

ZONING BOARD OF APPEALS
CITY OF LIVONA
MINUTES OF REGULAR MEETING HELD TUESDAY, MAY 11, 2021

Due to COVID-19 A Regular Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, May 11, 2021.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Mike Fisher, Legal Department
Frank Hershey, Inspection Department
Valerie Bertani, CEO 9489

The meeting was called to order at seven p.m. Chairman Coppola explained the Rules of Procedure to those interested parties. Each petitioner must give their name and address and declare hardship for appeal. Appeals of the Zoning Board's decisions are made to the Wayne County Circuit Court. The Chairman advised the audience that appeals can be filed within 21 days of the date tonight's minutes are approved. The decision of the Zoning Board shall become final within five (5) calendar days following the hearing and the applicant shall be mailed a copy of the decision. There are four decisions the Board can make: To deny, to grant, to grant as modified by the Board, or to table for further information. Each petitioner may ask to be heard by a full seven (7) member Board. Seven (7) members were present this evening. The Secretary then read the Agenda and Legal Notice to each appeal, and each petitioner indicated their presence. Appeals came up for hearing after due legal notice was given to all interested parties within 300 feet, petitioners and City Departments. There were eleven (11) people in the audience.

(7:00)

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APPEAL CASE NO. 2021-05-17: Anthony Longordo, 33475 Capri Court, Livonia, MI 48152, seeking to erect a covered deck off the rear of the existing home, resulting in deficient rear yard setback.

Rear Yard Setback:

Required:	20 ft.
Proposed:	11 ft.
Deficient:	9 ft.

The property is located on the south side of Capri Court (33475), between Farmington and the west end, Lot. No. 013-05-0013-000, R-1 Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 18.28, "Yards; Encroachments."

Coppola: Alright, thank you. Mr. Hershey, anything to add?

Hershey: No sir. Not at this time.

Coppola: I do have one question for you then I'll let the Board members have--if they have any questions. Is--is there anything specific or unique about a covered deck? Do you need a particular specific--specific permit or any other additional approvals if your deck is covered?

Hershey: No. Just submit the plans per what they're going to install as--as long as they're approved. The only issue would be a snow load which they would determine that in plan review.

Coppola: Okay so you-- once they submit their permit, you review the plan and make sure it has the right strength and stuff to take the snow but there's no--it's the same as if you've got a regular--a regular type of deck permit?

Hershey: Exactly. Yes, sir.

Coppola: Okay. Any questions for Mr. Hershey? Alright, seeing none, if the petitioner could please raise their hand, again, the raise your hand button or star nine. Okay, I am going to--it doesn't always work but I am going to try to get you to unmute here. Okay, you are now--

A. Longordo: Hi, this is Anthony--this is Anthony Longordo.

Coppola: I need your address please.

A. Longordo: Yep. 33475 Capri Court.

Coppola: Okay. Livonia, Michigan, right. Okay thank you. So, Mr. Longordo, why don't you tell us a little bit about your project. We need to understand from your perspective what--what unique hardship you have or practical difficulty that would suggest approving your--your variance request.

A. Longordo: For sure. So, this is just a deck. It's not a covered deck. I don't know where that came from. The covered portion of the description. So, we basically want to put a--just a deck, 20 feet deep and have it--have it fenced in for our toddlers. We have a two and a five-year-old here--that live here. So, I think that'd be--it's just safer for the kids--you know--falling over or--

you know--what have you and we didn't want to do a fence below because that was just too big of a property and there's a lot of lines behind us and along the side of our property with sprinklers and stuff. So, that's why I wanted to put the--the fencing on the top of the deck. For--for our kids.

Coppola: Okay. Anything else?

A. Longordo: Nope. Nothing for me.

Coppola: Okay, why 20 feet?

A. Longordo: Because if we go any wider it's covering up our basement windows and we only have two basement--two basement windows that provide light for the basement.

Coppola: So, you're--what you're saying is you're trying to--to obtain a certain square footage of deck?

A. Longordo: Right. Right. Any smaller it just--it's just not worth it for us to put any toys or--you know--I don't know if you've seen kids' toys these days, like the little housing--little house things are like five by five, six by six--you know--their little toy units--I guess you could say a little--little plastic jungle gyms.

Coppola: Okay, so the picture that you showed, that you included in your petition showed a--I think maybe this is where the confusion on that covered deck is--it showed a patio underneath also fenced in--

A. Longordo: No. No. No. There's just--we don't have enough clearance to put a patio underneath the deck.

Coppola: So, yours isn't a walkout--is what you're saying?

A. Longordo: No. We--we do not have a walkout. No.

Coppola: Just the daylight?

A. Longordo: We--yeah daylights. The four-foot daylight windows.

Coppola: So, it'd still be covering--looks like you'd still be covering one of the windows? If you--and half of the other window?

A. Longordo: No, it actually--it actually winds up right to the beginning of the window so the whole window will be exposed.

Coppola: Okay, so then--I'm just looking at the--at the survey, so what those little--those little lines underneath don't--must not mean that there's a window there. Typically, they're--alright, questions?

A. Longordo: Right. So, from the corner of my house to the beginning of the basement window, is sixteen feet and that's why we can only go sixteen feet.

Coppola: Okay. That's the only window you have in the back?

A. Longordo: No, I have one more that's all the way on the other side.

Coppola: Okay. Alright, questions for the petitioner?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

Baringhaus: Okay, thank you. Yeah, a question regarding--looking at the picture, it seems to indicate that--you know--there's sufficient room for seating and--under--on the lower level of the deck. What is the clearance from the ground to the bottom of the upper floor of that patio structure?

A. Longordo: It's about five feet. But you know--I'm not gonna excavate--you know--I don't know, 20 yards of dirt--you know--that's just too expensive. I don't have that kind of money to do that.

Baringhaus: Okay. It looks like from the picture that the deck itself is more square in nature? On terms on the deck configuration? In order to comply with the zoning ordinance, did you consider making the design more rectangular? So--

A. Longordo: It is. It's--it's sixteen wide by 20 feet.

Baringhaus: Yes, I understand that. But, instead of sixteen--sixteen feet, say, reducing it to ten feet and then going ten feet wider so it's more rectangular. Did you look at that--

A. Longordo: Again, like I mentioned early, it's gonna cover up our--our basement window if we go wider than deeper.

Baringhaus: Thank you very much.

A. Longordo: Did that answer your question?

Baringhaus: Yes, it did. Thank you.

A. Longordo: Okay, good.

Coppola: What other questions do we have?

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Yeah, through the Chair to Mr. Longordo, are you planning to install a patio as well as a deck?

A. Longordo: As of right now, no.

Turbiak: Okay. Are there--if you were to install a patio, is there any--like--bylaws for your association that would prevent you from fencing that in as well as the deck?

A. Longordo: Not that I'm aware of.

Turbiak: Okay. Let me see if I have any more questions. I think that's all for now, Mr. Chairman. Thank you, Mr. Longordo.

A. Longordo: You're welcome.

Coppola: What other questions do we have?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

Baringhaus: Yes, Mr. Longordo, could you describe the material of the proposed deck?

A. Longordo: I'm sorry, could you repeat that?

Baringhaus: Yes. Can you describe the materials that are used to construct your proposed deck?

A. Longordo: Yeah, it's gonna be metal--metal frame--galvanized metal frame, powder coated.

Baringhaus: And the decking itself, is that wood--

A. Longordo: Trex.

Baringhaus: Trex. It looks like a trex-like material. Okay. Very good. Okay. Thank you very much.

A. Longordo: You're welcome.

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: Question for the petitioner, sir, how involved were you in the development of your house?

A. Longordo: I picked the colors of the floors and the cabinets and paint.

Boloven: Did you pick the lot?

A. Longordo: I did, yes.

Boloven: Did you choose to have a walkout basement?

A. Longordo: It was not available. We just only have daylight.

Boloven: That's all I have, Mr. Chair. Thank you.

Coppola: Thank you, Mr. Boloven. Were you suggesting--or I guess let me ask the question to kind of clarify, was this a spec house or did you select the lot and the--and the floor house?

A. Longordo: It's a spec house--you know--there's like three--three blueprints in this whole neighborhood that we can--three or four blueprints that we can choose from.

Coppola: But--but was this house already under construction when you purchased it?

A. Longordo: No. No, it was not. I--I picked the floor plan.

Coppola: Okay. Next question, is there gonna be stairs off this deck?

A. Longordo: Yes.

Coppola: Where would those be?

A. Longordo: It's gonna be on the--on the inside--the inside of the house area, going down towards the house, so--so it won't be on the outside of the deck, it would be more--more--on the West side of the deck. If that makes sense. So, it'll be coming down towards--towards the basement window.

Coppola: So, it's gonna be--it's gonna be on the South side--it's gonna start the South side of the deck and move to the North towards the house? Is that what you're saying?

A. Longordo: That's right. Yeah. Yes, sir.

Coppola: So, you're not--so you're not blocking the--the window?

A. Longordo: Right. I will not be blocking the window.

Coppola: Were you aware of your other neighbor that came before us, not too long ago?

A. Longordo: Tim?

Coppola: Yes.

A. Longordo: Yep. At the end of the street? Yeah.

Coppola: Okay. Were you aware of--

A. Longordo: His house--yeah, I think he's doing a sixteen foot deep but like I said, the reason that his--his house was built incorrectly and his house was built like--I think--a few feet further back than mine.

Coppola: Okay.

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: Yes, I'd like to ask Mr. Longordo some questions. Mr. Longordo, in relation to your neighbors down--down the way, Mr. Funchar, it seems with your 20-foot deck you're gonna stick out further than him. Is that not correct?

A. Longordo: Maybe a foot or two based on--based on his yard--based on the way the way they built his house. It was further back than mine.

Testa: Okay. And I guess--what is your--your hardship with trying to keep with the eleven foot so you can meet the correct variance or set back?

A. Longordo: As I mentioned, going wider will cover up the basement window and--and--and I would like a little bigger area for the kids to--to put their toys and play on the top of the deck.

Testa: Okay. So, you're saying the hardship is just the area for your kids to play.

A. Longordo: Correct. I don't want them going down--I don't want them going down at the bottom, because like I said, they're two and five and they can run off and God knows where on Farmington Road.

Testa: Okay. I understand the--the width issue. Thank you.

A. Longordo: Thank you.

Baringhaus: Mr. Chairman..

Coppola: Vice Chair, Baringhaus.

Baringhaus: Okay. When you would--when you look--when you're on the proposed deck and you're facing your neighbor across from you, what are you viewing? Are you viewing their back yard or a swimming pool?

A. Longordo: I am viewing their swimming pool. Like a swimming pool with a deck, another deck, a--I'm looking at it right now--a Florida room with a--I think it's a jacuzzi, then another deck and patio.

Baringhaus: Yeah, have you discussed this situation with your neighbor? How do they feel about--I guess, the view from the proposed deck relative to their yard? Are they concerned about the--

A. Longordo: Well, I have not spoke to them because there is a 50--60 foot commons area between my property line and their property line and then there is a row of pine trees throughout the whole lot line that would cover anything up.

Baringhaus: In terms of the deck, it's proposed to be at sixteen feet by 20 feet. What would be the impact on you if you had to reduce the size of that deck?

A. Longordo: Again, like I've been saying this whole meeting here, the kind of toys that these kids have, they--they're big little--little play structures. You know--those plastic play structures that we want to put on top of here which are like five by five, six by six feet and then by the time we put like a little table--you know--and a barbeque it's--it's the whole deck.

Baringhaus: What if you were to reduce the deck by four feet, what would the impact be on you?

