNA At this time no, thank you.

COPPOLA I have a couple questions for you. First one, it appears that the fence is not on the property line.

STIERNA From my observations, it does not appear to be on the property line, no.

COPPOLA Would a fence of this nature be required to be on the property line?

STIERNA Yes.

COPPOLA Okay, so would that be an additional, Mr. Fisher, would that be an additional variance if we were to allow that, that would be approved?

FISHER Well, I guess that's right. I don't understand how you would get to where you can put up something in violation of the ordinance and not have [inaudible].

STIERNA Mr. Chair, yeah, we do allow for variation at the discretion of the director for avoiding landscape such as trees that would involve removal of trees or landscape. So yes, there is some allowable discretion at the [inaudible] of the Director.

BARINGHAUS Mr. Chairman. So in other words, what you're saying is you're allowing the fence, because of the heavy greenbelt behind it, to be moved off the property line.

STIERNA If it was going to remove trees off the greenbelt, yes, we would allow for it.

COPPOLA All right, my second question is relationship, generally, where commercial property abuts residential property, there's a separation fence that's required. Generally it's, I think it has to be a cinder block or something, something in nature breaker, or something like that. This one does not go all the way forward. And I believe, based on an investigation, there

was a property separation agreement at one point that is now expired. So what have you done since we realized that it's been expired?

STIERNA Once we realize that the agreement has expired, we have notified the property owner of the business, who has since responded and will be seeking to try and renew the property agreement with the Petitioner, and he may seek a future variance to permanentize the separation agreement, but that is a future possibility that I can't speak here for.

COPPOLA So how long does the commercial property owner have to rectify that?

STIERNA We typically want some sort of resolution, or at least a direction that they're going to go within about 45 days.

COPPOLA So if the residential property owner doesn't agree to the property separation, which would be basically to keep the greenbelt, then that commercial property owner would be required to build that fence?

STIERNA They would be required to build the separation wall. Correct.

COPPOLA Separation wall is the word. Right.

TESTA Mr. Chair. Question for the Inspection, how did we get here? How did we find out about this fence? Did one of our inspectors find it? Or?

STIERNA I believe the assistant director, Mr. Strobel, was driving by while it was being erected.

TESTA [Inaudible] Thank you.

COPPOLA Any other questions?

HAKALA Mr. Chair? Question for Inspection.

COPPOLA Yeah.

HAKALA I noticed there was an issue in violation in 2018 from a shed being built without a permit. Was that this owner, and how is that [inaudible]?

STIERNA I would have to research that.

COPPOLA While you do that—

STIERNA Once I get my computer to cooperate and let me type numbers.

COPPOLA All right.

TESTA Mr. Chair.

COPPOLA Yes.

TESTA I wanted to make public that I know Mr. Guider. We worked together 15 years ago, at least. I haven't worked with him in 15 years, and I had no idea he lived in Livonia, but wanted to make sure that was on the record.

COPPOLA Okay, so you're...

TESTA I don't feel I need to recuse myself.

COPPOLA Okay, all right. Mr. Guider, you can step forward now. Just again, I apologize, your name for the record [inaudible].

GUIDER Mike Guider, 14001 Newburgh, Livonia, Michigan.

COPPOLA Has the commercial property approached you yet?

GUIDER Yeah, I have a letter from them, and they were in favor of adding a... Permission to show?

COPPOLA Yeah, sure. Before you... make sure you go back to the podium when you're ready to talk again.

GUIDER So I contacted the building, I guess you call it the maintenance manager for Hegira. They recently sold pretty much when I bought my house. It changed hands, and I didn't notice anything for a little while, until my dog got hurt. And I was like, how's my dog getting hurt? Like, what's going on? Well, in that greenbelt area where DTE, Consumer Energy work, I don't know if you guys had a chance to drive by or see the poles, but they keep dropping things in my property. I didn't see. My dog went in there, going back through and got hurt, not once, not twice. I couldn't figure out where it was coming from. Well, I brought some of it in. I mean, I have a lot of it. It's all stuff from DTE, and it's all aluminum, and they're just dropping it as they work on it. But I can't see it because it's inside the greenbelt. So what I was trying to do was trying to clean up that area and try to create some type of a fence and blockage and coverage. So my dogs had a place to stay at least eight feet away from that area. And then when I had Mr. Post put in the posts five feet deep. I thought they did pull a permit. They didn't. So okay, and that's my bad there. I guess I didn't, I didn't double check that. But what I was trying to do was trying to create a blockage for my dogs so they didn't go back there. That's where the... what we call the electronic fence was, that the previous owner installed. It was behind that fence by five feet, so my one dog would go back there and go to the bathroom, and that was when I noticed the dog started getting hurt. And so I created a 30-foot fence, and I didn't extend it past my house. It's about 50 feet from the sidewalk, and it doesn't stick out past my garage. It's... my garage is like 50, 49 feet from the sidewalk, and I made the fence fifty-one, so I set it back a couple feet, but I can go back a few more feet as well. I can, if there's a variance that you guys want me to reply to, I will. What I was trying to do was create a barrier and some privacy. What's happening is, there's this company called Asplundh, and it seems they have a contract with DTE and Consumer, and they come in every three to four months and they trim that greenbelt. Well, I was told today that the Inspection Department had contacted Robert Finley, who sent me an email and wrote them up a violation, and they're supposed to maintain the greenery, but Asplundh has been doing it since I've owned the house. They maintain it, and I don't think you guys were made aware of that. What's happening is sometimes they go through and they chop it all down, and then I can see clearly through, but there's still some weeds and stuff like that that are... that I've been trying to clean it up and trying to do my best of that area. The tornado

definitely came through and ripped a bunch of stuff out, and that wall acts as a protector to my trucks. I landed on the height based on, okay, how can I protect, protect my trucks so there's... so stuff isn't getting damaged and stuff isn't hitting my garage. And I didn't really want to build anything. I was just trying to create some barrier, because my house is getting pummeled, and one of the other things that's coming through is the amount of trash. So I'm getting all this trash coming through my front yard. My backyard is... there's no trash at all, and that's probably due to the wall that was... what was made by a variance, right? The City was saying, "Hey, will you have to add a wall in the backyard?" Well, Hegira wasn't there, it was a previous owner. And they said, "Oh, well, give us a few years and we'll do the front yard." They never did. I spoke with David Popp about it. We wrote it up, I put it in my hardship and he said, "Yeah, it's right here. They were supposed to build a wall." And I said, "Well, I'm just getting all this garbage and getting all this pollen." My house is turning. I just painted the outside of my house, and I'm like, it's turning yellow. And then my trucks are getting, like, there's all kinds of yellow over the truck. So I'm like, How do I stop this, right? And then how do I stop my dog from going even near that property line, just in that 130-foot span. So I was like, okay, I can hide this pole. Let DTE come in. They can do their stuff, Asplundh can get behind it. I gave them, according to my drawing, eight feet to work in that greenbelt area. And that would allow them to drop whatever they want. To drop tools, metal, whatever, and then my dogs aren't going back there. I just can't find that line. I've been trying to move what I can, and there's poison... it's poison ivy like crazy back there. Urgent care knows me by name, and they give me a steroid shot every six months. I mean, I'm trying to combat it. I mean, this hardship is bad, and I'm not joking. I was just trying to create something, to do something, but I want to be in compliance, and I didn't do it with a permit. So that's my bad [inaudible] there. But if you guys can tell me, "Hey, take it down to eight feet, this will now still protect your truck." No big deal. I can take a few panels down. You know, that grade isn't level, so it goes down at a severe angle. Before I did anything. I would really like to get some rocks in there, dumped in there, level it out, then measure it properly. And get it to where you guys are happy with it, but definitely create some safety so my dogs can walk by there, and I don't have to go back there ever again. If you guys want to build a wall, that's what should have been erected anyway. That would solve the problem. But I think that ship's already sailed. I mean, aren't they grandfathered in after 25 years?

COPPOLA No, my understanding is, and Mr. Stierna, correct me if I'm wrong, is there was a there was actually agreement between the former owner property and the commercial property that in lieu of putting in the fence all the way to the front, that they would allow this greenbelt in this section.

GUIDER I did not see that.

COPPOLA And it expired.

GUIDER I didn't see that agreement. And then I specifically asked them when I bought the house to show... and to show any type of documentation.

COPPOLA It might have been the former, I don't know, but there was an agreement between the property owners at that time for the greenbelt, right, Mr. Stierna?

STIERNA There was initially a variance granted that had to be renewed every five years. At some point it shifted over to a written agreement that had to be renewed every five years, and that expired in 2015, I believe.

COPPOLA So at this point you do have the option of requiring them to put in the fence.

GUIDER I mean, it should be a wall.

COPPOLA [Inaudible] a wall.

GUIDER It should be anytime, shouldn't we agree? Anytime a house adjacent to that. Yes. I mean, I would love for that whole greenbelt area to be cleared away nice and neat, clean. I'm getting all kinds of trash coming through there in my front yard, so putting arborvitaes up like crazy. I don't know if you guys have seen, but I'm trying to, like.... I'm trying to get blockage.

COPPOLA The commercial owner has to either get you to agree to extend a separation agreement, or they have to put in a separation. So it's your call at this point.

GUIDER I mean, I know my neighbors are the best. All my neighbors around me are amazing. I don't have any issues with anybody. We all help each other out. I had two 75-foot trees fall in my backyard from the two previous storms, and we all came together and helped each other out. We used my trailer and we cleaned up everybody's yard. I mean, my whole area, for my neighbors are awesome. I don't have any issues with them. I was just trying to create some blockage. And I know Asplundh, and I know DTE, and you know you got Consumers going in there. Everybody's all in there working. The cable company's in there working. That pole, my area feeds Castle Gardens and the Porter Zimmerman's area. So, you know, you want to be able to allow them to be able to get their trucks in and do their work and stuff like that. And so I thought, well, eight feet off of that property line would be sufficient. That gets it off of the greenbelt away from the pole, my dogs can easily go in. And I thought that would just solve it. I wasn't trying to give, have the Inspection Department come over and give Hegira.... You know, they gave them a citation on July 18. I found out today, and Robert came over to me. So, I mean, I wasn't trying to do that. I was just trying to add protection for my dogs, and I was trying to create something, and I did it without your guys' approval, which obviously, that's my bad. But I was trying to erect something quick and something to solve an issue. I didn't even want to do it. I was just trying to solve an issue.

COPPOLA There's an opportunity now to solve the issue in the sense that you could require the separation wall by not signing the separation....

GUIDER I mean, it was asked to me to do a greenbelt agreement. I don't really want to do that. There's poison ivy all in there. I'm covered in it. I'm constantly going to urgent care. You know, I play hockey, so it's like, I'm trying to clean off my goalie gear. And poison ivy that first year terrible. So, yeah, it's like the ultimate hardship. I'm not even joking, you guys.

COPPOLA I understand. I understand, but there's an opportunity here to solve that by requiring the property, not signing the property separation agreement, and the owner of that property is required to build the fence. They'll take down that green area, they'll take down that berm, and they'll put the fence up. And then that solves your issue. So it's kind of in your hands. You can agree. You can agree to separation. Then you've got what you've got, or you can ask them to build the wall, or some level of compromise, which I'm not sure what that is.

GUIDER With what I built, does it bother everyone here on this panel? I mean, my neighbors are cool with it. I can get letters from all my adjoining neighbors. I mean, you want me to reduce the height, you want me to stain it, paint it white. I can do whatever you guys want. I just want the issue resolved and to go away. I mean, I really don't want them to dig up and spend all that money to do that.

COPPOLA Does anybody have any other questions for the Petitioner?

GUIDER I just need probably 30 feet so my dogs can get [inaudible], and it adds some protection for my vehicles, and it adds protection to my front door and the trash coming through there. And like I said I didn't extend the fence past my house. So I don't know if you guys see this site plan, but it's 50, 51, 52 feet back from my garage, from the sidewalk. And my garage is 50-- 49 feet. So I kind of like put it in line, so I ran a laser, and then said, "Okay, well, I'm not going to extend it past my front of my house," but if you guys want me to go back like eight or nine feet, I can. I can go down a little bit, and I can grade out my driveway. I just need to get... it looked like five more yards of rocks. I'm on almost an acre. And I'm just trying to create some barriers, and I got a lot of trees that have already fallen, huge trees.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yeah, with your proposed structure being 12 feet, do you see any potential maintenance problems in the future with this?

GUIDER No, I don't, but I can reduce it to ten. I mean, I was trying to get it, I didn't know where level grade was, because it's on such a slope. And I'm like, I need to grade this out, make it level, and then create the runoff, and so it goes back into that greenbelt area. And I can reduce it probably to ten. My trucks are only eight feet. The previous owner had an RV, and he's like, "Yeah, I just use my RV as blockage." Well, I don't have an RV.

BARINGHAUS Yeah, your current fence doesn't have the overhang on that. What made you decide to expand the fence to include the overhang now?

GUIDER Oh, I wanted to do an overhang, but I didn't. I wanted to do an overhang, like I wanted to create a lean-to but I couldn't get the wind in the structure properly to... not with tornado-sized winds, if we ever had that again. According to the CAD that I was able to get.

BARINGHAUS Had the fence been certified in terms of what wind speed it can withstand?

