

AGENDA OF THE CITY OF LIVONIA ZONING BOARD OF APPEALS

May 12, 2026 – 7:00 p.m.

Livonia City Hall 1st Floor Auditorium

33000 Civic Center Drive, Livonia, MI

AGENDA ITEM(S):

1. APPEAL CASE NO. 2026-04-02, Mahmoud Kaawar, 17878 Vacri Lane:

Seeking to erect a six-foot-tall vinyl privacy fence to enclose the rear yard of a double frontage lot resulting in a fence erected in the required rear yard setback for a fence on a double frontage lot.

2. APPEAL CASE NO. 2026-04-03, Nikki Michalski, 19384 Hillcrest: Seeking to erect a 5-to-6-foot-tall privacy fence, resulting in a privacy fence erected in the side yard toward the front of the lot beyond the rear plane of the house, which is prohibited.

Public comments may be sent to the ZBA Office at 33000 Civic Center Drive, Livonia, MI and include name, address, and signature.

In accordance with Title II of the American with Disabilities Act as it pertains to access to Public Meetings, the Livonia ZBA Office, upon adequate notice, will make reasonable accommodations for persons with disabilities. Please call 734-466-2250 if you need assistance. ZBA agendas and other meeting documents are available on the City's website – www.livonia.gov - under Your Government, Boards & Commissions L-Z, Zoning Board of Appeals, Agendas & Minutes.

ZONING BOARD OF APPEALS

ZONING BOARD MEMBERS

GREGORY G. COPPOLA, CHAIRMAN
JAMES. M. BARINGHAUS, VICE CHAIRMAN
TIMOTHY J. KLISZ, SECRETARY
LINDSEY HAKALA
BRIAN MEAGHER
MARC ROTONDO
MIKE TESTA



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2250

MAYOR

MAUREEN MILLER BROSANAN

COUNCIL MEMBERS

KAYLEIGH REID, President
PATRICK BROCKWAY, Vice President
CARRIE BUDZINSKI
BRANDON MCCULLOUGH
EILEEN MCDONNELL
ROBIN PERSICONI
MARTHA PTASHNIK

PUBLIC NOTICE APRIL 24, 2026

APPEAL CASE NO. 2026-04-02, 17878 Vacri Lane: an appeal was made to the Zoning Board of Appeals by Mahmoud Kaawar, seeking to erect a six-foot-tall vinyl privacy fence to enclose the rear yard of a double frontage lot resulting in a fence erected in the required rear yard setback for a fence on a double frontage lot.

Setback

Required: 30 feet
Proposed: 0 feet
Deficient: 30 feet

This Low Density Residential property is located on the east side of Vacri (17878), between McNamara Drive and Myron Drive, Lot. No. 036-02-0166-000, N-2, Neighborhood, rejected by the Inspection Department under Livonia Code of Ordinances, Section 15.44.090 A.3.

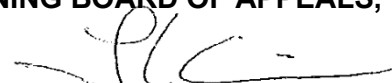
THE LAW REQUIRES THAT OWNERS OF PROPERTY LOCATED WITHIN 300 FEET OF THIS PROPERTY BE NOTIFIED OF THIS REQUEST IN WRITING. THIS IS YOUR NOTIFICATION. YOU ARE NOT REQUIRED TO RESPOND TO THIS LETTER.

Agendas, minutes, and other meeting documents may be accessed at the following URL:

<https://livonia.gov/129/Agendas-Minutes-and-Meeting-Documents>

This appeal will be heard at a public hearing to be held in the **Auditorium on the 1st floor of City Hall on Tuesday, May 12, 2026, at 7:00 p.m.**, at which time comments may be directed to the Board during audience participation. When replying by mail, write your comments on the back of this notice and address it to the City of Livonia, Zoning Board of Appeals, 33000 Civic Center Drive, Livonia, MI 48154. All written comments are read at the meeting and become part of the record.

ZONING BOARD OF APPEALS,



Timothy Klisz, Secretary

Petitioner will incur a \$100 rescheduling fee for every failure to appear.
In accordance with Title II of the Americans with Disabilities Act as it pertains to access to Public Meetings, the Zoning Board of Appeal's Office of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs.
Please call 734-466-2250 if you need assistance.

Case No: 2026-04-02
Meeting Date: May 12, 2026

[illegible]

Signature: _____

Address:



CITY OF LIVONIA
INSPECTION DEPARTMENT

REJECTION OF APPLICATION FOR PERMIT
BECAUSE OF NON-CONFORMITY TO ZONING ORDINANCE LIVONIA VISION 21

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154
421-2000

Applicant <u>Mahmoud Kaawar</u>	Address <u>17878 Vacri Lane, Livonia, MI 48152</u>
Owner <u>(same as applicant)</u>	Address <u>(same as applicant)</u>
Lessee <u>n/a</u>	Address <u>n/a</u>
Location <u>East</u>	Side of <u>17878 Vacri</u> Street
Between <u>McNamara</u>	And <u>Myron</u>
Lot No./Parcel No. <u>036-02-0166-000</u>	Subdivision <u>Frankavilla Sub. No. 2</u>
Zoning District <u>N-2</u>	Lot Size <u>12,850 sq. ft.</u> Alley <u>n/a</u>
Present Use _____	Proposed Use <u>(no change)</u>
Present Building Size <u>n/a</u>	Proposed Building Size <u>n/a</u>
Present Height of Building <u>n/a</u>	Proposed Height <u>n/a</u>
Allowable Lot Coverage <u>n/a</u>	Proposed Lot Coverage <u>n/a</u>

Proposal : Seeking to erect a 6 foot tall vinyl privacy fence to enclose the rear yard of a double frontage lot resulting in a fence erected in the required rear yard setback for a fence on a double frontage lot. Set back required: 30 feet; Proposed: 0 feet; Deficient: 30 feet.

Reason for Rejection Livonia Code of Ordinances, Section 15.44.090 A. 3.

Deficient Side yard _____	Deficient Front Yard _____	Deficient Rear Yard <u>30 feet</u>
Deficient Lot Area _____	Deficient Lot Area Per Room _____	Encroachment _____
Excessive Lot Coverage _____	Excessive Height _____	Increasing No. Units _____
Use Prohibited _____	Deficient Parking Spaces _____	Increasing Area and Bulk _____
Remarks _____		

Plans and Application examined by

Date

4/6/2026

RECEIVED

APR 02 2026

Inspection Department
City of Livonia**APPLICATION FOR VARIANCE**

Mahmoud Kaawar 17878 ^{Vacri Lane} Livonia 48152 (616) 384-3730
(Owner of Premises) (Street Address) (City) (Zip Code) (Telephone) (Fax)

ATS Installation 6040 Wall St Sterling Heights 48312 (586) 274-9100
(Contractor) (Street Address) (City) (Zip Code) (Telephone) (Fax)

The property address is 17878 Vacri Ln, Livonia, MI 48152

Please note that if you need more space to answer any of the following questions, you may use a separate page or the back of this page. Simply identify your response(s) with the number of the question you are responding to.

1. Are there any deed restrictions or subdivision rules or restrictions on the property? If so, what are they? NO

2. Give legal description of property involved, or attach a deed or other document which contains the legal description of the property:

Prop of occupancy +
Copy of Deed attached

A variance can only be granted if a hardship or practical difficulty with the property makes the variance necessary. Under the City's Zoning Ordinance, a practical difficulty exists only if (a) the difficulty is exceptional and peculiar to the property, and does not exist generally throughout the City, (b) the difficulty involves more than mere inconvenience, inability to earn a higher financial return, or both, and (c) the variance would be fair to the neighbors and others who might be affected, as well as those who do not have this variance.

3. Please explain how the practical difficulty you claim is unique to your property, and does not exist elsewhere in the City:

Kindly Read attached doc

4. Please describe what the difficulty involves beyond mere inconvenience or inability to earn a higher financial return:

Kindly Read attached doc

5. Explain why you think this variance would be fair to the neighbors and others who might be affected.

Kindly Read attached doc.

6. Have you sought an amendment to the zoning ordinance which would permit your proposed project under your current zoning? If yes, please describe the outcome of this process:

NO

7. If you have not attempted to have the zoning ordinance amended, why hasn't this attempt been made?

Recently Bought the property and waiting until the
meeting date to apply of which is May 12/26

8. Have you attempted to have the property rezoned? If yes, please describe the outcome of the rezoning process: no

9. If you have not attempted to have the property rezoned, why hasn't this attempt been made? By the time docs were collected & ensuring

all parties (neighbors) agreement as well trusted contractor for meeting with the city date of May 2026

Please see the separate instruction sheet for plans, fees, and other information which should be submitted with the application. **Note** that if an agent or attorney signs the application on behalf of the owner, said agent or attorney must provide written proof of his or her authority to act on the owner's behalf. ALL INTERESTED PARTIES ARE REQUIRED TO ATTEND THE ZONING BOARD OF APPEALS MEETING. NON-ATTENDANCE BY ANY INTERESTED PARTY MAY RESULT IN YOUR CASE BEING TABLED AND THE APPROPRIATE FEE BEING ASSESSED.

OWNER'S AFFIDAVIT

COUNTY OF WAYNE)
STATE OF MICHIGAN)

The undersigned being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanying information and data are in all respects true and correct to the best of (his/her) knowledge and belief, and that the undersigned personally undertakes to see that the property will be used and developed in compliance with all applicable ordinances and any conditions imposed in connection with any variance which may be granted in response to this application.

Signature of property owner: [Signature]

Please print name of property owner: Mahmoud Kaawar

NOTE: Please provide Letter of Authorization on official letterhead if not signed by owner of the property, as well as the deed and property transfer affidavit.

Subscribed and sworn to before me this 2nd day of April, 2026

[Signature]
(Notary Public, Wayne County, Michigan)
My Commission expires 09/28/31

LESLIE ROHRAFF
Notary Public, State of Michigan
County of Wayne
My Commission Expires 09-28-2031
Acting in the County of Wayne

Any decision of the Board favorable to the applicant will remain valid only as long as the information or data relating thereto are found to be correct and the conditions upon which the resolution was based are maintained.

NOT TO BE COMPLETED BY APPLICANT

Petitioner makes application for a Hearing, seeking to (reverse, modify, or affirm) the (order, decision) of the Department of Inspection, dated 4/2/2026, which reads as follows:

REAR SET BACK FOR FENCES ON DOUBLE FRONTAGE LOTS SHALL EQUAL THE REQUIRED FRONT YARD SET BACK

I certify that (a) the petitioner is not in violation of any ordinance other than the provision(s) sought to be waived in the foregoing application, (b) all applicable fees have been paid, and (c) I have examined the foregoing application, and find that said application is complete, and that the City Zoning Ordinance, Ordinance No. 543, as amended, prohibits the proposed project unless a variance is granted by the Zoning Board of Appeals.

[Signature]
(Supervisor)

Application for permit filed No Violation Issued No

Line 3: We have a child with special needs, Non-verbal on the Autism spectrum including PANS and ADHD diagnosis. He wears headphones sometime and unable to use trackers on him since he likes to use less fabric on skin as possible also he doesn't like to wear accessories nor would keep shoes on feet. So a tracker does not work in our situation unfortunately. An adult must always be present.

We bought the property in the city of Livonia in order to seek better education system, and as known the city respect and inclusion for individuals with disabilities. Also for our kids to have the space needed to feel safe, and comfortable.

Line 4: Our son has a high functioning autism and sensory needs. He will walk/ run toward street as the stemming of car driving thru his brain will entice toward danger than protection. Also he is a fast runner, can sprint and wonder around.

The child also may engage in a behavior it may seem as odd to others than understanding the need of high sensory such as taking off his clothes to the least type of fabric he could tolerate.

Also he seek other sensory need by walking barefoot on grass, of which as of now unable to do so since there is wild animal feces (deer, rabbits) presence in the area and if there is no fence then any (environmental friendly) chemical spray to deter those animals will be a waste since there is no fencing to conserve the perimeter of safety zone for the child to access. To avoid stepping/ touching feces of which may lead to health illness from the contamination of such materials

The child may engage in an episodes of meltdowns to keep him safe and respect his space he need to run outside the house otherwise he may engage in self harm behavior toward self or others unintentional. Again his diagnosis plays vital role in how his brain and behavior and we as parents trying our best to guide, teach and redirect without restriction of his needs.

Line 5: The neighbors on both sides of the property understand our son situation and were very respectful and supportive of our decision in the fence, they were given information about the variance plan they are inclusive and important part and it really helps in that matter of respectful and thoughtful individuals. We want to ensure no bias toward our son, or the neighbors as they need their space and respecting their boundaries as well the pedestrians whom use the side walk for their commute.

In respect we will ensure to keep the area clean and the fence would create a more sense of security as well blended with the zoning area, an attached full detailed report from the contractor via home depot shows the structure plan in respect to city of Livonia fencing rule as well the financial statement to prove our transparency, and dire need of such project that we have to conduct, **we sincerely hope your honorable board acceptance**

MICHIGAN REAL ESTATE TRANSFER TAX
Wayne County Tax Stamp# 00745821
12/12/2025 09:58 AM
Receipt# 20251212000329 L:59957 P206
State Transfer Tax \$3375.00 County Transfer Tax \$495.00



WARRANTY DEED

(Statutory Form – Individuals)

Know all persons by these presents that: **AB Property Ventures, LLC by Hussein Berry, Member**
whose address is: **5809 Golfview Drive, Dearborn Heights, MI 48127**
convey(s) and warrant(s) to: **Mahmoud Kaawar, a married man**
whose address is: **17878 Vacri Lane, Livonia, MI 48152**

Land in the City of Livonia, County of Wayne, State of Michigan, described as:

Lot 166, Francavilla Subdivision No. 2, Town 1 South, Range 9 East, according to the recorded plat thereof, as recorded in Liber 97, Pages 48, 49 and 50, of Plats, Wayne County Records

More commonly known as: 17878 Vacri Lane, Livonia, MI 48152

Tax ID Number: 46 036 02 0166 000

For the full consideration of **FOUR HUNDRED FIFTY THOUSAND AND 00/100(\$450,000.00)**
Subject to existing easements for public utilities, building and use restrictions, easements, existing right of ways and zoning ordinances of records, if any.

Date: October 23, 2025

This is to certify that there are no delinquent property taxes owed to our office on this property for five years prior to the date of the Instrument. No representation is made as to the status of any tax liens or or titles owed to any other entities. Taxes in process of local collection or before PRE denial are NOT EXAMINED.

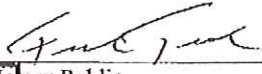
Eric R Sabree, Wayne County Treasurer
No E - 200897 Date: 12/12/2025 Clerk MWI


AB Property Ventures, LLC by Hussein Berry, Member

State of Michigan
County of WAYNE

The foregoing instrument was acknowledged before me on this 23rd day of October, 2025, by AB Property Ventures, LLC by Hussein Berry, Member

Commission Expires:


FRANK TARALA
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MACOMB
My Commission Expires July 23, 2027
Acting in the County of WAYNE

Notary Public

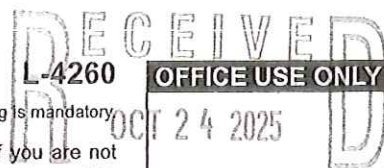
County, Michigan

Instrument drafted by:	When recorded return to
Hussein Berry 5809 Golfview Drive Dearborn Heights, MI 48127	Mahmoud Kaawar 17878 Vacri Lane Livonia, MI 48152

Recording Fees: \$23.00 County Tax: \$495.00 State Transfer Tax \$3,375.00

Case No. 2025-09-2057

Send subsequent tax bills to the Grantee

**Property Transfer Affidavit**

This form is issued under authority of P.A. 415 of 1994. Filing is mandatory.

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). The completed Affidavit must be filed by the new owner with the assessor for the city or township where the property is located within 45 days of the transfer. The information on this form is NOT CONFIDENTIAL.

1. Street Address of Property 17878 Vacri Lane	2. County Wayne	3. Date of Transfer (or land contract signed) October 23, 2025
4. Location of Real Estate (Check appropriate field and enter name in the space below.) ☒ City ☐ Township ☐ Village Livonia	5. Purchase Price of Real Estate 450,000.00	
7. Property Identification Number (PIN). If you don't have a PIN, attach legal description. PIN. This number ranges from 10 to 25 digits. It usually includes hyphens and sometimes includes letters. It is found on the property tax bill and on the assessment notice. 46 036 02 0166 000	6. Seller's (Transferor) Name AB Property Ventures, LLC	
	8. Buyer's (Transferee) Name and Mailing Address Mahmoud Kaawar	
	9. Buyer's (Transferee) Telephone Number	

Items 10 - 15 are optional. However, by completing them you may avoid further correspondence.10. Type of Transfer. Transfers include, but are not limited to, deeds, land contracts, transfers involving trusts or wills, certain long-term leases and business interest. See page 2 for list.
☐ Land Contract ☐ Lease ☒ Deed ☐ Other (specify) _____

11. Was property purchased from a financial institution?

☐ Yes ☒ No

12. Is the transfer between related persons?

☐ Yes ☒ No

13. Amount of Down Payment

14. If you financed the purchase, did you pay market rate of interest?

☒ Yes ☐ No

15. Amount Financed (Borrowed)

0.00

EXEMPTIONS

Certain transfers are exempt from uncapping. If you believe your transfer qualifies for an exemption, please indicate the type of exemption you're claiming below. Note that if an exemption is claimed, your assessor may request additional information to support your claim.

- ☐ Transfer from one spouse to the other spouse.
- ☐ Change in ownership solely to exclude or include a spouse.
- ☐ Transfer between certain family members *(see page 2). Describe relationship from each Transferor to each Transferee, attach additional page if necessary. Seller Name: _____ Buyer Name: _____
Relationship of Buyer to Seller: _____
- ☐ Transfer of that portion of a property subject to a life lease or life estate (until the life lease or life estate expires).
- ☐ Transfer between certain family members of that portion of a property after the expiration or termination of a life estate or life lease retained by transferor ** (see page 2). Describe relationship from each Transferor to each Transferee, attach additional page if necessary. Seller Name: _____ Buyer Name: _____
Relationship of Buyer to Seller: _____
- ☐ Transfer to effect the foreclosure or forfeiture of real property.
- ☐ Transfer by redemption from a tax sale.
- ☐ Transfer into a trust where the settlor or the settlor's spouse conveys property to the trust and is also the sole beneficiary of the trust.
- ☐ Transfer resulting from a court order unless the order specifies a monetary payment.
- ☐ Transfer creating or ending a joint tenancy if at least one person is an original owner of the property (or his/her spouse).
- ☐ Transfer to establish or release a security interest (collateral).
- ☐ Transfer of real estate through normal public trading of stock.
- ☐ Transfer between entities under common control or among members of an affiliated group.
- ☐ Transfer resulting from transactions that qualify as a tax-free reorganization under Section 368 of the Internal Revenue Code.
- ☐ Transfer of qualified agricultural property when the property remains qualified agricultural property and affidavit has been filed.
- ☐ Transfer of qualified forest property when the property remains qualified forest property and affidavit has been filed.
- ☐ Transfer of land with qualified conservation easement (land only - not improvements).
- ☐ Other, as described in MCL 211.27a, specify: _____

CERTIFICATION: I certify that the information above is true and complete to the best of my knowledge.

Printed Name Mahmoud Kaawar	Signature 	Date 10-23-25
Name and title, if signer is other than the owner	Daytime Phone Number	Email Address

Privacy and/or Standard Partition Fence Authorization Form

Civic Association approval required: Yes: _____ (Approval letter provided) No: _____

Date: 3/23/26

Fence Installation Address: 17878 VACRI LN, LIVONIA, MI 48152

I have seen or had explained to me, the proposal made by Yakout Badawi
(Name)

at 17878 VACRI LN to erect a (choose one)
(Address)

- ☐ Standard Partition (any non-sight-obscuring fence 4' tall or less)
☒ Privacy (Sight-obscuring fence no taller than 6')

fence separating his or her property from mine and consent to ALL the following:

- The height, materials, and style of the fence: VYNB
(Description)
- The location of the lot line.
- Only one (1) fence is permitted between our properties and that any existing fence will have to be removed in favor of the new fence.

Please initial next to the fence facing option agreed upon below.

- _____ have the finished side facing my property (posts on their side of fence).
DC have the finished side facing the fence owner (posts on my side of fence).
_____ be good on both sides (posts are between the fence panels).

DANIEL CROWIN
(Print Name)

17924 VACRI LN LIVONIA, MI 48152
(Address)

X Daniel Crowin
(Signature)

(734) 255-0550
(Telephone number for conformation)

No permit will be issued without the original fully signed and completed form with a site plan of the property to be fenced.



Inspection Department
33000 Civic Center Dr.
City Hall Annex
Livonia, MI 48154
(734) 466-2580

Privacy and/or Standard Partition Fence Authorization Form

Civic Association approval required: Yes: _____ (Approval letter provided) No: _____

Date: 3/25/2026

Fence Installation Address: 17832 VACRI LANE

I have seen or had explained to me, the proposal made by Mahmoud Kaawar
(Name)

at 17878 Vacri LN to erect a (choose one)
(Address)

☐ **Standard Partition** (any non-sight-obscuring fence 4' tall or less)

☒ **Privacy** (Sight-obscuring fence no taller than 6')

fence separating his or her property from mine and consent to **ALL** the following:

- The height, materials, and style of the fence: Vyall
(Description)
- The location of the lot line.
- Only one (1) fence is permitted between our properties and that any existing fence will have to be removed in favor of the new fence.

Please initial next to the fence facing option agreed upon below.

OK have the finished side facing my property (posts on their side of fence).

_____ have the finished side facing the fence owner (posts on my side of fence).

_____ be good on both sides (posts are between the fence panels).

James Keller
(Print Name)

17832 VACRI
(Address)

X [Signature]
(Signature)

734 788 8120
(Telephone number for conformation)

No permit will be issued without the original fully signed and completed form with a site plan of the property to be fenced.



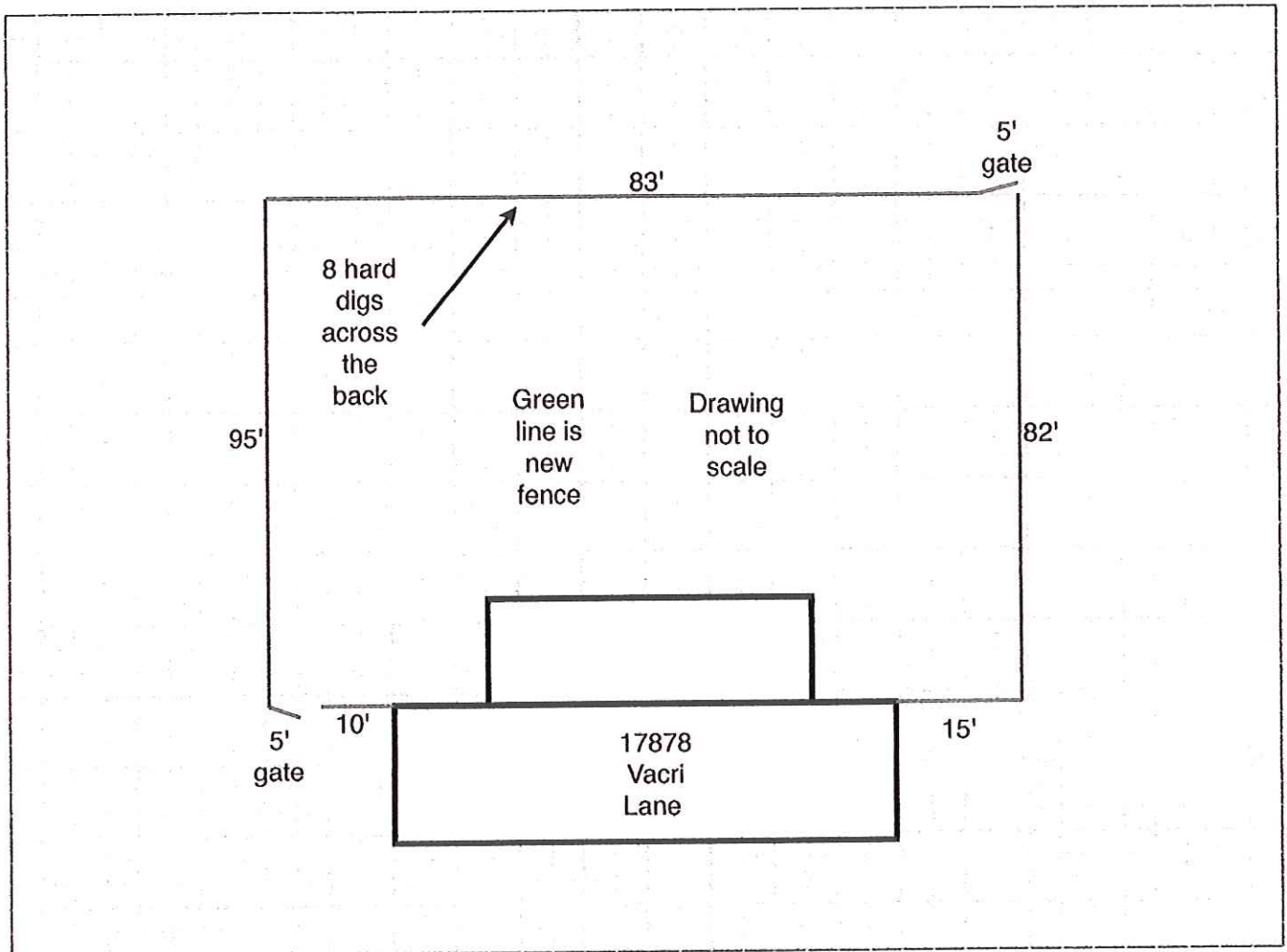
Inspection Department
33000 Civic Center Dr.
City Hall Annex
Livonia, MI 48154
(734) 466-2580



Fencing Quote/Specification

Home Depot License #'s - For the most current listing visit www.homedepot.com/LicenseNumbers

STEVE TATRO		5862749100	
Salesperson Name		Salesperson Phone#	
2105111005			
Registration # (Req. in CA,CT,ME,MD,MI,NJ,DC)			
Kaawar	Mahmoud	2742	F58118899
Customer Last Name	Customer First Name	Store #/Branch Name	Customer Lead/PO#
17878 vacri lane		Livonia	MI 48152
Customer Address		City	State Zip
3133843730		3133843730	
Home Phone#	Work Phone#	Cell Phone#	Cross Street 1 Cross Street 2



MICHIGAN SUPPLEMENT

Kaawar	Mahmoud	2742	F58118899
Customer Last Name	Customer First Name	Store # / Branch Name	Lead/Customer Order #
STEVE TATRO			

Salesperson's Name (if any)

The terms and conditions of this Supplement apply to all Home Depot Home Improvement Agreements in Michigan and are expressly made a part of all such agreements. In the event of any conflict, inconsistency or discrepancy between the terms of Your Home Improvement Agreement and this Michigan, the terms of this Supplement shall control.

NOTICE TO BUYER

- (1) Do not sign this Agreement before You read it.
- (2) You are entitled to a completely filled-in copy of this Agreement.
- (3) Under the law, YOU have the right to pay off in advance the full amount due and, under certain conditions, to obtain a partial refund on the finance charge.
- (4) You may rescind or cancel this Agreement, not later than 5 P.M. on the business day following the date on which this Agreement was executed by giving written notice of to Home Depot at the address given below or by mailing the Notice of Cancellation to the appropriate address by depositing a properly addressed certified letter in a United States Post Office box or mail box, but if You rescind after 5 P.M. on the business day following, You are still entitled to offer defenses in mitigation of damages and to pursue any rights of action or defense that arise out of the transaction.

The notice should be provided to (Entity name and address at which to send notice):

AIS Installations			
(Name)			
6040 Wall St	Sterling Heights	Mi	48312
(Address)	(City)	(State)	(Zip)

Fencing Quote/Specification

Kaawar	Mahmoud	2742	F58118899
Customer Last Name	Customer First Name	Store #/Branch Name	Customer Lead/PO#
17878 vacri lane		Livonia	MI 48152
Customer Address		City	State Zip
3133843730			
Home Phone#	Work Phone#	Cell Phone#	Cross Street 1
			Cross Street 2

CUSTOMER AGREES TO:

☒ **OPTION 1**
☐ **OPTION 2**
☐ **OPTION 3**

CUSTOMER RESPONSIBILITIES

- | | |
|--|--|
| <ul style="list-style-type: none"> ✓ Confirm fence location / approve fence line and grading ✓ Clear landscaping and other above-ground obstacles ✓ Understand and identify underground obstacles | <ul style="list-style-type: none"> ✓ Secure permits and other approvals ✓ Be present and available before / during / after the build |
|--|--|

PERMIT/INSPECTION INFORMATION:

Permit Required? ☒ Yes ☐ No

Who will obtain it?

- ☒ Homeowner to obtain a permit (Service Provider requires a copy of permit before installation)
☐ Service Provider to obtain permit

Selection Amount	\$17971.00	Additional cost options and the prices in this column to the selection
Demolition Amount	\$0	Take Down and/or Haul Away
Permit Cost	\$450.00	
Misc. Amount	\$400.00	Includes landscaping, grading, dirt removal (Explain in NOTES section below)
Subtotal	\$18821.00	
Sales Tax	\$included	
Total Amount	\$18821.00	

☒ Stock Product
 ☐ Special Order Product

PLEASE SIGN YOUR NAME TO VALIDATE THAT YOU AGREE WITH THE OPTION(S) ABOVE.

X _____
 (Customer Signature)

3/28/2026

(Date)

NOTES:

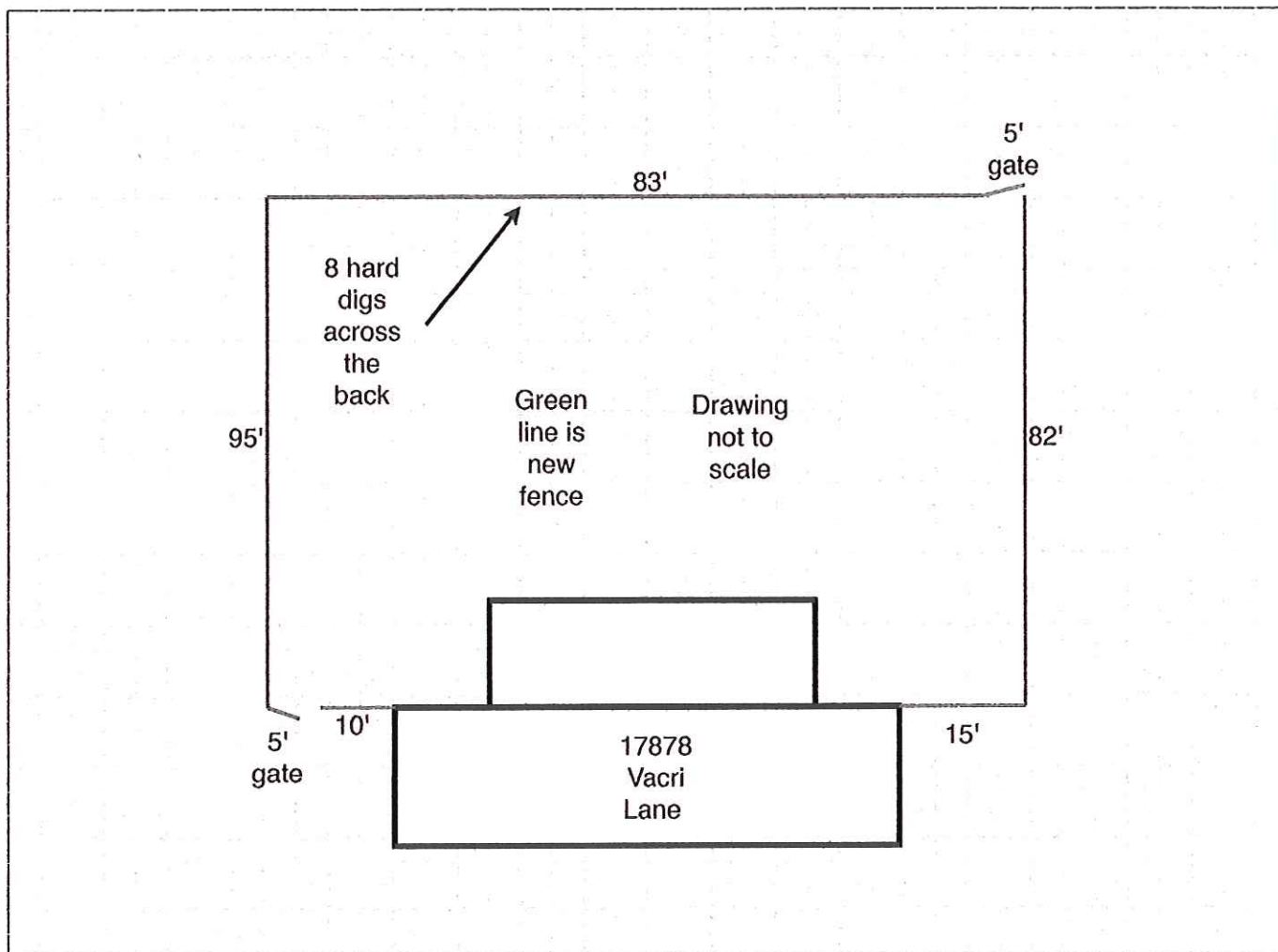
288' of 6' Newbury clay vinyl fence x \$61.00 per foot installed
 2 gate packages 5'x6' Newbury clay vinyl x \$1200.00 each installed
 Less 10% promo
 8 hard digs x \$50.00 each
 Permit \$400.00



Fencing Quote/Specification

Home Depot License #'s - For the most current listing visit www.Homedepot.com/LicenseNumbers

STEVE TATRO		5862749100	
Salesperson Name		Salesperson Phone#	
2105111005			
Registration # (Req. in CA,CT,ME,MD,MI,NJ,DC)			
Kaawar	Mahmoud	2742	F58118899
Customer Last Name	Customer First Name	Store #/Branch Name	Customer Lead/PO#
17878 vacri lane		Livonia	MI 48152
Customer Address		City	State Zip
3133843730			
Home Phone#	Work Phone#	Cell Phone#	Cross Street 1
			Cross Street 2



Fencing Quote/Specification

Home Depot License #'s - For the most current listing visit www.Homedepot.com/LicenseNumbers

Kaawar	Mahmoud	2742	F58118899
Customer Last Name	Customer First Name	Store #/Branch Name	Customer Lead/PO#
17878 vacri lane		Livonia	MI 48152
Customer Address		City	State Zip
3133843730			
Home Phone#	Work Phone#	Cell Phone#	Cross Street 1 Cross Street 2

Take Down and/or Haul Away

Includes posts being cut at grade; terminals and footings will not be pulled unless causing interference. Terminals and footings may be pulled if preferred for an additional charge.

☐ Take down	0	lin/ft of	0	high fence
☐ Haul Away	0	lin/ft of	0	high fence

Pulling of Existing Footing Included? ☐ Yes ☒ No

****ALL ADDITIONAL CHARGES INCLUDED IN SUBTOTALS ON PAGE 4****

NOTES:

No Hoa

Installation

Includes construction and installation of custom fencing in a variety of materials, including butnot limited to: wood, vinyl, chain link, composite and ornamental metal.

Customer is responsible for removing landscaping, dirt, and adjusting grade before Installation begins. If not complete before installation begins, there may be an additional charge.

Additional charge for Landscaping and/or Grading

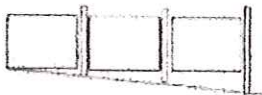
Additional charge for Dirt Removal

☐ Yes ☒ No
☐ Yes ☒ No

****ALL ADDITIONAL CHARGES INCLUDED IN SUBTOTALS ON PAGE 4****

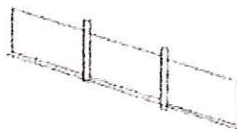
FENCE INSTALLATION RELATED TO GRADE:

LEVEL



FENCE TO BE LEVEL
WITH HIGHEST GRADE
(CUSTOMER TO FILL IN GAPS)

FOLLOWING FLOW



SLIGHTLY UNEVEN GRADE
WITH FENCE FOLLOWING
FLOW OF GROUND FENCE
WILL BE UNEVEN AT TOP

STEPPED INSTALLATION



STEEP SLOPE WHERE FENCE CANNOT
"RACK" ENOUGH TO FOLLOW
GRADE AND MUST BE STEPPED,
RESULTING IN LARGE GAPS UNDER
FENCE. (CUSTOMER TO FILL IN GAPS)

NOTES:

FOLLOWING FLOW

Fencing Quote/Specification

Kaawar	Mahmoud	2742	F58118899
Customer Last Name	Customer First Name	Store #/Branch Name	Customer Lead/PO#
17878 vacri lane		Livonia	MI 48152
Customer Address		City	State Zip
3133843730		3133843730	
Home Phone#	Work Phone#	Cell Phone#	
		Cross Street 1	Cross Street 2

☐ LEVEL
 ☒ FOLLOWING FLOW
 ☐ STEPPED INSTALLATION

OPTION 1

Material:	Element reserve rail	Style:	Newbury
Height:	6'	Footage:	288'
Post Cap:	New England	Rail Type:	Element reserve rail
Post Type:	5"x5"	Estimate:	\$
		# of Gates:	2

Description of Gates (including # and type of latches) & Additional Notes:

2 gate packages 5'x6' Newbury clay vinyl with standard hardware package

☐ LEVEL
 ☐ FOLLOWING FLOW
 ☐ STEPPED INSTALLATION

OPTION 2

Material:		Style:	
Height:		Footage:	
Post Cap:		Rail Type:	
Post Type:		Estimate:	\$
		# of Gates:	

Description of Gates (including # and type of latches) & Additional Notes:

☐ LEVEL
 ☐ FOLLOWING FLOW
 ☐ STEPPED INSTALLATION

OPTION 3

Material:		Style:	
Height:		Footage:	
Post Cap:		Rail Type:	
Post Type:		Estimate:	\$
		# of Gates:	

Description of Gates (including # and type of latches) & Additional Notes:

This quote is valid for 10 days

NOTES:

Customer to clear brush and obstacles from fence line

Home Improvement Agreement: Page 1

Home Depot License #'s - For the most current listing visit www.homedepot.com/LicenseNumbers

2101089942

STEVE TATRO

2105111005

Salesperson Name

Registration # - CA, CT, ME, MD, MI, NJ, DC only

Home Depot U.S.A., Inc. ("Home Depot") or its Authorized Service Provider named below will furnish, install, or service the equipment listed below at the price, terms, and conditions set forth in this Agreement.

1. Service Provider Contact Information

Bob Stralko

AIS Installations

Service Provider Contact Name

Service Provider Company Name

5862749100

bstralko@aisoutlet.com

2102213708

Phone #

Service Provider Email Address

Service Provider License #(s)

2. Customer Information

Kaawar

Mahmoud

2742

F58118899

Customer Last Name

Customer First Name

Store # / Branch Name

Customer Lead/ PO#

17878 vacri lane

Livonia

MI

48152

Customer Address

City

State

Zip

3133843730

3133843730

mahmoudkaawar@hotmail.com

Home Phone#

Work Phone#

Cell Phone#

Customer Email Address

3. NOTICE OF RIGHT TO CANCEL

YOU MAY CANCEL THIS AGREEMENT WITHOUT PENALTY OR OBLIGATION BY CONTACTING THE SERVICE PROVIDER OR STORE DIRECTLY; EMAILING SERVICE PROVIDER AT:

bstralko@aisoutlet.com

OR DELIVERING WRITTEN NOTICE TO HOME DEPOT AT:

6040 Wall St

Sterling Heights

Mi

48312

Address

City

State

Zip

BY MIDNIGHT ON THE THIRD BUSINESS DAY AFTER SIGNING, UNLESS THE STATE SUPPLEMENT PROVIDES A DIFFERENT CANCELLATION PERIOD. THE STATE SUPPLEMENT CONTAINS A FORM TO USE IF ONE IS SPECIFICALLY PRESCRIBED BY LAW IN YOUR STATE. YOUR PAYMENT(S) WILL BE RETURNED WITHIN TEN (10) BUSINESS DAYS AFTER HOME DEPOT'S RECEIPT OF YOUR NOTICE. ANY MERCHANDISE OR MATERIALS DELIVERED TO YOU MUST BE MADE AVAILABLE FOR PICKUP BY HOME DEPOT OR SERVICE PROVIDER AT YOUR ADDRESS LISTED ABOVE AND IN SUBSTANTIALLY THE SAME CONDITION AS WHEN DELIVERED. YOU MAY ALSO CONTACT HOME DEPOT FOR INSTRUCTIONS REGARDING RETURN SHIPMENT AT HOME DEPOT'S EXPENSE.

THE LAW REQUIRES THAT THE HOME DEPOT GIVE YOU A NOTICE EXPLAINING YOUR RIGHT TO CANCEL. PLEASE SIGN BELOW TO ACKNOWLEDGE THAT YOU HAVE BEEN GIVEN ORAL AND WRITTEN NOTICE OF YOUR RIGHT TO CANCEL.

Acknowledged by:

3/28/2026

Customer's Signature

Date

299B Fencing AGMT (13 Aug. 24) (C)

The Home Depot - 2455 Paces Ferry Road, N.W. Bldg. B-3, Atlanta, Georgia 30339 - Customer Care: 1-800-465-3337

Generated Date 1/28/2026

Lead PO# F58118892 v 37.0.0



Home Improvement Agreement: Page 2

4. Description of Work to be Performed

A detailed description of the work to be performed is included in the paragraph or document entitled Scope of Work, Specification, Customer Summary Sheet, Quote Form, Estimate, Invoice, or Measure which is included in this Agreement.

5. Anticipated Delivery Date / Installation Schedule

Approximate Start Date: Approximate Finish Date:

All dates are approximate and subject to change due to various circumstances such as weather, manufacturing delays, obtaining permits or HOA approvals.

6. Electronic Records Authorization

You are entitled to a paper and electronic copy of this Agreement if You choose. If You consent to an e-mailed copy, Your consent applies to this Agreement and all subsequent documents and written communications related to this Agreement. Contact your Service Provider to update Your email address, withdraw Your consent to electronic records, or obtain a paper copy of the Agreement or related documents at no charge. By providing Your consent and verifying Your email address above, You confirm that You have access to a computer that can receive and open emails and PDF documents.

7. Contract Price and Payment Schedule

Payment of the Contract Price is due upon signing unless a different payment schedule is required by law, is specified below, or is in a payment addendum.

Contract Price: \$ Includes all applicable taxes. Excludes finance charges.*

Sales Tax: \$ (If applicable, total amount of taxes included in Contract Price)

**Maximum deposit ONLY applicable in MD, MA, ME (33%), NJ, WI (99%)*

Deposit % Deposit Amount \$ Remaining Balance \$

8. Finance Charges

Any interest payments or other finance charges will be determined by Your cardholder or loan agreement, to which Home Depot is NOT a party, and will not affect the payment due under this Agreement. You are subject to the terms and conditions of the cardholder or loan agreement, as applicable. No funds should be made payable to Service Provider; however, Service Provider may collect Your payments made payable to Home Depot.

9. Acceptance and Authorization

By signing below, You authorize Home Depot to: (a) arrange for Service Provider to perform the Services; or (b) order and arrange for the delivery of special order merchandise, including any custom made special order merchandise, as specified in this Agreement. Further, You acknowledge: (i) You have read and understand this Agreement; (ii) You have accepted this Agreement in its entirety, including the General Conditions and State Supplement (if any); (iii) You are receiving a complete copy of this Agreement; (iv) all rights and interests under this Agreement, including interest in the property where Services are performed, are solely vested in the person listed as "Customer" above; and (v) electronic signatures will be deemed originals for all purposes. Do not sign if blank or incomplete. Service Provider's or permitting information may need to be provided to You in writing at a later date.

X

Customer's Signature

Date

X

The Home Depot Digital Signature

Date

For questions related to your installation, contact Service Provider at

For any other concerns, contact The Home Depot at 1-800-466-3337



CUSTOMER AND SERVICE PROVIDER RESPONSIBILITIES

OWNER RESPONSIBILITIES *(Initial Understanding)*

CONFIRM FENCE LOCATION / APPROVE THE FENCE LINE

PROPERTY OWNER is responsible for approving the exact location of the fence line and advising installer of all easements and placement of the fence.

- Fence installer is not responsible for costs associated with removing / relocating fences where fence line / property lines were not properly identified before installation.
- The Home Depot recommends having a survey done to ensure the new fence does not encroach on neighboring properties and complies with local building codes / setback requirements.

SECURE PERMITS AND OTHER APPROVALS

FENCE INSTALLER will help facilitate the process of securing a permit, if required (PROPERTY OWNER is responsible for permit costs).

PROPERTY OWNER is responsible for securing approval from Homeowners Association (HOA) and any other relevant organizations that govern community design guidelines and requirements

- Additional charges may apply if the fence installation is modified or cancelled due to HOA regulations after the project has begun.

INITIAL THAT YOU HAVE REVIEWED ABOVE RESPONSIBILITIES

UNDERSTAND AND IDENTIFY UNDERGROUND OBSTACLES*

**There are some underground items and obstacles that only the property owner can identify. The service provider is not responsible for damage to unmarked items.*

FENCE INSTALLER will contact local utility provider(s) to have utility lines marked (if this service is provided in your city).

- FENCE INSTALLER will not remove dirt displaced during post hole digging (approximately two feet deep).
- Additional machinery may be required for "hard dig" conditions, such as tree roots, hard clay, boulders, rock shelf, etc.
- A "hard dig" is the last resort for proper installation of your fence. Each posthole that requires use of heavy machinery may incur an additional charge.
- Heavy machinery may include but is not limited to: motorized auger, jackhammer and / or manual digging bar.

PROPERTY OWNER is responsible for using brightly colored spray paint to mark the locations of other underground obstacles, including but not limited to:

- Additional electric lines (not managed or marked by utility provider(s)) that supply power to lamp posts, walkway / yard lighting, wiring for pools, sheds, wells, etc.;
- Sprinkler and other water lines that feed swimming pool(s) or other structures;
- French drains or related water lines / drainage systems; and / or
- Any other electrical, water or cable locations that the utility provider(s) are not responsible for identifying.

CLEAR LANDSCAPING AND OTHER ABOVE-GROUND OBSTACLE

**Fence installer is not responsible for removing landscaping or other above-ground items located within 2 ft. of either side of the approved fence line. If property owner requires assistance, additional charges may apply.*

PROPERTY OWNER is responsible for clearing a path 2 ft. wide on either side of the approved fence line, including but not limited to:

- Cut back overgrowth of trees, shrubs, etc. to allow 2 ft. on either side of the new fence line up to a height of 6 ½ ft.;
- Remove trees and shrubs located within 2 ft. of the new fence line; and
- Make sure all pets are secured before installation begins.

BE PRESENT AND AVAILABLE BEFORE / DURING / AFTER THE BUILD

PROPERTY OWNER will plan to be physically present at the beginning and end of the installation for walkthrough, questions and confirmed approval. Please also expect and prioritize phone calls from your installer during the build to ensure alignment and review of maintenance requirements.

- FENCE INSTALLER will require access to an electrical outlet and exterior water faucet.



CUSTOMER AND SERVICE PROVIDER RESPONSIBILITIES

ADDITIONAL CHARGES?

- Early cancellation: \$150 fee applies if contract is cancelled after the 3-day rescission period
- Permitting: fence installer may help facilitate the permit but is not responsible for associated costs
- Late modifications: fence is removed / relocated because utilities and / or property lines were not identified correctly before work began
- HOA delay / cancellation: installation is modified or cancelled after the job has begun due to HOA
- Hard dig: each posthole that requires use of heavy machinery may incur an additional charge of:
\$50.00 per hole
Heavy machinery may include but is not limited to: motorized auger, jackhammer and / or manual digging bar
- Clearing of fence line: to clear 2 ft on either side of the fence line may incur an additional charge of:
\$10.00 per foot
- Design change: approved fence design / materials selection is adjusted by property owner

Wood Fences

Frequently Asked Questions

How will my wood fence perform in weather conditions?

The following are all weathering characteristics of wood regardless of treatment: Swelling, Shrinking, Mildew Growth, Graying, Warping, Twisting, Checking and Splitting.



Can I prevent weathering from occurring?

Even a well maintained fence can experience these natural defects. However, the extent can be significantly reduced through a maintenance plan.

Maintenance tips to maximize the life of your fence:

- Cleaning with a mildewicide will keep your fence bright; Apply to your new fence for maximum preventative impact within 90 days of your fence installation.
- Apply a topical sealant for surface protection. Do not use multi-coat paint system. Repainting has to be preceded by scraping and sanding. Instead, choose a pigmented or clear outdoor wood sealer.
- To slow down the graying process, regularly apply a water repellent finish with ultraviolet stabilizer and follow the manufacturer's instructions.
- Based on exposure to sun or foliage, it may be sufficient to clean and coat every year. Reapply an outdoor wood sealer that contains both water repellent and ultraviolet stabilizer.

PLEASE SIGN YOUR NAME TO VALIDATE THAT YOU AGREE WITH THE CUSTOMER AND SERVICE PROVIDER RESPONSIBILITIES

X

(Customer's Signature)

3/28/2026

Date

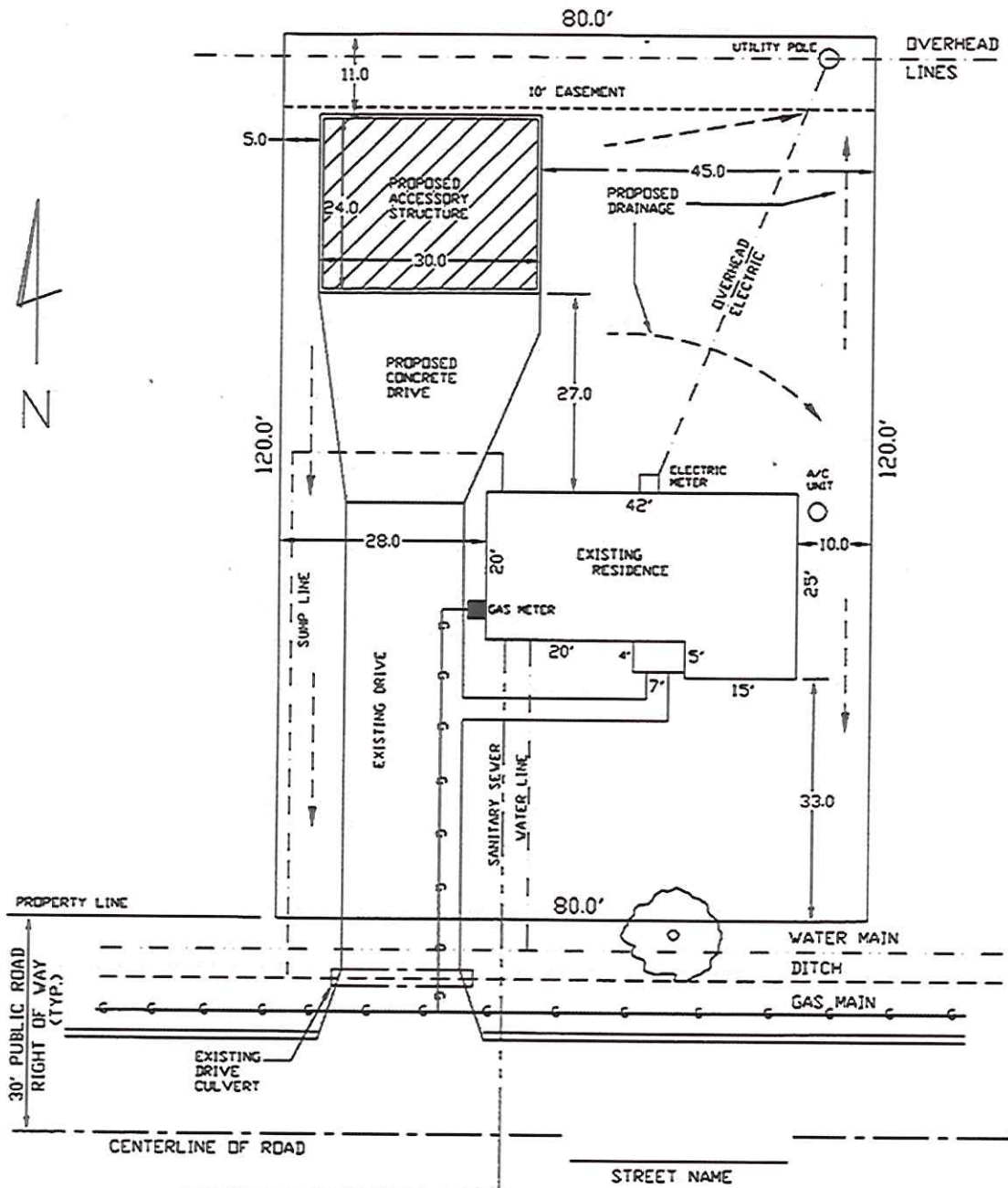
For routine matters regarding: scheduling, changes to installation, product, custom orders, warranty requests or concerns with actual install, first contact your Service Provider at 5862749100. If your Service Provider is unable to assist or if your concerns remain unresolved, please contact Home Depot at 1-800-466-3337.

299B Fencing AGMT (13 Aug. 24) (C)

The Home Depot - 2455 Paces Ferry Road, N.W. Bldg. B-3, Atlanta, Georgia 30339 - Customer Care: 1-800-466-3337

Generated Date 3/28/2026

Lead PO# F48118592 v 37.0.0



SAMPLE PLOT PLAN

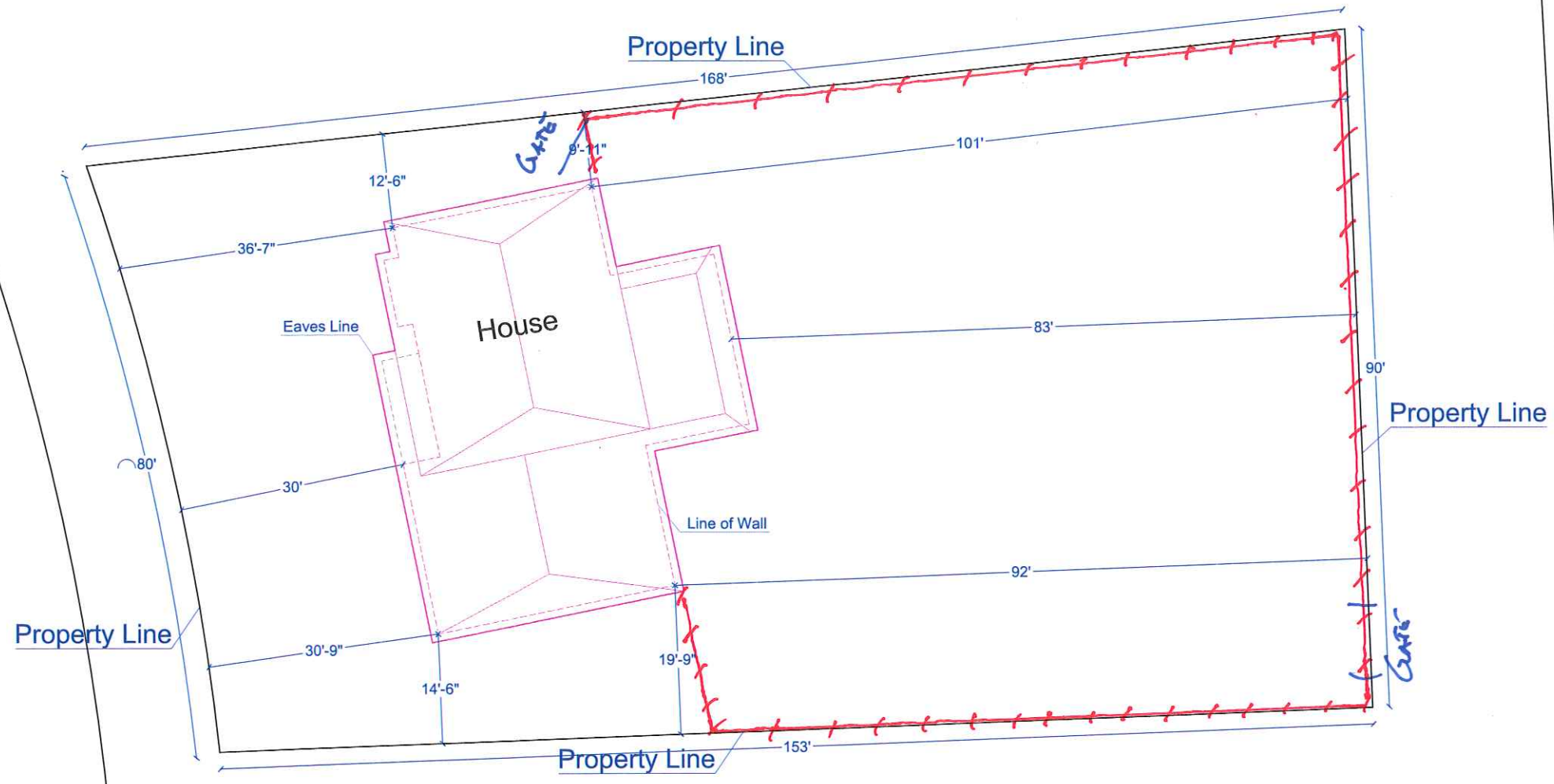
SCALE: 1"=20'

SHOW THE UTILITY LOCATIONS BOTH ABOVE AND BELOW GROUND.
 SHOW THE LOCATION OF THE ELECTRIC METER, GAS METER AND A/C UNIT.
 SHOW THE LOCATION OF THE WATER, SANITARY, AND SUMP LINES.
 IF A NEW DRIVE OR ALTERATIONS TO AN EXISTING DRIVE ARE PROPOSED,
 ALL CONSTRUCTION MUST CONFORM TO CURRENT STANDARDS.

