

ZONING BOARD OF APPEALS

CITY OF LIVONIA

MINUTES OF SPECIAL MEETING HELD TUESDAY, May 25, 2021

Due to COVID-19 a Special Meeting of the Zoning Board of Appeals of the City of Livonia was held on-line via ZOOM on Tuesday, May 25, 2021.

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

MEMBERS ABSENT: Timothy J. Klisz, Secretary

OTHERS PRESENT: Craig Hanosh, Inspection Department
Leo Neville, Legal 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 Vice Chairman 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 twenty-one (21) people in the audience.

(7:01)

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APPEAL CASE NO. 2021-02-05 (Tabled on April 20, 2021): An appeal has been made to the Zoning Board of Appeals by Botsford General Hospital, 2000 Town Center, Suite 1200, Southfield, MI 48075, on behalf of Lessee 18th Street Development, LLC, 1550 Market, Ste. 200, Denver, CO 80202, seeking to erect a business center ground sign, group identification ground sign, directional ground signs and wall signs, resulting in excess ordinance allowances.

Business Center Ground Identification Height:

Allowed: 6.00 ft.
Proposed: 8.00 ft.
Excess: 2.00 ft.

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Proposed: 32 sq. ft.
Excess: 2 sq. ft.

Directional Ground Sign Height:

Allowed: 5.0 ft.
Proposed: 5.5 ft.
Excess: 0.5 ft.

Directional Sign Area:

Allowed: 2 sq. ft.
Proposed: 23 sq. ft.
Excess: 21 sq. ft.

Number of Wall Signs:

Allowed: One
Proposed: Seven
Excess: Six

Wall sign Area:

Allowed: 200 sq. ft.
Proposed: 294 sq. ft.
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The property is located on the north side of Seven Mile (39000), between 275/96 Expressway and Haggerty, Lot. No. 023-99-0001-004, PO Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 18.50G(b)1,2,4 and 18.50G(g) "Sign Regulations for Professional Office Districts," and Section 18.50D(i), "Permitted Signs."

Coppola: Okay, I need a motion please.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

Baringhaus: Motion to remove appeal case 2021-02-05 from the table.

Testa: Support.

Coppola: Motion by Vice Chair Baringhaus support by Mr. Testa, all in favor raise your hand.

Board: AYE.

Coppola: All in favor, therefore there'll be none that are opposed, so it's removed from the table. So, Mr. Hanosh, anything you'd like to add?

Hanosh: Not at this time, Mr. Chair.

Coppola: Alright, thanks. Any questions for the inspection department? Alright, seeing none, petitioners if you could, raise your hand. Okay, Ms. Matthews and Mr. Mount, you guys are now unmuted. I'm just looking to see if--is there anybody else with you?

Mount: Yeah, we should have one more, Kevin Price.

Coppola: Okay. Got him. Alright.

Price: Can you hear me?

Coppola: Everyone's unmuted. Alright, well listen, appreciate you guys allowing us to make sure that the records clear and we don't have any issues in a go forth basis. I saw the revised petition, we've ~~seent~~ seen the revised notice. From my perspective this reflects what you were proposing last time. Anything that I'm missing? Did you change anything from what we--what we saw last time?

Mount: I don't--I don't believe so. Angela, you want to confirm that.

Matthews: I can--I will confirm that. What you are seeing presented is where--where we landed at our last meeting where we are almost approved, but I believe all of our paperwork matches now.

Coppola: Okay, perfect. Any questions for the petitioners?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

Baringhaus: Thank you. Yeah, I agree with Chairman Coppola. I was basically comfortable with a lot of the guidelines we discussed at our last meeting. I--I would just like to re-visit one area though and that would be the wall sign area. Seems like in our discussions and going back to the Beaumont sign, there were two options that we presented: an option one and an option two. I was just wondering if we could take a closer look at option two for the Beaumont--Beaumont sign and for the Emergency sign. I saw a couple of different numbers on the Beaumont sign for option two. One said 150 square feet and then there as a notation in your side presentation that showed 154 square feet, so, which one is correct?

Matthews: I am flipping to the scaled drawing in my package to make sure that I'm referencing the same--

Baringhaus: Yeah. It's slide--page 53 for me out of 436.

Matthews: Is the page number in the corner page 22, labeled sign seven?

Baringhaus: No, this is--looks like it says page six, wall sign Beaumont ID, option two.

Matthews: Oh. So, you're referring to the--the package that was submitted at the last meeting.

Baringhaus: Yes, correct.

Matthews: Okay. I think it's--its maybe a little more clear to understand what we--what we have proposed, from the baseline of the word Beaumont to the top of the ascender of the letter "t" or the top of the capital "B," we have five foot six. So, if you draw the box around the letters from the baseline to the top of the ascender and then extend from the crossbar of the "t" to the serif of the "B," that is five foot six in height and 36 eight inches in length, which is 200 square feet.

Baringhaus: The illustration I have shows that it's four feet eleven--I'm sorry--looks like four feet eleven in height?

Coppola: That's option two.

Baringhaus: Yeah, that's option two that's the one I'm referring to.

Matthews: I'm confused. So--so, what we had tried to explain in the last meeting is that, whether that is a five-foot six tall letter "B" or a four foot tall letter "B," where you're decreasing sign area is the negative space where no letters occupy between the de--the ascender of the "t" and the capital letter "B." So, we--when we went back and discussed with leadership and Beaumont and everything that was discussed, we came back to this size sign with the 200 square feet and I believe that allowed us to have 56 square feet for Emergency. Bob, do your notes match that as well?

Mount: You're--you're right. When we--last month when we were there, in that presentation it shows option one, option two. So, you're referencing option two. We talked about what we'd like and what we're requesting is option one, which was the original request of five-foot six. So, on the new package submitted this time, it shows the five-foot six high letter "B," not the four-foot eleven high letter "B," so, we--we are--we are asking and would like the five-foot six. I think it was shown in that package just as a comparison that if we were to decrease the size a little bit, how that would affect the sign.

Baringhaus: So, right now you're proposing the Beaumont sign at 200 square feet?

Matthews: Correct.

Baringhaus: Okay. And then the--what is the Emergency sign you are proposing in terms of square footage?

Matthews: So, if you draw the bounding box from the top of the capital letter "E" to the bottom of the descender of the letter "y," it's 56 square feet.

Baringhaus: Mmhmm.

Matthews: That--the "x" height of the letters is 36 square feet. The rest of that is negative area, not occupied by letters.

Baringhaus: So, the total square footage of that sign would be?

Matthews: The total square footage would be 56 square feet.

Baringhaus: So, that's 256. And then you're totally proposing--you're proposing a total of 294?

Matthews: That is because of the signs above each door?

Baringhaus: Okay.

Matthews: So, for the ambulance and the entry points.

Baringhaus: Okay, well fine. Thank you very much.

Matthews: You're welcome.

Coppola: Other questions, comments? (Inaudible) comments. Questions?

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Yeah, thank you, Mr. Chair. To the petitioner, I guess this would be for Ms. Matthews. In the last meeting, I had asked some questions about the--the sign on Seven Mile at Fox Drive and the topography in the area. Do you have the topography? I didn't see it in our updated packet.

Matthews: That would be sign location number one?

Turbiak: I believe so, yes.

Matthews: In your packet you are not seeing the drawing for sign location number one?

Turbiak: No, I'm sorry. I do see the--I do see the location and I do see the sign design, what I don't see is the topo.

Matthews: Oh, the--I'm sorry. The civil drawing that would explain what final grade is going to be there.

Turbiak: Exactly. Yeah. We do have some--some copies of the survey from June of 2016--

Matthews: Mmhmm.

Turbiak: --but I don't have the final grade.

Matthews: And I also do not have that. Mr. Mount, do you have a copy of the final civil--actually, Mr. Turbiak, did you--were you able to find what was approved by Planning Commission for final civil?

Turbiak: No. Unless it was the survey from 25th--unless they approved it, just saying as is. But actually the latest one that I could find was probably--I'd have to double check the page in our packet for my colleagues, I think it was 300 or 392 or 391 depending on if you've updated your package. I heard Mr. Baringhaus say that we had 436--I think pages. I have 437. But anyways, it--it still showed the road intersecting Chippewa and exiting to Seven Mile through Chippewa and we know that that--that deal was not able to be closed. So, I don't have a topography that I would consider final.

Matthews: Final. So, Mr. Mount, do you--do you have access to that revised entry--the final set that was given to the Planning Commission that shows the entry from Seven Mile?

Mount: I am looking to see if I--

Matthews: I have--Mr. Turbiak, I have civil drawings, but I don't have anything that is--the detailed topo on that is what I'm missing from my set.

Coppola: What's the--what's the petitioner expectations or intentions for that? I thought last time in the last meeting you were suggesting the grade would be reduced and you'd go to ground level, is that correct?

Matthews: Well, I believe what we said at the last meeting was that we are adhering to whatever is approved by Planning Commission. The--I think the concern was that if there was any kind of very high berm coming up from the sidewalk and up and then therefore raising the height of the sign. My understanding is that is not what was approved by Planning Commission and we will--we will be building whatever was approved. That--there is not--we have no additional landscaping plan to add any kind of berm or additional hill.

Turbiak: Okay. I--I guess that'll--that'll have to suffice for now. I appreciate it. Thank you, Mr. Chair.

Mount: Yeah. Oh, sorry. I have a plan up right now. It's a landscape plan but it doesn't have the numbers on the topos but from the drive--there's not much distance from the drive to where the signs at. And what I can tell you is, I think I see one, two--there's only two or three topo lines between the drive and that sign. So, there's nothing here showing me that there's any sort of sharp grade right there.

Matthews: Mmhmm. I'm kind of seeing the same in the architectural models. I'm not seeing a sharp change in--in grade.

