

ZONING BOARD OF APPEALS

CITY OF LIVONIA

MINUTES OF SPECIAL MEETING HELD TUESDAY, MARCH 16, 2021

Due to COVID-19 A Special Meeting of the Zoning Board of Appeals of the City of Livonia was held on-line via ZOOM on Tuesday, March 16, 2021.

MEMBERS PRESENT: Gregory G. Coppola, Chairman
James M. Baringhaus, Vice Chairman
Timothy J. Klisz, Secretary
Christopher N. Boloven
Lisa Fraske
Michael A. Testa

MEMBERS ABSENT: Joel Turbiak

OTHERS PRESENT: Mike Fisher, Legal Department
Dan Teodor, City of Livonia IS
Valerie Bertani CEO 9489 (Not present)

The meeting was called to order at seven p.m. Chairman Coppola explained the Rules of Procedure to those interested parties. Each petitioner must give their name and address and declare hardship for appeal. Appeals of the Zoning Board's decisions are made to the Wayne County Circuit Court. The Chairman advised the audience that appeals can be filed within 21 days of the date tonight's minutes are approved. The decision of the Zoning Board shall become final within five (5) calendar days following the hearing and the applicant shall be mailed a copy of the decision. There are four decisions the Board can make: To deny, to grant, to grant as modified by the Board, or to table for further information. Each petitioner may ask to be heard by a full seven (7) member Board. Six members were present this evening. The chairman asked if anyone wished to be heard by a full Board and no one wished to do so. The Secretary then read the Agenda and Legal Notice to each appeal, and each petitioner indicated their presence. Appeals came up for hearing after due legal notice was given to all interested parties within 300 feet, petitioners and City Departments.

(7:00)

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APPEAL CASE NO. 2020-11-31 (Tabled on February 2, 2021): An appeal has been made to the Zoning Board of Appeals by Joan Canagan and Timothy Funchar, 33503 Capri Court, Livonia, MI 48152, seeking to construct an uncovered rear yard deck, resulting in deficient rear yard setback.

	<u>Rear Yard Setback:</u>	
Required:		20 feet
Proposed:		15 feet
Deficient:		5 feet

The property is located on the south side of Capri Court (33503), between Farmington and the west end, Lot. No. 013-05-0011-000, R-1 Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 18.28, "Yards Encroachments."

Coppola: Alright, thank you. Can I have a motion please?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

Baringhaus: Motion to remove appeal case number 2020-11-31 from the table.

Coppola: Alright, thank you. Do I have support?

Board: Support.

Coppola: Motion by Vice Chair, Baringhaus, support by Secretary Klisz to remove from the table. All in favor?

Board: Aye.

Coppola: Alright, so if the petitioner could raise their hand again. It's the raise your hand button or the star nine on your phone, so I can unmute your phone or--okay. Petitioner I do have you unmuted. Is-- I assume you're by yourself, if not, anybody else. Seeing none if you--

Funchar: My wife--

Coppola: --

Funchar: My wife is here, Joan, also.

Coppola: Okay, she can give her name and address--

Funchar: Yeah.

Coppola: --after you.

Funchar: Okay.

Coppola: So, name and address please.

Funchar: 33503 Capri Court. First name--

Coppola: I'm sorry you both broke up. If I could have the name too.

Funchar: --Oh, it's Tim Funchar--

Coppola: Okay, thanks.

Funchar: --first name Tim or Timothy.

Coppola: Alright, thank you Mr. Funchar and--

Funchar: Okay.

Coopola: --your wife. Name and address just real quick for the record. I apologize.

Funchar: Do you want to hear from her or do you want me to just say her name?

Coppola: Just--if she wants to speak, yeah, she would need to give her name and address.

Funchar: Well--well her-- her name is Joan Canagan, same address, 33503 Capri Court.

Coppola: Okay.

Funchar: Yeah.

Coppola: Alright, Mr. Funchar, I believe the last time we tabled this cause there was d--discussion regards to additional structures on the deck. I think there was pergola or something being discussed and some of the members wanted to see the design of that before proceeding with any form of approval. So, what has changed I guess since your last--since the last meeting?

Funchar: What's changed is we're not doing anything additional. No extra stuff on the deck, it's just five feet into the setback and then--which is a sixteen-foot deck. We may--we went basically from the twenty foot deck to a--to an eighteen foot deck, now we're down to the sixteen foot deck, with no addition--additional things because it's just not in the budget for those extra things we were gonna do. So, we're not gonna do that. We just want a simple--simple deck to walk out and enjoy the sunshine.

Coppola: Okay. Questions for the petitioner?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

Baringhaus: Yeah, just to confirm from your photographs, the neighbor directly across from you where the deck would be located, I believe they have a swimming pool, correct?

Funchar: That's correct, yeah.

Baringhaus: Okay. And then, shielding that swimming pool, they have a number of shrubs and bushes that would be screening the property?

Funchar: Right, and it's gonna screen it even more so because those pictures were taken, I believe, in the winter but in the summer it's--yeah they're really full and abundant and yeah.

Baringhaus: Thank you. Real good. And then again, just to--just to confirm, you know, the pictures stand, you just revised the deck to sixteen feet--

Funchar: Mmhmm.

Baringhaus:-- setback to five feet.

Funchar: Correct. Correct. Also, I--

Baringhaus: Go ahead, I'm sorry.

Funchar: --Go ahead.

Baringhaus: No, please.

Funchar: Well, the build--Leo the builder did approach me a few days ago. He offered to put ten foot bushes in front of that pool area there where the--there's--there's bushes there now he put in all around the condo complex but he's gonna-- he's willing to go up to ten foot on the--in front of the pool area there.

Baringhaus: Okay.

Funchar: Or the fence-- the fence line.

Baringhaus: That would be on the other side of the retention pond?

Funchar: Correct. Correct. Yeah.

Baringhaus: Okay. Yeah and then in your estimation, how wide is that retention area?

Funchar: Between my end of the lot--

Baringhaus: Yeah.

Funchar: --and the next lot.

Baringhaus: You bet.

Funchar: About 60--I measured it, it's like 60 feet from end of my lot to his pool. So, maybe like-- I'd say 40 feet.

Baringhaus: Okay. Very good.

Funchar: Yeah, yeah, something like that, you know.

Baringhaus: Okay, very good. Thank you very much.

Funchar: Mmhmm.

Coppola: Any other questions? Okay, seeing that there's none, is there anybody in the audience that would like to speak for or against. Just need to raise your hand, again it's the raise your hand icon or star nine on your phone and Mr. Funchar, I'm gonna put you on mute for a minute. Again, raise your hand with the hand icon or star nine. Alright, I have a couple now, so I will start with the phone number that end one two three--I mean, one two three four.

Longordo: Hi, I'm one of the neighbors from Tim's house, two houses down and I think I'll be running into the same situation as Tim--

Coppola: Could you hold on one second, I need a name and address first please.

Longordo: Sure, Anthony Longordo, 33475 Capri.

Coppola: Okay. Thank you and are you the phone number that end one two--

Longordo: One two three four.

Coppola: Okay. Alright, please proceed, I'm sorry.

Longordo: So--so I'm looking to do the same thing as Tim. I guess, what--what are the--what are we--I guess what are the issues in doing a deck back here? This is--this is new to me. I don't--I guess I don't understand.

Coppola: This issue is the zoning has a setback requirement for structures such as--such as a deck and it's 20 feet for these properties. So, it'd probably be 20 feet for you setback from the property line and he's asking to go into that setback by five feet. So, to build--to--to basically--he's going into--into the setback so you know he needs a variance to do that from the zoning restrictions.

Longordo: Okay, so, if--if I go--so I'm planning on going for 20--for 20 feet deep, so I'd be into the setback, what--

Coppola: It depends on where your house sits. His house sits further back--

Longordo: So, I have--

Coppola: --than the houses by about five feet--

Longordo: (inaudible)

Coppola: --so, so--

Longordo: Yeah, my--

Coppola: Go ahead.

Longordo: Go ahead.

Coppola: I was just saying his--his house sits further back, so, you may not have that problem. That's why you want to go to the building department and when you pull your permit, they'll tell you whether or not you'll need to get a variance.

Longordo: Oh, okay.

Coppola: But if you take your survey and there should be marks on your property, you might--you'd be able to figure out where the property line is. You need to be 20 feet from that property line.

Longordo: Okay. So from the back of my house to my lot line it's 31 feet. So, that tells me I could only do an eleven foot deep deck.

Coppola: That's what it would sound like, yes.

Longordo: Mm, okay.

Coppola: Correct. You could go--

Longordo: I wanna--

Coppola:--to the building--the building department could answer all your questions on that. I don't mean to be--

Longordo: Mmhmm.

Coppola:--to be rude but it's really not the right forum for--for this.

Longordo: Right, no I got it. I got it. Okay. Okay. That's it for me, thanks.

Coppola: You're welcome. So, I'm gonna unmute Mr. Pennington now. So, Mr. Pennington just real quick, your name and address please, for the record. Mr. Pennington. Hmm.

Pennington: Can you--how about now--there we go.

Coppola: Yep, now I've got you.

Pennington: Okay, Scott Pennington, address is 33638 Norfolk Street. I had sent in a letter, I--I've only got--I've got a work meeting in about another ten minutes so, I don't know if you got that letter or not but I--I can go ahead and read it. Basically, I'm repeating that my wife and I object to the variance due to the infringement on the privacy of residents living on the North side of Norfolk street that would result from approving this variance, largely, due to the elevation difference between the homes located on North side of Norfolk and the home located on the South side of Capri Court. Additional points, during the meeting held on February 16th, to review the appeal, the petitioner himself acknowledged that the structure as proposed would infringe on our privacy with his comment along the lines of I don't wanna look down into the backyards of the homes behind me either, which is why he said he was going to add privacy walls and a pergola to his deck. Since--since that time, he's now removed the pergola and the privacy walls from his proposed structure. Second point, in an earlier meeting the petitioner stated that he spoke with the homeowner that lives directly behind the petitioner's home and the home--homeowner told the petitioner that he had no problems with the petitioner's proposed deck. I confirmed that this contact--this conversation took place with the homeowner and the homeowner also indicated to my wife that they're now considering moving due to the development behind us on Capri Court. The homeowner have--homeowners have two young children and a pool in their backyard as was mentioned earlier. Comments made by the zoning board in the February 16th meeting indicated that they had no problem granting the same waivers to the remaining residents building homes on Capri Court. I think one of the comments was something along the lines of so we only have to do this four more times, which is a little bit concerning if we're--if we're just gonna--just automatically waive zoning requirements without giving serious consideration to them. I was unable to confirm who the comments--had made the comments because a week or so ago the minutes were not yet available on the website. My last comment then in--in my opinion, Chairman Coppola's comments address the issue properly. In addition to the other points made, the Chairman noted that any hardship was created by the petitioner and not the result of actions beyond the petitioner's control and now the petitioner's asking the zoning board to waive zoning requirements because of his lack of understanding, compliance, or knowledge. You know, I hope that--you know, that serious consideration be given to--to what's being asked and--and the fact that it is gonna impact multiple homes potentially on--on Norfolk street if the waivers are granted in--in all of the instances the residents could possible ask for. That's it. Thank you.