GUIDER I did. I did, yeah, well, we had a tornado come through.

BARINGHAUS No, I mean, did you have... what certification proves that that fence is safe up to 70 miles per hour?

GUIDER I do not have a certification.

BARINGHAUS Okay.

GUIDER I mean, I know what it did.

BARINGHAUS You didn't get it?

GUIDER I know what it did do for the tornado.

BARINGHAUS What was the reasoning for putting it, expanding the design of the fence to include the roof on it?

GUIDER No, I didn't extend.

BARINGHAUS No, but you were proposing to do that.

GUIDER I would like to, but I can't get the wind speed properly. I don't think I can do it. I don't think I can get....

BARINGHAUS Given Chairman Coppola's explanation of your alternatives?

GUIDER Just to go straight up with it, just to get the truck close enough to that fence I can and park it really close to it. Maybe get two in line. So that it just adds some protection.

BARINGHAUS Okay, Chairman Coppola [inaudible] two alternatives to you was to not have the separation wall installed, or sign the separation agreement, or you suffer with the greenbelt and debris falling in there. Which one do you think is a better alternative for you? Which one do you think is a better long-term alternative for you?

GUIDER I mean, the best would be for me to have a second garage. I guess. I could have 82 choices.

BARINGHAUS I hear you though, okay.

GUIDER But I just need it for that 30 feet. I don't need to cause chaos.

BARINGHAUS You think the separation wall is better for you long-term, or do you think this 12-foot wall is better for you long-term?

GUIDER Well, the wall definitely protects the house much better than if they were to do a wall, a concrete wall, six feet, that wouldn't protect the house much and it wouldn't protect the trucks at all. It just keeps the garbage coming for my front yard. That's what it would do. I mean, I can, I have a tractor and I from my backyard, I can mow the whole tractor without any garbage, but my front yard is just full of it.

BARINGHAUS What garbage is coming into your yard specifically?

GUIDER You know, it's funny.

BARINGHAUS I didn't see that in the parking lot next to you with that business. You know, it's very well maintained.

GUIDER Trash coming through is what is--

BARINGHAUS ...What the source of the trash is.

GUIDER It's ridiculous. If you guys look at Schoolcraft and Newburgh, they actually had people that would go to the city jail, and they would go and pick up all the trash there. I don't know why it collects. It collects and builds up right there and right where those two lots are that just sold, all kinds of trash in there, flooded with trash. So I don't know if people are just throwing it out of their car while they're driving down Schoolcraft. I don't get it.

BARINGHAUS How long have you lived in Livonia?

GUIDER Oh, since 1977 I was born and raised here.

BARINGHAUS Okay, great. Have you seen any other 12-foot walls on any residential properties in the City?

GUIDER No.

BARINGHAUS Okay. Thank you.

COPPOLA Any other questions for the Petitioner?

HAKALA Mr. Chair.

COPPOLA Ms. Hakala.

HAKALA What kind of dog do you have?

GUIDER I have a German Shepherd who likes to go back there and a yellow Lab.

HAKALA All the pictures I see, the wall is at least two feet off the ground. And this wall kind of like ends right where that--

GUIDER It's not really two feet off the ground. It's like, it kind of looks like that, but it's just the grade. It's not level, so it dips way down. That's why I was trying to like, I was like, "Oh well, I wonder if it's approved, can I level out the land?"

[Inaudible crosstalk]

HAKALA For safety I would make sure that they couldn't come underneath.

GUIDER Oh yeah, but they don't, yeah, they're big dogs, and they don't even, now, they don't even go through.

HAKALA Your plans show that your fence was supposed to be centered on that, on the telephone pole. But all of the plans you show....

GUIDER No, I don't want it centered because that would be in the way of Asplundh, and that would be in the way of DTE. I can't have it centered within that. I can't, so I don't--

HAKALA Okay, so sheet one of two that you submitted indicates where you did propose the wall, and the telephone pole is like right in between. It shows the wall is 34 foot three, and then it's centered on the telephone pole. However, that's not where it was constructed, and you're stating the report being located there was to keep your dogs away from said telephone pole.

GUIDER Hold on. Can I see your screen? Would it be okay?

COPPOLA He filed it. He sent the pictures, so.

GUIDER Oh, okay, that one?

HAKALA Right. So this is your telephone pole. And this is where the fence is shown.

GUIDER So this, I was trying to be eight feet off of that pole.

HAKALA Right.

GUIDER But it ended up being ten.

HAKALA So you're showing it centered, though, in this direction.

GUIDER Oh, I see what you're saying. Well, it's an isometric view, but when you look at it from this view.

HAKALA I understand how it works.

GUIDER Okay.

HAKALA But I'm just saying that's not where the telephone pole is in regard to where the wall is.

GUIDER It's pretty close. I mean, that's a iso view. You have to look at the top view.

HAKALA Right. So here's your telephone pole and your wall is right here. So the telephone pole is at the end of the wall, basically.

GUIDER Yeah... yeah.

HAKALA So it's not actually.

GUIDER I see what you're saying, not in the center, but it's like, yeah. So if you were to draw a line from right here, yeah.

HAKALA Right. So it ends at the telephone pole. It's not centered on the telephone pole to protect your dogs from the said pole.

GUIDER It definitely protects them from going back in that greenbelt area. And they can't get to that pole now.

HAKALA They can't go around?

GUIDER No. Well, they could, but they're scared of it.

HAKALA It just, I guess I'm having trouble understanding.

GUIDER So they're big dogs. I mean, you know, 100-pound dogs, they're not small.

HAKALA Could you also explain to me why on that same page, I'm sorry, it was page two of two. It mentions a structure for a graduation party and temporary golf simulation?

GUIDER That was just a proposal.

HAKALA So you're not planning on using that for this at all?

GUIDER No, it's just trying to create blockage for the vehicles, and seemed like it was too difficult to do anything in the City of Livonia like that.

HAKALA Mr. Stierna, you were going to check on the 2018 construction.

STIERNA Yeah, that was cleared by Mr. Strobel as landscaping block and no violation.

HAKALA Okay, but it was constructed at that point?

STIERNA Correct, it was. He was laying out some sort of landscape blocking. Just a single course, which is not [inaudible], I have a permit.

COPPOLA Okay. Anything else?

MEAGHER Mr. Chair.

COPPOLA Mr. Meagher?

MEAGHER Yeah, I have question, Mr. Chair, and I'm not trying to be facetious. I'm literally just trying to understand. The application says you want the wall to block and reduce noise, pollen, and debris. You've mentioned... looking at the green space, there's a lot of pine trees, which I know don't produce pollen. There's poison ivy. You said you have a dog fence. Is it possible for you to move that dog fence a few feet?

GUIDER I could. You have to somehow find it in all that ivy. Do you know what I mean? It's a....

MEAGHER Okay.

GUIDER ...what do they call it? Electronic fence?

MEAGHER Okay.

GUIDER That the previous owner installed.

MEAGHER I think what I'm—

GUIDER Ivy grew all over it. I can't find it.

MEAGHER I think what I'm trying to ask is, some of the hardship is manageable. Noise. You're less than 200 feet from 96 so I think that's, I don't wanna say it's an invalid thing, but is the difference between a four- to eight- to 12-foot fence really gonna make that big of a difference for noise pollution?

GUIDER I noticed it definitely does. If I was adding arborvitaes to that whole thing, that would really help. My arborvitaes cut down a lot of noise.

MEAGHER I guess what I'm asking, what is the hardship that you're really going after for a 12-foot fence versus anything else?

GUIDER I don't think I said, I don't want to use a 12-foot fence. I just, I built that because I needed structure and I can reduce it to what you guys tell me to be in compliance. I was just trying to protect the trucks and this... I knew high winds were coming. This. I knew this would help protect it during that time. I was trying to build something quick.

MEAGHER Thanks, Mr. Chair.

COPPOLA Any other questions for the Petitioner?

TESTA Yeah, Mr. Chair.

COPPOLA Mr. Testa.

TESTA Thank you. Question, Mr. Guider, so it looks like, I'm guessing, maybe the first five feet, all your boards are stacked nice and tight to each other.

GUIDER They're not really, they're not really tight, there's lots of areas that go through.

TESTA Then there's a big gap, and then there's more boards that are spaced.

GUIDER Yeah, as you get higher up, I just spaced it out. And I just kind of just did that, just temporarily. I can chop it down and make it nine feet. Do whatever you guys tell me to do.

TESTA That was gonna be my next question. Looks like maybe you stopped building the fence once you got maybe notice from the City or a violation. Is that why it's not complete?

GUIDER No, I just left it at that. It added protection for my trucks, and it allows wind to go through. So it's not, it's not like, I didn't want it to shift at all. The higher you go up, and if you were to put those boards really tight, then it really, it would really create more of a wind.

TESTA Okay.

GUIDER It created more of like, what do you say, like a swing. And I didn't want to do that as we got higher up. I wanted wind to be able to go through more.

TESTA Gotcha. So that space is there by design.

GUIDER Yeah.

TESTA Okay.

GUIDER Correct.

TESTA And then the alternatives that were kind of offered tonight, where you maybe negotiate with signing an agreement with your neighbor to the south, either putting in a wall, which would tear out the greenbelt.

GUIDER That'd be pretty expensive.

TESTA Yeah. Would the greenbelt going away create more noise issues for you, or other unintended...?

GUIDER I would just put up arborvitaes and I'd put up 12-foot arborvitaes.

TESTA Okay.

GUIDER I mean, those things definitely cut down a lot of noise. They really do.

TESTA Okay. So if that business--

GUIDER It's gonna be so expensive to do that.

TESTA Okay. So if the business to the south of you did put in a brick wall, if you negotiate that with them, you could just put in arborvitaes to get some of that greenbelt back.

GUIDER Yes. I don't really want to go that route. It'd be a lot of money, a lot of tear up. My driveway, they'd be tearing up all kinds of stuff. It's bad over there. It's been unkept for many years, and I've been trying to clean it up the best I can.

TESTA All right. Thank you.

COPPOLA Anything else? All right, you have a seat for, just a brief moment here. Is there anyone in the audience that would like to speak for or against this petition? It'll be brief, probably. Any correspondence?

KLISZ No letters.

COPPOLA Okay, I told you it'd be brief. Mr. Guider, do you have anything you'd like to say in closing before we take our vote? No? Okay, you're all set? I'm going to close the public portion of the case and start the Board's comments with Secretary Klisz.

KLISZ I really do appreciate the Petitioner's concerns, but at the same time feeling bad for the commercial property owner who's let this go. And again, it wasn't these particular property owners that ended this agreement, but it just seems like that area needs to be redone by them. The City can force them to do it, and I think they should do it. Otherwise, we're letting a 12-foot massive fence wall, which I've never seen one anywhere in the city, and I don't want to see this one either. So unfortunately, even though the spirit of what the Petitioner did was admirable, there's a better way, and that's by denying the petition and letting the commercial property owner put up their wall.

COPPOLA All right, thank you.

GUIDER How long would something like that take?

COPPOLA Mr. Rotondo.

ROTONDO Thank you, Mr. Chair. Yeah, I kind of echo the same statements as Mr. Klisz just made. Twelve feet is obviously kind of excessive. Again, I don't know of any 12-foot fences that have been allowed in our city, and I do commend the Petitioner for taking... or having a problem and taking it amongst himself to try to find a solution. But I think at the end of the day, I do think this area needs to be cleaned up and there needs to be a wall put in here, clean everything up and put a separation wall there. So I'm going to be against the variance, as is.

COPPOLA All right, thank you. Mr. Meagher.

MEAGHER Thank you, Mr. Commissioner. I definitely appreciate the amount of work that the Petitioner has done in this area, I very much tend to agree, though, that I would not be in favor of the variance for a 12-foot fence.

COPPOLA Thank you. Mr. Testa.

TESTA Thank you, Mr. Chair. Yeah, I can't be in support of this. I cannot be in support of this as presented. If you came in with something smaller, I know you said you open to reducing it, but it doesn't look like you have enough votes here for that tonight, either. I do agree that probably the best solution, long-term, is to come to an agreement with your neighbor to the south. I would be open to a table. That could be dangerous, but that would allow you time to maybe work something out with your neighbor. Because if that doesn't happen, and you have to come back to us, I think you'd have to come with another fee to create another variance. But I'm open to that. Otherwise, I'd be against this.

COPPOLA All right. Vice Chair Baringhaus.

BARINGHAUS I agree. I think the whole area needs to be rethought and redesigned, and I think your best alternative is to go to the separation wall. Have it done correctly. They'll give you a clear definition of the boundary of your property. More control over your property, because you can access areas of it that you couldn't access with the greenbelt. And quite honestly, a 12-foot fence on a residential property is excessive. I've never seen one in Livonia. Never approved one in my term on the Zoning Board. Generally it's six feet. So again, I recommend. My recommendation is, again, doing it right, get the separation wall in, and then I think that would give you much more control and safety for your property. So based on that, I'm not in favor of the variance.

COPPOLA Thank you. Ms. Hakala.

HAKALA Thank you, Mr. Chair. I do not support this variance, either. I'm in agreement with my fellow council people here. It's also quite... a 12-foot fence is not the way to go about it. There are other methods to communicate with that neighbor, and I think you could push the elements of taking care of the poison ivy and installing those arborvitaes on that commercial owner, rather than having to put it all in yourself by creating this fence.