Coppola: So, what is--what is--for the lay people out there. What is two topo lines generally represent in--in height?

Mount: Well, it depends on the scale, like I said, I can't--I don't see that on the drawing that I pulled up right here.

Coppola: Okay, because again, if the scale is--you know--and I'm being--I'm using exaggerated example obviously, but three feet, then you're talking it starts at six feet above grade. And I don't think we have the Planning Commission complete documents in our package. So, that you understand concern, what we're--what we're suggesting is we we're--we're--I think at a point where we're willing to agree to an extended height--a variance on the height, but what we don't want that to mean is that it--you know--starts at a--starts at already at a height and ends up extending beyond what we've approved. I think is our concern. I think we talked a little bit about this last time.

Mount: Yeah, so could there be--I mean--I don't want to say the grade will be at--you know--absolutely flat. It may not be for drainage and stuff like that. We may not want it flat in that area. We set an expectation for what--I mean--you just want a hill there, right? So, we're propping the sign up on a hill. That puts it much higher than what it's showing in the drawing there.

Coppola: Correct. Well, your drawing shows it at grade level--at ground level, so.

Mount: Right. But that's not--yeah, that doesn't take into account the topo's.

Matthews: So, final grade is--I'm even looking through the symbol that the civil set that was approved, so, that was as of September 22nd, 2020, which is the most current and up to date, showing that drive access of Seven Mile and I know that some of the storm sewer profiles are defining that grade--and I'm looking at the grading plan, to your point Bob, I'm counting the same lines, not seeing the--the topo here. It looks like--I think--the very fast way to say that is from--so, here--if you're coming across the bridge on Seven Mile and you are Westbound--

Coppola: Mhmm.

Matthews: --you're Westbound on Seven Mile, you are going downhill, and it looks like the overall grade going downhill is maybe changing eight feet over a very long distance from across that entire drive, so--you know--250 feet maybe. But there are no--there are no dramatic changes. I can--I believe if you refer to the overall grading plan from September 22nd, 2020, I think that this would be--this is what Planning Commission has approved and what we are building to. And I think that this would satisfy Mr. Turbiak's question 'cause it also shows the proposed sign footing and it gives you the topo levels in the sign footing as well. So, for what it's worth, it's showing the road at 779 and it's showing 779 at the--at the--and 780 actually at the sidewalk and then we are at 782 when we get to where the footing is for the sign. Is that--

Turbiak: Okay. Well, actually the way I--the way I was reading, and chances are I'm reading it wrong, and I'm--for--for my colleagues, I'm on page 392. Might be 391, depending on if you've updated and the date of the drawing is January 1st--I'm sorry, January 11th of 2019 and when I

look at the sidewalk, it looks like it is 779 as you mentioned--same as the road. And then as-- anyone who's familiar, there's actually some like railroad ties right along the sidewalk there cause it is a--a drop off--a straight drop off of about two feet. So, when I see that the topo says 780 right there at the--at that drop off, so that aligns with the two-foot current differential from the sidewalk to the initial grade of the grass, I'll say. And then as you go up it--you know--within a short range it's up to--up another five feet--you know--maybe it's 20, 30 feet to get up that five feet, but it's relatively short. So, I would--I would--you know--obviously we're not there yet but maybe consider a condition of--you know--two of three feet more than the sidewalk grade of the 779. I don't know if that's a reasonable way to condition it or I don't know if it'll be required to get the--you know--the needed yay votes, but that's something that I would consider since we don't actually have--it doesn't seem like we have available the final--

Matthews: Mr.--

Turbiak: --civil.

Matthews: Mr. Turbiak, did you say that drawing was dated 2019?

Turbiak: Yeah. Yup.

Matthews: So, the--

Turbiak: (inaudible) have in my packet.

Matthews: The--the finalized overall grading plan and the detailed plan is--is from April 15th, 2020.

Turbiak: Okay.

Matthews: If such a condition is needed for approval, can we just make sure that we're referencing the most recent set that was approved my Planning Commission?

Coppola: What day was that?

Turbiak: Well, the way I--the way I was planning to couch it was in reference to the sidewalk and I don't think the sidewalk is moving. So, I thought that was a good cornerstone if you will. Do you know if the sidewalk is gonna be torn up and re-laid at a different elevation?

Mount: I don't think it's at a different elevation.

Matthews: Yeah.

Turbiak: Okay. Yeah, 'cause the problem is I don't--I don't have that drawing either, right. So, I don't know what it says. Is that one that you were talking about earlier where you said it also is 779? If that's the case then yeah, I guess we could use the latest one.

Matthews: Right. Well--and this is where I'm--I'm speaking out of class because I'm not a civil engineer and I don't know what requirements are--are needed in that area. I just know to go by--to go by that plan. If you would like--

Turbiak: I see your point there.

Matthews: --we could also supply the April 15th, 2020 grading plans when we pull permits against this master sign plan.

Turbiak: Just curious, does that grading plan show the exit onto Seven Mile via Fox or via Chippewa?

Matthews: CVS Fox Drive is exiting onto Seven Mile. There is no left turn into and there's a right turn only out of the CVS Fox Drive.

Turbiak: Yeah, that--

Matthews: Or regulation road.

Turbiak: --Yeah, that sounds--oh, sorry--that sounds like it's sufficiently updated. Like I said, the one that is in our packet only has the exit onto Chippewa--you know--so you get to the signalized intersection.

Matthews: So, I think the important thing (??) then is April 15th, 2020, that plan set.

Turbiak: Okay.

Mount: So, Angela, on your plan, it's within a couple feet of the elevation of the sidewalk, right? From what you can tell. (Inaudible) of the foundation for the sign?

Matthews: Yeah, and I--I'm--apologize, it's a little difficult for me to tell because this--it's on a layer underneath the storm water plan and the retention pond and all of that's sort of like right there, so it's a little--little hard to tell.

Turbiak: Yeah, that's interesting that you mention the retention pond because I don't believe there was a retention pond in that area on these prints from 2019, so--so, again, I just have a little bit of uncertainty there but I--I'm--think satisfied on this question then if no one else has any questions about it. Thank you, Mr. Chair.

Coppola: Okay. Thanks. Other questions? Okay. Seeing that there are no more questions, I'm going to go ahead and mute you guys and we're going to go ahead and take any audience statements if anybody in the audience would like to speak for or against the case. So, you have to raise your hand by hitting the raise your hand icon or star nine on your phone. Alright, seeing none, is there any correspondence?

Baringhaus: There's no correspondence, Mr. Chairman.

Coppola: Okay, thank you. Alright, I will give the petitioners--I'm gonna unmute you--that was pretty quick. Probably shouldn't have bothered muting you--give you an opportunity to make a final statement before we close the public portion and take the Board's comments and a vote.

Mount: I don't think I have anything.

Matthews: I have nothing further. Thank you very much for your--for your time and consideration.

Mount: Thank you.

Price: I have nothing. Thank you for your time.

Coppola: Alright. Thanks. I'm gonna then put you back on mute and I'm going to start the Board's comments with Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Yeah, I really appreciate what you guys have done. It--it's too bad we didn't have the paperwork cleared up last time, but it did give us some more time to think about it which I appreciate. I can be in support of this, I would say in part and I say in part because I would be in support of option two for the Beaumont sign with 154 square feet and then--you know-- I would probably like to see a condition on there about that sign on Seven Mile relative to either--you know--the sidewalk on the April 15th, 2020 drawing I guess, so that we don't get too crazy with the grade there. But other than that, I think it's a well put together package. It makes sense and there is definitely a need based on the site having a free-standing Emergency department. Thank you.

Coppola: Alright, thank you. Ms. Fraske.

Fraske: Thank you. I agree. I am in support and I appreciate all the time and effort and detail that the petitioners put into the packet. I agree with Mr. Turbiak on the sign choice, the second choice and that there be some condition when we make the--when we take the vote. Thank you.

Coppola: Alright, thank you. Mr. Testa.

Testa: Alright, thank you. I am also in support of this. I would like to thank the petitioners for the--the work they did on this. The original package was--you know--well done. It's just there's so many moving pieces--so many pieces to this that it's taken a few meetings to work it out, so I thank you for--for your time. Regarding the Beaumont sign itself on the building, I can be in support of either the option one or option two. From my standpoint, I drove by there the other day, the building will be set further back from the road and, so because of that I'm--I can live with the slightly larger option one sign. So, thank you very much.

Coppola: Alright, thank you. Mr. Boloven. You're on mute still--or we're not getting your--

Boloven: How about now?

Coppola: You're good.

Boloven: There we go. Sorry about that. I--I agree with Mr. Turbiak on this. I wasn't at the April 20th meeting, but I did read the minutes thoroughly. I appreciate the compromise that was done. I like the new package. I would be in support of option two along with some conditions due to the grading on the monument sign. But other than that, I'd be in support. Thank you.

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

Baringhaus: Thank you. Yeah, I agree with my colleagues. First of all, thank you to the Beaumont team for their hard work and efforts on reaching a compromise agreement on the sign package. Going forward, I think we should have some conditions set relative to the sidewalk based on the April 15th, 2020 plans as well. And in terms of the Beaumont sign, I would be supportive of the option two sign itself. So, based on that I'll support the variance.