Coppola: Alright. Thank you. Any questions.

Baringhaus: Mr. Chairman I have a question. It's for Mr. Pennington. Going back through the documentation on this case, there's numerous references to where the homeowners on Norfolk met with the developer and basically worked with developer to arrive at the grade and--and location of the current properties on Capri Street. I guess my question is, given the fact that it

was documented that, you know, this arrangement was worked closely with the homeowners on--on Norfolk before the development started, why is there such concern today?

Pennington: There was never any mention that the grade would be what it is. It was never mentioned--we did--we did work with a developer on the--how the street comes in because at one point they had proposed a turn around. The developer did work differences with--with--with--widths of lots on the South side of Norfolk street but the developer in our meetings never mentioned that the homes were gonna be built up the way that they are. That was--that was a surprise to all of us on Norfolk street.

Baringhaus: Okay. Thank you.

Pennington: You're welcome.

Testa: Mr. Chair, I'd like to ask a question to Mr. Pennington.

Coppola: Go ahead, Mr. Testa.

Testa: Mr. Pennington, do you have any concerns with the decks that are there currently?

Pennington: I--the concern is again because of the elevation difference and--and how they look down into the yard. I mean, I can't--I'm not going to--if somebody's building a deck that--that complies with the zoning requirements I don't have any--any ground to--to argue against that.

Testa: Okay, because what's being preposed here is a five foot variance. If he shortens his deck by five feet, he's still be--he'd be within code--or variant--or wouldn't need to request a variance. You'd still be okay with a deck in that condition. Is that what you're saying?

Pennington: Yeah, I mean, if he's complying with--with the zoning requirements then that's all we can ask for.

Testa: Okay, but you'll still have the same privacy issues--

Pennington: Agreed.

Testa: --Which I think is your main--

Pennington: Agreed.

Testa: --your main argument. Okay.

Pennington: Yes.

Testa: Okay. Thank you.

Coppola: Okay, thank you Mr. Pennington. I'm gonna put you on mute and going to--Mr. Salo, unmute you. You can unmute yourself, Mr. Salo. Love this technology. Some reason, I can't get him unmuted. He's got his hand raised.

Fisher: Well, I don't know who's here representing IS but maybe they could help.

Baringhaus: Dan, is there anything you can do?

Coppola: That would be helpful.

Teodor: I don't think so.

Coppola: Yeah, I mean he--he--it looks like it's trying to unmute him but it can't--can't for some reason do it. Let me try one other thing. I'm gonna promote him to a panelist against my better judgement. Let's see if that works. See if I can him in that way. Mr. Salo, we are--tried very hard to unmute you and have been unable to do so.

Klisz: I'll note, Greg, that he does have letters.

Coppola: Previously had letters?

Klisz: Previous, yeah. There's no new letters in this-in this case but from February 2nd he has a letter. So, I guess I don't know if we wanna try to chat with him to see if he's gonna--you know--if he just wants to go over what's in his letter or we read the letter instead because he's not--you know--it's not a mystery. Unless he's changing his opinion on things, we do have his-- you know--opinion as of February 2nd.

Testa: Mr. Chair, looks like he dropped off. Maybe he's gonna try calling back in. Should we maybe go to the next?

Coppola: Mr. Salo's down below now right? Let's see if we can get him in.

Testa: Oh, he was off my screen. Okay.

Baringhaus: Perhaps, Mr. Salo could chat his comments.

Klisz: Right.

Coppola: Yeah, I think that's--

Klisz: Let's get the chat going on here.

Coppola: Yeah, we can't get him unmuted so.

Klisz: Couldn't he use the chat, someone was asking that.

Testa: Can you unmute anyone else?

Coppola: I have. He--he keeps going in and out. He'll unmute for a second then switch back to mute again. So. Let me see if I can.

Testa: Maybe you should try unconnect--disconnecting and connecting again.

Teodor: Is--is he on the phone?

Coppola: No. He on--he's a--he's--he's on through the app. Alright, well, Mr. Salo, if you'd like to send us a chat with your comments, I can give you a minute to do that otherwise we're gonna have to move on. Alright, I do like to give them an opportunity to speak if they want to. Alright, well we've taken enough time unfortunately. There's one that I lost track--there was another person that's got their hand up. If I have-- I'm gonna lower all the hands and if I have not--if you still haven't spoken, if you could re-raise your hand. That'd be great. Trying to find the petition--petitioner to raise their hand now. I don't see him here anymore.

Boloven: Could he be eight nine seven six?

Klisz: Oh, yeah, he might be.

Coppola: There he is. Is that you Mr. Funchar?

Funchar: Here I am. Hello.

Coppola: So, unfortunately, Mr. Salo--we could not get him to be able to speak.

Funchar: Mmhmm.

Coppola: We did hear a couple of comments. Is there anything that you'd like to state in kind of in a final statement and or respond to any of the comments?

Boloven: Mr. Chair.

Funchar: Well, the huge thing is with the builder that approached me, that we will put in those ten foot tall evergreen trees for the privacy fencing and he will do that in writing. He did approach me with that and I don't see a problem with really elevation looking down into the pool. I mean, I really don't. I went to my neighbor's deck. I went up on there and it's not really down looking into the pool. There's huge bushes in front of there and I'm sure you can see by the photos, so. I appreciate it if you just take a second look at it.

Coppola: Okay, is that everything?

Funchar: Yup.

Coppola: Okay, I'm gonna put you back on mute and then Mr. Boloven was stating that he thought that he saw some letters at the very end of the--very end of the packet.

Klisz: Page 150--

Boloven: Bottom of 31--

Klisz: Ah, yes. Okay. There we go.

Boloven: 158.

Klisz: Right, 157-158 and okay. Yep. So, ready for those?

Coppola: Fire away.

Klisz: Okay. So, we have a letter of approval from Peter Dale. 33917 Pondview Circle. (Letter read) The next is a--looks like--guessing a letter of objection. She didn't circle. From Edith Szubeczak. S-z-u-b-e-c-z-a-k. 33561 Pondview Circle. (Letter read) And we have a letter of approval from Erica Shakarna. 33707 Pondview Circle. (Letter read)

Coppola: Alright, thank you.

Klisz: That is the letters.

Coppola: Mr. Funchar, because we found the letters, I just wanna give you one last opportunity to make a final statement in response to any of those letters.

Funchar: No. Basically, my house does set back--I mean I don't know if the surveyor or the city--I don't know what happened there, but it was the first house built in that sub and it does sit back about six feet from all the other houses and it--it's sort of a hardship because now if I stay within the approval zone area, it's only a ten feet. I mean, a ten deck on a \$450,000 house. I don't know. I'm just asking for a sixteen foot deck, so, get a little room out there with a table and some chairs and I'll be happy with a sixteen foot deck and plenty of bushes in the front and--you know--my neighbor's got the same deck basically built. Elevation's the same as my yard and all the bushes and the builder's gonna put in more trees. I think it's a win-win on--both neighbors--my--my neighbor behind me with the pool. And that's about it.

Coppola: Just a quick question. So, do you have a commitment--

Funchar: Yeah. Yeah.

Coppola:--from the--from the builder to put these trees in or is this just kind of a conversation.

Funchar: Well, he--he said he'll go to the City Hall and sign--you know--and tell you guys and he's willing to do it in writing with the neighbor behind me. If all goes well then he'll do that. I mean, with the sixteen foot deck, of course he'll do that in writing. He'll go down to City Hall and

he--he doesn't have a problem with that, so, I think it'll be--a great thing. It'll be a win-win for both--for me and the neighbor.

Coppola: Okay. Alright, anything else?

Funchar: Nope. That's all I can think of.

Coppola: Alright, thank you very much.

Funchar: Mmhmm.

Coppola: I'm gonna put you back on mute.

Funchar: Mmhmm.

Coppola: Alright, I'm gonna close the public portion of this case and start the board's comments with Mr. Boloven.

Boloven: Thank you, Mr. Chair. I would be in approval now of this. I think you did listen to the board's comments through the last two meetings. I do appreciate the fact that you got rid of the pergola and as well as was stated, the request was to bring it within the five feet. Your hardship is--is that your house is back five feet so, it's basically a wash. I do wanna respond to the neighbors, particularly Mr. Pennington, with the concern that it's just gonna be a free for all, precedent set and I don't think that's the case with this board. Just with the fact of this is unique with this house being that's set at least five feet back. Everybody else doesn't have that same hardship, so, I think every single one is gonna have a close look taken at it, but for this one, I--I appreciate you listening to the board's comments. You came within to the range that the board suggested, so I will be in approval. Thank you.

Coppola: Thank you. Mr. Testa.

Testa: I'm also in support and I agree with the comments. The key point for me is he's listened the past two meetings with our feedback and he's basically splitting the difference between, kinda his hardship of the house being set back further when originally built. So, he's not getting everything he wanted. He's only get--kinda getting that extra five or six feet that he would have had if the house was inline with where it was intended to be built, like the other neighbors. So, I'll be in support of this.

Coppola: Alright, Secretary Klisz.