A. Longordo: No--no kids' toys.

Baringhaus: Kids' toys on the upper level.

A. Longordo: Yeah, like I said I'm--I'm not gonna be putting anything on the bottom--any kids' toys at the bottom because they're--like I said, they're two and five years old and I don't need them running off somewhere on a main road.

Baringhaus: So, in the sixteen by 20-foot area for this deck, what--what do you envision being placed on this deck? You said large children's' play toys and--

A. Longordo: Yeah, large--

Baringhaus: --large items.

A. Longordo: A table, like a five by five, six by six table with a few chairs, a little barbeque, if I could get that on there.

Baringhaus: Okay. Patio area.

A. Longordo: Yeah--you know by the time--yeah, by the time you put the table and chairs--you know--it's half the--it's half the deck and--you know--trying to walk around and it--it's tight and we want it to be comfortable for the kids.

Baringhaus: Okay. Mr. Chairman, question for the inspection department.

Coppola: Okay.

Baringhaus: Given the dimensions of Mr. Longordo's deck, do you estimate that it would be protruding one to two feet out further than the surrounding decks in the area? What--what's your estimate on that?

Hershey: I'm not sure of the placement on the other houses but I was not involved with the other meeting as far as the depth on that. I honestly couldn't tell you that.

Baringhaus: Okay. Thank you.

Hershey: You're welcome.

A. Longordo: When I was speak--when I was speaking with Tim, I think he said his house was built three feet further back than mine. We have the same floor plan and his house was built--like I said, three further back than--than mine. And his deck I think is sixteen feet and I'm--and I would like to go 20, so it'd be like a one foot--one foot difference. And I'm doing my staircase on the side so it doesn't go further back.

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: Question for the petitioner. When did you start obtaining estimates or quotes for the construction of the deck?

A. Longordo: Last year. I called in--what was it, November and I guess there was some issues with Board members or there was gonna be new Board members and I spoke with Tim and he said--he also said that there was--going through--there was going to be some new Board members and that it would reconvene after the holidays.

Boloven: I'm speaking--

A. Longordo: I'm sorry.

Boloven: I'm speaking specifically to your--to your deck. When did you start obtaining quotes to have that deck made?

A. Longordo: November.

Boloven: And when did you determine you wanted a 20-foot deck?

A. Longordo: November.

Boloven: So, I'm reading the minutes from our March 16th, 2021 Zoning Board Meeting, it appears from that conversation that you had with the Chair at that meeting, you were unaware of the set back rules in this city, is that correct?

A. Longordo: That is correct. I only--I only knew about that ten foot--what is it, variance or I think it was a ten-foot set back or--easement. I'm sorry, easement. Livonia only had a ten-foot easement so I thought I could go 21 feet and I was gonna be under 21.

Boloven: When did you begin having conversations with Mr. Funchar?

A. Longordo: Like I said, November, December.

Boloven: So, you were having Mr. Funchar last year, you knew he was having issues, yet you didn't know there was a set back rule until March?

A. Longordo: That's correct. Yup. That's correct. I only knew about the easement and then I think--what I gathered from him was that he was having a hard time because of the enclosed--I think he was gonna do some kind of enclosed area on top of his--on top of his deck.

Boloven: Thank you, Mr. Chair.

Coppola: You're welcome.

Testa: Mr. Chair, sorry, I have one more question for Mr. Longordo.

Coppola: Mr. Testa, please proceed.

Testa: Mr. Longordo, sorry, I have not been out to this property since--I think, December when we were reviewing Mr. Funchar's deck. At that time, I don't recall pine trees being planted there. Is there now a row of pine trees that have been installed by the--the builder within the past few months?

A. Longordo: Yeah. Yeah, I'm looking right out the window right now. There's probably like 100 trees.

Testa: Okay, yeah so that's newer. How--how tall are those trees right now?

A. Longordo: Right now they're about eight feet or so?

Testa: Okay. And do you know the background of why those trees were added? Was it due to Mr. Funchar's case and the builder trying to help you guys out for privacy?

A. Longordo: Well, there is actually--there's the one row (inaudible) now 75-100 trees. I think that's some kind of privacy, I think that he's trying to do. And then in front of--behind Tim's house, he's got another row of pine trees that are like probably fifteen to 20 feet tall. Fifteen feet tall or so.

Testa: And they're on the other side of the common area. So they're closer to the people across from you, right?

A. Longordo: Right. Right. They're closer to--to the neighbor's lot line.

Testa: Okay. Okay, thank you.

A. Longordo: You're welcome.

Coppola: Any other questions?

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Yeah, I don't know if I have any questions, but just some clarifying comments based on some of the questions that my fellow Board members were asking, as far as the difference between Mr. Funchar's and Mr. Longordo's request, regarding the variance--I mean, the way I--I would look at it is, I believe Mr. Funchar got a five foot variance--you know--so, he's five foot into the 20 foot required set back and Mr. Longordo appears to be requesting nine feet. So, it looks like it's a four-foot difference. I guess the deck would stick out four feet further into the 2-yard--20 feet set back and then as far as the trees--I know it's a little bit confusing cause there's some different kinds of trees and I think Mr. Longordo did a pretty good job of describing it, but there's like--the 100 or so that he's referring to along the lot line, those are like the arborvitae sort and I was out there just this week and they look like they're about four to five feet tall. Maybe some are six feet tall. And then there are some, only behind Mr. Funchar's property, like Mr. Longordo said, about fifteen or so pine trees--you know--and those are much taller like he said, about fifteen feet seems like a fair estimate. I just wanted to make those clarifying points.

Coppola: Alright, thank you. I do recall that one of the conditions for Mr. Funchar was that he--someone had to put in some site obscuring vegetation so, it appears--

A. Longordo: Sorry, I know--I know you mentioned about Tim's house and how much more my deck would stick--sticking out. His deck is--I mean his house is built two, three feet further back than mine, plus--plus the sixteen-foot deck so I think like I said earlier, I would probably be a foot past his--past his deck if I go--if I get approved for 20.

Coppola: I think what Mr. Turbiak was saying is that we approved a five-foot variance, so he's only five feet into the 20-foot set back. So, if we allowed nine feet here, your deck would sit four feet further back into the setback than his.

A. Longordo: Okay. Okay because I have--from--from the back of my house to the lot lines is 30--31 feet, I think Tim's is 20--28 feet.

Coppola: Again, it's based on the set back from the lot line, so.

A. Longordo: Okay.

Coppola: Any other questions? Alright, seeing there's not, Mr. Longordo, we're gonna--I'm gonna put you on mute and we're gonna take audience participation or our audience statements. So, if anybody in the audience would like to speak for or against this petition if you would raise your hand and I will pick you off one at a time here. So, I'm gonna start--I've got a phone number ending in 1823. So, I'm going to unmute you. Okay, 313-657-1823, name and address please.

Salo: Todd Salo, 33524 Norfolk, Livonia 48152.

Coppola: Alright, Mr. Salo, please proceed.

Salo: First-yes, I just wanted to make sure that you got my objection letter, along with my sketch. I--I spoke to Marilyn today. She said she received it yesterday and scanned it for all the Board members.

Coppola: It is in here.

Salo: Yeah, so--

Coppola: So, if you'd like to speak that's fine, but what we won't do--is we'll acknowledge that you did submit but we won't read your--we won't read your letter because you'll be speaking.

Salo: Right, I just want to--yeah, I don't want to read the letter so I would just like to make a few quick comments summarizing my letter and yeah--since we're talking about the arborvitaes--the arborvitaes--I'm six foot, most of the arborvitaes right behind me are--you know--not as tall as me. So, there--you know-- five foot six--you know--four or five feet. Let's see, I guess--I guess my biggest point is that the house Mr. Longordo has is--is not unique. It basically matches units eleven, fourteen, and sixteen. At the time he bought the house, he had many options available to him since he was one of the first buyers in the sub--I mean, he could have--you know--had all the lots available to him basically. He had all different home styles like you said. He had three different types of blueprints available to him. Unfortunately, the one he chose has a large footprint and--which has a--basically a smaller rear yard. You know--units twelve and fifteen they've already--they chose a colonial style house which has a smaller footprint and allowed them to build their decks already and they're both beautiful. They did not necessitate a--any type of variance, so, Mr. Longordo also failed to mention the elevation issue which is somewhat significant here. The--his house sits on the highest point of the development, which obviously creates site line issues and--you know--privacy issues--you know--for myself and my next-door neighbor. Like he--Mr. Longordo admitted that he's asking for a rear yard set back but he spoke to--he did not speak to his rear yard neighbors. Myself and my next-door neighbor. So, that's--you know--very disappointing as far as I'm concerned. But the--let's see here--the elevation issue--I think also comes into play in what he's--what he's trying to claim as a hardship because the slope of his back yard is extremely steep and I could see why he doesn't want--you know--kids out there playing and why he can't build anything underneath the deck but once again, this was his choice of lot which is kind of perplexing to

me that he would choose a lot with that steep of slope. But, so--I'd also like to say that if the situation were reversed, I think the petitioner and most other Board members would also be objecting to this variance appeal. So, I'm asking that the Board deny this appeal.

Coppola: Mr. Salo, when Mr. Funchar came, we ended up approving a smaller variance--a five-foot variance and we required that site obscuring vegetation be installed, would that be--as a compromise--would that be something that you could live with.

Salo: I guess I'd wanna check with my other neighbors because you're saying that you want to do a precedent here and that there's already a precedent that you're going back to right away here, so we're gonna go by the precedent set and I guess I'd want to check with my two other neighbors that have other lots that are gonna be affected here because there's two more houses that probably are gonna be asking for variances based on how they--you know--set back.

Coppola: Okay. Any questions for the--Mr. Salo. Okay, thank you. I'm going to put you back on mute and I'm going to unmute Mr. Pennington.

Pennington: Good Evening, Scott Pennington. 33638 Norfolk Street, Livonia, Michigan 48152.

Coppola: Alright, Mr. Pennington, did you--did you submit a letter by chance?

Pennington: Yes, I did. If I could just touch on the points briefly.

Coppola: Okay, so just so you know that--that (inaudible) acknowledge that--that you've sent in a letter but we will not be reading it because you've had an opportunity to speak.

Pennington: Okay.

Coppola: But the letter will go into the record.

Pennington: Okay. In the letter I say that my wife and I object to the variance due to the infringement and the privacy of the residents living on the North side of Norfolk Street, that would result from approving the variance, largely due to the elevation difference as Mr. Salo mentioned. The following points in approving the variance for Mr. Funchar, it was noted that his home was a spec home so he has no control over where the home was built. Also noted several times that Mr. Funchar's home sits further back than the other homes in the development. These comments were made by Chairman Coppola, Mr. Boloven, Mr. Testa, Secretary Klisz, and Mrs. Fraske and based on the meeting minutes from March 16th, and these--this was noted as being--these circumstances were noted as being unique to Mr. Funchar's home and were used in the justification for approving the variance. Regarding the landscaping planted on the Southern property line of the development. It does provide some additional privacy, but it is planted on a downward slope as well, so, some of the benefit of the taller trees is lost because of the--the slope that it's planted on as it goes down into the detention area. The homeowner that--on Norfolk Street that backs up to Mr. Funchar's home had planted a significant amount of landscaping before the development was ever in place and that landscaping has matured and has provided the--the bulk of the privacy for that homeowner from the development--the Capri Court development. The--the developer has

planted arborvitaes as it was noted but they're--they're not that tall and they're kind of scraggly. The developer did plant some nice pine trees--probably eight-foot-tall pine trees but again, they're planted on a downward slope so--so we don't get the--you don't get the same level of privacy you would as if we didn't have the elevation differences. And then, in the previous meeting I expressed concern that the Board was gonna rubber stamp variance requests based on some comments that were made in the February 2nd meeting and Mr. Boloven, Secretary Klisz, and Chairman Coppola all said that it's--by approving the variance for Mr. Funchar it does not set a precedence and--and each case is gonna be looked at on--based on it's own merits and I'm just hopeful that the Board follows through based on those comments. The--the other thing that the petitioner in this case noted that he can see into the--Mr. Salo's backyard and see his pool and see his--his deck and see his jacuzzi, so I think that just goes to show the level of visibility that they have, given that these homes on Capri Court are elevated and it's a good ten or twelve feet higher elevation than the homes on the North side of Norfolk Street and that's why--that's why this is more of an issue and that's why we've spoken up in--in this case as in the--Mr. Funchar's case the elevation differences--the elevation change between our homes and the homes on Capri Court really does have a big impact. So, based on these I'm--I'm hopeful that the Board will deny this request for a waiver.