Coppola: Alright, thank you. First of all, I would like to thank the petitioners, representatives for their time and patience. This has taken some time but this is a rather extensive sign package with quite a bit of variances and it was like to be mindful of the--of the--the impression that we send out to--to other property owners in regards to--to providing variances. And, so from that perspective--you know--we talk about--before I used to go through--I went through every one of these one by one and I did that the last and I don't think there's a need to do that this time. Plus, my computer has decided that it's not gonna let me look at the petition anymore, so unless I have a great memory, I wouldn't be able to go through it item by item, but I--I'm not really changing my position from the last time. I think--and again, this was more administrative to have you come back to make sure that we--you know--we were as clear as possible as to what was being asked and what then--what--easily to be tell what was being approved. But the couple of items that I'd like to talk about is--is again--I think I mentioned in my--in the last meeting in the minutes you'll see that I talked about option two as being preferred from my perspective. I think the other issue that I had was with the two wall signs, the one the North Entrance and I think it's South Entrance or the West Entrance or East Entrance or something. That I'm a little concerned about--I did drive around several buildings including St. Mary's and St. Mary's has signs on its entrances. I think it says North and South on theirs. But as I go to some of the larger--larger office buildings in the area, none of those have ever been allowed to have signs on their--on their entrances saying whether it's a North or South and if you recall in the first meeting we had the owners of the property that's across Seven Mile from you looking for more signage and probably they would want--love to put North and South on--on their entrances too. So, I--I--I am fine with all of the wall signs with--you know--with option two and all of the other wall signs that you have. I am not in favor of--of the signs that don't provide specific instruction like Emergency or Pick Up or Ambulance. The North and South signs I'm not in favor of. And then for the ground sign, I think that was a good point that Mr. Turbiak brought up and I think we mentioned it last time too, in regards to elevation. I think a condition would need to sit in there that we wouldn't allow--you know--the condition would be something in regards to no more than "x" inches or feet above the grade. Maybe we use the sidewalk as the--as kind of like ground zero, no pun intended, for the measurement above grade for purposes that again--and what we don't want is--you know--we've asked you to reduce the sign height three feet and then next thing you know we've got a three foot slope going up off the sidewalk and you end up with exactly what we--what we asked you not to do. So, those are my comments, otherwise, I'm in overall approval. So, I will go ahead and open up the floor for a motion.

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

RESOLVED: APPEAL CASE NO. 2021-02-05 (Tabled on April 20, 2021): An appeal has been made to the Zoning Board of Appeals by Botsford General Hospital, 2000 Town Center, Suite 1200, Southfield, MI 48075, on behalf of Lessee 18th Street Development, LLC, 1550 Market, Ste. 200, Denver, CO 80202, seeking to erect a business center ground sign, group identification ground sign, directional ground signs and wall signs, resulting in excess ordinance allowances.

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The property is located on the north side of Seven Mile (39000), between 275/96 Expressway and Haggerty, Lot. No. 023-99-0001-004, PO Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 18.50G(b)1,2,4 and 18.50G(g) "Sign Regulations for Professional Office Districts," and Section 18.50D(i), "Permitted Signs," be granted in part for the following reasons and findings of fact:

1. The uniqueness requirement is met because the property contains a free-standing Emergency Department and has many sublease tenants.
2. Denial of the variance would have severe consequences for the Petitioner because citizens would either not know about the free-standing Emergency department or have trouble locating it.
3. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance because other neighbors do not have free-standing Emergency departments.
4. The property is classified as "Regional Commercial" in the Master Plan and the proposed variance is not inconsistent with that classifications.

FURTHER, this variance is granted with the following conditions:

1. That the grade for the proposed monument sign on Seven Mile Road does not change more than six inches from the current grade that is identified on the topographical drawing dated April 15, 2020.
2. That all of the other signs be installed as presented with the exception of the Beaumont wall sign which should be option two (150 square feet).

Coppola: Any discussion? I think we need to add in regards to all the other signs except for the wall--the one wall sign for Beaumont to be installed, size and installed as presented.

Turbiak: I agree.

Coppola: Does that make sense? And then in regards to the monument sign and the grade, I guess, Mr. Hanosh, would--would the verbiage that Mr. Turbiak suggested, would that provide the proper guidance to the inspection department in regards to issuing the permit and monitoring the--monitoring the construction?

Hanosh: I believe it would.

Coppola: Okay.

Baringhaus: Mr. Chairman.

Turbiak: Mr. Chair.

Coppola: One second, Mr. Turbiak. Vice Chair, Baringhaus.

Baringhaus: Yeah, I just want to clarify that I have all the conditions correct. Mr. Turbiak mentioned with regarding the Seven Mile sign, grade not to change more than six inches based on the topography drawing from April 15th, 2020. Your suggestion, Chairman Coppola, was all signs installed as presented with the exception of the Beaumont sign. Are you referring to the option two plan for the Beaumont sign?

Coppola: Yes.

Baringhaus: Okay. Great. Great, thank you.

Coppola: Which, I guess we should make that a condition. A separate, standalone condition that that particular sign would be--

Baringhaus: Option two.

Coppola: --would be option two. Right.

Baringhaus: Okay, very good. Thank you.

Coppola: Mr. Turbiak.

Turbiak: Yeah, I was just gonna clarify for Vice Chair Baringhaus that I think said directional sign but I--you knew the one that I was talking about--

Baringhaus: Yes I did.

Turbiak: It's called--

Coppola: The monument sign.

Turbiak: --the business center sign identification sign.

Baringhaus: Okay, I'll add that.

Turbiak: Thank you. That's all.

Baringhaus: Thank you.

ROLL CALL VOTE:

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

NAYS:

ABSENT: Klisz

Passes: 6-0.

Coppola: Okay. I'm gonna unmute the--the panelists, as soon as I can get ahold of my mouse. I think I got everyone unmuted at this point and time so, Ms. Matthews, Mr. Price and Mr. Mount, do you understand, or do you need any clarification from--from us in regards to what's just been approved?

Matthews: Nope. We are very clear on the conditions.

Mount: Correct.

Price: Thank you.

Coppola: Well, listen, thank you for your time and patience getting through this. It was rather detailed and involved and we welcome you to Livonia and we look forward to a long and prosperous relationship.

Price: Thank you very much.

Matthews: Thank you.

Mount: Thank you very much. Thank you for your time.

Coppola: Alright, thank you.

APPEAL CASE NO. 2021-04-14 (Tabled on April 20, 2021): An appeal has been made to the Zoning Board of Appeals by BW-Powdered Metals Corp., 32059 Schoolcraft, Livonia, MI 48150, seeking to erect an addition on a building upon a double street frontage lot, resulting in deficient rear yard setback.

Rear Yard Setback:

Required: 50.0 feet
Proposed: 20.6 feet
Deficient: 29.4 feet

The property is located on the south side of Schoolcraft (32059), between Hubbard and Merriman, Lot. No. 105-99-0016-002, M-2 Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 16.05(b), "Yard and setback requirements; Parcels Less Than Ten Acres in Area."

Turbiak: Mr. Chair.

Coppola: Someone broke the perimeter. If I could have a motion, please.

Turbiak: I'd like to make a motion that appeal case 2021-04-14 be removed from the table.

Testa: Support.

Coppola: Alright, motion by Mr. Turbiak, I missed who supported. Was that you Mr. Testa?

Testa: Yes.

Coppola: Mr. Testa. Okay, all in favor, just give me a hand raise.

Board: Aye.

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

Hanosh: Not at this time, Mr. Chair.

Coppola: Any--thank you. Any questions for the inspection department? Alright, seeing none if the representative for the petitioner could raise their hand for me. Okay, I'm just gonna unmute you here. Just give it a second. Give me a second. Okay, if you can just provide your name and address before we get started. Oh, you're on mute--on mute again. There we go. Alright, if you can give the name and address, please. Am I the only one that can't hear him?

Testa: I cannot hear him either.

Turbiak: No, I cannot hear him.

Baringhaus: I can't hear either.

Coppola: Mr. Oprisiu, I--we can't hear you. I've got you unmuted on here. Are you unmuted on your computer? Well, if it makes sense for you, Mr. Oprisiu, to log out and log back in. He's logged out. We'll give him a chance to log back in real quick and maybe we can get started. If not, we'll move him down further to list and--and work on someone else until we get that issue resolved.

Baringhaus: I'm sorry, did you want--Mr. Chairman, did you want to wait a moment or did you want to proceed to the third case?

Coppola: No, I'm gonna wait a moment and then we'll give it a try. If it doesn't work again then we're gonna proceed.

Baringhaus: Okay. Very good.

Coppola: Hmm. We seemed to have lost him--lost him. Why don't we keep things moving along? Why don't we move onto the next case and then we'll jump back when he--oh here he is. He must have heard me speaking.

Oprisiu: Can you hear me now?

Coppola: I can hear you loud and clear. Name and address for the record.

Oprisiu: Alright. Dave Oprisiu. My address 13794 Edenderry, South Lyon, Michigan 48178.

Coppola: Alright, thank you, Mr. Oprisiu. So, you're back and it looks like you've modified your plans and it looks like reflective of some of the feedback we received from the--from the Board. Why don't you go ahead and tell us what's changed in your petition?

Oprisiu: Well, we--we ended up--on the building length, instead of 40 foot, we went 30 by 128. We put some landscaping in. So, we'll have that landscaped out nice in front of the building and we were gonna take care of the--a little bit of landscaping on the parking lot side and--and easement. That's about it.

Coppola: Okay. Just--I'm looking at your revised plans and I see where the landscaping is, it looks like you used tulip icons for the landscaping, just--could you give us a little more idea of what specifically you're gonna be putting in?

Oprisiu: We're just gonna--I don't have anything specific that what-- what's gonna be there but we're just gonna hire a landscaper to come in and--and dress it up to some bushes that'll grow three, four feet high. And then replace that tree.

Coppola: Okay. Any questions for the petitioner? Alright, seeing that there is none, I'm gonna go ahead and put you on mute real quick. Hopefully, I'll be able to bring you back. Is there anybody

out in the audience that would like to speak for or against this case? Seeing none, do we have--do we have any correspondence, Vice Chair, Baringhaus?

Baringhaus: Yes, Mr. Chairman, we have one letter.

Coppola: Okay.

Baringhaus: Letter of approval from Darrel Rydzewski (Letter read.)