BUILDER: XYZ CONST.	
ADDRESS XXX	PHONE XXX
OWNER: RESIDENT	
ADDRESS XXX	PHONE XXX



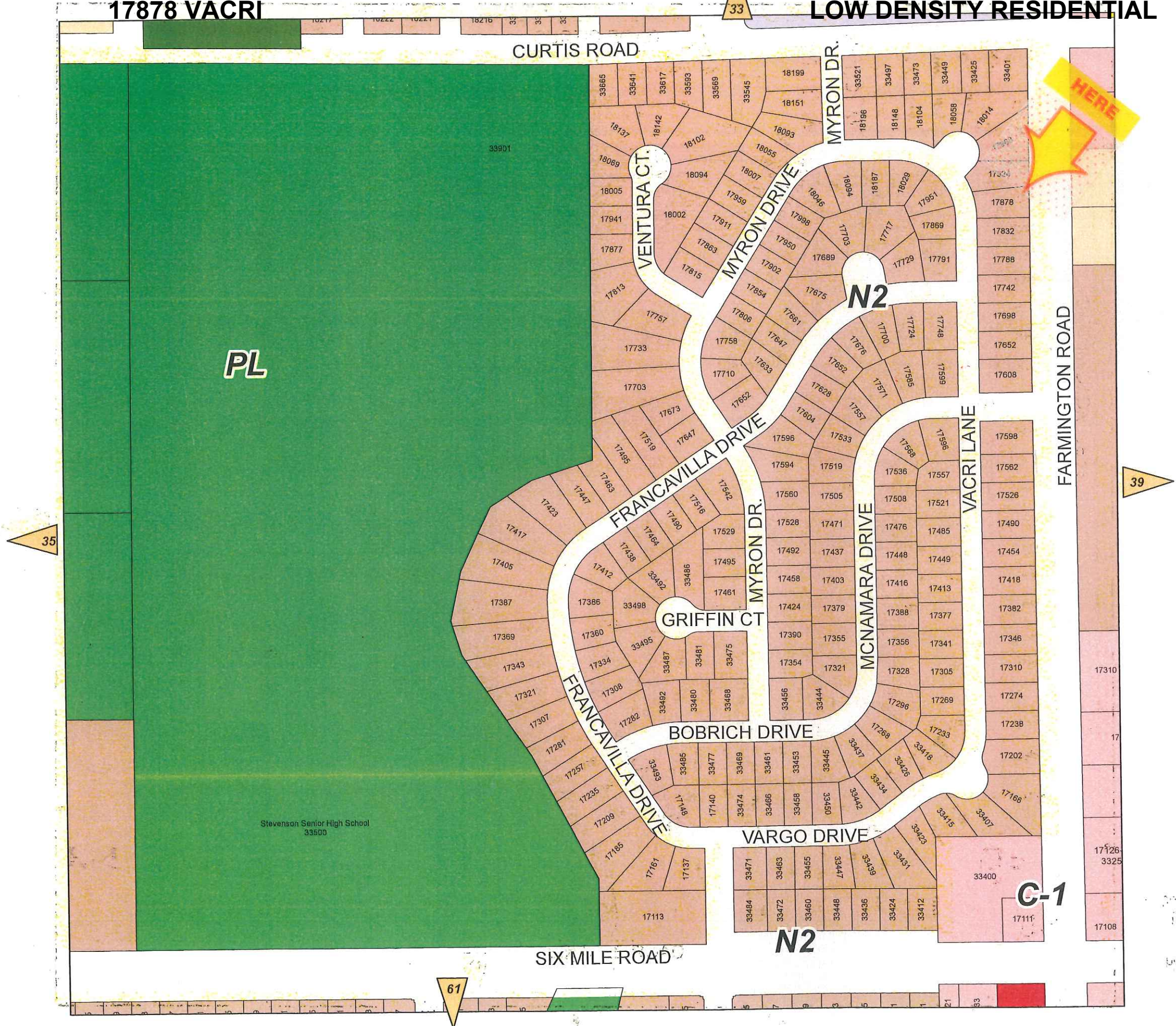
Farmington Rd



Vacri Ln

MAHMOUD KAAWAR
17878 VACRI

FENCE
LOW DENSITY RESIDENTIAL



ZONING MAP

LEGEND

Zoning Districts

- RUF Rural Urban Farm
- N1 Neighborhood
- N2 Neighborhood
- NM1 Neighborhood Multifamily
- NM2 Neighborhood Multifamily
- NM3 Neighborhood Multifamily
- P Parking
- C-1 Local Business
- C-2 General Business
- C-3 Highway Services
- C-4 High Rise Commercial
- M-L Manufacturing Limited
- M-1 Light Manufacturing
- M-2 General Manufacturing
- P-L Public Lands
- NP Nature Preserves

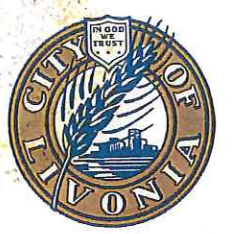
S.E. 1/4 Section 9

City of Livonia

T. 1 south, R. 9 east

Wayne County, Michigan

Copyright 2001, City of Livonia



300 450 0 300 Feet

APPEAL CASE NO. 2021-05-20: An appeal has been made to the Zoning Board of Appeals by Thomas Berry, 17202 Vacri, Livonia, MI 48152, seeking to maintain a six-foot-tall privacy fence, erected without a permit, at the rear of a double frontage lot, resulting in deficient rear yard setback.

Rear Yard Setback:

Required:	35 feet
Proposed:	0 feet
Deficient:	35 feet

The property is located on the east side of Vacri (17202), between Vargo and McNamara, Lot. No. 036-01-0018-000, R-3C Zoning District. Rejected by the Inspection Department under Livonia Fence Ordinance, Section 15.44.090A(3), "Residential District Regulations."

Coppola: Alright, thank you. Mr. Hanosh, anything you'd like to add?

Hanosh: Not at this time, Mr. Chair.

Coppola: Is there any questions for the inspection department?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

Baringhaus: Okay. Questions for the Inspection Department. With a double frontage lot, are both considered like a front yard or is one considered a front yard and or is the other lot considered a backyard? I'm not sure.

Hanosh: In this circumstance, both are considered a front yard and that's why we determined our set back in R3 is 35 feet.

Baringhaus: Okay.

Hanosh: Our definition, lot double frontage and interior lot line having the street line for both, the front line and the rear line.

Baringhaus: Okay, thank you.

Coppola: Question, Mr. Hanosh. A number of the homes that run along--in the subdivision that run along Farmington Road have split rail fences and have had split rail fences for as long as I can remember and I--I--I was in that neighborhood for over 20 years. Are--are those actually--maybe they're grandfathered, 'cause they all are pretty darn old too in many cases. Would that be allowed today if someone came to pull a permit for a fence along the property line and wanted a split--split rail fence?

Hanosh: All I know is most of that fencing is older and probably predates our fencing ordinance. So, whether it was allowed back then or not I--I couldn't make that determination right now, but it was--our ordinance only goes back to 93--1993 and most of those fences were put up probably prior to that--all the split rails.

Coppola: So, let me ask the question a different way then. If there were no fences there today and that--and that property owner that ran along Farmington Road came in and asked for a permit for a fence--split rail fence to run on the property line facing Farmington Road, would that be approved or denied?

Hanosh: In my department that would be denied unless we could classify it as landscaping which is less than 30 inches and no more than 20 foot in either direction, maximum 40 feet.

Coppola: Okay.

Hanosh: This would have been denied from the start.

Coppola: Okay. So, the petitioner in his--in his petition suggested that he had communications with the inspection department, and they said that--and he said he was going to replace his fence and that they said that it was okay to replace his fence. My guess is maybe there's a lot of--a lot of information that might have not been communicated between the parties at the time. Do you have any knowledge of--of that communication?

Hanosh: No, I do not.

Coppola: Okay. And in regards to landscaping. If someone wanted to--plant--let's say arborvitaes and a number--and a number of properties along there had done such as well as other site obscuring vegetation--if they wanted to put that along their property there's nothing that--that prohibits them from doing such?

Hanosh: No. As long as they meet the criteria of keeping that vegetation two to three feet behind the property line, so when it does get to full growth, it's not gonna impede any of the sidewalks. This particular property actually had that. It had plants and vegetation actually as privacy prior to this fence.

Coppola: Okay. Thank you. Any other questions? Alright, I see the petitioner has raised hand. I'm going to unmute--

Turbiak: Mr. Chair. Yeah, sorry, I had my hand up while I was reaching for the mute button. A little slow there. Sorry, you saved me with that--with the visual. Yeah, I have a question for Mr. Hanosh. In--in our fence ordinance it talks about privacy screen. I have two questions I think. So, how close to--it--it mentions that it's typically adjacent to a pool or a deck, how close to a pool or a deck does it have to be and--and really to the point of this property--how close to the road could it be?

Hanosh: Well, if we treat this as a double frontage--well, hypothetical, if it wasn't a double frontage, a privacy screen would be held back ten feet from the property line. In this circumstance because it is a double frontage, we have to maintain that 35 feet. So, I would have to have it 35 feet away from the rear property line and then we could issue that as a fence or as a screen.

Turbiak: Okay. Thanks. And then it also mentions that it can't extend beyond the side building line--I think is the wording off the top of my head--in--in this case, it's almost negligible because the garage is maybe two or three feet wider than the residence itself, but it still is in the ordinance, it just says primary residence--or residence, I think. Would the garage be considered the side building line or would it be where the interior living space--

Hanosh: I believe that's an attached garage.

Turbiak: It is an attached garage, yes. It only sticks out about two feet, three feet maybe farther South of the--

Hanosh: I would use--I would use the garage as a side line because it's part of the original dwelling and the structure.

Turbiak: Okay. Thank you. That's all, Mr. Chair. Thank you, Mr. Hanosh.

Hanosh: You're welcome.

Coppola: Alright, Mr. Berry, thanks for your patience. If you can give us your name and address for the record, first.

Berry: Thank you, respected Board members. My name is Tom Berry and I live at 17202--17202 Vacri Lane.

Coppola: Alright, Mr. Berry. Why don't you go ahead and tell us a little bit about your petition and specifically understand the hardships that you have.

Berry: Thank you so much. I appreciate it. We purchased the property in January of 2020, and I don't think it really would have really changed anything, but we weren't able to get into the property until August of 2020 because of Covid and--and getting a painter in and so on and so forth. At any rate, prior to purchasing the property, we never really had the ability to sit in the family room in the evening to watch the lights from the shopping center across the street come glaring through or at a dinner table. Or for that, sleep in the bed and wake up at six o'clock in the morning with the lights just beaming through. We thought that--well we didn't really expect any of that. We were okay with the traffic. We knew we were gonna come on to Farmington Road and there'd be traffic. We were okay with it, but we didn't know that we'd have this intrusion with the lights. So, being that we got there in August, we lived through it and the next year came around I sought out one of the neighbors and asked if there was a homeowner's association and they said yes, but it had dissolved years ago. Now, for me, I thought, okay then maybe many of these people along Farmington Road are just adhering to an old bylaw from the homeowner's association. So, I went online with the city, and I couldn't find anything that pertained to an

existing fence because that's what we have. A split rail fence is an existing fence. So, I went down to the City Hall because I wanted to make sure I--I didn't want to have to go through this process that I'm going through now, but when I went to City Hall and spoke with one of the inspectors and--misunderstanding you call it, me not listening, however you wanna view it, I was excited that I was told I didn't need a--a permit and I asked specific questions about the depth of my fence because I knew I needed to take it down 42 inches, I knew it needed to bury this four by four at least two and half, three feet with cement and so on and so forth, and I walked out of there happy. I went to Home Depot. I picked up my lumbar. They delivered it the next week, and I put the fence up myself, and it kicked my butt. I've never done anything like that before. The day I finished--it took me a week--the day I finished, an ordinance officer--apparently somebody had called, and that's okay. If I did something wrong I--I deserve to be called to the table, but I did this totally innocent. Ordinance officer asked me to call him, and I call him, and he says you need a permit for that and he--I told him I said I had been down to the inspection department and a gentleman said I didn't need a permit. He apologized, we hung up, and the next day he called me back and said I'm sorry that fence is there illegal, you need to come down to the building department, and I did at once. I spoke with Mr. Hanosh, and I was now--I firmly understood that what I did was I put a fence up into a dual frontage zone with was wrong. So, the error was on my part, but if I can elaborate on it for just a minute, and I appreciate you being patient with me. This subdivision was built in--I'd say, 1977. Back when Farmington Road was a two-lane highway with no commercial buildings across the street. The split rail fence was aesthetically perfect to the area, but it doesn't apply anymore. I mean, you have the cars that come out of the strip mall, you have a Baskin-Robbins there, you have a Secretary of State there, you have a flooring company there. On the other side you have another professional building, and I know I'm hear speaking on behalf of myself, but I will tell you every one of my neighbors, unless somebody can tell me that they sent a--they sent in a bad review of this--bad approval of it--every one of my neighbors deal with the same inconvenience and it's just really difficult to be able to sit on your deck at night and have these lights glaring through you because they just don't immediately go onto Farmington Road. They sit to wait for clearance. You're just being blinding by that. Yes, we can put drapes up, I agree with you, but we didn't buy the house to be trapped in the family room. So, that being said, I'm appealing to you and hoping you'll grant this approval on this and I will say that I believe there are neighbors supporting me that--actually waiting for this to take place so that they can approach the inspection department as well. Thank you.

Coppola: Alright, thank you, Mr. Berry. Any questions for Mr. Berry?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

Baringhaus: You indicated earlier you had done some research online regarding fences--

Berry: Yes sir.

Baringhaus: --in the Francavilla subdivision, did you do any research with regard to City of Livonia ordinances online?

Berry: There's a fence ordinance online. That--that's the one I--that's the one I looked at.

Baringhaus: Okay, yeah.

Berry: As far as Francavilla was concerned the neighbors told me the homeowner's associate no longer existed, so I went online and I went to the Livonia--I think it's Livonia.org, and went to their fence ordinance. There was nothing there--unless I'm wrong-- that pertained to an existing fence. There's a fence ordinance. I think--

Baringhaus: I mean, my point is, if you were to search on Livonia fence guidelines or Livonia fence ordinances, there's extensive material on guidelines for fencing requirements available that are--you know--that are available to you that could have been downloaded prior to your decision. Next question is this, how many fences are along Farmington in your subdivision?

Berry: Now, be specific please because when you say fence--

Baringhaus: Privacy fence.

Berry: I am the only.

Baringhaus: Okay. How many split rail fences still exist today along Farmington?

Berry: I would have to--every home on Farmington from Six Mile to Curtis has a--has a split rail fence.

Baringhaus: Okay. Basically, how would you describe the landscaping at the back of those properties?

Berry: First of all, let me tell you this. To--to repair those fences because it's cedar, is very expensive. Very expensive. And I spoke with a--I spoke with an elderly woman today that told me right out that she can't afford to replace any of those because it's--it's just--the cost is prohibited to her. But I would say that if--if I can give you a percentage, I'd say 65 to 70 percent of those fences need repair.

Baringhaus: Well, going back to my original point is if--and you brought it up yourself, if you look at the landscaping along Farmington from Six Mile to Curtis--you know--excluding I think--I believe it's a Mobil Station on the corner--

Berry: Correct.

Baringhaus: --of Six and Farmington, if you look at the balance of the--you know the property lines along Farmington that are part of Francavilla, you'll find that a lot of it's very heavily landscaped with shrubs, small trees, bushes, anything that would--

Berry: Yes.

Baringhaus: --shield light and noise from Farmington. Is that a fair statement?

Berry: Absolutely, but I will--I--I need to make this statement as well. I--ironically and I don't know if should use the word ironically, but a gentleman down the street last week had a pit-bull bust through his fence and he has a split rail fence, but he put screening around it because he has two small dogs there and some children. A pit-bull busted through the fence and went after one of his dogs and he got bit as well and went to the hospital, he had his arm infected, so, yes, I don't know if I answered your question or not, but those are just some of the things that we deal with. And as far as the shrubs are concerned, we did consider arborvitae, but with the arborvitae that we need on this hundred-foot lot, we would have been required to put 50 of them at almost a hundred dollars apiece. Plus, to have them planted would have cost me close to \$8,000, and--and honestly, that's just cost prohibited to me. And you don't know if they're gonna survive.

Baringhaus: What was the cost of your privacy fence that you installed?

Berry: One stimulus check. Thank you.

Baringhaus: Okay.

Berry: I apologize.

Baringhaus: That's alright. The other question is, did you remove any shrubbery or trees to install your privacy fence?

Berry: Yes.

Baringhaus: About how many?

Berry: I'm not an arborist, and I don't know what they were, but they weren't a dense bush. They were a yellow leaf bush that kind of grew out of control and when you trimmed them down it--it--how many--I would say there were probably--I dug them out, so I'm gonna say there were about fifteen.

Baringhaus: Okay. Are you familiar with--are you familiar with the strip mall across Farmington from your home?

Berry: Yes sir.

Baringhaus: Okay. You mentioned earlier there was a Secretary of State office and there's also another--other businesses in that strip mall as well.

Berry: Yes.

Baringhaus: Were you familiar with the hours of operation of those businesses?

Berry: The Baskin-Robbins--well--you know--currently, I will tell you I don't know what their hours are only due to Covid.

Baringhaus: I drove the--I drove that strip mall today. It seems like a lot of the businesses close at about 6:00 PM. Some will stay open till eight o'clock maybe one night a week cause--you know--they're kind--like Abbey Flooring--you know--and a retail in nature will have one late evening as well. You mentioned in your petition that you were getting a lot of traffic from the Secretary of State's office. Is that correct?

Berry: There--there was on--on Saturdays, and not now because I don't know--Secretary of State seemed to have gotten their game together, but there used to be a line out the Secretary of State on a Saturday morning. Yeah, it was a little intimidating--you know--just having people drive up and look in and--and stand there and gawk.

Baringhaus: Question though--where is your home--where is your home in relation to the strip mall? Are you directly across from it?

Berry: I'm directly across, so if you come out the--if you come out the egress from the--from the mall, my home is directly across from it.

Baringhaus: Okay.

Berry: That's on Farmington.

Baringhaus: Yeah, I was looking at the location of the strip mall relative to the position of the privacy fence you erected. It seems like the strip mall's a little bit--I wanna say, south of you, yeah. It seems like the building that's directly across from your rear yard is 17230 Farmington--is the address, and that's an empty office building. Is that correct?

Berry: Whether it's empty or not, Jim, I don't know, but I will tell you that those headlights--whether it was one driveway away or not appear to come right through my--right through my family window--family room window.

Baringhaus: Great. Thank you.

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: Question for Mr. Hanosh. Driving up and down Farmington Road, and Newburgh Road, and any other main road here in Livonia, you see some houses that do have these privacy fences up. What would the process have been that these houses would have gotten acceptance versus what we're seeing the petitioner go through right now?

Hanosh: All of those fences would have had to do a presentation to you like tonight to the Zoning Board to get approval, like what we're going through. We wouldn't be asked to maintain it, we would be asking to erect the fence instead, that's the only difference.

Boloven: So--and I know our package really doesn't have anything, maybe Mr. Neville, you can provide some insight onto past history, it just seems like there's no rhyme or reason to what's been accepted versus what's up right now. And the only reason I'm asking that is I--I agree with Mr. Baringhaus' question that I see Francavilla and there was none. You drive up Farmington Road between Six and up to Curtis and you basically see none, but I just go south of Six and up to Five and I see a bunch. On Newburgh Road between Five and Six and all the way up to Seven I see a bunch. And it's rear yards. And is there really anything in place--is there pools--I mean give me something that says why these were accepted versus not accepted.

Coppola: Vice Chair, Baringhaus.

Baringhaus: Well, I just--I just wanted to add on to Mr. Boloven's comments because I was observing the same thing. The one thing I did notice that was pretty consistent, it had to do with a couple homes were the--I guess within the subdivision, the homes were on a corner lot where part of the lot--the rear lot of that home would face on the main road and then the rest of it would swing into the subdivision and I thought maybe those were--you know--potential variance situations at one point--you know--in history. That was the only other trend that I noticed as well.

Boloven: I mean, I--I look at--first example that I saw on Farmington between Five and Six at Myrna--I think's the street and I forgot the name of the subdivision there, it's Wood--Wood something--Woodcreek maybe. That subdivision. Those houses are all privacy fences there. They're not corner lots. It looks identical to what's happening in the present situation of Francavilla. And some of those just went up in the last year, so--and I know I've been on the Board almost two and half years and I've yet to see a case like this before.

Hanosh: If I may, Mr. Chair.

Coppola: Yes, Mr. Hanosh.

Hanosh: Some of the fences that you may see change--if there's an existing privacy fence previous to our ordinance, and it was erected, and they're trying to do a replacement fence, our department will issue that because it's a replacement. A six-foot fence with a six-foot fence. Privacy, whether wood, vinyl, or whatever other material. When we go to split rail, a replacement fence would be another split rail. Not another privacy fence. And that's why we wouldn't have issued this permit itself. It's for the Board individually to look at each case and make a recommendation for a new privacy fence or anything like that. We--we wouldn't take--we wouldn't have never even taken this permit in. We would have stopped it at the counter because there's always usually someone there to help facilitate and assist with these matters. So, I don't know how the others one get up, but there could have been replacement fences if it was preexisting. Depends on the ordinance on how old the fence is.

Berry: If--if I may interject.

Coppola: Yes, Mr. Berry.

Berry: Thank you. I didn't read anywhere where it made a distinction between the privacy fence, a split rail fence, so I--I went into the city. I had a fence. I could be wrong, I--I don't know the ordinance as well as you gentlemen do, and ladies, I apologize. But, I went into it under the impression that I had a fence. Now, call it a split rail, call it a privacy, call it--you know--whatever type of fence it was. My mind set was I had one. Like I said, when I found out that I didn't need--I took--I didn't need a permit because I already had a fence up, I was just as happy as a lark.

Boloven: I--I'll comment just on the sense of Woodcreek Farms is the subdivision and I drove by it. Google's got a historical map, that had no fencing right there along Farmington Road between Five and Six. And looks like 2019 a privacy fence goes up. So, again, who knows if this is something that should have went through the city, didn't go through the city? I believe that one did go through the city because I remember that there was a whole issue with that whole subdivision at that time. But, it just draws my questions, are we picking and choosing which ones come before us and which ones don't as far as a setback issue, especially when you're driving up these main roads and you see others that have it. Thank you, Mr. Chair. I yield back.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

Baringhaus: Well, I agree with the statement that these double frontage lots--I don't recall a lot of cases coming before the Board that dealt with a double frontage lot, maybe one, two might be a stretch. So--you know--that--that fact is kind of unique in itself, but I guess, you gotta look at the character of the area though, and I--it just seems like with the area we're discussing this evening, you don't--you don't see privacy--you don't see--everything is landscaped as a means of shielding--you know--the back--you know--the home from the--from the traffic on Farmington. So, there is a consistent pattern present.

Coppola: Okay. Any other questions for the petitioner?

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

Coppola: Yes, Mr. Testa.

Testa: Mr. Berry, could I clarify the timeline, when did you actually erect the fence?

Berry: I think it was the middle of March.

Testa: Okay. And how--how quickly thereafter--you said within a week you got a call from the inspection department?

Berry: No, no. It took me--it took me one week to put it up, and the day I finished--

Testa: Okay.

Berry: --the ordinance department put the card on--on my car.

Testa: I see. Okay. And none of your neighbors had mentioned anything to you about needing a permit or that they've attempted to do this in the past and--

Berry: I--I had one neighbor that was on Farmington Road, going to the gas station walking, and I had been putting up the--the six-foot slats and I was like, three quarters of the way done, and he stopped, and he talked to us, and he said that one of his neighbors tried it and they wouldn't let him. And, we had a small conversation but I--I kind of disregarded it because I had a conversation with the inspection department, so I thought maybe again, due to some old homeowner's association rule that somebody was mistaken because I know I just spoke with someone as far as I was concerned. But I had it three quarters of the way finished as well.

Testa: Okay. Thank you.

Berry: Mmhmm.

Coppola: Other questions?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

Baringhaus: Mr. Berry, what's the depth of your--well, I'll say--I'll use the term backyard for the lack of a better term--in other words the area between the rear of your house to the sidewalk facing Farmington?

Berry: You know--that's a good question because we talk about the setback here, and I was gonna ask that in the closing statement because my lot on--on public record shows--for a round number, say 100 feet wide by 147 feet deep, okay? That's in the public record. That's also on the MLS when I bought the property. So, if you take a 35-foot setback--am I taking a 35-foot setback from Farmington Road? My property's 147--if I take a 35-foot setback, that would give me that green space, plus the side walk, then I can--then the fence. That's where I am at. So, I questioned that and--and I know, Craig, you're shaking your head, but I wanted to come to the city and ask you today, how do I read this, because to me, my lot is 147 deep. If I come back 35 feet, that's exactly where that fence is. And like I said, it's Greek to me. I don't know your business. You're builders--you gentlemen--you ladies, you understand this better than I do. But when I look at that--when I look at that plat map, I--I questioned it. I said wait a minute, that plat map shows I'm 147.5 deep. If I come back a 35-foot setback then that's where the fence is.

Hanosh: If I may, Mr. Chair.

Coppola: Mr. Hanosh.

Hanosh: According to property lines--property lines--we--we--from Farmington Road, we--we have an easement, which would be between the street and the sidewalk. His property starts--

which would be West of the sidewalk, which is the interior line in the sidewalk and it goes all the way to the back area to the inside measurement of that sidewalk which would be 147 feet. A setback is from the property line, not from the street.

Berry: Okay. And I--I agree with you but--so, there's--there's some confusion because on the Francavilla subdivision plat map from Wayne County, it shows that property line extends all the way out to Farmington Road.

Hanosh: I beg to differ.

Berry: You have a copy of it. I gave a copy of it on--on--on my appeal. Everybody has a copy of it. And the--the lot number's eighteen.

Hanosh: All I would say is a survey would have to be conducted if possible but it's showing right now 106 feet from the interior of the sidewalk to the other sidewalk. Have you ever measured it yourself?

Berry: I didn't have a reason to. I took the PRD and the MLS to be truthful and along with the--along with the plat map from the county.

Hanosh: So, if I may, we also have--

Berry: I think you all have a copy of that if I'm not mistaken.

Hanosh: I do have a--I do have a copy of that and it's showing Farmington Road is 120 feet in width. When you look at that, I--I do see the 147 feet--

Berry: Yes.

Hanosh: --but it's actually--if you look at that, that's on the--it would be the South side and it's 151 feet on the North side. That actually--and it shows me an easement--there's a 24-foot wide easement there. Let's see--

Berry: I don't see that.

Hanosh: I'm on--

Berry: Well, on the North side, 151--

Hanosh: (Inaudible)

Coppola: So, I think the way--again, it's confusing because it's a double fronted lot, and it's not as familiar with those that are just fronted lots, there's always--your--your property does run to the street, but then there's always an easement for the--for the sidewalk as well as the area between the sidewalk and the street. You're responsible for the care of all that.

Berry: Yes, but that would be my 35-foot setback as well. And, I (inaudible) for interrupting you, but if it's from the street, that 35-foot setback will take me to where that--that fence is now. And--and I--that's all I can go by, is what I read on this map.

Hanosh: On the contrary, setbacks, property lines are never measured from the street. They're always from where the property line exists, which is usually one foot in from the sidewalk. If you were to look a pins or anything, it's never been measured from the street. The street is not a proper area to measure from. You have to--if you wanna measure from the center of the street, you have 60 feet on both sides.

Berry: Okay, but--but where is my property line according to this plat map?

Hanosh: It would actually be one foot in from the sidewalk--on the interior side of the sidewalk to the house.

Berry: Then why is it listed as 147? And on the PRD, and on the MLS.

Hanosh: You never measured it.

Berry: I didn't, but that's why these people did this. I can't.

Hanosh: I--if you measure, you would--you would see that. That's all I can say. I'm not here to argue that point right now, but property is never measured from the street line. Never.

Coppola: Mr. Turbiak.

Turbiak: Yeah, so, Mr. Berry, we--actually it's available to the public--I'll see if I can get you the URL, but there's a--a satellite system, I think it's GIS mapping system, you can type in any address in the city of Livonia and get to it. And there's some measurement tools--granted it's--you know--has a relative degree of accuracy, but I--I did this in my research for this--for this case and it is--it is 147 feet from sidewalk to sidewalk. It's not from the--your front sidewalk--your main front sidewalk to the--Farmington Road. So, I--I see what you're seeing, I didn't look at it that closely until you pointed out that the survey is in the packet and I'm looking at it and I'm looking at all the wording there and it talked about a greenbelt and an easement, and I think it's--it's wrong. I guess is the best way to put it. Maybe misleading at best, and wrong. Because the 147 is that point seven three kind of--that three lands on that--n that--you know--Westerly most dotted line, and that, I--I read that to interpret it at--to be the sidewalk. It doesn't say sidewalk, there is one line that lands between those lines if you go a little bit further to the North. It says surface drainage, it's got an arrow after the "e" and then that--that arrow kind of squiggles down and lands into lot 22 in between what I interpret to be the sidewalk, but it calls surface drainage and it calls the--the land between the Easterly most dotted line and Farmington Road--it calls that six foot PBT ease for public utility or private, easement, I--I don't know what PBT is, but--yeah, so, I think if you were to take a tape measure like Mr. Hanosh is suggesting, I think you would find that your lot is 147 feet from sidewalk to sidewalk.

Berry: Okay and--and I'm comfortable with that and I'm okay with that, and you all know that I didn't use this plat map prior to deciding whether I'm gonna put this fence up or not. I went with what I thought I had there was a fence, and I meant no malice and intent to the city ordinances or disrespect to the inspection department. It was my mistake. I should have listened better, but the fence itself serves me well, serves my family well. I do get quiet enjoyment out of it now. It does serve the purpose and I hope that you have letters from my neighbors supporting me with this as they've all told me they had and of course this process--without this process I don't know what I--where I'd be. I appreciate you, and I--I leave this in your hands understanding that I want to do nothing but what's right and take care of my property and have my quiet enjoyment if you will.

Testa: Mr. Chair. To--

Coppola: Mr. Testa.

Testa: Yeah, thank you. To follow up on Mr. Turbiak's point, I'm also on general city map thanks to Mr. Turbiak sharing the link with us several months ago. It's basically showing the Farmington Road--the 60 feet and 60 feet, so 120 feet, is from sidewalk to sidewalk. So, if you measure from the inboard-to-inboard sidewalk where it's 120 feet, so, this map that he is showing in his package is correct that his property line starts basically from the sidewalk. You measure another 120 feet across the street to the other sidewalk. That's what that map is showing.

Berry: Okay. Thank you.

Turbiak: Mr. Chair. And just to further that--Mr. Testa's point, is, if you follow those two dotted lines-- or dashed lines I guess to be more accurate, further to the South, you can see that they--they terminate and they don't terminate at Six Mile, so, they are some kind of an easement on your property. I think it's mislocated where they drew the arrows, so I think that's probably an easement, not a sidewalk. That's the confusion, I think.

Berry: Yeah, and even at that, like I--like I get back--you know--I didn't use this to begin with, so for me, I can just scrap this completely and say you're right. I get it. You know--so that--that can't be my argument because that's not what I hinged my decision on. So, whatever that map is, I'm reading it wrong. I'll disregard it.

Coppola: Okay. Any other questions for the petitioner?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

Baringhaus: I thought I read in the documentation, Mr. Berry that you're considering a--going to the city with an ordinance amendment, is that correct?

Berry: I'm--can you repeat that again, please?

Baringhaus: Yeah. In your documentation, I believe I saw a statement that said you were considering going to the city with an ordinance amendment that would address this type of fence, is that correct?

Berry: No. I do have a closing statement. One where it says furthermore--you know--we are very guarded, but I--I don't have an intent to approach the city council with an ordinance amendment. That's not something that I feel I am--I am educated enough to do. No, I--this--I will speak on behalf of the rest of the neighbors just because I have the audience, other than that, I had no intention of--of taking it further. If I get approved here, I'm fine.

Baringhaus: Okay, thank you.

Coppola: Okay. Why don't we move onto the audience? Is there anybody in the--Mr. Berry, I'm gonna mute you for a minute here--is there anybody in the audience that would like to speak for or against this petition? If you could raise your hand and that's by clicking on the raise the hand icon or star nine if you're on your phone. I don't see anybody on the phone, but--is there anybody here that would like to speak? Okay, I got one. So, Lauren, I'm going to unmute and I'm going to need a name and address.

Vaughn: Yes, I am Lauren Vaughn. I live at 17166. I am his direct neighbor and we--we deal a lot with the lights coming in and the lack of privacy. The current bushes that--I'm sorry can everyone hear me?

Coppola: Yeah, and again, you're on--I assume you're on Vacri then?

Vaughn: I'm sorry, what?

Coppola: You didn't give your actual street, you gave your street number but not your street.

Vaughn: Oh, I'm sorry. Yeah, Vacri Lane, yes. We are his next-door neighbors to the South.

Coppola: Okay.

Vaughn: So, we deal a lot with the lights coming in like I said, the lack of privacy. Our property--our property backs up right to the gas station and--I'm sorry (inaudible)--that's my partner. And there's been burglaries that have happened--you know--we've had people trespass on our back lawn. There's no privacy with the current shrubs because I mean, you can see right through them. The streetlights from the strip--strip mall shine into our house. So, everything he is saying--you know--we can back that up.

Coppola: Okay. Anything else?

Vaughn: I'm sorry, no that's--that's it.

Coppola: Thank you very much. Mr. Turbiak.

Turbiak: Yeah, Mr. Chair. Question through the Chair to Mr. Hanosh. Are--I--it struck me the first time I heard it and I forgot to mention it, I'm glad this caller, Lauren--I'm sorry I forgot her last name--mentioned it that the lights across the street from the strip mall--I presume she's talking about the parking lot lights. Don't we have an ordinance that says that they need to be shielding so that they don't--you know--spill over into other properties? Is--is there something that could be inspected here? Something maybe out of spec or in--I guess that's my general question.

Hanosh: Are we talking about the parking lot lights or lights from automobiles that are exiting the egress?

Turbiak: Well, I think that the automobiles is pretty clear and maybe I misunderstood her and Mr. Berry, but I thought they were talking about the light structures from the parking lot.

Vaughn: If--If I may--

Turbiak: As well.

Vaughn: We--I'm sorry--if I may, we deal and struggle with both. Regardless of the hours of the--the stores there, there are cars in and out of the parking lot all the time and the streetlights--the parking lot lights, we struggle with that as well.

Hanosh: We do have an ordinance when it comes to the parking lot lights but not when it comes to the streetlights. That would be something--I'm not sure if we would have to take up--they could take up with consumers or with DTE depending on who has jurisdiction over those.

Turbiak: Okay, so if it's--if it's the streetlights, she would need to go to DTE and if it's the parking lot lights, she should come to the inspection department?

Hanosh: We could--it would be hard to determine which one would be what because the streetlights are between the property and the--the residence itself and the strip mall, so.

Turbiak: Understood, yeah. That's true.

Hanosh: It would be difficult to make that determination.

Turbiak: Okay. Thank you, Mr. Chair.

Coppola: Anything else? You're welcome. Is there anybody else that would like to speak for or against the petition before I move on to the correspondence? You can raise your hand. Alright, seeing none, Vice Chair, Baringhaus, if you could read the correspondence, please.

Baringhaus: Okay, letter of approval from James Davis. (Letter read.) Letter of approval from Mary Katherine Agee-Buchfinch (Letter read.) Letter of approval from William Goodrich (Letter read.) Letter of approval from Mary and Rudolph Saenz (Letter read.) Letter of approval from Cass Greenhouse (Letter read.) And those are the letters.

Coppola: Alright, thank you. Mr. Berry, I'll give you an opportunity to make a closing statement. I'll unmute you here.

Berry: Well, after hearing the--thank you very much--after hearing the letters of approval I--I feel a bit more comfortable knowing that everybody understands what all of us deal with up and down this road here. I apologize to the Zoning Board, to the Inspection Department, and to all those involved for creating this problem, although I hope some good comes out of it, and I appreciate the appeal process. Thank you so much.

Coppola: You're welcome. I'm gonna put you back on mute and I'm gonna start the Board's comments with Mr. Boloven.

Boloven: Thank you, Mr. Chair. I would be in support of the variance request. I might be in the minority based on the Board's questions, but, as I kind of made a point during my questioning--you know--I think that there is an issue of this picking and choosing on which houses have this backyard privacy fence and I think, as long as there's no objections from the neighbor, and this has plenty of support from the neighbors it seems like, that that should be allowed for their privacy sake. I think that that strip mall on the Northeast corner of Six and Farmington has expanded over time, and it's got another development that's been put in front. You've got more and more stores coming. I think the Secretary of State--and the only reason it's not seeing a line right now is they're not letting people come and do walk-ins. It's appointments and I'm sure that's a risk as well. You know, I did a quick search as we're talking on the Woodcreek Farms subdivision, and it looks like the President of that subdivision went to City Council in early 2019. They had a no fence ordinance for that subdivision and the President complained to City Council along the grounds of those fences being put in along Farmington. And the complaint was brought by the subdivision to the inspection department, and they ended up allowing them to put it in. I find that very similar, here, to what Mr. Berry's dealing with. So, with everything all involved, I would be in support, thank you.

Coppola: Alright, thank you. Mr. Testa.

Testa: I'm torn on this one. I completely understand why--why--the need for a fence and wanting to put it up. I also understand maybe some of the confusion on his end about needing approval to do so, and I also agree with Mr. Boloven regarding other lots up and down not only Farmington, but Middlebelt, Levan, Newburgh. Although many of those, I would say off the top of my head do have corner lots, and that does--does make a difference, but not all of them, so. It--I feel if we approve this, we're gonna probably see a lot more of these coming from his neighbors, North and South of him. Although, there's only one or two neighbors South of him. But I guess at this point, they should know that--that they're gonna have to come before the Board for approval and are probably not gonna erect the fence without approval. So, I guess I would be in support of this.

Coppola: Thank you. Vice Chair Baringhaus.

Baringhaus: Basically, my concern is with the character of the area. It has to do with the fact that probably at one time we had a homeowner's association that prohibited the use of privacy fences

within the neighborhood itself. I think that area's very reflective of it today. It's very heavily landscaped, very green, very park like. As Mr. Berry indicated, the only fence that is present is the one that he erected on his own. In terms of the plaza itself, a lot of the businesses are not like late hour operation stores, they--well, Secretary of State is a prime example, closes at six o'clock. Some of these businesses may stay open as late as eight o'clock. Let's say the exception is Baskin-Robbins, maybe an hour later than that. So, it's not like you're next to a 24-hour supermarket or gas station, something with continual activity and traffic itself. I think the point that was brought up about the light could be addresses through with consumer power for the streetlights on Farmington or--you know--for the parking lot lights at the mall itself--you know--through the city. I don't know the history on privacy fences in Livonia as Mr. Hanosh pointed out--you know--this goes back to 1993 and generally is a rule with replacement fences, it's kind of done on a case-by-case basis. His opinion is that had more information been provided at the time Mr. Berry had a discussion with the building inspection department, this might have surfaces. But I guess my primary concern is the look of the area. I think the fences will impact--the fence would impact the look of the area. Not only now, but in the future as Mr. Testa pointed out, I'm sure this will begin a--an initiative where--you know--other neighbors will follow suit and as a result, Livonia will lose that green space. So, based on that I will not support the variance.

Coppola: Alright, thank you. Ms. Fraske.

Fraske: Thank you. I agree with Mr. Boloven on this one. I feel like we have to be consistent and with major road like Farmington, there is a big privacy issue. There's the noise--I understand where the hardship is on this, so I would be in support.

Coppola: Alright, thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Yeah, I was pretty torn on this. I'm also gonna have an unpopular opinion to some, probably, that wasn't stated yet which is the only other option, which is table. I think it's interesting what Mr. Boloven has brought up. I'd like some more time to look into that, digest it. I do think that Mr. Berry was innocent in how he wound up in the situation that he's at. Maybe a little bit of selective hearing and selective searching, but it is in the fence ordinance section 15.44.040 called existing fences, but again, I can see how someone--you know--could--could overlook it. And as some of the other Board members have mentioned, we're kind of at a tipping point here that if we were to approve this one, I think we're gonna get a slue, right down the line, eventually, over the years, probably. And I don't think that that's a very sightly result, unfortunately. Those properties have been that way for a long time. I can--I also hear of the--the argument for the fact that the shopping center across the street has changed over time. I think that's fair, that's why I would like to give it further consideration. But maybe there's something that--a compromise that we can strike. A lot of the privacy fences--at least just quickly looking at google, that Mr. Boloven has referenced--I just looked at the ones outside of Woodcreek or Woodside Creek there on Farmington between Five and Six, they--at least for the most part from what I saw--again, maybe it's selective viewing, but it looks like they were--there was landscaping next to them, blocking them, right. So, you didn't see this stark wall of vinyl or wood--you know--just kind of staring you in the face as you drive down the road. I really like the look that Francavilla has now along Farmington Road there with the split rails. And I--I understand things are changing but--you know--maybe arborvitae between the sidewalk and the privacy

fence. Obviously, that doesn't make a lot of sense in this case since Mr. Berry's already installed his fence. You know--maybe there's some other greenery options. Again, I'm no--no expert. I don't know if it would work overtime. But--you know--the first thing I can think of that's narrow and green is--is vines or something. And again, I don't know if that's considered invasive. I know some--some are, and they can--you know--be hard to control, again, I'm just trying to strike a balance between the privacy that Mr. Berry's looking for, for all the reason aforementioned and then also the aesthetics that that area currently has and that I would be--you know--sad to see go. So, like I said, let's see--is there anything I missed here. Yeah, Ms. Fraske mentioned we should be consistent, but again, I'm not sure, since the information that Mr. Boloven was just--presented during the meeting and I'm not clear on all of it and I don't think it's the right time to go into all of it, I would kind of make a case for tabling to give more consideration to that and what maybe the Board would try and--if we even have the authority, I don't know, to lay out--you know--going forward for other privacy fences as far as screening them with landscaping or something like that. That there was a double frontage lot that came before us before, and I was--I was against that one as well. And that was on Henry Ruff, which is not a high traffic area, it was more--you know--an objection to the neighbors across the street. In this case, there is neighbor support, but I don't know if there is really community support. Because I don't know if--you know--the majority of the community would want to drive by--you know--a wall of privacy fences versus the way it looks now. And again, maybe that's--that's not--you know--in consideration for this case, but, that was a very long way to put that I would be in support of tabling.

Coppola: Alright, thank you, Mr. Turbiak. This one I think similar to what Mr. Testa said. I'm--I'm kinda torn on this. I kinda get the hardship. I do. I lived in that subdivision for over 20 years and one of the things I liked about it when I moved there and-- was the openness and--and the landscaping and such it did there. It seemed like the neighborhood and the neighbors all there were very mindful of that. And then when you get onto Farmington Road and you go up and--up and down, north of Curtis, south of Curtis, there are no fences--significant fences. Everybody managed it through--through landscaping and--and I can see it consistent right now, that there's a lot of neighbors that have--are struggling with because of--the landscaping has matured beyond its useful life. A lot of it's died away. I've seen some that pulled out the landscaping and replaced the landscaping with a little bit of berming. There's other things that they've done to--to address it. But I think in the case of this--and generally when we see this level of neighbor support we--we feel inclined to approve it, but in this case, I think it's more than the petitioner and the neighbors that are impacted. This is more of a community thing, and I really am troubled to see the fencing like that that would probably follow along, and that whole area then would end up with a bunch of stockade fences. Actually, probably different fences. Some would be stockade, some would be vinyl, some would be this--I think it would look pretty bad to be honest with you and so, I think the community gets impacted by a change like this. And this is not an inconvenience that--that's arisen. It wasn't like there was vacant land or there was a re-development of some property and all the sudden there was a huge inconvenience. This strip mall has been here for a number of years, and actually, when I first moved there, there was a grocery store across the way where the Abbey is now, and that was--that was pretty busy, and the Secretary of State was opened up and there was a number of other businesses. It used to be a pretty big--pretty busy--pretty busy strip mall and there was a lot of traffic in there, and the grocery store was open late hours. So, you know, I kind of look at this sort of like the person

that--and I understand that it's unfortunate for the person to buy, but it's kind of like--you know--the people that--you know--buy houses around an airport and then start complaining about the noise. It was a situation that existed at the time you bought it and--and I appreciate that it's--that it's a hardship for you, but it--you know--it's things that you have to consider when--when you're buying a property, and if you don't do you diligence and you don't fully--full understand what you're getting into when you buy a property, that's--you know--unfortunately, kind of a shame on you type of--type of thing. So, from my perspective, I'm open for tabling, I think this--this requires probably a little more thought by the Board. A little more study. A little more consideration to look at this because I think if we approve this, the hardship that is I think in essence the same for everybody that's along Farmington Road in that subdivision and--and it would be very hard for us to turn anybody else down and the next thing you have is a bunch of different colored, shapes, material fences running along Farmington and it--and it really won't look very good. And then the community's impacted by that and I think it downgrades the community, especially in that area. So, I'm open for tabling on that one, give us more time to think about it, make sure that we're comfortable with the decision that we make, and again, I get what Mr. Boloven said on a sense of consistency, well, I think we need to look at that and again, I--I talk about--when I look at consistency, I look at consistency actually in the neighborhood itself and that would be very inconsistent, and I think if you look at--at what's there now, it's inconsistent with everything else that's there. So, again, I'm open for tabling, if it doesn't get tabled, then I would support an objection--rejection. So, I'll go ahead and open up the floor for a motion.

Upon Motion by: Baringhaus. Supported by: Turbiak , it was:

RESOLVED: APPEAL CASE NO. 2021-05-20: An appeal has been made to the Zoning Board of Appeals by Thomas Berry, 17202 Vacri, Livonia, MI 48152, seeking to maintain a six-foot-tall privacy fence, erected without a permit, at the rear of a double frontage lot, resulting in deficient rear yard setback.

Rear Yard Setback:

Required:	35 feet
Proposed:	0 feet
Deficient:	35 feet

The property is located on the east side of Vacri (17202), between Vargo and McNamara, Lot. No. 036-01-0018-000, R-3C Zoning District. Rejected by the Inspection Department under Livonia Fence Ordinance, Section 15.44.090A(3), "Residential District Regulations," **be tabled in order to receive research from the Inspection Department in regards to Wood Creek Farms and a prior case on Henry Ruff. Also, that this case be added to the next open meeting for further discussions on 6/29/21.**

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: Yeah, just for a point of clarification on the table, I--I don't disagree with it, but what can we accomplish. We can't really discuss this case outside of an open meeting, right? So, what would we gain--this gives us more time to consider it and investigate on our own, but it's not like

we can come to a table and discuss how we'd like to proceed with it outside of a meeting, correct?

Coppola: That would be correct. It would give us an opportunity to--to study this a little more. We did have a much time maybe as we probably should have to study it based on the comments that the Board--other Board members have made. Gives everybody an opportunity to consider that. I get your point too. Mr. Turbiak, you have--you want--you wanted to make a point?

Turbiak: Yeah, just to answer Mr. Testa's question. I mean, my main focus for proposed a tabling was to be able to digest what Mr. Boloven mentioned. I don't know where he found it, I'd be curious. I don't know if it's--if I have to play back the video on (inaudible) or if we can share it. I--I hear what you're saying about the open meetings, but you mentioned that there was a precedence from another community or another subdivision I should say, and that--I just--I just would like to understand how that situation unfolded and--and like I said, maybe there--we can research other situations, maybe in other communities. Again, I--I have the fear that Mr.--Chairman Coppola expressed more clearly that there's gonna be a bunch of mismatched fences all down the--the line there. In this situation, I think is different than some of the other--again, I--I didn't see the ones on Newburgh, but at least down Farmington Road there, there's just like maybe one of two together here or there, this would be a very long stretch where there's--I think a need for a line. And then, I think we can discuss it in this meeting where, again, one thing I proposed is that we require vegetation between the sidewalk and the fence. I think that would go a long way. Again, maybe we make an exception for Mr. Berry. That would be up to the Board to decide. Again, maybe it's vines on his fence, but--you get into a misalignment issue, right. So, again, I don't want to get into all the details here, but it is something I--I would like to consider. So, I guess that's for the Board to decide if they want to table it, but just to clarify--you know--to your point, what can we gain from it. I think there is something to gain.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

Baringhaus: Yes, I agree with Mr. Turbiak's comments. I think it would give us an opportunity to look at Woodcreek Farms in more detail. I'd like to look at it basically on an address-by-address basis with the homes that have fences there today and I'd like to get a summary, perhaps from the building inspection department of how those fences came to be in that neighborhood. And I think the other point is revisiting the case that we had on Henry Ruff as well. That was the one that came to mind when I first initially approached this case as well. So, I think, there's opportunities to gain more information on this type of lot and type of fencing but doing it on a case by case basis and individually so that we're in keeping with the Open Meetings Act.

Coppola: I--I don't disagree with any of the comments. I do think this is unique and my--my real fear is that now along what--along that section of Farmington, and it is somewhat different than a lot of the other sections on Farmington. I think you're right, there's ones and--ones off and twos off--we're gonna end up with--with--you know--20 homes with different privacy fences and I think it's gonna be unsightly. And it's not something that I want my legacy on the Board to reflect. I think one of the things that would--might sway me is if--if the subdivision itself came back as a

ground and said, this is the fence we're gonna put along Farmington and it was all the same in uniform. That might be something that--that works. To get that done--that's a big--that's a big job for someone in that--in that subdivision to do. But my--my fear is--is that you'll end up with a haphazard group of fencing that just--is just unsightly and just does not reflect well for the community or that subdivision. So, that's kind of where my head's at. In the tabling, I'm happy to do the research. I think each of these instances are gonna find--you're gonna find have unique circumstances that don't--that' don't hold for what we're looking at here, or the impact of what we'll make by approving something like this. But I think--I think it's important that we go--we go through that process. But also, implore the petitioner to start talking to their neighbors. I would think that if--if the subdivision came back or the group of homeowners that are along Farmington came back with a uniform proposal, that might--might be more acceptable. I'm very fearful for what would happen if we approve this one on a one off basis and we end up with--you know--40 different fences, in 40 different materials, in 40 different colors running along Farmington.

Baringhaus: Mr. Chairman.

Coppola: Who was that I'm sorry?

Baringhaus: It was me.

Coppola: Mr.--Vice Chair Baringhaus.

Baringhaus: Yeah, I agree with your point entirely. In fact, I--one example that comes to mind is visiting the Phoenix area. They're very successful at doing this type of wall, but you--you had a key point, it has to be consistent, generally they're moved back from the like sidewalks, that type of thing. And I think Mr. Turbiak brought up a point where there's landscaping in front of--in front of these walls as well. But your--your point is spot on. It has to be a unified, consistent approach across all the property lines, so, yeah, I would definitely look forward to a proposal from the neighbors in Francavilla if that's an avenue they want to pursue.

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: Yeah, thank you for your comments. I--I agree with you about having some uniformity there, and if the subdivision could come back with a proposal--although, that's gonna be very hard for someone to try to--to navigate and negotiate, but that would be the ideal case for me. Chairman, Baringhaus had a kind of request to the inspection department. Are they okay with doing some investigation about some of the other fences along Farmington? Maybe the Henry Ruff case, coming back to us? It could be helpful for us, and then, if there's any other subdivision in Livonia that has this type of agreement within their--their laws or policies that they have a uniform fence, is that something you would--could maybe investigate and report back to us? And if that would be even enforceable, Mr. Neville.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

Baringhaus: Yeah, I--that's a great suggestion from Mr. Testa. I think one of the conditions of tabling it is that the building inspection department does research on the--you know--revises with the information on the Henry Ruff case, and also to the subdivision that Mr. Boloven brought forward, which was Woodcreek Farms, if we could get background information on those homes that have privacy fences. We'd like to know how those fences came into existence.

Coppola: So, I think, maybe what we can do here is--is if we do table this and that goes forward, we can go ahead and get it automatically put it on the agenda for one of the open--open dates, so we can get back in here and talk about it and what we've found. But, I just wanna be clear, from my perspective, I--I am not open to approving a one off fence on Farmington Road. Notwithstanding what--what other mistakes we may have made throughout the community, I don't want this to be the mistake that--that is my legacy on this Board.

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Just to clarify, when you say you're not open to approving a one off, is that implying--I don't think so, but I just wanna be clear--is that implying that if the--basically that the rest of Francavilla would have to adhere to this style of fence that's already up, if not, then Mr. Berry has to--let's say they chose a vinyl fence--a while vinyl fence for example, would--what does that mean for Mr. Berry.

Coppola: That would obviously mean that he'd have to take down his fence and replace it.

Turbiak: Okay.

Coppola: So, I don't know where that leaves us, we've got a tabling motion on the floor.

Unknown: Call the vote.

Unknown: Vote.

Coppola: So, we can vote.

Baringhaus: Yeah, and just to clarify the conditions; requesting research from the building inspection department on the Henry Ruff case that involved this type of lot and also on the fences at Woodcreek Farms and how they came into existence. And then Chairman Coppola, your suggestion is have this added to the next open meeting that we have for further discussions.

Coppola: Yeah, I think the next meeting we have open is the 29th.

Baringhaus: Okay.

Coppola: So, we can just put it right back on to the agenda. There's nothing that the petitioner needs to do.

Baringhaus: Okay. 6/29.

Testa: If he wants to try and--

Turbiak: Mr. Chair.

Testa: --get his subdivision to come up with a proposal, by all means, we would support him doing that.

Coppola: Well, he can come to us and--and at that meeting suggest that or--I mean--if he was successful to get everybody to agree in that short period of time, which I--I can't imagine (inaudible). We could--we could--I mean, at that point it's really a whole totally different petitioner than that--than the one that's being proposed, so I think--you know--when it comes back on the 29th, if he--if he agrees--I mean, we're gonna put him on the agenda, he doesn't have to show up if he doesn't agree with what we're doing. The outcome that--you know--it gets--it gets denied with the recommendation to--to come out--or up with a--a more consistent solution for the subdivision that--for those homeowners facing Farmington, then everybody can get what they want, but I think then the community gets protected and gets what they want too--or gets what--what is good for the community.

Testa: So--

Turbiak: (Inaudible)

Coppola: And that's just one Board member's suggestion, so.

Turbiak: Just another suggestion, I think you kind of implied it but I think we obviously need to put a time limit on this tabling right? So, is it basically to the meeting on the 29th?

Coppola: I think the open items are not--not things we're asking for the petitioner to do, but we're asking for--for the inspection department and for us to do. So, there's no reason why we--

Turbiak: Oh, okay. Right. Like you said, he doesn't have to come here. We're gonna--we're gonna discuss this at that meeting and then--

Coppola: It would be best to show--I mean the petitioner only has to--always has to represent his petitioner. So, if he--he should be there. Nonetheless, it's really--it's our homework to do, in regards to his petition.

Turbiak: Right.

Coppola: And whether we wanna approve it as--as a one off or whether we wanna go in a different direction.

Turbiak: So, what if he never shows up?

Coppola: Then his--then he's--that's considered to withdraw his petition. What we--what we can offer the petitioner is if the 29th of June is not convenient, he can--he can go into the zoning office and pick another date, what I'm offering is--

Turbiak: Okay.

Coppola: --to get him in front of us as quickly as possible.

Turbiak: Well, I guess, just to put a deadline on it, should we say six or nine months--you know--that way he has some time bound goal that he needs to--

Coppola: That's--I'm fine with that. Yeah.

Turbiak: Okay. What--what seems--I mean I'm--

Coppola: Although it's not my petition--it's not my motion, so, but I'm good with that. We probably should just say six months--not to exceed six months, but we'll get it on the most--on the June 29th schedule.

Baringhaus: Mr. Chairman. Yeah, I--I agree. I'm fine with six months for right now. Mr. Turbiak?

Turbiak: Yes.

Baringhaus: Okay. Very good.

Testa: And, Mr. Chairman, one point of clarification maybe for the benefit of Mr. Berry, he's allowed to keep this fence up while we're table--while this case is tabled, correct?

Coppola: Yes.

Testa: He's not gonna be fined or anything?

Coppola: No.

Testa: Thank you.

Coppola: As long as he's got a pending case, everything is stayed.

Testa: Okay. Thank you.

Coppola: So, take a vote.

Baringhaus: Very good.

ROLL CALL VOTE:

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

NAYS:

ABSENT: Klisz

Tabled: 6-0.

Coppola: So, Mr. Berry, I--I unmuted you, I know there's been a lot of discussion going on. So, what--what we've in essence done is we've tabled the petition for the Board and the inspection department to do more research. Take a look at some of these other approvals that've occurred, and we'll automatically put you back on the June 29th meeting. If that's not convenient for you, you can reach out to--out to the zoning office and call Marilyn, the zoning office and let them know what meeting would be more convenient for you. It looks like we're pretty open through--what I can see is August, but we--you've got up to six months to come back. In the interim, the fence enforcement is stayed. In other words, there'll be no enforcement during that period of time.

Berry: I--I appreciate it, and if I can add, 6/29 date is fine. I will be there. Will I be able to be there in person?

Coppola: Actually, it is a--it is a live, in person meeting. Yes.

Berry: Oh, perfect. Perfect. Along the same line, and I don't mean to insult anyone, Mr. Coppola, I believe that your legacy would be to--being that you've had the opportunity to live in this subdivision, I think--I think it would be a good opportunity for you to help all of us here make a positive change. My wife was the one to suggest that she put greenery in front of the fence and move the fence back a foot or two feet. I was okay with that, had I not put four posts in already, and she still to this day says--you know--you should have listened to me and moved it back. It might have been--just looked nicer, because she doesn't like the look of it either. As far as going with a uniform fence, I agree with you all. If it means that we need to alter this fence here and put something that's more uniform across, I'm happy to do it. Listen, you drive down Middlebelt from Schoolcraft up, and you see fences of all sorts, and they do look tacky. I don't want that to be Francavilla. I don't want that. This is my home. This is where I wanna stay. I want it to look nice. So, if we can come up with a game plan and make it consistent, I'm happy to oblige. I have no problem with it. I just think it's more of an opportunity for all of us to make a positive change because if you do go up and down Farmington here between Curtis and Six Mile, you do see that we have a problem taking care of those fences.

Coppola: Okay.

Berry: Thank you for your time.

Coppola: I appreciate that and thank you for your patience and we'll see you on the 29th.

Berry: Thank you. Goodnight, gentlemen. Goodnight, ladies.

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: I have an abnormal request; can we take a three-to-five-minute break?

Coppola: Yeah, it's been a long meeting. We can take a five-minute break. We'll be back at 9:30.