Klisz: I agree and I think--I think actually I was the person that was talking about how many potential cases we could see and it's--my reasoning and certainly whatever the words were, they were but I did not mean that means we're absolutely going to green light every single petition that comes in front of us. Not at all. This--this one's different and--you know--if somebody's in the normal spot and wants a giant deck, we're not gonna go for that. So, this one's unique. He is within the reasoning that--that we gave him. We've looked at this long and hard. I think--it

hasn't been discussed but he did supplement his package with a lot of interesting information about that this is a speck home and the builder and the city kinda decided to put it where it went and it was I think the first home too. So, I don't think he deliberately put it back--set it back further. I think it just so happened to be that, so, I appreciate him working with us and--and yes, we do listen to the neighbors' comments and--and they are important opinions, but at the end, it--there is a deck that's gonna go up on all of these houses. How big it is, is the only difference. So, they're not gonna get rid of the deck and even the--the petitioner or the--the neighbor who spoke admits that--you know--if--if it fits within the requirements, then that deck can exist. So, the deck's gonna come no matter what. This is just a fair compromise for everyone involved, so, I will be in support.

Coppola: Alright, thank you. Vice Chair, Baringhaus.

Baringhaus: Thank you. Yeah, I agree with my colleagues' comments. I think the petitioner's worked with the board and taken it's suggestions. I've watched the deficit be reduced from nine feet down to five feet. It also was pointed out, seeing how the house is located five feet back, it is almost a wash. I mean, going forward with the subdivision, given the style of the homes, the elevated deck is probably gonna be the standard style for this--this neighborhood as well, as Mr. Klisz pointed out. The variation will be just on maybe the different sizes of the deck. I think there's sufficient space in the rear back yard. Not only 30 feet from the back of the deck to the property line but just the presence of the retention pond alone even gives it additional space as well and then another compelling reason to support this variance is the addition of the trees. There's privacy right now with the line of trees directly lining the neighbor's property, directly behind the petitioner and then that'll be reinforced as well. So, based on that, I'll support the variance. Thank you.

Coppola: Okay, thank you. Mrs. Fraske.

Fraske: Thank you. I agree with everything my colleagues have said so far. I was going to bring up the fact that it was a speck home and he didn't really have any choice about where the house was placed. So, the--the hardship to me is again, like everyone said, the fact that it sits back further and he's really tried to--to take all of our comments into consideration when he made the adjustment so, I appreciate that and then the fact that the builder is willing to do some trees to--for--to add some privacy--additional privacy, I think is a great--a great option as well. So, I'm in support.

Coppola: Alright, thank you. I don't have a whole bunch to add. I can be in support of this but I wanted to just clear the record. I think I'd also made comments in regards to setting precedence and--and--and not that it--it suggests that were gonna rubber stamp every deck that comes out but more of once the neighbors see this, there--there--we're gonna have variances coming before us and we'll have to deal with those on a one off basis. Each--each case will stand on it's own merits and we'll make those decisions at that time. The only thing that I'd like to say is there's been kind of a little bit of an offer here--kind of a olive branch to--to put in some trees and apparently the builder has offered to do so. So, I would suggest that potentially with a--with an approval that there'd be a condition which would be a nice trade off, I think for everybody. Gives a little bit more privacy to the homeowner directly behind them and gives--give the homeowner

probably--like you said he's really not that interested in--in looking in his neighbor's pool anyways so it gives him some--some green area to look at and I think it ends up being a nice compromise. So, I'll go ahead and open up the floor for a motion.

Upon motion by: Baringhaus. Supported by: Boloven, it was:

RESOLVED: APPEAL CASE NO. 2020-11-31 (Tabled on February 2, 2021): An appeal has been made to the Zoning Board of Appeals by Joan Canagan and Timothy Funchar, 33503 Capri Court, Livonia, MI 48152, seeking to construct an uncovered rear yard deck, resulting in deficient rear yard setback.

<u>Rear Yard Setback:</u>	
Required:	20 feet
Proposed:	15 feet
Deficient:	5 feet

The property is located on the south side of Capri Court (33503), between Farmington and the west end, Lot. No. 013-05-0011-000, R-1 Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 18.28, "Yards Encroachments," **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met due to the fact that it is not a spec home. The petitioner didn't have a decision on the location of the homes and property. Also, the difference in elevation of property between his property and the property directly behind him.
2. Denial of the variance would have severe consequences for the Petitioner because of his inability to build a deck to be usable and of useful size to him.
3. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance because of general neighbor support of the variance. Also, existing decks in the neighborhood are consistent with the design he is proposing.
4. The property is classified as "Medium density residential" in the Master Plan and the proposed variance is not inconsistent with that classifications.

FURTHER, This variance is granted with the following conditions:

1. That the deck be built as presented.
2. That the builder installs tree as a screen in front of the neighbor's property.

Coppola: Any discussion?

Fisher: Mr. Chair. Just a technical point. Actually, the Master Plan category here is medium density residential.

Coppola: Okay.

Baringhaus: Oh, okay, that's fine. Yeah, I went by the public notice.

Fisher: It's okay.

Baringhaus: Okay. Thank you.

Fisher: You're welcome.

Coppola: Any discussion? Alright seeing none, you can take the roll please, Mr.--Secretary Klisz.

ROLL CALL VOTE:

AYES: Testa, Klisz, Boloven, Baringhaus, Fraske, Coppola

NAYS:

ABSENT: Turbiak

Klisz: Passes six-zero.

Coppola: Okay, Mr. Funchar, you--your petition has been approved by the board, subject to the conditions that you build it as presented in your package and that--that the trees--the site obstructing trees be planted by the builder. Any questions?

Funchar: Absolutely. Do you want me to have Leo come down there or just have a letter drawn up or?

Coppola: I think the process would--I'm not sure--certain on the process, Mike, how would they normally do that? Because we're requiring the tree so, the tree goes first--

Funchar: Mmhmm.

Coppola: --then the--the deck or do we get a commitment from the builder, post a bond, how would we do that?

Fisher: I guess there are a couple different options and you hit on them. We can have the tree--tree screen pre--pre--take place before you get the permit or you could have him bond for it or, I mean--

Funchar: Oh. Okay. Okay.

Coppola: Yeah, the builder can come down and--

Funchar: Right.

Coppola:--work with the inspection department as to what path he wants to go but we just wanna make sure that the commitment to put in those site obstructing vegetation is--is--is a commitment.

Funchar: Absolutely. So, I'll--I'll get notified of Leo to go on down to the city there and kinda wrap it up and then--then I can apply for my permit and then go from there.

Coppola: Excellent. And then Mike--Mr. Fisher, you'll communicate with the building department? Cause I'm not sure that they'll see the minutes before potentially paperwork states flying around.

Fisher: Yes, sir. I will let them know.

Coppola: Alright, thank you. Alright, Mr. Funchar, good luck.

Funchar: Alright.

Coppola: Alright, if we could go ahead and call the next case.

APPEAL CASE NO. 2021-03-07: An appeal has been made to the Zoning Board of Appeals by HS-Livonia, LLC, 42400 Grand River, Ste. 112, Novi, MI 48375, seeking to construct a new single-family residence on property, resulting in excess lot coverage.

Lot Coverage:
Allowed:30.0 % (1872 sq. ft.)
Proposed:35.7 % (2232 sq. ft.)
Excess: 5.7 % (360 sq. ft.)

The property is located on the west side of Elia (33503), between Mallory and the north end, Lot. No. 066-04-0047-000, R-2 Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 4.08, "Lot Coverage Limitation."

Coppola: Okay. Did have some questions, but I think we can proceed. If the petitioner would please identify themselves by raising their hand. Okay, I'm gonna try to unmute you. I'm gonna do my best. This is getting to be--I'm gonna try to move you to a panelist, see if that works. Can you un--can you try to unmute yourself?

Soave: Hi. Can everyone hear me?

Coppola: I can now. Yes. Good. Name and address first please.

Suave: Sure. Good evening, everyone. Reno Soave with Infinity Homes and Company. Address is 42400 Grand River, Novi 4--Suite 112 48375. Also--we also go by HS Livonia, that's our development company that developed Heritage Square.

Coppola: Okay. Thank you, Mr. Suave. Why don't you tell us a little bit about your project. I'd like to understand specifically what the hardship or practical difficulty is that would suggest the Board should approve the variance.

Soave: Sure, absolutely. I guess I'll kind of start off by saying when we initially developed the--the Heritage--well, one being this is the first--this is the last remaining out of 50 units that we've sold here in the last couple years. This is the last unit that's available for sale here. The lot, I guess I'll kinda get into the transition as to why some of these lots are kinda challenged that back up to St. Timothy Church. We initially developed this initial site plan--was proposed was that we would have single family along the South--the South portion and South portion and also the Easterly portion along with the interior between Elia and I guess--where now Elia is and Mallory street is. The plan called off for a multi-family surrounding as a buffer between--you know--the interior single family and backing up St. Timothy's parking lot, the office building's parking lot to the North and also, the commercial property to the--to the North as well and having those--you know--as many of you know or don't know is there--there's a big--along the edge, we used to have a big burden there but there's a fairly large brick wall there that provides screening at one point between what was used to be the school and the--the commercial set--the commercial zone. So, what we did--we--we thought multi-family would be a great transition point there to buffer between the commercial and the residential. So, that proposal was actually through negotiations with the city and the residents. We actually downscaled the density to

include single family. We thought initially that--you know--Livonia being a great community that it is. There would--you know--you would have a mixture of demographics, you have a lot of young families, a lot of empty nesters, people--you know--customers that want to downsize their existing homes but also stay in the vicinity of their--you know--their current families and--you know--close access to the expressways and whatnot. So, through the negotiations with planning council and the residents is--we came up with a plan for a unit cluster that encompassed a mixture of blend of--you know--various size lots. So, if you look at the--the site plan shows that we have a mixture of 70 footers and I think some of them are even close to 80 footers to the South and to the East. The interior lots are 60s. The perimeter lots that--adjacent to the commercial is the buffer are--are the more challenged ones. There--you know--those are between 50--those are 52 footers. So, they're--they're pretty--they're pretty narrow. Long and narrow. Now, we--we kinda saw that there would be a good market for ranch--you know--ranch homes in this market for the reason I just mentioned--you know--catering to the various demographics that--you know--that Livonia has and some of these lots and the market being as strong as it's been in extremely--and it's extremely strong now, you know, this is the last lot to sell. We--we--this is marked--this particular lot has been on the market for--since we opened up the community and these are like the very last month to kinda sell for the most part and there--there's two entities. There's myself, my brother's company. We basically split up the units. I'm not really to--into with his sales volume. I know he's sold out there at the moment. This is our last lot in--in the entire community. We currently have a buyer in place after--you know--several months--you know--probably since we opened up the development. That is--wants to relocate from the city, wants a ranch style home. They wanna get out of their larger house but they wanna stay in the city--you know--their getting price tapped by going to other communities. They can't afford Northville. They don't wanna go to Canton but if they don't get Livonia then they're probably forced to go out of the city. So, we're trying to retain the buyer. They--they love the community. Their family lives on the other side Newburgh, this is a great fit for them. So, looking at this, the lot is challenged. We are over lot area coverage by a small percentage. We do meet all the setbacks. I think we're just seeking the area coverage tonight for the reasons as mentioned. You know--we wanna keep the ranch style homes. A lot of the houses that were built from units 45-50 and 38-44, a lot of those are--are pretty much ranch homes. There is a few colonials but that's why its been more challenging to sell because it backs up to the St. Timothy Church. There's not much of a view there. You just back up to a big parking lot and office building. So, pending the Board's approval tonight, we would like to proceed forward and--and finish off what has been a pretty successful development within the City of Livonia. With that being said, I'm happy to--you know--address the Board with any further questions it may have.

