

ZONING BOARD OF APPEALS

CITY OF LIVONIA

MINUTES OF REGULAR MEETING HELD TUESDAY, JUNE 8, 2021

A Regular Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, June 8, 2021.

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

MEMBERS ABSENT: Lisa Fraske

OTHERS PRESENT: Leo Neville, Legal Department
Bob Stroble, 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. Six members were present this evening. The chairman asked if anyone wished to be heard by a full Board and no one wished to do so. The Secretary then read the Agenda and Legal Notice to each appeal, and each petitioner indicated their presence. Appeals came up for hearing after due legal notice was given to all interested parties within 300 feet, petitioners and City Departments. There were thirteen (13) people in the audience.

(7:00)

Table of Contents

Appeal Case #	Pages
2021-04-16T Russell and Julie Rathgeber	3- 9
2021-04-16 Ken and Melissa Burns	10- 37
2021-05-22 Brent Robinson	38- 59
2021-06-24 SDL Properties, LLC	60- 79
2021-06-25 Robert and Katherine Schuessler	80- 90

APPEAL CASE NO. 2021-04-16 (Tabled on April 20, 2021): An appeal has been made to the Zoning Board of Appeals by Russell and Julie Rathgeber, 31530 Myrna, Livonia, MI 48154, seeking to erect an accessory building, resulting in erecting the building within the side yard, which is not allowed.

The property is located on the north side of Myrna (31530), between Merriman and Auburndale, Lot. No. 060-01-0598-000, RUF-A Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 18.24, "Residential Accessory Building."

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

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Sure. Motion to remove Appeal Case number 2021-04-16 from the table.

Turbiak: Support.

Coppola: I have a motion by Vice Chair Baringhaus, supported by Mr. Turbiak. All in favor?

Board: Aye.

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

Stroble: Not at this time, Mr. Chair.

Coppola: Any questions for the inspection department? Alright, seeing none, if the petitioner could come forward to the podium over here. It's good to see you face to face as our first live meeting in a while, so, welcome. I need a name and address for the record, please.

R. Rathgeber: Russell Rathgeber. 31530 Myrna, Livonia, Michigan.

J. Rathgeber: And I'm Julie Rathgeber.

Coppola: Same address?

J. Rathgeber: Same address.

R. Rathgeber: Same address.

Coppola: So, we tabled this petition back in April and had asked you to consider some comments that we have provided. It looks like you've presented a revised petition. Why don't you tell us about some of the changes that you made to your petition to accommodate the comments?

R. Rathgeber: All I really did was--you guys asked me--the ordinance says that I have to be five feet away from the edge and I didn't know that at the time, so I put it at two feet. So, I've moved it to five feet, and then I also moved it forward a foot.

Coppola: Okay.

R. Rathgeber: So, that's the only real major change.

Coppola: There were some comments in regards to some trees--I remember the last--was it you, Mr. Turbiak?

Turbiak: Correct.

Coppola: Did you wanna ask any questions to the petitioner in regards to--

Turbiak: Sure.

Coppola: --to the (inaudible)

Turbiak: Through the chair to Mr. and Mrs. Rathgeber, about the trees that we talked last week--I--I think I had some concerns about whether or not you were gonna take them out. I know you made a comment after we had already tabled it--do you wanna give us an update on the plans for the trees?

R. Rathgeber: So, the interesting thing is yesterday I had a tree trimming service in to take care of a tree that was leaning over our bridge and was also--another one was leaning over the neighbor--the other neighbor's yards--to trim them down, so I had the--the foreman come down and take a look at these trees and I asked him about the roots. And he says, with a tree of that age and size, the roots would be deep enough that what you're going to be cutting--even with the rat wall, will not affect them.

Turbiak: Okay. I was gonna ask if you talked to professionals also. Thank you very much.

R. Rathgeber: It's--He was pretty adamant about it--he goes ah don't worry. Okay.

Turbiak: Thank you.

Coppola: Any other questions for the petitioner?

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: Quick question. Will you please refresh my memory why you're proposing to put the shed on this side of the lot and not on the side with your driveway?

R. Rathgeber: It would have been a very similar type of problems. There's a--the one tree I was talking about and it--it would have been the same basic issue, so. I just--there was more room between the--between the garage and the one neighbor and on the other side is--there's a path and there--I would put it at the back and it would have been the same problem, whereas this is more tucked away and--you know--a less used area, so.

Testa: Okay. Can you drive your mower down by Bell Creek?

R. Rathgeber: We have to go down on the other end. The end that we're--we'd like to put the shed. You can drive it down, but you can't drive back up.

Testa: Gotcha.

R. Rathgeber: So.

Testa: So, how do you normally cut the grass down there, just out of curiosity?

R. Rathgeber: In that area, we don't cut the grass because it is so tree--you know--there's not much grass down there. It's pretty--

J. Rathgeber: There's a lot of undergrowth growing up too.

R. Rathgeber: Yeah.

J. Rathgeber: So, the grass that's there, you pretty much take a chance on the mower going down. And you always go down, because you can't go up.

R. Rathgeber: You can go around and make another--

J. Rathgeber: Yup. You go around, go down, go around. Yeah.

R. Rathgeber: So, yeah.

Testa: Okay. Thank you.

R. Rathgeber: Mmhmm.

J. Rathgeber: Mmhmm.

Coppola: Any other questions?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Yes, when do you plan on starting this project?

R. Rathgeber: The--I've gotta talk to the cement guy so I'm not sure he's gonna be able to do it in time, so I do have another back up guy, but the shed is scheduled to be built July 5th or something like that.

J. Rathgeber: Yeah, like right after the holiday.

Baringhaus: Thank you.

Coppola: Alright, anything else? Alright, seeing there's none, any--just stand right there, just real quick--anybody in the audience like to speak for or against this? Seeing none, do we have any correspondence?

Klisz: Yes, we have some letters. There's a couple of duplicates that they replaced their letters, so I'll read the new ones, but then there's one that did not send a new letter. So, I'll read it because it was from the last meeting, according to the note, it was not read into the record. So, first we have a letter of approval from Gary Norton, 31590 Myrna (Letter read.) A letter of approval from Frederick Wright, 29963 Munger (Letter read.) A letter of approval from Ken and Margi Mosh, 30091 Munger (Letter read.) Letter of approval from Diane Michaelson, 29930 Munger (Letter read.)

Turbiak: Mr. Chair.

Coppola: I think you had the wrong--

R. Rathgeber: At least on the last one if not the one before that.

J. Rathgeber: Yeah.

Klisz: Sorry about that.

Coppola: No worries.

Klisz: Let's see here. Maybe that's it.

Coppola: I thought I saw one in the package.

Klisz: Okay.

Coppola: Did anybody else see more than one?

J. Rathgeber: Gary.

R. Rathgeber: The one from Gary is our immediate neighbor. It'll be the closest to him, so we're most concerned about him.

Coppola: (Inaudible) neighbor to the--

J. Rathgeber: West of us.

Coppola: West.

J. Rathgeber: Yeah.

Klisz: Then we're all set.

Coppola: Okay. Alright. Mr. and Mrs. Rathgeber, do you have anything that you'd like to say in your final closing?

R. Rathgeber: No, not at this time, I don't think.

J. Rathgeber: No.

Coppola: Okay. Thank you.

J. Rathgeber: Thank you for hearing our case.

Coppola: Thank you for listening to us. We'll be back to you in a minute. You can go ahead and take a seat.

J. Rathgeber: Okay.

R. Rathgeber: Thank you.

Coppola: 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'm gonna be able to support this tonight. Last time I had some concerns about the trees. I'm glad that the petitioners had the chance to talk to a professional in the industry relating the trees and--you know--confirmed that there's no risk to the tree and or falling and I--I really appreciate the fact that the petitioner also moved the shed to the ordinance defined five feet from the side yard to bring that--you know--within ordinance, so, for all those reasons, I will be in support.

Coppola: Alright, thank you. Mr. Testa.

Testa: Thank you. I'll also be in support. Thank you for moving the shed back to the five-foot mark. And the reason I'm in support is that basically you have no other option for placement of the shed and it's clear you guys need one to maintain that property. Thank you.

Coppola: Alright, thank you. Mr. Boloven.

Boloven: I agree with my colleagues. I read the minutes from the last meeting. I wasn't at it, but I see the hardship. I appreciate your consideration of the Board's comments and the changes. I'd be in approval.

Coppola: Secretary Klisz.

Klisz: I have nothing really else to add to that. I think my fellow Board members have said all the pertinent facts here. I will also be in support.

Coppola: Vice Chair Baringhaus.

Baringhaus: I agree with Mr. Klisz. My colleagues (inaudible) regarding this case as well. I appreciate the petitioner adjusting the location of the shed, so based on that I'll support the variance.

Coppola: Alright, thanks. I too am in support. I appreciate the petitioner listening to--to the Board and adjusting the petition accordingly. I think it's a good compromise and--and with the hardship that I think is proven with the topography of the property this--this makes the best sense. So, I'll go ahead and open up the floor for a motion.

(Inaudible)

Upon Motion by: Baringhaus. Supported by: Boloven.

RESOLVED: APPEAL CASE NO. 2021-04-16 (Tabled on April 20, 2021): An appeal has been made to the Zoning Board of Appeals by Russell and Julie Rathgeber, 31530 Myrna, Livonia, MI 48154, seeking to erect an accessory building, resulting in erecting the building within the side yard, which is not allowed.

The property is located on the north side of Myrna (31530), between Merriman and Auburndale, Lot. No. 060-01-0598-000, RUF-A Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 18.24, "Residential Accessory Building," **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met due to the fact that there is a unique configuration of the backyard because of the flood plane and slope.
2. Denial of the variance would have severe consequences for the Petitioner because of restricted storage on the property itself.
3. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance because of general neighbor support.
4. The property is classified as "RUFA residential" in the Master Plan and the proposed variance is not inconsistent with that classification.

FURTHER, this variance is granted with the following conditions:

1. That the proposed building be built as presented this evening as to location, size, construction materials, etc.

Coppola: Based on the time there's no reason to give them an expedite for the--for the permit.

(Inaudible)

ROLL CALL VOTE:

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

NAYS:

ABSENT: Fraske

Passes: 6-0.

Coppola: Alright, congratulations. Your petition has been approved. The only condition is you have to build it as presented. In other words, location, size, construction that you've done, if there's a change you'll have to come back before us. Alright, thank you very much.

J. Rathgeber: Thank you so much.

APPEAL CASE NO. 2021-05-18 (Rescheduled from May 11, 2021): An appeal has been made to the Zoning Board of Appeals by Ken and Melissa Burns, 29991 Munger, Livonia, MI 58154, seeking to construct an addition onto a detached garage while maintaining an attached garage, resulting in excess number of garages and garage area.

Number of Garages:

Allowed: one

Proposed: two

Excess: one

Garage Area:

Allowed: 720 sq. ft.

Proposed: 1555 sq. ft.

(attached 686 sq. ft.; detached: 495 sq. ft.; proposed addition 374 sq. ft.)

Excess: 835 sq. ft.

The property is located on the south side of Munger (29991), between Henry Ruff and Middlebelt, Lot. No. 053-01-0055-001, RUF-A Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 2.10(6), "Definition of Miscellaneous Terms; Garage, Private," and Section 18.24, "Residential Accessory Building."

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

Stroble: Not at this time, Mr. Chair.

Coppola: Any questions for Mr. Stroble? Seeing there's none if the petitioner could come forward to the podium, I need your name and address first.

M. Burns: Melissa Burns, 29991 Munger, Livonia, Michigan.

K. Burns: Ken Burns. Also, the same address.

Coppola: Alright, thank you. So, Mr. and Mrs. Burns, if you could--I'd like to really understand--you've got quite a bit of garage space already, so I'd like to understand the need for the additional space. I'd like to--so, if you could describe to us what's currently in--in your garage space, the attached and the detached and then what--what the need is for the addition and what you plan on putting in that addition.

M. Burns: Okay. Currently, we have a four-wheeler in the attached garage that we use around the property. The back garage also houses--there's a vehicle, there is all sorts of lawn equipment--do you want all the details of all the different lawn equipment that we have or?

Coppola: Sure. Actually, I'd like--cause it's--it builds the record for you.

K. Burns: Well, the property's about two and a half acres, so it's heavily wooded, so I have to maintain everything on that. So, lawnmowers, riding tractors, chain saws. We also use a log splitter for wood because we have a fireplace that we use in the wintertime.

M. Burns: And we have a plow because of the cement. If you look at the--the plot--

K. Burns: We have quite a bit of cement.

M. Burns: Yeah, the cement goes all the way to the back garage as well, so we have to have a plow for that. And ideally, I'd like to be able to park my vehicle in the garage--in the front garage and then use the back garage for all the storage that we need for the equipment.

K. Burns: And a leaf picker-upper, another tractor just before that. I have no room.

Coppola: So, the attached garage is almost 700 square feet--a little shy of that, so that's almost--that's a--like a three-car garage.

M. Burns: The--the measurements on that was actually--I mean, it's not a huge difference but--

Coppola: Mmhmm.

M. Burns: --the square footage on that is about 648--

Coppola: Okay.

M. Burns: --so, it was a little bit bigger on the form.

Coppola: Still. Bigger than a two car.

K. Burns: Yes. But we have a full-size truck that's gonna go in the front.

M. Burns: Yeah, we have two actually.

K. Burns: Yeah, we have two full size trucks actually and we can kind of squeeze hers in with everything shoved up but then I can't get anything out of the garage. I have to pull out everything to get to stuff. I have no room to be able to move around in my area.

Coppola: Okay. So, what are--what is not currently in the garage? Just the cars, because you're full of all the other stuff or?

M. Burns: We have--there's the second mower that we use for the cyclone rake that doesn't fit in there. All the pool equipment. We have a pool, so the pool filter, all of our patio furniture.

K. Burns: For two patios and two decks. So, we have a--attached deck to the pool, so we have all the patio furniture for that and then we also have one that comes off the back of the house. We have to store all that stuff and we're getting a little bit older, so it's hard for us to bring all that up and down stairs, and we'd like to stay in Livonia.

M. Burns: Yeah, it's really for equipment, is really what we're looking to--and not have it outside, because right now, there's tarps that cover it and water sits in which then adds to mosquitos and--

K. Burns: Yeah, we have several things sitting outside right now that I can--don't have room for in the garage and I would like to put away.

Coppola: Okay. Your one neighbor--I believe it's to the West--I think if I have my directions right, has filed some paperwork with us in a response to the request and they suggested twice now that there's an issue regarding property lines. Has--Has that--

M. Burns: That was just brought--

Coppola: --something you've discussed with them?

M. Burns: We had a survey done and the gentleman that did the survey said that they came out and were very upset with the lines that they put in. There's really nothing that we could do at that point, we said--you know--there's a survey--I know they were gonna contact their attorney, but we did get a sur--survey done by a certified survey company that I believe should be a part of this--

Coppola: It is. Yes. So, how does that property line dispute impact the location of the--

M. Burns: I'm not sure.

K. Burns: We don't think it does.

M. Burns: Yeah, because it's right--the garage currently exists and we're just adding an addition to it, so I'm not fully aware of why the property lines are an issue.

Coppola: Okay. Questions for the petitioner?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Yeah, I do have a question for the building department though. It--the petitioners had mentioned that their property is two and a half acres in size, yet the reports from the inspection department indicate that it's one and a half acres. It's noted on the--that green inspection report. I was just--wanted to confirm what is the actual size of the property we're discussing?

Stroble: Do you have that map?

Stierna: Yes.

(Inaudible speaking.)

Baringhaus: It's under lawn size, it shows 66,522 square feet, 1.53 acres. And then documentation that the petitioners have submitted shows 2.224 acres--

K. Burns: 2.2--

Baringhaus: That's my question; I just wanna land on one size.

M. Burns: Absolutely.

K. Burns: Yes.

M. Burns: Yeah, that's the first time I've heard it was less than 2.2 something.

K. Burns: Right.

Stroble: I'd have to check with Randy (inaudible) but we do the write up, I couldn't answer that question.

Stierna: The tax assessment shows 2.224 acres, so the assessor has it

Baringhaus: So, the assessment has it as 2.224, okay.

Stierna: Yes.

Baringhaus: Thank you. You received your money's worth on the surveys.

M. Burns: That's why we got it.

Coppola: Other questions for the petitioner.

Baringhaus: Yeah, Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Okay. Thank you. I noticed that there was a small shed on the general area, owns that?

M. Burns: That is ours.

K. Burns: That's ours.

Baringhaus: That's yours as well. Okay. Okay. Thank you.

Coppola: What other questions do you have?

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Yes, through the chair to the petitioners, good evening, could you tell us when the garage as built that's the one in the rear of your property?

M. Burns: I don't know.

K. Burns: We do not know.

M. Burns: It was there when we moved in.

K. Burns: It was there when we bought the house.

Turbiak: It was already there?

K. Burns: Yes.

Turbiak: Okay.