Testa: Thank you, sir.

FIVE MINUTE BREAK.

APPEAL CASE NO. 2021-05-20 (Tabled on May 25, 2021): An appeal has been made to the Zoning Board of Appeals by Thomas Berry, 17202 Vacri, Livonia, MI 48152, seeking to maintain a six-foot-tall privacy fence, erected without a permit, at the rear of a double frontage lot, resulting in deficient rear yard setback.

Rear Yard Setback:

Required: 35 feet

Proposed: 0 feet

Deficient: 35 feet

The property is located on the east side of Vacri (17202), between Vargo and McNamara, Lot. No. 036-01-0018-000, R-3C Zoning District. Rejected by the Inspection Department under Livonia Fence Ordinance, Section 15.44.090A(3), "Residential District Regulations."

Coppola: Can I have a motion please?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Motion to remove appeal case number 2021-05-20 from the table.

Fraske: Support

Coppola: Alright, I have a motion by Vice Chair Baringhaus, supported by Ms. Fraske, all in favor?

Board: Aye.

Coppola: Any opposed? None opposed. So, the case is removed from the table. Okay, Mr. Albus, anything that you would like to add?

Albus: The building department has nothing to add at this time.

Coppola: Alright, any questions for the inspection department?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Thank you, yeah. I submitted a request to the inspection department as well as to the law department regarding some items that we discussed on this case from the--I think it was the May 29th meeting. One was that we review a similar case of double front lots that was reviewed back in 2019, and I asked that copies be sent to ZBA members, and then the second one was, I submitted five examples of double frontage properties that were between Five and Seven Mile on Newburgh and Levan roads, respectively. There's one address on Newburgh and

then four addresses on Farmington Hills that I thought had similar features to the property that's involved with this case. I was wondering if either the inspection department could define an update on our request.

Fisher: Sorry, we don't have those records. So, I guess I thought that it was gonna be inspection.

Albus: The inspection department--I got this today and I researched those five properties, and one of them had a--in 2010 they replaced an existing pre-ordinance fence--repaired it. Another one does not have a permit, so we will be following up on that. Another one had a 2003 case that was never heard by the Zoning Board of Appeals, that was two owners ago, and like I said, the appeal was never heard. Another address--

Coppola: Was there a permit issued on that one then?

Albus: There was no permit issued on that. It was just--it ended with the Zoning Board of Appeals case never being corrected. So, we'll have to follow up on that.

Coppola: Okay.

Albus: Like I said, it was two owners ago, so that's gonna be a little hard to follow up on. Another address had a Zoning Board of Appeals case in 2001, and they replaced the--got approval from the Board and replaced the existing fence. And another address was--there was a 2019 permit and that actually met the setbacks off of Farmington Road and it was approved.

Baringhaus: Okay. Thank you very much.

Coppola: Thank you. I appreciate it. Alright, any other questions for the inspection department? Alright, seeing not, if you can give us your name and address for the record, Mr. Berry.

Berry: The respected Board members, my name is Tom Berry and I reside at 17202 Vacri Lane. And before I proceed, I'd like to know if the Board would allow me to add into record a few examples I have regarding the six-foot privacy fence.

Coppola: Yes.

Berry: Thank you.

Coppola: You can come forward and hand that to the Secretary please. And did you wanna take us through those? Do you have a copy for yourself?

Berry: Yeah, I do. I do. So, after the zoom meeting we had, I was a little confused by the definition of dual frontage, and again I went to the website, and although I'm not that tech savvy, I could not find it so I went down to the City again, here, and saw one of the inspectors and I asked him can you please give me the definition of a dual frontage lot and he did. And I quoted him in this paper here. He described a dual frontage lot as a home whose front yard faces a street, and whose backyard faces a street, but not on a corner, regardless of its zoning classification. So,

with that I proceeded to go through the city, and to find homes that were situated identically as mine were, and I found sixteen. I only brought you twelve examples because I thought twelve was beating a dead horse as well, but nonetheless, I had them. So, what I presented to your secretary, tonight, were twelve MLS--MLS descriptions along with maps. So, these homes all have six-foot privacy fences. Some of them need tending too, obviously. Furthermore, this past week, on Westmore Court, there was a privacy fence that was installed as well. Now, I don't belong to a homeowner's association. There is no homeowner's association in my subdivision. As I stated in the zoning meeting, had there been, I don't think I'd be here today because I would have come up with a different way. Unfortunately, not to go back over this again, but no homeowner's association, I decided to come to the city. I went to the--I came to the city and the gentleman in the zone--in the inspection department, after I explained the situation, whether I was vague, whether I misunderstood or not, he told me I did not need a permit. As I stated in the meeting on the zoning board, I went out of there just as happy as a lark, took off to Home Depot, purchased my wood, and the next week after I got it, I put it in. It wasn't a week to the day that I finished, actually it was--it took me one week to install in. The day I finished--the day I finished, I had a card on my car in the driveway stating that I needed to call the ordinance department. Called the ordinance department, left a message. The gentleman called me back and he told me that I needed a permit for that, and I told him that I had just been to the city last week and they told me I didn't need a permit. He said, "Oh you spoke with someone?" I said, "yes, I spoke with someone." He said, "okay, you're all set." So, as far as I was concerned, I was done. The next day, he called me back and said you are in violation of an ordinance, and you need to come down and speak with somebody from the city and I did. And this is where this process has led me. But I think if you'll take some time to take a look at the twelve addresses I provided, the homes are identical to the situation that I'm in. I guess we can take this conversation a couple of different ways, but I'd rather make this work for us, rather than it become a bigger issue. I have received so many phone calls. I received a letter in support of my fence. I have neighbor--I have neighbors that support me. I have neighbors that wanna put fences in. I know, Mr. Coppola, you spoke at the last meeting that what we maybe should do is canvass that area, Francavilla, to find out how many people are opposed to it. And I wasn't really thinking at the time, but according to our rules of engagement, the inspection department will send out letters to each side of me, 300 feet, and those letters will come back in, whether they approve or disapprove of that fence. And I don't think there was anybody that disapproved of it. So, for me to canvass the entire neighborhood, I don't think it's realistic.

Coppola: Yeah, I think--and I'd have to go back and look at the minutes, but if my recollection's correct, it was--I think my comment was more in the line of--or intended to be in the line that I would have preferred that if the neighbors on that side of--South of Curtis--actually, South of the entrance there at Francavilla--Francavilla. No. McNamara.

Berry: McNamara.

Coppola: McNamara. I should have known. I lived on the darn street--would agree to put the same fence up because it--there seemed to have been some level of interest of a number of those neighbors that wanted to put a privacy fence up. I think--what I stated was my concern was that we'd end up with a hodgepodge of fences that would be unsightly, and if--I could live with some type of--of condition where they all look the same--

Berry: The aesthetics.

Coppola: --or consistent.

Berry: Yeah.

Coppola: You know--you've seen in a lot of developed communities, especially down South and some other places, although--you know--and I understand--I understand why you want one. I understand the--in a sense, the hardships, although they're not--they're not new hardships. They've been hardships in there for a long, long time. I get it. But what my concern is while I'm--I'm maybe helping you solve your issue, I'm creating an issue for the community.

Berry: And--and--

Coppola: And that's where my concern is.

Berry: And I respect that. And that's why--to look into--to--to deal with this just a little bit more, I--I left that last meeting feeling, and taking this personal. But as I begin to drive around the city, I realize I shouldn't be taking this personal because what you were alluding to made perfect sense. Go down Middlebelt, and you'll see wood fences. You'll see vinyl fences. You'll see fences with holes in them. You'll see wood fences leaning over. Yeah, there should be some consistency, but what we didn't talk about at that meeting was, Tom, what do you plan on doing with that fence? Do you plan on leaving it just like that? And the answer to you is no. I have--its pressure treated wood, so I have to wait for that wood to dry out. Then I'd like to do a cedar stain on it. Once I put the cedar stain on it, we've already bought plants--vines that we can grow on that fence. Because really, the aesthetics should be green. The aesthetics should be foliage. I don't want six different style of fences up and down that street. I get what it would look like, and I respect what you're saying, but from all the support I've received from all the neighbors and from just people in general. I have a letter here--somebody that mailed it to me. He didn't live in the neighborhood. I don't know where he lived, but there seems to be a problem with privacy fences in this city. So, if I have to be the--if I have to be the sacrificial lamb, I'd be happy to work with you on it.

Coppola: Okay. Questions for the petitioner?

Baringhaus: Question for the law department. Apparently, Francavilla, there was a homeowner's association and at one point it was disbanded. Seeing how the homes were built while the homeowner's association was present, wouldn't the requirements of the homeowner's association and the covenant be attached to the deeds of the homes? So, even the association doesn't exist, those guidelines are still in place to enforce items like fence standard within the community.

Fisher: That's possible, but there's no certainty to it because that depends how aggressive the--now defunct homeowner's association was about--you know--articulating and preserving standards that would be applicable. Plus, once you--unless you--and I don't remember whether

it's 40 years of precise time period it is, but there is a time at which your--if you don't renew your deed restrictions, they go--they disappear anyway.

Berry: Mr. Chair, If I may, and I apologize Jim. I sat on the city council in a local city for twelve years and homeowner's associations become dissolved once the--the homeowner association bylaws become dissolved once the association is dissolved. So, if the association doesn't have regular meetings, if the association isn't accepting fees, the--the rules by which you're to operate no longer exist and they default to the city.

Coppola: Yeah, just some more information. I bought my home when I lived there in 98, and there were no deed restrictions or anything attached to the deed or anything that I had to get my mortgage, so at that point I think it was pretty--pretty well extinguished. Interesting thought, but it was extinguished. So, what efforts if any have you put forth to talk to your neighbors about potentially coming up with a unified approach to addressing the hardship that you--that all--really--realistically you all have. It's become a busy--busier street. I remember when I moved there it was busy, but it's not as busy as it is today. I don't believe--and don't take this the wrong way--but that strip mall's not nearly as busy as it was when I moved in there. There was--there was actually a grocery store there, and so it was--it was pretty busy back then. I get that. The bank's been closed for a while. There is activity in the medical buildings, not as much as there used to. But nonetheless, there's activity, there's lights, there's noise. I get that.

Berry: It--it's like everything else. It's cyclical. So, real estate--commercial businesses across the state, across the country right now are inactive. So, will there be next year somebody coming into that strip mall. Time will only tell. How long will it be? I don't know. But should we wait until then? So, to that--I tell you that we have no way of judging that.

Coppola: Well, the strip mall's full right now. Basically, there's a couple of units open, but the large build grocery stores now--

Berry: Yeah, we just opened up for business on the--what was it--the 22nd I think. Full open. If I'm not mistaken.

Coppola: Yeah, they've never had that much business activity. They do mostly commercial.

Berry: Just the same, I invited everyone of you to come in and sit in my family room or sit at our dinner table in the evening. You need to understand something now too, lights on the cars, they're on 24 hours. Turn your car on, your lights are on. And that does come through, you do see that. Now having the fence there, it's a relief. Because we can sit on the patio or we can sit on the deck and we pay it no mind until we get now the vegetation, we'll clear it up--or clean it up completely. But as far as the neighbors are concerned, to be honest with you, Greg, they're waiting to see what takes place here and then they'll all be open to a conversation of what type of fence we can put up there. I know the people to the South of me right now, they have I think, 120-foot footage if I'm not mistaken and they told me, Tom, we'd be happy to put up a fence just like yours and--and--and clean our area up because we really want to put something there. The--the gentleman on the corner of McNamara and Farmington, the poor guy, bought I think fourteen or fifteen arborvitaes. He's the gentleman that the dog came running through the yard and bit

his dog and bit him and that is another issue, but he's putting up arborvitaes. I'll tell you; thirteen of the fifteen arborvitaes are dead right now. But, again, he's waiting to see what takes place here and if the city comes up with a rule that says this is the type of fence maybe we should put in, or maybe we should just agree to agree, I think we can work something out. But, like I said, I'm here to resolve this, not to make this any larger than what it needs to be.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Yeah, can you go back to the lighting hardship that you've been describing--

Berry: Yes sir.

Baringhaus: --on the shopping mall itself. Just looking at a map of where your home is located relative to the shopping mall, I think the shopping mall isn't directly aligned to your property, it's actually a little bit South. Your particular property is aligned directly across from an empty office building. Is that correct?

Berry: You know, Jim, you brought that up in the first zoning meeting, and I have to tell you that Laura Toy told me to call you. And Laura told me that Jim would be able to work this out for ya, explain to him, and you and I had a conversation over the phone that my hardship sounds valid.

Baringhaus: I really don't recall that statement. I recall you telling me to--

Berry: We spoke twice, do you remember those?

Baringhaus: Yes. You called me twice. My conversation to you was specifically on your need to address the hardship.

Berry: So, let me ask you this--

Baringhaus: There was nothing specific in the items that you're implying now.

Berry: Okay. We can take this--we can take this issue down one of two streets, okay.

Baringhaus: My question was--my question was--

Berry: I'm gonna answer your question. I'm gonna answer your question.

Baringhaus: My question to you is this, in terms of the shopping center, your property is not directly aligned across from them--

Berry: Wrong.

Baringhaus: --it's slightly--no that's true.

Berry: No. Wrong.

Baringhaus: You're slightly North of it.

Berry: No. Wrong. Okay, so my property sits, as you've stated, four feet from the driveway to the--to the North. Now, you take your car on a fifteen-foot driveway and you're gonna make a left hand turn out of that parking lot. Tell me where your lights are gonna hit. You take your car and come out from that parking lot and make a right-hand turn. Tell me where your lights are gonna hit.

Baringhaus: Well, let's look at--

Berry: Four feet one way, Jim. Am I--am I fabricating something?

Baringhaus: Well, let's look at it this way, and let's go back to the discussion from the previous meeting. I believe we discussed that you have about a 24-foot easement from the end of your property to Farmington, is that correct?

Berry: To the best of knowledge, yes.

Baringhaus: Okay. And then the width of Farmington Road, is how many feet? It's 120 feet. So, right now--you know--you're looking at 144 feet, just to the curb, literally of Farmington--

Berry: Okay.

Baringhaus: --it's not including an easement across the other side of Farmington in front of the shopping mall--you know--where this traffic is. Now, I've been to that shopping mall a couple of times, and I've looked at the hours of operation for a lot of the businesses. A lot of them shut down at six o'clock, maybe eight o'clock at the latest. You don't really have--well, like as Mr.--Chairman Coppola indicated, at one time there was a supermarket there that was a 24-hour operation. You don't seem to have the--last Sunday I visited that mall, and I feel that the traffic's very light. There were really--there weren't any cars in the parking lot. The bulk of the traffic--

Berry: On Sunday.

Baringhaus: --the bulk of the traffic was centered in front of Baskin Robbins, and it maybe had eight cars, ten cars at the most. So, I guess--

Berry: Okay.

Baringhaus: --so, to my point is, I'm kind of struggling with the lighting from vehicles coming out of that mall and I have yet to see any real heavy traffic coming out of there. And even with the Secretary of State office, there's no walk-in traffic. It's all by appointment.

Berry: Fair.

Baringhaus: Okay. That's my point.

Berry: Fair. Fair. So, let me--let me expand on that a little bit. You understand where my home is, correct?

Baringhaus: Yes.

Berry: You've been there. You've seen it. You know where the driveway is and where there egress and the ingress is, correct?

Baringhaus: I'm familiar with it.

Berry: Okay. So, that's why--this is why I left that first meeting feeling somewhat personally attacked because your--your--your argument makes very little sense to me.

Baringhaus: Well, I disagree. I think my argument makes a lot of sense because--

Berry: To you. And that's why you have it. To me it doesn't. I have the floor, excuse me.

Baringhaus: My point is--

Berry: I have the floor.

Coppola: Alright, order.

Baringhaus: My point is, I've reviewed that property, and your description--

Berry: I want you to come to my house.

Baringhaus: --your description was slight--varied slightly--

Berry: Four feet. How--how--how. I don't know how irrelevant four feet is when you're talking--when you're talking lights that go 300 feet.

Baringhaus: And I'd like to go back to my original question, where is the lights from the traffic from that mall coming, because I don't see--I don't think--

Berry: Well then pull out the driveway and you'll figure it out.

Baringhaus: --I don't think you've adequately demonstrated that there's a heavy volume of traffic coming from that shopping mall.

Berry: As I stated earlier, we have one of two directions we can walk down with this argument, okay. You--I feel have taken a personal attack on me, okay. When you have a situation in this city that is far greater than just mine alone, so I really feel as if you are coming after me

personally. For what reason, I don't know. I think I do know. just won't bring it up here tonight. So, Mr. Chair, I'm gonna--I'm gonna decide not to comment on his four feet and allow the Board to move forward because his argument doesn't substantiate a no vote in my option.

Coppola: Okay. That's fine. Other questions for the petitioner? Alright, for the record, just again, it's probably in the prior minutes, but I just wanna--you--you purchased this home when?

Berry: I purchased it January 9th, 2020. And because of the pandemic, we weren't allowed to go in there and do anything until, gosh, late summer. We didn't move in until September. And when--it's funny because it didn't dawn on me until after, they had a plastic--big plastic shade over the family room window, and I thought, all this time because the home had been vacant for almost two years, I thought to myself that they just didn't want anybody looking in. But when I took that apart and I said there and then the lights start come in, I said, damn, that's why they have it there. So, we didn't move until--I think it was late August, early September.

Coppola: But you--you still would have had the opportunity to walk around the property. You could have walked around the area.

Berry: You're right, we did. We did, three times.

Coppola: You bought a home backing up to (inaudible).

Berry: I knew that. And I was well aware of the noise factor. I was okay with that. We were okay with the noise factor. It was the lights that caught us totally off guard.

Coppola: And what kind of vegetation did you remove to put in the fence?

Berry: There were maybe fifteen or 20, I'm gonna say, dying bushes, I don't know what type of bushes they were but there was no density to them at all. It was really open. If we did--as I stated, discuss putting the arborvitaes in there but I just didn't wanna have to pay that kind of money as the neighbor down the street, and have those things die. You know--the percentages of them--some of them grow, but his unfortunately, I say thirteen of them are--are on their way out.

Coppola: Okay. Any other questions?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Where's the current location of the fence relative to the sidewalk along Farmington.

Berry: One foot set back.

Baringhaus: One foot. Okay. Do you feel that--you mentioned possibly planting vegetation--

Berry: Yes.

Baringhaus: --to soften the appearance?

Berry: Yes. Absolutely.

Baringhaus: Okay. So, you feel one foot would be enough to support that type of--

Berry: I wish I would have thought it through a little bit more. I wish I would have moved it back another foot, but there are trees--there's trees that I'm gonna bump up against in the backyard and I don't wanna cut the trees down.

Unknown: A vine would work. A Vine. An ivy.

Berry: So, we'll get the vines in there.

Baringhaus: So, there is a foot, and you plans are--

Berry: Absolutely. Yes.

Baringhaus: Okay. Thank you.

Coppola: What's the access? Do you have access? Is there a gate?

Berry: Yes sir.

Coppola: There's a gate in the back?

Berry: Yes sir.

Coppola: So, you'll be able to get through there. Okay. Other questions?

Testa: Mr. Chair, I have a question for the petitioner and for the law department. I'll start with the petitioner if that's okay?

Berry: Yes, sir.

Testa: I wanna clarify, out of our last meeting, I know it was just asked, so I wanna make sure I understood. You have not canvassed your neighbors North or South and talked about coming to an agreement on all putting in the same type of fence. You're saying you will do that after what happens here tonight?

Berry: We--we did talk about fences, and they are all in agreement but kind of excited because they'd like to do the same thing, but we haven't talked about what type of fences. I thought that was maybe moving forward a little too soon. I wanted to hear--you know--I wanted us to get past this point here.

Testa: Okay. Thank you.

Berry: Thank you.

Testa: Question for the law department, can we put a condition for approval that any future fence in that subdivision North and South of that house has to be the same type of fence?

Fisher: Well, you can, the trouble with doing that is those conditions only apply to the property that got the variance, so--I mean, maybe you can do that to remind yourself next time when these houses come, that oh yeah, we wanted them to have a fence like Mr. Berry's fence. But that's about all you can do.

Coppola: The way you control that is everyone will have to come before us for a variance. This does not provide a variance for the sub.

Testa: Right. Right.

Coppola: It's just for Mr. Berry. So, they would have to come forth with their plan.

Testa: Could we reject a future request if it was outside of that fence? Like say they wanted a different type. Could we--could that be the sole reason for us to reject the fence?

Fisher: Well, anybody comes to you to get a variance comes--has the burden of proof. And that's--I don't think you would ever--I hope you would never make a decision on one factor without weighing the whole evidence brought in the case.

Berry: Mr. Chair. And I apologize, but from past experience, we have put clauses in fence ordinances that would stipulate these types of fences are allowed in this area.

Coppola: That would require--you know--changing of the ordinance. That's a--obviously you can do that.

Berry: Amend it

Coppola: You gotta go through council to get that done. And again, that would have been one of the suggestions that--that is on the petition itself, have you--and--you know--I--and again, like I've said, I understand the hardship, and everyone along that road has that hardship. My--my concern is again, the aesthetics.

Berry: Sure.

Coppola: And again, while now I've solved your hardship, I've created a hardship for the community. And that's--that's where I'm concerned. Because again, if--you know--if you get yours and everybody points to that, and then everybody wants that, and then--but they're gonna be different, and I'm really--and I'm really concerned. And again, we could--as long as we're kind

of here, I think that can be managed somewhat, but we're not all gonna be here, and I don't know--maybe this homeowner doesn't want a fence but the next one will want one. So, that's--you know--six years or eight years out, and then I've got--and then again you've got different style fences, different colors, it--it won't look like Livonia.

Berry: A hodgepodge I get it. But I will say that just from past experience I don't think amending an ordinance is all that difficult.

Coppola: No.

Berry: We've done it. They're required--

Coppola: You just gotta get everybody to agree on council. That's your--that's the part that's difficult.

Berry: Yeah. Yeah. We'll I think you have--you have people here that council would be happy to listen to because they don't have the experience that you people do.

Coppola: Alright, any other questions?

Testa: Yeah, Mr. Chair. Sorry one more question. So, I did--I drive a truck and I drove over there last week at night, and pulled out, and I can definitely see how lights are gonna shine on your property.

Berry: Was that you?

Testa: So, my--my opinion from my truck is that a four-foot fence would also be sufficient. Is there a reason why you chose a six-foot fence over a four-foot fence, if your sole reason was to block the lighting?

Berry: It--it--I just didn't think because I've never done this before. I put that fence up by myself and it broke my back to do it. If I would have known that they made four-foot fences because when I went to Home Depot, they had these six-foot slats. And the gentleman down Farmington Road that was installing his that I stopped to speak with he was using six-foot slats and he told me this is how you do it, and that's--I went right to the store and bought them.

Testa: Thank you.

Coppola: Any other questions? Okay, seeing that there's no more questions for the Board, is there anybody in the audience--you can have a seat for a second.

Berry: Thank you. Thank you, Board members.

Coppola: If you could give your name and address first.

Hadous: My name's Robert Hadous, 16512 Farmington Road. Actually, I do know Tommy Berry. In fact we had some issues when he was a councilman in that city. I didn't agree with everything that took place there, and try and avoid the back and forth, and hopefully we're here to try and resolve matters and hopefully everybody's in a win-win situation. I think sometimes talking about lights--we can talk about semantics all day. I could sit and argue about how the sun doesn't set at 9:30 year-round, it sets at maybe 5:00 in the winter time--you know--maybe more of a problem, different times of the season, but that's what we get living in Michigan. And the sun goes North and South of that latitude, so, but, I guess at different times of the year the lights might be more of an issue than they are now. I think the other thing we need to do is give all the residents of the city a little more credit and think that Mr. Berry's putting up something more of a natural nature, it's something that isn't outlandish, like you've seen happen in other cities where people put all kind of crazy colors that go on to court and said. Well, if he's doing something natural, I would have more confidence in the neighbors saying hey, I'm not gonna put something in there that's gonna clash. I think you've gotta give people a little more credit than that and say hey, maybe we can do something that's gonna be a little more in conformity. And whether those neighborhood rules exist or not--and I understand--I wish there maybe was something, maybe in the ordinance rather than going back and looking at deeds and technicalities. He obviously has the burden of proof, and I don't think there's too much disagreement at least that's what I'm reading sitting in the audience, as to whether he's presented a hardship. I think on that basic issue, if that's what we're looking at, he has to present a hardship. He has presented a hardship, I believe, and I've heard a couple members express that same opinion. That being the case, and as to four-foot for me, I'd rather--I'd want something where I don't have anybody looking in my yard. And the various other residents that he talked about where people had these fences and so forth, they obviously are in a unique situation. This--their homes must in the unique situation. I haven't had the privilege of going around and looking at his house and everybody else's house, otherwise, I'd probably have a little bit more than what I'm saying now, but like it or not, some of those homes were approved with permits, some of them were not approved and they were put up there. Quite often it seems until a neighbor makes a call, if it's something that it really isn't offensive to somebody, nobody's gonna bother you. And I'd like to think that neighbors could get along a lot easier that way. But, again, on the issue of has he presented a hardship and so forth, I think he's met his burden of proof that way. Would I get up here and get contentious with every--no, we're not here to do that. I'm not here to do that. I think maybe look at the situation and say hey, is he putting a fence in there that really isn't a neutral type of fence, is it--can we attach conditions that Mr. Berry will say okay. If the neighbors say hey, we want--we don't mind if it has green on it and so forth with the--with the foliage or whatever they put on there. I just don't think his neighbors are gonna put up something that is outlandish. And then they may not be in the same situation as Mr. Berry. He may have a particular lot. I don't know if all those lots are identical where he's at. And I guess he also has to ask for that variance of--from what I'm told, there's a setback and so forth on this and that would also have to be something that this Board would have to go over, but I don't know where to take it from there from my point of view. I wish there was an ordinance but again, has met his burden of proof? I think he's met his burden of proof and that this Board should attach conditions--whatever conditions they feel necessary and counsel for the city, if someone was to come back up here again, would they be in their right as a Board to say hey, we have something that we want you to conform. Basically, so that everybody's in conformity. Not saying they have to have identical fence, but the color schemes and everything are gonna attach. Even if you had those restrictions in the deed, I'm sure the

deed would lay those things out just like you do in a condo association. I'm sure you've written enough condo rules or gone through them, and they tell you what signs you can put in. Well, he didn't have the benefit of having anything like that spelled out for him.

Coppola: Alright, well thank you very much.

Hadous: So, I would hope that you could do that.

Coppola: Anybody else?

Klein: Oh yes.

Coppola: Sir, if you could wait one minute, ma'am, name and address, please.

Klein: Nancy Klein. 33373 Myrna Court.

Coppola: Okay. Mrs. Klein, go ahead.

Klein: This is a can of worms. This is bringing back a nightmare and a stomachache. I'm from Woodcreek Farms. You may not recall, but I will help refresh your memory. I believe the home that was mentioned in 2019, I'm gonna give you a little history. I respect the last gentleman that just spoke, but there is a reality check involved here. We don't all live in cotton candy and fluff. We have a homeowner's association. You don't. It doesn't make any difference. It used to. We had a new owner that wanted to put up a fence. He knew at the time when he purchased previous to that home that we did not allow fences in our bylaws. He decided to go to the city. Previously, the city stood by the homeowner's associations. There was even a box on the form that you check off if you're in a homeowner's association and they would say, oh no, you don't get a permit. It's a homeowner's association. I found out that this young man got the permit. I ran there, immediately. Went to the Zoning Board or whatever that is on the first floor there, and I said, why was he issued a permit, it's a homeowner's association? We don't back them anymore. I said oh, is that a flip-flop? Yesterday you did and today you don't. Did you have meetings? Are people aware of this? That you do not support the homeowner's associations anymore? He said, you go it alone, take him to court. I went to the city council, had several appointments--well, actually, conversations with Laura Toy. Same thing. We don't get involved in that anymore. I went to the legal department of Livonia. Same thing. We don't get involved in that anymore, you're on your own. We've let dues to maintain our front entrance. We have meetings. Our founding fathers had the vision of an open area and common grounds. That no longer is the vision of Woodcreek Farms. That has been changed because there is no support throughout the city for the homeowner's association. I went to the city council, and I stood at this podium. You can go back and review if you want to, I'm there. And check it out. I stood at this very same podium, and I said, all of you neighborhoods that have homeowner's associations, you are now on your own. You will not have the support of any of the city. You are on your own and you will pay out of your pockets to fight it. We didn't have the monies obviously to do that. We collect \$50 a year from each resident of voluntary dues. Another neighbor took it upon herself to do some homework. A tremendous amount of homework. She took every lot and a map to our subdivision. She sent out a survey about the other homes that are adjacent to each lot, and if

they would oppose if a fence would be put in. She compiled it, and I read with her, and we--we showed it to the zoning Board or whatever--on the first floor there. The gentleman said we don't care about that. We don't concern ourselves with that anymore. You're on your own.

Coppola: So, Mrs. Klein, there's not an association here, so that's not an issue. So, if you--

Klein: I just would like to say one more thing about the fences he's referring to.

Coppola: I'd like you talk--if you'd like to talk about the fence that'd be great.

Klein: That would be perfect. But I'm just saying, he--these people need to know the background of a lot of this. You're talking about some consistency. We don't have two homes that have entire privacy fences, front to side to back. Fort Wayne Livonia. One is wood, and the next one right next to it went up last week--Tom mentioned it, it's vinyl. All the way around. So, obviously I go back to that is not the vision of what we wanted but there's no support. You're on your own. Goodluck.

Coppola: Alright, thank you. Sir.

Boloven: Mr. Chair. Can I ask a question real quick?

Coppola: Sure. Just one second sure. Mrs. Klein.

Boloven: Mrs. Klein, sorry, real quick, can I ask you a question. Those homes you mentioned, are any on or back up to Farmington Road?

Klein: Yes.

Boloven: Do--do you have an address by chance?

Klein: No. But they are on Westmore Court. Both of them.

Boloven: So, I'm looking at a map right now--

Klein: The second and third home in from Myrna Court.

Boloven: Both those--second and third home in on Westmore--

Klein: Mmhmm.

Boloven: --which also back up to Farmington--

Klein: Mmhmm.

Boloven: --have privacy fences on Farmington?

Klein: Yes. They are full fenced all the way around. Six-foot fence from front to side to back.

Boloven: Thank you.

Klein: Like a fort.

Boloven: For Mr. Albus, were any of those on Westmore, ones that you mentioned in your report that you gave out of curiosity?

Albus: Two of them were on Westmore.

Coppola: Refresh our memory, the status of those two.

Albus: One of them in 2001 appeared before the ZBA got permission to replace the fence.

Coppola: So, replacing an existing fence?

Albus: Yes.

Coppola: Okay.

Albus: And the other one on Westmore in 2019 received a permit for a fence but it met the 30-foot setback from Farmington Road.

Coppola: Okay.

Klein: And we have one that went up last week. All the way around. New vinyl. Six-foot.

Coppola: Okay. Thank you.

Klein: Mmhmm.

Boloven: Thank you.

Coppola: I'm sorry, sir. Name and address.

Amen: My name is Ronald Amen. 36786 Gardner in Livonia. I am the retired director of the community and economic development for the same city Tom Berry was councilman in.

Coppola: And what city would that be?

Amen: That would be Dearborn Heights.

Coppola: Okay. Thank you.

Amen: In my position there, I administered a million-and-a-half-dollar block grant fund, and it was used basically to improve the housing stock of the city. In the process, when questioned by potential homeowners--home buyers, like Tom, I recommended that they come to Livonia, and I was drawing the salary from the city of Dearborn Heights. Livonia in my estimation has provided a much more friendly, neighborly atmosphere than what I saw in Dearborn Heights. Getting back to that block grant fund--you know--that when you improve the housing stock of the city, just about everything else goes up. When you improve property values, everything else goes up, and that's exactly what Mr. Berry did with that property. He talked about how long it took him to move into it because you'd be amazed at what he did on the inside of that house. I dare say that he's improved the value of that property fifteen to twenty percent over what he paid for it two years ago. Now to limit his improvement, I'm gonna say of that property, will not be adventitious to the city of Livonia. You have here a great asset in this fairly new homeowner, and I would urge you to grant his variance.

Coppola: Alright, thank you. Anybody else? Name and address first, please.

Greenhouse: My name is Cass Greenhouse. My address is 17238 Vacri. And I'm Tom Berry's neighbor. And I love the fence. Just wanted to let you know. I'll keep this short. My back is tree. It has been there since the house was built in 1978. Things are dying off. Immediate--the neighbor next to me, the same way. Had also talked about the fencing, had seen Tom's, love it. Would do the same thing to mock exactly what you have to be consistent. We ask in terms of putting arborvitaes and so forth up, we called up some people in regards to landscaping, because of the existing trees and what's underground, everything would die he said. If you put them up, they're just gonna die. The water's just gonna be sucked away by the roots. So, the best thing to do. Is gonna be wind up with a fence. So, everyone is just kind of waiting for the same thing to be consistent. We knew, pressure treat it, let it dry out, tone it, cedar tone, gives a much more comfortable look, and just to be consistent. I know I would like to do it, and my neighbor next door said the same thing.

Coppola: So, let me ask this question because one of the things I asked Mr. Berry to consider at the last meeting when we tabled it was to talk to the neighbors and maybe come in as a group and present a homogenized plan for the houses on Farmington, so then again, we ended up with a very consistent fence, similar to what, again, you see in so many developments primary in the South, because that's--you know--that's a busy road, lot of people go down that road, and everybody--everybody's gonna see that. And again, as I've voiced my concern is--is that we open pandora's box here, and over time we end up with a hodgepodge of different--different fences and different colors and different heights and different levels of maintenance and care, and it just becomes unsightly. And that's one of the things I believe that we're here to try to prevent. And so if--so if, look--and again, this is just a pure kind of--what's the right word I'm looking for--scenario that may or may not come to life when we're done voting but if--if Mr. Berry would get his approval, and--and it was specific, would you knowing that that is the only thing that you could put up, could you live with that.

Greenhouse: As far as the fencing?

Coppola: Fencing, color, distance from the--from the sidewalk, everything.

Greenhouse: Yeah, I can do that.

Coppola: Your trees aren't gonna--you won't come in and I won't hear how trees are in the way or how the--

Greenhouse: Well, the trees are dying off as it is. In forty years, I've been watching them change.

Coppola: Now you're what--to which side of him, I'm sorry?

Greenhouse: We're on the left side, so--

Berry: North.

Coppola: North side?

Greenhouse: North side, yep.

Coppola: Okay. Alright thanks. Any questions for the--alright thank you very much.

Testa: I'm sorry.

Coppola: I'm sorry, Mr. Testa.

Testa: When could we see you in front of us with your variance request?

Greenhouse: As soon as possible.

Testa: It's something you wanna do immediately?

Greenhouse: Yeah. I mean, obviously my trees are dying off, so I know I have to do something pretty soon, so if it's gonna be this season, next season. My neighbor next to me is already ready to go.

Testa: Okay. Thank you. I appreciate you speaking.

Greenhouse: No problem.

Coppola: Anyone else? Name and address please.

Vaughn: Lauren Vaughn, it's 17166 Vacri Lane, we're directly to the South.

Coppola: Alright, Ms. Vaughn, go ahead.

Vaughn: The--the fence is beautiful. We--the household would love to match it. The current bushes that are there providing privacy are not year-round bushes. I've only been in that house

since March, but my significant other, he's lived there--him and his family lived there 32 years and they have dealt with lack of privacy, just over the weekend--you know--people are hollering at us, so in regards to the six-foot to four-foot, the six-foot provides the most privacy. You know--as I mentioned before, we think it's a great fence. We would love to match it and we support this 100 percent.

Coppola: Okay, so let me--I just wanna make sure I'm clear, so if--again, as the condition, so let's say we are--again, scenario, not--not fact, that if it was to get approved tonight, my guess would be there would be certain specifications and conditions, such as color, distance from sidewalk, material, construction, all that, would you be--are you certain that you'd be able to abide by those conditions?

Vaughn: Yeah. Absolutely. Absolutely. We love the look of it. You know--once he's done staining, it's gonna be an actual--you know--with vines, we plan to do the exact same and once we are ready to--once this gets approved or if this gets approved, we would love to do the same for our property.

Coppola: Okay. Anything else Ms. Vaughn.

Vaughn: No. No, our house is a second--you know--we have the second floor, and the streetlights effect--I know--you know--the six-foot fence can't do anything, but even in our living room, we still get that--you know--because--you know--

Coppola: Mhmm.

Vaughn: --no fence or the current vegetation that's there provides no blockage to that.

Coppola: Okay.

Vaughn: So, that's all.

Coppola: Alright, same question.

Testa: Same question I had for your neighbor, how quickly would you come in here for a variance request to put up a fence?

Vaughn: We would love to do it as soon as possible. We're trying to fix up the property, so whether we can get that in at some point this summer, beginning of fall, we would love to get the ball rolling on it.

Testa: Okay. Thank you.

Coppola: Now you're--you're the corner lot?

Vaughn: Yes. So, we're directly South. Our property is at the triangle--

Coppola: Butts up to the Mobil Gas Station?

Vaughn: Yes, and the--the--

Coppola: So, what would you do along--what would you do along--is there--there's not a concrete barrier there--

Vaughn: So, once it--once it's to the point, there's a little bit of fence, and then there's a brick.

Coppola: Okay.

Vaughn: I don't really know what to do about that That's actually not on our property, so.

Coppola: Well, you can't do anything about that.

Vaughn: Yeah.

Coppola: But that's required.

Vaughn: Yes. Yeah.

Coppola: For separation between commercial and residential.

Vaughn: Right.

Coppola: Is that not being maintained? Is that what your issue is?

Vaughn: Well, the brick is not on our property. I mean people--it's not high, people jump it, and trespass--you know--through our property and our neighbor's.

Coppola: That's where everybody cuts through in the neighborhood--used to cut through the neighborhood.

Vaughn: Yes. Yeah. You know-- kids jumping to go to the gas station or whatever, but--you know--we would like to match it right up--you know--take the fence right up to that brick.

Coppola: Alright, thank you.

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Yeah, I have a question, through the chair to the inspection department. Jim, you had mentioned--jumping back to the--the house that was discussed on Westmore, you listed two of them. I think one of them-- was it 16015, is that the one that was approved in 2019 for having the 30 feet from Farmington Road I think you said.

Albus: 16015 went in front of the ZBA in 2001 and got permission to replace the fence.

Turbiak: That's to replace the existing one. Okay, and what was the address for the one that was in 2019?

Albus: 16043 Westmore.

Turbiak: Alright, so, I mean, I'm guessing it's the house right next to it--to the North or to the South, but he had mentioned that 30 feet from Farmington Road, right? But really, for a double fronted lot, it needs to be 30 feet from the rear--rear yard line, which sounds like this one's on the rear yard line if I'm--you know--looking at the GIS system to measure it correctly. So, I guess my question going back to something that Mr. Berry had mentioned at the very beginning. I think it was the first point he made was, what's the definition of a double frontage lot. So, is it always a lot that backs up to another road? Can we always say that that's always a double frontage lot? Or is there a special condition in addition to that? Because it sounds like that one was approved, it doesn't seem to meet the double frontage lot requirements. So, it seems to me like it might not be a double frontage lot.

Fisher: Mr. Chair if I may. The definition of a double frontage lot is an interior lot having a street line for both the front lot line and the rear lot line.

Coppola: Thank you.

Turbiak: So, Mr. Fisher, I don't know if you're familiar with the--the homes on Westmore that are just North of Myrna, off of Farmington--I mean, there's a little bit of an easement, but can you see any reason why that shouldn't be considered a double frontage lot based on what you just said?

Fisher: Well, again, you're right, I'm not familiar with the property. But it sounds like it.

Turbiak: So, it sounds like it was approved wrongly from what we seem to know at this point?

Fisher: I don't know.

Turbiak: Okay. Okay. That's all. Thank you, Mr. Chair.

Coppola: Okay. Any correspondence?

Klisz: Yes, we have three letters. Letter of approval, Rudolph and Mary Saenz, 17269 Vacri Lane, (Letter read.) Letter of approval, Al and Cathy Buchfinck, 33418 Vargo, (Letter read.) Letter of approval, Brandon Milanowski, 33407 Vacri, (Letter read.)

Coppola: Okay, thank you. Mr. Berry, you have an opportunity to make a final statement if you want to respond to any of the audience participation or correspondence, you're welcome to do that. You'll just need to step up to the podium if you would.

Berry: Thank you. First, I'd like to thank my neighbors. I appreciate it. Coming out tonight. I didn't wanna have to put you through this but thank you for supporting me. To the city itself, for allowing this process to take place, because I think it's more significant than just myself getting approved or not approved for this fence. I'm glad that there's a process that takes place, and I'm glad that we can sit here and discuss this like reasonable people, so thank you very much, and I appreciate you.

Coppola: Mr. Berry.

Berry: Yes.

Coppola: So, you've had three neighbors come up and support--

Berry: Yes sir.

Coppola: --and say they'd be willing to put up a similar or basically the same fence, stain it the same color, put in the same landscaping, when--last meeting I asked you to go and talk to your neighbors and then come back as a group with a proposal, I'm trying--I'm a little lost--you know--it kind of happened somewhat, you've only got four houses, there's more than four houses. I'm a little lost as to why--why you didn't take an effort to do that.

Berry: Well--you know--I apologize then because I misunderstood because in--in the beginning--when I began here, we talked about canvassing the entire neighborhood. I thought that in that first meeting, if we listened to the minutes, you said that it wasn't realistic to get--

Coppola: I said it would be difficult. Very difficult.

Berry: Yeah--

Coppola: --to ask several people to do it, but I suggested that you try.

Berry: I--there was no way I could get to every--I went up and down my block. I did. And just talked to each neighbor asking if they had an opposition to it, and if they wanted it, if mine was approved, would they like to put a fence up. So, to the extent that you were asking, I apologize. I misunderstood. I didn't go--I thought you wanted me to go through the entire neighborhood.

Coppola: Oh no. Just your neighbors on Vacri up to--up to McNamara.

Berry: Yeah, and I don't have a problem doing that. I can do that. I've walked it already. I've discussed it with every neighbor that's along that line as we stand here today, and you had two of them come in tonight. But the rest of them are in support of it, and I can come back with a letter of understanding or agreement.

Coppola: Okay. Thank you. Alright, I'm gonna go ahead and close the--excuse me--public portion of the petition and start the Board's comments with--if you're comfortable, Mr. Testa. I know you walked in a little late, but you didn't really miss much.

Testa: Yeah, thank you. So, I do understand the hardship. While your property is situated four feet North, vehicles turning out, when I turned out I can see lights are gonna shine directly in there. I do understand the background on how you got into this position where you came to city hall, asked the questions, whether it was a miscommunication or not, I believe the story as it's told. So, I don't think you maliciously put up a fence. Otherwise, usually in these cases I would say the fence isn't your only solution. You could have done other things, such as vegetation, trees. I do understand there's not a lot of grass there with Farmington being there, there's probably a lot of salt on the roads coming up and probably not so good for vegetation and keeping trees alive. I--I can support this. I was--from the last meeting, also of the understanding of the request or suggestion to go canvass your neighbors North and South and come up with a proposal that all the neighbors could live with in terms of an agreement on if they're gonna put in a fence, they would be in combat. I think that's a very important piece. I do understand, so thank you for bringing those--I think it was twelve other properties in Livonia. I know many of them from driving around, that yeah, there is a hodgepodge that, as we stated, and I agree with, I'd like to try to avoid that. So, I could approve something that had the condition that the other neighbors have to do it. I know it's not binding, but it would help remind future Boards. I'd also be open to tabling this, and have you go talk to each of the neighbors and come back with a concrete proposal with--you know--these neighbors are gonna put in a fence or want to put in a fence and they agree that this is what they would do.

Coppola: Alright, thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. I'm--I'm hesitant to approve this. I'm willing to hear more about it. I think I'd like to see the vegetation plan that Mr. Berry had referred to--his plans--I'd like to see them kind of somehow presented--you know--in writing, however he thinks that best would look. I'd also like to give him some time to--to work on getting a proposal aligned with his neighbors--to be clear, just the neighbors that back up to Farmington. I know Mr. Chair had mentioned just South of McNamara, however, I don't see why we wouldn't want to--you know--extend this North of McNamara as well, up to whatever homes back, South of Curtis--you know--I know it doesn't go straight to Curtis, but all the homes that back up from Curtis to the office space North of the Mobil there. And I didn't get a chance to look through all of the properties that Mr. Berry had brought to us, and I do appreciate that, but flipping through it, I think there was maybe at most three or four consecutive--obviously, this is a little bit unique case where there are--I think twelve or 13 South of McNamara, and maybe another ten North of McNamara all in a line. And I was looking around the city as well for other examples of--you know--large strips of homes that were dual frontage lots or at least ones that had privacy fences that could be seen from the main road, and I didn't find a lot. I did find one though that was on Merriman, just outside of the city, South of Joy in Westland, right when you enter, there's a welcome to Westland sign, and then on the West side of the street there's just a line of probably ten homes, and most of them were--the fences had been there a long time, and it didn't look good. It kind of was a sight of what the future that could be if we don't handle this right. So, I think that--you know--this needs some more time and attention--you know--I don't know if this body is the right body to handle

this. I know that Mr. Berry has the option to seek an ordinance change. That might be a better option. That was the council--I think it would go through the council, they could put it through a committee of the whole, maybe something like that. Perhaps the ZBA members could also participate in that process to help provide--you know--input. But I'm--I don't know that--I'm certainly not ready to approve it tonight, I guess, so I'd be in support of a tabling. Thanks.

Coppola: Alright, thank you. Ms. Fraske.

Fraske: I'm--Here's my thought. I am in support. And the reason for that is we haven't been consistent. There's--you know--a lot of different fences all around the city. I feel like we can't not support this because of that. I do like the idea that the neighbors are in support of this--most of them it sounds like. We have quite a few letters and we've had two people tonight. We also have the--I guess, promise or something that they'll also do something very similar, that they have to have an idea that they're going to do that, so, at this time, I am in support.

Coppola: Alright, thank you. Secretary Klisz.

Klisz: Thank you. I'm new to the case, so, I did read carefully the minutes and kind of saw where it was going before but then--you know--coming into it new, and making a decision tonight, I'm in support, and I'll tell you why. I guess one thing that I would be--and the thoughts there, and the sentiment is good to say hey, go talk to every single neighbor on Farmington Road and get their approval and get their plan to put up a fence. They might not. I mean, they might go, I'm happy with my--you know--bushes. I'm happy with my split rail fence. I think the thing that we heard is at least two neighbors--the closest two, are ready to go and they're gonna be coming in and so we can easily be consistent with three of them. That's a good start. But the rest--you can't force anyone to get a fence. I mean--you know--if someone comes to me and goes hey, join the fence crew, no. And then what, we say no because of that. Let's say you get eight out of nine or seven out of ten or whatever the number would be. I would be--so essentially, I would be in support. I would go with the double permit fee. I would require the staining the way he's described it, vegetation that would be on the Farmington Road side, and then as Mr. Testa put--and I'd put in there, that all future fences should conform to the same type, height, location, color, and vegetation growth on Farmington Road. Again, it's not enforceable, but it's a suggestion and we may be hearing these cases quickly, and then it may be years, but I guess that's the best we're gonna do, and I agree with Ms. Fraske. There's fences all over the place. I mean, we've seen--you know--lots with four different fences on them. I mean, it's--it could be ugly, but we do our best. And so, I think this neighborhood's changing, the area's changing, and--you know--I think this is our--our decision to do this. I don't think it should require a council change to the ordinance, so those are my thoughts, and I'll be in support.

Coppola: Alright, thank you. Mr. Boloven.

Boloven: I agree with Ms. Fraske and Secretary Klisz. I was in support last time and it boils down to consistency like Ms. Fraske said. You know--and then I really appreciate Ms. Klein's comments--I'm looking at a satellite photo--the joys of technology--of these two Westmore properties. I see two different fences. I--I don't understand why one had to go in front of the ZBA and the other one didn't. I'm not buying fully that one's not 30 feet and one is 30 feet because it

looks like they're identical to me. Yet, we've got two different fences. But at least if there's some consistency that this Board can put on with vegetation, color, and we at least start a pattern for that subdivision, we could at least have something develop that doesn't look like this, where the worry is, the next time is somebody down North of Farmington on Francailla, maybe they're not gonna be within the 30 feet, and then you're not in front of this Board--you know--let's start at least a pattern there. I see the hardship. I truly do see the hardship there. Especially with that smoke shop going in, and that's open until eleven o'clock at night, you got cars coming in and out. I know it's down right now with the Secretary of State, but that, Saturday morning usually without Covid is wrapped around the building. So, with all that, I'd be in support identical to Mr--Vice Chair Klisz' conditions with vegetation, coloring, height, size, everything you possibly could put in that'd come in front of the Board again. Thank you.

Coppola: Vice Chair Baringhaus.

Baringhaus: Thank you, Mr. Chairman. I think the one word I've heard tonight quite a bit was consistency. And in fact, this came up in the last meeting when I asked Mr. Berry about the look of the properties further on Farmington between--between Six Mile and Curtis. He agreed. It was all vegetation. It was all trees. I asked him how many fences there were. His was the only fence, so where's the consistency? I think Mr. Coppola had a very good idea of suggesting that Mr. Berry does canvass the neighbors that are on Farmington to come up with a common design--common look and feel, that was never done. I think in terms of Livonia, I think one of our strengths is that--you know--we do maintain some level of consistency--some consistent look and feel through the community itself. Tonight, based on what I've heard from the neighbors coming forth--the three neighbors, and based on Mr. Testa's informal poll, we'll be seeing three additional probably variance cases on a similar situation with these fences. So, that kind of leads you to believe yeah, the area will likely change as a result of this fence being installed. And let's go back to the question of consistency, do we know what color these fences are gonna be? We don't. Do we know what the design is gonna be? We don't. Do we know what kind of materials these fences are gonna be constructed out of? Pressurized lumber? Vinyl? We don't know that either. Again, there's no consistency. That area has always been very consistent in terms of a green--a very green look and feel to it. It's a highly visible area in the city. Very heavily traveled. In terms of Mr. Berry's hardship, I think he has a slight hardship, and the other neighbors do, too because they've chosen to purchase homes on Farmington, but I guess in that instance, they've accepted that hardship to a degree. I haven't--they do have a shopping mall, and I haven't really seen a level of traffic in it as well. I think consistency is the key word, and I would like to see a very definite consistent plan for that entire area of Francavilla. So, at this point if were to vote of the variance tonight, I would not be in support of it. But if the Board is interested in tabling the request for this variance until Mr. Berry can canvass his neighbors and come back with a consistent, definitive plan for those homes on Farmington, I would support that. Thank you.

Coppola: Alright, thank you. Okay. This is a tough one and it was a tough one before. I--I believe there's a hardship. I think that the hardship did exist when that place was bought--that hardship's been there basically for--for decades, so it's--someone bought the house on Farmington knowing--or unknowingly--you know--people make mistakes, and they buy houses because they don't do their diligence, and unfortunately that generally is--you know--shame on you. You should do you diligence. That said, there's conversation in regards to other--other properties that

have fences that in some cases have said don't look that good but we need to be consistent so let's put up some more stuff that doesn't look good so we're consistent. I don't believe because we've made bad decisions we need to--to embrace those bad decisions--continue to make those bad decisions. Neighborhood support. I--there's lots of support of the neighbors and generally that's really important to us in a fence because a fence impacts those neighbors. This fence doesn't impact the neighbors. This--this fence impacts the community. The community has to see this, and that's the feedback that we don't have because they weren't canvassed. They're not in the 300--300 square feet of 300--what is it feet or yards or whatever. They didn't get the petition. They didn't get asked. So, this I think is bigger than--than the neighbors. I think this is bigger than the neighborhood. And we may find--and we may find that--you know--the community's fine with--with those fences based on what I see around Livonia in general, I don't believe they are. That may be just because things are changing, and people's expectations are changing. But I--I'm not prepared to--to make that--make that one off decision on a positive way for this fence. I really do--I get the hardship, and--and the road's busier, it's noisy, everybody should have--you know--a pleasant place to live in even though, again, like I said, you bought on Farmington Road. So, from my position, I would--I would agree to table it maybe for--you know--we gave him a very short period of time because we wanted to do the homework this time, and we did our homework, and I think our homework told us that there's a lot of problems out there that need to be addressed, and there was a lot of mistakes made that--that I don't wanna make again. I believe that if you can get the neighbors in that community--in that line to agree to a consistent fence along Farmington, I'm in support of that. If you can get the city to--to support that and help even fund that. I'm for that. I--I don't--what I don't really want is--is an unsightly hodgepodge of fences. And again, maybe we'll have four that are consistent and then I'll--I don't know what we'll have for the rest of--of the ten or eight or ten houses that go North. So--you know--and this would have been a less--we could have resolved this in a lot easier way if--if you had come before us before you put the fence up. I understand there's extenuating circumstances. You--you're--you were involved in government.

Berry: Yes.

Coppola: You were involved in city--you know how things work.

Berry: Absolutely.

Coppola: So, Joe public, I get that mistake. I'm less--I'm less forgiving for you.

Berry: May I--

Coppola: No. Not yet.

Berry: Okay.

Coppola: Not yet. So, I think I'd like to see--I'd like to see a solution. But I'd like to see a solution that's more homogeneous for that area that--that is good for the community. Because what you're doing faces the community and is impacted. And I'm not a big fan of tabling. I don't like tabling. But I think in this case, this--this I think actually should be tabled and fits within the tabling

and I'm willing to give it a much longer period, and to give you--you know--kind of a little bit of a time too, so I'm not gonna say--you know--you need to take the fence down and we're gonna need to figure this out. The fence can stay for now from my perspective. Again, this is just my opinion again, this is--again, we're gonna vote. This is my opinion. Fence can stay up for now. We need to come up with--with a solution that makes sense with the community. And again, you'll have your opportunity--I'll give you an opportunity to speak, we need to go through our process--

Berry: I apologize.

Coppola: --and then I'll give you an opportunity to speak at the end. So, my--my position is we table this again. We give it--we can give it an extended period of time, four or five months, if need be, and maybe we need to engage with the city and council and figure a solution for this. Again, I--I think a fence on there would be fine, but I want a fence along the whole thing that matches, it looks like a developed community. Looks like--you know--we've got our stuff together.

Berry: I agree.

Coppola: So, that's--that's my position, so I'll go ahead and open up the floor for a motion.

Upon Motion by: Baringhaus. Supported by: Testa

RESOLVED: APPEAL CASE NO. 2021-05-20 (Tabled on May 25, 2021): An appeal has been made to the Zoning Board of Appeals by Thomas Berry, 17202 Vacri, Livonia, MI 48152, seeking to maintain a six-foot-tall privacy fence, erected without a permit, at the rear of a double frontage lot, resulting in deficient rear yard setback.

Rear Yard Setback:

Required:	35 feet
Proposed:	0 feet
Deficient:	35 feet

The property is located on the east side of Vacri (17202), between Vargo and McNamara, Lot. No. 036-01-0018-000, R-3C Zoning District. Rejected by the Inspection Department under Livonia Fence Ordinance, Section 15.44.090A(3), "Residential District Regulations," be tabled to allow the petitioner to come up with a homogeneous plan for fences along Farmington Road within the Francavilla Subdivision within six months.

Coppola: Generally, don't have discussion but I think there's discussion here. I had suggested that we need--I'd like to put a time limit on it, but I'd like it to be a long-time limit.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Yeah, in the prior meeting I think you had suggested six months, I don't know if you wanted to carry that through or what ideally you have for a time frame.

Coppola: Six months would be fine. That's fine with me. I was only thinking that that kind of puts it from now into December. Which means we won't have a resolution until--until next spring or so. But I think--I wanna do this right. So, if it takes time to do it right, at least from my perspective, then it takes time, so I'm fine with six months.

Berry: If I may--

Coppola: I'll give you a minute when we're done.

Berry: Take your vote, sorry.

Coppola: So, I've got a tabling motion with a condition that--that we need to see this back within six months, I think that was the only--the only condition. You did make mention of--of what we'd like to see, in the sense that we'd like to have him come back with a homogeneous plan for that--for that area, but I don't think we need that in the conditions. So, I'll go ahead and let Secretary Klisz take the vote.

ROLL CALL VOTE:

AYES: Turbiak, Testa, Baringhaus, Coppola

NAYS: Friske, Boloven, Klisz

ABSENT:

Passes: 4-3

Coppola: Okay. Now, Mr. Berry. So, you've been tabled. You can tell that you've got some decent support here, but--but not enough.

Berry: It's okay. I--I believe that--I believe that it warrants--it warrants a plan. It does. I'd only like to ask that you allow me to be a part of the process from within the city. I'd like--

Coppola: I think--I think you and your neighbors should all be involved because it's--it's gonna be I think on an economic basis, it's gonna impact you. But again, I think from an aesthetic basis, it impacts the--it impacts the city.

Berry: Well, I--you talk about having a "specific fence" maybe a specific color, maybe a type of vegetation. I'd like to sit down with someone from the Zoning Board to put a so-called proposal together so that when I go to my neighbors, I have something in hand that we know that the city feels comfortable with. So, we can say--I can tell them, Mr. Neighbor, I've been to the Board twice, they've tabled it. Here are the conditions, if in fact they approve this and you wanted a fence, would you agree to a fence of this nature. I need to be able to give them something that

they can count on as being “consistent” rather than us just coming up with a bunch of ideas. Listen, it effects the community, like you said. So, I'd rather have somebody from outside tell us what their opinion is, and we can base a decision on that. I think it's fair. I really do.

Coppola: I appreciate that. And I think it is too. And again, I'd like to have a solution that works for everybody. Process wise, I don't know--I'm not familiar with something like this has ever been done before so I'm not--I'm not sure of the process. I think we need to probably--probably need to have some conversation with the city, maybe with the council, maybe with the building department and we can come up with something relatively quick. We should move quickly cause no reason to have this fester for a long period of time. I'm in support. I'll be happy--I'd be happy to work with you and--and the building department, we could figure it out, whether we need to have council involved or not. Or at least bring it council's attention so that it has a broader audience. So that people can have an opportunity to comment in the community.