Coppola: That's everything?

Baringhaus: Yup.

Coppola: That's everything?

Baringhaus: That's everything.

Coppola: Okay. Alright, I'm trying to unmute the petitioner. There you go, is there anything you'd like to add in closing, Mr. Oprisiu?

Oprisiu: I would like to thank him. This is a much needed plan. I would like to thank all of you for allowing it.

Coppola: A little premature, although I think you're probably correct, but you're welcome. So, I'm gonna go ahead and put you on mute and I'm gonna close the public portion of the case and start the Board's comments with Ms. Fraske.

Fraske: Thank you. I was not at the original meeting, but I read through the--the minutes, and I appreciate that the petitioner took all of the points that the Zoning Board had and--and put them in place. I am in support of this, and I also appreciate--or one of the main reasons that I am also in approval or in support is that he now has the approval of the adjoining property, so, again, thank you so much for doing what we asked and--and making the revisions and I'm in support.

Coppola: Alright, thank you. Mr. Testa.

Testa: I'm also in support of this. Thank you for taking the feedback and also, I appreciate your neighbor across the street for speaking up--coming in the last meeting and speaking up and I think it kind of drove some positive change into this plan that's both workable for Borg Warner and also for the area. I understood his concerns because he does have kind of in office visits from customers and you're kind of sprucing up the area as well as adding on your addition. So, thank you and I will be in support.

Coppola: Alright, thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Yeah, I echo a lot of the comments that my fellow Board members already said. I will be in support. It is nice to see that the lone objecting on--you know--neighbor

is now in support. I think this is fair in light of the situation and it's a win-win situation for everyone in the area due to the reduced traffic that would be required for all the extra moves of the product. Thank you.

Coppola: Alright, thank you. Vice Chair Baringhaus.

Baringhaus: Okay, thank you. Yeah, I agree with my colleagues' comments. I think it's terrific that both the petitioner and adjoining business came together, resolved their differences, and came up with a--I think a very attractive compromised plan for both parties that enhances the usability of one business and still maintains the attractiveness of the--that section of the industrial park as well. So, based on that I'll support the variance. Thank you.

Coppola: Alright, thank you. Mr. Boloven.

Boloven: I agree with my colleagues on this. I wasn't at the April 20th meeting, but I did read the minutes. I appreciate the concessions that were made, the agreeing with the neighbor, with that support I would support this variance request. Thank you.

Coppola: Alright, thank you. I too am in support. I appreciate the petitioner making the recommended adjustments. It seems to also have pleased the neighbor which I think makes it so much easier for us to approve it when you have all the neighbors consent to move forward. So, I will go ahead and open up the floor for a motion.

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

RESOLVED: APPEAL CASE NO. 2021-04-14 (Tabled on April 20, 2021): An appeal has been made to the Zoning Board of Appeals by BW-Powdered Metals Corp., 32059 Schoolcraft, Livonia, MI 48150, seeking to erect an addition on a building upon a double street frontage lot, resulting in deficient rear yard setback.

Rear Yard Setback:

Required:	50.0 feet
Proposed:	20.6 feet
Deficient:	29.4 feet

The property is located on the south side of Schoolcraft (32059), between Hubbard and Merriman, Lot. No. 105-99-0016-002, M-2 Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 16.05(b), "Yard and setback requirements; Parcels Less Than Ten Acres in Area," **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met due to the fact that the lot has double frontage and the size of the petitioner's building.
2. Denial of the variance would have severe consequences for the Petitioner because of business operations that would be hampered by the lack of the petitioner's space.

3. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance because of generally no opposition to the plan and the fact that the petitioner and the adjoining business worked out a compromised on the variance itself.
4. The property is classified as "Tech and Manufacturing" in the Master Plan and the proposed variance is not inconsistent with that classifications.

FURTHER, this variance is granted with the following conditions:

1. That the plan proposed by the petitioner be built as presented.
2. That the petitioner submit a landscaping plan to Inspection for approval by the Planning Department before a building permit is issued.

Coppola: Any discussion?

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: I was wondering if the (Inaudible) in support of the motion would be in support of adding a condition that the final plan for the bushes be submitted for the records to the inspection department, as that is a--supposed to be a legally binding agreement that they have to maintain, and we need to have a record of what exactly the area maintaining.

Baringhaus: I'm fine with that, thank you.

Testa: I'm okay.

Coppola: I would like to understand specifics. Prior to issuing a permit they have to submit a landscaping plan. Is that what you're suggesting?

Turbiak: That's probably best, yeah, to make it a requisite for the permit. I mean, I wasn't being too strict about it, but it probably would not get done if it's--if it's not done in that order to be quite frank. That would be my concern. So, yeah, that--that's what I'm asking. That they submit a landscape plan before they're issued a permit. I don't think it needs to come back to this, but just something that satisfies the inspection department.

Coppola: No, I understand. I'm suggesting prior to issuing a permit, but then--you know--that would allow them to--to basically submit anything. So, we would probably need to be--

Turbiak: Well, they could submit anything, but they wouldn't get the permit unless they agreed to it, right?

Coppola: No, but the point is, they can have a landscaping plan that has--you know--to probably be a little--you know--extreme in my--in my suggestion, only-- just so, to make the point-- they

could have--you know--a bunch of mulch and a--and a Charlie Brown Christmas tree on--on each of the sections, so.

Turbiak: But if that's not to the satisfaction of the Inspection Department, they're not gonna provide the permit. It's not just that they submit one, it's they submit one to the Inspection Departments acceptance or approval.

Coppola: So, Mr. Hanosh, would you be--would the Inspection Department be comfortable with that level of direction, or would you need more?

Hanosh: Mr. Chair, I believe we need more. We would be--have to be very specific because you're allowing us to make the decision not the Board. Maybe if you put on a stipulation, there needs to be four to five foot tall trees, "x" amount of trees, mulch, maybe lower bushes, would be more specific from the Board so you can give us direction. We're building inspectors, not--we do look at landscaping but not to that level.

Coppola: Right. Not landscape architecture--Mr. Neville.

Neville: Mr. Chair, perhaps the condition--it should be consistent perhaps with the neighboring properties so that it's similar to what might be next door or that might provide Inspection with better guidance. Make it consistent with the other--because it looks like they all have it up and down the street I believe--some sort of landscaping, so make it consistent with what the other properties are. That way you're not getting the Charlie Brown shrub--just an idea.

Baringhaus: Mr. Chairman.

Coppola: Just one second. Mr. Turbiak.

Baringhaus: Sure. Go ahead.

Turbiak: Yeah, maybe I should have said that we could refer it to the Planning Department for review because I think they see a lot of landscape plans, so maybe that's what I should have said.

Coppola: Would that work, Mr. Hanosh?

Hanosh: That would be more appropriate, yes.

Coppola: Okay. Okay. There was someone else that wanted to speak, I didn't see--was that you Lisa? Ms. Friske? No?

Friske: No.

Baringhaus: No, that was myself. I just wanted to get some clarification on the condition. Mr. Hanosh, could you just repeat your--your statement again. I heard consistent with neighboring properties from Mr. Neville.

Hanosh: I believe a plan would be given to our Planning Commission, they could make the determination on if it's proper or not. That's what they--

Coppola: Planning Commission or Department?

Hanosh: That would be the Planning Commission. The department itself, Mr. Taormina or Scotty or Mark can look at--upon that and make that decision their selves, if they think it's proper or not. That's what they do mostly. They can--

Baringhaus: The economic development department?

Hanosh: The Planning Commission Department.

Baringhaus: Planning Commission, okay.

Coppola: Department. But not the commission itself, you're suggesting--

Hanosh: No, the department--the department head and the employees can make that determination.

Coppola: Gotcha. I just wanna--

Baringhaus: I'm fine now. Thank you.

Coppola: --I just wanna make sure everybody understood who--who--who we were actually asking to--to review and--

Baringhaus: That's where I was sort of stuck. Okay, thank you for the clarification.

Coppola: Alright, so then the condition would be what, Mr. Turbiak?

Turbiak: That a landscape plan be submitted to the Planning Department and their approval is acquired before issuing a permit.

Coppola: Okay. Okay, thanks for the clarity. Anything else?

Turbiak: Thanks for the help.

Coppola: Alright. I think, Mr.--Vice Chair, Baringhaus, I think we're prepared to take roll call.

ROLL CALL VOTE:

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

NAYS:

ABSENT: Klisz

Passes: 6-0

Coppola: Alright, I'm trying to unmute the petitioner. There we go. Mr. Oprisiu, do you understand the conditions that the Board put on the approval? Oh, you went mute again on me.

Oprisiu: Can you hear me now?

Coppola: Now you're unmuted, yes sir.

Oprisiu: You would like to see a landscape plan submitted to your building depart--or you're Planning Department.

Coppola: Correct. So, I think when you submit your--your plans for your permit, you could--

Oprisiu: Correct.

Coppola: --include your landscaping plan then that can get all done at the same time. That works, Mr. Hanosh, correct? He would submit the permits to the Building Department, and they could--they could hand it over to the Planning Department for review at the same time?

Hanosh: We could do that.

Oprisiu: Okay.

Coppola: Otherwise, he's running around trying to find people he may not know where to find. Okay. Any other questions? Alright, thank you, Mr. Oprisiu and good luck. We look forward to seeing the extension and you guys being here for a long, long time.

Oprisiu: Thank you.

Coppola: Alright, next case please, Vice Chair, Baringhaus.

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

Rear Yard Setback:

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

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

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

Hanosh: Not at this time, Mr. Chair.

Coppola: Is there any questions for the inspection department?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

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

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

Baringhaus: Okay.

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

Baringhaus: Okay, thank you.

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

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

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

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

Coppola: Okay.

Hanosh: This would have been denied from the start.