Coppola: Alright, thank you. Any questions.

Baringhaus: I have question, Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

Baringhaus: Okay. Earlier, Mr. Salo indicated that there were two patio decks built on Capri Street that didn't require variances, were you aware of that?

Pennington: Yes.

Baringhaus: Okay. Are you--are you aware of where those decks are located?

Pennington: Yes.

Baringhaus: Do you have objections to those decks?

Pennington: As I mentioned in the meeting past, if they're--if somebody's building a deck that meets the zoning requirements, I don't--I don't have a--you know--I can't take up a position with those in my mind. As long as they're meeting the zoning requirements of the city.

Baringhaus: Well don't those decks share common requirements? I mean, they have--they're elevated, correct?

Pennington: Right. Yes.

Baringhaus: The other (inaudible) properties?

Pennington: Yes. And--and--

Baringhaus: So, does that mean you have no objection to that?

Pennington: I--I don't have any control over it, right? I can--I can't object to somebody-- somebody that's building something that's following the laws of the city. I mean, it's a--it's a privacy issue. And if--if--you know--the petitioner in this case just pretty much--you know-- explained that--how much of a significant impact it makes. And if you--if you came out and looked at--you stood on one of the decks and you looked into our backyards you would understand it as well. It's--I mean, it's a privacy issue for the people that live on Norfolk Street. It--for the homes that have pools, the house that backs up to Mr. Funchar's property and Mr. Salo, both have pools. They have children that are gonna be in the backyard in the pools--I mean--it raises--it's not a--it's not a comfortable position to be in.

Baringhaus: Do you have any issues with the two decks that were built without variances in terms of privacy issues?

Pennington: It's--it's the better situation then decks that are--that are asking for waivers?

Baringhaus: How so?

Pennington: Because it's that much further--it's that much further away from our properties.

Baringhaus: I see. So, it's not like directly across or one or two houses away, it's some distance from your house?

Pennington: No, I'm saying the distance from our North property line to the--to the edge of their deck is further away in those cases than in the two cases we're talking about.

Baringhaus: Okay. Thank you.

Pennington: You're welcome.

Coppola: Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Yeah, through the Chair to Mr. Pennington, I just want to run by a little scenario--run a little scenario by you I should say. If the development at Capri Court had been built at a ground level--an elevation--I should say, similar to Norfolk Street and if colonials were built on the South side of Capri Court, do you think that the site lines from the second floor would be basically the same--very similar to the view from the--the deck or the door wall of the current petitioner's home?

Pennington: Probably close to it. Yes.

Turbiak: Okay. Yeah, I would think so. And--I mean, I guess this is kind of obviously but I just want to point out--you had highlighted the comments that the petitioner had made about being able to see the pool, the jacuzzi, and so on, and he--I believe said he was looking out his door wall or maybe the window in the room next to it at the time, so--I mean, in my eyes--and I'm wondering if you agree that--I mean, he can basically see all that from inside the house without the deck.

Pennington: That's correct.

Turbiak: Okay. And I just want to acknowledge I--I think I'm understanding your point in the line of questions with Mr. Baringhaus about--you know--the five feet or nine feet or whatever the case would be--difference would be--you know--that much better, it would be nine feet, five feet difference but I think that we can agree that the site lines and the privacy impingement is--is effectively the same. I mean, if someone were to so choose if they wanted to get some kind of high tech cameras or lenses, I mean--so, the line of sight is already there and the extra five feet, I don't think--unless--unless you can explain to me how--I don't think that that's gonna really effect the privacy. I think putting in more trees is--is gonna have more effect than reducing the deck five feet. Do you agree?

Penninton: Yes, I agree.

Turbiak: Okay.

Pennington: But I also--granting waivers, when it is gonna cause a--when it is infringing on somebody's privacy, I don't--I don't support that. And--I mean--we're talking about the five foot variance now, which is exactly what Mr. Funchar got and which was the--a point that three of the Board members mentioned in the last meeting that they weren't gonna go based on precedents and now we're talking about the same scenario that Mr.--you know--looking at the same scenario that was approved for Mr. Funchar.

Turbiak: Well, those are just all hypothetical numbers just for the sake of conversation obviously and what--the only other comments I have to say on that is--you know--in my personal home--I mean, no matter where I look out my windows I can see other neighbors windows, so again, it's not uncommon to have line of sight to other neighbors' windows and in this case you actually have 50 feet of--you know--drainage--commons areas or however you want to refer to it, so I think that aids in--unless you're just going by the--the human naked eye--you know--you've got 50 feet more than--than most people in the city I would say.

Pennington: If the--if the elevations of the homes were the same--I mean, people spend a lot more time on the--on their patio in the summertime than they typically do staring out their bedroom windows on the backside of the house. So, that's where the greater privacy issue comes from. If--if the elevations of the homes were the same and there were shrubs, it would be fine. It--it wouldn't be an issue.

Turbiak: Mmhmm.

Pennington: But because of the elevation difference it--it does create an issue.

Turbiak: I hear you.

Pennington: And you're right--you're right. If the residents on Capri Court all wanted to get high powered telescopes, they could spy in every one of our houses, every one of our backyards. That's correct.

Turbiak: Right. I hear you. I hear what you're saying and--and although, I--I like the--the idea of like what you're saying if their homes were built at an elevation the same height and you had the trees it would definitely be a much better scenario, un--unfortunately the--for reasons that

I'm not fully aware of--the engineering team seems to have chosen and worked with a developer to arrive at the elevation that we have today and--you know--I think, even as far as privacy, even the owners on Capri Court--I think would want to have more privacy as well, right? They don't want to be on their deck--they're kind of up there--up there in the air--you know, all you guys can see them just as well as they can see you so, I think that they would probably prefer that situation to be different in some regards as well and I think that one way to--to do that, given the situation that we are in, is to--to add some trees. Those are just one Board members thoughts, but those are all the questions I have. If you have any other comments, I'm--I'm welcome to listen to them. I didn't want to cut you off.

Pennington: The residents on Capri Court also have the--the option of building a patio on the ground level, right. If they--if the elevated deck is uncomfortable for them, they've got the option of building it on the ground level. In fact, Mr. Funchar did build a patio on the ground level behind half of his house.

Turbiak: That's a great point. I appreciate that. Thank you, Mr. Chair.

Coppola: Alright.

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: Yeah, Mr. Pennington, thank you for calling in and connecting to this call. I appreciate your letter. I appreciate your points. I guess, one thing I--I view and I kind of took this view on the--Mr. Funchar's deck as well, regarding the pool across the way--it's roughly gonna be 80 feet away. Let's just--let's round to a nice whole number. If we grant this variance, it's gonna make it 71 feet. Is there really a difference between 71 feet and 80 feet, when it comes to privacy? I mean, we're talking that far of a distance looking across it. That common space is what I think really plays into my mind that it--it's so far away at this point that you really--the privacy issue's there but it--it doesn't really--nine feet doesn't really make that big of a difference in my mind. Can you maybe touch on why you think--I understand why you think we shouldn't go against the--or give a variance because of what the ordinance is but from privacy standpoint, is there really a difference between 71 feet and 80 feet?

Pennington: If--I don't understand the hardship that's created. Isn't that one of the requirements to grant the zoning waiver? And--and this is an individual that pur--that picked his lot, picked the floor plan, picked everything. It wasn't a spec home. In fact, Mr. Funchar's home was not a spec home either. Mr. Funchar picked his lot and picked his home as well and it's--I believe it's the city of Livonia that identifies where the front of those houses are gonna sit on on the property and they're in a line on Capri Court. So, I don't even think in Mr. Funchar's case it was a spec home. So, if there's not--so, somebody's lack of understanding of the requirements, I don't know that that creates a hardship. And I believe creating a hardship was read in the beginning of this meeting as being one of the requirements to approve a zoning waiver.

Testa: Okay. Can you comment on the privacy between 71 feet and 80 feet?

Pennington: I--I--as I mentioned the--in response to Mr. Turbiak's comments, it's not gonna make a significant difference.

Testa: Okay. I--I understand all of your comments. I--I appreciate your time. Thank you.

Coppola: Alright, Mr. Pennington. I'm gonna put you on mute now. I have another call in--just--6867 I'm gonna unmute you. I'm gonna need your name and address before you start speaking, please. Hm. There we go. Alright.

P. Longordo: Hi, how are you?

Coppola: Good. Name and address please, if you would.

P. Longordo: Pasquale Longordo. I am Anthony Longordo's brother.

Coppola: Okay. Your address please.

P. Longordo: Same on as my brother. 33475 Capri Court. I live with my brother.

Coppola: You guys live together?

P. Longordo: Yup. Yup.

Coppola: Okay.

P. Longordo: So--

Coppola: Go ahead.

P. Longordo: Oh no, go ahead. Is there a format I need to follow here, or can I just chime in on my opinion?

Coppola: You may chime in on your opinion.

P. Longordo: Okay. Alright. So, I guess I'm--I completely respect--you know-- the neighbors in the area and--and--and--you know--their opinion on--on--you know--their position on the privacy--you know, regarding some of the decks that have put out there but--you know--let's--you know--let's be real here--I mean, privacy is--I mean, there's trees back there and really what does privacy mean? I mean, it's--your--there's a whole commons area back there, right. And number two, I mean, I feel like that most of the neighbors in the area were kind of--have kind of done what they've wanted with--in terms of pools, decks, gazebos, and what have you. So--and I think the hardship--just to kind of allude to the point on the hardship, there--there--there--to me there's a severe hardship here and--and that is kids, right. You know--we have--you know--my brother has two younger kids. We have nieces and nephews. More than likely--it's not optimal to have a fence back there--you know--kind of surrounding the whole--the whole--you know--the perimeter of the--of the--of the area. A, because of the slope and b, because it's just kind of a--a--you know--you have the commons area, and it just doesn't look right. To me, the whole fence area just wouldn't look right. So, to me, putting up a deck would kind of confine--you know--the kids, keep them in a secure area upstairs in viewing distance, right? And really--you know--after--you know--to my brother's point--after you put a deck there--I mean, after you put a table there and what not, you're really not left with a lot of room. So,

we wanna keep the kids in kind of--you know--in a safe area where we can keep track--I mean, we--I mean, how many--how many stories have we heard with kids running across the street or running out in the commons and--I mean--you know--I don't have to go through all the different--you know--all the different scenarios here of what--what could happen. So, to me--to me it's a huge hardship, right? I mean, the kids' safety is number one in my opinion. Number one, number two, and number three. And to me, the risk--the risk versus the privacy--the hardship versus the privacy, I think is--is--is bar none in my opinion. I mean, I can understand if we were butted up--you know--to the neighbor's yard. Okay, I--I get it. Right. Because your deck's right all the way up to--but--you know--there's huge commons area back there. There's trees and really the elevation--I mean, you're--it's difficult to see across. I mean, yeah you could see our--you know--pool and whatnot, but--so--I don't know. And I--you know--like I said, I'm totally keeping in respect--I'm respecting the neighbors and what they--you know--what they could potentially--you know--if there's any sort of--if it creates any sort of nuisance right, or whatever word you wanna call it. To--to me, even--I mean, it's only five feet up, right? I mean, let's just say it was deck--I mean, let's just say it was a patio area, would that--would that make a difference, right? If it was five feet lower and it was a huge deck and it was 20 feet, right? So, those--those are kind of my points and hopefully we can come to--come up with some amicable solution here--you know.