Berry: Could I ask that if in fact the inspection department or a council person could call me so that we could set up day so that I could come in and say okay, let's have some ideas of what I can present to the neighbors. The inspection department, they see it more than anyone. They travel around this city eight, ten hours a day. So, if I can sit with an inspector and say okay, what would you think would be the ideal fence, ideal color, ideal situation here. Then let me present that to the neighbors. But I wanna bring them something that we've discussed.

Coppola: I understand and I don't know, Mr. Fisher, from your perspective, you're not aware of any specific process that would--that would apply to this situation?

Fisher: Well, I'm very wary of having private meetings between ZBA members and petitioners. I don't think that should ever happen.

Coppola: That's why I asked you. That's why I'm asking you.

Fisher: I think what would be better is a meeting with the inspection department to come up with the appropriate plan or disposition in this matter.

Coppola: The--the planning department?

Fisher: No. No. I'm saying the inspection department--

Berry: Inspection department.

Fisher: --be involved in the plan however we're gonna do this.

Coppola: I'm just concerned that it won't--this is not a criticism on the inspection department, but I'm not sure that's gonna get to the level it might need to.

Berry: Can we present from the inspection department, something back to the Zoning Board, maybe forward our conversations to you? And you can disperse them amongst your members,

and your opinion and we can go back to the drawing board if you and that it doesn't meet maybe what your intentions were?

Fisher: We'll have to--we'll have to get consideration to process in this situation because--

Coppola: We have to be careful.

Fisher: Yes. There are very (inaudible) transparency laws that we have to abide by and that's why we have to be a little bit wary of private meetings and that sort of thing.

Coppola: Understand. So, I think the process--obviously, I'll reach out to the inspection department too, but you should also have that call, and I'll have further discussion with Mr. Fisher and Mr. Hannah and see if we can figure out how we--we approached this. And I'll maybe even have a discussion with some of the council members.

Berry: Mr. Hannah is?

Coppola: It wasn't Mr. Hannah, it was Mr.--

Fisher: Mr. Hannah is director of inspection.

Coppola: Yeah, Mr. Hannah.

Berry: Director of--very well. Thank you.

Coppola: And maybe then I'll talk to some council members too cause again, I think this is a--this really impacts the city. Because it is a very visible.

Berry: Yep. I agree.

Coppola: Alright, thank you very much.

Berry: Thanks.

Klein: Excuse me, sir.

Testa: Mr. Chair, for the benefit of Mr. Berry, if come November, he's making process but he's not quite ready to come here in December, does he--

Coppola: I think he'd come before us and then we would--we would reextend it.

Testa: Okay. Thank you.

Berry: Thank you.

Klein: Excuse me, sir. Am I out of order or am I ask--ask question concerning this?

Coppola: You are--you are out of order, but I will--

Klein: I've been called worse.

Coppola: --we're running really late, so if you can--I'll give you a minute, and the problem is I'm opening the door. He's gonna want a minute, and that's--you get one minute, you get one minute, and then we're done.

Klein: One minute. Thank you. First of all, I'm very impressed how all of you are coming together, coming up with a solution, and I am so impressed. I have met with Mr. Fisher before. This was a whole different issue that our subdivision has, so it does impact everybody. We would have also liked consistency. We would have had no objection to a back fence along Farmington, but we ended up with two enclosed lots. That's a whole different ball game.

Coppola: Okay.

Klein: So, if these people say they--they were just a back, which is fine, just keep in mind that that whole lot may be incased and that definitely is not aesthetic, so, like I said, I'm very impressed with all of you. I wish we would have had that understanding, and we could have reached a compromise, but it didn't happen, so, we're stuck. But I wish all of you luck, and I appreciate you all understanding.

Coppola: Thank you. Sir. Very quickly.

Hadous: Just real quick--

Coppola: Name first. Give your name, just so--for the record.

Hadous: Robert Hadous again, 16512 Farmington Road. Just now as a member of the community, when we're having something like this, I hope these meetings, or this adjournment could table it--don't table it into December. A lot of people might be in Florida or somewhere and if they are in Florida, I'd like them have access, whether it be via zoom meeting, facetime, do whatever, or letters, but something that's gonna be able to put our point across in a more--as meaningful of fashion as we are standing here live tonight, okay. Because a lot of people--we're not 20 or 30--a lot of us are retired and so forth and we wanna see the consistency Mr. Baringhaus is talking about. I wanna see it. You wanna see it. I'm interested in my property value staying right and I appreciate the folks that saw it the other way too, but I think it's in our best interest that we do have something like that. And I moved from Dearborn Heights too even though I still have a property there, and I--I love Livonia. I love the schools, and I'll say one more thing. My great-nephew received this Louie Armstrong award, graduated from Churchill High School this year. Noah Clan.

Coppola: Alright, thank you.

APPEAL CASE NO. 2021-05-20 (Tabled on June 29, 2021): An appeal has been made to the Zoning Board of Appeals by Thomas Berry, seeking to maintain a six-foot-tall privacy fence, erected without a permit, at the rear of a double frontage lot, resulting in deficient rear yard setback.

Rear Yard Setback:

Required: 35 feet
Proposed: zero feet
Deficient: 35 feet

The property is located on the east side of Vacri (17202), between Vargo and McNamara, Lot. No. 036-01-0018-000, R-3C Zoning District. Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090A(3), "Residential District Regulations."

Baringhaus: Chair will entertain a motion to remove the case from the table.

Testa: Mr. Chair.

Baringhaus: Mr. Testa.

Testa: Move to remove appeal case 2021-05-20 from the table.

Boloven: Second.

Baringhaus: Motion by Mr. Testa to remove the case from the table. Support by Mr. Boloven. All those in favor say aye.

Board: Aye.

Baringhaus: Okay. Good. Are there any questions for the legal department at this point? Any questions--

Turbiak: Mr. Chair.

Baringhaus: Yes, please.

Turbiak: Yeah, so Mike, I was listening to the audio and reading the minutes from our last meeting on this topic, so the second one so far in the series of three, and it sounded like there was intentions to--to work on a process for Mr. Berry to maybe talk to the inspection department and or city council. I think you yourself were intending to be assisting that process. I just wanna know. I didn't see anything in any emails or anything in the packet. Maybe I missed it. Was there anything along those lines that you're aware of that was done between the last meeting and this meeting?

Fisher: I don't know when this was done. It's dated July 29. But that--what I thought was the pro--the product we were trying to produce is already in existence. The letter signed

by the neighbors, essentially agreeing to follow their--Mr. Berry's lead in terms of the fencing that's gonna be erected in the future.

Turbiak: Okay. Yeah, I did see that in the packet. So, there's nothing that you're aware of beyond that?

Fisher: Nope.

Turbiak: Okay. Thanks. That's all at this time.

Baringhaus: Thank you. Any questions for the inspection department? Okay, very good. Come forward to the podium, please. Can you please state your name and address for the record?

T. Berry: Tom Berry. 17202 Vacri Lane.

Baringhaus: Alright, thank you.

T. Berry: Mr. Chair, honorable Board members, I believe in relationship to the request made, I've satisfied the inquiry. I don't know if you've been out to the site, but you'd see I've stained the fence, and the neighbors were quite pleased with it. There was one neighbor that I just couldn't get ahold of. I tried 7:00 in the morning. I tried at 2:00 in the afternoon, and then 7:00 at night several times, and I thought--you know--I better just quit while I'm ahead. There's another neighbor that--she just didn't wanna get involved, and I respected that and let that go. I believe, Joel, I'll chop up your last name if I say it, so I'm gonna say zoning board member, Joel--Mr. Joel, you requested that we put some foliage or start something out in front of that to kind of mask it, and we have. We have deer and they seem to be thriving on some of it. So, we're between--we're between seasons and the deer have eaten what we've have, and come springtime, my wife is planning on planting more so that it'll climb and cover most of that fence. But the question I do have for the zoning board, or maybe the inspection department knows, is there any grant money out there that we can plant trees out in front of that frontage?

Stierna: Nothing that the inspection department is aware of.

Baringhaus: Thank you.

T. Berry: I'm at your mercy. Thank you.

Baringhaus: Okay, so just going back through this document that you produced, can you maybe go into some more detail on the process that you went through. You mentioned you contact neighbors.

T. Berry: I walked it.

Baringhaus: You walked it.

T. Berry: I walked it. Not all on the same day. I have two paragraphs there--two paragraphs there, and I did speak with Mr. Fisher regarding what he believed that the Board was looking for, so the first said, I the undersigned have acknowledged privacy fence installed at 17202 Vacri Lane. In my opinion, the fence is--in my opinion--my opinion of the fence is that it's aesthetically acceptable. Furthermore, if I decide to install a privacy fence on my property, I agree to install a fence with the like height, material, and color all being available along Farmington roadside in order to maintain consistence aesthetics along the road. And I read that verbatim to every house I walked up to, and they were all in agreement to it, so.

Baringhaus: Now, given this document, how would someone reproduce duplication of your fence?

T. Berry: Well, it's--it's treated--it's--I'm gonna say treated pine for all I know. I don't--it's not treated pine. It's treated lumber. They'll have to go through a process by which they can--they can duplicate the color at Home Depot. It's relatively easy. It's just a dark chocolate stain. And it is a standard six-foot fence.

Baringhaus: The--yeah, cause the other thing I'm looking at is in terms of--okay, I mean, you have a letter of agreement here from your neighbors that acknowledge the fence and I guess they make a commitment. You use the term of like and here. Let me just read the sentence. "Further, if I decide to install a privacy fence on my property, I agree to install a fence with like height, material, and color all being available along Farmington Roadside in order to maintain a consistent look along the road." Now, when you use the term "like" are you implying that as long as it's similar to your fence--

T. Berry: Well, Mr. Baring--

Baringhaus: --that's acceptable or are you looking for a--or is the goal to have an identical fence?

T. Berry: Mr. Baringhaus, I don't think legally I'm in a position where I could--I could put down anything more specific than what I have. I believe the inspection department would probably have to carry that forward and approve it or--

Baringhaus: Sure.

T. Berry: --disapprove it based on what the potential builder is going to do.

Baringhaus: Question for Mr. Fisher, though. Is the term like sufficient in this case or should it be the term identical?

Fisher: Well, I think the term "like" takes into account the fact that identical is almost impossible to produce, especially for the number of people who've signed this petition. I mean, somebody in there is gonna have cedar instead of pine or whatever.

Baringhaus: Well, I guess where I'm going is how specific do you wanna get with these guidelines because--I mean, for instance like paint. And to your point, Mr. Berry, you can go into Home Depot, you have a paint coat and get a gallon of paint, that's not a problem. Now, when you get into materials for the fence, obviously--you know--to keep it real simple--you know--not treated wood versus treated wood. Obviously, if you're gonna use treated wood as a standard that fence is gonna last longer and I guess maybe this is the point I'm getting to. In a document like this, do we have to include clearer standards for somebody to at least get some direction from it? How would somebody get a direct--get direction to build that fence that would be as close as possible to Mr. Berry's fence. And that's a question to Mr. Fisher.

Fisher: I actually think "like" is a good term to use in here because it's realistic and I think it still gives people guidance that your fence is supposed to look like that one over there, not like our fence at our house.

Baringhaus: Cause my concern is standard. So, in other words, if they have a question on standards shouldn't there be some reference back to the building and inspection department for questions. I'm--I'm--look--I'm trying--I'm trying to make this document as maybe guiding as possible or as directive as possible so anyone could pick it up and replicate a fence like Mr. Berry's.

Boloven: Mr. Chair.

Baringhaus: Mr. Boloven.

Boloven: If I could piggyback off that--

Baringhaus: Yeah, please. Go ahead.

Boloven: --I think I know where you're going with it. Mr. Fisher, every one of these people that signed, no matter what, even if they wanted to put up a fence, they'd still have to come in front of this Board, right?

Fisher: Right.

Boloven: Because they're gonna have the same problem that Mr. Berry had. So, we could police that on--

Fisher: As a condition.

Boloven: --going forward.

Baringhaus: As a condition? If that's acceptable, Mr. Fisher?

T. Berry: Mr. Chair.

Fisher: Works. It works for me. I will say something else. I think the existence of this document is a remarkable thing because when you see the percentage of people--you know--who in your--who in your neighborhood would be able to go around and get everybody to agree on something like this?

Klisz: No one.

Fisher: I--I'm impressed as heck, so.

T. Berry: Mr. Chair.

Baringhaus: Yes, Mr. Berry. Please.

T. Berry: The only thing I would caution--throw caution into the wind is that--with all due respect to the inspection department, when I did go down to the inspection department, I asked how deep did I need to go, because I wanted to go to the freeze line and I believe it was 40 inches if I'm not mistaken. There was a gentleman there that says you didn't need to. Now, the problem with that is that you're gonna have ice develop in there. You're gonna have it potentially lean or bend so you would have not only aesthetic problems, but you'd have construction problems that'll cause aesthetically just the same type of blight if you wanna call it that we're trying to prevent. So, I would think that that 40-inch freeze line along with the rock and cement it gonna be important because that's my area. I'm gonna make sure that aesthetically it's--stands tall.

Baringhaus: Sure. One question, you kind of touched on it with landscaping, you mentioned that you were adding some foliage to the front of the fence. Did you have any other discussions with your neighbors regarding landscaping and the fence? I noticed with your fence in particular you do have trees behind it which kind of assists it with blending in and plus the addition of the color tones it down. Did you have any questions in that regard?

T. Berry: No. I mean, the inside my wife did a great job. The outside, there wasn't really too much we could do, had--you know--had I thought about it, maybe I would have moved it a foot back and put a bush in front of it, but that wasn't the thought process at the time. I was trying to get it dead straight with the sidewalk, so coming back a foot where the other fence was, I thought, would be perfect, not thinking--you know--that we'd wanna put something in front of it.

S. Berry: Tom.

Baringhaus: Mrs. Berry, if you have a comment, please just--podium and share it with us. Thank you.

S. Berry: Yes, I do. I've already planted about six feet apart the poison ivy which grows really fast and it's already falling off, so that's gonna cover most of it. We'll maintain it. You will not be seeing much of the wood of the fence beginning maybe summertime.

T. Berry: Is it poison ivy?

Baringhaus: Is it--

S. Berry: I got it from the neighbors.

Baringhaus: Well, thank you for the warning.

S. Berry: Okay, maybe it's not, but it's something of that like, so that's gonna go and cover it and it's gonna be a green, beautiful looking fence.

Baringhaus: Okay. Very good. Any--any other additional questions from the Board?

Turbiak: Yeah. Mr. Chair.

Baringhaus: Yes. Mr. Turbiak.

Turbiak: Yeah, maybe just some comments, I guess. Just to clarify, it's Mr. Turbiak--

T. Berry: Turbiak. Thank you.

Turbiak: --but Mr. Joel--Mr. Joel's okay with me. I understand. Or--you know--if you call me Mr. T, I'm gonna have to pity you. You know--in the--I think it was the last meeting, I was looking for a foliage plan--you know--something in writing or something. What you've given here verbally, I understand where you're going with. I'm not gonna say come back with a plan. But just to be clear, I wasn't asking for you to put the foliage in to--I mean, it's--you know--it would be worth more visually, right? We could see it.

T. Berry: Yes.

Turbiak: So, that's good, but all I was asking for to be clear was just a plan--you know--written or pictures or something.

T. Berry: I didn't realize that. I thought you wanted to start the foliage because what I did is I took a--I took a middle eastern--middle eastern vine--it's a Jasmine, and we planted it by the patio so we could start it and once it grew, we could transplant it. And then we took two of those purple--what are those purple things called? Clematis?

S. Berry: Clematis.

Turbiak: Oh, yeah, Clematis.

T. Berry: The Clematis. And we started them. But the deer are enjoying them, so it's like okay, we have to wait for springtime and maybe just move them out there and let them grow.

Turbiak: Okay. I mean, I don't see that we're gonna have a lot of public contributions in this meeting, based on the size of the audience here, but I just wanna also mention that--you know--in my previous understanding at the end of the last meeting, it sounded like there was an interest in getting public input in this because it was forward facing to the community. Did--and again, I think you were interested in and motivated to be involved in those. You were saying, hey can someone from the council call me--you know--inspection department call me. Did anything like that happen that you're aware of.

T. Berry: Yes.

Turbiak: Public interest outside of the subdivision of Frankavilla?

T. Berry: I did speak with--I believe the gentleman's name is Bob from the inspection department--supervisor and we spoke at great length for several--several times we did. I did speak with Mr. Fisher at one point. Outside the community, there wasn't anybody, but within the subdivision there were people that approached me that lived within the subdivision telling me that they were really happy that I stained the fence and it looks so much better now, so they were happy with it aesthetically and I didn't wanna put them on the spot by saying well, would you sign this form because some people--took them enough nerve just to come up to the house and say we really like the fence, so.

Turbiak: Mmhmm. No, I appreciate that. So, the next question I have is, it sounded like, again, we're a Board made up of individuals here, but--you know--Chairman Coppola's not here tonight to talk, but one of the things it sounded like he was requesting is--is agreement to all put in the same fence versus what you've seemed to provided which is an agreement if they put up a fence it would be like, which is a little bit different in that--

T. Berry: Be--repeat that if you would.

Turbiak: Sure. Sure. So, your form that you presented in our packet says--you know--I neighbor A, B, C, if I'm gonna put up a fence I'm going to make it look like Mr. Berry's.

T. Berry: Yes.

Turbiak: It doesn't have any requirement that they do put up a fence.

T. Berry: Well--that they do?

Turbiak: They're not--they're not required but--

T. Berry: They are not required. It's their choice. If they decide to put up a fence well then, it's going to be like that fence. If they decide they don't wanna put up a fence, because this is costly for some people--

Turbiak: Oh, sure.

T. Berry: --I did this by myself so I saved a lot of money but other people don't have-- they're not capable of doing so, it'll cost them a few \$1000. So, if they decide they don't want it then that's their prerogative.

Turbiak: I fully agree, and I fully understand what you're saying about the costs. One of the other things that I remember you saying is that you were interested in making this look right for the community. So, this is my subdivision I want this to look good I don't want this to be Hodgepodge, right? So, my concern is that if there's not--and I'm not saying it's easy, again, no one's--don't--don't get me wrong, I think what you've done is very admirable as Mr. Fisher pointed out, it's impressive but again to keep it from looking hodgepodge--and I also want to mention--you know--as one board member my opinion is I don't wanna see 100% identical all the way down either you know what I mean. I think that has--you gotta strike the right balance of in the same frame but not cookie cutter exactly the same. That's why when developers build neighborhoods they limit what houses can be built close to each other and things like that, right? There's a certain aesthetic value to slight variations--

T. Berry: I think that responsibility's gonna lie on this Board. Because they're gonna come before you again.

Turbiak: Sure. Sure. There's a--many ways to approach this. And again I'm not saying I have the solution, I'm just expressing and trying to see what you've done to address this concern up avoiding the hodgepodge look, right? So, just imagine for example that again nine out of ten-- I think there's like maybe twelve houses between McNamara and Six Mile.

T. Berry: There's 22 actually.

Turbiak: Well, just to McNamara, right?

T. Berry: Okay, yeah, McNamara.

Turbiak: Yes. You're right. To Curtis there's--I think you're closer, if not, I'm sure you're right. You did the math. The point is, imagine just from McNamara--

T. Berry: I agree.

Turbiak: --just to simplify--and then one of them right in the middle has no fence and no foliage maybe even and no split rail fence, that's gonna look--that's gonna look awkward.

T. Berry: Yeah, but now we're going on an assumption and really, we can't--you know.

Turbiak: Well--well, but if we leave the--if we leave it open to that, that's my concern. Again, I'm just one Board member.

T. Berry: Yeah, that's where I thought this in our last conversation would cover anybody that decided to put up a fence because I know the lady that did not want to sign this is not going to put up a fence.

Turbiak: Right.

T. Berry: You know. And I know the majority of the people there are not going to put up fences. Majority of the people there are happy with their shrubs, their trees, they like them. One person, who happens to work for the city, redid his split rail fence, so he put some money into it, just that cedar fence--expensive.

Turbiak: Mmhmm. Mmhmm. So, I guess to my point, I don't disagree with what you're saying at all but if it's going to look like an intentional development I think was one of the terms that somebody used in the last meeting, it almost has to be an intentional project of the entire--again maybe you just start with South of McNamara instead of going all the way to Curtis, something like that. And I think it was, again, thrown out there loosely, I'm not saying that this is easy to do, that something could be arranged with the council and maybe there could be some funding--you asked about grant money for trees. Maybe for the neighbors that just can't afford it, there could be some subsidizing or--you know--some group contributions and maybe, again, I don't know what other funds or grants are available, I'm not familiar with this but I think that would go a long way to the aesthetics of it.

T. Berry: I agree.

Turbiak: Okay.

T. Berry: I agree.

Turbiak: Okay. And again, well, I think you've already made your comments about your intentions to put foliage--you wish you would have put it a couple more feet back so you could put some bushes in there. It sounds like you're gonna do the best with what you got.

T. Berry: Absolutely.

Turbiak: And I appreciate that.

T. Berry: Thank you.

Turbiak: I think that's all the comments I have and questions. Thank you, Mr. Chair.

Baringhaus: Okay, thank you. Any other questions for--I do have a couple questions. Going back--

T. Berry: Yes, sir.

Baringhaus: --when you started this down this road, Mr. Testa made a point that you had some choices at that point where you could have went with like a screening fence around your patio, maybe shades on your rear windows to reduce the lighting that's coming in from Farmington Road. Why didn't you pursue those avenues?

T. Berry: I don't recall the--the shade itself--and like I had touched on when we first purchased the house, there were--there were plastic shutters on the outside and the house had been on the market for so long that I had assumed that those plastic shutters were there to prohibit anybody from coming around the back and looking in. Little did I know, January 9th, when we closed on the house, and we got there for the first night that lights were just shining through. I thought to myself, oh my God, I said, now I know what these shutters are there for. So, we didn't think we could put shades up in front of it again because the patio window had to be--or the patio door had to be replaced, so we knew we were running into a expense there, and we looked at the shrubbery and it was--we thought it would fill in greater than what it did because it was January and we thought well, once spring comes it's gonna grow and it's gonna look a lot better. Well, it didn't. When I went out there and I started looking at the fence itself, it was coming down, and I knew I'd have to replace it. Any way I looked at it, I had to replace the fence. So, that's where I went--pursued with the city inspection department apart putting--repairing a fence, putting up a fence, and so on and so forth.

Baringhaus: Now, the city ordinance called for the fence to be 35 feet back from your rear property line, what persuaded you not to do that.

T. Berry: Well, my first call to the city--my first call was for a homeowner's association in the subdivision and there was not one. I then called the city, and I don't have the name of the person that recommended I went online to check the ordinance and you can find it online. I couldn't find anything online that said that there had to be this setback, because my intention was to make the repair to the fence that was there. I didn't wanna have to move it back, but I didn't know I needed to move it back. Then when I went down to the city and I was told that I didn't need a permit and that I didn't need to go down 40 inches, I was happy. I left out and I went and bought my material and came back and I started putting the fence up. It was only when I was finished with the fence, the day I was finished with the fence, that I was told that I needed a permit. I needed to come down to the city, at which time they told me these are the requirements. And I said, well, I don't know what to do at this time. They say, well, you need to go before the zoning board, so that's how that whole thing worked out.

Baringhaus: And then just one last question, more curiosity. You do have a gate on your yard?

T. Berry: Yes, sir.

Baringhaus: Okay. I noticed you didn't paint the gate. Are you planning on replacing that or?

T. Berry: I don't--well, I don't know if it's the neighbor's or mine.

Baringhaus: Oh, okay. I just think, you painted the whole fence, and the gate wasn't painted. I was just--okay.

T. Berry: Yeah, well--yeah, I didn't know if that fence was mine or the gate was mine or his. I'd be happy to replace it, but--

Baringhaus: Okay. Like I said, just curious.

T. Berry: --if I do, that means I replace the pole on his side, because it has to be higher.

Baringhaus: Sure. Okay. Okay, very good, thank you. Any other questions for Mr. Berry?

Testa: Mr. Chair.

Baringhaus: Mr. Testa.

Testa: Mr. Berry, thank you. I do appreciate your efforts here to get a 90% success rate on signatures. If I ever run a petition drive, I may contact you to help out with that. You know, totally subjective question, when you were talking to these neighbors, how many of them do you feel would put in a fence? Last meeting, we had I think two or three that came forward and said we would like to do this as well.

T. Berry: I know neighbors on both sides--two to my North and one to my South and that's about it. There's one gentleman on the corner that put in the trees--the arborvitaes. He put in 20 of them. I think 15 died. But he's on the corner, and what he doesn't understand is that the ordinance states that a dual frontage is any home that backyard sets on a main street and front yard sets on a main street, except a corner. So, he's on a corner. He's been fighting to put a fence up, but he just didn't read the ordinance. He doesn't need to fight that fight. The ordinance clearly states that he's on a corner, so he can put a fence up. Poor guy put all these arborvitaes up and they died. I think he spend just over \$1200 on arborvitaes, so he may in fact put a fence up.

Testa: Okay. So, you're thinking probably five, roughly?

T. Berry: Max.

Testa: Okay.

T. Berry: Yeah. Yeah, because everybody else, their yards are pretty full, and they seem to be pretty happy with where they're at.

Testa: Okay. Thank you.

T. Berry: Thank you.

Turbiak: Mr. Chair.

Baringhaus: Yes, Mr. Turbiak.

Turbiak: To the inspection department. Mr. Stierna, what Mr. Berry just said about the corner lot sounds right to me, but instead of trying to whip through the inspection--or the ordinance real quick, can you comment on confirming that?

Stierna: A corner lot actually is treated almost like--in his case it would be almost like a three sided--on three main roads for this case.

Turbiak: Sure, yeah.

Stierna: There is some side yard restrictions that would also affect a fence setup in the case of a corner lot, so it--that one gets a little bit convoluted because of the nature of a corner lot that also has a backyard facing a main street.

Turbiak: Okay, so, that means--

Stierna: So, he would still have to be in compliance with the 35 yard--35-foot setback--rear yard.

Turbiak: On the rear yard, but--

Stierna: Because you can line up with--facing another fence on the side yard or the rear yard in this case--again, in this case he couldn't line up with anything other than the 35-foot setback.

Turbiak: Okay, so he'd really be no better than the interior lots that are not corner lots.

Stierna: He's a little bit more hamstrung actually. Corner lot's a little bit more hamstrung.

T. Berry: Mr. Stierna.

Stierna: Their side--setback has to (inaudible) with another fence or the side of their house.

Turbiak: Okay. I let--if Mr. Berry has a comment I let it, and then I got a follow up.

T. Berry: I was just--I was just curious because I think that situation exists in several other parts on the city, and I know that's not my battle here, and the right thing to do would be just shut my mouth, but just out of curiosity because there is that situation in several different parts of the city, but their setbacks aren't 35 feet.

Stierna: On corner lots?

T. Berry: Yes.

Stierna: Yeah, the corner lots have a setback based on what's behind them, what's to the side of them--

T. Berry: Okay.

Stierna: --that one, I could probably spend 15 minutes describing the situation--

T. Berry: Okay.

Stierna: --on any type of lot. It has to do with which way the house behind them faces as well.

T. Berry: Okay.

Turbiak: Okay. I agree, Mr. Berry. I don't wanna get into to (inaudible) on that one. Sorry about that. But I'm gonna try and maybe touch on the weeds on this one. So, you mentioned something about how fences need to align with other fences, right? I don't remember reading that in the ordinance, can you--can you educate me a little bit on that? Because one thought that I had in thinking through this thing and trying to look at it from different angles is--you know--there's a lot of existing foliage there. Maybe there's people that want a fence and they don't wanna put it on the street side of the foliage, maybe they wanna put it on their home side of the foliage and to me, again, that might be beneficial to the view from the street because you have that foliage kind of blocking out the fence, it's already existing, it's mature, maybe it's not so mature that it's gonna die soon, but then that would inherently result most likely, if two neighbors did something like that, they might not find that it's opportune or possible to put them at the same distance from the sidewalk--from the road, whatever. They might not align. So, is that something that the ordinance prevents? Setting aside the other condition that--you know--we're talking about. Just fences aligning. Is that something that the ordinance prevents or is it up to the Board or how is that handled?

Stierna: It is written as layout--an exemption to the rule.

Turbiak: Okay.

Stierna: Okay. And it has to do with preexisting fences.

Turbiak: Okay. So, is that something that comes before the Board--the Zoning Board?

Stierna: That would not come before the Zoning Board.

Turbiak: Just the inspection department?

Stierna: That's given to the director at his discretion.

Turbiak: Mr. Hannah?

Stierna: Correct.

Turbiak: Okay. Thank you very much for entertaining all these questions. Thank you.

Boloven: Mr. Chair.

Baringhaus: Mr. Boloven.

Boloven: One quick question. Mr. Berry. The owner at 17652 Vacri. What was the reason for that one? That out of the three reasons why that one didn't sign?

T. Berry: 176--

Boloven: 17652 Vacri. Looks like it's two houses North of McNamara. It's one of your three unsigned.

T. Berry: Wait a minute. That's Lauren?

S. Berry: Lauren? Lauren was here.

T. Berry: They signed it.

Turbiak: If I may--it says cannot be found. I think that's the neighbor he couldn't contact.

Boloven: Thomas and Melissa Maxwell.

Tubriak: On the page--

T. Berry: Oh, that's--oh, no. Yeah, that's--I tried those people like three times--four times. Like 7:00 in the morning, like in the afternoon, in the evening, I--I just couldn't find them. Just my luck, I don't know.

Boloven: Thank you.

Baringhaus: Okay. Any other questions? Okay, very good. Just stand there for a minute, Mr. Berry. If there's any audience participation? Any comments? Okay, very good. Now, will Secretary read the letters, please.

Klisz: Sure. We have one letter. Letter of approval, Mary Catherine Agee-Buchfinck B-u-c-h-f-i-n-c-k (Letter read.) Letter of approval Mary and Rudolph Saenz, 17269 Vacri Lane (Letter read.) Letter of approval Phaedra P-h-a-e-d-r-a Johnson, 17310 Vacri, (Letter read.)

Baringhaus: Okay. Thank you very much. Mr. Berry, would you like to make a closing statement, please?

T. Berry: No, I--I appreciate your patience. I appreciate the process. I would say, Mr. Baringhaus, if there was any misunderstanding between us, I apologize. I know that you have the best interest of the city at heart, and I respect that, and if I don't speak again tonight, I hope you all have a great holiday year.

Baringhaus: Thank you, Mr. Berry. Appreciate it. You can have a seat now, please. Okay, we'll close the public portion of the meeting and begin with our Board comments, Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. So, I'm not sure that I'm ready to approve this. I do--I do appreciate the situation that Mr. Berry's in. I do, as was mentioned in the previous meeting, recognize his comment or argument if you will that--you know--at the time that these houses were built in the way things were aesthetically at the time, the split rail Fences were probably very appropriate and overtime things have changed, so I do recognize that. So, I think something--I would like to see something workout for sure. my concerns and hesitations around the lack of public input up to this point. I'm a little surprised--disappointed I don't know. You know--that that process doesn't seem to have gone through fruitfully. I do recognize and appreciate all the efforts that Mr. Berry had gone through to collect the signatures. I understand--I consider a very good faith effort. however, I think it just falls short given the implications this has on the community as was highlighted several times in the previous meetings that this is a highly traveled area. It's gonna be very visible from the road. So, I have some hesitations around that. So--you know--unfortunately I don't know. I felt like part of it was--at least the way it was communicated in the meeting that Mr--Chairman Coppola, who's not here was going to be to facilitate and lead this--this process. maybe something was clarified after that and I'm not aware of or maybe I just have a misunderstanding, but I don't think this has the public input that it really needs and one thing--option that was mentioned at the last meeting was--you know--potentially involving City Council with an ordinance change and I know that that can be a lot. I think I recall Mr. Berry saying that that is impossible--you know--and he has--had mentioned that he's willing to kind of be the sacrificial lamb and put the effort in there, which again, I really respect--this is not an easy job that he's either found himself in I guess, but--but as I mentioned I think the character of the area has changed and it's an appropriate direction to go in in my opinion. So, for those reasons I'm likely going to be in favor of a tabling at this time.

Baringhaus: Thank you, Mr. Turbiak. Mr. Klisz.

Klisz: I was in favor of it last time. I didn't think that forcing the petitioner to go around and get signatures of his neighbors was even necessary and yet he did it anyhow. you cannot force someone to get a fence. So, very simple, what we've done is just outlined if they want to get a fence, then obviously it's gonna come before us and we know what's going to be consistent. I think it looks great and not everyone's gonna have the same look on that street and that's okay, but at least the people who did sign the petition know

about it, they've seen it, they understand the implications of making their fence look like Mr. Berry's fence, and then it would be coming before us. So, it's in the record. We know about it. Obviously, the Board can change over time, but if any of these folks come forward, they would know what to do and how to make the fence look similar. So, based on that, I will be in support.

Baringhaus: Mr. Boloven. Thank you.

Boloven: I agree with Secretary Klisz. I'm also in support. I've been in support of this since the beginning. More so for consistency in the community. There's other subdivisions that have it. I appreciate the uniqueness of the property, its location. That it's developed more on the Northeast corner of Farmington there--that traffic does shine into your area and causes noise. My concern is is this neighbor that I'll started all this, is--didn't sign this document. But the way around that, is the fact that it's gonna be policed by this Board. Any single fence that's gonna go up on there is gonna come before this Board. We can set the conditions that it's gotta match and we can go forward with it. So, with all that being said, I would be in support, conditioning it that it's as presented. We have a caveat in the file that if anybody comes back in front of us and due to this being an enforcement, probably a double permit fee, just because it was put up without a permit. Thank you.

Baringhaus: Thank you. Mr. Testa.

Testa: Thank you, Mr. Chair. I can also be in support of this. I do appreciate the leg work on Mr. Berry's part, getting input from all the neighbors and kind of sign off that if they do put in a fence or request to put in a fence through a variance through us, it's going to be conforming and in terms of the kind of look and appearance and height, so we'll have some control over that. So, you have 19 of your neighbors on record, and obviously those neighbors can change over time, but it is documented, so I do appreciate you taking that effort. Thank you.

Baringhaus: Okay. Thank you, Mr. Testa. I've had some serious reservations about this case from day one because you're basically taking an established area that's been a highly visible green area for the city for years, and now you're introducing a new dimension into it, which is a privacy--a six-foot privacy fence. That seems to be counter to the trends running in the city today, especially with newer developments. You're seeing a lot of green space being used--especially on double sided lots, to provide privacy--you know--from traffic. I see a lot of that on Newburgh between Six and Eight Mile for example. I just, at this point, I feel that the fence really represents a will to actually generating consistency in the area because the area generally has split rail fences with green space and that area is very consistent, almost down, at least to Curtis, if not past Seven Mile, and there's this distinctly absence of privacy fences along Farmington in that area as well. So, I'm very hesitant to introduce that dimension in it. I think it would destroy the area. I think we really gotta look at the environmental impact as well because of--I think we've seen a lot of tree removals, as Mr. Berry indicated, he removed a number of bushes and trees to install that fence. Now, if your landscaping

does need to be updated from time to time, and that's a normal process of any type of home maintenance but based on my feeling that I think you need a consistent look in the area, it's a highly visible, highly green area, it's been that way for years. I think Francavilla actually led that trend when that subdivision was built, rather than relying on a row of privacy fences or chain link fences, it elected to go with a green barrier between the property lines and the road, so, based on that, while I do appreciate Mr. Berry's efforts on securing his neighbor's support for this, I just don't think it's really in the spirit of the city ordinances to introduce that type of structure into an area that's been historically a green belt for the city. So, based on that, I'm not in favor of supporting the variance. Floor is open for a motion.

Upon Motion by: Klisz. Supported by: Turbiak.

RESOLVED: APPEAL CASE NO. 2021-05-20 (Tabled on June 29, 2021): An appeal has been made to the Zoning Board of Appeals by Thomas Berry, seeking to maintain a six-foot-tall privacy fence, erected without a permit, at the rear of a double frontage lot, resulting in deficient rear yard setback.

Rear Yard Setback:

Required:	35 feet
Proposed:	zero feet
Deficient:	35 feet

The property is located on the east side of Vacri (17202), between Vargo and McNamara, Lot. No. 036-01-0018-000, R-3C Zoning District. Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090A(3), "Residential District Regulations," **be tabled to be brought back before a full Board.**

T. Berry: Mr. Chair.

Baringhaus: No, you're--you've had your closing statements, sir.

T. Berry: Yeah, but I didn't know--do you operate by Robert Rules of Order?

Baringhaus: We operate by Robert Rules of Order. You've made your closing statement. That portion--

T. Berry: Yeah, but don't you need a majority--

Baringhaus: --is done. We're not voting to make a decision, so.

T. Berry: So, why don't you just take me to Circuit Court. I'd love to go to Circuit Court because it will cost you \$350 an hour. It will cost me nothing. Everything will be pro bono.

Baringhaus: Sir, you need--you need to sit down. Be quiet.

T. Berry: I am sitting down.

Baringhaus: You need us to--you need us to complete our business.

T. Berry: Because what you're doing is completely unfair. As far as I'm concerned, it's--

Baringhaus: Sir, I'm gonna ask you to be quiet. We need to finish your case right this moment. Your portion of the meeting, you made your final statement, that portion is now closed.

Boloven: I wanna ask a question to Mr. Fisher. Can I do that--

Baringhaus: Sure.

Boloven: I know we're in the middle of a vote but--

Baringhaus: Please.

Boloven: Mr. Fisher, just for my clarity based on what was just said, is it three out of five here, or do we need four?

Fisher: No, you need four because that's the law where variances are concerned.

Boloven: Thank you. Aye.

ROLL CALL VOTE:

AYES: Turbiak, Boloven, Klisz, Baringhaus

NAYS: Testa

ABSENT: Morgan, Coppola

Klisz: Passes 4-1.

Baringhaus: Okay, Mr. Berry, at this point your case has been tabled based on the direction of the Board for additional information and turn in feedback from the community on the--your proposal to allow these fences to be built along Farmington Road. As I mentioned earlier, our next open meeting will be on December 14th. If you wish to be scheduled on the agenda for that meeting, you'll have to have your case filed by November 15th.

T. Berry: You need to be more specific as to what you're looking for from me because I already met what you have asked me--asked of me.

Fisher: Mr.--

T. Berry: And I spoke with Mr. Fisher.

Fisher: Mr. Berry, I would say this.

T. Berry: Yes.

Fisher: And the principal reason this is tabled is because this is a seven-member Board, and two members are absent.

T. Berry: Then why, Mr. Fisher, did you even conduct a meeting if you knew you lacked-

Fisher: Wait, wait, wait, wait, wait.

T. Berry: No, no. You lacked the membership to take a vote.

Fisher: We--this happens--this is a--we have many, many meetings where we don't have seven people showing.

T. Berry: I'm asking you a question. Why did you--why did you have a meeting, knowing that you did not have a full Board here to hear the case and vote on it properly.

Fisher: That's actually routine.

T. Berry: No, it's not routine. On the Robert Rules of Order, you have five members here, a majority--a majority would rule.

Fisher: But Robert's Rules of Order doesn't overrun the ordinance or the statutes of this state, so.

T. Berry: They just got done telling me they operate under Robert Rules of Order.

Fisher: Well, yes, but that's a lower--

T. Berry: Well, you're contradicting yourself.

Fisher: --no, I am not contradicting my statement. And I don't understand why you're arguing about this.

Turbiak: Mr. Berry, you keep interrupting. If you want to understand, you should listen. Just--in all charity, I suggest, please listen. When you ask a question, just listen.

Baringhaus: Mr. Berry, Mr. Fisher (inaudible). Don't get argumentative with him.

T. Berry: Go ahead, Mr. Fisher.

Fisher: Yeah, no.

Baringhaus: Go ahead, Mr. Fisher.

Fisher: The--the ordinance and the statutes require you to have four members--a majority of the Board, not a majority that was present.

T. Berry: Majority of the Board?

Fisher: Yes.

T. Berry: What do we have here?

Fisher: That's a majority--you're talking about a majority that was present. You have to have a majority of the Board. You have to have--because this was a seven-member Board, you have to have four people to grant a variance.

T. Berry: Then why did we have a meeting? Why was the meeting not cancelled?

Fisher: If you remember, you were given the option at the outset of this meeting to wait to be heard by a full Board, and that was the reason that that option was given

T. Berry: You heard my question. I didn't know that the operated under Robert Rules of Order or not. It wasn't until after they decided to table it because they didn't have the votes and I asked if they operated under Robert Rules of Order.

Fisher: Well, as I say, at the outset, you were given the opportunity to--

T. Berry: You're correct.

Fisher: So, that was the reason for that. I'm sorry if there was some misunderstanding that rose about that.

T. Berry: Then you needed to be specific at the time saying, Mr. Berry, although we're hearing your case, we don't have a majority here to vote on it. That would have been appropriate.

Baringhaus: Again, back to Mr. Fisher's comment about the fact, at the beginning of the meeting, at the opening statement of the meeting, you were given the option to decline hearing--let me finish--you were declined--you were given option to decline having your case heard tonight and being rescheduled as Mr. Fisher stated. You declined that option. You went forward and heard your case. As Mr. Fisher stated, it's--you didn't have the benefit of the full Board. You didn't have the number of votes tonight to get your resolution--your case passed. This is why we tabled it, so that you would have the advantage of a full Board to be heard.

T. Berry: No, no. You tabled it--he tabled it. Mr. Turbiak tabled it because--

Baringhaus: I'm sorry, Mr. Fisher, we've really closed the case at this point. Do we need to continue with this?

Fisher: Why don't--if you want to, I'll go out in the hall with you, and we can discuss this while they do their other case?

T. Berry: Why--why don't we just vote to deny it so I can take it to Circuit Court.

Baringhaus: No. We're done. We voted to table.

S. Berry: What are we doing next time? Are we--

T. Berry: I don't know.

S. Berry: --guaranteeing seven members being here next time? Are we coming here--

T. Berry: Did I fulfill what you've asked of me?

Baringhaus: What I've asked for you is that if you wish your case to be heard, you'll reschedule it for December 14th. That's what I told you.

T. Berry: According to the Chair that's not here this evening and Mr. Fisher, they wanted me to go down Farmington Road--

Baringhaus: Again, Mr. Fisher, are you gonna discuss this separately?

Fisher: Yeah, why don't we--why don't we do that.

Baringhaus: Thank you.

APPEAL CASE NO. 2021-05-20 (Tabled on November 16, 2021): An appeal has been made to the Zoning Board of Appeals by Thomas Berry, seeking to maintain a six-foot-tall privacy fence, erected without a permit, at the rear of a double frontage lot, resulting in deficient rear yard setback.

Rear Yard Setback:

Required: 35 feet
Proposed: zero feet
Deficient: 35 feet

The property is located on the east side of Vacri (17202), between Vargo and McNamara, Lot. No. 036-01-0018-000, R-3C Zoning District. Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090A(3), "Residential District Regulations."

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: Motion to remove appeal case 2021-05-20 from the table.

Testa: Second.

Coppola: Alright, I have a motion by Mr. Boloven, supported by Mr. Testa to remove from the table. All in favor?

Board: Aye.

Coppola: Okay. Alright, Mr. Berry, if you could step up, name and address first, please.

Berry: Tom Berry. 17202 Vacri Lane.

Coppola: Alright, thank you, Mr. Berry. If you would please, since we have a new member here tonight, if you could just give us a little bit of background on your petition. I'd like to hear a little bit of the explanation in regards to how the fence got up without a permit and then I'd like to understand what the hardships are.

Berry: Thank you. Welcome to Board, Ms. Oliverio.

Oliverio: Thank you.

Berry: In January, I think it was last year, it would be 2020. I purchased a home on Vacri Lane that backed to Farmington. At the time, the bushes that were there, I was told was--hadn't grown because it was the middle of winter. Accepting that, not that it would have changed my mind in anyway, but I thought there would be enough bush there the light that comes in from across the--across the Secretary of State in the parking lot that was there. I moved into the property September 9th I think it was and I went through that

entire winter now realizing why there was this plastic--plastic shield over the--over the family room patio door. Thinking that is was there originally because the house had been vacant for so long. They didn't want anybody looking in the windows. But as it turns out, in the evening, we get the lights from across the street and in the morning, we get the lights in the bedroom from across the street as well, without the fence being there. So, I think it was March--my dates might be a little off, but I think it was March that I began reading--or trying to read the ordinance regarding the six-foot privacy fences and I knew I already had a fence there, so looking it up online I couldn't find it. I did call the ordinance department and asked them what the policy was, and the gentleman told me it's online or you'd have to come in. So, knowing that I couldn't find it online, I went in. I went in and I spoke with a gentleman at the counter, and I explained to him that I have a fence that's coming down in my yard. It's--I didn't tell him what type of fence it was. I told him that I wanna replace it and he had told me that I did not need a permit to replace it. I said well, how many feet do I have to go down, because I'm sure there's gotta be some ordinance that says your fence has to be at the freeze line or something along that line, and he said no. He said you don't need to. He said that's maybe overkill. So, telling me I didn't need an ordinance--or I didn't need a permit and that I didn't need to go down a certain depth, I went to Home Depot and bought my \$1500 worth of six-foot privacy fence. I put it in myself. It took me a week. It took me a solid week. I went down 42 inches. I laid rock on the bottom and I put--I put a bag of quickset through each post, so, if anybody was to come ask me about it, I know it was done right. Well, the day I finished--ironically, the day I finished there was a card on our door--on our car door stating that they were from I think the inspection department and I needed to give them a call. I called the gentleman up that day and told him that--he said you need a permit for that. I says I was down to the inspection department already or to the planning commission or zoning and they told me I didn't need a permit. He said okay, thank you very much, hung up the phone and we were finished with the conversation. I was rested that I was finished with it. Two days later I got--or maybe the next day I think it was, I got a call from him again saying you need to get down to the city. You need a permit for that, and I said, okay, let me come down, find out what I have to do. I went down and I explained to the gentleman--different gentleman at the desk that I had a conversation with somebody that was there. He said that person--I'll say was mistaken and didn't relay the proper information to me. The fence has to come down or you'll have to go before the Zoning Board. My first time before the Zoning Board I think we came to a three-to-three tie which tabled it or they decided to table it until they could get some more information. The second time I appeared at the board here, I gave the Board members a list of twelve properties in the city whose zoning matched my zoning, yet they all had privacy fences. At that meeting, I was instructed to get a signature or petition the people along Farmington Road from Six Mile to--I forget the name of that first street there, anyway, that sub has 21 houses on it. I petitioned them. All of them signed it. I have a copy for you if you'd like to see it. If I may, Mr. Coppola.

Coppola: It's in our packet, but--

Berry: Do you have this?

Oliverio: I think so. Yes.

Coppola: It was in our packet.

Oliverio: I'll take it.

Berry: Thank you.

Berry: So, on here you'll see, I think I have 20 signatures or nineteen. The reason I have that many signatures is the one gentleman, I could not get to save my life. I don't know where he is. I don't know where he was at the time. I went at like 7:00 in the morning and 2:00 in the afternoon, and 6:00 in the evening, and I couldn't find him. The other one that's not on there, I think it's pretty obvious to say, she--I said originally that she didn't want anything to do with it, but I believe that she was the one that--and I shouldn't even say that--that made the call. I was told in the department when I went down to apply for my Zoning Board meeting application that had nobody called, this would not have been an issue and I respect that. I get it. It just doesn't sound like it's the right way of doing business, but this is not my business. So, at the last meeting, I believe we had a five-member board here, and the vote came down to I think three to two in favor, but I--I thought that what they needed was the majority of the board in attendance, not the majority of the board as a whole, so I thought my three to two would suffice and obviously it didn't. I got a little emotional. I let myself get out of hand. So, here I am again today with a full board hoping to seek your approval for the permit.

Oliverio: Thank you.

Coppola: Any questions?

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: Mr. Berry, at the last meeting you said it was an oversight that you didn't get the signature from 18014 Vacri, what's--did you receive it this time?

Berry: No and the reason I didn't--forgive me for saying, but it wasn't an oversight because that house sits on--like a corner. I don't know if it sits on Vacri lane or not. I think it has about four foot on Farmington Road and honestly, I didn't feel like chasing it down and I thought to myself, you know what, this may not apply anyway. I'm gonna take a shot and just not knock on the door and bother her. So, I didn't bother her intentionally.

Boloven: Okay. And did you attempt to make additional contact with 17652 Vacri after the last meeting?

Berry: No, I did not.

Boloven: Thank you, Mr. Chair.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Thank you. Yeah, Mr. Berry. I'd kind of like to revisit some of the hardships that you listed on your original application to the variance itself. Under your explanation of practical difficulty, you indicated that your property was across the street from the strip mall. After various conversations, we agreed your property is actually--basically North of the strip mall itself and my question is, the light that you're getting from the traffic coming from that mall, is that traffic--are you getting light--headlight beams basically from right hand turns coming out of that lot or left-hand turns? Or both?

Berry: I know that Mr. Baringhaus, you've gone out or somebody had measured the driveway for you and told you that there was a four-foot discrepancy as to where it lines up directly to my --my family room but I will tell you, at that 50 foot distance if you will, that--that driveway sits above and when those lights come through--because they're coming from--they're coming from the South side. So, when they're coming from the South side, they're going to be--beaming directly at my family room and in my bedroom. Whether they turn or they turn left, that beam comes through there because that driveway from the strip mall is at the end of the strip mall. Now, there is another driveway directly next to it from an office plaza that I think is vacant, yet there's plenty of activity that comes in and out of it. So, to answer your question, whether it's four foot off or not, I tell you, Jim, you gotta come and sit in my living room or stand in my bedroom and watch the lights come though. Honestly, I'm not here because I wanna give your guys a hard time or do something--you know--to deceive you. It really is what it is. I didn't wanna spend \$1500 on something I don't need. My wife is a naturalist. When I took those bushes out, she was mad at me. Just the same, she told you guys she put up poison ivy last time.

Baringhaus: No, but (inaudible) my question was to determine if the light was hitting your home--

Berry: It is, sir.

Baringhaus: --directly from that driveway or at an angle based on turns.

Berry: From--from--from--from both.

Baringhaus: From both.

Berry: Yes sir.

Baringhaus: Very good. Do you know the approximate distance from the back of your home where your family room is and bedrooms that you indicated early to that driveway?

Berry: To which driveway? The driveway across the street?

Baringhaus: Driveway from the mall. Yes.

Berry: I didn't count, but it's a five-lane highway with the center--with the center turn lane, so based on that, I'm gonna say that road is what, 50 foot, plus, the 30 foot from the road to the side walk, plus to my family room would be another 40 feet, but with LED lights it doesn't make a difference.

Baringhaus: Basically--okay. Basically, the driveway--the measurement from the driveway to the back of your house is 184 feet. Do you know the distance of what a low beam is on a vehicle? The distance it travels? It's 160 feet.

Berry: Yeah, I can get that tech--

Baringhaus: I guess my--I guess my question is this. You're 184 feet from that driveway. The distance for a low beam headlight is 160 feet. I was just curious, how is the intensity of light in your home? Is it very bright or you just know that there's a car out there and you're seeing its shadow? An outline on your drapes?

Berry: No. LED is far different than a standard light and I won't challenge the technical aspect of it because I'm sure you've done your homework and I'm sure it's right. Every person is different. My--I have sensitive eyes. My wife has sensitive eyes. I mean, you may sit there and find it--you know--not--it not bother you, but I think just every human being is different.

Baringhaus: Did you try correcting the problem with blinds, drapes, items like that?

Berry: Well, we are changing the patio door now.

Baringhaus: Okay.

Berry: Because we're still getting light, but the light now is like just hitting the ceiling of our home right--or the--yeah, the ceiling and the top part of the wall.

Baringhaus: Okay. Also, in your explanation of your hardship you indicated that the activity from the Secretary of State's office was uncomfortable for you?

Berry: Yes.

Baringhaus: Especially, on the weekend, you felt people were gawking and invading your privacy in your yard. I was wondering if you could explain that given the distance from your home to the Secretary of State's office in the mall.

Berry: I can give you an example. It was summertime and I was cleaning up the backyard and I was putting wood together from cleaning up the backyard to clean it up and I was gonna burn it.

Baringhaus: Mmhmm.

Berry: And I had somebody walking by telling me that--asking me, do you plan on burning it? And the answer was yes. And I did have it in a fire pit--a metal fire pit, and I started to burn it, and you can call up the fire department if you'd like because they paid a visit to my house. That person had called to let them know that I was burning wood in my backyard, and I hadn't had the fence up like I said, it was summertime.

Baringhaus: But I mean in terms of the patrons of the Secretary of State--

Berry: The patrons of the--

Baringhaus: --office bothering you as you indicated in your--

Berry: No, no no.

Baringhaus: --hardship.

Berry: It was merely that I felt--

Baringhaus: It was just that one individual?

Berry: Not any one individual, but overall, the fact that these--there was a line outside and they can stand and walk and look across the street at the houses. I felt uncomfortable.

Baringhaus: Okay. One of the conditions for requesting a variance is that the variance is consistent with the city's master plan. You're familiar with the master plan--

Berry: I understand what a master plan is.

Baringhaus: Sure. Are you familiar with the Livonia Vision 21 Master Plan?

Berry: No, sir I am not.

Baringhaus: Okay. One of the key aspects of the City of Livonia--Livonia Vision 21 Master Plan is that one of the strategic objectives in that plan calls for the conservation of open spaces. Things like waterways, tree canopies, and other resources like green

belt areas which is what you had prior to removing it and installing that fence. Now, my question to you is this. Do you think that action of removing those bushes and trees in order to install your fence is consistent with the City of Livonia's Livonia Vision 21 Master Plan?

Berry: Those trees had exceeded their lifespan. Those bushes had exceeded their lifespan. There was zero to no foliage on them. They were going to be replaced. The problem with replacing them with the--what are they--those vert--

Fisher: Arborvitaes.

Berry: --arborvitaes, is that the roots system of the bushes that were there, would suck up the water and so I could not--the option of putting arborvitaes there was not an option. The gentleman down the street thought it could be. He put them in and if you'd look at the poor guy, they've all died now. So, putting anything else in there was not an option to me because of the root system and I felt that it would be better being that I already had a fence there, I could put a fence, but this--let me just make it a privacy fence and be finished with it. And if you ask my wife, she didn't like it.

Baringhaus: But in terms of your action of removing 100--about 100 feet of green belt from Farmington and that action appeared to what's outlined in the Livonia Vision 21 Master Plan of conserving that type of resource, do you think that's consistent?

Berry: What should I have done if they were dead?

Baringhaus: I'm sorry?

Berry: If those shrubs were completely dead, I ask you what should I have done?

Baringhaus: Well, obviously one option would have been to replace the existing shrubs and maintain the green belt.

Berry: So, as far as the master plan is concerned, I don't know how many members--how many people in the city are aware of the master plan. They may not even know that a master plan has to be written--re-written every five years--you know--your master plan, I'm sure it is within the five-year limit, but I didn't read it. I didn't know about it, so it's news to me and for that I'm in error.

Baringhaus: Okay. Thank you very much.

Coppola: Other questions?

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Actually, this is a question to you, Mr. Chair. I believe at the end of the second meeting, which was the one before the previous one, it sounded like there was some--some discussion between you and the petitioner and maybe Mr. Fisher of the legal department to try and help the petitioner get input from the city. That was one of the concerns that was discussed at that meeting due to the high visibility. There was mention of efforts to try and get input from the city, again, some way to determine--I don't think it was defined in that meeting. I know you weren't at the last meeting, but I just wanted to ask you if anything along those efforts were made. Was there a process and how did it go? Where did it end up?

Coppola: Yeah, well, first of all, pursuant to the open meetings act, there's very--we're very limited to what we can do.

Turbiak: Sure.

Coppola: And I did have some conversations with some of the council members and such and it really--from our perspective--I made them aware of the issue, but it's really the petitioner's responsibility to do that. I don't know if the petitioner had an opportunity to reach out to any of the council members--talk to the--to the building department in regards--coming up with something that would be--a plan that would be homogenous in that area, but I have not heard anything.

Turbiak: Okay. Mr. Berry, do you have any comment for that?

Berry: In response to that, I did reach out to council woman--

Turbiak: Toy? Toy? Toy?

Berry: Yes. Several times. But she didn't pick up my call. I did speak with a gentleman from the planning--or from the--I'm gonna say the planning board downstairs--the ordinance department and it was a good conversation but neither one of us could come up with something other than planting foliage in front of the current fence I have. I--I don't know. His name is Bob. I've spoke with him maybe three--four times. Conversations are good. They're constructive, but--you know--to where I'm at right now, he's told me, he says I think the zoning board would maybe be in favor of it if you would move your fence back maybe five feet and my response to him was, I would be happy to if everybody from the zoning board would be willing to give up five feet of their property to their neighbors. I--like I said, I didn't do this to deceive anyone. I did this as a hardship. I didn't wanna spend the money nor did I wanna go through the aches and pains that I did putting it up because I suffered my back for two months. I'm close to 70 years old. I shouldn't have done that, but I did. So, my--my damage has been done and I stand before you. That's--that's as much as I can do.

Turbiak: Fair enough. I understand. Last meeting, we talked about the foliage, and you just mentioned it again. Could you remind me of the plans for the foliage and what--

could you include the timeline to it, and I'm interested in like maybe percentage. I know it takes time to kind of fill out.

Berry: Yeah, and it's kind of frustrating because I've started these jasmine vines in the yard. There's three of them and I've had to encase them now because the deer that come through munched away on the first two, we put in there, so I took--I took some of those vines and I put them in front of the fence. So, they start--they started to grow, but because it got cold so fast, the growth period is done right now. I have to wait for the spring. The three I have in the yard, they're doing fine. They're fenced. The deer can't get to them, and I'm just waiting for the spring to where I can transplant those and put them along the fence. If anybody had any ideas, other foliage, I'd be open to it. I don't have a problem--I don't have--I'm trying to find a tree that--or a bush that wouldn't grow too wide because if you look down the sidewalk, there are so many bushes that are over that sidewalk, blocking the sidewalk. I want something that I can be able to trim to be flush with the sidewalk. I just haven't found it yet. I'm not finished with this. I know if I get a no vote today, I'm fine with that. I respect what you guys are doing. I'll have to take it further, but ultimately what I plan on doing is putting more shrubs up there, but I need to research as to find out what ones would work best in that area.