Coppola: Today--I don't recall seeing any other requests for waivers for lot coverage in the subdivision. Was there any others?

Soave: To my knowledge no and I think the one thing that's unique about this and maybe someone could provide it--any extra--you know--send the extra light in this. You know--talking to my brother, who--who--you know--got this project through entitlements, this was under a cluster development which I think it gave--it gave some kind of leeway to having smaller lots--you know--to cater to these ranch style homes. I think that was something that they--I believe it was discussed during planning and during council, when you know--the multi family was, I don't wanna say rejected but the negotiations to--through the mixture of you know--switching from

what was gonna be I think 26 or 24 multi family units here, we down--you know--we lowered the density down to twelve. So, I think this was definitely brought up during--during entitlements through planning and council, so, I don't know if--I don't know why this actually matter got brought to your guys board tonight. I--you know--we built other homes on both sides of the road here. Same style plans and --

Dog barking

Soave: Excuse me.

Coppola: Let's--he's gonna have to give his name and address if he keeps talking.

Soave: Seems--

Coppola: Uhm--

Soave: So be--that--that's pretty much just to why I--I think because it fell under the cluster development I'm not sure why this--you know--this was even being called tonight. I know we're--we're barely under--over lot coverage on this but all the setbacks meet their requirements.

Coppola: Would there be other floor plans that could work here that wouldn't create--create this issue?

Soave: So, we--we only offer--we only have one ranch style plan that we're offering in Heritage. We actually--we're offering two actually but the other one I know wouldn't fit. That would be probably more like 40 and that's the one they initially looked at. Was a different variation of this model, so I know that one definitely wouldn't fit. And it fit on some of the 70 footers along the South side but not on--not on the ones that back up to the commercial zone.

Coppola: And so you have this--this floorplan elsewhere in the subdivision, it's just that the lot's slightly bigger.

Soave: We do. We built quite a few of them actually. But again--you know--these--the--I call them the commercial lots actually are the more challenging ones. If you look at one of them as only--

Coppola: So, you've covered all--you got all your setbacks in compliance, so, when I looked--when I looked at the plan it looked like it's just the--the depth of the--of the house that creates the issue?

Soave: It's just slightly over and I still believe it meets the setbacks, correct. You know--

Coppola: I believe it does too. I was just looking at it and it appeared to the neighboring houses that it--it was just a little deeper. Alright, questions--

Soave: And it doesn't look out of place either, so if you look at down that road--if you--if any of you've been out there if you look down the road, the house isn't gonna look out of character with the rest of the houses there. There's other ranches along that row. So, it's not gonna look oversized by any means. I--I mean we're talking--you know--less than a--three--three or four percent here I think. Which is 300 feet on a--you know--6 to 7,000 square foot lot. 7,000 square foot lot.

Coppola: Okay. Questions for the petitioner?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

Baringhaus: Yeah, thank you. You keep referring to the style of home as ranch style, yet it looks like in the package we've received the rendering that we have actually shows windows, kind of like on a second story. Is that just for appearance or does the home have like an upper story in it?

Soave: I believe, Mr. Vice Chair, I think those are dormers. I think it just gives like an aesthetic appearance of like, maybe having --you know--just to give some architectural--you know--architectural characteristics, I believe.

Baringhaus: Okay, real good. And then, how much backyards do these homes have 'cause it seems like you literally put a--a deck in your backyard and you've almost covered two-thirds--two-thirds of the rear area of the home.

Soave: That's a good question. So, a lot of the homes along-- that backup to the--St.--St. Timothy parking lot church--not so much the ones that backup to the Busch's Market have that same challenge. There's been a couple of houses in there--I know my brother had a couple houses, if you wanna call them spec homes, quick inventory homes, that he spec--that he was sitting on for a period of time because of the same reason why. You know--because a lot of the buyers they didn't--any family obviously wants a yard--you know--for the kids and stuff to play and whatnot, have a playground set. But yeah, you don't--you have limited space once you put a deck because there is that berm there to buffer the parking lot.

Baringhaus: Yes, exactly. Okay, real good. And then within the development itself, it looks like there's apparently a representative mix of box colonials and ranches, it's--doesn't seem to be skewed one way or the other. What would be the mix in your estimation of colonial homes versus ranch homes in that development?

Soave: This is just a guess and not knowing what--what he has total in inventory, I'd say probably out of the 50 lots, I'd probably say--I know we built at least six ranches there. I think my father Leo built a couple and my brother built--I wanna say at least a half dozen if not more. So--so, I'd probably say if you look at--there's probably about--you know--there's probably gotta be 30, 40% probably.

Baringhaus: Okay, very good. Okay, thank you very much.

Soave: Thank you.

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: Question for the petitioner. If this unit did want to put on a deck is that--and I did drive through the neighborhood. It seems like there is many of the units that have either deck, patio, something of that nature. Is that gonna have a setback issue where this house is gonna be right back in front of us again?

Soave: I--I don't believe so because again, it meets--the house currently meets the set back requirements it's allowed. So, looking at the site--looking at the site plan, I think you have--you know--31 and half feet between that and--and the property line and there is--one thing that's kinda challenging for everybody along that road is there's actually--there's easements that go back there. There's a storm easement, there's a twelve-inch storm easement that basically goes North and South along there. So, they're kinda of limited as to what they can do as far as putting in anything--you know--in ground.

Boloven: Okay, the proposal you have right now doesn't have anything back there correct?

Saov: As far as any outside structures--outside structures, patios or decks, no. No, that is correct.

Boloven: Thank you, Mr. Chair.

Coppola: Welcome. Any other questions.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

Baringhaus: Thank you. Yeah, going back to your application for the variance, in item number four, you mentioned that the purchaser of--of this dwelling has a medical condition. Can you provide any more insight on that?

Soave: I don't know specifically. I--I know they're an elderly couple. Again, they wanna be close to--I know their kids--their kids are probably full grown or maybe their grandkids probably now live nearby. Might be a condition where they--they need to have a ranch style home, which is a first floor--first floor home with no sec--there's not second floor. Obviously, a basement, but that's only utilized for need be but I think it's more about functionality of walking--stairs.

Baringhaus: So, this *inaudible* got designed based on their desire to stay on one floor as apposed to have an upstairs bedroom, things like that.

Soave: Correct and I think also too with a lot of these houses here and why we thought that the ranch style condos when we initially looked at this would be a great fit is for that same reason. A lot of people didn't want--you know--we looked at--you know--backing up to the commercial zone would be great transition because a lot of people who are in this demographics don't really need necessarily a big backyard. They pretty much want a patio or a deck and that's pretty much it. They don't want a bigger yard to maintain versus some of the other properties in the neighborhood.

Baringhaus: Okay. Thank you very much.

Coppola: Any other questions? Alright, seeing none I am going to just mute you for a little bit here, Mr. Soave and is there anybody in the audience that would like to speak for or against this petition. They can raise their hands by hitting the raise hand button or star nine on their phone. Alright, I have--I'm gonna try to unmute Ms. DeAngelo. There you go, you are unmuted. So, name and address please, first.

DeAngelo: Debra DeAngelo. 37192 Elia Street.

Coppola: Okay. Thank you. Please proceed.

DeAngelo: I had dropped off a letter but you may not have received it. We are objecting to the request to use the excessive lot coverage. After talking to a few neighbors, we all feel that the lot should be used as intended and not allow a larger home to be built there. We feel this will not be pleasing to the other homes on Elia. Not to mention, if they use the full lot, they will not be able to build a deck or patio due to the easement behind the house. I live directly next door to that home and my husband and I wanted a much larger deck than we were able to build because of the easement and my home is setback farther. So, by that home being set farther back, I don't see how they could do a deck or a patio. When I went to the city to understand what they were trying to get approved, the city inspector told me straight out that he knew this was gonna come back before him for approval for a patio and a deck and he would not be able to approve it because of the easements behind our homes on Elia and the berm going to the church. As well as, when we sit on our deck, we will be staring a brick home right next door to it. That's what we will be staring at when we're out on our deck. We'll be looking at a brick wall and we'll be looking at the church behind us. We are looking forward to having a new neighbor but would like to enjoy sitting on our deck without staring at a brick wall and I disagree that it will--it will definitely change how the homes on Elia Street look because if you look right now, the neighbor, one, two, three, doors down, Mary and Gary, they had a hard time getting a deck approved on their home and had to build a very small deck due to the easement. So, I don't understand how the builder is stating that he doesn't think there'll be any problems with a patio or a deck when the city inspector has clear out told us that he doesn't see how that's gonna happen. There are easements right behind our homes. And being in real estate, I understand that that could be a resale issue for even my home, when I go to sell my home. If the people that are buying my home are gonna look at a brick wall, we already have objection to the church being behind us which has made me really think long and hard before I purchased my home because of the church being my backyard.

Coppola: Okay. Thank you. Any questions for Ms. DeAngelo. Alright, thank you very much--

Testa: Yeah, I'd like to ask a question, sorry, Mr. Chair. Ms. DeAngelo, how deep is your deck?

DeAngelo: I knew you were gonna ask me that and I was trying to remember. We tried to get, I believe, a fifteen or eighteen foot deck but we had to lower it down to I believe thirteen feet.