Coppola: Okay, thank you.

P. Longordo: Yup. Thank you.

Coppola: Alright, anybody else that would like to speak before or against--what I'm gonna do, and I apologize if--I've lost track of who I've selected and not, so I'm gonna lower all the hands and ask the petitioner not to raise his hand and if there's anybody else that would like to speak, please raise your hand. Alright, seeing there's no one else, correspondence, Mr. Secretary, take into account those that were--

Klisz: Yes. Yes, there's the two letters that I won't read from Mr. Salo and Mr. Pennington. We do have other letters. First letter is a letter of objection from Edith Szubeczak, 33561 Pondview Circle, Livonia (Letter read). Second is a letter of objection Lawrence Kwiatkowski, 33410 Norfolk, Livonia (Letter read). Then we have the letter from Mr. Pennington, it's in the record. Letter of objection from Mr. Salo and his information is in the record. We have another letter of approval from Walter and Kimberly Behrens, B-e-h-r-e-n-s, 33581 Pondview Circle (Letter read.) We have a letter of approval by John R. Pastor, 33461 Capri Court, no comments. We have a letter of approval from Tim Funchar, 33503 Capri Court (Letter read.) Those are all the letters.

Coppola: Alright, thank you. Mr. Longordo if you could raise your hand again and I'll unmute you to allow you to have a final statement. I'm working on it here. Doesn't want to--there we go. Alright, Mr. Longordo--

A. Longordo: I know I pushed the star nine quite a few times. So, basically, I chose this lot because it's further away from Farmington Road and I have little--like I said, I have little kids and I don't need them running out on Farmington Road. I know it's hard for some people to

understand that--that don't have kids or kids are already older. I--and I also chose this--this footprint because I--my--I have lower back pains and issues. I have plenty of doctor's notes and I'd be more than happy to provide it to all the Norfolk neighbors. So, that's the reasons why I chose this--this footprint. And like--like you mentioned earlier, that there--there's no difference between 80 and 71 feet. I can see them, they can see me. If I'm on the ground--if I'm on my backyard standing at the bottom, I can see everything anyways. So--and they can see me here too there's no--I don't have any issues with that. As far as pine trees, if the builder wants to put additional pine trees, they're more than welcome to.

Coppola: Alright.

A. Longordo: I just find it really hard--I just find it really hard to believe that--you know--that my deck size is causing that much of a privacy issue. I can see them from inside my house. Whether I'm inside, outside, on the roof, in the basement, I can see them and they can see me too.

Coppola: Alright, thank you very much. I'm gonna go ahead and put you back on mute and I'm gonna close the public portion of the case and start the Board's comments with Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Yeah, I've--I've gone both ways in my mind on this one. And I'm still--to be honest, working it out. I--I can see the cases of both the petitioner and those neighbors on Norfolk Street and they both make very good points. And I try to put myself in their shoes in each case and I--I'm not sure--I'm probably gonna be in favor of voting for this tonight. I don't think tabling this is--is gonna help any. For example, I mean, sometimes we ask petitioners to--to carve down the--the request a little bit but in defense of that, I think that we've discussed with a couple of the neighbors on the North side of Norfolk and they tend to agree--you know--quite reasonably that a couple feet doesn't make a difference, it seems to be that their stance is that there's any--any variance, right? Like one of the neighbors on Norfolk mentioned that--you know--that the decks that were built within the variance, that they can't--they can't say anything about and so, they have objections--very reasonable objections here where they have an opportunity to speak and have an impact. Like I said, I'm not sure how I'm leaning on this one. I'm gonna listen to the other Board members and--and--but I'd be in favor of voting for it tonight.

Coppola: Alright, thank you. Ms. Fraske.

Fraske: Thank you. I was gonna also say the same thing, that I wanted to hear what my colleagues had to say about this but to Mr. Boloven's point, I agree that the petitioner knew the lot. He knew what he was getting into when he purchased it and he knew about the other--the--the other case that came before us a few months ago. So, he knew--I--I feel like there was at least an allotted amount of time to get the information that he needed. But, at the same time, I also see where the hardship is. I don't see an issue with privacy. They--he can see, as we've talked about--into the neighbor's house from his house. It doesn't really matter if there's a deck there or not. I would probably be in favor if it was just scaled down a little bit. That's where I'm heading--or that's where I'm kind of leaning. I'd like to hear what my colleagues have to say as well. Thank you.

Coppola: Alright, thank you. Mr. Testa.

Testa: Alright, thank you. So, I am not in favor of this based on the--the size of the variance. I could support something smaller. I'd like to be closer to the variance. At a minimum it shouldn't stick out further than Mr. Funchar's but I also don't want to set Mr. Funchar's as a precedent. I would like him to be closer to where he should be. So, I--I'm not in support of this.

Coppola: Alright, thank you. Secretary, Klisz.

Klisz: I agree. I think that while we're looking at them all individually--you know--the concerns are there, the points are good on both sides, but I certainly don't wanna go greater than we've already done on a nearby property. And so, I think if it were a five-foot variance, that I could probably get behind that. If--if it is not, then I would probably be against it.

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

Baringhaus: I agree with Secretary Klisz and Mr. Testa as well. I'm seeing a little bit of a hardship but I'm not seeing like a severe hardship. Location of the house isn't really unique to the other properties, where in the other--with Mr. Funchar was set three feet back. Two other--two other homes were built with patios. No variances required. So, they were able to get it done. I'm not totally convinced--I'm partially convinced about the hardship but at the same time, I'd like to see some consistency going forward, so, if--I would live to see a revised design that would be more in line with our previous decisions. Thank you.

Coppola: Alright, thank you. Mr. Boloven.

Boloven: I also am not in support of this variance. I stand behind my comments that I made back in March on Mr. Funchar's case. Mr. Funchar's property was unique. We granted a five-foot variance because his property was five foot back. And that's not the case here. You have an owner that picked the home, chose the home, chose the layout. It's not a spec home. The owner has a duty to know the ordinance. I think he knew that there was an issue back in November when he first started discussions with Mr. Funchar. And frankly, he can go wider. It's a, I want my cake and eat it too theory here, where I don't wanna cover up a window and I don't wanna be inconvenienced by having the deck I want which is--could happen, but he's choosing to go back rather than to go out because it's not fitting with his layout or fitting with what his view's gonna be. You know, people can say that it's de minimis nine foot, it's 50 percent of what the required set back is almost. So, at some point you've got to say--especially for a site like this, where you're gonna have more and more cases of these other neighbors. If you're trying to say nine foot is de minimis, at some point you gotta say, then change the city ordinance. If we're gonna just okay a nine-foot, 50 percent waiver of the setback, then frankly it shouldn't be--it should be a ten foot setback rather than a 20 foot setback. So, I--I wouldn't be in favor of five foot. I'm not in favor of nine foot. I think--like the other neighbors, he's gotta deal with what he's got. He can either go wider or build a deck that fits within our ordinance. Thank you.

Coppola: Alright, thank you. I think Mr. Boloven hit it kind of on the head for me. I see it as--as just an inconvenience of not wanting to cover a window, which for me is not a practical

difficulty. When I asked the question of specifically, what were you trying to achieve in square footage that square footage could be achieved by-by a wider deck. So, I--I don't see--I don't see the practical difficulty. I just see a mere--a mere inconvenience. I do find--you know--these all very difficult. I think--you know--the development itself makes--makes--makes it a very unpleasant situation for the neighbors and I would expect as we see more variances come up that we'll get the same level of--of--of aversion to it and objection to it. I understand that. But there is--again, there is a 60-foot green zone between the two and there should be some level of--of consideration for that. I get the height issue, but I think--you know--nine or five feet doesn't solve the height issue. The height issue is the height issue. But then again, specific to this, I don't think--you know--specific to this case, specific to--to the request, I do not believe the petitioner showed practical difficulty and this was just a mere inconvenience and so I cannot support the variance. So, I will go ahead and open up the floor for a motion.

Upon motion by: Testa, supported by: Boloven, it was:

RESOLVED: APPEAL CASE NO. 2021-05-17: Anthony Longordo, 33475 Capri Court, Livonia, MI 48152, seeking to erect a covered deck off the rear of the existing home, resulting in deficient rear yard setback.

Rear Yard Setback:

Required:	20 ft.
Proposed:	11 ft.
Deficient:	9 ft.

The property is located on the south side of Capri Court (33475), between Farmington and the west end, Lot. No. 013-05-0013-000, R-1 Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 18.28, "Yards; Encroachments,"
be denied for the following reasons and findings of fact:

1. That the petitioner has not demonstrated to the Board that a practical difficulty exists.
2. That there is general disapproval from the neighbors in the area.

FURTHER, that the denial of this appeal is in the best interests of the City of Livonia.

ROLL CALL VOTE:

AYES:	Turbiak, Testa, Fraske, Boloven, Klisz, Baringhaus, Coppola
NAYS:	None
ABSENT:	None

Klisz: Motion to deny passes seven to zero.

Coppola: Alright, Mr. Longordo, I'm trying to unmute you here. Just real quick, as I said earlier, the--our decision becomes final in five days and you have the ability to appeal the decision to Wayne County Circuit Court within 21 days from the day tonight's minutes are approved, which would probably be the next--

A. Longordo: Okay. So, you want me to hire an attorney and go from there?

Coppola: No, I'm just--

A. Longordo: Because--because--hold on--because of some neighbors that are just pissed off, that's what you're telling me.

Coppola: No, I'm providing you with what you have options. We have denied it but you have an option to appeal.

A. Longordo: You know, this is bullshit. Fucking bullshit.

Coppola: Alright, we're gonna move on to the next case.

APPEAL CASE NO. 2021-05-19: Aaron Harris, 15969 Stamford, Livonia, MI 48154, seeking to erect a six-foot-tall privacy fence along the rear property without the necessary adjoining property owner's approval.

The property is located on the west side of Stamford (15969), between Rayburn and Hampshire, Lot. No. 064-01-0745-000, R-4B Zoning District. Rejected by the Inspection Department under Livonia Fence Ordinance, Section 15.44.090B, "Residential District Regulations."

Coppola: Alright, thank you. Mr. Hershey, anything to add?

Hershey: No, sir. Not at this time.

Coppola: Any questions for the inspection department? Alright, seeing none, I'm going to attempt to unmute Mr. Harris. There you are. You're unmuted Mr. Harris. Name and address first please.

Harris: Hi, yes. Aaron Harris, 15969 Stamford, Livonia.

Coppola: Alright, Mr. Harris, why don't you go ahead and tell us in regards to your petition, the issues that you have. I wanna understand what the practical difficulty you have and what--I'd like to fully understand the efforts that you've gone through. I did see the correspondence, it's in the record, but nonetheless, I'd like to hear--you mention and discuss the efforts you've gone to--to work with your neighbor through the issues that you could get a compromise.