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

Hanosh: No, I do not.

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

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

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

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

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

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

Hanosh: I believe that's an attached garage.

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

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

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

Hanosh: You're welcome.

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

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

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

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

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

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

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

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

Berry: Yes sir.

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

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

Baringhaus: Okay, yeah.

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

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

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

Baringhaus: Privacy fence.

Berry: I am the only.

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

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

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

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

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

Berry: Correct.

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

Berry: Yes.

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

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

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

Berry: One stimulus check. Thank you.

Baringhaus: Okay.

Berry: I apologize.

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

Berry: Yes.

Baringhaus: About how many?

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

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

Berry: Yes sir.

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

Berry: Yes.

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

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

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

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

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

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

Baringhaus: Okay.

Berry: That's on Farmington.

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

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

Baringhaus: Great. Thank you.

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

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

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

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

Coppola: Vice Chair, Baringhaus.

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

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

Hanosh: If I may, Mr. Chair.

Coppola: Yes, Mr. Hanosh.

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

Berry: If--if I may interject.

Coppola: Yes, Mr. Berry.

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

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

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

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

Coppola: Okay. Any other questions for the petitioner?

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

Coppola: Yes, Mr. Testa.

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

Berry: I think it was the middle of March.

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

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

Testa: Okay.

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

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

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

Testa: Okay. Thank you.

Berry: Mmhmm.

Coppola: Other questions?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

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

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

Hanosh: If I may, Mr. Chair.

Coppola: Mr. Hanosh.

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

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

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

Hanosh: I beg to differ.

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

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

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

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

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

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

Berry: Yes.

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

Berry: I don't see that.

Hanosh: I'm on--

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

Hanosh: (Inaudible)

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

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

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

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

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

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

Hanosh: You never measured it.

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

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

Coppola: Mr. Turbiak.

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

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

Testa: Mr. Chair. To--

Coppola: Mr. Testa.

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

Berry: Okay. Thank you.

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

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

Coppola: Okay. Any other questions for the petitioner?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

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

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

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

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

Baringhaus: Okay, thank you.

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

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

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

Vaughn: I'm sorry, what?

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

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

Coppola: Okay.

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

Coppola: Okay. Anything else?

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

Coppola: Thank you very much. Mr. Turbiak.

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

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

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

Vaughn: If--If I may--

Turbiak: As well.

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

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

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

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

Turbiak: Understood, yeah. That's true.

Hanosh: It would be difficult to make that determination.

Turbiak: Okay. Thank you, Mr. Chair.

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

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

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

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

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

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

Coppola: Alright, thank you. Mr. Testa.

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

Coppola: Thank you. Vice Chair Baringhaus.

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

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

Coppola: Alright, thank you. Ms. Fraske.

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

Coppola: Alright, thank you. Mr. Turbiak.

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

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

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

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

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

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

Rear Yard Setback:

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

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

Testa: Mr. Chair.

Coppola: Mr. Testa.

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

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

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

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

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

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

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

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

Baringhaus: Mr. Chairman.

Coppola: Who was that I'm sorry?

Baringhaus: It was me.

Coppola: Mr.--Vice Chair Baringhaus.

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

Testa: Mr. Chair.

Coppola: Mr. Testa.

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

Baringhaus: Mr. Chairman.

Coppola: Vice Chair, Baringhaus.

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

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

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

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

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

Turbiak: Okay.

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

Unknown: Call the vote.

Unknown: Vote.

Coppola: So, we can vote.

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

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

Baringhaus: Okay.

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

Baringhaus: Okay. 6/29.

Testa: If he wants to try and--

Turbiak: Mr. Chair.

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

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

Testa: So--

Turbiak: (Inaudible)

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

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

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

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

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

Turbiak: Right.

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

Turbiak: So, what if he never shows up?

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

Turbiak: Okay.

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

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

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

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

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

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

Turbiak: Yes.

Baringhaus: Okay. Very good.

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

Coppola: Yes.

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

Coppola: No.

Testa: Thank you.

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

Testa: Okay. Thank you.

Coppola: So, take a vote.

Baringhaus: Very good.

ROLL CALL VOTE:

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

NAYS:

ABSENT: Klisz

Tabled: 6-0.

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

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

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

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

Coppola: Okay.

Berry: Thank you for your time.

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

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

Testa: Mr. Chair.

Coppola: Mr. Testa.

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

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

Testa: Thank you, sir.

FIVE MINUTE BREAK.

APPEAL CASE NO. 2021-05-21: An appeal has been made to the Zoning Board of Appeals by Brandon & Lindsay Obenour, 14553 Cavell, Livonia, MI 48154, seeking to erect a six-foot-tall privacy fence, resulting in the fence being located near the front building line of the residence. Privacy fences must not extend beyond the rear building line unless a side door is located at the building midpoint, then the privacy fence may end at that location. Also, upon a corner lot, the proposed fence along the side street does not align with the fence on adjoining property, which is required.

The property is located on the west side of Cavell (14553), between Western Golf Drive and Oakley, Lot. No. 093-04-0092-000, R-2A Zoning District. Rejected by the Inspection Department under Livonia Fence Ordinance, Section 15.44.090A(4)(b)(i) and Section 15.44.090B, "Residential District Regulations."

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

Hanosh: Not at this time, Mr. Chair.

Coppola: Any questions for the inspection department? Alright, seeing there is none, I see the petitioner. So, I have unmuted you. If you could give me your name and address first, please. For the record.

L. Obenour: Good evening, everyone, I am Lindsey Obenour, my husband Brandon Obenour is also here with me. We are at 14553 Cavell Street.

Coppola: Alright, thank you. So, why don't you tell us a little bit about your fence that you'd like to put in. I'd like to understand the hardships that you have that would suggest that your petition should be approved.

L. Obenour: Okay. We purchased Cavell in April. We have actually yet to move in. We don't have occupancy yet. We take occupancy in two weeks--three weeks. When purchasing the house, it checked off everything on our bucket list of being our dream home. We grew up in Livonia, this is gonna be our forever house, and the property was a big part of that--you know--with a lot of these 1950s homes--like what we live in now, property is kind of scarce, you just get a little lot, so, to find a ranch on some property in a great neighborhood was really exciting for us. And so, when we were entertaining the idea of purchasing, we walked the yard, and just said, we'll throw up a privacy fence. As we've learned tonight, there are lots of rules about privacy fences. So, you know, we stopped in, we spoke with Craig a few times and got all the information we needed. The main problem for us is the side of the house that faces Western Golf, does not have a side door access. And there's no way to put one within the home because that's the main wall of the kitchen cabinets and appliances, so the only other place to put on would be the garage. The garage is obviously past the midpoint of the house, because the garage sits in front of the home. So, that being said, we talked to a contractor, Bruce--he happens to be my dad, about putting in a side door on the garage and then having the privacy fence just to the other side of the door. Not only would it give us side access to the home, it would also allow us to use that entire large side yard. We have three kids and a dog and the property was--like I said, one

of the things that really sold us, and to know after purchasing it that putting in a fence would have to almost literally cut it in half, was sort of devastating for us. The house sits sort of situated sideways because it's on that curve. It faces Cavell, but it's--it's kind of sideways on that weird curve, so we have some concerns for our kids' safety about balls going in the street and having that curve there. Kids running in the street, the dog running out, obviously. But I think the most important thing to us right now is that we're able to utilize the yard as we see it and not have to cut it off and not get access to it at all from the home.

Coppola: Okay. How many kids and pets and stuff do you have?

L. Obenour: We have three little girls and a dog right now.

Coppola: What kind of dog is it?

L. Obenour: He is a--he's a rescue. He's a 40 pound rescue. He's got all kinds of stuff in him.

Coppola: Okay, it's a mutt?

L. Obenour: He's a mutt. He's a cute mutt.

Coppola: So, you said you don't have occupancy yet?

L. Obenour: No, we do not. Funny enough, my best friend actually currently owns the home. We purchased from her, so, they will be moving out as soon as the kids are done with school here and we'll be moving in as soon as the kids are done with school, so, it worked out well.

Coppola: How old are your friend's kids?

L. Obenour: Her children are the same age as ours. Well, she's got a five-year-old and a seven-eight-year-old. Luca's eight. So, around the same age, but we also have one younger who's four.

Coppola: So, she's--she's had her kids grow up in this house. Has she been there since the kids were little--little?

L. Obenour: They have been there five years. So, they moved in when their youngest was little. Or when she was pregnant with Roman, I think. And these are some of the concerns she addressed with us when we were looking at the house, and they had actually looked to put in a fence also and backed down because of the cost. She never got far enough to do the parameters of the fencing to know that there was gonna be an issue on where the fence goes. She just said yes, we looked into putting one in, it's super expensive, so, they're moving out to three acres where that's not an issue for them--their kids running in the street won't be 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. Has the Livonia Police evaluated the proposed fence plan to insure that the line of sight for traffic off West Golf and Cavell isn't impacted by the proposed location of the fence?

Hanosh: We have not approached that avenue yet.

Baringhaus: Okay, thank you.

Coppola: Is that a requirement, Mr. Neville? For a fence on a curve, not an intersection?

Neville: Well, it's essentially to be treated like a corner lot, and that would be required.

B. Obenour: If I may, Mr. Chairman.

Hanosh: Oh, I just saw.

Coppola: Sorry, who is this?

B. Obenour: Brandon Obenour.

Coppola: Yes, Mr. Obenour.

B. Obenour: Yeah, we were reading in some of the requirements that if it was on a corner, as we just found out, it is treated as a corner as well, even though it's just a rounded turn, that it has to be set back 25 feet, I believe is what the requirements say and it--if that's the case, it shouldn't be an issue, but I--I would invite--you know--the law enforcement out to--you know--to double check that to make sure because obviously we wouldn't want that to be a concern either.