Testa: Okay--

DeAngelo: And I'm going on memory.

Testa: --And because you lowered it, you did not go for a variance because you were well within the--now within the--

DeAngelo: Because we kept--

Testa: --compliance, correct.

DeAngelo: Right. Because we kept it where we were we did not have to but if that homes goes farther past ours, I don't see how they could do a patio or a deck and the city inspector told me that to my face when I was in the city trying to understand what they were asking for because I did not understand the public notice that we received. I'm not trying to be difficult I just--

Testa: Thank you.

DeAngelo:--don't want my house to have a brick wall next to it and not be able to resell my house when I go to sell.

Testa: Understand, thank you.

DeAngelo: And our backyard is extremely small. Even with our deck we don't have hardly any backyard back there.

Coppola: Okay, any other questions? I'm gonna put you back on mute, Ms. DeAngelo. Is there anybody else that would like to speak for or against this. Alright, I have--just a Danny, so I'm gonna unmute you.

Terenzi: Okay. Can you hear me?

Coppola: I can hear you. Name and address first, please.

Terenzi: Danny Terenzi, 37237 Mallory Drive, Livonia, Michigan 48154.

Coppola: Okay. Please proceed.

Terenzi: Did I understand correctly that the potential buyer has a disability of some kind? The reason I ask is because if this were a case, our lots and our back doors are elevated anywhere from three to four feet off the ground, so, it would make a requirement for this household to have some sort of exit out of the backdoor, requiring some kind of staircase or something to exit out the backdoor. If I read the plan proper--correctly, and I'm not a architect. I don't know if I read the plan properly. But I'm concerned that the house might butt up to the easement which might not even allow space for stairs or a ramp to go down the back door in case of an emergency exit. So, my concern is this new resident's safety if they should need to exit out the back door without a deck of some kind.

Coppola: Okay, is there anything else?

Terenzi: No, that is all.

Coppola: Any questions for the audience speaker? Seeing none, I'm gonna put you on mute. Anybody else? Seeing none--wait--did I--we have a hand just went up. Seeing that there is none and again if you've already spoke, you got--you've had your opportunity to speak. Correspondence, Secretary Klisz?

Klisz: Yes. We have a few letters. We have a letter of objection, Philip J. Kronk. 37168 Mallory Drive. (Letter read.) Next, a letter of objection from Karen Crittenden 37128 Elia Street. (Letter read.) We have a letter of objection, Gary Hinkle 37228 Elia Street. (Letter read.) That is all.

Coppola: Okay. Thank you. Mr. Soave, I'm gonna unmute you or you can unmute yourself because you're a participant. I have an opportunity for a final statement if you'd like to--like to respond to some of the comments. I--I actually like to hear your--your thoughts in regards to being able to have proper egress from building if you can't put any structure into--behind the building because you're in a--you're gonna be in the easement.

Baringhaus: Mr. Chairman. Before he begins, I'd also like to hear his comments on the amount of brick wall that would be in the rear of the building relative to the adjoining properties.

Coppola: Okay. Mr. Soave.

Soave: Okay. If I can have everybody--I believe it was in your submittal package--the site plan that was submitted for the proposed house.

Coppola: Yes.

Soave: Okay, so looking at the site plan and they're all good-- I guess they're all good questions and comments that were raised and there's obviously--there's answers to all these. First and foremost, regarding the lot coverage, I think the first person that spoke, I believe her address was 37192, we're looking at just over about right--roughly around 35%. Now, this house, if you look at the site plan, the customer wants, and I think we could probably narrow this down. The house has a two-foot extension option. I mean, like, the back of the house could extend out two feet further which adds--you know--roughly around another 100 square feet of--of area to the

house approximately and extends the house out two feet further. So, that's first and foremost. Her lot coverage on 37192 is around 32%, if ours is at 35% by bringing that two-foot--you know--to ease--to ease the--the easement request I guess you could say, bringing that down would bring--probably bring it to around 34, just under 34% by removing that two-foot option off the house. That also discusses that--the question of what they're looking at is a brick wall. If you look at the site plan. If you look at North and South on both--on both lots 48 and 46, the house would roughly protrude anywhere from one to two feet past the existing homes. So, I don't think, if you're sitting in your nook looking out you back--back wall, looking out there, if your house--your neighbor's house protrudes out one to two feet isn't--I wouldn't classify that as looking at a brick wall. These lots are challenged. They all were. All the buyers that purchased, unless they had a vision that--unless they have a vision problem, I don't think they can see that there's a parking lot and a berm that obviously is in their--would be in their backyard, so, that--that's up to the buyer I guess to kind of look at. The other person that mentioned too, on address 37228, their lot coverage is just over 33%, so--which would be just roughly around one percent less than what we would be proposing with the new revision that I'm gonna agree to tonight if this is proposed--if this is approved. Regarding the egress issue, I don't believe the buyer is disabled. I just believe that they're--the couple is obviously facing--you know--they're in their--their elderly years and I think they can still walk, I just figure that this is gonna--supposedly from what they're telling my sales associate, this is gonna be the last house that they're gonna purchase. So, I don't see it being an issue of them walking, I just think they want--like a lot of people in this demographics--a lot of buyers in this demographics just want less stairs in their house for obvious reasons. So, by doing this--this house would roughly align up with any other house to the--on the street to the North and South. The storm easements would be an issue if they wanna put a--probably a fifteen or eighteen-foot deck in. By bringing up--by cutting off the two-foot extension that we're proposing on the site plan that we'll agree to tonight to remove if this is approved, this is gonna be virtually the same in line with the other houses. You know--so, if the--the maximum that they can put in is a twelve-foot deck, I don't see that being an issue. If it was a condominium, the biggest decks we put in on our condos is twelve by twelve, it's in our options package. I believe that addresses all the issues that were raised. I don't think this--this obstructs anybody's view by having the house protrude, again, one to two feet back. I think another thing that's most important--this--is that this was approved under a cluster option with the development which is why there's this--there's some deviation in the approval process which again is why I was kinda very surprised when this got brought to my attention that we had to seek agreeance in this in the first place. So, I think hopefully that addresses all the objections that was raised tonight and again, if the board has further questions and follow up on that, I'm happy to address it. As far as the egress issue, there is no egress issue whatsoever. I think code says you have to maintain--there's a door wall off the back--you know--and there's also your front door you can access and there's also the access from the garage. This isn't a-- this isn't an ADA accessible house, meaning that there's no slope going into the house. There will be steps going off the front porch and in from the garage into the--into the house. So the buyer's aware that they're gonna have a couple steps going either from the front door or going in--you know--once they pull in their garage, they'll have to take a couple steps to go in their house. That's not an issue. They just don't want a big flight of stairs going up to the second floor.

Coppola: Okay. You had suggested that the--some of the homes that you had mentioned--some of the units you mentioned also exceeded the 30%, so, is that to say that--that--that those--I

guess it--it's--so before I ask the question if you could confirm, it seemed like you suggested that there were other units in this subdivision that exceeded the 30%.

Soave: There--there is--

Coppola: Correct?

Soave: --Especially from units basically from 45-50. I counted a total of--there'll be a total of--I believe there's a total of four, that covered is ranged from anywhere from 31 to just over 33% but I guess, again, this was allowed on the cluster option. There was some standard--there was a deviation--a level of tolerance because of the--the zoning that it was approved under--the option was approved under.

Coppola: So, Mr. Fisher, are you familiar with this cluster option and--

Fisher: Yeah. Cluster option generally allows you to have smaller lots and--and take the space that you saved with the smaller lots and put them to create some more green space in the sub. I don't think there's a ton of green space in this sub, but there's--some of those lots are a little bit wider than originally planned and so there is some--some nod to that anyway in the development of this place.

Coppola: So would--so would that cluster option allow them to exceed the zoning by a certain percentage and that this just exceeded that--that allowance or why--why didn't we see any of these other homes come through for approval?

Fisher: I--I don't know the answer to that. I thought the way this got brought before us was--it had 35.7% lot coverage and 30 is the max. I'm not aware of any way that--that clustering allowed you to increase the lot coverage on your lot. It just makes it possible to make smaller lots.

Coppola: And then your just--have to abide by the coverage percentage?

Fisher: Right.

Coppola: Based on the zoning. Okay. So, Mr. Soave, you--you had also suggested that you could make this a smaller footprint by taking a couple feet off the back. Did I understand you correctly?

Soave: That's correct. If you refer to your site plan again it--there should be where it says--you see the number 40 on the back of the house and right in front of that it says in parenthesis two-foot rear extension.

Coppola: Right.

Soave: So, by--by kinda just basically--essentially chopping two foot off the back if the house it brings the house down--you know--it saves about 100 square feet which then just kinda just--I guess lessens the blow of this small variance and again, now we're talking very marginal of--you

know--one of two percent at the most of what the other neighboring residences already have. And again, the brick wall that they're referring to, this doesn't obstruct any view. I don't think--I think we can all hopefully agree that one of two feet of a house that extends further back than the other ones isn't obstructing anybody's view.

Coppola: Okay. Any other questions since I've opened the floor up for questions. Any questions?

Testa: Yeah, Mr. Chair, since--since he's changing the proposal, I--I do have a questions and--and based on the comment from the neighbor to the North, I am looking at the site plan and I do see the--the two feet rear extension, I also see that there's six feet on the side of the house. I guess, when I look at unit 46, which would be the house to the North, it does look like unit 47 is set back maybe more like ten feet. So, if you chop two feet off, you're still exceeding unit 46 by eight feet, so she would be looking at a brick wall as she was saying. So, I--I--I understand shortening it is better, but without kind of those clear dimensions, I'm not sure I'm comfortable moving forward and also I am concerned about the owner wanting to build a deck and not able to do so 'cause he's gonna have to keep within the ordinance or he's gonna be right back with us again. So, I--I'm very not comfortable with--with this proposal.

Soave: They would be able to build the--the deck. They would be able to build a deck, it just wouldn't be a fifteen-foot deck. It'd be, like I indicated, they'd be able to build a twelve-foot deck--you know--roughly a twelve to thirteen-foot deck based on the reduction that we're proposed here.

Testa: Mmm.

Soave: And that would be submitted by our building permit if we--you know--if--if they want to make that a condition of the approval.

Testa: Can you respond to unit 47 versus unit 46, how far it sets back in your existing drawing.