Turbiak: Yeah, I understand it's difficult to find. I'm also not aware of any shrub like the one you described. I think the vines and ivy approach is probably your best bet. I wanted to ask you though, do you think it's reasonable--in a hypothetical situation where this were to be approved, to condition approval of a certain percentage of coverage by September and then--you know--a final percentage that you would maintain throughout the life of the fence? Is that reasonable?

Berry: I love my house. I love the location. What I've done to the house, I think nobody really expected. Nobody had seen the house prior to buying it. It sat on that market for two years before I walked in and I did what I did to it on the outside as well--put a patio in, I have to put a new deck in. The fence--my part of Farmington Road, I not only cut my part of Farmington Road, I cut my neighbor's as well because I want to make sure that it's kept up. It's my property value. I take pride in it. So, to answer your question, it's gonna be an ongoing--it's gonna be an ongoing effort to make sure that I make that as green as I possible can.

Turbiak: Yeah, I have the impression that you are the kind of guy who really takes care of your property and your possessions, and--you know--the aesthetic appearance, but my question is really more pointed, is do you feel it's a reasonable condition to have--

Berry: Yes.

Turbiak: Okay. Okay. That's all I have, Mr. Chair. Thank you, Mr. Berry.

Coppola: Okay, thank you. Any other questions?

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: Thank you. Mr. Berry, welcome back.

Berry: Thank you.

Testa: Thank you for the cliff notes version of the past few meetings. It's very helpful for us or for me, specifically. I caught something that you said that maybe I didn't in prior meetings that apparently a neighbor had called on you originally about the fence being up.

Berry: That's what I was told.

Testa: Okay. Has she signed--

Berry: No, she didn't sign.

Testa: She's one of the people that did not sign.

Berry: That's how I put two and two together.

Testa: Okay. Got it. You by chance know her last name?

Berry: No, sir.

Testa: Okay. I don't see any objection letters, so I'm gonna assume she didn't take the step of rejecting it. Okay, thank you.

Berry: Thank you. I did have a conversation with her, I'll be honest with you. I approached her because--the time we had the power outage, I went there to see if I could help her because she didn't have a generator. I had a generator and I offered her to put whatever she needed in my refrigerator in the garage. She opted out, and I brought it to her attention. She says how is the fence going? I said well, I have to be honest with you, I--I almost feel as if you may have been the one that called, but I respect that because you don't want fences along here. I don't hold anything against you, but--you know--I'm going through this and whatever they decide, they decide, but you can see the fence for yourself. Do you see it as an obstruction to you? She says no, I don't. But I didn't ask her to sign it. I wasn't gonna go there again. I wasn't gonna force her.

Testa: She your direct neighbor?

Berry: Three doors down. Four. Four doors North.

Testa: Okay. Thank you.

Berry: I think she's four doors North, yeah.

Testa: Thank you, Mr. Chair.

Oliverio: Yes.

Coppola: (Inaudible)

Oliverio: If I may. Thank you, by the way for the--nice to meet you--

Berry: Thank you.

Oliverio: --my first time here--so, nice to meet everybody. Thank you for the information. I will say I spent about six hours today researching this case in general. It had lots of notes and audio to listen to as well as drove past the area (inaudible) this morning after dropping of the kids at school, so, your synopsis was very helpful. I do have a question though, in terms of the trees on the property or the shrubs, were they on your property or on state property?

Berry: Ours. Mine.

Oliverio: Okay.

Berry: Yes.

Oliverio: More so comment at this point, if that's okay versus question. Okay.

Coppola: Well, you'll have an opportunity to make comments when we--

Oliverio: Okay.

Coppola: --make the Board's comments.

Oliverio: Well, I guess just kind of going back to the Vision 21--I know you're new to the city so you didn't necessarily have a whole (inaudible), to your point, most people probably don't. There are a number of other things in Vision 21 talking about the master plan that have new developments that would be along Farmington Road. So, I would say it's reasonable to think that Farmington Road corridor right near your house will have increased traffic sometime in the next five, ten, fifteen years from now. So, just wanted to call that out as well. Greenery is extremely important in my opinion but so is understanding how the traffic will be shifting within our community and looking at that typical factor too.

Berry: If I may, Mr. Chair.

Coppola: Go ahead.

Berry: I don't think the city has a fund for it, but I would entertain the opportunity to plant pine trees or oak trees along that Farmington Road stretch that I'm in. I think it's barren. I think if we really wanted to adhere to green space, I think there's an opportunity along that entire stretch--from gosh--Curtis Road--from Curtis Road to Six Mile there, I think there is one house that has four oak trees on it--or three oak trees. That's my neighbor. I would--I would think that--you know--being able to have the opportunity to plant trees on that, to create that green space, I think it would do much for that area, because if you look at it now, those--those fences are all coming down. My neighbor's, when you walk through it South towards Six Mile, the whole thing is collapsing. It has collapsed.

Oliverio: If I may add to my comment as well, and that was one of my concerns as well. I know there's another ordinance that talks about the safety of the fences and a number of the gates that are there are very broken. Those are safety hazards in my mind. From being a parent who might possibly buy a house or a new family who might wanna move into one of these homes, those are potentially safety hazards. Specifically, as it relates to being up against Farmington Road.

Berry: Ms. Oliverio, I know you probably don't know this, and forgive me if--correct me if I'm wrong, but there is a homeowner that moved in there at the same time, had a pitbull break through their fence and went after their other two dogs. He's the one that put the arborvitaes up and they all died and so, your point's well taken. It can lead to a safety issue.

Oliverio: Thank you. I do recall that from the audio.

Coppola: Anything else?

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: Couple of questions for the petitioner. Mr. Berry, I will state to you that 17490 Vacri did not make the complaint against you.

Berry: Okay.

Boloven: I actually did contact the person who made the complaint and they've chosen not to go any forward with any objection letters nor come to any of these proceedings which does state in itself--you know--their feelings as far as going forward other than an initial complaint. What I do wanna ask you is, the house five homes North of you, 17382 Vacri. Does that ring a bell? That address? It's got a privacy fence in the back that's about ten feet off the property line.

Berry: I know which one you're talking about, yeah.

Boloven: Okay. It's five buildings North of you. So, when I was walking Farmington Road/your subdivision, that one really stuck out to me and whether you're aware or not, screens are allowed as long as they're ten feet off the property line, and it seems that's what that homeowner did in that situation. If this Board were to reject your proposal this evening, is that something you would consider? Just moving back the fence into a screening area and satisfying your hardship of blocking the noise, blocking the lights, just ten feet off.

Berry: Respectively, I believe that home has a pool--a pool. So, that fence is there for the privacy of that pool.

Boloven: Mmhmm.

Berry: If there was not a pool there, I guess the question I would ask is would they put that there? I'm gonna assume probably not, but to your question, respectively, no, sir.

Boloven: Okay. Thank you, Mr. Chair.

Coppola: You're welcome. Anything else?

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Just a comment to piggyback on Mr. Boloven's question there. I believe I explored this. I can't remember if it was in one of our meetings or not. I think it was in the first meeting actually, and because of the double frontage nature, it's 35 feet from the other side of the property line. It's not like the ten feet like you could do in a backyard normally, in a non-double frontage scenario. So, I--like you said, I think it's cause of the pool, so, thank you.

Coppola: Okay, any other questions? Alright, seeing none, I'll go ahead and take audience participation. Mr. Berry, you can have a seat for a minute. Is there anybody in the audience that would like to speak for or against this petition? Appears not. Do we have any--

Klisz: Yes.

Coppola: --correspondence?

Klisz: We have three letters. First, letter of approval, Natalia Birko, 17233 Vacri Lane, Livonia (Letter read.) We have a letter of approval, Mary Catherine Agee-Buchfinch, B-u-c-h-f-i-n-c-h, 33418 Vargo, Livonia (Letter read.) Letter of approval, Rudolph and Mary Saenz, S-a-e-n-z, 17269 Vacri Lane (Letter read.) Those are the letters.

Coppola: Okay. Thank you, very much. Mr. Berry, anything you'd like to say in closing?

Berry: I should probably quit while I'm ahead in my mind. I know that there are ordinances and I know that there are reasons ordinances exist and I respect them as you all know, I spent twelve years on the city council in Dearborn Heights, and I sat listening to people and their hardships. A long--two meetings ago I think it was, I gave you twelve different properties I said that had the same zoning situation I did that had privacy fences. I have another four if you would like them, but no sense in me handing them out that also have the same zoning condition and privacy fences. Two of them are on--with homes that have homeowner associations that prohibit--in the association bylaws, prohibit side yard fences, yet permits were given for side yard fences. And this is not to discredit this Board, nor the city. I understand things happen. Also, if you look throughout the subdivision, the setback for sheds, the setback for--or even side yard fences, these things all exist and they exist without complaint, so I am not complaining about them, but what I am saying is that there are exceptions and people can accept and understand that hardships that people have. So, maybe I should just shut up right now. I'll just leave it at that. Thank you very much.

Coppola: Alright, thank you very much. I'm gonna close the public portion of the case and start the Board's comments with Mr. Klisz--Secretary Klisz.

Klisz: Thank you, Mr. Chair. I won't belabor the point. We've had this meeting multiple times. My position is consistent. It was always in favor of this, and I will continue to be in favor of this. I think the--it's pretty much just come down to a vote. We've laid out our positions. I don't think they're gonna change, but we have the petitioner doing his best, putting in all the effort and going to each neighbor to get their approval. They've agreed that if they come forward that they would use the same style of fence and so on. So, we've met the--at least initial requirement to kind of alert everyone that if someone comes from this street asking for a fence that they will follow the lead of the petitioner. So, based on that I will be in support.

Coppola: Alright, thank you. Mr. Boloven.

Boloven: Thank you, Mr. Chair. I agree with Secretary Klisz. From the beginning as well, I've been in support of this. I believe the hardships have been met, uniqueness has been met, but more importantly the consistency within the community, other subdivisions right up the street have this, and it hasn't (inaudible). Nothing was ever done, and over the meetings that we've had on this case, those (inaudible) examined. I reassure this is gonna be policed by this Board. Every single fence that's gonna go up along Farmington has to come in front of this Board. We discussed that last time. I would like to see some greenery on there as part of the condition. Like I mentioned last time, a double fine because the permit went up. My only last little addition that I'll have to this and I--I recognize the Board members in the opposition of the greenery and the change and what this could do to that road--you know-- and then as I'm driving home, when I drive past this two, three times a day, I see this screen put up over the last couple years at Stevenson High School. That's technically still Frankavilla right there. That was wide open green space and now what do you see? A fence with a logo and a screen and that didn't come before this Board, that--again, public school maybe they got

a different standard. It's a cyclone fence, so maybe that's another reason why, it wasn't a privacy fence, but to say that we're not applying our rules consistently when the neighbor right there that's connected right in that subdivision puts up a blocking mechanism so you can't see anything there, it--it doesn't make sense to me to turn this one down. So, again, I'd be in support of this petition, with the conditions that I've stated. Thank you.

Coppola: Alright, thank you. Mr. Testa.

Testa: Thank you. I was gonna make a joke about tabling, but it probably wouldn't go over well. The past few meetings I have voiced support for this. I'm still in support of it. My main rationale is similar to Mr. Klisz. The other point is that there has been no objections from your neighbors. I think you've done your due diligence like we talked about last time, getting those signatures, and to whomever kind of called you out on the fence originally, looking back at the pictures that they did when that fence first went up it was very unattractive. You have stained it. I think it blends in well. I drove by with my wife, and she didn't even catch it the first time, so, the next day when we drove by it again, I had to point it out, and she goes oh yeah, that blends in well. So, I think you did well making it blend in, so I appreciate that, and like I said, I will be in support of this.

Coppola: Alright, thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. So, I actually have been against this up to this point--well, I shouldn't say I've been against it. I haven't been ready to approve it. I think my comment at the last meeting was I'm not quite ready. So, I have had some time to think about it, and just jumping off Mr. Testa's comment, it has kind of grown on me. Visually, it doesn't stick out as much. I do--if this does get approved tonight, I would like to recommend a condition for--you know--a certain percentage of foliage, and I know that might be difficult to enforce, but I think it does go a long way to helping it keep the character of that area, and I think another thing that falls in favor of this particular home with the privacy fence going against what has traditionally been there is it's proximity to commercial. I think that it was mentioned by one of the neighbors about people cutting through yards. I think that can apply. This is, I think, just the second house North of that commercial section, so I don't--I don't know how far up the road I would feel comfortable, and we're not gonna get into that in this meeting, as it was mentioned by Mr. Boloven, the future board, whoever's on at the time will have the ability to control what fences go up and how they look. This is in no way a precedent that every fence along--in Frankavilla that has double frontage on Farmington is--is green (inaudible)--you know--I think it's specific to the traffic. The location relative to the driveway across the street. The traffic that comes out and the nuisance of the light and yeah, so, my fear is that aesthetically if this were to extend very far, it--it would not look aesthetically pleasing. What else do I wanna talk on? Last meeting, I think it was mentioned a double permit fee. Actually, based on my understanding of how we got here, how Mr. Berry got here, it sounded like he made a good faith effort and was misled or there was a misunderstanding maybe, and so I think it's no fault of his own. He did try to do some research, again, he might have been able to do the research better, but--gotta take a

breather, it's a long one. Tight mask too. So, I would not be in favor of a double permit. I wanna emphasize for the record and the benefit for any future boards, I might have already started to do this, that it was not decided lightly if--if this is approved tonight, as reflected by the multiple hearings it took to get to this point, and I talked about the precedent. And just to clarify that, I don't even think it would be a precedent for the homes between McNamara and the commercial at Six Mile. So, again, each case is gonna have to stand on its own merits in my opinion. So, for these reasons, I would be in favor of supporting this tonight.

Coppola: Alright, thank you. Vice Chair Baringhaus.

Baringhaus: Thank you very much. Basically, as we discussed going through the hardships, just a couple things came to light. Visibly, the location of the--Mr. Berry's home relative to the commercial property, it does sit--Mr. Berry's home does sit North of the property itself. I think he has seen some traffic coming out of that parking lot, whether it's traffic that's turning onto Farmington, which basically kind of elongated the beams that are coming onto his house as well. As I said--you know--the range of a low beam headlight is only 160 feet and there's a lot of space associated with this variance. I mean, Mr. Berry's backyard--he doesn't sit adjacent to a shopping mall. He doesn't live adjacent to Farmington Road. He's at least 67 feet off Farmington Road. He's 184 feet from the entrance to that mall on a diagonal, and then he's over 400 feet from the actual buildings of that shopping mall as well, so there's quite a bit of distance involved with this variance. The other thing too is that even with the traffic coming out of the mall, there's still trees and shrubs in front of his house that was serving as a filter for this light. He reduced that filtering ability when he removed 100 feet of green belt from the rear of his yard itself. The other thing that I was curious about is the fact that he was uncomfortable with the traffic at the Secretary of State's office on weekends. I couldn't quite understand that (inaudible) sounds like just the conversation that he had with one individual burning wood. Mr. Boloven brought up a point that with all the fences in the city he doesn't think it's consistently enforced. Yeah, the rules for those fences are not consistent, and the reason why is that the building inspection department explained that those variances were revised in 1993. So, really, when you look at fences in the city, you're looking at multiple ordinances that are governing the construction of those fences itself. We did do a review of those fences as Mr. Boloven indicated. Generally, most were based on variances, one or two weren't. Those are gonna be tracked down as well. The other thing that concerns me is at the beginning of the meeting, Chairman Coppola will read that the variance can be granted if it's consistent with the city's master plan. Now, as I pointed out with the Livonia Vision 21 Master plan, it contains a number of strategic objectives. One in particular, strategic objective 3-2, which calls that the city goal is to restore, conserve open spaces, water ways, tree canopies, and other natural resources to increase resilience (inaudible) adaptability and biological integrity. Now, in my opinion, a green belt clearly falls under those guidelines. Now, Mr. Berry, when he started down the road, in an earlier meeting, acknowledged that one, the entire area basically along Farmington from Six Mile to Curtis Road was a green belt. He also acknowledged the fact that in that area between Six Mile and Curtis Road, he had the only privacy fence installed in that area. Why? Because he removed 100 feet of green

belt that was originally there. That is not compliant with the Livonia Vision 21 plan. Therefore, it really doesn't--shouldn't be considered for a variance itself. That's one of my main concerns, so, based on the fact that in terms of hardships--I think he does have one, because he does live next to Farmington Road, however, when he purchased the home, I feel he accepted that variance and chose to live with it. But again, there is a lot of space. He is--he is by Farmington Road, but he's 91 feet from Farmington Road. He does live by a shopping mall, but that shopping mall--mall is across Farmington at a minimum 184 feet from the rear of his house, shielded by a number of trees between the entrance to the mall and the home itself. And then lastly, again, the action of removing 100 feet of green belt from Farmington, clearly isn't in the spirit of the Livonia Vision 21 plan. So, based on that, I will not be in support of the variance. One other thing too. Going back, we said there was an agreement that Mr. Berry would go and get his neighbors to agree to build similar fences. Now, I didn't quite hear that, because in the first meeting, I believe the discussion centered around Mr. Berry obtaining a uniform plan for all fences within that area between Six Mile and Curtis, so all neighbors would have one type of fence installed concurrent with Mr.--and he was given six months of no enforcement of the ordinance to do that. Mr. Berry agreed to that. The next meeting, he didn't have a plan. He had three neighbors supporting the fact that he--they would agree to build a fence similar to his when that--when the time came for them to do that. At that point, another term was discussed. Homogenous plan was requested by the Board. Mr. Berry, from the June meeting, went out, came back, and came back with a letter of agreement. There was no plan, again, for the second time. So, based on those two actions, whether it's through misunderstanding, not clearly understanding the directives, he was asked on two occasions to submit a plan for those fences that would allow--you know--the construction (inaudible) so there would be uniform going down the road, instead of having just this--a lot of mismatched fences in that area that I described. So, I guess the way I look at it, while--you know--this passes and the Board chooses to resolve a hardship for Mr. Berry, by allowing this fence to stand, I think what the Board's gonna be doing is creating a community hardship, because now you have an area of Livonia, highly visible, that was a consistent green belt, that's now gonna be intermixed with various types of privacy fences. So, again, I will not be in support of the variance. Thank you.

Coppola: Alright, thank you. Ms. Oliverio.

Oliverio: Oliverio. But I'll give you a pass on this one.

Coppola: I'm working on it.

Oliverio: It's okay, it's a mouthful. I--I also agree. I think considering the Vision 21 in the master plan is critically important, so what's more important to me in this is that--you know--we're not just thinking about right now. We're also thinking about what the future's going to be. If there's some--you know--crystal ball here a little bit, but understanding the master plan and what is in that plan in terms of new developments, changes in traffic flow are just as important as the greenery aspects of it and it's all--it's about balance, right? So, I think it's about balance. I already talked about the safety

situations, especially knowing Livonia Family First. We're trying to attract new families--young families to come to the city to help our schools--you know--help the city in general and I do think, to that point, I would be in support of.

Coppola: Alright, done?

Oliverio: Done.

Coppola: Alright, thank you. Okay, I'm gonna try not to rehash a bunch of stuff that's already been said. I think I made my position pretty clear early on. But let me--let me start in this sense. I think when you consider this petition, you gotta look at it as if the fence doesn't already exist. So, the question is--what you gotta think about is, if this petition came before us, there was no fence that had already existed, would you have allowed that fence to go in, number one, or if you did allow it to go in, number two, would you have allowed it to go in abutting the sidewalk? Right now, it is up against the sidewalk. There is zero space or very little space, but basically zero space. It's butting up against the sidewalk. So, as you--as you put your final thoughts together, think about if this came in, clean slate, no fence existed, would you approve this as it was--as it would have been proposed, a six-foot privacy fence smack up against the sidewalk. Now, the other things that I've stated before, the subdivision's been around for 45 years. This is--this is not a new hardship. Farmington Road's been there longer. Many families have been raised in those houses. That's a family subdivision. They're four--three- and four-bedroom ranches and colonials. I don't recall many--many--if any, serious injuries, accidents to children. There's been fences there all along. There's been landscape shielding for years and years and years, as I agree that a lot of them need some--some attention. They're--some of them are still 40 years old (inaudible), but there was a homogenous look. It was a split rail fence with landscaping. It provided shielding and privacy to families for 45 years. And there are alternatives. Mr. Berry has all the alternatives. He can go with landscaping. He can go with a privacy shield. There's other alternatives. He could have come in and said can I do it and move it ten feet back. So, there's alternatives to this. In regards to some of the thoughts that there's other houses--I think Mr. Boloven brought up the fact and Mr. Berry brought up the fact, there's other houses that have fences that have similar situations--dual frontage--number one, there might have been a bunch of them that were there and they're grandfathered, not much we can do about. They existed when--when the variance was changed. And number two, they may have been approved. Matter of fact, I think I recall we approved--we approved one, maybe a year or two ago, but we did require that they put it--I forget, it was twelve or fifteen feet back from the property line, and it really wasn't on a busy street to start with, so there wasn't a lot of visibility on those. But each--each petition for a variance stands on its own. So, to say they got one and so therefore, we need to give this person one really is--is a fallacy. It's not a (inaudible). Anybody that's taken philosophy knows that that's not a good argument. As to--someone brought up the point of Stevenson and that fence, and I agree with you. That is the most god-awful looking fence I've ever seen. Unfortunately, there's absolutely nothing we can do about that. They are exempt from our zoning. I wish I could, just like the sign for the dome off 275, I wish there was something I could do about it, but there's absolutely nothing we can do

about it. No objections from the neighbors were brought up, and there was one from Vargo, which I thought was helpful, but throughout the cases that we've had, all of those no objections came from neighbors that live on Vacri that most likely, probably would like to have a fence too, and so--you know--this opens--kind of opens up the Pandora's box for this. So, I think you all know from the beginning that I'm not for this. I think that what I said is--I get living on Farmington--Farmington Road is not ideal. Those houses have been for 45 years. People have lived there for 45 years, and they've dealt with it. But I get it. And perhaps if there was a--a result or a solution that didn't create a hodgepodge of different things--I gotta--let's say we allow this and the plan is right now, anybody else that wants a fence has to kind of put the same thing. Well then, I've got a fence on this lot. Two lots down I got a fence. In between, I've got arborvitaes and then the next one I got nothing, and so, I've got this hodgepodge of stuff that the community has to look at. You know--a lot of times that we're look--specifically these fence ordinances, we ask the neighbors--we take a lot of credence into the neighbors that back up to--to where--the property that we're giving a variance to, because those are the people that are impacted. Well, for this fence, the community is impacted. They're the ones that are gonna have to look at this. And I'll admit, Mr. Berry's kind of off in the corner. It's really hard to see. Well, wait 'till they all start pumping up along and they go more towards McNamara, then make their way towards Curtis. You're gonna notice that. And that's something that we've created and we're gonna have to look at forever. So, again, I ask you to think about what we're doing, look at the impact to the community, and I'd like you to think again about the fact that--think about it in the fact that the fence isn't there. If he came in with a petition with nothing up right now--you know--it's a complete blank sheet, is this something really that you would've approved? Okay, I will open up the floor for a motion.

Motion by: Klisz. Supported by: Boloven.

RESOLVED: APPEAL CASE NO. 2021-05-20 (Tabled on November 16, 2021): An appeal has been made to the Zoning Board of Appeals by Thomas Berry, seeking to maintain a six-foot-tall privacy fence, erected without a permit, at the rear of a double frontage lot, resulting in deficient rear yard setback.

Rear Yard Setback:

Required:	35 feet
Proposed:	zero feet
Deficient:	35 feet

The property is located on the east side of Vacri (17202), between Vargo and McNamara, Lot. No. 036-01-0018-000, R-3C Zoning District. Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090A(3), "Residential District Regulations," **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met because of the circumstances of the changing structure of Farmington Road.

2. Denial of the variance would have severe consequences for the petitioner because the petitioner would have to remove the fence and suffer the light and sound atmosphere.
3. The variance is fair in light of its effect on neighboring properties and is in the spirit of the zoning ordinance because of full neighbor support and no objections.
4. The granting of this variance will not adversely affect the purpose or objective of the Master Plan because this property is classified as "Low Density Residential" under the Master Plan and the proposed variance is not inconsistent with that classification.

FURTHER, the variance be granted with the following condition:

1. That the petitioner is to maintain living foliage upon the Farmington facing fence 20-50% coverage of area by September 2022, then 75% at least by September 2023, and beyond.
2. That the petitioner provide the Board with the material used and color of stain.
3. That the petitioner pulls a permit.

Coppola: Discussion?

Boloven: Secretary Klisz, based on Mr. Turbiak's comments. For the living foliage, do you wanna do a certain percentage? Is that something that's feasible?

Klisz: Did you have an idea on that, Joel?

Turbiak: Yeah, I'll propose an idea as a starting point. I agree with the question that Mr. Boloven raised, because my concern if we just say living foliage, he could have one vine and that's clearly not the intension--

Klisz: Sure.

Turbiak: --of the condition. So, I think--and again, I don't know how fast these things grow, so for--from now until September, I think we'll be generous and say 20-50% should be the goal, and then the goal by the following September of 2023 should be like 75%--you know--roughly--you know--something that covers a majority of it and is gonna help hide the fence. The fact that it's been stained and kind of been there, while it is helping it to blend in, in my opinion, but that's what I'll put as a starting suggestion.

Klisz: So, 20-50% by--

Turbiak: September of 2022 and then 75% by September of 2023, gives it another growing season and there on forward--you know--roughly 75%.

Coppola: Okay, so, if the fence abuts the sidewalk, where are you planning this greenery?

Turbiak: I measured about 12 inches between the fence and the sidewalk last time I was at the property.

Coppola: Okay, so then--and who's gonna police this--these percentage increases over the couple of years?

Turbiak: Well, to be quite honest, I think it's probably not necessarily gonna be policed, but if it becomes an eye sore then we'll have something to hang our hat on to enforce.

Coppola: And how do you define an eye sore? So, if they're right now--

Turbiak: Anyone that wants to--

Overlapping talking.

Turbiak: --bring it to the city, then I don't know.

Coppola: You're saying it's not even noticeable, so if there's no greenery are you--I mean, who--who--I mean, who's--what's the definition of an eye sore?

Turbiak: If there's someone that wants to bring it to the city, then that would be their right.

Coppola: So, they'll make a complaint, say it's an eye sore, and then how is--how is the inspection department supposed to make a decision whether it's an eye sore or not?

Boloven: So, do you want it to be 100%?

Turbiak: They can use an estimate of the percentage to see if it meets it. I mean, again, I didn't put anything about an eye sore in the condition.

Boloven: Just make it a--

Turbiak: The condition is numerical so that it can be fairly, accurately measured.

Berry: Mr. Chair.

Turbiak: That was my intention.

Berry: I know my portion of it is done, but may I make a suggestion?

Coppola: It's out of order, but I'll allow it.

Berry: Would the Board put a condition that I appear again in April and then again in September with pictures of the foliage to support the requirements? I'll be happy to be here.

Turbiak: That's not necessary in my opinion. I think that--you know--if we have it in writing and if he doesn't keep up the condition then--you know--the variance would no longer be valid and he'd have to bring the fence down. So, I think he's gonna be very motivated, it sounds like it is--he said it's a reasonable request. I think the percentages are reasonable?

Berry: More than reasonable.

Coppola: So, how about five years from now?

Turbiak: Could you be more specific?

Coppola: So, who's gonna monitor it five years from now?

Turbiak: Again, in my point of view, the intention isn't that someone should go out there at any specific time frame to check on it. It's if somebody wants to complain about it and take action, then we could go and say well yeah, you only have 20%, you're supposed to have 70%. Clearly, you're not in compliance. You need--you know--give him some time probably to be reasonable--the city's pretty reasonable--to get within the condition or if he can't or refuses, or there's a new owner and they don't want to, then they would no longer have a variance because it's conditioned on that--that definition that the foliage of 75% roughly at all times after September 1, 2023.

Coppola: So, when you say 75%, you're talking about the coverage of the total area of the fence or just the linear? What are you talking about?

Turbiak: Yeah, so my--again, in my head, if you were to stand perpendicular to the fence--you know--roughly to the center, I guess it's about 100 feet of (inaudible) 50 feet from each end of his side property yard--you know--maybe at the road, snap a picture--you know--and just estimate. Just like when you do like a population estimate, use like a grid.

Coppola: Well, you misunderstanding. You're talking the total area of the fence or just linear of 100 feet. So, in other words--

Turbiak: Yeah, yeah. Top to bottom. Left to right. The total area of the fence.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Oh, thank you. Question for the building Inspection Department. How does the city police landscaping that is considered an eye sore, unattractive or unsightly? What are the current standards today?

Stierna: It'd be via complaint. We do of course keep records and refer back to them in such case of a variance or a council resolution. We do refer back to those during plan review.

Coppola: But you also make observations when you do drive arounds?

Stierna: If we note them during a drive by, yes. We'll follow up on them.

Coppola: So, you're saying 70--up to 75%--has to be at least 75% of the total surface area of the fence--

Turbiak: That's my intention.

Coppola: --covered by foliage.

Turbiak: That's my intention.

Coppola: So, you need--are you in agreement with that, Mr.--Secretary Klisz?

Klisz: Here's what I now have. Petitioner to maintain living foliage on the Farmington Road facing fence. 20-50% coverage of area by September 2022. 75% or more by September 2023 and beyond.

Coppola: Okay. Anything else?

Boloven: Secretary Klisz, the only thing I would add--I know this was already built and normally we do a condition of built as presented. As we're gonna use this case as a policing case going forward for any other fences that might pop up, maybe put a timeline in that the petitioner has to present materials used, type of stain used, items for our record for when this comes back before the Board on another fence.

Klisz: Sure. I would assume that--

Berry: I have it.

Klisz: Okay. Petitioner to provide--

Coppola: Well, you still have to pull a permit, right?

Klisz: Yeah. Petitioner to provide material used and color of stain, and he has to pull a permit.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: How will future fence owners along this strip know that the fence that they're proposing to build is not compliant with city code?

Coppola: Well, they're gonna--they would have to come in and--proper procedure is you come, and you pull a permit.

Baringhaus: That was never noted on the letter than Mr. Berry submitted earlier. The one--there's no reference--Mr. Boloven's point, yes. we do need materials, specifications on the fence. Two, there was no reference about consulting the building and inspection department and three, there's no reference about pulling permits for the fence. So, how do we ensure that we don't repeat this again?

Coppola: Well, if the--the petitioner stated that he had a conversation with some of the building department and he asked if he needed a permit to replace his fence. I would think the general answer is, to replace or repair there isn't a permit. What--what didn't happen I think is that there was a miscommunication--not a full--you know--full disclosure of what he was actually doing, and he may not have provided his property address either. Don't know. Wasn't there. And I think all that the petitioner stated was that--you know--he asked the question about do you need a permit to replace a fence. So--so, he got a response based on general, most cases, to--let's say, you had a--you had a--already had a privacy fence, do you need a permit to replace a privacy fence? Basically, you're repairing in a sense. No. You don't. So, that's the answer he got.

Turbiak: Mr. Chair. I haven't read it recently, but--and I'd like to check with Mr. Stierna, but my understanding is that if you have an existing legitimate privacy fence and you need to do--depending on the type of maintenance that you're doing, you--I believe you do need a permit. If you're just painting, obviously you don't, but if you're replacing a panel, or maybe it's a certain section--Mr. Stierna, could you comment on that and clarify, please?

Stierna: No. You would not require a permit if you were replacing a couple sections of a fence. They usually--I think the percentage is 50%. Breakout point. Anything beyond 50% (inaudible)--

Coppola: So, I think there was a miscommunication.

Turbiak: Sounds like it.

Coppola: And that's why it happened. So, at least that's my perspective.

Turbiak: I can see it.

Coppola: So, another--another homeowner along Farmington on Vacri would hopefully come in, and hopefully--basically, I would assume that lives there right now probably knows they need a permit. So, there's no question there, but homes do turn over. They'll have to come in and ask for a permit, and they're gonna say you'll need to get a

variance, then they'll have to come to us. If we do what we're supposed to do, we'll make sure we pull--you know--pull a similar variance rule, and so, hope--you know--if it happens fifteen--eight years from now--five years from now, I'm not sure that's gonna happen. But if it happens this year, next year, it likely will happen. Some of us will still be here. If not all of us. Whether we like it or not.

Turbiak: Mr. Chair.

Coppola: Mmhmm.

Turbiak: To Mr. Baring--I'm sorry, Vice Chair Baringhaus' concern about preventing this from happening again, maybe we could ask--I don't know if it's Mr. Stroble or Mr. Hannah to discuss this with all of the people that would field this type of question so that they--when they're asked this that they specify their questions--you know--what kind kind of fence is it currently, what kind of fence is it changing to, if at all, and maybe just a refresher of the Inspection Department team that's fielding the questions.

Coppola: We can definitely bring it up with Mr. Hannah. If you'd like.

Turbiak: Say that again, sorry.

Coppola: You can bring it up with Mr. Hannah if you'd like.

Turbiak: Sure. I will. Thanks.

Coppola: I think they generally do a good job--you know--everybody has--things happen.

Turbiak: It was a miscommunication. Yeah.

Coppola: Yeah.

Turbiak: Yeah. Things happen.

Baringhaus: Mr. Chairman. I agree with your comment because if you just go in--go online and enter Livonia fence ordinances, there's more than enough information available to you to properly get direction on the resources that you need to build a fence, and actually, the building inspection department puts on an excellent guide on how to--it's a PDF document that answers a lot of your questions up front on what's needed to construct a fence, and front and center on that is, you need a permit.

Coppola: One other comment, Secretary Klisz. In your--I forget what the proper term is--in your motion basically, you stated that a hardship was he had to remove the fence. Are you sure you want--want that in your motion? Since the fence was put up without a permit in violation of city ordinances.

Turbiak: May I interrupt?

Coppola: Yes.

Turbiak: One thing that I noted in my closing comments is that Mr. Berry did make an effort to do some research and he did talk to someone from the city and again, maybe there was a miscommunication, but I think--I think, again, I wasn't there, I didn't hear the conversation--that argument could be made that the person from the city should have asked better questions and made sure that they were giving the proper information given the importance of the direction that it resulted in.

Coppola: Okay. But I want to go back to my question to Secretary Klisz. In your motion you stated that removing the fence was a hardship.

Klisz: Yeah, it is.

Coppola: You--you think that removing a fence is a hardship?

Klisz: Yes.

Coppola: Even though the fence was put up without a permit?

Klisz: Correct.

Coppola: In violation of city ordinances?

Klisz: Yes.

Coppola: Okay. Alright, go ahead.

Klisz: Is Mr. Boloven in support of--

Boloven: Support.

Klisz: --all the changes to the motion?

ROLL CALL VOTE:

AYES: Turbiak, Testa, Oliverio, Boloven, Klisz

NAYS: Baringhaus, Coppola

ABSENT: None

Klisz: Passes 5-2.

Coppola: Okay. Mr. Berry, you're all set. Do you understand the conditions?

Berry: Yes, sir.

Coppola: Okay.

Berry: I appreciate the positions you took. I appreciate the work you do. It was an honest mistake and I appreciate the experience. Thank you so much.

Stierna: Mr. Chair. Quick clarification, will Mr. Berry be pulling a permit, and will it be a standard fee?

Coppola: Yes.

Klisz: Yes.

Stierna: Standard fee?

Coppola: He was required to pull a permit and it will be a standard fee.

Berry: Tomorrow. Thank you.

ZONING BOARD OF APPEALS

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January 21, 2022

Thomas Berry
17202 Vacri Lane
Livonia MI 48152

Dear Mr. Berry,

The Zoning Board of Appeals of the City of Livonia, at a Special meeting held January 18, 2022, adopted the following Resolution:

RESOLVED: APPEAL CASE NO. 2021-05-20 (Tabled on November 16, 2021): An appeal has been made to the Zoning Board of Appeals by Thomas Berry, seeking to maintain a six-foot-tall privacy fence, erected without a permit, at the rear of a double frontage lot, resulting in deficient rear yard setback.

Rear Yard Setback:

Required: 35 feet
Proposed: zero feet
Deficient: 35 feet

The property is located on the east side of Vacri (17202), between Vargo and McNamara, Lot. No. 036-01-0018-000, R-3C Zoning District. Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090A(3), "Residential District Regulations," **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met because of the circumstances of the changing structure of Farmington Road.
2. Denial of the variance would have severe consequences for the petitioner because the petitioner would have to remove the fence and suffer the light and sound atmosphere.
3. The variance is fair in light of its effect on neighboring properties and is in the spirit of the zoning ordinance because of full neighbor support and no objections.
4. The granting of this variance will not adversely affect the purpose or objective of the Master Plan because this property is classified as "Low Density Residential" under the Master Plan and the proposed variance is not inconsistent with that classification.

FURTHER, the variance be granted with the following condition:

Thomas Berry
Appeal Case No. 2021-05-20
January 21, 2022
Page 2

1. That the petitioner is to maintain living foliage upon the Farmington facing fence 20-50% coverage of area by September 2022, then 75% at least by September 2023, and beyond.
2. That the petitioner provide the Board with the material used and color of stain.
3. That the petitioner pulls a permit.

Sincerely,

Timothy Klisz
Secretary

/tk

cc: S. Banko, City Clerk, M. Fisher, S. Miller, R. Abrahamson, M. Stierna

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, JUNE 28, 2022

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, June 28, 2022.

MEMBERS PRESENT: Gregory G. Coppola, Chairman
James Baringhaus, Vice Chairman
Christopher Boloven
Martha Ptashnik
Timothy Klisz

MEMBERS ABSENT: Michael Testa.
Tamara Oliverio

OTHERS PRESENT: Matthew Stierna, Inspection Department
Mike Fisher, Legal Department

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. Five (5) members were present. No one chose to reschedule. 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. There were seven (7) people present in the audience.

(7:00)

APPEAL CASE NO. 2022-05-13: An appeal has been made to the Zoning Board of Appeals by Wendy Senkbeil, 17608 Vacri, Livonia, MI 48152, seeking to erect a six-foot-tall wood privacy fence at the rear of a double frontage and corner lot, resulting in deficient rear yard setback.

Rear Yard Setback:

Required:	35 feet
Proposed:	0 feet
Deficient:	35 feet

The property is located on the east side of Vacri (17608), between McNamara and Franca Villa, Lot No.036-01-0030-000, N-2 "Neighborhood," Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090A (3), (4) "Residential District Regulations."

KLISZ	Calling Appeal Case No. 2022-05-13. An appeal has been made to the Zoning Board of Appeals by Wendy Senkbeil, 17608 Vacri, Livonia, Michigan, seeking to erect a six-foot-tall wood privacy fence at the rear of a double frontage and corner lot resulting in deficient rear yard setback. Rear yard setback required 35 feet. Proposed zero feet. Deficient 35 feet.
COPPOLA	All right. Thank you. Mr. Stierna, anything you'd like to add?
STIERNA	Not at this time, Mr. Chair.
COPPOLA	Any questions for the inspection department?
BARINGHAUS	Yeah. Mr. Chairman.
COPPOLA	Mr. Baringhaus.
BARINGHAUS	Question for the inspection department. This property, is this considered a double front lot?
STIERNA	It is considered a double front lot.
BARINGHAUS	In terms of fence that would require a setback of 35 feet from the property line.
STIERNA	Back row. Correct.
BARINGHAUS	Thank you very much.
COPPOLA	Thank you.
BOLOVEN	Mr. Chair.

COPPOLA	Mr. Boloven.
BOLOVEN	Question for Mr. Fisher. The letter that came from the Department of Public Safety on May 6 to you, what prompted that letter?
FISHER	If you look at the ordinance, we're supposed to have the visibility where you have it.
COPPOLA	It's a required process when you have a corner lot.
FISHER	Yes.
COPPOLA	Any other questions? Seeing none. If you could just state your name and address.
SENKBEIL	Wendy Senkbeil, 17608 Vacri Lane.
BOWERS	Michael Bowers, 17608 Vacri Lane.
COPPOLA	Thank you. If you could just briefly help us understand the need for the variance. Tell me about it.
SENKBEIL	So originally, I did receive a permit for a vinyl fence with a setback of 35 feet. Neighbors signed for it. It was all taken care of. But the 35 feet takes 35 feet off of my yard. First and foremost, the whole point of the fence a safety. Our dog has had to have two surgeries because he was snatched from another dog underneath our current fence and was injured. We've had various people come and stop. So, there's an island in between the entrance of the subdivision, so people come in and turn around in that little cul-de-sac, little area, and people will stop. And my daughter has been approach. We've had people throwing liquor bottles over the fence. Again, we have three young children, and them to experience, it scares me, first of all, my daughter being approached by random people that we don't know. It's just the safety.
BOWERS	And they're just not approaching. They're actually pulling up and getting out of the car walking up to the fence approaching my daughter and talking to her.
SENKBEIL	She's smart enough to come back to us, which is good, but, God forbid, something happens, or God forbid that was one of our kids that got attacked by a dog that was walking by.
BOWERS	The dog that was walking by went underneath the fence, grabbed my dog by the face and pulled him out to the sidewalk and started rolling him.
SENKBEIL	So he resulted in two surgeries after that.

COPPOLA The current fence, is that just a split rail?

SENKBEIL It's a split rail. So, we have chicken wire in between it like mesh so that it protects them, and it's all the way to the bottom so the dogs can't get under it, our dogs, and we've never had any issues until last year. Last year a woman was walking her dog and couldn't control her dog, obviously, and it grabbed our dog from underneath the fence.

BOWERS And we also addressed the corner. So, we set that back I believe it was 15 feet. So, when you're traveling south on Farmington, when you would go to that corner, we addressed it where it would be 15 feet front the corner and it would go on an angle, and when you're turning into the subdivision -- I'm sorry, when you come out of the subdivision, it would go 15 feet from the Farmington, it would go on an angle, that way not to obstruct any traffic or pedestrians walking that everyone can see.

SENKBEIL And the variance I asked for the wooden fence instead of the vinyl because it was my understanding neighbors of mine towards Six Mile, about half a mile down, he put a wooden privacy fence on Farmington Road, and it was my understanding that ours had to match his.

COPPOLA Okay. Mr. Fisher. We have not, I would assume we have not, what's the proper word, had the public safety officer update his view of the petition regards to the change where they've put a cut at the angle.

FISHER Yes. I called today and I did not get any return calls.

COPPOLA So it's an open issue.

FISHER Open issue.

KLISZ Mr. Chair.

COPPOLA Secretary Klisz.

KLISZ That's what I was thinking too, just reading this looking at the dating that it came in on the 27th and the letter was dated the 6th. I mean I don't know. We could continue and hear the whole thing and then table it because it's got to go back to them to review and maybe just save time by doing it that way because, you know, there's lots of letters and things that are different. I think if it's tabled, resubmit it to the public, and then, of course, to the police department to get their input, they may change their recommendation. There may be less letters next time, or something like that. But, you know, obviously your call in how you want to deal with it, but it's definitely an issue ripe for tabling in my opinion.

COPPOLA I understand that. Appreciate that comment. Just want to understand the change that you -- the resubmission. You're going to go on each side 25 feet back and then run at an angle 25 feet back on each side?

SENKBEIL Where Farmington Road and McNamara meet at that corner there, instead of going directly square, we would come in at that corner, kitty-corner that it wouldn't obstruct traffic. That was our suggestion.

BOWERS The privacy fence would now run on an angle.

COPPOLA I understand that, but my question is, how far back are you going from the corner on each side?

BOWERS I believe I read in the ordinance it was 15 feet for residential areas with privacy fences with a double frontage.

SENKBEIL At the corner.

BOWERS To not obstruct traffic or pedestrians walking.

SENKBEIL And our corner is also an entrance, it's not an exit for traffic. So, when you pull out of our subdivision, you're actually pulling out at least 35 feet forward from our property.

BOLOVEN Mr. Chair.

COPPOLA Mr. Boloven.

BOLOVEN Question for Petitioner. You might have said this already, but you are intending on matching the other privacy fence that was put in off of Farmington?

SENKBEIL If that's what we have to do, yeah, that's fine.

BARINGHAUS Mr. Chair.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS You're moving the fence in 25 feet. Why not just move the fence in 35 feet per ordinance and you would have everything you want?

BOWERS Because we're not actually moving the fence in 15 feet, we're just doing the corner.

BARINGHAUS I guess my question is what's preventing you from complying with the ordinance?

SENKBEIL Currently we have a patio and a gazebo right there, so that would interfere with the whole patio.

COPPOLA How deep is your backyard from the back of your house to the sidewalk on Farmington?

SENKBEIL So from the sidewalk and the current fence to the house? Is that what you're asking?

COPPOLA That's fine. Just basically from the sidewalk, which is basically the property line, to the back of the house, what's the distance?

BOWERS I know 35 it cut the property almost in half, and then where the patio and gazebo is that we built up, it literally, 35 feet runs right down the middle of where that is built, so it would cut everything right in half that we've already built.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS I have a question. If you're having problems with privacy on your property and people approaching the children, why would you put a gazebo and a seating area right on the corner of your lot?

BOWERS Because we built that before we had any of these problems. When we first moved in, we had no problems at all, and it's been within, I'd say, the last year or so where this stuff's been happening. We're like man, what's going on here? Why is this happening out of nowhere. Sitting back there in the gazebo and you get a car drive by, and liquor bottle thrown at you, that almost hit me in the head, it's happening quite often now. When we first moved in, it wasn't happening.

SENKBEIL So it's approximately from our house that would be 115 feet, according to the Google map, correct?

COPPOLA Okay.

BOWERS This is from the first one we filed. We don't have it with us, but it would be on the first site plans that we drew. It would be all on the map.

COPPOLA Unfortunately, I don't think everything made it into our files. The only thing I see is the revised, the new proposal. I don't see the original. It was 75 feet from the very back end. Probably closer to 90 on the other side that's on the McNamara. Any other questions? I think we have to follow the process. So, if we decide to table it, we can do it at that point. Any other questions? Anybody in the audience like to speak for or against this petition? Seeing none. Correspondence.

KLISZ Yes, we have some letters. First is a letter of objection by Dennis and Joanne Wiltsy, 17676 Francavilla Drive. My wife and I,

Francavilla homeowners for 35 years, object to this requested variance. Buyers and sellers of Livonia property should have confidence in the continuance and enforcement of zoning ordinances. We assume this Petitioner, a relative newcomer to this property, considered and accepted such ordinances when purchasing. We support the rejection by the inspection department and respectfully request this Board's denial of this requested variance, Case No. 2022-05-13. A letter of objection. Flavio Serina, 17729 Francavilla. Objection. We would like to keep the entrance of the subdivision as is. Having a six-foot privacy fence on the side and on Farmington Drive is not appropriate for the area. I even consider safety. A driver will not be able to clearly see Farmington traffic when exiting the sub. Letter of objection. Tom Maxwell. 17652 Vacri Lane. Blocked view of traffic coming out of Francavilla for walkers on Farmington Road and bikers is not uniform with the rest of fences along Farmington split rail. A letter of objection. Dennis Dulgerian, 17585 McNamara Drive. Farmington Road side of the Francavilla Sub used to look very nice with the split rail fence. The appearance no longer looks that way. Fencing is falling down, missing, propped up or pieces of wood, metal rods. No, the sub does not need something new and different to make it look more hodgepodge. Please note the boulevard at Six Mile entrance how nice residents keep it. Look at the boulevard next to this address and its upkeep. According to the city, it's to be maintained by the adjoining lots in the intersection. No, we do not need a six-foot eyesore that probably won't be maintained. A letter of objection. Antonio D'Orazio, 17742 Vacri Lane. A privacy fence would block the view of what is coming around the corner. Letter of objection. Sandra Rychlinski, 17698 Vacri Lane. I understand my neighbor's request for a privacy fence. However, I feel that a privacy fence would block the corner view and would be a safety hazard. Maybe a privacy fence on their own property line or an invisible fence for the dog. Letter of approval. Father Kevin Thomas, 17500 Farmington Road. No comment. Letter of objection, Terry B. Case, 17748 Francavilla. I object to the proposed fence because of the safety and aesthetic issues. The six-foot wooden privacy fence on the lot line at this location blocks the views of pedestrians, cyclists, and drivers. This lot is next to a busy entrance in our subdivision. Many people, including school children, are crossing the street at this location. This fence would alter and obstruct the views of the pedestrians and drivers entering or exiting the subdivision. It would be a traffic hazard and safety issue. If the proposed fence is constructed, it will not conform to the existing split rail fence in size or construction material. The existing split rail fence runs continuously from McNamara to Curtis. It presents a consistent and uniform appearance for a neighborhood border. If erected, this would be the only six-foot wooden privacy fence in that stretch. It would not conform to the existing fences and could potentially affect neighborhood perceptions and ultimately affect property value. That is the correspondence.

COPPOLA Okay. Thank you. So, you heard all of the comments from your neighbors which seems to be a heck of a lot more negative than the other one we heard on Vacri. Then we've got the issue of line of sight that's going to have to be addressed by the public safety. But do you want to have any comments or responses to any of the letters?

SENKBEIL No, because we addressed that, the whole corner, because it seems to be most of their issues were that line of vision on the sidewalk there. Maybe my perception is different. So, it would be okay for us to put a vinyl fence 35 feet in that did not match anything around it, but I wouldn't have -- the ordinance doesn't ask for their permission. Is that what it is? Because originally my first permit was approved for a vinyl that did not match the neighbors.

COPPOLA The zoning ordinance requires the double lot has to be 35 feet in from the property line. At that point, as long as you're compliant with the ordinance, you can put whatever fence up you want as long as you have your neighbors' approvals on those that are adjoining properties, yes.

SENKBEIL Which I did originally.

COPPOLA You can do whatever you want.

SENKBEIL Okay. So, since we didn't get any response to their original response.

COPPOLA Okay. Anything else? All right. Thank you. I'm going to close the public portion of the case and start the boards' comments. Secretary Klisz.

KLISZ Again, this should be tabled to give the Petitioners an opportunity. Again, they sort of revised it already, and since they revised it already and the public didn't see it, and the public safety department didn't see it, I think tabling is in order for everyone to reconsider this new design. And if they're the same 14 complaints, and if the police department is not on board with it, then that would be a problem. But maybe there will be more support next time. So, I support a table.

COPPOLA All right. Thank you. Vice Chair Baringhaus.

BARINGHAUS I agree. I think that the variance request should be tabled at the moment until we hear the response from the public safety.

COPPOLA Mr. Boloven.

BOLOVEN I echo that sentiment. Thank you.

COPPOLA Ms. Ptashnik.

PTASHNIK Exactly what my colleagues just cited. I vote to table.

COPPOLA I actually lived in that subdivision for 20 years and I always kind of liked the continuity of what was going on on Farmington Road. And we had a neighbor of yours come in several times and he ended up getting approved. I voted no, and I'm not -- I think, I think stockade fences or any type of six-foot privacy fence sitting on a public fairway facing just does not look good. I was willing to acquiesce on a consistent basis, but my condition on consistency was they all have to be done at the same time. It all has to look the same. Now, I've got a brown, we've got a brown stockade fence at the end. And then we've got a bunch of split rail, some in great condition, brand new, some in really bad condition, falling down. We've got landscaping. We've got berms. You know, it's unfortunate because that's a very long stretch of Farmington. It's a very nice subdivision, the homes are very nice. And it just -- I'm really concerned how this thing is going to end up looking at the end, and there's a section of the city that looks like a hodgepodge, and there's other cities that allowed it and it looks like a hodgepodge.

I'm very sympathetic to the issue that you have. That is not something that a young family should have to deal with. It's unfortunate things have changed over time, and it wasn't like that when I first moved to the neighborhood. But I do understand. I do see what goes on on that road. There's alternatives. There's landscaping that can be done, but I think yours has pretty much lived its life and you'd have to start from scratch. That means there would be years that you wouldn't have coverage. So right now you've got quite a bit of I think some support from the Board, and I think the other neighbor down the other end also had enough support from the Board that it got approved. So, we're going to go ahead and table it and you'll come back after we get feedback from the public safety group to see if that's enough of a change. It's going to be tough. That's a 45 mile an hour road. I'll be interested to see what they say about your suggested change. So, I'll open up the floor for a motion.

KLISZ Mr. Chair.

COPPOLA Secretary Klisz.

KLISZ Resolve that the variance sought in Appeal Case No. 2022-05-13 filed by Wendy Senkbeil be tabled for the public safety department to follow up on the new proposed fence layout that the Petitioner submitted back in May, but unfortunately has not been updated in the system and for other neighbors to have a say based on the new petition.

BOLOVEN Support.

COPPOLA I have a motion by Secretary Klisz, support by Mr. Boloven. If you could, take roll.

RESOLVED: CASE NO. 2022-05-13: An appeal has been made to the Zoning Board of Appeals by Wendy Senkbeil, 17608 Vacri, Livonia, MI 48152, seeking to erect a six-foot-tall wood privacy fence at the rear of a double frontage and corner lot, resulting in deficient rear yard setback.

Rear Yard Setback:

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Proposed:	0 feet
Deficient:	35 feet

The property is located on the east side of Vacri (17608), between McNamara and FrancaVilla, Lot No.036-01-0030-000, N-2 "Neighborhood," Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090A (3), (4) "Residential District Regulations," **be tabled for the public safety department to follow up on the new proposed fence layout.**

ROLL CALL VOTE

AYES:	Ptashnik, Boloven, Klisz, Baringhaus
NAYS:	Coppola
ABSENT:	Testa, Oliverio
APPROVED:	4-1

COPPOLA So your petition's been tabled. So, the next step is I think it will go to the public safety based on your revised plan. If you want to further revise it, do that quickly and let some department know that you're going to revise it any further, any types of changes. And then you'll have to call to get back on the schedule. I think our next meeting that's open is August 16th and you would need to get on the agenda on or before July 18. So, I would call the zoning office, ask for them to go ahead and submit your change to public safety department to get their opinion. And then once you get that feedback back, then you can go ahead and call again and get on the schedule that would be my suggestion.

SENKBEIL Thank you.

COPPOLA Thank you, Mr. Secretary. If you could call the next case.

APPEAL CASE NO. 2022-05-13: An appeal has been made to the Zoning Board of Appeals by Wendy Senkbeil, 17608 Vacri, Livonia, MI 48152, seeking to erect a six-foot-tall wood privacy fence at the rear of a double frontage and corner lot, resulting in deficient rear yard setback.

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KLISZ Calling Appeal Case No. 2022-05-13. An appeal has been made to the Zoning Board of Appeals by Wendy Senkbeil, 17608 Vacri, Livonia, Michigan, seeking to erect a six-foot-tall wood privacy fence at the rear of a double frontage and corner lot resulting in deficient rear yard setback. Rear yard setback required 35 feet. Proposed zero feet. Deficient 35 feet.

BARINGHAUS Mr. Chair.

COPPOLA Mr. Baringhaus.

BARINGHAUS Yes, thank you. I'd like to make a motion to take Appeal case number 2022-05-13 from the table. Second.

COPPOLA I have a motion by Mr. Baringhaus, seconded by Mr. Testa to remove from the table. All in favor say aye.

BOARD Aye.

COPPOLA Mr. Hershey, anything you like to add at this time?

HERSHEY No, sir, not at this time.

COPPOLA Okay, any questions for Mr. Hershey?

BARINGHAUS Mr. Chairman.

COPOLLA Mr. Baringhaus.

BARINGHAUS Yeah, a question for Mr. Fisher. There's a letter dated May 6 from the Department of Public Safety regarding an evaluation of the privacy fence and whether it represents an obstruction to viewing traffic on Farmington Road. Does that letter apply to the original design or the revised design?

FISHER	The letter was revised from the original design and Sgt. Szczepanski was okay with this.
BARINGHAUS	So he's currently okay with the new proposed design. Thank you.
COPPOLA	Mr. Fisher, if you could provide us a letter for the file stating such?
FISHER	Well, I think the communication has already gone. It just hasn't shown up in the packet, I guess because it's already happened.
COPPOLA	Okay, so there is documentation of his findings. Okay. Good. Any other questions? All right. Name and address please, for the record.
SENKBEIL	Wendy Senkbeil, 17608 Vacri Lane.
COPPOLA	Okay. Ms. Senkbeil, if you could, let us know what has changed since the last time we've seen this.
SENKBEIL	After speaking with the Sergeant, he advised us, at the corner, if we came in 25 feet directly behind, we have a gazebo there, and then 35 to the end, that would be sufficient so that it would not obstruct traffic. And that's what I submitted on my second proposal.
COPPOLA	Okay. Anything else?
SENKBEIL	Nope, we just used his guidance because I think that was the biggest issue based on our last meeting, as far as making changes and adjustments.
COPPOLA	Questions of the petitioner?
PTASHNIK	Mr. Chair, I have a quick question. Actually, this is for the petitioner. Does that take care of the visual obstructions on both Farmington and McNamara then? I don't have the updated letter from the Sergeant yet.
SENKBEIL	I think it was in April or April or May I submitted. So, it does come in because on there too.
PTASHNIK	Okay, because I know we were worried about traffic on McNamara, but pedestrian more on Farmington.
SENKBEIL	I was gonna go kitty corner right where Farmington was and then they're worried about my driveway too, so, I was gonna go in as well.
PTASHNIK	I just want to make sure that was taken care. Thank you.
BARINGHAUS	Mr. Chairman.

COPPOLA Mr. Baringhaus.

BARINGHAUS Question for Mr. Hershey from the Inspection Department. I believe your revised diagram looks like you've taken an orange highlighter and drawn in revised design, but that's okay. Great. On this particular, I have on page 13 of the packet. Anyway, looking at where the fence starts relative to the, it looks like the driveway and the side of the house, is that placement within ordinance?

HERSHEY I'm not finding the layout for that.

BARINGHAUS It comes right after the public notice.

HERSHEY Okay, So, corner lot. your question was the angle part?

BARINGHAUS Not the angle so much, it looks like the fence runs almost along the driveway and then starts in front of the house?

HERSHEY Yes. Or is that the side of the side of the house? Yes. Is that the garage area? Yeah. So, it comes off the garage? Yes.