K. Burns: The house was built in 75, I don't know if they built it at the same time or not.

Turbiak: And can you--how many vehicles do you plan to put in each garage?

M. Burns: Just two in the front garage.

Turbiak: You said there's one currently in the back garage?

K. Burns: Yes.

M. Burns: There's one currently in the back that would be moved to the front.

Turbiak: Okay. Is that like a daily driver?

M. Burns: It's a sports car.

Turbiak: Okay. Do you ever sell any items from your home?

K. Burns: No.

Turbiak: Okay. Do you plan to run any kind of sales out of--

K. Burns: No.

M. Burns: No.

Turbiak: Okay. Do you have a basement?

K. Burns: Yes.

Turbiak: Do you know how big it is?

M. Burns: I think it's about 1,000 square feet.

K. Burns: I think it's a little bit under.

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

Coppola: Thank you. Any other questions?

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: Question for the petitioner, the current garage, is there any HVAC or any--

K. Burns: Excuse me.

Boloven: Is there HVAC in that current garage?

K. Burns: No.

Boloven: The detached garage.

K. Burns: No, there's not.

Boloven: Okay. Question for the building department--inspection department--and I know we go back and forth on this with these garage type cases, the current lay of the land, without the addition, is that within code? So, they have the current attached garage and they have the current detached garage that's 495 square feet.

Stroble: It cannot exceed 1,000 square feet of the total garage.

Boloven: So, if they've got 686 and 495, they're over 1,000?

Stroble: Correct.

Boloven: So, was that already outside of code--

Stroble: Yes.

Boloven: --already?

Stroble: Yes. And that's with one, and that is to be attached. That 1,000. Detached is 720.

Boloven: I guess--

(Inaudible speaking)

Boloven: I guess I'll give a more direct question, taking aside this addition that they'd like for the 374, how--where are we at today?

Stroble: They're over.

Boloven: So, they're over and just never got caught.

Stroble: That's correct. I believe the--there's no permit for the garage. It looks like it could be dated back in the 70s when the house was built.

Boloven: Could it be grandfathered in that it's okay?

Stroble: That's why they're here.

Boloven: I get that. I get that. I'm just wondering--I don't see any prior minutes. I don't see this was before the Board before. I'm just trying to figure out how we get to 495 before we even get to the 374.

Stroble: Yeah, just tallying up what they have. It's existing garage, so we just took it in as--it was just--that's the way it was existing.

Boloven: So, we already got a garage that's potentially illegal, and then we're looking to add on to an already illegal garage.

Stroble: Correct.

Boloven: Thank you, Mr. Chair.

Coppola: How about a question for Mr. Neville, so when did the--if the house was built in the 70s--any--any quickly idea of when the ordinance regards to garages came in effect. So, would it be--would it be grandfathered?

Neville: Well, let's see-- I mean our ordinance goes back to

Coppola: When did you purchase the property?

M. Burns: Pardon me?

Coppola: When did you purchase the property?

M. Burns: 2010.

Coppola: Okay. And that was there when you bought it?

K. Burns: Yes.

Neville: So, I know our ordinance goes back into the 1950s, but then it was revised on--the latest revision appears to have been in 2017, but I don't know when the section relative to garages would have fallen within that time period. Nothing effect--you know--nothing reflecting like statutes might say when a section was amended and a particular section became effective, so.

Coppola: Alright, thank you, Mr. Neville.

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: To the petitioners, you mentioned a pool, where on the lot is the pool? I'm not seeing it.

M. Burns: The pool--there was a permit pulled.

K. Burns: Yeah, we had permits for the pool.

M. Burns: It's over--like there's--where the property cuts over, where that section of the--the property is, it's like right in that corner.

Testa: So, it's closer to the detached garage?

K. Burns: Yes.

M. Burns: It's kind of in the middle.

K. Burns: In the middle.

Testa: Okay. And maybe not relevant but I was thinking if the property line was in dispute, did you consider adding on to your attached garage instead of you detached garage?

K. Burns: Well, there's a driveway that goes through to the back garage--

Testa: Right.

K. Burns: --that comes off of that side where it goes around--

Testa: Yup.

K. Burns: --the existing--I wouldn't want to have a through garage--

M. Burns: And secondarily--

K. Burns: --to get to the back.

M. Burns: --it--the second garage is so far in the back of the property, it--it then becomes out of site. You can't really see it.

K. Burns: You won't even be able to see it from the road.

M. Burn: Right.

K. Burns: You'd only be able to see it from our house.

M. Burns: Yeah, the two people that--the people that'll see it are the people that are on the East of us--of the property is where you'll see the property. We're just trying to make it look more aesthetically pleasing.

Testa: Okay. Thank you.

Baringhaus: Mr. Chairman.

Coppola: Vice Chairman, Baringhaus.

Baringhaus: Okay. Yeah, I'd like to go back to a question that Mr. Boloven had asked you earlier. I'm looking at--regarding HVAC on the garage.

K. Burns: Yes.

Baringhaus: And I'm looking at a picture of the garage and there seems to be a unit attached to the side wall that looks like a--maybe a--an air conditioner or some type of--

K. Burns: No. He had--there was an old heater--I guess or a--

Baringhaus: Okay.

K. Burns: --a propane heater. I wouldn't call it HVAC; it was just a propone heater that he had a tank for which is long gone and not been used.

Baringhaus: Okay. So, it's just an old exhaust duct kind of?

K. Burns: He just had a--a unit in the wall and it had a tank outside.

Baringhaus: Okay--

K. Burns: So, he would heat it. I guess he would use the tank to heat it.

Baringhaus: Okay. Thank you.

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: One more question for the petitioner. That shed that's on your property, do you know the approximate size of it?

M. Burns: I don't, but I know we do plan on getting rid of it if we get this approved.

K. Burns: Yes.

Boloven: Thank you.

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Yeah, just running some numbers about the size of the lot and I do see in the BS&A file where it says 2.2 and--you know--it also says that the average depth on that same file is like 690 something, but obviously this lot is a little bit of a jigsaw puzzle in that--you know--about 250 feet back from the front property line it cuts over about 70 feet of the approximately 140 feet, so about half the lot width and then it runs the final 450 feet, so, when I ran those numbers it did come to the same that was on the green sheet, the 1.5 whatever and if I were to add in that missing piece, it would match the 2.2. So, I think if that's out of date it kind of--

Coppola: That's what I came with too.

Turbiak: Okay. Good. Thanks.

Coppola: It's the piece of the carveout in the back--that's that extra acre.

Turbiak: So, I guess my question on that would be, when was that carved out to--I guess the inspection department, do we know? I'm just asking because I'm curious about this survey dispute and maybe I--I missed it, do you know, was the dispute about where the line is or did you say that they were just upset that they put stakes on the ground?

M. Burns: I am not quite sure. I'm sure we'll find out soon.

Turbiak: Okay. I see.

K. Burns: I'm sure we'll find out.

Turbiak: Alright, I'll reserve those questions for later. Thanks.

M. Burns: Yeah, the garage right--where we're planning on putting it, there's already--that's where the shed is at and there's the cement slab that's already there, so, that's where I'm--I'm unsure where the dispute comes from.

Turbiak: Okay.

Coppola: Any other questions? Alright, seeing that there is none, if you could just take a seat nearby real quick and we'll open it up for audience comments. Is there anybody in the audience that would like to speak for--

K. Burns: Thank you.

Coppola: --or against? Alright, if you could step up, I'll need a name and address.

Hochberg: Hi. My name Crystal Hochberg. 30035 Munger.

Rymal: I'm Charles Rymal, speaking for Jenise, the owner of the property on the West side.

Coppola: Okay.

Rymal: 30025.

Hochberg: 35.

Rymal: 35.

Coppola: Alright, so wait, I just wanna make sure--who--there's a--who's the owner of the property?

Hochberg: My mother.

Thompson: I am.

Coppola: And you--

Hochberg: I'm the daughter. I live there.

Coppola: Okay. Gotcha. So, let's do one at a time. So, you can speak first.

Rymal: Well, Mr. Turbiak pretty much just nailed the property issue. The survey that the Burns got shows that they have two and a quarter--excuse me--and we have the deed here that was in 19--

Hochberg: 74.

Rymal:--74 where they--where Jenise purchased that half of the property behind their current garage, so they--they really only have one and a half acres. So, the survey they have is not a good survey. I don't know what happened but--

Coppola: Have you seen the survey?

Rymal: Well, we've seen the stakes.

Hochberg: I tried to see their survey. I applied for a FOIA and I was told there was nothing on record whatsoever.

Coppola: It's actually a part of their petition which is public record. You could have--I know you didn't know that, but it's actually a part of public record, you could have reviewed the petition, so I wanna make sure I understand, because it looks like, based on the survey, and also based on--based on city records, that--and I'm looking at an overview too--picture overview, just behind their pool, it jogs over to the East and then goes--and if I got my directions right, because sometimes it's not right--the directions aren't presented right, and then it goes directly South between the two garages. Is that what you believe it is?

Hochberg: Yes. We own lot 50--half of lot 55. So--

Rymal: Start--starting back--

Coppola: After 200 feet--

Rymal: 235 feet.

Coppola: --250 feet?

Rymal: Yeah.

Coppola: And that's what their survey shows.

Rymal: Yeah.

Coppola: Their survey shows that it jogs in--their property's almost 140 feet wide, and then it jogs in--

Rymal: 70 feet.

Coppola: --just about 249 feet and a little bit to the South, and then it jogs over 70 feet. That's what their--that's what their appraisal shows.

Hochberg: Actually, the 70 feet is a little shorter because the fence is on the outside of the property line.

Rymal: When you add that all up, we think it might have an acre and a half.

Coppola: Mmhmm.

Rymal: And basically, they just--I mean, we don't have any problem with the garage--building the garage, it just--you know--the survey isn't clear as to where they're going to build it, and if it's going to meet the properties lines.

Coppola: Well, the way they presented it--do you have a problem where their current garage resides?

Hochberg: Well, no.

Coppola: So, they're just gonna build off that going--going south.

Hochberg: Right. But, after the back of the cement, we have an additional eight feet because apparently the survey they got done was wrong. I have pictures here of the property from back in the 80s when we bought it. All the buildings that were on it, and that were over there. The bars. That was a horse farm, so we had two barns and then a horse stall.

Coppola: Mmhmm.

Hochberg: And I brought those pictures if you wanted to see.

Coppola: Have you had your own survey done then?

Hochberg: We've had many surveys done.

Rymal: Yeah, we had a--they had a pole barn built and the survey that they had was certified by the city--you know--there was a permit pulled for it.

Coppola: Mmhmm.

Rymal: And so, yeah, they do have their own surveys done.

Coppola: So, it probably makes sense to compare those two surveys to see if they're really different or not, but they may not be.

Rymal: Well, we--we tried to clarify with the city and the city clerk said to make sure that we--they maintain the survey that they had because it was different than what the city had.

Coppola: Hmm.

Rymal: Whatever that meant, but I mean, it's one of those things where if you saw it--you know--you'd probably understand it better but--but the basic thing is, is that--you know--their--

the square footage of the buildings on their property, two and a quarter versus one-and-a-half-acre lot makes a big difference.

Hochberg: So, how many acres is it exactly that the Burns' have?

Coppola: Exactly, I don't have that information.

Rymal: Mr. Turbiak, you calculated--

Coppola: We calculated it I think as an estimate--

Hochberg: But if it's--

Coppola: --it's not precise. It's around an acre and a half.

Hochberg: Yeah, one and three fourths.

Coppola: Maybe 1.6, somewhere around there.

Rymal: Yeah.

Hochberg: Yeah. Because I have the minutes here from 1977, Mr. Gallagher was a big developer and he stated--you know--before the Zoning Board that he only owns one and three fourths of lot 55.

Coppola: Okay. So, if I gather this correctly, you have no issues with the--with the extension of the garage, you just wanna make sure that it's on their property, not on yours?

Hochberg: Exactly, because we do own additional feet to where their surveyor ended up putting the property line stakes that are actually on our property, and that's not the property line.

Coppola: So, the--the apron--the--so, are you saying that the concrete apron that's around your garage in the back in not on the property line, your property--

Hochberg: Exactly.

Coppola: --goes a little further?

Hochberg: Yes.

Rymal: Yeah.

Coppola: So, that would suggest that potentially their garage is on the property line, is that what you're suggesting?

Hochberg: Yes.

Rymal: Yeah.

Coppola: Okay. But once that is all resolved you have no objection to--to--unless their garage is on your property?

Hochberg: Right.

Rymal: And we're trying to--you know--trying to avoid that from happening--you know--in the new build too, so.

Coppola: Okay. Questions?

Baringhaus: Yeah, Mr. Chairman, just, I guess, for my clarifications, so you're saying property line that is 69.87 is actually closer to 77 feet? In other words, it's eight more feet over towards the Burns--

Hochberg: Yes.

Baringhaus: --property?

Hochberg: There's--there's one--there's two different locations, directly behind the garage and then there's cement that goes all the way off to the side and there was steps that were built in to be able to walk off onto our property and go over there on that side. So, that side's about a little over eight feet.

Baringhaus: Okay.

Hochberg: And that's after the cement.

Baringhaus: Okay. Thank you.

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: Question. You mentioned a set of minutes, what are those minutes from?

Hochberg: I have a copy here. Three-three-five regular meeting, public meeting held, planning commission for the city of Livonia. It was pertaining about them not wanting homes built--so many homes built on Munger because it would be all the traffic that would be coming in and Mr. Gallagher stated that they moved there a year and a half ago on lot 55, which is one and three fourths acre. We built there because we looked high and low for wanting a large property--piece of property and we like the privacy--that's it.

Boloven: Is there anything on about an additional garage?

Hochberg: No.

Boloven: Figured I'd ask.

Hochberg: That part I didn't know.

Boloven: Thank you.

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Did--would you give the date on those minutes again, please? I missed it, sorry.

Hochberg: 1977. It doesn't--oh, May 17th, 1977. On a Tuesday.

Coppola: And that was the Planning Commission, not a Zoning Board, correct?

Hochberg: Yes.

Turbiak: And you mentioned the name Mr. Gallagher and a lot, could you translate that to an address that we have today? Is that your address or the address--

Hochberg: 29991 Munger.

Turbiak: Okay. Okay. Do--and then you said had several surveys done, do you have the survey with you tonight?

Hochberg: Yes, we have one of them. I didn't know what to bring. I didn't want to swamp you guys with tons of paperwork, I didn't know how this was gonna go--how many people.

Turbiak: Sure.

Hochberg: I do--

Turbiak: Can I ask why you had to do so many surveys?

Hochberg: Well, we had one done when we first purchased the property.

Turbiak: Okay.

Hochberg: And then--

Turbiak: Roughly what year?

Hochberg: 86.

Turbiak: Thank you. Go on.

Hochberg: And then after that we had another survey done when we put up the new garage.

Turbiak: Mmhmm.

Hochberg: And then we had just a survey done for the West lot line.

Rymal: A lot of the times that her husband--

Hochberg: And then to rebuild. They also--to rebuilt up further--up front cause there was the house that was--excuse me--further back, so my parents completely rebuilt and moved further forward, so, we had a survey for that also, too.

Turbiak: Okay. Now, does--why--forgive me cause I just don't understand. Why so many surveys? If you did one, and nothing changed, is it because--

Hochberg: Well, because they rebuilt further forward.

Turbiak: Mmhmm.

Hochberg: They rebuilt a whole new house, so they had to get the property surveyed, go through the process to rebuild, get the site plans, everything else.

Turbiak: What year was that done?

Hochberg: 2004. Yeah.

Turbiak: Okay. So, you bought it in 86, rebuilt it in 2004.

Hochberg: Yeah, we rebuilt further up in 2004--a new house.

Thompson: It used to be a big old farmhouse in the back that we lived in.

Turbiak: Okay. Can you share on of the surveys that you have with us.

Hochberg: Yeah.

Turbiak: Is that okay, Mr. Chair?

Coppola: Yeah, that's fine. I think in the long run it'll have to be resolved by those that are more (inaudible) to resolving that.

Turbiak: Yeah, I'm pretty sure. No, I'm just curious to understand is there's some kind of an extra jog or something.

Charles speaking to Turbiak.

Coppola talking to Baringhaus.

Rymal: Here's the--70 foot of lot 55.

Turbiak: Okay. So, I--just to make sure I understand this, it goes here, jogs over once--

Rymal: Yep.

Turbiak: --and then goes all the way straight back, right?

Rymal: Yes.

Turbiak: And this shows 70? (Inaudible) 78.

Rymal: 68 because the fence is--

Turbiak: 68 would be less. 68 would make her property small.

Rymal: Yeah. Is the--is the fencing on your property or is it on Burn's property?

Hochberg: It's on our property. It's on the outside of the property line, it should be moved it.

Rymal: So, it would be--

Thompson: Outside the property line.

Rymal: --the fence would be 72--it would be--you'd have more than 70-foot then, right?

Hochberg: Right.