COPPOLA All right. Thank you. So Mr. Guider, I think you're actually well at this point, it sounds like you're going to be turned down, and it may seem that you've lost. I think you're in a very unique position here with your neighbor. There, you by not agreeing to a proper separation agreement or agreeing to one, you have the leverage of designing and having whatever you want there. You can have a separation wall. You can have a comb[ination]: you can have separation wall up to a certain point and then have them do vegetation, you're kind of in control of what's there. And on a variance basis, since we've already kind of approved the variance of vegetation from that point forward, any combination of what you want would probably accept, at least I'm speaking for myself, be acceptable. So right now, while you've lost the sense of the 12-foot fence. And realistically, a 12-foot fence in the front yard, I just can't approve that. I can't approve an eight-foot fence, and I would struggle to approve a six-foot fence in the front yard.

GUIDER It's not a front yard, though.

COPPOLA It is, it's considered the front, front side yard. It's considered front, it's a side yard. But nonetheless, I think you're in a unique position right now. You can pretty much have them put in whatever you want them to put in, and so you're in control of what's going to go in there. And I would take advantage of that position and within reason, obviously, have what you want. But unfortunately, the fence as you've designed it, it's not something that I find acceptable, so I'm going to open up the floor for a motion.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Resolved that the variance sought in Appeal Case No. 2025-03-06, filed by Michael Guider, be denied for the following reasons and findings of fact: that the Petitioner has not demonstrated to the Board that a practical difficulty exists, and that further, that the variance itself really can be resolved by a separation wall built by the adjoining owner to his

property, and also that the 12-foot wall being proposed for the property is far in excess of what the Livonia city ordinances prescribed. Further, that denial of this approval is in the best interest of the City of Livonia.

KLISZ Support.

COPPOLA I have a motion by Vice Chair Baringhaus, supported by Secretary Klisz.
Take the roll.

KLISZ Do you want to add a condition of how long to take it down?

COPPOLA Sure.

BARINGHAUS Sure.

COPPOLA Any thoughts from you?

KLISZ I would—

BARINGHAUS Ninety days?

KLISZ I was going to say ninety days.

MEAGHER Can you repeat what that's for?

KLISZ For how long for him to take it down.

COPPOLA So 90 days, three months.

BARINGHAUS What does the Inspection Department recommend? Is that sufficient? 90 days?

STIERNA We are at your disposal.

BARINGHAUS Thank you. 90 days, please.

COPPOLA Okay. You can take roll.

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

RESOLVED: APPEAL CASE NO. 2025-03-06, , Michael Guider, 14001 Newburgh: Seeking to maintain a 12' tall privacy fence erected without permits in the side yard resulting in a privacy fence erected without neighbor approval, a privacy fence erected in a side yard, and a fence in excess of allowable height.

Side Yard Encroachment

Allowed: 0 feet
Proposed: 60 feet
Excess: 60 feet

Privacy Fence Height

Allowed: 6 feet
Proposed: 12 feet
Excess: 6 feet

This Low Density Residential property is located on the west side of Newburgh (14001), between Perth Avenue and Schoolcraft Road, Lot. No. 076-01-0021-000, R-U-F, Rural Urban Farm, rejected by the Inspection Department under Livonia Code of Ordinance, Section 15.44.090 B.

ROLL CALL VOTE

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

NAYS: None

ABSENT: None

PASS/FAIL/TABLED: PASS: DENIED

KLISZ Ms. Hakala.
HAKALA Just to clarify, we are voting to deny.
KLISZ Correct.
HAKALA So aye.
KLISZ Mr. Meagher.
MEAGHER Aye.
KLISZ Mr. Rotondo.
ROTONDO Aye.
KLISZ Mr. Testa.
TESTA Aye.
KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.
BARINGHAUS Aye.
KLISZ Chairman Coppola.

COPPOLA Aye.

KLISZ It passes seven to zero.

COPPOLA Mr. Guider, your petition has been denied. You have 90 days to remove the fence and hopefully at that point in time you can negotiate with your neighbor. Get something that works for you. I think you're in a position to negotiate what within reason, obviously, but what works for you. All right, call the next case.

APPEAL CASE NO. 2025-04-10, 36589 Six Mile (tabled on May 20, 2025): 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 Side Yard Encroachment on the East Side

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

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 Thank you. Can I get a motion on this?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Motion to remove from the table Appeal Case No. 2025-04-10.

ROTONDO Support.

COPPOLA I have a motion by Vice Chair Baringhaus, support by... is it Mr. Rotondo?

KLISZ Yes.

COPPOLA To move from the 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 Inspection Department doesn't have anything specific to add. I have been working with Mr. Retting regarding the connections that I brought concerns of and he has satisfied me that the connections for the extensions on his fence would be acceptable. And I think the other item was him obtaining some level of agreement with the neighbor to the west over secured... securing loose posts.

COPPOLA So existing loose posts for putting extensions in?

STIERNA Correct.

COPPOLA Okay. But you'll inspect that all...?

STIERNA That would all be inspected as part of our stability inspection. And again, I'm satisfied that the equipment he's proposing would be sufficient for that purpose. We will obviously verify that in the field.

COPPOLA Any other questions for Mr. Stierna?

BARINGHAUS Yeah, one more question for Mr. Stierna. How will the fence be affixed to the post, the fence panels?

STIERNA I believe he had a style of new bracket. It's a nice design.

[Inaudible]

STIERNA Yeah.

COPPOLA Mr. Testa?

TESTA Mr. Stierna, connections meaning, you mean the sleeve he's going to put over the existing poles?

STIERNA Yeah, the sleeves, yeah. My concern was the sleeves would not slip and the sleeve that the two poles could connect into, I was concerned that they I was satisfied that the sleeve would not slide over time, and the product that he has proposed has satisfied me.

TESTA Thank you.

COPPOLA The Petitioner could step forward. Thanks. Just for the record, name and address.

PAIGE RETTING Paige Retting, 36589 Six Mile Road, Livonia, 48152.

JOSHUA RETTING Joshua Retting, 36589 Six Mile Road.

COPPOLA Okay. Thank you. So we tabled this the last time you were in front of us and asked you to consider some of our comments as well that we would ask for the Inspection Department to just kind of validate your methodology. It was something that we had never seen before. So has anything in regards to location, design, anything in your proposal changed?

JOSHUA RETTING No, currently we are proposing the same location and having a six-foot wood privacy fence.

COPPOLA I'm looking at what you originally presented on the west side, you were going to go just slightly up from the back of the house or back of the garage to meet up with the neighbor's fence. Correct?

JOSHUA RETTING Correct, yeah, we provided an updated plot plan to show that.

COPPOLA And then on the west side, I'm sorry, the east side, then you were going to go, you wanted to go to the front of your home. Is that correct? Still want to go to the front of your home?

JOSHUA RETTING Correct. Where the current chain-link fence is.

COPPOLA Okay. Have, I'm not sure, have you seen... we've gotten some, and we'll talk to the correspondence in a minute, but there were some concerns from your neighbors, neighbors, I think, on the east and the west side, in regards to kind of like, maintenance of the fences and what actually would have suggested a different material for the fence. Have you had any discussions with your neighbors on that?

JOSHUA RETTING No, I have not. I saw those last night when I was reviewing for this case today, so I haven't had a chance to talk to them about that based on the case. On May 20, when we came and presented our case, we worked with the neighbors to the west to address those posts. They were identified. The two that were wobbly, I purchased concrete. I stabilized them. The neighbor was there the entire time I did that, supervising and making sure that he was satisfied. So we had conversations. I also typed up a letter asking him to sign it that we addressed his concerns based on the May 20 date. So he signed that. I didn't push him to sign it. I had the paper for hours, actually had to do a couple revisions on that, based on the wording, and nothing was brought up about the material of the fence or anything else. The current proposal was basically everything that was discussed.

HAKALA Okay. Questions, any other questions for the Petitioner?

BARINGHAUS Mr. Chairman?

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yeah. Can you just restate your hardship and your need for a privacy fence?

JOSHUA RETTING Yes. So for the privacy fence, being on Six Mile, we do get a lot of noise being directly on the main road. And then on the east side of that property, where that fence extends to the front of the house, we have a vegetable garden that we like to keep in that location. The sun comes up from the east and sets in the west, and as it comes through, our entire backyard is completely open. We have lots of sun that's in the open of the backyard, so we like to have that shaded area in the early afternoon. That's the only portion of the yard that's shaded, so we like to have the vegetable garden to work there. And then also, I have an outlet on that side of the house, and I'll do any kind of woodworking or any other kind of projects over there in the shade rather than in the scorching sun.

BARINGHAUS So your hardship is basically a vegetable garden on the east side of the house, which requires you to place the privacy fence at the front of your home, as opposed to the rear?

JOSHUA RETTING As well as the shape.

BARINGHAUS The shape. Did you have any thought to bringing the east side more into compliance with city ordinances and moving the vegetable area back?

JOSHUA RETTING Yes, I've thought about that. And I misspoke in the last meeting, we do not have any windows on the main level of our house, but we do have three basement windows, so there's no real good place to put it on the side of our property there. It's either we have to back it up almost all the way to the back or extend it to the front.

BARINGHAUS Okay. Thank you.

COPPOLA Other questions? Mr. Testa.

TESTA Yeah, Mr. Chair, thank you. Questions on the east side of your fence that right now connects basically to the front of the house. Last time you said you couldn't move it back because you had, I believe, a hose there and gas lines. So I think the hose is towards the front of the house and the gas... sorry, gas meter is near the chimney, just in front of the chimney, in terms of towards the road. I know I saw the basement windows there as well. Why couldn't you move the fence back to say, just behind the chimney?

JOSHUA RETTING I guess there would be a potential, but again, we prefer to keep our vegetable garden where it is, and then we wouldn't want it in the front of the house or, I guess, surpassing the fence.

TESTA So the vegetable garden right now, is it like a raised bed, is that what's there?

JOSHUA RETTING Correct.

TESTA Okay, I did see that. So that's not getting any sun in the afternoon then, right? It's being blocked by the house.

JOSHUA RETTING Yep.

TESTA Okay, I understand. Thank you.

COPPOLA Other questions for the Petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Your neighbor to the west had some concerns about detaching your chain-link fence from theirs and loosening their chain-link. Did you have any discussions with the neighbor and reach any kind of resolution on that?

JOSHUA RETTING Yes, yep. So we... I actually purchased a couple of the pole extensions, and then we reviewed it in detail. I brought it out, I showed him what I was proposing, and then we reviewed where the chain-link was bolted to that fence. And then he was... he seemed to be okay with the proposal.

BARINGHAUS Your current fence is wood, correct, that you're proposing for wood privacy fence?

JOSHUA RETTING Correct.

BARINGHAUS Okay, what made you decide wood versus vinyl?

JOSHUA RETTING So with wood, I just like the overall esthetic of it, rather than the vinyl. I didn't want, like a bright white, kind of vinyl fence. The wood, I thought, stained and with the way my house is, it's a Dutch colonial with the roof kind of extended. It's kind of a traditional-looking house, and I thought the vinyl would kind of be a little bit more modern tone.

BARINGHAUS And then just kind of refresh my memory. You want to have the wood weathered, or do you want it stained?

JOSHUA RETTING I would want it stained.

BARINGHAUS Stained. The color would be....

JOSHUA RETTING It would be like a....

[Inaudible crosstalk]

BARINGHAUS I saw a picture. That's right. Okay. Thank you.

COPPOLA You'd be staining both sides or just your side?

JOSHUA RETTING Talking with the neighbors. I would stain their sides at the beginning, if they need support on that.

COPPOLA Anything else for the Petitioner?

MEAGHER Mr. Chair, I had one question for the Petitioner. Have you ever looked into buying trees and installing those in the backyard for shade?

JOSHUA RETTING I've thought about it, but it's just a, I guess, a waiting game. At that point, we have to wait 10-plus years for them to grow to a large enough size to actually get some shade.

MEAGHER Thank you.

COPPOLA Anybody else?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yeah, Mr. Testa suggested moving the east side of the fence back to your chimney or in that area. What's your feelings on that again?

JOSHUA RETTING I would prefer not to. Again, having to move some of the things that are in that area, if we're, I guess, given the option of moving the location of the fence or the height of the fence, I would lean more towards adjusting the height on the east side of the property.

BARINGHAUS Okay, thank you.

COPPOLA Okay, anything else?

ROTONDO Mr. Chair.

COPPOLA Mr. Rotondo.

ROTONDO So, question for the Petitioner, have you spoken with the neighbors to the east of you, directly on the east property line?

JOSHUA RETTING Yes. So we got their authorization before, back in... I think it was March before the May meeting, and then following the meeting in May, we spoke, and I notified them that the [inaudible] was stable, and we would let them know if there's any updates they need to be aware of, and that was it.

ROTONDO Okay, it seems, just going through some of the responses, it seems they had some concerns about the about the fence coming up to the front of your house, and that's why I was kind of asking if they had brought that up to you at all. If you guys have had that conversation about the location of how far that fence is coming out to the front of the home?

JOSHUA RETTING Yes. So the initial conversation basically outlined that it would be the current location of the fence. I provided the authorization letter for that, and then I also typed up another letter stating that the variance would be a six-foot fence from the rear of the property on that east side. And he signed that as well.