Harris: Absolutely. So, we've been in the midst of a--adding new construction onto our house for the past fourteen months. The project is getting close to wrapping up. Adding an addition on--we added a pretty large size addition off the back--large windows on the back of the house. With that, we rely--also, since we moved into this property about--man it would be eight--seven years ago, we have had two children since and now we have a dog. So, we have four children in total. And currently, the back side of our yard just has a split rail fence, like a vinyl split rail fence. The other two sides of the property, on the South side there's a green vinyl coated chain link fence that was erected by my neighbor Melissa about two years. And then on the North side, there is a six-foot white privacy--vinyl privacy fence that was erected before we ever moved in. So, our goal is to just fence in the property so we have--I need you to go buddy, okay--hold on bud--

Kid speaking in background.

Harris: I will later okay--Sorry--So, to erect--so, our idea was we want to put a fence along the back that actually acted as something that enclosed the backyard. Split rail obviously does not cut it and put gates on the front side so that our backyard is completely enclosed for our dogs and our children--our dog and our children. We wanted something that going to match the existing fences so, first we were looking at putting the chain link along the back, however, the chain link with the cu--current issues with obtaining materials, due to Covid, you can't get the green vinyl chain link. So, we were gonna do the black and that's initially what we proposed to Mr. Miller behind us. All of our other neighbors didn't have an issue. We didn't necessarily--because we--you know--don't share a property lines with them--didn't necessarily need their

approval, but we did ask them anyways. When we went to Mr. Miller, I dropped off the paperwork and --you know--I was just dropping it off real quick after dinner one day and I was saying, hey--you know--if you could sign this, we'd really appreciate it. He said sure--you know--we'll get back to you tomorrow. I was like no problems. He came back the next day with a letter written out and just saying that they weren't going to approve it. They didn't like the idea. As we started to kind of dig into it more, then we kind of started to realize other things about it. Oh, wait, we have these big windows now, we probably want a little more privacy. So--and we want something that's gonna match. We can't get the green vinyl chain link, so, let's just do a matching vinyl privacy fence. Also, on the North side of Mr. Miller's property, he has a white vinyl fence. It's a--a Danbury style picket fence. So, maybe something that's white that'll match that would--you know--be more agreeable. So, we got an updated quote from my friend who owns Paramount Fence and decided, you know what, that's within our budget. We can still do that. So, we--you know--counter proposed that to Mr. Miller and just said, hey--you know--we're gonna take care of demolition of the old fence, it's 20--you know--20 plus years old. We appreciate that you put that in--you know--about 22 years ago, it just doesn't meet the safety needs of our kids now. We want something that's going to meet the privacy needs now of our new addition that we weren't thinking about initially. And--you know--will better meet the aesthetic needs of his fence, but I have a wife, I have a pre-teen daughter. We're thinking about maybe putting a pool in, in the near future. We definitely want to put a jacuzzi in very soon. And those are all things that I have to take into account with the privacy of my four children and my wife. So, I definitely want to replace that split rail fence. I definitely want the privacy fence and it matches, like I said, aesthetically, exactly with the six-foot fence on the North side of my property. And that's--yeah, that's about it. Basically, did everything I could to try to reason with, to--you know--discuss everything with Mr. Miller. Could not come to an agreement, so, followed the process that we need to do to see if I could get a variance, so.

Coppola: Alright, thank you. What kind of dog do you have?

Harris: We have a one-year-old Berne doodle puppy. We just got her--it'll be a year in July that we got her. So, we got her--you know--as a brand-new puppy and she is--you know--an energetic, 70 pound--you know--pretty big dog. You know--she's very friendly, but--you know--she is big, and she is fast.

Coppola: Will she jump the chain link fence between you and your neighbor?

Harris: She has never try--she has jumped the split rail fence that exists currently. She has never jumped the chain link that is on the South side of the property. I don't doubt that she could, but she tends to be a little cautious so--you know--I--I think it's one of those things that if she really wanted to, she absolutely could, but I don't think that it's a--it's something that she's going to just try right off the bat when there's other easier options to get out of the yard currently as we don't have the gates in the front currently, so.

Coppola: Okay and how--how tall is the chain link fence?

Harris: The chain link fence on the South side of our property currently, it's a standard--standard height chain link fence, I don't know what that would be. I would assume about four feet.

Coppola: Yeah. Okay. Alright, just one other question and then I'll turn it over to the other Board members. Have you ever considered privacy screening--and when I say privacy screening, that's where you could put like a six-foot fence section within--you know--within your yard that provides screening that you could put around a pool, you could put around a porch, if you thought that you needed more privacy? Have you considered those as an alternative to a privacy fence?

Harris: We did consider it, but it would obstruct our view from being able to see our children on our--on their swing set or on the trampoline that we're getting ready to put in and kind of the--you know--part of having those big windows in the back that we like would be--you know--be able to see our entire yard--you know--be able to see our--our garden and our--our vegetables and stuff like that. And be able to see our kids--you know--our four kids when they're playing in the back yard, so.

Coppola: Okay. Questions for the petitioner?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

Baringhaus: Okay. Yeah, Mr. Harris, regarding your plans for the fencing, you mentioned your neighbor had a four-foot chain link fence.

Harris: No. My neighbor on the South side has a four-foot chain link fence, yes. The one that we're looking to replace is a--

Baringhaus: Okay.

Harris: Yeah--

Baringhaus: I'm sorry, go ahead.

Harris: I'm sorry--split rail.

Baringhaus: So, in other words, what you're proposing is replacing the split rail fence with the six-foot privacy fence that you're proposing along--

Harris: Correct.

Baringhaus: --the back of the property. The four-foot chain link fence would remain in place, correct?

Harris: Correct, because Melissa just paid for that--to have that replaced to fence in her yard for her dogs maybe two years ago. I think it would be unreasonable to--you know rip that all out and--you know--replace that after she just paid for that. Also, I'm not as worried about the sight lines across my North to South of my property because that doesn't have a direct view into the large windows in the back of the house but on the West side of the property, if you are

on Whitby Street you would--and you looked through Mr. Miller's backyard, you would be able to see clear into the windows, so.

Baringhaus: Okay, so based on the location of the fence and your neighbor, you don't really have any privacy issues because of the line of sight.

Harris: Correct.

Baringhaus: Okay, Very good. Thank you.

Harris: Mmhmm.

Klisz: Mr. Chair.

Coppola: Secretary, Klisz.

Klisz: To the petitioner, are--are you a member of a homeowner's association in your neighborhood?

Harris: Yes. We do have an optional homeowner's association within Coventry Gardens that we are a member of and I actually work with them and I'm working on a project to help on some improvements on a park here. But our association bylaws only cover--are really only for the aspect of operation and for beautification of the neighborhood as a whole and for the park that's central to the neighborhood and don't have any bylaws specifically--didn't--having any certain regulations on fencing or landscaping.

Klisz: Right. That's--that's what I wanna address. One of the letters of objection that we're gonna read says, it not only goes against residential regulations but also regulations for property owners in our neighborhood to abide by, so--

Harris: Yeah.

Klisz: So, you're not familiar with such a regulation?

Harris: Correct. That is incorrect. I consulted with members of the association just to ensure that there was nothing which ensured that there is nothing and I did read the entire bylaws myself just to ensure that--you know--I had crossed my t's and dotted my i's here. I also drove through the neighborhood and--you know--found that other members of the--other people in the neighborhood do have six-foot vinyl privacy fences and like I said, I, myself, already have a six-foot vinyl privacy fence in my yard on the North side of the property.

Klisz: Okay. And let me ask you about this. Your--your addition, did it originally not have windows that faced that direction?

Harris: No, it did have windows that faced that direction. We planned on doing something about the fence eventually but that was just not in the initial project scope. So, that was we were like, we'll--you know, kind of handle that as we get to that step and we're kind of at that step now, so.

Klisz: Okay. So, it's not like you went from a brick wall that you couldn't look out of to windows. The windows have always--

Harris: No.

Klisz: --been there correct?

Harris: Windows have always been there. That's how--you know--we have a big, beautiful back yard and two big, beautiful maple trees and--you know--stuff like that and we want our kids to be able to play back there and be able to see them and stuff like that--you know--that's--that's--you know--kind of the appeal to it. That was always part of it. Plus, my wife works in radiology and works in a dark basement all day, so, she wants big windows and lots of light.

Klisz: Okay. But that doesn't create any kind of hardship. I was confused. I thought you used that as your hardship. That you put in the addition with big windows and that led to privacy issues.

Harris: No, no no.

Klisz: Was I mistaken then?

Harris: You're--you're mistaken in--just in the aspect that that's what caused it. It's more of a--it's more of a hardship in that we would like to put in a fence that matches one of the other fences on our property lines, which our options would be a green vinyl chain link fence, which right now, like I said, due to material concerns is not available or a six-foot white vinyl privacy fence, which, on the North side, which is available. And the more I thought about it, it just better accommodates privacy, just with having those large windows but also the aspect of like my children playing in the back or--you know--having a jacuzzi or a pool or things like that.

Klisz: Right. But--but there's also the four-foot options that your neighbors have suggested that you've declined to consider, correct?

Harris: Correct. And that would be because then I would have--I would have three different types of fence in my yard of which--you know--I would be paying for my neighbor, requested that I put in a fence that matches the fence on his North side of his property, that I would be paying for. That I would be demolishing the existing fence and that it would be going on my property line. I did explain to Mr. Miller that if he wanted to put in a--a four-foot Danbury style picket fence and move the existing fence because the existing fence is actually on our side of the utility easement. If he would like to move it to his side of the utility easement and pay for that, I--I even would refer my friend's company to be able to get him a good price on that and I--even though it's not ideal to us from a privacy matter, I would sign off on it to be good neighbors and I wouldn't be paying for it. I don't see much reason in objecting on it, so.

Klisz: Alright, thank you.

Coppola: Any questions?

Baringhaus: Yeah, Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Describe to me your neighborhood. How would you describe--

Harris: Yes.

Baringhaus: --the type of fencing in the neighborhood? Is it a mix? Do you see a lot of privacy fences? A little bit?

Harris: It's varied. It's extremely varied. I would say that--I would say that there are less privacy fences than there are--you know--like lower chain link or like picket fences, but I would say--like I said--I did a drive through, through my neighborhood to make sure I was being reasonable, and I definitely have seen multiple privacy fences, so, it's not something unheard of in the neighborhood. I would just say if you were to give it a ratio, I would say--you know--privacy fences would maybe make up 20 to 30 percent of--you know--the fences as opposed to like--you know--above 50 percent, so.

Baringhaus: Okay, great. Thank you.

Harris: Mmhmm.

Testa: Mr. Chair. Mr. Harris, I apologize my internet cut out for like ten seconds when Mr. Klisz was asking you about the fences to the North and South. He was asking you regarding the proposal from your neighbor, why you weren't accepting of that? I think you were saying at that point you'd have three different fence types, but that's where I was cutting out, so could you please re-summarize why--

Harris: Yeah.

Testa: Go ahead.

Harris: So, our neighbor, when they asked about--when they countered saying you--we would approve this style fence which was a Danbury style picket fence that's four-foot with--specifically with the New England caps as he mentions. I--I--the thing is that then on the North side of my property I would have a six-foot white vinyl privacy fence, on the--on the West side I would have a--a four--foot Danbury style picket fence, on the South side I would have a green vinyl chain link fence and then on the East side I would have six-foot white vinyl privacy gates, so, like I said, I would have three different types of fence in my yard and aesthetically from my point of view it just doesn't make sense for me to pay for that and like I said, I'm willing to sign off on it if he wanted to do it himself and pay for it and move it to his side of the utility easement but that is not something that was offered and therefore that is not something I'm willing to accommodate on my end with paying for the entire project.