Rymal: Yeah, so it would be--the fence would be like here.

Turbiak: Okay, but this is--the fence would be here, right. Here's the fence, but I--I don't--I mean, I know you haven't seen another survey, but I don't see how this differs significant except this had like 69.8 instead of 70, so.

Rymal: Well, it--the problem is that they--the square footage is based on having that half of the lot. (Inaudible)

Turbiak: You're worried about the square footage of their lot?

Rymal: No if--you're gonna be putting on what's deemed to be two and a quarter, it's only one and a half.

Turbiak: Right, right. Yeah, so that's your only concern is that we're assessing that against the wrong--

Coppola: Are you picking that up?

Neville: No.

Coppola: Are you getting it? If you could speak up while you're talking too, so just make sure we get it for the record.

Unknown: Maybe at the podium.

Unknown: Maybe go back to the podium.

Rymal: Their survey--their survey is a few feet off of this property line. That's really not a big deal. It's--it's this property line that they're worried about. The half of 55 that they bought.

Turbiak: Let me show you the survey here. So, you can see this dimension here is--

Rymal: Yeah.

Turbiak: --69.87.

Rymal: Okay.

Turbiak: So, it seems like you're arguing about potentially .13 feet.

Rymal: Well--

Turbiak: It's a couple inches.

Hochberg: No.

Rymal: That's their survey?

Turbiak: Yeah. It says 249, 30, your--well that's different--

Hochberg: Yeah, we have--we have eight feet on the side of the garage where the steps are that you step off. I have a picture of that and then behind the garage we go right up behind--

Turbiak: Okay. I see.

Hochberg: --our garage we go right up against the back of their garage.

Rymal: Yeah, where their garage it right here, they have--I'm sorry, where am I--

Coppola: Yeah, well we're not gonna resolve property line disputes here.

Turbiak: May I take a picture of this?

Rymal: Sure.

Coppola: That's something you'll have to get resolved depending on what we decide we--

Turbiak: Okay.

Rymal: Yeah, I mean they don't wanna have something built that needs to be torn down if they sell the property.

Coppola: Understand.

Turbiak: So, Mr. Chair, I just wanna summarize something that I see that's interesting that the rest of the Board should know, that on the survey that he shows--so, let me start with the survey that we all had in our packets. So, if you start on the West lot line, which is adjoining the neighbor here that's at the podium, it goes South 250 feet, as we know, jogs over again, roughly 70 to the East, and then goes South another roughly 450 feet. This is kind of inverted. This--this goes down from the front property line--if I'm reading this correctly which I wanna make sure I am--this is interesting--let me find the North, South, East, West on here. You know what, let me just--I'm not certain about that. Let me just reserve my comments until later. Sorry.

Coppola: Alright, anything else?

Testa: Yeah, Mr. Chair, sorry.

Coppola: Yeah. Mr. Testa.

Testa: So, your lot just jogs one time, correct? And then it goes straight back?

Hochberg: Yes.

Rymal: Yeah.

Testa: So, if they're extending their garage straight back, not moving East or West, they're only moving south, that doesn't impact the property line in any way, correct?

Hochberg: Well, it would because we have an additional eight feet after the cement slab to where it goes almost to the back--right to the back of their garage and then--

Testa: Sorry, your cement slab or their cement slab?

Hochberg: Excuse me. Our cement slab.

Testa: Okay. But that--that's not an East, West, that's a North, South, right? So, their addition is gonna go straight South.

Hochberg: It's gonna go this way, we go this way eight feet. So, it would be--their built--their new addition would be coming in with ours--touching our property line there.

Testa: So, based on what you're describing you're then saying there's two jogs in the property line?

Thompson: Yes.

Hochberg: Yeah. I have pictures here too, explaining a little bit more that's going on if you needed to see.

Testa: So, I think the survey that was just show up here only showed one jog.

Rymal: Well, she's gonna send a good picture of this--

Testa: Okay.

Rymal: --so that--slab there.

Coppola: Again, like I said, I don't think we're gonna resolve a property dispute here at the Zoning Board, that's something that will need to be rectified with a survey that's done--a joint survey that's done because I think the property description here only shows the lot description--the property description, and I'm not sure if that's in the Wayne County records, only suggests there's only one jog. So, that's something they'll need to resolve--

Hochberg: Yes. It is in the Wayne County records.

Coppola: --at the city or Wayne County records. We don't wanna--we can't be losing to force for the trees here, this is just to--to take a look at--at the proposed addition to the garage and we can always condition it on--condition it on a resolution of the survey dispute. Because then again, I believe you mentioned that as long as everybody's copasetic on where the property lines are and--

Hochberg: Yeah.

Coppola: --their extension is within their property; you don't have an issue with--with the additional--with the addition.

Hochberg: I'd also like to state that I'm working with an examiner at the title company right now to try to resolve this.

Coppola: Yeah. I understand. I understand. And it should be--theoretically, it should be relatively easy to resolve. There appears that at least the surveyor for the petitioner has found--found permanent markings to designate the properties.

Rymal: You know, that--that's questionable. We weren't sure whether they found old grounding straps from the--from the barns that were back there or what exactly they found because we--we wondered if they did --you know--like a satellite survey with the stakes, but--you know--we're not sure. Those could have been grounding straps--you know--for the electrical.

Coppola: Yep. So--

Hochberg: Yeah.

Coppola: --we'll have to a surveyor that'll have to do both properties, but--and again, I don't have the records, all I have is what the surveyor put and he did certify it and--and the property description only has one cut out--one jog to the East, not two.

Rymal: If--

Coppola: So, that's something that can be resolved, and I think for purposes of where we're here, we just need to decide whether--and if you had an objection to them adding to the garage period, that's a different story. You just wanna make sure that if--that the addition doesn't go on to your property, I--I understand that.

Hochberg: Right because we come right up behind them.

Coppola: Yep. I understand.

Hochberg: Okay.

Rymal: So, where--what would happen from here then. I mean, are you gonna vote yay or nay from here or?

Coppola: Again, as I mentioned in my opening it could--you know--could be an objection, or turn down a denial, it could be an approval, it could be a partial approval denial, and it could be a tabling.

Rymal: Yeah, because I'm just wondering if you can--can you approve it without having the boundary lines established?

Coppola: Again, we have a survey but I'm personally, and I--we'll talk about this when we get a chance for the Board, is I'm not inclined to do anything until--until the property lines have been satisfied to all parties, or at least been certified and--and everybody's comfortable with where the property lines are.

Rymal: Ms. Thompson said that if they were able to go by her survey, then--you know--it would be--she would go along with it. (Inaudible) crazy, but, if they were to agree to the survey boundaries that she has--you know--then they could go ahead and build it.

Coppola: I apologize, so, by--by your survey they can still build it?

Rymal: Not the mortgage survey that we showed, Mr. Turbiak. She has another--

Thompson: (Inaudible)

Rymal: Yeah, three by three survey of the property.

Coppola: That shows that the addition would not be on--would no encroach the property line.

Thompson: It would.

Hochberg: It would still, but I'd be willing to let it happen.

Thompson: We don't want it to happen.

Coppola: Okay, if you're gonna speak, you have to come up to the podium, otherwise--it has to go on the record.

Rymal: Yeah, I mean, we'd rather not--well, if they agree to her survey, then we--we're confident enough in her survey being right, that if they built it according to her survey, there wouldn't be any problem with the boundary line.

Coppola: Okay. Alright, thank you. Anybody else that wants to speak on behalf of this case. None. What do we have for correspondence?

Klisz: We have a letter of approval, Frederick Wright, 29963 Munger (Letter read.) A letter of approval, Ken and Margie Motsch, 30091 Munger (Letter read.) A letter of approval, Diane Michelson, 29930 Munger (Letter read.) We have a letter of approval, Emma Alholinna, A-I-h-o-I-i-n-n-a (Letter read.) We have the letter from Jenise Thompson who--they spoke. And final is a letter objection, Lester Ray (Letter read.)

Coppola: Alright, thank you. Mr. and Mrs. Burns, you have an opportunity to make a final statement to respond to the audience comments as well as the correspondence.

M. Burns: I just wanna say thank you for your time. I know it did take a while, but I do wanna say thank you for that. We--we are just looking to add it--it's a smaller addition. We are going to self and there already is a cement slab that we have put in--you know--in anticipation of hopefully getting a garage later, so I don't feel that we are encroaching on a different property line, but I do thank you for--

K. Burn: And as that gentleman stated, and well, you also, we're just going south. We're not--we're not going anywhere towards their property. It's following the same line that the back of the garage is there already.

M. Burns: Right. And we really--we just wanna keep the neighborhood looking good. We wanna--we've been planting trees. We're not trying to take anything down. We will not be taking any trees down.

K. Burns: And it won't become a business of anything like that. It's only 375 square feet I'm asking for.

M. Burns: Yes. And we love Livonia. We wanna stay in Livonia and wanna retire in Livonia. I wanna--this is--this is where--we bought here so that we could stay here and retire. I grew up not far. My mom's right there, so--

K. Burns: And my garage is adjacent to their 30 by 28 garage that they have which is two stories tall if you see pictures that we have showing you their house. So, ours is dwarfed by theirs. It's massive. We're not trying to do anything like that.

Coppola: Okay. I wanted to add, I forgot to add you one question earlier, you had pulled your case that was scheduled for back in May, I believe. And at that time, your proposal was 100 square feet less and then when you came back, you increased it by 100 square feet, so can you explain to me just real quick what happened?

M. Burns: Yes.

K. Burns: He's gonna explain.

Turbiak: Well, I--I just wanted to own up to--to that. I was looking at the survey and what was in the BS&A and I'd asked Randy about it and it--long story short, they didn't change their proposal, it was just how the numbers were read off of the files.

Coppola: So it was--the notice was incorrect?

Turbiak: You could say that, initially yeah.

Coppola: Okay.

Turbiak: And it sounds like it's still incorrect, as Melissa had mentioned early that the existing attached garage I think was over estimated or over documented by 30, 40, maybe 50 square feet.

K. Burns: Yes.

M. Burns: It is.

Turbiak: So--so, even what you see on there is a little bit high it seems, again. Due to all indicators, I may go out there and measure it myself.

Coppola: Okay. Okay.

M. Burns: Thank you again.

Testa: Mr. Chair, can I ask a question.

Coppola: Sure, Mr. Testa.

Testa: So, based on a comment you guys made a minute ago, the cement slab that's there, the garage is gonna be built on that, you're not--

M. Burns: If--if it's long enough or if it's deep enough. The contractor will tell us.

Testa: Okay. But, your intent is not to make that slab any wider or longer?

M. Burns: Only for footings if those--because the footings will have to go on, but that's basically the footprint.

K. Burns: But it'll still be the same. It'll match up with the wall that's there with the garage.

Testa: Okay.

K. Burns: So, it'll all still be the same width--you know--on the West side, nothing will change, it'll just be going back in the South.

M. Burns: For footers.

Testa: Can I ask the Thompsons if they have any concerns with the existing cement slab? If the garage is built on that cement slab as is, do you have a concern?

M. Burns: I do have pictures is?

Hochberg: The cement slab off on the side would come right up to the eight feet, but it would still be considered the back of the garage I guess.

K. Burns: So, I don't understand. It'd still be--

Coppola: We can't have--for the record we can't have--

K. Burns: Oh, I'm sorry.

Coppola: --side conversations. So, I appreciate that, thank you.

M. Burns: So, yeah, the garage will be coming out and be even with the existing garage is where it would go. So, the cement slab that's there is like maybe a foot in, to allow for the footers so that it would line up with the current garage.

K. Burns: It would like up with the current garage.

Coppola: Okay. Anything else?

M. Burns: No. Thank you though.

Coppola: Alright, thank you. Go ahead and take a seat.

K. Burns: Thank you so much.

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

Testa: Yeah, unfortunately, because of the property line dispute, I would be in favor of tabling this. I don't feel comfortable making a decision. There's too many--I think--questions regarding where that line is. Even though, verbally they're saying it doesn't jog back behind that garage, they're also making comments that it does. I believe the Burns' proposal won't infringe on that property line, but until that's resolved, I don't feel comfortable moving forward.

Coppola: Okay, thank you. Vice Chair Baringhaus.

Baringhaus: Yes, thank you, Mr. Chairman. During the course of discussion this evening, I was interested to hear about the particular hardships for this--for this variance itself, and it was pretty much the standard items--you know--lawn furniture, lawn maintenance equipment, items like that which are kind of typical for property that's--you know--property that size. But I guess if you look at the current garage space right now--I mean, you're over--well over 1100 square feet. Actually, closing in on 1200 square feet, between two buildings. Not including the size of the small shed--storage shed that you have as well. Just the fact that I heard more discussion on the property lines than I did about the hardship for the building itself, kind of leads me to believe there hasn't really been a hardship demonstrated for this building. At this point, I would consider a table, but to be honest with you, based on what I've heard, I really haven't heard a defining hardship, at this point, I'd deny the variance. Thank you.

Coppola: Alright, thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. I actually think I could be in support of approving this, conditioned on the property dispute being resolved although I could also just as easily go along with tabling--you know--I was able to see the one survey that was presented tonight and I took a picture of it and was studying it, and what I found is that it--it aligns--you know--within a few inches on those two--well three I guess, main measurements that run along the property line, however, there was mention of another survey that is the one that would need to be adhered to in order for the neighbors to agree to, so--you know--I would--that's why I said a condition if

they could find agreement. I think the agreement is there, so, for--those are my thoughts on the case.

Coppola: Alright, thank you. Mr. Boloven.

Boloven: I tend to agree with Vice Chair Baringhaus on this. I wouldn't support a tabling. I think a straight denial on this is the way I would go. I believe this whole property line dispute is a red herring looking at the facts of this case. They say don't look a gift horse in the mouth and what we have here is a garage that is already illegal. We're already 1200 square feet on that. We're looking to go to 1500 square feet, and I haven't seen any hardship tonight that shows why to even go to 1500 let alone the fact that we have a 1200 square foot garage plus a shed. So, with all the facts of this case, I would be in support of a denial.

Coppola: Alright, thank you. Mr. Klisz.

Klisz: I think a tabling it is the appropriate move. I guess the--the bigger question of whether it would be if there's enough votes to get it or not may be questionable, but we can't--we certainly can't approve it, I don't think, tonight, with the property lines being questions. And again, I think, from my understanding and what Mr. Turbiak's talked about is the surveys probably aren't that different and they probably can come to an understanding between the two of them and then we can hear it and have probably a full Board and make a decision at that time.

Coppola: Alright, thank you. I'm kind of torn here. When I look at this it's a lot of garage space. There's already, as Vice Chair Baringhaus stated, there's 1200 square feet--almost 12 square feet of garage slash storage space. It is a large property whether it's--you know--whether it's two and a half or one and a half, it's still a large property. It takes a lot of--a lot of equipment to--to maintain it properly. I just--I'm struggling with, when it's all said and done, the amount of storage space is rather large, and potentially could start a run at the Zoning Board for people looking for lots of--lots of garage space, so, I think that based on the comments of Vice Chair Baringhaus, and Mr. Boloven, I would probably have voted to deny it or table it for a moderation in size, so I'll--but I'll leave the--listen to what everybody has to say, which I did, and I'll see what we come up with on a--on a motion. Again, I'll support a tabling, but only to the extent that we get a moderation in size. I think we can always condition any type of--of approval on--on the resolution of property lines, so that's--I'm not concerned about that. So, again, I'll open up the floor for a motion.

Upon motion by: Klisz. Supported by: Testa.

RESOLVED: APPEAL CASE NO. 2021-05-18 (Rescheduled from May 11, 2021): An appeal has been made to the Zoning Board of Appeals by Ken and Melissa Burns, 29991 Munger, Livonia, MI 58154, seeking to construct an addition onto a detached garage while maintaining an attached garage, resulting in excess number of garages and garage area.

Number of Garages:

Allowed: one

Garage Area:

Allowed: 720 sq. ft.

Proposed: two
Excess: one

Proposed: 1555 sq. ft.
(attached 686 sq. ft.; detached: 495 sq. ft.;
Proposed addition 374 sq. ft.)
Excess: 835 sq. ft.

The property is located on the south side of Munger (29991), between Henry Ruff and Middlebelt, Lot. No. 053-01-0055-001, RUF-A Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 2.10(6), "Definition of Miscellaneous Terms; Garage, Private," and Section 18.24, "Residential Accessory Building," **be tabled in order for the petitioner to consider reducing the size of the proposed addition, allowing for a full Board to be present, and to work out the survey with their neighbors to avoid an objection at the following hearing.**

ROLL CALL VOTE:

AYES: Turbiak, Testa, Klisz, Baringhaus, Coppola

NAYS: Boloven

ABSENT: Fraske

Passes: 5 - 1.