Hanosh: Mr. Chair.

Coppola: Mr. Hanosh.

Hanosh: On April 30th, of '21, I have to correct myself, we actually sent a letter to the Department of Public Safety in the Division of Police and that--I have a letter here dated when we received it May 19th, I just realized this note, that they've reviewed the plans in connection with all the petitions and have no objections to the proposals.

Coppola: Okay. Thank you.

Baringhaus: Okay. Very good.

Coppola: So, if we could make sure we get that added into the record, if it's in the file.

Hanosh: Yeah, I'm not sure if it's scanned in.

Baringhaus: Another question for the petitioner, has to do with the lining the fence to the--your neighbor, 27600--

L. Obenour: Mmhmm.

Baringhaus: --Western Golf. I mean, you're only moving the--you're moving the--you have quite a bit of property on the side of the house now, you're only basically moving the fence it looks like about maybe fifteen feet in. What's your hesitation to do that so you'd be in compliance?

L. Obenour: It--because the property is so long it runs that long length, it cuts out a big chunk of the yard. We walked it with--Lowes came out to quote it and we kind of walked it to see what that would look like and how much yard that would actually cut out and it's a substantial amount when we consider the play structure and the pool that we would like to put in and our plans for--you know--being there for so long. So, we were hoping to get optimal space out of it. Also, to note, our neighbors are both in favor. They were very supportive. They offered to pay for parts of things and stuff so, that was not an issue at all.

Baringhaus: Okay. Let me see--If I recall, you're proposing a white vinyl fence?

L. Obenour: We are proposing--well, we are the mercy of the market right now with lumber, but right now we are looking at a shadow box fence. A shadow--and I think--

Baringhaus: I thought there were two choices. Yeah, that kind of jogged my memory.

L. Obenour: Yeah, there were two--you know--

Baringhaus: Okay.

L. Obenour: --preferably, in a perfect world we would love to do a shadowbox fence. It's more visually appealing, it goes with what the neighbors have, of course there's more maintenance--you know--there's things we've tossed around, but right now we're just at the mercy of the market, so, we haven't made a final decision on like the fence material. That's definitely up for suggestions from the Board.

Baringhaus: And then what color is your neighbor's fence?

L. Obenour: They have wood. It's just a brown wood.

Baringhaus: It's a brown. That's what I thought. Okay, so, maybe you can give consideration to matching the colors in the fence at least.

L. Obenour: Yes, he's actually offered--

Baringhaus: (inaudible) be doing.

L. Obenour: Yes, he--he actually offered to let us like use the rest of his stain and stain--you know--help us out, so, I think that that's really important, especially for the aesthetic of the neighborhood. All the houses there are really well kept. The privacy fences are beautiful, so, we're definitely in favor of making it look very uniformed.

Baringhaus: I--I've owned a shadowbox (note: Val, I believe it's 1 word) fence and I've stained a shadowbox fence and I have the scars to prove it.

L. Obenour: Yeah, we're not looking forward to that part, but we'll do it.

Baringhaus: Just friendly advice. Just one last question for you, are you planning any gates in this fence?

L. Obenour: Yes, we are going to put a--is it the ten-foot gate off the front--

Baringhaus: Okay.

L. Obenour: --so, next to the garage, like on the front of the house, there would be--the side that faces Cavell, excuse me, would be a double--a double gate. And then in between the two homes there will be just a single four-foot gate, just for lawnmower access.

Baringhaus: Okay. So, there's--we're looking at two gates then basically.

L. Obenour: Yes, two gates.

Baringhaus: Okay, real fine. Okay, thank you very much.

L. Obenour: Thank you.

Boloven: Mr. Chair.

Coppola: Any questions for the petitioner?

Boloven: Mr. Chair.

Coppola: I'm sorry, Mr. Boloven.

Boloven: Question for Mr. Hanosh. Based on the write up on this case, if they do this expansion of the side entry, is there still an issue then for this Board?

Hanosh: Yes, because the fence is going past the midpoint of the house. It's going approximately 75 percent forward. The way the ordinance reads is, we can enclose a side yard on a--for the purpose of enclosing a door, but no more than the midpoint in which--in this case we are going past midpoint, and then I believe the homeowner spoke about where she cannot put a door any further back because of the kitchen cabinetry and--and the way the interior of the home is positioned and laid out.

Boloven: So, if the door is in front of the midpoint, it's gotta still stop at the midpoint, it can't cover the door.

Hanosh: That's the way the ordinance does read. It is up to our discretion, but in this circumstance, we're going excessively more forward, and that's why--that's one of the reasons why we're here tonight.

Boloven: I'm just looking at the write up again, privacy fences must not extend beyond the rear building line unless the side door is located at the building midpoint, then the privacy fence may end at that location.

Hanosh: Right.

Boloven: So--

Hanosh: This is going past the midpoint.

Boloven: So, the door is past the midpoint, so the fence is gonna stop at the midpoint.

Hanosh: Correct. So, they could have access to that door to their backyard. I believe the petitioner stated that.

L. Obenour: Correct.

Boloven: Question for the petitioner, your neighbor at 14575, has he given you--he or she given any feedback on your project?

L. Obenour: Yes. So, it's our understanding that we don't actually need their approval because the fence doesn't actually go sideways, it just is adjoining the two homes. That is actually--the owners of that home are the--he's the President of the homeowners' association. He's given us full support and offered, if we wanted to extend the fence on--you know--replace his side, that he would also pay for half. We're not interested in doing that because of the cost of lumber, but he has absolutely no issues and has offered any support he can.

Boloven: Great. Just wondering if there was--and again, you're right, he didn't need to provide the support, I was just wondering.

L. Obenour: Okay, yeah.

Boloven: You said he supported, I don't see a rejection from him, so.

L. Obenour: No, we have wonderful neighbors.

Boloven: Thank you, Mr. Chair.

Coppola: Any other questions?

Baringhaus: Yeah, Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Okay. Currently, your plan calls for your fence to go fifteen feet out, so it runs parallel to the sidewalk.

L. Obenour: Yeah.

Baringhaus: Four point--about how much space is there between the sidewalk and that fence.

L. Obenour: There's roughly two feet.

Baringhaus: Two feet. Have you considered--and then also with the side door that's located on the side of the garage, is that door pushed as far back on that wall as it can go--

L. Obenour: Yes. There is a--

Baringhaus: --without encroaching on your kitchen?

L. Obenour: Yes, I'm sorry I didn't mean to interrupt you. There is a loft build into the garage that prevents a door from being any closer to the wall that shares the kitchen.

Baringhaus: Okay.

L. Obenour: So, it's slated to go on the very first spot that it can. No further forward.

Baringhaus: Okay. I guess getting back to the distance between the sidewalk is only two feet, that really puts that fence pretty close to the sidewalk, where, if you look at the front of the fence, you do have a lot more space between the fence and the sidewalk, like towards the front of the home and then as you kind of go around the curve, have you considered pushing that back a little bit to keep--give yourself a little more space between the sidewalk and the fence?

B. Obenour: We--we are definitely open for suggestions there. I did wanna be able to run--you know--a lawnmower by there pretty easily and set it back off of the sidewalk a little bit, but there is also in--in the rear corner, there is a manhole cover--a drain of some sort there, which we have to encompass in the fence as well. But there may be some flexibility as far as--you know--the distance from the sidewalk. It may be--you know--we may be able to go three feet from it, but we'd have to go re-measure that to--to make sure.

Baringhaus: Okay. Thank you.

Coppola: Quick question, did you ever ask your neighbor to the rear why they built their fence so far from the sidewalk?

L. Obenour: We did. And they said just to avoid any problems. They are the kindest people. He didn't really have a reason. He just said, just to avoid any problems.

Coppola: Did you suggest that he could move his out a little bit--

L. Obenour: I think he was surprised to, and I apologize, you're kind of cutting in and out on our end, so I don't mean to cut you off if I am.

Coppola: No worries.

L. Obenour: So, I think he was surprised to find out that we could. He--he sits on a different--he actually sits on a intersection though, there's a berm that's back there that kind of goes around a curve, so there's like three--there's like a "t" in front of his house, so I think the parameters may have been different for his fence than ours because he's actually on what would be considered--not a curve, but an actual turn, if that makes sense.

Coppola: Okay. Any other questions?

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Yeah, through the chair to the inspection department--to Mr. Hanosh, the petitioner mentioned the manhole cover and I saw it in the picture, and I saw it when I was out at the sight today, is there any precedent for how close a fence should be allowed to be to a manhole cover?

Hanosh: I'd have to talk to my Engineering Department, but I've seen fences go directly over manhole covers.

Baringhaus: There you go.

Hanosh: Can be removed and replaced, so I would have to talk to the engineering department. I--I haven't heard of anything because fences go any--they can go on easements, they--they go on property lines, and manhole covers are always right there and sometimes they get oops and cover them up and if they need access they remove the fence and replace it I assume.

Turbiak: Okay. So, if I was the petitioner, I'd wanna know where I could comfortably put it without risk to needing to possibly repair my fence because the city needs to get into the manhole cover, so, if I was looking at it that way, I mean--it sounds like you'd get back to us, I don't know if--if this is being--coming back before us, so, is that something you think you'd be able to find during the meeting or not a chance?

Hanosh: I--I can't get ahold of anyone this evening.