BARINGHAUS Okay. Very good.

TESTA Mr. Chair. Question for the petitioner. Sorry, I was not here at your last meeting, but I did read the meeting minutes. Can you just give a cliff notes version of your hardship?

SENKBEIL Well, first the issue was privacy but mostly the safety. We've had issues. We've had pedestrians walking their dogs for example, along Farmington Road and coming into our yard, reach under our current fence, grab our dog and attack. Our dog has had two surgeries. We've also had various people stop at the side, either Farmington Road or McNamara and approach my children, which is a huge issue. Also, and I don't even know how to prevent this, but we've got people throwing liquor bottles from Farmington Road, and all kinds of debris that again, I have two young kids that are 10 and 12, and my biggest thing is worrying about their safety.

TESTA Okay, thank you. I didn't see this question asked in the first meeting. If it was, I apologize. Is there a reason you couldn't go to the smaller fence, why do you need a six-foot fence?

SENKBEIL Because my neighbor on Farmington Road towards Six Mile, he put up a fence and I was told that I have to have the same design and layout as the neighbor.

TESTA Okay, thank you.

BARINGHAUS Mr. Chairman.

COPPOLA Mr. Baringhaus.

BARINGHAUS Okay, I'm currently on your property, it looks like you have an extensive gazebo and seating area. Right on the corner of Six Mile and McNamara or I'm sorry, Farmington and McNamara, did you ever consider moving it closer to the home where it'd be less accessible to handle the vehicle traffic and pedestrian traffic walking past your property line? Because that particular area is right on your property line, it's right on the sidewalk, that runs parallel with your property.

SENKBEIL We actually just built that about a year ago and it was to separate ourselves so we would have different seating areas in the yard for the kids to play too, because again, we have dogs and kids, to make sure that we still have the yard for the kids to play. And it's approximately, I'm gonna say at least 15 to 20 feet from the sidewalk area because I have the split rail fence that currently just about everybody on Farmington Road has. So, there's currently a fence there, and it's at least 15 feet from our fence.

BARINGHAUS Looking at the corner, you are moving that in 25 feet?

SENKBEIL Yes.

BARINGHAUS That area as trees in a green space, will you be removing that in order to accommodate?

SENKBEIL Yes, there's a tree that I planted, it's a small tree.

BARINGHAUS What about along Farmington itself, is there additional vegetation that will be removed?

SENKBEIL There won't be any. Along Farmington Road, there's small pine trees, but if I have the fence there, they will butt up against the fence. But in that corner, there wouldn't be any, any vegetation on the outside.

BARINGHAUS A lot of neighbors use vegetation, evergreens, trees as a means of providing screening on their property from Farmington and getting some privacy, have you considered that option, or you just want a fence?

SENKBEIL No. I planted 21 trees, actually last summer, and every single one of them with the exception of five died because of the current path, if you've driven past, there's a million trees. I lived there for two years. So, I've taken up 21 trees already, because of the roots of not getting

enough water, is what I've been told. I did try that, but also, yeah, I have to have some kind of fence because I do have dogs currently there. Because right now it's a split rail, right. And again, I did try the 21 trees, but they died and even if I didn't have, I still would need a fence on the McNamara entrance and then in between me and my neighbors as well. Because I just had a temporary fence up between me and my neighbors.

BARINGHAUS Yeah, the area has a pretty consistent look, in terms of greenbelt and split rail fences that you describe. Did you consider the impact your fence would have in terms of disrupting the consistent look in that area?

SENKBEIL I did, I actually spoke to several neighbors because they all have opinions and they gave me suggestions as well. They originally agreed the neighbors, between me and my neighbors, have with a vinyl fence. But then once the neighbors down the street got approval for their six-foot wooden fence, that's kind of what I'm struggling with to have the fence up.

BARINGHAUS Are you planning on landscaping along the proposed fence like the other neighbor along Farmington committed to do?

SENKBEIL Yeah. Like I thought about that, like I thought about hydrangeas on the outside and I have a couple different things, so I don't have to worry about watering let them, just keeping up, low maintenance.

BARINGHAUS And then how far will the fence be set back?

SENKBEIL Okay, from where?

BARINGHAUS Yeah, from your property line, where are you going to be installing the proposed fence, is it going to be six feet back, eight feet back, is going to be running against the sidewalk?

SENKBEIL The fence on Farmington would replace the split rail that's currently there, except in the corner where you enter the subdivision, that's where I would go in the 25 feet proposed.

BARINGHAUS So, where would you plant the hydrangeas?

SENKBEIL There is there's a gap there now actually, between the sidewalk and the split rail, there's room for vegetation, or I can put wood chips. They are really things just to keep it neat when people are walking on Farmington Road.

BARINGHAUS Okay, thank you.

TESTA	Mr. Chair.
COPPOLA	Mr. Testa.
TESTA	Just a follow up to the point I think Mr. Baringhaus with his line of questioning. Your neighbor, south of you, Mr. Berry who did come before us and we did grant that variance. He did tell us after the fact, one of his regrets was he didn't place that fence back a few more feet to allow him to space to grow more vegetation. So, he put the fence in first and then came before us he was kind of trapped with being stuck with where it was. So, he had struggled to grow some vegetation there. I drove by yesterday and it's getting better, it's not perfect, but it's growing as you'd expect, but he did say that he wished he had put it back at least a couple feet to give him more space to grow vegetation. So, you might want to keep that in mind.
SENKBEIL	A couple of more feet back, I wouldn't mind doing that. It is a good point, then I would have more room to plant or put wood chips, so that will be maintained.
COPPOLA	Are there any other questions?
FISHER	Mr. Chair, I just wanted to clarify the earlier question about Sergeant Szepanski. The communication via email did actually get into the file. I can understand that it was maybe a little bit ambiguous. But anyway, I wrote him on July 20 th , Sergeant Szepanski, if I understand the petitioner provides the proposal correctly, it's this, and I proceeded to describe what's before you tonight. And it says, 'is this what you had in mind' meaning 'was that what he prescribed' and his response was 'that is correct.' I just want to make sure we all are on the same page.
COPPOLA	Thank you for that clarification. Any other questions? Okay, if you could have a seat, just for a moment please. Is there anybody in the audience that would like to speak for or against at this time? Seeing there is nothing, I believe we have correspondence.
KLISZ	We have some letters. First letter of objection, Dennis Dulgerian, 17585 McNamara Drive, having already filled out a questionnaire previously all I can do is repeat myself. This is a bad idea. Our thoughts are, we don't want a mixture of fencing on Farmington Road. The situation exists in Westland, Canton and other areas. The fencing has not kept up, it's an eyesore to everyone. If you need an example of what this will look like, look no further than the condition of the current split rail fence. Property owners do not keep it up. They do little maintenance the fencing is broken, propped up with pieces of wood pipe, angle iron, 17608 Vacri, has never cared for the split rail

on their corner. No. Letter of approval Kevin Thomas 17500 Farmington Road, no comments. Email to Sara from the Zoning Office from Tom Maxwell. Hi, Sara, here are the issues we discussed about the fence for 17608 Vacri Lane. They asked me if they could have a privacy fence before they bought the house, and I said no. I told them, when we bought our house in 2008, we were told that we had to replace the fence of the same style fence. Mike Bowers does not reside at this address and was seen discussing the fence with the Traffic Cops. Mike Bowers was exiting the sub and was almost struck by a cyclist. If the fence was put up that would obstruct the view even more. The chicken wire fence between their house and our house was supposed to be temporary. It's still up two years later. Cutting the corners off the fence would be an eyesore. Thanks, Tom Maxwell. Letter of objection Sandra Rychlinski, 17698 Vacri Lane. We have been a resident here in Francavilla Subdivision for over 40 years. When the wood rail fence line on Farmington Road began to deteriorate, several of our neighbors had to replace the rail fencing with duplicate wooden rail fencing per the City of Livonia. Privacy fences were not allowed. The same ruling should apply to our neighbors. Having a six-foot wooden fence is like having a wall, you will not be able to see around the corner for walkers or those on bicycles. For me this alone is a safety hazard. A letter of approval from Robin Diccico 17599 McNamara Drive, no comments. A letter of approval, Lena Lucia. 17598 Vacri Lane. I approve the fence for Wendy Senkbeil, who is my neighbor, and I will be happy to see it and welcome it to our neighborhood. Letter of objection, Melissa Maxwell 17652 Vacri Lane. Safety. Fence would block view of cars going in and out of sub for pedestrians walking and for riding bikes. That is all the letters.

COPPOLA

Ms. Senkbeil, you can step back up. Is there anything you would like to clear up?

SENKBEIL

Melissa and Tom Maxwell actually signed the original document when I first submitted for a fence, so they originally signed it, and that was like, almost a year ago. And I understand their issue with the temporary fence, that is because I am waiting for approval to put up a permanent fence. Same with repairing the fence, again, I'm waiting to put up a new fence. So, spending more money on a fence when I'm gonna hopefully be able to put one up, it's kind of redundant. I'm a single mom, so, I only have so much in the bank, as far as replacing a fence twice.

COPPOLA Good, thank you. I am going to close the public portion of the case and start the board comments with Vice Chair Baringhaus.

BARINGHAUS A couple of things. Back with the original case, there were a number of letters of objection the first time we heard this, and tonight, we're hearing the same thing, that there is objection from the neighbors in the neighborhood regarding the presence of this fence. The petition keeps coming back to her issues but with, in terms of neighbors, they really have some concerns about the aesthetics that this fence represents. The residents in that neighborhood recognize and appreciate the consistency of the look on Farmington. The addition to these privacy fences represents, really a disruption, to what's a very established greenbelt area, a very visible greenbelt area for the City of Livonia. There were some concerns initially with the women were granted first variance, that this would trigger a number of future fences to be placed in this area and we're starting to see that trend tonight. Again, on the one thing that really wasn't discussed with was aesthetics and this, this is a very deep concern of the neighbors. The thing that this intersection that's not really been addressed fully, is the fact that, I believe on this corner, there's a Francavilla sign that identifies the subdivision. That is a bit of an obstacle to try to navigate coming out of the subdivision, turning onto Farmington. I think the addition of the fence would only compound that, despite what the Public Safety Department says. There is a high level of neighbor concern regarding not only how it impacts look of the neighborhood with the addition of the second stockade fence, but also the fact that it disrupts the consistency of the area as well. So based on that I won't support the variance.

COPPOLA All right. Thank you, Secretary Klisz.

KLISZ I respect what Vice Chairman Baringhaus had said, but I'm going to disagree. I think it is a close call. And then there's a couple of things. I think a lot of the objections seem to be the safety reason. And last time, we really wanted to know from the Public Safety Department on what they felt, and since they've signed off on it, then I'm happy with that. I think they're the experts in this area. We hadn't heard from them before and now we have, so that's helpful. I think that eliminates a few of the objections as to the safety part. As to the looks part, I was in favor of the other case and so I'm going to be consistent with that. I think things are changing in that area and again, one fence versus zero versus more, it could just change over in the future. So, I guess you know, that's sort of a close call too, I know that one wasn't, you

know, a full of agreement by the by the Board. So, I'm going to be consistent, and I think it is a close call, but I'm going to support it.

COPPOLA

Thank you, Mr. Testa.

TESTA

Thank you, Mr. Chair. So, in preparation for this, and reading the packet and driving out there, at first, I was against this from the safety standpoint. But now that we have the letter clarified from the Officer, Sergeant, that he's okay with the way it was modified. So, I appreciate the modification. I'm a little disappointed Mr. Berry is not here tonight to support his neighbor. That's a different issue. I do understand the hardship and I would appreciate, I don't know how to handle it, but if you did set the fence back a few feet, generally, we do a motion with as shown or drawn to spec, but really, it's a very rudimentary drawing, so, I'm not sure if that would apply tonight. So, I don't know if we could, if there's other Board Members willing to vote for this, I would like to set it back two or three feet to get some kind of buffer space there and also to help with the safety issue. We're gonna increase the view, but I can support this.

COPPOLA

Ms. Oliverio.

OLIVERIO

I tend to agree with Mr. Klisz and Mr. Testa on this, but particularly because one, safety was clearly an issue, I think from what I saw, I wasn't here last time, but I was able to read. Safety just seemed to be the biggest concern overall, but whether happened to be from neighbors or just from the group here. That seems to be addressed. So that's good. Going back to the aesthetic piece. I do like the compromise that Mr. Testa offered, I think that's a great compromise moving the fence back, especially since Mr. Berry, said he wished he did that to allow some greenery or something to kind of cover that might be a good compromise there. Then also addressing before Mr. Berry, we started to talk about that particular corridor enough in the likelihood of there being increased traffic there in the future due to the Master Plan and Livonia Vision 21, In terms of developments to add at Five and Farmington and elsewhere on that corridor, so, I can see that traffic increasing and the safety concerns, speed increasing overall, so, I would be in support of that. Specifically with the consideration of perhaps two or three feet, I don't know what the appropriate measurement would be for perhaps for vegetation or to maintain some sort of aesthetic.

COPPOLA

Alright, thank you. Ms. Ptashnik.

PTASHNIK

So, like the rest of my colleagues, safety, of course, was my primary concern when you were first here. I would have loved aesthetically to

see the split rail fence along Farmington Road there be consistent but when you drive by a lot of them are becoming dilapidated and not maintained. So, that is sad to me if they were all in pristine shape, I would probably be against you doing this. I do understand the hardship especially with your children and safety and that location. So, with that being said, and I agree with the compromise of moving in, so, you maybe can put in some arborvitaes or some hydrangeas or plants to hide the fence. So, all that being said, I'll be in support.

COPPOLA

Alright, thank you. Same thing, I do sympathize with the issue that you have being on a busy corner, we've got a main drive and you've got a main entrance into a subdivision. However, that existed when you when you bought the place, nothing's changed. Farmington. Is it busier than it was two years ago? Probably not. Was it busy 30 years ago, probably, it's always been a busy road. So, from the sense of a hardship, you bought into that hardship, when you bought the house, it existed. So, it wasn't like something happened, changed, that created that hardship. So, I have had difficulty with that part of it. With the safety points, I think your suggestion mitigates it. I lived in that subdivision for 20 years, I can count probably two dozen times where I've almost hit a biker or a pedestrian, a jogger, coming up to that intersection. I think this helps but it doesn't solve that issue. And I respectfully disagree with the Safety Officer. In addition, several times, the person that lived in the house before you, actually, it was probably about two or three in my 20 years, several times, I've almost hit them as they backed out and having less sight and these people come in hot off Farmington Road down McNamara, the chances of you seeing them with only that level of sight could be difficult. But the bigger issue is, I think the aesthetics, from my perspective, and just a clarifying point, in regards to Mr. Berry, I have made a proposal to him to go to his neighbors and get a consistent fence to build, so they could all do at one time, it can be consistent and look good. It wasn't a requirement that you use, what I was hoping for, is that everybody would do the same thing at the same time, and it would look good. Now we're going to have, you know, you're going to put one in, Mr. Berry has one in, three people don't have one, and I've got a six-foot fence, I've got a dilapidated split rail, a good split rail with plants, I got one that doesn't have, some of them put a berm in. It just looks, I don't think aesthetically, it looks good. This is a main thoroughfare on Farmington that people travel up and down, I just don't think it gives a good look for Livonia. I know we do have some spaces that have a little bit of that. There'll be two or three houses where you'll see different fences, it doesn't look good. Just because it happened doesn't make it right, it doesn't look good. And you go to these other

communities, as you mentioned, Canton and Westland, you go down some of these streets like Warren, and you've got a whole block and every fence is different. It looks absolutely awful. So, I'm not going to deviate from my book that I gave to Mr. Berry. I told him no, I'll vote today, as we do and several of us on the Board are overruled and that's the way things work. And so, it looks like you may have what you need, but the one thing I would like in the sense of the Board is, if we do an approval with a condition as a few feet back, that's the standard now. Okay, that's the standard now on that road. Because if it's not, you've made a bad situation even worse. That's going to be something you're gonna have to maintain it. You're gonna have to walk all the way around your fence and you're gonna have to maintain it. So, I've said my piece, so I'll go ahead and open up the floor for a motion.

KLISZ Mr. Chair.

COPPOLA Secretary Klisz.

On motion by Klisz, supported by Testa

RESOLVED: APPEAL CASE NO. 2022-05-13 (Tabled on June 28, 2022): An appeal has been made to the Zoning Board of Appeals by Wendy Senkbeil, 17608 Vacri, Livonia, MI 48152, seeking to erect a six-foot-tall wood privacy fence at the rear of a double frontage and corner lot, resulting in deficient rear yard setback.

The property is located on the east side of Vacri (17608), between McNamara and Franca Villa, Lot No.036-01-0030-000, N-2 "Neighborhood," Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090A (3), (4) "Residential District Regulations" be **granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met because of the corner location and safety concerns cited by petitioner.
2. Denial of the variance would have severe consequences for the petitioner due to the safety issues cited by petitioner, including the dogs, the litter, and the approaches to the children.
3. The variance is fair in light of its effect on neighboring properties and is in the spirit of the zoning ordinance because there is support in the neighborhood.
4. The granting of this variance will not adversely affect the purpose or objective of the Master Plan because this property is classified as "Low Density Residential" under the Master Plan and the proposed variance is not inconsistent with that classification.

FURTHER, the variance be granted with the following conditions:

1. The fence must be placed as shown, with a cut-in along McNamara at the garage and a cut-in at the corner of Farmington and McNamara beginning 35 feet north of

- McNamara and ending 25 feet west of Farmington, with the entire fence along Farmington Road being a minimum of 2.5 feet west of Farmington.
2. A letter shall be submitted by Public Safety clarifying their approval of petitioner's proposal.
 3. Suitable vegetation must be planted along the Farmington Road side of the fence, maintaining living foliage upon the Farmington facing fence 20-50% coverage of area by June 2023, then 75% at least by June 2024, and beyond. .
 4. The fence must be 2.5' from the sidewalk along Farmington Road as approved.
 5. The fence shall be a light-colored six foot tall vinyl fence.

TESTA Support.

COPPOLA Motion by Secretary Klisz, support by Mr. Testa. Any discussion?

BARINGHAUS Mr. Chairman.

COPPOLA Mr. Baringhaus.

BARINGHAUS Yeah, question for Mr. Fisher. Looking at the original letter from the Department of Public Safety, that letter made a very clear statement in it that the originally proposed fence was a safety obstruction. Now reading the second email on proposed design of the fence and their review. I didn't sense that was a crystal-clear statement that that fence was deemed not an obstruction. And I'm trying to find the original email, of course, I'm failing with that. Can you reread what how they responded, what you said to them? And what they responded back?

FISHER Well, I no longer have it in front of me, unfortunately, but I can tell you, what I said in my correspondence was this: Is what they had what you gave them? Did I understand it correctly and he said yes, that's correct. So, it's ambiguous maybe in the sense that he could have enunciated that more clearly, but I don't think he, it was clear to me what idea he was getting across.

BARINGHAUS Conceptually. See, in the original May 6th letter, it says Mr. Fisher, regarding review of the property at 17608 Vacri Lane, the six-foot privacy fence would create a vision obstruction and a public safety hazard. It's a very clear and concise statement. I don't sense the same level of communication and the clarification on the proposed fence.

FISHER Well, I think he already communicated to the petitioner, as I understand it, what he would accept. So, he's not a man of many words.

BARINGHAUS There's no specific documentation on what he approved.

FISHER In the email that I sent him, I laid it out and I understand it.

know if we have to get into that. I think we just need some statement of conditions.

KLISZ I'll make the comment made with Mr. Berry's variance, so who's going to police that? Okay, so conditioned upon petitioner, to be fair, to install vegetation along the Farmington Road side of the fence, do you remember what the timing was?

BARINGHAUS Normal growing season, vegetation in place.

KLISZ Okay, and this was done in January. Okay, so, let's see, if it was January to September. Which is June. Okay. So, we're going to follow the same language that the Berry Petitioner had. The petitioners is to maintain living foliage on the Farmington facing fence 20 to 50% coverage of area by June 2022, which is nine months from the date it was approved, then 75% at least by June 2024 and beyond. That would be our last addition.

PTASHNIK Mr. Chair, do we want to make sure that we have a conditioned listed that the fence will be in the same style and type as Mr. Berry's for consistency? The petitioner already addressed that that she was going to do that, that was the intent. Do we need to have that condition listed?

KLISZ Was there anything in the packet that suggested the materials and style

PTASHNIK Yes, Petitioner stated that she was, quote, unquote, stuck with that style, because of Mr. Berry's.

COPPOLA If we want to keep up with the nicer fence, I would be much happier.

SENKBEIL And I have to have the same stain colors, correct?

COPPOLA Because, again, that was a proposal at the time that he was getting his approval so that we would have consistency. It isn't a requirement. I mean, we could require it. It's not a code that this is the only fence you could put on Farmington. So, I mean, we can make that a requirement for the variance.

SENKBEIL If I have to have the same color just in case anybody else wants to put a fence up or you could change it to vinyl.

KLISZ The problem with that is, we don't have any example or anything we can point to, this is it.

TESTA Yeah, I believe Mr. Baringhaus gave us the stain type.

COPPOLA The point I was making was that I'm not a fan of Mr. Berry's fence. If we could step it up with this next one and maintain that as a standard going forward, I'd be much happier.

SENKBEIL My original permit that was approved before the setback was a cream color five-foot vinyl fence.

COPPOLA The issue with that would then be, that what you put in the standard would be a five-foot vinyl cream colored fence. It is not in code and the different Board, over time, can do something different with vegetation, so I don't want to make this more difficult. But I think it's important to kind of try to get right this time. So, I guess, if it was going to be for consistency, because people are gonna come in and want six-foot fences. I know that you're willing to do a five-foot fence, but the kind of compromise I can do. I'm just trying to get a way that we get something that we're comfortable with that we can use as kind of our standard on a go forward basis. Because it's very expensive. It's not a standard. And again, if he showed up and asked for a variance before he put it in, I think we would have had a different outcome. We would definitely have, and we should have had a different outcome, but nonetheless, I would personally prefer a vinyl fence be it white or light cream, heavy cream, but light colored. But again, once that color in, and so I think we can work with that. I mean, this is a different section this is McNamara North. He's kind of McNamara South.

KLISZ Let's make the condition six-foot vinyl or five-foot?

COPPOLA I'm happy with a five-foot fence again, but knowing that everybody else comes in, that's what they're gonna get. Right? But that's okay.

PTASHNIK Does that help us with the safety issue as well? A little bit. I don't know.

KLISZ A little bit.

COPPOLA You're gonna see him right, you're gonna see their head.

KLISZ So, five-foot final privacy fence in a white color and you get to set the standard on style, so choose wisely.

COPPOLA Can you go ahead and read all the conditions if you're alright.

KLISZ Placed as presented as to the 10-foot cut out and the 25-foot cutout. It will be a five-foot vinyl privacy fence, light in color. 32.5 feet variance is approved along Farmington Road. The letter shall be submitted from the Safety Department outlining their approval of this proposal. Petitioner shall install vegetation along the Farmington Road side of the fence, using the language that I read into the record from the Berry

case, will be exactly the same as that, the only difference between the dates of June 23 And June of 24, those are all the conditions.

COPPOLA Okay, just one question for Mr. Fisher. Should the motion include the variance approval in other words, because we're approving a 32.5% variance, denied in part?

FISHER Yeah, I think approved in part is fine, 2.5 feet...

TESTA Mr. Chair I also have a question for Mr. Fisher. The public notice specifically called out a wood fence and we're approving a vinyl fence, is that problematic?

FISHER Well no, I don't think so, because the people received the notice, and they could have come to say whatever. Sometimes things change and of course in the meeting, and we also changed the 32.5 feet so...

TESTA Thank you. I support the full motion.

KLISZ I support all the changes and conditions.

SENKBEIL I'm sorry. I just went on to look I don't see I have an option to buy.

BARINGHAUS Change it.

COPPOLA All right, read it one more time.

KLISZ Sorry to do this, a six-foot vinyl privacy fence, light in color, placed as presented as the 10-foot cut out and 25 foot cut out 32.5 feet is approved as the variance along Farmington Road. A letter shall be submitted by the Safety Department, outlining their approval of this plan. Be sure to install vegetation along the Farmington Road side, using the Berry case example for the actual language, which is so many percentage by June of 2023 and then 75% by June of 2024.

COPPOLA Okay.

RESOLVED: APPEAL CASE NO. 2022-05-13 (Tabled on June 28, 2022): An appeal has been made to the Zoning Board of Appeals by Wendy Senkbeil, 17608 Vacri, Livonia, MI 48152, seeking to erect a six-foot-tall wood privacy fence at the rear of a double frontage and corner lot, resulting in deficient rear yard setback.

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3. The variance is fair in light of its effect on neighboring properties and is in the spirit of the zoning ordinance because there is support in the neighborhood.
4. The granting of this variance will not adversely affect the purpose or objective of the Master Plan because this property is classified as "Low Density Residential" under the Master Plan and the proposed variance is not inconsistent with that classification.

FURTHER, the variance be granted with the following conditions:

1. The fence must be placed as shown, with a cut-in along McNamara at the garage and a cut-in at the corner of Farmington and McNamara beginning 35 feet north of McNamara and ending 25 feet west of Farmington, with the entire fence along Farmington Road being a minimum of 2.5 feet west of Farmington.
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5. The fence shall be a light-colored six foot tall vinyl fence..

ROLL CALL VOTE

AYES:	Testa, Ptashnik, Oliverio, Klisz.
NAYS:	Baringhaus, Coppola
ABSENT:	Boloven
PASSES:	4-2.

COPPOLA Congratulations. If you could call the next case.

ZONING BOARD OF APPEALS

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August 19, 2022

Wendy Senkbeil
17608 Vacri
Livonia, MI 48152

Dear Ms. Senkbeil,

The Zoning Board of Appeals of the City of Livonia, at a Regular meeting held August 16, 2022, adopted the following Resolution:

RESOLVED: APPEAL CASE NO. 2022-05-13 (Tabled on June 28, 2022): An appeal has been made to the Zoning Board of Appeals by Wendy Senkbeil, 17608 Vacri, Livonia, MI 48152, seeking to erect a six-foot-tall wood privacy fence at the rear of a double frontage and corner lot, resulting in deficient rear yard setback.

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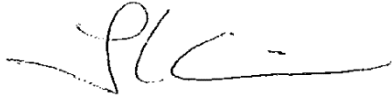
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Wendy Senkbeil
Appeal Case No. 2022-05-13
August 19, 2022
Page 2

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3. Suitable vegetation must be planted along the Farmington Road side of the fence, maintaining living foliage upon the Farmington facing fence 20-50% coverage of area by June 2023, then 75% at least by June 2024, and beyond. .
4. The fence must be 32.5' along Farmington Road as approved.
5. The fence shall be a light-colored six foot tall vinyl fence.

Sincerely,

A handwritten signature in black ink, appearing to read 'TK', with a long horizontal stroke extending to the right.

Timothy Klisz, Secretary

cc: S. Banko, City Clerk, M. Fisher, S. Miller, R. Abrahamson, F. Hershey

ZONING BOARD OF APPEALS

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PUBLIC NOTICE (REVISED) MAY 1, 2026

APPEAL CASE NO. 2026-04-03, 19384 Hillcrest: an appeal was made to the Zoning Board of Appeals by Nikki Michalski, seeking to erect a 5-to-6-foot-tall privacy fence, resulting in a privacy fence erected in the side yard toward the front of the lot beyond the rear plane of the house, which is prohibited.

This Low Density Residential property is located on the east side of Hillcrest (19384), between Seven Mile Road and Haldane Street, Lot. No. 007-99-0089-000, R-U-F, Rural Urban Farm, rejected by the Inspection Department under Livonia Code of Ordinances, Section 15.44.090 B.

THE LAW REQUIRES THAT OWNERS OF PROPERTY LOCATED WITHIN 300 FEET OF THIS PROPERTY BE NOTIFIED OF THIS REQUEST IN WRITING. THIS IS YOUR NOTIFICATION. YOU ARE NOT REQUIRED TO RESPOND TO THIS LETTER.

Agendas, minutes, and other meeting documents may be accessed at the following URL:

<https://livonia.gov/129/Agendas-Minutes-and-Meeting-Documents>

This appeal will be heard at a public hearing to be held in the **Auditorium on the 1st floor of City Hall on Tuesday, May 12, 2026, at 7:00 p.m.**, at which time comments may be directed to the Board during audience participation. When replying by mail, write your comments on the back of this notice and address it to the City of Livonia, Zoning Board of Appeals, 33000 Civic Center Drive, Livonia, MI 48154. All written comments are read at the meeting and become part of the record.

ZONING BOARD OF APPEALS,

A handwritten signature in black ink, appearing to read "Timothy Klisz".

Timothy Klisz, Secretary

Petitioner will incur a \$100 rescheduling fee for every failure to appear.
In accordance with Title II of the Americans with Disabilities Act as it pertains to access to Public Meetings, the Zoning Board of Appeal's Office of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs.
Please call 734-466-2250 if you need assistance.

Case No: 2026-04-03
Meeting Date: May 12, 2026

[illegible]

Signature: _____

Address:



CITY OF LIVONIA
INSPECTION DEPARTMENT

REJECTION OF APPLICATION FOR PERMIT
BECAUSE OF NON-CONFORMITY TO ZONING ORDINANCE LIVONIA VISION 21

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154
421-2000

Applicant <u>Nicholina Michalski</u>	Address <u>19384 Hillcrest st., Livonia, MI 48152</u>
Owner <u>(same as applicant)</u>	Address <u>(same as applicant)</u>
Lessee <u>n/a</u>	Address <u>n/a</u>
Location <u>East</u>	Side of <u>19384 Hillcrest</u> Street
Between <u>Seven Mile</u>	And <u>Haldane st.</u>
Lot No./Parcel No. <u>007-99-0089-00</u>	Subdivision <u>n/a</u>
Zoning District <u>R-U-F</u>	Lot Size <u>0.513 Acres</u> Alley <u>n/a</u>
Present Use <u>Single Family Residential</u>	Proposed Use <u>(no change)</u>
Present Building Size <u>n/a</u>	Proposed Building Size <u>n/a</u>
Present Height of Building <u>n/a</u>	Proposed Height <u>n/a</u>
Allowable Lot Coverage <u>n/a</u>	Proposed Lot Coverage <u>n/a</u>

Proposal : Seeking to erect a 5 to 6 foot tall privacy fence, resulting in a privacy fence erected in the side yard toward the front of the lot beyond the rear plane of the house, which is prohibited.

Reason for Rejection Livonia Code of Ordinance, Section 15.44.090 B.

Deficient Side yard _____	Deficient Front Yard _____	Deficient Rear Yard _____
Deficient Lot Area _____	Deficient Lot Area Per Room _____	Encroachment <u>35 feet</u>
Excessive Lot Coverage _____	Excessive Height _____	Increasing No. Units _____
Use Prohibited _____	Deficient Parking Spaces _____	Increasing Area and Bulk _____

Remarks Revised 5/1/2026 *mxs*

Plans and Application examined by *[Signature]* Date April 13, 2026

APPLICATION FOR VARIANCE

NIKKI MICHALSKI 19384 HILLCREST LIVONIA 48152 734-776-7687
(Owner of Premises) (Street Address) (City) (Zip Code) (Telephone) (Fax)

(Lessee) (Street Address) (City) (Zip Code) (Telephone) (Fax)

ZIPPY FORCE LLC 2573 ANDOVER TRENTON 48183 734-383-2090
(Contractor) (Street Address) (City) (Zip Code) (Telephone) (Fax)

The property address is 19384 HILLCREST LIVONIA MI 48152

Please note that if you need more space to answer any of the following questions, you may use a separate page or the back of this page. Simply identify your response(s) with the number of the question you are responding to.

1. Are there any deed restrictions or subdivision rules or restrictions on the property? If so, what are they?

NO. SEE ATTACHED DEED. ADDENDUM #1 + 2

2. Give legal description of property involved, or attach a deed or other document which contains the legal description of the property:

SEE ATTACHED DEED. ADDENDUM #1 + 2

A variance can only be granted if a hardship or practical difficulty with the property makes the variance necessary. Under the City's Zoning Ordinance, a practical difficulty exists only if (a) the difficulty is exceptional and peculiar to the property, and does not exist generally throughout the City, (b) the difficulty involves more than mere inconvenience, inability to earn a higher financial return, or both, and (c) the variance would be fair to the neighbors and others who might be affected, as well as those who do not have this variance.

3. Please explain how the practical difficulty you claim is unique to your property, and does not exist elsewhere in the City:

SEE ATTACHED.

4. Please describe what the difficulty involves beyond mere inconvenience or inability to earn a higher financial return:

SEE ATTACHED.

5. Explain why you think this variance would be fair to the neighbors and others who might be affected.

SEE ATTACHED. ADDENDUMS #5 - 6

6. Have you sought an amendment to the zoning ordinance which would permit your proposed project under your current zoning? If yes, please describe the outcome of this process:

SEE ATTACHED.

7. If you have not attempted to have the zoning ordinance amended, why hasn't this attempt been made?

SEE ATTACHED

RECEIVED

APR 10 2026

Inspection Department
City of Livonia

8. Have you attempted to have the property rezoned? If yes, please describe the outcome of the rezoning process: _____

SEE ATTACHED.

9. If you have not attempted to have the property rezoned, why hasn't this attempt been made? _____

SEE ATTACHED.

Please see the separate instruction sheet for plans, fees, and other information which should be submitted with the application. **Note** that if an agent or attorney signs the application on behalf of the owner, said agent or attorney must provide written proof of his or her authority to act on the owner's behalf. ALL INTERESTED PARTIES ARE REQUIRED TO ATTEND THE ZONING BOARD OF APPEALS MEETING. NON-ATTENDANCE BY ANY INTERESTED PARTY MAY RESULT IN YOUR CASE BEING TABLED AND THE APPROPRIATE FEE BEING ASSESSED.

OWNER'S AFFIDAVIT

COUNTY OF WAYNE)
STATE OF MICHIGAN)

The undersigned being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanying information and data are in all respects true and correct to the best of (his/her) knowledge and belief, and that the undersigned personally undertakes to see that the property will be used and developed in compliance with all applicable ordinances and any conditions imposed in connection with any variance which may be granted in response to this application.

Signature of property owner: _____

Nikola Michalski
(NIKKI)

Please print name of property owner NIKKI MICHALSKI

NOTE: Please provide Letter of Authorization on official letterhead if not signed by owner of the property, as well as the deed and property transfer affidavit.

Subscribed and sworn to before me this 10th day of April, 2026

(Notary Public, Wayne County, Michigan)

My Commission expires 5/04/2032

Any decision of the Board favorable to the applicant will remain valid only as long as the information or data relating thereto are found to be correct and the conditions upon which the resolution was based are maintained.

NOT TO BE COMPLETED BY APPLICANT

Petitioner makes application for a Hearing, seeking to (reverse, modify, or affirm) the (order, decision) of the Department of Inspection, dated 3/23/2026, which reads as follows:

PRIVACY FENCE MAY NOT BE FORWARDED OR ROUNDED OFF DUE TO DUBBLING

I certify that (a) the petitioner is not in violation of any ordinance other than the provision(s) sought to be waived in the foregoing application, (b) all applicable fees have been paid, and (c) I have examined the foregoing application, and find that said application is complete, and that the City Zoning Ordinance, Ordinance No. 543, as amended, prohibits the proposed project unless a variance is granted by the Zoning Board of Appeals.

[Signature]
(Supervisor)

Application for permit filed YES

Violation Issued No

To: City of Livonia Zoning Board / City Council
From: Nicholina (Nikki) Michalski
19384 Hillcrest Street
Livonia, MI 48152

Re: Request for Variance – Fence Height and Design

To Whom It May Concern:

My name is Nicholina Michalski, and I have been the homeowner at 19384 Hillcrest Street for the past 13 years. I am respectfully requesting a variance to replace my existing fence with a 5-foot fence that will provide greater protection and functionality for my property.

The current fence, which has been in place for over 40 years, is in a state of deterioration and requires replacement. Throughout both prior ownership and my time in the home, the yard has been designed and maintained with a fence as an integral boundary. My intention is not to change the character of the property, but to responsibly replace and modestly improve an existing structure.

Over the years, my property has experienced a consistent and increasing presence of deer. They frequently enter the yard to feed, bed down, and leave waste behind. This has resulted in repeated damage to landscaping, including flowers, shrubs, and garden areas that I have worked hard to maintain.

In addition to property damage, this ongoing deer activity creates health and sanitation concerns. Deer are known carriers of ticks and fleas, which pose a risk to both myself and my dog. The accumulation of waste in areas where we live and spend time outdoors further impacts the safety and usability of the space.

A standard 4-foot fence has proven ineffective, as deer can easily clear that height. The proposed 5-foot fence, with a more enclosed design, is intended to meaningfully reduce this intrusion and restore a sense of safety and cleanliness to my property.

The variance I am requesting is minimal—only one additional foot in height—and will not negatively impact neighboring properties or visibility along Hillcrest Street. The design has been thoughtfully considered to complement the character of the home and surrounding neighborhood, reflecting a clean and appropriate residential aesthetic consistent with the area.

I have spoken with several neighbors, many of whom share similar concerns regarding deer activity, and I have received their full support for this request. Letters from neighboring residents have been included as part of my application.

As you review the attached photographs, you will see the current condition of the fence, the evidence of deer activity, and a visual representation of the proposed improvement. Please note that the rendering is for illustrative purposes and does not fully reflect the existing side access fencing.

I take great pride in my home and in contributing positively to the neighborhood. This request is not one of convenience, but of necessity—aimed at protecting my property, maintaining a safe environment, and making a reasonable, modest improvement.

I respectfully ask for your consideration and approval of this variance.

Thank you for your time and thoughtful review.

Sincerely,
Nicholina (Nikki) Michalski



**1. Are there any deed restrictions or subdivision rules or restrictions on the property?
If so, what are they?**

No known deed restrictions or subdivision rules prohibit the proposed fence. The request is based solely on a variance from the City's fence height limitation.

2. Give legal description of property involved, or attach a deed or other document which contains the legal description of the property:

See attached legal property deed for the full legal description.

3. Please explain how the practical difficulty you claim is unique to your property, and does not exist elsewhere in the city:

The property experiences a recurring and ongoing issue with deer entering and utilizing the yard for bedding, feeding and defecation. Due to the specific location of the property relative to nearby wooded areas and deer travel paths, bringing ticks and fleas. The frequency and persistence of deer activity create a unique condition that is not generally applicable to most residential properties in the City.

4. Please describe what the difficulty involves beyond mere inconvenience or inability to earn a higher financial return:

The presence of deer has resulted in repeated damage to landscaping, including flowers, shrubs, and vegetable gardens. In addition, deer bedding on the property creates sanitation concerns and potential health risks. A standard 4-foot fence is ineffective at deterring deer, as they can easily jump over it. A 5-foot solid privacy fence is necessary to meaningfully reduce intrusion and protect the property. This is not a matter of convenience, but of preventing ongoing property damage and maintaining safe and sanitary conditions.

5. Explain why you think this variance would be fair to the neighbors and others who might be affected.

The proposed 5-foot fence will not negatively impact neighboring properties or visibility along Hillcrest Street, nor will it create any safety concerns. The increase

in height is minimal—only one foot above the current ordinance limit—and will remain consistent with the overall residential character of the neighborhood.

A fence has existed on the property for over 40 plus years, and the landscaping and layout of the yard have long been designed with a fence in place, both under previous ownership and during my 13 years of ownership. The proposed replacement maintains this established boundary while improving its function and appearance.

The design of the fence will enhance the overall aesthetic of the property in a manner consistent with the style of homes built in the 1950s, contributing positively to the neighborhood's visual appeal. Additionally, the fence will help deter ongoing wildlife intrusion without interfering with neighboring properties' use, enjoyment, or sightlines.

I have also spoken with several neighbors and other residents, all of whom have expressed support for the proposed fence. Letters of support from neighboring property owners are included with this application – see attached letters 1-3

Photographs have been provided to illustrate the existing conditions and the proposed improvements. Please note that the AI-generated image does not reflect the two existing 6-foot side fences that allow access to the backyard.



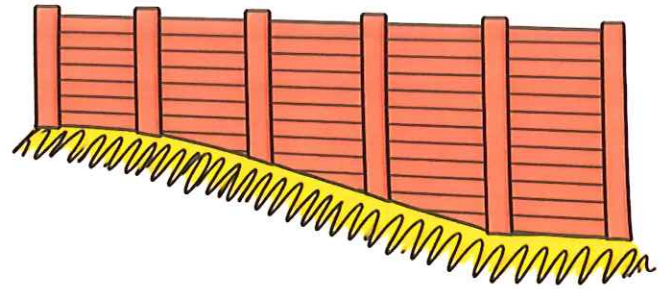
Proposed Fence (Ai)



Current view



Current view Broken and Tied up



Proposed fence drawing w/level top allowing for slope in property

6. Have you sought an amendment to the zoning ordinance which would permit your proposed project under your current zoning? If yes, please describe the outcome of this process:

No formal amendment to the zoning ordinance has been sought. This request is specific to the unique conditions of this property, making a variance the appropriate course of action rather than a broader ordinance amendment.

7. If you have not attempted to have the zoning ordinance amended, why hasn't this attempt been made?

An amendment to the zoning ordinance would affect all properties citywide, while the issue at hand is specific to this property's conditions. Therefore, pursuing a variance is the more appropriate and practical solution.

8. Have you attempted to have the property rezoned? If yes, please describe the outcome of the rezoning process:

No, there has been no attempt to rezone the property. The property is appropriately zoned for residential use, and the request pertains only to a dimensional variance fence height, not land use.

9. If you have not attempted to have the property rezoned, why hasn't this attempt been made?

Rezoning is not applicable in this case, as the request does not involve a change in the permitted use of the property. The matter is limited to a minor deviation from the fence height requirement due to unique site conditions involving persistent deer intrusion. Therefore, a variance is the appropriate and reasonable course of action.

2013 SEP 17 AM 11:08

FIRST CENTENNIAL TITLE AGENCY, INC.

A.S.K. SERVICES, INC.

Bernard J. Youngblood
Wayne County Register of Deeds

September 17, 2013 11:08 AM

Inst: 2013416077 WD Pages: 2

Liber: 51067 Page: 1446



WARRANTY DEED

File No. cen85551-STG

The Grantor(s) Geoffrey J. Kenny and Barbara J. Kenny, his wife, whose address is 3046 Comitan Lane, Las Vegas, NV 89122

convey(s) and warrant(s) to David Michalski and Nicholina Michalski, husband and wife, whose address is 18225 University Park Drive, Livonia, MI 48152

the following described premises situated in the City of Livonia, County of Wayne and State of Michigan:

The Southwest quarter of the Northeast quarter of the Northeast quarter of the Southeast quarter of the Southwest quarter of Section 2, Town 1 South, Range 9 East, excepting from the extreme Westerly side of said premises a strip of land 30 feet in width, heretofore deeded to the Board of County Road Commissioners of Wayne County for highway purposes.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act. The Grantor grants to the Grantee the right to make all division(s) under section 108 of the Land Division Act, Act. No. 288 of the Public Acts of 1967.

Commonly Known As: 19384 Hillcrest St., Livonia, MI 48152

Sidwell No. 46-007-99-0089-000

For the sum of One Hundred Ninety Thousand and 00/100 Dollars (\$190,000.00)

Subject to easements and building and use restriction of record, if any.

THIS IS TO CERTIFY THAT THERE ARE NO TAX DEDUCTIONS OR OTHER
on this property and that taxes are paid for FIVE YEARS
previous to date of this instrument EXCEPT
No. 92876 Date 09-10-13
WAYNE COUNTY TREASURER Clerk M. D. D.

Real Estate Transfer Tax



County: \$209.00

State: \$1,425.00

Receipt: 427266

Stamp: 314275

22/2

ADDENDUM #1

April 7, 2026

To: City of Livonia

From: Mrs. Kelly Parker 30540 Saint Martins Street Livonia, MI 48152

Re: **Application for Variance** – Nicholina (Nikki) Michalski
19384 Hillcrest Street Livonia, MI 48152

To Whom It May Concern:

I am writing in support of Nicholina (Nikki) Michalski's application for a variance to replace her existing fence.

I have known Nikki for the past five years and can confidently speak to her character as a responsible homeowner and considerate neighbor. She consistently maintains her property with great care and takes pride in contributing positively to the neighborhood's appearance.

Nikki is seeking to replace her current fence, which is in a state of deterioration, with a new structure that will enhance both the safety and aesthetic of her property. I have reviewed her proposed plans and believe the new fence will be a tasteful and valuable improvement that complements the surrounding homes.

Additionally, there has been a noticeable increase in deer activity within our neighborhood. These animals frequently enter residential properties, including Nikki's, causing damage and leaving behind waste that may pose health concerns for residents and pets. A more secure fence design would help mitigate these issues by discouraging deer from entering her yard. For these reasons, I fully support Nikki's request for a variance. I believe her proposed fence will not only improve her property but also contribute positively to the overall well-being and appearance of the community.

If you have any questions, please feel free to contact me at 734-812-1527.

Sincerely,

Mrs. Kelly Parker
(734) 812-1527



ADDENDUM #3



30540 St. Martins Street
Livonia, MI 48152

PAGE #7

Date: April 8, 2026

To: City of Livonia

From: Mrs. Johane Bongero, 19414 Hillcrest Street, Livonia, MI 48152

Re: Application for Variance – Nicholina (Nikki) Michalski, 19384 Hillcrest Street
Livonia, MI 48152

To Whom It May Concern:

I am writing in strong support of Nicholina (Nikki) Michalski's application for a variance to replace her fence.

I have been a resident of this neighborhood for 60 years and have taken great pride in maintaining my home and watching the community grow and evolve over the years. For the past 13 years, I have known Nikki as a neighbor who shares that same level of care, pride, and dedication to her property.

From my home, I have a clear view of Nikki's backyard and have frequently observed the presence of deer on her property. This is an ongoing issue in our neighborhood, as deer regularly enter yards, damage landscaping, and leave behind waste. I understand and support Nikki's desire to install a more effective fence to help manage this problem.

I have also reviewed her plans and believe the proposed fence will be a good and appropriate enhancement to her property. Nikki has consistently demonstrated a commitment to maintaining her home to a high standard, and I am confident this improvement will reflect that same level of care.

As a long-time resident, I also feel it is important to note that there are properties within the neighborhood that are not maintained to the same standard. In contrast, Nikki has always gone above and beyond in caring for her home. For this reason, I believe her request is both reasonable and deserving of approval.

I respectfully ask that you give full consideration to her application.

Sincerely,



Mrs. Johane Bongero

ADDENDUM #4
PAGE #8

To: City of Livonia

From: Stephanie Wilkerson, 19351 Hillcrest Street, Livonia, MI 48152

Re: Appeal for Variance – Nicholina (Nikki) Michalski
19384 Hillcrest Street, Livonia, MI 48152

To Whom It May Concern:

I am writing in support of Nicholina (Nikki) Michalski's request for a variance to replace her existing fence.

My family and I have lived directly across the street from Nikki for approximately six years and look at her property daily as her home is just across the street. During that time, I have come to know her as a responsible homeowner who takes great pride in maintaining her property and contributing positively to the appearance of our neighborhood.

From a visual standpoint, I believe Nikki's proposed fence will be an attractive improvement that fits well within the character of the neighborhood. I do not see it as disruptive in any way; rather, it will enhance the overall appearance of her home.

Additionally, I would like to emphasize the ongoing issue we have with deer in our area. I personally experience the same challenges Nikki has described, including deer frequently entering my yard, damaging landscaping, and leaving waste behind. This has become a persistent concern for both property upkeep and health, particularly for families and pets. For these reasons, I fully support Nikki's request. Her plan is both reasonable and practical, and I believe the proposed fence will help address a shared neighborhood concern while maintaining the visual integrity of our community.

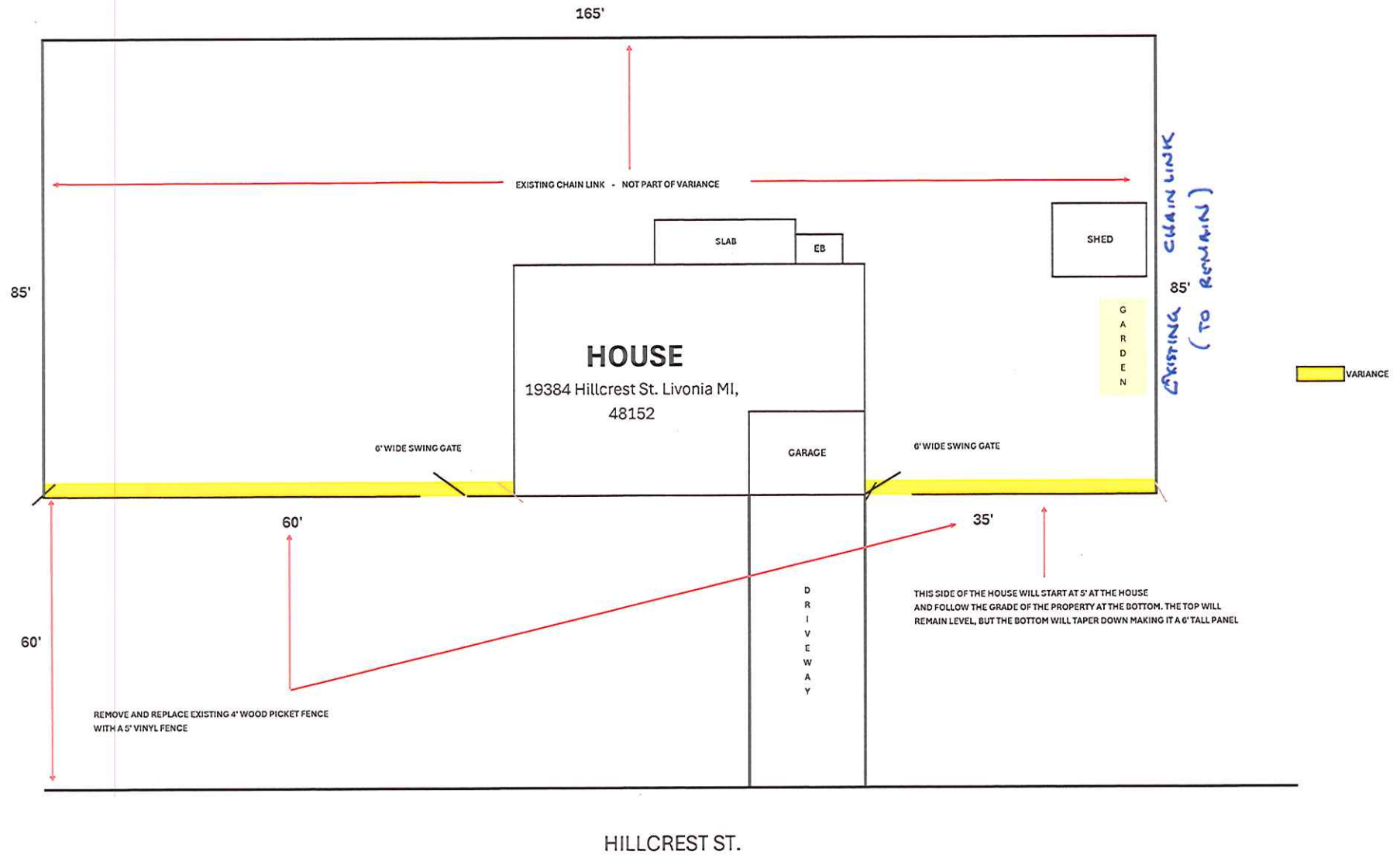
Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stephanie Wilkerson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephanie Wilkerson
19351 Hillcrest Street
Livonia, MI 48152

ADDENDUM #5
PAGE #9



NIKKI MICHALSKI
19384 HILLCREST

FENCE
LOW DENSITY RESIDENTIAL

ZONING MAP

LEGEND

Zoning Districts

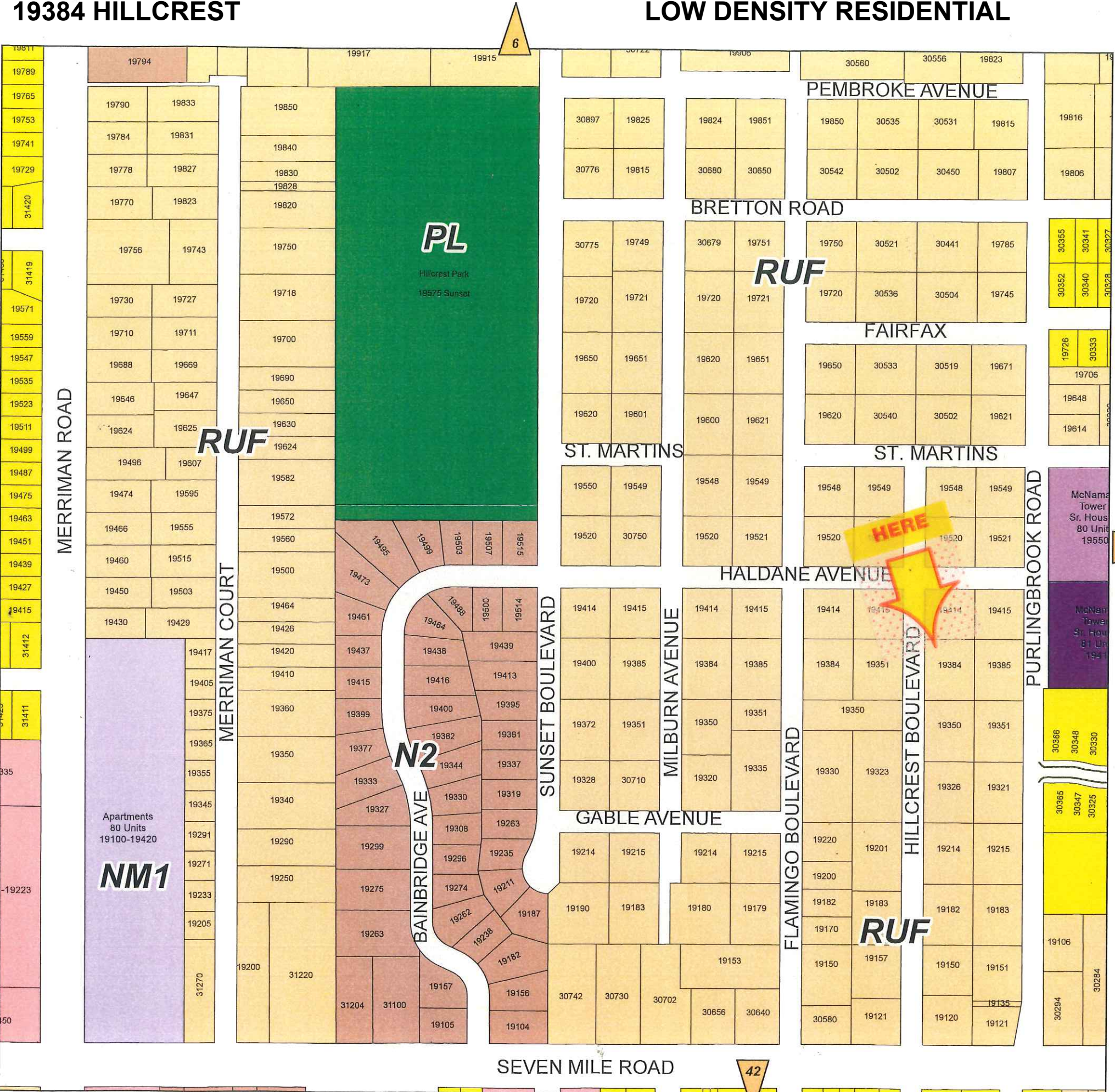
- RUF Rural Urban Farm
- N1 Neighborhood
- N2 Neighborhood
- NM1 Neighborhood Multifamily
- NM2 Neighborhood Multifamily
- NM3 Neighborhood Multifamily
- P Parking
- C-1 Local Business
- C-2 General Business
- C-3 Highway Services
- C-4 High Rise Commercial
- M-L Manufacturing Limited
- M-1 Light Manufacturing
- M-2 General Manufacturing
- P-L Public Lands
- NP Nature Preserves

S.W. 1/4 Section 2

City of Livonia

T. 1 south, R. 9 east
Wayne County, Michigan

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ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, JANUARY 6, 2026

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, January 6, 2026.

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

MEMBERS ABSENT: Timothy Klisz, Secretary
Brian Meagher

OTHERS PRESENT: Mike Fisher, Chief Assistant City Attorney
Frank Hershey, Building Inspector

The meeting was called to order at seven p.m. Vice Chairman Baringhaus 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. Five (5) members were present. Acting Secretary, Jim Baringhaus, then read the Agenda and Legal Notice to each appeal, and each of the Petitioners indicated their presence. None of the Petitioners asked to be rescheduled to be heard by a full Board. Appeals came up for hearing after due legal notice was given to all interested parties within 300 feet, Petitioners, and City Departments. There were several (not counted) people present in the audience.

(7:00)

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APPEAL CASE NO. 2025-11-36 Joshua Engels 20160 Milburn	49-65
ADMINISTRATIVE TASKS	66-67

APPEAL CASE NO. 2025-11-34, 16408 Pollyanna Drive: an appeal was made to the Zoning Board of Appeals by Tracy Jubenville-Lutz, seeking to maintain storage of a recreational vehicle in a side yard, which is prohibited.

This Low Density Residential property is located on the east side of Pollyanna (16408), between Surrey Drive and Pollyanna Court, Lot. No. 061-02-0106-000, N-2, Neighborhood, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09 (3).

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

HERSHEY No, sir, not at this time.

COPPOLA Any question for the Inspection Department?

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA I do have a question for the Inspection Department. Mr. Hershey, I noticed that there's been, from what I can see on BS&A Online, three complaints over the years about this property and the camper being parked. I didn't see any details how they were resolved. It's just that they were resolved. Do you have a different system that maybe has a little bit more detail?

HERSHEY There is an open enforcement. It was issued... looks like October thirty-first to the homeowner for RV storage in the side yard, and that is still open pending this case.

TESTA And the original or first complaint looks like maybe back in 2015, 2016, and then another complaint, 2018 roughly?

HERSHEY These are showing 2016 on both of them.

TESTA There's no other complaints besides two from 2016 and the one issue?