Coppola: Okay, a lot of--I apologize, a lot of mis--mixed messages here, so I'll try to be as clear as I can. So, it's been tabled, and you'll have an opportunity to come back before the Board. Two thing I think, we'd like you to consider before you come back before us, number one, is to see if you can get a resolution to--to the property line dispute. That would be helpful to take that issue kind of off the table--basically what I consider a distraction off the table, from our perspective, so we can focus then on--on the request on the size as you heard from Mr. Boloven and Mr.--Vice Chair Baringhaus, they're a little concerned on the size. It's--it's a little--I guess, it's a little excessive when you consider you already have 1200 square feet.

K. Burns: I'm using that slab as part--for the stuff that I have that's not in the garage that we're asking--

Coppola: No, I understand. So, I'd like you to consider that. It doesn't mean you--when you come back you have to consider it. You could ignore it and come back and see if you could get enough votes, but I think you'd want to take that into consideration. If there's--if you could make something smaller work for you, that would be help for us.

M. Burns: Would it be helpful to have pictures of the equipment that we're trying to fit in there as well?

Coppola: Everything--everything that you can do to support your position would be helpful.

M. Burns: Okay, I think that would help you guys get a visual of why we need the space that we need too. So, thank you very much.

Coppola: Okay, thank you.

K. Burns: Thank you.

APPEAL CASE NO. 2021-05-22: An appeal has been made to the Zoning Board of Appeals by Brent Robinson, 18181 Floral, Livonia, MI 58152, seeking to erect a detached garage, resulting in deficient corner side yard setback.

Corner Side Yard Setback

Required"	25 ft.
Proposed:	6 ft.
Deficient:	19 ft.

The property is located on the west side of Floral (18181), between Curtis and Lathers, Lot. No. 048-01-0054-000, RUF-A Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 5.07, "Side Yards; Abutting on Street."

Coppola: Okay, thank you. Mr. Stroble, anything you'd like to add.

Stroble: Not at this time, Mr. Chair.

Coppola: Alright, any questions for the inspection department? I have a question. I'm not sure I fully understand all of the measurements going on here, so this--this is kind of unique, not something I've seen in the past, so his--there's an easement for--actually it's not even his property, I guess it's part of--part of city property on Curtis Ave. There's a 34-foot kind of--

Stierna: 32-foot right away from the center of the street on to his property on that side.

Coppola: So, okay--so, it's from the center of the street, not from the edge of the street, are you sure?

Stierna: Yes, sir.

Coppola: Cause the survey--

Stierna: I'm--I'm sorry, the--I'm sorry, from the center of the street is--

Coppola: More like 44?

Stierna: 43 feet.

Coppola: Yeah. So, there's--and that's 9-foot let's say, so the survey is saying that there's almost 34 feet of green between the road and his--his property line.

Stierna: That would be correct.

Coppola: Right, and so--okay, so that--that's what I wanna understand because that's different. We don't generally see that, (inaudible) sidewalk and stuff, but not--not that big of a gap between the roadway and the property line. And then I guess because it--it's a detached garage--I'm trying to understand cause there's a--there's a--as I looked at the over heads and--

and Mr. Turbiak, thanks for finding that place for us to--you know--that website that long time ago, I use that quite a bit now, there's a number of homes--not number of--there's like two homes that are similarly situated but they have attached garages and they're basically almost budding--I think they're like ten feet from the property line, so they don't have that full setback requirement. Is--is the setback that is required for this because it's detached? If it was attached, would it have been a less of a setback? Or is it just that they had it there before all the rules got into place? Some of these homes look a little newer though, so.

Stroble: Yeah, some of--some of the--there's some plots in Livonia that go into these right a ways. So, it's--these other ones could not--their lot may not (inaudible) them.

Coppola: But I'm talking about some that have attached garages--

Stroble: That doesn't matter.

Coppola: The East and the West--homes to the East and the West have attached garages and they're like within ten feet of the property line.

Stroble: Being attached has more restricted setbacks as part of the building.

Coppola: Okay, so how does that--then how did that happen? Comparative to what we're asking the petition to--is being required to do. In other words, these homes--looks like--you know--I measured it, and it may not be precise, but the website's actually pretty good, they're both within ten feet of the property line. Their--the front of their garage to the roadway--facing the roadway is only ten feet. So--but that--I guess the question of you is, is there a different requirement for an attached compared to a detached?

Stroble: Yes. Detached has to be in the rear of the house where an attached has to be--can be coming off the front.

Coppola: Right, but again, as to setback.

Stroble: Well, that would affect the setback for detached.

Coppola: Is there a different corner--corner side yard setback requirement for an attached compared to a detached, is all I'm asking because the two detached ones are only ten feet from the property lines.

Stroble: I can't answer when those houses were built, how they calculated that.

Coppola: Okay. But if they were to build them today, they couldn't do that?

Stroble: Correct.

Coppola: Okay. Mr. Turbiak.

Turbiak: Yeah, Mr. Chair, are you talking about on the North side of Curtis?

Coppola: No, I'm talking on the South side. The homes to the East and the West.

Turbiak: Okay. So, the home to the West you're saying is like ten feet off the road?

Coppola: That's what the fancy website measured it at, yeah.

Turbiak: Off the property line or the road?

Coppola: The property line.

Turbiak: Okay.

Coppola: Based on--on where it showed the property line on the website, yeah.

Turbiak: Yep. Okay.

Coppola: From the road it's--it's obviously then you add--you know--add ten feet to 34 feet and you get--or 32 feet it's like 42 feet.

Turbiak: Got it, thank you.

Coppola: Okay. Sorry about that. Okay, Mr. Robinson, I think you have a representative here today, if you could step forward, name and address, please.

Hall: Yeah, I'm representing for Mr. Robinson, Brent Robinson.

Coppola: Okay, your name and address, please.

Hall: My name is Jim Hall, from Jay-Built Construction.

Coppola: That's Paul? P-a-u--

Hall: Jim--no, H-a-l-l.

Coppola: Hall. Okay. Sorry about that, Mr. Hall. Okay. So, the petitioner's planning on building a detached garage, doesn't appear to be an issues in regard to the detached except for the fact that the setback requirement is--is 25 feet and you're proposing only--

Hall: Six-foot off the fence.

Coppola: Six feet. So--

Hall: It would better suit--for the access to get into the garage. To--to place it 25 feet off the fence puts it right smack in the middle of the yard--

Coppola: Mmhmm.

Hall: --and it's right directly behind the deck and so, you're gonna be looking off the deck and staring right into a garage--you know--so, the way his--he has a gravel driveway now that pulls in--

Coppola: Mmhmm.

Hall: --and then so he wants to set it up to where he can just pull in and turn to the right to go in the garage. Do you guys all have a copy of the mortgage survey by chance?

Coppola: Yes.

Klisz: Yes.

Coppola: It even shows where--where the proposed placement is.

Hall: Yeah, and like the house directly behind it, it's like 34 feet off the same road. Off of that easement that's on the side right there, so that would put this garage like six-foot off. If we could do it that way, it would just better fit the property without having to place it in the middle of the yard.

Coppola: It was a little bit confusing because--(inaudible) so, we'll just--like it it's nineteen feet. Okay.

Hall: I mean it'll flow better with the deck that they have their now. It'll just be able to just go in. He'll--eventually he'll pave the whole wrong of that out to where he'll just attach it to his gravel driveway--eventually pave all that.

Coppola: Now, I measured both homes to the East and the West were actually ten feet from their property lines.

Hall: Right.

Coppola: Would that be a problem if he pushed it back from six to ten? Another four feet. So, he's--he's not any better or worse than his neighbors?

Hall: And what is the whole purpose of that right there? I mean, just the whole reason to open up his back yard we can see behind there. So, to go over another ten feet--four more feet, I would have to--if that's all you're gonna give us then that's--I guess we have to work with that.

Coppola: He might have to move back a little bit too. Further.

Hall: Yeah, because it's gonna on top of the deck to go over four more feet. If we can go back further with it--you know--then--then it's gonna have--almost the same effect. I don't think nobody would like to look out their backyard and just be staring at a garage if that was your--all

your view that you had back there. Like you had mentioned also, there's two other houses which I had pictures of those houses--they are ten foot right off and they have a side yard setback. They're about ten foot off--

Coppola: Mmhmm.

Hall: --and so--you know--and this one here is a standalone. It's a big yard, it's 80 feet wide by 230 foot deep. So, there's plenty of--there's a lot--you know--space with--from the right of there going towards Curtis Avenue, there's 34 feet of yard space, so then if you move it over ten foot, then you're gonna have 40 feet. It's like, I don't know what the purpose of all that is.

Coppola: Okay, questions?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Yeah, regardless of the location of the garage, you're always gonna be looking at the garage from the deck.

Hall: Yeah, if you're on the deck, you'll see it if you look to the right, but they like to have their kids play out in the backyard and they wanna have a little playscape thing out there for the kids so they can watch the kids. If it goes over in front of them, they'd have to maybe extend their deck over and then we'd have to go before another Zoning Board meeting more than likely to be able to look past the garage in that case.

Baringhaus: How far is the garage from the wood deck?

Hall: It's nine foot.

Baringhaus: Nine--Nine feet.

Hall: Nine Feet.

Baringhaus: In the proposed location.

Hall: That's what I have--I'm showing right now is nine feet, yeah.

Baringhaus: Okay, that's--

Hall: Pretty close.

Baringhaus: Yeah. Would the petitioner consider moving the garage deeper in the lot further away from the wood deck?

Hall: Yeah, how much?

Baringhaus: I'm asking you.

Hall: What would be the legal spot to be off the wood deck? Ten foot?

Baringhaus: I'm just asking a hypothetical question on why he selected--

Hall: Yeah, we would like ten-foot if that was the case.

Baringhaus:--that space close to the house as opposed to further back.

Hall: I thought it would have to be ten-foot anyways, so--but yeah--I could scale--just push it back to ten-foot. We'd like to keep that six-foot easement if we could.

Baringhaus: But, again, anywhere you locate the garage you're gonna be in close proximity to the deck, correct?

Hall: If I go straight back and leave it where it's at, it would just be further away from the deck.

Baringhaus: About how far?

Hall: I'm just saying, if I kept that corner nine foot away--if I go back and keep, let's say ten foot away from the deck.

Baringhaus: Thank you.

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Where to start. So, I was actually out there at the sight earlier today myself and I measured from the road to the deck, and I measured 66 feet, and what was on the Jay Built drawing--I believe that was the name of the company--yeah, Jay Built.

Hall: Yeah.

Turbiak: That--so, you take the nine feet to the North from the deck plus another 26 feet, that's 35 feet, subtract the 35 from the 66 that I measured between the asphalt and the deck and you're left with 31 feet. That's three feet negative setback from the side yard setback according to my calculations. And if you look on that Jay Built print, I think what happened is--I'm on page--it's numbers in the upper right of each page--page three of three, there's a note that it says 25 feet okay per Randy kind of under the deck--I'm sorry under the garage if you look below on the page.

Hall: Yeah, that's before we had this here survey here.

Turbiak: Okay.

Hall: That's why--that's why it had changed after we got the survey. I sent a company out to (inaudible) we did a whole thing because we actually this kind of just--it was hard to figure out where the line was at because all those trees had been cut down. When I first measured it, they were all--all down that road was full of trees so it was hard to pick up on exactly where it was located at, so.

Turbiak: Mmhmm.

Hall: Randy did look at that. And he said it was okay and then once I got the survey--we would need a change on that.

Turbiak: Yeah. What I failed to see on the survey is--you know--a measurement that gets me to the deck--you know--I see 34 from the asphalt to the--you know--invisible property line--

Hall: Mmhmm.

Turbiak: --and then another six feet, so that's 40 feet, and then you add another 26 feet for the width of the garage because it's at a 90-degree angle, so that's 66 feet. That puts you right to the deck according to my measurement and then you have a mysterious, I'll say, nine feet that you're gonna off set it from the deck that doesn't seem to exist. So, if you--that's why I say, you take that six feet--you know--that you're inside the property--take that nine feet--eat away that six feet, eat away another 3 feet, you're at negative three feet--you know--set back. Now, granted it's still 31 feet from the road, I wanna put that in perspective, but I just wanna make sure we're all--

Hall: Yeah, I--I measured it myself, and again, we're speaking about being right in the middle of that fence line, and it's all tore up. I come up with 34 feet myself, so that's where I was at.

Turbiak: Well, again, the fence line and the property line--I was gonna ask Mr. Chairman and yourself how you said you measured it ten feet from the property line again, and I didn't see a property line on the ground that I could measure, so, I just went from the asphalt to--to the garage as any other case--and the one to the West, I measured it 38 feet off the asphalt, it was 29 feet to the fence and then another nine feet to the garage facing Curtis. So, I guess you could say it's 29 feet because that's where the privacy fence is, which would--you know--make the 31 feet that as I see you're proposing an improvement or--you know--it's--at least it's no worse, but again, I just wanted to point that out that the survey doesn't seem to jive with the drawing on page three--

Hall: No. It's not going to, no.

Turbiak: --doesn't jive with reality from my measurements anyways. So, I guess--and I think that my--to get to a question, sorry for laying that out, again, why the nine feet? Is there a specific vehicle that needs to get through there--I would guess not because it's all open on Curtis, right?

Hall: Oh, no. There's--no, not at all.

Turbiak: Just the view of the back yard.

Hall: Yeah, just to--just a--I'd like a little walkway, just to walk through there.

Turbiak: Okay.

Hall: And again, we could move that back to where it's ten foot or even eleven foot for that matter.

Turbiak: Well, you'd wanna go the other way in that measurement--oh no, you're right.

Hall: Yeah, I would rather not take it towards the deck, if we could keep it six feet cause there's a huge tree back there also that would be in a--actually, it would be an obstacle at that point to keep it 25 foot, then we have to move it back far enough then we have a huge tree that has to come down as well.

Turbiak: Yeah, I was gonna ask about that tree. So, in the given proposal, you're not planning to take down the tree?

Hall: I don't think he's planning to take it down right now, no. I think we're gonna--we're gonna be a few feet short of that tree.

Turbiak: Do you know how far that tree is off the deck?

Hall: No. I did not measure that.

Turbiak: Okay.

Hall: I may have.

Turbiak: How--how can you know if you're gonna need to take the tree down then?

Hall: Nope, we both (inaudible) question that and we just put down some stakes as we had done that--I did have a--a little writing on that somewhere to where that tree was at from where the back of the garage was--it's like eight or nine feet from the garage--something like that. I may not have that accurate number for you. No, I--I don't have that.

Turbiak: Okay. So, my next question is just to confirm that current property does not have any garage, is that correct?

Hall: No garage.

Turbiak: Alright, and I can't recall where I saw if it was in the written part of the case, but I wrote a note here that there's two sheds, is that true?

Hall: Are they at the very, very back? In my picture--I have a picture here but it doesn't show no sheds on it. Is it at the very, very back of the property?

Turbiak: You know, I'll have to check the satellite view again myself.

Klisz: In the survey, page ten.

Turbiak: Okay, thank you.

Coppola: That survey has two sheds.

Klisz: You got eight by twelve and 6.6 by 9.7.

Turbiak: There it is.

Klisz: To the left of the house.

Hall: Oh, yeah, behind--I'm sorry. Yes. On the left-hand side, behind the house.

Turbiak: Do you know what the plans are for those sheds?

Hall: He'll take them down if need be.

Turbiak: Okay.

Hall: The old sheds in here--I thought you meant at the back of the property.

Turbiak: I think that's all for this time, Mr. Chair. Thank you.

Coppola: Alright, thank you. Anybody else?

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: So, why not put the deck right up beside--the garage right up to the deck? Right now, the decks attached to the house, why not have it go--deck go from house to the garage? Is there a specific reason he wants a pathway through there?

Hall: I think we just suggested it because--I thought we would have to do that--to keep a space to get in between there for like a lawnmower or whatever to drive through there.

Testa: But he could easily--he could easily go around the garage, right?

Hall: Yeah, he has six-foot on the other side, yes.

Testa: And how old is the deck? Why not tear down that deck and make it an attached garage?

Hall: I don't know. I don't know how old it is. I don't think it's that old.

Testa: And so, his plan is to make a driveway that's gonna bend from the road over to the garage, correct?

Hall: It'll go straight--it'll go like it does now on the survey, it goes straight back and then from there, he'll have cement poured from that edge over to the garage so that he could turn to the right and go right in to the garage.

Testa: Okay. And he is aware of the setback requirements, right? That's why he's here, and he knows he could move that garage to not have to be here, correct?

Hall: Move it to where?

Testa: He could move it west--I'm sorry--South.

Hall: You mean closer to the house? Or move back--yeah, but you guys are proposing to put it in the middle of the yard, and he just doesn't want that, that's why we--that's why we came here.

Testa: Thank you.

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Yeah, that's actually one of the questions I forgot to ask, that Mr. Testa was just getting to there about moving it to the South. I believe you could move it--you know--if this is RUF--I forget, I imagine it is, it's like five feet, unless I'm corrected, and you could still put it such that the deck--you know--it wouldn't be obstructing the view from the deck except to--you know--a portion of the yard, but again, you're obstructing a portion of the yard anyways. I think--you know--it would--it would tuck very nicely, again, if I were to put myself in the shoes of this homeowner, I think that location would look (inaudible) other than fact that you would have a driveway going across your yard.