ROTONDO Okay. Thank you, Mr. Chair.

COPPOLA Thanks. Anything else? Okay, seeing none. Is there anyone in the audience who would like to speak for or against this petition? You guys can have a seat for a second. And name and address, please.

PLOUCHA Anne Ploucha, and it's 36614 Whitcomb, so I'm like catty-corner from them. We're for it. I know our neighbors directly behind them are also for it. As far as their variance on the east side, if it were my house, I would... it also... their driveway comes up into that variance space, I believe. So I wouldn't want that constant drive in and out of their garage. [Inaudible]

COPPOLA Thank you. Anyone else? Do we have any correspondence? We have a letter of approval.

KLISZ We do. We have a letter of approval from this person who just spoke. So we don't read that one. We have a matter of objection from William Snody and Karen Snody, 36557 Six Mile (letter of objection was read). And a letter of objection from John Mauti (letter of objection was read). And a letter from Kathleen Wycaver, 36645 Six Mile Road (letter of objection was read). No other comments.

COPPOLA Mr. Retting, anything you'd like to say? Before you had an opportunity, I'm sorry. Anything you'd like to say in closing before we close the public portion and take our votes?

JOSHUA RETTING One thing I did forget to mention when I discussed the fence on the east side with the neighbors on the east side of our property, they were actually excited about the

fence. They mentioned that the large garbage cans that we just received for the City of Livonia, they were concerned that we'd have issues with where they were placing them, so they're excited that we would put a fence there and then they wouldn't have to feel, I guess, guilty with the location of those cans. Yes, thank you for your consideration.

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

MEAGHER Yeah. I appreciate the thought that went into this. I know you're trying to make this better, or trying to make your property better in that sense. What I don't see, though, is a vegetable garden being a hardship, especially if it's on the side of your house without trees in the backyard. It kind of would have made sense to put it in the backyard for some purposes. So that part doesn't make sense to me. That doesn't really matter. I think I'd be okay with this if it was back to the chimney, just because it sets a precedence along Six Mile Road that I think could get out of hand fairly quickly.

COPPOLA All right. Thank you. Mr. Testa.

TESTA Thank you, Mr. Chair. So last time I was mostly in support of this, but I think I had proposed a table so you'd work things out with your neighbors. When I looked at the cases on Friday, I thought you had that. But yesterday, obviously that changed, when both your neighbors, east and west, wrote letters in objection. So I think based on that I can't support. I would be open to another table to allow you to try to work things out with them. I do understand their concern on the wood fence. They are older. Obviously you said you could stain it the first time, but maybe five, eight years from now, you may not be the owner. They might still be living there, and the new owner might not be willing to take care of that for them. So that was a reason for the vinyl fence. I was Googling here real quick. I don't think you can do a vinyl fence with the sleeves you're proposing. Doesn't look like they're compatible. And I, from my memory, you're doing those sleeves, it kind of cut down on cost to not have to put new posts in. So I think really, the only way for you to switch to vinyl make the neighbors happy, would be a higher expense. So, like I said, I can't support as is due to the neighbor objection, but tabling to get their approval, I would be open to approving it.

COPPOLA Thank you. Vice Chair Baringhaus.

BARINGHAUS Thank you. Basically, I think you did a commendable job addressing many of my concerns. One concern I had was with the metal sleeves and the other hardware that would be used in the construction of the fence. You met with Mr. Stierna, and he answered those questions. He's satisfied with your design. So that's fine. The second question I had would have had to do with your neighbor on the west and impact of you changing the attachment of the new chain-link fence to theirs. You took the initiative about the neighbor, explaining what you're doing. They seem satisfied with that as well. One area I was always concerned about was the east side of your property. I didn't really see a genuine hardship there, and to have that fence that far forward today just seems like it's out of line with the neighborhood. Your house is rather unique in that aspect. Based on where I'm at, I guess the only other things I need to address, you talked to your neighbors about the fence. They sign the authorizations in good faith to you, and then changed their minds later on down the road. I mean, I think if they had any reservations, those should have been addressed initially with you, rather than later in the game. In terms of the type of fence you want to install and the materials. I would say that as the homeowner, that's your decision, and I think you at least made an effort to

set things up which, if I understand it, you're willing to paint both sides of the fence initially to kind of get things going, and then go from there. What I don't agree with is the placement of the fence on the east side at the front of the house. I do like Mr. Testa's suggestion of moving the fence back to the area of the chimney to make it more in line. That will still be, I think, a good compromise. It will give you some shady space that you can use for whatever task you have. Also, you know, vegetable gardens, things like that. But then it also brings the fence more in line with the neighborhood. So if that one change is made, if you adjust the placement of the fence on each side to the chimney area, I would be in favor of the variance. Thank you.

COPPOLA Mr. Testa. I mean, I'm sorry. Secretary Klisz.

KLISZ I think everyone's done a good job of analyzing this, and I wasn't here the last time, but I think what Mr. Testa and Baringhaus just stated makes a lot of sense. Seems like, again, the neighbors have a problem. It probably can still be worked out. It is sort of their choice, but there's kind of no real need to go to the front of the house. Usually it's like a window or something very important. And I don't think a vegetable garden meets that standard of hardship, so I think a tabling would be in order, and probably it will get done next time, if there's some compromise.

COPPOLA Thank you. Mr. Rotondo.

ROTONDO Yeah, so obviously, I think my colleagues have done a good job of summing it up. I'm okay with the privacy fence on the west side and with lining it up with the neighbor's current fence. When we first saw this case, I had some reservations about the support structures. I will leave that up to the Building Department to make the determination on that. I appreciate you guys getting with them and addressing that with them. The issue that I have, which some of my colleagues have stated too, is the east side encroachment in the front yard to the front line of the house. That was something that I had stated in the last meeting as well. And I'm a little bit disappointed to see that it hasn't moved at all. So I'm not going to be in favor of that side of it. I don't know if we, my colleagues, have talked about tabling it. I guess we could do that. I don't like tabling it twice. We could do an approval and approving in part and denying in part, maybe. I don't know. I guess I'll see where everyone else is at with it. And that's it for me. Thank you.

COPPOLA Thank you. Ms. Hakala.

HAKALA Thank you. I would suggest tabling the motion for now. I'm really concerned about the neighbors all of a sudden switching from supporting this and the material to [inaudible] later on. I don't want you 10 years from now to have to move because you have neighbors who are making that life horrible for you. I also agree with the rest of my Board members here. I don't believe there's a hardship or a reason for the fence along the east to be that far forward.

COPPOLA Thank you. From my perspective, I think I'm aligned with Mr. Rotondo. The west side, I think it makes a lot of sense. It hit aligns with the neighbor's fence, so that and the [inaudible] piece, that's not a big deal. I had not heard any compelling reason as to why the fence needs to go all the way to the front of the house, or really why we should do it anywhere but the back of the house. We've been at this twice now. From my perspective, I would prefer there to be a[n] approval in part and denial in part and then if the Petitioner really, really, really wants something different, they can always file another variance. You can always file another

variance, as long as it's not the same variance. So you can come back and file a variance to go partway up if you wanted to. I personally would not be in support of that, but you've heard others that say that they'd be in support of it. As to kind of the regret the neighbors have in regards to their approvals and materials, I'll leave that to neighbors and the Petitioner and the Building Department in regards to that. I think that's kind of somewhat outside our scope of what we need to worry about. So I will go ahead and open up the floor for a motion.

BARINGHAUS Mr. Chairman, just one question for Mr. Fisher. Is an alternative for approval of now, if you do approval of the condition of adjusting the west side of the encroachment?

FISHER I think that's a matter of semantics, but there's no legal objection.

BARINGHAUS Okay, very good.

COPPOLA So the question is, can, can we approve something that hasn't been presented?

FISHER No, I guess I didn't....

COPPOLA That's what he's trying to say. So can we go ahead and approve the east side, only going halfway?

BARINGHAUS Oh, that was going with the approval. I'm just trying to determine which, if both routes get you to the same place.

FISHER Okay, sorry, ask me that question again, then.

BARINGHAUS The question was just, basically approve the variance, just on the condition... with the condition that the fence line on the west side of the home. It would be located in the area of the chain-link fence.

FISHER Yeah, I guess I'm not seeing what the problem is.

COPPOLA Because it's not as presented. It wasn't as noticed. So we're doing something different.

FISHER Well, I think that's been done before.

COPPOLA Yes, I'm not sure it was right when we did it then. We talked about those philosophies.

[Laughter]

BARINGHAUS I am open to either one. Just this [is] for my clarification.

FISHER Yeah, I'm fine either way.

COPPOLA We'll try and combine these.

STIERNA Mr. Chair.

COPPOLA Yes, what do you have?

STIERNA A concern with the neighbors rescinding their authorization. Would it be prudent to include a condition that they get new neighbors' authorization for the approved revised plans as approved by this body?

TESTA That's why I think doing a table is better. They got their neighbor approval.

COPPOLA So tabling would be a basis. I mean, again, they can come forward with the same again.

TESTA Trying to say—

COPPOLA I understand that. I mean, the proper thing to do as a petition would be working out with the neighbors to come up with a revised plan. They don't have to do that. I'm okay with that. I'm not okay with that as it's been, as it was petitioned. So if you guys want to do something else, I can support that, but I won't approve it as a petition. And I'm only one vote.

TESTA Big question, Mr. Stierna, if they try to pull a permit without the neighbor's approval.

STIERNA I'm looking for new authorizations from the neighbors, considering they are replacing existing fences.

COPPOLA They already have their approvals, right?

STIERNA Which, by those letters, as presented last-- yesterday, apparently they're rescinding that approval. Am I understanding those letters correctly?

COPPOLA I'm not sure you can do that.

STIERNA That's a good question. Mr. Fisher, maybe.

COPPOLA Can they rescind their approval?

FISHER Yeah. I guess.... This Board has made decisions before based on the concept that somebody reneged on an agreement with the other side. In fact we've done that very recently, and so I don't-- if that's the concern. I don't think that's an overwhelming concern either.

COPPOLA From... not concerned in regards to what? Which way?

FISHER Well....

COPPOLA Clarify for me.

FISHER If the question is, can we take into account the fact that one party has not made an agreement and pulled out, I'd say, yes, you can do it. We have done it. I mean, that's, I guess, according to most people's concept of fairness, I think. They don't have to do it by any means.

COPPOLA Need a motion.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Move to table Appeal Case No. 2025-04-10, to allow the Rettings more time to refine their plan and work out an agreement with their neighbors.

KLISZ Support.

COPPOLA I have a motion to table by Mr. Testa, supported by Secretary Klisz. You can take roll.

MEAGHER Mr. Chair. Can I ask one question?

COPPOLA Sure.

MEAGHER For this tabling... would not charge them again?

COPPOLA No. Not monetarily.

On a motion by Testa, supported by Klisz, 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 work out a resolution regarding the fence plan, including materials.

ROLL CALL VOTE

AYES: Testa, Klisz, Hakala, Meagher, Rotondo, Baringhaus

NAYS: Coppola

ABSENT: None

PASS/FAIL/TABLED: PASS: TABLED

KLISZ Ms. Hakala.

HAKALA Aye.

KLISZ Mr. Meagher.

MEAGHER Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ And Chairman Coppola.

COPPOLA Nay,

KLISZ Six to one.

COPPOLA All right. Mr. and Mrs. Retting, I apologize, but we tabled it again, and there's some concerns that the Board brought up. I think that again, add on if I missed anything, number one would be reconsideration of the east side. I think the majority of the comments are basically bring it back some. So to come back to the revised plan, in regards to that. And then the other one is, I think we're looking for resolution with the neighbors on the concerns they raised in regards to materials and maintenance and those types of issues. Because both of them objected, so that, theoretically, I don't know, actually, theoretically, they kind of rescinded their approvals.

JOSHUA RETTING Okay. I guess one question to the Board would be the east side. Instead of moving that location, reducing that height to four foot, that would be...?

COPPOLA Still a four-foot type of privacy?

JOSHUA RETTING Yeah.

COPPOLA So it'd be sight-obscuring.

JOSHUA RETTING I guess. Would the Board be open to that? Or would it be preferred, the location of the fence?

TESTA Non-sight-obscuring would be fine, correct?

COPPOLA Right. They could do that today.

TESTA If you did like a picket fence, for example. That would be fine.

JOSHUA RETTING We discussed there, a discussion with Inspection Department, and I just didn't think they would look well, privacy, six-foot privacy fence transition to a four-foot fixed fence. I think it would look even worse.

COPPOLA They take four-foot privacy fences, that's not... you have to.... Almost.... Four....

JOSHUA RETTING Yeah, so yeah, I guess, okay.

COPPOLA I mean, we have to be very careful as to... we can't say it's acceptable. We provide-- You heard the guidance from Counsel, from the Board. I mean, the suggestion is to move it back, I think a lower height. I mean, that's a proposal that intrigues me, but that's something I would... we might.... I'm thinking about how to approach that. Be very careful here. And I can't tell you whether it's successful or not. We have to go through the process of doing that, but it's definitely an alternative that from my perspective is intriguing. I thought, I'm not really sure esthetically how [inaudible] and whether you might come up with an alternative type of fence that would be four foot, that would transition well, maybe do kind of a step down or something to... or do something else, but it's... you could propose that. I don't know exactly whether that be acceptable or not. I really don't want to take you through the process of another table, it was part of the reason why I wanted to approve it and deny it so that you could have at least commenced with building the fence everywhere else. But we can't take a vote right now to say whether it's acceptable. Unfortunately, I can't do that for you.