Soave: I don't know if anybody has a straight edge, but if you look at the bottom you have a--you have a one inch scale which equals 20 feet--

Testa: Yep.

Soave: --By looking at that, I--I don't believe that quite ten feet. From my engineer's estimate it was approximately--he said this--just under eight feet. So, by taking that off, for lot 48 it would be roughly almost making it almost even with the house next door and for 46 it'd be approximately about five feet further--you know--probably about roughly about five feet further to the--to the West. Again, I don't think that obstructs anybody's view. I mean, we took that into consideration when we looked at this. All the other--this would be in--to keep in with the conformity of the other houses built on that street, that we built and the other builder built as well. This isn't gonna--like I said--you mentioned the setbacks, the six-foot does meet the setbacks. These are smaller as Mike Fisher indicated. These are smaller lots and we're under that cluster option. This was allowed under the--under the--under the approval.

Testa: Okay, so originally you said one to two feet, now it's about five feet.

Soave: Well, you mentioned lot 40--you mentioned lot 46, I--

Testa: Yes.

Soave: Lot 48 would be roughly a couple feet and looking at--I think 46--just by looking at it, looks like it's maybe a few feet in further from 48, so, just doing--you know--like I said just doing some quick--

Testa: Mmhmm.

Soave:--estimate math, you're probably talking five feet. But again, it's not uncommon when you're in a neighborhood when you have--you know--a few builders and you have twenty different floor plans that a customer's gonna pick--you know--one customer may pick a colonial, next door we have ranch and that ranch is obviously gonna have a bigger footprint so now the colonial customer is looking at someone's ranch home next door. It's just how--you know--once you're building--you know--the same floor plan across 50 lots, which I know--you know--you wouldn't want to do in the city--and the city wouldn't approve it anyways--you know--we don't wanna have a bunch of cookie cutter homes. This adds just basically character to the neighborhood.

Testa: Okay, last question. Do you have any floor plans, be it ranch or colonial that would fit without having to seek a variance?

Soave: As I indicated sir, we do offer a larger plan here. It's our--it's our Turnberry Two Plan and that one is actually larger than this. We built a few of them in the neighborhood but those are only--those are only along the East side, excuse me, the South side of the street where you have 70 footers. You have more depth there. This is our smallest ranch that we have. I mean, we're a production home builder, we don't do custom homes. So, beside from doing a custom home for this customer which isn't in our business model, we wouldn't be able to do that.

Testa: Right, I understand but do you have a colonial or another layout that would fit. I understand you don't a ranch, but other layouts?

Soave: Correct, that's the basis of this petition is--is we offer--we try putting our Columbia model here which is a 1,900 square foot, three bedroom colonial and even in this market--this is why we're here in front--in front of everyone tonight. We just weren't getting many buyers in it because of the restrictions and we--we kinda discussed tonight, such as the limited--the limited backyards, the berm, it's kind of a deterrence to families because you have a parking lot back there. When the church is fully back in session that parking lot gets really full. Granted, it's been over a year since it's been that way and then also you have a commercial kind of buffer that goes from--that leads back into the North and to the West. So, that's why it's been even--we had it on the market, that's why it's just been a challenge to--to sell a colonial here.

Testa: Right, but if you built a colonial, would you need to seek a variance? I--I think no, that's what I'm trying to get at.

Soave: We would not but we don't see a colonial be a good fit along this road, so, we would not have to seek a variance. I think the lot coverage would be roughly around--I think we looked at our Columbia plan--has a smaller footprint than a ranch because obviously you're on two floors instead of one.

Testa: Okay. And you knew the church was there when you built this--when you bought this land, right?

Soave: That's correct. That's why--that's why we need the cluster option. That's exactly why we--that's why the city granted us the cluster option--because of that. Because they saw the hardship.

Testa: Thank you.

Coppola: Okay. Alright, Mr. Soave, I'm gonna go ahead and put you on mute.

Soave: Thank you,

Coppola: And I'm gonna close the public portion of the case and I'm gonna start the board's comments with Mr. Testa.

Testa: Yeah, I--I'm not gonna be in favor of this. If there is a hardship, it would be on the person buying the home and they're not the petitioner. I think the builder has other option for building on this land that would be within the ordinance and I--I would urge him to pursue that route. Thank you.

Coppola: Okay, thank you. Ms. Fraske.

Fraske: I agree. I'm not in support. I think it--it's way too small for the--the footprint that they're putting--or the footprint's too small for what they're proposing. It's gonna be an issue. If they were a trouble--if they're having trouble selling the lot, they're gonna--the next buyer or the buyers' going to have trouble from here on out. I just--I just don't think it's a great idea so I am not in support.

Coppola: Alright, thank you. Vice Chair, Baringhaus.

Baringhaus: I like the idea that they were able to take two feet off the rear of the property. I do agree that this is a very challenge--I guess challenged property due to the size and the berms and also the walls itself. What I'd like to see is--see--I know they don't like to do customized houses but in this instance, you know--you're down to the last lot so maybe I'd like to see a little more work done on it to make it a little more--fit into the proportions of the two homes adjoining the property. But I'd agree at this point I'm not in support of the variance.

Coppola: Alright, thank you. Mr. Boloven.

Boloven: I agree with my colleagues on this one. I'm more concerned on how these other homes skated by and didn't end up before us because now you have the questions that are being asked by even the neighbors that are on here of well why not me and you know--I get the argument that this purchaser's gonna be back in front of us again if this were allowed on a deck or some type of back structure but the way this is being presented right now, I wouldn't be in support.

Coppola: Alright, Secretary Klisz.

Klisz: I agree. I'll go in two different directions. One, I am absolutely --and I've said it before and I'll say it again--I don't wanna become Plymouth, where we're trying to shoehorn the most biggest, giantest house we can on the most tiniest of lots, I mean, it's almost crazy that this has six foot on either side of the--of the structure. It's just way too small of a lot and I'll just say that there's absolutely no neighbor support. These are the neighbors who live in this subdivision who bought from this builder and I would assume that they're happy with their building. They didn't say otherwise but this is just not gonna work and --you know-- essentially the--the money end of it is not--is not something we can consider. The fact that they can make more money if they put a ranch on it is great but that's not something we can consider so as Mr. Testa pointed out, it's not unusable, they just have to put a colonial on here or get more creative and bring the ranch to a--within the proper lot area coverage, so, that's just a couple of different ideas that I would have but I'm also against the petition.

Coppola: Alright, thank you. When I look at this--this subdivision--you know--in the sense of small lots and shoehorning buildings onto lots, I think this subdivision the horse is already kinda already out of the barn but I do think that some things can be done to minimize the--the variance request and address some of the neighbors concerns. I'd be open for a tabling in--in the sense that I--I think I could--I could live with some level of excess but not the level of excess that--that's being requested. Specifically, in regards to this--there's a lot of neighbor--neighbor objection to this but this is a pretty tight subdivision. They--they put these houses in pretty tight and the six foot--you know--site setbacks are pretty consistent on that side of the--of the road. So, from that perspective, it--it's within zoning, so I guess that counts. So, I'd be open to allowing some level of--of--of excess not to the level here based on--based on feedback from the neighbors. So, I--I would support tabling--tabling this and looking to see if petitioner could come back with something that's less of a excess that addresses the neighbors' concerns. So, I'll go ahead and open up the floor for a--for a motion.

Klisz: Mr. Chair.

Coppola: Secretary Klisz.

Upon motion by: Klisz. Supported by: Testa, it was:

RESOLVED: APPEAL CASE NO. 2021-03-07: An appeal has been made to the Zoning Board of Appeals by HS-Livonia, LLC, 42400 Grand River, Ste. 112, Novi, MI 48375, seeking to construct a new single-family residence on property, resulting in excess lot coverage.

Lot Coverage:
Allowed:30.0 % (1872 sq. ft.)
Proposed:35.7 % (2232 sq. ft.)
Excess: 5.7 % (360 sq. ft.)

The property is located on the west side of Elia (33503), between Mallory and the north end, Lot. No. 066-04-0047-000, R-2 Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 4.08, "Lot Coverage Limitation," **be denied for the following reason of findings and fact:**

1. The petitioner hasn't demonstrated that a practical difficulty exists.
2. Specifically, there are other options available.

FURTHER, That this variance is denied because it is in the best interest of the City of Livonia.

ROLL CALL VOTE:

AYES: Testa, Friske, Boloven, Klisz

NAYS: Baringhaus, Coppola

ABSENT: Turbiak

Klisz: Passes four-two.

Coppola: Mr. Soave--is here still there?

Klisz: Doesn't look like it.

Coppola: Alright, so, his--his petition has been denied and I guess we can move on. So, if you could go ahead and call the--the next case please.

APPEAL CASE NO. 2021-03-09: An appeal has been made to the Zoning Board of Appeals by Alice Melaragni, seeking to construct a detached garage while maintaining an attached garage, resulting in excess number of garages, garage area and excess height.

<u>Excess Garages:</u>	<u>Garage area:</u>	<u>Excess Height:</u>
Allowed: one	Allowed: 720 sq ft.	Allowed: 16 ft.
Proposed: two	Proposed: 1612 sq ft.	Proposed: 20 ft.
Excess: one	(810 sq. ft. existing; 802 sq. proposed)	Excess: 4 ft.
	Excess: 892 sq ft.	

The property is located on the north side of Norfolk (31492), between Osmus and Merriman. No. 009-99-0011-002, RUF-A Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 2.10 (6), "Definition of Miscellaneous Terms; Garage, Private," and Section 18.24, "Residential Accessory Building."

Coppola: Okay, thank you very much. I see the petitioner here so I will go ahead and attempt to unmute you. Alright, and I apologize I--I--we've all butchered your--your last name and being a good Italian I should be able to pronounce this but I--I--

Melaragni: It's Mela--Melaragni.

Coppola: Melaragni. So, Mr. Melaragni, would you-- for the record, name and address.

Melaragni: My name is John Melaragni and the address is 31492 Norflok and that's Livonia 48152.

Coppola: Alright, thank you Mr. Melaragni. Is there anybody else with you or it is--

Melaragni: Well, my mother's the other person there and she's 92 and she's not gonna be able to say much or do much here anyways.

Coppola: Okay. Alright, are you the property owner, Mr. Melaragni?

Melaragni: My mom is the trustee and the house is trusted to me when she passed.