Hall: Yeah, the driveway would be totally altered to go and ride by the deck just to get into the garage.

Turbiak: What--do you know if there was any consideration given to that?

Hall: No, I--he'll scrap the whole thing if that's the case.

Turbiak: Okay. Thank you, Mr. Chair.

Coppola: Other questions? Alright, seeing that there is none. Is there anybody that would like to speak for or against this petition? If you could step forward, Mr. Hall, if you could just have a seat just for a minute. If I could get your name and address first please.

Calocassides: Terry Calocassides, 18170 Lathers.

Coppola: Okay.

Calocassides: I live direct behind Brent.

Coppola: Okay.

Calocassides: And they have no garage, and they need a garage. The people that live on the South of--or North of us, they have very small yards and if their garage takes up the whole yard and they didn't seem--and we have no sidewalks on our side, they do, but it didn't--they both got approved for their garages and it took up the whole yard. At least one of them did on the--on the West side. So, I just didn't see that there should be any objection. He's got--his driveway goes right up to where his deck is, so he just wants to be able to make a little spin and have the garage door facing the other way, so--you know--and they were talking about being concerned that I didn't have a sight line but there's a lot of trees, so it didn't really matter. You can't see to the corner anyways, so.

Coppola: Okay.

Calocassides: I didn't know if there was any other objections, but I have none.

Coppola: Thank you.

Calocassides: You're welcome.

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak

Turbiak: Question for the audience member.

Coppola: If you could--mind stepping back up just for a second Ms. Calocassides. Just a question. If you could do me a favor, if you could spell your last name, just for the record.

Calocassides: C-a-l-o-c-a-s-s-i-d-e-s.

Coppola: I'm glad I asked. Okay.

Turbiak: I have a question.

Calocassides: Hi.

Turbiak: Hello. Sorry. You said that garages across the street were--you know--approved--do you know roughly when those were built?

Calocassides: I've lived there for 31 years and it was within the time that I lived there, but I can't remember exactly.

Turbiak: Okay. Thank you.

Calocassides: But it wasn't--the one that's directly across--because my--you know--we're on Curtis, so our garage doesn't face the front of our house, it faces the side of the house, so theirs--I don't know--theirs was the latest to be built and they have the smallest property, so, theirs literally takes up their whole backyard. I think they have a little tiny patio and then that's it. So, the ones South of me have bigger properties, but he's got like--just kind of a makeshift--you know--the kind--the cloth sheds, yeah, so he said he was gonna be taking that down.

Turbiak: Okay.

Calocassides: You know--and putting in a--new raspberry bushes.

Turbiak: What's your address again?

Calocassides: He tore it out.

Turbiak: What's your address again, sorry.

Calocassides: Oh, 18170 Lathers.

Turbiak: Thank you.

Coppola: Anyone else? Seeing none, Mr. Hall, you have an opportunity on behalf of your petitioner.

Klisz: Letters.

Coppola: Oh, I'm sorry, letters first, I apologize.

Hall: Oh, go ahead.

Coppola: We're gonna do them because they're all positive.

Klisz: Alright, we have a letter of approval, Tracey Urcheck, 18172 Lathers, (No comments.) Letter of approval, Katherine Lozon, L-o-z-o-n, 18111 Floral St, (No comments.) An email of approval, Ray Torres, 18203 Gilman (Letter read.) A letter of approval, Ronald G. Darling, 18180 Floral (Letter read.) A letter of approval, Marion D. Frazier, 18207 Floral (Letter read.) Letter of approval, Michele Johnston, 18094 Floral (Letter read.) Letter of approval, Robert Wendecker, 18133 Floral (Letter read.)

Coppola: Alright, thank you. Now, Mr. Hall.

Hall: Now, I'd just like to see him be able to get the garage and maximize his yard space the best he can. I think six foot off would be--any other house in the area has a six foot or five-foot setback and he has 30 more feet--30 more feet to the road. So, there's a lot of space between the fence line and his--his road, it's setback, it's not gonna object--or obstruct any views from anybody and now he can maximize his whole yard and utilize where any of us would like to have it like that. I think by moving it to the middle of the yard, it just doesn't make any sense. And then even to go back further, now he's gonna get a driveway maybe 40 or 50 feet back to have to shovel just to get back to his garage. This keeps it close enough to the house to where it's usable for everybody and it's out of the way of the deck. We have no problem moving it back and making that ten foot if that's what you guys need to have on the side there but keep it six foot off the fence if we can.

Coppola: Is that everything?

Hall: I guess.

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

Baringhaus: Thank you, Mr. Chairman. Yeah, looking at the general support of the owners for this proposed project and the fact that, as Mr. Hall pointed out, there is 34 feet of green space between the road--you know-- and the property line, so I think that would make the proposed six-foot space workable. I really think wherever you locate the garage, you're gonna have a very prominent view from the deck anyways, so, that's kind of, again, and I really don't see the benefit of removing the tree just for moving the structure a few feet back itself, so, based on what I've heard, I'll support the variance.

Coppola: Alright, thank you. Secretary Klisz.

Klisz: I agree. I think that while it is close--closer than the ordinance states, there is that very unique 34-foot gap there that--and then if you compare it to--on the survey to the neighbor to the, I'd say West, their 30-foot--their garage is 34 feet from the street, so it's even closer to the street than the proposed structure. I think, again, we're not looking at a giant structure. We're not looking at something that's oversized. We're only looking at the setback requirement, so that makes sense. The project makes sense. The logic behind it makes sense, and I think that is probably the best place for it to be, and the hardship is definitely there, so I'll be in support.

Coppola: Alright, thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. I think this is a very reasonable request. I do have some concerns though. First, is maybe a legal concern. Whether or not the public notice properly identified the request. Again, by my calculations, this is a negative three setback, not a six-foot setback, so I'm thinking tabling is probably the right move to get that clarified. Also, it didn't seem like it was--I don't wanna--how do I put this--maybe there's some confirmation of some

measurements that need to be done. Whether or not the--this can fit with the--within the area that they plan without impacting the tree, again, if the tree has to go, that's fine, it just seems like this thing isn't really well measured and planned and gives me a little concern. Overall, I don't think that I have problem due to the large easement there. I think that is a unique situation and I think there is something that can be worked out. I just feel like--you know--this is gonna be a legal document that the--we have to build--if we say build as presented and it's contradictory situations that I don't think anyone's gonna win there. So, I think this needs to be cleaned up and--and thought out a little bit clearer and come back to us.

Hall: I do have the--

Coppola: Excuse me. Mr. Boloven.

Boloven: I'm in support of the petition. I agree with what Secretary Klisz and Vice Chair Baringhaus said. It's a corner lot. It wouldn't be practical to go in front or back. Looking at historical data on this, 2018, you couldn't see anything there because of the amount of trees and that's been significantly cut down since, so, if the deficiency due to sight line issues, I--I think that was an issue in the past that--you know--it shouldn't be any more of an issue going forward. I see his hardship, the neighbor support, even more so for this, and no objections makes me--would go for approval on this. Furthermore, Mr. Hall, if you wouldn't mind passing along my thank you of service to Mr. Robinson.

Hall: Absolutely.

Boloven: I read his letter and I see that he's serving in the Army National Guard here, so, thank you, Mr. Chair.

Coppola: Alright, thank you. Mr. Testa.

Testa: Thank you. So, I'm--I'm torn on this one. I definitely see--I wanna be clear, I support putting a garage on this property. It definitely needs a garage. No argument there whatsoever. I--I don't particularly see the hardship in terms of the variance request of the setback because I think there's other options for where the garage could be on the property without requesting a variance, number one, or at least a variance of this size. However, there's been no objection and only approvals from his neighbors, so, I--I'm not quite sure if I will support it or not, but again, I wanna say, I support the garage, I would just like to see it further back, but if there's enough votes to approve it, I would not stop that, I'll go along with it.

Coppola: Alright, thank you. I would say that I'm in support. I would of preferred it to be ten-foot than six-foot, but again, you've got a 34-foot greenway there, and I think in the spirit of what--what the Zoning ordinance was trying to--to provide, you normally don't have that level of a--that space between the road and the property line, so, I can be approved. I'd prefer it be in line with the other homes and be ten-foot, where their garages start, but I can--I can--they're far enough apart that the line of sight--no one's gonna notice a difference anyway. So I will go ahead and open up the floor for a motion.

Upon Motion by: Baringhaus. Support by: Klisz.

RESOLVED: APPEAL CASE NO. 2021-05-22: An appeal has been made to the Zoning Board of Appeals by Brent Robinson, 18181 Floral, Livonia, MI 58152, seeking to erect a detached garage, resulting in deficient corner side yard setback.

Corner Side Yard Setback

Required"	25 ft.
Proposed:	6 ft.
Deficient:	19 ft.

The property is located on the west side of Floral (18181), between Curtis and Lathers, Lot. No. 048-01-0054-000, RUF-A Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 5.07, "Side Yards; Abutting on Street," **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met due to the location of the proposed garage next to a substantial greenway.
2. Denial of the variance would have severe consequences for the Petitioner because of the lack of storage capacity on the property.
3. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance because of both neighbor support and the 34 feet of green space.
4. This property is classified as "RUF-A residential" in the Master Plan and the proposed variance is no inconsistent with that classification.

FURTHER, this variance is granted with the following conditions:

1. That the project be built in accordance with the plans as presented.
2. Remove one of the existing sheds in compliance with all zoning ordinances.
3. That the proposed garage be built at a location no closer than 6 feet to the side property line.

Baringhaus: Can I just ask you a question, Mr. Hall, what's your proposed start date?

Hall: Probably within about three weeks after I get the permit issued. We're just behind a copy right now.

Coppola: Discussion?

Turbiak: Yes, Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Again, just to clarify, my concern is that when we say build as presented and it doesn't jive, so I think we need to clarify that somehow. I'll leave it up to the maker and the supporter, but if--if they're not clear, then I would propose just saying 31 feet from the asphalt, because that's--you know--to my best interpretation, that's what the petitioner's getting at or trying to go for. That leaves the nine feet between the deck and the garage.

Coppola: I wanna make sure to get some clarity here so, the petition asks for six feet from the property line.

Turbiak: And I measure it at negative three.

Coppola: Yeah, but I think when he goes to get his permit, he has to be six feet from the property line. So, no matter--

Turbiak: Right, which will put the garage abutting the deck.

Coppola: That--that's his problem.

Turbiak: Which is why I proposed that we table it.

Coppola: That's his problem. And he can either move it back or--

Turbiak: It's gonna have to come back, I mean--I think that this Board should be able to handle this--

Coppola: Why would he have to come--why would he have to come back? The only issue right now--

Turbiak: It's not gonna fit.

Coppola: --is the setback. As long as he stays within the six feet, he could put it in the back corner of his property if he wanted to ask long as he stays within six feet. He stays outside the six-foot.

Turbiak: I think that misses the point of--I'll hold my thoughts. Thank you, Mr. Chair. Sorry.

Testa: Doesn't as presented mean shown on the drawing that they gave us? So, then he couldn't move it from that--cause that's where I think Mr. Turbiak's concern comes in.

Coppola: I guess we should clarify as presented. I mean, one of--one of the things they presented was the construction. And then there's--the other is as presented in location. And so the question is--is--for our purposes, do we care more anything else except for the fact that he has six feet from his property line.

Baringhaus: Mr. Chairman. That's my focus. Which is six feet.

Coppola: So, built as presented means the structure itself.

Baringhaus: Yes.

Klisz: Right, and then it should be no closer than six-foot from the--

Coppola: So, he could go all the way to the back corner--again, there's other setbacks he'd run into, but he could go to the back corner of the property if he wants to.

Baringhaus: And I guess the other--to Mr. Turbiak's point, there's another diagram that's actually plot they planned--

Coppola: That was before--that was before the survey. So, that's--

Hall: We have a survey.

Coppola: That's incorrect.

Hall: We have a survey.

Coppola: So, that's--that's incorrect. That was before the survey so, they--they had a setback assuming it was from the center of the--center of the road, and it wasn't--

Hall: Right.

Coppola: --it was actually 34 feet from the edge of the road, so.

Baringhaus: Yeah, looking at the survey the garage--the garage could be--

Coppola: So--so--so, again, from my--I just wanna make sure to clarify built as presented means the structure as it's designed.

Unknown: Correct.

Coppola: They have to be at least six feet--

Unknown: Yep.

Coppola: --from the property line

Inaudible speaking

Klisz: My conditions here say built as presented and built no closer than six-foot from property line.

Coppola: Well, the six foot is the--is the--is the--the six-foot is the variance we're approving. The condition is he's got to--he's got to build it as presented, construction.

Klisz: Right.

Coppola: He can place it wherever he wants. He just has to be six-foot from the property line and then be in compliance with the rest of the zoning rules. And then there was a comment in regards to sheds, do we want to make a requirement no other out buildings? It is a rather large garage.

Baringhaus: Yeah, I'd be in favor of also removing the two wood sheds, as well.

Coppola: And then do we make them say--can put in raspberry bushes if the neighbors require them.

Baringhaus: I'm more of a blueberry guy, so, I'll leave that to the owner's discretion.

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: The removing the sheds--are the--is the size plus the shed putting them outside of anything within zoning?

Coppola: What's the total square footage of the sheds?

Boloven: 160. So, why--

Klisz: Is the sizing including the sheds? I mean, I assume that's not an issue, right? This size plus the two sheds is still within limits?

Coppola: What's the maximum size of the--of a detached garage for this particular zoning property?

Stroble: 660

Coppola: 650?

Stroble: 660.

Coppola: And he's at 628, I think it is.

Boloven: So, he's got a--160 of sheds, one at 64, one at 96. Does that put him over?

Coppola: That would put him way over.

Turbiak: I believe it's 720 for a--

Coppola: He's at 624.

Baringhaus: The garage is 624.

Coppola: So, we add another--so, you're at 780.

Stroble: He is allowed to have a shed and a garage in RUF.

Coppola: Up--up to 200 square feet?

Stroble: Correct.

Klisz: One shed or two shed?

Stroble: Doesn't matter, as long as it doesn't go over that number.

Boloven: Up to--how big I'm sorry.

Stierna: 200 square feet.

Boloven: For the sheds?

Coppola: I've got a--I could have five 40 square foot sheds on my property?

Stierna: Yes, because 140 square feet you don't need a--

Boloven: Wait, Mr. Baringhaus--

Inaudible speaking.

Boloven: Vice Chair Baringhaus, with that information, is--you still want the sheds removed?

Coppola: Well, he had promised to remove the sheds if you recall his comments.

Baringhaus: There was a comment that he was gonna be removing them anyways, so.

Klisz: Well, I thought it was that he would remove them--

Unknown: Yeah.

Klisz: --if he had to, but I don't think he wants to. Do you wanna clarify--

Hall: You know, I don't really know if the homeowner wants to or not. It sounded like--I think he did wanna move them, so--

Coppola: I thought that the neighbor had said that he had promised to move those and replace them with raspberry bushes. Remember that--

Turbiak: Can we table this?

Boloven: I just thought--I mean, we're removing a shed that doesn't have to be removed.

Coppola: We're also providing--we're also providing variances not to be provided.

Boloven: That's true. But this is about size, this is about setback.

Baringhaus: Back to the inspection department, in terms of the sheds, currently the two sheds, are they in compliance? Just to clarify.

Stierna: Two or one? There's two sheds there.

Baringhaus: Two sheds.

Klisz: Two sheds, 120.

Unknown: 196.

Stierna: He can have one accessory. He can have one shed up to 200 square feet.

Baringhaus: But not two sheds totaling 160?

Stroble: Correct.

Coppola: Those are the rules.

Baringhaus: Okay.

Inaudible talking.

Coppola: I understand it--I understand it as it was just stated, you're allowed to have one accessory--

Baringhaus: One accessory.

Coppola: --up to 200 square feet.

Baringhaus: I'll make it removal of one shed, please.

Klisz: Removal of one shed. Okay. I've got the conditions.

Coppola: Okay, can you repeat those? So--

Baringhaus: Yeah, could you.

Coppola: --we're all in a line.

Klisz: Sure, built as presented/construction--as to construction, built no closer than six-foot from the property line, be in compliance with the rest of the zoning requirements, and remove one shed.

Coppola: Okay. Two and three aren't required. Two, which is six-foot is--is the--(inaudible) the range--

Klisz: Removing

Coppola: So, it doesn't need to be a condition.

Klisz: Okay.

Coppola: And three doesn't need to be there because he obviously has to comply with all the other stuff.

Klisz: Okay. So, it's just build as presented as to construction and remove one shed. Right.

Coppola: Okay. Perfect.

Klisz: Cleared up.

ROLL CALL VOTE:

AYES: Boloven, Klisz, Baringhaus, Coppola

NAYS: Turbiak, Testa

ABSENT: Fraske

Passes: 4 - 2.