JOSHUA RETTING Okay.

COPPOLA It's intriguing. I think if you could make it work esthetically, I think you could probably find support.

JOSHUA RETTING Okay, thank you.

APPEAL CASE NO. 2025-06-17, 15230 Levan: an appeal was made to the Zoning Board of Appeals by Kordoba, LLC, on behalf of Masri Orthodontics, seeking to erect a second wall sign resulting in excess area for any single sign.

Total Sign Area

Allowed: 112.5 square feet
Proposed: 180 square feet
Excess: 67.5 square feet

Total Area for a Single Sign

Allowed: 75 square feet
Proposed: 90 square feet
Excess: 15 square feet

This Corridor Commercial property is located on the east side of Levan (15230), between Jamison Street and Five Mile Road, Lot. No. 077-99-0010-000, C-1, Local Business, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 11.08 (2) – Sign Regulations for C-1 Districts.

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

STIERNA There was some concern brought to my attention that there may be multiple tenants in this building.

COPPOLA Correct.

STIERNA All I see is a second name on the existing monument sign. The ordinance does allow for a second sign on a single-use building or an endcap building that did change from the five, excuse me, 543 ordinance, which would only allow for a[n] endcap if it was on a main thoroughfare. That now does allow for the stand-alone buildings and endcaps in similar structures or a portion there of the leased space. So it's a little bit confusing at this point whether the sign even existing complies with the current ordinance.

COPPOLA Yeah, but it would be, as existing, would be grandfathered.

STIERNA Yeah, it would have been. Yes.

COPPOLA But.... So the rule, I think, states that a building that doesn't exceed two stories has one wall sign per unit, and this building doesn't really... isn't set up in units. When I think of a unit, I think about like a strip mall with units. This is kind of a two-story building located on the front of the building. It has to be located on the front of the building. In the case of an endcap unit or a single business occupying a single building, a second wall sign could be allowed on the side of the building. So I guess I'm struggling to see. I don't understand how.... I understand the definition of an endcap on a two-story kind of office slash professional building.

STIERNA We would consider, since this kind of a single.... Yeah, it would be kind of an endcap. I guess it is open to a little interpretation, I guess by this Board, but we have certainly allowed similar signage on the side of many buildings since the change in ordinance.

COPPOLA That's been a change in ordinance, when they redid the ordinances?

STIERNA Correct, as part of Vision 21 which then became Livonia Zoning Ordinance.

COPPOLA If you could just real quick explain the two variances. So the total sign area allowed is 112.5 square feet. How is that?

STIERNA So that's based on the front of the building that would be facing Levan Road, they are allowed one and a half square feet total signage for every lineal foot of frontage they have on Levan Road of the building or portion thereof, which I gotta consider moot at this point.

COPPOLA And so—

STIERNA And they... but no sign can be any larger than the frontage of the building, one for one. One square foot for one linear foot. So basically, if you want to take that total of two square footage and divide half, you're going to have basically combined or if you want one side larger that meets the maximum signage and one half the size.

COPPOLA So the way you calculated here, the excess suggests that there's a[n] existing.... How big is the existing sign?

STIERNA Correct. It'd be full size.

COPPOLA Yeah. Okay, any other questions for Mr. Stierna? Okay, all right. I don't have any other questions. The Petitioner, name and address, please.

ZACKS Thank you. Michael Zacks, general manager for A1 Signs. My address is 20720 North Elm Street, Southfield, Michigan.

COPPOLA Was there any authorization of [inaudible]?

BARINGHAUS I didn't see any.

COPPOLA Is the Petitioner here?

ZACKS I believe we are the Petitioner. A1 Signs.

COPPOLA No, the property owner would be the Petitioner.

ZACKS Property owner is down here.

COPPOLA So you're gonna have a tough time answering a lot of the questions about property, such as, how many tenants are there in the building?

ZACKS I believe it's a single tenant in the building. I think he has two different businesses in that building.

COPPOLA When I googled that address, three different businesses showed up, and then when I went to the Secretary of State, they are registered separately. So there's three separate legal entities occupying that building right now. So that'd be three businesses, okay? And two of them are on the monument sign.

BARINGHAUS Mr. Chairman?

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yeah, when I [inaudible] the property inside of the building, the lobby, there's a plaque with the names of six dentists. So just add to the mystery.

COPPOLA Yeah, they could be part of one practice.

BARINGHAUS I don't know. That's six names, so that was hard to see for clarification.

COPPOLA Okay, so I'll give you--

ZACKS Sure.

COPPOLA --an opportunity now to give us your pitch.

ZACKS Okay, yes, I think it's fairly simple and straightforward. So probably you've seen in the packet, there's a before and after picture. What it shows, of course, is the building as it looks today, with no signature on the side facing the BP station, so to speak. And that superimposed in the after section is the sign as proposed. So it's fairly straightforward. The hardship and difficulty, of course, is this building is in a highly congested area. The sign band is at the top of the building, if you will. Superimposed, you can see from 30 feet back, you can see the sign fairly well. What you probably don't have in front of you, and maybe you're not aware of, there is already a permanent place for the sign on that facade. I only have one copy, but I prefer that everyone took a look at it. The permit was allowed for 40 square feet, so I'm going to pass this along for everyone to look at. And the point of showing you this is that made to abide by the current ordinance, the sign really isn't even readable. It's 40 square feet that was allowed, and there is a permit issued. But prior to beginning construction, we took a second look at the building and decided that, frankly, it wouldn't make any sense to install and build that sign. You're looking at it about 40 feet away. And imagine from, say, in the middle of the road, from 80 or 90 feet away, you wouldn't even read what it says.

COPPOLA Are you aware that the Petitioner filed a petition almost 10 years ago for very similar signage and was rejected at that point in time.

ZACKS I was not aware of that, no.

COPPOLA Basically it's the same sign that was rejected last time. And if you read the minutes, there's a number of reasons, reasons why it was rejected, but one of them was that visibility. I mean, from westbound there's no visibility. Eastbound is limited visibility. It really was questionable whether it really had much value. There [were] other actions taken by the Petitioner that wasn't helpful to today's petition, but it was denied, and it's relatively the same sign. So I'm trying to figure out what's changed in 10 years. I'm not sure. I'm not aware of anything that's significantly changed, but it suggests that it should be approved rather than denied, as it was.

ZACKS Sure. I guess our thought was, what was originally submitted 10 years ago. I'm not aware of what was granted and the permit was issued is for the photo that you just looked at, as you could see. And I think it was readily able to determine that sign would not be

readable. The larger sign, however, that was proposed in the before and after, would be readable. Those letters are approximately 20 plus inches, so they'd be readable from about 300 feet.

COPPOLA Okay. Questions for the Petitioner's representative.

TESTA Yes, Mr. Chair.

COPPOLA Mr. Testa.

TESTA What's the purpose of this sign? Who's it benefiting? I drove by there and I can't understand what benefit it would bring.

ZACKS I think just having another signature on the building, a highly congested corner, the hospital's there, the two gas stations, other businesses. I think the doctor thought that having a signature on the facade that faced the intersection would be of some help.

TESTA Who's it helping? Maybe someone coming southbound on Levan from the neighborhood, but otherwise westbound, sorry, eastbound can already see the sign that's facing Levan.

ZACKS Yes.

TESTA Someone headed westbound, they can't see the sign. That's blocked by the gas station.

ZACKS Well, I guess that's our point. There would be some visibility from, of course, there's four directions of traffic. So from some of those other directions, at the light, you would see the building. Yes.

TESTA If you're at the light, the gas station is blocking it, you can't see it.

ZACKS From the other side of the road, from the south side, I guess.

TESTA So you'll be headed eastbound.

ZACKS Correct.

TESTA But if you're headed eastbound, you can see the side that's facing Levan.

ZACKS You could see that side, yes.

TESTA So I'm not seeing the benefit of the sign.

ZACKS I understand. He has been granted a permit, though, just so you're aware.

TESTA You can go ahead and put that sign in.

COPPOLA Any questions for the Petitioner? All right. Seeing none. Is there anyone in the audience who would like to speak for or against this petition? Got any correspondence?

KLISZ None.

COPPOLA No correspondence. Anything you'd like to say in closing. Thank you very much. I'm going to close the public portion of the case and start the Board's comments with Mr. Rotondo.

ROTONDO Yeah, thank you, Mr. Chair. You know, I'm not going to be in favor of this. I guess I don't really see a hardship here. I don't see where this is going to be very beneficial and increasing any sightliness coming off of the road to traffic. Got the monument sign there already. You've already got a sign, a wall sign on the building, as it is, I don't see the hardship that would require the larger sign on this building. Thank you.

COPPOLA Thank you. Mr. Testa.

TESTA Yeah. Thank you, Mr. Chair. I live right in this area. Drive by there all the time. It's easy for me to see the existing sign and the existing monument sign. I think the proposed sign facing to the north adds no value. And I don't see a hardship here. So I'm a no.

COPPOLA Thank you. Vice Chair Baringhaus.

BARINGHAUS I agree with my colleagues. But first of all, I want to say that the building's very well designed. It's very striking. Unfortunately, I think you summarized it up. It is on a congested corner. And I think this, I agree. I just don't think the sign adds any value. I think it's efficiently signed from Levan. It has a very large monument sign, and from the building that indicates it's an orthodontic office. So based on that, I won't approve the variance.

COPPOLA All right. Thank you. Secretary Klisz.

KLISZ Thank you. As one of the three current members who actually heard this case in 2016, it's no different. I mean, a lot has changed, but the requested variances are still in excess. So if they have permission to put up a smaller sign, and they'd like to do that, fine, but we already heard this case. I remember it well, and I go by them all the time. And now it's a well-known building. Everyone knows it's there. And again, the same arguments were made then, we denied it then, and we should deny it now.

COPPOLA Thank you. Mr. Meagher.

MEAGHER Yes, I agree with my colleagues here about not adding any value and already being above the allowed square footage. So I think I'd be in... I would not be in support of this.

COPPOLA Thank you. Ms. Hakala.

HAKALA Thank you. I also do not support this, as everyone else has stated, there's no clear reason why it would be necessary. [Inaudible]

COPPOLA Thank you again. As Secretary Klisz stated, I was on the Board when this came through the last time, and I don't think anything has changed. This has been asked and answered. I would be in denial of this. I'm going to go ahead and open up the floor for a motion.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Resolved that the variance sought in Appeal Case No. 2025-06-17, filed by Kordoba, LLC, on behalf of Masri Orthodontics be denied for the following reasons and finding of facts: the Petitioner has not demonstrated to the Board that a practical difficulty exists. Further, denial of this appeal is in the best interest of the City of Livonia.

ROTONDO Support.

COPPOLA All right, I have a motion by Mr. Testa, supported by Mr. Rotondo. Go ahead and take....

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

RESOLVED: APPEAL CASE NO. 2025-06-17, Kordoba, LLC, on behalf of Masri Orthodontics, 15230 Levan: Seeking to erect a second wall sign resulting in excess area for any single sign.

Total Sign Area
Allowed: 112.5 square feet
Proposed: 180 square feet
Excess: 67.5 square feet

Total Area for a Single Sign
Allowed: 75 square feet
Proposed: 90 square feet
Excess: 15 square feet

This Corridor Commercial property is located on the east side of Levan (15230), between Jamison Street and Five Mile Road, Lot. No. 077-99-0010-000, C-1, Local Business, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 11.08 (2) – Sign Regulations for C-1 Districts,

be denied for the following reasons and findings of fact:

1. The Petitioner has not demonstrated to the Board that a practical difficulty exists, and
2. The denial of this appeal is in the best interest of the City of Livonia.

ROLL CALL VOTE

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

NAYS: None

ABSENT: None

PASS/FAIL/TABLED: PASS: DENIED

KLISZ Ms. Hakala.

HAKALA Aye.

KLISZ Mr. Meagher.

MEAGHER Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Aye.

KLISZ Passes seven to zero.

COPPOLA All right, [inaudible] has been denied. Okay.

TESTA Mr. Chair.

COPPOLA Yes.

TESTA I propose a three-minute break.

COPPOLA For our Petitioner, make it quick, if you would.

TESTA I can just run up to there. If you want to continue on, I'm fine with....

COPPOLA Okay, we'll give it just three minutes. We're gonna go off the record at 9:14. Back on the record at 9:17.

APPEAL CASE NO. 2025-06-19, 17390 Myron: an appeal was made to the Zoning Board of Appeals by Ryan and Joanna Wood, seeking to erect a six-foot-tall privacy fence to enclose the rear yard resulting in a double fence along the south property line and lacking neighbor authorization from the neighbor to the south.

This Low Density Residential property is located on the east side of Myron (17390), between Bobrich and Francavilla Drives, Lot. No. 036-01-0047-000, N-1, Neighborhood, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 15.44.090 A & 15.44.090 B.