HERSHEY Yeah, that's all. The two previous and the current one. Yes.

TESTA Okay, so if they were resolved most likely they just moved it and the City closed it out.

HERSHEY Yes, I agree with you, correct.

TESTA Okay, thank you.

HERSHEY You're welcome.

COPPOLA All right, thank you. Anything else? All right, the Petitioner can step up to the podium.

JUBENVILLE-LUTZ

This one or that one?

COPPOLA

Either one, actually. Mics work on both of them. Whatever you'd be more comfortable with. Usually it's this mic, so it'd be nice to have a change.

JUBENVILLE-LUTZ

Hi. My name is Tracy Jubenville-Lutz, and I live at 16408 Pollyanna. We've been there about 10 and a half years, and we've always had a camper. We have a three-and-a-half-car driveway and two drivers at our house. So you have asked about the complaints, and so I wasn't able to submit it in the packet because I hadn't received it yet, but I had FOIAed the information, and so it gives more detail about how the complaints were resolved. So the most recent complaint for the October thirty-first. That was actually an anonymous complaint, which actually, talking to the Inspector supervisor, they aren't necessarily supposed to take anonymous complaints, but it's an anonymous complaint, and it is, "A person on a bicycle came up to me while I was in the middle of addressing another issue at the corner of Surrey and Wood, and had an immediate concern. Reported by a neighbor riding a bicycle around the neighborhood. He stated he lived in the corner house, and the neighbor was sick of constantly seeing RV parked in the side yard, and wants it removed. Send notice." So that was on October thirty-first and that was when I received the notice to remove it. The previous complaints have all been by the exact same person, Michael... I don't know how to pronounce his last name... Bud Z-I-S-Z, the previous complaints were all by him. And so on the FOIA information that I have, it says, "Resolved, Complied, No violation, No violation, No violation." On all the ones that I have, can I give this to somebody? I don't know if anybody wants it?

COPPOLA

Do you want that to go into the record? We can put that into the record.

JUBENVILLE-LUTZ

Yes. Who do I give it to?

COPPOLA

You can give it to me.

JUBENVILLE-LUTZ

And so this was... Now I could have told you that Mike complained about the camper because we hadn't even unpacked a moving truck when he told us we couldn't have camper in our driveway and so but with that said, we have a pie-shaped lot, and in that pie-shaped lot, we cannot move it back any further than what we have. Several years ago, an Inspector by the name of Dan Pilachowski had come out to the house, and if you notice, he's the one that has always come out to the house, and he had told us that we just needed to make the camper as flush as possible with the front of the house. And so we took that to heart, and we took down a tree, we got a cement patio poured for it, and so it sits on a cement patio, not patio, but it sits on a cement driveway, because we took that to heart, and so it's been status quo since that time, and it's been a few years now. And then this year, when we got the notice on the thirty-first, I called and I talked to him, and he said, "I don't know who told you that." And I said, "Well, I'm pretty confident you did, because you're the same guy that comes out to me every time." And so when I got to FOIA information, and I called the office to be like, "Hey," about the anonymous complaint, and left him a couple messages to get another call. And so that is where we are. I also have some additional letters from neighbors of support. I have three additional letters that are okay with me having the camper there. And so... but ultimately, we are a pie-shaped lot. There, from the overhang of our house to the property line, there's roughly 59 inches, and I cannot get the camper back any further than I already have. If we got it back further, it would be on somebody else's property. We paid for a survey in early September, before this was even happening, to ensure that the camper was on our property,

and also to ensure that the cement pad that was poured for it was also on our property, to ease our neighbor's concern as well. And so I had a survey done back in September, and I included that in the paperwork as well to truly mark the property lines so there were no [misunderstandings] about the property lines. Okay, so I mentioned that I had other neighbors. I had a couple neighbors that originally wrote letters, and I had three more neighbors that also I had additional information from them. Do you want them as well?

COPPOLA Sure. We can take those. Mr. Fisher, chain of control in a sense.

JUBENVILLE-LUTZ Do I give them to him?

COPPOLA No, you can give them to—

JUBENVILLE-LUTZ Give them to you?

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Thank you.

JUBENVILLE-LUTZ Thank you. Okay, and what questions do you have?

COPPOLA So how long have you been on the property?

JUBENVILLE-LUTZ Ten and a half years.

COPPOLA How long have you owned a camper?

JUBENVILLE-LUTZ Ten and a half years. Well, not this particular camper, but we've always had campers since we've lived there.

COPPOLA So did you have a camper before you lived there?

JUBENVILLE-LUTZ Yeah.

COPPOLA Okay, so when you moved in, did you do any research, understand the rules and ordinances within Livonia for campers?

JUBENVILLE-LUTZ No. I actually grew up in Livonia and where my dad lives, it was never an issue. And so it didn't honestly occur to me that it would be an issue. My parents....

COPPOLA You say it wasn't issue. Was he able to get his camper in his backyard?

JUBENVILLE-LUTZ No.

COPPOLA Okay. Have you looked at other alternatives for storage?

JUBENVILLE-LUTZ We have looked at other alternatives.

COPPOLA Okay. And?

JUBENVILLE-LUTZ They are high, very high. And then in the summer, specifically between Memorial Day and Labor Day, we have a really high turnaround. So I'm a teacher, so we camped somewhere between 32 and 40 nights, from Memorial Day to Labor Day. And there's also several times that when we head up north, once we cross the Milwaukee Bridge, I pay for storage up north, so I'm not pulling it back and forth. And so there's a lot of times that we're just home, let's say Monday, Tuesday, Wednesday, and then we head back out on Thursday.

COPPOLA Okay, thank you. Question for the Petitioner?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS You've been in your home 10 and a half years.

JUBENVILLE-LUTZ Yes.

BARINGHAUS The property lines haven't changed in those 10 and a half years?

JUBENVILLE-LUTZ No.

BARINGHAUS Still basically a pie-shaped lot.

JUBENVILLE LUTZ Yep. It has always been pie-shaped.

BARINGHAUS When you were shopping for your current trailer, were you aware of...? Did you question whether that trailer would fit properly in the rear yard?

JUBENVILLE-LUTZ Well, nothing will fit in the rear yard because it's a pie-shaped lot. There's only a 59-inch clearance between the overhang and the property line.

BARINGHAUS So you knew when you purchased the trailer that it would not fit in your rear yard.

JUBENVILLE-LUTZ Yes, but at that time, the Inspector had told us that we just need to make it flush with the front of our home.

BARINGHAUS Does your neighborhood have a homeowner's association?

JUBENVILLE-LUTZ No.

BARINGHAUS No. In your comments, you said there were no neighborhood restrictions. But isn't that due to the fact you don't have a homeowner's association that restrict or dictate how those trailers should be stored? In other words, your neighborhood restrictions really never existed, did they?

JUBENVILLE-LUTZ Not as far as I think there might have been a homeowner's association at one point, but I'm not really sure. It hasn't been there since I've lived there. I'm really not sure. I think other people could speak to that better than me. I don't know.

BARINGHAUS How many of your neighbors own trailers similar to yours?

JUBENVILLE-LUTZ There's a few. There's one on Surrey and theirs is on the side lot as well. There's one on Pollyanna Street itself, and they just park in the driveway. There's one further down that is also just parked in the driveway on Pollyanna. There's another one on Pollyanna that they have a boat and a trailer, and they kind of go back and forth between either being like, in their lawn or in their driveway, or sometimes they kind of tuck it down into the ravine behind their house as well.

BARINGHAUS And then you mentioned that you had owned a trailer prior to this one?

JUBENVILLE-LUTZ Yes.

BARINGHAUS Okay. How did you store that trailer, again?

JUBENVILLE-LUTZ It was with the three-and-a-half-car driveway and....

BARINGHAUS You stored it in the driveway similar to how you're starting it today?

JUBENVILLE-LUTZ Yes.

BARINGHAUS Okay, very good. Thank you.

JUBENVILLE-LUTZ Thank you, too.

TESTA Mr. Chair?

COPPOLA Mr. Testa.

TESTA Thank you. Question for the Petitioner. Who put in the cement pad in the kind of the third bay, maybe next to the house?

JUBENVILLE-LUTZ A company, a cement company?

TESTA No, I'm sorry, you put it in after you bought the house. I was looking at Google Map. It came in around sometime after 2015 but I'm not sure if it was there you bought the house.

JUBENVILLE-LUTZ So the three-and-a-half-car driveway has always been there since we bought the house, but the cement pad that goes from the driveway to the back patio, and that was put in after the fact, when the Inspector told us to make it flush with the house, and that we would be set. So we were trying to, like, okay, let's make it flush with the house. Let's take down a tree. Let's put a cement pad in for it. Let's make sure there's nothing growing

underneath it where things can, you know, live, and we were trying to make it as neat as possible, to just kind of go along with the rest of the cement and everything.

TESTA When was that, that you put the cement pad in? Roughly.

JUBENVILLE-LUTZ I honestly don't know. I want to say, I want to say, it's been four years, maybe five. We were trying to think about it, my husband and I were trying to think about it. I can't quite remember when the cement pad was.

LUTZ I think it's been three or four years. It was after COVID.

COPPOLA If you could just do me a favor.

LUTZ Sorry.

COPPOLA You're gonna need to step up and give [inaudible].

LUTZ Sorry.

COPPOLA No worries. Just want to stay with protocol.

LUTZ Sorry. We put it in—

COPPOLA Name and address first.

LUTZ Sorry.

COPPOLA For the record. Thank you.

LUTZ Want my name also, or no?

COPPOLA Name.

LUTZ Philip Lutz, 16408 Pollyanna.

COPPOLA Okay. Thank you.

LUTZ I'm her spouse. We put in the pad sometime after COVID, and it was, we think, three or four years ago. We didn't want to call the concrete guy to try and get an exact date.

TESTA That's fine. Okay. Yeah, I was trying to understand those dates, because the complaints we have are from 2016. That's why I asked at the beginning and again in 2025, so.

JUBENVILLE-LUTZ I can explain to that.

TESTA Yeah, thank you.

JUBENVILLE-LUTZ Okay, so around, I don't know something, and Mike, the gentleman who did all of the calls to the City Clerk's office or the Inspector's office. So once the Inspector told us to like, "Hey, get it flush with your garage." I said, "Okay, no problem." And we got it put in. And then I just know our neighborhood. And so I talked to another neighbor, who he is very chatty with, and I said, "I'm going to pull the camper back over. You're going to get a call in five minutes complaining that the camper's over there." And he goes, "Okay," and he told me, he goes, "It's less than three minutes." And he goes, and I told him, he's like, "She did exactly what the Inspector told them to do. There's nothing for you to complain about anymore. She did exactly what the Inspector told her to do. And so she can, she can have it there." And so, so he stopped complaining.

TESTA So the conversation with the Inspector was with another person and not you, or?

JUBENVILLE-LUTZ No, the conversation with the Inspector was with me, but Mike talks to another neighbor. Mike doesn't talk to me. Talk to us.

TESTA Okay.

JUBENVILLE-LUTZ Mike talks to another neighbor, and the other neighbor said, "Listen, the Inspector told them to do this. They did it. You really have nothing to complain about. There's nothing that... She is following. He is following what, at the time, we believed was the city ordinance, because the Inspector told us to do it.

TESTA Okay, thank you.

JUBENVILLE-LUTZ Oh, he didn't tell us what to do, but told us what....

TESTA So I drove by, it looks like to me the camper is overhanging the front of your house by a foot and a half, maybe two feet. It's definitely not--

JUBENVILLE-LUTZ He told us to get as close as possible.

TESTA Okay, so you do-- can see—

JUBENVILLE-LUTZ Yeah.

TESTA --that it is going further than the garage.

LUTZ If we put it any further back, we would be in our neighbor's property, because we actually spent over an hour parking it this time to make sure that we were exactly on the line that the survey had drawn.

TESTA Okay, that was my next question. So right now, it doesn't overhang your neighbor's line?

LUTZ No, it is, is inches, but the surveyor put a line down.

TESTA Yeah.

LUTZ And we made sure that we put it as close as possible. It took at least an hour to do it.

TESTA Okay, yeah, I understand the tires aren't over the lot, but is it overhanging?

LUTZ No.

TESTA Okay, thank you.

LUTZ No, the back of it, I was there. The line is like, it's like, that.

JUBENVILLE-LUTZ It's close.

TESTA Okay.

JUBENVILLE-LUTZ I'll tell you that.

LUTZ The only way we can get in—

JUBENVILLE-LUTZ She'll talk about it.

LUTZ Only way we could get it in our backyard is to one, take down the fence and then swing it so far into her yard and take the fence and get it right all the way through her yard in the backyard.

JUBENVILLE-LUTZ We still couldn't do it that way, only because there are DTE power line guide wires.

TESTA I saw your [inaudible]. And then I drove by today, so obviously there's not a lot of vegetation. There are obviously a couple trees there. Nothing's really obscuring it this time of year. Maybe in the summer months there's more vegetation?

JUBENVILLE-LUTZ There is. So between--

TESTA Coming from Farmington.

JUBENVILLE-LUTZ Yeah, between our property and Mary Beth's property, she's the woman there in the beige, and it is, is very vegetative during that time, during the spring and summer months.

TESTA Okay.

JUBENVILLE-LUTZ Yeah, right now there's nothing.

TESTA I didn't see. I was going through Google Maps, and I drove down Pollyanna all the way back up to Six Mile before I headed home. I didn't see another camper in your subdivision, maybe not there today, or it's there during the summer or?

JUBENVILLE-LUTZ So, the camper kind of looks like a van. It's a gray one. It's like a Mercedes camper van. And it is at, I want to say it's Pollyanna Court, where Pollyanna Court goes into Pollyanna. It is that house right there.

TESTA Gotcha.

JUBENVILLE-LUTZ And the one further down is, when you're coming off, you're coming off Six Mile and you turn to your right, and that first curve, there's usually a pop up sitting in his driveway, the gray house, and then across the street a couple houses down. It's late in the season, so he probably has his back in the ravine on Pollyanna. I don't know how he gets it out of the ravine in the spring, but I think he puts his behind his house, on his property, back in the ravine. And then on Surrey, there is a gentleman, he and I talked. "What do you plan to do with your camper?" This is years ago. "What do you plan to do with your camper?" "Oh, I'll probably do what you do." And I think he just put down gravel, and his is parked next to his house just sitting on gravel.

LUTZ And it's got, it's got a cover on it.

JUBENVILLE-LUTZ He's got cover on it. We don't really ever cover ours.

[Inaudible]

TESTA So how many of those are there year round, except when they're camping and in front and not in the backyard?

JUBENVILLE-LUTZ I think three, sometimes four.

TESTA Okay. And you said you sometimes store it up north in the summertime.

JUBENVILLE-LUTZ Yeah.

TESTA Obviously the concrete pad cost money.

JUBENVILLE-LUTZ Yeah.

TESTA Why couldn't you use that money towards storage instead of concrete?

JUBENVILLE-LUTZ Well, because the Inspector told us if we made it as flush in front as possible, like the cost effectiveness of paying a couple \$1,000 once to get it poured compared to \$150 to \$175 a month in storage fees.

LUTZ And we only pay for it when we store it up north. is because....

JUBENVILLE-LUTZ The guy charges me 30 bucks.

LUTZ And we store it there for about a month, and we're basically up and back from that spot like three times in a month. So there's no point in spending the extra gas money because my truck only gets eight miles per gallon. That's why I can't.

TESTA Okay. Yeah, thank you for giving a copy of the FOIA. We-- I couldn't see this in our system. But you did highlight here something that was....

JUBENVILLE-LUTZ Yeah.

TESTA It says, I'm just going to quote exactly what it says. "It's more of a neighbor war." Could you maybe....

JUBENVILLE-LUTZ It's not a war on my behalf, I will tell you before we even unloaded a moving truck. When we moved in 10 and a half years ago, he saw a camper, and he immediately came over and said, "You can't have that camper here." And other than that, in 10 and a half years, I think we've spoken twice since then.

LUTZ It was basically, "Hi."

JUBENVILLE-LUTZ Yeah, it's waving at us, "Hi," and that's it.

TESTA Do you know of any other neighbors that are not happy with the camper being there?

JUBENVILLE-LUTZ Well, no one's voiced it to me, but you guys have some letters about it, which, to be honest, are his friends.

TESTA Those letters, you didn't know about, surprised you that....

JUBENVILLE-LUTZ Yeah, quite honestly. Three of those neighbors I've never even talked to. I didn't even know where they lived. I was like, I don't know who that person is, where do they live?

LUTZ And honestly, I had to look where the actual anonymous complaint was. I had to drive our neighborhood to figure it out, and it's two and a half blocks away.

TESTA Okay. Thank you, Mr. Chair.

COPPOLA Any other questions?

ROTONDO Mr. Chair.

COPPOLA Yes, Mr. Rotondo.

ROTONDO Yeah, kind of going back to what Mr. Testa was talking about, but I'm just looking at the pictures that you guys provided of the RV parked on the side, and it looks like it is overhanging into the neighbor's property. It overlaps past the fence in the driveway.

JUBENVILLE-LUTZ Our fence is actually not the property line, according to the survey, and the fence should actually be further to the east by a few inches.

LUTZ It's about six inches.

JUBENVILLE-LUTZ They couldn't do it because when they went to go put in, and the Inspector told us, or not the Inspector, the gentleman during the survey, told us this. When they went to go put in the spike, he was hitting the water on... there's a water pipe back there. And so he was like, "I can't put in the spike where it's supposed to be, because it's hitting a water spike or it's hitting a—"

LUTZ It's a manhole cover.

JUBENVILLE-LUTZ "--manhole cover back there." But it's hard to tell, because where her fence and another fence, and our fence all meet is... there's a lot of vegetation there. But when he went to go put the spike there, he was like, "I can't get the spike in the right spot because of where the manhole cover is.

ROTONDO Gotcha. I'm just, I pulled that--

JUBENVILLE-LUTZ His is actually a few inches in, onto our property. Then--

ROTONDO How far would you... just a few inches, or?

LUTZ I would say about five or six.

ROTONDO Okay, I'm just looking. I'm trying to depict on the survey that you provided, it doesn't look like.... It looks like the fence is on the property line. I'm looking at--

LUTZ It's close. It goes back basically like this.

JUBENVILLE-LUTZ And it's also at an angle. It's so... our lot, and I've learned a lot, but it's also like at an angle, that our lot is, where you would think it's straight and it would just go straight out, and it doesn't, it goes at a complete pie shape and a triangle.

LUTZ We've always been told, though, the property line was the wires, but because of the trees and the issues with power pole, a few years ago, the wires have moved a lot.

JUBENVILLE-LUTZ And DTE has come in and like--

LUTZ They've actually clear cut a whole bunch of stuff. So it's not the wires anymore. It's actually, that's why we had property line done, because we want to make sure that we were on the right spot where we didn't have to cut up part of the--

JUBENVILLE-LUTZ We were right doing everything that we were supposed to be doing.

ROTONDO Gotcha. And then I'm just, I'm looking at this, the dimension that they give near the back of the house. It looks like it's probably a few feet forward of the back of the house to the property line, says 7.7 feet. Is that pretty accurate?

JUBENVILLE-LUTZ I'm not sure [inaudible].

ROTONDO They give a dimension on your survey of 7.7 feet near the back corner of the house to the property line.

JUBENVILLE-LUTZ Oh, yes. I think that that-- yes, I see what you're saying.

ROTONDO Okay, and it looks like your RV is eight feet wide.

LUTZ But how long is the steep overhang for the gutters.

JUBENVILLE-LUTZ Yes.

LUTZ And the sunroof is up in the back,

ROTONDO Part of the 7.7 includes the overhang. So it's—

JUBENVILLE-LUTZ It's just the overhang [inaudible] include the gutter.

ROTONDO So it's probably about five, 5.7 or so.

LUTZ Is there a reason to look at it?

ROTONDO No, I'm just trying— [Laughter] I might have to take you up on it.

JUBENVILLE-LUTZ And so I think that that's also one of the reasons why it can only go back so far, because it's eight feet wide instead of seven.

ROTONDO Right. So, yeah, so when you guys park it back there, you're stopping short of that then, I guess.

LUTZ Well, we're also trying to make sure we can open the gate, moving snow, blowing stuff as well.

JUBENVILLE-LUTZ Mow the lawn.

ROTONDO Okay. I'm just trying to, because from the... like I stated earlier, from the pictures, it looks like it overhangs onto the neighbor's property. And just trying to....

LUTZ I went by the actual survey line [inaudible] feet up, and that's how I measured it. We are literally, like that far from the line when I only parked it.

ROTONDO So is the driveway short of the property line, or does the driveway go to the property line?

JUBENVILLE-LUTZ The cement pad?

ROTONDO Correct. Yes.

JUBENVILLE-LUTZ Yeah, I think this the cement pad on that one side for lot 104, which is, that is, I think that is right at the property line. I'm not really sure. I honestly had to talk to the surveyor on the phone, and I was like, "Tell me what I'm looking at."

LUTZ You guys know more about this than we do.

JUBENVILLE-LUTZ Explain to me what I'm looking at, because it's like, 7.6, twenty-five... Okay, explain to me what I'm looking at.

ROTONDO No, I got you, I'm just, you're, you guys are requesting a variance to park it in that side there, and I want to try to make sure that if you do park it there, that you're not going to be overlapping onto your neighbor's property. Because obviously we can't grant a variance for your neighbor's property.

JUBENVILLE-LUTZ I understand. I don't want that, either.

ROTONDO So that this is, this is my, that's kind of what I'm where my thought process is at right now. So just looking at the pictures, it looks like it goes over. So that's why I'm questioning.

LUTZ If you really want to look at it, you can come look at it.

ROTONDO Okay.

COPPOLA Any other questions?

BARINGHAUS Mr. Chair. Oh, I'm sorry.

COPPOLA Ms. Hakala.

HAKALA Mr. Chair. So you said you've always had a trailer, correct?

JUBENVILLE-LUTZ Yes.

HAKALA Has it always been this trailer? Like upgraded?

JUBENVILLE-LUTZ We've upgraded. We originally started [inaudible], and then we had a hybrid, and then we went to this because it was easier.

HAKALA So this isn't the size you had when you moved in?

JUBENVILLE-LUTZ No.

HAKALA So would you say [inaudible]?

JUBENVILLE-LUTZ Sorry on that. Our first one was a pop up.

HAKALA All right, so—

JUBENVILLE-LUTZ They're boxy and small.

HAKALA Through online imagery, just [inaudible] concrete, but it's sometime between March and June of '23 [inaudible crosstalk] and at that point was right about

the time the new trailer showed up. That's when he went from a smaller kind of pop-up or [inaudible], to the really big one.

JUBENVILLE-LUTZ So we had a hybrid one that the bikes come out, and then—

LUTZ She couldn't close it by herself.

JUBENVILLE-LUTZ I can't close it by myself. And he doesn't camp with me all the time because--

HAKALA I'm familiar with it. I just meant it probably increased by 50% in terms of length.

JUBENVILLE-LUTZ So I think our other one was a 25-foot, and this one, I think, is thirty-three.

LUTZ Yeah.

JUBENVILLE-LUTZ So because our other one was, it was a Roo.

HAKALA Yeah. Thank you.

LUTZ I don't know if you can see it on there.

HAKALA I promise I'm not creepy. But I guess my other question is, do you want to store this from September to May, correct? Is your intention--

JUBENVILLE-LUTZ I mean, I would like to store it there year-round, but yes, preferably from September to May.

HAKALA I'm just questioning because you're also saying that all the vegetation is nice in the spring and summer, and that's not when it's staying there the whole time. You know what I mean?

JUBENVILLE-LUTZ So the vegetation isn't ours.

LUTZ It's actually hers.

JUBENVILLE-LUTZ It's actually hers and the only thing that I did was when DTE came through and clear cut a bunch of stuff, and then had all of the stumps. Even though it wasn't our property, I paid for a stump grinder to come in and grind all of those stumps, and then I sodded it so it looked okay, and it didn't look like a hodgepodge. And so.... But the vegetation that's there in the summer on that, it's not ours, it's not our property.

HAKALA I just mentioned that, as you said, it wasn't really seen much from the street.

JUBENVILLE-LUTZ It's, I mean, well, from our street, yes. But coming in from Farmington and the vegetation there, it's, it's a little harder to see.

HAKALA	Okay. No further questions.
COPPOLA	Okay. Vice Chair Baringhaus.
BARINGHAUS	Yeah, thank you, Mr. Chairman. Question. You had three trailers at this home since you moved in. A pop-up, a hybrid, and then your current. You mentioned on your current trailer, one neighbor talked to you about the trailer being unattractive to the neighborhood. Did you have similar complaints from other neighbors as well?
JUBENVILLE-LUTZ	He mentioned it when we first moved in with the pop up in 2015.
BARINGHAUS	And what are his comments on your current trailer?
LUTZ	He hasn't made any comments.
JUBENVILLE-LUTZ	He hasn't made any comments. He hasn't talked to us.
LUTZ	At least to us.
JUBENVILLE-LUTZ	He complains to the other neighbors, but doesn't say anything to us.
BARINGHAUS	He complains to the other neighbors about the current trailer?
LUTZ	He complains to the neighbors about--
JUBENVILLE-LUTZ	About everything.
LUTZ	Everything.
JUBENVILLE-LUTZ	The height of people's lawns. He's got signs saying, "Don't let your dog pee on my lawn"
LUTZ	"Or poop on my lawn."
JUBENVILLE-LUTZ	"Or poop on my lawn."
LUTZ	He talks to the kids about riding bikes--
JUBENVILLE-LUTZ	Too close to his lawn.
BARINGHAUS	Great. Thank you.
COPPOLA	Any other questions for the Petitioner? All right, seeing none, you can have a seat for a moment, please.
JUBENVILLE-LUTZ	Okay, thank you.

COPPOLA Anyone in the audience who would like to speak for or against this petition? Can just step up to the podium. I'll need a name and address to start, if you would please for the record.

WEICHBRODT Thank you all for being here. My name is Mary Beth Weichbrodt, and I live at 16348 Pollyanna Street, Livonia. And I live on lot 104 which is the one driveway to the east of the Jubenville-Lutz family. And I'd like to register a complaint. The trailer is parked partially in the easement between our lots, and my concern is that there are wires which hang over the rear of the trailer and have a very shallow clearance. Last week, when it snowed, you couldn't tell there were wires there. [Inaudible] Photos provided by Miss Jubenville-Lutz on page one and two of her appeal clearly show where this trailer is with regard to the overhanging, the wires that hang over it. You can see it in both of those pictures that she presented, and also in the overhead area one, you can see that there is the wire coming down and it is clipping the rear righthand side of the trailer. My concern is that I don't think it's safe to have wires hanging over this trailer. There are various types of wires. I realize, phone, cable, electric, I don't know which are which, but I don't think if there were a storm or something and the wires fell, that they would fall on a trailer, and then you've got some issues, which are, you know, electrical. Is that safe or not? So I am simply uncomfortable with the possibility that the wires could fall on the trailer and cause an electrical issue. I have lived in the neighborhood for 35 and a half years, I have not made any complaints to the City regarding the location of the trailer. However, I have spoken with Miss Jubenville a few times about looking at it and not being happy with where it's located. So I don't know about a neighborhood war or not. I appreciated Miss Hakala's comment about the fact that they claim that the trailer is obscured by the vegetation from my lot and... but it's parked there, mostly from September until May, when there's not a lot of vegetation. Even if you have small trees, they don't obscure it. And when I turn in off of Farmington Road onto Pollyanna, I see it every time I turn in. So I don't know how to say it any more than to say that it's frustrating to have this huge thing next to me. But more than that, to me, it's a safety issue.

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Quick question, based on your experience with the trailer, do you think it's beneficial to the appearance in the neighborhood, or makes the neighborhood more unattractive?

WEICHBRODT That's a real tricky question. I appreciate how carefully they park that thing. They do spend an hour trying to get it in place, but I don't think it really adds to the beauty of our neighborhood. And I would also say that we have a Burton Hollow Civic Association. We've had it for a long time. So I think that to say we don't have one is not fair.

BARINGHAUS Thank you.

COPPOLA Any other questions? You may have a seat. Thank you. Anyone else who would like to speak for or against it? You guys are... you'll get your opportunity.

LUTZ Can we rebuttal that?

COPPOLA You'll get your opportunity. Okay? I promise. All right, seeing that there's no one else to speak, do we have correspondence?

BARINGHAUS Yes, we do. We have seven letters. Question for Mr. Fisher. Three of the letters are a formal letter. Can I just read one copy of the letter and then list the names of the individuals that signed that letter?

FISHER Well, the original way that we did this was to combine the comment if the homeowner's going to be the same, but if they're just identical letters, I guess it's okay.

BARINGHAUS Okay, thank you.

COPPOLA Just make sure you give each of the names.

BARINGHAUS First three letters, letters of approval, (Letters of approval were read). First letter is from Susan Smereck, 16120 Bell Creek Court, Livonia, Michigan. Second letter is from Kacie McCullough, 16158 Bell Creek Court. Third letter is the same form letter. It is from Wendy McCullough, 16189 Bell Creek. Next letter is a letter of objection Vicky Garling, 16135 Bell Creek Court (Letter of objection was read). Letter of objection, Shirley Myers, 16117 Bell Creek Court, Livonia, Michigan, (Letter of objection was read). Letter of objection, Tom Matheson, 16138 Bell Creek Court, (Letter of objection was read). Letter of objection for Michael Budzisz, 16359 Pollyanna, (Letter of objection was read). And that's all the letters.

COPPOLA All right, thank you. Mr. and Mrs. Lutz, you have an opportunity if you need to respond, you can step up to the podium. I'll give you a final statement where you can also respond to any of the comments or letters.

JUBENVILLE-LUTZ The letters that were submitted with the application were those already put into the record.

COPPOLA I'm sorry, the ones that you submitted or the ones that Vice Chair Baringhaus just....

JUBENVILLE-LUTZ I submitted two letters with the application to the Zoning Board. Were those already submitted into the record?

COPPOLA Ahh. So you go to her application, two other letters. There.

BARINGHAUS I'll read them now. First letter is from Joseph and Judy Bowles. 16171 Bell Creek Court, (Letter of approval was read). Next letter is from C. Scott Nicholas at 16436 Pollyanna Street, (Letter of approval was read). Okay.

COPPOLA I'll open the floor to you for your final statement.

JUBENVILLE-LUTZ So I'm going to address the wires that Mary Beth brought up. So the wires that she's referring to are cable wires. We did talk to DTE and also the cable company about those wires, just to make sure. And also when DTE came through to do some clear cutting and cut that area because there were a lot of trees and bushes up in the wires, they had no problem with the camper there whatsoever. We offered to move the camper, and they told us, no, we didn't need to move the camper, that it was absolutely fine where it was. And I also wanted to point out that you had mentioned if we had an HOA. We do not have an HOA. What

Mary Beth referred to was a civic association that is sent out or is voluntary. They send out a, "Hey. Do you want to be part of the Civics Association? And would you like to donate money?" But it's not an HOA of any type, and nor is it a requirement of anyone in our subdivision to be part of it. I also wanted to point out when Vicky Garling mentioned that property values. So I know what we pay for our house, and I know what our house is worth, and our property values have only proceeded to go up. They have not gone down whatsoever. And then for Tom Matheson, who wanted to bring up that the camper is still sitting there. It is still sitting there because I had specifically asked if we were in violation while we were going through this process, could it continue to sit there? And I was told that yes, it could continue to sit there while we were going through this process, and so I asked permission to make sure that that was okay. And then from Mike Budzisz, when he talked about the camper being seen from Surrey, even if there was a way for us to get our camper in our backyard, the way that our backyard is compared to other people's backyards, you would still see our camper from Surrey. There's no way around it. Is there anything you would like to add? I just, I struggle with that I feel like... it just feels like it's been turned into like a neighbor war for an anonymous complaint, because the original complaint, which got the citation was anonymous, and so I don't know, I don't know what else to really say. I've done what I was told to do, and it's something that my family and my kids and we use, we don't just sit there and let it rot. I don't know if the neighbors would rather we have an old beat-up truck sit there. And it's just something that we utilize, and we use a lot, and I'm just, I'm really disappointed that this is where we're at.

COPPOLA All right, thank you.

TESTA Sorry. Based on the correspondence, I have a question for the Petitioners and a question for Inspection. I'll start with Inspection. Is there an easement between the two properties for the utilities?

HERSHEY On the side it does not appear to be, from what I can tell in the city map, but to the neighbor's point of the wires they were resting on the camper today, when I was there, the lower utility wires were.

JUBENVILLE-LUTZ Can I speak to that?

COPPOLA [Inaudible] 15 seconds.

TESTA Is there any ordinances against parking underneath wires like that?

HERSHEY No, as long as it can be moved, shouldn't be, not that I'm aware of.

TESTA Okay, thank you.

[Inaudible conversation]

COPPOLA And then we need to close out.

JUBENVILLE-LUTZ I'm sorry. So there are, there are several times, and it's because it's winter, but there are several times, like during the summer, where I get on top of the camper and I talked to WOW! because the lowest wire is WOW! And I asked if they would move it up

originally, and they just told me to zip tie it to the one on top of it. And so I, no joke, had zip tied it from it to the one on top of it. Because that's what WOW! was like, "Just zip tie it." They're cable tires, cable wires. They're not electrical wires. So electrical wires are another five feet up. And so that's....

TESTA I had a question for you. You mentioned it and then two correspondences were from people that jogged my memory. Councilman McCullough had recommended you talk to Council about changing the ordinance.

JUBENVILLE-LUTZ Yes.

TESTA Did you go about doing that?

JUBENVILLE-LUTZ I was told that with the current City Council, not the one that just started in January, but with the current City Council, that it was not even an option, and for me to not. But once we changed over in January, at January 2026, that that would be something that I that I should address is one: two different things in Livonia, because Livonia is getting a lot younger population that does a lot of outdoorsy, camping stuff, boating, whatever, right? So on one. He said either one, request that we can have the camper in our driveway, from Memorial Day to Labor Day, or if you have a three-and-a-half-to-four car driveway, that it can stay in your driveway year round, as long as you are not parking on the street to accommodate that spot for the camper, and so I did. He and I talked about it and told me to bring it up at the next Council meeting, which I'm not quite sure when that is.

TESTA There was a meeting last night.

JUBENVILLE-LUTZ Oh, I didn't realize that. I'm sorry. I didn't realize that.

TESTA Okay, thank you.

JUBENVILLE-LUTZ I can bring it up at the February meeting, though.

TESTA Thank you, Mr. Chair.

COPPOLA All right. Now I'm closing the public portion of the case, and I will start the Board's comments with Ms. Hakala.

HAKALA First off, I really appreciate that you guys get kids camping. I love taking my kids camping right now. But unfortunately, I've seen, all the images that I've seen online, it's consistently a little bit to the neighbor's yard, or it's not exactly right where it should be. I think it's an undue stress on our staff to make sure that things like this are precisely followed and make sure that it's behind the front of your house, especially when the size of it has increased over the last 10 years. It's gotten dramatically bigger. And I think... I don't think it was [inaudible], so the concrete pad at the same time it got bigger, the bigger trailer. And I'm sorry to say, I can't support just having a trailer in the front yard, because you got a bigger trailer. Now, I think there are other options, and I really hope it doesn't stop you from camping.

COPPOLA All right. Thank you. Mr. Testa.

TESTA

Thank you, Mr. Chair, and thank you for not having to go first. But I can't support this. When I started reading the case last week, and initially I was very sympathetic, because of the lot, it is triangular shape. But as I started digging in, reading the full packet, and then looking at the images on Google, and driving by, it is very big. It's not obscured by the trees or the shrubs. You can see it very plainly and clearly when you come off of Farmington headed westbound, and if you're headed southbound on Pollyanna, you can also see it, and then also the Bell Creek Court. People who live there are looking directly at it. I get that you can't move it to your backyard. You did buy the house with-- when you had that camper. I know it was smaller at the time as Ms. Hakala pointed out. It's gotten bigger over time. I just can't support this. I think it's too big. It's too big of a burden to your neighbors, and it just sticks out too much.

COPPOLA

Thank you. Vice Chair Baringhaus.

BARINGHAUS

Okay, thank you. Looking back on the hardship, I feel that it's self-created just basically because not only you've owned three trailers and the side of a house was never intended for long-term trailer storage. It's basically 72 hours within a five-day window, and it's there for a reason, basically just maintenance and turnaround time. Also your neighbors' concerns, one that they feel the presence of the [inaudible] trailer. It's detrimental to the neighborhood appearance, they have some serious safety concerns with wires, either on the vehicle itself or slightly over the top of it. In general, I did drive the neighborhood like Mr. Testa did. I did not see any boats or trailers stored in any of your neighbor's driveways on Pollyanna itself, again, it's a recreation vehicle. I really don't think you've sufficiently proved that there is a hardship for the variance. So based on that, I will not support it.

COPPOLA

All right. Thank you. Mr. Rotondo.

ROTONDO

Yeah, thank you. Obviously, I don't want to echo my colleagues too much, but I think they pretty much covered it. I think the RV is too big for that area, in my opinion. Just the width of it, from the pictures you provided, it looks like it overhangs on the neighbor's property, and the eight-foot width is wider than the seven-foot width that's shown on the survey. Obviously, some of your neighbors have written letters with issues about the visibility and what they consider to be blight of having that RV there. So that being said, I'm gonna also be against it. Thank you.

COPPOLA

Thank you. Yeah, I'm also not in support of the petition. I know this is difficult for you, but you know, if you... the lot dimension, I agree, is somewhat of a hardship in the sense of that it is awkward. If you're coming in here and looking to add [an] addition, or put in a deck or something where you went into some of the side yard, and you didn't do those setbacks, I could say, Yeah, you know what? That makes a lot of sense. You got a really tough, tough lot to deal with. We can live with that, as long as there's not a lot of objection from the neighbors. But in this case, and while I appreciate I had RVs and liked to bring them home, too, and I put them into storage. You have options. An RV is not a hardship. An RV is a luxury. And so from that perspective, there's no way that I can approve this, because you really, from my perspective, haven't proven a hardship. You have alternatives. You can store it in a storage lot or do some... there's other opportunities. Other things you can do. I think the other part that really swayed me is the two neighbors that are most greatly impacted, your neighbor to the east and your neighbor to the south, both objected, and they're the ones that have to see it the most. So I can't support this. Now, the only thing that I would suggest is, I understand you're in the middle of winter now, everything's going on. You might give them, you know, a period of time to

comply, so that you have an opportunity to find a storage. It's going to be hard in the winter to find a storage place, because they're all usually all taken up. So we can give them an opportunity to comply, give them some time. I don't know what would be the appropriate time. [We can] discuss that when someone does the motion, but again, I'm not in support. Open up the floor for a motion.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Resolved that the variance sought in Appeal Case 2025-11-34, filed by Tracy Jubenville-Lutz, be denied for the following reasons and findings of fact: the Petitioner has not demonstrated to the Board that a practical difficulty exists. Be further resolved that they move the current camper out, let's say by June of 2026. Further, denial of this appeal is in the best interest of the City of Livonia.

ROTONDO Support.

COPPOLA I have a motion by Mr. Testa, supported by Mr. Rotondo, motion to reject. Any discussion?

BARINGHAUS Mr. Chairman.

COPPOLA [Inaudible] condition?

BARINGHAUS Yes, to somehow grant a period of time for them to find an alternative solution.

TESTA Correct. I said by June.

BARINGHAUS By June.

COPPOLA When you say by June, you mean May thirty-first?

BARINGHAUS Thirty-first.

TESTA Yes, I'd say May thirty-first, if that's agreeable.

ROTONDO Yeah. I'm with that.

COPPOLA Any other discussion? All right, seeing none. You can go ahead and take roll.

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

RESOLVED: APPEAL CASE NO. 2025-11-34, 16408 Pollyanna Drive: an appeal was made to the Zoning Board of Appeals by Tracy Jubenville-Lutz, seeking to maintain storage of a recreational vehicle in a side yard, which is prohibited.

This Low Density Residential property is located on the east side of Pollyanna (16408), between Surrey Drive and Pollyanna Court, Lot. No. 061-02-0106-000, N-2, Neighborhood, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 7.09 (3),

be denied for the following reasons and findings of fact:

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

Further, that the Petitioner must move the current camper out of their yard and into permanent storage by May 31, 2026.

ROLL CALL VOTE

AYES: Testa, Rotondo, Hakala, Baringhaus, Coppola

NAYS: None

ABSENT: Klisz, Meagher

PASS/FAIL/TABLED: PASS: DENIED

BARINGHAUS Ms. Hakala.

HAKALA Aye.

BARINGHAUS Mr. Rotondo.

ROTONDO Aye.

BARINGHAUS Mr. Testa.

TESTA Aye.

BARINGHAUS Vice Chairman Baringhaus votes aye. Chairman Coppola.

COPPOLA Aye.

BARINGHAUS Five zero. Variance is denied.

COPPOLA All right, so your variance has been denied. You've got till the end of May to find a place to store it. I believe, generally, if you're going on a trip, you're allowed, how long is it again? Mr. Hershey, I think it's like 48 hours?

HERSHEY 72 hours you can have it.

COPPOLA You can have it on your lot for 72 hours. So if you're going on a trip, let's say you go for a week. You can bring it three days beforehand, get it set up. When you come back, you got three days to unset it up and move it to store so there's some flexibility there. It just can't be there all the time.

JUBENVILLE-LUTZ Mike will call in, no matter if it's under 72 hours.

COPPOLA Well—

JUBENVILLE-LUTZ If you look at the FOIA, you'll see. It'll be like--

COPPOLA Yep. And they'll come out, and they'll ask you how long it's been there, and you'll say, "I just brought it yesterday." And they'll say, "Okay." [Inaudible crosstalk] You got to do that. I understand. All right. Thank you.

JUBENVILLE-LUTZ Thank you for your time.

COPPOLA You can call the next case, please.

APPEAL CASE NO. 2025-11-35, 9091 Cavell Avenue: an appeal was made to the Zoning Board of Appeals by Intessar Mahdi Naser, seeking to maintain/rebuild an illegally erected roof covering over an existing deck resulting in a disallowed encroachment into the rear yard setback with a roof structure.

Maximum Encroachment

Allowed: 0 feet
Proposed: 10 feet
Excess: 10 feet

This Medium Density Residential property is located on the west side of Cavell (9091), between Grandon and Dover Avenues, Lot. No. 144-05-0019-000, N-1, Neighborhood, rejected by the Inspection Department under Livonia Zoning Ordinance, Sections 3.04 N1 district regulations & 7.26 (1) B) Permitted encroachments.

COPPOLA All right. Thank you. Mr. Hershey, anything you wanted to add?

HERSHEY No, sir, not at this time.

COPPOLA Any questions for Mr. Hershey?

ROTONDO Mr. Chair.

COPPOLA Mr. Rotondo.

ROTONDO Question for Mr. Hershey. So the deck on this property is permitted and allowed to be there?

HERSHEY Yes, there was a permit from 1994.

ROTONDO And that doesn't violate the rear yard setback?

HERSHEY No, it can go into it 10 feet. I believe it is an open deck.

ROTONDO It's just, if it has a roof and....

HERSHEY Flush with floor level, may encroach 10 feet into the required rear set back area of any lot, provided that in no case may any paver, terrace, patio deck or similar structure be located closer than 25 feet to a regulated wetlands. So they are permitted into it 10 feet, which they already are.

ROTONDO They can have the deck. It just can't be covered.

HERSHEY Yes, the deck's fine the way it is.

ROTONDO Okay.

HERSHEY The covering is not permitted.

BARINGHAUS Mr. Chair.

COPPOLA Vice Chair.

BARINGHAUS Question for the Inspection Department, is the permit required for the installation of the roof?

HERSHEY Yes.

BARINGHAUS Was the permit filed?

HERSHEY No, it was not

BARINGHAUS Thank you.

HERSHEY You're welcome.

COPPOLA Thank you. Actually, a question for Mr. Fisher, there was a variance that was provided for this property when they constructed the home. And it was that one side yard. It looks like they were allowed a variance on the side yard. The way I kind of read this, when you get that, does that variance apply to any additions, anything else that you put on the property?

FISHER I'm not sure I know what you're talking about there.

COPPOLA So that'd be the last document that's in the packet. And it shows that in September of 1993 they provided a variance to build that house because there was an issue with the buildable lot. And I noticed that the deck and the house are within, just based on what was written here, like four feet from the lot line. It's hard to read that. I had to zoom in a little bit.

FISHER It's on the last layer in the...?

COPPOLA Yeah.

FISHER I don't remember seeing....

COPPOLA Yeah, it's actually looks like it's a motion or whatever.

FISHER Right.

COPPOLA Maybe I'm misreading it. Maybe it's just saying that it's a buildable lot.

FISHER It does say it's a buildable lot. [Inaudible] existing lots of the neighborhood. And....

COPPOLA There's a one-foot deficiency. I wasn't sure where that was, because it looks like the house is, based on what's been submitted, I don't think it's a survey. It's more of a one of those online things.

HERSHEY So the south side would be the side that that overhang is on that side of the house.

COPPOLA Right. And what they submitted showed that it was, think it only has like four and a half feet. This thing is blowing up on me. Yeah, four and a half feet. I think your normal setback, house setback, is much further than that, isn't it?

HERSHEY Well, it was five feet, according to this and they only had four. So they allowed the four foot.

COPPOLA They allowed the one-foot...

HERSHEY Deficiency.

COPPOLA So does that... that goes to the building of the house? Does that go to anything you add to the house afterwards?

FISHER Okay, I'm not.... You're saying that the.... I think the answer is going to be no, but I'm just trying to figure out what the question is.

COPPOLA Yeah. So and again, you have to go back then look at the site plan on the south side. I believe that's the south side, if it's, if it's set properly, shows that there's only four and a half feet from the lot line. And I think you're, Mr. Hershey, was saying it's actually only four feet. There's a one-foot deficiency. And look, I think that's kind of what was approved back in the original variance. I guess the question that was based on, obviously site plans at the time and what was being built. So the question is, as you add stuff on....

FISHER Yes, are you saying that because the lot, it was declared to be buildable, and Steve Schafer, the case, that it should apply some of them here. Is that...?

COPPOLA Well, again, there's a foot, there's a one-foot deficiency. The side setback is one-foot deficiency. I don't think the motion was clear when they talked about the one-foot deficiency. It's related. I think it's related to the side, that side yard. It's only four feet.

FISHER Right.

COPPOLA So, so when you submit a plan, right? That's kind of what you're approving at the time. So if you add anything onto the house after that variance, the question is, if you continued, that building to the back and you continued with that deficiency. Are you allowed to do that? Does that variance apply to additions?

FISHER No, I don't think that.... It's when he says it's a buildable lot, it's a buildable lot as current conditions, not as any subsequent change might make it.

COPPOLA Okay.

TESTA Mr. Chair, if I may.

COPPOLA Mr. Testa.

TESTA Reading the motion here back in 1993, with the following conditions, is "be constructed as presented." So the deck wasn't conceivably in that package, and it also says it expired within one year. So this is clearly built more than one year after the variance was approved.

COPPOLA Yes, I could too, whether the deck, we don't have the original plans.

HERSHEY The permit's from '94 for the deck, there's a permit in here.

COPPOLA In '94?

HERSHEY Yes.

COPPOLA And this was given in '93. When in '94 was the permit for the deck? I'm sure it's before the winter. So you probably meant the one. I assume you meant the one, one year.

TESTA That was for the deck.

COPPOLA But that was, that doesn't seem to be... would you...?

HERSHEY The deck permit was issued June 13 of 1994.

COPPOLA Okay, so do you have to have a deck permit even when you have a building permit for a house?

HERSHEY Yes, separate.

COPPOLA Okay, all right. I understand now. Okay.

BARINGHAUS Mr. Chairman?

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yeah, earlier, Mr. Hershey [was] asked if no permit was filed for the roof. You said it wasn't.

HERSHEY No, sir.

BARINGHAUS Has one been filed since?

HERSHEY No. They may have come in to apply for it, and they were told that they couldn't get it without a variance. I do not see a permit on hold in the system.

BARINGHAUS Okay. On the app, or on the green sheet itself, it mentions that there's several items that are potentially out of compliance with building codes.

HERSHEY Yes, sir.

BARINGHAUS Any update to that, or?

HERSHEY So I was there today again. I was out a few weeks back. I went back today just to verify. It is not built to code at all structurally. The posts and the beams are through bolted. They are not permitted to be through bolted like that any longer. The beams are two by sixes, which are not going to be sufficient. The... I don't know how they attach to the house. There's a two by six beam resting on the existing house with the roof on top of that, there has to be some sort of an uplift bracket so it doesn't blow away. I don't think that exists there. The center beam had some post-to-beam brackets to the rafters. The rafters are doubled up. It does not meet code at all. They will need to reconstruct it to code, if it is granted. And there is also electrical that was installed illegally, which they would need a permit if it's granted for the electrical also, but it does not meet code and will not pass in its current state.

TESTA Mr. Chair, can I bother him with a question?

BARINGHAUS Thank you.

HERSHEY You're welcome.

TESTA How did this come to our attention?

HERSHEY I believe, a complaint from a neighbor. There is an enforcement I can tell you what it states. The enforcement was filed October 3 of 2025, addition and rear yard is what it states. I'm not sure there's a filer, but I don't think I can announce that it was, but it was a complaint.

TESTA I guess it doesn't matter because of all the other code issues, but is the roof properly slanted? It looks like it's really flat.

HERSHEY I didn't really look at that. I mean, they could get away with a 2/12 pitch, as long as it's sealed properly, and then the wood underside would have to be covered if it's approved anyways, because it's just standard lumber.

TESTA All right, thanks.

HERSHEY You're welcome.

COPPOLA Sorry, Mr. Fisher, one more question for you. So seeing that the deck was built, I think in compliance to the variance and it has the one-foot deficiency on the side yard setback, if we were to approve a roof on this, would we also have to approve the one-foot side yard setback, if it matched the footprint of the deck, which is right now, one foot into the side yard setback?

FISHER So, if you're talking about the... because of the building code problems, or what?

COPPOLA No, so yeah, let me step back again. So back in 1993 they got a variance so they could build and the variance included allowing them to build one foot into—

FISHER Right.

COPPOLA --the side yard setback.

FISHER Yeah.

COPPOLA The deck was also the permit for the deck was done within that one year, and it follows the same line as the site of the of the home, so it is also one foot in into the side yard setback. Now, if they put this roof to match the footprint of the deck, the roof now will also be in the one-foot side, one foot into the side yard setback. So does that require a variance too?

FISHER Well, okay, as I understand what you're saying is, there's an existing one-foot setback deficiency for both the roof area and the deck area.

COPPOLA I'm saying right now, from my perspective, there's currently a variance in place that allows the deck to be one foot inside the five-foot side yard setback.

FISHER Right.

COPPOLA If they put a roof over that deck to match the same footprint, the roof will also now be one foot into the side yard setback. And the variance, based on what you said earlier, the variance doesn't cover that roof.

FISHER No, I agree with that.

COPPOLA So that we would have to also, if we approve the roof, we'd either have to say you have to stay five feet, or we approve a variance?

FISHER Yeah.

COPPOLA He didn't. He didn't ask for a variance. Or it's not in here, although his site plan suggests that he wants the roof to match the footprint of the deck, which, again, is one foot inside there.

FISHER No, I think it would be more than enough already before the Board to have... to try to make them do another whole separate variance for the roof and the deck, I think. And under the circumstances, if they are able to do this at all, then we ought to just let them, I guess. In other words, if they are able to get together enough to fix everything that's wrong with this property right now, I say, more power to them. I guess I would see that and demand that they come back for yet another variance, that's the question.

COPPOLA Okay. All right, any other questions? All right, seeing none. Name and address, please, if you would, for the record.

TURK Yes. My name is Ali Turk, I'm the son of Mrs. Naser, for the address, 9091 Cavell Avenue.

COPPOLA Okay, so why don't you tell me what happened here? How did we end up with an illegally erected roof covering that isn't to code?

TURK Yes. Okay, so we bought, my mom actually bought the house in 2020, almost six years, in about a couple months. And so the deck already exists, since the house

was built, like mentioned. The roof and the poles already existed. So there was poles four by four, and there was the roof, but not covered. All the structure is there. And the previous owner, what they have is like a tarp, like a leather tarp. Every year we get it from the shed, we open it up. So when it rains, someone can go out, like when it rains, we cover it up. So we decided to cover it up, but to cover it up the four by four is not strong enough, so we put six by six instead of the four by four. But if there is violation, we are willing to reconstruct it to the... how the Inspector wants it. Like he mentioned earlier, that there is some violations in this structure. We are going to reconstruct it to however it's good where it will be up to code, but as far as the look of it is, basically that's how it was. But we made it where there is shingles and there is siding and there is gutters, the siding is all white. It looks much better than before, if we're talking about look. And before, it was all like the wood in the [inaudible], it was all bended. It's like a U because it's pretty old from when they did the deck. That's when they had it so and in addition to that, we keep the backyard every year, we maintain it. You know, I live somewhere else. My brother lives somewhere else, but we always hire people to work on the backyard. Last year, we had three dumpsters from all the wood, three big dumpsters, 22-yard dumpster cleaned all the backyard. The year before we did the same thing, we got worker[s], we pay them \$1200, we clean everything with 45 bags, big bags, you know, the black ones. That's just something additional to... sorry, I got away from the deck. So now let's go back to the deck, which is the roof of the deck, right now, and what we have is, we tried to make it stronger. We went on the ground three feet, 36 inch[es] inside the dirt made six by six, three and plywood, added plywood and shingles. And I don't think it's bothering anyone in the neighborhood, and [if] it is, I would hear, I would love to hear why. That's all I have to say. Hear any questions.

COPPOLA

All right. Did you... why did you not pull the permit?

TURK

Honestly, I thought that I didn't need, because we're... just the roof is there. We just had to add plywood and made it, of course, stronger too. I did not think, honestly, when I did it. And I mentioned that to the Inspector when he came in, and he said, "Yes, you should ask always before you do anything." Because it's not that I have only deck and I made roof. All the poles of the four by fours was there. Even the cover on top was there. All two by six was there, but old one. So I removed it and put new one to have it covered. So I don't want to have just plywood and an old one that's all bended, that's not good, and that's the only... otherwise, you know, it's like \$400 per man to keep working. I spent almost, somewhere between permits and that and everything, like \$6,000, so why not spend an extra \$300?

COPPOLA

What do you do for a living?

TURK

I am business owner.

COPPOLA

What kind of business?

TURK

Truck. Yes, I'm a dispatch.

COPPOLA

Okay.

TURK

I get the loads for the driver. I don't--

COPPOLA

The reason I was asking is I want to make sure you didn't tell me you were in construction.

TURK I'm a dispatcher.

COPPOLA Okay. Questions for the Petitioner?

BARINGHAUS Yeah, Mr. Chairman?

COPPOLA Vice Chair Baringhaus.

BARINGHAUS In your photo you submitted, it shows latticework along the bottom of the deck. There's one area that you have covered up by a piece of plywood. Why is that?

TURK Oh, that's just an additional one, we just set it aside. That's all.

BARINGHAUS That's all?

TURK Yeah, because it's cut from the side so we cannot return it.

BARINGHAUS And then, can you describe the electrical work that was added to the patio roof?

TURK We added, I believe, four lights or six. I'm not sure. Hold on.

BARINGHAUS The overhead lights in the photo that go into the rafters?

TURK Yeah, the lights and one fan in the middle.

BARINGHAUS Are you making any effort to match the materials of the existing home, because, based on the photo, it looks like the trim isn't brown on the house with tan siding and a dark brown roof. And I'm looking at the photo of the roof that you installed, and it looks like you have a light tan gutter downspouts and siding around the top of the roof?

TURK It's white siding.

BARINGHAUS White siding, so you're not making plans to match the look of the home?

TURK I tried, and Home Depot didn't have the green, I believe.

BARINGHAUS The wood on the roof itself, it Looks like it's, can you describe that?

TURK But for the shingles, we matched it.

BARINGHAUS Okay.

TURK It's matched.

BARINGHAUS Yeah. [Inaudible crosstalk] Sorry, please. Yeah, now going back to the lumber, it looks like... you can describe that to me? What type of lumber you're using on the construction?

TURK Okay, for the lumber, the six by six and the two by six that goes sideways, they're all treated wood.

BARINGHAUS Okay.

TURK The two by six that goes long, they're all not treated wood. Just because the sides are exposed to the water, the one that's inside that is exposed to the water, but if you need it to be treated wood, I can change all that, but it's going to be a lot of work to take all that apart and put it back together. I don't have a worker, but we already discussed with him the... what the issue that I had. He said, "I'm willing to do any work that [is] needed." But of course, for a charge.

BARINGHAUS Do you have any plans to... with the lumber, like the posts, to match the color of the home?

TURK Yes.

BARINGHAUS What color would that be? Dark brown?

TURK Yes.

BARINGHAUS Thank you. Okay. Thank you very much.

TURK Okay.

ROTONDO Mr. Chair?

COPPOLA Mr. Rotondo.

ROTONDO Question for the Petitioner. What's supporting the post?

TURK What's what?

ROTONDO What is supporting the post? For the roof, the six-by-six post that you have?

TURK The six-by-six? It's inside the ground with cement and inside 36 inches.

ROTONDO 36 inches?

TURK Yes, inside and we added, I believe, every single one, three bags of cement. The big bags. The thirty, I believe [inaudible].

ROTONDO Question for Mr. Hershey. The frost line goes below thirty-six, correct? Forty-two?

HERSHEY It's 42 inches, yes. Minimum.

ROTONDO So are you aware that you probably have to redo the post. You probably have to take the whole thing down and redo it, if you were approved today?

TURK Take everything out, including the poles?

ROTONDO Correct. Yeah, your posts don't go deep enough for the frost line.

TURK That's why I know from the person who did it is like, because I talked to the what's it called, the Inspector? That's what they said, thirty-six. I didn't build it myself. I have not built one.

ROTONDO Okay.

TURK I would say maybe to go back to the Inspector that came in the first time, and to the person who built it.

COPPOLA Mr. Hershey, yes.

HERSHEY So yeah, the minimum requirement for the state of Michigan is 42 inches depth for your footings. And we also require a footing inspection. So even if you are to the correct depth and it is approved—

TURK It needs to be—

HERSHEY --you will need to dig test to verify, but you've already said it's thirty-six, so I'd say we're not [inaudible].