Coppola: Okay, so, Mr. Hall, you've been approved under the conditions, number one you--the garage that is built, it is to the plans that were presented--

Hall: Yep.

Coppola: --in the petition. And that he has to remove one of the sheds.

Hall: Gotcha.

Coppola: You're only allowed to have one--

Hall: Very good.

Coppola: So, that--he's approved for up to six feet--six feet or more from--from his property.

Hall: Thank you.

Coppola: Alright, thank you, Mr. Hall. Thanks.

Hall: Thank you, everybody.

APPEAL CASE NO. 2021-06-24: An appeal has been made to the Zoning Board of Appeals by SDL Properties, LLC (Dominic Liburdi), 1780 E. 11 Mile Road, Madison Heights, MI 48071, on behalf of Lessee, The Plymouth Garage, 33939 Plymouth, Livonia, MI 48150, seeking to maintain an eight-foot-tall chain-link fence, erected without a permit and fences are not allowed on commercial zoned property. Outside storage is also done on the property, which is prohibited as a condition of the waiver use requirement of auto/truck repair.

The property is located on the south side of Plymouth (33939), between Farmington and Stark, Lot. No. 129-99-0004-000, C-2/P Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 3.08, "District Regulations," and Section 11.03(m)(1), "Waiver Uses; Automobile and Light Truck (one (1) ton gross vehicle weight) Repair."

Coppola: Okay, thank you. Mr. Stroble, anything you'd like to add?

Stroble: Not at this time, Mr. Chair.

Coppola: Mr. Stroble would you please just briefly provide us the background on--on how this came to our attention, please?

Stroble: The petitioner had a zoning compliance permit that we were doing follow-ups on and we also have an annual inspector that does annual inspections, both of those guys routinely came across the business on different days and noticed that the fence was installed. It was not the right zoning for it, so, we generated an enforcement.

Coppola: So, it was--it wasn't a neighbor complaining, it was--

Stroble: No, it was just--we just so happened to be there.

Coppola: Okay. I was gonna ask you a question, but I forgot what it was. I'm sure it was really, really important. Okay, anybody else have any questions for Mr. Stroble? Just out of curiosity, Mr. Stroble, the contractor that put that in, what type of consequences are for that contractor? They know better, heck they--they're in Livonia.

Stroble: Yes, unfortunately, the--the violation still goes to the property. We--we can't enforce just because--

Coppola: So--so, a contractor that's licensed in the City of Livonia, knowingly constructs something that requires a permit without a permit--

Stroble: Supposedly, we never saw them installing it, we just saw their sticker--

Coppola: So, they go--they go around putting their sticker on fences--

Stroble: Absolutely.

Coppola: --that they didn't put up.

Stroble: Yeah.

Baringhaus: Mr. Chairman, I have one question.

Coppola: Yes.

Baringhaus: Just out of curiosity, a metal storage container, like they have on the property, how is that viewed in terms of zoning? Is that considered an accessory structure or?

Stroble: It would be a temporary--

Baringhaus: Temporary.

Stroble: --structure.

Baringhaus: Okay.

Stroble: Yeah.

Baringhaus: Okay, thank you.

Coppola: Okay. If that's everything--if the petitioner can step forward, please.

Wittkopp: Good evening, thank you for your--

Coppola: Name and address, please.

Wittkopp: --time. My name is TJ Wittkopp, representing the tenant, Plymouth Garage. We also have Eric if necessary, representing SDL Properties--the landlord and owner. If I may--

Coppola: Just real quick, Mr. Wittkopp, what's your relationship to the--to the petitioner?

Wittkopp: I am the regional manager for several of our independent repair facilities--auto repair.

Coppola: Okay. Thank you.

Wittkopp: My pleasure.

Coppola: So, why don't you tell us about how you became the owner or how your petition because the owner of an illegal fence.

Wittkopp: Absolutely. By way of background, we do have two shops in Livonia, and at the direction of the city inspectors, we hired a licensed contractor, Anchor Fence to put up a fence

to protect our property. We had multiple occasions of theft. We had an enclosed trailer with value contents stolen. I think that police report was part of the file. We've had catalytic converters, which are part of the exhaust of cars, stolen, cut off with hacksaws on two occasions from our property, and on two or three occasion of our customers. Some of which are all in Livonia. Belfor, Care Link, AdvaCare, United States Postal Service. If we can't protect our property, we will go out of business, and having a fence to keep those vehicles from being removed seemed like the--the right course of action. Uhm--we haven't built fences--you know--and we would assume that a licensed contractor would know what they have to do. They said that they were gonna pull permits if necessary. But this is for sure a hardship on our business, and I just would plead that we be able to keep it. I realize that this was done in the wrong order, and I--you know--I would go so far as to--if it's--you know--ugly or something, I--I actually do have in the petition that I filed for this variance, a picture of it from the road. Did anyone--is this part of the file that you all received?

Coppola: Mhmm. Yes.

Wittkopp: So, I mean, it's barely visible, but if it was helpful in some way--you know--we'd be happy to put plant or bushes in front of it, or make it pretty or something, but it is absolutely necessary for us to remain a business. Thank you for your time.

Coppola: Alright, couple questions for you--a few questions for you. Just clarification, you suggested the city required you put the fence up, I'm sorry.

Wittkopp: No.

Coppola: In the beginning--opening you said the city--

Wittkopp: I've been the contact with Mr. Stroble and a few other inspectors and there was--on their advice we should hire a licensed contractor. That had some up before, so, we--

Coppola: Licensed contractor to erect a fence or licensed contractor--I'm sorry, to do what?

Wittkopp: In general.

Coppola: Okay.

Wittkopp: Just electrical, plumbing--you know--we didn't know anything for renovations, but--you know--some of us are kind of handy working on cars and whatnot, so to like replacing a hot water heater or something, the city did notify us that we would need to hire a licensed contractor for that, and--you know--the licensed contractor failed us in this case.

Coppola: Tell me what's the--what is in this container. Is it temporary? Is it permanent?

Wittkopp: That is temporary, and at this moment there's construction material in it. Everything from table saws to totes full of screws and--

Coppola: Mmhmm.

Wittkopp: --plastic air compressor. We--whenever we take over a shop, we put in all new air lines, make sure everything--you know--is done right and safe. You know--we went through and replaced door handles and furnace inspections and everything in the compliance. But it's just construction materials.

Coppola: So, this is your contractor's container?

Wittkopp: General contractor, yes.

Coppola: So, then it will be removed when the construction is completed?

Wittkopp: The construction is complete. I don't know when it'll be removed.

Coppola: So, they're not using it anymore?

Wittkopp: All the stuff is still in it.

Coppola: Okay. Who's the contractor?

Wittkopp: We have our own general contractor.

Coppola: Okay. So, it's you--it is your--

Wittkopp: It is not me, no.

Coppola: It's your firm? It's your company?

Wittkopp: Yes. Yeah.

Coppola: So, this is your--this is your container? Your company's container?

Wittkopp: Yes.

Coppola: Okay. So, are you planning on moving it?

Wittkopp: I do not have plans to move it. I could ask the owner. I didn't put that as part of my request for a variance. I'm not sure where that came from.

Coppola: Okay, so--alright, so, what else are you doing to help protect property that you have sitting out in your lot?

Wittkopp: We do have plans to install cameras, but we had cameras at our other Livonia store on Five Mile and Middlebelt, and gave those recordings to the police, and it still wasn't helpful in avoiding theft.

Coppola: Okay. You're just a couple of lots down--or a few lots down from a dealership. To your knowledge, have they had the same issues? And if not, why not?

Wittkopp: Bill Brown or the Hyundai one?

Coppola: I think it's like Mazda.

Wittkopp: Mazda.

Coppola: BW. Well, they're all--I mean, you're surrounded by--there's a bunch of lots around there to be honest with you with cars on them--although less these days because nobody has any, but--

Wittkopp: Ease of access. I--to my knowledge, none of them had a trailer that was desirable. Somebody wanted our trailer. Beautiful, 25-foot enclosed trailer. The catalytic converters--it's more of an ease of access. They--the thieves tend to wanna call under something easily--you know--like the Hyundai, Mazda place--all the cars--anything that sits low to the ground, they don't wanna take the time to jack it up and crawl under there. They just wanna be able to crawl under there, so.

Coppola: So, is majority of the business you do commercial type business with the larger vehicles? Is that what you're--

Wittkopp: At that location, our--our business is roughly 50 percent business to business commercial, yeah. Fleet services.

Coppola: So, how--how--how many vehicles would you have at any one time sitting on the lot?

Wittkopp: Fifteen.

Coppola: Okay. And what was the purpose of fencing in the grass area too?

Wittkopp: Our intension is to pave it. It just seemed like the natural place for the line because if you're looking at the way that the parking lot is laid out, there was actually a dumpster right there, and--actually, a neighbor a couple doors down, Auto Value has a dumpster in the same location and that has got a fence around it. But basically, we wanted it to be in line with that--that would be the West facing--that would be the West side of the lot, going North and South. We wanted it to be in line with the parking lot.

Coppola: So--and are you planning on using this for storage of--of non (inaudible) vehicles?

Wittkopp: No. Never.

Coppola: Long term storage?

Wittkopp: No. We don't store vehicles for more than 90 days if we can help it. There's one vehicle on the lot that's been there for 90 days, but it's the process that's required to file a mechanics lien for a customer that didn't wanna pay.

Coppola: Okay. Questions?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Yeah, how many service bays do you operate?

Wittkopp: Eight.

Baringhaus: You have--look like you have maybe fourteen or fifteen service bay doors on the building, what do you do with the rest of them?

Wittkopp: Two of those are subleases. There's a trim shop, SPB Soft Trim and a detail shop that cleans cars.

Baringhaus: So, you use eight out of the fifteen bays, and the rest are subleased?

Wittkopp: At this point in time, yes sir.

Baringhaus: Do the businesses that sublease your building also use that storage lot that's fenced in?

Wittkopp: No.

Baringhaus: Okay. Do you use your parking lot for storing vehicles over night?

Wittkopp: Yes. On occasion. Yeah.

Baringhaus: Okay. Thank you.

Wittkopp: Of course.

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: If there was a choice between keeping the fence or keeping that storage unit, which would you pick?

Coppola: You talking about the container?

Boloven: Yeah, the container--the yellow storage container.

Wittkopp: Keeping the fence. That's the reason I filed the variance.

Boloven: So, you'll get rid of the storage container if we allow you to keep the fence?

Wittkopp: Yep.

Boloven: Thank you.

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Yes, Mr. Wittkopp, when did--it sounds like you're doing some renovations, and maybe I missed it, when did you acquire--your company acquire ownership of this property?

Wittkopp: That would have been the end of 2019.

Turbiak: Okay. And renovations--when did renovations start, and when did they end?

Wittkopp: Started immediately and ended sometime in the middle of March--no--the whole thing's a blur with the pandemic, but I know--I know we weren't able to circle back with the city for quite some time. Maybe mid-summer last year?

Turbiak: Okay. Thank you.

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: So, I've used Anchor Fence myself, so I'm a little surprised, have you consulted with them since you found out that you were in violations.

Wittkopp: Yes. In very harsh words.

Testa: I'm sorry if I missed it. Yeah, did they say anything about what happened? Why they did that?

Wittkopp: I think that they were hoping the city doesn't work on Saturday when they put up the fence. I--I have no idea. They claimed that they thought that it wasn't necessary on commercial property. And perhaps it was a confusion of commercial versus industrial, whether you're allowed to have a fence or not, but Mr. Stroble was very clear that it was not under any--anyone who does this should have known that it's not okay.

Testa: Okay. Have they made any promises or commitment to you if your proposal's denied tonight or your appeal's denied tonight and you have to take the fence down?

Wittkopp: We have withheld half of our payment. That's the only recourse that we have.

Testa: Okay. Thank you.

Coppola: Follow-up quick, just to clarify a question, this fence is only two-sided right? It faces Plymouth Road and then it's to the West.

Wittkopp: Yes, sir. There's a berm in the other two spots of the square.

Coppola: So, what would stop someone from just walking around?

Wittkopp: Nothing would stop them from walking around.

Coppola: And just--you know--so, it's a little--they just have to walk a little further to get what they want.

Wittkopp: That is true.

Coppola: So, you're--you're deterrent as best as--

Wittkopp: Yep. It was--it was like a \$20,000 fence--

Coppola: Wow.

Wittkopp: --and it was gonna be 40 for the whole thing--you know--we're not fixing that many cars--doing the best we can.

Coppola: Okay. Any other

Baringhaus: Yeah, Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Yeah, you might have discussed this earlier, just refresh my memory, when was the fence first installed? When was it installed?

Wittkopp: It was--it was probably March of this year--is the date--

Baringhaus: March.

Wittkopp: --that's in my mind. It might be on my records here.

Baringhaus: And when was the event--I mean, you mentioned the theft, when did these thefts occur? Was it earlier in 2021? Was it 2020? Or how many thefts?

Wittkopp: Three total. And I think I have those dates on the--

Baringhaus: Just roughly.

Wittkopp: I do not have those dates, but the--the fence would have been early this spring and the theft would have occurred a month before that--

Baringhaus: Okay.

Wittkopp: --for the trailer and the end of 2020 for the catalytic converters. Although, they've been continuing, just not at our lot--at Belfor has had one on their property on Schoolcraft. AdvaCare had one at their property on Plymouth. There's a few more on industrial--you know--so, those guys--each one of those converters on a box truck is--the replacement cost is roughly \$2,000. You can probably go scrap it for \$1,000.

Baringhaus: Sure. Since you've installed the fence have you had any--have you had any problems with theft?

Wittkopp: No, sir.

Baringhaus: Okay. And at your other facilities, do you have fenced in storage locations?

Wittkopp: We do.

Baringhaus: You do. Eight-foot fences similar to this?

Wittkopp: I wanna say they're more like six or seven.

Baringhaus: Okay. Thank you.

Wittkopp: Yeah.

Coppola: Do you have a fence at Five and Middlebelt?

Wittkopp: Yes.

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: To the petitioner, through the Chair, have you talked to any of your neighbors? Specifically, Thomas'?

Wittkopp: Yes.

Turbiak: And what did they have to say?

Wittkopp: He was very happy for us. He was surprised that we go approval so fast, but I let him know that we didn't, but he's--he's a good guy. We work on--on cars and we get a lot of food from them. There's a container in the back of that Tupperware building like right next to us to. I guess it had never end crossed my mind that that would be a--a concern. I don't know if they have a special permit, but it looks like it's been there for a few decades.

Turbiak: Okay. So, he didn't seem to have any concern about the--the appearance of it, because I know that they're working out putting on an outdoor patio, and I don't know the exact sight line, but it seems like you'd be able to see it from the patio.

Wittkopp: Yeah, if he--he was not worried about it even remotely. But we told him right up from if you want us to put up bushes or trees or anything you want we'll do it.

Turbiak: Okay. And also, I had another thought cross my mind, you mentioned that the--the fence was like 20 grand, and I understand that's a lot of money--a couple things, one, how much was the trailer worth? And then two, instead--instead of putting in more fence, you mentioned that you're gonna pave or asphalt the parking lot, how much do you think that'll cost?

Wittkopp: How much was paving the parking lot?

Turbiak: You said you're going to pave the grass, right? The grass portion that's in the fence.

Wittkopp: Oh, that's in the fence?

Turbiak: Yeah.

Wittkopp: Haven't--haven't really got that figured out yet. What was the first part of the question?

Turbiak: Yeah, the--the trailer--the 25-foot trailer that was stolen, what was the value of that?

Wittkopp: The value of that was \$30,000.

Turbiak: And did you ever recover it?

Wittkopp: We did not recover it, no.

Turbiak: Okay, thank you.

Coppola: Anything else?

Wittkopp: And I guess as a side note, not that it--maybe it'll help with your question, there's a trade program called Trade First, I don't know if you've heard of it, but it allows businesses to trade services for services instead of cash for cash. And that's the only reason we were able to afford this particular fence.

Turbiak: I see. Tell me more about this program. Like what's the authority of it, or what's the founding of it?

Wittkopp: It's called TradeFirst. They have a website. They're pretty big here in Livonia. Actually, anything West of--East of 275, they're--they're getting bigger though. It's just a way for businesses to trade with each other.

Turbiak: So, they facilitate this, business to business?

Wittkopp: Yeah. It's like--it's like a credit card, but it's not. It's just monopoly money.

Turbiak: Do you need some kind of certification or join a membership and pay a fee, or how does that--

Wittkopp: There's a membership, yeah.

Turbiak: Okay. Interesting. I never heard of that. Thank you.

Coppola: Alright, thanks any other questions? Alright, seeing none, is there anybody in the audience that would like to speak for or against this case? Seeing there's none, do we have any correspondence?

Klisz: Two letters. Letter of objection, Patrick Barry, 34090 Parkdale Street (Letter read.) Second is a letter of objection, Steven Ward, 34162 Parkdale Street (Letter read.)