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

STIERNA Yes, Mr. Chair, I will admit that a representative from the Inspection Department, yours truly, did make attempts to speak with both the property owners involved on this matter to see if a resolution could be reached. None was.

COPPOLA Any color in regards to the neighbor that's objecting?

STIERNA Having to do with their... a little insecurity with their fence that's been in place since the '70s, that protects their pool being affected, was the feedback.

COPPOLA They're have to take that down, right?

STIERNA They would have to take that down, so in order... in favor of the new fence, and so they'd be going from a[n] existing four-foot non-sight-obscuring to apparently, a six-foot-privacy fence. I don't know that that was the objection, and they just seem to be very concerned about how that might affect their security, to their pool, and the potential damage to any vegetation in the area.

COPPOLA Did you walk that property line by chance?

STIERNA I did.

COPPOLA I drove by each way. Actually lived right around the corner for 20 years. But is that vegetation along that property line? Is that...?

STIERNA They are incredibly tall arborvitaes on the Petitioner's property, and then there's a great deal of ground cover on the neighbor's property.

COPPOLA Are those arborvitaes tight against each other? Was there a large space in between, or are they pretty close together?

STIERNA I think the branches were a little bit prohibitive, but there was some dying-off on the lower parts on the north side of that, which is not unusual for arborvitae, pretty lush growth on the south side.

COPPOLA All right. Thank you. The Petitioners could step up, please. Petitioner's representative.

KNAPP My name is Lesley Knapp. My office address is 31586 Schoolcraft, 48150. My home address is 15491 Woodring, 48154, a block north.

COPPOLA Would you just, for the record, make sure we get it right. Spell your last name.

KNAPP K-N-A-P-P. First name is Lesley, L-E-S-L-E-Y.

COPPOLA That's what I thought. Just wanted to make sure. Okay.

KNAPP I have a handout, if I may.

COPPOLA Sure. Approach.

KNAPP I'll be very brief. I never thought I could hear so much about fences in one evening of my life.

COPPOLA [Inaudible]

KNAPP Thank you. I didn't understand a lot of it. I will say that. Just enough, I'm sorry. Did you want this? Okay, Mike, I didn't have one for you. I'm sorry.

FISHER That's fine, I'll read up.

KNAPP It's just about Logan. So I want to give you a little bit of background. My clients are Ryan and Joanna Wood. Ryan and Joanna live and work in Livonia. Ryan's originally from Livonia, grew up over on Ellen. He went to Hall. He went to Frost Middle School. He went to Churchill High School. He played hockey, as did his younger sister through Livonia Hockey. Ryan was captain of the football team. He became a firefighter after he got out of Churchill and had a hard time finding a job here, so he moved down to Charleston, where he met Joanna, who's originally from Virginia. They had their son, Logan, who's now seven years old, and back in 2020 they had a daughter, Zoe, who's now five, and Logan has been diagnosed with fairly severe autism, called Autism Spectrum Disorder, and ADHD, Attention Deficit Hyperactivity Disorder, and that's the paperwork that I've given you to establish that. Right after Zoe was born, Ryan and Joanna decided they wanted to move back here. Ryan got a job. He works for the Farmington Hills Fire Department as a firefighter. Joanna does something with technology, and she tried explaining it to me, and I barely understood a word she said. But she works too, and they also have another daughter, Julie, who's now a year old. They... Ryan really wanted to be in Livonia. His parents are still here, over on Ellen, just south of Five Mile. His sister is in the area, although not in Livonia, and they put Logan into the Jackson Early Childhood Center, I think it's called. He's now at Grant School, and that's part of the paperwork I gave you. He's thriving. He's doing great. He's seven years old. But his biggest issue is that he's what they call an eloper, or elopement. He runs. This is very common among children with autism up here. So they spent... they bought a house that's just very close to where they are now. But they wanted a better house. That was sort of their... get the starter house. They wanted to stay in Livonia. They wanted to be close to Ryan's parents. They are thrilled with the school system here, absolutely thrilled with how well they've done for Logan. And frankly, Ryan grew up here and wanted to stay here and raise his own kids here. They looked for a year and a half, they found this house. Unfortunately, after all these years in Livonia, Ryan did not realize that we have an ordinance here requiring neighborhood approval of a privacy fence. So he thought, "It's no big

deal. We can put in a privacy fence.” Every single neighbor agreed, except the people to the south, immediate-- their next door neighbors to the south, who have a built-in pool. I don't know if you realize this, but the leading cause of death for autistic children is drowning. They are attracted to water. It is apparently something to do with sensory, so the water is soothing to them, and Logan has a serious problem with elopement. So Ryan and Joanna went to all the neighbors. Nobody else has a problem with it. I believe there are some letters that were sent. I haven't seen them, nor have they, but I believe that some of the neighbors sent letters. I know that the other adjacent neighbors were all fine with it. The people, and I'm sorry, I don't know their name, I saw it, but I believe it's Askar. Their response when Ryan and Joanna asked them about the privacy fence was, “It'll ruin our view of your trees.” So Ryan tried to mediate. He said he would put trees in on their side of this privacy fence. Well, that's very nice, but no, they are adamant that they don't want the fence. They have to disappear. And we understand that you can't have two at once. I would note that the fence they have does not meet the-- it's illegal under the Livonia ordinance. It's a wrought-iron fence with those arrow things on top which are illegal under the ordinance. The ordinance specifically prohibits having that, and it's certainly not adequate to protect anybody from going into that pool area. It's about four feet tall. It's got gaps like this, and it's got these, like I said, pointy things on top. Ryan and Joanna want to put in a vinyl, tan privacy fence. I would note that there's... the exact same privacy fence exists between the neighbors immediately east, in other words, behind their house and Ms. Askar's house, they have this privacy fence. It has to be vinyl. It can't be wooden, because the wooden ones have the cross bars on them, which Logan could use to get up. Now I don't want to pretend that they're not doing other things. Okay, they have sensors on every single door. They have deadbolts on every single door. But unfortunately, kids get out. We all know that no matter how hard you try to keep them from getting out, people do come in and out of your house. You know, Zoe's five, but she's going to get to the point where she can open the door and maybe not always remember that Logan cannot be let out. One of the things I had in the paperwork that I submitted to you here is that he had, I believe it was 70 elopements over seven days in school. This was at school. So I don't think that we can overexaggerate the danger to Logan of having access to this pool. I think the privacy fence is desperately needed. And I guess I would just leave you with this, and this is what Ryan and Joanna said to me, “We understand, respect the ordinance in the city, but our son's safety is paramount,” and I think we would all agree with that. “We have been thoroughly impressed and grateful for the inclusion and education the City of Livonia provides to the members of the community that have disabilities like our son. We are not trying to change laws or cause issues within our hometown, just provide a safe space for our son at his home.” And that's all we're asking here. We did. I would say that. Mister... is it Sterma...?

STIERNA Close enough.

KNAPP Okay. Mr. Stierna, tried very hard to help. Eric did too. Eric Goldstein, before he went on his medical leave, tried very hard to help in this situation. But I don't know if this is a case where... all I can think of is that Ms. Askar does not recognize the severity of this situation. I can tell you, I have a pool. I can tell you I have a privacy fence, because I can further tell you that the last thing in this world that I want is for a child to die in my swimming pool, and I don't think that the people living next door quite realize the danger here, because it's a very real danger. So we are asking that the variance be granted. If you have any other questions, please, let me know.

COPPOLA All right. Thank you. I do sympathize with your situation. My nephew is severely autistic. He's now twenty-eight. I understand. I understand that it's a difficult one. We generally struggle really hard to force upon a neighbor a fence that they don't want. That's one

of the things we try very hard not to have to do. And I would hope that it looks like we worked really hard to come up with a solution that has worked. But let me ask some questions. You may not be able to answer. Maybe the Woods can answer for me. What is the intent of... what's going to happen to the arborvitaes? Are you going to take those down?

KNAPP Three or four have already been taken down because, actually, they were dying. But the biggest concern is that, especially with the fence that's there right now, he can use those trees to get leverage, so chances are they'll all come down. Yeah. I mean, he can use those trees to get leverage to get up a fence. So they're almost all down. The rest of them will be down. Is that what you're saying?

COPPOLA Those arborvitaes are going to come down. Is that your intent? You just have to come up. Just name and address like she did.

WOOD Ryan Wood. We're currently in 18624 Irving. We just purchased the house at 17390 Myron. The other issue with those.. what are they called, aphrodites?

MULTIPLE BOARDMEMBERS Arborvitaes.

WOOD Arborvitaes -- I always get that wrong -- is that it is about a six to eight-inch easement from one of the trunks to the actual fence line. So if we're going to be able to put this fence in, they're going to be removed either way, but the majority of the ones that we already have removed are significantly dead or were dead inside of our fence line.

COPPOLA On the south side. So it seemed to me that one of the objections that your neighbor had was that [inaudible] there'd be no trees to see. Either way, no matter what you do. Okay, have you thought of an alternative, which, at this point, I don't think matters, an alternative fence, maybe a six-foot-tall metal fence, similar to what they have, but six foot tall, that would provide the sight they want. But if [inaudible], there's nothing for them to see, because the arborvitaes are coming down. So that was one of her objections. She liked the trees.

WOOD With it also being said as Miss Lesley said, it had that gap. As my son grows, he'll be able to push back and forth, start working, or go up it. That's why we're going with that six-foot vinyl fence to also match the esthetics in there. But it's already been established.

KNAPP I would also note at this point he's not going over to the house. Sorry. He's not going over to the house, and they don't plan on taking him over unless and until there's a privacy fence installed, because they don't want him to see the pool. You know, once he... if there's that kind of fence there, he knows that pool is there, so he's not seen it. The girls have been over, but he has not.

COPPOLA Questions for the Petitioner?

BARINGHAUS Yeah, I have one question just, I apologize for asking, but I just got to ask it. You recently bought that home?

WOOD Yes, sir.

BARINGHAUS Okay, didn't you notice when you were touring the home, while you were considering it, you didn't notice the pool in the backyard?

WOOD We noticed the pool, but we didn't take into consideration such the difficulty we have for securing the fence. My parents also have a pool. We're doing everything we can help prepare Logan for water and water-like emergencies, but to try to avoid anything immediately with pools, even if there was not a pool there, we'd be requesting the six-foot privacy fence for his own protection. Even in the house we live in right now, Logan's gotten a spur to go and try to buy a cookie without us, found a way to scale the fence we currently have, and start going down towards the Biggby on Seven Mile. Luckily, our neighbors and us were outside. We were able to go down there and catch him. He was just running down there. So the hazards are everywhere, not just with pools.

BARINGHAUS No, I understand. Like I said, I was just curious, because I recently bought a home and there's things I didn't notice when we walked through as well that I kind of wish I had, but we fixed those. But I just was curious whether at the time you had noticed the pool or not. But you mentioned your parents have a pool as well.

WOOD Yes, they do. They also have--

BARINGHAUS They have taken some precautions?

WOOD They have a chain-link fence, but moved all the locks and everything up top so you can't get there. And he knows he can't go in that pool without a life jacket.

BARINGHAUS Okay.

WOOD If it's not there, have supervision.

BARINGHAUS Well, thank you.

COPPOLA Mr. Testa.

TESTA Question for Mr. Stierna. Well, first, thank you for trying to mediate something between the neighbors. When you were talking to the neighbor to the south, did they seem open to having a double fence situation? Or did that come up?

STIERNA I think, as was brought out earlier, there's certainly a desire to maintain those arborvitaes, which, of course, I tried to make clear that if he was granted this variance, the only way to install that fence would be by removing those arborvitaes. So they didn't really commit one way or the other to that. I think their feeling was this was a lose, lose scenario for them.

TESTA And the arborvitaes are on the Woods' property, correct, so they--?

STIERNA The stumps, the stalks stem from the Woods' property.

TESTA Okay, so they have every right to remove those without permission of the neighbor.

STIERNA They do.

TESTA Thank you.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS I have one other question for Mr. Stierna with the neighbor's pool, is there fencing and barriers on their property?

STIERNA Their fence barrier meets the current building code for the pool and spa code. It is a minimum of four feet tall and does complete the barrier requirements for a swimming pool under ICC regulations. The spikes that were noted are not allowed under our current ordinance. However, this fence probably went up sometime in the early to mid-70s at the same time the pool went up.

BARINGHAUS Thank you. Another question, how many conversations did you have with the pool owner over the fence? Was it one, two, five, six, four?

WOOD We've had at least four amongst us, and then also a few through Mr. Stierna.

COPPOLA Is she the original owner. Are they the original owners?

KNAPP They just bought it in September.

COPPOLA Oh, really.

KNAPP Yeah, less than a year ago.

COPPOLA So, Mr. Fisher, we provide this variance that would give them the authorization to remove the fence on the property line and replace it with the privacy fence?

FISHER I don't know how you can do that. I think if you grant a variance to somebody where there's already a fence there, your most likely outcome is a dual fence.

COPPOLA So that's not one of the variances that's being requested.

KNAPP We don't have a problem with the dual fence. I don't know how it was. Yeah, I think we are asking to erect a double fence along the south property line. We don't need it on any other portion of the property. Everybody else in the neighborhood is completely in favor of this.

COPPOLA So your fence was basically abutting against their fence?

KNAPP Yes.

COPPOLA But they'd be able to maintain in between the fence, just....