Coppola: Okay. Why don't you tell us a little bit about the garage you want. I'd like to understand the hardship and what the need is.

Melaragni: My father was a contractor and we just have a lot of tools and I have two cars in the garage and there's a truck that sits out in the parking lot. So, it's not for--for cars or anything. It's just to hold my tools and I'm a tinker-toyer guy. I like to tinker around with stuff so I need a little place that I can work and I can't do nothing in our garage because of the cars and all of the stuff that's in there so this is a building--I have retired now due to the economy so I need a place to go out and tinker. I have two storage units that I keep a lawn tractor in and everything so I have to drive a half mile down the road to cut the grass, drive the tractor back, cut the grass, then bring it back to the storage unit cause just don't have the room for this stuff. For snowblowers,

anything basically. I keep a snowblower in the garage during the winter months but I gotta--if I gotta move her car I gotta move everything around, so. I guess I just have a lot of junk.

Coppola: Okay, so your car garage is eight--a little over 800 square feet. It's a three car garage correct?

Melaragni: It's more like a two and a half I think.

Coppola: So, it--it's just deep not--

Melaragni: Yeah, you--

Coppola: --wide?

Melaragni: I can get two cars next to each other and there's three or four feet on the one side of it that we got stuff lined up all against it.

Coppola: How many drivers right now, I know you--

Melaragni: There's--there's two in the house. I have three vehicles here and my mother has one.

Coppola: So there's four vehicles total?

Melaragni: Yes. There's a large truck out in the parking lot that'll be gone once I get the building built because I need to just--just to bring the material back and forth until I get the garage built.

Coppola: What do you do for a living?

Melaragni: I was a tool maker.

Coppola: So, you're retired?

Melaragni: Yes.

Coppola: So--and so, help--help me understand again where--where you'd be using this--it's--

Melaragni: Basically, to hold--basically to hold my tools, the lawn equipment and just place for me to go out and tinker around and do stuff. I do a little bit of reloading and work on a little bit of wood stuff and stuff like that. Nothing major. Just I need a place to go out and bang my head against the concrete.

Coppola: Why--why so tall? Are you gonna have a second floor?

Melaragni: Yes. As you look at the prints it's more or less like a barn so I can get a little bit of man cave upstairs so I can get away from everybody.

Coppola: How many people live in the house right now?

Melaragni: Me and my mother.

Coppola: Okay. I'll open up the floor for questions.

Melaragni: She doesn't like noise so--

Fraske: Mr. Chair.

Coppola: Ms. Fraske.

Fraske: To the petitioner. Do you have a g--a basement?

Melaragni: Yes we do.

Fraske: What do you keep in the basement?

Melaragni: It's full of furniture and stuff. I had a house when my father passed away ten years ago, I moved in here to keep my mother from going to a nursing home so it has my stuff and their stuff.

Fraske: Okay, thank you. And have you ever considered a shed versus a garage?

Melaragni: You know, for what I have I'd be scared to put tools and stuff in a shed just for security reasons. That's why I was building a masonry building versus a stick building that you know-- somebody could cut a hole in the back of us. We--we butt up against Valley Nursery and I am concerned about the blind spots of where the building would be that they could cut a hole in the back wall, empty it out without us ever knowing about it.

Fraske: Okay, thank you.

Boloven: Mr.Chair.

Coppola: Mr. Boloven.

Boloven: Question for the petitioner. Sir, do you plan on putting HVAC in this barn?

Melaragni: No, just--just if I gotta put anything there, it's just gonna keep enough heat to keep things from rusting.

Boloven: And how do you plan on doing that?

Melaragni: Possibly with an electric furnace like a Mitsubishi air conditioning electrician type of--electric thing.

Boloven: What type of electric are you putting into--

Melaragni: Just a--

Boloven:--this building?

Melaragni: Just a--just a 100 amp service that--enough to run tools and whatever so I don't blow circuits.

Boloven: Thank you, Mr. Chair.

Coppola: Other questions.

Testa: Mr. Chair, I'd like to ask a question.

Coppola: Yes, Mr. Testa.

Testa: So, I'd like to clarify again the--the hardship. If the petitioner could clarify his hardship again.

Melaragni: Sure. What--what would you like to know? All--About all of the stuff we have in the house?

Testa: Yeah. What--what specifically would you say is your hardship?

Melaragni: I have a lot of tools. My father--again my father was--

Testa: Yeah. Yup.

Melaragni: --a contractor. We have a lot of tools and I just don't have a place to store everything and I have two 10 by 20 storage units that--that I'm paying \$500 a month on to store stuff in there, a lawn tractor, lawn mowers and everything because we just don't have the room for it. And when I bring them to the storage unit, I gotta drain the gas out of them because I can't put stuff in there with gasoline in it then I--when I gotta use it again I gotta bring gas to fill it up, drive the tractor home to cut the grass and whatever and then bring it back again. So, I just would get the stuff on the property.

Testa: Okay, how--how many vehicles do you have on the premises?

Melaragni: There are four vehicles here right now. There's a large state truck which again will be removed but there's a pick-up truck, a Corvette, and a--a Grand Marquis.

Testa: Okay and how much lawn equipment do you have--would you say would it fill up a--a one car garage?

Melaragni: Yeah. Well, that and then I gotta a rolling tool boxes and stuff with mechanical tools and stuff that I had when I was in business and whatever. Just--you know--wrenches and stuff like that. So--

Testa: Okay.

Mel :--a one garage you'd be real tight to get everything in it and then to be able to move around in it so--

Testa: So, currently for your lawn equipment you're moving it on and off site?

Melaragni: Yes.

Testa: Okay. I understand. Thank you.

Melaragni: Thank you.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

Baringhaus: Previously, you had applied for a variance for the existing garage is that correct?

Melaragni: When we build the house in 1990--84 my parents did have--the front of the house stuck out farther and I believe that what--what the variance was.

Baringhaus: So, at that time you were allowed 720 square foot of garage area and you applied for 810.

Melaragni: I don't know the specifics back then, that was when my dad built the house. I wasn't part of that. I know what was going on but I don't know exactly what the--all the stuff that was on it. I was told it was because of the front of the house stuck out farther.

Baringhaus: Where are your storage units located?

Melaragni: Eight Mile at U--Mini Storage. Eight Mile and Farmington Road between Farmington and Merri--Merriman. Like a half mile from here from where I'm at on Norfolk. Up on May--May--Mayfield and Eight Mile.

Baringhaus: Corner?

Melaragni: Yeah.

Baringhaus: Okay. Very good. Okay, thank you very much.

Melaragni: Yep.

Coppola: Any other questions? Alright, seeing there is none, is there anybody in the audience that would like to speak for or against this petition. They can raise their hand. Alright, seeing none, any correspondence, Secretary Klisz?

Klisz: Yes, I'm grabbing those right now. So, we have a letter of objection from Abdullah Al-Kilani, 31449 Merriwood Park, Number 100. (Letter read.) We have a letter of approval from Tina Pamboukdjian, 31491 Norflork. (Letter read.) We have a letter of--wait--hold on--this is--okay--this--this--the one in here is from Karen Crittenden from the last case, so, we won't read that one and same with the final one, Gary Hinkle is from the other case so, it's just those two is all we have.

Coppola: Okay, thank you. So, Mr. Melaragni: I'm going to give you an opportunity to make a final statement, you're welcome to respond to any of the correspondence that we've received.

Melaragni: Hey, I--I went to my immediate neighbors, I--I think I brought you in three letters and I discussed everything with them with the blueprints and the plans. They didn't have no objections. The guy that owns Valley Nursey, he doesn't live there, it's a rental property now and the person that's there told me he--wasn't able to sign anything because he didn't own the property and the person that did own it won't--I had--no way of getting ahold of them so I left that up to you if he disapproved of it and the people on the corner, she was in Florida at the time, but she already told me she approved of it. So, those are the people that could visually see it from their property. So, they didn't--they didn't have any problems with it but the people in Merriwood are the next block over so I don't even know who those people are and again, there's--there's a--there's a property of Valley Nursey between us and them which is 100 and some odd feet, probably 200 feet wide, so.

Coppola: Okay, anything else?

Melaragni: That's--that's my objective by you--I'm--I'd like to have the property to--to--to put the addition on. The reason I'm over building it is so I don't devalue the property. It'll match the house with the brick and everything around it, so.

Coppola: Alright, thank you. I'm gonna go ahead and close the public portion of the case and start the board's comments with Vice Chair, Baringhaus.

Baringhaus: Thank you. Based on the comments of the petitioner, I really haven't heard any compelling reasons on terms of a hardship. He has four vehicles with two drivers. That doesn't really constitute a hardship in my case. Petitioner does have basement in his home which could be utilized for storage. Also, has a pretty substantial garage was added to the home several years ago as well. In terms on the neighborhood itself, many of the homes have--I would call them standard size garages. Some of the properties, more across the street from him, throughout that neighborhood, all have garages with a small shed as well for additional storage as Ms. Fraske suggested. I guess my one concern is putting that size structure which--on his property--which really isn't that deep. I think would create a structure that's out of character with the--the neighborhood itself. So, based on the--the fact that I didn't see a hardship and the size of the proposed structure, I would vote to deny the variance at this point.

Coppola: Alright, thank you. Secretary Klisz.

Klisz: I--I agree in part with Mr. Baringhaus' opinion. I think that again, this is a RUF lot, it's a big lot but it's not a giant lot. Back in 1983, the petitioner's father was granted like a bigger garage and it was being used for the exact same thing and so over the last 40 years he's gotten more stuff but that's--you know--not necessarily a hardship, it's more of a self-created problem and maybe more of a luxury to have all of these thing than it is a hardship. So, I guess, I'd look at--you know--again, is--is there a need for some more storage and some more room in a RUF decent size lot? Yeah. Just not this big. This is basically doubling the already big garage, so I would support a tabling and have the petitioner come up with something more reasonable for this particular lot size.

Coppola: Alright, thank you. Ms. Fraske.

Fraske: Thank you. I am not in support. I think the garage--the current garage is bigger than standard. The--like Vice Chairman Baringhaus mentioned, the--it would not fit in with the current lot. It would--when I drove by I was think--I couldn't even picture where it would go and it's--there's no hardship that's been presented so--and for those reasons I will not support.