Testa: Okay. Thank you. Would you be willing to change out your green chain link fence to match what you would have on--I guess that would be the West side?

Harris: You mean on the South side? On the South side--so my neighbor Melissa did pay for that. That is a pretty long run, and she just did it about two and a half years ago. I personally feel it would be unfair to did that when she just had that fence put in a couple years ago. I would have to not only compensate her financially--you know--to be fair, but then also spend the addition to replace another length of fence which is not within my budget.

Testa: Okay. Thank you.

Harris: Mmhmm.

Coppola: Mr. Harris how would you describe your--describe your neighbor's--the one directly behind you--neighbor's maintenance of his yard? Is it well maintained? Is it--

Harris: Oh, it's pristine. I--I--I commend and applaud Mr. Miller on his ability to just maintain such a beautiful yard. I mean to the point that--you know--especially with my whole backyard being under a construction zone for the last year and also the fact that--you know--that I don't have the time to put into my yard with having multiple kids and a job and running a house and stuff like that. You know--it's--it almost makes me feel bad looking at his yard versus my yard--you know--his yard is absolutely pristine. And that's also kind of where I'm coming from in that I would be able to kind of shield him from the chaos of four kids and a dog--you know--I almost feel like I'm doing him a favor. He unfortunately did not see it that way but that's kind of where I'm coming from.

Coppola: Okay. And then just a--you may have mentioned this already but--I may have missed it. For clarity purposes, so the--the privacy fence on the North side, is that a wood privacy fence?

Harris: On the North side? Nope. It is a white vinyl six-foot privacy fence that matches exactly the one that we are--that we are wanting to put in on the West side.

Coppola: Okay. Thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Yeah, quick question to the inspection department. I believe in the notes, it mentioned that Mr. Harris was maybe considering a pool in the future. If he were to install a pool, I believe he requires a four-foot fence, and in that case, I was wondering, do we waive the requirement for a neighbor permission because the pool just necessitates it?

Hershey: The pool is required to have a 48-inch safety barrier around it. That can be the pool walls itself. If they are 48 inches or greater there is no fence required as long as the ladder either flips up and locks or is removable. So, technically, you don't need a fence with a pool if you meet that. Otherwise, if it's not, the fence would need to be at least 48 inches and the split rail would not be allowed because they can climb over or through it.

Turbiak: I see. So, if it were an in-ground pool can he put a fence that's directly around the pool or the patio of the pool and not necessarily around the property line?

Hershey: Yes.

Turbiak: Could that be a six-foot privacy fence or does it have to be--

Hershey: No, typically it's like picket--you know--a metal picket fence they typically put around them. Four feet tall.

Turbiak: Like a wrought iron?

Hershey: Yes, exactly or aluminum.

Turbiak: Right. Okay. Thank you, Mr. Hershey. And then I have a couple questions for the petitioner. Through the Chair, you said that you had two kids when you moved in and I missed how long you've been living there. How--one of the reasons you mentioned is that you want to--you know--help keep your kids in the yard, how were you unable to do that so far and then more to the point I guess is why can't you continue to manage your kids and now the addition of the dog in a similar way?

Harris: We moved in about seven years ago and to this--to this point it's really just been we--you know--one of us always has to be outside--you know--or--you know--one of our sitters always has to be outside--you know--we can't just let the dog out in the back, we have to take her--you know--out to go to the bathroom on a leash--you know--since we got the dog about a year ago. You know--we--we manage it--you know--the way any responsible parents would but we would like that freedom and that ability to be able to--you know--let our kids go play in the back and not have to worry about--you know--my three-year-old, Lorenzo, running out of the yard or my--you know--be able to let the dog outside and not actually--you don't have to get a leash on and take her outside--that--you know--we could just open up the back and let her go--you know--to her potty spot that we have set up and let her go rather than--you know--have to take her on a leash and stuff--you know--it would just be additional convenience--you know--as opposed to what we have now. Also, in fairness, with my house being under construction for the past year--you know--it's been a construction zone so unfortunately, we haven't even been able to enjoy our backyard for about the past year, so.

Turbiak: I hear you. Okay, thank you for that explanation. And then I was curious, have you had any conversations with your neighbor to the West, Mr. Miller about sharing the cost of a four-foot privacy fence? Regardless of style?

Harris: No. I did not have that sort of conversation with him. Like I--like I said, with the--just the aesthetics of my yard, I would prefer to stay with either the green vinyl chain link or the white one and--you know--like I said, if he wanted to move the fence to his side of the easement and stuff and he could get the style he wanted, I wouldn't have an issue with it if he was paying for it. It may not be the most ideal for me but--you know--I would understand and still sign off.

Turbiak: Okay. And how wide is this easement?

Harris: It's--according to the lawn survey that I found in my records; it is a six-foot utility easement that extends from about four feet from the base of my shed foundation. Current--the current fence is on that line--the one that Mr. Miller paid for about 22 years ago, as far as I understand, is on that property line and not on--on my side of that easement and not on his side of that easement.

Turbiak: Okay. Let me jump away from you for a second Mr. Harris and go back to Mr. Hershey. Mr. Hershey, are we not allowed to build fences on easements? I thought we could.

Hershey: The fences are supposed to be installed on the property lines.

Turbiak: Right. Even if there's an easement across the property line, right?

Hershey: Right.

Turbiak: Or running down the property line.

Hershey: Exactly.

Harris: Yep. The current fence is on my side of the easement. That current split rail fence is on my side of the easement. It is not on his side of the easement.

Turbiak: You're saying it's on your side by at least three feet? Past the easement, right?

Harris: No, no no. The current fence is on my side of the property line, it is not on--or my side of the easement. It is exactly at the--I measured it out--it is exactly at four feet from my shed. So, it is right at the property line of my property where it meets the easement. Which I don't--I kind of don't understand how that fence got installed. If he paid for it, why it was put on our property line and our side of the easement if it was his fence but--you know--I wasn't here when--you know--that last fence was installed, so. I couldn't--

Turbiak: Okay. Yeah, so I'm a little confused. I mean, I hear what you're saying, and you said you went out there and measured yourself, so I hate to sound like I doubt you but I--cause that's more real than what I'm looking at. I'm looking at an overhead satellite view. We have a GIS system available to us through the City of Livonia. I mean, it's available to all the public, right, it's not like just the Board members.

Unknown: Yeah.

Turbiak: It's pretty--it's been pretty accurate from what I've experienced. I've had a lot of experience with it, and I can see that the split rail shows up in the image and it's not always as accurate as the exact property line. So, for example, looks like it's right--the property line looks like--again, it's usually shifted a little bit, but if I had to say, the split rail fence in this case is just inside his property line. And when I measure the distance from your shed to the fence, it's close to fourteen or fifteen feet, so, I'm--I'm a little perplexed how to--you know--reconcile all of what you're saying.

Harris: I would say bring a tape measure and measure. I--I--you know--if I had--would have--you know--to meet code requirements for replacing the fence, if I had to move it in, then--you know, so be it. That would be--you know--meeting the code requirements so, I would be more than happy to do that if that was something I would have to do. But the way that I understood just looking at that--at that lot survey that I--I believe I provided in the paperwork with my petition, it shows that the six-foot easement starts about four-foot back from my shed foundation and that--you know--then there's six feet and then it would be his property line. And if you look at the--the power pole it sits about directly in the middle of that--of that easement there.

Turbiak: Okay. I'm glad you directed me to the site survey because it's a lot clearer to me now. I think the four-foot is actually between your shed and the neighbor to the North and the--you know--looking at the distance, it's an eight foot by eight-foot shed and if you--you know--eye ball it and it's a six-foot easement, it looks like it matches up with what I was showing on the GIS. So, do you think that's right? You're maybe confusing that?

Harris: That--that--as a lay person who does not do surveys and stuff like that, it could be completely within the realm that I over--that I looked at that improperly and was measuring improper.

Turbiak: Okay. Well, that's the thing too. Part of the measuring, it seems like the measuring you'd have that right, but maybe looking at the plan I could see how you could look at that wrong but that's why I was really struggling, like, oh, how--how is that. Okay. So, it seems like the fence is probably really close to the property line. I mean, I read Mr. Miller's letter and he seemed to say that it was a couple inches inside his property if I remember correctly because of maybe the previous neighbor that was in your home when he installed but, it would be really peculiar for him to put it--you know--like three feet onto your property line. So, that doesn't seem to be the case, right?

Harris: Yeah, like I said, I'm completely unsure on that. I mean, if we're talking a matter of three inches--it's three inches, I'm not going to complain about having to move the fence three inches if I had to to install a--

Turbiak: Right.

Harris: --you know like I said, want to meet city codes and stuff like that, so.

Turbiak: Mmhmm. So, I think we got here by--I started the question with--you know--had you considered--or had you had any conversations I should say, about paying for--you know--splitting the costs and you had talked about in that answer about needing to move it. So--you know--I guess the answer is still the same. You haven't had the conversations but that might be something to consider now that you have a clearer picture of--of--the fence is relatively on the property line.

Harris: Yeah. I mean, like I said though, my--my whole thing comes down to, I don't really want to put money into something that doesn't match the aesthetics of my yard at all. To be--to be quite frank.

Turbiak: No, I hear your point there. Okay. I think that's all the questions I have right now. Thank you, Mr. Harris and thank you, Mr. Chair.

Harris: Thank you.

Coppola: Alright, thank you. Any more questions? Alright, seeing none, I'm going to--Mr. Harris, I'm going to put you on mute right now. I'm going to go to the audience to see if there's anybody that would like to be heard. So, if anybody else would like to be heard, just raise your hand and I will attempt to unmute you. I'm gonna start with Ms. Sadows. I apologize if I mispronounce your name.

Sadows: Hi, can you hear me?

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

Sadows: Sure, it's Tina Sadows and we are at 33969 Oakdale Street in Coventry.

Coppola: Okay.

Sadows: And the Harris' are around the block from us. We know them personally and have witnessed with their four kids and large dog--us having two kids and two dogs in our house, we understand how it gets a little chaotic and having a--a proper fenced in privacy fence type of yard was extremely important to us, so, I've witness just most recently--you know--their kids letting the dog out--you know--accidentally and now--now--you know--Shawny, Aaron's wife, I tried to help her the other day with trying to wrangle her dog along with her three little toddlers in tow. You know--it happens--you know--unfortunately, it happens regardless of if you're paying attend or not. So, having a--a privacy or--you know--type of fence that is secure for your kids and family, I understand the importance of that. Being in this neighborhood as Aaron has mentioned, we have all types of fences. Some privacy, some not. Some chain link, some lots that don't have fences. So, it--it's not a matter of--you know--him trying to put up something that is aesthetically--you know--where there was a very open field--you know--of yards and then him putting a--you know--a fence in. I--I could understand that somewhat, but with having four kids and a dog and all of the toys and things that come with your kids, I--you know--personally thought that it was a great idea to have it to shield the chaos that happens in your backyard from some of the neighbors that don't have kids. It--it does become a chaotic scene in our backyards throughout the summer and the winter months with all of the toys, all of the jungle gyms and the--you know--the trampolines that come with it. So--you know--I just want to voice that we approve as neighbors of the Harris family putting in a privacy fence and--you know--I just--I think that every family deserves a safe space and a private space to be in at their home.

Turbiak: Mr. Chair, you're still on mute.

Coppola: I apologize, barking dog. Alright, Ms. Sadows, I'm gonna put you on mute and Mr. Miller, I'm going to unmute you. At least I'm going to try and unmute you. There we go, Mr. Miller, name and address first please.