KNAPP They have a grassy area there that leads up to the pool that they could plant trees. They have some kind of plants there.

WOOD They have a three- or four-foot grass easement between the concrete and that fence line. That's one of the things we offered is if they purchase the arborvitaes that we'd first come over to help them dig up the plots and put those trees in.

KNAPP And that wasn't good enough.

COPPOLA Anything else?

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA If this variance was granted and put up the double fence situation on your side, it's going to be grass, correct? How would you maintain... you're not going to let it [end] up touching, but probably at least an inch or two gap. How are you going to maintain the grass in that space?

WOOD Hopefully, with their permission, I'll just go over there, maintain it every week like on my lot.

TESTA Okay. The vinyl fence together with the weed whipper, or would you maybe landscape it differently so that you don't have grass there?

WOOD I have no problem laying a line of brick right there to keep grass from growing. I also put weed killer down there, and grass killer to keep anything from growing in that spot.

TESTA Thank you.

KNAPP Their fence is pretty, you know, it's the wrought iron things that are probably four to six inches... four? Okay, four inches apart. I mean, you could... you can get through there or get a weed whipper through. Thank you.

MEAGHER Mr. Chair. I have a question for the Petitioner and a question for Mr. Fisher.

COPPOLA Mr. Meagher, go ahead.

MEAGHER For the Petitioner, are you in a HOA?

WOOD No, sir, and that's what took so long for us to find this residence.

MEAGHER Okay.

WOOD It is to avoid having HOA-like issues like this.

MEAGHER All right. And then, Mr. Fisher, does their son having ASD allow them to erect a fence under the Fair Housing Act, specifically as a need base?

FISHER I'm reluctant to say yes, just because I don't have expertise to make that judgment, but I guess that's a potential issue.

MEAGHER Sorry.

FISHER Again, I don't want to make that judgment because I'm not really qualified to do it. But I think I can certainly agree that there's an issue out there, a possible issue.

MEAGHER I guess my question would be, since there have been successful cases of needs-based accommodation, is it something that Petitioner could potentially look into as going... I don't know, something we already said... about going around their neighbor's desire to look at trees?

FISHER Well, that's one way of using limits, how we view our neighbor in this situation.

KNAPP Can I answer that just very briefly, because I did start to do the research, and then I kind of pulled back. My thought is probably yes, but that's the last thing Ryan and Joanna want to do. I mean, that kind of gets into some really nasty stuff. All we want is to put up a fence to protect Logan. We don't want to get into calling, getting into federal laws and lawsuits and stuff like that. You know, again, this is his community. He wants to keep it that way.

COPPOLA Okay. Any other questions for the Petitioner? Okay.

BARINGHAUS Mr. Chairman, question for the Inspection Department. I mean these pool fences and barriers and that, they're supposed... the goal is to make the pool inaccessible. But not allowing the fence in, making the pool accessible.

STIERNA The code. The whole Spa Code is based on a five-year-old. So this doesn't necessarily keep it inaccessible to more adult or adolescent children, but it is designed to maintain the integrity from a five-year-old.

BARINGHAUS I'm just reading, it is... literally it just says, "small children." So, I mean, yeah....

STIERNA So under the circumstances, obviously, the requirements of the Spa Code probably would not provide adequate protection for someone a lot more agile.

KNAPP Thank you all.

COPPOLA Anything else? Nothing else for the Petitioners. Anybody in the audience want to speak for or against this petition? Good evening, name and address, please.

ASKAR My name is Suhair Askar. My address is 17354 Myron Street, the neighbor to the south.

COPPOLA Okay, great.

ASKAR So I just wanted to come and talk. I said to Miss Lesley last night, and just a couple things about us. So I just moved to Michigan from Nebraska. I was a medical student. I just graduated last year.

COPPOLA Congratulations, and welcome.

ASKAR Thank you so much. I have a big family that lives in Michigan. I picked my residency in Michigan, so I can bring my family closer. We moved here in 2024. We were looking for over a year to find... a big chunk of my family lives in Livonia. I have my cousin with me. They live in the same subdivision right around the corner in Francavilla, and we spent over a year later, we didn't... till we found the house in the area so we can be close or nothing closer. Just a couple of comments about the kind of interaction that we had, a couple corrections. I'm not sure if Miss Lesley was... if there was a misunderstanding, but the first time I was approached, Mr. Wood came, and he brought me the paper, and he told me, "I'm looking to build a six-foot privacy fence for my son. He has autism," and I understand deeply. I worked. I did a clerkship in pediatrics, I spent time in clinics. I've seen children with autism. I know how difficult it is for parents to deal with them. I've seen it firsthand, even just trying to examine them, how difficult it is for the parent to even control them, get them to sit down so they can get the care they want. So I completely sympathize with them. But he came, he handed me a paper. He told me, "I want to build a six-foot privacy fence for the protection of my son." We had the... our correct fence, which is compliant, and there was the line of trees, the arborvitae. Sorry, I don't know how to say their names. 20 foot tall, running all across. And then that was all I got. And then he told me, I got approval from all the neighbors. I'm just waiting for yours. I told him I needed to discuss with my family. Obviously, the property is not the not just mine. Talk to the family, and also Mr. Stierna came the time he wanted to come inspect the area, and I got no details about what kind of fence, what color, how will we put up? All I got was, I want to take out the fence that you currently have, trim down the trees to like six-foot level or whatever, so they can put the fence. And that was all that was communicated to me. I had no say in what type of fence, what color it is, all of these things, which was fine. And then at the time, when I called, because he asked me to rush forward, give him an answer, since they're kind of moving soon, I discussed with the family. We got nothing about... all we got was, "We want this fence. We want yours out." So then I called, and I was like, trying to explain to him, like some details, this is not again. "I have a pool here. I need to maintain safety. It's a liability on me, and I'm sorry I can't agree to this." He told me, "You will be hearing from my attorney." And I was like, "Okay." And then time went on and Mr. Stierna came, and I appreciate that he tried to accommodate and help. He came and he asked me, he told me about more specifics about the details, what they kind of are thinking, like the color of the fence or the shape of it, that I had none of that. And then I ran into Mr. Wood one time I was heading out for work, and he asked me if I reconsidered, and I told him, "Yes, I'll be open for conversation," just to get some more details from him about what his plans are. I can't just sign a piece of paper without the specifics. And then he was at the time he came, and I asked him, I was like, "Can you just tell me in details," kind of their contractor, what their plan is what kind of work will be done. Because obviously, with the line of trees being on his property, all the work will be done from our side. And I still have two ends for my fence that when that part is to come out, like the one between us, any reassurance that those will be secured properly. And I asked them, and my cousin was there at the time, and I was like, "Can you tell me specifics?" And he was like, "I don't know. I'm not sure." Those were all the kind of answers that I would get. Never like a specific plan. "Can you give me kind of the plan from your contractor with how you're planning to do?" and that's all I

got. And even with that, we tried to work around, figure out the way to do it, and then I never heard any specific details. As far as the comment that Miss Lesley here made about him offering to plant trees on our side. He... the thing that he offered was, he told me, if you bring trees, I will help dig the holes in and put the trees in for you. So just wanted to clarify that, I'm not sure this is also what she meant to say. So that's kind of where we ended there, because I had no guarantees about the sides of the other two ends for my fence. Obviously, it's like a U shape at that point. And if you take out that end, I had no way of knowing that those ends would be secure enough, because I was never provided with any details about the line of work that he was wanting to do and all of these things. As far as about the trees, honestly, there was a... the fence was there, those trees were running into it. Yes, I tried to, we tried to discuss, figure out the way around it, save them, if possible. I completely understand they're in his land. He gets to do with them whatever he wants. So I cannot dictate that, but we try to work out the way to just save them. I realized that, last week, I came back from work and half of the trees were already cut. But again, it's his property, his trees, he gets to do with them what he wants. So just wanted to clarify some of these things.

COPPOLA Okay, is there anything that would be acceptable to you, pursuant to a fence, that would be... meet their needs. If, again, you said there were some outstanding issues you had that hadn't been clarified. If those could be clarified, like how they're going to integrate their fence with your fence, if they removed the fence between the properties, how they'd integrate that? That was all fully explained. And any other questions you had were satisfied. Would you find a way to accept the privacy fence? It sounds like you just want more information. Want to understand and be certain that when it's done, it's done right, and that you won't have issues. Is that kind of what I'm reading here, is...?

ASKAR Absolutely, that's certainly a part of it. But again, I also have to discuss with my family. I co-own the house with my brother, so I would also have to discuss with them. So I just want to clarify that as well. But that certainly was part of the... I just feel like I got... the approach was not provided, all the information, and then that's kind of how we ended up where we are right now.

BARINGHAUS Mr. Chair.

COPPOLA Yeah.

BARINGHAUS Question for Mr. Stierna, you've seen the fences on the property, how to address your question about joining the privacy fence to your existing fence? How would you envision that happening?

STIERNA Well, it certainly be up to the fence contractor to craft a solution. There's a possibility, obviously, they got to still maintain that less than four-inch space between the fences so that they're keeping the integrity of that barrier, whether they would secure it by an upward-standing post, or would they just extend it and attach to the new wood fence? Excuse me, the vinyl fence. There are certainly possibilities I would imagine that would require a post at the very least, from the vinyl fence that would have to connect to.

BARINGHAUS So again, you're recommending....

STIERNA I wouldn't. A detail to the plaintiff here, if you will, certainly wouldn't have hurt.

BARINGHAUS Okay, thank you. So is he suggesting? Are you installing? Are you, I'm sorry, can you come up to the microphone, please? Mr. Wood, could you come up, to the microphone, please?

KNAPP Yeah, yeah. He did provide the information. He was having it installed, because they can do it like that.

BARINGHAUS Is he installing it, or is—

KNAPP No, it's going to be installed by a contractor, because they can do it much faster.

BARINGHAUS By who?

KNAPP Who's the contractor?

WOOD TBO Superior Fence.

BARINGHAUS TBO Superior Fence. So the recommendation from the Inspection Department is you have TBO Superior Fence come out, assess how those fences can be adjoined, and share the information.

WOOD We provided that information, we said it could be put in bracket on the aluminum post, going into our fence.

BARINGHAUS Did you provide a detailed example of it, as was suggested?

WOOD Just that is the detail that's given to me to be relayed on over that they would be secured, be up to code, because their reputation runs on it too.

KNAPP Can I make one more comment? This has been going on--

BARINGHAUS This was not placed in our case, correct? Did you provide that to the Zoning Board? That document from your fence contractor to the Zoning Board?

WOOD Which?

BARINGHAUS The potential solution that TBO Superior offered on the fence?

WOOD I did not provide any document saying that, because it's just that's how they told us they do business. That wasn't an excess thing. They said it'd be built up to code and it was secure. And keep up with the code for her fence because they're not looking to make any sort of violations. They also said that in the absence of a fence overnight for a two-day install, they put up a temporary fence to prevent any sort of wandering or meandering into anyone else's pool. Last thing they want to do is ruin their reputation by violating code and appear under safety problems. I know they have been working soon, going in the past.

BARINGHAUS Okay. Thank you.

KNAPP I just have one thing to add. This has been going on since June. May? Well, you have emails in June here. And this is the first time this has come off that there wasn't an adequate explanation. They have got to be out of their current home by the end of the month. They had a long lead time on this, because the prior owners of the house needed time. They moved to South Dakota, but they needed time to stay in the house, so Ryan and Joanna have had a long lead time on this, which is why they've been able to do a lot of work on the house before moving in. You know, they've had it painted, they've got the trees removed, but they cannot move in without that fence. So, I mean, we've got some real issues here, and of course, school starts in what, two and a half weeks, so there's some problems. Just to let you all know, but thank you.

COPPOLA I understand where you're coming from. It sounds like there's been a... it's, I don't want to call it a lack of communication, but miscommunication, maybe some emotional talking past each other, and some other issues. It seems to me that, and correct me if I'm wrong, there's an openness to having a solution. The issue is you're not the only decision maker, and you don't feel like you've gotten enough information to go to your other decision makers for them to make a decision. Is that-- do I kind of couch that properly?

ASKAR Certainly that was part of it. And just to clarify, the only information I got was a picture of the fence that Mr. Stierna sent to me. That was all the information that was provided.

COPPOLA So the style of the fence?

ASKAR Yes.

COPPOLA That was not provided to you by your neighbor?

ASKAR No. The time I got it was an email from Mr. Stierna, because I was like, I have no documentation. All I got was "six-foot privacy fence." That was all the details I initially received until Mr. Stierna forwarded me a picture of the fence they want to do.

COPPOLA So if they were able to provide you with the information that you needed to share with your family to get a decision how quickly could you make a decision?

ASKAR I'll try to do my best. Honestly, my [inaudible] brother who lives in between here and Nebraska, so he's back and forth. And also, on top of my work schedule, honestly, I work 60, 70 hours a week. I barely see my family sometimes, I'll try my best to do it, even when he asked me to give him a response on a certain date, I certainly respected that deadline and tried to get back to him.