Coppola: Alright, thank you. Mr. Testa.

Testa: Yeah, I'm also not in support. I--I don't see the hardship and I think what he's asking for is excessive. Especially considering wanting to put a--a two story garage in with--with a man cave above. I--I would be in favor--I would be able to support a table if he wanted to come back with a more modest design or proposal but as it stands this is kind of excessive. Thank you.

Coppola: Alright, thank you. Mr. Boloven.

Boloven: I agree with Vice Chair Baringhaus and Ms. Fraske. I'm not in support of another garage here. Looking at the minutes from 1983, this is almost identical situation. As Mr. Klisz said--you know--more stuff might have gathered but it seems is Mr.--I'm not even gonna try to pronounce it--your father was trying to run a business and stored it in his truck and basically had these same tools which it seems like you've now inherited and are looking for more space to store these tools. I would be in support maybe of a shed like Ms. Fraske said, down the line but this isn't the request here in front of us so based on that I would be in denial of this variance. Thank you.

Coppola: Alright, thank you. Yeah, I'm too struggling to see what the hardship is here. As Secretary Klisz said, having a lot of stuff is--is generally not a hardship. The other rather large garage that if--I think that organized properly--it sounds like it's deep but not wide--could--could meet your needs and--and I could've even supported maybe a little bit of a larger shed than--than's allowed but the size of this--this building on a half-acre lot would just be excessive and the size of it would just be monstros--I--I can't support this and I'm not even sure a tabling makes sense. What I would--would again--would be open to in the future is--is a maybe a little bit of larger shed and when I'm saying a little bit large I'm maybe 200 between 200 too 300 feet not--you know--700 square feet where you could put your--your lawn equipment and such and if--if

you're unable to create space in--in an 800 square foot garage, so, I will go ahead and open up the floor for a motion.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

Upon motion by: Baringhaus. Supported by: Fraske, it was:

RESOLVED: APPEAL CASE NO. 2021-03-09: An appeal has been made to the Zoning Board of Appeals by Alice Melaragni, seeking to construct a detached garage while maintaining an attached garage, resulting in excess number of garages, garage area and excess height.

<u>Excess Garages:</u>	<u>Garage area:</u>	<u>Excess Height:</u>
Allowed: one	Allowed: 720 sq ft.	Allowed: 16 ft.
Proposed: two	Proposed: 1612 sq ft.	Proposed: 20 ft.
Excess: one	(810 sq. ft. existing; 802 sq. proposed)	Excess: 4 ft.
	Excess: 892 sq ft.	

The property is located on the north side of Norfolk (31492), between Osmus and Merriman. No. 009-99-0011-002, RUF-A Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 2.10 (6), "Definition of Miscellaneous Terms; Garage, Private," and Section 18.24, "Residential Accessory Building," **be denied for the following reasons of finding and fact:**

1. The petitioner has not demonstrated that a practical difficulty exists.
2. No hardship has been demonstrated.
3. The size of the proposed building on a half-acre lot would seem excessive relative to the other structures in the area.
4. The proposed building itself not only exceeds the number of garages allowed, in addition to the excessive garage area and excessive height.

FURTHER, That this variance is denied because it is the best interest of the City of Livonia.

ROLL CALL VOTE:

AYES: Testa, Fraske, Boloven, Baringhaus, Coppola

NAYS: Klisz

ABSENT: Turbiak

Klisz: Passes five-one.

Coppola: Okay, let me find my--alright, Mr. Melaragni, your petition has been denied, so it's been turned down.

Melaragni: Okay.

Coppola: I think what you have heard from--from the board is that there is perceptivity to--to a--a larger shed than normally is permitted which I believe it 200 square feet. You could build 200 square feet now, I believe without a variance. There was no restrictions put on the original--the original variance approval for out buildings. So, you could do that without coming before the Board, but if you wanted something larger than 200 square feet, you'd have to come back to the Board with a new petition.

Melaragni: Okay.

Coppola: Alright, so sorry about that.

Melaragni: Yup. The--the house across the street from us, right on the corner of Merriman and Norfolk, the have a two car garage on top of their two car garage that's attached. I'm looking at it right from my driveway. So, why were they allowed to get away with that and I'm not.

Coppola: I don't know. I didn't--I didn't hear that case and each of them stand on their own merits but--

Melaragni: Okay.

Coppola: --I have no idea. I can't answer that question.

Melaragni: Okay. Well, thank you very much.

Coppola: You're welcome. Okay, I think we have some minutes to approve.

Klisz: We do. February 16th and March 2nd.

Coppola: Okay, so we'll take them one at a time. For February 16th, do I have a motion.

Klisz: Mr. Chair. Motion to approve the minutes of February 16th, 2021.

Coppola: Motion by Mr.--Secretary Klisz, supported by--

Testa: Support. Oh.

Coppola: --Mr. Testa. All in favor?

Board: Aye.

Coppola: Minutes for March 2nd on the floor.

Baringhaus: Mr. Chairman.

Coppola: Yes, Vice Chair Baringhaus.

Baringhaus: Motion to approve the minutes of March 2nd, 2021.

Coppola: Thank you.

Klisz: Support.

Coppola: So, I have a motion by Vice Chair Baringhaus, support by Secretary Klisz. All in favor?

Board: Aye.

Boloven: Mr. Fisher, do you know who typed the minutes for March 2nd? Like, how's that working now? I know you said it's Monday morning quarterbacking on these but--

Fisher: Yes, it's Val Bertani, is her name. She works at the 16th District Court.

Boloven: So are these actually certified by a--I guess it's not a court reporter that's doing the proceeding but is it actually done by somebody that's like a court reporter that--

Fisher: Yes. Yes. Yes, she works for the--she works at the court.

Boloven: Okay. Can she give like some certification with it or at least put her name on it going forward, whoever types it?

Fisher: Okay.

Boloven: Just cause all the other minutes have who actually is the stenographer of it.

Fisher: Right, well, this is of course a brand new arrangement.

Boloven: Right, right.

Klisz: But that's a good point to make if there's ever a lawsuit or something like that.

Fisher: Yup, that's an excellent point. Thank you for--

Coppola: Well, she's really--I mean but--excuse me, more of the--the stenographer than the court reporter really, because it's just recorded, right?

Klisz: Right.

Coppola: So, I don't know, I don't actually know how you do that. So, I'm sure precedence is being set somewhere on how you actually mark that but she actually wasn't the reporter, she didn't sit in the meeting--

Klisz: Right.

Coppola: --she just did it off her recorder.

Boloven: It's just an affidavit that she's a certified court reporter and this is done pursuant to her recording of it or dictation of it.

Fisher: Well, we'll look into that. I--I don't know how--to be candid with you, we didn't necessarily always have court reporter or professional stenographers when we were having in person stenographers so--

Coppola: Yeah, true.

Fisher: But I--I will see what we can do to enhance this experience.

Coppola: Okay. Anything else for the good of the cause?

Baringhaus: Just earlier, Mr. Chairman, I'm sorry. Yeah, just earlier we did have some conversation on terms of when we transition back to a live meeting format so, any information you can share on that status would always be appreciated.

Fisher: All I know so far is that the legislature is balking at extending zoom meetings any further than the 31st of March, so I am expecting our April 20th meeting will be back to in person and we had previously expressed that preference and I think that's reflected in our schedule of not being in the gallery but being in the auditorium because--

Coppola: Right. Mmhmm.

Fisher:--theoretically, you can't have more than 25 people even in the auditorium right now but you obviously you have much--much more difficulty socially distancing in the gallery than in the auditorium.

Baringhaus: True. Okay, great. Thank you.

Klisz: I was gonna say, I think I remember seeing something that there was a couple gallery meetings set and I'm just checking here--

Baringhaus: Yeah there were, you're right Tim.

Klisz:--on my calendar and September 14th and September 28th--there are two of them. And October 12th and October 26th and that's probably it. So I guess we can address that as we get closer and it's a long way off but there are some that are scheduled for the gallery.

Fisher: Right.

Baringhaus: Mmhhh.

Testa: Hey, Mr. Fisher, this is an overall for the city not just us correct?

Fisher: Well, yes. Generally, speaking yes. If we're not meeting over zoom, I don't think anybody else is going to be.

Klisz: Right.

Testa: Okay.

Klisz: Counsel and Planning.

Testa: We would all follow the same process or suit? Meaning, if we're in the auditorium we would follow the same rules, so to speak?

Fisher: I would expect that.

Testa: Okay. Would the auditorium be treated as a different restriction? Reading through the health orders, auditoriums could be considered at 30% capacity instead of the 25 people. I know some school boards have played the game of--of that in order to return to in-person.

Fisher: Well I would say, to--to me it's fairly clear that 25 is supposed to be the limit and I don't know, we could try to thrash that out right now this evening, but I think that's the--I think 25 is what's really intended by the health--Health Department's order.

Testa: I agree and if we're every approaching that we could have some people as a holding room case by case sit outside until it's there turn and kind of rotate people in and out.

Coppola: That--that's against the open meeting though--

Fisher: Well, what you're gonna need to have is something like--

Klisz: Broadcast

Fisher:--you're gonna need to have something for those people outside to be able to see what's going on. Maybe it's closer to TV.

Klisz: Right.

Fisher: Something like that.

Klisz: Right. I don't think we've had 25 people in a long time but then of course, I'm sure we will.

Fisher: Yeah, it--it's not impossible.

Baringhaus: No, it's happened before.

Klisz: Yeah, some of those subdivision ones and--

Coppola: If we end up in Rosedale Park again, we will but anyway.

Klisz: Right.

Coppola: Okay, anything else? It seems that Mr.--Secretary Klisz' bedtime so we probably need to call this.

Klisz: It's been a long day.

Baringhaus: There you go.

Coppola: In this--this--

(Inaudible)

Coppola: So, I need a motion.

Fraske: Motion to adjourn.

Baringhaus: There you go.

Coppola: Support?

Testa: Support.

Coppola: All in favor?

Board: Aye.

Coppola: We are adjourned.

Baringhaus: Okay, take care everyone, goodnight.

Fraske: Bye guys.

Unknown: Take care everybody.

Fisher: Goodnight, everyone.

There being no further business to come before the Board, the meeting was adjourned at 8:57 p.m.

Gregory G. Coppola, Chairman

Timothy J. Klisz, Secretary

/vcb CEO 9489