Coppola: Alright, thank you. Anything you'd like to say in closing?

Wittkopp: Nope. Thank you.

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

Boloven: I'd be in support. The police report alone that's been mentioned within the petition shows the hardship that the petitioner has. I would condition it on removal of the storage shed as suggested by the law department. Thank you.

Coppola: You talking about the container?

Boloven: The container. Storage--the outbuilding there.

Coppola: Mr. Testa.

Testa: Thank you, Mr. Chair. I can support this. I do see the hardship. I--you know--wish you guys weren't in this position, Anchor Fence did right by you. I wish there was a way to penalize Anchor Fence and there was some recourse for you guys, although with holding your payment, I wish there was some way we could get Anchor Fence to not do something like this. But, short of that, I understand the hardship due to the theft and I will be in support.

Coppola: Alright, thank you. Vice Chair Baringhaus.

Baringhaus: Okay, thank you. I'd be in support of this variance as well. I mean, in today's world, vehicles have things like catalytic converters, air bags, very valuable items, also very active black markets for them as well. So, I think some deterrence is necessarily. I agree, I think a condition of the approval of the variance should be the removal of the storage unit. I guess, question for the inspection department, what would the penalty be for building a fence without a permit?

Stroble: Double fee.

Baringhaus: And in this instance, I'd also suggest recommending the double permit fee as a penalty. Thank you.

Coppola: Alright, thank you. Secretary Klisz.

Klisz: I agree. I actually came in a little bit more skeptical, but I've been convinced after listening to the petitioner and the other Board's comments here tonight. I guess I'd look at a couple things, one, that yes, a double permit fee--I would assume that petitioner can withhold the permit fees and their petition fees and a few other things to try to get back at Anchor Fence for their naughtiness, but, that being said, I would also definitely remove the storage unit and condition it upon no storage of non-vehicles, so that we're not--you know--there's some serious homeowner concern about it turning into a junk yard or a storage facility. We don't want that. So--but--but for a--a auto repair and truck repair facility to store the vehicles in there temporarily I think is okay. So, based on all that I'll be in support.

Coppola: Alright, thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Yeah, I'm not sure how I feel about this one. I might be able to be in support. At this time I'm thinking I'd like more time to look at the property, look at it from the neighbors' perspective--you know--I don't know if we wanna condition it that they don't install the other two sides of the fence for appearance, but I mean, it kind of hamstring them for their security. Obviously--and also if the Board does wish to approve it tonight, I would--you know--suggest some kind of landscaping to help--you know--beautify it, and any other conditions that were already mentioned I think would be reasonable as well. I'm just not sure that I'm ready to--to approve it tonight.

Coppola: Alright, thank you. There definitely is a hardship here, and I think a lot of the businesses along Plymouth Road as well as Schoolcraft and Five Mile, because of--of the closeness to the freeway are always gonna be at risk because it's easy to--to get out of town

pretty quick, and our resources are so low that we can't have a police car on every corner. So, it doesn't make--there's a hardship there. But, if it had come before us without--without this, I think there would have been a number of requirements we would have had anyway, and I think the indiscretion of your--of your fence company will be to their detriment. I'm willing to approve it, but I--I also agree, the container's gotta go. And in the sense, that's in the spirit of the fact that this should not be used for storage--long term storage. And that means that cars you're working on, vehicles you're working on, your--the--your business vehicles all can be back there. It can't be used for long term storage--non-vehicle long term storage. And again, that trailer, I guess would be considered a vehicle, the cars you're working on--the last thing I wanna start seeing is RVs back there, people--you know--now found a place to park their RV and a place to park their boat, and a place to park who knows what, so, that--that definitely--and I'm not sure how we verbiage that out, but put that in there. And then, I think that--I think you have \$10,000 worth to spend--money to spend on landscaping thanks to Anchor Fencing. And I'd like to see--I think for--definitely for the side that--I thought you brought up a good point with--with Thomas' that there should be some level of landscaping--some arborvitaes, something--even some grass or something that would grow up and hide some of it. I don't know what you can do on your asphalt, but if there was something you could do to make it less obvious, I think that's--that would be fine. I'm not sure how we specify landscaping, and maybe you--landscaping--maybe you could put some landscaping on the inside where--maybe that's what it is--put some landscaping on the inside where there's grass right now, and obviously when you put--if and when you put additional parking in--if you decide to do that, you'll just have to leave that landscaping there. So, those conditions, I--I feel comfortable doing that and I think that also sets--you know--that everybody--everybody else has this hardship on Plymouth Road too. I assume once they see this, there'll be more, so they will know that there's at least--you know--some hurdles they gotta get over to be able to put something like this in. So, I'll go ahead and open up the floor for a motion.

Upon motion by: Klisz. Support by: Boloven.

RESOLVED: APPEAL CASE NO. 2021-06-24: An appeal has been made to the Zoning Board of Appeals by SDL Properties, LLC (Dominic Liburdi), 1780 E. 11 Mile Road, Madison Heights, MI 48071, on behalf of Lessee, The Plymouth Garage, 33939 Plymouth, Livonia, MI 48150, seeking to maintain an eight-foot-tall chain-link fence, erected without a permit and fences are not allowed on commercial zoned property. Outside storage is also done on the property, which is prohibited as a condition of the waiver use requirement of auto/truck repair.

The property is located on the south side of Plymouth (33939), between Farmington and Stark, Lot. No. 129-99-0004-000, C-2/P Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 3.08, "District Regulations," and Section 11.03(m)(1), "Waiver Uses; Automobile and Light Truck (one (1) ton gross vehicle weight) Repair," **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met due to the fact that there were multiple events of theft of property as well as the unfortunate use of an unsavory contractor.

2. Denial of the variance would have severe consequences for the Petitioner because they would be essentially taking down a good fence which was also expensive.
3. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance because, while the Board appreciates the neighbors' concerns, those concerns have been addressed through the conditions below.
4. The property is classified as "Corridor Commercial" in the Master Plan and the proposed variance is not inconsistent with that classification.

FURTHER, this variance is granted with the following conditions:

1. That the petitioner pay a double permit fee.
2. That the petitioner removes the storage pod located within the fenced-in area.
3. That there shall be no outside storage of non-vehicles, and only those vehicles owned by the Petitioner and those being serviced by the Petitioner shall be stored within the fenced-in area.
4. That the Petitioner either add landscaping outside the West side of the fence and inside the non-paved North side of the fence, or in the alternative, paint the fence a dark color (e.g. black or dark green) within 90 days.

Coppola: In regards to landscaping--

Klisz: I mean, I just threw something out there, is there something--I'm open to more creative--

Coppola: I guess we need just a couple things to be more specific for guidance purposes, that there be landscaping along the West side and--of the fence, and then the North--the North side fence on the inside where there is--where there is not pavement.

Klisz: Okay, so we have--

Coppola: And this be done within--within 90 days.

Klisz: Add landscaping to the West side around the fence as well as the inside of the North--

Coppola: Non paved North side, yeah.

Klisz: Of the non-paved North side of the fence within 90 days.

Coppola: Right. I'm gonna go a little out of order here, I see that--

Steudle: I just got a quick thing to say.

Coppola: So, I need your name and address first, please.

Steudle: My name's Eric Steudle, and I'm the owner of SDL Properties, there.

Coppola: Say your address, please.

Steudle: 27--1780 East Eleven Mile Road, Madison Heights.

Coppola: Alright, thank you.

Steudle: Okay, and since these tenants moved in, we've had nothing but good reviews. He had put the fence up for a reason, because of the theft and all that.

Coppola: Mmhmm.

Steudle: But I also, we've had dumpster issues, where they--people just dump their garbage. It costs money to--to get rid of that garbage, and they were using the back--back part of that as a dumping field.

Coppola: As a what, I'm sorry.

Steudle: A dumping field.

Coppola: Okay.

Steudle: They just threw--we act--somebody actually just put a boat back there. We had to clear out a boat. That was pretty hard to get rid of. Now, the neighbors on the other side--you can't see them with the berm there, so--but they're the ones that are dumping their garbage into our yard.

Coppola: And I would assume that in the summer time that's pretty--pretty covered up with foliage, they couldn't see--

Steudle: Right.

Coppola: The neighbor--the neighbors couldn't see through anyways.

Steudle: Right.

Coppola: And you--and you park--didn't you park vehicles back--your tenants park vehicles back in that parking area anyway, right?

Steudle: Yes. That--that was supposed to be strictly employee parking--

Coppola: Mmhmm.

Steudle: --and we got rid of everybody, and no--now they moved in; Plymouth Garage.

Coppola: Mmhmm.

Steudle: And they don't keep cars there, and they don't store cars there. We won't allow it.

Coppola: Okay.

Steudle: And the fence--we told them if they painted it green--cause we--we don't like to see a silver fence either.

Coppola: Okay.

Steudle: And then that fence is probably gonna be taken down once we develop the--the land.

Coppola: Mmhmm. Right. I noted that there was further development on the--plan.

Steudle: Right. Right.

Coppola: Okay.

Steudle: Alrighty.

Coppola: Thank you very much.

Steudle: Okay, thank you.

Coppola: Alright, so, can you go through the conditions one more time, please.

Klisz: Sure. Double permit fee, remove storage pod, no long-term storage of non-vehicles, add landscaping to the West side around the fence as well as the inside of the non-paved North side of the fence within 90 days.

Coppola: Mr. Turbiak.

Turbiak: Maybe I missed it, did we wanna consider asking them to spray paint it green?

Coppola: Well, he has suggested they would, but we were gonna have them landscape it, so.

Turbiak: Right, but on the North side, you can't--I don't know, do you think the landscaping will grow through the fence?

Coppola: Won't go through, but it will mitigate a little bit of the look.

Turbiak: So, maybe just spray paint the North portion?

Coppola: I don't wanna be overly--

Turbiak: Okay.

Unknown: We'll leave that between them.

Turbiak: My--my other comment is that--you know--looking at it, it looks like it's about 120 by 120 square feet, looks like you could fit about 48 vehicles in there in four different isles, one on each side and then a double isle in the middle--he said he needs about 15 vehicles, do we think this is over sized and do we wanna let him allow other sublet services of the building use it? Currently, he says he wasn't planning to.

Coppola: Well, I think our restriction on--on non-storage--you know--no long-term storage and--and not putting non vehicles in there, should help mitigate that.

Turbiak: Okay, so--

Coppola: I mean, again--

Turbiak: --we don't have any objection to letting him use it for the other businesses?

Coppola: No.

Turbiak: As long as he follows those rules.

Coppola: Even if there wasn't a fence there, they could have parked 50 cars back there.

Klisz: Right.

Coppola: And there--there--wouldn't have--there's nothing we could have done about it.

Turbiak: Okay.

Coppola: Because that's what it's for, so, I--I guess I don't have an issue with that, the point is, those 50 cars can't be there for--you know--

Klisz: 50 years.

Coppola: --120 days.

Turbiak: Right. Right. I guess my thought is that the--the--you know--currently there's a large portion of grass fenced in that doesn't seem like it needs to be.

Coppola: Yeah, and what we're gonna do is have them landscape the West side, so that the neighbor there won't have to see that, and we'll put landscaping on the inside because you really can't put it on the--on the pavement to help--you know--mitigate that little bit there for now. I get what you're saying. I'm trying to--you know--not have them spend money tearing out a fence.

Turbiak: Anchor should be able to handle that.

Baringhaus: Mr. Chairman. I think the owner and Mr. Turbiak kind of brought up a good point, where--we're right now we're discussing landscaping, but I really think a viable alternative--very quick alternative would be to paint the fence. I mean, it was suggested green, but from my experience, black would be another alternative which would literally render that fence invisible--

Unknown: Right.

Baringhaus: --from that distance, and as you indicated, it's not--may not be permanent, is that what I heard or?

Steudle: It may not. Once we develop more.

Coppola: Just be careful asking them when they're not at the podium.

Baringhaus: I'm sorry. That's right. I just wanted to clarify that. So, really, it's not podium--it's not permanent. I would suggest black would really make that fence--silver's a very visible color--

Steudle: Right.

Baringhaus: --but if we make it black, it'll just take it right--

Coppola: So--

Klisz: Instead of landscaping.

Coppola: Alternative--

Baringhaus: Instead of landscaping, yeah, consider painting it.

Coppola: But within 90 days?

Baringhaus: Yeah, one or the other within 90 days if that's acceptable.

Steudle: We'll do that.

Klisz: So, or paint--

Coppola: Or paint.

Baringhaus: Or paint.

Klisz: Paint black.

Coppola: Dark color.

Klisz: Dark color. There we go. Paint a dark color.

Steudle: I know Mr. Stroble knows what it looked like before, especially Bill back there in the corner.

Coppola: Okay, anything else? Everybody clear?

Klisz: And Mr. Boloven, you good with the changes?

Boloven: Yep.

Klisz: Continued support?

Boloven: Yes.

Klisz: Then I think we're good.

ROLL CALL VOTE:

AYES: Testa, Boloven, Klisz, Baringhaus, Coppola

NAYS: Turbiak.

ABSENT: Fraske

Passes: 5-1.

Coppola: Alright, so it passes. You get your variance, again, the conditions are you have to remove the container--

Wittkopp: Double permit--

Coppola: --the double permit fee--

Wittkopp: --no long-term storage--

Coppola: --no long-term storage, and no storage of non--non-vehicles, and then again, the landscaping and or painting the Anchor fence a dark color. And when we say dark color we don't mean red, we mean like a black or green.

Wittkopp: I'll do it. Thank you very much.

Coppola: Alright, thank you.

Baringhaus: Thank you.

Steudle: Thank you.

Boloven: Mr. Chair, can we take ten?

Coppola: Yeah. Ten?

Boloven: You don't mind?

Coppola: Ten?

Boloven: Five? Ten? Doesn't--

Coppola: Five.

Boloven: Whatever.

Coppola: Alright, we're gonna break.

APPEAL CASE NO. 2021-06-25: An appeal has been made to the Zoning Board of Appeals by Robert and Katherine Schuessler, 36325 St. Andrews, Livonia MI 48152, seeking to construct a sunroom and uncovered wood deck from the rear of an existing dwelling, resulting in deficient combined rear yard setback between the sunroom and the dwelling at 36258 Club Drive.

Combined Rear Yard Setback:

Required:	70 ft.
Proposed:	54 ft. <u>58 ft.</u>
Deficient:	16 ft. <u>12 ft.</u>

The property is located on the south side of St. Andrews (36325), between Fairway and Club, Lot. No. 017-02-0107-000, R-4 Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 4.05, "Schedule of Minimum Front and Rear Yard Requirements in R-1 through R-5 Districts," and Section 20.02A(3)(a)(ii)a, "Single Family Clustering."

Coppola: Alright, thank you. Anything to add, Mr. Stroble?

Stroble: Not at this time, Mr. Chair.

Coppola: Any questions for Mr. Stroble? Seeing none, if the petitioner could step forward to the podium, and a name and address for the record, please.

R. Schuessler: Robert and Katherine Schuessler. 36325 St. Andrews Drive.

Coppola: Alright, Mr. Schuessler, thank you. So, you're here today--you wanna build an enclosed deck, sunroom, and it's gonna be twelve feet into the setback. Why don't you tell us a little bit about your project and the hardship that you have that would suggest an approval of the variance.

R. Schuessler: Okay. Thank you for your time on this matter. We have a condo in Golf Ridge Villas. It has a partially sunken basement, so we have no direct access to our backyard from either the upper or lower level from our condo. Many of the condos in association have grade level doorways that they can go right out to a concrete patio or--or deck.

Coppola: Mmhmm.

R. Schuessler: Some have decks and sunrooms on stilts, that would be our situation. Obviously, we wanted to be able to enjoy the--the outdoor fresh area with our family and friends. The plan that we had drawn by our architect mirrors the exterior design of other screen in porches in our--in our development and blends in the Golf Ridge community. Our room is not intended to be heated. It will not be heating and will not be used as a livable space nor for year-round use. So, it will be a three-season room. Basically, the area that we're talking about is about 27 feet across and now sixteen feet back from the back edge of our condo. Roughly, half of it would be an open deck--excuse me--and half would be the covered sunroom with

walls and a roof. We received approval from our association to proceed with our plans and at that time my builder came into City Hall to get the permit and was rejected based on the fact that the covered sunroom would infringe upon the setback, which I had asked building inspector Craig maybe six weeks prior to that for clarification--or told him what I was going--intended to do and that issue was not brought up at the time. We--I asked him at the time after my builder came in as to what steps I could take to appeal this and he said the only really--the only way to go would be to come before this Board. So, that's why we're here. We--in the meantime, we drafted an explanation to distribute to our--many of our neighbors with a copy of our plans to get their support after we had received support from our association, which was given to us by the property manager--our property management company, not by our governing board necessarily for a 20-foot--20-foot back not sixteen feet. And once the Board members were made aware of that mistake on the property managers part, they corrected me that there were bylaws that restricted pat--or decks to only go back sixteen feet. We've only been owners here for a little over a year, so we weren't familiar with--with all of the rules. We took these letters around to roughly 20 homes on our street and Club Drive, personally got to meet some people who we didn't get to meet during Covid which was really nice. Approximately twelve or thirteen of them signed letters of support, either on site or within days of our meeting with them as supporting what our effort was. And, included in that, which we feel is important, is the neighbors on--directly on each side of us, and the neighbor to the--to the back who sits on Club Drive. The three that would be closest to our dwelling have all given us their support. Obviously, I'm not aware of what has come into the city. Our association president offered to come and be here tonight to answer any questions. He has been fully supportive once he has gotten involved in this process.