COPPOLA As stated earlier, I think we prefer that the neighbors agree on something. We don't like to force parties into something. It's much more preferable than there be a kind of an agreed solution, but there is a time frame. It sounds like there's a time frame issue that needs... that's in front of us right now. So the question would be, so you haven't been able to provide me as quick as possible. I mean, I understand. I understand your limitations and your inability to provide me anything specific, but it makes it a little difficult for the [inaudible], I think, from our perspective, to kind of figure out how to proceed. Again, we would prefer not to force upon a citizen something that they may or may not want. It doesn't seem like you don't want it. You just want to make sure you understand what it is. So I'm just trying to come up with a

resolution that works for everybody. I'd rather not from my perspective, and again, I don't know how the other party's going to vote here, force upon a solution.

FISHER Mr. Chair, have they submitted information for a permit? [Inaudible] all in the information blockage here?

STIERNA I believe the only thing I've got lacking at this point is the neighbor's authorization from the south. We, however, have not been provided the details of how any connections would be made. It's not typically usual for a fence company to provide that information, but under the circumstances, there seemed to have been some concern on this, and it was requested by the Inspection Department as part of the negotiations I was trying to craft, that she was concerned about some details of the stability of her fence. So our point is that we really didn't feel that it was necessary that Mr. Wood be here today, if they could come up with an amiable agreement, because it is otherwise a complying fence, if they could come up with the agreement, neighbor agreement. So it's a bit of an exercise here today.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Can I ask a question for the neighbor?

COPPOLA Sure.

TESTA Would you be okay with a double fence situation, meaning you keep your existing fence and they put a privacy fence up right next to it?

ASKAR Honestly, yes, I don't mind if that's what it takes. I was provided a copy of the survey they did, and as long as the fence they put up is on their property, doesn't create that kind of issue with the area that needs to be maintained between the two fences and all of that. I have no issues with that.

TESTA Okay. Thank you.

COPPOLA You won't need family approval for something like that?

ASKAR I would prefer if I talk to them.

COPPOLA Any other questions? For the neighbor? I really appreciate you coming.

ASKAR Thank you.

COPPOLA That was really helpful for us.

ASKAR Thank you.

COPPOLA All right.

KLISZ We have a couple letters.

COPPOLA You can read those, please.

KLISZ (Letter of approval was read) Amanda and Sean Olson, 17458 Myron. Letter of approval, Elizabeth and Brian Saltzman, 33444 Bobrich (Letter of approval was read). A letter of approval from Kathleen A. Mitchell, 17355 McNamara Drive (Letter of approval was read), and they give a phone number. Those are the letters.

COPPOLA Thank you. So Mr. and Mrs. Wood, would you like to say anything in closing before we close up the public portion and take our vote? Or Ms. Knapp.

KNAPP I guess, just very briefly, your Honor, I know that there's, as I said, we are on kind of a timeline here, and as much information as Ryan and Joanna had was conveyed to Ms. Askar. Part of the problem is that she's not around a lot. It appears to be her parents who primarily reside in the home, and they're elderly, so it's not like-- and of course, Ryan and Joanna can't live there yet. They're over there a lot, trying to deal with things, particularly Joanna, Ryan when he's not on his firefighting shifts, but this is all stuff that could have been resolved months ago if she had asked. And I think that Mr. Stierna was correct that how a fence connects, is kind of... that was not what she conveyed to Ryan and Joanna. Her concern was a privacy fence blocking her view. That, and by the way, I mean, Ryan and Joanna are paying for this. They're not asking her to pay for it. They're not getting something she has to maintain. It's just they will put it up. And frankly, her property would be safer than it is now, especially with the pool there. Thank you.

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

TESTA Yeah. Thank you, Mr. Chair. I completely understand the predicament here, and I understand why you want the fence. I can support this. I'd be okay with a double fence situation. I know we typically don't do that. In fact, I'm not sure if we ever have since I've been on the Board, but since the neighbor would be in support of it, in theory, I can also be in support of it.

COPPOLA All right, thank you. Vice Chair Baringhaus.

BARINGHAUS I basically agree with Mr. Testa. I mean, I find that given the severe lack of communication in this case, the most expedient way to do it is to just put the fence in and allow a double fence situation, something we frown on. We generally don't do that on behalf of an owner, but seeing that we're in an impasse, I say there's no end result, so based on that, I'll approve the variance.

COPPOLA All right, thank you. Secretary Klisz.

KLISZ I agree, and I appreciate everyone really gave a good effort here today, and I do appreciate the neighbor coming, because it had a lot of insight. And in the end, basically Mr. Testa asked the question, would she be okay with the double fence? That's exactly what this proposal is. That's what the petition is for. We have allowed it, not a lot, but I can remember maybe a couple of matters where it's... this is like extraordinary circumstances, the hardship is beyond the pale. So based on that, I would approve it.

COPPOLA All right, thank you. Mr. Meagher.

MEAGHER Yeah, I really appreciate both of you presenting both sides. I definitely see this as a true hardship. I think 99 times out of 100 the neighbor denial is a huge piece for denial of variances like this. To me, this is the one out of 100 times I think the communication pieces I'm sensing that it can be resolved with the color and landscaping issues during installation. Definitely sounds like you guys are willing to kind of go do whatever. The objection written was about wanting to look at trees, which sound like they'll be cut down anyway. Going back to something I've been talking about for the last few months, Livonia's motto is "Family First." And I think this is an issue we can resolve to say yes to the Wood family and effectively welcome you guys home. I'm in strong favor of this for the safety of Livonia's children.

COPPOLA All right, thank you. Mr. Rotondo.

ROTONDO Yeah, thank you, Mr. Chair. Yeah, obviously there's a hardship here with this, with your child that has special needs. And I completely understand the need for the fence, for the privacy fence, obviously communication seems to have been an issue. I wish that could have been handled easier between the two neighbors, but at this point in time, I'm going to be in favor of the double fence as presented. Thank you.

COPPOLA Thank you. Ms. Hakala.

HAKALA I'm also in favor of the double fences as presented. The neighbor has shown she's okay with it for now, and hopefully their communication can help move things along.

COPPOLA I'll, too, to be in support of the variance. I think it seems that this is the solution that works best for both parties. And I believe the neighbor stated that the double fence would probably be the answer. Again, with arborvitaes being on the Woods' property, they're free to do what they want with that, and so if the neighbor likes their fence, or is concerned about how the fence will integrate, a double fence is probably the best solution, and it's not as bad as some other double fences, random chain-link and a [inaudible] or something like that. This is easy to maintain with the metal fences that aren't. I would just like to implore the parties if you could come to an agreement in regard to integrating the fence, I would ask that you at least give it a try, even though you have a variance, so that there's not a double fence. I'd ask that you at least try that and work that out. If not, you've got your variance to go ahead and go ahead and proceed. I would think that both, while that will impact the Woods. Yeah, Ms. Askar, you probably really don't want to see two fences in one place, so hopefully you can resolve that with just an understanding, how it's going to be integrated, even if you double post the thing and your fence has its own posts, and the Askars have their own posts, and Woods have their own posts at those corners. Maybe that makes everything simpler. There might be a way to work that out, but if not, you've got your approval. So I'm going to open up the floor for a motion.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Thank you. Resolved that the variance sought in Appeal Case No. 2025-06-19, filed by Ryan and Joanna Wood, be granted for the following reasons and findings of fact: the uniqueness requirement is met due to the combination of two types of fencing on the property, and the owner's refusal to approve the fence on the southern portion of the property.

Denial of the variance would have severe consequences for the Petitioner due to a safety hazard to the Woods' child. The variance is fair in light of the effect on neighboring properties and the spirit of the Zoning Ordinance, due to neighbors' support of the double fencing situation. The property is classified as N-1, Neighborhood, under the Master Plan, and the proposed variance is not inconsistent with that classification. Further, that the variance is dependent upon conditions that a double fencing situation will exist as a result of this variance.

TESTA Support.

COPPOLA I have a motion by Vice Chair Baringhaus, support by Mr. Testa, any discussion?

FISHER Do you want to say it will exist, or I thought we were going to try desperately to avoid it.

BARINGHAUS It will currently exist, but will make every effort to avoid it.

COPPOLA The parties should try to make every effort. We also... we want it to be built as presented... materials.

BARINGHAUS Okay, that's fine.

COPPOLA Do we want to give the waiver for the waiting period on the permit?

BARINGHAUS That's fine.

MEAGHER I would think so.

STIERNA We were just waiting for this. The permit is ready, other than acceptance of the variance and the neighbor's authorization. And I think it sounds like there's some priority to this.

COPPOLA Yes. Okay. You can go ahead and take roll.

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

RESOLVED: APPEAL CASE NO. 2025-06-19, Ryan and Joanna Wood, 17390 Myron:
Seeking to erect a six-foot-tall privacy fence to enclose the rear yard resulting in a double fence along the south property line and lacking neighbor authorization from the neighbor to the south.

This Low Density Residential property is located on the east side of Myron (17390), between Bobrich and Francavilla Drives, Lot. No. 036-01-0047-000, N-1, Neighborhood, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 15.44.090 A & 15.44.090 B,

be granted for the following reasons and findings of fact:

1. The uniqueness requirement is met due to the combination of two types of fence on the property, and the owner's refusal to approve the fence on the southern end of the property,
2. Denial of the variance would have severe consequences for the Petitioner due to the

- safety hazard for the Woods's child,
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 double fencing situation, 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. Build as presented at the ZBA meeting of August 12, 2025 as to materials and location,
2. The Petitioner should negotiate with their neighbors to avoid a double fence if possible, and
3. The five-day waiting period for the permit is waived.

ROLL CALL VOTE

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

NAYS: None

ABSENT: None

PASS/FAIL/TABLED: PASS: PASS

KLISZ Okay. Ms. Hakala.

HAKALA Aye.

KLISZ Mr. Meagher.

MEAGHER Aye.

KLISZ Mr. Rotondo.

ROTONDO Aye.

KLISZ Mr. Testa.

TESTA Aye.

KLISZ Secretary Klisz votes aye. Vice Chairman Baringhaus.

BARINGHAUS Aye.

KLISZ Chairman Coppola.

COPPOLA Aye.

KLISZ Passes seven zero.

COPPOLA All right. So your variance is passed under the conditions that you build it as presented as to materials and such, and location. What was the other part? Oh, the parties

work to make an effort to work out a resolution to avoid the double fence. Okay. Miss Askar, you have a question? I'm willing to entertain that. Ms. Askar had a question, so. [Inaudible].

ASKAR Just for clarification. I just want to make sure I heard everything correctly. But then, if the space... there's a space between the two fences, they'll be responsible for maintaining it?

COPPOLA That would be correct.

ASKAR Okay. Thank you.

COPPOLA All right.

KNAPP Thank you so much. Have a good night.

COPPOLA Great neighborhood. I lived there 20 years right around the corner.

[Inaudible crosstalk]

KNAPP You've got to zigzag a lot to get to a major street.

COPPOLA Yeah.

KNAPP It's off the beaten path.

ADMINISTRATIVE TASKS

COPPOLA We're not, we don't take... we're not taking any communications.

RALKO No, I had a question. I waited all night, unfortunately. But when are the minutes from the May 6th meeting going to be approved? I was under the assumption that it might be today.

COPPOLA They are on the agenda for tonight.

RALKO They are?

COPPOLA Yeah, they are.

RALKO Okay. So is that next?

COPPOLA It is next.

RALKO Okay.

COPPOLA All right, so we have some minutes to approve. Can I have a motion?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yeah. Motion to approve the minutes from the May 6, 2025 meeting.

TESTA Support.

COPPOLA I have a motion by Vice Chair Baringhaus, supported by Mr. Testa to approve the minutes from the May meeting. All in favor?

The Board voted unanimously to approve the minutes from the May 6, 2025 meeting.

COPPOLA Thank you.

RALKO Is there an audience...?

COPPOLA There is not. There is not. We don't follow the same processes.

RALKO Well, they shouldn't be approved because they were wrong. The policy... you didn't give proper notice [inaudible] before.

FISHER Just so we're clear, the only thing that's at stake in voting on the minutes is whether the minutes accurately reflect the history that happened. And I think since these are actually a transcript, not just ordinary minutes, but a transcript, we're confident this has been put forward as it happened.

RALKO So I have a copy of the draft minutes. There's been no changes from the draft to what was presented or what was approved to dispute this evening?

COPPOLA Where'd you get the draft?

RALKO I got it from the Legal Department. Right here.

COPPOLA You got it from the Legal Department?

RALKO About a month ago, or three m-- three weeks ago, whenever they were in draft form.

COPPOLA [Inaudible] posted on the public record. You can get access to that on the website for City of Livonia. [Inaudible] So you can go online and you can pull that down.

RALKO So I just need to know, because [inaudible].

COPPOLA You can go online, agendas, the minutes that are posted on the website [inaudible].

RALKO But it shouldn't have. You even asked a question earlier. You know, can you approve something that wasn't requested. You asked that.

COPPOLA Sir, we're not going there. I need a motion to adjourn.

KLISZ [Inaudible] adjourn.

RALKO They didn't request the drive-thru when you approve that.

COPPOLA Could I have support?

TESTA Support.

COPPOLA Motion turned by Secretary Klisz, supported by Mr. Testa, all in favor.

The Board voted unanimously to adjourn the meeting.

There being no further business to come before the Board, the meeting was adjourned at 10:16 p.m.

Gregory G. Coppola, Chairman

Timothy Klisz, Secretary