Turbiak: Okay. Understood. Nope, I just had to ask. We--we have limitations. Okay, so, just a question to the petitioners then, have you considered--well, how do I put this--Mr. Baringhaus

kind of asked a question along the lines I was gonna ask about, is it possible to move that door further back, but I feel that the--the fence in the front yard, again, roughly estimating it using the--the satellite system and measurement tools that we have here and eyeballing where the door is in a sense--it looks like it's about 35 feet from the front, which is typically like the front yard setback, I think, for the zoning--I may be off by five or ten feet, but anyways, I just feel like that's a little close, and I know that the door can't really move--you know--how do I wanna put it--it's difficult to move the door any further back, have you considered jogging the fence to create a little--I don't know-- corral or--or offset so that--you know--maybe just a portion of the fence, maybe the width of four feet or plus or minus a foot--you know--would be up at that 35 foot to enclose the door, and then it would jog back some, yet to be determined amount and then head towards the sidewalk on the south side? And you know--maybe it's still has a 45, but less than 20 feet--you know--something like that. I'm--do you understand what I'm trying to get at?

L. Obenour: Basically, like a little hallway to encompass the door and then have the setback--

Turbiak: Yeah.

L. Obenour: --is that kind of what you're saying?

Turbiak: Yeah.

L. Obenour: We considered it, but because it's the only side door access point in terms of getting things in and out of the garage, we didn't want to box ourselves in--you know--because the fence is going to be right on the other side of that door and no further. If we--

Turbiak: Did you mention

L. Obenour: Go ahead.

Turbiak: Sorry.

L. Obenour: It's okay. Go ahead.

Turbiak: I didn't mean to cut you off. I was gonna ask, Mr. Baringhaus was asking about some gates and I didn't hear where you said you were gonna put them, but I imagine you could bring something out through the front of the garage and then bring it in through the gate, or am I not aware of where the gates would be and that would still be a problem.

B. Obenour: No, that's correct. We did--when we were walking the property with the Lowes contractor, she had mentioned maybe eliminating the 45 degrees even because, not being happy with the aesthetics of it. So, we were just trying to eliminate--you know--kind of--you know--turn backs and more posts and turns, but I--I don't think we're opposed to it.

Turbiak: Okay, in that--in that consideration would you have basically just taken the point at the end of the 85-foot, skip over the 20-foot and--you know--45 and just head straight to the same point on the garage, is that the alternate option that you're talking about?

L. Obenour: Yeah, basically come all the way out on that and just make a corner of it.

Turbiak: Okay. Interesting. That would remove--that would aid significantly in my concern--and I'm just one Board member, but--you know--having that fence along the sidewalk, and of course as--as it curves it gets closer to the sidewalk. So, that's interesting. That's an interesting alternate option. Alright, let me see if I have any other questions. I--I was also gonna ask about the manhole cover which was brought up--nope that's all I have for right now, Mr. Chair. Thank you. And thank you to the petitioners.

Coppola: Thank you.

Testa: Mr. Chair, question for the petitioners.

Coppola: Yes, Mr. Testa.

Testa: They had mentioned a pool--a potential pool. Could they elaborate on their plan for a pool.

L. Obenour: We have several dreams, but our kids are small right now, so we were just looking at a temporary above ground pool. Nothing deep, nothing in ground. But being that we intended to stay in the home forever, we would like the option of a more permanent--a more permanent fixture down the road. We don't have any plans for that. Right now we have one of those--what are they called--intex like--you take them down--

Testa: Okay.

L. Obenour: --and you put them back up, so

Testa: Okay. And sorry if you touched on this, is there a reason you--you're opting for a pri--six-foot privacy fence versus something smaller and still accomplish your safety concerns.

L. Obenour: All--A, for privacy obviously, but aesthetically, having young children is not cute in the backyard for the neighborhood. There are a lot of toys and play structures. It's also--we--our dog is--he likes to run a lot and I am slightly concerned that he will like bark a lot if there's too much view of the road. I don't know that that will happen. He doesn't do it here where we're at now, but like a chain link fence, I just feel like would not--I don't feel like anybody would love that, and to be able to see into our backyard and all of the things that we--you know--put back there with small kids.

Testa: Okay. Thank you.

L. Obenour: Yep.

Coppola: Alright.

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Yeah, I thought of another one based on our last case. Have you guys considered any landscaping between the fence and the sidewalk?

B. Obenour: I mean, there was some discussion. It--it would depend on--on finances obviously. We are a family of five on one income and the fence itself is--is a pretty heavy burden. We would like--we would like to, especially in the front, rather than it being just a flat wall, but it's gonna--it's gonna depend on--on the finances for sure.

Turbiak: Okay. And I'm wondering if that would influence--you know--you talked about maybe two-foot versus three-foot from the sidewalk--

L. Obenour: Mmhmm.

Turbiak: --as well. Okay. That--that answers my question. Thank you.

L. Obenour: Mmhmm.

Coppola: Okay. Why don't we go to audience statements? Is there anybody in the audience that would like to speak for or against this petition? Alright seeing none, do we have any correspondence?

Baringhaus: Yes, Mr. Chairman. We have one letter from Ewing Pulley, 27588 Barkley Street, letter of approval (Letter read.) And that's it.

Coppola: Okay, thank you. So, Mr. or--and/or Mrs. Obenour, any final statement?

L. Obenour: I just want to touch on it really quickly, I know you guys are working with engineering to figure out what parameters are in the manhole--not that Lowes has any authority, but we did ask them about it in terms of putting posts in and whatnot and they basically said it was a non-issue. Not that that's going to give you a concrete answer either way, but we were also concerned about how close a post can be or the fence can actually be and she basically just kind of poo-pooed it like was nothing, so.

Coppola: Be wary of salespeople's advice.

L. Obenour: Yeah. Just to throw it out there.

Coppola: I can't tell you how many cases we've had based on salespeople's advice.

L. Obenour: Yeah.

B. Obenour: With that being said, does--I don't know if this is the right forum for this, but is--does that gate at the front of the fence suffice as access to that manhole? Is that--or does it have to be close, do we know?

Coppola: I don't have an answer for you. I think as long as it's not obstructed, that--you--do you need to stay within the--within the ordinances. Do you agree, Mr. Hanosh?

Hanosh: Yes. I do.

B. Obenour: Okay.

L. Obenour: Thanks.

Coppola: Okay, so we're gonna close the public portion of the case and we're gonna take the Board's comments and I'm gonna start with Mr. Boloven.

Boloven: I would be in support. I'm curious to hear my Board's comments. I do think it's a unique property, I think you have support of the neighbors. There is some fear about that back fencing, it not matching, but you said that, that's one of the proposals, so I'd make that one of the conditions of the approval is that you would have to match up on that back side fencing. Other than that, it's a unique property on the curve, you have law enforcement's approval on it as far as any sight obscuring, as far as setback, so, barring any comments from my Board that sways me, I'd be in support. Thank you.

Coppola: Alright, thank you. Vice Chair Baringhaus.

Baringhaus: Yes, thank you. I agree with Mr. Boloven. I--and actually the petitioners as well. I think it is a unique property. It's--it's large, it's on a corner, and also, the angle of the house relative to the lot itself, it's kind of an interesting angle. I guess I'm going two ways because one, I--I think the aesthetics of the fence are always important where--you know--you try to get alignment--you know--where possible. Ideally, I would probably--would like to see maybe a little more alignment with the neighbors' fence. It's not drastically out of align. The door placement, I understand the need to--I think it would be beneficial to enclose that behind the fence line and allow--you know--to give them more security itself. They made an effort to comply with the ordinances on the far side with seventeen feet of fence. The other fact is that the Livonia Police Department did approve the layout and there's no hazard to traffic in the area itself. So, based on that, I'll approve the variance. Thank you.

Coppola: Alright, Ms. Fraske.

Fraske: Thank you. I am in agreement with my colleagues on this. I also am in support, mainly because there is overwhelming support from the neighbors and they've done a really nice job of trying to conform to the ordinance, so I'm in support.

Coppola: Thank you, Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Yeah, this is a very interesting one. It's definitely a unique lot. I am very empathetic of the petitioner's situation, having three young kids myself. Like I stated, my biggest concern is just how close that 42-foot section is to the street. It is a unique situation, it doesn't have any sight line issues per the police, although, I'm not--I'm not 100 percent sure

because I haven't studied, it just came up during this discussion, but I would probably be more in support of hitting that side point of the garage and going straight to the end of the 85-foot instead of making a 45, but it doesn't sound like there's a lot of other pushback against that, so I'm not sure. I probably could support this one.

Coppola: Alright, thank you. Mr. Testa.

Testa: I'm also in support of this. I think the placement of the house on the property makes it unique and kind of challenging. I would like to see the fence pushed back away from the sidewalk a bit, but I can also approve it if there's enough support from other Board members, the way it's proposed by the petitioner. Thank you.

Coppola: Thank you. I'm generally not in support of this. I don't see any unique hardships here that many others don't--don't live through. I had four kids, I had a dog, my fence complied with--with the zoning. A couple things that I could probably get comfortable with is allowing the fence not to have to match up with the neighbor's fence. I'm not sure why they went so far off the sidewalk, but it is actually kind of nice. Generally--you know--the challenge here is that--you know--you have privacy fences and their generally--they surround the side and the back yard. You don't have to walk along them on a sidewalk, so it kind of creates an enclosure on the sidewalk which is--which is--I'm just really, really surprised some of the neighbors are--were so accommodating, which is great, you have great neighbors. I don't see any hardship for bringing it up to--up further onto the garage. I could--I could agree to allow it to go between the two windows or kind of with the--with the apex of the roof, kind of the center of building, but I just--I don't see the hardship here. There's nothing--there's nothing overly unique here that's convinced me that--that there's a dire reason to--to allow such a significant variance. So, that--that's where my heads at. I'll go ahead and open up the floor for a motion.

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

RESOLVED: APPEAL CASE NO. 2021-05-21: An appeal has been made to the Zoning Board of Appeals by Brandon & Lindsay Obenour, 14553 Cavell, Livonia, MI 48154, seeking to erect a six-foot-tall privacy fence, resulting in the fence being located near the front building line of the residence. Privacy fences must not extend beyond the rear building line unless a side door is located at the building midpoint, then the privacy fence may end at that location. Also, upon a corner lot, the proposed fence along the side street does not align with the fence on adjoining property, which is required.