Coppola: Okay. Anything else?

R. Schuessler: That should do it for now.

Coppola: Alright, questions for the petitioner?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Yeah, can you tell me what the materials for your sunroom and for your deck?

R. Schuessler: Well, the deck will be a Trex deck, and the--obviously the shingles and the siding will have to match our existing--that was part of the--getting the approval from the association as well.

Baringhaus: Question, I didn't see a--how would you access the deck--access say your backyard lawn area from your deck? I didn't see a stairway in it. Do you have plans to--

R. Schuessler: We hadn't planned on doing that.

Baringhaus: Okay. So, it's not--you're aware there's no stairway?

R. Schuessler: Correct.

Baringhaus: Okay, great. Okay. Thank you.

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Yes. Did you have anyone survey the distance between your home and the home right behind you?

R. Schuessler: No. The only--I--I got site plans from Craig here at City Hall because our association didn't seem to have that on file.

Turbiak: And the site plans just for your site or did they--I know we have a page in our packet that shows a distance of 74 feet, it looks like, is that what your--you've seen from Craig?

R. Schuessler: That's--yes, I believe that's approximately correct, yeah.

Turbiak: Okay. Did you measure it yourself by chance?

R. Schuessler: No.

Turbiak: Okay. I don't know if you saw me, I was out there earlier tonight pacing it off and measuring it with a 25-foot tape, and measuring from the nook or the notch, which is--you know--a little bit greater distance between your homes, it was 89 feet, and it's about a six foot off set. So, it's about 83 feet from the worst case, and it doesn't really seem to overlap the way that the properties are, again, depending on how you draw the line. So, again, a worst case, it seems like 83 feet--seems to me that you add--take sixteen feet from that you're at 77--67 feet, brings us to about a three-foot variance versus the--I think twelve that is in our public notice. I just want to put that out there for the rest of my Board members. I mean, I--I started of course on the GIS system, said hmm, this doesn't seem to add up, let me go out to the site, see if--see if the numbers are right, and they were--I think I measured 86 on the GIS, so I came up with 89, or maybe that 86 was from the--the other wall--anyways, it was about three--three-foot difference and it seems to end up in about a three foot variance. I guess that's all the questions I have at this time, thanks.

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: So--I didn't notice it until you mentioned it, this addition will be on stilts, right?

R. Schuessler: Correct.

Testa: Are there any other condos in this area that have--I think you said some others do, I'm not seeing any that do. Is that just to save money, or?

R. Schuessler: No, it--they're on stilts because our doorwall--

Testa: Yep.

R. Schuessler: --you know--off the back is--is five to six feet off the ground.

Testa: Yeah, but they could build it up like on a crawl space or something.

R. Schuessler: The deck?

Testa: No, your addition.

R. Schuessler: Well, I'm putting the addition on the deck--is the intention, which will be five to six feet off the grade level.

Testa: I see.

R. Schuessler: And yes, there are other condos in the development that have similar--in fact a lot of them are that way.

Testa: So, wait--sorry, I read as a sunroom and a deck.

R. Schuessler: It's combined.

Testa: You're calling one in the same, okay. So, neither of them are there right now. The deck's not --

R. Schuessler: That's correct.

Testa: --there--okay. And it's gonna have three wall--you're gonna add walls to it.

R. Schuessler: Yes.

Testa: There--will you screen it in or will they be real--

R. Schuessler: Be windowed.

Testa: --window--

R. Schuessler: Windows and a door wall on one side. Windows all the way around.

Testa: And why not make it a year-round space with heat and air conditioning--livable space?

R. Schuessler: I don't need it. Don't really want it to be that, and it's quite a bit more money to do that.

Testa: And you'll be able to access the deck and the sunroom from your house because it's raised up, correct?

R. Schuessler: Correct.

Testa: And you'll obviously be able to access your deck from the sunroom as well. Okay, yeah, I look forward to--I read most of them already, there's no one else here, so the letters, so yeah, thanks for going the rounds in your neighborhood to--to get support. I think that's helpful to your case.

R. Schuessler: Thank you.

Coppola: Any other questions? Alright, seeing there's none, is it--I understand the President's here and he's like to speak on behalf of your--of your petition? I'd be happy to hear--we're gonna do a--audience comments now. Just for the record, could you give the name and address, please.

Hollmann: Yes. My name is Lee Hollmann, H-o-l-l-m-a-n-n, and my address is 36300 Fairway Drive.

Coppola: Alright, thank you, Mr. Hollmann, go ahead. Please, proceed.

Hollmann: A couple of points that I'd like to make is that in our community we have for community, no fences. So, when we're in that area where the homes back up to each other, and it's only 23--I believe it's 22 or 23 homes out of the 118 that do back up to each other, so it's a very limited set of homes, and that area that they back up to is open, so it's park like if you will. No fences, no nothing of that nature. So, our feeling is--and if you were to do a google map, you could see that these two homes happen to be, by accident, kind of closest to each other. All the rest are further away because of the way the streets curved. They're not--there aren't any square blocks in our area. So, from our viewpoint, we are in full support of it. The determination as to whether a home has one door wall, or two door walls purely depends on the grading of the home. My home has just a door wall upstairs. Two doors down from me, they have one at the basement level as well as the upper level. So, not unusual, and over 90 percent of our homes do have decks. There are thirteen of what we call, three season rooms--Florida rooms, whatever you wanna call it. So, it's not unusual. They were started by the builder. But there is bylaw rules that it cannot be heated and there are definite rules that insure that we do have consistency across the colors of our homes and then what can be done with them. So, we are in full support of it.

Coppola: Okay, so, just a quick question then, so, for what they're proposing, it's in complete compliance with the--

Hollmann: Yes.

Coppola: --bylaws.

Hollmann: Yes.

Coppola: And it's been approved.

Hollmann: Yes.

Coppola: Okay, thank you. Any questions? Thank you very much, Mr. Hollmann.

Hollmann: Okay.

Coppola: Do we have any correspondence?

Klisz: We have a bunch.

Coppola: Okay.

Klisz: Letter of approval, Valerie Weatherly, 36204 (No comment.) Letter of neither approve nor object, Thomas M. McDonnell, 36176 Fairway Drive (Letter read.) Letter of approval, Cynthia Gresens, 36330 St. Andrews (Letter read.) Letter of approval, Greg Ralko, 36116 Fairway Drive (Letter read.) Letter of approval, Victor Hess, 36208 Fairway Drive (Letter read.) Letter of approval, Michael Ringsbury, 36232 Club Drive (No comment.) Letter of approval, John E. Beeskow, 36348 Fairway Drive (Letter read.) Letter of approval, Mark Helvenston, 36307 Fairway Drive (Letter read.) Letter from, Dominico Deflorio, 36317 St. Andrews (Letter read.) Letter of approval, Robert Bryer, professional civil engineer, 36329 St. Andrews (Letter read.) Letter of approval, Cynthia Gresens, 36330 St. Andrews (Letter read.) Letter of approval, Katherine Rippe, R-i-p-p-e, 36316 St. Andrews (Letter read.) Letter of objection, Charles Calomeni, 36320 St. Andrews (Letter read.) Letter of objection, Patricia Sadek, 36344 Fairway Drive (Letter read.) Letter of objection, Daniel Packer, 36258 Club Drive (Letter read.) Letter of objection, Sharon Mauro, 36180 Fairway Drive (Letter read.) Letter of objection, C. Depowski, 36221 Club Drive (Letter read.) That's the correspondence.

Coppola: Alright, thank you. So, Mr. and Mrs. Schuessler, anything you'd like to say in closing? If you do, you need to step up to the podium. And you're welcome to respond to any of the correspondence.

R. Schuessler: Well, we have modified our plans from the original 20 feet, just for clarification. It's now sixteen feet. I'd just like to say that Livonia is a community that boasts that it puts families first, I think it's even on our sign--entrance signs to the city--at least they were a while back. My wife and I have both been residents of Livonia for over 60 years. We've raised our three children here. We've always maintained that the families that eat, play, and pray together create strong families, and strong citizens. We ask for your support to help us create this environment for ourselves, for our children, and for our five Michigan grandchildren that also call Livonia home.

Coppola: Alright.

R. Schuessler: So, I appreciate your support.

Coppola: Alright, thank you very much.

Boloven: Mr. Chair. Can I ask one quick question before we close out.

Coppola: Sure. Mr. Boloven.

Boloven: Question for the petitioner, the 36258 Club Drive, is that directly behind you?

R. Schuessler: 36528?

Boloven: Yeah, Mr. Packer. Daniel Packer. It looks like it's directly behind you.

R. Schuessler: I am not certain of that.

Boloven: So, if I--if I go out from your deck, the house direct--do you know the neighbor that's directly behind your--your house?

R. Schuessler: Well, there's--we're kind of in between two--two condos I believe.

K. Schuessler: The one person signed a letter of support.

R. Schuessler: One of them--it was a couple, did sign a letter of support that we distributed, and--and they were the ones further to the East. We did not get a response from the single lady that lives to the West, if you follow what I'm saying.

Boloven: So, your house--if I'm--if I'm on St. Andrews and I'm coming from West to East, you're the third house in, right?

R. Schuessler: Correct.

K. Schuessler: Right.

Boloven: Okay. I'm going up Club Drive here, looks like 36258 is one, two, three, four, five--fifth house in. So, this person objecting, looks like it's the one directly behind you. Have you had any--have you had any discussion? Do you know the Packer's?

R. Schuessler: No, I don't. No, we don't I should say.

Boloven: Thank you.

R. Schuessler: Mhmm.

Coppola: Alright, thank you. Alright, I'm gonna close the public portion of the case and start the Board's comments with Secretary Klisz.

Klisz: I'm in support of this. I think to me, the biggest thing--I mean, we could add up all the approvals and the objections, and--probably two to one, I think the most important thing though is the association, like that--they run a tight ship, and associations have rules that go beyond the city rules for the most part. So, I think that the fact that it's met their requirements and their fly specking, is sort of like when we say that--you know--something's been approved by Planning Commission, City Council, and then it comes to us and--you know--it's already been looked at by a different kind of group, and in this case, who wants to maintain their look and their feel of their community. So, that's the most important part, I think for me, and therefore, it's something that I can be behind this evening.

Coppola: Alright, thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Yeah, I can be in support of this as well. There's been mention that many--you know--other units in--in this--community have similar sunroom decks at the maximum of sixteen feet, which they're within, and I also mentioned earlier that--you know--I was out there measuring and I would measure at worst case, this to be a three-foot variance, and really that's--that's stretching it. I--I know there was a couple of objection letters, one mentioned 20 feet, obviously that's not the case anymore. The other one, does appear to be behind them, directly, but I--I don't see that this is really gonna create a bottleneck effect as the mentioned, and it's a unique situation in that the way that the street's curved. So, for all those reasons, I will be in support.

Coppola: Alright, thank you. Mr. Boloven.

Boloven: I'm torn, just in the eleventh hour because this neighbor that's directly impacted is the reason for the variance, and that's the one objecting. I hear what the homeowner association's saying, that this house is setback more, and I hear what Mr. Turbiak's saying--you know--and I--could be three feet, could be twelve, I'm sure Mr. Turbiak's right with his measurements, and that it's closer to three, and that potentially is deminimus. Personally, I--I'd like to approve it, but I'm torn due to this objection of the neighbor that's directly impacted by it. So, I'm a toss up right now. Thank you.

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

Baringhaus: Thank you. What we've heard tonight is the--basically, I'd like to complement the petitioner for working very closely with their homeowner's association, and the neighbors in the development in getting their support for this project. Based on the overwhelming support of the condo owners and also, the support of the homeowner's association, I would support the variance. I think one of the unique characteristics of this condo complex is--is its arrangement. While it does have decks, a lot of the decks don't have direct views--I would say--to decks across from them. They seem to be staggered. I think, you referred to like they're kind of interspersed or inter-placed. I kind of noticed that as well. You don't see a deck directly--right

on from your deck, it's normally off to the side. So, again, based on that, I'll approve the variance.

Coppola: Alright, thank you. Mr. Testa.

Testa: Thank you. I'll also be in support. I agree with Secretary Klisz and Vice Chairman, Baringhaus. I--I believe the homeowner's association already looked at this in detail. I think if they're okay with it, it's fine. I do take pause at the neighbor behind them, but I think the--the change from 20-foot to sixteen foot, I think helps that case. I know it--it appears they weren't aware that there's a 70-foot--70-foot setback, but--when they originally talked to them, but again, because of the homeowner's association allowing up to sixteen feet, and you're within that window, I'm gonna support this.

Coppola: Alright, thank you. I too can be in support of this. I do also take pause with the neighbor behind being one of the people that have objected, and I don't know the history of that--that person and whether they had--you know--reviewed other homes--there are a lot of--there are a lot of decks like this in the subdivision. You can even see--I think--some from the road. Again, I do have--I do have a little bit of an issue, but then it's still 58 feet apart if they put--if that unit put at sixteen-foot deck in, it would still be 42 feet apart. So, relatively far apart. But again, this is a condo--detached condo development, and those generally don't come with a lot of space between them anyway. So, I'll go ahead and support this and open up the floor for a motion.

Upon Motion by: Baringhaus. Supported by: Testa.

RESOLVED: APPEAL CASE NO. 2021-06-25: An appeal has been made to the Zoning Board of Appeals by Robert and Katherine Schuessler, 36325 St. Andrews, Livonia MI 48152, seeking to construct a sunroom and uncovered wood deck from the rear of an existing dwelling, resulting in deficient combined rear yard setback between the sunroom and the dwelling at 36258 Club Drive.

Combined Rear Yard Setback:

Required:	70 ft.
Proposed:	58 ft.
Deficient:	12 ft.

The property is located on the south side of St. Andrews (36325), between Fairway and Club, Lot. No. 017-02-0107-000, R-4 Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 4.05, "Schedule of Minimum Front and Rear Yard Requirements in R-1 through R-5 Districts," and Section 20.02A(3)(a)(ii)a, "Single Family Clustering," **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met due to the fact that the condo is located further back from the neighboring units due to the curve in the road, and other neighbors have similar sundecks.

2. Denial of the variance would have severe consequences for the Petitioner due to reduced usage of their property.
3. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance because of full support of homeowner's association and also support of other condo owners.
4. The property is classified as "R4- Low residential" in the Master Plan and the proposed variance is not inconsistent with that classification.

FURTHER, this variance is granted with the following conditions:

1. That the proposed deck and sunroom be built as presented to the Zoning Board.

Coppola: Here's a question for the petitioner, how soon do you wanna get started?

R. Schuessler: That will be dependent upon my builder, but hopefully within the next 30 days or shortly thereafter.

Coppola: Okay. Thank you. Alright, any other discussion? Seeing none, go ahead and take the roll, please.

ROLL CALL VOTE:

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

NAYS:

ABSENT: Fraske

Passes: 6 - 0.

Coppola: Alright, congratulations, Mr. and Mrs. Schuessler--

R. Schuessler: Thank you.

Coppola: Your petition has been approved. The only condition is that you built it as you presented it, in other words, what you put in your petition is how it has to be built.

R. Schuessler: Thank you.

Coppola: Obviously, not the 20 feet, but the sixteen.

R. Schuessler: We hear you.

Coppola: Okay. Alright, we have some minutes.

Klisz: Approve the minutes of May 11th.

Turbiak: Support. I'll take it.

Coppola: Joel, take the support?

Turbiak: I'll take it.

Coppola: You'll take the motion?

Multiple people speaking.

Coppola: So, motion by Secretary Klisz, support by Mr. Turbiak to approve the minutes of May 11th, 2021, all in favor?

Board: Aye.

Coppola: Any opposed? Seeing none. Unanimous. Need one more.

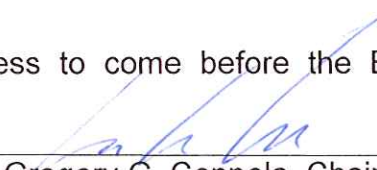
Baringhaus: Motion to adjourn.

Testa: Support.

Coppola: Motion by Vice Chair Baringhaus, support by Mr. Testa to adjourn, all in favor?

Board: Aye.

There being no further business to come before the Board, the meeting was adjourned at 10:08p.m.



Gregory G. Coppola, Chairman

Timothy J. Klisz, Secretary

/vcb CEO 9489