Miller: Yes, this is Gary and Marcia Miller. We live at 15976 Whitby Street. 48154. We're the neighbors immediately West of Mr. and Mrs. Harris.

Coppola: Okay.

Miller: A couple of items off the top is that the existing fence was put in with a full stake survey. We also had another picket fence about two, two and a half years ago on the North side and that also had another stake survey. And the existing picket--or excuse me, the existing split rail fence across the back of the property is actually inset into our property by somewhere an inch to two inches when we put it in. With the former owners of the house, we agreed to keep it back off of the property line. So, I just want to point that out. You know--we're opposed to it from the standpoint that we're used to having the--the neighborhood is fairly open. We've driven through the neighbors and there are probably about fifteen homes with various types of privacy fences. Down Whitby--any--not of the properties between Whitby--or that back between Whitby and Stamford, there are--there are no privacy fences in that two-block section between the properties. As for our refusing to deal with them, that's not true. We did--we did

say that we would like something similar to what we have on the picket fence, but we left it up to them if they wanted to come up with another alternative. We were open to that. I addressed a number of his concerns from a letter or a note that he left--gave us back the end of March and in that letter, he states that we are no longer interested in pursuing any other options in fencing, which kind of took us by surprise because I thought we were trying to come up with a solution. We have--we have stated we're not opposed to a four-foot fence--vinyl fence. It could be a four-foot privacy fence even, but we are opposed to the six-foot fence. At one point it was explained to us that they were also looking at putting a six-foot privacy fence from the South side of the house to the South property line, we thought that that would make it look like a fortress right behind us. We don't--we would not like--we do not personally want to look at a hundred feet of white sterile wall vinyl fence behind us to be honest about it. The yards have been open for years. That fence--the--the fence that is existing was put in, working with the--obviously, the previous owners of the house and as I said, we have not been opposed to putting in--we've opposed to one--we'd prefer not doing a chain link fence because of the aesthetic of the fence and at that time I explained to him that we would not agree to a six-foot privacy fence. This goes back two months almost and--and we explained that we would not agree to that. So, the other--the other thing is, is that our property is slightly lower than theirs. Probably six to ten inches in various spots. So, a six-foot fence is actually going to look at six and a half to seven feet to us and again, we prefer not having that back here. And again, we--we have--we have told him--even in my response to his various points, was that we were disappointed that they decided that they decided they don't wanna continue discussing on any type of other fence. There has been no discussion as to splitting the cost of the fence. We have roughly \$2,000 invested in the existing fence. It is 20 years ago, but materials, installation, and having that survey done--is we've already got money invested in that and we do realize that, and I believe that was in one of our--our letters back to him that--to Mr. Harris is that we understand they do need to keep their children--you know--if they want to keep them safe, they would like them to be fenced off and also with the dog, and again, we have proposed a four-foot fence. They--you know--if--if privacy is an issue, again, we feel that can be addressed with landscaping--proper landscaping. It's a green solution. We have a number of windows across the back of our home, which you can see from Stamford if you were walking on Stamford. We have two--two--two patio door walls in the house. Our bedroom window is six and a half feet by three feet high. It's a large window. We have two windows in our kitchen. We have a window in the laundry room and a window in the bath. So, we have a lot of windows too and we--we--we chose to live that way. The reason why we moved here was it was an open area and it's kind of countrified here and we're opposed to kind of closing that in now and making it again. I'm not sure what the extent of the privacy is across the--let's say more towards the front of their property, but we would rather not see a privacy fence going in. If there's any questions you know we'd be glad to answer them. I mean, I could go on for a while, but--you know--even with the swimming pool, as I--as I mentioned to Mr. Harris, it requires a four-foot fence and again, you could go ahead and do landscaping. We've gone through the sub, there's probably fifteen to sixteen homes that have privacy fences, not full fences around the yards most of them. And we--we've also gone through and there's a number of homes in our subdivision that have pools. There's I believe six of them that are actually on corners. They have picket fences. They have--looks like aluminum-- I want to say bar fences, but it's a

vertical-vertical fence and--or they have chain link fences. And as I said, there's like five or six that are actually on corners and none of those have privacy fences around them. If there's any--you know--questions that--you know--I'd be glad to answer.

Coppola: Okay. Thank you. Any questions for the speaker?

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Yeah, Mr. Miller, I--I hear your points and you're very--very reasonable, so I don't want this to come off the wrong way, but I just wanted to ask if you would be willing to consider a five-foot fence--five-foot privacy fence?

Miller: We'd consider a four-foot fence. We offered that to them several times and again, we gave them information on the original picket fence we put in and we were told that their dog and children would hop over that fence. But the fence to the South of them is a four-foot chain link fence. And again, it's a situation where their property is slightly higher than ours. When these homes were--you know--they were all basically custom built years ago and we would prefer not having anything over four feet.

Turbiak: Okay, I appreciate that. Thank you, Mr. Miller. Thank you, Mr. Chair.

Miller: Thank you.

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: Mr. Miller, thank you. I appreciate your comments in regarding landscaping, I do think that's a reasonable solution to help aid with privacy. Is that something you'd be willing to help with, maybe--maybe on your side of the property and Mr. Harris' side, maybe stagger arborvitae trees along the fence lines? Some on his property, some on your property to kind of add a full wall of privacy.

Miller: From the standpoint of having to maintain it, no I'm not. I--I don't think that should be our responsibility. I'd have to trim those up and maintain those. We have flower beds back there, close to the fence. I also have a vegetable garden back there close to the fence. It's not--it's just--it's--it's a couple of feet to the West of the line of the power permits.

Testa: Okay. Maybe I should have asked it differently. If he plants a row of arborvitae there, that can grow upwards of twelve feet tall or higher, you would be okay with that?

Miller: We wouldn't have a problem with that. We--we--when we first got married, we were in an apartment and we looked across a drive into a seven-foot concrete wall. We didn't appreciate that. And again, we bought in here for the aesthetic and the openness of the subdivision--the green of it and--and we're gonna have a--if it goes through--we'll have a hundred feet of white sterile vinyl across our--our back property and that's not something we do. We do sit on our patio. We use our patio pretty heavily during the summer and it's just one of those things that from an aesthetics point of view, no matter what goes in isn't gonna match

our fence, regardless. We already have two different types of fence and to the South it's wide open. It's just a hedge line between us and the neighbors to the South.

Testa: Okay, thank you.

Miller: Alright, thank you.

Coppola: Okay, thank you very much, Mr. Miller. Alright, Secretary Klisz, if you would read the correspondence.

Klisz: Sure. First one is a letter of approval from Elaine Nading N-a-d-i-n-g, 33865 North Hampshire, Livonia, Michigan (Letter read.) Next one, a letter of approval from Elizabeth C. Titus, 33610 South Hampshire (Letter read.) A letter of approval from Judith Dohanyas D-o-h-a-n-y-a-s, 33963 Hampshire (Letter read.) We have a letter of objection from Joseph Coccia C-o-c-c-i-a, 33950 Hampshire (Letter read.) We have a letter, I believe it is a letter of objection from Paul and Lynn Guyot G-u-y-o-t, 15920 Whitby, Livonia (Letter read.) We have a letter of objection from Jack McClellan Jr, 15940 Whitby Street (Letter read.) And that is all the letters.

Coppola: Okay, thank you. Mr. Harris, I'm gonna unmute you and--

Harris: Thank you.

Coppola: If you could--just one second. I see there's another--hold on one second. I see there's another person in there. Mr. Bri--Mr. Brillhart, I apologize, I may have skipped you. Did you--was there something you wanted to speak to? I'm trying to unmute you. Just give it a second. There you go.

Brillhart: Hello. Can you hear me? Hello.

Coppola: Mr. Brillhart, are you--did you want to speak in regards to this case?

Brillhart: Yes I do.

Coppola: Alright, if you could give us your name and address first, please.

Brillhart: Yes, my name is Brian and--Brian and Jenny Brillhart at 33989 Hampshire. We are nearly adjoining the property diagonally. A few things I would like to comment on here. Our house faces South with-- standing on a property line, in the corner we have a 90 percent peripheral vision of the rear of their home. We also have 60-foot of rear--of frontage that faces their home with a seven-foot door wall and over 20 feet of windows--seven windows, compromising approximately 20 feet across the back of the home of which there's a 45-foot peripheral vision.

Coppola: Okay.

Brillhart: At five foot and ten inches, standing in my door wall, I can see below the foundation of their house probably five to six feet out into the yard, assuming there's a four-foot fence there. A six-foot fence makes absolutely no--no difference in privacy if that's of concern of our property here. I'd also like to point out is the addition that they chose to work on for the past--probably year and a half plus, with containers, utility vehicles, trailers, as well as the port-a-

potty in the front there, it has been rather unsightly over there as well, but the--a six-foot privacy fence would have made no changes in that. It's--during the construction, their rear windows--they have added approximately eight to ten foot of height of glass above the center of their--any of the windows facing the West of the property, okay? So, this is a decision that was made far above and beyond the scope of the neighborhood. Regarding the neighborhood, this is something that absolutely does put a serious detriment on the beautification of the neighborhood. It is--it alters the essential character of the neighborhood dramatically and that's of an utmost importance. I believe one of your--one of your Board members may have used that hundreds if not thousands of times during her career about the openness, the country-ness and the non-plasticized version of--of late model housing here. This home was built in 1951. It was one of the original homes built by the original plantation owner here. Not built by them but approved by him in such there and we choose not to ruin the beautification of the back of the neighborhood here. One thing we--we would be willing to--to accept back there that matches the aesthetics of the remainder of the neighborhood, where we've created, what Mr. Miller has created is the plantation of arborvitae trees a minimum of ten foot in height that would solve his issues of privacy. If it becomes an issue with his dogs and such or a pool, then the pool regulations as mentioned there, the four-foot privacy can be there. I don't think this is as much a problem of property protection as it is proper disciplining of the animals and the children, which, is well. But that's not a topic of discussion here. So, I vehemently object to--to the approval of this. I would also like to add a couple other comments here that--that were brought up in the original conversation here, I've been a manufacturer of building products in Farmington Hills for over 30 years in exterior construction. The inability to get a vinyl coated fence, which was one of the first things that was suggested there, it's absolute ludicrous to say that that is any quicker to get in this Covid construction delay as we call it in the industry as opposed to vinyl. I am a supplier than supplies the vinyl products for the vinyl industry throughout North America. The--during the closure of Michigan under Covid the certainty resins factory in Jackson, Michigan was close for 60 to 90 days which upset the supply of vinyl for six months to one year across the entire United States, including in tornado and hurricane ridden zones. So--so that claim of the availability of vinyl versus a vinyl coated fence is absolutely ludicrous in the original--in the original presentation.

Coppola: Okay. Well, thank you very much for your comments, Mr. Brillhart. I appreciate that. I'm gonna go put you back on mute and I'm going to unmute the petitioner.

Harris: Thank you.

Coppola: And Mr. Harris you get an opportunity to make a final statement.