The property is located on the west side of Cavell (14553), between Western Golf Drive and Oakley, Lot. No. 093-04-0092-000, R-2A Zoning District. Rejected by the Inspection Department under Livonia Fence Ordinance, Section 15.44.090A(4)(b)(i) and Section 15.44.090B, "Residential District Regulations," **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met due to the way that the petitioner's house is situated on this uniquely shaped corner lot.
2. Denial of the variance would have severe consequences for the Petitioner because of the lack of privacy and safety for the petitioner's young children.

3. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance due to neighbor cooperation and support.
4. The property is classified as "Low Density 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 fence be built as presented.
2. That there has to be a side door on the garage.

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: Question on the conditions for Vice Chair Baringhaus. Built as presented--there was many presentations made here, would you be willing to say the presentation that would match--the one that match the neighbor to the North--

Baringhaus: You're--you're fading out Chris, I'm sorry.

Boloven: Sorry. They presented many different options. When you said built as presented, would you be willing to say built as the neighbor--to match the neighbor at 27600?

Baringhaus: I believe we could do that. I believe the petitioner indicated they were kinda gonna go that way anyways, but yeah we can add that as a condition.

Boloven: And then what about the side door? Is that covered by the built as presented? Is that a requirement that they have to put that side door in the garage?

Baringhaus: My impression, I--I was fine with leaving the side door inside the fence.

Boloven: Right. Is that a requirement though? That they have to put that door in?

Coppola: There's no door right now.

Baringhaus: There's no door.

Boloven: Right.

Baringhaus: There's no door.

Boloven: So, if they don't do the door, are they still good? Your door--is the door a requirement for this approval?

Baringhaus: Yes, we can add it.

Boloven: Thank you.

ROLL CALL VOTE:

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

NAYS: Coppola

ABSENT: Klisz

Passes: 5-1

Coppola: Okay, Mr. and Mrs. Obenour, so your petition has been approved, subject to two conditions. Number one, the door has to be put in where you have shown it on--on your petition, and then number two, you would have to put the fence in where it is shown on your petition. So, built as presented.

L. Obenour: Okay, we--thank you very much. We just wanted to make a point when we had talked about matching the neighbor's fence, we're talking about shadow boxing and stain color. In terms of the top edge of the fence, I believe his has a bit of like a scallop, where ours is flat. Is that going to be an issue? The material, the shadow boxing, and the stain color is what--what we were going for, but I think the top edge of his is more decorative.

Coppola: Yeah, there was--there was no condition that you had to match his.

L. Obenour: Okay.

Coppola: We'd appreciate if you'd match as close as you can, but there's no obligation.

L. Obenour: Absolutely. Okay, wonderful. Thank you.

B. Obenour: Thank you.

Coppola: Alright, thank you.

APPEAL CASE NO. 2021-05-23: An appeal has been made to the Zoning Board of Appeals by HFI8, LLC, 25896 Timber Trail, Dearborn Heights, MI 48127, seeking to erect a ground sign with electronic pricing and message center, resulting in excess sign height and area. Electronic message centers are not allowed on nonconforming ground signs.

Ground Sign Height:

Allowed:	12 feet
Proposed:	21 feet
Excess:	9 feet

Ground Sign Area:

Allowed:	40 sq. feet
Proposed:	73 sq. feet
Excess:	33 sq. feet

The property is located on the north side of Seven Mile (27430), between Inkster and Rensselaer, Lot. No. 004-01-0530-000, C-2 Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 18.50H(n),1(a),(o), "Sign Regulations in C-1, C-2, C-3 and C-4 Districts."

Coppola: Thank you. Mr. Hanosh, anything you'd like to add? Do we have Mr. Hanosh? There you are.

Hanosh: Not at this time, Mr. Chair.

Coppola: Okay, thank you, Mr. Hanosh. Any questions for Mr. Hanosh? Alright, seeing none, if the petitioner could please identify himself by raising his hand by clicking on the raise your hand icon. Is the petitioner here? Is there someone here representing HF18 LLC? I see two people still here that hasn't talked. I'm gonna unmute a Mr. John Wright. Mr. Wright. There we are. Okay. I'm gotten someone now to raise their hand that has the name Kim. I'm gonna unmute you. There we go. If you could give us your name and address first. please. Person who's signed in as Kim, I've unmuted you, you had your hand raised. Are we experiencing the same issue we did earlier? Mr. Kim we cannot hear you. I would suggest--and again, the person who identifies as Kim, if you could log off and log back in and maybe we can get your audio working.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Yeah, I guess while we're waiting for the petitioner to log back in, maybe we could just give the Board an update in terms of our June meeting statuses, and I believe we're going back to live formats.

Coppola: Sure, sure. Yeah, so, pursuant to what I--I've received, starting June--our meeting on June 8th, we will be back at City Hall and we'll be in the auditorium for the 8th and 29th. So, be prepared and be ready to go back on--I'm not sure what type of restrictions we're gonna be under at the time. I guess we'll hear more about that if there are any. But we will be back on then. We don't have any minutes to approve today, so once we're completed here we can move on. Was there anything else, Vice Chair Baringhaus, that we needed to cover.

Baringhaus: No, that just--the just came to mind. I believe there were some guidelines published in terms of--you know--face mask requirements--things like that. I don't--pretty standard from what I recall. I think if you were fully vaccinated you wouldn't have to wear a mask, things like that. But, I'm sure we can get some definite guidelines because the meeting.

Coppola: Okay, the petitioner's back, so I'm gonna try and unmute and if we're lucky--so, person who identifies as Kim, if you can give your name and address, please for the record. Hmm. Still can't hear you. Not sure how to--

Turbiak: Mr. Chair.

Coppola: --this issue.

Turbiak: Perhaps we could ask Kim to send a chat and give us some idea if he or she is representing the petitioner or maybe just a neighbor calling in.

Coppola: So, you're asking him to identify--he or she to identify themselves and their relationship to the petition?

Turbiak: Yes. Through the chat.

Coppola: So, I did send him a--

Boloven: Neighbor.

Turbiak: Neighbor.

Coppola: That's a neighbor. Okay, I actually recognize the name because I think you spoke when we approved the variance for--I think there was a short of land--variance for this thing. So-

Boloven: Who's John Wright?

Coppola: Sorry?

Boloven: John Wright you have in here too. Is that--

Coppola: Yeah, I've asked John Wright to speak, and I tried to unmute that person.

Baringhaus: The name on the application is Sam Hammoud.

Coppola: But he's not unmuting so I don't know if we have--even have a petitioner here. If there's a petitioner here, if you could chat to us, please. There does not appear to be a petitioner. At least one that's willing to identify themselves.

Baringhaus: There is a chat from Kim. I don't know if you saw that.

Coppola: Yeah. She's--she's the neighbor. She's on (inaudible)--

Baringhaus: Okay.

Coppola: --to the--to the property. John Wright, if you would just enter the chat and tell us what your--why you're at the meeting. Just want to make sure that you're not the petitioner. Well, I'm not sure what else we do at this point in time. Mr. Wright is not responding. We already know who Mr. Berry is, so--who's not the petitioner and we know that--(Kim) is not the petitioner, so we don't have a petitioner, so we will--I guess we are to the point where we need to just end the

meeting, unless there's anything else to discuss. Am I okay with that Mr. Neville. No petitioner for--

Neville: That's correct.

Boloven: John just responded, he said I am not the petitioner.

Coppola: Oh, did he? Alright, thank you, Mr. Wright. I appreciate the response. Alright, so we do not have a petitioner for this case so we are--I think done for tonight. There's no minutes to approve and I don't think there's any other--anything else to do.

Turbiak: Mr. Chair, there's another question from Kim.

Neville: There's nothing to discuss.

Turbiak: But it will be rescheduled, right?

Coppola: Well, if he wants to--he or she wants to. So, they'll have to go--and they'll have to pay--I think there's actually a penalty for not showing up they'll have to pay the penalty and they'll get back on the next meeting that is open if they wanna do that.

APPEAL CASE NO. 2021-05-23: An appeal has been made to the Zoning Board of Appeals by HFI8, LLC, 25896 Timber Trail, Dearborn Heights, MI 48127, seeking to erect a ground sign with electronic pricing and message center, resulting in excess sign height and area. Electronic message centers are not allowed on nonconforming ground signs.

Ground Sign Height:

Allowed: 12 feet
Proposed: 21 feet
Excess: 9 feet

Ground Sign Area:

Allowed: 40 sq. feet
Proposed: 73 sq. feet
Excess: 33 sq. feet

The property is located on the north side of Seven Mile (27430), between Inkster and Rensellor, Lot. No. 004-01-0530-000, C-2 Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 18.50H(n),1(a),(o), "Sign Regulations in C-1, C-2, C-3 and C-4 Districts".

Appeal was not heard due to the petitioner's failure to appear.

Coppola: Alright, so I believe we are--we've concluded all of our business that we can do for tonight.

Boloven: Motion to adjourn.

Coppola: I thank everybody--

Turbiak: Support.

Baringhaus: Mr. Chairman, we'll need to make a motion to adjourn.

Coppola: Alright, give me a motion. You didn't let me finish my speech, but I will open the floor for a motion.

Boloven: Motion to adjourn.

Baringhaus: There you go.

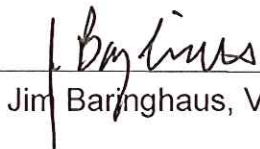
Turbiak: Support.

Coppola: All in favor?

Board: Aye.

There being no further business to come before the Board, the meeting was adjourned at 10:19 p.m.



Gregory G. Coppola, Chairman

Jim Baringhaus, Vice Chairman

/vcb CEO 9489