TURK I believe it's thirty-six. I'm almost about 80% sure, not one hundred, because the person who worked on it, I wasn't even there. But when I spoke to the Inspector, and he said, "You went thirty-six?" I was like, "Yes," and I went back to the builder, and he said, "I think so." I believe it's 36 but not 100% sure. But even though, is there a way, we can dig around it, you can measure it. Is that something we can do? Because to take it all apart, is, but today, around it is something doable, but taking three, like, nine bags of cement out, and then we do it, that's a lot.

HERSHEY Yes, we do do that at times. You'd have to dig a test hole next to it.

TURK Yes.

HERSHEY The other issue is your other post on the deck to the north. That one is just, I believe it was three layers of four-by-fours nailed together, resting on the deck. So that one doesn't even go down to....

TURK Oh yeah, it doesn't go down. The three four-by-four, they don't go down.

HERSHEY No, that one, it would have to. Just so you know.

TURK It would have to go down? When the six-by-six down, four by four, right?

HERSHEY Yes.

TURK We can do that.

BARINGHAUS Yes, Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yeah. Can you go ahead and describe the property behind your home? It looks like a very large field or a common area or do you have—

[Inaudible crosstalk]

TURK --Like, not ours. The property line to ours is from, not the house, from the end of the deck, I believe, is 22 feet.

BARINGHAUS About that, yeah. Okay.

TURK And then that's plus the deck. But the....

BARINGHAUS Beyond that [inaudible].

TURK Beyond that, it's almost, I would say, even, like, almost 200 feet. That's pretty low, yes. That's why at the beginning, when I mentioned that I would not think the neighbors are [inaudible] because we have... my neighbor is more than 200 feet on the back. It's [a] very big yard.

BARINGHAUS Are there plans for that area? Is that considered like a common area for your neighborhood, or is a plan? Are there plans for homes to be built in the future in that area? I don't know if you have any sense of that.

TURK Yeah, we have the neighbors planted all the sides this last summer. We cut the trees, I mentioned earlier, and we had three dumpsters filled with the trees and branches and stuff. And there is trees all planted just this summer. They're just small.

BARINGHAUS Okay, great.

TURK But we are going to add on the back about either five or six.

BARINGHAUS Okay, great. Thank you.

TURK You're welcome.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Question for the Petitioner. Who constructed this roof for you?

TURK Who constructed?

TESTA Yes.

TURK Someone who does this probably, like a contractor.

TESTA Okay. And they did not mention you need... the necessity for permits?

TURK They did not. And I blamed him for that. And because he mentioned to me that you already have one, you just were just going to add plywood and that's why he said, "I will take care of you," when we redone it, and "I will give you some discounts," and all that, because he basically just threw me under the bus. And he got his money, of course. But anyways, he did not.

TESTA Okay. And a couple times in your explanation, you mentioned the Inspector. When we were talking about the footings. Who was the Inspector, the City Inspector, or...?

TURK The City's, because in the beginning, I'm talking about like here, when we came here to pull the permit, first, I was told to pull permit, and then I was told to file for....

TESTA So no Inspector actually came to the house to look at the footings?

TURK No.

TESTA And thanks for pointing out that there used to be a roof there. I couldn't tell that from Google Maps. Now I see it that there was a roof there at one point.

TURK Yes.

TESTA In your mind, I understand that. Thank you.

COPPOLA Any other questions for the Petitioner? All right, seeing none. You have to seat for a second. I think it will be relatively short. Is there anyone in the audience who would like to speak for or against this petition? Okay, doesn't appear to be anybody. Do we have any correspondence?

BARINGHAUS I have one letter from Robert and Monica Fulton, 9174 Cardwell. (Letter of objection was read). That's it.

COPPOLA All right, thank you. If you want to step up. You have an opportunity to make a final statement before we close the public portion.

TURK [Inaudible] I am willing to work. If I know that I had to pull permit, I would definitely do. I live in another city close by, and if I need to do anything, I would pull permit because the roof was already there, and I was convinced by the worker who was going to do it that no need, but we just made it look much better, if you came and seen it before, it looked very bad from the wood, the color of the wood and how it's bended almost 45 degrees, like that. It wasn't [inaudible] all bended. So right now, we made it look better. And in addition to that, we can, if it's approved, we can fix anything that the Inspector is going to tell us to need to do.

COPPOLA All right. Thank you very much. You can go ahead and have a seat. I'm going to close the public portion of the case, but before I do so, just a quick question for Mr. Hershey, the structure he was describing before he put the fence, the roof on, fence is the next one. Before he puts the roof on, the permanent roof. Is that something that's permitted to do

without a permit? In other words, sounds like they have a structure, and they just kind of put a....

HERSHEY I'm going to assume it's like the two that are there, to the other side, towards the north on there, which are a pergola style, which is a non-structural roof, which is permitted. It's--

COPPOLA It's part of a deck, so it wouldn't need—

HERSHEY Yeah, but it's not structural. It's not covered. It won't hold a snow load or anything. It's basically just to kind of block the sun.

COPPOLA And if someone every summer went and threw a tarp on top of it, there's....

HERSHEY Right, which they may have, but most likely, it was probably just a pergola style, which was opened, not covered, which is permanent.

BARINGHAUS Mr. Chairman? Question for Mr. Hershey. On a different approach. They had an existing roof, that existing roof was in disrepair, so they replaced the roof that was in disrepair with this current roof. Would that be considered maintenance?

HERSHEY No, not with the roof they put on because it's a covered roof. That would require a permit.

BARINGHAUS Okay, thank you.

TESTA I have a question for Mr. Hershey.

COPPOLA Mr. Testa.

TESTA That site plan that they submitted in the packet, do those meet code?

HERSHEY I'm sorry, could you repeat that?

TESTA The site plan that's in the packet that they submitted, does that meet code?

HERSHEY Let me look. Well, no, that's just something they drew up. And the detail on this, they drew it the way it's built, from what I can tell here, which is incorrect. Yes. I mean, as far as structurally, it's not built correctly, and that would have to be revised. If that went through Plan Review, they would disapprove it to have them revise it correctly.

TESTA Okay, thank you.

HERSHEY You're welcome.

COPPOLA Okay. Anything else? I will go ahead and start the Board's comments with Mr. Rotondo.

ROTONDO Yeah, thank you, Mr. Chair. Thank you to the Petitioner for being here and answering the hard-hitting questions. I'm not in favor of the structure. I think if anything, I'm a little bit on the fence here. I can understand the Petitioner's point that there was some kind of a structure there previously, and they just covered it. I get that. Obviously this structure is not structurally sound, so if we were to make any kind of an approving motion, I think I wouldn't be in favor of it, unless we were taking down the structure and rebuilding it. But I guess I'm open to what the rest of the Board has to say.

COPPOLA All right. Thank you. Vice Chair Baringhaus.

BARINGHAUS Thank you. I agree with Mr. Rotondo, in a sense, that for this, for myself, to support the variance, you really, as Mr. Rotondo suggested, literally, take it down and start again. I mean, you have some electrical violations. You have some structural code violations as well. You have permit violations. You're pretty, pretty, pretty deep into... you may just want to cut your losses and start from the beginning. I mean, conceptually, it's not uncommon to have a roof on the deck. I see what you're doing. I see neighbors do it. I see neighbors do it when they have restricted property setbacks, like yourself, and they kind of pull it off successfully, if it's planned correctly. The only way I would support this variance is going with Mr. Rotondo's suggestion to take it down. I'd like to see it built structurally to code, structurally to electrical code as well, all correct permits pulled, and then meets all inspection requirements. If that were to occur, then at that point, I would support the variance. Thank you.

COPPOLA Thank you. Mr. Testa.

TESTA Thank you, Mr. Chair. Yeah, I'm on the same wavelength here as Mr. Baringhaus. My issue, though, is the drawing or the site plan, obviously doesn't... isn't up to snuff, so we wouldn't be able to build this. But then at the same time, if we tabled him, or tabled the Petitioner, we could be in a situation where they never come back, or delay how long they can keep tabled. But I would be open to something, but it'd have to come down and start from new, I just don't know the best way to get to that point. But I would be uncomfortable approving something without a site plan. [Inaudible]

COPPOLA All right, thank you. Ms. Hakala.

HAKALA Quite frankly, his structure terrifies me. I'm a civil engineer by trade, and I... if you have something in writing from that person who designed this, I would suggest going after him to get your money back. I would not support a variance yet, until you take this down completely. I think it's a safety hazard, and I would worry for the safety of your mom. If there was a big storm that the uplift on us could take off like a kite. I don't know how well this would hold up to snow. I would just, for peace of mind, take it down, then we can talk about tabling and getting some sort of appeal. [Inaudible]

COPPOLA All right, thank you. I'm going to kind of focus on the request at hand, which is allowing for a[n] encroachment on the rear setback. And I'll let the Inspection Department do their job when it comes to issuing a permit, which would be obviously doing whatever needs to be done. So the question, from my perspective is, do we allow this extra 10 feet into... into the encroachment, into the setback? Interestingly enough, the only objection we got was from the one neighbor that is directly behind them. However, the neighbor that's directly behind them has a 300-foot-deep lot. So not certain how concerned they are, especially if they had to look at what existed there before, I would think they'd be thrilled to death on any

improvement. I don't think what's built today is an improvement, but I'm trying to focus on the issue at hand, which they're looking for, for the approval for a setback. But I kind of would almost suggest that we do a tabling, and they come back with a plan. I'm trying to struggle with this. I don't like to use up our resources. I don't like what was done. I don't think it looks good, the piece of plywood there and all that just doesn't look good. So we have an opportunity, from our perspective, to kind of say, clean this thing up. Everything needs to be cleaned up. It needs to be painted. Everything needs to match if you want the setback. But again, when it comes to the structure and whether it's done according to code, I'm going to leave that. I'll leave that to the Inspection Department. That's their job, and I'm very confident they're not going to let something be built that isn't code worthy. So I'm kind of on the fence here, curious to see what kind of motion we get. I would be supportive of a motion to allow the encroachment, and as to the approval on the encroachment would be to the footprint that's been presented. And footprint here that's got a covering that's 20 by twelve, and [inaudible] twenty, I'm sorry, by 18 to 19 and a half, that's the [inaudible] I get here. But everything else would be driven by code. They would have to. So they have it. They have a 20 by 13.9, so it would be as presented, if you look at the site plan. So from my perspective, I'm kind of okay with the 10-foot encroachment and it being limited to this footprint. In other words, it could be no wider than, let's say, the 13.9 feet that they provided. Obviously, the 20 feet is, includes the 10 feet of encroachment. So I can live with that, and it kind of saves us all the resources. And then, I'll let the Building and Inspection Department manage the construction. So I'll open up for a motion.

BARINGHAUS I get to do that.

COPPOLA That's a procurement prerogative. Again, an alternative is, if you want us to table this, I think it's kind of similar waste of resources and time. But we want to see, if everybody wants to see a plan. And I get that. I do understand that. I want to see a plan that's compliant, that's fine too.

ROTONDO We, if we were to make an approving they would have to turn in a plan to the Building Department before they were able to get a permit, I could support that.

COPPOLA Right. The only thing I'm suggesting is that limiting the width of it is exactly what they have now. Can't be any bigger than that in footprint and everything else has to comply. I'll leave that up to.... And if you want to put something also, that the colors match. We can do that, too. Those are conditions, obviously we can put on there that if you paint it to match.

BARINGHAUS Mr. Chairman?

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Resolved that the variance sought in Appeal Case No. 2025-11-35, filed by Intessar Mahdi Naser be granted for the following reasons and findings of fact: The uniqueness requirement is met due to the setback, the rear setback size of the property. Denial of the variance would have severe consequences for the Petitioner due to restricted enjoyment of their current deck and structural soundness of the deck. The variance is fair in light of its effect on neighboring properties and in the spirit of the zoning ordinance, due to no neighbor resistance to the project. The property itself is classified as N-1, Neighborhood, under the Master Plan, and the variance is not inconsistent with that classification. Further, that the variance be granted with the following conditions: That the revised structure meet the current

footprint that was presented this evening at 20 feet by 13.9 feet. Also that the structure be built to City Building Code ordinances and also City Electrical Code ordinances as well. That the current structure be removed and redesigned to meet those requirements. And then further that the materials used in the construction of the rise deck match the colors on the home, and then that the plan itself meet with the approval of the Building and Inspection Department. I haven't really written all those down.

[Laughter]

COPPOLA I have [inaudible].

BARINGHAUS Okay.

COPPOLA Do I have support?

ROTONDO Support.

COPPOLA I have a motion by Vice Chair Baringhaus, supported by Mr. Rotondo. We have conditions. The size would be as presented. Dimensions are as presented. As to your comment into complying with code, I would almost say this approval in no way waives any code requirements, city code requirements. So you don't have to... that's really short.

BARINGHAUS That's fine.

COPPOLA And then the final one was that it be finished in a color.

BARINGHAUS That matches....

COPPOLA That matches...

BARINGHAUS That matches the home.

COPPOLA That matches the home. Okay.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

COPPOLA So now we'll hear it in context.

TESTA I'd like to propose a couple conditions. I'd like a time on all this. [Inaudible crosstalk] Nothing critical. I had a train of thought, I'm thinking of time limit two ways, one for first the deconstruction of the current, so maybe by May 31 and then pull permits for the new one by the end of the year. So I want to time bound, making sure they're tear down the current structure, and then time bound when they need to pull permits for the new structure.

COPPOLA Ideally, you want that thing out of there before the spring weather, based on what I'm being told.

TESTA Yeah, but I would be [inaudible] sooner, but getting the footings out could be problematic.

COPPOLA I'm talking about more [inaudible].

TESTA Yeah, okay.

BARINGHAUS Mr. Hershey, what would you recommend [inaudible]?

HERSHEY I would remove it as soon as possible, just because of snow load. Structurally it's not sound.

COPPOLA It's not even-- You don't think it's even sound for snow load.

HERSHEY I'm not a structural engineer, but I wouldn't leave it. I mean, it's just it's got three supporting posts that are apparently only cemented 36 inches deep. The other supporting post is cobbled together on top of the existing deck that's 30-some years old, and it's resting on the roof. If we get high winds uplift to it, I would remove it as soon as I can, just because, and weather-wise, we're going to have a warm week. Michigan, we get, I mean, construction workers work outside.

COPPOLA Remove the roof structure. Fortunately I think they have the ability to appeal, correct? So even if we gave a requirement to remove, let's say the roof, which is really the part that's dangerous, immediately, they have the ability to appeal, correct? Mike's, Mr. Fisher, so what if we gave as part of the condition we said you have to remove the roof right away. What does right away mean when you have the ability to appeal? This was right away after the appeal period passes.

FISHER Well, I guess it doesn't, I don't see any advantage to that. I think we just....

COPPOLA No, I'm not suggesting you're adding it to it. The point is practically, legally.

FISHER Oh.

COPPOLA If we said move it immediately, has to be removed immediately, what does "immediate" mean when they have the right to appeal?

FISHER You make a good point. But, is there... you want an answer to this?

[Laughter]

COPPOLA Yeah.

BARINGHAUS The question about the whole structure is, is it safe right now? The roof is, is a problem.

HERSHEY I mean to code it's not the beam.

BARINGHAUS I'm sorry?

HERSHEY The span on the beam is too great. It's only two by, that'd be two by six—
[Inaudible crosstalk]

HERSHEY Yes.

BARINGHAUS So deconstruction of the roof as soon as possible.

HERSHEY [Inaudible] Yes.

FISHER You're saying, how do we make them do something on their... under great duress. I guess I'd leave the first instance to our friends in the Inspection Department, who will let them know what they're supposed to do and when they're supposed to do it. And then things proceed from there.

COPPOLA Okay.

HERSHEY Can I ask how long do they have to do a appeal through...?

FISHER Well, your appeal process takes at least 21 days.

COPPOLA It depends on when your minutes are done.
[Laughter]

FISHER Well, yes. The variance will not be official for a few weeks at least, so. But that... I wouldn't say that should stop you guys from doing--

HERSHEY I would agree. I mean, especially, we've had more snow this year than we have had in many years.

COPPOLA We've had a lot of snow, yes.

FISHER Even the stay of prosecution that they get from ZBA contains the exception that if it's dangerous, that if this building is dangerous, we do it right away.

COPPOLA Good point.

HERSHEY And you're not approving the existing structure, you're approving setback.

COPPOLA No, no, the setback only. The rest of it, we leave to you guys. Inspection.

HERSHEY Take it down?

BARINGHAUS As soon as possible.

HERSHEY Yep.

TESTA So really the enforcement is... I'm sorry, the deconstruction is an enforcement issue, not a ZBA issue.

COPPOLA Yeah, we're not giving leave on that.

TESTA Right. So the only time we want to put on it would be pulling permits by the end of this year? I think that's fair.

BARINGHAUS So we have deconstruction on the roof as soon as possible, and then pull permits by the end of the year.

COPPOLA How do you define possible? We need to get a little more precise than that.

TESTA How about end of January?

BARINGHAUS End of this year is what you wanted?

TESTA Pull permits for the end of this year, deconstruction....

BARINGHAUS ASAP.

TESTA As Chairman Coppola pointed out, how do you define ASAP, would you say end of January?

BARINGHAUS That's fine. Okay.

FISHER So we're saying deconstruction now by the end of January?

COPPOLA The roof.

FISHER So instead of ASAP it's 1/31.

BARINGHAUS Correct.

COPPOLA Correct. [Inaudible] as soon as possible [inaudible].

BARINGHAUS Pull permits by....

TESTA December thirty-first.

BARINGHAUS Okay. Thank you.

HERSHEY Obtain, I'm sorry, the permits by...?

TESTA December 31 this year.

HERSHEY Okay. Thank you.

COPPOLA Because once they take the roof out there, you still gotta comply.

BARINGHAUS Okay.

COPPOLA So you can read that back to us. Do you know where [inaudible]?

[Laughter]

COPPOLA Do you just want to read that? Sorry about that.

BARINGHAUS Anybody who can read my writing, you're welcome to it. [Inaudible] Okay. Number one, dimensions, built to dimensions as presented. Finish the color that matches the home. Improve... can't read that one. Deconstruction of the roof by January 31, 2026. Pull permits by December 31, 2026.

COPPOLA It's important. So we say, in no way does this approval....

BARINGHAUS Oh, that's it.

COPPOLA ...waive any of the required—

BARINGHAUS Approval.

COPPOLA --city code requirements.

BARINGHAUS Okay. So conditions: one, build to dimensions as presented. Condition two, approval does not waive city code requirements. Three is build to a color that matches the home. And fourth is deconstruction of the roof by January 31, 2026. Pull permits by December 31, 2026.

COPPOLA Okay. You think we got it? All right, you can go ahead and take roll.

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

RESOLVED: APPEAL CASE NO. 2025-11-35, 9091 Cavell Avenue: an appeal was made to the Zoning Board of Appeals by Intessar Mahdi Naser, seeking to maintain/rebuild an illegally erected roof covering over an existing deck resulting in a disallowed encroachment into the rear yard setback with a roof structure.

Maximum Encroachment

Allowed: 0 feet
Proposed: 10 feet
Excess: 10 feet

This Medium Density Residential property is located on the west side of Cavell (9091), between Grandon and Dover Avenues, Lot. No. 144-05-0019-000, N-1, Neighborhood, rejected by the Inspection Department under Livonia Zoning Ordinance, Sections 3.04 N1 district regulations & 7.26 (1) B) Permitted encroachments,

be granted for the following reasons and findings of fact:

1. The uniqueness requirement is met due to the setback size of the property,
2. Denial of the variance would have severe consequences for the Petitioner due to restricted enjoyment of their current deck and structural soundness of the deck,
3. The variance is fair in light of its effect on neighboring properties and in the spirit of the zoning ordinance due to no neighbor resistance to the project,
4. The property itself is classified as Medium Density Residential under the Master Plan, and the proposed variance is not inconsistent with that classification.

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

1. The revised structure must be built as to dimensions, 20 feet by 13.9 feet, as presented,
2. This approval does not in any way waive any City Code requirements,
3. Finish in colors which match the home,
4. Deconstruction of the current roof must be completed by January 31, 2026, and
5. Permits for the revised structure must be pulled by December 31, 2026.

ROLL CALL VOTE

AYES: Baringhaus, Rotondo, Hakala, Testa, Coppola

NAYS: None

ABSENT: Klisz, Meagher

PASS/FAIL/TABLED: PASS: PASS

BARINGHAUS Very good. Ms. Hakala.

HAKALA Aye.

BARINGHAUS Mr. Rotondo.

ROTONDO Aye.

BARINGHAUS Mr. Testa.

TESTA Aye.

BARINGHAUS Vice Chairman Baringhaus -- aye. Chairman Coppola.

COPPOLA Aye.

BARINGHAUS Okay. Motion variance passes five -- zero.

COPPOLA So there's a lot there to unpackage. Why don't you step up here just real quick. So, so the motion has been approved, but very defined. So what we basically said, and actually it complies with what you petitioned for, which is you wanted to encroach on the setback, 10 feet. So we said, we've approved that. We've limited to the footprint that you presented in your site plan, where it was twenty by thirteen nine. So that 13.9 is the maximum

that can go over the 10 feet. You have to comply with all codes. You have to work out that issue with the Inspection Department. You have to, when you've done you've got to paint the deck, all deck, to match the house, or at least be when it says match house, doesn't have to be the same color. But, you know, don't put purple. Don't put, I'm sorry. But don't put purple. You need to take the roof down before it comes down on you. The roof needs to come off. It's not structurally sound, and it's a hazard. And although we put it in our motion, it's actually required either way. This is just for clarity purposes. That needs to be done by the end of this month. And then you have till the end of the year to pull a permit to take advantage of this variance. After the end of this year, if you don't pull a permit, the variance lapses. Then you'd have to come back. So, questions?

TURK Yes, to take it down. It's very cold. No workers are going to come out to do that. [Inaudible crosstalk] Just give me about one minute as far as safety there before, it was on a two pole of four by four. Right now it's a six by six. It's holding it much stronger than before. Before it was not safe. Well, right now it's much safer. That's how I think. Can you send a Builder, Inspector tomorrow to the house to see how safe it is?

HERSHEY Excuse me, sir, I was there today. It's not structurally sound. That is not a safe deck. I would not let my mother sit underneath there.

COPPOLA So--

TURK Just for the fact that I cannot get workers to pull it down, I am willing to do it tomorrow, but it's cold. We need a little time to take it down, and it's cold. Either way, we don't go outside today. It's cold, who goes outside right now to sit on the deck?

COPPOLA It's the condition of the variance. You need to remove the roof.

TURK I--

COPPOLA As quickly as possible.

TURK I want to remove it.

COPPOLA You got to the end of the month to get it done. There's a warm front coming in this week. Take advantage of it. It will cool us down a little bit, but it's not as cold as it's been. You need to get it down. You put this up without a permit, you put it up without proper inspections, you put up an unsafe structure. That's on you. You need to fix it.

TURK I am willing to, but it's just for the weather. Workers, there's not one person or two is going to take it down. I need workers, at least three or four. More workers than put it up, is going to pull it down. But the weather to work outside right now, with twenty, twenty-five to work, because this is not a one day job or a three-hour job to pull it down, they need at least three full days. And no one is going to do it because it's 20 degrees.

COPPOLA It's enough unsafe structure, as determined by the Inspection Department. Generally, that's an immediate takedown. We've given you to the end of the month to do so. You need to get that structure down, just the roof.

TURK Can I have till end of February?

COPPOLA You have to the end of January.

TURK End of January. Okay, I'll try.

COPPOLA Otherwise. You know, once you've corrected everything, you can have
your variance. Okay?

TURK What is it?

COPPOLA You have your variance, but you have to correct the issue.

TURK Yeah, for sure, I will do that.

COPPOLA Okay. Thank you.

TURK Thanks.

COPPOLA Okay. Next case, if you would please.

APPEAL CASE NO. 2025-11-36, 20160 Milburn Avenue: an appeal was made to the Zoning Board of Appeals by Joshua Engels, seeking to maintain an illegally erected 6-foot-tall privacy fence resulting in a privacy fence erected in the side yards forward toward the street beyond the rear corner of the dwelling, which is prohibited.

This Low Density Residential property is located on the east side of Milburn (20160), between Bretton and Eight Mile Roads, Lot. No. 006-99-0066-000, RUF, Rural Urban Farm, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 15.44.090 (B).

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

HERSHEY No, sir, not at this time.

COPPOLA Any questions for Mr. Hershey? How did this come to our attention? Was this another complaint?

HERSHEY I believe it was a complaint.

COPPOLA All right, while you're—

HERSHEY Yeah, I lost my cursor, so I'll take this second. Sorry.

COPPOLA [Inaudible] Thank you.

HERSHEY There's an enforcement put in October 31 of 2025, "No permit for six-foot privacy fence attached to front of home installed in 2024 per Google Images. Homeowner applied to replace other sections." This section not referenced, so he obviously must have come in for a permit, and they realized this had been added without a permit.

COPPOLA To your statement real quick in the sense of there was some fencing that was repaired? Is that what you see?

HERSHEY Homeowner applied to replace other sections. So there was obviously other sections of privacy fencing, and he came in to apply to replace those, but had added this in 2024 without a permit.

COPPOLA Okay. Thank you.

HERSHEY You're welcome.

COPPOLA Mr. Testa.

TESTA Yeah, he partially answered that. So he pulled the permit for the other portions, correct?

HERSHEY There is a permit on hold for it. So yes, he had come in to obtain a permit for other sections to be replaced. At which time they noticed on Google Images that the front sections had been installed illegally.

TESTA Gotcha. Okay, thank you.

HERSHEY You're welcome.

COPPOLA All right. Any other questions? Petitioner can step up, please. I'll need a name and address just for the record, if you would.

ENGELS Josh Engels, I live at 20160 Milburn Street.

COPPOLA All right, Mr. Engels, why don't you tell us a little bit about what happened with the privacy fence that was erected illegally.

ENGELS So in June 2024 we hired a contractor, Fence Pros, LLC, based out of Garden City, a guy named Kyle, to do that front corner and also the back property line in six-foot privacy fence. I asked him to pull the permit because he asked, "Do you want a permit?" I was like, "Yeah, of course." And then I got my two neighbor signatures. I gave them to him. He delayed his start date by three weeks because of the permit pulling process that he apparently never did, and then he put up the fence. And then this time, I had a lot more time, since my work schedule got a lot lighter and I didn't have to deal with a million mature trees. So I was like, "All right, well, I can put in 60 feet fence myself, right?" So I went, I pulled a permit. Two weeks later, I got an email asking me to update my or upload my license. So I uploaded that. A week later, I got an email that said, "Permit accepted," and with a permit number and a payment. So I was like, "Oh, I'm good to go." Having done this the first time, I mistakenly thought that meant I was going to build my fence. I paid the amount, and that weekend, I built my fence, and then I get a violation in the mail for the north corner. And I was like, "What's going on?" So I called the Inspection Department and they told me what was going on. And I was like, great. So it's good to know Kyle didn't pull his permit, and I also built a fence, and I wasn't supposed to, so here I am trying to get a variance to appeal to keep my fence.

COPPOLA So tell me why you put the fence where you did the north and south side.

ENGELS For the north side, that corner, originally there was a chain-link fence about two-thirds of the way up towards the front of the house. It was maybe like 20 feet back from the front corner. And we decided to move it to the front corner, which I was told by the contractor was allowed, and apparently not, so I could park. I have a trailer there, so that way no neighbors would have to look at it anymore. And also it's nice high spot in the yard. Everywhere behind the house in the spring is basically inaccessible during the snow melt, March through May, you can't dig a hole more than two inches without it filling with water. So I wanted the trailer to be in a spot that was accessible, but also out of the way, so no one had to look at it. As for the south side, in between the house and the garage, I've put that exactly where the existing fence had been. Once again, I thought my permit for the other side had been okayed and there was no issue. And then I mistakenly took the email saying that my permit application was accepted as meaning I was good to go. So I just built it right where I put it on the drawing and where the old one had been, the old one being a four-foot-tall see-through.

COPPOLA Okay. What's the trailer for?

ENGELS It's a little car trailer. My friends and I have a lemons race team.

COPPOLA I'm sorry, what?

ENGELS 24-hour lemons is—

COPPOLA Oh! Okay.

ENGELS --way, way, way cheaper.

COPPOLA Is that what that is?

ENGELS Yes, it's supposed to be a \$500 race car, but you end up spending two grand per race weekend, but we can split it five ways, so it makes it kind of palatable. But yeah, the trailer lives at our house because we're the only ones with the yard.

COPPOLA Okay. And on the south side you put it there, because that's where the existing fence was.

ENGELS Correct, and my neighbor was—

COPPOLA Four-foot chain-link? It was basically four-foot?

ENGELS It was four foot, but it was see-through. And my neighbor, Bob, on that side, he has a privacy fence from where I met it at that corner going backwards about 25 to 30 feet to the front of his garage. So I just once again, replaced what was there with six-foot privacy because I thought I was good.

COPPOLA On the north side, when I looked at it, there's several windows. Is there a door? There's like as you work your way towards the back of the house, I saw a window, then something.

ENGELS There's no door on the north side of the house, there is a utility pole with guy wires towards the back there. And then there's a tree, and obviously the air conditioner and stuff.

COPPOLA Okay. And then the fence that's between the house and the garage.

ENGELS Yes.

COPPOLA Did that same type of thing, there was a fence there?

ENGELS Correct, correct. I put it in the exact same spot.

COPPOLA How tall was that fence?

ENGELS It was three and a half, four feet, and now it's six.

COPPOLA That is six foot. Didn't look six... shorter to me for some reason. Also six foot.

ENGELS The pictures that I put in my application had six foot, because I... by the time I found out I wasn't supposed to do it, I did. I'd already done it, so.

COPPOLA Any particular reason why you have a six-foot fence between those two? I think you talked a little bit about you have a jumper.

ENGELS Yep, she figured out she could jump right on top of that fence, right there, sit there, look around, decide to leave the yard, which we don't want our dog out of our yard. I don't know anyone that wants that.

COPPOLA What kind of dog?

ENGELS She's a Kai Ken.

COPPOLA Okay. How big?

ENGELS 25 pounds.

COPPOLA How tall?

ENGELS Seventeen, eighteen inches? She's a very athletic little girl.

COPPOLA Questions for the Petitioner.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA So, to the Petitioners, you have three sections of fence that you're before us for.

ENGELS Correct.

TESTA I know at least one was done by a contractor.

ENGELS No, it's not done yet.

TESTA The other two were done by....

ENGELS Yes, I pulled the permit. Thought I was good to go and... yeah.

TESTA Got that. All three sections. At least all three sections were replacing fence that was there, just not privacy fence.

ENGELS Correct, with the exception the north section got moved forward on the property about 15 feet.

TESTA Okay.

ENGELS So there was already fence there. It's just slightly pushed further forward.

TESTA You said that's on the north side?

ENGELS Right.

TESTA And your garden is on the south side, right?

ENGELS Correct.

TESTA Okay. Could you move that northside fence to further back, maybe to the midpoint of the house, or somewhere further back?

ENGELS So the only issue, if I did that is to park the trailer there, I have to remove that pine tree and the guy wire to get a little closer to the house, and I'd like to drive the trailer, but if I remove the tree, I can definitely put the trailer there. But then Paul would have to look at it because if it's far enough back there's not [inaudible] fence there.

TESTA Let me ask you in a different way, if you put it back 15 feet to where the existing-- previous fence was, would that be okay for you?

ENGELS I'd have to measure. Trailer's like 24 feet long, something like that, I think? I'm not actually sure.

TESTA So you didn't have the trailer before this fence.

ENGELS I did. It was just, I put it in the back corner of the lot, but then I figured out it was... I couldn't get it out without tearing up my yard.

TESTA Yeah. Okay, thank you.

COPPOLA Other questions?

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS When you did apply for the permit for the replace, you know, to replace those existing fences, did you show this plan to the Inspection Department?

ENGELS I uploaded to the B or BSA portal, and like I said, when I got that email saying, "Permit application accepted," I thought that meant I was good to go. I was expecting two-to-three-week turnaround. That was right, the three-week mark, what we experienced the last time.

BARINGHAUS So you do know that point these fences were in violation?

ENGELS Correct. Yeah, I... if I knew all the work and bought the material.

BARINGHAUS No, it all makes sense.

ENGELS Yep.

BARINGHAUS Application accepted. We'll contact you. Okay.

ENGELS I saw, "Application accepted." I was at work, I read it and went off sweet, and then I paid quick on my phone, and then I ordered the materials. And yup. It was an honest mistake there.

BARINGHAUS But again, like you mentioned earlier, you basically just replaced your pair of fences that had existing fences correct in those locations, they were just a four-foot fence.

ENGELS Yes.

BARINGHAUS As opposed to the six-foot fence, okay. Okay. Thank you. Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Okay. The fence line next to your neighbor at 20090 Milburn?

ENGELS Yep.

BARINGHAUS Describe that fence to me.

ENGELS So I put up 50 feet of six-foot privacy fence with a vehicle gate there for the drive access right there, because there's a concrete pad so you can drive into the backyard.

BARINGHAUS Okay.

ENGELS At the corner I tie into his existing six-foot wood privacy fence that's been there, it looks like 20 plus years, and that goes backwards towards the, I believe, front of his garage, at which point it changes into four-foot chain-link and continues backwards.

BARINGHAUS Okay, so that fence was there.

ENGELS Yes.

BARINGHAUS Okay, let's go to the other neighbor on the other side of your home where you replaced, sorry again, not good with directions, basically you come around the corner in front of your property. What are you tying into there? What type of fencing?

ENGELS Chain-link.

BARINGHAUS Chain-link.

ENGELS Yeah.

BARINGHAUS Four feet?

ENGELS Yeah.

BARINGHAUS Okay. You're not concerned about your dog jumping that or

ENGELS She hasn't figured out chain-link yet. So far. But yeah, ideally we want to do the whole thing. It's more of a budget issue.

BARINGHAUS Sure. With the exception of that one side, is primary you want. You have six-foot fencing in place, with the exception of four-foot chain-link fence that your neighbor.... That's your fence, correct?

ENGELS That fence, I'm not 100% sure if it's ours or not.

BARINGHAUS Okay, great. Thank you.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA Question for the Petitioner. The fence to the south by your garden. Was that a chain link, or was that a four-foot wooden fence?

ENGELS That was four-foot wooden fence.

TESTA Okay. and I assume you swapped that out to keep your dog with a higher....

ENGELS Yeah. So that one was a... it was built almost like a deck railing. So the top had a nice flat one by six, and she just sat on top, looked around.

TESTA Okay. Thank you.

COPPOLA So if you were asked, look at the south section, to move the fence on the south section to the back of the garage. Not the back of the home, the garage. And then on the north side to move it back, probably not being able to see exactly what's there, where could be utilities and stuff, but needs to come back at least halfway. You've got windows there, so might have to go between the windows and the electrical, or after the electrical, but at least from my perspective, came back. I guess what I'm trying to come up with a compromise here, and I feel bad for you to put it in. I mean, if you didn't have this kind of misunderstanding, and you would have said, "I want to do this," they would have told you to come see us.

ENGELS Yes.

COPPOLA Before you did, you would have given us a plan. We would have said, "Okay, you know what? Going to the front of the house? Probably not something, but I think we can kind of split the baby here, and maybe you don't have to go to the back of the house, as it's required, but maybe on the garage side, go to the back of the garage. On the north side, find a place kind of midway that makes sense, so it's not at the front of the house." So if I were to say to you, move the south side to the back of the garage. Find a spot north, on the north, kind of halfway. What were your thoughts about that? I understand it's gonna be a lot of work, and it probably can't be done now, I get that. It'd be a lot of work, but, focus on a way. We didn't put the fence in without a permit and without proper stuff. You did. We're trying to come up with a compromise. I tell you, because I always try to do these things as, let's pretend that didn't happen, and you're just coming in to us and saying, "Hey, I'd like to do something different than

I'm allowed. What do you think?" And this is what I would say, "Bring it back of the garage and find a spot in the middle of the north side that makes sense, that doesn't impede utilities and other stuff, but not the front of the house, and not 10 feet from the front of house, a meaningful way back from the house. So let me pose that thought to you.

ENGELS So to start with the south side, we do have that existing garden fence, which is about that far rearward of the rear build line of the garage. So if we were to go straight across there, I'd have to also move that.

COPPOLA And what is that? I mean, it's either it's a rectangle, so it'd be just one side. Maybe I misunderstand where the back of the garage is here, but I thought that the site plan you gave me looks like that fence for the garden on the west side, which is toward your front, is even, kind of even with the back of the garage.

ENGELS It's really close.

COPPOLA So you just run it along that. So.

ENGELS It's like, yeah, I think—

COPPOLA You need to take out the west side, because you have your fence there, right?

ENGELS Yep. Understood, yes. In the pictures I attached, I think, number... figure thirteen, it looks like you can see.

COPPOLA Yeah. Thirteen?

ENGELS It's hard to see, but I took that photo from like, right in line with the back of the garage. You can see, it's not quite even, but it's close. The drafter did their best with all the photos of detail. I gave them a few different iterations. And then we'd be, I'd have to meet it with the chain-link fence right in the middle of Bob's garage, and then he'd have that vestigial privacy fence hanging off the front.

COPPOLA Yep.

ENGELS It's certainly possible.

COPPOLA Yeah, or, I mean, I could say, "Go to the back of his garage." Concerned about him, but that's an alternative. I'm saying I just... the front of the house doesn't work for me.

ENGELS The front of the—sorry.

COPPOLA Having the fence, a six-foot privacy fence at the front of the house. It doesn't.

ENGELS Oh, I thought we're talking about the garage side. Sorry.

COPPOLA No, no, I'm saying where it is today, it's not something I'm willing to accept and approve. You've got four other people here that might be on your side, on that, I'm not, but I'm willing to do something.

ENGELS Yeah.

COPPOLA Some level of variance that is a compromise that'll work for both of us.

ENGELS So I can move it on the north side back, but I lose the trailer parking spot. At that point, I would strongly prefer to keep the south side where it is so I can park the trailer there. Once again, it's still out of sight, but accessible. And then I'm not leaving Bob's 20 feet of six-foot fence just hanging out in the wind. If you look at the photos, that is pushed back from the front of the garage just because the shape of the garage, but it is that corner. Otherwise, I mean, at the end of the day, I'm up to your guys's discretion here, if you say I have to move it, I'll move it.

BARINGHAUS Mr. Chairman, what's the term to say you're parking your trailer is so far forward, you have sufficient property to store it in the back?

ENGELS So from March through early June, our property is very, very wet in that if you dig a hole back there anywhere below two inches, it just fills with water. I've gotten a vehicle stuck in my backyard before trying to get the trailer out, and that's why I wanted to move it up to that front corner so it's out of sight of me. It's out of sight of the neighbors, and that's a dry spot in the lot. The side of the house is maybe, like, a foot or two higher than pretty much everything around it. All that ground is raised, but there is that concrete pad on the south of the garage, where it could also go next to the garage. But once, if I move the fence back there, then it's... everyone needs to look at it. No one wants to look at a car trailer.

BARINGHAUS Yeah. On the one side of your house, you have a window. What room is that? Is that like a living room window? Which requires some enclosure or privacy?

ENGELS On the north side, the front corner window is a guest bedroom. The second window is for a bathroom, and the third window is our master bedroom. And all three of those windows, I believe, are further forward than the half of the house. Our house is 65 feet long. So that was another--

BARINGHAUS What would your thoughts be about putting the fence between the first and second windows?

ENGELS That should still allow me room to park the trailer there? So that would... I'd agree [inaudible] the fence.

BARINGHAUS I agree with Chairman Coppola that, like him, I don't like That's right at the front corner of the house. I think it needs to be moved back somewhat and to correct it. And, yeah, you do have some locations, trees, electrical, things like that. So, yeah, I'm just trying to determine what would be workable.

ENGELS Yeah, I'm fine moving the north fence line back as far as you guys deem necessary. It'd be awesome if I still have enough room without having to remove that tree to

stick the trailer there. If not, oh, well. I'd rather have a fence than a dry trailer parking spot. Keeping the dog inside is more important than where the trailer's at.

BARINGHAUS On the other side of your house you have existing landscape. What type of landscape is that?

ENGELS We just have a few Arborvitae and some bushes in there.

BARINGHAUS So if you had to move that fence back, you could put that fence behind the Arborvitaes.

ENGELS Yeah, that would expose the side of the garage storage. We have a ladder and a kayak and a few other things stored out there, but like...

BARINGHAUS Could it be relocated?

ENGELS Into the trailer. Probably.

BARINGHAUS Because I would think, ideally, I'd like to see that this whole fence is moved back equal distance on both sides.

ENGELS Yeah, we want it to be somewhat here. That's right.

BARINGHAUS I think behind the Arborvitaes, you can still keep those, use that as a shield on the fence and still have the [inaudible] on back there, would be my suggestion.

COPPOLA Any other questions for the Petitioner?

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA For the Petitioner. Your garage, how many? How big is it? Is it a three-car garage?

ENGELS Yeah.

TESTA Yeah, it looks like there's a two-car bay that's forward of the [inaudible]. What's behind the two-car garage?

ENGELS Like a little workshop area in the part of the garage, though.

TESTA You have a rather spacious garage.

ENGELS Correct.

TESTA Could you move the trailer into your garage?

ENGELS There are three vehicles parked in the three-car garage.

TESTA Okay. Move that to the other driveway.

ENGELS I've got, there's a lot of cars.

TESTA The two-car garage. How much forward of the third bay does it sit?

ENGELS I think, 12 feet.

TESTA Okay. Where I'm going with this is, I want to point out to my friends up here. Yes, the fence does come to the front part of the third bay with the other two bays are much more forward up that.

ENGELS Yes.

TESTA That's not truly to the front of the garage.

ENGELS That section of fence is the furthest back on the lot, for the front 72 feet from the street.

TESTA Personally, I'm fine with where that fence is. It doesn't come to the front of the garage. I might be open to moving back slightly, but I don't think maybe it was too, too drastic with that one. The other side of the house does obviously come up to the front of the house, and I would agree should be moved back at some point. Thank you.

ROTONDO Mr. Chair.

COPPOLA Mr. Rotondo.

ROTONDO Question for the Petitioner, just to kind of tail off. Mr. Testa's point, would you be willing to move that north fence back to make it somewhat even with the south fence? That makes sense?

ENGELS That would be like—

ROTONDO 15 feet or so roughly.

ENGELS Yeah, right where he suggested between the two windows, and that should still give me room to put the trailer there, and that's not a big deal.

ROTONDO And that way we could have some uniformity to it.

COPPOLA Do you have any other questions for the Petitioner?

BARINGHAUS I have a question for the Inspection Department. On the fence between the garage, it looks like, is that [inaudible] on that glass?

HERSHEY Yes.

BARINGHAUS Can you put a fence up against glass like that?

HERSHEY Yeah, I'm sure it's not attached, it's probably just up to it.

BARINGHAUS Okay.

ENGELS Yeah, it's, there's a structural post there for the area.

BARINGHAUS I'm sorry.

ENGELS It's in between windows.

COPPOLA Mr. Hershey, generally, for that particular fence, where would that? Where's that supposed to be?

HERSHEY That fence should also be at the rear of the house, unless it's a sight-obscuring fence, should be at the rear of the house. That's why the other one was non-sight-obscuring and then it was up front.

COPPOLA And just for clarification, on the south side where the garage is. Where would that supposed to be, the back of the garage?

HERSHEY That should be at the back of the garage, yes, for a sight-obscuring fence. Privacy. The original fence was non-sight-obscuring four-foot tall.

COPPOLA Anything else? Seeing nothing else, you can have a seat for a moment. Is there anybody in the audience who would like to speak for or against this petition? Seeing none. We have some correspondence?

BARINGHAUS Yes, we have two letters, a letter of approval from Cody Escandon, 20099 Milburn, (letter of approval was read). Letter from Lawrence Cunningham, 20135 Purlingbrook, (letter of approval was read). And that's the letters.

COPPOLA Thank you. All right, so that's pretty much it. So Mr. Engels, like to say anything in closing?

ENGELS I'd just like to thank you all for your time and reiterate that if I need to move some stuff, I'll move some stuff. I just want to keep my dog in my yard.

COPPOLA I understand. All right, thank you very much. I'm gonna close the public portion of the case and start the Board's comments with Mr. Testa.

TESTA Thank you, Mr. Chair. I'm open to some type of variance. I do understand the concern that specified by some Board members about how far forward of the house where the fence is going. I'm not as problematic with it on the south side. On the north side, I am. I would be open to a table motion tonight. I know we typically don't like doing that. My thought here is, let him come back with a counter proposal based on the feedback they received tonight and maybe some... I drove by the property. I was focusing on what the fence looked like today, not... I didn't really look at a counter proposal for how far back to push it. Then it would give us an opportunity drive by it again or provide photos next time, to show why they're proposing, say, just moving about 15 feet, as opposed to 20 or 30, or whatever it is, to let them go, think about

this and come up with a concrete proposal where they can move the fence back from the road. Thank you.

COPPOLA All right. Thank you. Vice Chair Baringhaus.

BARINGHAUS Thank you. Yeah, I'm going to look at a variance provided as the following conditions that on the northwest side of the home, that the fence be moved between the first and second windows, maybe midpoint. I think that's a good compromise. So it gives you the opportunity to park your trailer there without major tree removals, things like that. And then also it meets the requirement of bringing the fence off the corner of the house. The fence by the sunroom and the garage, I'm willing to overlook that. I think it's not.... It's a small section of fence. It doesn't-- it's not as pronounced as one on the corners, on the northwest side by the garage. I think I'd like to see that move back. Try another [inaudible] distance from where we would move it on the other side of the house, between the first and second windows. Just to give it a sense of consistency on the street level.

COPPOLA All right, thank you. Mr. Rotondo.

ROTONDO I'm sorry, can you... did you say moving the north and the south, or just the north?

BARINGHAUS Both, I want both sides. I want—

ROTONDO Both sides moving back?

BARINGHAUS Yeah, correct.

ROTONDO Gotcha. Okay, yeah, I guess I would be in favor of moving the north side fence back, like Mr. Baringhaus. You talked about between the window there. That way it's not right at the front corner of the house. On the south end. I don't have too much of an issue with it because it is set back. It's not right on the front corner. It's actually set back a little bit, 12 feet or so, and then the fence in the middle, I'm okay with. I know there's some doors there on the garage and on the house, and I know it's nice to have that privacy fence there, especially if you get home from work late or something, and you got to get out of garage, go to the house. So I'm okay with the fence in the middle. I guess I'd be open to tabling if we don't have supports, I don't know. I don't know if we all have our minds made up on this. So I guess we'll see. We'll see where we're at.

COPPOLA All right, thank you. Ms. Hakala.

HAKALA Thank you. On the north side of fence, I think that needs to move back at least that's the first one, though. I think the part of what I want, I don't think it's worth pushing it back halfway. I think it should either be to the back of your garage or not move, if you don't work with that concrete slab. Just having the fence a little bit, I don't think that really makes sense. So I'd rather see the garage, push back to the back, sorry, the south line of the fence, push back to the edge of the garage. That kind of gives us some sort of compromise, as well as just an ETD vision if you're backing in the neighbor's driveway or backing up the neighbor's garage and not able to see them on that corner.

[Inaudible]

HAKALA The one on the south side?

ENGELS Yeah.

HAKALA Okay, I'm sorry.

ENGELS You're good. I just wanted to make sure you knew what you were looking at.

HAKALA Thank you still. And I don't think that that should be in the middle of the garage. They should be at the front or... I really need to discuss with my colleagues here. The middle fence, I'm okay with it, I guess, because it'd be a pain to move again onto concrete or into a weird space. I would like to see where everybody talks... it stands in terms of signaling it to see if we want the exact location or, I mean, he's not going to move tomorrow. This is a safety concern. So maybe we can come to a compromise.

COPPOLA Okay. Thank you. More and more I thought about this, kind of less and less I'm in support of this. Moving it back on the south side to the back of the garage implies no variance is required. So that would be kind of like, kind of like denying it, since I don't deem a trailer to be a hardship. And all we talked about is moving this side to accommodate a trailer. A trailer's not a hardship. There's other places. You got a big piece of property here, there's lots of places you can put the trailer. You can put a pad in so that it doesn't sink. There's, you could put... you could build up an area with gravel and stuff. So there's lots of opportunities for you to correct the issue of where you put that trailer, big property. Big, big property. Lots of places to put it. I always try to look at these things again as if the fence didn't go, ignore the fact the fence exists right now. That's unfortunate for you, that that happened, and I feel bad, but it is what it is. And for you, coming in and this big piece of property you have, a lot of times when we're moving a lot of fences to go more forward, it's because they got an issue with the property. It's small, or half of it's underwater half the year, or there's other issues where we've kind of.... None of that exists. You've got a big piece of property, there's no reason for the fences to be any far forward than they were. I understand that. We get a lot of confusion because there's chain-link fences. They can go to the front. They're not side. You go, "Yeah, well, that's there. I can just build a fence." That's unfortunate it's not, and putting the big... just privacy fence just doesn't look good. The one between the houses, I'm not sure what to do with that. That's... I understand your issues with that, and I know you talked about a door, and I didn't fully understand what the door.... I prefer that the fence be back behind, to the back of the whatchamacallit, the greenhouse, but I think you said there was something about a door or something that might have been in the way, but there's no door there. I want it at least back behind the greenhouse back.

ENGELS There's a door on the back of the greenhouse there.

COPPOLA Yeah, but I'm saying to the back corner of the greenhouse. The back, yeah, so it aligned with the back corner. Nonetheless, I don't see a hardship here. So I'm not for this. I think they could put the fence in where it belongs, and it would not create that... would not. There's not a hardship for that. So I will then open it up for a motion.

TESTA Mr. Chair.

COPPOLA Mr. Testa.

TESTA I'm going to motion to table this case to allow the Petitioner to modify his plans and come back before hopefully the full Board.

ROTONDO I support that.

COPPOLA All right, so I have a motion to table by Mr. Testa, support by Mr. Rotondo. Go ahead and take roll.

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

RESOLVED: APPEAL CASE NO. 2025-11-36, 20160 Milburn Avenue: an appeal was made to the Zoning Board of Appeals by Joshua Engels, seeking to maintain an illegally erected 6-foot-tall privacy fence resulting in a privacy fence erected in the side yards forward toward the street beyond the rear corner of the dwelling, which is prohibited.

This Low Density Residential property is located on the east side of Milburn (20160), between Bretton and Eight Mile Roads, Lot. No. 006-99-0066-000, RUF, Rural Urban Farm, rejected by the Inspection Department under Livonia Zoning Ordinance, Section 15.44.090 (B),

be tabled to allow the Petitioner to revise their plans and perhaps bring a new proposal back to a future meeting and possibly be heard by a full Board. The Petitioner may send any revised plans to the Zoning Board office care of Matt Stierna in Inspection and inform Mr. Stierna of his intention to return. At the January 6th meeting, the May 12, 2026 meeting was suggested as a potential return date, and the plans would need to be sent by April 13, 2026.

ROLL CALL VOTE

AYES: Hakala, Rotondo, Testa, Baringhaus

NAYS: Coppola

ABSENT: Klisz, Meagher

PASS/FAIL/TABLED: PASS: TABLED

BARINGHAUS Ms. Hakala.

HAKALA Aye.

BARINGHAUS Mr. Rotondo.

ROTONDO Aye.

BARINGHAUS Mr. Testa.

TESTA Aye.

BARINGHAUS Vice Chairman Baringhaus votes aye. Chairman Coppola.

COPPOLA Nay.

BARINGHAUS Variance is tabled four to one.

COPPOLA Okay, so the variance has been tabled for you to have an opportunity to kind of digest what you heard here, come back with an alternative plan. You could theoretically come back with the same plan if you wanted to and you may have a full Board in the May hearing. You may have seven people and maybe it'll little fly, or if you want to kind of adjust it to better your chances, you can do that too. So once you're ready to come back, call the Zoning Board Office and they'll get you back. There's no extra cost. You've been tabled. We don't charge any more fees. So there's nothing there. That stays where it is for now. But on the tabling, what we didn't do is we didn't put a time limit on it, and I would like to, if possible, if everybody agrees, I'd like to reopen, reopen the petition real quick. Everybody, reset, everybody in favor?

The Board voted unanimously to reopen the petition.

COPPOLA So reopening, we want to put a time frame on that so we'd like them back what, Mr. Testa, Mr. Rotondo?

TESTA Say by the end of... we should do May thirty-first. How about April thirty-first, give them some time, but also we want to get them as early as they can.

COPPOLA Our meeting... So that would mean it could come in no later than... February, March, April. He said April thirty-first, so that would be the May twelfth meeting. April seventh for the May twelfth.

BARINGHAUS Okay.

TESTA And give them the option of March, April, or May.

COPPOLA All right. So we just did a whole lot of... need to take a vote, if you didn't quite hear that. So now we have, we have to come back by the--

BARINGHAUS Submit a revised plan by May 12, 2026.

COPPOLA You can go ahead and take roll.

ROLL CALL VOTE:

AYES: Hakala, Rotondo, Testa, Baringhaus

NAYS: Coppola

ABSENT: Klisz, Meagher

PASS/FAIL/TABLED: PASS: TABLED

BARINGHAUS Okay. Ms. Hakala.

HAKALA Aye.

BARINGHAUS Mr. Rotondo.

ROTONDO Aye.

BARINGHAUS Mr. Testa.

TESTA Aye.

BARINGHAUS Vice Chairman Baringhaus votes aye. Chairman Coppola.

COPPOLA Nay.

BARINGHAUS It's four – one.

COPPOLA I apologize.

BARINGHAUS It's all right.

COPPOLA A little procedural stuff there. So you have till the 20-- to the meeting on the twenty... May twelfth. So I think you'd have to get, you'd have to notify the Zoning Board Office by April thirteenth that you're ready to come back. Again, you can come back with the same plan and take your chances, maybe with a larger Board, or you could revise it and see if you get greater support for what you're proposing. Do you understand? I know I'm kind of... I want to make sure that you understand and there's no confusion. Okay? In the interim the fence stays for now. Okay, you don't have to take it down. All right, thank you.

ADMINISTRATIVE TASKS

BARINGHAUS Mr. Chairman.

COPPOLA Vice Chair Baringhaus.

BARINGHAUS Yes, we have some minutes to approve from September 23, 2025, [two of our five] members were absent, Ms. Hakala and Mr. Rotondo, so we would not have a quorum.

COPPOLA I believe, I think we talked about this before, Mr. Fisher, can absent members vote on minutes that they weren't at?

FISHER There's no rule against that.

COPPOLA So they can vote.

BARINGHAUS Can vote? Terrific. I will put forward the motion to approve the minutes.

TESTA Support.

BARINGHAUS or Hey, motion by Mr. Testa to approve the minutes from September twenty-third. Is there a second?

HAKALA Second.

BARINGHAUS Okay. Second by Ms. Hakala. All those in favor say, "Aye."

The Board voted unanimously to approve the minutes from the Special Meeting of September 23, 2025.

BARINGHAUS Okay. Minutes approved.

COPPOLA Thank you, Vice Chair Baringhaus. Any other things that we need to cover today?

BARINGHAUS There's just one minor tweak to the meeting schedule.

COPPOLA Yeah, saw that day. It was on the 22nd, I think it was? Which is actually an additional meeting date. They had to be moved to the gallery.

BARINGHAUS Okay.

COPPOLA Not a big deal.

BARINGHAUS An FYI.

COPPOLA Right. Okay, there's nothing else that-- I'm sorry, Mister--

TESTA I just wanted to say, one of the public comments tonight mentioned they were able to get the material off the website, so we, a few meetings back, asked to have it put on the public notice. I'm glad to see that's working so people are able to see the package beforehand.

COPPOLA Yeah, that is good. Gives them a chance to read beforehand. I agree.
Okay.

TESTA Otherwise, I motion to adjourn.

COPPOLA Got a second?

HAKALA Support.

COPPOLA All right, we have a motion to adjourn by Mr. Testa, support by Ms. Hakala.

The Board voted unanimously to adjourn the meeting.

COPPOLA We're adjourned at 9:47.

BARINGHAUS Thank you.

There being no further business to come before the Board, the meeting was adjourned at 9:47 p.m.

Gregory G. Coppola, Chairman

Timothy Klisz, Secretary

**AGENDA DATE: May 12, 2026
ZONING BOARD OF APPEALS
CITY OF LIVONIA**

**PROPOSED FINDINGS OF FACT
Pursuant to Zoning Board of Appeals
Rules of Procedure, Rule V-Hearings, Paragraph 7**

- 1. APPEAL CASE NO. 2026-04-02, Mahmoud Kaawar, 17878 Vacri:** Should be denied because the alleged practical difficulty does not entail more than mere inconvenience. Further, the proposed variance would violate the City's policy against cutting residential spaces into small, walled enclosures.
- 2. APPEAL CASE NO. 2026-04-03, Nikki Michalski, 19384 Hillcrest:** Should be denied because the alleged practical difficulty does not entail more than mere inconvenience. Further, the proposed variance would violate the City's policy against cutting residential spaces into small, walled enclosures.

FUTURE LAND USE PLAN

**CITY OF LIVONIA
ZONING BOARD OF APPEALS
May 12, 2026 – 7:00 p.m.
Livonia City Hall – Auditorium (1st floor)
33000 Civic Center Drive, Livonia, MI**

1. APPEAL CASE NO. 2026-04-02, Mahmoud Kaawar, 17878 Vacri Lane:

Seeking to erect a six-foot-tall vinyl privacy fence to enclose the rear yard of a double frontage lot resulting in a fence erected in the required rear yard setback for a fence on a double frontage lot.

FUTURE LAND USE PLAN (FLUP): LOW DENSITY RESIDENTIAL

2. APPEAL CASE NO. 2026-04-03, Nikki Michalski, 19384 Hillcrest: Seeking to maintain a six-foot-tall privacy fence, erected without an approved permit, resulting in a privacy fence erected in the side yard toward the front of the lot beyond the rear plane of the house, which is prohibited.

FUTURE LAND USE PLAN (FLUP): LOW DENSITY RESIDENTIAL