Harris: Yeah, so, sorry. As I-- comment some of Mr. Brillhart's comments, it's not the availability specifically of vinyl coated chain link, it's the availability of green vinyl coated chain link that is of delay right which would match the fence on the South side of the property. Also, as for the port-a-potty, trust me, I--I don't want a port-a-potty on my driveway for the past year and half, but unfortunately that is something that I have to do to ensure that the construction workers have somewhere to use the restroom and also it was made a requirement of us by the builder that it has to be within ten feet of the driveway, so trust me, I would have loved for it to have been house in my backyard but that was not an option. I definitely, completely agree. I

would-- I can't wait for this construction to be over. I would love to have everything back to normal and restore peace to the--to the neighborhood. But, as such, I am also--also feel that I am entitled to the peace and privacy and protection of my young family in my yard. I completely agree with--with both Mr.--I'm--I would butcher the last name, again I'm sorry--Mr. B and Mr. Miller on the beautification of this neighborhood. I completely agree. It is part of why we're putting the addition in and it's part of why we want to add fences so that we can continue to help beautify this neighbor--you know--residing the house and things like that. I can't wait to be able to make my yard look nice again and continue to help this--this neighborhood look beautiful but when you're talking about a difference of privacy and safety for my young family versus the aesthetic of a neighborhood, I'm going to choose privacy and safety on my children every single time and--you know--that's just how I feel on it. As for the option of arborvitae or anything like that, that would cut farther into my yard and would be more maintenance and more money and more time as that--you know--takes time to grow out and things like that which is why that was not an option that we were looking to pursue. You know--we felt that this option of a six-foot privacy fence, which, as seen before, is already on the North side of the property which I did not put it. It was put in by my neighbor before we ever moved in here--you know--I felt better matched the aesthetics of the neighborhood and matched the aesthetics of my property, so.

Coppola: Alright, thank you very much. I'm gonna go ahead put you on mute and I'm gonna close the public portion and take Board's comments. But first, I neglected to mention at the beginning of the case that Ms. Friske advised me prior to the meeting started that she had a conflict, and she was going to sit out this--this particular case. So, she will not be--not be asked for comment or be voting for this particular case. So, I will go ahead and start the Board's comments with Secretary Klisz.

Klisz: Thank you. This one is interesting, and it sounds like--at least certain Board members have tried to come up with the classic negotiation ideas between the Harris' and the Millers and it just seems like unfortunately they're at a logger head. They--neither one wants to give in to the other, so we've got a four-foot fence, or we've got a six-foot fence and nothing in between. And fortunately, I think I'll have to rely on the document that we received from the city where they give us the breakdown of each case and I'll quote from that. Further, the variance sought in this case violates the city policy against turning residential areas into a series of small walled enclosures and unfairly imposes on the will of the objecting neighbor. So, I--I think that tends to be where we stand on these things historically, is that if a neighbor objects and they take the time to write and they take the time to come and take the time to voice their legitimate objections and concerns and there's other neighbors that are also objecting, I think that based on all of that I won't be in support of the variance request.

Coppola: Alright, thank you. Mr. Boloven.

Boloven: I agree with Secretary Klisz. It's the matter, you have two out of the three. Your adjoining two, unfortunately you need three out of three. You know--as discussed with the pool, you have potential options to put up a screening on that North side--you know--come ten feet in and you can put up your screening and that's not gonna violate and you've got options

on the East and West side because you have approval on those sides. So--but unfortunately with that object by the adjoining neighbor, I can't approve this as proposed. Thank you.

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

Baringhaus: Alright, thank you. I agree with Mr. Boloven and Secretary Klisz. It's really not the Board's duty to impose a fence on a homeowner that hasn't agreed to that. I agree with Mr.--the comments Mr. Miller made and the other neighbors as well that the Coventry Gardens--the character of the neighborhood is very park like, very open. The use of privacy fences is present, but it's limited to like partial privacy fences where needed. I think there's still room for the --Mr. Harris and Mr. Miller to find some agreement on this fence. Chairman Coppola had an excellent suggestion with using privacy screening as opposed to a privacy fence. Mr. Miller himself stated that he would be averse to discussing a four-foot fence as a solution as well. So, based on that, I will not be in support of the variance. Thank you.

Coppola: Alright, thank you. Mr. Testa.

Testa: Alright, thank you, Mr. Chair. I am also not in support of this. I understand the need for a fence. I don't see the hardship. He has plenty of option in terms of putting a fence of there. He just can't get the fence that he wants because his neighbor, Mr. Miller is not in agreement with it. So--so I would--I'm gonna vote against this and I encourage him to work with his neighbor to find something satisfactory because I think-- I think he can get a fence, just he's gotta come up with something that's gonna be agreeable to his neighbor.

Coppola: Alright, thank you. Mr. Turbiak.

Turbiak: Thank you, yes. I'm gonna agree with my fellow Board members in that I will not be able to support this request for a privacy fence without the neighbor's consent. In fact, we've had requests where the neighbor simply did not submit the consent form, they didn't even show up or give any comments but that was sufficient to not impose on their right to not have the fence. That is the way that the ordinance is set up and I think it's served the city very well. And furthermore, like my Board members have mentioned, there--there's several other options. You know--privacy screening, combination of a four-foot privacy fence with some--some greenery--you know--I think that there's not sufficient hardship demonstrated for the rare case where we would allow the privacy fence without the neighbor's permission. So, for those reasons, I will not be in support.

Coppola: Alright, thank you. I don't have a lot to add, but I would like to add that we have in the past approved a variance request such as this, but it's only been when there's been a real hardship that's been proven where--you know--neighbor--neighboring property is a nuisance, not well maintained, other issues that suggest that a privacy fence would be appropriate. I don't see in this case the--the petitioner even specifically stated that--that the neighbor kept his property in very good condition and actually was a pleasure to look at. So, I think--I think the ideal outcome here is that the two get together, come up with a solution that works for both on a temporary basis and if--and if the petitioner really believes that additional privacy is required and that's definitely the petitioner's prerogative, there's other alternatives such as--such as

privacy screening or landscaping that could--could meet that need. So, I'll go ahead and open up the floor for a--for a motion.

Boloven: Mr. Chairman.

Baringhaus: Go ahead.

Coppola: Mr. Boloven.

Upon motion by Boloven supported by Testa, it was:

RESOLVED: APPEAL CASE NO. 2021-05-19: Aaron Harris, 15969 Stamford, Livonia, MI 48154, seeking to erect a six-foot-tall privacy fence along the rear property without the necessary adjoining property owner's approval.

The property is located on the west side of Stamford (15969), between Rayburn and Hampshire, Lot. No. 064-01-0745-000, R-4B Zoning District. Rejected by the Inspection Department under Livonia Fence Ordinance, Section 15.44.090B, "Residential District Regulations," **be denied for the following reasons and findings of fact:**

1. That the petitioner has not demonstrated to the Board that a practical difficulty exists.
2. That the petitioner failed to obtain the adjoining property owner's consent.
3. That the adjoining neighbor objects.

FURTHER, that the denial of this appeal is in the best interests of the City of Livonia.

ROLL CALL VOTE:

AYES:	Turbiak, Testa, Boloven, Klisz, Baringhaus, Coppola
NAYS:	None
ABSENT:	None
ABSTAINED:	Fraske

Klisz: Motion to deny passes six to zero.

Coppola: So, Mr. Harris, your petition has been denied. I think that the--the Board has provided pretty good explanation as to why that was done. I'm hopeful that--that you and your neighbor, Mr. Miller can come to--to an understand and conclusion on something that works for both of you and that there's other alternatives that you can explore, imply, or add that would maybe meet your needs, but unfortunately--

Harris: I would--

Coppola: --it won't be a--it won't be a privacy fence.

Harris: I would hope so as well and unfortunately though the--like I had kind of stated in the--initially and also in the correspondence back and forth, my--my initial proposal was for a chain--a black vinyl coated chain link privacy--or not privacy--black vinyl coated chain link fence because green wasn't available, and he denied that as well. So, I do not see where I will be

able to actually find a common ground with Mr. Miller as he denied the chain link initially which is where I came to the idea of the privacy fence which I thought would be a--actually better solution for us both. You know--I--I--essentially what I get from this is that he wants me to pay for a fence that matches his yard, but doesn't match mine and I find that extremely unfair, frankly.

Coppola: Understand. Understand but the Board has--did not believe that you provided enough reasoning for us to override your neighbor's objections, so, hopefully--

Harris: Just a--I'm sorry and--and to interrupt--just--just further follow up. If I were to attempt to work more with Mr. Miller and provide the option of a chain link with--with some privacy hedges and he were to deny that as he has already said that he would completely be opposed to managing any sort of landscaping or anything accommodated with this, what--what would be the steps then. Would I be required to file yet another variance which could then get denied as it has today in the same manor? What--what is my option for protecting and securing my yard and my children? Is--

Coppola: Any--any landscaping you put on your property; you're welcome to do. You don't need--you don't need a permit, or you don't need a variance to put landscaping on your property.

Harris: I need a fence though and he denied a chain-link as well. So, what--what would you have me do?

Coppola: That you'll have to work out with your neighbor. We've--we've already told you that we will not allow a privacy fence on with your neighbor's rejection.

Harris: Would you--would you be able to approve with this variance then a chain link fence--just a fence that replaces the existing rather than the vinyl privacy?

Coppola: You're welcome to submit another petition as an alternative, but I would suggest, based on that, I think if you listen to the Board's comments there, they are very reluctant to--to impose any fence on a neighbor that's--that they don't approve. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Yeah, to Mr. Harris. I'm not--I'm not sure--obviously I'm not privy to all the discussions you had with Mr. Miller, but in this meeting here, maybe you missed it, I actually heard him say that he was open to a four-foot privacy fence, even one that's not the one that matches his North property line, so maybe perhaps you missed that comment and again, I don't know if it's legally binding but--you know--

Harris: Well, here's the thing is that it's not legally binding and that--and sorry to interrupt, Mr. Turbiak--is that if I were to amend the proposal with a four-foot and he still says no, I am then required to then wait an additional month--month or two--you know--even--wait an additional month or two, pay another fee to the Board, and then go through this again in the hopes that it gets approved--you know--if it's not--I'm basically held at the mercy of Mr. Miller in this aspect with wanting to put in any sort of fence because where he is saying that he is flexible, he is flexible in the aspect that he was willing to have me pay for a four-foot Danbury picket--picket fence and that was it.

Turbiak: I hear what you're saying. I think it's best to--you know--take this conversation directly with Mr. Miller and see where you can get with that.

Coppola: Alright, thank you. I'm gonna go ahead and put you on mute. We're--completed with this case and then we've got, I believe some additional housekeeping to take care of. We have minutes from April 20th that need to be approved.

Turbiak: Mr. Chair. I make a motion that we approve the minutes of the case from April 20th, 2021.

Testa: Support.

Coppola: I have a motion by Mr. Turbiak, support by Mr. Testa to approve the April 20th, 2021 minutes. All in favor?

Board: AYE.

Coppola: Okay, is there any other business that needs to be taken care of? I don't believe there's anything. Am I missing anything?

Klisz: I don't think so.

Coppola: There's not, so, can I have a motion to adjourn.

Baringhaus: Mr. Chairman. Motion to adjourn.

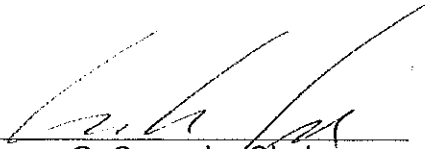
Testa: Support

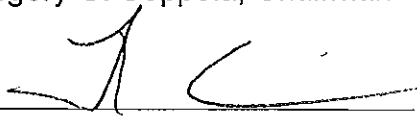
Coppola: I have a motion by Vice Chairman, Baringhaus, support by Mr. Testa to adjourn this meeting. All in favor?

Board: AYE.

Coppola: Alright this meeting is adjourned. Thank you everyone.

There being no further business to come before the Board, the meeting was adjourned at 9:20 p.m.



Gregory G. Coppola, Chairman

Timothy J. Klisz, Secretary

/vcb CEO 9489